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HOUSE OF REPRESENTATIVES—*Thursday, May 6, 1971*

The House met at 12 o'clock noon.

Rabbi Abraham B. Shoulson, Franklin Square Jewish Center, Franklin Square, N.Y., offered the following prayer:

Ovinu Shebashamin, Heavenly Father, we are grateful for the opportunity to gather here in this hallowed sanctuary of Thy law. We lift up our hearts in prayer unto Thee, guardian of our destinies, to thank Thee for the manifold blessings Thou hast bestowed upon us.

We ask Thy blessings upon our country, on the Government of this Republic, the President of these United States, and all who exercise just and rightful authority so that they may administer all the affairs of state in justice and equity, that peace and security, happiness and prosperity, right and freedom may forever abide among us. Endow our legislators with a right understanding and a pure purpose; enable them to rise above all self-seeking and party zeal into the larger desire for public good and human brotherhood.

Unite all the inhabitants of our country, whatever their origin and creed, into a bond of true brotherhood to banish hatred and bigotry and to safeguard the ideals and free institutions which are our country's glory. Thus shall we summon the power to overcome adversity, to survive hardship, and to share in the joy of the triumph of righteousness, justice, and the enthronement of universal freedom and peace for us and for all mankind. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1204. An act to amend section 8332 of title 5, United States Code, to allow certain service to be credited for purposes of civil service retirement.

EMANUEL CELLER: OUR DEAN AND DEAR FRIEND

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, today is the birthday of our distinguished colleague and dean of the House, the gentleman from New York (Mr. CELLER). He is one of the few men in this body about whom one can say in truth that he is universally loved and respected. His record of achievement as chairman of the Judiciary Committee is monumental. Under his leadership the House has passed the following major pieces of legislation of great importance to the country:

The Celler-Kefauver Act of 1950;

The Civil Rights Acts of 1957, 1960, 1964, and 1968;

The Voting Rights Act of 1965 and the Amendments of 1970;

Three constitutional amendments;

A fourth constitutional amendment giving 18-year-olds the right to vote which is now before the States for ratification;

The Immigration Act of 1965; and

Court reforms.

That Chairman CELLER involves himself in the most controversial legislation and yet retains the affection of his adversaries is due to his keen wit, great sense of humor and his unfailing fairness. In the 3 years that I have known him and worked with him, I must confess to having fallen under his spell as has every Member of the House. "MANNIE" CELLER is more than the dean of this House, more than a great chairman, he is a dear friend. Today "MANNIE" CELLER is 83 years young.

Mr. McCLORY. Mr. Speaker, I am pleased to join in extending birthday greetings to our colleague from New York (Mr. CELLER). As a members of the House Judiciary Committee, I am aware of the great talents of the fine gentleman—who is dean of the House of Representatives. To those who would suggest a mandatory age for retirement, I would cite our colleague from New York as an example of both useful and desirable service to the Nation which he performs regularly as Representative of the 10th District of New York, as well as in his capacity as the distinguished chairman of the prestigious House Judiciary Committee.

Mr. Speaker, I am proud to count the gentleman from New York as a friend and colleague. Both my wife, Doris—who is a New Yorker—and I join in wishing him a happy birthday.

GENERAL LEAVE TO EXTEND

Mr. KOCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD at that point in the RECORD where reference is made to the birthday of the dean of the House, the gentleman from New York (Mr. CELLER).

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CRITICISM OF SUPPORT OF CAPITOL DEMONSTRATION

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I learned at my mother's knee long before I came to the Halls of this body to respect the opinion of others and to give them credit for being sincere whenever they voice a point of view different from my own. This, I too, in a sense of fairness must be. I must at all times be sincere.

I, therefore, assume that when Members of this body—or anyone else—express a point of view which differs from mine they follow the dictates of their conscience.

What I am going to say now is a matter of conscience with me. I could not go again to my apartment and go to sleep tonight, I could not look my fellow Americans in the eye, if I did not say as a matter of conscience that those Members of this body who participated yesterday in the demonstration which was held here on Capitol Hill, in my opinion, whoever they were—and I only know that the news media have reported that some participated, because I saw no part of it—performed a disservice to this body and a disservice to this country, and I am critical of it. They have broken their oath of office. Members of Congress stood alongside demonstrators yesterday, who completely disrobed to advocate vulgarity, they gave their support to those in the crowd who carried Vietcong flags and to those who boasted they would bring this Government down. Call it what it is my friends. It is anarchy, pure and simple. It is anarchy on the part of such demonstrators and it is anarchy on the part of Members of the House who joined them and supported them. I commend the police for their arrests and handling of the matter. I believe, however, the participating Members of Congress should have been arrested, too. They asked for it.

PRAISE FOR LAW ENFORCEMENT AGENCIES

(Mr. DANIEL of Virginia asked and was given permission to address the House for 1 minute.)

Mr. DANIEL of Virginia. Mr. Speaker, I desire to add my voice to those who have been praiseworthy of the law enforcement agencies of this area over the past few days. Their performance reflects credit not only upon themselves but also upon the institutions of government.

Indeed, Mr. Speaker, order is the first responsibility of government, and without it none of our other goals are attainable. No man is an island of virtue and no man must be permitted to obey only those laws with which he agrees. This can only lead to anarchy.

There is room for dissent in our country. Dissent is neither good nor bad of itself. Its value depends upon the offering of desirable alternatives; its propriety on the form of its expression.

But, Mr. Speaker, there is no room in our society for the lawless, for the seditious and for the obscene.

DEMONSTRATIONS AND THE WAR IN VIETNAM

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, let me say that I am one Member of the Congress who has opposed this tragic war since its escalation started in 1965. There has been a suggestion that the mothers of the world will rise up to smite the male warlocks. My conscience will not permit this obvious attempt to generate a male hawk-female dove syndrome. I am myself a mother of two sons; it would require a tremendous amount of arrogance to suggest their father has ever been less concerned about their physical safety, their well-being than have I. And I can say without fear of contradiction, as a mother, that men and women, young and old, black and white—have consistently and doggedly opposed this war for much the same reasons. There simply is no sexology at the foundation of opposition to this tragic entanglement. In fact, of the seven of us who voted against that supplemental appropriation clearly marked for Vietnam in May of 1965, the other six were men.

Moreover, I am one woman Member of the Congress who will not go on record in support of so many of the busy crazies racing about the Federal city this week. I do applaud the moratorium of April 24. It was a wholly peaceful, almost majestic display of the sacred right in this Nation to assemble for a nonviolent demonstration of dissent.

However, the right to attempt to persuade is one thing; the right to coerce is another. Or, as one of our colleagues observed:

> Your right to demonstrate ends at the tip of my nose.

The SPEAKER. The time of the gentlewoman has expired.

Mrs. GREEN of Oregon. Mr. Speaker, may I ask unanimous consent to proceed for 1 additional minute?

The SPEAKER. The Chair does not have the authority.

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the minority leader very, very much. Of this week's group, let me say that I deplore their tactics and their avowed aim. They are as different from the previous marchers as Cain is different from Abel. They were a mob, bent upon exercising a wholly unacceptable method of civil disobedience and violence—to express an oversimplified, nihilistic hate for some imagined "establishment."

In fact, I am one mother, I am one woman Member of the Congress, who wishes to go on record with congratulations for the police throughout this chaotic period. They demonstrated as well: they demonstrated remarkable restraint, patience, and respect for the delicate balance of rights and the law.

We were really asking our individual policeman this week to be wiser than a Confucian, more restrained than a Victorian, more aware of the limits of the law than a Roman, and more protective of the physical safety of society than all of them. We owe them a greater debt of gratitude than we may now fully realize: we demand that each of them be a Renaissance man, and they have been.

In fact, I want to go on record firmly convinced that the police, the District of Columbia National Guard, and the FBI stand between us and anarchy in this Nation.

STEEL PRICE INCREASES

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, yesterday, while national attention was focused on the antiwar protestors in Washington and their supposed threat to internal security the leadership of United States Steel Corp. delivered a far more dangerous action against the people of this country. Their third such action—with price increases of 30 percent—in less than 3 years.

In a decision which makes a mockery of any attempt to reverse inflation and remove this threat to domestic well-being, this corporation proclaimed a 6¼-percent increase on prices accounting for one-third of its steel sales.

As the largest steel producer and a proven leader in price hikes, United States Steel has in 1 day done more damage than the hundreds of thousands who have marched to this Capital in the past 3 years asking for an end to the war.

Can there be any doubt that this increase will reverbrate throughout the economy, contributing to the general malaise if not, in fact, aggravating the mounting sense of rage over the deterioration of the economy?

Even worse, the Washington Post reports this morning that yesterday's increase confirms the pattern of earlier steel hikes and lends credence to the suspicion that the industry will now seek a 6- to 7-percent increase across virtually its whole product line. Astoundingly, these projections persist despite the announcement on Tuesday that steel imports so far this year have set a first-quarter record and are running 62 percent ahead of 1970. If United States Steel has no regard for the national interest, has it not some semblance of concern for its own future?

If the Members of this House want to stop this attack on the American dollar from within, we should reestablish a joint committee of Congress to end the concentration of economic power, now so arrogantly wielded by those who take too fat a profit at such a dangerous time.

BIRTHDAY OF THE HONORABLE EMANUEL CELLER

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, I would join in the tribute paid to the distinguished dean of the House MANNY CELLER in recognition of the great contribution he has made to this body over the years.

As I listened to the interesting 1-minute speeches, I thought of an expression of Mr. CELLER's that might apply to all in this body, except him:

> When the Lord makes a fool, he first makes him unaware of it.

HANDLING OF DEMONSTRATORS HERE IN WASHINGTON IN THE LAST SEVERAL DAYS

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURLESON of Texas. Mr. Speaker, the distinguished Congresswoman from Oregon has expressed my sentiment ably and eloquently. I wish to associate myself with her statement.

Mr. Speaker, amidst critical voices heard here in Congress, in some of the courts and in the press, of the handling of the demonstrators here in Washington for the last several days, I commend the way the entire thing has been handled.

I compliment those who planned the tactics in meeting the threat to our Capital City. I think those who planned from the Justice Department, the local police and the military, did so with care and foresight. The conduct of Chief of Police Jerry Wilson and the Metropolitan Police Department, in my judgment, has been exemplary under the most provocative circumstances. Likewise, Chief James Powell and the Capitol Police have done an excellent job.

While those who complain of civil liberties being violated, I wonder if they forget that the civil liberties of all Americans would have been grossly violated if the rabble had been permitted to disrupt any more seriously and to injure property which belongs to all Americans.

Again, I express my admiration and deep appreciation for what those responsible have done in these circumstances.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON SECOND SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the second supplemental appropriation bill for fiscal year 1972.

Mr. Bow reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CAPITOL POLICE SHOULD RECEIVE OVERTIME PAY

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, from the March 1 Capitol bombing through yesterday's May Day tribe misconduct on the House steps we have endured a train of anti-Government demonstrations.

Throughout this 66-day period the men of the Capitol Police force have demonstrated pro-Government loyalty and dedication, at personal inconvenience and risk.

As April ended, an average officer had accrued about 110 hours of overtime with no provision for payment for that overtime. As the May Day period began, all personnel were ordered to a 12-hour minimum day. And they performed magnificently.

I am, therefore, introducing a House resolution expressing appreciation to the U.S. Capitol Police force and providing payment for overtime services by House policemen during this 66-day period.

I would hope and trust that the Senate will do likewise for policemen paid by that body.

Mr. Speaker, I ask for prompt consideration of this resolution.

COMMENDATION FOR HANDLING OF DEMONSTRATORS

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, the Washington State Federation of Women's Clubs, in convention in Seattle, Wash., May 5, 1971, commended our Government for the action that was taken to stop the demonstrators in their expressed desire to shut down Congress.

In a telegram to me today, the clubs' commendation stated that action was taken "to stop the revolution in our Nation's Capital by organized dissidents in their attempt to halt the Government of our United States of America."

Mr. Speaker, it has been an incomprehensible week of confrontation during which the goals of these dissidents were never reached. And the commendation truly goes to our police for the magnificent way in which they handled an explosively dangerous situation.

I join the commendation of the Washington State Federation of Women's Clubs.

SECURITY OF THE CONGRESS MUST BE PRESERVED

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, I have been asked by many visitors why it is that any time security measures are in force at the Capitol, Members of Congress are waved through the lines with no checks of any kind.

It has been historically true that regardless of deep differences of opinion among Members on most matters, there has never been any question about the loyalty of all Members of this body to Congress and to the Capitol and the sacred principles they symbolize.

As of yesterday, it appears to me the time may be approaching when Congress may have to impose upon its own Members the tight restrictions which apply to all other citizens in time of emergency. At least two Members yesterday took it upon themselves to invite people onto the Capitol Grounds with utter disregard for the security rules imposed by the House and the Capitol Police, whose sworn duty is to protect the Congress of the United States and its employees.

In the past, congressional immunity has not been based on any idea that we are above the law, but solely on the assumption that all of us are dedicated to upholding the democratic procedures of this House, including our right to deliberate without coercion by mobs outside our doors.

I regret to say that the overt action of several Members yesterday, creating physical danger for all of us, may force us to place restraints upon the Members and our conduct in the best interest of maintaining the safety of this body.

DANGEROUS PROPOSAL TO INCREASE SIZE OF TRUCKS

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, I am very disturbed to have to report to you that the House Committee on Public Works this morning voted to report out the bill H.R. 4354. This bill calls for an increase in the permissible width of vehicles on interstate highways from 96 inches to 102 inches. It is identical to H.R. 11619, which was introduced in the 91st Congress.

This legislation, Mr. Speaker, was opposed by the Department of Transportation, and the National Transportation Safety Board. Faced with the opposition of these two prestigious safety agencies it is simply inconceivable that the committee would take favorable action on the bill.

The arguments against its enactment are overwhelming, and especially when coupled with the opposition of the Department of Transportation and the National Transportation Safety Board.

This subject is so important, and so controversial, Mr. Speaker, that every Member should be fully advised of the issues involved in the event the legislation does reach the floor for action. To this end I am today inserting in the Extensions of Remarks a rather comprehensive discussion and history of the size and weight range of vehicles, and of decisions of the National Transportation Safety Board.

Mr. Speaker, this legislation is not in the public interest and I shall fight it with every bit of the capacity at my command.

The SPEAKER. The time of the gentleman has expired.

A TRIBUTE TO CONGRESSIONAL EMPLOYEES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, it is with great pride that I pay tribute today to the thousands of congressional employees who performed their jobs in a usual manner this week.

These men and women were often subject to duress and great provocation with vulgar, dirty, filthy obstructors, giving aid and comfort to the enemy of everything we hold dear. The Capitol Hill office employees were subjected to even greater threats as they drove to work each morning.

There were many tense moments for these people, but I think they were determined that they would not be denied the right to perform the jobs for which they had been hired. I heard some comments that went along this line. "These protestors are not just denying me access to my job nor the Congressman access to his office, but they are denying the taxpayers of our State the right to representation. After all, the taxpayers are the voters who sent the Congressmen to Washington and who foot the bill for the operation of this Government. Stopping the Government is an attack on all citizens, not just those who earn a living by holding Government jobs."

Throughout the days of the demonstrations the office personnel remained calm, objective and carried out their jobs efficiently despite great distraction and disruption. This is professionalism at its height, and I think each of us in the Congress owe our staffs a thank you for a good performance.

DEMONSTRATION ON CAPITOL STEPS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to devise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I want to join in the remarks made earlier by the gentlewoman from Oregon (Mrs. GREEN) and to express in my own behalf the utter humiliation and the disgrace that befell this House of Representatives on yesterday when a mob gathered on the steps of the Capitol.

It seems to me in the application of our rules of conduct in this House, and in observing the traditions of decorum in this Chamber, there are definite limitations which we place on public attendance here, and with regard to assembling on the House steps. It has always been recognized that these should be observed in a manner which bring honor and respect to this body and to this symbol of our democratic system—and not disgrace upon our country. The mob violated these rules and traditions, and abused the constitutional privilege under which their offensive conduct has been explained by one Member of the House.

Many of us saw the Vietcong flag being waved from the House steps and we have heard about a person standing in the nude in front of the entrance to the House.

Those Members of this House who supported this mob that came and disgraced our Capitol themselves should answer for bringing this disgrace and humiliation upon this body.

LEGISLATION PROHIBITING DISPLAY OF VIETCONG FLAG

(Mr. BOW asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOW. Mr. Speaker, I am introducing legislation today to prohibit the public display of the flag of the Vietcong or the flag of the Government of North Vietnam, so long as hostilities continue in Southeast Asia and so long as either the Vietcong or North Vietnam hold any American prisoners.

The bill would make public display of these flags a Federal offense, with penalties of a fine of not more than $1,000 and a prison sentence of not more than 1 year, or both.

These are the same penalties provided in the United States Code for defiling the flag of the United States.

In my opinion, it is an act of treason to display these flags at a time when the Vietcong and the North Vietnamese are fighting, wounding and killing young Americans.

To see these flags on the grounds of the Capitol of the United States yesterday, with one of them flying above the Peace Monument, must infuriate any loyal American. I can understand the motives of those who are sincerely striving for peace. I can understand those who feel emotionally and spiritually drained by this long conflict. But, Mr. Speaker, I cannot understand any citizen of this country who wishes to see the armies of the United States defeated and the United States humiliated in Southeast Asia, and I cannot understand any citizen who would humiliate his own Government by the display of enemy flags.

I hope that my bill will be given prompt consideration.

PROTEST ACTIVITIES IN THE NATION'S CAPITAL

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, we have all had first hand opportunity to view the protest activities in our Nation's Capital during the last weeks.

We all know that the true facts and circumstances have not been fairly reported to the American people.

We have some responsibility to speak and comment.

I suggest, Mr. Speaker, that we report for consideration and vote a "sense of the Congress" resolution to the affect that the officials responsible for maintaining the security and safety of our Capital and the persons who live, work, and visit have performed superbly under circumstances of extreme provocations.

The executive branch, the President, the Justice Department, the Attorney General, the Police Department, Chief Wilson, Commissioner Washington, the policemen, the National Guard, the U.S. Army, the Capitol Police, the federal employees, all performed in an extraordinary commendable fashion.

They are, individually and collectively, entitled to our gratitude and to great personal and professional credit.

The "protestors", although predominately students of one sort or another, were mostly scurvy, dirty, unkempt, vulgar, obscene, sick, inferior, revolutionaries.

They were selfish, exhibitionists, bent on destroying our system, bringing down our institutions, encouraging victory by the North Vietnamese—with no alternative other than communism or "democratic socialism."

I believe Members of the Congress who exhort and excite the violation of law, the victory of the Vietcong and the North Vietnamese, or the promotion of anarchy or revolution should be censored by the Congress and by the citizens of this great Nation.

HAS OATH OF OFFICE BEEN VIOLATED?

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I want to join my colleagues who have expressed disgust with the spectacle presented to the American public and the world press yesterday on the steps of the U.S. Capitol.

What I find particularly appalling is the fact that Members of this body, who have sworn to uphold and defend the Constitution of these United States, would participate in a mob action which had as its avowed purpose the "closing down of government."

An effort to disrupt government is nothing less than an attempt to create anarchy.

One cannot equate peaceful assembly and petition with mob action having anarchy as its purpose. The two concepts are antithetical to each other.

The question exists in my mind as to whether or not the Members of this House who participated with the mob are not in flagrant violation of the oath which each of us was required to take on admission to the Congress. If such a violation of oath is found to have occurred, then the further question is raised as to whether or not those Members have forfeited the privilege of sitting in this body. At the least, they are inviting censure.

Aside from the questionable activities of some of the Members of this body, the actions of the mob itself were reprehensible. To convert the steps of the U.S. Capitol, which has served as a symbol of free men and free government in the finest traditions of democracy, into a platform for the display of a flag which itself is a symbol of brutality, ruthless repression, and iron totalitarianism is the most nauseating mockery of all.

Let those who organized and participated in yesterday's outrageous scandal be aware that their activities are being observed in Hanoi. They are giving comfort and encouragement to Hanoi to continue the war where meaningful negotiations might be possible. The leaders in Hanoi, when observing the actions of yesterday, know that if such demonstrations were occuring in Hanoi, the Government there would soon topple and further military activity terminate. By reason of the demonstrations yesterday, the leaders in Hanoi will be misled into drawing the same unfounded conclusion relative to this Government.

Let me take this occasion to state to the Government in Hanoi and the people they rule that the great bulk of the American people stand stronger today behind their Government—partially as a result of yesterday's activities—than at any time in many years. The sensible, law-abiding and loyal citizens of this country recognize that their Government is following the only honorable and realistic course now available in Vietnam.

Let my views be heard in Hanoi that the interest of the people of North Vietnam would be best served if the troops of North Vietnam, now outside the borders of North Vietnam, were being withdrawn into the borders of that country at the same rate that American troops are being withdrawn into the borders of this country. Such a display of sincerity on their part, combined with an exchange of prisoners, would quickly terminate the terrible toll in lives and limbs now being exacted in Vietnam. It would allow all of our people to return to the more satisfying aspects of building a sound economy and a happy life free from war.

Once again, I say to the leaders in Hanoi, Do not be misled by the abuses of the freedoms cherished in this country by a handful of sick and badly misled individuals.

DEMONSTRATION ON CAPITOL STEPS

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, yesterday the people of this Nation both by being present and viewing it on television witnessed the most despicable conduct that has ever been publicly displayed not only in this Nation but anywhere in the world.

All you have to do is to look at the front steps of the Capitol to find the obscene writings put there with spray paint. If you had been present, you would have seen the defecations that were taking place in public, heard the obscenities being mouthed in chorus, and seen a nude male standing on the pedestal in front of the House of Representatives. Then you would have seen and heard the rabble applaud and sanction this despicable person.

The thing that disturbs me more than anything else was to find—and I heard some of the comments with my own ears as I stood at the curb—to find Members of this House of Representatives openly advocating what was being done yesterday and supporting it.

Mr. Speaker, I took an oath in this House to uphold the Constitution against all enemies, foreign and domestic. So did you. This is one thing that we cannot deny. It is about time this House took some action in that respect.

TRIBUTE TO THE LEADERSHIP OF THE HOUSE AND THE SENATE

(Mr. McKAY asked and was given permission to address the House for 1 minute.)

Mr. McKAY. Mr. Speaker, I rise to offer my commendation to the leadership of the House and the Senate in light of what happened yesterday. Although we dislike some of the things that took place because they were not within our concept of social propriety, this is the only nation on earth where a situation as volatile as that could be handled on the scale it was without bloodshed. We have not always been so fortunate.

I would like at this time to offer my thanks and my appreciation, and I would hope the rest of the House would extend their appreciation for the coolheadedness of the leadership of both the House and the Senate, particularly the Speaker of this House.

AUTHORIZING ADDITIONAL INVESTIGATIVE AUTHORITY TO THE COMMITTEE ON EDUCATION AND LABOR

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 412 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 412

Resolved, That, notwithstanding the provisions of H. Res. 213 of the Ninety-second Congress, the Committee on Education and Labor, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction regarding:

(1) the circumstances surrounding the production in foreign nations of goods which are subsequently sold in the United States in competition with domestically produced goods, welfare and pension plan programs in such countries, and the operation by the Federal Government of elementary and secondary schools, both at home and abroad, with a view to determining means of assuring that the children of officers and employees, and members of the Armed Forces, of the United States will receive high quality elementary and secondary education, in the following countries: Italy, Germany, Austria, Yugoslavia, Greece, the Union of Soviet Socialist Republics, Kenya, and Ethiopia;

(2) postsecondary education, including vocational and technical education, in the following countries: Austria, Germany, the Union of Soviet Socialist Republics, and Israel;

(3) laws and practices relating to labor-management relations in the following countries: United Kingdom, France, Italy, and Germany;

(4) educational research, development and innovation and early childhood development and education in the following countries: Poland and the Union of Soviet Socialist Republics;

For the purposes of carrying out each of the investigations, studies and inquiries enumerated above, the Committee is authorized to send not more than fifteen Members (nine majority and six minority) and five staff assistants (three majority and two minority) to those countries within which such investigation, study, or inquiry is authorized to be conducted.

The Committee on Education and Labor is further authorized to send not more than ten members of the committee (five majority and five minority) to the International Labor Organization Conference to be conducted in Geneva, Switzerland, between June 2, 1971, and June 25, 1971.

Notwithstanding the provisions of H. Res. 213 of the Ninety-second Congress, first session, local currencies owned by the United States shall be made available to the members of the Committee on Education and Labor of the House of Representatives and employees engaged in carrying out their official duties for the purpose of carrying out the authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration period of time in any other country, irrespection.

(5) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irespective of differences in time zones.

With the following committee amendment:

On page 2, strike out lines 20, 21, and 22 and insert in lieu thereof: "authorized to send not more than eleven Members (seven majority and four minority) and three staff assistants (two majority and one minority) to those countries within which".

The committee amendment was agreed to.

CALL OF THE HOUSE

Mr. MINSHALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 83]

Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Badillo
Baring
Barrett
Biaggi
Blanton
Brasco
Brinkley
Brooks
Broyhill, Va.
Burton
Celler
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cotter
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Dent
Diggs
Donohue
Dorn
Dow

Dowdy
Drinan
du Pont
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Flynt
Foley
Fraser
Fulton, Tenn.
Gallagher
Gaydos
Grasso
Green, Pa.
Grover
Gubser
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hébert
Henderson
Hillis
Howard
Jacobs
Kee
Kemp
Kuykendall
Landgrebe
Lennon
Link
Long, La.
Lujan
McCloskey
McCulloch
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Madden
Mailliard
Mann
Metcalfe
Miller, Calif.
Mink
Moorhead
Morgan
Murphy, Ill.
Nix
Pelly
Pepper
Pickle
Pirnie
Quillen
Rangel
Roe
Rostenkowski
Roybal
Runnels
Ruth
Saylor
Sisk
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Stephens
Teague, Calif.
Teague, Tex.
Ullman
Ware
Widnall
Wilson, Charles H.
Wright
Wyatt
Yatron
Young, Fla.
Zion

The SPEAKER. On this rollcall 318 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING ADDITIONAL INVESTIGATIVE AUTHORITY TO THE COMMITTEE ON EDUCATION AND LABOR

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) and pending that I yield myself such time as I may consume.

Mr. Speaker, there is enough controversy on this matter so that I believe Members would like to be informed about the details of the resolution.

This is a supplementary, a second, travel resolution for the Committee on Education and Labor. The Committee on Rules, a long time ago, at the request of the then leadership of both parties, began to insist that all committees of the House of Representatives except a very few which clearly had foreign jurisdiction, such as the Committee on Foreign Affairs, the Committee on Interstate and Foreign Commerce, and the Committee on Government Operations—which has very wide and broad jurisdiction and a committee that has never been in the category of other committees—and the Committee on Appropriations, which funds its own travel from within, as best I know, and never requires a travel resolution—that all committees except those I have mentioned and a few others specify the purposes for which they sought travel. Over time we have gradually adopted the practice of requiring specific limitations. This came about because up until the time a number of years ago when we were requested by the leadership to tighten up on the resolutions we reported, they had been strictly pro forma. Every committee that came and requested it got a general resolution which allowed them to travel as they pleased. And there were few abuses of that opportunity. Since that time the Committee on Rules has tried to see to it really that the House had an opportunity to know in some detail what the committees proposed to do. In other words, this resolution is a great deal more specific than the resolutions used to be, and I propose to list what is involved in the resolution now before the House as amended by the committee amendment which has already been adopted.

Mr. Speaker, this resolution involves four subcommittees of the Committee on Education and Labor. The subcommittee, chaired by the gentleman from Pennsylvania (Mr. Dent), is the one covered under the subparagraph 1 of the resolution. Mr. Dent is the chairman of the General Subcommittee on Labor, and the jurisdiction that his investigations will pursue is outlined in that subparagraph.

Subparagraph 2 deals with the Special Subcommittee on Education chaired by the gentlewoman from Oregon (Mrs. Green). What it proposes to examine is listed therein.

The third subparagraph is the one dealing with the subcommittee chaired by the gentleman from New Jersey (Mr. Thompson), the Special Subcommittee on Labor, and the same applies there.

The fourth is the Select Subcommittee on Education chaired by the gentleman from Indiana (Mr. Brademas).

Now, the Rules Committee and the House has adopted an amendment which reduces the number of members which may go on each of these trips from 15—nine and six; nine majority and six minority—and five staff assistants, three majority and two minority, to 11—seven majority and four minority—three staff assistants, two majority and one minority.

Furthermore, there is the provision that the Committee on Education and Labor may send 10 members of the committee, which is a larger number than heretofore authorized, to the International Labor Organization conference. In the past I understand a smaller number has always gone on that trip, but I understand also that there are people on the Committee on Education and Labor who feel strongly that this is the right number and there are others who feel strongly that it should be a lesser number.

This resolution in my judgment is fair. It was supported by an overwhelming majority of the Committee on Rules, after it was amended.

It is fair I believe in terms of the mission of the Committee on Education and Labor. It has, I understand, the bipartisan support of the members of the committee. It is fair to the House. It makes it explicit as to what the committee is being authorized to do. It is fair to the people of this country whom we all represent because it provides for investigations and studies which are of importance to the legislative function of the Committee on Education and Labor.

Mr. Speaker, I would be glad to yield to the gentleman from Iowa if he wishes me to do so.

Mr. GROSS. Yes; if the gentleman volunteers to yield.

Mr. BOLLING. I always volunteer to yield to the gentleman from Iowa.

Mr. GROSS. I just wonder whether the gentleman has had any experience with the climate in Geneva in June—from June 2 to June 25? Is the climate pretty good over there at that time?

Mr. BOLLING. I have not been in Geneva at that particular time. I, like the gentleman from Iowa, travel very little. I do not like it. I find it very strenuous and tiring. But I do not know what the gentleman means. If this is a vacation trip I am not so informed. I understand that the Department of State and the executive branch of Government want the Congress represented at this International Labor Organization meeting. I understand that it is so that our Members may be treated in the same way that other Members are treated that we have this provision.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I would say in answer to the question posed by the gentleman from Iowa, my good friend, that probably being over there is not as nice as being in Ohio, but it is much better than being in Washington.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I do not know what to make of that, but it still leaves something to be desired one way or the other. Apparently it is a pretty good place to be in June.

The State Department has sent other Members of Congress to other meetings, but they severely limited the number. I doubt that more than two would go, if the State Department sent them to Geneva.

Mr. BOLLING. Let me say to the gentleman from Iowa that I tried to make clear one of the reasons that this provision is contained in this resolution. We felt that the Members of Congress attending this particular function should receive the same treatment as other Members of Congress from any committee traveling on official business of the Congress.

They will be treated more generously under this provision than they would be under the State Department, and there is no attempt to conceal this.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I was only alluding to the statement that the gentleman made that it is his understanding that the State Department wants them over there.

Mr. BOLLING. I do not wish to get into an argument with my friend, the gentleman from Iowa. This is simply a semantics discussion at this point. What I was trying to say is that if they went I thought they should be treated, and the Committee on Rules thought that they should be treated as we treat other Members when they travel.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield further, I would merely say to the gentleman that in my experience it is not so much what the State Department wants as what is good for our Government; what is good for our policy. We have representatives from the Department of Commerce, we have representatives from the Wage and Hour Division, we have representatives from the Department of Agriculture, all vitally interested in matters that relate to labor. The American delegation is composed of many different aspects of our

Government, not just the State Department. I would say to the gentleman from Iowa that I would probably agree with the gentleman if it was just the State Department that was involved, but there are many other branches of our Government who are represented, and I think properly represented.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Missouri yield?

Mr. BOLLING. I will be delighted to yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Speaker, I thank the distinguished gentleman from Missouri for yielding to me. I know that the gentleman knows that I do not often engage in semantics. I thought the salient point in the colloquy between the two gentlemen had to do with sending as many as 10 members to the ILO conference rather than four, as heretofore, and previous to that two. Why 10? That is what I do not understand. The House ends up paying the costs for these 10. When they sent two to Geneva the tab was picked up by the State Department, as I recall.

Mr. BOLLING. The situation, I will say to the gentleman from New York, has been described accurately by the gentleman, and I said the same thing when I was discussing the resolution, that this is a larger number. There are members on the Committee on Education and Labor who feel strongly that it should be 10 members, and that it is justified. I am not one who can be a judge of that.

The point I was making with regard to the House sending them is that, as I understand, if they are sent by the State Department and paid for by the State Department they will receive a lesser amount than if they are sent under a resolution such as this by the House.

I would hope, in either case, that the money that is expended would be from counterpart funds. We have tried very hard to make it very explicit in this resolution, as many of the Members know, that we believe that congressional expenditures should be made in counterpart funds wherever possible. I frankly do not know whether or not the State Department does that, or not, but I do know that we have tried to arrange it in that fashion.

The gentleman from New York (Mr. ROONEY) is exactly correct in that this resolution certainly increases the number, and I stated that in the beginning of the discussion.

Mr. ROONEY of New York. Mr. Speaker, would the distinguished gentleman from Missouri yield for a further statement?

Mr. BOLLING. I will be delighted to yield further to the gentleman from New York.

Mr. ROONEY of New York. Mr Speaker, I have never understood that Swiss francs would be considered counterpart funds. I have always thought the Swiss franc was one of the best currencies in the world.

Mr. BOLLING. That is absolutely correct. But as I understand it, and I cannot say that I am an expert on the matter, that it is possible to do some trading in various money markets where you have substantial sums. I know that when I have traveled I traveled on counterpart funds, and I was told that some of the currencies that were being used had to be shifted through the use of other counterpart funds. As I say, I am not an expert, as the gentleman from New York is, on any of this.

Mr. ROONEY of New York. Mr. Speaker, would the distinguished gentleman yield for a further question?

Mr. BOLLING. Certainly I will yield.

Mr. ROONEY of New York. Is it not the fact that these 10 members would have no status there in Geneva at the ILO conference other than that they would be spectators, or observers?

Mr. BOLLING. I am not clear on that. I do not know what arrangements would be made with the State Department. I am sure that they could be designated by the Executive as observers, or they could be designated, some of them, at least, as delegates, but I suspect that the gentleman from Ohio (Mr. ASHBROOK), who I think, as a member of the Committee on Education and Labor, has more experience with this than I, and could answer it better than I can.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield, there were two points raised. First of all, that the delegation would be composed of 10 members, and I would say, speaking for the minority side, that we would prefer having two members. It was our intention to support the resolution for two members on each side.

I will say to the gentleman from New York that the Committee on Education and Labor on the majority side looking at their situation preferred to have five members go. If the House wants to tell them to have less than five that, of course, would be within the prerogative of the House.

The minority still intends to send two. We do not think it was either our prerogative and in the second place we did not have the evidence to tell them that the United States should have only two. If in the wisdom of the House, we want to tell the majority side to have two or three or four—that is perfectly their prerogative. We would agree to go along with that decision.

We do not intend to send five. We are going to have two delegates as we have had in the past.

But, we have no objections to the chairman of the committee and the Democratic members looking at their situation and saying that they think it would be in their best interest to have two or three or more. That, of course, would be a reply to that point.

As to what purpose we have there—it has been my experience, although we have been categorized as observers, that there are certain deferences given to the Members of Congress. We have been a part of the policymaking decisions. It has been my experience that every morning at the Ambassador's residence there have been staff meetings and we have been brought in as a matter of policy. We help them on some of the policy decisions there. I think not only has the experience that has been gained been of some benefit to the House, but as a practical observation, I think that to the extent that policy matters come up, the Members of Congress although they are not in an official delegate capacity have in many ways helped to influence some policy decisions.

I can think of some specific examples if the gentleman is interested. But they have brought us into the policymaking matter which I think is of help in these situations, and I would hate to see this good relationship terminated.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Missouri yield so that I might answer the distinguished gentleman from Ohio (Mr. ASHBROOK).

Mr. BOLLING. I am delighted to yield to the gentleman from New York.

Mr. ROONEY of New York. I thank the gentleman from Missouri.

Is not this the organization or conference that George Meany told a House subcommittee on appropriations was nothing more nor less than an anti-American sounding board and a propaganda stage for Soviet communism? Has the distinguished gentleman ever read the hearings?

Mr. ASHBROOK. I read the hearings—yes; I will say to the gentleman—I have read the hearings.

Mr. ROONEY of New York. What have our observers been doing over all the years at these meetings, when they permit this to happen in this international organization?

Mr. ASHBROOK. I would say to the gentleman that the observation of Mr. Meany is valid as to some points. I, myself, take a different view.

Mr. ROONEY of New York. Of course, we not only had the testimony of Mr. Meany, but of Mr. Ed Neilan, former president of the U.S. Chamber of Commerce, and we had Under Secretary of Labor Hillenbrand, and it is admitted by the State Department.

This had never been brought to the attention of the committee before and that is the reason we have shut off their water.

Mr. ASHBROOK. Let me say to the gentleman from New York that, first of all, the ILO does not set out to be a sounding board for the Communists. It is 53 years old and it was not set up for the purpose of providing a place for Congressmen to go in June. It was set up and it has been there a long time.

Mr. ROONEY of New York. So far as the weather conditions are concerned, I am acquainted with the weather in Geneva in June and do not have to inquire about it.

Mr. ASHBROOK. I would have to say first to the gentleman that the only basic complaints levied about Members of Congress that joined the delegation in the past has been the tendency of the United States to sit on the sidelines and to let it be used as a forum, as he pointed out, and not respond, as it has been obvious to us. If anything, we have encouraged our delegation to become more involved.

I think the difference between Mr. Meany and myself, and I think the answer lies in becoming more involved, rather than from withdrawing, concerning the situation as you have pointed out—if he wants to withdraw.

Mr. BOLLING. Mr. Speaker, if I may reclaim the floor, I will be delighted to yield to either gentleman.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Speaker, I thank the gentleman from Missouri for yielding.

You know, it occurs to me that the distinguished gentleman from Ohio (Mr. ASHBROOK) is in a very peculiar position. I am amazed in view of his background and what he is reputed to stand for that he should be taking the side of the U.S.S.R. delegates who have been permitted to attack us continually in the ILO.

Mr. BOLLING. Mr. Speaker, I am delighted to yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman. I am sure the gentleman did not understand it correctly. Perhaps I did not bring forth my response clearly. My idea, I said, is different from that of Mr. Meaney, who says, "Confronted with this situation, withdraw, and let them have the whole forum." My answer as a longtime critic of communism is that, confronted with this situation, do not withdraw, as has been suggested, but, rather, dig in deeper and take every effective way of answering their untimely attacks on us. Quite frankly, my answer is not to withdraw. That is the easy way out. But, rather, to become more involved. As I pointed out, in the past, congressional observers have urged our obligation to be more timely in our response to Soviet attacks. The ILO, I am sure, is used as every international organization is used by the Communist countries. But confronted with that, I do not think we should withdraw. I think we should get in deeper rather than withdraw. I think, to that extent, no, I am not inconsistent.

Mr. BOLLING. I thank the gentleman from Ohio.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. SMITH of California. Mr. Speaker, the distinguished gentleman from Missouri has explained the resolution in detail, and I shall not repeat, I hope, anything he has said. I believe the colloquy that has gone on on the floor has pretty well explained what the resolution is. May I simply add a couple of comments; in addition to the committees that the distinguished gentleman from Missouri mentioned, I believe the Armed Services Committee and the Committee on Science and Astronautics also have general authority to travel all over.

Prior to the Easter recess, we had an overall resolution brought to us by the Committee on Education and Labor requesting these trips and a number of others. It was quite extensive. At that session I suggested the Easter trip was of importance, and that we should take that out of the resolution, approve it, pass it, and then consider future trips after they have a chance to write them out specifically.

That is what took place. Then this resolution was brought before the Rules Committee and, as originally introduced, there were four trips of 15 members, which would be 60; four trips with five staff members, totaling 20; that is 80 people; and then 10 to the ILO, a total of 90 people. On an amendment which I offered to the committee, which was accepted, it was reduced somewhat: Four trips, 11 members, 44; four trips with three staff, 12; a total of 56. The ILO was left as is, at 10. So that is a total of 66 individuals, a reduction from 90 down to 66.

When we had the resolution originally before the Easter recess, as I recall, nobody from the minority side came and appeared either for or against the resolution. We heard this resolution Tuesday, and we found ourselves without a quorum around noon, so we put it over to Wednesday.

My further recollection is that nobody from the minority side appeared either for or against the particular resolution.

The distinguished gentleman from Nebraska (Mr. MARTIN), an important member of the Rules Committee, who has been on the ILO trip, stated that two members from each side were sufficient. They are observers. That would be all that would be necessary. He offered an amendment as to the ILO to reduce the number of members, which did not pass.

Subsequently, when I came to the floor, a couple of members told me they did not think they needed this many, 10 members, to the ILO. But no information was submitted to me either prior to the previous hearing before the Easter recess or before the hearing on Tuesday and Wednesday.

So I had nothing, no information on which to try cut, excepting what the distinguished gentleman from Nebraska brought to my attention. If there are differences between the members of the committee, I think the Rules Committee should have the information before it. We do not want to nursemaid everybody on these trips. We try to do the best we can. We hope that this is a reasonable resolution. If you do not want to vote for it, vote against it. I feel we have done the best we can with the possible exception of the ILO, which I did support, because of no information being brought to us prior to the hearing.

Mr. Speaker, I have some requests for time. I yield 5 minutes to the distinguished gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, the resolution which we have before us today provides for sending a total of 54 members of the Committee on Education and Labor—which I believe has a total of 35 members—to various parts of the world in the coming months; 11 from each one of four subcommittees plus 10 to the ILO convention in Geneva.

One subcommittee—in fact, one of the same subcommittees as included in this resolution—was previously authorized to make a foreign trip during the Easter recess.

I should like to address myself, however, Mr. Speaker, to the provisions concerning the ILO trip. As was stated by the gentleman from California (Mr. SMITH) a moment ago, I attended this meeting in 1966 as an observer.

Let me explain the background of the ILO. Each nation is allowed four voting delegates. Delegates from the United States consist of one from the State Department, one from the Department of Labor, one appointed by the U.S. Chamber of Commerce and one appointed by the AFL–CIO. Those are the four official delegates and the only representatives of the United States who have a vote and a voice in the sessions of this organization.

In addition, as pointed out by the gentleman from Ohio (Mr. ASHBROOK), other Departments of Government do send advisers over there, and we have a total staff from downtown offices, I believe, contemplated for this year of 36.

The State Department recommends and has recommended for many years that two go from the House and two go from the other body. I have checked with the Department of State within the past few days, and the other body, at least during the last 8 or 10 years, has never sent more than two from that body to the ILO.

The House resolution in previous years has never provided for more than four. In fact, in 2 years within the last six the House did not pass any resolution at all concerning authorization for foreign travel by this committee to the ILO. Those who did go from the Committee on Education and Labor in those years went at the expense of the Department of State.

I should like to reiterate that Members who go from the House and who go from the other body are simply observers. They have no vote. They have no voice in the proceedings. They have little or no influence as to what goes on.

Mr. Meany, the AFL–CIO delegate, walked out of the last ILO Convention in Geneva and refused to attend any further sessions. And, as the distinguished gentleman from New York (Mr. ROONEY) mentioned a few moments ago, Mr. Meany recommended at that time that the United States withdraw from the ILO organization.

The House last year, Mr. Speaker, in passing the appropriation bill which came from the Subcommittee on Appropriations of the distinguished gentleman from New York (Mr. ROONEY), omitted funds for the assessment of the United States for this organization.

I am further advised by another gentleman on the Appropriations Committee that it is not the intention of the Appropriations Committee to appropriate any funds for our assessment for fiscal year 1972.

Mr. BOW. Mr. Speaker, will the gentleman yield at that point?

Mr. MARTIN. I am happy to yield to the gentleman from Ohio.

Mr. BOW. I should like to correct that statement. The State-Justice appropriation bill has not been marked up. No decision has been made. However, it is the intention of the gentleman now speaking to vote against funds until the situation is cleaned up in the ILO.

That should not be taken as an official

statement of our subcommittee, which has not marked up the bill yet. We have had hearings. We have gone into it. This is my own position.

In the last bill we did deny the funds to the ILO. As far as this Member is concerned, I will continue in that position until there has been changes in the ILO so that it ceases to be a propaganda machine for the Soviet Union and until the people there work with us in some of the items which we have. However, it has failed in its position.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman from Nebraska 3 additional minutes.

Mr. BOW. Will the gentleman yield further?

Mr. MARTIN. I yield to the gentleman.

Mr. BOW. It was a good organization, but I believe until the situation is corrected to the point where Americans have a real voice in the ILO, those funds should be denied.

Mr. MARTIN. Is it not correct that the Committee on Appropriations last year did not include any funds for the ILO.

Mr. BOW. That is correct. We did not include funds last year. We had full testimony mainly from the former president of the Chamber of Commerce and members of the State Department and others, and on the basis of their testimony we withheld those funds.

Again I would say to the gentleman that my own position would be to continue in this position until there has been a correction in the attitude.

It seems to me, if we send 10 Members of this body over there after we have denied the funds, it is rather a ridiculous situation.

Mr. MARTIN. I thank the gentleman.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Nebraska yield to me?

Mr. MARTIN. I am happy to yield to the gentleman.

Mr. ROONEY of New York. I should like to correct a previous statement of the distinguished gentleman from Nebraska.

I believe in giving credit where credit is due. It was the other body's Subcommittee on Appropriations and the full Senate Committee on Appropriations which denied funds for membership in ILO. Unfortunately, we on the House side did not know if the hijinks and the amazing things that happened in permitting the Soviet Communists to use the organization as a stage for their anti-American propaganda at the time the bill was before the House of Representatives. The result was that the bill passed by this body included the funds for a full year for membership in the ILO. It was while it was pending in the committee in the other body that Mr. Meany of the AFL–CIO, Mr. Nielan of the U.S. Chamber of Commerce and the Under Secretary of Labor came before the House subcommittee and disclosed the anti-American attacks that had been going on for the many years. The Senate committee and the Senate then denied the funds.

I am going to agree with the distinguished gentleman from Ohio (Mr. Bow), when it comes to the 1972 funds for ILO, and I think we can prove a satisfactory case here on the floor of the House.

I thank the gentleman from Nebraska for yielding.

Mr. MARTIN. I thank the gentleman for his remarks.

Mr. Speaker, in view of the fact that this resolution still contains 10 Members to be sent from the House of Representatives to the ILO, I must oppose this resolution when it comes up for a vote.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. Gross).

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, what are you going to do if 66 members of one committee take flight along with all of the rest of the junketing that has been authorized for other committees? How are you going to run the House of Representatives? Who is going to tend the shop if any substantial number of world travelers take off at the same time?

Let me remind the House that there is a deficit in the international balance of payments of about $10 billion. Members of Congress, of all people, ought to be interested in this staggering deficit in the balance of payments and the onslaught on the dollar that is now being waged abroad as a result of $35 billion worth of dollars floating around the world, to which tourists and Congressmen have made a contribution. Yet, instead of making contribution toward trying to straighten out the deficit in the balance of payments, what are we doing here today? We are asked to authorize junkets for 66 members of one committee to Russia, Geneva, Switzerland, and you name it.

I doubt that anyone could figure out all the way points the junketeers will hit.

Yes, my friend, the gentleman from Ohio (Mr. Ashbrook), is certainly drinking out of a strange pitcher here this afternoon in supporting this resolution.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I yield.

Mr. ASHBROOK. I think the gentleman from Iowa knows that I find myself in usual accord with the gentleman from Iowa, except when he gets real liberal and votes on farm bills and some others. I do not think the gentleman can categorize all of these trips as junkets.

How does the gentleman define "junket"?

Mr. GROSS. I define a "junket" as kind of a trip where Members go to Geneva to consort with the Communists who run the International Labor Organization. I wonder when the Communists saw fit to take to their bosoms the delegates, the walking delegates from the Congress of the United States? When did all this happen? Only a year ago we wanted no part of the ILO, because the U.S. delegates were virtually excluded. That is a Communist-dominated organization. They want our big annual contribution for support of the organization, but they do not want the United States to have a voice.

Mr. ASHBROOK. Well, my question——

Mr. GROSS. I would call that a junket.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield further, I, myself, would look upon a junket as something a little different. I think if a Member of Congress loses in his bid for reelection and goes on an around-the-world trip, that might be termed a junket after he loses. I would call that a junket.

Mr. GROSS. The gentleman can have his definition for it. The gentleman is experienced enough in the ways of foreign travel and the House of Representatives to know that a lot of these trips overseas are totally unjustified. All are at the expense of the taxpayers, and all contribute to the deficit in the balance of payments.

Mr. ASHBROOK. Could I ask the gentleman one further question?

Mr. GROSS. Yes.

Mr. ASHBROOK. Does the gentleman from Iowa consider every trip by every Member of Congress outside the Continental United States as a junket?

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Speaker, will the gentleman from California yield me 3 additional minutes?

Mr. SMITH of California. I yield 3 additional minutes to the gentleman from Iowa.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield further, does the gentleman consider every trip a junket?

Mr. GROSS. Beginning with the granddaddy of all junketing organizations, the Interparliamentary Union, I would have to search the record backward and forward to find any contribution that has been made. All we have done in this country is go downhill with all of the junkets that have been taken by all Members of Congress. I can think of very few that have made any contribution, except to provide Members with nice, enjoyable trips, and there is usually "space available" for some of their relatives. You take it from there and tell me what has been contributed.

Mr. ASHBROOK. I would say to the gentleman from Iowa that I certainly cannot agree with him that every trip taken by every Member of Congress outside the Continental United States is a junket.

Mr. GROSS. You are entitled to your own ideas about it.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield further, I am as critical of foreign aid as is the gentleman from Iowa. However, I think any time when his Committee on Foreign Affairs takes a trip it usually brings back good information, and whenever the gentleman from Louisiana (Mr. Passman), a member of the Committee on Appropriations, and chairman of the Subcommittee on Foreign Aid takes a trip he is not on a junket, because I think we have had a great deal of good to come out of his trips.

So, I guess I disagree with the gentleman.

Mr. GROSS. What is your committee going to get out of Russia on this trip? Does the gentleman have any idea? And you are not going to spend counterpart funds in Russia because there are none in that country, and I doubt that there are any counterpart funds in Geneva.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Iowa yield to me at that point?

Mr. GROSS. I yield to the gentleman from New York.

Mr. ROONEY of New York. Never in my wildest dreams could I imagine that the distinguished gentleman from Ohio (Mr. ASHBROOK) would arise here and defend a junket.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, I yield further to the gentleman from Ohio.

Mr. ASHBROOK. I would say to the gentleman from Iowa and to the gentleman from New York it is not a question of defending junkets. I think you can easily imagine the gentleman from Ohio never being in the position of not going to a Communist-oriented organization just because they happen to be at odds with our particular philosophy at some particular place.

I would say to the gentleman from New York is it not a strange position, in view of the very distinguished background of the gentleman from New York as it relates to communism for us to not participate and let them completely control and dominate the International Labor Organization?

Mr. GROSS. Before my time runs out, I would like to urge the Members of the House, when they get to a vote on this proposition, to send it back to the Rules Committee or wherever it originated. Let them come back with something that is within reason.

Sixty-six members of one committee, getting set to tour the world and 10 of them going over to Geneva, Switzerland, for 23 days. This is ludicrous. This ought to be defeated, and let them come back with a resolution that is reasonable and palatable.

Better still, Congress ought to cut out about 90 percent of foreign travel until we can get our financial house in order here at home, and certainly we should put the brakes on travel and spending abroad until the huge deficit in the international balance of payments is wiped out.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I merely take this time to correct one statement that my good friend, the gentleman from Iowa (Mr. GROSS), made. I think if the gentleman will check the record of the past years he will find that he was incorrect on one point. That is he indicated that 10 Members wanted to go to Geneva for 23 days. It has been my experience that no Member of Congress has spent more than 6 or 10 days to 2 weeks during that period of time. I do not know of any Member of Congress who intends to go for the full 23 days. Quite frankly, there has been some problem of getting Members to have their schedules worked out to go more than 2 weeks. I have not been there for more than 2 weeks. So I do not think that any Member is planning to go there for the full 23 days.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MARTIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 156, nays 172, not voting 104, as follows:

[Roll No. 84]

YEAS—156

Abourezk
Abzug
Adams
Addabbo
Ashbrook
Ashley
Aspin
Aspinall
Begich
Bell
Bergland
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Carey, N.Y.
Carney
Casey, Tex.
Celler
Chisholm
Clark
Conyers
Corman
Culver
Daniels, N.J.
Danielson
de la Garza
Dellenback
Derwinski
Dingell
Dulski
Eckhardt
Edmondson
Esch
Fascell
Findley
Flood
Foley
Ford, William D.
Fraser
Gallagher
Garmatz
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Griffiths
Gude
Halpern
Hanley
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Johnson, Calif.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Keith
Koch
Kyros
Landrum
Leggett
Long, Md.
McClory
McClure
McCormack
McFall
McKay
Macdonald, Mass.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Mills
Minish
Mitchell
Mollohan
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Obey
O'Hara
O'Neill
Patman
Patten
Perkins
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Rees
Reid, N.Y.
Reuss
Rodino
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Sikes
Slack
Smith, Calif.
Smith, Iowa
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Waldie
Watts
Whalen
White
Whitten
Wilson, Bob
Wolff
Yates
Young, Tex.
Zablocki

NAYS—172

Abbitt
Abernethy
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Baker
Belcher
Bennett
Betts
Bevill
Biester
Blackburn
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Cederberg
Chamberlain
Chappell
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Denholm
Dennis
Devine
Dickinson
Downing
Duncan
Dwyer
Edwards, Ala.
Eshleman
Evans, Colo.
Fish
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gettys
Goodling
Griffin
Gross
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Harsha
Harvey
Hastings
Hébert
Heckler, Mass.
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Keating
Kemp
King
Kuykendall
Kyl
Latta
Lent
Lloyd
Lujan
McCollister
McDade
McKevitt
McKinney
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Michel
Miller, Ohio
Minshall
Mizell
Montgomery
Myers
Nelsen
Nichols
O'Konski
Passman
Pelly
Pettis
Pike
Poff
Powell
Price, Tex.
Pryor, Ark.
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rousselot
Ruppe
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, N.Y.
Spence
Springer
Stafford
Stanton, J. William
Steiger, Ariz.
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Whalley
Whitehurst
Williams
Wydler
Wylie
Wyman
Zwach

NOT VOTING—104

Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Badillo
Baring
Barrett
Biaggi
Brasco
Brinkley
Brooks
Broyhill, Va.
Burton
Carter
Clancy
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Cotter
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Dent
Diggs
Donohue
Dorn
Dow
Dowdy
Drinan
du Pont
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Evins, Tenn.
Flynt
Fulton, Tenn.
Gaydos
Goldwater
Grasso
Gray
Green, Pa.
Grover
Gubser
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Henderson
Hillis
Holifield
Howard
Jacobs
Kee
Kluczynski
Landgrebe
Lennon
Link
Long, La.
McCloskey
McCulloch
McDonald, Mich.
McEwen
McMillan
Madden
Mann
Metcalfe
Miller, Calif.
Mink
Morgan
Murphy, Ill.
Nix
Pepper
Peyser
Pickle
Quillen
Rangel
Roe
Rostenkowski
Roybal
Runnels
Ruth
Saylor
Sisk
Snyder
Staggers
Stephens
Symington
Teague, Tex.
Ware
Widnall
Wiggins
Wilson, Charles H.
Winn
Wright
Wyatt
Yatron
Young, Fla.
Zion

So the resolution was rejected.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Anderson of Illinois.

Mr. Dent with Mr. Quillen.

Mr. Pickle with Mr. Don H. Clausen.

Mr. Morgan with Mr. Snyder.

Mr. Donohue with Mr. Erlenborn.

Mr. Hays with Mr. Wiggins.

Mr. Teague of Texas with Mr. Hansen of Idaho.

Mr. Charles H. Wilson with Mr. Broyhill of Virginia.

Mr. Kluczynski with Mr. Landgrebe.
Mr. Lennon with Mr. Hillis.
Mr. Brasco with Mr. Peyser.
Mr. Brooks with Mr. Saylor.
Mr. Barrett with Mr. Wampler.
Mr. Burton with Mr. Wyatt.
Mr. Delaney with Mr. Zion.
Mr. Edwards of California with Mr. Goldwater.
Mr. Evins of Tennessee with Mr. Gubser.
Mr. Green of Pennsylvania with Mr. Carter.
Mrs. Grasso with Mr. Clancy.
Mr. Rostenkowski with Mr. McDonald of Michigan.
Mr. Runnels with Mr. McCloskey.
Mr. Miller of California with Mr. McCulloch.
Mr. Madden with Mr. Ruth.
Mr. Link with Mr. Ware.
Mr. Wright with Mr. Young of Florida.
Mr. Yatron with Mr. Cleveland.
Mr. Holifield with Mr. Winn.
Mr. Henderson with Mr. Grover.
Mr. Sisk with Mr. McEwen.
Mr. Brinkley with Mr. du Pont.
Mr. Cotter with Mr. Widnall.
Mr. Roe with Mr. Flynt.
Mr. Rangel with Mr. Eilberg.
Mr. Nix with Mr. Dow.
Mr. Murphy of Illinois with Mr. Clay.
Mr. Gaydos with Mr. Dellums.
Mrs. Mink with Mr. Collins of Illinois.
Mr. Biaggi with Mr. Metcalfe.
Mr. Pepper with Mr. Edwards of Louisiana.
Mr. Roybal with Mr. Diggs.
Mr. McMillan with Mr. Long of Louisiana.
Mr. Stephens with Mr. Staggers.
Mr. Hawkins with Mr. Harrington.
Mr. Hathaway with Mr. Hanna.
Mr. Anderson of Tennessee with Mr. Alexander.
Mr. Badillo with Mr. Baring.
Mr. Davis of Georgia with Mr. Dowdy.
Mr. Gray with Mr. Drinan.
Mr. Davis of South Carolina with Mr. Mann.
Mr. Jacobs with Mr. Symington.
Mr. Howard with Mrs. Hansen of Washington.
Mr. Dorn with Mr. Kee.

Messrs. ABBITT, DOWNING, PASSMAN, BLACKBURN, and FULTON of Pennsylvania changed their votes from "yea" to "nay."

Mr. MACDONALD of Massachusetts changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader as to the program for the remainder of this week, if there is any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOGGS. Mr. Speaker, in reply to the minority leader, it is my intention to ask to go over until Monday there being no further program for this week.

Monday is District day and there are five bills scheduled:

H.R. 2596, Metropolitan Police Band expansion;

H.R. 6638, school fare subsidy;

H.R. 5638, penalty for assaulting firemen;

H.R. 2594, minor's share in decedent's estate; and

H.R. 7931, administration of estates.

For Tuesday and the balance of the week, the schedule is:

Second supplemental appropriation bill, 1971.

H.R. 3613, Emergency Employment Act of 1971. This is subject to a rule being granted.

Conference reports may be brought up at any time and any further program will be announced later.

We hope to conclude the legislative work Wednesday because of the large number of Members who are going to New York City on Thursday.

Mr. GERALD R. FORD. May I ask the distinguished majority leader this question. I understand a rule is being sought on the emergency employment act of 1971 on Monday.

If a rule is granted by the Committee on Rules on Monday, will that bill be the first order of business?

Mr. BOGGS. No; it is our plan to schedule the second supplemental appropriation bill prior to that and we would hope to conclude the consideration of the second supplemental appropriation bill on Tuesday and to consider the Emergency Employment Act of 1971 on Wednesday, provided of course that a rule is granted on Tuesday.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. What is the title of the bill that the gentleman inquired about?

Mr. GERALD R. FORD. The title of the bill, as listed on the prospective whip notice, is H.R. 3613, the Emergency Employment Act of 1971.

Mr. GROSS. The Emergency Appointment Act?

Mr. GERALD R. FORD. No; the Emergency Employment Act.

Mr. GROSS. Employment.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Could the majority leader tell us how the bills on the District of Columbia came out of the District Committee—whether they were unanimous or whether there was any dispute?

Mr. BOGGS. I am sorry I am unable to provide that information at this time. I presume they came out by a substantial majority and we have no indication that it was otherwise.

ADJOURNMENT OVER TO MONDAY, MAY 10

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NONE BUT AMERICANS ON GUARD

(Mr. FLOWERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLOWERS. Mr. Speaker, in April, 1777 a British deserter's attempt to poison General George Washington prompted him to direct his regimental commanders to "put none but Americans on guard tonight." No soldiers of fortune from other countries, no deserters who had come over from the other side—he would have none of these. It was a time of great crisis, and "none but Americans" were sufficient to the task.

This is likewise a critical time in our history as a Nation.

The orderly process of Government seems to come under attack daily. More often than not, those who protest and those who disrupt offer no rational alternatives; their actions become the desired ends in themselves. They protest for the sake of protest. They would substitute anarchy and chaos for democratic government. There is, of course, a right to disagree with and oppose any Government policy. I know that I have done this on occasion myself. But those who turn this right into a license to disrupt, to burn, to rob, are not cloaked with immunity under the Constitution.

I was greatly encouraged by the words of our President last week. Referring to recent actions by some antiwar protest groups, he said:

> Let me make one thing clear. The Congress is not intimidated; the President is not intimidated. This Government is going forward. It does not mean that we are not going to listen to those who come peacefully, but those who come and break the law will be prosecuted to the full extent of the law.

It is my hope that these words will be translated into action at any time the need arises during the current demonstrations or at any other time.

It is incredible to me that some can cry out so loudly in protection and defense of the disrupters of the last few days, yet have nothing at all to say in condemnation of the actions that they are attempting to perpetrate on our Nation's Capital and law-abiding citizens who only wish to get to work. Apparently some feel that the comfort, convenience, and advantage should be with those who come to defy.

There is nothing in the world more incompatible than the concept of freedom in a climate of anarchy. Freedom can only exist in a society which is protected by well ordered liberty. As the great jurist Oliver Wendell Holmes said:

> Your rights stop at the end of my nose.

In other words, one's own personal freedom does not give him a right to punch someone else in the nose. Some idealists seem to believe that man can exist in society without any system of rules to govern human conduct. Others, much in the news recently, are simply straightforward in their desire to create anarchy. We have only to look to experiments in anarchy to see the result. The French Revolution, began in freedom, devolved into carnage and mass destruction and resulted in further tyranny. Universities and cities in our own day who have submitted to mob rule have seen the resulting chaos. It is surely not too much to say that unordered freedom—real anarchy—destroys the very goal that its purveyors claim to be working toward.

There are also those who tell us that all individual rights take precedence over community needs. They would have us believe that all speech, no matter how calculated it is to inspire violence; all forms of pornography, no matter how calculated to twist young minds; all expressions, no matter how dangerous the mob—come under the protection of the Bill of Rights. But this is not what our Founding Fathers intended. There is a time—and a place—where the pressing needs of a community must come first. Mr. Justice Holmes also said that freedom of speech did not go so far as to permit someone to shout "fire" in a crowded theater. Now, just as appropriately, we can say simply that freedom of speech does not include the right to tear this country apart.

We are living in trouble times—in a Nation and in a world where it often seems none but Americans are on guard. Fortunately, though, there are loyal and responsible citizens in Government, in law enforcement, in the military and in private life across this great lands of ours. And I have got a lot of confidence in my fellow Americans.

In my judgment, we all owe a very special debt of gratitude to the law enforcement agencies who have so tirelessly and unselfishly helped maintain law and order this week. Particularly for myself and those that I represent in Alabama who love this great city and what it has stood for in a troubled world, I want to say a deep and sincere thank you to the officers and men of the Washington Police and the District of Columbia National Guard.

FARM TRUCK REGULATIONS

(Mr. ABOUREZK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABOUREZK. Mr. Speaker, I am very proud that 57 of my colleagues from 35 States have joined me today in introducing legislation that would amend part II of the Interstate Commerce Act. The purpose of the bill which I am introducing today is to insure that the ill-considered farm truck regulations proposed by the Transportation Department will not be allowed to hamper farm operations in South Dakota or anywhere else in the Nation.

As you may know, there has been a historic exemption for farm vehicle operators in the Motor Carrier Safety Regulations. However, the proposed new regulations that were to go into effect would change this. Originally, these regulations were published in the Federal Register on June 7, 1969, and were to go into effect on January 1 of this year. However, despite this notice, it was only shortly before that deadline that farm groups became aware of the danger in which they found themselves. Since that time, they have been making their feelings known throughout the country. It was after this outcry that the DOT agreed to postpone the effective date until July 1, 1971.

It is rumored, and I am hopeful that the Transportation Department will make my legislation unnecessary by withdrawing or substantially modifying its proposals. But, if it does not, I intend to lead a battle in Congress to insure that these silly regulations will never go into effect. I would welcome a spirit of compromise within DOT and am anxiously awaiting their long-promised news release indicating what new proposals they will have for us. However, I feel that my legislation gives farmers and ranchers the protection from harassment that they have traditionally enjoyed and which they need if they are to survive the cruel economic struggle which is now the watchword of rural America.

If these initial proposed regulations were to go into effect, it would mean that all operators of farm vehicles who engage in interstate commerce must be at least 21 years of age, carry a medical certificate not more than 24 months old and pass Federal written and road tests. All this would be in addition to State regulations. Further, if the driver were an employee of the farmer, he would have to provide the farmer with evidence of compliance with these requirements.

This would mean that farm youths, even if they have had years of experience operating farm vehicles, could no longer do so legally. It would mean that the farmer would have to hire outsiders to operate his trucks even if he had sons perefectly capable of doing so. It would mean that the woefully inadequate numbers of medical personnel available in rural areas would have an additional burden placed on their time by administering all those medical exams. It would mean that at the peak harvesting season when farmers are the busiest, they would have to track down all the records of those they hire.

All this harassment exhibits an acute lack of understanding of the nature of farm truck operations. There are 2.8 million farmers and ranchers who use nearly 3.7 million trucks of all sizes and kinds in their operations. However, this mostly involves short trips, for local hauling on an intermitted basis. A regulation which would be effective and desirable for large-scale transportation would destroy the family farm.

I am sure that many of my colleagues who may not be familiar with the facts in this case will suspect that the legislation I offer today is just another piece of special interest legislation which would protect the farmer at the expense of the safety of thousands of motorists. If there were any evidence to this effect then they would be justified in their suspicions. But there is not.

The fact is that the Transportation Department cannot come up with any evidence whatsoever to support the claim that their new farm truck regulations would increase highway safety. On the contrary, the record shows that drivers of farm trucks have a safety record three times as good as that of other commercial haulers.

While the record cannot show that the regulations my legislation would prevent will increase highway safety, it does show beyond the slightest doubt that these regulations would seriously hamper the small family farmer.

Given these facts, I just cannot see any need for turning aside the historic exemption of farm truck operators from the motor carrier safety regulations. To do so will merely add an additional hardship to our overburdened farm community. It is the intent of my bill to provide permanent protection for that community from these unfair regulations. I think that I can safely say that with the kind of broad support that my bill enjoys from farm groups and from our colleagues in Congress, the Transportation Department is going to have to think twice before it puts its crippling new regulations of farm truck drivers into effect. A list of cosponsors by State follows:

LIST OF COSPONSORS

ALABAMA

Walter Flowers, Dem.

ALASKA

Nick Begich, Dem.

ARIZONA

Morris Udall, Dem.

ARKANSAS

Bill Alexander, Dem.

CALIFORNIA

Chet Holifield, Dem.
Robert Leggett, Dem.

FLORIDA

Sam Gibbons, Dem.
Claude Pepper, Dem.

GEORGIA

Jack Brinkley, Dem.
W. S. (Bill) Stuckey, Jr., Dem.

ILLINOIS

Kenneth Gray, Dem.
Tom Railsback, Rep.

IOWA

John Culver, Dem.

KANSAS

Dr. William Roy, Dem.

MAINE

William Hathaway, Dem.
Peter Kyros, Dem.

MARYLAND

Lawrence Hogan, Rep.

MASSACHUSETTS

Rev. Robert Drinan, Dem.
Michael Harrington, Dem.

MICHIGAN

Elford Cederberg, Rep.
John Conyers, Jr., Dem.
Marvin Esch, Rep.

MINNESOTA

Bob Bergland, Dem.
John Zwach, Rep.

MISSISSIPPI

G. V. (Sonny) Montgomery, Dem.

MISSOURI

William Hungate, Dem.
William Randall, Dem.

MONTANA

John Melcher, Dem.
Richard Shoup, Rep.

NEBRASKA

John McCollister, Rep.

NEW HAMPSHIRE

James Cleveland, Rep.

NEW JERSEY

Edwin Forsythe, Rep.

NEW YORK

Bella Abzug, Dem.
Herman Badillo, Dem.
Hamilton Fish, Jr., Rep.
Charles Rangel, Dem.

NORTH CAROLINA

L. H. Fountain, Dem.
David Henderson, Dem.
Walter Jones, Dem.

NORTH DAKOTA

Mark Andrews, Rep.
Arthur Link, Dem.

OHIO

John Seiberling, Dem.

OKLAHOMA

Ed Edmondson, Dem.

OREGON

Al Ullman, Dem.

SOUTH DAKOTA

James Abourezk, Dem.

TENNESSEE

Ray Blanton, Dem.
John Duncan, Rep.
Ed Jones, Dem.
Dan Kuykendall, Rep.

TEXAS

Omar Burleson, Dem.
Ray Roberts, Dem.

UTAH

Sherman Lloyd, Rep.

VIRGINIA

W. C. (Dan) Daniel, Dem.

WASHINGTON

Mike McCormack, Dem.

WEST VIRGINIA

John Slack, Dem.
Harley Staggers, Dem.

WISCONSIN

Les Aspin, Dem.
Alvin O'Konski, Rep.

HUD BUILDING MATERIALS APPROVAL POLICY SHORTCHANGES CONSUMER

(Mr. DINGELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, one of the most vital and least understood areas within our society is that of industrial standards and building codes.

It is a field with which I have been long concerned. My Small Business Subcommittee has held numerous hearings concerning standards and codes over the period of the last 5 years. The development, drafting, promulgation, and enforcement of standards have tremendous potential to affect the lives of each of us. Standards, covering as they do virtually any commodity you can name, can be used to protect the consumer, to insure competition, and to provide the uniformity necessary for an industrialized society. Conversely, their misuse can result in anticompetitive conspiracies and an anticonsumer impact in terms of diminished quality and increased price. The same is true in a more specialized sense of building codes. Codes can be used as a means of protectionism—to keep out new products resulting from new technology, as a means of securing increased market shares for existing products, or as a method of insuring that the home buyer gets a fair shake.

In its concern to protect the consumer, Congress cannot afford to overlook the biggest consumer protection issue of all: home buying and home repair. The single biggest expenditure the average American makes as a consumer is the purchase of his home. For those who rent their homes, rent may likewise represent a sizable item of consumer expenditure. This is especially true in the case of persons of low and moderate income, for whom monthly rent payments or monthly mortgage payments constitute a sizeable chunk of the family income. Consumer interest in the construction and repair of residential and other buildings has been badly overlooked by Congress and by the Nation.

Recently, the National Bureau of Standards has sought an increased budget to develop performance-oriented building codes. This would be done through a cooperative program between the National Conference of States on Building Codes and Standards and the individual States. Spokesmen from the Department of Commerce have indicated that they hope it will produce significant results within 2 years. During fiscal 1972, the conference is expected to establish a procedure for measuring performance of innovative building systems and components.

This is most heartening. All standards and codes should be based on performance. What is important to the consumer is what a wall will do—its strength, its durability, its heating and noise insulation quality, and so forth, not what material is used.

Mr. Speaker, I am saddened to have to report to you and my colleagues that, despite the admirable objectives of this proposed National Bureau of Standards' program, the lack of internal liaison and coordination within the present administration is destroying whatever gains might have been achieved through this innovative approach.

Despite recent pronouncements by HUD Secretary George Romney that more emphasis will be placed on performance criteria for building materials by the Federal Housing Administration, the record to date simply does not corroborate this. Indeed, it points in the opposite direction toward blind obeisance to the old ways—the acceptance of individual materials by name, size, composition, and so forth, rather than on the basis of their performance.

Amazingly, during a period when much progress is being made on increased consumer protection, HUD is seemingly fleeing into the miasmic mists of the past. As an example, in a recent letter to a Member of this body, the distinguished gentleman from Indiana, RAY MADDEN, Patricia Hampton, Acting Chief of the Workable Program Branch of the Department of Housing and Urban Development, has stated:

> To set the record straight, we should like to reiterate that HUD does not require the use of any particular material, does not attempt to judge the merits of such material, *does not attempt to judge the credibility of the industry standards under which a particular material is produced*, and makes no claim regarding any product or system of construction. (Emphasis supplied).

This quotation may be paraphrased rather briefly—let the buyer beware—and if he ends up with his largest single investment represented by a house which is not durable and does not function well, that after all is scarcely the problem of HUD.

This is shocking. If the public interest is not the point of HUD's existence, then how do we justify the many billions of dollars expended by that vast bureaucracy. Further, at the very time when the National Bureau of Standards is struggling to obtain adequate funds to protect consumers by converting codes to the vastly more desirable performance basis, HUD representatives are insisting that local codes must allow builders to use any material approved by HUD. It should be noted, however, that HUD does not assume any responsibility to assure that individual building materials meet any performance criterion as to safety or durability.

Thus, HUD is now in the process of breaking down consumer protection feaures built into State, county, and municipal building codes—which term includes also regulations pertaining to plumbing, mechanical, and electrical systems, but not housing codes. These codes, while crude and imperfect measures of consumer protection, do embody a very important principle, that is, production is for the sake of consumption and not vice versa; no producer of a building material is entitled to market his commodity simply for the reason that he somehow managed to produce it. To the extent that a code regulates or restricts use of any construction material or method, based upon reliable performance criteria, it constitutes a qualification on the wide open homebuilder practice of "buyer beware."

Granted that a given restriction may be unwise, unnecessary, or unsupported by scientific or technological data. This is a question of fact, a question of applying the general principle to particular sets of circumstances. The general principle remains eminently necessary for the protection of the public health, safety, and welfare. The "home buyer beware" approach is unworthy of a Federal Goverment which spends billions of dollars annually in an effort to help those of moderate means acquire their own homes. The aim of public policy at all levels of Government should be to reform building code restrictions, not eliminate them entirely.

HUD has embarked upon a policy of forcing or requiring any county or municipality seeking recertification of its

"Workable Program for Community Improvement" to throw out all code restrictions even though originally enacted to protect the consumer. The HUD code philosophy has been spelled out for the record in a letter from Secretary Romney to the distinguished senior Senator from Alabama; said letter can be found in published hearings before a subcommittee of the House Select Committee on Small Business, held in Chicago, Ill., September 18, 1970, at pages 249–250. I am reliably informed that the same policy has been reaffirmed recently and continues in effect.

The policy is precisely stated as follows:

> Our policy regarding local codes is based on the premise that all materials, irrespective of nature or origin, which have been produced under nationally recognized and accepted industry standards and which have been certified as having met the requirements of such standards should have a place in the building codes of each community, without limitation or restriction, unless there is a local geologic, climatic or soil condition which would warrant a limitation on its use.

In the same letter, Secretary Romney also states that HUD does not conduct programs of research and testing on new building materials, but accepts the findings of other agencies both public and private:

> HUD does not . . . have the facilities or budget appropriations necessary to conduct the type of research and testing that has been suggested . . . We, of necessity, accept the published findings of the National Bureau of Standards, Underwriters Laboratories, the American Society for Testing and Materials and the National Sanitation Foundation, among others. These organizations are equipped and staffed to judge the adequacy of materials and methods and are nationally recognized as experts in their respective fields."

HUD makes extensive use of model building and related codes published by some half-dozen organizations which it refers to as "Nationally recognized model code organizations." Examples are: Building Officials and Code Administrators International, Southern Building Code Congress, and International Conference of Building Officials. Secretary Romney in the letter cited above quite correctly points out that these code organizations are, like HUD, dependent upon the findings of the testing organizations and also upon the standards produced by such organizations.

One of the problems encountered in attempting to understand standards and codes is their complexity and the fact that they cover many, many thousands of individual commodities. One of the individual commodities that has become somewhat familiar to me through testimony before my Small Business Subcommittee is plastic pipe. Recently, a violent controversy has occurred within the plastics industry concerning a new standard for smaller, thinner-walled polyvinyl chloride—PVC—plastic pipe for drain, waste, and vent usage. The standard has just recently been approved by the American Society for Testing and Materials, one of the organizations relied upon by both HUD and the model code publishers for testing as well as production of standards. The recent case of this ASTM standard, known as D–2949, deserves to be carefully studied by the Congress in both respects. It received its final approval on April 7 of this year, to become effective May 7.

During the recent fight to prevent 2 by 4 lumber from which homes are, in the main, framed and built from being made skinnier by virtue of a new standard, one of the arguments advanced against the new standard was that existing pipes will not fit inside a wall built around the new skinnier 2 by 4. Proponents of the new lumber standard solemnly assured us that this was not a valid argument. It is highly disturbing to discover now, retrospectively, that the plastic industry in its advertising notes that the new skinnier pipes will fit inside the walls and that this is one of their great virtues. Is it not a shame that equal confirmation of this position could not have been received from the industry before the new standard allowing the skinnier 2 by 4's had been adopted?

Now that this product, namely, 3-inch thin wall PVC plastic pipe and fittings for drain, waste, and vent application, has been blessed with an ASTM standard specification, it must be accepted as approved in the plumbing code of any community desiring to maintain the certification of its workable program with HUD. The penalty for noncompliance is ineligibility to receive Federal loans and grants sometimes amounting to millions of dollars in a particular community.

We are told that ASTM has tested it; ASTM has approved it and granted it a standard; therefore it is ready to be tested in the marketplace, and further restrictions by State or local officials in the interest of consumer protection or environmental protection must be pitched out the window.

Of what sort then is this ASTM testing and ASTM standards approval process?

In this particular case, there has been some revealing documentation in the public record, including the CONGRESSIONAL RECORD, and we are fortunate to have access to certain documentation circulated within ASTM itself.

Within ASTM, we are concerned with six bodies within which a proposed standard is considered and voted upon. From the bottom up, they are: task force, section, subcommittee, committee, society membership, and committee on standards. A standard is typically developed within a technical committee and its subordinate bodies. Following committee approval, it is submitted to the membership of the society by letter ballot. The results, even if unanimous, then go to the committee on standards for final action.

D–20 is the committee on plastics.

D–20.17 is the subcommitee on plastic pipe and fittings.

D–20.17.01 is the PVC, polyvinyl chloride section.

Finally, there was in this case a task group on 3'' thin wall PVC–DWV pipe and fittings.

The proposed standard D2949 therefore moved out of the task group through the PVC section to the D–20.17 subcommittee. At this point there was a minority report opposing the standard signed by 19 members of the subcommittee. At the committee level the vote was for approval over several dissents, and so the measure went to membership letter ballot, where there was only one dissenting vote cast by a rival industry group. Prior to the final consideration by the committee on standards, the negative vote was sent back to the task group, subcommittee D–20.17 and full committee D–20 for review. This time, the vote at these three levels reaffirming the previous action was unanimous in all cases. Following a rebuttal made by the dissenter, the committee on standards voted to approve the proposed standard.

Mr. Speaker, I include a sample of this ballot in the RECORD at this point. By way of explanation, D–2949 was identified on the ballot as D–2955 and the number was subsequently changed.

The ballot follows:

BALLOT REQUEST FORM, SOCIETY BALLOT NO. 1–71

(Use the following code: R=Request copy, A=Affirmative, N=Negative, and Ab=Abstain.

NEW STANDARD

Thermal and Cryogenic Insulating Materials (Committee C–16): C 677, Use of a Standard Reference Sheet for the Measurement of the Time-Averaged Vapor Pressure in a Controlled Humidity Space Recommended Practice for.—

Plastics (Committee D–20)

D 2951, Thermal Stress Crack Resistance of Types III and IV Polyethylene Plastics. Method of Test for.—

D 2952, Ethylene Plastics Specifications for.—

D 2953, Polymeric Materials for Service in Ionizing Radiation. Classification System for.—

D 2954, Determining Absorbed Gamma and Electron Radiation Dose with the Ferrous Sulfate-Cupric, Sulfate Dosimeter. Procedure for.—

D 2955, Three Inch Thin Wall PVC Plastic Drain, Waste and Vent Pipe Fittings, Specifications for.—

Electrical Insulating Liquids and Gases (Committee D–27) D 2945, Gas Content of Insulating Oils. Method or Test for.—

Peats, Mosses, Humus, and Their Composites (Committee D–29) D 2944 Peat Materials, Methods for Sampling.

Space Simulation (Committee E–21), E 422. Measuring Heat Flux Using a Water Cooled Calorimeter, Method for.—

E 423, Normal Spectral Emittance at Elevated Temperatures of Non-Conducting Specimens. Methods of Test for.—

REVISION OF STANDARDS

Cement (Committee C–1)

C 185–70, Air Content of Hydraulic Cement Mortar, Test for

C–219–66, Hydraulic Cement, Definitions of Terms Relating to C 430–70 Fineness of Hydraulic Cement by the No. 325 Sieve, Test for.—

C 505–68, Blended Hydraulic Cements, Specifications for.—

Building Joint Sealants (Committee C–24), C 542–69, Elastomeric Structural Glazing and Panel Gaskets. Specifications for.—

Electrical Insulating Materials Liquids and Gases (submitted Jointly by Committees D–9 and D–27).

D 2413–69, Preparing and Electrical Testing of Insulating Paper Impregnated with a Liquid Dielectric, Methods for.—

Electrical Insulating Materials (Committee D–9), D 351–62, Natural Muscovite Mica Based on Visual Quality, Specification for.—

D 748–59, Natural Block Mica and Mica Films Suitable for Use in Fixed Mica-Dielectric Capacitors, Specifications for.—

D 876–65, Nonrigid Vinyl Chloride Polymer Tubing, Method of Testing.—

D 1080–70, Absorbent Laminating Paper for Electrical Insulation, Specifiation for.—

D 1677–62, Untreated Mica Paper Used for Electrical Insulation, Methods for Sampling and Testing.—

D 2131–68, Natural Muscovite Mica Splittings, Specification for.—

D 2413–70, Preparing and Electrical Testing of Insulating Paper Impregnated with a Liquid Dielectric, D 2865–70, Calibration of Standards and Equipment, Recommended Practices for.—

Plastics (Committee D–20), D 1527–69, Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe, Schedules 40 and 80, Specification for.—

D 2282–69a, Acrylonite-Butadiene-Styrene (ABS) Plastic Pipe (SDR-PR), Specification for.—

D 2471–68, Gel Time and Peak Exothermic Temperature of Reacting Thermosetting Plastic Compositions. Method of Test for—

D 2581–69, Polybutylene Plastics, Specification for.—

Electrical Insulating Liquids and Gases (Committee D-27), D 2283–70a, Chlorinated Aromatic Hydrocarbons (Askarels), Specification for.—

D 2472–69, Sulfur Hexafluoride, Specification for.—

ADOPTION OF TENTATIVE AS STANDARD WITH REVISION

Electrical Insulating Liquids and Gases (Committee D-27), D 2300–68T, Gassing of Insulating Oils Under Electrical Stress and Ionization (Modified Pirelli Method), Method of Test for.—

Statistical Methods (Committee E–11), E 177–61T, Use of the Terms Precision and Accuracy as Applied to Measurement of a Property of a Material. Recommended Practice for.—

ADOPTION OF TENTATIVES AS STANDARDS WITHOUT REVISION

Plastics (Committee D-20), D 1501–65T, Exposure of Plastics to Fluorescent Sunlamps, Recommended Practice for.—

D 2673–67T, Oriented Polypropylene Film, Specification for.—

Materials for Electron Devices and Microelectronics (Committee F-1), F 83–67T Thermionic Constants of Electron Emitters, Definition and Determination of.—

REAPPROVAL OF STANDARD

Electrical Insulating Materials (Committee D-9), D 352–63, Pasted Mica Used in Electrical Insulating Materials for Testing

D 618–67, Conditioning Plastics and Electrical Insulating Materials for Testing, Method of.—

D 1039–65, Glass-Bonded Mica Used as Electrical Insulation Method of Testing.—

D 1082–54, Power Factor and Dielectric Constant of Natural Mica, Test for.—

D 1829–66, Electrical Resistance of Ceramic Materials at Elevated Temperatures, Test for.—

Plastics (Committee D–20), D 569–59 (1961), Measuring the Flow Properties of Thermoplastic Molding Materials, Method of.—

D 756–56 (1966), Resistance of Plastics to Accelerated Service Conditions, Methods of Test for.—

D 757–65. Flammability of Plastics, Self-Extinguishing Type, Method of Test for.—

D 864–52 (1961), Coefficient of Cubical Thermal Expansion of Plastics, Method of Test for.—

D 1181–56 (1966), Warpage of Sheet Plastics, Method of Test for.—

D 1042–51 (1966), Measuring Changes in Linear Dimensions of Plastics, Method for.—

D 1204–54 (1966), Measuring Changes in Linear Dimensions of Nonrigid Thermoplastic Sheeting or Film, Method for.—

D 1239–55 (1966), Resistance of Plastic Films to Extraction by Chemicals, Method of Test for.—

D 1299–55 (1966), Shrinkage of Molded and Laminated Thermosetting Plastics at Elevated Temperatures, Method of Test for.—

D 1433–58 (1966), Flammability of Flexible Thin Plastic Sheeting, Method of Test for.—

D 1499–64, Operating Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Exposure of Plastics, Recommended Practice for.—

D 1672–66, Exposure of Polymeric Materials to High Energy Radiation, Recommended Practice for.—

D 1703–62, Presentation of Capillary Flow Data on Molten Thermoplastics, Recommended Practice for.—

D 1712–65, Resistance of Plastics to Sulfide Staining, Method of Test for.—

D 2117–64, Melting Point of Semicrystalline Polymers, Method of Test for.—

Electrical Insulating Liquids and Gases (Committee D–27), D 878–65, Inorganic Chlorides and Sulfates in Insulating Oils, Method of Test for.—

Materials for Electron Devices and Microelectronics (Committee F–1).

F 23–64, Temperature Measurement of Thermionic Emitters. Method for.—

F 113–65, Stiffness Testing of Wire for Electron Devices and Lamps. Method of.—

F 155–65, Temper of Strip and Sheet Metal for Electron Devices, Method of.—

F 300–64, Interface Impedance Characteristics of Electron Tube Cathodes, Method of.—

WITHDRAWAL OF STANDARD

Electrical Insulating Materials (Committee D–9), D 273–40, Conducting Paths in Electrical Slate, Tests for.—

D 886–49, Impregnation and Penetration of Glass Yarn with Insulating Varnish, Method for.—

D 1472–62, Set Time for Thermosetting Phenol-Formaldehyde Varnishes, Method of Test for.—

Materials for Electron Devices and Microelectronics (Committee F–1).—

F 8–64, Electron Tube Materials Using Reference Triodes, Method of Testing.—

F 11–68, Electron Tube Parts by Means of a Reference Planar Diode, Method of Testing.—

Mr. Speaker, now obviously no single individual can know all about—as an example—muscovite mica, splittings, absorbent laminating paper, the temperature measurement of thermetic emitters or phenolformaldehyde varnishes, and so forth, to select but a few.

In a speech on the floor of this House on December 17, 1970, my colleague, the gentleman from Alabama (Mr. NICHOLS) alluded to a report on the performance of plastic drainage systems in Europe authored by a certain Rom Rhome, an employee of Uniroyal and former president of the ABS Institute, Inc., a national trade association for the ABS plastic industry. That report was incorporated in Representative NICHOLS' remarks as published in the RECORD. It alluded specifically to the proposed ASTM thickness of 3-inch PVC DWV pipe from its present schedule 40 outside diameter 3.50 to 3.25 inches.

The summary of findings resulting from Mr. Rhome's investigation follows:

Investigation of the Performance of Plastic Drainage Systems in Europe

(By Rom Rhome)

I. SUMMARY OF FINDINGS

1. In Europe PVC *pressure* systems were designed with heavy walls and conservatively rated for a life expectancy of fifty years. The most common dimensional schedule for PVC corresponds to a pressure rating of 10 atmospheres or 147 psi. The wall thicknesses are very close to Schedule 40 PVC drainage pipe in the United States conforming to ASTM D 2665.

2. In determining the design stress for PVC at ambient temperatures of 20° C. (68° F.) proper recognition was given to elevated temperature. On the Continent, both pipe and fittings for pressure service were subjected to 1000 hours of hydrostatic test at a continous temperature of 60° C. (140° F.) before the ambient temperature rating was set.

3. As a result of the proper determination of working stress and allowance for high temperature exposure, PVC *pressure* systems have steadily displaced conventional materials with a conspicuously successful record of service.

4. Exactly the reverse, however, has been true of PVC *drainage* piping, which was grossly underdesigned with thin walls to meet the difficult competitive situation prevailing at the time with cast iron, steel, and even asbestos cement (within buildings).

5. With the introduction of automatic dishwashers and washing machines with self-contained water heaters, widespread failures of PVC drainage systems have occurred. These heat deformation failures occurred in both 3″ and 4″ soil stacks as well as waste lines 2″ and smaller.

6. As a result, PVC has been eliminated entirely from standards in some countries for waste lines as well as 3″ soil stacks, with the higher heat resistant plastics, particularly ABS, being used instead.

7. In some countries thinner than Schedule 40 PVC DWV has been retained, but with the restriction that the product be used to handle domestic effluent only. Such service restrictions prolong the use of traditional materials, particularly cast iron, which are thereby required for all commercial installations which could be handled with adequately designed PVC pipe.

8. In the Netherlands, for example, the use of thin wall PVC is continuing, but with the restriction that effluent temperatures not exceed 158° F. This virtually rules out PVC in all modern structures containing automatic appliances.

9. Uniform outside diameter is the most important single achievement in the standardization of plastic pipe. Recommendations of the International Standards Organization have established a single schedule of outside diameters for both pressure and drainage service now in use on four continents. This uniform metric standard for outside diameters parallels the similar standardization in the United States on Iron Pipe Size Outside Diameters. Any effort to introduce nonstandard dimensions, such as the 3.250″ O.D. proposed for thin wall PVC DWV in the United States, is a serious departure from dimensional standardization.

Thus, we have a prominent member of the plastics industry stating that the skinnier walled smaller pipe proposed by the new standard has had a highly unfortunate experience in Europe. This in turn set off additional controversy within the plastics industry. As an example, Mr. R. F. Williams, president of Genova Products of Davison, Mich., one of the largest manufacturers of PVC pipe, in a letter to the editor, published in this year's April issue of Contractor magazine, contradicted Mr. Rhome and then went on to say that while PVC was a reliable product, ABS plastic pipe was not. Europeans refused to use it, he said, since it was a fire hazard. Quoting Mr. R. Edmondson, chairman of the Board of the Hunter Group of Companies, large British plastic DWV manufacturer, Williams says:

> As you can see, he states in no uncertain terms that the statement "widespread failures" as used in Mr. Rhome's report is totally untrue. He further states that ABS stacks are not used or specified because of fire transmission hazards. This fact is as well known in this country as in Europe.
>
> I am sure that we will follow Europe's lead in banning this most flammable plumbing material from all stack uses as soon as more people become aware of the hidden danger already built into many otherwise 'fire safe' buildings.

The minority report of the 19 dissenting members of subcommittee D–20.17 which considered the standard illustrates how violently the issue was fought by the competing forces within the same branch of the plastic pipe industry. I am inserting in the Record at this point the minority report with the names of those who supported it. The minority report makes the point that the wall thickness of so-called thin wall under the new standard will be only 58 percent of that of schedule 40 pipe in the same numerical 3-inch size.

The full report follows:

Minority Report on ASTM D–20 Ballot Opposing 3 Inch Thin-Wall PVC Drainage Pipe and Fittings

1. This standard revives a pipe dimension which a concensus of the industry agreed to abandon eight years ago. Dimensions were detailed in CS 219–59. The O.D. of nominal 3 inch SWP (solvent welded pipe) in CS 219–59 was the same as in the proposed specification i.e. 3.25'' O.D. Reasons for abandoning this dimension are as valid now as then.

a. The multiplicity of sizes were confusing to the user and expensive to stock for the manufacturer and distributor.

b. The Schedule 40 pipe which was based upon the established standards of the steel industry was well known and understood by the piping industry.

c. The SWP pipe offered nothing to the consumer that could not be done better by Schedule 40 pipe.

d. Even though SWP pipe with its thinner wall than Schedule 40 sold for less than Schedule 40 it was still abandoned in the interests of quality.

2. We object to the fact that this proposed standard equates a product with only 58% of the wall thickness of the Schedule 40 pipe in the same nominal 3'' size. Given the two types of PVC DWV each having ASTM specifications, the lower cost product is bound to displace the presently accepted Schedule 40. The financial hardship resulting from the proposed ASTM specification would involve obsolescence of millions of dollars of investment in tooling and inventories of both fittings and pipe.

Since the only competitive advantage of this proposed Thin Wall Pipe is lower cost it will force a revival of a corresponding thin walled ABS pipe as was discussed in Part 1. The flaw of the "product description" concept under which the proposed specification is being advanced can only lead to an indefinite proliferation of dimensional standards with continual thinning of the wall. This must result in product misapplication, eventual failures and a reflection upon the plastics industry as a whole.

Too often an ASTM standard is sought for a product that sells at a lower price not in the interests of standardization but as a sales gimmick to be used before less knowledgeable code authorities with the implication the ASTM specification indicates a product that has the blessings of the pipe industry.

TO MEMBERS OF ASTM COMMITTEE D–20

The members of ASTM D 20.17 listed below support the position expressed in the attached minority report opposing 3 inch Thin Wall PVC Drainage Pipe & Fittings.

Their signatures subscribing to this report have been sent to the secretary of D20.17.

Bryce Batzer, Thomas Doyle, Roy Eastman, Paul Finn, William Gallagher, Clifford German, William Hess, John Madden, Robert McAtee, D. L. Moody Jr.

Thomas Pillichody, Rom Rhome, Joseph Richerson, Joseph Rourk, Ben Schiewe, John Shay, Eli Schwartz, Robert Webb, Jeryl Zirkelbach.

Mr. Speaker, other correspondence relating to this matter was published in various issues of Contractor magazine, published semimonthly by Buttenheim Publishing Corp. at Berkshire Common, Pittsfield, Mass. These letters are: first letter from G. R. Munger, executive director, Plastics Pipe Institute of New York, which appeared in the March 15 issue; and second letter of Rom Rhome, identified above, which appeared in the May 1 issue:

Rigid Tests for Thin-Wall PVC

Dear Sir: We are writing concerning the information on PVC Thin-Wall DWV attributed to Mr. Rom Rhome which appeared in the Feb. 1 issue of Contractor.

PVC Thin-Wall DWV is a relatively new product which has recently been assigned an ASTM standard number, ASTM D2949–71. The granting of such a standard indicates that this product has undergone the same rigid testing procedures and evaluation by producer, consumer and general interest groups which all thermoplastics piping with an ASTM standard must have endured.

Also, it has a satisfactory history of usage in DWV applications throughout the country. At present, there are five manufacturing firms producing PVC Thin-Wall DWV and all are reporting satisfactory performance in the field.

It is based on the above facts that the Plastics Pipe Institute endorses PVC Thin-Wall DWV, as it does all thermoplastics piping products with ASTM standards, as an adequate material when installed in accordance, with manufacturers' recommendations and accepted good practice.

The failures reported by Mr. Rhome in Europe involved a product which is different from its American counterpart in dimension and basic raw material formulation.

It is therefore misleading to imply that, because there have been alleged problems with one, problems are sure to occur with the other.

G. R. Munger,
Executive Director,
Plastics Pipe Institute,
New York, N.Y.

More on Plastic Pipe Report

Dear Sir: Recent issues of Contractor have made reference to my report on the performance of plastic drainage systems in Europe.

One article stated that the text of the report was entered in the *Congressional Record* by Rep. Bill Nichols of Anniston, Ala.

The following statements may clarify the nature and purpose of the investigation.

1. The report was a *confidential, internal, technical* document compiled solely for the guidance of an ASTM committee concerned with the development of standards for plastic pipe. I have been unable to determine how the report reached the hands of Representative Nichols, but any publication of the report was done without my knowledge or consent.

2. While I in no way retreat from the conclusions of the report, the problem is created by the fact that interests hostile to plastic pipe are disseminating the report and quoting it out of context to the detriment of our industry. The same maneuver was used some years ago with a report on plastic drainage systems compiled by the Building Research Advisory Board of the National Academy of Science.

3. The report is really concerned with the philosophy of selecting the proper standards for a product in the light of service experience. In its full text, it is hard to see how this report could benefit the metal pipe industry or in particular the cast iron foundries of Anniston, Ala. Note paragraph 7 of the conclusions:

"In some countries thinner than Schedule 40 PVC DWV has been retained, but with the restriction that the product be used to handle *domestic effluent only*. Such service restrictions *prolong* the use of traditional materials, *particularly cast iron*, which are thereby required for all commercial installations *which could be handled with adequately designed PVC pipe.*"

4. In other words, our industry's aim is the displacement of metal pipe in drainage service, and the more conservative segment of the PVC pipe industry adheres to the concept that a product with no service restrictions and with consistently successful performance will achieve this objective more rapidly than through the promotion of a limited service product.

5. A competing trade association has made improper use of a confidential document to imply disunity within the plastic pipe industry. Compare this situation to the plight of the metal pipe association which claims that plastic pipe is unserviceable, yet finds eight of its members prominent producers of plastic pipe!

6. The guerrilla warfare tactics of our opposition cannot materially delay the eventual day when virtually all new mains under the street, services to the building, and interior drainage plumbing will be PVC, ABS, or other appropriate plastic.

Rom Rhome,
Products Manager, Uniroyal Chemical.
Naugatuck, Conn.

I am appalled first of all at the statement by Mr. Rhome to the effect that his report—inserted into the Congressional Record—was a confidential, internal, technical document, compiled solely for the guidance of an ASTM committee concerned with the development of standards for plastic pipe.

Because of the HUD policy mentioned above, an ASTM committee performs a de facto public function, and it is shocking that Mr. Rhome, who benefits from that policy with respect to other products, should entertain the thought that his document is entitled to confidentiality by reason of its having been compiled solely for the guidance of an ASTM committee concerned with the development of standards for plastic pipe. Congressman Nichols has performed a magnificent public service by the publication of this confidential internal document right where it very properly should be published, on the pages of the Congressional Record.

Another troublesome aspect of the ASTM procedure arises from the fact that the 19 dissenters at the subcommittee level and the eight negative votes at the full committee D–20 on plastics level vanished into thin air at the time of the members' vote and even reversed themselves later. The sole negative vote on the membership ballot came from a competing industry. In the reconsideration following this negative vote, the decision to ignore it was unanimous at the task group, subcommittee, and committee levels.

Highly significant in this regard is the statement in the letter of Mr. Munger, set forth above:

> That the Plastics Pipe Institute endorses PVC Thin-Wall DWV, as it does all thermoplastics piping products with ASTM standards.

One may, I trust, be pardoned a suspicion that the ASTM D-20 Committee on Plastics operates very much as a party caucus, allowing full scope for intracaucus debate with the proviso that it be confidential and internal, coupled with a clear understanding that industry members stand together like brothers when they have to face the rest of the world.

I am not criticizing the industry caucus technique as such, and as a Member of Congress I would be hard pressed to do so. It seems a highly effective technique from the standpoint of industry interest but what about the consumers' interest?

I am also disturbed by the fact that D-20.17 is actually a joint committee sponsored by ASTM and the Plastics Pipe Institute. Stationery printed for use of the subcommittee bears the insignia of both ASTM and PPI and the names of both organizations in the letterhead. Apparently such joint subcommittees are provided for in ASTM procedures. I am not questioning the legality of the operation, but am only pointing out further evidence of the intimate collaboration between ASTM and a trade association of the industry most likely to be affected by the approval or disapproval of a proposed standard.

An ASTM letter ballot goes out to the membership—I understand it is some 15,000 strong—with perhaps scores of propositions to be voted on. In each case, the ballot contains only an identifying number and subject. In each case members are voting to approve, withdraw or reaffirm a standard. In each case there are three possible votes: affirmative, negative, and abstain. If a member wishes to learn what he is supposed to be voting on, he may request a copy of the proposed standard and also argument pro and con distributed at the industry committee level.

It seems to me that pressure is extremely great for a party not directly involved to either abstain or mark a pro forma affirmative on most votes. Voting negative takes time and trouble. A negative vote must be explained in writing, whereas an affirmative vote or abstention need not be. Even those members who feel they will be seriously hurt economically by approval of a new standard must think twice before voting in the negative. The day will come when the nay-sayer will want an ASTM approval for his own standards and the possibility of retaliation lurks in the background. It certainly seems that this type of balloting exerts heavy psychological pressure on industry members of ASTM to convert the entire organization into a private industry caucus, in much the same way that committee D-20 appears to function as a plastics industry caucus.

In the case of D 2949, material distributed to those few members requesting information so they would know what they were voting on included the proposed standard, letters from the task group chairman and the subcommittee chairman urging full D-20 committee approval, test data, and the minority report set forth above.

The test data apparently originated entirely with the B. F. Goodrich Chemical Co., an organization obviously having a great economic interest in an affirmative result. There was no record of any testing whatsoever conducted in any Federal or other public facility, or in ASTM or other private facility. The test data were submitted over the signature of R. C. Wilging who was also chairman of the 3-Inch Thin Wall Task Group.

This is an extremely interesting triple play. Mr. Wilging is, I am sure, an entirely honest and reputable individual. However, conducting tests for his employer, B. F. Goodrich, acting as the chairman of the Thin Wall Task Group, and further, apparently, as a member of both the subcommittee and committee, simply places him in a totally untenable conflict-of-interest position. It is, of course, disquieting to learn that the entire testing which garnered ASTM approval and thereby FHA and HUD approval with the further consequence that all municipalities must accept the product or be subject to losing much sought after Federal funds was performed by a manufacturer of the commodity affected by the standard.

Mr. Wilging, being responsible as an employee, the proponent of the standard as chairman of the task group, and an objective member of the committee acting as both judge and jury is neither credible nor tenable. Where is the testing carried on by ASTM referred to by Secretary Romney? Where is the quasi-public institutional guarantee of objectivity so widely proclaimed?

Is testing by a manufacturer what Mr. Munger refers to in the letter cited above when he says:

> The granting of such a standard [ASTM D 2949] indicates that this product has undergone the same rigid testing procedure and evaluation by producer, consumer and general interest groups which all thermoplastics piping with an ASTM standard must have endured.

There is not any presently available evidence of any testing or evaluation, rigid, or otherwise, by any consumer or general interest group.

I am also disturbed by the statement in Mr. Munger's letter that PVC thin wall DWV had been assigned an ASTM standard number. While the date of his letter does not appear, it is published in a magazine issue dated March 15, 1971, at a time when the issue of final approval was pending before the ASTM committee on standards. The letter must have been written well in advance of the decision of that committee which was made on April 8, and certainly well in advance of the effective date which was 30 days later.

I am also reliably informed that some industry members have advertised the granting of an ASTM standard for thin wall PVC before the final approval action became effective. Such an example was an advertisement by Genova Products in the March 1971 issue of the Iowa Plumbing, Heating, Cooling Contractor, official publication of the Iowa Association of Plumbing, Heating, Cooling Contractors, Inc., Boone, Iowa.

The premature usage of the ASTM approval was at the least a most serious impropriety. Certainly, if there were any doubt about final approval, members of the ASTM Committee on Standards might think twice about the consequences of a negative decision which would cause embarrassment and perhaps legal expense and trouble for prestigious members of a constituent industry.

The minority report cited above makes much of what may be called Gresham's law of building materials, that is to say, bad materials tend to drive out good materials. I would hope that present HUD policy will not have this effect—I very much fear that it will until some effective method of consumer representation and home buyer representation is provided for within the deliberative councils of ASTM and similar bodies that crank out the standards specifications which in turn become the basis of HUD building code policy. The Congress should, especially in the wake of the recent scandals concerning Federal low- and moderate-income housing—section 235, Housing Act of 1968—give serious consideration to halting the policy which is leading to a proliferation of standards too often accompanied by a resultant and continual downgrading of quality.

Vastly preferable would be the development of impartial and objective performance standards applicable to all new materials without exception. Only when judgments can be made in the total public interest based upon such objective standards will we bring about public respect for Federal codes and standards policy and Federal building materials approval policy. Only then will we bring an end to recriminations between members of competing industries and even within the same industry. Only then will we achieve true protection for the Nation's consumers.

LEGISLATION TO AMEND THE FEDERAL EMPLOYEES HEALTH BENEFITS ACT

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCOTT. Mr. Speaker, I am today introducing legislation which is designed to correct what is considered to be a very serious deficiency in the federal employees health benefits program. My bill will extend coverage under the program to unmarried children of employees or annuitants regardless of age who are dependent, full-time students.

Under the existing provisions of law, a child of an employee or annuitant is covered provided he is unmarried and under 22 years of age. There is no requirement for dependency or for a student relationship.

My bill would not change this provision but would extend coverage to unmarried children 22 years of age or over—actually regardless of age—provided they are full-time students and receive more than half their support from the employee or annuitant.

Mr. Speaker, as we all know, it is not unusual today for a child beyond the age of 21 years to be still living at home or attending college and completely dependent upon the parents. Yet, under existing law, the moment that the child becomes age 22, he ceases to be included under the federal employees health benefits program, despite the fact that the parent is still under heavy financial strain not only in supporting the child but in also paying for educational expenses.

It certainly seems incongruous that an unmarried child under age 22 who might not be dependent can be included under the parents health benefits program, while a child 22 years or older who is completely dependent and for whom the parent is under some considerable financial strain in sending to school, is not included. My bill will correct this inequity.

I might also point out, Mr. Speaker, that it is not anticipated that the enactment of my bill would have any significant impact upon premium charges. This is true because children at this age are considered to be premium risks with a relatively low incidence of illness or hospitalization. They are excellent insurance risks.

I am very hopeful that my bill will receive prompt and favorable action by the committee as it considers amendments to the Federal Employees Health Benefits program this year.

THE NEED FOR A COMPREHENSIVE, FLEXIBLE, AND RESPONSIVE MANPOWER PROGRAM

(Mr. ESCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ESCH. Mr. Speaker, virtually all authorities in the field of manpower training will stipulate that the Nation's manpower programs urgently need overhauling, and while there is less unanimity upon details there is wide agreement on basic principles: the existing programs must be combined to create a flexible system responsive to local conditions and capable of delivering a package of services tailored to the individual needs of unemployed and underemployed persons.

In a paper prepared for the National Conference on State and Local Manpower Policy Planning, on April 30, 1971, two recognized authorities in this field, Sar A. Levitan and Robert Taggart III, of the Center for Manpower Policy Studies of the George Washington University skillfully summarized problems with the existing programs in a section entitled "The Need for Action." They said, in part:

> The need to overhaul and reform our manpower efforts is generally recognized. . . . there is widespread agreement that the manpower effort falls far short of accomplishing what it could and should. . . . Because services are fragmented and frequently uncoordinated, clients are often unable to find the assistance they need. Some of these difficulties are the inevitable result of designing and implementing experimental social programs, but many problems result from the underlying philosophy of the manpower efforts—the centralization of authority at the Federal level . . . Funding comes with many strings attached, and the operating agencies have little flexibility. Centralized administration has too often resulted in the Procrustian solution of forcing all local efforts into rigid programmatic forms.

I believe that the manpower special revenue sharing proposal embodied in H.R. 8141, which I have introduced today would bring the reform of our manpower delivery system which is so urgently needed. It may be argued that the proposal has not had formal hearings before our committee and therefore is not sufficiently well understood to serve as a substitute for the committee-reported bill. This is a shallow argument that will not stand up. During the hearings on H.R. 3613 there was a full and complete review of the major issues involved in manpower special revenue sharing, including a full presentation by Secretary Hodgson and his associates.

From the very first hearing of the Select Subcommittee on Labor in which the witnesses were Governor Rampton of Utah and Governor Love of Colorado, the principles of special revenue sharing were discussed.

The desirability of program flexibility was underscored in the following exchange with Governors Love and Rampton and myself:

> Mr. Esch. Let's go on to another area. We have talked from the standpoint of allowing flexibility within your state. Maybe both the gentlemen could respond to this.
>
> Do you see that one of the real desirable features of any program would be allowed as much flexibility so that the administrator, in this case the Governors, could be allowed an opportunity to make decisions on where the programs were most needed within their state? Would you want to concur with that, or what do you think about the flexibility of the system?
>
> Governor Love. If I may, I am strongly in favor of it. I think that one of the areas in which the proliferation of programs has been most apparent to the present Federal system of categorical grants has been in manpower training programs. Obviously we deal with this problem from perhaps different viewpoints, different angles, but small differences, whether we are talking about the programs that are run through our welfare, through our vocational schools, through the Manpower Development Training Act, through all the others.
>
> It is, of course, obvious that the situation in Denver is different from that, say, in Seattle. It seems obvious to me that those of us there at the local level are in a much better position to determine what kind of jobs, what kind of training, what kind of program will meet the particular problems that exist there. So I would strongly urge, to the extent possible, that as much flexibility and local control be built into any program that is developed here.
>
> Mr. Esch. Would you want to respond to that, Governor Rampton?
>
> Governor Rampton. John and I don't always disagree. I think we are in agreement with that. Generally we see problems eye to eye.
>
> Mr. Esch. So if we could develop a system which would allow maximum flexibility in the states, you would agree with this?
>
> Governor Rampton. Yes.

Governor Rampton expressed some reservations about too little Federal direction and then was asked by Congressman Steiger, of Wisconsin:

> If you had a choice between a single purpose categorical grant program, the public service employment on top of everything else, or a comprehensive manpower bill decategorized and decentralized that included a public service component, which one would you choose?
>
> Governor Rampton. I think I would choose the latter.
>
> Mr. Steiger. Governor Love?
>
> Governor Love. I don't have the reservations that Governor Rampton does. I think that the categorical grants, particularly I think manpower training has been one of the examples that has been used more often of the overlapping, duplicating, proliferation of programs in this area. I think that the categorical grants make it almost impossible to meet a reasonable series of priorities at the state and local level where I think they should be met.

Similarly, many of the issues in manpower special revenue sharing were raised at another hearing with a panel of mayors, and of course there was a very complete exposition of the specific details of H.R. 6181 in the course of Secretary Hodgson's testimony.

There is an even more pertinent reason for congressional familiarity with these issues: they are are the same points which were extensively discussed over the past 18 months in connection with the President's earlier proposal for comprehensive manpower legislation and the subsequent passage by the House of H.R. 19519 which involved major elements of the President's proposal as well as a transitional public service employment program. Unfortunately, that legislation was so altered by the other body and in the Committee of Conference that the President was constrained to veto the bill—which was sustained in the other body.

The legislation I am proposing as a substitute for the committee bill would fundamentally reform our manpower programs to meet the needs of the individual jobseeker across the Nation, while at the same time permitting a far more generous and far more flexible public service employment component at the discretion of State and local governments.

It would consolidate a dozen narrowly categorical training programs into a single, flexible authorization; it would decentralized the administration of these programs to States and major urban units of local government—with the result that instead of 10,000 separate contracts made by the Department of Labor with all sorts of public and private agencies, there would be about 350 sponsors running closely coordinated programs responsive to local needs. Rather than the burdensome procedure at the Federal level of detailed supervision and approval by the Secretary of Labor, there would be full public disclosure of every aspect of the operation of these 350 State and local governmental sponsors—with adequate Federal fiscal audit. This would free a host of experts in the Department of Labor to be available for technical assistance at the request of program sponsors. In my view it is absolutely essential that we find ways to blend Federal expertise with State and local decisionmaking and free Federal officers so they can exercise more creativity.

Title II of the Esch substitute gives emphasis to those areas where Federal leaderdship is urgently needed, such as conducting basic research and demonstration projects in the manpower field, the development of a comprehensive system of labor market information on a national, State, local, or other appropriate basis, and the establishment and operation of a national computerized job bank program. Such long overdue Federal initiatives are another strong argument in favor of my substitute to the very narrow committee-reported bill.

Oddly, perhaps, considering the expressed concern of the majority of the committee for public service employment to the exclusion of all else, the Esch substitute would provide a larger initial authorization, and a more useful continuing authorization available for public service employment.

Upon enactment, it would authorize the appropriation for this fiscal year of an amount up to $500 million—any part or all of which could be used for public service employment in areas of high unemployment. This additional amount would be triggered in any fiscal year in which the national rate of unemployment equals or exceeds 4.5 percent for 3 consecutive months. But unlike the committee bill, my proposal does not rest mainly upon a national trigger device, which is a major fallacy of the committee-reported bill. While unemployment is a national concern, by its very nature, it is a local problem—with local pockets of high unemployment even in the healthiest of national economies. Accordingly, programs for meeting these needs must be localized, which is precisely what this proposal does. Beginning January 1, 1972—in addition to the immediate authorization of $500 million described above—my bill would authorize annual appropriations of whatever sums are needed to carry out effective manpower programs—for which the President is prepared to request $2 billion for the first full year. Eighty-five percent of these funds would be allotted to States and localities on a formula having State and local unemployment rates as a key element, so that areas experiencing high unemployment automatically would receive a larger share of funds. No trigger of any kind—national or local—would be necessary to initiate these funds, that could be used for a flexible mix of programs—specifically including public service employment—designed by State and local governments to meet the particular manpower needs in their respective areas.

The committee-reported bill, in sharp contrast, would authorize only $200 million for this fiscal year. Moreover, while the committee bill would authorize $750 million for fiscal 1972 and $1 billion for each of the 3 succeeding fiscal years for public service employment, the authorization depends upon a national trigger mechanism of 3 consecutive months of unemployment at or above the 4.5 percent level, and the funds might never be triggered on, or having been triggered on, might be triggered off again by 3 consecutive months in which the unemployment rate did not reach 4.5 percent.

Recognizing the defectiveness and uncertainty of this device, the majority of the committee added an additional $250 million Treasury fund, not dependent upon any trigger device, for use in areas where the unemployment rate equals or exceeds 6 percent. Therefore, it may well be that all that would be authorized for appropriation for public service employment in the years following fiscal 1971 would be that $250 million fund under section 6 of the bill. I cannot overemphasize the fact that the Esch substitute provides a far more certain method of meeting needs in pockets of high unemployment as well as a more generous level of support than does the committee bill.

A fair reading of the hearings before the Select Subcommittee on Labor will support the conclusion that this proposal is precisely the program which the governors and mayors of both parties—to say nothing of the unemployed—both want and need—and this Congress now has the opportunity to make this valuable device available to them with all possible speed and the assurance of ultimate approval.

The obvious advantage of this proposal is that it would permit different States and localities—faced with widely different job markets and training requirements—to tailormake a comprehensive manpower program to those local needs and to revise it as the needs change. In effect, if public service employment proved to be the best or only way a particular State or locality felt it could meet its unemployment problem it could utilize all of its funds for that purpose.

THE PUBLIC SERVICE EMPLOYMENT ISSUE

It is my firm conviction that public service employment should be one of many options available to serve unemployed and underemployed individuals. But I feel quite strongly that public service employment should be of limited duration, just as assistance to individuals in regular training programs under the Manpower Development and Training Act has been for a limited period. Otherwise we are not dealing with manpower training and programs related to training objectives, but with a Federal subsidization of a particular category of permanent employment in units of State and local government. That is a completely different proposition which is not addressed to the problems of those who find themselves temporarily unemployed and need help—or to those who are underemployed because of inadequate skills—but rather to the needs of persons who are essentially unemployable for other reasons. These kinds of problems could more appropriately be dealt with through a reformed welfare system—or through legislation not related to manpower training.

I would like to note that the Committee on Ways and Means, in connection with its consideration of the administration's proposal for a Family Assistance Plan, has tentatively agreed to fund 200,000 public service jobs, at an estimated annual cost of $800 million, for welfare recipients. This may shortly be before the full House.

Accordingly, this proposal would keep the public service employment component directly related to the goals of manpower training. It would authorize transitional public service employment which will encourage persons so employed to be moved into regular jobs provided by either public or private employers; payments to any individual under any type of program authorized under the act would be limited to 104 weeks. However, the Secretary of Labor would be authorized—at the request of a program sponsor—to waive the requirement where it would create undue hardship.

Clearly, the Esch substitute recognizes that periods of relatively high unemployment require a reassessment of manpower training policies which were geared to tight labor markets, and that we do need tools such as public service employment in order to permit a flexible response to changing conditions. However, it also recognizes that high unemployment is a spotty condition which will tend to become more so as we successfully move away from the war economy of the sixties to the peace economy of the 1970's. Even then there will be spots of high unemployment, sometimes within a State enjoying virtually full employment; just as today there are tight labor market areas. It is for these very obvious reasons that I have stressed the need to respond to local conditions which cannot be fully predicted using national indexes. The approach taken by the committee bill is not only inadequate in terms of overall manpower policy, but it is also wooden and unimaginative as a response to local needs.

I believe that the majority on the committee, however well intentioned, have misdirected their efforts with this bill. As an instrument to help relieve temporary unemployment it would affect at most about 150,000 of the Nation's 4.8 million unemployed. Manpower revenue sharing would have a much greater impact—and with changes I am proposing, just as immediate an impact—while at the same time reforming our total manpower training program so as to make it far more effective in serving the unemployed.

The only other argument for the committee reported bill advanced by the majority is that there are thousands of jobs which could be filled by persons doing useful work at the State and local level but which are not filled for lack of funds. Yet presumably this condition exists completely independently of rates of unemployment which at either national or local levels would trigger assistance under this bill. Indeed, the triggering on and off of funds under the committee bill would very likely prevent—or at any rate seriously impede—the use of these funds by any State or locality to meet continuing public needs. By contrast, under the program I propose there could be assured a continuity to the public service segment which would permit its utilization in a constructive way.

Actually, if the committee bill were enacted and fully funded it would result in an increase of only 0.3 percent in Federal, State and local funds which flow into public services. H.R. 3613 simply does not measure up as an effective instrument for dealing with either the problems of unemployment or the need for expanded public services. Undoubtedly there are better ways than through manpower programs to meet these needs. One which has been suggested by President Nixon is general revenue sharing. I fervently hope it will be given serious attention by the Congress.

OTHER DEFECTS IN THE COMMITTEE BILL

There are numerous problems, in my judgment, with the committee bill and we attempted to correct several major ones in the committee. I favored a more effective trigger mechanism, for example, which would have made $600 million available for public service employment without regard to national unemployment rates, to be utilized in areas having high unemployment. I still feel that the "trigger" retained in the committee bill is a cumbersome, uncertain device not calculated to be responsive to local needs.

Another major difficulty is the attempt throughout the bill to equate persons hired on programs under this bill in every way with regular State and local public employees, most of whom are under a competitive civil service system. Indeed, this bill strikes directly at such systems. I am sensitive to the fact that unjustified or unreasonable civil service requirements may be a bar to the employment particularly of persons sought to be helped in this legislation, but I doubt the wisdom of approaching that problem through this legislation, particularly at a time when there already are serious jurisdictional problems with regard to the representation of public employees. While I certainly would not argue that persons hired under this authority should have working conditions less favorable than regular public employees, in my view the committee bill goes too far. In fact, considering that the program might be triggered out of existence at any time I am dubious that assurances of equal treatment between these employees and regular employees could be carried out. In any event, these provisions raise serious questions which received far less than adequate attention in the committee.

Additionally, the failure to adopt an amendment limiting individual benefits under this bill to 2 years was, in my opinion, a serious error, particularly in view of the fact that our amendment would have empowered the Secretary of Labor to waive the requirement in circumstances where it would create a particular hardship. What the committee bill tends to do is to assure that only a very small fraction of the unemployed would be given public service jobs, and then to permit that small fraction to monopolize the available places. The possible use of this to reward political supporters while excluding other unemployed persons from an opportunity for public service employment is so obvious it scarcely requires comment.

MEETING THE REAL NEEDS

The President's manpower special revenue-sharing proposal is addressed to long range and continuing manpower needs. While the reform of our delivery system for manpower services is in itself badly needed in order to more effectively serve those in need of such services, I recognize the special requirements created by relatively high rates of unemployment. As stated, I have amended the President's proposal as embodied in H.R. 6181 to trigger immediately an amount up to $500 million in any fiscal year in which the national rate of unemployment equals or exceeds 4.5 percent for 3 consecutive months. These additional funds would be utilized in areas of high unemployment to supplement the full range of programs and services, including public service employment. Beginning January 1, 1972, the entire reform of the manpower program would go into effect and State and local governments could determine their programs as dictated by their needs. In my judgment, it is a complete mistake to view public service employment as the only answer to special needs in areas of high unemployment. It is one of several needed tools, all of which should be available.

One of the critical problems today is the high rate of unemployment amongst veterans returning from Southeast Asia. An amendment I offered to the committee bill which the majority accepted was one to give preference to veterans who served in the Armed Forces in Southeast Asia after August 4, 1964. However, in the committee bill this applies only to public service employment. I propose to amend the manpower revenue-sharing bill in the same way, except that the preference for placement will extend to the full range of training and retraining—which is the only way to meet the real needs of returning veterans.

Another change I would make in the President's proposal as originally introduced is to charge the State in each instance with the responsibility of working out a system to insure coordination between the States and local governmental programs and to facilitate the integration into the programs of a wide variety of State services. This will further strengthen the legislation.

Finally, I have provided for retaining the Job Corps as a national program, pending a more thorough study of alternatives by our committee. I do not feel that the administration's proposal to repeal the Job Corps authority and fold it into State and local programs has had sufficient study to merit its retention in the substitute bill.

For the reasons I have cited, I feel the proposed substitute for the committee-reported bill is at least as well as and probably better understood. Further, it would be a far more effective and responsive instrument that would bring about the urgently needed and fundamental reform of our total manpower training and development effort. I urge my colleagues to support it—for it is a proposal that meets the challenge we have before us.

FOREIGN DEBT AND THE DOLLAR CRISIS IN EUROPE

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, the U.S. dollar is under attack in Europe by the rush of speculators to buy foreign currencies, especially the German mark. The fact is there are just too many dollars floating around Europe, and central banks are being forced to buy too many of them to keep the value of their own local currencies stable.

This international monetary crisis could have an effect of devaluing the dollar if proper action is not taken. Imported goods will cost more in the United States adding to our already serious inflation. At the same time, U.S. export prices and earnings will decline. It has been suggested that the United States could help to ease the crisis by absorbing excessive European holdings of dollars.

Yes, Mr. Speaker, we should and can absorb them. I would urge those European nations that owe us money to pay some of the debts they owe us, especially those that are delinquent. These debts run into billions of dollars. Members of the House Foreign Operations and Government Information Subcommittee—of which I have the honor to be chairman—have repeatedly asked the State Department and U.S. Treasury to step up their collection efforts. If there ever was a time to do this, it is right now. I hope every Member of Congress will join us in this demand.

Mr. Speaker, I include herewith a tabulation pertinent to this subject:

U.S. GOVERNMENT LONG-TERM LOANS AND CREDITS TO EUROPEAN COUNTRIES, AMOUNTS OUTSTANDING

[In dollars or dollar equivalents]

	Active foreign credits, principal outstanding, June 30, 1970	World War I debts, principal and interest outstanding, Dec. 31, 1970
Austria	35, 423, 452	26, 024, 540
Belgium	59, 391, 851	715, 637, 078
Denmark	26, 998, 584	
Finland	58, 540, 470	3, 897, 000
France	313, 339, 446	7, 312, 866, 931
Germany	19, 559, 450	1, 615, 757, 560
Greece	200, 064, 085	33, 152, 180
Iceland	29, 129, 021	
Ireland	119, 054, 184	
Italy	261, 390, 862	2, 336, 173, 159
Luxembourg	1, 766, 200	
Netherlands		
Norway	19, 076, 880	
Portugal	78, 554, 085	
Spain	557, 396, 760	
Sweden	12, 459, 537	
Switzerland		
United Kingdom	4, 279, 173, 338	10, 289, 109, 302
Yugoslavia	611, 419, 582	94, 463, 281
Czechoslovakia	4, 869, 868	292, 053, 224
Estonia		39, 663, 746
Hungary	2, 810, 374	4, 433, 377
Latvia		16, 215, 038
Lithuania		14, 561, 108
Poland	92, 936, 424	489, 221, 134
Rumania	10, 919, 875	121, 182, 768
Soviet Union	162, 342, 304	693, 645, 892

TEXTILE IMPORTS PROBLEM

(Mr. JONAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. JONAS. Mr. Speaker, I call attention to a press release which has just been issued by the Department of Commerce on the subject of textile imports. Figures contained in that release are shocking and emphasize more clearly than any arguments that could be made the magnitude of this problem and the cost to our country of the failure last year by the other body to accept the legislation so carefully put together by the Committee on Ways and Means of the House.

Mr. Speaker, imports of manmade fiber textiles in the month of March alone, 1 month—March alone of this year—amounted to a record level of 386 million yards, and during the first quarter of this year reached 1 billion square yards equivalent. I would point out that during the same period of 1970 these imports amounted to only 550 million yards. This is an increase of 100 percent in just 1 year.

As you would expect, Mr. Speaker, Japan is the major contributor to this flood of imports. During the first quarter of 1971 we imported almost 300 million yards from Japan as compared with last year when imports in the first quarter from Japan amounted to 164 million yards. Mr. Speaker, imports from Japan for the 12 months ending March 31, 1971, in manmade fiber textiles amounted to 900 million yards with imports from all countries amounting to 3.2 billion yards.

But we must not lose sight of other principal suppliers of these products. Imports of textiles from Nationalist China amounted to 417 million yards for the 12 months ending March of 1971, to 300 million yards from Korea, and to 200 million yards from Hong Kong. It is well known that these countries have concentrated very heavily on exports of the most labor intensive items and that this continuous and shocking growth of imports is having a major effect on the job opportunities for our own textile and apparel workers.

The President has said that he strongly supports the textile quota provisions passed by the House in the last session. The wisdom of his position is made clear by the figures released today by the Department of Commerce. No one can challenge the existence of an unrestrained flood of textile and apparel imports into this country, and only a blind man can fail to see the impact these have on our industry and workers. Mr. Speaker, action is required promptly to stem this relentless tide before it completely engulfs the domestic textile industry. Unless curbed, this ever-increasing flood of imports will either drive our textile industry out of business or abroad—and the ones who will suffer most are the millions of workers who derive a livelihood from the textile and apparel industries of this country. Mr. Speaker, I urge the Committee on Ways and Means to report out quota legislation so we can save the domestic textile industry before it is too late.

I include the text of the Department of Commerce release as a part of these remarks and commend its contents to my colleagues for their very serious consideration:

DEPARTMENT OF COMMERCE NEWS RELEASE, DATED MAY 6, 1971

The Department of Commerce today released data on imports of man-made fiber, cotton and wool textile manufactures during the month of March 1971.

Man-made fiber, cotton and wool textile imports in March reached an all-time high, totaling 523 million equivalent square yards. These imports were 21% higher than in the previous month; 43% above the level for March a year ago; and 15% above the previous record set in January 1971. The cumulative total of these imports for the first quarter of this year was 1,407 million square yards, 38% higher than in the same period of 1970.

In the first quarter of 1971, the value of imports of all three fibers totalled $542 million compared with exports valued at $171 million. The trade deficit of $371 million compares with $246 million in the same period of 1970 when imports were valued $419 million and exports at $173 million.

Imports of yarn in the three-month period of 1971 were 110% higher than the same period last year. Apparel imports were 29% higher; fabric imports were 15% higher; and imports of made-up and miscellaneous goods increased 3%.

Imports of these textiles from Japan, Hong Kong, and the Republics of China and Korea were 37% higher than in the first quarter of 1970 and represented 57% of total imports.

March 1971 imports of *man-made fiber textiles* reached a new record level of 386 equivalent square yards, 89% higher than in the same month of 1970, 30% above the February 1971 level, and 23% above the former record level of January 1971.

The value of man-made fiber textile imports for the first three months of 1971 was $341 million and exports were valued at $99 million. The net trade deficit of $242 million compares with $110 million for the same period of 1970 when imports were valued at $206 million and exports at $95 million.

Imports of *cotton textiles* in March 1971 totalled 126 million square yards. This total is 1% higher than in the previous month but 15% under the level of March 1970. Total cotton textile imports in the first quarter of 1971 were 383 million square yards, 11% less than in the same period of 1970. Imports of yarns, fabrics, and made-up and miscellaneous goods declined while apparel imports increased.

The value of cotton textile imports for the first quarter of 1971 was $146 million compared with $143 million in the first quarter of 1970. The value of exports declined to $70 million from $75 million of the same period of 1970. The trade deficit of $76 million compares with $68 million for the same period of 1970.

Wool textile imports in March were 10 million equivalent square yards, 29% above the level of February 1971 but 22% below the level of March 1970. In the first quarter of 1971, these imports totalled 27 million square yards, 25% less than in the same period of 1970.

Wool textile imports during the first three months of 1971 were valued at $56 million compared with $71 million in the same period of 1970. Exports declined from $3 million in 1970 to slightly less than that figure this year and the net trade deficit declined from $68 million in January–March 1970 to $53 million in the same period this year.

Tables of detailed statistics on imports, exports and trade balances of man-made fiber, cotton and wool textiles are attached.

U.S. GENERAL IMPORTS OF COTTON, WOOL, AND MANMADE FIBER MANUFACTURES

[Million equivalent square yards]

	Net quantity						
	March		January–March		Calendar year		
	1970	1971	1970	1971	1970	1969	1964
THREE FIBERS							
Total trade	366.5	522.6	1,020.8	1,407.3	4,455.0	3,625.9	1,523.5
Yarns	82.4	176.7	202.8	426.3	1,126.0	533.6	159.9
Fabrics	105.4	123.1	310.5	356.2	1,179.8	1,140.8	592.4
Apparel	138.3	182.0	398.1	512.3	1,684.1	1,520.0	560.7
Made-up and miscellaneous	40.5	40.9	109.5	112.4	465.1	431.5	210.6
LEADING COUNTRIES							
Japan	103.2	140.4	281.4	388.5	1,152.4	1,042.7	531.0
Hong Kong	53.4	48.2	148.0	146.3	591.6	590.8	286.3
Republic of China	26.5	59.7	91.3	160.5	418.5	301.7	61.3
Republic of Korea	24.6	38.1	65.7	109.4	300.1	252.7	36.4
MANMADE FIBER							
Total trade	204.8	386.3	554.2	998.0	2,751.5	1,782.6	328.4
Yarns	69.7	166.6	167.0	400.3	1,007.8	385.7	65.0
Fabrics	38.6	75.1	109.2	204.9	506.5	392.1	122.7
Apparel	87.9	131.9	253.7	362.2	1,131.7	914.8	92.1
Made-up and miscellaneous	8.6	12.8	24.4	30.6	105.5	90.0	48.6
COTTON							
Total trade	148.7	126.2	431.1	382.8	1,535.3	1,651.9	1,057.5
Yarns	10.7	8.3	29.5	21.5	95.9	124.3	73.5
Fabrics	60.1	44.2	185.6	142.0	624.2	685.2	422.0
Apparel	47.5	47.5	135.5	142.3	476.3	524.5	414.6
Made-up and miscellaneous	30.4	26.2	80.6	76.9	338.9	317.9	146.9
WOOL							
Total trade	13.0	10.1	35.5	26.5	168.2	191.4	137.7
Yarns	2.0	1.8	6.2	4.5	22.3	23.6	20.9
Fabrics	6.7	3.8	15.8	9.3	49.0	63.5	47.6
Apparel	2.9	2.6	8.9	7.8	76.1	80.8	53.9
Made-up and miscellaneous	1.5	1.9	4.5	4.9	20.8	23.6	15.2

TEXTILE MANUFACTURES: U.S. GENERAL IMPORTS, EXPORTS, AND BALANCE OF TRADE, JANUARY-MARCH 1970 AND 1971

[In millions of dollars]

	Imports		Exports		Trade balance	
	1971	1970	1971	1970	1971	1970
Man-made fiber	340.9	205.5	98.8	95.3	−242.1	−110.2
Cotton	145.9	142.9	69.7	74.8	−76.2	−68.1
Wool	55.5	70.8	2.7	3.0	−52.8	−67.8
Total, above	542.3	419.2	171.2	173.1	−371.1	−246.1
Other textiles	83.9	102.4	19.0	17.1	−64.9	−85.3
Total, all textiles [1]	626.2	512.6	190.2	190.2	−436.0	−331.4

[1] Excludes man-made fiber filaments, linoleum, rubber and leather apparel, and clothing donated for charity.

DEPARTMENT OF COMMERCE NEWS RELEASE, DATED MAY 6, 1971

The Department of Commerce today released data on imports of man-made fiber, cotton and wool textile manufactures during the month of March 1971.

Man-made fiber, cotton and wool textile imports in March reached an all-time high, totaling 523 million equivalent square yards. These imports were 21% higher than in the previous month; 43% above the level for March a year ago; and 15% above the previous record set in January 1971. The cumulative total of these imports for the first quarter of this year was 1,407 million square yards, 38% higher than in the same period of 1970.

In the first quarter of 1971, the value of imports of all three fibers totaled $542 million compared with exports valued at $171 million. The trade deficit of $371 million compares with $246 million in the same period of 1970 when imports were valued $419 million and exports at $173 million.

Imports of yarn in the three-month period of 1971 were 110% higher than the same period last year. Apparel imports were 29% higher; fabric imports were 15% higher; and imports of made-up and miscellaneous goods increased 3%.

Imports of these textiles from Japan, Hong Kong, and the Republics of China and Korea were 37% higher than in the first quarter of 1970 and represented 57% of total imports.

March 1971 imports of man-made fiber textiles reached a new record level of 386 equivalent square yards, 89% higher than in the same month of 1970, 30% above the February 1971 level, and 23% above the former record level of January 1971.

The value of man-made fiber textile imports for the first three months of 1971 was $341 million and exports were valued at $99 million. The net trade deficit of $242 million compares with $110 million for the same period of 1970 when imports were valued at $206 million and exports at $95 million.

Imports of cotton textiles in March 1971 totalled 126 million square yards. This total is 1% higher than in the previous month but 15% under the level of March 1970. Total cotton textile imports in the first quarter of 1971 were 383 million square yards, 11% less than in the same period of 1970. Imports of yarns, fabrics, and made-up and miscellaneous goods declined while apparel imports increased.

The value of cotton textile imports for the first quarter of 1971 was $146 million compared with $143 million in the first quarter of 1970. The value of exports declined to $70 million from $75 million of the same period of 1970. The trade deficit of $76 million compares with $68 million for the same period of 1970.

Wool textile imports in March were 10 million equivalent square yards, 29% above the level of February 1971 but 22% below the level of March 1970. In the first quarter of 1971, these imports totalled 27 million square yards, 25% less than in the same period in 1970.

Wool textile imports during the first three months of 1971 were valued at $56 million compared with $71 million in the same period of 1970. Exports declined from $3 million in 1970 to slightly less than that figure this year and the net trade deficit declined from $68 million in January-March 1970 to $53 million in the same period this year.

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[1] Excludes man-made fiber filaments, linoleum, rubber and leather apparel, and clothing donated for charity.

LET THE BLIPS FALL WHERE THEY MAY

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, in the March 6, 1971, edition of the Washington Post, there appeared on page 1 a story I believe will be of interest to my colleagues.

As a part of the Post's American Diary series, reporter Haynes Johnson wrote a story featuring residents of Tobaccoville, N.C., and their views of the ban on cigarette commercials on radio and television.

I strongly opposed the imposition of that ban, as did several of my distinguished colleagues in this House, but our efforts to prevent that imposition were, unfortunately, unsuccessful.

But we, like the people mentioned in Mr. Johnson's article, have resigned ourselves to abide by this prohibition, despite the injury it is certain to inflict on both the tobacco and broadcasting industries.

But the problem seems now to have gone beyond a basic question of whether an entire industry's rights have been violated. The question is whether arbitrary bureaucratic power has forced the fair name of Winston-Salem, N.C., to be forever banished from the Nation's airwaves.

On February 20 of this year, the American Broadcasting Co. televised final-round action of the Winston-Salem Bowling Classic, a segment of the professional bowlers tour.

During the course of that broadcast, a conscious effort was made by the sports commentators to avoid mentioning the name of the city in which the tournament was being held, for fear of giving an inadvertent "plug" to two well-known cigarette brands, and thus offending the FCC.

Great verbal dexterity was applied to that task, as viewers were exposed to every synonym for the city ever spoken or written. Announcer Chris Schenkel extolled the charm of "the Moravian settlement" in the heart of "the rolling hills of North Carolina."

Mr. Speaker, the city of Winston-Salem existed long before the birth of R. J. Reynolds, who founded a tobacco company there. The city of Winston-Salem was thriving long before the first Winston cigarette tasted good, like a cigarette should, long before the American people were forced to decide whether they wanted good grammar or good taste.

And the city had stood even longer when Salem cigarettes were introduced, when nationwide distribution took Salem out of the country but failed to take the country out of Salem.

Obviously, Mr. Speaker, things have gotten out of hand. Can bowlers on televised events never again score a "lucky strike"? Can Willie Mays never hit another "home run" on TV without being called on the carpet by the FCC? If that is the case, I wish I was still pitching against him.

Can David Susskind or William F. Buckley never again say "that's true" without being accused of a double entendre? Will the thousands of honest American citizens named Phillip Morris and Herbert Tareyton be prohibited from appearing on television or addressed on radio?

Will we never again hear of Pall Mall, Tenn., the home of one of America's greatest heroes, Sgt. Alvin C. York of World War I fame?

If this is the plan of the FCC's new "blip doctrine," let it be applied evenly throughout the land. Let the blips fall where they may.

If Winston-Salem is to be excluded from future broadcasts, at least 37 other cities in America must also go unmentioned, since they have names like Kent, Salem, Marlboro, Newport, Belair, and Pall Mall.

Written requests for clarification of this whole situation have been sent to the FCC by the editor-publisher of the Pulitzer Prize-winning Winston-Salem Journal and Sentinel, and by the president of WSJS–TV in Winston-Salem.

The FCC has replied that "the Federal Government will apply the law reasonably," that it will observe the spirit as well as the letter of the law, and that it will instruct broadcasters to do the same.

This action, they say, will guarantee that Winston-Salem, N.C., is not "blipped into oblivion." I view this action with some relief, but some apprehension will remain until the fruits of this directive are borne on subsequent telecasts.

An excellent test of the blip doctrine will come on August 6, with the running of the Winston-Salem 250 auto race, a televised segment of the grand national auto circuit.

Whatever their response, I can only counsel the FCC, as Polonius advised Hamlet:

> To thine own self be "blip."

At this time, Mr. Speaker, I would like to insert in the Record the Mizell Dictionary of Banned Lingo In Public Performances (BLIPP) as a guide for my colleagues on future broadcasts. I would like permission to enter the text of Mr. Johnson's article in the Post, and a related news article and editorial from the Winson-Salem Journal.

The material follows:

MIZELL'S DICTIONARY OF BANNED LINGO IN PUBLIC PERFORMANCES (BLIPP)

(A compendium of cigarette brand names, and their various usages, with certain appropriate substitutions to placate the Federal Communications Commission.)

Alpine—The unmentionable name of cities in Alabama, Arizona, Arkansas, California, Idaho, New Jersey, Oregon, Tennessee, Texas and Utah; try Alpigene or Montiform.

Belair—The unacceptable name of cities in Florida, Maryland, Ohio and Texas, with varied spelling. If it must be used, spell it out on the air.

Benson & Hedges—If there is a law firm like this in your district, refer to it as Hedges and Benson. But don't count on Benson to vote for you anymore.

Camel—Lawrence of Arabia will never make it to the small screen. If you must refer to the animal in conversation, say Dromedary or Bactrian, depending on the number of humps.

Half & Half—Use instead "six of one, half a dozen of the other."

Home Run—Try four-bagger, circuit clout, or ask Hank Aaron. Better yet, ask Howard Cosell.

Kent—The soon-to-be-forgotten name of cities in New York, Ohio and Washington, with variants in Louisiana, Maine, Indiana and Maryland.

L&M—If you're scheduled to appear on Sesame Street and recite the alphabet, skip the middle part.

Lucky Strike—Avoid interviews with Don Carter, or, if forced into it, take along Howard Cosell.

Marlboro—The verboten name of cities in Massachusetts, New York, New Hampshire and Maryland.

Newport—The nixed name of cities in Arkansas, Kentucky, Rhode Island, with variations in Virginia and Vermont.

Old Gold—If used in slang for a family of established wealth, use instead *vieux riche*.

Pall Mall—The non-referrable name of the Tennessee home of America's greatest World War I hero, the late Sgt. Alvin C. York.

Parliament—Be specific: House of Lords or House of Commons.

Raleigh—Use instead "the Capitol of North Carolina" or "the very good friend of Elizabeth I."

Salem—The unairable name of cities in Illinois, Indiana, Massachusetts, Missouri, New Hampshire, New Jersey, Oregon, Virginia and West Virginia; with variations in North Carolina, Ohio, Pennsylvania and Wisconsin.

Spring—Try something like "Soon after the vernal equinox," a young man's fancy turns, etc.

Virginia Slims—Try Minnesota Fats.

Vogue—Use instead "fashion," or subscribe to Harper's Bazaar.

Winston—The "it-goes-without-saying" first half of the name of a beautiful North Carolina city, incomparable British Prime Minister, and a distinguished Vermont Senator.

[From the Washington Post, Mar. 6, 1971]

TOBACCOVILLE, N.C.: "WE GOT A BUNCH OF QUACKS UP IN WASHINGTON"

(By Haynes Johnson)

Tobaccoville, N.C.—Like many of us, Roger Helsabeck watches television every day and likes what he sees less and less. It isn't the programs, mind you, it's those commercials—or, more specifically the lack of them.

"I don't like it," he says. "They got to runnin' a whole lot of short ads on there. Seems like they picked up more and more of them. They're all the time cuttin' in on the programs."

Then, drawing another deep puff on his cigarette, Helsabeck launched into what really bothers him.

"Biggest damn fool thing I ever heard of cuttin' them tobacco ads off," he says. "Why that's just plumb stupid. If they want to cut something off, cut the liquor ads off. That's where they ought to start. That's where all the trouble is. It ain't in cigarettes."

(Hard liquor is not advertised on TV or radio.)

Helsabeck, a weather-beaten man of 50 with a lined face and a perpetual stoop to his shoulders, has more than casual interest in the question. He's been farming tobacco all his working life back in the pine hills of the Piedmont, north of Winston-Salem, and like others here he's angry. The government has hit him where it hurts most. He's afraid that the government ban on cigarette commercials may put him out of business.

And don't try to tell him cigarettes may be harmful to health. He doesn't believe it.

"I enjoy them," he says, taking another deep puff. "Smoked them all my life. They ain't hurt me. They can't convince me they do you any harm. Liquor and beer cause more people to die than cigarettes, in my opinion."

"I farmed all my life right here in this neighborhood," said B. M. Kiger, a wiry, sandy-haired man, "but the small farmer, he's getting squeezed out today. Killed two hogs the other day and they wasn't as big as a jackrabbit when we got 'em dressed down, and you take 'em off to the market and get 12 cents a pound for 'em. Now this cigarette thing. My father he smoked 40 years and it didn't kill him—I don't think. Now of course he had a heart condition and he had a stroke, and maybe the doctors know more than I do."

Earl Atkins had another thought. "Those cigarette health studies, they're just a waste of money, if they'd take the money they put out trying to kill the cigarette industry as a whole—well, if they'd put it to beneficial use like helping the poor it would have been worthwhile. But this ain't worth a damn.

"Just like shootin' that man to the moon. Three hundred billion dollars shot up there and it ain't worth a hill of beans. All the scientists want is to shoot them up and keep their jobs.

"And this damn welfare business. Some of these people that loaf around and live off the taxpayer's money, I say if they're able to work, put 'em to work."

Clearly, they think they know where to place the blame for their problems. The federal government.

"I think we got a bunch of quacks up there on the seat in Washington," Atkins said.

They all laughed uproariously. Today, you can hear that kind of bitter remark throughout the rolling Piedmont farmland. "I feel we got some of the biggest crooks in the country in Washington," said N. H. Tuttle, standing in the doorway of his home off a dirt road not far from the few stores that make up the heart of Tobaccoville. "I think they're giving us a dirty deal, that's what I think. I just don't believe they're giving the tobacco men a fair break."

And he said, "Oh man, I reckon there is a strong feeling around here. People around the store and everywhere, you hear lots about it."

They are small farmers and tobacco has been their way of life. Indeed, many of them are second and third generation tobacco farmers ("My grandfather, he raised it, just half a mile from here on the creek," Helsabeck says). Their area is well suited for tobacco raising, and the big market is easily accessible.

They truck the tobacco to Winston-Salem where it goes directly into the cigarettes manufactured by the R. J. Reynolds Co. making Winstons and Salems among them. So far they haven't noticed any drop in their market since cigarette commercials were ordered off the nation's airwaves beginning January 1. But they fear the worst.

Tobacco industry spokesmen say the cigarette commercial ban probably won't affect consumption "greatly". Last year, despite the increasing tempo of the national anti-smoking campaigns, the number of cigarettes produced in the United States rose by 17.4 billion to 575 billion. The amount of cigarettes being exported also increased.

But there are other figures that indicate the long effort to educate the public to the potential dangers of smoking are finally paying off. Five years ago, for instance 51.9 per cent of American men 21 or older smoked cigarettes. Last year, the government estimates, that figure had dropped to 42.2 per cent. For women the comparable figures were 33.7 per cent in 1966 (the year the first health warning on cigarette packages appeared) down to 30.5 per cent last year. The percentages of those smoking both cigars and pipes also had declined in that time.

Those figures offer small comfort to the farmers here. "They done took the freedom away from the people in this town," N. H. Tuttle remarked, spitting in disgust in the dirt.

As for Roger Helsabeck, he isn't about to give up his business or his habit, health or government withstanding. "I enjoy them," he said again, lighting up another cigarette.

[From the Winston-Salem (N.C.) Journal, Feb. 23, 1971]

No-Name, N.C.

All kinds of calamities have befallen the tobacco country in recent years, but who ever thought we would have to get used to living in a town that will now become known as "Blip-Blip"?

As we are beginning to realize, this will be the inevitable result of a law passed by Congress under pressure from Sen. Frank E. Moss of Utah, the leader of the Black Shank conspiracy in Washington.

By that law Congress banned the promotion of cigarettes on television and radio. It so happens that two of the most popular cigarettes are named after our town (although you'd be amazed at the number of outsiders who think it was the other way around). Consequently, any mention of our town on television is likely to result in a double blip, the sound that is made to blot out naughty words.

The dire effects of this dastardly law were brought home to us last week when a national television network broadcast the finals of the Blip-Blip (bowling) Classic. No one mentioned our town, by name, we understand, until sign-off time. The people who thus consigned us to "cities anonymous" were so anxious to avoid any direct reference to the names Blip and Blip that they ordered a reporter to remove a press badge inscribed with the full name of this newspaper.

Moreover, when it came time to present the trophies, the president of the tobacco company sponsoring the event was introduced on television as "William S. Smith Jr.". Everybody in our town knew, of course, that his real name was Prince Albert. But the company was so anxious to stay within the law that it let him assume a most improbable pseudonym for the occasion, and asked him please to refrain from wearing his customary frock coat. He obliged even in that.

Our town, of course, may not be the only victim of the Black Shank conspirators. What of all the other "Winstons" and "Salems" (pardon our failure to blip) scattered around the country? (The Rand McNally atlas lists 25 of the latter.) Isn't it possible that the residents of those towns will feel the sting as much as we? Suppose, for example, that a tornado should level the town of Winston, Missouri. Presumably, the newscaster would have to describe the scene of the disaster as being "somewhere in the Midwest." To his bewildered television audience he might add: "We are not at liberty to publicize the name of this devastated town, but, believe us, it was devastated . . ."

Residents of Marlboro, Conn., Morristown, Ind., or Chesterfield County, S.C., may find themselves victimized in the same way. Mention the town of Upper Marlboro, Md., on television and somebody would assume no doubt that you were talking about a super-super-king-sized cigarette.

Consider, also, the fate of Blip Churchill, the late British statesman and Nobel prize winner. It is not inconceivable that a network might one day do a documentary depicting the life of this great man. Does he get blipped throughout? Or, for that matter, can there be any reference to his equally famous ancestor, the Duke of Marlborough (give that one three blips, please)? Well, we should think not!

What would Sen. Moss say?

[From the Winston-Salem (N.C.) Journal, Feb. 24, 1971]

The Blip-Blip Classic Revisited: We Do Not Ask Equal Time—Just Time

The Journal and Sentinel urged the Federal Communications Commission last night to keep Winston-Salem from being "blipped into oblivion" on the airwaves.

A telegram from the newspapers to Dean Burch, the commission chairman, pointed out that the ABC network all but omitted the city's name when it broadcast the finals of the Winston-Salem Classic, a bowling tournament, last Saturday.

The tongue-in-cheek telegram, signed by Wallace Carroll, editor and publisher, recognized that Congress last year prohibited the advertising of cigarettes on radio and television. But, it said, "Congress did not intend to abolish or prohibit the use of that beautiful name, Winston-Salem," even though the city has given its name to two popular brands.

Carroll therefore urged Burch to assure the networks that they will not be punished if they say Winston-Salem "loud and clear."

He also asked Burch to tell the networks that they could even mention the name of certain British statesman (Sir Winston Churchill) and his great ancestor (the Duke of Marlborough).

Carroll's telegram follows:

"Will you please do what you can to keep our town from being blipped into oblivion?

"As you know, Public Law 91–222 passed by Congress last year prohibits the advertising of cigarettes on radio and television.

"It happens that two popular brands of cigarettes are named for our town. I know there is a widespread opinion that the contrary is true, but really our town was not named for the cigarettes. Consequently, Congress in passing Public Law 91–222 did not intend to abolish or prohibit the use of that beautiful name, Winston-Salem.

"Nevertheless when the Winston-Salem Classic, a bowling tournament sponsored by our local tobacco company, was telecast last week, the ABC network made a mystery of its location. Announcers referred to the rolling hills of North Carolina, the red clay of the Piedmont and the quaintness of our old Moravian settlement. But did they ever come right out and say where it was happening? No, they did not.

"If this practice persists and spreads, the name Winston-Salem will be obliterated from the airwaves. When the name occurs in a news story, listeners will hear only a blip or double blip. We like the name Winston-Salem, we think it is a good name and we don't want our town to become known throughout the country as 'Blip-Blip.'

"Will you therefore assure the network people that they will not be sent to Leavenworth if they come right out and say 'Winston-Salem'? Tell them to inhale deeply and speak it loud and clear.

"And while you are about it, please assure them too that they are free to mention a certain British statesman whose first name is identical with our first name. And his great ancestor too. Although the latter has no connection with our town, we think it would be a shame to have him become known to television listeners as the Duke of Blip."

THE UNITED STATES IN SPACE—APPLICATIONS AND EXPLORATION

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, this is the third in a series of expositions in which

I hope to inform my fellow colleagues about the national space program.

Today, I want to talk about our unmanned satellite program, with some discussion of accomplishments over the past years, its present status, and the prospects for the future, I will cover the applications, planetary and deep space exploration satellites of our NASA program.

I think it proper at this point to introduce some historical perspective drawn from the legislative experience of the House and from the Committee on Science and Astronautics. In 1958, at about the time the Committee was created, the Select Committee on Astronautics and Space Exploration was deeply engaged in the formation of the basic law now known as the Space Act. Testimony from a broad spectrum of witnesses—scientists, industrialists, educators—strongly endorsed a program that would produce a wide variety of spacecraft to investigate the phenomena of planets, stars and the space separating them. There were many allusions to weather satellites, communication satellites, navigation satellites and the profound benefits they would bring to millions of people. These statements produced a reaction that frankly bordered on the incredulous with no little amusement in many quarters.

The past 12 years contain all of the achievements that were promised back in 1958. We have put to work our Tiros and Nimbus weather satellites in an operating system that is producing 24-hour coverage on a routine basis of not only the weather, but the entire earth's climatic cycles. The information we receive from these satellites is available to any nation on earth that desires it.

These satellites have saved thousands of lives and billions of dollars of property, savings that can be fully documented. Worth the investment? One minor incident of catastrophic potential to only a few humble farmers in Mexico comes to mind. These people lived in the shadow of a dam which stored irrigation water vital to a rather extensive farm area. Heavy rains had filled the reservoir almost to the breaking point, and Mexican officials seriously considered releasing the water to save the village from destruction, but wiping out all the crops in the valley. However, a query of the Nimbus satellite revealed no more rain in the offing, and the situation quickly returned to normal. Here was a real return to the benefit of many small people of low economic level. There are many, many other incidents such as this one that could be cited. Remember Hurricane Camille? It was discovered aborning by Nimbus which tracked it down to its final dissipation after it had wreaked tremendous destruction. But, experienced that 20,000 to 50,000 American lives were saved, as a result.

Various studies into the cost-savings we can expect from meteorological satellite work have produced incredibly impressive results. The IBM Corp., a few years ago, conducted a comprehensive analysis of the benefits of more accurate weather forecasting and concluded that if weather could be accurately predicted even 3 days in advance, man could save $60 billion a year. Sixty billion, not million. Even if this estimate is highly optimistic, we must not forget that whatever the cost-savings is, the space program has never cost more than $6 billion per year. And this estimated $60 billion is an annual return on work in merely one field. Furthermore, NASA's work today in this field is aimed at accurate weather forecasting not merely 3 days in advance, but 2 full weeks. We cannot begin to calculate the savings in a system with that capability.

I would also like to highlight the amazing results of NASA's work in another major field, satellite communications. To the credit of NASA's achievements, today we can have a profitmaking international communication satellite network tying together over 40 countries of the world located on six continents. Since the advent of the commercial communication satellite in 1963, we have seen an annual growth in international telephone traffic of more than 20 times, the introduction of international real-time television transmissions, and a decline in the cost of international communication by a factor of more than 25 times.

Examining this impact of the communication satellite in more detail, without the satellite international television would never have been possible. The relatively low channel carrying capacity of today's undersea cables make carrying a television signal impossible. In terms of the cost impact, the investment cost per channel per year for an international telephone link has fallen from $16,000 to approximately $600 with the availability of the latest generation of communication satellites, the Intelsat 4.

The impact of the communication satellite on domestic communications is forecast to be even greater. In 1960, Americans made 18 billion telephone calls; 10 years later Americans made 200 billion telephone calls. This country's domestic telecommunications network, consisting of 700 million miles of wire, cable, and microwave relays, unquestionably represents the finest and most sophisticated communication system in the world today. But with the advent of television and data communications, the present system has been pushed to its virtual limits in terms of being expanded by conventional means. Clearly, the communication satellite offers this country the hope by which we can meet the communication demands of tomorrow.

Further outgrowth of this work is the promise for educating the masses of the many developing countries throughout the world. One of the most exciting programs involves the use of a NASA satellite, ATS–F, to provide instructional and educational television to the country of India. India has received permission from NASA to use the satellite in 1974 to provide direct broadcast programing to over 5,000 villages. Indian Government officials see this as only the first step in a satellite broadcasting program eventually encompassing over 500,000 separate villages. Likewise, Brazil has also asked for permission to use the ATS–F satellite. The country is currently planning to implement a program built around instruction satellite broadcasting to more than 150,000 schools.

The communication satellite offers the only means by which the masses of the developing countries of the world can be reached and taught on an accelerated basis. The satellite will offer to compress the process of world education by decades.

Another spacecraft of outstanding utility has been the navigational satellite, a series of which has been in continuous use since 1960. The satellites were first put into use by the Navy, but, increasingly, they are being employed by virtually all major commercial deep-water operators.

An example of such use is a private company specializing in drilling in very deep water, perhaps up to 20,000 feet. It is absolutely essential that the drillers know exactly what their position is before beginning to drill. Land based Loran stations do provide very accurate position data, but not as good as does the navigation satellite.

Navigation on the ocean and in the air is still a matter of a series of heading adjustments which, over a course of time can amount to considerable loss of productive money. In fact, 1 percent savings in fuel and manpower costs due to navigational improvement would save the shipping industry $150 million per year. The transit system has already shown that it can make a significant contribution in meeting this goal of reducing operating costs.

This, then, is a general summation of what has been accomplished in applications satellites that are returning real benefits to people on earth. What about the future plans?

There are some very exciting programs already underway that will be of highly pragmatic value to people here at home and abroad. One is the earth resources technology program. This is a satellite system that is aimed eventually at a comprehensive as well as specific survey of the earth's resources. The principal value and application, which is becoming of dire importance today, is the opportunity to develop the means by which man can intelligently and effectively manage those resources, especially the ones upon which his survival literally depends.

From space we will be able to survey and evaluate the most important of man's needs today, the availability and location of water. Satellites will measure and determine the water content of snow and ice fields, streams and rivers. We have already at hand the ability to detect natural underground reservoirs, and to pinpoint large seepages of fresh water from continental shelves far out from the shores of oceans and seas. Of recent discovery are those located off the California coast and in the Persian Gulf. Many others have been found in other areas of the world, some which are desperate for water or are actually arid wasteland.

The Department of the Interior has organized and has in operation today a vigorous, hard-working planning group that is eager to help in creating this satellite system. Think what it would mean to our ever-expanding population, to our marginal agricultural areas and to industry. Think of the heavy financial burden that cities and States are carrying at this moment to provide fresh water to their communities. This burden, under present technologies, is not expected to be diminished. But it will be greatly relieved by the information and data gained from satellite surveys. Think also of the importance of the systems to floods, the accuracy of their prediction, their extent and their control.

Earth resources satellites will also play a principal role in giving each nation an insight and knowledge of the extent of its own natural resources that could not otherwise be obtained. Such geological surveys will be able to identify the location of minerals and oil, saving untold numbers of dollars and long periods of exploration time. The prospector of tomorrow will be a data specialist in an analysis center, not the lonely man and his jeep in a wasteland.

Still another advance will be a great boon to agriculture. Satellites will be able to distinguish between different types of crops, between diseased and healthy plants and trees, various ground conditions. They will be able to assess timber lands and farmlands, and aid in the planning and use of land for roads, parks, and waterways.

A further outgrowth of this work will be in mapping and charting—gathering information which will in turn be folded back into almost an unlimited number of fields including ecology, meteorology, navigation, geology, geography, agriculture, forestry, transportation, and urban affairs. One of the keys to this broad contribution by satellite technology is simply the satellite's vantage point. As an example, to accurately and comprehensively scan the United States by airplane and produce a photographic composite would require a full decade. Obviously, this would be prohibitively expensive. But future photographic satellites will yield such a composite in less than 3 weeks. The satellite, therefore, provides the only means for undertaking this type of venture.

The second area of satellite activity I will discuss briefly is the area of the planetary and exploratory programs. Much has already been accomplished in this field. In fact, we have at present in orbit an unmanned astronomical observatory that has already revolutionized the concepts of the universe, its dimensions, its energies, and its nature. The information revealed has been so surprising to astronomers that it will take considerable time before they will be able to fully understand the impact of this data on present theories in astronomy and concepts of cosmology. The satellite's eleven telescopes are measuring and sending back data on the magnetic spectrum of space, especially in the ultra-violet, that scientists would never be able to obtain from the earth because of the intervening atmosphere. As one measure of this satellite's contribution, I have been told that the Orbiting Astronomical Observatory, in terms of man's ability to investigate the stars and the planets, is equivalent in importance to the invention of the telescope.

Further activity in this field of exploratory work involves NASA plans to send two Mariner spacecraft to Mars. The satellites will be placed in an orbit about the planet. From these spacecraft we will receive thousands of pictures which will permit us to map the entire surface. Based upon this early exploratory work of the Mariners, we will direct our activities to sending a later vehicle to Mars which will be equipped with instruments to analyze the surface composition. This information will permit further comparisons of the earth with still another body in our solar system, thus enhancing our knowledge of the earth.

A final very exciting effort will be to send two spacecraft to the very edge of our solar system. By taking advantage of an extremely rare lineup of the solar system's outer planets, a satellite will be able to use the power of the gravitational field of Jupiter to swing the spacecraft on to a course toward four other major planets. This rare lineup occurs only once in every 179 years and will permit NASA to investigate Jupiter, Saturn, Uranus, Neptune, and Pluto. This program, the grand tour mission, offers NASA the opportunity to explore the furthermost reaches of our solar system and compress the total mission time by a factor of 4.

In summary, I have tried to give you some insight into what the future holds for mankind in the endeavor to explore space and to use space technology for our own benefit. More than 10 years ago, when the Committee on Science and Astronautics was still in its infancy, expert scientists and engineers described for the committee the achievements in space they expected to accomplish. Those achievements and more have already been realized by this country.

The national effort we began in 1958 we will continue far into the future, as far into the future as it is possible to project—if, and I want to emphasize that "if" we continue to have the will, the purpose and the desire to do so. We have the skill, the resources, and the vision to use space research and technology to elevate the welfare and the spirit of mankind to a level never before believed possible. The most exciting rewards from space lie only just ahead. It is now time for us to reach out for them.

ENVIRONMENTAL PROBLEMS

(Mr. FISH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, in an era that is repeatedly faced with serious environmental problems and challenges, the dimensions of dealing with the problem of solid waste disposal and management are staggering. The most recent Government figures available indicate that the solid wastes produced annually in the United States total approximately 4.3 billion tons. This figure includes residential, commercial, industrial, mineral, and agricultural wastes. Unfortunately, a very small percentage of this is salvaged, recycled, or composted. In fact, only three-fourths of it is ever collected.

Furthermore, imaginative thinking in disposal practices is not widespread. Land fills, incinerators, open dumps, and ocean dumping are the means almost universally utilized. Also, the burden of dealing with this enormous problem falls almost totally on the local units of government, those which can least afford to bear the cost.

Obviously, this is not a simple problem that can be solved merely by banning one-way bottles and cans. Therefore, today I am introducing legislation that seeks to establish a national framework for solving the problem of managing and disposing of solid waste. My bill would: First, establish a nationwide system of solid waste processing recycling centers; second, encourage the development of new technology to deal with the problems of solid waste disposal; third, encourage the manufacture of products that are easily disposed of or recycled; and fourth, relieve the heavy financial burden now carried by local governments for trash disposal.

A 5-member Solid Waste Management Commission would be created, appointed by the President with the advice and consent of the Senate. The Commission would undertake studies and hearings to ascertain the scope of the solid waste disposal problem in America and then recommend to the Congress a disposal tax plan. Disposal taxes would then be levied by Congress on all nonconsumable products, at their point of manufacture or importation. The charge would reflect, based on the Commission's findings, the actual cost of disposing or recycling the materials in each product, minus their salvage value. The charge would not apply to food or drugs, but would apply to the packages they come in. The disposal charge is aimed, primarily, at discouraging the manufacture of products that present disposal problems. Also, it provides for the financing of new developments in solid waste disposal to meet this national problem.

The revenue from the disposal taxes would go into a Federal trust fund, similar to the present highway trust fund, to be administered by a Federal Solid Waste Disposal Corporation. The Corporation will carry out an ongoing program of research and development with respect to improved solid waste disposal techniques and equipment. Most importantly, in cooperation with the State and local governments, the Corporation would develop a nationwide system of regional solid waste processing and recycling centers. These centers would be financed by revenues generated by the disposal taxes.

Solid waste disposal in the United States is now handled by more than 10,000 individual cities, towns, and villages. A few hundred have incinerators, nearly all of which pollute the air. The rest use dumps, which pollute the land. Both methods waste basic natural resources. We already have the techniques to recycle most of our solid waste, but they are practical only if applied on a large scale. This means setting up regional waste management districts, each served by a regional processing center. The processing centers would ultimately replace all existing municipal dumps.

landfills, and incinerators. To minimize trucking, the wastes could be shredded at collection points in each city and shipped to the processing center by pipeline.

Until the processing centers are in full operation, part of the trust fund money could be used to upgrade conventional disposal facilities. Nearly all of the country's existing dumps and incinerators are substantial health hazards. However, until they can be phased out, part of the trust fund money could be used for grants to convert existing dumps to sanitary landfills and to purchase pollution control devices for incinerators. Trust fund money would also go to rehabilitate former dump sites to be used for parks and other purposes.

Furthermore, industries would be allowed to bid for the purchase of salvaged materials on long-term contracts. Successful bidders would be allowed to build their own plants at the regional centers, thereby encouraging industries to develop ways of refining and using recycled materials. It would also make each regional center the focus of a major industrial complex, creating thousands of jobs. These satellite plants, like the processing center itself, would operate under strict environmental standards.

In addition, the measure would require "disposal bonds," or refundable deposits, to insure the proper disposal of such items as automobiles. For example, the original purchaser of a car would put down a $100 bond, which would pass to each successive owner. The last owner would get the money back when and if he brought it to a proper disposal center. This would also have the effect of giving old cars, refrigerators, and so forth, a minimum trade-in value. Thus, car dealers might be willing to accept cars for disposal, using the disposal bond as credit against purchase of another new or used car.

Mr. Speaker, the day has passed when we can simply bury our wastes or burn them or dump them in our streams or lakes or oceans. Not only are the penalties paid by our environment far too high for this, but the fact of shrinking national resources coupled with a technological and population explosion will no longer allow us such extravagance if we are to survive. As we consider these problems, we must remember that however we pay, pay we must. The adoption of a comprehensive, national plan is necessary or we will continue to witness a gradual and steady decline in our living conditions. I believe the legislation I have introduced today provides a sound basis for both payment and for planning.

Mr. Speaker, I include the entire text of the Solid Waste Management Act of 1971 in the Record, as follows:

H.R. —

A bill to establish a national system of solid waste management

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND DEFINITIONS

Section 1. (a) This Act may be cited as the "Solid Waste Management Act of 1971."

(b) For purposes of this Act—

(1) The term "Commission" means the Solid Waste Management Commission established by section 2.

(2) The term "Corporation" means the Federal Solid Waste Management Corporation established by section 5.

(3) The term "Board" means the Board of Directors of the Corporation.

(4) The term "trust fund" means the Solid Waste Management Trust Fund established by section 4.

(5) The term "solid waste" shall have the same meaning as such term has under section 203(4) of the Solid Waste Disposal Act.

ESTABLISHMENT OF COMMISSION

Sec. 2. (a) There is established within the executive branch of the Federal Government a commission to be known as the Solid Waste Management Commission.

(b) The Commission, in accordance with section 3 of this Act, shall recommend to the Congress disposal tax plans and disposal bond systems for products or materials.

(c) The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. Members of the Commission shall be broadly representative of industry and of the technical and scientific disciplines involved in solid waste management. Members shall be appointed for terms of five years. Members of the Commission shall be compensated at the rate provided for level 1 of the Executive Schedule. The Chairman of the Commission shall be designated by the President.

(d) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

DISPOSAL TAXES AND DISPOSAL BONDS

Sec. 3. (a) The Commission shall conduct such studies and hold such hearings as may be necessary or appropriate to make recommendations to the Congress with respect to disposal taxes for purposes of chapter 43 of the Internal Revenue Code of 1954, and disposal bond systems under subsection (d) of this section.

(b)(1)(A) The Commission shall recommend to the Congress which products or materials require disposal taxes, at what stage in the process of manufacturing or processing of the product or material the tax shall be levied, the unit on which the tax is based, and the amount of tax per unit. The Commission shall recommend a disposal tax plan which shall specify for purposes of chapter 43 of the Internal Revenue Code of 1954—

(i) the product or material to which it applies (the taxable article),

(ii) the taxable persons,

(iii) the taxable unit, and

(iv) the applicable rate of tax.

(B) Any determination under subparagraph (A) on which a disposal tax plan is based shall be made on the record after notice and opportunity for hearing. No disposal tax plan may take effect until after the plan has been approved by the Congress.

(2) Disposal taxes shall reflect as closely as possible the actual cost of disposal or processing each material or product, taking into account its physical and chemical properties, its salvage value, if any, and any special problems or hazards involved in its handling. A disposal tax on any material or product shall be uniform throughout the United States.

(c)(1) Subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 43—DISPOSAL TAXES

"Sec. 4961. Imposition of tax.

"Sec. 4962. Definitions.

"Sec. 4961. Imposition of Tax.

"(a) In General.—There is hereby imposed on the sale by the taxable person of any taxable article a tax at the applicable rate per taxable unit determined under the disposal tax plan applicable to such article.

"(b) By Whom Payable.—The tax imposed by this section shall be paid by the taxable person.

"Sec. 4962. Definitions.

"For purposes of this chapter—

"(1) Disposal tax plan.—The term 'disposal tax plan' means a disposal tax plan adopted under section 3(b)(1) of the Solid Waste Management Act.

"(2) Taxable article.—The term 'taxable article' means a product or material to which a disposal tax plan applies.

"(3) Taxable person.—The term 'taxable person' means a person who conducts an operation of manufacturing or processing an article which (under the disposal tax plan for such article) subjects him to tax upon the sale of the article.

"(4) Taxable unit.—The term 'taxable unit' means a unit of measure or quantity prescribed in a disposal tax plan with respect to a taxable article.

"(5) Applicable rate.—The term 'applicable rate' means the rate of tax per taxable unit specified in a disposal tax plan applicable to a taxable article."

(2) The table of chapters for such subtitle is amended by adding at the end thereof the following:

"Chapter 43. Disposal taxes."

(d)(1) If the Commission makes a determination on the record, after notice and opportunity for hearing, that a disposal bond system for a product of a particular kind is necessary in order to insure the proper disposal of such product after use, it may by regulation require the manufacturers, processors, and suppliers of all products of such kind to establish a system under which (A) a deposit is required to be made by any person who purchases the product (other than for purposes of resale) and (B) such deposit is refunded to such purchaser (or any subsequent purchaser) upon delivery of the product to a manufacturer, processor, distributor, or disposal center, as may be specified in such regulation. Any disposal bond system so prescribed shall provide adequate protection of the financial interest of consumers in any deposits made by them. No regulation prescribed under this paragraph shall take effect until ninety days after it is published in the Federal Register.

(2)(A) No product of a kind to which a regulation in effect under paragraph (1) applies may be transported or sold in commerce unless the transportation or sale is in accordance with such regulation. For purposes of this subparagraph, transportation or sale is in commerce if such transportation or sale affects commerce between a State and a place outside such State, or affects commerce within the District of Columbia, or a Commonwealth, territory, or possession of the United States.

(B) Whoever violates subparagraph (A) shall be fined not more than twice the value of the product so transported or sold.

(e) The Commission shall require that the amount of any disposal tax or disposal bond shall be separately stated at the time the product or material to which it applies is sold to the consumer.

SOLID WASTE MANAGEMENT TRUST FUND

Sec. 4. (a) There is established in the Treasury of the United States a trust fund to be known as the Solid Waste Management Trust Fund, consisting of such amounts as may be appropriated or credited to the trust fund as provided in this section.

(b) There are hereby appropriated to the trust fund—

(1) amounts equivalent to the taxes received in the Treasury under section 4961 (relating to disposal taxes) of the Internal Revenue Code of 1954; and

(2) amounts received in the course of the Solid Waste Management Corporation's operations under section 6 of this Act.

The amounts appropriated by paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) (1) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and to report to the Congress each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) (A) It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the trust fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(B) Any obligation acquired by the trust fund (except special obligations issued exclusively to the trust fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

(d) One-third of the receipts of the trust fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1970, to the Corporation to carry out the program authorized by section 6. Two-thirds of such receipts shall be available as provided in appropriation Acts for making expenditures after such date, to carry out sections 206 and 207 of the Solid Waste Disposal Act.

ESTABLISHMENT OF CORPORATION

SEC. 5. (a) There is hereby created within the executive branch of the Federal Government a body corporate to be known as the Federal Solid Waste Disposal Corporation.

(b) (1) The management of the Corporation shall be vested in a Board of Directors which shall be composed of three Directors appointed by the President, by and with the advice and consent of the Senate. Except as otherwise provided in this subsection, Directors shall be appointed for terms of six years. Of the members first appointed—

(A) one shall be appointed for a term of two years,

(B) one shall be appointed for a term of four years, and

(C) one shall be appointed for a term of six years, as designated by the President at the time of appointments. Any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Director may serve after the expiration of his term until his successor has taken office. Two Directors shall constitute a quorum.

(2) The Chairman of the Board shall be designated by the President, and shall be an ex officio member of the Environmental Quality Council.

(3) The Chairman shall be compensated at the rate provided for level 1 of the Executive Schedule. The other Directors shall be compensated at the rate provided for level 2 of the Executive Schedule.

(c) For the purpose of carrying out its functions under this Act the Corporation—

(1) shall have succession in its corporate name;

(2) may adopt and use a corporate seal, which shall be judicially noticed;

(3) may sue and be sued in its corporate name;

(4) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(5) may make and carry out such contracts or agreements as are necessary or advisable in the conduct of its business;

(6) shall be held to be an inhabitant and resident of the District of Columbia within the meaning of the laws of the United States relating to venue of civil suits;

(7) may appoint and fix the compensation of such officers, attorneys, and employees as may be necessary for the conduct of its business, define their authority and duties, delegate to them such of the powers vested in the Corporation as the Board may determine, require bonds of such of them as the Board may designate, and fix the penalties and pay the premiums on such bonds;

(8) may acquire, by purchase, lease, condemnation, or donation such real and personal property and any interest therein, and may sell, lease, or otherwise dispose of such real and personal property, as the Board deems necessary for the conduct of its business; and

(9) shall determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

(d) Section 101 of the Government Corporation Control Act is amended by inserting after the words "Tennessee Valley Authority;" the following: "Federal Solid Waste Management Corporation;".

(e) The Corporation shall submit to the President for transmission to the Congress at the beginning of each regular session an annual report of its operations under this Act.

SOLID WASTE MANAGEMENT PROGRAM

SEC. 6. (a) The Corporation shall carry out a program of research and development with respect to improved waste disposal techniques and equipment, and a program of construction and operation of facilities utilizing such techniques and equipment.

(b) The Corporation is authorized to enter into contracts with State, interstate, regional, or municipal governmental bodies, or with private industry, for the construction or operation of facilities financed by the Corporation.

(c) The Corporation is further authorized to buy, sell, lease, or exchange land and other property, including existing waste disposal facilities; and to enter into contracts with private persons or corporations for the sale of salvaged materials or other products generated at its facilities.

(d) (1) The Corporation shall develop, in cooperation with the State and local governments, a coordinated, nationwide system of solid waste processing centers. Such centers shall be located on large sites, separated from populated areas and otherwise appropriate for the location of a heavy industrial complex. The location of each such center shall be selected with due regard for the impact of solid waste processing operations on natural resources and ecological systems.

(2) Such centers shall be designed to replace all local sanitary landfills, dumps, incinerators, and similar operations now carried on by municipalities or private disposal concerns. Each center shall be equipped to receive all solid waste generated in the region it serves and to process that waste to—

(A) reclaim all potentially reusable materials,

(B) reduce the nonreclaimable waste to minimum bulk by incineration or compacting, and

(C) provide for the ultimate disposal of the reduced residue either by shipping it to remote disposal areas or, if possible, by forming it into blocks or granular materials that can be used in construction and paving.

(3) The Corporation shall undertake a program of research and development with respect to equipment designed to reclaim salvageable material generated by regional solid waste processing centers. The Corporation shall, if practicable, carry on research and development with respect to the salvage process for each commodity only to the point where it would become economically attractive to private enterprise to conduct salvage operations. Private industries shall be given the opportunity to contract to utilize the salvaged material under a long-term contract, to construct processing or fabricating plants within the regional processing center, and to utilize all the material of a given type generated by the center's operations.

(4) The facilities of a regional solid waste processing center shall be available to a State or local government in the region if—

(A) such State or local government continues to be responsible for the collection of waste at the local level, either directly or through the proper supervision of private collection services, and

(B) each State or local government is responsible for the cost of transporting its waste to the regional processing center up to a distance of twenty-five miles. The transportation costs beyond twenty-five miles would be paid by the Corporation.

(5) Subject to paragraph (4), the Corporation may construct and operate (or provide by grant or contract for the construction or operation of) facilities for transporting solid waste to regional solid waste processing centers.

(e) On or before July 1, 1976, the Corporation shall report to Congress on the state of solid waste management technology as of that time, on the effectiveness of facilities so far constructed, and on its plans for the development and construction of additional facilities.

INTERFERENCE WITH RIGHTS

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, yesterday the Capitol steps were the scene of an outrageous interference with the rights of the Members of Congress and other Americans who had assembled peacefully to petition their Representatives for a redress of grievances.

More than a thousand citizens gathered on and in front of the steps at the invitation of myself, and Congressmen DELLUMS, MITCHELL, and RANGEL. They came to present the "People's Peace Treaty" for peace in Indochina, which agrees, in essence, to a swift withdrawal of all American forces in return for a cease-fire and release of prisoners of war.

The Capitol steps are a traditional meeting place for Americans and this is only fitting because the Congress is and must be the guardian of the Constitution and of the Bill of Rights. But even as we Members of Congress, duly elected and with very strong mandates, were addressing this assembly, even as I was congratulating the demonstrators and the police for the peaceful nature of this particular meeting—and it was a peaceful and proper assembly and it was an exercise of the first amendment and the right to petition for redress of grievances—the Capitol Police moved in and began making wholesale arrests. Almost 1,200 individuals were carted off to makeshift jails without being charged with any specific wrongdoing.

I asked the police for an opportunity to address the crowd and to inform them that the police were asking them to leave and that those who remained behind would be subject to arrest. This was denied me and the police continued to arrest people who had gathered at the invitation of Members of Congress and who were completely unaware that the police had ordered them to leave. In the process, Congressman DELLUMS and others were subjected to personal indignities by policemen.

What happened on the steps of the Capitol yesterday was all the more shocking because it was reminiscent of the total disregard for civil liberties and due process of law that we have witnessed here in the District all week. I was appalled to hear of the conditions in some precinct houses from lawyers who had been refused access to their clients who were kept in groups of as many as 15 in a 5 by 8 cell for as long as 18 hours without adequate food, water, or sanitation facilities. Even as I speak there are citizens who have been detained for than 40 hours without the benefit of counsel or knowledge of the charges against them while awaiting arraignment. Indeed, Mr. Speaker, the civil rights of many thousands of individuals have been violated this week in repeated incidents we are all well aware of and as a result our system of justice has suffered.

I believe that the leaders of Congress who collaborated with the police in this unlawful action owe the Members an apology and should act speedily to obtain the release of the thousands of Americans who have been arrested without cause.

Undoubtedly, many demonstrators who came to Washington planned to commit acts of civil disobedience and were prepared to face the consequences of arrest in the tradition of Thoreau and Martin Luther King. But there were thousands more who committed no unlawful acts and large numbers who merely happened to be caught unwittingly in the midst of the demonstrations, and they too were arrested.

The responsibility for these violations of constitutional rights rest with President Nixon, and Attorney General Mitchell. Apparently they feel that it is consistent to use illegal tactics to maintain an illegal war, but leaders of Congress should not be parties to such unconstitutional procedures. And I suggest to the administration and the Congress that if they let the war and the killings in Indochina drag on for another year or longer, there will not be jails or football stadiums big enough to hold all the protestors.

At this time I include in the RECORD articles from this morning's Washington Post and New York Times which illustrate a number of the comments I have made:

[From the Washington (D.C.) Post,
May 6, 1971]

CONTROVERSY MOUNTS OVER ARRESTS HERE

(By Sanford J. Ungar)

Controversy mounted in Washington's legal community yesterday over procedures used by police and other local and federal officials in arresting, detaining and processing persons during the militant antiwar demonstrations of this week.

A bitter feud developed between the city's courts and the police about who was responsible for setting policy in resolving thousands of arrest cases.

Joined by the American Civil Liberties Union, a former federal prosecutor called for empaneling of a special jury to consider whether the constitutional rights of those arrested had been violated.

Chief Judge David L. Bazelon of the U.S. Court of Appeals, acting as chairman of the Judicial Conference of the District of Columbia, named a former White House aide to head a study of whether a three-year-old program for mass arrests during civil disturbances had been followed.

After permitting hundreds arrested Monday to post $10 collateral that night, under a court order police again stopped accepting collateral Tuesday morning and said all arrested persons would be taken to court.

At 7 last night, more than 1,000 people arrested Tuesday still were being held awaiting court action.

The last 250 prisoners arrested Monday were removed from the Washington Coliseum at 3 p.m. yesterday and were sent to court.

Some had spent as much as 55 hours in custody. New prisoners were sent to the coliseum on Tuesday and yesterday.

Complaints about court congestion and delays, as well as sanitary and health conditions in emergency detention facilities, continued to pour in.

Meantime, a three-judge panel of the D.C. Court of Appeals ruled that fingerprints and other identifying information concerning everyone arrested here this week—including those held without field arrest forms—must be submitted to the FBI.

Lawyers protesting that decision bounced back and forth between the city's local and federal courts, and U.S. District Court Judge Gerhard A. Gesell announced a hearing for this afternoon on whether the FBI should be banned from disseminating such information to employers.

At 10:30 p.m., Superior Court Judge Alfred Burka took three separate habeas corpus petitions under advisement. One was filed by the D.C. Public Health Association, charging that an epidemic threatened the prisoners.

Burka rejected a fourth petition, filed by the ACLU and supported by two congressmen, on technical grounds.

In the Nixon administration's first formal response to criticism of the mass arrest procedure, an assistant attorney general told a North Carolina audience that "the circumstances were extraordinary" Monday, justifying suspension of normal law enforcement standards.

William H. Rehnquist, of the Department's office of legal counsel, said that the procedures developed out of a balance between "the needed authority of society to protect itself against crime and prevent violence" and "the right of the individual . . . to a speedy hearing in which he will be advised of the charges against him."

White House Press Secretary Ron Zeigler said at an afternoon briefing that President Nixon feels "the D.C. police force dealt with a very difficult situation in a very competent and appropriate way."

Pressed by reporters, Ziegler added that "the President feels strongly that the Constitution should be followed" in controlling civil disturbances.

In letters to Bazelon, Chief Judge Harold H. Greene of D.C. Superior Court, and Sen. Charles McC. Mathias (R-Md.), Washington attorney Robert L. Ackerly contended that the orderly functioning of government without disruption "was accomplished by a suspension of constitutional guarantees and civil rights by the chief of police."

A former Assistant U.S. Attorney here, Ackerly said he was "shocked and sorely distressed that the police can, with impunity, sweep the streets and then receive the support of the courts, which not only set high bonds but practically eliminated the effectiveness of habeas corpus."

He compared the money bond set for persons arrested this week to the courts' willingness to release on personal bond persons charged with "armed robbery, rape, robbery, incest and other serious crimes."

Ackerly suggested that a special grand jury be established, on the model of one in Chicago that investigated the deaths of two Black Panthers during a police raid in late 1969. He suggested that it be led by a specially named prosecutor.

Ralph Temple, of the ACLU Fund, concurred in Ackerly's proposal.

"There were clearly widespread violations of constitutional rights on an unprecedented scale," Temple said. "We think that a grand jury should be convened to investigate whether in fact what happened was the result of violations of criminal laws by government officials."

But Thomas A. Flannery, U.S. attorney for the District of Columbia, said that "I see no basis for such an investigation."

Bazelon had no comment on Ackerly's letter, but it was learned that on Tuesday he had named Stephen J. Pollak, formerly President Johnson's adviser on D.C. affairs, to head a Judicial Conference Committee on "justice under emergency conditions."

The Judicial Conference had authorized such a committee during its meeting last month at White Sulphur Springs, W. Va., to study whether the report of a similar committee after the civil disorders here three years ago had been properly implemented.

Other members have not yet been named to the committee, but it was understood that Washington attorney Lloyd N. Cutler, chairman of the original group, would serve with Pollak.

The Cutler committee originally recommended the field arrest procedure for civil disturbances, which was abandoned by the metropolitan police during the unprecedented arrests of Monday. It since has been reinstituted.

Police and courts exchanged charges yesterday over who should be held responsible for the extreme delays in processing arrested persons.

In a sharply worded opinion, Judge Greene criticized the police for vacillating earlier in the week on whether to permit collateral to be posted by those arrested.

No sooner had Superior Court judges begun setting $250 bond in demonstration cases (as requested by police), Greene said, then the police switched and reinstituted collateral instead of bringing people to court.

"The court was placed in an untenable position," Greene said, "of either setting bonds that were meaningless—since no one would agree to court processing if he could be released at the precinct for a nominal amount—or of having constantly to adjust its bond policies to follow the ever-changing tactical line of the police department."

Police department general counsel Gerald M. Caplan, on the other hand, denied that police had taken cases to court slowly, blaming delays on defense lawyers for allegedly advising their clients not to cooperate.

Police Chief Jerry V. Wilson was critical of local judges for leniency in dealing with protesters previously. "I suspect some of the problems this week might have been averted," he said, "by some jail terms last week."

Assistant Attorney General Will Wilson, chief of the Justice Department's criminal division, appeared personally in Superior Court yesterday to argue against release of persons who had been held in the Washington Coliseum.

Sources at the Public Defender Service cited his presence as proof of Justice Department "complicity" in arrest policy.

Two judges dismissed all charges against that group.

Early yesterday, a three-judge panel of the D.C. Court of Appeals upheld Judge Greene's ruling at midnight Tuesday that persons held at the Washington Coliseum without specific details of their offenses must be released.

They struck Greene's provision, however, that fingerprints and other identifying information could not be sent to the FBI's files and should be destroyed unless charges were developed within 90 days.

Later in the day, the Appeals Court refused to grant a stay of its decision regarding the arrest records.

The Public Defender Service then brought its case before Judge Gesell, who has been sitting on similar matters related to the FBI's policy of distributing such material.

Denying a request for a temporary court order, Gesell said, "the court must take into account that this community is in a near state of siege, and I do not think it would be appropriate . . . to take steps to impede the chief of police."

He scheduled a further hearing for today, however on whether records should go to employers.

[From the New York Times, May 6, 1971]

THREE REPRESENTATIVES DECRY ARRESTS ON CAPITOL STEPS

(By John W. Finney)

WASHINGTON.—"Don't you guys believe in the Constitution?" Representative Bella S. Abzug, her gaucho hat askew on her head, shouted at Representative Roman C. Pucinski, Democrat of Illinois, at the foot of the House steps.

On the steps, one by one, the chanting Mayday demonstrators, who said they had come to petition Congress for peace in Vietnam, were being arrested by the District of Columbia police and herded into buses.

"How are they violating any constitutional rights?" Mr. Pucinski asked.

"The police are violating constitutional rights and ours," Mrs. Abzug, a Manhattan Democrat, replied, sticking her face right up to Mr. Pucinski, "because they are interfering with the constitutional right of petition."

In gentler terms, the same point was made by Representative Ogden R. Reid to Speaker Carl Albert when the Speaker walked out onto the Capitol steps more than an hour after the arrests began. "Carl," the Westchester Republican whispered, "there is a problem of giving them a chance to leave peacefully."

DENY NOTICE IS GIVEN

For a few minutes the Speaker wavered, as reporters pressed around him asking who had given the orders to arrest the protesters and pointing out that Mrs. Abzug and Representative Ronald V. Dellums, Democrat of California, were contending that the police had given the protesters no notice to move before the arrests began.

"Where's the chief?" Mr. Albert called out.

"It's too late to make such an announcement," James Powell, chief of the Capitol police, told the Speaker. "It would be unfair to all the busloads that have gone."

The Speaker walked back alone into the Capitol as the arrests continued.

The protesters had been invited to the Capitol steps by Mrs. Abzug, Mr. Dellums, Representative Parren J. Mitchell, Democrat of Maryland, and Representative Charles B. Rangel, Democrat of Manhattan, to present their "people's peace treaty" for ending the war. The arrests began while Mr. Dellums was still speaking to the crowd from the top of the steps and continued as one of the protest leaders read the text of the "peace treaty."

PROTEST TO POLICE CHIEF

"We are here at the invitation of Congressmen, and the people have a right to petition their Congressmen," one protester called out.

Mrs. Abzug and Mr. Dellums stormed down the Capitol steps to Chief Powell to protest in vain against the arrests.

Mr. Powell, according to the two Congressmen, took the position that "they came here to be arrested, so they are going to be arrested."

Mrs. Abzug and Mr. Dellums, who were on the steps in the middle of the crowd when the arrests began, also protested that no notice had been given to the protesters to move on or face arrest.

Mr. Powell later told reporters that he had called out "Attention!" several times over his megaphone and had attempted to notify the protesters that they would be arrested. When reporters pointed out that neither Mrs. Abzug nor Mr. Dellums had heard any warning of arrest, the police chief said that his words must have been drowned out by the protestors' chants.

CHIEF VOICES DOUBT

Asked what right the police had to arrest the protesters when they were being addressed by members of Congress, Mr. Powell replied, "Members of Congress don't have the right to invite people here to violate the law."

The police chief also expressed doubt that, with "all the ranting and chanting and vulgarities being called out," the protesters "could have heard the people who were talking."

Just who gave the orders to arrest the protesters while the Congressmen were still talking was unclear.

The Capitol grounds come under the jurisdiction of the Speaker of the House and the Vice President, in his capacity as president of the Senate. Speaker Albert said, "I gave no instructions one way or the other that they be arrested."

On the Senate side, conservative Republicans charged that some politicians were encouraging the demonstrations.

Senator Clifford P. Hansen of Wyoming said, "I do not charge that every act of lawlessness and violence is a direct result of encouragement, either explicit or implied, by politicians seeking to exploit a growing weariness with the war in Southeast Asia. But I do charge that much of the brazenness, the callousness of those many, so much in evidence on Monday, was encouraged by politicians."

Senate Republicans praised the Nixon Administration's handling of the demonstrations, although liberals in the upper house complained that many people had been arrested without cause and that the police were carrying out illegal preventative detention.

[From the Washington (D.C.) Post, May 6, 1971]

1,200 PROTESTERS ARRESTED AT CAPITOL

(By William L. Claiborne and Bart Barnes)

Police arrested 1,161 singing, clapping and dancing antiwar demonstrators yesterday after the protesters forced the closing of the Capitol on the third day of their program of largescale disobedience.

The mass arrests on what was scheduled to be the last Washington action of the Mayday peace offensive brought to 10,500 the number of persons taken into custody during protests since Monday.

Most than 2,000 remained in custody last night.

Festive and exuberant in mood, they carried to the doorstep of Congress a demand to end the Vietnam war and a resolve by an earlier vote to accept arrest as an expression of their sentiment.

Protest leaders, their ranks diminished substantially since Monday, nevertheless called last night for a rally at 11:30 a.m. today in front of the South Vietnamese Embassy.

The rally is to be followed by a march through the streets of Washington, during which a copy of the people's peace treaty, a cease-fire agreement negotiated between Vietnamese and American students, is to be nailed to the doors of all government departments, protest leaders said. A march on the D.C. jail is to follow.

Meanwhile, 4,000 troops remained in the Washington area to provide security at bridges and key intersections.

A Pentagon official said they would remain here until they are no longer needed.

Protesters who crowded the east steps of the House of Representatives yesterday afternoon did not appear to be winding down their peace efforts.

With an audience of some tourists and many Capitol employees, the protesters whooped, chanted, cheered and sang as they sat on the House steps.

One youth waved a Vietcong flag, another bearded protester disrobed completely to a chorus of cheers, and four congressmen told the gathering it had succeeded in focusing attention on the Southeast Asia conflict.

A brief scuffle occurred when Sen. Lee Metcalf (D-Mont.) pushed a policeman aside, according to Metcalf's own account, when he was prohibited from crossing police lines.

Describing the policeman as a "pansy punk," Metcalf said, "This is outrageous. They're supposed to be protecting us, and they don't let senators and congressmen through . . ."

In another incident, Rep. Ronald V. Dellums (D-Calf.), said a policeman hit him in the ribs with a billy club when he tried to go through a police line.

"They didn't give a damn about the fact that I was a congressman; I'm a nigger, and that's exactly the way many of those people up there in that front line treated us . . ." Dellums told reporters.

Barely 20 minutes after the stairway had been filled with demonstrators, a motorcade of police buses pulled into the east Capitol plaza, and hundreds of members of the Civil disturbance unit began making arrests.

Even before 2:30 p.m. when the 1,500 protesters began their march to the Capitol from the Mall at 3d Street, Capitol police began sealing the entrances to the building.

Tourists who were in the Capitol at the time were allowed to finish their touring, but all others without congressional credentials were refused admittance.

The halls were virtually empty of all but Capitol officials by 3:30 p.m., when the House adjourned. The Senate concluded its business at 2:15 p.m. Both closing times were about normal.

The genesis of the Capitol sit-down was a meeting on the Mall at which protesters voted on several different proposals of action.

A large number voted for civil disobedience and possible arrest on the Capitol steps, while others decided only to picket or visit individual congressional offices. However, the different groups became fused during the march to the Capitol and only a portion of those eventually arrested on the steps had voted for it.

Also, more than 500 government workers rallied against the war in Lafayette Square inside a cordon of Park police and metropolitan police, and then marched to the Capitol complex, where several persons were arrested near the Old Senate Office Building.

In a tangential development, Maryland State police used tear gas and dogs to force several thousand University of Maryland students to abandon a human blockade on U.S. Rte. 1 adjacent to the campus.

Later, Mandel proclaimed a 9 p.m. to 7 a.m. curfew on the campus and called in the National Guard to take charge of security operations.

The helmeted state police, called out by Gov. Marvin Mandel, were pelted by rocks and bottles after a rally at which the main speaker was Chicago Seven defendant Rennie Davis, who led some of the Mayday actions in Washington.

At American University, a group of about 20 students blocked traffic at Ward Circle three times during the evening rush hour while about 300 students watched from the edge of the campus. Police formed lines between the protesters and the streets and kept traffic flowing during all three attempts to snarl traffic.

One policeman, John Ford, 33, suffered a broken leg after being struck by a police motor scooter that went out of control when its rider was struck by a street barricade thrown by a demonstrator. Police said the demonstrator resisted arrest. He received injuries while being subdued that required nine stitches to be taken in his head, police said.

Nonviolent protests against the war spread to a number of Washington suburban public schools yesterday and at scattered colleges and high schools across the country. The demonstrations were part of a planned moratorium on "business as usual."

Montgomery County public school officials reported absenteeism about 5 per cent above normal, while officials in Prince George's County and Virginia jurisdictions said attendance appeared normal.

In Prince George's, about 200 students walked out of Parkdale Senior High School before noon. About 50 returned later, while the rest rallied in Greenbelt Park.

Other schools in the area held planned programs at which students discussed the Vietnam war.

Troops lined the Key, 14th Street and Memorial bridges for the third consecutive morning, and soldiers standing five feet apart ringed Dupont Circle. But protesters had not announced plans to block traffic and made no attempt to.

The first crowds began gathering around 11 a.m. on the Mall staging area for what was called a people's press conference.

At that hour the Capitol grounds were serene. Tourists drifted in and out, and visiting high school seniors posed for class pictures on the House and Senate steps.

At the press conference, which appeared to be more of a rally, speaker after speaker urged demonstrations upon their return home to continue disruptive tactics in protest of the Southeast Asia conflict.

About 1 p.m. the group, which by then had swelled to 1,500 or 2,000 persons, began a discussion of how the march on the Capitol would be conducted.

Directed by Carl P. Zietlow, coordinator of nonviolent training for the week's protest activities, the protesters voted to divide into groups.

One delegation was to march to the Senate office building, where protesters would sit in at senator's offices. They would demand that senators sign the people's peace treaty with the Vietcong.

Another group planned to picket the Senate Office buildings and the remainder, by far the largest delegation, decided to engage in civil disobedience and be arrested.

But by 2 p.m. at least 10 buses of helmeted and gas-masked equipped members of the police department's civil disturbance unit were on the Capitol grounds.

The Capitol and Senate and House office buildings were closed to the public, and members of the Capitol police force, wearing helmets, lined the hallways on the first floor inside the Senate wing of the Capitol.

Entrances to Senate office buildings were barred to protesters seeking to visit congressmen with demands that the people's treaty be signed.

About 2:30 p.m., the main body of protesters, marching three and four abreast, set out from the Mall for Independence Avenue, then headed east on Independence for the Capitol.

Police made no attempt to stop the marchers from entering the Capitol grounds at the east front, but policemen barred entry to the west down to 1st Street.

A wire barricade that had been erected on the west front steps for the April 24 antiwar march was still in place.

The marchers reached the east front steps on the House side and sat down, singing, clapping and cheering. Gradually, the steps filled with demonstrators almost down to the street level. Doors at the top were closed.

Almost immediately, Capitol Police Chief James M. Powell announced over a bullhorn that the demonstrators would be arrested in 10 minutes if they remained on the steps. His announcement was drowned out by the noise of the demonstrators.

As police slowly closed in on the demonstrators, four congressmen addressed the crowd and praised recent antiwar demonstrations.

The four were Reps. Bella Abzug (D-N.Y.), Dellums, Parren Mitchell (D-Md.), and Charles B. Range (D-N.Y.).

Arrests actually began about 3:30 p.m. and concluded some 2½ hours later. Demonstrators were escorted to police buses, searched and driven to various detention points.

The mass arrests on the Capitol steps came with the approval of House Speaker Carl B. Albert (D-Okla.)

Albert told reporters that he had been informed by Powell that the demonstrators should be removed from the steps, and he said he answered "OK."

In another incident, Rep. G. V. (Sonny) Montgomery (D-Miss.) charged up the Capitol steps to snatch what he thought to be a Vietcong flag from the hands of one of the protesters.

"I felt it was necessary to show that some members of Congress are opposed to tactics of anarchy and action bordering on oppression," Montgomery said later.

What Montgomery grabbed was not actually a Vietcong flag but a copy of the people's peace treaty on a banner.

On the Senate side, the session adjourned before the march on the Capitol began.

Some senators discussed the protests in floor speeches.

Minority leader Hugh Scott (R-Pa.) praised the "excellent work of the police, the courts and the mayor of this city."

Sen. Paul Fannin (R-Ariz.), who said his tires were slashed on Constitution Avenue Monday morning, said Monday's incidents resembled "the 1930s when brown-shirted youths intimidated Germany."

Dissent came from Sen. Jacob Javits (R-N.Y.) and Philip Hart (D-Mich.), who assailed arrest and detention procedures and said they "amounted to a suspension of civil liberties" for those arrested.

Reps. Dellums, Abzug, Mitchell and Rangel, meanwhile, all argued with police over the legality of the arrests on the House steps. Alongside them young men and women were being spread-eagled against buses and searched.

Arrests on the Capitol steps were completed at 5:15 p.m., with the last few demonstrators struggling briefly.

A 5:25 p.m. about 40 more demonstrators charged up the steps and urged others to join them. The crowd gradually grew to just over 100. They were ordered away by Chief Powell, refused to move, and were arrested.

All protesters were cleared from the Capitol grounds by 6 p.m., when the grounds were ordered closed.

[From the Washington Post, May 6, 1971]

PROTESTS POINT UP CONFLICT OF RIGHTS

"It has long been a grave question whether any government, not too strong for the liberties of its citizens, can be strong enough to maintain its existence in great emergencies."—Abraham Lincoln)

(By Haynes Johnson)

That old American dilemma has never been more clearly in focus than this spring week in Washington. The demonstrators have made their protests, the government has survived, but citizens everywhere are wrestling with disturbing questions in the latest aftermath of massive acts of civil disobedience.

"At 8:30 the other morning I was radicalized and deradicalized and then confused about what I thought," said one Georgetown woman, recalling her reaction at witnessing clashes between police and protesters and then the destruction of her own property—first her trash cans and then her car.

The basic question involves probably the most delicate, complex and central theme of American life—rights. Citizen's right and society's rights. The right to assemble peacefully and petition the government for redress of grievances, and the right to move freely without impairment. The rights of a majority—and a minority. The right to due process of law, and the right to be free from excessive bail or be subjected to cruel and unusual punishment.

All of those came into direct conflict this week in the streets and prison compounds and courtrooms of Washington. They have left Washington a troubled city.

Over lunch and in offices, citizens can be heard discussing a number of aspects growing out of the demonstrations. Citizens at home are calling newspapers to report, often emotionally, one horror story after another—about a protester or a passerby or a prisoner. They have been telling about people manhandled, detained, their personal property taken and not returned.

The past few days have seen two distinct sides to those reactions.

Monday's shut-down-the-government demonstration brought a strong reaction from citizens whose rights to go to work or to a hospital or a bank or a store—and the right to have their property secure—were affected

It also brought an equally strong reaction from citizens and protesters alike who were caught in the massive-arrest tactics employed by police.

Citizens have been arrested on unspecified charges. For many, the government has been unable to produce specific evidence of criminal behavior. Many citizens against whom no formal charges have been lodged nevertheless have been photographed and fingerprinted, imprisoned for as long as 18 hours without being allowed to contact their families, and then freed after posting collateral. Their police records may follow them through life.

Those tactics have led the American Civil Liberties Union to charge that the police procedures adopted amount to "martial law characterized by the suspension of the writ of habeas corpus."

Other tactics—those employed by the demonstrators—have come under sharp criticism, and often from demonstrators themselves. It has been common this week to encounter groups of protesters debating quietly among themselves about the methods and strategy of their movement.

Often, the end result has led to only more confusion over the question of rights, both theirs and society's. Sometimes, they came down to a kind of us-against-them thinking. A college student demonstrating outside the Justice Department on Tuesday had said it was all right to take illegal actions because he felt it was, after all, "their law," not his.

Then he went on to ask a different kind of question. "Do you think," he asked, "that that American general in Vietnam was right when he said, 'To save the city we had to destroy it'?"

What has been clearly emerging amid all the anger and confusion is a sense of the continuing deep division among Americans. This week, some of the worst fears of both poles—those who fear lawlessness and those who fear police-state-type oppression—have come close to being realized. The events in the streets and the police precincts and detention centers appear to have driven the two farther apart.

"I think they ought to give it to them," said a Washington merchant. "There's no excuse for this kind of lawlessness. These are kids that, well, that don't know the seriousness of what they're doing. It all goes back to what a lot of psychologists told their parents: 'don't interfere with the children.' These kids need discipline. They need law and order."

A protester, trying to thumb a ride to New Jersey, gave another side. "I was clubbed twice, gassed, and thrown into that concentration camp," he said heatedly, "and I would like the country to know that I came here nonviolently and that we have a police state here in America."

Then there are those citizens in the center who say what happened to them has brought about a dramatic change in their own attitudes.

"I used to be a Republican until yesterday, and now I'm an anarchist," said the assistant personnel manager of a downtown department store as he was released from the makeshift detention center at the Washington Coliseum.

He said he had left his home near George Washington University about 8:30 a.m. Monday and was arrested 20 minutes later. He had gone inside the student union there to escape tear gas exploding around him, he said, and was swept up in the police dragnet outside as he stepped out the door.

"I was not told I was under arrest," he said, "and I have not been advised of my rights whatsoever. I haven't been able to sleep here. I didn't think this could happen to a D.C. citizen. I just can't let this go. They've deprived me of my personal liberty."

He added, by way of personal qualification, that he is a four-year veteran of the Marine Corps. He voted for Richard Nixon twice.

One citizen, interviewed Monday in Georgetown during the disturbances, expressed a less emotional opinion, but from a larger perspective.

"It's producing so much more frustration," he said. "I don't think it's going to produce anything positive for either side. This is not going to end the war and it's probably going to harden positions on both sides. You get increasingly extreme positions from both sides on something like this."

[From the New York Times, May 6, 1971]

PROTESTERS FAIL TO STOP CONGRESS; POLICE SEIZE 1,146

(By James M. Naughton)

WASHINGTON.—Antiwar protesters massed on the marble steps outside the House of Representatives today to demand that Congress ratify a "people's treaty" with North Vietnam to end the war in Southeast Asia.

But the 1,000 demonstrators, chanting, "Sign the treaty," as about 1,000 others cheered across a line of helmeted policemen, failed to achieve their stated goal of disrupting Congress.

By late this afternoon, the District of Columbia police had arrested 1,146 young people for "unlawful assembly" on the Capitol grounds, apparently ending the last major confrontation planned in a three week "peace offensive" this spring.

The actions in Washington today raised to more than 12,000 the number of arrests since the police began dealing firmly with protesters on Sunday. Many of the protesters deliberately sought arrest today for the second time.

RULING AGAINST POLICE

A three-judge panel of the court of appeals for the District of Columbia affirmed today a lower court ruling that the police had acted improperly on Monday, when they arrested many individuals in groups and carted them to impromptu prisons without making specific individual charges of wrongdoing.

The police reverted today to their customary procedures. As the protesters sat on the House steps on the east front of the Capitol, chanting. "The whole world is watching," patrolmen took the demonstrators away one at a time to be photographed and cited for unlawful assembly.

FOUR DEMOCRATS JOIN GROUP

Four House Democrats opposed to the war stood on the steps with the demonstrators, lamenting the fact that the ornate doors to the Capitol's interior were locked. One conservative from Missouri tore a copy of the "people's treaty," printed on a bedsheet, from the hands of one group of demonstrators.

The day's events appeared to have capped 17 days of protest. With many of the participants in jail and other disenchanted with detention after earlier arrests, the size of the protest group was dwindling. Many individuals said they were going home to try to initiate antiwar activities similar to those in the capital.

Earlier today, the opposition to the war was enunciated in Lafayette Park, across Pennsylvania Avenue from the White House, by participants in a rally sponsored by Federal Employees for Peace. More than 1,000 people, conservatively attired, many freely stating their names and the Government agencies for which they worked, protested against the war during their lunch break or took part of their annual leave to demonstrate.

The Capitol police initially refused to permit the demonstrators onto the grounds of the Capitol after the group had marched there, three abreast in clusters of 20 or 25, from an assembly point nearby on the Mall.

But they permitted them to gather on the steps after Representatives Bella S. Azbug, Democrat of Manhattan, and Ronald V. Dellums, Democrat of California, had said the protesters were their "guests."

Capitol Police Chief James Powell, his hand shaking as he spoke through a portable loudspeaker to the crowd, warned them that they were illegally gathered and gave them 10 minutes to leave.

About half the demonstrators assembled in a grassy section of the Capitol grounds, alongside spectators and curious members of Congress, rather than risk arrest.

But the rest remained on the Capitol steps, disregarding Mr. Powell and reading off their "people's treaty" demands: an immediate withdrawal of American forces from Vietnam, a $6,500 guaranteed annual income for families of four and the release of all "political prisoners" in jails in this country.

Representative Charles B. Rangel, Democrat of Harlem, told the crowd that he had come to join them, but that "they have locked the doors" behind him.

Policemen preparing to arrest the demonstrators were filling in sections of their arrest forms as Mr. Rangel, Mrs. Abzug, Mr. Dellums and Representative Parren J. Mitchell, Democrat of Maryland, exhorted both the police and the protesters to remain calm.

Representative G. V. (Sonny) Montgomery, Democrat of Mississippi, attired in a conservative gray suit, walked up to one group of protesters and snatched from them part of the printed text of the "treaty." He later told reporters that he had felt "it shouldn't be on the Capitol steps."

"I just lost my cool," he said. "It was just too much." He looked at the portion of the scroll bunched in his hand and said, "I'm sorry we didn't get it all."

Earlier, former Representative Laurie Battle of Alabama, now the chief clerk of the House Rules Committee, plunged into the marchers and grabbed a National Liberation Front flag from a young woman. Some bystanders said Mr. Battle had knocked her down, but he refused to deny or affirm it.

TAKEN IN BUSES TO CELLS

After their arrest, the demonstrators were taken in buses to cells in six police precinct houses or to the Washington Coliseum, one of the makeshift jails officials began using when their prison cells overflowed Monday.

The protesters were charged with unlawful assembly, which carries a possible fine of $500 and imprisonment for up to six months. Unlike charges of disorderly conduct lodged against demonstrators on Monday and yesterday, when they protested outside the Department of Justice, the unlawful assembly charge requires the assignment of bail before the protesters can be released.

There was confusion among the police today about the specific law that the protesters had violated. Initially, on arrest forms written out in advance, the police were charging the protesters with "unlawful entry" into the Capitol grounds. But midway through the arrests the charge was changed to "unlawful assembly" in violation of a 1967 law.

That law makes it unlawful to "utter loud, threatening or abusive language or to engage in disorderly or disruptive conduct" on the Capitol grounds "with intent to impede, disrupt, or disturb orderly conduct" of Congress or "to impede passage" through the Capitol.

Many of the demonstrators, perhaps 200, had indicated prior to seeking arrest at the Capitol that they wished to remain in jail without being released on bail as another form of protest.

A number of Senators and Representatives stood outside the Capitol to watch the protest and arrests while others, inside, made floor speeches to denounce, according to their inclinations, either the tactics of the demonstrators or the tactics of the police earlier this week.

Superior Court Judge Harold Greene ruled late yesterday that the police must release without bail all demonstrators who had been jailed on Monday without being linked specifically to an illegal act.

The three-judge Court of Appeals affirmed most of Judge Greene's ruling today, but said the demonstrators must submit to fingerprinting and photographing. The appeals judges also reversed Judge Green's ruling that the records of those not found guilty of an offense must be destroyed rather than given routinely to the Federal Bureau of Investigation.

CHIEF ISSUES STATEMENT

The police issued a statement in which Police Chief Jerry V. Wilson assumed responsibility for the order Monday to suspend field arrest procedures and gather up all demonstrators for arrest. He said he felt the unusual steps had been "necessary to protect the safety of law-abiding citizens and to maintain order in the city."

A few protesters sought to regain access to the Capitol grounds after the arrests tonight, but the police quickly rounded them up, including a young man who had taken off all his clothes and tried to climb a lamp post and another who had climbed into the office of House Speaker Carl Albert through an open window.

[From the Washington (D.C.) Post, May 6, 1971]

Most Now Free, Officials Report

Most of the 9,572 people that police report arresting in antiwar protests here Monday and Tuesday have been released from custody, according to reports from various agencies. As of midafternoon yesterday, not counting arrests at the Capitol yesterday, the situation looked like this:

The D.C. Superior Court had received formal charges on 2,123 people. Of these, only 105 were being held in jail awaiting friends and relatives to come up with bond money, according to a corrections department spokesman.

The Washington police department's prisoner control office said another estimated 1,400 to 1,500 people were still in various cellblocks around the city, waiting to go to Superior Court.

These figures would indicate that some 6,000 people have been released pending trial after paying collateral, including, police said, 2,200 to 2,500 of those who were held at the Washington Coliseum.

Officials said they did not have precise figures on those awaiting court action because police were trying to process cases, rather than conduct a head count.

These are the Monday and Tuesday figures:

Monday:	
Men	5, 825
Women	899
Juveniles	168
Total	6, 892
Tuesday:	
Men	2, 210
Women	414
Juveniles	56
Total	2, 680

PERSONAL ANNOUNCEMENT

Mr. CARTER. Mr. Speaker, I was unavoidably detained and could not be present when the vote was taken on House Resolution 412. Had I been present, I would have voted "nay."

NEED FOR EARLY TRADE LEGISLATION

The SPEAKER pro tempore (Mr. PUCINSKI). Under a previous order of the House, the gentleman from Ohio (Mr. BETTS) is recognized for 60 minutes.

Mr. BETTS. Mr. Speaker, if we analyze the trends in our exports and imports over the past few years we can come to only one conclusion. It is that this country is losing out in world trade and in all products but a few. We can also see that even in this narrow sector we are being squeezed.

In the case of manufactured goods other than machinery and transport equipment, by which is meant automobiles and aircraft, we are in a weak competitive position. For example, in the past year, 1970, our imports of a wide variety of manufactured goods, other than machinery, and so forth, came to $13.280 billion while our exports of manufactured goods reached only $7.638 billion. Thus we had a deficit of $5.642 billion in this segment. Since 1965 our exports of these products grew by only $2.75 billion while our imports increased by $5.76 billion or over twice as much.

What were these manufactured goods? They included steel, textiles, electronic goods, insulators, footwear, typewriters, sewing machines, leather, plywood, apparel, glass and glassware, tiles, pottery, watches, clocks, musical instruments, athletic and sporting goods, toys, amusement equipment, and so forth, bicycles, motor scooters, record players, tools, nuts and bolts, recorders, optical goods, photographic equipment, and so forth.

It is true, we still export much more machinery than we import, but imports have been coming up rapidly and gaining on our exports. The gap is proportionately half as large as it was only a few years ago. Since 1965 imports of machinery, electrical and nonelectrical, increased 198 percent compared with a 65 percent increase in our exports.

At this rate our handsome lead in machinery exports will disappear in this decade, and possibly by 1975.

Mr. Speaker, I do not see how we can stand idly by when our trade is faced with such unmistakable trends. We are only now getting the backwash of years of tariff reduction and the building up of foreign manufacturing equipment with modern machinery. I say we went too far too fast. Unless we take steps now it may be too late. How we can expect to overcome our heavy unemployment under these circumstances surpasses my understanding.

We are working at cross purposes in our trade policy with our full employment goal. There is no foreseeable way by which we can put the unemployed back to work when so many of our industries are under severe pressure to reduce the number of man-hours required to produce a given output, as a means of competing with imports. We cannot respond to the need of displacing thousands of workers in order to compete with imports and at the same time hire thousands of workers to meet the full employment goal. The two objectives are mutually exclusive.

The need for revised trade legislation is obvious. We need a better and surer remedy for injury from imports; but what we really need is a preventative. This is not to say that imports should be halted but rather that their penetration of our market should be controlled.

We do not owe to any country the sacrifice of any of our industries on the altar of free trade. We do not owe to any country the unimpeded admission of its goods if these goods have a competitive advantage based principally on the fact that they are produced at wages that are far below ours.

It is not fair to subject our producers, of whom we require minimum wages and obligatory collective bargaining, to competition from sources that are not subject to these minimum wages and other cost-raising requirements to which our producers must answer.

Foreign advantages of this variety do not reflect higher efficiency or better methods of production. By and large our producers still enjoy a productivity lead over their foreign competitors. This is to say that by and large the American output per man-hour or man-year continues to be at a higher level than in foreign manufacturing. However, the lead has been narrowing and in a few instances lost because of the great technological advancement of recent years in foreign countries.

It is not that we have stood still in this respect. The difference comes from the fact that after the war foreign countries began to adopt our methods of production. With our help they installed the most modern machinery and equipment, replacing much less productive instruments and methods of production. This gave their productivity a great boost not matched by our own.

At the same time, while in many instances their wages came up more rapidly proportionately or by a higher percentage than our wages, the gap in dollars and cents actually widened because they started from such a low base compared with ours, and because our wages at the time did not stand still. A 10-percent wage increase here could mean as much in dollars and cents or even more than a 50-percent increase in some of the countries that compete with us.

Mr. Speaker, the bright glitter of the free trade vision has already shown itself to be glitter rather than golden. The theory of free trade is not in tune with the realities in a world where economic control has been tightened over the years and continues to be tightened, or in a world in which social and welfare considerations are rapidly replacing purely business and commercial considerations. We are in the position as riders of our producers, of applying the lash harder and sharper to drive them to become more competitive while we load heavier burdens on them year after year. At the same time we expect them to hire more workers, while becoming more competitive means getting rid of workers through more productive machinery installations.

What is needed clearly is legislation that does something more than the present adjustment assistance accomplishes. We wait until imports have driven a business to the wall or nearly so and then extend some means of compensation to the workers, hoping that they will find employment elsewhere. We may go so far as to help retrain them for some imaginary jobs in other industries or occupations, some of which may be equally beleaguered by imports. Since when, Mr. Speaker, since when, once our foreign friends have more than recovered from the ravages of war do we owe their producers an unfair competitive advantage in our market over our own producers, or their workers over our workers?

Even now, the tariff reductions already provided for under the Kennedy round have not been put into effect the full extent. Yet, it must be obvious even to the blind that imports already enjoy an undue competitive advantage in our market. What then is the purpose of our trade legislation? Is it to be a punitive weapon to be used as a scourge?

There are those, Mr. Speaker, who feel hostile toward business and in some instances perhaps for good reason; but even so business is not the only element of our economy that is afflicted by unfair import competition. Labor feels the impact no less keenly than do the producers. Workers lose their jobs to imports for the same reason that drives producers to seek more and more output per hour. If workers are hurt they are hurt as consumers no less than other consumers. It is not good sense to distinguish between the workers and consumers since the overwhelming number of consumers are themselves workers, which is to say, employees.

The present escape clause is working poorly and haphazardly. Many of the applicant workers and firms are turned down; and there is no appeal from the Tariff Commission. In equally split decisions the President is called on to render the decision. Recently he delayed action on footwear after receiving such a split decision from the Commission. Mr. Speaker, the situation is too serious to suggest postponement of improved legislation. It is needed now.

Last year this body passed a trade bill which, while it was not all that many of us wanted, was nevertheless a great improvement over the existing situation. The bill, while passed by a 50-vote margin did not move through the other body although it was favorably reported by the Finance Committee. Time ran out at the end of the session.

I feel that we should move ahead at the earliest possible date. The long hearings of last year witnessed an outpouring of witnesses from industry, agriculture, and labor that was unprecedented. Contrary to previous years witnesses from large labor organizations were found on the side of import controls. Not a single labor organization representing workers in manufacturing plants opposed the bill.

I am happy to say that the chairman of the Ways and Means Committee has expressed the need for trade legislation in this session. I am fully in support of that position and express the hope that the legislation may be activated at an early date.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am happy to yield to the gentleman from Connecticut.

Mr. MONAGAN. I should like to congratulate the gentleman on his statement and particularly to express appreciation for his bringing this subject to the attention of the House at the present time.

I believe that the most important part about the statement the gentleman is making is to call attention to the fact that this general situation has not improved markedly in spite of some cosmetic changes that have been made voluntarily and, in fact, in some instances in spite of the resumption of certain quotas the situation is getting worse, with reduction of production and increase of unemployment.

The gentleman makes a very good point to the effect that the increase in these imports is still going on and that the statistics show the rate of increase is greater in many instances.

I represent a district which is probably as industrialized as any in the country, and we know only too well the competition which is coming from abroad.

It is not that we want to avoid trade. We realize there must be reciprocal trade in order for all countries to live adequately, but we believe there should be an investigation of trade barriers in other countries and there should be consideration of the rising amount of U.S. capital which is being invested abroad, which is taking away jobs from our own workers.

Finally, it should be mentioned again that the main fact to which the gentleman from Ohio calls attention is the fact that there has not been a material change since we were talking about trade legislation in the last Congress, and that there still is a need to review the problem and to keep it before us is as important today as it was then.

Mr. BETTS. I thank the gentleman from Connecticut for his comments. I personally believe he has made a contribution to our discussion this afternoon of this very important problem and the threat facing not only our own industries but also our labor.

I thank the gentleman.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I just wish to point out to the Members of the House that in the Commonwealth of Massachusetts, since 1962, 115 shoe factories have closed.

The textile industry has suffered great losses. The electronics industry during the past 6 months had over 10,000 people laid off and when they turned around to look for domestic jobs they found out that in radio and television and in the component parts phase of that industry it has all been taken over by the Orient. We have 184,000 people walking the streets of Massachusetts today who are unemployed. Thousands have exhausted their unemployment compensation benefits and are now turning to welfare.

Welfare is the No. 1 domestic problem in our country. Unless we can look at this trade problem realistically as it affects our country and remove the trade barriers, as my good friend from Connecticut has stated, and remove the border taxes and all of the licensing fees that have been put into the laws by those various trading partners of ours, we will transport all of our business in this country within the next 10 years in the industrial complex over to foreign countries.

At that time, instead of 5 or 6 percent unemployment in this country, we will have 20 or 30 percent unemployment. That is when a real chaotic condition will exist and that is when they will start trying to do something about it. But the horse will have been stolen by then.

The gentleman in the well knows about the testimony of the two men who are engaged in the umbrella frame industry. They were the last two left in the Nation in that industry. Their entire industry has been wiped out in the last 10 years. I referred to them as "the last of the Mohicans." One of the witnesses testified, "We are not the last, because I am going to leave pretty soon. My business will be wiped out within 6 months. My friend here who will be testifying will be like General Custer making his last stand."

Mr. Speaker, you cannot buy an American-made baseball glove in this country. The products of our national pasttime are being manufactured overseas. That is what is happening in every industry.

Mr. Speaker, I want to commend the gentleman for his statement here today, because it is very timely. The House should be made aware of the problem that this great and beloved Nation of ours faces in the next few years.

Mr. BETTS. I thank the gentleman for his comments.

I think the gentleman will agree with me that the bill which we had before the Committee on Ways and Means and which was passed on the floor of the House and sent to the other body would have done a great deal toward correcting the problems that we are talking about here this afternoon if it had become law.

Mr. BURKE of Massachusetts. It is too bad that the Members of the other body do not possess the good common sense that our good friend in the well has.

Mr. JONAS. Mr. Speaker, will the gentleman yield to me?

Mr. BETTS. I will be glad to yield to the gentleman.

Mr. JONAS. I will take only a minute or two of time, because you have already been interrupted several times and we all want to hear your discussion.

I interrupt only for the purpose of inviting the gentleman's attention and the attention of our colleagues on the floor and those who will read the RECORD to the fact that the Department of Commerce today issued a news release, which I placed in the RECORD in a 1-minute speech and an extension for which I obtained permission earlier today. I would like to invite all who are interested in this problem to read this release. I would like for the gentleman from Massachusetts to read it. It was issued by the Department of Commerce today.

It shows that instead of improving the situation and instead of our foreign competitors displaying any restraints on their invasion of our markets, they are stepping up their invasion. With respect to textiles, for example, it shows that the increase in exports of textiles from Japan into the United States in March of this year was 100 percent above the levels of March a year ago. Japan, Hong Kong, Taiwan, and Korea are not displaying any disposition to restrain or limit their exports of textile products into our country. On the contrary, they are all increasing the level of their exports to the United States with each passing month.

Mr. Speaker, the wage levels and production costs of the exporting countries I have named are far below ours. Unless we have some reasonable limitation upon the amount of their exports into our own country, I do not see how we can expect our domestic textile industry to survive this ever-increasing flood of imports.

And, Mr. Speaker, what is going to happen is either one of two things: Many of our manufacturing plants will go out of business because the owners do not have the financing or the know-how to start up an operation abroad. Those that are knowledgeable and have expertise and have the capital are rapidly expanding their activities overseas, and one cannot blame them for doing that. If they are going to continue being harassed to death with imports of cheap goods produced abroad in such quantities as to destroy the ability of these companies to stay in business, they either have to go out of business or they have to go abroad and start producing with this low-cost labor and then ship their goods back into the United States. That simply means the exportation of U.S. jobs.

Mr. Speaker, as the gentleman from Massachusetts (Mr. BURKE) said, we will either act very soon or we will see very vital industries in this country either destroyed or go abroad. I do not want to see either one of those things happen. I do not advocate erecting a high tariff wall around this country and destroy competition. However, I do recommend that we enact such legislation that will protect our own producers and our own workers in order that they may have a fair and reasonable opportunity to compete in our own market.

I thank the gentleman for yielding.

Mr. BETTS. I think the gentleman from North Carolina is absolutely correct. He points out the fact that the situation is critical and it does not get any better. As the gentleman mentioned and as the gentleman from Massachusetts mentioned, if we had successfully passed the bill which the Ways and Means Committee reported out, I am sure many of the problems would be met and we would be on our way toward solving them.

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, permit me to say that I fully and wholeheartedly supported that bill last year. I worked hard for its passage through the House. I regret as much as anyone else that the other body let it die.

Now, a similar bill is pending before the Ways and Means Committee and I would urge all who are interested in this problem to speak to the chairman of the Committee on Ways and Means and to the members of that committee and to take any other steps that are proper to bring that bill back to the floor so we can start it through the legislative process again.

Mr. BETTS. I thank the gentleman for his contribution.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I commend my colleague from Ohio (Mr. BETTS) for his excellent presentation today.

I know at firsthand the adverse effect that increasing steel imports are having on the steel industry. About a year ago, I attended a meeting of steel industry management people and labor union leaders in Waukegan, the principal city in my district. These constituents are worried about their jobs and the future of their industry. They look to the Members of Congress to protect them from loss of livelihood.

Recently, a report of the American Iron & Steel Institute pointed out that more steel was imported during the first quarter of 1971 than any previous year. Through March 1971, steel imports were running nearly 10 percent ahead of 1968, the previous high year, and more than 62 percent ahead of 1970. Furthermore, imported steel preempted most of the growth in domestic steel between 1965 and 1970, a period of substantial economic expansion in the United States.

Certainly, the increase in imports during the first quarter is due, in part, to the fact that steel consumers were stockpiling steel against the possibility of an industry shutdown when the industry contract expires at the end of July. However, past experience proves that steel imports have not receded very far from the levels attained during such hedge-buying periods. Therefore, it seems quite likely that our problems with imported steel will continue to harass the American steel industry. Congress should look very carefully at this problem and take the steps necessary to stem the tide.

I am not prepared to propose a specific remedy. However, the best interests of the United States require a strong domestic steel industry. Some concrete remedy must be found before serious, and perhaps irreparable injury is done to the steel industry.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I would like to join in commending the gentleman from Ohio (Mr. BETTS). I have prepared a speech which I will put in the RECORD along with the remarks made by the gentleman from Ohio.

However, I do want to warn that last year I voted against the bill when it was in the House, and I do want to warn that I hope the Committee on Ways and Means will not mix this bill up with the oil import quota which has cost the American consumer $5 billion a year in artificial prices, because of the quota on oil.

We are in a desperate condition up there. There is the case of Humble Oil which the other day increased the price of home heating oil 10 percent. This has been going on now ever since the quota system was instituted back in 1959. I think these two things are separate and they should not be mixed here. I think if you do mix them and you get into a tight vote, you are going to lose. I hope you will do everything you can to deal with the industries that are in trouble like textiles, electronics, shoes, transformers, and other industries that you have mentioned, but I hope we will not get into the oil situation once again.

Mr. BETTS. I think the gentleman has a point and it certainly ought to be given serious consideration. I thank the gentleman for his contribution.

(Mr. BETTS asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, the First Congressional District of Massachusetts has been severely affected by excessive imports stimulated by the deep reductions in duty granted by the United States as concessions to other nations under our trade agreements program. It has proved to be virtually impossible to secure any meaningful relief from this injury. No matter which administration is in power, the foreign policy advisers to the President prevail over those of us who counsel for the exercise of our Nation's rights under article XIX of GATT to withdraw the tariff concessions which have caused the damaging increases in imports.

The five counties which in whole or in part are included in my district, Berkshire, Franklin, Hampden, Hampshire, and Worcester, are suffering from the hardships which have come to workers displaced from manufacturing jobs because of excessive imports.

In Berkshire County, the city of North Adams and the surrounding towns of Adams, Clarksburg, Florida, New Ashford, Savoy, and Williamstown have been declared areas of substantial unemployment. As of December 1970, the situation was so bad that the Commerce Department's Economic Development Administration made a "redevelopment area" designation there. The unemployment level now is a staggering 12.5 percent. The principal employment in the North Adams area is in the manufacture of electronic components.

Just 2 weeks ago, in Franklin County, 20 communities in the Greenfield Labor Area were designated by the Labor Department as eligible for assistance under title I of the Public Works and Economic Development Act of 1965 as a result of the high overall unemployment rates during the previous year. The unemployment rate here is now 9.5 percent. The principal manufacturing employment in that county is in the machinery industry.

In Hampden County, which I represent, in part, along with my colleague, Edward Boland, the cities of Chicopee, Holyoke, Springfield, and Westfield, and the towns of Agawam, East Longmeadow, Hampden, Longmeadow, Ludlow, Monson, Palmer, Southwick, West Springfield, and Wilbraham have been designated areas of substantial unemployment. Here again, on May 3—just 3 days ago—the Labor Department designated them for title I eligibility. And the towns of Brimfield, Holland, and Wales have been designated areas of persistent unemployment. These three towns, along with Belchertown and Ware in Hampshire County, are sustaining a disastrous unemployment rate of 17 percent. As of the first quarter of 1969, according to the Department of Commerce, principal employers in Hampden County manufactured apparel, paper products, leather products, steel, cutlery, metalworking machinery, electrical equipment, toys, and sporting goods.

In Hampshire County, the city of Northampton and the towns of Easthampton, Granby, Hadley, and South Hadley have been declared areas of substantial unemployment. The paper products industry is the principal employer.

Textile mill products was once another chief manufacturing item. But just 6 months ago, United Elastic Co. of Easthampton closed its doors, putting 300 people out of work.

In Worcester County, a portion of which I also represent, virtually every city and town in the county has been declared areas of substantial unemployment. Worcester County is a major manufacturing center. The largest employers are the textile mill products, apparel, footwear, steel, cutlery, hand tools, hardware, metalworking machinery, textile machinery, and toys and sporting goods industries.

Mr. Speaker, I and others have worked hard to obtain that kind of Federal assistance now available to aid these stricken communities. But this relief does not go to the roots of the problem. While last year's general economic downturn was a principal cause, a complete solution to the problems of these communities will require a realistic new trade policy to provide some check on the flood of imports.

Each of the industries which I have mentioned has been substantially affected by rapidly increasing imports which have achieved a relatively high level of market penetration. A study recently published by the Trade Relations Council of the United States, Inc., produced some data pertinent to these industries which I insert in the RECORD at this point:

Industry, increase in imports, 1964–69

	In percent
Electronic products and components	328
Machinery products	174
Textile mill products	29
Apparel	139
Paper products	32
Leather products	183
Steel	141
Cutlery	51
Metalworking machinery	301
Electrical equipment	286
Toys	171
Sporting goods	167
Footwear	311
Hand tools	178
Hardware	306
Textile machinery	196

Mr. Speaker, one of our Nation's leading industrialists, Mr. Robert C. Sprague, Sr., chairman of the board of the Sprague Electric Co., North Adams, Mass., made a thoughtful analysis of this problem based on his 45 years of experience in building and managing an industrial business whose product line, electronic components, became seriously impacted by excessive imports. His analysis of the problem was set forth in an address which he made before the New York Capital District chapter of the Industrial Relations Research Association. I believe that Mr. Sprague's remarks should come to the attention of every Member of this body. Accordingly, I am incorporating them in full at the close of my remarks.

Any discussion of import problems affecting my district cannot ignore the serious question of foreign dumping of heavy electrical transmission equipment on U.S. markets.

The matter of dumping, which is the clearly unlawful selling of goods in this country at prices lower than those charged in their country of origin, is a direct threat to 3,000 workers in Pittsfield, Mass., employed at General Electric's Power Transformer Department.

Nearly a year ago, Westinghouse Electric filed a dumping action against heavy transformer manufacturers in six foreign countries.

The administration is working hard to process this complex case expeditiously and a decision is expected in another few months. I am convinced these charges will be sustained.

In the meantime, however, despite substantial evidence of dumping, our U.S.-owned utilities, such as TVA, continue to purchase nearly all of their requirements abroad. In 1967 through 1969, 95 percent of these contracts went offshore. The percentage for 1970 is apparently lower, indicating that the mere filing of the dumping action has had some deterrent effect.

It is still essential, however, to put an end to U.S.-owned utility buying now. I have urged the President to take this step in a letter signed by 17 of my House colleagues.

See CONGRESSIONAL RECORD, volume 116, part 33, page 44198. And, following a series of meetings held in Washington with leaders of union locals of the IUE, I announced plans to offer a resolution urging the President to exercise the authority he now has under the Buy American Act to stem this flood of unlawful imports.

Mr. Speaker, while the general problem of cheap imports from low-wage countries is a severe one which must be resolved, the matter of unlawful dumping is a subject on which there can be no argument. And a solution is at hand without requiring new legislation.

Unless both problems are resolved, we will be unable to restore the economic health of all these industries, affecting thousands of workers across the Nation.

The material referred to follows:

U.S. Foreign Trade Policy—Its Disastrous Impact on Jobs and Industry in Many Sectors of the U.S. Economy

(By Robert C. Sprague)

My involvement with the import problem goes back about 12 years when I was appointed chairman of our industry trade association's (EIA—The Electronic Industries Association) Import Committee.

At that time, manufacturers of electronic entertainment equipment, particularly of radios, became concerned with increasing imports from Japan, notably small portable radios sold here at lower prices than possible with our much higher labor costs. Wages in Japan at that time were one-quarter to one-third of those in the U.S.

I will, later in my talk, have more to say about electronic imports and the schism which later developed between EIA members as to what to do about the problem.

During the 12 years which have elapsed since I assumed the EIA Committee chairmanship, I have been intimately and continuously involved with its increasing import problems.

I have headed up committees of our national trade association and its components division to develop plans and take steps to meet the competition from low-wage countries. I have had personal contacts with every conceivable Federal official who is in a position to help, right up to President Nixon. I have appeared before numerous Federal commissions and committees on behalf of component manufacturers. I have been instrumental in having legislation filed by New England senators. In all my efforts, and those of U.S. component manufacturers, the goal has been to bring about reasonable quota control of imports of entertainment electronic equipment and components.

I have also become acquainted with like problems of other industries and the foreign trade policy of the various administrations in power during the period. It is tragic and, to me, a continuing puzzle that this policy has remained substantially unchanged throughout both Democratic and Republican administrations and so continues until this very day!

While I recognize that there must be trade between nations—others have raw materials and products that we need and we have raw materials and products which they need—I must in all honesty state quite bluntly that I believe our foreign trade policy has been a failure and very damaging to many of our most important domestic industries, to their employees and stockholders, and against the national interest.

This policy has resulted in a *rapidly increasing indirect import of low wage labor*, particularly in recent years from very low-wage countries in the Far East.

Against such a background it is important for you to know that we are the only large industrial nation in the world which does not take steps to reasonably protect its domestic industries. For example, at some Trade Shows in Europe, Japanese manufacturers have not been even allowed to display electronic products of Japanese manufacture.

Japan, for its part, maintains a number of important restrictions and barriers of a tariff and non-tariff nature against U.S. and other non-Japanese trade. These range from quantitative import controls to restrictive licensing requirements, informal Government practices, Government purchasing policies, labelling requirements, etc. In addition, Japan maintains severe restrictions on the freedom to invest within her borders.

To be more specific and to enlarge on the damaging consequences of our national policy, let's start with a few basic facts:

1. For reasons which I do not fully understand, substantially all members of all administrations during the past 12 years, all economists, and many businessmen classify persons concerned with trade as "free traders" or "protectionists". And the "free traders" are identified as the *good guys* while the "protectionists" are the *bad guys*.

This is an over-simplified classification which, in the interests of an effective and viable foreign trade policy, should be eliminated. We should all be working for a *rational* trade policy!

2. The theoretically sound basis for free trade is that if goods are manufactured in those areas of the world where they can be produced with the *least expenditure of human effort* and lowest consumption of raw materials, then the maximum world production of goods would be achieved. Unfortunately, this concept has been prostituted by the "free traders" by converting the meaning of "with the *least expenditure of human effort*" into *"lowest cost"*. But cost is determined by the product of man hours and wages and the lowest cost is almost always achieved, assuming availability of nearly equal technology and adequate capital, where the wages are lowest. For example, in the electronic industry, where technology is diffused throughout the world, a much lower investment is required than, for example, in the steel and chemical industries. And no degree of efficiency in the U.S. can overcome the cost advantage of wages in the Far East which are from one-tenth to one-fourth of those prevalent in the U.S.

3. It is universally claimed by "free traders" that progressively lower tariffs initiated by the U.S. in the early 1930's have been responsible for the large increase in world trade in the ensuing years which has, in turn, made a substantial contribution to our economic growth and well-being. This is completely contrary to the facts. For example, U.S. exports as a percentage of Gross National Product have steadily declined from the early 1930's to the present time. During the years 1929 and 1930 U.S. exports averaged 6.4% of our GNP whereas during the period 1964 to 1967 (the latest available at the time of the study) the ratio was 5.8% of GNP. Further, as early as 1880 (90 years ago) our foreign trade represented more than 12% of our GNP!—as compared to about 4% today. This declining importance of world trade in relation to GNP of the 18 leading nations involved in international trade is further highlighted by a study of the figures available for the 8 most recent years for which such figures are available. Of the 18 exporting-importing nations, only Italy, Belgium, Luxembourg, Portugal, Taiwan and Canada have shown a significant increase in the ratio of exports to GNP during the four most recent years as compared with the first four years of the eight-year period considered.

4. Instead of having a substantial favorable balance of trade, we have, in fact, during recent years actually had a deficit in our balance of trade. Our trade surplus averaged about $5 billion from 1960 through 1967. It was only $1 billion in 1968 and 1969 and if one deducts military, PL-480 exports, and AID, most of which are paid for by the U.S. Treasury rather than by commercial concerns abroad, and which total between two and three billion dollars, you find that our merchandise trade actually shows a sizable deficit. Further, U.S. imports of manufactures, valued in current dollars, increased at the average annual rate of almost 12% per year during the period 1958–67, in sharp contrast to the rise in U.S. commercial exports of manufactures, which averaged only 5% per year during the same period.

5. And more troublesome is the fact that during these years the *character* of our exports has changed. U.S. exports have registered large *gains* in share of market in raw materials and manufactures with relatively low labor content: Live animals. Fodder and Feeds. Crude Synthetic Rubber. Raw Cotton. Man-Made Fibers. Logs. Paper Base Stocks. Pig Iron. Scrap Iron. Aluminum and other Non-Ferrous Ores.

We have registered large *losses* in share of market in exports of manufactures with relatively high labor content. Shoes and other Leather Products. Rubber and Cotton Products. Products made from Man-Made Fibers. Steel Mill Products. All kinds of machinery except agricultural. All kinds of vehicles except aircraft. Scientific Apparatus. Entertainment Electronics and their Components.

This is true in small industries as well as large. In specific product after specific product imports capture a large share of market where labor content is high. Exports capture a larger share of market only where labor content is low.

The kind of exports in which we are gaining ground are those ordinarily associated with underdeveloped countries. The kind of exports in which we are losing ground are ordinarily associated with highly developed countries. The common denominations of the difference is labor *cost*.

The law tariff policies followed by the U.S. under the Trade Agreements Act have finally caught up with us. Foreign manufacturers, paying wages far below even the U.S. legal minimum wage, and having high productivity by using the latest, most efficient machinery, in many cases provided by the Marshall Plan and subsequent give-away programs, are able to best American manufacturers in our home market as well as abroad—wherever there is enough labor employed to make a significant difference in the cost of the finished product. There is no other conclusion to draw from the facts.

6. Lower prices to consumers are continually cited as a justification for allowing unlimited imports of consumer products from low wage countries. However, the word "consumers" refers to people with purchasing power, and this, in turn, implies the existence of a domestic labor force whose members are gainfully employed. When imports are excessive in amount and rate of increase, workers in domestic plants become unemployed as a result of losing their jobs or under-employed as a result of the cutback in the hours of work available to them. This destroys their purchasing power and converts them from the status of "consumers" to the status of persons on welfare, or at least that part of the idle work force that is existing on the basis of unemployment compensation. In such a case, the failure to achieve some reasonable regulation over the volume and rate of increase of imports can harm the interests of consumers by depriving them of purchasing power.

The protection of jobs in America from destruction by excessive imports is no less meaningful to workers than a floor under earnings and a ceiling above working hours. You cannot logically support such social legislation at home while insisting upon the unregulated importation of goods made under labor conditions abroad which fail to rise to the same standards.

And now with a few basic facts established, let's look at the impact which our misguided trade policy has had on selected U.S. manufacturing industries:

THE STEEL INDUSTRY

U.S. imports of steel rose to 13.62 million tons in 1969, a 71% increase from the period 1964–1965. Total growth of imports averaged 18% per year, exceeding the average rise in imports of all manufactures. In 1969, we had an unfavorable balance of trade in steel of $843.5 million.

THE TEXTILE INDUSTRY

U.S. imports of textile articles rose to 3.6 billion equivalent square yards in 1969, a 102% increase from the period 1964–1965. Total growth of imports averaged 26% per year, far exceeding the average rise in imports of all manufactures. In 1969, the United States had an unfavorable trade balance in textile articles of $1.3 billion.

THE FOOTWEAR INDUSTRY

U.S. imports of footwear rose to 283.5 million pairs in 1969, a 72% increase from the period 1964–1965. Total growth of imports averaged 18% per year, exceeding the growth rate for imports of all manufactures. In 1969, we had an unfavorable balance of trade in footwear of $480.6 million.

THE ENTERTAINMENT SECTOR OF THE ELECTRONICS INDUSTRY

U.S. imports of radios rose to 38.1 million sets in 1969, a 128.4% increase from the period 1964–1965. U.S. imports of TV receiving sets increased to 4.0 million sets in 1969, a 358% increase. In 1969, 49% of the radios and 77% of the TV sets imported into the United States were received from Japan. The value of imports of electronic components increased by 216% in 1969, compared with 1964–1965. In 1969, we had an unfavorable balance of trade in entertainment electronic equipment of $787.5 million. And Mr. Joseph Wright, Chairman of Zenith, forecasts that this large unfavorable trade balance will increase to $3.0 billion within the next few years if present trends continue.

THE AUTOMOBILE INDUSTRY

U.S. imports of automobiles rose to 1,847,000 automobiles in 1969, a 237% increase from the period 1964–1965. Total growth of imports averaged 59% per year, far exceeding the average rise in imports of all manufactures. In 1969, we had an unfavorable balance of trade in automobiles of $2.4 billion.

The U.S. trade balance of these five major industries (Automotives, Textiles, Steel, Entertainment Electronic Equipment, and Shoes) declined from a small surplus in 1963 to a 5.8 billion dollar deficit by 1969!

In all, there are 100 U.S. manufacturing industries which have suffered a sharp, adverse change in their foreign trade deficit during the past three years, and during 1969 a total trade deficit in the products manufactured by these industries was 12.7 billion dollars!

Now, a little more about the industry I know best—the electronics industry.

When a schism developed in our industry relating from the first purchase of a large quantity of radio chassis made in Japan by a leading U.S. manufacturer, and their merchandising in the U.S. under the U.S. manufacturer's trade name, others shortly felt the pressure of the lower retail prices made possible by the transaction, and progressively followed two courses of action.

First, to also purchase chassis manufactured in Japan and then to set up their own manufacturing plants in low wage countries in the Far East—Hong Kong, Singapore, South Korea and Taiwan—where radios and televisions and their components are being increasingly produced by U.S. manufacturers for export to the U.S.

I deplore this trend and have fought against it increasingly for the past 12 years. However, it is an inevitable course of action for survival of U.S. manufacturers of entertainment electronic equipment and its components, unless effective congressional and administrative actions are promptly taken to prevent further penetration of U.S. markets by foreign manufacturers.

On March 9, 1970, Mr. Kenneth L. Davis, Jr., Assistant Secretary of Commerce, gave a very interesting talk to EIA membership. In it he stated in part:

"In the consumer area, it is sometimes argued that we should permit unlimited imports of low cost foreign products such as textiles, oil, or steel because of the beneficial effect on consumer prices. However, from a truly national standpoint, our precarious balance of payments position simply will not permit such a policy. Also from the standpoint of business and labor, the country cannot afford to see its major industries lose their strength just because of the existence of low cost labor or raw materials overseas, or because other countries subsidize their industry or have lax antitrust laws."

With this statement I fully agree. Unfortunately, he later largely negated this sound statement by saying:

"We should not turn back towards protectionism."

So, on March 13, 1970, I felt impelled to write Mr. Davis:

"The best brains in our industry have spent ten years on this problem and the only answers so far have been to:

A. Attempt to compete by buying low cost Japanese components of inferior quality.

B. Purchase complete electronic chassis from the Japanese or from foreign-owned companies located in other Far Eastern low-wage countries.

C. Set up American-owned plants in low-wage Far Eastern countries to manufacture components and complete chassis for sale in the United States.

The last is the current trend and I see only one possible answer to stem it. Consider that:

A. 92% of all radios, excepting automobile radios, are now imported into the U.S.

B. Over 50% of black and white TV sets sold in the U.S. are manufactured overseas and the percent increases substantially with each passing year.

C. Over 27% of color TV sets are now manufactured abroad and the percentage here is increasing even more rapidly.

So, with the real concern so well stated earlier in your talk, all of us would deeply appreciate a concrete recommendation from you as to just how U.S. manufacturers of entertainment electronic equipment and their components can protect themselves other than:

A. By reasonable quota legislation, or

B. By continuing the accelerating trend of U.S. companies to manufacture or have manufactured for them entertainment electronic equipment and components in the low-wage foreign countries for sale in the U.S.

The latter is equivalent to encouraging, no forcing, U.S. manufacturers to replace U.S. workers with very low-wage foreign labor. This, at least to many of us, makes no sense as a constructive U.S. trade policy."

Shortly after receiving this letter, Mr. Davis came out strongly for legislation to protect injured industries. No longer agreeing with our foreign trade policy, he tendered his resignation to Secretary Stans.

At the end of testimony before the House Committee on Ways and Means, then considering the Mills bill (H.R. 18970), Mr. Herbert Rowe, Chairman of the World Trade Committee of the Parts Division of EIA, accompanied by Mr. Eugene Stewart, Special Counsel to the EIA Committee, made the following recommendation:

"Having invoked every administrative remedy available to us without success, we now come to this Committee and ask, on an urgent basis, that it include in the bill which it reports as a result of these hearings, provisions to impose a system of flexible quotas on imports of entertainment electronic products and the types of components used in the manufacture of those products."

Although, until fairly recently, organized labor has supported tariff reductions and further liberalization of trade by the U.S., and this was particularly true during the so-called Kennedy-round of trade negotiations, during which our negotiators were outmaneuvered by their opposite numbers abroad and many U.S. industries seriously damaged, labor has now finally awakened to the serious nature of the problem and is actively pushing for reasonable protection of their U.S. jobs.

A case in point is a recent remarkable joint presentation by George Collins, Assistant to the President of IUE, on behalf of the IUE, the IBEW, and the IAM, and Mr. Eugene Stewart, Special Counsel for our (EIA) of World Trade Committee, on October 12, 1970, before the U.S. Senate Committee on Finance. Their statement included the following:

"From a peak employment of 590,000 in October 1966, manufacturers of entertainment electronics equipment and their components have been forced to reduce employment by 112.9 thousand by July 1970.

By comparison, employment in the combined textile mill products and apparel industries declined 101.4 thousand jobs, between October 1966 and July 1970. The industry producing leather footwear sustained a loss of employment during the same period of 18.3 thousand jobs.

Relief must be provided by specific legislation rather than offered through the time-consuming procedure of the escape clause, because of the rate at which U.S. producers of electronic products are shifting their plants abroad and either by the statutory imposition of import quotas or by an increase in the import duty to the statutory rate of 35% ad valorem. The transfer of these plants to offshore sites is destroying the jobs of American workers in the electronic industries. Once the plants are established abroad, the jobs in the United States are lost forever. The adoption of the Hartke bill, S. 4198 (or, alternatively, the increase in duty requested by the industries) would preserve the jobs which remain."

The Mills bill (H.R. 18970) can be very helpful if certain technical amendments are incorporated in the bill before final passage. These are being brought to the attention of Senator Russel Long, Chairman of the Committee, and to other influential members of Congress.

And finally, labor must stand and fight in this country. Two choices are open to labor. Labor must either accept lower wages so that foreign workers with high productivity and low wages cannot take their jobs, or it must insist that the advantage which accrues to foreign products in this market, because of lower labor costs, be reasonably controlled by quotas or by sufficiently high import duties which will neutralize that cost advantage. There is no other choice.

No political realist believes that labor will willingly surrender the wage scales for which they have fought so long. Nor is it in this country's interest to have workers receive the marginal wages paid abroad which allow them to buy little more than the necessities of life. The great market in the U.S. for consumer goods has been created by workers' ability to buy. Homes. Cars. Television sets, etc. Our domestic economy would collapse, and our financial institutions would fail if the average wage of U.S. production workers were reduced to the wages paid in Far Eastern locations.

The alternative is within Labor's power. Labor has the strength to demand that their jobs and their wage scales be preserved. Few politicians would fail to heed such a demand, particularly when supported by efforts being made by leaders of the many basic manufacturing industries, being seriously damaged by rapidly increasing imports from low-wage countries.

Mr. BROYHILL of North Carolina. Mr. Speaker, yesterday the gentleman from Florida (Mr. Sikes) and others joined in a discussion of the issue of this Nation's trade policy. The problems explored at that time are of enormous importance to the American people and I regret that the attention of the Members was diverted by the loud and bizarre events going on just outside this Chamber.

The purpose of yesterday's demonstration was explained as an attempt to "hold Congress hostage" until it legislates an end to the war in Vietnam. Regardless of our differing views on the tragic conflict in Southeast Asia, the irrationality of "closing down" this forum of the people's business is obvious.

By indicating that there are other great issues confronting the American people, I do not depreciate the urgent importance of a continuing assessment of the war.

We must deal with these and other great issues simultaneously since, unfortunately, dealing with many of our problems cannot wait until other issues are fully resolved. For that reason, I am glad to join with my friend from Ohio (Mr. Betts) in his effort today to proceed with this discourse on trade policy. As I see this question, it is more starkly simple than I would like it to be. The question is whether we are to go farther down the road into fantasyland by blindly continuing the trade policy of the last several decades or whether we have the determination and the statesmanship to make the changes essential for our economic survival.

Over and over again during these past 2 days, examples of the inadequacies of our trade policy have been provided in very impressive numbers. Today, the challenge international competition poses to American enterprise is clear for all to see. A tragedy of our time is our refusal to face facts and our continuing faith in "reciprocal" trade which is no longer reciprocal and our foolish insistance that our industries can maintain technological superiority over those of competing nations abroad. That imagined superiority, of course, is supposed to assure that our products will prevail in the marketplaces abroad and at home. Circumstances ought to have demonstrated the fallaciousness of this thinking.

In the 10th District of North Carolina, we have seen the grim results of an inadequate trade policy. Our textile plants which provide a large proportion of our economic strength are under direct attack from foreign-made products. More and more of our mills have closed. Others have searched for other products to produce and still others have had long periods of short workweeks. While the fate of our textile industry is acutely felt in North Carolina, the consequences of this assault by foreign textile products are not confined to one State or region. This is a national problem of great proportion. It illustrates starkly the need to reassess and overhaul the policies of the U.S. Government which are directly responsible for the predicament in which we find ourselves. What is happening to textiles today will happen to other American products tomorrow.

The policies of 1945 will not work in the changed world of a quarter of a century later. Based as they were on the fact that we were the only major industrial power emerging from World War II with its productive capacity in tact, it was in our best interest to rebuild the factories of our former allies and our former enemies. This we did freely. The industrial genius of our friends abroad was encouraged and assisted. Our domestic market was opened to their products and we overlooked the barriers which they erected to bar American products from their domestic markets. This was and still is our policy. It is shortsighted, destructive of American jobs, and essentially dishonest.

President Nixon is the first American President since World War II to propose realistic changes in policy. He has been steadfast in his efforts to negotiate voluntary agreements with major foreign producers of textile products which will restore reason and order to our domestic market. What he has attempted to achieve is not the exclusion of foreign textiles, but an orderly sharing of the growth of the American market.

When long negotiations with Japan failed, the President turned to the Congress for legislation that would strengthen his hand at the negotiating table. It should be pointed out here that well more than half of the Members of the House last year joined in active cosponsorship of this legislation. Certainly, this is a remarkable demonstration of understanding of and sympathy for the problem of the plight of the textile, apparel, and shoe industries by the Members of the House. I have no doubt that this sentiment still exists in the House of Representatives today.

The broad trade bill written by the Ways and Means Committee late last year contained the elements of our proposal along with additional features. Its passage by the House was a great victory even though it was roundly subjected to scurrilous charges that it represented a return to blind protectionism and high tariffs. These charges were without merit although they bit the nerve of the free traders in the Senate. Amid the confusion existing in the Senate during the last weeks of a lameduck session in 1970, the trade bill was killed and the Congress ended emptyhanded.

Further negotiations with the Japanese failed in a succession of events which ended with the Japanese Textile Federation announcing its plan to unilaterally restrain textile imports to the United States. President Nixon responded that the plan is unacceptable and the American textile industry immediately pointed to its obvious deficiencies. Under its provisions, there is little or no likelihood that the increasing tide of textile imports will be controlled.

It is most unfortunate, I believe, that the chairman of the Ways and Means Committee (Mr. MILLS) announced his approval of the Japanese textile industry's plan. My friend from Arkansas has been a stanch friend of the American textile industry. I have no doubt that his approval of the Japanese plan was not intended to harm the industry. The conclusion, however, that great harm has been done is inescapable since his concurrence with the plan has cut the ground out from under hopes for a government-to-government agreement. It has also encouraged the Japanese to continue their textile trade war since they know that without the chairman's approval, legislation to restrict textile imports is not likely to emerge from the Ways and Means Committee.

As things stand today, there is little prospect for the relief our textile industry needs so desparately. We must now work to strengthen this Nation's resolution to take steps to assure that one of our country's great industries will not be destroyed in the systematic trade offensive being waged against us.

It is unacceptable to me and I believe to all thinking Americans that we remain willing for a foreign industry to determine the rules of our marketplace. Certainly, the Japanese would be the first to object to any such effort on our part to impose our will upon them. However, I cannot blame a foreign industry or a foreign government for taking advantage of such a ridiculous situation which we are so supine as to allow to continue.

There is no doubt that if this Congress can find the will to act in this situation, the Japanese Government will come to the negotiating table prepared to bargain sincerely and seriously. In the process of legislating, the President needs the kind of authority last year's trade bill contained so that there will be no doubt that a failure to reach a negotiated settlement will result in the resolution of import questions by law.

Gentlemen, we have a sovereign obligation to the American people that we will not be victimized by any organized foreign trade blitz and that the price of trading in our domestic market is reasonable and that we have fair access to the markets of those countries which would send their products here. This is not the case today and it is our responsibility to begin to set right a disordered and outdated trade policy.

Mr. SCHNEEBELI. Mr. Speaker, I hope to make clear in my brief remarks today the current realities of the footwear imports situation. During the first 3 months of 1971, 87.5 million pairs of leather and vinyl footwear have been imported into this country, which is an increase of 27.4 percent over the amount that came in last year during the same period. At this rate imports will rise from 235 million pairs in 1970 to over 300 million pairs this year. This will represent 39 percent of the total new supply of footwear, that is, of the sum of U.S. production and imports combined. This volume of imports represents 64 percent of total U.S. production. Last year, footwear imports were equal to 30 percent of the total new supply and 42 percent of U.S. production.

You may recall that I, as well as many others on the Ways and Means Committee, supported the Trade Act of 1970 and also supported with great enthusiasm the Trade Expansion Act of 1962. This support represented our conviction that a truly liberalized trade policy must form the foundation of our international trade relations.

I continue to feel strongly that the Trade Act of 1970 now entered as H.R. 20, the Trade Act of 1971, responds to the realities of international trade today and is the only sort of step that we can take in the short run, the next 3 to 5 years ahead. That will enable us to attain a commercial environment that will sustain a truly liberalized trade relationship with our trading partners. More importantly, in the short run, we must not allow the wholesale disruption of our footwear and textile industries to the extent that thousands are forced on to welfare rolls or into the extremely costly adjustment assistance remedy that is now underway. Payrolls, not welfare rolls, are the better answer.

The footwear industry in the State of Pennsylvania has held up remarkably well in relation to other footwear States, and yet the impact of imports is evident.

As you may know, Pennsylvania is the most important footwear-producing State in America, producing as it does nearly 14 percent of the Nation's output. Yet, in the past 3 years, Pennsylvania's footwear production has sagged from 85 million pairs in 1968 to under 77 million pairs in 1970. Since 1968, the number of footwear workers has dropped from nearly 25,000 to an estimated 23,000 workers, although during that time their taxable wages have gone up from $103.7 million to an estimated $108 million in 1970.

But this is not the whole employment story, since we have many tanners and suppliers in this State who employ many thousands of workers. The total number of employees in the leather products industry which combines both nonrubber footwear and tanners has dropped from nearly 30,500 in 1968 to 28,000 in 1970, so the footwear industry in Pennsylvania is now truly imperilled by the flood of footwear imports from abroad.

As you know, the footwear industry in my State is mainly a rural enterprise. I know you are also aware that in this Nation today about 35 percent of the population still resides in rural areas, and that farming in rural America only accounts for the employment of about 2 million families. The combination of agriculture and industry in these areas is essential. As was pointed out a year ago in "The Report of the President's Task Force on Rural Development":

> If this is to be a happy and healthy Nation in the years ahead, our growing industry and our increasing population must spread out instead of continuing to pile people and industrial plants into compacted urban areas.

Mr. BAKER. Mr. Speaker, I welcome this opportunity to join with my colleagues today in calling for immediate action on legislation to impose quotas on textile imports. In my section of Tennessee the textile industry is mighty important to the economy, just as it is in the neighboring States of North and South Carolina, Alabama, and Georgia. We are seeing the steady erosion of this industry because our American firms cannot compete with the imports, especially those from Japan, where there is such a differential in the wage structure, and such a determination to capture world markets.

There are all kinds of figures to prove what is happening to us under the present policy. The estimates of jobs lost in the textile industry range well over 100,000 and a recent count of American textile factories which have had to close is something like 550.

We all know how imports have soared. Five years ago the United States was importing around 565 million yards of manmade fiber products. As of last year, the total had jumped to 2.8 billion yards and the textile imports for the first months of 1971 will show an average increase of around 5 percent over last year's all-time high.

We have tried the voluntary limitation route. Unfortunately, it does not help American industry because textile imports are still entering this country in record volume. We face more plant closings and more employee layoffs.

I think the President was correct in rejecting the Japanese proposal in March. He did so on solid grounds, and I think this portion of his statement bears repeating:

> Only one overall ceiling for all cotton, wool and manmade fiber fabric and apparel textiles is provided, with only a general undertaking by the Japanese industry "to prevent undue distortions of the present pattern of trade." This allows concentration on specific categories, which could result in these categories growing many times faster than the overall limits.
>
> The overall ceiling would be based on imports from Japan in the year ending March 31, 1971, plus a growth factor. During the two years that we have been negotiating with the Government of Japan, imports of manmade fiber textile products have greatly increased, and in January 1971 they entered this country at a record-breaking level. Moreover, the program magnifies the potential growth of the sensitive categories by including in the base exports of cotton products which are already limited by agreement and which have been declining.

I also feel the President is correct in calling for the prompt enactment of textile quota provisions in the type of trade legislation which passed the House last year, but which failed to get through the Senate. This legislation has been reintroduced and is pending before the Ways and Means Committee. I would hope what has been said on the House floor yesterday and today will have some influence on the committee to report out a bill with realistic textile import quotas. We are at a critical point now and cannot delay much longer.

In support of some of the points I have attempt to make, I wish to include with my remarks an Anthony Harrigan column from the April 23 edition of the Chattanooga News-Free Press:

JAPAN'S TEXTILE WAR PUT 100,000 IN UNITED STATES OUT OF WORK

(By Anthony Harrigan)

> The point at which energetic trade practices turn into a trade war sometimes is hard to determine. But it seems clear enough in the case of Japan's effort to sell textiles in the United States that accepted trade activities have been left far behind and that Japanese textile manufacturers, working in cooperation with their government, are in a trade war against the United States as they attempt to monopolize the textile market in the U.S.A.
>
> This economic conflict is in the news again because the Japanese Textile Federation recently announced a plan for limited voluntary quotas on textiles into the United States. Unfortunately, the Japanese proposal appears to be a smokescreen.
>
> U.S. Sen. Strom Thurmond (R-S.C.) has pointed out that the Japanese declaration "bases its import quotas on the level of imports from Japan in the year ending March 31, 1971, the year of the heaviest imports yet. In 1970, for example, 100,000 textile jobs were lost in the United States."
>
> President Nixon rightly refused to accept the Japanese Textile Federation proposal as a solution to the imports problem. Since 1969, the Japanese government has been negotiating with the U.S. on the situation. The Federation's stand is no substitute for official Japanese agreement. The Japanese government, however, seems desirous of using the Federation announcement as a way out of negotiations.
>
> Both labor and management in the textile industry are opposed to the Federation proposal. The American Textile Manufacturers Institute has said that it is "heartening that the President does not accept the premise that the United States government should rely on a private industry group in Japan to assume for itself responsibility for developing and policing a solution to a major national problem in this country."
>
> The institute added that figures released for the month of January show another all-time record of 453 million yards in that month alone—an increase of 30 per cent over the same month last year. The Japanese self-help plan would lock onto their base this burdensome level of imports and compound it for years.
>
> There's a tendency in some quarters to dismiss the textile industry as expendable and to describe it strictly in regional terms. But as Sen. Thurmond has pointed out, the textile industry "involves about 2½ million jobs in the United States." Textile operations are located in many states. When textile industry suffers, the economy of a broad spectrum of states and communities is adversely affected.
>
> Those members of Congress who are opposed to import quotas take the line that the United States always has stood for free trade. Generally speaking, this has been the American position for many years. The United States has sought to lower trade barriers. But the Japanese don't really subscribe to free trade principles. While they aim at monopolization of American domestic markets, they make it very difficult for U.S. companies to enter Japanese markets. Moreover, they "dump" goods in the American market, selling a variety of products at prices lower than those set for consumers at home.
>
> Until Japan truly subscribes to free trade principles, it should not be free of intelligent restraints on its flooding of U.S. markets. The Japanese Federation proposal isn't an effective restraint. That's why there's need for Congress to enact meaningful import quotas.

Mr. DUNCAN. Mr. Speaker, I wish to second the sentiment expressed here this afternoon by my colleagues. Unfortunately the trade bill we passed in this body 6 months ago did not make its way through the other body, even though a modified bill was favorably reported by the Finance Committee.

The sentiment for trade legislation was strong last year in the 91st Congress. The concern is no less today in the country. Imports continue to rise and our industries continue to be exposed to the inroads of foreign goods in our market. At present they have almost open access, but for a handful of import quotas. These mostly apply to agricultural products.

It should surprise no one that our imports have increased twice as rapidly from 1960–70 as our exports. The competitive advantage, with few exceptions, lies almost wholly on the other side. What with wages far below those prevailing in this country, combined with fast-rising productivity abroad, the competitive advantage was and continues to be on the side of imports. Unless we do something soon to halt the trend many of our industries will go under or go overseas. In any event the workers in our plants will suffer. Unemployment will come from three sources: First, actual displacement by imports, second, displacements of workers by more productive machinery installed specifically for the purpose of standing off imports, and/or third, dampening of production expansion plans in this country because of the bleak outlook. This will mean failure to hire any of the workers coming as additions to the existing labor pool, at the rate of nearly 2 million per year.

It must be obvious that this combination will work directly at cross purposes with all efforts to achieve full employment in this country. If it were merely a matter of a few small industries the problem would not bulk so large; but it is not only the small industries that are affected. We have only to look about ourselves: We note the steel industry, the automobile industry, the textile industry, footwear, household electronics, fruits and vegetables, and a long series of other industries.

My own district has a great concern over textile and footwear imports, but I recognize the plight of many other industries. There would be no point in going into detail today about the imports of textiles and footwear. They are well known. Other industries have also given the details of their own troubles.

Right now I, together with many others, am concerned over the delay in getting back to trade legislation. Imports have hit new records in the first quarter of this year; and they are still pointed upward.

Even the Department of Commerce has dropped its former optimism. It now acknowledges the weak competitive position of many of our industries in world markets and in this country in competition with imports. Only recently Commerce Today, published by the Department weekly, carried an analysis of our exports and imports—March 8, 1971, page 16 and following pages. It shows the spreading gap between imports and exports of what the publication calls manufactured products, not technology-intensive. It shows by a chart how imports are running away from exports in this sector of products. Then it shows in another chart that imports of "manufactured products, 'technology-intensive'" have been running parallel though behind exports in recent years, indicating that we cannot rely on these export-oriented products to overcome the heavy deficit in the other category.

More concretely put, we can say that with the exception of machinery, including computers, and transportation equipment, including aircraft; and chemicals, we are in a deficit position with respect to nearly all other manufactured product classifications. Beyond that we are in a deficit in petroleum, fish and fish products, certain fruits and vegetables, certain minerals, such as lead and zinc, and so forth.

Since the export surplus enjoyed in machinery and chemicals is narrowing while imports continue to run well ahead in the other product lines, the outlook overall is all but bright. I may add that since 1960 through 1970 our imports of machinery and chemicals combined have increased at twice the pace of our exports. That gives us some idea of where we are headed. If the narrow segment of products in which we do enjoy a wide lead in exports finds imports gaining so rapidly, then, Mr. Speaker, our competitive weakness will become more glaring as the months go by.

One of the startling examples of what imports may do to a long and thoroughly established industry is exemplified by the nonrubber footwear industry; that is, shoes, men's, women's and children's.

A few years ago imports were no threat. Once this market was penetrated, however, the flood rose rapidly. In 1960 less than 5 percent of our total market was supplied by imports. By 1965 this share had risen to 12 percent. Imports continued upward and in 1969 supplied 25.2 percent of domestic consumption. In the first 3 months of 1970 the percentage rose to 32. Now, in the first 3 months of 1971 imports are 27.3 percent higher than in the first 3 months of 1970.

Mr. Speaker, no industry can stand up under such a battering. Already in 1969 imports had stopped growth of our industry. Since then they are only taking up all the growth attributable to population increase but are eroding the base beyond the growth.

That the situation is serious is not enough to say. It is fast becoming desperate.

Mr. Speaker, is this country bound to sit idly by while one of its established industries, catering to a universal consumer need, is being undermined and demolished? I cannot believe that we are so committed to the principle of free trade that we cannot defend ourselves against such an economic atrocity. I do not say, nor does anyone else, that the imports of shoes, or textiles, or any other product should be stopped. I do say that they should be controlled, so that they cannot cripple or destroy our industries.

This House passed a bill last year but it did not make its way through to the other body. I am sure that all who supported that bill expected early action in this session. This has not been forthcoming. I join with the other Members in this body, in the hope and the plea that we may get on with the legislation and not let it drift. Trade legislation is entitled to a high priority and I trust that this fact will be recognized.

Mr. McKINNEY. Mr. Speaker, I am deeply concerned about the erosion of the specialty steel industry in this country. The increase in imports of tool and stainless steels has risen to a point that it endangers a vital segment of our domestic steel industry.

The phrase "specialty steels" in understood in the industry to include stainless steels, tool steels, high temperature steels, and refractory, reactive, electrical and electronic metals. I am also including in this category pressure and mechanical tubing of carbon, alloy, and stainless steels.

These specialty products are designed and produced for use in extreme environments requiring exceptional hardness, toughness, tensile strength, resistance to heat, corrosion, or abrasion, or a combination of these factors. They contain substantial amounts of expensive and critical alloys such as chromium, nickel, molybdenum, titanium, columbium, tungsten, vanadium, cobalt, and other elements which provide their unique characteristics.

Because of their technological properties and alloy content specialty steels are difficult and costly to manufacture. In 1969 the producers of tool and stainless steels in this country accounted for only 1.1 percent of net industry shipments of steel mill products. Their products, however, generated approximately 7 percent of total industry dollar volume. Domestic manufacturers of specialty tubing last year produced 1.6 percent of net industry shipments of steel mill products, which in turn represented 4.5 percent of industry dollar volume. These specialty steels are developed, designed, and produced for specific requirements of specific customers, and are usually sold by the pound rather than by the ton.

Most specialty steel is melted in electric arc or vacuum melting furnaces, and rolled or shaped on special steel mill equipment designed and powered for high alloy processing. Because of the sophisticated nature of our products, however, these processes take a higher degree of technology and considerably more time in our mills than in the basic carbon mills. The man-hours required to produce a ton of specialty steels, on the average, total about six to eight times that required for comparable products of carbon steel.

The U.S. industrial economy is absolutely dependent on these steels. At the most basic level specialty products like tool steels and cemented carbides make the tools that make everything else. This is the most pervasive but by no means the only critical application of specialty steels, in which no economic or indeed existent substitute is known.

Our competitive position in the world is perhaps best illustrated by the fact that imports have taken over 20 percent of the U.S. market for specialty steels, while we are unable to sell our products in volume, abroad. The plain fact is that steel technology and availability is today sufficiently worldwide that the basis for competition in all but a very few exotic steels is price, and price alone.

U.S. stainless steel imports have increased every year, rising from 79,000 net tons in 1964 to approximately 182,000 net tons in 1969. This compares with total U.S. shipments of stainless of 771,000 net tons in 1964 and 909,000 net tons in 1969. The year 1964, of course, was the first in which adequate import statistics were available for specialty products. At the end of 1970, stainless steel market penetration was at an all-time high of just about 21 percent—one-fifth of our market gone. Throughout this period, imports of stainless steel mill products increased at an average annual rate of 18.1 percent, while the corresponding rate of growth for domestic shipments was only 3.4 percent. In these 6 years, domestic apparent consumption of stainless steel increased 276,000 tons. Stainless steel imports captured 103,000 tons, or 37.2 percent of this growth in the domestic market.

Tool steel imports rose dramatically from 9,080 net tons to roughly 15,250 net tons during the 1964–69 period. This average annual growth rate of 10.9 percent contrasts sharply with the growth rate in domestic tool steel shipments of 2.2 percent annually. Market penetration by imports also increased steadily, from 8.3 percent in 1964 to a high of 17 percent at the end of 1970. Domestic apparent consumption of tool steel increased from about 109,000 tons in 1964 to about 126,000 in 1969, an increase of 15.8 percent. Imports captured 6,000 tons, or over 35 percent of this growth in the domestic market.

The industry has had difficulties with the voluntary export limitations assumed by the Japanese and Western European steel exporters in January 1969. Ironically these limitations, designed to relieve import pressures on all American steel producers, have accelerated the problem for makers of specialty steel. In specialty steel, the figures show that foreign specialty steel producers have not complied with the voluntary restraint program and have actually increased tool and stainless steel imports. Instead of declining as they should under the voluntaries, these imports have jumped 4 percent from 1968 to 1969, while overall steel imports declined 20 percent. In the first 8 months of 1970 specialty imports have increased another 7 percent.

These figures illustrate two flaws in the voluntary restraint program as it applies to specialty steel. First, the major foreign producers of some specialty steel products are not participants in the voluntary program; last year more than 40 percent of the U.S. stainless steel imports and three-fourths of tool steel imports came from nonsignatories.

Second, even the signatories have entirely disregarded their stated intent not to disturb the historical product mix and geographical distribution patterns on which the program was based. A few thousand tons of stainless steel do not make a ripple in 14 million tons of total steel imports, but this small quantity can wipe out the entire market of one of our small specialty mills. In the tool steel area, where 5 tons is a big order, 500 tons of high speed wire can have a crippling and demoralizing effect in the marketplace and to the small companies in industry.

As to geographic distribution, in stainless steel we have seen a significant shift in import focus to the Pacific and gulf coast ports. In tool steels the shift has been to the Atlantic coast for high speed tool steels and to the Pacific coast for alloy tool steels. Any such shifts vastly intensify the local effects of increased imports and contribute further to market imbalance and dislocation.

We reach three basic conclusions with respect to the importance of specialty steels to the United States.

First. Our national security starts with our ability to maintain a viable industrial base and civilian economy both in peacetime and in a period of national emergency;

Second. Special steels are an indispensable industrial material; and

Third. Therefore, this Nation must maintain an adequate level of self-sufficiency in specialty steels, not only in production and supply capability, but also in a contemporary reservoir of research technology and a skilled and experienced labor force.

In short, the national security requirements of the United States are best met by providing an economic climate in which the domestic specialty steel industry will continue to grow and expand.

I hope, Mr. Speaker, that this Congress will take such action as is necessary to slow the devastating flow of specialty steel products into this country thus causing the loss of American jobs.

Mr. BOW. Mr. Speaker, the manufacturing industries which have plants in the two counties which make up my district employ more than 100,000 of my constituents. I therefore have a major interest and responsibility to be concerned about any situation that adversely affects employment in these manufacturing plants. The principal employers in my district are the steel; china, earthenware, and pottery products; metalworking machinery; meat products; rubber products; electrical equipment; and electronic products and components industries.

My constituents keep me informed on the problems which increased imports are causing in the domestic market and the effect of the inroads which imports are making in the market on employment in these domestic industries. The rapid increase in imports in articles which compete with the production of these industries is very disturbing.

The Trade Relations Council of the United States has compiled data on employment, output, and foreign trade of U.S. manufacturing industries. The third edition of that study, recently published, indicates that the increase in imports in the products which affect the industries with plants in my district has been very rapid, as shown by the following data:

Industry, increase in imports, 1964–69

[In percent]

Steel	141
China, earthenware, and pottery products	90
Metalworking machinery	301
Meat products	90
Rubber products	154
Electrical equipment	286
Electronic products and components	328

Mr. Speaker, the single most important employer in my district from the point of view of the numbers of workers is the steel industry. The study which I have referred to indicates that for the latest year for which all of the necessary data were available for the calculation, 1968, the foreign trade deficit of the United States in basic steel mill products represented the equivalent of 43,048 jobs. This loss of employment has affected every steel-producing area of the country.

SPECIALTY STEEL

Other Members are dealing with the overall problem of steel imports. I wish to touch on the subject only briefly and with reference to a problem I fear is often overlooked. The tendency has been to deal with a lump sum problem which is 13 million tons of steel imports last year. Overlooked is the fact that our foreign competition is turning ever more rapidly from large quantity imports of basic steel to the high cost specialty steels, and it is the specialty steels that are the lifeblood of the industry in my district.

In this category are such sophisticated products as stainless, tool steels, and other high alloy steels. One segment of this category, tool steels, makes the tools that make everything else. Specialty steels require considerably more time and money to produce than conventional steel products and they are sold by the pound rather than the ton.

Since 1964, the first year adequate statistics became available on specialty products, specialty steel imports have increased steadily and now claim 20 percent of the U.S. market. Stainless steel imports have risen from 79,000 net tons in 1964 to 177,000 net tons in 1970—an increase of 124 percent. Tool steel imports have gone from 9,000 net tons to 17,000 net tons during the same period.

In many product lines, the situation is considerably worse than the overall figures would indicate. In the 1964–70 period, cold rolled stainless steel sheet imports increased 203 percent and stainless round wire, 234 percent.

A few thousand tons of stainless steel hardly make a ripple in the 13 million tons of total steel imports last year. But that tonnage is large enough to wipe out the entire market of a domestic specialty steel producer.

In the tool steel area, where five tons is regarded as a large order, 500 tons of high-speed wire can have a crippling effect in the market place.

The specialty steel problem serves to emphasize the urgency for modernizing our trade policies to give our steel producers a fair chance to compete with foreign producers. Such measures, already proposed, must be adopted without further delay.

I could deal at length with other problems in my district such as those confronting the ferro-alloy industry and the producers of ceramic tile. Literally thousands of jobs are at stake and I fear that the people of my district and of the United States generally are not aware of the fact that we are perilously close to a major disaster, not because of our own economic policies, not because we are inefficient, not because we lack skilled mechanics and aggressive business leaders, but simply because a visionary foreign trade policy pursued for nearly 40 years has ignored essential economic differences that make it impossible for our industry to compete against Government-subsidized foreign industries with special tax priviliges, low wages, low overhead and working conditions no American would tolerate.

ELECTRONIC PRODUCTS

These considerations apply with special force to the electronic product industries, and it is ironic that this is also the one major industry in the United States which is completely neglected in governmental efforts to date to correct fundamental import problems. The degree of import penetration of radios, televisions and other consumer electronic products and of the components which are contained in and the type used in the manufacture of such sets exceeds that of steel, textiles or leather footwear.

In 1970, imported television sets accounted for nearly 40 percent of the domestic market. In 1968, the study previously mentioned indicates that a total of 17,084 jobs were lost as a result of the deficit in our foreign trade in radios and television sets, and an additional 7,000 jobs were lost in the foreign trade deficit of electronic components. To assist in a better understanding of the electronic product import problem, I should like to spend a few minutes in sketching the essential facts.

Manufacturers of electronic parts and components are directly and adversely affected by the loss of a large and growing share of the U.S. market to radios, televisions, and other consumer electronic products from foreign manufacturers, principally Japanese. American brand name set assemblers have reacted by transferring the assembly of U.S. brand name radios, televisions, and other consumer electronic products to low-wage foreign countries. While an American firm is able to retain all or part of its share of the U.S. market by this expedient, the sets sold are made abroad, and represent a loss of the market for sale of electronic parts and components in the United States.

These import pressures are driving a very large and growing part of the market for the sale of parts and components overseas, where the domestic component manufacturers cannot compete. Some of these manufacturers have reacted to these events by establishing offshore assembly plants to produce the parts and components required in the offshore assembly of radios and televisions by their customers.

The U.S. manufacturers who attempt to maintain their production in the United States are faced with a shrinking domestic market in which competition from imported components has become increasingly intense. The shrinking production of consumer electronic products in this country is steadily being invaded by imported parts and components. The plants in this country that continue with the assembly of consumer electronic products react to import pressures by doing everything they can to lower their costs. U.S. import duties are so low, and the selling price of articles produced in Asia so far below American costs and prices, that increasingly they have been substituting foreign parts and components for American. The shrinking U.S. market for electronic parts and components is contracting even more rapidly because of this development.

JOB LOSS IS 65,900

The industries producing radio and television sets, and the types of parts and components used in the assembly of such sets, have sustained a major loss of employment, with 65,900 workers losing their jobs between 1966 and 1970.

Imports of foreign brand name radios and televisions have triggered imports of so-called U.S. brand name sets. In 1958, 10.8 million home-type radio sets were sold in the United States, of which 76 percent were made in the United States. By 1967, the pressure of foreign brand name imports of radios on the domestic market was so great that U.S. manufacturers of radio sets arranged for the offshore assembly of sets to be sold in the United States under American brand names.

The penetration of the U.S. market by foreign radios increased from 24 percent in 1958 to 93.4 percent during the first 6 months of 1970. Sales of domestic sets reached their peak in 1963 and have steadily declined since then. The falloff in 1970 has been especially severe. The domestic radio manufacturing industry seems destined for total destruction, and at an early date.

Now we are witnessing the same distressing spectacle in the largest and strongest part of the domestic consumer electronic products industry, television sets. By midyear 1970, imports of TV sets accounted for 36 percent of the U.S. market, and U.S. brand name sets accounted for 42 percent of total imports. Moreover, the imports have been concentrated in the "not over 20-inch screen size" part of the market where in 1970 they accounted for slightly more than two-thirds of domestic consumption.

The record of rapid market penetration by imports of phonographs and tape recorders is no less dramatic than that for radios and televisions. During the first half of 1970, imported phonographs had captured 43.7 percent of domestic consumption. Foreign-produced tape recorders have dominated the U.S. market throughout the 1967–70 period. The market penetration by imports was 82.8 percent in 1967, and this rose steadily to 94.3 percent during the first half of 1970.

RECIPROCITY?

Notwithstanding the acute peril of the domestic producers of consumer electronic products, the U.S. trade negotiators agreed in the Kennedy round to a 50-percent cut in duty on virtually all electronic products. Our foreign competitors, however, emerged from the Kennedy round with higher duties than ours on consumer electronic products. For those acquainted with Orwellian newspeak, this kind of negotiation is termed "reciprocity." Under the guise of reciprocal trade negotiations, the United States has stripped bare its workers and manufacturers, leaving them exposed to every kind of foreign competition, while accomplishing little or nothing about the reduction of duties and the elimination of nontariff barriers to our exports.

The consumer electronic product import problem is largely, though not exclusively, Japanese in origin. In the first 8 months of 1970, 45 percent of the radios, 74 percent of the televisions, 90 percent of the tape recorders, and 91 percent of the phonographs and record players imported into the United States originated in Japan. It is symptomatic of the unfairness which characterizes our foreign trade relations with Japan in electronic products that her duties on U.S. exports of the same articles are two to three times those which we impose on her exports to the United States.

PLANTS CLOSED DOWN

These developments have affected every sector of parts and component manufacture in the United States. Plant capacity for the manufacture of television picture tubes is more than 50 percent idle, both black and white, and color. Domestic producers of both the glass tube and the phosphors used in color TV picture tubes have closed down production facilities and laid off workers. The direct and indirect losses of jobs in the television picture tube and associated industries, triggered by the soaring imports of television sets, are some 6,500 jobs.

The impact of rising imports of consumer electronic products has affected the domestic manufacturers of electron receiving tubes. Five of the industry's receiving tube plants have been closed down. For the past 3 years less than 50 percent of the existing capacity has been utilized in the production of receiving tubes. Production and sales have plummeted downward, and accompanying that trend has been a major decline in employment, with a loss of 7,610 workers in 5 years' time.

Imports of receiving tubes, both direct and indirect, have increased steadily, rising from 26 percent of the domestic market in 1967 to 41 percent in 1970.

No sector of electronic parts manufacture is more vulnerable, or has been more severely injured, than loudspeakers. Between 1967 and 1969, domestic shipments declined 44 percent, imports increased 71 percent, the import share of the market more than doubled, so that two out of every three loudspeakers acquired by consumers in 1969 were of foreign origin, and employment dropped by 44 percent. During 1970, three out of every four loudspeakers acquired by consumers in the United States were of foreign origin.

The major part of domestic sales of passive components goes into consumer electronic products, so that imports have had a serious impact on these segments of the electronic parts and components industry.

With the perspective afforded by the 1969 ratio of imports to consumption of steel of 13 percent, textiles 11 percent, and footwear 28 percent, imports of tape recorders at 94 percent, radios at 93 percent, phonographs at 44 percent, televisions at 36 percent, electron receiving tubes at 49 percent, television picture tubes at 36 percent, loudspeakers at 73 percent, and passive components at 56 percent represent for the electronic products industries an extremely serious problem.

INDUSTRY DEFENSELESS

Due to the actions of the executive branch of the Government in making repeated and deep reductions in the rates of duty applicable to consumer electronic products, parts, and components, the domestic industry producing these products has been made especially vulnerable to foreign competition from low-wage nations of Asia.

Once made defenseless by the unwise reductions of electronic product tariffs made in trade agreement negotiations under GATT, compounded by the virtually 50-percent across-the-board reduction in electronic product duties in the Kennedy round, the domestic industries producing electronic products have been further plagued by systematic use, especially by Japanese electronic manufacturers, of unfair pricing practices and a Japanese Government-concerted campaign to expand their industry at the expense of U.S. production and employment by capturing the major share of the American market.

If the U.S. Government fails to take suitable action through the adjustment of import duties to realistic levels and the meaningful prohibition of the unfair pricing and marketing practices of the Japanese electronic manufacturers in selling to the U.S. market, the final and total destruction of the U.S. electronic product industries is clearly foreseeable.

1951 FORECAST

Mr. Speaker, it gives me no pleasure to say "I told you so," but the fact remains that my initial speech in this House in early 1951 forecast precisely the developments that I have today described.

American workers have lost their employment and American investors, large and small, have lost their investments because the Congress has permitted economic theorists in the executive branch to establish foreign trade policy. In 35 years of the so-called reciprocal trade agreements program, the United States has lost in every international trade conference. We have taken professors from their ivory towers, imbued with the shining ideal of free trade, and sent them into negotiations with hard-headed, self-interested, cold-blooded foreign businessmen who came to trade for advantage. Our negotiators came home in splendor with lofty pronouncements about reciprocity, and the foreign negotiators went home with a larger and larger share of the American market.

In that speech in 1951 I made the following remarks, which I wish to repeat and reaffirm today:

> The Constitution provides that Congress shall regulate foreign trade and shall levy duties and imposts. I believe it is time to reestablish the constitutional prerogative of this great legislative body.
>
> I will perhaps be branded as a reactionary. Well, I do react against exporting the jobs of American workers into cheap labor areas and destroying our standard of living.
>
> I will no doubt be branded a conservative. If that means because I believe in the conservation of America's resources in order that we may have a stable economy, then I am a conservative.
>
> The so-called liberals will want no part of me. If being a liberal means being liberal with the industrial strength of this nation and giving it away in such a way that even the fair trade of competition is destroyed, then I do not want to be a liberal. But if being a liberal means believing in the liberty of the American workingman so that he may produce, earn and save, if it is liberty and freedom for all our people under the Constitution, then I am a liberal.

Mr. Speaker, I believe that the Members of the House, evidenced by our passage of the Trade Act last year, are now alert to this problem.

I am greatly encouraged by the understanding and the interest evidenced by members of the Nixon administration and particularly by the strength of Secretary Stans in his work on the problem. It is very late in the day, but it is not too late to save American jobs and American industries. We should set ourselves to that task.

Mr. BUCHANAN. Mr. Speaker, it is with growing concern over the plight of many thousands of American workers and the companies employing them that I join today in urging early action on trade legislation in this session of the Congress. The tremendous growth in imports during recent years has not only adversely affected our Nation's trade balance, but is costing the jobs of American workers in many industries. In my own district of Birmington we have steel mill products, cast iron pipes and fittings, malleable iron pipe and fittings, and textile manufacturers, among others, who have directly experienced many problems from unfair foreign competition.

As I have indicated many times in House statements and in committee testimony, with these concrete results of import penetration our country's trade policies can no longer be considered theoretically or in the context of noble ideals of free trade. At some point in time—and I firmly believe that time to be now—we must face up to the fact that the much-cherished "free trade" situation mentioned so often just does not exist. The United States cannot exist as an island of free trade in the middle of a protectionist sea, and what we are calling for in trade legislation is merely the type of support and protection of our domestic industries and workers which most other nations have long provided their industries.

The House of Representatives wisely lived up to its responsibility in this area last year by approving the Trade Act of 1970. With the Senate's failure to act, however, we are still faced with the same responsibility and, unfortunately, an import situation which is still deteriorating.

The bill which was approved by the House last year and which I profoundly hope will obtain passage again this year contained, among others, provisions aimed at assuring our trading partners that the United States remains willing to negotiate for fairer and free trade.

In my judgment, however, the most compelling reason for the bill's passage lay in those provisions to allow American industries and workers to gain more prompt and adequate relief from unusually heavy inroads by foreign imports. In considering these imports, I feel it is important to keep two things in mind. First, there is the fact that many of these imported products are produced by industries which are owned or subsidized by their governments. In most cases, furthermore, these same industries receive far greater import protection and export incentives from their governments than is the case with the U.S. industries.

The second consideration is the fact that the costs involved in producing these imported goods are much lower. This cost differential is, in turn, due largely to the wide disparity in worker compensation between the United States and various other countries, since in our country it is unacceptable for our workers to be forced to receive substandard wages in order to compete with products produced in other countries by workers receiving such wages.

Mr. Speaker, we cannot wait much longer if we expect to avoid irreparable losses and critical unemployment. After 37 years of tariff-reduction, many of our industries are overexposed to import competition. This is particularly true of the steel and textile industries, about which I am especially concerned, but there are scores of other industries that are seriously afflicted as well.

There is another aspect of this same problem which also deserves the urgent attention of the Congress, and that is the general competitive state of American industry in foreign trade—both at home and abroad.

Because of official concealment of the true state of affairs in our trade balance by the Department of Commerce over the years, the public believes that we still enjoy a surplus in our exports over our imports. I am talking about the trade balance as distinguished from the balance of payments. Nearly everyone knows that we have had an adverse balance of payments for years. This balance includes many items other than trade in goods or merchandise, such as tourist expenditures, ocean shipping, marine insurance, dividend payments on investments, etcetera. The trade balance refers strictly to imports and exports of merchandise.

The Department of Commerce has over a long period of time, for example listed all our shipments under AID, food for peace, and so forth, as regular exports. They are shipments abroad, to be sure, but the fact that we ship them does not mean that we are competitive in world markets. We could, of course, double or triple such exports, if we agreed to give more goods away to foreign countries. A surplus of that kind would not be an index of our competitive standing. Also included in our exports are the shipments of agricultural products that we subsidize for the precise purpose of becoming competitive in world markets. Therefore, these exports do not reflect our competitive standing. Yet they are tabulated as exports by the Department and are included as such in the monthly, quarterly and annual trade statstics.

For the year 1970 the Department has reported a surplus of exports in the magnitude of $2.7 billion. However, this total includes approximately $2½ billion of the kind of shipments just mentioned. At the same time 1970 imports are recorded at $40 billion against the exports of $42.7 billion.

These imports of $40 billion, however, actually cost us some $44 billion, because the $40 billion only reflects their foreign value at the point of shipment. It does not include ocean freight, marine insurance and other charges incidental to laying the goods down in our ports of entry. The actual cost of our imports, therefore, is actually nearer to $44 billion than $40 billion.

If we set this $44 billion against our net exports of barely more than $40 billion of real exports, that is, nongovernmental and unsubsidized private exports, we come up with an adverse trade balance of some $4 billion in 1970.

Mr. Speaker, even if we take the Department of Commerce figures at their face value we find that in nearly all broad classifications of goods we are in a serious deficit position. Not only do we have a deficit of over $1.5 billion in textiles, but we are well behind in steel, footwear, petroleum, automobiles, radio and TV receiving apparatus, typewriters, lead and zinc, many fruits and vegetables, sewing machines, toys, glass, pottery, bicycles, and many other articles.

We have a big surplus in our exports of machinery and chemicals. Machinery includes aircraft and computers. Yet, imports of machinery have been rising twice as rapidly as our exports during the past 10 years.

Another fact worth looking at is the fact that in the postwar years our imports have been shifting more heavily to manufactured products rather than raw materials. This fact has a particular message for labor. It is one thing, for example, to import iron ore. It is something quite different when we import steel and different yet when we import machinery and other products of finished manufacture made of steel. Much more labor goes in the finished product than into the raw material; and the impact on employment is much more serious, not, of course, in individual displacement of workers but in the aggregate. One ton of iron ore does not involve nearly as much labor as a machine that weighs 1 ton.

In view of the vulnerable condition of much of our industry to imports, a condition which seldom exists for any reason other than the low wages paid in other countries, we have reason to be concerned and concerned seriously. We have every reason to urge early action on trade legislation and I trust that we will move off dead center very soon.

Mr. DORN. Mr. Speaker, we are seeing a growing realization by all segments of our economy of the elementary facts long ago encountered by the American textile community. There is a growing awareness that we must rethink some of the outworn notions of foreign trade, for free trade simply does not work when only one nation practices it. The article which follows, from the outstanding business magazine Forbes is, we believe, indicative of the reappraisal of American trade policy now taking place. I commend this article to the attention of my colleagues and all Americans:

[From the Forbes magazine, May 1, 1971]

One-Way Street: How Long Will the United States Continue Granting the Japanese Full Access to Our Markets While U.S. Business Is Severely Hamstrung in Japan?

Where does free trade stop and unfair competition begin?

Or, put it another way: What kind of a game is it when one contestant plays by the rules and the other fellow makes up his own rules as he goes along?

For years the great majority of businessmen turned their backs on the "bellyachers"—largely from the textile and shoe industries—who argued for import quotas and the like.

But that was before the unique business-government conglomerate called Japan Inc. captured upwards of 50% of the U.S. radio, motorcycle, electronic calculator and selected camera markets (to name a few), and began widening its annual trade surplus with us to around $1.5 billion. Today Japan controls 15% of the total U.S. import market. And it's shooting for 20% by 1975.

U.S. businessmen aren't turning their backs anymore—not even traditional free-traders. Says du Pont President Charles McCoy: "We don't want to build walls to hide behind. We only want *fair* free trade with Japan." In that sense, the growing sentiment among U.S. executives for some measure of trade restraint is the antithesis of America-first protectionism. The new plea is for equal trade laws for all.

"We have to stop kidding ourselves," says President Ely Callaway of Burlington Industries. "The Japanese don't play by our liberal rules. What industry, let alone company, can compete with an economic system that fosters monopolies, price-fixing and disruptive trade practices?"

"Unless there is a major change in our trade policy," says Joseph Wright of Zenith Radio Corp., "about 80% of the U.S. home electronics industry will be produced overseas within three or four years." Other businessmen estimate that by 1976 imports could cause unemployment in the U.S. car industry to increase 15%.

To those who argue that U.S. restrictions would trigger a trade war, duPont's McCoy says: "In the give and take of international trade, there is always a trade war under way."

Not everyone favors trade protection. Indeed, the Nixon Administration considers Japan an indispensable trade partner and key political ally. Also, many companies have adapted to the flow of excellent and low-priced Japanese imports by relocating factories abroad where labor is cheap. Others are hedging by either buying shares in Japanese competitors or even licensing them. Such licenses yield RCA about $30 million a year.

But others with few ties to Japan, including powerful unions and companies like duPont, Monsanto and U.S. Steel, are speaking up loud and clear for some degree of trade restraint. What particularly irks them is that we have opened our market to the Japanese, while allowing them to block the flow of U.S. goods and investments into Japan. That is taking its toll. For the day is gone when clearly superior U.S. companies could win out no matter what the competitition did.

By and large, the last thing the Americans want is stiff tariffs and import quotas. They would prefer really free trade with an open Japan. Only if Japan drags its feet, and only then, do they favor trade restrictions. Unfortunately, the Japanese continue to drag their feet.

In Japan, as the gross national product moves toward $400 billion by 1975, economic growth is a national mania. To continue growing over 10% per year, the single-minded Japanese are seeking a big share of every market in sight. Profits are secondary. And the government is right in there, as a sort of import-export manager.

"Everybody there," says a U.S. executive, "sings from the same sheet of music." You will not find the strict dividing line there—nor the antagonism—that has traditionally existed between the government and business in America.

Take television sets. The Japanese have captured 30% of the U.S. market largely by selling their excellent sets here at very low prices. How did they manage that? According to Treasury Department investigators, since 1968 (at least) the Japanese have been dumping. That is, they have reportedly been selling their sets here at 15% to 20% cheaper than they do back in Japan. So, in effect, Japanese consumers are subsidizing the exports. And since the government blocks the import of foreign-made TVs, consumers have little choice but to pay the inflated TV prices—or listen to radio.

But, in fact, most Japanese pay willingly to help their companies penetrate the U.S. market.

The U.S. TV makers tried to counterattack in the mid-Sixties by exporting their relatively inexpensive consoles to Japan. But Zenith, Motorola and others got nowhere against the country's welter of official and unofficial harassments. For example, regulations serve to bar the free entry of necessary repair parts.

Zenith, among others, has now reluctantly begun building plants overseas. Says Chairman Wright, somewhat bitterly: "Lacking some change in government trade policy, more and more of our productive facilities for the U.S. market will be located in foreign countries."

The U.S. television industry, down from 50 to about 15 companies, hasn't surrendered yet. Under the industry's urging the Treasury Department seems close to imposing punitive tariffs on dumped TV's. Also, National Union Electric Corp., which folded its Emerson and DuMont plants last year, is seeking $360 million in damages from Japan's seven leading TV makers for dumping. And the plants' 1,500 former workers are suing the same seven for $68 million. The suits name Sony, Toshiba, Sharp, Matsushita, Hitachi, Mitsumbishi and Sanyo.

Interestingly, coordinating defense counsel for the Japanese is reportedly Mudge, Rose, Guthrie & Alexander, the former law firm of President Nixon and Attorney General John Mitchell. Mitchell has the duty of enforcing the criminal statute on dumping. In that same vein, the President's assistant for international economic affairs is from Bell & Howell, a company with ties to Japan.

Apparently, Japan's general trade strategy isn't limited to TV's. Since 1970, U.S. businessmen have filed complaints accusing the Japanese of dumping about ten items. For example, Allegheny Ludlum President Roger Ahlbrandt charges flatly that the Japanese are dumping stainless steel products.

PLANES, COMPUTERS AND CARS

What Japan did in labor-intensive fields like textiles, it is now trying to duplicate in even richer industries:

In aircraft, Mitsubishi is building its MU–2 in a Texas factory. Meanwhile, U.S. light aircraft are on Japan's import quota list (along with 128 other products ranging from integrated circuits to canned pineapple). That means Japanese buyers must seek import quota certificates from the Ministry of International Trade & Industry (MITI) for every U.S.-made plane. In the process, it is safe to assume that friendly MITI officials might remind the buyers that Japanese companies make planes too.

In computers, these same import certificates are needed. Because of such barriers, U.S. companies like Digital Equipment Corp., which controls about 70% of the world minicomputer market, has only a 2% share of Japan's market. Even IBM, one of the few foreign firms with a profitable 100% subsidiary in Japan, has its troubles. To date IBM has agreed to license its Japanese competitors, and it has limited its Japanese production to small- and medium-sized machines. Reportedly, it also destroys used computers returned to the company. Not surprisingly, IBM's market share has steadily shrunk to about 25%. At the same time, the government is pressuring its six fledgling computer makers to consolidate and enter the world market. One company, Fujitsu, is already selling here.

In semiconductors, the government has prevented both Texas Instruments and Motorola from establishing wholly owned subsidaries there. Fairchild Camera is trying an end run by creating a 100%-owned subsidiary in Okinawa which is expected to soon become part of Japan. But one Japan-watcher says: "The Japanese will boot Fairchild out. When they own the land, they make the rules."

In autos, everybody knows about the U.S. growth of Datsun and Toyota. But our Big Three's move into Japan is another story. For years, they got nowhere. Then, appropriately enough this April Fool's Day, MITI "liberalized" its investment regulations. But now it seems that the Detroit auto makers will have to wait about three years to buy up to 35% of Japan's weak-sister car makers. By then, some experts predict, the Japanese market will be saturated.

The Japanese plead for patience and stress that they *are* changing. They add that if they threw open their doors today, big U.S. companies would overwhelm their fragile economy. Apparently, the Japanese don't realize that they are big boys *now*.

Despite the obvious trouble of dealing with the Japanese, executives from a score of companies interviewed by Forbes put a good face on their experiences—on the record. Off the record, however, they called their trade partners names that would make Spiro Agnew blush.

Why are so many U.S. businessmen reluctant to speak out? Some are honestly unaware of any basic threat from the Japanese. Others hesitate to buck government policy, which has favored free trade—with the notable exception of President Nixon's promise to aid textiles. Still others are afraid of encouraging old-line protectionists and actually damaging free trade. Also, it may be tough for some Americans to admit—out loud—that foreign competition is something to worry about. Though it is.

More than 100 years ago, Commodore Perry's gunboats forced the Japanese to let foreigners do business on their soil. Perhaps the more modern but equally blunt weapons of tariffs and quotas will have to be trotted out to do the same job today.

Mr. **FLOWERS**. Mr. Speaker, I am happy to associate myself with this effort to call attention to the troubles plaguing America's textile industry. Few economic problems facing this Nation have affected as many people. We all know the name of the chief problem: Cheap imports.

The record is a dismal catalog of the failure of this Government to protect the industry and to protect American jobs. Last year 100,000 jobs were eliminated in the textile and apparel industry. Last year 50 mills closed throughout the country. Last year was a bad year, to say the least, for one of the Nation's largest industries.

And 1971 appears to be worse. The Commerce Department announced today an all time high of 523 million yards of imported textiles for the first quarter of 1971. This figure represents an incredible 43 percent increase over the textile imports in the same quarter last year.

Mr. Speaker, if a year which saw 100,000 jobs eliminated is running 43 percent behind this year's imports, is there any question of the impact of this situation upon the industry in 1971?

Forty-two of Alabama's 67 counties have textile mills. Their annual payroll in Alabama is $220 million, making this the second largest industry in the State. In my district, the reduced man-hours worked because of import competition are causing a loss in payrolls of $13,000 per week. This is little short of scandalous.

Mr. Speaker, this body must go on

record in a meaningful way to demonstrate to the world that American jobs come first. We have paid enough of the price to help our neighbors for the better part of this century. It is not too much now to expect some consideration for our own people here at home.

GENERAL LEAVE TO EXTEND

Mr. BETTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks.

The SPEAKER pro tempore (Mr. BEGICH). Without objection it is so ordered.

There was no objection.

HAPPY BIRTHDAY, PRESIDENT TRUMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 60 minutes.

Mr. RANDALL. Mr. Speaker, once again it is my pleasure to say to former President Harry Truman, happy birthday.

It has been my privilege to step into the well of the House 12 times in former years to lead the House in its birthday greetings to a man of towering prominence.

This Saturday, May 8, the former Chief Executive and beloved statesman will celebrate his 87th birthday. As has been the custom in recent years, his birthday will be celebrated at his home in Independence in the company of members of his family.

It is altogether fitting and proper that at 11:00 a.m., that day, at the Harry S. Truman Library in Independence, the Missouri sesquicentennial stamp will be presented by appropriate ceremonies in the presence of Postmaster General Winton M. Blount, who will be the principal speaker.

This commemorative stamp will honor 150 years of Missouri statehood. This is a region that gave America many of its writers, artists, patriots, and statesmen, at the forefront of which is Harry Truman.

Most Americans recall the Truman years as a momentous time of fateful and awesome decisions, as indeed they were—the decision to shorten World War II by deploying the atomic bomb, the successful effort to curtail Communist expansion in Europe, the Berlin blockade, and the meeting of North Korean aggression.

In our 12 previous acclamations to honor a great American the entire record of his administration as President has been alluded to at one time or another and those that have spoken over the years in making deep praise have said just about everything that could be said good about the man Truman and his sterling character.

Mr. Speaker, it is my intention today to dwell upon a facet of his character that was recently underlined and underscored by conversation which I enjoyed with him during the Easter recess.

For a long time I have known of the sense of modesty possessed by our former President, Harry S. Truman.

But it was not until this recent conference with him at his home that I came away completely convinced that here was a kind of man who is truly humble, and one who would never seek nor ever accept an inordinate amount of praise, even though all of his friends knew all along that he well deserved it.

Our visit with Mr. Truman was prompted by the fact that along about the first of the year the radio commentator Paul Harvey had been proposing in his newscasts that the Congress should award to Mr. Truman the Congressional Medal of Honor. When I heard of this, my staff immediately researched the subject. After contact with the American Law Section of the Library of Congress, we concluded that an exception or a circumvention of the present law would have to be made in order for President Nixon to make the award to one who had not been recently engaged in combat, and been given the award for heroic action.

About the end of March our colleague, the gentleman from Tennessee (Mr. FULTON), circulated a letter to all of his colleagues announcing that on March 16 he had introduced a bill to authorize the President to award the Medal of Honor to former President Harry S. Truman. In that letter he informed the membership he would reintroduce the bill in the near future and invited other Members to join in the sponsorship of this effort. According to the latest count, there are about 13 Members of the House who have introduced separate bills, all of which follow the Paul Harvey suggestion to amend title 20 of the United States Code to permit the medal to be awarded to Mr. Truman.

Knowing of Paul Harvey's suggestion and the bills that have been introduced, I prepared House Joint Resolution 526. My resolution was different from the several House bills in that it provided not only that President Nixon be authorized to make the award, but that the medal be presented to Mr. Truman at Independence, Mo., on May 8, his 87th birthday, or as soon thereafter as practical.

Therefore, I commenced some carefully guarded inquiries with the staff of the Truman Library at Independence as well as several of his close friends and associates living in our home city. From these very first inquiries I learned that there was some doubt whether Mr. Truman would be happy to accept this medal. Then, on our trip home during the Easter recess, I was able to have a good visit with former President and Mrs. Truman at their home on North

Now I can report there is no doubt about it, that Mr. Truman will not accept the medal under any circumstances. He does not feel that he deserves it, and

Delaware in Independence, Mo.

if he were to entertain any thought of accepting it, he believes that would mean a downgrading and eroding of the exceptional and most extraordinary award our country can bestow upon one of its fighting men.

In our conversation with the former President and Mrs. Truman, I learned that my most famous constituent entertained just about as strong personal feelings against accepting the Congressional Medal of Honor as General Sherman's strong statement against running for President. As you remember, the General is quoted as saying that if he were to be nominated, he would not run, and if he were to be elected, he would not serve. Mr. Truman's views about accepting the Congressional Medal of Honor are about that strong. He told me he did not want to put anyone into an embarrassing position. He added that he hoped the Congress would not amend the law to authorize the President to award him the Congressional Medal of Honor, because he said he did not feel that he deserved it. In our conversation he had made it clear that he believes that to continue to make exceptions for the award other than to our brave fighting men for heroic action in combat would lower or lessen the exceptional nature of the award, and he would not want to be a party to this sort of thing.

Perhaps I should mention that at some time before our conversation in the Truman home, I had written a letter to Mr. Truman pointing out the content of the Paul Harvey broadcast, and that I had asked the American Law Section of the Library of Congress to brief the law to see whether the award of the Congressional Medal of Honor could be granted without a change in the law.

I mentioned in our letter to Mr. Truman that he had commented many times on those occasions when he had presented the Congressional Medal of Honor to recipients that he said:

> I would rather receive the Medal than be President of the United States.

In our letter I expressed the hope that he would approve of the actions and efforts of some of us in the Congress which could amend the law and would amend the law to permit him to be the recipient of the medal. In that same letter I asked that he let me know, by letter if possible, his feelings and preferences about the matter in order that I could share his views with our colleagues.

Now, on this the eve of his 87th birthday I will share with my colleagues the following letter from President Truman concerning the facts set forth during the visit:

HARRY S. TRUMAN,
Independence, Mo., April 8, 1971.

Hon. WM. S. RANDALL,
House of Representatives,
Washington, D.C.

DEAR BILL: Your visit with me about the proposed award of the Congressional Medal of Honor was most pleasant and I greatly appreciate your interest in this matter. I am writing this to confirm my views and reasons and my unwillingness to accept one.

In the first place, I do not consider that I have done anything which should be the reason for any award, congressional or otherwise.

Next, the Congressional Medal of Honor

> was instituted for combat service. This is as it should be and to deviate by giving it for any other reason lessens and dilutes its true significance. Also, it would detract from those who have received the award because of their combat service.
>
> Therefore, I again confirm what I told you—I would not accept it.
>
> This does not mean I do not appreciate what you and others have done, because I do appreciate the kind things that have been said and the proposal to have the award offered to me.
>
> Therefore, I close by saying thanks, but I will not accept a Congressional Medal of Honor.
>
> Sincerely yours,
>
> (S) HARRY S. TRUMAN.

Mr. BOLLING. Mr. Speaker, will my colleague from Missouri yield?

Mr. RANDALL. I am delighted to yield to the dean of our delegation and our neighbor to the west, the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I am delighted the gentleman from Missouri has chosen this day as the occasion to make clear to the Members of the House and to all the country the former President's attitude on this matter. It seems to me a most timely statement and revelation.

I want to join with the gentleman, at the same time, in expressing the very best wishes of Mrs. Bolling and myself to both the former President and Mrs. Truman on the occasion of his birthday.

Mr. RANDALL. I thank the gentleman for his contribution.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. I thank the gentleman for yielding.

I want to associate myself with the remarks of the gentleman and the remarks of the other gentleman from Missouri (Mr. BOLLING), in extending best wishes to one of the best Presidents the United States ever had.

On a personal note, if I may, Mr. Speaker, I remember when I first came to Congress, President Truman met with a number of freshmen Congressmen, and he was introduced to us as a great statesman. President Truman in responding said:

> A statesman is nothing but a dead politician.

He also said:

> I am far from dead yet.

Mr. Speaker, I hope the United States will have the benefit of many more years of political life of this great American.

I thank the gentleman for yielding.

Mr. RANDALL. I thank the gentleman from Pennsylvania.

Mr. Speaker, I know you who are Members share my regret that we will not be able to confer the Medal of Honor to one who so richly deserves it. I am sure we will all agree, however, to defer to his wishes in this matter. I am equally sure no Member of Congress will go ahead with the plans to confer the medal on Mr. Truman against his wishes, even to honor so great a President of the United States. I ask on his behalf that his wishes be followed in this matter.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. I am glad to yield to the gentleman from Massachusetts.

Mr. CONTE. I want to join with the gentleman in wishing this great man, this great American, a happy birthday, and I also wish for him many, many years of good health and happiness with his wife and family, whom he has loved so much, and who have made such a great contribution to the whole country. He happens to be one of my favorite Presidents.

I listened with great interest to what you said, and perhaps I should have spoken to you about this earlier. I did go to Congressman TEAGUE of Texas at the beginning of the session. I was going to file a bill, because I remembered as a young man when I came back from the war hearing the President's speeches so many times when he conferred the Congressional Medal of Honor. He said:

> You know, I think this is the greatest honor that can be bestowed on a man. I think it would be the greatest honor that could be bestowed on me.

I went to Congressman TEAGUE and said:

> You know, I think we ought to get a bill in here for President Truman that would confer the Congressional Medal of Honor on him.

Congressman TEAGUE thought this was a great idea, and said:

> Why don't you do some research on it.

Well, I did begin that project.

However, I am really pleased that I had the opportunity to hear you today, because the last thing I want is to do something that would go against this great man's wishes. I hope the next time you see him you will tell him of this ex-GI's gratitude. Had it not been for his initiative, I do not believe I would be here in the U.S. Congress, because I would never have been able to go beyond high school. Had it not been for the GI bill of rights, I would never have gone on to college and completed law school. So, as one of many grateful citizens, I hope you will give him my best wishes.

Mr. RANDALL. I thank the gentleman from Massachusets. We certainly appreciate your comments, and I know Mr. Truman will appreciate them.

We all know the details of the Truman Presidential decisions. However, this letter, if it does not tell us anything really new, does reveal again with clarity a most admirable trait of his personal character. Here is a man who said several times he would rather be the recipient of the Congressional Medal of Honor than be President. Here is a man who also recognized that in order to receive that medal, which is explicitly limited to members of the armed services who distinguished themselves at the risk of their lives above and beyond the call of duty, it would require special legislation to waive the requirements. Stated differently, to make the award of the medal to him would require an exception be made in the law.

Remember Mr. Truman was a combat veteran himself in World War I. In fact, he led his artillery battery in several heroic actions.

To have the revelations of this letter, in my opinion, shows a face of this great American that has not heretofore been considered sufficiently; that rare and exceptional trait of character which we call humility. Here in one and the same person is a man who said he would rather be the recipient of this medal than be President. The very same man now says he does not think he has done anything that should be a reason for obtaining this award whether it is the Congressional Medal of Honor or otherwise. Think of it. Such self-abatement, such modesty. Then he adds that to deviate in any way from the law would lessen, and dilute, the true significance of the medal. This kind of unobtrusiveness is a personal characteristic that will hopefully not become a rarity among those in public life today, tomorrow, or in the future.

Mr. Speaker, in this birthday greeting today, after the receipt of this letter, which I shall always cherish, it is my high honor to salute our former President of the United States, Harry S. Truman, not only as a great American but as a man of great character, because he has proved once again that he is possessed of those rare traits of character which we know as modesty, self-abasement, unobtrusiveness, all summarized in one word—"humility."

The Truman years will always be remembered for great strides made in peace and social justice, the ratification of the United Nations charter, the establishment of an International Court of Justice, the desegregation of the armed service, and the pursuit of the national Fair Employment Practices Act.

No one will ever be able to forget those 7 eventful years or the man who led us through them with courage and honor.

There are those in the House and in the Senate today who are fortunate to have known Mr. Truman as a colleague in the years prior to events which suddenly catapulted him to the Presidency.

As a U.S. Senator, Harry Truman is remembered as a stanch supporter of military preparedness in international relations and for social reform and justice in domestic affairs.

He came to the Senate in 1934 and in 3 short years was named chairman of the Interstate Commerce Subcommittee that drafted the Civil Aeronautics Act. A man of seemingly boundless talent and dedication, Senator Truman oversaw the drafting of the Railroad Transportation Act as chairman of another subcommittee of the Interstate Commerce Committee.

Overwhelmingly reelected in 1940, Senator Truman immediately called on the country to rally to meet the threat and terror of fascist terrorism.

Following entry of the United States in World War II, he headed the Special Committee to Investigate Contracts under the national defense program.

Launching an intense investigation of wartime contracts, the "Truman Committee" revealed millions of dollars had been lost in waste and mismanagement.

The country came to know him as a man of courage and integrity, and public support played a key role at the 1944 Democratic Convention which named him the party's candidate for Vice President.

But he was never allowed to enjoy the relative obscurity and safety from difficult decisions afforded other Vice Presidents. Who will ever forget that day in April 1945, a few months after a fourth national triumph at the polls, when the word went out from Warm Springs, Ga., that President Franklin D. Roosevelt was dead.

Despite the following he enjoyed, to many Americans Harry Truman was a man they did not know. Indeed, here was a man who had proclaimed that he did not seek the Presidency nor the Vice Presidency. Yet President he was, near the conclusion of one war and, though few knew at the time, at the opening of a more precarious and prolonged conflict—what was to become known over the years as the "cold war."

We all know now what measure of man Harry Truman was. He had the foresight to rebuild Europe with American resources in an alliance against Communist aggression. He met the Communist challenge with equal courage in the Mediterranean, in the Middle East, in Europe, and in the Far East.

The Truman's "Point Four" policy—to share the technical, cultural, and economic wealth of the United States with friendly underdeveloped countries of the world—became the healthy alternative to the foreign subjugation offered by international communism.

And behind this policy lay a vision of peace, evidenced by the full weight of his office behind the successful effort to create the United Nations and strengthen an international court of justice.

When President Truman left office in January 1953, America, its allies and the free peoples of the world were equipped to meet the challenge of any foe.

I know that everyone in the House can understand and appreciate the tremendous pride I feel to be able to call this great American a citizen of Missouri's Fourth Congressional District.

Many have known Harry Truman as a leader and as a personal friend, but I am the only Member of the House who can additionally and proudly count him as a constituent.

But I know that in the larger sense he is a constituent of every Member of this body, which is why I know I speak for all my colleagues, without regard to party, when I say happy birthday, President Truman, may God bless you for years to come.

GENERAL LEAVE TO EXTEND

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the subject of my special order today.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

THE ATTEMPT TO BAIL OUT LOCKHEED

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 30 minutes.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, today on the Associated Press teletype the following bulletin appeared:

> WASHINGTON.—President Nixon asked Congress today to provide a $250 million loan guarantee to keep Lockheed Aircraft Corporation from collapsing because of soaring costs on a jet airline program.
>
> Secretary of the Treasury John Connally said the loan guarantee, long expected, was needed to keep the nation's biggest defense contractor from going broke.
>
> Connally told reporters that he feels certain Lockheed would go into bankruptcy if the government failed to put its backing behind Lockheed's Tristar Airbus program.
>
> The Tristar program got into jeopardy when soaring costs on the engine for the jumbo jet forced Rolls-Royce, Ltd., into receivership.
>
> Connally said allowing the company to go into bankruptcy would have an enormous impact on the U.S. economy. He said it would have a substantial impact on funds flowing into the Treasury due to the lack of jobs and the bankruptcy of a big industry.
>
> However, there may be substantial opposition in Congress to the idea of a federal loan guarantee.
>
> Bankers have already put up $450 million in loans for the Tristar project, but have refused to go any further without government backing, Connally said.
>
> He said he regarded chances of passage of the legislation as "quite good" on the basis of soundings he has made in Congress.
>
> "I've been very encouraged by the soundings we have taken," he said.

Mr. Speaker, I charge that this action of bailing out a large corporation on a commercial program, because of its lack of judgment, mismanagement, and game playing, is scandalous. In many respects, the Lockheed case is similar to the SST. We are being asked to guarantee federally what should be a private endeavor at a time when we can least afford it, considering other pressing needs. The L-1011, like the SST without the technological trappings is not an economically feasible venture at this time. If it were not so risky, additional private capital could be found. I only hope that my colleagues will look beyond this immediate action to both the short- and long-run implications of such a course. For the Congress to approve such an irresponsible request on the part of the administration will constitute a giant step toward the demise of the free enterprise system as we have known it. This administration request is no more than a run on the national Treasury by a politically well-wired corporation. The taxpayers of this country deserve to be protected from such a raid and the wholesale corporate looting that will follow if the flood gates are allowed to be opened by this unprecedented administration action.

Recently, I have had a number of executives from large aerospace firms come to me and privately warn that if the Government guarantees loans in this case so Lockheed can avoid bankruptcy "it clearly signals the kind of game it will take to win major procurements in the future, that is, going in and doing anything to win an award with the full knowledge and confidence that the Government will bail us out later." Some of these executives will be testifying before Congress in the next few weeks—unfortunately, others because of the realities of defense contracting and fear of retaliation must remain mute on the sidelines.

In effect, what the Government and taxpayers are buying with these loans is only the retention of Lockheed's top management. Admiral Rickover, in testimony before the Joint Economic Committee last week warned against rewarding bad management:

> We in this country pride ourselves on the superiority of our free enterprise capitalistic system and we proclaim hatred of the Soviet Communistic system. . . . However, when men in Communist Russia fail in government or in industry, they are summarily dismissed. We, on the other hand, protect those who fail and grasp them to the government's bosom. We let them privatize profits and socialize losses.
>
> I am reminded of Herbert Spencer's altruism that "To protect men from the results of their folly is to fill the world with fools."
>
> You should bear in mind that there are about 10,000 business failures in the United States each year. And almost all of these involve very small businesses where a man loses all his savings and faces the situation on his own. If, as is being claimed, the Government has an obligation to rescue a giant defense firm, then the Government has the obligation to see that the firm is properly managed. This will inevitably lead to state socialism.

When the admiral as the head of Navy's nuclear submarine program was asked what effect would result from a Lockheed bankruptcy, he responded:

> My personal opinion is the work would go on the same, because people who do the work are not affected by this. What happens when the president of any large corporation or the officials go? The work goes on. It is generally the financial people that change.

The Congress need not be reminded that this is the same Lockheed management that has brought the American taxpayer such performances as:

One. The notorious $2 billion overrun on the C-5A cargo plane—whose unit cost has skyrocketed from $27 to $60 million each—and only last week was reported by the GAO to be unable to perform its major mission.

Two. According to sworn testimony in a Securities and Exchange Commission investigation, Lockheed management deliberately misled the Pentagon and reduced its bidding price by 10 percent on the C-5A program in order to underbid Boeing and get the original contract.

Three. For years Lockheed management has withheld information from the Pentagon on the C-5A program relating to both cost and technical problems.

Four. There are strong indications that many of Lockheed's corporate management used their intimate knowledge of the company's financial problems to sell large portions of their own personal stockholdings before the company's problems became public knowledge and stock prices went down.

5. The SEC also investigated Lockheed for less than full disclosure on a debenture issue—thus misleading the public.

6. Lockheed management underesti-

mated the cost and technical problems on the Cheyenne helicopter program which was to have been deployed by now, but which is still in R. & D. In this case the taxpayers have bailed Lockheed out of a fixed-price contract on this program.

7. Lockheed has severely overrun a contract on the SRAM rocket motor and according to the GAO this motor is still technically deficient—Lockheed was also bailed out of a fixed-price contract on this program.

Considering this dismal record over the last few years one would think that a good portion of Lockheed's management would have been summarily fired. Surprisingly, however, there have been no notable changes in management. As a result, one has to admire Mr. Daniel Haughton, chairman of the board of Lockheed, who by sheer guts and bailing wire has kept his group of incompetents afloat by intimidating the Federal Government with threats of corporate suicide and then walking out with the taxpayers' money. He even got the Army to buy the tooling for the Cheyenne helicopter—a craft that may never be produced. This has got to rank with some of the all-time-great commercial con games such as selling refrigerators to Eskimos or carrying coal to Newcastle. In view of this corporate strategy, it is not surprising that Chairman Haughton in a most audacious move a year ago threatened David Packard, Deputy Secretary of Defense, with cessation of work on the C-5A program if the Air Force did not cough up untold additional hundreds of millions of dollars—in defiance of the legal contractual agreement between the Government and the corporation. I might add that such an action would be in direct defiance of the Defense Production Act under which a contractor has an obligation to finish work on a weapons system. In effect, Lockheed was threatening to break the law unless its demands were met. I might add parenthetically at this point that many within the administration who preach respect for the law and who decry the threatened illegal action of minority and dissident groups of our citizens are blind and fail to see the analogy when it comes to a large corporation blackmailing the Federal Government.

Chairman Haughton's tactics have won thus far—we are still funding the C-5A. However, funds for the C-5A evidently are not enough to keep this corporate dinosaur alive. Of late, Lockheed has let it be known that unless hundreds of millions are forthcoming from some Federal source, it may cease production of the commercial L-1011 airbus. Not producing the L-1011 would further complicate the British Government-Rolls Royce dilemma and create additional hardship on our domestic airlines. For example, Eastern Airlines would probably lose upward of $73 million it has paid on deposit for the L-1011.

Quite frankly, what it amounts to is that these corporate bandits are using Rolls Royce, the British Government, other subcontractors and the airlines as hostages in this latest raid on the taxpayers' purse. And what, my colleagues, has been the administration's response? Have they acted to preserve contract law and order? Have they acted in the interests of preserving the free enterprise system? Have they even performed detailed analyses or come up with other alternatives to submitting to this blackmail?

The President just the other day on the shores of southern California stated:

> We need a strong airframe producer like Lockheed in Southern California.

Perhaps it escaped the President that southern California already has two strong airframe producers in the McDonnell-Douglas Co., and the North American Rockwell Corp. which is building the new Air Force B-1 bomber. The President's statement, I am afraid is a "cheap shot" to use one of his own favorite expressions. It is an appeal to the public on the single simplistic aspect of jobs while at the same time refraining from discussing the long range implications of the administration's request. Next week when I am back in Pittsburgh I suppose I could announce that "we need a strong airframe producer in Pittsburgh"—to help our unemployment situation. Why not? How does this man, who is supposedly President of all the American people, determine that the Nation's taxpayers are obliged to prop up an airframe maker in southern California that has produced a string of failures to the exclusion of any other region of the country? This is the sort of sophistic reasoning that this administration deals in.

It would seem to me that McDonnell-Douglas would be about ready to climb a tree over this action.

According to a Wall Street Journal article on May 3, McDonnell-Douglas is currently faced with the cancellation of $540 million worth of options and orders on their DC-10 trijet by American, National, and United Airlines. This firm however, in the face of an extremely adverse business situation has had to fend for itself financially. It has not yet been selected for perpetual care by the administration.

The Lockheed L-1011 which will be built with funds acquired under Federal guarantees will be in direct competition with the McDonnell-Douglas DC-10. McDonnell-Douglas just floated a major bond issue last week for production money for the DC-10—like any other good capitalist company would have to do.

Meanwhile McDonnell-Douglas sees its orders cut back because of the current condition of the aircraft market which at the present time is glutted with capacity. In other words, if Lockheed could not back it on their own those L-1011 orders probably would be DC-10 orders. This is an unacceptable inequity to McDonnell-Douglas which has had to seek its own funds.

The underlying point that my aerospace friends impress on me is that if the L-1011 is commercially viable it could be financed in the commercial money market. This situation is most peculiar since Republicans, until the current administration, always have been known as dogged free enterprisers and have traditionally opposed intervention of the Federal Government in the affairs of business. Yet now they suggest that the Government not only take over the risk of investments on the part of corporations but also of the banks—in the long run this will mean a greater management role on the part of the Federal Government in the management of these companies.

I would like to warn my colleagues that if this is the road we choose to travel it could well lead to the demise of the free enterprise system and we should be aware of the full consequences.

Mr. Speaker, I fear that no financial analyses have been made of the Lockheed Corp. by the Treasury or the Department of Defense. We do not know what alternatives such as Lockheed's bankruptcy or forcing the sale of parts of the corporation have really been considered. I know, for example, that several firms are interested in purchasing Lockheed's Sunnyvale operation. Other corporate entities faced with similar financial difficulties would first have to think of liquidating assets that were readily salable. Why not Lockheed? Are Mr. Haughton and his associates immune to the laws, regulations, and exigencies that other businessmen face? Bankruptcy—has it seriously been considered? In cases such as the Penn Central business did not cease. The railroad is still running. Only top corporate and financial people were involved. In Lockheed's case the same would be true. Only Mr. Haughton and his merry band of thieves would be affected. We would still get the Poseidon and other military hardware. We could even still obtain necessary C-5's. It would appear to me that the least we should do is to insure that the GAO conduct a full investigation of the company's finances before we obligate the Nation's taxpayers to guarantee Lockheed's commercial ventures.

The fact of the matter is that we should not ask the taxpayers to underwrite this endeavor. If the free enterprise system is to work, we must let it—no matter how painful it might be. If we do not, we in Congress, the President of the United States, and the large corporations of the country will have undermined that system of economics and commerce that we outwardly profess to believe in.

The economy is in trouble. We all know that. However, the remedies prescribed thus far are no cure. They are aspirins at best to treat symptoms. They will not effect a cure. If measures such as the one by the Treasury Department to bail out Lockheed are enacted, it will open the floodgate and numerous other troubled businesses will seek the same sort of relief. If this happens, industry of the United States will have taken one more step toward relinquishing its independence from the Government. My colleagues, I commend these thoughts to your serious attention.

ISRAEL TODAY: A NATION OF CONTRASTS LOOKS TO THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Pucinski) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, as we celebrate the 23d anniversary of Israel's independence, I was gratified to note that the Chicago Tribune devoted an entire section to a study of the richness and diversity that is Israel.

The Tribune has performed a notable public service in bringing this record of Israel's unparalleled achievements to the attention of the people of Chicago. In order that future historians, scholars, and interested people might also appreciate this information, I have taken a special order today to insure that this material is placed in the body of the Congressional Record as a permanent historical record.

Israel has accomplished so much in the brief span of two decades. It is a new Eden being reclaimed from the desert and as the decades continue to pass, its achievements will expand as well. This early permanent record of Israel's modern history is, therefore, an important document for those who will study Israel in the future.

Mr. Speaker, I commend the Chicago Tribune for this important anniversary edition and believe my colleagues will appreciate it, as well.

The series follows:

Israel Today—A Nation of Contrasts Looks To the Future

Twenty-three years ago next month, the Jewish National Council and the Central Zionist Council, meeting in Tel Aviv, announced the formation of a new state, to be called Israel. From that day to this, the Massachusetts-sized nation at the east end of the Mediterranean has rarely known an uneventful moment.

War—or at least warlike tension—with the surrounding Arab states has been almost constant . . . Jews from thruout the world have been drawn to Israel, tripling its population in less than a generation . . . Collective and cooperative farm villages have flourished in the deserts, bringing irrigation, hard work and the resultant rich crop yields to previously barren lands. . . . Skyscraper office and apartment buildings have sprouted in Haifa and Tel Aviv, making them look more like modern San Francisco or Acapulco than like cities of the Middle East.

In this special section, a salute to 23 years of Israeli statehood, we have attempted to capture the flavor, the spirit and the diversity of this new-yet-old land of contrasts, a land so solidly rooted to its historic yesterdays, but a land that is such a part of today's world—and a land that eagerly awaits its tomorrows.

Middle-East Peace Would Benefit All, Says Israeli Prime Minister Golda Meir

(Note.—Michael McGuire, chief of the Tribune's Rome Bureau, traveled to Israel for many of the articles appearing in this section. Following is his exclusive interview with Prime Minister Golda Meir, 72-year-old head of government and a long-time political power in Israel.)

(By Michael McGuire)

Tel Aviv.—Peace can readily be achieved if Arab leaders are sincerely prepared for it, but Israel must guard against thinking wishfully that Middle East hostility can be ended with the wave of a magic wand, said Israeli Prime Minister Golda Meir.

"Everything should point to the possibility of peace," the premier said, "because of the fact that for eight months there has been no shooting, you can see how the people here feel about it, and I'm sure that is how the Egyptian people feel about it."

Mrs. Meir expressed her hopes and ideas about her country's future during an interview in her office inside the gates of Israel's central military headquarters in Tel Aviv. She spoke of hopes for a peace that would eventually permit token borders between Israel and its Arab neighbors, a resettlement of Palestinian refugees thru Israeli aid on vast lands in Jordan and of a Middle East in which Arabs and Jews could develop and rise to heights of prosperity together.

"All this can be done," Mrs. Meir said, "but certainly not immediately after signing a peace agreement. Naturally, we will have to be on our guard because of the sad experiences we have had. But that is where the nature of peace comes in.

"If [Egyptian President Anwar] Sadat and [Foreign Minister Mahmoud] Riad say they never, never, never will have diplomatic relations, or that after peace is established they will not have trade relations, and so on, then of course, we will only have a formal peace. It may be kept or not kept. But that isn't real peace.

"But if they begin with this and there is no shooting for a few years, and if the borders open up and there is movement between one country and the other, eventually it would develop into a real peace situation. . . ."

Mrs. Meir said she would like to see Arab-Israeli frontiers open in a way similar to the relaxed border crossings between the United States and Canada.

"I know that this cannot happen over night," she said, "but eventually this really would be the guarantee for peace in the area. Not when every border is watched by others—such as the United Nations—but with borders open and development projects under way in a peace arrangement."

She said continuing hostilities make no sense whatsoever, because there is nothing Israel has that is "essential" to Arab existence.

"If they throw us out of here," she said, "not a single Arab will be any happier, really. Egypt will still have children who are underfed, undernourished and dying for lack of medical care unless they take hold of themselves and decide it is more important to worry about their own people than to kill us. It is as simple as that. Once they have reached that point, then I would say the outstanding problems can easily be solved.

"Until the Arab leaders accept the basic fact of life that we cannot be thrown out of here and, therefore, we will have to live together in this area, they will have to choose: Is it going to be constant war at the expense of their development or is there to be peace for the good of all?"

Mrs. Meir illustrated her remarks by recalling an experience she had while walking to a Jaffa marketplace three days after she arrived in Palestine from the United States 50 years ago this July.

"There were these Arab women sitting in the sand and dirt with little children around them. The children's faces were black with flies because they had trachoma. It was a terrible sight. But trachoma was expected just as the sun was part of Israel. So were malaria, dysentery and typhoid. Nobody questioned this, as it belonged the country. You don't see it anymore. Nobody in Israel suffers from these diseases anymore, so it CAN be done."

The future, Mrs. Meir said, depends on the Egyptian leadership. They tried to shoot their way to a solution before and could not do so, she said.

"And they know very well if they tried it again, it would end with the same result," the prime minister said. "It would only mean more misery and more casualties. If they are prepared honestly and sincerely for peace, or if they are prepared to sit down and negotiate, then I think peace can be readily achieved, but one must not have an illusion and allow himself to be overcome by wishful thinking that something which has lasted for decades can ge ended by a magic wand."

Mrs. Meir said she is confident that ordinary Arab people want to see peace in the area.

"I want to tell you something very interesting," she said. "A short time after the Six-Day war, we went thru the occupied area on the Western Bank and up to the Golan Heights. We came to the Arab town of Jenin. We stopped our cars and walked down the town's main street. The storekeepers recognized me. I wasn't in office then, but they remembered me as the Israel foreign minister.

"They all came out of their stores and said 'Shalom.' I have a beautiful picture showing me walking in Jenin with my two grandchildren and hundreds of Arabs walking behind us. They were not saying anything wrong or disturbing us in any way. The older people were standing on the sidewalk saying 'Shalom.' I was greeted as tho it was really after peace, when we had nothing against one another. And this was immediately after the war when one would think feeling would have been resentful.

"Then there was the unification of Jerusalem," she continued. "There was no tension at all. The gates were thrown open. They streamed into the new city of Jerusalem. Jews and Arabs who hadn't seen each other in 20 years met as friends.

"That doesn't mean the Arabs in the occupied areas love us and want us to stay, but I wanted to express here that their instinctive reaction was not one of hatred or resentment. They recognized me and there was curiosity, but no hatred.

"So if Sadat or Riad or anyone else would walk down Allenby Road in Tel Aviv," Mrs. Meir said, "I assure you nothing would happen to them. Any one of them can come shopping here."

Mrs. Meir said the Palestinian refugee problem could easily be solved by having the "vast majority" of them resettled in Jordan.

"We would be delighted to share with them the experience we had," she said. "After all, we were 650,000 Jews in 1948 and we brought hundreds of thousands more from the Arab countries and the camps in which they remained after World War II. They have become farmers and factory workers and they go to school. We have experience in settling refugees. We would be delighted to share with them our experience in agricultural development, industrial development, the building of schools and the eradication of illiteracy. All we have to do is step across the Jordan River and help them out. We would be very happy to do it."

In contrast to the Jews, Mrs. Meir said, the Arab states and wealthy Palestinians have not tried to help their refugees, but have kept them in miserable conditions in camps.

"They didn't do anything for them and didn't want anything done for them. They preferred to keep these refugees as political pawns.

"Look at the poor people in the Gaza Strip. Egypt wouldn't allow them in Egypt or allow them to move anywhere. They had to stay there in their misery so they could be constantly incited against Israel. That is how their children were taught. Their textbooks would read: 'There were five Israelis and we killed three. How many are left?'

"With these noble thoughts they were raising their children. Now they say we should take these refugees back. Take back children that have been raised for 20 years on this kind of intellectual food. Can you imagine what they would do here?

"When I took over the labor department in 1949, we had 200,000 people in miserable camps. There were no houses, no food. They were in rags, without skills and stricken by disease. We cured the diseases, began building houses, put them to work; now you don't see anyone barefooted or needing food."

Altho Mrs. Meir said she dreamed of a day when open borders could exist between Israel and neighboring states, the country would have to maintain borders that guaranteed security.

"After fighting for 20 years," she said, "we have decided we must have borders which would not necessarily guarantee there would be no more wars, but borders which would make an enemy think twice or three times before attacking us.

"All you have to do is look at the Golan Heights and realize the difference," she continued. "When the Syrians were there for 20 years pointing their guns at us, our fields and settlements were laid out like a map for them. If it had been the other way around and if we were the Syrians and had the same attitude they had, there wouldn't have been anything left there. Over and over again these houses were shelled.

"Anyone who expects us again to be in a situation of that kind either is an enemy of Israel or should have his head examined. One doesn't even have to be a military expert to understand.

"All one has to do is go up there and look down and see. The United Nations observers were there. The guns had no right to be there. But nobody did anything. The maximum the United Nations did was to report what happened. But nobody did anything.

"Why should people expect us to go thru it again—as tho our children do not have the right to live above ground as all children in the world—I cannot understand. Is it natural for our children to be underground?"

BEN-GURION: "OUR POPULATION MUST GROW"—ISRAEL'S "PATRIARCH" URGES IMMIGRATION

(By Michael McGuire)

SEDE BOQER.—"There is enough land within the area we had before the Six-Day war to take care of all the Jews if they would come—all the Jews in the world."

David Ben-Gurion sat on the edge of his wooden chair in his Negev desert kibbutz home and spoke with a vitality and enthusiasm that might be considered rare for a man half-way towards his 85th year. "There is a small country in Europe called Belgium," he said. "It's not much bigger than the pre-1967 area of Israel and they have 10 million people. If they can have 10 million, then so can we. We need five or six million more Jews here," he said, emphasizing every word. "There are 14 million Jews in the world. We must have the majority of them living here—especially the younger ones. And they are coming. There is immigration today from countries where there was no immigration in the beginning. Last year, the largest number came from the United States. We will keep having an increase. Of that I am sure. But I don't believe that all Jews will come."

The short, sturdy man whom many call Israel's patriarch spoke in the living room of his small, wooden, green bungalow that has been his home since he retired as Israel's first premier. Dominating the room were three objects representing the greatest influences in his long struggle for an independent Jewish state—a browning old map of Israel, a charcoal sketch of his late wife, Paula, and a modestly designed menorah, the ceremonial candelabrum symbolic of Judaism.

Pushing down the unruly hair lining the sides of his famous pate, Ben-Gurion sat back in his chair and allowed his thoughts to flow. "We must settle the desert," he said. "If you take the country as it was before the Six-Day war, you will find less than 20 per cent of the area is settled. We cannot have a country that has deserts.

"So I believe we should give back all the territories in the Six-Day war—except for Jerusalem and the Golan Heights—if there is peace. Real peace. But you must understand what I mean by peace. I don't mean the signing of papers. Papers can be signed today and torn apart tomorrow. By peace I mean there must be a real friendship wherein both parties help each other. We don't necessarily need Egypt's help in science or certain other areas, but they could use our help. Now they badly need the help of Russia. We can help them because we have learned many things they cannot do yet.

"If peace doesn't come this year, it will come within the next 10 years," he said, pausing to listen to the twittering of birds that had descended to the adjacent trees kept moist by sprinklers.

"Only the Egyptians are the key to peace," he continued. "The other Arab countries will do what Egypt calls for. The Russians, even tho they are the most anti-Semitic country in the world, do not want to see Israel destroyed.

"If Isreal is destroyed, they know they will lose the Arabs. They don't like Israel, but they are interested in keeping Israel here so the Arabs will need them. I haven't the slightest doubt that in spite of the differences between us, our two peoples, Arabs and Jews, could still get along," he said. "When I came to this country, I met many of the Arabs. I never met any Arab who said we must not let Jews in. That was in 1906. They were friendly.

"They became unfriendly only after the British came to Palestine. Not all of them became unfriendly, but many did. When the British came, nationalism began to grow among the Arabs. They could tolerate and live among the Turks, because the Turks were Moslems. The British were not. When nationalism began to grow against the British, it began to transfer onto the Jews.

"In the beginning," Ben-Gurion said, "there was some hostility between Arabs and Jews, but for another reason. When I came here there was complete anarchy. The Turkish government was very weak. There was a war going on between the Bedouins and the peasants. When the first Jewish village was built in 1878, it was attacked. But they attacked not only Jewish villages; they attacked each other. Likewise, I'm sure a friendship can develop and exist between the Jews and the Egyptians.

"I haven't been to Egypt since the state was established in 1948, but before that I had been there very often. I even had my friends among their leaders. In those days they didn't call themselves Arabs, they considered themselves Egyptians. Many of them came to visit here. They were friendly to us.

"This current attitude toward the Israelis began early in the '50s. After the Egyptian revolution," he said, "there was no anger for the first two years. They were friendly. Then came Nasser. The name of Egypt was changed to the United Arab Republic. The official language became Arabic, but the old Christian Egyptians continued to speak a form of their own Egyptian-related language.

"When Nasser accepted Rogers' peace proposals, I asked myself: 'Why did he change his policy?' I couldn't find any answer to it except that apparently he realized he made a mistake. In the last year of his life, he realized that the greatest part of the Egyptian people, the poor Fellaheen peasants, were in a terrible state. More than 60 per cent of them were not healthy. They had no education. They were very poor and getting poorer from year to year. Their number was growing larger and larger. So the last year of his life, Nasser came to the conclusion that he must change his policy. The destruction of Israel took second place to improving the position of the majority of his people. But he died."

Ben-Gurion said the American people want peace in the world, but complicated the Middle-Eastern muddle by making the mistake of not recognizing Communist China. "America made a terrible mistake and now she should try to win China," he said.

"I had a long talk with the late President Kennedy on this subject. He told me: 'After I am reelected I will change this policy.' But he was killed. He was a great man, Kennedy. If the Americans were friendly with China, then the Russians couldn't do the things they are doing in the Middle East. The United States can win the friendship of China. For more than 150 years, Russia, Germany, France, England and some smaller countries did terrible things to China. But America never did.

"The Chinese people are not real Communists," he said, "but the Chinese people admire Mao Tse-tung. He saved them from those other countries. They don't want to dominate the world, but they badly need the land taken from them by the Russians. The Russians since the czars have wanted to rule the world.

"I have heard the Chinese are making good progress in science. Thruout history they have been leaders in science. In a few years they will have the same arms level as Russia. The time will come when they will make war on Russia to take back the 800,000 square miles the Russians took from them. Then Russia will be destroyed."

The voices of children at play coming from another part of the kibbutz brought the thoughts of the aged man from the lofty world of political speculation to the soft solitude of his surroundings. Moving toward the doorway, he surveyed the expanse of desert before him.

"It's a good, healthy climate here. In our country it's one of the best climates.

"I selected to come to the Negev mainly because the Negev occupies 60 per cent of our country as it was before the Six-Day war. It's been a desert since creation. However, our settlement here shows how it can be changed. We must settle the desert."

1948: THE BRITISH LEAVE AND THE ARAB-ISRAELI BATTLE LINES ARE DRAWN

(NOTE.—Arthur Veysey, chief of THE TRIBUNE'S London Bureau, has followed Middle East developments for more than 25 years, and has frequently gone to the Holy Land to cover fighting between Arab and Jew. Here is his description of the fierce struggles that resulted in Israel's independence in 1948, and also [on page 6] the Six-Day war 19 years later, in which Israel captured all of Jerusalem, the Golan Heights and the Sinai Peninsula.)

(By Arthur Veysey)

LONDON.—I can see him now, the plump, soft Arab, sunning himself at Lydda Airport that lovely spring day of 1948. The bright Holy Land sun glistened on the polished buttons of his uniform as an officer in his Britannic majesty's customs service.

He watched a half-dozen Jews walk eagerly from the plane that had brought them from Europe.

"They won't be here long," he said. "Soon the British will leave Palestine. Our armies will come and the Jews will all have to get out."

"Where will they go?" I asked.

"Who cares," he said, "so long as they go?"

I wonder where he is now. In a refuge camp at Gaza? In Kuwait, in a new customs uniform? Perhaps in Jerusalem, collecting taxes for the Israeli treasury?

I can see, too, a Jew, wiry, worn, looking much older than his 32 years, working in a Tel Aviv boarding house. I asked what he would do when the British left.

"Stay right here," he said, flatly.

"Won't there be a lot of trouble?" I asked.

He shrugged. "I suppose so." He looked out over the Mediterranean, the sun silvering the tips of winter's last gray wavelets.

"A person never really knows what to expect," he said. "When I was in law school back in Germany, everything seemed fine. Then along came Hitler and the war. . . ."

He picked up some dirty dishes and carried them to the kitchen. Soon he was back. "They are all gone," he said, softly, "my parents, my four brothers, my sister, my uncles and aunts. I am the only one. Now I am here, here I shall stay."

The Arab customs officer conceded that Jews probably would be hard fighters. "But a good big man can always beat a good little man," he said firmly. Looking around, he could see only 650,000 Jews. Palestine's Arabs were twice that many, and around them were 40 million more. The Jews could count on little physical help from the 10 million Jews elsewhere, whereas in Egypt, Trans-Jordan, Syria, Iraq and Lebanon boastful armies, mostly British-trained and equipped, some still with British officers, proclaimed their eagerness to rid the Holy Land of the Jewish scourge.

For 30 years, ever since Birtish troops moved up out of Egypt in the First World War to crack the Ottoman Empire, Britain had ruled Palestine. Its grip on the Middle East had tightened in the Second World War. Two years after that war, Britain still had 100,000 armed men in Palestine, 200,000 elsewhere in the Middle East.

Suddenly, in that freezing, hungry, hope-killing February of 1947, Britain tired of empire and, in three days announced it would cast aside India, abandon Greeks fighting Communists and let the new, untried United Nations fix the fate of Palestine.

The chief of the imperial general staff, Field Marshal Viscount Montgomery, assumed that when Britain left Palestine, Jews and Arabs would fight, but Arabs would quickly dominate and the Jews would yell for help to the U.N.

After all, David Ben-Gurion, Jewish Agency security chief, in a hasty check of weapons could count only 10,078 rifles, 1,900 Sten guns, mostly homemade, 640 light machine guns, 768 small mortars. No cannon. No tanks. No planes. The striking arm, Palmach, did have weapons for its 3,000 fighters, a third of them girls, but the 3,000 reserves trained with sticks.

The U.N. pondered for six months and then proposed giving the Jews a narrow strip along the coast, a finger reaching to their settlements in Galilee, and, in the south, the big, almost empty Negev Desert, with a pointed tip on the Gulf of Aqaba. All the rest of Palestine would go to the Arabs. On Nov. 29, the U.N. assembly voted 33 [including the United States and the Soviet Union] to 10, confirming the division. Ten, including Britain, did not vote.

The shooting began at dawn. The Arabs, who had been harassing the Jews ever since the first Zionist settlers arrived in the previous century, meant to have all of Palestine. The Jews had to defend their more than 300 settlements, widely scattered and often isolated amidst Arab villages, and their large Jewish communities in Jerusalem, Haifa and Tel Aviv. They had somehow to join them together. Perhaps, too, the Jews could push outward the U.N. line, to add security and gain room for future immigrants.

Many Jews didn't think the British would really leave. The militiants, such as the Stern Gang and the Irgun, continued harassing British troops, blowing up a wing of the King David Hotel, hanging two sergeants.

For both Jews and Arabs, terror was the most powerful weapon. Each side sought not only to hold or acquire territory, but to clear it, as much as possible, of people of the opposite group.

In the beginning, the terror was relatively small, a bullet into a passing truck, dynamite hidden in the irrigation pump. Some Jews wanted to consolidate for self-protection, abandoning isolated settlements, but Ben-Gurion said no house or field should be given up without a fight.

As the British troops withdrew, Arabs and Jews raced to take over their camps, buildings, power plants. The fortress-like police stations, usually poised above a vital crossroads, were special prizes. Often the British tipped off the Arabs so Arabs could come in one door as the British left thru another.

The fighting quickly grew. In mid-January, hundreds of Arabs surrounded the Jewish settlement of Kfar Etzion between Jerusalem and Hebron. The Jewish families fought for every house, every wall. The Arabs faded away, leaving 140 dead, but pounced on 35 young Jews, mostly collegians, hurrying to help the villagers, and killed all. In Galilee, vounteers of the Arab Liberation Army ringed Mishmar Haemek with cannon. British troops intervened. The Arabs claimed a mighty victory.

Arabs lay in wait along roads. Jews traveled in convoys, with guns, but 40 died in one Galilee ambush. Doctors and nurses were slain during a five-minute drive from Hadassah Hospital atop Mount Scopus to their homes in Jerusalem. The Arabs set their deadliest traps in the narrow, twisting, steep valley thru which the road from Tel Aviv begins its climb to Jerusalem.

In February, only two convoys got thru. In March, just one. In April and May, none. For the 100,000 Jews in Jerusalem, electricity went off, water lines dried. Before the siege ended four months later, food was rationed at two slices of bread a day.

The Jewish farm settlements all had been built with defense in mind. All had guns. All had supplied young men and women to Haganah, and now sent more to the new companies and battalions getting arms being smuggled in, mostly from Czechoslovakia. The Stern Gang and Irgun raided Arab villages. At Deir Yassin, they killed 200 men, women and children. They won the surrender of Jaffa, the old Arab port adjoining modern Jewish Tel Aviv.

In Haifa the British commander summoned Arab and Jewish leaders to announce his departure time. Only the Jew came and, with 500 fighters, he took over in two days Palestine's best harbor. The Jews went on north to take Acre, the old Crusader port that had defied Napoleon.

Everywhere the Arabs were fleeing. They magnified the massacre of Deir Yassin. Arab radio stations cried alarmingly that Jews would slaughter Arabs. An Arab, however, need not admit to himself he was running away in fear. He could say he was merely carrying out instructions of Damascus radio to make way for Arab armies which would arrive when the British left.

On May 15, the armies, the radio boasted, would sweep the Jews into the sea in two or three days and then the Arabs could return to their homes—and share the land, houses, trucks, furniture, clothing, even gold and gems, abandoned by the Jews. Altho the Jews gained from the flight, sometimes Jews urged Arabs to stay. In Haifa, the Jewish labor unions promised Arab dockers their jobs and their lives.

Of all Arab rulers, the most eager to move into Palestine was King Abdullah. The British had awarded him the sparse land east of the River Jordan for help he and his brother, Feisal, sons of the Sherif of Mecca, had given during the First World War. Feisal, made king of Iraq, died in 1933.

Abdullah's army, the Arab Legion, under its British commander, John Glubb [known as Glubb Pasha], was the most highly rated of all Arab forces. In November, Abdulla had met secretly with Golda Meir and proposed they divide Palestine and then make peace.

As the British left the Jordan Valley, Abdullah sent his Legion across the river and up the hills toward Jerusalem, Abdullah's desired prize. The legionnaires diverted to unfortunate, isolated Kfar Etzion. With their cannon, they crushed the stone houses until only 15 people could walk. These came out, hands up. An Arab tommy gun blazed. All but four died.

When the news reached Jerusalem, Arabs rang church bells in joyous victory. The date was May 14. On the nearby Hill of Evil Counsel, the British commander lowered the Union Jack from the fortress palace of the departed British governor. In a museum at Tel Aviv, Ben-Gurion proclaimed the rebirth, after two milleniums, of the nation of Israel.

The official war began soon after dawn as three Egyptian planes dropped bombs at the Tel Aviv power station. From the south, 10,000 Egyptians moved out of Sinai, one column heading along the coast for Tel Aviv, the other across the Negev Desert, past Beersheba and up the Hebron Hills toward Jerusalem. From the east, Abdullah's 4,500 legionnaires swarmed toward Jerusalem and, on their northern flank, 3,500 Iraqis scampered thru Arab settlements in Samaria toward the narrow coastal plain north of Tel Aviv to cut the new nation in half. In the north, Syrians and Lebanese, 3,000 each, hoped to pinch off Galilee. The armies had set up a joint command, but rivalries soon appeared.

Israel's new government had taken over Haganah forces and expanded them into an army of 19,000. Immigrants were sometimes sent straight from ship into battle, given guns still in their Czech cases.

The Arab armies passed gaily thru cheering Arab communities. The Egyptian coastal column quickly reached Gaza but the Polish settlers of Yad Mordechai held it up for a week, giving the Givati Brigade time to get set. The brigade stopped the column 20 miles short of Tel Aviv at a cost of 200 men. In the unofficial earlier fighting, it had lost 250.

Similarly, the inland column bypassed the few, small, scattered Jewish settlements in the desert and reached the Hebron Hills. The farmers of Ramat Hahel held it up for a week, giving Jerusalem time to prepare. Abdullah's legionnaires surrounded Mount Scopus, isolating the Hadassah Hospital, and moved into the mile-square warren of domed houses within the ancient walls, trapping some 1,200 Jews in their quarter near Mount Zion. Israeli soldiers broke into the Old City, but couldn't do much and on May 28, two old rabbis surrendered the quarter.

As Jews left the Old City for prison camps, the Arabs blew their homes, synagogs and shops into rubble. The Arabs declared the Wailing Wall, the western foundation of Solomon's Temple, closed to all Jewish worshipers, forever.

Legionnaire tanks tried to break into modern, Jewish Jerusalem. Israelis stopped them near the house of a merchant named Mandelbaum. The tanks tried to slip along Suleiman's north wall and break directly into the Jewish business district. Israelis stopped them at the Convent of Notre Dame.

The Iraqis reached the coastal plain 10 miles from the sea but Jewish settlements there held fast.

In the north, the new army broke the pincer prongs, drove the Lebanese home and chased the Syrians back to the River Jordan but could not dislodge them from a river bridge. An Israeli column, after sweeping the grain plateau west of Galilee, turned south into Arab country, toward Jerusalem, but was summoned to help clear the highway from Tel Aviv to Jerusalem. It cleared the hilltops but the Arabs held the police station at Latrun, at the valley's entrance. In one attack, 137 Israelis died, some only hours after reaching the promised land.

At the United Nations, the United States early proposed a four-week truce. Israel accepted but the British and Arabs stalled while the Arabs thought they were winning. On June 11, the fighting stopped. Both sides were exhausted, but knew the lull was only temporary. The U. N. sent a Swede, Count Folke Bernadotte, to mediate. Arabs and Israelis assembled new men, new weapons, dug trenches and shelters, planned sweeps.

On July 8, the day before the truce expired, the Egyptians, shouting that the U.N. had robbed them of certain victory, attacked. The Arab armies numbered 40,000 but Israel had 60,000.

Moshe Dayan led his commandos in Jeeps, guns snapping, on a dash thru Lydda and Ramle, gaining the airport. Israelis tried once again to drive the Arabs out of the Latrun police post, but again failed. The road remained closed but Israelis completed a bypass around Latrun, lifting the siege of Jerusalem.

They also completed a new water line. But Arab guns ringing the Holy City continued to pour in shells. Altogether, some 8,000 shells killed 400 Jerusalem Jews. In the north, Israelis resumed their sweep, capturing Nazareth.

After 11 days, the U.N. drew a second truce. It, too, was fragile. Bernadotte began redrawing proposed borders. Jews thought he was being too generous to Arabs and on Sept. 17, as he crossed from Arab Jerusalem to Jewish Jerusalem, he was killed, probably by the Stern Gang. The U.N. replaced him with Dr. Ralph Bunche, an American.

In the Negev, Egyptian troops gradually resumed harassing Israeli settlements. By October, the commander in the south was certain his forces could clear Egyptians out of Gaza, the Hebron Hills and the Negev. He sent a convoy thru the U.N.-policed Faluja Crossroads, supposedly neutral ground.

When the Egyptians ambushed the convoy as expected, Israelis took the crossroads, cutting off Egyptians, including a major. Gamal Abdel Nasser. But before Israelis could mount the hills, Abudllah sent into Hebron enough legionnaires to let Israel know that an attack there would reopen the fighting all along the eastern front. The U.N. arranged a third truce.

By late October, the commander in the north was certain his troops could clear all of Galilee. He was told to be quick. His troops did the job in 60 hours.

Egyptians in Gaza still worried Israelis. Just before Christmas, Israelis swept across the 1901 border between Palestine and Egypt into Sinai. They turned north to the sea, cutting off Gaza. Britain sent planes to protect the Egyptians. Israel's new air force shot down five. Israel faced war with Britain. The United States strongly advised Israel to get out of Egyptian Sinai. Ben-Gurion yielded, but let the troops attack Gaza from within Israel. On Jan. 7, the Egyptians cried they had had enough. The U.N. arranged peace talks on the island of Rhodes.

Israel now had an army of 100,000 cock-a-hoop, eager, confident, skilled soldiers. The commanders were certain they could quickly sweep thru the Samarian and Judean hills and win all of Jerusalem. But the Israeli government said no. Israel had lost 5,000 citizens. It must get on with bringing in Jews from all over the world and building a nation.

Israel had lost only 13 Jewish villages and the Jewish quarter of Old Jerusalem, while its forces had captured more than 300 Arab communities, a third of them in areas that the U.N. had in 1947 allotted to Arabs. Of the 750,000 or so Arabs living in the territory now held by Israel, two-thirds had fled. Among those staying behind were about 50,000 Christian Arabs, mostly in Nazareth, and some 30,000 Druses.

Before Israel agreed to the armistice with Egypt, there was one thing more that had to be done. In 1934, Ben-Gurion had stood on the hot, empty sands of Eilat at the head of the Gulf of Aqaba. To the east, the old Arab port slept. Only a few fishing boats disturbed the blue waters, but in his mind, Ben-Gurion saw Eilat as a busy port, a gateway to the far east, to southern Asia, to the east and south Africa.

So one day in March, two Israeli columns scurried thru the desert, bypassed Arab legion posts, and raised the Star of David on the gulf. Now Israel could look both east and west.

On Rhodes, Israel signed the armistice.

1967: SIX DAYS THAT CHANGED THE WORLD

(By Arthur Veysey)

LONDON.—Jerusalem was a strange city in May of '67. Only now and then did a car dart along Jaffa Road, untroubled by traffic lights, all set solidly at yellow. Stores were open but shoppers had vanished and only an elderly clerk or, perhaps the manager himself, stood looking out the door. The King David Hotel had just one American guest, a splendid woman who had come for her grandson's bar mitzvah and wasn't going to be put off by war.

In houses and apartments, wives cleaned out those solid basement holes the law demanded as cisterns, to prevent a water shortage such as that during the siege of '48, or as shelters from bomb and shell. For years, the spaces had served as handy depositories for cribs, old magazines, broken chairs, scratchy, well-worn 78 records.

Everybody in Jerusalem knew war was coming and they couldn't understand what held back Levi Eshkol, the prime minister. Certainly he and Abba Eban didn't really believe all that nonsense about the Arabs finally showing "a new realism" and willingness to be good neighbors?

It had all blown up quite suddenly. On April 7, Syrians atop the Golan Heights had shelled a Jewish tractor driver in a vineyard beside the Sea of Galilee. That sort of thing had gone on, now and then, for years, for generations even.

The Syrians were safely out of reach of Israeli forces in the valley below, so Israel had begun sending its planes to bomb and strafe the gunners. It did so on April 7.

But this time, Syria sent some of its new Russian MIG planes. The two quadrilles chased one another thru the sky. The Syrians fled. The Israelis chased them all the way home to Damascus, only 5 minutes in a a jet fighter.

Syria protested. The Israeli government said it would strike even harder if the Syrians didn't cease harassing the Galilee settlements.

The Russians took up the Syrian cause, claiming Israel was massing an invasion force in Galilee. Eshkol invited the ambassador for a personal tour. The ambassador declined.

In Egypt, President Nasser spoke up for Syria. He had steadily refused to demand the U.N. withdraw its Sinai and Gaza patrols as almost certainly bringing a new war.

Now he suddenly asked the United Nations to quit. Secretary General U Thant did so, at once, saying he had no legal alternative. He also took U.N. guards from Sharm el Sheik and Nasser promptly reestablished Egyptian guns there. Eilat was again blocked. Quickly assembled in Sinai were 100,000 men, 1,000 tanks, 500 guns, 300 war planes.

In Washington, President Johnson talked of sending an international flotilla to Eilat, daring the Egyptians to shoot. In Paris, President de Gaule, seeking reconciliation with North African Arabs, told Eban, "Do not fire the first shot." In London the Socialist government wanted no part of a Middle East fight.

In Jerusalem, the massing of Egyptians so close to Tel Aviv preoccupied political minds, blotting out rivalries. Eshkol brought back Moshe Dayan as defense minister. Dayan toured his troops and publicly said the problem was still one for diplomats. On that Sunday in June he said: "Look at all the soldiers on the Tel Aviv beach."

Late in the evening, he arrived at the King David Hotel. Long before dawn he slipped away, to appear at an airfield and announce to the Knesset's Foreign and Defense Committees that, unfortunately, he could not take them on a tour of military bases because, minutes before, the war had begun.

As in 1948, Israel faced war on all fronts, not only with Egypt as in 1956. Although Israel's forces had increased mightily, they had to deal with each enemy in turn. The Arabs had, again, set up a joint command. If they struck first, fast and hard, they could do great damage. Israel hoped the Arabs would dither and divide.

The first Israeli task was to destroy the Arab war planes, some only 5 minutes away.

The air attack was meticulous. A traditional surprise air raid comes at dawn. The Israelis waited until 8:30, breakfast time for Egyptians, and then flew far out to sea, bypassing the Soviet radar along the canal, and came in from the rear. Total surprise! The pilots slowed to make sure each bomb, each rocket struck. Pilots returned home, reloaded, and went after Arab bases east of the Jordan as far as Baghdad. In their morning's work, they destroyed more than 400 planes, mostly Russian. Sirens screamed in Jerusalem and Tel Aviv, but not one bomb dropped on any Israeli city.

The tanks already were moving into one column along the coast, another across the heart of the wilderness. This time the paratroops dropped at Sharm el Sheik. Israeli planes swarmed over the desert, pouncing on Egyptian tanks. As in the 1956 war, small rockets exploded tanks and often the sight of a plane was enough to send Egyptian tank crews running. In the Mitla Hills, the planes caught an entire Egyptian armored division. I shall never forget the sight of all those blackened hulks sitting in little pools of scorched earth.

As Israeli planes blitzed Egyptian air bases, Prime Minister Eshkol asked the U.N. truce supervisor, Gen. Odd Bull, to tell King Hussein that Israel would not attack Jordan if Jordan did not attack Israel. But about 11 o'clock the war came to Jerusalem. Rifles cracked. Then mortars crunched. Planes swept over, in pairs; everyone ducked but could not understand why no bombs fell.

Soon Jordanian soldiers scrambled up the Hill of Evil Counsel to the former British governor's palace, now occupied by Gen. Bull. The general told them the palace was neutral ground. The soldiers established themselves in its gardens. So up the other side went Israeli soldiers. There was a sharp skirmish. The Arabs fled down their side. The Israelis put a shell thru the palace's thick front door, found Gen. Bull under a desk, advised him and his men to leave. They drove down to a hotel in Jewish Jerusalem.

By night, big guns joined in the battle, a holding operation for Israel until guns, tanks and planes could be brought up from the Sinai after dealing with the Egyptians. The dueling for Jerusalem continued the next day altho gradually the Arab guns fell silent, smashed by Israeli planes. In the afternoon Mayor Teddy Kollek, touring shelters, said: "It will all be over tomorrow."

I remember that second night of the war as tho it were yesterday. From atop the King David, we looked across the no man's land of 19 years to the walled old city. A great searchlight flowed over the walls. To the right, burning timbers fell, in sparkling showers, from the cone-shaped roof of the church on Mount Zion. To the left, the roof of Victoria Augusta Hospital blazed brightly. On the southern horizon, a golden ribbon testified of fields burning at Ramah Rahel.

Then planes whistled over and seconds later there were great bursts of light as bombs exploded along the eastern slopes of the Judean Hills. From an armored car, Israelis called thru loudspeakers to the Arabs to surrender.

On the third morning, Israeli soldiers captured Mount Scopus, swept along to the Mount of Olives and came down thru the Garden of Gethsemane. An armored car pushed down the thick planks of the Lion's Gate. Paratroopers flooded across the stone plateau where Abraham prepared to sacrifice Isaac, on into the narrow streets. Soon they were praying at the Wailing Wall. A sniper bullet brought down one soldier at his prayers.

Israeli columns dashed south to Bethlehem and on to Hebron, north to Nablus, east to Jericho and the Jordan River. By the end of the fourth day, Jordan was beaten.

Now came Syria's turn. That army, so boastful a week earlier, had sat tight on its rocky plateau high above Galilee, content to lob shells and mortars down on to the settlements. By Thursday night, Israeli convoys streamed along all roads north, past the Sea of Galilee, thru the drained Hulah Swamps, up to the slopes of Mount Hebron where, like a miracle, cool clear water gushes from a rock wall to form the Jordan River.

For Israel, total victory was within grasp. The only question was: Would the U. N. intervene too early and save Syria?

The Syrians were deeply dug into the black basalt escarpment. Russia had helped design the bunkers, the trenches, the mine fields. Up the slope the Israelis went. Sometimes, they said later, they came upon Syrian soldiers locked into gun pits, abandoned by their officers. Soon an Israeli armored column was dashing across the grain fields. Syrians fled, soldier and civilian alike.

How can one describe victorious Israel? It began breathing again. It rejoiced. The events of the week seemed too good to be true. Had Jews really won the biggest military victory in their thousands of years? Had David brought down a host of Goliaths? Israelis had willingly gone down into hell. They had paid. But the fewer than 800 dead was much less than the toll even the most optimistic had expected.

Israelis had rounded out their country, they had taken almost all of their people out of Arab gun range. They had shortened their land borders from 600 miles to a manageable 160 miles.

Certainly at last the Arabs would see the value of peace. "And we now have room," said Mrs. Ben Zvi, widow of the second president. "All we need now is a million more Jews."

But gradually, Israelis awakened to the hard realities. There was to be no peace. The Russians sent more and better arms to the Arabs. In the next three years, Arab harassment was to take as many lives as the six days of war.

The Jews in Russia and Eastern Europe who wanted to come could not. Those in Western Europe and the Americas who could come sent money, but came only to visit.

It all goes to show, Israelis told one another, that if you've got something big to do, you must do it yourself.

1971: 4 Years Later, an Uneasy Peace—

War Memories Linger During Lull

(By Michael McGuire)

Tel Aviv.—Tall, tanned and appearing like a figure out of an Israeli beer poster, the hitchhiking woman soldier stood beside the busy highway between Jerusalem and Tel Aviv.

Beside her stood a young paratrooper, his right arm in a cast and his red beret cocked rakishly askew. Further down from the intersection, a dozen more uniformed men and women stood with thumbing arms stretched and anxious looks on their suntanned faces.

Scores of autos, many carrying only their drivers, sped past. "It seems people don't stop for them as they did this time last year," a foreign visitor said to Danny Csasznik as the Israeli driver accelerated his car.

"That's true," said Csasznik, a 26-year-old veteran. "But the Israelis look at it as a good barometer to measure tension. When the fear of war is down, the soldiers wait longer for lifts. When the shooting starts, they become the heroes again and ride."

Some of the hitchhiking soldiers waited for long periods under a burning sun seemed not to mind the transition which eased them down the scale of motorist popularity.

"I'd rather be standing beside this highway than be under heavy fire along the canal," said a radio operator who accepted a ride with an American driver. "We've had eight months of peace and we like it."

Words similar to those of the young soldier can be heard with greater frequency across the country, which is experiencing the first taste of relative peace it has had in two decades.

"It was the funerals," said a 28-year-old engineer in Jerusalem. "Last year this time I was getting worn down emotionally by having to attend so many funerals. It seemed that every week I had to go to one."

A drive along Israel's Jordanian and Syrian borders, which one year ago were reaching the sizzling point with Fedayeen and Arab army activity, now makes the area appear as normal as the Illinois countryside on a Wednesday morning drive to Rockford.

A kibbutz farmer balanced his small son on his knee as he drove his tractor along a Galilee road which came under constant rocket and shell fire one year ago. Cement walls 10 yards or so long spaced along a perilous road climbing the Golan Heights appears as innocuous as trees. In April, 1970, half-tracks and Jeeps loaded with grim-faced Israeli soldiers were parked behind the shelter walls, their occupants peering across a deep gorge into Jordanian hills saturated with guerrillas who today are not there.

In the Golan Heights, the crew of a Centurion tank basked in the sun a short distance from a Syrian army camp. A few miles further on, young Israelis photographed one another atop a Stalin tank captured from the Syrians during the June, 1967, war. The tank's long gun pointed down in ironic symbolism towards an Israeli settlement north of the Sea of Galilee far below.

"We used to say: 'Never a dull moment'," a colonel said in an army office in the capital, "but now, newsmen itch for something to do."

The radio which David Rothchild used to turn on in his Jerusalem bar every hour to pick up newscasts has gone silent. So have the radios that used to blare loudly in other bars and restaurants.

"Everyone, or at least a great many people, used to carry transistor radios with them to listen to the hourly news to hear if anyone they knew was among the casualties," said a Tel Aviv taxi driver. "Today nobody carries them."

"Israel is a different place than it was during the war of attrition a year ago when every day brought new casualties and downed aircraft," said a United Nations worker. "The Israelis seem to have a new spirit. They have tasted peace and they like its flavor."

Some Israelis feel their government should try harder to meet Egyptian President Anwar Sadat in rounds of talks directed toward peace. Others believe the government is doing the best it can.

"I say give back the (Golan) Heights, the West Bank (of the Jordan), Gaza and the Sinai," said a young office girl in Jerusalem. "It's worth the chance for peace."

"We got to hold on to all the land we can," said a Haifa factory worker. "I was born here and I know Arabs. You can't rely on a gentleman's agreement. Look at (King) Hussein. He has made 20 agreements with the guerrillas and has broken every one. We're not going to let that happen to us. We want guarantees."

Perhaps the most impassioned expression for a lasting peace came from an Arab father of five who lives in the West Bank town of Rammallah.

"Some nights I remember that terrible day back in June, 1967," he said, "and I say to myself, as I lie awake at night, "Please, God, let there be no more war again." When the explosives started dropping around my home, I went to the basement with my family for shelter. My wife was clutching my neck in terror and one of my little boys was pulling on my shirt and crying, begging 'Please, Daddy, please don't leave us.'

"When the shooting stopped," he said, "I remember passing the bodies lying in the street. These thoughts keep occurring. Please, God, not again."

Finance Minister Sapir Plans for Future

(By Michael McGuire)

Jerusalem.—If peace settles over the Middle East, Israel will become economically independent within 10 years, said Pinchas Sapir, minister of finance, commerce and industry.

"If there is a lasting peace," Sapir said, "we should be able to consider ourselves independent in a decade, but this will come about gradually, step by step."

Sapir said his nation is standing at the beginning of a road in which the relative weight of allocations to defense will gradually decrease and the portion of the budget devoted to public services, immigrant absorption and development will grow.

"If we have a real peace," Sapir said, "our economy will jump very fast. More people will come to Israel. We will increase our production and export. On the horizon we can see a very real economic independence."

Sapir, who also oversees Israel's ruling Labor party, is considered the key man behind Israel's bounding economic and industrial growth. Increasing numbers of Israelis view the bald, bespectacled and heavily-built cabinet man as a leading contender for premiership if Mrs. Golda Meir steps down in three years.

With peace over the next decade, Sapir foresees a military manpower cut from the current 20 per cent to a point close to 5, a population doubling to 6 million, an expanding labor market providing jobs for more than 800,000 additional employes and a dramatic leap in the nation's industrial development.

The role of defense expenditures in the gross national product is expected to decrease from today's 30 per cent to 11 or 12 per cent, he said. Exports will increase fourfold with a figure reaching close to 6 billion dollars.

Industrial production during the decade will increase three times to 11.4 billion dollars, exports will top 3 billion dollars and the annual trade deficit will reduce from the 1.3 billion U.S. dollars of 1970 to between 900 million dollars and 1 billion in 1975.

Sapir aims to keep the level of the state's foreign currency reserves at approximately 600 million dollars thru 1975, compared with the present 430 million dollars. The current figure is 70 million dollars below the 500 million dollars which the Bank of Israel describes as "comfortable" but is in fact enough to pay for less than three months' imports.

"I firmly believe peace will come," Sapir said. "I'm much more optimistic than a year ago. Today I believe there will be a settlement sooner than later."

Sapir said he hopes someday soon to see the exchange of Israeli assets with those of the Arab world. "If I could close my eyes and tell you what my dream is," Sapir said, "I would tell you it is to help the Arab world develop and prosper. You know we are sending more than a thousand technicians, engineers and water and agricultural experts to Asia, South America, Africa and the West Indies. We are prepared to give this same help to our neighbors if peace comes."

The Israeli taxpayer, the heaviest hit in the world, could also look toward getting a break, Sapir said. "Were it not for the immense defense burden [which accounts for 80 per cent of taxes collected], everything would look different."

Personal income taxes—which are slated to bring the state some 842 million dollars this year—when combined with other taxes drain 50 per cent of a paycheck away from an Israeli father of two children.

Because prices rose along with wages during the last two years, large sections of the population have been elevated into higher tax brackets without any significant change in their real incomes.

Autos and other import goods are taxed higher than their value. Immigrants and young married couples seeking homes discovered during the last four months in 1970 that the prices of plots in new building areas rose by between 7 per cent and 12 per cent because of land shortage. Building plots in Tel Aviv rose by 25 per cent between November, 1969, and November, 1970, with two-thirds of this increase occurring between September and November. In the Tel Aviv area, flats range from about $5,700 to $10,000 a room. In Jerusalem, prices are higher.

"But they are buying them up," said a representative of a private real estate firm. "Many of the luxury flats are being bought up as second residences for Jews in the United States and elsewhere. They can invest in the property and collect rent when they are not occupying them."

Sapir said he based his optimism on Israel's "tremendous" development in the past. "When we look back at what has been done," he said, "we see that our population has grown more than three-fold since 1948 and we are now a state of three million people. The per capita income has reached $1,600, a figure not less than that of developed European countries, and this is as compared with a per capita income of $300 in the early years of austerity—the years of food and other rationing."

Sapir said Israel has built an essential structure for the economy without which no development would be possible. Electric power production has increased almost 20 times since 1950. A network of roads stretching across 6,000 miles has been built within the same period. Telephone expansion has gone from 19,000 instruments in 1948 to close to a half-million in 1970. Israel's merchant fleet has risen from a few creaking ships to a modern fleet of 120.

"By 1974," Sapir said, "we will have a shipping capacity of more than 5 million tons. By 1975 a million tons more will be added. This will come in handy when we get into the heavy metal industry. This we will do even without the natural resources. Japan has no raw materials. They bring in iron ore and scrap iron so why can't we?"

Agriculture has developed from a cultivation of 400,000 acres to 1.05 million acres while the growth of irrigated areas has risen from 75,000 to 425,000 acres. This is enough to supply almost all the nation's food requirements, and allowed exports which, excluding citrus, last year earned 42 million dollars.

Immigration, Israel's lifeblood, remains the relatively unknown factor in Israel's economic future. If Russia throws open its doors to mass Jewish emigration, the economic shock will hit Israel hard.

Soviet Jews were allowed to immigrate in greater number this March than in all of 1970, reports from the Soviet Union indicate, bringing the total number of departures for the first quarter of this year to about 1,400. If this rate continues through the year, Israel will have received about 5,500 Soviet Jews by 1972, or three times higher than the average of about 1,500 Jews that have been permitted to leave for Israel from Russia each year.

"Hundreds of thousands could come," Sapir said. "It is our duty to begin preparing the necessary plans now, even tho the matter is, as yet, only a vision of the future."

Chicagoans Have Made Great Contributions Toward the Growth and Development of Israel

(By Jacob M. Arvey, who has been prominent in Chicago's political and civil life for a half-century, and modestly omits mention of himself in the following article on Chicagoans who have contributed to Israel's development. Few here have been more vigorous on behalf of Israel, however; Mr. Arvey for years has taken an active part in Israel Bond drives, Combined Jewish Appeal, and other groups which have aided Israel, and there also is a 500-acre forest dedicated to him near Tel Aviv. He is honorary chairman of the 1971 Israel Bond Drive)

The celebration of the 23d anniversary of the State of Israel focuses attention on the crucial role that Chicagoans have played in the economic life of the country.

The role of American Jewry in general, and specifically the Chicago Jewish community, in providing the financial support for the country's great accomplishments over the last two decades is a major part of the story of Israel's economic, cultural and social renaissance. In these 20-plus years, Chicago has become a leading city in providing aid to Israel and its various institutions. For instance, it is the number one community for Israel Bonds on a per capita basis.

Among Chicagoans who have played key roles in Israel's development is the late Max Bressler, founder of a suburb of Jerulsalem called Keryat Menachem, which now has a population of more than 35,000. Bressler also was responsible for the establishment of the John F. Kennedy Memorial in Jerusalem [see cover photo], which each year is visited by hundreds of thousands of Israelis and foreign tourists.

My good friend Philip M. Klutznick, former United States Ambassador to the United Nations, is another Chicagoan who has been of inestimable aid to Israel. It was he who helped to develop the new port of Ashdod on the Mediterranean, which will soon become Israel's leading seaport.

A thousand years before the Christian era, Ashdod was a metropolis of power, the dominant city of the Philistine Confederation. Since the seventh century, however, its glories have been buried in antiquity. With Klutznick's assistance, Israel has re-established this ancient city and has made it an integral part of the country's economic lifeline. One of the most recent projects to be undertaken there is the new oil refinery, which will be a part of the new pipeline from Eilat.

Another Chicagoan who contributed mightily to Israel's economic growth was the late Jacob R. Sensibar, the engineer who developed and constructed our Lake Shore Drive. Sensibar went to Israel about 20 years ago to help drain the Hula swamps in the Galilee, a mosquito-infested area which wasted much of the waters of the Jordan River. Today that region is a productive farmland of 15,000 acres.

Henry Crown, one of this nation's financial and industrial giants, has helped to culturally enhance Israel. Among his many enterprises there is the national Israel Museum in Jerusalem, which he and other members of his family were instrumental in building. He also was responsible for bringing the Hilton Hotel to Tel Aviv, which has helped the country's tourist industry to prosper.

Samuel Bernstein, another of Chicago's industrialists, was responsible in great measure for enlarging the facilities of the Technion Institute in Haifa. This institution of higher education, Israel's equivalent of M.I.T., is one of the world's leading scientific and engineering centers.

In the field of music, Israel has been fortunate in obtaining the services of Max Targ, a retired business executive and one of the deans of the Jewish community in Chicago. He is president of Americans for a Music Library in Israel, which maintains six musical libraries and academies thruout Israel. It also provides musical instruments and scores as well as other materials for Israel's symphonic and student groups.

Dr. Theodore K. Lawless, a leading Chicago dermatologist, has visited Israel on numerous occasions to help train physicians in his own field. A clinic in his name has been established at the Beilinson Hospital in Tel Aviv, which he visits from time to time. He was the prime mover in its establishment.

Another long-time friend of Israel is Patrick E. Gorman, international secretary-treasurer of the Amalgamated Meat Cutters Union. Pat helped to set up a vitally needed cold storage plant in Eilat at the southernmost tip of the Negev Desert, and a cultural center in the Galilee in the north.

Joseph M. Levine, a noted Chicago manufacturer, has visited Israel many times. During one of his trips to Jerusalem several years ago, he noticed a lack of adequate play facilities for children. Today, as a result of his efforts, scores of playgrounds and gardens for youngsters can be seen thruout the Holy City. He provided the financial resources and plans which made them possible.

Industrialist Harry Lasky was responsible for the construction of the highly-acclaimed planetarium in Tel Aviv, which has become a popular attraction for its citizens. He also established hundreds of scholarships in every university in Israel for the country's needy high school graduates.

With tourism now Israel's No. 1 earner of foreign currency, it is not surprising that its government leaders called on top business executive Martin Sandler to help found the Israel Hotel Corporation, which brought the Sheraton Hotel to Tel Aviv.

Samuel W. Sax, president of the Exchange National Bank, is another Chicagoan who was tapped by Israel to provide a vital service for the country. He was requested to open up the first branch of an American banking institution in Israel, which he did in September. Exchange's Tel Aviv operation remains the only Israel branch of an American Bank.

Oil distributor Milton Lambert also has helped Israel. As head of the Chicago Chapter of the Mogen David Adom, the official Red Cross service in Israel, he personally raised the funds which provided 25 ambulances and numerous hospital facilities for the people of Israel.

These men and others like them have forged an unparalleled pattern of humanitarian effort that well can serve as a model for other cities thruout the country.

Abba Eban: Help From United States Is Essential

(By John H. Thompson)

The most important thing the United States can do in the Middle East is to keep Israel strong militarily, particularly as it has in the last two years. That is the basic element for peace and stability. Without it, all else collapses.

Maintained in this strength by America,

Israel will endure, with or without peace with the Arabs. It will continue to stand firm, yielding neither to pressure from friend nor foe, but is prepared to negotiate any and all issues with Egypt, even including the Sinai fortress of Sharm el Sheik and withdrawal from the Suez Canal.

But if Israel is willing to negotiate the future of such life-or-death national security interests with an Arab enemy, Israel is not willing to turn these interests over to the tender mercies of any United Nations "peacekeeping" force which would be both pro-Soviet and pro-Arab.

This was sometimes tough-minded Abba Eban expounding on Israel's security problems on the eve of her 23d anniversary as a 20th-century state.

The urbane foreign minister, a Churchillian master of the English language, was at his most eloquent recently as he relaxed in New York's Plaza Hotel shortly before returning to Tel Aviv.

Asked how he thought the United States could best contribute to Middle East peace, Eban said that the most important thing—"and I come back to this again and again"—is to keep Israel strong, "because without that everything collapses."

Then Eban said that the second most important thing for the United States to do is "to create conditions for a free negotiation, and not to say before we have begun negotiating that we must accept the principle of total withdrawal."

This is the bone in the Israeli throat. Many members of Congress also felt that this principle of withdrawal first had been proclaimed by Secretary of State William P. Rogers at a press conference where he also advanced the idea of an international "peacekeeping" force to insure Israel's security.

Subsequently Rogers assured a closed-door session of the Senate Foreign Relations Committee that Washington had not asked Israel to accept the withdrawal principle in advance of negotiations. As for the international force, Eban, who had just conferred with Rogers, said it was important to keep clear that Rogers only envisaged such a force "if the parties want it."

Eban suggested that the third thing the U.S. can do "is to use its influence with the Soviet Union to deter Soviet intervention."

The fourth thing to be done by Washington "is to tell the Arab states that if they want a settlement they must turn to Israel. And not think that they can get outside pressures on Israel to work."

As Eban noted, Israel is skeptical about the effectiveness of any U.N. force to keep the peace. It was the abrupt disappearance of such a U.N. force—under Egyptian pressure—from Sharm el Sheik, the desert fortress that controls Israel's vital Strait of Tiran and the entrance to its only Red Sea port—Eilat—that precipitated the 1967 war and "proved that a U.N. force is not able to prevent any country from doing what it wants."

Expanding on this theme, Eban said: "We know that a United Nations peacekeeping force would be under the United Nations' control. And that very largely means Soviet-Arab control, because the Soviet Union and the Arabs are in a very preponderant position [in the U.N.].

"The U.N. is like a business firm in which the Arabs have 40 shares and Israel one share. No one is going to tell me that the board of governors will make decisions against the majority shareholders. In other words, to give vital and crucial Israeli interests over to United Nations control is to say that we give crucial Israeli interests over to what is largely Soviet-Arab control."

Eban suggested that the idea of placing a Soviet contingent at Sharm el Sheik, as an example, makes as much sense as giving the Soviet Union and the U.N. a hand in running the Panama Canal. "If I were to suggest that, you would think I was off my head," he laughed.

For Israel, the issues at that tiny hunk of Sinai desert known as Sharm el Sheik are enormous—so enormous that Eban said he is unable to understand why Israel's former prime minister and wartime leader, David Ben-Gurion, is willing to abandon the fortress and withdraw as part of a peace settlement with Egypt. Ben-Gurion said this in a recent Saturday Review interview.

All of Israel's oil, including that which she exports to Europe, comes thru Eilat and the Gulf of Tiran, which the Arabs call the Gulf of Aqaba. It is Israel's window to Asia and East Africa. Without that maritime outlet, Eban said, the development of Israel's Negev desert northward from Eilat would have no meaning.

"It has the issue of peace and war because, if somebody else is there, by action or inaction they can turn on the tap of peace or war," Eban said. "So here, on that little piece of desert, the issues for Israel are peace, war, development, oil, Africa, Asia, the Negev. What country in the world would walk out of there and hand it over to forces of the Soviet and the French under the control of an Arab and the majority of the United Nations? . . . Therefore, in the peace agreement with Egypt, we would like to negotiate our continued presence there."

Eban did not explain what form the negotiations would take, should they come to pass. Presumably they would involve some kind of trade-off, such as an agreement that Israeli forces might return to Sharm el Shiek if Egypt denied Israeli ships passage thru a reopened Suez Canal.

The canal, quiet since Secretary Rogers achieved a cease-fire as the first step in peace talks being conducted thru Ambassador Jarring of the United Nations, remains the front line between Israeli and Egyptian armed forces. Whether it might be reopened, simultaneously with a pullback of the opposing military forces, has been proposed as a possible subject of negotiation, exclusive of a larger peace settlement.

Prime Minister Golda Meir has said that Israel is willing to discuss the Suez issue, which was first broached by Egyptian President Sadat. Eban said Israel is prepared to go even further and discuss with Egypt the occupied geographical areas from which Israel first said she would not withdraw. They include Sharm el Sheik, the Golan Heights in Syria, part of the West Bank of the Jordan River and East Jerusalem. This so-called Israeli "hard line" had been attacked by Moscow and Cairo.

"Our position is that everything can be discussed," Eban said. "Our position in the negotiations will be that Israel will concentrate on these points [its original claims]. That is not being inflexible. What is inflexible is for the Arabs and the Soviets to say that there is no inflexibility, to insist on reconstructing the precise divisions that brought about the war. That's inflexibility."

War, as the foreign minister and philosopher observed, always changes things. Boundaries are never the same after a war as before. No war has ever left the relationships—or boundaries—of contending countries precisely as they had been.

This view of war and the alterability of boundaries does not mean Israel seeks more territory, Eban said. Ben-Gurion, the old desert pioneer, had also said the same, asserting that with proper irrigation the Negev has enough room to absorb all the Jews in the world. The problem was to open wider the doors of immigration from Russia and other Iron Curtain and Arab countries.

"The strength of the country is its people," said Eban, "especially the vitalizing force of Jewish immigration. It can only make the country economically and socially stronger. This has nothing whatever to do with space."

Israeli expansion has been a fear of the Arabs. The Gahal, the opposition party in Israel, makes no bones about its intentions. It would hold on to all the occupied Arab lands. If given the chance, it would even seek more land at the expense of the Arabs. This right-wing viewpoint, however, is reportedly held by only a handful of Israelis; certainly not by the government.

"Look at Switzerland, Belgium, Holland, Denmark, Great Britain," Eban said. "All have a higher density of population than Israel. Most of them do not have much in natural resources. But they achieve momentum and dynamism and advanced standards of culture thru the creative force and vitality of their people."

In the same manner, that is the way Israel looks at her people, even when they are under siege. It will be the same, said Eban, in war or peace, or in what Eban called the transition period, a segment of time that may have no foreseeable end.

If there is no peace settlement, is war with the Arabs inevitable "Not necessarily," he said. If "military options are closed down by the maintenance of the balance of power," he foresees room for an intermediate period in which "the quest for a peace settlement goes forward."

Eban pointed out to some of the other unsettled problems of the world, such as Berlin, Korea and Cyprus, as evidence that war does not have to be the result of no-peace. "I don't believe that the non-solution of problems means that there has to be war."

Since 1948, said Eban, the world has "come to terms with Israel and integrated Israel into its community." Israel has diplomatic relations now with nearly 100 other nations, close relations with the European Economic Community, and a broad network of cooperative development arrangements with Latin America and Africa.

"I look at the future with confidence," said the Israeli foreign minister. "There are many clouds on the horizon. Our destiny is still a destiny of struggle. But it seems to me that struggle is an energizing force on our youth and our society. To sum up, I don't think we have an easy future, but I think we have a great future."

EXPORTS TO THE UNITED STATES STEADILY GROW

(By James Mateja)

When it comes to trade partnerships, Israel and the United States are on more than friendly terms, the United States—with 21 per cent of the imports to Israel—the largest single contributor to that nation's import picture.

And not only is the United States as a whole important to the economc growth of Israel, the Midwest plays a particularly prominent role in this growth, according to Dan Meiry, Israel consul for economic affairs, whose office is located in Chicago.

In 1970 the United States accounted for $323 million of Israel's imports, compared with $310 million in 1969, and the Midwest was responsible for 30 per cent of the 1970 total.

And as proof of the economic growth Israel is experiencing with the aid of such countries as the United States, the total value of imports in 1970 was $1.4 billion, up from $1.2 billion in 1969.

The Israeli export picture also is promising. In 1970, $149 million in goods were sent to the United States, up from $136 million in 1969. Total value of all Israeli exports in 1970 was $736 million, a substantial increase from $689 million in 1969.

Israel depends on the United States, and heavily on the Midwest, for automobiles and parts, aircraft and parts, raw materials for the diamond industry, iron, steel and other metals, plants and vegetable products, Meiry said.

Leading exports Israel sends to the United States are ready-made fashions, tires, foods, cutting tools and molds, and medical electronic equipment. The United States is Israel's No. 1 export trading country, followed by the United Kingdom and Germany.

In Israel's favor is its geographic location, touching on Syria, Jordan, Egypt and Lebanon, Meiry said. Because of its location and low-cost labor force [an Israeli laborer will start at between $1 to $1.50 an hour, compared to about $2 an hour here], many United States companies have established facilities there and use Israel as an export base to other countries.

Midwestern companies, subsidiaries or their affiliates operating in Israel include: Baxter Laboratories of Morton Grove; Miles Laboratories, Elkhart, Ind.; Solpek Steel Corp., Ltd., Cleveland; Monsel Electronic Industries, Ltd., St. Louis; Packard Instruments Co., Inc., Downers Grove; Manpower, Inc., Milwaukee; Astronautics Corp. of America, Milwaukee; Pioneer Engineering & Manufacturing Co., Warren, Mich.; and Brunswick International, Motorola, Inc., Sharon Youth Hostel, Inc., and Sheraton Hotel Corp., of Israel, all headquartered in Chicago.

"One factor Israeli workers have to live with, tho, is war," Meiry said. "Workers may be called at any time to serve in the army for 3 to 6 weeks.

"This, naturally, disturbs production, but we have learned to live with the situation. We don't like it, tho. We prefer to be peaceful and would rather put our resources to other uses. The worker in Israel, however, has the attitude that, despite war, life must go on." Meiry said.

In 1948, when Israel attained statehood, it was almost totally reliant upon imports, but now is strong enough to make many of its own goods and has a thriving export market, according to Meiry. Exports in 1950 equaled only 12 per cent of imports and totaled $35.1 million. In 1969, exports equaled 57.5 per cent of imports and had grown to $683 million.

And the Midwest is a big customer. Israel sends hosiery, wines and liquors, ready-made fashions, shoes, fruit, diamonds, cutting tools, molds for plastic injectors, seamless pipes, tires, Formica laminated plastic and electronic equipment here.

Products Israel imports from the Midwest include seeds, wheat, flour, beans, powdered milk, iron and steel, copper ingots, aluminum, scrap metals, road building materials, cars, tractors, metal-working and electric machinery, data processing machinery, hides, fire bricks, incubators, agricultural implements, clay, dental plaster and chemicals.

To handle the country's imports and exports, Israel relies on El Al Israel Airlines, the country's only international air carrier, and Zim Israel Navigation Co., Ltd., its shipping line.

El Al, which has 10 jets currently and two 747s due in May, has been in operation for 21 years, and has been instrumental in Israel's agricultural and industrial export business, according to Michael S. England, the airline's Midwest district manager. El Al is Israel's biggest single foreign currency earner, he said, with a total volume of $85 million in 1970, up 15 per cent from 1969. Freight traffic accounts for 20 per cent of volume.

El Al is publicly-owned, and altho the government has controlling interest, it is operated like a private business and has been in the black since 1956, England said.

The Zim line is one which serves the Midwest. Its ports of call include Montreal, Toronto, Chicago, Detroit, Milwaukee and Cleveland. Major cargo includes wines, tires, flour, hides and machinery, according to Abraham Sharon, Zim's midwest representative.

While world trade has been of so much importance to Israel's economic growth, the State of Israel Bond Drive, begun in 1951, "is the most important factor to the development of Israel," according to David Zysman, executive director in the Midwest for the State of Israel Bonds.

The bond drive contributes 85 per cent of the country's development budget, which includes expenditures for power plants, roads and airlines, while the normal budget covers education, defense, and welfare.

Bonds brought $210 million into the economy in 1970, Zysman said, with the goal at $400 million for 1971. The increase is to come from institutions, banks and profit-sharing plans, he said.

Metropolitan Chicago accounts for the bulk of Illinois' bond purchases and on a per capita basis, Chicago is the United States' major bond buyer.

Zysman emphasized that the money from the bond drive doesn't disturb the United States balance of payments because the money doesn't leave the country.

"There is no export of capital. The money is used to buy United States goods here to ship them to Israel," he said.

In 1953, $2.6 million in bonds was sold in Chicago; in 1970 $16 million was sold.

Zysman said that altho the United States was experiencing a recession in 1969 and 1970, bond sales increased substantially in both the Chicago area and the United States—from $11.3 million in the Chicago area in 1969 to $16 million in 1970, and from $158 million for the United States in 1969 to $210 million in 1970.

There are 102 Chicago area banks which purchase the bonds, with Continental Illinois National Bank & Trust Co. serving as the fiscal agent for the Midwest. Chase Manhattan Bank in New York is the fiscal agent for the United States.

The Druses: A Unique Amalgam of Religions

(By Eleanor Page)

Ussafia, Israel.—"Americans are nice people," said Kamal Mansour, a chief of the Druse tribe, "but you are encouraging the Palestinian refugees to become parasites by sending them so much money. You give money without asking why. You give money for nothing. And people hate you for it."

Mansour was speaking in the spacious reception room of his house in Ussafia on the highest part of Mount Carmel, not far from Haifa. A row of windows in the frame dwelling overlooked the village. Chairs and sofas lined the walls. A handsome tapestry hung on one wall; book shelves filled with everything from "Exodus Revisited" to Saul Bellow and a jeroboam of champagne were at the opposite end from the windows.

The room gradually filled with villagers from their teens to their middle years, all listening respectfully as Sheik Kamal, a leader in this sect which had its origins 1,000 years ago, attempted to explain to a group of American women editors how a minority group can get along with the Jews in Israel—as well as with previous conquerors of that territory.

Indeed, how the sect has managed to retain its close-knit identity and distinctive religion thru 1,000 years of turbulent history is remarkable.

Kamal credited their religion, and the understanding that the Middle East is based not on logic, but on emotion, with the sect's survival. They practice taquiyah, which is "concealment." or dissimulation, a principle which permits or even enjoins them to profess publicly the creed and when expedient to conform externally to the mores of any group among whom the Druses may find themselves.

For 500 years, Kamal's family has lived on that mountain top, "not for the air, or to be close to God, but as a minority fighting for the freedom of half a million people," said Mansour. Druses don't accept converts to their religion; you must be born one. "God promised us paradise, and our forefathers said let's not bring foreigners into it!"

Their religious system—which embraces elements of Judaism, Christianity and Islam—is kept secret from the outside world, and not even all members participate fully in the services. That is reserved for an elite company of intimates who also are the only ones with access to their scriptures.

Altho the Druses raise fine tobacco and grapes, the religious do not smoke or drink. They can be identified from the nonreligious by their head covering.

Kamal's father is religious leader of the village, a post that is not necessarily hereditary. Kamal, a former newspaper man, is adviser on Druse and Arab affairs to the president of Israel. Fifteen hundred of the 5,000 villagers are members of the Mansour family, including Eisenhower Mansour. Mansour means victorious, he explained, and Eisenhower was born at the time the general defeated Adlai E. Stevenson for the Presidency.

The 20th century has been catching up with Ussafia since 1947. At that time there was no running water and no electricity, and the lone phone was in Kamal's father's house. Now the women no longer carry water in jars on their heads; there are 60 telephones, cars, taxis, good roads, three schools and two clinics.

Women have progressed in their rights, too. Girls go to school; women have the right to become political or religious leaders.

Women have the right to divorce, too, but in Druse law the husband and wife who have been divorced may never remarry each other—or indeed, even see each other. "If they find themselves in the same street one must turn and go in the other direction."

There are a quarter million Druses in Lebanon, 50,000 in the United States and 80,000 in South America, according to Kamal. The 1971 World Almanac lists Israel's Druse population as 33,000.

Altho primarily agricultural people, Druses have been leaving their farms to work elsewhere, with only 12 per cent remaining to work the land actively. This change has caused a revolution between the old and new generations, differences that are apparent within Kamal's own close family. His wife and mother, in their shapeless black robes and white scraves wound around their heads, look more like his mother and grandmother. His teen-aged daughter and the younger children wear Western dress.

Kamal believes the Middle East does not need more subs and guns, but more tractors and homes. "Outside, you ask why shouldn't we have peace? Why shouldn't the Arab and Jew make peace? But the United States is in the same boat. Why don't you settle differences in Viet Nam and China?"

Kamal sees Israel as the most stable country in the Middle East. He says the Arabs ask one another, are they managing themselves well? He sees a social and educational revolution in the Arab world, where with 130 kids born every hour "it's a challenge for a leader to provide food and education."

Peace must come, said Kamal, because "No humans can live forever on hatered."

Missile Sites Grow in Egypt

(By Ray Wilkinson)

Cairo.—For the price of a $10 train ride to Alexandria on the Mediterranean Sea, a visitor can see at first hand some of the Russian-built antiaircraft missile bases Egypt has established to defend itself against Israeli warplanes.

One surface-to-air missile [SAM] site stands on a breakwater in the center of Alexandria, surrounded on one side by fishing boats and pleasure craft and on the other by fishermen and bathers on a sandy beach. The rockets are called SAM-3's and are quite sophisticated.

Visitors strolling along the seafront can approach within 100 yards of the site, its entrance at the neck of the breakwater protected by a couple of Egyptian soldiers, several strands of barbed wire and recently erected battleshipgray steel doors.

Scores of seaside hotels given an even better view. Two high earthern bunkers contain the control center. One of them is topped by the radar mast, the most obvious sign of a SAM-3 site. This mast is about 50 feet high with a radar scooper on top and is visible from afar.

Nearby is the "low blow" radar, a squat bowl-shaped structure, which is a vital part of the fire control apparatus for the missiles. The missiles themselves are camouflaged under netting.

At the far end of the site, some of it pleasantly lined with trees, is a helicopter pad and a jetty for small boats.

The curious can approach even closer to a second site near Agami, a pleasant resort area on the outskirts of Alexandria frequented by diplomats, especially military attaches.

One attache who regularly visited Agami once was startled to find a huge antenna-type structure he had never seen before suddenly appear at the Agami site. Military circles in Cairo were mystified about this new equipment, but on his next visit the attache solved the mystery. It was the pole of an umbrella the Russians had erected to shade themselves in the blistering Egyptian heat.

The Soviets constructed about 60 sites thruout Egypt early last year as a deterrent to Israeli air raids and Russians still control and man the sites themselves.

The missiles and crewmen were brought into the country in secrecy. When word first circulated about them, the Egyptians categorically denied the presence of both the missiles and men. Cairo later acknowledged missiles were in the country but obliquely indicated they were manned by Egyptians and controlled by the Egyptian military command.

Western military officials said Russians are still in complete command of the sites, personally manning them and controlling the decision to fire the missiles.

On the other side of the road at Agami is a large airfield occupied by about a dozen Soviet-made helicopters. Daily, a Russian-built MIG fighter trainer screams low over Alexandria, swooping and diving. Pink-skinned Russian swimmers wave happily to the plane, piloted by another Russian.

Halfway thru the 2½-hour train ride from Cairo to Alexandria, a visitor sees from the righthand window near Quesna a huge airfield with MIG fighters sitting on the strip or training overhead.

At the start of the 1967 war the Israelis destroyed most of the Egyptian air force sitting in the open on the ground. Following the war the Russians took over aerial planning, constructed new runways and heavily reinforced steel, concrete and earthern hangars, many of them clearly visible from the train.

JERUSALEM: FOR ISRAEL, A GROWING CAPITAL

(By Gwen Morgan)

JERUSALEM.—"We will make Jerusalem the most beautiful city in the world," said the mayor, Teddy Kollek.

The Six-Day war ended the 19-year division of Jerusalem, and, for the first time in 2,000 years, the city is totally in the hands of the Jews. "People will judge Israel," the mayor said, "on how we deal with Jerusalem."

If a visitor looks quickly, he can still see the golden-stoned, cypress-shaded, walled town that met the medieval pilgrim when, staff in hand, he surmounted the last of the limestone Judean Ridges, 2,500 feet above the sea 50 miles away.

A century ago Jerusalem was still confined within the walls raised by Suleiman the Magnificient 300 years earlier to guard the warren of domed stone houses and their 15,000 inhabitants.

Today Jerusalem has more than 200,000 people and has jumped from hilltop to hilltop for miles around. Kollek foresees a city of half a million.

For Kollek, Jerusalem has three roles—its ancient one as a holy place for Jews, Christians and Moslems, its designation since 1949 as capital of Israel, and—Kollek hopes increasingly in the future—an important world place in culture and education.

If Kollek has his way, Israel will discourage commerce and industry from coming to Jerusalem but will continue to expand those livelihoods at Tel Aviv and Haifa on the coast.

As a holy place, Jerusalem is unique. For the Jews it was Abraham's place of sacrifice, the promised land of Moses, the city of Solomon and David, the site of the Temple. The mighty, squared stones which formed the western wall of the great platform from which rose the temple have for centuries been a Jewish place of prayer.

Most of the wall was buried but now archeologists are carefully uncovering sections of it and are digging downward to reveal the chariot-worn roadways of Herod's day, and incidentally finding 18,000 coins. Workmen are clearing rubble from the old Jewish quarter destroyed in the 1948 fighting and rebuilding synagogs, schools and hostels, in the old manner.

Kollek is determined that no harm shall be done to the glorious mosque, one of the world's loveliest buildings, which stands over Abraham's sacrificial rock and each Friday summons Moslems to pray. Suleiman's magnificient two miles of walls and gates have been cleared of centuries of waste, and at night floodlights add to their drama.

For the Christians, too, Kollek stands guard over their 300 structures. He encourages the Christians to care for their buildings, even to improve them and beautify them for the greater service to pilgrims.

Jerusalem is beginning to acquire the physical appurtenances of a national capital. The Knesset, Israel's congress, has erected a distinguished, square-columned building for itself on its own hilltop, a sort of Hebrew-Grecian temple. It, too, is proudly floodlit.

Government ministries have all moved here, except defense. That was kept in Tel Aviv while Jerusalem was divided and exposed but, those perils removed, it too may soon move here. Ministry buildings, however, are utilitarian blocks, designed to provide maximum space in the shortest time at least expense.

The major nations still retain their embassies in Tel Aviv. They operate under the 1947 decree that Jerusalem would be an international city. The United States maintains its own diplomatic representative to Jerusalem. For 19 years, the office was divided, half on the Arab side, half on the Jewish side. Now it is reunited, but diligently keeps separate from the embassy in Tel Aviv.

The city already glories in its structures dedicated to culture and knowledge. The museum is a prize, drawing masterpieces from all over the world to add to its unique local treasures, such as the Dead Sea Scrolls. For a while, the old Hebrew admonition against graven images delayed the exhibition of human sculpture, but that has been overcome.

The university already packs its hill and, despite a shortage of places, welcomes foreign students. The New Hadassah hospital, on its hill, is creating a reputation for medical research, even before its original home on Mount Scopus recovers from its 19-year siege. Both work closely with the Weizmann Institute, down on the coastal plain, which is acquiring renown far greater than its size. Jerusalem takes pride also in its small but brain-heavy academy of science. It has hopes for the Harry Truman Center for Peace.

Old monasteries and libraries are yielding unmatched treasures in manuscripts and scared handicrafts, long hidden and forgotten.

The city has more than its share of concert halls. There are signs of a healthy theater life. The amphitheater atop Mount Scopus has a spectacular view down to the Dead Sea and the Mountains of Moab beyond.

Israel has maintained a British decree that all Jerusalem structures must be faced with the local golden limestone. So far, buildings have been kept low. Jerusalem is still a city of domes and spires.

[From the Chicago Tribune, Apr. 26, 1971]

INCREASED MIGRATION TO "PROMISED LAND" BRINGS NUMEROUS SOCIAL PROBLEMS

(By Michael McGuire)

JERUSALEM.—Suez guns have been muffled for more than eight months and the taste of living without hourly newscasts telling of death has suited Israelis well.

But during recent weeks of calm, social problems based primarily on a class gap and immigration have surfaced into public and official concern like debris from a depth charge that waited thru a quarter-century of border strife before detonating.

Social problems common to most nations have been smouldering in Israel since its early days of statehood, many Israelis contend. But they were kept under the rug by a people fiercely united in a primary struggle of survival amid hostile Arab neighbors.

Before the cease-fire, urban social protest in Tel Aviv, Jerusalem or Haifa would have approached treason in the minds of many Israelis. But with the absence of war came cries common to peace. Children of Oriental Jews from North Africa and the Arab states—calling themselves Black Panthers—have taken to the streets to protest alleged discrimination in jobs and housing. The young Orientals have launched a campaign to win their full share of wealth and responsibility.

Many of the nearly 80,000 families living in cramped or slum quarters have taken uncomfortable note of the new immigrants, especially Russians and Americans, being moved quickly into modern flats provided by a government anxious to absorb them rapidly into Israeli life and attract thousands more.

"Israel's administration is 100 per cent European—mostly Eastern European Russians and Polish from Golda Meir on down—with blacks (Orientals) having no influence in the army, the government or Parliament," said one government official. "Soldiers coming home to the slums see new immigrants entering new houses and don't like it.

"It's going to be our No. 1 problem and the sooner we face it the better," the official continued. "There's going to be a lot of shattered illusions. This can be the key project for the United Jewish Appeal. Donations can help the Russian Jews immigrate and build houses for those already here."

The suggestion was echoed by Arie Pincus, director of the Jewish Agency, which organizes immigration, directs immigrant absorpton and masterminds the inflow of funds donated by Jews and others around the world.

"My concern is not whether we can stand our ground militarily or rely on arms assistance from the United States," Pincus said.

"My concern is the development of an independent Israel in which the social and cultural gaps can be closed. This, together with meeting the needs of immigration, will be our principal task."

Reduced tension in the Middle East has created concern in some Jewish circles that generous donations from American Jews and Jews of other nations thru the United Jewish Appeal and other programs will slack off. Any reduction would be crucial at a time when Israel faces its greatest demands for cash to solve its city problems and reinforce state budget funds earmarked for maintenance of a strong defense system at full alert.

United Jewish Appeal donations and Israel Development Bonds together have brought Israel a total of $4 billion, according to the Finance Ministry.

"Obviously," Pincus said, "the urgent drama of military defeat or victory—which for us is measured in terms of survival or annihilation—has all the elements to evolve a very positive reaction from Jews.

"But," he said, "there are hundreds of thousands of Jews who still need help to get here. How much money will be needed is anybody's guess. The Israeli taxpayer, no matter what the political situation may be, will be heavily burdened. We are primarily concerned about the Jews who need to come."

Have the Jews in the free world the financial capacity and desire to help in their immigration and solve other social problems? The answer is "yes," Pincus said, "because Israel and the maintenance of immigration is very close to them emotionally. Future absorption, especially from the Soviet Union, will be a backbreaking job."

Nathan Peled, Israel's absorption minister, said large developments toward solving the social problems can be made once peace is established. Defense costs currently approach half the state budget and 30 per cent of the gross national product. Expenditures for defense are four times larger than the defense budget on the eve of the June, 1967 war, a Finance Ministry official reported.

During the 30 years of the British Mandate, Jewish settlement grew from 50,000 to some 650,000 inhabitants. The number of Jews in Israel totally has passed 2.5 million. Since the 1967 war, Peled said, about 124,000 immigrants have been settled here.

Projections indicate an additional 250,000 Jews will move to Israel during the next five years. If Russia opens her borders to Soviet Jews, the number could climb by hundreds of thousands. Because newcomers are absorbed into a more developed economy, the cost of settling them into Israeli society has gone up considerably since the mass migrations of two decades ago. In 1949, for instance, Israel was compelled to settle 225,000 immigrants in tents and barracks, instead of apartments.

Unlike the days of mass migration of illiterate and unskilled Orientals, today's average immigrant is a skilled and educated person.

In 1970 alone, Peled said, 700 medical doctors and 1,200 engineers were among the newcomers.

Peled said that because there has been eight months of quasi-peace, Israel's social problems are coming to the forefront.

"We spend too much money for security now. It's a very heavy burden. We'll have to build at least 50,000 new apartments to meet part of the problems of the Orientals and others.

"I am trying to explain to the discontented that it would be a great mistake to see a social conflict develop between the newcomers and the old-timers," Peled said. "In any society, there are social problems that must be faced up to and solved."

"I think Israel is able to do it," he said, "because it is a new society with traditions of social differences that are not as strong as in other societies."

AND FOR CHRISTIANS, A GLORIOUS CITY OF CHURCHES

(By Malkah Raymist)

JERUSALEM.—The Arab mason, perched high in the Crusader Arch within the church of the Holy Sepulchre, hammered away at century-old plaster roughly painted with saintly figures.

"It will be quite lovely," he said, "when we get all the rubbish cleared away."

For five years, workmen have been trying to bring some sort of order and clean beauty to the massive structure that has grown up during 1,600 years on Calvary—Golgotha in Hebrew—the Mount of the Skull, so called because here, it is said, was buried the skull of Adam, the first man.

In a chapel, priests point to a hole in the rock where they say Romans raised the cross on which Jesus died. In another chapel, under a massive, flaking dome held up since an earthquake by ugly steel girders, a marble altar denotes the cavern tomb where Jesus' body briefly lay.

In Roman days, Calvary was a cemetery, outside the walled town. The exact sites of the cross and the tomb were fixed by Helena, mother of Constantine, the first Roman emperor to become a Christian.

Helena came here in 316 and built the first church on Calvary and, at Bethlehem, 10 miles to the south, the first church over the grotto birthplace of Jesus.

For 300 years, Christian pilgrims came to Jerusalem and Christian communities thrived here. Then Persians raided and, a generation later, new converts of Mohammed seized the Holy City. Crusaders came in 1099. They rebuilt massively and, tho they were driven out after less than a century, their main structures survive on Calvary and in Bethlehem.

In the last century the Russian Czar encouraged the Orthodox church to enlarge its communities here and erect lovely onion-towered churches. Later Kaiser Wilhelm rode into Jerusalem on a white horse and helped German Lutherans build a church on Mount Zion and a hospital on the Mount of Olives.

The British captured Jerusalem in 1917, restoring Christian rule to the Holy Land after more than 700 years. The English Episcopal community flourished. Christian authority lasted only 30 years.

Today about 30 Christian communities have about 300 churches, chapels, monasteries, schools, hospitals and libraries in and around Jerusalem which are used by about 100,000 Christian residents of the Holy Land, almost all Arabs, and the ever-growing number of pilgrims.

The Roman Catholic community [Catholics are called Latins here], is the largest—about 54,000—as well as the richest and most active, with 400 priests and monks and 1,500 nuns of 45 orders. The Vatican, tho not yet recognizing Israel as a nation, has a permanent representative here.

The Orthodox church, second largest, was cut off from its main source of funds and clerics by the Russian revolution in 1917, and since 1948 has been divided, the Moscow hierarchy having authority over the community which fell into the new state of Israel and a New York-based exile hierarchy having authority over the community that found itself in Jordan. Since the Six-Day war, the Moscow and New York hierarchies both claim authority over the former Jordan community.

Rivalry among the Christian communities here has persisted for centuries, sometimes erupting into bitter feuds. Copts, Syrians, Chaldeans and Armenians, some claiming direct descent from the first Christians, vie with the later, larger groups for rights in holy places and conduct services in ancient languages that survive only in their liturgies. In Arab days, two Arab families acted as custodians for the church on Calvary.

Only the ecumenical spirit of the 1950s made possible the start of a thoro restoration of the cluttered, dilapidated partitioned, shored-up Church of the Holy Sepulchre. Not yet, however, may all Christian groups conduct services on Calvary or in the Bethlehem grotto.

The Israeli government operates a policy it calls "respecting the status quo," while supporting the principle that all faiths have a right to worship as they please. Israel frees from taxes all places of worship and welcomes groups wanting to establish places of worship, but does not encourage missionary efforts.

[From the Chicago Tribune, Apr. 26, 1971]

THE GREATEST INVASION OF ISRAEL TODAY

(By Alfred Borcover)

Eight months ago, before the cease-fire, you could feel the tension in Israel. Soldiers going to the Suez for active duty went with apprehension. Every hour on the hour, life stopped as Israelis turned to the nearest radio to listen to the news. Israel was in a precarious state.

Today the feeling is relaxed. Soldiers going to the Suez find it a time to relax and get some sun. No one is shooting. Life goes on at its usual fast pace, but with time to pause, gossip and enjoy a break for tea and cake. You can feel the difference, even tho there is no cease fire now. For the moment, peace prevails.

The only invasion imminent is from tourists. It is an invasion that Israel loves and welcomes because tourism is Israel's biggest and fastest growing industry. It is obvious, too, that visitors consider Israel a safe place to visit.

An Israeli put it best when he told an American:

"You have secure borders and insecure cities. We have insecure borders and secure cities."

And so the tourists flock to the State of Israel by the thousands. This year might see a half million tourists in the "Land of the Bible." They come not only from the United States but from Canada, Scandinavia, Britain, South America, everywhere. For here they find the roots of all civilizations.

It becomes apparent that visitors come not only to see Israel but to feel it. You sense the feeling, for instance, when you arrive at Lod [Lydda] Airport, 28 miles from Jerusalem and 14 miles from Tel Aviv. You sense it in the emotional reunions that take place in the terminal, and you can see it in the faces of your fellow passengers. It is a feeling that is difficult to define but it is there. Perhaps because Israel has stood, since its birth as a nation in 1948, as a David amid Goliaths. The blend of biblical past and courageous present, linked by 4,000 years of history, makes this land unique.

The spirit is evident everywhere, from the Mediterranean to the Dead Sea and from the Sea of Galilee to the Red Sea. New towns and villages flourish. Rich farms and orchards bloom on transformed swamps and arid wasteland. Lush forests cover once-barren hillsides.

In contrast, Bedouins roam the desert and flock to the markets of Beersheba as they did when Abraham and his family trekked into this land more than 4,000 years ago.

Faces tell the story of Israel, too. There are the Western and Eastern European Jews who survived the Nazi reign of terror, North Africans from Morocco, Algeria and Tunisia; Oriental Jews from Yemen, Iraq, Kurdistan, Iran, Afghanistan, and the Cochins from southern India. There are Moslems who never left the Holy Land and young Americans with a pioneer spirit, and, of course, the native born "Sabras," named after the fruit of a cactus that's hard and prickly on the outside, but sweet on the inside.

Today, 2.8 million Israelis, different in custom and dress and even language, but bound by a common faith, perform daily miracles in this land.

Altho the visitor can launch his tour anywhere, it is difficult to resist traveling your first 28 miles from Lod Airport to Jerusalem, the capital and second largest city after Tel Aviv.

Jerusalem's history is awesome. From its beginning the city has been coveted by Babylonians, Macedonians, Mongols, Turks, British and Jordanians, to name a few. Jerusalem means City of Peace, yet it has been fought over by all. It remains as sacred to Christians and Moslems as it is to Jews.

"Nothing about the serene air of Jerusalem today recalls its 33 centuries of turbulent history, including earthquakes, 19 military sieges, two total destructions by conquerors and many rebuildings," writes Jean Comay, in "Israel," an excellent guide book.

"The existence and stubborn survival of an important city at this spot at first seems to defy reason. It is far from the seacoast or any river basin, and off the great caravan routes of early times. Surrounded by bleak hills, it is difficult to reach and in past ages had scanty water sources—a single natural spring below the eastern wall, and underground cisterns hewn out of the rock to hold rain water. But its position on the great divide between the coastal plain and the Jordan Valley, and the heart of the highland of Judea and Samaria, has always made Jerusalem a strategic prize."

Until the Six-Day War in June, 1967, Jerusalem was a divided city, the new sector in Israel; the Old City in Jordan. Today it is reunited, all in Israel.

It is in the Old City where one finds the holiest of Jewish holy places—the Western Wall. It was known as the Wailing Wall after the Romans razed Herod's Temple, which was rebuilt on the site of Solomon's Temple and conquered the Jews. The Western Wall formed part of the retaining wall of the Temple, which was on the summit of Mount Moriah. The wall's nearness to the destroyed sanctuary has made it so hallowed.

The wall and gates of the Old City date to the 16th century. Within the walls are the Moslem, Christian, Armenian and Jewish quarters and numerous sacret shrines. The Church of the Holy Sepulcher, the most sacred shrine in Christendom, stands on the site of Calvary, where Jesus was crucified, interred and resurrected. The Via Dolorosa, with its 14 Stations, follows the route of Jesus from Antonia Fortress, where He was condemned, to where He was crucified. On Mount Moriah, where Moslems call Harmaesh-Sharif, are Dome of the Rock and El Aksa Mosque, which make this Islam's holiest shrine after Mecca and Medina.

The traditional sites in the Old City are a must but it is important to see the Old City as it is now, with its bazaars and colorful assortment of people jostling thru the narrow streets.

Near what was once a no-man's land separating the old and the new is Mount Zion; here rests the tomb of King David, who conquered Jerusalem 3,000 years ago and made it his capital and a religious center.

On the upper floor of the building with David's tomb is the Coenaculum, traditional site of the Last Supper. The Gothic-Crusader style hall also has served as a mosque. It has a niche and inscriptions from the Koran. Such are the intertwining of different times and faiths in the Holy Land.

Perhaps the easiest way to put Jerusalem and Israel in an understandable perspective is to visit the Israel Museum. The museum, a sprawling series of pavilions on a 22-acre rocky hill dotted with olive trees, houses archeological treasures, art and Jewish ceremonial objects from thruout the Diaspora, modern sculpture and the priceless Dead Sea Scrolls. It actually is four museums in one—the Bezalel Museum of Fine Arts, the Samuel Bronfman Biblical and Archeological Museum, the Billy Rose Sculpture Garden, and the Shrine of the Book. It is the one place that tells fully the story of Israels turbulent past.

Altho there is so much to see in Israel, it is difficult to leave Jerusalem and its wealth of sights—the Sanhedrin tombs; the Holy Land Hotel Museum with its large scale model of Jerusalem in ancient days; the Mea Shearim, quarter of the extreme Orthodox European Jews who live, pray and dress as their ancestors did for centuries and await the Messiah; Central Jerusalem itself with its shops, restaurants and cafes; Hebrew University with its new campus and old campus on Mount Scopus; the Knesset [Parliament]; the Hadassah Hospital with its small synagog famous for its stained windows by Marc Chagall; and Mount Herzl, burial place of Dr. Theodore Herzl who predicted and worked for the birth of Israel in 1896, and Yad Vashem, a stark and moving monument to the six million Jews who died at the hand of the Nazis in World War II.

It was the Jewish Sages who said:

"Ten parts of beauty were allotted the world at large and of these Jerusalem assumed nine measures and the rest of the world but one . . . ten parts of suffering were visited upon the world—nine for Jerusalem and one for the world."

Since that fateful Six-Day war, visitors can venture north, south and east of Jerusalem to Bethlehem, birthplace of Jesus; Hebron, along the road followed by Abraham, Joseph and King David; and Jericho, which bills itself as the oldest city in the world. This occupied area on the west bank of the Jordan River is known as Judea and Samaria.

In sharp contrast to Jerusalem is Tel Aviv, Israel's Fun City. Tel Aviv is young [founded in 1909], brash, lively, prosperous and modern. With 385,000 residents, it has a seventh of Israel's population, Jerusalem is the governmental and spiritual center; Tel Aviv is the hub of culture, commerce and entertainment. It also is cosmopolitan. Walk along tree-shaded Dizengoff Street and you'll hear chatter in French, English, Arabic, Hebrew, Russian, German, Italian, Polish and Yiddish. And you not only can sample peeta, felafel, tahina, humus, shashlik and kababs, but chopped liver, roast duck, stroganoff, egg roll and pizza.

Next door to Tel Aviv is Jaffa, the ancient port from which Jonah sailed and encountered the whale. The old Arab district near the harbor has been transformed into an attractive artists' quarter.

Twenty miles south of Tel Aviv is Ashdod, which typifies Israel's modern development. In the time of the Philistines, it was one of five important cultural and religious centers. But thru the ages Ashdod disappeared. Fifteen years ago Israel decided it needed a new deep water port to help develop the southern half of the country and in 1957 Ashdod was reborn; today it is a modern city of 32,000.

To the north of Tel Aviv-Jaffa along the Mediterranean extends the coastal road to Haifa thru the lush Sharon Plain and beyond thru the Zebulum Valley to Acre and the Lebanese border. Along the way are Herzlia, a resort town; Natanya, a citrus and diamond center as well as resort; and Caesarea, a resort area with Israel's only 18-hole golf course and ancient ruins that include a Roman amphitheater used for the Israel Festival.

Forty miles north of Caesarea, on Mount Carmel, is Haifa, Israel's third largest city and its main seaport. From atop Mount Carmel the cream-colored city unfolds in three tiers toward the sea, broken only by tall green pines and cypress, red-tiled roofs and the golden dome of the Baha'i Temple. [Haifa is world headquarters for the Baha'i faith, which also has a temple in Wilmette.]

From Paris Square near the harbor, the Carmelit, Israel's only subway, can lift you to the heights of Mount Carmel in 10 minutes. Among the city's other landmarks are the cave of Elijah the Prophet, Technion Institute and the Carmelite Monastery.

Across the bay from Haifa is Acre, an ancient Crusader city that has changed little thru the centuries. The citadel, the Jazzar Pash and Sand Mosques, the crypt of St. John, the harbor and oriental market are part of the old color in Acre.

Both Acre and Haifa are good jumping-off points for the Galilee, Israel's lush breadbasket in the north. It is a land of ancient and modern miracles. It was in the Galilee that Jesus grew up and preached and healed the sick. Today the Galilee bears the fruits of modern miracles engineered by the hands of settlers who have turned swamps and rocky, unproductive land into fertile farms and orchards.

The Galilee, which extends from Haifa north to the Lebanese border and east to the Jordan River, adjoins the Golan Heights, captured from Syria during the Six-Day War.

A favorite stopping place on a Galilee tour is Ayelet Hashahar, a pioneering kibbutz in the Upper Galilee at the southern edge of the Huleh Valley. The kibbutz, founded in 1915 by young Russian settlers, is among 15 that have guest accommodations.

South of the kibbutz and overlooking the Sea of Galilee is Israel's only dude ranch. It is operated by Yahuda Avni, a former Chicagoan who also has a penchant for growing roses. Thus Vered Hagalil [Rose of Galilee] dude ranch which consists of a restaurant, stable and several cottages.

Close by are such biblical places as Capernaum, Mount of Beatitudes, Tabgha and Tiberias. Tiberias is a winter resort, famous for its hot mineral springs. On the opposite shore from Tiberias is Ein Gev, a kibbutz with a delightful outdoor restaurant where you can lunch on freshly caught fish of St. Peter. At the southern end of the Galilee is Degania, Israel's first kibbutz, founded in 1909.

En route back to Tel Aviv you can visit Cana, an Arab village, where Jesus is said to have performed His first miracle, and Nazareth, the largest Arab center in Israel. Nazareth's Basilica of the Annunciation stands on one of the most sacred sites mentioned in the New Testament, the place where the Archangel Gabriel announced to Mary the birth of a son, Jesus.

Beyond Nazareth to the southwest is the Emek Jezreel, the biggest and lushest of Israel's valleys.

Beersheba and Jerusalem are departure points to tour the Dead Sea area and such places as Dimona, Sodom, Ein Bokek, Arad, and, of course, Masada. A new highway opening this month links Jerusalem and Masada, the most dramatic of Israel's ruins.

Masada is a 20-acre, boatshaped plateau 1,400 feet above the Dead Sea and the Judean wilderness. Herod built and fortified this incredible mountain retreat 2,000 years ago. It was in 73 A.D. that 960 Jewish Zealots, after three years of seige by the Romans, elected to take their own lives rather than become Roman slaves.

Today visitors can climb the Roman seige ramp to the top or even climb the tortuous Snake Path. Or you can reach the top the easy way—via a newly installed cable car.

As one Israeli put it: "If you want to see Masada you take the cable car. If you want to feel Masada, you walk."

Masada is hallowed ground in Israel. It is on the heights of Masada that most soldiers in Israel's defense force receive their personal rifle and Bible and swear their oath of allegiance:

"Masada shall not fall again."

Perhaps this is the source of the spirit that you feel in Israel today.

Meet a Remarkable Arab Woman Who Has Made Her Mark in Israel

(By Eleanor Page)

Nazareth, Israel.—A woman is prime minister of Israel. A woman is president of the International Council of Building Materials and built one of the country's big bridges. A woman conducts two orchestras and a chorus. One is an authority on metals, another on pollution. Eight are members of the Knesset [parliament].

And another—Inham Zuabi—is the only woman member of the labor council in Nazareth, president of the woman's club, a member of the broadcasting authority, active in social organizations and busy election campaigner for her husband, who is the deputy chairman of the Knesset and former mayor of Nazareth.

What is remarkable about Inham Zubai is that she is an Arab, the perennial delegate of Arab women to conclaves in Israel and in the world outside as well.

Altho it was an important feast day when a group of American newspaper women arrived in Nazareth, Mrs. Zubai took a couple of hours from her family feast to tell us what it's like to be in the Arab-Moslem minority in Israel.

"Compared to women elsewhere in the Middle East, we have many blessings. Despite obstacles, we have made important achievements in the 23 years since Israel became a state. Israeli law helps us, tho it was not designed especially for Arab women.

"We benefit and enjoy the fact that women are legally equal, tho we must use tact, we must be wise. Man wants his supremacy at home!"

Mrs. Zuabi doesn't want progress to spoil the structure of the Arab family. Even her "tenth aunt" is considered a close relative, and a family can mean 500 persons. One of her brothers was minister of economics in Jordan, another was minister of information in Syria.

Part of the Arab woman's wisdom in adapting to the new laws has been taking her independence by stages. The men were not too unhappy to accept monogamy—"after all, several wives are more expensive to maintain"—and the law against polygamy gave the women more peace at home and a better chance to secure their own happiness and future. A boon, too, is the law which put the age of marriage at 17 "so fathers can't force their daughters to marry at 14."

The mother of six, Mrs. Zuabi said younger couples are planning families of only two or perhaps four children. Babies born in hospitals have zoomed from 4 per cent to 84 per cent among the non-Jewish tribes, including the "shy Bedouin who never even went to a doctor." Thanks to compulsory education for girls, 80 per cent are now in schools as opposed to 15 per cent 20 years ago. The Pioneer Women received praise for operating centers which teach reading, writing, and other subjects such as dressmaking and personality improvement.

Arabs outside Israel don't know the facts about Jews, which is why they hate them, said Mrs. Zuabi. "Our experience [Arabs living in Israel] shows coexistence is possible." She wants young Arab and Jewish men to build, not to fight and die, and "to exchange technical experts, and use them for life and prosperity." She also feels that women would be more effective in international relations.

"Look at it from a motherly point of view," she urged. "There would be more understanding and less fighting if women represented their countries."

KIBBUTZ SHORTAGES: WATER, BACHELORS

(By Michael McGuire)

SEDE BOQER.—Elishah Zurgil and his kibbutz hands have no doubt they grow the finest peaches and chickens in Israel—and perhaps, they say, the world. But the widespread fame of their kibbutz named Sede Boqer has nothing to do with fruit or fowl. "We don't mind in the least," said the young farm manager. "Our primary attraction is a great old man. He's mad about our children, takes part in all our weddings and circumcision ceremonies and spends an hour with all of us at dinner every Friday."

David Ben-Gurion selected Sede Boqer in the heart of the vast Negev desert south of Beersheba to homestead in his retirement years after a life-long struggle towards establishing a homeland for the Jews. "But he keeps so terribly busy," said Zurgil, a freckle-faced 25-year-old who puts one in mind of a grown-up Tom Sawyer—Israeli style.

"He keeps busy 14 hours a day writing his memoirs," Zurgil said. "He gets visitors from all over the world and letters come here by the hundreds. Every day he takes a walk around the kibbutz and into the edge of the desert. Sometimes he walks twice a day. It keeps him happy and alert.

"He's rugged and vigorous for a man of 84," Zurgil said. "There are times when I walk with him to discuss kibbutz matters. I often find myself out of breath because he walks so quickly."

The presence of the often-called Father of Israel and his passion for settling and reclaiming the desert has had little effect in raining special privileges from the government for the kibbutz. Ben-Gurion's presence likewise has had little effect in drawing much-needed labor volunteers or settlers.

"Our problems are getting workers and water, with the main problem getting enough water for irrigation," said Zurgil. "We have 200 acres here, but we've had to cut down to farming half of it because of lack of water," he said.

"We are the last kibbutz on the water line that brings the water 250 winding miles south from the Galilee. The pipe thru which the water flows is old and full of holes. It's an old oil pipe that dates back from the days before the kibbutz was founded in 1952. As soon as we patch up the dozen holes another dozen spring.

"We've tried to get the government to put in a new line, but it's a budget thing and our kibbutz is low on the priority list," Zurgil said. "So we've had to cut down on our farming and concentrate on raising chickens. They use water. We've got 70,000 here now.

"What we need next is more bachelors," he said. "There are only a few single men here now. The rest of the kibbutz is composed of married couples.

"If there were more bachelors, we could attract more women volunteers. A few years ago a girl would stay on a kibbutz for five years unmarried without being afraid of becoming an old maid. Now a girl seems terrified if she does not get married within one year. Fifteen or 20 young Israelis seemed more reluctant to join kibbutz life than in the past."

He said this could possibly result from the decline of fieldhand prestige in the face of Israel's industrial expansion.

"When Israel was growing and Jews settling the land, a kibbutznik was a much admired individual," said another Sede Boqer worker. "Today there is fear that technicians and engineers hold much higher prestige."

Ben-Gurion leaves the kibbutz now and then to go to Tel Aviv or Jerusalem where from time to time he is called upon to accept honors or bow before admiring members of Israel's Knesset, or parliament. But perhaps his most moving moments of all away from Sede Boqer come about when he goes by car to the rim of a silent and deep desert canyon just 3 miles south of the kibbutz. "There were three loves in his life," said a kibbutznik. "There is Israel and the Jewish people. Both are growing strong and enriched. But his heart lies with his third love on the edge of that arid canyon. When he goes there many of us are sad. It's the tomb of his wife, Paula, who died two years ago. Her influence will be with him until he joins her in his desert that he has never been able to forget."

VIRUS AND WATER QUALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, on Monday, April 26, I inserted in the RECORD a statement of Charles C. Johnson, American Public Health Association, which listed categorically the variety of contaminants now present in our drinking water sources. In addition to the 500 new chemicals which enter our drinking water supply each year, there is growing concern with the problem of viral pollution. Because so little is known about the basic properties of virus, its effect upon our drinking water is insufficiently understood. There is, however, strong evidence that viruses which cause human infection and disease can be transmitted by water.

Mr. Speaker, the detection and treatment of viruses in our drinking water sources is yet another area which demands the full attention of our research capabilities. My purpose here is not to shock, but rather to bring to the attention of my colleagues the overwhelming weight of testimony which demands a greatly increased effort.

At the 13th Water Quality Conference in Urbana, Ill., on February 16, 1971, 13 scientific papers on the subject, "Virus and Water Quality: Occurrence and Control," were submitted and discussed. It was agreed in the general discussion of these papers that, because the basic properties of virus are poorly understood, their transmission by the water route has not been fully appreciated and that scientific evidence presented supports the thesis that viruses can be transmitted by water and result in human infection and disease. In addition, the speakers unanimously agreed that there is insufficient technical data now at hand to document conclusively that virus-free water can be attained with our present waste-water treatment and domestic water supply treatment processes and practices.

I include, for the information of my colleagues, a summary of these scientific papers:

SUMMARY

INTRODUCTION

For at least 4000 years man has recognized the need to treat water in order to assure its safety. For instance, in his book, *The Quest for Pure Water*, Baker (33) provides a quote from a Sanskrit source, 2000 B.C.: ". . . it is directed to heat foul water by boiling and exposing to sunlight and by dipping seven times into it a piece of hot copper, then to filter and cool in an earthen vessel. The direction is given by the god who is the incarnation of medical science."

In latter years, in an essay entitled "On Airs, Waters and Places," (see Ref. 1) Hippocrates advised that the source of supply should be considered in detail both with respect to quality and quantity: ". . . when one comes into a city to which he is a stranger . . . one should consider most attentively the water which the inhabitants use, whether they be marshy and soft, or hard and running from elevated and rocky situations, and then if saltish and unfit for cooking; and one should consider the ground, whether it be naked and deficient in water or wooded and well watered . . ."

We now know that intelligent management of the natural aquatic environment and our municipal water supply and wastewater treatment and collection sub-systems requires an understanding of the basic properties, modes of transmission, persistence, and effects of pollutants. Basic knowledge is necessary if we are to assess the dangers associated with each contaminant as a prelude to the development and application of treatment and control procedures. It is particularly appropriate and timely in the era of environmental quality, that this Conference—Virus and Water Quality: Occurrence and Control—should focus on a group of pollutants which are as little understood in a scientific sense as they are minute in size, while at the same time being as ubiquitous in our natural environment as they are potentially catastrophic should they penetrate either natural or man-made defense mechanisms. Thus, this Conference provides an opportunity to define the current state-of-the-art and to identify vital areas of necessary research and development. To accomplish this dual purpose, papers were presented which, in addition to establishing an historical perspective, cover the following specific subject areas:

Properties of Virus Particles;
Detection;
Occurrence and Survival;
Viral Disease and Epidemiology; and
Removal by Water and Waste Treatment Processes.

Berg (26), who presented one of the six papers devoted to control mechanisms, provided the most succinct statement defining the current state-of-the-art:

"There is clearly more to do than has already been done."

Therefore, it makes little difference whether we approach the virus question from the standpoint of pollution control, which seeks to minimize the effects of man's activities upon our water resources, or from a health viewpoint which seeks to control the influence of water quality upon man's health and well-being. We have our work cut out for us if we are to provide appropriate water quality in our lakes and streams in support of recreational pursuits and food production, as well as to assure adequate quantities of safe drinking water to a growing population of over 200 million Americans.

BASIC PROPERTIES OF VIRUS

Metcalf (1) and Melnick (2) presented an excellent account of the biologic parameters concerning viruses in relation to their transmission by the water route. The salient features of these viruses are unique when compared with other biologic pollutants, and may be summarized as follows:

1. Strict parasitism in living cells and no replication or increase in the number in the aquatic environment.
2. Greater ability to survive in water and through water treatment processes than most vegetative bacterial pollutants.
3. Very few virus particles are required to initiate an infection in a susceptible host regardless of the route of transmission, e.g., water or water fauna such as shellfish.
4. Clinical illness is observed in only a small fraction of those who become infected, e.g., the ratio of one clinical case to 10–1000 sub-clinical infections, varying according to the species of virus.
5. One strain of virus may produce illnesses with widely variable incubation periods and clinical manifestations, e.g., a coxsackie virus may produce meningitis in one person, myocarditis in another, and diarrhea in a third, etc.
6. The basic component of viruses is nucleoprotein. A recent report (15) indicates that a supposedly dead virus can still be biologically active, e.g., UV or gamma-ray "killed" viruses may be oncogenic in animals.

Based on the features of viruses just described, there is little doubt that viral contaminants will continue to pose a public health hazard through polluted water. As a result of the population explosion and our increased per capita requirement for fresh water, an increasing strain is being made upon our already limited water resources. Direct reuse of water may become inevitable and of widespread practice in the future.

OCCURRENCE AND SURVIVAL OF VIRUS

Akin (16) in his presentation has reviewed this subject most effectively. Several points have been made quite clear from his report:

1. Human enteric viruses have been found in water throughout the world wherever we have looked, e.g., viruses have been isolated from an average of 36 per cent of the surface water samples examined; ample evidence was presented to indicate that ground waters can also transmit virus (17); Metcalf and Stile (18) found that 27–52 per cent of estuarine water samples contained viruses; McLean (19) showed that swimming pools were also polluted with viruses; to name just a few.
2. There is sufficient evidence to indicate that the several viruses tested were able to survive over long periods of time in the aquatic environment, i.e., 2–100 days at 20°–25° C. are required for these viruses to lose 99.9% of their original infectivity (20). Numerous other viruses have never been examined, thus their fate in the environment is unknown and there is no way of being able to predict it.
3. It is evident that little study has been made of the number of environmental factors that may affect the survival of viruses in water. Some work has been done on the evaluation of the effect of temperature. It is generally agreed that the higher the temperature, the shorter the time the virus survives in water. The purity of the water appears to play some role in their survival time, but this phenomenon is poorly understood. The influence of the numerous other factors is at present unknown. The numbers and combinations of these factors in nature are undoubtedly as numerous as the glittering gems of a morning dew. It is by no means an overstatement, therefore, when we say that we are far from being able to predict the fate of viruses in natural waters.

Sobsey and Cooper (21) reported the results of their studies on the survival of poliovirus in algal-bacterial wastewater treatment systems. Their data has certainly confirmed our lack of knowledge in the area of viral survival in the aquatic environment. Their work is not only of academic interest, but also of practical importance in guiding our thinking in designing future waste treatment and control facilities.

THE COLIFORM TEST

In their presentation, Geldreich and Clarke (24) have reviewed the adequacy of the current coliform test as an indication for the viral safety of water. The coliform bacterial methods have been used for nearly 70 years in the sanitary field. The use of a bacterial indicator system for monitoring virus in water is indeed a very complex problem, and many facets must be considered. These are:

1. The initial ratio of the coliform organism and enteric virus in feces, raw sewage, and water.
2. The relative survival time of bacteria and virus in the aquatic environment.
3. The relative resistance of bacteria and viruses to water and sewage treatment processes.

In raw sewage, there are on the average approximately 100,000 coliform bacteria compared to one virus. It is understandable that the great excess of coliform bacteria over viruses in water, and the ease of testing for coliform, make them a much more desirable indicator system for water contamination. The authors raised the point that if one assumes a water sample of 1000 liters is a realistic and reasonable size for viral testing, the volume required for the coliform test can also be increased accordingly, for example, let's say 20–400 liters per sample. Technically, the latter test can be accomplished easily for waters of finished drinking water quality by making use of the membrane filter technique.

It is their contention that water for potable use can be treated so as to be always free of biologic pollutants, including virus, by using the current treatment processes *provided they are adequately carried out*. Thus, where existing technology is applied, we should expect a minimal probability of viral infections. Unfortunately, adequate treatment is not being uniformly applied, as witnessed by the National Community Water Supply Study (25).

Geldreich and Clarke also agree with most experts in the field that the most critical safeguard against viral pollutants being found in treated water remains the application of a suitable disinfectant. In view of the new evidence presented at this Conference, they have recommended that additional study be made to further ascertain the relationship and dependability of the coliform test as an indicator of viral pollution.

REMOVAL OF VIRUS IN WATER AND WASTE TREATMENT PROCESSES

Obviously, the most crucial task in the area of water virology is the problem of removing these pollutants from wastewater prior to discharge into the aquatic environment and from drinking water prior to use in the home or by industry. The objective must be to find the vulnerable link and apply unit processes which, singularly and in combination, provide the highest possible removal efficiency and dependability.

Here we ask ourselves a hypothetical question: "Can available methods be completely relied upon to do the job?" Six speakers have presented papers in this subject area. The information presented is overwhelming. If reliability is defined as 100 percent removal even accepting the inadequacies in existing collection, identification, and enumeration procedures, the answer is "No, current methods cannot be relied upon."

Berg (26) has reviewed our current knowledge in virus removal from sewage and water by means of activated sludge, trickling filter, oxidation pond, coagulation, and sand filtration. Conventional treatment processes provide variable virus removal efficiencies ranging from 25 to 99 percent. Most of the experts at this Conference are in agreement that disinfection is the crucial process to eliminate or destroy viruses in water of any source. I would like to stress here that disinfection is an ancient art. Even chlorine was used as early as 1850 in England with the primary intent of deordorizing offensive sewage. It has been used in this country for the disinfection of water for over a half century. One might ask the embarrassing question: "Shouldn't we have been investigating the disinfection process more adequately, so as to have come up with a more effective system during this period of time?"

Berg (26) and Sproul (27) have reported that in the past two decades nearly all treatment processes have been evaluated for their efficacy in viral removal. Unfortunately, only a few representative viruses were used as working models in these studies.

In the most recent and detailed studies of 20 strains of human enteric viruses. Liu, *et al* (28) report that a wide range of resistance for viruses toward chlorine has been demonstrated in the laboratory. The difference is indeed impressive, i.e., from 4 minutes to 40 minutes are required to kill 99.9% of different types of viruses even under exceptionally ideal conditions. A great deal, however, is still unknown concerning the performance of chlorination, as well as other processes, in the field. Several areas are in need of further documentation as to field efficacies and may be summarized as follows:

1. The number of viruses studied in the past has been insufficient to constitute a fair sampling. The response of those viruses not tested is unpredictable at this time, especially in regard to the hepatitis virus which, to date, cannot be handled experimentally, Thus, it is paramount that all known enteric viruses be investigated for their responses to treatment processes.

2. Most past studies were conducted in the laboratory with the exception of a few which were conducted on a pilot scale. It is inapt to extrapolate the results of these studies directly to field application. Therefore, pilot plant, as well as actual treatment plant studies, remain to be accomplished.

3. The viruses used in these previous investigations were all laboratory strains with the exception of the hepatitis virus (29). These viruses in many respects are known to be different from those occurring in the natural environment. Studies involving these "natural" viruses have not been carried out to determine what differences, if any, exist in their response to the various treatment processes.

4. Many environmental factors and their possible combinations have not been thoroughly explored and defined. Studies to determine the optimal conditions for each treatment process as regards the removal of viral pollutants remain to be carried out.

Thus, it is clear that considerable work remains to be accomplished in order to conclusively demonstrate the effect of each process on the removal or destruction of the whole spectrum of enteric viruses. At the moment, we are by no means sure that these processes are capable of achieving the desired objective. In addition, we are unsure as to the margin of safety provided by any combination on these processes.

New methods and improved procedures have been described by Cliver (30), Kruse (31), and others. Dr. Kruse's discussion on disinfection of water and wastewater was not only very informative, but of practical importance. It is generally agreed, and rightly so, that in the eradication of enteric virus diseases, the environmental approach would be more expenditious as well as economical, than would the biomedical approach, e.g., new vaccines, chemotherapeutic agents, etc. Given the *adequate* pretreatment referred to by Berg (26) and Geldreich and Clarke (24), this problem could well be expeditiously solved at a cost of 20 cents per person, $40,000,000) annually in this country (32). This would allow for sufficient chlorine to be used so as to disinfect all community water supply systems. Although this rather simplified solution remains to be epidemiologically documented by field studies, it does, however, definitely support the merit of using the environmental approach. As the old saying goes, the most efficient way to control an infectious disease is to break the weakest link in the chain of events.

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TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

In 1889 Jane Addams brought Hull House, a large brick house in a poor neighborhood in Chicago, and began helping the poor. At this first settlement house in America the poor found food, medical care, warm friendliness, and classes in many subjects.

LEGAL SERVICES CORPORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 10 minutes.

Mr. QUIE. Mr. Speaker, today, along with my distinguished colleagues, Congressmen FORD, ERLENBORN, DELLENBACK, and POFF, I am introducing on behalf of the administration a far-reaching proposal to establish a private legal services corporation.

From its inception in the Economic Opportunity Act, OEO was designed as the incubator of new programs, where ideas could be developed and programs could mature and grow. It was the intent of Congress that once a program was fully developed, it would be transferred to an ongoing agency where it would take its place with other programs. Today, through the introduction of this bill, this concept is being taken even a step further. Because of the success of the legal services program and because of its uniqueness, rather than transferring the authority to another Federal agency, we are seeking through this legislative proposal to establish an independent private corporation which, we feel, will be free from the political pressures we often find in old-line agencies.

The Legal Services Corporation is similar in design to the Corporation for Public Broadcasting, which is an independent, nonprofit corporation and not an agency or establishment of the U.S. Government. The Legal Services Corporation will also have a board of directors selected in the same manner as the Corporation for Public Broadcasting, in that the board members will be appointed by the President by and with the advice and consent of the Senate. Because the design for public broadcasting has proven to be effective and free to a great extent from political pressures, we are confident that the same will be true with this new corporation.

Since legal services is a necessary and effective means for poor people to gain their rights working through the system, we feel that the proposed corporation's structure will substantially improve our ability to provide such programs. I recognize that during the developmental years, OEO's legal services program was not without problems as it was exposed to pressures from all levels of government. Many of the provisions in the bill we are introducing today seek to correct those problems through some of the following features:

There is a politically independent structure.

There is no gubernatorial veto.

There is an 11-member bipartisan board of directors, a majority of whom must be lawyers.

A board member can only be removed by a bipartisan vote of seven board members and only for malfeasance, persistent neglect, or inability to perform duties.

The corporation shall have an advisory council appointed by the board which will include client population and representatives of the organized bar.

It is authorized for 3 years.

The corporation will have the power to make grants to or contracts with individuals, corporations, or other entities to provide legal assistance.

It will have the power to represent the collective interests of the poor before Federal agencies to resolve broad issues, thereby avoiding multiple litigation on some issues.

It will have the power to undertake research, training, and technical assistance and serve as a clearinghouse for information.

It will establish a graduated schedule of fees which would require only those clients who are financially able to pay a small portion of the cost of services.

The corporation will insure preservation of the attorney-client relationship and protect the integrity of the adversary process, guaranteeing independence for project attorneys to bring class actions or sue any agency or level of government.

In order to continue to concentrate the resources of the program on those areas of pressing legal need, project attorneys will be limited to handling civil cases as those practicing in the existing legal services program now do. Also, to guarantee that an individual attorney's time is not dissipated, all full-time project attorneys will be required to devote all of their professional activities to the legal service program in which they are employed.

Mr. Speaker, this proposal is the result of considerable study during the past year by OEO's National Advisory Legal Services Committee. This prestigious body studied the problem and their recommendations became the basis for this proposed legislation. Following is a list of the people on the committee:

LIST OF COMMITTEE MEMBERS

Prof. Bamberger, Dean, Calif. Univ. Law School; Gary Bellow, Univ. of Southern Calif.; Mrs. Jean Cahn; Edward Carr, Director, NYC Legal Aid Society; Attorney General John Mitchell; Mary Ellen Hamilton, President, Nat'l Clients Council; John Cuminiskey; Jacob Fuchsberg; William Gossett, Esq; Prof. Horowitz, UCLA; Judge Edward Bell, President, Nat'l Bar Asso.; William Mahoney, Esq; James Lorenz, Jr., California Rural Legal Assistance; Thomal Gilhool; F. Wlm. McCalpin; Judge Theodore McMillen, Board Chairman, Human Development Corp., St. Louis; Judge Philip Newman, Municipal Court, Los Angeles; Revius Ortigue, Jr., Esq; John D. Robb, ABA; Jerome Sheftack, Esq; Maynard Poll; Theodore Voorhees; Miss Elizabeth Wickenden; Bernard Segal, ABA; Oliver Lofton, President, Priorities Investment Corp.; Earl Johnson, Jr., Univ. of Calif. Law School; Edward Right, President, ABA; John Douglas, President, NLDA; James Cobb, President-Elect, National Bar Asso.; Leon Jaworski, President-Elect, ABA; Elliot L. Richardson, Secretary, HEW; and Donald Lowitz, General Counsel, OEO.

On March 24, Mr. Barnard Segal, speaking as chairman of the executive committee, wrote the following letter and transmitted the National Advisory Committee's recommendation on the proposed transfer:

AMERICAN BAR ASSOCIATION,
Washington, D.C., March 24, 1971.

Hon. EGIL KROGH, Jr.,
Deputy Assistant to the President for Domestic Affairs, The White House, Washington, D.C.

DEAR MR. KROGH: I am sending this letter and enclosure to you in my capacity as Chairman of the Executive Committee of the National Advisory Committee on the Office of Economic Opportunity Legal Services Program.

As you know, the National Advisory Committee met in Washington on March 18 to consider various questions in connection with the proposed transfer to some other agency, of the Legal Services Program being currently administered by the Office of Economic Opportunity. Since recommendations on proposed legislation were under consideration, the Office of Economic Opportunity officials decided that the Acting-Director of Legal Services, who ordinarily presides at meetings of the National Advisory Committee, should not do so in this instance and that I should preside instead. No official or agent of the Office of Economic Opportunity was present during our deliberations.

I should like to make clear that the Committee's opinion concerning the best vehicle for the Legal Services Program if it is to be moved out of the Office of Economic Opportunity is not to be regarded as an expression on the wisdom of not retaining Legal Services in the Office of Economic Opportunity; the Committee did not address itself to this subject.

The enclosed memorandum reflects the recommendations, and in some cases, the underlying reasoning and philosophy, of the Committee. I am sure you will realize that because of limitations of time, and particularly the fact that the Committee had no specific legislative proposal or expression of viewpoint or preference of the Administration before it, the Committee did not discuss or vote upon every possible issue involved in the transfer. I hope, however, that the views of the Committee on the important issues which it debated and upon which it reached a consensus as expressed in the enclosed memorandum will prove of assistance in the drafting of the Administration's program. If, on the other hand, there is a desire to obtain the Committee's views on the Administration's program when formulated, we would, of course, have the National Advisory Committee convened as promptly as possible.

I should add that members of the Committee who represent government agencies or agencies funded by the government did not participate in the voting.

On behalf of the National Advisory Committee and myself personally, I express appreciation to you and your associates for having sought the Committee's views and for having afforded us this opportunity to share them with you on a matter of such great concern to the nation and especially to our poverty citizens.

Sincerely,

BERNARD G. SEGAL.

NATIONAL ADVISORY COMMITTEE ON THE LEGAL SERVICES PROGRAM

RECOMMENDATIONS ON PROPOSED TRANSFER OF OFFICE OF ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM

MARCH 24, 1971.

Before discussing the Committee's specific views concerning legislation providing a new home for the Legal Services Program of the Office of Economic Opportunity, we shall consider the general principles which underlie the present Program and must form the basis for any new legislation.

The Legal Services Program is rooted in the concept of equal justice under law which is the cornerstone of our democratic society. In terms of the rendering of legal services, this means that the economically disadvantaged must have the same access to lawyers and legal institutions as their more affluent brothers. Lawyers hold the key to the court system and the enforcement of substantive rights. Such enforcement depends upon the availabilty of and equal access to the institutions which determine the rights of the individual in our society. Translated into practical terms, the goal of the Legal Services Program must continue to be making counsel available to those unable to afford legal representation, to the same extent that such representation is available to those financially able to employ their own counsel.

The Legal Services Program must continue to render high quality services in accordance with the professional standards and ethics embodied in the Code of Professional Responsibility of the American Bar Association. As a practical matter, this means that the Program must be set up and operated by lawyers at all levels of administration. New legislation must also assure a climate for attracting and retaining able lawyers. The competence of the advocates available to the poor has perhaps been one of the outstanding characteristics of the Program since its inception.

The integrity of the lawyer-client relationship must be preserved free of interference by outside sources. Particularly, this means freedom from political pressure and conflicting governmental policies which derogate from the lawyer's duty of absolute fidelity to his client. This can probably best be attained by establishing a structure independent of any federal, state, or local governmental department or agency.

The Legal Services Program must be structured so as to assure the continued support of the organized Bar and the legal education community whose assistance has been vital to the success of the Program up to now. Of paramount importance is the need for continued confidence in the Program by the clients its lawyers serve.

Removal of the Legal Services Program to an agency outside of any existing governmental department or agency should not obscure the fact that the federal government must continue to shoulder the responsibility for the support and maintenance of the Legal Services Program.

Although it is hoped that the proposed new home should encourage financial support by the private sector, the needs of the program preclude any withdrawal or reduction of government funds and support. At most, any new financial support from the private sector should be incremental, since best estimates are that the Office of Economic Opportunity Legal Services Program, and all quasi-public and private groups providing legal services to the poor, are scarcely meeting one-fifth of the need. Indeed, an assured source of government funding in amounts substantially higher than at present is essential to the proper functioning and continued growth of the Legal Services Program.

Annual appropriations have worked a particular hardship on this professional program because of uncertainties of employment prospects for its lawyers and concern that funds may not permit the completion of cases undertaken by its lawyers. Funding by substantial endowment, of course, is the preferable method. If this is not feasible, biennial appropriations should be provided with adequate reserve funds to insure the completion of matters undertaken by the program's lawyers.

The Program should continue to have well-defined accountability to the Congress, its clients, the Bar, and the public.

Non-profit corporation chartered by Congress

After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services Program other than OEO itself, the National Advisory Committee concluded and recommends that the Program be transferred to a District of Columbia non-profit corporation chartered by the Congress. This type of structure would appear to provide the greatest degree of independence from political control, influence, supervision, and direction whether on federal, state, or local levels. In recommending this vehicle, the Committee assumes that all existing functions and programs administered by the Legal Services Division of the Office of Economic Opportunity, as well as programs related to Legal Services administered by other offices of the Agency, will be included in the transfer.

The Committee also wishes to express deep concern regarding the following statement from the report of the President's Advisory Council on Executive Organization: "The corporate form would be a step toward the eventual reprivatization of this program while recognizing the need for the continued financial support and protection of the government for a still fledgling activity." This statement implies that the government-supported non-profit corporation status may be a transitory stage after which the Program will revert to private sponsorship and support. It would be an unthinkable disregard of government's obligation to its poverty citizens to contemplate any such move. In recommending the corporate structure, the Committee views it as a permanent structure for the Legal Services Program and anticipates the continued support of the federal government.

The necessity for insulation of the Legal Services Program from political pressures cannot be over emphasized. In this regard, the Committee noted with approval the general provisions on this subject in the legislation creating the Public Broadcasting Corporation[1] and would recommend that similar provisions be included in the charter of the Corporation.

In stressing the political independence of the Corporation and its lawyers, the Committee does not wish to imply that the Corporation, its directors, officers, and grantees should be insulated from the demands of the public interest and accountability to the Congress, the profession, and the clients to be served. All steps must be taken to insure the continued responsibility and responsiveness of the Corporation.

Scope of charter

The National Advisory Committee urges that the legislation, which will really constitute the charter, be as broad as possible and that the widest discretion be left to the Board in establishing and implementing policies. In this regard, all presumptions should be resolved against inclusion of specific subjects and in favor of leaving such matters to the Board of Directors of the Corporation as in the case of the Public Broadcasting Corporation.

A general statement of corporate purposes and activities of the Corporation should include:

Maintenance of the highest quality of service and professional standards in the operation of the Corporation;

Adherence to the preservation of attorney-client relationships and avoidance of conflict of interest as prescribed by the ethical mandates of the legal profession;

Visibility of program activities which contribute to the reduction of societal tensions;

Necessity for program attorneys to conduct themselves as officers of the court and to observe the highest standard of compliance with the Code of Professional Responsibility;

Protection of the integrity of the adversary process from any impairment;

Effective accountability to the client population;

Broad participation of the legal profession including the organized Bar, legal education, and the Judiciary; and

Efforts to improve institutions of Justice to make them more effective and efficient.

Restrictions on attorneys with respect to types of cases, clients, and activities should not be included in the corporate charter. Proscriptions on political activities might be included in the charter providing that such limitations relate only to partisan political activities.

The National Advisory Committee, unanimously and unalterably, is opposed to any restrictions on so-called class actions, law reform activities, or appropriate legislative reform, including suits against governmental agencies.

Poverty guidelines or indigency standards should not be established with specificity in the charter. Experience with the Legal Services Program leads to the conclusion that this matter would more appropriately be left to the discretion of the Board of Directors. Variances in client eligibility guidelines between geographical areas, urban and rural communities, and cost of living reinforce this conclusion; the Board will be in the best position to establish such guidelines and appropriate procedures for implementation as changes and differences in these elements occur and exist.

The Committee would also recommend that operating guidelines for projects to be undertaken be considered a policy-making function within the discretion of the Board rather than inflexibly stated in the charter.

The National Advisory Committee concluded that provisions for removal of directors and officers should be prescribed by the corporate by-laws rather than the charter. It is strongly recommended that directors not be subject to removal by any government official or agency. Such removal procedure would pose a serious threat to the political independence of the Corporation.

Board of Directors

The National Advisory Committee, after lengthy consideration, recommends that the Corporation be governed by a Board of Directors, composed of twenty-three members selected in accordance with the following formula:

Seven ex-officio directors consisting of the President and President-Elect of the American Bar Association; President and President-Elect of the National Bar Association; President of the National Legal Aid and Defender Association; President of the Association of American Law Schools; and President of American Trial Lawyers Association;

Eight directors appointed by the President, a significant number of whom shall be lawyers;

Four members selected by a Clients Advisory Council to be established by the Corporation, all of whom shall be lawyers; and

Three directors selected by project attorneys in accordance with democratic procedures to be determined by the incorporators.

The full-time executive officer of the Corporation shall also serve as a member of the Board of Directors.

Representation on the Board by the above-designated representatives of the organized Bar is suggested because active, assured service by such respected and responsible leaders of the profession will enhance prospects for the necessary continuing support of the organized Bar, add significantly to the respect and responsibility of the Board, and provide a constructive and moderating professional influence on the operations of the Corporation. Such representation has been one of the greatest strengths of the National Advisory Committee and has played a significant, indeed, an indispensible role in the success of the Office of Economic Opportunity Legal Services Program.

Similiarly, membership on the Board of Directors by representatives of the client community and project attorneys is considered important by the Committee. The mission of the Corporation, its credibility and viability, will be substantially enhanced by such representation. Here again, experience with the National Advisory Committee shows that other directors would profit greatly from exposure to the views of the clients' professional representatives as fellow directors.

Inclusion of other government legal services activities

The National Advisory Committee concluded that legal services activities sponsored or otherwise engaged in by government entities other than the Office of Economic Opportunity should not be transferred to the Corporation at this time. In addition to distinctions in the scope of services of other programs and complex issues of delegation and transfer, it was felt that the immediate objective was to accomplish the transfer of the Office of Economic Opportunity Legal Services Program and related research, development, and support activities. The Committee did not rule out expanding the Corporation at some later date to include legal service activities of other government agencies.

The Committee recommends that the Corporation be given authority to provide a degree of coordination to other legal services activities and to furnish technical assistance and evaluation services.

Criminal representation

The Committee concluded with reluctance that the Corporation should not seek to provide representation in "criminal proceedings". Experience with the Legal Services Program indicates that a severe overburdening of resources would result from extension of services into general criminal representation.

However, the Committee recommends that a restriction on criminal representation not be included as an inflexible charter provision. Difficulties in distinguishing between criminal and civil cases in some instances, variances in state legislative provisions and unavailability of competent defense services in some areas recommend that the formulation of guidelines in the criminal representation area be left to the discretion of the Board of Directors.

Establishment of clients advisory council

The National Advisory Committee recommends that a national clients advisory council be established and that the council be the existing National Clients Council, Inc.

Congressional authorization and appropriations process

The Committee recommends that legislation establishing the Corporation and authorizing its activities as well as appropriations legislation be considered by the Congressional Committees which have had authority over the Office of Economic Opportunity. It is further recommended that appropriations to the Corporation be handled through the budget of the Office of Economic Opportunity, or, if this should prove to be unfeasible for any reason, through the budget of the Department of Health, Education and Welfare.

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[1] 47 U.S.C.A. §§ 396(b), 396(e)(2), 396(f)(3), and 398.

Restrictions on practice by attorneys

The Committee concluded that attorneys employed by local projects should not be allowed to practice law outside of the scope of their project employment. One area of difficulty called to the attention of the Committee related to isolated instances of part-time employment of attorneys by some projects. This would seem to recommend that the Board be allowed to develop guidelines in this area.

Local share contributions

Although contributions to local projects in cash and in services should be continued and encouraged, the Committee would recommend that rigid percentage local-share requirements not be required. Experience with the Legal Services Program and the difficulty in raising local share lead to the conclusion that this matter be left to the Board of Directors of the Corporation for determination.

Political activities—Lobbying

The Committee discussed restrictions on attorneys dealing with political activities and lobbying. While it was recognized that corporate resources should not be used for partisan political activities, it would appear that lobbying might be a permissible activity and even one to be encouraged when problems of poverty clients demand legislative solutions or the expertise of program lawyers would be of assistance in drafting legislation. This would appear to be an area where carefully drawn guidelines by the Corporation might be appropriate.

Other issues

Because of limitations of time and the necessity to explore fully the issues raised at its one-day meeting, the National Advisory Committee was not able to consider all of the important questions underlying the proposed transfer of the Legal Services Program. Issues not fully considered include the following:

Administrative Supervision of Activities of Project Attorneys: Formal Opinion No. 324, ABA Committee on Ethics and Professional Responsibility, was noted with approval. This opinion considers the rights and obligations of project boards in establishing policies governing activities of project attorneys.

User Fees: The Committee recommends that the charging of user fees not be authorized in the charter.

Governor's Veto and Subsequent Procedure: not considered by National Advisory Committee due to lack of time.

Mr. Speaker, following is the proposed bill:

H.R. 8163

A bill to establish a Legal Services Corporation and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Legal Services Corporation Act."

SEC. 2. The Economic Opportunity Act of 1964, 78 Stat. 508, as amended (42 U.S.C. 2701, *et seq.*), is amended by adding after title 8 thereof the following new title:

"TITLE IX—LEGAL SERVICES CORPORATION

"ESTABLISHMENT OF CORPORATION

"SEC. 901. (a) There is authorized to be established in the District of Columbia a non-membership nonprofit corporation to be known as the "Legal Services Corporation" (hereinafter referred to as the "Corporation"), for the purpose of providing legal services in non-criminal matters to persons financially unable to afford counsel as ascertained pursuant to guidelines established by the Corporation under Section 905(a)(2) (hereinafter referred to as "eligible clients"). The Corporation shall not be an agency or establishment of the United States. To the extent consistent with this Act, the Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act.

"(b) The initial Board of Directors appointed pursuant to Section 902 of this Act shall take whatever actions are necessary and appropriate to establish the Corporation pursuant to the District of Columbia Nonprofit Corporation Act.

"(c) The Corporation shall maintain its principal office in the District of Columbia and shall, at all times, maintain therein a designated agent to accept service of process for the Corporation. Notice to or service upon the agent shall be deemed notice of service upon the Corporation.

"GOVERNING BODY

"SEC. 902. (a) The Corporation shall have a Board of Directors (hereinafter referred to as the "Board") consisting of eleven members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party. A majority shall be members of the bar of the highest court of a jurisdiction and none shall be a full-time employee of the United States.

"(b) The term of office of each member of the Board shall be three years or until his successor has been appointed and has qualified; except that of the members first appointed, five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of office of the initial members of the Board shall be computed from the date of incorporation. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of all members shall be computed from the date of termination of the preceding term. No member shall be reappointed to more than two consecutive terms immediately following his initial term.

"(c) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States.

"(d) The Board shall select a Chairman from among its members who shall serve for a term of one year.

"(e) A member of the Board may be removed by a vote of seven members for malfeasance in office, persistent neglect of or inability to perform duties and for no other cause.

"(f) Within six months following the appointment of all members of the Board, the Board shall appoint an Advisory Council. The Advisory Council membership shall include persons who meet the client-eligibility standards described in section 905(a)(2) and representatives of the organized bar. The Council shall be convened by the President of the Corporation, at least twice annually, and shall render advice to the Corporation on matters pertaining to the Corporation's activities.

"OFFICERS AND EMPLOYEES

"SEC. 903. (a) The Board shall appoint the President of the Corporation, who must be a member of the bar of the highest court of a jurisdiction and shall be a non-voting, ex-officio member of the Board, and such other officers as may be necessary. No officer of the Corporation may receive any salary or other compensation for services from any source other than the Corporation during his period of employment by the Corporation. All officers shall serve at the pleasure of the Board.

"(b) The President of the Corporation, subject to general policies established by the Board, may appoint and remove such employees as may be necessary to carry out the purposes of the Corporation.

"POWERS, DUTIES AND LIMITATIONS

"SEC. 904. (a) To the extent consistent with this Act, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

"(b) In addition to the powers conferred by subsection (a), the Corporation shall have authority—

(1) To obtain grants from and to make contracts with individuals, and private and state and local government agencies, organizations and institutions;

(2) To contract with or make grants to individuals, partnerships, firms, organizations, corporations or other appropriate entities (hereinafter referred to as "recipient") for the purpose of providing legal assistance to eligible clients;

(3) To represent the collective interests of the eligible clients under this Act before Federal agencies with a view to identifying and resolving issues which might otherwise result in multiple litigation arising out of the administration of the agencies' programs;

(4) To accept gifts, devises and bequests not inconsistent with the purposes of the Corporation; and

(5) To undertake, either directly or by grant or contract:

(A) research;

(B) training and technical assistance;

(C) to serve as a clearinghouse for information;

relating to the delivery of legal services under this Act.

"(c)(1) The Corporation shall have authority to ensure the compliance of recipients and their attorneys with this Act, the corporate charter and bylaws and to terminate funding where a recipient fails to comply.

(2) If an attorney participating in a program funded by the Corporation violates the provisions of this Act or the charter, bylaws or guidelines of the Corporation, the recipient shall take appropriate disciplinary action.

(3) The Corporation shall not interfere with any attorney in carrying out his professional responsibility to his client or abrogate the authority of a particular jurisdiction to enforce the applicable standards of professional responsibility which apply to the attorney.

"(d) The Corporation shall have no power or authority—

(1) To initiate or defend litigation on behalf of clients other than the corporate entity itself;

(2) To undertake to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members or their committees, unless such bodies, their members, or their committees, request that the Corporation make representations to them.

"(e)(1) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, or employee except as salary or reasonable compensation for services.

(3) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"CORPORATE GRANTS AND CONTRACTS

"Section 905. (a) With respect to contracts or grants to provide legal assistance to eligible clients, the Corporation shall—

(1) Ensure the maintenance of the highest quality of service and professional standards, adherance to the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal services to eligible clients.

(2) Establish guidelines to ensure that eligibility of clients will be determined by recipients on the basis of factors which include:

(A) the assets and income level of the client;

(B) the fixed debts, medical expenses and other factors which affect the client's ability to pay;

(C) the size of the client's family;

(D) the cost of living in the locality; and

(E) such other factors as relate to financial inability to afford legal assistance;

and establish priorities to insure that those least able to afford legal services are given preference in the furnishing of such services.

(3) Establish a graduated schedule of fees which will require the client, if able, to pay at least a portion of the cost of legal services, based on the factors enumerated in Paragraph (2) of this subsection.

(4) Ensure that grants or contracts are made in such a way as to provide adequate legal representation to persons in both urban and rural areas.

(5) Ensure that attorneys employed full-time in legal services programs funded by the Corpration represents only eligible clients and refrain from any outside practice of law.

(6) Ensure that all attorneys refrain from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members or their committees, while engaged in activities carried on by legal services programs funded by the Corporation, unless such bodies, their members, or their committees request that the attorney makes representations to them; and that attorneys employed full-time by legal services programs funded by the Corporation refrain from such lobbying at any time, unless such bodies, their members, or their committees request that the attorney makes representations to them.

(7) Ensure that all attorneys, while engaged in activities carried on by legal services programs funded by the Corporation, refrain from:

(A) any partisan political activity associated with a candidate for a public or party office or an issue specifically identified with a national or state political party;

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation), and insure that attorneys employed full-time in legal services programs funded by the Corporation refrain from the above enumerated activities at any time.

(8) The Corporation shall establish guidelines for a system for review of appeals to be implemented by each recipient to insure the efficient utilization of resources and to prevent the taking of frivolous and duplicative appeals.

"(b) No funds made available by the Corporation pursuant to this Act, either by grant or contract, may be used—

(1) To provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus and coram nobis, designed to challenge a criminal proceeding);

(2) For any of the political activities described in paragraph (7) of subsection (a) of this section; or

(3) To award grants or enter into contracts with so-called "public interest law firms which intend to expend at least 75 per centum of their resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both.

"(c) In making contracts or grants for legal assistance, the Corporation shall insure that any recipient organized solely for the purpose of providing legal services to eligible clients is governed by a body consisting af a majority of lawyers.

"(d) The Corporation shall monitor and evaluate recipient programs in order to insure that the purposes of this Act and the charter and bylaws of the Corporation are carried out.

"(e) Grants and contracts pursuant to this Act shall be made or refused by the President of the Corporation, but the Board shall have authority to establish, by rules, which classes of grants or contracts it wishes to review and approve prior to such action by the President.

"(f) At least thirty days prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the Chief Executive Officer of the State, Commonwealth, District of Columbia, or possession in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"RECORDS AND REPORTS

"SEC. 906. (a) The Corporation shall have authority to require such reports as it deems necessary from recipients with which it has made contracts or grants.

"(b) The Corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

"(c) The Corporation shall publish an annual report by April 15 of each year which shall be filed by the Corporation with the President, the Congress and the Commissioner of the District of Columbia.

"AUDITS

"SEC. 907. (a) The accounts of the Corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent Certified Public Accountants who are certified by a regulatory authority of a State; except that for the period ending December 31, 1975, such audits may also be conducted by:

(1) Independent public accountants who are not certified but who are licensed to practice by a regulatory authority of a State; or

(2) Independent public accountants who, although not so licensed or certified, meet, in the opinion of the Board, standards of education and experience representative of the highest prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the Board in appropriate regulations; provided that if the Board deems it necessary in the public interest, it may prescribe, by regulation, higher standards than those required for the practice of public accountancy by the regulatory authorities of the States.

"(b) The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the Corporation.

"(c) In addition to the annual audit, the financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians. All such books, accounts, records, reports, files, papers and property of the Corporation shall remain in the possession and custody of the Corporation. A report of any such audit shall be made by the Comptroller General to the Congress and to the President, together with such recommendations with respect thereto as he shall deem advisable.

"(d) The Corporation shall have a right to require an audit report from any recipient of a grant or contract with respect to funds received from the Corporation. The Comptroller General of the United States shall have access to such reports and may, in addition, inspect the books, accounts, records, files, and all other papers, things or property belonging to or in use by the recipient, which relate to the disposition or use of funds received from the Corporation. Notwithstanding this subsection, neither the Corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

"FINANCING

"SEC. 908. There is authorized to be appropriated such sums as may be necessary to carry out the activities of the Corporation. The first such appropriation may be made available to the Board at any time after six or more members have been appointed and qualified, notwithstanding that incorporation may not yet have been accomplished. Subsequent appropriations shall be for 3-year periods or such other periods as appropriation acts may designate, and, if for more than 1 year, shall be paid to the Corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation acts.

"RIGHT TO REPEAL, ALTER, OR AMEND

"SEC. 909. The right to repeal, alter, or amend this title at any time is expressly reserved.

"APPLICABILITY OF OTHER PROVISIONS OF LAW

"SEC. 910. In the absence of specific reference to this title, the provisions of other titles of this Act (and references to this Act in other statutes) shall not be construed to affect the powers and activities of the Corporation or to have any applicability with respect to programs and activities assisted by the Corporation."

SEC. 3. The Economic Opportunity Act of 1964, 78 Stat. 508, is further amended (42 U.S.C. 2701, et seq.) by striking out paragraph (3) of section 222(a) thereof.

SEC. 4. (a) Title IX of the Economic Opportunity Act of 1964, as amended by this Act, shall take effect on the date of enactment of this Act.

(b) Section 3 of this Act shall take effect on (1) the date of incorporation of the Legal Services Corporation, or (2) the date on which the first appropriation after incorporation becomes available to the Corporation, whichever is later.

SEC. 5. Notwithstanding subsection (b) of section 4, grants and contracts for the provision of legal services and related activities which are made by the Office of Economic Opportunity prior to the effective date of section 3 of this Act shall remain valid until their expiration date or their modification or termination as provided therein: *Provided*, That the Corporation shall succeed the Office of Economic Opportunity as a party thereto, and shall have the same supervisory authority and contractual relationship with respect thereto as the Office of Economic Opportunity had on the day prior to the effective date of section 3 of this Act. The Office of Economic Opportunity shall cause to be paid promptly to the Corporation the portion of its unexpended balances equal to the unpaid balance of such grants and contracts.

SEC. 6. In employing its personnel, the Corporation shall give due consideration to those persons employed in the Office of Legal Services of the Office of Economic Opportunity on the effective date of this Act.

REESTABLISHING OUR AUTHORITY OVER THE U.S. BALANCE OF PAYMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the United States balance of payments has been unsatisfactory for over a decade.

Shortly after his election to the Presidency, John F. Kennedy announced that the dollar would not be devalued. He did so in an effort to quiet a crisis that was depleting the U.S. gold stock. Since that time, we have witnessed the establishment and dissolution of the London gold pool, the objective of which was to intervene in the London gold market and eliminate any substantial differential between the official and private market price of gold. The gold pool was dissolved in 1968 when, under the threat of another crisis, official intervention in the private gold market was suspended. Since then, the private price of gold has been divorced from the official price.

To reduce capital outflows, investment abroad has been curtailed in a number of ways. A tax was first placed on Americans' purchases of foreign stock and bonds. Lending by banks to foreigners has come under the regulation of the Federal Reserve. At the beginning of 1968, existing voluntary controls over private direct investment abroad were made mandatory. Foreign aid has been tied. Defense procurement guidelines have been altered to give American suppliers a 50-percent preference over foreign competitors. Most recently, the Export-Import Bank and the Treasury have borrowed at high interest rates dollars from the foreign branches of U.S. banks in an effort to prevent even larger dollar accumulations by foreign central banks.

The United States ran a balance-of-payments deficit with official foreigners of $10.7 billion in 1970—the largest such deficit in our history. Although the apparent liquidity deficit shrank substantially from 1969, the Commerce Department estimates that apart from short-term capital flows, the underlying liquidity deficit in 1970 was about $4.8 billion, slightly larger than in the previous year. If we examine a measure of the U.S. basic balance-of-payments position, the sum of the current account and net direct investment abroad, a surplus of $3.6 billion in 1964 has deteriorated to become a deficit averaging about $3 billion in each of the last 3 years. This deficit, incidentally, is roughly equal to the foreign exchange cost of our military adventures in Vietnam and around the world.

Our interference with international business transactions in an attempt to bolster the U.S. balance of payment has proved futile.

PROBLEMS RESULTING FROM PERSISTENT U.S. PAYMENTS DEFICITS

European economic policymakers have long objected to the persistent structural element of U.S. payments deficits. The recent expansion of the Eurodollar market has brought the additional threat of huge tides of short-term capital sloshing across the Atlantic according to whether short-term interest rates are higher here or abroad. The ratio of U.S. reserves to foreign official claims on the United States is now more unfavorable than at any time since World War II. At the end of March 1971, total U.S. reserve assets amounted to $14.3 billion, of which gold reserves accounted for $11 billion. By contrast, liabilities to official foreigners—including recent dollar acquisitions by Germany—now total $25 to $30 billion.

As the events of the last few days have reemphasized, we live under the constant threat that at some point a massive short-term capital outflow imposed on top of the continuing structural deficit will precipitate an international monetary crisis. If a full-scale crisis got under way, foreign central banks would come galloping to the Treasury to demand gold in exchange for dollars. The outcome might well be the dissolution of the international monetary system into a number of currency areas. At the worst, it would lead to a cataclysmic collapse of international trade, finance, and investment.

In addition to the constant threat of a monetary crisis, the piecemeal, ad hoc methods that have been adopted in an unsuccessful attempt to reduce U.S. deficits are costly and promise to become even more expensive in the future. Favoritism given domestic suppliers in Government procurement has raised the costs of defense and other activities to taxpayers. Restrictions on the export of capital for direct investment abroad have raised borrowing costs to U.S. corporations, since they have been forced to seek funds in Europe. The tying of foreign aid has reduced the effectiveness of our development assistance efforts and generated animosity abroad. Ex-Im and Treasury short-term borrowing in Europe is more expensive than obtaining the same quantity of funds at home, and is proving counterproductive. Finally, as long as substantial U.S. payment deficits persist, the tendency always exists for the Federal Reserve to pursue a somewhat tighter domestic monetary policy than would otherwise be the case.

Recently a new threat has arisen that will be more difficult to avoid than a breakdown of the international monetary system, and that promises to be more costly than the ad hoc policies adopted in the unsuccessful effort to curtail U.S. deficits. The progressive erosion of the U.S. international competitive position—and particularly the decline in the U.S. trade surplus from the $7 billion level of 1964—is having the expected impact upon the workers and businessmen of this country. It has led to increasing concern among legislators about the international economic position of the United States. Organized labor now advocates legislation that would seriously restrict the entry of imports into the United States, and businessmen in a variety of industries are demanding protection from import competition.

Most available evidence suggests that the problem will not diminish, but instead will become more serious. While the U.S. trade surplus did swell to $2.2 billion in 1970 from $600 million the previous year, some deterioration is expected in 1971. Virtually the full amount of our current net export surplus can be explained by exports financed through the Foreign Assistance Act and Public Law 480. The U.S. trade surplus may resume a slow rate of growth in 1972 and thereafter, but a number of other aspects of our current-account position are not encouraging. Returns from overseas investments, net of similar payments to foreigners, have stabilized or even begun to decline slowly, net travel expenditures abroad are certain to grow, and so are private and official gifts to foreigners. There is virtually no prospect that the U.S. current-account figure—this includes some $3 billion of military foreign exchange expenditures—which was in deficit by $885 million in 1969 and in surplus by a modest $638 million last year—will grow into a surplus sufficient to cover what must be regarded as a normal level of U.S. net direct and portfolio investment abroad. Thus we must continue to face the prospect of a structural payments deficit of $3, $4, or $5 billion, depending upon what one considers basic to the underlying structure of the U.S. balance of payments.

If we want to keep importing from abroad, and traveling abroad, and investing abroad, and maintaining vast military operations abroad, at the present level, we are bound to continue the annual deficits which have brought the dollar to its sorry pass.

For the long term, what is needed to bring our payments more closely to balance is what is needed by this country anyway for a host of foreign and domestic reasons—to extricate ourselves from Vietnam, and to cut down on our foreign military adventures generally.

Since the reestablishment of convertibility for European currencies at the beginning of 1959, the net effect of changes in the par rates of other currencies has been to raise the effective foreign-exchange value of the dollar by nearly 5 percent. Given the organization of the international monetary system, as spelled out in the Articles of Agreement of the International Monetary Fund and as new conventions have been established since World II, the United States has no practical ability to alter exchange rates between the dollar and other currencies. Because ours is a big country and the United States is second only to the Common Market in the volume of trade it conducts with the rest of the world, the United States would under no circumstances be able to unilaterally manipulate dollar exchange rates with no concern for the impact of our actions on other countries.

But the particular structure of the international monetary system as it has evolved makes any across-the-board modification of dollar exchange rates even more difficult. We have pledged to the International Monetary Fund that we will stabilize the value of the dollar in terms of gold. We have assumed the responsibilities that stem from the role of the dollar as the chief currency foreign monetary authorities hold as a reserve asset.

The dollar, in effect, has become the center of the international monetary system.

These developments would be all to the good were it not for the dangers that arise from persistent large U.S. payments deficits. The objective of the international monetary system is supposedly to foster full employment and the efficient global allocation of productive resources among competing industries. In idealized theoretical descriptions of the system, these objectives are to be achieved through multilateral freedom of trade and capital movements.

The impending crisis—now temporarily obscured by the froth of short-term capital flows—stems from a willingness to sacrifice the fruits of a stable, efficient, and flexible international monetary system in order to prop up the shaky and increasingly hollow edifice of that system. For a decade now distinguished academicians and perceptive civil servants of all colors have pointed to the danger of an international monetary collapse. They have scored the costly and self-defeating nature of capital export restrictions, Government procurement guidelines, export subsidies, and the sacrifice of domestic economic objectives for ill-defined international benefits. Now we are threatened with a 180° shift in the orientation of U.S. trade policy as a result of a structural payments deficit including a deterioration in our trade balance. Given a U.S. shift toward protectionism, we may be assured that other countries will follow our lead and retaliate as well.

The only way to insure that American workers have an effective remedy in maintaining their competitiveness vis-a-vis low wage but increasingly productive foreign labor, the only way to insure that inefficient and declining industries in the United States must indeed meet the rigors of international competition rather than hide behind newly erected trade barriers, the only way for the United States to reassert its leadership—since we are still the only conceivable leader—in the further elimination of trade restrictions and the freeing of capital movements, is for this country to reassert a measure of authority over dollar exchange rates and to topple the image that gold has become.

THE REUSS PROPOSAL

Earlier this week Under Secretary of the Treasury for Monetary Affairs Paul A. Volcker emphasized in a speech that the real problem of the U.S. balance of payments is our structural deficit, and that we should not be confused by the temporary disruptions caused by massive, but short-lived, capital flows.

I agree. Were the position of the U.S. balance of payments a fundamentally strong one, we would have nothing to fear from international capital flows induced by disparities in short-term interest rates. At the present time, it is entirely appropriate that the United States should have low interest rates to stimulate a domestic recovery, and that the Germans should simultaneously have high rates to fight their own inflation. If the U.S. balance of payments were strong, we could be confident that at some time in the future, perhaps when the U.S. recovery is well under way and inflationary pressures have been stifled abroad, the interest rate differential would reverse and short-term funds would flow back into the United States. In the interim, swaps by central banks or borrowing by U.S. authorities in Europe would be adequate to deal with the situation.

But the U.S. balance of payments is not healthy, and ad hoc expedients are inadequate. I note with sadness that my prediction of a few weeks ago regarding the success of U.S. Treasury's high-interest-rate borrowings in Europe has been fulfilled. Events have completely overwhelmed the Treasury's efforts. It is not so much flows of arbitrage capital seeking the highest net return that have swamped the Treasury's attempts, but speculation focused on the current misalinement of exchange rates—speculation founded upon the belief that the German mark is still undervalued relative to the dollar.

The latest crisis has forced the closing of foreign exchange markets in Germany and four smaller European countries. Undoubtedly the officials of these countries are now deliberating about what to do when sooner or later the exchange markets are reopened. This period of deliberation offers a great opportunity for the United States and for the long-run health of the international monetary system. But this opportunity will be seized and realized only if the actions of officials, when the markets are reopened, focus on the basis disequilibria of the system rather than just the apparent problem of short-term international capital flows.

In the international section of the 1971 Annual Report issued last month by the Joint Economic Committee, which received the bipartisan support of virtually all our members, we emphasized that the United States cannot expect other countries to be willing to finance our deficits indefinitely through the accumulation of ever larger stocks of dollars. Our committee suggested that the United States should cooperate in achieving multilateral agreement on a guideline that would impose "gradually increasing discipline on the financing of U.S. payments deficits. Under such a guideline, the proportion of annual deficits financed by dollar accumulation abroad would decline and the proportion financed by U.S. losses of gold, SDRs, or exchange reserves would increase over time."

Mr. Raymond Barre, the vice president of the Commission of the European Communities, recently cited the suggestions of the Joint Economic Committee in proposing an agreement on the orderly growth of the global stock of reserve assets. Mr. Barre said at Boca Raton last week that—

> It is very important to limit progressively the share and rate of increase of dollar balances in the international monetary system.

We should have no objection to a commitment that in the future no more than, say, half of U.S. deficits be financed through the accumulation of additional dollars if—at the same time—other countries agree to cooperate in substantially reducing or even eliminating the structural element of our payments deficits.

The current discussions among the monetary officials of the major industrial nations on what to do when exchange markets reopen offer the opportunity for introducing basic reforms. What other time is better than the present? We have been procrastinating and resorting to half measures for a decade, and the situation has only steadily worsened.

The monetary officials of the major industrial nations should convene under the aegis of the International Monetary Fund or any other suitable forum and agree to a realinement of exchange rates—including an increase in the value of the mark and the yen—calculated to bring the U.S. balance of payments closer to equilibrium. The U.S. structural payments deficit, once we have thrown off the burden of Vietnam, should be no more than a few hundred million annually, and we should be able to attain that position without the benefit of capital export controls, fat export subsidies, or other gimmicks. Nor should the list of candidates for exchange rate appreciation necessarily be restricted to the yen and the mark. The objective should be to develop, perhaps through an interim float, a new structure of exchange rates that will be tenable in the future and avoid the periodic bouts of speculation that are becoming so familiar.

Given a shift in the configuration of exchange rates sufficient to bring the U.S. balance of payments—freed of excessive military adventurism—into relative structural equilibrium, there would be no need for us to be covetous regarding our gold stock. Gold does not reproduce itself; hoarding it causes us to make unnecessary interest payments to foreign holders of dollars, and sales would help absorb some of the dollars that have been recently acquired by foreign monetary authorities.

Given a restructuring of exchange rates, we should lay aside de facto inconvertibility of gold into dollars—which has been the actual policy of this Government in recent years—and invite other countries to convert at least some of their dollars into gold to decrease somewhat our present $11 billion gold hoard for this purpose would be constructive, not hurtful. Of course, since at $35 per ounce our liabilities to official foreigners far exceed our gold stock, we would not be able to satisfy demands for conversion if all official foreigners chose to present their dollars. Because of this possibility, it would be only fair to give first priority to countries that had recently increased the dollar value of their currencies. Other nations would have experienced no change in the size of their reserves relative to the volume of their international transactions as measured in their own currencies.

If dollar conversion by other countries deprives the United States of a substantial part of our gold stock, we need not be troubled. The health of the U.S. international position, as events over the past decade have amply demonstrated, is dependent upon the productive and competitive abilities of the United States relative to other nations. Without the ability to compete, gold cannot save us, as it demonstrably has not. Under the Articles of Agreement of the IMF, we would be permitted, whenever we elect, to stabilize the value of the dollar, not in gold, but in terms of other currencies, as every other nation in the world now does.

SPECIAL PROBLEM OF SHORT-TERM CAPITAL FLOWS

A realinement of exchange rates, as I have suggested, would do little directly to counter the more specialized problem of massive international flows of short-term capital. Excluding flows resulting from anticipated exchange rate changes, this problem is largely one of differences in interest yields paid for dollar deposits in different parts of the world. Difficulties have arisen for European monetary authorities when the availability and cost of credit in the Eurodollar market have diverged substantially from the desired availability of funds and interest rates in the various money markets for individual European currencies.

A number of solutions have been proposed to deal with this problem, including closer cooperation among the monetary authorities of the United States and other countries, the recycling of short-term funds by officials to counter private movements, and the widening of the band within which exchange rates can fluctuate. At this time, any decision on the most desirable set of methods for managing short-term capital outflows might well be left to the analysts of the International Monetary Fund and various national monetary authorities. At some point legislatures will want to review the decisions made by these practicing experts.

CONCLUSION

Critics of the approach, I have suggested, will say that adoption of this proposal means enlarging, rather than containing an international monetary crisis. Looking beyond the immediate difficulties, in my judgment we are over the long run being forced to choose and, indeed, have been choosing, between a major shift in exchange rates and the spread of protectionism. If we always opt in favor of restrictions—whether over trade or capital movements—the end result will be the preservation of the present international monetary system, but that system will have become a shell. It will be an empty edifice that, instead of being an active flexible mechanism to promote economic growth and the efficient international allocation of resources, will become a monument to financial conservatism and economic timidity.

As the country with the highest per capita income in the world, with the largest unified monetary area, and with the capability to exercise initiative in trade policy, the United States should expand net exports of goods and services to all other areas of the world, should encourage freedom of capital movements in order that resources may be utilized wherever they are most productive, and should press for the further reduction of all types of barriers to international trade. But the United States will be able to fulfill its proper role in the international economy only if we can be assured of maintaining the competitiveness of U.S. labor and industry vis-a-vis foreigners and of an end to fundamental payments imbalances. The solution I have proposed may seem dramatic, but after over a decade of procrastination, half measures, excuses, and international bickering, the present is an excellent time to get to the crux of the issue.

Let the United States and its industrial partners accept the challenge embodied in today's crisis. Otherwise protectionism will gain in strength, and more crises will follow.

We need a four-part solution to the immediate crisis and to the basic structural disequilibrium affecting the international monetary system:

First. A U.S. retrenchment from its excessive military adventurism abroad, particularly in Vietnam.

Second. A realinement of exchange rates sufficient to substantially eliminate the structural elements of U.S. payments deficits that will remain after removing our present clogs on trade and investment.

Third. A limitation on the proportion of any future U.S. deficit that may be financed in dollars.

Fourth. A resumption of dollar-gold convertibility.

IMPACT OF EXCESSIVE FOREIGN IMPORTS ON DOMESTIC MARKET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am pleased to join with my distinguished colleague, Mr. SIKES, and many others who have addressed themselves to the critical impact of excessive foreign imports upon our domestic market. The state of the economy of a substantial sector of my own congressional district is directly dependent upon the strength of our Nation's steel industry. Bethlehem Steel Corp. has its home plant, its enormous research center, and its corporate offices in Bethlehem, Pa., and tens of thousands of my constituents are totally dependent upon a strong domestic steel industry for gainful employment.

The amount of foreign steel coming into this country continues to be of serious concern, not only to Bethlehem Steel but to the entire American steel industry. In 1968 steel imports reached a record high of almost 18 million tons, equal to 16.7 percent of the steel delivered to customers in this country. To forestall possible legislative restrictions on steel imports, Japan and the countries of the European Common Market voluntarily agreed to limit their volume of steel exports to the United States for the 3-year period, 1969 through 1971. In addition, they agreed to maintain approximately the same product mix and geographical pattern of distribution for imported steel.

As a result of this voluntary arrangement and an unexpected boom in the worldwide demand for steel, steel exports dropped to 14 million tons in 1969 and 13.4 million tons in 1970. However, while Japan and the European Common Market have generally held to the tonnage pledged under their voluntary restraints, they have not fulfilled their other commitments. There has been a major shift from imports of ordinary steel to imports of higher priced specialty steel products such as tin plate and tool steel. The average value of a ton of imported steel jumped from $124 per ton in 1969 to $147 per ton in 1970. In 1970 the total value of the 13.4 million tons of foreign steel amounted to almost $2 billion. Although the distribution pattern was to remain the same, west coast steel producers were hit by a 50-percent increase in imported steel in that area in the past 2 years. In addition, the present limitations allow an excessive annual increase in foreign steel and do not apply to a number of important steel-producing countries.

The biggest jumps in imported steel have come in years of labor contract negotiations when steel customers build up their stockpiles against the possibility of a strike. In 1965 steel imports jumped to 10.4 million tons, up from 6.4 million tons imported in 1964. In 1968, the 18 million tons of foreign steel represented a jump of 57 percent over the record 11.5 million tons of the year before. The pressures created by stockpiling and a weakening of steel demand abroad will put the voluntary arrangements to a severe test in 1971.

Bethlehem and other domestic steel companies believe that voluntary limitations on exports by the principal foreign producers constitute a constructive approach provided that present deficiencies in the arrangement are overcome. The U.S. Government is presently negotiating to have the voluntary arrangement extended through 1973 and modified to include stronger limitations on product mix, geographical distribution, and annual import growth rate. If these negotiations are not successful, the members of the domestic steel industry may renew their efforts to secure legislation to limit imports. If some broad and effective limitation on imports is not achieved, the profitability of domestic steel companies may be seriously impaired.

Private responses to import competition cannot prevent increased market penetration by low-cost imports. If this country is to have a strong steel industry on which it can rely for a major portion of its steel needs, Government action must be taken to insure orderly trade.

CONGRESSIONAL OPPOSITION TO SURRENDER AT PANAMA NO BLUFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, in a recent newsstory from the isthmus, Panamanian Foreign Minister Juan Antonio Tack stated that in the proposed Panama Canal treaty negotiations Panama will settle for nothing less than "full jurisdiction over all areas now known as the Canal Zone—and that means Panamanian law would apply there solely and exclusively." He also stressed that U.S. rule in the zone must end, and that Panama is not interested in "even talking" about a treaty for a new canal until after "reaching full agreement on jurisdiction over the present lock canal."

This statement by the anti-American and leftist Foreign Minister is precisely what I have predicted: that any sea level project in Panama hinges upon surrender of U.S. sovereignty over the Canal Zone and canal.

The same newsstory asserts that certain Members of the Congress "headed by Representative DANIEL J. FLOOD, Democrat, of Pennsylvania, firmly opposes canal concessions" and that Panamanians "view talk about congressional resistance as a bluff." It is true that many Members of the Congress, both House and Senate, oppose any surrender at Panama but their stand is no bluff. If Foreign Minister Tack thinks that this resistance to surrender is a bluff, he can wait and see.

The United States has treaty based responsibilities and obligations at Panama in the interest of interoceanic commerce and hemispheric defense. The Congress is the agency of our Government vested with final authority as relates to the disposal of territory and other property of the United States and understands its obligations and responsibilities. The Congress is better informed on Isthmian Canal questions now than ever and will never permit the long planned giveaway of the Canal Zone territory and Canal to Panama or any international agency.

In an address before this body on May 3, 1971, I stressed that the transcendent issue over the Panama Canal is not U.S. sovereignty versus Panamanian but U.S. sovereignty versus U.S.S.R. control. The recent cabinet shakeup in the Torrijos regime featured by increased leftist penetration has caused thoughtful Panamanian and U.S. citizens to ponder its significance. Is it because the Torrijos regime has a secret alliance with the U.S.S.R. that would make Panama another Cuba and give the U.S.S.R. effective control of the isthmus? These are queries that must be answered.

Finally, I wish to assure Foreign Minister Tack that the Congress of the United States is not bluffing but will insist upon our Government fulfilling its obligations as regards the security of transit.

The previously indicated newsstory follows as part of my remarks:

PANAMA TO STAND FIRM ON CANAL

(By James R. Whelan)

PANAMA CITY.—Formal negotiations on a new Panama Canal treaty, a diplomatic timebomb that has been ticking for the past seven years, will open next month, it was learned here.

Foreign Minister Juan Antonio Tack, in an interview with Scripps-Howard Newspapers, said Panama will settle for nothing less than "full jurisdiction over all areas now known as the canal zone—and that means Panamanian law would apply there solely and exclusively."

He also said Panama is not interested in even talking about construction of a new sea-level canal until reaching full agreement on jurisdiction over the present lock canal. Panama also will insist on phasing out all military activities not strictly related to canal defense—which would mean sharp reduction of the 12,000-man U.S. force now here.

SOME FLEXIBILITY

On this point, however, Mr. Tack indicated some flexibility in Panama's position on just which forces are "essential" for canal defense, and on a withdrawal timetable, mostly to cushion the impact on the country's economy.

Panama, however, has left no doubt that U.S. nondefense military activities must end.

Key among these are the Army, Air Force and Naval schools which have trained 37,000 Latin Americans since 1946, including counter-insurgency units so successful in thwarting communist guerrilla movements in recent years in Bolivia, Venezuela, Colombia, Guatemala and other Latin countries.

Graduates also include most of Panama's 6,500-man national guard, now firmly in command of the country's political life, and strongman head of government Gen. Omar Torrijos Herrera.

Mr. Tack emphasized that Panama has no objection to the United States running the canal itself, but that U.S. rule in the zone must end. The zone, roughly five miles on each side of the canal, has a population of 52,000, entirely American except for 1,300 Panamanian canal employes and their families.

CONTRAST BREEDS HOSTILITY

In his recent foreign policy review, Secretary of State William P. Rogers referred to Panamanian resentment of "the size and life style of the large community in the Canal Zone," a phrase singled out by Mr. Tack. More than any other issue, the contrast between the affluence of the zone and their own relative (tho rapidly diminishing) poverty has fueled Panamanian hostility.

"We cannot tolerate any longer," Mr. Tack said, "a government within a government. What we want is full jurisdiction in the zone—political, administrative, judicial, labor and all other."

Mr. Tack believes the trump card in Panama's hand is the creeping obsolescence of the present canal.

Under Mr. Tack's reasoning, the United States for strategic and commercial reasons needs a new canal more urgently than Panama, and so needs to wrap up negotiations in less than two years.

LONG RESENTMENT

Sovereignty in the zone—lately discussed more specifically as "jurisdiction"—has been a festering sore for Panamanians ever since the canal opened in 1914. Rioting resulted in 1964 when U.S. high school students refused to abide by an agreement to fly the Panamanian flag alongside the American flag. Panama broke relations with the United States and resumed them three months later only after agreement was reached binding both countries to seek "prompt elimination of the causes of the conflict."

In 1967, the United States proposed three draft treaties—one to govern the present canal, the second the building and operation of a new sea-level waterway, and the third covering defense.

The military government which seized power in 1968 shelved the canal question and only last August got around to rejecting the U.S. proposals as "not usable even as the basis for future negotiations."

NO SPECIFICS

Panama so far has put forward no concrete proposals of its own. In the view of U.S. observers, the 1967 treaties might have had a good chance of winning congressional approval and were more liberal than anything likely to clear the U.S. Congress now. A group headed by Rep. Daniel J. Flood, D-Penn., firmly opposes canal concessions. The 1967 package would have surrendered U.S. direct control of the zone to a bilateral commission dominated by the United States, sharply raised Panama's share of canal revenues, and made other concessions.

Panamanians, however, view talk of congressional resistance as a U.S. bluff.

LIGHTERAGE SERVICE IN THE PORT OF NEW YORK

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Interstate Commerce Commission is presently considering a proposal submitted by the B. & O. and CNJ Railroads for the discontinuance of lighterage service in the Port of New York. Today 22 members of the New York delegation are filing a formal statement with the Chairman of the ICC, George Stafford, opposing the discontinuance of this service.

The loss of lighterage service for the New York piers would have a grave economic impact on New York City and the region as a whole.

I would like to insert in the RECORD a copy of our letter to Chairman Stafford, and note that New York City's Mayor, John V. Lindsay, has similarly filed with the ICC moving for the rejection of the proposed discontinuance of service.

Our statement follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 6, 1971.
Hon. GEORGE STAFFORD,
Chairman, Interstate Commerce Commission, Washington, D.C.

DEAR CHAIRMAN STAFFORD: A proposal now pending before the Interstate Commerce Commission for the discontinuance of lighterage services by the B&O and CNJ Railroads in the Port of New York poses grave economic dangers to New York City and the region as a whole.

With the lighterage service presently provided by the railroads operating in the Port, less than one carload of break bulk freight is loaded or unloaded at the New Jersey railheads, transported on a barge or scow across the waters of the Harbor, and either shipped or received at a New York pier. The cost of this service is included in the tariff to the Port of New York. Lighterage provides an integral shipping link to the City, since the major railroad carrier lines terminate on the New Jersey side of the Hudson River, and there are no connecting freight tunnels to Manhattan and Brooklyn. Discontinuance of lighterage would necessitate alternative means of transporting small quantities of freight to and from the City, resulting in added shipping costs, and the possible diversion of some of the City's shipping trade to ports elsewhere.

The immediate issue before the Commission (I and S Docket No. 8593) involves the application of the Baltimore and Ohio Railroad (B&O) and the Central Railroad of New Jersey (CNJ) to discontinue their lighterage services by an amendment to their tariffs. Together, the B&O and the CNJ Railroads account for 15% of the lighterage in the Port. We have reason to believe, however, that if this application succeeds, the Penn Central, which handles the vast bulk of the Port's lighterage, will soon follow suit, resulting in the complete elimination of these services. Total discontinuance of lighterage would result in tragic economic consequences to the City.

First, there would be an immediate loss of jobs, at a time when unemployment in the City is already staggeringly high. Abandoning lighterage services in the Port could eliminate over 4,000 waterfront jobs, plus more than 16,000 additional secondary jobs, directly or indirectly dependent upon waterfront commerce.

Second, this action would undermine current efforts to expand and enhance the activities of the New York City waterfront. The City is now engaged in an extensive program of pier and waterfront development, aimed at attracting industry and creating new jobs, thereby expanding the City's tax base and enhancing its economic viability. The City has invested millions of dollars in pier and terminal facilities in the hope of recapturing this investment through user charges and new revenues generated from waterfront commerce. This program is already yielding favorable results. Most of the investment, however, has been directed toward break bulk facilities—as opposed to container facilities that require more land than is presently available in the City. Since most NYC shippers now also depend upon break bulk facilities, the continuation of lighterage under present tariff conditions is absolutely essential to the very existence of the city waterfront, and to the continued success in revitalizing it.

Third, abandonment of these services would result in unreasonable economic discrimination against the City of New York, vis-a-vis shipping points on the New Jersey side of the port, and vis-a-vis other ports throughout the country. Lighterage, under present tariff rates, enables rail carriers to service all piers in the Port of New York at equal rates. In other words, freight charges to and from the Port are the same regardless of whether their origin or destination is on the New York or the New Jersey shippers from having an unfair economic advantage over their New York City competitors, who were not served by freight tunnels.

The Commission has long recognized the importance of this principle, by upholding lighterage in the Port of New York—along with equal rates for both sides of the harbor—in both rulings and case law. The Commission has considered lighterage services in New York, although water-borne, as "equivalent to necessary extensions of the railroad lines." Setting aside this established policy now would force New York City shippers to pay added costs, above existent rail rates, in trucking merchandise to and from New Jersey railheads.

We therefore oppose the discontinuance of lighterage in the Port of New York. The City has moved for the rejection of the proposed tariff provisions pending before the ICC, since they fail to comply with the established procedures in section 1(18) of the Interstate Commerce Act for abandonment of a portion of a railroad line.

We support the City's action concerning I & S Docket No. 8593, and urge the Commission to give the City's position every consideration in reviewing the proposed elimination of these services so vital to the City and the Port of New York.

Sincerely yours,

EMANUEL CELLER, EDWARD I. KOCH, WILLIAM F. RYAN, JAMES H. SCHEUER, BELLA S. ABZUG, JOHN G. DOW, C. B. RANGEL.

BERT PODELL, PETER A. PEYSER, JOHN M. MURPHY, HUGH L. CAREY, JOSEPH P. ADDABBO, FRANK J. BRASCO, HERMAN BADILLO, SHIRLEY CHISHOLM.

JONATHAN BINGHAM, MARIO BIAGGI, LESTER L. WOLFF, SEYMOUR HALPERN, BENJAMIN S. ROSENTHAL, JAMES F. HASTINGS, FRANK HORTON.

ANTIWAR DEMONSTRATORS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, for weeks we have read of a march on Washington by people who called themselves antiwar demonstrators but whose stated purpose would be to shut down the Government of the United States. Such an attempt would, in itself, be a conspiracy against the Government and people of America.

They have come by the thousands, they have made their effort and failed and now most of them have gone. While they were here most of them were nonviolent and they could have made themselves more objectionable. But the fact remains that they destroyed property and they sought to impose their will on the great majority, they interfered with the lives and natural pursuits of other people and they cost the taxpayers hundreds of thousands of dollars. They were a smelly, unwashed, unattractive group. They did no credit to their objectives, whatever those objectives really were.

My point simply is this. I don't believe these people should be called antiwar demonstrators. Most of them, I am convinced, are being used by an unscrupulous crowd which seeks to overthrow America. Certainly some of those who have been identified as their leaders fit well into this category. Regardless of the true motives of the rank and file among the demonstrators, they are contributing to a very dangerous activity. By allowing themselves to be used against our own country's best interests, they are accessories to one of the worst of all crimes—the crime of treason. Consequently, I consider that a disservice is being done America by continuing to refer to these people and their leaders simply as antiwar demonstrators.

As a former newspaper publisher, I realize how handy it is to hang a label on groups such as now roam Washington's streets, but by what stretch of the imagination can the press continue to suggest this is an antiwar demonstration?

Just because those involved say so?

The press has done an admirable job in covering the events of the past weeks. No doubt many reporters were themselves in physical danger in pursuit of a story or picture.

Every reporter on the scene of the most recent disturbances has written or spoken of the damaging of automobiles, the throwing of rocks and bottles, the buildings defaced, the police injured, and the public utterances of the group leaders to shut down the Government by force.

Is it too much to ask, therefore, that the press abandon the comfort of the antiwar label and seek another umbrella under which to identify the burners and anarchists?

What must the people of other lands think as they read and see the reports flowing from Washington in recent hours?

Consider our own confusion when we read of similar outbreaks of violence abroad and as we attempt to sort out the exact meaning of the labels pinned on the various participants.

Even more confusing to our friends overseas—and of considerable comfort to our enemies—must be the present practice of calling these people antiwar demonstrators.

Who says that's what they are? Surely not the police who have been attempting to control the violence. Surely not the terrorized secretaries and Government workers who braved unknown dangers in order to go to their work in the Nation's Capital.

No, Mr. Speaker, these people are not simply antiwar or antiviolence. By their acts they are anti-American. Some of them are criminals. Most of them contribute to anarchy.

They are a great many things, but they are much more than antiwar, and it is time they were stripped—by the press and by all Americans—of this phony shield. Whether the rank and file know it or not, they were contributing to the overthrow of the United States. And they were being used for that purpose.

AN INTERVIEW WITH GEN. DANIEL C. JAMES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Brig. Gen. Daniel C. James, a native of Pensacola, Fla., and my constituent, has distinguished himself in many ways. As a career Air Force officer, he has had an outstanding combat record. In his present assignment as Deputy Assistant Secretary of Defense for Public Affairs, he has taken a leading part in efforts by the Pentagon to secure the release of American prisoners of war in Southeast Asia. Probably he is best known for the courageous manner in which he speaks out for America and for the institutions and traditions of our country. For all of these accomplishments America can be proud of him.

Recently he appeared on the Today Show, and I submit his interview for reprinting in the CONGRESSIONAL RECORD. The sentiments expressed by General James tell very clearly that our Government is pressing every lead which might result in the release of American POW's.

AN INTERVIEW WITH GEN. DANIEL C. JAMES

HUGH DOWNS. In our Washington studio this morning is Air Force Brigadier General Daniel Chaffee James. General James is also Deputy Assistant Secretary of Defense for Public Affairs and is responsible for Pentagon activities relating to the prisoners of war.

He's with NBC News correspondent Robert Goralski.

Gentlemen.

ROBERT GORALSKI. General James, I'd like to ask you, first of all, for clarification of what has been discussed in Paris on the POW's. It's my understanding that the communist delegations have said that they will release the POW's if we set a date for withdrawal.

Is this correct?

Gen. DANIEL JAMES. It's one of the most popular misquotes that is going around today that they have said that they will definitely release the prisoners of war as soon as we set a date. They haven't said that all. They have continually said that if we set a date that they will talk about it. And they said that again last week in the session—and after a wire service story had come out saying that one of the negotiators had said in a news conference—out of the talks themselves—that they would release the prisoners and that they would do this quickly after we had set a date.

When they got into the peace conference itself—and as the President says, it's the place to negotiate a peace; and a place for meaningful negotiations is at that peace table—they do not say that at the peace table.

GORALSKI. Well, what is our position? That we will not pull out our troops completely until the prisoners are released? Isn't that a summary of it?

JAMES. As you know, there have been quite a few people also who have said that there is no precedent for releasing prisoners prior to the end—the cessation of hostilities and the withdrawal of troops. And this isn't true either. In the Korean War when we had the first switch, the negotiations were still going on when the first switch was made. And then you have another thing here that has to be a big factor in this, Bob. These people have been imprisoned longer than any prisoners have ever been imprisoned in any other war. And it's a humane consideration that we try to get these people, the other side, to address and the people here at home to understand.

GORALSKI. What steps has the government taken then, General James, to get them released? What have we been talking about specifically at Paris?

JAMES. Well, we have been talking about—first of all, we have been trying to talk about meaningful negotiations, engage in meaningful negotiations. And there are a lot of people that are shouting at the government of our country about getting the war ended. The problem is getting the other side to engage in meaningful negotiations at the peace conference. And we have made propositions there. The President's made an unprecedented offer to return all thirty-eight thousand plus of theirs for whatever they hold of ours. We, of course, don't know the exact figure, because, contrary to what some of the people are saying here, they have never given us an accurate accounting.

The figures that Mrs. Weiss was addressing last week were—figures that she was talking about are mainly in North Vietnam. We have prisoners in South Vietnam. There's the Pathet Lao. We've never had any word from these people, one letter out of South Vietnam. We're talking about Laos; we're talking about Cambodia.

And so, you see, we don't know how many prisoners they hold. But the President has offered to release all of theirs in return for what they hold of ours and has asked for an accounting of the others. We have time and and time again tried to enter into meaningful negotiations to this end. And all we've gotten from the other side so far is just a bunch of name calling.

GORALSKI. How many prisoners actually do we know are being held by the North Vietnamese? You said there're thirty-eight thousand North Vietnamese and Viet Cong being held by our side . . .

JAMES. More than that.

GORALSKI. Now, how many are being held by them?

JAMES. Now, we're talking about a total figure of missing, captured—the whole works. We're talking about just over sixteen hundred; of about sixteen hundred—one thousand six hundred and fifty, we're talking about here.

GORALSKI. They're missing?

JAMES. They are missing. That includes the whole thing.

Now, of the ones that we have very good reason to believe—like photos, like information that we've gathered from their side, like radio-releases that we've broadcast that we've heard from them themselves, like other prisoners who have been released who roomed with some of these people—we have reason to believe that they hold just under five hundred in the North alone . . .

GORALSKI. Doesn't include Laos, Cambodia or South Vietnam . . .

JAMES. In the South, we don't know because this situation—we have had a hard time pinning down anything. However, we are carrying a figure, for instance, of three that we know at one point was in their hands. And we can't get them to account for them or to even admit or add these names to any list.

GORALSKI. General, there's an organization that calls itself a National Committee for Lasting Peace. And they've put out some material. One of the statements made by the San Diego based organization is that, and I quote: "Victory is the only way to get our prisoners of war back. Because we did not win in Korea, three hundred eighty-four Americans are still being held prisoner in North Korea."

Is that true?

JAMES. We don't have anything to support that argument. We've heard it several times.

A presumptive finding of death has been made in case of these people by the government. And the government doesn't just leap to those presumptive findings. They constantly reevaluate. They gather information as well as they possibly can. And they did this for a long time after the cessation of hostilities. And they have found no reason to support, no evidence to support this allegation that there are some prisoners still being held in North Korea or elsewhere.

One thing that argues loudest against it is there would be no reason. They would have nothing to gain. Certainly there's no shortage of manpower hardly anyplace in the Far East or in Southeast Asia. And if they had held them this long, it would be reasonable that they would have made some sort of use to try to gain some gain from this, some advantage from this, or tried to offer them as some sort of bargaining prop.

But we have found things to support our contention that there are no more. Now, it's very easy to come by this. There are a lot of men who are missing on our list here that we might not be able to get an accounting for. Because if you could see some of the terrain that we flew over—as you know, right down here in Louisiana we lost a fighter aircraft, and it took us almost a month to find it. Well, some of the terrain that we flew over in the North would make that look like downtown New York, you see.

And when you fall in that canopy of trees with a small fighter plane and the canopy closes back, well, then that's the end of it.

GORALSKI. You had a chance last week, General James, to talk to some of the veterans who were protesting the war. They demonstrated here in Washington. Did you get any feeling from these veterans who wanted to get out of Vietnam of what their attitude was toward the prisoner of war issue?

JAMES. Woefully little. And that was one of the things that distressed me. But then I didn't see any veterans down there that were following General Olds around the skies of Vietnam, or any of that type really.

The men were shouting about ending the war now and getting out of Vietnam right now. You know, on this point, I want to make it perfectly clear that the steps and the direction and the means to get out of Vietnam have already been set by the government of the United States. And I find it very hard to see how people can not believe a government and a President and a Secretary of Defense who have never gone back on any of the promises or commitments that they have made when they're pulling people out of Southeast Asia on a monthly basis. They're winding the war down. You can check the figures that are there now and the figures that were there twenty months ago. And it becomes very evident that the course of action has already been set in the war in Southeast Asia and to get our prisoners back.

The other side is the side that's holding up the progress now. . . .

GORALSKI. Well, do you feel the peace groups. . . .

JAMES. . . . And we have plans for that.

GORALSKI. . . . Are the peace groups then retarding progress at this time?

JAMES. I would have to question their judgment, if not their motives. Because, you see, the other side can't help but gain comfort and surcease from these sorts of action. It's very hard, as in the case of some of the people who had on this show or have been on the various shows before, who find it so easy to find everything wrong with our government and nothing wrong with the other side. Now, there has to be some very warped thinking here, because nothing in this world is that black or white—excuse the expression.

But we find if you look at the facts that our government and our President and our Secretary of Defense and our Secretary of State are doing everything they can to wind down the war and to effect the release of the prisoners.

There are other things that are involved here. You know, our country. . . .

Goralski. I'm afraid we're not going to have time to get into this, General James. Our time is just about up.

Thank you very much. General Daniel James, Deputy Assistant Secretary of Defense handling prisoner of war issues at the Pentagon.

POLISH CONSTITUTION DAY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to have this opportunity to speak in commemoration of the 1791 Polish Constitution.

This Constitution, adopted just 2 years after the signing of the American Constitution, stands as a cornerstone of democratic principles. As the Constitution itself proclaims:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

It is indeed tragic that the freedom promised by the constitution was so short lived. Despite all of the historical adverses, however, the freedom-loving spirit of the Polish people has not been suppressed. At every possible opportunity they express their love of liberty. I hope and pray that this spirit can maintain them until the time their country is liberated.

The Polish people can look back with pride on their impressive history of great contributions to our civilization. It is entirely proper that Congress today salute the Polish people and join with our Polish citizens in anticipation of the day when Poland can again live under the principles of their original Constitution.

TURKEY MOVES FORWARD

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the May 1 announcement of Premier Nihat Erim of Turkey that his government plans to buy up the entire 1971 opium crop in an all-out effort to eliminate the illegal opium market in his country marks a significant advance in the international effort to cut off the supply of opium at its source.

Since Turkish opium, once it is converted into heroin, supplies 80 percent of the heroin that enters the United States, this step by the Turkish Government marks a turning point in what has been a long and frustrating war against heroin.

Under the government of the preceding leader, Premier Suleyman Demirel, Turkey had purchased approximately half of the poppy crop, but the proposal announced by the new Premier, after only 4 weeks in office, would actually cut off the American supply of illicit opium.

The money to finance this project, which will come largely from the American Government, will be well spent. For, even if we must compensate Turkish farmers who can no longer grow opium, the cost will be less to us than the cost of maintaining addicts within our own population, whose destruction of their own lives is made possible by the illegal importation of heroin.

This move on the part of the Turkish Government is very much in line with the sense of cooperation I felt when I attended the IPU meetings in Caracas, Venezuela, last month. The Turkish representatives at the meeting were most willing to cosponsor with me a resolution which the IPU adopted unanimously and which called for increased international cooperation on the part of member nations. I have confidence that the seriousness of the problem for other member countries impressed the representatives from opium producing countries and that the Turkish representatives, at least, have communicated the intense concern of the international community to their Premier.

The readiness of the Government of Turkey to cooperate with the United Nations and the United States and to bring their country into line with the provisions of the United Nations Convention on Narcotic Drugs of 1961 also gives me encouragement. Certainly this forward movement and willingness to cooperate shall be considered in any discussion of terminating military or economic aid to countries whose people may be making illegal shipments of narcotics. The point is that we now seem to be making steady progress in what has been up until now a baffling and frustrating area. The Turkish Government deserves commendation for its latest cooperative action, which will not be without some adverse domestic reaction in Turkey.

I submit for the Record an important article on this subject recently printed in the New York Times:

Turkish Premier Vows To Halt Illicit Opium Traffic

(By Terence Smith)

Ankara, May 1.—Premier Nihat Erim pledged today to remove Turkish opium from the illicit market by licensing poppy cultivation and buying the entire 1971 crop.

In future years, the premier said, substitute crops will be introduced.

"We have made a decision on humanitarian grounds," Dr. Erim said at a news conference here, "to do everything possible to stop the growth of this poison."

It was the first time a Turkish Premier had publicly committed his government to the elimination of the illicit opium traffic. Last year the government of Premier Suleyman Demirel purchased approximately half the poppy crop, but 60 tons of opium, the raw material for heroin, still went into the illicit market.

United States officials have estimated that Turkish opium accounts for up to 80 per cent of the heroin smuggled into the United States. For the last several years, Washington has been pressing Turkey to reduce its crop and eliminate the illegal traffic.

Dr. Erim said that the United States had agreed to pay the cost, estimated at $5-million, of purchasing the 1971 crop. He also indicated that the United States had agreed to compensate the 170,000 Turkish farmers who will be compelled to switch to a less lucrative substitute crop.

Later, United States officials said that no specific agreements had been reached yet, but that Washington had expressed its willingness to compensate Turkey. Last year the legal sales of Turkish opium amounted to $420,000, although illicit traffic earned many times that.

The earnings of the illicit traffic frequently returns to Turkey in the form of arms that are sold to leftist anti-Government forces, according to Turkish sources. By eliminating the illegal opium traffic, the government hopes to curtail this flow of arms.

Dr. Erim, who was installed as Premier by the military four weeks ago, received a group of about 20 foreign reporters this morning in the hilltop residence of the Foreign Minister. Most of the American reporters were here in connection with Secretary of State William P. Rogers' trip to the Middle East.

LICENSING LAW SOUGHT

The secretary spent two days in Ankara attending the 18th annual foreign ministers conference of the Central Treaty Organization.

Dr. Erim said his government was pressing for parliamentary approval of a bill that would require licensing of all opium cultivation and the policing of traffic in the drug.

In the meantime, he said, the Government plans to buy the entire 1971 crop to keep it off the illegal market.

In response to American pressure, Turkey has gradually reduced the number of provinces in which opium poppies may be grown, from 21 in 1967 to four for 1972.

The new bill, if approved, would bring Turkey into line with the provisions of the United Nations Convention on Narcotics Drugs of 1961, which Ankara signed but has not implemented.

CONTROL OF AGRICULTURAL AND FORESTS PESTS BY INTEGRATED BIOLOGICAL-CULTURAL METHODS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, today I am introducing a bill that directs the Agriculture Department to conduct pilot projects in the integrated approach to the control of pests—that is, by such techniques as insect sterilization and specialized farming practices.

This bill authorizes the Agriculture Department to spend $2 million a year for 5 years for such pilot projects, and authorizes an equal amount for use by the National Science Foundation to expand its fundamental research on integrated biological-cultural principles and techniques to control agricultural and forest pests.

This bill to encourage full-spectrum pest control is a companion measure to one introduced in the Senate by Senator Gaylord Nelson, Senator James Allen, and Senator Lawton Chiles.

Mr. Speaker, it is becoming increasingly apparent that neither the environment nor farm economics can withstand continued reliance upon chemicals to control the spread of agricultural pests.

As more and more chemical pesticides now in use are found to be harmful or ineffective and fall into disrepute, there will be tremendous need for alternative means of controlling agricultural pests.

We can avoid that kind of crisis by acting now to increase the amount of research being done on nonchemical control of pests and to follow up that research with badly needed programs of field testing.

To protect the interests of the environment and of the people who produce the Nation's food and fiber, we must devise new methods for dealing with the troublesome and often very costly pests that destroy crops and damage produce.

This bill is an effort to stimulate the application of new-found techniques to control pest infestations with minimum damage to the environment and to nontarget species.

It is an effort to expand our array of defenses against pests in order to strengthen the agricultural community, provide relief for those who have suffered needlessly because of pesticides, and enhance the quantity and quality of our agricultural production.

Mr. Speaker, while there is much controversy over the use of pesticides, even among those of us who are sponsoring this legislation, there is no controversy about the need to develop more effective pest control methods. Whether a man is for or against the use of individual pesticides, I believe he can support this bill as an attempt to increase government pest control efforts in a comprehensive way. And such efforts will benefit the farmer.

The importance of this particular research can be seen when it is viewed in light of a report by the American Chemical Society last year which indicated that the eradication of just three pests—the boll weevil, the boll worm, and the codling moth—could reduce the amount of insecticides applied annually in the United States by 40 percent.

It is important to note that while some research is being carried out to control the cotton boll weevil with nonchemical means, other research to gain knowledge about the control of this pest with nonchemical means has been put off.

Without sufficient funds and public interest for the continuation of this project and other projects like it, we cannot look forward to any day soon when we will have at hand alternative means to control certain pests which we attempt to control today with thousands of pounds of chemicals. It is my deep concern that we will not have alternative means of pest control available for the time when our farmers are told they must stop using one or another pesticide.

It is my hope that Congress will act swiftly in this area to prevent further senseless destruction of our Nation's crops and environment.

The text of the bill follows, together with a list of the cosponsors—Mr. BERGLAND, Mr. EVANS if Colorado, Mr. MELCHER, Mr. SEBELIUS, and Mr. ZWACH:

A bill to authorize pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture is authorized and directed to carry out, through the Agricultural Research Service of the Department of Agriculture, pilot field research programs for the purpose of (1) developing and testing the control of agricultural and forest pests by the employment of integrated biological-cultural methods, (2) determining the economic and environmental consequences of predicting and modifying agricultural and forest pest populations through utilization of multidisciplinary and integrated biological-cultural methods, and (3) developing methods of collecting, handling, and interpreting data obtained from such field research.

(b) The Secretary of Agriculture is authorized to reimburse farmers and ranchers for any losses sustained by them as a result of any research authorized under this Act being conducted on their lands, crops, or livestock.

(c) There are hereby authorized to be appropriated to the Secretary of Agriculture to carry out the provisions of this section during the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years.

SEC. 2. There are hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years for the purpose of expanding its fundamental research on integrated biological-cultural principles and techniques to control agricultural and forest pests.

ASSISTANCE TO WORKERS LOSING JOBS BECAUSE OF ABOLITION OF COAL STRIP MINING

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SEIBERLING. Mr. Speaker, today I am introducing a bill to provide special assistance to workers who lose their jobs because of the abolition of coal strip mining.

This bill would add an amendment and new title to the bill authored by Congressman KEN HECHLER of West Virginia to abolish the strip mining of coal—a bill which 80 other Members of Congress, including myself, have cosponsored.

The movement to ban strip mining is, I am pleased to say, gaining momentum every day. The fact that more than one-sixth of the Members of this House have cosponsored Congressman HECHLER's bill is certainly significant.

Last weekend, the board of directors of the Sierra Club, meeting in San Francisco, went on record in favor of a "total and immediate ban on all surface mining of coal," and agreed to put the abolition of strip mining on the club's list of legislative priorities.

Other environmental organizations, including Friends of the Earth and Environmental Action, Inc., have announced that they will actively push for enactment of the Hechler bill.

A bill to abolish strip mining received the strong support of West Virginia's Secretary of State John D. Rockefeller IV as it moved through the State Legislature recently, and although it was defeated, Rockefeller has expresed confidence that such a bill will become law within the next several years.

I am certain that other States which have been subjected to the ravages of strip mining, including my own State of Ohio, will face similar legislative battles in the near future.

I feel strongly that while a State-by-State approach to the problems posed by strip mining is a useful stop-gap, in the end it will prove to be neither efficient nor practical.

Abolition at the Federal level is the most sensible approach to this problem, which poses grave dangers for practically every State in the Union.

But as the Congress considers the feasibility of abolishing the strip mining of coal for environmental and economic reasons, we must also consider the effects on those men and women who depend on strip mining for their livelihood.

According to the most recent statistics from the U.S. Bureau of Mines, nearly 25,000 people in this country are involved in strip mining, either as miners, or as supervisory or technical personnel. In Ohio, 3,201 people are employed in the strip mining industry.

The bill I am introducing today would provide special assistance to these workers when strip mining is abolished. That assistance would come in several forms:

Priority in employment on federally funded projects to reclaim strip mined lands, as authorized in the Hechler bill;

Cash payments, normally for a 52-week period with extensions in certain cases. The cash payment would amount to 85 percent of the worker's previous weekly wage, but could not exceed 85 percent of the national average weekly wage in manufacturing;

Testing, counseling, training and job placement services provided for under any Federal law; and

Cash relocation allowances for an unemployed worker who is head of a family and who has found a job in another location. The payment covers basic moving expenses for the family, as well as a lump sum payment equal to two and one-half times the average weekly manufacturing wage.

Most of these provisions are based on the workers assistance program provided for by Congress in the Trade Expansion Act of 1962 to aid workers who are injured by an increase in imports resulting from a tariff concession. President Nixon recently used this program to compensate, retrain and relocate unemployed shoe industry workers. And a similar program was initiated by Secretary of Labor James Hodgson when workers lost their jobs because of the shift to the Amtrak railroad system.

After viewing strip mining and so-called reclamation firsthand, talking with people whose property and lives have been disrupted by strip mining, and reading and studying about strip mining, I am convinced that abolition is the only answer.

But we cannot make these environmental decisions in a vacuum. Abolition will create significant hardships for many people.

Congress must recognize, and the environmental movement must recognize, that we owe to those displaced from their jobs and their homes a responsibility to help them get back on their feet, to find new employment, and to relocate if necessary.

Nothing would make the environmental movement more vulnerable to charges of "elitism" than failure to consider the human impact of their decisions—in this case the impact of abolition on thousands of workers.

Fortunately, the problem of stripmining is not the usual case. Here we are talking about eliminating an entire industry because of environmental considerations. In most instances, industries can produce their product without fouling the environment, and they can afford to clean up their manufacturing process without going bankrupt.

The cry of some companies that compliance with environmental laws and regulations will cost workers their jobs is the same kind of blackmail we have heard before whenever a new effort has been made to bring industrial practices in line with the public interest—be it minimum wages, fair labor standards, occupational safety or pollution controls. The fact of the matter is that for most industries, the cost of cleaning up represents a very small fraction of their total costs.

In the long run, abolition of stripmining will provide more jobs and a better life for all those who live with it. The physical and economic effects of stripmining have been well documented. We know that the irreparable devastation which stripmining leaves behind far outweighs whatever short-term economic benefits it may bring.

We also know that even these benefits are offset by immediate losses in terms of homes and farms destroyed, polluted wells and streams, loss of tax revenues and blighted landscapes.

But for those people—fortunately relatively few in number—who make their living from stripmining, who know of the hardships in finding other employment and who have families to support, there is no time for such considerations. the bill I have introduced today is an effort to ease those hardships.

The bill can be perfected, I am certain. There are no doubt other means of assistance, and other areas of potential employment which should be considered. I am hopeful that the House Interior Committee will hold hearings on this bill, and all the other stripmining proposals before it, so that these questions can be explored.

THE DOLLAR CRISIS AND WEST GERMAN DEFENSE

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, I am shocked and chagrined to learn of the action of the Central Bank of West Germany which has precipitated an external devaluation of the American dollar.

It seems to me that this action has created the need for an immediate and massive withdrawal of American troops and dependents from defense installations in West Germany. The cost of "defending" West Germany has contributed to the inbalance of American dollars.

One of the most effective ways to bolster the dollar in Western Europe is to reduce the tremendous expenditure of American taxpayer dollars in providing 300,000 troops and 213,000 dependents to defend West Germany.

It is time that West Germany undertake a more substantial cost of its defense.

ELMO BURNS ROPER

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Elmo Burns Roper, the public opinion analyst who was among the first to develop modern political polls, died on April 30.

A student of public opinion since the 1920's, Mr. Roper spent more than 35 years as a full-time analyst of popular attitudes toward public issues, political candidates, and manufacturers' products.

Elmo Roper first came to national attention with his remarkably accurate prediction of the 1936 presidential election. While rival pollsters were forecasting a Landon victory, he predicted Franklin D. Roosevelt would win with 61.7 percent of the vote. When the ballots were finally tallied, Mr. Roper was off the mark by only 1 percent.

Mr. Roper continued his success in accurate predictions of presidential elections in 1940 and 1944, both within 1 percent of the actual outcome. In 1948, however, his streak was broken, as he, along with most of the pollsters in the Nation, forecast Thomas E. Dewey as the victor over President Harry Truman.

Despite his notoriety for predicting election results, Mr. Roper cared more about people and finding out ways to provide them with more information about subjects that affected them.

In addition to election polls, he did public opinion research for Fortune for 15 years and wrote a syndicated column. He was also an editor at large of the Saturday Review.

We all owe Elmo Roper a debt of gratitude for his contributions to our understanding of the thoughts and desires of the American people. We will sorely miss him. I extend to Mrs. Roper and his son, Burns Roper, my deepest sympathy.

At this point, I include an article by Martin Weil from the Washington Post of May 1, citing the life and accomplishments of Elmo Burns Roper, Jr. I am also including the obituary from the May 1 New York Times:

[From the Washington Post, May 1, 1971]

ELMO ROPER, OPINION POLLSTER, DIES

(By Martin Weil)

Elmo Burns Roper, 70, one of the founders and leading practitioners of modern marketing research and public opinion polling, died yesterday in a Norwalk, Conn., hospital after a long illness.

A student of public preferences since his days as an Iowa jeweler in the 1920s, Mr. Roper spent more than 35 years as a full-time analyst of popular attitudes toward public issues, political candidates and manufacturers' products.

The writer for many years of a syndicated newspaper column and the Fortune Survey, which began in 1935 as the first published opinion poll, he surveyed voter preferences from the Roosevelt through the Nixon administrations.

In 1936, Mr. Roper came within 1 per cent; in 1940, within 0.5 per cent, and in 1944, within 0.2 per cent, of predicting Franklin D. Roosevelt's percentage of the popular vote. It made him a national oracle.

Mr. Roper and his friends and rivals, George Gallup of the Gallup Poll and Archibald Crossley of the Crossley rating, became the nation's best known pollsters of the time.

But the major polls foundered in 1948, when Harry S. Truman defeated the late Thomas E. Dewey in one of the most startling upsets in American political history.

In that year, Mr. Roper had stopped polling in September with the assertion that further polls were purposeless since it was clear that Mr. Dewey would win.

Polling techniques were changed after 1948 to take account of George Gallup's suggestion that failure to keep questioning voters up to election day made it difficult to detect shifts in voter attitudes.

A good humored Nebraska native, Mr. Roper was not reluctant to admit his errors.

In 1960, he wrote that he was "convinced that it was the Gallup Poll and ours that were more responsible than anything else for the do nothing campaign' that Dewey waged in 1948."

He added: "I also think the polls lulled many Dewey supporters into complacency and caused them to play golf on election day."

Mr. Roper noted that he had at times considered giving up pre-election polls, which he had once called "a socially useless function."

However, he explained, he continued political polling because "it gives us such a wonderful opportunity to calibrate the instrument we are trying to help perfect."

As did a number of others, his polling techniques depended essentially on attempts to gauge the attitudes of the public as a whole from interviews with a sample.

Mr. Roper expressed the belief that the polls' main purpose should be to educate, and to "point out areas of ignorance . . ."

Although some have sought to elevate the status of opinion surveying to that of a science, Mr. Roper maintained that there is a considerable amount of art involved.

"Predictive polls," he maintained in 1957, require too many "judgmental decisions" in addition to a certain amount of "political sagacity" to be accorded scientific status.

In the area of marketing research, Mr. Roper showed skepticism toward the theory of "motivational research" that sought to link acceptance or rejection of a product with deep-seated psychological drives.

He appeared at a debate on the subject before the American Association of Public Opinion Research in 1955 wearing a medical gown and calling for the creation of a square egg.

Parodying the theories of motivational research, he asserted that square eggs are needed because while normal eggs look and taste good, they are prone to roll, thereby creating deep-seated feelings of insecurity.

In his prime, Mr. Roper was described as a lean, quiet six-footer, with curly brown hair parted in the middle, brown-eyed and bespectacled, with a pleasant thin-lipped face.

A Democrat, he raised funds for candidates of both parties, and applied to them "Roper's Law."

According to the law, if an officeholder agreed with him 60 percent of the time he was pleased, 75 per cent delighted and 90 per cent concerned.

He asserted that he did not believe that thinking men could agree so often.

Born July 31, 1900, in Hebron, Neb., he attended the University of Minnesota for one year and then studied moral philosophy at the University of Edinburgh, in Scotland, but never obtained a degree.

In 1921, he returned to the U.S. to open a jewelry store in Creston, Iowa.

Although the store did well, he set out to learn why it did not do even better, and concluded that he was trying to sell what he liked, not what his customers did.

Studying their preferences, he decided he did not want to sell "the kind of jewelry the Iowa farmers liked," and so gave up the store in 1928 to begin selling clocks.

After five years of sales success in which he carefully queried his customers as to their likes and dislikes, he gave up selling and entered marketing research full time.

According to a close associate, Mr. Roper, who conducted many surveys in recent years for major corporations, always regarded himself as half marketing consultant and half public opinion analyst.

Although the newspaper column was discontinued, Mr. Roper conducted and published a number of studies of public attitudes in recent years, through Elmer Roper and Associates and Roper Research Associates.

A major study of opinion leaders, made in 1966, showed a growing concern with environmental issues, considerably before the question of ecology had aroused wide public interest.

Another recent survey sought to determine the social responsibilities of business, a topic of major interest to Mr. Roper, who sat on the board of directors of a wide variety of corporations and foundations.

He maintained offices in New York and lived in West Redding, Conn. Survivors include his wife, Dorothy; a son, Burns W., four grandchildren and a great-grandson.

[From the New York Times, May 1, 1971]

ELMO ROPER, POLLSTER, IS DEAD; PREDICTED 1936 ROOSEVELT VICTORY

West Reading, Conn., April 30.—Elmo Roper, the public opinion analyst who was among the first to develop modern political polls, died today in Norwalk Hospital at the age of 70.

IMPORTANT IN POLITICS

Elmo Burns Roper Jr. acquired national fame in 1936 for creating what was to become a 20th-century phenomenon in political forecasting—the scientific poll. Adapting the sampling techniques he had developed as a marketing consultant, he predicted with remarkable accuracy the re-election of President Franklin D. Roosevelt.

Along with his rivals, George Gallup and Archibald Crossley, Mr. Roper became an increasingly important figure in the world of politics. As polling became a staple of campaigns, pollsters, as they came to be known, proliferated. Louis Harris, currently one of the leading practitioners, got his start in the Roper organization.

Mr. Roper's technique consisted of using a cross-section of the public that was comparatively small but carefully picked to be as representative as possible.

The 1936 Presidential election was his most sensational triumph. He predicted the Roosevelt victory with 61.7 per cent of the popular vote. When the vote was tallied, Mr. Rosevelt had received 60.7 per cent.

Meanwhile, the rival Gallup and Crossley polls found themselves embarrassed by their predictions that Alf M. Landon, the Republican, would be the winner.

Again in 1940 and 1944 Mr. Roper predicted within 1 per cent Mr. Roosevelt's margin of victory. But the streak was spoiled in 1948 when, along with almost all the other pollsters, he forecast Thomas E. Dewey as the victor over President Harry S. Truman.

He was wrong again in 1960, but not by much. With John F. Kennedy defeating Richard M. Nixon by one of the closest margins in history, Mr. Roper's margin of error in picking a Nixon victory was only slightly in excess of 1 per cent.

However, even before the Truman upset, Mr. Roper had come to consider simple predictions as "socially useless."

He was more interested in his finding that the "average" citizen was often uninformed on vital matters of public policy. He argued that opinion polls could explore those areas of public ignorance to see where more information was needed.

When the public had sufficient facts, he said, "it is likely to steer just as wise and fair a course as that plotted by any of its leaders."

Mr. Roper was born July 31, 1900, in Hebron, Neb. After graduating from high school there, he attended the University of Minnesota and the University of Edinburgh.

He started his business career by opening a jewelry store in Creston, Iowa, in 1921. Seven years later, he gave up the store to become a clock salesman. He said later that one of the reasons he was able to make a good living at that job during the Depression was his technique of polling his customers on their likes and dislikes in clock styles.

Mr. Roper came to New York in 1933 and became a partner in a market research firm that did polls for various products. The firm, which eventually became Roper Research Associates, Inc., was engaged by Fortune magazine in 1935 to survey public opinion on broader issues and Mr. Roper was on his way.

SYNDICATED A COLUMN

In addition to election polls, Mr. Roper did public opinion research for Fortune for 15 years. He also wrote a syndicated column and was an editor at large of The Saturday Review. During World War II he served as a deputy director of the Office of Strategic Services.

Mr. Roper retired from his firm in 1966 although he retained the title of senior consultant. In recent years he had lived in his big Colonial home in West Redding.

Last February, in one of his last interviews, Mr. Roper spoke with a visitor about the swamp, once owned by the photographer Edward Steichen, outside his home. Mr. Roper was among the residents who contributed to an investment group that purchased some of the Steichen land for use as a community recreational area.

Looking wan and tired but still mentally alert, Mr. Roper noted that the neighborhood might become a little noisier when the recreation area opened. "But the swamp will be good for kids," he said. "And I'd rather have people than housing developers."

His widow, Dorothy, and a son, Burns, survive.

A funeral service will be held at Mr. Roper's home Monday at 2:30 P.M. A spokesman for his organization said the eulogy would be delivered by Senator Frank Church, Democrat of Idaho.

THE CONSTITUTION SCORNED

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, during the past 3 weeks, thousands—hundreds of thousands—of men and women have come to Washington. They shared a common purpose. To bring home—again—their determination that the immoral, misguided war in Southeast Asia end.

They have been hardened and saddened by the harsh realities of the death and destruction which continue in Southeast Asia. They understand, and seek to correct, the injustices which distort this Nation—the endemic racism which perpetuates unequal education, unequal jobs, unequal opportunity; the continuing failure of governmental institutions—both executive and the legislative—to address the needs of the people by providing an end to the war, decent housing, adequate income, quality education, and sufficient food; and the repressive streak of those in power, who view dissent as a challenge, not as an expression of the constitutional freedoms which they so cavalierly respect.

This week in Washington thousands have had demonstrated to them, first hand, the very failures which they have deplored. I certainly do not condone violence or the destruction of property. Those who violate the law accept the consequences the law prescribes. However, the law does not prescribe dragnet arrests and illegal detentions.

This week in Washington witnessed a breakdown in the legal process. More than 10,000 people have been arrested. That is indeed a staggering number; I have heard some refer to it as some sort of historic watershed of police enforcement. I find it historic, but not as a mark of the legitimate workings of the legal process. Rather it constitutes a wholesale violation of constitutional guarantees.

Dragnet arrests were employed to sweep clean areas of the city. I spent a number of hours this week at the Washington Coliseum, where several hundred prisoners were being detained. Many of them told me that they had been entirely innocent of wrongdoing. One law student was taken into custody while walking to class. A Presbyterian minister was taken into custody while walking down the street. A young man and woman were taken into custody while walking together. A reporter from the Washington Post was detained, as was a reporter from the Washington Evening Star. An employee of the House of Representatives, sitting on the Capitol Grounds yesterday, was detained. Two young people who questioned why they could not cross a street were detained.

I do not want to make any untoward comparisons. But, as an attorney, as a former assistant district attorney, and as a citizen, I can only say, this is not American justice.

For most of the thousands detained, there were not even any charges against them. For many, the police have been unable to produce specific evidence of criminal behavior—in many instances because, in fact, there was no such behavior.

Many citizens against whom no formal charges have been lodged nevertheless have been photographed and fingerprinted, imprisoned for hours and even days. Last night my legislative assistant, an attorney, went to the Coliseum. Hundreds of people were being denied the right to speak to an attorney, or to even make a telephone call, until they acceded to being fingerprinted and photographed.

I think the American Civil Liberties Union well hit the mark by terming the police procedures adopted "martial law characterized by the suspension of the writ of habeas corpus."

The abuse of the court system similarly is reprehensible. On Tuesday evening Chief Judge Harold Greene of the superior court ordered the release of those who had been detained in custody whom the police could not link directly to specific offenses. And yet his order was delayed until yesterday morning pending an appeal, when the police themselves have privately admitted to me and to others that most of the cases could not stand up in court.

What this all amounts to is the suspension of constitutional liberties. It cannot be condoned; it cannot be justified—and that includes the praise which the President has so generously bestowed upon the District of Columbia police. The Constitution protects the people; it is not a piece of paper to be tossed aside for the sake of police expediency.

Some pose the issue as a conflict between individual rights and society's rights. This misses the mark. When the rights of the citizens are violated or sacrificed, it follows that the rights of society fall.

This week in Washington we have seen the Constitution undermined by the forces of legal authority. Next week, unless the people of this Nation fully realize what has happened here, it could happen in another city. And the week after, in another. And what is the result? Increased alienation; increased division.

Those in power continue the war—the underlying immorality which has, as evidenced this week, tainted so much of this Nation's life and attitudes. They continue their disdain for constitutional liberties. And America continues to bleed—through the veins of her young men in Asia, through the veins of their brothers and sisters at home, and through the veins of our brothers and sisters in Asia.

This is a sad time for America.

At this point, I am including an article which appeared in the May 5 edition of the Washington Evening Star, entitled "Mass Arrests Tarnish Public Image of Policy," and written by William Basham; an article which appeared in the May 6 edition of the Washington Post entitled "Protests Point Up Conflict of Rights," and written by Haynes Johnson; an article from the Washington Post of May 5, entitled "Mass Arrests Directed by Justice Department," by Sanford J. Ungar; a news story from the May 5 edition of the Washington Evening Star, entitled "Appeals Panel Upholds Prisoner Release Order," and an article from the Washington Post of May 6, entitled "Controversy Mounts Over Arrests Here," by Sanford J. Ungar:

[From the Washington Evening Star, May 5, 1971]

MASS ARRESTS TARNISH PUBLIC IMAGE OF POLICE

(By William Basham)

For the first time in recent years, the arrest tactics of the Metropolitan Police Department during a massive protest have brought serious criticism.

In the past, the department has enjoyed a national reputation for fairness in handling large numbers of demonstrators. But this week the comments are not laudatory.

The primary criticism is over the department's decision to drop its procedure of making out arrest forms and photographing arrested persons at the scene of an offense Police claimed that they had to dispense with normal procedures because of the vast number of anti-war demonstrators arrested within short periods of time.

METHODS ARE ATTACKED

Also under attack are the department's methods of carrying out arrests. Police were observed at Dupont Circle yesterday threading their way through persons dressed in business suits and systematically arresting youthful pedestrians who had long hair and wore odd clothing.

In the past, demonstrators usually have commended Chief Jerry V. Wilson for his men's performance. It was generally observed that Wilson gave the youths a fair shake when he could. But this week, few demonstrators know exactly what kind of nonviolence activity will set off arrests.

An affidavit filed yesterday by the police in Superior Court said more than 400 field arrest forms were filled out by officers Monday during the disruptions of rush-hour traffic. But 6,580 arrests actually were made that day.

GOAL ACHIEVED

To police and the Justice Department, the tactics were successful. They got thousands of trouble-makers off the streets. Moreover, they were locked up for lengthy periods of time because they were not permitted to post collateral for the relatively minor offenses.

But to several judges and civil libertarians, the mass roundup of American citizens on the streets of the Nation's Capital was an outrage. Demonstrators were not being told why they were arrested, learning only that charges would be made out at a later time, they charged.

Professor Roger R. Kuhn, who teaches a course in "current problems in civil rights" at George Washington University, was standing near the school's student center on Monday as police began an arrest sweep through the campus.

Kuhn, in sworn testimony at Superior Court, said he wore a legal observer armband and was taking notes when an officer bumped him.

"He accused me of bumping him," Kuhn said, "and I was arrested." He said the badgeless and nameless officer gave no reason for the arrest, filled out no form and herded him with the others to the lockup.

Many other officers without badges and nameplates were observed on Monday by Star reporters.

Aside from their argument that a citizen is placed in jeopardy merely by being out on the street during demonstrations, civil rights lawyers have pointed out that "arrests of convenience" are quite likely to be thrown out of court because defendants who ask for trials know that there is literally no information linking them with arresting officers or a specific offense.

Attorneys with the Public Defender Agency and the American Civil Liberties Union have demanded the immediate release of the roughly 3,000 persons remaining in the various city lockups this morning. They maintain that emergency situations, particularly when the demonstrators were not attacking police or civilians, do not excuse the government from following the law.

EATON CRITICAL

The legalities of this week's police actions are still being argued in court today, but President Nixon already has personally commended the city for its handling of demonstrators. The District City Council praised the police force for its role in keeping the government running.

The President's thanks were delivered by telephone to Mayor Walter E. Washington. But the Rev. David Eaton, chairman of the D.C. Human Relations Commission, bitterly criticized the arrest procedures, then said the mayor was left out of the decisions on how police would proceed.

The handling of demonstrators at one point yesterday caused a police lieutenant to admit that "these arrests are shaky," but he hastened to add that they served their purpose by defusing a potentially explosive situation.

Presumably the arrest tactics have the blessings of Atty. Gen. John N. Mitchell. "We want to make these cases stick," Wilson said yesterday.

But a great many people are waiting to see how that statement and the action of his men can be made compatible in the eyes of the law.

[From the Washington Post, May 6, 1971]

PROTESTS POINT UP CONFLICT OF RIGHTS

(By Haynes Johnson)

Abraham Lincoln: "It has long been a grave question whether any government, not too strong for the liberties of its citizens, can be strong enough to maintain its existence in great emergencies."

That old American dilemma has never been more clearly in focus than this spring week in Washington. The demonstrators have made their protests, the government has survived, but citizens everywhere are wrestling with disturbing questions in the latest aftermath of massive acts of civil disobedience.

"At 8:30 the other morning I was radicalized and deradicalized and then confused about what I thought," said one Georgetown woman, recalling her reaction at witnessing clashes between police and protesters and then the destruction of her own property—first her trash cans and then her car.

The basic question involves probably the most delicate, complex and central theme of American life—rights. Citizens' rights and society's rights. The right to assemble peacefully and petition the government for redress of grievances, and the right to move freely without impairment. The rights of a majority—and a minority. The right to due process of law, and the right to be free from excessive bail or be subjected to cruel and unusual punishment.

All of those came into direct conflict this week in the streets and prison compounds and courtrooms of Washington. They have left Washington a troubled city.

Over lunch and in offices, citizens can be heard discussing a number of aspects growing out of the demonstrations. Citizens at home are calling newspapers to report, often emotionally, one horror story after another—about a protester or a passerby or a prisoner. They have been telling about people manhandled, detained, their personal property taken and not returned.

The past few days have seen two distinct sides to those reactions.

Monday's shut-down-the-government demonstration brought a strong reaction from citizens whose rights to go to work or to a hospital or a bank or a store—and the right to have their property secure—were affected.

It also brought an equally strong reaction from citizens and protesters alike who were caught in the massive-arrest tactics employed by police.

Citizens have been arrested on unspecified charges. For many, the government has been unable to produce specific evidence of criminal behavior. Many citizens against whom no formal charges have been lodged nevertheless have been photographed and fingerprinted, imprisoned for as long as 18 hours without being allowed to contact their families, and then freed after posting collateral. Their police records may follow them through life.

Those tactics have led the American Civil Liberties Union to charge that the police procedures adopted amount to "martial law characterized by the suspension of the writ of habeas corpus."

Other tactics—those employed by the demonstrators—have come under sharp criticism, and often from demonstrators themselves. It has been common this week to encounter groups of protesters debating quietly among themselves about the methods and strategy of their movement.

Often, the end result has led to only more confusion over the question of rights, both theirs and society's. Sometimes, they came down to a kind of us-against-them thinking. A college student demonstrating outside the Justice Department on Tuesday had said it was all right to take illegal actions because he felt it was, after all, "their law," not his.

Then he went on to ask a different kind of question. "Do you think," he asked, "that the American general in Vietnam was right when he said, 'To save the city we had to destroy it'?"

What has been clearly emerging amid all the anger and confusion is a sense of the continuing deep division among Americans. This week, some of the worst fears of both poles—those who fear lawlessness and those who fear police-state-type oppression—have come close to being realized. The events in the streets and the police precincts and detention centers appear to have driven the two farther apart.

"I think they ought to give it to them," said a Washington merchant. "There's no excuse for this kind of lawlessness. These are kids that, well, that don't know the seriousness of what they're doing. It all goes back to what a lot of psychologists told their parents: 'don't interfere with the children.' These kids need discipline. They need law and order."

A protester, trying to thumb a ride to New Jersey, gave another side. "I was clubbed twice, gassed, and thrown into that concentration camp," he said heatedly, "and I would like the country to know that I came here nonviolently and that we have a police state here in America."

Then there are those citizens in the center who say what happened to them has brought about a dramatic change in their own attitudes.

"I used to be a Republican until yesterday, and now I'm an anarchist," said the assistant personnel manager of a downtown department store as he was released from the makeshift detention center at the Washington Coliseum.

He said he had left his home near George Washington University about 8:30 a.m. Monday and was arrested 20 minutes later. He had gone inside the student union there to escape tear gas exploding around him, he said, and was swept up in the police dragnet outside as he stepped out the door.

"I was not told I was under arrest," he said, "and I have not been advised of my rights whatsoever. I haven't been able to sleep here. I didn't think this could happen to a D.C. citizen. I just can't let this go. They've deprived me of my personal liberty."

He added, by way of personal qualification, that he is a four-year veteran of the Marine Corps. He voted for Richard Nixon twice.

One citizen, interviewed Monday in Georgetown during the disturbances, expressed a less emotional opinion, but from a larger perspective.

"It's producing so much more frustration," he said. "I don't think it's going to produce anything positive for either side. This is not going to end the war, and it's probably going to harden positions on both sides. You get increasingly extreme positions from both sides on something like this."

[From the Washington Post, May 5, 1971]

MASS ARRESTS DIRECTED BY JUSTICE DEPARTMENT

(By Sanford J. Ungar)

The Justice Department decided early in this week's antiwar protests to employ mass arrests to insure public safety and protect "the lives and property of law-abiding citizens," even if the arrests were of questionable legality, a high Justice official said yesterday.

The official said that standard arrest procedures that "would result in solid court cases" were abandoned after the weekend when it "became apparent that the process was taking too long."

Out of that policy have grown a record number of arrests on unspecific charges and a heated controversy over their validity and effect.

The American Civil Liberties Union charged yesterday that police had "made indiscriminate sweep arrests, catching up in the dragnet many persons not engaged in violating the law and others whom they could have no possible way of prosecuting and convicting."

Confronted with such accusations, the Justice Department official, who asked not to be identified, said that "when you arrest 7,000 people you're bound to get a few who shouldn't be there."

Shortly before midnight, Chief Judge Harold H. Greene, of the D.C. Superior Court, ordered the immediate release without collateral of all demonstrators still in custody for whom the government could not produce specific evidence of criminal behavior.

However, early this morning three members of the D.C. Court of Appeals agreed by telephone to stay that ruling until 7:30 a.m.

They will then hear an appeal from the corporation counsel's office.

C. Francis Murphy, corporation counsel, appealed Greene's ruling by contacting Alexander Stevas, clerk of the Court of Appeals, who, in turn, reached the appellate judges by telephone. Lawyers for the D.C. Public Defenders service who sought the hearing before Greene, were not involved in the telephone communications.

In his decision ordering release of the demonstrators, Greene ruled that they still would have to submit to fingerprinting and photographing but that any information gathered could not be used "to constitute an arrest record" and "shall not be disseminated to the FBI unless there is an actual conviction.

He ordered the information turned over to the Superior Court and said it would be destroyed after 90 days if there is no conviction.

He also ordered that demonstrators who refuse to submit to the fingerprinting and photographing be brought before the Superior Court between noon and 5 p.m. today for arraignment.

Ruling on another issue, Greene enjoined Police Chief Jerry V. Wilson from imposing a collateral schedule and said that all defendants would be brought before his court instead for bond hearings. That ruling was also stayed.

The major problem continued to be the several hundred persons held at the Washington Coliseum who refused to pay collateral as permitted by the police, on the grounds that they were illegally arrested.

The Justice Department, in close communication with the White House, has kept a watchful eye on police, who changed policy yesterday and reinstituted special field arrests techniques developed after the 1968 civil disorders.

To insure compliance of the metropolitan police department with strategy developed under the leadership of Attorney General John N. Mitchell, sources said, a deputy assistant attorney general from the Tax Division of the Justice Department has been the constant companion of Police Chief Jerry V. Wilson.

In addition, high-ranking court sources confirmed yesterday, a Justice Department aide concerned with District of Columbia affairs, Donald E. Santarelli, has served as a liaison with the city's courts.

Superior Court itself operated with almost unprecedented slowness yesterday in handling those who had not gone free on collateral after Monday's arrests or who were among the estimated 2,000 arrested yesterday.

By 2:30 p.m., only 60 persons arrested Monday had been brought before judges sitting yesterday. It took until 5 p.m. for the city's corporation counsel to charge 89 arrested yesterday morning with disorderly conduct.

Of one group of 150 brought to the court lockup in the morning, seven were charged, and the other 143 were released for lack of evidence.

There was a flood of protests, to the courts, other city officials and reporters, about continued irregularities in police procedure despite a 5:30 a.m. order by Wilson to use field arrest forms and instant photographs in all arrests.

Some of those set free on collateral contended that information was included in their record that did not reflect accurately the conditions of their arrest.

In some station houses, the line for "arresting officer" on the field arrest forms, filled out belatedly during detention, was crossed out and replaced by "court officer." A single policeman would then sign a batch of forms, including many for people whom he did not arrest.

At the show-cause hearing before Judge Greene, three Justice Department lawyers, testifying under subpoena, said they had gone to the coliseum Monday night to aid in processing the persons held there.

The names of seven policemen were placed on field arrest forms in simple rotation, they said, and the spaces for time and place of arrest were left blank.

Norman Lefstein of the Public Defender Service argued that the government had decided to round up thousands, place them in confinement and say, "If we take our time, perhaps we'll come up with something on which to charge them."

A controversy was also brewing over the police decision to photograph and fingerprint many persons against whom no formal charges were lodged or who went free on collateral.

Under standard District police procedure, as elsewhere, such fingerprints are routinely submitted to the FBI's identification files and never removed unless the arresting police specifically ask that they be sent back.

Among those freed on bail were Rennie Davis, leader of the Mayday group that planned this week's protest, and John Froines, a codefendant with Davis in the Chicago Seven conspiracy trial.

Davis was arrested Monday and Froines

yesterday on federal charges of conspiring to violate the civil rights of citizens and to interfere with federal employees.

U.S. Magistrate Arthur L. Burnett set bail for Davis at $25,000 and for Froines at $10,000. Each was released after posting 10 per cent of that amount.

Sources said that the case against them and unspecified others were developed under the direction of Robert Mardian, assistant attorney general in charge of the Justice Department's Internal Security Division.

Although preliminary matters are being handled by the U.S. attorney's office, Mardian apparently plans to have his own assistants prosecute the case.

Two other representatives of Justice's Internal Security Division were observed at Superior Court yesterday. Court sources said they were combing lists of those processed for hearings to determine whether more serious charges might be filed.

Sources at the Justice Department said that all the major decisions on handling the crisis of the past several days were made during long strategy sessions held at department headquarters on Pennsylvania Avenue.

Most of the sessions were attended by Mitchell; Deputy Attorney General Richard G. Kleindienst; Santarelli; L. Patrick Gray III of the department's Civil Division; John Dean, counsel to President Nixon; either Chief Wilson or the general counsel, Gerald Caplan, of the police department, and either Deputy Mayor Graham Watt or Corporation Counsel Francis Murphy.

At an initial meeting Monday, a basic decision was made to try to "keep those arrested out of circulation" for at least 12 hours after their arrest, sources said.

For this reason, the sources added, no attempt was made to streamline the presentation of cases in court, although Judge Greene had at first established round-the-clock sittings of Superior Court judges.

The desire to keep people "out of circulation" was also offered as the basis for the delay in a police decision to revert late Monday to the system of freeing some of those arrested after they posted $10 collateral.

Several local officials insisted that the city government had nothing to do with arrrest policy.

The Rev. David H. Eaton, chairman of Washington's human relations commission, said at a press conference that "every source I've been able to check shows (the mass arrest decision was) made by the President of the United States, passed on to Attorney General Mitchell to Kleindienst to Chief Wilson. The mayor was not consulted in any way whatsoever."

The ACLU charged that the procedures followed amounted to "martial law, characterized by the suspension of the writ of habeas corpus."

However, Sen. Sam J. Ervin (D-N.C.), chairman of the Senate Subcommittee on Constitutional Rights, praised the police for "a rather fine job."

[From the Washington Evening Star, May 5, 1971]

APPEAL PANEL UPHOLDS PRISONER RELEASE ORDER

The D.C. Court of Appeals today upheld an order by the Superior Court chief judge compelling city police to release anti-war demonstrators they have had in custody since Monday but whom they cannot link directly to specific offenses.

At midnight, Judge Harold H. Greene ordered that anyone whom the police were holding without a field arrest form drawn up at the scene of the alleged offenses should be released immediately. A three-judge appellate panel had held up the ruling pending a hearing this morning.

Only about 200 of 6,580 demonstrators arrested Monday on disorderly conduct charges remained in custody at the Washington Coliseum by the time of the decision.

Those for whom police do not have field forms—which include photographs and fingerprints—must be released immediately if these demonstrators consent to being photographed and fingerprinted, and supply their names and addresses.

Those who do have field forms must be sent to Superior Court for arraignment by 5 p.m. today, according to the court order.

After Greene's midnight ruling, police released about 650 demonstrators. However, a panel of the appellate judges suspended the order about 1 a.m., for the hearing this morning.

They upheld Greene's position at 10:45 a.m., but overturned a related ruling that the arrest records must be destroyed for those whom the government cannot convict.

The order does not mean that charges are dropped.

Police yesterday arrested 2,680 demonstrators—about 2,000 outside the Justice Department. Chief Jerry Wilson ordered them held without collateral, and most of them this morning were in lockup cells at courts and police precinct houses.

During the arrests, police were seen methodically making out field arrest forms, as ordered earlier in the day.

Three Democratic members of the House, including District Del. Walter E. Fauntroy, accused the Nixon administration of permitting a massive breakdown of the legal process in Washington by ordering mass arrests in order to break up the demonstrations.

Democratic Reps. Robert F. Drinan of Massachusetts and William F. Ryan of New York, along with Fauntroy, said today it is not necessary to sacrifice constitutional rights of individuals, even to stop disorders.

Fauntroy said neither he nor the city government had been consulted by the Justice Department in making a decision to make mass arrests. This conflicted with a statement by Police Chief Jerry Wilson accepting responsibility for the decision.

The three also blamed the administration for failing to make provision for adequate detention facilities for those arrested, and each said he knew of many cases of innocent persons being arrested.

"This simply is not American justice," said Ryan, while Drinan, a former dean of the Boston College law school, asked the administration whether it will apologize to the innocent persons arrested and expunge their arrest records.

The question of whether demonstrators can post collateral had put the superior court's chief judge and the police chief at loggerheads. At issue is whether Wilson had overstepped his powers by ordering his clerks not to accept collateral. Greene had, in effect, ruled that Wilson did so, because he did not consult with the judges beforehand.

The legal skirmishes generated mass confusion at the Coliseum early today.

After Greene's order to free demonstrators not specifically charged, a young man in blue denims said:

"They just told us to get out—they just rushed us out. And they said if we didn't move out, we had better watch out or we would be arrested for failing to move on."

John Mathews, a Star reporter, spent 7½ hours at the U.S. District Court cellblock in a small detention cell which held 106 persons. Just before 9 p.m., the prisoners were served two bologna sandwiches. The cell had a drinking fountain and a toilet.

At about midnight Mathews and the others in the cell were fingerprinted and processed, then channeled to smaller cells. For another 6½ hours Mathews and 65 others were in another tiny cell.

The young demonstrators worked out a sleeping arrangement in which they lay head to toe, in sardine-like fashion. Because of the lack of space, about a dozen had to stand up, while the others slept. Communal living dominated the prison life with everybody sharing puffs on cigarettes, water and sandwiches.

The prison personnel were praised by the demonstrators. The officers, who have been working long shifts for two weeks, were friendly and cooperative and tried to ease the discomforts of the overcrowded cellblock, which contained an estimated 900 demonstrators, probably three times its capacity.

The first prisoners boarded buses to go to court arraignments at about 8:30 a.m., some 16 to 17 hours after their arrests. Mathews was released at about 11 a.m., almost 20 hours after his arrest. Most of the demonstrators, however, faced many more hours of processing through the courts before their release. Those without bail money also faced the possibility of added time in jail.

Some of the protesters in the cellblock had head wounds, which they said were inflicted by riot police who waded into their sit-down protest at the north end of 10th Street near Pennsylvania Avenue. One demonstrator said that for a few minutes the front line of the riot police "seemed to lose control" and attacked the unresisting demonstrators with their heavy oak riot sticks.

Cellblock personnel arranged as quickly as they could for the injured protesters to be treated by doctors at the cellblock or at D.C. General Hospital. One demonstrator, however, said that it took about five hours for him to be treated for a gash on the scalp. Since the wound had clotted without treatment, the doctor told the demonstrator that he would not stitch the cut, and gave him a tetanus shot to prevent disease.

The arrested young protesters were particularly annoyed that for up to 20 or more hours they were unable to get to a telephone to inform relatives or friends of their whereabouts.

One youth said that some of those released had mixed up the photographs and fingerprints to foil police efforts to track them down later.

Before the appeals court today, Barbara Bowman, director of the Public Defenders Service, sharply criticied the act of holding those still in the Coliseum.

"These 200 are people against whom the government has no case," she said. "This is not a small deprivation of liberty. Conditions are terrible. People are being kept in conditions that animals in slaughterhouses aren't kept in."

Legal aid attorneys have complained that toilet facilities were stopped up and that there was not enough food.

[From the Washington Post, May 6, 1971]

CONTROVERSY MOUNTS OVER ARRESTS HERE

(By Sanford J. Ungar)

Washington Post Staff Writer

Controversy mounted in Washington's legal community yesterday over procedures used by police and other local and federal officials in arresting, detaining and processing persons during the militant antiwar demonstrations of this week.

A bitter feud developed between the city's courts and the police about who was responsible for setting policy in resolving thousands of arrest cases.

Joined by the American Civil Liberties Union, a former federal prosecutor called for empaneling of a special jury to consider whether the constitutional rights of those arrested had been violated.

Chief Judge David L. Bazelon of the U.S. Court of Appeals, acting as chairman of the Judicial Conference of the District of Columbia, named a former White House aide to hear a study of whether a three-year-old program for mass arrests during civil disturbances had been followed.

After permitting hundreds arrested Monday to post $10 collateral that night, under a court order police again stopped accepting collateral Tuesday morning and said all arrested persons would be taken to court.

At 7 last night, more than 1,000 people arrested Tuesday still were being held awaiting court action.

The last 250 prisoners arrested Monday were removed from the Washington Coliseum at 3 p.m. yesterday and were sent to court.

Some had spent as much as 55 hours in custody. New prisoners were sent to the coliseum on Tuesday and yesterday.

Complaints about court congestion and delays, as well as sanitary and health conditions in emergency detention facilities, continued to pour in.

Meantime, a three-judge panel of the D.C. Court of Appeals ruled that fingerprints and other identifying information concerning everyone arrested here this week—including those held without field arrests forms—must be submitted to the FBI.

Lawyers protesting that decision bounced back and forth between the city's local and federal courts, and U.S. District Court Judge Gerhard A. Gesell announced a hearing for this afternoon on whether the FBI should be banned from disseminating such information to employers.

PETITION DISMISSED

At midnight last night, Superior Court Judge Alfred Burka dismissed a habeas corpus petition filed at 10:30 p.m. by the D.C. Public Health Association charging that an epidemic threatened the prisoners. This came after Dr. Albert Braverman of D.C. General Hospital told a press conference sponsored yesterday by the health association that "there is the potential of a scarlet fever epidemic."

Burka's dimissal came after he received assurances that the number of prisoners in the District Court cellblock—the origin of the complaint—was being reduced and that medical aid was available.

At 1:15 this morning, Judge Burka dismissed a petition filed by the American Civil Liberties Union that contested the arrests at the Capitol on the grounds that the crowd assembled there had a constitutional right to do so. Burka said in his dismissal that, if he heard the ACLU arguments, he would be trying the cases of those arrested in advance; he said the lawfulness of the arrests should be argued in trials.

Two other habeas corpus petitions before Judge Burka early today became moot when the prisoners they concerned were delivered to Superior Court for bond hearings.

In the Nixon administration's first formal response to criticism of the mass arrest procedure, an assistant attorney general told a North Carolina audience that "the circumstances were extraordinary" Monday, justifying suspension of normal law enforcement standards.

William H. Rehnquist, of the Department's office of legal counsel, said that the procedures developed out of a balance between "the needed authority of society to protect itself against crime and prevent violence" and "the right of the individual . . . to a speedy hearing in which he will be advised of the charges against him."

White House Press Secretary Ron Ziegler said at an afternoon briefing that President Nixon feels "the D.C. police force dealt with a very difficult situation in a very competent and appropriate way."

Pressed by reporters, Ziegler added that "the President feels strongly that the Constitution should be followed" in controlling civil disturbances.

In letters to Bazelon, Chief Judge Harold H. Greene of D.C. Superior Court, and Sen. Charles McC. Mathias (R-Md.), Washington attorney Robert Robert L. Ackerly contended that the orderly functioning of government without disruption "was accomplished by a suspension of constitutional guarantees and civil rights by the chief of police."

A former Assistant U.S. Attorney here, Ackerly said he was "shocked and sorely distressed that the police can with impunity, sweep the streets and then receive the support of the courts, which not only set high bonds but practically eliminated the effectiveness of habeas corpus."

Ackerly suggested that a special grand jury be established, on the model of one in Chicago that investigated the deaths of two Black Panthers during a police raid in late 1969. He suggested that it be led by a specially named prosecutor.

Ralph Temple, of the ACLU Fund, concurred in Ackerly's proposal.

But Thomas A. Flannery, U.S. attorney for the District of Columbia, said that "I see no basis for such an investigation."

Bazelon had no comment on Ackerly's letter, but it was learned that on Tuesday he had named Stephen J. Pollak, formerly President Johnson's adviser on D.C. affairs, to head a Judicial Conference Committee on "justice under emergency conditions."

Other members have not yet been named to the committee, but it was understood that Washington attorney Lloyd N. Cutler, chairman of the original group, would serve with Pollak.

The Cutler committee originally recommended the field arrest procedure for civil disturbances, which was abandoned by the metropolitan police during the unprecedented arrests of Monday. It since has been reinstituted.

Police and courts exchanged charges yesterday over who should be held responsible for the extreme delays in processing arrested persons.

In a sharply worded opinion, Judge Greene criticized the police for vacillating earlier in the week on whether to permit collateral to be posted by those arrested.

No sooner had Superior Court judges begun setting $250 bond in demonstration cases (as requested by police), Greene said, then the police switched and reinstituted collateral instead of bringing people to court.

"The court was placed in an untenable position," Greene said, "of either setting bonds that were meaningless—since no one would agree to court processing if he could be released at the precinct for a nominal amount—or of having constantly to adjust its bond policies to follow the everchanging tactical line of the police department."

Police department general counsel Gerald M. Caplain, on the other hand, denied that police had taken cases to court slowly, blaming delays on defense lawyers for allegedly advising their clients not to cooperate.

Police Chief Jerry V. Wilson was critical of local judges for leniency in dealing with protesters previously. "I suspect some of the problems this week might have been averted," he said, "by some jail terms last week."

Assistant Attorney General Will Wilson, chief of the Justice Department's criminal division, appeared personally in Superior Court yesterday to argue against release of persons who had been held in the Washington Coliseum.

Two judges dismissed all charges against that group.

Early yesterday, a three-judge panel of the D.C. Court of Appeals upheld Judge Greene's ruling at midnight Tuesday that persons held at the Washington Coliseum without specific details of their offenses must be released.

They struck Greene's provision, however, that fingerprints and other identifying information could not be sent to the FBI's files and should be destroyed unless charges were developed within 90 days.

Later in the day, the Appeals Court refused to grant a stay of its decision regarding the arrest records.

The Public Defender Service then brought its case before Judge Gesell, who has been sitting on similar matters related to the FBI's policy of distributing such material.

Denying a request for a temporary court order, Gesell said, "the court must take into account that this community is in a near state of siege, and I do not think it would be appropriate . . . to take steps to impede the chief of police."

He scheduled a further hearing for today, however on whether records should go to employers.

THE STRIP MINING BILL

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, an unusually perceptive analysis of the vital issue of the strip mining of coal, and proposed legislation dealing with the practice and effects of strip mining, is contained in the April 16–30, 1971, issue of Coal Patrol written by the distinguished Kentucky correspondent Thomas N. Bethel:

STRIP NO MORE?

A major confrontation is slowly shaping up in Washington between the strip-mining industry and conservationists who want it abolished. Congressman Ken Hechler's abolition bill (H.R. 4556), which would require a complete phase-out of all stripping within 6 months after passage, now has nearly 80 co-sponsors in the House of Representatives, and an identical bill (S. 1498) is being pushed in the Senate by Gaylord Nelson of Wisconsin and George McGovern of South Dakota.

Growing numbers of conservationists in major coal-mining states are pulling together their limited resources to support Hechler's proposal (formally titled the Environmental Protection and Enhancement Act of 1971). Growing national awareness of ecological problems has given the abolition effort a thrust it couldn't have achieved four or five years ago, and chronic optimists in Washington are talking about it as an idea whose time has come.

If so, however, coal industry spokesmen haven't gotten the word. The industry is cranking up an unprecedented publicity/advertising/lobbying/pressure campaign, aimed straight at key Congressmen and Senators and at a general public which knows relatively little first-hand about stripping.

Stripping is booming for 3 basic reasons. First, the country's skyrocketing energy needs have given coal production of all kinds a new lease on life (coal is the basis of more than half the nation's electrical output, and about half of all production goes to power plants); second, it's cheaper to strip coal than to deep-mine it, and the techniques, skills, and engineering involved are much simpler; third, the passage of the 1969 Coal Mine Health & Safety law, with its relatively tough safety regulations for deep mines, made strippers out of many deep-mine operators who couldn't or wouldn't pay the increased costs of safety. Strippers escape any kind of federal regulation, since previous efforts to enact federal legislation have failed and reclamation is the exclusive concern of the states.

Conservationists claim that, by and large, state regulation of stripping has been a joke, thanks to the normal tendency of coal-state legislatures to succumb to the highest bidder. The coal industry bids high—lobbying with great skill and inexhaustible funds when the occasion demands—and the result, according to abolitionists, are a string of state laws which have done nothing to protect the land from destruction. Examples:

Kentucky: Pressured by conservationists, the state passed a supposedly tough strip-mine law in 1966; controversies have raged ever since over its enforcement. Meanwhile strippers tore up nearly twice as much land in 1970 as in 1969 (23,000 acres for 1970, 13,000 in 1969), and early figures for 1971 show the trend continuing; in the first 3 months of the year, 29 new operators applied for permits, according to state reclamation director Elmore Grim. Grim's field inspectors (12 new ones have just been hired in an effort to keep up with the strippers) are reporting major problems with mudslides on "reclaimed" mountain slopes, and Grim complains that permit applications coming in now are in areas "where the coal is not very good, where the coal is located in critical areas, where it's difficult to mine safely." Nevertheless the state rarely denies a permit, and anyone with the money for reclamation bonds—generally, $200 per acre—can get into the business.

West Virginia: The state's 1967 stripping law was hailed as a triumph for conservationists. It wasn't partly because enforcement was left to the pro-industry state department of natural resources. Supported by secretary of state Jay Rockefeller, conservationists fought for outright abolition in this year's legislative session. Despite broad public support, they were beaten by the industry's massive propaganda campaign, which tended to ignore ecological arguments and concentrated instead on the jobs that would be lost in poverty-stricken West Virginia if the industry were banned. A compromise law, passed in the last few moments of the session, banned stripping in 22 counties where it has not yet begun (12 have no strippable coal, however, and 6 have deposits considered uneconomical to mine, so the law really restricts mining in only 4 counties—not much of a compromise, seen in that light). Strip operations are under way in 28 counties and damage, according to state foresters and others, is overwhelming. State resources director Ira Latimer admits that "we've committed some terrible acts to this state and its resources" but invariably defends the strippers and believes some regulations are too tough—in some areas he would favor allowing stripping on slopes steeper than 33°, the present limit, even though his opposite number in Kentucky, Elmore Grim, says that would mean uncontrollable slides and destruction of watersheds. "Each application should be judged on its merits," Latimer says, arguing that since coal is the state's key industry, he has an obligation to assist its development wherever he can. Faced with this kind of attitude, conservationists have vowed to fight for abolition again in 1972.

Ohio: Reporting to its members on stripping in Eastern and Southeastern Ohio, the state AFL–CIO newspaper reports that "from the roadside it looks like the remains of a terribly devastating nuclear war, and from the air it resembles the barren surface of the moon—desolate, lifeless, and miles of nothing but deep trenches and mountains of rubble and rock." Led by the giants of the coal industry, Peabody and Consolidation, at least 150 companies are currently ripping up 27 counties. The result, according to a recent *New York Times* report: "an upheaval of terrain unmatched since the glaciers of the last ice age." The state's strip-mine law, written by the industry in the 1940's and updated in 1965, is considered hopelessly vague by conservationists. Pennsylvania's reclamation director, William Guckert, describes it as "a phony, an insult to the people of Ohio." The strippers invest heavily in brochures full of color pictures demonstrating their rare instances of successful reclamation, but occasionally they reveal their true feelings—as when Consol vice president J. D. Reilly described conservationists as "stupid idiots, socialists, and Commies." (He has since been quietly retired.) Consol's reclamation director for Ohio, Arthur Wallace, is less prone to Red-baiting, but equally adamant; "There's no question that we're upsetting the earth," he told the Akron *Beacon-Journal*, "but this was never good agricultural country." So much for God and Nature.

Strippers have a whole batch of arguments assembled and ready for use when the going gets hot. Some of their big guns:

1. "If you do away with stripping you'll put thousands of men out of work." Since the coal industry has killed more men than any other, its rare statements of concern for workers' welfare should always be approached with caution. All the same, Congressmen and state legislators listen closely to any argument that suggests disgruntled men might be going to vote against them. However, even by the industry's own estimates there aren't more than 25,000 men working for strippers nationwide. Most of these men aren't miners at all in the strict sense of the word; they're heavy-equipment operators, with skills that could be shifted to highway, construction, and public-works projects (when and if the U.S. drops war-making long enough to get around to such items). Further, if strip-mines were replaced by properly operated deep mines there would be more than enough new jobs to go around, since deep mines require greater numbers of men for the same tonnage of coal. (Job stability would almost certainly be higher, too, since most major new deep mines have 15–30 year life expectancies, vs. 3–5 years for the average stripping job.) In any event next week Rep. John Seiberling (D., Ohio), a co-sponsor of Hechler's abolition bill, will introduce legislation designed to assist any workers who might be thrown out of work if the abolition bill becomes law. According to the Congressman, his bill will include "cash payments, retraining, relocation allowances, and special consideration in obtaining jobs for strip miners in areas for which they are particularly well trained, such as reclamation of strip mined land, and heavy construction."

2. "A ban on stripping would mean the lights would go out all over the country." Coal industry spokesmen are fond of talking up the nation's alleged "energy crisis," citing last year's widespread brownouts and blackouts as evidence that the U.S. is barely keeping up with its fuel requirements. According to Carl Bagge, president of the National Coal Association, "to prohibit strip mining in 6 months would be to guarantee widespread blackouts of electric power in less than a year." Coal, in his view, is "too important to the nation's future to be hamstrung by its more extreme critics" (an attitude with a parallel in White House attitudes toward war protests). As Baggs knows, however, the energy crisis is at least partly the industry's own invention. If domestic consumers were really faced with an emergency situation, the coal industry wouldn't be exporting nearly 60 million tons every year, as it is now. (That's enough coal to supply New York City for the next 7 years.

(On a nationwide basis, its' enough to stockpile all the coal-burning plants for 2–3 months.) In fact, coal production is running more than a million tons per week ahead of last year, stockpiles are building up, and shortages are less likely than they were a year ago. Nevertheless, if the utilities are seriously troubled about upcoming power demands, they could begin to remedy the situation by doing less advertising. New York's Consolidated Edison announced this week that it would cut out all advertising designed to promote consumption, and henceforth would stress power conservation. The other utilities show no signs of following suit.

According to the Federal Trade Commission, they did more than $304,000,000 of promotional advertising last year and will, if anything, increase that figure in 1971. (During the same period, they put into effect rate increases of more than $360,000,000, while spending less than one-fourth of one per cent of their profits on research. This is a crisis?) Fear-generating statements like Bagge's neglect not only facts such as these, but also ignore the fact that the coal industry is developing major new deep mines at an unprecedented rate and would be developing even more if it anticipated a stripping ban; nothing holds back the development of such mines except the industry's dogged refusal to accept, voluntarily, limits on destruction of the environment.

From 1910, when the Bureau of Mines was created, until 1969, when the new Coal Mine Health & Safety law was enacted, the industry successfully resisted 20th-century safety practices in its deep mines; the signs are that it expects the same half-century-plus period of grace with its stripping operations. Anything less than that produces dire threats of a national power crisis.

3. *What are you so upset about? We already do a good job of reclamation.*" This is a claim that the industry is well-equipped to push—not because it's true, but because all you need to push it is a large supply of cash and a stack of carefully composed full-color photographs. With those in hand, you can bury the abolitionists in a sea of advertising, and that's what several energetic companies have been doing. United States Steel, which devastated Big Black Mountain in Kentucky and never reclaimed an inch of it, puts a couple of employees in hunting outfits, complete with shotguns at the ready, and photographs them knee-deep in weeds on an old strip job; the caption, carefully written, stresses "potential hunting areas" on reclaimed land, without actually suggesting that any game exist there. The photograph runs on a magazine cover. . . . Another company stocks a well-silted pond with fish and photographs two intrepid anglers catching them. The photograph runs in dozens of pro-industry weekly newspapers. . . . Probably the most energetic company in the propaganda sweepstakes is Bethlehem Steel.

Faced with a rising chorus of opposition to its current stripping operations in West Virginia and Kentucky, the company has been running full-page color ads in *Time, Newsweek*, and other magazines touting its reclamation at Fishpond Lake—a small body of water created *by* an earlier strip job. "The ad made strip-mining seem such a public spirited and beautifying enterprise," wrote columnist Pat Furgurson in the Baltimore *Sun*, "that I just had to come down to have a look at Fishpond Lake." Furgurson found evidence that the ad was deliberately misleading; you had to work for the proper camera angle, and "don't look left or right . . . coal slides into the water, scars in the mountainside . . . beer cans and gritty dust blowing from the irreparable gash in the slope opposite." He also pointed out that Bethlehem contributed only the land; the state of Kentucky paid for the dam and the lake. Elsewhere, he looked at another "model" Bethlehem reclamation project: "Little grows there but weeds."

Even where reclamation looks reasonably good, that's only part of the story. The tearing up of the earth leaves internal injuries that may not be visible, but the patient still dies. On April 10 the U.S. Geological Survey released the results of an 11-year project in which the agency studied a 25-square-mile section of Kentucky in which a relatively small-scale stripping job had been carried out.

Despite a superficial re-growth of greenery in the affected area, the agency found that apparently permanent damage had been done to streams, fish, animal life, and the area's tree-growing capacity. The report carefully refrains from passing judgment on stripping, but the evidence is overwhelming, and, as one of the report's editors told the New York Times, "this is a study of a disaster." He could have added that it is a disaster much of which would be missed by the casual observer: bushes and grasses grow (enough to serve the purposes of an industry publicist), but no animals run among them, no birds nest in them, and in the streams that flow past, filled with silt, no fish swim.

Acid mine drainage still befouls the water more than a decade after the last ton of coal was pulled out, and the destruction of the topsoil (already largely destroyed by decades of unrestricted lumbering practices) has been so complete that no forests will grow there again in our time—if ever. As many foresters and professional conservationists have testified, this is the pattern of stripping wherever it goes on. Bethlehem's cheerful response, straight from the advertising copywriter: "We need lots of coal, and we must mine it where it is . . ."

Faced with this kind of attitude, strip-mine abolitionists are digging in for a hard fight. They are learning through bitter experience that the coal industry has limitless financial resources available for propaganda, and powerful connections in Washington. Bagge, the National Coal Association's new president, got himself appointed to the Federal Power Commission by Lyndon Johnson and served a stretch there before becoming chief lobbyist and spokesman for the industry.

Not long ago, making preparations for NCA's annual convention this June, he lined up such speakers as Sen. Henry Jackson, chairman of the Senate Interior Committee, who can—if he wants—block hearings on the strip-mine abolition bill; Rogers Morton, Secretary of the Interior, who will be the administration's spokesman on how much regulating it wants to do; Elburt Osborn, director of the Bureau of Mines, who is on record as opposed to federal control of stripping; Sen. Robert Byrd, Democratic whip, who has never been known to vote against the coal industry; and Ed Edmondson, Democrat from Oklahoma whose House Interior Subcommittee on Mines and Mining will be holding hearings on federal regulation of stripping.

The assorted speakers will address themselves to the common theme of the convention: "Out of the Past Comes the Future." Hard to argue with that—but it's a message that abolitionists, recuperating from previous defeats in various state legislatures, will do well to ponder, long and hard.

THE HECHLER BILL

Congressman Ken Hechler's Abolition Bill is the strongest of more than a dozen surface-mining regulation measures that have been introduced thus far in the 92nd Congress. "A halt to strip mining," he argues, "will be a valuable investment in the future productivity of the soil, protection of our water supply, the saving of forests and streams, prevention of floods, the saving of the property of home-owners and, above all, the preservation of the total environment."

Unlike regulatory measures introduced by other Congressmen and Senators, the Hechler bill affects only coal. It prohibits the development of any new strip mines after the date of enactment and requires all mines then in operation to close down within 6 months. Enforcement responsibility is given to the new Environmental Protection Agency rather than to the Department of Interior (which has regulatory control over deep mines). Operators of active strip jobs at the time of enactment must submit comprehensive reclamation plans within 60 days. States are required to submit, within one year, environmental control plans for underground mines. The federal government is authorized to pay up to 90% of the cost of reclaiming abandoned strip mines; citizens are authorized to file class suits if necessary to force the states or the federal government to carry out their various responsibilities under the law. The act is applicable nationwide, including all federal and Indian lands.

The administration's proposed regulatory bill, introduced in the Senate by Sen. Byrd of West Virginia with the support of Sen. Henry Jackson, chairman of the Senate Interior Committee, is a much weaker measure, drafted with the active assistance of lobbyists at the National Coal Association. The bill (H.R. 4704 in the House, S. 993 in the Senate) allows states two years to submit plans for environmental control, and the federal government would keep hands off unless the states missed their deadlines. It does not require regulation of stripping on federal or Indian lands, and there is no provision for reclamation of abandoned stripping sites. The states could ban stripping in areas where "adequate" reclamation is impossible, but since the states already have this authority, and since the definition of "adequate" is left up in the air, the chances of abolition would be nil.

Without exception, other bills introduced in both houses of Congress go no further than current state regulations, which are considered inadequate by most conservationists even when strenuously enforced. Most of the bills were drafted with the aid of industry lobbyists in Washington, and reflect the National Coal Association view that regulation is best left to the states, with the federal government in a supporting role—paying the costs of research and experimental reclamation techniques, for example. The NCA's spokesman, Carl Bagge, in conversations with Sen. Jackson and others has called the Hechler bill "drastic and irresponsible"—a view echoed by Jackson when he attacked "environmental extremists" determined, so he said, to sacrifice economic growth to ecology.

The Hechler bill is likely to receive serious consideration in Congress only if it receives widespread support from citizens in stripped areas of the U.S. They have been flooding Hechler's office with letters of support, but it may be that some of their letters should be directed to the Congressional committees which, so far, have been reluctant to hold hearings on abolition. On the Senate side, Sen. Henry Jackson, chairman of the Senate Interior Committee, is the key man to reach; on the House side, his opposite number is Rep. Wayne Aspinall.

A 100TH BIRTHDAY SALUTE TO HUNTINGTON

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am looking forward with a great deal of pride and anticipation this weekend of participating in one of a series of year-long festivities marking the 100th birthday of my hometown, Huntington—the largest city in West Virginia.

This will truly be a great weekend with scores of bands, a huge parade and ceremonies for our guest of honor—Gen. Chuck Yeager of the Air Force, an old friend from Hamlin, W. Va., the first man to fly faster than sound, and who is flying to Huntington for the weekend celebration.

An excellent article describing the growth and progress of Huntington since its founding in 1871 appeared in a recent edition of International Nickel magazine. It was written by Robert Hinerman, who wears two hats. He is mayor of Huntington and is also a top employee of International Nickel Co. which is observing its 50th anniversary in Huntington and which has contributed so much to the city's growth and progress.

The article, which follows, also includes a foreword by a distinguished West Virginia colleague in the Senate, the Honorable ROBERT C. BYRD:

SHARING AN ANNIVERSARY OF PROGRESS

(By Robert E. Hinerman)

FOREWORD

(The City of Huntington is rich in history and bright in promise. For the veterans of the French and Indian War who first settled in the area, the accessibility to waterways and lush green hills and valleys meant a good life of hunting and fishing. Today, this same terrain provides pleasant surroundings for the city's nearly 75,000 residents—and the waterways have made Huntington one of the busiest river ports in the United States.

The 100-year-old city's potential for further growth is characterized in far-reaching concepts such as the urban renewal program now in motion. With 60 per cent of America's markets located within a 500-mile radius, the geographic location of Huntington has proved valuable to companies like International Nickel. For these firms, as for the city itself, the second 100 years seem to hold as much potential as did the first century.—Robert C. Byrd, United States Senator, West Virginia.)

In the Ohio River Valley of West Virginia is the stately city of Huntington. A stranger passing through the city is quickly struck by an almost unique sense of urban spaciousness. The handsome parks, the wide streets, the plentitude of greenery, the overall neatness that meets the eye, reflect a strong and long-lived sense of community.

This year, Huntington is celebrating its centennial. Sharing the anniversary and celebrating one of its own is International Nickel's Huntington Alloy Products Division, a citizen industry that for fifty years has been an integral part of the life and growth of Huntington.

A CITY IS BORN

Veterans of the French and Indian War first settled in this area about 1775. In the earliest years, pioneers gathered timber booms in great rafts about the mouth of the Guyandotte River, and for a time the region yielded thousands of animal skins. Nearly a hundred years later, the city itself came into being under the auspices of the man for whom it is named: Collis P. Huntington. His Central Pacific Railroad had barely been linked with the Union Pacific when Huntington turned his attention eastward to the Chesapeake & Ohio, a railway system being constructed between the Atlantic Ocean and the Ohio River.

Under Huntington's direction, the C&O was reorganized in 1869. By 1870 he had selected a site for the western terminus of the railroad, and work began at both ends of the track. That winter the railroad magnate commissioned Rufus Cook to design and lay out the new city. Cook, a famous engineer from Boston, laid out some 5,000 acres nestled in the westward nook of the Guyandotte and Ohio Rivers. The carefully constructed grid pattern, with its many broad streets and wide avenues, was duly recorded and on February 27, 1871, the City of Huntington was granted her charter by the West Virginia Legislature.

AN ABUNDANCE OF RESOURCES

Today Huntington is a city mature in accomplishment but young in promise. At age 100, it can look back with satisfaction—

with a sense of community achievement, and forward—with a sense of purpose, and the knowledge that today is the sum of what it has been, and the firm foundation for what it will become.

Much of Huntington's promise for the future remains her legacy from the past. These include the invisible but abundant underlying resources of the region: oil, salt, stone, sand, coal, clay, and gas, along with abundant water, timber, and transportation. Resources that are not tangible include a resilient spirit and unending resourcefulness.

The city has much. It is, for instance, a regional medical center, with eight hospitals and nearly 3,000 beds. Marshall University provides a steady flow of young ideas and a host of highly specialized skills. Huntington also has a marvelous cultural center in the Huntington Galleries, and it is well on its way to becoming the convention center of a considerable transmountain region. Whether on the hills or in the valley, this is also a city of homes, and of more than 1,000 acres of city parks and recreation areas. It is a city that gives one a sense of spaciousness and calm amid much purposeful activity. Huntington is a city of churches—nearly a hundred of them—and of countless civic, cultural, and charitable organizations.

CONTINUING ECONOMIC DEVELOPMENT

Construction activity in Huntington has been spectacular, with building permits doubling, tripling, and quadrupling in a three-year period. Huntington's trade area includes some 600,000 people, and retail sales are well over the two-thirds-billion-dollar mark in the area. Wholesaling has been established since pioneer days, and the city has been a financial center since its founding. Some 75 per cent of the industrial firms in Huntington sell nationwide and 22 companies have international sales departments.

Local government in Huntington has provided the climate for continuing economic development in the area. The city operates under a city manager and mayor-council form of government, with joint city-county civic boards for recreation and health.

AN INCOMPARABLE SITE

Fifty brief years ago, when Huntington Alloys came to the city, Huntington was able to offer itself as an almost incomparable industrial site. A moderate climate and a touch of Southern serenity at first belie the fact that this city near the foothills of the Appalachian Mountains is also a key to the geographic reality of the Ohio River Valley. The city is closer to Chicago than to Atlanta, and no farther from New York than from Savannah. In a radius of 500 miles is contained 60 per cent of the nation's markets and over 50 per cent of its population.

As Inco engineer W. L. Wotherspoon wrote in the 1920s soon after the new plant was built: "This territory covers the intensive manufacturing districts of the United States, with Chicago and St. Louis in the West, and New York and Philadelphia in the East. Huntington occupies a central geographic position in the territory and is also close to extensive natural resources, especially coal and natural gas."

Thirteen important railroads were connected within 175 miles of Huntington. And the Ohio River provided additional easy accessibility to extensive markets. Excellent labor, plentiful fuels, adequate power, first-rate transportation, equable climate, plentiful water and all needed supplies, a strategic location, and pleasant living conditions: Huntington offered them all, and in 1920 Inco found and purchased a 76-acre industrial site.

IN A DUSTY CORN PATCH

With the end of World War I in 1918, Inco had launched a project to establish new markets for nickel and began searching for the best possible site for an anticipated refinery and rolling mill. The company set up a rigorous schedule of economic and environmental factors and spent two years conducting an intensive survey. Its search established Huntington as the clear choice. The new site, where a bumper crop of corn then grew, was bounded by the Guyandotte River within a mile of its junction with the Ohio, and was directly accessible to the Chesapeake & Ohio Railroad.

The following year, in March 1921, as the city celebrated its Golden Anniversary, ground was broken for the Huntington Works. A great productive plant rapidly took the place of a dusty corn patch. The new works started operations in May 1922, and by the end of the year production had reached 3,850,000 pounds. In 1923, the first full year of operation, production was up to 16,000,000 pounds. The new plant had cost $3.5 million, and the entire production during the first year was devoted to two products, Nickel 200 and MONEL alloy 400, which remain today important members of the Division's product line.

As the city surged confidently into its second half century, the infant industry at first took hesitant steps as new men learned the intricacies of operating new machinery. But soon the people of Huntington found that the new industry was right in step with them.

A MAJOR INDUSTRIAL CITIZEN

Over the years, the product line has grown from two to more than fifty different nickel and high-nickel alloys produced in the largest mill complex in the world devoted exclusively to the production of such alloys. These products set the standard in industries that depend on them, and the world has watched Huntington products in action during such dramatic and historic happenings as Apollo 11's trip to the moon.

During this time, too, employment has grown from a few hundred to some 3,000. Huntington Alloy Products Division has earned its place as a major industrial citizen of Huntington. Today, 50 years removed from the dusty corn patch where it began, the Huntington Division pours about $40 million a year into the economic mainstream of the area, including nearly $30 million paid to employees in wages and salaries.

A 50th Anniversary is, after all, a special thing. And Huntington Alloy Products Division can take special pride in noting their growth and accomplishments during these years, a time of challenges met that holds forth promise of a bright future.

A SELF-RENEWING SOCIETY

For Huntington, this centennial year is also a time for taking stock. The men and women of the city are eager to preserve the machinery of their society that works so well here, a "family feeling" for one's own neighbors, neighborhood, city, and region. Their values have been well tested. Yet theirs is a self-renewing society, ready to change where change is for the better.

The core area is ready for a change of that sort. A cleaning out and tearing down. A rebuilding. Private investors and the city plan just that, with renewal activity already underway. There is an expressed determination to create a city that continues to grow with the sort of planning that will make it an ever better place for people to live.

It has been in this city that Huntington Alloys has grown from a fledgling, experimental plant to become the major producer of specialized high-nickel alloys in the Free World. The Division has grown in an atmosphere of steadily developing and continuing accomplishment in Huntington, a city whose next hundred years are likely to be as bright as the Division's most highly polished product. As a corporate citizen, the Division is especially proud to carry the name of Huntington.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FLYNT (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MOORHEAD, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. PUCINSKI, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. POWELL) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. ESCH, for 30 minutes, today.

Mr. ROBISON of New York, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. QUIE, for 10 minutes, today.

(The following Members (at the request of Mr. BEGICH) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 30 minutes, today.

Mr. ROONEY of Pennsylvania, for 10 minutes, today.

Mr. FLOOD, for 15 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROYHILL of North Carolina to extend his remarks following special order today of Mr. BETTS.

Mr. BURKE of Massachusetts.

(The following Members (at the request of Mr. POWELL) and to include extraneous matter:)

Mr. BURKE of Florida in two instances.

Mr. WARE.

Mr. FINDLEY.

Mr. SMITH of New York.

Mr. ROBINSON of Virginia.

Mr. BIESTER.

Mr. MYERS.

Mr. HUNT.

Mr. SCHWENGEL in three instances.

Mr. REID of New York in three instances.

Mr. DUNCAN in three instances.

Mr. HOSMER in two instances.

Mr. RUPPE.

Mr. MCCLORY in two instances.

Mr. MORSE.

Mr. BAKER.

Mr. MILLER of Ohio.

Mr. CRANE in five instances.

Mr. SCHMITZ in four instances.

Mr. Wyman in two instances.
Mr. Rousselot.
Mr. Keating.

(The following Members (at the request of Mr. Begich) and to include extraneous matter:)

Mr. Aspin in two instances.
Mr. Dent.
Mr. Rangel in two instances.
Mr. Begich in three instances.
Mr. Karth in two instances.
Mr. Albert in two instances.
Mr. Annunzio in three instances.
Mr. Reuss in six instances.
Mr. Ryan in five instances.
Mr. Harrington.
Mr. Rarick in five instances.
Mr. Scheuer in three instances.
Mr. Gonzalez in two instances.
Mr. Patten.
Mr. Minish.
Mr. Podell.
Mr. Fisher in three instances.
Mr. Bolling.

The following Members (at the request of Mr. Moorhead) and to include extraneous matter:)

Mr. Garmatz in two instances.
Mr. Hagan in two instances.
Mr. Harrington in two instances.
Mr. Edmondson in two instances.
Mr. Caffery.
Mr. Ashley.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1204. An act to amend section 8332 of title 5, United States Code, to allow certain service to be credited for purposes of civil service retirement; to the committee on the Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4246. An act to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1260. An act to amend the Small Business Act.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on May 5, 1971 present to the President, for his approval, a bill of the House of the following title:

H.R. 5674. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse.

ADJOURNMENT

Mr. MOORHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, May 10, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

685. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities; to the Committee on Agriculture.

686. A letter from the Director, Office of Economic Opportunity, Executive Office of the President, transmitting a draft of proposed legislation to establish a Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

687. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of the determination of the President No. 71–12, waiving the $75 million ceiling on the aggregate of the total amount of military assistance, cash and credit sales, credit guarantees and loans, excluding training, to Latin America, pursuant to section 33(c) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

688. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in certain cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

689. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contains in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

690. A letter from the Comptroller General of the United States, transmitting a report on the improper use of enlisted personnel, Department of the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Report on improved manpower management in the Federal Government; (Rept. No. 92–184). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 8190. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; (Rept. No. 92–187). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 7616. A bill to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard; (Rept. No. 92–186). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 1892. A bill for the relief of Stephen C. Yednock; (Rept. No. 92–185). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARMATZ (for himself, Mr. Clark, Mr. Mailliard, and Mr. Pelly):

H.R. 8140. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. ESCH:

H.R. 8141. A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment; to the Committee on Education and Labor.

By Mr. ABOUREZK (for himself, Mr. Alexander, Mr. Andrews of North Dakota, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Bergland, Mr. Blanton, Mr. Brinkley, Mr. Burleson of Texas, Mr. Cederberg, Mr. Cleveland, Mr. Conyers, Mr. Culver, Mr. Daniel of Virginia, Mr. Drinan, Mr. Duncan, Mr. Edmondson, Mr. Esch, Mr. Fish, Mr. Flowers, Mr. Forsythe, Mr. Fountain, Mr. Gibbons, and Mr. Gray):

H.R. 8142. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. ABOUREZK (for himself, Mr. Harrington, Mr. Hathaway, Mr. Henderson, Mr. Hogan, Mr. Holifield, Mr. Hungate, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kuykendall, Mr. Kyros, Mr. Leggett, Mr. Link, Mr. Lloyd, Mr. McCollister, Mr. McCormack, Mr. Melcher, Mr. Montgomery, Mr. O'Konski, Mr. Pepper, Mr. Railsback, Mr. Randall, Mr. Rangel, Mr. Roberts, and Mr. Roy):

H.R. 8143. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. ABOUREZK (for himself, Mrs. Abzug, Mr. Seiberling, Mr. Shoup, Mr. Slack, Mr. Staggers, Mr. Stuckey, Mr. Udall, Mr. Ullman, and Mr. Zwach):

H.R. 8144. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of Alabama:

H.R. 8145. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to certain additional counties; to the Committee on Public Works.

By Mr. ASPIN:

H.R. 8146. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, to provide for the removal of names from mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOW:

H.R. 8147. A bill to prohibit display of the flags of the Vietcong and the Government of North Vietnam; to the Committee on the Judiciary.

By Mr. BYRON (for himself, Mr. Anderson of California, Mr. Aspin, Mr. Begich, Mr. Biaggi, Mr. Blackburn, Mr. Cleveland, Mr. Collier, Mr. Daniels of New Jersey, Mr. Dingell, Mr. Dorn, Mr. Gude, Mr. Halpern, Mr. Horton, Mr. Jacobs, Mr. King, Mr. Lent, Mr. Long of Maryland, Mr. McCloskey, Mr. Mazzoli, Mr. Mitchell, and Mr. Nedzi):

H.R. 8148. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BYRON (for himself, Mr. Pepper, Mr. Rees, Mr. Rodino, Mr. Sarbanes, Mr. Schwengel, Mr. Seiberling, Mr. Whitehurst, and Mr. Danielson):

H.R. 8149. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY:

H.R. 8150. A bill to amend the Interstate Commerce Act, section 204; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 8151. A bill to establish a national system of solid waste management; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 8152. A bill to amend the Public Health Service Act to require recipients of grants for regional medical health programs to provide for reasonable public access to information concerning such programs; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS (for himself, Mr. Roush, Mr. Metcalfe, Mr. Scheuer, Mr. Danielson, and Mr. Sarbanes):

H.R. 8153. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Fascell, Mr. Gude, and Mr. Rooney of Pennsylvania):

H.R. 8154. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 8155. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and setting penalties for the violation of this act, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 8156. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. MOSS:

H.R. 8157. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 8158. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. OBEY (for himself, Mr. Bergland, Mr. Evans of Colorado, Mr. Melcher, Mr. Zwach, and Mr. Sebelius):

H.R. 8159. A bill to authorize pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods; to the Committee on Agriculture.

By Mr. PETTIS:

H.R. 8160. A bill to provide Federal assistance to State and local governments for the purpose of developing and improving communication procedures and facilities with respect to the prompt and efficient dispatch of police, fire, rescue, and other emergency services; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 8161. A bill to provide a program for honoring industry and other private efforts to contribute to the maintenance and enhancement of environmental quality; to the Committee on Merchant Marine and Fisheries.

By Mr. PUCINSKI:

H.R. 8162. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. QUIE (for himself, Mr. Gerald R. Ford, Mr. Erlenborn, Mr. Dellenback, and Mr. Poff):

H.R. 8163. A bill to establish a Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. RHODES:

H.R. 8164. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

H.R. 8165. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. RHODES (for himself, Mr. Steiger of Arizona, and Mr. Lujan):

H.R. 8166. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to cooperate with States, local agencies, and individuals in the planning and carrying out of practices for water yield improvement, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H.R. 8167. A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

H.R. 8168. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. ROSTENKOWSKI:

H.R. 8169. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced-rate transportation for severely handicapped persons and persons in attendance, when the severely handicapped person is traveling with such an attendant; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 8170. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself and Mr. Riegle):

H.R. 8171. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance; to the Committee on Foreign Affairs.

By Mr. SCHEUER:

H.R. 8172. A bill to facilitate the entry into the United States of aliens who are brothers and sisters of U.S. citizens; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 8173. A bill to extend coverage under the Federal employees health benefits program to unmarried children who are dependent, full-time students; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.R. 8174. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, to provide readjustment assistance if workers are adversely affected, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STOKES:

H.R. 8175. A bill to amend title 38 of the United States Code to provide for a pension of $100 per month for unremarried widows of men awarded a Medal of Honor posthumously; to the Committee on Veterans' Affairs.

By Mr. SYMINGTON:

H.R. 8176. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request) (for himself, Mr. Teague of California, Mr. Satterfield, and Mr. Saylor):

H.R. 8177. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHURST:

H.R. 8178. A bill to amend titles 39 and 18, United States Code, to prevent a seller or publisher from mailing goods, materials, or publications (or a bill therefor) to any individual pursuant to a purchase order or subscription bearing such individual's name without first confirming that such individual in fact sent the order or subscription; to the Committee on the Judiciary.

H.R. 8179. A bill to transfer to the Office of the Assistant Secretary of Commerce for Maritime Affairs the administration of the United States Fishing Fleet Improvement Act and other laws which were transferred to the National Oceanic and Atmospheric Administration from the Bureau of Commercial Fisheries (Department of the Interior) by Reorganization Plan No. 4 of 1970; to the Committee on Merchant Marine and Fisheries.

By Mr. ASHLEY:

H.R. 8180. A bill to extend the Export Administration Act of 1969, to encourage diplomatic efforts to improve international monetary mechanisms, to eliminate certain foreign investment controls, to establish a Council on International Economic Policy, and for other purposes; to the Committee on Banking and Currency.

H.R. 8181. A bill to require Federal Reserve banks to discount certain commercial paper used to finance the export of U.S. commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes; to the Committee on Banking and Currency.

By Mr. EDWARDS of California:

H.R. 8182. A bill to amend the Public Health Service Act to authorize grants to public and nonprofit private hospitals for the acquisition of renal dialysis equipment and grants for training of persons to operate and maintain such equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 8183. A bill to protect ocean mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MAHON:

H.R. 8190. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. DANIELSON:

H.J. Res. 616. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER (for himself, Mr. Rosenthal, Mr. Bingham, Mr. Frelinghuysen, Mr. Halpern, and Mr. Findley):

H.J. Res. 617. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H.J. Res. 618. Joint resolution instructing the Secretary of the Interior to call for an international meeting on the preservation, conservation, and protection of endangered species of fish and wildlife; to the Committee on Foreign Affairs.

H.J. Res. 619. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

By Mr. LENT:

H.J. Res. 620. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.J. Res. 621. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. WOLFF:

H.J. Res. 622. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. HALPERN:

H. Con. Res. 292. Concurrent resolution calling for suspension of military assistance to Pakistan until the present conflict in the country is resolved; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Con. Res. 293. Concurrent resolution calling for the immediate recision by the President of any orders withholding certain Federal funds meant to assist local communities in constructing housing, and for other purposes; to the Committee on Appropriations.

By Mr. STEELE (for himself and Mr. Giaimo):

H. Con. Res. 294. Concurrent resolution expressing the sense of Congress that the Government of the United States should not undertake to guarantee any loan to the Lockheed Aircraft Corp. or any of its creditors with respect to the production of the L–1011 airbase unless assurances are given that the L–1011 airbase will utilize engines manufactured in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS:

H. Res. 431. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H. Res. 432. Resolution expressing the commendation and appreciation of the House of Representatives to the U.S. Capitol Police force for its loyalty, dedication, vigilance, and efficiency in responding to emergency conditions and situations at the Capitol, and for other purposes; to the Committee on House Administration.

By Mr. WINN:

H. Res. 433. Resolution creating a select committee to conduct an investigation and study of the problems of urban areas; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN:

H.R. 8184. A bill for the relief of Guiseppe Vella; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 8185. A bill for the relief of Francesco Castelli and Giuseppa Castelli (also known as Giuseppina Castelli); to the Committee on the Judiciary.

H.R. 8186. A bill for the relief of Francisco and Mario Chirino; to the Committee on the Judiciary.

H.R. 8187. A bill for the relief of Giuseppe Namio and his wife, Anna Namio, and their child, Josefina Namio; to the Committee on the Judiciary.

H.R. 8188. A bill for the relief of Antonino Taourmina; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 8189. A bill for the relief of Sammy Morris Gully; to the Committee on the Judiciary.

SENATE—*Thursday, May 6, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, help us now to put aside for one brief moment all that obstructs Thy presence and to be deaf to all earthly sounds that we may hear again "Thy still small voice of calm" which comes from above and beyond to the deep and unfathomable world within us. Invest our finite and temporal existence with a sense of the infinite and eternal. Keep ever before us the distant vision of the coming of Thy perfect kingdom, and give us the wisdom and courage to do those things we can do now to advance Thy kingdom of justice and righteousness—and to Thee shall be the thanksgiving and praise, now and evermore. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today appear at the end of the Senate proceedings.)

ENROLLED BILLS PRESENTED TO THE PRESIDENT

The Secretary of the Senate reported that on May 5, 1971, he presented to the President of the United States the following enrolled bills:

S. 70. An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; and

S. 531. An act to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, with an amendment, the concurrent resolution (S. Con. Res. 22), designating "Human Development Month" and "Voluntary Overseas Aid Week," in which it requested the concurrence of the Senate.

The message also announced that the House had passed, without amendment, the bill (S. 1260), to amend the Small Business Act.

The message further announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H.J. Res. 583. A joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week"; and

H.J. Res. 602. A joint resolution authorizing the President to proclaim the period from May 22, 1971, through May 28, 1971, as "National Rescue Mission Week."

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1260. An act to amend the Small Business Act; and

H.R. 4246. An act to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions were read twice by their titles and referred to the Committee on the Judiciary:

H.J. Res. 583. A joint resolution designating the last full week of July of 1971 as "National Star Route Mail Carriers Week"; and

H.J. Res. 602. A joint resolution authorizing the President to proclaim the period from May 22, 1971, through May 28, 1971, as "National Rescue Mission Week".

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 5, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VIETNAM—U.S. PRISONERS OF WAR

Mr. MANSFIELD. Mr. President, over the past several days, a proposal has been made by means of which prisoners of war from both sides in Vietnam would be interned in Sweden.

President Nixon has indicated his approval. The Swedish Government has indicated its interest, if both parties agree in Paris. But, as of this moment, Hanoi has not agreed.

Perhaps, when the time comes, that might be one way to face up to the situation, if an agreement can be reached between Hanoi and Washington in Paris.

However, up to the present time, there seems to be no possibility of such an agreement.

But, Mr. President, the question of the POW's has been receiving significant attention both in this country and in Paris as well as in Hanoi. The number of POW's has been estimated at approximately 1,500 but figures have been given by North Vietnam to the effect that they hold approximately 400 U.S. prisoners of war.

The question of the POW's figures significantly and, in some respects, overridingly in the matter of ending the war in Vietnam. The administration has said that we will maintain forces in Vietnam until all POW's are released. Hanoi has said that they will not even begin to discuss the fate of the prisoners until a termination date has been set and then, according to press reports from the North Vietnamese delegation in Paris, they have indicated this matter could be settled promptly.

If a termination date were set and negotiations in earnest begun, there would be no useful reason, in my opinion, for North Vietnam to keep the U.S. POW's there. If a termination date is not set, then we are confronted with the paradoxical situation which results in more and more American casualties, perhaps more and more POW's and more and more of a determination on the part of North Vietnam to hang on to the POW's.

A terminal date for ending the war could lead to the release of the POW's. A continuation of the war with increased casualties and an increase in the number of POW's would make a bad situation worse. As it is now, it appears to me that both sides of the coin are the same as far as the POW's are concerned. The present approach makes hostages of the POW's with the result that the possibility of their release fades into the distance even as the casualties and the cost increase week by week, month by month, year by year. If we agree to a termination date and the prisoners are not released, we still retain all our options and, thereby, lose nothing in the attempt.

On April 16 the President gave another reason in addition to the POW issue for not fixing a terminal date on the involvement. That was to give South Vietnam at least a chance to defend itself against North Vietnam. With an army which is larger than North Vietnam's, equipped, trained, supplied, paid and advised by Americans over a period extending from 1955 to the present, I would say that if they are not in a position now to have at least a chance to defend themselves, then they never will be. It is their country. It is their future. It is their decision, not ours.

Over the years I have not deviated from my position that we had no business becoming involved, militarily, in Vietnam. We have no foundation and never have had for the pursuit of our intervention there.

As of April 27, 1971, 352,794 casualties, $120 billion wasted, demoralization and divisiveness at home and abroad, drug addiction, graft, corruption, fraggings, the laying waste of a country and the wasting of lives—that is what Vietnam has entailed, that is what Vietnam means—even now.

Mr. AIKEN. Mr. President, I was quite impressed by the remarks of the able majority leader concerning the advisability of bringing the war in Southeast Asia to a close.

He referred particularly to the matter of prisoners of war. I believe, correctly, that if the President should fix a date for terminating the war and then the prisoners are not released, the date would, of course, become useless, but we would not have lost anything.

The Senator from Montana also referred to the President's statement that we would end the war whenever we felt that South Vietnam had a reasonable chance to look after its own affairs.

It occurs to me with 1 million well-armed men in South Vietnam, that if they do not have a reasonable chance to defend themselves now against a force one-third their size from the north, then the situation would appear to be somewhat hopeless and it would certainly look like something was wrong with it.

Mr. President, I was, however, impressed the other night with the President's statement that on October 15 he would make another statement regarding further withdrawals.

My hope is that by October 15, at the latest, the President would be able to announce a definite date for the withdrawal of our forces from Southeast Asia. If he sets that date and if, as the Senator from Montana has said, the North Vietnamese and the Vietcong do not then live up to their promises, then the situation would not be changed from what it is now.

I am inclined to think that North Vietnam would like to get out of this war as much as most of us would.

Thus, I hope that when the President makes his statement on October 15, which has been set ahead somewhat from the earlier dates which had been named, we will see results which will give this country and the world at large a great deal more hope regarding the Southeast Asia situation than we have had for the past several years.

Mr. COOPER. Mr. President, I, too, had the opportunity to hear the distinguished majority leader and his comments regarding the war in Vietnam and our prisoners of war.

I must say that no one has been more consistent in his approach to this war and his objective of bringing it to an end than has the distinguished Senator from Montana (Mr. MANSFIELD).

I recall in 1954 when it appeared that consideration was being given to the use of U.S. forces in Vietnam, after the surrender of the French, the Senator from Montana (Mr. MANSFIELD) spoke against our intervention. That was 17 years ago. President Eisenhower refused to send troops. Consistently throughout the years, the Senator from Montana has continued to urge that our participation in the Vietnam war be ended. He has been a great leader in this effort.

I have been happy on several occasions to be associated with him. I know that his efforts will continue.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I ask unanimous consent to yield my time under the standing order to the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I wish to thank the able and distinguished Senator from Pennsylvania.

(Mr. THURMOND'S remarks when he introduced S. 1796, appear in the RECORD under Introduced Bills and Joint Resolutions.)

HANDLING OF MAY DAY RIOTERS BY OFFICIALS IN WASHINGTON

Mr. THURMOND. Mr. President, our country and the basic liberties for which it stands have recently withstood a most serious assault upon the concept of freedom. Since its inception, this Nation has maintained in its Constitution, supported by its courts, individual liberties not to be transgressed by governmental or private actions.

The attempted siege of our Nation's Capital during the last few days has demonstrated that there are those who, under the guise of lawful dissent, would totally usurp the rights of law-abiding citizens. Wanton violations of the law were not only advocated by the May Day leaders, but were perpetrated by the participants.

The purpose of the attempted siege was to "shut down the Government" by physically strangling the traffic into and out of the city of Washington. This was to be accomplished at the expense of those who live in the city and those who commute to and from the city. The means by which these anarchists attempted to accomplish their mission was to destroy the property of innocent citizens who were attempting to go to and from work to earn a living for their families.

Mr. President, with thousands of these demonstrators dedicated to the unlawful seizure of the city, only a determined effort by those charged with keeping law and order could have prevented utter chaos.

The Metropolitan Police Department under the leadership of Chief Jerry Wilson deserves the congratulations of every citizen in this country who believes in justice through law and order. Chief Wilson and his men met thousands of massed anarachists and with professional dignity and expertise apprehended those who were flagrantly breaking the law. They prevented the destruction of property and protected the rights of the hundreds of thousands of citizens who live and work in and around Washington. The police were supported by elements of the Active and Reserve Armed Forces who also should be commended for their fine contributions.

Mr. President, these men who carried out the orders of their superiors acted under the most trying circumstances. Not only did they have to work extended shifts but they were subjected to all types of physical and mental abuses. They proudly demonstrated their professional competence by resisting the urge to retaliate to insults and harassment by maintaining strict discipline.

Not only do those who actually maintain order deserve our praise, but we should pay special tribute to the echelons of responsibility that made the decision to enforce the law rather than bow to insurrection. It is obvious that the administration in conjunction with Chief Wilson courageously met the challenge of rebellion and made the decision that individual liberties, public and private property, and the order of our society would not be compromised.

Mr. President, this is not the first time that Washington has felt the siege of massed anarchy. This is, however, the first time that organized insurrectionists have been effectively met by a determined administration which denied them full reign in carrying out unlawful activity. Not only has this city and its citizens been fully protected during the last few days of this Mayday revolt, but the firm stand by law enforcement officials will be a strong deterrent to future disturbances. Hopefully, other metropolitan areas throughout the country will heed the lesson taught here and realize that law and order should be unyielding to any cause which seeks to accomplish its goal unlawfully.

Mr. President, the authorities who dealt with these anarchists employed very basic principles of a lawful society. They arrested those who were in willful violation of the law and prevented unlawful attack upon citizens and property before they could occur. These principles are so basic that they are often compromised when demonstrators mass in large crowds. However, they need not nor should they ever be compromised.

The courage of the present administration in handling this recent insurrection in Washington makes one wonder how it happened that our Nation's Capital was virtually cut off from tourism during the spring and summer of 1968 because the streets were unsafe. At that time, property and people were objects of violence, because often defiance of the law in many cases was only met with observance. During that period, millions of dollars were lost from the economy of Washington because people were afraid to visit their Capital and millions of dollars of property was destroyed. This was intolerable and, as recently demonstrated, was unnecessary.

Mr. President, let me reiterate the highest praise for the men of the police department and the armed services who maintained order in Washington. Most important, however, tribute should also go to those who made the decision to use these men and to refuse to yield to anarchy.

PROPOSED SUBMISSION OF A RESOLUTION

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Nebraska (Mr. CURTIS) I announce that the resolution he intended to submit today to commend the police and others for their activities during the recent demonstrations in Washington will be submitted on Monday. If any Senator desires to be a cosponsor all he has to do is to contact the office of the Senator from Nebraska.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from New Mexico is recognized for 15 minutes.

WOE UNTO THOSE WHO HAVE EARS BUT DO NOT HEAR

Mr. MONTOYA. Mr. President, America numbers among her citizens today more than 9.2 million Spanish-speaking people, according to the U.S. Bureau of the Census. Most live below the poverty line. Most are confronted, as their forebears were, by staggering obstacles to social and economic progress. Today such barriers have been compounded by recession, social upheaval, and an ever-increasing pace of change.

The Census Bureau report shows the total includes 5.1 million persons who told census officials they were of Mexican origin, 1.5 million Puerto Ricans, and 600,000 each of Cuban and Central or South American origin. Another 1.6 million people are included in a general category entitled "Other Spanish-Speaking People." I believe there are 10 million such people.

The new report also shows that more Spanish is spoken in American homes than any language except English. Five Southwestern States hold 61 percent of this population, but colonies of these citizens are to be found almost everywhere. Several hundred thousand now reside in the Chicago area. New Jersey and lower New England contain significant groupings.

All the Rocky Mountain and Great Plains States contain growing communities of these people. That census count also shows that their jobless rate is nearly twice that of any other group.

America continues to pay loud lipservice to the aspirations of these people. Such superficial concern is surpassed only by the paucity of what our society is doing to aid them escape conditions of life afflicting so many of them. It is one of our worst national disgraces, staining our national conscience indelibly.

One other element has changed in this disgraceful equation—the attitude of Spanish-speaking people themselves. Today there is a burning awareness of heritage, pride, and history among them that has hitherto been subdued. They know conquistadores were here carving out a new world before any others arrived to lay claim to it. They know blood has been spilled by exploiters—that young Spanish Americans have so often perished for causes our country has espoused. This is especially true today.

Many call themselves "Chicanos."

In their mouths it becomes a title of pride. Great numbers are returning veterans who have given of health and years to the Nation. They seek justice, economic opportunity, and social recognition. America denies it to them at her peril.

Such people look at our world through new eyes. They have seen what can be be attained: through education, through equal opportunity, through hard work. All they seek is a chance. Yet, it is just that which America continues to deny them. Today's society can no longer aford the shameful luxury of barring any road to advancement to such a significant group of Americans.

Our Spanish-speaking people are now well aware of their guaranteed rights as citizens. They understand our State and

Federal constitutions and wonder why so many double standards exist.

They ask how it can be that Spanish-speaking Americans are subjected to brutality by certain elements in selected areas of our Nation. They ask why some judges and prosecuting officers of more than a few courts can make examples of Spanish-speaking people who violate laws, while Anglos are seemingly judged by different standards entirely. It is proper that they should wonder aloud at such injustices, for it is a sad truth they are widespread.

They are aware disproportionate numbers of them are drafted into our Armed Forces. This imbalance is reflected in casualty figures in Vietnam. One statistic bearing on my own State of New Mexico is indicative of this situation. Defense Department figures show 44.6 percent of all New Mexico fighting men killed in Vietnam between 1961 and 1967 were Spanish surnamed. Yet, about 30 percent of the population of New Mexico is Hispano-surnamed.

The same Pentagon figures are revealing across-the-board: 25 percent of all Texans killed there in that same period are Spanish surnamed; 24 percent of those from Colorado; 17 percent of Arizonans; 15 percent of all Californians. Death in combat of Spanish-American boys crosses our domestic/political boundaries with ease. I am also informed that there are combat units close to 90-percent Chicano.

Hundreds of thousands of young Spanish-speaking people have been taken into military service. Up to now they have gone with scarcely a murmur to do battle for their country, exhibiting fervent patriotism. This is their kind. This is their quality. America seems to have taken little notice of this cumulative sacrifice.

In fact, precious little has been done voluntarily or even under pressure to roll back barriers of bigotry, prejudice, and discrimination confronting our Spanish-speaking citizens.

Consider the image scores of millions of Americans presently entertain regarding Spanish-speaking Americans. That mental picture is a totally degrading steretotype. Let me remind you of what it consists of. A sleepy, lazy, dirty Mexican in a sombrero dozing under a cactus. A greasy-looking, overweight, bandit type with bandoleers slung across his body, galloping off to stir a tinpot revolution. An image of a person lacking ambition, honesty, elementary habits of hygiene and self-respect.

It is disgusting. But it is prevalent. It is being fostered by mass media and advertising agencies running campaigns to tell, among other things, Frito-Lay products. It fosters bigotry in the name of humorous selling of a product. Hurrah for bigotry, as long as it is profitable.

Some people think the Frito bandito is cute, as he dances across our publicly licensed airwaves. The Americans he caricatures do not think so, and have said so publicly again and again. Why do not the Frito-Lay people and their advertising agency personnel journey to Vietnam and play their "cute" commercials to Spanish boys risking their lives over there daily—I would enjoy such a presentation—or journey to our barrios and give special showings? It should prove enlightening.

I would appreciate seeing the executives of Young & Rubicam and Foote, Cone & Belding, who are responsible for these Frito bandito advertisements, putting across to young Chicano soldiers their concept of charm in commercials.

It is time to expose the hitherto faceless agencies behind such commercials. For too long they have been getting away with anonymous perpetration of these media atrocities.

And while such disgusting parodies persist, realities of Spanish life in America grow uglier daily. It is worth taking careful note of such Americans for time is running out. There has been violence in recent months in several Spanish-speaking barrios. Such disturbances are indications of what is coming. We should heed them immediately.

Our Spanish-speaking citizens have never before participated in or initiated massive urban violence. The Los Angeles "zoot suit" disturbances were begun by outsiders invading barrio areas. This time matters have taken a different ugly turn. Usually peaceful people have taken to the streets in violent protests. But only after a serious situation has shown no signs of alleviation or improvement. The leadership of periodic protest rallies has called for nonviolent demonstrations. Yet Ruben Salazar is dead. And during the last upheaval another young Spanish boy was killed.

I see ominous portents of things to come. A small but growing group in our Spanish-speaking community is beginning to despair of making real progress. It feels only deliberately fostered turbulence will awaken our power structure and Nation to their needs. I reject such an approach entirely, yet certainly understand both the motivation, frustration behind it. America must seek a deeper, swifter comprehension of it as well.

The most notable success achieved by Spanish-speaking Americans has been through the religious-oriented nonviolent Union of Farmworkers of Caesar Chavez. His bitter drawn-out struggle inches along in the face of staggering obstacles. Younger Chicanos admire him but also note the barriers consistently thrown in his path. Most do not feel they should have to battle so long for elementary progress on a road traveled successfully long ago by so many others.

They see prejudice against Mexican Americans enduring 122 years after the Mexican War. They observe their culture under incessant attack as that belonging to a conquered people. It is constantly disparaged in a thousand ways as bad or worse than the media stereotype I mentioned earlier. A recent report from the Census Bureau put an official stamp upon America's shame. Americans of Spanish origin stand on one of the lowest rungs of America's ladder. I ask unanimous consent to have printed in the RECORD, a recent article from the Washington Post summarizing the findings of the report.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LATINS IN UNITED STATES TRAIL IN INCOME

(By William Chapman)

Americans of Spanish origin earn only about 70 per cent of the average American family's income, are more likely to be out of work and have limited access to white-collar jobs.

They also are persons with strong family ties, as likely to speak Spanish as English at home, and they are less educated than other Americans—though this gap is closing.

That profile of Spanish-origin Americans emerges from a Census Bureau analysis regarded as the most extensive social and economic study yet of this group.

It provides support for the contention of Spanish-surname lobbying groups that their people are disadvantaged, somewhat isolated from American life, and deserving of more public aid.

An official of the Cabinet Committee for the Spanish Speaking asserted that the study should pave the way for a greater share of federal education and urban development funds for his people.

At the same time, the official, Executive Director John Bareno, claimed that the study grossly underestimated the number of Spanish-origin residents in the U.S.

The survey identified 9.2 million Spanish-origin residents in November, 1969. Bareno claimed that local and state reports he has examined indicate the total is closer to 12 million, including perhaps one million working here illegally on temporary visitation permits.

The census study identified 55 per cent of the people as Mexican, 16 per cent as Puerto Rican, 6 per cent as Cuban, 6 per cent as Central or South American and 17 per cent as "other Spanish." Three-fifths live in five Southwestern states.

Within those classifications were found substantial differences. Reflecting the flight from Castro's Cuba of middle-class emigres, the Cucan population now in this country is older, better educated and more prosperous than, for example, Mexicans and South Americans.

SPECIFIC POINTS

Among the study's specific findings were the following:

Spanish-origin workers are more concentrated in lower-paying occupations than other Americans. Only 25 per cent of the men were in white-collar jobs, compared with 41 per cent of men of all other origins. But the percentage of Cuban males in those jobs was nearly twice as high as the Mexican-born.

In November, 1969, the seasonally adjusted unemployment rate for the Spanish-origin worker was 6 per cent, compared with 3.5 per cent for the remainder of the civilian population. Bareno claimed that even that 6 per cent figure understates unemployment because it does not include the thousands of Mexican-Americans employed seasonally as migrant farm workers.

Although Spanish-origin citizens lag significantly in formal education—as measured by years of school attended—there are signs of a closing of the gap. For example, half of the Mexican-Americans over 35 years old had completed only 7.3 years of school. In a younger group, 25 to 34, the Mexican-Americans had averaged 10.8 years. The younger Cubans and other immigrants, however, averaged 12.4 years.

The average family income of Spanish-origin families was $5,600 in November, 1969,

> about 70 per cent of that earned by families of other origins.
>
> Spanish is currently spoken in the homes of half of the Spanish-origin population and, with the exception of English, is spoken by more persons than any other language in the U.S. The Census Bureau interpreted that as indicating unusually strong family bonds.
>
> English was more apt to be spoken in Mexican-American homes than in those occupied by Puerto Ricans, Cubans and Central and South Americans.

Mr. MONTOYA. Mr. President, it is possible to add further figures to those revealed in this article. More than one-third of the Mexican American population in our five Southwestern States is illiterate or functionally so, compared to 5 percent of the Anglo population so rated.

In East Los Angeles, 75 percent of Mexican American real income dropped between 1960 and 1965. Homeownership declined. Housing deteriorated. Ninety percent of Mexican Americans there noticed no results whatsoever from civil rights efforts on their behalf.

A Mexican American is seven times more likely to live in substandard housing than an Anglo. The chance that his baby will be born dead, or will die before his first birthday, is roughly twice as great.

When touching on jobless statistics among the Spanish-speaking it is well to remember that 80 percent of those employed work at unskilled or semiskilled jobs.

Numerous vocational education projects are one of the keys to changing this, as I have maintained through the years. Unfortunately, adequate funds for such endeavors have not been forthcoming.

Numerous academic and social practices are such, so as to impose upon Mexican American children a sense of social and cultural inferiority. Only in the past several years have we managed to undertake bilingual education programs and appropriate minimal funds for their extension. As matters stand now, we have had to battle bitterly just to keep this concept barely alive.

The U.S. Government has done more to help citizens of other lands learn English than it has for non-English-speaking American citizens in this country.

Meanwhile, selective service boards across the Southwest contain slightly less than 6 percent Spanish-speaking American membership. Yet, Chicanos account for nearly 20 percent of all southwesterns killed in Vietnam.

The United States-Mexico Border Development and Friendship Commission ceased to exist on November 5, 1969, because of funding.

In a report published by the U.S. Civil Rights Commission, entitled "Mexican Justice in the Southwest" we find the following quote:

> Belief in law enforcement prejudice is widespread and indicative of a serious problem of Police-Community relations between Police and Mexican-Americans in the southwest.

Mr. President, I believe the statement to be not only true but the politest possible way of stating the case. A recent event in New Mexico illustrates in the most devastating manner the double standard too often found in criminal cases involving Mexican Americans.

Two Mexican American boys in Roswell, N. Mex., were caught stealing several kegs of beer. They were placed in jail and kept there for 11 days. Bond was set for them at $3,000 each. Their parents are humble people who could no more afford a $3,000 bond than they could $3,000,000 worth. The victimized distributor actively sought to drop all charges. The district attorney, Mr. Hanagan, insisted upon pressing charges. Numerous prominent citizens sought alleviation of the boys' situation. A presentencing report recommended leniency in sentencing. The judge, George Reese, saw fit to sentence these two young people to 60 days in the State penitentiary, less the 11 days they had spent in county jail. These 49 days were to begin January 16, 1971. Both boys are presently seniors in high school. Total sentence each received was 5 years, with all suspended except for the actual 49 days.

Gov. Bruce King of New Mexico, showing true compassion and understanding, pardoned both boys. After I spoke out against this abuse of authority in a speech before a joint session of the New Mexico State Legislature, one member got up to excuse the judge's prejudice by saying he had a right to do what he did. I find no fault nor have any dispute with the right of any district attorney to prosecute offenders or any judge to pronounce sentence. I do roundly condemn as evil, backward, and barbarous such practices as I have described. They were out of place by the turn of this century.

There are thousands of district attorneys and judges similar to the two I have just mentioned. They are scattered across the land, filled with apprehension and indignation because those who have heretofore remained silent have found new voices. They deem as upstarts and presumptuous those among Spanish speaking Americans who will no longer accept a double standard in the administration of justice. They feel the full weight of authority must be used in an attempt to intimidate those who have the temerity to speak out.

Let such prosecuting officers and judges beware of the indignation of an aroused people, who will persist in seeking the full protection of our system of justice in a most energetic fashion. Such realities as I have described, however, are what millions of Spanish-speaking Americans must live with on a daily basis across this country. It is unendurable for them any longer.

There are too many law enforcement people who are heavy-handed rather than judicious in enforcing laws as they affect these people. They prefer to yearn for yesterday's status quo instead of heeding today's realities. A new state of mind is germinating in Spanish-America's consciousness. It will not accept that status quo or the backwardness, persecution, discrimination and double standards that are part of it. America must realize this and take immediate, constructive action to anticipate their desires—to correct these wrongs. It must be done.

Yet, it is our Federal Government itself which has been setting the worst possible example in one instance after another. Its non-record in opening up doors to Spanish-speaking Americans is shameful. Thirty-four agencies did not have a single hispano in any capacity under the GS pay system. The least it could do is provide the same proportion of opportunities for them to advance at home in government as it does for them to die abroad in military service. We are first in janitors, first in infantry units, last in equal opportunity. Although we are at least 5 percent of the population, we possess less than 3 percent of the Federal jobs.

A few weeks ago, the FBI released figures on its employees. This agency has slightly more than 100 non-Anglo agents among its force of nearly 8,000. Of these, 41 are Spanish-speaking Americans. Of 18,592 employees, including several agents, it possesses 257 Spanish-speaking Americans.

What kind of chance do such citizens find in other areas of our Government structure? What doors have opened for them? In 1968, there were three ambassadors of Spanish descent. Now there are none. Granted that Messrs. Raymond Tellez, Ben Hernandez, and Raul Castro were of a different political persuasion than is the present administration. Yet, could they not have been replaced with other competent Spanish Americans? Such appointments would reflect credit and prestige upon our entire Spanish-speaking community. To deny such elementary recognition is a blatant insult to them. No such appointments have been made.

Dr. Hector Garcia was an American representative to the U.N. He has been replaced. No prominent Spanish-speaking American has been named by this administration in his stead. This in spite of the vast number of dealings we consistently engage in with the sprawling Spanish-speaking world.

The only high-ranking Spanish Americans appointed by the administration have been callously let go. One was Hilario Sandoval, former head of the Small Business Administration. Next to leave was Martin Castillo, former Chairman of the Cabinet Committee on Opportunities for the Spanish speaking. The Equal Employment Opportunity Commission in Washington has few Spanish-surnamed employees on its staff, particularly in higher positions. Its legal counsel in Washington headquarters does not have a single Mexican-American or Spanish-surnamed individual on its staff. There is not a single such person in charge of any EEOC divisions in Washington.

At the National Institutes of Health, there are 59 Spanish-surnamed employees out of a total work force of 11,167. This comes to a staggering total of 0.5 percent of all workers there.

There are no Spanish-surnamed employees in grades 16 through 18 in the

Department of State, Aid, and Peace Corps. Our dealings in each of these vital areas with Spanish-speaking nations are numerous and on the upswing. Yet, when such countries deal with us, they have few encounters at upper levels with people they can relate to directly. This is short-sighted and injurious to America as well as direct evidence of discrimination.

The same is true of these same Government grades at the Department of the Treasury as well as at the Army, Navy, and Air Force. I cannot help but call to mind scores of thousands of young Chicanos who have volunteered to fight for America in each of our modern conflicts. How freely they have sacrificed for her. How bravely they have fought. Their blood has stained a thousand battlefields. Yet they are not represented in the upper echelons of those very services they serve in and die for. And many wonder why there is anger in some young hearts and violence in the barrios of several American cities. Let us probe a bit deeper. There are no Spanish-surnamed employees in GS grades 16 through 18 in the Departments of Agriculture and Commerce. The last two are particularly strange situations, in light of the fact so many Spanish-speaking Americans live close to the land, and that Commerce deals so extensively with Spanish-Americans who would be instant assets to our Government in dealing with essential areas of responsibility.

At the rate of progress these agencies have been making, an award of some kind should go to the Departments of Justice, Interior, and Labor. Let us call it the order of tokenism, first class, because each of these vast organizations has one Spanish surnamed employee operating in this high area of employee responsibility.

HEW has two such people at these levels. Perhaps their order of tokenism should come with an oak leaf cluster. HUD, GSA, NASA, VA, and AEC each emerge with a blank in these categories as far as Spanish-speaking employees are concerned. Such an accomplishment, Mr. President, speaks for itself. It is a national disgrace, inexcusable by nature, and degrading in fact. My list is as long as it is sad. One difference, however can be shown between this situation and the past. Now millions of Spanish-speaking people are fully aware of what is going on. This is especially true of younger people and returning Vietnam veterans—scores of thousands of them.

Yesterday's shame burns in their hearts and minds. Today's discrimination and bigotry is a lump in their collective throats they absolutely refuse to swallow. America ignores their indignation and turns her back on their outrage at her peril.

Today it is the norm to pay lipservice to equality while denying it in reality. America's Hispanos are fully aware of this as well. Their faith in broken promises and paper programs is waning rapidly.

Here lies the nub of our tragedy. Anglo America actually believes in the reality of the image of the Hispano it has itself created. Most Americans even peripherally aware of such problems do not consider it in any kind of serious light. It will go away, they feel. They are not really serious, they think. They will go back to their chile and siestas, many actually believe. And our media does nothing to disabuse the mass of Americans of either such false images or false sense of security. Rather, they make matters worse. So the explosion, growing increasingly more severe, actually comes as a shocking surprise to most Anglo Americans.

Further, certain elements in American national life are exacerbating the situation by their actions and comments.

The formerly revered and once respected Director of the FBI makes derogatory comments about Mexican-Americans in a national magazine interview. Height qualifications for law enforcement personnel effectively bar most Hispano citizens from entering such vital work. This in spite of excellent qualifications possessed by so many returning veterans. They are seemingly good enough to make excellent marines and airborne troops, but not qualified to make policemen or State troopers.

Cesar Chavez goes to jail because his poor exploited farmworkers seek to gain in 1971 what most American labor realized and has been enjoying since the New Deal. And the Pentagon repeats an atrocious policy by escalating lettuce buying just as it suddenly discovered a need in past years to support nonunion grape growers through increased purchase of grapes. I am just selecting some of the worst random samples. There are many, many more in addition to local atrocities taking place everyday in America. They range from coldblooded shooting of Hispanos in rural Texas towns to the incident I referred to in the city of Roswell in my own State.

Wounds bleed daily. How, then, can people wonder at young Chicano rage at a society they seek a share of, but which bars them at each turn? There are, although exact figures are unavailable, probably more Hispanos in penitentiaries and in jails than there are in our institutions of higher learning.

Now is the time to lay out these facts, and I have sought to do just that. More data is available and I shall offer it. Yet I cannot help but wonder aloud as to whether any tangible advances will be made.

Will anyone lift a finger to make their dreams move forward even slightly? What is going to be done on behalf of the thousands upon thousands of young Chicanos returning monthly to their homes from military service?

These young men are leavening the lump. They are pushing into the realm of activism. Many vigorous protests are going to be forthcoming in times to come in what most Americans will consider the most unlikely places. Chicano communities demand political power and equal opportunity. If it is not forthcoming, there will be terrible violence, like it or not.

Mr. President, I have spoken in this manner not because of any desire to posture or aggravate an already severe situation. It is well known that I have raised my voice again and again on behalf of moderation and working within the system. It is because of my love of our ideals and my people that I speak out now.

It is imperative that America listen closely, intently, and sincerely. Above all, it is vital that we act. Promises are not enough.

At a very minimum, demeaning characterizations of Hispanos must be removed from publicly licensed facilities and airwaves. If Frito Lay will not act, then Government and the communications industry must.

Outrageous discrimination existing in higher levels of Government employment must be removed instantly. The Civil Service Commission and administration have the power to act and should immediately do so.

Appointments of capable Spanish Americans to an entire series of high-visibility, high-responsibility positions should come high on our agenda of reform. Such signs of recognition and accomplishment regardless of politics, are vital as a sign of the Nation's Hispano community.

Relaxation of ridiculous restrictions which insult more than they protect the public should come next. The Federal Government can and should set an example. If willing young men are refused work on minor technical grounds, they will shortly strike at society in angered frustration from the outside.

Above all, however, let the administration recognize that these people are outraged, frustrated, and increasingly impatient. Let our society open its eyes as to what is going on in the minds and hearts of these millions of good people. We shall have no excuse of ignorance to plead this time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Chair recognizes the distinguished Senator from Virginia for 15 minutes.

SPAIN SHOULD BECOME A MEMBER OF NATO

Mr. BYRD of Virginia. Mr. President, it is my view that the time has come to invite Spain to become a member of the North Atlantic Treaty Organization.

During the Easter recess of the Congress, I visited Spain, North Africa, and NATO headquarters at Brussels in an effort to assess two things:

The extent and significance of Soviet penetration of the Mediterranean region, particularly North Africa; and

The situation concerning the commitments of the United States and our partners in the North Atlantic Treaty Organization in Europe.

I came away deeply impressed with the strategic importance of Spain in the defense of Europe and the Mediterranean.

Spain always has been of great importance in European defense plans. The United States recognized this as early as 1951, when diplomatic relations between this country and Spain were renewed after the interlude of World War II and the immediate postwar period.

In 1953 the United States negotiated its first base agreement with the Spanish Government, which has been twice extended, with modifications.

Today the Spanish bases have greater importance than ever before.

One reason why this is so is the extensive penetration of the Middle East, the Mediterranean, and North Africa by the Soviet Union. During my visit to that region, it was driven home to me that the Russians are seeking to become the dominant power in the entire Mediterranean area.

Not only do the Soviets maintain a sizable fleet in the Mediterranean waters, but they have become the major force supporting the Arab Nations in their continuing struggle against Israel.

Today Egypt has become virtually a dependency of the Soviet Union. And just this month an Arab federation was formed.

Actually, of the five nations on the African shore of the Mediterranean, only Tunisia and Morocco are friendly to the West. Algeria, while not yet in the Soviet orbit, is unfriendly to the Western allies and represents a fertile field for Russian penetration.

After a revolution deposed the former Government of Libya, the United States was forced to close down the operations at Wheelus Air Base located in that country. These operations were moved to Zaragoza, one of two modern U.S. air bases in Spain. A third air base is on a standby basis in Spain.

The U.S. naval base at Rota, on the Spanish Atlantic coast near Gibraltar, is extremely important to the operations of the U.S. 6th Fleet in the Mediterranean Sea.

Given the present political and strategic situation in the Mediterranean region, it is clear that Spain is of critical importance to the south flank of the NATO alliance.

The exclusion of Spain from NATO results primarily from the opposition of powerful socialist parties in several European nations, notably Norway, Denmark, the Netherlands, and Belgium.

Much of the opposition to Spanish entry into NATO can be traced to the role of Spain in the early years of World War II.

It seems to me that it is time for such matters to be forgotten. We should bear in mind that two of this Nation's strongest allies are Japan and Germany, the nations who were the chief opponents of the Allies in World War II.

Portugal is already a member of NATO. Inclusion of Spain in the alliance would extend NATO coverage across the Iberian Peninsula. This in turn would greatly strengthen the position of NATO both in Europe and in the Mediterranean.

The peacetime army of Spain consists of five divisions and 16 brigades. The mobilization potential of this army is considered to be 40 divisions.

Spain also has a navy of 80 ships and an air force of nearly 200 modern aircraft. Both the navy and the air force could be more than doubled in time of war.

In overall military power, only two of our NATO partners—West Germany and Turkey—clearly are stronger than Spain. Spanish membership in NATO certainly would represent a desirable strengthening of the alliance.

I think it would be a step in the direction of realism if Spain were to be admitted to NATO. Differences of political ideology within member countries of the alliance have not destroyed it in the past, and there is no reason to suppose that the addition of Spain to the ranks of the allies would in any way weaken it.

We should bear in mind that the Soviet Union is never reluctant to cooperate with other nations whose governments are ideologically opposed to communism.

Realism suggests that the members of NATO should not attempt to insist that all members of the alliance be models of democracy.

Addition of Spain to NATO could help reduce the burden on the United States of maintaining a huge contingent of forces in Europe. Today the United States has 300,000 servicemen and 200,000 dependents in the European area.

There has been a great deal of discussion in this country as to whether the United States should maintain its present level of troop commitments in Europe. In the Senate itself, Senator MANSFIELD has sponsored a resolution calling for a reduction in the U.S. troops level in Europe.

Addition of Spanish forces to NATO would help to make feasible a reduction in the American burden and would make a solid contribution to the strength of the alliance.

Spain is a member of the West European family of nations. She belongs in the ranks of the alliance which is the principal instrument of West European security.

THE DEFENSE POSTURE OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, the current issue of Newsweek contains an article by Stewart Alsop, and I shall read the first paragraph of that article, datelined Washington:

> In recent weeks, a shudder of uneasiness has passed through the tiny community of people who know, and care, about the nuclear-strategic balance between this country and the Soviet Union. The uneasiness has been reflected in veiled hints from Secretary of Defense Laird, Senator Jackson and others. It is important to understand the realities that lie behind the hints.

This is the end of that quotation from the Alsop piece.

This article then goes into some detail, and it brings out hitherto unpublished information in regard to our defense posture.

I shall end by quoting the last paragraph of the Alsop article, following which I ask unanimous consent that the entire article be placed in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of West Virginia. The last paragraph of the Alsop piece reads as follows:

> In short, the available clues suggest that the Russians are now going all-out to achieve in the near future a really decisive nuclear-strategic superiority. This is no cause for panic—it does not mean that the Russians are plotting to knock out the U.S. in a first strike. Even so, serious people do have a duty to examine the facts seriously, without ducking behind the currently fashionable cliches, about cold-war thinking and the military-industrial complex.

I think that thoughtful people do have an obligation to consider all of the facts in regard to the Soviet nuclear buildup. I agree with Stewart Alsop that it is no cause for panic. It does not mean the Soviets are plotting to knock out the United States on a first strike. But I think it is important that the American people realize the tremendous buildup there has been in recent years, which buildup is now continuing in the Soviet nuclear capability.

EXHIBIT 1

WHAT'S GOING IN THE HOLES?

(By Stewart Alsop)

WASHINGTON.—In recent weeks, a shudder of uneasiness has passed through the tiny community of people who know, and care, about the nuclear-strategic balance between this country and the Soviet Union. The uneasiness has been reflected in veiled hints from Secretary of Defense Laird, Senator Jackson and others. It is important to understand the realities that lie behind the hints.

Until a few months ago, when the Russians were installing one of their huge, 25-megaton SS-9 missiles, they always went about the business in precisely the same way. First they would build two fences, sometimes three, around a 100-acre site. Then they would dig a big, flat hole, about 100 feet across and 25 feet deep. This hole, easily detectable to the all-seeing eyes of the intelligence satellites, was always a signal to the intelligence analysts that another SS-9 was going on.

Inside the first hole, the Russians would then dig another, deeper, hole, about 30 feet across and 120 feet down. They would line the hole with concrete, put a steel liner inside that and then lower the big missile into the liner. In the remaining empty space of the first big hole, they would build a complex of work rooms, generators, fuel pumps and so on, and cover the whole thing with a thick, steel sliding door.

Then they were in business, with an operational weapon about twenty times as powerful as the American Minuteman missile. Between 1965, when they planted their first SS-9, and last autumn, the Russians had gone through this procedure in precisely the same way again and again, installing some 275 SS-9 missiles.

WORK STOPS

Last autumn, digging had started on eighteen more SS-9 sites, and the intelligence analysts assumed that the Russians would soon raise SS-9 deployment to more than

300. Then, in October, work on these eighteen holes stopped, totally and abruptly—the empty holes are still there, easily visible in the satellite photographs.

Perhaps, it was thought, this was good news. Perhaps it was a signal from the Russians that they were serious about limiting strategic weapons through the SALT talks. But then something happened to cause the shudder. The Russians started to dig a new kind of hole. This new kind of hole is about the same size as the second, deep hole that houses the SS–9—but it lacks the first, big, shallow hole.

These different holes have been dug at a furious pace—41 of them at last count, suggesting that the schedule calls for at least 70 a year. The holes have been dug among the six existing SS–9 complexes in South Central Russia, and they could be for some new kind of point-defense anti-missile missile. But the experts think the odds are heavy that the holes are, instead, for intercontinental missiles.

TESTS CONDUCTED

At about the same time the Soviets stopped construction on the eighteen SS–9 holes, they conducted a series of 21 tests of their MRV's—multiple reentry vehicles. The Russian MRV's controlled by a rather primitive but effective system of pointing rails, are designed to fall in a predetermined fixed pattern on their targets—the primary targets, the experts unanimously believe, being the thousand U.S. Minuteman missiles that constitute our chief nuclear deterrent.

Because the pattern is fixed, the MRV's are relatively vulnerable to our now-building ABM system. But two of the 21 tests appeared to be, not MRV's, but MIRV's—multiple, *independently targeted*, re-entry vehicles. The MIRV's would be far less vulnerable to a missile defense—it was to counter the expanding Soviet ABM system that our Minuteman 3 and Poseidon missiles, were equipped with MIRV's.

It is possible that the two seeming MIRV's were simply malfunctioning MRV's. Perhaps the Soviets are simply redesigning their SS–9 configuration—the upper hole and its contents are more vulnerable to a near miss than the missile itself, despite the steel door. But if this is the case, certain questions remain unanswered.

Why should the Russians wholly abandon the eighteen SS–9 holes and start digging new and different holes? Why not simply move the contents of the upper hole to another place? And why the extraordinary haste to dig the new holes?

The experts have a working hypothesis to answer the questions—that the new holes are for a newly designed, multi-MIRVed missile, at least as powerful as the SS–9. If the hypothesis is correct, the MIRV's will almost certainly be in multiples of more than three since the 25-megaton SS–9 warhead provides a much bigger nuclear pie to slice, as it were, than the 1-megaton Minuteman. The new missile could be ten-MIRVed, or twelve-MIRVed, or more, but the usual guess is that it will be a six-MIRVed. A six-MIRVed SS–9-sized missile would provide six nuclear warheads each more powerful—about a megaton and a half—than a single Minuteman warhead.

If a multi-MIRVed, 25-megaton Soviet missile is what is going to be put into those new holes, that means the end of our Minuteman complex as a credible nuclear deterrent, perhaps within three years, or even two. The peculiar nuclear mathematics make that almost totally predictable. If the Russians are as methodical as usual, we shall know what is going into the new holes by next autumn. According to the almost unvarying Soviet schedule, that will be the time for operational testing of the new missile—if that is what it is.

There is another fact to be considered. In March, the Russians successfully completed their third test series of a non-nuclear satellite intercept vehicle. These then are the facts that have caused the shudder—and they *are* facts, for the intelligence in these matters is now absolutely "hard." No one will know, until or unless the Soviets test a new missile, just what these facts mean. But any reader of detective stories will discern a pattern of clues, all pointing in the same direction.

A SOVIET CAPABILITY?

The Soviets are bargaining at the SALT talks for eliminating ABM protection for the Minuteman deterrent complex. At the same time, they have probably already achieved the capability (which we lack against them) to blind our intelligence satellites. And the experts are betting about 2 to 1 that they are also on the way to achieving the capability to knock out, with very powerful multi-MIRVed missiles, our land-based nuclear deterrent.

In short, the available clues suggest that the Russians are now going all-out to achieve in the near future a really decisive nuclear-strategic superiority. This is no cause for panic—it does not mean that the Russians are plotting to knock out the U.S. in a first strike. Even so, serious people do have a duty to examine the facts seriously, without ducking behind the currently fashionable clichés about cold-war thinking and the military-industrial complex.

ORDER FOR ADJOURNMENT UNTIL MONDAY, MAY 10, 1971, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONVENING AT 10 A.M. ON NEXT TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY, MAY 10–14

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday, Wednesday, Thursday, and Friday of next week the Senate convene at 10 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO EXTEND TO 5 HOURS THE PASTORE RULE OF GERMANENESS NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Pastore rule of germaneness each day next week be extended to 5 hours, beginning from the time that the unfinished business is laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for a period not to exceed 30 minutes, with a limitation of 3 minutes to each Senator to be recognized.

THE SUPREME COURT DECISION ON DESEGREGATION

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point two excellent editorials from the Arkansas Democrat.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat, Apr. 22, 1971]

WHAT CAN BE DONE?

The Supreme Court's desegregation decision was barely an hour old when the predictions began to roll in: "This will mean the end of the public school system in the South."

What can be done to prevent that grim prophecy from coming true?

First, it's necessary for the parents and the school boards to understand that this is the end of the line. Nothing short of an amendment to the Constitution is going to prevent federal judges from ordering even the most "bizarre" (the Supreme Court's word) remedy to wipe out all traces of segregation. This means mass busing of even elementary-school students and the elimination of one-race neighborhood schools.

Once we understand this, it should not be difficult to make up our minds that we don't want a federal judge operating the schools. Not only is this a perversion of the Constitution but it is bad for the schools. Judges don't know anything about education. The job will be done much better by our professional educators and school boards. Will they accept the challenge and do the job before the judges? That, of course, is the big question. It will be far easier on the children and the community if they do.

In this county there is one obvious answer—the consolidation of the three school districts. This would reduce the cost of busing and the distance children would have to ride. It would also eliminate any movement to the white sanctuaries, which are bound to exist for a while.

The only acceptable alternative to this is for the establishment of super campuses within each district—one for elementary schools, another for junior highs and a third one for high schools. These complexes have worked well in some areas in the secondary school level. The idea is not just one huge school, which would be hard to manage and dehumanizing. There would be several schools on the same plot of ground, each with its own program of instruction and faculty. There could be sharing of facilities and expertise, however, resulting in some economies, which are going to be needed to produce the money for the busing the Supreme Court has ordered.

The goal should be to give all students the same kind of educational opportunity, which also means giving each child and his parents the same kind of problems. If this can be done, there will be less discontent and, therefore, not nearly as much interest in starting private schools.

Private schools in Pulaski County would not mean the end of our public school system, as they could in some deep South areas. But there's no doubt but that they would hurt the public schools here, especially if they are established in a grand style. Many of our most influential and well-to-do persons would send their children to them, and, naturally, would no longer take an interest in the public schools or be willing to pay higher taxes to support them.

[From the Arkansas Democrat, April 25, 1971]

THE DOUBLE STANDARD

It is the double-standard the government follows in desegregation that many Southerners find objectionable. There was an abundance of it last week.

First, the Supreme Court approved the use of almost any technique—busing, pairing, racial quotas, etc.—to wipe out the last vestiges of segregated schools—in the South. There were no orders for segregated schools in other sections of the country. The reason, said Chief Justice Warren Burger, was that these schools were segregated because of housing patterns, whereas schools in the South had been segregated by laws.

As far as the black child is concerned, why is one form of segregation more invidious than another? After all, dual schools were perfectly legal until 1954 when the Supreme Court changed its attitude. Since then the South has abandoned its segregationist laws and, as a result, 38 per cent of the black children in the South now attend school with white children. In the north, however, only 27.6 per cent of the blacks go to school with whites.

Yet, the Supreme Court persists with the double-standards. The only explanation for it is that it considers it a form of punishment—the sins of the fathers are being visited upon the children. What kind of a role is this for the Supreme Court to play? Dragging children out of their neighborhoods because, before most of them were born, the schools in their town had been rigidly segregated. What makes it worse is that the court would do this to some Americans but not all.

You would think that the other branches of government would be outraged. But they aren't. On Wednesday, Sen. Abe Ribicoff, D-Conn., tried his hardest to pass an amendment to a bill providing desegregation funds that would have required all suburban and big-city schools to be desegregated within 12 years. Simple justice demanded its passage. While Sens. J. W. Fulbright and John McClellan voted for it (as did Sen. Edward Brooke, R-Mass., the only black man who had a vote), unhappily, the amendment was defeated 51 to 35.

The leader of the opposition was Sen. Jacob Javits, R-N.Y., whom Senator Ribicoff called a hypocrite. This might have been the only honest statement of the entire debate. Javits and others who opposed it said they did so because they were afraid it would endanger the entire bill. The Nixon administration agreed. Others said they feared the amendment would delay segregation in the South.

How phony! The southerners who voted against it did so because they are afraid to cast any vote for any kind of desegregation (and also because they enjoy some segregated suburbs, like those around Washington). Other senators voted no because they don't want their constituents to have to practice what they preach.

Mr. McCLELLAN. The first of the editorials was published in the April 22, 1971, issue, and is entitled "What Can Be Done?" It deals with the recent Supreme Court desegregation decision. The second appears in the April 25, 1971, issue of the paper, and is entitled "The Double Standard."

While I do not agree with every statement made in those editorials, or necessarily with every conclusion that might be drawn from them, I do agree with, and I support, their general thrust. The theme is, I think, of great interest, and should be of great interest, to every American citizen. I think the editorials should be read and the provocative thoughts that they raise should be seriously pondered by all of us.

IMPOSTOR UNMASKED

Mr. DOLE. Mr. President, substantial attention was paid recently to a group of veterans who assembled in Washington to protest against the war. Their arrival was well publicized by the news media, and several Members of Congress, and other leaders endorsed their activities. Some generated considerable publicity for themselves by nighttime forays into the veterans' encampment, but I wonder if some are having second thoughts about their activities in light of a disclosure involving one of the supposed leaders of the veterans' group.

On Monday, Walter Cronkite, reporting on CBS radio, disclosed that this leader and others in the movement were engaging in bold-faced deception and were misrepresenting this individual's military record—including his rank, his service and the source of his service-connected disability. I ask unanimous consent that the script of this report by Walter Cronkite which was broadcast on CBS radio May 3, 1971, be printed in the RECORD at this point.

There being no objection, the script was ordered to be printed in the RECORD, as follows:

WALTER CRONKITE, CBS NEWS, MAY 3, 1971

Among the thousands arrested in Washington today was Al Hubbard, who attracted considerable attention two weeks ago as one of the leaders of the Vietnam Veterans Against the War. Today Hubbard was back in a leadership role—directing a group of about twenty demonstrators arrested for throwing bags of cow manure on the steps of the Pentagon. Some thoughts, after this.

During the camp-in by the Vietnam Veterans in Washington two weeks ago, a lot of newsmen wanted to find out more about one of the more impressive of the group's leaders—Al Hubbard. And Hubbard and his associates were more than helpful. He'd been an Air Force captain, they said. And he's seen some pretty tough action. They told how he'd been flying a transport plane into DaNang one day, when he ran into some flak and caught some shrapnel in the spine. He spent a long time afterwards in hospitals, they said.

That's what Hubbard and the Vietnam Vets said then. But at the end of the camp-in, Hubbard allowed as how he'd been lying about part of that story. He wasn't a captain, he said, but instead a sergeant. As Hubbard put it: "I've allowed this lie to continue because I recognize in this country that it's very important that one has an image."

And along with that admission from Hubbard, came these other details from the Pentagon. Hubbard, according to the Air Force, had spent fourteen years in the service, and when discharged in 1966 was stationed at McCord Air Force Base in Tacoma, Washington. The Air Force said it had no record of Hubbard having ever served in Vietnam, although it did say that since he was an air crew member he, quote, "could have been in Vietnam for brief periods during cargo-loading and unloading periods or crew rest purposes."

That's what the Pentagon says. In response the Vietnam Veterans say Hubbard was in Vietnam frequently, flying many missions in and out in 1965 and 1966. Today a spokesman added there was a plane crash in Da Nang in '66, and Hubbard was injured, although, according to the spokesman, he wasn't actually hit by any shrapnel. The problem here is not the question of one man's credibility, but the doubt that this sort of dissembling casts on the leadership of the protest movements.

Mr. DOLE. Mr. President, let me read specifically from what Mr. Cronkite said:

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This has been Walter Cronkite reporting for CBS News.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRYD of West Virginia. Mr. President, if the Chair will recognize me, I yield my 3 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOLE. I certainly agree with Mr. Cronkite's observation that this fraudulent misrepresentation casts doubt on the leadership—if not on the fundamental motivation—of the protest movement.

I should think this revelation would be cause for some reconsideration by any supporter of this and other demonstrations; for if these organizers and their spokesmen do not furnish truthful biographical information about themselves, how can they be expected to be candid about their protest activities and motivations?

This incident underlines another and equally disturbing fact in contemporary American life: the readiness of the news media, especially network television, to lend credibility, dignity, and publicity to every antimilitary, peace-pondering movement or self-styled spokesman appearing at the studio doors.

This same Al Hubbard, was lionized along with another "leader" of the Vietnam Veterans Against the War on the April 18 NBC news program "Meet the Press."

At this point in my remarks, I ask unanimous consent to have printed in the RECORD an excerpt from the transcript of the April 18, 1971, "Meet the Press" program.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

MEET THE PRESS, APR. 18, 1971

(Produced by Lawrence E. Spivak)

Guests: John Kerry and Al Hubbard. "Vietnam Veterans Against the War' (Two leaders of the organization).

Moderator: Lawrence E. Spivak.

Panel: Peter Lisagor, Chicago Daily News; Crosby Noyes, Washington Evening Star; Neil Sheenan, The New York Times; Robert Goralski, NBC News.

Mr. SPIVAK. Our guests today on MEET THE PRESS are two leaders of the Vietnam Veterans Against the War: Al Hubbard, a former Air Force Captain, and John Kerry, a former Navy lieutenant J.G. Their organization begins a five-day anti-war demonstration in Washington tomorrow. Both men were decorated and injured in Vietnam.

Mr. Hubbard attended the University of Washington, served 12 years in the Air Force and was a pilot. Mr. Kerry spent two and a half years in the Navy after graduation from Yale University and is now in the Reserves.

I'd like to start the questions with Mr. Hubbard.

Mr. Hubbard, you were in the Air Force for 12 years and you served, I believe, for two years in Vietnam. When and why did you decide that your country was wrong to fight in Vietnam?

Mr. HUBBARD. Well, I think I was fully aware before I went to Vietnam that our country was wrong in what it was doing. I thought while I was in Vietnam that I would be able to come to grips with that and I found that I couldn't, that I rationalized as a result of about 12 years in the service that our military forces were needed all over the world and I thought maybe I did not have the full picture of what was going on in Vietnam so it was not until after I came back that I started actively dealing with my problems relating to that.

Mr. DOLE. It is regrettable that neither the program director nor any of the panelists felt it necessary to inquire about Hubbard's credentials. They might not have gotten a straight answer, but at least an effort would have been made. However, it is inexcusable that NBC news in preparing this program was willing to swallow the pretentions of an unknown, unvouched-for radical, and present him to the American people as a former Air Force officer and pilot.

This incident is not only an example of shoddy journalism and careless reporting, it is further vivid testimony to the prejudices and hunger for sensationalism at work in the broadcasting networks.

Little could be done to diminish the impact of "Meet the Press" role in the Al Hubbard masquerade. Retraction is always less effective than the original publication. But the American people have a legitimate right to expect more from NBC news than the lax standards and carelessness it exhibited in producing its supposedly "distinguished" interview program.

I do not dispute NBC's right to permit anyone of its choosing to appear on "Meet the Press" or any other news program. But I do believe that NBC—just as CBS, ABC, and any newspaper or magazine—owes the public a duty of accuracy and responsibility in the presentation of individuals and information through its auspices. NBC obviously failed to meet its duty in this case.

GUARANTEED LOANS TO LOCKHEED

Mr. GAMBRELL. Mr. President, the President and the Secretary of the Treasury have recently indicated that they plan to seek Federal financial assistance to assure the continuation of several of the airplane production programs of Lockheed Aircraft Corp. While the precise terms of the proposal have not been made public, it appears that Congress will be asked to enact legislation by which additional financing supplied by commercial banks will be guaranteed by the U.S. Government. The arrangement by which continued financing will be supplied has been under negotiation between Lockheed, the Rolls-Royce Co., the British Government, and various airlines which have orders to purchase the L–1011 Tristar aircraft.

I will support Federal legislation to guarantee $250 million in loans to Lockheed which are necessary for the continuation of the L–1011 Tristar program. These are my reasons:

First. The parties interested in continuing the program—the British Government, Rolls-Royce, Lockheed, and the airlines—have found such a guarantee to be necessary in order to induce banks to continue financing L–1011 production.

Second. Lockheed would not be able to survive without continuation of the L–1011 program, and this would eliminate it as the country's largest supplier of defense-related materials, including the C–5A military transport being built in Marietta, Ga.

Third. Unlike the SST, the L–1011 is a mass transportation airplane which can be used immediately for the transportation of the average commercial air passenger rather than just a few.

Fourth. The jobs of tens of thousands of Lockheed employees both in the L–1011 and the C–5A projects are in jeopardy.

Fifth. This is a guarantee and not a direct cash subsidy plan.

In its April 21, 1971, issue, the Atlanta Constitution published a column by Harold Martin relating to the Lockheed situation which I commend to the Senate. I ask unanimous consent that this column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE C–5A CONTROVERSY

(By Harold Martin)

The big controversy over the C–5 airplane has now entered a new dimension. Senator Proxmire, over a considerable period of time, has been making the point that the C–5 cost about twice as much as expected.

That is obvious to anybody who knows that four billion dollars is twice as much as two billion dollars. Lockheed made no attempt to deny the cost over runs. It did question some of Senator Proxmire's detailed figures, and it of course did not agree that the break through the ceiling was due to mismanagement and a careless disregard for the taxpayers money. The same people designed and built the C–5 Galaxy that had built the magnificently successful C–141 Starlifter. They pushed that airplane from drawing board to roll out on time, and within cost estimates and it does not make sense to assume that these same men should suddenly have lost all their talents and skills. The American is not much of a man for resting on his laurels, if he does a good job on one project, he immediately lifts his sights and tries to do an even better job on the next.

That is one thing that happened on the C–5 Galaxy. This is a plane that pushed the state of the airplane building art far beyond any frontiers that had been known before in size and range and weightlifting capacity and the ability to put down on rough short fields.

And a portion of the cost overrun was undoubtedly caused by these ventures into the unknown. The main thing, though, that pushed the cost so high, so fast, was inflation. The C–141 was built at a time when the airplane manufacturing industry was hungry for work. The C–5 contract costs were figured on the assumption that the economic doldrum would continue to prevail. It didn't. When Lockheed started building the C–5, every plant in the industry had more work than it could do, and costs of labor and materials both were soaring.

This was an economic fact of life. It was not due to the fact that Lockheed's management had suddenly turned stupid or careless with its cost accounting, or that the Air Force had quit keeping a sharp eye on its industrial partners.

They both were caught in the same inflation that had caught everybody else. General George Brown, Commander of the AF Systems Command, which is in charge of the testing and development of all AF planes, made the point that whether you were pushing the state of the art out to new frontiers or not, you were still riding the inflationary balloon. There was nothing new, and difficult and challenging in the construction of the Sam Rayburn House Office Building. But that structure will cost about twice as much as the $64 million which was first estimated. There was nothing in the construction of the

John F. Kennedy for the Performing Arts that builders have not known about for years. But it was supposed to cost $46 million and will come nearer costing $66 million.

Now Mr. Proxmire has come out with the statement that the C–5 airplane is not only too costly, it is unreliable and can't perform its tactical missions. He then cites a long list of bugs that have turned up as the airplane went through its tests—which is the reason for the tests in the first place. Most of these were known, and publicized a year ago, and many have been fixed. Some were trivial. Some, like kneel-down landing gear, the brakes, and a problem that required some redesign of the wing, were serious problems, but to be expected in a plane so far advanced in technology.

At any rate, it seems that we poor bewildered taxpayers will at least get some hard factual answers. The plane will either do what it is supposed to do, or it won't. The way to find that out is by testing, and by use in service. The planes are now flying all over the world, hauling heavy and outsized cargoes, including such awkward shapes as helicopters, to both the Pacific and European theaters. They are being flown at 80 per cent of load capacity, as a safety measure, until the ground test program is completed in 1973. But if there were some national emergency, and we had to put an Army division on the ground somewhere across the world in a hurry—that limit would be thrown out the window. The big planes would be loaded to full capacity and beyond—with the Air Force feeling confident they could safely do their job.

Mr. Proxmire says we won't know until 1973 what these planes will do—which is true. But at that time we will know what the plane will do over its whole useful lifetime. It will have been put through a simulated 30 years of service, loadings, takeoffs flights and landings. So, until that test period is over and the evidence is in, it seems to me that we ought to figure that Lockheed-Georgia has built a good airplane.

WASHINGTON'S REACTION TO THE DEMONSTRATIONS

Mr. PACKWOOD. Mr. President, there have been and there will continue to be a great number of varied reactions to the recent protest demonstrations which have taken place in the Nation's Capital. The entire country is watching Washington, D.C., and without doubt most of the world is watching, too. All will see the photographs of the demonstrators doing their thing and the policemen, maligned because they are in uniform, doing their best to keep sane.

Depending upon the point of view of the writer, there will be articles ranging the gambit of emotion from one end of the pendulum swing of ideology to the other.

One type of reaction, however, which is not likely to get much attention outside of Washington, D.C., is that of the Washington, D.C., residents themselves—persons whose daily lives have been affected and whose environment has been damaged by what has gone on in their city. It is only fair to give these feelings a little more circulation, to set upon the record some mail witness to the feelings of the citizens of Washington.

I, therefore, ask unanimous consent that an editorial from the Washington Evening Star for Wednesday, May 5, and certain letters to the editor published in the Thursday, May 6, Washington Post relating to this subject, be printed in the RECORD at this point.

There being no objection, the requested items were ordered to be printed in the RECORD, as follows:

THE MOB AND THE LAW

The spring offensive launched by the Mayday Collective and the People's Coalition for Peace and Justice so far has failed, as it so richly deserved to do. The process of government has gone on relatively undisturbed. Downtown merchants have suffered a loss of business, and many ordinary citizens have been grievously inconvenienced. But nobody has been killed and only a few hurt, which is the most important thing.

It will be some time before final judgment can be pronounced on the handling of this difficult business by those charged with enforcing the law in this city. It is clear, however, that a sharp distinction must be drawn between the situation that prevailed Monday as compared to yesterday. Monday's mass disorder, all things considered, was dealt with appropriately and effectively. But on Tuesday, when the discouraged demonstrators exhibited much less aggressive behavior, there were numerous instances of questionable judgment on the part of those ordering arrests. Rough and random treatment of long-haired youngsters, not engaged in serious misbehavior or not misbehaving at all, was an unfortunate and perhaps predictable reaction on the part of weary police.

The most serious question raised thus far involves the decision, at the height of Monday's disorder, to arrest protestors wholesale without observing customary amenities. On this issue, the emergency actions taken seem wholly justified.

Because of the record-breaking number of arrests—there were more than 7,000 persons detained on Monday—police failed to follow the arrest procedure recommended by the Committee for the Administration of Justice Under Emergency Conditions, set up after the 1968 disorders here. This would have required the police to have written out the name, address, charge and circumstances surrounding the arrest of each demonstrator, in addition to obtaining a photograph of the individual.

The fact that this was not generally done on Monday will make it difficult if not impossible to obtain convictions of those charged. While this is regrettable, it is clear that the police, who were dealing with mobile mobs collectively numbering perhaps 17,000 persons, were physically unable to go through the prescribed procedure. When they were able—as in the situation outside the Justice Department yesterday—they did so. But on Monday morning, they were faced with what police general counsel Gerald M. Caplan called a "potentially riotous situation," and their first responsibility was to prevent that potentiality from becoming a reality. The size of the willfully lawless mob they confronted made it essential, as speedily as possible, to get these people off the streets.

In the process, some innocents were swept into the police net. Again, that was unfortunate but—under the circumstances—probably unavoidable. The majority of those temporarily detained unquestionably deserved precisely what they got, even if the charges cannot be made to stick in court.

It is more than likely that we have not seen the last of the Mayday "tribesmen." Should they persist in their illegal efforts to disrupt the city and the government, it is hard to see how they can expect to be met with anything less than the force necessary to thwart their designs.

Order has been preserved, as it had to be. There remains the task of cleaning up the mess made by Rennie Davis & Company—and paying the bill for the whole sorry business. This, as we observed Sunday, ought to be picked up by the federal government, against which the demonstration was aimed.

OBSERVATIONS ON THE DEMONSTRATIONS AND THE HANDLING OF THEM

Why, oh why do we, who live in the District of Columbia because we love it, work hard, pay taxes, have had nothing but good relations with the D.C. police department and the local court system, and get involved with local politics, not to mention jury duty, and refuse to flee to the suburbs, have to put up with a bunch of undisciplined kids supported by their parents hard-earned money. Most of them are there for the heck of it—sort of "Let's go to Washington and give the establishment a bad time."

The veterans showed us how a demonstration should be carried out—and earned the respect of all of us. They carried themselves with great dignity. The testimony before Sen. Fulbright's committee deserves the highest commendation.

It is apparent to most that Vietnam has become utter nonsense, and President Nixon (although I helped defeat him in California in 1962) is doing an excellent job in winding that thing down. These kids are creating anarchy, despoiling the most impressive demonstration of the veterans, and acting like spoiled brats. They should be treated as such.

FRANCES OBERHEIM.

WASHINGTON.

My two sons, ages six and seven, are watching the demonstration on the "Today" show. They don't understand why the protesters for peace are starting a war in Washington if they want peace. I'm 35 and I fail to see the logic in these moves also.

CAROLINE E. WUGOFSKI.

SILVER SPRING.

The Sunday edition (April 25) of The Washington Post was the most outrageous example of reporting I have ever seen. The articles and columns written by the simpering, bleeding heart staff writers and others about the war protesters and their shenanigans was enough to make a person vomit. The pictures of the goons waving Viet Cong flags from the monuments, the bums climbing flag poles and tearing down the flag of the country that allows them to do their protesting in this destructive manner, the pigs laying all over our parks and littering them for all the world to see.

One decent report on someone trying to get our prisoners-of-war some comfort received a couple of column inches way back in the paper while the rubbish about the vandals and hyenas roaming the nation's capital was spread from page to page. The Russian Communists have bragged that they could take this country without firing a shot—that they would just bury us from within. With the help of our Communist sympathizers they may just do that, and with a few more issues like your Sunday issue, it will show how easy this task will be.

AL MORE.

I'm sure you would call me one of the silent majority. However, I'm getting tired of being silent, and it's time to speak up.

We have allowed this country to get into the hands of mobs, and that's exactly what they are. Most of these people, and I use the word, people, lightly, look like bums, and have contributed nothing to society. We of the older generation have worked our entire lives to build, and now we are allowing these people to destroy everything. Most of them have no idea what its all about, and they don't even know why they're marching, just that someone told them to. It's time *they* stop and take a good look at *themselves* and ask the question, "Have I the right to destroy what my parents, and the generations before them built?"

MARIANNA CRAIG.

OXON HILL.

We are visiting in Washington with our four young sons. On our walk today (April 27) we saw hippies living in tents, bathing in the reflecting pool, and demonstrating in front of Selective Service. We did not look for them; they were everywhere. This, by the way, happens to be what they had written in paint on the walk of the reflecting pool: "We are everywhere." It was an upsetting day.

These young people are crying for their rights and freedoms, and yet, by their very actions, they are limiting the freedoms of others. For example, the Washington Monument was closed to us because of them.

Therefore this letter is my protest. As a person I protest their disruptive behavior. As a mother, I protest their destructive behavior. As a citizen I protest their defacing our national monuments. It is a shame that this is allowed to exist in such a manner in the heart of our country.

ANNE E. CATALDO.

WRENTHAM, MASS.

I hope the District courts display enough intestinal fortitude to require the "peace demonstrators" to pick up the mess they have strewn over Washington's streets.

Judge Greene and his cohorts might take a page from the book of the late Major General Smedley D. Butler, USMC, a Philadelphia Quaker of some note, one to be reckoned with in his day.

In all probability Old Gimlet Eye would have surveyed the holding pens at the jails and said, "We've got all the working party we need." Scorning such niceties as shovels and brooms he would have continued, "They put this stuff down by hand, let them pick it up the same way!"

JOHN H. MAGRUDER III,
Colonel, U.S.M.C. (*Ret.*).

WASHINGTON.

The most difficult thing for me to understand about the various demonstrations that come to Washington, is why the laws that are enforced on local residents are not enforced in regard to demonstrators. I am speaking especially of the drug laws, but also cerain "public decency" laws. From press reports, demonstrators who are treated for drug abuse are neither arrested nor questioned as to sources, for example. Drugs are killing our youth in mind and body. Why is not some effort made to "sanitize" the demonstration camps? Or is this one of those instances where the various Washington police forces have jurisdictional problems? I would certainly like to be able to read an explanation of this.

DOROTHY D. HODGES.

OXON HILL.

DEMONSTRATIONS AT THE CAPITOL

Mr. METCALF. Mr. President, I was disturbed yesterday when I did not have an opportunity, adequately, to participate in the discussion that the Senator from New York (Mr. JAVITS) and the Senator from Michigan (Mr. HART) had in protesting some of the activities of the police and did not sufficiently add my voice to their protest.

I was further disturbed yesterday when I stood at the window of my office and watched a very peaceful and a respectful demonstration on Delaware Avenue, when a group of young men and young women walked up and down the avenue in single file and courteously stepped aside as other pedestrians went about. They were orderly, not shouting obscenities but behaving themselves as protesting citizens. All at once, a group of police come in, swept them all up, transported them someplace—I do not know where—in paddy wagons, including one Hertz rent-a-truck, which had, eloquently, on one side "A One-Way Trip."

So, yesterday, when I felt that I had not sufficiently stood up to protest, when I went across the Capitol Grounds, I saw, on the steps of the House of Representatives, Representative DELLUMS being pushed around, again I did not say anything.

I said to myself, "I am going on over into the House side and go about my business," when all at once, not realizing that there was a police line, I found a policeman with his hand in my chest, saying that I could not go through the Capitol Plaza. I identified myself and did go through.

I feel that I have to say a little more about the demonstrations. I am one of those who live in Washington. I live down the street from the Capitol, on First Street; and I feel that, except for my home in Helena, Mont., I am a resident of Washington. I own a piece of property here, pay taxes here, and respect the police and fire departments which have the duty and responsibility of protecting all property in the city.

I have had the highest regard, during recent months, for the Police Chief, Mr. Wilson. I believe that he has done a superb job. But if he is the man who was responsible—as the morning Post says he is—for sweeping these people up, whether they were loitering or protesting or irresponsible, or whether they have legally been on the streets without any justification for arrest, without filling out arrest forms, then he should be admonished that a police chief does not make such arrests in a free country.

If the Department of Justice is responsible for it, as has been charged, then the Attorney General of the United States, who is primarily charged with the protection of our basic rights and liberties, should also be admonished that he is not doing the job we expect of him.

The PRESIDING OFFICER. The time of the Senator has exipred.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will be glad to yield 3 minutes to the Senator from Montana.

Mr. METCALF. I thank the Senator from West Virginia.

Mr. President, when I went into Normandy, I recall, in the towns of Carentan and St. Lo, and all across France and Germany, the smell of death, a sickening, sweet smell, that all of us identify as the smell of war. I recall that as we went into Nordhausen, one of the displaced persons and labor camps that my unit took, we could smell the dead and dying, the inmates of that camp for miles outside. Mr. President the smell of tyranny and oppression is in my nostrils today.

I wondered why decent people, people such as the Germans, permitted those conditions to continue. Yet, yesterday I found some of the reasons in my own thoughts, in my own ideas, because I failed to stand up and protest about illegal arrests, illegal detention, and illegal activities on the part of the police.

This city is the showcase of the world. Washington, D.C., is the Capital—and a beautiful capital—of the leading democracy in the world. If we cannot protect our people without violation of basic civil rights, violation of basic liberties, then we should hire more and better trained policemen. We should do a better job of administering the city ourselves.

When World War II was over, I was in charge of a camp called Gernlinden. Some of the people in that camp were of the finest lineage, from Hungary and Poland—authentic aristocrats of generations and generations of intellectual and artistic superiority. Yet they were living like beasts, because they had been dehumanized by the Nazis.

This week we did some of these things here in Washington. We gathered people together—sent them to internment camps, if you please—without toilet facilities, without any opportunity to take care of themselves for food, for ordinary basic things of life, and left them without human dignity or decency. That is the way—not brutality, not beating—to dehumanize people. That is what we did to the rank and file of hundreds of citizens of this community whose only offense was to happen to be on the streets or happen to come out of a building when the police were mopping up or sweeping up everybody in sight.

I want to say that I feel that the police of Washington, by and large, are superb. They are one of the superior police forces in America. I think that we are beginning to have an adequate police force in and around the Capitol. But when the police deliberately embark and launch a program of arresting people without consideration of the legality of the arrests, as this morning's newspaper reports, it is a deliberate encroachment upon our civil rights that can lead us down the road to a police state.

So today I want to join some of the others who have stood on the floor of the Senate and protested that this is not the way to have civil obedience and not the way to curb the civil disorders.

SALUTE TO AGRICULTURE

Mr. DOLE. Mrs. President, the farmers of this Nation have not received the recognition they deserve. The efficiencies of our farmers have been the foundation for the success of our industry—our economy—our personal well-being and comfort.

The food produced by the farm sector is the biggest bargain in the world; and the farmers of the Nation deserve credit; and more important, they deserve support from the Federal Government to improve their position in America's economic picture.

President Nixon is emphasizing his concern for American farmers with his "salute to Agriculture," which takes place tomorrow at the Department of Agriculture and the White House. Last Sunday, President Nixon outlined his appreciation of agriculture and his plans to assist our farmers.

I ask unanimous consent that the text of President Nixon's remarks be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A SALUTE TO AGRICULTURE

Good afternoon, my fellow Americans: Next Friday, May 7th, I ask the people of the United States to join with me in celebrating the Salute to Agriculture Day. As a part of that celebration, I am honoring representatives of agriculture at a series of events in Washington, D.C.—including a special dinner at the White House. I officially designate this day, however, in the hope that our celebrations will extend far beyond Washington—and that it will give our people, in every walk of life, an opportunity to learn more about both the accomplishments of the American farmer and the problems he confronts.

During the last quarter century, I have had the opportunity to visit some 75 countries around the globe. I have spent a good deal of time in studying their agricultural systems and their techniques of farming. I have talked with peasants in Poland, with cultivators in India, with shepherds in Africa, with South American guachos. And I have often been very impressed with what I have learned.

But nothing I have seen anywhere on earth can even begin to compare with the success story written by the men and women of agriculture in our own country. The surging vitality of our agriculture has made our country the best fed, the best clothed nation on earth, and it has contributed immensely to our strength abroad and here at home. I have been involved in international diplomacy and international economics since my first visit to Europe as a Member of Congress in 1947. Again and again, I have seen the problems which result for a country when its leaders must deal from a position of agricultural weakness rather than agricultural strength. Some even have had to cope with the inability of their farmers to feed their own people.

For American leaders, on the other hand, the situation has been just the reverse; our farmers have not only provided a solid base for the United States economy, they have also helped to feed the people of other lands. Our strong international position has grown even stronger in the last few years. As recently as the 1968 Fiscal Year, farm exports actually dropped by half a billion dollars, a condition which I promised in 1968 to remedy during my Presidential term. I am happy to say today that we have delivered on that promise. Our agricultural exports this year will be at an all time high. Their volume will be some six percent higher than it was a year ago and their value is expected to reach $7.4 billion.

Today, we are exporting the production from approximately one acre out of every four we harvest in America. Two-thirds of our rice crop, more than half of our wheat and our soybean crop, and one-third of our cotton crop are now going to foreign markets. This is a very good record. And yet we want to do even better. We would like to be exporting some $10 billion worth of American farm products each year. To help achieve this goal, I am announcing today an increase of $1 million in the Fiscal Year 1972 budget for the Foreign Agricultural Service—the Federal agency which helps our farmers expand their sales abroad. And I also pledge that we will continue our efforts to lower trading barriers to our farm exports around the world.

From Rotterdam to Singapore, from Galveston to Duluth, a new current of energy has been felt along the trading lanes of the world in the last few years. Aspirations are rising, economies are growing, purchasing power is increasing—and our farmers have proven their ability to capitalize on these new opportunities. We know that American agriculture can compete successfully—whenever it has the chance. And we are determined to see it has that chance.

The new market energy we see abroad has also been felt in our own country. For example, beef consumption per person has gone up by one-third in the last 10 years. This means that for every three pounds of beef he consumed in 1960, the average American is consuming four pounds in 1971.

What these growing markets can mean, of course, is growing farm income. As a result, in part, of expanding markets, soybean prices, for example, have been running a good half dollar a bushel above the price support level. Grain prices and cotton prices are also well above loan levels. Cattle prices have recovered and stand above their levels of a year ago. Hog prices, of course, are still too low. To help meet this situation, the Department of Agriculture has already purchased over 145 million pounds of pork for its food distribution and school lunch programs in this fiscal year. This is the highest level of pork purchases since 1956. Our purchase program is continuing and we expect that hog prices will show substantial improvement later this year.

All in all, it is clear that the total income of American farmers will be higher this year than ever before in our history. But this brings me to another of the major difficulties which confront our farmers, the fact that increases in total income are not always reflected in more net income. Now the reason, of course, is the high cost of farming. Over two-thirds of agriculture's gross income goes right back out again to pay for farm expenses.

This is why the farmer has such a tremendous stake in the battle against inflation. In a sense, he has a double stake, for inflation hits farmers in two ways. It drives up both the cost of farming and the cost of living. I am particularly pleased, therefore, to report that while the battle is far from won, we are definitely making progress against inflation. The rate of inflation in the first quarter of 1971 was the lowest in four years, only one-half of what it was in 1970. We are working very hard, then, to ease this perennially troublesome cost-price squeeze. At the same time, we recognize that the supply of farm credit is now extremely tight and we are working to expand it.

To begin with, I am recommending that the level of farm operating loans be increased in Fiscal Year 1972—just as soon as the Congress enacts my proposal to allow the Farmers Home Administration to insure loans for operating expenses—as it can now do for ownership purposes. In addition, I am directing the FHA to increase the availability of its insured ownership loans by almost three-fourths—from $210 million in the current fiscal year to $350 million next year.

It is my hope that these efforts to expand farm credit will be especially helpful to the farmers of the southwest who have been suffering so much from one of the worst droughts in history.

And I hope, too, that expanded credit will strengthen the position of younger farmers, of the hundreds of thousands of family farm operators, because they are still the backbone of American agriculture.

Let me turn now to another set of problems—crop, plant and livestock disease. I am today announcing several measures to step up our fight in this area. In the first place, I am asking Congress to provide an additional $7.6 million to the Agricultural Research Service and to the State Agricultural Experiment Stations. A good deal of this money would go for fighting Southern leaf blight which recently created such major problems for corn farmers. Some of this added research money would also be used to find new ways of controlling insects, including cattle ticks, and do needed work on the relationship between hosts and parasites, and on disease resisting plants.

At the same time, I am offering or ordering the use of two million from this year's budget for more applied research on controlling the fire ant and the gypsy moth which is seriously threatening our Eastern timber stands.

I have also directed that more money be used for accelerated research on matters like cotton seed proteins and insect pests.

Another area where government should do more to provide technical assistance for farmers is that of soil and water conservation. Long before most Americans were thinking very much about the environment, our farmers, our ranchers, our woodland owners, were working together with the Government to conserve our natural resources. I believe we should now be providing more help for our dedicated corps of soil conservationists whose number has dropped sharply in the last four years.

I am therefore increasing my new budget request for the Soil Conservation Service by $12 million to provide more manpower for this valuable work. I am also proposing that Federal grants for small watershed projects be increased by $28 million to a level of $105 million, and that 75 new projects be authorized. I am further recommending quadrupling of loan programs to help local communities finance their share of these projects.

In many other ways we are working to fulfill our responsibilities to the agriculture community. For example, I am ordering an additional increase of $100 million this year and $111 million next year in our insured loan program for building water and sewer systems in rural areas. Through such programs I know that this Administration can work closely with farmers, with farm organizations, and with the Congress to serve agricultural America more effectively. Working together we can resolve difficult issues involved in pesticide control, farm labor, farm bargaining legislation, other complex matters, as well as the many aspects of other national policies that bear directly on the lives of farmers.

But even as I mention all of these government programs, I know that the agricultural community also shares my feeling that in the final analysis the problems of American agriculture can best be solved by those who know farming best, farm people themselves, with government backup when necessary. That is one reason why I have high hopes for the new farm programs which are in effect this year. They remove some of the old restraints in a way which gives every farmer a chance to make more of his own decisions about the kind of farming that suits him best. At the same time, we are continuing our research for better methods of maximizing the receipt of farm income from the market.

After all, some 60 percent of farm income comes from commodities that are not price supported and have not been supported in the past. Moreover, the major supported commodities are now selling well above loan levels. It seems to me that the brightest future for agriculture lies in actions that stimulate new energy in the free market system.

As I think about the challenges that confront American agriculture, it occurs to me that farmers must, by nature, be incurable optimists. Like everyone else they are concerned about the great questions of war and peace, about the economy, and education and crime, and all the other issues that face our society. But in addition, the agricultural community also has its own special problems to worry about, including such uncertain factors as the weather, the condition of volatile markets, and even the direction of government policies in this country and abroad. Their vocation, moreover, requires them not only to be good farmers, but also to be good scientists, skilled engineers, able businessmen. All of these challenges have been successfully met by America's farmers.

In that process, they have achieved a remarkable record of production, setting a brisk pace for the rest of our economy. And they have also provided a continuing source of moral and spiritual strength for America, giving shape and substance to our national character from the very heartland of America.

And so we approach Salute to Agriculture Day in a spirit of gratitude with a sense of obligation to the farmers of this country. Though only a small group of farm representatives will be able to be with us at the White House next Friday night, I feel that every farmer and rancher in America, his wife, his family, will be with us in spirit.

What we will be saying on that occasion is very simply this: Agriculture was America's first industry. For most of our history it was our largest industry. Today it continues to hold an honored place in our society, a keystone not only for our economic strength but also for our entire way of life.

PROPOSED NUCLEAR REPOSITORY AT LYONS, KANS.

Mr. DOLE. Mr. President, today I received a copy of the comments prepared by the Environmental Protection Agency on the potential environmental impact of the radioactive waste repository proposed to be located near Lyons, Kans. The tentative decision of the Atomic Energy Commission to locate the nuclear repository in Kansas has created considerable controversy. Many Kansans have raised questions concerning the safety and environmental implications of the project.

In reviewing EPA's comments, I find that they are consistent with recommendations I made to the Joint Committee on Atomic Energy in hearings held in March on the nuclear repository.

The questions raised by EPA are further evidence that an independent review of this project is needed. I have asked President Nixon to appoint an advisory council to review the risks attendent to the proposed repository adequate to satisfy not only the Federal Government, but the citizens of Kansas. This council would consist of one representative from each of the following: Council of Environmental Quality, Office of Science and Technology, Environmental Protection Agency, Atomic Energy Commission, and two representatives from Kansas to review the safety and environmental implications of the proposed repository.

Because of the importance of the development of an acceptable means of nuclear waste disposal, I ask unanimous consent that the letter of transmittal and the comments of EPA on the Lyons, Kans., radioactive waste repository be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., Apr. 29, 1971.

Mr. JOHN A. ERLEWINE,
Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C.

DEAR MR. ERLEWINE: The enclosed report summarizes comments of the Environmental Protection Agency on the potential environmental impact of the Radioactive Waste Depository to be located at Lyons, Kansas. We appreciate the opportunity to comment on your draft environmental statement on this proposed facility.

The long-term disposal of high-level radioactive wastes is, of course, of great interest to this Agency, since a proper method of handling these wastes is vital to maintaing environmental quality as a result of the expected expansion of nuclear power generation. We recognize that the disposal or long-term storage of highly radioactive wastes in salt structures has been under rather extensive investigation by the AEC for over a decade. Although it appears that storage in salt formation offers, at least at this stage, the best method of such disposal, we do not believe the Commission has adequately developed or referenced in the environmental impact statement the results of work it has done on this problem and which presumably relate to the conclusions contained in the impact statement. Accordingly, it is not possible for us to assess fully the environmental impact of this proposed operation on the basis of the statement as received.

Because of the scope and nature of this proposed undertaking and its importance relative to the development of nuclear power in this country and the public interest and concern in this area, we believe a more detailed documentation of the environmental and safety aspects of the proposed activity is in order.

In addition to discussing more fully the basis for, and assumptions used in calculations and interpretation of experimental and field data, we think you should also develop:

1. The various factors relating to the long-term integrity of the salt formation and its ability adequately to contain the deposited radioactive material and to prevent contamination of terrestrial and hydrologic environments.

2. The need for contingency plans to recover the deposited material should this be required.

3. The demonstration nature of the project and the Commission's plans to evaluate periodically the technical progress of the project relative to actual environmental impact or geological changes that may have occurred.

4. The extent and nature of long-term environmental studies and a determination as to who will conduct such studies to assess discharges that might occur and their environmental effects.

Also, while we appreciate that the environmental aspects of the salt repository operation can be addressed without reference to other major phases of an overall waste management system, we believe that it would be highly desirable, if not essential, to consider, in detail, the environmental aspects of the two major related operations; namely, the waste solidification process at various locations and the transport of the solidified, encapsulated material. A description should also be included of how the interfaces between these three major parts of the total system will be managed so as to provide appropriate protection for the environment.

It would seem appropriate and useful for a proposed project of this scope and nature to be accompanied by a detailed report similar to the safety analysis report for a proposed nuclear reactor.

Our staff would be available to review further material that you develop on the above points, and we would be pleased to assist you in any other way in connection with this proposed project.

Sincerely yours,

ARTHUR H. WOLFF,
Acting Deputy Commissioner Radiation Office.

ENVIRONMENTAL IMPACT REVIEW, RADIOACTIVE WASTE REPOSITORY, LYONS, KANS.

INTRODUCTION AND CONCLUSIONS

The purpose of this report is to summarize the results of an evaluation by the Radiation Office and the Water Quality Office of the Environmental Protection Agency of the potential environmental effects of the Radioactive Waste Repository proposed to be located at Lyons, Kansas. The repository, a federally-owned facility, will utilize an existing 200-acre nonproducing salt mine about 1,000 feet underground and approximately 800 acres of the adjoining salt formation. It will be used for the ultimate disposal of both alpha waste and high-level waste. Alpha waste is material contaminated with plutonium and/or transuranic elements during nuclear fuel fabrication and will generally be at relatively low activity levels with a very long half life. High-level wastes are basically fission products separated from spent fuel at a fuel reprocessing plant and are characterized by high beta-gamma radioactivity levels and relatively long half-lives. All wastes are to be treated and stored as solid waste.

This evaluation is based upon the Environmental Statement (1) which was submitted by the Atomic Energy Commission for the proposed facility and a report by the Committee on Radioactive Waste Management entitled, "Disposal of Solid Radioactive Wastes in Bedded Salt Deposits." (2) The conclusions of this evaluation, based on the information presented, are as follows:

1. Disposal of solid radioactive material in nonproducing salt mines is feasible, practicable, and has advantages over other considered methods of disposal. The proposed facility should, however, be considered as a demonstration one and operated accordingly until considerable operational experience in-

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[1] United States Atomic Energy Commission, "Environmental Statement—Radioactivity Waste Repository—Lyons, Kansas—Draft," November, 1970.

[2] Committee on Radioactive Waste Management, "Disposal of Solid Radioactive Wastes in Bedded Salt Deposite," National Academy of Sciences—National Research Council, Washington, D.C., November, 1970.

dicates that no adverse environmental effects occur from this method of high-level disposal of radioactive wastes.

2. Radionuclide inventory assumptions and release modes used in estimating the discharge levels from the Radioactive Waste Repository should be presented in the final Environmental Statement.

3. All discharges of radioactive material from the facility should be carefully measured and accurately recorded during the operation of the facility.

4. The potential off-site population doses should be calculated and the results presented in the final Environmental Statement along with all pertinent assumptions.

5. An extensive environmental surveillance program for the site should be established and continued throughout operation of the repository. This program should also continue following decommissioning of the facility to determine whether radioactive material is being released to the environment.

6. No information concerning emergency planning was presented in the draft Environmetal Statement; therefore, we recommend that emergency planning be discussed in the final Environmental Statement for the Radioactive Waste Repository. Emergency plans should be established which could be initiated in the event of any foreseeable type of emergency situation, particularly the case of an in-transit accident involving a shipment of radwaste to the repository.

HANDLING, PROCESSING, AND DISPOSAL OF WASTES

The waste handling procedures and emplacement of wastes into the mine should be further discussed. The terms used for waste containers (casks, waste packages, high-level waste containers, etc.) should be defined to give a better perspective of the operation. It should be pointed out if there is any limit on container size or the amount of activity per container of high-level waste. If not, spacing of holes for thermal control in the floor of the mine may need to be determined for each container. Additionally, the containers should not be placed next to beds of shale or anhydrite that contain gypsum because shale and gypsum when heated can yield moisture and corrode the metal containers. Comments in this regard should be included in the Statement.

Air will be circulated through the facility from areas of low contamination potential to areas of successively higher contamination potential. Return ducts will be equipped with high efficiency particulate air filters, and all air will be routed through absolute filters before being discharged to the atmosphere.

Nevertheless, it is expected that small amounts of gaseous and airborne particulate radioactive material will be discharged to the atmosphere and estimates of annual discharges are given on p. 32 of the Environmental Statement.[1] The assumptions made in estimating the annual discharge to the atmosphere from operation of the repository were not presented in the Environmental Statement.[1] Radionuclide inventory assumptions and release modes used in the estimated discharge levels should be presented in the final Environmental Statement so that an independent estimate of discharge levels can be made. The nature of the vent through which the exhaust from the ventilation system will be discharged to the atmosphere should also be discussed.

Since it is indicated[1] that decontamination facilities will be provided at the repository site, discharge levels of radioactive waste material resulting from decontamination operations should be included in the radionuclide discharge estimates for the facility. Decontamination procedures, the treatment of the resulting radioactive wastes, the mode of discharge of any of these wastes to the environment, and monitoring procedures should be adequately described.

Consideration of the possible need for alternate or supplementary control facilities during operation of the facility is imperative. It may be necessary to incorporate additional waste control facilities if unanticipated adverse environmental effects should be detected.

For these reasons, it should be shown that the processes provide sufficient flexibility so that protective and preventive measures can be taken. The Atomic Energy Commission should also indicate the means by which the site and surrounding property will be kept and maintained in perpetual care.

ENVIRONMENTAL IMPACT

In assessing the potential environmental impact due to radioactive discharge to the environment from the Radioactive Waste Repository, an estimate of radiation doses to the population during operation of the repository should be made for evaluating potential radiological effects. Average annual off-site concentrations resulting from repository effluents were presented in the Environmental Statement;[1] however, the data necessary to verify these estimates were not included. Meteorological data that were utilized in calculating off-site dilution factors and air concentrations of gaseous radioactive effluents should be presented. Potential off-site population doses from these estimated air concentrations should be calculated and presented in the final Environmental Statement along with all pertinent assumptions.

Hydrologic studies being made should also determine the need to control man's activities on the surface from new agriculture development and industrial installations that may precipitate unintentional changes in the ground-water regime above the salt beds. Over several decades this could adversely affect salt storage areas.

ENVIRONMENTAL SURVEILLANCE

No mention is made in the Environmental Statement[1] of an off-site environmental surveilance program. Such a program is essential to confirm that the facility is operating as anticipated and to insure that the general public is not being unduly exposed to radiation originating at the site. Adequate surveillance should be done by the Atomic Energy Commission and the Kansas Department of Health to insure that there is no encroachment of radioactivity into drinking water supplies or other critical environmental pathways to man.

Since the site and its surroundings are principally agricultural areas, food crops produced in the area should be sampled regularly. Airborne particulate and gaseous samples should also be collected and analyzed as part of the surveillance program. All radioactive discharges from the site, including any wastes discharged as a result of decontamination procedures, should be monitored. The ventilation exhaust system should also be equipped with appropriate monitoring devices to measure ^{85}Kr, ^{3}H, and airborne particulate activity levels.

Surface water monitoring was not mentioned in the Statement.

Although there is apparently no direct discharge of liquid radioactive wastes to surface waters, contamination could occur from waste discharges to the atmosphere or from surface drainage from the site. Surveilance of the surface waters traversing the site should be undertaken, at least during the early stage of operation.

Salt is to be mined continuously during operation of the facility and much of the salt will be used for backfilling, but it is expected that there will be an excess of salt. One proposed use of this excess salt is to sell it commercially. Since salt mined from the repository could possibly be contaminated with radioactive material, any salt shipped off-site should be monitored carefully. The possibility of plutonium and/or other transuranic element contamination makes this particularly important. Precautions should be taken to assure that above ground storage of this excavated salt or other handling or disposal is conducted in such a way that the quality of surface or ground water is not impaired. It was stated that the repository would be insulated from underground aquifers in the area. It was likewise mentioned that there were several wells for both human and livestock consumption in the vicinity of the repository. There is the possibility of induced movement of water in the aquifers resulting from increased temperatures caused by the decay of nuclear wastes. Although it is not anticipated that any radioactive material will permeate into these aquifers, water samples should still be taken and analyzed to confirm the absence of additions of radioactive materials to the aquifer water. This practice is in keeping with the demonstration nature of the facility. While water from the aquifers might not be used, the samples taken should show whether the water could be used if so desired and as an indication that similar waste repositories could be operated in areas where there are active aquifers.

The surveillance program for the Radioactive Waste Repository should be established and initiated before operations at the facility begin. Preoperational data can establish the characteristic background levels which can be used as a base line to determine if operation of the repository is resulting in increased radiation levels in the environs. The surveillance program should also be continued after the decommissioning of the facility to confirm that the radioactive wastes are being contained in the repository with no releases of radioactivity.

EMERGENCY PLANNING

No information concerning emergency planning was presented in the draft Environmental Statement. The operation of the facility represents a potential for radiation incidents thus emergency planning should be discussed in the final Environmental Statement for the facility. Potential emergency situations may be divided into basically two categories: (1) On-site occurrences which could expose the surrounding off-site environs and general public to abnormal radiation levels, and (2) In-transit accidents involving radioactive material being transported to the site. Both of these types of emergencies should be considered and plans established to alleviate the effects of any possible accident before operations at the facility begin.

Emergency procedures should be established to protect the surrounding environs and minimize exposure of the general public in the event of an on-site accident involving radioactive material. Arrangements should be made by which the Atomic Energy Commission, the facility operator, will notify the Kansas Department of Health and local authorities in the event of an abnormal on-site occurrence which could affect off-site areas. The specific types and magnitudes of potential accidents should be determined and appropriate plans to protect both the general public and on-site personnel should be established.

All shipments of radioactive waste material to the repository will be conducted under appropriate Atomic Energy Commission and Department of Transportation regulations. However, the possibility of an accident involving the release of radioactive material during an in-transit accident should not be overlooked. Those States through which major shipping routes will cross should be informed as to the type of wastes that will be shipped and potential accidental situations that may result so that they will be able to respond if the accidental situation arises. The scope of such potential in-transit accidents should be anticipated, and the authority with which responsibility lies for protection of the general public and the handling of cleanup operations following an accident should be established and agreed upon by all parties involved before any shipments are made.

GIRL PAGES

Mr. COOPER. Mr. President, I understand that a very important resolution S. 112, will be reported from the Senate Committee on Rules and Administration on the burning issue concerning girl pages. I understand that some information has been given to the press about amendments to the resolution, which were adopted by the committee.

I voted against the resolution and I voted against the amendments. I believe the amendments confirm the impracticability of the proposal.

Mr. President, I do not consider this to be a matter of discrimination on account of sex. It is a question of the demanding physical requirements of the job.

I just want to say that I voted against all amendments and the resolution.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. GAMBRELL). The Chair, on behalf of the Vice President, appoints the Senator from Utah (Mr. BENNETT) to attend the 12th annual meeting, Board of Governors, Inter-American Development Bank, Lima, Peru, May 10–14, 1971.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION RELATING TO PRACTICES IN MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

A letter from the Under Secretary of Agriculture, submitting a draft of proposed legislation to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improper use of enlisted personnel by the Department of the Army (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGAL SERVICES CORPORATION ACT

A letter from the Director, Office of Economic Opportunity, submitting a draft of proposed legislation to establish a Legal Services Corporation and for other purposes (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Senate of the State of Hawaii; to the Committee on Interior and Insular Affairs:

"RESOLUTION RELATING TO NATIONAL PARKS IN HAWAII

"Whereas, two National Parks in the State; namely, Haleakala National Park on Maui and Hawaii Volcanoes National Park on the Island of Hawaii, feature chiefly volcanic wonders and are conspicuously poor in plant life and in animal life developed over the ages to live on or with such plants; and

"Whereas, there exists on the Island of Hawaii a large area consisting of a park-like transition forest that gradually meets downhill into an unexcelled tropical jungle of endemic plants and animals in the cloudbelt, a unique feature found in no other place in the Nation or the world; and

"Whereas, this unspoiled forest and jungle area on the Island of Hawaii meets the criteria for selection of areas to be set aside as national parks: (1) national parks should be broad and spacious lands, (2) they should present scenic wonders, (3) they should encompass unique features, (4) they should offer primary scientific values, and (5) they should offer other scientific values; and

"Whereas, instead of planning an extension of Hawaii Volcanoes National park which would duplicate the existing national park lands in the State and which would primarily feature additional lava and pahoehoe flows, volcanic ash, and clinkers, steps should be taken immediately to incorporate the adjacent unspoiled forest and jungle land into the present national park thereby adding diversity to the park features; now, therefore.

Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, that the United States Department of Interior, National Park Service, initiate the preliminary agreements for incorporating the forest and jungle lands of the Island of Hawaii which are located mauka of the 4,000 foot contour elevation and makai of the "proposed parkway" as shown on page five of 'The Island of Hawaii, Resource Study and Master Plan A Summary', 1970 edition; and

"Be it further resolved that members of the Hawaii delegation to Congress be requested to use their best efforts towards incorporating the forest and jungle land on the Island of Hawaii into the Hawaii Volcanoes National Park; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii delegation to Congress, and the Secretary of the United States Department of the Interior."

A resolution adopted by the Assembly Rules Committee of the Assembly of the State of California; to the Committee on the Judiciary:

"RESOLUTION RELATIVE TO THE OBSERVANCE OF NATIONAL RAISIN WEEK—MAY 3RD THROUGH MAY 9TH, 1971

"Whereas, the week commencing May 3rd has been designated as National Raisin Week; and

"Whereas, This year constitutes the 62nd anniversary of the first observance of this, the oldest national food week; and

"Whereas, The great San Joaquin Valley of California is the very heart of the raisin industry, and in fact grows and processes virtually all raisins produced in the nation—and one-half of the world's supply of raisins; and

"Whereas, The vineyards and the related industries engaged in the producing and processing of raisins constitute one of California's major industries; and

"Whereas, Since raisins are a wonderfully delicious and nutritious food, packed with energy and the health-giving qualities of captured sunshine, it is most fitting that in this special observance week their praise be sung throughout the land, that even more people may come to know and enjoy them as we do and know that Californians take a special pride in this unique industry; now, therefore, be it

"Resolved by the Assembly Rules Committee, That the Members urge all the many Californians privileged to know the delightful and health-giving attributes of San Joaquin raisins to observe California Raisin Week as a part of the celebration of National Raisin Week, to proclaim the goodness of raisins to the end that even more people throughout the nation and the world will be introduced to and learn to enjoy this splendid food product; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Army and Air National Guard Association of New Jersey in recognition of the need for continuation of inductions into the armed services; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARTKE, from the Committee on Commerce, without amendment S. 904. (Rept. No. 92–94).

Mr. HARTKE. Mr. President, I report from the Committee on Commerce S. 904, a bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

At the present time, the people of my own State of Indiana are adversely affected by the Uniform Time Act. That law makes it mandatory for States exempting themselves from daylight savings times to exempt the entire State. The State legislature has exercised this option in Indiana. The result has been chaos for the six northwestern and six southwestern counties in Indiana which are in the central time zone. These 12 counties have become an oasis of central standard time caught between eastern standard and central daylight time zones.

This bill would promote uniformity in time zones and permit a speedy end to the chaos and confusion regarding time which is taking place in Indiana. For this reason, I urge the Senate to give this bill speedy consideration.

By Mr. MOSS (for Mr. MAGNUSON), from the Committee on Commerce, without amendment:

S.J. Res. 92. A joint resolution to direct the National Railroad Passenger Corporation to make a study with respect to expanding the Basic National Rail Passenger System (Rept. No. 92–95).

By Mr. PASTORE, from the Committee on Commerce, with amendments:

S. 382. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes (Rept. No. 92–96).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable executive report of nomination was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Dwight J. Porter, of Nebraska, a Foreign Service officer of the class of Career Minister, to be the deputy representative of the United States of America to the International Atomic Energy Agency.

BILLS INTRODUCED

The following bills were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS:

S. 1782. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof. Referred to the Committee on Commerce.

By Mr. PACKWOOD:

S. 1783. A bill relating to the disposition of mineral resources in wilderness areas; and

S. 1784. A bill relating to mineral resources in lands comprising the Three Sisters Wilderness, Oreg. Referred to the Committee on Interior and Insular Affairs.

By Mr. BOGGS:

S. 1785. A bill for the relief of Earl E. Lofland, Inc., Wilmington, Del. Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 1786. A bill for the relief of Fernando da Silva Matos;

S. 1787. A bill for the relief of Judite da Conceicao Frias;

S. 1788. A bill for the relief of Armando Franco Edwards;

S. 1789. A bill for the relief of Alvarino Martins de Lemos;

S. 1790. A bill for the relief of Mario Nicolau;

S. 1791. A bill for the relief of Americo Oliveira and his wife, Maria Ajuda de Oliveira; and

S. 1792. A bill for the relief of Aldino Avila Bettencourt and his wife, Maria Picano Bettencourt. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 1793. A bill to amend the Federal Coal Mine Health and Safety Act of 1969. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself, Mr. ALLEN, Mr. CHILES, Mr. HART, Mr. CRANSTON, Mr. PERCY, Mr. GURNEY, Mr. GAMBRELL, and Mr. PEARSON):

S. 1794. A bill to authorize pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods. Referred to the Committee on Agriculture and Forestry.

By Mr. BYRD of West Virginia for Mr. HARRIS:

S. 1795. A bill to authorize the Seminole Nation of Oklahoma to elect its principal officer as provided by its Constitution. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 1796. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes. Referred to the Committee on Public Works.

By Mr. MAGNUSON (for himself and Mr. COTTON (by request)):

S. 1797. A bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 1798. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes; and

S. 1799. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. HART):

S. 1800. A bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology. Referred to the Committee on Commerce.

By Mr. INOUYE (for himself and Mr. MAGNUSON):

S. 1801. A bill authorizing and requesting the President to proclaim 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1802. A bill to revise and improve the laws relating to the documentation of seamen. Referred to the Committee on Commerce.

By Mr. GRIFFIN:

S. 1803. A bill to amend title II of the Social Security Act (and applicable provisions of the Internal Revenue Code of 1954) to provide automatic cost-of-living adjustments in Social Security benefits, to provide automatic adjustment of the contribution and benefit base, and to liberalize the earnings test. Referred to the Committee on Finance.

By Mr. MONTOYA:

S. 1804. A bill for the relief of Alfredo Alex Wetter. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 1805. A bill to provide relocation assistance, training assistance and interest supplements to adversely affected workers separated from their employment because of the termination of defense and space contracts. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS

By Mr. CURTIS:

S. 1782. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof. Referred to the Committee on Commerce.

Mr. CURTIS. Mr. President, today I have introduced a bill S. 1782, relating to the power of the Department of Transportation to regulate farm vehicles and drivers of farm vehicles.

The enactment of this measure would mean that the Department of Transportation would not have authority over farmer-owned motor vehicles or motor vehicles that were owned by a farm cooperative if those vehicles are operated solely within one State. It would further provide that the Department of Transportation would not have authority to regulate driver qualifications for the driver of motor vehicles which are farmer-owned or owned by a farm cooperative whether or not they operated solely within one State.

Mr. President, the enactment of this legislation is important. The Department of Transportation is threatening to issue regulations which would prohibit individuals under 21 from transporting the farmers' products to market. Such regulations would create havoc in the agricultural areas. These young people who drive farm trucks have a good safety record. The Government at Washington should not attempt to regulate them or interfere with these activities that are so necessary for a farm family in the carrying out of its necessary work. I again repeat that the States should have the sole authority to license drivers and to revoke licenses. I urge the favorable consideration of this bill.

By Mr. THURMOND:

S. 1796. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes. Referred to the Committee on Public Works.

LIMITATION ON USE OF PUBLICLY OWNED OR CONTROLLED PROPERTY

Mr. THURMOND. Mr. President, in light of recent events, I believe that affirmative steps should be taken to protect publicly owned property from destruction. We can hardly afford to charge the American taxpayer with a bill for the destructive acts of a few. In 1968 the occupants of Resurrection City left us with a bill for approximately $2 million to restore our Capital to its original beauty. What the bill will be for this year's assault on the Capital City remains to be seen.

The legislation I propose today was approved overwhelmingly in the House in 1969 and has been reintroduced this year. The provisions of the bill merely require the showing of financial responsibility by persons wishing to use public property in such a way that damage may occur, and that no erecting of structures or overnight occupancy will be allowed.

This bill is not designed in any way to abridge the right of the people to petition the Government for a redress of grievances. Neither is this bill designed to deny the poor the right to protest. It provides for bond only where damage is likely to result from the demonstration, and it does not suspend the normal operation of criminal law pertaining to destruction of Government property. The bill merely provides that where one wishes to use public property and there is a likelihood that damage will occur, then more than an oral promise of good behavior is required. To avoid the bond, there need be only a reasonable showing that no damage is likely to result.

While I do not agree with many of these protests, I have always defended the right to protest. I cannot, however, defend those who abuse their democratic rights, and destroy public property.

Many hundreds of thousands of Americans come to the Capital each year and do not need to burn park benches or destroy property. I feel that it is intolerable for us to continue to pay for the irresponsible acts of a few; this is a free country, but this freedom does not mean freedom to destroy, freedom to plunder or freedom to disrupt.

Mr. President, I introduce this bill for appropriate reference and ask unanimous consent to have it printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1796

A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the case of any real property within the District of Columbia which is owned by or under the control of the United States Government or the Government of the District of Columbia, no officer or employee of the United States or of the District of Columbia shall issue a permit for or authorize or otherwise permit the use of (including any renewal or extension of any such permit, authorization, or permission) any such real property for camping, sleeping, sitting in, or other overnight occupancy, or for constructing or erecting any temporary building or structure upon such property. Nothing in this Act shall be construed to prohibit any governmental activity.

(b) In issuing permits or in granting permission for any other use of such real property (including any renewal or extension of any such permit, authorization, or permission) any officer or employee of the United States or of the District of Columbia having power to issue a permit or to give such permission shall, where he has reason to believe that damage may occur, require that the applicant post a money or surety bond or furnish insurance, in an amount determined by such officer or employee to be reasonable, to idemnify or insure the United States for the cost of repairing any damage or restoring the premises to its condition immediately prior to such use and to save the United States harmless from any injury to property or persons caused by the applicants' use of such real property.

(c) Any permit, authority, or other permission (including any renewal or extension of such a permit, authority, or permission) in effect on the date of enactment of this section which could not be issued or given after such date except in accordance with this section, is hereby revoked.

By Mr. MAGNUSON (for himself and Mr. COTTON (by request):

S. 1797. A bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products. Referred to the Committee on Commerce.

CONSUMER PRODUCT SAFETY ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce by request, for myself and Mr. COTTON, for appropriate reference, a bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1797

A bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Product Safety Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby declares that the public must be protected from the risks of death, illness, and injury associated with the use of consumer products. It is therefore the purpose of this Act to provide for the establishment by the Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as "the Secretary") of a consumer product safety program which shall include the promulgation and enforcement of product safety standards to reduce such risks to consumers of products for use in and around the household, the schools, or in recreation, or of products otherwise distributed for the personal use, consumption, or enjoyment of the consumer.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "consumer product" means a product which is customarily produced or distributed for sale to a consumer for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation, or otherwise, but does not include food, drugs, cosmetics, motor vehicles, economic poisons as defined by the Federal Insecticide, Fungicide, and Rodenticide Act, tobacco and tobacco products, or any product with respect to any risk to health or safety which may be subjected to regulation under the Federal Hazardous Substances Act; the Radiation Control for Health and Safety Act of 1968; the Flammable Fabrics Act; the Clean Air Act, part F of title II of the Public Health Service Act; the Act of March 4, 1913, 37 Stat. 832; the Poison Prevention Packaging Act of 1970; the Occupational Safety and Health Act of 1970; the Act of August 2, 1956, 70 Stat. 953; or the Atomic Energy Act of 1954;

(2) the term "commerce" means commerce among or between the several States, or within the District of Columbia;

(3) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands or the Canal Zone; and

(4) the term "product safety standard" means a product safety standard promulgated under this Act.

COLLECTION AND DISCLOSURE OF INFORMATION ON CONSUMER PRODUCT RISKS

SEC. 4. (a) The Secretary shall collect, evaluate, and disseminate, on a continuing basis, information on the frequency and causes of death, and the types, frequency, severity, and causes of illness or injury, associated with exposure to or use of consumer products, and [illegible] means to test, measure, or evaluate the risks of death, illness, or injury associated therewith. In carrying out his functions under this section the Secretary, in addition to or in aid of the foregoing—

(1) shall collect data or perform research or studies to enable him to establish a need for product safety standards and to evaluate their efficacy in reducing risks associated with consumer products;

(2) shall plan, conduct, coordinate, or provide technical assistance to research activities, development of methods, training of personnel, or operations, designed to minimize the risks associated with consumer products, or designed to develop means to test, measure, or evaluate such risks;

(3) shall secure information on the risks associated with consumer products from other Federal or State departments and agencies with related interests, professional organizations, industry, industry or labor associations, and other public or private agencies, organizations, or institutions.

(4) shall make available, through publications and by other appropriate means, the results of, and other information concerning, research and studies relating to the nature and extent of the risks associated with consumer products, and may include recommendations for the reduction of such risks, or information on the means of testing consumer products for risks; and

(5) may procure (by negotiation or otherwise) consumer products for research and testing purposes, and sell or otherwise dispose of such products.

(b) The Secretary is authorized to obtain from any person by subpoena issued pursuant to regulation information in the form of books, records, or other writings in his possession pertinent to the frequency or causes of death, or the types, frequency, severity, or causes of illness or injury associated with exposure to or use of consumer products. The district courts of the United States shall have jurisdiction to enforce such subpoenas upon application of the Attorney General. An action for such enforcement may be brought in any district court of the United States for the district wherein such person is found or transacts business.

(c)(1) Nothing contained in this Act shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public. The Secretary shall not make public information obtained by him under this Act which would disclose trade secrets, formulas, processes, costs, methods of doing business, or other competitive information not otherwise available to the general public; or the names or other means of identification of ill or injured persons without their express written consent.

(2)(A) Except as provided by subparagraph (B) of this paragraph, not less than thirty days prior to his public disclosure of any information obtained under this Act, or to be disclosed to the public in connection therewith, the Secretary shall provide such information to each manufacturer of any consumer product to which such information pertains, if the manner in which such consumer product is to be designated or described in such information will permit the public to ascertain readily the identity of such manufacturer, and shall provide such manufacturer with a reasonable opportunity to submit comments to the Secretary in regard to such information. Upon the request of such manufacturer, the Secretary shall publish such comments or a fair summary thereof, or a statement of the manufacturer of reasonable length in lieu thereof, concurrently and in association with the disclosure of the information to which such comments or statement appertain. The Secretary shall take reasonable steps to assure, prior to his public disclosure thereof, that information from which the identity of such manufacturer may be readily ascertained is accurate, and that such disclosure is fair in the circumstances and reasonable related to effectuating the purposes of this Act. If the Secretary finds that, in the administration of this Act, he has made public disclosure of inaccurate or misleading information which reflects adversely upon the safety of any consumer product, or the practices of any manufacturer of, distributor of, importer of, or dealer in consumer products, he shall, in a manner similar to that in which such disclosure was made, publish a retraction of such inaccurate or misleading information.

(B) Subparagraph (A) (except for the last sentence thereof) shall not apply to the public disclosure of (i) information about any consumer product with respect to which product the Attorney General has filed an action (or an action against a manufacturer thereof with respect to such product) under section 12, or which the Secretary has reasonable cause to believe is in violation of section 15, or (ii) information about any administrative or judicial proceeding under this Act.

(d) The Secretary shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any significant risk to health or safety associated with such product.

AUTHORITY TO PROMULGATE STANDARDS FOR CONSUMER PRODUCTS

SEC. 5. Whenever the Secretary finds a need for such action to reduce or eliminate unreasonable risk of death, or of serious or frequent illness or injury, associated with exposure to or use of a consumer product or any type or class of such products, he may by regulation, in accordance with the requirements of this Act, promulgate for such product, or type or class of such products, a product safety standard relating to its performance, composition, or properties (including its compatibility with systems or environments in which it is intended to be used), or relating to two or more of such factors, or amend any such standard previously established.

INITIATION OF PROCEEDING TO PROMULGATE A PRODUCT SAFETY STANDARD

Notice of Proceeding

SEC. 6. (a) A proceeding to promulgate a product safety standard shall be initiated by the Secretary by publication in the Federal Register of a Notice of Proceeding. Such Notice shall invite public comment with respect to the initiation of such proceeding and shall include—

(1) a description or other appropriate designation of the product or type or class of products with respect to which the proceeding is initiated;

(2) the risk or risks intended to be controlled;

(3) a summary description of the data upon which the Secretary has found a need to initiate the proceeding, and the manner, consistent with subsection (c)(1) of section 4, in which interested persons may examine such data;

(4) information with respect to any existing standard known to the Secretary which may be relevant to the proceeding; and

(5) an invitation for any person, including any Federal agency, within 30 days after the date of publication of the Notice, (A) to submit to the Secretary an existing standard as such proposed product safety standard; or (B) to offer to develop such proposed product safety standard in accordance with regulations of the Secretary prescribing procedures for such development.

Use of Existing Standard

(b) If the Secretary (1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution (2) has made reference to such standard (unless it is a standard submitted pursuant to section 6(a)(5)(A)) in his Notice pursuant to subsection (a)(4), and (3) determines that such standard may be substantially acceptable to him as a product safety standard, then he may, in lieu of accepting an offer pursuant to this section, publish such standard as a proposed product safety standard pursuant to section 9.

Acceptance of Offers to Develop Proposed Product Safety Standards

(c)(1) Except as provided by subsection (b), the Secretary shall accept one, and may accept more than one, offer to develop a proposed product safety standard pursuant to the invitation prescribed by subsection (a)(5)(B), upon his determination that—

(A) the offeror is technically competent and is likely to develop an appropriate standard within a reasonable period of time; and

(B) the offeror has the capacity to comply with regulations of the Secretary prescribed pursuant to section 8.

The Secretary shall publish in the Federal Register the name and address of each person whose offer he accepts, and a summary of the terms of such offer as accepted.

(2) Upon an offeror's application therefor prior to the acceptance of his offer under this subsection, the Secretary may agree to contribute to the offeror's cost in developing a proposed product safety standard, if the Secretary determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Secretary shall set forth the items of cost in which he may participate, and shall exclude any contribution to the acquisition of land or buildings.

DEVELOPMENT OF A PROPOSED PRODUCT SAFETY STANDARD BY THE SECRETARY

SEC. 7. If the Secretary has published a Notice of Proceeding as provided by section 6(a), and—

(1) he has accepted neither an existing standard pursuant to section 6(b) nor an offer to develop a proposed product safety standard pursuant to section 6(c); or

(2) he has accepted an offer pursuant to section 6(c), but determines (in accordance with such procedures as he may by regulation prescribe) that the offeror is unable or unwilling to continue satisfactorily the development of the proposed standard which was the subject of the offer or that the standard which has been developed is not satisfactory;

then the Secretary may proceed to develop a proposed product safety standard pursuant to procedures prescribed under section 8.

REGULATIONS GOVERNING DEVELOPMENT OF STANDARDS

SEC. 9. The Secretary shall prescribe regulations governing the development of proposed product safety standards under sections 6 and 7 of this Act, which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5 of the United States Code. Such regulations shall include requirements—

(1) that standards recommended for promulgation be supported by test data or such other documents or materials as the Secretary may reasonably require to be developed, and be suitable for promulgation pursuant to section 9;

(2) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

(3) for opportunity by interested persons to participate in the development of such standards;

(4) for the maintenance of such records as the Secretary prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

(5) that the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Secretary, pursuant to section 6(c), to the development of such recommended standards.

PROMULGATION OF PRODUCT SAFETY STANDARDS; DECLARATION OF BANNED HAZARDOUS CONSUMER PRODUCT

Proposal to Promulgate Product Safety Standard or to Declare a Banned Hazardous Consumer Product

SEC. 9. (a)(1) Not more than 210 days after his publication of a Notice of Proceeding pursuant to subsection (a) of section 6 (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor), the Secretary shall publish in the Federal Register either a notice withdrawing such prior Notice or a proposal to promulgate a product safety standard applicable to any consumer product subject to such Notice, or a proposal to declare any such subject product a banned hazardous consumer product. A proposal to promulgate a product safety standard and a proposal to declare a product a banned hazardous consumer product may be published in the alternative with respect to any consumer product subject to such Notice.

(2) A proposal to promulgate a product safety standard, or to declare a product a banned hazardous consumer product, shall set forth such standard, or the reason for such declaration, the manner in which interested persons may examine data and other information upon which such standard or declaration, or need therefor, is based (consistent with subsection (c)(1) of section 4), and the period within which all interested persons may present their comments on such standard or declaration, or the need therefor, orally or in writing. In considering those of such comments applicable to a proposed standard the Secretary shall give special weight to comments which were submitted during the development of such standard.

Order to Promulgate Product Safety Standard or to Declare a Banned Hazardous Consumer Product

(b) As soon as practicable after the publication of a proposal to promulgate a product safety standard, or to declare a product a banned hazardous consumer product, the Secretary shall, by order published in the Federal Register, act upon such proposed standard or declaration, or withdraw the applicable Notice of Proceeding. The order shall set forth the product safety standard or declaration, if any, the reasons for the Secretary's action (including reasons for the promulgation of a product safety standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which such standard or declaration, or portions thereof, shall become effective. Such date or dates shall be established so as to minimize, consistent with the public health and safety, economic loss to, and disruption or dislocation of, domestic and international trade.

Findings

(c) (1) Prior to his issuance of an order to promulgate a product safety standard pursuant to subsection (b), or to declare a product a banned hazardous consumer product pursuant to subsection (e), the Secretary shall consider, and shall make appropriate findings for inclusion in such order with respect to—

(A) data and comments submitted in the course of any proceeding under section 6 relevant to such order;

(B) the frequency and causes of death, and the types, frequency, severity, and causes of illness and injury, attributed to those aspects of the consumer products subject to such order;

(C) the approximate number of consumer products, or types or classes thereof, subject to such order;

(D) the need of the publilc for the consumer products subject to such order, and the probable effect of such order upon the utility, cost, or availability of such products to meet such need; and

(E) means of achieving the objective of the order with a minimum disruption or dislocation of competition and of reasonable manufacturing and other commercial practices.

(2) The Secretary shall not promulgate a product safety standard, or declare a product a banned hazardous consumer product, unless he determines, and includes such determination in the order promulgating such standard or declaration, that his findings pursuant to paragraph (1) show that such standard or declaration (including the effective date thereof) is reasonably necessary to carry out the purposes for which such standard or declaration is authorized by section 5 or subsection (e) of this section, and that the promulgation of such standard or declaration is in the public interest.

Characteristics and Limitations of Product Safety Standards

(d) (1) Product safety standards shall, where feasible, pertain to the safety performance characteristics of consumer products, except that any such standard may apply to the composition, design, construction, finish, or packaging of the product or any component thereof if the Secretary determines such application to be in the public interest.

(2) Without regard to the limitations of paragraph (1), a product safety standard may require that the product or any component thereof be marked, tagged, or accompanied by clear and adequate warnings or instructions reasonably necessary for the protection of health or safety.

Ban of Product

(e) The Secretary may declare a consumer product to be a "banned hazardous consumer product", in accordance with the procedures of this section, only upon his finding, to be included in the Secretary's order pursuant to subsection (b), that no feasible product safety standard will adequately protect the public from unreasonable risk of death, or of serious or frequent illness or injury, associated with exposure to or use of such product. A firearm may not be declared a banned hazardous consumer product.

Disputes of Fact

(f) The Secretary may conduct a hearing, in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to any finding required to be made by the Secretary under this section.

REVOCATION OR AMENDMENT OF STANDARD

SEC. 10. (a) The Secretary may revoke, in whole or in part, any product safety standard, upon the ground that there no longer exists a need therefor or that such standard is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there may no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner (consistent with subsection (c) (1) of section 4) in which interested persons may examine data and other information relevant to the Secretary's determination, and the period within which all interested persons may present their views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Secretary shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Secretary's action, and the date or dates upon which such revocation shall become effective.

(b) The requirements of sections 6, 7, 8, and 9 of this Act for the promulgation of a product safety standard shall apply to the promulgation of a material amendment of a product safety standard. The Secretary may promulgate an amendment of a product safety standard, other than a material amendment, without regard to sections 6, 7, or 8, but shall comply with the procedures set forth in subsections (a) and (b) of section 9 and shall set forth in his order promulgating such amendment such findings as he may deem appropriate in explanation thereof. As used in this subsection the term "material amendment" means an amendment that would substantially increase any performance standard applicable to a consumer product, or substantially alter the composition, design, construction, finish, or packaging of such product.

JUDICIAL REVIEW

SEC. 11. (a) Any person adversely affected by an order of the Secretary promulgated pursuant to subsection (b) of section 9, or pursuant to section 10, may, at any time after such order is published by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such order. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose and to the Attorney General. The Secretary shall transmit to the Attorney General, who shall file in the court, the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28 of the United States Code. Such record shall include such order of the Secretary and, if issued, held, or obtained in connection therewith, the Notice of Proceeding published pursuant to subsection (a) of section 6; any notice or proposal published pursuant to subsection (a) of section 9, or section 10; the transcript or summary of any proceedings and the findings arising therefrom; and any other information, including comments of interested persons, required to be considered by the Secretary in the promulgation of such order.

(b) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the order of the Secretary in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief, including interim relief, as provide in such chapter. The order of the Secretary shall be affirmed if supported by substantial evidence on the record taken as a whole.

(c) The judgment of the court affirming or setting aside, in whole or in part, any order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

IMMINENT HAZARDS

SEC. 12. (a) The Secretary may request the Attorney General to file, in a district court of the United States having venue thereof, an action against an imminently hazardous consumer product, or against any person who manufactures for sale, sells, or offers for sale, in commerce, or imports into the United States, such product. Such an action may be filed notwithstanding the existence of a product safety standard applicable to such product, or the pendency of proceedings initiated pursuant to section 6. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product the use of or exposure to which presents imminent and unreasonable risk of death, serious illness, or severe personal injury.

(b) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent equitable relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of the original purchasers of such product of such risk, public notice, the recall, the repair, the replacement, or the seizure of such product.

(c) Concurrently with the filing of such action or as soon thereafter as may be practicable, the Secretary shall initiate a proceeding, pursuant to section 6, to promulgate a product safety standard applicable to the consumer product with respect to which such action is filed, or, if the initiation of such proceeding is not feasible, shall initiate a proceedng, pursuant to section 9, to declare such product a banned hazardous consumer product.

NOTIFICATION OF FAILURE TO COMPLY; REPAIR OR REPLACEMENT OF NONCOMPLYING CONSUMER PRODUCTS

SEC. 13. If any consumer product fails to comply with any applicable order issued pursuant to this Act, the manufacturer, importer, or distributor of, or dealer in such product may be required by the Secretary (by order after opportunity for hearing subject to section 554 of title 5 of the United States Code) to give public notice and—

(1) to mail to each consumer of such product known to such manufacturer, importer, distributor, or dealer, and, in the case of a manufacturer or importer, to each distributor or dealer to whom he delivered such product, a notification of such failure containing such information as the Secretary may prescribe, upon the Secretary's determination that such notification is required in order adequately to protect health or safety,

(2) to bring such product into conformity with the requirements of such order without charge to the consumer,

(3) to replace such product with a like or equivalent product which complies with such order without charge to the consumer, or

(4) to refund the purchase price of such product upon tender of the product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender.

The manufacturer, importer, distributor, or dealer against whom an order is issued under this subsection shall reimburse each consumer of the product which is the subject of such order for any reasonable and forseeable expenses (including transportation expenses) incurred by such consumer in availing himself of the remedies provided by such order, exclusive of attorneys' fees.

INSPECTION AND RECORD KEEPING

SEC. 14. (a) For purposes of carrying out regulations, standards, or orders promulgated under this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, any factory, warehouse, or establishment in which consumer products are manufactured, assembled, or held for introduction into commerce or are held for sale after such introduction; or to enter any vehicle being used to transport consumer products in interstate commerce; and

(2) to inspect, at reasonable times and in a reasonable manner, those areas of such factory, warehouse, establishment, or vehicle where or in which such products are produced, stored, or transported, and all pertinent equipment, materials, containers, and labeling therein.

A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period of inspection set forth in such notice. Each such inspection shall be commenced as soon as practicable after the delivery of such notice, and shall be completed with reasonable promptness. If the officer or employee who makes such inspection obtains any sample in the course thereof, he shall, prior to leaving the premises, give to the owner, operator, or agent in charge, a receipt therefor describing such sample.

(b) Every person who manufactures, assembles, distributes, or sells in commerce, or imports, a consumer product required to conform to a product safety standard shall establish and maintain such records, and make such reports, and provide such information as the Secretary may by regulation reasonably require with respect to such product. Upon request of an officer or employee duly designated by the Secretary, every such person shall permit the inspection of such records, and other books, records, and papers relevant to determining whether such person is in compliance with this Act and regulations, standards, and orders prescribed thereunder.

(c) The district courts of the United States shall have jurisdiction to issue any warrant in aid of an inspection or investigation under this section, if such warrant is required by the Constitution or laws of the United States, upon a finding that such inspection or investigation is for the purposes of enforcing this Act.

PROHIBITED ACTS

SEC. 15. It shall be unlawful for any person engaged in the business of making consumer products available to consumers, either directly or indirectly, to—

(1) (A) manufacture for sale or lease, in commerce, any consumer product which does not comply with a product safety standard; (B) sell or lease, or offer for sale or lease, in commerce, any consumer product which does not comply with a product safety standard (i) if such product was manufactured or assembled in the United States after the effective date of such standard, or (ii) if such product was imported into the United States in violation of clause (C); (C) import into the United States any consumer product which does not comply with a product safety standard; or (D) manufacturer for sale or lease, sell or lease, or offer for sale or lease, in commerce, or import into the United States, any consumer product which has been declared a banned or imminently hazardous consumer product;

(2) fail or refuse to comply with any order of the Secretary pursuant to section 13;

(3) fail or refuse to comply with any requirement of section 14; or

(4) alter, modify, destroy, or remove any portion of, or do any other act with respect to, a consumer product or labeling thereon or attached thereto, if such act is done while the product is being held or transported for sale, and results in the consumer product or its labeling failing to conform to a product safety standard, or renders the product a banned or imminently hazardous consumer product.

ENFORCEMENT

Civil and Criminal Penalties

SEC. 16. (a) Whoever knowingly commits any act prohibited by section 15, or, in case of commission of any such act by a corporation, the corporation and any individual director, officer, or agent of such corporation who knowingly caused in whole or in part the corporation to commit such act, shall be subject to a civil penalty of not more than $10,000 for each such act, and, if such act was wilfully committed, shall be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than 1 year, or both. As used in this subsection, the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including (A) knowledge obtainable upon the exercise of due care to ascertain the truth of representations, and (B) knowledge of the probable consequences of action taken in disregard of reasonable safeguards.

Injunctions

(b) Upon application by the Attorney General, the district courts of the United States shall have jurisdiction to enjoin the commission of acts prohibited by section 15, and to compel the taking of any action required by this Act.

Seizure

(c) Any consumer product which is not manufactured in compliance with an applicable product safety standard, which is not in compliance with such a standard as the result of an action made unlawful by clause (4) of section 15, or which is declared a banned or imminently hazardous consumer product, shall be liable to be proceeded against while in commerce or at any time thereafter, on complaint for forfeiture by the Attorney General, and condemned in any district court of the United States within whose district the consumer product is found. The procedure in such cases shall conform, as nearly as may be, to the procedure prescribed by subsections (b), (c), (d), and (e) of section 6 of the Federal Hazardous Substances Act.

Private Suits

(d) Any interested person may bring an action in any district court for the district in which the defendant is found or transacts business to enforce a product safety standard, or to enforce any order under subsection (e) of section 9, or under section 12, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Secretary, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suite shall be brought under this subsection if the same alleged violation is the subject of a pending action by the United States under this Act. In any action under this section, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees, in which case the court shall award reasonable attorney's fees to the prevailing party.

IMPORTS

SEC. 17. (a) Any consumer product offered for importation into the United States to which a product safety standard applies (except insofar as the Secretary may otherwise provide with respect to a consumer product accompanied by a certification of compliance with such standard in a form prescribed by the Secretary) or which is declared a banned or imminently hazardous consumer product, shall not be delivered from Customs custody except as provided in section 499 of the Tariff Act of 1930. In the event an imported consumer product is delivered from Customs custody under bond, as provided in section 499 of the Tariff Act of 1930, and is declared a banned or imminently hazardous consumer product or fails to conform with a product safety standard in effect on the date of entry of such merchandise, the Secretary shall so inform the Secretary of the Treasury, and unless it appears to the Secretary that the product can be brought into compliance with all applicable requirements under this Act shall request the Secretary of the Treasury to demand redelivery. Upon a failure to redeliver, the Secretary of the Treasury shall assert a claim for liquidated damages for breach of a condition of the bond arising out of such failure to conform or redeliver in accordance with regulations prescribed by the Secretary of the Treasury or his delegate. When asserting a claim for liquidated damages against an importer for failure to redeliver such nonconforming goods, the liquidated damages shall not be less than 10 per centum of the value of the nonconforming merchandise if, within five years prior thereto, the importer has previously been assessed liquidated damages for failure to redeliver nonconforming goods in response to a demand from the Secretary of the Treasury as set forth above.

(b) If it appears to the Secretary that the consumer product can be brought into compliance with all applicable requirements under this Act, final determination as to admission of such consumer product may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this section, the Secretary may, in accordance with regulations, authorize the applicant to perform such action specified in such authorization (including destruction or export of rejected consumer products or portions thereof, as may be specified in such authorization). All such action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Department of Health, Education, and Welfare or of the Department of the Treasury.

(c) The Secretary of the Treasury shall obtain without charge and deliver to the Secretary, upon his request, a reasonable number of samples of consumer products being offered for import. The owner or consignee of any such product may have a hearing before the Secretary with respect to admission of such imports into the United States. If, except as provided by subsection (b), it appears from examination or testing of such samples or otherwise that a product fails to comply with the requirements of this Act, such product shall be refused admission, and the Secretary of the Treasury shall cause destruction of such product unless it is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days after notice to the importer or consignee.

(d) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section, the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury, and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

EXPORTS

SEC. 18. This Act shall not apply to any consumer product manufactured, sold, or held for sale for export from the United States (or to any consumer product imported for export), if such consumer product, and any container in which it is enclosed, bears a stamp or label stating that such consumer product is intended for export and such consumer product is in fact exported from the United States; except that this Act shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

EFFECT ON STATE STANDARDS

SEC. 19. (a) No State or political subdivision thereof shall establish or continue in effect, with respect to any consumer product, any standard or similar regulation prescribing requirements applicable to any aspect of health or safety of such consumer product, if such aspect is required to conform to a product safety standard under this Act: *Provided*, That nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing or continuing a health or safety requirement applicable to a consumer product for its own use, if such requirement imposes a higher standard of health or safety than that required to comply with the applicable product safety standard under this Act.

(b) The Secretary may, upon application of a State or political subdivision thereof, exempt such State or political subdivision from the limitation of subsection (a) if a standard proposed by such application (1) imposes a higher level of health or safety than the Federal product safety standard with respect to products to be manufactured, sold, held for sale, or used in such State or political subdivision thereof, (2) is required by compelling local conditions, (3) does not unduly burden commerce, and (4) is adopted by such State or political subdivision pursuant to procedures and requirements which in the judgment of the Secretary are substantially comparable to those prescribed for product safety standards under this Act.

UTILIZATION OF OTHER FEDERAL AGENCIES

SEC. 20. In carrying out his duties under this Act, the Secretary shall, to the maximum practicable extent, utilize the personnel, facilities, and other technical support available in other Federal agencies.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
April 20, 1971.

Hon. SPIRO T. AGNEW,
President of The Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products." The bill has the short title of the "Consumer Product Safety Act of 1971".

Also enclosed for your convenience are copies of a section-by-section summary of the bill.

This proposed legislation would carry out the recommendation in the President's February 24, 1971, consumer message for enactment of a consumer product safety law. The proposal is designed to reduce or eliminate unreasonable risk of death, or of serious or frequent illness or injury, associated with exposure to or use of such products, by establishing in the Department of Health, Education, and Welfare a product safety program under which the Secretary would collect and disseminate information on consumer product hazards, and promulgate mandatory standards for consumer products insofar as the need for such standards is supported by injury and other data.

Provision would also be made for the banning of imminently hazardous consumer products, or unreasonably hazardous consumer products for which adequate standards cannot be set.

We would appreciate it if you would refer this draft bill to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

SECTION-BY-SECTION SUMMARY

SHORT TITLE

Section 1 of the bill would allow it to be cited as the "Consumer Product Safety Act of 1971".

DECLARATION OF PURPOSE

Section 2 would declare the bill's purpose as that of providing for establishment by the Secretary of Health, Education, and Welfare (hereinafter referred to as "the Secretary") of a consumer product safety program, which would include the promulgation and enforcement of product safety standards to reduce the risks of death, illness, and injury associated with the use of consumer products.

DEFINITIONS

Section 3 would define the term "consumer product" (for which product safety standards may be promulgated pursuant to section 5) as a product customarily produced or distributed for sale to a consumer for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation or otherwise. The term would exclude food, drugs, cosmetics, motor vehicles, economic (i.e., agricultural) poisons, tobacco and tobacco products, and other products insofar as they may be subjected to health or safety regulation whether or not in fact regulated) under other statutes.

Inasmuch as the bill would authorize product safety standards for consumer products intended for introduction into "commerce" (see section 15), the term "commerce" is defined to mean commerce within the District of Columbia, or among or between the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Canal Zone.

COLLECTION AND DISCLOSURE OF INFORMATION ON CONSUMER PRODUCT RISKS

Section 4(a) would require the Secretary to collect, evaluate, and disseminate information on the frequency and causes of death, and the types, frequency, severity, and causes of illness, or injury, associated with consumer products, and on means to test, measure, or evaluate risks arising from such products.

Section 4(b) would authorize the Secretary to obtain information pertinent to the incidence of product-induced injury by subpoena enforcible by the Attorney General.

Section 4(c) would protect the Secretary's refusal to disclose information not required to be released by the public information section of what was formerly the Administrative Procedure Act (now 5 U.S.C. 552), and would expressly prohibit his disclosure of commercial secrets, or of illness or injury data revealing identity of the victim.

It would also require the provision of thirty days notice to the manufacturer of any consumer product prior to the Secretary's public disclosure of information respecting that product, if such information would reveal the manufacturer's identity. The Secretary would also be required to publish the manufacturer's statement in regard to such information, and would be required to publish a retraction of any false information disclosed under the bill. Except for the retraction requirement, these limitations would not apply to information about a product in violation of the bill's prohibitions (section 15), or against which the Attorney General has filed an action to have it declared an imminent hazard (section 12); or information about any administrative or judicial proceedings under the bill.

AUTHORITY TO PROMULGATE STANDARDS FOR CONSUMER PRODUCTS

Section 5 would authorize the Secretary to promulgate a product safety standard for any consumer product if he finds a need for such action to reduce or eliminate unreasonable risk of death, or of serious or frequent illness or injury, associated with use of or exposure to it.

INITIATION OF PROCEEDING TO PROMULGATE A PRODUCT SAFETY STANDARD

Section 6(a), Notice of Proceeding, would require that a proceeding to promulgate a product safety standard be initiated by publication of a Notice of Proceeding which, *inter alia*, would provide information with respect to existing standards which may be relevant to the proceeding, and would invite any person to submit, within thirty days, an existing standard for promulgation as a proposed product safety standard, or an offer to develop for promulgation a proposed product safety standard.

Section 6(b), Use of Existing Standard, would authorize the Secretary to publish (pursuant to section 9) an existing standard as a proposed product safety standard, in lieu of accepting an offer to develop a standard in response to the invitation contained in the Notice of Proceeding.

Section 6(c), Acceptance of Offers to Develop Proposed Product Safety Standards, would require the Secretary to accept one (and permit him to accept more than one) offer, in response to his Notice invitation, to develop a proposed product safety standard, upon his finding that the offeror is technically competent and has the capacity to comply with the Secretary's regulations under section 8. The Secretary may agree to offset the cost of developing such standard if such participation would result in the development of a more adequate standard.

DEVELOPMENT OF A PROPOSED PRODUCT SAFETY STANDARD BY THE SECRETARY

Section 7 would authorize the Secretary to develop a proposed product safety standard if he has accepted neither an existing standard nor an offer to develop a standard, in response to his Notice, or an offeror fails, after acceptance of his offer, to develop a satisfactory standard.

REGULATIONS GOVERNING DEVELOPMENT OF STANDARDS

Section 8 would require the Secretary to prescribe regulations governing the development of proposed product safety standards under the bill. The regulations would include provisions to assure that interested persons were given an opportunity to participate in that development, that the development is supported by an adequate record, and that the developed standards contain test methods appropriate for the measurement of compliance with them.

PROMULGATION OF PRODUCT SAFETY STANDARDS; DECLARATION OF BANNED HAZARDOUS CONSUMER PRODUCT

Section 9(a), Proposal to Promulgate Product Safety Standard or to Declare a Banned Hazardous Consumer Product, would require the Secretary, not more than 210 days after his publication of a Notice of Proceeding (as required by section 6(a)), to publish either a withdrawal of such Notice, a proposal to promulgate a product safety standard, or a proposal to declare a banned hazardous consumer product. The proposal would contain the standard or ban and certain other information, and would give interested persons an opportunity to comment. The bill would require special weight to be given to those comments that had been submitted during the standards development process, in order to encourage persons to comment at that earlier point.

Section 9(b), Order To Promulgate Product Safety Standard or To Declare a Banned Hazardous Consumer Product, would require the Secretary to act by order upon his proposed product safety standard or ban as soon as practicable after his proposal to promulgate it. The effective date of such standard or ban would be set by the Secretary with reference to the public interest, as provided by section 9(c)(2), described *infra*, and so as to minimize loss to, and disruption or dislocation of, domestic and international trade.

Section 9(c), Findings. Paragraph (1) would require findings in support of the order promulgating a product safety standard or ban that would include, *inter alia*, a demonstration of the injury data upon which the need for the order is predicated, the probable effect of the order on the product's availability to meet the estimated public need, and means of achieving the objective of the order with a minimal disruption of competition and of reasonable manufacturing and other commercial practices.

Paragraph (2) would prohibit the promulgation of a product safety standard or ban in the absence of a finding by the Secretary, with supporting data, that such standard or ban (including the effective date thereof) is reasonably necessary to achieve the purposes for which such standard or ban is authorized, and that the promulgation is otherwise in the public interest.

Section 9(d), Characteristics and Limitations of Product Safety Standards, would require product safety standards to be performance-based, where feasible; and would make clear that product safety standards (without regard to the preceding limitations) may require that the product or any component thereof be marked, tagged, or accompanied by warnings or instructions.

Section 9(e), Ban of Product, would authorize the Secretary to declare a product to be a "banned hazardous consumer product" (and therefore prohibited from commerce under section 15) only upon his finding that no feasible product safety standard would adequately protect the public from unreasonable health or safety risk associated with the product, and the banning of the product was in the public interest. The Secretary would not be permitted to ban firearms.

Section 9(f), Disputes of Fact, would authorize the Secretary to conduct hearings to resolve disputes of fact with respect to which the Secretary is required to make findings.

REVOCATION OR AMENDMENT OF STANDARD

Section 10(a) would authorize the Secretary to revoke all or part of any product safety standard that he has promulgated, upon the ground that a need for it no longer exists, or that it is no longer in the public interest.

Section 10(b) would require that material amendments of product safety standards be promulgated through the same procedure required for such standards, but would establish an abbreviated procedure for other amendments of standards.

JUDICIAL REVIEW

Section 11 provides for judicial review, in the appropriate United States Court of Appeals, of a product safety standard, a product ban, or a revocation of a standard, upon petition of an adversely affected person. The court would be authorized to set aside the Secretary's action unless it is supported by substantial evidence on the record as a whole.

IMMINENT HAZARDS

Section 12 would authorize the Secretary, through the Attorney General, to seek in the appropriate United States district court, an order to declare a consumer product to be imminently hazardous (and therefore banned from commerce under section 15) if the use of or exposure to the product presents imminent and unreasonable risk of death, serious illness, or severe personal injury. The court would have jurisdiction to provide ancillary or alternative relief in such circumstances, including the issuance of a mandatory order requiring notification of the original purchasers of such product of the risk, or requiring recall, repair, replacement, or seizure of the product. Concurrently with the filing of an action to have a consumer product declared an imminent hazard, the Secretary would be required to initiate a proceeding to promulgate a safety standard applicable to the product or, if this is not feasible, a proceeding to ban the product.

NOTIFICATION OF FAILURE TO COMPLY; REPAIR OR REPLACEMENT OF NONCOMPLYING CONSUMER PRODUCTS

Section 13 would authorize the Secretary to require manufacturers, importers, distributors of, and dealers in; noncomplying consumer products to notify consumer-purchasers (where known) and, in the case of manufacturers and importers, their dealers or distributors, of any noncompliance of such product with any order issued under the bill (i.e., an order promulgating a product safety standard, declaring a product a banned hazardous consumer product, or a court order declaring a product an imminently hazardous consumer product).

The manufacturer or importer of such product may be required by the Secretary to bring noncomplying products into conformity with the order, replace them with complying products, or refund the purchase price. The provision would not bar a manufacturer from entering into contractual arrangements with his dealers or distributors for appropriate contribution to the cost of any purchase price refund required of the manufacturer, where such refund includes amounts representing a dealer's or distributor's profit on his sale of the product to the consumer.

INSPECTION AND RECORDKEEPING

Section 14 would authorize the Secretary to conduct necessary inspections under the bill, including factory inspection. Manufacturers, suppliers, retailers and other distributors of consumer products subject to promulgated product safety standards would be required to maintain and make available to the Secretary such records and information as may be required.

PROHIBITED ACTS

Section 15 would make it unlawful for persons manufacturing or dealing in consumer products to manufacture a consumer product that fails to comply with an applicable standard, to market such non-complying product if manufactured after the effective date of such standard or to import (or sell such imported) non-complying products. The section would also prohibit the manufacture, sale, or importation of banned or imminently hazardous consumer products. It would also make unlawful other violations of the bill pertaining to notification of consumers of noncomplying products in their possession; repair, replacement, or recall of such products; and requirements relating to factory inspection and record keeping. Finally, it would prohibit such persons from altering consumer products in a manner that results in their failing to conform to a product safety standard, or renders them banned or imminently hazardous consumer products.

ENFORCEMENT

Section 16(a), Civil and Criminal Penalties, would impose a $10,000 civil penalty for commission of an act prohibited under section 15, and would make it a misdemeanor, punishable by $10,000 fine or not more than one year imprisonment, or both, for the willful commission of such act.

Section 16(b), Injunctions, would confer jurisdiction on the United States district courts to issue mandatory process to enforce the bill.

Section 16(c), Seizure, would authorize judicial seizure of consumer products in violation of the bill.

Section 16(d), Private Suits, would authorize interested persons to bring actions in appropriate United States district courts to enforce a product safety standard, or any order declaring a product a banned or imminently hazardous consumer product. No separate suit would be authorized if the same alleged violation is the subject of a pending action by the United States. If the complaining party elects, in his complaint, to recover reasonable attorney's fees, the court would be required to award such fees to the prevailing party.

IMPORTS

Section 17 would govern the procedure under which consumer products which are imported may be delivered from Customs if they are subject to product safety standards, or are declared to be banned or imminently hazardous consumer products. Nonconforming products delivered under bond are required to be redelivered to customs unless they can be brought into conformity with the bill. Nonconforming products that cannot be brought into compliance are denied entry into the United States.

EXPORTS

Section 18 provides that the bill not apply to consumer products manufactured, sold, or held for sale for export from the United States (other than to installations of the United States).

EFFECT ON STATE STANDARDS

Section 19 would prohibit the application of State or local health or safety standards to consumer products required to conform to product safety standards under the bill (except for the imposition of higher standards for products for use by the State). The Secretary would be authorized to exempt a State or political subdivision from this limitation in consideration of compelling local conditions, if such exemption would not unduly burden commerce and the State or local standard higher than the federally-imposed standard and is adopted pursuant to procedures comparable to those prescribed by the bill for product safety standards.

UTILIZATION OF OTHER FEDERAL AGENCIES

Section 20 would require the Secretary to make maximum practicable use of the personnel, facilities, and technical support of other Federal agencies.

By Mr. MAGNUSON (by request):

S. 1798. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities and for other purposes. Referred to the Committee on Commerce.

INTERNATIONAL VOLUNTARY STANDARDS CORPORATION ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities and for other purposes.

I ask unanimous consent that a statement of purpose and section-by-section analysis be printed in the RECORD.

There being no objection, the statement and analysis were ordered to be printed in the RECORD, as follows:

STATEMENT OF PURPOSE AND NEED

The Nations which engage in substantial international trade are largely those which we term "industrialized." One significant element of their industrialization has been the adoption and use of engineering and manufacturing standards which are the building blocks of successful production.

The establishment and use of standards permits decentralization of manufacturing plants, locating them most advantageously with respect to energy sources, raw materials, labor force and markets thereby enabling the greatest number of companies, large and small, to share in industrial activity. The existence of standards fosters innovation and the establishment of new businesses by assuring both the entrepreneur and the customer that new products meet accepted norms. It allows specialization of labor and also facilities control and automation of production processes. Voluntary adoption of standards by United States industry has stimulated the growth of the American economy.

Just as the use of standards has stimulated our domestic economic growth, the growth of international trade may also be stimulated by use of such standards internationally. Differences in language, legal systems and terminology, plus the distance between buyer and seller, constitute obstacles which are smoothed when there are mutually understood standards which describe products that the purchaser can specify and the seller can supply. The development of an effective system of international standards requires the participation and cooperation of all interested parties. Under such a system of international standards, all nations would be able to exploit their special skills and technologies so as to participate more fully in world economic activity, benefiting not only themselves but other nations as well.

The development of an international system of standards would provide the atmosphere in which the United States could trade in world markets on an equal footing with other nations, not handicapped by standards that are incompatible with our own.

Recognition of the need for harmonization of national standards has led to the creation of international standards bodies of a non-treaty nature, notably the International Organization for Standardization and the International Electrotechnical Commission. These organizations work to produce international standards compatible with the needs of their members. Many of the national bodies represented in these international standards organizations receive policy guidance and funds from their governments. The notable exception is the United States where the federal role in international standards activities has been largely one of providing technical information and the services of technical experts.

Where there has been U.S. participation in international non-treaty standards work, the support provided to the U.S. member bodies has generally come from those U.S. firms which see a relationship between specific international standards and their business success. This has two consequences.

First, participation in the development of international standards work has been uneven, with effective participation in some areas, such as automatic data processing, while other areas have received little support.

Inadequate U.S. participation in international standards development tends to place American goods at a disadvantage in the market places of the world. Differences in European and American color television standards were dramatically emphasized when satellite communication became possible. Complex converters had to be introduced to allow interchange of programs. Moreover, U.S. television programs cannot be taped here and fed directly into transmitters of European origin. Adoption by the Europeans of a color television system incompatible with ours is estimated to have cost U.S. industry many millions of dollars.

A second consequence of the largely private nature of the support given to U.S. international standardization activities is that the impact of standards upon small firms, consumers, and U.S. foreign policy objectives often receives insufficient attention. An objective long-range approach to international standards development is clearly needed since the goals are sometimes public as well as private, as in cases where the issue of safety arises. The bill would provide for appropriate participation by all affected U.S. interests in international standardization activities, thus promoting international trade while assuring that the legitimate interests of consumers and small businesses are protected. Cooperation with foreign standards-making bodies, with provision for appropriate policy guidance by the Secretary of Commerce, as provided in the bill will best foster development of international standards which serve the public interest.

European countries striving to reduce intra-European trade barriers began efforts to coordinate standards at the regional level in the early 1960's. Members of the national standards bodies of the Common Market and EFTA nations formed the European Standards Coordinating Committee (CENEL).

More recently, the United Kingdom, France, and Germany formed a Tripartite Committee to bring together the authority of these governments and the technical knowledge of the national standards bodies in the effort toward total harmonization in the standards area. A final draft of the Tripartite Accord on Electronic Components was completed in April 1970. This Accord describes the rules for a "total harmonization" scheme for electronic components. It includes provisions for agreeing on common standards; rules for the operation of an international quality assurance system; and finally a system of applying a "mark of conformity" indicating compliance with the rules of the Accord. The membership in the Accord is presently restricted to Western European countries.

Several features of this Accord may point out the general pattern for other classes of products. First, the Accord calls for an "authorized institution" in each country to operate the harmonized system. The makeup of this institution can be either governmental, private, or a combination of both, but it must be authorized to speak with authority on behalf of all interests in the country, government and industry. The "authorized institution" must provide for product testing by approved laboratories to assure compliance with an applicable standard and for the use of a mark or stamp certifying that the tested product conform to the standard. The mark of conformity must be accepted by all participating countries without further testing.

This type of harmonization of national standards between countries can serve to expand international trade between the participating nations. However, exclusive arrangements for product testing and certification procedures become non-tariff barriers against those nations which are not participating because those products which do not bear an accepted mark of conformity from an authorized institution may have to undergo the expense of further testing.

Ideally, the best system for international certification of compliance with an approved standard would be self-certification by each manufacturer. This would provide the simplest and most economical method of operating such a system and would involve a minimum of governmental involvement. A system of self-certification would require an effective sanction for improper certification. While self-certification best promotes international trade, national certification by an authorized institution accepted in each of the participating nations may also serve to promote international trade provided that participation in the certification system is open to nationals of all countries. Participation in such a system requires a much higher degree of coordination and cooperation between government agencies and private standards bodies than presently exists. The bill would enable the United States interests to participate effectively in the development of such international certification arrangements.

The Department of Commerce, as well as many other government agencies, have traditionally provided technical support to the activity of U.S. industry in voluntarily developing engineering standards for the United States. Since 1921 the National Bureau of Standards has provided industry and commerce of the United States with substantial technical and administrative assistance in the development and publication of standards for products and commodities and of simplified practices directed at the reduction of sizes and styles. Professional personnel of the government have served on technical committees of many domestic standardization bodies and a limited number of international committees have led in the development of technically competent engineering standards oriented principally to performance criteria.

The Department also has general responsibilities for fostering foreign and domestic commerce. However, there is no specific authorization which focuses the governmental involvement in international standards work in the Department. The authority to establish procedures for working with the private sector in the field of international standards are not clearly spelled out in existing legislation. A purpose of this bill is to provide these mechanisms needed for U.S. interests to participate effectively in the development of voluntary international standards.

The Department of Commerce would serve as a focus for the efforts of the Federal Government. There are, however, many Federal agencies concerned with the engineering standards, so that the Federal role would involve more than the Department of Commerce alone. Today, the Interagency Committee for Standards Policy assists in establishing Federal policy in the standards area. Activities under the proposed legislation will expand the need for a unified Federal policy. The bill would establish an interagency committee to supplant the existing committee, and provide policy guidance to the Secretary and to assist him in carrying out his functions under the bill.

The proposed legislation would clarify the authority of the Department of Commerce to promote voluntary international standardization activities. It would also provide authority for the issuance of grants to qualified private non-profit organizations for the promotion and development international standards. Only where development of standards through private participation is shown to be inadequate to protect the public interest would the Secretary of Commerce assume a larger role.

This expanded role of the Government in stimulating the development of compatible international standards is necessary if barriers to the interchange of goods and services are to be minimized and a competitive free economy in the world market maintained. An effort to increase common or compatible international standards, to reconcile standards differences, and to help develop as broad a trade base as possible in international markets is essential. The proposed legislation is aimed at supporting the development of a strong and growing trade in present markets and markets of tomorrow through early and effective participation in international standards activities, on the part of U.S. industry, professional organizations, representatives of the consumer, and the Federal Government.

The proposed legislation will enable the Federal Government to foster U.S. participation and cooperation with foreign standards-making bodies in their standards activities. By means of such cooperation and participation, its basic purpose is to encourage and promote the generation or adoption of standards compatible with American interests.

It is estimated that Commerce activities under the proposed legislation will require funding of $1,000,000 in the first full year of operation.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as International Voluntary Standards Cooperation Act of 1971.

Section 2 states the findings of the Congress that internationally recognized foreign standards can promote international trade and that effective participation in the development of such standards requires cooperation between the Government and industry. The section declares that a purpose of the Act is to promote and support adequate representation of the United States in international voluntary standardization activities and to promote international trade through appropriate implementation of international voluntary standardization agreements.

Section 3 defines certain terms used in the Act. The term "voluntary standards" is defined to include industrial and commercial standards.

Section 4 defines the functions of the Secretary of Commerce. As the person assigned principal responsibility within the Federal Government for international standardization activities, the Secretary is given responsibility to identify international standardization activities where more participation by the United States is needed, to provide for appropriate participation, and to encourage appropriate use of voluntary international standards.

Section 5 provides that the Secretary shall inform the Secretary of State of any contemplated action which involves the international relations of the United States, seeking his advice and concurrence, and requires the Secretary to utilize private capabilities and resources in performing his functions under the Act.

Section 6 authorizes the Secretary to establish arrangements for United States representation through private nonprofit organizations and provides that the arrangements contain certain minimum safeguards to protect all affected persons including consumers. Subsections 6(b), 6(c) and 6(e) authorize the Secretary to conduct studies or investigations to carry out his functions under the Act to provide grants to nonprofit organizations to assist them in the performance of international standardization activities under the Act and permit him to make advance payments. Subsection (d) of Section 6 clarifies the authority of the Secretary to establish a system for the evaluation and accreditation of testing laboratories or for organizations which oversee the work of testing laboratories.

Section 7 states four criteria by way of example which would be considered in determining questions of the public interest. In addition to the technical adequacy and need for the standards, this section provides for taking into account effects on the public and occupational health, safety, or the quality of the environment, unreasonable limitations on competition or the rise of unfair methods of competition and the support proposed standards enjoy from affected persons.

Section 8 requires the Secretary to establish arrangements for governmental participation in international standardization activities where private participation in such activities has proved insufficient to serve the purposes of the Act.

Section 9 requires the public availability of lists of standards negotiated or developed under the Act and requires the Secretary to publish the full text of such standards if they are not available from private sources.

Section 10 promotes use of standards developed under the Act and listed by the Secretary in Federal procurement. Subsection 10(b) authorizes Federal agencies to participate in the standardization activities on a reimbursable or nonreimbursable basis and specifically authorizes these agencies, with the knowledge of the Secretary, to provide the technical services of its employees to assist private nonprofit organizations in performing their activities under the Act.

Section 11 authorizes the Secretary to establish policies and procedures to administer the Act. Section 11(b) provides that the Secretary may charge for the evaluation of laboratories performed under Section 6(d) and for the supplying of lists or full texts of standards under Section 9. It also authorizes him to use the fees received to reimburse the appropriation or fund which supported the service performed.

Section 12 establishes an Interagency Committee on Standards Policy to assist the Secretary in carrying out his responsibilities under the Act and provides that he may consult with the Committee in considering questions of the public interest and shall consult with the Committee upon request of any member of such Committee.

Section 13 requires an annual report to be submitted by the President to the Congress.

Section 14 requires that recipients of grants and contracts maintain records and authorizes the Secretary or the Comptroller General access to the books and records of grantees for the purpose of audit and to assure that standards developed are in the public interest.

Section 15 provides that the international standardization activities shall not effect any requirement (such as mandatory standards) published by agencies of the Federal, state or local governments.

By Mr. MAGNUSON (by request):

S. 1799. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes. Referred to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO AIR TRAFFIC CONTROLLERS

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for all traffic controllers, and for other purposes.

I ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD.

There being no objection, the letter and analysis were ordered to be printed in the RECORD, as follows:

APRIL 29, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for introduction and referral to the appropriate Committee is a draft bill.

"To amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes."

The purpose of the bill is to provide the Secretary of Transportation greater flexibility in the management of the air traffic control work force. I submitted a similar proposal to the 91st Congress.

Air traffic control work is a unique vocation, one offering many advantages yet one involving a number of serious drawbacks. This work offers an individual the challenging opportunity to be involved in one of the most dynamic industries of our time. The individual who enters this field also faces the sobering responsibility of safeguarding airmen and air travelers. In large measure, their well-being depends upon the proper performance of the air traffic control system. The basic role of the controller is to facilitate the safe and efficient flow of air traffic in that system. Civil aviation and technological achievements within the industry have advanced dramatically in recent years. The increasing demands that the expanding aviation community is placing upon the air traffic control system make the job of the controller more complex and increase the burden he bears. In recognition of this, controllers are relatively well paid, when compared to other occupational specialties with similar entry requirements. Promotion also is relatively rapid for those who are able to progress through the various stages to the journeyman level. Additional remuneration is available for working overtime and at night and on holidays, which many controllers are called upon to do.

Perhaps the most serious drawbacks of the work, however, are those having a long-range effect. The Department of Transportation is practically the sole employer of controllers, and the skills learned in control work have very limited value in other lines of work. The initial challenge of the work tends to become less attractive and more burdensome as time on the job increases. If he becomes dissatisfied with or unable to continue in his work, there is little opportunity for the controller to gain employment in another field at anywhere near the salary he has become accustomed to drawing.

The controller is a shift worker. He operates on an hour-to-hour basis, seeing to the safe movement of air traffic operations during his shift. He meets problems on a case-by-case basis and the picture seldom changes except for the increase in the flow of traffic. He rotates from shift to shift and is expected to be available from time to time for overtime work.

Having taken into consideration the nature of the controller's work, the remuneration and other benefits he can derive from it, the need for him to maintain the highest possible safety standards in controlling air traffic, and the increasing workload that has been thrust upon him, the Department of Transportation undertook a study into the need for improving the career system for air traffic controllers. Primary considerations in the conduct of the study were the need to promote the safety of flight, to provide the efficient control of air traffic, to provide the Secretary with a number of options in managing the controller work force, and to ensure the controller fair treatment, particularly in those cases where he has been on the job for a substantial time. The culmination of the study was the Report of the special Air Traffic Controller Career Committee. This bill would incorporate into title 5, United States Code, the amendments necessary to implement recommendations of the Committee requiring legislative action. The bill contains four principal provisions:

First, the Secretary of Transportation would be authorized, with the concurrence of such agent as the President may designate, to establish a maximum age for entry in Department of Transportation air traffic control positions. Initially, the Department intends to provide that a person with no previous experience could not enter an air traffic controller position after reaching his 31st birthday. However, we also intend to grant exemptions and employ persons up to their 36th birthday, based upon previous related experience. Exemptions would not be granted to large groups on an "across-the-board" basis, but would cover small groups or single individuals. No exemptions are contemplated to persons who have reached their 36th birthday. The bill also establishes a maximum age for retention in Departmental air traffic control positions. The bill provides that an employee could not remain in an air traffic controller position after becoming 56 years of age. The Secretary would be authorized to retain a controller until his 61st birthday, based upon possession of exceptional skills and experience as determined by the Secretary. The reason for this specific provision is discussed below.

Second, the bill authorizes the Secretary to provide two years, or less, of training to a career-tenure-controller, if the Secretary first determines that the controller (1) has become medically disqualified for his position; (2) must be displaced from a particular air traffic facility (such as a high traffic density facility) in the interest of aviation safety or efficiency or the health of the controller; or (3) must be removed from controller duties altogether because of inability to maintain technical proficiency in his work. During training, the employee would receive the same base pay he last received as a controller.

Third, the bill provides that the Secretary may assign, reassign or demote a controller who has received training to other duties in the Department of Transportation at the same or a lower grade; or the Secretary may release the controller for transfer to another Executive agency. If the controller is not placed with an Executive agency, he would be separated from the service. The bill also provides that, if he first makes one of the three determinations enumerated above, the Secretary may assign or reassign a controller (whether or not he receives training) to another air traffic facility or to different duties in the Department of Transportation.

Finally, the bill would entitle an employee to an annuity (minimum: 50 percent of the average of his highest three years' base pay) after he completes 25 years of controller service or after he completes 20 years of controller service and reaches 50 years of age. The Secretary would be authorized to initiate the retirement of an active controller under this provision in the interest of aviation safety, efficiency, or the controller's health.

The bill also would require the Secretary of Transportation to report to the Congress during the fifth year after enactment regarding the effectiveness of the provisions in meeting the needs of the controller career program and the air traffic control system. The provisions of the bill would take effect 90 days after enactment.

Our principal concern is with the use of older personnel in the controller positions. This is evident from the thrust of all these proposals, and is the basis for a specific maximum retention age provision. We believe that an individual should embark on a career as a controller while in his twenties, and in the usual case, retire or change to another line of work before he becomes 56 years of age. This makes him available during his most productive stage and while his interest, stamina, and general health are at their highest level.

As a general rule, we have found that our controllers simply do not maintain their proficiency as they progress through the second half of the normal period of service of a career employee. In some cases the work becomes too stressful. In other cases, conditions of health force the controller to leave the work altogether. The maximum retention age level, with the early retirement and retraining provisions we are proposing, would give the controller the assurance of eventual relief from a long span of control work, and an opportunity to turn to a new career at a time when he otherwise might find it necessary to remain in controller work under near intolerable conditions. The provisions also will permit the Secretary to maintain a safer and more proficient controller work force.

We estimate the cost of this proposed legislation to be 17.6 million in fiscal year 1972 (assuming a July 1, 1971 implementation), and that cost would rise to $35.2 million in fiscal year 1976. We will provide more detailed cost information to the appropriate Committee.

For all these reasons, we urge that the Congress *promptly* enact this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSES OF A BILL

To amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes.

Section 1. This section adds new 5 U.S.C. 2109 that defines "air traffic controller" and "controller" as a Department of Transportation employee actively engaged in the control of air traffic or in the immediate supervision of an employee engaged in that activity in an air traffic control facility. The definition would, for example, include those assigned to air route traffic control center and air traffic control tower facilities operated by the Department of Transportation, Federal Aviation Administration, but would exclude those in FAA flight service station facilities. The new section also authorizes the Secretary of Transportation to prescribe regulations to determine the application of the definition to Departmental employees.

Section 2. This section adds new 5 U.S.C. 3307 (b) and (c).

New 5 U.S.C. 3307(b) authorizes the Secretary of Transportation, with the concurrence of such agent as the President may designate, to set a maximum entry age for air traffic controllers. New 5 U.S.C. 3307(b) sets no specific maximum age for beginning a controller career, although new 5 U.S.C. 8335(f) sets a specific maximum retention age. As written, 5 U.S.C. 3307(b) provides both for flexible management of the controller work force and for the ability to deal with conditions that might warrant a change to the maximum entry age.

Upon enactment of new 5 U.S.C. 3307(b), however, the Department initially intends to set 30 years of age as the maximum entry age for controllers. The Secretary may consider exceptions from this maximum for individuals having previous experience in work related to air traffic control. But, no exceptions would be made for individuals after they reach their 36th birthday. Thus, the Secretary would not except an individual who was more than 35 years of age, even if he had 10, 15 or 20 years of military experience in air traffic control. Also, no exceptions will be made to broad classes or large groups of individuals who have reached their 31st birthday. Thus, the Secretary would not except all individuals who had logged a given number of hours of flight time as a commercial or airline transport pilot. To ensure consistency in administration of this provision and broader legislation which the Civil Service Commission is proposing, new 5 U.S.C. 3307 (b) requires the concurrence of such agent as the President designates in the maximum entry age limit.

New 5 U.S.C. 3307(c) codifies Public Law 91–73, relating to age limits in connection with appointments to the United States Park Police, and ensures cohesive treatment of the subject matter in title 5, United States Code.

Section 3. This section adds new subchapter VI, "Air Traffic Controllers, Special Provisions", to chapter 33 of title 5, United States Code (5 U.S.C. 3371–377).

New 5 U.S.C. 3371(a) authorizes the Secretary of Transportation to assign, reassign, demote, or release for transfer (under 5 U.S.C. 3372–3377) a controller who has career tenure if the Secretary first determines that the controller (1) is medically disqualified as a controller; (2) must be displaced from a particular facility in the interest of aviation safety or efficiency or the controller's health; or (3) must be removed from controller duties due to inability to maintain technical proficiency.

New 5 U.S.C. 3371(b) makes clear that 5 U.S.C. 3371–3377 do not limit the authority of the Secretary to make assignments, reassignments, demotions, releases for transfer, or separations vested in him under any other provision of law.

New 5 U.S.C. 3372(a) authorizes the Secretary to assign to training of 2 years, or less, a controller who is subject to a determination under 5 U.S.C. 3371(a).

New 5 U.S.C. 3372(b) authorizes the Secretary to provide training for controllers assigned thereto under 5 U.S.C. 3372(a). The training may be given in Government or non-Government facilities, for Government or non-Government employment.

New 5 U.S.C. 3372(c) provides that the employee trainee retains his last base pay as a controller during training (including statutory increases), and that he is excluded from all staffing limitation laws during that time.

New 5 U.S.C. 3372(d) excludes training under 5 U.S.C. 3372 from the provisions of 5 U.S.C. 4101–4118, which deal with training for all Federal employees. This program has a different basic thrust than the training under 5 U.S.C. 3372, and that is to enable Federal employees to enhance their abilities to carry out their duties as Federal employees. Training under 5 U.S.C. 3372, however, is intended to equip the controller for a second career (whether in, or out of, Government service). In developing a program under 5 U.S.C. 3372, the program now in 5 U.S.C. 4101–4118 will serve as a model for use in issuing regulations implementing the new authority of the Secretary of Transportation.

New 5 U.S.C. 3373(a) authorizes the Secretary to assign, reassign, or demote a controller trained under 5 U.S.C. 3372 to duties in the Department, or to release him for transfer to another Executive agency.

New 5 U.S.C. 3373(b) authorizes the Secretary to assign a controller who is subject to a determination under 5 U.S.C. 3371(a) to other duties in the Department. This would enable the Secretary, for example, to assign a controller from a very busy center or tower to a less busy center or tower.

New 5 U.S.C. 3374(a) provides that, when an air traffic controller is eligible for an immediate annuity under 5 U.S.C. 8331–8348, he may be involuntarily separated from the service for retirement if the Secretary determines that the separation is in the interest of aviation safety, air traffic control efficiency, or the controller's health.

New 5 U.S.C. 3374(b) provides that, when a controller trained under 5 U.S.C. 3372 is not assigned, reassigned, demoted or released for transfer under 5 U.S.C. 3373(a), then he shall be involuntarily separated from the service. To ensure that these separations do not deprive the controller of severance pay under 5 U.S.C. 5595, they are expressly stated not to be "removal for cause on charges of misconduct, delinquency, or inefficiency." Also, to ensure that these separations do not deprive the controller of his full annuity rights under 5 U.S.C. 8336, they are expressly stated not to be "removal for cause on charges of misconduct or delinquency."

New 5 U.S.C. 3375(a) provides that the Secretary may make a determination under 5 U.S.C. 3371(a), or initiate an action under 5 U.S.C. 3374(a), only with the controller's written consent or 60 days written notice stating the determination or action and the reason for it.

New 5 U.S.C. 3375(b) provides that the controller have a reasonable opportunity to respond to the notice under 5 U.S.C. 3375(a), and the opportunity to have a review by the Secretary, or his designee. The reference to a designee of the Secretary makes clear that the controller is not entitled to have his case personally reviewed by the Secretary, although the Secretary may personally review the case. Of course, the Secretary's authority to make delegations of authority within the Department of Transportation is not limited by this provision.

New 5 U.S.C. 3375(c) provides that 5 U.S.C. 7501–7533 do not apply to actions taken or determinations made under new 5 U.S.C. 3371(a), 3374(a) or 3375. Rather they are subject only to administrative review under 5 U.S.C. 3375(b), and regulations implementing that subsection. The determination or action is administratively final when the controller consents in writing or the Secretary, or his designee, makes his decision under 5 U.S.C. 3375(b). The controller's only recourse after this is to the courts.

New 5 U.S.C. 3376 authorizes the Secretary to pay a controller's expenses of training (omitting part of 5 U.S.C. 4109(a)(2)(B)), under 5 U.S.C. 3372. This section is based on 5 U.S.C. 4109, and is necessary because chapter 41 of title 5, United States Code, is made inapplicable by 5 U.S.C. 3372(d).

New 5 U.S.C. 3377 empowers the Secretary to issue regulations necessary to carry out new 5 U.S.C. 3371–3377.

Section 4. This section adds new 5 U.S.C. 8335(f) that provides for mandatory separation from the service of an air traffic controller when he becomes 56 years of age, unless the Secretary selects him for retention. The Secretary may exempt from this mandatory separation requirement a controller who has not become 61 years of age on the basis that he possess exceptional skills and experience as a controller. A controller to be separated under this new subsection is entitled to 60 days written notice.

Section 5. This section adds new 5 U.S.C. 8336(e) that provides that an "employee" is entitled to an annuity after he serves as a controller for 25 years or for 20 years and becomes 50 years of age. Thus, to be eligible for an annuity under new 5 U.S.C. 8336(e), an "employee" need not be a controller at the time he reaches the required age if he has accumulated the appropriate length of controller service at that time.

Section 6. This section adds new 5 U.S.C. 8339(e) to provide that the annuity for an "employee" retiring under 5 U.S.C. 8336(e) is computed using the standard 1½, 1¾, 2 percent formula, and to provide a minimum annuity of 50 percent of the retiree's high three-year average. However, if the "employee" has received training under 5 U.S.C. 3372, the 50 percent minimum annuity provision does not apply. As is the case under new 5 U.S.C. 8336(e), the "employee" need not to be a controller at the time.

Section 7. This section amends references in 5 U.S.C. 8332(b)(3), 8334(g)(5), 8339(f), (h)–(1), and (o) (as redesignated by section 6(1)), 8341(b)–(d), and 8344(a)(3)(A) to reflect the addition in section 6 of new 5 U.S.C. 8339(e), and the redesignation of present 5 U.S.C. 8339(e)–(m) as 5 U.S.C. 8339(f)–(n).

Section 8. This section provides that new 5 U.S.C. 8335(f) (mandatory separation of controllers at age 56) does not apply to a controller appointed before the enactment of the Act.

Section 9. This section requires the Secretary of Transportation to make a report to Congress of his operations under the Act. The report must include a statement of the effectiveness of the Act in meeting the needs of the controller career program and the air traffic control system, and any additional recommendations he deems necessary for sound management of the program of the system. The report must be made within 5 years of the date of enactment of the Act.

Section 10. This section provides that the Act is effective 90 days after the date of enactment. This will allow time to issue implementing regulations, and will be particularly necessary with respect to the maximum entrance age authority in 5 U.S.C. 3307(c), the maximum retention age authority in new 5 U.S.C. 8335(f), the training program authorized under new 5 U.S.C. 3372, and the administrative review procedures under new 5 U.S.C. 3376. This section also repeals Public Law 91–73, codified in new 5 U.S.C 3307(c), at the close of the day before the Act takes effect.

By Mr. MAGNUSON (for himself and Mr. HART):

S. 1800. A bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology. Referred to the Committee on Commerce.

COMMERCIAL TECHNOLOGY ASSESSMENT ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, on behalf of myself and the distinguished Senator from Michigan (Mr. HART), the Commercial Technology Assessment Act of 1971.

The Commercial Technology Assessment Act establishes a policy that would help our Nation maintain its technological excellence, the benefits of which have given flower to the dreams, hopes and talents of countless citizens. At the same time, this measure would provide for steering and managing this potent force for change so as to be sure that our technologies do not create unexpected, unwanted consequences or develop a mindless, self-renewing momentum that might threaten the treasured human and humane qualities of our society. To accomplish this objective, this act would establish an independent Technology Assessment Commission whose primary function will be to assess the implications of planned technological developments as to possible influences on social goals and values, on the health and safety of our citizens, and on the quality of our environment.

I introduce this legislation at a time when sounds of protest are mounting to "turn technology off." This motto can only promote a senseless confrontation between technology and society, to our peril.

Let us examine the problem.

There are many conspicuous unwanted effects of technology with which we are all familiar—urban decay, traffic congestion, noise, decreased privacy, and impairment of our environment. These grievances are valid and deserve our immediate and careful attention. But to attack science and technology as though they had predilections toward evil, is to attack the wrong target. Whether science and technology benefit society or sabotage it depends on acts of man expressed through his institutions, and if we have failed, in our frustration we may do ourselves irreparable harm by assaulting and snuffing out the potent creative energies of science and engineering which have freed man from the drudgery of hard labor, provided better health, nutrition, housing, education—and opportunity—for hundreds of millions.

What I propose is a necessary, even critical, step to steer technology to meet our collective social needs. As the brilliant science policy pioneer Dr. Edward Wenk, Jr., of the University of Washington stated in an address before the National Conference on Local, State and Federal Science Agencies:

> Perhaps we have attacked these problems piecemeal, alleviating symptons rather than treating the disease. To cope with the shadow which technology appears to be casting on our future, we must find a standard by which we can steer this resource to meet our collective social goals. Society should be the keeper of its technology.

What I am proposing is to provide conscious guidance to our technologies so that they will serve society.

Our present apparatus of government has often been effective in stimulating individual technologies, but it has not proved adequate to detect that in a technologically crowded world every technology impinges on another.

DDT was a powerful insecticide that sharply increased agricultural productivity, but clearly it is a hazard to wildlife and probably to humans. Mercury is important to production of low-cost paper products, but flushed to our estuaries and ingested by marine life, it can become an inadvertent threat to humans who eat these seafood products.

Our historically venturesome spirit of rugged individualism was a grand concept in the wide open spaces of the frontier, but now technological strategies to achieve one set of individual goals may inadvertently yet critically interfere with the achievement of others. We must now manage these technologies to anticipate all the effects, good and bad, and all the costs, social and economic, so that we can weigh the full costs and benefits of our decisions.

Our Nation has lacked a national policy to consider the total collective impact, interaction, and even gaps in our technologies in achieving our social goals. And we have lacked the information to make informed judgments. We made a significant beginning with the National Environmental Policy Act of 1969. But we lack a broad policy for considering the long-range effects and influence of new commercial technologies. We lack a future orientation that would anticipate some of our problems before they become economically or politically difficult to turn off. We have often placed excessive faith in our ability to correct problems caused by a misuse of technology by a "technological fix."

Most of all, we have lacked the institutional means to consider coolly and objectively both what is feasible and what is socially desirable, and to integrate considerations of value judgments, social preferences, and our fiscal and human capabilities.

To do this means that we must make our citizens aware of the key questions and the facts that affect their welfare and provide better opportunities for citizen expression.

The policy has three purposes: First, to consider the long-range economic, environmental and social impacts of commercial technology; second, to develop an independent research capability that can serve as an "early warning system" to keep government, industry, and the public aware of possible hazards, of the full range of social as well as economic costs of technology, and of the gaps in our technology where high costs or high risk to private enterprise have left important societal goals unfulfilled; and three to identify and evaluate alternatives to proposed technologies prior to enactment of new legislation, funding, employment, or promotion by the government where effects threaten health, safety, social goals, or the natural environment.

To carry out the purposes of this act, I propose the creation of an independent Technology Assessment Commission. The Commission will review all policies, plans, programs, and operations of industrial enterprises and of departments of the U.S. Government in order to identify inadvertent or undesirable consequences stemming from the technologies used or proposed to fulfill those policies, plans, programs, and operations. Seeking methods to implement Government policies in an environmentally benign manner the Commission will examine alternative technologies and will report its findings and recommendations promptly to the President and to Congress. The Commission's recommendations will include steps that the Commission deems necessary to safeguard the health, safety, and environmental quality of the United States from undesirable effects of new technology.

Finally, the Commission will initiate such research as is required to make its assessments. The fruits of this research will be made available to all levels of government, and to private persons and entities for such fees as the Commission deems necessary to recover the cost of providing this information.

This Commission should be independent of all branches of Government so that it may serve all. Since all branches will need an assessment capability to meet the purposes of the act, we would otherwise be faced with the setting up of separate assessment mechanisms with unnecessary duplication.

The membership of the Commission would consist of 15 carefully selected full-time members with diverse qualifications in science, engineering, law, and commerce and should represent the collective wisdom of a pluralistic society. Several should be from the younger generation. Because their judgments are bound to be controversial, all should be well paid and serve long terms as a protection from external pressure and intimidation.

The Commission would be supported by a highly competent multidisciplinary staff equipped to collect vast quantities of information from a variety of sources, to sort out the relevant and to conduct value-probing policy research in terms that would facilitate an informed judgment by the Commission. But results should also be expressed in language that would foster citizen understanding of the increasing number of issues where science and engineering influence our lives so profoundly.

The Commission should blend human values and technical competences and thus serve as an institutional bridge between technology and society, and between technologists and humanists.

This proposal is not a fully refined, completely polished piece of legislation. Rather, it is a working paper—to lay out for the scientific and engineering communities, industry and the citizen, a formulation of the basic problem: the need to improve our management of technology to meet all of society's goals, and to make progress without depleting our resources, despoiling our environment, and especially as Lord Kenneth Clark said "to defy the forces that threaten to impair humanity."

The Commercial Technology Assessment Act of 1971 would provide for systematic evaluation of the wants and needs of society and the potential hazards of technologies to satisfy them. It would emphasize the rule of fact in making future choices. And it would bring the decisionmaking process within reach of the informed citizen by adding a visibility to the issues and a means by which he can express his preferences.

This manifestation of citizen participation is essential because technology management in our democratic society cannot devolve from the top down. It requires appreciation of the interaction of technology with our fragmented social institution. Every professional man, every industrial enterprise, every Federal and State agency—and every nation on our planet—must consider the implications of technology and steer it in a way that will truly improve the human condition.

This bill is but a start in that direction, but the Commerce Committee's Subcommittee on the Environment will hold hearings soon to test this concept and seek to gain support for one of the most portentous steps our Nation could take to assure that society is the keeper of its technology.

I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1800

A bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commercial Technology Assessment Act of 1971".

DECLARATION OF POLICY AND PURPOSES

SEC. 2. It is hereby declared to be the policy of the United States (1) to consider the long-range effects and extent of the influence of existing and new commercial technology on our Nation's economic and social goals and on its environmental quality; (2) to develop, encourage, and maintain a capability to undertake independent research and timely analysis so as to provide early warning to all branches of government and to the general public of environmental hazards and economic and social costs; and (3) to undertake appropriate technological assessments prior to enactment of new legislation or funding of new programs where resulting technology might impinge on our national social and economic goals, or threaten health, safety, or environmental quality, and to identify alternatives to such technological developments or new legislation or regulation of technology.

FUNCTIONS OF COMMISSION

SEC. 3. (a) There is hereby established, for a period of fifteen years from the effective date of this Act, the Independent Technology Assessment Commission (hereinafter referred to as the "Commission").

(b) The Commission shall have the responsibility to—

(1) review and assess, to the extent possible, policies, plans, and programs of industrial enterprises and of all departments and agencies of the United States and identify inadvertent consequences of technology generated to fulfill those policies, plans, and programs;

(2) seek alternative benign technological methods of implementing such policies, plans, and programs;

(3) provide prompt reports to the President and the Congress, warning of hazards and advising of findings;

(4) take initiatives for similar studies in anticipation of such policies or programs;

(5) make recommendations as to research, regulation, or environmental monitoring necessary to protect health, safety, and environmental quality from unwanted effects of new technology;

(6) initiate research as required in support of Commission assessments; and

(7) serve as an expert witness before the Congress, administrative agencies, and the courts in their inquiries related to social management of technology, and make policy recommendations, when requested, to all branches and agencies of the Government.

(c) The information, knowledge, and data acquired by the Commission, and its services in carrying out the functions outlined herein, shall be made available—

(1) to all branches and agencies of the Government and to all States and political subdivisions thereof on request without charge except that, in any case where the Commission determines that the services requested is substantial, the Commission may require payment of such fees and charges as it determines necessary to recover all, or any part, of the cost of providing such service, and

(2) to private persons and entities upon payment of such fees and charges as the Commission establishes as necessary to recover the cost of providing such services and subject to such terms an conditions as the Commission determines necessary to protect the interests of the United States.

OPERATIONS OF THE COMMISSION

SEC. 4. (a) In carrying out its duties, the Commission shall establish and maintain such facilities as may be necessary, including, but not limited to, buildings, computers, and data processing and other equipment. The principal headquarters of the Commission shall be located within the District of Columbia. The head of each department, agency, and instrumentality in the executive branch of the Government shall, to the fullest extent possible, permit the Commission to use, without reimbursement, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this Act. and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Commission.

(b) The Commission may employ a staff to fulfill the functions set forth herein.

(c) The Commission may enter into contracts for technological assessment necessary to carry out the purposes of this Act.

(d) The Commission may employ consultants from any of the fields of science, engineering, law, or other professions as needed to assist in technology assessment, provided they are not in conflict of interest.

COMMISSION MEMBERSHIP AND BYLAWS

SEC. 5. (a) The initial members of the Commission shall be the following persons:

The person named first above shall serve as Acting Chairman.

(b) The initial members shall meet at the call of the Acting Chairman within one month after the effective date of this Act. At that meeting the initial members shall adopt bylaws of the Commission in conformity with the provisions of this Act to carry into effect the purposes of the Commission. Such bylaws shall: (1) fix the number of the membership of the permanent Commission; (2) determine the identity of the persons who shall constitute such membership, and the identity of the permanent Chairman thereof; (3) provide that each permanent member of the Commission shall serve for the duration of the existence of the Commission unless he earlier resigns, becomes incapacitated, or dies; (4) provide for the designation of successors to such persons in the event that vacancies occur in the membership of the Commission; (5) provide for the calling of periodical and special meetings of the Commission; (6) provide for procedures by which it shall be determined which technologies shall be assessed and in what priorities; and (7) provide for the performance of all other functions of the Commission in conformity with the provisions of this Act and policy as established by the Commission.

(c) A majority of the Commission shall constitute a quorum. A vacancy in the membership of the Commission shall not impair the power of the remaining members thereof to perform the functions thereof.

(d) The acting and permanent Chairman of the Commission shall serve as the executive officer of the Commission.

(e) Each member of the Commission shall be compensated at the level provided for GS-18 in title 5 of the United States Code.

AUTHORIZATION

SEC. 6. There are hereby authorized to be appropriated such sums as may be needed to carry out this Act, but sums appropriated for any fiscal year shall not exceed $50,000,000.

Mr. HART. Mr. President, it has been a pleasure and education for me to work with the distinguished chairman of the Commerce Committee in the preparation of this legislation. The able Senator from Washington long has played a leading role in the attempts of Congress to reconcile our demands for expanding technology with other competing social, economic, and environmental concerns.

As we did when the bill was first introduced last year, I think we should again pay tribute to another who has contributed greatly to this effort and who deserves much of the credit for the ideas we endorse. The distinguished former Representative from Connecticut, Mr. Daddario, held extensive hearings in his House Subcommittee on Science, Research, and Development dealing with the concept of technology assessment. Because his ideas are so central to the theme of this bill, we want to thank him for his contributions to our thinking and to let him know that we welcome further comments and suggestions.

Our bill would create a Technology Assessment Commission to make assessments, without regulatory force, of the desirability of new and existing technologies, based on evaluation of both the needs for such technologies and any adverse social, economic, or environmental consequences which may result from their development. As I see it, the Commission would be designed to fill two basic voids within our regulatory system: That of insufficient knowledge of the effects of technology, and that of insufficient objectivity among the Government agencies responsible for regulating such effects.

Regarding the first of these, it seems clear that many of our technological problems—especially those involving excessive environmental pollution—can be traced to a lack of timely knowledge as to the seriousness of a given pollutant. The mercury crisis provides perhaps the best example. For decades we have produced chlorine through the mercury-cell process without any understanding of the dangers of the resulting waste discharge. The consequences of our ignorance are now all too familiar—seized fish catches, the closing of lakes, and the constant fear that still greater damage may result. The herbicide 2.4,5-T and the phosphate-substitute NTA are also illustrative. Again, in each case commercial production of the substance was initiated without a full appreciation of the dangers involved.

It seems pointless to belabor the point that we must attempt to spot these dangers at an earlier stage. Recognizing that our knowledge will always be imperfect, our obligations to this and succeeding generations require us to do all we can to minimize those imperfections. It is hoped that the proposed commission, through its research capability, will acquire timely awareness of the problems—social and economic as well as environmental—associated with future technological proposals. Only after we obtain such knowledge will we be able to make intelligent decisions as to the true value of alternative courses of action.

The second void which we hope to eliminate by the establishment of this commission relates to the inevitable biases of our existing governmental agencies. Traditionally it has been our practice to assign Government institutions limited missions: The promotion of agriculture, the expansion of nuclear energy, the control of air pollution. As a result no agency presently exists which can be expected to evaluate new technological proposals taking into account every aspect of the problem. What appears to be needed is an institution without any innate preferences—without any orientation toward either technological advancement or arrestment.

It is hoped that the proposed commission can be modeled in this image. Further it is hoped that assessments and other determinations can be made free of all political influence. Charges of politicizing issues of health, safety, and environmental quality frequently have been leveled at this and prior administrations. Whether or not these charges are well founded, every precaution must be taken to prevent political considerations from influencing matters which are and must be above politics.

The formula for insuring objectivity is of course an illusive one, and we would not be so brazen as to contend that we have it. While the elimination of functional bias may be achievable through careful delineation of the commission's mission, the elimination of political bias is a far knottier problem. Solution to it will require rather thorough analysis of alternative selection and funding processes—analysis which is probably best undertaken in hearings. The Subcommittee on the Environment of the Committee on Commerce plans to devote considerable attention to the problem in the coming months.

Suffice it here to say that we are convinced that the selection process ought not to follow along traditional lines. Selection in the manner generally adopted for choosing administrative agencies would rob commission members of the independence we consider essential. To indicate our preference for keeping the commission apart from "the administration," we have provided for the selection of its members by statute. Yet recognizing problems inherent in this approach, we have hopes of improving upon it in hearings.

Mr. President, it seems clear that some formal mechanism for the assessment of technology is needed. It is our hope that what is today proposed can be molded into the optimum approach to one of society's most persistent and most demanding problems.

By Mr. INOUYE (for himself and Mr. MAGNUSON):

S. 1801. A bill authorizing and requesting the President to proclaim 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America, and for other purposes. Referred to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, on behalf of myself and Senator MAGNUSON, the distinguished chairman of the Commerce Committee, I am introducing today a bill that will authorize and request the President to proclaim 1971 and the period through 1976 as a period to discover America.

Tourism is the largest single item in world trade and one of the largest industries in the United States. The United States spends more abroad and receives more in money and travelers than any other country. Nevertheless, we are currently running a travel deficit of approximately $2.5 billion annually, a sum that constitutes a large part of our balance-of-payments deficit.

Significant amendments to the 1961 International Travel Act were enacted by the 91st Congress. These amendments increased the authorization for the travel program, upgraded the position of Director of the U.S. Travel Service to that of Assistant Secretary, expanded the responsibilities and powers of the Travel Service, and created a Tourism Resources Review Commission to examine needs, resources, and policies the United States should follow in the next decade. The full Commission has recently been named.

Under the leadership of Assistant Secretary for Tourism C. Langhorne Washburn, our program to attract foreign visitors to the United States has made giant strides. However, much work remains to be done if we are to close the enormous travel receipts gap between inflow and outflow. The bill which I am introducing today for Senator MAGNUSON and myself would promote travel within the United States and encourage both American and foreign citizens to enjoy the spectacular beauty and diversity of this country.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1801

A bill authorizing and requesting the President to proclaim 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the year 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America and its territories and to invite private industry and interested private organizations to continue through these years a nationwide effort to encourage the American people to explore, use, and enjoy the scenic, historical, and recreational areas and facilities throughout the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

SEC. 2. The President is authorized to publicize any proclamation issued pursuant to the first section and otherwise to encourage and promote vacation travel within the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico, both by American citizens and by citizens of other countries, through such departments or agencies of the Federal Government as he deems appropriate, in cooperation with State and local agencies and private organizations.

SEC. 3. The President is authorized to appoint a national chairman to coordinate the efforts of private industry in carrying out the purposes of this resolution. The national chairman shall serve without compensation from the Federal Government.

By Mr. MAGNUSON (by request):

S. 1802. A bill to revise and improve the laws relating to the documentation of seamen. Referred to the Committee on Commerce.

SEAMEN'S DOCUMENTATION ACT

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to revise and improve the laws relating to the documentation of seamen.

I ask unanimous consent that the letter of transmittal and a section-by-section analysis be printed in the RECORD.

There being no objection, the letter and analysis were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 22, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To revise and improve the laws relating to the documentation of seamen", together with a section-by-section analysis.

This proposed bill would supplant the statutes pertaining to seamen's identification certificates, the engagement and discharge of seamen, shipping articles (employment agreements), Coast Guard maintained seamen's records, and official log books for vessels. A similar proposal was submitted to the 91st Congress and introduced as S. 3840 and H.R. 17787. Since then there have been consultations with various interested elements of the maritime industry and a continuing assessment of the Department's role in the activities covered by the proposed legislation. The enclosed bill is the resulting refinement of the earlier proposal.

The statutes to be replaced are an interrelated maze of laws enacted piecemeal during the years between 1872 and 1940 to cope with a number of separate and distinct conditions. They are replete with inconsistencies and redundancies as well as undesirable voids and are completely out of tune with the needs of today's maritime industry.

All of the statutes to be replaced by the proposed bill relate to the business of documenting seamen and the permanent recording of critical information concerning them. The Coast Guard's central record activities regarding seamen, laboriously maintained under the existing statutes, face increasing problems in discharging their vital part in establishing the work experience qualifications of seamen and their entitlement to higher ratings and various health and pension benefits and in filling the needs of Federal maritime-related agencies for data pertaining to seamen.

The primary source of information on American maritime manpower is the Coast Guard's system of identification documents issued to seamen as supplemented and updated by information collected in the shipboard engagement and discharge process. Certificates of discharge issued to seamen at the termination of each voyage are a principal source of information. Unfortunately the present statutory scheme, especially the form of "Shipping Articles" prescribed for use on foreign voyages, does not lend itself to modern, efficient paperwork and record keeping. A modern system to collate accurate data for rapid retrieval and evaluation is vital to proper planning for a healthy peacetime merchant marine.

The Coast Guard's statutory functions associated with the engagement and discharge of seamen and related record keeping are now performed at an annual cost of $1,100,000. The detailed and rigid statutory forms and procedures from another era imposed by the existing statutes prevent the use of modern paperwork and record keeping procedures. Retrieval of information from existing records is both slow and costly.

The proposed bill would establish a concise and orderly scheme dealing with the various elements of seamen's documentation—identification, qualifications, and service. It would replace the detailed restrictions of the existing statutes with provisions setting forth basic guidelines for the comprehensive seamen's documentation program to be administered through the Coast Guard.

Enactment of the proposed bill would allow the immediate introduction of modern procedures and business practices commonly used elsewhere in the Government without any increased Government costs. It would also make possible the eventual introduction of an automated data processing system.

The Office of Management and Budget advises that there is no objection from the standpoint of the President's program to the submission of this draft legislation to the Congress.

Sincerely,

——— ———.

SECTION-BY-SECTION ANALYSIS OF A BILL TO REVISE AND IMPROVE THE LAWS RELATING TO THE DOCUMENTATION OF SEAMEN

(Related sections of existing sections of Title 46 U.S. Code that would be amended or replaced are indicated in parentheses following the analysis of the corresponding section of the bill.)

Section 1 contains the short title.

Section 2 defines certain terms used in the Bill. The definitions are consistent with those in closely related existing statutes. "Secretary" would mean the Secretary of Transportation or, when the Coast Guard is operating as a service in the Navy, it would mean the Secretary of the Navy.

Section 3 provides for the issuance of a single standard document for the identification of United States seamen and for the certification of their ratings. Provisions for the licensing of qualified ship's officers have been part of the Federal statutes for over 100 years. It was not until 1936 that American seamen received any form of certificate that would identify them as members of the U.S. Merchant Marine. Also, commencing in 1936, unlicensed seamen were issued "certificates of service" as evidence of their special shipboard qualification. In 1937, "certificates of identification" came into being. Several years later, without statutory change, these two "certificates" were combined in a single document called a "United States Merchant Mariner's Document". The Merchant Mariner's Document, in use today, also serves as a passport for American seamen on vessels in the foreign trade.

The 1937 Act that created the certificate of identification gave the seaman an option. In lieu of a certificate of identification he could receive the "continuous discharge book" which served him both as a means of identification and a cumulative record of his shipboard employment. Over the years, this option has been exercised by a very limited number of seamen. Today the Merchant Mariner's Document is not only issued in place of the certificates but also as a companion document to the seaman electing to receive a continuous discharge book. In addition to giving statutory recognition to the Merchant Mariner's Document as a replacement for both the certificate of identification and the certificate of service, this section would discontinue the issuance of continuous discharge books. (The records of service that would be established under section 12 would replace the cumulative records now kept in the "books".) (46 USC 643(a) (part) and (h)).

Section 4 prescribes the minimum information to be included on Merchant Mariner's Documents. (46 USC 643(a) (part) and (b)).

Section 5 identifies the kinds of vessels on which the crew members must be holders of Merchant Mariner's Document (§ 6(a)) and on which written agreements of employment are required for certain voyages (§ 7(a)). Subject to the specific exemptions listed in subsection (b), these requirements apply generally to U. S. flag vessels, regardless of whether or not they are Federally documented, and to public vessels that operate in commercial service. (46 USC 566 (part) and 643(a) (part) and (i)).

Section 6 requires the possession of a Merchant Mariner's Document for employment in the crew of commercial vessels of 100 gross tons or larger (except those specifically exempted by § 5(b)). Subsection (b) authorizes the Secretary to extend this requirement to certain other vessels when the public interest requires. Under subsection (a) a vessel would be required to employ persons who possessed Merchant Mariner's Documents except in those situations for which the Secretary had prescribed a relaxation under subsection (c). (46 USC 569, 643(c) (part), 643b). Today possession of a Merchant Mariner's Document is required by section 121.01 of title 33 of the Code of Federal Regulations for employment on the vessels to which this section would apply. That regulation, based on section 191 of title 50, U.S. Code, is applicable only during periods of national emergency as proclaimed by the President. The application of that regulation would no longer be limited to national emergencies if this section is enacted.

Section 7 requires that written agreements be executed between the master and the crew of commercial vessels of 100 gross tons or larger on foreign voyages and coastwise voyages between non-neighboring States.

Subsection (b) requires that the agreements contain a description of the period of employment and provides that they may contain any other lawful terms which the parties agree to. (46 USC 564 (part, 574 (part))

Section 8 recognizes the existence of "collective bargaining" and its relationship to shipping agreements required by this Act.

Section 9 provides legal remedies for the seaman who is improperly taken into a vessel's employ in violation of the preceding section. (46 USC 575 and 578).

Section 10 requires that shipping agreements for (1) foreign voyages (except for those to certain nearby countries), and (2) intercoastal voyages be prepared in the format prescribed by the Secretary and contain a number of specific provisions. (46 USC 564 (part), 713 (Table A)).

Subsection (b) requires a qualified official (shipping commissioner) to supervise engagements and discharges on voyages covered by subsection (a). (46 USC 565, 641 (part), 643(e) (part), and 643(k) (part)). It also permits the same supervision of engagements and discharegs on coastwise and nearby foreign voyages at the option of the master or owner of the vessel (46 USC 563 (last paragraph)).

Subsection (c) requires public display of the terms of the agreement before a crew is actually engaged under the supervision of the qualified official. (46 USC 577).

Subsection (d) provides for the application of certain enumerated laws pertaining to seamen's wages to coastwise and nearby foreign voyages when a master or owner exercises his option to have the engagement and discharge of his crew supervised by a qualified official under subsection (b)(2). (46 USC 563 (part of 2d paragraph)).

Section 11 requires masters of vessels on voyages for which written agreements are required, to provide crew members with documentary evidence of their services on his vessel in a form to be prescribed by the Secretary. Masters are prohibited from including on the document any evaluation of the crew members' conduct or their performance. (46 USC 643(e) (part) and (k) (part)).

Section 12 provides authority for the Secretary to prescribe procedures for the engagement and discharge of seamen overseas during foreign voyages. Under existing statutes it is contemplated that such engagements and discharges be performed in the presence of an American consul, if there is one available, or reported to the consul at the vessel's next port of call where there is one available. This section of the Bill would allow the Secretary and the Secretary of State to jointly develop and implement procedures for overseas transactions. (46 U.S.C. 569, 570).

Section 13 requires the Secretary to maintain a service record for each documented seamen. (46 U.S.C. 643(f)(part)).

Section 14 prohibits publication or disclosure of information about a named seaman from his record of service except to the seaman and certain of his identified representatives. It authorizes the Secretary to use such information for statistical purposes and to publish useful data derived from seamen's records of service. (46 U.S.C. 643(f) (part)).

Section 15 authorizes the Secretary to require the submission of reports to assist him in the proper enforcement of the laws relating to the engagement and discharge of seamen and the manning of vessels with qualified crews and to provide information necessary to maintain seamen's service records. In cases where the engagement and discharge of crews are supervised by Federal officials under section 10(b) of the Bill most of the necessary information will be assembled by that official. This section provides a means for collecting the information from vessels not serviced by Federal officials under section 10(b). (46 U.S.C. 643(k) (part) and (1)).

Sections 16 and 17 replace the existing 46 USC 201 and 202 relating to official log books. Section 16 requires log books to be maintained on voyages on which engagements and discharges are supervised by a Federal official (e.g., foreign and intercoastal). It prescribes seven required log book entries and authorizes the Secretary to prescribe other matters about which entries should be made, in addition to certain matters prescribed elsewhere by statute. (46 USC 201, 202).

Section 18 prescribes civil penalties for violations of the principal provisions of this Bill. It also prescribes the means for enforcement of those penalties and vests the Secretary with discretionary power in the disposition of those penalties. (46 USC 203, 567, 568, 575, 577, 641, 643(k) and (1)). Existing suspension and revocation authority under 46 USC 239 would also be available as a means of enforcing the provisions of this Bill.

Section 19 authorizes the Secretary to delegate responsibility for administration of the Bill and to prescribe regulations for its implementation. (46 USC 643(j)). It also authorizes a reasonable fee to cover the cost of issuing merchant mariner's documents and providing informative reports and statistics authorized by section 14 of the Act.

Section 20(a) eliminates the statutory form for "Shipping Articles" in the foreign and intercoastal trade. Under section 9(a) the Secretary will, subject to the specific requirements of that section, prescribe the form. (46 USC 713 (schedules)).

Section 20(b) amends the statute relating to seamen's allotments by

(1) providing for allotments to be made "at the time" a seaman enters into a shipping agreement rather than requiring it to be included in the formal agreement;

(2) eliminating the no longer existent "postal savings" from the list of approved allottees and adding "brothers" and "Credit Unions";

(3) authorizing the Secretary to add to the list of approved allottees; and

(4) eliminating the requirement that Shipping Articles be presented to Customs for their examination before they clear the vessel to depart on a foreign voyage. (46 USC 599).

Section 20(c) amends the statute relating to (1) the engagement of seamen in the coastwise trade by shipping commissioners at the option of the vessel and (2) the exemption of seamen's clothing from liens. It eliminates the former, now covered by section 10(d), and perpetuates the latter. This section also extends the penalty for wrongful detention of a seaman's clothing to cover his Merchant Mariner's Document and marine licenses. (46 USC 563 (proviso)).

Section 20(d) and (e) amend the statutes pertaining to the entry of vessels from foreign voyages to eliminate the requirement that the master deliver a crew list to the custom house. Under the International Convention on Facilitation of International Maritime Traffic and its Annex (TIAS 6251), "a crew list dated and signed by the master or some other ship's officer duly authorized by the master" may serve the function of "providing public authorities with information relating to the number and composition of the crew on the arrival and departure of a ship". To meet the requirements of this multilateral agreement that became effective with respect to the United States on May 16, 1967, and to provide for our own domestic needs, the Bureau of Customs, the Immigration and Naturalization Service, and the Department of Transportation have jointly developed a standard form for crew lists, which, when filed with a vessel's inward manifest, meets the operational needs of the Bureau of Customs.

Sections 20(f) and (g) amend the statutes relating to scientific personnel on oceanographic research vessels so as to preserve the application of those statutes in cases where this Act replaces provisions of Title 53 of the Revised Statutes or laws amendatory or supplementary to that title.

Section 20(h) makes it clear that a notation of a seaman's rating on the Merchant Mariner's Document issued to him is the official documentary evidence of his qualification for that rating in lieu of the separate certificates issued under prior statutes.

Section 21 disclaims any intention of disrupting the relationship between masters and their crews or the rights provided seamen for their protection and benefit under the laws affected by this Bill.

Section 22 repeals existing statutes replaced by this Bill and several related statutes superseded by Reorganization Plan No. 3 of 1946. The 1946 Reorganization Plan transferred the statutory functions of individual "Shipping Commissioners" to the Commandant of the Coast Guard. Through Reorganization Plan No. 20 of 1950 and section 6(b) of the Department of Transportation Act (49 USC 1655(b)) those functions are now vested in the Secretary of Transportation. It also repeals existing statutes requiring a crew list to be delivered to the customs house before clearance may be granted for a foreign voyage.

SECTIONS OF THE REVISED STATUTES AND THE STATUTES AT LARGE THAT WOULD BE REPEALED BY THIS SECTION MAY BE FOUND IN THE UNITED STATES CODE

Revised statutes section—	Title 46, United States Code, section—
4290	201
4291	202
4292	203
4501	541
4502	542
4504	543
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4515	568
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4517	570
4518	571
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4553	645
4568	665
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4574	675
4575	676
4576	677
4595	542a

Date	Statutes at large				Title 46, United States Code, section—
	Chapter	Section	Volume	Page	
Feb. 25, 1877	69	1	19	250	201, 566, 576, 676
June 26, 1884	121	19	23	58	572
		20			573
		27			541
June 19, 1886	421	2	24	80	[1] 563, 646
Mar. 3, 1897	389	1	29	687	549
		3			677
		19			564
Dec. 21, 1898	28	1	30	755	569
		2			576
		14			665
Feb. 14, 1900	19	1	31	29	201
Apr. 26, 1906	1875		34	137	542
Mar. 4, 1915	153	1	38	1164	569
June 25, 1936	816	3	49	1934	643
Mar. 24, 1937	49	1	50	49	643
		2			643
June 16, 1938	467	3	52	754	643a
Oct. 17, 1940	896	1	54	1200	643
		2			643b

[1] 1st paragraph.

Section 23 provides for an effective date six months after enactment to allow for the implementation of modernized engagement, discharge, and reporting procedures.

By Mr. GRIFFIN:

S. 1803. A bill to amend title II of the Social Security Act—and applicable provisions of the Internal Revenue Code of 1954—to provide automatic cost-of-living adjustments in social security benefits, to provide automatic adjustment of the contribution and benefit base, and to liberalize the earnings test. Referred to the Committee on Finance.

SOCIAL SECURITY ADJUSTMENT ACT OF 1971

Mr. GRIFFIN. Mr. President, the hardest hit victims of inflation have been, and continue to be, the retired citizens in our society who must rely on social security or fixed pensions.

Taxes continue to rise, prices escalate, and negotiated wages keep climbing. But our senior citizens can only stand by helplessly while the value of their few dollars shrinks and shrinks.

Earlier in March of this year, Congress passed and President Nixon signed into law a 10-percent increase in social security benefits retroactive to January 1, 1971. However, because of the time it takes for gearing up operations in such a huge bureaucracy, social security beneficiaries will not even begin to realize this increase in benefits until checks are finally mailed out June 3.

While I supported the 10-percent increase when it finally came to a vote in March, I deplore the fact that it was not approved last year. Furthermore, I believe it is unfortunate and unnecessary that social security beneficiaries are required to await the pleasure of Congress each year or so before cost-of-living adjustments can be made.

I maintain that it is time to enact permanent legislation which will assure automatic adjustments in benefits to keep pace with increases in the cost of living.

The Social Security Adjustments Act of 1971 which I introduce today would, first, provide for such automatic increases in social security benefits, and second, increase from $1,680 to $2,400 the amount of income a retiree may earn without losing social security benefits.

This bill would direct the Secretary of Health, Education, and Welfare, whenever the cost of living increases 3 percent or more on an anual basis, to put into effect a corresponding precentage increase in monthly social security benefits.

To absorb in part the added cost of such increases, the legislation would provide for automatic adjustment of the contribution and benefit base, based upon increases in average taxable earnings.

In addition, Mr. President, the bill I introduce today would make another important change. The present law permits a retiree to earn only $1,680 annually without losing social security benefits.

My bill would lift this ceiling on earnings from $1,680 to $2,400 a year.

In addition, the bill would provide for a more equitable tapering off of benefits when earnings exceed the ceiling.

Mr. President, I believe Congress has played politics too long with our senior citizens. We do them no favor when we legislate benefit adjustments on an ad hoc basis, usually in an election year. Senior citizens should not have to wait for the political winds to move Congress.

Social security beneficiaries deserve solid assurances that benefit dollars will maintain their purchasing power. Accordingly, I hope Congress will now follow up on the increase improved in March by enacting legislation such as that I introduce today.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1803

A bill to amend title II of the Social Security Act (and applicable provisions of the Internal Revenue Code of 1954) to provide automatic cost-of-living adjustments in social security benefits, to provide automatic adjustment of the contribution and benefit base, and to liberalize the earnings test.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Adjustment Act of 1971."

AUTOMATIC ADJUSTMENT OF BENEFITS

SEC. 2. (a) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i) (1) For purposes of this subsection—

"(A) the term 'base quarter' means the period of 3 consecutive calendar months ending on September 30, 1971, and the period of 3 consecutive calendar months ending on September 30 of each year thereafter.

"(B) the term 'cost-of-living computation quarter' means any base quarter in which the monthly average of the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, the monthly average of such Index in the later of (i) the 3 calendar-month period ending on September 30, 1971, or (ii) the base quarter which was most recently a cost-of-living computation quarter.

"(2) (A) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall, effective for January of the next calendar year, increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 228, and the primary insurance amount of each other individual as specified in subparagraph (B) of this paragraph, by an amount derived by multiplying such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the next higher one-tenth of 1 percent if such percentage is an odd multiple of .05 of 1 percent and to the nearest one-tenth of 1 percent in any other case) as the percentage by which the monthly average of the Consumer Price Index for such cost-of-living computation quarter exceeds the monthly average of such Index for the base quarter determined after the application of clauses (i) and (ii) of paragraph (1) (B).

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, based on the wages and self-employment income of an individual who became entitled to monthly benefits under section 202, 223, 227, or 228 (without regard to section 202(j) (1) of section 223 (b)), or who died, in or before December of such calendar year.

"(C) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before December 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been revised previously pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall show the effective date of the primary insurance amounts set forth in column IV of the table immediately prior to its revision.

"(ii) The amounts on each line of column I, and the amounts on each line of column III except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amount of each line of column IV shall be increased from the amount shown in the table immediately prior to its revision by increasing such amount by the percentage specified in subparagraph (A) of paragraph (2), raising each such increased amount, if not a multiple of $0.10, to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (as defined in section 230 (b)) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V shall be extended. The amount in the first additional line in column IV shall be the amount in the last line of such column as determined under clause (iv), plus $1.00, rounding such increased amount (if not a multiple of $1.00) to the next higher multiple of $1.00 where such increased amount is an odd multiple of $0.50 and to the nearest multiple of $1.00 in any other case. The amount on each succeeding line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the larger of (I) one-thirty sixth of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised or (II) the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised over such base for the calendar year in which the table of benefits is revised, rounding such amount (if not a multiple of $1.00) to the next higher multiple of $1.00 where such amount is an odd multiple of $0.50 and to the nearest multiple of $1.00 in any other case. The amount in each additional line of column III shall be determined so that the second figure in the last line of column III is one-twelfth of the contribution and benefits base for the calendar year following the calendar year in which the table of benefits is revised, and the remaining figures in column III shall be determined in consistent mathematical intervals from column IV. The second figure in the last line of column III before the extension of the column shall be increased to a figure mathematically consistent with the figures determined in accordance with the preceding sentence. The amount on each line of column V shall be increased, to the extent necessary, so that each such amount is equal to 40 percent of the second figure in the same line of column III, plus 40 percent of the smaller of (I) such second figure or (II) the larger of $450 or 50 per centum of the largest figure in column III.

"(vi) The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount that is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10." (b) Section 203(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and inserting after paragraph (3) the following new paragraph:

"(4) when two or more persons are entitled (without the application of section 202 (j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for December of the calendar year in which occurs a cost-of-living computation quarter (as defined in section 215(i)(1)) on the basis of the wages and self-employment income of such insured individual, such total of benefits for the month immediately following shall be reduced to not less than the amount equal to the sum of the amounts derived by increasing the benefit amount determined under this title (including this subsection, but without the application of section 222 (b), section 202(q), and subsections (b), (c), and (d) of this section) as in effect for such December for each such person by the same percentage as the percentage by which such individual's primary insurance amount (including such amount as previously increased) is increased under section 215(i)(2) for such month immediately following, and raising each such increased amount (if not a multiple of $0.10) to the next higher multiple of $0.10."; and

(2) by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in (or demand to be in) section 215 (a)".

(c)(1) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be the amount in column IV of the following table, or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(C) or section 230(c), determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(i) The amount in column IV of the line on which in column III of such table appears his average monthly wage (as determined under subsection (b);

"(ii) The amount in column IV on the line on which in column II of such table appears his primary insurance amount (as determined under subsection (c)); or

"(iii) The amount in column IV on the line on which in column I of such table appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV which is equal to the primary insurance amount upon which such disability insurance benefit is based, except that, if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table (other than a table provided by section 230) and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based."

(2) Effective January 1, 1973, section 215 (b) (4) of such Act is amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled in or after the effective month of a new table that appears in (or is deemed by subsection (i)(2)(C) or section 230(c) to appear in) subsection (a) to benefits under section 202(a) or section 223; or

"(B) who dies on or after such effective month without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2).".

(3) Effective January 1, 1973, section 215 (c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the effective month of the latest such table.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(d) Sections 227 and 228 of such Act are amended by striking out "$48.30" wherever it appears and inserting in lieu thereof "the larger of $48.30 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$24.20" wherever it appears and inserting in lieu thereof "the larger of $24.20 or the amount most recently established in lieu thereof under section 215(i)".

AUTOMATIC ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

SEC. 3. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"AUTOMATIC ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

"SEC. 230. (a) On or before November 1 of 1972, and each even-numbered year thereafter, the Secretary shall determine and publish in the Federal Register the contribution and benefit base (as defined in subsection (b)) for the first two calendar years following the year in which the determination is made.

"(b) The contribution and benefit base for a particular calendar year shall be whichever of the following is the larger:

"(1) The product of $9,000 and the ratio of (A) the average taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year in which a determination under subsection (a) is made for such particular calendar year to (B) the average of the taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of 1971, with such product, if not a multiple of $600, being rounded to the next higher multiple of $600 where such product is a multiple of $300 but not of $600 and to the nearest multiple of $600 in any other case; or

"(2) The contribution and benefit base for the calendar year preceding such particular calendar year.

"(c)(1) When the Secretary determines and publishes in the Federal Register a contribution and benefit base (as required by subsection (a)), and

"(A) such base is larger than the contribution and benefit base in effect for the year in which the larger base is so published, and

"(B) a revised table of benefits is not required to be published in the Federal Register under the provisions of section 215 (i)(2) (C) which extends such table for such larger base on or before the effective date of such base, then the Secretary shall publish a revised table of benefits (determined under the provisions of paragraph (2)) in the Federal Register on or before December 1 of the year prior to the effective year of the new contribution and benefit base. Such table shall be deemed to be the table appearing in section 215(a).

"(2) The revision of such table shall be determined as follows:

"(A) All of the amounts on each line of columns I, II, III, and IV, except the largest amount in column III, of the table in effect before the revision, shall be the same in the revised table; and

"(B) The additional amounts for the extension of columns III and IV, and the amounts for purposes of column V, shall be determined in accordance with the provisions of section 215(i) (2) (C) (v) and (vi).

"(3) When a revised table of benefits, prepared under the provisions of paragraph (2), become effective, the provisions of section 215 (b) (4) and (c) and of section 203(a) (4) shall be disregarded; and the amounts that are added to columns III and IV, or are changed in or added to column V, by such revised table, shall be applicable only in the case of an insured individual—

"(A) who becomes entitled, after December of the year immediately preceding the effective year of the increased contribution and benefit base (provided by this section), to benefits under section 202(a) or section 223;

"(B) who dies after December of such preceding year without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be computed under section 215 (f) (2)."

(b) (1) Section 201(c) of the Social Security Act is amended by inserting before the last sentence the following new sentence: "The report shall further include a recommendation as to the appropriateness of the tax rates in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954 which will be in effect for the following calendar year, made in the light of the need for the estimated income in relationship to the estimated outgo of the Trust Funds during such year."

(2) Section 1817(b) of such Act is amended by inserting before the last sentence the following new sentence: "The report shall further include a recommendation as to the appropriateness of the tax rates in sections 1401(b), 3101(b), and 3111(b) of the Internal Revenue Code of 1954 which will be in effect for the following calendar year made in the light of the need for the estimated income in relationship to the estimated outgo of the Trust Fund during such year."

LIBERALIZATION OF EARNINGS TEST

SEC. 4. (a) (1) Paragraphs (1) and (4) (B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof $200 or the exempt amount as determined under paragraph (8)".

(2) Paragraph (1) (A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof $200 or the exempt amount as determined under subsection (f) (8)".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $200 or the exempt amount as determined under paragraph (8) multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) Section 203(f) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) (A) On or before November 1 of 1972 and of each even-numbered year thereafter, the Secretary shall determine and publish in the Federal Register the exempt amount as defined in subparagraph (B) for each month in any individual's first two taxable years which end with the close of or after the calendar year following the year in which such determination is made.

"(B) The exempt amount for each month of a particular taxable year shall be whichever of the following is the larger:

"(i) the product of $200 and the ratio of (I) the average taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year in which a determination under subparagraph (A) is made for each such month of such particular taxable year to (II) the average of the taxable wages of all persons for whom wages were reported to the Secretary for the first calendar quarter of 1971, with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such product is an odd multiple of $5 and to the nearest multiple of $10 in any other case, or

"(ii) the exempt amount for each month in the taxable year preceding such particular taxable year; except that the provisions in clause (i) shall not apply with respect to any taxable year unless the contribution and earnings base for such year is determined under section 230(b) (1)."

(c) The amendments made by this section shall apply with respect to taxable years ending after December 1971.

CONFORMING AMENDMENTS

SEC. 5. (a) (1) (A) Section 209(a) (6) of the Social Security Act is amended by inserting "and prior to 1973" after "1971".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1972 with respect to which such contribtuion and benefit base is effective, is paid to such individual during such year;"

(2) (A) Section 211(b) (1) (F) of such Act is amended by inserting "and prior to 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b) (1) of such Act is further amended by adding at the end thereof the following new subparagraph:

"(G) For any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year, or".

(3) (A) Section 213(a) (2) (ii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(3) Section 213(a) (2) (iii) is such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or in the case of any taxable year beginning in any calendar year after 1972, an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year".

(4) Section 215(e) (1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $9,000 in the case of any calendar year after 1971 and before 1973, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(b) (1) (A) Section 1402(b) (1) (F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and beginning before 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b) (1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(G) for any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) Effective with respect to remuneration paid after 1972, section 3121(a) (1) of such Code (relating to definition of wages) is amended (A) by striking out "$9,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and (B) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3) Effective with respect to remuneration paid after 1972, the second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base".

(4) Effective with respect to remuneration paid after 1972, section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c), and inserting in lieu thereof "the contribution and benefit base".

(5) Section 6413(c) (1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after "after the calendar year 1971";

(B) by inserting after "exceed $9,000" the following: "or (F) during any calendar year after 1972, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting before the period at the end thereof the following: "and before 1973, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1972 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(c) (2) (A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof "$9,000 for the calendar year 1972, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(7) Effective with respect to taxable years beginning after 1972, section 6654(d) (2) (B) (ii) of such Code (relating to failure by individual to pay estimated tax) is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1972. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1972. The amendments made by subsection (a)(4) shall apply only with respect to calendar years after 1972.

By Mr. BROOKE:

S. 1805. A bill to provide relocation assistance, training assistance, and interest supplements to adversely affected workers separated from their employment because of the termination of defense and space contracts. Referred to the Committee on Labor and Public Welfare.

PEACETIME CONVERSION ASSISTANCE

Mr. BROOKE. Mr. President, I am today introducing the Peacetime Conversion Assistance Act which I discussed in detail in my statement to the Senate on April 14.

The Federal Government's decision to reduce drastically defense and space expenditures has left large numbers of highly skilled men and women out of work. I am afraid that too little attention has been given to specific programs that can insure their gainful reemployment.

The adjustment asistance provisions of the Trade Expansion Act of 1962 directed that comprehensive assistance should be made available to workers dislocated by a deliberate change in Government policies. This act draws upon the same concept.

It would provide relocation assistance, training assistance, and mortgage interest rate supplements to adversely affected workers separated from their employment because of the termination of defense and space contracts.

One of the greatest problems for many unemployed specialists is their monthly mortgage payment. Under the provisions of this legislation mortgage interest assistance payments may be made by the Secretary of Labor to help reduce the burden of mortgage payments at a time when the individual can least afford them.

Further, this bill seeks to help unemployed aerospace and defense workers reequip themselves for careers in fields in other industries. Retraining would be made possible by authorizing the Secretary of Labor to pay training assistance allowances to these individuals, thus permitting them to return to college, graduate school, or other suitable training facility for as much as a full year of study.

I ask unanimous consent that a copy of the Peacetime Conversion Assistance Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1805

A bill to provide relocation assistance, training assistance and interest supplements to adversely affected workers separated from their employment because of the termination of defense and space contracts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Peacetime Conversion Assistance Act."

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(a) further reductions in federal defense and aerospace expenditures are probable because of diminished involvement in Indochina, reductions in other defense programs, and cutbacks in space exploration, all resulting from increased attention to pressing domestic needs and shifting national policies.

(b) to reduce unemployment and related waste of national talent and resources, it is essential that the federal government take effective action to assist in the conversion of scientific and technical personnel into suitable alternative industries.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "adversely affected worker" means an individual who, because of a termination of a defense or space activity contract or grant, has been separated from his employment with a business concern, government agency, university, or other nonprofit organization certified in accordance with the provisions of this Act;

(2) "defense or space activities, contracts or grants" means any contract or grant to a business concern or university or other nonprofit organization—

(A) which involves—

(i) the research, development, production, maintenance, or storage of any weapons systems, arms, armament, ammunition, implements of war, parts or ingredients of such articles or supplies, or plans for the use thereof;

(ii) the construction, reconstruction, repair, or installation of a building, plant, structure, or facility which the Secretary of Defense or his designee, or the Administrator of the National Aeronautics and Space Administration or his designee, certifies to be necessary to the national defense; or

(iii) the research, development, construction, testing or operation of aeronautical and space vehicles or facilities together with related equipment, devices, components and parts;

(B) which requires that the number of employees engaged in work under such defense or space activities, contracts, or grants exceeds forty per centum of the total number of employees of the business concern or ten per centum of the university or other nonprofit organization, or, pursuant to regulations prescribed by the Secretary, any establishment thereof operated by the contractor awarded such contract or grant;

(C) that the criteria in (B) must have been met for each of the three prior calendar years.

(3) "eligible lender" means an eligible institution, an agency, or instrumentality of a State, or financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State, or a pension fund approved by the Secretary for this purpose;

(4) "Secretary" means the Secretary of Labor;

(5) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

CERTIFICATION

SEC. 4. (a) The Secretary shall issue a certificate of eligibility for benefits for adversely affected workers under this Act to any business concern or university or other nonprofit organization if—

(1) such business concern or university or other organization has performed work under any defense or space activities, contracts, or grants for a period of not less than three years prior to certification under this Act;

(2) such activities, contracts, or grants must have been terminated not more than twenty-four months prior to the date of enactment of this Act; and

(3) the termination of such activities, contracts, or grants has resulted in the separation from any establishment of the contractor of twenty-five per centum of the total number of employees employed under such defense or space activities, contracts, or grants.

(b) The Secretary shall issue a separate certificate of eligibility with respect to each establishment which meets the requirements of this section regardless of whether such establishment is operated by a contractor as part of a single enterprise.

(c) Each business concern or university or other nonprofit organization which is certified under this section shall promptly notify all appropriate adversely affected workers previously employed or about to be separated by such concern, university, or organization.

RELOCATION ASSISTANCE

SEC. 5. (a) Any adversely affected worker in any business concern or university or other nonprofit organization may file an application for relocation allowances in the same manner as provided under subchapter C of chapter 3 of title III of the Trade Expansion Act of 1962.

(b) The Secretary of Labor, pursuant to such regulations as he deems necessary, shall pay relocation allowances to adversely affected workers under the same conditions as provided in subchapter C of chapter 3 of title III of the Trade Expansion Act of 1962.

MORTGAGE INTEREST ASSISTANCE PAYMENTS

SEC. 6. (a) The Secretary is authorized to make, and contract to make mortgage interest assistance payments to any eligible lender which has made a loan secured by a mortgage on the principal residence to any adversely affected worker on behalf of any such worker to whom such loan was made. Such payments shall be made at such times and under such conditions as the Secretary may by regulation provide. Payments under this section shall be made only for the period equal to the remaining repayment period as provided in the mortgage agreement evidencing such loan, but in no event for a period longer than one year.

(b) No mortgage interest assistance payments made under this section for any mortgage for any year shall exceed the difference between three per centum and the interest such person would be required to pay under the agreement evidencing such mortgage.

(c)(1) There are hereby authorized to be appropriated such sums as may be necessary for the payment of mortgage interest assistance grants to eligible lenders in accordance with this section.

(2) Contracts for mortgage interest assistance grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts, and in any event the total amount of interest assistance grants which may be paid to eligible lenders in any year pursuant to contracts entered into under this section shall not exceed $15,000,000.

FEDERAL TRAINING ASSISTANCE

SEC. 7. (a) Any adversely affected worker in any business concern or university or other nonprofit organization may file an application for training allowances in the same manner as provided under subchapter B of chapter 3 of title III of the Trade Expansion Act of 1962.

(b) The Secretary of Labor, pursuant to such regulations as he deems necessary, shall pay training allowances to adversely affected workers under this Act in the same manner and under the same conditions as provided in subchapter B of chapter 3 of title III of the Trade Expansion Act of 1962.

APPROPRIATIONS AUTHORIZED

SEC. 8. Except as otherwise provided there are hereby authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972 and $80,000,000 for the fiscal year ending June 30, 1973 to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 1457

At the request of Mr. SPARKMAN, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1457, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 1608

At the request of Mr. SPARKMAN, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 1608, a bill to designate certain lands on the Bankhead National Forest in Alabama as wilderness under the Wilderness Act of 1964.

S. 1609

At the request of Mr. GRAVEL, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1609, for the relief of Michael A. Korhonen.

S. 1615

At the request of Mr. GRIFFIN, the Senator from Montana (Mr. METCALF) and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 1615, to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1649

At the request of Mr. GRIFFIN, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of S. 1649, a bill to amend the Small Business Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to certain Federal or State laws.

S. 1746

At the request of Mr. NELSON, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1746, a bill to amend the Public Health Service Act by extending for 1 year the student loan and scholarship provisions of title VII and title VIII for medical and nursing students.

S. 1769

At the request of Mr. GRIFFIN, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 1769, a bill creating a Legal Services Corporation.

SENATE RESOLUTION 117—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF PROCEEDINGS ON THE DEVELOPMENT OF A UNIFORM CONVENTIONAL MORTGAGE FORM

Mr. SPARKMAN submitted a resolution (S. Res. 117) to authorize the printing, as a Senate Document, of the proceedings of the public meetings on the development of a uniform conventional mortgage form.

The resolution, which was referred to the Committee on Rules and Administration, reads as follows:

S. RES. 117

Resolved, That there shall be printed as a Senate document the proceedings of the public meetings, held April 5 and 6, 1971 by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, on the development of a uniform conventional mortgage form as an aid to the secondary market operations for conventional mortgages authorized to be carried out by such association and corporation under titles II and III of the Emergency Home Finance Act of 1970.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. PACKWOOD, for Mr. CASE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Concurrent Resolution 21, calling for suspension of military assistance to Pakistan.

MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

AMENDMENT NO. 68

Mr. EAGLETON submitted an amendment (No. 68) intended to be proposed by him to H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which was ordered to be printed and to lie on the table.

AMENDMENT NOS. 74 AND 75

Mr. KENNEDY submitted two amendments (Nos. 74 and 75) intended to be proposed by him to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which were ordered to be printed and to lie on the table.

CONQUEST OF CANCER ACT—AMENDMENTS

AMENDMENT NOS. 69, 70, 71, 72, AND 73

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. WILLIAMS. Mr. President, during the past 6 months the attention of the Congress and the Nation has been drawn to the question how we can best unlock the doors to find the cause and cure of cancer.

On November 25, 1970, the National Panel of Consultants on the Conquest of Cancer submitted its report to the Senate Committee on Labor and Public Welfare. Its conclusions were unanimous:

> A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:
>
> First, effective administration with clearly defined authority and responsibility;
>
> Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitely laid out nor long-range objectives clearly specified; and
>
> Third, the necessary financial resources.

On January 25, 1971, Senators KENNEDY and JAVITS introduced S. 34, the Conquest of Cancer Act. This bill, which is cosponsored by a majority of the Senate, establishes an independent agency of the United States, the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

Since the introduction of this legislation a great deal of controversy has arisen concerning the efficacy of creating an independent cancer agency. During the course of 2 days of hearings and throughout the past several months I have heard expressed the views of the administration, of scientific and professional organizations, of leaders in the medical and business fields, and of thousands of concerned citizens from my State of New Jersey and across the Nation. And I have found it remarkable—indeed, in my 16-year career in the Congress, almost unprecedented—that the reasoning and thoughtful opinion has shown such great merit on both sides of this issue.

Everyone agrees that cancer is a major killer and a painful, horrifying disease. Everyone agrees that the past 10 years have seen significant breakthroughs in our efforts to treat cancer. And everyone agrees that the moment is ripe for a special effort on the part of the Federal Government to provide a massive infusion of money which might assure that the conquest of cancer can become a reality in our lifetime.

The crux of the disagreement lies in the question of how best to fashion the mechanism to reach that objective. The Panel and many eminent scientists, doctors, and lay professionals, and legislators recommend the creation of an independent National Cancer Authority. The administration, and many eminent scientists, doctors, lay professionals, and legislators urge that the effort remain within the National Cancer Institute as part of the National Institutes of Health and the Department of Health, Education, and Welfare.

Mr. President, we all know how difficult it is for each of us to make critical decisions of this nature. And we are all aware that when so many of the experts find themselves in such sharp disagreement on how best to implement a new and major Federal initiative, there must be clarifications made in legislative proposals to accommodate specific needs and to overcome justifiable concerns. To this end, I am today submitting five amendments to S. 34 which in my judgment serve to clarify and strengthen the legislation and which will meet many of the concerns expressed in the hearings and in the many conversations I have had with individuals whose advice I greatly value.

These amendments, which have the substantial approval of the National Panel of Consultants, are designed to accomplish a great many objectives. One amendment assures that the Authority will not be located distantly from NIH but rather that the Authority will be located on and around the present site of the National Cancer Institute. This reemphasizes the intent to use NCI as the nucleus of the cancer effort.

Another amendment would obligate the Administrator of the Authority to take whatever action necessary to insure that the current lines of communication and cross-fertilization of scientific knowledge existing among and between the various institutes of health would be maintained. I fully agree with those who urge the cancer research and the other biomedical sciences must not and cannot be fragmented or isolated. Thus, an amendment of this nature is definitely in order so that we can hold the Administrator accountable for continuing the free and open exchange of information and ideas.

To make certain that the work of the Authority and the NIH are coordinated at the highest administrative and working levels, I am seeking to amend S. 34 so that both the Administrator of the Authority and the Director of NIH will sit ex officio on the National Cancer Advisory Board. The Board has been designed to have overall control of the direction and policy of the Authority. Because the activities of the NIH would have such great impact upon the Authority—and vica-versa—I feel that we must assure the best possible coordination in the Federal cancer research effort.

Another concern which has been expressed relates to the question whether the Authority will be empowered to lend financial support to research underway at NIH which has shown great promise in unlocking many of the remaining mysteries about cancer. There is no question in anyone's mind that large segments of basic biomedical research are relevant to cancer. Therefore, I am submitting another of these amendments to remove any doubt that funds may be transferred from the resources of the Authority to the NIH for the added support of promising cancer-related programs.

The concerns within the scientific community that S. 34 is unclear in terms of proper peer review procedures are accommodated in another of these amendments. The panel expressed its view that a national cancer program should include the voluntary productive interaction and joint planning of the scientists responsible for the research projects. I feel that this is an important aspect of peers so often provide insights which too frequently escape the researcher in his zeal to pursue a novel theory. Thus, my amendments direct both the Administrator and the Board to establish regulations governing appropriate peer review procedures for research grants and other programs of the Authority.

There were some very legitimate questions raised during that time period concerning the intended role of the Authority in the national health research effort. I have asked many questions. I have corresponded and spoken with many highly authoritative and knowledgeable persons. And I have concluded that if the clarifying amendments which I submit today are substantially adopted, then we will have created the best possible means of accomplishing a real breakthrough toward the conquest of cancer.

I noted that over the weekend, in Atlantic City, a large number of medical school professors suggested making all of NIH a unified independent agency as an alternative to concentrating solely on an independent National Cancer Authority. This is one of the alternatives which I have contemplated. For certainly if there is a bureaucracy problem and a management problem and a systems problem with the National Cancer Institute, I would speculate that similar difficulties affect the operation of the 12 other Institutes of Health. But, I do not think that wisdom dictates taking such an all or nothing approach. Let us, at the very least, look at the National Cancer Authority as a demonstration project—to demonstrate to ourselves and to the world that biomedical research can excel when it is reasonably free of bureaucratic and governmental restraints. And let it demonstrate that when this Nation sees particular suffering we can and we will establish a priority and reach the objective. Once we examine the success of this effort, we might at that time expand independent authority to the whole of the National Institutes of Health.

We have, in S. 34, the opportunity which seldom comes in the lives of men—to turn on the power that will save the lives of countless thousands of our fellow men. I feel as do so many Americans that the answers which are now within our reach can soon be within our grasp.

Mr. President, I ask unanimous consent that the amendments to S. 34 be printed in the Record at the conclusion of my remarks.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 69

On page 8, line 15, redesignate paragraph (11) as paragraph (13) and insert before such paragraph the following:

"(11) take necessary action so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this Act between the National Cancer Institute and the other Institutes of Health shall be maintained between the Authority and the Institutes of Health to insure free communication between cancer and the other scientific, medical, and bio-medical disciplines;

"(12) shall, by regulation, insure proper scientific peer review of all research grants and programs; and"

Amendment No. 70

On page 4, line 13, after the word "shall", delete the dash and insert the following: "be located on and around the present site of the National Cancer Institute and shall—".

Amendment No. 71

On page 8, line 11, between the words "expenditure, and "funds," insert the following: "including the National Institutes of Health for cancer-related programs,".

Amendment No. 72

On page 15, after line 8, insert the following new provision:

"(k) The board shall insure that the Administrator, by regulation, shall insure proper scientific peer review of all research grants and programs."

Amendment No. 73

On page 13, lines 6 and 7, delete the sentence beginning with the word "The" and insert the following: "The Administrator and the Director of the National Institutes of Health shall sit as ex officio members of the Board."

NOTICE OF HEARING ON NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the distinguished Senator from Mississippi (Mr. Eastland), to have printed in the Record a notice of public hearings with respect to certain nominations.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

Notice of hearing is as follows:

Notice of Hearing

(Statement of Senator Eastland)

Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, May 13, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

William M. Byrne, Jr., of California, to be U.S. District Judge, Central District of California, vice a new position created by Public Law 91–272, approved June 2, 1970

Mark A. Costantino, of New York, to be U.S. District Judge, Eastern District of New York, vice a new position created by Public Law 91–272, approved June 2, 1970

Murray I. Gurfein, of New York, to be U.S. District Judge, Southern District of New York, vice Thomas F. Murphy, retired

Walter R. Mansfield, of New York, to be U.S. Circuit Judge, Second Circuit, vice Leonard P. Moore, retired

William Hughes Mulligan, of New York, to be U.S. Circuit Judge, Second Circuit, vice J. Edward Lumbard, retiring

Leland C. Nielsen, of California, to be U.S. District Judge, Southern District of California, vice a new position created by Public Law 91–272, approved June 2, 1970

James L. Oakes, of Vermont, to be U.S. Circuit Judge, Second Circuit, vice Sterry R. Waterman, retired

Lawrence W. Pierce, of New York, to be U.S. District Judge, Southern District of New York, vice William B. Herlands, deceased.

Carl B. Rubin, of Ohio, to be U.S. District Judge, Southern District of Ohio, vice a new position created by Public Law 91–272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), chairman; the Senator from Arkansas (Mr. McClellan), and the Senator from Nebraska (Mr. Hruska).

NOTICE OF HEARING ON RAILROAD RETIREMENT INCREASE

MR. NELSON. Mr. President, on behalf of the chairman of the Subcommittee on Railroad Retirement of the Committee on Labor and Public Welfare (Mr. Cranston), I wish to announce, for the information of Senators, that an open hearing will be held on Thursday, May 13, 1971. This hearing by the Subcommittee on Railroad Retirement will be on S. 1304, by Senator CRANSTON; S. 1473, by Senator PROUTY; and H.R. 6444.

All of these bills would amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities. In addition, H.R. 6444 would extend by 6 months—from July 1, 1971, to December 31, 1971—the date by which the Commission on Railroad Retirement must submit its report to the Congress and the President.

The proposed 10-percent increase parallels the recent increase in social security benefits and would provide equitable treatment for railroad retirees. The other body passed its version of the 10-percent increase on April 28, 1971. By this prompt scheduling of a hearing on this measure, the distinguished senior senator from California has indicated his great concern, which we all share, that the 1,063,000 railroad retirees and their wives and widows be treated fairly and equitably in this time of continuing inflation.

NOTICE OF HEARINGS ON PRESIDENT'S LEGISLATIVE PROPOSALS ON EXECUTIVE REORGANIZATION

Mr. McCLELLAN. Mr. President, one of the six great goals President Nixon offered in his state of the Union message of January 22, 1971, was the reorganization of the executive branch of the Government. On April 1, 1971, the administration sent to the Congress four legislative proposals which embodied the President's plan. They are: S. 1430, creating the Department of Community Development; S. 1431, establishing a Department of Natural Resources; S. 1432, setting out a Department of Human Resources; and S. 1483, which put forth a Department of Economic Affairs.

In brief, these bills would restructure the executive branch by merging the Departments of Agriculture, the Interior, Commerce, Transportation, Labor, Housing and Urban Development, and Health, Education, and Welfare into four new Cabinet departments. The Departments of State, Treasury, Defense, and Justice would be retained without alteration.

Under these reorganization proposals the President has stated that the executive departments would be organized around the major purposes of Government, rather than dividing them by narrow subjects. This, he says, will allow for a clearer delineation of authority and responsibility in the executive branch rather than continuing it in its present state, scattered among various layers of overlapping bureaucracy. The President has declared:

> When we have a problem we will know where to go, and the department will have the authority and the resources to do something about it.

The public is rightfully demanding improved service in the transaction of its business. Because of the present status of our economy and the proliferation of Federal services, there is perhaps no time in history when it has been more important to evaluate governmental effectiveness. In the past 20 years the number of Cabinet departments has increased from nine to 12 and major independent agencies from 27 to 41.

The executive branch of the Federal Government is the largest and most complicated enterprise in the world, with more than 1,400 domestic programs distributed among 150 separate departments, agencies, bureaus, and boards. The Federal budget has skyrocketed during this period—from $42 billion to over $225 billion—and there are now over 2.8 million Federal employees.

The economic feasibility of the President's proposal must be carefully scrutinized. As extensive investigation by the Hoover Commission disclosed, the highest aims and ideals of democratic government can be thwarted through indulgent and excessive administrative costs.

Our governmental organizational problems have not gone unnoticed—indeed, the concept and attempt to reform and overhaul the structure of government is hardly new. I had the privilege of assisting in its last major revision as a member of the Hoover Commission. However, in the past 20 years there has been no broad overview of the executive branch. Its changes have come about only piecemeal—such as the addition of the Departments of Health, Education, and Welfare—1953—Housing and Urban Development—1965—and Transportation—1966.

The present Cabinet departments were established to meet the needs and requirements of the Nation and were charged specifically with the promotion and protection of vital major areas and interests of American life. They were not created without considerable study and debate. Therefore, we must approach the proposed changes with care to insure that the effectiveness of our present structure is retained and that any restructuring will better serve economy and efficiency. For the most essential issue in any Federal reorganization is whether this Nation of 200 million people will be better served—will they reap any benefits therefrom.

For example, great concern has already been engendered among a broad spectrum of farm and nonfarm related interests over the President's plan to break the Department of Agriculture into three separate entities. We shall, therefore, want to give this particular proposal considerable study in the months ahead.

Since the legislative and oversight jurisdiction of standing committees coincides with functions now performed by the Cabinet departments, and they are oriented to achieve the maximum, supervision off the existing Departments and agencies, the President's program would also require a major review and revision of the standing committees of the Congress.

I am merely referring to their situation as an illustration of one of the many problems which are inherent in the President's proposals.

The Government Operations Committee's hearings on executive reorganization will begin on May 25 and 26, 1971. These days will be devoted solely to hearing the explanation of and justification for these proposals from administration witnesses. With that record before us, we will then endeavor to hear from as many interested parties and organizations as possible in subsequent months so that we can provide an in-depth report to the Congress and the American people on these proposed reorganizations.

I am not prejudging the President's proposals. Like him, I want our Federal Government to be as responsive to the needs of our people as possible. And it is with this in mind and in this spirit that the committee will proceed.

NOTICE OF HEARINGS ON FREIGHT CAR BILLS

Mr. MOSS. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I announce that the Special Subcommittee on Freight Car Shortages of the Committee on Commerce has scheduled public hearings on bills related to the freight car supply—S. 1415, S. 1729, S. 1730, and S. 1731—on May 19 and 21. Hearings will commence at 10 a.m. in room 5110, New Senate Office Building.

Persons interested in appearing at the hearing should notify John Cary, staff counsel, at 225-9325.

ADDITIONAL STATEMENTS

PRESIDENT PRAISES DISTRICT OF COLUMBIA POLICE

Mr. SCOTT. Mr. President, I was somewhat startled to read yesterday one sentence in an otherwise reasonable editorial in the Washington Post. In the third paragraph of the editorial the Post makes the assertion:

> The task which Chief Wilson was given—to keep the city's traffic running at almost any cost—was a formidable one. And he has gotten no public backing from the man who gave him the task, the President, who simply left town.

That statement, Mr. President, is in disagreement with the news reports.

On Tuesday the Washington Post itself published a story quoting the statement made by Police Chief Jerry Wilson to his men at rollcall in which he quoted President Nixon as commending the police force. Although buried deep in the story, it nevertheless quotes Chief Wilson, in part, as saying:

> The President has personally asked me to communicate to each of you his commendation for the manner in which you have performed your duty during the demonstrations in this city during the past two weeks.

This, it would seem to me, is public backing by the President. At least the Post story indicates it is.

The Post editorialist would not have found it quite so difficult to spot the story in the Evening Star of May 3. Instead of being buried deep inside, the story appears by itself on the front page. The headline tells the whole story: "Nixon Praises D.C. Police for Handling of Disorders." This story then quotes the message relayed to his men by Chief Wilson at rollcall.

On page A-7 of the Washington Star of May 3 is a story from San Clemente in which Norman Kempster reports:

> On Saturday, he (Mr. Nixon) warned against violence in the anti-war demonstrations and this morning praised Washington police for their handling of demonstrators yesterday.

I dwell on this subject at such length, Mr. President, because it is precisely this type of omission of highly relevant news that even if not calculated to destroy the morale of the police force and their families during their finest hour might well do just that.

The Washington police force and their able chief, Jerry Wilson, have done a notable—indeed, an outstanding—job during trying times. We are calling upon them to continue this brilliant, professional, and completely dedicated performance. These good, brave and resourceful men need all the support they can get from whatever source. Their families, going through a trying time of patient, concerned waiting, need all the moral support they can get.

It is, therefore, hardly just to these men and their families to imply that the President of the United States scorns their efforts to the extent that he will not back them publicly when that is precisely what he has done—and done repeatedly.

May I add my own small voice to the chorus of praise for the Police Department of the District of Columbia and for the military men who came in to assist them. They have done well. They richly deserve the praise which President Nixon has heaped upon them.

I commend to their attention, also, articles from the New York Daily News, the country's largest circulation newspaper. The May 4 Daily News has a paragraph in which it reports:

> During the weekend he (President Nixon) watched developments closely and was "fully aware" of the steps being taken by the police in dealing with the demonstrations and fully concurred with the action.

This morning's New York Daily News carries as its lead paragraph on the story dealing with the demonstrations in Washington the following:

> Amid charges that federal and local officials "jettisoned the Constitution" by ordering wholesale arrests, President Nixon praised District of Columbia Police today (Tuesday) for using "substantial restraint" in rounding up a record 7,000 persons during yesterday's May Day antiwar demonstration.

CARL HAYDEN—MAN OF HISTORY AND FEW WORDS

Mr. BYRD of West Virginia. Mr. President, the Los Angeles Times of Sunday, April 18, 1971, contained an article entitled, "Carl Hayden—Man of History and Few Words." The title of the article epitomizes the Senator, whom those of us who knew him admired and respected. Senator Hayden's distinguished service to his State and his Nation spanned over half a century—57 years to be exact. His record both in length of service and in accomplishments is one that few men will equal. I know that all who were privileged to know and work with Senator Hayden will be interested in reading the article. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

STILL BUSY AT 93: CARL HAYDEN—MAN OF HISTORY AND FEW WORDS

(By Jerry Cohen)

TEMPE, ARIZ.—When last seen on the floor of the U.S. Senate, he seemed merely hunched and withered. Now, two-and-a-half years later, he is bent and shriveled.

The agate-bald scalp stretches like a tightly drawn parchment across his skull. Crinkled hands tremble. The eyes often lose focus behind thick spectacles perched uncertainly on a bony nose.

As he strains to catch a question with his hearing aid, the head bobs slackly. When he walks, he wobbles. When he stands, he leans heavily on a walking stick bearing a little metal crest: Stanford University, Junior Class, 1900.

"An old man ought to have a cane," he says, and the smile deepens the hollows of the shrunken cheeks.

But the mind remains as bright as the hot Arizona sun splashing the fairways of the Shalimar Country Club just outside the old man's smart, Spanish-style townhouse here.

CONTRASTING LIFE-STYLE

How odd, it occurs to the visitor, that a politician who spent more years than any other at the center of national power should be content in this setting—so far removed from Capitol Hill where once he exercised majestic influence.

But retired Arizona Democratic Sen. Carl Hayden, who will be 94 next October, finds it not at all remarkable.

"I never liked the climate in Washington," he said in a voice still deep, still firm. "I don't like cold weather. It can't compare with the nice climate we have back here."

A surprising confession from one who served 57 years in the Congress (15 as a Representative, the remainder as a Senator).

But only a slim truth.

The real truth is that Carl Hayden, despite two-thirds of a lifetime in the ratified air of the nation's capital, never did shake the Arizona desert from his hightop shoes.

PIONEER PARENTS

Hayden, son of a prominent Arizona pioneer, was the first white child born in this suburb of Phoenix, and it is here that his heart and thoughts, if not his presence, always remained.

It was here in Maricopa County, too, that his political acuity was shaped. Even before he became Arizona's first (and only, at that time) member of the House of Representatives when the state became the 48th admitted to the union, he had been elected county treasurer ("We paid salaries in gold then") and sheriff ("I never had to shoot anybody").

So when he finally decided not to campaign for an eighth term in the Senate, he was not tempted to linger at the scene of past glories, a weakness common to many retired or defeated federal legislators. To Hayden, the only logical thing to do was to "come home."

When he did quit public life, he left behind an impressive record of legislative accomplishment, particularly in land reclamation and transportation, that changed the face of the nation and will continue to alter it for decades to come. During his long years as a public servant, he influenced the very course of American history.

He also relinquished a seat of enormous power, the extent of which was largely unrecognized by the public. But that was the way Carl Hayden, who had an absolute genius for the unspectacular, wanted it.

"In a temple dedicated to windbaggery," the Associated Press' Arthur Edson wrote in 1966, "he has kept his mouth shut while astutely pushing out invisible tentacles of power."

That power rested in no political charisma. Hayden almost never called a press conference, rarely spoke from the Senate floor. "It's no fun making a speech," he said the other day. "I never made them unless I had to."

Rather Hayden's vast "invisible" power reposed partly in seniority, which is so respected among Senators partly in the web of friendships he wove through the years with other influential politicians.

COMMITTEE CHAIRMAN

But most important of all was his chairmanship for 14 years of the Senate Appropriations Committee (he was a member for 30) whose control of the federal purse makes it all-powerful. He presided over the appropriation of untold billions needed to run the nation, and as the late Times columnist Bill Henry wrote:

". . . He has assisted so many pet projects for so many senators that when old Carl wants something for his beloved Arizona, his fellow senators fall all over themselves giving him a hand. They'd probably vote landlocked Arizona a navy if he asked for it."

Today, Hayden jokes about his decision to retire and give up all that. "It was high time to quit," he says. But he admits that it was a wrenching experience to let go. And on May 6, 1968, at age 90, he quite literally sobbed after he paraphrased the Old Testament in announcing he would not seek reelection:

"There is a time of war and a time of peace, a time of keep and a time to cast away, a time to weep and a time to laugh, a time to stand and a time to step down."

Says a longtime friend; "Carl's greatest goal for all those years had been to retain his membership in the 'club' (the Senate)."

But when Hayden did quit no man ever was more resolved to make his decision stick. Associates say that today the onetime "senators' senator" is "the most retired of retired politicians."

He still reads the daily Senate summary in the Congressional Record and scans the newspapers. Otherwise, he devotes himself to private matters.

His personal wants are attended to by the housekeeper, Miss Frances Doll, who came into his employ as a nurse for his wife in the mid-1940s. His wife, the former Nan Downing of Los Angeles, died in 1961, and Hayden spent his last years in Washington in an apartment house a block from the Senate Office Building.

He reads a wide assortment of books and articles dealing with Arizona and Western history. Though enfeebled, he takes short walks daily for exercise.

ANSWER MAIL

He keeps a steady flow of correspondence going by "scribbling" notes at home, then three times a week visiting an office provided for him in the Charles Trumbull Hayden Memorial Library (named for his father) on the Arizona State University campus here. There he turns the notes over to a typist.

Most of the correspondence is with nonpolitical friends or former constituents who still seek his help and advice.

"That always was one of Carl's great political assets," said a friend. "He always paid attention to the folks back home. He saw that every letter was answered promptly, and he tried to fill every request. He never was what you would call a great statesman, but he was a dedicated servant of the people."

Today, added the friend, politicians on all levels seek to exploit Hayden's reputation. "They try to get him to make speeches or public appearances in their behalf. But he won't do it. He's retired and he means it."

SELF-DEPRECATING

Hayden said he resists such blandishments, usually by saying good-humoredly, "I'm not reliable any more."

He remains true to his personal creed, that of the taciturn Westerner.

"He never has been a man critical of others. He always has been guarded and cautious in his comment," said a close friend.

"He always conducted himself in a manner to assure reelection by avoiding trouble and controversy. He was always a workhorse, not a showhorse; always followed the Boy Scout practice of holding a wet finger up to find out which way the wind blew.

"He's still as cautious as a man who is going to run for office tomorrow."

Ask 93-year-old Carl Hayden today to evaluate this or that President under whom he worked and he will smile like a schoolboy and reply:

"I wouldn't want to rate them. That's not good business. All were men of ability."

But with more logic than evasiveness, he explains:

"There is no way to compare two Presidents. I served under 10, beginning with Taft. No two are alike. So you can't put a yardstick to them. It's not fair to say one or two Presidents were better than the others. Each had different problems, each came along at a different time in history."

PRESIDENTIAL SCORE

If asked about specific Chief Executives, his replies are equally noncommittal but not unenlightening:

"Roosevelt? I don't know who could have done better in wartime."

"I knew Lyndon (Johnson) when he first came into the House, and later when he came into the Senate we became good friends. I think he was a good President."

"President Nixon? I think he's handicapped by the war. But he is doing his best to get us out. I got well acquainted with him when he was Vice President and presided over the Senate. I think he's a man of ability, and I think he's doing the best he can."

Without judging the man from Missouri's place in history, Hayden admits to a personal favorite. "I liked Harry Truman the best of all the Presidents," he said. "We got to be such good friends in the Senate.

"Harry was a fighter, and you've got to admire a fighter. He took a point and stuck to it, and he had a sense of humor.

ROOSEVELT DEATH

"I remember I was there that day in the Senate when someone came and called him to the telephone because the President had died. Harry got up and left and went to answer the phone and he never came back."

Hayden rose slowly from a chair in his office in his library, clutched his cane and walked over to one of the photo-lined walls. The pictures are of him with other political giants of the last five decades.

He tapped one showing him with President Truman and former House Speaker John W. McCormack, all three top-hatted and sitting in an open limousine.

"John and I rode with Harry from the White House to the Capitol that day for his inauguration."

Nearby hung a picture of Hayden and a smiling young man, inscribed: "To Carl Hayden, one of the best I have met along the way. John F. Kennedy."

On Hayden's desk sit busts of both Presidents Kennedy and Johnson, given him by the two former Chief Executives.

There is a frequently told story related originally by the late President himself about an early encounter between Mr. Kennedy and Hayden, who always went out of his way to be friendly to new senators.

When Mr. Kennedy arrived in the Senate, he struck up a conversation with the Arizonan by asking the difference between the modern Senate and that of 30 years earlier.

Hayden, who favors a corn-cob pipe today, chomped on his cigar and replied: "Young men didn't talk so much then."

When the young President was assassinated, Hayden, who never nursed ambitions beyond the Senate, was third in line as president pro tem of that body after Vice President Johnson and House Speaker McCormack.

Asked by an aide what he would do if either Mr. Johnson or McCormack were disabled, Hayden, taking note of his advancing years, replied with typical dryness:

"I'd call Congress together, have the House elect a new speaker, and then I'd resign and let him become President."

RUSSELL FRIEND

As he has a favorite President in Harry Truman, Hayden also had a favorite colleague in the Senate, the late Richard B. Russell of Georgia.

"He was the one I liked best and had the most respect for. If Dick Russell had come from the North, he would have been President of the United States," Hayden said.

"He just had a lot of good common sense and the ability to express himself. He had the courage to take unpopular positions."

Without ever abandoning the celebrated Hayden constraint, the old senator during two days of interviews at his home and office made the following comments on issues of current national interest:

The Vietnam war: "It's very unfortunate that Dulles (John Foster Dulles, secretary of state under President Dwight D. Eisenhower) got us into it. We should never have been there. What was happening there at the time never was a concern of the American people. President Nixon has a job on his hands getting us out."

The state of the nation: "I don't think we're sick. I think this nation is living and growing. I have no complaint about the drift we've taken. I don't think we're more violent than any other."

The state of the world: "I can't see any blowup in sight."

Race: "I think the situation has improved. I think the rights of the colored are respected more than they used to be."

Spending for space exploration: Hayden would not commit himself, but said: "I think it will be done for a long time to come. I think we'll continue to try to get information about space."

The SST program: "I would have voted for it. I think we need a real high-speed plane." His view probably reflects the abiding interest he always had in transportation.

A woman as President: "It's all right with me. It's possible. But I doubt it will happen. I don't know if any lady would want it. It's a terrible responsibility, you know."

MISSED COMBAT

As he looks back, Hayden says he has one major regret. A longtime Arizona National Guardsman, he accepted an Army commission as a major near the end of World War I. "We were a well-trained unit and ready to go. Then the Kaiser quit."

Because of his father's death, Carl Hayden did not complete his education at Stanford, where he played football.

His devotion to family and Arizona cost him a singular distinction, but one which never has caused him regret.

He explained: "I could have played center on the first Rose Bowl team. But I thought it was more important to come home for the Christmas holidays than play some Eastern team."

Besides, he doubts if his presence would have made much difference in the outcome. Michigan beat Stanford, 40-0.

A DIFFICULT JOB WELL DONE

Mr. GOLDWATER. Mr. President, now that the May Day protestors and hoodlums have done their work and the Government of the United States, including the Congress, is still functioning I believe it is time to express our admiration and gratitude to the officials, the police and the troops who preserved law and order in the Nation's Capital during the past 10 days.

I believe we should start with the President of the United States and express to him our appreciation of the firmness with which he instructed all officials to respond to this threatened mob action in the Washington streets. It was time for the President to exert himself in strong unyielding terms and this he did both publicly and privately.

In the same vein, I should like to compliment the U.S. Department of Justice, especially Attorney General John Mitchell and his Deputy, Arizona's own Richard Kleindienst, for the cooperation they gave to the local officials in the performance of a very difficult and dangerous duty.

Having said this, I wish to make it clear that I reserve my highest praise for Mayor Walter Washington and District of Columbia Police Chief Wilson and the men of the District of Columbia Police force who put in long hours of regular and overtime duty to make sure that the streets of the Capital remained open and free of disruption.

The Capital police also are to be congratulated for maintaining an extraordinary high degree of poise and efficiency under the very worst of conditions.

It is also time, I believe, for us to express our thanks to the military establishment which lent its assistance to make sure that the forces of law and order in the Nation's Capital were backed to the hilt by troops in the recent unpleasantness.

Mr. President, while I am at it I should like to go on record as stating that I have nothing but admiration for the methods used by the authorities. By the same token I have no patience with groups like the American Civil Liberties Union and other radicals who—now that the danger has passed—are coming up with all sorts of fine legal arguments about how the job could have been performed better. It has been suggested that the police should have followed arrest procedures recommended by the Committee for the Administration of Justice under Emergency Conditions. This committee was set up following the 1968 disorders in the Nation's Capital and would have required the police to have written out the name, the address, the charge, and the circumstances surrounding the arrest of each demonstrator. In addition, these rules would have required the police to take an individual photograph of everyone arrested.

Mr. President, after seeing the need for arresting nearly 10,000 people on Monday and Tuesday merely to keep order on our downtown streets, we can understand how silly such a procedure would have been. The mob could have tied up every major access route to the

Capital while the police were handling the first 200 cases.

There are times—and this week certainly was one of them—when extraordinary measures must be taken in the handling of a mob so that law-abiding citizens in the path of that mob can be protected. I believe there were at least two downright strokes of genius in the handling of this mob. The first was a decision—reportedly made by Deputy Attorney General Kleindienst—to have the legal permit for the demonstrators encampment in West Potomac Park revoked on Sunday, a day prior to the deadline set for the attempt to force the Federal Government to cease operation. This had the effect of disconcerting and disorganizing the demonstrators and frustrating many of their plans. The second stroke of genius, I believe, was Police Chief Wilson's decision to skip the recommended procedures and conduct mass arrests in the interest of public safety.

Mr. President, I am sure we will never stop hearing the liberals tell heart-rendering stories about innocent people who were caught up in the police net. I am sure that a number of persons were detained and even arrested who were no more than innocent bystanders. However, I do not think the inconvenience caused to such a handful of people can possibly compare with the inconvenience and delay which was caused to many thousands of commuters who come to Washington every day to earn their livelihoods. You never hear the liberals making much noise about this kind of unnecessary and unlawful interference with the freedom of American people who do not share their views or who, even when they do share their views, do not sanction the massive civil disobedience used as a tactic by antiwar activists.

In conclusion, I wish to say that two things especially bother me about the events of the past week. The first was an arrogant demand by the demonstrators that the Senate conduct a filibuster until such time as the Nixon administration agrees to the demand of the Rennie Davis' and the Abbie Hoffmans' and orders a total immediate withdrawal of all American troops from Indochina. The second was the story in the Washington Post of May 6 which details plans to be followed by the Senate doves in the weeks and months ahead. For if I read the plans correctly, they call for a series of massive legislative confrontations with the President over Indochina, starting with an intensive debate on the draft bill next week. In order words, it looks to me as though at least one group in the Senate is already attempting to carry out the demands of the radical demonstrators for a session-long filibuster to coerce the administration.

PRISONERS OF WAR DAY IN MAINE

Mr. MUSKIE. Mr. President, no more tragic situation is faced by the American people as a whole than that of our fighting men held prisoner of war in Laos and North Vietnam.

It is a matter to which many words have been devoted; but little progress has been made toward the release of these men.

The anguish experienced by the families of these men continues without relief. Those of us who share their grief owe them our full support.

In this regard, I am proud that the State of Maine has recently set aside a day in honor and support of these men and their families. In declaring April 28, 1971, as POW Day, Gov. Kenneth Curtis urged all citizens of Maine to show their respect and concern for these servicemen, and to join in praying for their release.

Mr. President, during these times of such dissension over our policy in Vietnam, it is critical that our prisoners of war and their families be aware that in the minds of most Americans there is no higher priority than obtaining their release. Therefore, I welcome this event in Maine as a serious gesture of our common concern.

I ask unanimous consent that the text of the proclamation declaring April 28, 1971 as POW Day in Maine be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

Whereas, the Silent Majority Mobilization has designated April 28, 1971, as a national day of support for our American Prisoners of War in the hands of the North Vietnamese; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim April 28, 1971, as "POW Day" in the State of Maine and urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

COLUMBIA, S.C., RECORD EDITORIAL REGARDING CALLEY CASE

Mr. THURMOND. Mr. President, the Columbia, S.C., Record of April 26, 1971, contains an editorial entitled "Danger of the Daniel Letter."

The editors of the Columbia Record deserve praise for this thought-provoking editorial regarding the letter of Capt. Aubrey Daniel which rebuked President Nixon for his actions in the Calley case.

It is surprising to me that only a few newspapers in the Nation pointed out the dangers of the Daniel letter. It appears that so many editors are hostile to President Nixon that they fail to fully examine an issue before commenting.

Those who so strongly chastised the military in past years as being too vocal in opposing communism now encourage or remain silent when military personnel attack the President of the United States.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DANGER OF THE DANIEL LETTER

A centuries-old tradition, honored by all except the poles of the American political spectrum, has been that civilian control of the military is ultimately essential and that military men will not enter the strictly political arena.

Admittedly, there's no positive black and white as one considers the politico-military essentials of modern warfare, including nuclear strategy as well as "wars of national liberation."

At the same time, a Senator like J. William Fulbright fought adamantly, vigorously and (betimes) illogically in 1962 to preserve that principle, as he saw it. Yet, it is passing strange that the liberal consortium in the U.S. Senate that opposes the Vietnam War now encourages and applauds direct violation of that principle.

Never has the case been more vividly illustrated than in young Captain Aubrey Daniel's letter to President Nixon, a cheap shot at the civilian as well as the military head of the Army.

Captain Daniel rebuked the President in language that has evoked liberal praise capsuled in the comment that his epistle "ought to be read in every schoolroom in America as a courageous statement of what this country is really all about."

Well, the praise for young Daniel bears contemplation. Does this nation want its military officers to voice public political positions on supercharged national issues? Senator Fulbright said "absolutely not" in 1962; what does he say, on the principle, in 1971?

Consider the facts: President Nixon is the Constitutional commander-in-chief of the armed forces and is Captain Daniel's civilian and military superior.

As an active duty officer and as a lawyer, Captain Daniel knows that officers are required to respect and adhere to the chain of command in all official communication. He violated this structure. Captain Daniel also knows that officers are specifically prohibited, as a matter of law, from manifesting disrespect for superiors.

Importantly and specifically, the Uniform Code of Military Justice, Article 88, enacted by Congress, prohibits officers from contemptuous or intemperate public comment upon official or personal acts by the President and certain other high officials of the government. (Retired General James Van Fleet, recalled to active duty, unfortunately violated this article upon arrival at Washington airport and damaged his usefulness as a veteran of guerrilla warfare.)

Captain Daniel's letter is a clear violation of Article 88. "The centuries-old tradition inherited by our armed forces from the British Navy and Army is that men in uniform—officers especially and pre-eminently—keep out of politics, and unquestionably obey and respect their civilian masters. These traditions are among the most long-standing and fundamental in the complex fabric of Anglo-Saxon constitutional democracy. Whatever may be said for Captain Daniel's intentions or even the validity of his views, his action nevertheless directly flouts every tenet of this vital and historic tradition," according to one military authority.

In the enfevered national debate over the Vietnam War, anti-war Senators and their adherents forget this principle. Disremembering it, they could well be encouraging our military men to take the route of Latin American military establishments—an intrusion into the body politic that no sensible person wants—or should encourage.

NEW DIRECTIONS IN NATION'S SCIENCE POLICIES—ADDRESS BY DR. WILLIAM McELROY

Mr. ELLENDER. Mr. President, Dr. William McElroy, Director of the National Science Foundation, recently addressed a group of scientists in New Orleans. During his speech, Dr. McElroy described important new directions in the Nation's science policies—directions which emphasize a new awareness of the need to use science to promote the public welfare. I invite the attention of my fellow Senators to these remarks and ask unanimous consent that they be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS OF DR. WILLIAM D. McELROY, DIRECTOR, NATIONAL SCIENCE FOUNDATION ANNUAL MEETING OF THE BIOPHYSICAL SOCIETY, NEW ORLEANS, LA., FEBRUARY 17, 1971

The fact that NSF is requesting its largest budget increase in its 21 year history is proof, in my opinion, of some new directions and attitudes among the policy makers.

I should like to spend a few minutes on what I think to be the implications and ramifications of the NSF budget request. I predict that what we are seeing in these confusing numbers is the beginning of some rather fundamental changes. In my view, some of the policy ideas prevalent just a few years ago are being modified, and some new concepts added. Let me illustrate this by generalizing about our budget.

First, it should be quite clear that NSF is strengthening its commitment to basic research. This means both a sizable dollar total and an impressive percentage increase. Virtually all of the project research is spent by investigators within academic departments.

I'd like to see NSF and NIH become the predominant agencies in the support of basic research in our universities. Over a period of years I would hope NSF could fund 35 to 45% of all basic research, fund this percentage not at the expense of other agencies but rather as a true increase in the federal research budget. If we can achieve this state, it would give NSF the leverage to keep the big fluctuations—such as we saw during the past three years—out of the system and insure a greater stability to the research community.

I'm not entirely sure why the Washington mood has changed. Of course, one would like to believe that speeches and articles, testimony before committees and conversations with senior officials have made their mark. Perhaps they have, but primarily there seems to be a vague feeling, never quantified, that the United States may be in danger of underinvesting in research, that the Nation's economic and social future requires an increased emphasis upon the underpinnings of science and technology. These are shaky grounds for important policy decisions over the long run.

I mean to emphasize NSF's prime commitment to the strengthening of basic research. As you've seen, our budget request reflects specific evidence of that commitment. But my emphasis is for another reason: to convince you that while portions of the NSF programs have changed and become more newsworthy, relevant, and popular, the heart of the Foundation and the biggest budget item is still basic research support of individual investigators.

But while basic research is still central, there is a new emphasis revealed in the NSF budget, one which you saw on the last slide, "Research Applied to National Needs" or RANN. It is not a new concept, but the magnitude of the resources we plan to invest in it is noteworthy and symptomatic, I believe, of some new directions in science policies.

RANN, in brief, is a program to focus research activity upon a specific society-defined problem for the expressed purpose of contributing to a positive solution. The money we spend through RANN will go to both individual scientists and teams of scientists; it will support both basic and applied research.

The purpose of the RANN program is unequivocally to promote the public welfare through science. In this sense it is no different from any other Foundation program or for that matter from any Federal agency activity. But today the promotion of the public welfare has assumed an increasing urgency. This has increased the public pressures upon science, with its demonstrated capacity for scientific problem solving, to work more upon societal problems. The stakes are high: Unless the needs of the Nation and the needs and opportunities of science can be reconciled to their mutual benefit, the outlook for each can hardly be called encouraging.

The RANN program is thus the result of two principal developments: (1) The emergence of new and heightened urgency of existing public concerns; and (2) the implicit acknowledgement of a steadily growing interdependence between science and society. The latter point implies that the future of science and the future of society are directly related to one another, and that the convergence between the pursuit of knowledge and the condition of society will largely determine our future.

It is an accepted fact that the challenges of our society are of Herculean proportions; it is also accepted that these same challenges require efforts, in magnitude and kind, unlike and unequal to those pursued in the past. And among these efforts which appear to offer great promise is the pursuit of a wide variety of scientific activities. However, the very nature of our most serious and urgent public concerns are of such complexity and scope that only carefully formulated plans involving the participation of a variety of scientific talents and resources offer any chance of blunting their ill effects.

Of our more recent and widely publicized concerns—the physical and social environment, education, transportation, housing to name a few—our requirements for knowledge far overwhelm our existing stores. To be sure, the knowledge which man has created, to some extent the result of arbitrary and accidental action, has served to bring mankind to his present position—one which contains considerable that is praiseworthy and much that is undesirable and unforseen. But do we dare still place our future on chance evolution? Are we willing to use our rationality displayed in the past history of scientific development to guarantee still further societal as well as scientific progress? Society itself, through its representative processes, must make the attempts—difficult as these will be—to weigh, consider, review and decide among the alternatives. The decision must of course, encompass the voices of the scientific community, but it must in the main be a decision of the society.

The consequences of this attitude or concept will involve some changes of outlook for both the scientific community and the Federal agencies, changes which can be expected to influence the future course of both science and our society. For the program manager of RANN this will require that his public accountability now be displayed not just in terms of scientific achievement, but also through the relevance of results to societal needs. For the practicing scientist, participation in this RANN program presents a new challenge to previous professional practice. In effect, by acknowledging the relationships of science to society it offers him the opportunity—increasingly demanded by scientists everywhere—of sharing in the responsibility for his actions. Scientific professionalism may now be extended from the traditional limitations of the scientific method to its previous concept of the consideration of underlying assumptions, motivations and consequences of research. By and large, the science community is willing to accept these new societal responsibilities, in fact are chafing at the bit. Commendable as this attitude is, we must not allow our enthusiasm to discourage or inhibit those scientists primarily concerned with science-oriented problems.

As I have said earlier, the so-called RANN emphasis is both supplemental and secondary to our support of basic research. Nonetheless, RANN is a specific response to the public and policy makers request for help on those societal problems amenable to science. We will experience growing public demands of the same nature in the future; I see no way they can be ignored, and I suspect budgets for science concentrated on societal problems will increase rapidly in the future.

And this brings me to my closing point, admittedly a judgmental one. It seems to me that we in America today are witnessing the beginnings of some rather substantial but subtle changes with a direct bearing upon members of the scientific community. You see both evidence and exaggeration of these developments in people's attitudes everywhere, from the campus to suburbia to the inner city. It's a difficult mood to describe, but it has something positive to do with the humanization of society and a greater sense of personal individualism. For science, this mood has a clear message: Science exists to serve society, not the other way around. Science is an instrument, a methodology, not an end. Science with its power must be used to liberate, not dehumanize man. Today we see a renewed interest in the emotional, which is to some extent a reaction to the over emphasis many have given to the rational, the logical, and the measurable. The best of these views might be termed a new humanism, a view that more positively places man and his relationship to other men and nature at the center of things. It is this new, deep theme in the American consciousness which scientists must recognize and adjust to. In effect, it seems to request that our scientific curiosity be matched by a refined conscience and sensitivity. It is a request which gives a new meaning to our work. It is a challenge which must be accepted.

PAVE: A COMEBACK FOR VIET VETERANS

Mr. SCOTT. Mr. President, recently, I had the opportunity to speak to a group of veterans and listen to many of their problems. It made me more aware of the scope of the difficulties which returning veterans must face. One partial response to veterans' problems is the answer presented by the Program to Advance Veterans Education—PAVE. This program, initiated in the Commonwealth of Pennsylvania by Robert Ford, strives to inform the veterans on how to get to college; it is hoped this will get to the bottom of many returning veterans' problems. PAVE recently announced a nationwide campaign which proves how a good idea, humanistic motivation, and a sincere drive can be successful and be of inestimable benefits.

To acquaint Senators better with this program, I ask unanimous consent to have printed in the RECORD an editorial entitled "PAVE: A Comeback for Vietnam Veterans," written by Robert Kotzbauer, of the Philadelphia Bulletin.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PAVE: A COMEBACK FOR VIET VETERANS

(By Robert Kotzbauer)

Like some other World War II veterans who got through college on the GI Bill, I've had trouble understanding why more Vietnam veterans don't take advantage of their educational benefits "like we did."

Only about 26 percent are doing so, compared to 50 percent after the "big war," and this despite the tight job market facing ex-GIs today. The current unemployment rate for returning servicemen is about 12 percent. About 352,000 are without jobs.

Robert D. Ford, who heads the Pennsylvania Program to Advance Veterans Education (PAVE), put me straight. If he can get the same message across to others, in government, at universities, and to veterans there could be some real changes.

For one thing, universities practically turned their campuses over to veterans in 1946. In fact, the GI Bill is responsible for building many of the great institutions we have today.

Not that colleges don't welcome ex-GIs today, but it's not the same. The campus atmosphere is strange to a guy who has been tramping the paddies. Everything seems geared to people who have been planning for college since before high school and escaped the draft by staying there

RODEO CIRCUIT

A grunt is likely to feel out of place in such a crowd. Some are unsure if they can cut it, what they want to do, or how to apply. And Bob Ford himself is a case in point.

After graduating from high school in Duncannon in 1957, second in his class (second from the bottom, that is,) Bob bummed around the rodeo circuit for a time then joined the Marines. Three years later, about to be discharged, he figured he'd give college a try.

"I wanted one of those papers that all the officers had," he said.

But his letter to Penn State fizzled. "It must have been like nothing," he recalls, "because they didn't even send me an application. I got a polite letter saying they didn't have anything I was interested in. I figured that was it. I couldn't go to college because the letter said so."

REMEDIAL COURSE

Bob began bartending, and that was it until 1966, when, at 26, he decided time was running out and he ought to try again.

"I wandered onto the Harrisburg Community College campus," he said. "Someone directed me to the admissions office, and I wound up with an application. I didn't even tell my wife because I didn't want to appear stupid."

Asked what he wanted to take, he chose business "because I didn't understand what all those other things were, like liberal arts."

He was assigned to remedial courses in English and Math. Yet later, Bob Ford wound up on the dean's list at both Harrisburg CC and Penn State's Capitol campus where he got his degree.

And this brings up what PAVE is all about. "A lot of veterans want to go to college," he believes, "and ex-GIs would be the backbone of the campus just as they were after World War II, if someone would only show them how.

HELP OTHERS

"I was just about to wind up my sophomore year in 1968, when I stayed awake all one night thinking how fortunate I was, and how many guys out there were like I was, and I decided to do what I could to help them get started."

He went to ex-GI clubs at the community college and Penn State branch and put his idea to them, of having veterans in college volunteer to answer questions and help others get in. They went for it.

Later, after reading former HEW Secretary Robert Finch's remarks about how few veterans were using the GI Bill, Bob Ford wrote to him and described his idea. Philadelphian Stewart Feldman, then on Mr. Finch's staff, called Mr. Ford and suggested they discuss the program with Governor Shafer's staff. PAVE was born, and after graduation, Bob Ford joined the state administration to head it. Governor Shapp kept him.

PAVE now coordinates 43 veteran counseling centers, at as many colleges and training institutions. Perhaps 1,800 ex-GI's in Pennsylvania are giving their time to helping former buddies enroll in school.

VETERANS' FAIR

It's an idea whose time has arrived. The program is now going national, sponsored by the National League of Cities and U.S. Conference of Mayors, and funded with $1 million from the Federal Government.

Bob Ford has been offered a position with the national program but he would like to see PAVE fully operational first. This week it gets its acid test.

"Veterans at Temple," with the help of PAVE and ex-GI Counselors from 14 other Philadelphia-area institutions, are holding a Veterans Education Fair at Temple's student activities center tomorrow and Saturday.

It's free and open to any ex-serviceman around here who thinks he might like to work for "that piece of paper." Nobody will tell those who turn out where to go to college, Bob Ford promises; only how.

TRAGIC EVENTS IN EAST PAKISTAN

Mr. PELL. Mr. President, I have been following closely for the past several weeks the news accounts of the tragic events in East Pakistan. In addition, I have received personal eyewitness reports of those events from constituents. From all of these accounts there seems little doubt that what has occurred is nothing short of a horrifying slaughter.

The world is too small, Mr. President, to dismiss human slaughter on this scale as merely the internal affairs of another country—affairs with which we should not concern ourselves. And yet our Government, in effect, has maintained silence in the face of these events. Whatever the diplomatic reasoning may be, the silence of the administration now is being interpreted to mean that our Government and our people have little regard for the lives of thousands of the residents of East Pakistan.

I hope the administration will soon find the words and actions to express to all of the world the deep concern that Americans feel.

A PLOT TO PAVE AMERICA

Mr. BROCK. Mr. President, one of the Nation's most critical problems is the pollution of our land, often referred to as a plot to pave America.

The April issue of Field and Stream magazine looks at what is happening and calls attention to what President Nixon has done to ebb the flow of concrete that threatens some of our remaining scenic wilderness. It is a fine statement of commitment to our natural heritage, and deserves our attention.

The article points out that the President's action in the case of the Cross-Florida Barge Canal should be a rallying point for all Americans who are concerned about what is happening to our environment. I agree.

While we cannot abandon all highway construction out of fear of ruining our environment, we must not allow the slender fragments of primeval outdoors America to disappear.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PLOT TO PAVE AMERICA

By cancelling construction of the wanton, wicked Cross-Florida Barge Canal, even after the expenditure of more than fifty million dollars, President Nixon demonstrated uncommon statesmanship. He showed responsiveness to the needs and aspirations of the people. His action proved that all is not lost in these discouraging times, that the voice of the grass roots can be heard in high places. This is, in fact, the only way we can rescue our natural environment from utter ruination by the unholy coalition of profiteers and the "bureaucratic elite" in Washington, which, to quote the President, claims to know what is best everywhere.

The President and the people should follow up this decisive victory on a broader front. If I were asked to name a single area in need of critical attention it would be the runaway highway construction program. "The Plot to Pave America" was admirably exposed by my colleague, Dick Starnes, in last November's Field & Stream, but the politicians and bureaucrats are simply not tuned in. The Federal-Aid Highway Act of 1970 makes a few token concessions to persistent public criticism, but essentially represents a frightening commitment to the unending proliferation of concrete.

I fear especially for the slender, vanishing fragments of primeval outdoors America. Unless trends are soon reversed, the ribbons of concrete are quite likely to deface some of the choicest scenic wilderness remaining to us. Wilderness to a highway builder is either a wasteland awaiting some "higher" use or a potential drive-through playground for instant sightseeing of the lowest common denomination, complete with crowds, noise, trash and litter. Never mind the game trails, foot paths, or the eternal search for solitude. Even worse, federal agencies charged with safeguarding the sacred places lack the muscle—and sometimes the conviction—to stand up against the highwaymen.

But the cause of the people is not lost, despite the odds. Let us consider as an opener the current effort to protect the Joyce Kilmer Memorial Forest in western North Carolina.

I first visited the Memorial Forest, which lies eighty miles west of Asheville, in 1961 It overwhelmed me as God's own cathedral, a woodland of marvelous diversity composed of centuries-old hardwood patriarchs standing 150 feet tall, intermingled with herbs, shrubs and vines, furnishing a haven of turkey, grouse, snakes, skunks and songbirds. And of people, too, who come to sense the wonder of creation.

In the heart of the area I found the fitting memorial plaque to Joyce Kilmer, the New

York Times reporter and author of the poem "Trees," who was killed in action in World War I. I learned that in 1934 the Veterans of Foreign Wars had petitioned the government for a living shrine to a fallen hero. After a long study of areas throughout the country this 3,800 acre tract of the ancient Cherokee hunting ground in Nantahala National Forest, not just a grove but an entire drainage circled on three sides by steep ridges, was chosen. A more impressive site would have been difficult to find.

Across one ridgetop the 10,000-acre Slickrock Creek watershed adjoins the Memorial Forest like a companion piece. The upper slopes of Slickrock are composed of virgin timber, while the rest, logged years ago, has regained much of its wilderness quality. The area is favored by boar, deer, turkey and bear, and hunters who follow these species. The creek is noted among fishermen as one of those few choice streams where trout reproduce naturally, largely because of the stable conditions of the watershed.

When the Kilmer shrine was established the Forest Service pledged to protect it forever as "a place of inspiration and a treasure of native flora and fauna." But even "forever" has its limitations, and the leadership of the Forest Service forgot its promise too soon.

In the early 1960's Congress authorized construction of a scenic road across the Unicoi Mountains connecting Tellico Plains, Tennessee, and Robbinsville, North Carolina. It sounded like a good idea at the time. The Forest Service in retrospect alleges citizen conservationists accepted the project without complaint, but the agency itself never spoke up to warn of dangers implicit in construction in such terrain or of the threat to the Joyce Kilmer.

The case developed quite to the contrary. Of the several possible routes considered, that chosen was one of the worst. It would have sliced across the upper portion of Joyce Kilmer, on steep terrain, dividing and scarring the wilderness with cuts and fills. In 1964, the Chief of the Forest Service, Edward P. Cliff, nevertheless approved construction of the road, advising his boss, Secretary of Agriculture Orville L. Freeman, that it would "enhance access to the Joyce Kilmer area." He overlooked mentioning that inevitable siltation would disrupt the ecosystem, or that heavy tourist travel would create pressure on fragile areas protected primarily by lack of access.

Apparently there were serious doubts within the Forest Service. On June 10, 1964, Chief Cliff wrote an internal memorandum acknowledging that construction along the proposed route was certain to stir public opposition. He decided, therefore, to avoid holding a public hearing or to dealing the people in on the full facts.

In early 1970, the environmental vandalism and imminent intrusion of the Joyce Kilmer became apparent. The little people, who like to think the public land is theirs, became restive. Vigorous protests were heard. Accordingly, in June in the small town of Robbinsville, the Forest Service and Bureau of Public Roads designed to conduct a public hearing, covering the last two sections of construction, even while continuing to stake the road.

This kind of strategy has a way of backfiring. The word spread, protests mounted. After all, so little primeval forest remains in eastern United States, it seems incredible that anyone would consider cutting more.

At last, in early January of this year, Ted Schlapfer, the regional forester in the South (who had not been involved in the earlier actions), announced his intention to protect the integrity of the Joyce Kilmer, to move the road to the crest of Slickrock and to initiate a study to add the Slickrock Creek drainage to the National Wilderness Preservation System. The decision was wise, but does not do the trick. Trout Unlimited, the hiking clubs of the area, and other citizen groups had already proposed placing the unviolated Memorial Forest and Slickrock Creek drainage into the Wilderness System as a roadless single unit.

Where should the incompleted link be built? The best alternative is to give it up as a bad job. At a time of intense national concern for environmental quality and for federal protection of fragile ecological areas, economically unjustifiable projects and nearly useless roads should be written off the books. President Nixon has shown the way. In fact, the Bureau of Public Roads concedes that "extensive environmental damage" would result from locating the road on the narrow ridge in Slickrock—exactly the same words used by the President in reference to the Cross-Florida Barge Canal.

Local residents have been told the road would bring in tourist dollars. But the boomers didn't say it would disrupt the quality of outdoors life the people now enjoy, or that it would drive away hunters, fishermen, campers, hikers and nature lovers. "You can't make a scenic highway for people who want to see a virgin forest," as Professor Newt Smith, of Western Carolina University, aptly declared during a rally in protest to the road.

Meanwhile, turning to an issue across the continent, Representative Jerome Waldie and more than a dozen other California Congressmen, of both parties, are sponsoring legislation for the establishment of a 43,000 acre San Joaquin Wilderness to fill the gap that is missing in an otherwise continuous strip of wilderness along the crest of the High Sierras. The area lies within boundaries of the Sierra and Inyo National Forests, embracing part of the John Muir Trail, the celebrated footpath that offers solitude, grandeur and dramatic mountain scenery for 200 unbroken miles between the summit of Mount Whitney and Yosemite Valley.

The immense popularity of the proposed wilderness among outdoors enthusiasts is more than the road builders can stand. They must forever "enhance" things with the blessings of the bulldozer. As a Washington press agent of the Federal Highway Administration, J. W. Perlin, wrote last October, another trans-Sierra route would help the Forest Service "implement such management functions as timber harvesting, enhancement of the environment, and providing recreation in large areas of the Sierra National Forest."

You would think a resource agency capable of defining its own management function needs, rather than to acquiesce to the viewpoint of another. But this is not always so. Last September the supervisor of the Sierra National Forest, Zane Smith, Jr., wrote a Field & Stream reader, "It has been the position of the Forest Service that the construction of the Minarets Summit Highway is a Public Road authority decision." And again to another, "I must remain mindful, too, that the Forest Service has agreed to the granting of right-of-way for a Forest highway through this particular area should the appropriate highway authorities decide it should be built."

What about safeguarding the Sierra wilderness in its trust from the bulldozer? The agency has ducked this question; it remains for outsiders to speak. "Completion of this road, in my opinion, would be the greatest tragedy since Hetch Hetchy," according to Norman B. Livermore, California Secretary of Resources. "The John Muir Trail is the very heart and soul of the wilderness concept, both in California and elsewhere. To what avail would success be in other great causes such as the redwoods, the Cascades, the Grand Canyon, and the proposed Golden Trout wilderness, if the grand jewel of them all, the High Sierra and its John Muir Trail, is bisected by a road?"

Such a statement would be fitting from a Forest Service spokesman, considering the agency has had wilderness in its charge for years. Equally fitting would be to point out, as does Mr. Livermore, that when wilderness is overcrowded, use needs to be limited. As he declares, "Improvement of highway access would further limit wilderness user satisfaction by infusing even higher density recreational developments in the area. Moreover, fears have been expressed by a large segment of the general public that development of this highway is merely an initial step in the development of a trans-Sierra route, I share these concerns."

In 1968, Orville L. Freeman, then Secretary of Agriculture, denied a scheme to punch an Interstate freeway through a primitive area in the national forests of Colorado. He acted in direct response to pressure of the people and his own personal conviction. "It is in the public interest to designate for future generations some specific areas where roads will not be built," Mr. Freeman declared. "We hold that economics alone is not a sufficient basis for determining whether wilderness shall survive or die."

President Nixon has expressed a similar concept, but appointed officials in his own administration, as well as the bureaucracy, are failing to follow through. The use of much of the irreplaceable resources of the national forests is based on commodity production. Large areas of wilderness not yet classified are slated for extensive roading and logging. The refusal of Mr. Nixon's Secretary of Agriculture, Clifford M. Hardin, and the Assistant Secretary, Thomas K. Cowden, to hear the pleas of the public has resulted in wide controversy and loss of confidence throughout the West.

The same weakness and inconsistency pervades other agencies. At a year-end press conference, Attorney General John Mitchell pledged the Justice Department would be more vigorous than ever before in the "whole environmental quality area." A few days later, however, Solicitor General Erwin N. Griswold, the chief trial lawyer of the administration, went before the Supreme Court to oppose a public group trying to save Overton Park in Memphis from invasion by a six-lane freeway. His basis for argument was that government officials know best and should not be challenged in court by little people at the grass roots. The President should give the Solicitor General a lecture some time.

It isn't easy to make headway in the public behalf. The highway builders represent a powerful force into themselves. Last November Representative Samuel Stratton, of New York, spoke with shock on the floor of the House of Representatives about the intention of the Federal Highway Administration to conduct hearings on road location without really paying attention to the will of the people. He quoted from a memorandum on how to brainwash the public and impose the highway viewpoint, which includes this reference: "Techniques of public relations, use of the mass media, public information meetings and other methods of informing the people and trying to sell the ideas and concepts the engineers and planners have come up with are the usual characteristics of this approach."

That's the mild part. It may explain part of why the President is trying to reorganize the government structure, and why he'll have a tough time doing it. Heroic stands, such as in the Cross-Florida Barge Canal decision, are the best way of winning friends and supporters who will stand up and be counted with him.

ACTIVITY AT NATIONAL CAPITAL AIRPORTS

Mr. SPONG. Mr. President, when the Federal Aviation Administration agreed to the introduction of stretch jets at National Airport a little more than a year ago, its own airport experts warned that the decision would have a serious impact on the growth of Dulles Airport. With every month that goes by, the validity of that warning is brought home with force.

This month's FAA airport traffic report is a case in point. In March air carrier operations at National increased by 6.6 percent over the same month a year ago. Similar operations at Dulles declined by 2 percent. The picture is even more striking in terms of the total passengers using the two airports. For March the number increased by 2.4 percent at National but declined by 16 percent at Dulles.

The totals for the first quarter of 1971 at the two airports show air carrier operations down by three-tenths of a percent at National but down by 7.5 percent at Dulles. Total passengers for the quarter showed a slight decline of 1 percent at National but 11.8 percent at Dulles.

A similar decline has occurred in business at Baltimore's Friendship Airport. For the first 3 months of 1971, air carrier operations were down by 15 percent over the same period a year ago. Passengers were down by 6 percent.

Mr. President, despite the warning of its own airport experts and the clear evidence of these traffic reports, the FAA continues to maintain a public position that stretch-jets at National will not hurt utilization of Dulles and Friendship Airports. This blatant charade is carried on with no apparent concern for embarassing facts.

As one example, a few weeks ago the FAA substantially revised its 10-year forecast of passenger traffic at the three airports, with the revision all in the direction of much greater use of National. This change was made without benefit of any public notice or explanation, although it is a basic concession to the truth of what the airport experts have been predicting.

The only response of the FAA to the advice of its experts has been to summarily abolish the jobs of many of those experts. Without public announcement of any kind or advance warning to the employees involved, the FAA in February notified Bureau officials that henceforth their work would be handled by another agency of the FAA, and that 75 percent of the Bureau's employees would have to find new jobs.

Mr. President, another part of this charade has been the position taken by the FAA and the air carrier trade association, that "all U.S. air carriers serving this area favor the use of Boeing 727-200's at Washington National." That quotation is from an Air Transport Association report, which was widely circulated by the air carriers and the FAA as a rebuttal to critics of the stretch jet decision.

In fact, Mr. President, many of the air carriers serving this area do object to the use of stretch jets at National. I have in my files a letter written to the administrator of the FAA by the president of one of the major aircarriers serving Dulles, protesting that the use of stretch jets was not in the best interest of National and could seriously hurt his company's business at Dulles. That letter is dated 6 weeks after the ATA testified before the Commerce Committee that there was no air carrier objection to stretch jets.

Mr. President, in a later speech I intend to go into much greater detail on this decision by the FAA, and to discuss how considerations of the huge financial profits which the air carriers will realize from this decision have been allowed to override the public interest in a balanced utilization of the airports in this region.

Mr. President, for the present I will let the traffic figures I have cited speak for themselves. I ask unanimous consent that the FAA's first quarter report on the two airports be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION NATIONAL CAPITAL AIRPORTS WASHINGTON NATIONAL AIRPORT ACTIVITY[1]

	March		Year to date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	18,762	+6.6	52,427	−0.3
General aviation	9,060	−1.6	22,954	−15.5
Military	99	−39.6	[2]440	−33.8
Total operations	27,921	+3.5	75,821	−5.7
Passengers:				
Domestic airlines	801,414	+1.8	2,199,226	−1.7
International airlines				
Total airlines	801,414	+1.8	2,199,226	−1.7
All others [3]	36,841	+18.3	102,278	+16.9
Total passengers	838,255	+2.4	2,301,504	−1.0

	March		Year to date	
	1971	Percent change from 1970	1971	Percent change from 1970
Cargo (thousand pounds):[4]				
Air mail:				
Domestic	3,439	+34.7	9,384	+24.5
International				
Total air mail	3,439	+34.7	9,384	+24.5
1st-class mail	3,034	−13.8	8,222	−22.3
Freight:				
Domestic	6,706	+11.3	17,707	+1.3
International				
Total freight	6,706	+11.3	17,707	+1.3
Express	1,707	−2.3	6,014	+21.0
Total cargo	14,886	+7.5	41,327	+1.9

[1] Totals of inbound and outbound traffic.
[2] Adjusted for error of 466 operations.
[3] General aviation and military.
[4] Partially estimated.

FEDERAL AVIATION ADMINISTRATION NATIONAL CAPITAL AIRPORTS DULLES INTERNATIONAL AIRPORT ACTIVITY[1]

	March		Year to date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	5,335	−2.0	14,766	−7.5
General aviation	7,109	−5.6	17,677	−17.6
Military	5,142	+65.9	13,094	+54.9
Total operations	17,586	+9.4	45,537	−.7
Passengers:				
Domestic airlines	123,650	−19.9	352,237	−15.8
International airlines	20,667	+10.9	56,937	+3.9
Total airlines	144,317	−16.6	409,174	−13.5
All others [2]	14,036	−8.5	43,148	+7.8
Total passengers	158,353	−16.0	452,322	−11.8

	March		Year to date	
	1971	Percent change from 1970	1971	Percent change from 1970
Cargo (thousand pounds):[3]				
Airmail:				
Domestic	1,158	−6.0	3,045	−12.1
International	309	+90.7	1,289	+173.1
Total airmail	1,467	+5.2	4,334	+10.1
1st-class mail	1,158	−3.8	3,249	−13.3
Domestic	2,132	+16.9	5,253	+3.8
International	1,408	+9.3	3,834	+17.4
Total freight	3,540	+13.8	9,087	+9.1
Express	135	+11.6	364	−5.2
Total cargo	6,300	+8.1	17,034	+3.9

[1] Totals of inbound and outbound traffic.
[2] General aviation and military.
[3] Partially estimated.

FEDERAL AVIATION ADMINISTRATION NATIONAL CAPITAL AIRPORTS—TOTAL WASHINGTON AIRPORTS ACTIVITY[1]

	March		Year to date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	24,097	+4.6	67,193	−2.0
General aviation	16,169	−3.4	40,631	−16.4
Military	5,241	+60.6	13,534	+48.5
Total operations	45,507	+5.7	121,358	−3.9
Passengers:				
Domestic airlines	925,064	−1.8	2,551,463	−3.9
International airlines	20,667	+10.9	56,937	+3.9
Total airlines	945,731	−1.5	2,608,400	−3.7
All others [2]	50,877	+9.4	145,426	+14.0
Total passengers	996,608	−1.0	2,753,826	−2.9
Cargo (thousand pounds):[3]				
Air mail:				
Domestic	4,597	+21.5	12,429	+13.0
International	309	+90.7	1,289	+173.1
Total airmail	4,906	+24.3	13,718	+19.6
1st-class mail	4,192	−11.3	11,471	−19.9
Freight:				
Domestic	8,838	+12.6	22,960	+1.9
International	1,408	+9.3	3,834	+17.4
Total freight	10,246	+12.2	26,794	+3.8
Express	1,842	−1.4	6,378	+19.1
Total cargo	21,186	+7.7	58,361	+2.5

[1] Totals of inbound and outbound traffic.

[2] General aviation and military.

[3] Partially estimated.

FEDERAL REVENUE SHARING

Mr. DOLE. Mr. President, there has been tremendous support for President Nixon's proposal for sharing Federal revenues with State and local governments. As I have traveled throughout the Nation, it has become apparent to me that the Congress must act affirmatively on this proposal if we are to save the State and local governments from fiscal chaos. The local government officials in Wichita, Kans., recognized this fact and recently the board of city commissioners passed a resolution endorsing Federal revenue sharing.

I ask unanimous consent that the resolution and a news column and editorial from the Wichita Eagle and Beacon be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

A Resolution Endorsing Proposals for a Program of Sharing of Federal Income Tax Revenues With State and Local Governments and Urging the Kansas Congressional Delegation to Support This Legislation

Whereas, the increasing urbanization of our society has placed unremitting demands upon local governments to provide new and expanded services, such as safer streets, better schools and cleaner environment in addition to services already provided; and,

Whereas, the rising expenditure requirements of this urbanized society have placed state and local governments in an untenable position in relation to sources of revenue to provide these services; and,

Whereas, the Federal government has dominated the use of the income tax as a revenue source while state and local governments have been dependent upon property and sales tax revenues; and,

Whereas, property taxes and sales taxes are relatively slow in response to the rapid cost increases of an expanding economy while the income tax can provide a more rapid response as wages increase; and,

Whereas, Federal assistance to state and local governments through categorized funding is restricted to furtherance of Federal objectives and restricts initiative, innovation and local application in these programs; and,

Whereas, a system of sharing of income tax revenues with state and local governments would express the confidence of the Federal government in these local governmental units and reaffirm our Federal system of government; and,

Whereas, the newly reorganized Board of City Commissioners of the City of Wichita wishes to join its predecessors in endorsing this program and in expressing the urgency of this measure by ratifying the Resolution adopted on the 9th day of March, 1971. Therefore, be it

Resolved by the Board of City Commissioners of the City of Wichita, Kansas, (1) A system of revenue sharing by the Federal government with state and local governments is urged and endorsed; and,

(2) The Kansas delegation to Congress is urgently requested to give their full support to legislation now pending before Congress which would provide a system of Federal Revenue sharing; and which includes the following five points which are considered essential to the effectiveness of such a revenue sharing program:

A. An automatic annual appropriation of a designated portion of federal income tax revenues should be made.

B. An annual distribution to the 50 states should be made according to a formula based primarily upon population.

C. A mandatory and equitable pass-through of funds from each state to its local governments, spelled out in a clear formula must be a part of such legislation.

D. All general purpose local governments should be included in the pass-through to include counties, schools and cities.

E. No program or project restrictions shall be placed on the use of these funds except those reasonably required in areas such as equal opportunity employment.

[From the Wichita (Kan.) Beacon, Apr. 26, 1971]

More Responsibility

Officials of the City of Wichita are beating the drums for federal revenue sharing, and they're right to do so.

If Congress agrees with the President's idea to return federal tax money to local and state governments, with no strings on some, and fewer strings on the rest, it will be a greater opportunity for cities like Wichita to work toward logical, consistent improvement of services and facilities.

It will also mean that the local taxpayer will get a little less squeeze, for some of the many dollars he sends to Washington will return to help his home community.

And it will be a much greater responsibility. City Manager Ralph Wulz acknowledges that city leaders will face many problems when the major job of sorting out local priorities rests on local government's shoulders.

This is scary, for in the past, local governments often have shown themselves to be unaware or unconcerned about the pressing problems of the poor and the minorities that federally-supported programs like the Office of Economic Opportunity and Model Cities have been dealing with. Cities and states have to prove themselves capable of dealing with these and other human needs, however. They might as well start now.

Wulz said the city plans to institute some kind of citizen participation program, citywide, so the people of Wichita will have a full voice in how the federal monies are spent. This will be good, if some way can be found to equalize the voice of the rich and the poor, and if the city officials aren't driven out of their minds by the conflicting demands of 250,000 people.

If revenue-sharing bills pass Congress as introduced, there will be two categories of dollar-returns. One would be new money, now estimated to be $2.5 million for Wichita, under General Revenue Sharing. If it comes in time, it could help Wichita avoid a sales tax or some other new source of revenue which, it now seems, will be needed by 1973.

The other is Special Revenue Sharing, and it would replace federal spending for such programs as Model Cities, OEO and Urban Renewal. Wichita would probably get about as much as it now receives under such special grants. Such funds would be allocated under broad categories, e.g., Urban Community Development and Education. The city could spend the money as it chose, as long as it was within the confines of the specific category.

Right now, as Wulz points out, dollars flutter down from Washington in specific grants for specific programs. The city must write up proposed programs, get them approved, and justify them to numbers of different officials. A lot of time and money is spent on "grantsmanship."

Grants are given without reference to whether there is an even-handed attempt to meet other needs in the community. It is a rather crazy system, and can stand some improvement.

But the thing about revenue-sharing that worries critics is that this is tax money levied by one body of government, to be spent by another. Local governments are going to be on the spot, and have to prove themselves responsible enough to spend the federal windfall in ways that really improve the community, and help the taxpayers.

[From the Wichita Eagle and Beacon, Apr. 24, 1971]

Revenues Pondered for Wichita's 1973 Budget

(By Dolores Quinlisk)

City Manager Ralph Wulz said Friday that the city can prepare a 1972 budget without new sources of revenue but will have to "go to the people" for a local sales or income tax to help finance the 1973 budget unless federal revenue-sharing is passed by Congress.

City officials came out strong in support of the Nixon administration revenue-sharing proposals at a briefing Friday morning for news and communications media personnel.

The State tax lid will "place the most serious restriction on development of city plans for 1972." Also, there is a continuing concern of local taxpayers that their property taxes cannot be increased, Wulz said.

The city is looking to the proposed federal revenue sharing program for relief, he added, and urged that citizens contact senators and congressmen to request that they support the revenue-sharing legislation.

Present revenue-sharing proposals would provide that Wichita receive $2.5 million in new, unrestricted money; $7.5 million in special revenue-sharing funds for urban community development, plus additional amounts for education, law enforcement, transportation and manpower training.

Wichita has been fortunate in receiving substantial amounts of federal assistance in recent years but this federal assistance has had its highs and lows, Wulz said.

"The new revenue sharing program would provide new money for the community as well as a continuous and ever-growing block grant," he added. "The block grant would not have federal restrictions and the local officials would determine how these moneys would be spent.

"This type of grant, over the previous categorical grant, is therefore an improvement and definitely places the responsibility for expenditures at the local level where obviously priorities can best be determined."

The way present categorical grants work, Wulz said, is that a city department comes up with a project, puts in an application and it may or may not be funded, with no overall consideration to merits of the project in relation to needs of other departments.

Under revenue-sharing, with a set block grant, the city will be able to plan for the money and determine priorities at the local level. "Now, it's just whatever we can get, from month to month," Wulz explained.

"It's going to be tough on the city—it will bring us under lots of pressure—but we should be required to consider priorities."

Cities have been promised by the administration they will not get less in revenue-sharing funds than the average amount they received in federal grants over the past five years, it was said.

Wichita received $14.7 million in federal grants, excluding highway funds, in 1970; $11.5 million in 1969 and about $8 million in 1968. Figures for 1966 and 1967 have not been researched thoroughly. They appear to be about $14,000 in 1967 and $645,000 in 1966.

ALCOHOLISM—ONE OF SOCIETY'S GREATEST PERILS

Mr. PASTORE. Mr. President, in a time when the headlines are being given to drugs and the disorderly behavior that stems from drugs, our concern must not be distracted from one of society's greatest perils—alcoholism.

Nine million Americans as individuals —and the homes and families that share their problem and suffer their agonies cry out to Congress for help.

The distinguished junior Senator from Iowa has made some cogent remarks on the problem of alcoholism. They are of the greatest importance to all Americans as well as to this Senate. I feel that a most useful purpose would be served by their insertion in the RECORD, so I ask unanimous consent to that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE NATIONAL ALCOHOLISM PROGRAM AND ITS FUTURE

(By Senator HAROLD E. HUGHES)

This morning, the Senate Subcommittee on Alcoholism and Narcotics, which I chair, began what I have called "show-down" hearings on the Drug Abuse Crisis U.S.A., with particular reference to that deadly cutting edge of the drug epidemic—heroin addiction.

The mayors of six major American cities, who know at first hand the dire urgency of the drug problem, were our lead-off witnesses.

My conviction is that we can no longer wait for sure-fire solutions on which all parties can agree to control the growing drug epidemic. While government and private agencies are bogged down in red tape, controversy over methods, reluctance to fund the necessary measures and nebulous pledges of future action, the drug problem and the universal crime it propagates have reached a point unacceptable to a civilized society.

While I am trying to blast through public and official apathy to awaken the country to the urgency of heroin addiction and other perils of the drug scene, I am ever mindful of the fact that the most widely abused dangerous drug of all is alcohol.

Alcoholism and alcohol dependence cause more damage to our society in terms of death, human misery and economic waste than all of the other specters of the drug scene.

Yet, as you know, alcoholism control is the most neglected and under-funded of any of our major health problems.

There is alarm, verging on panic, throughout the country about the drug menace—despite the fact that the alarm has not yet been translated into action on any realistic scale.

But as regards alcoholism, the blunt truth is that we have had neither public action of any degree of adequacy nor compelling public interest.

And such public interest as there is continues to be largely moralistic and punitive—and definitely counter-productive so far as alleviating the plague of alcoholism.

As long as we continue to emphasize the stigma, we will never find the means of effective control.

In the meantime, abuse of alcohol continues to grow amid the other more colorful and more publicized items on the drug scene.

A recent report in the New York Times tells of a 22-year-old University of Wisconsin student who has "snorted cocaine, been strung out on amphetamines, taken something like 60 trips on LSD, and run through the whole range of synthetic drugs—but has now found a new way to get high."

"It's called Annie Green Springs," he said. "It comes in a hip, handicraft bottle. And as wines go, it's cheap."

Alcohol is still the drug of choice for the most Americans, including many of the younger generation.

Yet, as you know, alcoholism has received the least attention from those involved in the prevention and treatment of drug abuse. The federal government plans to spend, in F.Y. 1972, $119.7 million to combat drug abuse and $53.4 million to combat alcoholism.

The first figure is tragically inadequate, but the second figure is utterly absurd.

The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, which I introduced in the Senate, was signed into law on New Year's Eve.

The new law was the culmination of the bipartisan Federal legislative process working at its optimum level in the public interest. It was co-sponsored by 52 members of the Senate. It passed both houses of Congress without a dissenting vote. It was hailed by medical associations and public interest groups of all persuasions as the most progressive and far reaching legislation enacted in our history to protect America from what the Administration's highest ranking health official has called "the nation's number one health problem."

However, it is self-evident that no law accomplishes its legislative intent until its provisions are implemented. P.L. 91-616 requires the establishment of a National Institute on Alcohol Abuse and Alcoholism; it requires the establishment of an independent National Advisory Council on Alcohol Abuse and Alcoholism, to insure outside evaluation of federal efforts in this area; it requires the establishment of a formula grant program for developing needed state programs and coordination; and it requires the establishment of a project grant program to assist public and private non-profit groups and organizations in financing specific alcoholism prevention and treatment projects.

To date, no Institute has been administratively created; no Director for the Institute has yet been appointed; and no National Advisory Council has yet been formed. In addition, at recent hearings on the implementation—I should say lack of implementation—of this new law, the Subcommittee on Alcoholism and Narcotics was informed by Administration spokesmen that there is no intention on the part of the Administration to request supplemental appropriations for either of the two grant programs for Fiscal year 1971 or for fiscal year 1972.

This stubborn inaction is both tragic and incredible. Yet I believe that it is a reflection of the general public apathy concerning the problem of alcoholism in our society.

* * * * *

The need is clearly established:

Alcohol is a mood-changing drug, as are marijuana, heroin, cocaine, barbiturates, and amphetamines. The alcoholic is addicted to alcohol and therefore an addict. He takes alcohol as a drug. Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs, has declared alcoholism America's "Number one health problem." Researchers at George Washington University set the figure at 9 million alcoholics, with as many more on the verge of a serious drinking problem.

Were 9 million Americans found to be suffering from any other disease, an epidemic would be declared and the country would be a state of emergency. Abuse of hard drugs and marijuana has nowhere reached the proportions of alcoholism, yet concern for alcoholism is far less than for hard drugs.

One in every 13 employees is an alcoholic. Losses in industry because of alcoholism have been computed at 6 billion dollars per year. The total cost to the nation and the cost in human suffering to individuals, families, and communities is incalculable.

Less than 5 percent of our alcoholics are on skid row. More than 95 percent are found in homes, factories, offices—they are employed and support families. A large number are found in the arts, in high executive positions, in elective office.

50 percent of all fatal accidents on our highways are caused by alcoholics. The FBI reports that our courts are overcrowded because more than 95 percent of short-term prisoners are serving time in jail because of alcoholism. One in three suicides involves alcoholism.

The need—I repeat—is clear. Yet our government and our society refuse to take the steps necessary to bring this problem under control.

* * * * *

Why does this country remain deaf to the thunderous need for action to alleviate the drug epidemic in general and alcohol abuse—the most widespread and damaging phase of the problem—in particular?

What can be done to get through to the

public, the administration and the Congress with the urgency of that need?

I can only tell you what one man believes after years of involvement with these problem areas.

What must come first is a simple but profound change of public attitude.

More than new medical techniques, more than new government programs, more than a millenium of law and order, we need a new era of forgiveness and reconciliation in America.

I am talking about a changed attitude towards our fellow human beings . . . something that can't be legislated or decreed, but must be born in the individual heart.

Because our need is of this kind, you members of the clergy are in a front-line position to help and to provide leadership.

The basic premise from which we must start is the all-encompassing belief in the indestructible value of every human being . . . even the least of these.

And the first obstacle we must surmount is our traditional morality which is less concerned with helping people than with judging whether or not they deserve to be helped . . . more preoccupied with punishing than with healing . . . more intent on revenge than redemption.

Guilt-ridden and confused ourselves, we have a desperate mania about finding scapegoats on whom to place the blame for our troubles and frustrations.

Here is the real hang-up.

When our moralistic and vengeful attitude is changed, all things will be possible in rescuing human beings from the deadly burden of addiction.

Without a fundamental change of attitude, I am convinced that our best efforts are doomed to failure.

* * * * *

About five years ago in the courts of the District of Columbia, an historic legal decision was handed down.

In simplest words, it held that a homeless alcoholic could not, from that point on, be booked on a criminal charge for public drunkenness.

Unfortunately, the decision applied only to the District of Columbia. In most other regions of the land, sick people suffering from this treatable and controllable disease are still put in jail.

Nonetheless, the decision stands as a landmark pointing to a new era of hope and humanity for America.

Appropriately, the name of this ruling, as you may know, was "the Easter decision."

The "Easter Decision."

Does it strike a bell in your hearts?

It should.

For after all, in my assertion that our first need is for a simple and profound change in public attitude, it is really the Easter Theme about which I have been talking.

THE VOUCHER SYSTEM

Mr. BUCKLEY. Mr. President, Americans have relied increasingly on the public school system to serve the educational needs of society. All sectors of government—Federal, State, and local—have allocated sharply increased budgets to maintain and enlarge this system. Despite the increased amount of funds, criticism of the educational output of public schools has mounted, and parents, taxpayers, and educators have been seeking new ideas.

Perhaps the most innovative and sweeping reform recently proposed is the voucher system, which would introduce the principles of the market economy and competition into governmental financing of education. The American Conservative Union has published an excellent study of the voucher system, with an introduction by ACU Chairman M. Stanton Evans. This report, authored by Prof. Yale Brozen and Roman L. Weil, of the Graduate School of Business, University of Chicago, is a lucid summary of the arguments in favor of a voucher system. I commend its analysis to those interested in educational reform, and ask unanimous consent that the ACU report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE VOUCHER SYSTEM

(By Yale Brozen and Roman L. Weil)

"To an economist, many of the criticisms recently made against big-city public school systems have a familiar ring: they are identical with the complaints that consumers have leveled against monopolies for centuries. Since big-city school boards, administrations, and teachers' organizations are all essentially monopoly organizations, this similarity of discontent is not coincidence.

"The classic antidote to monopoly is competition. By introducing alternative sources of supply, competition expands the choice available to consumers. Moreover, these alternative sources are likely to use different methods and approaches, or even to develop wholly new products, thus greater variety makes expanded choice really meaningful. Since consumers can shift their trade from suppliers who do not please them, suppliers have a strong incentive to provide what consumers want. This attitude also means competitors regard innovations positively, as potential means of winning more business. In contrast, monopolies usually view innovations negatively, as a bother designed to upset established routines for no good reason. Clearly, if greater competition causes these results in general, it might produce some tremendous improvements in big-city school systems." *Community Control of Schools*, edited by Henry M. Levin (Washington: The Brookings Institution, 1970), p. 219.

Government-operated schools are under attack for failing, in many instances, to educate their students. In the words of a report on fifty-seven academic public high schools in New York, "The school system does not succeed with any students except those who couldn't possibly fail under any circumstances." Solutions are being sought for the problem that much schooling produces little education for many children.

Among government-operated schools, some are successful. Others, with student bodies not substantially different in background or ability, are bitterly resented by the parents of the children they have failed. Both ghetto and suburban parents are frequently frustrated in their attempts to obtain schooling which teaches their children to read adequately, to write understandably, and to figure competently.

Where public schools have attempted to respond to parents' complaints, the effort to improve has often taken the form simply of obtaining more funds to hire more teachers. They then apply the same techniques to small classes which have failed with large classes. Remedial programs are installed attempting to teach what should have been learned earlier.

The increase in funds provided public schools shows little correlation with improvements in education. One study,[2] in New York, shows some schools with slim funds doing better than other schools receiving large amounts of financial support. Money has not solved the problem of schooling failures.

The ferment involving our government-operated schools has produced many puzzles and few answers. Why is increased funding (in dollars per student) poorly correlated with improved results in schooling? Why aren't all schools as successful as some in educating ghetto children? Why aren't all schools as successful as some in educating middle class and suburban children? What can be done to produce more and better education?

THE PRESENT SYSTEM

At present, tax funds are used to finance government-operated schools which may be attended by almost any child.[3] To get the benefit of public funds, children must attend a school chosen for them. To exercise a choice among schools, they must attend a private school which charges tuition.

We do not question, in this paper, the amount of government financing of schooling or the means by which governments raise funds, although questions have been raised in both these areas. We are concerned here only with obtaining a better return from the governmental outlays.

THE VOUCHER SYSTEM

In this study, we describe the voucher system, why it is likely to be better than the present system, some arguments against it, and counter-arguments. We conclude with a discussion of a proposed test of the voucher system.

The issue is whether more education is obtainable for given expenditures by subsidizing schools or by subsidizing students. Under a voucher system, the governmental unit disbursing funds for schooling issues to the individual who is to receive the benefit of those funds—or to his parent if, as for most recipients, he is a minor—a voucher (or ticket or scrip) to be used at any acceptable school as a ticket of admission. The school, in turn, provides to the presenter of the ticket educational services. It redeems the ticket, with the appropriate governmental unit, for the money the ticket represents.[4]

The voucher might represent, in any given school year, let us say, $750, assuming that figure to be the current per-pupil cost of the government-operated system in a given district. If all parents of children now attending public schools choose to continue sending their children to those schools, then the schools in that district would receive the vouchers and redeem them for the funds which would pay the cost of the operation. Parents would be free, however, to send their children to public schools in their district other than those in their neighborhoods or to public schools in other districts if they feel other schools are preferable.

Parents could send their children to private schools if they prefer them. Where private school tuition is no higher than the cost of operating public schools, the voucher would cover the tuition (assuming the voucher is set at this level). If a parent chooses a private school whose tuition exceeds the value of the voucher, he can pay the difference and obtain a more costly education for his child, if he feels that it is appropriate or necessary to meet special needs (such as blindness, deafness, mental retardation) or to develop the talents of his child or merely to invest more in his child's education than the state is willing to pay.

Although it was suggested above that the value of the voucher might be equal to the per-pupil cost of the government-operated system in the district in which the student resides, it does not have to be. In one state-operated voucher-like system—the state of Virginia—the value amounted to only $250 for an elementary pupil and $275 for a secondary pupil. Local districts in the state were allowed to provide payment up to the per-pupil operating cost of their schools, but few exercised this option. Many attempted to conceal the availability of the state voucher. Twelve thousand students in Virginia made use of the voucher in 1963–64 to make part payment on tuition to public schools outside

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Footnotes at end of article.

their district of residence and in non-sectarian private schools, despite attempts in some school districts to conceal the availability of vouchers.

There are many ways in which a voucher system may be designed. The voucher value may be set equal to operating cost per pupil of public schools in the district of residence. It may be set at lower levels. Restrictions may be placed on the schools at which vouchers are usable. The amount of payment by a parent supplementary to the voucher may be restricted. The voucher value may depend on the progress made by the student.

The voucher system, no matter what accessories are attached to it, basically involves putting purchasing power—money earmarked for education by the government—into the hands of the consumer or his parent. It allows the consumer to choose the school at which the voucher is presented for educational services.

Simply put, in a voucher system the state finances education by giving parents money to hire teachers. Public funds for education go only to schools in which parents enroll their children; schools without students get no money and, presumably, go out of business.

Currently the state decides who gets educated, who pays for it, and how the school system is structured. In a voucher system the state retains control over who gets educated and who pays for it but relinquishes, to the degree the vouchers are unregulated, control over how the school system is structured. With vouchers, students and parents control the school system by their choices among the schools which compete for the business.

WHY VOUCHERS?

Questions concerning who pays for public education and who receives the benefits are separable from the question of what system shall be used for the delivery of education. It is the latter problem which the voucher plan is designed to solve.

The central problem in the present delivery system is the lack of control most parents have over the education their children receive and the poor value many people think is provided for the public dollar spent on education. People from across the political spectrum complain that current education is not what they want. Only if a parent can afford private schooling can he buy the education he desires for his child.

Some complain that the history and culture of blacks are not adequately taught.

Some complain that schools teach and reinforce patterns of male chauvinism.

Some complain that the contribution to American history of American Indians is distorted.

Some complain that the schools teach Communism or Socialism.

Others complain because Communism is not taught!

Some complain too little time is spent on the three R's or on religious training or on physical education.

There is no one best way to educate; there is no single set of knowledge that is most worth having for all students. Our current school system tries to ascertain what is best for everyone and then provides an education that pleases almost no one. Educators do not necessarily believe they know what is right for *all* children to learn. But they are forced to act as though they do. Uniform curricula are forced on schools with dissimilar student bodies.

A Chicago school principal and the parents of his students want to try an innovation in teaching but the school board will not allow it.[5]

The Gary, Indiana, school administration wants to hire an outside firm to teach reading with the firm's fee proportional to its success, but the teachers' union think it's a bad idea.[6]

Parents in New York City want the district board of education removed because of lack of cooperation for the reopening of the schools.[7]

An American citizen's choice of school systems is much like a Polish citizen's choice of automobiles: a single state-supplied model, unless one has sufficient wealth to buy elsewhere.

Would vouchers solve the problem?

With a voucher system, public schools would compete with each other and with private schools. Instead of parents being forced to take whatever education the state provides to receive the subsidy provided from tax revenues, parents could choose among schools and among varieties of educational offerings.

The present system has captive customers who must take what is offered whether or not superior alternatives are available. It's much as if everyone were offered a suit of clothes at the expense of the taxpayer and each customer were assigned to a specific suit manufacturer. If the manufacturer to which a suit-user is assigned chooses to produce only size 38 blue serge suits in three-button models, but the customer prefers a size 42 double-breasted gray flannel, that is simply too bad for the customer. If he wants a state-provided suit, he must take what the manufacturer to whom he is assigned provides. He may argue that he would prefer the size 42 suit produced by the manufacturer in a neighboring town, but he is not allowed to take that suit unless he changes his residence to the neighboring town (which may make travel to work very inconvenient or force a change of jobs). The manufacturer to whom a customer is assigned is paid by the government, not by the customer, which gives the customer only the power to complain to the governmental authorities. "So go fight City Hall."

If a voucher for a suit were provided and the customer were subsidized instead of the manufacturer, the user of subsidized suits could then choose among manufacturers. He would not be forced to take whatever is provided by his assigned source of suits. Manufacturer would have to compete for customers. They would, then, produce suits attractive to customers. Since manufacturers would no longer simply be paid for the cost of operation regardless of whether or not they are efficient, they would find it necessary to become efficient in order to offer attractive values.

With a voucher system in education, those public and private schools now doing a good job would attract students. Others would be forced to adapt and improve, instead of comfortably providing whatever they choose to provide, confident their costs will be met by direct government subsidy.

In addition to improvement in quality and efficiency, schools would no longer force all students into a limited number of straitjacket educational "suits." Variety in offerings would become available, making it possible to choose the approach more nearly approximating the needs of each student.

At worst, existing school systems can continue. Even if education with vouchers were to be essentially the same as now, the competition of privately operated schools, many of whom, it is hoped, would be profit-oriented, would force cost-effectiveness on the system. Private managers with profits at stake would find means of producing the educational product at less cost. With greater efficiency, it is probable that the educational product would improve since more could be delivered for the same number of dollars. Competition in quality, as well as cost, makes it doubtful that educational services would remain as bad as they are now.

Footnotes at end of article.

THE CASE AGAINST VOUCHERS AND A DEFENSE[8]

We know of six principal criticisms of the voucher system, to wit:

(1) The voucher system will lead to a higher variance or dispersion in the distribution of education than at present. The gap is too wide now between the best and worst; with vouchers the gap will get wider.

(2) Because of increasing returns to scale (the larger the school, the smaller the per pupil cost), the voucher system will lead to increased costs. Money spent on education will not buy as much as it does now.

(3) Because of individual choices made by users of vouchers, students will attend classes with students more like themselves than at present. That is, the voucher system will reduce heterogeneity in class composition and, as a result, the value of education.[9]

(4) What is really a special instance of number 3, vouchers will lead to increased segregation. Some (many?) parents will prefer sending their children to all-white schools. Such a result, should it occur, would be contrary to an expressed national goal (and to law). It would result in inferior education for blacks.

(5) Public schools must remain available for those who cannot find adequate private schools. The dull, poor, or sick student will not be accepted at a private school. An undesirable class will, as a residue, become the charge of the public school system. These children will be worse off as a result.

(6) The voucher system would cost more than the current system because students now in private schools would receive public funds they do not now get.

Complaint 1

Consider the present. A majority of families send children to public schools; some send theirs to private schools. The options available to most families are to spend nothing extra for their children's education or to spend a lot—the entire tuition bill of a private school. It's now all or nothing at all. You have no convenient way to determine the amount spent on the principal components of your child's education.[10]

With vouchers you can spend whatever you can afford on the school system. It's as though now you can buy only a Vega or a Cadillac. You do not have middle courses of action from which to choose. With vouchers some will want the cheapest possible education; some, the most expensive education; but many will want an intermediate product.

The use of unregulated vouchers will tend to lead to smaller variance in dollars per child spent in education and, presumably, on education received. Consider, for example, a hypothetical population of eleven children in a community where the expenditure per pupil is $750. Without vouchers, three of these eleven children go to private school at a cost of $1150 per pupil; the rest go to public school. With unregulated vouchers assume the poorest parent spends nothing extra on his child, the next poorest spends $50 extra, the next $100 extra, and so on. Thus the eleven children have spent on them $750, $800, $850, . . . $1250. The variance of the expenditures without vouchers is 25 per cent *larger* than that with vouchers.[11]

Further, assume public education is only 70 per cent as efficient as private education. Then the cost of providing vouchers to *all* (eleven) children and maintaining the quality of education at current, public school levels will be *smaller* than without vouchers.

Concern for increased variance of expenditures on education and its adverse social result has led some to propose a *limited* voucher system under which the voucher may *not* be supplemented with extra funds. Such a restriction appears misguided for it will still be the poor among us who will have no chance to achieve the benefits of spending a *little* extra on their children's school system.

Even if variance should increase, would that be upsetting? So long as no one is worse off and at least one person is better off with vouchers, one must prefer vouchers unless a perverse attitude is adopted.[12]

To argue that variance is less now than it would be with vouchers and that this is preferable, is to argue that those who might receive a superior education with vouchers should be held down to an inferior but equal education.

Complaint 2

No economist we know of has argued that there are increasing returns to scale in education beyond that achieved by many already existing private schools and that this dooms the effectiveness of the dollar spent via the voucher system relative to a public education. Not classrooms, not teachers, not land are bought more cheaply by the hundred. These are the expensive educational inputs in our current system. Chalk, books, and the like are bought more cheaply in bulk. There is no evidence that the loss in bulk buying of chalk will make a significant difference in cost-per-pupil if student population per school (or per school system) decreases.

Furthermore, if there are economies of scale, the smart, profit-seeking individuals who open private schools will "go big" if that is more profitable and *if they can provide as good a product* that way. It won't do to argue that big schools are cheaper—one must also show that *for a given quality*, big schools are cheaper.

Complaint 3

Those who argue that vouchers will lead to increased homogeneity may mean social-attribute homogeneity or income-class homogeneity, or both. The latter argument appears faulty for the same reasons that the increased-variance argument was. (Consider again the hypothetical population of eleven families analyzed earlier.)

On the claim that the distribution of social attributes or scholastic aptitude will be worse with vouchers than without, reconsider the behavior of the profit-seeking, private school operator. He wants to provide the best product he can for a given input of dollars. Assuming consumers respond to quality here as elsewhere, he can achieve a higher return for himself (make more money) by inducing a range of students to attend his school. We are not able to anticipate how he will do this. If, as the sociologist find, diverse student populations lead to better educations, entrepreneurs can be expected to achieve the optimal distribution one way or another *in order to benefit themselves.*

Suppose, however, it is not educationally advantageous to mix the bright with the dull, but that our society wishes to do so for other reasons. Any desired mix of students may be achieved by statute, or better yet, by appropriate further subsidy to voucher-receivers or to schools. Here, as elsewhere, the problem is not that some goal cannot be achieved with vouchers. It is only necessary that society identify its desiderata and structure the system to achieve them. As a goal is identified, the system can be structured to achieve that goal. It won't do to argue that some aspect of education will change with vouchers; one must show that it is a change for the worse and that the voucher system cannot be modified to cure that ill.

Complaint 4

Segregation could conceivably increase with vouchers. We wonder if those who argue that it will have considered the silent minority of Southerners or suburbanites who prefer, but are frustrated by law or practice, that their children attend school with black children who want to learn. We wonder if those who argue that segregation would increase have considered the desires of black parents for better education for their children—parents who are now frustrated by the low quality of many ghetto schools. With vouchers, these parents could send their children to better quality schools whch are likely to attract white children as well as black because of their quality. The *de facto* segregation found in practically all schools in an area such as Washington, where 94% of the children in the total elementary school system are black, and in large black ghettos in major cities, is more likely to diminish with the voucher system than to increase.

Suppose vouchers did result in increased segregation, in spite of current laws. Would not the cost of increased segregation be small relative to the enormous benefits accruing to the voucher system? The benefits from the voucher system should accrue disproportionately to blacks. It is black, not white, children who read more below grade level. The nonteaching, "jail" or baby-sitting schools are relatively more predominant in black areas than in white. Insofar as blacks receive inferior education now, they have more to gain from vouchers.

Some parents, for whatever reason, will prefer segregated schools and be willing to pay extra to achieve this goal if the voucher system and laws allow it. One wonders how much extra money these parents will be willing to spend. To maintain segregated schools will, under a voucher system, cost the parents who want the segregation. Under the current system all *pay* for the segregation desired by only a part of the society. A voucher system will force those who wish segregation to pay for their wishes.

Complaint 5

As for the argument that the public schools will become schools of last resort for the dull and the sick: note that now, some states, e.g., Illinois, do not allow some children to attend public schools. They provide vouchers for these children. It is private schools to which are thrown the residue. There is ample favorable evidence, and none to the contrary of which we know, that private schools will arise to fill the wants of those who will pay. Private schools now take children the public schools avoid, such as spastic and retarded children in Illinois.

Insofar as the residue at the public schools of last resort are not dull but merely the rebellious and the discipline problems, how are these children worse off? They attend school in jail-like atmospheres now. Their classmates who, with vouchers, could learn in a more peaceful atmosphere would be better off. It is conceivable that the public schools might become schools of last resort for a residue unwanted by private schools. The attributes which make the residue unwanted are self-imposed, however, not externally imposed, and can probably be more easily changed if they are taught by teachers aware of their special problems. Furthermore, private enterprise might provide better schools for the discipline problems than public schools do or can. There are now private, residential schools famous for willingness to accept students whose families find they cannot cope with their children.

Complaint 6

Less than 12 per cent of the children attending sub-collegiate institutions are in private schools. If the children in public schools who are provided with vouchers attend public and private schools as inefficient as the average public school now operating, public costs of education would rise by about 14 per cent—as additional expenditures for the payment of vouchers provided for children who would have been sent to private schools by their parents without vouchers.

In some areas, private schools are now closing, or will soon close, because costs have increased to the point where tuition and contributions do not meet the costs of these schools. Their student bodies will soon be forced into public school systems. They will become a public cost whether or not a voucher system is adopted.

Dr. Donald Erickson, professor of education at the University of Chicago, in a report on private education in Illinois, found that 18.1 per cent of all pupils attending private schools transferred to public schools in 1969. He forecasts a rise in the rate of transfer to 12 per cent in 1971 and a continuing rise in succeeding years. He estimates that the provision of a $300 voucher would actually save the state $7 million by 1976 and $74 by 1980.[13]

Most of the private schools facing a financial crisis operate at cost below those of public schools. Their closing will increase total costs of schooling without a commensurate increase in quality.

More important, however, when schools must compete for students and when there is a profit motive for controlling costs, providing a given quality of schooling should cost less. We have found many instances where, for example, public schools have purchased equipment which their teachers do not use. The equipment was purchased simply because funds were made available for such purchases. Public school buildings have been built and remodeled in the last few years at scandalously high costs which could have been avoided by appropriate scheduling of the remodeling and by cost-motivated negotiations with architects and contractors for new buildings. Pay scales for support personnel such as janitors in many public schools in metropolitan areas are notoriously high relative to what privately-operated buildings pay for the same services. Private schools are known to hire teaching personnel who are frequently better trained to handle their subject areas than those hired by public schools, but who are not acceptable in public schools because they do not have the right "credits." Public schools frequently assign teachers with the right "credits" to the teaching of subjects in which they have little competence.

With private operations competing with public schools as well as public schools competing with each other, efficiency can be expected to increase by amounts sufficient—only 14 per cent—perhaps more than sufficient, to carry the burden of financing some or all of the tuition of those now in private schools.

If the prospect of increased efficiency is not sufficiently assured to allay the fear of larger schooling costs to be borne out of tax revenues, voucher values can be set at, let us say, 14 per cent, or about one hundred dollars, less than current per pupil costs of public schools.

Students are now leaving private schools for public schools in increasing numbers because their parents cannot afford to pay taxes and private tuition bills. These students will require public school expansion and resultant expense. Vouchers would keep these students out of the public systems and save the expansion expenses which will otherwise be needed. These savings can be used to "buy" vouchers for children who would be sent to private schools no matter the cost.

Suppose costs did rise by helping parents who now send their children to private schools and who forego the state subsidy they would receive if they sent their children to public schools. The usual view that only "rich" parents use private schools does not square with the facts. Whether or not the "soak the rich" doctrine is ethically acceptable, it remains that a great many parents impoverish themselves in order to obtain the desired education for their children. Why should parents who care about their chil-

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Footnotes at end of article.

dren's education be penalized while those who do not, are not?

PROPOSED TEST OF THE VOUCHER SYSTEM

The Center for the Study of Public Policy (CSPP) of Cambridge, Massachusetts, received a grant from the U.S. Office of Economic Opportunity to study variants of the voucher system and to propose a demonstration project or experiment with a specific implementation. By September 1972, an experiment may be underway. The CSPP[14] study is a reasoned presentation of various plans and arguments. An appendix discusses legal problems of the voucher system. The conclusion appears to be that law provides no strong impediment to the voucher system but does impose some constraints—e.g., on segregation in the resulting private schools.

There are several aspects of the experiment proposed by CSPP with which we disagree—particularly the rules on supplementary tuition expenditures.

The CSPP study lists seven different forms of the voucher system. Of these we discuss three—the one CSPP has chosen for its project and the two we think they should have chosen from. We use the names given by the CSPP.

1. *Unregulated Market Scheme.* The value of the voucher is the same for each child. Schools are permitted to charge whatever additional tuition competition and the quality of their offerings permit.

2. *Unregulated Compensatory Scheme.* The value of the voucher for poor children. Schools are permitted to charge whatever additional tuition they can, as above.

3. *Regulated Compensatory Scheme.* Schools may not charge tuition beyond the value of the voucher. They may "earn" extra funds by accepting children from poor families or educationally disadvantaged children.

CSPP has proposed installing the regulated compensatory scheme. They have needlessly compounded the separable questions of who is to get how much public funds and how the education is to be provided. CSPP is concerned that poor or disadvantaged children receive more money than other children. They are concerned that, in the absence of such provisions, the equal dollar expenditures for all children will provide inferior educational inputs to the poor.

For example, argues CSPP, affluent taxpayers or those without children might form a political bloc to hold down the value of the vouchers.[15] For example, argues CSPP, teachers prefer to teach the non-poor. To get equally good teachers for the poor as for the non-poor, therefore, requires larger salaries.[16]

CSPP has stated that to deserve support from the U.S. Office of Economic Opportunity a voucher plan should have two objectives:[17]

1. To improve the education of children, particularly disadvantaged children.

2. To give parents, particularly disadvantaged parents, more control over the kind of education their children get.

The voucher system need not incorporate special provisions to help "disadvantaged" children and parents simply because a voucher system is put into operation. It will help these children without such provisions. A decision to aid particularly the disadvantaged is *independent* of a decision to finance education with vouchers. If society decides to give extra aid to the disadvantaged, such extra aid can be given within or without a voucher system. The issues are separable and ought, for the sake of analysis, to be kept separate.[18]

Let society decide whether or not it wishes to give extra money for education to the poor. (We believe such a subsidy appropriate and justified, but our value judgments are no better than anyone else's.) If children disadvantaged by poverty are to get extra help, then we prefer the unregulated compensatory scheme.[19] The value of the voucher would depend (inversely), then, on a family's wealth and the parent might supplement the voucher with extra money to pay tuition.

CSPP worries that the affluent will choose to supplement the vouchers with more money than the poor, and that as a *result* the poor will receive less from their vouchers than they otherwise would. To be specific, CSPP argues that if a basic voucher is worth, say $750 per year per pupil, the $750 poor man's voucher would be less valuable if the rich man spends an extra, say $600, or a total of $1350, than if the rich man can spend only $750.

". . . the critical question is often how the school's resources compare with its competitors' resources. Suppose, for example, that schools attended by poor children were to double their teachers' salaries over the next five years. Suppose that schools attended by middle-class children tripled their salaries over the same period. The quality of the teachers in the schools attended by poor children would probably decline under these circumstances. It follows that the quality of education provided by a school does not depend simply on the per pupil expenditure, but also on how this expediture compares with that in competing schools."[20]

Note this argument says the quality of teachers in schools attended by poor children will *decline*. CSPP seems to believe that the resources or inputs to the educational system are relatively fixed—that all school systems compete for the same fixed number of teachers, books, equipment, etc. If this assumption were true, their reasoning might be correct. When resources for a given use are fixed—economists would say "are inelastically supplied"—the ratio of purchasing power of buyers determines the allocation. But educational resources are not fixed, except perhaps for short time spans. If teachers' salaries increase, more people will choose to be teachers. If more people want to buy teaching machines, someone will find it profitable to produce and sell more of them. We can think of no input both essential to education and in fixed supply. As matters stand, the supply of teachers to public schools is more *inelastic* than to private schools because of arbitrary certification requirements.

Parents who spend more on education will buy more and better educations for their children than those who spend less. Those who spend less will get not measurably worse educations than they would have, had no one spent more.[21]

Education privately supplied by entrepreneurs can be expected to be so much more efficient than that now publicly supplied that the relative educations of the rich and the poor will be closer together no matter what restrictions are placed on extra payments.[22]

CSPP argues[23] that "if education is sold on the open market, like housing or food, legislators are likely to take their usual attitude toward subsidizing the poor . . . legislatures may provide poor parents with slightly larger vouchers than rich parents, but the difference is not likely to compensate the poor for their inability to spend private funds on education." The implication is that legislatures will not allocate "enough" to the poor so the voucher system ought to be designed to ensure that the poor get "enough." The designers of a voucher system surely are not better qualified than the legislatures to decide how much is enough. Important political decisions ought not be made by educators or economists but by the people who are the payers and the payees. CSPP, too, ought to separate the question of values from those of analysis. They may wish to persuade society of the desirability of extra money for the poor but they are not better equipped to make the decisions than other special-interest groups or society as a whole through its normal legislative process.

For the most part we disagree with those who argue the case against vouchers about what the facts will be. These are essentially empirical questions. Words or logic must ultimately give way to what happens when experiments are tried.

FOOTNOTES

[1] Daniel Dobin, *The Failure of Academic High Schools in New York City* (Brooklyn Education Task Force, 1970), cited in "Report Criticizes City High Schools," *New York Times*, Dec. 13, 1970, p. 86.

[2] First National City Bank of New York.

[3] In Illinois, the public schools prefer not to deal with some children, such as the spastic child, and refuse to accept them. Since the law requires that schooling be made available to all children, these undesirable (undesirable to public schools) children are provided with vouchers equal to the tuition charged by the private school they choose to attend. In the case of spastic children attending private schools with programs especially designed for them, tuition vouchers in 1969–70 averaged $2000 per year.

[4] The mechanics of the voucher system may be arranged in other ways. Instead of presenting a voucher to a school in partial or full payment for tuition, a parent may pay a school's tuition bill directly. He or she may apply for a refund, up to the limit of what a governmental unit provides per child, to the appropriate agency. In this case, the school may not or need not be aware of the fact that a parent is obtaining funds for tuition payments from governmental sources.

The Virginia voucher plan worked in this way. Many schools, both public and private, received tuition payments partly covered by the Virginia tuition voucher without any awareness of the source. Some of these schools indirectly receiving such funds stated they would not accept payments from the state, were opposed to the tuition voucher, and would not accept students using the voucher.

[5] *Chicago Tribune*, February 13, 1970.

[6] *Time*, August 24, 1970.

[7] *New York Times*, August 27, 1970, p. 21.

[8] We refrain from calling this section, "The Case Against The Case Against Vouchers" because that construction has been used before. We thank James Tobin, an intelligent critic of the voucher system, for his conversations with us. The reader should not infer from our thanking him here that he approves our presentation of the case against or that he believes the case against includes all points we list. No doubt he would do better—his heart would be in it.

[9] James S. Coleman in *Equality of Educational Opportunity*, 1966, has presented evidence and argued that all students learn better when classes are heterogeneous. The bright child teaches the dull one and both are better off—the bright one, because to teach one must understand better than otherwise and the dull one, because he has a more sympathetic teacher.

[10] You can, of course, spend whatever you like on educational toys, dancing lessons, tutors, and the like. You cannot augment the funds used to hire your child's teacher to hire a better one.

[11] There are many statistical measures of dispersion. No doubt, there are some which will show higher readings with vouchers than without.

[12] The opponents can argue that if millions of children are involved, at least one, for whatever reason, will be worse off under the voucher system. They are right. So long as one person is worse off, the dominance or Paretooptimal argument cannot be invoked. But since it is not argued that the voucher system *caused* this child to be worse off—only the uncertainties of life did that—we point to the fallacy of *post hoc, ergo propter hoc* and sympathize with the few worse-off

children. The misfortunes of these children should not be charged against the voucher system unless it is shown *that the voucher system causes the worse-off* to become that way.

[13] D. A. Erickson, *Crisis in Illinois Public Schools* (1971), cited in "$300 in Parochial Aid Urged," *Chicago Tribune*, Dec. 30, 1970, Section 1, p. 5.

[14] *Educational Vouchers, A Preliminary Report on Financing Education by Payments to Parents.* Center for the Study of Public Policy, Cambridge, Mass., March, 1970. References to this report cite *Educational Vouchers*. The arguments and proposals in this report are excerpted in Christopher Jencks. "Educational Vouchers," *The New Republic*, July 4, 1970, p. 19.

[15] *Educational Vouchers*, pp. 27–28. One wonders why such a bloc does not now reduce public contributions to education. The incentives and opportunities are exactly the same now as they would be with vouchers.

[16] *Educational Vouchers*, p. 30.

[17] *Educational Vouchers*, p. 8.

[18] The CSPP proposal does not make clear whether the extra aid to the disadvantaged is a desideratum in any event or just of a program to be funded by the U.S. Office of Economic Opportunity. CSPP may think of the issues as separate but have combined them to get support from an agency whose mandate requires help to the disadvantaged.

[19] If not, we prefer the unregulated market scheme.

[20] *Educational Vouchers*, p. 30.

[21] For those who do not spend extra to be exactly as well off independent of the others' expenditures, the supply of educational resources would have to be perfectly elastic. We do not argue that educational resources are perfectly elastic, but elastic enough so that one could not measure the difference in educational input.

[22] Suppose, on an arbitrarily defined scale, the education now received by the poor rates ten and that received by the rich rates fifty—the rich get five times better educations. With a voucher-financed system allowing extra payments, these numbers might change to fifty for the poor and one hundred for the rich. The rich would only be twice as well off as the poor and all would be better off.

[23] *Educational Vouchers*, p. 33.

EUROPEANS SHOULD REVALUE

Mr. PROXMIRE. Mr. President, yesterday the Germans and four smaller European countries closed their exchange markets in the face of an onslaught of dollars. The dollar inflow became so great that the Bundesbank was no longer capable of handling the inflow through normal processes of intervention. The German Cabinet will meet tomorrow to decide what to do about the situation, and exchange markets will not reopen before next Monday.

The crisis was triggered by a flow of arbitrage capital that swelled into a speculative rush for the strongest available currency. Recently interest rates in the United States have been low, since the Federal Reserve has appropriately been attempting to stimulate the domestic recovery, and rates in Germany have been high, since the authorities there were fighting a battle against domestic inflation. The consequent interest rate differential, supplemented by the strong trading position of Germany, produced a large net incentive to transfer funds to that country.

Under normal conditions, short-term capital flows—even massive ones—could be managed by central banks through recycling arrangements, through special lending and borrowing agreements between treasuries, or by possible widening of the band within which exchange rates are allowed to fluctuate. However, as administration spokesmen reminded us earlier this week, the situation is not normal and the international monetary system suffers from a structural U.S. payments deficit. Because of the persistence of this country's structural imbalance, only a shift in exchange rates will restore calm to the international monetary system. Ad hoc or partial measures are bound to fail; an increase in the dollar value of at least the German mark and the Japanese yen is essential. Perhaps a number of other currencies should also be revalued upward.

The officials of foreign countries have consistently objected that since the problem is one of dollar deficits, it is we who should devalue. But as the last annual report of the Joint Economic Committee emphasized—with the bipartisan support of both Republicans and Democrats—not every country in the world would choose to let the dollar value of its currency increase by the same amount. Therefore, any attempt by the United States to devalue would immediately be followed by parallel offsetting devaluations by many other countries. In addition, this country is committed under the IMF Articles of Agreement to peg the value of the dollar in terms of gold.

Surely there are sensible things the United States can do to curtail the deficits—particularly reduce our military expenditures abroad. But to the extent that foreigners do not wish to see a reduction in U.S. troops stationed overseas, they should pick up a larger portion of the tab. Over the last decade the United States has spent billions of dollars on troops stationed in Europe. These costs can and should be assumed by European governments. If they are reluctant to alter their exchange rates or fear doing so by excessive amounts, the need for upward revaluation can be diminished by assumption of the full foreign exchange cost of U.S. troops stationed within their own borders for the defense of Europeans.

Revaluation by other countries would also have the desirable effect of increasing the cost of direct investment abroad for Americans and reducing the cost to foreigners of investing in the United States. Thus, as the change in exchange rates would help diminish the U.S. structural payments deficit on both the trade and capital accounts.

The international monetary system cannot and will not function smoothly and efficiently as long as U.S. deficits persist and exchange rates remain out of line. The latest crisis indicates the total futility of attempting to counter basic economic forces with piecemeal measures such as capital export controls, taxes on investment abroad, special reserve requirements, Government procurement guidelines which raise the costs to taxpayers of defense and other Government activities and, most recently, special subsidies for exports. The appropriate remedy is to let the markets function and to permit the structure of exchange rates to be realined in a manner that will once again assure freedom of trade and capital movements. Therefore, I urge the European governments who have closed their exchange markets to permit the value of their currencies to float upward when the markets are reopened. I also urged the Japanese to participate in such a move as the cost constructive action they could take to reestablish harmonious economic relations between Japan and the United States.

SALUTE TO AGRICULTURE DAY

Mr. BELLMON. Mr. President, the American farmer will be given some long overdue recognition Friday, May 7, when a unique "Salute to Agriculture Day" will be observed in the Nation's Capital and elsewhere. President Nixon will lead the salute to the farmers all over this country who have earned the reputation of being the best food and fiber producers in the world.

Although there are still many problems facing agriculture, many gains have been made under the present administration. President Nixon reiterated his support of this great industry in a speech last Sunday in which he recommended a number of additional steps to strengthen agriculture and the rural economy.

As a resident of a State which produces several commodities suitable for export, I am especially pleased that the President is proposing a $1 million increase in fiscal 1972 funding for the Foreign Agricultural Service.

I also commend his action in increasing the availability of Farmers Home Administration insured ownership loans and recommending an increase in the level of farm operating loans.

The President's request for an additional $7.6 million for agricultural research will have a most favorable impact on the State of Oklahoma, because part of the extra money will be used to find new methods of controlling ticks, which have caused serious damage to livestock and wildlife in our State.

Finally, I applaud the President for increasing his budget request for the Soil Conservation Service by $12 million and proposing an increase of $28 million in Federal grants for small watershed projects. Also of great importance to communities in rural areas of Oklahoma and other States is the President's action in increasing by $100 million this year and $111 million next year the insured loan program for building water and sewer systems.

Mr. President, as a member of the Agriculture Committee, as a farmer, and as a Republican, I am proud of this administration's efforts in behalf of American agriculture. The Congress should act responsively to implement the President's recommendations for improving and expanding this vital segment of the Nation's economy.

I ask unanimous consent that the remarks of President Nixon entitled "A Salute to Agriculture" be printed in the RECORD.

There being no objection, the remarks

were ordered to be printed in the RECORD, as follows:

"A SALUTE TO AGRICULTURE" REMARKS OF THE PRESIDENT

OFFICE OF THE WHITE HOUSE
PRESS SECRETARY,
San Clemente, Calif., May 2, 1971.

Good afternoon, my fellow Americans.

Next Friday, May 7th, I ask the people of the United States to join with me in celebrating the Salute to Agriculture Day. As a part of that celebration, I am honoring representatives of agriculture at a series of events in Washington, D.C.—including a special dinner at the White House. I officially designate this day, however, in the hope that our celebrations will extend far beyond Washington—and that it will give our people, in every walk of life, an opportunity to learn more about both the accomplishments of the American farmer and the problems he confronts.

During the last quarter century, I have had the opportunity to visit some 75 countries around the globe. I have spent a good deal of time in studying their agricultural systems and their techniques of farming. I have talked with peasants in Poland, with cultivators in India, with shepherds in Africa, with South American gauchos. And I have often been very impressed with what I have learned.

But nothing I have seen anywhere on earth can even begin to compare with the success story written by the men and women of agriculture in our own country. The surging vitality of our agriculture has made our country the best fed, the best clothed nation on earth, and it has contributed immensely to our strength abroad and here at home. I have been involved in international diplomacy and international economics since my first visit to Europe as a Member of Congress in 1947. Again and again, I have seen the problems which result for a country when its leaders must deal from a position of agricultural weakness rather than agricultural strength. Some even have had to cope with the inability of their farmers to feed their own people.

For American leaders, on the other hand, the situation has been just the reverse; our farmers have not only provided a solid base for the United States economy, they have also helped to feed the people of other lands. Our strong international position has grown even stronger in the last few years. As recently as the 1968 Fiscal Year, farm exports actually dropped by half a billion dollars, a condition which I promised in 1968 to remedy during my Presidential term. I am happy to say today that we have delivered on that promise. Our agricultural exports this year will be at an all-time high. Their volume will be some six percent higher than it was a year ago and their value is expected to reach at least $7.4 billion.

Today, we are exporting the production from approximately one acre out of every four we harvest in America. Two-thirds of our rice crop, more than half of our wheat and our soybean crop, and one-third of our cotton crop are now going to foreign markets. This is a very good record. And yet we want to do even better. We would like to be exporting some $10 billion worth of American farm products each year. To help achieve this goal, I am announcing today an increase of $1 million in the Fiscal Year 1972 budget for the Foreign Agricultural Service—the Federal agency which helps our farmers expand their sales abroad. And I also pledge that we will continue our efforts to lower trading barriers to our farm exports around the world.

From Rotterdam to Singapore, from Galveston to Duluth, a new current of energy has been felt along the trading lanes of the world in the last few years. Aspirations are rising, economies are growing, purchasing power is increasing—and our farmers have proven their ability to capitalize on these new opportunities. We know that American agriculture can compete successfully—whenever it has the chance. And we are determined to see it has that chance.

The new market energy we see abroad has also been felt in our own country. For example, beef consumption per person has gone up by one-third in the last 10 years. This means that for every three pounds of beef he consumed in 1960, the average American is consuming four pounds in 1971.

What these growing markets can mean, of course, is growing farm income. As a result, in part, of expanding markets, soybean prices, for example, have been running a good half-dollar a bushel above the price support level. Grain prices and cotton prices are also well above loan levels. Cattle prices have recovered and stand above their levels of a year ago. Hog prices, of course, are still too low. To help meet this situation, the Department of Agriculture has already purchased over 145 million pounds of pork for its food distribution and school lunch programs in this fiscal year. This is the highest level of pork purchases since 1956. Our purchase program is continuing and we expect that hog prices will show substantial improvement later this year.

All in all, it is clear that the total income of American farmers will be higher this year than ever before in our history. But this brings me to another of the major difficulties which confront our farmers, the fact that increases in total income are not always reflected in more net income. Now the reason, of course, is the high cost of farming. Over two-thirds of agriculture's gross income goes right back out again to pay for farm expenses.

This is why the farmer has such a tremendous stake in the battle against inflation. In a sense, he has a double stake, for inflation hits farmers in two ways. It drives up both the cost of farming and the cost of living. I am particularly pleased, therefore, to report that while the battle is far from won, we are definitely making progress against inflation. The rate of inflation in the first quarter of 1971 was the lowest in four years, only one-half of what it was in 1970. We are working very hard, then, to ease this perennially troublesome cost-price squeeze. At the same time, we recognize that the supply of farm credit is now extremely tight and we are working to expand it.

To begin with, I am recommending that the level of farm operating loans be increased in Fiscal Year 1972—just as soon as the Congress enacts my proposal to allow the Farmers Home Administration to insure loans for operating expenses—as it can now do for ownership purposes. In addition, I am directing the FHA to increase the availability of its insured ownership loans by almost three-fourths—from $210 million in the current fiscal year to $350 million next year.

It is my hope that these efforts to expand farm credit will be especially helpful to the farmers of the Southwest who have been suffering so much from one of the worst droughts in history.

And I hope, too, that expanded credit will strengthen the position of younger farmers, of the hundreds of thousands of family farm operators, because they are still the backbone of American agriculture.

Let me turn now to another set of problems—crop, plant, and livestock diseases. I am today announcing several measures to step up our fight in this area. In the first place, I am asking Congress to provide an additional $7.6 million to the Agricultural Research Service and to the State Agricultural Experiment Stations. A good deal of this money would go for fighting Southern leaf blight which recently has created such major problems for corn farmers. Some of this added research money would also be used to find new ways of controlling insects, including cattle ticks, and to do needed work on the relationship between hosts and parasites, and on disease resisting plants.

At the same time, I am offering or ordering the use of $2 million from this year's budget for more applied research on controlling the fire ant and the gypsy moth which is seriously threatening our Eastern timber stands.

I have also directed that more money be used for accelerated research on matters like cotton seed proteins and insect pests.

Another area where government should do more to provide technical assistance for farmers is that of soil and water conservation. Long before most Americans were thinking very much about the environment, our farmers, our ranchers, our woodland owners, were working together with the government to conserve our natural resources. I believe we should now be providing more help for our dedicated corps of soil conservationists whose number has dropped sharply in the last four years.

I am therefore increasing my new budget request for the Soil Conservation Service by $12 million to provide more manpower for this valuable work. I am also proposing that Federal grants for small watershed projects be increased by $28 million to a level of $105 million, and that 75 new projects be authorized. I am further recommending quadrupling of loan programs to help local communities finance their share of these projects.

In many other ways we are working to fulfill our responsibilities to the agriculture community. For example, I am ordering an additional increase of $100 million this year and $111 million next year in our insured loan program for building water and sewer systems in rural areas. Through such programs I know that this Administration can work closely with farmers, with farm organizations, and with the Congress to serve agricultural America more effectively. Working together we can resolve difficult issues involved in pesticide control, farm labor, farm bargaining legislation, other complex matters, as well as the many aspects of other national policies that bear directly on the lives of farmers.

But even as I mention all of these government programs, I know that the agricultural community also shares my feeling that in the final analysis the problems of American agriculture can best be solved by those who know farming best, farm people themselves, with government backup when necessary. That is one reason why I have high hopes for the new farm programs which are in effect this year. They remove some of the old restraints in a way which gives every farmer a chance to make more of his own decisions about the kind of farming that suits him best. At the same time, we are continuing our search for better methods of maximizing the receipt of farm income from the market.

After all, some 60 percent of farm income comes from commodities that are not price supported and have not been supported in the past. Moreover, the major supported commodities are now selling well above loan levels. It seems to me that the brightest future for agriculture lies in actions that stimulate new energy in the free market system.

As I think about the challenges that confront American agriculture, it occurs to me that farmers must, by nature, be incurable optimists. Like everyone else they are concerned about the great questions of war and peace, about the economy, and education and crime, and all the other issues that face our society. But in addition, the agricultural community also has its own special problems to worry about, including such uncertain factors as the weather, the condition of volatile markets, and even the direction of government policies in this country and abroad. Their vocation, moreover, requires them not only to be good farmers, but also to be good scientists, skilled engineers, able businessmen. All of these challenges have been successfully met by America's farmers.

In that process, they have achieved a remarkable record of production, setting a brisk pace for the rest of our economy. And they have also provided a continuing source of moral and spiritual strength for America, giving shape and substance to our national character from the very heartland of America.

And so we approach Salute to Agriculture Day in a spirit of gratitude with a sense of obligation to the farmers of this country. Though only a small group of farm representatives will be able to be with us at the White House next Friday night, I feel that every farmer and rancher in America, his wife, his family, will be with us in spirit.

What we will be saying on that occasion is very simply this: Agriculture was America's first industry. For most of our history it was our largest industry. Today it continues to hold an honored place in our society, a keystone not only for our economic strength but also for our entire way of life.

THE F-111 AIRCRAFT

Mr. McCLELLAN. Mr. President, news reports of May 1, 1971, indicate that the Air Force once more has grounded all F-111 aircraft because the crew escape system may have a serious defect. According to the Washington Post of May 1, this is the sixth grounding of the F-111's in 3 years because of deficiencies, most of which were discovered during investigations of 22 major accidents in which 17 planes were lost and nine crewmen were killed.

In the latest crash of an F-111, on April 23 in California, the escape capsule failed to function properly after the crew activated it, and both men were killed as a result. In subsequent inspections after the crash, according to the news reports, other escape capsules were found which may have the same deficiencies.

Clearly, the Air Force Tactical Command has made a wise decision in grounding the planes until the safety and efficiency of all the escape capsules can be determined. Should the defect in the escape capsule of the plane that crashed on April 23 be disclosed in other aircraft of the fleet, it seems likely that the Air Force would have to keep the planes grounded for a considerable period of time while they undergo extensive and expensive refitting.

Mr. President, the Senate Permanent Subcommittee on Investigations conducted hearings in 1963 and again in 1970 on the TFX or F-111 program, and we filed a report in the Senate on December 18, 1970, which gave a full account of the engineering and technical problems and deficiencies which have troubled this seemingly ill-fated aircraft from the beginning. Our report also clearly fixed the responsibility for many of the engineering difficulties and the huge cost increases in the F-111 program.

We concluded in our report that the initial decision to attempt to build a multi-mission TFX was a mistake by Secretary of Defense McNamara, and that the decisions which followed throughout his administration in the Pentagon continued to compound the effects of the original error. Many of the problems of the program were the result of mismanagement. I quote from the report:

> These decisions to continue the program were made in the face of conclusive evidence from the flight tests of the planes that they were deficient—for instance, they were grossly underpowered—in their tested configurations.

We reported that the TFX program has been a failure. The Federal Government will spend more than $7.8 billion to procure about 500 aircraft, although the original production schedule called for more than 1,700 aircraft to be purchased for less money. Of the 500 planes we will have, less than 100—the F-111F's come reasonably close to meeting the original standards.

In view of the poor results of the program and the fact that we now have underway new aircraft for the Air Force and the Navy which promise to provide substantial improvements in our defense posture, it may be wise, Mr. President, for the Congress to take another close look at the continued procurement of F-111 aircraft. It may be time to make the painful judgment that we should not keep sending good money after bad. The Nation's defense and the taxpayer's purse may be better served in the long run if we stop the production line now and invest our funds for air defense elsewhere than in the ill-fated TFX.

Mr. President, I ask unanimous consent that the news article about the grounding of the F-111's be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Flaw in Pilot Escape System Grounds F-111 Fleet Again

(By Michael Getler)

The Air Force, for the sixth time in the last three years, has grounded all its F-111 fighter-bombers after discovering a fatal and possibly widespread flaw in the pilot escape system.

The grounding comes on the heels of an Air Force investigation into the latest F-111 crash on April 23 near Edwards AFB, Calif., in which both crewmen were killed.

Air Force officials said yesterday that the bail-out capsule in which the pilots ride separated properly from the plane when it got into trouble at 6,000 feet, but that a metal door on the capsule that encloses the recovery parachute failed to blow off.

After discovering what had happened, the Air Force, it has been learned, quickly ordered random firing tests to be made on the ground of the explosive system which is supposed to cut the parachute compartment door away from the bail-out capsule in an emergency, thus freeing the parachute.

On the third plane tested, officials say, the charges that knock off the critical door also failed to operate.

The Tactical Air Command also started checking its 120 F-111A aircraft at the same time and on five planes found what appear to be physical discrepancies in the system. These tests were just inspections rather than actual firing checks. The Air Force, officials say, is slated to try blowing these five doors off today.

Should the tests turn up additional failures, the Air Force could be faced with an extended grounding and a potentially expensive refitting of its F-111 fleet. The Air Force now has 257 of these planes on operational status, with 238 others either still being tested for earlier structural flaws or still being built.

Air Force officers are hopeful that this most recent problem is a limited one. Officers point out that in 10 previous F-111 crashes where the bail-out capsule was activated, the system worked properly.

All told, the F-111—which costs about $9 million apiece—has been involved in 22 major accidents since January, 1967, involving the loss of 17 planes (including two lost in Vietnam) and nine crewmen.

What also worries the Air Force as a result of this latest crash is that there are about 200 of these explosive charges used throughout the F-111 escape system in places other than the main parachute compartment door.

The escape system is one of the features of the F-111 that its designers were most proud of.

Rather than use the individual ejection seats of earlier jet fighters, the F-111 uses a technique in which a pilot in trouble fires an explosive cord which, in effect, cuts the entire cockpit section out of the plane and then rockets it upward and away from the rest of the craft. Then, similar explosive charges cut away small side doors holding three different parachutes, one to stabilize the falling capsule, a second small chute used to pull out the main one, and then main recovery chute.

An Air Force announcement issued late yesterday at the Pentagon said that "pending completion of tests to determine the cause of the failure, the Air Force considered it prudent to suspend all F-111 flying temporarily."

The Air Force announcement said they hoped to make a decision by Monday on resumption of flying.

What caused the crew to bail out of the crippled plane on April 23 is also still unknown.

REPRESENTATIVE LARRY WINN RECEIVES NATIONAL RECOGNITION

Mr. DOLE. Mr. President, Representative Larry Winn, of Kansas' Third District, is one of the hardest-working and most conscientious Members of the House of Representatives. All of us who have served with him know the hours he puts in and the care he takes in solving the problems of his constitutents and considering the great issues which face our Nation. The voters of his district have demonstrated their appreciation of Larry's talents and devotion to his job by sending him to Washington for three terms.

Recently, Larry received national recognition for his work by being cited in the National Observer as an example of what the people expect their Congressmen to be.

In his "Perry on Politics" column James M. Perry described some of the reasons that make Larry Winn an exemplary public servant and legislator in the eyes of his colleagues and his constituents. I ask unanimous consent that a column published in the National Observer of April 19, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

What the Folks Are Thinking Back on the Kansas Hustings

(By James M. Perry)

The scene is always pretty much the same. There's the head table and then there are two or three other tables joining it at right angles. The formation looks like the Greek letter pi, squared.

The food is pretty much the same too. The entree has some kind of deep-fried, crumbly crust, and what's inside is not easily identifiable. There is a kind of sea-green salad that looks like plankton but may be cold slaw. Everyone gets iced tea or coffee, a hard roll, and a pat of butter on a little piece of cardboard, topped with waxed paper.

It may be a meeting of Lions, or Rotary, or Optimist, or Cosmopolitan. It's a service club, and last week a fair number of Congressmen were back home, riding the service-club circuit, telling the folks what has been going on in Washington and listening to the folks tell them what *ought* to be going on in Washington.

I came here to Middle America—they call it Mid America—with Rep. Larry Winn, Jr., Republican from the Third District of Kansas, an ordinary, somewhat faceless, but hard-working politician who is representative, I think, of the breed.

It was Easter recess for the Congress last week and the members were supposed to be back home, keeping in touch with their constituents, mending their fences, listening to what people are saying.

It is, in fact, something of a myth. I checked with a dozen congressmen before finding one who was actually up to what we tend to think they're all up to. A good many members hang around Washington, loafing; a few take junkets to Europe or the Caribbean. Others go home and loaf.

But Larry Winn is no loafer. He was elected to Congress in 1966, succeeding Robert F. Ellsworth, an important supporter of Nixon who is now our ambassador to NATO. Winn was re-elected in 1968 and in 1970 because, as he says, he "gets around pretty good" and because he answers his mail and services his constituents.

It is easy for an effete Easterner to make fun of the service-club meetings and all these other handshaking, back-slapping activities in Middle America. Too easy. These activities are an important part of the lives of millions of business and professional men all over America. And these people are mostly serious, decent, hardworking, and almost pathetically eager for love and recognition. Then, too, they are mostly Republican; they form the backbone of Larry Winn's middle-class constituency.

CHEERS FOR THE WINNER

So, what are these people thinking and how is Winn responding to their questions? Perhaps one of several meetings Winn attended last week gives most of the answers.

It was a 7 a.m. breakfast—7 a.m.!—of the Cosmopolitan International Club of Johnson County, Kansas, at the John Francis Overland Restaurant in Overland Park.

The members passed the "Mr. Handshaker Pot" around, and everyone dropped in a dime or a quarter. The mystery "handshaker" got up and announced that the winner was the fifth member he had shaken hands with that morning. Cheers for the winner. Then there was the usual blessing and the usual pledge of allegiance. On came the eggs and the hashed-brown potatoes and the rolls and those little pats of butter.

Then it was Winn's turn to talk. He has a few standard opening gags. His best is that business has been so bad recently that the Mafia has had to lay off four judges in Newark, N.J. The sally received a hearty response. Newark, N.J., is a long way from Overland Park, Kansas.

Then he slapped his own back. He's still on the House Science and Astronautics Committee. Even better, he said, he has been named to a Republican task force on labor-management relations and will become chairman of a subcommittee looking into labor-management problems in the construction industry. Winn used to be a home builder and he thinks he has some useful expertise.

"After almost five years in Congress," he told the breakfast meeting, "I think I'm really in a position now when I can actually try to do something constructive for the nation."

Being a congressman is frustrating. The day before, Winn had attended the opening of a new shopping center and the dedication of a new sign at a large motel. Both times, Gov. Robert Docking, a Democrat, showed up, and stole the spotlight. "Sometimes," Winn said, "they ask you to take a bow, sometimes they just forget."

AN UNVARNISHED PITCH

In his prepared remarks at the Cosmopolitan Club, Winn defended the FBI and J. Edgar Hoover from recent charges by Rep. Hale Boggs and others. And he concluded with a "space odyssey," a recounting of what will happen in years to come with the space shuttle and other NASA programs. It was an unvarnished pitch for the space program and the aerospace industry.

Then it was time for questions.

The first question gave some indication as to why it's important for politicians (and maybe for reporters too) to get home.

"We know how many troops the President is pulling out," the questioner said. "But we don't get told how many men he's sending in. What I want to know is what is the *net* reduction in the troops."

The same misapprehension popped up a couple of other times. The voters hear about the troops coming home. But they also hear about the sons of friends who are still going to Vietnam. They're going as replacements, of course, and the President is doing just what he says he is—making a net reduction in our forces. But it simply is not understood that way.

In his response, Winn didn't make the point very clear. He did say that he has attended three meetings with the President and he is convinced in his own mind that the President "honestly wants to bring the troops home." He also said that the President knows that if he doesn't bring them home, "he's not going to be in the ball game, politically."

Winn sends out a questionnaire to his constituents every few months. He was given the results last week of his latest, and he passed some of the figures on to the members of the Cosmopolitan Club.

One of the questions was:

How do you rate President Nixon's performance in office at this, the half-way mark?

Given the fact that this is a good Republican, pro-Nixon district, the response (he got 18,000 answers) is interesting.

Among men, 14 per cent rated Nixon excellent, 29 per cent good, 29 per cent fair, and 27 per cent unsatisfactory. Among women, 13 per cent said excellent, 33 per cent good, 24 per cent fair, and 30 per cent unsatisfactory.

The problem with interpretation of the figures is that this is the first time Winn has asked the question. There's no way to determine what the trend might be. But Winn is convinced that there has been a drop-off in Nixon's popularity, although there is no question that he would still carry the district today.

QUESTION OF CALLEY

Then, of course, there was the question about the conviction of Lt. William Calley. "What's been the response to that?" Winn was asked.

He said he received some 400 communications—letters, telegrams, phone calls—in the first few days after the verdict was announced. "There were 390-some sympathetic to Calley and 2 that said he got what he deserved," Winn said.

"Some of the phone calls," he went on, "were highly emotional, highly emotional," a statement that produced laughter among the club members.

"People were surprised by the verdict. They thought it was a pretty rough penalty. This might phase out a little but there's still a high percentage of sympathy. I think the President was wise to remove Calley from the stockade and say that he would become involved in deciding his fate. That kind of cooled things down."

He was interrupted by a member of the club. "It's pretty hard for me to say that Calley is like hundreds of thousands of our soldiers when he blows the heads off all those people. Where are we going to when people say this man should go free?"

"Well," said Winn, "people don't think he should go free. . . ."

"But that village was leveled," the same member said.

"People ask me why didn't he separate the adults from the children," Winn said. "A mother called me the other day—she was crying—and she said her son in Vietnam had befriended an eight-year-old Vietnamese boy. And then that boy stabbed him to death."

"That's right, Larry," said another club member. "They hang hand grenades around the necks of these little kids, and they send these kids out to kill. . . ."

"But," another member interrupted, "we've had thousands of lieutenants over there and, hell, they didn't all go ape."

An oral surgeon changed the subject. "I think you had a question in that questionnaire about establishing a national health-insurance program. What was the response?"

Among men, Winn said, 55 per cent said yes and 33 per cent said no. Among women, 49 per cent said yes and 33 per cent said no. There were 12 percent maybes among the men and it was even higher among the women, 17 per cent.

"People don't understand what its all about," said the dentist.

"They don't seem to," said Winn.

It was 8:15 a.m. and time for the club members to go to work. It was also time for Winn to move on to his next meeting. The League of Women Voters had some questions they wanted answered.

WE CAN REASSERT WORLD LEADERSHIP IN HUMAN RIGHTS BY RATIFYING THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, 75 nations have now ratified the Genocide Convention. The United States is the most prominent member of the United Nations not to have ratified this important document. Former U.S. Ambassador to the United Nations Arthur Goldberg, in his testimony before the Senate Foreign Relations Subcommittee on the Genocide Convention on March 10, 1971, termed our failure to adhere to this convention "an unnecessary diplomatic embarrassment." At a time when our position as the world's leading protector of human rights has been questioned both at home and abroad, we do not need to further tarnish our international image by failing to support a measure so clearly consonant with our national purpose.

In his testimony, Mr. Goldberg says:

> When I was United States Ambassador to the United Nations, I was often asked to explain our failure to ratify the Genocide Convention. Frankly, I never found a convincing answer. I doubt that anyone can.

The U.S. Constitution and the Bill of

Rights were the first set of statutes to define and guarantee so broadly the rights of the individual citizen of a nation. Most observers at the time did not believe that a nation could be organized at all under the provisions of these documents, much less that it could become the leading nation in the world power structure. The leaders of the major nations of the western world thought this country would collapse in anarchistic chaos in a short time, and all they had to do was wait for the principles we had based our young government on to be proven unworkable, however desirable they seemed.

This has not happened. Far from drowning in a sea of selfish squabbles and dividing into 13 or more little independent States, we have become the most powerful nation in the history of the world. Our Constitution has outlasted every other code of government in force at the time of its adaption, and has served as a model for many of the constitutions of other countries in effect today.

We must not permit our dedication to the principles we have followed and attempted to spread for nearly 200 years to be questioned. We must reaffirm our dedication to the principles on which our forefathers based this Nation. I can think of no better way to show the world where we stand with respect to the natural rights of human beings than by ratifying the Genocide Convention.

PULITZER PRIZE AWARDS

Mr. CASE. Mr. President, I was delighted to learn that my long-time friend, William Caldwell, has won the Pulitzer Prize for commentary. Bill Caldwell is almost a legend in the New Jersey newspaper community. His wit and sparkle, his trenchant observations on matters great and small, and his integrity and sturdy character shine through all his writing.

The citation reads:

> Commentary—William A. Caldwell of The Record, Hackensack, N.J., for his daily column on local affairs, "Simeon Stylites," which he has been writing for more than 40 years.

New Jersey is also honored to have Lawrance Thompson. While I have not had the pleasure of meeting Dr. Thompson, I join his colleagues in extending my congratulations. His citation reads:

> Biography—"Robert Frost: "The Years of Triumph, 1915–1938," by Lawrance R. Thompson, who carried on research since 1939 as the poet's companion with the understanding that the work would not be published during Mr. Frost's lifetime.

Mr. President, I ask unanimous consent that biographical sketches from the New York Times of May 4 be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

William A. Caldwell

COMMENTARY

In a column called "Simeon Stylites," for the fifth-century Syrian hermit who spent 35 years in meditation atop a pillar in the desert, he has been writing about Bergen County, N.J., for more than 40 years . . . associate editor of The Record, of Hackensack . . . he was awarded the prize for distinguished commentary in articles that often urged the conservative community to take a more active role in local affairs . . . born in Butler, Pa., Dec. 5, 1906 and grew up in Titusville, Pa., where his father was managing editor of The Titusville Herald . . . after working as a part-time reporter, he joined The Record (then The Bergen Evening Record) in 1926 and has remained there ever since . . . in addition to his column, he writes editorials . . . received an honorary LL.D. last June from Rutgers University . . . lives with his wife at 936 Glen View Road, Ridgewood, N.J. . . . they have two grown daughters and a son.

Lawrance Thompson

BIOGRAPHY

Began research for his prize-winning work on Robert Frost in 1939 by becoming the poet's confidant, traveling companion and interpreter, with the understanding that the biography would not be published during Frost's lifetime . . . Previously had published six peripheral works on Frost and biographies of Henry Wadsworth Longfellow and Herman Melville . . . Born April 3, 1906, in Franklin, N.H. . . . Received Bachelor's Degree from Wesleyan University in 1928 and his Ph.D. from Columbia in 1939. . . . After teaching for a year each at Columbia and Wesleyan, entered the Navy in World War II . . . Joined Princeton faculty in 1947, became a professor of English in 1951 and is now the Holmes Professor of Belles-Lettres there . . . He and his wife live in Princeton, N.J. . . . They have four children.

CLAIMS AND SELF-DETERMINATION: ALASKA NATIVE STYLE

Mr. KENNEDY. Mr. President, the desire to settle the Alaska Native claims issue fairly and justly seems to be catching. Last year I voted against the Senate-passed claims bill, because I did not believe it was just or fair for the Eskimos, Indians, and Aleuts of Alaska. In providing only 10 million acres for the Natives, it fell far short of what was necessary to reflect the magnitude of Native legal rights, as well as to assure the security and opportunity for development that the Natives must have in the years to come.

At this session, the Senator from Oklahoma (Mr. Harris) and I introduced a bill that represented the position of the Alaska Native Federation, and is now cosponsored by 12 Senators. While our bill is technically quite different from the other proposals, it most importantly provides for 60 million acres to be retained by the Natives. Since that time, the administration has proposed legislation vesting title to 40 million acres in the Alaskan Natives. And a number of groups and individuals who had earlier been satisfied with the 10 million-acre settlement have now come around and are supporting the Natives in their claims to a substantially larger land base than that. These changes in position do not reflect greater ambition on the part of the Natives; they merely show a growing awareness of the justness and fairness of the Native cause.

An article published recently in the Christian Science Monitor discusses the claims issue and the factors that may yet bring a favorable resolution of this issue. I ask unanimous consent that the article be printed in the Record. I also ask unanimous consent that an editorial published recently in the Anchorage Daily News be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Apr. 10, 1971]

Alaskans Strive for Unity—and Political Clout

(By Lansing R. Shepard)

Anchorage, Alaska.—"This is our land," said Joe Upickson angrily, "and the United States Government and the State of Alaska have no right to claim it or sell it."

Mr. Upickson is a Point Barrow Eskimo, born and brought up on the vast, treeless, hill-less, oil-rich North Slope of Alaska. Slight and very soft-spoken, being angry does not seem to fit him.

But angry he is—at any reference to the now-famous $900 million sale of North Slope oil leases in 1968 by the State of Alaska to seven of the world's largest petroleum companies.

His indignation is shared by many of the 5,000 or so Eskimo who live along the state's northern fringe. And Mr. Upickson's anger is echoed throughout the Alaskan hinterland where nearly 70 percent of an estimated 60,000 other Alaskan Eskimo, Indians, and Aleuts live. Altogether, they claim some 90 percent of the state's surface.

In the villages where most of native Alaska lives, partial or total subsistence living is still a way of life. Not much stock is placed in allegations that the quality of life for the native Alaskans will be raised by state revenues from North Slope oil.

Most native leaders are emphatic: It's the land that's needed.

The natives have pinned their future to a bill submitted to Congress by Sen. Fred R. Harris (D) of Oklahoma. The measure calls for retaining 60 million acres of land, $500 million in cash and a perpetual 2 percent override on all minerals—including oil—extracted from the state as compensation for the land lost.

But there are two other measures that have also been submitted. Sen. Henry M. Jackson (D) of Washington, out of whose Senate Interior Committee a bill will eventually come, has sponsored a measure allowing native Alaskans retention of 10 million acres and $1 billion as compensation. The money would be paid over a 20-year period.

BILL PASSED

The bill passed the Senate last year, but the House did not have time to act on the measure.

The most recent bill to reach Congress has been an administration-sponsored measure that would allow native Alaskans 40 million acres of land, and $1 billion in compensation for the rest. The money would be paid over 20 years. The final legislative outcome is unclear Capitol Hill sources say.

Eight years ago such mass native aggressiveness would have been unthinkable.

But recent events are indicative of a growing awareness of native Alaskans the vast social and economic discrepancies that exist between the state's native and nonnative populations. The vehemence with which it is expressed is said to be due, in part, to increasing native recognition of the tragic enormity of the consequences of past native-management of native affairs.

LACK OF EFFORT REPORTED

There has been little effort to bring native Alaskans into the white-collar professions, since so many lack even the most fundamental educational skills. So the promise of "enormous prosperity" once the oil starts to flow holds little meaning for the native Alaskan.

There are signs that the situation of the native Alaskan is improving. But there has been nothing to indicate any sudden or great change—either now or in the near future.

Victims of the white men's guns and white men's diseases in the early days, they later proved ready pawns in the West's rush for whale oil, furs, fish, and gold.

Used primarily as cheap labor, Alaskan natives saw only a small fraction of the wealth that was eventually extracted from the land. Throughout the state's subsequent booms and busts, most of them continued to live much as they do today—in abject poverty.

The only significant change in their lives over the years has been a decreasing ability to live off the land—incomes of native Alaskans are generally so low and prices so high, most must rely on the land for a good portion of their food—and an increasing reliance on the Bureau of Indian Affairs (BIA) and other federal agencies responsible for their well being.

The BIA, instituted close to 80 years ago in Alaska, is charged with the responsibility of bringing the native Alaskans into the "mainstream of modern life."

Yet today, it is a documented fact that native Alaskans are generally undernourished, undereducated, underemployed, inadequately housed, often misunderstood, and largely underestimated.

It is a situation many of their leaders are blaming the federal government for. And many and bitter are the charges leveled at the BIA.

LACK OF DIRECTION HIT

Some members and former members of the bureau have charged that there is no direction to its educational and vocational programs—that bureaucracy has replaced purpose. More than one native leader has accused it of substituting sensitivity with initiative-sapping paternalism.

Others have accused the agency of simply neglecting large areas of its responsibilities. Housing and education are the most frequent examples raised.

BIA officials counter by saying they are doing as much as possible with the limited funds and personnel at their disposal.

There are some positive sides to the picture. In recent years the native Alaskans have begun to organize. Since 1966, a number of regional organizations have sprung up. Today there are 12 official associations, all of which are tied to one statewide Alaskan Federation of Natives (AFN).

In less than four years time, the AFN and its subscriber groups have garnered enough respectability to take over many services formerly administered by the BIA. (The agency is being phased out of Alaska.)

POWER ACQUIRED

In the process, the organizations have acquired enough political clout to become an important swing vote in statewide elections.

More importantly, however, has been the AFN's transition into a quasi-official spokesman for all native Alaskans in the current push for congressional settlement of their claims to some 340 millions acres of the state.

The discovery of North Slope oil and the state acquisition of land under the Alaska Statehood Act of 1959 provided the natives with the unifying catalyst. (The state is supposed to select 103 million acres of Federal land under the act.)

As word of the state acquisition of land spread, natives retaliated by filing blanket claims that began adding up to significant portions of the state.

By 1966, native action prompted then Secretary of the Interior Stewart L. Udall to impose an informal "freeze" on all Federal land transactions in the state. The move was to buy time for the Congress to settle the matter once and for all.

RESPONSE MADE

In response to the subsequent congressional investigation the next year, the fledging AFN proposed legislation that was basically similar to the present Harris bill. The major difference was that the natives were only asking for 40 million acres. The only other difference lay in the methods of land distribution.

To push their claims, the federation hired considerable lobbying muscle in Ramsey Clark, former attorney general, and Arthur Goldberg, former United Nations ambassador. Both are working for the federation in an advisory capacity.

Still nothing came of the AFN bill or any other land-claim measure filed over the following months.

Two years and a few dead bills later, Secretary Udall turned the freeze into a public land order—a move which dubbed it the "super land freeze."

The order has since been extended twice and is due to run out this coming June.

Few people believe that the eventual settlement, no matter how favorable, will provide the answer to native problems. But many are convinced that it will be a crucial factor in the success or failure of the current native-Alaskan drive for self determination.

[From the Anchorage Daily News, Apr. 27, 1971]

THE LAND CLAIMS

"Take our land, take our life."

That's the simple, straight-forward message that Don Wright, the able president of the Alaska Federation of Natives, and his staff have been attempting to get across to Congress in support of a just Native land claims settlement. Happily, they appear to be succeeding.

Last year, when a Senate-passed claims settlement was not acted upon in the House, there was concern that a unique opportunity might have been lost and that the century-old claims would slip back into limbo in the new Congress—to the detriment of both Native and white society.

In retrospect, it seems clear those fears were unfounded. Time is on the Natives' side. There is growing optimism for a settlement this year on much better terms than would have been possible last year.

The Natives are seeking from Congress a settlement consisting of:

Fee simple title, including mineral rights, to 60 million acres of land (about 17 per cent of the state's area).

$500 million from the federal treasury, payable over nine years with four per cent interest on the declining balance.

A two per cent royalty on oil and mineral lease proceeds.

In return, the Natives would agree to drop claims to most of the remaining 33 per cent of the state's land, which would be held by the federal and state governments. We find this position both reasonable and just—if a land selection war between the Natives and the state can be avoided, as we believe it can.

The people of the United States—Alaskans included—have, we believe, both legal and moral obligations to fulfill.

The primary obligation is legal. The land claims settlement frequently is thought of as a "gift" or act of charity. Nothing could be further from the truth. The settlement will be, as the Natives correctly remind us, a "real estate transaction."

This is so because when the United States acquired Alaska from Russia it did not pay $7.2 million for legal title to the land itself. Rather, it paid that sum for sovereignty over the territory and the right to administer it. Our highest legislative and judicial bodies—Congress and the United States Supreme Court—have consistently acknowledged that ownership of the land remained with the Eskimos, Indians and Aleuts by right of aboriginal occupancy.

Thus, the question Congress must answer is not how much land the Natives should be "given," but rather how much they will be allowed to keep. What is at stake here is not some vast welfare project, but just compensation for acknowledged property rights.

The accompanying moral obligation also is compelling. This country's past history of dealing with the Indian societies overwhelmed by the European immigration has not been a happy one. Alaska is the last major opportunity for the American people, through Congress, to deal with a large Native population in a fair and equitable manner. We believe that the consistent recognition by Congress and the Supreme Court of Native land rights obligates us morally to do so.

Further, from the standpoint of the majority white society, there is practical motivation for a just claims settlement; it will be good for all Alaskans—not just the Natives. This is so for two reasons. First, a just land settlement, coupled with a reasonable amount of cash, will give Native Alaska, for the first time, the capital it needs to establish a cash economic base. Much of this money is bound to find its way into the tills of businesses throughout the state as the Natives spend to improve their way of life. It also should lead to some increase in permanent employment in a job-hungry state and to a decline in welfare recipients. Second, settlement of the claims is a necessary prerequisite to construction of the trans-Alaska pipeline.

All this said, we come to the question which most concerns many thoughtful Alaskans: Is there enough land to go around? Can the needs of both the state of Alaska, which has yet to receive most of the acreage granted it under the Statehood Act, and the Natives be met? Can a bitter and divisive head-on clash on land selection be avoided?

We believe the answer is yes, if the final claims settlement is drafted with care, forethought and consideration of the needs—and rights—of both the Natives and the state.

First, if a 60-million acre settlement is to be feasible, there must be provision for selection of a substantial amount of acreage from federally withdrawn lands. A prime example is Naval Petroleum Reserve No. 4 next door to the Prudhoe Bay oil field. This potentially valuable oil land is not open for selection by the state—so there would be no competition between the state and the Natives.

Second, the Natives, in our opinion, should not be granted title to the Prudhoe Bay oil lands, to which the state has been granted tentative ownership—but not, as yet, final title. This is the land on which the state must currently stake a good bit of its economic future—and the benefits from it will accrue to the Natives as well as to all other Alaskans.

Third, the final settlement bill must provide some machinery establishing priorities in land selection between the state and the Natives. This should not prove impossible, for the interests of the Natives and the state will not always coincide.

We believe a workable settlement could be reached if the Natives were allowed to select four townships contiguous to each village (about 20 million acres) and potentially valuable mineral lands from NPR 4 and other federal reserves closed to the state (another 20 million acres). Generally speaking, the lands contiguous to Native villages are not lands which also are of great interest to the state; and lands in federal reserves are not open to the state in any case.

Thus, competition between the state and the Natives would be largely confined to the remaining 20 million acres of the settlement. And it would be up to Congress to devise appropriate machinery for selection which would protect both the Natives' prior rights to land they have occupied for centuries and the state's right to lands which will help make it an economically viable place for all its people. Such machinery certainly will entail compromise and neither the Natives nor the state are likely to be entirely happy with the result.

Still, a reasonable compromise and a just final settlement of the claims appears to us the only desirable way out of this thorny thicket. In this respect, we have been encouraged in recent weeks to note the acceptance of a large cash settlement is gaining increasing support—often from people and groups opposed to it in the past. Because of that trend, we hope Governor Egan will see fit to endorse the Natives' just claims in his testimony in Washington next week.

A CHANCE TO LIVE

Mr. GURNEY. Mr. President, on April 30, one of Florida's most responsible newspapers, the Pensaocla News, ran an excellent editorial entitled "America Owes Everyone the Chance for Living."

The subject of the article is an essay written by a young Floridian. Like most of his peers, this young man has something to say about his country and its Government, and his comments on the meaning of America speak louder than irresponsible demands and shouts of protest.

The young man is Doug Dickinson, 16-year-old son of Florida's Comptroller Fred O. Dickinson, Jr. Doug thinks his country owes him something—a chance.

I commend Doug and the Pensacola News for this fine editorial and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AMERICA OWES EVERYONE THE CHANCE FOR LIVING

Among the many stirring words of the American Declaration of Independence are these:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness . . ."

There can be no quarrel with this; yet in recent days and years those words have been deliberately distorted in many instances to mean something of a far different nature.

But not everyone is fooled by these distortions. Consider this short essay written by Doug Dickinson, 16-year-old son of Comptroller Fred O. Dickinson Jr., on the meaning of America:

"If there was one single factor which would represent the liberty of the United States of America, it would have to be that each individual is given a chance to succeed and make his living the way he chooses. Human beings from all regions of the world are living in the United States, and all are given this equal chance to survive and make his or her living. Even more important, all are free to practice their own religion and worship the God of their choice. America is indeed the land of justice and liberty for all, this includes people from all walks of life.

"A great example of this was the legendary Vince Lombardi. This great football coach was an Italian who came to America looking for a respectable life, and he got just that, because he was willing to do a little work. He attended a small high school in our country to get a football scholarship. From there it's history, becoming the most famous coach ever, and creating a hero image in America.

"America is totally unique in the fact that it comes closer than any other country in the world to having a true democracy.

"America is a nation where free enterprise is not only legal but is welcomed and plays a large role in the economy of our country.

"America has a better form of government, and has more justice in their court system than any other civilization known to man. Next to the Bible the Constitution of America has more justice and equality of laws in its context than any set of rules ever written.

"America is not only the greatest nation in the world, equaled by none, but its contributions and help around the world, which is more than all other nations combined, have given many nations new life and has kept their existence a reality.

"In short, America is the greatest organized civilization ever known to man. Its contents of justice and equality to men in other nations is a fantasy come true, in our country it's the way of life.

"America owes me a chance."

A chance.

The Declaration was never intended to mean that all people are endowed with equal abilities, skills, intelligence, wealth, initiative.

What this country offers, everyone, is a chance to use his natural endowed abilities to his best advantage to find his own niche in the American way of life.

America does not owe anyone a living, or even happiness—it owes everyone a chance to earn his own living and pursue his own happiness.

REV. JOHN R. FRY AND THE BLACKSTONE RANGERS

Mr. McCLELLAN. Mr. President, I read with great interest an article published in the Washington Post of Saturday, May 1, 1971, reporting that the Reverend John R. Fry has decided to leave his position as pastor of the First Presbyterian Church of Chicago. For the past 6 years, Mr. Fry has made his church available as headquarters for a lawless Chicago street gang who were known as the Blackstone Rangers, but who now call themselves the Black P Stone Nation.

The Senate Permanent Subcommittee on Investigations conducted a lengthy inquiry in 1968 into the affairs of the Blackstone Rangers, particularly in connection with an Office of Economic Opportunity grant of almost $1 million which was supposed to be used to train young Rangers and members of another street gang in basic educational skills. Our hearings disclosed that wholesale fraud and forgery had been used to steal the Federal funds, much of which went directly into the gang leaders' pockets.

Our investigation also showed that Mr. Fry's church was used as a planning center for Ranger street wars, various rackets they operated such as dealing in marihuana, and as a storehouse for their guns and ammunition. Testimony from a number of witnesses indicated that Mr. Fry was well aware of what was happening in his church, although he denied any knowledge of complicity in Ranger activities. He described himself as a "legal counselor" to the gang leaders.

Many of the witnesses in our hearings were Chicago law enforcement officers who testified about their vigorous opposition to the OEO grant to the street gangs. They said the Federal money would only serve to strengthen and perpetuate the gang structures, which they were attempting to break down and destroy. These law officers also testified that Mr. Fry was consistently antagonistic to them and hampered their efforts to stop the criminal activities of the Blackstone Rangers.

The newspaper article quotes one of those officers, Capt. William B. Griffin, who was a valuable and informative witness in our hearings. He commands a police district on Chicago's South Side According to the news report, Captain Griffin said:

> What I would call him would be unprintable. He offered a sanctuary for these kids to go hide after perpetrating their acts of violence. None of us have any doubt that there were marijuana parties at church.

In our hearings, Captain Griffin testified:

> The Rangers are acting in the capacity of an organized criminal element.

On the same day, Pastor Fry testified:

> They [the Blackstone Rangers] have thus used their organization to reduce violence and to create order in an otherwise chaotic environment.

Mr. President, let us examine how the Rangers reduced violence and created order. The former president of the Blackstone Rangers is serving a prison term for solicitation to murder; he was convicted of sending teenaged boys to kill a narcotics pusher. The current president of the Blackstone Rangers, Jeff Fort, is serving a prison sentence for contempt of Congress, committed before the subcommittee, and is also held without bail on numerous felony charges, including attempted murder, kidnaping and aggravated assault, and bail jumping.

Finally, Mr. President, as a direct result of the evidence of fraud and forgery disclosed in the subcommittee's hearings, a Federal grand jury in Chicago has indicted 23 leaders of the Blackstone Rangers on 132 counts charging conspiracy to commit fraud, conspiracy to file false statements, and fraudulent misapplication of Federal funds. Of the 23 persons indicted, 21 were named in our hearings as members of the "Main 21," the leadership group of the Ranger organization. At the time of the indictment on April 6, 1971, nine of the Rangers indicted were already in Illinois State prisons or in Cook County Jail for various offenses including murder, assault, and armed robbery.

Mr. President, I cannot say whether Mr. Fry is pleased to leave Chicago to become a professor of social ethics in California, as the news article reports. However, I feel certain that many people in Chicago, including the hard pressed law-enforcement officials, will be glad to see him go.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Weary Preacher Severs Ties With Chicago Gang

(By Ken Pierce)

Chicago, April 30.—The Rev. John R. Fry says that his own weariness led him to the decision that has been unsuccessfully urged on him for years from many sides. Next June 15, he will leave behind the First Presbyterian Church here and a tortured, bitterly criticized relationship with Chicago's biggest black ghetto gang.

"I would stay if I felt I could provide the kind of imaginative leadership the job requires, but I realized I can't any more," Mr. Fry said in an interview last week.

"I'm pooped out. Tired. Absolutely on the floor."

The 47-year-old pastor has been at the center of controversy, including a Senate investigation, since he offered the church six years ago as headquarters for what is now called the Black P Stone Nation. Originally known as the Blackstone Rangers, it is an organization of perhaps 1,000 black youths centered in the Woodlawn neighborhood.

Since he began his gang program, Mr. Fry has frequently maintained that the police harass the gangs. "When dealing with parish groups like the Blackstone Nation," he said last week, "the concepts of guilt and innocence are not real to police or the courts." Instead, he has maintained, officials conduct crusades to break up the gangs.

Mr. Fry cites as evidence the fact that local officias such as Mayor Richard J. Daley have declared "wars" on the gangs, with the announced aim of jailing their leadership.

"I have been trying to somehow stand between the tremendous engine of violence in this area—the violence of the Stones and of the whole ghetto scene—and the functionally lawless police activity," he said in the interview.

In an approach that has been anathema to Chicago police and many city youth-work agencies, he has urged the gangs to go straight but remain organized as a militant community group. By contrast, the usual method of dealing with gangs is by seeking to eliminate their influence on ghetto youths.

As a result of Mr. Fry's methods, there has been intense hostility between himself and Chicago officials. "What I would call him would be unprintable," said Police Capt. William B. Griffin, commander of the Southside Grand Crossing police district.

"He offered a sanctuary for these kids to go hide after perpetrating their acts of violence. None of us have any doubt that there were marijuana parties at church. Local police have attacked Mr. Fry in public speeches.

Mr. Fry's church has been raided by police several times and the pastor has accused police of setting a fire in his office.

Besides being a focus of constant local pressures, Mr. Fry moved into the national eye in 1968 when the Senate Permanent Investigations Subcommittee, chaired by Sen. John L. McClellan (D-Ark.), held hearings on the Blackstone Rangers. Chicago police helped produce some evidence.

Mr. Fry was accused by a former gang member of passing an order for a gang killing, of allowing his church to be used for sex and marijuana parties, and of hiding guns. A church staff member was said to have aided Rangers in purchasing guns during a trip to Michigan.

But a special committee appointed by the Presbytery of Chicago conducted its own investigation and issued a report vindicating Mr. Fry. The report asserted that the charges were not true and it attacked the "low credibility of the witnesses who made them."

"The McClellan Committee's passive acceptance of . . . testimony, and the treatment of that testimony by some of the media, can only be regarded . . . as highly unfortunate and unfair," the Presbytery committee said.

The report made no finding about the extent of illegal activities by gang members, but it concluded that Mr. Fry and his church staff were working to prevent illegal gang violence and to redirect gang members.

Now Mr. Fry is leaving all this to become a professor of social ethics at the San Francisco Seminary, a job he was first offered in January. He said, however, that he hopes to create a nationwide group called Friends of the First Presbyterian Church, 100 people who will contribute $1,000 each with no strings attached. He said he thinks that the church will continue to aid the Black P Stone Nation.

In part because of Fry's efforts, the Black P Stone Nation has participated in many activities that are not the usual street gang stuff. They have organized antiriot patrols which were praised by police; they have joined programs of job training and community planning and they got their gang members together for demonstrations seeking black jobs in the construction trades.

Yet these activities have generally been publicly attacked and shortlived. Some have ended in acrimony between the Rangers and other groups, including black organizations that have accused the Rangers of extortion and terrorism.

The day after Fry announced his resignation, 23 Rangers were indicted by a federal grand jury and charged with forging paycheck endorsements and collecting salaries without doing work in the Office of Economic Opportunity job training and education project, which was the subject of the McClellan hearings. The indictment said program participants were pressured to give part of their salaries (of about $45 per week) to gang leaders and the gang treasury. The trial of the 23 Ranger leaders is scheduled to begin June 1 in U.S. District Court.

Does he look on his efforts with the gang success or a failure?

"The Rangers have lost ground in the past two or three years," Mr. Fry said. "It's been a bitter story.

"But I learned something from the Stones. I don't look at things in terms of success and failure as I used to. The Stones can't get into that world where they can succeed or fail. They are in another area of America, where you live or you die. These are significant options.

"I've just hung in as good as I could."

GOVERNMENT GUARANTEES FOR LOCKHEED?

Mr. BROOKE. Mr. President, recent administration statements have indicated that serious consideration is being given to the request of the Lockheed Aircraft Corp. for a Federal guarantee prior to proceeding with the production of the Lockheed Air Bus. I appreciate the magnitude of the problems which have afflicted the Lockheed Corp. as a result of previous major contracts. While I do not wish at this time to comment on the merits of the corporation's proposal, I do wish to point out one potentially grave inconsistency inherent in its presentation.

We are faced with a persistently high level of unemployment throughout our country. Lockheed is one of the more severely affected corporations. Indeed, a major justification for the proposed guarantee is the alleged need to assure the jobs of Lockheed's employees. Yet the proposed guarantee would also include the manufacturer of jet engines for the air bus—which happens to be British not American.

As the distinguished junior Senator from Ohio (Mr. Taft) and other Senators have pointed out in colloquy in this body, American jet engine manufacturers are both capable and willing to enter into negotiations with Lockheed to supply an engine for the air bus. Is the airframe industry any more important to this country than the jet engine and allied industries? Is the employment of Lockheed workers any more desirable than the employment of persons by General Electric or Pratt-Whitney?

I believe that these are questions which the Lockheed Aircraft Corp. would do well to consider. It may well be that there are overriding reasons why a domestic manufacturer was not chosen. But given the present fiscal and economic situation, an all-U.S.-produced aircraft might be a more appropriate recipient of Federal guarantees than the present domestic-foreign hybrid.

Until this question is resolved, however, I believe it would be inappropriate for Congress to address itself to the larger issues posed by the request for a guarantee.

FAIR CREDIT REPORTING ACT

Mr. PROXMIRE. Mr. President, the efforts of the general and trade press to explain the new Fair Credit Reporting Act have been exceptionally good. Twice recently I have asked that some of these explanations be printed in the Record. Today I am making a similar request, to include, also, the printing of an article detailing some computer errors in billing.

Mr. President, I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Industrial Banker, April 1971]

Finance Companies and the Fair Credit Reporting Act

On Saturday, April 24, 1971, the Fair Credit Reporting Act will become the law of the land throughout the entire United States.

The purposes of this Act as stated in the *Congressional Record* are "to give the consumer a chance to correct any inaccurate information in his credit file; to preserve the confidentiality of such information; and to prevent any undue invasion of the consumer's right to privacy."

The Act covers all reporting on consumers, whether it be for the purpose of obtaining credit, insurance, or employment. However, credit reports or other information on business firms are excluded from the new law.

To accomplish these objectives, much of the Act concerns itself with the operations of credit reporting agencies, such as credit bureaus. But because of certain sections within the Act and the way they are written, it is our opinion that the Act will also have an affect on all kinds and types of lending institutions, including small loan, sales finance, and industrial loan companies.

There is one thing to keep in mind, however, in connection with this Act and that is that there is nothing in the law that should cause a lender to hesitate to provide his own experiences with a consumer to a reporting agency provided he is *sure* that the information is correct.

In order to understand the Act better it is wise to study carefully the meaning of certain terms used in the law as written by

Congress. The most important of these are the terms "Consumer Report;" "Consumer Reporting Agency;" "Investigative Consumer Report;" and the term "File." All of these terms are defined in Section 609 of the Act.

"The term *'consumer report'* means any written, oral or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604.

"The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issue of a credit card or similar device; (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

"The term *'consumer reporting agency'* means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"The term *'investigative consumer report'* means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"The term *'file,'* when used in connection with information on any consumer means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored."

Section 615 of the Act sets forth the requirements on users of consumer reports and applies directly to the finance industry. It reads as follows:

"(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report.

"(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose, the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b)."

SPIRIT AND LETTER OF THE LAW

In order that all members of the finance industry understand exactly the spirit as well as the letter of this new federal law, we are setting forth herein the requirements of the Act as we interpret them. Please keep in mind that this information is not intended in any way to be legal advice. You should consult your own attorney for such advice.

1. When you receive a consumer credit report and after looking it over decide that because of information contained in it you cannot grant credit to the consumer applying to you, you must advise him of this fact. You must also provide the consumer with the name and address of the reporting agency.

2. You may not cause a credit investigation to be made among the consumer's friends, neighbors, or associates unless you first inform the consumer of the possibility of such an investigation.

3 When you reject an application for credit on the basis of an investigative consumer report, the consumer or applicant must be told that he has the right to learn the substance of the information gathered, if he should ask for it. However, it is not required that the specific sources of such personal information be given.

4. Remember that the requirements of this Act apply not only when credit is denied, but also when the charge for credit, including the rate of interest or financing of discounts, is increased as a result of the credit information.

5. If the dealer intends to offer to you or anyone else the consumer's contract he must give you your name and address to the consumer, and if you subsequently turn down the offer the consumer must be informed.

6. If you pass on to others any information you have about a consumer other than that which is based on your own experience with the consumer, you may be considered under this law to be acting as a "consumer reporting agency."—Should this be the case then you must disclose to that consumer.

(a) the nature and substance of all information in your file about him;

(b) the names and addresses to whom you gave such information; and

(c) if you are considered to be acting as a reporting agency, then the consumer must be given direct access to the file maintained by you, have the opportunity to try to delete from such file any information disputed by him or not subject to verification, and you must delete certain types of "obsolete" material from the file (for example, adverse information more than 7 years old, or bankruptcy information more than 14 years old).

(This question of who is or who is not a credit reporting agency is receiving different interpretations by attorneys at this time and we will not know what Congress meant until either a court decides or the Federal Trade Commission issues a rule or regulation on this point. The only safe way to avoid this situation at this time is to simply stop providing any information *other than your own experience* with a consumer.)

ENFORCEMENT AND PENALTIES

The enforcement agency of this Act insofar as the finance industry is concerned will be the Federal Trade Commission. And finally the penalty section of the Act provides that any granter of credit, reporter of credit, or consumer who obtains a consumer credit report under false pretenses is subject to a fine of $5,000, a year in prison, or both.

It also provides that if you willfully fail to comply with the requirements of the Act you can be sued for actual damages, punitive damages for an unlimited amount, and legal fees. If it is found that you have been negligent in establishing reasonable procedures to comply with the law, you can be sued for actual damages plus legal fees.

There is a two-year statute of limitations from the date the liability arises. In the case of material and willful misrepresentation, the two-year period runs from the date of discovery.

Please keep in mind that Congress says the purpose of this Act is to require consumer reporting agencies to adopt reasonable procedures with reference to credit, personnel, insurance and other information reporting that will be fair and equitable to the consumer.

[From the Philadelphia (Pa.) News, Apr. 6, 1971]

New Law Opens Up Credit Files

(By Ray Wise)

Your three-year-old car is making strange noises, so you decide to trade it in. At the auto dealer's you fall for a sporty number and order it in blue. But two days later the salesman calls you up. I'm sorry, but I can't arrange credit for you." You can't buy the new car.

A good credit risk, you're stunned. What happened? Well, you've forgotten that several months earlier you had bought a new refrigerator—on time—and it had never worked properly. Receiving no satisfaction from the store which had sold it to you, you've refused to make payments on the "lemon."

Unknown to you, that store gave you a bad credit reference which bounced your application for an auto loan.

The situation described above is common. And usually the consumer simply gives up, because he never gets to see the confidential credit files which can help him or hinder him in making a loan, buying insurance or even getting a job.

You, the frustrated car buyer, never find out that it was the refrigerator deal which stood in your way. The credit bureau reports the bad credit reference to the auto salesman, but the credit bureau never tells you anything.

As of April 25, all that will change. That's when the federal Fair Credit Reporting Act takes effect. The new law opens up credit files to the consumers whose lives they affect.

"There's a whole mass of information in credit files, some of which is documented, and some of which is almost fabricated. This law gives consumers direct access to the information, and it provides that certain information may not be included in the credit files," Max Klass of the Federal Reserve Bank of Philadelphia said yesterday in an interview.

Under the new law, the car salesman who bounced your purchase would have to tell you the name and address of the credit bureau which gave you the bad credit reference.

You could then go to the credit bureau

and request all of the information on you it has in its files.

You could bring someone with you to see these files.

You could obtain information from the bureau as to the sources of its information.

You could get from the credit bureau a list of those to whom information about you had been sent.

If you found information in dispute—the refrigerator case—you could take steps to have the situation reinvestigated.

"It gives the consumer direct access to his file. This is no longer a private file. That is very important," said Klass.

This access is not limited to situations involving financing. Insurance companies and potential employers check on your credit rating, also. In these cases, too, you will have the right to know what's going on whenever there's a decision unfavorable to you.

In the words of the legislation itself: "There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy."

Also, the new law bans obsolete information from the credit files. Excluded are.

1—Bankruptcies more than 14 years old;

2—Lawsuits and judgments more than 7 years old or governed by a statute of limitations, whichever is longer;

3—Paid-up tax liens which are more than 7 years old;

4—Accounts placed for collection or charged to profit and loss if they are more than 7 years old;

5—Arrest, indictment or conviction of a crime for which the disposition, release or parole is more than 7 years old.

6—Any other adverse information which is more than 7 years old.

The above exclusions do not apply in cases involving credit transactions of $50,000 or more, life insurance involving $50,000 or more and employment involving an annual salary of $20,000 or more.

Violation of the Fair Credit Reporting Act can bring stiff penalties—punitive damages for willful non-compliance, for example. "It is scaring some of the creditors I've talked to," Klass notes.

However, he says, "the new law gives the consumer another right—to get behind that mysterious veil of secrecy surrounding credit information."

[From Chicago Today, Apr. 9, 1971]

Invading the Privacy of a Credit Bureau Therapist

After a while, talking to Milton I. Deutsch, the therapy begins to set in and you really believe him when he says his hobby is helping people.

"People can't control themselves," Deutsch says sadly. "They should be taught in the eighth grade the value of credit. But no—they're out to keep up with the Joneses, and the Joneses keep refinancing. A man can go insane with credit."

Deutsch runs the Chicago Credit Bureau at 538 S. Wabash Av. He has got to know more about the alibis of mankind than any priest in any confessional. Mortal sins are nothing compared to the stomach clutches a man gets when the collection agency starts hammering.

"Why, we have people coming in here every day," Deutsch said, "and they rave at us. They tell us much more than we have in our files. Sometimes they get out of control."

In his wisdom, drawn from 50 years of watching Chicago citizens doing psychic bends over their credit, Deutsch has developed a kindly protectiveness.

"I tell all my workers whenever anyone comes in to check his file 'Bring them in to me.' I take them into my private office—most places shove them into a cubbyhole—and I treat them like people."

Deutsch's private office is, indeed, a comforting place. It is green, with a sparkling plastic rubber plant in one corner, pictures of the Deutsch family on the walls, and the Declaration of Independence behind the desk.

The calm is shattered every now and then by the phone, a beige-pink one, which can connect Deutsch to any one of his 40 lines, but which shrills during credit therapy sessions only on imperative matters.

"Yes, all right, did you hit them?" Deutsch was demanding the other day into the beige-pink receiver.

He covered the phone and nodded at me. The basic, kindly gnome face was overlayed with the pucker you see in French movies when the husband slams open the bedroom door and goes, "Ah, ha!"

"We trapped them," Deutsch muttered, if a gnome can mutter. "Man called up, said he was Steinex pharmacy. Wanted to know the credit rating of one of our files."

"Yes, yes?" he was back into the phone now with his agent. "Checked out the place, eh? Vacant lot, eh? Good work."

"People try to get to us all the time," Deutsch explained later, settling down behind his enormous, vacant desk, into his enormous leather chair.

"Neighbors checking on neighbors. Wives checking on husbands. Fly-by-night businesses trying to get free service without paying our fee. We catch them every time. I have a team of agents going around, just to make sure we don't give out information to people who shouldn't have it."

Who, I wondered, should have it?

"Legitimate people," Deutsch said. "Stores, banks, finance companies, employers."

What about the Army and the FBI and the Police Department and . . .?

"You're talking about invasion of privacy and that's a red flag to me," Deutsch said, and his face—so like a tiny, kosher Mr. Micawber—went into another change. It got very bastille-unpassable.

"We are not commercial. We protect the consumer. We protect also the rights of the credit grantor. We believe in the American system of free enterprise."

But the Army, and the FBI and the police . . .?

"Only if they sign the correct inquiry forms and only if they are on official business," Deutsch said. "We have a very great obligation to our consumers and our credit grantors."

The consumers are you and me and the five million cards in Deutsch's cabinets. If you've ever charged anything in this city, you're in the file.

And he is our protector as well as our mentor in this marvelous system of universal owing.

But the trouble with systems is that they can be copped out by signing the right form.

The FBI and the police just have to sign the right form and there they are knowing how much is due on April 16 on the living-room sofa, and whether the neighbors say we drink a lot. It may or it may not interest them. But they can get it.

On April 25, about two weeks from now, a new federal act goes into operation. It is called the Fair Credit Reporting Act, sponsored by—who else?—Sen. William Proxmire (D., Wis.).

It says, among other things, that we—the consumers, the borrowers, the ones who live on credit—have a few rights of our own.

That's why I was over there the other day with the truly intriguing Deutsch. I wanted to see what invasions on his privacy Sen. Proxmire's bill would make.

SUNDAY: "Listen, I'll send you a check on Monday."

Open File Act Effective April 25: New Law Credit to the Business

On April 25 it becomes legal for anyone to go to his nearest credit bureau and demand:

A look at his credit file, and the names of anyone who has gotten an employment report on him for the last two years or a credit report for the last six months.

Plus the right to demand that all "adverse information"—bad debts, records of arrests, indictments—be removed if they are seven years old. Bankruptcy, too, if you went bankrupt more than 14 years ago.

And, theoretically, the right to be protected from federal snooping unless you've asked for a job which requires a federal security check.

If you've been turned down on a charge account anywhere, after April 25 the store has to tell you why and who provided the information.

Then you can march up to the credit bureau and glom thru your file. If you don't agree with what they have, they have to make check out calls at their expense while you stand there tapping your indignant toe.

I'm telling you all this to give you stamina when it comes to dealing with the great credit ogre, the nightmare of us all.

The Fair Credit Reporting Act becomes effective April 25, but in actual fact it turns out most credit bureaus have been going along with the basics of the thing for a long time, possibly sensing a credit apocalypse on the way.

Over at the Chicago Credit Bureau, Milton Deutsch isn't worried.

"We have been operating this way for as long as I can remember," he says soothingly. "Let us meet upon the level and part upon the square," Milton Deutsch says, that being his motto.

Deutsch says he receives 25 to 30 of Chicago's citizens each day, inquiring about their credit ratings.

If the inquirer hasn't been refused credit somewhere within the last 30 days—if he's just browsing—Deutsch charges him $4 for the privilege of the snoop.

If he's trying to track down the cause of a recent credit turn-down, he gets a look for nothing.

"That's only fair," Deutsch says. "A man has to know where he stands."

His biggest problem, Deutsch says, is wives checking on husbands and husbands checking on wives.

"My heart goes out to them," he says, his face looking like a chutzpah Brownie. "But of course we can't give in. All those husbands with all those Michigan Avenue accounts. All that lingerie sent to unmarried ladies . . . our files are sacred."

More than 2,000 Chicago businesses, banks, and finance companies subscribe to Milton Deutsch's service, at $25 a year, plus a charge for each inquiry.

Deutsch, who also runs a collection agency which he says is quite separate from the credit bureau, is proud of the speed with which his operators answer queries:

"Three minutes from the time the query originates, unless it involves out-of-town calls."

He insists that he only records the "basic" information—"Does a man live where he says he lives, how he pays his obligations, how long does he hold his job, things like that"—and he gets this from direct query from former employers and landlords and the like.

The other information—mistresses, drinking habits, etc., is gathered thru a special investigation, and Deutsch doesn't bother with this.

He does, however, own a separate collection agency which hires investigators who do deal with these more embarrassing matters.

"We keep the two agencies apart," Deutsch says delicately.

As for federal agencies on their information-seeking sprees, Deutsch is firm with the proprieties of information. He won't let them thumb thru his files unless they have proper credentials. "They must be on really official business," he says.

He recalls with regret the edict of former

Superintendent of Police O. W. Wilson, who cut off the interchange of information between the credit bureau and the police.

"We obviously have useful information for each other. It would really make sense for us to cooperate, but . . . that's the way he wanted it."

Milton Deutsch was very firm. "Certainly under these circumstances I would never give any information to the police."

Certainly under any circumstances it has got to be one of the best four bucks anyone has spent to go down to Milton Deutsch's place and browse among his ownings.

The address is 538 S. Wabash, past Zanone's Flower Heaven and the Chicago Chess Club.

As Milton Deutsch himself would say, "Let us meet upon the level, and part upon the square."

[From the Fort Wayne (Ind.) Sentinel, Apr. 17, 1971]

NEW LAW AFFECTS ALL RATING BUREAUS

(By Bill Brutton, Jr.)

When Mr. Consumer walks through the door of his local credit bureau the morning of April 26, it will be with a different status than he had at closing time the week before. His right to review his credit file and to make specific other requests will be a matter of law under the Fair Credit Reporting Act.

This change in legal status will pose a little problem for Associated Credit Bureau members. The provisions of the law regulating consumer interviews, in most instances, are the same as the terms of the "Policies to Protect Consumer Privacy"—adherence to which has been a condition of membership in ACB for over two years already.

There are a few important differences, however, and they center on five areas: Telephone interviewing, disclosure of the receiver of employment and other reports, third party presence during interviews, the filing of statements concerning disputed accounts, the sending of corrected reports to recipients of previous incorrect information, and the death of waivers of immunity.

Telephone interviewing has always been hard to swallow in the past due to complexities of establishing positive identification, but the needs of consumers unable to come to the bureau necessitated a change. Written requests are required in advance before such interviews can be made, however. This written request will provide information which will check with the credit file and make identification complete before the consumer is called by the bureau.

The new law stipulates that the consumer to be told the names of anyone who received employment reports on him within the previous two years and who received reports for any other purposes six months before the interview.

A consumer being interviewed at a bureau now has the right to have someone in addition to a spouse accompany him. Congress recognized that uneducated, low income, or foreign speaking consumers, might need interpretative help from a friend, neighbor or legal aid attorney, for example. This "other person" must comply with the same standard of "reasonable identification" that the consumer does. Bureaus also may require the consumer to sign a statement granting them permission to discuss his file in the third party's presence.

The consumer also has the right to attach a letter of explanation to his credit record in the event of a disputed account. If there is error or a disputed fact in the record, a bureau is required to reinvestigate the information within a reasonable period of time and record the current status in the consumer's file.

In review, bureaus are now required to hire trained personnel to interview and counsel and to provide such counseling during normal business hours. This means between 9 a.m. and 5 p.m., if such are a bureau's normal hours. If these hours should still prove impossible for the consumer, then a telephone interview may be arranged. All credit interviews should be made with the view of improving the image of the bureau and to create and maintain goodwill as well as to educate the consumer in the functions of a credit bureau.

The new law is fair to all parties and should help to remove the shrouds of secrecy which many consumers have felt surrounds their credit file.

[From the Philadelphia (Pa.) Inquirer, Apr. 25, 1971]

NOW, A LOOK IN THOSE FILES

The Fair Credit Reporting Act goes into effect today. It is complex and relatively unheralded. If we are to believe the popular generalities about American consumer debt, it will touch the lives of practically every adult in the United States.

Hotly debated for three years in Congress, the Fair Credit Reporting law is an important blow for privacy, and against the accumulation of powerful—but unchecked—data which can be used arbitrarily against individuals. The protections it offers and sanctions it imposes against commercial agencies should, as quickly and forcefully as possible, be extended to appropriate government bureaus.

In essence, the new law strips all secrecy from the commercial credit investigation and records system and gives individuals redress.

Almost anyone in the United States who buys anything on time or borrows money is subjected by the lending agency to a credit check. Nationally, the more than 2500 firms comprising the industry process some 150 million such background reports a year. Until now, no consumer knew where the information came from—or what it was. Abuse, arbitrariness, and casual incompetence were frequent.

Under the new law, everyone is entitled to examine—and trace the sources of—all information (except medical) kept on him by any credit reporting or investigating agency in the country. If there is error, the agency must correct it; in cases of dispute the file must include at least an explanatory statement offered by the subject. With some exceptions, the act outlaws distribution of adverse information which goes back more than seven years. Agencies are liable for damages in cases involving not only misrepresentation but also negligence.

The effectiveness of these important protections depends heavily on the initiative of private consumers. Disclosure and relief are rights which should be demanded, firmly and quickly, by everyone who has any reason to doubt the accuracy of his financial portrait in hitherto secret files.

[From the Madison (Wis.) Journal, Apr. 11, 1971]

FAIR CREDIT ACT MAY STRETCH WAIT TO OBTAIN LOANS

The new Federal Fair Credit Reporting Act, which will go into effect Apr. 25, may make loans easier to understand but may slow down the process of getting them, according to a group of lawyers.

The lawyers explained the new law to nearly 1,300 bankers, savings and loan officials, and credit union personnel at meetings recently in Eau Claire, Green Bay, Milwaukee, and Madison.

The act imposes strict requirements on disclosure and notification to the consumer. However, other parts of the act may decrease the ability of lending institutions to exchange information and lengthen the wait for the loan.

Notebooks explaining the law in full are available from the Wisconsin Bankers Assn., 14 N. Carroll St.

[From the Richmond (Va.) Times-Dispatch, Apr. 25, 1971]

CONSUMERS SHOULD KNOW: CREDIT RECORD NO LONGER SECRET

(By Estelle Jackson)

I've always had a secret desire to find out my credit rating.

I visualized myself in my less-controlled daydreams as sneaking down the aisles of the local credit bureau, pulling out my file and leafing through it hastily to see whether or not there was any record of the times back in 1962 when I let my account with a certain department store ride for a couple of months. "It's going to affect our credit rating," my husband kept insisting.

Another dream came true for me last week. I paid my visit to the credit bureau—in this case the Credit Bureau of Richmond—and saw my file. But there was nothing subrosa about the whole operation. The file was produced willingly and I was even allowed to hold the information in my hand. The Credit Bureau of Richmond proved to be a nice place to visit.

In a rather tired-looking brown envelope, dating from 1951 when my husband opened his first charge account at a men's clothing store here, were a whole sheaf of papers—reports on our credit status from various stores where we had accounts, and carbon copies of reports sent by the bureau to other bureaus or businesses.

The information was largely in code, which was interpreted carefully to me. Descriptions of a customer's manner of payment are in a "common language" that ranges from an "0" for an account that is too new to rate, to a "9" for one that's a "bad debt; placed for collection; suit; judgment; bankrupt; skip." Businesses are listed literally from A to Z—from A for an automotive concern to Z for miscellaneous.

The file contained what amounted to my husband's employment history—since most of the positions he's held since youth were listed on one report or another. I also read that at age 24 he was considered, in a report ordered by a clothing store from another agency, to be a person of "good character and habits."

Facts about myself were completely lacking, however. Except that presumably I had something to do with Mr. Jackson's parenthood of two children and my existence was implied in the use of the word "married."

So, I found out, my particular credit rating was actually dependent on my husband's. And, if the credit bureau reasoning is to be accepted, it's not really a credit rating but a descripition of how we pay our bills.

And, even more deflating, it turns out my husband was right. Back in 1962 that department store did notice my late payment: they gave me our only "2" (for payment in 30 to 60 days).

As of today, a new law—the Fair Credit Reporting Act—makes it possible for any consumer to find out what his credit records contain.

Numerous provisions of the new law will mean no changes for the Credit Bureau of Richmond, Inc., according to Jeff D. Smith, Jr., executive vice president of the Retail Merchants Association of Greater Richmond and the Credit Bureau of Richmond.

The new law requires—and the Credit Bureau of Richmond has already as its policy—that any concerned consumer can walk into a credit bureau and see his file. He is entitled to complete and accurate disclosure of the information in the file. The Credit Bureau of Richmond already has a consumer relations specialist, said Smith.

Under the law and already standard operating procedure to the Credit Bureau of Richmond, the consumer must present proper identification.

But while the Credit Bureau of Richmond lists an estimated 550,000 persons in its neat and well-organized files, a one-stop survey of its information probably would not provide the total picture of anyone's credit reputation.

While the credit Bureau of Richmond, with its 96 employees, is undoubtedly the city's biggest bureau, there is a competing agency—the Retailers Commercial Agency, with a complement of about four employees.

Credit bureaus in other cities may also have records of your credit history.

And, in Richmond, there are investigative reporting agencies which make reports for insurance companies and employers—some among these are the Retail Credit Company, Hopper-Holmes Bureau, Inc., and O'Hanlon Reports.

Investigative reports can include information about your character, general reputation, personal characteristics and mode of living, obtained often through personal interviews with friends, neighbors and associates.

All such credit bureaus and investigative reporting agencies are covered by the act.

Rep. Leonor K. Sullivan (D.-Mo.) had proposed that the law require credit bureaus to notify consumers as soon as they are made the subject of a dossier. The proposal failed.

However, the law does provide that you be notified of the location of the files if the files are used against you.

Consumers who want to take full advantage of the protection of this law should acquaint themselves fully with their rights under its provisions.

A consumer who is rejected for insurance, credit or employment based wholly or in part on a credit report must be told that such a report was made. He must be provided with the name and address of the credit bureau supplying the report—and then can go to the agency and see his file.

He can visit the credit bureau in person, or can make a written request for a telephone interview—and then review his credit record over the telephone.

He may be accompanied by another person of his choice. This has not been permitted by most bureaus.

The law doesn't specify that the consumer can hold the report in his hand. Jeff Smith said the Credit Bureau of Richmond will permit it. On the other hand, R. W. Hensel, branch manager for the Retail Credit Company, said his office will read the information to you.

The consumer is also entitled to learn who are the sources of the information, except in the case of investigative reports. Sources of information used in this type of report are to be kept confidential, the reason being that many were afraid that sources would dry up if their names were disclosed.

However, if a consumer brings a lawsuit because of the investigation file, these sources must be revealed. And lawsuits can be pressed in civil court against credit reporting agencies, if the agency is negligent and reports inaccurate information.

Medical information is also exempted from disclosure.

Consumers will be told the names of those who have received employment reports within the past two years, and the names of all others who have received credit reports within the past six months.

If the consumer questions any item in his file, the credit bureau must reinvestigate. If it is found to be inaccurate or can no longer be verified, the item will be deleted. If the consumer still disputes the information after a second investigation, he has the right to have a summary of his version of the dispute written into his file.

Agencies also are required to delete adverse information if more than seven years old, except for bankruptcies which may be kept on record for 14 years (excepting only in cases involving credit or life insurance involving at least $50,000, or an employment report involving a minimum annual salary of $20,000).

The Virginia statute of limitations on judgments is 20 years, so under the credit reporting law, the Credit Bureau of Richmond could carry a report of a judgment for that length of time, according to Smith. Instead the bureau will only report judgments for seven years. Also, no arrests will be reported by this bureau unless they are followed by a conviction, he said.

The deletion of adverse material older than seven years should make credit easier to get for some, he said, citing examples of persons who have a "rocky" time getting their credit established during their youth.

The law also requires notification of investigative reports. When an investigative report is made, the fact must be disclosed to the consumer in writing no less than three days after the date the report was first requested. A consumer will also be informed of his right to request additional disclosures about the scope of the investigation. No adverse information can be used in later investigations on the consumer if that information is more than three months old and has not been verified again.

If an item is deleted or a statement added to a consumer's file, he may request that the credit bureau inform those who have received employment reports within the past two years and all others who have received regular credit reports within the past six months.

There's a $5,000 fine—or one year's imprisonment—or both for anyone who willfully obtains a credit report under false pretenses. Uses of credit and investigative reports are restricted to legitimate business uses, such as extending credit or underwriting insurance. Government agencies will have access to files if acting as an employer, insurer or creditor, otherwise a court order will be necessary to get information.

The Associated Credit Bureaus, Inc. of Houston, Tex., has prepared a leaflet on the Fair Credit Reporting Act, which is available at the Credit Bureau of Richmond, one of its 2,100 member organizations.

The emphasis of the law is on consumer access to his own credit information—and ability to dispute and correct it. But it is up to the consumer to exercise these rights when the occasion arises, and thus protect a very valuable asset—his credit.

[From the Syracuse (N.Y.) Post-Standard, Apr. 5, 1971]

Consumer Credit Aid

If you think a credit reporting firm's records on you are all fouled up, causing you problems in opening charge accounts or installment loans, the mysteries can be unraveled April 25 and thereafter.

On that date a new federal law, the Fair Credit Reporting Act, takes effect, bringing sweeping changes in credit reporting practices. Here's how it can protect you.

You can demand to know the information in your file and its sources. Simply make a request in person or by letter to the credit bureau, bank or other reporting agency.

You can challenge any time in your file. The agency must accept your explanation or investigate your complaint. Any information that turns out to be wrong, or can't be verified, must be removed from your file.

You can insist that the agency send out a notice of correction to all who received the erroneous report.

An agency must inform you when you are being investigated, and that you are entitled to know the contents of the report. In addition, at your request an agency must tell you who has received a report on you—in the past two years for employment purposes, in the past six months for other purposes.

The agency must omit certain kinds of stale information from your report. A bankruptcy may be reported for no more than 14 years. A suit or judgment, for 7 years (at the expiration of the statute of limitations, whichever is longer). An arrest, indictment or conviction of a crime, for 7 years from the date of disposition, release or parole. A paid tax lien, past-due account or other type of adverse information, for 7 years.

So, it may pay you to make inquiries about your current credit rating if you've been fighting with an insurance company, store or other credit grantor because of mixed-up bills, poor quality appliances or bad service. A store, a salesman or a serviceman may have given you a bad credit report if you've balked at paying until an adjustment was made.

[From Time, May 3, 1971]

New Deal for the Harassed

For eight years a pharmaceuticals salesman in New York City endured a Kafkaesque nightmare, applying for work to many firms and always being turned down, sometimes after he had been told that he was accepted. Reason: Atlanta's Retail Credit Co., one of the largest firms in the business of gathering and selling financial information about individual consumers, had been reporting erroneously that the salesman was dishonorably discharged from the Army. This was just one of many examples of damaging irresponsibility in the credit-investigation field uncovered in recent hearings before the Senate Subcommittee on Banking and Currency.

The thousands of computerized, credit-checking bureaus across the country constitute an awesome but lightly regulated intelligence network. The information they supply to stores, banks, insurance companies and employers intimately affects the borrowing potential, earning power and reputations of millions of Americans. Yet many are oblivious to the existence, much less the extent or accuracy, of the data that credit bureaus disseminate about them.

To give consumers protection against abuses, Congress passed the Fair Credit Reporting Act, which took effect last week. The measure was adopted after testimony revealed that information on consumers is sometimes hastily collected for the credit-reporting bureaus by recent high school graduates, who get their information by checking newspaper reports of arrests and by secretly interviewing neighbors of the people under investigation. Prodded by supervisors trying to justify the service, some investigators aim for a 10% to 15% rejection rate in their reports.

Under the new law, however, if an applicant is rejected for a loan, a job or an insurance policy because of an unfavorable credit report, he must be told so by the person turning him down. He then has the right to examine the bureau's files; if he can prove that an item is inaccurate, it must be struck out. Bureaus must also be certain that their clients have a bona fide interest in the individual's background. Finance companies are acceptable; lawyers looking for ammunition in a divorce case are not. The FBI, the Internal Revenue Service and other Government agencies, which had easy access to data banks, must now have a court order to peek at an individual's dossier (except for checks on prospective employees). Credit-bureau officials who knowingly supply data to unauthorized clients risk a year in jail and a $5,000 fine. Says Senator William Proxmire, Wisconsin Democrat, who husbanded the bill through Congress: "At some point the individual's right to privacy must take precedence over the creditor's right to obtain information."

[From the Philadelphia (Pa.) Bulletin, Apr. 25, 1971]

NOW YOU CAN CORRECT YOUR CREDIT FILE

(By Miles Cunningham)

As of today, the consumer has a great deal more to say about what emerges as his credit status.

The Fair Credit Reporting Act is now in effect. It is the first time the credit reporting industry is under federal regulations.

This federal law means that if a credit bureau has a file on you—and almost every adult has a file somewhere—you can look at it. It comes under the jurisdiction of the Federal Trade Commission.

It is a day for which the Philadelphia Credit Bureau has been preparing for months. The bureau has 3.5 million individual credit files in its offices at 1211 Chestnut St.

CAN BE CORRECTED

If there are errors in the files, the consumer can have them corrected. If the credit bureau disputes the version of some incident, an explanation of up to 100 words can be inserted.

Sen. William W. Proxmire (D-Wis.), author of the Fair Credit Reporting Act, says the law does five fundamental things for consumers:

Provides that those turned down for credit, insurance or employment on the basis of a credit report must be told the reason and be given the name and address of the credit reporting agency.

Consumers now have the legal right to learn the nature and substance of all the information in their files and to correct inaccuracies.

HELD CONFIDENTIAL

Credit reporting agencies are required to keep the information in their files confidential except for legitimate business purposes.

Adverse information more than seven years old, or in bankruptcies 14 years, must be deleted from the files.

When an investigative report is conducted the person under investigation must be informed and the agency must disclose the scope and nature of the investigation if requested.

Investigative reports consist of information on a consumer's character, personal habits, general reputation or mode of living. Such information usually is obtained through interviews with neighbors, friends and associates of the individual.

Rep. Leonor K. Sullivan (D-Mo.), who was active in the campaign, feels the law could have been stronger.

"I think every citizen on whom an active file exists should be notified of the existence of the file before errors in it can cause him harm," she said.

But Mrs. Sullivan believes the law will solve 90 percent of consumers problems with credit reports.

The consumer who wants to see his file can do so by preserving proper identification and requesting an interview.

The consumer also can obtain an interview by phone. The Philadelphia Credit Bureau and others have devised procedures for identifying callers but these will not be disclosed, said Anthony C. Capaldi, assistant general manager.

If the bureau is overwhelmed with "curiosity seekers," said Capaldi, it may have to impose a "reasonable charge" to show an individual his file, as the law allows. But there is no charge now.

[From the Philadelphia (Pa.) Inquirer, April 26, 1971]

BUYER GIVEN RIGHT TO KNOW HOW CREDIT FIRMS RATE HIM

(By Rob Elder)

WASHINGTON.—Businesses are buying and selling information—and sometimes misinformation—about how you pay your bills, how much money you make, and whether the neighbors say you beat your wife, kick your dog and yell at your children.

A new Federal law gives you the right to know what they're saying about you.

The Fair Credit Reporting Act covers the 2500 credit bureaus and other credit reporting agencies whose files and computers are crammed with data on virtually every adult American family.

Also covered are the business, insurance companies and prospective employers who may refuse to have anything to do with you because of this information.

The idea is to let you know about reports that can help or hurt you in getting a charge account, a loan, an insurance policy or a job. When those reports are inaccurate, the law gives you a right to challenge them and tell your side of the story.

In a society where consumers charge and borrow $126 billion a year, credit reporting is an obvious necessity. How else would a store know whether to sell you a $400 sofa on your promise to pay $10 a month?

But your credit is one of your most valuable possessions. Yet, until now, it could be damaged by false or incomplete information without your ever knowing or having a chance to correct the error.

Here's how the new law protects you:

When a company rejects you because of a bad credit report, it must tell you the name and address of the agency that supplied the report.

You visit or write to the credit bureau and properly identify yourself, the credit reporting agency must tell you "the nature and substance," of its information.

You also have a right to know who received your credit record during the past six months. If the report was for employment purposes, the agency must tell you who got your records during the past two years.

If you feel the information in your file is false or incomplete, the reporting agency must reinvestigate its data unless it has reasonable grounds to regard your request as "frivolous or irrelevant."

When the information is inaccurate, the bureau must delete it and send deletion notices to businesses who have received reports containing the false information.

Even this may leave some room for disagreement. For example, you may deliberately have withheld payment on a charge account which billed you for money you didn't owe. In a case like that, you can insert a statement of up to 100 words in your credit file, explaining your side of the story.

[From the Washington Post, Apr. 26, 1971]

CREDIT FILE LAW TAKES EFFECT

(By Carole Shifrin)

Today is the day consumers can start looking into their credit files.

Under the Fair Credit Reporting Act, which became effective yesterday, a consumer is given free access to examine all the information currently in his file, except for medical information.

In addition, the credit reporting agency is required to tell the consumer the names of all those who have received reports on him during the preceding six months for credit or insurance purposes and the preceding two years for employment purposes.

"Consumers who have had credit, insurance, or employment problems due to inaccurate reporting of their credit history will now have greater opportunity to have these inaccuracies corrected," Special Assistant to the President for Consumer Affairs Virginia Knauer said yesterday.

She noted that if a person detects what he believes is an inaccuracy in his file, the credit bureau is required to reinvestigate the information and delete it if it is found to be false or no longer verifiable. Should reinvestigation fail to resolve the dispute, the agency must allow the consumer to file a short explanatory statement of his position and include it in subsequent reports on him the agency makes.

If the agency deletes the inaccurate information, the consumer can ask that those who have recently received the undeleted information be informed that it has since been taken out. Any adverse information is to be deleted from an individual's file after seven years, or 14 years in the case of bankruptcies.

If credit, insurance, or employment is denied a person because of adverse information in his credit file, the user of the information must tell him the report was a factor and give him the name and address of the reporting agency.

Sen. William Proxmire (D.-Wis.), the chief sponsor of the law, said it would give every user of credit "a chance to prevent the kind of heartaches and inconvenience that have plagued so many consumers in the past.

"From now on, if you are refused credit, even though you have paid your bills on time in the past, you will be able to find out why," he said.

The Federal Trade Commission is responsible for enforcing the provisions of the new law.

[From the Philadelphia (Pa.) Bulletin, Apr. 27, 1971]

IS YOUR BOSS A POOR CREDIT RISK? DON'T ASK

(By Henry R. Darling)

"Hi," I said to the pretty brunette in the blue sweater sitting at the desk in the office of the Philadelphia Credit Bureau, 1211 Chestnut St.

"I'm a newspaper reporter and I'd like to check on the credit rating of my editor."

She blinked a couple of times, asked for my name, which she wrote on a pink card, and turned it over to another brunette in a red pantsuit. After a whispered conversation, the second girl said:

"Will you please be seated for a while?"

BOSS OUT OF TOWN

Five minutes later a third brunette—they seemed to get prettier each time—came out a side door and led me to an inner office. She asked me why I wanted the information about my editor and I told her I had a letter from him giving me his permission to look at his credit records.

The Fair Credit Reporting Act, which went into effect Sunday, gives consumers the right to look at their own credit files and ask for corrections. Stores and other businesses have always been able to buy this information.

"I'm afraid I can't help you," said Brunette No. 3. "The only executive who can is out of town."

The executive (I was hoping she would be brunette No. 4) turned out to be assistant general manager Anthony C. Capaldi, who was in Atlantic City.

Reached by telephone, Capaldi said he wouldn't let me see my boss' credit forms.

"You don't fall under my definition of an investigator," he said.

The law, he said, permits investigators to check the credit ratings as long as it is with the knowledge of the person being investigated. The usual reasons are for extending credit, collecting bills, employment, insurance underwriting and "legitimate business needs."

I asked him whether a newspaper story isn't a legitimate business need.

"Sorry," he said, "not by my definition."

Well, all right. Forget the editor. It would be a dull report anyway. He stopped playing the horses years ago. I asked whether I could look at my own credit file.

NO. 3 BRUNETTE AGAIN

"Of course," said Capaldi. "I'll be there in an hour and a half."

I didn't wait. I walked back out to the

lobby and told the girl in the blue sweater I wanted to see my credit records. She had me fill out forms listing my name, address, how long I'd lived there, place of business, how long I'd worked there. She pushed the forms through a mail slot behind her desk.

"There will be an interviewer out to see you in a few minutes," she said.

The interviewer showed up in less than a minute. It was the No. 3 brunette. She led me to an interview room, opened a file folder and produced a tan four-by-six-inch card with my name on it and a lot of code numbers.

ONE INFORMATION REQUEST

"Your file shows you have accounts at Gimbels and Wanamaker's and all bills were paid within 30 to 60 days," she said.

There was only one request for credit information. That was when I bought an automobile on a bank loan.

I asked whether I could see the card myself.

"We can't do that," she said "An irate customer—you know—might tear it up."

The Philadelphia Credit Bureau, she said, has always encouraged people to come in and talk about their credit records. She said the office averages about 25 interviews a day.

"We can often help people improve their credit ratings," she noted.

"If they've been slow in paying their bills, we try to find out why. If they've been out of work or in a hospital, it helps to make a note of that on the records."

[From the Indianapolis (Ind.) Star, Apr. 25, 1971]

ON CREDIT

Anybody who had been turned down as a bad credit risk, or refused credit by a retail or other establishment without being told why, now has a way to fight back.

The Fair Credit Reporting Act goes into effect today. Under that act if you are refused credit you now have the right to make the firm tell you why you were rejected, what information your credit rating is based on and who was involved in giving you a credit record.

In this day of computers your credit records are collected and stored and sorted by machines being fed information from various firms you may have dealt with. It is entirely possible that if you refused to pay an overcharge on a bill, or argued about what you owed some retailer, it might go as a black mark on your credit record. Thus, when you apply for a credit card or a credit rating, this information could show you as a "bad risk."

Now you can find out why your credit is considered no good, and if the credit rating is wrong do something to correct it. That is good news.

[From AFL–CIO News, Apr. 24, 1971]

NEW FAIR CREDIT LAW MAY CURTAIL RIGHT-WING EXTREMISTS' OPERATIONS

(By David L. Perlman)

A new consumer protection law could force out of business a group of vigilante-type, extreme right-wing organizations that peddle dubious "investigative reports" to employers who want to screen out "radicals" and "troublemakers."

This little-known byproduct of the Fair Credit Reporting Act stems from provisions of the law designed to protect Americans from being denied credit, rejected for insurance or refused a job on the basis of false, misleading or out-dated information furnished by a reporting agency.

Most such reports come from credit bureaus and are used by stores and banks to determine whether an applicant for credit of a loan is a good risk. Some reports—often including results of interviews with neighbors, employers and co-workers—come from private detective agencies and insurance investigative services.

And some—no one knows how many—come from such far-right organizations as the American Security Council and an organization with the innocuous-sounding name of Church League of America.

In response to a query by the AFL–CIO News, the Federal Trade Commission confirmed that the Fair Credit Reporting Act will clearly cover such organizations as well as the more conventional credit and investigative operations. The legislation, passed last October with strong labor support, goes into effect Apr. 25.

While the political blacklisting phase of employment investigations was not highlighted during congressional consideration of the law, congressional committees dealing with the legislation were at least aware of the problem.

At House hearings, Columbia University Prof. Alan F. Westin, who had directed a study on invasions of privacy, stresed that the legislation should be enacted "so that no Americans are secretly blackballed from their occupations, without redress of any kind."

Westin read to the House committee a letter from the Church League of America to leading business firms soliciting clients for its employment screening service.

The letter warned that "our working forces include more than a few radicals, socialists, revolutionaries, communists, and troublemakers of all sorts. The colleges and schools are educating and training thousands more who will soon be seeking employment." It conceded that employers might be able to screen the education and experience of job applicants adequately. But, the letter warned, "little if anything is done to determine their philosophy of life," which could be "of paramount importance."

The league claimed that for more than 30 years "we have been intensely researching the activities of troublesome individuals, groups and publications, about which management would be well advised to be aware."

And, it boasted, "our files are the most reliable, comprehensive and complete, and second only to those of the FBI, which, of course, are not available to you."

No fee was mentioned, but the league "will be glad to send a representative, at your request, to go into this delicate matter at greater length."

There is nothing in the new law that bars the so-called church league and similar organizations from continuing to sell their "investigative" services to employers.

But both they and the employers who buy the services will be legally required to follow the same standards set for all other credit and investigative reports that might have an adverse effect on an individual.

The legislative ground rules are as follows:

Credit bureaus and other third-party compilers of information are limited to providing credit reports for legitimate business users. Persons obtaining reports must certify that the information will be used only for such purposes as extending credit, employment or insurance underwriting. Any person who obtains information from a reporting agency under false pretenses can be fined $5,000 and imprisoned for up to one year.

As a general rule, no adverse information more than seven years old may be included in a report. An exception is made for bankruptcies, where the time limit is 14 years, and in investigations for insurance policies over $50,000 and employment at an annual salary above $20,000.

If the credit report results in an unfavorable determination—such as refusal of credit, a higher insurance rate or denial of employment or promotion—the user of the report must inform the consumer that adverse action has been taken at least in part on the basis of information obtained from a credit reporting agency, and give the name and address of the agency.

The next step is up to the consumer. He may—at no charge within 30 days—obtain from the reporting agency disclosure of the substance of all non-medical information in its files. He may also obtain a list of firms or persons to whom the information was sent, during the past two years in the case of employment reports and during the past six months for other purposes.

If any item is questioned by the consumer, who may be accompanied by one other person of his choosing, the reporting agency is obligated to reinvestigate it. If the unfavorable data is incorrect or cannot be verified, the agency must send a correction to persons who had received the report.

If the information is disputed, the consumer may have his version of the episode included as a brief statement in all future reports containing the challenged information.

Standards are even stricter for what the law terms "investigative" consumer reports, which includes data on an individual's "character, general reputation, personal characteristics, or mode of living" and would cover the ideological investigative groups as well as more conventional agencies.

Not only are they required to follow the same seven-year statute of limitations applied to credit reports, but they are obligated to reverify all adverse information more than three months old.

Furthermore, an employer who requests such a report on a job application or an employe must notify the person to be investigated within three days of the date the report was ordered. The individual may then obtain promptly from the investigating agency a written disclosure of the nature of the investigation.

As in the case of credit reports, the individual must be notified of any adverse action resulting from the report and has the same recourse as in the case of simple credit reports.

If the reporting agency has, through negligence, violated any of the provisions of the law—such as failure to delete obsolete material or inadequate verification—it may be sued for actual damages plus court costs and attorney fees.

If it can be proved that there was willful disregard of the law, punitive damages can be added to the penalty.

Employers, stores, banks and other users of the information failing to comply with the law are subject to the same legal penalties.

An employer who does not sue a third party agency and does his own investigation is not covered by the law. However, a store or lender which denies credit solely on the basis of its own investigation must inform the consumer that he has the right to know the reasons for the denial of credit and that it will be disclosed to him if he so requests.

A court test may be necessary to finally determine whether government investigative agencies—such as the Civil Service Commission, which does the great bulk of federal job applicant clearances, and the Federal Bureau of Investigation—are affected by the law.

The law specifically includes in the definition of "person" covered by the law any "government, governmental subdivision or agency."

However, the Civil Service Commission said that its present legal opinion—subject to confirmation by Justice Dept. and Federal Trade Commission attorneys—is that its investigative operations are not covered. The reasoning here is that the government is a single employer and the commission—while receiving reimbursement into a revolving fund for the cost of investigation—is not a third party.

Commission attorneys acknowledge, however, that when they use credit reports obtained from credit bureaus as a basis for adverse action, they are governed by the same disclosure requirements as other employers.

And if the commission undertakes hiring investigations for state and local governments, as it may under a new intergovernmental cooperative program, it would very likely be obligated to follow the law.

Considering the importance in job clearance reports of the seven-year statute of limitations on adverse information, a court challenge to the government's interpretation would appear probable at some time.

The full impact of the new law depends, of course, on the degree of voluntary compliance and the ability of the Federal Trade Commission to uncover violations.

The commission's powers are limited to issuing "cease and desist" orders. FTC officials said that spot checks will be made to uncover violations—to the extent possible under the agency's budget and manpower resources.

The commission has not received any additional funds to enforce the program, which means that the resources it devotes to it will have to be taken from other enforcement functions.

[From American Banker, Apr. 26, 1971]

Most Banks Choose Non-Reporting Status as Consumer Credit Act Takes Effect

(By C. Frederic Wiegold)

New York.—The Fair Credit Reporting Act, the complex and controversial law designed to insure the fair and accurate handling of a consumer's credit rating and, in some cases, allow the consumer access to credit information obtained about him, became effective Sunday, with most banks opting not to become consumer reporting agencies. In a statement issued Sunday, the Federal Trade Commission, which is the agency charged with primary responsibility for administrative enforcement, outlined the major provisions of the law.

"The new law attempts to balance the need of those who extend credit, insurance or employment to have quick and inexpensive access to the facts necessary to make a sound business decision, and the consumer's right to know of and correct information being distributed about him," the FTC statement said.

"The basic purpose of the law," the statement continued, "is to protect consumers from inaccurate or obsolete information in a report which is used as a factor in determining the individual's eligibility for credit, insurance or employment. It does not apply to reports utilized for business, commercial or professional purposes."

The new act, which is an amendment to the Consumer Credit Protection Act and not to that measure's major section, truth-in-lending, does not specifically call for any agency to issue implementing regulations. Congress believed that the law would stand on its own.

The Fed, however, is known to be preparing information for its examining staffs and other banking agencies. In a recent speech, Griffith L. Garwood, an attorney in the truth-in-lending division of supervision and regulation at the Fed, said he believed this information would be distributed to banks. This information should give bankers some idea how the act is viewed by the Fed and give some guidelines for operational procedures.

All banks will be affected by the law, either as users of credit information or as consumer reporting agencies. The act defines a consumer reporting agency as anyone who, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

As a user of credit information, a bank must comply with the measure's disclosure requirements whenever employment or insurance or credit for personal, family or household purposes is denied or the interest on credit is increased on the basis of information contained in a credit report.

In the case where the information was obtained from a consumer reporting agency, the bank must notify the consumer that the action has been taken and supply him with the name and address of the consumer reporting agency.

If the bank denies credit, insurance or employment or increases the interest rate based on information obtained from a firm that is not a consumer reporting agency, it need not disclose the source of its information. It must, however, advise the consumer that he may make a written request within 60 days to be informed of the nature of the information used by the bank in making its decision.

If a bank decides to become a consumer reporting agency it must first obtain certification. It must establish procedures to assure that consumer information is supplied only for certain permissible purposes. These include the extension of credit, the review or collection of an account, employment, underwriting insurance or other legitimate business purposes.

It also must establish procedures for furnishing information to consumers when there is a turn-down or the interest rate is increased.

Further, it must maintain records of information obtained from third parties so consumers' requests for the nature of information used can be supplied.

The consumer reporting agency also must make certain that its information is accurate and current. As an example, information on bankruptcies which are more than 14 years old must be deleted from its records. Information regarding suits and judgments, paid tax liens, accounts placed for collection or charged to profit and loss, records of arrest, indictment or conviction of a crime or other adverse information may not be reported if it is more than seven years old.

A consumer reporting agency also must disclose to a consumer upon request the nature and substance of all information in its files on him, the sources of the information and the recipients of any information on the consumer supplied for employment purposes within the past two years and for any other purposes within the past six months.

If the consumer questions the accuracy of the information, the agency must reinvestigate and bring its records up to date. If the consumer is not satisfied then, he must be given the opportunity to file his own statement for inclusion in his credit record.

Compliance by banks will be enforced by the appropriate Federal supervisory agencies: the Comptroller of the Currency for national banks, the Fed for state member banks, and the Federal Deposit Insurance Corp. for insured non-member banks.

According to an unofficial and informal poll conducted by Robert Morris Associates, the Philadelphia-based national association for bank loan and credit officers, most banks are going to give out information based on their own experience with a customer and not become consumer reporting agencies.

Emphasizing the informal nature of the poll, a spokesman for Robert Morris said there were exceptions, primarily in unit banking states and smaller communities in such places as Texas and New England. In the smaller communities, the spokesman said, the bank, usually the only one in town, had always been a credit reporting agency, and would continue as a consumer reporting agency under the new law.

The Robert Morris spokesman said a number of banks had said they were taking a wait-and-see attitude, possibly waiting for guidelines from the FTC or the Fed.

Many banks have prepared strict guidelines for their employees to insure that the bank does not become a consumer reporting agency. One such set of guidelines, received by Robert Morris from an associate, is a good example of the detailed procedures being established.

Under these guidelines, the bank would write to its primary credit correspondents requesting a letter as to whether they were operating as consumer reporting agencies. It would also advise its correspondents of its status under the law. This letter would be kept on permanent file at the bank.

Additionally, the bank would update its information on the status of those from whom it receives credit information each time it does so.

When making a request for credit information, the bank would identify itself, state the purpose for which the information will be used and certify that the information will be used for no other purpose.

To insure that all those dealing with credit information would be in compliance with the act, the bank would use standardized forms and procedures.

Requests for information from nonconsumer reporting agencies would be restricted to transactions and specific factual information regarding the consumer's credit record. Only information regarding the consumer's specific transactions and experience with the bank would be given out. Opinions would not be expressed.

When writing a letter in response to a credit inquiry, the bank would state that it is a user of consumer reports and not a consumer reporting agency.

The bank would not report or process an inquiry for a third party, except a third-party request for a specific extension of credit or if the third party tells the consumer the name and address of the bank to whom the request is made.

All incoming credit information would be recorded and filed by the bank.

[From Computerworld, May 5, 1971]

Are Visible Computer Errors Only the Iceberg's Tip?

In the recent ABM arguments some stress has been placed on Prof. Licklider's statement that current computer technology was inadequate to prevent errors occurring in our software systems.

Unfortunately, partly because of the political environment and partly because of the natural unwillingness to face unpleasant truths, the impact of the statement—that current systems are untrustworthy—was ignored by the computer community at large, and was certainly ignored by me.

In recent months, however, I have been studying the occurrence of computer errors, to understand them a little better. My study was brought on particularly by a remark by James Moffat, CDP, assistant registrar for data processing at Arizona State University in Tucson.

He told me he felt the criticism printed in this column about the university giving unknown grade codes was ludicrous, in view of the many other larger errors which had been made, and which they had "got away with"!

DP MANAGERS AGREE

There is no doubt in my mind that many DP managers would agree with Moffat. They believe that there are many, many errors occurring in DP systems today—both in the software prepared by the hardware manufacturers, and prepared by themselves in house.

Very often the actual volume of errors, combined with the fact that many of them only occur under unusual circumstances, make them apparently too expensive to do anything about.

In particular, any systematic attack on them is simply too expensive to be considered worthwhile. This means that errors exist which are, or can be, known about but which may be ignored and left in the DP systems.

IGNORED FOR 5 YEARS

Just how long errors can be ignored was brought out vividly for me in San Francisco at the Spring Conference of the Association for Systems Management last month. After my talk one systems analyst won a big cheer from the other systems types by pointing out that his experience was that the DP group never got around to correcting nonvital errors—and that he had been waiting for some for no less than five years!

That cheer told me clearly that this ignoring of even acknowledged errors was not just an isolated incident, but instead was a usual occurrence.

At the same time some computer errors do get attention. We know this when we see the amount of time given to recompiling and re-recompiling systems that have been "implemented" long ago, and when we look at maintenance budgets.

But the decision as to which error will get handled, which will be discovered but not ignored, and those which simply won't be looked for or acknowledged if found, must have some logic behind it. And I think it has—the old, standard logic of the squeaky wheel. And naturally, the bigger the wheel that squeaks, the more likely it is to get attention!

THREE SAMPLES

Following up these two points—the Moffatt comment and the San Francisco cheers—I looked at three particular cases where you would reasonably expect such conditions not to occur—where indeed you would not expect to find many errors.

These cases have all been commented on in the column before, for different reasons, and so form a random, if small, sample. They are the Master Charge case, the Educator's Consultants case and the Tucson case.

Master Charge has plenty of money to hire the best analysts, Educator's Consultants makes a living selling the use of its software, and the university knows enough about data processing to be able to give postgraduate courses in it. These cases have all been commented on in the column before, and for different reasons. They therefore do form a random, if small, sample. What I did was to look for hidden errors that had not been known about when they were first talked about here, but which have since become visible.

MASTER CHARGE—4 NEW ERRORS

Take the Master Charge case. Originally it was selected as showing arrogance in the placing of the mailing address in a nonstandard position at the top of the envelope where it could be obscured by standard metering. Later, however, this system was found to also:

Issue bills that were arithmetically wrong—by hundreds of dollars.

Issue bills that called for payment before the billing date.

Confuse the reader with unnecessary data and abbreviations.

Be unable to produce confirmatory data when promised—or for months later!

None of these were found in the first go-around—only afterwards. They can therefore be considered as being hidden errors.

5 NEW ERRORS

Nor was the Master Charge alone. The Educator's Consultants case had the original error of using too short field lengths, and then using the field lengths that were available badly. Later it was discovered that in addition to these it was possible for the system to:

Completely omit grades.

Completely omit subjects taken.

Allow attendance reporting to fall two weeks behind.

Confuse all-round mediocrity with good classroom work and lousy homework.

Overprint computer data over important printed data, thereby losing both the computer-generated and the printed data!

TUCSON CASE—6 ERRORS

Even more daring than either of the others, however, was the Tucson case. Here it turned out that the original complaint, not checking inputs, was invalid. Perhaps that is why it was found to have more hidden errors than the others.

In this case it was later found:

That the operator had failed to obey run-sheet instructions.

Obsolete forms had been used, omitting vital information.

The university's rules were being broken by faculty members.

Valid complaints resulted in the blame being placed on the innocent.

The college failed to check the validity of the output.

Bad coding of descriptive data (1 for male, etc.) had been used.

Now, I don't know what you make of these facts—the number that were discovered when searching into apparently simple cases, or the complaints of the systems mean that nonpriority cases just don't get attention.

I don't even know what I really get of it—not just yet. But I do think that it indicates that computer errors are a much more important topic of consideration than we have currently realized.

At the very least, I think that the current public distaste for computers is based on a veritable epidemic of computer errors (which is certainly with us), and much worse, it may be that the visible errors are only the tip of the iceberg.

And that's a really chilling idea.

THE DEADLY MENACE OF DRUG ADDICTION

Mr. MONDALE. Mr. President, the deadly menace of drug addiction has rapidly reached crisis proportions in the United States.

The magnitude of this crisis can be illustrated with recent statistics for the Twin Cities. There are now an estimated 1,000 heroin addicts in Minneapolis and St. Paul. Last year in Minneapolis alone, 11 people died from drug-related causes. In just the first 2 months of this year, five people have already died from drugs, most of them from heroin. These numbers convey little of the tragedy for individuals who have lost a son or father. They cannot make us realize the torturous impact of heroin on human life and potential. How can this kind of destruction happen to us and, more importantly, how can we stop it?

Community self-help programs are underway in Minnesota to combat the dangers of drug addiction. Governor Anderson has given drug abuse a top priority, offering comprehensive proposals to strengthen State education and treatment programs. I hope that these measures will be adopted.

But the strengthening of State and local programs cannot succeed without Federal help. Like doctors fighting smallpox, they need vigorous international controls to quarantine the deadly germ—white powdered heroin which is produced and processed in friendly countries.

International control over heroin has diminished, not increased, during recent years. The failure of our efforts in this area is revealed in the quantum increase of heroin importation over the last 12 months. And the reason for failure lies squarely in diplomatic side-stepping of this issue by the administration.

For example, in 1967 Turkey—producer of 80 percent of the heroin consumed in the United States—announced its intention to get out of the opium business altogether by the 1970–71 crop. Despite its intention, Turkey has expanded opium acreage under cultivation in the past 2 years, and reports show that poppy production may have doubled. And the administration continues to claim success in cooperation with Turkey on opium control.

Since 1967 we have given Turkey a billion dollars in foreign aid, without reservation regarding opium production. Last year, when Attorney General Mitchell said that he would welcome sanctions against Turkey, the State Department repudiated him the very next day. With a billion dollars in aid flowing freely through the pipeline, can Turkey possibly think we are serious about opium control?

Legislation I introduced earlier this year would add the firmness our diplomatic efforts lack. My bill would make cooperation with opium producing and processing countries more meaningful by tying aid to crop diversification and law enforcement efforts. And for the first time my bill would make clear that we do not intend to finance countries to supply us with heroin.

The International Opium Control Act has stirred favorable reaction in Minnesota. As further evidence of concern and support for prompt action, I offer two articles published last week in the Minneapolis Tribune.

Mr. President, I ask unanimous consent that the following articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Drugs That Kill

An American Medical Association spokesman describes a study released this week as the first real evidence, based on good research, that regular marijuana smoking can cause serious psychological damage to young people. If the findings hold up under challenge—some experts are skeptical because of previous research to the contrary—then marijuana will take its place with cigarettes and alcohol as major health hazards.

Even if a health hazard, however, marijuana is not the only serious part of the drug problem. Another serious part—the part that also ought to receive major attention in the community—is the apparent increase in use of drugs that kill. The Tribune's series last week by staff writer Sam Newlund showed that 11 persons died in Minneapolis from drug abuse last year, and five died the first two months of this year. Heroin was the biggest killer. Amphetamines, barbiturates and synthetic narcotics also took a toll. Marijuana did not cause any of these deaths.

The victims ranged in age from 16 to 62. One was a Vietnam combat veteran. The number of others, still living, who are addicted to dangerous drugs is not definitely known. Half the 2,702 drug arrests in Minnesota last year involved drugs other than marijuana. The Twin Cities are believed to have as many as 1,000 heroin addicts. And countless others, from housewives to medical personnel to "speed freaks," are hooked on amphetamine stimulants considered to be more dangerous in some ways than narcotics.

As was brought out in the articles, the pushers of drugs are not always the professional criminals exploiting a market. Many are drug users themselves, including teenagers, who want to share the experience and finance their own purchases. Further, not all drugs come through illegal channels. The drug industry produces and promotes billions of amphetamine pills for medically questionable purposes. Finally, drug use itself is not the only serious aspect of the problem. The articles described how extensive burglary operations are carried on to underwrite drug acquisitions.

There are no final answers to these problems—just many attempts to find answers. The self-help community programs seem promising and could use more aid. Gov. Anderson's proposals for education and treatment should be approved by the Legislature. Authorities need to direct their efforts more at the large drug wholesalers. And Sen. Mondale's plan to dry up the flow of heroin from Turkey could be effective. In the final analysis, however, the real solution is for Americans to come to the recognition that overuse of drugs—whether amphetamines, marijuana or alcohol—is not the answer to life's problems.

NORTH SIDE "BROTHERHOOD" OFFERS HOPE TO DRUG ADDICTS

(By Sam Newlund)

They call themselves a Brotherhood, and they mean business.

Their enemy is drug addiction and their aim is to save their black brothers and sisters from its evils.

"Hey, man—drugs? They offer you nothing but oblivion," one of them said last week.

The Brotherhood is a tough-minded corps of north Minneapolis black men, most of them former addicts, who have set up a drug-fighting Halfway Inn at People's Church, 1001 Penn Av. N.

To enter the program, addicts must sign a pledge agreeing, among other things, to abstain from hard narcotics, to attend group meetings, to submit to spot chemical tests and to commit no crimes.

Those who break the rules must answer charges before a tribunal of their peers.

About half the 13 who had signed the pledge last week are on a methadone-maintenance program. Methadone is a synthetic narcotic used to break heroin addiction.

The group also plans to spread the word—to youngsters, parents or anyone who will listen—that drug addiction is a monstrous cop-out.

The Brotherhood grew out of alarm in the North Side black community over a recent rash of deaths from drug overdoses and deaths related to illicit drug traffic.

With the help of People's Church's white minister, the Rev. Rolland Robinson, a program was written and an application for a $30,000 subsidy was submitted to the State Crime Commission.

Mr. Robinson estimates there are 900 North Siders using opiates (including heroin) and cocaine, and that one in five of them is addicted.

Halfway Inn rules provide that members using methadone take their daily doses in the presence of two of the Brotherhood's four leaders and a registered nurse.

Methadone is picked up twice daily from nearby Pilot City Health Center and brought to the church for swallowing. Efforts are under way to set up a permanent "kick pad" where addicts trying to break their drug habits can live during the time they are suffering from withdrawal sickness.

A telephone is manned around the clock to help any caller who may have taken an overdose of drugs.

But the program's principal strength probably is the presence of ex-addict counselors who can help the initiates get "clean" because they have suffered through that difficult time themselves.

"Rapping," in the form of regularly scheduled "group therapy" sessions, is a key part of the program.

No holds are barred in the rap sessions. At the first group meeting, last Monday, members argued heatedly about how tough the Brotherhood should be when a member returns to drugs or fails to obey the rules.

Three days earlier a bi-racial group of adults and children crowded into a church meeting room to see a slide presentation and a movie about drugs and addiction. None of the drugs shown on the slides—from coffee to heroin—escaped critical comment from members of the Brotherhood. Some sample comments:

Marijuana—"The bad thing about marijuana is that you get 20 years if you get caught with it in your possession."

LSD—"I know a couple of kids who took a trip and haven't come back yet."

Tobacco—"This is an addictive drug."

Cocaine—"I've seen people spend $400-$500-$600 in a couple of hours. I've seen it. I've done it. You could break Rockefeller with this drug. He'd be dead or he'd be broke."

Tranquilizers—"You'd be surprised how many housewives are strung out (addicted) on these."

Spot remover and gasoline—"A dude who takes this has to be a mad dog . . . It's a cheap high, a stupid high and a death high."

Most of the comments were made by two of the four Brotherhood leaders, Felix James and James Spaulding. Their scorn was extra vindictive when a picture of heroin was flashed on the screen.

"Here's the garage," said James. Added Spaulding: "It'll make you hate your mommy, your daddy, your sister, your brother."

Summed up James: "That's pure death. When you take and shoot that stuff, it's pure death."

Early this month 23-year-old John Foss (the name is fictitious) was discharged from the Army after serving as a combat rifleman in Vietnam. Within two days after returning home, he began methadone treatment at Pilot Center and transferred soon after to Halfway Inn.

Foss first shot heroin into his arms at age 18, was on methadone when he was drafted two years later, and took up heroin again in the Army—both in this country and in the Far East.

Slight of build, Foss explained in an interview at the church that he turned to drugs "partly because I wanted to be recognized, I guess."

"I always wanted to be somebody," he said. "I guess it was a thing I could brag about."

"My mother and father," he said, didn't want me to mess around with no narcotics. They put it to me so bluntly. . . . But if someone tells me don't do something I'm going to do it to find out why."

Foss estimated that 65 percent of the members of his outfit in Vietnam used drugs of some kind. In Vietnam, he said, heroin is cheap and easily available from villagers. "It's just like going into a store and buying cigarettes."

He said he became addicted in Vietnam after the first time he killed an enemy soldier. His outfit, Foss said, was "just sitting around" one morning when "all of a sudden we heard all this noise."

Enemy soldiers came "running, shooting and hollering," he said. "The dude that I killed, he was real young. He just kept running and I shot him nine times."

"What shocked me," he went on, "was that we had to count their dead. Then we took their weapons and buried them . . . I was feeling real bad."

It was after that experience, Foss recalled, that a fellow soldier asked him if he wanted to sniff some heroin.

"I tried it and really got high," he said. "It was a high that I had never experienced in my life. I was trying to forget the incident."

According to Foss, it was common for him and his buddies to go into combat high on heroin.

"Being high was easier," he said. "You really didn't care. You always had the thought in your mind that it might be you—it's him or you. Killing somebody you don't even know. For what?"

At Halfway Inn, Foss said, he does a lot of reading, thinking and talking. He said the methadone is working—"it's a real nice feeling to be clean"—and he is now looking for a job.

The leaders, he said, "are just more or less helping me to decide on what I am and who I am. They're helping me to understand why I used drugs in the first place. We just kind of sit down and rap."

To join the group an addict "really has to want to quit," Foss said and the attitude of the leaders drives home that point.

"We are here to save lives," says a brochure explaining Halfway Inn. "We want to salvage the souls of some of our brothers and sisters before they jump off the deep end. We are 'catchers in the rye' seeking to turn the blind ones back before they fall off the cliff. We are determined to do this because we have seen too many people over the years, some of them close friends, die."

FREEDOM FOR POLAND

Mr. BROOKE. Mr. President, on May 3, many Polish citizens of this country observed the 180th anniversary of one of the great events in the history of the Polish people, the adoption of the Constitution of 1791.

The creation of the free state of Poland represented one of the first efforts to establish a popular, liberal form of government in the era characterized by the flowering of freedom in the Western World. Although it was to come to an end within a mere 4 years, the May Third Polish Constitution still shines as a monument to the principles of national pride and self-determination that have marked the Polish people.

The great contribution which Polish-Americans have made to the development of the United States, beginning with the very significant military leadership of General Kosciusko during our own revolution for independence, form an important part of the history of our Nation.

I hope that the millions of Polish people will once again come to enjoy fully the basic rights and liberties of a free people.

THE ELDERLY: AN INVISIBLE CITY

Mr. EAGLETON. Mr. President, recently the St. Louis Globe-Democrat published a series of five articles entitled appropriately "Invisible City."

These articles describe vividly the plight of many of the 164,000 elderly people of St. Louis and St. Louis County who constitute a kind of invisible community within that urban area.

The problems these people face—inadequate income, lack of proper health care, immobility, crime—are, of course, not peculiar to St. Louis. They are the lot of the elderly in all of our major cities and, in more general terms, of our elderly citizens wherever they live.

Mr. President, I commend this series of articles to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

INVISIBLE CITY—AREA ELDERLY FORM A DIFFUSED COMMUNITY OF 164,000

(By Les Pearson and Andrew Wilson)

There's a largely invisible city within the St. Louis area.

It is old. It doesn't ring with the laughter of children. What laughter there is comes gently—sometimes bitterly.

It's a city 164,000 strong in St. Louis and St. Louis County, made up of people over 65. It would be the metropolitan area's biggest suburb if concentrated in one place.

Its psychology is one of fear and depression—fear of not having enough income to live on, depression brought on by the often wrenching psychological adjustment from a lifetime of work to retirement idleness and isolation.

Since the entire gamut of urban ills—from transportation to crime—is likely to bear with special intensity on the aging, simply accepting themselves and their devalued status is a major problem.

A man retiring on Social Security at 65 finds his income slashed to half or a third of what it had been, but his needs do not suddenly evaporate. Medical costs, for instance, can be expected to rise steeply.

The problems of the aging, then, are likely to be the same as the poor of all ages. And in St. Louis they also are closely linked to urban problems generally. On the average, most of the aged live on less than half as much income as those under 65, government statistics show.

The census indicates almost one person in seven in the City of St. Louis is more than 65 years old. Almost half of those over 65 live alone and only about five per cent of all aging live in any kind of institutionalized setting.

The rest—about 95 per cent of the approximately 91,000 in St. Louis and 73,000 in St. Louis County—are "just scratching for themselves," according to Gilbert Murphy, executive director of the Older Age Special Issues Society (OASIS), a federation of senior citizens clubs representing some 6,000 persons in the St. Louis metropolitan area.

And that statistic offers a clue to the visibility of this aging city within a city. A relatively small percentage of those 65 or older maintain any active social life. Most, especially those in poverty circumstances, tend to retreat within themselves.

What are the characteristics of the aging city?

One—As many as 75 per cent of all elderly persons have an income of less than $300 per month and more than 50 per cent get by on less than $200 per month.

Two—difficulty in getting from one place to another, for a variety of reasons, leads to a corroding feeling of isolation and helplessness, along with a growing absence of the kind of nutrition necessary even for an ordinary existence.

Three—While Medicare and Medicaid are the politican's answer to health problems of the aged, they fall far short of meeting the needs of those on squeezed fixed incomes.

Four—Many, if not all, aging people experience a gripping fear of being the victims of a rising crime rate because of their increasing vulnerability.

Five—But the aging city is not without resource, for a leadership is emerging with an insistent demand that things be made better for themselves and their contemporaries.

The Social Security Administration reported last year that of all aged household units, 44 per cent had income below the poverty level and only about one-third had incomes large enough to provide at least a moderate level of living as defined by the Bureau of Labor Statistics for a retired couple.

Politicans are expressing growing alarm about the problem, hence the White House Conference on Aging. A preliminary session of that conference is scheduled for Monday at Kiel Auditorium.

A workbook prepared for this conference says in 1969 it cost elderly couples in cities a minimum of $2,902 to maintain a "low" living standard. This $241 per month budget "would not allow for any extras or even the replacement of some essential supplies."

"To live on a very moderate scale, adequate to maintain health, enough to get by on indefinitely, would have cost such a couple $4,192 in 1969," the document reports.

And "for a comfortable, but by no means luxurious way of life, the couple would have needed $6,617 that year," it concludes.

The same publication shows that in 1970, the median annual income for older couples was $4,803, but 20 per cent of all elderly couples had less than $2,500 per year.

Widows and other elderly persons living alone were even poorer, their median income being $1,855. Only 9 per cent of all elderly people had incomes of more than $5,000 a year.

Just trying to hold onto their own homes is a mounting trial for older people. Government statistics show maintenance costs have gone up about 50 per cent since 1957–59.

Insurance costs have risen by 53 per cent and property taxes are up about 40 per cent in the same period.

Some States—not including Missouri—offer property tax relief for the elderly, but they are few and the relief is limited.

Legislation is pending in Jefferson City to provide tax relief for the elderly through income tax rebates, but the bills are well down the House of Representatives' calendar and must still find their way through a reluctant Senate.

Two approaches—the so-called, "circuit breaker" bill for property tax relief and the "homestead exemption"—are on the calendar and are designed to give persons over 65 relief from the large property tax burden they bear.

The "circuit-breaker" bill offers an advantage to the older renter, as well as the property owner.

One impact of rising taxes on fixed incomes is that older persons increasingly tend to veto tax issues at the polls.

The city of St. Louis feels the impact of the invisible city within. Demands for additional health care facilities, for better transportation, for better law enforcement contribute to fiscal crisis, which is by no means invisible.

LONELY, IDLE, TERRIFIED—FEARFUL OF CARS AND CRIME, MANY OLD PEOPLE ARE PRISONERS IN BATTERED AREAS OF CITY

(By Andrew Wilson)

Many old people live as prisoners in their own homes in battered sections of the city. Sequestered behind heavily bolted doors, they are lonely, idle and terrified.

Fearful of muggings and speeding cars, they cajole relatives and tip neighbors to fetch their groceries, candy and medicine.

Mrs. Agnes K. exemplified the type. Nobody ever saw her on the street, but everyone in the neighborhood knew who she was.

She was the old widow who lived all alone and was always peeking out the corner of a window. Sometimes a group of rowdy children would spot her and rain pebbles on her window. Then she would call the police to chase them away.

Mrs. K. was assaulted in her home on a recent night and apparently suffered a heart attack. She had been dead for several hours when police found her. Her house was ransacked and laboratory tests showed she had been raped.

Was this crime as wildly unpredictable as it was shocking and grotesque? Not according to Arthur C. Myers Jr., chief statistician for the St. Louis Police Department:

"There are certain behavior patterns which lead almost inevitably to a violent death. This woman was like that.

"She stayed in a tough neighborhood long after her family and friends all died or moved away, and she was constantly calling the police.

"Now this can create a lot of resentment. What happens when the older brother of a kid who gets picked up and maybe put on probation on her account decides to do something about it?

"The police can't be there all the time."

It should not be inferred from these remarks that the elderly are the victims of a disproportionately high number of crimes against persons.

They comprise 15 per cent of the city's population, and are the victims of about the same percentage of the street robberies reported to police.

They are murdered about half as frequently as their fellow city dwellers and reported rapes are in a still smaller proportion of incidents.

But these figures are only part of the story. As Meyers pointed out, it is not always wise to call the police. Undoubtedly, the elderly often don't, even after being attacked.

The sad fact is that to be old and infirm and without the protective services of a family or institution is to be a sitting duck for acts of possible retaliation.

Moreover, where the average person might come away from a street robbery with nothing worse than a bump on the head and an empty wallet, an old person might sustain serious injury—both physically and psychically.

Two old widows who were knocked down in the course of purse-snatchings last month never recovered from the experience. Both died after a short period of hospitalization.

The St. Louis Housing Authority tries as far as possible to protect its elderly population by segregating it. The so-called "senior citizens buildings" are packed and have long waiting lists.

But even these sanctuaries—with their locked doors and stringent security precautions—are not entirely free of the grip of fear. The problem is they are not entirely self-sufficient.

"They (youths who victimize the aged) are out there waiting in groups of seven and eight," explains Thomas Hardeman, the alert and energetic president of the senior citizens club at one Blumeyer public housing building for the elderly.

"Four or five will stand look-out and the other two or three will grab the purse. They are all kids about 12 to 17. You can hear them whistling signals to each other."

So when there are church services to go to or groceries to be fetched, the Blumeyer elderly often wait until they can get up a group and then sally forth as a convoy.

"I'd have to say outside security is our biggest problem here," said Hardeman, "Why, in the last year alone, two old widows here have died from attacks."

The elderly find it especially hard to

square their own vulnerability to attack with the apparent immunity from prosecution of their youthful attackers. It seems a cruel paradox.

"What is most disgusting, said Hardemann, "is the lack of punishment which the youngsters who commit these serious crimes receive.

"The police take them down to the station and it seems like before they even get a chance to book them there they are back out on the street again."

Beefed up security patrols at the projects this summer will aid the elderly in Blumeyer. But these are the people with most of the luck anyway.

For the great majority of old people clinging to private homes around the city there is no relief in sight.

The Grounded Generation—Elderly Must Stay in Own Neighborhoods Because They Cannot Afford Fare or Get on and off Area Buses

(By Les Pearson)

Picture Miss B., bent almost double at age 77 because of a congenital spinal deformity which has grown worse with age.

She's able to do much of her own housework and lives close enough to a grocery and self-service laundry that she can manage, pulling a small cart behind her as she hobbles along.

But out of about $125 per month, she has to pay nearly $10—almost 10 per cent—in taxi fare for twice-monthly trips to her clinic, because she just isn't physically able to get on and off a bus.

Living in a deteriorated St. Louis neighborhood where concrete has consumed trees, one of her strongest desires is just to see the country again.

But transportation for this sort of trip is never available.

"I guess I'll never be able to go any more," she told a reporter quietly. "There just isn't any way."

She's one of 91,000-plus persons over 65 in the city alone, of whom only a small number are affluent enough to easily provide their own transportation.

One of the fortunate few who is still physically and financially able to drive his own car, George Reeves Sr. is able to measure the extent of the problem confronting many of his contemporaries.

"This lonesomeness is corroding, it really hurts. It has a definite effect on health because depression just hastens the process of deterioration," Reeves said sadly.

Walking even two blocks to a bus stop can be taxing to an older person, particularly if there is a wait for the bus and the prospect of a transfer before competing the trip.

Mrs. T., who at 81 is in reasonably good health, lives in an inexpensive hotel in another of St. Louis' deteriorating neighborhoods. Her income, about $150 per month, pays her rent and the meals at her hotel.

Her only son is dead and the daughter-in-law is an alcoholic. One grandson is 16 and an older granddaughter is married but separated from her husband, and Mrs. T. worries about her two small great-grandchildren.

Recovering from a fractured kneecap, she walks with a cane. But she would try to go occasionally to see about her grandson and her great-grandchildren, just to make certain they are all right, if she did not have to transfer three times to get there on a bus.

"I just don't go," she said sadly.

"Buses are not made for older people," says Louis Solomon, a peppery former labor lawyer who at 68 is now lobbying for his own generation.

"They could lower the rungs and shorten the steps so it would be easier for older people to get on and off the buses," he said. "And they could reduce the fare to fill up those buses on off-peak hours," he said.

As it is, 45 cents is too much for many older people to afford as fare for a trip anywhere and when the return trip makes the day's cost near a dollar, they just don't go.

"We think many older people just don't go to the doctor or to the store to buy the nutritious foods they need because they can't afford to go," said Miss Jaclyn Meyer, social worker for the Cardinal Ritter Institute, an organization dedicated to assisting the elderly.

The need to reach medical services probably presents the predominant demand for transportation for the elderly.

"We have to eliminate the barriers which are making health care crisis-oriented," said A. J. Henley, administrator of the Yeatman Health Center at 2730 North Grand bl.

The Yeatman center, which serves about 75,000 persons on the near Northside, is one of two centers operating its own transportation service. The other is the St. Louis Comprehensive Health Center, at Easton and Goodfellow.

This service probably accounts for no more than $20,000 a year at Yeatman, out of a $1 million budget. Henley says, and does meet the needs of elderly people for medical services in that geographical area.

Legislation is scheduled to be introduced in Congress this week by Sen. Charles H. Percy of Illinois in an effort to do something about the problem of transportation for the aging.

Vern Goetcheus, special aide on the problems of aging for Percy, said the senator has readied a package of legislation aimed at helping solve these transportation problems.

One bill would require local transit systems to provide a half-fare system for persons over 65 in order to be eligible for federal funds.

"These are people who are not riding the buses now, so it would be no loss to the bus system," Goetcheus said.

Another bill would set up a system of demonstration grants from the federal government to support a variety of experiments such as providing medical services transportation for the elderly.

Legislation already in existence, but not fully implemented, would provide federal money to assist local transit systems in modifying equipment to make it easier for the elderly to enter and leave buses and other public conveyances.

By and large, however, transportation is an unsolved problem for older people.

"What we need is some sort of centralized transportation service for the elderly. We just have to eliminate these problems of getting around," one official said.

"Practically no one is really doing anything about it and as a result, we come into contact with these older people only when they have become so ill from poor nutrition or depression or something else that it's almost too late," he added.

The Aged Sick—Elderly Are Often Unable To Obtain Even Minimal Care

(By Andrew Wilson)

An elderly person who is struck by a car in St. Louis will, if he is at all lucky, be rushed to a hospital. The same will be true if he has a stroke or a heart attack.

But unless he is rich he will be left to suffer through the agony of a multitude of lesser afflications.

Some old people have learned to live with their own stench because they cannot find anyone to help change them or give them a bath.

Others put up with aches and pains which could be easily relieved by common drugs.

For most old people, poor health is a persistent fact of life. Four out of five persons over 65 have some sort of chronic illness.

Yet in the opinion of many experts, the present "crisis-oriented" system of health care is disastrously ill-equipped for meeting the needs of these older people.

They claim it is failing badly in the basic test of getting services to the elderly—at prices they can afford.

All the major problems of the urban elderly converge one with the other. Health care is no exception.

Because of the problems of crime and erratic public transportation, many older people feel shut off or at least greatly hindered in even seeking out medical help.

Because they are poor or on fixed incomes, they are especially hard hit by the galloping inflation in medical costs.

Because they are strapped with other costs, they scrimp on their diet and go hungry or undernourished.

Because they live in substandard housing, they are exposed to dangerously unsanitary conditions.

Medicare has undoubtedly been of major benefit to the elderly. But there are large gaps in its coverage which they are quick to point out.

Ordinarily, Medicare doesn't pay for hospital visits over 90 days, for out-of-hospital drugs, eyeglasses, hearing aids and dentures, and visits to doctors which do not lead to "skilled treatment."

In fact, Medicare paid for only 47 per cent of the total health care expenditures for the elderly in 1969, according to a recent report by the U.S. Committee on Aging.

The files of the Visiting Nurses Association here which sends home health aides out to 1,700 needy persons, most of whom are elderly, are bulging with what can best be described as horror stories.

VNA officials report that it is not unusual for home aide nurses to discover almost total invalids living in crumbling apartments without heat, without food or without functioning plumbing.

"Many old people need just maintenance care such as enemas and irrigation—which any skilled person could provide," a VNA official said.

The VNA is primarily interested in helping patients and their families and friends to help themselves cope with long-term illness. But even this modest goal is sometimes helplessly out of reach.

"Many are bed-ridden with no relative or friends left in the neighborhood and there's not much you can do except go in and try to make them more comfortable," one VNA official said.

Medicaid is a further help to many elderly persons, but to qualify for its benefits one must be able to prove indigence.

Medically speaking, the cost of medical care is often as hopelessly prohibitive to a person of modest means as it is to a poor person.

Upon asking how she could qualify for desperately needed Medicaid assistance, an elderly widow here was told to sell her $12,000 house.

A number of elderly homeowners have had to face up to the bitter necessity of putting mortgages back on the homes they sweated and slaved to buy in order to pay off medical bills.

Among the specific chronic diseases most commonly reported by older people are arthritis and rheumatism (26.6 per cent), heart disease (14.9), and high blood pressure (12.9 per cent).

Even if fear of crime and lack of transportation didn't prevent many older people from seeking help for these afflictions, ignorance often would.

Many older people think of dizziness and aches and pains not as symptoms of particular diseases which are subject to treatment but as part of the natural and inexorable process of aging.

Some have proposed that some form of national health insurance be instituted to provide completely free medical service for everybody over 65.

Dr. Rodney M. Coe, executive director of the Medical Care Research Center of Washington University and the St. Louis University School of Medicine, favors this approach, but sees it only as a partial solution.

According to Coe, what is needed is a great expansion of public health care facilities at the neighborhood level, with paramedical personnel taking over many of the simpler functions which are now handled by doctors.

Coe stresses the neighborhood clinics should be geared toward preventive care, keeping close tabs on such things as fluctuations in blood counts and concentrating on nipping illnesses in the bud.

He admits such a system would be expensive, but he defends it on practical grounds:

"We can no longer afford to operate on the acute health care model because it is wasteful and inefficient as well as traditional . . .

"Typically what happens now is an older person with a set of symptoms which he defines as sickness goes to a doctor who then makes tests and prescribes some pills.

"A few weeks later the symptoms return and the patient goes back to the doctor and the same thing happens all over again. The patient gets some more pills and then a little later he is sick again.

"Now the patient may be suffering from arthritis or hearing loss or some other disease the physician can do precious little about except prescribe some palliative stuff.

"Now a number of things are happening while all this is going on.

"Number one, the patient's not getting well—because that's the nature of a chronic disease.

"Number two, it's getting very expensive for the patient to keep going back to the doctor.

"Three, there is some dissatisfication on the part of the doctor because his patient isn't responding.

"Fourthly, the repeated visits of older patients are working our doctors to death.

"And lastly, the physician doesn't happen to notice all the signs he should. As long as the blood level stays within the normal range, for instance he pays no heed to it. It may be at level X one visit, X plus two the next, and X plus four the time after that, but as long as it is still within the normal range, he takes no action.

"With a preventive-oriented approach, we would notice trends like this and move to head off serious complications in the pre-crisis stage."

Aged on the March—Political Army of Senior Citizens Is Battling for Better Legislation; Its Voice Is Being Heard at Polls

(By Les Pearson)

Ever see an army on canes?

One is being organized in the St. Louis area and the enemy is the politician who doesn't help solve the problems of aging Americans caught in the squeeze between fixed incomes and rising costs.

Battalions of people 65 and older are marching on City Hall, on the state capitol in Jefferson City, or Washington and, above all, to the polls in increasing numbers.

One in every seven St. Louisians, 91,106 of them, is over 65, while 73,361 out of nearly a million St. Louis county residents are over 65, according to the 1970 census. It's a largely urban army of the aged, comprising 14.6 per cent of the population in the city and less than 8 per cent in the county.

Disgusted with the growing burden of not having enough to live even adequately in their retirement years, the aged have become an important political force.

"We're going to do like the AFL–CIO does . . . fight for our friends and against our enemies," said one leader of an emerging force of older St. Louisians who insists things are going to get better for himself and his contemporaries.

"We'll remember our friends . . . and our enemies . . . at the polls next election," he said firmly.

A prime mover in a more militant organization of older people is George Reeves Sr., an 81-year-old retired social worker whose voice and vigor are of someone 30 years his junior.

About half of all people 65 or older are below the poverty income level of $3,000 a year, Reeves points out. Of these, half are in such desperate financial straits their energies are devoted to just getting by, not to political action.

But there's a determined effort to enlist these people to at least vote through a "friendly visitor" program carried on by senior citizen organizations.

The objective: Helping aldermanic, state and federal legislative candidates who understand the problems of the old.

Nationally, older Americans make their voices heard on Social Security issues and on the cost of living.

"We are really clobbering the administration now," said Louis Solomon, a former labor lawyer who is now lobbying for his generation since he retired three years ago.

"They're not too happy with us, they'd rather give it to the generals and the admirals," he added.

The Older Age Special Issues Society (OASIS), a federation of Senior Citizens Clubs headed by Reeves, and United Senior Action, a lobbying organization, sent several bus-loads of people to Jefferson City to support the so-called "circuit breaker" bill to grant property tax relief to people over 65.

"We have about 80 (of the needed 82) votes in the House, so I guess we'll have to round up a few more," said Solomon.

Traditionally, politicians have expected a generally negative vote on election day from older people, particularly on tax issues.

But Reeves and Solomon and their contemporaries are trying to go beyond this instinctive "no" vote to make their voices heard in legislative halls at all levels.

"We're finding new places to poke at in the soft underbelly of politics," said Reeves.

One St. Louis alderman who says his reputation is "negative" because he espouses the cause of older people is Raymond Percich (Dem.) of the 27th Ward, a northwest St. Louis area with about one in seven residents over 65.

"Everybody pays lip service to tax relief, but all we really can do is prevent the tax in the first instance and that's what I've been trying to do," said Percich.

The appeal of Joseph Badaracco, GOP aldermanic president, that he would serve as a watchdog over Democratic spending at City Hall was probably very attractive to older city voters, Percich pointed out.

And while that could not be classed as the only factor, Bradaracco rolled up his largest margins in the south and southwest St. Louis wards where population over 65 years of age tends to run as high as 25 per cent in some sections.

"They're against taxes and that's the way I vote," said Alderman Lee Weber, 6th Ward Republican from south St. Louis who was reelected April 6.

Alderman John A. Joyce (Dem.) of the 23rd Ward in southwest St. Louis put it another way: "These people, many of them, have been on pensions for 15, perhaps 20 years. Now these people in their 80s are out cutting their own grass."

Alderman C. B. Broussard, 26th Ward Democrat and also a senior citizen, thinks the elderly vote definitely figured in the victory of Badaracco April 6.

"They voted very heavily for Badaracco and I think this followed his hammering away at waste," said Broussard.

Only one special St. Louis tax issue election in recent memory generated a heavily affirmative vote of the elderly. That was the city sales tax proposal approved in March, 1970, but politicians are agreed that the anti-crime campaign touched a tender spot with older people who are fearful of becoming victims.

"They sold it on the idea that crime was going to stop the day after the election and it was specifically planned to touch the fears of these old people," said one politician.

But the convention center and other tax issues either failed or carried only closely in wards heavily populated by the elderly.

"The politicians keep asking why we're getting these no votes, but they always keep coming back with something else," said one alderman.

"I've got people who pay two or three months of their Social Security income for property taxes. What can you do when these people appeal to you?

"You say 'vote no,' that's what you do," he concluded firmly.

THE NUCLEAR ARMS RACE

Mr. MUSKIE. Mr. President, the nuclear arms race has taught us a valuable lesson, and it is time that we took this lesson to heart. It has taught us that buying more arms does not necessarily buy us more security; it may only lead to new and more chilling forms of insecurity.

The nuclear arms race should have taught us by now that in the long run, the control of arms can provide us with a more stable peace and more security than the best weapons money can buy and the minds of men can devise.

We have seen that this is true as we have watched each side develop new strategic weapons systems in response to real or imagined programs by the other side. The net effect has been, at least, a tragic waste of valuable resources. At worst, it could mean catastrophe for all mankind.

Too often, nations have resisted the idea of arms control in the mistaken belief that it would mean unilateral disarmament. And we have sometimes thought of arms control in terms only of reaching agreements and signing treaties. As in the case of the current SALT negotiations, reaching such agreements is an urgent need.

There is, however, a further dimension to arms control. Even in those areas of competitive strategic military spending not covered by treaty or agreement, we should try to establish a pattern of mutual self-restraint with other nations. We should recognize that the other side can and often does react to what we do. A pattern of mutual restraint would enhance our security as well as the security of others. Moreover, the unilateral defense program decisions we make now can alter the prospects for agreement in the future.

It is important, therefore, that we consider the effects of our strategic defense budget on the prospects for agreement at the SALT talks now and in the future and on the military spending decisions of other nations, particularly the Soviet Union.

Actions which we and the Soviets have taken since the SALT talk began have already adversely affected the prospects for agreement.

While the talks go on, the Soviets may be making changes in their offensive weapon deployments. We do not yet know what these changes will prove to be. Whatever they are, they increase our uncertainty as to Soviet intentions, and they make it more difficult for us to conclude an agreement to halt the arms race. They have also resumed work on their ABM system centered on Moscow.

Since the talks began, the United States has begun to deploy a vastly improved new warhead system, the MIRV—a multiple, independently targetable reentry vehicle—and pressed ahead with the ABM program.

In a talk which I gave in Philadelphia early last month I emphasized the urgency of making progress at the current round of the SALT negotiations. Mr. President, I ask unanimous consent to have that speech and two earlier speeches which I delivered on SALT inserted into the RECORD at the conclusion of these remarks.

I emphasize this urgency again.

Thus far, little progress appears to have been made at this round of SALT. The Foreign Relations Committee Subcommittee on Arms Control will be holding public hearings at an appropriate time to explore what progress has been made and what the obstacles to agreement are. Among other questions, we will want to consider the desirability of separating out ABM systems for limitation as a first step toward a more comprehensive agreement.

While pressing for agreement at SALT, we must not lose sight of the fact that the defense programs authorized and funded by the Congress affect the prospects for agreement. This is an area of clear congressional responsibility.

The Congress of the United States in the last few years has begun to subject the defense budget to the scrutiny formerly given only to the domestic budget. The defense budget has proven no more complex than a health bill or a program to rejuvenate our cities.

In exercising the congressional prerogative on the defense budget, we have looked at:

Technical problems—will the weapon work? Is it needed or superfluous?

Economic problems—how much does it cost?

Foreign policy problems—how does the budget affect our commitments?

What has been missing is the arms control perspective—how our defense budget affects the possibilities for sound arms control. Too often, this perspective has been applied only after the decision to proceed with a new program has been applied only after the decision to proceed with a new program has been made and carried out.

Mr. President, the Foreign Relations Committee Subcommittee on Arms Control will be holding two sets of hearings in the coming months: first, one on the arms control implications of the administration's defense program as submitted to the Congress; and, second, on the advisability and feasibility of extending the present limited test ban treaty to prohibit all testing of nuclear weapons in any environment including underground.

I want today to outline briefly the kinds of questions these hearings will explore.

First, the subcommittee will investigate the arms control implications of the defense budget. The focus of these hearings will not be whether the weapons work or how much they cost. We will want to look at the net effect of the deployment of these weapons on the arms race and thus on United States security. If we deploy new weapons knowing full well that Soviet deployment of similar weapons will follow, will the result be more or less security for our Nation?

We want to apply a new perspective and a new set of criteria to judge the billions we spend on defense. By this new measure—the effects of weapons deployment on arms control—we may find that some weapons actually reduce security precisely because they might work and the Soviets would deploy them as well; and that certain weapons, despite their high costs, actually stabilize the arms race and enhance the prospects for peace.

We have been generally aware that these problems existed, but there has never before been any really systematic examination by the Congress of these weapons systems from the arms control perspective.

The United States, ever since the beginning of the nuclear era, has been committed officially to the search for control of these armaments. Progress, though significant in some areas, has been dangerously slow and limited.

A great part of the difficulty lies with the Soviet and our own failure to see that when either makes certain military decisions, it—quite unwittingly—forecloses future arms control possibilities. They may do that directly or because of the response they induce from other countries. Too often, each side fails to analyze how its weapons decisions will look to the other side.

In this sense, arms control begins not at a bargaining table in Vienna or Helsinki, but at home in Moscow and Washington. It begins in our defense budgets and in our national debates about how we can make our Nation more secure.

There are a number of specific issues the subcommittee hopes to examine in some detail. They are:

First, the multiple-deterrence triad. It has in the past been the policy of the United States to maintain not one but three essentially independent nuclear deterrent forces, in addition to our nuclear forces in Europe. These are our Minuteman land-based missiles, our bombers, and our Poseidon and Polaris missile-carrying submarines. The fiscal year 1972 budget and the President's discussion of strategic policy in his latest annual foreign policy message make it clear that the administration proposes to continue to maintain and modernize all three systems.

Since the Safeguard ABM is admittedly inadequate, the new hard-site ABM system is being proposed to help keep the Minuteman viable for the indefinite future. The new B–1 bomber is to be developed eventually to replace the B–52's and FB–111's we now have. The new ULMS submarine missile system is to be developed as a successor to the Poseidon/Polaris force.

All this will be very expensive, and there may be technical doubts about the feasibility or wisdom of some of the specific programs. Our hearings are not going to concentrate on those economic and technical issues. They will explore the basic policy problem of what it means for the arms race and arms control if we continue to seek to maintain three essentially independent deterrent forces. I hope we can determine the answers to such questions as:

What is the effect of having these three systems on the possibilities for arms control agreements? Does our desire have to have triple redundancy in our deterrent add to the difficulties of agreeing with the Soviets on strategic arms limitation in the immediate future? In the long run?

What response are the Soviets likely to make if we carry through three independently sufficient programs? What counter-responses will we then feel compelled to take?

What, from the arms control point of view, should be the relative priorities of each of these three forces?

Assuming we do want to maintain all three forces, what is the leadtime for the threat to each system? That is, how can we react fast enough to protect our security yet avoid acting prematurely and provoking a response from the Soviets negating any added security from our own efforts?

Second, Mirv's. The deployment of MIRV's on both our land- and our sea-based missiles proceeds apace. This is an area where we are far ahead. We are already deploying operational units; the first Soviet test of a true MIRV may have come late last year or it may not have come yet. The multiple warhead previously tested was only a MRV, that is, a multiple reentry vehicle from which each warhead cannot be aimed at a separate target. We have had such a MRV system deployed on our submarines—not simply in tests—for more than 5 years.

The administration rejected the desire of many in the Senate, in the Nation, and in the world for a suspension of our deployment schedule to improve the chances of an agreement to ban MIRV's. A MIRV ban, if it has not been abandoned entirely, seems to have a very low priority in both Soviet and United States thinking about SALT. Nevertheless, the chances for agreement may not be entirely lost yet.

This is a program where current action is helping to close the door on a possible arms control agreement of potentially great importance. Before that door is finally closed, we must understand what is being done. This points up, once again, the problems of technology and of considering SALT agreements solely in quantative and not in qualitative terms as well.

In examining the MIRV problem, the subcommittee will consider such issues as:

Does our MIRV program seriously threaten the chances of a genuinely comprehensive agreement at SALT?

What is the actual need for these systems at this time? Would there be risks in delay even at this late date in the hope of agreement?

What problems are there about a MIRV ban?

In the long run, would U.S. security be greater if neither we nor the Soviets had MIRV's or if both sides had them?

For the longer run, what are the implications of MIRV's for the stability of the United States-Soviet strategic relationship? How can we adjust our defense program today to minimize those problems in the future?

MIRV's even more than other systems, pose sharply the old question of how much is enough. To put the question in its most dramatic form, a single Poseidon submarine carries about 160 independently targetable warheads, each substantially larger than the bombs which leveled Hiroshima and Nagasaki.

Third, ABM's. ABM systems have a particularly fearsome potential for fueling the arms race. The strategic balance depends on each side believing it can destroy the other after the worst attack the other can mount on it. Thus, the prospect of defenses capable of defending our population centers and, therefore, threatening the Soviet deterrent is likely to stimulate massive increases in Soviet programs.

The subcommittee's examination of the ABM issue will consider such questions as:

What are the pros and cons of following up the opening which seems to exist now to secure an ABM only agreement as a first step toward a broader agreement?

Whether or not we seek an ABM only agreement, ABM's would surely be included in any SALT agreement. Should we suspend U.S. ABM deployment—while continuing research and development, to improve the chances of a SALT agreement?

What types of ABM limitation agreements would be stabilizing and useful in slowing the arms race, and what would not?

What are the implications of various possible U.S. ABM programs on long-run arms control possibilities? For example, if we insist on preserving the Safeguard ABM defense of some of our land-based missiles, what does that mean for the likely shape of an arms control agreement? What is the rationale for the so-called national command authorities defense?

In this connection, too, the subcommittee will want to look at the effects of an ABM avowedly aimed at Chinese attacks.

How would it affect the prospects for agreement with the Soviet Union?

What would be its effect on the chances for improving relations with China?

How would it relate to the possibility of drawing China into the framework of international arms control efforts?

Fourth, there is the question of our strategic doctrines. In a sense, what we say about nuclear weapons and what we believe to be their function in our national security are even more important than any particular weapons system. For our strategic doctrine helps to determine what kind of forces we maintain, and what we say about their purposes may have important effects on how other nations regard our strategic forces.

There have been a number of indications that the administration has made important changes—at least changes in emphasis—in our strategic doctrine. Secretary Laird in his "posture statement" has told the Congress of the criteria of "strategic sufficiency" the administration has developed. The President, in both his foreign policy messages, has appeared to see a need for a broader range of ways to use nuclear weapons than he believes he now has available.

In his Second Annual Review of Foreign Policy, the President stated:

> We have reviewed our concepts for responses to various possible contingencies. We must insure that we have the forces and procedures that provide us with alternatives appropriate to the nature and level of the provocation. This means having the plans and command and control capabilities necessary to enable us to select and carry out the appropriate response without necessarily having to resort to mass destruction.

The subcommittee is not going to try to investigate the secret details of our war plans. Instead, it hopes to look carefully at the arms race implications of the apparent changes in strategic doctrine the administration has itself publicly announced.

The kind of questions we will be concerned with are:

What exactly do these suggested revisions of established doctrine mean? Are we planning on a damage limiting or flexible nuclear response capability?

What are the forces we would need to attain such a capability?

What would be the effect on command and control mechanisms? Would we seek to provide our forces with the ability to destroy Soviet missile sites—for example, by improved accuracy?

What would be the effects of building such forces on Soviet programs and doctrine? Is there a danger of appearing to build a first strike force ourselves?

What are the likely effects on our friends and allies of these announcements and the apparent changes in doctrine? What does it mean for such arms control objectives as non-proliferation?

UNDERGROUND TESTING

Later, in a second set of hearings, the subcommittee will explore the advantages of an extension of the nuclear test ban treaty.

The present test ban treaty, one of the great monuments to the memory of President Kennedy, is a limited one. It bans nuclear explosions in the air, in outer space, and underwater, but it does not ban tests underground. Since the test ban treaty, both the United States and USSR have conducted many tests underground.

In fact, there has been more nuclear weapons testing since the treaty than before. To be sure, this testing does not normally affect the atmosphere because, except in the case of accidents, little radioactive material emerges. This is an important consideration from an environmental point of view.

But from the point of view of arms control, the continued high rate of testing poses serious problems. It facilitates the continued arms building on both sides. It makes it more difficult to get France and China to adhere to the limited treaty. A ban on underground testing would discourage other countries from developing nuclear weapons.

The subcommittee will consider whether the United States ought now to make a high priority arms control objective the extension of the test ban treaty to cover underground tests as well. We will examine.

The risks and benefits of continued underground testing. Previously, we have thought that underground tests at least had no potential danger for the environment. But with huge explosions like the one in Alaska 2 years ago—and particularly with the several-times-larger one planned for Amchitka this fall—that assumption is being questioned by some. The plans for this test, in particular, require the most careful scrutiny which the Congress and the public can give. What are the dangers? What will be the reaction of other nations?

How, if at all, do underground tests contribute to our national security? What would be the net effect on our security if all nations agreed not to conduct underground tests?

What kinds of weapons are we developing in these tests?

What do we learn we could not learn from other methods?

Has technology now developed to the point where an underground test ban could be verified without on-site inspection?

A major reason for the limitation on the current treaty was the consensus at that time that we could not be sure of verifying a ban on relatively small underground tests without on-site inspections, which proved impossible to negotiate. But technology has not stood still since 1963. There have been press reports that a group of scientists, meeting last summer under the auspices of the Advanced Research Project Agency, suggested that it is now scientifically possible to detect with very high confidence even very small nuclear explosions underground and to distinguish them from earthquakes and other disturbances. The hearings will explore these technical issues to see whether there is now a new and real opportunity to negotiate a broader test ban treaty.

Mr. President, I, for one, would feel irresponsible if we were to continue to learn of the arms control agreements we could have reached only after it is too late. We need to get on the record now the arms control implications of what is happening in the United States and the U.S.S.R. in developing new weapons systems. The subcommittee will try to get ideas from all knowledgeable quarters on what can be done.

It is time that we begin to act on what we have known all along: that arms control can yield greater security than the further accumulation of new military hardware.

There being no objection, the items were ordered to be printed in the RECORD as follows:

[From the CONGRESSIONAL RECORD, Oct. 28, 1969]

STATEMENT BY SENATOR EDMUND S. MUSKIE

In paying tribute to Meyer Weisgal and the Weizmann Institute, we are honoring the spirit of Israel; courage in the face of danger, tenacity under continuing pressure, and humanitarian concern in spite of the demands of war.

Israel is more than a patch of real estate in the Middle East. It is a dream come true and a challenge to all those who believe in freedom and the rights of man. It deserves our continuing support in the preservation of its freedom and independence.

In one of his last speeches at the first session of Knasset in Jerusalem in February 1949, Dr. Chaim Weizmann said:

"Let us build a new bridge between science and the spirit of man. Where there is no vision the people perish. We have seen what science leads to when it is not inspired by moral vision . . . All my life I have tried to make science and research the basis of our national endeavor, but I have always known full well that there are values higher than science. The only values that offer healing for the ills of humanity are the supreme values of justice and righteousness, peace and love."

The Institute which bears Dr. Weizmann's name is a testament to his wisdom and vision. Amidst a virtually continuous period of war and near war, the Institute has devoted its energies and resources to the betterment of life for all mankind. Yet, while the Institute applies science to improve the human condition, too much of the world seems preoccupied with harnessing technology to develop newer and more destructive weapons.

Since the end of World War II the United States and the Soviet Union have engaged in competition to develop more powerful armaments.

No one questions that—under present circumstances—military power is an essential part of our security system; but there is a point where preoccupation with purely military strength may diminish rather than increase our security. I believe we are at that point.

We are already involved in a new cycle of an ever more costly and perilous competition for nuclear superiority. At the same time, we and the Soviet Union have within our grasp a way to restrain this competition and to reassert a saner ordering of our national priorities.

We rationalized development of a MIRV system as a response to a limited Soviet ABM system and its possible expansion. The Soviets, in turn, started development of a MIRV system to insure parity in intercontinental missile systems for themselves. We moved to develop an ABM system in response to the Soviet moves to develop and deploy MIRVs. And so the arms race continues, unrelated to the real security of either nation.

While the development of MIRV will not alter the strategic stalemate between the Soviet Union and the United States, it can make it less and less possible to reach a nuclear arms control agreement.

At the present time, we and the Soviet Union can, through our own surveillance systems, tell with great accuracy the number of missile launchers the other has in place. But we cannot detect the number of warheads fitted inside a single missile. Thus, if MIRV missiles—with their multiple warheads—are deployed, it will be virtually impossible to achieve genuine arms control arrangement without detailed on-site inspection rights.

If we can achieve a ban on testing and deployment of such multiple reentry missiles, both nations, on their own, could police the testing of such missiles. Halting the final testing of such missiles is, therefore, crucial to reaching a self-enforcing agreement with the Soviets to bar their deployment.

Early last summer Senator Brooke, supported by myself and forty other Senators, proposed that a mutual moratorium on MIRV testing and deployment be negotiated with the Soviets as soon as possible. At the time of the Brooke proposal, it appeared that after a series of delays by both powers, the Soviets and the United States were about ready to commence such talks. The talks have not begun, and no dates have been fixed.

A strategic stalemate exists between the United States and the Soviet Union today. Neither nation can launch an attack on the other without bringing on its own destruction. Neither nation can realistically hope to break this stalemate by developing a new generation of nuclear weapons. Each nation has the capacity to match any weapons developed by the other. Both sides tend to react to the potentialities as well as the actualities of action. It is precisely this cycle of action and reaction which fuels the arms race.

In spite of this fact, the public has been allowed—even encouraged—to believe that somehow there is safety in ever growing weapons strength and that it still means something to be ahead numerically in nuclear weapons.

These are assumptions which must be challenged if we are to slow down the arms race, contribute to a reduction in international tension and apply our resources to the restoration of our society.

We have a unique opportunity to slow the arms competition. The strategic stalemate and the costs of further weapons development make an agreement restraining the arms race attractive and in the self-interest of the United States and the Soviet Union alike.

If we fail to seize this opportunity, we can, in fact, jeopardize our national security. The diversion of resources from human needs to unnecessary weapons development is a tragic waste. At the same time, as weapons grow more complex and numerous, it becomes ever more difficult to establish adequate safeguards against the risk that such weapons may be unleashed by accident or miscalculation. The question is whether we are taking the initiatives we might take to reduce the pressures for new weapons development and avoid these consequences. Unfortunately, forces are now in motion which can undermine our chances for achieving a nuclear arms control agreement with the Soviets. The decision to proceed with the deployment of the ABM was a setback, but ever more serious is the fact that both the United States and the Soviet Union are rapidly developing the capacity to deploy multiple independently targetable re-entry vehicles—so called MIRV—missiles which can carry several warheads and launch them at separate targets. The MIRV-ABM development is a classic example of arms escalation which results in less, rather than more, national security.

There is some evidence that the Russians are not anxious to talk about substantive armaments control agreements with the United States until they have resolved their border dispute with Communist China. We should not let such delays prevent us from acting to keep MIRV missile development from jeopardizing chances of reaching an arms limitation agreement.

Let the United States unilaterally postpone the testing of all our multiple reentry missiles for a period of six months, announcing that we will not begin testing thereafter unless the Soviet Union initiates such tests.

It should be clearly understood that such a suspension in MIRV testing is not proposed as a step toward unilateral disarmament. It is not proposed as a unilateral commitment never to test MIRV. It is proposed as a meaningful step to stimulate mutual efforts by the United States and the Soviet Union to control the escalation of nuclear weapons systems before it is too late.

If the Soviet Union ignores our gesture and goes forward with testing their multiple reentry missiles, or if they expand the scope of their ABM system, we can promptly resume our own MIRV program. Since the time needed to complete our development of the MIRV is far less than it would take the Soviets to construct a massive ABM system, and since a six-month moratorium would not provide significant lead-time for the Soviets, a moratorium on testing our multiple reentry missiles would not involve any appreciable risk to our security.

Ralph Waldo Emerson observed over a hundred years ago: "Every act, every thought, every cause is bipolar, and in the act is contained the counteract. If I strike, I am struck. If I chase, I am pursued. If I push, I am resisted."

As in the case of the Nuclear Test Ban Treaty, the road to peace may require the United States to take the first step on its own. Hopefully, the Soviets would, in response to our action, act with similar restraint. If they did respond, and the two countries moved into the strategic arms limitation talks, the question of the MIRV and ABM systems could be taken up in the context of mutual efforts to reduce the level of terror.

To reverse Emerson's thought: "If we lead, the Soviets may follow," recognizing that the interests of their own people are served if man can be pulled back even one step from the brink of nuclear confrontation.

In this Twentieth Century the United States and the Soviet Union must break through the terrible cycle of distrust which breeds distrust, of action which produces reaction, of new weapons which beget newer weapons.

The overriding reality of our time is the interdependence of the human condition. Man has wrested from nature the power to make this earth an uninhabitable wasteland or to make it a fertile planet.

History demonstrates that conflict and hostility between nations is not immutable. Accommodation and compromise are possible. Our problems are man-made and can be solved by the imagination and wisdom of man.

I am not suggesting that national rivalry and hostility can be ended in our lifetime. At this moment it would be utopian to hope for the end of all conflict with the Soviet Union. However, we can realistically seek to remove some of the danger from the conflict when, to do so, is in the self-interest of each.

As Adlai Stevenson once wisely counselled: "We must never fear to negotiate with the Soviet Union, for to close the door to the conference room is to open a door to war."

The time has come to embrace a broader vision of the route to peace.

Let us look beyond our missiles and military alliances and make the pursuit of arms control and reduction in the size of national military forces the heart of our national security objectives.

Let this nation demonstrate not only prudent concern for its military defense but also leadership in moving the world away from the infamy of war.

REMARKS BY SENATOR EDMUND S. MUSKIE TO THE TOWN MEETING, WORLD AFFAIRS COUNCIL, PHILADELPHIA, PA., APRIL 6, 1971

I have chosen to speak to you tonight about nuclear weapons and the need to control their cost and their dangers.

Today the United States and the Soviet Union have enough nuclear weapons to destroy each other many times over. They are each capable of ending civilization on this planet.

Nevertheless, in their search for military security, they have been building new offensive weapons. And each has developed defensive weapons in an attempt to neutralize the offensive missiles. This has led to new offensive weapons to overcome the defensive weapons.

The result is an arms race in which each side is less secure than before. Each has put precious resources—amounting to billions of dollars each year—into more expensive and more dangerous weapons because neither dares to stop.

For one and a half years the two countries have been engaged in strategic arms limitation talks—usually referred to as SALT talks. The purpose of those talks has been to reduce the pressure to develop new weapons and to end the push for more weapons. That, at least, has been our hope, but what are the prospects?

The fact is that there is no sense of urgency about the negotiations. Both sides seem to ignore the risk that, as the talks continue, still more weapons will be built, as they have, raising new uncertainties and new fears.

I wish I could say that the arms talks will soon lead to a firm agreement, or that the talks are slowing down the arms race. But this is not so. We are not likely to get an agreement during the current round of talks.

The talks are in trouble for several reasons.

First—while the talks go on—the Soviets may be making changes in their offensive weapon deployments. We do not yet know what these changes will prove to be. Whatever they are, they increase our uncertainty as to Soviet intentions, and they make it more difficult for us to conclude an agreement to halt the arms race.

Second—since the talks began—the United States has begun to deploy a vastly improved new warhead system, the MIRV—a multiple, independently-targetable re-entry vehicle. Our Minuteman missiles are each being converted to carry three of these warheads. That means that each Minuteman missile can attack three separate targets instead of one.

We are now putting MIRV warheads on Poseidon missiles aboard 31 submarines. There will be ten warheads on each of the sixteen missiles carried by each submarine. Each submarine will be able to attack as many as 160 different targets. The first submarine fitted with these missiles was launched last Wednesday.

When these programs are completed, our arsenal of nuclear weapons, capable last year of delivering about 2,500 missile warheads, will total more than 7,000 warheads. Each of those warheads is considerably more powerful than the atomic bomb which killed 68,000 people at Hiroshima.

Understandably, the Russians are making every effort to match this weapon.

Third, while the talks go on—the United States is continuing to install the defensive Safeguard anti-ballistic missile system to protect three offensive Minuteman missile sites. The Russians, on the other hand, have one obsolete anti-ballistic missile system around Moscow.

Our ABM systems does not threaten the Russians' ability to retaliate, because it is too small and it does not protect our cities. But it does permit military leaders in the Kremlin to *argue* that our ABM system can be expanded. Therefore, it can make them uncertain about *our* intentions.

In addition, as we build the Safeguard system the pressures to keep it will become stronger. *As a result, the development of our ABM also hurts the chances of agreement.*

Fourth, while each side has made a proposal in the talks, neither proposal has been given any encouragement by the other.

If we are to solve these problems, the Russians will have to give positive evidence that they will restrain their nuclear weapons program. They will have to be more responsive to our ARMS limitation proposals.

But we, too, must be willing to restrain our program and to respond to Soviet proposals. We must be willing to take the initiative in moving toward the other side.

In October, 1969, before the announcement of the opening round SALT, I urged a six-month moratorium on the testing of our MIRV warheads. That moratorium would have permitted the talks to open on a positive and constructive note. The Nixon administration rejected my suggestion.

When the second round of the SALT talks opened a year ago, I recommended that we try to negotiate an interim standstill by both sides on all strategic weapons. That standstill would have placed an immediate freeze on all further deployments of offensive and defensive strategic weapons systems. It would have halted the testing of multiple warheads.

If that standstill had taken place, the arms race would have come to an end, for all practical purposes. All that would have remained would be a formal agreement. But my proposal was ignored by the Nixon administration, as was a similar proposal which passed the Senate by a vote of 72 to 6.

We have seen the consequences, both in the continuing arms race and the slow pace of the talks.

I remain convinced that such an interim agreement would greatly improve the prospects for success at the arms talks. I urge the President to propose such standstill in strategic weapons. It should cover the testing, production and deployment of offensive and defensive missiles.

I regret to say that the Nixon administration does not seem ready to take such an initiative. Instead, it seems to be operating on a double standard. It has called for Soviet restraint in deploying weapons: yet it is not willing to exercise comparable restraint. It fears the development of a *Soviet* MIRV—which the Soviets have not even tested adequately, if they have tested it at all: yet it refuses to admit that the Soviets have caused for concern about *our* MIRV, which is already being deployed.

At the SALT talks, we have proposed to include an ABM agreement in a package that would also place a numerical ceiling on both sides' offensive weapons, and a special subceiling on the largest of the Soviet missiles. The Administration's package puts numerical limits on both offensive and defensive weapons, but it does not limit qualitative changes in the weapons systems.

The Russians have proposed a limitation on ABM defensive systems.

Each of these proposals is a limited—not a comprehensive—proposal. Ours involves a wider range of problems to be solved before agreement can be reached.

The question then, is whether we should try to work out an ABM limitation as a first step toward a broader agreement. The Nixon Administration has apparently rejected this possibility. It has said that such an agreement would reduce the incentive for the Russians to bring the entire arms race to a halt.

I disagree. An agreement on defensive missiles would reduce the pressure for further development of offensive missiles.

Therefore, if we cannot get the Soviets to agree on the United States proposal at this round, I urge the President to try to negotiate an agreement limiting or banning anti-ballistic missiles. Such an agreement should be made with the clear understanding that it is the first step toward broader controls of offensive weapons as well. Both sides would have the right to reconsider the commitment if, after a specified time, they had not achieved further progress toward arms limitations.

Such an agreement would be in the interest of each side and could lead more quickly to the next step.

It is important to take that first step at a time when there is a balance in nuclear weapons, when neither side dares attack the other, and before ongoing developments on each side upset that balance.

Such a first step can slow down the waste of precious resources on a fruitless arms race, which only increases our danger, while reducing our ability to meet pressing human needs.

The costs of the arms race are very high. This year alone, the Nixon Administration is asking about $3 billion to carry on construction of the Safeguard anti-ballistic missiles systems and deployment of MIRV warheads.

This $3 billion could virtually cover the cost of Medicaid this year; or could help us to make major strides in providing good schools and adequate health care for all our citizens; or it could pay for the budget of the Environmental Protection Agency more than six times over.

In coming years, funds committed to nuclear weapons programs could provide untold benefits for our people in a host of critical areas.

We face, therefore, a basic decision. How can we best take advantage of what may be a fragile opportunity to reduce the dangers and the costs of nuclear arms?

If each side holds out for its own proposal in this fourth and crucial round of the arms control talks, the prospects for agreement may be reduced. I urge, therefore, that we improve those prospects by taking the most likely first step which I have described.

It would be a step in the right direction—a reduction in the hazards to survival for all mankind.

REMARKS BY SENATOR EDMUND S. MUSKIE OF MAINE IN SUPPORT OF THE NONPROLIFERATION TREATY IN THE SENATE OF THE UNITED STATES

For more than two decades, the United States has sought to bring a halt to the spread of nuclear weapons. Every American President, from Harry S. Truman to Richard Nixon, has committed his Administration to that goal. The American people have overwhelmingly supported all our efforts to reach realistic understandings with other countries to stop the nuclear spread—to end the threat of a world armed to the teeth with the implements of its own ruin.

Now those efforts have borne tangible fruit, and the Senate is called on to give its advice and consent to the ratification of the treaty on the non-proliferation of nuclear weapons, signed last summer by the U.S., Britain, the Soviet Union and almost ninety other countries.

President Nixon has termed the treaty "an important step in our endeavor to curb the spread of nuclear weapons. . . ." The Foreign Relations Committee has found that the treaty is "the best that can be negotiated at this time" and has, on two occasions, urged that the Senate act favorably upon it.

I share these judgments without reservation, and I call upon the Senate to ratify the treaty while time remains to substitute reason for the slow unravelling of world security.

No one could rightly say that the non-proliferation treaty will itself guarantee that this or future generations will be saved from nuclear war. Even when the treaty comes into force, patient negotiation will be required to extend its provisions to additional important countries and to reach practical agreements on safeguards over peaceful nuclear activities. In and of itself, the treaty does nothing about the vast arsenals the nuclear powers now possess, and that could, at any time, destroy mankind.

But the treaty buys us time, precious time, to gain control over our destiny. With American adherence, coupled with energetic efforts to bring the treaty's mechanisms into force among the widest possible number of states, the non-proliferation treaty can help stop nuclear arms races from multiplying around the world. Without the United States, the effort to stop proliferation can be no more successful today than the League of Nations was fifty years ago. The tragedy for the world would be all the greater.

Since achieving the role of a major power early in this century, our burdens of leadership have grown. We face enormous demands on our patience and strength in meeting global commitments, while our society at home undergoes stresses more dramatic and far-reaching than at any time in history.

For our own security and the security of our friends, this country can never withdraw from its central responsibility for the preservation of peace. In all prudence, we can, and we must, work to keep the dangers of nuclear war from getting worse.

It is for this reason—its elemental prudence—that I support the non-proliferation treaty, as I supported the limited test-ban treaty five years ago. Eighty Senators voted in favor of the test ban then. This treaty, which complements and strengthens the mechanisms of the test-ban treaty, is a further step along the same path of reason.

There are three basic respects in which I find the merits of the non-proliferation treaty compelling.

First, the treaty promises to be effective in creating a global consensus against the growth of nuclear arms races to new and terrifying levels of violence. For the almost ninety non-nuclear nations already pledging to accept a commitment not to acquire nuclear weapons, the treaty represents relief from the prospect of deepening instability and the enormous cost these weapons represent in the diversion of resources.

Although several important non-nuclear nations have yet to agree they will adhere to the treaty, the consensus developed on behalf of the treaty will bring united pressures to bear upon the hold-outs. And even if nations such as West Germany, Israel and India do not unequivocally block out their options to acquire nuclear weapons, broad acceptance of the treaty by others will serve as a useful restraint to hinder and deny legitimacy to unilateral decisions on the acquisition of such weapons.

From the point of view of United States security and diplomacy, the treaty would thus dramatically lessen the risk that the spread of nuclear weapon capabilities would require major expansions of American commitments to protect threatened allies. At the same time, pressures on the United States and other nuclear powers to foster or tolerate selective proliferation would be negated by reciprocal commitments blocking the further spread of nuclear weapons. It should be noted that the treaty would not prohibit the evolution of our NATO allies to a nuclear-armed federated political union including one or more existing weapon states.

Second, the treaty's safeguards provision offers a major breakthrough in the principle of international inspection of arms limitations agreements. This is of utmost importance as a working precedent for the kind of reciprocal verification necessary for effective arms control. When International Atomic Energy Agency safeguards are applied to non-weapon states, major acceptance will have been achieved of the principle that arms reduction requires meaningful verification. The United States has long asserted that principle, but the communists have rejected it, providing the major stumbling block to all efforts toward negotiated arms controls.

International inspection will, in turn, make possible the exploitation of the atom for peaceful purposes at the fastest pace technology will realistically permit, without the fear that peaceful projects will serve as the cover for nuclear weapons. I, for one, am fully satisfied with the assurances forwarded to the Senate that American participation in these peaceful nuclear activities can be conducted on a sound and practical basis.

Finally, the treaty embodies a unique pledge shared by the United States, Great Britain, and the Soviet Union to work to control the arms race between the major powers. In the words of the Foreign Relations Committee, the treaty "formalizes the mutual concern" of these major powers "in containing the spread of nuclear weapons", embodying "a commitment to pursue with good faith and urgency new arms limitation agreements."

As a quid pro quo, between the non-weapons powers on the one hand, who are asked to give up their options for nuclear status, and the nuclear signatories on the other, whose nuclear competition represents a constant threat to world peace, the treaty's pledge to good-faith negotiation comes at a welcome time. The effort to line up non-weapon powers to complete the non-proliferation treaty will benefit from early negotiations by the major powers, and the prospects of meaningful agreement in these negotiations will, in turn, be strengthened by the climate of trust and give-and-take which the success of the non-proliferation treaty can help create.

It is my earnest hope that the shared commitment of the non-proliferation treaty between the U.S. and the Soviet Union can now be broadened into other fields. Getting on with the non-proliferation treaty, after almost five years of effort has thus become a desirable, and even necessary basis on which to strengthen this promise of U.S.-Soviet cooperation—in strategic arms talks, and perhaps too in such other related areas of vital U.S. concern as Vietnam and the Middle East.

Mr. President, it has been a long, long time since John F. Kennedy called on the Senate to ratify the limited nuclear test-ban treaty and "let history record, that we, in this land, at this time, took the first step." The next step, I submit, is the agreement before us today. I urge the Senate to act promptly and favorably upon the non-proliferation treaty, in the interest of moving on to the further efforts and opportunities for peace that lie ahead.

DISASTER IN EAST PAKISTAN

Mr. MONDALE. Mr. President, the people of East Pakistan—already ravaged by cyclone and civil war—are now threatened by a new disaster of incredible magnitude.

Only the most urgent action by the United States and other governments can save millions from dying of starvation.

The evidence of gathering tragedy was summarized in a letter printed by the New York Times, May 2.

Over 35 million Bengalis depend on imported food to maintain a precarious balance between life and death.

Food imports have been interrupted since February. Internal distribution has stopped.

History has given us the clearest warning of tragedy. In 1943, when the food shortage in the area was one-third what it is now, a similar break-down of food shipments meant the death of over a million people.

Famine will not wait on publicity or bureaucratic inertia. A massive relief effort must be mounted now to revive the distribution system and reach the needy before meager food reserves are gone.

By the time we see the pictures of starving children, it will be too late to save them.

Yet, in the face of this horror, the U.S. Government has stood by in unconscionable negligence.

We have made a vague, general offer of help, but failed to press the Government of Pakistan in any way to undertake the necessary relief effort.

We were silent when International Red Cross observers—whose impartial humanitarian mission is recognized by world community—were recently denied entry into East Pakistan.

The Department of State's "Pakistan Working Group," created when the civil war broke out, has been disbanded now that the fighting has subsided. Apparently the danger of millions starving was not deemed an occasion for a "special effort" by this Government.

But something can be done.

The Consortium of Governments giving economic aid to Pakistan are now in the process of meeting. They are being asked for considerable financial aid to bail Pakistan out of an acute foreign exchange crisis.

Joined by a bipartisan group of Senators, I yesterday wired Secretary Rogers to make clear that the United States will not meet that request, and will ask other donors to refuse likewise, unless, first, the Pakistani authorities undertake an emergency relief effort equal to the crisis in East Pakistan, and second, representatives of the International Red Cross are granted prompt entry to East Pakistan to plan a coordinated international food distribution and medical relief effort with Pakistani authorities.

I would hope the Secretary would also make clear the readiness of the U.S. Government to make available a generous share of emergency food aid and vehicles for distribution, including helicopters and transport aircraft to be loaned to Pakistani relief authorities or the International Red Cross.

Unbelievably, we seem on the verge of another Biafra—another combination of rationalized inaction and moral insensitivity which could cost millions of lives.

If America's claim to moral and humane values means anything, if the Government of Pakistan deserves to be recognized as the responsible authority in East Pakistan, the only course for both governments is the strongest humanitarian action now—before we watch the burial of another generation of babies.

I ask unanimously that a telegram to Secretary Rogers and a letter from the New York Times be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

May 4, 1971.

Hon. William P. Rogers,
U.S. Secretary of State, U.S. Interests Section, care of Spanish Embassy, Cairo, United Arab Republic.

Dear Mr. Secretary: Tens of millions face starvation in East Pakistan without emergency efforts to restore full supply and distribution of food imports.

We urge you to instruct U.S. Rep. at Pakistan Consortium Talks to refuse further foreign exchange assistance, and ask other donors to refuse likewise, unless Government of Pakistan (1) mounts immediate emergency relief effort in east commensurate with potential need, and (2) grants ICRC observers entry to East to plan coordinated international food distribution and medical relief efforts with Pakistani authorities.

We recognize these are extraordinary actions but feel they are compelled by horrible prospects of millions starving in East Pakistan while governments have means to prevent it.

Sincerely,

Walter F. Mondale, Clifford P. Case, Fred R. Harris, Thomas F. Eagleton, George McGovern, William Proxmire, Harold E. Hughes, Hubert H. Humphrey, Birch Bayh, and Edmund S. Muskie.

[From the Sunday New York Times, May 2, 1971]

Bengal: A Threat of Famine

To the Editor:

The exclusion of the foreign press and observers from East Pakistan has meant the loss of vital information on the course of events there and will deprive us of the dramatic facts that rouse individuals and governments to action. But there is enough conclusive evidence from past and recent history to predict the result of the present conflict on the food position of the province.

The food grains that sustain a large part of the Bengali population come from abroad. Their distribution depends on the effective functioning of the port of Chittagong and on internal transportation and administrative services.

East Pakistan, with a population of more than seventy million, expected 2.5 million tons of imported food grains this year. That is about one-sixth of the total food requirements for the province, enough to feed twelve million people. However, a far greater number is actually affected by an interruption in the steady flow of food. For the 50 per cent of the population living barely at subsistence level, these supplies maintain the balance between life and death.

Bengal has always been extremely susceptible to famine. The last such disaster occurred in 1943 when food expected from Burma did not arrive because of the Japanese occupation of that country. At that time military demands on the Indian transportation system prevented the timely distribution of the food that was available. The food deficit that year was 6 per cent; this year it is 16 per cent. Deaths in 1943 numbered 1.5 million, and the famine left social problems from which Bengal has yet to recover fully.

A crisis was imminent in 1965 when the Indo-Pakistani war stopped imports. It was avoided when the great powers used their influence to bring that conflict to a speedy close. Recovery was aided by normal internal supply activities, which had been unaffected by the war.

Today, in contrast, not only has the import of food been cut off, but the internal administrative and transport services have ceased to function normally. In addition, military action at planting time will reduce the coming harvest.

The regular import of food has been interrupted since February. Even if the conflict were to end today, the months required to return the system to normal would probably exceed the time during which the food reserves could sustain the population. The factors that determine mass famine are irreversible after a certain point.

When the first stories and photographs of starving families are published, it will be too late to protect thousands of others. International action, immediate and strong, is perhaps the only defense the people of East Bengal now have.

Daniel C. Dunham.

New York, *April 20, 1971.*

THE ECONOMICS OF JOY: A CRITICISM

Mr. HARTKE. Mr. President, the joy of the administration knew no rhetorical bounds when first quarter figures revealed there had been a $28.5 billion advance in the gross national product. We were enthusiastically assured then that the upturn furnished "positive proof" that the economy at long last had "turned the corner" and was moving swiftly toward recovery. There were even those administration apologists who proclaimed—without apparent embarrassment—that the President's goal of a $1,065 economy this year was now within reach. Those economists and other interested parties who protested that the advance in GNP did not conclusively show that the economy was on the road to recovery were quickly dismissed as "politically motivated nay-sayers."

A column written by Hobart Rowen, which appeared in last Sunday's Washington Post, cannot and should not be so easily dismissed. Focusing on the much-trumpeted first quarter advance, Rowen shows that the gain was illusory. He points out that $19.2 billion of the increase in GNP was directly attributable to the predictable recovery of the auto industry after the 1970 strike and that only $9.3 billion represented a gain in other sectors of the economy. More importantly, Rowen stresses that there was actually a decline in the "real" GNP after the "real" automotive GNP is subtracted from the $28.5 billion figure.

The pollyannish pronouncements of the administration notwithstanding. Rowen concludes that our economy is still sick. I agree with this conclusion, and would add that positive fiscal stimulus is needed now, and not later, if the economy is to finally recover. Figures for the second quarter are bound to show that the catchup recovery of the auto industry, and the artificial stimulus of the steel industry in anticipation of an industrywide strike, have run their course and the basic weaknesses in our economy remain unattended. The question is whether we must wait for the release of these figures before we accept the inevitable truth that monetary policies working alone will not suffice to make the economy healthy again. It is for this reason that I urge prompt attention for my proposal to reinstate the investment tax credit at a level of 10 percent. I agree with the administration that what is needed now is renewed confidence in the ability of the economy to renew itself. I cannot agree, however, that this confidence can be created absent some dramatic signal that the time for economic growth is now, and not 6 months from now. It is my firm belief that only reinstatement of the investment tax credit carries with it the potential to rekindle the needed confidence. Misleading advances in the GNP and changes in depreciation rules will not have the effect of inducing necessary capital investment. And unlike the proposed changes in the depreciation rules, reinstatement of the credit would not be a boom to industry but rather a positive and equitable stimulus to all segments of the economy.

Mr. President, I recommend Hobart Rowen's excellent column to the attention of Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Officials Exaggerate GNP in Order To Sell "Confidence"

(By Hobart Rowen)

From the President and his Secretary of Treasury on down, this Administration is orchestrating an effort to drum up "confidence" in the economy. It was one of the main themes of Mr. Nixon's address last week to the Chamber of Commerce.

In part, this sales pitch is based on an extraordinary exaggeration of the improvement in the economy in the first quarter, coupled with self-congratulatory statements about the boom in stock market prices.

A corollary and perhaps more serious element is the suggestion that it's almost up-patriotic to question the Administration's analysis of what's going on.

Critics, said Secretary John B. Connally in his own speech to the Chamber, are "playing games with numbers." The "politically oriented" comments by former Kennedy-Johnson officials, he added, "could well be hurting those workers and consumers whom they profess to want to help."

The implication, of course, is that alert criticism of economic progress to date will shrivel that delicate commodity, "confidence," vitiating what Connally called "the solid economic advance of the first quarter."

Well, this is all a lot of bull, and I'm sure that Secretary Connally, who owes his appointment to a well-earned reputation as a first-rate politician, knows it as well as anybody else.

The "numbers game" reference concerns the Administration's goal for a $1,065 billion economy this year, which would be a nearly unprecedented 9 per cent boost over 1970. Professional economists, without regard to political party, agree almost to a man that without new expansionary moves (such as tax cuts or increased spending), this goal won't be reached.

A high Nixon Administration official, who obviously must remain anonymous here, observed this week. "That number hurt our credibility more than anything else, because everyone in the business community knows we can't reach it without new programs—and we've said there won't be any."

As for that "solid economic advance" of $28.5 billion in the Gross National Product in the first quarter, detailed statistics published this week by the Office of Business Economics of the Commerce Department show that $19.2 billion of the increase was in autos and associated products (recovering from the 1970 strike) and only $9.3 billion was a gain in the rest of the economy.

But what is even more significant is that "real" gross national product, after the "real auto GNP" is subtracted, actually *declined* in the first quarter, compared with the fourth quarter of 1970, and in fact has shown no improvement going back more than a whole year.

Here is a table, constructed from the Commerce Department data on pages 11 and 12 of the Survey of Current Business for April, which shows the total real GNP and Real GNP, less autos for the past six quarters.

	GNP, billions of 1958 dollars	
	Total	Total, less autos
4th quarter 1969	729.2	695.3
1st quarter 1970	723.8	694.6
2d quarter 1970	724.9	691.7
3d quarter 1970	727.4	695.3
4th quarter 1970	720.3	700.4
1st quarter 1971	731.6	695.4

Note: The table thus shows a drop of 2 8 percent in real terms for GNP, less autos, in the first quarter—a picture that Louis Paradiso, former career man at Commerce calls "very weak."

The Morgan Guaranty Bank—which Connally might concede is not "politically oriented"—observes in discussing GNP results that "if ever there was a time for caution in the interpretation of economic data, this is it . . . For the time being, the only supportable generalization seems to be that the underlying trend of the economy has been roughly sidewise."

But one could never get that kind of reading from the hypo-ed exuberances of Administration spokesmen and the inexcusable flackery which Communications Director Herbert Klein is contributing to the cause.

Klein, in broadsides to the media, promotes the skill of the President as a stock market forecaster, because the market is substantially higher today than it was a year ago, when Mr. Nixon said it was a good time to buy. Klein is treading on thin ice: is Mr. Nixon's recommendation today to take profits? Many market forecasters think that the extraordinary rise in the Dow Jones index from 1970 to 1971 won't be matched when 1971 is compared to 1972.

Cutting through the haze of confusion laid down by the Administration, the facts seem to be these:

1. The economy is moving upward sluggishly, and if it continues to do so, as Paul Samuelson said in a speech here to the Woman's National Democratic Club, economic conditions may not be much of a political issue for the Democrats in 1972. (The Republican National Committee plans to give Samuelson's speech to the Lady Democrats the widest possible distribution.)

2. There has been a distinct improvement on the inflation front, with the Consumer Price Index going up only 2.8 per cent in the first quarter, compared to an average of 4.9 per cent in the second half of 1970. If this continues, that will be good news indeed.

3. As yet, there has been no progress on unemployment, which continues to run at 6 per cent. In a session with Washington Post editors, Connally himself said that he didn't see unemployment "trending down" until the 3rd or 4th quarter of this year. Many others think that the rate might still be close to 6 per cent at the end of 1970.

4. The prime rate has been moved up by the banks, and many economists predict a sharp upward movement in rates later this year. This could slow down recovery.

Many analysts suggest that some new stimulus is needed. Speaking for the Administration in Chicago on April 22, George P. Schultz said the Administration, instead, has determined to avoid a new inflation; the right course is "steady as you go."

Schultz may be right; or the Republicans (with no thought of politics, of course) might choose their own time for stimulation a little later, when the "bang" for 1972 might be more noticeable. In any event, the last public official to use the "steady as you go" theme was British Chancellor of the Exchequer James Callaghan, a few short months before the U.K. had to devalue the pound in 1967.

PROTECTING OUR REMAINING WILD HORSES

Mr. MONTOYA. Mr. President, it has come to the attention of many Members of Congress that our few remaining wild horses and burros in the West are rapidly being hunted down. In fact, they face extinction if we do not act swiftly.

I find this possibility repugnant in the extreme. These animals are first and foremost symbols, and living ones at that, of our old West. They are as much a part of our heritage as cattle, mining rushes, wagon trains, and a dozen other factors that easily come to mind.

To discover that such wildlife are being hunted down from trucks in order to process them for pet foods is degrading and disgusting. Animals such as these should and must be federally protected as a part of a living heritage.

A measure has been introduced in the Senate that would effectively accomplish this goal. I support S. 1116, which is before the Committee on Interior and Insular Affairs now.

Under its provisions, these animals are recognized as symbols of western history deserving of national protection and preservation. Also, that they are to be protected from hunting, branding, capture, harassment, and death. Further, that the Department of the Interior would be required to set up a series of 12 appropriate refuges in the West where they would be able to live safely and securely.

Penalties for violation of such a law would be severe, calling for a $2,000 fine or possible 1-year imprisonment, or both.

Mr. President, at present approximately nine States possess bands of such wild horses and burros. My home State of New Mexico contains one such herd. It is a small band, typical of those horses which have managed to survive thus far.

We would do well to bear in mind one simple fact. Our Nation has used and abused its natural resources, living and otherwise, for too long. We are already paying many harsh penalities for this abuse. To allow wild mustangs and burros to vanish would rank alongside the destruction of our redwoods, the last passenger pigeons, and similar national landmarks. I urge swift, favorable action as soon as possible.

SALUTE TO AGRICULTURE DAY

Mr. CHILES. Mr. President, the President of the United States has requested people to join with him in celebrating "Salute to Agriculture Day," which is scheduled for tomorrow. It is with an acknowledgement of great respect to the farmers of our Nation that I do so. Setting aside 1 day to honor the agriculture industry is small homage to America's first great industry, but none could be more deserving.

On reflection, I think back to the multitude of challenges the farmer has faced while he settled this tremendous land of ours. His determination to move west, to homestead, and to cultivate the earth, is now a part of our heritage. Agriculture became the foundation for the United States to grow and to prosper.

The courage of the farmer is an inspiration to all. Most of us here today have ancestrial ties with the soil and in times requiring courage and dedication we should draw from this inspiration to best serve those that we represent.

Today the farmer confronts, in addition to his traditional battles with the weather and the pests that seek to destroy his crops, the new challenges of mechanization and inflation. President Nixon in his speech on May 2 spoke of the many Government programs now in operation, and those soon to be started, to help the farmer in every way possible. Revitalized rural America development programs will play an important part in this area. Here Congress is clearly facing up to the challenges of rural America.

Americans today tend to take the food on their table for granted. When moving with our grocery carts through the maze of multi-isled supermarkets it is all too easy to forget the human element that started the food chain from farm to market. In direct relationship to this, one particular problem we can no longer ignore is the widening gap between what the consumer pays for his food compared with what the farmer receives for his product. We must continue to seek and find ways to insure an economic balance in this area.

I ask that we pause for a moment and recall the freshly tilled soil and the men and women who seek to master it. I ask that each of us, in our own way, do indeed take time out from our busy schedules to salute the agriculture industry.

REPORT ON THE B–1 BOMBER—FIRST REPORT BY MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

Mr. PROXMIRE. Mr. President, yesterday the Members of Congress for Peace Through Law released a study entitled "Report on the B–1 Bomber." The study was prepared by Senator George McGOVERN and Representative JOHN SEIBERLING and their staffs after intensive and detailed analysis of the proposal. It is an excellent study, technically superbly well done, and meriting the attention and consideration of the American public.

This report is only the first in a long series of reports which the MCPL will release over the next 2 months. By assigning specific topics to various Members of the House and Senate and their staffs, we believe that we will bring this year, as we have in past years, great expertise and resources to bear on each of these issues. We have found that in many cases the rationale put forward by the military in supporting them and the data proposed to justify the huge expenditures involved do not support their production. The B–1 bomber is an excellent case in point.

I commend the study done by Senator McGOVERN and Representative SEIBERLING to both Congress and the public, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON THE B–1 BOMBER

(By Senator GEORGE S. MCGOVERN and Congressman JOHN F. SEIBERLING)

SUMMARY

As the existing and planned ICBM and SLBM arsenals of the United States and the Soviet Union becomes more clearly defined and the enormity of the combined destructive power of the opposing nuclear forces is understood, the continued maintenance of a manned bomber fleet by the U.S. as a tertiary threat suggests redundancy in depth. The wisdom of retaining this optional deterrent is yearly becoming more and more questionable.

Aside from the doubtful penetration capability any future manned bomber would have in a heavily defended SAM environment, the cost of a new generation of manned strategic bombers and supporting fleet of tankers is so staggering as to make the question of continuing any strategic bomber program one of great national concern.

This issue need not be decided, however, in order to deal with the fiscal 1972 B–1 funding request. The B–52 useful life assures ample time to hold the project in abeyance while considering other alternatives, including a system designed exclusively for the standoff role, or further modifications of the B–52 to further extend its life and improve its capabilities.

B–1 costs threaten to reach astronomical levels, well beyond those estimated by the Air Force. Large increases have in fact occurred in the past year, even though the project still exists only on paper. The almost certain need for a new tanker pushes the price tag up beyond $20 billion even if doubtful Air Force cost estimates are used. One more credible estimate sets the total at $47.2 billion. Predictable added costs go a long way to nullify claims that the B–1 would have cost-effectiveness advantages over the B–52/FB–111 combination, and even those claims have no foundation unless the system has an assured expected useful life of more than seventeen years.

The B–70 experience confirms that the supersonic capability has little relation to to the basic nuclear war missions which can be foreseen for the B–1. On the contrary, elaborate design features required for supersonic flight could easily detract from the aircraft's ability to penetrate at low altitudes. Useful only in conventional roles which are, at best, a spinoff purpose for the B–1, the supersonic capability will account for as much as 50 percent of the system's ten-year cost.

RECOMMENDATIONS

(1) The supersonic capability should be dropped regardless of what other decisions are made.

(2) The funding requested for fiscal 1972 should be reduced to the amount required to terminate contracts awarded thus far and to preserve the advanced research and development option for possible renewal at a later time. The aircraft should be redesigned to eliminate the supersonic capability and associated costs. Amounts required for these purposes should not exceed $20 million in fiscal 1972.

(3) Funds should be added for basic research and development on an alternative subsonic strategic aircraft designed exclusively for operation as a standoff platform and on a new air to ground missile with the range and flight characteristics required to penetrate from beyond enemy defenses in a fashion which achieves the greatest possible variation from the nature of SLBM and ICBM penetration.

INTRODUCTION TO THE B–1

The B–1 is a proposed intercontinental strategic bomber. The U.S. Air Force plans to phase it into the existing strategic arsenal as a replacement for the currently operational B–52's and FB–111's, starting in the 1978–1979 time frame.

The B–1 is to be powered by turbofan jet-engines. It will be capable of supersonic cruise at high altitude (mach 2.5), but will be restricted to subsonic speeds (approximately mach 0.85), at low altitude. It will have a maximum takeoff gross weight of 350,000 to 400,000 pounds and an estimated payload of 80,00 pounds. It carries a crew of four. Its estimated range with one aerial refueling is 10,000 miles. It will carry standoff missiles (SRAM) and armed decoys (SCAD) in addition to gravity bombs.

The Air Force is planning on a basis of 200-plus units, and 240 is the current target. It has reduced its prototype requirements from five flight-test aircraft to three and the number of static test models from two to one. The original estimated cost per copy was $25–$30 million but in the past year has been revised upward to $30.8 million.

After annual expenditures at an annual rate of some $25 million in prior years, requests jumped to $100 million for each of fiscal 1970 and 1971. Last year contracts were awarded for airframe and engine development. The fiscal 1972 B–1 funding request has moved up to $370 million.

During the past nine years of controversy surrounding the need for an AMSA or the B–1 manned bomber, there has been a recurring line of Congressional inquiry as to which bombardment mission profile would be the most effective in the 1980 to 1990 time frame. The recent and lamentable passing of the XB–70 "Valkyrie" into a questionable Valhalla at the Air Force Museum in Dayton at a cost of $1.4 billion, coupled with the untimely demise of the B–58 fleet after less than ten years of combat readiness and the repeated groundings of the current FB–111 fleet suggests that past DOD and USAF decisions with respect to mission profiles have been in error to a point where more intense Congressional scrutiny is mandatory.

DISCUSSION

B–1 operating environment

The advanced capabilities of ballistics missiles, both land and sea based, raise real doubts about whether a manned bomber force will be either necessary or useful in the 1980's and beyond. Each of the several nuclear mission profiles assigned to the B–1 is open to serious question in light of one simple fact—that while the aircraft is taking four hours to fly 6,000 miles, there could be eight successive nuclear missile salvos, four on each side and each answering the one before.

That question can be best resolved in the context of an overview of strategic forces, such as included in the 1970 Military Spending Report. While it is of obviously decisive importance here, therefore, the primary focus now will be on whether the specific bomber under consideration is an appropriate approach, given what we can predict about the environment in which it must operate.

Such predictions are extremely difficult to make. The Strategic Arms Limitations Talks could and hopefully will produce major alterations in the nuclear strategies of the United States and the Soviet Union. Beyond that, the impossibility of predicting the nature of opposing forces a decade hence is made abundantly clear by simple reference to the rapid growth of arms technology in the past. There was good reason for the assessment made last year by General Glasser, Air Force Deputy Chief of Staff for Development Plans:

"It simply is not possible to specify with clarity what a weapon system such as the B–1 will be actually used for ten or fifteen years from now."

It is possible, however, to foresee the direction of future developments, on the basis of arms capabilities now in being or within reach.

First, as to the role of bombers, it is undisputed that any justification for relying mainly on bombers for deterrence has long since disappeared. Especially with the deployment of MIRV warheads, delivery of nuclear weapons by ballistic missile costs far less than their delivery by manned aircraft. If there is still a need for the bomber, therefore, it must be grounded in the fear that ICBM's and SLBM's may be so severely degraded by the adversary that they can no longer be counted on to deter nuclear attack. The bomber's role is to supply insurance. It is one of a number of methods which might be used to complicate the task of any enemy determined to win" a nuclear battle with the United States.

Effective defenses against airborne bombers differ substantially from those which might be used to counter missiles after launch. There is, moreover, a unique kind of protection afforded by the combination of ICBM's and manned bombers, even though both are conceded to be increasingly vulnerable by themselves. An adversary who seeks to knock out both may, for example, decide to strike simultaneously with low-trajectory SLBM's against the bombers and ICBM's against the missiles. But his ICBM's, because of their longer flight times, would have to be launched first, and as soon as they were detected by our radar the bombers could be launched and placed beyond danger. If, on the other hand, he launched both his SLBM's and ICBM's at the same time, the early arival of the SLBM's at U.S. airfields would give notice of the attack in ample time for our ICBM's to be launched. This "box phenomenon" renders a first strike against both bombers and land based missiles virtually impossible.

The Polaris fleet has enormous destructive force on its own, and it is still considered invulnerable to degradation prior to launch. An adversary bent on simultaneously neutralizing both U.S. ICBM's and SLBM's, plus planned and possible internal improvements in those systems, faces a superhuman task. Hence it is clearly questionable whether such a mix is necessary. But assuming, for present purposes, that it is a desirable goal, we are left to discuss the capabilities which are essential if the bomber is to insure effectively. Basically there are two.

First, the bomber must be able to avoid destruction prior to launch. In this respect the B–1 would be a marginal improvement over the B–52, although not over the FB–111, because it can be launched more quickly and dispersed more widely—if similar attributes can be extended to the tanker fleet. Because of the "box phenomenon" noted above, however, it does not appear that pre-launch survivability will be a major problem in any case, so long as we have bombers which can become airborne with reasonable speed, coupled with a land-based missile force capable of penetrating enemy defenses in significant numbers.

Second, the bomber must have a credible ability to penetrate enemy defenses and deliver enough warheads on target to inflict unacceptable damage. And this is the point where the case for the B–1 becomes most precariously unhinged, as a result of prospects similar to those which ended in abandonment of the B–70 high-altitude supersonic bomber several years ago.

That aircraft was developed because we saw that the Soviet Union could deploy defenses for which the B–52 was considered to be too slow. After we initiated work on the

B–70, however, they deployed large numbers of high altitude SA–2 bomber interceptor missiles with nuclear warheads. Since detection of high flying aircraft is no longer a serious problem, it appeared that the B–70 would be performing in a hostile environment indeed. As it turned out, in fact, our 225 B–52 G's and H's have been superior to the B–70, because they have been built to penetrate at low altitudes, thereby avoiding detection and interception.

But the SA–2 is far from the last word in air defenses. If such work has not already been initiated, the Soviet Union can take their cue from bomber defenses which are already in the advance planning stages in the United States, centered around AWACS, or the airborne warning and control system, designed to detect low-flying aircraft.

The fiscal 1972 military posture statement submitted March 9 by Joint Chiefs of Staff Chairman Admiral Thomas Moorer is instructive on this point. Discussing Soviet strategic defenses, Admiral Moorer stated that—

"It is possible that they may deploy, later in this decade, an airborne warning and control aircraft with a true over-land, look-down capability and equip an advanced interceptor with a look-down, shoot-down radar/missile system. If they do so, they could have a greatly improved area defense system in the late 1970's."

If that assessment of Soviet capabilities is correct, then it is entirely reasonable to expect that when the B–1 enters the force in the late 1970's, a new defense capable of nullifying it will arrive at about the same time.

Look-down and over-the-horizon radars and advanced infra-red detection devices are several methods which threaten to deplete the B–1's ability to penetrate at low altitudes. Others may be in the offing, including means of tracing aircraft through the air turbulence which follows in their wake. And, once detected, any manned aircraft is burdened by inherent disadvantage in hostile airspace populated by surface-to-air and/or air-to-air missiles which it can never hope to outrun.

It must be noted that these are prospects which would face the B–1 bomber at the very beginning of its operational time frame. Still more sophisticated defenses could be developed later on; doubtless Soviet planners, if they elect to defend against bombers at all, will undertake intensive work along such lines as soon as the B–1 design is finalized.

With abandonment of the on-the-deck supersonic capability, the B–1 has little to recommend it over the B–52 for low altitude penetration. Its radar cross-section would be smaller, but, since radar sensitivity varies inversely as the fourth power of distance, the B–1 could get only 16 percent closer than the B–52 before its radar signature became the same, even if its radar cross-section were reduced by a factor of two. What is more, as to both speed and radar cross-section, the B–1 is distinctly inferior to the FB–111.

The Soviet Union may, of course, decide not to pursue the advanced bomber defenses described here. In that case the B–1 would not be required; the B–52 could penetrate. If, on the other hand, they do go ahead with such defenses, we could not place much confidence in any aircraft to carry out a gravity bombing mission. As a consequence, the value of a mixed deterrent would be lost. Moreover, the unique protection of the box phenomenon would also be eliminated, because there would be no need for the Soviet strategists to attempt an attack on the bomber force on the ground—they could simply launch against ICBM's, and depend on their air defenses to counter U.S. bombers.

There is no intention here to suggest that B–1 advocates have neglected the possibility that low-level penetration may prove to be a fruitless strategy. They have not. Unfortunately, they have, instead, alluded to that prospect as a reason for giving the B–1 a high-altitude supersonic capability as well, and the result is still unsatisfactory. Certainly the creation of a deadly environment at low altitudes will not make the high altitude environment—considered too dangerous for the B–70 nearly a decade ago—any more hospitable.

The supersonic flight capability will not make the B–1 a better delivery system for nuclear weapons. If anything it will be a negative factor. It calls for complex design features which may make low altitude penetration more difficult; surely the sharp, supersonic wing must, for example, detract from stability on the deck.

The answer is not to build the B–75 into the B–1. We should instead undertake a search for more promising alternatives.

Conventional warfare utility

One of the most frequently cited rationales for the further development and production of the B–1 is that "strategic bombers, unlike strategic missiles, can be used conventionally." The argument usually references the B–52 "ARC LIGHT" missions flown in support of tactical ground and interdiction operations in Southeast Asia. The contribution of the B–52, judging from military opinion, has been substantial, and quite clearly could not have been duplicated by missiles fired from remote launch sites.

Before such employment of a strategic weapons system in a tactical, "iron bomb" environment can be accepted as part of a valid case for a follow-on bomber, it must be recognized that no B–52, except possibly through navigational error, has ever flown over North Vietnam. In testimony before the Senate Armed Services Committee in 1969, Air Force officials stated that on a bombing run in a SAM-protected environment such as North Vietnam, possibly 50 percent of all the B–52's on any given raid would be lost, and one expert said, "It would probably be more." As early as January, 1966, former Secretary of Defense, Robert S. McNamara, writing in Air Force magazine stated, "The fact of the matter is that no U.S. bomber has had to face the kind of defenses that exist today."

Yet the SAM–2's which the Soviets have given the North Vietnamese are relatively obsolescent and Soviet ground-to-air missilery of the late 1970's and early 1980's will undoubtedly relegate today's SAM–2's to the Model-T class.

In this same context, it is noteworthy that during the Korean Conflict, the high-altitude tactical bombing regime was so hostile due to an abundance of Soviet-manufactured conventional anti-aircraft weapons and the presence of MIG fighter aircraft that neither our then first-line strategic bomber, the B–47, nor its predecessor, the B–36, were employed in a tactical role and our aging B–50's were restricted to night missions when daylight losses become prohibitive.

Tactical situations obviously do vary from war to war and from location to location. To suppose that in any future conventional conflict there will be a justifiable role or even individual target complexes where, as in Southeast Asia, hundreds of conventional bombs have been dropped at minimum interval to saturate a "target box" with near total destruction, is to ignore even the basic tenets and tactics of conventional warfare targeting.

Should such a rare combat circumstance recur wherein a strategic bomber would have any possible utility in a conventional war, a far less expensive aircraft than the B–1 could be substituted to perform the same mission.

In this vein, the Air Force, within its present inventory of tactical aircraft, has an enormous bombing capability and is developing a new generation of follow-on aircraft that promises to further enhance it. Three factors should be considered in weighing the use of the B–1 in a tactical environment and in a force mix with fighter-bombers, tactical bombers and attack aircraft. First, that Vietnam-type target complexes as described above are isolated cases; second, that by proper application of alternative tactical weapons delivery systems, inter-theatre close-support and interdiction targets can be effectively bombed by far less expensive airplanes; and, third, aircraft losses and airframe wear incurred while using the strategic bomber fleet in a tactical role is not only extremely costly on a per sortie basis but permanently subtracts from the nation's overall strategic capability.

Systems cost considerations

A persuasive case can be made for purchase of a given weapons system regardless of cost, *if* it can be shown that that system will have a decisive influence on the ability of the United States to deter nuclear war. As is developed elsewhere in this report, however, the value of the B–1 bomber in this respect is both speculative and marginal, and questions of cost therefore assume much greater importance. Clearly the B–1 must compete on a cost-effectiveness scale with other options, including new land and sea-based missile technology, for preserving the U.S. nuclear deterrent through its contemplated operational time frame. Such competition requires the best possible estimates of the total outlays that will be needed to include the B–1 in the U.S. strategic arsenal.

In light of painful experiences with such aircraft as the F–111 (originally proposed at $2.8 million per copy, escalating to over $8 million) and the C–5 (from $16.5 million to more than $45 million) it is difficult to place much confidence in Air Force estimates of probable B–1 expenditures. Even if the accuracy of those predictions could be assumed it is clear that the B–1 would be among the most expensive military systems ever proposed to the Congress, with a price tag of over $11 billion, exclusive of such major costs as operation and maintenance, armaments, and a follow-on-tanker.

But experience to date suggests that the B–1 will by no means be an exception to the pattern of cost escalation. Enormous cost overruns have, in fact, already occurred, even though the program is still fairly early in the research, development, test and evaluation stage, several years away from production.

In 1969 Defense Secretary Laird advised the Congress that the total cost per copy of the B–1 would be between $25 and $30 million. Early last year the figure was set more precisely at the top of the range, at $29.2 million, and by June 30th it was up to $30.8.

However, this figure followed several design modifications which should have brought substantial cost reductions. They included a 25 percent drop in the number of Short Range Attack Missiles (SRAMs) and Subsonic Cruise Armed Decoys (SCADs) to be carried internally, elimination of the low-altitude supersonic capability, and a significant reduction in the size of the initial avionics change alone should have produced savings of between $5 million and $6 million per copy, placing unit estimates somewhere between $19 and $25 million. They did not materialize.

Based on a middle-range buy of 200 aircraft, therefore, the Air Force's own calculations show the cost of the system planned now mounting by between $1 billion and $1.2 billion in a single year.

More recently we have seen a similar kind of escalation in the RDT & E stage. Last year the estimate for this phase had climbed to $2.33 billion; now up to $2.53 billion in "escalating dollars." But last year's figure included five flight test aircraft, one static test airframe and one fatigue test airframe, to be constructed by North American Rockwell Corporation. Since then two of the flying prototypes and one static airframe have been dropped. Yet current estimates place the price reduction to be realized by that decision at only about $110 million—a savings of less than 9.2 percent of total RDT&E costs.

Another cost-factor of serious concern is the likelihood that at some point during the B–1's lifespan, and probably early in that period, a new compatible refueling tanker will be required, to replace the KC–135.

The Air Force maintains that the B–1 will be fully compatible with the KC–135, which now refuels the B–52s, and that only minor modifications in the tanker fleet will be needed. But the new tanker issue remains very much unsettled. It is also very much confused as a consequence of contradictory signals coming from the Air Force—exemplified by the fiscal 1971 budget request for $500,000 to initiate studies on a KC–135 replacement, followed by assertions that no new tanker is contemplated, read in the context of SAC Commander General Bruce K. Holloways statement to the Armed Forces Journal last June that—

"We need a new tanker no matter what kind of bombers we have. The problem is not so much the life of the tanker, but we need an aircraft that can offload more fuel."

It is axiomatic that any strategic bomber is of little value if it cannot escape destruction on the ground, prior to takeoff. To avoid attack by low-trajectory submarine launched missiles, the B–1 will have a quicker reaction time than the B–52, and it will be capable of taking off from shorter runways so the force can be widely dispersed.

But the B–1 will be unable to complete its mission without refueling, and under present plans it must depend for refueling upon aircraft which do not have those capabilities. The KC–135 needs in excess of 9,000 feet for takeoff, a distance comparable to that required by B–52, so it cannot be dispersed any more widely than the existing force. Its take-off time is also roughly the same as that of the B–52. By targeting its SLBMs on the tanker fleet, therefore, the adversary could render the B–1/KC–135 combination just as vulnerable as the B–52/KC–135 combination might be.

In response to this reasoning the Air Force will argue that the tankers can be modified to achieve reaction time which more closely approximates that of the B–1. The nature of such modifications has not yet been revealed, but the answer is deficient in any event. A fundamental point in the case for a new bomber has been the premise that the B–52, last produced in 1962, is aging and will soon be too old to be dependable. But the last KC–135 was produced in 1964, just two years later. If the B–52 cannot last physically past the early 1980s, as the Air Force contends, then it is hard to imagine how the KC–135 can last some 15 to 20 years longer.

If costs are of any concern at all, then certainly the tanker issue is a critical factor. One possibility under consideration for the tanker role is a modified C–5. Based on Air Force price estimates submitted to Senator McIntyre's Subcommittee last year, a fleet sufficient to serve 200 B–1's would cost, conservatively, some $8.25 billion, thus pushing the total system cost well over the $20 billion mark even accepting Air Force price estimates.

The foregoing examples of cost growth to date, along with additional expenditures, for armaments and O&M, which will inevitably be associated with the B–1 system although not included in official estimates, indicate how hazardous it is to place any faith in Air Force projections.

The authors of this study admit to less technical expertise than the military in making detailed cost estimates. We therefore embrace no specific alternative calculations of total cost. It is, however, instructive to consider projections from other sources, ranging as high as $75 billion for the complete B–1 system. Several such estimates are set forth in the appendix.

Another question which deserves attention in conection with cost projections grows out of the contention that over its useful life the B–1 will be less costly than the alternative of relying upon the B–52/FB–111 combination, with continuing modifications to extend the life of the B–52.

Writing for the P.I.C. News, the newsletter of the Public Information Center, last August, Representative William Moorhead calculated that the cost of modernizing and extending the B–52 force for ten years beyond 1978 would be $7.36 billion, compared to his "conservative" estimate of $20.27 billion for the B–1 during the same period.

In fact, the Air Force has not denied the existence of such a cost advantage for the existing force during the first ten years. Their calculations were laid down as follows by Secretary of the Air Force Harold Brown in 1968 testimony to the Senate Armed Services Preparedness Investigating Subcommittee

"Over the first ten-year period, the program cost of an AMSA (B–1) bomber force would be considerably higher than that of the B–52 and FB–111 force because with selective modifications to the structure and avionics, the lifetime of many B–52's can be economically extended to the late 1970's. Over a period of about 17 years the costs of a bomber program phasing to (deleted) AMSA's, compared with a program continuing the 255 B–52's and 210 FB–111's would be the same, $22 to $23 billion."

The buy of FB–111's has since been reduced to four squadrons, a figure which should still be sufficient to require the mixing of defenses claimed as a main attribute of the manned bomber. That change should give the B–52/FB–111 combination an even greater cost advantage.

But what is important to note here is that acceptance of the premise that the B–1 might eventually have a cost advantage over the B–52/FB–111 combination requires acceptance of a much more ambitious assumption—that the manned bomber, moreover a specific manned bomber with capabilities which will be locked very soon, will be playing a vital role in the U.S. nuclear arsenal some seventeen years from now, in a vastly changed environment. Those who find that assumption unpalatable will find continued repliance on the B–52 and FB–111 infinitely more attractive from the cost standpoint.

Finally, a cost-conscious evaluation of the B–1 as now planned requires careful attention to the additional expenditures demanded as a consequence of the decision to make the aircraft supersonic at high altitudes, even though the low-altitude supersonic capability has been scrapped. Put bluntly, the high-altitude supersonic capability makes hardly any sense in the nuclear warfare missions contemplated for the B–1 since, as is pointed out elsewhere, the B–70 bomber was dropped precisely because the Soviet Union had the clear capability to destroy high-flying supersonic aircraft.

The supersonic capability of the B–1, which will almost certainly be used only in conventional warfare roles, will, according to Air Force sources, increase its ten-year systems costs between twenty and thirty percent. Senator McIntyre estimated last year that it could be "closer to fifty percent," and there are sound reasons for preferring his figure. If the aircraft were entirely subsonic it could be made fixed wing instead of swing-wing, thereby cutting weight, reducing maintenance problems, and increasing range. The supersonic capability requires much thinner wings to lessen drag, another cost escalating factor. Supersonic flight with the B–1 engines will be accomplished by afterburning, which drastically multiplies fuel consumption.

Startling results are yielded by application of the incremental supersonic costs ratios suggested above to the low and middle-range estimates of ten-year B–1 systems costs. The decision to go supersonic calls for additional outlays of from $2.2 billion (20 percent of $13.4 billion) to $10 billion (50 percent of the $20 billion high estimate for procurement and R&D only), over what would be required by an entirely subsonic plane.

Alternatives to the B–1

One obvious and much less expensive alternative to moving ahead with the B–1 bomber would be to plan for the retirement of the manned bomber from any nuclear war role, and certainly that approach does deserve careful consideration. There is, however, no need to make such a determination in order to reach the conclusion that the B–1 is ill suited to the tasks it has been assigned.

There is ample time to consider other alternatives as well. Contrary to the impression created in recent years, there is little hard evidence to support the conclusion that the latest B–52 models are about to collapse from old age. The Air Force has pitched its case for the B–1 less on this concern than on its assertion that the B–1 will, over a period of years, be a less expensive option than preservation of the B–52. But the B–52 can remain a tremendously formidable delivery system well into the 1980's, and probably beyond, especially with the addition of SRAM and other penetration aids. There is no need to buy the B–1 quickly because of a fear that there may come a time when the United States will be without a strong strategic bomber.

Another option, therefore, would be to simply continue relying upon the existing combination of 255 B–52 B's and H's and 75 FB–111's, for as long as they can be retained in service through appropriate modifications or until such time as they can no longer penetrate Soviet defenses. If that time does come the B–1 could probably not penetrate either, particularly in light of recent decisions to downgrade its performance.

In some respects this course is much more attractive than choosing the B–1. As noted in the section on systems costs, economic considerations will favor the B–52/FB–111 combination for as long as seventeen years and possibly more. And if the objective of the manned bomber is to force the adversary to mix his defenses, to counter both bombers and missiles, there is some reason to believe that the combination of older aircraft could perform more satisfactorily than the B–1. Since the FB–111 does have a supersonic capability at low altitudes, and since it can reach significant numbers of SAC targets within the Soviet Union, these two aircraft could give the adversary a more complicated defensive problem than that posed by the B–1 alone. Since the weaknesses of one could not be exploited against the other, he would have to defend against the best features of both, at least for those targets which the FB–111 could reach at supersonic speeds.

It is possible to foresee viability for still other alternatives. If the B–52/FB–111 combination is not satisfactory, it is nonetheless still shortsighted to consider the B–1 as the single new configuration available.

A more desirable design might, for example, completely forego gravity bombing and concentrate instead on a meaningful long-range standoff capability, including both a new strategic aircraft and a new air to ground missile with longer range and a greater payload than is contemplated for SRAM. Such an aircraft need not be supersonic. It could be designed for rapid takeoff to preserve prelaunch survivability and the benefits of the "box phenomenon." The avionics could be much less elaborate than the B–1 package, because there would be no need to attempt penetration of enemy defenses. Research and development efforts could focus intensively on an air to ground missile approach aiming for maximum differences between the nature of this airborne attack and the threat posed by U.S. ICBM's and SLBM's, to continue the "mixed defenses" problem confronting the adversary.

Such a system would, of course, be far less glamorous than the B–1. But it could also avoid the weaknesses, exploit the strengths, and add new values to the use of manned aircraft in nuclear war situation.

Appendix

(Selected B–1 System Cost Estimates)

(1) The current Air Force estimate of B–1 costs, calculated now in "escalating dollars" with inflation factored in, is $2.628 billion for development and $8.496 for production, or a total of $11.124 billion exclusive of operation and maintenance and armaments including SRAM and SCAD.

(2) In August of 1970, Representative William Moorhead published two estimates based on an extrapolation from Air Force figures. He described the first, a total of $20.27 billion, by saying that, "if it errs it probably does so on the conservative side." His high estimate, following generally applicable rules on operation and maintenance and trade journal estimates on procurement costs, totalled $33.47 billion. His calculations were as follows:

Estimate:	*Billion*
Sunk research and development	$0.25
Prototype procurement	2.33
Procurement of ca. 250 planes, including AGE, initial spares, training aids, and technical data	9.30
Operation and maintenance for 10 years	3.75
SRAM R.T.D. & E. (short range attack missile)	.42
SRAM procurement (for 2,800)	.80
SRAM aerospace ground equipment	.19
SRAM warheads	.50
SRAM O&M for 10 years	.40
Estimate with USAF figures	17.94
13 percent overrun allowance (average for recent major systems)	2.33
Total estimate	20.27
Addition to O&M to reflect general overhead by raising the figure to $13.95 billion, following a rule of thumb of 150 percent of aircraft procurement cost for ten years of operation	10.20
Addition to procurement-cost figure to match trade journal estimates of $12 to $13 billion	3.00
High total estimate	33.47

(NOTE.—Representative Moorhead's analysis does not include the possibility that a new tanker fleet will be required. Using a three to two tanker-to-bomber ratio for a 255 aircraft B–1 fleet, taking the estimated $27.5 per copy cost for a C–5 tanker supplied to Senator McIntyre by the Air Force last year, and adding the same 13 percent overrun allowance employed above, the new tanker could add another $13.73 billion to the systems cost, bringing the High Total Estimate to *$47.2 billion.*)

(3) In December of 1969 the Defense Market Survey Market Intelligence Report cited then-current USAF estimates for a "200 plus" fleet of $1.7 to $1.9 billion for R&D, $6.8 to $7.2 billion for aircraft with spares and support, and $3.3 to $3.5 billion for ten-year operation, in 1968 dollars. It then noted the failure of DOD to discuss the tanker problem, plus the requirement for additional command and control aircraft for the strategic fleet. From that it deduced that, "The inescapable conclusion is that the price tag for the total system could well soar above the $25 billion mark."

(4) Using an analysis similar to that of Representative Moorhead but with slightly higher figures, Bruce W. MacDonald of Princeton University, cordinator of a detailed study of the B–1 system, foresees a total systems cost of "anywhere from fifty to seventy-five billion dollars." His method:

Estimate:	*Billion*
Sunk into research and development	$0.25
Prototype procurement	5.00
Procurement of ca. 250 planes at $60 million per copy	15.00
Operations and maintenance	4.00
SRAM RDT&E	0.42
SRAM procurement (for 2,800)	0.80
SRAM aerospace ground equipment	0.19
SRAM warheads	0.50
SRAM O&M for 10 years	0.40
	26.56
13 percent overrun allowance of all but prototype procurement plus unit costs, reflecting experience on recent major systems	27.41
Addition to O&M to reflect general overhead by adding 150 percent of aircraft procurement cost for 10 years' operation	22.50
255 new tankers	12.70
Tanker RDT&E	2.00
Tanker maintenance for 10 years	2.00
	66.61
Plus eventual addition of the avionics originally planned but deleted last year with room left for later incorporation	8.39
Total ultimate systems cost	75.00

SUPPORT FOR PRESERVATION OF MIDDLE SNAKE RIVER

Mr. PACKWOOD. Mr. President, on April 14, I spoke in the Senate about conditions along the Snake River, and urged support for preservation of the Middle Snake. I discussed my bill, S. 717, which would establish the Snake National River.

Since that time, I have been very much encouraged by the support I have received not only from Senators, but also from the many conservation and fishery organizations around the country. I would like to share with Senators a quick sampling of some of the support I have received.

Mr. President, I ask unanimous consent that letters I have received from Mr. Leon A. Verhoeven, executive director, Pacific Marine Fisheries Commission, Portland, Oreg.; Mr. Lewis A. Bell, vice president, Federation of Fly Fishermen, Everett, Wash.—dated April 28, 1971, and April 30, 1971, with enclosed news clippings from the Seattle Times of April 23 and 25; Mr. R. P. Van Gytenbeek, executive director, Trout Unlimited, Denver, Colo.; and Mr. J. W. Penfold, conservation director, Izaak Walton League of America, Inc., Washington, D.C.; be printed in the RECORD. In addition, Mr. President, I ask also for the inclusion of a letter from Mr. Charles A. Stevens, guidance director, Gem State Academy, Caldwell, Idaho, dated April 30, 1971.

These letters are but a small sampling of my mail on the Hells Canyon-Middle Snake issue, but I believe accurately portray an across-the-board concern of American conservationists and fishermen—especially when added to those words of encouragement and support I have already shared with you in my speech on the 14th, from the Sierra Club, the Wilderness Society, and others.

Following my remarks on the 14th, the Washington Post of April 20, 1971, editorialized in support of my bill. While they admittedly got their Oregon Senators mixed up, I think their heart is in the right place, Mr. President, and I ask that those editorials from the Post of April 20 and 23 be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD an article from the Asotin County Sentinel of February 25, 1971, entitled "This Is Your World," by Annette Tussing.

Mr. President, one of the reasons so much attention is focusing upon this issue of whether or not another dam should be built on the Snake River, is the already disastrous nitrogen problem now existing on the Snake as a direct result of dams previously built. In my remarks on April 14, I discussed the critical nature of this problem in face of the spring fish runs, and shared with you a resolution adopted by the Governors of Oregon, Idaho, and Washington, calling for funds to construct slotted bulkheads in the skeleton bays at the Little Goose and Lower Monumental Dams. This is discussed in detail in a letter I received from the Office of the Chief of Engineers, U.S. Army, signed by Lt. Col. Thomas W. Nelson, and dated April 2, 1971. Mr. President, I ask unanimous consent that this letter be printed in the RECORD, to accurately show the nature of the Corps' proposal to cope with the nitrogen problem.

Following receipt of the Corps' letter, and several telephone conversations between my office, Governor McCall's office, the Interior Department, the Corps of Engineers, NOAA, and EPA, I requested on two occasions that prompt attention be given this matter by the Office of Management and Budget. On March 31 and April 15, 1971, Caspar W. Weinberger, Deputy Director, Office of Management and Budget, responded. I ask unanimous consent that those two letters be printed in the RECORD.

Just prior to Mr. Weinberger's first response, the Oregonian of March 28, published a story by Anthony Netboy, discussing the nitrogen threat to the salmon run. Also, on April 21, the Salem Capitol Journal ran an article entitled "Salmon Wipe Out Foreseen." Mr. President, these two news stories depict the doomsday threat to our salmon and steelhead, and I ask unanimous consent that they be placed in the CONGRESSIONAL RECORD.

Anthony Netboy, of Portland, Oreg., is a member of the Izaak Walton League of America, and also has an article in the April 1971 edition of Outdoor America, the official Izaak Walton League publication, entitled "The Salmon's Migrations Through Primitive and Civilized Man." Mr. Netboy has so thoroughly gone into the real problems facing us that I ask unanimous consent that the article be placed in the RECORD also.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PACIFIC MARINE
FISHERIES COMMISSION,
Portland, Oreg., April 28, 1971.

To: Commissioners and Advisers.
From: Executive Director.
Subject: Hells Canyon-Snake National River legislation.

PMFC's Executive Committee strongly urges each of you to write to your Congressmen and Senators in support of companion bills H.R. 4249 and S. 717 to establish the Hells Canyon-Snake National River.

Enclosed for each of you are duplicated copies of pages 10307–10311 of the *Congressional Record*, which pages contain the remarks of Senator Packwood to the Senate on April 14, 1971 regarding nitrogen supersaturation and legislation to prevent the construction of additional dams on the Middle Snake River by the establishment of a Hells Canyon-Snake National River.

Also enclosed for each of you is a copy of a letter this office has just written to various members of Congress in support of the subject legislation.

LEON A. VERHOEVEN,
Executive Director.

PACIFIC MARINE
FISHERIES COMMISSION,
Portland, Oreg., April 28, 1971.

Members of Congress from the States of Alaska, California, Idaho, Oregon, and Washington and Members of the House and Senate Committees on Interior and Insular Affairs of the Congress of the United States.

MY DEAR CONGRESSMEN AND SENATORS: Under date of February 19, 1971, this office sent each of you for consideration a copy of Pacific Marine Fisheries Commission Resolution No. 12, "Moratorium on Dam Construction, Middle Snake River." Since then, PMFC has learned that companion bills to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon and Washington had been introduced on February 10 by The Honorable Robert W. Packwood (Senate bill 717) and The Honorable John P. Saylor (House of Representatives bill 4249).

PMFC has studied these bills and strongly urges early passage of such legislation. The words of Senator Packwood, as printed in the Congressional Record of April 14 (pages 10307–10311) under the title "Destruction of One of the Great Natural Treasures of the World" clearly state the values that will be sacrificed unnecessarily if construction of additional dams on the Middle Snake River is permitted. This chronology of the Hells Canyon controversy since 1954 illustrates the jeopardy that fish, wildlife, recreation and aesthetic values have been in and will continue to be in unless Congress acts to prohibit the building of more dams on this section of the river.

Respectfully,

LEON A. VERHOEVEN,
Executive Director.

FEDERATION OF FLY FISHERMEN,
Everett, Wash., April 28, 1971.

Senator ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: I have your reprint from the CONGRESSIONAL RECORD on the Middle Snake, and please be advised that Jack Hemingway of Sun Valley, Idaho, with the aid of the Federation of Fly Fishermen and other conservation groups, including the Idaho Preservation Council, and the Sierra Club, represented by Mr. Brock Evans of Seattle, Washington, is commencing to put together a coalition in Oregon, Idaho and Washington, composed of conservationists, commercial interests and Indians to bring public pressure to bear upon the Senate in order that public hearings of your Senate Bill 717 can be promptly had and action taken by the Senate and House in this session of the Congress.

If you have any suggestions as to what can be done or who should be contacted in regards to partaking in this coalition or in its activities, would you please so advise?

I also would appreciate a substantial number of copies of your Bill in order that I might disseminate the same amongst interested groups.

Yours truly,

LEWIS A. BELL.

FEDERATION OF FLY FISHERMEN,
Everett, Wash., April 30, 1971.

Senator ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The enclosed indicates the coalition to save the Snake and cause public support for your Bill 717, is commencing.

Yours truly,

LEWIS A. BELL.

A HEMINGWAY-TYPE STORY ABOUT HEMINGWAY—A SON, THAT IS

[By Don Duncan]

When a young Army parachutist bailed out over German-occupied France during the Second World War, he carried a fly rod and a map case filled with fishing flies instead of maps.

The French-speaking G.I. later captured by the Germans, got in a little stream fishing before embarking on his mission.

That sounds like something out of an Ernest Hemingway novel. But it really is a personal experience related by the late author's eldest son, Jack, 47.

The tall, rather slightly built Hemingway is Northwest editor of Field & Stream and a resident of Sun Valley, Idaho. He was in town the other day to help form and head a coalition of organizations interested in "saving Hells Canyon" and tributaries of the Snake River from further dams.

Hemingway, who called his father "Papa" before the rest of the world began doing it, says he was virtually unaware of his father's fame as a writer when he was a youngster.

"What I admired about him were his boxing and his skill as a hunter and a fisherman," Hemingway said.

Jack Hemingway was born in Toronto, and he went to Paris with his mother, Hadley, and his father when he was a few months old. In Paris his father became a part of the expatriate literary community presided over by Gertrude Stein. Jack learned French while his father began seriously breaking new literary ground.

After the divorce of Hadley and Ernest, Jack lived with his mother. But he spent many summers with his father.

"My kid brothers became hunters and I became a fisherman," Hemingway said. "I got pretty good at bird hunting, and I remember that my father always preferred a Model 12 Winchester to anything else. I also remember once in Africa my father offered me the opportunity to shoot a cape buffalo. It was more of an order than an opportunity, really. I shot it, but big-game hunting wasn't for me."

The continuing interest in his late father surprises Jack Hemingway, who has read all the biographies and finds those with the best flavor lacking in accuracy and those with the best research short on feeling.

When Mary Hemingway, the author's third wife, and Charles Scribner undertook to edit an unfinished Hemingway manuscript, now a best-seller as "Islands in the Stream," Jack Hemingway felt it could not be done.

"I now feel they did a very good job," Hemingway said. "But I think my father would have been furious at having published something he didn't feel was ready for publication."

Jack Hemingway said his father generally followed the formula that "kids should be seen but not heard."

"He'd get up very early in the morning and write, mostly in longhand but occasionally on a typewriter. We didn't disturb him then. But he'd finish about noon and then he'd take us out fishing."

Jack Hemingway thinks his father's celebrated inability to spell is exaggerated.

"The story came first," Hemingway said, "and he might have been careless in his spelling when he was creating. But whenever I asked him how to spell a word, he always came through."

Being the son of a world-famous author was both a drawback and a blessing in school, Hemingway said. The expectations of English teachers were high, "and I became something of a con man."

A college diploma eluded Jack Hemingway for many years. He started at Dartmouth, attended the University of Montana until the Second World War broke out, and finally finished in 1964 ("at the age of 40") in a small college in California. His major: Romance languages.

Jack Hemingway worked as a professional fly-tier and as a not-too-successful bond salesman before going to work for Field & Stream. He wrote his first published piece for the magazine 18 months ago. It was not, he says, classic Hemingway.

"I know my limitations," Hemingway said. "But I do know what I write about. Fishing and conservation. Two things. That's it."

The Jack Hemingways have three daughters, one of whom is a "real good bird shot." But Hemingway says, rather sadly, "I haven't got a fisherman out of the bunch yet."

Someday, perhaps, Jack Hemingway will write a memoir of his father, "after a lot of time has passed and a lot of people can't remember him so well." In particular he will write about the man who took such pride in his craft that he let writing "take precedence over his family, over everything."

Ernest Hemingway's last days were spent in Ketchum, Idaho, just six miles from his son's home. There, the man who knew and loved firearms ended his own life with one. He had been a monumental writer, a devoted outdoorsman, an excessive drinker; and he cast a shadow his son doesn't care to compete with.

"I don't even drink," Jack Hemingway said, downing the last of his coffee. "I had a heart attack about three years ago."

[From the Seattle Times, Apr 23, 1971]

HELLS CANYON PROTECTION SOUGHT

A coalition of organizations in Washington, Oregon and Idaho is being formed to support legislation to protect Hells Canyon on the Snake River.

Jack Hemingway, eldest son of the late author, Ernest Hemingway, has offered to lead the coalition. Hemingway, of Sun Valley, Idaho, was here yesterday to meet with local leaders in the conservation movement.

A meeting is planned in Lewiston, Idaho, June 26 to bring representatives of participating organizations together, solicit funds and volunteer help and chart a program.

Hemingway said the primary goal of the group will be to work for Senate hearings and passage of a bill to establish a Hells Canyon-Snake National River that would be protected from dams and development.

Such a measure, Senate Bill 717, has been introduced by Oregon Senator Robert Packwood. A companion measure has been introduced in the House by Representative John Saylor of Pennsylvania. No hearings have been scheduled on either bill.

A Federal Power Commission examiner has given approval for construction of dams at Mountain Sheep and Pleasant Valley in the canyon. The examiner recommended that the permit not be effective until September 11, 1975, in order to give Congress time to decide whether Hells Canyon should be set aside and protected.

The full Federal Power Commission still must rule on the applications.

Conservationists contend that dams would destroy the scenic value of the canyon, which is more than 8,000 feet deep in some places. They also argue that the dams would destroy salmon and steelhead runs to the Clearwater, Salmon, Imnaha and Grande Ronde Rivers and other tributaries of the Snake.

Hemingway noted that existing dams on the Columbia and Snake Rivers have brought steelhead and salmon runs to the verge of extinction. He said there would be little hope of saving the surviving runs if additional dams are built.

Organizations which have been or will be invited to participate in the coalition include the Sierra Club, Hells Canyon Preservation Council, the Audubon Society and the National Wildlife Federation.

Also included will be the Washington, Oregon and Idaho Environmental Councils; sportsmen's councils from the three states; the Federation of Fly Fishermen; Trout Unlimited; the Columbia River Conservation League, and the Sawtooth Preservation Council.

The Izaak Walton League, Friends of the Earth, Environmental Defense Fund and the Mountaineers also will be asked to participate, along with guides' associations, commercial fishermen, packers and labor unions; federated women's clubs, and Indian tribes living along the Columbia and the Snake.

Trout Unlimited,
Denver, Colo., April 26, 1971.

Senator Bob Packwood,
U.S. Senate,
Washington, D.C.

Dear Senator: Thank you very much for the continuing flow of information on your efforts to save Hells Canyon. Needless to say, we greatly applaud your efforts.

Our Northwest Steelheaders Council, which numbers some 4,500 people in Oregon, Washington, and Idaho, is working on generating public support for your position and stands ready to assist in any other way which you deem necessary.

Keep up the good work and I look forward to meeting you personally in the near future. Until then, I am,

Sincerely,

R. P. Van Gytenbeek,
Executive Director.

The Izaak Walton
League of America, Inc.,
Glenview, Ill., March 26, 1971.

Hon. Robert Packwood,
U.S. Senate,
Washington, D.C.

Dear Senator Bob: Just a line to assure you that we are in support of your bill, S. 717, to establish the Hells Canyon National River. We are in close touch with the Hell's Canyon Preservation as well as our own membership in the northwest.

Sincerely,

J. W. Penfold,
Conservation Director.

Gem State Academy,
Caldwell, Idaho, April 30, 1971.

Senator Robert Packwood,
U.S. Senator: Oregon,
Washington, D.C.

Dear Sir: This letter is in the interest of preserving Hells Canyon.

It has been my pleasure to raft the Snake River through Hells Canyon, on three different occasions. Two trips were made with senior classes from an Idaho high school and one trip with the faculty and staff of the same high school.

The grandeur and beauty of the canyon proved to be very inspiring. In my opinion it would be a crime to ruin the canyon with another dam.

The present dams have done enough damage to the beauty of the canyon. The lack of fish ladders didn't do the fish population any good either.

Please sir, preserve what is left of the natural beauty of this beautiful State. Save Hells Canyon from more dams.

Respectfully,

Charles A. Stevens,
Guidance Director.

[From the Washington (D.C.) Post, Apr. 20, 1971]

Hells Canyon—Remember?—Is Back Again

If you were around Washington in the days when Oscar Chapman, Douglas McKay or Fred Seaton were public officials to be reckoned with, the name Hells Canyon ought to ring some bells. There was a glorious battle on Capitol Hill some 15 years ago this summer over the kind of dams that should be built in a portion of that rocky gorge through which the Snake River flows. Dams have been built since—three of them on the upper reaches of Hells Canyon in Idaho—but the place is back with us again because the dam builders intend to move on to the middle part of the Snake and Senator Hatfield, among others, is out to stop them.

The saga is really much too long and too complex to try to summarize. But these highlights, drawn from a chronology prepared by the senator on efforts to dam the middle part of the Snake, gave a feel for the struggle that is heading towards finality now:

Nov. 9, 1954—Pacific Northwest Power Company files application with Federal Power Commission to investigate Pleasant Valley-Low Mountain Sheep project.

Jan. 20, 1958—FTC denies license to build that project.

March 31, 1958—PNP files for permit to build at another site . . . High Mountain Sheep.

March 15, 1961—Secretary Udall opposes any dams on the middle Snake because of conservation considerations.

June 28, 1962—Udall asks FPC to recommend that the United States, rather than PNP, build the dam at High Mountain Sheep.

Feb. 5, 1964—FPC licenses PNP to build for PNP a 670-foot high dam at High Mountain Sheep.

June 5, 1967—Supreme Court orders FPC to reconsider its license for failure to explore all relevant considerations such as wild rivers, wilderness areas, recreation and so forth.

Nov. 8, 1968—Secretary Freeman recommends against any more dams on the middle Snake.

Sept. 1970—Secretaries Hickel and Hardin recommend portions of middle Snake be studied for inclusion in National Wild Rivers System.

Feb. 23, 1971—FPC examiner recommends FPC reissue license for PNP to go forward with the project.

The public climate in which dams are built nowadays is quite different from what it was in 1954 when this whole affair started. The protests of conservationists are taken more seriously and the need for destroying scenic places to meet demands for electrical energy are examined more closely than they once were. It may be that the years of start and stop in which plans for damming the middle Snake have been enveloped have given the country a chance to stop something that ought not to have started.

At the moment, the matter is pending again before the Federal Power Commission for decision, although Senator Hatfield has raised a troubling question. He says that the environmental impact statement, now required on every major project of this type and generally expected to be released prior to decision, has yet to be filed. And he notes that only last month the governors of the three states directly concerned petitioned Washington to do something quickly about conditions at the existing dams on the Snake and Columbia rivers which are said to be killing 70 per cent of the young salmon each year. The senator, we think, makes out a good case for prompt action by Congress to save what is left of the Snake River from further change.

[From the Washington (D.C.) Post, Apr. 23, 1971]

The Hatfields and the Packwoods: A Correction

Somehow or other, we managed to get the two senators from Oregon confused on this page the other day. In an editorial concerning the construction of dams in Hells Canyon, we credited a speech on the Senate floor to Mr. Hatfield when it was actually delivered by Mr. Packwood. We apologize to both men and note that Mr. Packwood is the author of a bill to create the Hells Canyon-Snake National River.

This Is Your World

(By Annette Tussing)

One of the most valuable dimensions of our world, right here in this valley is our river—can you imagine this arid valley without it!

The 16-year battle to piecemeal it up as a pawn of politics still goes on—oftentimes in hidden ways.

Latest action on the national scene regarding our Middle Snake is news from Washington, D.C., that our friend-of-the-river Oregon's Senator Robert Packwood early last month, re-introduced in the Senate the one bill that spells permanent and sure protection for the Snake and its deepest canyon in the world.

The new Hells Canyon-Snake National River Bill—S. 717, introduced Feb. 10, 1971 by Packwood has only a few changes from last year's good bill of the same name.

That bill was introduced in the Senate by Packwood, and in the House by John Saylor. Trouble was, it had no big vested interests with massive funds behind it—only the "little people" that make up the American citizenry.

Giving our living Snake National River status would neither provide "busy work" and hundreds of millions of dollars in appropriations of our money for a giant "development project" to keep occupied a self-serving bureaucratic federal agency.

Nor would it swell the profits of a private power combine. Nor will it sacrifice OUR river to water the potato fields of another state's greedy industry.

No, creating National River protection for our unique stream would only preserve forever the beauty, the opportunities for the heavy public recreational use, the ranchers livestock grazing lands, the vital winter range for hundreds of big game animals, the uncountable 25 species of fresh water fish and the esthetic qualities of this river.

We here, living in close proximity to it, fail to recognize the Snake's intrinsic value—that will grow immensely as our world population swells to almost seven billion by the year 2000.

Having already disrupted 98 per cent of the surface on our Space Ship Earth—must we allow a few power-string pullers to steal from us what belongs to all Americans forever?

The new Hells-Canyon-Snake National River Bill awaits your support. It provides that all existing public and private uses of the Middle Snake shall continue. There shall be no acquiring of lands by condemnation—only acquisition of scenic or conservation easements, where necessary.

Hunting and fishing in all lands and waters will be encouraged.

The bill provides for up to $40-million for improvement of the two roads that take car travelers in to see the world's deepest Canyon—fish, hunt, picnic, hike, or take photos.

One road descends from the town of Imnaha, Oregon, through the Imnaha Canyon to Dug Bar on the Snake. The other goes in from White Bird, Idaho to Pittsburgh Landing.

Another road, to the indescribable lookout view at Hat Point, will also be improved.

A sum of $10-million is allotted to development of recreation facilities—principally campgrounds—along the three roads described above and for a visitors center at Hat Point and such additional development as may be necessary.

Another $10-million can be appropriated for acquisition of lands and interests in lands within the national river.

But then . . . this is all peanuts or a window on nature that can be opened no where else in the world.

Have you any idea what it's costing us, the taxpayer, to ruin this irreplaceable river and all of its assets that will increase in value each year as tourism climbs into second place in our state's economy?

Downriver, the Corps had, by December, already invested $58-million in Lower Granite Dam, and only just began on the main structure, last week.

In fact, dam project within seventy miles of Clarkston will cost a cool one-and-one-fourth billion dollars during the next 16 years or so!

You can object to this larceny by damming.

Write to your Congressmen. Ask for a public hearing to evaluate at present priorities, the justification for continuing Lower Granite and to de-authorize Asotin Dam.

Remember a group of sportsmen's organizations, spearheaded by the steelheaders has filed an injunction to halt Lower Granite until public hearings and reconsideration of the project can be held.

Ask your legislator to support the Hells-Canyon-Snake National River Bill to save all upriver waters still open.

It will help expedite the bill, also, to write to the Interior Committee of the Senate, asking them to schedule public hearings on the Hells-Canyon-Snake National River Bill S. 717.

The moratorium bill which has also been reintroduced, while better than no protection at all, is both shaky and partial safeguard for the Snake and its related lands.

Write to Chairman Levy and the Federal Power Commission, Washington, D.C., ask that no license be issued for a dam in the Middle Snake.

No one is going to speak for your river and its priceless ecology but you. It's already late for us humans to stop regarding our natural resources as a commodity—and realize they're a community, of which we are all a part.

DEPARTMENT OF THE ARMY,
Washington, D.C., April 2, 1971.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: This is in reply to your letter of 16 March 1971 regarding the nitrogen supersaturation problem in the Columbia and Snake Rivers.

The Division Engineer, North Pacific, proposes to lessen the quantity and duration of water spills over the spillway by modifying the skeleton bays and installing slotted bulkheads for water passage at the Little Goose and Lower Monumental projects. His proposal consists of a prototype test installation in one bay at Little Goose. This plan has been approved and the work is underway. If the installation in the one bay at Little Goose proves to be successful, we expect to proceed with modifying the other two bays at Little Goose and the three bays at Lower Monumental. The time required to modify one bay at Little Goose, to install the prototype slotted bulkhead and to test it, unfortunately, will preclude accomplishing the same work at the other five skeleton bays prior to the peak runoff period this year.

We have been studying many approaches to the problem in an effort to find the most effective solution and we hope that a combination of various possibilities will eventually result in controlling nitrogen supersaturation to acceptable levels. A brief summary of our studies and considerations to date is as follows:

a. *To reduce spill*. The best way is to have more storage. In 1972 we should have storage space available at Dworshak and Libby and at Mica in Canada in 1973. We have been studying ways to make the best use of storage available today for use this year and some minor operational changes may be possible. Much greater opportunities will exist after 1972. Another way to reduce spill is to pass more water through the power units. This year we will have all three units at Little Goose and we have rescheduled the units at Lower Granite so that all three will be available for the first season's operation in 1975. All six units should be available at Ice Harbor in 1975 also. The full 22 units will be available at The Dalles in 1974. We are studying the acceleration of other units now not scheduled until 1977 and after. In the interim, modifications to the skeleton bays as discussed above looks promising.

b. *Improve hydraulic conditions*. We are studying the performance of both scale models and the prototypes under varying discharge conditions in order to determine what designs and/or discharges over spillways and other water passages will produce the minimum of nitrogen supersaturation. Special sampling programs have been prepared to obtain nitrogen information at Grand Coulee, Chief Joseph, Ice Harbor, Bonneville, Green Peter and Cougar. This data will be used as a guide in estimating nitrogen saturation problems at projects under construction or at new projects where the hydraulic features can still be redesigned.

c. *Research*. We have a contract with the National Marine Fisheries Service to collect a substantial number of fingerlings at Little Goose for release below Bonneville for further research on the feasibility of such a practice to reduce the mortality to smolts passing through a series of projects between Little Goose and Bonneville.

d. *Data collection and analysis*. We will continue to support again this spring the collection of nitrogen data by the National Marine Fisheries Service and the Oregon Fish Commission not only for documentation purposes but also for use as a guide in operational considerations. We will also use this data to verify our new computer model for nitrogen predictions and are including plans for further collection of data by the Corps. With the computer model we hope to do many things both with regard to design and operation. We have just completed assembling all available nitrogen records on punch cards to be readily available to the computer for processing in any desired form.

e. *Task group*. To provide a focal point for coordination of our efforts we have established a Nitrogen Studies Task Group made up of knowledgeable engineers and scientists.

We presently have the legislative authority to modify any of our projects to mitigate this nitrogen supersaturation problem.

Sincerely yours,
THOMAS W. NELSON,
Corps of Engineers, Assistant Director of Civil Works for Pacific Divisions.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., March 31, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate, Washington, D.C.

DEAR BOB: This is in response to your letter of March 16, 1971, concerning the effects of Federal projects on anadromous fish resources on the Snake River.

I am aware of the proposal by the Corps of Engineers to install emergency mitigative measures at Lower Monumental and Little Goose Dams to reduce the projects' effects on anadromous fisheries.

I understand that the Corps is now studying a prototype of the recommended structures and if tests are satisfactory, these measures will be installed.

Since the testing has not been completed, the Corps has not requested funds to install these measures. I can assure you that when we do receive such a request, it will be given prompt and careful consideration.

I appreciate your concern of this matter and your interest will certainly be kept in mind.

Sincerely,
CASPAR W. WEINBERGER,
Deputy Director.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., April 15, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR BOB: This is in response to your letter, and enclosures, of March 26 concerning the effects of Federal projects on anadromous fish resources in the Snake River.

As I indicated in my letter of March 31, 1971, we are aware of the proposal and of the prototype study being done by the Corps of Engineers.

I understand that some problems have arisen concerning the use of slotted bulkheads at the Ice Harbor Lock and Dam. These problems are under study by the Corps of Engineers.

I wish to again assure you that we will give prompt and careful consideration to any request the Corps of Engineers may make regarding this matter.

I appreciate knowing of your continued interest in this matter.

Sincerely,
CASPAR W. WEINBERGER,
Deputy Director.

Gas Bubbles Threaten Salmon Run

(By Anthony Netboy)

Columbia River salmon are unquestionably the world's most harassed fishes.

In the last 40 years they have been asked to cope with one man-made crisis after another. Thanks to their incredible adaptability and vitality, they have survived, although in reduced numbers, the era of hydoelectric development which blockaded some of their immemorial haunts and made migration difficult on the main stem of the rivers, the expansion of irrigation agriculture which resulted in the decimation of untold numbers of fish who were stranded in irrigation canals, extensive logging and burning of forests that impaired the regimen of watersheds and silted up spawning streams, and pollution of the Willamette and parts of the Columbia which asphyxiated many fish.

Now they face one of the gravest crises in their turbulent history: Gas bubble disease caused by the supersaturation of nitrogen in water released over the spillways at the dams. Like the previous crisis, this too is man-made.

If the levels of nitrogen in the water are high enough young fish acquire the disease while going over the spillways. Air gets into the body and causes bubbles to appear in the skin or eyes. It is usually fatal to juveniles, while those who survive have decreased ability to fight off other infections. Adults are also prone to the ailment if they swim in water with extra-high levels of dissolved nitrogen.

The disease has been recognized for many years but became alarming only in 1968 when biologists found large numbers of popeyed and blistered dead salmon in the Columbia River. Specifically, the problem can be traced to the fact that the supersaturated waters can no longer be dissipated because the Columbia has become a series of lakes and is not a free-flowing river except for the stretch from Richland to Priest Rapids. The difficulty has been accentuated because of the construction of Lower Monumental and Little Goose dams on the lower Snake where the installation of turbines has only begun. Consequently almost the entire flow of the river in 1969 and 1970 passed over the spillways—and killed a lot of fish.

Biologists have ascertained that young salmon can tolerate levels of nitrogen up to 110 per cent, but in 1969 they had to cope with levels of 125–135 per cent from March to July in almost the entire 260 mile stretch of the Columbia system from Lower Monumental dam to above Portland. This is the time of year when the bulk of the wild fingerlings go down to the ocean and the hatchery stock is released into upper and mid-Columbia streams and sent to sea. Also, most of the spring and summer chinook and what is left of the once magnificent sockeye run enter the river and move upstream.

In 1970 it was estimated that 70 per cent of all the juvenile salmon passing through the reservoirs of the lower Snake and 50 per cent of those in the Columbia from its confluence with the Snake to below Bonneville were killed by nitrogen disease. Adults were also killed, but in smaller numbers.

If the scale of these mortalities is permitted to continue, obviously the bulk of the salmon resource in the Columbia would be jeopardized, perhaps reduced, like the Atlantic salmon in New England, to a token resource. For this reason the governors of Washington, Oregon and Idaho and their fisheries departments' chiefs met in Portland on March 23 to proclaim a salmon emergency. With the Corps of Engineers who build the dams, Bonneville Power Administration which sells the power, and other federal agencies, they have worked out a preliminary plan of operations.

The plan involves: (1) Acceleration of the installation of turbines at the Snake River dams so as to reduce the need for spilling water; (2) modification of spillway designs at Lower Granite and Lower Monumental dams (the worst "villains") to enable the fingerlings to avoid waters with supersaturated nitrogen; (3) coordination of the flow at the dams during heavy fish migrations so as to ease their difficulties; (4) transportation of wild fingerlings around areas of high nitrogen levels—in 1971 about a third of the juveniles approaching Little Goose dam will be taken down to the sea by truck, and (5) investigation of the possibility of passing water through the skeleton turbines at several dams to avoid spillway-created turbulence.

Nitrogen disease, being a man-made problem, can only be overcome through the assistance of the engineers who control the water spills at the dams and the power managers who manipulate the energy flow. With the mounting interest in environmental protection, including fishes in the waters, the governors have assured the people that everything possible will be done to overcome the salmon crisis.

[From the Salem (Oreg.) Capitol Journal, Apr. 21, 1971]

Salmon Wipe Out Foreseen

Starbuck, Wash.—The only way the natural downstream runs of salmon and steelhead fish can make it to the Pacific Ocean from the middle Snake River anymore is by truck. And any success by trapping even 10 per cent of the lifesaving ride, appears, at best, marginal.

The reason is nitrogent supersaturation. It occurs where water runs over high spillways.

The wild fish come from the Salmon and Clearwater drainages, the Grand Ronde River and other minor tributaries of the Snake and Columbia rivers and must surpass incredible obstacles—dams and then pollution of all kinds to make it to the ocean.

Last year, nitrogen supersaturation claimed 90 per cent of the total fish run—which can only be estimated as in the millions. This year the prediction is closer to 100 per cent.

The only check for this obvious imbalance is a trucking project whereby steelhead and Chinook fingerlings and smolts are trapped as they pass through bay two at Little Goose Dam near Starbuck in southeastern Washington. They are then trucked around two other dams and released into the Columbia.

As of Tuesday, the trapping process, known as a traveling screen, was not yet in operation. And the Chinook run is well underway.

But even if this process is rectified, say, by Friday, a liberal figure of fish which can be saved by the trucking process would be 10 per cent.

An estimated 6 million fish, mostly Chinook salmon this time of the year, are making a run for the ocean. That means, if the trap and trucking operation is 100 per cent successful, 600,000 fish can be saved.

The steelhead runs begin about mid-May and run through mid-June.

"Another season like this one and all anadromous fish runs in the Salmon and Middle Snake Rivers will be wiped out.

It takes three years for a downstream migrant to complete his cycle and return to his birthplace to spawn. Those coming downstream, now will be returning in 1974, for example.

The problem is that last year 90 per cent were lost, and this year the figure is disastrous, though not complete. That leaves one more year to wipe out and reverse the process or the entire cycle is wiped out.

At Solomon, chapter president of the Northwest steelheaders of the Council of Trout, Unlimited, says the entire situation can be blamed mostly on the U.S. Army Corps of Engineers. He termed the fish plight "another Army Corps boondoggle."

The Salmon's Migrations Through Primitive and Civilized Man

(By Anthony Netboy)

(Mr. Netboy, a Portland, Ore., writer, is a member of the Izaak Walton League of America.)

There is a great deal of discussion nowadays about the role of man in nature and especially his relation to the animal world. As civilization increasingly impinges on the habitat of wildlife and threatens more species with extinction, the question whether there is something deeprooted in our culture that is inimical to the survival of wild animals is coming to the fore. Many articles have recently appeared which discuss this issue. I would like to examine it in relation to the salmon, and from an historical point of view. Man's attitude toward the salmon throws much light on his relations with wildlife in general, and illuminates fishery management problems with which we are struggling.

This study is divided into two parts: first, primitive man's use of the salmon, and second, civilized man and the salmon. By primitive man we refer to preliterate or nonliterature peoples who left no written records and had only a simple and crude technology or none at all.

A FRIEND OF MAN

We have considerable knowledge of primitive man's use of the fishery in North America and know a bit about it in Europe. Salmon has been a friend of man since the days of cave dwellers in Europe and as far back as human habitation on the North Pacific coast of North America can be traced.

Excavations by Professor L. S. Cressman of the University of Oregon of sites occupied about 11,000 years ago along the Columbia River indicates that salmon was a common food item among these people. In Europe salmon vertebra have been found in caves inhabited during the Magdalenian period about 15,000 years ago. The high esteem in which the cave dwellers of France and Spain held the food animals they pursued and captured is shown in their remarkable paintings on the limestone walls and in sculptures on cavern floors as well as in smaller carvings on antler. Salmon, trout and other fishes are carved with exquisite fidelity, indicating that some of these primitive people were naturalists of a respectable order. They already knew the secrets of the salmon—that they are born in fresh water, wander off to the ocean and return punctiliously to their native streams.

Some anthropologists believe the cave paintings and sculptures represent a kind of sympathetic magic, a way of propitiating the animals who provided man with food. Certainly primitive man did not take fish and game for granted, as we do. They had to be wooed by religious rites, and were held in awe and esteem.

A SALMON CULTURE

The North Coast Indians supply us with considerable information about their attitude toward the animal world, and especially the salmon which was the mainstay of their food supply. While they left no written records, accounts taken down by anthropologists from living tribesmen give a comprehensive idea of their customs and religious attitudes. From Northern Alaska to Northern California the Indian tribes were bound together by a common culture, "one of the most specialized in North America and perhaps the most advanced found among non-agricultural people," says the ethnologist, C. Daryll Forde. To an amazing extent this culture revolved around the salmon.

The fish thronged the streams and returned with astonishing regularity to the bay or cove at the mouth of the river each year, and after a brief rest moved upstream and headed toward their spawning grounds. After spawning they died and their discolored bodies lined the river banks, disintegrated and drifted back to sea. The next year similar fishes reappeared.

The Indians had a rather vague idea of the cosmos and of a supreme being, but they believed in the immortality of the animals such as bear, fox, coyote, salmon and others. In the Indians' imagination the animals were supernatural beings who lived exactly like themselves. They dwelt in lodges, fished and hunted, dug roots, had headmen or chiefs, even slaves.

"What was more logical," asks the anthropologist Philip Drucker, "than the concept that the salmon ascended the streams to benefit mankind, died, and then returned to life? The general belief was that the salmon were a race of supernatural beings who dwelt in a great house under the sea. There they went about in human form, feasting and dancing like people. When the time came for the 'run', the Salmon-people dressed in garments of salmon flesh, that is, assumed the form of fish to sacrifice themselves. Once dead, the spirit of each fish returned to the house beneath the sea. If the bones returned to the water, the being resumed his (human-like) form with no discomfort and could repeat the trip the next season."

This poetical concept may seem strange, and perhaps childish to us, but it was a powerful influence on human minds and worked for conservation of the resource. The Indian believed that the Salmon-people's migration up the rivers was purely a voluntary act; therefore, it behooved human beings to be extremely careful not to offend them. They could refuse to return and that would be a calamity. To return all the salmon bones to the river was considered essential, for if any of the bones were otherwise disposed of the salmon being when resurrected might be minus an arm, leg or other organ and refuse to come again to the stream where he had been so cruelly treated.

TABOOS

In line with these beliefs the Indians developed regulations and taboos about handling the fishes in order to maintain good relations with them. Unlike Western man who, according to the Bible, "has dominion over the fish of the sea and over the fowl of the air, and over every living thing that moveth upon the earth" (Genesis, I, 28), the Indians regarded many of the animals as coequals if not superior to themselves in the order of nature.

Among the Columbia River tribes Coyote was the greatest of the animal people, wielding supernatural powers of great benefit to mankind. According to the legend, he showed them how to spear the fish and cook them, and told them they must have a big feast to celebrate their return to the river. They must give thanks to the salmon spirits for guiding the fish up the streams; the salmon chief will pray to these spirits to fill the fish traps. There were strict taboos about handling the first fish caught in the spring, for the salmon spirit must be treated kindly and with veneration.

Coyote admonished that the fish must always be kept clean, for if they were not clean they would be affronted and would not return the next year. He urged the people to be restrained in the use of the resource, never to cook any more than they could eat. If men are gluttonous, he said the salmon "will be ashamed and will refuse to enter your river."

The coming of the spring run was greeted with prayers expressing the people's gratitude, joy and relief. The very first salmon was often treated as though it were a visiting chief of high renown and was accorded due honors. Among some tribes the First Salmon Ceremony became so complicated that a shaman or ritualist was appointed to direct the event, and this office might become an hereditary honor.

RELIGIOUS RITUALS

Among some of the tribes living along the Klamath River in California the erection of the fishing weir every spring was likewise entwined with religious rituals and management was entrusted to a shaman who had contact with the supernatural and could ensure its success.

It is impossible, of course, to deduce from the available records explicit information about how effectively the aborigines used the fishery. Erhard Rostlund, who made an exhaustive study of fish and fishing in native North America, concludes that on the Atlantic coast, even where the population was densest, "only a part of the annually available fish has gathered in, and in relation to the total local fish resource it was surely a significantly smaller part than was taken on the west coast."

It is logical to assume that on the West Coast, where the salmon resource was much greater than in the East and the Indian population also larger, the stocks were but lightly exploited. The red man did not regard the fish as an economic resource, as the white man does. Some Columbia River Indians made pemmican for barter but they did not "sell" their catches until the white man came.

Under the impetus of the whites many Indians seemed to lose their innate sense of conservation; their religious scruples disappeared; and they began to pillage the streams from Alaska to Oregon, selling whatever they caught that was surplus to subsistence. This reversal of attitude towards the fish may be basically accounted for by the need to compete in a society dominated by what Thomas Carlyle called the "cash nexus." In some areas, like Southeast Alaska, the Indians at times blockaded the streams and permitted very few fish to escape.

Civilized man's handling of the fishery has generally differed markedly from that of the red man. One finds little hint of the awe and reverence for food animals which imbued the so-called primitive peoples. Western man adopted the notion that, as lord of creation, an idea reinforced by Darwin's theory of evolution, all nature is at his mercy and the animals are sometimes treated as if they were his pawns, to be dealt with as he sees fit. This idea, of course, is also evident among the backward and undeveloped African nations who are rapidly decimating their wildlife, as Philip K. Crowe shows in his remarkable book, The Empty Ark.

VANDAL IDEOLOGY

The greatest contrast between primitive and civilized man's attitude toward the fishery is that before white settlement the former had no notion of converting their catches into commodities for sale, while the latter placed a pecuniary value on them. This concept is termed by Scott Paradise, writing in the Nation of Dec. 29, 1919, the "vandal ideology." It arises, he says, from the premise that "man is the source of all value," and "the universe exists only for man's use."

"In practice," he adds, "this belief . . . narrows the meaning of value to that which has calculable economic value. Thus if the world's whaling fleets find profit in exterminating the last of the great whales, the whales must go. No argument about either the rights of whales or their ecological value will be admitted. The only argument that might possibly have effect contends that more profit might be made if whaling were limited so as to guarantee a perpetual harvest of blubber and meat."

This example fits the present plight of the Atlantic salmon, which are being mercilessly fished on their feeding grounds in the North Atlantic. Only as it began to appear that the stocks taken in Greenland-Davis Strait area, known to breed in the rivers of Canada, the British isles, and to some extent in the United States, might be severely curtailed if present high levels of exploitation were not curbed, did the chief "predators," the Danes, appear willing to have a mild restraint placed upon their fishing. Actually the curb recently agreed upon by the International Commission on North Atlantic Fisheries freezes the allowable catches in the Greenland-Davis Strait area at the record 1969 levels.

TOKEN RESOURCE

The sad fate of the Atlantic salmon, reduced to a token resource in the United States, exterminated in other countries, severely depleted in Spain, France and elsewhere within its range, may be attributed to overfishing and destruction of the environment.

Overfishing combined with permanent adverse changes in the environment have also seriously reduced some stocks of Pacific salmon. Dr. Jack Van Hyning, in an unpublished study, attributes the decline of the fall chinook runs in the Columbia River partly to excessive fishing in the ocean. As the environment deteriorates the surplus shrinks, and as the ocean fishery increases the river fishery must decrease.

Civilized man has decimated the anadromous fisheries by polluting the rivers, upsetting the regimen of watersheds so as to impair the flow of water needed for fish life, and blockading the waterways with dams which cannot pass migratory fishes.

In the 19th century many New England rivers were usurped for cotton and other manufactures, and dams were built to impound water to turn factory wheels and thereby locked out the anadromous fishes. Thoreau, in his book, A Week on the Concord and Merrimack Rivers, drew this picture of the Merrimack River:

> Salmon and shad and alewives were formerly abundant here, and taken in weirs by the Indians, who taught this method to the whites, by whom they were used as food and manure, until the dam and afterward the canal at Billerica, and the factories at Lowell, put an end to their migration hitherward; though it is thought that a few more enterprising shad may still be seen."

Like the Eastern textile manufacturers, the timber barons floated their logs down the waterways and polluted them with bark and debris, or blockaded them with logjams, giving no thought to the fishes. What laws there were requiring that the rivers be kept open for fish passage were apparently not enforced. Also, clear cutting invited soil erosion, logging scalped the vegetative cover and as a consequence siltation occurred and spawning gravels were smothered. All this made reproductive efforts of the fishes futile.

DESTRUCTIVE FORCES

Towards the end of the 19th century, when the Maine woods had recovered enough to provide second or third growths, came the pulp mills which added their poisonous and oxygenated-depleting wastes to the sewage dumped into the salmon rivers. Finally came the age of hydroelectricity when New England streams were harnessed without any consideration for the migratory fishes; ladders were not required by law, and where they were often proved to be inefficient; and thus the salmon and other fishes like shad were prevented from reaching their spawning grounds. Salmon disappeared from one river after another in the United States until it became a token resource. Efforts are now being made to restore the Penobscot and a few other Maine rivers at a great expense.

Similar forces helped to destroy the environment of salmon populations in eastern Canadian rivers. In the West, the Willamette River offers an example of the serious diminution of a large salmon stock by pollution and defective fish ladders. This stock too is being restored at great expense.

Until the 20th century there was a deplorable lack of conservation of fish, wildlife, forests and other renewable natural resources in the United States. The belief that these resources were illimitable, and property rights, including the right to catch and sell fish and game, were supreme, worked against the development of a conservation conscience. The conservation movement began around the 1890's, hit high gear under the guidance of Gifford Pinchot during Theodore Roosevelt's tenure of the White House, and was revived with dramatic success during the New Deal of the 1930's. While historians usually ascribe primarily economic motives to the awakening of interest in wildlife and forest conservation, to the passage of protective laws, establishment of refuges, and the like, one may assume there was also a kind of moral twinge, a national feeling of guilt for the destruction of the previous century.

CONSERVATION CONSCIENCE

This awakening came too late to save much of the Atlantic salmon, but it offered hope for saving what was left of Pacific salmon in the rivers of the Pacific Northwest and California where civilization was beginning to impinge heavily on their habitat. The rise of a conservation conscience has been responsible for the most ambitious and expensive fishery conservation program ever undertaken—that on the Columbia-Snake system.

When the Corps of Engineers first revealed its 308 Report for the Columbia in 1932 there were no provisions for passing migratory fish over the high dam at Bonneville, even though the builders of Rock Island dam upstream in the late 1920's had been required to include fishways in their design. The colonel in charge of the district when taxed with this flagrant omission is alleged to have said, "We do not intend to play nurse maid to the salmon." Had the Corps been allowed to go ahead with the project as originally envisioned the huge fish runs that spawned above Bonneville would surely have been eliminated, as the salmon were locked out of the Connecticut River after a canal was built, followed by a series of dams without fishways on the upper watershed, between 1798 and 1810.

The colonel's attitude, then common to other developers of the Columbia, both private and public, fortunately was short lived. Fish passage facilities were installed at Bonneville Dam, although none was built at Grand Coulee, where the salmon were trapped and transplanted to hatcheries on the upper tributaries. Every subsequent project on the Columbia built by the Corps, Bureau of Reclamation, and nonfederal organizations, with the exception of Chief Joseph, was equipped with ladders and other appurtenances for passing fish.

The Columbia River Fishery program was launched in 1949 to compensate for fish losses inflicted by the dams. So strong was the feeling in Congress that the salmon and steelhead must not be sacrificed to kilowatts that appropriations for the lower Snake River projects were held up for years because the House Appropriations Committee was not convinced that they could be safely passed over the dams.

WORDS OF WISDOM

Thus in denying funds for Ice Harbor in 1952 Representative Clarence Cannon, chairman of the appropriation committee, said: "The construction of this dam means eventually the complete extinction of a species of salmon which thereafter can never be resuscitated or re-created. Only God in His infinite power and wisdom can create a new species of animal life, and when that is once destroyed there is no power on earth that will reproduce it. We can accomplish miracles in our laboratories but we have never yet been able to create in our test tubes the celestial spark of life. The total extinction of life for all time to come is something we cannot even contemplate, regardless of the need for power for the few years that will be required to develop some method of avoiding this permanent restriction of an important food supply." Such words were rarely heard on the floor of Congress.

Up to now it is estimated that upwards of $200-million have been invested by the federal government in fish passage facilities, hatcheries, laboratories and research programs in the effort to sustain the anadromous fish runs in the Columbia-Snake watershed. Probably well over $75-million have been invested by the states and nonfederal utilities. This range of expenditures is not excessive when compared with the $254-million cost of relocating railroad tracks around three reservoirs—Libby, John Day and Lower Monumental Dams—as of January, 1970. Moreover, it represents about a three per cent annual return if we accept the figure of about $8-million as the value of the harvest of salmon and steelhead taken out of the Columbia system.

As important perhaps as the economic justification for this enormous conservation effort is the fact that the American people are committed to saving the fishery and protecting the sport and recreation and millions of persons as well as livelihood of fishermen and others who depend on the salmon and steelhead runs.

EVILS OF THE PAST

If there is a moral in the comparison of how primitive and civilized man dealt with the salmon, it is that the labels "primitive" and "civilized" have no real meaning. Primitive man had a reverential attitude towards creation, including the fishes of the sea and birds of the air. Until quite recently western man evinced little of this attitude, beguiled by the theory of evolution and the Biblical concept that he was lord of creation.

We are now witnessing a questioning of this attitude that bodes well for wildlife conservation. The omnipresent concern for the environment in a crowded world and exploding population is a testimony to the new orientation, although western man has far to go to undo the evils of the past.

MINNESOTA PANEL ON HIGHER EDUCATION

Mr. MONDALE. Mr. President, on Friday, April 23, a distinguished panel of Minnesotan higher education leaders testified before the Senate Education Subcommittee. This panel was composed of Richard C. Hawk, executive director of the Minnesota Higher Education Coordinating Commission; Robert P. Van Tries, assistant commissioner of education for vocational-technical education; Donald K. Smith, vice president for administration, University of Minnesota; Phillip C. Hellend, chancellor of the State junior college board; G. Theodore Mitau, chancellor of the State college board, and Edgar M. Carlson, executive director of the Minnesota Private College Council.

This hearing, and the testimony we received was extremely useful and perhaps unique. The panel, like many panels, provided the subcommittee with thoughtful suggestions and recommendations concerning the higher education legislation before us. It also gave us an opportunity, in one hearing, to see how the different segments of our postsecondary education structure fit together. That is, it gave us a chance to see the extent to which the needs of junior colleges, vocational education programs, State colleges, private colleges, and a major State university are similar, and the areas in which they differ.

Finally—by providing a case study of higher education in the State of Minnesota—this hearing gave the subcommittee an opportunity to see how these different segments of the higher education structure work together and relate in a single State.

I am delighted that these representatives of Minnesota's postsecondary education system accepted my suggestion that they testify at this hearing, and I am grateful to the Senator from Rhode Island (Mr. Pell), chairman of the Education Subcommittee, for making this hearing possible.

This hearing was extremely helpful to our committee during our consideration of the various higher education legislative proposals before us, and I am deeply grateful to the participants for their eloquent contributions.

I ask unanimous consent that copies of the panelists' prepared statements and summaries of the organizations they represent be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Richard C. Hawk, Executive Director, Minnesota Higher Education Coordinating Commission

That Minnesota post-secondary education must become more efficient in meeting the state's needs is evident. Even with improved efficiency, it is becoming painfully apparent that the state will have great difficulty increasing its investment in post-secondary education at a rate sufficient to keep pace with expanding needs and rising costs.

Accordingly, I am especially pleased to appear before you at this time. As I understand the purpose of this session, my colleagues and I are to (1) provide you with a kind of "case study" of one state (Minnesota) including an assessment of the status, problems, and current and projected needs of post-secondary education in our state and (2) offer our views on Federal legislation as it may affect post-secondary education in our state.

Since anticipating the future requires understanding of the past and present, I shall begin with a brief description of Minnesota's progress in meeting post-secondary education needs. This will be followed by an enumeration of some of the problems to be faced in the future. Finally, I propose to relate the present status and future needs to issues concerning the role of the Federal government, particularly Federal legislation.

PAST PROGRESS

Minnesota has participated fully in the nation's rapid expansion of post-secondary education. During the past decade, student enrollment in Minnesota post-secondary education institutions has more than doubled. While 18 states exceed Minnesota in total population, only 15 states report larger post-secondary enrollments than Minnesota.

The marked expansion of post-secondary education enrollments in Minnesota reflects the rising aspirations of Minnesota residents for advanced education. It also reflects a strong commitment by the state to provide it's residents with adequate post-secondary opportunities.

Minnesota's commitment to post-secondary education has been continuous. The University of Minnesota, which has achieved prominence as one of the nation's outstanding universities, and the first of Minnesota's private colleges were founded before Minnesota become a state. State normal schools, which now have become comprehensive state colleges, were established early in the history of the state. Local junior colleges, which subsequently were integrated into a state junior college system, came next beginning in 1914, and the most recent arrival on the scene, the area vocational-technical school has rounded out the total pattern of post-secondary institutions designed to serve a variety of students and to meet a variey of state needs.

At present, responsibility for post-secondary education is shared by four public systems, private colleges and universities, and private vocational and technical schools. The Twin Cities' campus of the University of Minnesota, which combines great strength in graduate education and research with the service traditions of a land-grant university, has grown to an enrollment of 43,545, and the University system now includes two additional four-year institutions and two two-year technical colleges, which accommodate an additional 7,702 students. The state college system now includes six comprehensive four-year teaching institutions, which also offer graduate programs leading to masters' and specialists' degrees, with a combined enrollment of 39,746. The state junior college system now includes

18 institutions providing convenient initial entry of both terminal and transfer programs for commuting students with a combined enrollment of 19,949. Minnesota's private colleges and universities, which include some of the nation's most distinguished private institutions accommodate 30,089 students. Fall (1970) enrollment in the 28 area vocational-technical schools was 15,969, an increase over the previous year of almost 16 per cent. Thus, a total of 87 post-secondary institutions, of which 54 are public, and 33 are private, accommodate a combined enrollment of 157,000. An additional 4,629 students attend private vocational and trade schools in Minnesota bringing the total of post-secondary enrollments to 161,629.

Of equal significance to the total number of institutions is the rapid rate at which Minnesota has established new institutions in order to meet growing needs. During the last decade, 25 new public post-secondary institutions and one private college opened their doors. Nine additional public post-secondary institutions which already have been authorized will open during the next two years.

The rapid expansion of Minnesota post-secondary education has not been easily accomplished. State appropriations for post-secondary education have more than tripled in ten years.

While part of the necessary growth in state appropriations for post-secondary education is the result of rising costs, much of the increase is directly attributable to the need for increasing the quantity and variety of post-secondary education opportunities. At one time, the bulk of the states' appropriation for higher education went to the University of Minnesota. As the need for a larger number and greater variety of institutions became apparent, an increasingly higher percentage of the higher education appropriation has gone to the other three public systems.

The problem of providing funds necessary to develop strong systems of state colleges, state junior colleges, and area vocational-technical schools, while attempting to provide an increasing investment necessary to maintain a strong state university, has been difficult. In addition, an increasingly larger proportion of total post-secondary enrollments has had to be accommodated in public institutions. While private colleges and universities have experienced some increase in enrollment, the proportion of total post-secondary enrollments accommodated by private colleges and universities has declined steadily to less than 20 per cent in the fall of 1970.

Increasing the state's investment in post-secondary education has placed a heavy burden on the taxpayer. Moreover, the capacities of some institutions have been severely strained and improvement in quality often has been curtailed in order to provide increased quantity of services.

Rapid expansion in numbers of students accommodated during the past decade has coincided with increased effort to meet the needs of the state and nation for expansion of the research and public service functions of higher education. It is little wonder that higher education has been susceptible to the charge of not devoting enough effort to changing curriculum and improving methods of instruction.

In summary, Minnesota entered the decade of the 1970's with a long history of commitment to and support for a strong system of post-secondary education and with a rich variety of both public and private institutions. Although continuous improvement has been apparent, the strains of rapid expansion to meet growing needs are visible. That two of Minnesota's most prestigious institutions (University of Minnesota and Carleton College) were cited in the recent Carnegie Commission report titled "The New Depression in Higher Education" as being headed for financial difficulties reflect the increasing difficulties of providing the investment necessary for quality post-secondary education in Minnesota.

FUTURE PROBLEMS AND NEEDS

Among the many complex problems and needs to which larger efforts should be devoted during the remainder of the 1970's are the following:

1. *Making post-secondary education financially more accessible to Minnesota residents.* Although we take some pride in the fact that 70 per cent of Minnesota high school graduates enter some form of post-secondary education, we are concerned about the 30 per cent who do not receive education beyond the high school. In order to achieve continuing progress toward universal post-secondary education, we have established a goal of increasing the number of students being educated at a rate sufficient that post-secondary enrollments will equal 85 per cent of high school graduates in the 18–21 age group. This is not to suggest that we view post-secondary education as serving only students under 22 years of age. Quite the contrary, we see an increasing need for continuing post-secondary education for adults. Relating post-secondary enrollments to high school graduates in the 18–21 age group simply provides a convenient reference for assessing progress in extending the benefits of post-secondary education to a larger proportion of Minnesota's population.

Many factors will contribute to our success or failure in achieving the above goal, but making post-secondary education financially more accessible to Minnesota residents is essential to achieving the goal. To this end, the Higher Education Coordinating Commission has requested an appropriation for state scholarships and state grants-in-aid of $11.3 million for next biennium, an increase of more than 400 per cent over the appropriation for the present biennium. I am happy to report that Governor Anderson included the full $11.3 million in the budget recommendations which he presented to the 1971 Legislature and that legislators have been receptive to the proposal in spite of great pressure to hold the line on taxes.

Even with the substantial increase in appropriation for state scholarships and grants-in-aid, we will fall far short of the needs of Minnesota residents for financial assistance to pursue post-secondary education. We conservatively calculate the need of each new high school graduating class to be $24 million per year of attendance in an institution of post-secondary education. The fact that student costs of attending post-secondary institutions continue to rise, having increased 20 per cent during the past two years, probably makes $24 million a definite underestimation.

2. Extending the Benefits of Post-Secondary Education to Minnesota's Disadvantaged Population. Extending post-secondary education to a larger proportion of Minnesota's population represents a significant challenge, since doing so requires that the disadvantaged segments of Minnesota's population be reached and served effectively. While the urban disadvantaged are most easily identified because of their concentration, we are equally concerned about the rural disadvanaged. While disadvantaged students of minority races are most easily identified, we are fully aware that Minnesota's disadvantaged populations includes families from all racial and ethnic origins.

Adequate student financial aid is a prime requisite for meeting the needs of disadvantaged students. Of equal importance, however, is the need for (1) sufficient programs of recruitment and counseling which can stimulate and direct disadvantaged students to the right kinds of institutions and programs, and (2) compensatory and supporting efforts in post-secondary institutions adequate to assure that opportunities for disadvantaged students are opportunities to succeed rather than opportunities to fail. Effectively meeting the needs of Minnesota's disadvantaged population will be a difficult and costly undertaking.

3. *Expanding the Capacity of Post-Secondary Education.* The above discussion of the numbers of new institutions which have been established during the past decade could lead to the erroneous impression that the job of expanding post-secondary education capacity has been completed. If the need for expansion had been fully met, all efforts could now be focused on improving effectiveness. Such is not the case. Reaching Minnesota's goal of extending the benefits of post-secondary education to an increasingly larger proportion of the population will require the accommodation of 70,000 more students than the 161,629 being educated this year by 1985; an increase of more than 43 per cent. The nine new institutions which already have been authorized to open their doors during the next two years represents partial, but not complete, response to the need for expanding the capacity of post-secondary education in Minnesota. The Higher Education Coordinating Commission has recommendations before the 1971 Legislature in favor of legislative authorization for four additional state junior colleges and two senior institutions. In addition, we are faced with the need for continuing improvement in the physical plants of existing institutions. While we can anticipate relief from the pressure of increasing enrollments during the 1980's, no such relief will occur during the 1970's.

4. *Achieving Greater Utilization of Private Colleges.* As indicated above, the proportion of total enrollments which are accommodated in private colleges and universities has declined steadily in recent years and now represents less than 20 per cent of total post-secondary education enrollments in Minnesota. Through a comprehensive study of private higher education in Minnesota conducted during the past year, we have determined that private institutions of higher education have both the capacity and the willingness to accommodate larger numbers of Minnesota residents. We also have determined that financial difficulties comprise the greatest barrier to increased service from private colleges and universities. Accordingly, the Higher Education Coordinating Commission has placed several recommendations for changes in state policy on private colleges before the 1971 Legislature. Perhaps the most significant of these proposals is the one which would authorize the Commission to make payments of $500 per student for each additional Minnesota resident educated by a private college over the number being educated by the college in the autumn of 1970. I am pleased to be able to report that the Minnesota State House of Representatives Higher Education Committee has passed the bill implementing this recommendation without a dissenting vote and that the State Senate Higher Education Committee will consider the Commission's bill in the near future.

5. *Increasing Production of Professional and Para-Professional Personnel in Critical Areas of Short Supply.* While the needs of Minnesota residents for improved health care at reasonable cost will require progress on several fronts, increasing the supply of physicians and other health workers is essential. As you may know, the availability of Federal funds facilitated a beginning class of 227 at the University of Minnesota medical school—an increase of about 40 per cent over last year. While this expansion represents a major step toward increasing the production of physicians, it will not be sufficient to meet

the needs of Minnesota, the surrounding region and the nation. The projected need for health care services provided the basis for the Higher Education Coordinating Commission's recommendation to the 1971 Legislature for developing sufficient capacity for 315 beginning medical students in the state by 1976. Preliminary steps already have been taken for establishing a new two-year medical school at the Duluth campus of the University of Minnesota with the hope that this school ultimately may be extended to provide a complete program leading to the M.D. degree. In addition, the Commission has recommended that the legislature provide partial support for a new private undergraduate medical school to be operated by the Mayo Clinic and Foundation in Rochester. Proposed legislation, which would provide $8,000 for each Minnesota resident enrolled in the Mayo medical school, is pending in the 1971 Legislature. Increasing the capacity for medical students will require a corresponding increase in capacity for clinical experience in affiliated hospitals. Increases in the rate of production of physicians will require corresponding increases in production of other health personnel.

6. *Improving the Quality of Post-Secondary Education.* Although the quality of post-secondary education in Minnesota generally has improved, improvement of quality lags well behind the need. As indicated above, quantitative increases in post-secondary education often has demanded priority over improvement in the quality of post-secondary education services. Continuing deference of qualitative improvement can lead to serious shortcomings and a general weakening of Minnesota post-secondary education.

7. *Re-Tooling to Provide Better Approaches to the Instructional Processes.* That Minnesota post-secondary education needs to retool or gear-up for changes in educational practices, is not to be disputed. However, testing and implementing innovative practices is a costly endeavor for any institution including higher education. There is general acceptance of the proposition that large expenditures by industry for re-tooling to obtain a more favorable cost-benefit ratio through either reduction of production costs or improvement of the product represents a sound investment. Post-secondary education seriously needs a similar kind of massive investment for implementing improved educational practices.

THE FEDERAL ROLE

In keeping with its continuing commitment to meeting post-secondary education needs, the State of Minnesota can be expected to make a concerted effort to provide the resources necessary for effectively addressing attention to the problems enumerated above and to a variety of additional problems. Several significant new steps which the state is taking have been indicated.

Unfortunately, practical considerations severely limit the effort which the state can devote to post-secondary education. Rising costs in other areas of state government services, together with growing resistance to additional state tax increases, are combining to constrict the state's ability to increase its investment in post-secondary education rapidly enough to meet needs. The magnitude of post-secondary needs to be met, the complexity of the problems to be resolved and the limitations to be overcome in generating additional tax revenue at the state level indicate critical difficulties for post-secondary education during the remainder of the 1970's.

All relevant projections suggest that federal assistance for post-secondary education has never been more important to continuing progress than it is now. Positive legislation in this committee extending and increasing authorization for federal assistance for post-secondary education is a source of encouragement for us at the state level, and we urge you to continue your efforts to achieve the best possible legislation in this area.

From my perspective federal assistance can be most effective and will have the greatest impact when the following conditions prevail:

While continuous modification to improve federal programs is necessary, losses in both efficiency and effectiveness occur with frequent abrupt changes in federal policies. Serious dislocations result from shifting federal emphasis among support areas.

Late funding and fluctuating funding of federal programs create uncertainities at the state and institutional levels of operation and reduce the impact of federal assistance.

Federal programs should recognize variations in the patterns of post-secondary education among the states. Program structure designed to fit the organizational pattern of post-secondary education in one state may not be compatible with the pattern of organization in another state. Similarly, the strengths and weaknesses of post-secondary education will vary from one state to another.

4. *Coordination With State Planning.* Attempting to engage in systematic planning of post-secondary education at the state level without knowing the nature, magnitude, and conditions of federal funds which will be available or to which institutions they will be awarded is something like attempting to put together a jig-saw puzzle in which the shape of a few key pieces is unknown. Lack of coordinated planning at the state and federal levels inhibits the accomplishment of goals of both, and reduces economy of effort. You may wish to seek advice on coordinating federal and state planning for post-secondary education from the Education Commission of the States. Since the states assume the major share of responsibility and funding for post-secondary education, the simplest means of coordinating federal and state planning may be found in constructing federal programs in such a manner as to delegate considerable responsibility for implementation to the states with broad federal guidelines.

5. *Balance.* Although there are sound reasons for giving special emphasis to student assistance in order to equalize opportunities and to provide access to post-secondary education for the total population, a reasonable share of federal assistance should be allocated to strengthening post-secondary institutions and programs. Physical plants need to be improved and expanded; the supply of library resources and instructional equipment must be continuously increased and improved. Support for testing and implementing new educational practices on a broad scale is desperately needed. The potential benefits of continuing adult education and community service activities are far from being achieved. The critical function of extending knowledge through research is expensive, but essential to continuing progress in al areas of human endeavor.

6. *Responsibility for National Needs.* Generally, the states must assume primary responsibility for planning, conducting, and financing post-secondary education with assistance from the federal government. However, some areas of need are so pervasive and so costly to meet as to require that the federal government assume a larger than usual share of the responsibility. Medical education is a good example. About half of the physicians produced by the University of Minnesota medical school have entered practice in states other than Minnesota during recent years. Minnesota's plans for a second state medical school and state assistance for a new private medical school at the Mayo Clinic and Foundation are discussed above. These efforts will represent a substantial and costly contribution to necessary increases in the supply of physicians regionally and nationally. Hopefully, an increasingly larger share of the responsibility for this contribution can be assumed by the federal government in keeping with the critical national interest in improving health care.

Background Information on the Minnesota Higher Education Coordination Commission

(By Richard C. Hawk, executive director)

Purpose and Primary Responsibility.—The Minnesota Higher Education Coordinating Commission, which was established by the 1965 Minnesota State Legislature, has general responsibility for planning and coordination of post-secondary education, both public and private, in Minnesota. The Commission reports to both the Governor and the Legislature and is concerned primarily with advising the Governor and the Legislature on matters of public policy on higher education and state action necessary for meeting the needs of Minnesota residents for post-secondary education with reasonable economy of effort. Accordingly, the Commission is conducting a systematic program of long-range comprehensive planning. As part of its coordinating function, the Commission reviews proposals for new instructional programs to be established in Minnesota post-secondary institutions and makes a recommendation as to whether or not each proposed program is consistent with the Commission's guidelines for establishing new programs. The Commission also exercises statutory authority for entering into higher education reciprocity agreements with neighboring states.

Secondary Responsibility.—In addition to the primary responsibility for planning and coordination, the Commission has been assigned responsibility for administration of some statewide higher education programs, including (1) a state scholarship program, (2) a state program of grants-in-aid, (3) a state interinstitutional television program, (4) the Federal facilities program under Title 1 of P.L. 88–204, (5) the Federal Community Services and Continuing Education Program under Title 1 of P.L. 89–329, and (6) the Federal Instructional Equipment Program under Title VI, Part A, of P.L. 89–329.

Commission Membership.—The Commission consists of 18 members appointed by the Governor: one from each Congressional District, two from each of the four boards which govern public post-secondary institutions, and two private college presidents.

Commission Staff.—The Commission has a professional staff of 14 and an equal number of secretarial and clerical personnel.

Commission Budget.—The Commission's budget for the current fiscal year is $571,744, of which $333,000 was appropriated by the State Legislature, $111,000 was provided by the U. S. Office of Education for administration of Federal programs, and $12,744 came from grants from private foundations and other sources for support of special projects.

Remarks by Donald K. Smith, Vice President, Administration, University of Minnesota

Mr. Chairman and Members of the Committee, thank you for this opportunity to appear before you this morning. I particularly value the opportunity to discuss briefly some urgent national goals in higher education which could be realized through the various bills before your committee, I shall try to avoid dwelling on the simple but obvious fact that institutions of higher learning are in serious financial straits and that we badly need a massive renewal and extension of federal participation in our problems if we are to keep faith with our students and with this nation's commitment to educational opportunity. Our situation is bleak;

the situation of our students is bleak; and the general situation is likely to remain bleak without significant new legislation from Congress.

But I think this general fact is well known, and I want to confine my testimony today to a series of propositions about some national goals which I think should be sought through new legislation. In doing this I shall limit myself primarily to the following topics: student financial assistance, institutional aid related to such assistance; the special problem faced by private institutions with high student costs; and the special concerns of graduate education. I would also like to make a few comments on the importance of the proposals for a National Foundation for Higher Education.

These limitations in my comments do not imply lack of interest in or importance to other provisions of the several bills before you. For example, I think the proposals in Senator Pell's bill, S. 659, for facility construction assistance is of urgent importance, and his Graduate Facility Grant proposal is a serious effort to reaffirm by the Congress the long term national interest in maintaining centers of graduate education and research. Expanded aid for library development as recommended in his bill also responds to a need to which every college or university administrator or faculty member could testify. But limitations of time suggest that I should focus my comments today on certain urgent new directions charted in the legislation you are considering.

Let me organize my remarks by asserting some six principles which I think should underlie new legislation, and then commenting on the relationship of these principles to our situation in Minnesota, and to certain features of the legislation you are considering.

The first principle is that this nation ought to make good on its long standing commitment to see to it that no student is blocked from access to post high school education, appropriate to his capacities and interests, by reason of economic or educational disadvantage. It should be unthinkable for this nation to continue to impose an economic barrier to higher education for the poor—or increasingly for students of modest means. It should be equally unthinkable to deny acecss to those who have accumulated an educational disadvantage by reason of the circumstances to which they were born, and in which they grew up and received their early education.

Removing the economic barrier should be an urgent national goal, but achieving that goal requires a strong infusion of educational opportunity grants-in-aid by the Federal government, joined to improved work-study, and loan programs.

Let me describe very briefly the massive nature of the problem we face at the University of Minnesota. We have more than 50,000 students attending the University. For the most part they do not have available family support sufficient to pay for the costs of their education. Last year, approximately 75% of our students were employed, either on or off campus, in any given quarter.

We provided for these students approximately 5½ million dollars in financial assistance through loans, work-study, and scholarships and grant-in-aid. Of the aid we have provided in the last three years, some 80% has taken the form of self-help by the student—that is, loans, work, and work-study. Only 20% has been available in the form of grants or scholarships. The average indebtedness of our students has been increasing steadily. We are looking at students carrying heavy and increasing debt loans, seeking self-help through work in the face of inadequate resources for such programs, facing increasing costs for tuition, books, and board and room. And we see no real way of keeping opportunity open for these students without quick and generous participation by the federal government.

We have initiated in recent years a broad spectrum of outreach programs designed to identify and bring into a successful experience in higher education many talented and motivated students facing economic and educational barriers. Our early identification programs, our work with area schools and agencies, and the special guidance and tutorial programs which have been developed have succeeded. Students for whom a university education was once wholly beyond possibility are moving successfully in our programs. But at this moment we face the desperate problem of knowing that simply to maintain our programs for the disadvantaged at their present levels will require an additional 3½ million dollars in the next biennium, the sources of which are not apparent. Maintenance is the lowest goal to which we should aspire, but even this is hazarded unless there is strong federal expansion of educational opportunity grant programs, and work-study programs.

The most important piece of unfinished business before higher education and this nation seems to me that of opening fully the door of equal educational opportunity to our people, and this I take to be a central emphasis in Senator Mondale's Bill, S. 1161, and a section of Senator Pell's bill, S. 659.

The second principle I would propose is that expanded programs of student assistance should be accompanied by a forthright recognition of the institutional costs associated with efforts to expand educational opportunity. Student tuition and fees do not pay fully the costs of providing education, and if students are to be given assistance in meeting their costs, institutions also need assistance in meeting fully their obligations to their students. The problem of institutional costs becomes particularly acute as more students facing economic and educational disadvantage are brought to our campuses. At the University of Minnesota our work with such students has involved developing additional guidance and tutorial programs, some new curricula, and a new appreciation of the fact that by properly marshalling our resources we could open the door of educational opportunity to students for whom such opportunity was previously unavailable.

Both Senator Pell's bill, and Senator Mondale's bill address the question of institutional aid as a reciprocal of student assistance, and this approach seems to me an enormously important recognition of the expanding costs faced by institutions with a commitment to opening the doors of opportunity. I was also impressed by the principle in Senator Mondale's bill that the proportion of institutional aid should increase in terms of the level of the student's education. This is a significant recognition of the fact that educational costs rise as students progress to more advanced levels of study. The recognition would give healthy impetus to the efforts of colleges and universities to secure better information on the full costs of education at various levels, and in various programs.

A third principle which seems important to me is that of providing aid to students in a form which will broaden the student's capacity to choose among several institutions which might be available to him. Across the board limitations on the aid packages which can be provided for students tend to force students into public institutions where tuition levels are comparatively low. This, in turn, simply increases pressure on these institutions to seek expanded tax support at the State level to meet costs resulting from increasing numbers. Senator Mondale's bill has an interesting and useful approach to this problem by providing a sliding scale of grants related to student costs at a given institution. The formula balances nicely the goal of providing greater support to students who choose higher cost institutions, but providing a decreasing percentage of total cost as the cost of the institution rises. This balance would have the effect, I believe, of increasing the opportunity of students to choose higher cost institutions, while at the same time discouraging a sharp or sudden tendency on the part of students uniformly to prefer high cost institutions.

A fourth principle which should be recognized is that of maintaining a proper balance among grant-in-aid programs, work-study programs, and loan programs in the total approach to student aid.

We do not believe at the University of Minnesota that students should receive the full cost of their education through grants-in-aid. As I indicated earlier, some 80% of the aid now being received by our students is in the form of self-help—work, work-study, or loans. Under optimal conditions of funding we would want that percentage to decline, but we would continue to expect and insist that economically disadvantaged students carry the major share of the costs of their education through self-help.

The best approach to the problem of aid is that of preparing aid packages for individual students based on a candid appraisal of the package most likely to help the student succeed in his educational objectives, and most likely to motivate him to assume personally as much of the burden of aid as is possible. In general we follow the practice of seeking full aid assistance without loan indebtedness for disadvantaged students starting their educational careers. The student's risk of failure is highest at this point; the psychological commitment he must make is highest; his need to give full and undivided attention to his studies is highest. As the student experiences success, and as the probability that he will fulfill his educational objectives increases, it is appropriate that he carry increasing levels of self-help, through loans, and employment, while grant-in-aid resources are husbanded to help new students enter the educational stream successfully.

At the moment our major problem in maintaining an aid program which is psychologically and educationally wise is hazarded by the absolute shortage of adequate funds for grant-in-aid, and for work-study. Infusions are needed here. But we do not expect these infusions to be so massive as to eliminate the importance of expanding loan programs.

I am intrigued by the possibility that federal legislation dealing fully with the problem of student assistance could recognize the interaction of grant-in-aid, work study, and loan funds, perhaps possibly by specifying the maximum percentage of total support that could be provided through grants-in-aid by the end of the student's second year, or fourth year of undergraduate instruction. Most institutions are managing their aid packages in this way, but recognition of the principle would assure general use of the principle. I should also like to call your attention to a specific section in S. 1123, introduced by Senator Prouty. Section 414 of his bill lifts the 80% limit on federal contribution to work-study programs in the presence of a finding that the limit will block a desirable program. This change is important.

If we are to use the work-study system imaginatively (and our students seek work-study opportunities well beyond our available resources), the 80% will have to be more flexible. The off campus public service jobs which students are seeking, will only be in plentiful enough supply if the 80% ceiling limit is lifted. The University of Minnesota was involved in the early development of the Urban Corps program in Minneapolis and had there been no 80% limit, the city of Minneapolis could have absorbed three times the number of the Urban Corps students who in fact worked for the city. There are exciting possibilities for community service work using the work-study mechanism, and I urge you favorable consideration for this change.

A fifth principle I should like to address is that of making adequate provisions for maintaining and expanding the strength of our great national centers of graduate education research, and post baccalaureate professional study. The current fiscal woes of higher education, and the nation, should not be permitted to become the occasion for dismantling the capability of our graduate universities to maintain and expand the supply of highly educated men and women available to this nation. The costs of graduate and post baccalaureate professional education are high. The cost to the nation of depressing the capability and productivity of these institutions would be enormously higher. No one giving serious thought to the matter could assume that this nation will need fewer, rather than more graduate scholars, scientists, and professionals in the next few decades. Yet we shall have fewer, rather than more unless the programs which support students and support the teaching and research capability of our universities are enacted and funded.

Much has been made in the last year of the alleged oversupply of doctoral students in certain academic disciplines, and the plight of highly educated professionals who have found themselves unemployed through dislocations or changes in priorities in the nation's economy. The larger truth is that unemployment among Ph.D.s in this nation is largely a myth if it is implied that such unemployment is of major proportions, or is general to all fields. For example, the unemployment rate for 1969 doctorates in the natural and social sciences, engineering and mathematics, was 1.1% as compared with 3.5% for the nation's work force generally. The range was from 0.6% in biochemistry, to 1.8% in engineering. The rate undoubtedly increased in 1970 as general unemployment levels went to 6.2% in December, and remained at 6.0% in January of 1971. The point is not that unemployment is non-existent, but that all studies show that today, as in the past, unemployment is lowest for the most highly educated, and least likely to persist for this same group. Moreover, gloomy forecasts concerning the employability of the highly educated typically take no accounting of the rapid expansion of demand for qualified people in the health sciences, and in the multitude of professionals needed for national efforts concerning environmental defense and improvement.

I do not wish to minimize the reality of marketplace changes for many of the traditional areas of doctoral study. Allan Cartter's studies indicate the probability that oversupply for some fields may be more than a transient phenomenon. What I am saying is that this phenomenon does not argue for curtailment rather than expansion of post baccalaureate professional and graduate education. The phenomenon does argue the constraint in certain fields, expansion in others, and development of new areas of specialization and competence tuned to the requirements of our society.

Support for graduate education and research obviously involves a wide spectrum of federal legislation, agencies, and programs. But in relation to the legislation before this Committee, I was pleased to see the extension of the availability of student opportunity grants, in Senator Mondale's bill, to post-baccalaureate students, and the provisions both for graduate fellowships and for institutional costs of instruction grants related to those fellowships. I also noted the far reaching attention given to graduate programs in Senator Pell's bill. This included, support for research libraries, for graduate academic facilities, for continuation of the education professions development authorization, for institutional support in developing stronger and better graduate programs, for graduate fellowships, and for extension of Titles IV and VI of the National Defense Education Act of 1958 and of the International Education Act. This broad spectrum of programs would help ensure continued health for an enterprise which is so clearly national in its purposes and its contributions as to require a focused and judicious concern in federal legislation.

The sixth, and final principle I should like to present is that as we seek to meet the costs of expanding opportunity for students, and maintaining health for our institutions, we should also be adventuresome in our search for new and better ways of providing higher education. Innovations are needed, in curricula, in instructional practice, and in the governance and management of the higher education enterprise. A significant fraction of our effort, therefore, should be in the area of educational research and development for post secondary school education.

The proposals by Senator Pell and Senator Javits for establishing a National Foundation for Higher Education should be confirmed. We face awesome tasks as we seek to reconstruct our educational systems, to bring the fruits of knowledge about learning systems to bear, to extend appropriate opportunity to men and women of all ages and occupations, and to improve our understanding of the costs and consequences of our learning systems with resultant improvements in the efficiency of our work. These tasks will not be performed well or quickly by faculties wholly caught up in the task of maintaining present programs, nor by institutions caught up in a desperate struggle for survival. They will not be performed simply through reliance on the private sector of our economy, despite its important and substantial contributions. We need to build a commitment to educational research and development into the fabric of the federal support system, and this I take to be the objective of the proposed National Foundation.

In this connection you may be interested in the fact that the faculty of the University of Minnesota last year committed itself to investing up to 3% of its instructional budget to educational development projects managed at the departmental and collegiate level. Initiation of this massive program of self help cannot be quickly achieved with current budgets scarcely adequate to meet current teaching obligations. However, a National Foundation could well provide our institution, and others, with the seed money to build our capability for creative innovation. I mention the action of our faculty only to emphasize that there is a willingness to change, indeed an eagerness to change, now observable in our institutions. We need a national commitment to support the tasks we want to undertake.

UNIVERSITY OF MINNESOTA

The University of Minnesota is located on five campuses offering a full range of post secondary educational offerings for undergraduate to PhD study.

Its principal campus—the Twin City Campus—is home for 41,000 students and is the largest single campus site in the nation. The University also has a campus in Duluth which is moving towards a full graduate program in addition to its undergraduate offerings. At Morris, the University has a small undergraduate campus which we are building as a model of public undergraduate liberal arts institution.

At Crookston and Waseca we house two year Agricultural Technical Schools preparing people for careers in various agriculturally related professions.

TESTIMONY OF EDGAR M. CARLSON BEFORE THE EDUCATION SUBCOMMITTEE OF LABOR AND PUBLIC WELFARE

Mr. Chairman and Members of the Subcommittee, I am Edgar M. Carlson, Executive Director of the Minnesota Private College Council. This organization specifically represents the sixteen private four-year fully-accredited liberal arts colleges in the State of Minnesota and more generally represents the needs and interests of the private sector. The Council seeks to foster and implement cooperation among member institutions for the improvement of higher education services and opportunities, to provide a unified voice for independent higher education in the state, and to cooperate with institutions of higher education, governmental agencies and other interested groups in developing policies and programs for the advancement of higher education.

Having been president of one of the member institutions from 1944–1968, it has been my privilege to be closely identified with the problems and the achievements of higher education—particularly as reflected in the experience of the private sector but also in the broader dimensions—since those days when the federal presence on our campuses took the form of V–12 and other military units during World War II. Even though those days now seem far removed, I would like to pay tribute to the national leadership which initiated and has since carried through such far-reaching programs of assistance as the GI Bill, the war-surplus programs, the housing loans, the massive program of student loans in various forms, the academic facilities grants and loans, grants for needy students and the many other programs which have done so much to open the doors of higher education to vastly larger numbers of students and to train the persons and to erect the plants to care for them. Higher education would be much less than it is today if the federal government had not participated at the scale and in the manner which it has—most especially private higher education would be much less than it is today without this federal involvement. Unlike the state appropriations, federal grants have generally been equally available to public and private institutions.

As I review the historical development of higher education in Minnesota I am impressed by the fact that the periods of greatest growth in the private sector have coincided with specific federal programs of assistance. In the period between 1931 and 1939 the proportion of Minnesota students in the private sector increased from 23.2% of the total enrollment to 25.4%. These were the years of the NYA program of financial assistance to students. In the years immediately after WW II the enrollment pattern shifted further toward the private sector. Between 1939 and 1947 the shift nationally was from 47% private to 51% private and private enrollment predominated until 1952; in Minnesota it was from 25.4% private to 30.3%, and it continued to increase as a proportion of the total until 1954 when it reached 34.1%. There is no question that the major factor in opening up the option of attending private institutions was the original GI Bill. The shift in the other direction coincides almost exactly with the change in the GI Bill in 1952 to a blanket grant for all purposes instead of providing a separate amount for tuition and fees plus a subsistance allowance. The effect of this change was dramatized for me recently by comparing the veteran enrollment at the College of St. Thomas in St. Paul now and in 1948. Then 1800 out of about 2000 students were veterans, now 80 out of 2400 students are veterans. There is probably no other member college at present with as many veterans as St. Thomas.

In many respects the 60's were a time of great growth in Minnesota's private colleges, even though the public sector grew at a much faster rate. The Higher Education Coordinating Commission conducted a comprehensive study of these institutions in 1970. It found that between 1960 and 1970 enrollment grew by 60%, representing a total of more than 11,000 additional students, equal to the combined enrollment of three existing state colleges, two and a half University branches, or the total enrollment in metropolitan area junior colleges at the end of the decade. Their total assets increased by more than $200 million, their endowments by $86 million. They expended $120 million for plant during the decade and paid approximately 60% of it in cash. Of the nearly $50 million borrowed, $30 million came from the federal government. It is significant that at the end of the decade these colleges were raising money from private sources for capital purposes at three times the rate (approximately $12 million a year) at which they were raising money at the beginning of the decade. They nearly doubled their library holdings from 1,200,000 to 2,137,954.

Since the Higher Education Facilities Act became operational in 1964 through 1970, 25 projects have been funded at Minnesota's four year private colleges for a total of $10,502,867 and these colleges have received $661,440 in matching grants under Title VI A of the Higher Education Act of 1965. It is clear that the growth of these institutions in the sixties is in considerable part the consequence of favorable federal policy.

In view of this impressive record in the 60's what are we concerned about?

First, we are concerned that the disparity between public and private costs to the student has now become so great as to effectively remove the option of freely choosing a private college for the vast majority of students and making it a dubious if not imprudent choice even for those who could afford to do so. Tuition charges at Minnesota's private colleges are relatively modest (ranging from $1210 to $2289) but when the average total cost of attendance at these institutions is compared with the average total cost of attendance at twenty large public universities (ACE *A Fact Book on Higher Education*, 1970) the difference is $1223 a year or nearly $5000 for four years. In 1967–68 the difference was $799; in 1959–60 it was $263; in 1947–48 it was $166. Clearly the student does not now face the same kind of alternative with respect to choices which he did in any one of the earlier years.

Although private college enrollment increased by about 60% during the decade, it is significant that the rate of growth has now dropped to less than 1% a year. In 1968 it was 3%, in 1969 it was 2%, in 1970 it was .6%. Nine of twenty-two four year institutions declined in total enrollment in 1970 and ten declined in freshman enrollment. Since 1954 the colleges of the state have projected their enrollments in five year intervals. The private college projection for 1960 was exceeded by 1500, the projection for 1965 was barely reached, the 1970 projection was missed by about 1000. The colleges have indicated their intention of growing by an other 11,000 students by 1980 but under existing state and federal programs it is doubtful that they can expect to do more than hold their own and may need to anticipate actual reductions in number as well as in the proportion of the total enrollment.

In attempting to maintain their enrollments and to provide access to their institutions on the part of persons who could not absorb the increasing differential in costs, the colleges have assumed heavier and heavier responsibility for financial aid to students. Ten years ago the total of loans, grants and scholarships from all sources was $2,321,572; in 1964–65 it was $4,959,740; in 1969–70 it was $10,964,111. During that time direct appropriations from institutional budgets to financial aid increased from $1,188,822 in 1960–61 to $4,588,021. In the latter years the colleges were investing 10% of their Educational and General Budget in financial aid. The amount was one-fourth the cost of instruction and departmental research, twice as much as library expenditures, and more than plant operation and maintenance. Federal grants in 1969–70 supplemented the institutional efforts by nearly two million dollars and federal loans an work study programs have been a very great factor in enabling the colleges to put together a package of grants, work, and loans which would be realistic for the student. Approximately 50% of the students attending private colleges are receiving some form of financial assistance and for entering classes the ratio is higher than that. For minority students it is very much higher (between 85% and 95%).

The colleges are caught in a dilemma: they want their institutions to be available to all economic and social levels of our population but under existing funding policies they must ask the student to carry the additional cost of attending their kind of institution. If he cannot, someone must provide the means. If no one else does the institution must do so. This means still higher costs for those who can afford to pay and still higher aid grants for those who cannot. The financial aid contribution from college budgets has doubled every four years during the past decade. For these colleges it is now $4.5 million. Will it be $9 million four years from now and $18 million eight years from now? Already financial aid from institutional budgets equals nearly $200 per student enrolled. In other words, without the burden of financial aid, tuitions could now be nearly $200 less than they are.

Second, we are concerned about our financial resources. The figures on financial aid to students may be related to the deficit problems of private institutions. Again, I shall cite findings of the Minnesota private college study.

In 1960–61, five Minnesota colleges ran deficits totalling $101,687 but total revenues in all the private colleges exceeded expenditures by $1,219,163.

In 1964–65, seven Minnesota colleges ran deficits totalling $375,150 but total revenues in all the private colleges exceeded expenditures by $685,265.

In 1968–69, eight Minnesota colleges ran deficits totalling $583,865 but total revenues in all the private colleges exceeded expenditures by $444,610.

In 1969–70, fourteen of sixteen colleges ran deficits totalling $2,641,158 and total expenditures exceeded revenues by $2,608,993. (If one excludes one institution which was atypical both figures are reduced by $1 million.)

An examination of these figures reveals clearly that the present crisis has been in the making for some time and can hardly be construed as a temporary miscalculation on the part of erring administrators. However, if one relates it to the financial aid burden which has fallen to the private colleges, not by their own choice but by force of circumstances which they could not control, the college performance appears quite creditable. Even if one takes the larger deficit figure for the last year it is hardly more than half of the financial aid provided out of institutional budgets during that year. Without that burden they would actually have shown a surplus of about $2 million.

Minnesota has now enacted a state scholarship and grant program with modest funding. It is hoped that it will increase to a point where it can become a significant factor in meeting the financial aid needs of Minnesota students. The federal government has been our major ally in meeting this need. We believe that it must continue, in partnership with state and private sources, to meet this growing need.

The private sector in higher education in Minnesota differs from that in many other states in that it has no large private university. To the extent that federal programs have been oriented toward the university and graduate level the private sector in Minnesota has not shared in federal support to the extent that has been the case in many states. However, its colleges could well claim to be better than average in the quality of their programs, facilities, staff, and graduates. Indeed, they include some of the very distinguished liberal arts colleges by any standard of measurement. Four of the sixteen member colleges received the highly coveted Ford Foundation incentive grants, a proporton far above that in the nation as a whole. None of them, at least those who are members of the Council, are likely to close their doors this year or next year or even the year after that. But they know that the present odds against them will become insuperable at some point in the future, for some sooner than for others, unless ways are found to adapt public policies and programs to the new conditions under which they live and work.

Those new conditions are epitomized in the escalation of college costs, though this is by no means the only change. A public service such as education can be subsidized voluntarily when it is inexpensive—a few dedicated teachers in simple facilities, and a group of people who believe in what they are doing enough to provide modest gifts. When medical and hospital services were inexpensive it was enough to have doctors willing to forget to bill their poor patients and to have "charity beds" in hospitals. Those days are long gone. A whole range of consumer subsidies (medicare, welfare payments, etc.) along with insurance coverages have enabled both public and private dispensers to exist side by side, and subsidies for buildings and equipment have been available from public sources on approximately equal terms. If public hospitals were charging one-fourth to one-third the cost of their services, while private hospitals charged the full cost less whatever they could raise in gifts, I think it is doubtful whether there would be any private hospitals anywhere.

There are at least three things that must be done if private colleges and universities are to continue as a viable part of this country's program of higher education.

1. The student's financial problem must be solved through public programs. This is as true for the student who wishes to attend a private college as for the student who wishes to attend a public institution. It is no more logical to expect the private college to shoulder the financial problems of its students than it is for the private hospital or any other dispenser of a public service. We are greatly heartened by the apparent agreement among the various proposals before this Committee on the high priority that must be given to financial aid for students. Our colleges have been helped by EOGs and by work-study programs because a significant number of their students do come from low-income homes. They have, however, had to add very substantial grants from their own resources in order to enable them to attend. We take some pride in the fact that we have proportionately more minority students in these institutions than our share of the total enrollment. In part, it is our desire to make our facilities available to minority and other low-income students which has accelerated our own investment in student aid so rapidly. The provision in $659 for supplementary grants of up to one-half the total aid awarded up to $1000 in addition to the basic grant offers commendable flexibility for those stu-

dents who qualify, as does the variable but diminishing proportion of costs carried under S1161. To some extent this is true in S1123 but it is regrettable that the student who wishes to attend an institution which does not already have a public subsidy, and where consequently the student must carry a larger share of the cost, must depend on loans only for this additional cost.

In this connection it would be well if both national and state law makers in their concern for the most economical use of the taxpayers money would bear in mind that they are talking about the same taxpayers. Thus, if in order to make federal tax payments go as far as possible they pursue policies which inevitably add to the state's tax burden they are acting with less wisdom and concern than one might reasonably expect of them. If we allow just enough financial aid at the federal level to enable one to attend an institution where three-fourths of the cost must be carried by the state we will certainly not be surprised if that is where he goes, thus assuring that the state will have to pay an additional amount equal to 70–75% of the cost of his education plus buildings and equipment. It does not improve the choice greatly if we tell him that if he will obligate the state in that amount he will get a grant without strings attached, but if he wishes to relieve the state of that obligation he will have to return the difference at a future date. Is it not a better stewardship of tax funds to invest a little more at the federal level if thereby one saves a good deal more at the state level?

Two. The second thing that must be done to keep the private sector viable in the years ahead is to halt and indeed reduce the growing disparity in costs to the student between public and private institutions. Even if student aid programs based on need should be adequate and adequately funded, escalating costs will at some point effectively discourage students who cannot establish need from choosing a private college. Theoretically, we could create a situation where a disproportionate number of affluent students were concentrated in the public sector because students with need could choose private colleges with little or no penalty whereas those without need could not. While there may be some upward movement in public costs, it would be unrealistic to expect the problem to be resolved in this way. Moreover, private college resources would not necessarily increase because public charges were raised. What is needed is another source of income which will make the private college less dependent on student income and hence reduce the pressure toward higher and higher tuition rates.

Two of the bills before this committee have specific provisions for payments to institutions in the form of "cost of instruction allowances" or "cost of education supplements." Since the lowest tuition charged this year among the colleges which are members of the Minnesota Private College Council is $1210, the provision in S659 for $1200 less any tuition charged would regrettably be of no help in its present form. At this point we must be pardoned if we have a distinct preference for the provisions in S1161. We welcome also proposals that would reimburse the colleges to a degree for the public service which they perform, assuming in effect a contractual relation between these institutions and government which corresponds to relationships between many other agencies performing public services and the government. This might be either on the basis of enrollment or on the basis of graduates. While we believe that institutional stipends tied to needy students would have an important benefit in the added inducement it gives to seek out such students, we are also aware of the importance of establishing the principle of reimbursement for the public service which we perform independent of such special cases as are represented by a specific group of needy students.

3. The third thing which must be done if private colleges are to continue to make the contribution of which they are capable is to provide a portion of the means needed for facilities and equipment. Facilities grants and loans had an effect on the expansion of facilities during the sixties far beyond the amount which they represented. It would be too much to claim that the just over $10 million in facilities grants produced the rest of the $71 million raised for capital expansion, but with the $30 million in federal loans it certainly had a very great impact on that growth.

The private college study found that 18.5% of the buildings on our campuses were rated "poor" by the presidents and will need to be replaced in the next few years. It is both an indication of tightening budgets and a warning of future deterioration to learn that estimated deferred maintenance would cost $26 million. Even to provide adequately for their current enrollment the institutions estimated needs of 2 million square feet of new space and to grow as intended more than 3 million.

We therefore commend Senator Pell for including both grants and loans for this purpose. We wish also to acknowledge the importance of the college library program and urge strongly that it be continued along the lines proposed in S659.

We find the proposal of Senator Javits in S1704 for allocations to the states for student aid on the basis of the state's effort to provide student assistance very attractive. It is quite a different matter these days to be operating a college in a state where students bring their own financial aid with them, sometimes in amounts of a half million dollars or more, by virtue of a strong and well-funded state program of financial assistance to students, than it is to be operating a comparable college in a state with little or no financial assistance provided where the college must raise a like amount for its students. It seems to be an entirely appropriate use of federal funds to encourage such state programs through matching arrangements in this field as it has done in many others. It would, moreover, help to equalize educational opportunities throughout the country. There would seem to be no good reason why the same principle could not be followed with regard to any form of general institutional grants whether these are tied to low-income students, total enrollment or number of graduates.

Our colleges concur in the purposes of the National Foundation for Higher Education and the National Institute for Higher Education. We are pleased to note the national concern for new directions and programs and wish to make ourselves available for these purposes in whatever ways are appropriate. We believe firmly in the continuing growth and the increasing importance of the educational enterprise because we believe in the importance of learning for the present and the future. We must continue to explore and search out and teach in all places and in all ways, but most especially, in the future as in the past, through committed academic communities where men are given the time, the means, and the motives for serious intellectual inquiry and for highly competent training.

Although the above comments focus on the private sector, they are generally applicable to public institutions as well. Financial aid for students, aid to institutions, and the means for growth represent critical needs for both public and private institutions. The public interest is best served when ways of support are devised which enable both public and private institutions as common partners in a joint enterprise to serve students effectively and thus contribute to the well-being of all.

Minnesota Private College Council

BACKGROUND INFORMATION

The Minnesota Private College Council is comprised of the sixteen fully-accredited private four-year liberal arts colleges in the state. The oldest among them was founded in 1854 and the youngest in 1912. Seven are located in the metropolitan area, of which six are in St. Paul. Two are in Winona, two in St. Cloud, two in Northfield, one in Moorhead, one in St. Peter, and one in Duluth. In addition to those institutions which are members of the Council there are sixteen other private institutions of higher education, of which four are theological seminaries, five are junior colleges, three are Bible colleges, two are four year colleges, one is a college of law and one is a college of art and design.

The enrollment in all private institutions in 1970–71 is 30,089; in all four year institutions 27,288, in junior colleges 1,205 and in professional schools 1,596. The smallest of the four-year colleges enrolls 736 students and the largest has an enrollment of 2,674.

The private colleges of Minnesota awarded 5310 degrees in 1970, of which 5036 were Bachelors degrees, 34 were Associate degrees and 240 were Masters degrees. Their physical plant has a book value of $229,752,035 and an estimated replacement value of $325 million; their endowment funds total $86,128,096; their library holdings are in excess of 2 million volumes.

The member colleges have received federal facilities grants of about $10 million and facilities loans of about $30 million. Their students are beneficiaries of approximately $2 million annually in federal grants and work-study stipends and the colleges receive another $1.5 million annually from federal agencies for other operating programs.

Only two of the colleges offer graduate degrees, and these are offered only in limited fields.

The Council has been in existence for more than forty years and is the organization through which the member colleges coordinate their activities. It seeks to foster and implement cooperation among member institutions for the improvement of higher education services and opportunities, to provide a unified voice for independent higher education in the state, and to cooperate with institutions of higher education, governmental agencies and other interested groups in developing policies and programs for the advancement of higher education. In 1968 the Council engaged a full-time Executive Director in the person of Dr. Edgar M. Carlson, President of Gustavus Adolphus College from 1944–1968. He serves as a member of the Board of the National Council of Independent Colleges and Universities.

Statement by G. Theodore Mitau, Chancellor, Minnesota State College System

As Chancellor of the Minnesota State College System, I welcome the opportunity to share some comments about our system, a few of its programs, and some of its needs.

The Minnesota State College System is composed of six regional colleges ranging in size from 3,100 to 12,488 and located at Bemidji, Mankato, Moorhead, St. Cloud, Winona, and Marshall; total on-campus enrollment in the fall, 1970, was 39,405. The first five colleges (Winona, 1860; Mankato, 1868; St. Cloud, 1869; Moorhead, 1888; and Bemidji, 1919) were created as two-year Normal Schools to prepare elementary school teachers. By 1921 the institutions had become state teachers colleges, authorized to grant the baccalaureate degree in Education, and in 1953 received legislative authorization to offer a fifth year of teacher education leading to a Master of Science degree. The student demand in Minnesota for programs in addition to teacher preparation led, in 1957, to the state colleges becoming multipurpose institutions. Since that time strong liberal arts programs and additional professional programs—including graduate studies leading to the M.A., M.S., and, in one college, the Specialist degrees—have been developed. In 1967, the newest of the colleges, Southwest State College at Marshall, accepted its first class.

Each college operates, with considerable autonomy, under the supervision of a nine-member Board. The Chancellor serves as the chief executive officer of the System and has the responsibility of leadership and coordination in such areas as curriculum development, campus planning and development, and budget allocations and management systems.

A unique characteristic of the Minnesota State College System is the Common Market Program that seeks to offer students the full resources of all the colleges and to facilitate various educational experiences which can be handled more effectively through cooperative arrangements.

Coordinated in the Office of the Chancellor, the Common Market Program is currently divided into four areas. A Student Exchange Program enables a student to move easily from his home campus to one that might offer a program otherwise unavailable to him or unjustifiably expensive to duplicate at his college. The Internship Program is designed to supplement the classroom by permitting the students to be involved in a work experience related to their academic interests and for which they earn credit. The Urban Clinical Experiences Program supplements the teacher education experience by permitting fifty students per quarter to spend a term in a metropolitan school, thus affording students from rural areas an opportunity to receive training in an urban setting. The Community Resources for Higher Education Program, developed in cooperation with the St. Paul Council of Arts and Sciences, makes the personnel and resources of theatre companies, art museums, and musical ensembles available to state college students through performances, displays, and short-term workshops. A faculty member, an administrator, and a student from each of the six colleges and two members of the Chancellor's staff comprise an Advisory Council with responsibilty for making policy recommendations on the various programs and for maintaining a communications network among the various program directors on each campus, faculty and student senates, the college administrations, the Chancellor's Office, and the Board.

This model for cooperative programs among the colleges and between the colleges and organizations and agencies within government, business, the arts, and the social services is, we feel, the way of the future in higher education. The time is quickly passing—if not already passed—when single institutions can provide, effectively and economically, the variety of learning expriences necessary for the kind of education required by our society.

My remarks will be limited to the two areas which seem most in need of federal assistance—student financial assistance and resources to stimulate and to implement significant innovations in teaching and learning.

STUDENT FINANCIAL ASSISTANCE

There is a pressing need for financial assistance for students. Within the Minnesota State College System, 44% of the freshmen in the fall of 1969 came from families with an annual income of less than $7,500; 67% were from families with an annual income of less than $10,000. Rising costs, coupled with the difficulty students have in finding jobs, have combined to create a situation where families formerly considered financially comfortable are now having a difficult time providing educational funds for their children. While there must be more aid provided for minorities and the economically disadvantaged, assistance must also be increased for those considered middle-class.

Loan programs are good, but in these times of inflation questions might be raised about requiring students—particularly those from lower economic backgrounds—to borrow large amounts of money with which they are burdened for years after graduation. Grant programs must be available to students in sufficient amounts so they can attend college with a small loan plus that which can be earned during the summer and from part-time jobs during the academic year.

In making funds available, two major revisions in existing programs would be helpful. First, the work-study program, while sound, has limitations that make it less effective than it might be. Income level requirements are so low that many students in need of assistance in these times of inflation cannot qualify. Furthermore, restrictions placed on the type of jobs for which a work-study student is eligible limits the opportunities available and creates a shortage of positions.

Secondly, a forgiveness clause, similar to that for NSDL recipients who go into teaching, might be considered for other occupations. The result would perhaps be to encourage students to enter those areas where there is currently a shortage.

Funds continue to be needed for the purpose of identifying and then preparing talented but disadvantaged students for meaningful education. Furthermore, funds must be available to provide on-going programs. A great injustice is done when students are granted enough assistance to enter college but are then left alone to adjust to a new and alien culture.

Forward funding would immeasurably assist the equitable distribution of aid. For the last few years the financial aid officers in the colleges have not had any idea how much money would be available to them until after the school year had started. If this information could be known six months earlier, colleges would be able to inform students at the time of application whether or not money would be available. Undoubtedly students with great financial need do not even apply when financial aid officers cannot give them any indication about the likely availability of funds.

RESOURCES FOR INNOVATIONS IN TEACHING AND LEARNING

The second major need of perhaps most educational institutions, and certainly those of the Minnesota State College System, is for money for innovative improvements in teaching and learning. These terms are used in the broadest sense; I am speaking not simply about new ways of teaching traditional material but of a new kind of learning process. For too long all of education has been overly provincial and has tended to ignore both the needs of the larger community as well as its resources. There are unlimited opportunities for partnerships between institutions of higher education and other agencies of society such as business, industry, government, and the arts which could result in more meaningful education and in new services to society.

On the other hand, while education has frequently been attacked for not being more innovative and relevant, the financial resources required are not available.

In the appropriation of funds for education, money for innovation and for new programs has the lowest priority. Budgets are based on that which exists rather than upon what is new. This is particularly true in times of fiscal austerity; state legislatures fund the known and those programs viewed as the "essentials" while cutting requests for the innovative, the different, and the untried.

It is in this area that federal government, through financial assistance and agencies such as the proposed National Foundation for Higher Education, could act to stimulate change and to encourage innovation. It is virtually impossible for a college to make major innovative changes without funds. Often the amount of money required is not substantial, but is beyond that which has been appropriated by the state for operating expenditures. The federal government, through grants for certain kinds of programs, can expand the resources necessary for change.

Care must be taken, however, that federal money is appropriated in a manner that accomplishes this desired end. In the past, federal programs have been created with the best of intentions, but effectiveness has occasionally been lessened because of particular features or because of the manner in which money was allocated. For purposes of illustration, I will comment upon two areas of concern.

Money has most often been appropriated to a particular project in response to a specific application. The problems inherent in this approach are multiple. The new academic activity known as "grantsmanship" has resulted in a variety of difficulties: proposals of questionable value have appeared in voluminous number as a result of the prestige value of obtaining a grant; inordinate amounts of staff time are devoted to preparing proposals for a variety of unrelated projects; proposal writers are sometimes unduly influenced by projects popular at the time, often to the detriment of institutional and even departmental goals and objectives. All too often programs have been oriented to research institutions and funds have been given for important but narrow faculty research specialties and have neither benefited the teaching-learning process nor stimulated change. Indeed, the effect has been to re-enforce the traditional, research-oriented academic values of the university at the expense of student-centered teaching. Moreover, the project approach to federal funding militates against comprehensive institutional planning; a college is not really free to adapt and change as an institution because resources are obtained in a fragmented manner without regard to a coordinated plan. The problem is magnified on a system basis such as in Minnesota. In an effort to avoid duplication and to encourage cooperative programs a system plan might envision the development of a particular program on only two campuses, but a project is funded on a third. Thus, for the purpose of stimulating change and innovation, grants might more appropriately be made to an institution or to a system, not for a highly specialized project but in response to ideas for more general, far-reaching programmatic innovations. An institution should then be periodically evaluated to determine if resources are being used effectively and in a manner designed to accomplish the stated objectives.

A related concern is that some grants are given only to certain types of institutions without enough consideration to the fact that programs for which the appropriation is intended are not limited to that particular type of school or college. For example, in Minnesota vocational programs are not exclusively found in the area vocational-technical schools. In some geographic areas a state college serves the role of a junior college or a vocational school. Even in some regions where there are vocational schools a state college, through agreement between the two institutions, develops a vocational-technical program. Therefore, I would urge that grants for vocational education be given not by type of institution but according to specific programmatic needs. Thus, funds might be made available for a program located in a vocational-technical school in one area of the state, a junior college in another area, and a state college in a third region. In this manner students in vocational-technical programs are not penalized for attending a particular kind of institution. State plans or agencies—for example, the Minnesota Higher Education Coordinating Commission—can assure that federal funds not be granted for identical vocational programs in the same immediate area, thus avoiding the subsidization of unnecessary duplication.

Assuming that grants for the improvement of teaching and learning could be made to institutions or systems rather than for specific projects, I offer, for purpose of illustration, some examples of programs that could benefit students, institutions of higher education, and, in many cases, the region in which the college is located.

In the fall, 1970, the institutions of higher education in Minnesota and Wisconsin were invited, through the Minnesota State College Common Market Program, to participate in an interstate ecology conference concerning needs and problems related to areas along the boundary waters. Out of this conference there emerged a steering committee charged with the responsibility for identifying needs and proposing studies that could be used by public agencies in making policy decisions. Funding, however, will be needed to undertake these studies.

This is but one example of the kind of program that has broad and significant implications for education and society. Each of the Minnesota state colleges serves a particular region of the state. While needs and problems vary, all regions face in common the need to respond to the challenges of technological and social change. There exists a great opportunity for cooperative efforts involving institutions of higher education and various other segments of society. The academic resources of the college, including faculty expertise, can be focused upon problems of real relevance for the community. The community benefits as a result of having objective studies upon which to make decisions and practical solutions to critical problems.

A major handicap for colleges in attempting to apply its resources to problems of the community is that of faculty time. There is a recognized need for faculty members to relate their academic disciplines to the problems of society, but there exists, also, the very real restraints caused by limited time and staff. Ideally, faculty members should take leaves from teaching to work in areas complementary to their specialties: a chemist might work on a pollution problem in industry, a political scientist might serve on the staff of a senator or representative, or a management professor might spend a term in a business. In these cases both the professor and the organization in which he takes an intership profits.

The Minnesota State College System is formulating a pilot program called Community Fellowships for Faculty. Developed cooperatively under the Common Market, this program would place faculty members from the six colleges in field experiences related to their teaching areas. The purpose is twofold: to enrich the faculty member's experience and, hence, make him a more effective teacher, and to make the faculty member's theoretical knowledge available to the practitioners in the field. Because no funds are available, participation is limited to the summer and to those who can afford to be involved in this kind of experience without financial remuneration. Thus, there is a need for funds to use as grants to faculty members so this kind of program can be extended.

Equally important is the involvement of students in off-campus internship programs.

Educators are coming to realize that in this society at this time, learning cannot realistically be confined to the classroom and to the campus. The recent Carnegie Commission report, Less Time, More Options, recommends that more service and employment opportunities be created for "stop-out" periods between high school and college and during the college years so that students may be involved in short-term jobs and apprentice programs. Under the Minnesota State College Common Market, students are placed with various governmental, cultural, business, and social service agencies. Currently various students are spending their spring quarter working in the offices of Senators Mondale and Humphrey, the Defense Contract Administration, the Soil Conservation Service, the St. Paul Arts and Science Center, the Minnesota Historical Society, and mental hospitals, to mention the experiences of only a few. The student's work is coordinated with his academic program so that he receives credit but, more important, acquires insights, sees new relationships, and brings the theoretical and the practical together in a way impossible to achieve on a campus. Presently the student must bear all expenses of relocating and of living in an area that is frequently more expensive than his college community. The absence of a subsidy to defray expenses and to provide a stipend definitely limits this opportunity to those students who come from families with considerable financial resources. At the same time, the office or agency that accepts an intern is required to devote staff time to the supervision of the student, but is not compensated. Many agencies and offices contribute this time gladly, but there is a limit to the number of interns that can be placed with volunteer supervisors. Thus, without funds, a program that contributes immeasureably to the learning process—and one that could not be duplicated at any cost on a campus—is severely restricted. With funds colleges can enter into cooperative arrangements with other institutions of society to provide new and better learning experiences.

Just as it is necessary to bring the resources of education and those of the community together for the mutual benefit of each, it is also imperative that educators improve their own profession and adapt it to the new needs of society. Increasing urbanization has created a demand for a new type of teacher, one who understands the culture of the residents of the inner-city. In an effort to provide better training, the Minnesota State College Common Market Urban Clinical Experiences Program operates in the Minneapolis-St. Paul area for the benefit of students from the outstate colleges. In this program students acquire experience working and studying in various kinds of urban schools. Again, the scope of the program is limited by the amount of funds which each college can contribute to the program.

Related also to teacher education is the need for new programs to train para-professionals for positions as teacher aids in elementary and secondary schools and for various positions in child day care centers.

Of critical importance is the need to provide funds for the re-training of teachers who find themselves in fields where there is a surplus. The most desirable solution would be to use this period in which teachers are available to redress large student-faculty ratios that have come to be considered "normal." Actually, the term "surplus" is a misnomer. In the absence of funds for this purpose, however, teachers need the opportunity to acquire the additional training necessary to enter some of the areas of education where there is still a serious shortage. These are educated people who need only a little additional specialized training. To do nothing for them is to experience a great waste of talent.

The opportunity for the creation of new career-ladder programs through cooperative efforts between area vocational-technical schools and multipurpose state colleges needs to be developed. Increasing numbers of students are attending the vocational-technical schools, yet many will not desire to terminate their education after two years of technical training. To advance into supervisory and managerial positions, additional education—special and general—will be required. Institutional grants could be used, in part, to develop and to support these cooperative programs.

Another major area into which educational institutions must also invest considerable resources is that of continuing education. Not only are more adults seeking education for self-improvement, but many whose current skills are no longer in demand require re-training in preparation for a career change. To achieve meaningful continuing education will require the development of experiences and curricula for new careers—vocations for which there is no established course of study. This development must occur while present programs are being maintained by existing budgets which leave no monies for such innovation and research.

In the area of graduate education there is a need for the development of new patterns and new programs that respond, at the advanced level, to the realities of modern society. Rather than to traditional research-oriented programs, which have produced an oversupply of graduates, grants should be made available for the development of advanced studies in public service areas. In making money available for this purpose it should not be assumed that the current producers of Ph. D.'s will necessarily be best suited to develop new programs. By tradition and character many of these institutions are oriented to theoretical research rather than to practical application. Care will need to be exercised to make certain that state master plans do not perpetuate current practice by simply assuming that new patterns of advanced study should be developed by current Ph. D. granting universities. In Minnesota, the six state colleges have not only a long heritage of career-oriented education but, employing the Common Market concept, abundant human resources for offering advanced study for the practitioner. Through the cooperative use of six state college faculties, graduate study in the areas of public service could be economically and effectively developed. However, funds not now available through state appropriations will be required.

In view of the over supply in many areas, the development of new careers and the retraining of adults will be essential. However, students cannot be advised realistically until more sophisticated means of manpower projections are available. There is at this time no really good manpower study; current projections still indicate demand in areas known to be crowded. A real service to students and to colleges would be the development by some national agency, such as the proposed National Institute of Education, of a reliable system of manpower projections.

Higher education is at a critical place in its history; much is required if we are to move from the educational needs of an earlier age to meet the challenge of the present and the future. Money alone will not accomplish the objectives we must set; vision, creativity, and imaginative leadership are necessary prerequisites. The bills before the Senate Committee on Labor and Public Welfare, however, could contribute greatly in assisting students to attend college and in making new, innovative patterns of education possible.

FACT SHEET—MINNESOTA STATE COLLEGE SYSTEM

THE BOARD

The six Minnesota State Colleges—located at Bemidji, Mankato, Marshall, Moorhead, St. Cloud and Winona are under the management of the nine member Minnesota State College Board. Eight of the members are appointed by the Governor, subject to confirmation by the Senate, for six year terms. The ninth member of the Board is the Commissioner of Education who also serves as the secretary of the Board. Regular Board meetings are held quarterly, although it is commonly found necessary to hold meetings more frequently.

According to Chapter 136 of the 1967 Minnesota Statutes, the State College Board "shall have the educational management, supervision, and control of the State Colleges and of all property appertaining thereto. It shall appoint all presidents, teachers, and other necessary employees therein and fix their salaries. It shall prescribe courses of study, conditions of admission, prepare and confer diplomas, report graduates of the state college department, and adopt suitable rules and regulations for the colleges."

Members of the Board include: President Robert Dunlap, attorney from Rochester; Vice President, Frank Chesley, President of Central Research Laboratories, Inc. in Red Wing; Secretary, Howard Casmey, Commissioner, Department of Education, St. Paul; Treasurer, Arnold Anderson, Anderson Funeral Home, Montevideo; Harry H. MacLaughlin, attorney from Minneapolis, Kennon V. Rothchild, Mahtomedi; Mrs. Kenneth O. Johnson, St. Paul; Reverend A. L. Stenberg, Pastor of Our Savior's Lutheran Church, East Grand Forks; and Sidney Gislason, attorney from New Ulm.

CHANCELLOR'S OFFICE

The State College Board maintains an administrative office at 407 Capitol Square Building, 550 Cedar Street in St. Paul, Minnesota, headed by Chancellor G. Theodore Mitau, who serves as chief executive officer of the State College System. Dr. Mitau is assisted by four vice chancellors—Dr. David E. Sweet, Vice Chancellor for Academic Affairs; Norman E. Dybdahl, Vice Chancellor for Administration; C. Raymond Calhoun, Vice Chancellor for Plans and Development; Thomas W. Kelly, Vice Chancellor for Educational Relations.

It is the responsibility of the Chancellor and his staff to provide leadership and coordination in such areas as curriculum development, campus planning and development, budget allocations and management systems; to provide the State College Board with operational data, enrollment information and fiscal reports, represent the college system to other elements of state government, and to carry out the policies and directions of the State College Board.

THE COLLEGES

The six Minnesota State Colleges were created by an act of the legislature and are financed by the tuition and fees paid by the students and by direct appropriation of the legislature. Winona opened in 1860, Mankato in 1868, St. Cloud in 1869, Moorhead in 1888, Bemidji in 1919, and Southwest State College at Marshall in 1967.

The first five colleges were originally created as two-year Normal Schools for preparation of elementary school teachers, with much of the work subcollegiate in nature. By 1921, this lower level work was discontinued and the institutions became State Teachers Colleges, authorized to prepare elementary and high school teachers and to offer the baccalaureate degree in Education. The first class to receive the four year degree was in 1926.

In 1953, the State Teachers Colleges received legislative authorization to offer a fifth year of teacher education leading to a Master of Science Degree in education. The student demand for more programs than teacher preparation led in 1957 to the creation by the legislature of the State Colleges as multipurpose institutions. Since that time strong liberal arts programs and additional professional programs, including those leading to M.A. and M.S. degrees, have been developed as part of the mission of the State Colleges to offer educational opportunity to all the citizens of the state.

Following the shift in the colleges' missions, two-year teacher preparation programs were eliminated in 1960, and in 1963 the legislature extended the authorization to include fifth year preparation in fields other than education.

COMMON MARKET

The State College Common Market Program seeks to offer students the full resources of all the colleges. It facilitates a broadened educational experience by enabling students to sample the different intellectual and social settings at each State College and seeks to avoid wasteful duplication of educational resources.

Coordinated in the Chancellor's Office, the program is divided into four pilot areas: The Student Exchange Program, which enables a student to move within the system at no loss of credit to do course work which might otherwise be unavailable to him, or unjustifiably expensive to duplicate on his home campus; the Internship Program, designed to supplement classroom learning and campus living by placing students in relevant positions with federal, state and local government agencies, private business and public service organizations where they can earn academic credit for up to one quarter: the Urban Student Teaching Program, under which approximately 50 prospective teachers per quarter receive a metropolitan classroom experience in selected Minneapolis and St. Paul schools; and the Community Resources for Higher Education Program, which was developed in cooperation with the St. Paul Council of Arts and Sciences and which allows community groups and agencies—theatre companies, art museums, musical ensembles—an opportunity to bring their personnel and material resources to the state colleges, and allows the colleges an opportunity to send displays, performing groups, personnel and material resources outside the college community.

DEGREES

Degrees granted by the Minnesota State Colleges consist of the Bachelor of Science upon completion of a four year program in a professional area (including teacher education), and the Bachelor of Arts degree upon completion of a four year program in the liberal arts. Graduate degrees of Master of Science in Education and Master of Arts in certain liberal arts fields are also granted. An Associate of Arts is granted upon completion of a two-year program.

ENROLLMENT

The State Colleges are one of the fastest growing segments in Minnesota higher education. From 1960 to 1970, enrollment in the State Colleges has more than tripled. In the fall quarter of 1960, the total on-campus enrollment was 12,778—by the fall quarter of 1970, the total on-campus enrollment was 39,405.

The Presidents and the 1970 fall quarter on-campus enrollment at each college are:

Bemidji State College—Dr. Robert D. Decker	4,823
Mankato State College—Dr. James F. Nickerson	12,488
Moorhead State College—Dr. Roland Dille	5,351
St. Cloud State College—Dr. Robert Wick	9,580
Southwest Minnesota State College (Marshall)—Dr. Howard Bellows	3,168
Winona State College—Dr. Robert DuFresne	4,027

April, 1971.

TESTIMONY BY PHILIP C. HELLAND, CHANCELLOR, MINNESOTA STATE JUNIOR COLLEGE SYSTEM

Mister Chairman, members of the committee: My name is Philip C. Helland, and I serve as Chancellor the Minnesota State Junior College system.

Minnesota was one of the first states to eliminate the need for local support for its junior colleges and to make them state institutions. We now have a system of eighteen state junior colleges—six in the Minneapolis-St. Paul metropolitan area and twelve at outstate locations. Two more out-state locations have been authorized and we are planning to open colleges at these locations in the fall of 1973. This year we have about seventeen thousand full-time-equivalent students enrolled with about half of them in the metropolitan area and half of them at outstate locations. Our colleges are operated by a five member State Junior College Board, appointed by the Governor. The mission which we have been assigned by the Minnesota Higher Education Coordinating Commission is as follows:

"The state junior colleges should continue to provide comprehensive commuting opportunities and to offer two years of work applicable to the baccalaureate degree, technical programs leading to the associate degree, general studies programs leading to the associate degree, vocational programs leading to the vocational certificate, continuing education for adults, and community service programs. Efforts of the state junior colleges should be aimed at providing, within the commuting area of each college, approximately equal distribution between terminal occupational programs (including both those leading to an associate degree and those leading to a certificate) and programs which provide the first two years of study which may be applied to meeting requirements for baccalaureate degree in a four-year institution.

"As commuter institutions, junior colleges should develop general admissions policies which give priority to high school graduates whose place of residence is within 35 miles of the junior college."

About one-fourth of our students are enrolled in occupational or career programs. Three-fourths are enrolled in programs which will apply toward baccalaureate degrees after transfer.

I have mentioned that the need for local funding has been removed in our system. The state now provides about seventy percent of our operating funds and we raise the remaining thirty percent through tuition charges to students. We do not charge tuition for vocational certificate programs, but we do charge for all associate degree programs, whether occupational or transfer. The charge to a Minnesota resident who is a full-time student for this academic year is $292.50. The charge to a student from outside of Minnesota is twice that amount. The student is also charged an "activity fee" of fifteen dollars per quarter, so the total charge to a Minnesota resident, exclusive of books and incidental expenses, is $337.50 for an academic year.

Our facilities are provided by a combination of state funds and federal funds. We have used all of the federal dollars available to Minnesota since the federal program began in 1965—about ten million dollars, and have received about sixty-five million dollars from the State of Minnesota during the same period. This means that federal funds have supplied about thirteen percent of the seventy-five million dollars we have spent on facilities, and state funds have supplied about eighty-seven percent. The number of federal dollars has been decreasing each year, and the number of state dollars has been increasing.

So much for background about our system. If you would like additional information I will be happy to answer questions later. I would like to turn now to problems which I see ahead and suggest areas in which we need federal help.

Our State legislature has treated us very well. Our budget requests have been met in most instances. I feel that we are doing a good job of providing quality education at relatively low cost for the middle class in Minnesota. I am disappointed in our performance in reaching disadvantaged students and in providing an adequate program of community services.

Our tuition charge, though relatively low, is an obstacle to economically disadvantaged students. We have very little available in the way of student aids. We are using the National Defense Student Loan program, the Guaranteed Loan program, and the Work-Study Program, and we receive money from the state which can be used to employ students to help with clerical and custodial work on our campuses, but we have almost no funds available for direct grants to help disadvantaged students. I concur with the others who are appearing here today in the hope that a high priority in federal legislation will be given to the matter of grants to disadvantaged students.

The appropriation which we receive from the Minnesota legislature is based largely upon the number of college credits that will be generated by courses taught. We need help in the provision of non-credit community services and hope for federal seed money which could be used to stimulate our own legislature in this regard.

We hope that federal money for facilities and equipment, including libraries, will continue to be available. The stimulation of federal funds has helped us in securing state funds for these areas.

Since our institutions are small, we have a hard time finding staff to prepare proposals that will qualify under categorical grants. We would be best served by a combination of direct grants to institutions and additional grants for service to the disadvantaged.

Minnesota's system of state junior colleges is a relatively young system and we are trying to be innovative in our approach to instruction. I am encouraged by the proposals for a national foundation for educational research and hope that they will be supported.

In most states, junior or community colleges now have visibility in state government through a separate board or department and a state director. The state directors as a group have taken the position that desirable federal legislation from the point of view of junior colleges should provide for the establishment of an agency within the Office of Education at the bureau level so that junior colleges could have the same visibility at the federal level.

State directors have taken the position that desirable federal legislation should also require that a comprehensive state plan should be developed by one group representing all concerned agencies in the state. I support this position.

In summary, I would like to state that Minnesota's state junior colleges have already been helped a great deal by federal support and that we appreciate the stimulation federal funds have given to additional state support. We have a tremendous task before us as we endeavor to equalize educational opportunity in Minnesota. We look forward to working with the federal government as partners in this endeavor.

BACKGROUND INFORMATION ON PUBLIC JUNIOR COLLEGES IN MINNESOTA

Number of institutions in 1970–71—18.

Number of full-time-equivalent students in 1970–71—17,153.

GENERAL MISSION OF THE INSTITUTIONS

"The state junior colleges should continue to provide comprehensive commuting opportunities and to offer two years of work applicable to the baccalaureate degree, technical programs leading to the associate degree, general studies programs leading to the associate degree, vocational programs leading to the vocational certificate, continuing education for adults, and community service programs. Efforts of the state junior colleges should be aimed at providing, within the commuting area of each college, approximately equal distribution between terminal occupational programs (including both those leading to an associate degree and those leading to a certificate) and programs which provide the first two years of study which may be applied to meeting requirements for a baccalaureate degree in a four-year institution. As commuter institutions, junior colleges should develop general admissions policies which give priority to high school graduates whose place of residence is within 35 miles of the junior college."*

HISTORY OF THE STATE JUNIOR COLLEGES

The first public junior college in Minnesota was opened in 1914 at Cloquet. Two others, Rochester and Fairbault, opened the following year and Rochester is still in operation. It is interesting to note that in 1915–16 Minnesota had three of the nineteen existing public junior colleges in the United States. A later table will list the opening dates of existing colleges. A number of them opened and closed in the past. They were: Cloquet, 1914–18; Faribault, 1915–18; Jackson, 1916–18; Pipestone, 1919–23; Duluth, 1927–50; Tracy, 1936–48; Crosby-Ironton, 1937–48; and Albert Lea, 1938–43.

The establishment of these institutions was originally encouraged by President Vincent of the University of Minnesota, who was instrumental in getting the University Senate to pass regulations in 1914 for accrediting these new colleges and to establish in 1915 a standing committee on "Relations of the University with Other Institutions of Learning" which performed such functions. Permissive legislation allowing the establishment of public junior colleges was not passed by the legislature until 1925, by which time ten junior colleges had already been opened (four of which had already closed).

The junior colleges were operated by the public school districts until 1964. Until 1957, the colleges were supported entirely from local resources and student tuition. The 1957 Legislature provided the first state aid in the amount of $200 per full-time equivalent student. The aid was increased to $250 in 1959, $300 in 1961, and $350 in 1963. The 1963 Legislature also passed the law establishing the Minnesota Junior College Board and giving it authority to set up a system of State Junior Colleges with complete state support.

As mentioned above, the Minnesota Junior College Board was established in 1963. It is a five member board appointed by the governor for seven year terms of office with the advice and consent of the Senate. The school boards operating the eleven existing junior colleges were given the option under the new law to transfer operation of the colleges to the new State Board by mutual agreement. All junior colleges were so transferred in the summer of 1964. In the case of Eveleth and Virginia, it was understood that the two colleges would eventually be combined in a new facility. The law provided for a total of fifteen colleges, with three to be in the metropolitan area and consideration to be given to the needs of northwestern Minnesota.

The 1965 Legislature approved changes in the law to permit five junior colleges in the metropolitan area and the designation of International Falls as a new site. The first phase of a building program was also approved by the 1965 Legislature.

The 1967 Legislature approved a sixth metropolitan location, in Minneapolis, and allowed for a step-up in the building program.

The 1969 Legislature provided for continued expansion of facilities for existing colleges as well as planning money for two new campuses to be located at Cambridge and Fairmont.

The following summary indicates the activity which has taken place since establishment of the State Junior College System in 1964:

1964–65

4,581 Full-Time Equivalent Students enrolled.

State System Established.

Eleven Colleges Taken Over From Local School Districts.

Austin State Junior College—Austin.
Brainerd State Junior College—Brainerd.
Eveleth State Junior College—Eveleth.
Fergus Falls State Junior College—Fergus Falls.
Hibbing State Junior College—Hibbing.
Itasca State Junior College—Coleraine.
Rochester State Junior College—Rochester.
Vermilion State Junior College—Ely.
Virginia State Junior College—Virginia.
Willmar State Junior College—Willmar.
Worthington State Junior College—Worthington.

One New Campus Occupied.

Brainerd State Junior College—Brainerd.

1965–66

6,992 Full-Time Equivalent Students Enrolled.

Three New Colleges Opened: Anoka-Ramsey State Junior College, Circle Pines; Metropolitan State Junior College, Minneapolis; Northland State Junior College, Thief River Falls.

1966–67

8,466 Full-Time Equivalent Students Enrolled.

One New College Opened: North Hennepin State Junior College, Osseo.

Three New Campuses Occupied: Austin State Junior College, Austin; Itasca State Junior College, Grand Rapids; Worthington State Junior College, Worthington.

Two Colleges Merged: Virginia State Junior College and Eveleth State Junior College became Mesabi State Junior College, Virginia.

1967–68

10,529 Full-Time Equivalent Students Enrolled.

Two New Colleges Opened: Lakewood State Junior College, White Bear Lake; Rainy River State Junior College, International Falls.

Two New Campuses Occupied: Anoka-Ramsey State Junior College, Coon Rapids; Metropolitan State Junior College, Minneapolis.

1968–69

13,169 Full-Time Equivalent Students Enrolled.

One New College Opened: Normandale State Junior College, Bloomington.

Five New Campuses Occupied: Fergus Falls State Junior College, Fergus Falls; Hibbing State Junior College, Hibbing; Mesabi State Junior College, Virginia; Normandale State Junior College, Bloomington; Rochester State Junior College, Rochester.

1969–70

15,016 Full-Time Equivalent Students Enrolled.

Three New Campuses Occupied: North Hennepin State Junior College, Brooklyn Park; Northland State Junior College, Thief River Falls; Willmar State Junior College, Willmar.

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*Excerpt from Minnesota Higher Education Coordinating Commission, *Proposal for Progress*, January, 1969.

1970–71

17,153 Full-Time Equivalent Students Enrolled.

One New College Opened: Inver Hills State Junior College, Inver Grove Heights.

Three New Campuses Occupied: Inver Hills State Junior College, Inver Grove Heights; Rainy River State Junior Colleges, International Falls; Vermilion State Junior College, Ely.

System Consists of Eighteen Operating Colleges All On New Campuses.

1971–72

19,490 Full-Time Equivalent Students Expected.

Programs and Campuses Being Planned for Cambridge and Fairmont.

CURRICULUM

Minnesota junior colleges have had a long history of providing transfer education for those students seeking the baccalaureate degree. In recent years there has been increasing emphasis on the development of general and technical-vocational education programs.

Distribution of students in 1970–71 is approximately as follows:

	Percent
Foundation Courses	2
Vocational Certificate Programs	6
Semi-Professional and A.D. Technical Programs	19
General Studies and Transfer Programs	73

MINNESOTA STATE JUNIOR COLLEGES, OPENING DATES, ENROLLMENT FIGURES, AND FUTURE ESTIMATES

State junior college	Opening year	1963–64	1964–65	1965–65	1966–67	1967–68	1968–69	1969–70	1974–75 Estimate
Rochester	1915	881	1,044	1,316	1,532	1,558	1,695	1,874	3,000
Hibbing	1916	547	594	745	698	638	728	746	970
Eveleth[1]	1918	118	150	178					
Virginia[1]	1921	435	486	512					
Vermilion (Ely)	1922	158	182	273	263	239	251	232	400
Itasca (Grand Rapids)	1922	268	309	412	402	541	535	543	750
Worthington	1936	385	481	584	590	605	623	660	750
Brainerd	1938	233	266	359	390	440	461	500	650
Austin	1940	490	532	697	820	903	896	829	1,150
Fergus Falls	1960	234	266	372	424	492	495	541	750
Willmar	1962	192	271	409	500	575	611	701	750
Anoka-Ramsey (Coon Rapids)	1965			529	894	1,190	1,507	1,700	3,000
Metropolitan (Minneapolis)	1965			453	623	817	835	888	2,250
Northland (Thief River Falls)	1965			155	256	291	303	323	400
Mesabi (Virginia)	1966				673	642	719	749	970
North Hennepin (Brooklyn Park)	1966				401	955	1,122	1,379	2,750
Rainy River (International Falls)	1967					151	236	218	400
Lakewood (White Bear Lake)	1967					492	966	921	2,500
Normandale (Bloomington)	1968						1,186	2,112	3,000
Inver Hills (Inver Grove Heights)	1970								2,000
Cambridge	1973								400
Fairmont	1973								400
Total		3,941	4,581	6,994	8,466	10,529	13,169	15,016	27,240
Percent enrollment increase over previous year		6.6	16.2	52.7	21.0	24.4	25.1	14.0	81.4
Percentage increase over 1963–64			16.2	77.5	114.8	167.2	234.2	281.0	591.2

[1] Eveleth and Virginia were combined in 1966 to form Mesabi State Junior College.

PRESENTATION BY ROBERT P. VAN TRIES, ASSISTANT COMMISSIONER, DIVISION OF VOCATIONAL-TECHNICAL EDUCATION, MINNESOTA STATE DEPARTMENT OF EDUCATION, APRIL 23, 1971

MINNESOTA'S POST SECONDARY SYSTEM—AREA VOCATIONAL-TECHNICAL SCHOOLS

Minnesota has a comprehensive post secondary system of education consisting of University of Minnesota campuses, state colleges, private colleges, junior colleges and 28 area vocational-technical schools, with 4 additional institutions designated and building.

My concern is that the impact of the 32 area vocational-technical schools, offering programs of two years or less, be considered in any legislation providing assistance to institutions and students. These institutions serve over 18,000 full-time, job preparatory students and in excess of 80,000 part-time adult supplementary students. For the persons served, these institutions offer their choice of the best training for transition from formal education to careers in the world of work. They also offer a front line resource for the retraining of unemployed, and effective support for those in business and labor seeking continuing education.

These institutions are effectively articulated to provide alternative avenues of education for those students who are motivated by relevant learning experiences. The avenues are open to all individuals regardless of past educational success or economic or social status, thus offering an upward mobility to persons otherwise refused access to, or success in, institutions of higher education.

As a citizen of the state of Minnesota, as well as a representative of the Minnesota State Department of Education, I am concerned that federal legislation take into consideration the same kind of articulation between secondary and post secondary education which currently exists between secondary education, adult, and the operating post secondary area vocational-technical schools. An ultimate goal for priorities may be K–16. At the present time, however, we believe a more realistic immediate goal is K–14.

This committee may be primarily concerned with higher education but the orderly educational progression from birth to death without traumatic interludes experienced by dropouts, delays and artificial barriers must be considered in drafting higher education legislation.

Future legislation should not only be directed at the maintenance of an existing educational structure but should also have an impact on the delivery of services to those persons seeking such services.

Minnesota is an interesting study of what students think post secondary experiences should constitute. For over 30 years, the Bureau of Testing at the University of Minnesota has gathered data on the post secondary aspirations of high school students. Until two years ago, a great majority of students planned to attend institutions offering traditional kinds of degree-oriented education. Since 1969, the data collected shows that of those indicating an intention of continuing their learning experience, 36 percent desired to pursue educational opportunities reflecting a career-oriented experience such as that provided in the area vocational-technical schools. From conversations with my counterparts in other states, I am led to believe this development is not peculiar to Minnesota.

Any legislation providing assistance to higher education must be meaningful from the standpoint of student needs rather than the traditional structures of institutions.

ADVISORY COUNCILS

The vocational acts, dating from 1917, have required advisory councils in varying degrees of sophistication. The 1968 Vocational Amendments (Public Law 90–576) requires planning and public hearings annually. As education, at all levels, becomes further removed from the people, this type of arrangement provides for input from interested and concerned users of the service. This has been a strength of that Act.

The formation of additional advisory councils should be clearly defined as to relationship with existing councils, which have responsibilities for all levels of occupational training, with the intent of maximizing the productivity of both groups, such as legislation introduced in the House by Representative Green and Representative Quie.

Congress should insure the intent of legislation while protecting the right of the state to deliver those services without laborious reporting procedures. Congress should not dictate to the states the delivery system to be used . . . it should set a goal for providing services to people and leave the nature of attainment of the goal to the state.

PLANNING

Any legislation requiring planning by the states should provide similar obligation to the federal offices and the Congress itself. In the past, Congress has told the states to plan and then has ignored a similar obligation on its own part. Plans have been massive accumulations of data no one uses, expending resources that could be better used for other purposes. One redeeming feature of the plan required under Public Law 90–576 is that it requires a public hearing and thereby makes provision for participation of the public in the planning process. The fact that this participation has been disappointing does not diminish the advisability of the provision.

Functions, missions and goals of the United State Office of Education itself lack any definition. There have been so many reorganizations over the past eight years that even telephone numbers are uncertain from day to day. The lack of leadership and low morale of the office appear to be by design rather than accidental.

Congress has a responsibility to take a look at the effectiveness of the U.S. Office of Education because no other organization has the authority or willingness to determine whether it is capable of carrying out the mandates of the people as expressed by the Congress.

ACCREDITATION

A seeming hallmark of a good institution of higher education is its ability to achieve accreditation by a regional accreditation agency. I am not sure that federal legislation should give credence to these agencies by building them into the framework of legislation. These agencies have historically perpetuated themselves and the accredited institutions. They become a club. If you belong to the club, everything is fine . . . you have a status symbol. That is all you have . . . you have very little assurance, if any, that the program is better than a nonaccredited program. Legislation under consideration should be cognizant of the fact that regional institutional accreditation does not guarantee quality, and other quality indicators should be permitted to substitute for such agencies.

The State Plan, as required by many federal programs, indicates efforts and priorities set by state legislatures composed of elected officials, state boards composed of individuals appointed by elected authorities and public hearings at which citizens have an opportunity to express themselves to interpose regional or national accreditation requirements in federal legislation provides a tool by which the institutional responsibility to respond to people needs can be effectively abdicated.

CONSTRUCTION

If the post secondary delivery system is to serve these heavy demands in the occupational areas, a massive effort must be mounted, and mounted immediately, to provide the bricks and mortar to house such programs. The most critical problem in Minnesota today in area vocational-technical school post secondary education is construction.

Facilities must be provided if students are to be served. Conservatively speaking, Minnesota could efficiently and effectively expend 20 to 22 million dollars per year for the next five years on construction. A large share of these dollars will have to come from sources other than state and local resources. We must look to the federal government for this assistance; therefore, any legislation intended to assist students in their pursuit of post secondary educational opportunities must take this great need into consideration.

MISSION OF VOCATIONAL-TECHNICAL SCHOOLS

The mission of the Area Vocational-Technical Schools in Minnesota is to provide quality education and training as general orientation, specific preparation, retraining and upgrading. Education and training is provided for employment in occupations in all fields and levels other than the professions or those requiring a baccalaureate degree.

The area vocational-technical schools were established as a part of the Minnesota System of Public Education in 1945 to equalize educational opportunities for the people of the state.

The area vocational schools provide education in trades, industrial and technical occupations, distributive occupations, health occupations, office occupations, agriculture occupations, personal services occupations, and homemaking occupations.

It is the primary concern of Vocational Education that the youth and adults throughout the state of Minnesota will have ready access to vocational-technical education which is of high quality and which is suited to their needs, interests and abilities.

To facilitate the mission of Area Vocational-Technical Schools, state assisted vocational-technical education programs should conform to the following well-established standards and principles if they are to provide efficient and effective training:

The State Board for Vocational Education shall be the administrative authority for all vocational-technical education in the state of Minnesota. The State Plan for Vocational-Technical Education shall be the instrument through which vocational-technical education programs are defined and structured.

Vocational-technical education shall provide adequate and timely instruction in both preparatory and supplementary training which will reflect occupational trends, meet the changing needs of job requirements and encourage effective citizenship.

The primary purpose of the curriculum shall be to prepare students for occupational entry or advancement, with the exception of those students enrolled in vocational classes in the secondary schools where the training is directed toward competence in useful skills and the knowledge of the world of work.

The content of the curriculum shall be based on the skills and knowledge required in the occupations and will be developed and conducted in consultation with persons actively engaged in the occupations.

The instructional staff shall be composed of persons who are occupationally and professionally competent.

The staff serving vocational-technical programs shall include competent personnel responsible for and capable of insuring a sound program of assistance to students in selection, enrollment, placement and follow-up.

The staff, through proper coordination with industry, shall accept the responsibility for the placement of students.

Instructional facilities and equipment shall be comparable to those acceptable in the occupation.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the Chair lays before the Senate H.R. 6531, a bill to amend the Selective Service Act of 1967, and for other purposes. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment, to strike out all after the enacting clause and insert:

TITLE I—AMENDMENTS TO THE MILITARY SELECTIVE SERVICE ACT OF 1967; RELATED PROVISIONS

SEC. 101. (a) The Military Selective Service Act of 1967, as amended, is amended as follows:

(1) Section 1(a) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act'."

(2) Section 3 is amended to read as follows:

"SEC. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and places or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States."

(3) The first two paragraphs of section 4(a) are amended to read as follows:

"Except as otherwise provided in this title, every person required to register pursuant to section 3 of this title who is between the ages of eighteen years and six months and twenty-six years, at the time fixed for his registration, or who attains the age of eighteen years and six months after having been required to register pursuant to section 3 of this title, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

"At such time as the period of active service in the Armed Forces required under this title of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4(k) of this title, and except as otherwise provided in this title, every person who is required to register under this title and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training in the National Security Training Corps: *Provided*, That persons deferred under the provisions of section 6 of this title shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title.

(4) The fourth paragraph of section 4(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(5) Section 4(b) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

(6) Section 4(d)(1) is amended by striking out "(except a person enlisted under subsection (g) of this section)".

(7) Section 4(d)(3) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

(8) The last proviso of section 5(a) is amended by striking out "and" at the end of paragraph (1); by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and"; and by adding a new paragraph as follows:

"(3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year."

(9) Section 5 is further amended by adding at the end thereof the following new subsections:

"(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.

"(e) Notwithstanding any other provision of this Act, not more than 150,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, or in the fiscal year ending June 30, 1973, unless the President (1) makes a specific finding that a number greater than 150,000 must be inducted in such fiscal year because of urgent national security reasons, (2) issues an Executive order suspending for such fiscal year the limitation provided in this subsection, and (3) promptly notifies the Committees on Armed Services of the House of Representatives and the Senate of the reasons for his action in suspending such limitation for such fiscal year."

(10) The first sentence of section 6(a)(1) is amended by striking out the period and inserting in lieu thereof a colon and the following: *Provided*, That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3 of this Act, but shall be deferred from induction for training and service for so long as such occupational status continues."

(11) The second sentence of section 6(a)(1) is amended by striking out "eighteen" each time it appears and inserting in lieu thereof "twelve".

(12) Section 6(b)(3) is amended by striking out "section 4(i)" and inserting in lieu thereof "section 5(a)".

(13) Section 6(b)(4) is amended by striking out "or section 4(g)".

(14) Section 6(d)(1) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation"; and by striking out "section 4(d)(3) of this Act" each time it appears and inserting in lieu thereof "section 651 of title 10, United States Code".

(15) Section 6(d)(5) is amended by striking out "Environmental Science Services Administration" each time it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(16) Section 6(g) is amended to read as follows:

"(g)(1) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service, but not from registration, under this title.

"(2) Students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be deferred from training and service, but not from registration, under this title. Persons who are or may be deferred under the provisions of this subsection shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. The foregoing sentence shall not be construed to prevent the exemption or continued deferment of such persons if otherwise exempted or deferrable under any other provision of this Act."

(17) Section 6(h)(1) is repealed.

(18) 6(h)(2) is amended by striking out the designation "(2)" and the word "graduate" from the first sentence.

(19) Section 6(i)(1) is amended to read as follows:

"(1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order for induction shall, upon the facts being presented to the local board, have his induction postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. Notwithstanding the preceding sentence, any person who attains the twentieth anniversary of his birth after beginning his last academic year of high school shall have his induction postponed until the end of that academic year if and so long as he continues to pursue satisfactorily a full-time course of instruction."

(20) Section 6(i)(2) is amended to read as follows:

"(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the semester or term, or academic year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier."

(21) Section 6(j) is amended by inserting "(1)" immediately after "(j)", and by adding a new paragraph as follows:

"(2) Any person who is exempted from training and service in the Armed Forces under paragraph (1) of this subsection shall have a potential civilian work obligation of one year in addition to the work period prescribed in such paragraph (1). Such person may be ordered, at the discretion of the President, during any period in which members of reserve components of the Armed Forces or organized units of the reserve forces are being involuntarily ordered to active duty, to fulfill such obligation in civilian work contributing to the maintenance of the national health, safety, or interest. The potential work obligation of any person under this subsection shall continue, after the completion of his regular work obligation under paragraph (1) of this subsection, for a period equal to the normal reserve obligation period applicable to persons inducted into the Armed Forces under this Act and as prescribed under section 4(d)(1) of this Act, except that if such period expires at any time during the performance of such potential work obligation, he may, notwithstanding the expiration of such period, be required to complete the performance of such obligation. Whenever any person is ordered by the President to perform an additional period of work under this paragraph he shall perform such civilian work contributing to the national health, safety, or interest as his local board pursuant to Presidential regulations may deem appropriate, and any such person who knowingly fails or neglects to obey any such order from the President shall be deemed, for purposes of section 12 of this Act, to have knowingly failed or neglected to perform a duty required of him under this Act."

(22) Section 9(j) is amended by striking out "or Treasury" and inserting in lieu thereof "or Transportation".

(23) Section 10(a)(3) is amended to read as follows: "(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate."

(24) Section 10(b)(2) is amended by changing the first semicolon to a colon and inserting immediately thereafter the following: "*Provided*, That no State director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director;"

(25) Section 10(b)(3) is amended by striking out all down through the first period and the succeeding seven sentences, and inserting in lieu thereof the following:

"(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title: *Provided*, That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto for which the local board is established, or in the case of an intercounty board, within the area for which such board is established, except that the staffs of local boards in more than one county of a State or comparable jurisdiction may be collocated or one staff may serve local boards in more than one county of a State or comparable jurisdiction when such action is approved by the Governor or comparable executive official or officials. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. No citizen shall be denied membership on any local board or appeal board on account of sex. No member shall serve on any local board or appeal board for more than twenty years or after he has attained the age of sixty-five; *Provided*, That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may, with the approval of the Governor or comparable executive official or officials, be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area."

(26) Section 10(e) is repealed.

(27) Section 10(f) is amended by striking out "$50" and inserting in lieu thereof "$250."

(28) Section 11 is amended to read as follows:

"SEC. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation and burial of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 902(a) of title 38, United States Code, in any one case."

(29) Section 12 is amended by adding at the end thereof a new subsection (d) as follows:

"(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur."

(30) Section 15(d) is amended to read as follows:

"(d) Except as provided in section 4(c), nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the armed forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense."

(31) Section 16(g)(3) is amended by inserting "bona fide" immediately before "vocation."

(32) Section 17(c) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

(b) Notwithstanding the repeal of section 6(h)(1) of the Military Selective Service Act of 1967 made by subsection (a)(17) of this section, any person (1) who is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of higher learning, (2) who met the academic requirements of a student deferment prescribed in such section 6(h)(1), and (3) who was satisfactorily pursuing such a full-time course prior to the date of enactment of this Act and during the 1970–1971 regular academic school year shall be deferred from induction for training and service in the Armed Forces under the same terms and conditions such person would have been deferred under the provisions of such section 6(h)(1) had such provision not been repealed.

SEC. 102. Section 1 of the Act of August 3, 1950, chapter 537, as amended (10 U.S.C. 3201 note), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 103. Section 9 of the Act of June 27, 1957, Public Law 85–62, as amended (81 Stat. 105), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 104. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1971" whenever that date appears and inserting in place thereof "July 1, 1973".

SEC. 105. Section 16 of the Dependent Assistance Act of 1950 (50 App. U.S.C. 2216) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 106. Unless prohibited by treaty, no person shall be discriminated against by the Department of Defense or by any officer or employee thereof, in the employment of civilian personnel at any facility or installation operated by the Department of Defense in any foreign country because such person is a citizen of the United States or is a dependent of a member of the Armed Forces of the United States. As used in this section, the term "facility or installation operated by the Department of Defense" shall include, but shall not be limited to, any officer's club, non-commissioned officers' club, post exchange, or commissary store.

TITLE II—PAY INCREASE FOR UNIFORMED SERVICES; SPECIAL PAY

SEC. 201. Certain rates of monthly basic pay for members of the uniformed services as prescribed by Executive Order 11577, dated January 8, 1971, are superseded as follows:

(1) The rate for commissioned officers in pay grade O–2 with "2 or less" years of service is $570.30.

(2) The rates for commissioned officers in pay grade O–1 with "2 or less" and "over 2" years of service are $495.00 and $515.40, respectively.

(3) The rate for enlisted members in pay grade E–7 with "2 or less" years of service is $443.40.

(4) The rate for enlisted members in pay grade E–6 with "2 or less" years of service is $382.80.

(5) The rate for enlisted members in pay grade E–5 with "2 or less" years of service is $330.60.

(6) The rates for enlisted members in pay grade E–4 with "2 or less", "over 2", "over 3", and "over 4" years of service are $305.10, $322.20, $340.80, and $367.50, respectively, and $382.20 for all remaining pay steps.

(7) The rates for enlisted members in pay grade E–3 with "2 or less", "over 2", and "over 3" years of service are $244.20, $260.10, and $277.80, respectively, and $288.90 for all remaining pay steps.

(8) The rate of enlisted members in pay grade E–2 in any pay step is $222.90.

(9) The rate for enlisted members in pay grade E–1 in any pay step is $201.90.

(10) Pay grade E–1 (under 4 months) is abolished.

SEC. 202. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 302 a new section as follows:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of $100 a month for each month of active duty:

"(1) a commissioned officer—

"(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"(B) of the Regular Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Regular Corps of the Public Health Service; who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"(2) a commissioned officer—

"(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

"(B) of a reserve component of the Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Reserve Corps of the Public Health Service; who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

"(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"(b) The amount set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

"302a. Special pay: optometrists."

immediately below

"302. Special pay: physicians and dentists."

SEC. 203. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 308 a new section as follows:

"§ 308a. Special pay enlistment bonus

"(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in the Army, Navy, Air Force, or Marine Corps for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, be paid a bonus in an amount prescribed by the Secretary, but not more than $6,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

"(b) Under regulations approved by the Secretary of Defense, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.".

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

"308a. Special pay: enlistment bonus."

immediately below

"308. Special pay: reenlistment bonus."

SEC. 204. (a) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 428. Allowance for recruiting expenses

"In addition to other pay allowances authorized by law, and under uniform regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties.".

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following new item:

"428. Allowance for recruiting expenses."

SEC. 205. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and inserting in lieu thereof the following:

"E-4 (four years' or less service)	$70.20	$105.00
E-3	60.00	105.00
E-2	60.00	105.00
E-1	60.00	105.00".

SEC. 206. The provisions of this title shall become effective on the first day of the first calendar month following the month of enactment, except that section 203 shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971.

TITLE III—ACTIVE DUTY STRENGTH LEVELS FOR FISCAL YEAR 1972

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, each of the following armed forces is authorized an average active duty personnel strength as follows:

(1) the Army, 974,309;
(2) the Navy, 613,619;
(3) the Marine Corps, 209,846; and
(4) the Air Force, 755,635;

except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING QUESTION

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. GRAVEL. I am glad to yield.

Mr. STENNIS. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute for H.R. 6531.

Mr. STENNIS. I thank the Senator.

Mr. GRAVEL. Mr. President, under the pending order of business, Mr. President, prior to the commencement of the consideration of H.R. 6531, I think it should be noted that the bill was laid before the Senate yesterday afternoon and the bill is being taken up today.

The documents that we have on our desks are the bill itself, which was not available yesterday for perusal, and the report, which was made available to me yesterday afternoon only through the intercession of the majority leader. My staff had contacted the committee, and it was not available, but, through a personal request on my part, I was able to secure that document. I spent a good many hours late last night reading those documents. I am sure that not a Member of this body has had an opportunity to read those documents, which are on our desks fresh this morning. In fact, I want to make note of the fact that there was so much haste that the calendar number on the report appeared as 59, instead of 95, as it should be. This is noteworthy.

The majority leader earlier made a request, while I was in the Presiding Officer's chair, that we begin our sessions at 10 o'clock in the morning next week, which indicates the spirit or the resolve that the majority leader has with respect to this matter, to demonstrate to the Nation that there will not be any dilatory tactics in the handling of this measure. I want to commend the majority leader for it. I think it will be apparent to the Nation, as time ensues, that the Senate has not been dilatory. I think with this fast beginning—in fact, unusually fast beginning—it will be apparent to all that the Senate is serious in its discussion.

So I doubt that anyone in the future could make any criticism of the Senate in this regard, but I do want to make the record abundantly clear that it was somewhat out of the ordinary that a matter of this importance would be taken up without some adequate notice and some time for preparation on the part of those who might oppose it.

I am happy to see present in the Chamber members of the subcommittee who have an opinion at variance with the majority of the committee, and who are prepared to take action. I commend them for that, because they are probably the only ones in the U.S. Senate in opposition who would be prepared to do so at this early and precipitous date.

Mr. President, in the research I have been doing and that has led to the decision that I have made to wage an extended debate and filibuster so that we could let the draft expire—the induction power of the President to call young men into the service and send them to war—I could find no statement I felt more apt concerning circumstances affecting the Nation today than a statement made by a colleague of mine, a colleague of all of ours, who has gone down in history as an outstanding and very unusual American. I refer to a statement made on December 9, 1814, by Daniel Webster. I now quote from that statement:

> "Is this, Sir, consistent with the character of a free Government? Is this civil liberty? Is this the real character of our Constitution? No, Sir, indeed it is not . . . Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Under what concealment has this power lain hidden, which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any constitutional injunction, which makes it the duty of the American people to surrender every thing valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous Government may require it?"

Mr. President, that statement was made in the House of Representatives on December 9, 1814. I cannot find a more germane statement that has lived through the decades to be relevant today, and I cannot find a finer statement to be placed in the RECORD as an opening to the debate that will now take place on H.R. 6531 extending the powers of the President to continue the draft.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an inquiry?

Mr. GRAVEL. I am glad to yield to the Senator from Michigan.

Mr. GRIFFIN. I have read in the press and I have heard the comment that the distinguished Senator from Alaska is going to engage or lead some kind of filibuster in connection with this bill. Now he has made the statement and I have heard it. I wonder if the Senator can give us as much information and guidance as he can as to what we can expect in the days and weeks ahead. For example, are the various amendments that have been sent to the desk going to be voted on, or does the Senator intend to prevent the Senate from working its will on those amendments?

I would appreciate whatever information and guidance the distinguished Senator may be able to give us.

Mr. GRAVEL. I can say very easily, so nothing will be misconstrued, that I chose to use the word "filibuster" and not "extended debate" because extended debate is the definition of filibuster, and it is very much a part of the rules of this body. I did not want any misunderstanding that I was going to engage in a filibuster.

My goal is very simple. The induction power of the President will expire on June 30 at midnight unless this body acts in concert with the House. It appears to me a very simple matter. After checking all the rules, it comes down to a minor thing. If 34 Senators "hang tough" on this issue the induction power of the President will expire and we will have no draft. That is all I seek. I do not seek to thwart the will of this body. This is a device that has been implemented in this body for many more years than I have been alive. I do not think I am doing anything out of the ordinary. This is an ordinary procedure.

As far as amendments are concerned, my approach will be very much one of being courteous. If a Senator has an amendment, he can bring it up for a vote. I hope there are 1,000 amendments that will occupy our time until June 30.

I make no effort to be hypocritical about it, I have tried to be straightforward. All we need is time and how that time is implemented I could in no sense of the word care less.

Mr. GRIFFIN. I was not seeking an explanation of the tactics to be employed but rather to get whatever information the Senator is able to give us. I could imagine that the Senator might not want the Senate to work its will on some amendments that might make the bill more palatable and make it more easy to vote for cloture, for example. But apparently the Senator is willing to let the Senate consider these amendments.

Mr. GRAVEL. Very much so; and as does the good Senator from Michigan, I reserve the right to develop tactics that might enhance my eventual goal. I cannot predict what my tactics will be on June 15 or at 10 o'clock on the evening of June 30.

All I can say is that I know of no way to be any more straightforward with my colleagues or with the people of this Nation as to what I have as my goal and what I feel is necessary.

Mr. GRIFFIN. I thank the Senator.

Mr. STENNIS. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the committee amendment in the nature of a substitute to H.R. 6531.

Mr. STENNIS. Mr. President, this bill, H.R. 6531, is the House bill for the extension of the Selective Service Act. It passed the House, was sent to the Senate, and was referred to the Armed Services Committee, where we wrote a large number of amendments, and the final action of the committee was to strike out all after the enacting clause and insert the committee's version of the bill.

Mr. President, with that background, I shall make a unanimous-consent request and a few brief comments on what the implications of the measure are. My request is one which is frequently made with reference to major legislation that has a great number of Senate amendments.

COMMITTEE AMENDMENT AGREED TO

I ask unanimous consent, Mr. President, that the committee amendment in the nature of a substitute be agreed to, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. Mr. President, reserving the right to object—and I do so only to ask a question of the distinguished chairman of the committee.

Mr. STENNIS. I yield to the Senator from Alaska.

Mr. GRAVEL. What would be the effect of this action?

Mr. STENNIS. As I understand, it would leave all the provisions of the bill as reported by the committee open to amendment, and even to amendment in the second degree. So in that respect, no one would be cut off from anything. It would dispense with the necessity of taking up all these amendments one at a time, and yet Senators would still have the same rights, every right they could have under the rules of the Senate, to amend the bill as reported.

Mr. President, if I am not correct in that understanding, I would like the Presiding Officer to correct me.

The PRESIDING OFFICER. It would be the opinion of the Chair that the Senator from Mississippi is correct.

Mr. GRAVEL. That satisfies me.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. STENNIS. I thank the Chair, and I thank the Senator. I think that puts us in a position where we can proceed and all matters will be disposed of in better fashion.

Mr. President, I want to say just a word about the question of this bill being taken up so soon after the report and the printed copies of the hearings were made available.

It was my original purpose and my original desire for this matter to lie over for the 3 days, at least, before debate began; but you have to make alterations to meet conditions of various kinds; and to meet certain situations, it was decided to ask that the bill be taken up for the usual opening of debate and explanations of the bill, and have the record and the report available, and then go over for the weekend and really go to taking up these matters on next Monday.

There are several speeches to be made with reference to the bill. As chairman of the committee, I have an explanation of the bill, and the Senator from Maine (Mrs. SMITH), as the ranking minority member of the committee, has a speech. There are others, but particularly the Senator from Maine will have a speech, and it will go over until Monday. I am authorized by her to say that she is supporting the bill, of course, and will speak on it, but that speech will come later, on Monday.

Mr. President, this matter has been thoroughly gone into, and we have had the fine cooperation and assistance of the entire membership of the committee. I have just a few statistics here to refer to.

We had extensive hearings on this measure, all of them open to the public, including public hearings to hear outside witnesses. We have here 966 pages of testimony. We have a printed report, on which I think an excellent job has been done, of just at 100 pages, which goes into an explanation of the major provisions.

The committee sat around the table, with unusually good attendance, for a total of some 6, 7, or 8 days, and had very fine, free discussions. We had 12 rollcall votes with reference to some of the major provisions of the bill, and it was finally reported unanimously by a vote of 16 to 0. There were three reservations by committee members as to major parts of the bill, but 13 out of the 16 voted for the bill as it is now. We had a real discussion in depth, which led to improvement of the bill.

Mr. President, as to the debate which begins today, before we get into any emotional stages of it, and before my analysis of the measure, I wish to state my impression of just what we are doing here, and the import of it.

I think that the debate today on the amendments to the Selective Service Act will deal with issues which are crucial to the security of the United States. I do not say this in any spirit of incitement or anything like that, but that is my deliberate conclusion after studying this subject matter for almost all of last year and all of this year. I think it essential that we extend now, for a minimum of 2 years, the authority to induct men into the Armed Forces. I believe this authority is indispensable if we are going to be able to have enough competent manpower to protect the people of the United States; and I am thinking first about our own immediate security here at home, and the physical protection of the territory of our people who live in this country.

I believe that failure to renew this induction authority, whether by vote or by the inaction resulting from extended debate, would be calamitous. It would be particularly disruptive to make such a fundamental change in our procurement policy for military manpower in such an abrupt fashion.

Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. I say to my colleagues that I do not think any Senator ought to have to speak to the backs of his colleagues who are standing between him and the Presiding Officer.

I repeat, Mr. President, that it would be particularly disruptive to make such a fundamental change in our procurement policy for military manpower in such an abrupt fashion. I think it would mean that within a few months, our military services could not function properly.

This bill, as recommended by the committee, contains pay increases which give the administration the opportunity, for which it has asked, to move to a volunteer army by the summer of 1973 Personally, I am skeptical that this effort will succeed. But if such a fundamental change is to be made, it will certainly require at least 2 years of learning, experiment, and adjustment.

With all deference to everyone, I think that is the major point that will come up in this debate. Assuming that we can go over to the volunteer army—which means volunteer Air Force and Marine Corps and Navy—assuming that we can make that fundamental change, it will certainly require at least 2 years of effort, experiment, adjustment, and trial and error methods in order to get a stabilized and trained force of manpower that has the expertise, the training, the talent, and the know-how to operate the very intricate and farflung functions of our military services.

An abrupt halt to the draft would now severely impair the procurement of manpower for all four services, because all four depend heavily upon the draft to provide motivation for enlistments. That will be abundantly proved, overwhelmingly proved, before this debate is over.

Not only would our own security be damaged by a precipitate change in our military procurement policy, but also—and I put this second—the security of our allies in Europe and Asia would be damaged. The American units, without sufficient men to man them, would not be able to provide the support which our foreign policy requires in a period of uncertainty.

The Committee on Armed Services has made a careful review of our manpower requirements and has decided to recommend that two significant limitations be asserted by Congress. One is a reduction of 56,000 in average strength for the Armed Forces, which means a reduction of more than 100,000 in end strength—that is, the strength at the end of the incoming fiscal year. It would be a reduction of more than 100,000 men, because they are not authorized under this bill.

Also, there would be a ceiling of 150,000 on the President's induction authority for each of the next 2 fiscal years.

Mr. President (Mr. BROCK), that is an innovation here of two legislative policies in the field of manpower for the legislative branch of the Government. This is the first time a committee has recommended a ceiling, an annual ceiling, on the President's induction authority, and this is set at 150,000. There is an escape clause if he certifies that the national welfare is in peril. As to the other limitation, about the troop strength of all our services combined, it is the first time that this committee has put a limitation in that field.

I look forward to and expect a thorough and detailed debate on the floor of the Senate with respect to the provisions of this bill; but I hope that in a matter as important and urgent as this, we can proceed with an orderly and prompt consideration and that, after a debate that clearly presents all the issues, we finally approve the bill well ahead of the expiration date of the present law, which is June 30, 1971.

Mr. President, the Committee on Armed Services has held extensive hearings on all aspects of the bill, following a considerable study of last year, and has considered all the proposed legislation which has been referred to it on these complex and important matters. The committee had lengthy discussions of all aspects of this bill and took numerous votes on its detailed provisions and on amendments offered by the members.

We had before us not only this bill but also other bills on the subject matter, presented by some of our committee members, and others by other Members of the Senate. We had amendments that were submitted and that were considered—and I mean we actually considered them. Every matter that was on our calendar and that had been sent to us was actually taken up in the committee, and the Chair called for proposals or motions as to every one of them.

The bill is divided into three titles which I will discuss in turn.

Title I deals with amendments to the Selective Service Act, title II, with military pay increases, and title III with manpower authorization. I will submit for the RECORD a summary of the committee actions and the resulting provisions in the bill, but I would like to discuss now the major amendments to the Selective Service Act which were recommended by the committee and the outstanding features of the military pay and manpower authorization recommendations.

SELECTIVE SERVICE AMENDMENTS

2-YEAR EXTENSION OF INDUCTION AUTHORITY

Of course, we have to keep in mind that unless Congress acts, the current law will automatically expire and there will be no authority to make any more inductions under that act by June 30, 1971.

I think that the extension of this induction authority for a minimum of 2 years is the most crucial issue facing us in the consideration of this bill—and perhaps in any other measure that we consider this year.

Historically, the draft has been the driving force behind the procurement of our military manpower for nearly 25 years. In fact, we have had a Selective Service Act continuously since 1948, I believe. It is vital that we not abandon the system which is primarily responsible for the acquisition of the vast majority of our new military manpower needs without being absolutely certain that we can effectively replace it. We have never before attempted to maintain forces of anything near the current levels, which are required for our commitments around the world, without the draft.

One of the most crucial problems in maintaining military manpower without the draft is acquiring men for combat units in the Army. Only about 4 percent of our current requirements for men serving in Army combat units are met by volunteers. Inductees provide more than two-thirds of the requirements and the remainder is provided by enlistees who do not request combat units. The recent Gates Commission report dealt primarily with overall military manpower levels, not with the specific and much harder problem of acquiring a sufficient number of men for combat units. I call the special attention of the Senate to the fact that when they recommended that the Selective Service Act expire, or the induction authority expire, June 30 of this year, they dealt primarily with overall military manpower units and not with the problem, the harder problem, of acquiring a sufficient number of men for combat units. This is not a part of the manpower problem which is related only to Vietnam, for without sufficient men in combat units our Armed Forces anywhere are nothing but a shell, incapable of effective military action. The implications of having only weak and ineffective armed forces during a period of Soviet intransigence in many parts of the world are not at all pleasant.

If the problem of acquiring sufficient military manpower without the draft were only one of acquiring combat troops, our difficulties would be great, but the problem is much more serious. In addition to the inductees into the Armed Forces, which for the past 5 years have been about one-third of the active duty enlisted entries, about one-half of those who volunteer for all services are induced to do so by the draft, and just under three-quarters of those who volunteer for the Reserves are also draft-induced.

I personally believe that it is unquestionably true that over one-half of those who volunteer for the services are induced by the draft and are draft motivated. That is no reflection on them. They will tell us that. They will laugh at the idea that they are not draft-induced. I am speaking from a personal contact with them. I visited with over a thousand GI's and commissioned first and second lieutenants last year, between Labor Day and late October. I visited with them on their bases. They were in their uniforms. They were in a room with me, and alone, with two or three exceptions when a staff member was with me or another Senator on two or three occasions; but I talked to these young men face to face, telling them who I was and what my duties here were.

Considering what their situation was, some of them were men who had just arrived at the induction center and had not yet got their haircuts. Some were men who had been there for the training period for their basic training, some were men just leaving for Vietnam, and others were just getting back from Vietnam—as I say, from the raw inductee on up through the seasoned soldier, including the sergeants and the young lieutenants.

I also talked to an Air Force group at the induction center who, according to the record, were all volunteers. I just wanted to talk to them a little about that. Frankly, they laughed at the idea that they were all volunteers or purely volunteers. As I emphasize, that is no reflection on them. They told me that the inducement behind their enlistment came from the draft to some degree. As they would tell me, they were looking for a place that was more in keeping with their talents and their desires, and I have no doubt about those things myself that it works out that way. So I think it is far beyond the 50 percent, although the services seem to have some different view on that. As a matter of fact, in many cases, and this is something I also commend, but, in many cases, the recruiting officers got the names of those who would be called up within the next 30 to 60 days by the draft boards, and the various recruiting officers would bid for those particular men and talk to them. I think it is a commendable practice for the services and the recruiting officers to do, and I approve of it, but it is part of the actual facts of life.

Thus, it is only in the most limited

sense of the word that the new entrants into the Air Force, Navy, and Marine Corps are composed of volunteers. But I want to make clear that some of them are. That is what they want to do. They have a taste for the military, which is highly commendable. They make fine soldiers, marines, and naval men. This is no reflection upon these fine services any more than it is a reflection on the Army, which I also support. To point out the obvious truth—the draft is central to the procurement of the vast majority of our active military manpower.

Our Reserve forces are even more reliant on the draft. No less than 70 percent of Reserve enlistments are motivated by the draft. Mr. President, this administration has made a commendable effort to equip Reserve units with modern weapons, but modern weapons are not enough. I do not believe that it is possible even to make a reasonable argument that our Reserve manpower requirements can be met at any time during the next 2 years without the motivation of the draft. And may I remind the membership that we have recently been told by the Department of Defense that there is to be a new emphasis on the Reserves in meeting our overall military manpower requirements.

Thus, Mr. President, I cannot understand the logic that we are going to have the necessary reserve forces unless we are going to have some kind of Selective Service Act; and certainly I cannot understand the argument that we can make this switch now or within less than 60 days from now.

150,000 CEILING ON INDUCTIONS

The bill as reported by the committee imposes a ceiling of 150,000 inductions per year for each fiscal year 1972 and 1973. I believe that a limitation such as this establishes clearly that the Congress is asserting a rightful role in setting a limit upon the President's authority to induct men into the Armed Forces. Inductions during fiscal year 1971 were about 172,000 and during the peak of Vietnam war years they were between 300,000 and 340,000. Thus I believe a limit at this level—150,000 per year—would effectively constrain a major expansion of inductees such as occurred during 1966–68.

On the other hand, it may be necessary for the President to react quickly, or in an emergency, perhaps in the face of an international crisis, and I believe it is important that we not restrain his capabilities unduly. For this reason, the committee agreed to permit the President, upon finding that urgent national security reasons require it, to suspend these limitations if he issues an Executive order to that effect and report his reasons therefor to the Armed Services Committee of the Congress—which means he is reporting to the Congress. That would put the President of the United States in the position where he would have to issue an Executive order and gives his reasons therefor, and report that to an arm of the Congress—which means that he would be reporting to the entire Congress. In effect, he would be stating those reasons publicly, which would put the entire matter at issue; and if Congress saw fit, then, to act, it could and continue that limitation.

I do not believe that we should go any further in the limitation. The committee was almost unanimous and agreed to that provision, that we should not go any further than this amendment does. We did want that limited and thought that we should put the burden on the President to raise the issue and give Congress a chance to pass on this judgment.

PROHIBITION ON RETROACTIVE WITHDRAWAL OF STUDENT DEFERMENTS

Mr. President, this is a matter that is of interest and the committee gave it a great deal of study and consideration. In considering some of the amendments which were proposed by the administration and by Members of Congress to make fairer the operation of the Selective Service System the committee gave particular attention to the problem of student deferments. It was agreed that the deferment of college students was one of the major inequities in our current draft law and that these deferments should be withdrawn to place students on an equal basis with others in the society. On the other hand, the administration had announced its intention to withdraw these deferments retroactively from those who had not been full-time students before April 23, 1970, the date of the President's address on this subject last year. The committee did not believe that the President made a persuasive case for the need to withdraw these deferments retroactively from those who had already entered college. Accordingly, the committee restored the President's discretion in the area of student deferments, but provided that any student who had begun a full-time college academic career during the regular school year preceding the date of enactment would continue to be deferred until he graduated, reaching the age of 24, or ceased to pursue his course of study satisfactorily.

That means, of course, that there will be no additional deferments. No additional students will be deferred under the new law pursuant to the President's announced intention as to his use of this discretionary power. However, those who have been in college this current collegiate year will continue to have those deferments as long as they pursue their courses satisfactorily.

If a student stops, drops out, or quits for any reason, he should still be subject to the call. The present law, as the Senate will recall, is that deferments are mandatory and that has been the law for a number of years. It has led to a great deal of confusion and a great deal of objection.

We decided and believe this is the soundest course. That is what we recommended. We put in our report a recital of the fact that we relied upon the announced intention of the present President of the United States as to how we would use this discretion.

There was sentiment in the committee to write into the bill that there was a mandatory provision in the law that would not permit deferments. However, on consideration we made the recommendation that I have already outlined and have referred to in the report, saying that we relied upon the intention of the present President of the United States, still giving him authority in an emergency to use discretion.

We did not change the law with reference to the deferment of those in industrial employment. The President has discretion and authority with reference to that group now. Under our proposed bill, that authority would not be changed.

CONSCIENTIOUS OBJECTORS

There are a large number of ways which many of us might suggest to improve the conscientious objector section of the Selective Service Act. Mr. President, we went into this with a great sense of fairness and concern. We heard testimony from many sources. But there are almost as many ideas as there are individuals. We have now a body of settled law on this issue which has recently been interpreted by the Supreme Court and which is satisfactory to the Selective Service. It is thought to be very reasonable indeed so far as the administration of the requirements are concerned. It thus seems to be particularly unwise at this time to make substantive changes in the provisions which define a conscientious objector or to redraft such fundamental provisions as the conditions under which a conscientious objector can be inducted.

Mr. President, here is a simple statute. We have the statute and the Supreme Court's interpretation of it. It is a policy that has been followed by our Nation for many decades.

With respect to a bill that has a 2-year duration, it would take that long to get any new provision on this subject interpreted by the Supreme Court. There would have to be an application of it, and contests over it, and the suits would have to wind their way through the courts with a higher degree of uncertainty as to the meaning of the new language.

As this language is going to be for only 2 years, it was thought best to stay with that which works fairly well, is well known and well understood, and has a definite court interpretation.

Someone suggested that we try to put into statutory law the holdings of the Supreme Court on that subject. However, we decided on that subject that we could not improve on what the Court had said and that we had better let their words be interpreted rather than our words if this question were to come up again. I believe we should let this matter rest on that basis.

I do believe, however, that there is some merit in the rationale advanced in the House report for requiring an additional obligation from conscientious objectors to balance the Reserve obligations of those who are inducted into the military. This rationale, however, was not carried out logically in the House version of the bill, for the House required an automatic third year of service from conscientious objectors, while those who serve in the military only face a contingent additional active-duty obligation in the Reserves. I believe the rationale advanced in the House report can more effectively be carried out by the provisions which our committee has included in the bill. The bill as reported would require conscientious objectors who have completed their 2 years' alternate service to be available for a further year of alternate service obligation if, in a time of national crisis, the President has called up the Reserves and makes an additional determination that a third year of alternate service from conscientious objectors is required.

Mr. President, I do not think that one who is excused on account of being a conscientious objector under the recognized policy of the Government, difficult as it is to administer, should be penalized by a required year of extra service merely, because he is classified as a conscientious objector. He is either entitled to the provisions of the law or he is not. It is certainly very unfair to rule that he would have to render another year of service in the same category as those who were in the Reserve Forces. So, that is the basis on which the matter now rests.

I might say for the record that these conscientious objectors are not relieved of all service. Some of them go into hospital units and some of them become some of the finest medics we have. There is a list of occupations they can go into in lieu of regular military service. A great number of them are rendering that service.

One of the groups I met on my tour around these installations consisted of young men taking their training. They were conscientious objectors and they were going into the service in hospital units as field medics and into other categories of that kind.

PROHIBITION ON COLLOCATION AND CONSOLIDATION OF LOCAL BOARDS WITHOUT APPROVAL OF THE GOVERNOR

Under current law there is no constraint on the collocation of local draft boards, and such boards may be consolidated into a single intercounty board after a Governor's recommendation is considered. The committee agreed that this state of affairs was undesirable, because it gave the Director of Selective Service the opportunity to close down boards in local areas when citizens in those areas wanted and believed they needed them. The House version of the bill attempted to correct this by absolutely prohibiting both collocation and consolidation. This, Mr. President, we believe went too far, for it would have required that 340 new boards be set up in 14 States in counties where they have never before existed. The committee felt that it was important that citizens be permitted a significant voice in the structure of the Selective Service boards in their States, but we did not believe that Selective Service should be required to establish boards in areas in which they were neither needed nor wanted. The committee thus decided to recommend permitting both collocation and consolidation of local draft boards, but only with the approval of the State Governor concerned. I feel, Mr. President, that in this way we have made a significant change in the law in the direction of making the Selective Service operations more responsive to the needs of localities without forcing inefficiency on the Selective Service System.

In some areas of the country the local draft board, with the local office usually at the county seat and another office located somewhere else in the county, is distinctly a part of the county government. They are selected by the Governor of the State. The young men, their wives, and their mothers can go there and confer with members of the board or the clerk, and get information. It is all a part of the local setup.

To take the office perhaps two counties away and merely have a board member in a county in question is certainly not sufficient. On the other hand, we found in some areas of the country an altogether different attitude prevailed and there did not seem to be the need for a local board or local office.

Therefore, we left it as I have already said: That the Director of Selective Service would have the authority to consolidate or collocate these draft boards, but it could be done only with the consent of the Governors of the States. I believe that will work well and be applicable in different areas of the country according to the needs, habits, customs, and attitudes of the people.

Mr. President, that brings up another matter. These Selective Service Boards have been subject to a great deal of criticism. By and large the Boards I know about are rendering a very fine, valuable, and thankless service. They render highly valuable services, indeed. Members are not paid anything for their services. There is a certain allowance for their transportation if they have to go to the capital city on official business. There are small provisions of that nature, but they carry on in this at times disagreeable and nearly always fairly unpleasant duty that requires on the part of some of them a great deal of time. They carry on year after year. I think they deserve the gratitude and thanks of the Nation.

My remarks with respect to personnel would not be complete unless I mentioned the services of our present Director of the Selective Service, Dr. Tarr. He is an unusually fine executive. He quickly gained a sweeping knowledge of the law. He is quite serious with respect to carrying out his duties. He is intelligent, responsible, informed, and I think he is doing an outstanding job in an excellent way, which is very difficult at best. I am glad to thank him for the committee, and to thank him for myself, and to thank him for our staff for his splendid cooperation and help on this bill; but more than that we thank him for his services to the Nation. He was quite helpful in connection with this bill. By no means did he get just what he thought was best in regard to every provision. We wrote the bill, but he was helpful, indeed.

SUSPENSION OF QUOTAS AND CREDIT PROVISIONS TO PERMIT UNIFORM NATIONAL CALL

The formulas by which the Selective Service over the years has calculated the quotas and calls for the various States and localities are complex indeed, and I do not intend to go into them here. I do not think it is necessary. It will suffice to say that the system as operated by the Selective Service has served, in a practical way, to give a measure of credit, but not full credit, to areas having large numbers of volunteers. The administration has requested, and the House approved, the suspension of the statutory provisions which require this credit to be given. The committee approved this suspension.

We had a divided vote on this matter. There was a difference of opinion, but the matter was fully weighed and considered and the majority of the committee voted to approve the suspension. Perhaps, after all, the way the operating nature of the matter works out, the language the majority of the committee approved does not change the present situation substantially and things will go on very much as they have so far as the quota is concerned and the distribution of it. But the way the committee majority voted will permit the establishment fully of a "Uniform National Call" under which men having the same lottery number will be called at approximately the same time in all sections of the country.

That point considered alone is certainly a desirable feature and will add to the workability of the law. That uniform national call is the system that was put into law last year. It was one of the major recommendations of the Senator from Massachusetts, who has certainly worked long and faithfully on this entire Selective Service Act, and he has been helpful to me in our discussions and in our considerations. We frequently disagree on the end point and in final substance, but certainly it has been helpful to have his consideration to these matters and we gave a great deal of consideration to these suggestions last year and this year also.

So this change with reference to uniform national call has, on the side of merit, the point that the same lottery number would be called at approximately the same time in all sections of the country.

RETENTION OF CURRENT LAW EXEMPTING SOLE SURVIVING SONS FROM SERVICE

The version of the bill passed by the House included an expansion of the current exemption for sole surviving sons. In place of the current exemption the House included an exemption for anyone who was a member of a family which had lost a father, brother, or sister in service.

That was an amendment that we very carefully weighed and considered. It was a floor amendment in the House of Representatives, and had not had the benefit of the close study and scrutiny of the committee.

The Secretary of Defense has pointed out that approximately 575,000 individuals have died from all causes while serving in the Armed Forces since the beginning of World War II and that this expanded exemption would cause significant manpower acquisition problems for the Department of Defense. The Secretary of Defense has also assured the Congress that Defense Department policies currently provide for noncombat assignments for persons who have lost a family member in the service since January 1, 1961, in Vietnam.

Finally, the committee noted that under the exemption as broadened by the House there would be a significant discrimination in favor of large families and against families with an only child. This would be true because all members of a large family would be exempted from service if one were lost, but a small family could still lose its only child. For these reasons the committee agreed to maintain the current exemption for sole surviving sons rather than accept the expansion included by the House.

The present law is that if there is a sole surviving son, he is exempt.

CHANGE OF EXEMPTION FOR DIVINITY STUDENTS TO STATUTORY DEFERMENT

The other body did not accept the administration's proposal to completely eliminate the Selective Service exemption for divinity students. I believe, Mr. President, that although it has not been demonstrated that it is necessary to abolish the exemption for divinity students, it is important to close a loophole in the current law. Under current law a divinity student could stay in school until age 26 and never be liable to the draft, whereas another student, after he left school, would be liable until he was 35. This is because the law provides that those who have deferments rather than exemptions remain liable to the draft until their 35th birthday. By changing the exemption for divinity students to a statutory deferment, the committee has not changed the status of a student for the ministry who goes on to pursue a career in the ministry. The ministerial exemption would remain and so such a student would never actually face military service. The divinity student who left divinity school or the ministry before his 35th birthday, however, would be liable to the draft under the bill as reported by the committee.

Stated another way, this means that during his college career and his seminary schooling, that student would be deferred as long as he stayed in school with satisfactory grades. Then, at the end of his formal education in this field, if he did not go into the ministry or an equivalent or like service in some recognized religious group, he would not be deferred any further and would be liable to induction. That matter was thoroughly considered, and that rule was adopted by the committee, and is written into what I shall call the committee bill.

OTHER SELECTIVE SERVICE AMENDMENTS

Mr. President, I do not propose at this time to describe in detail the rest of the numerous amendments to the Selective Service Act which are included in the committee version of the bill. A full description of these amendments and a comparison of them with the current law and the House version of the bill is included in the committee report which has been made available to all members.

May I say that our competent staff members who have worked on the bill and in the hearings are available to any Member of this body for slight or extended service and help in answering any question, pointing out any part of the record or rendering any other service which they can with reference to the consideration of the bill and the consideration of amendments.

MILITARY PAY INCREASES

I would like to turn now to a brief discussion of the increases in military pay.

Mr. President, this is not a military pay bill, but it does have military pay increases in it for a limited number of certain classified groups that will be in the service.

First of all, Mr. President, I would suggest that we discuss this issue with the same consciousness of cost that we have for other Department of Defense programs. Secretary Laird pointed out in his testimony before this committee that the greatest cost growth in the Department of Defense is in the area of manpower. Manpower costs, directly and indirectly, now account for nearly $40 billion a year—over 52 percent of the Department of Defense budget. It would be penny wise and pound foolish for us to ignore the cost implications of military pay while we devote, as I am sure we will, many hours in this Chamber to the discussion of the costs of military weapons systems.

I have said many times that if we are to make appreciable reductions in the cost of our military program, at least a part of it would have to be done in the field of personnel, which carries such a high percentage of the cost of the entire program. We already have had very appreciable increases in this field within the past few years. We will have that evidence here and facts and figures available for the membership later.

At a time when many are rightfully concerned about Department of Defense expenditures, it is both inconsistent and shortsighted to deal lightly with hundreds of millions of dollars of pay increases. This is particularly true when there is no assurance that these increases will produce the results—achieving a so-called volunteer army—which their proponents often seek.

Mr. President, the increases that we have put in this bill for these groups that I shall describe certainly have my solid support. They are entitled to some increases, regardless of what system may be adopted in the end with reference to raising these manpower requirements. But the bill that came to us from the other body had additional amounts, above and beyond the first installment in the experiment here—and it is purely an experiment—in the effort to try to obtain a satisfactory volunteer Army.

So my caution here about excessive expenditures relates to moneys beyond this bill, and we will doubtless have an amendment here from the floor concerning that matter.

I repeat, Mr. President, that we have included in this bill the first installment of the President's request for a special program to be inaugurated to try to increase the number of volunteers, to the extent that 2 years from now we can say we no longer need the Selective Service Act. As I say, I have the gravest kind of doubts about whether that will work, although I wish that I believed more strongly that there is a chance.

I was entirely willing that under all these circumstances, these increases be allowed now. Some of them are justified under either system, and I supported the idea of having $40 million put in here for a special bonus program, an enlistment bonus program in addition to that provided by our present law.

It is also extremely significant that for the last 8 years, that is, every year since 1963, there has been a basic pay increase for the military. Admittedly, these increases have not been given in sufficient amounts to enlisted men and officers serving under 2 years, and the bill as recommended by the committee deals with this inequity. But the important point is that not only have pay costs in the Department of Defense been skyrocketing, but they will do so in the future automatically. Under current law pay increases for the military must be given proportionately to those for civilian pay grades. Last January there was a pay increase of 7.9 percent, totaling just under $1.2 billion. Next January there will be a similar increase, tentatively at a rate of about 7.4 percent, and again totaling just under $1.2 billion. We cannot completely cast aside all restraints on military pay in order to chase the elusive volunteer army.

Secretary Laird has stated that to make further reductions in the funds for needed weapons systems in order to provide pay increases additional to those recommended by the administration would be "an exceedingly poor tradeoff for fiscal year 1972 and it would weaken our national security."

It is important to note, Mr. President, that the committee has recommended sizeable increases in military pay, the vast majority of those increases for enlisted men and officers having less than 2 years of service. These increases rectify the historical imbalance in the pay scales, but there are those who propose that these increases be doubled and even trebled. The bill as reported by the House includes extremely large increases not only for enlisted men and officers with under 2 years of service but also for the career force. According to the House report nearly $1 billion of the $2.7 billion in total increasess recommended by the House is for those with over 2 years of service. This means that, from the point of view of those who argue for a volunteer army, these funds would not be effectively used. How are these funds going to help increase initial enlistments? How are they going to help with the problem of insufficient enlistments in the combat skills?

I shall describe now, Mr. President, the basic pay increases and other items that we put in the bill. If an amendment should be offered to provide for the expenditure of an additional billion dollars or nearly that amount, other facts that I have here will be highly relevant, and will be brought into the argument.

BASIC PAY INCREASES

Basic pay increases recommended by the committee total $908 million. 93.6 percent of these increases would go to personnel with under 2 years of service. In other words, they are the very low brackets—the man who is just coming in and the man who is taking his basic training, and the categories where they have not had time to get a promotion. That is the E–1's, E–2's, E–3's, and E–4's, who are the beginners. These increases would, for example, raise the pay of a private, grade E–2, by 50 percent and the pay of a private first class, E–3, by 35 percent. Following these increases the regular military compensation—which includes pay, subsistence, quarters, and tax advantage—of a private, E–2, would be $4,243.77 a year; for a private first class, E–3, it would be $4,509.63 a year.

The House bill and the recommendations of the Gates Commission would approximately double even these increases during the coming fiscal year. Mr. President. I believe that piling increases on top of increases, as the House bill does, and as the Gates Commission recommendations do, would frankly not be responsible military pay policy or a wise use of the taxpayers' dollar.

I support these increases, but we are going to have to see how this thing works before we plunge in and put too much money on the wrong man; and I say that advisedly. I want us to go slowly in putting too much money on the unproven man, the man who has not proved that he has the talent, the ability, or the inclination to make a real soldier.

The key men in all this whole matter, anyway, are the sergeants who have been there. I am speaking of the noncommissioned officers, the sergeants and the specialists, and particularly the drill instructors and others of that type, who make those organizations what they are, in a large way. They must be given more consideration, as I see it. We have got to remember that this is an experiment, that we can go too fast and too far, and that once we put all this money into increased salaries, whether it works or not, we will not have the opportunity to change those salaries. So I think that the President's recommendations in that field were the sounder, and that is what the majority of the committee decided to do. The money that is now in the bill is the President's recommendations for this year, and most of it—93.6 percent—goes to the items that I have already recommended.

Now a word about the other increases.

DEPENDENTS ASSISTANCE INCREASE

The Senate bill also includes $79 million for increases under the Dependents Assistance Act. These increases would bring the monthly quarters allowances for the lowest four enlisted pay grades up to $105 per month. These increases are justified. They would help to remedy past imbalances in military compensation.

RECRUITING EXPENSES

The committee approved a small item of $2.9 million for out-of-pocket expenses for military recruiters. This money is clearly justified since there is no rationale for requiring a hardworking recruiter to pay for his own fees for parking, telephone calls away from the office, meals with prospective recruits, and so forth.

ENLISTMENT BONUS

The fourth item of this increase—the third major item—is what we call the enlistment bonus.

Finally, Mr. President, the committee approved, for the first time, a new concept in American military manpower procurement—an initial enlistment bonus to help recruit men for needed military skills. Reenlistment bonuses have been used with some success in the past to retain men with skills the military has found to be necessary—that is, for reenlistment under the present law. But this new proposed initial enlistment bonus will be used by the Secretary of Defense to attract men into combat specialties. This would be an enlistment bonus for a new man, a recruit, a man without military experience and without proven talent.

Mr. President, I do not believe that by paying these bonuses, we can meet fully the problem of acquiring the necessary manpower. As I said before, only 4 percent of the accession requirements in combat units are met by volunteers. Along with the rest of this program, the enlistment bonus may help improve this situation to some extent, and I would personally be gratified if it succeeded. But I do not want us to blindly rely, without thorough experimentation, upon enlistment bonuses and pay increases to reverse completely our current procurement policies for the Army combat skills.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, which I will not ask to be live, without losing my right to the floor, and with the understanding that this additional appearance of mine will not count as a separate speech.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **STENNIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **STENNIS**. Mr. President, continuing my discussion about the bonus authorization for new enlistees as provided by this bill, the $40 million authorized, the Secretary of Defense has announced that he will apply it only to the Army and only to the combat units in the Army. Those are the rifle companies, the artillery, and the armor. That is the way the matter rests now.

The Secretary is experimenting with the idea of paying $3,000 in all for a 3-year enlistment: $1,000 to sign up, another $1,000 at the end of the first year of satisfactory service, and another $1,000 at the end of the second year of satisfactory service.

Also, this would be offered to men who already are in the Army, as inductees, whose record is satisfactory. They would be given an opportunity to enlist for a 3-year term and not have to serve the additional inductee period, and they would be eligible for this bonus. I think that is a quick summary of the entire matter.

MILITARY MANPOWER AUTHORIZATION

This year, Mr. President, for the first time, Congress is required to authorize the average active duty strength for the Armed Forces. Title III of the bill as reported by the committee recommends authorized levels for the four services as follows:

Army	974,309
Navy	613,619
Marine Corps	209,846
Air Force	755,653

These totals represent small reductions—3,000 in each service—for the Air Force and Navy, but they represent a significant reduction of 50,000 for the Army.

When I use the word "reduction" in these figures, I mean reductions below the number requested in the budget. These totals represent the action of the committee after a careful review, when the committee concluded that these reductions were justified primarily for two reasons. First of all, and most important, the withdrawal rate from Vietnam has been accelerated since the budget was planned. These accelerated withdrawals mean that fewer men will be required in the Army in fiscal year 1972 than it was estimated would be needed at the time the budget was proposed by the President.

Second, there is some evidence that our forces in Europe could maintain their combat effectiveness even with a slightly lower level of support. It should be noted that the Department of Defense has recently made a review of this issue and is carrying out substantial reductions in the spaces authorized for support troops in Europe, but the committee believed that there was room for some further reductions.

An additional word with respect to these possible reductions. I emphasize that I think our full committee realizes that this is one of the most difficult but at the same time one of the most necessary steps that has to be taken by our Department of Defense—to gradually and systematically, not precipitately nor irrationally, reduce the total number of personnel; and we call upon the Department of Defense to consider special studies toward this end.

But our committee is not going to stop with this recommendation. We have already announced that we are going into a study in depth, a survey and study and possible hearings, of the entire personnel problems as it relates to all the services, as it relates to the missions of our commitments, and as it relates to what we hope will be a new start in a stabilized Department of Defense program and military service program following the war in Vietnam. We hope that we will be able to do the same job with fewer men, with emphasis on the quality and the training, and with proper leadership.

Say what we will, like it or not, weaponry is going to continue to rise in cost, and it is going to continue to be necessary to have the best weapons. We have to have the right kind of personnel, also. In order to have all these things, I think we will have to make reductions in personnel, and to that end we are going to review the facts further. But I think it is dangerous to try to do it abruptly or precipitately, just as I think it is highly dangerous to try to just say we are not going to have any more draft law.

It should be noted, Mr. President, that roughly speaking, a reduction in average strength implies about twice as large a reduction in end strength. This is because any reductions during the summer will not, for administrative reasons, actually produce a smaller number of men in the Armed Forces until about half way through the fiscal year.

The fact that the actual reductions will be taken in the latter half of the fiscal year means that each reduction will count for only one-half a man-year.

For this reason, a reduction of 50,000 in the Army's average strength implies a reduction of approximately 100,000 in the end strength—that is, the strength by the end of the fiscal year.

The committee reviewed the military manpower requirements thoroughly within the span of time allowed. This review, Mr. President, and these recommended strengths represent a beginning—that is, a beginning of these reductions. This review will continue at an intensive level and will become a regular part of our annual hearings and considerations in the years to come.

Mr. President, I observe that, because of the considerations of personnel, we cannot do all these things properly and meet the deadline for getting the bill out on the floor for consideration. We were tied up here all last calendar year, even until after the Christmas holidays, and already we were back in here, working on a new budget and a new authorization bill in January that certainly needs to be reported not later than about this time of year. So, there has to be a study on some of the major matters that do not limit themselves to the matters in a bill and do not limit themselves to trying to make recommendations in time to get it in a bill that year. But I am referring to a survey and study, and perhaps hearings, that will get to the fundamentals and take time—whatever time may be necessary—to get all the facts and then to make concrete recommendations.

Mr. President, for the time being, this will conclude my remarks. The bill, H.R. 6531, as amended in committee, the report of the Committee on Armed Services, and the printed hearings which are the basis of the committee's recommendations, are before each Member.

Mr. President, in presenting a full and complete matter of this kind, it is rather difficult to get the entire matter before the Senate. There are other Senators from the committee that wish to speak and I hope they will speak on it. I wish them to do so. I know that they will, to some degree.

Therefore, Mr. President, I think it is fair that I ask unanimous consent at this time that I be authorized to appear on the entire substance of the bill, at least one more time in this debate, without it being counted as an added appearance. I do that simply for explanation purposes.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I appreciate the attitude of Senators on that point.

Mr. President, I want especially to thank the distinguished Senator from Maine (Mrs. SMITH) for her long, tireless, and patient consideration of the bill at the hearings, in the conferences among the members, and at the conferences that she and I had many times on many major matters concerning the bill, as well as the very fine knowledge and counsel which she gave to the committee in passing on these matters.

I also am indebted to the other members of the committee who gave an unusual amount of time to this matter and had really constructive suggestions to make, all of which were considered.

Mr. President, although this matter is a troublesome and sticky one, in a way, all Senators can be assured that the bill has had the consideration of those of us given the responsibility to go into the subject matter and make the recommendations.

I hope very much that we will have a good debate here. If it is lively, that will suit me very well.

Mr. GRAVEL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GRAVEL. Mr. President, I should like to make a similar unanimous-consent request to that which the Senator from Mississippi just made, that after I make my initial presentation on the total bill, I be entitled to the same rights and privileges as the distinguished Senator from Mississippi.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. GRAVEL. I thank my distinguished colleague from Mississippi. I can assure him that I look forward with great delight to debating this subject at length with the Senator.

Mr. STENNIS. I thank the Senator from Alaska.

Mr. President, I ask unanimous consent that a statement prepared with reference to H.R. 6531 that contains a more detailed discussion of the major provisions as well as some of the minor provisions, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF SENATE ARMED SERVICES COMMITTEE RECOMMENDATIONS ON H.R. 6531

TITLE I. AMENDMENTS TO MILITARY SELECTIVE SERVICE ACT OF 1967; RELATED PROVISIONS

1. *Extension of induction authority for 2 years to July 1, 1973.*—The Committee approved the recommendation by the Administration, which was included in the House Bill, to extend the President's induction authority for 2 years.

2. *Imposition of ceiling on inductions of 150,000 per year.*—The Committee imposed a ceiling of 150,000 inductions per year for each fiscal year, 1972 and 1973. Under the bill as reported by the Committee the President could suspend this limitation only after a finding that it was necessary for urgent national security reasons and only if he issued an Executive Order to that effect and reported his reasons therefor to the Armed Services Committees of the Senate and House.

3. *Prohibition on retroactive application of the withdrawal of student deferments.*— The House Bill approved the Administration's request that Executive discretion be restored over student deferments. The Administration had previously announced its intention, if such discretion were restored, to withdraw student deferments from all those who had not been full-time students before April 23, 1970. The Committee approved the restoration of Executive discretion in this area, but restricted this discretion to prohibit the withdrawal of deferments from those students who met the educational requirements for them during the regular school year of 1970–71.

4. *Retention of current law on conscientious objectors; contingent obligation provision parallel to that for Reserves.*—The Senate Committee version rejects the House amendments to the conscientious objector section of the Selective Service Act. Thus, the automatic extension of the obligation for alternate service from 2 to 3 years, as approved by the House, is not included in the Senate version. Nor does the Senate Committee approve the House amendment which provides for the punitive induction of conscientious objectors "who do not perform their alternate service satisfactorily."

In order to require of conscientious objectors a period of service more parallel to that required of inductees the Senate version requires conscientious objectors to be available for a third year of alternate service under similar conditions to those under which an inductee would be available for additional military duty in the Reserves.

5. *Prohibition of collocation and consolidation of local boards without Governor's approval.*—The Senate Committee version provides that the Director of Selective Service may consolidate or collocate local draft boards only with the approval of the Governor of the State concerned. This differs from both current law and the House version.

Under current law collocation is unconstrained and consolidation into multi-county boards is permitted after the Governor's recommendation is considered. Under the House version both are prohibited.

6. *Suspension of current quota and credit provisions to permit Uniform National Call.*— The Administration requested, and the House approved, that the current quota and credit system be suspended in order to establish a uniform national call. The Committee made no change in the House version.

7. *Retention of current law concerning sole surviving son exemption.*—The Senate Committee version retains current law, which exempts a sole surviving son from service. The Committee rejected the extensive expansion of this concept included in the House version.

8. *Change of exemption for divinity students to statutory deferment.*—The Administration proposed total withdrawal of exemptions for divinity students. This proposal was not accepted by the House, which retained the current exemption. The Committee changed the exemption for divinity students to a statutory deferment. Although the definition of a minister of religion was altered slightly by the Committee by the addition of the words "bona fide" the ministerial exemption would remain.

9. *Retention of current provisions regarding composition of local boards.*—The House version added a requirement regarding the economic and social composition of local boards. Although the Committee was in agreement with the objective of the House language—assuring a balance of membership on local draft boards—it was nevertheless concerned that this provision could produce a considerable amount of litigation, and for that reason did not include the provisions of the House version.

10. *Extension of statute of limitations on prosecution for non-registration to five years after a registrant's twenty-sixth birthday.*— The Committee accepted a provision recommended by the Administration by adding a new subsection 5(d) which will overcome the result of Toussie v. United States, 90 S. Ct. 858 (1970). That opinion interpreted the act to limit the time for prosecuting men who fail to register to five years and five days after a man's 18th birthday. The Committee

language will allow the prosecution of a nonregistrant up to five years after his 26th birthday. It does not change the statute of limitations for any other violation of Selective Service law.

11. *Prohibition of enlistment after the issuance of an induction order.*—The House version did not accept a recommendation by the Administration that the point of time after which enlistment would not be permitted should be changed from the receipt of an industion order to its issuance. The Committee approved the Administration request.

12. *Adoption of provisions on aliens recommended by Administration.*—The House version included a provision regarding aliens which was not accepted by the Committee. This provision conflicts with current law, which limits to one year the period of time during which aliens who claim nonpermanent status may remain in the United States before being liable for service. The House version provided for a two-year period. Moreover, the House provision imposed certain limitations on the period of time for which full-time alien students could be exempted which conflict with current regulations on this subject. The Committee accepted instead the four amendments regarding aliens which had been proposed by the Administration. These are discussed in detail on pages 22–23 of the Senate Committee Report.

13. *Prohibition of discrimination against employment of dependents on military bases.*—The Committee adopted an amendment providing that the Department of Defense cannot discriminate against American citizens or their dependents in employment on military bases.

14. *Alteration in temporary high school deferments.*—The Committee modified the current temporary deferment for high school students to provide that any person who reaches his 20th birthday during his senior year of high school shall have his induction postponed until the end of that academic year.

15. *Minor changes, extensions of existing authorities, and technical amendments.*—*Ages and maximum length of service for local board members.*—Current law provides that the maximum length of service for a local board member is 25 years. The House version reduced this to 15 years. The bill as reported by the Committee provides a 20-year limitation on length of service. The Committee version is identical to the House version in the recommended reduction in maximum age for board members—from 75 to 65—and in the provision permitting those 18 years old and older to serve on boards.

Temporary postponement of induction for college students.—The Administration's recommendation, accepted by the House, changed this deferment to a postponement of induction. The Committee approved this change but clarified the provision slightly to insure that a student would be permitted to complete the semester in which he was currently enrolled.

Burial expenses.—The Committee approved the Administration's proposal, included in the House version, to increase the authorized ceiling for burial expense funds payable to registrants who die while acting under orders pursuant to the Selective Service Act. This ceiling, under the bill as reported by the Committee, would be the same ceiling prescribed in veterans legislation. The effect of this change is to increase the ceiling from $150 to $250.

Travel pay increase for uncompensated Selective Service employees.—The Committee approved an increase in the ceiling on claims for travel and other expenses incurred by uncompensated Selective Service personnel. The House bill increased this ceiling to $500 from the current level of $50. The Committee approved an increase to $250.

Extension of existing authorities.—The Bill as reported by the Committee extends for two years four existing authorities:

The suspension of active duty military strength imposed by the Act of August 3, 1950, chapter 537 as amended (10 U.S.C. 3201, note).

The authority to make special calls for the induction of persons in medical, dental, and allied specialist categories, and the authority of the President to order Reserves in those categories for involuntary active duty for not more than 24 months.

The authority for the payment of special pay of physicians, dentists, and veterinarians in the uniformed services.

The authority of the Dependents' Assistance Act, which has been continued periodically since its enactment in 1950.

Technical amendments.—The Committee approved certain technical and clarifying amendments dealing with erroneous cross references, the shift of authority for the Coast Guard from the Treasury to the Department of Transportation, and similar matters. These may be found in the portion of the Report giving a sectional analysis of the Bill.

TITLE II. PAY INCREASE FOR UNIFORMED SERVICES; SPECIAL PAY

Compensation policy

The Committee recommended total increases of $1,030.6. The House bill would result in an increased cost of $1,680.2 million, or $2,710.8 million.

TOTAL COSTS OF SENATE COMMITTEE PROPOSALS AND HOUSE BILL

[Dollars in millions]

	Senate committee[1] proposals	House bill
Basic pay[2]	$908.0	$1,825.4
Dependents Assistance Act	79.0	184.1
Basic allowance for quarters (BAQ)	None	640.1
Basic allowance for subsistence (BAS)	None	37.8
Out-of-pocket recruiting expense	2.9	2.9
Enlistment bonus	40.0	None
Special pay for optometrists	.7	.5
Reservists training duty entitlement under Dependents Assistance Act (DAA)	None	20.0
Total cost	1,030.6	2,710.8

[1] The Senate committee proposals are identical to the administration fiscal year 1972 program except for the inclusion of special pay for optometrists.

[2] This does not include the projected basic pay increase scheduled by public law for Jan. 1, 1972.

1. *Basic Pay.*—The Committee would increase basic pay for members of the uniformed services by $908.0 million with 93.6% or $850.3 million going to personnel with under two years of service.

2. *Dependents Assistance Act (DAA).*—The Committee proposal for Dependents Assistance Act (DAA) would cost $79.0 million, with all of this going to pay grades E–1, E–2, E–3, and E–4 (four years or less service) as these are the pay grades covered by DAA.

3. *Out-of-pocket Expenses for Recruiters.*—Both the Committee proposal and the House Bill would provide $2.9 million for out-of-pocket expenses incurred by recruiters incident to their recruiting duty.

4. *Enlistment Bonus.*—The Committee included an enlistment bonus as provided by the Administration fiscal 1972 program at an estimated cost of $40 million. The House Bill eliminated the enlistment bonus.

5. *Optometrists.*—The Committee provided a special pay for optometrists of $100 per month (the same as veterinarians) at a cost of approximately $.7 million. The Administration opposed any special pay for optometrists at this time, pending further study, whereas the House Bill provided special pay for optometrists, ranging from $50 per month for pay grades 0–1, 0–2, and 0–3 to $200 per month for any pay grade above 0–5, at a cost of $.5 million.

TITLE III. ACTIVE MANPOWER AUTHORIZATION

Recommended average military strengths, fiscal year 1972:

Army	974,309
Navy	613,619
Marine Corps	209,846
Air Force	755,635

AUTHORIZATION FOR COMMITTEES TO SUBMIT REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to submit reports during the adjournment until 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR RECOGNITION OF SENATOR PERCY AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, MAY 10, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes; that upon the conclusion of the standing order or orders, as may be the case, depending upon whether any further requests are made during the afternoon, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, following which the Chair lay before the Senate the unfinished business, H.R. 6531, a bill to amend the Military Selective Service Act of 1967.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 6, 1971, he presented to the President of the United States the following enrolled bill:

S. 1260. An act to amend the Small Business Act.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. KENNEDY. Mr. President, I want to thank the distinguished chairman and to commend him for his leadership in directing the broad review this year of the Selective Service System and of alternate methods of meeting our military manpower needs.

I would hope that a critical issue throughout this debate will be on how the Congress can reassume its rightful place as a coequal branch of the Government in the determination of American foreign policy. Indochina has been a lesson learned at the cost of 54,000 American lives and a searing wound to the national spirit. Congress stood voiceless on the sidelines as draft calls surpassed 300,000 a year. The debate before us now must shed light on how Congress can exert greater control over the uses of military manpower as well as focus on the process by which that manpower is selected.

The debate over the method of selecting men for the Armed Forces also must insure that the final product is, in the words of the Marshall Commission, "as consistent as possible with human dignity, individual liberty, fairness to all citizens, and the other principles and traditions of a democratic and free society." We can accept no substitute. For if we must call upon some of our young men to risk their lives, or face futures forever scarred, then there must be no doubt that the system which selected them is the fairest and most nearly just that men can devise.

Historically, both conscription and voluntary service have been part of our tradition. During Connecticut's years as a Colony, 54 laws were passed containing the doctrine of military compulsion. The Continental Army, although a small volunteer force, was backed by the citizen-soldiers of the State militias—and that was a draft army.

After independence, Washington advocated a system in which every citizen would bear a portion of the burden of national defense.

> It may be laid down as a primary position, and the basis of our system—

He wrote—

> that every citizen who enjoys the protection of a free Government, owes not only a proportion of his property, but even of his personal services to the defense of it . . .

Washington was rebuffed at the Constitutional Convention and later by the new Congress. Presidents Jefferson and Madison made similar appeals but met with the same failures. Congressional leaders, whether Federalist or Whig or Republican rejected the draft from independence until the Civil War. Only then, in the midst of civil turmoil, did the Congress accede to a limited draft.

From the close of the Civil War to 1917, the Nation supplied its limited military manpower needs through voluntary enlistments. But then we were an isolated nation protected by the oceans and looking inward to our own concerns.

In April 1917, the day after the United States declared war on the Central Powers, a draft bill was introduced in Congress. A month later it passed. But it was not until 1940 that the Nation adopted a peacetime system of military conscription. Even then, the Congress placed a variety of restrictions on the Executive's power to induct. In mid-1941, the draft law was extended for another year by a 203-to-202 vote of the House of Representatives.

After World War II, the draft was put aside as the Nation underwent massive demobilization. But, by 1948, the shortfalls in the military and the dawning recognition of our international responsibilities in an uneasy world prompted the Congress to restore a draft. The Selective Service Act of 1948 was enacted and it has been extended every 4 years in an unbroken line until this year.

Many of us fought lonely battles 4 years ago to provide the reforms needed to remove obvious inequities within the system. The pleas that we made then for random selection, for a national call, for choosing the youngest first, for abolition of graduate, undergraduate, and occupational deferments, and for basic procedural and structural changes in the Selective Service System were rejected. But since then some of those reforms have been enacted.

The present bill contains additional steps toward a more equitable system. Although I would have preferred a statute to require the abolition of undergraduate deferments and the institution of a national system of induction calls, the bill now before us does give the President discretion to institute those reforms.

With regard to an end to student deferments, I shall submit an amendment to give students who must leave college to enter service the same guarantees that now exist for men drafted from their jobs. This would assure them readmission to their college after they have completed military service. It also guarantees them the reinstitution of any scholarship or other financial assistance for which they still qualify.

Also, I intend to submit, along with Senator JAVITS and other cosponsors, amendments to carry out the Marshall Commission reforms for procedural fairness in the Selective Service System. These provisions which were contained in the bill which I introduced this year, will assure the registrant that the decisions which so directly affect his life will be made under guarantees of due process and administrative equity.

The amendment will include the right to a personal appearance at appellate as well as local board hearings, and the right to counsel and the right to present witnesses. Both the local and appeals boards also would be required to have a quorum present to hear personal appeals by registrants. The Selective Service System also would be required to publish its proposed rules and regulations in the Federal Register and permit an opportunity for comment.

I also intend to submit an amendment to reorganize the Selective Service System as the Marshall Commission recommended, and to reassert the requirement passed this year by the House that all draft boards be broadly representative of the communities in which they operate.

These amendments would permit the greatest degree of uniformity and equity in the operation of the Selective Service System, requirements that should be basic to a system that may demand a young man to risk his life in battle.

We have had to wait 4 years for a full reevaluation of the draft system, 4 years in which the draft continued to operate inequitably. The hearings that my Subcommittee on Administrative Practice and Procedure held 2 years ago on the operation of the Selective Service System demonstrated the widespread agreement on the need for these reforms. Had Congress been faced with a vote on the extension of the draft at that time, I believe many of those reforms would have been passed. For that reason and as an additional check on the President's use of the draft, I shall join in an amendment to restrict the extension of the draft to 1 year.

Today, there are many in the Congress and in the Nation who reject reform and who cry out for abolition of the draft and the establishment of a volunteer Army.

Perhaps the strongest emotion in the drive to end the draft relates neither to the system itself nor to a healthy desire to eliminate unnecessary compulsion from a democratic society. It stems from the total and complete revulsion of the American public with an immoral war. They say, "End the draft; end the war." I would prefer the reverse: "End the war, then end the draft."

I would support a volunteer Army in peacetime. But when the Nation is sending young men to die, in Indochina or elsewhere, I firmly believe that the concept of voluntarism, particularly one based almost wholly on pay, should not be raised above the demands of social justice.

Adoption of the volunteer Army proposal would mean that the less advantaged and less affluent would form the bulk of the entrants into the Armed Forces under the inducement of higher pay. Given the limited opportunities available in the private sector, we would, in effect, be channeling the poor, both white and black, Chicano and Puerto Rican, into the frontlines to fight the battles that evolve from decisions made by others in our society. Perhaps most repugnant is the proposal for a special $6,000 bonus for combat enlistments which would program most of these less affluent youths into the divisions where the risk of death is omnipresent. Today, I am sending to the desk an amendment to delete that provision from the bill.

Some dispute the argument that the poor would be most attracted to a volunteer Army. Yet no one, neither the Gates Commission nor other volunteer Army advocates, have demonstrated what inducement higher pay holds for the young men from the middle and upper classes in this land who see before them an unlimited potential for achievement and advancement in the civilian world. But for the poor who have the least opportunity for higher education and adequate salaries, the volunteer Army might be extremely attractive.

For example, the Carnegie Commission reported that a family with an income over $15,000 and with one or more college-age children is five times as likely to have one of its children in college as a similar family with an income under $3,000. The proportion of black persons enrolled in college from the 18 to 24 age group was only half that of white persons. Other minority groups—Indians, Mexican Americans, Puerto Ricans—were even less adequately represented in college enrollments.

Thus, it is no wonder that a Gates Commission study acknowledged that the educational level of the enlisted men in a volunteer army would drop. One of the Gates Commission's own staff studies estimated that while in fiscal year 1969, only 22 percent of all enlistees had less than a high school diploma, under an all-volunteer army, that would rise to nearly 40 percent.

The same picture is present if we look at income potential for minorities.

Even minority members with equal education face lower earning expectations. While 65 percent of white graduates between 25 and 34 earn more than $10,000, only 35 percent of black graduates earn as much.

When the unemployment rate of young blacks in the Nation's poverty neighborhoods is nearly 40 percent and the rate for all black teenagers is double that of whites, no wonder that the reenlistment rate of nonwhites in the Army traditionally has been double that of whites. In the first half of fiscal 1971, even with the continued risks of Vietnam, the reenlistment rate for blacks was 40 percent while for whites it was only 21 percent.

These are the facts of life today. They are facts that must be changed. They are facts that shame our Nation but they do exist. And a volunteer Army which serves as a refuge for the poor will work to diminish the pressure, to change those facts.

If this Nation repeals the draft today, it will be saying that the best option for the less affluent in our Nation is front line combat duty. When some citizens are being called upon to give their lives, I cannot believe this Nation wants to rely upon an inequitable policy of economic coercion that calls only those who cannot answer back.

If we are to ask some of our young men to fight the continuing war in Indochina, then the responsibility must be spread evenly throughout all sectors of our society. Failing that, we risk muting the most articulate and the most resourceful voices in this land, voices that have proved vital in dissent, voices that have been effective in causing some shift in the direction of the war.

The wisdom of insulating middle- and upper-middle-class men from the horrors of war by shifting the burden of fighting from their sons to those of the less affluent is open to serious challenge in a democratic society. I frankly have grave doubts whether the pressures for deescalation, pressures from Vietnam Veterans Against the War, pressures such as the march on April 24, would ever have built to its current level if young men from every social background were not threatened with service in that war.

Also, a volunteer army, or more aptly put, a paid professional force, increases the likelihood of military isolation from civilian life. Its extent and the forms it might take are unknown. But it raises serious questions for a democracy. The reduction in the number of short-term personnel, particularly the better-educated men whose futures do not rest on absolute obedience to the military hierarchy creates new dilemmas. The men who talked freely of what occurred at Mylai, the men who exposed the spreading military surveillance of civilian life, for the most part, those men were draftees or draft-induced volunteers. One wonders if they would have testified if their futures had depended on a career in the military.

Finally, in wartime, a society can least afford the extra cost of trying to achieve a volunteer army. When compared to domestic needs, the extra costs of a volunteer army, costs that Secretary Laird estimated at over $4 billion, become highly suspect.

In peacetime, I would start anew with the requirement to balance the demands of a democracy, a democracy that rightfully prizes voluntarism, against the needs and obligations for the maintenance of the national defense. In a nation at peace, the concept of a volunteer army can be debated without addressing the moral question of whether only certain segments of society are being called upon to risk their lives. In peacetime, we can give expression to the value of voluntarism and we also may be able to afford the added costs of the voluntary army without defaulting on our more pressing commitments to end hunger and poverty in a nation with a trillion-dollar gross national product.

There is, however, one basic advantage to the proposal of those who seek an end to the draft. If a President sought to acquire more manpower through conscription for his foreign policies, he would have to ask the Congress to reinstate the draft. That request would properly prompt an extensive debate over the justifications for the President's request, a debate that was sorely lacking at the beginning of the Vietnam buildup.

For the past 7 years, the tragedies of Vietnam have occurred apace with the diminution of congressional influence over the Nation's foreign policies. We have watched as year by year, the number of draftees rose—from 107,000 to 364,000 in 1966, and then over the 200,000 mark for the following 3 years. The unlimited power of the President to draft young men has become a key element in the inability of the Congress to share in the direction of our foreign affairs.

However, the reassertion of the constitutional role of Congress can be accomplished within the draft system by placing a ceiling on the number of men the President can induct in a single year.

It is time to return to a tradition of close congressional checks over the executive branch's military manpower decisions. The failure to limit the size of the Armed Forces and the failure to effectively prevent the unrestricted expansion of those forces have made past authorizations of military manpower limits little more than ritualistic exercises.

I am pleased to see the recognition by the Senate Armed Services Committee of the need to reduce the end strength of the Armed Forces to 2.4 million men by next July. Also, I recognize the pioneering achievement of the committee in accepting my suggestion of a 150,000 inductee ceiling; however, the escape clauses given the President effectively emasculate those restraints.

Under the committee bill, the President is allowed to issue an Executive order declaring that there are "urgent national security reasons" for lifting the ceiling. Since a similar qualifying phrase is appended to the total force size, there is, in reality, no restriction on his ability to raise the size of the armies to whatever level he deems necessary.

So it is that once again, the Congress would be voting away its powers and responsibilities under the Constitution. Once again, a President would have the security of knowing that any decision to unilaterally commit troops anywhere in the world could be backed up by a Presidential decision to increase the number of inductees.

Once again, Congress would have no opportunity to effectively debate and act upon Presidential decision to commit U.S. troops to foreign military adventures.

For these reasons, I send to the desk an amendment to impose an absolute no-lift draft ceiling of 150,000 men that can only be removed by congressional action. If the President were to request the removal of that ceiling, he would have to debate that request in the light of reasons put forth by the executive at that time. It is time to tear up the blank check for manpower that the President has used in the past. Vietnam has exposed to harsh light what can occur if the executive is given free rein to commit this nation to foreign policy adventures and free rein to secure the military manpower necessary to back up that commitment.

A statement by the distinguished chairman of the committee this January specifically underlines the rationale for a flat limitation on the President's power to induct. The chairman said:

> Let me emphasize that I believe that Congress should exercise its Constitutional role in a more vigorous fashion. I totally reject the concept advocated from time to time that the President has certain inherent powers as Commander-in-Chief which enable him to extensively commit major forces without Congressional consent.

The constitutional and historical precedents for limiting the power of the

President to determine the size of the Armed Forces are firmly established.

Article I, section 8 of the Constitution states:

> The Congress shall have the power . . . to raise and support armies. . . ."

The Constitutional Convention did not lightly confer that power on the legislative branch of the Government.

The framers acted on lessons learned from English history. As Justice Story notes in his commentaries:

> Our notions, indeed of the dangers of standing armies, in time of peace, are derived in great measure from the principles and examples of our English ancestors. In England, the King possessed the power of raising armies in the time of peace according to his own good pleasure. And this prerogative was justly esteemed dangerous to the public liberties. Upon the revolution of 1688, Parliament wisely insisted upon a bill of rights, which should furnish an adequate security for the future. But how was this done: Not by prohibiting standing armies altogether in time of peace; but (as has been already seen) by prohibiting them *without the consent of Parliament*. This is the very proposition contained in the Constitution; for Congress can alone raise armies; and may put them down, whenever they choose.

Thus, the Congress was given the sole power for the establishment of the size and method of obtaining the Armed Forces. Historically, in 1940, specific limits were placed on the executive power of inductions. The President was barred from posting draftees outside the Western Hemisphere. His authority to induct was restricted to 1 year and he was limited to a total of 900,000 men. This authority occurred when the size of the military was approximately 330,000 men.

Presidential flexibility in an emergency has been cited as the justification for giving the President power to draft an unlimited number of men. Yet, in an emergency, Congress can act as rapidly as any President could wish. Thus, 6 days after Pearl Harbor, every limitation on the President's authority to induct was removed. The few hours or days that elapse between the President's request and congressional action cannot be legitimately deemed a breach of the Nation's security.

Also, the President's ability to respond to an emergency would not be affected since the timelag between an order of induction and combat readiness is approximately 4 to 5 months. Also, the President, under current congressional authorization, has the power to call up Reserves in a national emergency.

The ceiling would, however, force the President to return to the Congress to justify any attempt to impose a long-term commitment of the Nation's military might to questionable foreign policy adventures.

Mr. President, I believe the debate before us must concentrate on these: on the reassertion of Congress proper role in the conduct of foreign affairs and in the equity and fairness of the draft system. I believe the committee bill moves in these directions and I believe that my amendments will help insure those results.

Mr. President, I mentioned in my statement a particular provision of the present legislation which I find troublesome, a feature which relates directly to my strong opposition to the volunteer army during wartime or at a time when we are experiencing, the loss of 37 Americans in South Vietnam.

As I mentioned earlier, one of the principal reasons for my opposition to the volunteer army is that we would be offering a pay inducement to less affluent Americans to fight these wars.

I stated before that I am in favor of a pay increase. I certainly would support at least the general outlines of the pay increase indicated in this legislation. Mr. President, when you have the examples of American servicemen who are in the pay of the U.S. Government and still required to go on welfare to provide for their families I think we have a horrendous situation. Giving volunteers, the enlisted men who go into the Armed Forces, adequate pay is something I will support.

I find repugnant the financial inducement feature of a volunteer army in time of war to attract those who have limited opportunities in the civilian world. Yet I find on page 38 of the proposed legislation this language:

> "§ 308a. Special pay enlistment bonus
>
> "(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in the Army, Navy, Air Force, or Marine Corps for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, be paid a bonus in an amount prescribed by the Secretary, but not more than $6,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

That language does not give us much guidance as to when the Secretary will use his discretionary power, so we look to the report on page 29 and under "Enlistment Bonus" we find this language:

> ENLISTMENT BONUS
>
> The Committee felt that the enlistment bonus would give the Secretary of Defense a flexible bonus authority (to a maximum of $6,000 for personnel of any Service designated by the Secretary of Defense) and not discriminate against draftees if they volunteered for combat arms and agreed to extend their tour of duty to three years. The Committee also noted that the Secretary of Defense would limit the use of the enlistment bonus, on a test basis, to $3,000 which would apply to only Army combat arms (i.e., infantry, artillery, and armor).

Mr. President, in effect, what we are providing is discretion to the Secretary of Defense to offer a $6,000 bonus to tempt a man to enlist in combat divisions or to tempt those who are in the Armed Forces to reenlist for combat.

I find it extremely difficult to accept this proposal. We have a tradition in the Armed Forces to supplement salaries of individuals who reenlist. Basically, they have been patterned on a bonus of four times their basic pay. In addition, for those in highly technical skills, there is a variable reenlistment bonus. Now we are offering $6,000, only to some individuals, only to those who accept combat service. Once again, I ask, who are these individuals going to be? Who will be attracted to this kind of pay bonus? Are they going to be sons from middle- and upper-middle-income groups who will weigh a $6,000 bonus against many times that sum in civilian job opportunity? Or will they be the disadvantaged within our society, to whom $6,000 is, in many instances, far more than they have ever seen in their lives?

One of the factors that distresses me about the whole discussion of a volunteer army is that it really is not voluntary. We are not talking about the same kind of subsistence remuneration that we give to members of the Peace Corps or to members of VISTA, those who help humanity under difficult conditions. Yet there are those who say we need a volunteer army, and the way to get a volunteer army is to increase their pay. I question whether that is volunteerism. For those who are disadvantaged in our society, whether they live in the hollows and valleys of Appalachia or the slums and ghettoes of the cities, the economic coercion of the combat bonus is highly objectionable.

So I am offering an amendment to strike that provision from the current legislation.

I have indicated in my remarks, the historical traditions of congressional restrictions and impediments on the President's use of the induction authority. The Congress limited the number of draftees in 1940 and again in 1941.

I think it is imperative that we reassert our congressional responsibility in determining the size of our military forces. The 150,000 induction limit which I propose is well above what Secretary Laird has indicated would be necessary in meeting draft requirements over the next year. If members on the Armed Services Committee can demonstrate that the number should go up to 160,000, I would be willing to adjust my ceiling figure. But the crucial element is for the Congress to set a specific limit low enough to prevent a major commitment of our military to questionable foreign adventures.

I indicated earlier that I would support a 1-year extension of the draft. Perhaps when we are able to end our military involvement in Southeast Asia and when we are in a peacetime situation, I would be willing to move toward a volunteer army. But again, there must be specific protections of congressional authority established, in the event it was necessary for the President to increase dramatically the Armed Forces.

I also have outlined the due process and administrative changes which would strengthen the Selective Service System and provide legal protection for registrants. I have talked before of the importance of putting the Selective Service System under civilian control. I do not think there is really a rationale or justification for military officers to run the Selective Service System.

I have outlined the due process procedures which I am hopeful will be enacted. I am aware of the argument that they will delay the orderly selection of inductees. But I believe the registrants are entitled to those guarantees, perhaps more now than ever before. As we are removing the kind of automatic deferments, such as educational and occupational deferments, the remaining deferments will involve hardship and conscientious objector claimants. Therefore, the reasons and justifications for due process guarantees and for draft boards which fairly reflect the draftee's community are all the more important.

In addition, requiring publication in the Federal Register of Selective Service rules and regulations is enormously important. We have seen in the past that, the Supreme Court would make a decision on conscientious objectors. Yet there was a reluctance by Selective Service to issue regulations in compliance with the Supreme Court decision. Then when inquiry is made, they say, "Well, we have talked to certain boards. We have indicated to them that they ought to comply in such a way." That is not enough, the rules must be explicit and uniform and fair.

The young people who have contact with the draft boards are entitled to have rules and regulations published in the Federal Register, so that they, as well as we in the Congress, will be aware of Selective Service decisions. If no changes have been made, we will know that, too, and it will be on the record. Hopefully, young people will have a greater sense of confidence in that system.

These are some of the features which I hope to be able to pursue in the days and weeks ahead.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. KENNEDY. I yield.

Mr. STENNIS. Just for a brief comment. I commend the Senator for his very fine presentation here. He is well versed on the subject, and I think his remarks are very good, indeed, and are certainly a constructive part of the debate.

I should like to ask the Senator a question or two. First, about one of his proposals here as to the veterans' right to reenter college, similar to veterans' job rights. What would the Senator propose to do there? Of course, the college itself would have to satisfy itself that he still had the mood and the disposition and capacity to enter the courses, as a general rule; but what would be his status as to courses if he had not finished? Would not the college be given a great deal of discretion there?

Mr. KENNEDY. Mr. President, I have had an opportunity to talk with a number of educators, presidents of universities, and I asked whether they felt that this would be an undue exercise of congressional power, if we were to include this provision in the amendment.

I have received assurances from a number or them, including President Wood of the University of Massachusetts—and I shall put a number of communications and expressions we have received in the Record when we take this up—that they feel this is an entirely warranted and justified provision.

If we draft people out of jobs, for example, to protect job opportunities for individuals, I do not think there is any reasonable justification those students who will be drafted should not have the same protection. We must insure that young people who are taken out of colleges will be able to take up where they left off. My amendment will give them a 6-month leeway after their discharge to reapply for admission.

Also, since a number of those individuals may be on scholarship programs, perhaps a federally supported program, I believe that we ought to be able to establish this requirement. So it is for those reasons, and based upon that rationale, that I would offer this proposal.

Mr. STENNIS. From the standpoint of the amendment as drafted, and I have a great deal of sympathy for the Senator's amendment, I think we would have to iron out the situation that we would leave the colleges in. For instance, would the amendment apply to a private college?

Mr. KENNEDY. The amendment would apply to a private college.

Mr. STENNIS. Would we not have to have some requirement that the veteran convince the authorities that he still had the capability and that he is still a man who is acceptable otherwise?

Mr. KENNEDY. I would hope that the burden would be in favor of the student. A student who was taken out of college, who was receiving some scholarship aid and was still eligible, would be entitled to the resumption of his aid.

We would be saying to the university or college that when students are drafted they will have to budget and plan for his possible return 2 years hence.

Also his eligibility should be protected regardless whether his college has changed its admission standards during the years that he has been in the service.

I think we ought to face the fact that we are taking a hard and difficult step in ending student deferments. It is a difficult step for young people whose parents might have saved for years to send their child to a college or university. At the very least if this boy is able to obtain financial assistance, he should not lose it because of the draft.

When he returns and if he is still eligible, then I think we ought to give young people who are taken out of college at least the sense of security, when they serve in the Armed Forces of their country, that they will be able to resume their education when they return.

I think the Senator has raised some good questions, and I would be glad to take this matter up further with the education community to see if we cannot get a strong consensus on it.

Mr. STENNIS. I thank the Senator. I certainly have some interest in and sympathy for his amendment, and, particularly if something further is worked out along those lines, so it would not be just mandatory, I believe we could come to an agreement on that.

That was the main thing that I wanted to discuss now with the Senator. I hope he will have his amendment perfected soon, if not now. I assume we can start working on it.

Mr. KENNEDY. The chairman is aware of this problem, I think, about the combat enlistment bonsus: I would be interested in whatever comments the Senator might like to make, particularly as to whether he feels that this is the way to bring people into the Armed Forces.

I was wondering whether the Senator was distressed by this feature of a combat enlistment bonus, or whether he felt that it was the only way to meet combat arms needs in a voluntary Army situation.

Mr. STENNIS. Well, in addition to what I have already said, I do not believe that the volunteer-army concept will work out, and I cannot see it. For that reason, I was in favor of passing the draft renewal for 4 years—just to meet it head on, and pass it for 4 years, and after the shooting stops, whenever it does, we could take a look then at some elite corps. That was my first choice, to see what we could do in that field.

But this matter has a certain momentum, and I think that this special bonus concept will—and it has a limited application now, according to the Secretary of Defense's promise or outline on it—just apply to the Army and for those three different units.

I think the first thing will be a request from some of the other services for it, too. I am hoping, however, that we will learn from this experiment in that field.

I think there is a much more solid argument for the reenlistment bonus than for the initial enlistment bonus. The reenlistment bonus would help us to keep some key men, with the training and aptitudes and development. This is purely an experiment, as I see it. As a whole, as part of the package here, I think it is wise to adopt it to this extent.

There is only $40 million in this bill, and if one makes the calculation, that is not a great number of men, and it is only for 1 year. This appropriation at least would be for 1 year. That would be a trial run.

We can discuss it further later, but that is the way I feel about it.

Mr. KENNEDY. I thank the Senator. I yield the floor.

ORDER FOR SUSPENSION OF THE PASTORE RULE

Mr. MOSS. Mr. President, I ask unanimous consent that the Pastore rule be suspended for the remainder of the day, there being only approximately 20 minutes remaining.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

JOINT REFERENCE OF A BILL TO THE COMMITTEE ON THE JUDICIARY AND THE COMMITTEE ON COMMERCE

Mr. MOSS. Mr. President, on behalf of the Senator from Wisconsin (Mr. Proxmire) I make the following statement:

On April 14, the Senator introduced S. 1521, a bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out.

The bill, to end TV blackouts at home games when all the tickets were sold, was referred to the Committee on the Judiciary. Because this bill deals both with antitrust laws and with commercial television, the Committee on Commerce has concurrent jurisdiction. Therefore, I ask unanimous consent that S. 1521 also be referred to the Committee on Commerce jointly.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 76

Mr. SCHWEICKER. Mr. President, I submit an amendment that I will call up later during the course of the debate on the draft bill. In addition to being sponsored by me, the amendment is cosponsored by the Senator from Iowa (Mr. Hughes), the Senator from New York (Mr. Javits), the Senator from Missouri (Mr. Symington), and the Senator from Indiana (Mr. Bayh). This amendment would change from 2 years to 1 year the extension of the draft as provided in the committee's bill. I will discuss in the course of the debate my support of this amendment and my advocacy of it.

The PRESIDING OFFICER (Mr. Hansen). The amendment will be received and printed and will be laid on the table.

AMENDMENT NO. 77

Mr. HUGHES. Mr. President, I submit an amendment on behalf of myself and Senators Symington and Schweiker which will be called up later. I will not go into a great deal of depth today by way of my explanation of the amendment, because there will be time at a later date to do so; but I ask unanimous consent that the full text of the amendment be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. I also ask unanimous consent that a statement spelling out the specific differences between this amendment and the committee bill, which has to do with pay increases for the military, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUGHES. Mr. President, I ask unanimous consent to have printed in the Record, at the conclusion of my remarks, an editorial published in the New York Times of last Tuesday, together with an excerpt from the House report.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HUGHES. Mr. President, I yield the floor.

EXHIBIT 1

AMENDMENT NO. 77

On page 35, beginning with line 7, strike out all down through line 5 on page 38, and insert in lieu thereof the following:

Sec. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,739.30	$2,967.60	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3 [2]	654.30	731.10	781.20	864.90	906.00	938.70	939.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2 [2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1 [2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

"[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under sec. 205 of this title.

"[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	655.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

"WARRANT OFFICERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20	748.20

"ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50	574.50
E-5	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	441.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	199.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.10	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

"[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade s $1,098.30 regardless of cumulative years of service computed under sec. 205 of this title."

SEC. 202. Chapter 5 of title 37, United States Code, is amended by inserting the following new section and a corresponding item in the analysis:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rates set forth in subsection (b) of this section—

"(1) a commissioned officer—

"(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"(B) of the Regular Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Regular Corps of the Public Health Service; who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"(2) a commissioned officer—

"(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

"(B) of a reserve component of the Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Reserve Corps of the Public Health Service; who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

"(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(A) $50 a month for each month of active duty, if he is in pay grade O–1, O–2, or O–3;

"(B) $150 a month for each month of active duty if he is in pay grade O–4 or O–5; or

"(C) $200 a month for each month of active duty if he is above pay grade O–5.

"(c) The amounts set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

SEC. 203. (a) Section 402 of title 37, United States Code, is amended as follows:

(1) The first sentence of subsection (b) is amended to read: "An enlisted member is entitled to a basic allowance for subsistence of one of the following types—

"(1) when rations in kind are not available; and

"(2) when permission to mess separately is granted.".

(2) The fourth sentence of subsection (b) is stricken.

(3) Subsection (d) is amended to read:

"(d) The basic allowance for subsistence for members of the uniformed services is as follows—

Officers	$48.00 a month.
Enlisted members authorized to mess separately	$48.00 a month.
Enlisted members when rations in kind are not available	$3.45 a day.".

(4) Subsection (e) is amended to read:

"(e) Under regulations prescribed by the Secretary of Defense, an enlisted member who is granted permission to mess separately, and whose duties require him to buy at least one meal in a messing facility of the United States, shall be charged for each such meal not more than the pro rata share prescribed for that meal of $1.60.".

(b) Section 403(a) of title 37, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	Without dependents	With dependents
0–10	$271.20	$339.00
0–9	271.20	339.00
0–8	271.20	339.00
0–7	271.20	339.00
0–6	249.30	303.90
0–5	233.40	281.10
0–4	210.30	253.50
0–3	186.30	230.10
0–2	163.20	206.70
0–1	128.10	166.50
W–4	202.80	244.50
W–3	182.70	225.60
W–2	161.40	204.30
W–1	145.80	189.30
E–9	153.90	216.90
E–8	143.70	202.50
E–7	123.30	189.90
E–6	112.80	176.40
E–5	109.20	163.20
E–4 (over 4 years service)	96.00	143.10
E–4 (4 years or less service)	45.00	45.00
E–3	45.00	45.00
E–2	45.00	35.00
E–1	45.00	45.00

A member in pay grade E–4 (less than four years' service), E–3, E–2, or E–1 is considered at all times to be without dependents.".

On page 38, lines 6, strike out "Sec. 203" and insert in lieu thereof "Sec. 204".

On page 39, line 7, strike out "Sec. 204" and insert in lieu thereof "Sec. 205".

On page 39, beginning with line 19, strike out all down through line 5 on page 40, and insert in lieu thereof the following:

SEC. 206. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, and E–4 (four years' or less service) and inserting in place thereof the following table:

"Pay grade	Without dependents	With dependents
E–4 (4 years' or less service)	$96.00	$143.10
E–3	85.20	120.00
E–2	75.00	105.00
E–1	70.20	105.00."

SEC. 207. Section 4 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2204) is amended by inserting immediately before ": *Provided further*" the following: "; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States in accordance with section 204 of title 37, United States Code) if that training is for a period of 30 days or more.".

SEC. 208. Section 7 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2207) is amended by striking out "to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), or any other enlistment program that requires an initial period of active duty for training,".

On page 40, line 6, strike out "Sec. 206" and insert in lieu thereof "Sec. 209".

On page 40, line 8, strike out "Sec. 203" and insert in lieu thereof "Sec. 204".

EXHIBIT 2

EXPLANATION OF THE HUGHES AMENDMENT TO THE MILITARY SELECTIVE SERVICE LEGISLATION

The amendment offered by Senator Hughes would substitute the higher pay provisions adopted in the other body for the pay rates in the legislation as reported by the Senate Armed Services Committee.

The Senate committee adopted the recommendations of the Administration for fiscal year 1972 pay program for which the total cost would be an additional $1,029.9 million. The total cost of the pay proposal as adopted in the other body would be $2,710.8 million. The Hughes amendment would substitute the higher House figure.

If the Hughes amendment is adopted, basic pay for draftees and other enlisted personnel with less than two years of service would be increased by an average of 68.6 percent of the rates in effect on January 1, 1971. This compares with an average increase of 36 percent in the legislation recommended by the President and reported by the Senate committee. The higher pay increases contained in the Hughes amendment are necessary to raise military compensation to a level which is competitive with pay rates in the civilian economy.

Military pay takes several forms, including basic pay, allowances for housing, and other compensation.

BASIC PAY

This is the pay which every service member receives every pay day. It is subject to federal income tax. The Hughes amendment substitutes $1.825 billion as adopted in the House for the $908 million adopted by the Senate Armed Services Committee.

DEPENDENTS ASSISTANCE ACT

This is the allowance for housing for the first four pay grades with under four years of service. The Hughes amendment substitutes $184.1 million for the $79.0 million adopted by the Senate committee.

BASIC ALLOWANCE FOR QUARTERS (BAQ)

This is an allowance for housing for members of the career armed forces who must seek housing in the civilian economy. It is not subject to federal income tax. The Hughes amendment would add $640.1 million on this item for which no extra money was contained in the Senate committee bill.

BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

This is compensation for the purchase of food by officers and enlisted men who do not eat in government facilities. It is not subject to federal income tax. The Hughes amendment adds $37.8 million to this item which contains no extra money in the Senate committee bill.

OUT-OF-POCKET RECRUITING EXPENSE

This is compensation for military recruiters who often must pay incidental expenses for refreshments for recruits and their relatives. The Hughes amendment agrees with both the Senate committee and House versions by adding $2.9 million.

SPECIAL PAY FOR OPTOMETRISTS

The legislation adopted in the House added $.5 million by paying optometrists extra compensation on a sliding scale. The Senate committee bill increased this slightly by using a different formula. The Hughes amendment agrees with the House version.

RESERVISTS' TRAINING DUTY ENTITLEMENT UNDER DEPENDENTS ASSISTANCE ACT (DAA)

This is a housing allowance for reservists during their first four months of active duty training. The Hughes amendment agrees with the legislation adopted in the House by adding $20 million. The legislation reported by the Senate committee provided no extra money for this item.

EXHIBIT 3

A TAX ON G.I.'S

If the Administration were to tell Congress that since the nation cannot afford its new $76-billion defense budget, the cost of new arms would be taken out of the pay of privates and other low-ranking G.I.'s, the lawmakers would be rightly indignant.

But such an indirect tax on servicemen is, in effect, what the Secretary of Defense has proposed and the Senate Armed Services Committee has accepted in endorsing the Administration's cut-rate draft bill, calling for military pay raises of only $987 million. Secretary Laird vigorously opposed much larger increases recommended by a Presidential commission and endorsed to a substantial degree by the House because, he said, the money would have to be taken from other defense funds and would have "a very adverse effect on our budget."

The Advisory Commission on an All-Volunteer Armed Force last year urged increases totaling roughly $3.2 billion as a means of achieving the peacetime goal of an all-volunteer force. In making its recommendations, the commission argued that the pay raises are justified on the grounds of equity alone. Existing pay scales in the lower ranks are so low, the commission noted, that they amount to a "tax in kind" on draftees and draft-induced volunteers who are compelled to serve for wages substantially below what they could expect to command on the civilian job market.

For example, the current *monthly* salary of recruits is $134. Under the Administration proposal which is now before the Senate, a recruit's pay would be raised to $201 per month. The Presidential commission recommended a figure of $301. The Senate should at least match the increase voted by the House, which would raise recruit pay to $268 per month.

A Government that pays defense contractors billions of dollars in "cost overruns" for weapons can surely afford to pay a living wage to the men it asks to lay down their lives in the nation's defense.

SELECTED EXCERPTS OF HOUSE REPORT 98-82 TO ACCOMPANY H.R. 6531 FROM THE COMMITTEE ON ARMED SERVICES OF THE HOUSE OF REPRESENTATIVES REGARDING INCREASES IN PAY AND ALLOWANCES

INCREASES IN PAY AND ALLOWANCES

The legislation provides substantial increases in basic pay for draftees and other men with less than two years of service, to overcome the long pay neglect they have suffered, and increases quarters allowances for all military personnel for the first time since 1963. These various raises are detailed below.

Increases in basic pay

Section 5 of the bill amends Title 37, United States Code, to provide increases in basic pay totaling $1,825.4 million for members of the uniformed services. The vast bulk of this increase, $1,573.8 million—or 86.2 percent—would go to enlisted men and junior officers with less than two years of service.

Basic pay for draftees and other enlisted personnel with less than two years of service would be increased by an average of 68.6 percent over the rates in effect on January 1, 1971.

The bill provides the sharpest increases in pay for the lowest ranks. For the two lowest enlisted grades of E-1 and E-2 the bill provides basic pay increases approximately 100 percent.

Approximately 50,000 officers and 1,400,000 enlisted men on active duty would receive basic pay increases under the bill. Additionally, approximately 6,500 officers and 518,000 enlisted men in National Guard and Reserve units would receive the same percentage increases in their basic pay. While the pay increases are primarily for enlisted personnel and officers with less than two years of service, some increases were made for those with more than two years of service to avoid undue compression in the structure of the military pay tables. Where adjustments in pay for those with over two years of service appear, such adjustments are designed to maintain a 4-percent inter-longevity differential.

The following table illustrates the pay grades which will receive increases in basic pay with the present rates and rates proposed by the Committee's bill for the affected longevity steps:

COMPARISON OF BASIC PAY SCALES, PRESENT AND PROPOSED (H.R. 6531) FOR GRADES AND LONGEVITY STEPS RECEIVING INCREASES

Pay grade	Years of service				
	2 or less	Over 2	Over 3	Over 4	Over 6
O-2:					
Present	$524.40				
Proposed	570.30				
O-1:					
Present	450.60	$499.20			
Proposed	495.00	515.40			
E-7:					
Present	399.00				
Proposed	443.40				
E-6:					
Present	344.10				
Proposed	382.80				
E-5:					
Present	297.30				
Proposed	336.30				
E-4:					
Present	$249.90	$312.90	$330.90	$356.70	$374.40
Proposed	323.40	341.40	361.20	389.40	405.00
E-3:					
Present	180.90	252.30	269.70	287.40	
Proposed	311.10	328.20	341.10	354.60	
E-2:					
Present	149.10				
Proposed	299.10				
E-1:					
Present	143.70				
Proposed	268.50				
E-1 (under 4 months):					
Present	134.40				
Proposed [1]					

[1] The "under 4 months," pay step would be abolished.

For thirteen years, from 1952 through 1964, the basic pay of enlisted members with less than two years of service was unchanged. During that time there were four consecutive raises in basic pay for other members of the uniformed services (1955, 1958, 1963 and 1964). As a result, there remains today a wide gap between the military pay for those with less than two years of service and that for the remainder. As a result, there remains today a wide gap between the military pay and civilian pay at the entry level.

A similar situation existed for officers with less than two years of service. They received no increase in basic pay from 1952 to 1963. In 1964 and again in 1965 these officers did receive a higher percentage of increase than did the remainder of the forces. However, those increases were not sufficient to make up the inequities that had resulted from long years of compensation neglect.

Since 1966 officers and enlisted members with less than two years of service had received flat, across-the-board percentage increases in the same manner as other military personnel. These increases only permitted the junior members to maintain their relative position; consequently, the old inequity has persisted to the present day.

The Committee believes it significant that the overwhelming majority of witnesses before the Committee, including those in favor of an all-volunteer force and those opposed to such a concept, supported the need for substantial pay increases for draftees and other members in the lowest levels of military pay.

The Committee does not wish to overstate the case and recognizes that some people underestimate the remuneration of lower-grade enlisted personnel when they fail to take into account the quarters and the subsistence and related benefits that are provided. However, the Committee agrees with the observation that it is unfair to use the power of the draft to enforce inordinately low pay levels. The Committee believes that substantial pay raises in the amounts voted by the Committee are justified by considerations of equity, taking into view the comparable pay of civilian occupations and the exceptional commitment to their country that we ask of young men who are inducted into the Armed Forces.

Following is the complete basic pay table that would be created when the changes made by the Committee bill are incorporated:

H.R. 6531—PROPOSED BASIC PAY TABLE

Pay grade	Years of service												
	Under 2	2	3	4	6	8	10	12	14	16	18	20	22	26
Commissioned officers:														
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185,80	2,269.50	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
O-5	984.60	980.70	1,047.90	1,047.09	1,047.80	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
O-3	654.30	731.10	781.20	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

H.R. 6531—PROPOSED BASIC PAY TABLE

Pay grade	Years of service													
	Under 2	2	3	4	6	8	10	12	14	16	18	20	22	26
Commissioned officers with over 4 years' active service as an enlisted member:														
O-3	0	0	0	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	0	0	0	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
O-1	0	0	0	622.80	665.10	690.00	714.60	773.80	773.10	773.10	773.10	773.10	773.10	773.10
Warrant officers:														
W-4	$666.30	$714.60	$714.60	731.10	764.40	798.00	831.00	889.80	930.60	963.90	989.10	1,022.10	1,056.00	1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	330.60	963.90
W-2	530.40	573.60	573.69	590.40	622.80	657.00	681.90	706.50	731.10	756.60	681.20	806.10	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	646.30	673.20	698.10	722.40	748.40	748.20	748.20
Enlisted members:														
E-9 [2]	0	0	0	0	0	0	756.90	774.30	792.00	809.70	827.70	843.90	888.60	975.00
E-8	0	0	0	0	0	635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	443.40	478.50	496.20	513.60	531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	341.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

[1] Chief of Staff, $3,000.

[2] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Maior of the Marine Corps, basic pay for this grade is $1,098.30 regardless of cumulative years of service computed under section 205 of this title.

Increases in quarters allowance

The bill provides substantial increases in quarters allowances for members of the career forces and increases in the allowance provided under the Dependents Assistance Act of 1950 to enlisted men in the grades of E-1, E-2 and E-3 and those in grades of E-4 with four years or less of service.

Approximately 270,000 junior enlisted personnel now receive DAA allowances and they would receive increases ranging up to $60 a month.

The following tables illustrate the impact of the Committee's actions on increases in basic allowances for quarters by showing the present and proposed monthly rates and the dollar and percentage differential for each grade.

SINGLE PERSONNEL COMPARISON OF MONTHLY BAQ RATES—PRESENT [1] AND COMMITTEE BILL

	Single BAQ		Difference	
	H.R. 6531	Present	Dollars	Percent
Pay grade:				
C/S	$271.20	$160.20	$111.00	69.3
O-10	271.20	160.20	111.00	69.3
O-9	271.20	160.20	111.00	69.3
O-8	271.20	160.20	111.00	69.3
O-7	271.20	160.20	111.00	69.3
O-6	249.30	140.10	109.20	77.9
O-5	233.40	130.20	103.20	79.2
O-4	210.30	120.00	90.30	75.3
O-3	186.30	105.00	81.30	77.4
O-2	163.20	95.10	68.10	71.6
O-1	128.10	85.20	42.90	50.3
W-4	202.80	120.00	82.80	69.0
W-3	182.70	105.00	75.70	72.1
W-2	161.40	95.10	66.30	69.7
W-1	145.80	85.20	60.60	71.1
E-9	153.90	85.20	68.70	80.6
E-8	143.70	85.20	58.50	68.6
E-7	123.30	75.00	48.30	64.4
E-6	112.80	70.20	42.60	60.7
E-5	109.20	70.20	39.00	55.5
E-4	96.00	[2] 70.20	25.80	36.8
E-3	85.20	60.00	25.20	42.0
E-2	75.00	60.00	15.00	25.0
E-1	70.20	60.00	10.20	16.7

[1] Present—Jan. 1, 1971 pay rates.

[2] E-4 with less than 4 years' service receives $60.00 per month.

MARRIED PERSONNEL

COMPARISON OF MONTHLY BAQ RATES—PRESENT [1] AND COMMITTEE BILL

	Married BAQ		Difference	
	H.R. 6531	Present	Dollars	Percent
Pay grade:				
Flag and general officers	$339.00	$201.00	$138.00	68.7
O-6	303.90	170.10	133.80	78.7
O-5	281.10	157.50	123.60	78.5
O-4	253.50	145.05	108.45	74.7
O-3	230.10	130.05	100.05	76.9
O-2	$206.70	$120.00	$86.70	72.3
O-1	166.50	110.10	56.40	51.2
W-4	244.50	145.05	99.45	68.5
W-3	225.60	130.05	95.55	73.4
W-2	204.30	120.00	84.30	70.3
W-1	189.30	110.10	79.20	71.9
E-9	216.90	120.00	96.90	80.8
E-8	202.50	120.00	82.50	68.8
E-7	189.90	114.90	75.00	65.3
E-6	176.40	110.10	66.30	60.2
E-5	163.20	105.00	58.20	55.4
E-4	143.10	[2] 105.00	38.10	36.3
E-3	120.00	(2)	15.00	14.0
E-2	105.00	(2)	0	0
E-1	105.00	(2)	0	0

[1] Present—Jan. 1, 1971, pay rates.

[2] Married Dependents Assistance Act, rates vary with number of dependents: E-4 (less than 4 years' service), 1 dependent, $90.60; E-3 to E-1, 1 dependent, $60; all pay grades, 2 dependents, $90.60; all pay grades, 3 dependents, $105.

Because quarters allowances are an important part of a military man's compensation, it is necessary to assure that these allowances are adequate. The standard on which an adequate quarters allowance is judged is based on the FHA median housing expense for comparable income groups nationwide.

This represents a reasonable relationship to the actual cost of housing to military personnel and is one of the most reliable measurement devices available today.

This FHA standard is widely used by both government and non-government housing activities and data is available on an annual basis. The FHA median was the basis for the last quarters adjustment provided by the Congress in 1963.

Since the FHA median reflects housing costs for income levels, it is relatively easy to convert to pay grade allowances.

The basic allowance for quarters has not been increased in eight years and has fallen seriously behind the actual housing costs experience of military families. Therefore, the Committee believes that the substantial increases in its bill are justified.

Subsistence allowances

The bill makes slight increases in subsistence allowances to assure that these allowances properly reflect the basis on which they are and have been traditionally computed. The Department of Defense food cost index is used to determine subsistence allowances. It is considered appropriate because it is the most representative indicator of Department of Defense daily expenditure for food and is subject to periodic adjustment.

The bill eliminates separate allowances for officers and enlisted men and puts them all under the same allowance in the future.

The following table illustrates the present and proposed monthly rates of basic allowances for subsistence:

MONTHLY RATES—BASIC ALLOWANCE FOR SUBSISTENCE

PRESENT RATES AND COMMITTEE BILL

	Present [1]	H.R. 6531	Dollar increase	Percent increase
Officers	$47.88 per month	$48.00 per month [2]	$0.12	0.25
Enlisted authorized to mess separately	$1.52 per day	$48.00 per month	2.40	5.3
Enlisted when rations are not available	$2.57 per day	$3.45 per day [3]	.88	34.2
Enlisted when assigned to duty under emergency conditions.	$3.42 per day			

[1] Jan. 1, 1971, rate.

[2] Food cost index indicates Jan. 1, 1972, rate will approximate $1.60 per day or $48 per month.

[3] Increase approximates the increase in the food component of the Consumer Price Index between June of 1952 and January 1971.

Regular military compensation

The Congress in Public Law 90-207 defined Regular Military Compensation (RMC) as consisting of the following elements that service members receive in cash or in kind every payday: basic pay, quarters allowances, subsistence allowance and tax advantage (received because the quarters and subsistence allowances are not subject to Federal income tax).

It is the Regular Military Compensation that is used to establish competitive military pay levels which bear a reasonable relationship to civilian wages for equivalent levels of work. The RMC is based on a military pay standard so constructed that it recognizes that RMC does not include a specific retirement contribution. In other words, the military compensation is depressed by 7 percent to reflect an imputed contribution towards the member's retirement.

In developing the pay proposals on which the Committee bill is based, the Department of Defense constructed a military pay standard to assure that military pay was properly equated with remuneration in other areas of national life.

The following explains how the military pay standard was devised:

A military Pay Standard is constructed by analyzing three levels of the labor force. These levels are top management, management entry, and work force entry. The work level relationships for these positions have been compared by a joint study group including representatives of the Office of Management and Budget, Civil Service Commission and Department of Defense using the following criteria:

Top Management—level of responsibility and authority, scope of impact, characteristics, the organization setting and role.

Management Entry—entry qualifications in education, experience, and training.

Work Force Entry—basic knowledge, ability and skills, and duties required.

Top management

In top management area a comparison was made between military positions such as the Deputy Director of the Defense Supply Agency and the Chief, U.S. Army Audit Agency with civilan positions such as the Deputy Assistant Secretary of Installations, United States Air Force, and the Director, Defense Contract Audit Agency. The military and civilian grades which were found of equal level were that of an O–8 and the GS–18.

While no effort was made to establish comparison from a strictly military level of responsibility, these are the types of jobs which would be held by competent military members of that grade in general management positions.

Management entry

Management entry qualifications were examined to test the requirements of college graduates or similar experienced personnel entering the management level. For example, military disbursing officers were compared to civilian accountants. The military and civilian grades which were related in this area were the O–1 and the GS–7.

Work force entry

The work force entry comparison matched personnel who in general had completed apprentice training and were actually joining the work force as poductive members. The military radio code operator was compared to a civilian electronic accounting machine operator. Both white collar and blue collar specialties were compared which resulted in military grade E–3 equating with Wage Board 5 and GS–3 work level.

Construction of the military pay standard

As the basis of comparing the military pay system, pay levels can be assigned to these three individual work levels. In order to provide internal equity within the military pay system, grade and longevity differentials are developed to extend the salaries to the remainder of the pay table.

The Committee's bill would provide total increases in Regular Military Compensation costs of $2,687.4 million per year. This includes $1,825.4 million in basic pay increases, $824.2 million for increases in basic allowances for quarters and $37.8 million for increases in basic allowances for subsistence.

The Committee would stress again that the overwhelming percentage of the increases will go to draftees and others at the lowest level of the military pay scale. The table below illustrates the distribution of dollar costs.

ANNUAL COST INCREASE OF H.R. 6531 BASED ON A 2,600,000 FORCE

[Dollar amounts in millions]

	Under 2		Over 2		Total amounts
	Amount	Percent	Amount	Percent	
Basic pay (includes related cost)	$1,573.8	86.2	$251.6	13.8	$1,825.4
Basic allowance for quarters	133.5	16.2	690.7	83.8	824.2
Basic allowance for subsistence	14.3	37.8	23.5	62.2	37.8
Total	1,721.6	64.1	965.8	35.9	2,687.4

The Committee's bill and the President's proposals

The bill (H.R. 6531) reported by the Committee on Armed Services is substantially better than the legislation on military pay recommended by the President for fiscal year 1972.

The legislation proposed by the President, introduced as H.R. 3496, would have provided pay raises totaling less than half as much as the Committee's bill and would have provided allowances for quarters for fiscal year 1972 only for the first four enlisted grades which receive their allowances under the Dependents Assistance Act.

The Administration's bill would have increased basic pay for enlisted personnel with less than two years of service by an average of 36 percent as compared to the 68.6 percent in the Committee's bill.

The legislation submitted by the President would have provided a total of $987 million in basic pay and quarters allowances increases in fiscal year 1972.

In submitting his legislation to the Congress, however, the President wrote:

"In addition, I am directing the Secretary of Defense to recommend for the 1973 fiscal year such further additions to military compensation as may be necessary to make financial rewards of military life fully competitive with those in the civilian sector."

Expanding on this, the Assistant Secretary of Defense for Manpower and Reserve Affairs, the Honorable Roger T. Kelley, testified that the Department of Defense recognized that the pay increases recommended by the Department for 1972. although substantial, do not accomplish the goal of raising military pay to a reasonably competitive level with civilian pay. "There is still a disparity between our recommended and higher pay levels and their civilian counterparts," the Assistant Secretary said.

The pay and allowance levels required for full compensation equity have been developed by the Department of Defense as the planned compensation proposals for fiscal 1973. These were made available to the Committee and formed the basis for the Committee's bill.

It should be remembered that the Department of Defense and the Administration have committed themselves to move to an all-volunteer force. They did not propose an all-volunteer force at this time, but asked for only a two-year extension of the draft with the hope of being in a position to go to an all-volunteer force by the end of 1973. All of the Joint Chiefs of Staff, as well as the officials of the Department of Defense who testified, indicated that they did not believe the Department could approach the magic zero draft point before two years and indicated further that the higher pay rates to bring military pay up to full comparability are required.

It is unrealistic to the Committee, therefore, to set zero draft calls as the goal and delay until at least another year providing the adequate tools for reaching that goal.

It is interesting to observe that the total cost of the pay and allowances increases in the bill, $2,687,400,000, is within $20 million of the cost of the increase in regular military compensation recommended in H.R. 4450, which incorporates the Gates Commission proposals for necessary pay increases to create an all-volunteer force.

Set out below is a table reflecting a comparison of the disposable income available to personnel with under two years of service under the provisions of the Committee's bill, H.R. 6531, as compared to the result under the provisions of H.R. 4450, the increases recommended by the Gates Commission:

DISPOSABLE INCOME [1]

COMMITTEE BILL—H.R. 6531 COMPARISON WITH H.R. 4450—GATES COMMISSION

Pay grade and longevity	H.R. 6531	H.R. 4450
Married personnel [2]		
O–2, under 2	$8,800	$8,940
O–1, under 2	7,614	8,034
E–5, under 2	6,100	5,780
E–4, under 2	5,737	5,364
E–3, under 2	5,344	4,847
E–2, under 2	5,050	4,693
E–1, under 2	4,760	4,512
Married personnel [3]		
O–2, under 2	8,923	9,064
O–1, under 2	7,732	8,157
E–5, under 2	6,204	5,888
E–4, under 2	5,841	5,468
E–3, under 2	5,446	5,318
E–2, under 2	5,151	5,164
E–1, under 2	4,857	4,980
Single personnel:		
O–2, under 2	8,058	8,379
O–1, under 2	6,946	7,507
E–5, under 2	5,309	5,201
E–4, under 2	5,035	4,845
E–3, under 2	4,795	4,703
E–2, under 2	4,566	4,558
E–1, under 2	4,227	4,386

[1] Disposable income represents actual cash received after deduction of FICA and Federal income tax on basic pay.

[2] With 1 dependent.

[3] With 2 dependents.

More important to this Committee, if the standard of equity established sets the level of pay demanded for military personnel at a higher level, then compelling reasons would be required to justify not going to that level.

Under repeated questioning, however, the only justification for not going to the 1973 rates now that was given to the Committee by the Assistant Secretary of Defense for Manpower and Reserve Affairs was "budgetary constraints."

The Committee would recall the words of the Assistant Secretary himself that we should not use the draft as a means of compelling young men to serve at substandard pay.

Specifically, the Assistant Secretary said, "Even if the goal of zero draft was not at stake, it is unfair to use the power of the draft to enforce inordinately low pay levels."

The Committee thinks the position of the Joint Chiefs of Staff is significant on this point, as the following excerpts from their testimony illustrate:

General **WESTMORELAND**. We support the DOD fiscal year 1973 program which will substantially close the gap between the military and civilian income levels. Military compensation will have, at last, reached the military compensation standard which was established as a goal several years ago. The standard consists of competitive pay levels which bear a reasonable relationship to wages in the civilian economy for equivalent levels of work. Reaching the standard in fiscal year 1973 will also facilitate future annual studies of the adequacy of pay levels which are required by statute. It remains to be seen whether the combined fiscal years 1972 and 1973 programs will provide the necessary incentive to achieve a zero draft environment. Certainly it should have some effect on our modern volunteer army program. But the fiscal years 1972 and 1973 programs are actions which should be taken under any circumstances in the interest of members of the military organization, and in the future interest of providing the best possible national security system. There is a limit as to which pay alone can or should be relied upon as an incentive for military service. Military service should not be predicated entirely upon financial return. Nevertheless, the financial rewards should be fully competitive with those in the civilian sector.

Admiral ZUMWALT. These proposals establish an internally equitable and externally competitive pay system which we consider of major importance. We believe the combined proposals will lead us to our goal much more effectively, and less expensively than H.R. 4450, which is based on the President's Commission on all Volunteer Armed Forces (Gates report). The DOD proposals, although lacking some desired features are, for the most part, a realistic attempt to bring the military pay and allowances system up to an acceptable standard relative to the national labor force.

General RYAN. As stated in previous testimony, we do not know whether these incentives, which supplement those in the fiscal year 1972 program, will provide the necessary wherewithal to achieve a zero draft environment. We do know that these actions will benefit all military men, first-term and career, by alleviating certain inequities in the present military pay structure. This will be accomplished by adopting a standard which establishes competitive military pay levels. These levels bear a reasonable relationship to civilian wages. This has been our goal for many years.

General CHAPMAN. It is my opinion that the proposal for fiscal year 1973 military compensation is a step in the right direction and a necessary one to provide the serviceman with equitable compensation. In addition, improvements of this nature are essential if we are to move toward a zero draft. I am unable at this time to determine whether they will be sufficient to provide the services the quality accessions and retention of quality career personnel which are necessary.

The Committee would also note that the preponderance of witnesses questioned on this point by the Committee supported the increased rates of the Department of Defense fiscal year 1973 program and concurred in the opinion that if constraints were to be placed on the budget, they were not to be placed there at the expense of young men who make an inordinate commitment to their country by being inducted into the Armed Forces.

The accompanying tables compare the Committee bill with the President's fiscal 1972 proposal and H.R. 4450.

COMPARISON OF PRESENT LEVELS OF MILITARY COMPENSATION WITH: (A) EXECUTIVE BRANCH RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 3496); (B) COMMITTEE RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 6531); (C) GATES COMMISSION RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 4450)

Pay grade	Title	Number of personnel affected	Years of service	Number of dependents	Basic pay	Subsistence	Quarters	Federal tax advantage	Regular compensation	
									Monthly	Annual
0-10	General-admiral:									
	Present	42	30	2	$2,967.60	$47.88	$201.00	$186.18	$3,402.66	$40,831.92
	Proposed 1972—By executive branch				2,967.60	47.88	201.00	186.18	3,402.66	40,831.92
	H.R. 6531				2,967.60	48.00	339.00	307.34	3,661.94	43,943.26
	Percent difference				0	.30	68.70	65.10	7.60	7.60
	H.R. 4450				2,967.60	47.88	201.00	186.18	3,402.66	40,831.92
	H.R. 4450 percent difference				0	0	0	0	0	0
0-9	Lieutenant general-vice admiral:									
	Present	133	30	2	2,618.40	47.88	201.00	162.73	3,030.01	36,360.12
	Proposed 1972—By executive branch				2,618.40	47.88	201.00	162.73	3,030.01	36,360.12
	H.R. 6531				2,618.40	48.00	339.00	262.75	3,268.15	39,217.78
	Percent difference				0	.30	68.70	61.50	7.90	7.90
	H.R. 4450				2,618.40	47.88	201.00	162.73	3,030.01	36,360.12
	H.R. 4450 percent difference				0	0	0	0	0	0
0-8	Major general-rear admiral (upper half):									
	Present	474	30	3	2,361.00	47.88	201.00	143.68	2,753.56	33,042.72
	Proposed 1972—By executive branch				2,361.00	47.88	201.00	143.68	2,753.56	33,042.72
	H.R. 6531				2,361.00	48.00	339.00	231.98	2,979.98	35,759.80
	Percent difference				0	.3	68.70	61.50	8.20	8.20
	H.R. 4450				2,361.00	47.88	201.00	143.68	2,753.56	33,042.72
	H.R. 4450 percent difference				0	0	0	0	0	0
0-7	Brigadier general-rear admiral (lower half):									
	Present	450	28	3	2,052.60	47.88	201.00	121.93	2,423.41	29,080.92
	Proposed 1972—By executive branch				2,052.60	47.88	201.00	121.93	2,423.41	29,080.92
	H.R. 6531				2,052.60	48.00	339.00	199.62	2,639.22	31,670.85
	Percent difference				0	.30	68.70	63.70	8.90	8.90
	H.R. 4450				2,052.60	47.88	201.00	121.93	2,423.41	29,080.92
	H.R. 4450 percent difference				0	0	0	0	0	0
0-6	Colonel-captain:									
	Present	17,139	24	3	1,662.60	47.88	170.10	84.25	1,964.83	23,577.96
	Proposed 1972—By executive branch				1,662.60	47.88	170.10	84.25	1,964.83	23,577.96
	H.R. 6531				1,662.60	48.00	303.90	144.72	2,159.22	25,910.59
	Percent difference				0	.30	78.70	71.80	9.90	9.90
	H.R. 4450				1,662.60	47.88	170.10	84.25	1,964.83	23,577.96
	H.R. 4450 percent difference				0	0	0	0	0	0
0-5	Lieutenant colonel-commander:									
	Present	40,173	21	3	1,421.10	47.88	157.50	69.29	1,695.77	20,349.24
	Proposed 1972—By executive branch				1,421.10	47.88	157.50	69.29	1,695.77	20,349.24
	H.R. 6531				1,421.10	48.00	281.10	117.40	1,867.60	22,411.25
	Percent difference				0	.30	78.50	69.40	10.10	10.10
	H.R. 4450				1,421.10	47.88	157.50	69.29	1,695.77	20,349.24
	H.R. 4450 percent difference				0	0	0	0	0	0
0-4	Major-lieutenant commander:									
	Present	63,784	19	3	1,230.30	47.88	145.05	59.86	1,483.09	17,797.08
	Proposed 1972—By executive branch				1,230.30	47.88	145.05	59.86	1,483.09	17,797.08
	H.R. 6531				1,230.30	48.00	253.50	96.05	1,627.85	19,534.14
	Percent difference				0	.30	74.80	60.50	9.80	9.80
	H.R. 4450				1,230.30	47.88	145.05	59.86	1,483.09	17,797.08
	H.R. 4450 percent difference				0	0	0	0	0	0
0-3	Captain-lieutenant:									
	Present	108,787	8	3	938.70	47.88	130.05	46.78	1,163.41	13,960.92
	Proposed 1972—By Executive branch				938.70	47.88	130.05	46.78	1,163.41	13,960.92
	H.R. 6531				938.70	48.00	230.10	75.04	1,291.84	15,502.04
	Percent difference				0	.30	76.90	60.40	11.00	11.00
	H.R. 4450				938.70	47.88	130.05	46.78	1,163.41	13,960.92
	H.R. 4450 percent difference				0	0	0	0	0	0
0-2	1st lieutenant-lieutenant (junior grade):									
	Present	62,576	4	1	773.10	47.88	120.00	36.50	977.48	11,729.76
	Proposed 1972—By executive branch				773.10	47.88	120.00	36.50	977.48	11,729.76
	H.R. 6531				773.10	48.00	206.70	60.99	1,088.79	13,065.49
	Percent difference				0	.30	72.30	67.10	11.40	11.40
	H.R. 4450				773.10	47.88	120.00	36.50	977.48	11,729.76
	H.R. 4450 percent difference				0	0	0	0	0	0
0-1	2d lieutenant-ensign:									
	Present	40,212	0	1	450.60	47.88	110.10	32.53	641.11	7,693.32
	Proposed 1972—By executive branch				495.00	47.88	110.10	31.68	684.66	8,215.92
	H.R. 6531				495.00	48.00	166.50	42.87	752.37	9,028.42
	Percent difference				9.90	.30	51.20	31.80	17.40	17.40
	H.R. 4450				612.30	47.88	110.10	31.28	801.56	9,618.79
	H.R. 4450 percent difference				35.90	0	0	−3.80	25.00	25.00

COMPARISON OF PRESENT LEVELS OF MILITARY COMPENSATION WITH: (A) EXECUTIVE BRANCH RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 3496); (B) COMMITTEE RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 6531); (C) GATES COMMISSION RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 4450)—Continued

Pay grade	Title	Number of personnel affected	Years of service	Number of dependents	Basic pay	Subsistence	Quarters	Federal tax advantage	Regular compensation	
									Monthly	Annual
W-4	Chief warrant-commissioned warrant:									
	Present	2,301	24	3	$1,056.00	$47.88	$145.05	$54.41	$1,303.34	$15,640.08
	Proposed 1972—By executive branch				1,056.00	47.88	145.05	54.41	1,303.34	15,640.08
	H.R. 6531				1,056.00	48.00	244.50	86.07	1,434.57	17,214.88
	Percent difference				0	0.30	68.60	58.20	10.10	10.10
	H.R. 4450				1,056.00	47.88	145.05	54.41	1,303.34	15,640.08
	H.R. 4450 percent difference				0	0	0	0	0	0
W-3	Chief warrant-commissioned warrant:									
	Present	4,322	21	3	897.90	47.88	130.05	43.92	1,119.75	13,437.00
	Proposed 1972—By executive branch				897.90	47.88	130.05	43.92	1,119.75	13,437.00
	H.R. 6531				897.90	48.00	225.60	70.99	1,242.49	14,909.88
	Percent difference				0	0.30	73.50	61.60	11.00	11.00
	H.R. 4450				897.90	47.88	130.05	43.92	1,119.75	13,437.00
	H.R. 4450 percent difference				0	0	0	0	0	0
W-2	Chief warrant-commissioned warrant:									
	Present	14,752	18	3	781.20	47.88	120.00	33.88	982.96	11,795.52
	Proposed 1972—B executive branch				781.20	47.88	120.00	33.88	982.96	1,795.52
	H.R. 6531				781.20	48.00	204.30	56.72	1,090.22	13,082.58
	Percent difference				0	0.30	70.30	67.40	10.90	10.90
	H.R. 4450				781.20	47.88	120.00	33.88	982.96	11,795.52
	H.R. 4450 percent difference				0	0	0	0	0	0
W-1	Warrant officer-warrant officer:									
	Present	3,495	14	3	673.20	47.88	110.10	31.29	862.47	10,349.59
	Proposed 1972—By executive branch				673.20	47.88	110.10	31.29	862.47	10,349.59
	H.R. 6531				673.20	48.00	189.30	46.99	957.49	11,489.92
	Percent difference				0	0.30	71.90	50.20	11.00	11.00
	H.R. 4450				673.20	47.88	110.10	31.29	862.47	10,349.59
	H.R. 4550 percent difference				0	0	0	0	0	0
E-9	Sergeant major-master chief petty officer:									
	Present	16,016	20	3	843.90	46.23	120.00	36.84	1,046.97	12,563.64
	Proposed 1972—By executive branch				843.90	46.23	120.00	36.84	1,046.97	12,563.64
	H.R. 6531				843.90	48.00	216.90	64.67	1,173.47	14,081.59
	Percent difference				0	3.80	80.80	75.50	12.10	12.10
	H.R. 4450				843.90	45.23	120.00	36.84	1,046.97	12,563.64
	H.R. 4450 percent difference				0	0	0	0	0	0
E-8	Master sergeant-senior chief petty officer:									
	Present	40,237	19	3	722.10	46.23	120.00	32.92	921.25	11,055.04
	Proposed 1972—By executive branch				722.10	46.23	120.00	32.92	921.25	11,055.04
	H.R. 6531				722.10	48.00	202.50	52.06	1,024.66	12,295.95
	Percent difference				0	3.80	68.80	58.10	11.20	11.20
	H.R. 4450				722.10	46.23	120.00	32.92	921.25	11,055.04
	H.R. 4450 percent difference				0	0	0	0	0	0
E-7	Sergeant, 1st class-chief petty officer:									
	Present	146,219	18	3	644.10	46.23	114.90	31.91	837.14	10,045.72
	Proposed 1972—By executive branch				644.10	46.23	114.90	31.91	837.14	10,045.72
	H.R. 6531				644.10	48.00	189.90	47.11	929.11	11,149.35
	Percent difference				0	3.80	65.30	47.60	11.00	11.00
	H.R. 4450				644.10	46.23	114.90	31.91	837.14	10,045.72
	H.R. 4450 percent difference				0	0	0	0	0	0
E-6	Staff sergeant-petty officer, 1st class:									
	Present	261,232	14	3	548.10	46.23	110.10	29.21	733.64	8,803.68
	Proposed 1972—By executive branch				548.10	46.23	110.10	29.21	733.64	8,803.68
	H.R. 6531				548.10	48.00	176.40	42.69	815.19	9,782.24
	Percent difference				0	3.80	60.20	46.10	11.10	11.10
	H.R. 4450				548.10	46.23	110.10	29.21	733.64	8,803.68
	H.R. 4450 percent difference				0	0	0	0	0	0
E-5	Sergeant-petty officer, 2d class:									
	Present	431,133	10	3	461.70	46.23	105.00	28.88	641.81	7,701.67
	Proposed 1972—By executive branch				461.70	46.23	105.00	28.88	641.81	7,701.67
	H.R. 6531				461.70	48.00	163.20	40.75	713.65	8,563.77
	Percent difference				0	3.80	55.40	41.10	11.20	11.20
	H.R. 4450				479.70	46.23	105.00	28.76	659.69	7,916.28
	H.R. 4450 percent difference				3.90	0	0	−0.40	2.80	2.80
E-4	Corporal-petty officer 3d class:									
	Present	581,082	5	1	356.70	46.23	105.00	32.06	539.99	6,478.88
	Proposed 1972—By executive branch				367.50	46.23	105.00	31.99	550.72	6,068.60
	H.R. 6531				389.40	48.00	143.10	39.74	620.24	7,442.84
	Percent difference				9.20	3.80	36.30	24.00	14.90	14.99
	H.R. 4450				405.30	46.23	150.00	31.74	588.27	7,059.33
	H.R. 4450 percent difference				13.60	0	0	−1.00	8.90	8.90
E-3	Private 1st class-seaman:									
	Present	374,284	1	0	180.90	46.23	60.00	22.31	309.44	3,713.30
	Proposed 1972—By executive branch				244.20	46.23	60.00	25.37	375.80	4,509.63
	H.R. 6531				311.10	48.00	85.20	34.52	478.82	5,745.79
	Percent difference				72.00	3.80	42.00	54.70	54.70	54.70
	H.R. 4450				336.90	46.23	60.00	27.44	470.57	5,646.89
	H.R. 4450 percent difference				86.20	0	0	23.00	52.10	52.10
E-2	Private-seaman apprentice:									
	Present	231,669	1	0	149.10	46.23	60.00	20.77	276.10	3,313.20
	Proposed 1972—By executive branch				222.90	46.23	60.00	24.52	353.65	4,243.77
	H.R. 6531				299.10	48.00	75.00	31.26	453.36	5,440.37
	Percent difference				100.60	3.80	25.00	50.50	64.20	64.20
	H.R. 4450				320.70	46.23	60.00	27.00	453.93	5,447.23
	H.R. 4450 percent difference				115.10	0	0	30.00	64.40	64.40
E-1	Recruit-seaman recruit:									
	Present	133,311	0	0	143.70	46.23	60.00	20.56	270.49	3,245.87
	Proposed 1972—By executive branch				201.90	46.23	60.00	23.43	331.56	3,978.78
	H.R. 6531				268.50	48.00	70.20	29.26	415.96	4,991.48
	Percent difference				86.80	3.80	17.00	42.30	53.80	53.80
	H.R. 4450				310.80	46.23	60.00	27.00	444.03	5,328.43
	H.R. 4450 percent difference				116.30	0	0	31.30	64.20	64.20

Military families and welfare assistance

The analysis below shows the effect of the Administration's proposed FY 1972 compensation program and the effect of the Committee's proposal (H.R. 6531) on the eligibility of military families for Federal financial assistance. The examinations have been limited to the President's Financial Assistance Program since the benefit levels are slightly higher than those of the Office of Economic Opportunity. It is essential to emphasize that the estimates of military income levels may be low because other allowances, special pays, incentive and hazardous duty pays and non-military income have not been included for lack of data. Even so, based on regular military compensation alone, with the exception of the E-1 with an inordinately large family, the Committee's proposed program in H.R. 6531 removes the military member from below poverty levels.

ESTIMATED NUMBER OF FAMILIES WHO COULD BE ELIGIBLE UNDER THE PRESIDENT'S PROPOSED FAMILY ASSISTANCE PLAN

Pay grade	Family size	Present pay, Jan. 1, 1971	Administration fiscal year 1972 program	H.R. 6531
E-1	3	1,257	0	0
E-1	4	546	0	0
E-1	5	155	155	0
E-1	6+	97	97	[1]95
E-2	3	0	0	0
E-2	4	813	0	0
E-2	5	222	0	0
E-2	6+	201	201	0
E-3	3	0	0	0
E-3	4	0	0	0
E-3	5	442	0	0
E-3	6+	335	325	0
E-4	3	0	0	0
E-4	4	0	0	0
E-4	5	0	0	0
E-4	6+	207	0	0
Total		4,275	778	[1]95

[1] It is estimated that these families would be eligible for a benefit of less than $10 per year.

QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

PRESIDENT TRUMAN'S BIRTHDAY ANNIVERSARY

Mr. SYMINGTON, Mr. President, the Honorable Harry S. Truman, former President of the United States, former Vice President of the United States, and former fellow Member with several of our distinguished colleagues who presently serve in the Senate, on Saturday, May 8, celebrates his 87th birthday.

The people of this Nation will always remember President Truman for his contributions to the welfare of this country, including his untiring efforts to establish a just and lasting peace.

It is with pride and pleasure that I submit this Senate resolution designed to express the wish of the Senate that our former President have a happy birthday; and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution as follows:

> *Resolved*, That the Senate of the United States salutes President Harry S. Truman for his extraordinary record of national service, and extends to him its best wishes for a happy eighty-seventh birthday.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MOSS. Will the distinguished Senator from Missouri yield?

Mr. SYMINGTON. I am happy to yield to the Senator from Utah.

Mr. MOSS. Mr. President, I just want to say a word—I did not come prepared to make any speech about this—but I think there is no more fitting gesture that this body could make than to recognize our great former President and our great former colleague, Senator Harry S. Truman, who served in this body with such great distinction before he went on to the executive branch and finally to become the President of the United States.

Mr. President, I believe that history is already according Harry Truman a place equalled by few men in public life.

All of us are overjoyed that he has had such a long and fruitful life and we certainly hope that he can continue in health and strength and be recognized by the people of America as the great citizen that he is in this republic.

Mr. SYMINGTON. I am very grateful to the Senator from Utah for his kind remarks.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Missouri yield?

Mr. SYMINGTON. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I should like to commend the distinguished Senator from Missouri for submitting this resolution. I know I speak for the minority leader and for all on this side of the aisle when I join in this deserved salute to former President Harry S. Truman, a man of great courage, whose stature is increasing as time goes by—a former President who deserves and is gaining an important place in history.

Harry S. Truman was a President who did not bend to winds or expediency. He made some very difficult decisions in his time—decisions which history now demonstrates were in the best interests of this country.

Accordingly, it is with great pleasure that Republicans—and all Americans—join the distinguished senior Senator from Missouri through this resolution in saying happy birthday to a great American.

Mr. SYMINGTON. I am very grateful to the able assistant minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN), for his typically gracious and courteous remarks, and I know that the No. 1 citizen in Missouri will appreciate them, as well as the kind remarks of the able Senator from Utah (Mr. Moss).

Mr. HUMPHREY. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, there are many happy occasions in the lives of all of us. This is a particularly happy occasion for me, to rise on the floor of the Senate and say, happy birthday to one of the truly great Americans of all time.

It is not often that a person is able to send his best wishes and a happy birthday greeting to his hero. But, to me, Harry Truman is my hero. He is my kind of man. I have had the rare privilege of having shared in the friendship of this wonderful human being. It was my privilege in 1968 to have the former President of the United States, Harry Truman, to be the chairman of my committee as I sought the highest office in the land. This is something I shall cherish to the last hour and moment of my life.

As I rise to join the distinguished Senator from Missouri and other Senators in extending this formal yet very warm and friendly greeting to our former President, Harry S. Truman, I am mindful of the great partner that he has, that wonderful lady, Mrs. Truman—affectionately known as Bess Truman.

What a marvelous couple these two people are. How much inspiration they have given to families all over America.

I am sure that many of us remember how President Truman referred to his wife as "the boss"—which, of course, strikes a friendly chord in honest men who know who is the boss in the family.

I surely am so pleased that the Senate, in a wonderful spirit of bipartisan comity, has joined today to wish well and many more years of a good life to this wonderful man who celebrates his 87th birthday on May 8.

Mr. SYMINGTON. Mr. President, I want to thank the able Senator from Minnesota, who is a longtime personal friend of the No. 1 citizen of Missouri.

I know how grateful he and Mrs. Truman will be for his kind and gracious remarks.

Mr. GRAVEL. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I am happy to yield to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I cannot claim to have the privilege of many Senators now present, that is, of having served with former President Harry S. Truman, but I can say that recently I had the opportunity to speak in Kansas City and I was on the same platform with Mr. H. Roe Bartle, a good friend of the distinguished Senator from Missouri, who was able to arrange a meeting with President Truman, and, as he called her, "Miss Bess."

It was one of the high points of my life to speed out to Independence, Mo., to go to their home and sit in their library and talk with a person that I consider to be one of the five greatest Presidents in our history. I think that history will accord him that honor as time goes on.

I can only say that I share the views of the Senators who have spoken and wish him happy birthday.

I can now say after having met him very personally that it was a very great honor for me and a very exhilarating feeling to have met this very important human being; very important for all mankind because I think he had an impact in vectoring the course of man.

The fact that former President Truman is a fellow Missourian should be a great pleasure to the senior Senator from Missouri.

Mr. SYMINGTON. I thank the able Senator from Alaska for his kind remarks. I know that former President Truman will deeply appreciate them.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I very happily and warmly join in the spirit of the resolution offered by the Senator from Missouri in paying tribute to former Senator Truman. He is one of our truly fine and outstanding Presidents.

It was my privilege to come to the

Senate while he was President of the United States, in about the second year of his term. His record shows his unbounded courage, his depth of commonsense, his sound decisions and sound judgments that make him one of the truly fine Presidents.

It is an inspiration to every young son of America that a man can fill that office if he has those qualities of character, dedication, courage, and commonsense that I have enumerated.

So many of the decisions that he made have proved that he had a vision and understanding of the problems and of the future.

I send President Truman and his wife my warmest greetings.

Former President Truman is a fine American, and was a fine President.

Mr. President, I want to add one other point. I understand that President Truman had something to do with our friend and colleague, the senior Senator from Missouri, coming to the Senate. I want to thank him for that, too.

Mr. SYMINGTON. Mr. President, I deeply appreciate those remarks from my chairman and dear and able friend, the distinguished Senator from Mississippi.

I would like to report to him and to the Senate this afternoon that last month I had the privilege of visiting with the former President and Mrs. Truman. They are in very fine shape, though they are getting along in life a little. I know how grateful they will be for these kind remarks directed at them.

The former President consistently told me that he preferred the Senate to the presidency. Now that he has said it after he has left both offices, I am confident that he means it.

Mr. President, I have checked the record, and there are four Members of the Senate today who served with him when he left to become Vice President. I know that he will be very grateful indeed for these kind remarks.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 118) was unanimously agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

S. RES. 118

Whereas the Honorable Harry S. Truman, thirty-third President of the United States, will celebrate his eighty-seventh birthday on May 8, 1971; and

Whereas the Honorable Harry S. Truman has devoted his life to the causes of freedom, peace, and the betterment of his fellow man through social and economic legislation, the adoption of the United Nations Charter, and the Marshall Plan: Now, therefore, be it

Resolved, That the Senate of the United States salutes President Harry S. Truman for his extraordinary record of national service, and extends to him its best wishes for a happy eighty-seventh birthday.

HUMAN DEVELOPMENT MONTH AND VOLUNTARY OVERSEAS AID WEEK

Mr. HUMPHREY. Mr. President, I ask that the chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 22, designating the week of May 9, 1971, as Voluntary Overseas Aid Week and the month of May 1971 as Human Development Month.

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate the amendment of the House of Representatives to Senate Concurrent Resolution 22, which was to strike out the preamble.

Mr. HUMPHREY. Mr. President, I move that the Senate concur in the amendment of the House to Senate Concurrent Resolution 22.

The motion was agreed to.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 78

Mr. HUMPHREY. Mr. President, I am submitting today an amendment to H.R. 6531, the Military Selective Service Act of 1967.

I will read the amendment for the RECORD and at the appropriate time in the debate and discussion on the pending bill, H.R. 6531, I shall call it up for consideration.

The amendment will be section 22. The amendment reads as follows:

AMENDMENT NO. 78

On page 33, line 13, strike out "1973" and insert in lieu thereof "1972".

On page 33, between lines 13 and 14, insert the following:

(33) at the end of the Act add a new section as follows:

"PROHIBITION AGAINST ASSIGNMENT TO DUTY IN VIETNAM

"SEC. 22. Notwithstanding any other provision of law, no person inducted into the Armed Forces under the provisions of this Act shall be assigned to duty in Vietnam after the date of enactment of this section unless he volunteers in writing for assignment to duty in such country. No member of the Armed Forces inducted into the Armed Forces under this Act who is serving in Vietnam on the date of enactment of this Act shall have his tour of duty in such country extended for any period beyond the normal tour of duty in such country (as in effect on the date of enactment of this section) unless such member volunteers in writing to have his tour of duty in such country extended or unless such person has reenlisted following his induction under this Act."

Mr. President, I send the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER (Mr. HANSEN). The amendment will be received and printed, and will lie on the table.

Mr. HUMPHREY. Mr. President, the amendment is not something recent in my thinking at this particular time. It is a recommendation that I offered some months ago in a very private and fine conversation with the President. I do not want my remarks to be interpreted as meaning that the President agreed with my suggestion. He received my suggestion with appropriate courtesy and consideration.

Both the President of the United States and the Congress of the United States have made it manifestly clear that we are going to disengage from Vietnam, that there is a program of withdrawal. There are differences of opinion as to how that should be done.

There is, in fact, a measure before Congress in the committees of the House of Representatives and the Senate which is called the Vietnam Disengagement Act of 1971.

I imagine that there will be other proposals. I understand that the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Idaho (Mr. CHURCH) may offer an appropriate amendment relating to disengagement and withdrawal from Vietnam.

What I am getting at is that it is the declared public policy of the United States through the President and by many expressions and resolutions of the American public and utterances on the part of Members of the Congress that we shall and will withdraw our Armed Forces from Vietnam.

Some have recommended total withdrawal. Others have recommended that there be residual forces. However, the point I make is that insofar as combat is concerned, and for the purposes of hostilities, forces will be withdrawn.

The only purpose of the amendment is to simply say that once having made that policy declaration and policy decision on the part of the Commander in Chief and on the part of many individual Members of the Congress, it appears to me that it is only right and proper that we do not ask people to go into the Armed Forces involuntarily, to be under conscription and be called upon to engage in combat in Vietnam when the expressed declaration of this Government is that we shall leave Vietnam and disengage.

I realize that this is a very serious matter.

Mr. President, this is not a decision I have come to lightly and it is not to be interpreted as criticism under any circumstances of the President or the policies of this Government. We have other days to argue those matters. This relates simply to one subject: When people are called up under selective service they shall not be called upon to engage in hostilities in Vietnam as selectees or draftees; they shall serve in the Armed Forces in areas other than Indochina, Vietnam, or in Southeast Asia. They will not be called upon to give their lives when the declared policy is that we are going to get out.

I have often thought what a terrible psychological blow it must be to a young man to know he will be drafted and he will then be sent to Vietnam, but knowing when he is sent there he is not sent there to win but to fill in until we ultimately withdraw. That is asking an awful lot of a man who does not want to serve and who has been called upon by his Government to serve.

If a man volunteers that is a different matter. He volunteers—the volunteer rate is up; and a number of men reenlist—and if he does so, he is acting on his own volition and he is not compelled to do so.

At the proper time I hope we can discuss this matter in great detail, but I wanted my interpretation of the matter made a part of the RECORD today.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR MONDAY, MAY 10

Mr. BYRD of West Virginia. Mr. President, the program for Monday, May 10, is as follows:

The Senate will convene at 10 a.m. Following recognition of the two leaders under the standing order, the senior Senator from Illinois (Mr. PERCY) will be recognized for not to exceed 15 minutes, at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with a 3-minute limitation on speeches therein. At the close of morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531, a bill to amend the Military Selective Service Act of 1967, and the debate will continue thereon. The Pastore rule of germaneness will run for 5 hours, beginning with the laying before the Senate of the unfinished business.

ADJOURNMENT TO MONDAY, MAY 10, 1971, AT 10 A.M.

Mr. GRAVEL. Mr. President, in accordance with the previous order, I move that the Senate adjourn until Monday next at 10 a.m.

The motion was agreed to; and (at 4 o'clock and 31 minutes p.m.) the Senate adjourned until Monday, May 10, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1971:

DEPARTMENT OF DEFENSE

Hadlai Auston Hull, of Minnesota, to be an Assistant Secretary of the Army.

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade of general under the provisions of section 8962, title X of the United States Code:

Gen. Joseph J. Nazzaro, [redacted](major general, Regular Air Force) U.S. Air Force.

The following officers to be assigned to positions of importance and responsibility designated by the President in the grade of general under the provisions of section 8066, title X of the United States Code:

Lt. Gen. Theodore R. Milton, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. John. D. Lavelle, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

EXTENSIONS OF REMARKS

"CINCO DE MAYO"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, Mexico's Independence Day, "Cinco de Mayo," is being commemorated today by 2 million Mexican Americans in the State of California, and thousands more all across this country. The day is most significant for Mexico, however, because it marks the 109th year since Mexican patriots successfully defended her independence against Napoleon III.

The significance of Cinco de Mayo stems back to 1861, when Mexico City witnessed the establishment of a liberal government headed by Benito Juarez. This liberal government was instituted after many years of civil strife between the Centralists, representing the conservative elements—the Clericals, the large landowners, the Creoles, and the upper caste military elements—and the Federalists who represented the liberal elements, including the anti-Clericals, the trading classes, and the mestizo middle class. The Centralist doctrine was dedicated to the preservation of the practices and institutions of the past, including a strong church, large landholdings, a large army, and rule by a powerful, central national government responsive to the desires of the main economic groups. The Centralists looked to Europe for inspiration and support.

The Federalists, on the other hand, were products of Mexican independence and represented the republican, revolutionary strands of the late 18th and early 19th centuries. The Federalist philosophy emphasized reform, innovation, and a solid break with institutions of the past. Guided by the watchwords, "liberty, equality, fraternity," they envisioned Mexico as a loose collection of little sovereignties bound together in a mutually beneficial national association with a limited national government as the agent. The Federalists believed that the poorest peasant was entitled to own land and supported freedom of religion rather than a state church.

The United States captured the fascination of the Mexican liberal reformist of that era, being the only Republic in the world successfully operating on federal principles. Thus, the triumph of the liberals came after a 3-year civil war against the Centralist-moderate coalition.

The triumph of the liberals ending the 3-year war proved to be only a temporary truce. Mexico was independent, yet destitute, and Juarez was forced to suspend payments on the foreign debt for at least 2 years. Spain, France, and Great Britain were eager to collect their overdue debts and claims for compensation of damages incurred during the wars. Napoleon III, Emperor of France, became intrigued with the notion of securing Mexico as a colonial empire. On October 30, 1861, a pact was formed between Great Britain, France, and Spain for joint intervention in Mexico. The terms established by the 3 nations dealt strictly with occupying Mexican ports and confiscating customs until their claims could be satisfied.

France, however, was secretly preparing to crown Archduke Ferdinand Maximilian of Austria to the imperial throne of Mexico. Great Britain and Spain, disagreeing with the proposed French policy, withdrew all their forces.

Preparing for a war to maintain her independence the Mexican people sounded the cry "to arms, citizens," and braced themselves for the oncoming French Army. On May 4, 1862, 14 miles south of Puebla, under the command of Gen. Ignacio Zaragosa, the Mexican Army decided to make a stand. Armed with old weapons, 4,000 ex-guerrillas waited for the French Army to attack. The attack came, and for 2 days the Mexican Army displayed unrelenting valor and courage, finally forcing the French Army to retreat from Puebla.

The Battle of Cinco de Mayo symbolized much more than just the military victory over the French; it was, in essence, the actualization of self-determination, and the desire for true independence. Those who fought on the 5th of May personify the ideal of devoted and sacrificial love for country, as they chose to pit themselves against incredible odds rather than deliver Mexico into the hands of foreign invader.

And so, Mr. Speaker, I would like to join with the many Mexican Americans who are today celebrating this day marking Mexican independence and with the people of the great nation of Mexico, our neighbors to the south.

THE PURSUIT OF THE GOLDEN FLEECE: THE TRUE SPIRIT OF AMERICA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. EVINS of Tennessee. Mr. Speaker, in the Sunday's editions of the Washington Post there is a fascinating and perceptive article by Mr. Garry Trudeau, a graduate of Yale University, concerning the endless search by Americans for the true America.

This article cites the disillusionment of many of the younger generation with contemporary society and their bizarre efforts through unconventional behavior to capture the essence of America.

This tantalizing quest for America is not new. It began when our forefathers came to this country and our most brilliant men have struggled through generations to articulate the greatness of America.

To the novelist, Thomas Wolfe, America was the opportunity "to become whatever thing his manhood and vision can combine to make him—this, is the promise of America."

Mr. Trudeau in his article cites the concept of the America of President Lyndon Johnson, a Great Society for all people, with America everywhere—in Texas, Idaho, Tennessee, or New Jersey—wherever Americans could find their America.

Thomas Jefferson said America should be "an aristocracy of achievement evolving out of a democracy of opportunity."

Gerald Stanley Lee said:

> America is a tune. It must be sung together.

Robert E. Lee caught the spirit of America following the War Between the States when he admonished his students in the South to "make your sons Americans."

The troubled minds and consciences of youth are not novel in our time.

Henry Wadsworth Longfellow, the great poet, once wrote:

> The thoughts of youth are long, long thoughts.

Mr. Trudeau in his article says, however, that there has been no other generation quite like the younger generation of today and its search for America.

He concludes:

> As the shadows lengthen . . . I hope you will look back on them kindly, thinking "God bless you, freaks: through your craziness, you have shown us the gentle dignity of sanity."

Because of the interest of my colleagues and the American people in our great Nation, I place the article in the RECORD.

The article follows:

[From the Washington Post, May 2, 1971]

GENERATION OF FREAKS SEEKS AMERICA

(By Garry Trudeau)

We all know where the United States is . . . but America, that's something else, something very different. It's an infectious spirit; the pioneering past seems to be with us again, the quest for some newer wilderness that says it all about the hopes of the human spirit for a better tomorrow.

I remember last year, just before graduation, my roommates all went to see the film "Easy Rider." The impact of Peter Fonda's performance was so immense and immediate that upon graduation, they all left to find America. One roommate writes that he has finally located it in Rosebud, S.D. Another reports that it can be found nowhere outside a 10-mile radius of Mexican Hat, Utah. Yet another insists that America is still in Chevy Chase, Md., right where it's always been. The last of the four, perhaps the most sincere, wrote to me that he had discovered meaning and relevance in Summerville, Ohio, a small town where God was well, more or less alive, and worshiped by Episcopalians. A town where one found America every month in Reader's Digest—you know, Our Friend the American, the Seven Danger Signs of Communism, My Most Unforgettable Flag.

This was a town, wrote Fred, where brilliance never needed to be more than interesting outgrowths of complacency.

Anyway, the point is that the current fantasy, you understand, is that it is actually possible to capture the essence of the mood of America. Accordingly, she is much abused, this America. She is allowed no privacy; we are constantly trying to catalogue her feelings, record her reactions, and gauge her disposition. And it seems that the people who are the most successful at it must of necessity be masters of conjecture, prophecy and projection.

Unfortunately, for the rest of us, our perceptions are inadequately attuned to the complexities of this, the greatest of all possible Great Societies, and our revelations are usually ill-conceived or anachronistic. Witness the tragedy of Charlie Reich, creator of "The Greening of America" who spent 2½ years of his life recording America's chlorophyll index only to find that by publication date all the segments of American society in question had in fact wilted.

However, there *was* someone to pick up the ball. Time magazine, always eager to fill a void, sensed an eerie tranquility on the campuses and in the streets, and revealed to Americans the newest phenomenon. The Cooling of America. It was not an inaccurate piece of commentary. If there is in fact a cooling of America, it comes in the restoration of the wisely-wrought balance between the emotionally-charged activism which characterizes youth and the intellectual stability which characterizes a society in equilibrium.

An historical perspective might be useful here. In the early '60s we belonged to a society so rational, so pragmatic, so intellectually proficient that as a nation we had eliminated both empathy and humility as important and useful tools in dealing with the rather explosive realities of the times. Inseparable from our incomparable expertise was a colossal inflexibility, an inability to accommodate for error—in policy or in action—or even recognize it as such. How can we ever forget the still small voice of American foreign diplomacy in 1960 which once whispered whimsically to our irate Russian antagonists; "What U-2? Oh, *that* U-2."

As it turned out, the Gary Powers incident was actually only the starting gun for a series of sporadic debacles, ranging from the Bay of Pigs to Southeast Asia. And then, we were finally seduced by the face of Vietnam, the face which launched a thousand ships, 500,000 GIs, and one of the most devastating and draining internal schemisms among our people since the Civil War.

And all of this took its toll on the nation's children. In 1963, a novelist by the name of Ken Kesey and a group of musicians, writers and general freaks threw the first acid tests on the West Coast, simultaneously with Dr. Leary's psychedelic experiments in the East. Kesey's group was called the Merry Pranksters, and they specialized in irrational behaviors—Day Glow freaks with weird threads and weirder moves who seem to go to great lengths to prevent the straight society from even remotely understanding what they were doing.

Back came the old American idiom of laissez-faire—Gallic for Do Your Own Thing—and the children of California dropped out into a society which rewarded its members for doing that which seemed to feel good.

The drug experience accentuated the immediacy of feeling, the distance of conventionally structured thought. And the vision of America and where it could be found became a very different one, far more visceral, far more impressionistic, and regrettably far more cynical.

This vision, of course, was hardly shared by our nation's leaders. On the contrary, the traditional American quality of life, being on the defensive, suddenly became aggressive in the hands of certain individuals. One trait of President Johnson's which this generation hardly found endearing was his belief that America was everywhere, whether it was Texas, New Jersey, Idaho or the Dominican Republic. Mr. Johnson maintained that there was no limit to our resources, our gentle, contagious, outgoing nature. America could be everywhere, he reasoned, and he worked tirelessly towards that goal.

And for that an ungrateful generation condemned him. History, forever at its cruelest, withheld all sympathy from men like Johnson, Bundy, McNamara, Alsop, men who over the Vietnam issue had dug themselves into a hole and insisted on calling it a tunnel, at the end of which there was light. President Johnson mysteriously is still to this day held largely accountable for the whole Vietnam tragedy. As Adolf Eichman might have remarked, "It's funny the things people remember."

This particular generation's relationship with the man currently and seemingly in control is sometimes no less unkind. Many find themselves dismissing the simplistic moral equations formulated by the present administration. They fail to recognize the rationale behind the current policy of treating symptoms instead of causes; of fighting crime with law and order instead of examining and treating the environmental factors which give birth to it; of fighting students with police and tougher administrators instead of relieving the sources of frustration and tension which create student activism.

The biggest problem is the Indochina War, as waged by the current administration. I remember five years back when the Smothers Brothers announced their secret plan for ending the war: Withdraw our troops, they quipped, and simply claim that we won. This was considered simply a provocative joke then, so imagine our surprise when two years later President Nixon elevated it to be the status of a reality. And not only did he start removing our troops and claiming victory in Vietnam, but he threw in bonus victories in Laos and Cambodia. To make sure the public got the point, the President showed us the Cambodia film clips in which we were impressed by the captured enemy rice stores, and boxes of truck parts, bandages and after-shave lotion.

But any subsequent doubts as to whether the administration knew what it was doing were quickly eliminated with the Laos incursion and the preceding embargo. As an editor for London's Evening Standard put it:

"Wasn't it wonderful to learn that the Americans weren't involved in Laos? Or to put it another way, not to learn that they were, if that's the same thing, which it isn't. That White House press embargo must surely represent a considerable triumph for Marshall McLuhan, if nobody else: 'If it hasn't been in the papers then it hasn't happened' seems to be the message. And if it hasn't been reported, then it can't be refuted."

GOD BLESS THE FREAKS

These are the politics of our times. Is it any wonder that your children have turned out so weird? It should come as no surprise that such a subculture—the Movement in a larger sense—has been germinated from within. Many of its members have become both discouraged and disparaging and have helped to write the page in history which asks the question, "Who cares?" Others, idealistic and vitalized, have managed to author yet another page which answers, "We do."

All of them together define a generation which flaunts its youth and vigor. They have tried successfully to make everyone else feel guilty, old and generally useless. They have distinguished themselves with their insidious dancing in the streets, protesting in the malls, and championing of minority groups whom the rest of society had agreed were generally despicable and, more important, quiet.

This generation simply has no precedent, and undoubtedly will have no successor, being a ridiculously hard act to follow. But some years from now, we will no doubt be extinguished with this frenzy of its own enthusiasm. Just as over intellectualization tends to asphixiate itself, so too will the energy expended through the open nerve endings of an entire generation ultimately exhaust its source.

So it's just possible that my peers will self-destruct and pass into mythology joining the ranks of other lost golden races, along with the Aztecs, the twelfth tribe of Israel, and Kennedy's Whiz Kids. If it happens, I cannot overemphasize how tragic the passing of this generation, or at least their spirit, will be. I will lament because they are my contemporaries, my friends.

So as the shadows lengthen, the busy world is hushed and their work is done, I hope you will look back on them kindly, thinking: "God bless you freaks; through your craziness, you have shown us the gentle dignity of sanity."

THE PENDULUM IS SWINGING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. DERWINSKI. Mr. Speaker, Pointer Publications serves communities in south suburban Chicagoland. They have developed an interesting editorial page with a well deserved reputation for a calm approach to current events. Therefore, their editorial of Thursday, April 29, 1971, commenting on the personal relationships and attitudes which people have towards each other within the framework of our American heritage, is a timely and fascinating commentary on the subject.

The article follows:

THE PENDULUM IS SWINGING

Today on TV, radio and news media, we hear much about this group or that group banding together for their rights and demands for representation, be they large or small, rich or poor. We don't ask or seek information or help. We demand. The rights of the minority are not to be taken lightly, but somewhere the rights of the majority seem to be lost in the shuffle. There is no question that some groups have legitimate problems to be resolved, but can all things be set right by separating everyone into area, ethnic, labor, religious, age or educational groups?

What happened to the melting pot idea of all banding together—taking the best of the various backgrounds and working for the good of all individuals? Many people now have various nationalities and religions in their heritage. Must these people of mixed backgrounds join all the Scotch, Irish, German, Polish, Greek, Swedish, French, Catholic, Protestant and Jewish groups, (to name a few) just to be represented? Or are these Americans left out?

In tracing the history of our country, every war, even the Civil War which pitted brother against brother, had its share of unsung heroes and stories of risks, and helpfulness without regard to another's background. All were comrades in arms, all Americans, all people needing people. Many acts of kindness and bravery will never be known because there was no thought but to do what had to be done at the moment to help.

The opening of the West brought many diverse groups that had to learn to live together in peace and all work for the growth and prosperity of their land. Why can't we remember the lessons learned through this hardship in settling our country?

Must we have another depression to make us realize what is really important and that we can all help each other and share, our ideas, our food, and our shelter? City dwellers, villagers and farmers, in widely separated areas, knew little of each other and so built up incorrect ideas and prejudices about others. Now cities stretch out to the farms bringing us closer, so we can realize that the other person we feared is really not very different than we are.

Time was when we tried to judge and choose individuals because of their outstanding qualities—without regard for their national origin, religion or color. Now qualities take second place to the area, the religion or the nationality as qualifications for leadership in many organizations and on all levels of government. Why must we turn back and become many groups of people instead of one nation united, working to solve our problems and to go forward.

The pendulum is swinging, but is it in the right direction? In the Bible we read, Acts 10, verse 34: "And Peter opened his mouth and said: Truly I perceive that God is no respector of persons, but in every nation he that feareth him, and worketh righteousness, is accepted with him." Can we do less?

CONSTITUTION OF POLAND

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today I urge the Members of the U.S. House of Representatives to join with me in observing the birth of the Polish Constitution.

The Polish people have had a long and glorious history. Many times in that history, they have been subjected to brutal subjugation from the hands of their warbent aggressive neighbors; however, even in these dark moments, they have never waivered in their quest for freedom, and events that might have crushed a lesser people have only succeeded in forcing a stronger Poland. Their culture, their principles, their ideals and their cherished love for freedom has grown stronger.

On May 31, 1791, the people of Poland, without violence or bloodshed, brought forth the brightest light of democracy ever witnessed in that country. The Polish people expressed their deep-felt belief that popular sovereignty was the principle which should, through their written constitution, become the basic law of the land. Poland thus led the way in recognizing that the expressed will of the people was more important than that of the state.

America knows better than any other nation of Poland's strength and courage, for her great contributions to this country have indeed been significant. Polish Americans have become leaders in all fields of American life; their greatest contribution, however, has been to American freedom, for the Polish people have taken the same freedom-loving spirit of their ancestral home and applied it here.

The American people share an unusual bond with the Poles, having adopted their own Constitution, built on popular sovereignty, just 2 years prior to Poland's first step. We in America have been fortunate enough to witness the fruits of nearly two centuries of democracy and freedom resulting from the actions of our Founding Fathers. The Poles, as the free world recognized all too vividly in 1795, received no such opportunity. Their short-lived spark of democracy was soon quashed by the third partition of their country by Austria, Prussia, and Russia.

By continuing to celebrate the birth of their democratic constitution, drafted so many years ago, rather than a date of victory in battle or an anniversary of national achievement, the Polish people demonstrate their desire to return to the principles of individual freedom. They deserve that chance, and all free nations must continue to direct their policies toward giving Poland that opportunity.

We must remember though that while we enjoy freedom, the Polish nation does not. We must continue to crusade to free Poland and allow that great nation to cast her lot with the other free nations of the world. Any nation that desires freedom as fervently as Poland does, must be granted its wish. Poland demands what we already have—the right to have their own government; we must work for that right until it is obtained.

We have all taken part in Polish festivities and cultural events whether at a wedding feast or a backyard barbecue, or listening to a concert of Polish music—we have all received deep enrichment from the many traditions and the values imparted from the Polish people.

It is a pleasure for me today to speak for a grateful American people, and recognizing the struggle of the Polish people for independence, it is important that we impart to them our hopes that they will soon be able to control their own destiny, and to direct their own affairs. Until that day, however, we must continue to work for a greater America, for it is here that the hope of freedom is kept alive in the hearts and minds of oppressed nations.

THE WINDSOR SHAD DERBY FESTIVAL

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. COTTER. Mr. Speaker, the Connecticut River which runs through my district is known for the marvelous fish which yearly attracts anglers from far and wide—the shad. This year, as in years past, the Windsor Chamber of Commerce and the Windsor Rod & Gun Club have combined to commemorate the running of the shad by sponsoring the Windsor Shad Derby Festival. The festival will run this year from May 8 to May 16 which, by the way, will coincide with the peak of the annual Connecticut River shad run. For those of my colleagues who are able to steal away for a day or so to the shores of the Connecticut River, there are many events scheduled that week which will help time pass pleasurably, including a coronation ball on Saturday, May 8, a 5-mile marathon on Sunday, May 9, concerts, bazaars, parades, awards for the best catch of the festival, and of course, fishing.

For those who confine their appreciation of fishing to the end product, though, I might add that a fresh shad is a truly delicious experience.

It gives me great pleasure at this point to include in my remarks an official statement by His Excellency Thomas J. Meskill, Governor of Connecticut, proclaiming May 8 through May 16 Shad Derby Week:

SHAD DERBY WEEK—MAY 8-16, 1971

STATE OF CONNECTICUT.

For the past several years, the highlight of the shad season in Connecticut has been the Windsor Shad Derby, a week-long event sponsored by the Windsor Chamber of Commerce and the Windsor Rod and Gun Club.

This Derby attracts fishing enthusiasts from all over the northeast, competing not only for trophies but the delicate flavor of freshly caught shad. A Queen reigns over the festivities which include a parade, historical tours and a shadbake.

To bring the Sixth Annual Windsor Shad Derby Festival to the attention of all Connecticut citizens, I declare May 8-16, 1971 as "Shad Derby Week" in Connecticut.

I extend my best wishes to the Windsor Chamber of Commerce and the Windsor Rod and Gun Club for continued success in this worthwhile endeavor.

THOMAS J. MESKILL,
Governor.

NEW HEALTH AND HOSPITAL PROGRAM IN EAST NEW YORK

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. BRASCO. Mr. Speaker, Linden General Hospital, headed by a new administration under the direction of Dennis A. Gowie, M.H.A., is attempting to revitalize a medically blighted area of East New York.

The hospital is located at the corner of New Lots Avenue and Bradford Street—an area like many in East New York which represent the neglected inner city. A number of the residents have moved away, but many remain, attempting to stem the erosion and bring much needed services to the community.

Those who stayed are optimistic about restoration of the neighborhood as they once knew it. Urban renewal is planning for the rebuilding of the area. New housing units are replacing the dilapidated buildings. The City, State, and Federal governments will be contributing their funds, their talents and their imagination to a program of redevelopment which is hoped to reverse the deterioration which has been permitted to take place.

Linden General Hospital can be a vital force in this restoration. Its new administration has projected a series of plans designed not only to modernize the existing facility, but to expand it to a 200-bed complex which will include a much needed comprehensive community health program.

The hospital's new program is divided into long-range planning, intermediate planning, and its current program. There is an immediate need for expansion which will embrace a large emergency room service and clinic, both of which facilities are sorely needed by the residents of this community. This is only the first of many steps which must be taken.

I believe the program, along with government-sponsored multicentric health facilities, comprehensive community health and day-care centers, will give a new lease on life to the people of the area who have already suffered so much from the two-decade decline of their neighborhood.

I wholeheartedly endorse this most progressive approach taken by Linden General Hospital, and I hope that our community will encourage Mr. Gowie and his administration so that they may bring this task to fruition.

THE IMPORTANT VIEWS OF KIICHIRO KITAURA

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. HANNA. Mr. Speaker, there are a number of levels to which we should look for attitudes reflecting vision and foresight. Business leaders are often among the most important. The views of one business leader in Japan, a nation of many excellent businessmen, deserves special notice.

Mr. Kiichiro Kitaura, president of Nomura Security Co. Ltd., has offered an incisive analysis of the investment future in Japan and the Pacific. His thoughts are well considered and to the point.

I particularly recommend the following article to the Members who realize the importance of encouraging freer flows of capital and strengthening markets and trade opportunities in the Pacific Community. I also expect that the article will be of interest to the Members of the Ways and Means and Foreign Affairs Committees as well as the Members of the International Finance Subcommittee.

The Japan Times article on Mr. Kitaura follows:

[From the Japan Times, Apr. 19, 1971]

BUSINESS LEADERS SPEAK: LIBERALIZE CAPITAL OUTFLOW

(By Masaki Kodama)

The time is passing when Japan can keep her doors closed to the international movement of capital and enjoy peace and quiet in her own isolated world, warns Kiichiro Kitaura, president of Nomura Securities Co.

"We should make the flow of capital as free as possible and build up our strength in the international money market," he says.

During the past few years, Japan has considerably eased restrictions on the inflow of foreign capital but still imposes somewhat rigid restraints on overseas investments by Japanese themselves, especially investments in foreign securities.

If Japan opens her doors too wide to foreign capital funds, Kitaura explains, she is liable to be flooded with long- and short-term foreign capital. In his view, this trouble is simply due to the fact that there are insufficient outlets for Japanese investments overseas. The Japanese Government, he says, should ease exchange controls as soon as possible, if not immediately, to open the way toward free international movement of capital.

OVERSEAS NETWORK

Kitaura, 60, assumed the presidency of Nomura Securities Co., Japan's largest securities brokerage, two years ago. On taking over the post, he set his sights on making Nomura a more broadly international investment bank and has since expanded the company's overseas network steadily. At present, Nomura has branches and subsidiaries in seven major cities around the world including New York, London, Amsterdam and Hongkong. It has also established syndicate or co-management relationships with leading investment banks in the United States and West Europe.

Nomura's overseas activities, Kitaura explains, are aimed at providing necessary funds to Japanese companies engaged in production, sales and resources development abroad.

Whereas American businesses operating in Europe use local funds such as Eurodollars up to 90 per cent of their monetary requirements, Japanese business enterprises operating abroad rely on remittances from their head offices in Japan for the bulk of the funds they need because of their limited ability to procure money locally.

Because, unlike the United States' case, many of the Japanese business operations abroad are in developing countries, they must cope with the added burden of greater investment risks, Kitaura explains. Moreover, these countries are usually loath to receive string-attached investments from a specific country.

NONNATIONAL FUNDS

"What we should do in such circumstances," says Kitaura, "is to make the investment funds as multinational or 'nonnational' as possible. Another step Kitaura recommends is to have local interests take part in the utilization of the investments—in other words, joint venture operations tied up with local capital.

"For example," Kitaura continues, "we should form a syndicate with financing institutions of other advanced countries. We could also float bonds in the Eurodollar market. We could then channel the money raised by these means to Japanese-affiliated firms operating in developing countries through joint venture banks we set up together with local interests."

Together with four leading Japanese banks, Nomura Securities last January set up the Associated Japanese Bank in London, with a capital of $15 million. The main purpose of this business venture, according to Kitaura, is to develop a money raising arrangement along the foregoing lines.

Kitaura added that Nomura plans to set up more joint ventures with local capital in Southeast Asian countries and Australia.

FOREIGN FIRMS

Last September, foreign investment in Japanese securities companies was made free up to 50 per cent of the equity. Moreover, under the Foreign Securities Dealers Law passed by the Diet last month, foreign securities firms may set up branch offices in Japan after coming September. Such offices may open brokerage and underwriting businesses after obtaining licenses from the Finance Ministry.

Kitaura predicts that foreign securities firms will concentrate on underwriting business for the present. They may encroach on the business of Japanese securities companies tc some extent, especially in underwriting the bonds to be floated abroad by leading Japanese firms and the yen-basis debentures to be issued by foreign firms.

In most cases, however, foreign securities companies, Kitaura predicts, will choose to tie up with Japanese firms in the form of syndicates in their under-writing activities.

What is the outlook of investments by foreigners this year? Kitaura foresees the total will run up to $800 or $900 million—$500-$600 million in common stocks and $200-$300 million in corporate bonds.

Recently, there has been an upsurge in foreigners' purchase of corporate debentures and this phenomenon is generally attributed to speculative motives over the rumored upward revaluation of the yen. Kitaura, however, is opposed to yen revaluation because he believes that little benefit will accrue to Japan from that move. "It is a different matter, however, whether Japan can stand pat if world opinion calling for yen revaluation rises to an irresistible point," he concluded.

RECORD NUMBER OF VIETNAM ERA VETERANS ARE USING GI HOME LOAN ENTITLEMENT VOTED BY CONGRESS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I am indeed pleased that there has been a significant spurt in the GI home loan activity.

The Veterans' Administration received 61,000 home loan eligibility requests in February 1971. This was the highest figure reached for any month since July 1967—an 86-percent jump over February a year ago.

Than in March, veterans' requests jumped to 86,800—a 40-percent increase over the February peak. It marked the highest monthly total reached in 10 years.

Other VA measuring sticks in March—certificates of eligibility issued, loan applications, number of appraisal requests—all doubled the figures recorded for March 1970.

I see every reason to believe that the trend is continuing unabated and I will be delighted—but not surprised—if the figures for April reach a new monthly high record for more than a decade.

I would estimate that more than 75 percent of those veterans who are now taking out these GI home loans are young veterans who have served during the Vietnam era. And young veterans are now coming out of the armed services at a rate of about 82,000 a month.

Another factor that will soon be influencing GI home loan activity at a greater rate is the Housing Act of 1970 which established a GI mobile home loan program for all eligible veterans, and reopened home loan benefits to World War II and Korean conflict veterans. Nineteen million of them now have entitlement for an indefinite period.

Millions of these older veterans obtained loans back when their entitlement amounted to only $4,000 or $7,500. But now the home loan entitlement is $12,500, and many veterans may be unaware that they now have between $5,000 and $8,500 entitlement to use in obtaining additional loans.

The reduction of interest rates has materially assisted in this increased GI home loan activity. The average payment on a typical GI home loan has dropped about $21 a month which, during the life of the loan, would amount to a savings of more than $7,500. These figures are based on an average $24,600 loan for new homes, and the average $20,000 loan on existing homes, over a 30-year financing period.

Mr. Speaker, it is good to see that a significant number of Vietnam veterans have found their way back into civilian life so well that they are becoming homeowners, thus following the sound path of their Korean conflict and World War II brothers and fathers.

When a man purchases a home he purchases stock in his community and soon develops a keener interest in community affairs. He becomes a man with roots, a man concerned with the welfare of his community, his area, his State, and his Nation.

DON'T DO IT IN THE LAKE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. MIKVA. Mr. Speaker, I was pleased to read in a recent issue of Science magazine that the city of New York has agreed to abide by the recommendations of the National Academy of Sciences not to build additional runways for Kennedy International Airport in Jamaica Bay.

I only hope the city of Chicago follows New York's example in deciding not to even try to build an airport in Lake Michigan. There are a number of people, including engineers, airplane pilots, and environmentalists, who are firmly opposed to the idea of an airport in the lake. Chicago would do well to emulate the fairness and objectivity displayed by the Port of New York Authority as it weighs the opinions of opponents to the proposed airport in the lake.

The article follows:

ACADEMY PANEL KICKS OVER TRACES

(By Constance Holder)

The Port of New York Authority (PONYA) has announced that it will not build additional runways for John F. Kennedy Airport into Jamaica Bay. In making the decision, PONYA followed the recommendation of a report it commissioned from the National Academy of Sciences-National Academy of Engineering. The report concluded that the runway expansion under consideration would cause major irreversible ecological damage to the bay.

The study group displayed initiative rarely found in Academy committees, which usually apply themselves to the formulation of answers to specific technical questions. The team, made up of 27 scholars and environmentalists, was initially expected to deal only with the consequences of new runways in the bay. However, encouraged by letters from the departments of Transportation and the Interior, they took the bit in their teeth and came up with a comprehensive document that not only deals with the future of the entire bay, but also aspires to be a national guide for airport planning and economy.

During the course of the investigation, the study group fell into some warm disputes with the Academy's Environmental Studies Board, which was worried that the committee was exceeding its mandate. The Board also took issue with some of the report's more ambitious recommendations and reacted uneasily to the subjectivity of many of the opinions expressed in it. But the committee held firm, and its recommendations have been presented unaltered.

The report summarizes in 11 recommendations a policy that would strengthen the federal hand in airport planning and site designation, cut down on aircraft noise, regulate traffic flow, and develop Jamaica Bay for conservation and recreation.

The bay, surrounded by Brooklyn, Queens, the airport, and the Rockaways peninsula, harbors a wildlife sanctuary and, several thousand squatters in its marshy center. As urban bays go, it is described as "moderately polluted." The National Park Service wants to make the entire bay part of a Gateway National Recreation Area, but the study group, to the surprise of many environmentalists, turned thumbs down on this idea. Instead, it advocated the more difficult and expensive course of developing city park and recreational areas around the inner bay in a 10-year program that would include the extension of mass transit connections and a stepping-up of the sewage treatment program.

The committee's airport recommendations cover everything from site selection to landing fees. They suggest that the Secretary of Transportation be allowed to acquire land and to use all powers necessary for the construction of needed airports in cases where local agencies are unwilling or unable to carry out his recommendations. The committee urges more research on vertical and short takeoff and landing systems and on ground access systems. For traffic control, it proposes consolidating flight schedules to promote more efficient use of fewer airplanes. (One member notes that dozens of half-filled planes wing their way daily to Chicago, when two 747 flights could carry the same passengers.) Another recommendation, bound to elicit loud protests, is that a landing fee of $100 be imposed on private planes during peak hours.

Strong measures are put forth to conquer the noise problem which, at Kennedy, is monstrous. In addition to causing widespread insomnia and irritation, jet noise robs many thousands of schoolchildren of an hour of teaching time a day. The report asks for new construction standards that include soundproofing and for the installation of accoustically treated engine pods on all aircraft by 1975.

The report, at the very least, has caused PONYA to drop any idea of building more runways into the bay; at best, it is a far-reaching environmental policy statement which will make a significant contribution to future airport planning.

RETIREMENT INCOME CREDIT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, I am today introducing legislation that will amend the Internal Revenue Code of 1954 by simplifying the retirement income credit. The intent of this legislation is designed to establish a more equitable tax benefit return.

Schedule R, 1040, as it presently stands allows a tax relief of $229 for retirement income credit for unemployed individuals upon attaining 62 years of age. The individual who finds it necessary to continue working after the age of 62 is not eligible for the retirement income credit, as stipulated in schedule R, 1040. The ultimate effect of this section of the tax law is to penalize those who choose to remain productive in society or who are forced to continue working.

The new amendment would completely eradicate the old provisions of schedule R, 1040, and allow all individuals upon reaching the age of 62 a credit of $400 against the tax imposed for the taxable year. In the case of a joint return of a husband and wife both of whom have attained the age of 65 before the close of the taxable year, the amount of credit shall be $600.

This retirement age income credit would be available to all Americans over 62, and not solely to the wealthy Americans over 65, to which the current law lends itself.

CLOUD HOVERS OVER ALL OF US

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ROUSSELOT. Mr. Speaker, the people of California, and particularly Gov. Ronald Reagan and the boards of supervisors of various counties of California, are making a valiant attempt to seriously come to grips with the $3 billion moral and administrative disaster called welfare. But the problems and challenges are not just limited to California as every one of my colleagues fully realizes.

The San Gabriel Valley Daily Tribune of Sunday, April 18, 1971, has a thoughtful editorial on some challenges facing administration of welfare programs at the county and State level in California and I am pleased to include this editorial as a reference for the Members of Congress:

CLOUD HOVERS OVER ALL OF US

From a cloud no bigger than a man's hand a few years ago, the cost of welfare programs on both a state and federal level has ballooned into a gigantic dark thing hovering over the nation.

Here in California—a state that earned a "pie-in-the-sky" tag as a welfare state nearly 40 years ago—efforts to apply the brakes to runaway welfarism have been frustrated by federal court action and the determination of certain politicians—who have capitalized on the plight of the needy—not to give up a system whereby public handouts can be converted into votes.

But, there is even more at work as the welfare load becomes heavier. Two years ago, the number of Americans on Aid to Families With Dependent Children was rising at the rate of one million annually. In 1970 it was two million annually. If the October-November rate were to be maintained, it would leap to 3.4 million annually.

In any event, as of last November, a total of 9.4 million men, women and children were enrolled in AFDC. This is just part of the load.

The welfare situation has reached the crisis point in a number of states, including California. The situation seems to be worse in the states which should be the wealthiest and most prosperous.

Gov. Ronald Reagan calls this state's welfare system "a $3-million moral and administrative disaster." However, his proposed reform plan, which would cut back a variety of services, makes it tougher to get on welfare and require recipients to work in public work projects, is under siege from Washington, and under attack by the leadership of the Democratic-controlled state legislature.

Welfare is not only a political issue, but an emotional one. Human beings are involved. Faced with agonizing choices or bankruptcy, many state leaders look to the federal government for help.

But, proposals that the federal government take over responsibility for all public aid have little support from the small states and the poorer states that have seen much of their welfare problem evaporate. This has come about as likely candidates for welfare headed for states where the handout was more abundant—thanks to the Supreme Court ruling that struck down residency requirements for welfare assistance.

There may be another factor, that has been ignored, in the growing cost of welfare—the mechanics of the system.

During the past week in the San Gabriel Valley we have had reports of at least two instances where assistance checks from the county keep coming—despite notification that there was no longer need for the help. In one instance it was an allotment for an aged woman who had died. In the other it was payment for a child in a foster home, months after the child was no longer there.

How many times is this mistake being repeated? If enough, failure of the system to purge its list of ineligible recipients could loom big as any important factor in the burgeoning welfare costs that threaten to bankrupt states and deluge us all.

LIBERALS COMING TO THEIR SENSES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ASHBROOK. Mr. Speaker, one of the most promising political developments of the past year or two has been the increasing awareness by many liberals that they have been wrong in their continual advocacy of concentration of power in the executive branch. In almost every situation in the past decade the liberal answer to a problem has been to amass power in Washington and spend money.

How well I recall in the first days of the Kennedy administration how the liberals argued that the President should be given the power to raise and lower taxes when he saw fit. He could see the situation better and act more rapidly, they argued. In the multitude of bureaucratic agencies set up during that period—ranging from the poverty program to depressed areas legislation—it was always argued that we should bypass the Governors and the States and give the agency director power to target the money where he thought it would do the most good.

In foreign policy the same arguments were made. Let the President decide everything. Congress should not prevent him from shipping grain to the Communist countries. Let him decide. We should not legislate a prohibition against selling grain to Nasser after his anti-American statements. Let the President decide if it is in our national interest. How often we heard that—let the President determine the national interest and then act.

Well, there have been some changes made. Possibly because President Nixon is in the White House, possibly because they have found that they were wrong and the constitutional conservatives were right all along. At any rate, Senator FULBRIGHT and others are now talking a different tune.

The liberal news media rarely calls attention to this metamorphosis but the record should indicate these basic changes in the thought of the leading liberals. In 1961, Senator FULBRIGHT uttered such statements as:

> The source of an effective foreign policy under our system is Presidential power. . . . It is my contention that for the existing requirement of American foreign policy we have hobbled the President by too niggardly a grant of power.
>
> I wonder whether the time has not arrived, or indeed already passed, when we must give the Executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld.

Conservatives, on the other hand, have argued the direct opposite. The checking of power, decentralization, our Federal system, checks and balances and restricting the Presidential power have been a great part of the conservative creed through the years. The Bricker amendment, for example, was offered to check Presidential power.

We welcome these liberals to the camp. Whether it be President Nixon or President Johnson we have always felt the same. No President should have some of the powers that liberals in the past have advocated. To his credit, President Nixon seeks less power rather than more power. This is the thrust of revenue sharing. This is the hallmark of his administration.

Back to Senator FULBRIGHT. I again read with interest his 1961 lecture at Cornell University. It appears in the Cornell Law Quarterly, fall 1961 issue, and it is inserted at this point. It has a different meaning today than it did when I first read it 10 years ago. Earlier this month, Senator FULBRIGHT charged that our Government is evolving into a "presidential dictatorship." My, how times change.

[From Cornell Law Quartely, Fall 1961]

AMERICAN FOREIGN POLICY IN THE 20TH CENTURY UNDER AN 18TH-CENTURY CONSTITUTION*

(By J. William Fulbright)

In a world beset by unparalleled forces of revolution and upheaval, we Americans are confronted with the painful and urgent duty of re-examining the functional adequacy of some of our most hallowed and hitherto unquestioned institutions. The question we face is whether our basic constitutional machinery, admirably suited to the needs of a remote agrarian republic in the 18th century, is adequate for the formulation and conduct of the foreign policy of a 20th-century nation, pre-eminent in political and military power and burdened with all the enormous responsibilities that accompany such power.

I raise this question with a feeling of sadness and more than a touch of historical nostalgia. The delicate and complex structure of federal decentralization, and of checks and balances on the national level, have served this heterogeneous nation well in its *internal* life, restraining us from hasty and ill-conceived actions and protecting us from the tyranny of both individual men and fervent majorities. Except for the tragic Civil War of a century ago, we have had a remarkably successful history. The system has proven durable and has served as a framework within which we have been able to provide a good life for most of our people.

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*This article was delivered as the sixth Robert S. Stevens Lecture at Cornell University on May 5, 1961.

I emphasize that this system has served us well in our *internal* life, and if our life as a nation were essentially domestic and not irrevocably linked to the life of the other peoples on this planet, no questions would have to be raised. At least since 1917, however, and for perhaps a good deal longer, our internal and external affairs have become increasingly interwoven; meanwhile, the ability of this nation to preserve the value system which constitutes the core of our national interest has come to depend principally upon our ability to cope with worldwide revolutionary forces.

The dynamic forces of the 20th century—communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other. We must make decisions which are painful and some which do violence to our fundamental values. We must do these things if we are to survive in a world that obstinately refuses to conduct its affairs under Anglo-Saxon rules of measured and orderly procedure.

My question, then, is whether we have any choice but to modify, and perhaps overhaul, the 18th-century procedures that govern the formulation and conduct of American foreign policy. More specifically, I wonder whether the time has not arrived, or indeed already passed, when we must give the Executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld.

The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead. The pre-eminence of Presidential leadership overrides the most logical and ingenious administrative and organizational schemes. The essence of our "policy-making machinery" and of the "decision-making process"—concepts of current vogue in the academic world—is the President himself who is neither a machine nor a process, but a living human being whose effectiveness is principally a function of his own knowledge, wisdom, vision, and authority. It is not within our powers to confer wisdom or perception on the Presidential person. It is within our power to grant or deny him authority. It is my contention that for the existing requirements of American foreign policy we have hobbled the President by too niggardly a grant of power.

Our institutional arrangements for foreign affairs were drafted in the late 18th century by men who assumed that these affairs would be few and insignificant. The Founding Fathers considered, for instance, that the Department of State would quite possibly wither away from disuse. Nonetheless, these men, deeply imbued with the philosophy that no man is beyond the corrupting influences of power, carefully restricted the authority of the President by the prerogatives of "advice and consent" vested in the Senate, and by the still broader limitations of the legislative process as a whole. As foreign policy has become increasingly merged with domestic policy, and as its conduct has increasingly involved the expenditure of vast sums, Congressional authority, particularly that of the House of Representatives, has been accordingly enhanced. It is exceedingly difficult—if not impossible—to devise unified policies oriented to a clear and definite conception of the national interest through a system in which power and responsibility for foreign policy are "shared and overlapping." Policies thus evolved are likely to be ill-coordinated, short-ranged, and often unsuccessful, while the responsibility for failure is placed squarely on the President, neither "shared" nor "overlapping." As President Kennedy said recently: "Success has many fathers; failure is an orphan." He might have added that every President finds himself the involuntary proprietor of a vast, unruly orphanage.

The President already enjoys far greater authority in foreign affairs than in domestic policy, but it is still authority that falls short of his responsibilities. The President, according to the Supreme Court in *United States v. Curtiss-Wright Export Corp.*,[1] is vested with "delicate, plenary, and exclusive powers" in the conduct of foreign affairs. While it is not for me to query the juridical basis of this dictum, I do not think that it is accurate in fact.

The pre-eminent *responsibility* of the President for the formulation and conduct of American foreign policy is clear and unalterable. He has, as Alexander Hamilton defined it, all powers in international affairs "which the Constitution does not vest elsewhere in clear terms." He possesses sole authority to communicate and negotiate with foreign powers. He controls the external aspects of the Nation's power, which can be moved by his will alone—the armed forces, the diplomatic corps, the Central Intelligence Agency, and all of the vast executive apparatus. As Commander-in-Chief of the armed forces, the President has full responsibility, which cannot be shared, for military decisions in a world in which the difference between safety and cataclysm can be a matter of hours or even minutes. The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons.

Each new President, on taking office, inherits a complete foreign policy in being, with roots as far back in the past as Washington's Farewell Address and the Monroe Doctrine. He must preserve, implement, and—in our own time—frequently reshape these broad lines of policy, taking care not to violate the deep psychological bases of our "national character," or what Walt Rostow calls the "national style."

The President's power is informally but effectively checked by the workings—or, more precisely, the non-workings—of the sprawling administrative apparatus of government, with its complex subdivisions and overlapping jurisdictions. The Department of State, it is estimated, participates in a vast number of inter-departmental committees dealing with problems of foreign policy. The road between a Presidential directive and its practical implementation is long and tortuous. The complexity and seemingly built-in inertia of the bureaucracy make it much easier and much safer on the operative level to continue time-honored routines than to embark upon new initiatives. It is much easier and much safer to pursue policies which proved to be successful ten years ago, but which have been made obsolete by recent events, than to try to meet recent events by novel and perhaps risky policy changes.

In a statement before the Senate Committee on Foreign Relations in 1959, Professor Hans J. Morgenthau summed up the situation in these words:

"The executive branch of the government is constituted in such a way, particularly with regard to the conduct of foreign policy, as to make it virtually impossible to pursue consistently a dynamic foreign policy which takes the initiative away from the enemy and which is mobile enough to answer effectively sudden challenges which may confront us."

Calling for drastic simplification of the processes of bureaucracy, Professor Morgenthau declared:

"I think it is not by accident that Mr. Dulles to a great extent disregarded the institutional process of foreign policy formulation and reached many important decisions without reference to them. It is the only thing he could have done when he was confronted with a task which required immediate decision."

The principal subordinate of the President in the foreign policy process is, of course, the Secretary of State. The Office of the Secretary of State, unlike its counterpart in most parliamentary democracies, is scarcely defined in institutional terms. The Secretary is the creature of the President, with as extensive or restricted powers as the President may choose to give him. The President can take his counsel from whomsoever he chooses. President Wilson, for example, relied heavily on Colonel House, who held no official position, and virtually ignored Secretary Lansing, whom he neither liked or trusted. President Roosevelt relied little on Secretary Hull and was in great measure "his own Secretary of State." Under President Eisenhower, on the other hand, Secretary Dulles seemed at times to be exercising those "delicate, plenary, and exclusive powers" which are supposed to be vested in the President.

The lack of clear institutionalization in the office of the Secretary of State, as well as the absence of a continuing corps of high-level professionals in the Department of State, in sufficient numbers and quality, *add* a most deplorable element of disorder and amateurism to the inherent defects of an overly complex bureaucracy.

The overriding problem of inadequate Presidential authority in foreign affairs, however, derives not from the internal relationships within the executive branch, but from the "checks and balances" of Congressional authority in foreign relations. While Congress has many powers under the Constitution, having to do with foreign affairs, these powers do not enable the Congress to initiate or shape foreign policy, but to implement, modify, or thwart the proposals of the President. These powers, moreover, are widely dispersed within Congress, distributed among autonomous committees each under a chairman who owes little if anything in the way of political obligation to the President.

Besides the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs, the principal centers of foreign policy power in Congress are the Armed Services and Appropriations Committees in each House. The Appropriations Committees are particularly sensitive to the preservation of their prerogatives against executive incursions, with the result that it is all but impossible to secure funds on a long-range basis. The Mutual Program, one of the keystones of our foreign policy, is put in jeopardy annually by the lengthy ritual of hearings, debates, and amendments to the President's proposals. The Secretary of State and other high officials are obliged to expend prodigious amounts of time and energy in shepherding their programs through the glacial legislative process. For any given program, an Administration spokesman must usually appear four times before Congressional units, before the authorizing Committees of each House and then before the two Appropriations Committees.

The appropriations process in Congress, moreover, is governed by a basically faulty attitude. The central consideration is invariably money rather than policy. The annual debate on foreign aid is focused on the single question: How much money ought we spend? Instead the truly vital question should be: What kind of policy ought we to have? It is policy that should be determined first, and this determination should provide us with the rationale by which it is decided how much we ought to spend. As Professor Morgenthau said when he testified before the Senate Committee on Foreign Relations in 1959:

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[1] 299 U.S. 304 (1936).

"If you ask me how much money we ought to spend, I couldn't tell you. I would say we ought to spend sufficient money to keep India going. This might be twice as much as we are willing to appropriate or half as much I wouldn't know. . . ."

These difficulties are further compounded by the premium which our political system places on localism and parochialism. Foreign policy is scarcely ever the crucial factor in the election of Congressmen. The rise of a successful politician to power in the United States bespeaks an impressive measure of skill in two areas: the ability to satisfy the domestic needs and desires of a substantial portion of our citizenry, and the ability to manipulate political machinery with shrewdness and deftness. At no point in his rise to powerful office does the typically successful politician find it imperative to school himself in the requirements and problems of foreign policy. Indeed his preoccupation with local matters and with political machinery is virtually bound to prevent him from acquiring any breadth or depth of knowledge in the field of foreign affairs.

With their excessively parochial orientation, Congressmen are acutely sensitive to the influence of private pressure and to the excesses and inadequacies of a public opinion that is all to often ignorant of the needs, the dangers, and the opportunities in our foreign relations. Walter Lippmann, as astute an observer of the political process as we have in American journalism, contends that public opinion consistently lags a generation behind in its attitudes and assessments of international relations. The tyranny of public opinion, says Lippmann, imposes upon our policy-makers a "compulsion to make mistakes." The poet Yeats was not wholly wrong when he laid down this harsh pronouncement on public opinion: "The best lack all conviction—the worst are filled with passionate intensity."

These views may be overstated, but they are not wholly without merit, and I point to them in order to stress the point that public opinion must be educated and led if it is to bolster a wise and effective foreign policy. Only the President can provide the guidance that is necessary, while legislators display a distressing tendency to adhere to the dictates of public opinion, or at least to its vocal and organized segments.

I return now to my basic question: Are our formal political institutions basically inadequate for the requirements of our foreign policy? Harlan Cleveland, former Dean of the Maxwell School of Citizenship and Public Affairs at Syracuse and now Assistant Secretary of State for International Organization Affairs, stated the problem succinctly when he commented: "We know in our hearts that we are in the world for keeps, yet we are still tackling twenty-year problems with five-year plans staffed with two-year personnel with one-year appropriations."

And there is wisdom for the present in Abraham Lincoln's words:

"The dogmas of the quiet past are inadequate for the stormy present. The occasion is piled high wtih difficulty and we must rise with the occasion. As our case is new, so we must think anew and act *anew*. We must disenthrall ourselves and then we shall save our country."

The question I put, without presuming to offer solutions, is whether in the face of the harsh necessities of the 1960's we can afford the luxury of 18th century procedures of measured deliberation. It is highly unlikely that we can successfully execute a long-range program for the taming, or containing, of today's aggressive and revolutionary forces by continuing to leave vast and vital decision-making powers in the hands of a decentralized, independent-minded, and largely parochial-minded body of legislators. The Congress, as Woodrow Wilson put it, is a "disintegrated ministry," a jealous center of power with a built-in antagonism for the Executive.

I have no objection to this arrangement in its own terms, and I wish that the conditions of tranquility in which this system flourished were still in existence. They are not, however, and I submit that the price of democratic survival in a world of aggressive totalitarianism is to give up some of the democratic luxuries of the past. We should do so with no illusions as to the reasons for its necessity. It is distasteful and dangerous to vest the executive with powers unchecked and unbalanced. My question is whether we have any choice but to do so.

Another aspect of the question of the appropriateness of our institutional structure for the effective formulation and conduct of our foreign policy is the dual role which the President of the United States is compelled to fill. He is both head of state and head of government, both King and Prime Minister. If he fails to fulfill the requirements of either of these roles with skill and success, he seriously jeopardizes his effectivenes in the other. President Truman was in many respects a forceful and imaginative head of government, but his failure to make his own person a living symbol of the unity and dignity of the nation contributed to the unbridled partisanship of the early fifties which did grave damage to both his foreign and domestic policies. President Eisenhower, on the other hand, was an exemplary head of state, a virtual personification of the American ideal, but his failure to exercise the *full* measure of his powers and duties as "Prime Minister" was the cause of basic failures and omissions in our foreign policy. President Roosevelt was relieved, because of his physical afflictions, from some of the ceremenial duties required of other Presidents, with the result that he was probably a more effective head of government for this very reason.

Perhaps it is too much to ask one man to formulate and execute national policy, both foreign and domestic, and at the same time to preside benignly over the opening of the baseball season, to present an award to the outstanding boy scout of the year, to crown a beauty queen, and to participate enthusiastically in every ceremonial aspect of our national life.

In neither the parliamentary nor totalitarian systems of government is the Executive called upon to exercise this dual function. While the President's time is consumed and his efforts diluted by innumerable diversions of ceremony, such world leaders as Macmillan and Khrushchev and Mao Tse-tung are able to focus the full weight of their formidable talents and energy on the charting of national policy. I believe we should find some way to relieve the President of the burdens and diversions of ceremony. I do not know exactly how, or even whether, this can be done, but I submit that we should try to devise some means of divorcing the duties of the King from those of the Prime Minister.

Let me consider briefly some of the contrasting techniques of policy formation utilized by both friendly and hostile foreign powers.

The outstanding characteristic of the British parliamentary system, by contrast with our own, is the single line of power and responsibility for the initiative, execution, and control of national policy that runs from the Prime Minister and the Party leadership through the Cabinet and Parliament. With a disciplined party majority in the House of Commons, a British Prime Minister can count upon sold legislative support in virtually all aspects of policy. The Cabinet itself is collectively responsible to Parliament and must give regular accounts of its stewardship through weekly "question hours."

Besides the immense advantages of unified control and responsibility, the Prime Minister is free of the burdens of ceremony and ritual, which are admirably borne by the Queen. The Prime Minister need not take even the time to deliver his own "state of the union message." The Queen performs this service in her annual "Speech from the Throne."

The Prime Minister has final responsibility for the formulation and conduct of British foreign policy, and, unlike the President, he has commensurate authority.

In comparing the powers of the Prime Minister and the President of the United States, the President would appear to have two advantages. He has, first of all, a fixed term of office, no matter how unpopular he may be with Congress or with the voters, he has the constitutional right to retain his office and exercise its powers until the next quadrennial election. The second *apparent* advantage is that the President is supreme within his Cabinet, which has no constitutional status and need not be consulted at all by the President.

Both of these advantages lose a good deal in practice. While the Prime Minister is technically subject to a Parliamentary expression of "no confidence," any Prime Minister who enters office with a safe party majority is, to all intents and purposes, as sure of his five years in office as the President is of his four. And if the Prime Minister is more restricted by the views of his Cabinet colleagues, he is nonetheless usually in a position to exercise preponderant influence in Cabinet deliberations. The Prime Minister's most significant advantage over the President is the extent of his control over Parliament, which, far from being a co-equal partner, is for legislative purposes virtually an assembly under his control.

British foreign policy on the operational level has two distinct advantages over its American counterpart: a Foreign Secretary who occupies an institutionally defined and constitutionally sanctioned office and a professionalized Foreign Office with built-in procedures for continuity of administration regardless of changes of government.

While the American Secretary of State is directly responsible to the President and to no one else, serves only at his pleasure, and may be overridden by the President at any time, the British Foreign Secretary is usually a major political figure in his own right with a long experience and thorough knowledge of the Parliament, ranking high in his party, and being constitutionally responsible to the Cabinet and Parliament as well as to the Prime Minister. The power exercised by the Secretary of State essentially depends on the personality and will of the President. No British Foreign Secretary, on the other hand, has been or could be relegated to quite the ignominy that Lansing suffered under Wilson, or could exercise such great authority as did John Foster Dulles. There are, of course, variations. Anthony Eden played a decidedly secondary role under Churchill, much as Hull did under Roosevelt, but the office and position of Foreign Secretary remain relatively stable.

A change of Administrations in the United States is accompanied by a radical re-staffing of the top policy positions in the Department of State. The result is a periodical infusion of officials often inexperienced in the exercise of governmental power and responsibility. In Britain, on the other hand, a high degree of administrative continuity and professionalism is assured by the existence of a Permanent Under-Secretary of State for Foreign Affairs, who serves as the head of the corps of permanent officials, including the Foreign Service, and who holds office regardless of changes of government. The Permanent Under-Secretary is always at the right hand of a new Foreign Secretary to advise him in the intricacies and prospects of current issues and in the assembling of information and documentation, and to caution him against courses of action which might depart from historic policies or lead the nation into unwarranted or dangerous commitments.

By contrast with Great Britain, the United States suffers from chronic amateurism among the men who bear the chief burdens of decision-making and foreign policy execution. Many of our policy makers have acquired wisdom and vision in the conduct of foreign affairs, but it has all too often been by on-the-job training. Under present circumstances, the conduct of our foreign policy requires an infusion of rigorous professionalism. The trials and errors of untried leaders were of little moment to the affairs of an isolated republic in the 19th century. In the mid-twentieth century, the errors and vacillations of amateurism can quite readily lead to irretrievable, indeed cataclysmic, disasters.

Further light may be thrown on the inadequacies of American foreign policy procedures by an attempt to penetrate the Alice-in-Wonderland façade of Communist institutions with a view to locating the true centers of power in Moscow and Peking.

While the elaborate structure of Soviet "institutions" is replete with checks and obstacles, by contrast with which the American Constitution is a monument of efficiency, these inconveniences are evaded by the simple and effective expedient of overriding institutional obstacles wherever they interfere with the dictates of policy, which is practically everywhere.

The institutions of the state in both the Soviet Union and Communist China are subordinate at all levels to the parallel institutions of the Communist Party, which in turn are subordinate to the will and dynamic personal interaction of a few powerful men exercising undefined and virtually unlimited powers.

The centralization of power in the Presidium of the Communist Party is the overriding characteristic of the Soviet system. Such policy decisions as are deemed appropriate are reported to the representative organs of the Party and state, either for information and propaganda purposes or for the formality of automatic approval. The Presidium in fact is a self-perpetuating body of individuals who, though nominally "elected" by the Central Committee, hold their positions by virtue of their administrative ability, their prowess in the internal political struggles and intrigues of the Kremlin, and their loyalty to the current dictator.

The operations of the Presidium, unlike those of a Western Cabinet, must be understood almost entirely in personal rather than institutional terms. The overriding objective in the shaping of policy, both foreign and domestic, is to get the job done, and if machinery or legal red tape poses obstructions, it is ignored or overriden.

From his vantage point at the apex of both party and government hierarchies, reinforced by his unmeasurable personal authority, Khrushchev exercises virtually unrestricted control of Soviet foreign policy. He does not rule in the high-handed fashion of Stalin, being by nature gregarious, extroverted, and garrulous, and he appears to have delegated substantial authority to trusted subordinates. Mikoyan, for example, is Khrushchev's closest adviser in foreign affairs. In addition to his pre-eminent political power in a totally centralized system, Khrushchev has also proclaimed himself to be chief of state, a ceremonial dignity which he finds convenient in his visits to foreign countries.

One would suppose that these all-encompassing powers and duties would impose upon Khrushchev a far heavier burden of detail and ceremony than those which afflict the President of the United States, but such is not the case. For reasons which are not wholly clear, Khrushchev finds ample time to reflect at leisure on the goals and means of Soviet policy. Walter Lippmann reports that during his recent Soviet visit, he was received by Khrushchev for an interview that lasted eight hours, during which time the Chairman was troubled by no interruptions and appeared to be completely relaxed and free from the distractions which plague our high officials.

The evidence is thus impressive that while the Soviet leader has virtually unlimited authority to act vigorously and decisively, to change courses with dispatch, and to focus the vast resourcs of the Soviet Union on any objective which he deems pre-eminent; he also has the time and the temperament that allow him to think and talk at length and to chart long-range policy goals.

What is true of the Soviet Union and Khrushchev appears to be even more true of Communist China and Mao Tse-tung. Like its Soviet counterpart, the Chinese Communist Party has absorbed the elaborate institutions of state, and preeminent power is lodged in the Party Politburo, the equivalent of the Soviet Party Presidium. Within the Politburo there is a standing committee composed of the highest ranking members of the larger body. The leadership of this inner core consists of Mao Tse-tung, First Secretary of the Party, Liu Shao-chi, Chairman of the Republic, and Chou En-lai, Premier of the Government. These three men, and especially Mao, hold in their hands the real nucleus of power in Communist China.

Mao feels that his all-important position in policy formulation requires freedom from administration and ceremonial tasks. In 1959 he gave up the office of Chairman of the Republic and he now holds no position in government, allowing himself ample time for the consideration and reflective thinking that he regards as the essential prerequisite to sound policy formulation. In recent years he has apparently made very little attempt to intervene in matters of detail and has for the most part left the execution of programs to his trusted subordinates.

Confronted with adversaries who are thus able to focus unrestrained personal power and vast resources on the advancement of a grand design that, if realized, will mean the destruction of free institutions in the United States and throughout the world, the President of the United States is obliged to organize and lead the defense of the free world through the use of institutions and processes that were designed for a radically different world of almost two centuries ago. I do not contend that we should abandon these institutions, for their preservation constitutes the very core of our national interest. Nor do I offer at this juncture a blueprint for the overhaul of our national policy machinery. I do contend, however,—very urgently—that the American people and their leaders must give prompt and serious thought to the need for major changes in the cumbersome procedures of our foreign policy formulation.

As the leader of a beleaguered community of free nations, the United States is under the most pressing compulsion to form wise and farsighted policies, oriented to a clearly conceived concept of the national interest and implemented by carefully devised and firmly co-ordinated specific lines of action. The essence of this compulsion is the conferral of greatly increased authority on the President, coupled with relief from many of his ceremonial duties. The President alone can act to mobilize our power and resources toward the realization of clearly defined objectives and to wean the American people and their representatives from the luxuries of parochialism and self-indulgence that they can no longer afford. The enhancement of Presidential power is, as I have said, a disagreeable and dangerous prospect. It is seen to be a compelling necessity, however, when set against the alternative of immobility, which can only lead to consequences immeasurably more disagreeable and dangerous.

Even in the 1830's, De Tocqueville was able to say:

"Foreign politics demand scarcely any of those qualities which a democracy possesses; and they require, on the contrary, the perfect use of almost all those faculties in which it is deficient . . . a democracy is unable to regulate the details of an important undertaking, to persevere in a design, and to work out its execution in the presence of serious obstacles. It cannot combine its measures with secrecy, and it will not await their consequences with patience. These are qualities which more especially belong to an individual, or to an aristocracy."

UNIVERSAL RAILROAD PROBLEMS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. MURPHY of New York. Mr. Speaker, perhaps we have something to learn from Japan's system of operating their passenger railroad service. The New Tokaido Line of the Japanese National Railways, in contrast to the 983,000 passengers carried by the New York-Washington Metroliners, has carried more than 350,000 in a single day along its 320-mile corridor between Tokyo and Osaka. One reason for the success of this service is that it has the railroad line to itself, while the Metroliner and other potentially effective services in the United States must share their lines with low speed local services and freight traffic.

But Japan is suffering the same problems as we are when it comes to its regular passenger system and its freight system. They are suffering the same labor problems, their system is running at a loss, the accumulated debt stands at $1.6 billion, its passenger traffic has dropped 17 percent, and its freight traffic has dropped 19 percent.

Amtrack, although it has had a difficult time getting off the ground, went into effect on May 1. Perhaps this corporation will begin to pull together our beleaguered passenger services. We will be looking forward to seeing how well it works.

Mr. Speaker, I request that this article from the April 24, 1971 issue of Business Week magazine, entitled "Japan's Troubled Railroads," be inserted at this point in the RECORD:

JAPAN'S TROUBLED RAILROADS

The world's best maintained, best run, and most heavily patronized railroad passenger service can be found along the densely populated 320-mi. corridor between Tokyo and Osaka on the main Japanese island of Honshu. It is universally admired, emulated (after a fashion) in Western Europe, and held up in this country as a shining example of what railroad passenger travel could be like if we tried harder. It is so successful that, in contrast to the New York-Washington Metroliners, which carried 983,000 passengers for the entire fiscal year ending June 30, 1970, the New Tokaido Line of the Japanese National Railways has carried more than 350,000 passengers in a single day.

One thing that makes the New Tokaido Line service so good—and reportedly so profitable, though JNR officials decline to break out specific figures—is that the bullet-nosed expresses have the line to themselves. Everything else stays on the Old Tokaido Line, a narrow-gauge, 19th-Century railroad that meanders and struggles through the incredibly crowded industrial strip. There are no lumbering freights to beat down the rails or to require that curves on the New Tokaido Line be banked less steeply than they are. There are no locals to get in the way of the 125-mph expresses. Because the relatively short distance and the fast, three-hour and 10-minute running time do not lend themselves to overnight service, the New Tokaido Line enjoys a unique benefit: It is closed for six hours every night so that hordes of maintenance forces can manicure its roadbed back to the required degree of smoothness. The New Tokaido Line, in short, is such a success that JNR is building or planning 3,700 mi. of additional high-speed railroad, though because of the population on the new routes in less dense, officials do not expect them to do as well.

What many Westerners do not know is that most of the rest of the Japanese National Railways—the relatively grubby parts that form the backbone of domestic transportation in Japan—are plugging precipitously into the same problems that plague railroads everywhere. Indeed, anyone listening to complaints about the JNR, and to the proposed solutions, might think that the Japanese railway system resembles a hugely magnified nationalized Penn Central.

MONEY TROUBLES

The JNR has lost $2-billion in the seven years since 1964, despite two fare hikes. Its share of passenger traffic has dropped 17% in the past nine years, and freight traffic for the period is off 19%. The accumulated debt stands at $1.6-billion, and the JNR is currently losing money on all but 1,488 mi. of its 13,000-mi. system.

The reasons are not hard to find. Railroading in Japan is labor-intensive, and the changing travel and living habits of the Japanese people have eroded the near-monopoly of Japanese transportation that the JNR held before World War II. Highways have taken an increasing share of both passengers and freight.

"Every year," says Satoshi Isozaki, JNR president, "our payroll goes up by some $190-million, but our revenue goes up only about $140-million. How can you operate a railroad on a commercial basis with this kind of situation?" Total labor costs in 1970 came to nearly $2-billion, against some $3-billion in total revenue.

The JNR, which will celebrate its centennial next year, has not always drained the national exchequer. A favorite Isozaki saying is: "We ran in the black for 92 years." Hoping to get back in the black again, the JNR has launched a 10-year program of weeding out superfluous employees and replacing old, unprofitable lines.

REORGANIZATION

Isozaki, 58, is a longtime railroad man. He joined the JNR straight out of Tokyo University, moving up the ladder all the way from section chief to vice-president before assuming the presidency 18 months ago. His predecessor, Reisuke Ishida, had been a trading company executive before turning to railroading, and is now retired to farming.

Isozaki calls himself "just a railway clerk," but he speaks with all the authority of his new office. The dictates of local politics, for example, moved the federal Diet to appropriate some $300-million to build new rail lines into out-of-the-way rural areas. Says Isozaki, "I consider this nonsense."

Despite such problems, the JNR has federal government backing for a three-pronged reorganization and modernization program that it hopes will wipe out its deficit by 1978. These plans call for eliminating 120,000 employees from the payroll, abandoning little-used local lines and stations letting local governments operate any that are considered a "social minimum" for public service, and building a network of high-speed standard gauge lines to replace Japan's old narrow-gauge system.

President Isozaki, zeroing in on another problem, says the JNR could get by with one-tenth of the 3,000 freight stations it now has. "We still have a freight station every three or four miles, the same as 100 years ago," he says. "They ought to spread out 30 or 40 miles apart. Our problem is that we have modern lines like the Tokaido, but we also have some remnants of the 19th Century.

PARING

It will not be all that easy to streamline the JNR. Automobile dealers and users have already screamed about some $8-million in new taxes that they were asked to contribute in fiscal 1971, (beginning Apr. 1, to help finance construction of new high-speed express lines. Another $12-million will come from a government loan.

Transportation Minister Tomisaburo Hashimoto shrugs and says, "Even the car owners have to travel by train sometimes, so they can't complain too much." Behind the complaints, however, is the fact that the JNR's share of the passenger market skidded from 51% in 1960 to 34% in 1969. Private railways saw their share drop from 25% to 18%. In the same period, the automobile's share zoomed from 5% to 27%. Highway traffic took an even heavier load in the freight department: The JNR's share of freight traffic dropped from 38% in 1960 to 19% in 1969, while the trucking industry boosted its share from 15% to 38%.

Even louder protests than those over taxes are likely to arise when the JNR begins abolishing jobs and local rail lines. JNR officials are quick to emphasize that they are not going to fire anybody, a practice that would go against the grain of a country where employees of big industry traditionally have life-long tenure. But 120,000 of the JNR's 475,000 employees are due to retire over the next 10 years, and most of these jobs simply will not be refilled. The railroad also hopes to "rationalize" jobs—to eliminate assistant engineers, for example.

DEADWOOD

"It's not that there are 100,000 deadwood employees in JNR," says Hideo Yoshitake, deputy director of corporate planning. "But we are rationalizing. Maybe we'll go to more automatic ticket vending machines, maybe we'll close down some lines, and maybe we'll leave about 40% of our stations unmanned. We'll also go to more mechanization in maintenance work."

To a U.S. railroader, Earl White, who is Tokyo sales director for the Chicago, Milwaukee, St. Paul & Pacific RR Co., labor on the JNR is something to marvel at. "The thing is, they seem to use so much help. You see so many employees hanging around the stations. Coming from the States, you just can't believe it." JNR has more than 36 employees for every mile of route; the Milwaukee, by contrast, has only about 15,000 employees, less than 1½ workers per each of its 10,475 mi. of routes.

Any plans to change the system are being carefully scrutinized by the 280,000-member National Railway Workers Union. Its vice-chairman, Sadao Fuji, said recently; "The problem is not their method of reducing employees, but whether they need to reduce them. The JNR says it's going to abolish unprofitable lines and stations. But the responsibility of JNR as a public enterprise is not whether to run in the black or red, but whether to run transportation for the public. Its responsibility is public service, and if it's running in the red, then it's the nation's responsibility to subsidize the railroads through taxes."

Since the JNR is operated as a public corporation (it was run directly by the Transport Ministry before the war), the public already subsidizes the railway to some extent through government loans and aid. In return, the railroad carries a "public burden" in discount rates for newspaper and magazine freight, students, and season-ticket buyers, which the line figures amounted to about $145-million in lost revenues last year. "If it hadn't been for that, we'd be in the black," Yoshitako claims.

THE FUTURE

President Isozaki believes that both JNR employees and the public today understand the railway's financial crisis. As an example of changing public opinion, he cites that the fact that in the past year, the JNR was able to abandon two losing local liens without major protest from either union or public.

Transport Minister Hashimoto notes that some prefectural governments have already agreed to a proposed new Regional Railroad District Federation, which will be financed jointly by federal and prefectural governments and will operate about 3,700 mi. of the local lines that are piling up the biggest deficits. Relieved of these losses, Hashimoto thinks the JNR should be able to operate in the black.

Not everyone agrees that the new high speed lines being built or planned will be as successful as the New Tokaido Line. Hideo Shima, a retired JNR executive who helped plan the New Tokaido Line and who presently heads the Japanese Railway Engineers Assn., points out that the planned new routes do not have as rich a market potential as the Tokaido.

"They have political meaning," Shima says, "but I don't think they can be profitable." Shima concedes that many had been just as pessimistic about the chances of the New Tokaido Line, and adds: "When we asked the World Bank for a loan, we conservatively estimated that the railroad wouldn't run to full capacity for 20 years. But it's running practically full now."

Competition for the New Tokaido Line comes from the old rail line, which is cheaper, a new expressway opened in 1969, and from air transport. The new expressway has had little effect on rail traffic so far. Air travel from Tokyo to Osaka—a 45-minute flight compared to 3 hours, 10 minutes for the bullet trains—after dropping from 15% to 8% of the market, has climbed back to 13%. Air advocates have also proposed using the potentially huge capacity of Boeing 747s by packing the regular compartments with seats, the belly compartments with box lunches, and shuttling the planes back and forth.

To keep potential passengers on the ground, the JNR is now building an experimental super-high-speed railroad, using linear induction motors and magnetic suspension to reach speeds of 300 mph. This system, which involves extremely powerful, super-cooled magnets, generates such a force that a vehicle is literally repelled upward from the track. Either magnetic levitation or the more "conventional" tracked air cushion vehicles are essential for a speed increase above the 125 mph of the New Tokaido Line. In fact, as the track on the Tokyo-Osaka line is pounded by even the lightweight cars of the expresses, it is becoming increasingly costly to maintain, and in some places speeds have had to be reduced. "My idea is to lay the foundation for the 21st Century railroad in Japan," Isozaki says. "As I tell my employees, we're an industry with a future."

BOSTON UNIVERSITY VOTES SPECIAL CITATION TO CBS NEWS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. REID of New York. Mr. Speaker, the Boston University School of Public

Communication recently voted a special citation to CBS News for its timely and distinguished documentary "The Selling of the Pentagon."

In accepting the citation, Mr. Richard S. Salant, president of CBS News, spoke about the grave dangers of overzealous regulation of broadcast journalism by the Government and about the constitutional restraints upon such regulation. Mr. Salant's thoughtful and excellent speech places into sharp focus this important issue, about which there has arisen so much controversy and confusion.

As Mr. Salant points out, what is at stake is "the issue of how free journalism can exist in a context of licensing" and he says this "may well be the most important, certainly the most far-reaching, first amendment issue which has emerged in this century." There is no question in my mind that the first amendment's prohibition on "abridging the freedom of the press" covers the broadcast media as well as the printed press.

There is a possibility that this House may soon have to face squarely the question of what is the proper and constitutionally permissible role of the Federal Government vis-a-vis the broadcast news media. I strongly urge each of my colleagues to read and ponder Mr. Salant's remarks before deciding that question, and to that end I am pleased to insert the full text of his speech in the RECORD:

REMARKS BY RICHARD S. SALANT

Dean Wiebe, faculty of the School of Public Communication, honored guests: With pride and deep gratitude, I receive this citation for those who really did the work in making the broadcast "The Selling of the Pentagon" and for all my colleagues at CBS.

But you have not asked me here, nor have I come here, for the ceremonial business of award-giving and award-receiving—the former in any event, as George C. Scott has recently rediscovered, being more blessed than the latter. Rather, we are here for a common and significant purpose—to consider what may well be the most important, certainly the most far-reaching, First Amendment issue which has emerged in this century—the issue of how free journalism can exist in a context of licensing.

This was hardly the issue we intended to raise when, a year ago last January, I suggested to my colleagues that we look into doing a documentary on the vast apparatus of government public relations. Nor was it the issue we intended to raise when, in February 1971, we broadcast "The Selling of the Pentagon," which ultimately evolved from my January 1970 suggestion. All that we were trying to raise were issues arising out of the public information activities of the Pentagon—issues which involved civilian-military relationships, the fine line between information and propaganda, and even war and peace.

Those were important issues which warranted honest debate. But they are not the issues we have wound up with. Instead we've wound up with the issue of our very survival as journalists.

What happened is that we got some powerful people in two branches of the government mad at us—Pentagon officials who at least publicly were rather mild and said nothing worse than that our broadcast was somewhat unprofessional; the Chairman of the House Armed Services Committee to whom we were un-American and Goebbels-like; and the Vice President of the United States, who found us—and this really hurt my mother—disreputable.

And so next, the Investigations Subcommittee of the House Commerce Committee, which has jurisdiction over both the FCC and over broadcast legislation, moved in: It issued a subpoena, which demanded not only the film and transcript of what we actually broadcast, but all the raw material which we did not use. We have respectfully declined to furnish anything other than what we broadcast. We have informed the Subcommittee of our deeply held conviction that its request raises fundamental Constitutional issues.

There have been lots of words on what the Congressional investigation and the subpoena are all about. There have been legal theses on legislative purposes, on the inconsistency between public interest on the one hand, and misrepresentation, falsity and distortion on the other hand. There will be many more words before this is finally resolved. But when you cut through all the words, it comes down to one stark fact—the government, through a legislative committee, proposes to sit in judgment on our editing and our accuracy; it proposes to decide whether we have met its notions of proper journalism.

Congressman Staggers, Chairman of the House Subcommittee, himself has made this clear. He told reporters that the subpoena's premise is that since broadcasters are licensed to operate in the public interest, "it is very important that the networks are accurate." The purpose of the subpoena is to obtain our raw materials out of which the broadcast was edited in order that the Subcommittee may compare the raw materials with what was broadcast—compare and decide whether it would have made the same news judgments that we did.

If the Subcommittee goes forward with this, and the full Commerce Committee, and then the full House of Representatives, and then the United States Supreme Court uphold it, broadcast journalism is substantially excluded from the First Amendment. We become not just second-class citizens, but aliens.

This has been a long time coming. How we got to this point is a story of self-delusion that we could live with the step-by-step encroachments, that each encroachment would be the last, that somehow we could muddle through and the issue need never be drawn. We were mistaken.

Thomas Jefferson said that the "natural process of things is for liberty to yield and for government to gain ground." That, in fact, is why he insisted on adding a bill of rights to the Constitution—to provide the Constitutional antidote to this "natural process."

But tyranny does not always come by coups. Repression and erosion of the First Amendment normally roll in, like the fog, silently on little cat feet. We move—forward, and unhappily sometimes backward—not by revolution but by scarcely noticed evolution. In 1788, James Madison put it this way: "There are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations." And in 1970, Lord Devlin brought Madison to the 20th century press when he observed that "If freedom of the press . . . perishes, it will not be by sudden death . . . It will be a long time dying from a debilitating disease caused by a series of erosive measures, each of which, if examined singly, would have a good deal to be said for it."

And that precisely is what is happening to broadcast journalism. It has been done to us by fine men, beneficently motivated, seeking to achieve what we all want to achieve—excellence in reporting and editing, truth, accuracy, fairness, balance and an informed public essential to a viable democracy. It has all been done to us by these good men who are as impatient as we in journalism are with imperfection, impatient with rogues, impatient with demagogues who would use the air to impose their own philosophies, impatient with those who use their licenses to squeeze out the last buck. These good men, so motivated, serving on the FCC or cheering them on, have done what I cannot assure you I would have refrained from doing had I been on the Commission or in the government—use the tempting lever of licensing to "improve" broadcast journalism and avoid the abuses and the sins that have marked the earlier history of the print media—the polemicists, the yellow journalists, the one-party press. Forgive these good men trying to do good, for only now do we, and now at least one of them—to whom I will return shortly—realize what they have done. The sword of Damocles they forged is, after all, two-edged and cuts both ways. These good men, with their own notions of good broadcasting and good journalism, built, step by step, an instrument which now is being used by other men whose entry into our newsrooms they never intended.

What none of these good regulators, what none of us, had realized was that any government intrusion designed to oversee journalism and make it more nearly what they think it should be has no stopping place. It is something like seduction—or the war in Indochina. The beginnings are innocent; each succeeding step leads to deeper involvement; finally the line is crossed and we wonder how it ever went so far.

It is all based on a fallacy, a delusion which that great scholar and teacher of the First Amendment, Zechariah Chafee, noted:

"Whenever anybody is inclined to look to the government for help in making the mass media do what we desire of them, he had better ask himself one antiseptic question: 'Am I envisaging myself as the official who is going to administer the policy which seems to me so good?' Justice Holmes remarked that, when socialism came, he hoped he would be 'on the committee.' You and I are not going to be on the committee which is charged with making newspapers or radio scripts better written and more accurate and impartial. It is very easy to assume that splendid fellows in our crowd will be exercising the large powers over the flow of facts and opinions which seem to us essential to save society, but that is an iridescent dream. We must be prepared to take our chances with the kind of politicians we particularly dislike, because that is what we may get."

We are now reaping the whirlwind of the false notion of these good men—the notion that it is all right to intrude into the newsrooms because good men are the intruders, with good objectives. But the First Amendment does not discriminate between good intruders and bad intruders. It does not permit our kind of man in the government to edit for us, but forbid their kind of man. It does not say Vice President Agnew can come in, but Commissioner Nicholas Johnson cannot or that Nick Johnson can come in, but Spiro Agnew cannot.

The First Amendment, in short, does not permit intrusion to enforce a journalistic approach of which you and I approve but forbid intrusion to enforce an approach of which you and I disapprove.

The three decades of increasing intrusion into delicate areas of news editing, news treatment and news judgments, no matter how nobly proposed or intended, have brought us today to a point of no return where the issue is nothing less than whether free broadcast journalism can exist. And if free broadcast journalism cannot exist, how secure can print journalism be? Can only our end of the rowboat sink?

For journalism, like a nation, cannot exist half free and half slave. Unless the issues which now confront us are resolved in favor of freedom, honest, independent, credible broadcast journalism—and if it is not honest, independent and credible, it is not journalism at all—is at an end.

And so, where do we go from here?

The course of CBS is clear, and it has been chartered: We shall do what we must do. As Frank Stanton, the President of CBS, said to the stockholders at the Annual Meeting a week ago:

With the firm conviction that we are doing the right thing—right for the American People whom both government and journalism exist to serve, right for the tradition and exercise of a freedom as old as this republic, and right for CBS as a responsible institution—we will take every step necessary and open to us to resist this unwarranted action of a Congressional Committee and to keep broadcast journalism free of government surveillance. Too much is at stake for us to do less."

But we cannot, nor should we, do this alone. After all, it is not CBS' First Amendment; it is not CBS' right to know. It is yours and all the people's; we are only the surrogates.

We are enormously heartened by the quick and strong support from others. Not only our colleageus at NBC and ABC, not only the Radio-Television News Directors Association, but our print brethren—the American Society of Newspaper Editors, Sigma Delta Chi, the American Association of Schools and Departments of Journalism and strong editorials all around the country. I am particularly encouraged to see in many of those editorials a revival of what I had feared had, in this age of polarization and intellectual intolerance, passed from our life—the spirit of Voltaire's "I disapprove of what you say but I will defend to the death your right to say it."

If somehow that spirit, reflected in many newspaper editorials, becomes contagious and spreads among the people, the First Amendment, and all of us, would be the gainers.

But there is much left to be done, and it is a long, uphill road ahead. Let me put it bluntly: Welcome as your citation is, welcome as are the resolutions and the editorials, if this battle is to be won, those are only the beginnings—important beginnings but still only beginnings. Liberty is rarely won easily. That we think we are so clearly right does not assure ultimate success. One cannot be certain about the ultimate votes on a contempt citation by the full House Commerce Committee or the full House of Representatives. We cannot be at all sure of what will happen in the courts.

Resolutions and awards are great but what, if I may be an ungracious guest, what do you do next if you feel as strongly as we do about these issues? Having done what you have done, will you then be bystanders as the fate of broadcast journalism, at least, is decided? Or will you continue to make yourselves heard as the issue is decided in the Congress?

But even that, however important, is short term. The subpoena is but a symptom. The fundamental issues will remain even if the Congress should decide not to vote CBS in contempt. What will still remain to be done—what urgently remains to be done—is to reconcile what is now the irreconcilable—to find some sensible and practical way to accommodate the irresistible force and the immovable object. The irresistible force is the First Amendment—a free press, the people's right to know. The immovable object is licensing.

Long ago John Milton eloquently posited that a free press cannot exist under licensing. And yet since broadcasting began a half a century ago, we have bumbled along, pretending that somehow there could be accommodation, that somehow the issue need never be faced. We gave a little here and a little there; the government moved in a little here and a little there.

And so it became just a question of time before somebody broadcast "The Selling of the Pentagon" and some congressman issued a subpoena. It was just a question of time before that bastion of free enterprise, Barron's, the national business and financial weekly, should be so outraged by "The Selling of the Pentagon" that its front-page headline should read "Broadcast License—CBS Has Forfeited Access to the Nation's Airwaves." It was just a question of time before a senator from Kansas named Dole, who happens also to be the Chairman of the Republican National Committee, which in turn happens, we might suspect, to have something to do with appointments to the Federal Communications Commission, would place with approval that Barron's article into the Congressional Record.

Sooner or later, we in broadcast journalism would get somebody angry enough to threaten us with the loss of licenses. And the issue which John Milton saw has forcefully been drawn. It has been with us all along.

It will not do to say that in 50 years of licensed broadcasting nothing has ever really happened. Who can be sure that nothing has really ever happened? Who can be sure that somewhere in some broadcast manager's office, in some news director's office, in some reporter's or editor's mind, there has not been self-censorship and self-suppression? When one's very survival in one's business—broadcasting—depends on licensing by the government, when the penalty for error and for government disagreement is not a fine, not prison, but capital punishment, does anybody think for a moment that there are not those who have said, let's skip this one, let's not make waves, let's stay out of trouble?

A year ago the Radio-Television News Directors Association held an informal session with the FCC and discussed some of their problems, including those 20-day letters which the FCC sends out to us, demanding answers to complaints about lack of fairness and balance or accuracy. In the course of the discussion Commissioner Bartley, himself a former broadcaster, stated that these 20-day letters do "have their chilling effect that you people have talked about. There is no question but that the station managers view just a routine inquiry from the FCC as a threat." More recently, a retired elder statesman of broadcasting—a man who was the publisher of a newspaper and an active broadcast manager—wrote me: "It is well," he said, "to tell broadcast journalists not to be intimidated, but you know, of course, that no intelligent station owner or manager can tolerate the kind of 'freedom' that might lead to a hearing upon license renewal, or result in refusal by the Commission to renew a station license."

And there you have it. The incompatibility of licensing and free journalism is not an abstraction. It is a reality. If that legal phrase "chilling effect" has any Constitutional meaning and consequences, it has them here.

And so all of us must finally face up to the fact that we have lived too long with the irreconcilables of journalism and licensing. We should be grateful to the Vice President, to Chairman Staggers, to Barron's, because they have forced the issue.

Last fall, in speaking to the Tennessee Association of Broadcasters, I urged that there be developed "a new Bill of Rights for broadcasting which would say once and for all, and without having to depend on the particular administration or on the moods of the particular people who are appointed to the FCC that the government can go so far and no farther—that the First Amendment means something to this . . . important part of journalism, that the practicalities of those Supreme Court words, 'robust debate' and 'chilling effect' can be infused with real meaning."

The time to develop a new Bill of Rights is now urgently upon us. We at CBS cannot do it. Broadcasters cannot do it. Our dispassion and our credibility are adversely affected by our deep self-interest. Rather, this vital and historic mission must be undertaken by others. I propose that those others include you.

For who in this nation is better equipped, more expert, more dispassionate yet more deeply committed to the First Amendment and the honorable profession of journalism than the faculties and students at our schools of communications and schools of journalism? And so I suggest that it is right here that the important mission be begun.

What I suggest, just five short years before the bicentennial anniversary of this nation's Declaration of Independence, is that a new kind of academic Constitutional Convention be convened, summoning the best minds in the communications and journalism schools, advised not only by those of us in broadcasting but as well print by journalists, by the best Constitutional and communications lawyers, by all past and present FCC chairmen and by interested government officials. Let all the best and most innovative minds come forward with, and consider, all the possibilities, all the proposals.

I am encouraged that a start has already been made in a fresh reexamination of this urgent issue. Paul Porter, former Chairman of the FCC, under whose aegis the Commission in the '40s took such important pervasive steps toward regulation when it issued the Blue Book and began the road to the Fairness Doctrine, spoke just a week ago today at the Peabody Awards lunch: He said that, in the light of what has happened, the time has come to reexamine all the earlier premises, all the earlier decisions and doctrines so as to restore, preserve and reenforce the freedom of broadcast journalism. Indeed, he proposed what I, as a broadcaster, would not dare propose in order to disentangle licensing from free journalism—he proposed permanent licenses and limited and specific standards for revocation. Perhaps this is the answer. Or perhaps the answer is the broad adaptation to broadcast journalism of the recent doctrines enunciated by the Supreme Court limiting libel actions—imposing some sort of strict, specific requirement that the government can intrude, through its licensing power, into news judgments and news content only where there is the clearest kind of truly extrinsic evidence of willful, persistent, patterned malicious intent.

There must be other alternatves which will occur to you and to others. The kind of academic Constitutional Convention which I propose will surely bring fresh and innovative ideas to this great issue. Surely a nation which could bring forth a Constitution and a Bill of Rights can, today, find in that great document a way to preserve bold and independent broadcast journalism in the context of licensing.

The lines are clearly drawn. On the one hand, we have the statement of a senior member of the House Commerce Committee that the First Amendment does not apply to broadcasting because it "refers to individuals and not to licensees of a public resource. I am sure you are also aware that the freedom of the press is not now, and has not been, extended by the courts to broadcasters, but is limited solely to publishers of documents." In contrast, we have the principles enunciated by Jefferson and Madison—Jefferson who said in 1781: "Our liberty depends on the freedom of the press—and that cannot be limited without being lost"; and Madison who said, almost as though he foresaw the House Subcommittee's actions and the FCC's decisions:

"Some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States, that it is better to leave a few of its noxious branches to their luxuriant growth than, by pruning them away, to injure the vigor of those yielding the proper fruits. And can the wisdom of this policy be doubted by any who reflect that to the press alone, chequered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression . . ."

And thus the issue for my proposed version of a new Constitutional Convention is defined. CBS stands ready to help those who undertake this misison.

I hope that you will take hold, that you will reexamine all the basic assumptions, that you will find the road which will permit broadcast journalism some day soon to say that it is free at last.

UNDER ATTACK

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. BAKER. Mr. Speaker, on May 1, the Nation observed Law Day. The significance of this observance was probably dimmed by some of the other events which were taking place in Washington and other cities around the Nation, but thanks to some perceptive editorial writers such as Lee Anderson of the Chattanooga News-Free Press we have been reminded of the importance of this annual observance and why each of us bears a great deal of responsibility in seeing that our system of law remains in force for the protection of our Nation and our society. I urge my colleagues to read his April 30 editorial "Under Attack." He gives all of us something to think about. The editorial follows:

[From the Chattanooga (Tenn.) News-Free Press, Friday, Apr. 30, 1971]

UNDER ATTACK

The observance of Law Day, always a good idea, used to be a sort of "ho-hum" thing. But it shouldn't be, especially in these times.

It was planned to give emphasis to the American ideal of government by laws equally and justly applied to all as contrasted with the totalitarian systems that enslave men. May 1 was selected for the annual observance, providing quite a contrast with the May Day celebrations of Communist dictatorships throughout the world.

Most Americans have believed in the concept of law. So for most years, the observation has been accepted, but in a perfunctory manner. "Why make a big thing over it?" some may consciously or unconsciously have asked. We have law. It's standard operating procedure. We want to keep it, surely. But it's here. It's safe. It's secure. So why make a fuss over it?

The answer is evident in the fact that our system of law is not safe and secure.

It is under attack, not just by the external enemies but by internal ones.

The law is assaulted by official action and unofficial action.

We have seen mobs in the streets seeking through sheer weight of numbers to disrupt ordinary pursuits, infringe upon the rights of movement and safety of the people in general, stampede government by clamor, generally create disorder—in violation of the law. This is an old story now. It happens almost every day.

It has gotten worse: The sound of bomb blasts rings repeatedly in our national consciousness. Arson in revolutionary activity is frequent. Official records are rifled and stolen by anti-law thieves and disrupters.

On the other side, we still see the highest courts of the land dictate beyond constitutional limitations on their powers. We see presidents using decrees that are far beyond constitutional executive power. We see even the Congress, composed of representatives of the people, adopting unconstitutional legislation and refusing to legislate to halt unconstitutional depredations by others.

The American system of law is under attack today as it has never been before.

As always, men's liberty is threatened by those who want to make their own rules without regard to constitutional or legal limitations, who use the law for their protection as they try to destroy its protection of others. Sometimes they come subtly, saying what they propose is for the good of the people, even if extra-legal. Sometimes they come emotionally, playing on passions and hopes. Sometimes they come arrogantly and viciously, overrunning law simply because they think they can get away with it.

And to these are added the increasing number of ordinary criminals whose violations of the law are rising, destroying life and liberty and property.

Who stands against them?

Only the law and those who uphold the law. There is great need today for more of these—for good citizens to know that the rule of law is not automatic but requires our attention, nurture and support. Now!

SALT—AN ASYMMETRICAL ABM PROPOSAL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SCHMITZ. Mr. Speaker, an article in the Washington Star of May 4 this year, by Mr. Crosby Noyes, brings to light a very interesting point. Mr. Noyes outlines the growing threat which the Soviet strategic offensive forces pose to the survival of the United States and the relation of these strategic offensive forces to their strategic defensive forces now operational or under construction.

The Soviet defensive forces, such as the four complex Galosh antiballistic missile system now operative and the new Galosh complex under construction, are designed to protect major Soviet population and industrial centers and their national command authority. This corresponds with the United States targeting doctrine and also with the current capability of our strategic forces. We have structured our forces in such a manner that they do not have the capability to damage hardened Soviet missile complexes such as those composed of the SS–11 ICBM's. The Soviets currently have approximately 900 SS–11's deployed. It is only natural, therefore that the Soviets prepare to deny us the capability to inflict damage on those targets to which we are capable of doing damage as opposed to protecting targets which we cannot damage.

The United States, on the other hand, is constructing an ABM system to protect its strategic land based missile force—and hopefully some elements of our strategic bomber force and some population centers against accidental or third country attacks—we are defending our land based Minuteman system because Soviet capabilities pose a direct threat to this force. The Soviet ICBM's such as the SS–9 with three 5 megaton warheads, have the capability to be used as hardened Minutemen silo killers and are much too large to be used efficiently against cities.

As Dr. Albert Wohlstetter pointed out in testimony before the Senate Committee on Armed Services last year:

> If they intended to use such a warhead (5 megaton) against urban industrial targets, it is an unbelievable waste of payload, so if the triplet is not intended as an attacker on Minuteman, I can't imagine what in the world it is for, and if it is intended as an attacker on Minuteman, it seems to me that if it is not already a MIRV it must be a step on the way toward a MIRV. I don't find the weapon sensible for any other military mission that I can imagine.

Therefore our ABM is being constructed to protect the targets which they are preparing weapons to destroy. This is sensible. Each side protects the targets on which the other side has the capability to inflict damage.

This understanding helps to put the recently reported Soviet proposal to limit both sides ABM systems to the respective national command authorities in the proper perspective. If the newspaper reports are true, they are asking us to stop construction on our ABM system which protects the targets they are preparing forces to destroy and in turn they will continue construction on their ABM system which protects the targets which our weapons are capable of damaging.

If the Soviets actually made such an obviously asymmetrical proposal it is reasonable to surmise, assuming that the Soviets do not feel our negotiators to be beyond the pall as far as general intelligence quotient goes, that they are not serious about attempting to arrange a mutually satisfactory arms limitation agreement.

The article by Crosby Noyes follows:

THE DANGER OF IGNORING RUSSIA'S A-POWER

(By Crosby S. Noyes)

Just about every day, it seems, Defense Secretary Melvin Laird comes along with ominous news about what the Russians are up to in the field of nuclear weaponry. And in response, the head of the average American—including the average American legislator—buries itself a little deeper in the sand.

It may be, in a quite literal sense, the ultimate in credibility gaps. There is a frightening willingness to disbelieve or at least discount the warnings of administration leaders about our deteriorating nuclear security. The problems, most people feel, are beyond the understanding of laymen. And there is a pervasive suspicion that we are being deliberately scared into huge new defense expenditures.

So the Russians are pressing ahead with a new flock of huge intercontinental missiles? So let them. And they've gone back to work on a new group of anti-missile defenses around Moscow? That's their business.

Well, let's spell it out once again.

The security of this country depends on a simple proposition. It depends on our ability to withstand an all-out nuclear attack on our own missile forces and to strike back with overwhelming power against the Russian population centers. If that capability is lost, there will be no security at all.

Two things could upset the relative balance of power with the Soviet Union that today assures our second-strike capability. One is an effort by the Russians to achieve a decisive superiority in offensive weapons. The other is an effort to build an antiballistic missile (ABM) system designed to protect major population centers against nuclear retaliation.

The Soviet Union, from the available evidence, is trying to do both of these things.

The 40 new missile silos now under construction are designed for an improved version of the huge SS9 missile or else for a new family of offensive weapons. Each of the 300 SS9s now deployed in the Soviet Union carries a warhead with an explosive power 25 times as great as the largest American weapons.

In addition, Laird has confirmed that the Russians are now in the process of fitting their SS9s with multiple warheads (MIRV). It has been estimated that a first-strike attack by 420 MIRVed SS9s would destroy 90 percent of the 1,000 American Minuteman missiles which form the backbone of the U.S. deterrent.

So far as the Russian ABM defenses are concerned, four sites, consisting of 64 defensive missiles, were completed three years ago to the west of Moscow. Now it is reported that construction has resulted at one or more of four additional sites within a 50-mile radius of the city. The new installations include elaborate radar systems, capable of detecting hundreds of incoming missiles simultaneously.

It is hard to explain this ABM system as anything but the nucleus of a defense of major Russian population centers, designed to provide protection against a retaliatory second-strike from the United States. Its purpose is entirely different from that of the American Safeguard ABM system, which is designed to protect some Minuteman sites from attack.

In this connection, the Russians' words are no more reassuring than their deeds.

In the Strategic Arms Limitation Talks in Vienna last week, the Soviet delegation spelled out in more detail its long-standing proposal to limit the deployment of defensive missiles only. The ABMs, say the Russians, should be held to a ceiling of 100 miles over the next five years, protecting the capital cities of each nation.

In other words, the Americans, under this plan, would have to stop work on the Safeguard system protecting their second-strike capability and move the defensive missiles to the Washington area. The Russians would be free to continue their buildup of offensive missiles to whatever levels they wish. And since their plan does not call for any limitation on the deployment of radars and on the stockpiling of defensive missiles, they would be in a position to rapidly expand their defenses of population centers.

Altogether, it is high time that Americans woke up to the very unpleasant implications of these Soviet words and deeds. It could be that they are by far the most important problem that confronts this country today.

RESOLUTION BY JOHNSTON, S.C., LIONS CLUB

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, May 6, 1971

Mr. THURMOND. Mr. President, the Lions Club of the town of Johnston, S.C., has recently passed an excellent resolution calling on Congress to enact import quota legislation for textiles. The town of Johnston is one of South Carolina's very fine small towns. I was born and raised only a short distance from Johnston and know the town well.

The resolution indicates the importance the people of Johnston attach to having two textile manufacturing plants in their community and also points out the necessity of controlling textile imports if we are to preserve American jobs, not only in Johnston, S.C., but all over the Nation, as well.

I ask unanimous consent that the resolution of the Lions Club of Johnston, S.C., be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Town of Johnston, South Carolina, like many other small communities, has been fortunate to attract two textile manufacturing plants, which have provided stable employment for a majority of our local population resulting in supplementing compatibly our basic agriculture economy; and

Whereas, today our community, along with many others in a similar position, is in a grave economic situation and one we consider to be the worst in the past twenty-five years as evidenced by the fact that for the past two years employment in both plants in Johnston has gradually decreased as well as the fact that those still employed are working fewer hours than ever before; and

Whereas, we too are fighting the ever increasing inflation, yet under the circumstances outlined above, more and more of our people are forced to join the welfare rolls; and

Whereas, we are of the opinion that in order to relieve these situations and return our community to normal it will be necessary for the Congress of the United States to take appropriate action; now therefore be it

Resolved, by the Johnston Lions Club located in Johnston, South Carolina, an organization in good standing with Lions International, do hereby request that the South Carolina Delegation to our National Congress do all in their power to establish firm and fair long standing controls of textile imports; and be it further

Resolved, that the South Carolina Delegation to the Congress of the United States support legislation which will not only protect the employment in our community, but will further enable our textile firms to compete equally with all competition, foreign as well as domestic; and be it finally

Resolved, that the Johnston Lions Club will be most appreciative of any and all support given by the South Carolina Congressional Delegation to alleviate the above described conditions in our otherwise wonderful community.

DEMONSTRATIONS VERSUS DISCOURSE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. HUNT. Mr. Speaker, I call the attention of my colleagues to an editorial in the Wall Street Journal entitled "Demonstrations Versus Discourse." Discussing the situation in Indochina and the divergence of views on how to end the war, the commentary makes the valid point that discourse rather than demonstrations is needed in the shaping of America's future role in world affairs.

The Journal approaches this conclusion by noting:

> There is also a need for more discussion of what happens after withdrawal. That's a subject on which none of the would-be Presidents in the Democratic Party, has offered much in the way of sober thought.

The text of the editorial:

[From the Wall Street Journal, Apr. 27, 1971]

REVIEW AND OUTLOOK: DEMONSTRATIONS VERSUS DISCOURSE

The weekend demonstrations in Washington, and the offshoots that are supposed to continue around the country, may have shown that a great many Americans want the U.S. to get out of Vietnam. But that, of course, is something everyone already knew.

Among the demonstrators, as among all Americans opposed to the war, there is a fairly basic division. Many opponents simply feel that it no longer serves our national interest to stay in Vietnam. Others believe that the entire venture was immoral from the start and should immediately be disavowed and abandoned; some seem to think they can make that point by such steps as blocking the New Jersey Turnpike.

The distinction is surely a proper subject for rational discourse. A lot of Americans felt, and many still feel, that America's initial intent in Vietnam was no more than to make it possible for the South Vietnamese to decide their political future for themselves.

That intent itself should be examined, as the Nixon administration has, in fact, been examining it. It can be reasonably argued that the U.S. in the 1950s overestimated its ability to serve as the guardian of freedom around the world. The Nixon doctrine is in effect a statement that the U.S. must, in the future, be more realistic about its international role.

Whatever the merit of the initial intent, the U.S. unquestionably botched the execution. Still, a wide gulf exists between a tragic lack of wisdom and the tragic lack of morals that many of the Washington demonstrators allege.

It is a gulf, however, that tends to be covered over by the diversity of the demonstrators—veterans, labor union groups, even a contingent from Gay Liberation. Even so, some observers seemed to think President Nixon wasn't playing fair by leaving town, and thus supposedly expressing "contempt for the reasonable expression of public opinion." Beyond opposition to the war, an opinion Mr. Nixon deeply shares, what opinion, pray?

There is every reason for critics in Congress and elsewhere to keep close watch on the administration's Vietnam policy. The administration oversold the public, and possibly even itself, on the case with which gradual withdrawal could be accomplished; otherwise the incursions into Cambodia and Laos would not have come as such shocks.

Naturally Mr. Nixon would like to picture the Vietnam operation as something more than a dismal failure, and therefore the temptation to reach for "success" will continue. In that sense, at least, the Laos difficulties may have been a bit of a deterrent to any overly ambitious military plans.

So it is plain enough that the public needs to discuss how and why we got into Vietnam in the first place, as well as the tactics the administration is now using to get us out. Surely the past dreary decade has been an experience that no Americans are eager to repeat.

There is also need for more discussion of what happens after withdrawal. That's a subject on which none of the demonstrators, and none of the would-be Presidents in the Democratic Party, has offered much in the way of sober thought.

Even if the U.S. was unwise to commit so much to the defense of political freedom of the South Vietnamese, can this country now lightly abandon that commitment with no thought as to consequence? Mr. Nixon thinks not, and a great many of his countrymen are with him.

As the largest and most powerful nation in the free world, the U.S. still has substantial international responsibilities. The Nixon doctrine does not call for an end to that responsibility; it merely says that it should be exercised more intelligently. The nation that tries to put out fires everywhere soon may find itself unable to put out a fire anywhere.

The new U.S. world role is still not entirely clear, even to those charged with making federal policy. Yet movement toward a generally rather modest role is important, not only to the cause of freedom but to our own national survival.

In a democracy such as ours, progress in that direction is far more likely to be made by disclosure than by demonstrations.

A. MATT WERNER TO BE HONORED BY UNIVERSITY OF WISCONSIN

HON. GAYLORD NELSON

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Thursday, May 6, 1971

Mr. NELSON. Mr. President, A. Matt Werner, chairman of the board of the Sheboygan Press Co., will receive special recognition next month from the University of Wisconsin, an institution he served for 30 years.

In announcing the decision to award Werner an honorary doctor of laws degree, University of Wisconsin President John C. Weaver wrote that the degree was in recognition of "many impressive professional accomplishments and your numerous services to the nation."

Mr. Werner set a record for serving on the university's board of regents for 30 years—from 1939 to 1969—the longest span of service in the history of the university. He was president of the board for 3 years and vice president for 10 years.

He was a member of the board during the two terms I served as Governor of Wisconsin, and I was able to observe the dedication and value of his service to that complex and sometimes turbulent institution.

I have known Mr. Werner for a number of years and have always been impressed by his dedication to his State, his city, youth, and his family. His newspaper, the Sheboygan Press, which he formally directed as editor and publisher, has always been dedicated to the honesty, fairness, and integrity of the best principles of journalism.

I heartily concur with the University of Wisconsin's decision to honor him with an honorary degree and wish to extend my congratulations as a friend and admirer for his long and distinguished service to his State and the Nation.

I ask unanimous consent that an article on this subject, published in the Sheboygan Press of April 16, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HONORARY UNIVERSITY OF WISCONSIN DOCTORATE: A REWARD FOR SERVICE

A Sheboygan man whose service to his state has covered many years and many capacities will be honored by the University of Wisconsin in June.

The university will confer the honorary doctor of laws degree upon A. Matt. Werner as part of the 1971 commencement.

Formerly editor and publisher of the Sheboygan Press and currently chairman of the board of The Press Publishing Co., Mr. Werner will receive the honorary doctorate as part of the graduation festivities in Camp Randall stadium in Madison on June 14.

The university president, John C. Weaver, wrote in a letter informing Mr. Werner of the honor that the degree was being awarded in recognition of "many impressive professional accomplishments and your numerous services to the nation."

"We feel that we are a part of those accomplishments because of your long connection with the university," President Weaver wrote.

The letter also bore the signature of UW Chancellor Edwin Young.

RECORD 30 YEARS

Mr. Werner served the University of Wisconsin as a member of the Board of Regents for a record 30 years—from 1939 to 1969, when he resigned. It is the longest span of service by a regent in the history of the UW board.

During his 30 years' service, Mr. Werner was president for three years (1952–1954) and was vice president for 10 years. He also contributed to the board through stints on all of its important committees in the three decades of service.

Both Republican and Democratic governors appointed Mr. Werner to the board post.

In his letter of resignation to then-Gov. Warren P. Knowles, Mr. Werner referred to a UW student body "dominated by eager, idealistic, courageous young men and women. . . ."

On the future of the UW, he wrote: "I have confidence in the school because I have confidence in the loyalty, the vision, the determination and the courage of all who now have or will in the future have any part in the direction of this great university . . . and because I have confidence in the vast majority of youth this university seeks to serve."

SERVICE CITED

In its official release on the honorary degrees, the UW cites Mr. Werner as lawyer and editor and for service to his nation, his state, his community and numerous companies in a variety of capacities throughout his 77 years.

Mr. Werner is one of five receiving the honorary degrees on June 14.

The faculty committee, acting on departmental nominations, proposes the honorary degrees which are voted on by the faculty senate and by the Board of Regents.

The degrees were approved today by the regents at a meeting at UW-Parkside in Kenosha.

Appointments by four governors helped A. Matt. Werner compile his record service of 30 years on the University of Wisconsin Board of Regents.

That record span began on Aug. 26, 1939, with the original appointment by Gov. Julius Heil. Regents are appointed to nine-year terms.

Subsequently, Governors Walter Goodland, Walter J. Kohler, both Republicans, and John Reynolds, a Democrat, followed with their appointments of the UW honoree.

Longest span in the history of the board, the 30 years of service ended with Mr. Werner's resignation on March 15, 1969.

Included in the three decades were three years as president and 10 years as vice president of the Board of Regents.

In 1965, he was cited by the Wisconsin Legislature for his long service as a member of the UW Board of Regents.

At the time of his resignation from the post, Mr. Werner received tribute from Gov. Warren Knowles for "outstanding service to the citizens of the state and to the University of Wisconsin." Gov. Knowles noted: "Your guidance contributed significantly to the growth and development of the university and its standing as one of the great universities of the nation."

His service to education also was noted by Lakeland College which presented him with an honorary doctor of letters degree in 1970.

In 1967, Mr. Werner was appointed to the President's Council of Edgewood College at Madison.

Mr. Werner has served both the state and the nation in the course of his active career.

He served as state director of the Recovery Council for Wisconsin in 1934 and was assigned the task of coordinating various federal recovery movements—National Recovery Administration, Agricultural Adjustment Administration and Public Works Administration.

Also in 1934 he was named state director of the Federal Housing Administration's campaign to modernize homes and commercial building. He served in the various state offices until 1935, when he resigned in order to devote his time to the private practice of law in Sheboygan.

Mr. Werner was state chairman of the Cancer Crusade in 1968.

On the national level, he was general counsel for the Federal Alien Property Custodian for two years, leaving for Washington, D.C., in 1942.

His service to Sheboygan has covered a wide variety of activities. Appointed to the Police and Fire Commission in 1933, he served for 29 years, 20 of them as chairman of the commission. He resigned in 1962.

Mr. Werner was elected city attorney in April of 1923 and was re-elected in 1925 and 1927. At the end of his third term, he decided against seeking re-election. His son, Anthony M. Werner, a lawyer, followed in his father's footsteps, serving the community also as city attorney some 30 years later.

Community service included a stint as chairman of the united fund campaign in 1954 and another as president of the Sheboygan United Fund in 1962.

Among the local honors accorded Mr. Werner was the Sheboygan Rotary Club's Good Citizenship Award presented in 1970 in recognition of "a lifetime of service to his church and his God, his city and its citizens, and to Rotary and its ideals."

He received the Silver Beaver Award of the Kettle Moraine Boy Scout Council in 1960, for "outstanding service to boyhood."

In 1964, Mr. Werner was appointed to the advisory board of St. Nicholas Hospital, a position he still holds.

Mr. Werner began his active affiliation with The Sheboygan Press in 1947 in the post of associate editor. He became editor-publisher on Aug. 1, 1951, continuing in that position until his retirement in 1964. He has since served as chairman of the board of The Press Publishing Co.

A native of Kewaskum, Mr. Werner was born Feb. 19, 1894, the son of Anton and Emma Deutsch Werner. He received his elementary and high school education at New London and obtained his law degree in 1919 from Marquette University.

He served in the U.S. Navy in 1917 during World War I. Mr. Werner came to Sheboygan in 1919 to begin the practice of law.

His marriage to Miss Dorothy Bowler of Sheboygan took place here on Oct. 15, 1924. They have four sons and one daughter: Dr. David Werner of this city; Mary Werner, a nun in the Dominican Order; Timothy B., now publisher of The Press; Atty. Anthony M. Werner, president of the Press Publishing Co., and John M. Werner, present editor of The Press.

Mr. Werner is a member of the Sheboygan County Bar Association, Wisconsin State Bar Association, American Bar Association, Milwaukee and Madison Press Clubs, Sigma Delta Chi, Knights of Columbus, Fraternal

Order of Eagles, Benevolent and Protective Order of Elks, American Legion and Alpha Gamma Phi fraternity.

ORAL ROBERTS UNIVERSITY OF TULSA, OKLA., RECEIVES FULL ACCREDITATION

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ALBERT. Mr. Speaker, I wish to share with the House a highlight event in the academic world in my State of Oklahoma. One of Oklahoma's youngest universities, Oral Roberts University of Tulsa, has received full unconditional 10-year accreditation from the North Central Association of Colleges and Secondary Schools. The accreditation approval means full academic standing for ORU. It means that ORU students may now transfer credits and undergraduate degrees with full accreditation to other institutions both in and out of State on a one for one basis. The school which was earlier accredited by the Oklahoma State Regents for higher education, now may look forward to a new era of enrollment, development, and academic as well as athletic growth, since it now is eligible for membership in the National Collegiate Athletic Association. Accreditation is the latest milestone in the academic life of ORU. It opens up new vistas of promise and achievement.

By way of background ORU which opened its doors to 300 freshmen in September 1965, now has a student body of over 1,000. Ground was broken on its 500-acre site for the first three buildings in March 1962. Now there are 11 major buildings on the campus, representing an investment totaling $30 million. The 12th building, the $5.5 million Special Events Center, is now under construction.

A full range of liberal arts curriculum is offered; the B.A. and B.S. and B.M.E. degrees in 18 different fields. The student faculty ratio is 12 to 1 with 40 percent of the faculty holding earned doctorates.

I point this out to differentiate between the concept of a bible college and a fully accredited institution of learning offering a full and expanding range of academic opportunities. While theological studies are offered, in the words of the founder Oral Roberts:

> The purpose of ORU from the beginning has been to educate the whole man—body, mind and spirit.

ORU's physical plant, already one of Tulsa's leading attractions will by 1975 be expanded to establish a graduate school of theology to the ORU undergraduate structure, as well as graduate studies in education and English.

Ultimately ORU is expected to become a university with a $50 million physical plant and a $50 million endowment, according to Dr. Carl H. Hamilton, dean of academic affairs.

In announcing ORU accreditation, the Tulsa Tribune described the university's atmosphere as one of:

> Decency and good humor . . . unashamed prayers . . . concern for one's fellow man . . . as displayed by the kids who smile at visitors and leap forward to open doors . . . they display the kind of grace in which a man contributes to the quality of life.

On historic occasion of ORU's accreditation, I extend my congratulations to Dr. Oral Roberts, its regents, faculty, and student body, and to all those directly or indirectly connected with the university whose help made this milestone a reality.

PROJECT SOAR

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, May 6, 1971

Mr. BOGGS. Mr. President, 4 weeks from Saturday, the Boy Scouts of America will undertake a nationwide effort to clean up the litter that mars so much of the beauty of our Nation. This important project has been designated by the Scouts as Project SOAR, which stands for Save Our American Resources. This is an important and commendable effort by the Boy Scouts across our Nation. I am hopeful that every Scout in our country will participate in this important program and that millions more Americans will join the Scouts in making Project SOAR a great success.

The Conservation News, which is published by the National Wildlife Federation, highlighted Project Soar in their April 15 issue. To give Senators a better understanding of what the project seeks to accomplish, I ask unanimous consent that the article from Conservation News be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROJECT SOAR

On Saturday, June 5, 1971, some 490 Boy Scout Councils involving about six million people will shift a nationwide anti-litter campaign into gear in hope that their activities will replace American trash-tossing traditions with a recycling consciousness.

The educational event—co-sponsored by Keep America Beautiful and a long list of conservation organizations and industries—is called Scouting Keep America Beautiful Day, and it's only part of the Scout's year-long project SOAR, Save Our American Resources.

William Towell, American Forestry Association executive vice president and project chairman of SOAR, feels the program's impact has far reaching implications "because industry, government, other organizations, and conservationists generally are volunteering in an amazing number to join in the clean-up effort. We are confident that from 10 to 12 million people will be putting their backs into this drive to halt littering."

And though littering itself is but one ugly manifestation of the country's pollution problems, SOAR backers can point to some disappointing statistics as reason enough to do something about it.

For instance: Each year motorists drop 16,000 pieces of trash on each mile of primary highways; litter clean-up of public areas costs taxpayers an estimated $500 million annually; add the cost of litter removal from private property, and the national annual clean-up bill nears $1 billion.

And then there's the safety aspect: Each year an estimated 130 persons lose their lives in litter-fed fires; every twelve minutes a home is destroyed or damaged by a trash-bred fire; in one state, during one year, roadway trash contributed to 21 fatal and 1,068 nonfatal accidents; littered waters endanger swimmers, fishermen, boaters, and plant life; and litter provides a breeding ground for disease-carrying insects and rodents.

SOAR is something more than a one-day affair. Many Scout units will return to clean-up areas at one month intervals throughout the year to determine the long range effect of litter campaigns. Collected trash involving aluminum, glass, steel, and paper will be recycled; and variables believed to affect littering, trash can availability, and numbers of anti-littering signs will all be carefully recorded.

To find out how you can help in your area, contact Russell L. Bufkins, Public Relations, Boy Scouts of America, North Brunswick, N.J. 08902; or Lyle Youngstrom, Project SOAR Public Relations, at the same address.

RECENT FOOD STAMP DISTRIBUTION REGULATIONS MAY TAKE FOOD FROM POOR

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to be recorded as being deeply upset about the likely impact of the recently announced revisions of regulations governing food stamp distribution by the Department of Agriculture. Cutting through the "legalese" in which the regulations are so carefully couched, it seems that a number of experts have seen what the results would be if the regulations go into effect. Millions of people, principally from the North and the West, apparently will lose their present benefits or see them drastically reduced. Now, I am not rising today to defend the food stamp program with all its imperfections. I would be the first to feel that the program is in need of reform and revision; but until a superior alternative comes along with a good chance of passage in both Houses, I certainly do not favor revisions of the food stamp program which would have the effect of taking away food from this Nation's poor.

The announced intention of the new regulation is apparently to insure that families presently unable to qualify will be able to do just that. But in the process, income limitations are established which would have the effect of taking millions off the roles at the same time, for a net reduction of recipients under the program. Now, I am not so naive as to think for one minute that this is an unexpected byproduct of the revision. Again and again the present administration has recommended cutbacks in a whole range of programs designed to aid the poor, the needy, and the elderly of this country—from medicare right through food stamps. I just feel the time has come to serve notice that this Member, for one, does not intend to take this latest cutback lying down.

My own State, the Commonwealth of Massachusetts, is not all that heavily involved in the food stamp program that I can be accused of being concerned solely about Federal moneys for my own State. My State is heavily involved in the commodity distribution program, however, and the Department of Agriculture has indicated that it would be difficult to tighten up regulations under one program and not tighten them up under an alternative program. In other words, it looks as though the Department will soon be announcing regulations tightening up income qualifications for surplus food distribution. So, maybe I am being timely in attacking the announced cutbacks in the food stamp program because I see its implication for the commodity distribution program as well.

Each time I contact the Department of Agriculture, I am assured that the announced regulations are not final and the Department is open to comments and suggestions. I certainly hope that this is the case. I certainly hope that the tremendous outpouring of editorials and objections will, in fact, lead the Department to reconsider the wisdom of its regulation. It is tough enough to be poor in this country without making it any tougher. With reports eminating daily from the Ways and Means Committee that medicare assistance is due for a severe cutback, with indications that food stamps will be cashed out under the aid for families with dependent children program and now these announcements from the Department of Agriculture, it is any wonder that the poor in this country are lead to the conclusion that nothing is being done to materially improve their lot? What the Government is giving them on one hand it appears to be taking away from them on the other. I, for one, committed as I am to meaningful action in the field of welfare by the Federal Government, do not want to see congressional efforts sabotaged by other Departments of the Government. I fail, for the life of me, to see how, in a Nation of such riches with an inveterate farm surplus problem, a Department of Government is actually considering proposals which would have the effect of taking food off the tables of millions of Americans who could well use the surplus foods.

DEPARTMENT OF TRANSPORTATION AND FARM TRUCKDRIVERS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. FINDLEY. Mr. Speaker, for several weeks I have been engaged in a running battle with the Department of Transportation over regulations it wants to apply to farm truckdrivers. Only trucks used in interstate commerce are included but "interstate commerce" is not clearly defined.

The proposed rules require all drivers of farm trucks, including pickups, to be at least 21 years old and successfully complete physical and written tests. The most disturbing is the restriction from driving a pickup for those under 21. As you know, most States license drivers at 16, not 21. Surely anyone who is qualified to drive a high-powered car can safely handle a farm pickup truck.

Farm truckdrivers have an excellent safety record. Their trips are short. They seldom suffer fatigue from long hours of driving at a stretch. In most cases the load they have is owned by the farmer. Farm trucks are truly an extension of the farming operation as the family moves supplies and repairs to the farm and then hauls the produce back to market. The regulations obviously were drafted for commercial, long-haul, professional drivers. If permitted to stand they would seriously disrupt the family operation of farming. On farms the whole family works, and that includes driving trucks.

I wrote Secretary Volpe several weeks ago opposing these regulations. He told me later a satisfactory solution was being worked out. Days pass but still no word of change in the regulations.

Farm truckdrivers have already been stopped, and given warnings about not having the necessary identification as they enter other States from Illinois.

To show exactly what is needed I am introducing today a bill to exempt farmers from the regulations. The exemption would be for all people who drive farm trucks of up to 35,000 pounds gross weight when driven within 200 miles from the farm on which they are licensed. There is a lot of interest in Congress for this exemption. I want action now so farmers will be able to continue using their trucks just as they have in the past. These new regulations make no sense as applied to farmers and must be dropped.

Due to the urgency of this issue, I urge early favorable consideration of my bill to head off the implementation of these regulations on July 1 of this year.

Text of bill follows:

H.R. —

A bill to amend the Interstate Commerce Act, section 204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 204 of the Interstate Commerce Act (49 USC 304) is hereby amended by inserting a new subsection (g) reading as follows:

"(g) Provisions of this section shall not apply to motor vehicles specified in section 203(b)(4a) of this Act which weigh less than 35,000 pounds gross weight while operated within 200 miles of the farm on which the vehicle is licensed."

TURNING VICTORY INTO DEFEAT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SCHMITZ. Mr. Speaker, the blatant misrepresentation by the American news media of the allied effort to prevent the subjugation of Southeast Asia by the North Vietnamese Communist armies has been confirmed beyond the shadow of a reasonable doubt by a recent Lou Harris poll.

I was personally stunned to read the results of this poll taken between April 12 and April 15 of this year. The particular question which confirms that misinformation is being distributed by the media under the cover of "new" is as follows:

> A cross-section of 1,580 households was asked between April 12 and April 15:
>
> *"Do you feel the recent South Vietnam move into Laos was a success or a failure?"*
>
> [*Percentage*]
>
> | | |
> |---|---|
> | Success | 24 |
> | Failure | 45 |
> | Neither | 8 |
> | Not sure | 23 |
>
> By nearly a 2-to-1 margin, people feel that the Laos incursion was a failure. In turn, this has led to grave doubts on the part of the American people that the entire policy of Vietnamization is capable of working.

It can be assumed that the great majority of the 1,580 people who were asked their opinion in this case had not been on hand in Southeast Asia to witness the operation in question. Therefore they must have received their impression of the success or failure of this operation through the mass media. The media obviously portrayed the operation as a failure.

Was it a failure? Anyone who had access to the fact sheets detailing the results of this effort knew that it was not. The South Vietnamese suffered losses of 1,400 killed and 4,700 wounded while the Communist forces incurred 13,000 fatalities and tens of thousands of wounded.

Four South Vietnamese battalions were put out of action as compared to 13 enemy battalions rendered ineffective.

Of the 40,400 U.S. helicopter sorties flown to support our allies our losses were about 2 percent. This compares quite favorable to our daytime bomber mission losses over Nazi Germany which ran around 4 percent.

Enemy logistical losses were astronomical. There were 4,900 individual weapons captured or destroyed as well as 1,900 crew served weapons and thousands of tons of ammunition and other supplies captured or destroyed. If the Vietcong had ever come near to capturing or destroying this amount of material back in the mid-1960's, it would have been touted about as absolute proof positive that the South Vietnamese did not want to fight and that the people of South Vietnam were really 100 percent on the side of the terrorists.

In addition there were 100 enemy tanks put out of action, 300 trucks destroyed directly by the South Vietnamese and 4,300 trucks put out of action by American air flying missions against a greatly compressed highway area.

Yet with all of this the American public seems to think that the operation was a failure.

There can be only one reason for the fact that a military successful operation was viewed as a nonsuccess, and in fact a failure, by so many Americans following the war through the mass media. The media must have portrayed the operation as a failure. All the pious disclaimers from our articulate commentators attempting to convince the public that they have not been, in effect, lying to the American people on a rather continual basis about our war effort in Southeast Asia cannot alter the facts revealed in this poll. It is difficult for all but the most credulous to believe that this is not intentional.

At this point in the RECORD, I insert one of the fact sheets prepared by the Department of Defense concerning enemy and allied losses which took place as a result of the South Vietnamese thrust into enemy controlled areas of Laos and after the fact sheet the complete Lou Harris poll.

Particular attention should be paid to the extent of demoralization which seems to have resulted from the media's misrepresentation of the Laotian operation. It should be remembered that demoralization techniques are a standard weapon of war to destroy the enemy's will to continue fighting. In most wars of the past demoralization techniques have made use of beaming messages into the nation under attack from an outside source rather than from inside.

The material follows:

FACT SHEET ON LAOTIAN OPERATION

THE SITUATION

1. The South Vietnamese entered Southern Laos in early February in order to disrupt the operation of the Ho Chi Minh trail and the southward flow of enemy supplies bound for Cambodia and South Vietnam. Hanoi's response to this operation is an important factor in assessing the outcome. If, for example, the North Vietnamese had chosen to evade South Vietnamese forces, then there would have been relatively little fighting and the operation would have been assessed more in terms of supplies destroyed or bottled up. But for several good reasons, such as the importance of the area, the short supply lines to North Vietnam and the availability of reserve forces in southern North Vietnam—the North Vietnamese undertook a major counter attack. They reinforced the area strongly with some of their best divisions, not only to defend the trail system but in an attempt to inflict a major defeat on the South Vietnamese as well. As a result, the most intensive fighting since 1968 developed.

IMMEDIATELY MEASURABLE RESULTS

2. In terms of immediately measurable results, the weight of evidence is that South Vietnamese forces acquitted themselves very well in the six weeks of fighting which followed the initial incursion into Laos. Many of the ARVN units involved fought without respite for 40 days and, in the judgment of our field commanders, 18 out of the 22 battalions involved fought extremely well. Because of the intensity of the fighting, these units did take some heavy losses—an estimated 1400 killed and 4700 wounded. But reported enemy losses were more than 13,000 killed and many more were wounded. In terms of combat effectiveness, we estimate that the equivalent of 13 enemy maneuver battalions were rendered ineffective in the course of the fighting whereas only 4 ARVN battalions were put out of combat. Exaggerated reports of enemy losses in Vietnam may have been numerous in the past, but this time the figure may be low. The enemy acted more aggressively than he had in several years with the result that he exposed himself to concentrated allied firepower and air attack. Thus, we believe the ratio of enemy to friendly losses was at least 5 to 1, a very high price for Hanoi to pay.

IMPACT ON THE NORTH VIETNAMESE LOGISTICS SYSTEM

3. It is too early to be precise about the impact of Lam Son 719 on the enemy's logistical system, although some perspective can be provided. The North Vietnamese had to move more supplies South to Cambodia and South Vietnam this year than last in order to make up for the loss of three major means of supply: the Port of Sihanoukville; purchases in Cambodia; and food obtained from areas which had previously been under Viet Cong control in South Vietnam but which are now under the authority of the government. Moreover, he had suffered great losses in the Cambodian sanctuaries last year. Thus, the Ho Chi Minh Trail has become an even more vital element in Hanoi's overall strategy than it was in the past. But we are reasonably certain that the enemy was well behind last year's pace even before the Lam Son operation began.

The Lam Son operation clearly compounded Hanoi's problem. It disrupted the Ho Chi Minh trail complex, physically blocking various branches of the trail. South Vietnamese forces found or destroyed, or called in U.S. air power to destroy, some 4900 individual weapons, 1900 crew-served weapons and thousands of tons of ammunition and other supplies. This was in addition to the vast quantity of supplies, ammunition and equipment which was consumed by the North Vietnamese in Laos instead of continuing down the trail to be used in South Vietnam or Cambodia. Moreover, when the North Vietnamese were obliged to engage ARVN forces in a fixed battle position, their units massed and became targets for concentrated Vietnamese firepower and U.S. air power which destroyed over 100 tanks and many artillery pieces, some 300 enemy trucks were destroyed directly in the operation and 4300 more were destroyed by air interdiction while the operations were in progress. Finally, because North Vietnamese logistics units were engaged in the fighting and were badly damaged, their resiliency in restoring the flow of supplies southward has been degraded. An estimated 3500 enemy rear service personnel vital to the operation of the trail logistics system were killed.

All these considerations must be viewed against the fact that the Ho Chi Minh trail complex is useful as a logistics system only during the dry season, which began later this year than usual. Therefore, when the rains come in the next four or five weeks, the Communists will have little time in which to attempt to make up all the weeks that have been lost to them in the Lam Son operation.

FORESTALLING ANTICIPATED ENEMY OFFENSIVE ACTIVITY IN SOUTH VIETNAM

4. A significant measure of Lam Son's achievements will be the degree it succeeds in forestalling enemy offensive activity. Viewed in conjunction with ARVN operations conducted simultaneously in Cambodia, these two efforts have precluded major enemy offensive operation in South Vietnam during the current dry season. If Lam Son had not been undertaken the North Vietnamese would have had the real option of launching major attacks against ARVN and U.S. forces located in the northern provinces of South Vietnam. Looking to the future, we believe that the short-fall in their supply efforts will prevent them from mounting major offensives in South Vietnam in this dry season and will delay any offensives they might have planned over the next dry season because it will take them that much longer to rebuild their stocks.

Hanoi will, of course, want to mask the extent to which its capabilities have been impaired and will therefore endeavor to act as if it is playing from strength. To project this image the Communists may be willing to spend additional manpower capital in the days immediately ahead by trying to mount a sharp flurry of attacks in the Northern part of South Vietnam and elsewhere if they can get such attacks off the ground. Such attacks may be specifically directed against U.S. units in an endeavor to increase American casualties, whatever the cost to Hanoi. Nonetheless, the Communists probably have lost the ability to mount sustained major offensives and the overall record of Communists activity over the next few months can be expected to support this contention.

The combined military operations also have had the effect of engaging the enemy and keeping his forces distant from the population of South Vietnam. To illustrate this graphically, it should be pointed out that the Toan Thang operation North of Route 7 inside Cambodia is being fought against the First, Fifth, Seventh and Ninth North Vietnamese and Viet Cong Divisions, the same units which, at this time of the year in 1968, were operating inside the city limits of Saigon and the surrounding metropolitan area. As for the enemy units engaged in Lam Son—the 304th, 308th, 320th and 324–B divisions—in February and March of 1968, fought for two weeks in the city of Hue, entering the defenses of Danang, and generally harassed the population in the coastal regions. All of these enemy units were engaged this year away from population centers and, in fact, outside of South Vietnam itself.

LAM SON'S BEARING ON VIETNAMIZATION

5. Lam Son has underlined the progress which has been made in Vietnamization. Three years ago, ARVN units were engaged against enemy units in and close to South Vietnam's own population centers. Now ARVN units have shown themselves able to deal with the enemy threat in sanctuary areas without the support of U.S. ground combat forces or advisors while keeping their own territory pacified as well. They have demonstrated the ability to mount a complex multi-division operation in conditions of difficult and unfamiliar terrain, adverse weather, and against a well-prepared enemy. Moreover, this is being achieved with a U.S. presence which has diminished by some 260,000 men since 1969.

To illustrate this point further, it should be recognized that February and March are the months of the year in which the Communists traditionally mount the most extensive military operations in all regions of South Vietnam. This year they were given an additional incentive to do this because of that fact that such actions would harass the rear areas of ARVN operations in Laos and Cambodia and would distract attention from those two actions. Despite exhortations to their cadre to undertake such action within South Vietnam, they have been unable to date to mount anything which can even be considered a major successful high point. In fact, the situation within South Vietnam has been extraordinarily calm during the entire month of February and March with the exception of an action being taken by ARVN forces against Communist strongholds in the U Minh forest of Military Region IV.

The ability of the South Vietnamese forces to sustain security after the departure of United States forces will, in the long run, be measured by the balance of strength which exists between North and South Vietnamese forces. Our assessment is that the balance in the Indochina peninsula has swung in favor of the South Vietnamese. As Ambassador Bunker has reported, the operation has created confidence among the South Vietnamese in the ability of ARVN and pride in its accomplishments. There has been satisfaction in the fact that the fighting has been taken outside the borders of South Vietnam and that ARVN has been able to inflict far heavier casualties on the enemy.

We conclude, therefore, that the foundation for Vietnamization in South Vietnam is sound and that the process has been enhanced by the disruptions Lam Son has caused the enemy and by the increased confidence it has given the South Vietnamese in meeting their own defense needs.

The current psychological atmosphere is in some ways reminiscent of the 1968 Tet offensive. Hanoi extracted maximum political advantage in the short run; it was only as time passed that the real physical results began to tell. This time, we must benefit from that lesson and not let ourselves be misled by surface appearances or by exaggerated stories.

The operation has achieved its primary objective of carrying the fight to the enemy's sanctuaries and disrupting his principal lines of communications and should buy the South Vietnamese additional time in which to strengthen their armed forces while permitting continued withdrawal of U.S. combat forces.

The Harris Survey: Tide of Public Opinion Turns Decisively Against the War

(By Louis Harris)

The tide of American public opinion has now turned decisively against the war in Indochina. This latest shift of public opinion against the war was triggered by the feeling, 45 to 24 per cent, that the recent South Vietnamese move into Laos was a "failure."

Here are some of the signs of the decline of public support for the war and the now rapidly growing feeling that the United States should get out of Vietnam as quickly as possible.

For the first time, by a narrow plurality of 42 to 39 per cent, most Americans would agree to a "coalition government in Saigon which included the Communists in it," if that course were "the only way we could get peace in Vietnam." In late 1969, the public opposed such a coalition government by a margin of 49 to 33 per cent.

By 60 to 26 per cent, a majority of the public now would favor continued withdrawal of American troops from Vietnam, "even if the government of South Vietnam collapsed."

For the first time, by 58 to 29 per cent, a majority of the public now agrees that it is "morally wrong" for the United States to be fighting in Vietnam.

A cross-section of 1,580 households was asked between April 12 and April 15:

"Do you feel the recent South Vietnam move into Laos was a success or a failure?"

[Percentage]

	Total public
Success	24
Failure	45
Neither	8
Not sure	23

By nearly a 2-to-1 margin, people feel that the Laos incursion was a failure. In turn, this has led to grave doubts on the part of the American people that the entire policy of Vietnamization is capable of working. People were asked:

"If the U.S. withdraws all its combat troops from Vietnam, do you feel the South Vietnamese army will be capable of keeping the Communists from taking over South Vietnam or not?"

[Percentage]

	Total public
Capable	24
Not capable	57
Not sure	19

Just a month before this latest poll, between March 16 and March 21, the public was asked about the ability of the South Vietnamese army to hold its own against the North Vietnamese and most people, 46 to 27 per cent, thought they could. Then the precipitous withdrawal of South Vietnamese troops from Laos took place and public opinion dramatically reversed.

The determination of the American people to liquidate U.S. participation in the war can be seen most clearly in the question:

"If the reductions of U.S. troops continued at the present rate and the government of Vietnam collapsed, would you favor or oppose continuing withdrawing our troops at the present rate?"

[Percentage]

	Total public
Continue withdrawal of U.S. troops	60
Oppose continued withdrawal	26
Not sure	14

The other striking change emerged when for the first time the Harris Survey recorded more Americans in favor than opposed to a coalition government in Saigon.

The cross-section was asked:

"Suppose the only way we could get peace in Vietnam were to agree to a coalition government which included the Communists in it. Would you favor or oppose such a coalition in Saigon?"

[In percent]

	Favor	Oppose	Not-sure
Nationwide	42	39	19
By region:			
East	50	28	22
Midwest	37	47	16
South	38	43	19
West	49	36	15
By age:			
18–29	47	39	14
30–49	46	38	16
50 and over	37	37	26
By race:			
Black	41	30	29
White	43	40	17
By income:			
Under $5,000	32	44	24
$5,000–$9,999	40	40	20
$10,000–$14,999	45	39	16
$15,000 and over	57	32	11

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 8,000 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 273,400 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

CBS HAS FORFEITED ACCESS TO THE NATION'S AIRWAVES

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. MYERS. Mr. Speaker, in the March 29 issue of Barron's, the national business and financial weekly, a well-documented article sets forth many journalistic distortions which the Columbia Broadcasting System has foisted upon the public as "newscasts" or "documentaries." The network has demonstrated a flagrant disregard for truth, and has sacrificed accuracy for slanted sensationalism.

Certainly, Mr. Speaker, the public has the right to demand that the mass communications media meet the highest standards of correctness and veracity. Having failed so miserably to do so, CBS, to quote Barron's, "has forfeited its access to the Nation's airwaves."

I commend this excellent article to my colleagues' attention:

Broadcast License: CBS Has Forfeited Access to the Nation's Airwaves

We cannot help but admire a man who defends his principles and sticks to his guns. Last Tuesday evening Richard S. Salant, president of the News Division of the Columbia Broadcasting System, gave a nationwide television audience a demonstration of doggedness which, in other circumstances, might well have commanded our respect. Under fierce attack from Congress and the White House for airing the controversial documentary, "The Selling of the Pentagon," Mr. Salant refused to give an inch. Perhaps with an eye on the clock—the 11–12 p.m., slot, while not exactly prime time, is still too valuable to waste—the CBS executive took no more than a moment or so to rebut "only a few" of the critics' charges: however, he assured his viewers, "We have an answer for every one. . . ." Then, boldly switching to the offensive, the head of the CBS News asserted: "We are proud of 'The Selling of the Pentagon.' . . . We are confident that when passions die down, it will be recognized as a vital contribution to the people's right to know." Lesser media of communications may occasionally run a correction or retraction; The Washington Post, not long ago, printed an extraordinary confession of error. CBS News, which is made of sterner stuff, stands defiantly on the record.

Quite a record it is, too. As to "The Selling of the Pentagon," Mr. Salant addressed himself to merely two of the many points of criticism raised. Regarding the rest, the chief critics—including the Vice President of the United States, senior editor of Air Force magazine and a non-partisan citizens' organization known as Accuracy in Media (AIM), which plans to lodge a complaint with the National Association of Broadcasters—make a compelling, and thus far uncontroverted, case. In particular, CBS stands accused of various misstatements, including the amount spent by the Pentagon on public affairs, and the true identity of those responsible for a certain military briefing (not, as alleged, Peoria's Caterpillar Tractor Co., "which did $39 million of business with the Defense Department last year," but the local Association of Commerce). Far worse were the omissions and distortions, including two episodes in which tapes were clipped and reassembled to convey false impressions of what the speakers said. Specific lapses aside, even the untutored eye could scarcely fail to detect, in a so-called documentary, pervasive malice and editorial bias.

On the CBS television network—which includes five wholly owned stations and 198 affiliates—slanted (or, in view of his authority and tenure, perhaps the word should be Salanted) journalism has long been the name of the game. As in "The Selling of the Pentagon," moreover, the thrust has tended to be violently against what most of the country would regard as its basic interests, institutions and values. In a prize-winning "documentary," key sequences of which subsequently proved false, CBS News professed to uncover "Hunger in America"; contrariwise, in an equally distorted report from Cuba, the television camera found, in effect, that Cubans under Castro never had it so good. Not content merely to cover (albeit in its own fashion)) the news, CBS time and again has sought to make news. Shortly after NBC scooped the competition by airing an LSD-stimulated interview with Dr. Timothy Leary, WBBM-TV, CBS outlet in Chicago, participated in a headline-making, and illegal, pot party, which became the object of an investigation by the Federal Communications Commission. In a similar, if far more brazen, exploit—on which both Vice President Agnew and Mr. Salant touched last week—CBS sought to stage, and to film, an invasion of Haiti. One picture supposedly is worth a thousand words. High time the U.S. got the picture.

As last Tuesday's performance suggests, it isn't pretty. Among other sins of omission and commission, CBS News failed to mention that it was paid to produce one of the films at which it scoffed. In depicting a press conference, during which the briefing officer, replying to 34 questions, gave three no-comment answers, the camera focused on the latter. Statements made on tape by two Pentagon spokesmen, a Marine colonel and the Assistant Secretary of Defense for Public Affairs, were cut up, transposed and pieced together again in a way that made both of them seem unresponsive and foolish. Rep. Edward Hébert (not Herbert, as the caption later had it), chairman of the House Armed Services Committee, turned up on the screen with this gracious—and, despite Mr. Salant's subsequent remarks, wholly misleading—introduction: "Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the antimilitary tilt of network reporting (Ed. note: where would it ever get such an idea?). War heroes are made available for taped home district TV reports from pro-Pentagon politicians."

All this is reprehensible enough. Far worse—in a format presumably dedicated to fact—are the extremist opinions which it was used to convey. Here is a disillusioned and slightly incoherent ex-Air Force officer: "I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers it's able to present its viewpoint to the American people. I think this attitude it was able to develop allowed Vietnam to happen. . . ." Here is CBS-News' own dispassionate Roger Mudd: "On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world."

Anyone—even CBS, though it won't concede as much—can make mistakes. What the record shows, however, is a pattern of distortion and slanted reporting stretching back over the years. In 1963, so a revealing article and exchange of letters in The New York Times Magazine has disclosed, President Kennedy gave an exclusive interview to Walter Cronkite of CBS News on such literally inflammatory issues as the Buddhists in South Vietnam and the allegedly repressive government of Ngo Dinh Diem. In the editing process, the footage shrank from 30 minutes to 12, and, according to Pierre Salinger, then White House press secretary, "the result was a partial distortion of JFK's opinion of President Diem. In the actual interview . . . President Kennedy spoke of his respect and sympathy for the problems of President Diem. When the film was shown to the public, only the unfavorable Presidential remarks remained, and JFK's praise of Diem had been deleted. The impression was left that JFK had no confidence at all in Diem, and when he and his brother, Ngo Dinh Nhu, were later shot to death in a military coup, there were persistent charges from Madame Nhu and others that the President's statements had given aid and comfort to Diem's enemies. JFK was deeply hurt by the accusations."

Prior to the Republican convention the following year, CBS News struck again. According to Senator Barry Goldwater (R., Ariz.), Daniel Schorr, then serving as correspondent abroad, "took it upon himself to put out a news report to portray the idea that I was trying to forge links with far-rightist, neo-fascist groups in Germany . . . Schorr dealt heavily in false facts which neither he nor CBS newsmen in this country made any attempt to check with my office." So it has gone year by year. In 1968, after a storm of protest, a Special Subcommittee of the Committee on Interstate and Foreign Commerce investigated television coverage of the Democratic national convention in Chicago. In viewing the video tape of the CBS coverage, the Congressional probers noted a passage in which Walter Cronkite cried that the police "were severely manhandling a minister." According to the Committee Report: "The accompanying action shows police merely attempting to get a man dressed in clerical garb into a patrol wagon, using what the investigators felt was reasonable force to overcome the man's resistance." The Report concluded, in part: "In an attempt to give an overall impression, it might be said that the coverage presented over the air does, in retrospect, seem to present a one-sided picture which in large measure exonerates the demonstrators and protesters and indicts the city government of Chicago and, to a lesser degree, the Democratic Party."

The long reel of distortion continues to unwind. In her nationally syndicated column, Alice Widener, frequent contributor to Barron's, has chronicled some of the gamier episodes. In the fall of 1969, Frank Kearns, CBS correspondent in Rome, broadcast a report on alleged Italian opinion in the criminal case against the man who hi-jacked a commercial airliner from San Francisco. Mr. Kearns chose to quote the views of a single editor, that of the Communist newspaper "Unita," who described the hi-jacker a "Robin Hood . . . who made a fool of the repressive and hated FBI." Again on "Face the Nation," CBS devoted a half-hour of Sunday time to Tom Hayden, revolutionist of the so-called New Left. Mrs. Widener wrote: "He was permitted by reporter Martin Agronsky of CBS, and two other reporters, to get away with intellectual murder. . . . Thus it came about that at the end of the program, the arrogant co-founder of the anarchic Students for a Democratic Society made an unchallenged statement about 'the poverty around the world that the United States is responsible for.'" Abbie Hoffman, convicted of inciting to riot in Chicago, appeared on the Merv Griffin show wearing a shirt made from the American flag (on the air, CBS thoughtfully blipped it out.) Small wonder that Desmond Smith of CBS once told TV Guide: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are starting to feel they're not getting the whole story."

Since then the credibility gap, notably with respect to so-called documentaries, has widened beyond belief. Webster's Seventh New Collegiate Dictionary defines documentary as follows:—"adj. (1) contained or certified in writing; (2) relating to, or employing, documentation in literature or art; broadly, FACTUAL, OBJECTIVE." The noun, of course, possesses the same qualities. Neither word belongs in the CBS lexicon. In the famous charade on "Hunger in America," the narrator's off-screen voice said: "Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead." Heart-rending, but untrue. The baby was born prematurely, and according to an FCC report, died of "septicemia due to meningitis and peritonitis . . . There was no evidence to show that either the mother or father was suffering from malnutrition. . . ." Far less attention than it warrants has been paid the outrageous report on Cuba last September, which by actual count of Accuracy in Media, contained 10 major doubtful statements, including: "For Cuba's poor, things are a good deal better than they used to be . . . the Cuban poor man doesn't want to leave . . . Schools are free, everyone must go. There is a quiet equality of the races now in Cuba. . . ."

So ran the script. However, as AIM pointed out in a letter to CBS News, real life refuses to follow it. On the contrary, the organization cited specific examples of working-class Cubans who risked their lives to flee the Castro regime. One, a Negro bricklayer, was quoted in The New York Times as saying: "Not only is there not enough to eat, but they make you spend extra hours in the fields after a 54-hour work week." As to schooling, AIM pointed out that on January 5, 1969, Castro admitted that 400,000 school-age children were not in school. Brotherhood of man? AIM quoted Erneldo Oliva, an Afro-Cuban and one of the first Castro appointees, to the effect that even under Batista, "whom we rejoiced to see go," Negroes were judges, Senators and high officials. Today only one black man holds an important post. An American Negro, who defected to Castro for five years, returned in 1968 saying that he would rather live in an American jail than remain. Citing the list of inaccuracies, AIM solicited comment from Richard S. Salant, head of CBS News, which was duly forthcoming (and, with the rest of the correspondence, put into the Record). Nine times out of 10, the criticism went unanswered.

Last Tuesday Mr. Salant took a stab at answering criticism of CBS' role in "financing a secret and illegal invasion of Haiti." Here, word, for word, is his rebuttal. "We did *not* finance the planned invasion. We did nothing illegal. No significant amount of money even inadvertently found its way to persons involved in the invasion plan. The Department of Justice found *no* unlawful activities on the part of CBS News. And John Davitt, Chief of the Criminal Division of the U.S. Department of Justice, said, quote: 'CBS advised us of the facts, advised the Bureau of Customs that they were there, and that they were filming these episodes.' At one point the Treasury Department asked us *not* to withdraw from the project. But the short answer to the Vice President is that he is attacking a journalistic investigation that never became a broadcast about an invasion that never took place."

For a short answer, not bad. But let's take a longer look at "Project Nassau," as CBS called it and it is known in the Report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce. Let's note at once that the executive producer, Perry Wolff, served in the same capacity on "The Selling of the Pentagon." Let's also dispose of Mr. Salant. If CBS News did not "finance the proposed invasion," it did, according to the House Report, provide funds for the leasing of a 67-foot schooner which was to be utilized by the invasion force, reimburse expenses for the transportation of weapons to be used by the conspirators, make payments to the leader of the conspiracy "with full knowledge of his identity and his criminal intentions." "Significant," of course, is what lawyers call a word of art; while exact figures were never forthcoming from CBS, the House Report states that "Project Nassau" cost more than $200,000. CBS cooperation with the government was grudging, and, the Report indicates, evoked at official instance (a CBS cameraman blew the whistle to the authorities).

But let the Subcommittee speak for itself. "The implications of what has been learned are disquieting. To the average viewer, unsophisticated in the intricacies of television production, a network news documentary typically represents a scrupulously objective reporting of actual events shown as they actually transpired. If 'Project Nassau' is any indication, this is not always true. During the preparation of this news documentary, CBS employes and consultants intermingled and interacted with personages actively engaged in breaking the law. Large sums were made available to these individuals with no safeguards as to the manner in which these funds would be put to use. Events were set up and staged solely for the purpose of being filmed by the CBS camera. An individual who was retained as a consultant, and later an employe, of CBS, was allowed to or instructed to appear in the actual filming and to provide narration of it. . . .

"The CBS News organization, or at least the individuals charged with the immediate supervision of the project, displayed a shocking indifference to the real possibility that their organization and funds were being made use of to further illegal activities. The control exercised by CBS Management in New York over the activities of the producer in the field seems to have been practically nonexistent. . . . Had the decision . . . not to proceed with the documentary been founded on a recognition of any of the deficiencies indicated above, the only remaining question would be why the decision was so long in coming. But, under the circumstances, the rationale for the decision is itself far from reassuring. Rather than responding to any taint of artificiality or fraud in the considerable volume of film which had been prepared, the decision was apparently made on the basis that the project was journalistically unsatisfactory in view of the unfinished nature of the enterprise."

The law requires television quiz shows and commercials to be honest. Unfortunately, however, the public enjoys no similar protection against "documentaries," a credibility gap which the Subcommittee hopes to bridge. We would like to offer a proposal or two of our own. Believe it or not, Frank Stanton, president of the Columbia Broadcasting System Inc., serves as Chairman of the U.S. Advisory Commission on Information. Unlike Vice President Agnew, who backed away from the idea, we suggest that he be asked to resign. Moreover, to judge by the record cited above (which has exhausted our space, but barely scratched the surface), CBS television stations stand wide open to challenge on their license renewals, and we urge concerned, public-spirited citizens—as well as the FCC—to respond. CBS, in our view, has forfeited its access to the nation's airwaves. The time has come to turn it off.

FLOWERS FOR THE DEPARTED BY ALAN PATON

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. REID of New York. Mr. Speaker, Alan Paton is one of the most eloquent writers of our generation. He has known what is to be deprived of one's personal liberty, to have one's freedom severely restricted, to be officially ostracized by the nation in which one lives. He has known all this at the hands of the repressive, totalitarian South African regime.

Yet at the age of 68, the fierce spirit of freedom still burns within him and fires his pen. The words he wrote last year in memory of the four students killed at Kent State University are a testament to the futility of all killing, to the needless waste of young lives. As we observe the first anniversary of the Kent State murders, I commend his poem to my colleagues and to all Americans who feel the anguish and pain of these deaths and the thousands of others in Indochina.

The poem follows:

FLOWERS FOR THE DEPARTED

(By Alan Paton)

Allison Krause, for you this flower
Desert-born in a distant land
Suddenly, in rain miraculous
Flamed into life and lit with orange fire
The arid plain. So may your seed,
Returned untimely to the earth
Bring back the beauty to your desert land.

Sandy Lee Scheuer, for you this flower
Shining and vivid like your life
Which fleeing as it were a shadow
Continued in so short a stay
May your shiningness return
To your dark land.

Jeffrey Miller, for you this flower
A golden eye amidst a field of tares
Yet by the blind machine cut down
We mourn for you, and yet shall mourn
With ever-return Spring.

William Schroeder, for you this last
From this far country.
Out of this grief come joy
Out of this darkness, light
Out of your dying, life.

America, for you these flowers
Would we could reach out hands to comfort
you
But we dare not
We dare not touch those fingers dripping
With children's blood.

Alan Paton, the South African novelist, read this poem at the University of Rhodes last year in memory of the Kent State victims.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SCHWENGEL. Mr. Speaker, today the House Public Works Committee has voted to report favorably the big bus bill. This bill, H.R. 4354, increases the width of buses on the Interstate System from 96 inches to 102 inches.

As I noted in the body of the RECORD, this legislation was opposed by both the Department of Transportation and the National Transportation Safety Board on grounds that the 102-inch bus would be unsafe. Ignoring the advice of the two major highway safety related agencies in the Federal Government, the committee voted to approve the bill.

In view of the importance and the extremely controversial nature of this legislation, I am inserting the following analysis of the entire size and weight issue in the RECORD. I hope all Members and their staffs will familiarize themselves with the issues involved here, because I can assure you that you will be hearing from your constituents on it.

The analysis follows:

SIZE AND WEIGHT LEGISLATION: STATEMENT OF CONGRESSMAN FRED SCHWENGEL

I. BACKGROUND

A. Federal Aid Highway Act of 1956

In 1956, the Congress first considered the subject of vehicle weights and dimensions. The subject was broached in the consideration of the Federal Aid Highway Act of 1956 which established a vast new highway system spanning the country known as the National System of Interstate and Defense Highways. The Federal-State ratio of contribution was to be 90–10.

The magnitude of the Federal contribution gave support to the imposition of standards for vehicle users designed to protect the useful life of this enormous investment and to enhance the safety of the motorists who travel on our highways. Before this time, the matter of regulation had been primarily regarded as a State concern. Naturally, the standards varied quite widely from State to State, ranging, for example, from 18,000 to 24,000 pounds for single axles—from 28,650 to 44,000 pounds for tandem axle maximums.

Ten years earlier, the American Association of State Highway Officials (AASHO), concerned with the same problem of promoting the maximum useful life of the nation's highways, established certain standards to that end. This group of professional highway officials from the various States set forth the following standards:

1. Maximum weight: (a) single axle—18,000 lbs. (b) Tandem axle—32,000 lbs. (c) gross truck—73,280 lbs. (as determined by AASHO formula based on maximum allowed length within the states.)
2. Maximum height: 12½ feet.
3. Maximum width: 96 inches.
4. Maximum length: (a) single unit trucks—35 ft. (b) Buses with 2 axles—35 ft. (c) Buses with 3 axles—35 ft. (d) Truck-trailer semi-trailers—50 ft. (e) Other combinations—60 ft.

Although in 1956 some thought that these standards were out of date and somewhat restrictive, still it was felt that they were reliable enough to be incorporated into the Federal Aid Highway Act. As passed, the 1956 legislation adopted the following legal limits and made them binding upon all Interstate mileage, with certain exceptions for States then having more liberal size and weight standards:

1. Maximum weight: (a) single axle—18,000 lbs. (b) tandem axle—32,000 lbs. (c) gross truck—73,280 lbs.
2. Maximum height: 12½ feet.
3. Maximum length: no limit.
4. Maximum width: 96 inches.

The states protected by the "grandfather clause" exception contained in Section 108(J) of the 1956 Act are: Connecticut, Hawaii, Maine, and Rhode Island.

At the time of the bill's passage, a committment was also made to undertake extensive research to determine the standards necessary to ensure maximum useful life of the new Interstate System. The commitment was embodied in Section 108(K) of the Act which reads:

Test To Determine Maximum Desirable Dimensions and Weights

"The Secretary of Commerce is directed to take all action possible to expediate the conduct of a series of tests now planned, or being conducted by the Highway Research Board of the National Academy of Sciences, in cooperation with the Bureau of Public Roads, the several states, and other persons and organizations, for the purpose of determining the maximum desirable dimensions and weights for vehicles operated on the Federal Aid Highway Systems, including the Interstate System, and, after the conclusion of such tests, but not later than March 1, 1959, to make recommendations to the Congress with respect to such maximum desirable dimensions and weights."

In 1956, AASHO already had in the planning stage, a series of tests which were designed to elicit much the same information as that mandated by the Act. With some modifications to meet the requirements of Section 108(K), 836 sections of test pavements were built late in 1956 near Ottawa, Illinois. Beginning in 1958 and spanning a two-year period, a nearly continuous series of tests of fully-loaded trucks was conducted over these sections of pavement. The purpose was to gather information bearing on the relationship between pavement types and bridge construction, and vehicle weight limits and axle loadings. The resulting data was to be a critical factor in setting the maximum desirable weights of motor vehicles allowed on the Interstate System.

After several delays, the data from the tests was made available by the Secretary of Commerce and printed as House Document No. 354, 88th Congress, 2nd Session.

The maximum weights and dimensions of vehicles recommended on the basis of the Ottawa tests were the following:

1. maximum weight: (a) single axle—20,000 lbs. (b) tandem axle—34,000 lbs. (c) gross truck—(to be determined by the formula).

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

Where W is the maximum weight in pounds carried on any group of two or more axles, L is the distance in feet between the extension of any group of two or more axles, and N is the number of axles in the group under consideration.

2. maximum height: 13½ feet.

3. maximum width: 102 inches.

4. maximum length: (a) single unit truck—40 feet. (b) Single unit bus—40 feet. (c) semi-trailer—40 feet. (d) truck-trailer semi-trailer—55 feet. (e) all other combinations—65 feet.

II. ACTION IN THE 90TH CONGRESS

A. Senate

In November of 1967, Senator Warren Magnuson, and others, introduced a bill, S. 2658, to increase the maximum weights and dimensions of vehicles operating on the Interstate System. This bill provided for the following limitations:

1. Maximum weight: (a) single axle—20,000 lbs. (b) tandem axle—36,000 lbs. (c) gross weight—computed by formula:

$$W=500\left(\frac{L\times N}{N-1}+12N+40\right)$$

Where W equals the maximum weight in pounds carried on any group of two or more axles, L equals the distance in feet between the extension of any group of two or more axles, and N equals the number of axles in the group under consideration.

2. Maximum length—no limitation.

3. Maximum width—102 inches exclusive of tire bulge and safety devices such as mirrors.

Four days of hearings were held before the Senate Public Works Committee in February and March of 1968. The bill was reported out of committee after it was amended to include the following weight limitations:

Single axle—20,000 lbs. Tandem axle—34,000 lbs. Gross weight—(computed by formula).

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

The bill was then considered by the Senate under suspension of the rules, and passed by a voice vote with only seven Senators on the Floor.

B. House action

Similar legislation, H.R. 14474, was introduced in the House of Reprsentatives by Congressman Kluczynski of Illinois and eight others. During the general hearings on the Federal Aid Highways Act of 1968, this bill was considered together with S. 2658. The hearings were held in February, May and June of 1968. On July 3, 1968, the House Public Works Committee favorably reported the bill, S. 2658, as amended, to the House.

Subsequently, a rule was obtained from the Rules Committee and the bill was placed on the Union Calendar, Number 669. The bill, however, was never called up for action and died at the end of the session.

C. Position of Department of Transportation

Lowell K. Bridwell, Federal Highway Administrator, testified before the Senate Public Works Committee that the Department of Transportation was opposed to S. 2658 as introduced. He stated, however, that the Department recognized the inadequacies of the existing size and weight limitations. Mr. Bridwell offered the following substitute bill on behalf of the Department:

[Attachment C]

A BILL To provide for more uniform standards for the weights and dimensions and the safety and performance of vehicles using the Federal-aid systems, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That,

Section 127, of title 23 of the United States Code is hereby amended to read as follows:

"SEC. 127. Vehicle weight and dimension limitations, safety and performance standards

"(a) No funds authorized to be appropriated for any fiscal year for expenditure upon the Federal-aid systems shall be apportioned to any State within the boundaries of which any Federal-aid system may lawfully be used by a vehicle or vehicle combination with:

(1) weight in excess of twenty thousand pounds including tolerances carried on any one axle, or with a tandem-axle weight in excess of thirty-four thousand pounds including tolerances, or with an overall width in excess of one hundred and two inches excluding tire bulge due to loads and safety devices approved by the Secretary, or with an overall height in excess of thirteen feet, six inches, or with an overall gross weight including tolerances on a group of two or more consecutive axles in excess of that derived by application of the following formula:

$$W=500\left(\frac{LN}{N-1}+12N+36\right)$$

where W represents overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds; L represents distance between centers of the extreme axles of any group of two or more consecutive axles to the nearest foot; and N represents number of axles in the group under consideration; or

(2) the corresponding weights and dimensions permitted for vehicles or vehicle combinations using the public highways of such State under laws or regulations established by appropriate State authority in effect on January 1, 1968, whichever is the greater.

"(b) Any amount which is withheld from apportionment to any State pursuant to subsection (a) of this section shall lapse. Subsection (a) of this section does not deny apportionment to any State allowing the operation within such State of vehicle or vehicle combination that could be lawfully operated within such State on January 1, 1968, or the operation within an urban area as defined in section 101(a) of this title of any transit-type bus meeting the requirements of section 4483(c) of title 26, United States Code, that could be lawfully operated within such area while engaged in scheduled bus service on January 1, 1968.

"(c) (1) In the interest of safety and the efficient utilization of the Federal-aid highway system the Secretary, after consultation with the States and such other public and private organizations as he deems appropriate and no later than two years following the enactment of this Act, shall develop and publish in the Federal Register reasonable and practicable performance standards providing objective criteria applicable to vehicles and vehicle combinations having more than two axles or an overall gross weight in excess of 14,000 pounds, which shall prescribe:

(A) minimum performance standards specifying a ratio of gross weight of a vehicle or vehicle combination to the net engine horsepower available for movement of the vehicle or vehicle combination;

(B) minimum performance standards for the braking system of a vehicle or vehicle combination; and

(C) minimum performance standards for the strength and operation of the linkage and coupling systems between the components of a vehicle combination.

(2) The Secretary shall determine the effective date of any standard prescribed under this subsection, which date shall be not less than one nor more than two years after the beginning of the fiscal year next following its publication in the Federal Register unless the Secretary finds, for good cause shown, that a later date is in the public interest and publishes his reasons for such findings. The Secretary may revise, amend or revoke any standard prescribed under this subsection by notice published in the Federal Register, but the effective date of any revision or amendment shall not be less than one nor more than two years after the beginning of the fiscal year next following its publication in the Federal Register, unless the Secretary finds, for good cause shown, that a later date is in the public interest and publishes his reasons for such finding.

(3) After the effective date of any standard prescribed under this subsection, 10 per centum of funds authorized to be appropriated for any fiscal year for expenditure upon the Federal-aid systems shall be withheld from apportionment to any State within the boundaries of which any segment of any system may lawfully be used by vehicles in violation of that standard. No withholding from the amounts which would otherwise be apportioned to such State shall be made pursuant to the preceding sentence where a reduction in apportionment under section 402(c) of this title is applied to that State for the same fiscal year. Where he determines it to be in the public interest the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to any State. Any amount which is withheld from apportionment to any State pursuant to this subsection shall lapse.

(4) Nothing in this section shall diminish any authority conferred upon the Secretary or the Federal Highway Administrator pursuant to any other act.

SEC. 2. Section 101(a) of title 23, United States Code is hereby amended by adding at the end thereof the following:

"The term 'single axle' means an assembly of two or more wheels, whose centers are in one transverse vertical plane or may be included between two parallel transverse vertical planes forty inches apart extending across the full width of the vehicle.

"The term 'tandem-axle' means any two or more consecutive axles whose centers are more than forty inches but not more than ninety-six inches apart and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles.

"The term 'overall gross weight' means the weight of a vehicle or vehicle combination without load plus the weight of any load thereon.

"The term 'vehicle' means a mechanical device intended primarily for highway transportation of any person or property therein or upon, or by which such device may be drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"The term 'vehicle combination' means a truck-tractor and semitrailer either with or without a trailer, or a truck with one or more trailers."

SEC. 3. The analysis of chapter 1 of title 23 of the United States Code is amended by revising the caption of section 127 to read as follows:

"Vehicle weight and dimension limitations, safety and performance standards."

It would appear from the printed hearings that the Department of Transportation officials did not testify directly before the House Public Works Committee on this legislation. The only evidence of the Department's position with respect to S. 2658, as passed by the Senate is contained in the answers to a series of questions submitted to the Department by Congressman William Cramer of Florida. The Department's responses appear at pages 164–166 of the printed hearings, and appear to have been in line with the contents of the substitute amendment above which was submitted by Mr. Bridwell in the Senate.

D. Campaign

During the Presidential Campaign of 1968, the question of increasing the vehicle weight and dimension limitations became a national issue. Eventually, both major candidates issued statements on the subject. President Richard M. Nixon observed during the 1968 campaign, that:

"This proposal raises serious issues, including the safety and convenience of the motoring public. Questions remain about the extent to which greater truck size and weight would impose additional wear and tear on a road network.

"I believe these matters are so important to so many of our people that I favor postponement of action on the bill now before the House.

"As President, I would want this entire matter most carefully reconsidered. I would direct the Secretary of Transportation to take a hard look to make certain that the interests of the traveling public and also the life of our highways are fully protected as we facilitate the vital movement of goods in the Nation's commerce."

Former Vice-President Humphrey also indicated his opposition to the legislation during the campaign.

III. ACTION IN THE 91ST CONGRESS

A. House of Representatives

In June of 1969, Representatives John Kluczynski and Robert Denney introduced legislation essentially the same as that which was reported out of the House Public Works Committee in amended form in 1968. The bill was H.R. 11870. The only change was the addition of a length limitation not contained in S. 2658. The following limits are provided in the Kluczynski-Denney bill:

1. Maximum weight—(a) single axle—20,000 lbs. (b) tandem axle—34,000 lbs. (c) gross truck—as computed by the formula

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

2. Maximum height: no change from present limits.

3. Maximum width: 102 inches.

4. Maximum length: 70 feet.

The Subcommittee also had under consideration H.R. 11619, which would have permitted an increase in the width of buses operated on the Interstate System from 96 inches to 102 inches. The bill was introduced by Congressman Frank Clark of Pennsylvania.

Eleven days of hearings were held on these two bills during July, August, and September of 1969. In December, the Subcommittee reported the bill back to the full Public Works Committee without recommendation. The full Committee took no further action on either bill. As a result, both bills died at the end of the 91st Congress.

B. Position of the Department of Transportation

Mr. Francis C. Turner, Federal Highway Administrator, testified before the Committee with respect to H.R. 11870 and H.R. 11619. He stated that the Department of Transportation could not support the legislation unless the following changes were made in the bill:

1. That the effective date of the legislation be delayed three years to allow enactment of appropriate safety regulations governing the larger vehicles. He specifically mentioned regulations concerning: brake system performance, tires, weight-horsepower ratios, and track width.

2. That the provision in H.R. 11870 permitting two consecutive sets of tandem axles to carry a gross load of 68,000 pounds, notwithstanding other restrictions in the bill, should be eliminated.

3. That the term "tandem axle weight" be fully defined.

4. That the exception to width limitations for safety devices be modified to include "officially approved" safety devices.

5. That the exception to width limitations for "tire bulge" be eliminated.

6. That the length limitation be 65 feet instead of 70 feet.

7. That the protection of the "grandfather clause" be gradually eliminated.

8. That the size and weight limitations of Section 127, Title 23 U.S.C., be extended to all Federal Aid Highway Systems, and not just the Interstate System as currently provided.

C. Senate action

The Senate took no action respecting vehicle size and weight limitations during the 91st Congress.

IV. ACTION IN THE 92D CONGRESS

A. House action

On March 16, the Chairman of the House Public Works Committee announced that the Roads Subcommittee would conduct hearings on March 30th with respect to H.R. 4354. This bill provides for an increase in the permissible width of buses on the Interstate System from 96 inches to 102 inches. As one would suspect, the shortness of the notice of the hearings prevented many interested groups from testifying on this legislation. One interested witness, the American Automobile Association did not receive notice of the hearings until March 22nd. The short notice worked a particular hardship on groups such as the American Association of State Highway Officials, because their internal procedures require them to contact individual states before they can testify on a bill.

Because of the opposition of the Department of Transportation to the bill, the Subcommittee delayed action on it for at least thirty days. The Department's position is more fully discussed in a following section. The bill is thus presently pending before the Roads Subcommittee of the House Public Works Committee.

B. Position of Department of Transportation

Mr. Francis C. Turner appeared before the Subcommittee to present the position of the Department of Transportation. In his prepared statement he said,

"Based on the extent of our analysis to date with regard to the potential benefits and safety hazards which would result from the proposed increased bus width, the Department cannot support enactment of H.R. 4354 at this time. We will attempt to arrive at a definitive conclusion as to the actual advantages or disadvantages in a reasonable period of time and advise this Committee as to our final overall recommendation."

In an initial response to questioning by Congressman Harsha as to the time necessary for the Department to formulate its position, Mr. Turner stated that ". . . it would take us at least three months to try to put that together in the form that we would be confident of and want to send to the Committee." Responding to further questioning by Congressman Harsha and Congressman Kluczynski, Mr. Turner agreed to attempt to develop the Department's position within thirty days.

C. Senate action

No size and weight legislation has been introduced in the Senate as of this date.

V. ISSUES

The question of changing the limitations on size and weight is extremely complex, and at times, extremely emotional in nature. I will attempt to discuss some of the major issues involved, hopefully in a relatively unemotional manner.

A. Accident data

For a number of reasons there simply are no accident statistics which are sufficiently accurate to analyze this complex question of the effect of increased size and weight on highway safety. To begin, the accident forms utilized in the various states do not distinguish between various sizes and classes of trucks and buses involved in accidents. For example, they do not distinguish between 96 inch buses and 102 inch buses (which, of course, are permitted to operate in some states on primary and secondary roads). Even if the report forms did distinguish between the two sizes of buses, the data still would not be adequate for purposes of this legislation. This is due to the fact that by far the majority of the 102 inch buses now in operation are operated within city limits. They have as a result, a much higher exposure to the possibility of accidents. At the same time, they are not exposed to identical hazards, and they don't expose other drivers to the same hazards, as would be the case on more rural highways. That is to say, areas where the problems of air turbulence are more pronounced.

Thus, we are severely lacking in sound data on what should be one of the first and most important factors in considering this legislation.

B. Air turbulence

The problem of the air turbulence experienced when passed or being passed by a large bus or truck is a problem well known by every motorist. Unfortunately, the Department of Transportation has just recently recognized the problem as one of sufficient seriousness to warrant study and investigation. It is my understanding that the National Highway Traffic Safety Administration has just recently let the first contract for research into this problem. Thus, once again, we are without adequate scientific data to properly evaluate one of the critical problems related to this legislation.

It should be noted that the problem of air turbulance was the subject of an extensive article in the May, 1969 issue of Popular Mechanics. In an article written by E. D. Fales, Jr., the problems of "blast" and "suction" associated with the passing of large vehicles is fully discussed. During the course of this year's hearings, Congressman Don Clausen requested that the Department of Transportation check with the Federal Aviation Administration officials to see if some of the principles of aerodynamics which they utilize daily couldn't be applied to the problem of air turbulence as related to motor vehicles. It was certainly a good point, and one I hope the Department will pursue in a serious manner.

Mr. Turner attempted to belittle the problem because of the relatively small change in the overall size of the vehicle, and thus presumably the small increase in the air turbulence problem. This is after Mr. Turner had testified that: "Frankly, we do not know exactly how to put it (referring to research on air turbulence) together in order to really measure quantitatively the impact on safety."

Thus, we have the Federal Highway Administrator recognizing the problem of air turbulence, then stating that they don't know how to properly research the question, but that even so, the additional six inches wouldn't substantially increase the problem.

This is very difficult logic for me to follow. It would seem to me that once we have recognized a problem such as air turbulence, we should fully research the question before we make changes in vehicle size which are likely to complicate the problem. Research might reveal for example, that the proposed extra six inches could be utilized to reduce air turbulence through the application of aerodynamic design principles.

C. Braking capacity

One of the arguments utilized by proponents of the bill is that the additional space will permit better braking systems. They state that the new wider buses will have braking systems which are considerably more effective. National Highway Traffic Safety Administration regulations for new buses and trucks require them to stop within 245 feet at 60 miles per hour.

By comparison automobiles are required to stop within 216 feet from a speed of 60 miles per hour.

The danger of mixing in the same stream of traffic, vehicles with such widely varying braking ability should be apparent to all. The National Transportation Safety Board in its recent report on the tragic multiple-vehicle accident which occurred on the New Jersey Turnpike, November 29, 1969, (Report No. NTSB–HAR–71–3) recognized this problem and recognized this problem and recommended that:

"3. The National Highway Traffic Safety Administration set a high priority on establishing performance requirements for new buses, trucks, trailers, and combinations in regard to: (1) improved braking capabilities with balanced skid resistance, reduced "fade", and shorter stopping with maximum load; (2) the use of energy-absorbing underride and override barriers to reduce passenger-car impact decelerations through controlled yielding; and (3) minimum limits on stability factors for loaded vehicles. (Stability factor is defined as one-half the tread width between centers of outside tire footprints, divided by the height of the center of gravity of a loaded vehicle.)

"4. The Bureau of Motor Carrier Safety, Federal Highway Administration, consider the promulgation of regulations to require improved braking capabilities of regulated vehicles, and inclusion of a numerical statement of the stability factor (value) on the identification plate of all tank trailers which transport hazardous materials, in implementing Recommendation 3, above."

In a recent address, Dr. William Haddon, Jr., President, Insurance Institute for Highway Safety, spoke of similar problems regarding braking capacity. Dr. Haddon is the former Director of the National Highway Safety Bureau. In an address to the Society of Automotive Engineers in January of this year, Dr. Haddon stated:

"A *second* noteworthy problem in relation to highway losses involving trucks and buses involves the extent to which their designers and manufacturers provide adequate braking ability. Simply stated, all vehicles in the dense traffic streams typical of many present roads must be able to brake at essentially the same rate, lest in emergencies the slower braking vehicles literally sweep the faster before them with results well known to students of the daily press. This is not a requirement that logic places only on the members of one class of vehicles, such as passenger cars—where the at present huge discrepancies in maximum braking rates are also a serious problem (9) for the same and other reasons. It is also not a problem for vehicles only in a particular state of load. It is a logical, necessary performance requirement for all vehicles, especially including the heaviest trucks under their fullest loadings. Moreover, the braking capacity must approach closely at least that of the fastest braking vehicles now on the road since the alternative of worsening, for intervehicular compatibility, the latter's rates would be expected to yield increased losses in their own highway use.

"There is *no* present adequate Federal standard for truck braking rates. And, the Uniform Vehicle Code suggested for states has only a weak requirement for stopping distance (10), and that in a test at only twenty miles per hour. Actual braking performance of heavy trucks is commonly two to three times worse than that of passenger cars. (12) (13) In many emergencies, regardless of the skill of their drivers, this guarantees intervehicular collisions, with property damage, injury, and/or death the result—a problem also presented by automobiles with inadequate brakes. In illustration, consider reports of the multivehicular holocaust, November 29, 1969, on the New Jersey Turnpike, in which among other factors one after another huge truck was unable to stop in a short enough distance and plowed into the vehicles and people ahead. Nationwide increases in traffic densities; the remaining lifetimes of present heavy vehicles whose maximum braking ability is incompatible with those of other, intermixed, and usually more vulnerable vehicles; and the indefinite continuation of present brake performance policies lead me to believe that increasing numbers of such disasters will occur."

The contractor's report of work recently completed for the National Highway Safety Bureau by the TRW Systems Group, dealing with the kinds of degradation which occur in the principal brake system design types manufactured during the years 1964–1969 for use on American-made automobiles and light-weight trucks, includes the following conclusion:

Current road tests of stopping distance from a speed of 20 MPH, as implemented in the various states, achieved results which are non-uniform to the point that the results indicate this type of test is relatively ineffectual as a means of detecting brake degradation. Such tests cannot predict 60 MPH performance. (11)

D. Vehicle power

The question of variations in the relative amount of power available to propell vehicles of varying size and weight is directly related to the previous discussion on braking ability. There are extreme differences in the relative power of buses, trucks, and automobiles. This, too, is rather apparent to the motorist stuck behind a big truck on a steep slope. The same applies to buses, if to a somewhat lesser degree. The various agencies of the Department of Transportation are in the process of prescribing certain minimum requirements in this respect. Here again, we are still doing research on a question vitally related to the issues involved in the pending legislation.

E. Pollution

Buses are one of the most serious polluters of our environment in two respects, air and noise. One doesn't spend much time behind, or anywhere near, a bus without being made rather pointedly aware of the extent of the air pollution created by the bus. The same is true of noise, but this is probably more true with respect to pedestrians than motorists.

In this regard, the proponents of the bill hinted that the increase in width would speed development of their turbine engine which does not pollute the air. If this is in fact the case, the proposed legislation should be amended to permit only those wider buses which utilize turbine engines!

F. Automobile versus bus safety

One of the major points used by proponents of the legislation is the increased safety of passengers. They point out the fact that on the larger buses, the passenger seats will be well above the point of impact for the majority of accidents. That's fine for the bus passenger, but what about the auto driver and auto passengers who are still located at the point of impact? In 1969, 977 billion inter-city passenger miles were ridden in automobiles as compared to 26 billion passenger miles in buses. Naturally, I'm not opposed to protecting the bus passenger from injury. However, in view of the relative amounts of travel by the two modes, the case for increased bus passenger safety at the expense of auto passenger safety will have to be very compelling. With 86.4% of all travel in the United States in 1969 being achieved through the use of the automobile, we clearly must give the auto the benefit of the doubt in resolving any safety questions as between the two modes of transportation. It is also important to be aware of the fact that in 1968, 104,702,000 motor vehicles of all types were registered in the United States. Of that total figure, approximately 21,400 were inter-city buses.

This all goes once again to the question of mixing in the same stream of traffic vehicles with widely varying power performance, braking capacity, and ability to survive a collision without serious damage.

G. Actual width

The width limitations contained in the 1956 Act included an exception for safety devices and tire bulge. As has been indicated earlier, the term tire bulge is now obsolete and should be deleted from the statute. The safety device exception is not obsolete. It does need to be revised so that the exception covers only those safety devices approved by the Department of Transportation. This exception has been abused by some vehicle operators.

The question of the safety device exception is directly related to the question of increased width limitations. The present width limitation is 96 inches. It certainly was a shock to me to find that the large mirrors on each side of buses effectively extends that width limitation to as much as 114 inches. By their own testimony, officials of the National Association of Motor Bus Owners indicated mirrors could protrude as much as 9 inches on each side. I personally measured some bus mirrors which protruded 12 inches. That would make the total width 120 inches. In either case, it certainly doesn't leave much room to spare, even on a twelve foot traffic lane. The problem is magnified when you have two vehicles this size passing one another.

Proponents of the bill argue that the mirrors are designed to break away in case they strike another vehicle or a fixed object along the highway. That is not a satisfactory answer to the problem. No driver is going to drive anywhere near the point that his mirror might hit another vehicle. In the normal course of driving he is going to leave sufficient space so that the mirrors will clear the adjacent vehicles. This places him 9–12 inches closer to the other lane on a multiple lane highway, or to the shoulder on a two lane highway.

Another problem in this area is that of "off tracking". This refers to the portion of a vehicle which swings outside the normal line of the vehicle due to the fact the wheels are mounted some distance from the front and rear of the vehicle. We have all witnessed the problem of "off tracking" when a bus attempts to turn a corner, especially in a multilane intersection. The additional six inches in width and the additional five feet in length obviously further aggravate the problem.

Testifying before the House Public Works Committee on the question of highway safety, Dr. Robert Brenner, then acting director of the National Highway Safety Bureau, responded as follows to this question:

SCHWENGEL. "And I would like to ask, have you done any research or are you planning any research on the effects of increasing the width of the trucks on the highway?"

Dr. BRENNER. "We have work in progress at the present time in the general problem area of stability of trucks, truck-trailer combinations, double bottoms, semis, the whole problem of truck-trailer stability. And insofar as the width of the vehicle, wheel base in relation to the height as well as the mass distribution, are certainly central to stability studies and we will be working in the general area.

"As to the specifics of what the extra width does or does not do in the safety picture, I am not aware of any works specifically in that regard."

This statement was made in 1969, and to the best of my knowledge it still reflects the current status of this research within the Department. With this in mind, it is inconceivable that the Department could take any stand, pro or con, with respect to this legislation to increase the width of buses. At least not if they check with their own safety experts, and not just with the highway builders.

H. Driver rear vision

With both trucks and buses there is a rather extensive "blind spot" to the rear of the vehicle. In this area, the driver is unable to see any other vehicle. The rear view mirrors simply do not cover this area, and any motorist caught in that blind spot can be in for serious trouble. I have estimated that for an average truck-trailer combination 65 feet long, this blind spot includes about 346.7 cubic feet. The total for buses would be somewhat less because the driver does have some vision out the rear of the bus, and because the bus isn't as long.

To increase the width of the bus by six inches, and to increase its length by five feet obviously will increase the number of cubic feet contained in the "blind spot". Again, the Department of Transportation has recognized the problem and is working on it. Several possibilities exist for solving the problem. One is a series of overhead mirrors. Another is electronic equipment utilizing some form of television. It is foolish to increase the scope of this problem by increasing the amount of blind space, when we are just beginning to study solutions to the problem.

A related problem is the fact these large vehicles also block the forward vision of the vehicles behind them. They make it extremely difficult to see directional and warning signs in time to take proper action. The bus owners indicate the new bus will be safe because the bus driver will be in a higher position and then better able to see problems in the road ahead. Again, I ask, but what about the automobile driver who can't see the accident ahead because of the big bus in front of him? Incidentally, the new bus is also two feet higher, further compounding the problem.

I. Economic effect

While the economic impact of increasing the size of buses is not as great as the impact of the increases in size and weight contained in H.R. 11870, it is certainly a factor to be considered. Indeed, the new bus will be approximately 13,267 pounds heavier than the older models. However, since this is within the present weight limitations, no change in the law is required. The increased wear and tear on the highways will be clearly present.

The major economic effect of wider buses relates to the increased highway costs which may result from widening various highway structures to accommodate them. Conceivably, the traffic lanes of our Interstate System will have to be widened beyond their present twelve feet to accommodate the larger buses.

My basis for the foregoing statement lies in the fact that the present lane widths of twelve feet were the result of studies conducted in the late 1940's and early 1950's using vehicles 96 inches wide. Measurements were taken to determine the normal path for the 96 inch vehicles under various conditions. After allowances were made for the "waiver patterns" which were developed, it was determined that the traffic lanes should be twelve feet wide. It seems logical that similar tests using 102 inch vehicles would show a need for still wider traffic lanes. The cost of such a change in the Interstate System alone would be phenomenal!

There has been a good deal of speculation as to the intent of the Congress with respect to lane widths when the Federal Aid Highway Act of 1956 was enacted. It seems to me that the comments of Senator Gore with respect to an amendment offered by Senator Kerr offers some clarification of at least the Senate intent on this question. Senator Kerr's amendment, contained a limitation on maximum width to 96 inches. The amendment was agreed to; Senator Gore's remarks follow:

Mr. GORE. "The committee felt that with the vast investment the people are to make in this magnificent Interstate System of highways, somewhere, somehow, we should call a halt to the ever-increasing weights, to the ever-increasing widths, to the ever-increasing lengths of vehicles traveling the highways.

"Therefore, the Senate committee approved by unanimous vote inclusion of the AASHO code for maximums, provided the States themselves do not have maximums in excess, in which event they would be permitted to participate in the 90 percent funds without reducing to these maximums.

"Now let us come to the amendment of the Senator from Oklahoma (Mr. Kerr) to the committee amendment. The Senator from Oklahoma pointed out that there was no uniformity in width, and the record shows that that is so. But I did not think the provisions voted by the House were sufficient. The Senator from Oklahoma originally submitted his amendment to have it comply exactly with the provision voted by the House, which applies only to axle weights—18,000 pounds in the case of a single axle and 32,000 pounds in the case of tandem axles.

"According to the testimony before the Senate committee, the most important factor, and the one causing the greatest damage to the highways, is the axle weight. The width causes great hazards in traffic. I insisted that we provide a limitation on width. It happens that there is more uniformity as regards width than as regards any other dimension or specification. At the present time, 46 States have a maximum width of 8 feet, and two States have a maximum width in excess of that. The amendment of the Senator from Oklahoma to this committee amendment provides a maximum width of 8 feet for 46 States, and allows the maximum of the two States in excess of that to remain."

"I shall be glad to reply. As I see it, the most important thing to protect the investment of the people in the roads, that is, to keep the roadbeds and surfaces from being crushed by excess weight, is the control of the axle weights. The most important thing in preserving bridge structures is control of overall weights. The most important thing in preserving safety of traffic is control of the width of the vehicles. The Kerr amendment applies to all three."

J. Tires

One phase of the "safer bus" argument used by proponents of the bill is to the effect that the new buses will have wider tires. They argue that wider tires means more tread contact with the highway surface, and thus better braking ability. Safety experts have advised me that increased tread width will not increase braking effectiveness under normal traffic conditions. It improves only the braking ability on curves.

These experts further advise me that the crucial element here is the chemical composition of the tires, and not the width. To really effectively increase traction, the chemical composition of the tires must be changed to give a "softer" tire. This would, of course, result in a much shorter tire life.

It would be interesting to know if the bus owners are willing to use these "softer" tires in order to *really* improve the braking ability of their buses. I'm inclined to think they are not willing to do so inasmuch as they are fighting the Department of Transportation efforts to establish tougher standards for retread tires used on buses. The American Transit Association and the National Association of Motor Bus Owners have joined in a lawsuit challenging the validity of the Department of Transportation's new regulations on regrooved tires. The regulations require that there be a 3/32 inch of undertread below the grooves of the regrooved tire. The bus owners claim this would reduce tire life by 15%. They claim they can safely utilize the thinner tire on intra-city operations. It must be noted, however, that most city transit systems are supplementing their income with extensive charger operations. Assuming the thinner tire can be used safely on intra-city operations, there can be no assurance that the thinner tires will not be used on intra-city buses utilized for charter operations on the open highway.

K. Bumpers

The need for more adequate energy absorbing systems in the case of collisions between large vehicles such as trucks and buses, and automobiles is readily apparent. As noted earlier, the bus driver and bus passengers may be "well above the point of impact", however, the auto driver and his passengers located right at the point of impact. There is an urgent need for bumper systems designed to absorb amounts of energy sufficient to minimize the damage to the persons and property involved. Also, there is a great need for standardization of bumper heights for all vehicles. These improvements in bumpers should be made *before* we increase the width, length, and weight of buses.

L. Seat widths

One of the major arguments made in favor of the wider bus is the fact a portion of the increased width would be used to widen the passenger seats. Bus owners indicate they would add 1 to 1½ inches to each seat in the wider buses. They claim the additional comfort which would be afforded to passengers is vitally needed to attract more passengers. They, of course, point to the government's efforts to encourage more use of mass transportation facilities such as buses.

This question of seat widths is one which needs a good deal of very close scrutiny. It is especially necessary because of the extent to which the bus owners rely on the need for wider seats to justify the wider bus. Mr. Charles Webb, President of the National Association of Motor Bus Owners testified that passenger seats on inter-city buses is 17 inches. The seat model displayed by the bus owners representing present seats during the hearings measured 33½ inches from the inside of one arm rest to the inside of the other arm rest. This would allow 16¾ inches for each passenger. The model representing the proposed wider seats measured 36½ inches or 18¼ inches per passenger. With these figures in mind, it is interesting to learn that the coach seats in most of United Airline's planes vary from 16½ to 16¾ inches in width! Seats on the Seaboard Coast Line Railroad Company are 18¼ inches wide.

In view of the foregoing indication that present bus seats are wider than many air coach seats, it is interesting to note that in 1968, the airlines compiled 113,910,636,000 revenue-passenger miles whereas the bus operators compiled only 24,500,000,000 revenue-passenger miles. Clearly, the nations travellers spent a good deal more time in the narrower air coach seats. There has apparently been no great outcry from this group of travellers with respect to seat width.

If the regulatory agency for the buses, the Interstate Commerce Commission, follows the example of the airline's regulatory agency, bus owners may not gain much by installing wider seats. The Civil Aeronautics Board (C.A.B.) has recently ruled that the airlines must charge 8.5% more for wider seats. For example, United Airlines has removed one row of seats in its coach sections on some planes. This "five across" seating results in seat width varying from 18.99 inches to 19.74 inches. These wider seats would be covered by the surcharge order of the C.A.B.

An extension of the wider seat argument is equally invalid. This argument is to the effect that wider seats will attract more passengers to bus transportation and thus alleviate urban traffic congestion. This argument conveniently overlooks the fact that most bus seats on present intra city-commuter buses are narrower than 17 inches, even though many cities allow 102 inch wide buses. The explanation is simply that the bus companies use the extra bus width to provide more room in the aisle for passengers required to stand up. So it is clear that increased bus width *does not* contribute to a reduction in urban traffic congestion.

If bus companies are sincerely interested in attracting more passengers they could do better to start by cleaning up their dirty bus depots!

M. Coercion of the States

Still another consideration with which we must deal is that of the relative roles of the Federal and State governments in regulation of vehicle weights and dimensions. This Congressman realizes that the action we take with respect to this legislation will have effects more far-reaching than those which simply concern the Interstate System of this nation. In this respect we should look once again to the mandate of the 1956 legislation. The Federal Aid Highway Act of 1956 directed a study of the appropriate vehicle weight and size limitations with respect to all Federal Aid Highways. The AASHO studies and the recommendations resulting therefrom, have been directed solely to the Interstate Highway System. Obviously, the Interstate System has been built to the highest standards of any highway system in our Nation. The greater problem arises from the fact that our Interstate System does not lead from one vacuum to another, but, in fact, leads from one city to another via the ABC, or primary and secondary road systems. The Federal government has an investment of 50% in the cost of constructing these systems. Granted, this amount may be considerably less than the 90% of construction costs which we have invested in the Interstate System, but there is no logical argument why the Federal government should not protect its investment merely because it is *"only 50%* of the total cost."

The larger buses which would be permitted on the Interstate System under the legislation now before the Public Works Committee are not going to load and unload in the middle of that system. They must, of necessity, use the primary and secondary systems in their movement from one point to another. Section 109 of the Federal Aid Highway Act of 1956, which includes standards for all Federal Aid Systems, specifies that the Secretary of Transportation may not approve plans and specifications for proposed projects unless they provide a facility "(1) that will meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance." AASHO stated in testimony in 1969 that they believe the standards adopted as maximums should apply to *all* systems. It is clear that passage of this legislation by the Congress would serve as leverage to force the various States to increase their size limitations on the primary and secondary systems so as to equal that of the Interstate System. And, of course, there would be pressure to extend the width increase to other vehicles, namely trucks! This is despite the clear fact that our primary and secondary systems are not up to the same standards as our Interstate System. It is one thing to say that this legislation is merely "permissive" and doesn't force the States to do anything. To adopt this philosophy is to be something more than naive.

VI. AMENDMENTS

In the event that H.R. 4354 does receive favorable action by the committee, there are several amendments which should certainly receive careful consideration.

First, the use of the larger vehicles, if approved, should be limited to those highways having a traffic lane not less than twelve feet in width. Further, this restriction should be extended to the entire Federal Aid Highway System in an effort to secure uniform standards, and to protect the safety of motorists on our primary and secondary roads. This, as you will recall, was one of the conditions specified last year by the Department of Transportation. It also has the support of AASHO.

Another amendment suggested by Mr. Turner in his testimony in 1969 deals with the question of excluding "safety devices" and "tire bulge" from the width limitation. Mr. Turner asked that the "tire bulge" exclusion be eliminated in as much as it was no longer needed. He stated during the 1969 hearings: "This tire bulge provision originated many years ago when vehicles were being converted from solid to high pressure pneumatic tires of today. The necessity for this exception no longer exists." I concur with Mr. Turner's suggestion. Likewise, I agree that safety devices excluded from the width limitation should be limited to those which have received the approval of the Department of Transportation. Thus, the words "officially approved" should be added immediately preceding the words "safety devices". This amendment was added by the committee.

It would seem to me that this is the appropriate time to put an absolute limit on bus length, even though that is apparently not an issue with the bus owners. Both the Department of Transportation and AASHO have recommended the forty foot length limit for buses. I strongly urge the committee to include such a length limit in the event favorable action on this legislation is contemplated.

During the 1969 hearings, Mr. Turner asked for a delay in the effective date of any change in size or weight limits. I urge the Committee to adopt his suggestion. The effective date should allow adequate time for the Bureau of Motor Carrier Safety and the National Highway Traffic Safety Administration to enact new regulations appropriate to any changes made. It should also allow adequate time for them to complete action on new safety regulations now in process which deal with braking systems, stopping distance, weight-horsepower requirements, and other problems.

Another amendment which should be considered is that of the "grandfather clause". In the event a width limitation of 102 inches is approved, only one state would be effectively protected under the 1956 "grandfather clause". That clause should now be eliminated in so far as width is concerned.

VI. CONCLUSIONS

The major conclusion that must be drawn from the foregoing discussion is the fact that we are woefully lacking in solid information with respect to the effect of this legislation on highway safety. I have repeatedly called for studies to develop authoritative answers to the questions which have been raised. In this Congress as well as the 91st Congress, I have introduced legislation calling for a Presidential Commission to study all of the aspects of this legislation, from an economic standpoint as well as from a safety standpoint. This Commission would be composed of people broadly representative of the public, as well as the special interest groups affected by the proposed legislation. My bill, H.R. 453, would direct the Commission to examine, among other things, the following questions:

(1) What share of highway construction and maintenance costs is allocable to each class of highway users?

(2) What would be the effect on the costs of the Federal-aid highway systems (both original costs and recurring costs) of permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways?

(3) What overall economic benefits would accrue from permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways, and which sectors of the economy would receive these benefits?

(4) How should the costs referred to in paragraph (2) be allocated on the basis of the economic benefits referred to in paragraph (3)?

(5) What would be the effect of permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways on all aspects of highway safety?

It seems to me that these are fair and reasonable questions. They are certainly questions any reasonable Member of Congress would want satisfactorily answered before he voted in favor of this legislation. If the truck and bus owners are really sincere they would get behind my legislation and work for its early enactment. If the facts are as represented by proponents of the legislation, a favorable report by an unbiased commission would in fact, speed passage of the legislation.

Presumably, if the Commission recommended legislation raising highway user taxes for trucks and buses, the proponents of the size and weight legislation would support that legislation with equal vigor.

With respect to the size and weight legislation presently under consideration, H.R. 4354, there are many factors which mitigate against its present enactment. Among the most significant is the opposition of the National Transportation Safety Board and the Department of Transportation to its enactment. The Board is a completely autonomous board which has the authority to investigate, make final cause determination, and report the facts and circumstances of major surface transportation accidents; and make recommendations for the purpose of preventing accidents and promoting safety in transportation. The Board also conducts special transportation safety studies, examines the adequacy of transportation safety standards, and determines compliance with these standards.

When an agency which has as broad a mandate as this Board has, and which obviously has the necessary experts to carry out the mandate, opposes a piece of legislation on safety grounds it is difficult for me to see how any Member of Congress could seriously consider voting for the legislation.

The Department of Transportation is also charged with responsibility for traffic safety, primarily through the National Highway Traffic Safety Administration. The Administration is under the capable leadership of Douglas Toms. Secretary Volpe and Mr. Toms are to be commended for recognizing the safety problems inherent in the big bus bill, and for urging that it not be enacted. While the opposition of the Department isn't as broad as I would have liked to see, I'm certainly glad to have the Department on my side.

The positions of the Department and the Board follow as Appendix I and II, respectively.

It is incredible that the Public Works Committee would report the bill favorably in view of this strong opposition.

By so acting, the Committee has shown a callous disregard for the safety of the motoring public. The Committee in effect has voted in favor of special interest groups, the bus owners, and against the general public. It seems to me that it would be extremely difficult for a Member to justify to his constituents a vote in favor of this special interest legislation.

[Appendix I]

U.S. DEPARTMENT OF TRANSPORTATION,
Washington, D.C., May 4, 1971.

Hon. JOHN C. KLUCZYNSKI,
Chairman, Subcommittee on Roads, Committee on Public Works, House of Representatives, Washington, D.C.

DEAR MR. KLUCZYNSKI: On March 30, 1971, I appeared before the Subcommittee on Roads on H.R. 4354, a bill: "To amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motor buses." Requests were made at that time by the Subcommittee for certain information to be supplied for the hearing record.

The information requested has been compiled and is enclosed herewith. In addition, I have enclosed for your information a copy of a letter that Secretary Volpe has sent to Representative Schwengel answering a number of questions which he has asked the Department to answer relating to the same subject matter.

Since the hearing held on March 30, at which I appeared on behalf of the Department, we have, in collaboration with the National Highway Traffic Safety Administration and other interested elements of the Department, reviewed all available data concerning the safety aspects of wider buses. As part of this review, the Bureau of Motor Carrier Safety has made an analysis of accident data involving 102 inch and other width buses. In addition, we have some very preliminary information from a study of the potential aerodynamic disturbance produced by wide vehicles, but this work did not involve specific tests with buses.

The Department has concluded that the kind of evidence available to us now is not fully adequate to provide a reliable basis for a definitive finding on the relative safety of 102 inch buses as compared with 96 inch or narrower buses. Accordingly, our position on H.R. 4354 remains unchanged.

The Department, however, has initiated studies to examine specifically the potential effects of wider buses on other vehicles in passing maneuvers and under various wind conditions. The aerodynamic or "blast" effects of large buses have not been adequately examined in our judgment and these must be determined as set forth below before a final judgment can be made on the potential effects of these large vehicles on highway safety. We intend to expedite these studies and related tests and will make the results available at the earliest possible date. We also believe that certain design features of 102 inch buses might have to be altered to assure operating safety equal to that of 96 inch vehicles. These include specifically braking capability and lateral stability, factors which will also be examined in the studies we are undertaking.

If the Committee concludes, based on the testimony and evidence presented to it, that legislation authorizing wider buses should be acted upon during this session, the Department urges that the use of wide buses on the Interstate highways be contingent on an affirmative finding by the Secretary of Transportation that these buses can be operated at least as safely as buses of 96 inches in width or less. The Secretary's firm view is that he would not under any circumstances make such a finding before completion of the studies referred to earlier on the relative safety of the wider buses. We would be pleased to provide the Committee with an appropriate amendment to accomplish this objective.

Finally, we continue to recommend the technical amendments to H.R. 4354 to which I referred in my testimony on that bill.

The Office of Management and Budget advises that it has no objection to the submission of this letter to the Committee.

If we can supply any further information to the Committee on this subject, we will be happy to do so.

Sincerely,

FRANCIS C. TURNER.

[Appendix II]

NATIONAL TRANSPORTATION SAFETY BOARD'S POSITION ON H.R. 4354

H.R. 4354 is identical to H.R. 11691, 91st Congress. At that time we noted the absence of reliable data with respect to the safety effect of larger buses, both on the Interstate System and on the roads of lesser characteristics. The situation remains unchanged and, therefore, we continue to oppose the enactment of such legislation.

Some hazards of larger buses arise directly from the increased width itself, while others arise from other bus design features made possible by the increased width. Some of the hazards apply only to bus occupants, while others apply to everyone who uses highways.

Proponents of H.R. 4354 claim some features of improved safety by the increased width, but it is not clear what the performance effect of these improvements may be, nor is there any requirement in H.R. 4354 that any such improvements actually be made. Two types of 102-inch wide intercity buses are now being operated; in only one type are substantial safety-improving changes claimed.

While recognizing the economic benefit of H.R. 4354, which would substantially increase the express package capacity of intercity buses, we address ourselves to those aspects of the bill which relate to safety. Changes in the pattern of bus operation on Interstate and other highways which might come about with an increased capability for express package service and which might affect highway casualties have not been evaluated, to our knowledge. Until in-depth studies of casualty results are made, or until it is clear in some detail which changes in bus safety performance would be brought about by regulation in the very near future, it would not be reasonable or prudent to accept any degree of increased hazard. We believe that legislation permitting wider buses should be deferred until the Department of Transportation has developed regulations and standards for larger and heavier buses.

Research is lacking in determining the relative safety of wider buses with respect to:

1. Comparison of buses of different widths through past accident statistics, using an adequate statistical base and separating non-comparative factors; and

2. Implementation of a carefully designed and controlled experiment involving selected bus designs, drivers, and routes.

The approach of determining what types of accidents could occur which would not otherwise happen, and making a comparison of offsetting improvements, is mentioned on page 42 of the "Review of Safety and Economic Aspects of Increased Vehicle Sizes and Weights" issued by the Federal Highway Administration, September, 1969.

Although a number of representations of possible safety improvements for wider buses have been advanced, it is not clear that all of the hazards of the wider buses have as yet been identified and evaluated.

Among the identifiable questions of hazards or safety improvements are the following:

a. Frequency of excursions into other lanes will increase with wider buses under present driver capabilities and highway configurations. This question involves vehicle steering stability and driver steering behavior.

b. Possible improved braking by all models of buses and, if so, by how much, and in what braking performance characteristics.

c. Possible reduced tire loadings on wider buses resulting in increased or decreased traction.

d. Higher floors of wider buses inhibiting passenger escape from windows when bus is standing upright, or producing injuries due to longer drop to the ground.

e. Increased width of bus inhibiting window escape when bus is lying on its side with windows above.

f. Changed visibility of road ahead for other vehicles due to 6-inch wider bus and concomitant 2-foot increase in bus height.

g. Increased influence of wind blast in passing other vehicles in opposite directions which might affect safety margins of some vehicles.

h. Wider buses may facilitate installation of occupant crash protection.

i. Potential for passenger injuries may be reduced by higher seated position above other vehicles or increased by higher impact velocity when bus overturns.

j. Increased bus width may improve measured overturn stability when accompanied by increased floor height and what effects will be upon each bus model.

k. Raised floor height and increased proportion of weight represented by express capacity may cause the bus to become top-heavy when passengers are carried with empty luggage and express compartments.

In summary, these questions of hazards or safety improvements derive in part from existing bus safety recommendations of the Safety Board and in part from observations of 102-inch width buses and descriptive literature. We believe that the assessment of most of these questions need not await the occurrence of accidents, as some proponents claim, but may be accomplished by scientific testing or analysis of available engineering information. Until the results of such analysis and reviews are known, and safety standards developed therefrom, we would oppose the passage of H.R. 4354.

OSCAR M. LAUREL,
Member.
FRANCIS H. MCADAMS,
Member.
LOUIS M. THAYER,
Member.

MINORITY POSITION CONCERNING H.R. 4354

Under existing law, the States can and do permit larger buses to operate on the Federal-Aid primary and secondary road systems than are allowed to operate on the Interstate Highway System. H.R. 4354 is permissive legislation that would authorize each State to permit the use of 102-inch buses on the Interstate System within its boundaries; however, no State would be required to increase its present limitations.

As the Interstate System was designed to accommodate the wider bus and has a much lower accident and fatality rate than the Federal-Aid and secondary road systems, we believe that the use of wider buses on a safer roadway would offer benefits to the passenger and to the general public which would outweigh any possible safety hazard which so far has not been proven to exist.

However, we do concur in general with the views of the majority of the National Transportation Safety Board as to the possible approaches to evaluating and judging the comparative safety of the wider buses. We support the enactment of H.R. 4354 at this time providing it is amended to delay its effective date until such time as the Secretary of Transportation completes the necessary studies and promulgates such safety regulations as might be required.

JOHN H. REED,
Chairman.
ISABEL A. BURGESS,
Member.

TRIBUTE TO JOHN LUCISANO

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. BIESTER. Mr. Speaker, I would like to take this opportunity to express a real sense of personal loss in the passing of a friend and dedicated civic-minded resident of Bucks County, Pa., John Lucisano.

A recent editorial appearing in the Levittown Currier-Times expresses very accurately the warmth and generosity that characterized John. I include that editorial and extend my deepest sympathy to the members of his family and his friends.

The editorial follows:

JOHN LUCISANO

There was always a smile on John Lucisano's face, there was always a laugh bubbling close to his lips, his hand would always be extended in friendship. He was a man you could have a good time with, and did, because he was a man who enjoyed your company.

He was more than that, of course, much more. When the boom first came to Lower Bucks County he was a councilman in Tullytown Borough, and Tullytown, on the edge of the big Fairless Hills steel plant and intruding into Levittown, was an integral part of that initial, speedy, almost overfast growth. John Lucisano would talk about how great it was going to be; he also would, willingly, put on his work clothes and dig in to make it great. There were those who opposed this abrupt change but there also were those who worked to make the transition smooth and worthwhile and Mr. Lucisano was a leader among them.

Mr. Lucisano was born in Tullytown and grew up there and, except for World War II service, spent his entire life there. His heart was in Tullytown but he could and he did look beyond its borders, far beyond. He was active in borough affairs; he was influential too, because those who knew him respected his judgment and his swift, incisive way of getting things done.

He died yesterday morning; his heart, long troubled, finally gave out despite the tremendous fight he put up.

He will be remembered because of all the things he did for his friends, and because every man was his friend. He will be remembered for his service to his community. And he will be remembered, perhaps mostly, because he was a man who had a zest for life and who could make life for himself and his companions, worth living.

EUROPEAN VIEWS OF WANING U.S. POWER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SCHMITZ. Mr. Speaker, an interesting assessment of the shifting balance of strategic military power in favor of the Soviet Union recently appeared in the London Times.

Franz Josef Strauss, former West German Defense Minister, outlined some of the implications of this drastic shift in favor of the Soviet bloc both as it effects Europe and as it effects the changes for an effective agreement between the United States and the Soviet Union at the current SALT talks.

Herr Strauss analyzes some of the mistaken concepts which have exerted influence unfavorable to Western preparedness and survival, such as the confusion existing in the minds of many that deterrence was the opposite of detente rather than its absolute minimum precondition, and goes into some detail on the relative force strengths now existing between NATO and the Warsaw Pact.

The author also draws out the Soviet objectives behind their current campaign for an All-European Security Conference. The first Soviet proposal for an All-European Conference was made in the 1954–55 time period as part of an unsuccessful effort to block West German rearmament. The proposal was revived again in 1964 to help prevent the formation of a NATO multilateral nuclear force. Herr Strauss states that the objectives of the current post 1968 phase of the All-European Conference proposal are "to make America's commitment to the European bridgehead psychologically more difficult and to make it seem superfluous; to devalue the Western alliance by means of an illusory security system, while the Eastern alliance remains intact because of the authority of its hegemonic power; to hinder West European integration by holding out illusory hopes of a pan-European system; to extend Soviet domination over the free areas of our part of the world."

Very few people familiar with the well known patterns of Soviet behavior would argue very much against this assessment of Soviet objectives being packaged and sold under the guise of European Security.

For those interested in obtaining an informed West German's view of the current Soviet drive to obtain military superiority over the United States this article is recommended reading.

Complementing the former West German Defense Minister's analysis of the Soviet challenge to the free world is an extremely interesting article which appeared in an English journal of foreign affairs entitled East-West Digest. This article, entitled "The Information Gap," outlines the political warfare program which the Soviets, with the help of their subservient foreign national parties and unwitting allies who tend to dominate the field of foreign policy in target nations, are waging to divide, confuse, and undermine the defense preparedness of the Western world.

The article takes note of several of the soporific ideas, as Lenin once said:

Ideas lead to the prospect becoming a fact.

The acceptance of which by many articulate and well meaning, but unthinking and ill-informed, individuals has led to the critical weakening of both the United States and non-satellite European nations.

Somewhat naturally the uncaring peoples of the Western democracies are hopelessly confused. In the '40's and '50's they were told the Communists threatened them and that NATO was necessary, but in the '60's and '70's they are told by their leaders that the Communists are now no longer threatening but are fit to be trusted. Naturally they wonder why, if that is so, NATO is necessary at all. Why should they continue to spend precious resources on a pointless defense against allegedly non-existent enemies?

The West today is the victim of its own appeasement policies. Having always offered their peoples the soft option of inadequate defense on the cheap. Western politicians are confronted with millions of people who simply do not believe that any danger exists at all.

The article also makes an interesting point which was brought to light in the supplemental report of the President's Blue Ribbon Defense Panel. East-West digest notes:

The fearful danger is that if a situation arose in which the Western leaders had to increase the defence budget and demanded sacrifices of the people to ensure the security of the state, they could not do so because public opinion which they themselves have conditioned, would not allow it.

The supplemental report also brought up this point:

The state of public opinion is such that some responsible leaders, fully familiar with the threat, believe it is futile to seek adequate defense funding. Thus we respond as a nation not by appropriate measures to strengthen our defenses, but by significant curtailments which widen the gap.

The English digest goes on to offer a solution to this problem which has been created by our leaders:

We want Western political leaders and the military advisers to state *publicly* what we know they state *privately* about Soviet intentions and capabilities even if it happens to clash with trendy *detente* at any price. We want to see Western public opinion fully informed and alerted to the unpleasant realities of today's world. The peoples of the West must have explained to them the *full range* of the spectrum of conflict we have outlined above. We maintain that they will be more responsive to a frank assessment of the situation than their political leaders believe.

The article by Franz Josef Strauss which appeared in the London Times of March 29, 1971, and the article which appeared in a recent edition of the

English journal of foreign affairs, East-West Digest follows:

[From the London Times, Mar. 29, 1971]

ASYMMETRY AND INEQUALITY BETWEEN THE FORCES OF EAST AND WEST EUROPE

(By Franz Josef Strauss)

The conferences of the top political and military organs of the North Atlantic Pact which took place in Brussels in December, 1970, showed the alliance once again united—not, as before, in its determined commitment to the dynamic development of western strength, but at least in caution towards the actions of the east. It recognized that the alliance must not be allowed to degenerate completely into weakness.

The earlier enthusiasm which infused the democratic camp's estimate of the chances of cooperation with the socialist camp has clearly given way to a more sober view, perhaps even to disappointment, so that the risks involved in confrontation with the Warsaw Pact seem now to be grasped anew.

Detente and deterrence—on the one hand the effort to reach a political modus vivendi with the east, and on the other the maintenance of military protection for the west—this has remained the dual aim of the alliance. But deterrence, which threatened to be given a lower priority than detente, will now, if the effort succeeds, apparently resume its proper place in security policies.

Deterrence is indeed not—as claimed by radical idealistic schools of thought which are influenced by communist propaganda—the opposite of detente but its precondition, which is why detente is not helped but hindered when efforts to achieve it increase pressure for dismantling deterrence. This tendency became noticeable in recent years in the free world, especially in our continent, and it gained influence over policy. The rosy light of optimistic predictions obliterated from view the basic grey colours of the possible and dangerous future. So that a pessimistic judgment of the situation dictated by a sober analysis of events and developments was scarcely able to penetrate consciousness.

The fate of Europe will, however, not depend on its own desire for peace, prosperity and progress, but ultimately on the struggle between the giants—America and Russia—for it is not in the power of the dwarfs of our part of the Earth to remove the danger of war. According to Mao Tse-Tung, peace can be made only between two cats, never between a cat and a lot of mice.

Nevertheless, the previous decade seemed for the world—at any rate for nations which call themselves civilized—to have begun with an almost perfect state of security. The risk of an armed clash seemed to have been averted by the mutual deterrence of the two super powers in west and east, so that even those states which belonged to the voluntary or compulsory clients of the great powers, or as neutrals profited from the balance of power, felt they could rely on a period of more or less tolerable coexistence, and thought the confrontation could be overcome through detente.

Two crises revealed that the conflict between the democratic and the communist camps, which earlier had determined the motives of all actions, remained the cause of insecurity:—

In August, 1961, Moscow allowed its East Berlin satellite, which administered the German glacis of Soviet strategy, to build a wall through the island city. That was an offensive action by the Soviet Union for a defensive purpose. It was intended to enable her "German Democratic Republic", which was slowly being robbed of its biological substance through the flight of its people, to consolidate.

In October and November, 1962, the Soviet Union tried to establish medium-range missiles on Cuba but was forced to withdraw them by the energetic reaction of the American Government. Washington thereby showed Moscow that expansionist pressure should not extend beyond the line already reached.

In the erroneous belief that they had clarified the fronts once and for all, the Americans then began to seek an atomic arrangement with the Soviet Union to stabilize the stalemate, which hindered the political mobility of the giants but guaranteed their military protection against each other. The most important stations on this road were to be the treaty banning nuclear tests above ground, the treaty banning orbital nuclear weapons, and finally the treaty which was intended to prevent new members entering the nuclear club.

STATIC PRINCIPLES

The Americans, whose arms control policies developed from pragmatic conceptions to rigid dogma, pressed the Europeans in the new direction. The Europeans joined in the game of detente in order not to be left behind and soon overtook their American teachers. But unfortunately they did this not with united but with divided forces, with the result that, especially in West Germany, the idea spread that the mutual threat of war which determined the relations between the blocks could be replaced by peace arrangement if the Soviet Union were given security in the status quo.

The dynamic development of world history has long since demonstrated that static principles insufficient to establish peace since enough room remains for crises and wars.

The conflicts in Vietnam and in the Middle East show clearly that the balance of nuclear forces between the world powers leave room for conventional and subconventional conflicts.

Progress in weapon technology, which was relentlessly exploited by the Russians but at first limited by the Americans, awakes fears that the balance of terror is being upset.

The fact that Chinese nuclear capacity is growing will invalidate the bi-polar system of Soviet-American agreements in the foreseeable future.

Whoever looks from the wings with open eyes at the global considerations which influence or even determine the actions and reactions of the United States and the Soviet Union and the changes on the regional stage on which the Europeans disport themselves, must see that when the cohesion of the North Atlantic pact loosened, though fortunately did not not fall apart, the pressures for liberalization in the Warsaw Pact did not achieve a breakthrough towards free development. The reason was that, as the Soviet use of force against the Czechoslovak people demonstrated, they were strangled by the leading power. The reaction of the Polish Government against its own people in December, 1970, was also especially hard because of the fear of Soviet intervention. Since the Soviet Union managed to draw its "cordon stalinaire" across our part of the earth—politically with the Brezhnev doctrine and militarily with her armed forces—she seems to be wanting to transform the area in front of it into a "cordon sanitaire", that is, into a belt of effectively neutral states.

To the same extent as the United States gets tired of its overseas commitments and becomes weaker and more unwilling through being overburdened, the Soviet Union exerts itself to strengthen its position on our planet by arming as never before.

The clearest evidence that the Soviet Union is far from satisfied with the preservation of its present sphere of influence and is trying to extend its influence in continual conflict with the western great power, is the maritime activity of the eastern powers. The Soviet Union has been successfully trying to exchange the defensive concept of an extended coastal defence, which was sufficient for her security, for the offensive concept of martime competition with the United States—that is, to challenge the hitherto overwhelming maritime power of the United States. Although neither the geographical position of the Soviet Union nor the psychological mentality of her people is favourable for this, Moscow has already been able to switch strategically from an inner to an outer line and thus markedly to improve her position.

Thanks to the ability—often underestimated in democratic countries—of a totalitarian regime to give priority to everything that serves the extension of power, regardless of the needs of the consumer, the Soviet leadership has already achieved second place in the world league table for her navy, so that quantitatively she has already nearly reached the American level, although qualitatively, in spite of modern equipment, she still reveals considerable gaps in her strength. Supported by only two ice-free ports, and divided into four fleets for the North Sea, Baltic, Black Sea, and the Pacific, the Soviet navy now has two helicopter carriers (each with 30 helicopters), 25 cruisers, 214 destroyers, 248 anti-submarine vessels, 308 minesweepers, 470 fast patrol boats, 355 submarines, 158 landing craft, and 320 supply ships.

Washington is still greatly superior in large ships. She has a considerable number of aircraft carriers while Moscow has none. But the Soviet navy is ahead of the Americans in small ships and in modernization. About 65 per cent of the surface ships of the United States, and about 50 per cent of the submarines, are more than 20 years old, while in both categories about 90 per cent of Soviet ships are said to be less than 15 years old. In addition, the Russians spent at least three times and probably five times as much money as the Americans on maritime armaments.

Not only the Soviet navy represents a strategically significant potential. The civilian fleet, with 1,400 freighters and about 10.4 million registered tons, calls regularly at 600 ports in 90 countries and plies 150 routes of 120,000 nautical miles with 170 passenger ships. All this, according to type, construction and combinations, forms an extension of military capacity. The finishing fleet is the biggest in the world, with six million registered tons, 4,000 high sea ships and 16,000 coastal vessels. It is the most obvious addition to Moscow's maritime strength.

Moscow's expansionist maritime strategy is felt not only in the Baltic and the Mediterranean. The Kremlim's conceptions extend far beyond the maritime flanks of Nato. Soviet power is pushing into the Indian Ocean, which has been almost vacated by British and American power. It is pressing into the Caribbean, showing no respect for the "western hemisphere", and to the south beyond the boundaries of the Nato area.

Whoever consoles himself with the thought that the maritime superiority of the West over the East is still beyond question and cannot constitute any acute danger ignores the political effects of the development. The growth of the Soviet Union into a sea power in competition with America, after appearing to be a great power only on land, signifies a revolutionary change in the global picture. It contradicts the favourite assertion that the Soviet Union is motivated only by the search for security and by the desire to change enmity with the United States into partnership.

The purposes of Moscow's armament against Washington are revealed no less clearly by developments in the nuclear field.

The Soviet Union has increased the number of intercontinental missiles from 460 to 1,300 or even 1,400, since 1967, while the United States has so far only 1,054 missiles in this class.

The Soviet Union has increased the number of medium-range rockets fired from submarines from 100 to 280 in the same period and is slowly but steadily catching up with the Americans, who have 656.

Since the first third of the 1960s, Moscow has outnumbered Washington by 700 to 0 in the number of medium-range missiles based on land, most of which are pointing at Europe.

Moscow has only 200 long-range bombers compared with Washington's 450, but 1,050 medium-range bombers compared with Washington's 60.

The United States is justified in observing such developments with concern, especially as the Soviet Union's progress is qualitative as well as quantitative. This progress points fairly clearly to a Soviet wish to create a potential which could knock out most of America's destructive capacity in one go.

Many Americans therefore have the impression that the efforts of the Soviet Union have only one purpose, which is to prepare a first-strike capability which could rob America of the ability to respond in sufficient strength.

Moscow's strategy would be wrongly interpreted if it were seen as a direct plan to knock out America with a nuclear attack. It is far more an indirect strategy designed to show what action is possible so that it fulfills its purpose without the action actually being taken. Seen like this, Moscow's nuclear weapons are not military weapons which have to prove their effectiveness by use in war, but political instruments which have a psychological effect by means of threats. They serve defensive purposes when the owner is satisfied with enough to meet an attack on equal terms. They become offensive when the owner expands his arsenal in such a way and to such an extent that it exceeds the needs of defence and serves the needs of blackmail. That is exactly the position which the Soviet Union seems to be wanting, while the United States wants to stabilize the nuclear stalemate in which neither of the two giants can attack the other without committing suicide. If, therefore. the Soviet Union breaks out of the framework of the strategy of the second strike by continuing to produce capacity for a first strike, the United States will be unable to reach a lasting arrangement with her. Agreements which were reached would look pretty for a short time, but would not in the long run stop the arms race.

A BLACKMAIL

Will the Soviet Union agree to the American S.A.L.T. proposals? Doubt outweighs hope because the Russians refuse to discuss medium range as well as long range missiles. That shows how difficult the discussions are for Washington because it has nothing appropriate to offer in exchange.

Since the Soviet Union is overwhelmingly superior in this field, the Europeans become hostages of the Russians as soon as the Americans are no longer in a position to neutralize anything but weapons which threaten their own territory. Moscow gains the ability to blackmail America in Europe as soon as Washington loses the ability to deter blackmail.

There are no signs which permit us to expect that the Soviet Union will feel inclined to honour recognition of the hegemony which she has achieved over East Europe by reducing her military threat against West Europe. On the contrary she arouses the suspicion that she is using the "era of negotiations" with the United States as a chance to overcome the immobility which is reflected in the balance of terror, to the advantage of the east and the disadvantage of the west.

The prospects for efforts to help along detente in Europe by reducing conventional potential on both sides of the demarcation line must be seen against this background. For a long time the North Atlantic Pact has been striving for a mutual balanced force reduction in the middle of the continent. But the Warsaw Pact has, after long delay, so far given only a pretence of being ready to talk about the reduction of foreign troops in the territory of its allies.

In Moscow, whose propaganda supports disengagement tendencies in the public opinion of Washington, wanted a solution of this problem on the lines that for each American division which went home only one Soviet division would withdraw a few hundred kilometres, that would not be a very attractive offer. It has to be remembered that five American and 35 Soviet divisions confront each other in the centre of this part of the earth, so that an equal reduction of forces by the two great powers would disturb the balance between the two.

The asymmetry and heterogeneity between east and west in Europe consists not just in this but in the fact that the two alliances are totally different in their ideological content, their political purposes and their geostrategical positions. The manpower of the armed forces under Nato command has been reduced by a quarter since 1966 by the French withdrawal from the integrated command, the halving of Canada's contribution, and the American two-base theory. In the same period the number of Soviet soldiers stationed forward of the Vistula increased by about 163,000 men.

The inequality between the armies of each side in central Europe is shown by the fact that between the Alps and the north coast of Denmark Nato has 24 divisions, while the Warsaw Pact has 57 divisions in Poland, Czechoslovakia and the "German Democratic Republic" ready for action.

The picture seems better when one considers that the Nato divisions are bigger than those of the Warsaw Pact. The number of combat troops and direct support troops in western Europe is about 600,000 or 703,000 with the French. In the eastern part there are about 855,000 soldiers. The troops in east Europe have more fire-power in relation to their numbers than those of the west. This is explained by the fact that in the socialist camp, unlike the democratic camp, there are paramilitary police and party units—for instance, combat groups amounting to about 350,000 men in the "GDR". These units relieve the mobile forces of logistical tasks and the securing of the hinterland. That is why over there they have 13,650 tanks, in active service, and we here only 6,600.

Any day the Russians, who have an additional 29 divisions with 6,500 tanks in western Russia, can throw forward four or five divisions which are either already available or could be mobilized almost unnoticed. The Americans, on the other hand, if they needed reinforcements for Germany from across the ocean, would need weeks to bring over the two rotating brigades—in spite of air transport—and months for the two reserve divisions.

The strategic importance of time and space is less important when comparing the air forces of both blocks in Europe because they are more flexible than armies. However, it is significant that the eastern alliance has 4,480 light bombers and ground support aircraft, compared with the west's 2,800, and 3,400 interceptors compared with 510. On the other hand, NATO has 400 reconnaissance aircraft compared with the Warsaw Pact's 250, which is hardly enough since the western squadrons have to cover a very broad and deep area while those of the east cover only a narrow and shallow area.

There is no reason to expect progress from a European Security conference, in view of these military realities. The Soviet Union: is rapidly overcoming her inferiority in sea power; is not content with the nuclear balance; is increasing her superiority in conventional forces.

The Soviet Union's aims in proposing a European Security conference are: to make America's commitment to the European bridgehead psychologically more difficult and to make it seem superfluous; to devaluate the western alliance by means of an illusory security system, while the eastern alliance remains intact because of the authority of its hegemonic power; to hinder West European integration by holding out illusory hopes of a pan-European system; to extend Soviet domination over the free areas of our part of the world.

The consequences of this knowledge should be that we cease overestimating the chances of an east-west agreement and underestimating the risks of east-west conflict. From this it follows that the maintenance of security, peace and freedom requires further common efforts—consolidation of the west rather than attempts to curry favour with the east. Europe is obliged to unite if it is to keep sufficient American protection, which it still needs. There is not much time left since so much has already been wasted and frittered away. Will we understand this?

THE INFORMATION GAP

The challenge facing NATO has changed dramatically in recent years but the response today is now out of date and in danger of being far too inflexible.

The nations of NATO came together in 1949 to meet a primarily military threat from Stalin's Russia heightened by the coup in Czechoslovakia. The need for such a security past was then self-evident to the publics of the Western democracies. Legitimately information work rated a low priority.

Today the challenge while continuing to be miiltary is primarily political. Western political leaders today are faced with finding a response to a spectrum of conflict the full range of which is beyond the comprehension of many. The challenge is a carefully orchestrated strategic political warfare offensive of global dimensions embracing the creation of nuclear weapons and ABM screens, the threat of the use of nuclear weapons by a whole range of delivery systems, biological and chemical weapons, major and limited conventional war, proxy wars, guerilla wars, terrorism, assassination, coup d'etats, subversion, infiltration, economic penetration and disruption, espionage, sabotage, the full range of diplomatic activities, and the use of some 90 pro-Communist political parties and front organisations.

The aim of this sustained and co-ordinated world-wide offensive—the like of which the world has never seen before—is political domination via pressure rather than war.

The Soviet and Chinese Communists, aided by other extreme left wing autonomous revolutionary groups, seek the fruits of war without the destruction entailed in a world war. They are engaged in inciting civil wars in all non-Communist countries and want to make their enemies do their fighting for their purposes.

In short, the Marxist-Leninists and their allies and agents will do everything that the human mind can conceive of to divide and neutralise the non-Communist world. Realising that they cannot change the Democracies into Communist states directly, they aim to transform them by political pressure through "Popular Front" left-of-centre coalitions with the Communists into neutral and weakened states which can subsequently pass under their control by rougher means, if need be, in the future.

To many in the past such a proposition seemed an extreme view, outlandish and too far fetched to be worth serious consideration.

Today such a view appears to be the policy of the British Government.

Speaking in the House of Commons on 2 March 1971, the British Prime Minister, Mr. Edward Heath said:

"The Russians are conscious of the difficulties which Western democracies face in maintaining substantial military establishments in time of peace and in face of popular demand—natural demand—for improved standards of living, which can express itself freely, be it through the parliamentary system or through all the media of communication.

"The Soviets are aware of the political stresses and strains and of the internal dissensions to which the North Atlantic Alliance is sometimes subject. They hear the talk of the possible withdrawal of the United States forces from Europe. They may calculate that a stage could eventually be reached at which the sheer disparity of military strength would leave Western Europe with no convincing strategy and no confidence in its ability to sustain a confrontation if one occurred.

"They might calculate that in those circumstances anything could happen. Political pressure which could be shrewdly applied and backed by the threat of greatly superior physical force might compel one of the more exposed members of the Alliance to lapse into neutrality. Now the Soviets no doubt hope and plan that if this happens, if one of the Members of the Alliance were to go neutral, then a process of disintegration could begin which would lead to the ultimate prize, an extension of the Soviet sphere of influence gradually into countries at present members of the Alliance and, if possible, to the Atlantic. So I submit to the House that it is this kind of pressure in particular against which we have to safeguard and it is for this reason that we must ensure that the North Atlantic Alliance is a first charge on the growing prosperity of Western Europe."[1]

We believe that this warning is profoundly correct, and we are concerned that NATO is still defending itself exclusively from a military as opposed to a political threat.

However, since the world went to the brink of nuclear war over Cuba in 1962, it is the NATO leaders themselves who have played a leading part in politically disarming the peoples of the West. They have strenuously pursued a policy which is tantamount to accommodation and neutrality—*detente* at any price and on any terms. This they regard as an end in itself, but Soviet policy is aimed at securing a neutralised West merely as a means to a further end—a Communist end. Who is using whom?

The NATO leaders are wholly responsible for creating a climate of opinion of apathetic ignorance amongst the Western publics because they have propagated *publicly* a wholly false assessment of Soviet intentions and military capabilities. These they have portrayed as being no longer threatening or expansionist. They have deliberately and at greater expense peddled the canard that the Cold War is over; that a fat Communist is less dangerous than a thin one and that progress towards liberalisation in the Communist states is irreversible.

The Rostow Papers demanded a neutralised nationless world; NATO's official Harmel Plan proclaimed a fatuous and gullible view of East-West relations; the Rejkjavik conference led to unilateral ideological and military disarmament by the West *only;* the United States ran down deliberately its nuclear arms superiority; the Test Ban Treaty was rushed through; the US dismantled its short range rocket sites in Western Europe; the non-proliferation pact was signed; nuclear weapons were banned on the sea bed and in space; the West Germans were ordered to approve of the division of their homeland; Brandt's Government initialed treaties with Moscow and Warsaw setting the seal of approval on a totalitarian New Order over half of Europe; the West granted immense credits and technical aid to save the Soviets from idiotic economic policies of their own making and still today the West rushes in to SALT talks and preparation for the European Collective Security Conference in Helsinki. Both relentless subversion and continuing espionage in the West is played down or overlooked. A climate is deliberately created which is actually permissive of sedition. Any statement or point of view which is based on the truth but which might cast doubt on the premise of this highly controversial and dangerous policy is either suppressed or studiously ignored.

Somewhat naturally the uncaring peoples of the Western democracies are hopelessly confused. In the '40's and '50's they were told the Communists threatened them and that NATO was necessary, but in the '60's and '70's they are told by their leaders that the Communists are now no longer threatening but are fit to be trusted. Naturally they wonder why, if that is so, NATO is necessary at all. Why should they continue to spend precious resources on a pointless defence against allegedly non-existent enemies?

The West today is the victim of its own appeasement policies. Having always offered their peoples the soft option of inadequate defence on the cheap, Western politicians are confronted with millions of people who simply do not believe that any danger exists at all.

Would that the matter was as simple as that, but it is not, for in private the leading politicians who receive accurate intelligence reports, which their Security Services supply, know perfectly well what the brutal and ugly reality of Soviet power and intentions really are both at home and abroad. When they even imply the existence of such a threat, they are seen to be speaking out of both sides of their mouth. One or the other of the policies they propound must be correct. Logically they cannot both be right.

The evidence is plain to see: the Communists incite troops to desertion (US deserters in Sweden); they encourage disaffection in the armed forces and mutiny; they publish anti-war "underground" journals; they launch a continuing anti-NATO propaganda campaign which is taken up by Western Parliamentarians of allegedly non-Communist parties and they demand "Yankee Go Home".

The fearful danger is that if a situation arose in which the Western leaders had to increase the defence budget and demanded sacrifices of the people to ensure the security of the state, they could not do so because public opinion which they themselves have conditioned, would not allow it.

Some hint of the fact that there is a truthful appreciation of reality is given in the British Defence White Paper[2] which states:

"Western security remains under the shadow of the present and potential threat of the vast military resources of the Soviet Union. The threat is not restricted to the NATO area. Backed by its still growing strategic nuclear capability, its large and modern conventional forces and its rapidly expanding navy and merchant marine, the Soviet Union is engaged in enhancing its power and influence *across the world.* (Emphasis supplied). Success in this policy will be at the expense of Western political interests; it could also put increasingly at risk important Western economic interests. The Soviet Union will be competing with the efforts of China to extend her political influence among the developing nations."

In another passage it adds:

"There has also been progress in the Federal German Republic's *Ostpolitik,* with the signature in August 1970 of the Soviet-German Treaty and in December 1970 of the German-Polish Treaty. But as renewed attempts to interfere with communications to Berlin and other events in recent months have shown, it would be unwise to assume that a willingness to negotiate, though welcome in itself, is an indication of a change in Soviet objectives. There appears to be no incompatibility for the Russians in simultaneously negotiating and exerting the kind of pressures which could severely prejudice East-West relations. It remains to be seen whether the Russians are genuinely interested in the resolution of outstanding major issues or merely in Western endorsements of the *status quo* in Europe on Soviet terms."

We have news for the drafters of the Defence White Paper: The Soviets do indeed want Western endorsement of the *status quo* in Europe on Soviet terms. The old adage "What is theirs is theirs and what is ours is negotiable" still applies.

NATO's own Defense Planning Committee published a report called "Alliance Defence for the Seventies" or "AD/70" which read in part:

"Soviet military capabilities, besides guaranteeing the USSR's security, continue to increase and provide formidable backing for the wide-ranging assertion of Soviet influence and presence, persistently raising questions regarding their intentions."

In the face of all this previous British Governments of all shades of political opinion have shown their total non-comprehension of what is going on in the world by consistently running down the budgets of the British Overseas Information Service and the Overseas Broadcasts of the BBC.

We maintain that today the state of public opinion is nothing less than an essential weapon of war. While we are not formally at war, we are certainly not enjoying a real peace. The Cold War rages on, if not intensifies.

Now a small minority of selfless men and women in the NATO countries at vast expense to themselves have for years been fighting a war on two fronts: against the Communists and naive Western politicians in charge of NATO affairs, to persuade them to allocate more resources to expand NATO's information work.

The present grotesque situation can be understood when NATO is sold to 52 million people in Britain by the British Atlantic Committee which consists of one full time director and two part-time secretaries.

The record speaks for itself:

In July 1957, the British Atlantic Committee held a conference in London which concluded that "there was a feeling in the Conference that there may be some room for improvement in the machinery of what may be described in perhaps oversimplified terms as the conduct of the Cold War. The less likely becomes the contingency of open military hostilities, the more the emphasis shifts to the struggle of men's minds not only in Europe but perhaps above all in the uncommitted emergent nations of Asia and Africa."[3]

In June 1959, an Atlantic Congress was held in London which passed a resolution namely that "as matters of the utmost urgency:

"1. NATO should create a new Division to serve the governments of the allied countries as a headquarters to counteract the ideological war waged against them by the Soviets, and further recommends that where they do not already have them, the Member States of NATO set up appropriate agencies necessary to co-operate with the new Division.

"2. An international unofficial organisation be set up as a separate institution for the purpose of diffusing throughout the world basic information which will help people assess and understand more clearly the ideological aggression of totalitarian Communism and to appreciate the true value of liberty."[4]

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[1] *Hansard* Vol. 812 No. 95. 2 March 1971. Cols. 1416–7.

[2] *Statement on the Defense Estimates* 1971. Cmnd. 4592, HMSO, London, W.C.1. 45p. or $1.00.

[3] *The Non-Military Aspects of the Atlantic Alliance,* 1957, pp. 11–12.

[4] *Soviet and Western Propaganda Technique,* 1959, p. 5.

In February 1961, the British Atlantic Committee held a conference in London which published a report stating:

"The opinion of the Conference was virtually unanimous in agreeing that much better means are required for informing public opinion, particularly about the urgency of the Communist challenge and the real needs of the developing countries of Africa, Asia and Latin America. Another vital requirement is the need to counter hostile Communist propaganda with the truth through press and radio all over the world." [5]

The response of NATO to all these pleadings was to spend its money on such defense issues as pollution and traffic jams.

Even in 1970, the Annual Assembly of the Atlantic Treaty Association was able to describe national information budgets as "ridiculously modest".

The cumulative effect of all this non-action by NATO leaders for decades was revealed when in October 1970 a report was presented to the Atlantic Treaty Association by Mr. S. R. Green, the Chief Executive of Lintas International. A year long survey was carried out into public attitudes towards NATO amongst senior management in various countries in Europe and the findings were profoundly disturbing. They may be summarised as follows:

a) There is a wide gap between the tiny minority who study defence problems and the vast majority whose minds are centred exclusively on their own day to day business. The gap has widened over the past few years.

b) There is a widespread mood of complacency in which the possibility of war in Europe is casually dismissed. This has resulted in Europe virtually losing the capacity to influence world events.

c) There is a general belief that the Soviets are so busy making their own internal political system work that they pose no threat whatever to Western Europe.

d) Anti-Americanism has grown and has, in turn, engendered a "vague feeling of hostility" toward NATO.

e) NATO's Information Service is ineffective. It has failed to get any message across to the masses.

Of course there are those who maintain that it is no part of NATO's task to indulge in controversial propaganda of a sensitive political nature: after all the founding document states quite clearly that the need for NATO must be explained to the peoples of the Member states by their own governments.

Others state that this should be done by the mass communication media in the normal way. These organisations exist to make money and not to act as public relations consultants for anyone. The British media reporting on defence issues is generally unimpressive [6] and in the case of the mass circulation popular daily newspapers abysmal.

But why the sudden interest in NATO information work one may ask? The stark fact is that while the Soviet defence and defence-related expenditure between 1965 and 1969 rose by between 5% and 6% *a year*, the defence expenditure of the NATO European countries taken as a whole and calculated in real terms went down by 4% from 1964 to 1969. This would not be too worrying but for the fact that the Warsaw Pact forces are now so large that their existence cannot possibly be justified for a purely defensive role.

To prepare public opinion for possibly heightened international tension in the future, we note with relief that the North Atlantic Assembly in The Hague in November 1970 made the following recommendation on NATO's information policy:

"The Assembly, considering the importance of gaining and keeping the support of the peoples of the countries of the Atlantic Alliance for NATO's work for peace;

"Considering the need for NATO to adopt and put over positive policies concerning the major Atlantic and East-West issues of our times;

"Considering the need for an increased NATO information budget to carry out this task; but

"Considering that the responsibility for informing public opinion about the purposes and achievements of the Alliance lies in the first place with individual national governments;

"Recommends the North Atlantic Council; a) to draw up an information policy allowing for immediate comment on the political issues of the day; b) to increase substantially the NATO information budget in order to permit the press and information services of NATO to play a wider and more dynamic role, comparable to that of the press and information services of the European Communities; c) to urge member governments: (a) to give a high priority, within their national information policies, to stressing the significance of NATO; and (b) to reflect this priority in the percentage of their national information budgets that they devote to NATO." [7]

While we entirely endorse this resolution, we demand a change in the policy behind the NATO information services. We want Western political leaders and their military advisers to state *publicly* what we know they state *privately* about Soviet intentions and capabilities even if it happens to clash with trendy *detente* at any price. We want to see Western public opinion fully informed and alerted to the unpleasant realities of today's world. The peoples of the West must have explained to them the *full range* of the spectrum of conflict we have outlined above. We maintain that they will be more responsive to a frank assessment of the situation than their political leaders believe. This is because they have been aware for some time of the scale and intensity of Communist subversion at home.

Given the political will at the highest level at the NATO Political Council; the right political direction, resources and the recruitment of the well-informed and frank-speaking personnel, an immense amount can be achieved at what is relatively speaking a very modest insurance premium. The disaster which could occur would be a tragedy for all mankind.

Whatever means is used the information gap must be closed and fast.

THE 7-PERCENT INVESTMENT CREDIT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ARCHER. Mr. Speaker, I believe that Congress should seriously consider reinstatement of the 7-percent investment credit. The action would help to slow down the inflation trend and at the same time stimulate our economy. This is based on the following considerations:

First. The best way to slow down inflation is to increase productivity.

Second. An increase in productivity will help us increase our exports and at the same time make us more competitive on imports.

Third. The increased productivity will reduce costs of Government procurement and will increase Federal tax revenue.

Fourth. During the period the investment credit was in effect, obsolete machinery was rapidly replaced with much more efficient equipment with the result that productivity increased 39 percent while the number of machines in use only increased 4.5 percent. This is a remarkable achievement. Yet today 60 percent of the machines in use are over 10 years old and 21 percent over 20 years old.

Fifth. The 7 percent investment credit will encourage the replacement of these obsolete machines, allowing small business firms to remain competitive and resulting in an increase in productivity. This will offset the rise in wages so that prices for the same product can remain the same or be reduced.

Sixth. It is essential for a manufacturer to show a profit in order for a business to grow. What bank will grant you a loan if you are breaking even or losing money? Increased depreciation allowance does not help this situation.

THE LEADERLESS RABBLE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. MIKVA. Mr. Speaker, James Reston of the New York Times has once again pinpointed the concerns and mood of the people, who, he suggests, are sick of violence from whatever quarter—the violence of the war and the mob action of some antiwar demonstrators. I commend his article of May 5 to my colleagues:

THE LEADERLESS RABBLE

(By James Reston)

WASHINGTON, May 4—What the latest spring madness in Washington proves, if anything, is that the people are sick of violence—the violence of the war and the mob action of the antiwar demonstrators as well.

It is easy to sympathize with the protests of the pathetic rabble that came here this week, most of whom were ten or eleven years old when the United States got into the Vietnam war, but even this increasingly war-weary capital was against them.

If the people had been with them, all they would have had to do was drive their cars on to the bridges and into the other bottlenecks of the city's innumerable circles and abandon them there. Maj. Pierre Charles l'Enfant designed this capital for traffic jams, and a sullen population, determined to paralyze transportation, could have blocked it stiff.

But this is not the mood of the people here. They are not militant but sad, and most of them love this city, especially when it is flowering in the spring. They do not want to see it humiliated any more than it has been in the last few years, so they went to work through the barricades and ignored the demonstrators as much as they could.

Besides, the cops were much more professional this time, and the young men and women far less militant than they look on the television and in the newspaper pictures. This is not a revolutionary movement in any accurate sense of those words. Their most desperate and aggressive leaders have been jailed or broken down, and what is left is a disillusioned collection of roving bands, without enough public support to shut down anything more vigilant than a university.

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[5] *The Battle for the Minds of Men*. 1961. p. 35.

[6] *See Defence and the Mass Media*. RUSI, Whitehall, London, S.W.I. 37½p. or $1.05.

[7] *NATO Letter* December 1970. p. 28.

It is still possible, of course, that in the desperation of their failure, a few of them can still create some ghastly incident, but the ingredients for a mass uprising against the Government—blazing anger, cadres of skilled, well-armed guerrilla leaders and popular support for spectacular violence—are simply not present.

Last week there was something infinitely ironic and melancholy in the public witness of the veterans against the war, but this week the mob was disorganized and one sudden push by the police, and it never regained its unity or poise.

As an instrument of propaganda, this kind of mass protest is still effective in giving the impression abroad that the United States is on the verge of anarchy. The reports of the television clips and newspaper photographs in European and Asian cities are troubling, not because they convey the truth, but because they distort the truth.

Even in this country the pictures of this week's demonstrations, focusing on the landing of helicopters and the struggles around the police vans, tend to make the confrontations seem much more massive and menacing than they actually were, and this sort of thing inevitably arouses opposition to the entire antiwar movement.

The saddest characters in the capital now, outside the kids with cracked ribs and skulls, are the more moderate political leaders who have been working for a political settlement of the war by the end of the year.

They feel that, for the moment, they have lost control of the antiwar movement and are already being condemned by some of their constituents, as if they were to blame for demonstrations many of them actually opposed.

There is no evidence, however, that the Administration is trying this time to identify these antiwar politicians with the demonstrators who were here this week, or that it is changing its policy to take advantage of the opposition to the young militants.

Attorney General Mitchell watched the demonstrations, and was personally involved in directing the defense of the capital. Also, much has been learned since the tragedy at Kent State a year ago about how to handle the demonstrators. Sometimes this leads to rough police action, as was the case in many incidents here this week, but at least the risk of sniping and police gunfire was substantially reduced.

What has not been reduced, however, is the gap between the Administration's war policy and the antiwar sentiment of the rising generation. It is hard to avoid the conclusion that the people of this city, while not sympathetic to mob action to shut down the Government, are still fundamentally against the war and the present pace of withdrawal from the conflict.

President Nixon may have gained some flexibility as a result of this week's struggles, but the longing here is overwhelmingly for peace abroad and a little quiet at home.

MOTHER'S DAY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. PATTEN. Mr. Speaker, I would like to take just a moment today to note that this Sunday is Mother's Day, and I feel that it is one of our most important holidays throughout the year.

There is certainly no question that all of us had mothers or we would not be here, but I know that life is made so much more meaningful by their love and affection. There were nine children in our family, seven of whom were boys, so I knew mom really had her hands full. I can remember the intrigue she used to go through just trying to hide a cake or pie so it would last until dinner.

Even more, however, I remember the talks with the words of advice and encouragement. My heart goes out to young people who through some misfortune have been robbed of this experience, and it worries me to hear talk about the disappearance of the family in our society. There is a saying about "patriotism, motherhood, and apple pie," but I do think that we can attribute much of our success as a nation to the principles and morals established by the families that sought to build their futures in the New World.

Therefore, Mr. Speaker, I think it is fitting that we have a day to honor mothers. It gives us a chance to say normally how much we appreciate their efforts all through the year.

H.R. 8122, TO ESTABLISH A CABINET COMMITTEE ON ORIENTAL-AMERICAN AFFAIRS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ANDERSON of California. Mr. Speaker, I am today introducing legislation to create a Cabinet Committee on Oriental-American Affairs. This legislation is patterned after the law which established a Cabinet Committee on Spanish-American Affairs and I feel that it is equally as important.

The Oriental groups came to this country with vigorous, intact cultures. When they arrived they faced grave obstacles to civil, economic, and social equality. The well-being of individual members of the Oriental minority is unjustly tied to the modes of acceptance and rejection by which the larger group is received. These modes are subject to changes over which the Oriental-American has little control.

The fate of Japanese-Americans in World War II illustrates this point. When Japan declared war on the United States, the Japanese on the West Coast were incarcerated in relocation centers inland and their property was seized. They were not allowed to vote, and local matters in the camps were decided by non-Japanese authorities. Japanese inmates were released after the war, but before they could vote, they had to reestablish residence and register.

We have found another area of discrimination in our immigration policies. When Oriental immigration has threatened the demographic and institutional order of the ruling class, we have tended to limit the numbers of Orientals entering the country. In order to support activities that thrive on cheap, unskilled labor, such as was needed in railroad construction, and on Hawaiian plantations, the ruling class consciously limited immigration from several sources in order to prevent any single group from obtaining too much power. For example, in 1882, Congress suspended the immigration of Chinese laborers.

This type of discriminatory legislation was in effect until the immigration laws were changed in the mid-1960's. But, until that date, the quota for immigrants from the Orient was as low as 105.

Discrimination in hiring practices must be eliminated. According to the U.S. Commission on Civil Rights, the city of San Francisco employed only a small percentage of oriental Americans in 1960. Whereas oriental Americans represented 7.9 percent of the city's population, they held only 4.3 percent of the city government jobs.

In the policymaking positions, they fare even worse. The U.S. Civil Service Commission, in a 1969 report, states that:

> Oriental-Americans have not obtained full access to managerial positions.

In the Oakland city government, no oriental-American employees were at the managerial level. In San Francisco, less than 0.5 percent of the oriental Americans were managers.

In 1960, Japanese-Americans, Chinese-Americans and Philippine-Americans accounted for 0.5 percent—877,934—of our population. With the changes in the immigration laws, the oriental-American population will continue to grow. In the Los Angeles area, the Filipino population, according to the New York Times, has "jumped from about 20,000 in 1965 to about 45,000." The same article states that:

> Today a majority of the Filipino immigrants are doctors, lawyers, engineers, teachers, nurses, and other professionally trained persons.
>
> Yet, the life that many of them accept here is one that most native Americans would shun.
>
> Lawyers work as file clerks, teachers as secretaries, dentists as aides, engineers as mechanics, and in some instances, as common laborers.

Mr. Speaker, we can do much to eliminate discrimination, to aid in the social integration of the oriental American, and to insure that he is receiving the full benefits of American citizenship. I feel that a Cabinet committee to direct this operation would be a needed step in accomplishing these ends.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: 'Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CRISIS IN RURAL AMERICA "TELLING IT LIKE IT IS"

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. LINK. Mr. Speaker, farm men and women throughout North Dakota came to the capital city of Bismarck on April 23 to attend a "Tell It Like It Is" meeting called by the State National Farmers Organization. I was on hand, with other members of the North Dakota congressional delegation, and was most favorably impressed by the speech of a young lady, Miss Evonne Willey of Ypsilanti, N. Dak., on the "Crisis in Rural America." Miss Willey, who was sponsored by the Dakota Central Telephone Cooperative of Carrington, N. Dak., was selected as a winner in the annual North Dakota Youth Tour Contest to Washington, D.C., in June. I commend Miss Willey's speech to my colleagues:

Crisis in Rural America

It's time to wake up! Time is running out. It's time to preserve the future. No matter how you look at it, largest, large, medium, or small, by USDA's own figures with an honest interpreation of the facts, all farming is operating at bankruptcy levels.

The United States greatest industry is agriculture, and agriculture means food, which is the most important product that we have. As a farmer, he has the two most important assets, land and food. The farmer is the master of the soil, the salt of the earth.

No other industry in the United States does so much for the country and receives so little in return. As President Nixon said in the 1968 campaign, "Never has the American farmer produced so much and been paid so little."

Parity is the farmer's yardstick. It is established in the Congress of the United States. It is not a fixed figure in dollars and cents. The legal definition of parity is very long and very technical. But essentially parity is that price for farm products which will give the farmer the same purchasing power from the return on each unit of his products as in a reasonable past base period. The base period is one where those relationships are considered normal.

Why such concern over parity? One reason, organized labor unions, businesses, and other utilities use parity for protection. Why can't the farmers use parity for their protection, as well?

The crisis in Rural America is that farmer's are receiving 40%parity whereas they should be receiving 100% true parity.

There are several reasons for this crisis:

1. Farmers do not price their products but let someone else do it.

2. The average age for the American farmer is 58 and he soon will be reaching retirement age. The youth will not enter agriculture because they can have a better standard of living and more security with a lunch basket.

3. There is a $60 billion farm debt nationally, due to low farm prices.

What are the solutions to the crisis in Rural America?

1. Farmers must organize like other segments of our economy. Once people in any walk of life have organized effectively, they have been successful. For example, schoolteachers, postal workers, football players, garbage haulers, and even umpires are recent examples of success. Almost every day when you pick up a newspaper, you read of successes of various groups and businesses.

2. But the business of farming and marketing belongs in the hands of and under the control of the American farmer, the same as food processors and food distributors control their own businesses.

3. Prices are set by those who have the power to set them.

4. Every farmer in the United States can control that power through organization. According to Frank Le Roux, author of "1961–1970 The Farmers Worst Nine Years," said, "Over 2,000,000 of farmers will be out of business by 1980 if you don't organize."

What is the solution to the crisis in Rural America? Farmers must organize like other segments of our economy. Once people in any walk of life have organized effectively, they have been successful.

Over 2,000,000 farmers will be out of business by 1980 if they don't organize.

United we stand, divided we fall.

ON RECEIVING A GIFT FOR THE LIBRARY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SCHWENGEL. Mr. Speaker, last year the Congress in its wisdom passed legislation making legal for the Department of Agriculture to accept gifts for their new National Library. Mr. Speaker, I was the author of that bill and this morning I was present when the Department received its first gift of books. The gift was a fine personal collection of books on poultry by Dr. James M. Gwin. At some date soon I will place in the Record a detailed description of this collection.

Mr. Speaker, it is my hope that many other valuable collections will find their way to the Department of Agriculture Library.

Mr. Speaker, on hand to officially receive this gift was Mr. J. Phil Campbell. His brief words made on the occasion are worthy of note. His remarks follow:

On Receiving a Gift for the Library

(By J. Phil Campbell)

Mr. Sherrod and friends, it's an especial pleasure for me to take part in this program today. This is a significant milestone in the history of the National Agricultural Library. It opens an era in which the Library can make use of all the new tools it has been provided to help the U.S. Department of Agriculture more efficiently and effectively fulfill the mission set out for it by Congress.

When this Department was established under the Organic Act of 1862, its basic mission was "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of the word. As we see it, this Act placed upon USDA the enormous duty of acquiring and preserving all technical and scientific information concerning agriculture.

Thus, beginning with the one thousand volumes transferred from the Patent Office in 1862, our Library collection has grown to more than 1.5 million volumes during its first century of existence as USDA carried out this mission. From the date of its inception, the USDA Library has served as a national library. The information held in its collection has been disseminated to agricultural colleges and universities, research institutions, government agencies, agricultural associations, industry, individual scientists, farmers and ranchers, and the general public in the United States and every part of the world.

Through the Office of Science and Education, it provides information services in support of all Department agencies and is able to bring a comprehensive scientific and technical information service to bear on important problems at both the Department and national levels.

The national scope of its service was recognized with its official designation as the National Agricultural Library in 1962.

Yet, the growth of information has multiplied more rapidly in our lifetime than many can comprehend. As new developments have unfolded, new frontiers have been opened by research and new discoveries have provided fresh information vital to the progress of agriculture. It soon became apparent that a physical plant capable of holding and expediting the dissemination of this vast store of information to scientists and others throughout the world had to be provided.

Such a facility came into being in 1969 when the new 15-story Library building was opened. Inasmuch as it has never been formally dedicated, it might be well to mention some of its features. It is the tallest library in the world, the newest Federal library facility, and is the largest Federal library in existence outside the Library of Congress. It is the world's largest and most modern library in this specialized subject area.

The building is of functional design. The utilization of a vertical book conveyor permits rapid delivery of books from bookstacks in the tower building to the scientist. An adjoining two-story wing provides space for technical personnel to develop scientific management of literature resources and expand specialized services to research people. A variety of services support the diversified interests of the agricultural-biological community. There's a free interlibrary loan service to any library in the United States as well as photo-duplication services. There's also a teletyperwriter service to answer inquiries from out-of-town patrons.

These services make it possible for the Library to rapidly locate and reach the scientist and researcher with information from the fields of botany, chemistry, animal industry, veterinary medicine, biology, agricultural engineering, rural sociology, forestry, entomology, law, food and nutrition, soils and fertilizers, poultry, and the marketing, transportation, and other economic aspects of agriculture.

But in order to grow, a library has to have more than just a building. It must be able to continually acquire new and different materials, and to acquire and accept the book collections which dedicated scientists and researchers have painstakingly built up over the years. Fortunately for us, some of our farsighted friends on Capitol Hill recognized this need during the 91st Congress.

Through the sponsorship of Senator Bob Dole in the Senate and Congressman Fred Schwengel in the House, Public Law 91–591 came into being on December 28, 1970. This law legally authorized the National Agricultural Library to accept as gifts book and manuscript collections that are offered to it, or which come to its attention. It also opens the way for the Library to aggressively collect this important memorabilia of agriculture for permanent preservation as a national trust.

To these men, a special expression of appreciation is due since they made this ceremony a reality today. It is possible for us to legally accept the important poultry literature collection of Dr. James M. Gwin we are here to receive this morning because of their efforts in the legislative halls.

Now, working in cooperation with the other two national libraries and the libraries of the Land Grant Universities, we can obtain the world's significant documents related to agriculture and make them available to researchers the world over.

I also want to recognize the Associates of the National Agricultural Library whose first meeting coincides with this ceremony today. We are grateful for their help in informing the community about the Library's needs.

Certainly, an era of great growth and accomplishment is ahead with the help of these public-spirited citizens, the continued support of our legislators and the dedicated agricultural professions whose generosity in donating their collections is helping our Library reach new horizons in library services.

REPRESENTATIVE HENRY P. SMITH III ANNOUNCES RESULTS OF 1971 QUESTIONNAIRE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SMITH of New York. Mr. Speaker, I recently submitted my seventh annual questionnaire to the residents of the 40th Congressional District of New York.

I have always taken great pride in the fact that my constituents have enthusiastically responded to questions involving the critical domestic and international problems facing our Nation.

Once again, 40th District residents have evidenced their desire to participate in the solution of our national problems.

I am sure that my questionnaire results will be of great interest to the Members of this House. The tabulated results of my 1971 questionnaire are as follows:

TABULATED RESULTS OF REPRESENTATIVE HENRY P. SMITH III'S 1971 QUESTIONNAIRE

Question, male responses, female responses:

1. Do you think our present Vietnam policy will be successful in ending our involvement in that conflict?

[Results in percent]

Yes	31.3
No	65.8
No response	2.9
Yes	25.0
No	69.2
No response	5.8

2. Do you favor a law to cut off all U.S. aid to countries which have not taken firm measures to stop the shipping of illegal drugs to the United States?

Yes	89.7
No	9.2
No response	1.2
Yes	88.6
No	8.6
No response	2.8

3. Should wage and price controls be imposed to help slow inflation?

Yes	70.4
No	26.5
No response	3.2
Yes	72.5
No	21.9
No response	5.6

4. Would you be willing to pay substantially more for products and services (auto, gasoline, electricity, etc.) if they could be made virtually pollution free?

Yes	50.6
No	45.3
No response	4.1
Yes	52.7
No	41.8
No response	5.5

5. To prevent the flooding of our domestic markets with imported textiles, shoes, television sets, automobiles and electronics, should the United States impose higher tariffs and import quotas on these items?

Yes	60.5
No	37.2
No response	2.2
Yes	64.9
No	30.8
No response	4.3

6A. If a National Health Care Plan covering all Americans is adopted, should it be operated and financed by the government and a substantial increase in Social Security taxes be paid by employer and employee?

Yes	28.9
No	46.0
No response	25.1
Yes	28.0
No	44.4
No response	27.6

6B. If a National Health Care Plan covering all Americans is adopted, should it be operated and financed by the present health insurance industry, under federal regulation, and with required employer-employee contributions for premiums?

Yes	56.7
No	19.9
No response	23.4
Yes	54.4
No	18.7
No response	26.8

7. Are you in favor of the basic concept of federal revenue sharing with state and local governments?

Yes	69.2
No	25.6
No response	5.2
Yes	68.1
No	24.1
No response	7.8

8. Do you support the Administration's welfare reform plan to guarantee a minimum income to every family, but requiring able-bodied adults to accept suitable employment or job training?

Yes	80.4
No	16.4
No response	3.3
Yes	81.6
No	14.2
No response	4.2

9A. Do you approve of President Nixon's handling of the conflict in Southeast Asia?

Yes	38.7
No	56.1
No response	5.2
Yes	33.1
No	58.6
No response	8.3

9B. Do you approve of President Nixon's handling of the crisis in the Middle East?

Yes	56.5
No	36.4
No response	7.1
Yes	49.5
No	39.5
No response	11.0

9C. Do you approve of President Nixon's handling of our domestic problems?

Yes	33.7
No	60.4
No response	5.9
Yes	32.1
No	59.3
No response	8.6

9D. Do you approve of President Nixon's handling of the overall responsibilities of his office?

Yes	49.4
No	44.7
No response	5.9
Yes	46.7
No	45.3
No response	8.0

THE CHALLENGE OF CONFRONTATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. WOLFF. Mr. Speaker, in my judgment, there is currently great confusion in the Nation's Capital respecting the effects of the demonstrations we have seen in the past 2½ weeks. In attempting to assess the confrontations, I came across a helpful article by Max Frankel in the New York Times of May 6. Mr. Frankel has clearly articulated the dilemma in which we find ourselves, and I would like to include his column at this point in the RECORD for the information of my colleagues:

THE CHALLENGE OF CONFRONTATION

(By Max Frankel)

WASHINGTON, May 5.—For 17 days, Washington has been the stage for a whole theater of antiwar protest. The demonstrators have been angry or sullen, triumphant or absurd. The reactions have been compassionate or tolerant, confused or dignified, weary or frightened. And now there is the climax: In the name of humanity, both the kids and the cops have broken the law, posing questions that will linger long after the capital is swept clean again.

The dissenters and defenders had been almost chummy for the first two weeks. There were the 1,000 war veterans, whose uniforms, wounds and eloquence provided first protection and then even acceptance here. Then came more than 200,000 marchers, whose sober deportment drew not merely help but praise from the police.

These were demonstrators who wanted to be heard, but did not expected to be suddenly heeded. They faced a Government that tried to be hospitable as soon as it found no one really hostile. The two sides became accomplices of sorts, having learned through the long agony of Vietnam that popular frustration could no longer be safely dismissed or suppressed.

But this week was different.

DISRUPTION A PURPOSE

It brought perhaps 15,000 young people, a majority of whom wanted not only to be heeded on Asia but also to be tangibly felt by the custodians of power. They needed confrontation, not collaboration. They were going to clog the streets, upset the bureaucracy, defy the acceptable bounds of dissent. Their purpose, though far from single-minded or well expressed, was to disrupt a Government whose policy they deem immoral and to "do something" as individuals now that ordinary political effort seemed to them to have failed.

Predictably, they aroused in the authorities here a desire not only to resist the challenge, but also to disperse it. Confronted by attack instead of protest, the system aimed not merely for order but for triumph. The police, backed by military units, set out not only to keep the traffic moving and to chase the disrupters off the streets but also to clear the streets of every suspected or potential troublemaker and to hold them until frustration and fatigue could take their toll.

The result was not a riot but an extended, earnest game of hares and hounds. Through it all, the hunters and the hunted remained united still by the mutual desire to avoid serious injury and damage. But that very desire forced the conclusion that their rival campaigns of annoyance could not be accommodated within the law.

CONVENTION DEFIANCE

Thousands of youngsters chose to be disorderly, sometimes in mischief or sport, perhaps, but largely in pursuit of a political goal. They defied the law, by every conventional measure.

It was unlikely that they could have been effectively dispersed or safely apprehended by conventional means. So the police chose the indiscriminate roundup—well over 10,000 in three days—active sometimes in anger or malice, perhaps, but largely according to a deliberate strategy.

The courts refused to sanction either disorderly conduct or disorderly arrest and detention. As order returned to the capital, so did the law. And today's main event was nothing more than a giant rally at which those who refused to disperse when ordered to were arrested in the customary legal way.

But for a time this week, Washington could see how much law and order depend upon each other. Laws, when held truly offensive, were challenged by disorder. Order, when seriously threatened, was defended by illegal means. It is a fragile balance and a problem more enduring even than Vietnam—and probably crucial to both the hares and the hounds.

ECONOMIC OUTLOOK—A GRIM VIEW

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ROBINSON of Virginia. Mr. Speaker, William D. Pardridge, an economist and writer, has a home in Greene County, Va., where, in the rural tranquility of Blue Ridge country, he is compiling a book entitled, "Economic Inequities."

Because he does not offer easy solutions to economic problems, he acknowledged that many may find his views of economic currents disagreeable.

High levels of debt, public and private, and the heavy impact of inflation on the American family, dictate, however, that all serious approaches to relative economic stability be given serious consideration.

Mr. Partridge's book is unusual, in that it strives for geographic distribution of informed comment by legislators, members of the academic community and editors. Representation of each of the 50 States is being sought.

A key to understanding of Mr. Pardridge's economic reasoning is the debt/production ratio, or DPR, a mathematical tool that measures inflation in terms of financial debt and economic production and, thereby, provides an indicator of price trends ahead.

The Pardridge effort toward better understanding of economic forces has attracted the attention of numerous editorialists. One respected writer, John Chamberlain, writing for the Richmond, Va., Times-Dispatch and other newspapers, devoted a column to "Economic Inequities" on March 1, 1971, and I include it, under leave to extend my remarks in the Record, as follows:

A Cassandra on Increasing Debt

(By John Chamberlain)

From time to time I receive interesting pages from a "cooperative" book that is nearing its completion. Called "Economic Inequities," the book is to consist partly of 50 essays by William D. Pardridge, an iconoclastic student of economics who plans to place one article each in 50 newspapers in 50 separate states. (Some 45 have been published already.)

In addition to Pardridge's contributions, there will be 50 critical commentaries by "coauthors" who are being recruited from among professional economists. The major financing of the book was provided for by C. R. Walgreen Jr. of the Walgreen Drug Co. of Chicago, who has made over the book's notes of indebtedness to the University of Michigan. Profits from book sales are to go to American universities.

Pardridge's competence is plain from what he writes, but it is nonetheless interesting that he has had commendations, mostly in the Congressional Record, from the late Sen. Ralph Flanders of Vermont and present-day Senators Hugh Scott of Pennsylvania, Gordon Allott of Colorado, John Tower of Texas and Herman Talmadge of Georgia. Not that the senators are economic experts, but they obviously have common sense. They will be called upon to legislate on some of the current proposals affecting business that Pardridge thinks would be quite disastrous.

As might be guessed, Pardridge is something of a Cassandra. And Cassandra, as students of Greek mythology know, while unheeded, turned out to be right.

Pardridge thinks our economists are guilty of mathematical absurdities, the chief one being that they pay no attention to what he calls the debt-production ratio. In every year from 1962 through 1969 what Pardridge describes as the warning economic "tilt light" has glared brighter: private debt has increased faster than production. In 1968 we owed almost twice what we produced.

As the old song has it, "Lose 'em all, lose 'em all, can this go on through the fall?" Pardridge is guilty of holding to a quaint old-fashioned belief that you can't get a sustained increase in production going when (a) capital consumption (what you use up) exceeds capital formation (what you save to replenish and increase the product of industry) and when (b) wages outpace whatever increase in productivity may result in individual cases from better methods and the use of better machinery.

What Pardridge is saying mathematically is that you can't add by indulging in subtraction. Nor can you build a bigger whole from shrinking parts. How, so Pardridge asks, can an economy surge ahead "at the same time that (a) real per capita GNP (Gross National Product less production not sold but gifted), and (b) real per capita corporate net worth, and (c) real per capita personal income (less welfare payments) all are decreasing at the same time that (d) prices, and (e) unemployment, and (f) public and private debt (e.g., a net increase of $132 billion in 1969 alone) all are increasing?"

The delusion that you can get more from a shrinking and less efficient machine results will-nilly in accelerating inflation as our money-masters try to balance the equation by the creation of paper tokens. Pardridge considers that virtually everything being done by Washington to bring the debt-production ratio into balance only serves to make matters worse. When you can't produce and sell enough to pay the interest on your debt and to "roll it over" when its terminal date comes, you must either go bankrupt or, with political help, cheat your creditors by paying them off in paper of declining worth.

Pardridge, who admits to being a disagreeable man, wants to know how you are going to pay for such things as environmental control, the military budget, and $2,400 per family on the Nixon family assistance plan, out of the surgeless economy that he is predicting? How is New York City to feed a million people who do nothing to feed themselves? As a curbstone economist, I wouldn't know precisely what amount of private and public debt our system can stand. But anyone can see that Pardridge is right about our contemporary trends: checks can't be kited for decade upon decade. If we go on eating our seed corn the only thing that is in question is the timing of welfare collapse and the subsequent social upheaval.

ALOYSIUS MAZEWSKI, PRESIDENT OF THE POLISH AMERICAN CONGRESS, ADDRESSES SECOND CONGRESS OF POLISH-AMERICAN SCHOLARS AND SCIENTISTS IN NEW YORK

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. PUCINSKI. Mr. Speaker, the second annual congress of Polish-American scholars and scientists was held in New York recently.

This illustrious gathering brought people from every corner of the United States together to exchange ideas and to discuss the unique contributions being made by Polish-American scholars to American history and technological progress.

Following is the address of Aloysius Mazewski, president of the Polish American Congress, to this distinguished group. I believe my colleagues will appreciate Mr. Mazewski's sincerity and eloquence and his emphasis on the very special qualities of ethnicity and how much our Nation would benefit from a wider study and appreciation of it.

Mr. Speaker, Mr. Mazewski's address follows:

Speech of Aloysius A. Mazewski

The Second Congress of Polish American Scholars and Scientists is a landmark event in the history of American Polonia.

To twelve million Americans of Polish heritage, most of whom are of the second, third and fourth native born generations, this distinguished and unique convocation is eloquent and highly inspiring symbol of our deeply involved participation in the mainstream of American life.

This Congress brings to our realization the fact, that so many eminent intellectuals of Polish origin enhance the quality of American education and culture through significant contributions of scholarly work in all disciplines of human quest for knowledge.

On the background of your scientific and scholarly achievement, American pluralism stand in bold relief as a promise of better future for man.

To us, as an ethnic community of Americans of Polish heritage, and especially to our younger generations that now attend or will attend in the future our institutions of higher learning, you are living examples of the contributions the people of our ancestry made to the development of world civilization and culture and the widening of man's intellectual horizons.

For these reasons, we are immensely proud and happy to witness this Second Congress of Polish American Scholars and Scientists in the United States.

I would be lacking in candor, however, if I did not call your attention to certain problems that are, or should be, of mutual interest to us.

Splendid isolation of college and university communities is, perhaps, justified in societies of uniform background, tradition and origin. In the pluralist society of America, however, ivory towers, separating intellectuals and artists from the ethnic community of their origin, are rather detrimental in terms of national goals and of the very nature of our societal pluralism.

There are valid reasons for closer cooperation and continued dialog between American intellectuals of Polish origin and the main body of American Polonia. Our millennial heritage is the cohesive element which should bring our minds and hearts to closer communion. On the practical side, the knowledge that there are twelve million compatriots ready to support and to acclaim your endeavors could be comforting and gratifying.

We, as laymen, working in our ethnic vineyards outside the rarefied atmosphere of your intellectual pursuits, need your cooperation, advice and counsel in many problems confronting American Polonia today.

And more thought: we are proud of you. Yet, generally speaking, we learn only sporadically, and, at times, by accident, of the positions you occupy in many areas of education, scientific progress and scholarly pursuits.

I believe the time has arrived for opening a meaningful and mutually beneficial dialog between intellectuals of Polish origin and American Polonia.

The mechanics to achieve this end are already in existence—in the Polish Institute of Arts and Sciences and in the Polish American Congress.

As a matter of fact, the Polish American Congress initiated, on a comparatively small scale this dialog when it convened a group of prominent Polish American scholars on the Alliance College campus two summers ago. We feel an urgent need for expanded convocations of this type, where not only discussions would be held but scholarly papers on many aspects of Polonia's life and stature could be presented and eventually published.

It is my belief that you on your part will be willing to devote some of your time to this project—that you will not shun the inherent responsibility we all have toward our society, our ethnic position, our heritage and the future of our children and grandchildren.

I deem such cooperation and dialog extremely important not only for our present day problems and goals, but as a means of laying foundation for a better future of those who will follow in our footsteps proudly proclaiming their Polish ancestry.

SENATOR GRUENING ON ENDING THE DRAFT—NOW

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. RYAN. Mr. Speaker, for some 6 years, this Nation has fed the fires of the tragic war in Vietnam with draftees.

Many of these young men have been very much opposed to the American involvement in Southeast Asia. All of them were far too young to die. Yet, they have been forced to risk their lives and limbs in a war never declared by the Congress of the United States.

Furthermore, it is the draftee who has had to bear the brunt of this war. The glaring fact is that a draftee has a 54 percent greater chance of being killed or wounded than does his Regular Army counterpart.

One individual who has long recognized that draftees should not be sent to fight in this undeclared war is former Alaska Senator Ernest Gruening. Senator Gruening has long been one of our most astute and perceptive analysts of the Vietnam war and of this Nation's role in it. His vigor, courage, dedication, and concern have been constant and unswerving.

On May 5, the New York Times published a column by Senator Gruening entitled "End the Draft—Now." I commend this compelling article to the attention of my colleagues. As the Congress considers an extension of the Military Selective Service Act, it would do well to heed Senator Gruening's views. Senator Gruening's article follows:

[From the New York Times, May 5, 1971]

END THE DRAFT—NOW

(By Ernest Gruening)

WASHINGTON.—Continuation of the draft when the Selective Service Act expires on June 30 is now planned by the White House. This move is, of course, supported by the Pentagon, but the decision rests with the Congress.

If Congress does not act, if either House fails to vote for extension, no more of our young men will be conscripted for service in Southeast Asia or elsewhere. Congress could, alternatively, repeal the Selective Service Act enacted 23 years ago, and Senate Joint Resolution 20, sponsored by Senators Hatfield, McGovern, Cranston, Church and Proxmire, would do just that.

For those who, like this writer, feel that the draft should at the very least be made inapplicable to Southeast Asia, and, preferably, totally abolished, there is the apprehension that the Administration will promise, as Mr. Nixon did in 1968, to offer a volunteer army as a substitute, but will argue that the draft must be extended for a year or two in order to effect the transition. I hope the Congress will not fall into that trap. And let me say, parenthetically, that the present and past attempts to "reform" the draft are meaningless and futile. It is the draft itself that constitutes the injustice.

We should be reminded that for by far the greater portion of our national life we had no conscription. The millions who emigrated from the Old World came in part to get away from the compulsory military service designed to further the amibitions of monarchies, and attracted by the absence of such compulsory service in "the land of freedom." Only briefly in times of war—the Civil War, World Wars I and II—was there a draft until, for the first time, peacetime conscription was established by Congress in 1948. It can scarcely be argued successfully that our nation has fared better under this departure from time-honored precedent.

The draft—for this war—has posed an unconscionable problem to the prospective draftee. It has been a major factor in campus unrest, in the alienation of our youth, and, together with the war itself, the chief contributor to the national malaise. Our young people have come to realize that military service in Indochina is not service in defense of our country.

Since the exposures of the 1968 hearings of the Senate Foreign Relations Committee, people have learned that the Congress was misled by White House misrepresentations of what occurred in the Tonkin Gulf in August 1964 into giving President Johnson the unlimited power to wage war as he saw fit in Southeast Asia, with a resulting toll of nearly 50,000 Americans dead, 300,000 wounded, some crippled for life, and all the other unhappy consequences. They should know also that a resolution to achieve what the Tonkin Gulf resolution did had been drafted months before the Tonkin Gulf incident.

Our young people also know that the official allegations that we are there to bring freedom to the Vietnamese is made a mockery by the sleazy characters that we are supporting in power in Saigon whose actions are the counterparts of the oppressive tactics we denounce in our adversaries.

So the draftee is required to take part in a war that he considers unjustifiable, immoral and, as more and more is revealed, monstrous; to fight and kill people against whom he feels no grievance and perhaps be killed or maimed himself in the process, with the alternative, if he refuses, to go to jail for five years at hard labor and probable ruin of his future in civil life.

This is an infamous dilemma to which no American, indeed no member of a society that vaunts itself as free, should be subject.

The draftee is uniquely the victim of this injustice. Those who signed up voluntarily in any of the armed services knew when they enlisted they would have to go wherever they were sent.

While in the Senate I tried twice, in 1966 and 1967, to amend the Selective Service Act to provide that no draftees should be sent involuntarily to Southeast Asia without the consent of Congress. These attempts were voted down. Such a bill has now been introduced by Representative William Fitts Ryan of New York. But now that President Nixon has proclaimed for over two years, that he is ending the war, has repeatedly announced troop withdrawals, and Congressional voices echo that, "he's winding it down," what earthly justfication is there for sending draftees to the slaughter?

Actually, while campaigning for election, Mr. Nixon said he would end conscription. But fulfillment of that campaign promise appears as elusive as the other campaign promises to end the war.

I am not a lawyer, constitutional or other, but being able to read, I cannot understand why conscription is not the involuntary servitude which the Thirteenth Amendment to the Constitution forbids. Yet the Supreme Court, with the two strict constructionists recently added, has avoided ruling on this crucial issue and now has further decided, with Douglas alone dissenting, that one can't be a conscientious objector to this obscene war.

With the executive and judicial branches having failed our young men, our hope must rest with the legislative branch. The American people will be watching how their elected representatives in Congress vote on this issue, and who among these older men will sentence more of our boys to die in vain in an utterly discredited cause.

IT IS TIME TO LIGHT A FIRE UNDER APPROPRIATIONS COMMITTEE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. MIKVA. Mr. Speaker, the Fire Research and Safety Act was enacted in

1968. Title I of the act, which provides funds for research, training, and education, has been funded to the extent of approximately $1 million. However, title II, which would set up a Commission on Fire Prevention and Control, has never been funded. Each year, the Appropriations Committee has failed to recommend funding for title II. Presently, the matter is again before the Appropriations Committee as part of the supplemental appropriations for fiscal year 1971 requested by the President.

I urge my colleagues to consider the following editorial from Fire Chief magazine, which explains the importance of and the need for a Commission such as that envisioned by title II of the Fire Research and Safety Act.

No. 2 Must Try Harder

Funding for the Fire Research and Safety Act (Public Law 90–258) is again being held up in the House of Representatives. The President signed the law in March 1968! Finally, last Fall the Congress appropriated some money for Title I of the law—the section designated to provide research, training, and education.

Title II has not yet been funded. Title II authorizes a commission to study the needs of the Nation's fire service. The commission, known as the National Commission on Fire Prevention and Control, was appointed by President Nixon last November. The commission is comprised of prominent people from many walks of life. There are also several fire service representatives. (See Page 6, January, 1971, Fire Chief for list of members.)

The Commission's objectives are worthwhile. Here, briefly, are some of the duties as stated in the Law: analyze existing programs; evaluate existing fire suppression methods and suggest methods of improvement; evaluate the adequacy of current fire communications, apparatus, and equipment; analyze administrative problems; assess local, State, and Federal responsibilities in the development of practicable and effective solutions for reducing fire losses. These are all questions which need to be answered.

The Commission could provide the nation with a valuable service. It could help to focus the attention of the public, our representatives, and other public officials on the nation's fire problem. The report of the commission could provide guidelines for the carrying out of Title I of the Fire Research and Safety Act. And it could clarify and solidify the national goals of the fire service.

A year or so ago it was estimated that the Commission could be launched for approximately $250,000. This is a ridiculously small sum of money compared to other government spending—the war in Indochina, the space program, the SST, for example. It is important to keep in mind that the Fire Research and Safety Act is a preventive program—in the long run it can save money for the taxpayers.

The Law is on the books, the Commission has been appointed, the need has been established. All that is needed is a relatively small amount of money. You have probably written your congressman more than once during the past three years about the Fire Research and Safety Act, but do it again. Also write your senator and the President. Ask other people to do so. Millions of dollars have been appropriated in support of our police departments through the Omnibus Crime Control and Safe Streets Act (these appropriations are expected to reach $1 billion within a few years). Less than $1 million has been appropriated for the Fire Research and Safety Act (signed by the President three months before the Omnibus Crime Act). If the fire service, like Avis, is Number 2, it must, like Avis, "try harder."

CONGRESSMAN ANNUNZIO INTRODUCES LEGISLATION PROHIBITING SALES BELOW COST

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ANNUNZIO. Mr. Speaker, I was glad to join yesterday with the distinguished chairman of the House Select Committee on Small Business, Representative Joe Evins, as well as with several other colleagues, in cosponsoring H.R. 8087, legislation which I believe will assure the small businessman and the consumer adequate protection against predatory pricing practices which seek to destroy competition and thereby undermine the strength of our free market economy. Senator John Sparkman, the distinguished chairman of the Senate Banking, Housing and Urban Affairs Committee has already introduced identical legislation in the other body.

Currently, there is no provision in the antitrust laws; namely, the Sherman and Clayton Acts—which specifically prohibits predatory pricing practices involving sales below cost—that is, the selling of goods at unreasonably low prices to discourage or eliminate competition. For a period of years small businessmen could file civil actions against those who injured them by violation of the "sales at unreasonably low prices" ban contained in section 3 of the Robinson-Patman Act, passed by Congress in 1936. However, this means of combating predatory pricing was nullified by two decisions rendered by the Supreme Court in 1958. In the two cases, *Nashville Milk Co.* v. *Carnation Co.* (355 U.S. 373) and *Safeway Stores, Inc.* v. *Vance* (355 U.S. 389), the Court ruled that a private party claiming injury from a competitor could not seek injunctive relief or treble damages under sections 4 and 16 of the Clayton Act because of violation of any of the discriminatory pricing provisions included in section 3 of the Robinson-Patman Act. This meant, therefore, that section 3 could no longer be considered a part of the antitrust laws, and accordingly violation of section 3 could be treated only as a criminal offense and not as a civil offense.

This action by the Court was a major setback to the business community, since it is generally acknowledged that civil action is the most effective means of antitrust protection afforded the small businessman.

Subsequently, numerous attempts have been made in the Congress to rectify this situation. Prior to the 92d Congress, legislation was introduced in each Congress which would have repealed section 3 of the Robinson-Patman Act and then reenacted it as section 3A of the Clayton Antitrust Act, thereby enabling injured parties to seek civil remedies against sales "at unreasonably low costs."

Under the able leadership of Representative Evins and Senator Sparkman, we are now provided a legislative remedy which, I believe, will not only provide the desired civil protection under the antitrust laws, but will eliminate the principal objection of those who contend that the language, "unreasonably low costs," contained in section 3 of Robinson-Patman is too vague. In his recent statement on the Senate floor—April 1, 1971—Senator Sparkman explained in very clear terms that our current proposal: meets that objection by stating exactly what kind of prices are prohibited; namely, those that are below cost. The term "below cost" is defined in the language borrowed substantially verbatin from the opinion of the Eighth Circuit Court of Appeals in the leading case involving enforcement of section 3 of the Robinson-Patman Act as a criminal statute, *National Dairy Products Corporation* v. *United States* (350 F. 2d 321, 329; 1965).

As that case makes clear, however, mere proof of sales below cost will not alone suffice to establish liability by a defendant to a plaintiff: there must also be proof of the predatory intent, the purpose to destroy competition or eliminate a competitor.

In sum, unlike previous legislative attempts, H.R. 8087 would not repeal section 3, thereby leaving intact its seldom-used criminal sanctions against predatory pricing practices. Instead it simply amends the Clayton Act by adding a new section providing that:

> It shall be unlawful for any person engaged in commerce to sell, offer to sell or contract to sell goods below cost for the purpose of destroying competition or eliminating a competitor.

Moreover, the act defines costs referred to herein as "fully distributed cost, which includes the cost of producing or acquiring or processing the product, plus the additional allocated delivery, selling and administrative costs involved in doing business."

Currently, the businessman injured by predatory pricing can gain relief only if the Department of Justice elects to take criminal action against the offender and a court conviction. Enforcement of section 3 violations over the years has proven extremely difficult since conviction of an offender could mean a fine of $5,000 or imprisonment of not more than 1 year, or both. We believe that the enforcement of the antitrust laws against unlawful predatory pricing practices can be most effectively administered by civil means. In such case, the injured party could readily sue the offending party for damages and/or injunctive relief if he can, first, prove below-cost selling and second, prove the "purpose" of that pricing was destruction of competition or a competitor.

Since the passage of the first antitrust statute in 1890, our Nation has striven to develop a body of law designed to assure the greatest possible competition among business firms of all sizes in the marketplace. It should be clear that the antitrust laws today do not provide ample protection concerning predatory pricing practices which can be proven in a court of law to be destructive of competition or a competitor. The language contained in our bill, H.R. 8087, and Senator Sparkman's bill, S. 1457, I believe, provides the type of remedial action the Congress has been seeking. It is now incumbent upon the Congress to forgo any further delay and act affirmatively upon this sensible and equitable proposal.

SAVE THE PUBLIC SCHOOLS FROM JUDICIAL TYRANNY

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. FLOWERS. Mr. Speaker, the most recent Supreme Court decision on school desegregation prompted searching and challenging editorials in many papers throughout the Nation. Two such editorials appeared in my hometown paper in Tuscaloosa, Ala., and I commend them to the attention of my colleagues and others.

[From the Tuscaloosa News, Apr. 25, 1971]

NEW COURT RULING IS JUDICIAL TYRANNY

The latest decision of the United States Supreme court on school desegregation is judicial tyranny. Congress must act to reestablish something close to the rational, and to help remove at least some of the chaos from public education.

Every member of Congress, from whatever state and section, should recognize in the decision elements of unfairness, injustice and impracticality. And they must respond to the challenge.

Generally, members of the House and Senate from southern states are outraged. The heavy hand falls with great force on the South, sparing other sections of the nation. A court decision in retribution for past errors, and in punishment for them is a strange kind of decree to come from the highest court in the land.

The court rationalizes its injustice in providing for busing to achieve racial balance by indicating that it is to be done to end school segregation arising from development of separate black and white communities. This has occurred in every part of the nation, but the onerous burden of setting up artificial, impractical, expensive and harassing procedures to establish racial balance is to fall on the South.

The situation is enough to cause school officials to give up, but they must not. Nor must the rest of us. The public schools must be maintained despite extreme court decisions which have made administration a nightmare.

Significantly, the decision contradicts a prior announcement of policy by the President. The Supreme Court is, and must continue to be, independent of the chief executive and the legislative branch of government. But it must never be superior to the wishes of a majority of the people.

Desires of the electorate can be expressed through representatives and senators, and they must act now.

We in the South have made mistakes in the past. But we have come over to acceptance of the neighborhood school idea as a practical means of handling the segregation problem. True, this results in some schools heavily white and some heavily black. There is no racial balance in them. But they are schools serving the communities in which they exist.

We see no great injustice in such an arrangement. It is practical, defensible on the basis that a child attends the school nearest and most convenient to his home. Why should that not be a national policy, allowed everywhere?

The White House statement saying that it is up to the people to obey the decision is the only thing that could be said there, at the moment. But we would add an earnest plea for Congress to act. If parents do not have the constitutional right to send their children to the nearest community school, let's take steps required to establish that privilege.

[From The Tuscaloosa Graphic, Apr. 29, 1971]

SAVE THE PUBLIC SCHOOLS

The U.S. Supreme Court has made clear its intention to save the nation from de jure segregation. Yet it conveniently ignores the de facto segregation of the North.

There are no laws in the South requiring segregation. They were abolished years ago. But the South is still being singled out for punishment because it once had segregation laws. The kind of segregation in the North that results from neighborhood patterns is overlooked in desegregation decisions.

Thus the court bypassed Northern segregation in ruling last week that massive busing is legal in desegregating schools where the law once required separation. The neighborhood school must give way to race mixing and if a long bus ride is the only way this can be accomplished, then go ahead.

In the same week of this court decision, the U.S. Senate defeated an amendment by Connecticut's Sen. Abraham Ribicoff that would have required an end to the de facto segregation of Northern schools over a 12-year period. Ribicoff has consistently fought for elimination of the double standard in desegregation, much to the discomfort of such northern liberals as Senators Mondale and Javits who know segregation in the South but profess not to know it when they see it in the North.

While the court strives to save the nation from de jure segregation, the critical need now is to save the public schools. The court is so obsessed with desegregation that the essential reason for the schools' existence, the education of children, is being overlooked.

The schools, at least those in the South, are being used to bring about social change. Even in schools where one race is dominant for the very reason that such schools exist in the North—neighborhood and economic reasons—the court is demanding social change through extensive busing.

The use of the schools to bring about social change is threatening the essential educational role of schools. Schools are supported by public tax money. Thus they require the confidence of the public. But such absurdities as the court's upholding of massive busing are undermining public support of schools.

The Congress must save the public schools from the court's obsession with mixing for mixing's sake.

LAWNMOWERS AND OTHER KILLERS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. PODELL. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent article, entitled "Lawnmowers and Other Killers," which appeared in the March 29, 1971, edition of the Nation magazine. The author is Mr. Stanley Klein, writer for the New York Post and science editor for radio station WEVD, who I am proud to claim as one of my constituents in Brooklyn.

The article presents a vivid documentation of the many hazards that products pose to the safety of consumers. It shows how very little is being done to correct this threat to public safety. The article is sufficient testimony for the need for immediate congressional action.

The article follows:

LAWNMOWERS AND OTHER KILLERS

(By Stanley Klein)

While in the backyard of her home this past June, an upstate New York woman, Mrs. Eleanor Pangburn, all of a sudden slumped to the ground, dead. A stone, shot from under a rotary power lawnmower being operated by a neighbor, had severed her spinal cord.

A New York physician, Dr. James M. Dennis, on reading of Mrs. Pangburn's "accident," wrote an impassioned letter to his Congressman. "Rotary power lawnmowers have killed two people in the small village of Clyde within the past three years. . . . I am at present treating a patient who has been disabled for over a year with a broken leg as a result of being struck by a stone in the manner similar to the recent fatal accident. In my practice as a physician, I have seen many other persons injured by power mowers with varying degrees of disability.

"These machines represent a glaring example of the way in which we are being killed by our conveniences. The problem falls somewhere in the area of public safety and consumer protection and should be amenable to control by law and regulation."

In 1969, the rotary mower caused 140,000 injuries, according to the Department of Health, Education and Welfare. "The statistic is conservative," says William White, executive director of the now expired National Commission on Product Safety, and a former Public Health Service official who specialized in the prevention of home accidents. About 70 per cent of the injuries are gruesome lacerations, amputations and fractures caused by direct contact with the mower's whirling blade which, at the tip, whirls at speeds up to 200 miles per hour. Most of the remainder, as in Mrs. Pangburn's case, result from ejected objects.

This toll in human flesh is not only a story of one industry that is careless for the safety of those exposed to its intrinsically dangerous machine (one of its safety programs was labeled a "fraud" by the product safety commission). It also typifies the inadequate role given to safety in the design and sale of many household gadgets.

To describe the threat that products impose on the physical security of the homestead, commission Chairman Arnold B. Elkind employs the word "menacing." It is a myth, he says, "for anyone to view the home and its environs as any more a sanctuary free of potential violence than are the highways or the streets." He calls the American home an "unsuspected booby trap."

Unreasonably dangerous products abound, Elkind's commission found, in even the most commonplace of consumer goods. In many instances, it would have cost "little or nothing to remove or reduce the risk in certain products." Examples include the use of magnetic instead of mechanical door latches on all refrigerators and freezers, to prevent entrapment; the provision of double insulation on all drills, to eliminate shock hazard; the use of better insulation and of only nonflammable parts in color TV sets, to prevent spontaneous fires; the substitution of tempered glass for plain glass in sliding doors; and design modifications in rotary lawnmowers to minimize crippling accidents.

Altogether, the gory picture is of some 20 million Americans each year sufficiently injured by some product to require medical attention. Of these, 30,000 people are killed, and another 110,000 are permanently disabled. The wickedness in this assault and battery is that at least 20 per cent of the casualties could be avoided, or their severity reduced, if greater attention were paid to minimizing hazard in the design and sale of consumer products. Aside from the pain and tragedy, home accidents cost the public $5.5 billion each year in medical fees, hospital charges, lost wages and productivity, and funeral expenses.

The laissez-faire attitude toward product safety, and the resulting damage to consumers, is exemplified by the rotary power lawn mower. According to the National Commission on Product Safety and many other safety experts, the rotary undoubtedly ranks second to the automobile as the most dangerous contrivance commonly purchased by the American suburban household.

A decade after being put on notice by the Public Health Service that the rotary is a killer, the industry has not been able to arrest its lethal tendencies. An annual rate of 55,000 injuries in 1965 has climbed to a predicted 180,000 in 1970—directly in proportion to the number of units in the field. Rotaries now hold 95 per cent of the home mower market.

Back in 1965, the nation's foremost researcher on lawn mower accidents, Prof. L. W. Knapp, head of the accident prevention section of the University of Iowa, had warned the industry: "The problem of injury associated with the rotary lawn mower is not going to lessen in the years ahead . . . unless there are some significant developments. . . ." The New York state legislature twice voted to ban the sale of the mower, but both times the bills were vetoed by Governor Rockefeller.

Alarmed by mounting clamor over its product, the lawn mower manufacturers, through their trade association, the Outdoor Power Equipment Institute (OPEI), revised the industry-wide safety standards in 1968. The OPEI also stepped up its safety education, and initiated a *self-administered* certification program. This included a redesigned safety seal signifying that machines carrying it conformed to the upgraded standards. Toward the end of the 1960s, it thus seemed that the industry had done all it could to make the intrinsically hazardous machine as safe as possible.

Upon examination of the commission's extensive public record, however, much of the new regard for safety turns out to be facade. The commission reported fourteen safety omissions in the 1968 standards. One pertains to an acknowledged common cause of injury—objects thrown from the rear of the machine into the feet and legs of operators—that had been specifically cited by Professor Knapp years ago. The 1968 standards included no provision for an amazingly simple protection device, a trailing shield that would drag on the ground behind the machine. Only one manufacturer on its own offered the feature.

Bertram Strauss, an engineer with Consumers Union, who has followed the evolution of lawn mowers over the past seventeen years, also attacks the 1968 standards. "The new version underplays a great many of the hazards which exist in a lawn mower. . . Not once in the 1968 instructions do they mention the possibility that debris can be hurled from one of these mowers. In the 1964 version, it was mentioned a great many times." Strauss, whose testimony helped to expose the industry, was himself attacked for doing so—not by industry representatives but by a National Safety Council employee who is a member of the OPEI safety standards committee.

Asked why an industry would skimp on safety features for a dangerous product, Elkind answers: "When you have to rely on the consensus of an industry to achieve a safety standard, that means a small percentage of the affected industry can veto progress. What can cause a manufacturer to vote against an improved standard? You can speculate on a number of reasons: a stockpile of existing parts that would have to be scrapped; a retooling problem or an assembly-line consideration that would involve additional expense; an existing favorable contract to purchase parts. . . . There are many sound business reasons that militate against change."

The commission uncovered still more misdeeds. A staff investigation of 216 rotaries on sale in retail stores revealed that at least one-quarter failed to comply with the minimal standards. Nevertheless, *all the machines bore the safety seal!* This finding "really turned us off with regard to that industry," Elkind recalls. Furthermore, in administering the program, the OPEI had no system for verifying compliance or for penalizing offenders, if by chance violations were reported. Of course, there was no provision for the recall of machines.

At a public hearing, Chairman Elkind called the certification activity a "misleading fraud as a guide for the buyer." The commission referred the findings to the Federal Trade Commission, which says it is awaiting the outcome of proposed federal product safety legislation before undertaking any investigation and prosecution of its own. It should be noted that even in cases where responsible manufacturers might want to set industry-wide product standards for safety, they encounter antitrust difficulties when it comes to policing, enforcing and penalizing violators, all of which are functions considered the prerogative of government.

In reaction to the latest round of stinging criticism, the industry last summer put its standards-making operation under the jurisdiction of the American National Standards Association (ANSI), a voluntary body, and contracted with an independent testing laboratory to check mowers for compliance with the standards. The irony is that the same standards that the product safety commission had attacked now take on an aura of even greater credibility. A redesigned safety seal carries an attribution to ANSI as a "national standard." Meanwhile, a year has elapsed since the industry first notified Elkind that it had initiated a "crash program" for further revising its standards.

Many mechanisms do exist for protecting the consumer but, like the technique of industry self-regulation, all are seriously flawed. Safety education campaigns, in the manner of the National Safety Council, are industry's favorite approach because they have the least effect on production operations and profit margins. Too frequently, however, safety education is substituted for more stringent design, and it is ignored in the one situation where safety instruction might pay off—the point of sale. (One retailer told me, when I posed as a shopper, that I was acting like a woman for inquiring about the hazards of the rotary mower.)

Moreover, while trade associations sponsor safety campaigns, an individual manufacturer can counter such public service appeals with promotions that play up hazardous uses of a product that stimulate sales. For example: ads that depict a kid stunting a bike in the way that a cowboy makes his pony rear.

Warning and caution notices, though useful, also have drawbacks as safety measures. In the absence of standards to assure permanence, they can be obliterated when affixed to a durable product. On the other hand, warnings detailed in the literature accompanying a product may be buried in the text or soft-pedaled in tone. For this reason, one large retail chain had to rewrite the literature accompanying its supplier's store-brand appliances. Some warnings are obviously futile: buyers of rotary mowers, for example, are advised to rake their lawn for stones, wire and other debris before cutting the grass.

Insurance companies are a potential force for assuring continuing safety innovations in product design, but few, according to commission testimony, carry out effective casualty reduction programs, and none provides public warnings on particularly dangerous models or brands. Liability insurance can even reduce a manufacturer's willingness to remove hazards—as long as damage awards are not so heavy as to raise premiums unduly.

A *Business Week* report on consumerism said: "Redesigning the product—actually doing something—is the last defense of business". Industry is now wailing over the huge damage settlements juries are awarding victims of product-related accidents, and, in the absence of any federal pressures, that may be the most effective way to make manufacturers sensitive to safety problems. The shortcoming, of course, is that a husband's eye must first be lost or a child badly scalded.

A Hughes Aircraft Corp. engineer, Willie Hammer, writing in *Machine Design*, defines the problem of safe design in consumer products. "The number of accidents that occur daily indicates that designers are failing to apply and provide suitable preventive measures. A major reason for the failure is the multiplicity of requirements and considerations for performance, cost, time, size and weight. . . . Safety is often one of the requirements that suffers."

Since engineers respond to the priorities of their managers who, in turn, are guided by the market, mere exhortation about safe design will never bring it about. The question becomes, how can product safety be made a top concern? The commission answers the question by calling for a "federal presence" in the field, a product safety agency.

The fate of the recommendation is still in doubt. Congress has not yet acted on the legislation already introduced, which includes a Senate Commerce Committee bill that is a verbatim copy of what the product safety commission drew up. Meanwhile, the Administration is silent on the subject. At a press conference last summer, Elkind reflected on the inertia over product safety. Perhaps musing over the Commission on Obscenity and Pornography (with which he shared a building), he said, "Unfortunately, product safety has no sex appeal."

SPACE PROGRAM IS VALUABLE ON EARTH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. TEAGUE of Texas. Mr. Speaker, an editorial on Monday, March 15, 1971, in the Fort Worth Star-Telegram points up well the importance of a continued strong national space program. As the Congress considers the state of our national space program in review of the fiscal year 1972 budget, this editorial does much to point up the need for a strong national space effort and continued support for a vigorous manned space flight program. The editorial follows:

Space Program Is Valuable on Earth

Advocates of maintaining the American space program are having to defend it in Congress against complaints that the achievements of manned flight as compared with unmanned exploration are not enough to merit the danger and greater expense and that the space program is taking money that ought to be spent on improving the condition of humans on earth.

George Low, acting administrator of the National Aeronautics and Space Administration, appeared before the House Committee on Science and Astronautics to say that American astronauts have shown that "man belongs in space, that man can achieve objectives well beyond the capabilities of any machine." NASA is asking for $3.152 billion, its tightest budget in 10 years.

The Russians deny this. They have sent unmanned vehicles to the moon and have returned one with a few ounces of moon dust. Their claim that they can do as well with unmanned expeditions as with manned ones has to be considered in the light of the fact that they have been beaten badly in the race to the moon.

Three American manned expeditions to the moon have supplied scientists around the world with rock specimens. About 200 pounds have been returned. Scientific instruments have been placed there to furnish continuing information to earth scientists. Our men have walked on the moon's surface and know by their own experience the feel of that strange ground and the effect of the lower gravity of the moon.

But, manned or unmanned, the space program already is showing its value in many ways. It has brought great benefits in communications. The most obvious, though not necessarily the most important of these, is live television across oceans. The space program has brought aids to navigation, to weather forecasting, including the spotting of hurricanes information. It has been useful in surveying of forests and farm lands, in spotting geological faults with the prospects of finding areas of profitable mining. It has provided, as byproducts of the research necessary for the programs, scientific discoveries and techniques valuable to medicine and industry. The list will grow.

For these reasons the space program is worth its cost. For other reasons it is a necessity.

We cannot afford to allow the Soviet Union to dominate space. No matter what the treaties say about peaceful use of space they will be useless if there is none to challenge a violator. We do not know yet the extent of the miltiary value of space domination. It could be supremacy over the earth. At present the United States alone is capable of seeing that it does not happen.

We cannot afford to fail to continue to develop our capability of maneuvering, exploring and existing in space.

ECONOMICS AND THE ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ASPIN. Mr. Speaker, for months now the proposed trans-Alaska pipeline has been the topic of increasingly heated debate. But two of the most important and, unfortunately, least discussed aspects of the 800-mile pipeline, are the economic and national security assumptions behind the arguments for the immediate building of the Alaska pipeline.

One of the most cogent and incisive statements submitted during the Interior Department's hearings on its draft environmental impact hearings in Washington was one by Richard Norgaard, a professor of agricultural economics at the University of California, Berkeley. It is concerned with these two vital issues. I urge my colleagues to read this important statement, which follows:

Statement by Richard B. Norgaard

My name is Richard B. Norgaard. I am an acting assistant professor of Agricultural Economics at the Berkeley campus of the University of California. I spent the summer of 1970 investigating the consequences of petroleum development in Alaska as a member of a Ford Foundation financed team studying Alaska resource use conflicts. I have flown the entire pipeline route and discussed the project with many industry and government officials. I have written an article on petroleum development in Alaska that will be published shortly in the *Natural Resources Journal*.

The environmental impact statement attempts to establish two points: 1). that a pipeline which satisfies the Department of the Interior's stipulations will do the least damage to the environment of all transport alternatives, and 2). that the inevitable environmental losses that will result are necessary in order to provide for the strength, growth, and security of the United States.

If we must truly choose between degrading our environment and defending the security of our nation, then I would select the latter option. Fortunately, these are not our alternatives. The present plans to transport oil from the North Slope can be improved upon, and North Slope oil is not essential to this nation's defense in the forseeable future.

It is generally known that the petroleum industry intends to spend up to 2 billion dollars on the pipeline. Approximately another 2 billion dollars will be spent during the first 25 years operating the pipeline and shipping the oil from Valdez to Washington and California. It appears that the industry is being stretched to the limit. 4 billion dollars, as a fellow agricultural economist put it, is a lot of potatoes. But how much can the industry spend on transportation and still earn a normal rate of return from the North Slope? The answer to this question is enlightening.

Crude oil sells for about $3.25 per barrel on the West Coast. Due to the high productivity of the North Slope wells, development and extraction costs will probably be less than 15 cents per barrel. This leaves $3.10 per barrel for transportation, royalties, and amortization of lease bonus and exploration expenditures. If we assume that production will start in 1975 at the rate of 500,000 barrels per day, increase to 2 million barrels per day in 1980, and maintain that level through the year 2000, then the present barrel equivalent using an 8% rate of discount is 5,168,000,000 barrels, or a present value of more than 16 billion dollars at the well head.

The industry has already invested 912 million dollars in lease bonus payments to the state and a much smaller amount for exploration expenses and rental payments to the Federal government. These past outlays including interest cost come to less than 1.25 billion dollars at the very most. That leaves 14.75 billion dollars for transportation and royalties. In order for the industry to earn a normal return, the well head price per barrel must cover the 15 cent extraction cost plus the amortization per barrel of the 1.25 billion dollar investment in lease bonus and exploration expenditures. This latter amount comes to 22 cents per barrel. Thus the well head price exclusive of royalties and severance tax must be at least 37 cents. The State of Alaska will collect a royalty and severance tax which together amount to about 20% of the well head price, therefore the well head price could be as low as 46 cents and leave the industry earning a normal return. $3.25 less $0.46 leaves a total of $2.79 per barrel for transportation. That amount times the percent barrel equivalent of 5 billion plus barrels means that the present value of the next twenty five years of transportation expenditures could be as high as 14.5 billion dollars and still leave the industry earning a normal return.

Considering the magnitude of what the total transport bill could be, how much has been spent on determining the best mode and route? The Manhattan project cost about $50 million. It would be pretentious to credit the industry with an additional $50 million expenditure on mode and route choice although more than this has been spent on surveys and foundation tests for the particular, preconceived pipeline route. Federal agencies have spent additional sums, but these, too, have mostly been spent testing a particular mode and route and, of course, have been paid by the taxpayers. Nevertheless, let us pretend; we will assume that about $100 million has been spent investigating transportation alternatives. An expenditure of this magnitude, however, is only about 7/10 of 1% of the total possible transportation bill. When one considers that any knowledge acquired would also aid in future decisions concerning petroleum transport from other arctic regions of Alaska and Canada, it is difficult to convince oneself that an all out effort has been made to determine the best means of transporting oil from the arctic.

Next, let us presume that a pipeline to Valdez is the best form of transport. How much could be spent on the pipeline and still leave the industry earning a normal return? Shipping costs between Valdez and the lower West Coast will be 40 cents per barrel at the very most during the coming 25 years. It will probably cost no more than 15 cents per barrel to operate the pipeline. That leaves $2.25 per barrel to pay for the pipeline. This means that the pipeline could cost as much as 11.8 billion dollars and still leave the industry earning a normal return. Present pipeline plans will probably cost about 2 billion dollars to complete. If these plans are followed, stockholders and the State of Alaska will receive a profit of 9.8 billion dollars. We are not faced with a choice between no pipeline or a pipeline with attendant and inevitable damage. The alternatives before us are protecting the environment or enriching the stockholders of the petroleum industry. I am not arguing that the stockholders do not deserve profits; I am a strong advocate of private enterprise and the market mechanism. But the public is involved in the decision to grant a pipeline permit because of the public interest in environmental quality; it is important that this decision be conducted in a relevant framework. We are not choosing between preserving the environment and protecting our national security. We are choosing between cheap means of transporting the oil from the North Slope and enriching petroleum industry stockholders versus more expensive means of transport and protecting the interests of those who value a national environment.

Could the environment be better protected if up to six times as much was spent on the construction of the pipeline? Of course it could. No engineer would argue otherwise.

There could be more and better safety valves. More of the pipe could be put above ground, and more could be spent on wildlife crossings. We can do more, much more, to protect the environment. But let's proceed to the second point of the environmental impact report. Is the oil necessary for the strength, growth, and security of the United States?

It is intriguing that this particular source of oil is now so necessary to our national defense. Surely we would have found means to assure our strength, growth, and security if the Prudhoe Bay field had not been discovered three years ago. The conspicuous absense of government action to prevent the dire consequences of a future oil shortage prior to February 1968 strongly suggests that the defense issue does not belong in the environmental impact report. Nevertheless, let's consider the intersection of national defense and petroleum policies.

The U.S. should have some means of fulfilling the essential demand for petroleum during a non-nuclear war or lesser confrontation that would perhaps prevent our using Mid-Eastern or even South American crude oil. We could prepare for this emergency by 1). restricting imports and maintaining a rising domestic price for crude oil which encourages the petroleum industry to develop and produce from ever more expensive U.S. deposits, or 2). setting aside specific, fully developed and maintained, petroleum deposits capable of meeting our needs in a future emergency and using inexpensive foreign crude oil during times of relative peace.

We have basically followed the first alternative since 1956. The cost has been high. The East Coast pays about $3.89 per barrel for domestic crude oil whereas the delivered price of Mid Eastern crude is only about $2.25 per barrel. The total loss to society from using high cost U.S. oil has been estimated to be as much as 3.9 billion dollars per year. This cost will increase as the domestic price of crude oil rises in response to increased costs of developing U.S. deposits over time. At best, this is a short run solution since consuming our fixed supply of petroleum now during times of peace ultimately means that it will not be available for defense later.

Economists have long advocated that the second alternative, setting aside fully developed and maintained petroleum reserves for emergency use, would be superior. Dr. S. L. McDonald has identified the beneficial security and efficiency aspects of this proposal. Drs. W. J. Mead and P. E. Sorenson have calculated that we could maintain reserve capacity for a small fraction of the cost of restricting imports and maintaining producing capacity.

But the North Slope, oil does not particularly add to our security under either of the defense policy alternatives. Russia, after all, is a mere 600 miles from Prudhoe Bay. The pipeline would be vulnerable and difficult to repair. And it would be as difficult to protect tankers between Valdez and the lower 48 as it would be to protect tankers between Venezuela and the U.S. The oil we rely on for national defense must come from the lower 48 states. In short, national defense is not an issue with respect to Interior's decision to grant a pipeline permit between Prudhoe Bay and Valdez.

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SUMMER INTERN PROGRAM

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. HARRINGTON. Mr. Speaker, yesterday I refiled House Resolution 331 along with 41 cosponsors which would extend the summer intern program as originally provided for by House Resolution 416 of the 89th Congress.

In 1966 when the House passed House Resolution 416, minimal funds were set aside enabling each Member to employ one summer intern. I took advantage of this opportunity last summer and found the summer internship program a welcome addition to my office. My only regret was that more adequate funds were unavailable to offer this opportunity to the many other young people interested in participating in the congressional process and learning how the Government operates.

My colleagues and I have found that congressional interns supplement regular staff and supply much-needed manpower. In addition the present state of the economy and the difficulty in finding employment has affected our young people in their search for summer jobs. This expanded intern program can help to provide a number of additional jobs for those young people who are interested in seeking summer employment in the U.S. Congress but who have been hindered by a lack of subsistence funding.

Furthermore, spending productive time in Washington affords a young person an opportunity to learn about his Government firsthand. It has been widely publicized that many young people are disenchanted with this Government and regard it with some distrust. In view of this I think it is a very good thing to allow some of our young people to work within the Government and to learn about the process through individual participation.

My colleagues and I, therefore, hope this resolution will find widespread support in the House and provide students with adequate funding support in order to establish a viable internship program. The resolution, as proposed, is a beginning to establishing an even more meaningful intern program. The total additional appropriation for two additional summer interns is small and well worth the ensuing advantages to both the young people hired and to the congressional office.

WHAT AMERICANS CAN LEARN FROM ISRAEL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. HALPERN. Mr. Speaker, I was deeply impressed by an important address by the junior Senator from New York, the Honorable JAMES BUCKLEY, upon my return from a visit to the Middle East. The Senator's address, entitled "What Americans Can Learn From Israel," delivered at the American Zionist Federation's 23d anniversary celebration, denoting the independence of the State of Israel, at Carnegie Hall, New York City.

Mr. BUCKLEY is quite right when he asserts that:

> The threat imposed by the Soviet Union is not a fantasy concocted by the Pentagon. It is real and increasingly seriously.

He pointed out that:

> The Soviets are rapidly building a military position from which they hope to dominate the Middle East, to extend their influence into the Persian Gulf and the Indian Ocean, and to outflank Europe on the South by an extension of their military presence across the coast of North Africa.

He went on to detail the Soviet and Arab military buildup in the Middle East.

Mr. Speaker, I think that the Congress should heed the words of Senator BUCKLEY in terms of correctly assessing the Soviet threat to the Middle East. I had the honor to meet privately with Israeli Prime Minister Golda Meir and Foreign Minister Abba Eban in Jerusalem a few days ago and can attest to the very real concern of the State of Israel.

I wish to commend the Senator's important address to the attention of the Congress.

The address follows:

WHAT AMERICANS CAN LEARN FROM ISRAEL

(A speech by Senator James L. Buckley, Conservative-Republican of New York, prepared for delivery at the American Zionist Federation's 23rd Anniversary Celebration of the State of Israel, Carnegie Hall, New York City, April 28, 1971)

We are meeting tonight to celebrate one of the most remarkable events of our country, the rebirth 23 years ago of the State of Israel. Throughout the world millions of other men and women will be meeting this spring for this same purpose. Many thousands of them, however, will not be able to gather openly as we do here in a land that still enjoys the priceless blessings of freedom. They will meet in secret, wondering whether they will once more be interrupted by a hostile knock at the door.

Among the millions there will be many, as in my own case and in that of others in this hall tonight, who are not Jews. For although the rebirth of Israel has a peculiar and absolute significance for Jews, the existence of Israel is more, much more, than a merely Jewish fact.

Others, too, have the right to celebrate this anniversary—perhaps most plainly those others who are, like myself, Christian and American. For Christians as for Jews, Israel is the Holy Land of our God and our prophets, the land from which came the book that for both Jews and Christians is holy.

And as Americans, of whatever inheritance and faith, we also have the right to celebrate this anniversary. Our nation was the first to recognize and acclaim the renewed State of Israel. And we can rightfully take pride in our massive and continuing support, in money, arms and skills as well as friendship, that has helped make Israel a living, dynamic reality.

It might seem odd to refer to the rebirth of Israel, as I did earlier, as one of the most remarkable events of our century. After all, by quantitative standards Israel doesn't amount to much. Its fewer than three million inhabitants are hardly a drop in the bucket of the world's population. And while Israel's area seems subject to change without much notice, even its largest scale is smaller than all but six of our constituent states.

In this postwar generation sixty or so new nations have appeared or gained independence. Many of them are many times bigger than Israel in area, population and material resources. Yet somehow Israel looms as more significant, by far, than any but perhaps three or four of these new or newly independent states. Most of them simply don't count, one way or the other, on the global scene. But Israel counts, Israel matters—as her enemies will agree as quickly as her friends.

The brillant Polish writer, Leopold Tyrmand, who left Poland a few years ago to settle in this country, made the point about how Israel *counts* in his reflections on a recent journey of his to Israel. I quote from the book he ironically calls *Notebooks of a Dilettante:*

"The stubborn, burning desire to be—to survive, to exist—has always been the substance of Jewish history. It has turned into political fact in this most hazy epoch when nations and states are and are not at the same time. Few would deny, I hope, that we face the existence of some states and nations that practically do not exist at all. But Israel is and exists and is present everywhere: in display windows of its maritime line on the Avenue De L'Opera in Paris, at every airport in Western Europe with its modern air service, on every radio program with *Hava Nagila.* The Mogen David banner waves throughout the world at youth festivals, musical events, cardiologists' international gatherings, chess championships, and commercial expositions. It is familiar, hated, despised by its perennial foes and despisers, but it is present. We may worry about what is precarious and insecure in this existence: we may be troubled that its very being is questioned. But it *is*; it *exists*. Unlike, for example, Bulgaria. . ."

Americans, in and out of Congress, often discuss and frequently argue about what we have done or should do to help Israel: in the way of sending money or missiles or tourist or aircraft or—the item with which we, like most people, are most generous of all—advice. But I want to spend a few minutes tonight listing some of the things that Israel can give us: specifically, some of the things that modern Israel can teach Americans.

First of all, Israel can teach us that loyalty to one's country, patriotism—I will use the old-fashioned word—is not something merely quaint and archaic like a Norman Rockwell cover for *The Saturday Evening Post* of fifty years ago, or something stupid and embarrassing as the intellectually chic take for granted, or something vicious and depraved as Herblock and much of the left have tried to persuade us.

I remember how, during my several visits to Israel I have been struck by the warm pride in their country, concern for it and identification with it, that is felt behind the words of every Israeli I talked to. Of course, it wouldn't have been a Jewish country if there hadn't been jokes and wisecracks and complaints about what was going on. But the warm glow of the patriotic pride was also always there.

Many Americans today have forgotten, many younger Americans have never learned, the meaning of that profound and dignified loyalty toward one's country, one's homeland, that nearly all Israelis feel—though in most of our past it was one of the deepest elements in the American experience. Of course I am not talking about the loyalty that the Roman poets described, the profound but reasoned loyalty that is inseparable from loyalty to family, to neighbors, to ancestors, to roots.

Without roots the soul withers. The time has not yet come when the human spirit can find sufficient nourishment in some abstract universal idea of humanity as a whole or in a theoretical world citizenship. We must have something closer, warmer, something with blood in it, our blood and the blood of our fathers. I pity those of our young fellow-citizens who are being seduced by sophistries or their own arrogance into hating and renouncing their country. Deprived of their country, they will soon find that they have entered a wasteland, cut off from their fellow-men and fellow-feeling. Let them learn from the Israelis.

A second and still more profound lesson that the Israelis can teach or, rather, remind us of: among the noblest human virtues are to be numbered—courage, discipline, self-sacrifice. This, too, is a lesson that the popular Pied Pipers of our time, and even some of the most sincere of our questioning and troubled young people, have overlooked.

If you read the statements, articles and books of the New Left and of the spokesmen for the greening revolution, you will never find a reference to any one of these virtues that are among the indispensable foundations of a civilized order. The New Left condemns, often convincingly, the bureaucratic excesses, stultifications and hypocrisies of established society. But when—as in the famous Huron Statement that launched the active New Left movement a decade ago—when they describe the kind of human beings they wish to be, and to encourage others to be, they speak only of "creativity," "love," "brotherhood," "self-expression."

These are also, surely, among the virtues, the excellence of a truly human experience. But by themselves, they are little more than self-indulgence, not creative self-expression. Human beings can become truly creative, loving, self-expressing and self-expanding, only when at least some human beings have made that possible by their courage, their self-*discipline,* and, when necessary, their self-*sacrifice.*

Let me add that this second lesson we may also learn as men learned it over the centuries from the exemplars in the Book that we like the Israelis revere, or from the great writings of Greece and Rome and Europe that combined with that Book to give the spiritual definition of the civilization we share and defend.

The third lesson is crystal clear: appeasement doesn't work. Compromise, adjustment, negotiation, yes. But appeasement never.

This third lesson would seem so obvious, so self-evident, to an Israeli citizen that he would hardly bother mentioning it. And none of us doubts its proven application to Israel, in Israel's geopolitical and historical situation. But somehow or other many of us stop there, failing to realize, or not wishing to realize, that this is a lesson of general application. It applies to the relations between the United States and the Soviet Union exactly as to the relations between Israel and Egypt. The harvest of appeasement is weakness, loss, defeat, and finally disaster. The lesson applies—let me not omit to mention—to Southeast Asia exactly as to the Middle East.

The fourth lesson the Israelis can teach us is of the same order as the third: isolationism is impossible. For nations that have had lots of troubles in and with the outside world, isolationism is a perennial temptation. It seems such a comfortable solution: to zip ourselves up inside our borders and let the rest of the world go to ruin in its own manner while we take care of our own cabbage patch. But it doesn't work out that way for nations that are of any significance.

There is no way to escape involvement in the rest of the world—economic, political, ideological, strategic involvement—especially in a world that through advanced technology has become so inter-related. The involvement imposes reciprocal obligations that cannot be avoided. A self-isolated, self-sufficient fortress America is as impossible as a self-isolated, self-sufficient fortress Israel. But perhaps I am not quite accurate in listing this lesson. It may be that this lesson—concerning the impossibility of isolationism—is one that Israel as well as the United States has not yet fully learned.

I will conclude the list with a fifth lesson of a still more general kind, though several others might also be added. Israel can teach Americans, or re-teach them, an old and simple truth: you can't have it easy—not at any rate in this world. Life is never easy, either for an individual or for a nation. You can't get through it without a great deal of trouble, pain, problems, sweat, sorrows, frustrations along with the joys and happiness you may be lucky enough to harvest.

This lesson, too, is one that many of our current batch of prophets has overlooked. They tell us it will be all sunshine and roses if we just follow their advice to abolish capitalism or disarm or think loving thoughts or wear flowers or smoke pot. Israelis, who have been forced to face up to the realities of life, know otherwise. The easy way is the way to defeat, enslavement, destruction. That is how it has been, is and will be.

So much then for the lessons that Americans can learn from Israel. I want to conclude by discussing a little further the nature of the relation between Israel and the United States.

Everyone—and certainly every foreign office—understands that there is and has from the beginning been a close and more than friendly relation between the United States and Israel: it is often and correctly called a "special relation."

However, the elements of sentiment, religion, tradition and personal ties which have given birth to this special relationship would not be enough to make the foundation secure and lasting if it were not shored up also, from both sides, by the strong props of national interest. It is to the *interest* of the United States—to its economic, political and strategic interest—that Israel should exist and prosper; and it is reciprocally to the interest of Israel that the United States should exist and prosper. This solid rock of mutual interest stands firm even if, even when, sentiment may in some temporary squal shift or waver or sometimes clash.

The national interests of Israel and the United States are consistent and in important respects complementary or converging. But this does not mean that they are identical. Indeed, the national interests of two separate and independent nations *cannot* be identical, since the first and primary interest for each and every nation must be its own existence and survival.

In the case of two nations so vastly different as Israel and the United States in size, geography, population, wealth and power, it would be ridiculous to suppose that there could be an identity of interest. Although the existence of Israel has made itself felt throughout the world, as I have remarked, the State of Israel is in the last analysis a regional power. The United States is not only based on a different continent but is, whether it likes it or not, a global power, and the major contemporary power.

The United States, therefore, and inevitably, sees things in a different perspective, and in terms of a quite different frame of reference, from Israel's. For example, both Israel and the United States want a peaceful settlement in the Mideast, within which Israel—along with the other nations of the area—would enjoy a reasonable level of national security. But Israel, looking out from inside her small acreage, sees her present supreme need in this respect as a physical border arrangement that will ensure the strongest possible position for military defense by the only military force on which she feels certain she can always rely: that is to say, her own.

From the point of view of the United States, on the other hand, operating on a global scale, possessing and knowing others are possessed of weapons, a single one of which could wipe out all of Israel, Israel's tense concern about the details of boundaries inevitably seems overwrought. Moreover, though Israel is a special friend, there is no American national interest prompting the United States to wish Israel's neighbors to be enemies. It is to the American interest, rather, that they also should be friends, if that is possible.

Granted such differences in perspective, it is natural that there should be from time to time differences of opinion and policy between the Israel and American governments, sometimes rather serious differences. But the Israel-American differences are never absolute, never "breaking points." They can be discussed, negotiated, compromised, because they occur within the framework of more fundamental shared interests.

Let me stress a single and decisive truth that of itself guarantees the union of interest on essentials. This truth may be summed up in a simple proposition: so long as Israel exists, the Soviet Union cannot acquire hegemony over the Middle East; cannot, that is to say, bring the Middle East into the Soviet sphere—within what the Communists are pleased to call "the camp of peace." Now, Soviet control of the Middle East would be a strategic and political disaster for Western Europe, for the NATO alliance, and for the United States. It follows that the United States—apart from all sentiment or morality or treaties—has a primary interest in Israel's continuing existence, in Israel's survival. That is something that can be counted on by Israelis, by Americans, and by the enemies of Israel and America, no matter what may be the changing diplomatic appearances from day to day.

The threat posed by the Soviet Union is not a fantasy concocted by the Pentagon. It is real, and increasingly serious. While we at home continue to talk about reordering our priorities the Soviets are rapidly building a military position from which they hope to dominate the Middle East, to extend their influence into the Persian Gulf and the Indian Ocean, and to outflank Europe on the south by an extension of their military presence across the coast of North Africa.

In Algiers, for example, the Soviets have now stationed a squadron of approximately fifteen MIG-23 Foxbat Fighters and a squadron of Sukhoi SU-7 attack bombers under a secret agreement which also permits them to base submarines at the former French naval base at Mers El Kebir. In Libya, they now operate maritime reconnaissance Badgers and Ilyushin IL-38's from the former U.S. Air Force Base at Wheelus. In Egypt, the Soviets have virtually eliminated the special advantages enjoyed by Israel on the eve of the Six-Day War. They have deployed a full squadron of Foxbat Interceptors and mobile SA-4 GANEF. Surface-to-air missiles; and these new systems, which are manned entirely by Russian personnel, are tied together with the Swamp and Markham Communications Systems which prevent the Israelis from monitoring Soviet-Egyptian communications.

This combination of air defense systems makes a preemptive air strike by Israel—either from the North over the Mediterranean of from the Southeast over the Red Sea, the approaches used in 1967—most unlikely.

I think it is worth emphasizing that independent U.S., British and Israeli intelligence estimates conclude that the Foxbat has no serious challenger in the Middle East. Moreover, as a result of ill-advised defense cuts in this country, the United States is unable to supply Israel with competitive aircraft. We simply have nothing on hand in our military inventory which is capable of challenging the Foxbat. What is more, the developments which I have cited have made our Sixth Fleet an uncertain element of American policy in the Mediterranean.

Because of the extreme danger to the interests and security of the West which is posed by Soviet expansionism in the Middle East, and because Israel sits athwart Soviet ambitions, it is to our common interest that Israel's security and her right of access to the Indian Ocean be fully assured.

This will require borders on which the Israeli can reasonably rely for their *own* defense; and it should be understood by all seeking ultimate peace in this troubled area that it would be unreasonable to ask Israel to rely once again on paper guarantees or the illusory sort of multi-national effort whose failure led to the Six-Day War.

The definition of such secure borders can only be arrived at through negotiations between Israel and her Arab neighbors. Such negotiations will require good faiths and compromise by all sides if agreement is to be reached and the conditions for peace secured.

I would suggest, however, that it would serve no one's interest, other than the Russians', to allow the Suez Canal to be reopened as an initial step in the negotiating process rather than as an integral part of an overall and mutually acceptable resolution of the Middle East conflict. To open the Canal without adequate assurance that the other major issues will be satisfactorily settled will merely facilitate the Soviet penetration of the northeast coast of Africa, the Persian Gulf and the Indian Ocean while removing a principal inducement to reaching an overall settlement.

The contrasting interests of the Soviet Union and Israel in opening the Canal before a final settlement is agreed upon illustrates the basic incompatibility of Russian ambitions and Israel's right to security.

This incompatibility, this contradiction, between Israel's survival and Soviet domination indicates a sixth lesson for my list, a lesson that Americans and Israelis could and should teach each other. If it is, as it is, their common interest that Israel should survive, it must also be their common interest to resist the expansive thrust of Communist imperialism not only in the Middle East but wherever it is brought to bear.

I believe that both the present administration in Washington and the present administration in Tel Aviv are fully aware of the Middle Eastern realities. That belief gives me confidence that, whatever differences there may be now and in the future between the two nations, their friendship will remain firm and strong; and the further confidence that, however grave the troubles that may lie ahead in the Middle East, Israel will survive them as triumphantly as she has survived those of the past twenty-three years.

THE TRAGIC FAILURE OF OUR WELFARE SYSTEM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. CRANE. Mr. Speaker, all of us are aware that our welfare system has been a tragic failure. No one is more cognizant of this fact, however, than the Governor of California, Ronald Reagan, whose State is a microcosm of the problems experienced across this Nation.

Only recently, Governor Reagan made public his proposed remedies to the difficulties encountered, and Governor Rockefeller of New York has already implemented certain aspects of this program in his own State.

I am inserting Governor Reagan's remarks on this subject as they appeared in the May 1 issue of Human Events in the RECORD, and to commend them to every serious-minded Member and citizen concerned with the serious inadequacies of our welfare system:

THE TRAGIC FAILURE OF OUR WELFARE SYSTEM

(By Gov. Ronald Reagan)

According to the latest federal figures more than 13.8 million Americans are on welfare. And California, which has the reputation of being first in most things, needless to say has the dubious distinction of being first in the number of recipients.

Our state, with 10 per cent of the nation's population, has more than 16 per cent of the nation's welfare cases. More than 2.4 million Californians—one out of nine of our citizens—are receiving some form of welfare. And unless we reverse the trend, by July 1972, one out of seven will be on the welfare rolls.

These are statistical facts. But the tragedy of the failure of the welfare system is not in statistics or that welfare is costing taxpayers more than $3 billion a year—it is that welfare is destroying those it should help and eating away the very fibre of society itself.

In one of our cities, a man with no dependents who earns $800 a month went to court to prevent a county from making him contribute $20 a month to support his aged mother.

An unemployed young father, who was reluctantly forced to accept welfare, was told by his social worker that he must free himself of debts by declaring personal bankruptcy. His household furnishings would then be sold for a few cents on the dollar, and this would make him eligible for a house full of new furniture, paid for by the taxpayer.

"GO ON WELFARE"

One night on television a Negro mother told how she became one of the statistics I have mentioned. She had never been on welfare. She supported her children by working from late afternoon until 11 or 12 at night. Each night she left the children in charge of the oldest. One night she arrived home to find a welfare worker waiting to inform her that her children would be taken from her unless she quit work.

"How will I support my children, if I don't work?" she asked.

"Quit and go on welfare," she was told. It apparently never occurred to the welfare organization that it would make more sense if a baby sitter was provided.

A school teacher in one of our cities earns an annual salary of $11,000, yet a welfare referee ruled that she was entitled to an Aid for Dependent Children grant because she had spent all her assets to buy a new home and was unemployed for two months during the summer vacation period.

Another recipient managed to continue to collect welfare while he earned an annual salary of $16,800.

And in one of our counties, the welfare director had to go into court in an attempt to get his own employes to release information to him concerning welfare abuses.

I could go on and on citing case after case that demonstrates how the original intent of the welfare program has been corrupted, but I believe I have made my point.

The facts of life are that welfare is a cancer that must be cured now before it destroys our society itself.

There are those who claim that the cure must come from Washington.

This, in my opinion, makes as much sense as hiring Typhoid Mary as a head nurse in an intensive care unit. It is a solution that would only appeal to those in federal government who feel that their own little bureaucratic empires are endangered.

The answer, I am convinced, must come from those who are familiar with not only the disease but its symptoms.

I have submitted to the California legislature a 70-point program for welfare reform which I believe can get to the core of the disease. It was prepared with the assistance of professional welfare people who are concerned with the failure of the system.

The program has four basic goals:

1. To increase assistance to the truly needy—the blind, the aged, the totally disabled and those who must depend upon all of us for assistance.

2. To require those who are able to work to look for work, train for jobs, serve their communities in a public work force or be cut from the welfare rolls.

3. To give the recipients of Medi-Cal (our state's version of Medicaid) health coverage that is comparable to what the working men and women of our state (who pay for both) are able to afford.

4. To strengthen family responsibility as the basic element in our society.

We would remove the aged, the disabled and the blind from the current welfare structure because they are in fact pensioners. It is not necessary to make a monthly call to determine that the old are getting older.

These people, who are deserving of our help and are getting short-changed under the present system, would be paid through an automated system similar to the method used by Social Security.

The administrative savings could then be used to increase the pensions and add a little more dignity, a little more pleasure and meaning to their lives.

It is my conviction that the only way to measure the success of any welfare program is not how many have been placed on the dole but how many have been removed from it and found their way into productive, useful lives.

Under our plan, we would place the employables under the jurisdiction of our Department of Human Resources Development. In effect, the social worker would become a job agent and he would be judged on how many he placed in jobs—not on the relief rolls.

Recipients would be given job training and every effort would be made to find them jobs in the private sector.

They would receive the same benefits, but they will be expected to work on useful projects that benefit their local communities or the state, such as assisting in child care centers or in parks and recreation areas.

CLOSE THE LOOPHOLES

It is essential that we close the loopholes for abuses I have already mentioned which allow frauds and cheats to live off the taxpayers while the truly needy suffer.

Our program calls for revision of the current ridiculous confidentiality statutes that prevent those who administer welfare from learning essential facts about recipients. But at the same time we would continue to provide appropriate guarantees of privacy.

It would also clamp an absolute ceiling on the amount of spendable income a family may have and continue to remain on the rolls, thus preventing a situation which now allows some families with incomes of more than $1,000 per month legally to draw hundreds of dollars in basic aid, plus a full range of benefits which include free medical care and food stamps.

It would place a flat limit of $50 per month for work-related expenses and another $50 for child care and prevent persons such as the $11,000-a-year teacher from qualifying for welfare simply because she is not receiving her monthly salary during the summer vacation period.

We would require that "in kind" public assistance (bonus food stamps, housing allowances, etc.) be considered as part of the family's welfare grant. And we would exclude able-bodied adults between the ages of 18 and 65 who are "voluntarily" unemployed from being eligible for food stamps. The food stamp program was designed to provide a better diet for the truly needy, not as a subsidy for social experiments in communal living or to provide a bonus for college students who have affluent parents or aid programs available to them.

It will close a loophole that allows individuals to take temporary leaves of absence, declare themselves "without income" to qualify for welfare grants and then return to work and continue to collect welfare.

We also intend to close what I believe to be one of the most morally indefensible abuses of the welfare system—regulations that allow an unwed pregnant girl to qualify for AFDC and receive a free abortion at the full expense of the taxpayers, even if her parents are fully capable of her support.

Our program will stop welfare recipients from making extended visits to other states or even abroad while they are receiving a check from a county in California, and with the cooperation of the federal government, will prevent illegal aliens from becoming eligible for welfare.

We also intend to change regulations that reward unmarried couples living together by allowing them to receive more welfare than married couples with families of equal size.

More than 70 per cent of the welfare cases in California involve an absent father. We will provide effective ways to track down and compel absent fathers to contribute to the support of their families.

And under our reform program, those who fraudulently claim or receive welfare funds will be subjected to the same criminal penalties that apply to other thefts of funds.

Those who oppose welfare reform say that welfare fraud amounts to only 1 or 2 per cent of the total number of cases.

The facts are that no one really knows. No one really knows how many people in the United States are receiving welfare. We know how many checks are mailed out but we do not know how many individuals are getting several checks under different names, in the same community, in the same state or even whether they are receiving several checks from several states.

Recently in the San Francisco Bay area a group of citizens found out how easy it is to get on welfare. Some of them managed to get on the rolls as many as four times in one day in a single office.

In Nevada, which is small enough to make a house-to-house check, it was learned that 22 per cent of their welfare recipients were ineligible.

And some time ago, a welfare-conducted investigation in the District of Columbia turned up less than 2 per cent of fraud. A congressional investigation later determined that it was closer to 57 per cent.

Federalization of welfare would mean broad rules to cover every contingency with the result that failures in the system will be expanded and compounded.

Welfare must be administered at the local level where recipients are recognized as people—people with problems to be solved—not a faceless mass whose future is determined by a distant bureaucratic computer.

Our goal is to eliminate the need for welfare itself.

POW/MIA RALLY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. RHODES. Mr. Speaker, the compassion shown Americans in difficulty by their fellow countrymen was very well evidenced last weekend when celebrities from the world of entertainment, Air Force personnel, prominent local businessmen, and philanthropists participated in a rally to further the education of the children of prisoners of war and men missing in action. The POW–MIA rally featured a golf tournament in which the "Hollywood Hackers" participated, and a variety show put on by the "Hackers." The sponsors were the Williams Air Force Base Junior Officers Council, the Scottsdale Chamber of Commerce, and the "Hollywood Hackers" organization.

Proceeds from the rally in the amount of $11,000 will be put into a trust to fund scholarships for the POW–MIA children at Arizona State University. The success of this endeavor is both heartwarming and gratifying, particularly as it represents the combined efforts of a cross section of Americans, who personally contributed of their time, talents, and finances for one common humanitarian goal—to do honor to our men who have contributed their ultimate by furthering the educational opportunities made available to their children.

Special praise should be given to the wives and relatives of prisoners of war and men missing in action for the very gracious manner in which they helped to host and marshal the events in Scottsdale, Ariz., last weekend. They were Mrs. Jack Bomar, Mesa, POW; Mrs. Larry E. Carrigan, Scottsdale, POW; Mrs. George E. Day, Glendale, POW; Mrs. Thomas

Dugan, Phoenix, MIA; Mr. and Mrs. Ralph Ecklund, Phoenix, whose son is missing in action; Mrs. G. D. James, Scottsdale, POW; Mrs. Harold Kahler, Tempe, MIA; Mrs. Ronald Packard, Glendale, MIA; Mrs. Gilbert S. Palmer, Phoenix, MIA; Mrs. Edwin Palmgren, Phoenix, MIA; Mrs. Martin Steen, Tempe, MIA; Mrs. Jack Tomes, Chandler, POW; Mrs. Charles M. Walling, Phoenix, MIA; and Mrs. William Thompson, Scottsdale, MIA.

Mr. Bob Hope, that great entertainer, who has dedicated so many years to bringing a little light and laughter to our servicemen at home and abroad, came to Arizona to contribute his talents to the POW/MIA rally. Brig. Gen. "Chappie" James of the U.S. Air Force, a fine officer and a real personality in his own right, also contributed greatly both to the variety show and to the golf tournament.

Members of the Hollywood Hackers organization also richly deserving of our gratitude for that rally were: Ed Buchanan, Bill Mimms, Eddy Samuels, Cliff Norton, Claude Akins, Charles Lane, Jack Narz, Alan Hale, Robert Donner, Warren Berlinger, James Gregory, Lou Krugman, Charles Purnell, Buck Searles, Jack DeMave, Peter Haskell, William Bryant, Herbie Faye, Frank Cady, Dave Shaw, Tom Kennedy, Jack Albertson, Harold Stone, Jim Hampton, Eddie Firestone, Hank Brandt, Sidney Miller, Buck Young, Don Porter, Dave Pell, Paul Langston, Lloyd Bochner, Ron Soble, Bud Haley, Shug Fisher, Curt Massey, Don LaMond, Denny Miller, George Chandler, Mike Minor, and Byron Palmer. Donna Jean Young—Buck Searles' wife—and Linda Kay Henning—Mike Minor's wife—also entertained at the variety show.

The Williams Air Force Base Junior Officers Council coordinated the rally in an outstanding manner. Special thanks are due to the following officers: Capt. John McFalls, president, Capt. Hugh T. Campbell, vice president, Lt. Albert Yanik, recorder, and Maj. Monte Montgomery, adviser. Col. A. K. Koeck, former wing commander and Col. Ralph Maglione, now wing commander at Williams Air Force Base, both contributed greatly to the success of the effort.

I also want to express my personal thanks for being invited to attend and particularly to the Scottsdale Republican Women's Club, who paid my entrance fee so that I could have the pleasure of playing golf with Alan Hale and Jack Narz of the Hollywood Hackers and Mr. Bob Allison, sports editor of the Phoenix Gazette.

THE DEFINED LORD'S PRAYER

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. DUNCAN. Mr. Speaker, I would like to insert in the RECORD today the Defined Lord's Prayer by Mr. Gene Rickett, of Knoxville, Tenn. I want to share this with my colleagues for their thought and inspiration:

THE DEFINED LORD'S PRAYER

Too often we repeat the Lord's Prayer without thinking of its significance. Here is the Lord's Prayer with a definition of each word to give it more meaning.

Our (a possessive pronoun meaning yours and mine or we and us) Father (the Supreme Being and Creator) who art in Heaven (the abode of the Deity and blessed dead) hallowed (blessed or consecrated) be Thy name.

Thy Kingdom (dominion or realm) come (meaning approach or arrive) Thy will (wish or desire) be done (meaning completed) on earth as it is in Heaven.

Give (to bestow without a return) us (the objective case of we) this day (a specified time or period) our daily bread (meaning food for our body) and forgive (one of the most important words which means to pardon) us our trespasses (which means to sin or encroach on anothers rights, privileges or privacy) as we forgive those who trespass against us.

And lead (which means to guide or conduct) us not into temptation (which is a state of being tempted or enticed to evil) but deliver (which means to save) us from evil.

For Thine is the Kingdom, and the power (the ability to act) and the glory (which means praise, honor or distinction) forever (which means eternally).

Amen (which means so be it).

A MENACE TO LIBERTY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SCHEUER. Mr. Speaker, this Nation has come to understand, by the events of the past several months, that our liberties and freedoms as guaranteed by the first amendment of the Constitution face a clear threat from high Government officials who are demeaning our most cherished rights. A New York Times editorial, the text of which I include at this point in my remarks, states the problem very clearly:

A MENACE TO LIBERTY

There is no more subtle, more quietly debilitating menace to the liberty of citizens than to have high offices of government occupied by men with no clear understanding of the nature and requirements of liberty. Evidence accumulates that such men are now in power in Washington.

In the interpretations of these men, the magisterial commandments of the Constitution in all their iron rigor turn gray and shapeless. Thus, the Attorney General of the United States matter-of-factly asserts his authority to tap anyone's telephone or electronically invade anyone's home or office without a court order. He places his personal opinion of the public's best interests higher than the Fourth Amendment, higher than laws passed by Congress. He knows best.

The First Amendment states unequivocally: "Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble." Yet the Federal Bureau of Investigation assigns secret agents to monitor conservation meetings on Earth Day and to prepare confidential reports about them.

When a Senator of the United States makes public one of these documents and rightly complains about such practices, the Attorney General blandly says that there might have been dangerous radicals at these meetings. The fact that many people passively accept this excuse shows how corrupted American standards of liberty have become. No one should forget that when the most radical dissenter speaks at a public meeting, he is only exercising a constitutional right. But the Attorney General says violence might have broken out. This rationalization is itself an affront to truth since F.B.I. agents leave peacekeeping in such situations to the local police.

Much more important, government resting upon the consent of the governed cannot sustain itself by far-flung police activities, compiling millions of dossiers on its own citizens and ferreting into every kind of public meeting and private conference. The Founding Fathers would have found these practices bewildering and incomprehensible in the free republic which they constructed.

Again, the First Amendment clearly protects the freedom of the press and of every citizen to speak. Yet there is now in the Vice-Presidency of the United States a man who uses the prestige of his high office to vilify private citizens whose opinions differ from his and to try to cow television and the press.

The Secretary of Commerce journeys to Athens and publicly praises the gang of brutal thugs who have robbed the Greek people of their freedom. The Declaration of Independence enjoined upon Americans "a decent respect to the opinions of mankind." What would Thomas Jefferson think—indeed, what must the rest of the free world think—of American officials who praise tyrants? Yet the United States still regards itself as the champion of freedom in the world.

Of all these affronts to liberty, the most depressing are those of the Attorney General. Since he is the chief law officer, citizens have a right to look to him to obey the rule of law and set the example for others. But this Attorney General articulates a pervasive distrust of the people, a fundamental misunderstanding of civil liberties and due process. In asserting the power to tap telephones without a court warrant, he declares that it is impossible to distinguish between foreign spies and domestic rebels. "Experience," he says, "has shown greater danger from the so-called domestic variety."

How sharply these words contrast with those of Jefferson: "Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the form of kings to govern him?"

Tyranny, like fog, can come creeping in on cat's feet. It comes little by little, chipping away at this freedom and chivvying that right. It adopts the habits and practices of a police state while blandly assuring everyone that no police state exists. It intimidates in the name of "fairness" and denies that conformity and obedience are what are really desired.

Liberty is not dead in this country but neither it is secure. Vigilance is more than ever required.

As this editorial points out, the inability of high Government officials to understand "the nature and requirements of liberty" has led to a clear abuse of power by those who would guard our national security by the widespread use of wiretaps, electronic bugs, and extensive surveillance techniques on our own citizens.

Examination of the recent activities of the Federal Bureau of Investigation will illustrate this point. Acting upon the instructions of Director Hoover, it has reacted to genuine political and social protest movements by creating an active national intelligence network which surreptiously collects information on the daily activities of our citizens.

The Berrigan case, and the revealing FBI file from Media, Pa., in which an FBI agent states that it is useful tactics and strategy and sound policy for the Bureau to encourage the widespread belief in the public that "there is an FBI agent behind every mailbox," are just cause for this Nation to fear this emerging modus operandi in Mr. Hoover's Bureau.

In these practices, the Director is not alone. He is joined by a horde of Government agencies including the CIA, the IRS, the Secret Service, and even local police organizations, each one keeping detailed lists and watches on the "Subversive Activities" of a wide range of individuals, each one with an agent hidden in the recesses of respectable institutions. For several weeks in 1970, public libraries were asked by the IRS to provide lists of citizens who had borrowed books on explosives. Universities and high schools alike have also felt the impact of Government infiltration of their day to day lives and activities. The string of examples is never-ending.

In the April 22 edition of the New York Review of Books, Mr. Frank Donner has authored a powerful and revealing essay entitled "The Theory and Practice of American Political Intelligence." It deals with the motives and the methods of the intelligence system in America on the Federal, State, and local level, and does so in forthright, scholarly, well-documented fashion. I urge all my colleagues who share with me fear for our constitutional rights and freedoms, who deeply wish to conserve, protect, and enhance the traditional parameters of the Constitution including the Bill of Rights, and who—as true conservatives—view with alarm any encroachment, any crowding, any erosion, any attrition of these precious parameters enshrining untouchable inalienable areas of human freedom and human dignity to carefully read Mr. Donner's moving and troubling article, the text of which follows:

THE THEORY AND PRACTICE OF AMERICAN POLITICAL INTELLIGENCE

(By Frank Donner)

I

The twentieth century has been marked by a succession of different forms of restraint on political expression: criminal anarchy statutes, sedition laws, deportations, Congressional antisubversive probes, loyalty oaths, enforced registration. These and related measures still survive. But in recent years new, more formidable ways of responding to political and social movements on the left have emerged. The most important of these is the system of political intelligence, which is rapidly coalescing into a national network.[1]

Despite the efforts of intelligence officials to keep intelligence operations secret, reliable information about our intelligence system is steadily accumulating. We now have a clearer picture of the methods and targets of political surveillance. As a result, we can no longer seriously doubt that the main purpose of such activity is political control of dissent or that the frequently advanced justifications of law enforcement or national security are often no more than a "cover."

On March 21, 1971, a group calling itself the Citizens' Commission to Investigate the FBI mailed or delivered to a congressman and senator as well as to the Washington *Post*, *The New York Times*, and the Los Angeles *Times* a packet containing fourteen documents, selected from over 1,000 stolen from a small FBI office in Media, Pennsylvania, a suburb of Philadelphia. The fourteen documents, all of them of recent date and undisputed authenticity, show that the FBI concentrates much of its investigative effort on college dissenters and black student groups. According to a memorandum from J. Edgar Hoover such groups "pose a definite threat to the Nation's stability and security," a conclusion that he has not been able to support and that both the Washington *Post* and *The New York Times* have challenged.

When conducting surveillance of a Swarthmore College philosophy professor regarded as a "radical," the FBI enlisted the assistance of the local police and postmaster, as well as a campus security officer and switchboard operator. In one of the documents, the FBI agent in charge of the Philadelphia bureau instructs his agents at Media that more interviews are . . . in order . . . for plenty of reasons, chief of which are it will enhance the paranoia endemic in these circles and will further serve to get the point across that there is an FBI agent behind every mailbox. In addition, some will be overcome by the overwhelming personalities of the contacting agent and will volunteer to tell all—perhaps on a continuing basis.

Dramatic disclosures of this sort as well as the recent Senate hearings on Army intelligence will undoubtedly help to cure the surviving skepticism about these practices. Until fairly recently even the targets of surveillance were reluctant to credit the existence of police activities which violate the most deeply held premises of their society. But political surveillance has become so obtrusive and its targets so numerous that it can no longer be easily ignored or justified. A sharper awareness of intelligence has, in turn, opened up new sources of data about a field which I have been researching since the McCarthy era.[2]

Of course dossiers, informers, and infiltrators are hardly new. But since the early Sixties, when attorneys general in the South formed a rudimentary intelligence network in order to curb the integrationist activities of students, political surveillance and associated practices have spread throughout the nation.

Surveillance has expanded largely because of the scale and militance of the protest movements that erupted in the Sixties. Policy makers and officers of intelligence agencies were then faced with the need to identify and control new actors on a new political stage—no easy matter in view of the anarchic radical milieu, characterized by highly mobile and anonymous young people, who tend to be hostile to formal organization and leadership. The social remoteness of new radicals concentrated in "tribal," self-contained groups made it all the more difficult to identify them.

Most of the existing intelligence agencies at that time were no more effective than other institutions in our society. Their techniques were as outmoded as their notions of subversion dominated by an old Left composed of "Communists," "fellow travelers," and "fronts." Intelligence files were choked with millions of dossiers of aging or dead radicals. At the same time, new gadgetry—miniaturization, audio-electronics, infrared lens cameras, computers, and data banks—gave intelligence possibilities undreamed of by the most zealous practitioners of the repressive arts of the nineteenth century.

New developments in technology will make it "possible to assert almost continuous surveillance over every citizen and maintain up-to-date files, containing even personal information about the . . . behavior he adds, will give the undercover agent and the roving political spy greater flexibility in planning and executing countermeasures.[3]

II

Twenty federal agencies are engaged in intelligence activities. The most important are:

The FBI, with an estimated 2,000 agents on political investigative assignments in charge of thousands of undercover informers,

The Army, which concededly had at one time 1,200 agents in the field, together with a huge staff operating a dossier bank of 25 million "personalities,"

The CIA,

The Internal Revenue Service (for several weeks in 1970 its agents requested access to the circulation records of public libraries in a number of cities in order to learn the names of borrowers of books on explosives and other "militant and subversive" subjects, a practice which it defended as "just a continual building of information"),

The Intelligence Division of the Post Office,

The Secret Service (where names of 50,000 "persons of interest" are on file),

The Customs Bureau of the Treasury Department,

The Civil Service Commission (15 million names of "subversive activity" suspects),

The Immigration and Naturalization Service,

The Navy, Air Force, Coast Guard,

The Passport Division of the State Department,

The Department of Justice Community Relations Service which feeds information into its computerized Inter-Divisional Intelligence and Information Unit.[4]

Civil rights and poverty projects sponsored by the Department of Health, Education and Welfare and the Office of Economic Opportunity. The Executive Department agencies cooperate with and are supplemented by the Congressional anti-subversive committees.

Intelligence operations are also flourishing in states and counties. A typical state intelligence agency is the Massachusetts Division of Subversive Activities which conducts investigations in response to complaints by private citizens and acts as a central repository for information about subversion. The Division's Annual Report for 1969 is revealing:

A file is kept of peace groups, civil rightists and other such groups where, due to their enthusiasm, they might have a tendency to adopt or show a policy of advocating the commission of acts of force or violence to deny other persons their rights under the Constitution. These files are kept up-dated by communications with the Federal Bureau of Investigation, the House Internal Security Committee, Subversive Activities units in other states and decisions of the United States Supreme Court.

The files in this Division have grown to such an extent that the Federal Bureau of Investigation, Immigration and Naturalization Service, Department of Defense, U.S. Army Intelligence, Federal Civil Service Commission, Treasury Department, several departments of the Commonwealth, Industrial Plants and Educational Institutions now clear with this Division on security checks.

Requests for investigations, or assistance in investigations, received from various police departments, Federal Bureau of Investigation, House Committee on Un-American Activities and the Subversive Activities Control Board, complied with such requests [sic].

Members of the Division attended demonstrations conducted in the area by various groups. Note was made of the leaders and organizations participating occasionally, photographs are taken, the persons identified, and a file was made.

The Division is continuing to compile and

Footnotes at end of article.

tabulate a check on new organizations in the Civil Rights area so as to be sure of any inclinations toward communist-front activities or the infiltration into these organizations of known communists or communist sympathizers.

During the past year, as a result of the increased activity of the Communist and Subversive Groups in racial demonstrations throughout the country, this Division has kept a watch on these developments so as to note any trend toward that end in Massachusetts.

During the past year, this Division continued to submit information relative to subversive organizations and individuals to several local police departments who are in the process, or have started, Intelligence Units within their respective departments.

Sometimes state intelligence agencies operate under concealed or obscure auspices. For example, the Ohio Highway Patrol runs an intelligence unit which claims to have recruited student informers on every campus in the state. According to the head of the unit, "We have actually had informers who are members of the board of trustees [*sic*] of various dissident groups." State intelligence units are also at work in several universities in Maryland and Illinois.

Urban intelligence units ("red squads") have multiplied greatly and are becoming a standard tool in local police practice. Increasingly powerful, they operate under a variety of names (Anti-Subversive Squad, Intelligence Unit, Civil Disobedience Unit); in some cases they use a "Human Relations" or "Community Relations" cover, which is considered an efficient means of penetrating the ghetto.[5]

Black communities swarm with urban intelligence agents and informers, as do university and peace groups; invitations to young people to defect or to sell information at high prices are becoming routine. Young college graduates—black and white—are offered "career opportunities" in urban intelligence; courses in intelligence and surveillance are being taught to municipal police units and campus security police.[6]

In fact, the campus constabulary is spreading throughout the country's higher education community. Its functions are expanding to include clandestine intelligence activities such as undercover work and wiretapping and are meshed with the work of other intelligence agencies. We get a glimpse of this new collaboration in one of the recent Media documents, dated November 13, 1970.

On 11/12/70 MR. HENRY PEIRSOL, Security Officer, Swarthmore College, Swarthmore, Pa., advised that DANIEL BENNETT is a Professor of Philosophy at that School and in charge of the Philosophy Department. He has been there about three years having previously taught at University of Mass. MRS. BENNETT is not employed and there are two small children in the family ages about 8 to 12 years.

The BENNETTs reside in a semi-detached house located near PEIRSOL's residence although he does not have any social contact with them. PEIRSOL has noted that there does not appear to be anyone other than the BENNETTs residing at their home but that numerous college students visit there frequently. BENNETT drives a two tone blue, VW station wagon, bearing Penna. license 5V0245. There are no other cars in the family and no other cars normally parked in their driveway.

PEIRSOL was furnished [sic] with the wanted flyers on the subjects and he stated he would remain alert in his neighborhood for their possible appearance. Also he will alert his sources at the college for any information about the subjects particularly any information that subjects might be in contact with the BENNETTS.

(Those who are familiar with the quality of FBI reporting will not be surprised to learn that some of this report is not true. As Professor Bennett has pointed out, he is unacquainted with the subject of the "wanted flyers," has one child not two, and owns two cars not one.)

Many of the red squads run by city police are growing so fast that they are hard put to find enough agents. The permanent intelligence staffs are frequently augmented by detectives and plainclothesmen—as Chicago's regular intelligence unit was doubled for the SDS convention in 1969. There are also many informer recruits and trainees who report to intelligence units but are not counted as employees or officers. The official membership of Detroit's intelligence unit, which was formed in 1961, grew by 1968 to seventy members. In 1968, Boston had forty agents, New York had at least sixty-eight on its intelligence staff (ninety as of 1970) and fifty-five more line agents planted undercover; Chicago had more than 500, Houston fourteen. The Los Angeles Police Department doubled its Intelligence Division personnel from eighty-four in 1969 to 167 in 1970.

Intelligence is not a wholly public function. Political surveillance has been routinely practiced by private detectives since the nineteenth century, when objections to a political police force left the Pinkerton and Burns agencies free to engage in these activities without official competition. Today the private agencies are an important channel for political intelligence. Often they recruit employees with access to official files from government intelligence agencies and sell such information to private industry.[7]

Local and national intelligence agencies are beginning to coalesce into an "intelligence community." For example, the young demonstrators who came to Chicago in 1968 encountered red squad operatives from their home towns. The overheated reports of these visiting local agents led Mayor Daley's office to conclude that a plot to assassinate Johnson had been hatched. The urban agents cooperated with their federal counterparts, as well as with the Army and Navy secret operatives at the Chicago demonstrations. During the subsequent conspiracy trial no fewer than thirty of about forty substantive prosecution witnesses were police agents or infiltrators associated with governmental surveillance at various levels.

The FBI plays a central role in coordinating the intelligence system; it exchanges information with other agencies, performs investigative work for intelligence groups with limited jurisdiction, and trains intelligence agents for service in other agencies. Its intelligence techniques and political standards serve as a model for local operations. It compiles albums of photographs and files of activists which are transmitted to agencies throughout the United States.[8]

Congressional anti-subversive committees have also expanded their intelligence activities beyond the passive compilation of dossiers available only to government investigative personnel. They now provide a forum for local intelligence agencies, publish dossiers, mug shots, and other photographs of subjects obtained by surveillance and supplied by police witnesses.[9] They also independently engage in intelligence activities.

III

The changing role of the police in carrying our surveillance was described a few years ago by Inspector Harry Fox of the Philadelphia police. In his Senate testimony, he said:

> Police now have become "watchdogs" and "observers" of vocal, subversive and revolutionary minded people. This function has been institutionalized in Philadelphia in a "civil-disobedience unit" composed of selected and highly trained plainclothesmen. They cover all meetings, rallies, lectures, marches, sit-ins, laydowns, fasts, vigils, or any other type of demonstration that has ominous overtones. . . .
>
> These officers know by sight the hard core men and women who lead and inspire demonstrations. They know their associates, family ties, techniques, and affiliations with organizations leaning toward Communism both on and off the Attorney General's list. They see them day in and day out recruiting, planning, carrying signs, and verbally assaulting the principles of democracy.
>
> Yes, the police role has become one of . . . surveillance, taking photographs, identifying participants, and making records of the events. On this basis, local police are able to piece together this jigsaw puzzle and see the widespread activity of the hard core demonstrators and instigators.

This account naturally omits the harassing and "guerrilla warfare" aspects of police tactics. To the policeman, public protest is an unwelcome disruption of the tranquillity which he regards as natural and proper. His response to antiwar activities is particularly hostile because he sees himself as a beleaguered defender of "patriotic" values, which he tends to protect by abusing his power, harassing demonstrators, and intimidating suspects. His resentment and anger are provoked in the same way by the nonconformity and personal style of many young people, who are now the principal targets of heavy surveillance and who are constantly subjected to detention and arrest on flimsy charges.

Protest activities have inevitably served to draw the police into politics and to expand their intelligence functions. Especially ominous is the widening use of photographic surveillance by intelligence units. Police in communities throughout the country systematically photograph demonstrations, parades, confrontations, vigils, rallies, presentations of petitions to congressmen and senators, and related activities. The photographers attached to the Philadelphia intelligence unit, for example, cover more than a thousand demonstrations a year. Any "incident" considered "controversial" is a predictable subject for the police photographer. Protest demonstrations against the Vietnam war are automatically considered "controversial," but not those in favor. In the South, photographing integrationist protestors is given top priority.

Subjects are often photographed from as close as three to five feet. Sometimes police photographers openly ridicule the demonstrators. Children who accompany their parents are photographed as are casual bystanders and nonparticipants. To convey and conceal photographic equipment, panel trucks are sometimes used, occasionally camouflaged to look like the equipment of a television station (referred to by veteran surveillance subjects as "WFBI"). Surveillance photographers acquire spurious press credentials; bona fide cameramen often moonlight as police or FBI informers.[10] Supplementary photographic data are ocsionally obtained from cooperating newspaper and television stations.

Photographs are sometimes covertly taken by unobtrusive plainclothesmen when a "respectable" group is involved for example, parents picketing a school. Usually, however, policemen, sometimes in uniform, do not bother to conceal their activities; they either man the cameras themselves or direct their aides by pointing out individuals or groups to be photographed. The deterrent effect of open photography is not lost on the police but is justified on the ground, among others, that it "cools" the "subversive agitator" and prevents potential lawlessness.[11]

Photographs of individuals not already known to the police are submitted to informers and undercover agents for identifi-

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cation. Sometimes tentative identifications are verified by automobile license numbers which the police systematically collect at meetings and rallies and in front of the houses of "known militants." Then they ask other agencies, urban, state, and federal, to help to identify the subjects.

Once the individual is identified, his name is entered in an index. The local intelligence unit then sets out to obtain information about the subject—solely on the basis of his or her attendance at a single "controversial" event—from other intelligence sources, state and federal. In addition, the contents of the file are passed on, as Captain Drake, Commander of the Intelligence Division of the New Orleans Police Department, has explained, to "every conceivable authority that might have an interest in causing any prosecution or further investigation of these persons. . . ."

IV

Photography describes the subject. But other techniques must also be used to obtain political data. These include interrogation of associates, employers, landlords, etc., collection of data about financial resources, bank deposits and withdrawals, and about the subject's background. Where meetings are held publicly, whether indoors or out, the speeches are monitored by portable tape recorders, a practice which is common in large cities but which also is growing in smaller communities, especially in college towns.

Wiretapping and electronic bugging are also common, in spite of judicial restraints on their use.[12] Local police specialists use these devices not only for their own purposes but also on behalf of the FBI. The 1968 Crime Control Law has authorized electronic eavesdropping in certain criminal cases; twelve states have passed similar legislation, while six others are now considering it. A variety of electronic devices is now being offered by commercial supply houses to state and local police departments to implement this legislation. Once they become available for even limited purposes, it is extremely unlikely that they will not be used for political surveillance as well.

Still, personal surveillance is necessary in those areas where technology cannot—at present anyway—replace human beings. Thus infiltration of dissident groups by informers remains a common procedure. Ironically, the Warren Court's limitations on wiretapping and bugging have themselves led to a heavier reliance on informers as a substitute. Moreover, these limitations encourage the use of informers because they can supply "probable cause" of a crime and so justify a wiretap order.[13]

Informers are indispensable to political intelligence systems. Electronic eavesdropping and wiretapping are ill-suited to the slow pace, confusion, ambiguity, and factionalism of the dissenting political activities that are the targets of intelligence. Besides, wiretaps can be circumvented once the subject becomes aware of them. Indeed, nothing can quite take the place of the classic tool of intelligence, the informer. But in addition to the moral stigma attached to informing in Western culture,[14] informers have always been regarded anyway as unreliable and treacherous observers, reporters, and witnesses. Most of them become informers for money. Their income, tenure, and future usefulness depend on their capacity to produce material useful to the ploice.[15] Others are "hooked" because of previous involvements with the law, or are recruited for ideological reasons—either as police plants or as defectors.

Both the pressures and the inducements, along with the sense of guilt that requires the betrayer to find some justification for his betrayal, tend to produce tainted information. All too frequently it is inaccurate, highly selective, and based on sinister and unwarranted inferences. Where a literal version of a target's utterances would seem innocent, the informer will insist on stressing the connotations; conversely, where the language is figurative or metaphysical the informer reports it as literally intended. Most important of all, he seizes on the transient fantasies of the powerless—rhetoric and images not intended to be acted upon—and transforms them into conspiracies whose purpose and commitment are wholly alien to their volatile and ambiguous context.

It need only be added that the hazards inherent in the testimony of political informers are especially great in conspiracy cases. The vague, inchoate character of the conspiracy charge and the atmosphere of plotting and hidden guilt which accompanies it make it a perfect foil for the undercover agent who surfaces on the witness stand, a hero returned from the dark wood.[16]

The informer is not only a reporter or an observer, but also an actor or participant, and he frequently transforms what might otherwise be idle talk or prophecy into action. Professor Zachariah Chafee, Jr., once remarked, "The spy often passes over an almost imperceptible boundary into the *agent provocateur*." The purpose of such provocations, as Allen Dulles wrote in *The Craft of Intelligence*, is to "provide the pretext for arresting any or all of [the group's] members. Since the agent report[s] to the police exactly when and where the action is going to take place, the police [have] no problems."

There are powerful reasons for viewing provocation as the handmaiden of infiltration, even when it is no part of a planned intelligence strategy. A merely passive, "cool" infiltrator-observer cannot hope to play more than a lowly "Jimmy Higgins" role in the target group, if he gains entry at all. In order to enhance his usefulness he must penetrate planning circles by becoming highly active. Moreover, the pressure to produce results in the form of concrete evidence of illegal activity often drives the infiltrator into provocative acts, regardless of the official cautionary advise which he may be given when he receives his assignment. Such advice is routinely conveyed by the agent's "handler" for the record, as a defense against a possible charge of entrapment.

Convincing evidence of provocation has emerged in a number of recent cases.[17] But the motives of the *agent provocateur* are frequently complex and difficult to reconstruct from the materials available. The most common *provocateur* is simply a professional police agent who coldly engineers a single provocative act designed to "set up" leaders for roundup and arrest.

Another type (of which Tommy the Traveler is an example) is the ultrarightist who becomes a spy in order to destroy the target group. He is often driven to act out his paranoid fantasies with bombs and guns when his delusions about the group's sinister goals fail to conform to reality.

On the other hand, as the FBI student informer William T. Divale has disclosed in his recently published confessions, *I Lived Inside the Campus Revolution*, a planted informer may come to share the values of his victims, with the result that his newly acquired convictions carry him far beyond the call of duty—a form of conversion characteristic of infiltrators of black and youth groups. The infiltrator's secret knowledge that he alone in the group is immune from accountability for his acts dissolves all restraints on his zeal. He does, of course, take the risk of exposure and punitive reprisal, but this possibility itself encourages him to disarm suspicion by acting as a super-militant. This almost schizoid quality of the behavior of informers seems inherent in political surveillance and has recurred throughout its history.

Many student informers who have surfaced or recanted have been revealed as operating for two intelligence agencies at the same time—usually a local and a federal one. Several informers commonly penetrate a single organization; indeed this is prescribed as sound intelligence practice, because each surveillance report can cross-check the others.[18] Attempts to recruit young leftists as police spies have also recently become common: For example, in the fall of 1969, young volunteers for the New Mobilization Committee to End the War in Vietnam were solicited to become informers by FBI agents. "Will you work for us?" they were asked as they entered the elevator on their way to the Committee's office. The FBI has recently acquired official jurisdiction on college campuses, which will result in even more extensive subsidy of student informers.

As the FBI Media documents make clear, Bureau agents now have formal authority from Washington to recruit informers as young as eighteen, including those attending two-year junior and community colleges. This authorization of September 1970, made official a practice which long preceded the issuance of the directive but was consistently denied for public relations reasons. In fact, J. Edgar Hoover repeated this denial as recently as February of this year.

Moreover, local police—especially in university communities—have lately been given special funds to hire secret informers. For this purpose at least one state, Wisconsin, has made available the sum of $10,000.[19]

V

In the past the police agencies (whether federal or local) preferred to act as the informer's "handler," "controller," or "contact." Police officers themselves only rarely resorted to impersonation, dissembling loyalties, the fabrication of false cover indentities—techniques made familiar by foreign intelligence practice and regarded as abhorrent to our traditions. It was one thing to hire an agent as an independent contractor to do the dirty work of political snooping, but quite another for a public servant to do it himself.

Today, however, the police themselves often go underground. In New Orleans an intelligence division officer gained access to the Black Panther headquarters by impersonating a priest. At least six agents of New York's Special Service Division infiltrated the Black Panthers, and appeared as witnesses in their current trial.

Three members of Chicago's intelligence unit infiltrated the Chicago Peace Council. One of them, in order to enhance his credibility, exposed another to Council leaders as a policeman. According to Karl Meyer, the Council's chairman, "At our meetings they invariably took the most militant positions, trying to provoke the movement from its nonviolent force to the wildest kind of ventures." "They were," he concluded, "about our most active members." The Peace Council became suspicious of possible spies when it and other Chicago groups—the Latin American Defense Organization, Women Strike for Peace, the Fellowship of Reconciliation—suffered a number of burglaries of files and records. (Office machines and small amounts of money were also stolen but subsequently returned.)

Agents of the Chicago intelligence unit are scattered throughout Illinois, and sometimes do not report to their superiors for days or even months. Their real identities are concealed even from their colleagues. Their methods include disguises, wiretapping, and the creation of elaborate "covers," such as dummy businesses. In numerous cities, including San Diego, Houston, Oakland, Los Angeles, New Orleans, and Columbus, the agent-informer is becoming a familiar phe-

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Footnotes at end of article.

nomenon. We are moving toward the classic European model of political infiltration, in which the planted police agent lives a double life for years if necessary, clandestinely reporting to his superiors. This kind of intelligence requires skill and training; so one should not be surprised to see the emergence of schools of instruction in the deceptive arts, similar to those run by the CIA for indoctrination in foreign intelligence and guerrilla activity.

VI

At an ever increasing rate the activities of antiwar, anti-Establishment, civil rights, black militants, student, and youth groups are being recorded and compiled. Lists and dossiers are coded, computerized, stored, and made accessible to all branches of the intelligence network. Here is how Lt. George Fenel, head of Philadelphia's civil disobedience unit, describes its filing system:

> We've been acquainted with quite a number of people throughout the years we've been handling demonstrations. We have made a record of every demonstration that we've handled in the city of Philadelphia and reduced this to writing, first by report and then taking out the names of persons connected with the different movements.
>
> We have some 18,000 names and we've made what we call an alphabetical file. We make a 5x8 card on each demonstrator that we know the name and so forth that we handle. This card shows such information as the name, address, picture if possible, and a little rundown on the person . . . which group he pickets with and so forth.
>
> Also on the back of the card, we show the different demonstrations, the date, time and location and the groups that the person picketed with. We have some 600 different organizations that we've encountered in the Philadelphia area.

This new intelligence system concentrates more on compiling names than on the content of speeches or other activities. For example, a report submitted to the Detroit Criminal Investigation Bureau by two undercover agents reads as follows:

> At 8:00 P.M. on Thursday, November 11, 1965, the West Central Organization held a special meeting which was comprised primarily of executives, delegates and clergy. The meeting was called for a briefing by Mr. Saul Alinsky of the Industrial Areas Foundation, Chicago, Illinois, who was in the Detroit area on November 10 and 11, 1965. Thirty-seven persons attended this meeting.
>
> The following persons were identified as being in attendance at the above meeting, identifications being made by surveilling officers as well as by Confidential Informant 059. [A list of twenty-one names follows.]
>
> The following vehicles were observed parked in the immediate vicinity of 3535 Grand River, occupants entering same. [There follows a list of eleven automobiles together with the names and addresses of eleven individuals who are presumably the title registrants.]

There is nothing in the report which suggests the reason for the surveillance or what took place at the meeting.

Experience with other official record systems suggests that it is only a matter of time before the intelligence now being collected by thousands of federal and local agencies will be codified and made accessible on a broad scale. Indeed, we are not far away from a computerized nation-wide system of transmittal and storage.

VII

While the recent bombings and the hunt for fugitives have supplied justification for some surveillance practices, the emerging system as a whole is oriented toward the future and is justified as preventive; the security of the nation against future overthrow is said to require the present frenzy of surveillance. In cases where such an argument makes no sense, surveillance is justified on grounds that it is necessary to prevent local violence and disorder in the future.

Political intelligence indiscriminately sweeps into its net the mild dissenters along with those drawn to violence; when the national security is at stake, so the argument runs, it is folly to take risks. The quarry is pursued long before expressions or associations of radicals are likely to incubate into violent or revolutionary acts. The fear of waiting "until it is too late" conditions the intelligence mind to suspect all forms of dissent as signs of potential "subversion."[20]

Thus peaceful, moderate, lawful organizations—from the NAACP to the Fellowship of Reconciliation—become intelligence targets on the theory that they are linked to communism or subversion.[21] This lack of selectivity, a familiar phenomenon to students of intelligence, has now been abundantly documented by the Senate testimony of former Army Intelligence agents and the recent Media documents.

To equate dissent with subversion, as intelligence officials do, is to deny that the demand for change is based on real social, economic, or political conditions. A familiar example of this assumption is the almost paranoid obsession with the "agitator." Intelligence proceeds on the assumption that most people are reasonably contented but are incited or misled by an "agitator," a figure who typically comes from "outside" to stir up trouble. The task is to track down this sinister individual and bring him to account; all will then be well again.

Since the agitator is elusive and clever, one never knows who he will turn out to be or where he will show his hand. Indeed, the striking characteristic of the agitator, according to the rhetoric and testimony of the intelligence people, is not his views nor his actions but his persistence. A subject who keeps coming to meetings or rallies or is repeatedly involved in "incidents" is soon marked as an agitator[22] (more sophisticated terms: "militant," "activist," sometimes preceded by "hard core").

The outside agitator is a descendent of the "foreign agitator" or the "agent of a foreign power," as he came to be called. The thesis that domestic radicals are either tools or dupes of foreign manipulation provides intelligence agencies with their most effective way of exploiting popular fears, one which is also cherished by legislators. All movements on the left—and especially groups such as the Panthers—have come under attack as agents for foreign powers.[23]

Such ideological stereotypes give intelligence a powerful bias against movements of protest from the center leftward. To be sure, a handful of ultra-rightist groups such as the Klan and the Minutemen are also under surveillance, but for political intelligence, the presumption of innocence is largely confined to the defenders of the status quo. For individuals and groups committed to social or political protest, the presumption is reversed:[24] Peaceful, nonviolent activity must be constantly scrutinized because it may turn out to be a vital clue to a vast subversive conspiracy.

VIII

While intelligence is developing new clandestine activities, it is also becoming highly visible. American political activity is plagued by an intelligence "presence" which demoralizes, intimidates, and frightens many of its targets—and is intended to do so. And it is not merely a "presence." A variety of sanctions are improvised to punish politically objectionable subjects. These include "information management" (such as inclusion on the "ten most wanted" list), press leaks, harassment, prosecution on drug charges, legislative inquisition, physical violence, the vandalizing of cars, blacklisting, the refusal to give police protection when needed, illegal searches and raids on pretexts.

One prevailing assumption of intelligence officers is that "subversion" is financed and supported by respectable "front" institutions (churches, foundations, and universities, for example) and individuals (such as lawyers). Special pressures are brought by intelligence agencies to cut off such suspected subsidies—for example, J. Edgar Hoover's attacks on white contributors to Black Panther defense funds and the listing by the House Internal Security Committee of honoraria paid to liberal and radical campus speakers.

Intelligence is thus becoming an end in itself, rather than an investigative means—a transformation all too clearly reflected in the encouragement of FBI agents to confront subjects in order to "enhance" their "paranoia," as one of the Media documents states. But its claim to be conducting a never-ending investigation into some future unspecified threat to the national security is consistently used to legitimize its expansion. Few want to shackle the police in their hunt for wrongdoers, especially those who threaten the safety of the Republic. Why should one question a "mere" investigation, even if tons of constitutional ore may have to be excavated in order to find a single subversive nugget?

IX

What are the standards that intelligence agencies must follow for selecting subjects of surveillance, for the techniques they use or the data they develop? In fact, there are no effective standards, and there are no effective authorities in this country to insist on such standards. Every surveillance unit claims its own authority to deal with "subversion" or "subversive activities" terms which mean whatever the agency wants them to mean. The head of the Chicago intelligence unit, Lt. Joseph Healy, summed up the matter when he testified at the conspiracy trial that his squad maintained surveillance over "any organization that could create problems for the city or the country." That Army Intelligence took the same view is shown by recent disclosures that it was snooping into a virtually unlimited range of civilian activity.

In most cases, the jurisdiction to engage in political intelligence activities is wholly improvised. This is true not merely of many local agencies but of the FBI itself. The authority the FBI claims it has to stalk nonconformists can be justified neither by its law enforcement powers nor by its domestic spy-catching jurisdiction. The latter, in fact, is based on an obscure 1939 directive which J. Edgar Hoover has interpreted as conferring upon the FBI the power, in his words, "to identify individuals working against the United States, determine their objectives and nullify their effectiveness." Who are these "individuals"? Those whose activities involve "subversion and related internal security problems."

The unlimited scope of their jurisdiction and their virtual autonomy encourage intelligence institutions to consolidate and expand. Intelligence thus constantly enlarges its operations by exaggerating the numbers, power, and intentions of the subversive enemy.[25]

Ironically, this exaggeration is further stimulated by the need to develop some plausible political and constitutional justification for violating democratic rights. Intelligence not only continually expands the boundaries of subversion in its operations, but inevitably generates a stream of fear-mongering propaganda in its evaluation of intelligence data. A troubled period such as the present intensifies this process, the number of surveillance subjects increases greatly as the intelligence agencies circulate propaganda dramatizing their life-and-death struggle with subversion.

Footnotes at end of article.

X

The link between drug use and political radicalism has also served to expand the scope of political surveillance. In the past, narcotics law enforcement and the policing of political crimes have drawn on similar surveillance techniques. This was so because both involve conduct to which the parties consent and both frequently leave little proof that any crime was committed. Today the "nark" and undercover intelligence operatives are frequently in pursuit of the same prey. The same agents sometimes function in both areas and political militancy is a common cover for the "nark," especially on college campuses.

Similarly, students under surveillance for drug use are frequently selected for their political nonconformity, a link manifest in the background of both the Kent State and Hobart College cases, as well as in the conviction of Dr. Leslie Fiedler of the State University of New York at Buffalo for maintaining premises where marijuana was used. The pot bust has become a punitive sanction against political dissent and the threat of prosecution is a favorite method of "hooking" student informers. Lee Otis Johnson, former head of Houston's Student Non-Violent Coordinating Committee, is now serving a thirty-year jail term for the sale of a single marijuana cigarette to a Houston undercover policeman.

XI

Many young radicals are finding ways of evading undercover surveillance of their political activities. Intelligence inevitably generates countermeasures ("security"), driving its targets into protective secrecy and sometimes underground even though they are usually engaged in legal protest. Such furitiveness is then cited as further proof of subversion and conspiracy ("What have they got to hide?") and reinforces the justification for surveillance.

Radicals in the past few years have tried to protect themselves by rigorously checking the backgrounds of possible infiltrators, isolating a suspected agent or feeding him bogus information, giving him test assignments, banning the use of drugs, cars, and private phones, and forming affinity groups. The radicals themselves sometimes use disguises and false names. The ultimate response to intelligence is counterintelligence, including the penetration of intelligence institutions to thwart their effectiveness. Some groups are beginning to boast about their double agents, counter-spies, and pipelines to police sources. One Berkeley police officer has already complained (and not very convincingly): "I'm afraid they do a better job spying on us than we do on them."

The pilferage and circulation of the Media FBI documents seem to suggest an escalation in counterintelligence tactics. The group responsible for the action has already announced, as a follow-up measure, a planned exposure of a "first group" of FBI informers whose names appear in as yet unreleased stolen documents. This listing of a "first group" is presumably to be followed by publication of lists of others.

Such a tactic will not only create a painful dilemma for present Philadelphia area informers but may vastly complicate the FBI's problems in future recruitment. Because political spies are the keystone of the entire federal political intelligence system, the FBI goes to extraordinary lengths to shield their identities and stresses these protective practices as an inducement for recruits. A breach in the FBI security system may well scare off potential informers not only in the Philadelphia area, but everywhere—Who knows where the Citizens' Commission will strike next? The increased risk is bound to boost the price of the informers' services. At the very least, it will "enhance" among the hunters the same "paranoia" now "endemic" among the hunted.

XII

Our political intelligence apparatus has begun to exert a dangerous influence on the exercise of political power. The attempt by the Los Angeles Chamber of Commerce to use intelligence data to discredit and destroy a group of Los Angeles poverty agencies is a dramatic example of a spreading phenomenon. A candidate for public office learns that he has been made an intelligence target by orders of his opponent, the incumbent. A lawyer for a victim of police brutality is threatened with being disbarred as a "subversive" because of leaks in the police department's intelligence files.

Mayor Alioto of San Francisco discovers that unevaluated intelligence files compiled by federal and urban agencies, full of smears and unverified rumors, are opened up to the press for an article which threatens his political ruin.[26] A check of the California Un-American Activities Committee files discloses dossiers on many legislators, including the Senate president, with notations reflecting intensive surveillance. A courageous Chicago newsman, Ron Dorfman, who has vigorously attacked intelligence practices in that city, is confronted with a detailed dossier on himself in a session with the Illinois Crime Commission.

It is chilling enough to learn that in this country literally millions of people are systematically suffering invasions of privacy, and, what is worse, are forced to exercise their rights of free expression and assembly under the fear of surveillance. But when a secret political police begins to play an important role in political decisions and campaigns, the democratic process is in grave danger.

Nor is there much comfort in the notion that our current intelligence mania is only a transient response to a particular emergency. History—and for that matter the annals of J. Edgar Hoover's FBI—painfully teaches that once a political intelligence system takes root, it is almost impossible to eradicate it. Fear and blackmail ensure its autonomy and self-perpetuation. How many of us can be expected to challenge a system which has such power to do injury to its critics?[27]

Americans will now have to answer the question whether the risks that we face—and some of them are real enough—outweigh the danger of a national secret police. One can hardly question the right of the government to inform itself of potential crimes and acts of violence. The resort to bombing as a political tactic obviously creates a justification for intelligence to forestall such practices. But the evolving intelligence system I have been describing clearly exceeds these limited ends. Before it is too late we must take a cold look at our entire political intelligence system: not to determine whether one aspect or another is repressive—whether, for example, it is possible to keep a dossier confidential—but to decide whether internal political intelligence as an institution, divorced from law enforcement, is consistent with the way we have agreed to govern ourselves and to live politically.

Eighteen cases have now been filed throughout the country, with American Civil Liberties Union support, to challenge various surveillance and filing practices by police agencies as violating constitutional rights of free expression, assembly, privacy, and the protection against unreasonable search and seizure. The constitutional issues imbedded in these cases will undoubtedly be presented ultimately to the Supreme Court. These challenges are important if for no other reason than that they will drag undercover surveillance out of the shadows.

But the political intelligence system cannot be controlled by piecemeal attacks in the courts. If our past experience is a guide, even successful litigation may leave unchecked the particular abuses involved by limiting surveillance in ways that are readily ignored or circumvented by a bureaucracy which is a law unto itself.

Political intelligence is both a symbol of a dying politics and the means of keeping it alive through powerful myths and constraints. A truly effective attack on the evils of intelligence cannot be mounted apart from the political process. A legislative investigation, more sharply focused and more searching than Senator Ervin's investigation, is vital in order to scour this area as thoroughly as Senator LaFollette's investigation scoured labor espionage in the Thirties. Such a probe could develop a fuller understanding of political intelligence and might lay the basis for dismantling a system which, if it is allowed to grow, may choke all possibility of real change in this country. But it is illusory to talk of an effective investigative and statutory attack on the powerful intelligence system at present. The elimination of the evils of political surveillance and dossiers is yet another reason why we need a new politics.

FOOTNOTES

[1] The term "intelligence" as used in this article is adapted from foreign intelligence usage and practice. It describes a body of techniques for collecting political information about a "subject" (physical surveillance, photography, electronic eavesdropping, informers—planted or recruited "in place"—and other deceptive or clandestine practices), the product of these activities (files and dossiers), and a set of political assumptions (the intelligence mind).

[2] This article is a distillation of verified materials, many of them documentary, drawn from the files of the ACLU political surveillance project and based on the following sources: court proceedings; legislative and administrative hearings; reports by informers and police agents to intelligence units; intelligence evaluations and summaries by intelligence staff and command personnel; interviews and correspondence with subjects, informers, and intelligence officers; the files of lawyers and civil liberties groups; TV scripts, police journals and manuals, graduate theses, newspaper and magazine articles; and the responses to a detailed questionnaire.

[3] To hasten the arrival of this brave new world, federal funds allocated by the Law Enforcement Assistance Administration are being channeled to state and local police units to subsidize such surveillance gear as twenty-four hour infrared lens closed circuit TV cameras which are being attached to telephone poles on the streets of American cities. Sensors and other electronic gadgetry developed for the military in Indochina are being adapted for internal intelligence use and tested on an experimental basis in a number of cities.

[4] It was on the basis of information supplied by this unit that the likelihood of violence during the November, 1969, moratorium was "extremely high . . . beyond the violence which was witnessed during the Pentagon demonstration in October, 1967, the Democratic National Convention in Chicago, in August, 1968, and the demonstration in Chicago on October 11th conducted by the Students for a Democratic Society." This prophecy turned out to be unfounded.

[5] Police departments have in recent years been loaded with recommendations from commissions and professional groups to develop intelligence techniques as a means of curbing crime—especially organized crime. But the intelligence units which have come into being as a result have been converted into instruments for political surveillance—especially of the ghetto.

The day and night surveillance of blacks, as a group, by these newly constituted units is considered self-justifying, very much like the surveillance of aliens in the Twenties. This is true even of small and medium-sized cities, which are rife with mounting crime and corruption, but proud of their "mod squads" and the increasing number of intelligence "inputs" to the ghetto, the "long-hair" community, and the campus.

As for the large cities, there are, according to Illinois Police Superintendent James T. McGuire, more police in the Chicago area on political intelligence assignments than are engaged in fighting organized crime. The same is true in Philadelphia.

[6] The campus has become the theater of intensive intelligence activities by undercover urban police agents and paid informers. A recent investigation by the Committee on Academic Freedom of the University of California, Los Angeles Division, Academic Senate, concludes that "there are undercover activities by governmental agencies on campus, that some of these activities are conducted by operatives of the Los Angeles Police Department and that it is unclear what other agencies, if any, are involved."

[7] A Dayton, Ohio, firm which calls itself Agitator Detection, Inc., advertises a "surefire method for keeping radical America out of work": "We have," the company boasts, "complete, computerized files on every known American dissident. . . . And all 160 million of their friends, relatives and fellow travelers."

A scattering of right-wing organizations and publications across the country also has access to intelligence data. For example, the Church League of America, headed by Edgar Bundy, boasts of its over 7 million cross-indexed files of political suspects, its "working relationships" with "leading law enforcement agencies," and its cooperation with undercover agents.

These organizations are prized by intelligence agencies because they share the basic intelligence assumption that the country is in the grip of a wide-spread subversive conspiracy. Intelligence agents and informers use the platform and publications of the far right to document this thesis with "inside" information.

[8] The FBI circulates through its own internal intelligence channels a document known as the "agitator index," which is made available to local agencies. In the spring and summer of 1968 the Washington field office of the FBI compiled an elaborate collection of dossiers and photographs for use in connection with the Resurrection City demonstration.

That material was thereafter augmented and organized into an album; multiple copies were made and transmitted to the Chicago police for use in dealing with protest activity around the Democratic convention. The FBI agent who was responsible for the idea received a special commendation. Such albums of "known leftists" are now widely circulated.

[9] In a hearing last year, Chief Counsel Sourwine of the Senate Internal Security Subcommittee described the subcommittee's mission in these words:

"We seek information with respect to the persons who head these subversive organizations and are active in them and who participate in them, the persons who support them: about the interconnections, the channels of authority, and the sources of funds.

"We are asking police departments from all across the country to sift their records and bring these facts here for the committee . . . by gathering all of the available information from leading police departments throughout the country, the committee hopes to be able eventually to present a picture. We are charting the organizations in each area, the persons in each area who are connected . . . and we hope when we finish we will have a picture which will show just what this country is up against."

The appendix to the volume from which this is quoted contains a series of documents from the intelligence files of the Flint, Michigan, Police Department including a "steno pad" which "was owned by one of the top members of the SDS," taken from a car in a raid which had no justifiable basis.

[10] In view of the overwhelming need for identification it is hardly surprising that informers with photographic skills are paid a bonus. Louis Salzberg, a New York photographer, received about $10,000 in the two years he served as an FBI informer. He used this money to finance a studio which sold pictures to left publications, the negatives of which were turned over to the FBI. He surfaced at the Chicago conspiracy trial and subsequently testified before the House Internal Security Committee which was also supplied with the negatives as well as with documents and correspondence taken by Salzberg from the files of the Veterans for Peace and the Fifth Avenue Peace Parade Committee.

[11] The importance of photography in the new intelligence scene was amusingly demonstrated during the Chicago conspiracy trial. By court order, to safeguard the integrity of the judicial process, photographers were excluded from the federal courthouse during the trial. But this prohibition unwittingly closed a valuable surveillance channel and the order was amended to permit intelligence photographers to continue to ply their trade.

[12] Attorney General Mitchell has asserted an inherent power flowing from executive responsibility for the national security (a term of enormous looseness) to disregard constitutional restraints in this area whenever, in his unreviewable discretion, an individual may be seeking "to attack and subvert the government by unlawful means." And even before the Mitchell regime, wiretapping and bugging were systematically used by the FBI in cases (such as those of Martin Luther King, Jr., and Elijah Muhammad) not even remotely linked to national security.

[13] For example, the primary basis for successful application for, and repeated renewals of, wiretap authorization orders against a group of New York City Panthers consisted of an account by an informer of a conspiracy by the Panthers to engage in the ambush and murder of policemen—a story admittedly invented by the informer, one Shaun Dubonnet, to secure leniency in a criminal case, earn a little money, and further his career as a double agent. Neither Dubonnet's substantial prior criminal record—including two convictions for impersonation—nor his repeated hospitalization for mental illness served to impair his credibility with the police.

The tips and reports of informers, frequently fabricated, provide pretexts for raids. One example of many that could be cited is the alleged tip by the undercover agent to the FBI that the Chicago Black Panthers had assembled an arsenal of guns. This led to a predawn raid in which Fred Hampton and Mark Clark were killed. Only a few guns were found.

[14] Judge Anderson tersely summed up the matter when he wrote in 1920 in the case of *Colyer* v. *Skeffington*, "A right-minded man refuses such a job."

[15] According to information from an FBI source, "informants" (as the FBI prefers to call them; "informers" is a subversive usage) submit vast quantities of data of a highly inflammatory character. The "contact" does not challenge it because he is afraid to lose the informant. Frequently he ignores this suspect material in his own reports either because he is convinced that it is incredible or that the informant would have to surface, to testify, if it became the basis for a criminal charge. This would again result in losing the informant and require the "contact" to recruit a replacement. It is infinitely preferable, I was told, to cover up for an informant even if his reports are wholly false than to be forced to go to the trouble of finding a replacement.

[16] Conspiracy is a classic vehicle for the political informer for another reason. Under conspiracy law, evidence of acts and statements of co-conspirators to bring about the purposes of the conspiracy agreement are admissible against all the co-conspirators even though, without the agreement (frequently proved by flimsy and remote evidence), it would be incompetent and inadmissible as hearsay.

The informer's tale in this way becomes binding on all of the alleged co-conspirators including individuals he has never seen or met. The conspiracy charge thus economizes on the number of informer witnesses needed to make a case. This is a highly important consideration to intelligence agencies, which are traditionally reluctant to surface informers.

The general question of the reliability of informer witnesses as well as their role in conspiracy cases is dramatized by the current conspiracy indictment of the Berrigans, which is based on evidence supplied by a prison informer, Boyd Douglas, Jr., who also inspired and arranged for a number of the "overt acts," allegedly in furtherance of the "conspiracy."

[17] Thomas Tongyai (Tommy the Traveler), an undercover agent on the campus of Hobart College (an Episcopalian school with a tradition of nonviolence), was charged by students with preaching revolution, using violent rhetoric to gain converts, and demonstrating the M1 carbine and the construction of various types of bombs. He did not deny these allegations but explained. "The best cover for an undercover agent who wanted to get into the campus was portraying the part of a radical extremist which I did."

According to Alabama Civil Liberties Union lawyers, in May of 1970 a student infiltrator for the FBI and the Tuscaloosa police on the University of Alabama campus, Charles Grimm, Jr., committed arson and incited acts of violence, which were then used as a reason for declaring a campus protest meeting an unlawful assembly, a ruling which resulted in criminal charges against 150 students. One of the attorneys contended that the agent had admitted the violent acts to him and that the FBI and local police had spirited the agent away to make him unavailable in the court cases.

William Frapolly, a Chinese police spy at Northeastern Illinois State College, was the leader of an SDS sit-in and participated in a Weatherman action which culminated in throwing the institution's president off a stage, conduct which led to his expulsion for two semesters. As the only Weatherman SDS representative on Northeastern's campus, Frapolly actively recruited young students to join the SDS Weatherman faction and to participate in the Weatherman-sponsored "Days of Rage" in Chicago in the fall of 1969. He surfaced as a prosecution witness in the Chicago conspiracy trial, where he conceded on the witness stand that during convention week he proposed a number of schemes for sabotaging public facilities and military vehicles, although his assigned duties as a marshal were to maintain order.

There are half a dozen comparable cases. The UCLA Academic Freedom Committee report which I have already cited states that its probe revealed suggestive evidence of "the presence of undercover agents as *agents* provocateurs, engaging in or precipitating the behavior they are charged with suppressing. . . ."

[18] There is no optimal number of infiltrators. An FBI agent whom I recently interviewed said that at a Washington Peace Mobilization meeting in 1969, of the thirty-two individuals present, nine were undercover agents. The number of informers an FBI agent can recruit is limited only by his budget for this purpose. An informer is first used *ad hoc* and is paid a small stipend. He is known in the Bureau's records as a potential security informant (PSI) or a potential racial informant (PRI). When he proves his worth he becomes a "reliable informant," acquires a file, cover name, and is paid a fixed salary (sometimes disguised or augmented as "ex-

penses"), which is increased from time to time as his usefulness grows.

[19] Some students are paid a fixed stipend but the practice is growing, especially in urban intelligence units, of paying them for each item of information. Houston pays them from $5 to $400, depending on the value of the information.

[20] Or, in the talismanic intelligence usage, "threats to the national security."

[21] The informer's super-militance in such groups, his proclaimed impatience with the slow pace of his associates, clothe him with the requisite credibility when he seeks ultimate entry into the more inaccessible organizations, in spite of his possible differences in social class and personal style.

[22] The special loathing with which grassroots intelligence functionaries perceive the "agitator" is expressively conveyed in Congressional testimony presented in October, 1970, by Michael A. Amico, sheriff of Erie County, New York, who has organized an elaborate informer and surveillance system in the Buffalo area. Referring to the target groups under surveillance, he testified:

"Many of these organizations start their meetings clandestinely by burning the American flag before they go into their rituals. It is difficult to get young undercover agents to remain disciplined to withstand, if you know the reaction, what does happen upon the burning of the flag. These are the rituals and different practices and, as said by the undercover man, orgasms are obtained by the different activities that follow because of the burning of the flag."

[23] Recently declassified Army Intelligence documents (Annex B—Intelligence—to the Department of the Army Civil Disturbance Plan and Department of the Army Civil Disturbance Information Collection Plan), the most revealing intelligence material in the literature, suggest that peace and anti-draft movements are foreign-directed because "they are supporting the stated objectives of foreign elements which are detrimental to the USA."

[24] It is hardly surprising that intelligence is most at home with non-crimes such as "subversion" or inchoate crimes such as conspiracy in which innocent conduct is treated as criminal because it is claimed to be enmeshed in an illegal agreement and performed with evil intent. The affinity of the intelligence mind for the conspiracy offense can be illustrated by the testimony of Detective Sergeant John Ungvary, head of the Cleveland intelligence squad, before a Senate committee. He urged that "if we had a law whereby we can charge all of them [black nationalists] as participants or conspirators . . . it would be far better than waiting for an overt act. . . ."

[25] The technique of broadening the boundaries of subversion has been developed and refined by the Congressional and anti-subversive committees: first, by the application of notions of vicarious, imputed, and derived guilt; second, by a process of cross-fertilization which proscribes an organization through the individuals associated with it and the individuals through their relationship to the organization; third, by increasing the number of condemned organizations through their links to one another; fourth, by treating subversion as permanent, irreversible, and even hereditary, with the result that a dossier, no matter how old, never loses its importance nor a subject his "interest."

This technique has been ingeniously applied in a remarkable document, *A Report on the SDS Riots, October 8–11, 1969*, issued by the Illinois Crime Investigating Commission, April, 1970, and reprinted in June, 1970, by the Senate Internal Security Subcommittee. Ostensibly concerned with the Weatherman demonstration ("Days of Rage"), this 400-page report is a virtual encyclopedia of militant radicalism among youth, replete with dossiers, photographs, personal letters, diaries, and documents relating not merely to the SDS figures with whom it purports to be primarily concerned, but to a host of other individuals and organizations about whom the Commission had collected intelligence information and whom it linked in the most tortured fashion to the subject matter of the Commission's report. This information, much of it highly inaccurate, was published purely for the purpose of punitive exposure of intelligence targets.

[26] The mayor's charges against federal agencies have not been denied. The Los Angeles Police Department has admitted supplying confidential files to the writer of the article. The coordinator of intelligence, Sergeant George Bell, stated: "I would pull the index cards and let him go over the resumés, and some of them he asked to see the copy [of the file itself]."

[27] Political files and dossiers give bureaucratic continuity to intelligence agencies and are a powerful reason for their survival in the face of the most hostile attack. When intelligence spokesmen cry, "What will happen to these valuable files which alone stand between us and a Commie takeover?" critics are usually silenced. After a motion was carried in January, 1945, to terminate the House Committee on Un-American Activities, the House reversed itself on the plea of Congressman Rankin that "these valuable records that probably involve the fate of the Nation, the safety of the American people, would be dissipated—I want to see that these papers are kept; that is the one thing I am striving for."

DEDICATION OF NORTHWEST WING CROZER-CHESTER MEDICAL CENTER

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. WARE. Mr. Speaker, I am pleased to announce that in connection with the dedication of the northwest wing of the Crozer-Chester Medical Center, Chester, Pa., on Saturday, May 15, Dr. Denton A. Cooley, surgeon in chief of the Texas Heart Institute, will present the second house-staff lectureship to the staff. "Surgical Treatment of Advanced Heart Disease—Repair of Replacement," will be the topic presented by the famous heart surgeon.

Dr. Cooley's lecture will be part of a sequence of dedication events beginning with a ribbon-cutting and address by Dr. Samuel P. Asper, vice president for medical affairs and professor of medicine at Johns Hopkins Hospital, the performance of the Chester City Band and a helicopter demonstration in conjunction wth Armed Forces Day.

The day-long celebration will be culminated in the evening with the Azalea ball, sponsored by the June fete committee of the Crozer-Chester Medical Center, and featuring the Meyer Davis orchestra, with Mr. Davis conducting. The Azalea ball, a formal dinner dance, will be held at 8 p.m. in MacMorland Auditorium of Pennsylvania Military College. Approximately 300 couples will attend.

PRESIDENT NIXON KEEPS HIS WORD

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. WYMAN. Mr. Speaker, as the Maine Sunday Telegram editorially comments in the May 2 editorial that follows:

> Now, at long last, presidential promises are being kept.

The reference is to the Nixon administration's massive withdrawal of U.S. troops from Vietnam.

When President Nixon campaigned for the Presidency he pledged to get us out of Vietnam. He is doing just this, and on a massive scale. Through the Vietnamization program he is turning over the defense of South Vietnam to an improved, trained ARVN army. In this way he is honoring our commitments and disengaging American forces at the same time.

The prisoner issue still remains. It is a delicate one, in respect to which we may become increasingly vulnerable as the drawdown of U.S. forces continues. Hopefully, as it becomes apparent that U.S. forces are being taken out, North Vietnam will see the advantage to prisoner release both in terms of complete U.S. disengagement and world reaction.

President Nixon's declared objective is total disengagement down to the last American with no residual force remaining in South Vietnam as it has in Korea. But withdrawal of all U.S. forces without the return of our prisoners simply cannot be left to the caprice or largesse of the Communist government in Hanoi.

President Nixon is keeping his word to the American people. It is encouraging to see the Maine Sunday Telegram reporting it as it is. President Nixon did not start this undeclared war and which he is successfully disengaging. He deserves great credit for masterful handling of an extremely difficult and taxing responsibility.

The editorial follows:

ON GETTING OUT OF VIETNAM

Nixon's "silken purse" of massive withdrawal from Vietnam is being made by his opponents into a sow's ear.

A regular hue-and-cry is on across the nation for instant withdrawal, now.

To Richard Nixon, this accusatory outcry for "faster withdrawal" must seem weirdly unjustified.

For the fact is that Nixon has withdrawn some 300,000 U.S. troops already; is bringing more back at the accelerated rate of 4,000 a week; has, through Secretary Laird, promised all ground combat will be turned over to the South Vietnamese by summer—only 60 days hence; has promised that he will withdraw another 100,000 troops by December; and has let it be known that the troop level will be down to some 45,000 by next July. In less than 48 months he will have withdrawn half a million troops.

But these facts do not seem to have registered. Perhaps because of Laos, Cambodia, Calley, PX scandals, drug fears—Americans want out of Vietnam now, overnight.

Nixon's political rivals—along with the Congress, the public and the North Vietnamese—are berating him daily for refusing to announce publicly a firm, early withdrawal date. Instead of answering them head-on, the President goes off and tells his withdrawal story to the D.A.R. and the Chamber of Commerce, of all audiences!

We hope that John Scali—that tough minded newsman who is the President's new advisor on the public information aspects of foreign policy—will get the President to quit greeting high school choirs and the D.A.R. and let go with a left hook at the Humphreys, McGoverns and Muskies who lead the wail for instant withdrawal.

"Look, you knuckleheads" Nixon might say "I am the first "withdrawal" president you've ever had! Ike edged us into that war; your beloved Kennedy got us in deeper; then L.B.J., with Texas guns a-blazing, got us in up to our neck, while Humphrey and Muskie supported him. But in the last 20 months I have pulled out 300,000 men. . . . Why, my middle name is "withdrawal", Richard Milhous "Withdrawal" Nixon. . . . I ran on a promise to get us out of Vietnam, and beat Humphrey-Muskie who ran on the LBJ war plank of keeping us in Vietnam, half a million strong. . . . And I've virtually said I won't run for a second term unless I get us out of Vietnam before I finish my first term. . . ."

Nonetheless, a hue-and-cry is on for Nixon to announce a date—New Year's Eve, urge his carping critics—for an end to U.S. involvement.

This the President adamantly refuses to do—publicly. Although naming a date publicly would be easy and popular.

But it could also be disastrous. Disastrous for reasons which the President cannot spell out publicly without needlessly risking American troops.

We will try to state some reasons why Nixon cannot now publicly announce an early withdrawal date—although we feel certain he has privately set that date.

Reason one: Nixon's withdrawal policy hinges upon Vietnamization . . . upon turning the defense of South Vietnam over to a reasonably well equipped and trained South Vietnamese army, navy, air force, which "has a fighting chance to prevent a Communist take-over."

Today there is only one leader is South Vietnam who is wholly committed to achieve this necessary "Vietnamization."

He is President Thieu—like him or not.

And President Thieu is up for re-election this October.

And Nixon must help get Thieu re-elected, if Nixon is to get the Vietnamization he needs in order to safely withdraw all American troops.

This means that Nixon cannot now publicly announce any such early withdrawal date as December 31st.

If he did, that would pull the rug out from under Thieu's re-election in October.

And that in turn could pull the rug out from Vietnamization. And that could stymie withdrawal.

In short, if Nixon now announced that all U.S. troops would be withdrawn in a wild rush by December 31—as his critics urge—the whole Vietnamization program might quickly collapse.

Might collapse so quickly that the U.S. troops remaining in Vietnam could be smitten with the heaviest fighting yet seen. They might face an onslaught from the North Vietnamese, coupled with collapse of a demoralized South Vietnamese army, and simultaneously get no support from a forsaken, lame duck South Vietnamese government.

Bluntly, the U.S. troops would be in one hell of a mess.

Thus the President would be horrendously irresponsible to risk collapse of the Vietnamization program merely to make a withdrawal date announcement.

His critics are dangerously naive to urge so risky a course on him.

We believe that President Nixon has firmly and privately set a fixed withdrawal date, and that he has informed President Thieu of that date.

We believe that date is around September or October 1972. That will be 11 months after Thieu's probable re-election and about a month or two before Nixon's probable re-election. If indeed, U.S. troops are out of Vietnam by then, Nixon will surely run again.

Critics will likely seize on such a date to make it sound as though it were chosen solely for political reasons.

If they do so, they expose their ignorance of the basics in the Vietnamese war and the process of military withdrawal.

These basics are logistics of withdrawal; and weather.

Reason two: The logistics . . As the U.S. forces withdraw down to some 186,000 (by December), our diminishing troops and their millions of tons of valuable weaponry must be withdrawn to safe enclaves. They must pull back from hundreds of U.S. bases scattered now from the DMZ in the North to the lower delta and the Gulf of Siam in the South.

They will pull back—a tricky, major maneuver—to the six or eight major coastal enclaves where the vast U.S. buildup started in 1965 . . . In the North, they must pull back to Quang Tri, the vast U.S. helicopter base; and to Phu Bai, our first big Army headquarters; and to Da Nang, the second city, where we have a major port and huge airbase; and to Chu Lai, where there is a huge U.S. hospital and airbase. The enclaves in the mid coast region will be Nha Trang; and Cam Ranh Bay, Asia's best harbor, which we built so big it dwarfs most U.S. ports; and to Bien Hoa, the airbase and vast depot outside Saigon.

Elementary military sense makes it mandatory these highly valuable bases be kept from falling into enemy hands.

Furthermore, the U.S. must spread its exodus out from a number of separated debarkation points. And should there not be an armistice by the time we withdraw, then safe, major ports may be needed to supply war material to the ARVN. If there is an armistice, ports will be needed to bring in material to rebuild devastated Vietnam.

So much for elementary logistics of safe, sensible withdrawal.

Reason three: Weather, basic to withdrawal, and the entire conuct of war in Vietnam, is weather.

Those who urge total withdrawal by December 31, ignore the paramount fact that December is the driest month. The months between November and April are the dry season down the network of Ho Chi Minh roads (The Trail) from North to South Vietnam. These are the months the enemy moves his men and weapons, the months when attack in force can be staged. Hence it is the most vulnerable of all times for the vulnerable tactic of withdrawal.

Reason four: Because Vietnamization started too late, the ARVIN still has a long, long way to go. We believe President Thieu has promised to keep full speed ahead with Vietnamization—provided President Nixon assures him of needed U.S. air cover during the next dry season, when the ARVN may be fighting its toughest ground battles. Nixon we believe, has promised such air support, if needed, because the South Vietnamese air force does not have interdiction capabilities.

Once that perilous dry season is over in April the monsoon floods will bog down any major enemy movement. And then the final stage of U.S. withdrawal from the enclaves may be accomplished with less risk.

Reason five: if "instant withdrawal" resulted either in massive U.S. casualties, or if a collapse of "Vietnamization" resulted in a walkover by Communist forces into Saigon, then the public outrage in the United States might rip our nation terribly. There could be outrage which asked "Is this why 40,000 Americans died? Why 300,000 Americans were wounded?"

A violent right-wing reaction under such circumstances might throw America into a torment of division and self-accusation which would dwarf any demonstration yet seen in our land.

This too is a risk no responsible President should take.

For years, this newspaper has deplored and criticized our vast and wasteful and mistaken involvement in Vietnam. We wish the U.S. had been out of Vietnam long ago, and the fighting and peace-making had long ago been left to the Vietnamese themselves.

Now, at long last, massive U.S. withdrawal is underway. Now, at long last, presidential promises are being kept. We favor the fastest withdrawal feasible. But we deplore a panicky, emotional and dangerous rush for the exit—and deplore those who advocate it and employ it as a stick to beat the President.

CHECOTAH RESIDENTS DEDICATE JIM LUCAS MEMORIAL LIBRARY

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. EDMONDSON. Mr. Speaker, it was a privilege for me to be among those who attended the dedication this last Sunday of the new Jim Griffing Lucas Memorial Library in Checotah, Okla.

Large numbers of the late Pulitzer prize-winning reporter's friends were on hand for the dedication. Jim's life was devoted to journalism and literature, and I think it was universally felt that no greater tribute could be paid to his memory than to name this new repository of literature in his honor.

The innovate section of the April 28 Tulsa Tribune carried two excellent articles which coincided with the dedication, one of which was a reprint of a Jim Lucas article during his coverage of the Korean war. I would like to include both of these articles at this point in the RECORD:

MEN AT WAR, ALIVE AND DEAD: THIS MAN WROTE OF THEM

(Sunday residents of Checotah will dedicate the Jim Griffing Lucas Memorial Library. The new library is named for Pulitzer Prize winning Reporter Jim Lucas who died July 21, 1970. Speaker for the 3 p.m. event will be Congressman Ed Edmondson, Muskogee, Lucas' life-long friend. The following is typical of his coverage of Korea and other wars.)

(By Jim G. Lucas)

AT FOOT OF OLD BALDY, KOREA.—You look at them and you ask yourself, "Why did these kids have to die?" And you're ashamed because you don't know the answer.

You watch their bodies lifted from trucks and armored cars and you keep thinking there should be some better way of solving things.

At a time like this you hate war. There are times when war is bearable and there are times it's interesting and—every so often—maybe even it's fun. Men are just boys grown tall. But it's damned sobering when you come face to face with your own dead.

We've lost thousands during the last 10 years. But in the last war we knew where we were going and what the men were dying for. Men died on Guadalcanal because Guadalcanal took us one step nearer Tarawa. Then, Tarawa took us to Saipan and Iwo Jima, which took us to Japan's doorstep. Our men died on Normandy beaches because that took us closer to Berlin. Sure it was tough losing them. But there was a reason for it. And—since there was a reason—men achieved dignity in death.

They just brought in another load. A chaplain is helping unload them. It is an awkward job, but the chaplain's presence helps. John Stears of Omaha has a way with him which seems to say, "God is here, too. I represent Him in this bloody business."

Over at the other end of the command post they're unloading wounded. They say there are still more up there we haven't been able to reach yet.

That kid on the first stretcher: How old would you say he is—or was. Twenty? Maybe older, maybe younger. The shock of dying has contorted his face and made him look old.

His right hand is hanging by a shred.

A couple of nights ago, he was using that hand to pump bullets into a rifle or to lob grenades.

If he'd lived, he might have used it to be a doctor or a mechanic. Or he might have done nothing worthwhile with it. He might even have misused it dreadfully.

But the point is, he'd have had a chance to decide what to do with his hand and his life and now he hasn't.

Why? Old Baldy mountain? Baldy is worth nothing unless it leads to something. The communists have it now. We will take it back. I'm sure. Then what? We sit in our trenches and the commies will sit in theirs. And we will shoot at each other and we will send out patrols and some day one side will feel strong enough to try to drive the enemy off his knob.

Last night I asked a colonel why the communists wanted Baldy so badly. He says darned if he knew. Just another hill. It wasn't the highest hill in the area and holding it gave them no particular advantage. He guessed it was just prestige. And then he said we could be sure we'd take Baldy back.

I can't censure him, I want Baldy back, too. I find myself humiliated that they've driven us off that pulverized knob of rock and sand, that they're in trenches where I slept three weeks ago, that they're ogling the pinups our boys left behind, that they are sleeping in whatever bunks still stand.

But I wasn't there. I didn't inch single file down those narrow trenches, never knowing what I'd meet around the next corner and suddenly come face to face with a Chinese and a burp gun. Even when I arrived from Cheju late yesterday, they said I'd be foolish to start prowling around in the twilight and I could get just as good a story if I waited for dawn. So I ate a good meal and crawled in a sleeping bag at division headquarters. All the while, men were dying a few miles away.

We are not going anyplace and we know it. The enemy is not going anyplace and he knows that, too.

So we sit here while Vishinsky hurls insults and Henry Cabot Lodge tries to answer him and Madame Pandit plays neutral.

And all the while boys are dying. Two more trucks just came in.

When a man is asked to die, he deserves to know why. It should be for more than for Baldy or for prestige, or to buy a stalemate.

I guess I know, deep inside, that these boys are fighting for peace and dignity and freedom and everything worthwhile, but we are going about it in a mighty strange way.

It is not for anyone out here to decide. Commanders out here won't spend a life they don't have to. The decision has got to be made back home and there's nothing here we can do to expedite it.

I never wrote a story like this before. Because I never felt quite like this.

If those boys under those brown wool blankets on those bloody stretchers sat up and asked me why they died on Old Baldy, I'd have to answer:

"I don't know, Mac. It beats the hell out of me."

HE CAME THIS WAY

Occasionally a man so strong, so dedicated and so gifted as to transcend the life most of us mortals know, springs from the soil of his native Soonerland and makes his will felt upon affairs across the nation and around the globe.

Their numbers are not legion. Neither are they difficult to find.

Jim Griffing Lucas was such a man. His field was journalism. His specialty, reporting wars.

Through three wars, Lucas told Americans what it was like. How the men who had to do the fighting and the dying looked, ate, slept and felt.

At times his typewriter spoke softly, gently. At other times, his words exploded full upon the page with the roar and searing white heat of a flame thrower engulfing an enemy bunker.

One dark, cold winter night during an American advance in Korea, a fellow correspondent came upon a sentry at a crossroad.

"Anybody been through here tonight?" he asked.

"Heck, yeah, Jim Lucas!" came the reply.

Lucas came this way too. He began his career in Muskogee and came to The Tribune in 1938. He covered the courthouse and wrote political stories until he joined the U.S. Marine Corps as an enlisted man and combat correspondent.

Following his early dispatches from the Pacific, Lucas was commissioned a second lieutenant.

In 1945, he joined the Scripps-Howard Newspaper Alliance and received every honor given for excellence in his field. He was awarded the Pulitzer Prize in 1954 for his reporting of the Korean War.

At the end of that conflict, he went to French Indochina to cover the French war with the Viet Minh, and was in Hanoi the day Ho Chi Minh's forces marched in to take over the city.

Lucas died July 21, 1970, and is buried near his childhood home in Checotah.

GILMAN H. STORDOCK

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ZABLOCKI. Mr. Speaker, few people in the history of the State of Wisconsin have done more for the benefit of veterans than Gilman H. Stordock. His death is a great loss to servicemen and veterans in Wisconsin and across the Nation.

Gil Stordock's service to his country dates almost from the beginning of this century. At the age of 19 he enlisted in Company L of the Wisconsin National Guard's First Infantry and saw combat during the Mexican border conflict in 1916.

During World War I as a member of the 127th Infantry, 32d Division, he served in campaigns such as Chateau Thierry, Soissons, and Argonne. He rose to the rank of battalion sergeant-major by the end of the war.

Reentering the Wisconsin National Guard with the rank of 2d lieutenant Gil became chief of the G–2 section during World War II, with the rank of lieutenant colonel. After the war, he was appointed subregional manager of the Veterans' Administration offices at Wausau and Green Bay. In 1949 he was appointed commandant of Wisconsin's Grand Army Home for Veterans at King, Wis. He served with distinction in that post until his retirement in 1960.

A lifelong crusader for veterans' causes, Gil was a charter member of the American Legion and was also active in a number of other veterans' organizations. He helped found the Wisconsin Veterans Council and represented the group at the 1939, 1941, 1943, and 1945 sessions of the State legislature, at which much of the legislation authorizing existing State veterans benefits was approved. He served as legislative director of the Wisconsin Veterans Council from 1960 to 1968. In addition, he was a member of the board of the Wisconsin State Department of Veterans Affairs, a former Wisconsin department commander and national vice commander of the American Legion, a legislative director of the Wisconsin Disabled American Veterans, and a past president of the National Association of State Veterans Homes.

Only recently Gil served as chairman of a national legislative committee of the Mexican border veterans. His efforts were instrumental in obtaining eligibility for veterans with service only in the Mexican border conflict in receiving the same benefits as veterans with other wartime service. He was also a former national commander of the Mexican border veterans.

In civic as well as veterans' activities, Gil Stordock was a tireless worker. For example, he was one of the original founders of Badger Boys State and had served as treasurer of that organization in recent years. He had also been a member of the State board of directors for the American Cancer Society since 1953 and, in his hometown of Waupaca, Wis., had served as secretary-treasurer of the local chamber of commerce and as a member of the police and fire commission.

Although we mourn the loss of Gil Stordock, his life will continue to be an inspiration to us. My wife joins me in extending condolences to Mrs. Stordock.

The Badger Legionnaire was among the newspapers which paid tribute to Gil Stordock, and I am including the article which appeared in the March 1971 issue.

The article follows:

GILMAN STORDOCK, LEGION LEGEND DIES

Gilman H. Stordock, holder of numerous offices in the Wisconsin American Legion and the National American Legion, died of an apparent heart attack on Wednesday evening, February 17, at his home in Waupaca, Wisconsin.

Funeral services were held on Monday, February 22, with the interment in the Wisconsin Veterans Memorial Cemetery at the G.A.R. Home, King, Wisconsin.

Gil's service career began in Janesville when he took command of a reserve cavalry unit in 1921 and included his service as a combat veteran of the Mexican Border affair and World War I campaigning at Chateau Thierry, Soissons and Argonne. He served in World War I in the 32nd Division achieving the rank of Sergeant Major.

Gil was a charter member of the Legion Post in Beloit, a life member of the Shipley-Robinson-Moen Post at King, and is a Past Post Commander. He served as Department Adjutant for sixteen years and as Department Commander in 1961–62. He is a Past National Executive Committeeman, Past National Vice Commander, served on the National Internal Affairs Commission, and at the time of his death was a Vice Chairman on the National Distinguished Guests Committee. Through the years, Gil served on many Department Committees and was one of the original founders of Badger Boys State and for the last several years had been serving as Treasurer.

His affiliations with other organizations included serving as a Past National Commander of the Mexican Border Veterans, Secretary-Treasurer of the Wisconsin Veterans Council and Legislative Director for the Council and he is a Past President of the National Association of State Veterans Homes. He served for eleven years a Commandant of the Grand Army Home at King, Wisconsin, and was a member of the Board of Directors of the Wisconsin Department of Veterans Affairs. His civic and community activities are too numerous to list.

Gil Stordock is the 21st of the Past Department Commanders of Wisconsin to pass away.

SENATOR MUSKIE ADDRESSES POLISH CONSTITUTION DAY RALLY IN CHICAGO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. PUCINSKI. Mr. Speaker, every year the people of Chicago who are of Polish-American descent hold an outdoor rally commemorating the Polish Constitution of May 3, 1791.

This year, despite unseasonably cold and blustery weather, thousands once again turned out to commemorate the anniversary of one of mankind's great historical documents. The language of the Polish Constitution, modeled so closely on our own hallowed document, lit a candle of hope that has burned for 180 years throughout Europe.

Senator Edmund Muskie attended this gigantic rally in Chicago and delivered one of the most eloquent speeches it has ever been my privilege to hear. With few words, he restored to all the thousands of those present the wonder, the excitement, and the certainty of a brandnew future in a brandnew land that has been felt by every immigrant who ever arrived in America.

Mr. Speaker, I commend Senator Muskie's excellent statement to my colleagues today so that they might share with me a renewed appreciation of the very special qualities of our diverse American heritage:

Remarks by Senator Edmund S. Muskie at the Polish National Alliance Third of May Celebration, Humboldt Park, Chicago, Ill., May 2, 1971

My thoughts right now go back to my parents and grandparents.

I have images of frightened immigrants, huddled together below the decks of ships.

I have a picture in my mind of thin, pale-faced boys, carrying suitcases and dreams.

I see these ancestors of mine and yours carrying these dreams on trains and on foot to Pittsburgh, Detroit, Omaha and Chicago.

And many of them went out from the cities to the farms, supplying the energy that strengthened and re-invigorated the American spirit.

They helped fashion a nation for all of us as they struggled to build a new life for themselves.

Each of them made his own contribution to the building of a new kind of community. You and I know how tough it was. The only jobs open to them were the meanest and lowest.

Poverty was their constant companion.

They were met with resentment, hostility and prejudice.

Their conquest of all these obstacles is their glory and our pride. They climbed the economic and social ladder.

They made good on their promises to give their children a chance to know the meaning of growth and freedom.

We all share that heritage.

And we come here to do them honor.

We commemorate today a landmark of parliamentary government—the Polish Constitution of the 3rd of May. This milestone in European democracy was achieved 180 years ago. And it was achieved without bloodshed or disorder.

It established the principle of popular Sovereignty in eastern Europe.

Only a few years later, Poland succumbed to the tyranny of powerful *neighbors*. And yet this constitution remains part of Poland's democratic tradition. That tradition is represented here this afternoon. That tradition is sustained and enriched in the fertile soil of America.

Our task is to make that tradition ever deeper and stronger.

Yet today I sense among many Americans regardless of ancestry a feeling that somehow our glory lies behind us.

Something has happened to take the shine off our dreams.

Seven years of war and death in Indochina have cut deeply into the American soul, into our pride, and into our confidence.

But I believe that we are going to recapture that sense of excitement about both our past and our future. And I think we can draw new energy from the legacy of the brave men and women we are proud to call our ancestors.

The one thing our fathers never did was to shrink from life. They had no time for defeatism or despair. Neither do we.

There is a world beyond Vietnam. This war with all its horrors is going to end—more quickly perhaps than even some men in Government like to believe is possible.

And when it ends, the work of rebuilding must begin. Not only in Vietnam but here in the United States.

We have new connections to make with our young people as we rebuild our great Nation together.

We have veterans coming back from Vietnam. There is important work for them to do. And I can think of nothing more un-American than the notion that this society of ours can send a man to war, but can't give him a decent job when he comes home.

My father came to this country because his father wanted him to have a place to grow, a place to achieve his promise.

My father found that his father was right. Here in America he could openly believe in freedom and justice. Here in America he could raise a family without being afraid about his children's future. Here in America he could join with others to honor the Third of May.

My father and I discussed many things. Sometimes we would argue, strongly. In those discussions and arguments he taught me this above all else: To carry on the belief in liberty and the democratic way of life. That is a task we all must share.

America is threatened by the loss of her greatest traditions—the traditions of immigrants who brought to this land their skills and a thirst for freedom.

All that we came to take for granted has been threatened—the right to earn a decent living, the right to raise a family in safety, the right to be treated with respect.

These are the rights of every American. These are the rights we must fight to protect for every American.

We are going to apply ourselves to the unfinished business of American Democracy.

And we don't have to turn our backs on the rest of the world to do it.

The United States is part of the world and we have strong obligations for the keeping of the peace.

I'd like to see the United States make a commitment to a world under law—eliminating anarchy among nations, putting an end to the arms race.

I'd like to see the United States make a commitment to the protection of the world's resources.

I'd like to see the United States make a commitment to work with all other nations to keep the world's oceans free from poison and to keep our atmosphere free from filth.

I'd like to see the United States commit all its moral power to the idea that conditions of sanity and safety can be created on earth so that man neither has to kill or be killed.

I'd like, in short, to see us make inspiring commitments to a planet made safe and fit for the human family.

This world and everything in it belongs to the people who inhabit it.

I can imagine no commitment more in keeping with the spirit of our ancestors than a commitment to help lift the insane burden of war from the world's peoples and to advance the prospects for a decent and just existence for all the human family.

These are the kinds of commitments that make sense in our time. These are the commitments we must work to assure if we are to remain true to the greatness that is our heritage.

THE SANCTITY OF HUMAN LIFE

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. DENT. Mr. Speaker, two parishes in my district, the St. Nicholas Byzantine Catholic Church, Greensburg, Pa., and St. Mary's Byzantine Catholic Church, Hannastown, Pa., have prepared a petition which addresses itself to the sanctity of human life. The author of the text, Mr. William Zeitz has asked that I share it with all Members of Congress. I am pleased to do so.

The text follows:

PETITION

The combined membership of Saint Nicholas Byzantine Catholic Church, Greensburg, Pennsylvania and Saint Marys Byzantine Catholic Church, Hannastown, Pennsylvania presents the following petition to our legally elected representatives.

Segments of American society are proclaiming the dawn of a new secularistic and irreligious age. Faith in Almighty God and adherence to His eternal moral law are under constant attack from this same amoral force.

The inevitable result has been a lowering of the moral standards of our nation, a concerted attempt to destroy the family and a massive campaign to eliminate life itself.

The Founders of our American Republic recognized the sovereignty of a Divine Plan over any law which could be devised by man. Throughout the documents and writings expressing the principles upon which this nation was formed there is a recurring theme—the right to life. The Declaration of Independence calls this right unalienable. The Constitution was written and the Bill of Rights drafted specifically to protect this right from the encroachment of tyrannical governmental power.

The time has come to reaffirm and bolster the traditions which made this Republic so great. We proclaim to all our belief in God and we humbly acknowledge the inspiration and guidance we receive from His moral law. We recognize this law as uncompromising and unchanging and a force which cannot be abrogated by the legislatures or politics of men. We believe the right to life must be protected even when this life has not yet been born. Life begins at the moment of conception, when a man and woman cooperate with God to create an individual being in the image and likeness of the Creator. When an unborn child is denied the right of a living birth the laws of God and nature are trampled.

Through an unceasing legislative campaign on both the national and state levels forces opposing the sanctity of birth desire to fasten governmental chains on generations of Americans born and unborn. Once again the haunting spectre of political slavery plagues the freedom of Americans. This time the source is not a foreign shore but our own. Politicians of questionable motive have introduced legislation in our state to provide abortion on demand. Other states have already made abortion legal. The national government has established programs to aid "Family Planning" and our military hospitals are performing abortions without regard to state laws. Rumors of population control are everywhere. We urge political leaders of moral integrity to resist those legislative proposals. We implore the pro-abortion forces to consider the blood of the innocent children which will be on their hands should this murder continue. We strongly suggest that all levels of government stop this insidious attack on our God given freedoms. We especially single out the national government which to limit population has usurped our freedoms by running roughshod over the Tenth and Fourteenth amendments to the Constitution.

It is long past the time when decent men should stand and be counted. We only hope that our elected representatives follow our urgings before it is too late. We stand before God and our fellow citizens and pledge to defend this most sacred of freedoms—the right to life.

PURE LAWLESSNESS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. KEATING. Mr. Speaker, this week we witnessed an attempt to close down the Government. It failed. It failed because of the excellent job done by law enforcement officers in the District of Columbia. It failed because of the close line of communications between local and Federal officials. It failed because thousands of Government workers failed to be intimidated by threats to their personal safety. I would like to take this opportunity to add my compliments to Chief Jerry Wilson for a job well done.

Labeling the actions of the demonstrators this week as protest is a failure to recognize what really occurred here. In the eyes of most Americans, protest is a legitimate form of petitioning the Government for change. What we witnessed this week was pure lawlessness, and to give it another name is wrong.

It is a violent act to throw nails in the streets.

It is a violent act to throw bottles and rocks at cars.

It is a violent act to slash tires.

It is a violent act to throw yourself physically in front of vehicles.

In this instance, nonviolent protest has been replaced by mob action and this is to be condemned.

The great majority of Americans supported the District of Columbia police in making arrests necessary to maintain order in the Nation's Capital.

The law enforcement officers of Washington, D.C., are to be commended. There is one aspect of the subsequent procedures which was disturbing, the apparent lack of preparation and initiative on the part of the prosecutors' office to publicly advise and guide the police in procedures necessary to handle large volumes of people apprehended for law violations.

As a former member of the judiciary and a Member of the Judiciary Committee of the House, I have been, for some time, concerned about the failure of some prosecutors in this Nation to work more closely with the law enforcement arm. To this end, it would be noteworthy to see prosecutors on a regular basis work hand-in-glove with the police in preparation for events such as this, so that people apprehended could be brought speedily, efficiently, and fairly before the trial court.

Prosecutors should take the initiative in working with the law enforcement arm in all new procedures and decisions rendered by the highest court of our land so that they can perform their mission in the best possible manner.

The protests failed to achieve their purpose in bringing the Government to a halt and required the unusual procedure of mass arrests. There was no alternative. Those who complained about the detention at the stadium of many of the violators are only trying to make martyrs out of lawbreakers.

What we need today and every day of every year is fair, firm, just, and equal enforcement of the law and more initiative on the part of prosecutors throughout the country to see that this is done.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Capt. Arthur Thomas Hoffson, U.S. Air Force, FV3152442, Washington, D.C., single. The son of Col. and Mrs. W. A. Hoffson, Washington, D.C., 1966 graduate of the University of Texas at Austin. Officially listed as prisoner of war August 17, 1968. As of today, Captain Hoffson has been held captive in Southeast Asia for 992 days.

"THE PATHETIC, LEADERLESS RABBLE," BY JAMES RESTON

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. KARTH. Mr. Speaker, Washington was the unwilling host this week to a most vocal and irritating antiwar protest. The organizers of this protest set out to disrupt the workings of the Federal Government, and thankfully they failed. If they had brought the Nation's Capital to its knees they would have established a precedent far too dangerous and one that a democracy possibly could not have survived.

There have been many losers in this ill-conducted protest. The peace movement has, I fear, been tarnished in the eyes of many by the mob that shouted for peace with obscenities, walked naked on the Capitol steps, and showed the depth of its violence by throwing trash cans into the street, puncturing automobile tires as Federal employees drove to work, destroying public and private property. Under these conditions, I am afraid it was necessary to violate our lawful traditions of arrest and booking as the police conducted mass roundups to avert total Government shutdown. In the process it appears that some undeserving victims were included in the indscriminate roundups. I am sure everyone is sorry that happened.

What a contrast this was, Mr. Speaker, to the recent demonstrations conducted by the Vietnam veterans. They were orderly, peaceful, and with clarity and intelligence talked personally with nearly every Congressman on the Hill. They made a positive impact on everyone here. They even cleaned up their rubble before they left to return to their cities, towns, homes, jobs, and families.

It is clear that the recent actions in the streets have done little to affect our continued presence in Indochina. Such actions libel the concept of civil disobedience.

I have now supported U.S. withdrawal of all troops from Vietnam for over 4 years. Needless to say, therefore, I support the objectives of the peace movement, but abhor the tactics used by some in the name of peace this past week. Violence begets more violence, and in my judgment has made our job in Congress even more difficult.

While many people have written about these protests, few have written about them so well as the New York Times' James Reston. He has cut through the tear gas and the obscenities to the fact that no matter how obnoxious the tactics deployed this week, there is no way to ignore the fundamental opposition to the war felt by many of our citizens—both in and out of Government.

I believe the majority of the people in this country are tired of the lawlessness and they are tired of the war. Tired of the war not because of a lack of will, or patriotism. Tired because our near total resources, energies, and our purpose seems to have become one cause—the Indochina war.

I believe that Mr. Reston has done a great service by putting the experience of this week's activities into perspective, and I commend his thoughts and comments to my colleagues:

THE PATHETIC, LEADERLESS RABBLE

(By James Reston)

What the latest spring madness in Washington proves, if anything, is that the people are sick of violence—the violence of the war and the mob action of the anti-war demonstrators as well.

It is easy to sympathize with the protests of the pathetic rabble that came here this week, most of whom were 10 or 11 years old when the United States got into the Vietnam war, but even this increasingly war-weary capital was against them.

If the people had been with them, all they would have had to do was drive their cars onto the bridges and into the other bottlenecks of the city's innumerable circles and abandon them here. Maj. Pierre Charles L'Enfant designed this capital for traffic jams, and a sullen population, determined to paralyze transportation, could have blocked it stiff.

But this is not the mood of the people here. They are not militant but sad, and most of them love this city, especially when it is flowering in the spring. They do not want to see it humiliated any more than it has been in the last few years, so they went to work through the barricades and ignored the demonstrator as much as they could.

Besides, the cops were much more professional this time, and the young men and women far less militant than they look on the television and in the newspaper pictures. This is not a revolutionary movement in any accurate sense of those words.

Their most desperate and aggressive leaders have been jailed or broken down, and what is left is a disillusioned collection of roving bands, without enough public support to shut down anything more vigilant than a university.

It is still possible, of course, that in the desperation of their failure, a few of them can still create some ghastly incident, but the ingredients for a mass uprising against the government—blazing anger, cadres of skilled, well-armed guerrilla leaders, and popular support for spectacular violence—are simply not present.

Last week, there was something infinitely ironic and melancholy in the public witness of the Veterans against the War; but this week the mob was disorganized by one sudden push by the police, and it never regained its unity or poise.

As an instrument of propaganda, this kind of mass protest is still effective in giving the impression abroad that the United States is on the verge of anarchy. The reports of the television clips and newspaper photographs in European and Asian cities are troubling, not because they convey the truth, but because they distort the truth.

Even in this country, the pictures of this week's demonstrations, focusing on the landing of helicopters, and the struggles around the police vans, tend to make the confrontations seem much more massive and menacing than they actually were, and this sort of thing inevitably arouses opposition to the entire anti-war movement.

The saddest characters in the capital now, outside the kids with cracked ribs and skulls, are the more moderate political leaders who have been working for a political settlement of the war by the end of the year.

They feel that, for the moment, they have lost control of the anti-war movement, and are already being condemned by some of their constituents, as if they were to blame for demonstrations many of them actually opposed.

There is no evidence, however, that the administration is trying this time to identify these anti-war politicians with the demonstrators who were here this week, or that it is changing its policy to take advantage of the opposition to the young militants.

Atty. General Mitchell watched the demonstrations, and was personally involved in directing the defense of the capital. Also, much has been learned since the tragedy at Kent State a year ago about how to handle the demonstrators. Sometimes this leads to rough police action, as was the case in many incidents here this week, but at least the risk of sniping and police gunfire was substantially reduced.

What has not been reduced, however, is the gap between the administration's war policy and the anti-war sentiment of the rising generation. It is hard to avoid the conclusion that the people of this city, while not sympathetic to mob action to shut down the government, are still fundamentally against the war and the present pace of withdrawal from the conflict.

President Nixon may have gained some flexibility as a result of this week's struggles, but the longing here is overwhelmingly for peace abroad and a little quiet at home.

RACE RELATIONS IS THEIR BUSINESS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. CLAY. Mr. Speaker, a growing field in the realm of business has been the development of black-owned consultant firms, public relations companies, and employment agencies. These groups have come to realize that by working through the system they have been able to put a dent in the racism which exists in this country. In a recent article in the New York Times, Saul Friedman points up how these organizations developed and the effects which they are producing.

The blacks have become strong competitors with the whites who have traditionally dominated this field. Mr. Friedman defines the three kinds of businesses which comprise the race relations industry—the first is the black-owned consultant firms which compete for contracts to help design government programs for blacks and the poor; the second is the black-owned public relations companies who are helping private industry establish a better image among blacks; and the last is the black-owned employment agencies which specialize in finding suitable blacks for otherwise lily-white executive suites.

Many of these black executives have learned the ropes of their trade by first working for the Federal Government. They have utilized these skills in playing the game of capitalism and their talents have indeed produced changes. Several of the biggest corporations in the country have come to these men seeking to recruit blacks who will be used for their brains instead of the usual window-dressing positions. The black consultants have employed those techniques used by whites to develop proposals in the field of housing, transportation, manpower training and poverty programs. And the black public relations men have brought changes on the community level by illustrating to white businessmen the ways necessary to effectively relate and be responsive to blacks.

Their concern for social responsibility is great and if they have helped in some way to eradicate discrimination and racism, they have accomplished a major breakthrough. For challenging the white establishment by employing their tactics while at the same time continuing to be responsive to their own people is certainly not an easy task. I commend to my colleagues' attention Saul Friedman's most informative article. The article follows:

RACE RELATIONS IS THEIR BUSINESS

(By Saul Friedman)

WASHINGTON.—The seventh-floor suite of Sam Harris Associates, Ltd., once part of the Ling-Temco-Vought conglomerate, looks like any other office in the section of downtown Washington where a special breed of lawyers, lobbyists and shadow bureaucrats work. The décor is Connecticut Avenue contemporary—plastic, glass and veneer—but on the neutral white walls of Sam Harris's office, instead of meaningless mod abstracts, there are photographs of black ghetto youngsters with wide eyes and black revolutionaries with raised fists. The trim receptionist is black, with colorful minidress, steelrimmed spectacles and an imposing Afro hairdo. And on her desk, which adjoins the room where the clacking and humming Xerox 3600 is constantly being fed, there is a sign: "*Weusi Wampandezi*"—Swahili for "Black Is Beautiful."

A few blocks away, Albert L. Nellum, president of A. L. Nellum & Associates, covers his office walls with prints by Sister Mary Corita, including one in the reception room which quotes Albert Camus: "I should like to be able to love my country and still love justice." And behind the pretty black receptionist with the Afro, as well as in Nellum's private office, is a pair of pen-and-ink sketches of Dr. Martin Luther King and Malcolm X.

Such displays of black activism are rare along Connecticut Avenue, which, more so than Pennsylvania Avenue, is the main drag of the white establishment in Washington. For in its bars, private clubs, restaurants and glass office buildings, well-connected individuals help make Administration policy, no matter who the President, selling high-priced advice and influence to the Government and to those who must deal with the Government. Harris and Nellum are prominent among a bold new group of businessmen who believe that there is a profitable market for their services within the white establishment. They are black and, in their way, radical advocates of black-establishment power. Both are "program and management consultants," but race relations is their business. And for a growing number of Negro entrepreneurs, it has become a lucrative new business, not only in Washington but throughout the country.

There are, basically, three kinds of businesses which comprise the race-relations industry. About 100 Negro-owned consultant firms compete for contracts to help design Government programs for blacks and the poor. Negro-owned public-relations companies, some of which have been struggling for years, have suddenly struck it rich helping private industry establish a better image among Negroes. And there are also 100 or so employment agencies which specialize in finding suitable blacks for otherwise lily-white executive suites.

Until just three years ago a dozen or so white firms, with virtually no Negroes on their staffs, designed all the programs which the Government hoped would help the black man. Now, black economists, sociologists and urbanologists who got their training in Government, and consequently are based mostly in Washington, are giving the white management experts strong competition in the sprawling consulting field.

There are small, transient firms that are black counterparts of white consultants who are little more than con men adroit in compiling endless and nonsensical makework studies which stack up on bureaucrats' desks. But most of the blacks who have come into the business of overseeing programs now in existence try honestly to point out the emptiness of schemes which have put money in the pockets of contractors and administrators but have given little help to the poor and black. They do speak the language of their black brethern as they claim and are therefore uniquely qualified to provide information on their real needs and to organize programs to train them for skilled jobs and community leadership.

The public-relations consultants have opened the eyes of business to the special possibilities and eccentricities of the Negro market, which has an estimated $30-billion a year in purchasing power. And some of them, doing an occasional chore of "conflict resolution," have taught members of local establishments—from banks to Boy Scouts—how they have failed the black communities.

In Detroit, a new consulting firm headed by Hubert Locke, a former assistant to the police commissioner, stepped into a dispute between a bank and its 30 rebellious Negro employes. The blacks charged that the bank rarely made loans to Negroes and employed as few as possible. Locke's firm, through education and mediation, persuaded the bank to hire more blacks, to introduce a more liberal loan policy and to open a new branch of the bank on the edge of the ghetto, where the 1967 riots erupted.

In Washington, public-relations man Ofield Dukes, a former member of Vice President Humphrey's staff, was consulted by the United Givers Fund in Washington after a threatened boycott of its annual money-raising drive called by militant leaders of the Black United Front. The blacks, with some justification, charged that the fund spent most of its money on white groups in a city in which most of the population is black. Dukes mediated between the hostile camps, helped get more blacks on the U.G.F. board and extracted a promise that it would reorder spending priorities to give special attention to black member-groups.

One of the nation's leading black public-relations men, D. Parke Gibson of New York City, publishes for the edification of 2,500 white businessmen "The Gibson Report" and "Race Relations and Industry," which are mines of information for commercial and advertising possibilities among Negroes. For example, the June issue of "The Gibson Report" noted a new line of beauty products on the market for black women who want "the Afro look" and described a package tour for black travelers. The report also advised that advertising agencies are beginning to have some success reaching black consumers with soul music commercials. "The sound of soul can sell," it concludes.

Gibson helped quell a possible boycott of Expo 67 by blacks, which was threatened when rumors spread that some hotels in and around the fair were keeping them out. He persuaded a few of the hotel owners to advertise on black disc-jockey shows in the United States and to publicize a policy of nondiscrimination in the Montreal press. By so doing, they helped to convince blacks that they were welcome. The "Negro-oriented" advertising of Sidney Poitier motion pictures was designed with Gibson's help. After consulting with him, the Boy Scouts of America turned more attention toward blacks. And he suggested that B. F. Goodrich avoid a *faux pas* in the black community by deleting from its advertisements in Negro journals the endorsement of one of its tires by police.

Another satisfied Gibson client was a White-owned toy company that had put out a line of black-faced dolls. They weren't selling in black neighborhoods, and the manufacturer couldn't understand why. "The doll wasn't ethnically genuine and the white production managers could not see that," says Gibson. "It was simply a white-featured doll which had been colored brown. The manufacturer has since changed the features and put an Afro hairdo on the doll. And he hired some blacks to give advice on such things. The dolls are selling well, I hear."

Although black public-relations men and management consultants to private industry are sometimes called on to defend their white clients against charges of discrimination, Gibson says most of their efforts are spent "sensitizing" businessmen and teaching them how to relate to blacks. "You have no idea how ignorant these worldly, sophisticated corporate giants are on the elementary questions concerning race," says Gibson. He has no doubt that following the spate of race riots a few years ago, and the pleas of worried city and Federal officials for more understanding of black problems by white businessmen, "there was many a meeting in the executive suite, where president A said to vice president B: 'Do you know any Negroes who can help us relate?'" Reports Gibson: "Every consultant, headhunter and P.R. man now has an I.N.D.F.—an Instant Negro Defense File—for companies or groups that suddenly find themselves in frantic need of help because of black pressure from the community or in their plants."

The race-relations industry is not wholly new, but Negro ownership and vigorous, competitive participation in it is. The growth of the black-owned Government consulting firm is particularly recent. And after a decade of Federal activity in race relations, it has become the largest and richest part of the industry.

The case of George Robinson, a 55-year-old black man who directs Howard University's Institute for Minority Business Education, illustrates why black consulting companies have suddenly come into being. Robinson has for years been engaged in research on programs for blacks, first as a young student of economics, then as a staff member of the Urban League, a Negro personnel manager in a war plant and an official in the Department of Commerce. A prodigious project of his became the basis for the black capitalism program of the Small Business Administration (S.B.A.). In his tiny office at the edge of one of Washington's black ghettos, Robinson points to a bookshelf laden with thick volumes of reports.

"I had to remain behind the scenes and watch my studies and proposals go out to white firms in the form of program-management contracts," he says, a little bitterly. "Those white firms got rich. My boss at Commerce wrote an article about my project. It appeared in a very learned journal, and he was hailed for his work. Anyway, the program got started, and some people were helped. So I suppose it's all right."

A $100,000 loan through the S.B.A. program helped put Sam Harris in business. He was young and energetic, a former activist in the civil-rights movement who was unafraid of taking risks in the white man's world and unwilling to watch whites get rich designing programs for blacks. Handsomely dressed in sport clothes, Harris, a 34-year-old native of St. Louis and the son of a janitor, speaks with quiet passion, black cynicism and unabashed ambition as he paces his spacious, gold-carpeted office.

"I have almost decided to become a Republican," he says. "In a strange way there is more of Malcolm X in the traditional Republican philosophy of individualism and self-determination that in the socialism of the Democrats.

"I am in this business because I can bring some militancy and honesty to programs which evaluate what is being done for the black man. But I'm in it for the money. There is nothing wrong with capitalism, no matter what the rhetoric of my brothers in the streets. The only trouble with capitalism today is its exclusivity. But since capitalism is the game, we're learning to play it."

A graduate of Michigan State University with a bachelor's degree in labor economics and a master's in economic development, Harris labored during the early sixties in Government agencies, reading and valuating contract proposals. Then, as now, the burgeoning "software" industry * was dominated by a few large white-owned management firms, notably Arthur D. Little; Booz, Allen and Hamilton; Litton Industries; Ling-Temco-Vought, and Peat, Marwick, Mitchell.

The language in a software proposal is, at best, like mush, but somehow impresses the Government bureaucracy. Harris quickly picked up the jargon; he learned the "inputs" and "outputs" of proposal writing. Winking at conflict-of-interest regulations, he and other Negroes hired at the height of the Great Society also found extra money in helping prospective contractors write the proposals they would read. "Hell, there's nothing to writing contract proposals once you dig that language," Harris says. "So I did some freelance work for a while, then went out on my own and became the best damned contract-proposal writer in the country."

A brochure offered by his company illustrates the language he learned. It describes a contract that was awarded to him by the Department of Housing and Urban Development "for the purpose of developing and implementing a systems-analysis assessment and reporting methodology for a vast array of Model Cities components during their start-up phases."

In 1968, when he was earning $20,000 a year writing proposals for others, Harris took the next step and wrote a few for himself. He scored on one and was awarded a $190,000 Department of Labor contract to evaluate some of its manpower training and employment programs. Harris knew of a number of black and white experts around the country who could do the job, but he needed money for the initial costs of bringing them together for the contract. Like other struggling black consulting firms—and even those with huge contracts in hand—Harris had trouble getting financing to cover his expenses until the Government funds started coming.

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* Referring to companies that sell their expertise in devising computer programs—but not the "hardware" itself.

"You can show the man at the bank all kinds of contracts," Harris said. "But a software contract is a strike against you because you are producing thinking and not a product. And being black is two more. They want collateral, and all we have is brains. And, man, bankers are just not impressed by brains in a black head!"

Harris's complaint is echoed by his competitor, Nellum, a tall, soft-spoken, 38-year-old man who seems more comfortable than Harris in the corporate world. Nellum, a graduate of Loyola University and the University of Chicago, is a sociologist. He came to his business in 1967 from the Chicago regional office of the Department of Labor, where he learned, to his amazement, that he was as competent a consultant as the men he saw coming through his office.

His first contract, for $150,000 from the Department of Labor, was in his hand when he visited Washington's banks in search of a loan. "Every banker talked to me as if I were trying to buy a car a black man is not supposed to have," Nellum recalls, smiling. "One banker even called the agency to see if I had stolen the contract. I never did get the financing. The two people I hired to begin with took low pay, we stretched out expenses, held up on the payment of bills, and we got by."

What the programs of the New Frontier and the Great Society did for bringing blacks into the Government, the riots of 1967–68 did for getting them out—into consulting. The Washington disorders, following the murder of Dr. King, helped boost Nellum's business. And Harris found bank financing. "The riots here pried open the doors of the financial institutions," says Harris. "But just as important, the black militant was suddenly accepted as a consultant." According to Nellum: "The Government, and even the white consultants who had been reporting progress on their programs, began saying it was a time to bring a black perspective to community and business development and manpower training."

In 1968, total contract awards to Nellum increased from $150,000 for the previous year to $1,500,000. His staff grew from three to 50. And this year, 75 staff members, two-thirds of them black, are working on $5,000,000 in contracts. The staff, which is the largest among black consultants, includes sociologists, psychologists, economists, financial planners, political scientists, industrial relations experts, and community organizers with experience in government and credentials from the civil-rights movement.

Harris, whose firm won $190,000 in contracts during its first year, expects $570,000 in awards this year. But he reports he will clear only $30,000 in net profit, and is having a difficult time making ends meet. His expenses average $50,000 a month, he says; he pays his professional staff, which includes nine economists, five political scientists, five sociologists, two psychologists, two historians and an urban planner, an average salary of $16,000 a year. He blames discrimination in the contracting agencies—and his own militancy in speaking up about it—for his firm's relatively low growth rate and for his financial troubles. After he lost a few bids, Harris circulated through the agencies a long, bitterly written denunciation of alleged irregularities and racism in awarding contracts.

Another struggling black consultant, Ford T. Johnson, president of Koba Enterprises in Washington (Koba is a Ugandan word which means "to join forces,") teamed with Harris to form the National Association of Black Consultants and Urbanologists. Together, they issued a public denunciation of discrimination in the agencies. They charged that of the $500-million the Government spends for software consulting, only 1 per cent goes to the black consultants, who comprise 20 per cent of the industry. And 60 per cent of the consulting funds go to 20 white-owned firms, or about 5 per cent of the companies.

Robinson, whose Howard University institute last April sponsored a seminar on the problems black consultants face competing for contracts, said the complaints of Harris and Johnson are justified. But part of the problem, he said, is that whites, for a longer time than blacks, have been moving easily in and out of Government, developing the experience and friendships a contractor needs to succeed in the heavy competition. "Blacks have been in Government once [during the Kennedy and Johnson Administrations]," Robinson said. "Now they are out, and they can't get back in for contracts. Blacks still don't have the access the whites have. But blacks today have an advantage over whites—they can communicate with other blacks. The Government has begun to recognize this, and blacks are beginning to learn how to use it."

Nellum also confirms that Harris and Johnson have grounds for their complaints. He said he could name the contracting officers who are racists, but he won't. Instead of complaining, Nellum is learning the game. He takes bureaucrats to lunch as often as he can, and visits them in their offices to learn of their needs and their complaints about other consultants. At big conventions, members of his firm often rent a hotel hospitality suite where prospective Government clients can gather—and meet them. From relatively small contracts to evaluate various social programs, Nellum's firm has graduated to million-dollar awards to train staffs for Model Cities, manpower programs, and VISTA and other antipoverty programs. This year Nellum won an important Department of Labor contract to train blacks for the building trades. And, with a little lobbying. Nellum was awarded the first contract given to a black consultant by the Department of Transportation: to train blacks for skilled road-building jobs in Alabama, Florida, Georgia, Mississippi and Tennessee.

The pressure on Government and industry created by racial tension, plus fair employment legislation, has benefited thousands of blacks looking for top jobs—and the "headhunter" who finds and recruits them. In a sense, the black employment specialist has the easiest task in the race-relations industry. Unlike the management or public relations consultant, his interests are narrow, well-defined and tangible. He recruits blacks for jobs in which blacks have not worked before. And today, despite continued resistance in some industries, many companies feverishly compete for educated, qualified Negro executives.

Richard Clarke of New York City, by far the most successful of the headhunters who specialize in blacks, is accustomed to calls like the one he received not long ago from a New York whiskey distributor.

"Hey," began the caller, "you got any colored over there?"

"I beg your pardon," said Clarke, who has no trace of a Negro accent.

"Somebody told me you have some coloreds over there."

"You mean you want some Negro employes?"

"Yeah. Yeah. That's it. Some Negro employes."

"What kind of qualifications do you want? What will they be doing? How much will you pay them?"

"Look, we gotta have some colored help right away. I don't care what they do or look like as long as they're black. I'm being picketed right now."

Clarke said he could not help, and told his caller that he was black. The whisky distributor hung up, sputtering apologies.

More often Clarke's contacts with prospective white employers are more genteel and subtle, and their business is concluded over lunch or in a conference room. Essentially, however, the employer is after the same thing as the whisky distributor. Clarke is happy enough merely to find good employment for a Negro, but he believes part of his job is to persuade his corporate clients to hire a black man for reasons other than his blackness—to put the company in contact with the view from the black community.

"We still have the problem of the company which hires the spook to sit in the front by the door," Clarke says. "But that's changing."

Evidence for his optimism is in Clarke's magazine, Contact, which he sends monthly to thousands of college-educated or otherwise qualified blacks who may one day want jobs, to keep them in touch with employment possibilities. A recent survey of Contact readers showed that more than 62 per cent have bachelor degrees, 25 per cent have a master's and 6 per cent, doctorates. Typical of the advertisements in the magazine by some of Clarke's corporate clients was one from Western Electric in the March issue that showed a cardboard Negro at an empty desk. The ad said: "The show Negro. We don't hire black people for decoration. We hire them for the same reason we hire white people. To help us engineer, build and supply communications equipment for the Bell Telephone System. Not a novel idea. And it shouldn't be. But it is why we have black supervisors, engineers, and technicians all over the country, who are not window-dressing."

Besides Western Electric, Clarke's clients include American Metal Climax (his New York office is in the company's building), Babcock and Wilcox, American Home Products, I.B.M., Xerox, Celanese, General Electric, Squibb, North American Philips Corporation, Sperry Rand, Mattel, Mobile, Atlantic Richfield, Pan American World Airways and Consolidated Edison.

To bring company personnel men together with blacks looking for well-paying jobs, Clarke holds "opportunity centers" in four cities each year. He has also designed a novel intelligence test which dramatizes to prospective white employers how unfair their pre-employment examinations have been to blacks. The test, which Clarke defies white employers to give to white employes, includes questions such as this one:

Select the right answer:

The worst thing in the world to happen to a guy with a "do" is . . .

A: To have some girl run her fingers through his hair.

B: For it to rain.

C: For his momma to wash his do-rag.

D: For the wind to blow too hard in the wrong direction.

E: Any of the above.

The answer is "E," a "do" being the result of the painful process of hair-straightening.

Clarke, 42, a bald, slightly cherubic version of actor James Earl Jones, is the sole owner of Richard Clarke Associates, which is earning $500,000 a year placing perhaps 1,000 Negroes annually in executive or supervisory jobs for an average salary of between $12,000 and $18,000. (Clark said he added the word "associates" to his company name, even though he has no partners, because "it might otherwise have seemed egoistic.") Only five or so years ago the average salary was a little more than $6,000.

A native New Yorker, Clarke went into the employment agency business because he could not find a job when he graduated from City College in 1957 with a degree in personnel management. During eight years of attending college at night, Clarke did enough of what he calls "nigger work"—and he wanted no more of it. He visited employment agencies and found they did not send blacks out to jobs. But he learned the agency people did not look for job openings; they simply waited for calls from employers. With $2,000 he had saved he went into business for himself at Lenox Avenue and 125th Street in Harlem—as the Hallmark Employment Agency—and began aggressively searching for openings and applicants.

"My first client put me into the business I'm in now, recruiting executive talent," he recalls. "She was an intelligent, educated young girl and she came in looking for a job as a hotel maid. It sounds funny now, but I asked why a nice girl like her was doing maid work. She laughed, because she had no time for my ambitions for her. She simply wanted work. Her situation sickened me, because I couldn't cope with the human waste, and I didn't want to perpetuate it."

After that, Clarke set out on a new track. He visited the offices of firms and nonprofit organizations throughout New York, appealing to them to hire blacks for jobs they had open. Jewish organizations such as B'nai B'rith and the Jewish Theological Seminary responded first. And in 1958 a pioneering personnel manager at I.B.M. (he remembers her as a "tough but good woman") became his first corporate client.

In those days the employe paid the job-finding fee. "It was unheard-of then that an employer would actually pay to get a black African," Clarke says with a wry smile. Now all fees are paid by the employer, and gladly. The fee amounts to 10 per cent of the first $10,000 in salary, and 1 per cent for each thousand above that. In addition, Richard Clarke Associates, and its subsidiary, Hallmark, are on retainer to a number of corporations and foundations in need of employees or consultation.

The most progessive employers, Clarke says, are the newer companies—I.B.M., Polaroid, Xerox, and others engaged in electronics and data-processing. Clarke believes the primary reason for this is that their managers are young and modern, their products are particularly relevant to technological trends and they seek to sustain a "with-it" image in social relations. The older and larger the company, Clarke contends, usually the less it seems concerned about image or social consequences.

Of special annoyance to Clarke is the backwardness of the employment policies in the generally liberal advertising and communications industries. He says:

"I can make headway with bankers and manufacturers who care only for the buck, but the advertising and communications businesses are among my worst problems. They probably believe they are the best of the equal-opportunity employers, but they are the worst. I would expect more from them because they are liberal, talented, sensitive people. I suppose it's because manufacturers and bankers must face the public directly and are vulnerable to pressure. Advertising agencies are not."

Another of Clarke's concerns is what happens to Negroes after he places them. Black supervisors as well as black workers, particularly in manufacturing, have difficulties in winning acceptance from white colleagues. Consequently Clarke has invested in a unique firm with a unique name—Ergonomics—a Great Neck-based firm which specializes in training programs that strike to improve integration of black workers into white firms. "Ergonomics" (a word that derives from the Greek for work—*Ergon*) is a new discipline concerned with making employment a rewarding living experience rather than a burdensome chore.

For its immediate task of soothing black-white relationships, Erogonomics president Norman Goldberg prepared a two-minute film for training sessions which he stages for client-employers. Entitled "Sound Familiar?". the film contains the following example of noncommunication between a new black worker and his white supervisor:

Worker: "He's never going to give me a chance."

Supervisor: "I have to worry about production. I don't have time to baby this guy."

Worker: "What bull! All those beautiful whiteys up front saying. 'Welcome to our family; you can really grow in our company, it's up to you.'"

Supervisor: "No one gave me a damn thing when I started working. No special privileges, no training, no special schools. What the hell is this country coming to?"

Goldberg is having a difficult time selling such services to industry. So he, too, is trying his hand at management-consulting for the Department of Labor to keep Ergonomics alive.

Black consultants, public-relations men and headhunters are extremely sensitive to the charge that they are merely carbon copies of the white corporate world. Consultant George Johnson, who works in an unpretentious brownstone midway between Connecticut Avenue, in Washington, and the ghetto, wonders if the dark-black secretaries with Afros, the pictures of Malcolm X, the secret contributions some in the black race-relations industry make to the Black Panthers, and the African bric-a-brac in their offices are not part of their discomfort and defensiveness.

Public-relations man D. Parke Gibson acknowledges this defensiveness, but sees no need for it.

"We're not Uncle Toms. There is no dispute between the 'house nigger' and the 'field niggers,'" he says. "But I'll tell you this. Even the field nigger knew that the house nigger was important to him. The house nigger knew the white man and used his knowledge to help the men in the field.

"In public relations we articulate the views of militants. We know something about black men. They want jobs, education and a piece of the economy. They're talking about black power and so are we—black economic power."

Often, Gibson says, the black public-relations men's clients come to them for help after they've had trouble with militant Negro organizations. And, Gibson suggests, sometimes the public-relations man tips off a civil-rights group about a white-owned business which is particularly vulnerable to charges of racism and discrimination. Pressure on the business follows, and if asked, the civil-rights group refers its target to a public-relations man who can help mediate the dispute.

A former North Carolina public-relations consultant, Robert Brown, who is now a White House adviser on black capitalism, was involved in an arrangement which helped get contributions from white industrialists for the Southern Christian Leadership Conference's Operation Breadbasket. Evidence published by Knight Newspapers also indicated that Brown, on behalf of industrial clients, helped quell union activity among blacks. Similarly, Urban ERA (an acronym for Education, Research and Action) Associates of Detroit, headed by former Assistant Police Commissioner Locke, received a $5,000 fee for helping defend General Motors before the Michigan Civil Rights Commission on charges that the corporation hired only light-skinned Negroes; a partner in Urban ERA, Arthur L. Johnson, is former deputy director of the commission.

With the increasing success of consultants such as Sam Harris and Albert Nellum has come criticism—from blacks. Harris suggests that 3 of the 10 most successful black consultants in Washington are "black fronts"—that is, they are owned or financed by white management firms.

Nellum says he owns 86 per cent of the shares in his company and his employes own the rest. He acknowledges that white companies have offered financing to him, as a prelude to merger. But he has refused. Some of his industry colleagues may be "black fronts," he adds, but, if they are, they keep it highly secret for fear of losing credibility among blacks with whom they work, as well as contracting agencies that want "genuine black perspective."

There is another type of secret "black front." Sources in Government agencies say many struggling black firms which are awarded prime contracts use, in a joint venture, a better-financed white consultant as a subcontractor. In what was a highly confidential arrangement, the National Association for the Advancement of Colored People used the consulting subsidiary of a large electronics firm to perform a $176,000 contract from the Department of Housing and Urban Development. (Nonprofit consultants such as the NAACP., the Urban Coalition and universities get an estimated 20 per-cent of all the consulting contracts awarded by the Government. Black consultants are particularly damaged, they say, by the competition from the nonprofit groups, which can easily bid lower than profit firms.)

The most common criticism of black consultants—that they are copping out and playing the white man's game—has come to Nellum not only from militants on the streets but from within his own firm. Charging that Nellum was more concerned with making money than helping blacks, several Negro members of his staff quit, formed their own firm and moved closer to the ghetto. Later, after some success at getting contracts, the new firm—called BLK (a contraction of black) Group—moved back to Connecticut Avenue. "They are in the same bag now," said consultant Ford Johnson. "Like many of the black firms, they are more responsive to what the agencies want than to what their people need. They need to pay staff and office expenses, so they go after the make-work contracts like anybody else."

For all their pride in their accomplishments, the top entrepreneurs in the race-relations industry are under no illusion that they do anything more than tinker with the problems of racism in public and private institutions. In philosophical conversation, they are as pessimistic about possible solutions to discrimination as their militant brothers in the streets. Nevertheless, they defend their tinkering, and their participation in the system—capitalism—that has come under increasing ideological attack from black radicals.

"All we can do is hope to civilize things a little," declares Gibson. "That, in itself, is quite an accomplishment. And, after all, we do not help hundreds of black youngsters get jobs, and scholarships. Companies are becoming sensitized to the black man. And dozens of black organizations are benefiting from the contributions we urge industry to give."

According to Johnson: "Many black consultants in this industry are tempted by the lure of money. But they are still more responsive to blacks than are white consultants tempted by the lure of money."

Nellum's firm has been run out of some Southern cities, such as Tampa, because the Negroes it has trained to run community-action organizations have challenged the white establishment. Sam Harris says that with few exceptions the black consultants are, because of their understanding of the inner workings of the system, "extremely militant, although covertly." But Harris adds: "Though they are militant, they are not hell-bent on destroying the system. They are builders."

Clarke prefers to put it another way. A black man doing the race-relations thing in the white corporate world can make money, assume an executive position and win the key to the executive washroom, he said, but he cannot shed his black skin. So, in a growing number of companies and plants, black caucuses—which include black executives—are challenging the management policies of companies to turn them away from a preoccupation with profits toward a concern for social responsibility. The mere presence of the black man in the white world of high business, Clarke maintains, has begun a "corporate search for soul."

MAN ABOUT TOWN—GEORGE COUTROS

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. GARMATZ. Mr. Speaker, Seymour Kopf, of the Baltimore News-American, recently devoted his "Man About Town" column to George Coutros, a constituent of mine whom I have known well for over 15 years and who I am happy to consider one of my close friends.

George is now the proprietor of the Club 1400, located at Fourth and Edison Streets in Baltimore, but prior to that he had the well-known Francis Scott Key Restaurant.

George was born on December 25. Maybe the fact that he was born on Christmas is what helped to inspire his feelings for others. George is often found at a local hospital, visiting a customer who is ill and giving them a word of good cheer and if the case may be, financial aid.

I am a frequent patron of the Club 4100 and always find that the excellent food is greatly enhanced by George's tremendous hospitality.

As a small tribute to an outstanding citizen, I would like to take this occasion to enclose this article in the RECORD:

[From the Baltimore (Md.) News American, Apr. 21, 1971]

MAN ABOUT TOWN

(By Seymour Kopf)

George Coutros is a Greek who "had it good but didn't know it" until he became paralyzed in Baltimore five years ago. There are millions of people like George—those who didn't know how good they had it until something happens to them.

It could be losing your health, or losing a good wife or husband, or a job you had, or perhaps you had to move from a neighborhood or city you liked a lot.

The only thing different with George is that he recovered from his paralysis and learned his lesson. *Give the roses to people while they're living. Enjoy yourself making others happy.*

Although George is one of the city's most fabulous philanthropists, chances are you have never heard of him. I think the reason why George doesn't get his picture taken or his name mentioned more often is because he gives the old-fashioned way. He does not hand over checks in front of photographers.

He gives on impulse, unpredictably. If a giving idea hits him, he'll do it immediately not knowing "why" he is doing it, except that his heart tells him to. There is no gimmick to his giving.

For instance, the Brooklyn Optimists meet at his establishment—The Club 4100 on Fourth and Edison Streets. George serves them a fabulous steak dinner for $2.50 for each member. But he thinks he is not doing enough. So he brings over wine. He distributes a 50 cent cigar to each member.

I was there during an Optimist teen speaking contest. He brought over pitchers-full of milk and Coke to the kids. He discovered two days before there was one Jewish member who could only eat matzos that night. He bought a box just for him.

But the Optimists are expanding and sooner or later they'll need larger quarters. George knows this. So what does he do? He had all the plans ready to build a larger dining room. At the last minute he got an idea that the kids who suffer from paralysis need a swimming pool during the summer.

So instead of building a bigger dining room, he builds a big pool in back of his place for the kids.

Says Optimist Vice-President Donald Lebowitz: "I've lived in Brooklyn most of my life. My parents still have a grocery here. George has done more than a Rockefeller would for Brooklyn. He donates buses to take kids to all kinds of sports events. He is a great benefactor to the retarded children of Angel's Haven.

"He does so many things people don't know about. He treated 700 kids to an Easter Hunt the other week. I saw him buy 60 dozen eggs. He hired two merry-go-rounds, the same ones you ride at carnivals. He handed $300 to the man. He rented six live ponies. Do you know that George won the Maryland Lions humanitarian award one year without a word of publicity?"

George Coutros, 57, was born in America, but his parents returned to Greece when he was a tot. Later, his father became mayor of a city just outside of Sparta. Ancient Sparta was known to train its youngsters at an early age to accept all the rigors of life, and even children had to develop an extraordinary sense of self-discipline.

Nobody in Sparta was allowed to reason with his heart and it was under this heritage young George was raised. He had to rise at 6 a.m. to clean his father's coffee house and then taking off for school six day a week. He never missed a day of school even though he had the mumps once.

But as I talked to George, I could see that only one Spartan trait rubbed off on him, the tradition of hard work, of keeping busy.

He told me: "Since my stroke especially, I feel that it's in my blood to help people. Many Greeks are like that. I returned to the United States when I was 14. I knew this was the country for me. At age 53 I was stricken with paralysis. When I recovered I resolved to help people more than ever."

I met George before I delivered a speech to the Optimists. Teens also delivered their speeches for a contest—four bright students. As I enjoyed. George's delicious rice-pudding, I spoke to Stan Janyska, Optimist president and past-president Charles Rechner of Title Guarantee Co. I also met Manny and Dino, two, friendly Greeks who are now associated with George.

I asked George what he thinks of another Greek named Onassis.

"Don't ever ask him for a nickel," George said as he put some oregano spice into his famous Greek salad. "He's one Greek who will never give it to you or anybody."

THE RUSSIANS ARE COMING

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. BOLLING. Mr. Speaker, Russian activity in the Indian Ocean is described by C. L. Sulzberger of the New York Times. His column from that part of the world, which appeared in the Times of May 5, follows:

THE RUSSIANS ARE COMING

(By C. L. Sulzberger)

PORT LOUIS, MAURITIUS.—The name of the game in the Indian Ocean is: "The Russians are coming." From South Africa to Australia and from the Persian Gulf to the Malacca Straits there is increasing obsession with Soviet gunboat diplomacy. If, as is traditional, the purpose of such diplomacy is to unbalance an adversary, Moscow is succeeding.

Mauritius is only one of dozens of islands caught up in the chess match of bases and counterbases between Suez and Singapore. The British have renovated the moribund ANZAM agreement with Australia and New Zealand to defend the Malaysian area at the Indian Ocean's eastern gate. They have restored new life to the Simonstown naval understandings with South Africa.

Everywhere the Russians are said, feared or suspected to be moving in. P. W. Botha, South African Defense Minister, claims Moscow is using the nuclear stalemate to "infiltrate by indirect strategy and is increasingly active in the Indian Ocean. I can tell you that the Soviets are present at 39 points in Africa, either politically, militarily or economically."

Moscow's fleet has become a formidable factor. Admiral Sergei Gorshkov, its commander in chief, proudly contends: "The Soviet Navy has been converted into an offensive-type, long-range armed force which could exert a decisive influence on the course of armed struggle in theaters of military operations of vast extent."

There are three Russian shipping units in the Indian Ocean: a fishing fleet operating southward to the Antarctic, a space-effort support fleet, and a potential combat force. The warship flotilla is not large and usually runs around twenty vessels of all types dependent upon shore-based air support. Siegfried Breyer, a West German naval expert, believes it could be swiftly hunted down in any war but adds:

"The aim of the present-day Red fleet is to reduce the offensive power of the Western allies by forcing them to commit far greater forces to the defense of the sea lanes than the Soviet Union commits to their attack."

For the present Washington regards Russian naval demonstrations around here as handwriting on the wall without immediate security problems. Nevertheless, Defense Secretary Laird predicts that as the Vietnam war runs down more resources will become available for a stronger showing in the Indian Ocean.

Until recently only a converted seaplane tender plus two ancient destroyers were maintained by the U.S. in this region but a task force just sailed in from the east and includes a carrier, four destroyers and a submarine.

British strength is principally geographical. Various installations, mainly communication for staging areas, exist at Masirah, east of the Persian Gulf, Gan, south of the Maldive Islands, Aldabra, north of Madagascar, and Diego Garcia in the Chagos Archipelago.

Slowly but persistently the Russians are trying to offset this advantage, a process which will be enormously facilitated once the Suez Canal is reopened and Moscow can move directly from the Black Sea, past Soviet facilities in Egypt and the Red Sea, into the Indian Ocean.

Already Russia has established a series of mooring buoys in this area for submarine support. The Yemeni port of Hodeida is under Soviet supervision as is Socotra off the northeast horn of Africa where Russian construction gangs are working. Britain's former port of Aden now has a Russian harbor master.

Moreover, far to the northeast, Soviet diplomacy is apparently intruding on the important island of Ceylon where the once great British base of Trincomalee has been abandoned but could easily be rehabilitated. It is ideally situated for Gorshkov's purposes, being midway between Sevastopol in the Black Sea and Vladivostok.

Last month's uprising by Maoist guerrillas against the Ceylonese Government of Mrs. Bandaranaike allowed the Kremlin to fly in a detachment of MIG fighters plus maintenance crews as help against the insurgents. This could be the forerunner of a permanent Soviet air installation of crucial importance to the Russian naval position in this ocean.

Naval politics and gunboat diplomacy in the Indian Ocean don't involve large numbers of ships or huge sums of money but the stakes are immense. Nearly 50 per cent of Europe's oil, 90 per cent of Japan's and 80 per cent of Africa's move across its greasy water. That, as will be discussed in subsequent columns, is where Mauritius comes in.

IS VIETNAMIZATION REALLY WORKING?

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. HARRINGTON. Mr. Speaker, we are fed a steady diet of rosy predictions and great expectations concerning our operations in Vietnam. Our withdrawal is proceeding according to schedule, Vietnamization is a smashing success, Laos and Cambodia were military triumphs, God is in His heaven and all is right with the world. Yet, occasionally, reality rears its ugly head and a shadow is thrown across our garden path. A recent memorandum sent out by Richard Funkhouser, Deputy for Civil Operations and Rural Development Support in Military Region III of Vietnam, is a case point.

In this memorandum, Mr. Funkhouser expressed concern over a lack of accurate information from American advisers in the field concerning the real success of pacification in Vietnam. The basis for this memorandum lay in the final report of a deputy district senior adviser, describing corruption, incompetence, and various shortcomings in the execution of CORDS, the pacification program. Yet, due to the efforts of his superior, the antics and offenses of the Vietnamese district whose chief was subverting the program for his personal gain, were effectively suppressed.

The report describes the frustration of the deputy adviser not only in obtaining accurate information but channeling it to those above him. Despite the violations he encountered, he was prevented from reporting them until the end of his assignment.

With numerous officials visiting and inspecting, filing reports proclaiming the success of pacification in that district, the only American official able to even speak Vietnamese remained silent. While the district chief lined his pockets, alienating the people we intend to win over, our officials were asserting the success of their program.

The difficulty in assessing a situation is great enough given full and factual information, it becomes impossible when working with half-truths and omissions. I insert the text of that memorandum along with a corresponding New York Times article in an effort to present a more balanced view of our pacification program:

HEADQUARTERS, II FIELD FORCE
VIETNAM, OFFICE OF THE DEPUTY
FOR CORDS,
APO, San Francisco.

Memorandum for: See Distribution.
Subject: Passing of Information (U).

(C) Recently a Deputy District Senior Advisor completed his tour in MR 3 and passed his views on to MACCORDS, Saigon (Inclosure one). What is especially disturbing to me is the lack of information provided to this headquarters on the conditions he alleges during the period described. During the cited period visits to the district concerned by me and members of my staff revealed little information with regard to the allegations made by the Deputy District Senior Advisor. Indeed, he noted in conversations with me that there were no problems in the district and all was going well. His report, no matter its validity, should be a lesson to us all. All members of CORDS must be made aware of their responsibility to pass to higher headquarters all information which might affect CORDS adversely in carrying out its advisory role.

RICHARD FUNKHOUSER,
Deputy for CORDS.

VIEWS OF A FORMER DEPUTY DISTRICT SENIOR ADVISER

GENERAL

Upon arrival in the District I met our District Senior Advisor (DSA) who, I soon found out, was an easy-going major who was trying his hardest to get along with his Vietnamese counterpart and encourage his counterpart to accomplish all the goals of the 1970 Pacification and Development Plan. His counterpart, the District Chief (DC), I soon found out, was also trying very hard to accomplish all the goals of the 1970 P&D Plan, even if it was only on briefing charts and not in fact.

SECTION I. CORRUPTION

The biggest single example of corruption involved the disposition of a former US base camp. The base camp was turned over to the DC. Sometime during the ceremonies the DSA was asked by the DC to sign a Vietnamese document which he could not read. The DSA signed it and later had his interpreter translate it. He had signed a statement which described the base camp as no longer fit for human habitation and giving the DC full authority to dispose of it as he saw fit. The DC and the DSA have copies of this document; I saw it but do not have a copy. The DC immediately began selling everything of value in the base camp, i.e., all the electrical wiring, lumber, old artillery ammunition boxes, tin roofing, etc. This can be confirmed by members of the MAT who were residing in the base camp at that time. Civilian vehicles were coming in daily and removing materials. The District S4 Officer told our MAT team leader that he (the S4) had been ordered by the DC to live at the base camp and sign a statement making him (the S4) fully responsible for the base camp. The S4, seeing the possible implications, had everyone who removed materials sign a receipt indicating what they had taken and how much they had paid for it. The S4 also indicated several times that his life might be endangered if he made any attempt to assist in the exposure of the DC's sale of the base camp.

Members of the MAT also took photographs of the gradual destruction of the base camp and the civilian vehicles removing the materials. The activity was reported to the DSA on numerous occasions by the MAT team leader. The MAT team leader prepared a written report and submitted it through the DSA to the Province Senior Advisor (PSA). Throughout the period the DSA and the PSA showed very little interest, almost indifference, regarding the disposal of the base camp. We were told that it had been brought to the attention of the Province Chief (PC), but since it continued, we assumed it had his tacit approval. (He was probably sharing in the profit.)

The materials being sold from the base camp represented hundreds of thousands of US taxpayers' dollars being taken by one man for his personal profit. That in itself is bad enough, but what really disturbed us was that there are Regional Forces companies and Popular Forces platoons in the District that are in dire need of such excellent building materials. Many of these units have outposts which have been damaged by Viet Cong attacks, and these same units were denied permission to take any materials from the base camp to repair their outposts. They were denied by the District Chief. The MAT can confirm this since their Vietnamese counterparts requested permission to take barrier materials from the base camp and were refused. The only materials which ever got from the base camp to RF or PF units were minute quantities which some US Advisors personally removed. The DC got angry about that and told the DSA it must stop.

The DSA got us "permission" from the DC to remove materials for improvement of our own quarters, but we were supposed to keep an itemized list of what we removed. We were incensed by this, and to my knowledge, no US Advisor ever complied with the DC's desire. On ——— 70, our new MAT ——— was told by the DSA that the DC had forbade further removal of materials from the base camp; this was supposedly due to a similar order from the PC to the DC, although the PSA told our MAT ——— team leader that he (the PSA) knew of no such order being issued by the PC. As a result, MAT ——— had to cease work on their teamhouse because of lack of materials. Advisory Team ——— had not been able to provide building materials and the RF/PF Advisor at Province had told MAT ——— to get their materials from the base camp.

In early ——— 1971, there was a marked increase in activity and more civilian vehicles started hauling heavy timbers and old ammo boxes once again. On ——— 71, I spoke with some of the civilians working at the base camp and asked them what they were going to do with the lumber from the building they were dismantling. They answered, "Sell it". I took photographs of their progress as they took down a 40 foot long bunker. It was practically gone the following day. They were being supervised by NCO's from District. The District First Sergeant was supervising another group of civilians who were gathering ammo boxes and odd sized scraps of lumber. None of these military personnel from District would let me take their picture. The civilians were generally cooperative. The PF guards were difficult and tried to tell me to stop taking pictures and stop asking questions. On ——— 71, I accompanied the PSA and his Deputy for Operations and we saw a truck and two buses loaded with lumber inside the base camp. The PSA immediately began questioning the civilians as to where they were going, who had bought the lumber, and how much had they paid. The people said that they did not know anything. I believe the PSA was much too direct in his questioning; the Vietnamese must be approached in a much more subtle manner. Some of the people started unloading their bus after the PSA had moved on and within 10 minutes all the civilians and vehicles had departed. We all saw them go and later saw the truck in ——— Village heading towards ———. Later that day I returned to the base camp alone and saw one of the buses had returned. When I went over to talk with them they were shy and wouldn't say anything. I joked with them and after a few minutes they were talking freely. I let them do most of the talking and they asked me if it was o.k. to take the lumber they were loading and if the base camp belonged to the Americans. I told them that I guessed it was o.k. to take the lumber, that the base camp didn't belong to me or any Americans, but rather to all Vietnamese people. They told me the lumber was given to them, but they wouldn't specify by whom. (If the DC was really giving away the lumber I wonder why we never saw any RF or PF units taking some to repair their outposts.)

I asked them if they minded if I took a picture; they consented and gathered around the bus with its load of ammo boxes and lumber. I continued to joke with them when the PF platoon leader came up waving his M-16 at me and telling me to stop asking questions and stop taking pictures. We had a brief discussion and I asked him why I couldn't talk with the people if I wanted to or take pictures. He told me, "Because Major ——— is selling this for a lot of money". I asked, "Who?", and he repeated, "Major ———". I asked, "How much?", and he repeated, "For a lot of money". He was only the second individual who had specifically said that the DC was selling material from the base camp, and it surprised me that he would say it so publicly. Only the S4 had mentioned it before (to the MAT ——— team leader) and he was much more cautious about when and where he discussed it.

The last personal observations I made were on ——— and ——— 71. On both days I saw an ARVN 2½-ton truck (not the District's truck) being loaded with heavy timbers by civilians in the base camp. Later I saw this same truck being unloaded at two separate private homes in the ——— District town.

* * * * *

It appeared that some People's Self-Defense Forces (PSDF) might be paying the DC in order to avoid performing their duties. On ——— 70, the CO of the ——— RF Group asked some PSDF members why they had not been on duty when an estimated 10 VC entered ——— Hamlet the previous night. They replied that they had already paid the District Chief their 3,000 piastres for the month and didn't have to be on duty at night. The ——— Group's commander was one of the few Vietnamese officers who would keep his US Advisors fully informed, and he reported this incident to them. He was replaced in ——— 70 by the DC's former deputy.

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SECTION II. NON-REPORTING OR MISREPRESENTATION OF UNFAVORABLE INCIDENTS

The District Chief and his staff had a marked tendency not to report enemy-initiated incidents or other incidents which might lower their HES rating or otherwise reflect unfavorably on the DC. These incidents were not reported or were falsely reported to US Advisors and their Vietnamese higher headquarters, i.e., ——— Sector. Many incidents were reported accurately by subordinate elements and then changed or disregarded at District by direction of the DC. Descriptions of many of those incidents are included at Inclosure 1. Copies of US Advisors' reports to Advisory Team ——— concerning this false reporting are also attached at Inclosure 2. This false reporting also included the Vietnamese portion of the Territorial Forces Evaluation System (TFES) reports. On these reports, enemy-initiated incidents were either completely deleted or only a fraction of the actual incidents were reported. This was reported to Advisory Team ——— in the letters attached at Inclosure 3. I also pointed this out to LTC ——— from ———, on ——— 70 when he visited ———. This whole problem of false reporting appears to be an internal Vietnamese problem and perhaps one we should not interfere with. My own feeling is one of obligation to the hundreds of thousands of common Vietnamese people whom we were supposed to be helping and who are the ones who ultimately suffer because of the lies told by corrupt Vietnamese officials.

One such incident which is not included in the inclosures occurred on ——— 70. On that date, about 2030H the Vietnamese RTO was overheard by our interpreter talking about a mortar attack which had just occurred in ——— Village near the ——— PF platoon. The interpreter told me, but when I questioned the Vietnamese RTO about the incident, he refused to say anything and told me to ask his lieutenant, the District S3. When I asked the S3 he denied any such incident had occurred. I asked our MAT ——— to check with the ——— RF Group commander. The Group commander reported that the ——— PF platoon had been fired at by VC with AK47's. The District S3 continued to deny anything had happened. The following morning I attended a Pacification and Development meeting with the DC at the Primary School in ——— Village. In front of all the Village Chiefs, RD Cadre, National Police and other officials, the DC berated me and accused me of false reporting. (The DSA had questioned the DC about the incident before the meeting and the DC was incensed and vehemently denied its occurrence.)

The DC also accused our interpreter of incompetence and incorrect translation. (The interpreter was frightened from then on and did almost anything in attempts to get transferred out of ——— District.) The DC then proceeded to warn all the attendees at the meeting about inaccurate reporting and warned them to report only those incidents which they personally saw. He told them specifically that if they did not personally see an incident then it did not occur. He then proceeded to blame the Americans for the low HES ratings in some of the villages. He told them that the Americans reported everything they found out to him. He mentioned reports of dirty PSDF weapons and shortages of radios and batteries. The village chiefs concerned had previously been chastised about these shortcomings, but the DC's obvious intent was to let these officials know that if they told the American advisors anything, it would be reported to him and they could expect his wrath upon them. He was effectively undermining our efforts at keeping informed on what actually was occurring in ———. (Some of these village chiefs had also complained to the Advisors that they weren't receiving all the radio batteries they were authorized each month. The DC swore that every village got all the batteries they were supposed to.) His comments at this meeting were also a warning to the officials to stop complaining to American Advisors.

We eventually stopped confronting the DC with unreported incidents since he would only become perturbed and deny their occurrence. No corrective action by him could be expected. It seemed foolish on his part since most of the incidents were revealed through other means, e.g., National Police reports, anyway. It had gotten so bad just before I left that the District staff personnel wouldn't even tell us about favorable incidents. The DC apparently had them so frightened about reporting incidents that they were reluctant to tell us anything. The only way I was able to find out about many incidents was through talking with other troops and civilians, reading the Vietnamese logbook late at night when the RTO was sleeping, and occasionally monitoring their frequencies.

SECTION III. RAPPORT WITH COUNTERPARTS

The main problem of maintaining rapport with Vietnamese counterparts began when the first American advisor arrived in Viet Nam. The problem has been passed on to us and is still a major problem. Our predecessors here in ——— apparently improved their "rapport" by providing numerous items of supply to the District Chief because the DC expected us to do the same and constantly asked us to "help" him with radios, batteries, weapons, building materials and anything else we could procure for him. The Vietnamese supply system is one of the most critical problems in the Vietnamese Armed Forces today, and by providing supplies through a false supply system, US Advisors were delaying the development of an effective supply system. Everyone on our District Advisory Team agreed on this; however, the DSA continued to get clothing, jungle boots, building materials, radio equipment, etc., to maintain "rapport" with the DC.

In the past, US Advisors were able to "scrounge" large amounts of food and other supplies from US units in and around ——— Province. With the redeployment of the ——— Infantry Division, and the ——— Infantry Infantry Division, the ——— Brigade ——— Division, this "scrounging" became exceedingly difficult. We were barely able to "scrounge" enough materials for our own use much less continue to supply the DC, and yet some part of everything we brought back to our compound went to the DC. For some time we were unable to supply everything the DC wanted and "rapport" seemed to be ebbing. Even his driver and bodyguards were occasionally supplied with new boots or uniforms, but that also slowed down, too, and "rapport" lessened. When we first got the word that the ——— Division was redeploying the DSA dispatched vehicles asd advisors to "scrounge" everything they could get. We needed food and radio parts for our own use. Between ——— and ——— 1970, at least four trips were made to ——— to haul back trailer loads of ammunition, radio parts and some foods. We were able to get a few items which we needed, but the bulk of it was turned over to the DC. The point that really disturbed us, however, was that none of these items seem to get out to the Regional and Popular Force units which need them.

Three large boxes of uniforms and boots remained in front of the DC's house from ——— until ——— when the DSA finally mentioned it to the DC. Some of the uniforms were then distributed to some troops in the vicinity of the District Compound, but still none went out to the other twenty-seven PF platoons or seven RF companies. Some of the other items of radio equipment were kept for use at District Headquarters, and the rest was disposed of in an unknown manner. (Judging from the DC's disposal of the former US base camp, Section I, the extra materials were probably profitably disposed of.) Even with all these gifts, "rapport" did not seem to improve. This was probably due to the fact that many of the US Advisors in ——— were speaking more openly about the false reporting described in Section II, and I personally had mentioned it several times to members of the District Staff even though they were generally close-mouthed about that subject.

With regard to "rapport" and the false reporting by the District Chief, both myself and the present MAT ——— team leader were essentially blacklisted. The Vietnamese staff officers would generally refrain from anything but the lightest conversation and rarely would they discuss our mutual business. In fact, the DC specifically directed his staff officers not to talk to the MAT ——— team leader because of his outspokeness concerning false reporting and sale of the base camp. The DC told the DSA personally that he did not like the MAT team leader and had directed his staff not to converse with him. The DSA defended the team leader briefly, but nothing further was said about it. I feel the same general policy was directed at us although the DC never expressed it openly. His staff rarely talked business with me even though I was the only US Advisor in ——— who could speak and understand Vietnamese with any degree of fluency. I had one advantage over the MAT ——— team leader since I outranked most of the staff and they still maintained some degree of respect for my rank. Of course they continued to lie openly about incidents (see Section II), but I never argued with them or berated them about it. The DC was the source of all the deception, not his staff. I left, but his staff must continue to live and work in ———; therefore, they have no choice but to follow the orders of their commander.

The DC was like a young child in that as long as everything was going well, and no one was pressuring him about incidents or HES ratings, "rapport" seemed to be good. As soon as there seemed to be a little pressure or some unfavorable incident occurred, "rapport" plummeted. Generally, the DSA would then try to buy it back with more "scrounged" equipment or offers of encouragement and assistance in defending the DC against unjustified (?) assumptions or insinuations. The DSA was dedicated to supporting his counterpart. Unfortunately this was wasted time and effort. One example of this occurred on ———, ——— 70. On ——— 70, the DC received word that an inspection team was coming down the following day to find out why ——— had a hamlet with a HES rating of "D". He was extremely perturbed and demanded that the DSA tell him why the hamlet received a "D" rating. The DSA showed him all the reports of enemy activity in that hamlet and offered that as the reason. The DC couldn't accept that and accused the DSA of personally and intentionally giving the hamlet a "D" (which, of course, is impossible since the computer evaluates all the raw data and produces the final ratings.) The DSA prepared charts the night before the arrival of the Vietnamese inspection team. These charts depicted the October HES report and the HES cards showing the responses the DSA had given and the intent was to show how he had not been personally responsible for the "D" rating and how he did not really understand how the computer arrived at some of the rating it gave. Needless to say, the DC wasn't the least bit interested in seeing those charts and the DSA was certainly not going to be permitted to brief a *Vietnamese* inspection team that was coming to check on a *Vietnamese* District Chief. As it turned out, the inspection team was given a briefing by the DC and his Pacification and Development Officer, and it appeared the DC had jumped to conclusions about the purpose of the visit. The following day I spoke with the DC and he asked me why that hamlet was given a "D" and I told him probably because it deserved a "D". I further told him that the DSA only answers questions each month, and that he does not give the actual letter rating. The DC still seemed skeptical about that. He went on further to say that the inspection team had asked him why he had a "D" hamlet and the Province Chief had also asked why he had a "D" hamlet when neighboring ——— District had several "A" hamlets. The DC told me several times that he would not mind having all "C" hamlets and didn't care if he didn't have any "A" or "B" hamlets. As for the "A" hamlets in ———, I told the DC that he'd been in this area much longer than I, and that we both knew ——— probably didn't deserve "A" ratings any more than ——— did. He agreed to that. I believe the DC is definitely under pressure from higher to keep his HES ratings up and his incidents down, and this probably accounts for much of the false reporting.

The DSA continually catered to the DC and did everything possible to promote good rapport. The DC appeared outwardly to go along with this and "rapport" seemed good as long as he got what he wanted; however, the DC frequently displayed his disdain for the DSA. The DSA outranked the DC and the DC often mentioned that his DSA was older than himself; thus, by normal Vietnamese custom the DC should have been very polite and respectful to the DSA. On the contrary, he frequently did little things which were insulting to the DSA and which were noticed by all the Vietnamese officers and troops. It reached the point wherein the 1st lieutenant S3 could be impolite (by Vietnamese standards) to the DSA. The average American officer is unaware of these seemingly trivial instances which definitely affect his prestige and effectiveness with his Vietnamese counterparts. Two examples of such actions which occurred within one 24-hour period are described below:

On the way to setting up for a night operation the DC stopped just outside the District Compound and sent his S3 to ask the DSA if he would take a few of the DC's bodyguards in his jeep. The DSA agreed and drove off with 8 soldiers in his jeep while the DC had his S3, RTO and driver.

Later that night, when the DC was going to eat soup he woke up the DSA and told him to eat soup with him. The DSA politely declined saying he wasn't feeling too well. The DC persisted and literally ordered the DSA to get up and eat with him. The DSA relented and did eat.

Both of those incidents were related to me by a U.S. Advisor who accompanied the DSA on that particular operation. The incidents certainly seem insignificant to an American but by Vietnamese standards, the DSA "lost face", and the DC was showing his disregard and low opinion of the DSA. The young staff officers also reflect the disrespect of their DC. On numerous occasions I've seen them beckon to the DSA with a wave of their hand to come to them. Again this seems very trivial, but I've never seen a Vietnamese lieutenant wave his hand at a Vietnamese major. I firmly believe it is essential for U.S. Advisors to receive the same courtesies as Vietnamese officials of equal rank or position because of the direct effect it has on their effectiveness.

The DC wasn't always too subtle in his display of lack of respect for the DSA. On several occasions he made disparaging remarks about the DSA to me. On ——— 70, he asked me how the DSA could give hamlets and villages HES ratings while sitting in his air-conditioned room. He said the DSA didn't know anything about infantry tactics and told me to tell the DSA that he was crazy. On that particular day he was perturbed about the ——— HES report. Regarding the DC's comment about the DSA rating from his room, this is not quite true. The DSA did get out quite often, but always with the DC, the intelligence squad and some National Police Field Forces. Usually there was an RF company operating in the same vicinity. Thus, the DSA could not really get a true picture of the situation in the hamlet they were in. As mentioned in Section IV, even if all the friendly forces were not present it would still be exceedingly difficult for an American (even if he were fluent in Vietnamese, which in this case is not so) to determine the degree of pacification and political alignment of the people.

The "rapport" problem at District Headquarters was reflected throughout the District Advisory Team and the Mobile Advisory Teams operating in ———. All the advisors disapproved of the DSA's continued "material support" of a DC who we all believed to be corrupt and dishonest. Our MAT leaders had their own rapport problems because the DC had warned his subordinate commanders about reporting unfavorable incidents. Commanders were risking their jobs if they told their advisors about unfavorable incidents. In general, we had excellent RF Group and company commanders and they would keep our MAT's informed, but we had to be very discrete in passing on the information in order to protect the commanders. Our MAT's managed to maintain excellent rapport with their counterparts. One exception was in the ——— RF Group Headquarters where the DC had placed his former Deputy as Group Commander. The former commander had kept his advisors fully informed, but the new commander was clearly one of the DC's supporters, and he had the same tendency to cover up incidents.

SECTION IV. HES REPORTING

In general, both the District Chief and the US Advisors in ——— were dissatisfied with HES ratings. The DC apparently had great pressure from higher to keep his HES ratings up, and as previously mentioned in Section III, this had direct bearing on rapport. We (the US Advisors) all agreed that the best sources of information for input into the HES Report was hamlet chiefs because of their fairly common background and more pessimistic viewpoint. Unfortunately, this system was upset by the fact that the DSA wouldn't always accept the responses to HES questions offered by the MAT leaders who had collected the information. He would generally take a more optimistic view and upgrade the response.

The DC would question low ratings on hamlets where enemy incidents had occurred which he had chosen not to report. We didn't bother discussing these with him since he would only deny the occurrence of the incidents.

However, even the DC couldn't understand how some villages remained "B" when they were, he felt, obviously "C" or "D". One in particular had been "B" for three months and he felt it should never have gone higher than "C". It appears to be relatively quiet but the DC did not allow us to send a MEDCAP in there during ——— or ——— 1970, and the Deputy DC wouldn't allow MAT ——— to take their vehicle into the village because of the danger of mines. There were also reports of VC coming across the river from ——— District at night and propagandizing in the village. There was also a great deal of difficulty in organizing PSDF and to my knowledge, when I left in ——— 1971, this particular village had the smallest number of active PSDF of any village in the District.

The DC couldn't understand how one hamlet remained "C" in ——— 1970 even though a major bridge was destroyed in the hamlet during ———.

The DC has told me that he believes that ——— contains mostly "C" villages with a few "D's" in the vicinity of ———. What bothers him, he says, is that the adjoining District, i.e., ——— has some "A" hamlets when he himself is certain there are active VC in those areas. He spoke with the company commander of the ——— RF company (which operates in ———) and that commander said he didn't believe there were any truly "A" hamlets in ———. I cannot personally attest to the veracity of these opinions, but I do know it results in more pressure on the ——— DC to raise his HES ratings, even if it is only on paper.

The DC feels the DSA is not qualified to rate the hamlets and villages in ——— (see Section III). I agree with this to the extent that it is extremely difficult for an American advisor to determine the precise amount of enemy presence and enemy control of the people in hamlets. The Vietnamese themselves are much better judges of this. That is why it is more realistic to rely on information received from hamlet chiefs and other low level village and hamlet officials. The advisor can only judge enemy presence by the number of outright enemy-initiated incidents which occur in a hamlet or village. For example, a mine in a road wounded 29 soldiers on ——— 70. The mine was set on a narrow road with numerous houses only a few meters away, and it was exploded during daylight hours. Yet the local residents denied any knowledge of its presence even though they walk on that same road every day and surely would have noticed the grass mat covering the large mine. The enemy clearly has a measure of control over these people, and yet the hamlet was rated "C" in ——— 70 and had been rated "B" during five of the preceding six months.

SECTION V. MISCELLANEOUS PERSONAL OBSERVATION AND OPINIONS

MEDCAPS: The DSA persisted in having MEDCAPS in ——— even though they were definitely of questionable value. First of all, they were not planned or executed with continuity in mind. No Vietnamese doctors or medics participated. Most areas were visited only once or twice so that no really worthwhile medical treatment could be carried out. The entire MEDCAP group were Americans including a MILPHAP team, our team medic and numerous Air Force personnel. The DC provided none of his own medics or any of his medical supplies. Everything was American and presumably when we all leave, there will be no more MEDCAPS. The attitude of many of the participating Americans was one of being on a picnic. They spent more time taking pictures, playing with the Vietnamese children and passing out candy than they did administering to the sick. The MEDCAPS were generally held on Sundays, and it seemed like a good day for doctors and medics and assorted other people from ——— and Saigon to go on an outing in the country, get a good Vietnamese meal and try some local "ba xi de". The whole affair seemed more for the benefit of the Americans and the District Chief than for the relatively few Vietnamese who were receiving a one-time treatment. And then we couldn't always go to the areas where a MEDCAP would be of most value because the area was not secure enough. The majority of US Advisors in ——— felt that MEDCAPS were improperly conducted since no Vietnamese medics participated; however, the DSA and the DC felt they were valuable tools of pacification and continued to encourage more each MEDCAPS.

Dishonesty and Corruption of the District Chief: The US Advisors in ——— District are highly disturbed by the apparent dishonesty and corruption of the District Chief, and even more so by the fact that our DSA continue to actively support and defend the DC without taking stronger action to eliminate the problem. It appeared to take heavy pressure from subordinate officers and NCO's to get the DSA to report dishonesty and corruption by the DC. Now many of these subordinates who pushed for action are quite frustrated because they feel that from the DSA to the PSA and on up to higher headquarters there appears to be little concern for what is really happening in ———. Perhaps the interest is there but it has certainly been slow in developing. Officials from "higher" seem content with listening to euphemistic briefings from our DSA describing ——— as a pretty good district, generally pro-GVN, with no significant problem.

He feels he's been characterized as a "young, idealistic lieutenant who over-reacted". We're afraid that the corruption, i.e., disposal of the former US base camp, is going to be "whitewashed". The base camp itself may be only an insignificant item monetarily, but it still represents corruption and mismanagement of resources by the District Chief. As stated in a letter from Mr. ——— dated ——— 70, ". . . corruption and ineffectiveness on the part of VN officials are prime deterrents to the pacification effort, . . .". Most of us in ——— District are convinced that the District Chief is corrupt and that every effort should be made to have him removed.

Lack of Support for RF/PF Forces: As previously mentioned the DC did not permit any of the RF or PF units to take materials from the former US base camp even though they all could have used it to repair outposts. The uniforms and radio equipment which the DSA gave the DC didn't seem to get to the RF/PF units either. Since the ——— RF Group Headquarters was assigned to ——— District (——— 70) it has not received any building or barrier materials from District Headquarters. They too were refused permission to draw materials from the base camp. District has not even given them a copy of the artillery DEFCON overlay for their area of responsibility. The only way a PF platoon can get more ammunition is by turning in to the District S4 an equal number of empty cartridge cases. The DC says the PF's can't be trusted, that they lose, shoot up, or give the VC their ammunition, and that they're likely to "shoot you or us". The result is that the PF's are generally short of ammunition and must beg support from nearby RF companies. The PF's always seem to be short of batteries for their radios, too.

Lack of Support for U.S. Advisors: One of the main problems we had was support. We spent entirely too much time supporting ourselves because of inadequate support from Advisory Team—and our counterparts. Everyday of the week some members of the District Team and the MAT's in the district had to be out getting food, potable water of fuel for generators. We had to "scrounge" water trailers and water pumps. When Advisory Team ——— finally got a water truck, they had great difficulty keeping it running; consequently, we couldn't depend on it and had to continue procuring our own water. We were constantly having to beg the DC to loan us his ¾ or 2½-ton truck to pull our water trailer. (If the DC was gone, it was almost impossible to get the truck because no one else on his staff would take the responsibility for loaning us the truck.) Initially he would send his driver and truck to get the water for us, but this deteriorated to the point where we were lucky if we could get the truck and drive it ourselves. And in every case we had to fill the truck's gas tank because it was invariably empty. The DC wouldn't even send his trucks to pick up fuel for our generators even though his entire compound received electrical power from our generators. On several occasions the DC promised the DSA a detail of men to help fill sand bags and improve the defensive fortifications around our team house. These details never seemed to show up, and if they did, they quit early. The DSA and the rest of the team members would then do all the work. We even paid our two house girls extra to fill sand bags for us. None of us minded fixing our own fortifications, but we all felt that the DSA could have insisted that the DC follow through on his promises of support. The DC paid "lip service" to a great many things but followed through on only those things which were of benefit to himself. The DSA should have been more insistent and held a harder line with the DC. I believe he could have done so without loss of essential rapport. Doing our own manual labor adversely affected our influence and prestige with our counterparts because, as officers and NCO's we shouldn't have had to be "sandbagging" or driving trucks. Once again the DC had shown his lack of respect for us and it was reflected in the attitude of the rest of his staff towards us. We felt that the DSA was placing rapport above all else and didn't want to bother his counterpart with small matters such as assisting in the support of his advisors.

TFES Reports: We had some difficulty with the TFES Reports as mentioned in Section II. Another major problem with this report was that the Vietnamese considered it an American report and therefore had no real interest in its accuracy or timely submission. Our District S3 officer who completed the report each month constantly referred to it as "your report" meaning mine, the American advisor's report. I repeatedly reminded him that it was a Vietnamese report, but naturally it was of interest to both Vietnamese higher headquarters and American advisors. He didn't like the fact that I checked the report before it was submitted. If I found errors, I'd ask him to correct them. He would correct all errors except those concerning enemy-initiated incidents. As he said several time, he reported only those incidents which his DC wanted reported.

Outpost Vulnerability Report: I was disturbed to find out that the bi-annual Outpost Vulnerability Report submitted in ——— 70 was arbitrarily reduced from ten to six outposts at Province because they felt ten was too many outposts to report. These ten outposts were reported as extremely vulnerable to attack by the MAT's who are out working with these units daily and know their vulnerabilities better than most people sitting at Province.

Personal Utilization: I feel I was misused during the five and a half months I worked in ———. The DSA made me responsible for team support, i.e., food, water and fuel procurement, and administrative duties such as maintaining our files and writing reports. I constantly asked the DSA to allow me to go out on operations or just go out and talk with the people since I was the only member of the team who could speak Vietnamese, but he always came up with something else for me to do or simply changed the subject. On several occasions he asked me why I wanted to go out on operations, and I actually had to argue with him before he reluctantly consented. I couldn't understand that. Practically everytime I did get out, with or without his consent or knowledge, I was able to find out about unreported incidents or pick up other bits of useful information.

Initially I would come back and report them to the DSA, but his response was so indifferent that I eventually stopped that and simply kept my own record of what I found out and also passed information to our DIOCC Advisor. I believe the DC might have had something to do with me not being sent out more. In September I went out a number of times with the DSA and DC on operations. However, after that ——— meeting described in Section II, I was never asked or ordered to go on another operation. After that I went out on my own whenever I could get away. It really bothers me because I believe I could have been of much greater use if I'd been permitted to get out regularly and talk with people. He misused something besides the slanted viewpoint of the District Chief and his staff.

Relationship Between Officers and Troops/Civilians: The Vietnamese officers at District Headquarters seemed to have little regard for the lives or welfare of troops or civilians. Whenever wounded or sick troops or civilians were brought to District the Vietnamese duty officer would inevitably ask the U.S. Advisors for someone to drive the casualty to the dispensary or hospital (if a dust-off was not required). They don't want to take care of the casualty themselves. When we wouldn't give them one of our vehicles and someone to drive it, they would tell the casualty's friends to get a Lambretta to move him or to carry him themselves. Only occasionally would they use one of their own vehicles and drivers. One example of such action occured on ——— 70. At about 1100H a young civilian girl was brought to District by a couple of women who had carried her several kilometers. The girl had a piece of shrapnel in her hip from a booby-trap in a rice paddy. The Vietnamese duty officer asked us to drive her to the dispensary. I said no, that they had their own vehicles to do that. I then told the District S3, Commo Officer and S2 about the girl and they said they would get a vehicle to move her. When I went back to check, I met the S3 again and I asked him if he'd had the girl driven to the dispensary. He laughed and said he'd told the women to carry her there. We then sent one of our vehicles to pick them up and take them to the dispensary.

On a operation in ——— 70, I observed the company commander berate several families for not having RVN flags on their houses. I felt he was excessively harsh with these very poor people. They were told to go buy flags immediately. When we returned by the houses later that day they had brand new flags flying, but I seriously doubt that they were truly ardent GVN supporters. (This occurred in a hamlet rated "D" on the November HES Report). I believe the GVN must further emphasize the importance of good relationships between the military forces and civilian population.

Elections and Voting: Both the MAT ——— team leader and I discovered through our conversations with local people that they felt they had to go vote on election day or face possible harassment from the District Chief and his forces. One man from ——— Village said he had been jailed for not voting on the grounds that he must therefore be a VC supporter. His wife was harassed in the market by other women and his children were harassed in school. Prior to the last elections here in ———, local soldiers were sent out to warn everyone that they had better get out and vote or face possible harassment to their families.

SECTION VI. SUMMARY

In my opinion there is still an immense amount of work to be done in ——— ——— District before it becomes acceptably pacified and generally pro-GVN. The first essential move should be the removal of the present District Chief. Although he has been defended as a good military man and credited with "pacifying" ———, anyone who does not provide his troop with adequate ammunition, barrier materials and other equipment which he does have could not be too good a military man. With regard to pacification, I believe the District Chief controls ——— by the same methods the VC use, i.e., pure military force. I don't believe he has won the popular support of the people for the GVN. The continued occurrence of enemy-initiated incidents and the reluctance of the people to give information about these incidents indicates a measure of control still retained by the VC in this District. An honest District Chief who is sincerely interested in winning the popular support of the people is what ——— needs, not a man who sells the people something that already belongs to them and should be given to them. The big military battles are definitely in the past and the struggle to win the minds of the people is now of utmost importance. The man chosen to lead this struggle must be carefully selected. The man chosen to advise them would also be carefully selected. Realizing that American involvement in this conflict is being gradually eliminated, let me assume that we're just becoming involved in ——— ——— District; I would make the following recommendations:

1. Be concerned with good rapport but never at the expense of integrity, efficiency and accomplishment of the mission.
2. Don't allow yourself to become an integral part of a false supply system. Force the developing supply system to function independently.
3. Try to maintain a man-to-man relationship with your counterpart. Don't cater to him, but don't try to commend him either.
4. If your counterpart appears to be corrupt, let higher headquarters know immediately and begin to *very* discreetly collect all available facts.
5. Insist on appropriate military courtesy from counterparts and practice it yourself.
6. Study and *remember* local and national customs.
7. It is extremely beneficial to have at least one American on the team who is fairly fluent in the national language.
8. Try not to assign an advisor to advise a counterpart of higher rank. It is generally ineffective unless the junior ranking advisor is truly exceptional.
9. Keep your eyes, ears and mind functioning at all times. Be aware of what's going on around you. Even if you don't fully understand the language you can get some indication of what's being said by changes in facial expression and tone of voice.
10. Keep in mind that your overall mission is to help the majority of the people, not just your counterpart.

[From the New York Times, Apr. 5, 1971]

CORRUPTION SEEN IN VIETNAMESE PACIFICATION

(By Gloria Emerson)

SAIGON, SOUTH VIETNAM.—United States officials are disturbed by a lack of information from American advisers in the field concerning the real status of pacification in South Vietnam.

The problem was pointed up recently when, according to a pacification official, an American aide in the field described corruption, incompetence and other shortcomings in carrying out the program—defects that he had not brought to the attention of headquarters until he submitted his final report.

The case was outlined in a memorandum sent out in February by Richard Funkhouser, deputy for Civil Operations and Rural Development Support in Military Region III, the area that includes Saigon. The agency, known as CORDS, directs pacification, the program to suppress the Vietcong's underground organization.

REPORT OFFERS "LESSON"

After Mr. Funkhouser saw the final report of the American aide, who had been a deputy district senior adviser, he wrote in the memorandum, dated Feb. 24:

"His report, no matter its validity, should be a lesson to us all. All members of CORDS must be made aware of their responsibility to pass to higher headquarters all information which might affect CORDS adversely in carrying out its advisory role."

The report of the former deputy district senior adviser catalogues many of the things that can go wrong in South Vietnam. Some of the situations it describes are typical and the problems exist in varying degrees throughout the country.

The officer told of a Vietnamese district chief he described as corrupt and an American district senior adviser who he said covered up for the Vietnamese chief. The officer charged that there was false reporting on the number of enemy-initiated incidents in the district, as well as cases of bribery and dishonesty.

The report also describes the near impossibility of American advisers' assessing the security of Vietnamese villages—although they are required to make such assessments—and the questionable validity of the hamlet evaluation system, the American computerized system of rating the security of villages every month.

"What is especially disturbing to me is the lack of information provided to this headquarters on the conditions he alleges during the period described," Mr. Funkhouser writes of this officer.

"During the cited period," Mr. Funkhouser said in his memorandum, "visits to the district by me and members of my staff revealed little information with regard to the allegations made by the deputy district senior adviser. Indeed, he noted in conversations with me that there were no problems in the district and all was going well."

COPIES CIRCULATED

Copies of the officer's report were sent out to agency personnel in Military Region III, which includes 10 provinces and the Saigon-Giadinh area.

The name of the officer and other Americans, the names of the district chief and Vietnamese officials in the area have been deleted. So has the name of the district and the province.

The officer has now left South Vietnam. District senior advisers—who work with Vietnamese district chiefs—and their American deputies are often professional army officers. Some of them have less liberty to criticize, or to speak out freely, because they are fearful of higher-ranking officers or of being considered controversial figures by their superiors.

The officer's report, which is nearly 16 pages long, begins by discussing corruption.

It describes how a former United States base camp in the district was turned over to the district chief, who immediately began to sell everything of value. He was able to do so because the American district senior adviser signed a South Vietnamese document—which he could not read—that said the base camp was no longer fit for habitation.

Two South Vietnamese told this officer that the district chief was making the sales. "The materials being sold from the base camp represented hundreds of thousands of U.S. taxpayers' dollars being taken by one man for his personal profit," the officer wrote. "That in itself is bad enough, but what really disturbed us was that there are Regional Forces companies and Popular Forces platoons in the district that are in dire need of such excellent building materials."

These forces are nationally administered military forces organized and operating either in the region, or in the villages, where the soldiers live.

The Vietnamese district chief is pictured as corrupt, childlike and vitriolic. The American district senior adviser is described as a man willing to make any concessions in order to have a good rapport with his Vietnamese counterpart.

"The district senior adviser continually catered to the district chief and did everything possible to promote good rapport," the report said. "The district chief appeared outwardly to go along with this and rapport seemed good as long as he got what he wanted. However, the district chief frequently mentioned his disdain for the D.S.A."

"The first problem of maintaining rapport with the Vietnamese counterparts began when the first American adviser arrived in Vietnam," the officer wrote. "The problem has been passed on to us and is still a major problem."

One reason, according to the report, is that earlier American advisers in the district "apparently improved their rapport by providing numerous items of supply to the district chief because the D.C. expected us to do the same and constantly asked us to "help" him with radios, batteries, weapons, building materials and anything else we could procure for him."

This was a mistake, in the eyes of this officer.

"The Vietnamese supply system is one of the most critical problems in the Vietnamese armed forces today," he wrote, "and by providing supplies through a false supply system, U.S. advisers were delaying the development of an effective supply system. Everyone on our District Advisory Team agreed on this. However, the D.A.'s continued to get clothing, jungle boots, building material, radio equipment, etc., to maintain rapport with the district chief."

What disturbed the district advisory team was that most of the materials and equipment demanded by and given to the district chief was "disposed of in an unknown manner."

The officer who wrote the report was the only American in the district who could speak Vietnamese with any degree of fluency, so he was better informed than his superior on what was happening. His report gives examples of the dishonesty and deceptions that he feels were practiced by the district chief.

For example, when some People's Self-Defense Forces were asked why they were not on duty when a group of about 10 Vietcong entered a certain hamlet, the men replied that they had already paid the district chief their 3,000 piasters for the month and did not have to be on duty that night.

The People's Self-Defense Forces are a locally recruited part-time group.

"The district chief and his staff had a marked tendency not to report enemy-initiated incidents or other incidents which might lower their H.E.S. [hamlet evaluation system] rating or otherwise reflect unfavorably on the district chief," the officer said in his report.

"The whole problem of false reporting seems to be an internal Vietnamese problem and perhaps one we should not interfere with," the officer added. "My own feeling is one of obligation to the hundreds of thousands of common Vietnamese people whom we are supposed to be helping and who are the ones who ultimately suffer because of the lies told by corrupt Vietnamese officials."

EXAMPLES OF SUPPRESSION

One example of how the district chief suppressed reports of Vietcong in his area showed up after an attack on a village. The American officer found out that a Popular Forces platoon had been fired at by the Vietcong. The same week, he was denounced at a meeting of Vietnamese village chiefs, rural development cadre, national police and other Vietnamese officials.

"The district chief berated me and accused me of false reporting," the officer wrote. "The district chief also accused our interpreter of incompetence and incorrect translation. The D.C. then proceeded to warn all the attendees at the meeting about inaccurate reporting and warned them to report only those incidents which they personally saw. He told them specifically that if they did not personally see an incident then it did not occur."

The district chief blamed the Americans for the low hamlet evaluation rating in some of the villages.

"The village chiefs concerned had previously been chastised about these shortcomings, but the district chief's obvious intent was to let these officials know that if they told the American advisers anything, it would be reported to him and they could expect his wrath upon them."

The difficulty for an American adviser "to determine the precise amount of enemy presence and enemy control of the people in hamlets" was emphasized by this officer.

"The district chief apparently had great pressure from higher up to keep his H.E.S. ratings up. We [the United States advisers] all agreed that the best sources of information for input into the report were hamlet chiefs because their fairly common background and more pessimistic viewpoint."

The Vietnamese district chief would question low ratings on hamlets where there had been enemy incidents that he had chosen not to report. The American district senior adviser would not always accept the response to hamlet evaluation questions offered by the Mobile Advisory Team leaders who had collected the information.

The American "would generally take a more optimistic view and upgrade the response," the officer wrote.

QUESTIONS ARREST OF CAPITOL DEMONSTRATORS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. REID of New York. Mr. Speaker, I feel it is incumbent upon me to express my views on the mass arrests of citizens who were peacefully assembled on the steps of the Capitol yesterday.

Much has been made of the tasteless language and similar expressions used by some of the assemblage. While these were certainly inappropriate and no doubt offensive to many, tastelessness is not necessarily the equivalent of illegality. We cannot throw away the first amendment the minute we are offended by how a person looks or what he is saying. Neither can we discard the Constitution because we disagree with the manner of a citizen's protest.

There is serious question whether those who were arrested at the Capitol yesterday were in violation of the law. While each case must rest on its own facts, I note that last year in the case of United States against Nicholson a District of Columbia court ruled that the statute under which yesterday's arrests appear to have taken place did not support prosecution of persons who refused an order to leave the Capitol steps and who read the names of Vietnam war dead from the steps. In my judgment this casts doubt into the validity of yesterday's arrests, which occurred in similar circumstances.

Even if it could be established that the actions of a few persons were in violation of the law, there still would be no justification for the mass arrest of the entire assemblage. It is one thing to arrest a specific individual for an unlawful act properly witnessed; it is quite another thing to arrest hundreds of people en masse without relation to any act by each arrestee. Put another way, an innocent individual at one end of a crowd cannot justifiably be arrested for the act of a guilty individual at the other end of the crowd. Yet, the police made no such distinctions yesterday or, indeed, in many cases during the demonstrations in Washington earlier this week.

Whatever may be the technicalities of the law, the fact remains that these young citizens were assembled peacefully on the Capitol steps yesterday, they engaged in no violence, they were not in any way disrupting the session of Congress, and they were violating nobody's civil rights. What they were doing was peacefully petitioning the Congress for a redress of grievances, as the first amendment guarantees them the right to do. It is especially significant that at the very moment the arrests commenced, these citizens were addressing and were being addressed by Members of Congress who were in their midst.

If a citizen cannot freely exercise his first amendment rights on the steps of the U.S. Capitol, then we are all in more trouble than we may have thought. I am confident the courts will agree.

GREAT LAKES DEFENDER

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. RUPPE. Mr. Speaker, recently, an editorial appeared in the Marquette Mining Journal describing Michigan Senator ROBERT GRIFFIN's efforts to combat pollution in the Great Lakes. Senator GRIFFIN's far-sighted approach has left Michigan and other Great Lake States with a six-step battle plan to preserve this incalculable natural resource—our Great Lakes.

I include the Mining Journal's editorial in the CONGRESSIONAL RECORD at this point:

GREAT LAKES DEFENDER

U.S. Sen. Robert P. Griffin, R-Mich., is emerging as a staunch foe of pollution of the Great Lakes. On at least two occasions this month he has spoken out strongly against despoilation of the Lakes and in favor of programs to combat pollution of these waters.

On April 1 Sen. Griffin flatly urged the U.S. Army Corps of Engineers to revoke a permit which allows Reserve Mining Co. of Silver Bay, Minn., to dump its taconite tailings into Lake Superior—"unless the company takes immediate steps satisfactory to the Environmental Protection Agency (EPA)."

On April 15 the senator addressed the Fourth National Pollution Control Conference and Exposition in Detroit and called for a six-point, comprehensive "action program" to make the Great Lakes "an environmental showcase for the nation and the world."

Like Rep. Philip E. Ruppe, R-Mich., the Upper Peninsula's representative in Congress, Sen. Griffin has adopted a hard line in the Reserve Mining case. Reserve Mining daily dumps 67,000 tons of taconite tailings into Lake Superior under a permit granted by the Corps of Engineers in 1948. Sen. Griffin wants action taken against Reserve Mining immediately to halt the practice.

"The company has been on notice for over two years that its taconite dumping is harmful to the ecology of Lake Superior," he said this month in a letter to Lt. Gen. Frederick J. Clarke, chief of the Corps of Engineers. "But not until this year did Reserve come up with a proposed 'solution'—a 'solution' which I understand has been rejected by a technical committee of the Lake Superior Enforcement Conference."

The senator said there are several compelling reasons why the Corps of Engineers should act now to revoke the Reserve permit, adding that if no action is taken an additional 5.5 million tons of taconite tailings would be dumped into Lake Superior between April 1, the date of the letter, and July 1, "hardly an insubstantial amount."

In addition to the ecological factors involved in the Reserve case, Sen. Griffin pointed out an interesting economic factor. "The savings to Reserve Mining realized by using Lake Superior as a dumping site gives it a distinct competitive advantage now over other mining companies in the region," he said. "There are 14 other taconite concentrator plants along Lake Superior, including a number in Michigan, which utilize land disposal systems instead of dumping into the lake."

(The Lake Superior Enforcement Conference, incidentally, will be reconvened in Duluth, Minn., tomorrow to consider recommendations of its technical committee relating to alternate methods for disposal of tailings from the Reserve operation.)

Sen. Griffin's six-point program for the Great Lakes consists of: (1) "substantial increases" in federal funds to combat pollution of the Lakes; (2) "a broadside program to monitor all polluters along the entire United States shoreline of the Lakes"; (3) empowering the administrator of the EPA to set deadlines for phasing phosphates out of detergents; (4) starting a pilot EPA project to "dispose of air pollution and solid waste generated in the attack on water pollution"; (5) establishing a Great Lakes Water Laboratory "as soon as possible with a full complement of staff and equipment" and (6) stopping raw sewerage overflows which now foul Great Lakes beaches.

The program is an ambitious one, but even if adopted it would not be a cure-all for the environmental ills of the Great Lakes, as Sen. Griffin himself noted. But, he said, "they (the six points) would place the region on a hopeful course to revitalization."

MARTHA WRIGHT OF NATIONAL WILDLIFE FEDERATION WRITES "WHITE PAPER" ON POLLUTION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. REUSS. Mr. Speaker, a fine article by Martha Wright, outlining the real dimensions which environmental concern must reach to be meaningful, was published in the April 15 edition of the Wildlife Federation's Conservation News. The article follows:

SOMETIMES YOU CAN'T SEE THE FOREST FOR THE WHITE TOILET PAPER

(By Martha Wright)

Ever since "environment" exploded into the American consciousness, the most frequently asked question has been, "What can I do?"

To answer those questions many organizations have published pamphlets, handbooks and guides that deal with what could be called "lifestyles." They urge the citizen to use white toilet paper, compost his garbage, launder with non-phosphate soaps, tune up his car, and in general see that his purchases are not the result of environmentally destructive practices.

Too often these booklets become the easy way out both for the organizations that publish them and the citizens who use them. They enable the organizations to cope in a simple and efficient manner with the growing numbers of people who contact them for advice. And they enable the individual to check off his list of lifestyle practices and feel he is doing all he can to save the environment.

In so doing, the booklets can divert the citizen from looking more deeply into the issues of pollution and responsibility. They also make it easier for organizations to avoid coming to grips with complicated problems and reorienting their programs to cope with them.

That is not to say the lifestyle booklets are bad. Far from it. They are often essential in helping people realize that everything they do has environmental implications—whether it is in misuse of natural resources or poisoning of air and water. They also help people see the interconnectedness of all things which is the essence of ecology. However, they can mislead people into thinking that if they follow those guides, environmental problems will be solved. And they imply that the consumer can always make significant environmentally sound choices.

Unfortunately, that just isn't so.

For even if everyone carried out the lifestyle recommendations there would be no noticeable improvement in the poisonous condition of air and water. Solid waste problems would still be overwhelming and natural resources would continue to be misused. The probable result would be disillusionment on a massive scale.

The real problem is that there are few environmentally sound alternatives. In most realms of choice one can only pick the lesser of two evils. And that is not good enough.

Consider the automobile. It is responsible for the majority of air pollution. Except for the very few American cities which have subways, mass transit in America is still a dream. Most people have no choice but to drive to work, and they cannot choose but to own an auto with an internal combustion engine. The alternatives—walking and bicycling—are both unpleasant and unhealthy as long as the majority continues to drive cars. Buses most often are not available. Therefore, the honest way to tell people how they can help is to point out to them their current lack of alternatives and urge them to press public officials for stricter controls on autos. They should also be urged to work for private mass production of automobiles with external combustion engines which are virtually non-polluting.

Or take recycling. Most lifestyle booklets focus attention on turning in old newspapers but ignore the problem of creating a demand for the recycled paper those newspapers will become. Many mills already claim to be handling all the waste paper they can and industry says it will take 20 years to build the facilities necessary to recycle the paper now available. If all government, businesses and organizations insisted on buying recycled paper, it's probable those mills would be built a lot sooner.

Or water pollution. Some 60 percent of it is caused by industry over which the individual has no direct control. Only forceful action by government and public outcry is going to get polluting industries, which have always assumed a right to pollute, to change their ways. The majority of the remaining water pollution comes from municipal sewage treatment plants. The only way the citizen can eliminate that source of pollution is to elect public officials who will spend his tax money for total water treatment.

These solutions, however, are complicated and more difficult. Since it's hard enough to get people to give up their phosphates and to buy returnable bottles, it isn't surprising that organizations often emphasize the easier things, postponing for a while a serious discussion of what saving the environment really requires.

It requires reading dull, complicated laws and financing lawsuits against polluters and recalcitrant government agencies. It takes finding out how city or county government works, what interest groups get their way, and how the citizen can make his voice heard over that of the lobbyist. It takes writing Senators and Congressmen over and over again. It takes bringing abuses at home into the public spotlight. It takes questioning and challenging the sacred cows of government and industry. It takes being immune to and able to refute insinuations that environmentalists want to precipitate unemployment, take away conveniences and essentials and may be communist inspired.

It is hard hard work. And it will take a long long time.

But the cause of environmental quality will founder on a compost heap of handbooks and pamphlets unless concerned citizens move into the public arena where the real battles must be fought. The lifestyle issues are valid educational tools and a measure of personal commitment. But they will never clean up the air and water or redirect a wasteful natural resource policy that ignores the needs of the future. To imply or believe that they will is misleading, and may prevent or postpone important action until it is too late.

FISHERMEN'S SUBSIDY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. BEGICH. Mr. Speaker, much attention has been given to the plight of many American industries. I feel the "Southern 48" have not considered the problems facing the Alaskan fisherman, to the extent it is necessary.

The economy of the community of Metlakatla is dependent upon the salmon-fishing industry. This industry is characterized by a very unpredictable return cycle of the salmon. Thus, the livelihood of the fisherman of Metlakatla and his family is in constant flux.

As farmers have needed aid when dependent upon a one-crop economy, similarly, Alaska fishermen deserve the same consideration for relief from potential disasters to the salmon runs.

Because of my concern in this area, I am bringing a resolution by the Metlakatla Indian Community Council to your attention.

The resolution is as follows:

RESOLUTION NO. 71–13: FISHERMEN'S SUBSIDY

Whereas, Farmers, Fruit Growers, Transportation companies, and other businesses in the lower 48 States are being subsidized by the Federal Government; and

Whereas, Harvesting of fish is a major means of livelihood and economic growth of Alaska; and

Whereas, the Fishing Industry is unfortunately subject to, and dependent on the Salmon return cycle that no one can accurately predict, the situation more so since a Fish Hatcheries Program is lacking; and

Whereas, Good and Bad years of salmon season has been the pattern; some good years only fair; some bad years resulting in losses of $300,000.00 for canneries, and untold thousands of dollars for each boat owner; some years resulting in fishermen not even getting minimum wages; and

Whereas, the 1969 and 1970 seasons in Southeastern Alaska were both failures as far as the seining activity is concerned; and the Alaska Fish & Game have so far predicted another poor fishing season in 1971; with indications that major areas will not be opened for seining; and

Whereas, a Fisherman is a hard working individual that has a habit of working long hours way into the night gathering material, thinking of improvements, preparing for the distance he has to travel; with the sole purpose of finding, enticing, outwitting the Salmon on each venturesome trip. But for the honest sweat and gnarled hands of this hardy citizen facing tricky winds and dangerous waters, the big State of Alaska would not have grown as well as it has; and

Whereas, the Fishermen suffer a great deal in these frustrating seasons, with indebtedness of the fishermen tripling in most cases, because there is no fish. They not only have to obtain outfitting loans each season with a high overhead in interest and insurance, they put in thousands of hours preparing for a fishing season, with no pay whatever. This is their donation to a venture, a costly contribution for the Good of the industry and the economy of the State; and

Whereas, untold hardships have and are being faced by the fishermen and their families; prospects for living out the winter are pretty dim when a poor season has hit them. A Fisherman's children, if a family man, suffer the most—nothing much to eat, no warm clothes for school, with only a skimpy allowance, if at all, for education and recreation; no real inspiration to try hard at school or in a competitive world when they feel the pangs of want and are discouraged in the pursuit of social advancement; and

Whereas, the Fisherman is a tax payer but his product does not have market support; cannot count on assured returns due to decline in the fishing industry; and

Whereas, the Fisherman gambles his name, his career, his substance, his valuable time in order to preserve his equity, in most cases paid for during his long years of fishing; and to pay his indebtedness he must continue in his fishing efforts; and

Whereas, from cost figures on preparation alone the Fisherman would have to catch 35,000 to 45,000 pink salmon, depending on size of his boat, before his Fishing Venture will start to pay off, hence the familiar saying, "My first fish will have a $20,000 cost tag on it".

Now therefore, be it resolved, that in view of Millions of Dollars of tax payers' money being routed to the support of certain chosen fields of American Industries and Businesses to harvest sustaining returns, we Alaskan residents as American citizens hereby deem it the crucial time to stop ignoring the plight of the Alaskan Fisherman, to let him take his rightful place among the farmers and worthy businessmen being subsidized, and request the U.S. Government to immediately start a genuinely purposeful program of a Subsidy Grant for the disaster fishing areas; establish low interest loans for the sake of maintaining the fishermens' gear and equipment standards at an equitable level; set up a reserve to guarantee Take Home Pay for the Fishermen when there is no profitable harvest in any given fishing season; and to encourage implementation of a Fish Farming program as it is being studied by the Alaska State Legislature.

Be it further resolved, that copies of this resolution be distributed to all interested and influential parties, to the Alaska Legislators, the Alaska Governor; to the U.S. Congressmen, the U.S. President, Vice President, the President's Cabinet, and to all Alaska Fishermen's Associations.

Introduced, passed and adopted at a regular session of the Metlakatla Indian Community Council this 8th day of April, 1971; duly signed by the Mayor, his Executives and entire Council Members.

COMPREHENSIVE DRUG COVERAGE FOR OUT-OF-HOSPITAL PRESCRIPTIONS FOR THE ELDERLY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. RANGEL. Mr. Speaker, I have cosponsored legislation to provide outpatient prescription drug coverage under medicare for our elderly. Many senior citizens in my district undergo needless suffering simply because they do not have the money to pay the corner drugstore to fill their prescriptions.

There is a tremendous need for this legislation. Nationwide over half of all families headed by an elderly person—65 or older—had total incomes of less than $3,650 a year in 1966. That $3,650 figure included as income the monthly social security checks of those families. Yet in spite of subsequent social security increases, over 36 percent of all our citizens over 65 still remain below a poverty line of $1,500 for a single person and $1,900 for a couple.

In addition to having very little income, millions of our aged people have very meager assets. Some 30 percent through their working years have saved less than $1,000 apiece. Thus, when illness strikes, their savings become wiped out in a period of mere months. How then can we expect these people to pay for their drug needs? The fact of the matter is that they simply cannot.

Besides old persons' limited incomes and savings, consideration must be given to the size of the drug needs of old persons. The elderly represent about 10 percent of the total population. The cost of their out-of-hospital drugs, however, is over 25 percent of that of the total population. Moreover, the average number of prescriptions and refills the elderly have, according to the HEW task force final report is nearly three times that of those persons under 65.

To summarize the need, then, our senior citizens have very limited income, meager accumulated savings, and yet they are forced to spend their last remaining years with huge bills which are not only more frequent but also much more expensive than the drug bills for those people under 65.

The legislation I have cosponsored, H.R. 4244, would amend titles II and XVIII of the Social Security Act to include qualified drugs requiring a physician's prescription among the services covered under medicare's hospital insurance program. Under present circumstances, medicare pays only for drugs while the elderly are in the hospital. The bill I have cosponsored would extend coverage to prescriptive drugs outside the hospital. The bill was basically derived, with minor modifications, from recommendations of the HEW task force on prescription drugs and the HEW Secretary's review committee. Under this legislation, a person over 65 on medicare could walk into a pharmacy, and by simply paying $1 for each prescription, would have his drug needs met. He would not have to go through any redtape, such as paying monthly premiums, keeping records, or filing claims.

The cost of the program would be about $924 million for calendar 1971. This figure is derived by multiplying an estimated 308 million prescriptions by their average cost which is about $4 and then subtracting the $1 per prescription charge that the beneficiary would pay. For those of my colleageus that point to the runaway costs of medicare, I would say to them that this bill which I have cosponsored is based on sound economics. A person would pay for his drug insurance during his working years rather than later when his income is sharply reduced due to retirement. Furthermore, there would be a formulary committee of doctors who would select the drugs to be covered and who would list these drugs by their generic names. Finally, the $1 charge to purchasers would make certain that drugs will not be wastefully dispensed.

I believe it is the obligation of Congress to free our deserving senior citizens, especially the poor and the black, from the fear of suffering from disease and ill health solely because of their inability to pay for their drug needs. Surely the Congress can meet this challenge. Mr. Speaker, I am indeed pleased to be a cosponsor of H.R. 4244 introduced by my distinguished colleague from Wisconsin, Representative DAVID R. OBEY. I invite other Members of Congress to join with me in seeking the earliest possible passage of this important legislation to insure health security to those who need it the most.

TOWARD A COHERENT INTERNATIONAL ECONOMIC POLICY FOSTERING EXPORT EXPANSION

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ASHLEY. Mr. Speaker, today I am introducing companion bills which are designed to improve the international economic policy of the United States and, particularly, its international trade policy component.

The legislation is based on the following premises:

The security and prosperity of the United States are dependent on a coherent, consistent, and well-coordinated international economic policy, which we do not now have.

A coherent policy is marked by explicit goals and objectives and a strategy for approximating the goals and meeting the objectives. We do not have clearly defined goals and objectives and, obviously, no strategy for meeting them.

There is little, if any, coordination of either national or multinational policies and agreements with respect to international trade, investment, and monetary activity.

Much of the difficulty in our trade account can be ameliorated by prompt and adequate changes in the foreign exchange value of certain currencies, notably those of West Germany and Japan.

Mechanisms such as import quotas and capital controls on investment and export credit are palliatives which only postpone a hard reckoning and yield little or no benefits to either domestic or foreign economies.

Federal policy in connection with export credit falls sufficiently short of enabling U.S. exporters to effectively compete around the world, particularly in the capital goods field, wherein our best prospects lie, to warrant significant changes in our export finance policies and programs.

The first of these two bills, the International Economic Policy Act of 1971, would do the following:

Title I extends the Export Administration Act of 1969 to June 30, 1973. This legislation should be reviewed for the contribution it makes to national security and prosperity as it is presently being administered.

Title II expresses the sense of Congress that problems of international trade and payments should be remedied to a greater degree through the use of monetary mechanisms and that the President should take initiative within the international monetary fund to implement improved monetary mechanisms such as more flexible exchange rates. The United States does not appear to be moving with sufficient speed and determination in this area, in spite of the present less-than-healthy condition of our balance of payments and of the international monetary system as a whole. The risks in delaying strong initiatives are substantial as evidenced by the difficulties which emerged again only yesterday in the relationship between the West German mark and the dollar. We are incurring the risk that deterioration in the system may stem from one of these crises and a precipitous response from an individual major trading nation rather than from calm and deliberate negotiations.

Title III provides that foreign direct investment controls shall be eliminated within 1 year of the date of enactment of this act. As President Nixon has said:

> The imposition of arbitrary controls on foreign investments is harmful to our Nation's long range interests. This control program is a palliative, which may make the statistics look better now but will only further aggravate our balance of payments in future years.

The years pass on, and all the while it is clear that direct investment continues to make a favorable contribution to our balance of payments. Because of its very success there appears to be a tendency to maintain the controls to offset the drain on the balance of payments made by other accounts. Unless decontrol is effected soon, adverse effects are in all likelihood imminent in the form of comparatively reduced foreign earnings because of increased interest payments on foreign borrowings and a generally diminishing competitiveness of U.S. companies in the international economy.

Title IV creates on a statutory basis the Council on International Economic Policy which President Nixon established earlier this year, with the following modifications: It adds to the membership of the Council the Chairman of the Federal Reserve Board and the Executive Director of the Council. It specifies the purpose and the duties of the Council, and it requires the President to transmit an annual "International Economic Report." Certain specific information requirements with respect to the report, to enhance its usefulness in the formation of international economic policy, are specified. Provisions are made for compensation of the Executive Director at level I of the executive schedule and for staff, commensurate with the extraordinary importance of this activity. Finally, such sums as may be necessary to carry out the purposes of this title are authorized to be appropriated each fiscal year. Title IV thus provides a sturdier and more permanent machinery and congressional focus for the coordinated development of a more rational and orderly international economic policy.

Mr. Speaker, the second bill I am introducing today is the Export Expansion Finance Act of 1971. Its purpose is to provide the Export-Import Bank and the Federal Reserve Board with increased authority to expand export credit facilities to levels competitive with those of the other major trading nations, and to eliminate export credit restrictions which unduly hamper the growth of U.S. exports. The bill is based on the following premises:

The principal countries vying with the United States in the international marketplace have been offering and continue to offer superior governmental export credit assistance. This assistance virtually always involves credit availability and rates and terms which are insulated from credit for domestic purposes. The central banks in these countries can and often do invariably play a role in export credit which simply cannot be matched by our Export-Import Bank under either its present authority or under the changes in authority proposed by the Bank in pending legislation.

The export departments of the commercial banks of the United States under present conditions constitute an underdeveloped and underutilized resource in any drive to increase exports. These departments function largely as service operations in the maintenance of domestic corporate accounts at the banks. The export departments compare unfavorably from a profit standpoint with other departments within the banks, and there is by and large little apparent interest in altering their somewhat passive, service role to one of more aggressively seeking and pursuing foreign opportunities in conjunction with U.S. exporters. This posture is reinforced by the comparative uncertainty of department business, subject to wide swings in the availability of credit and in rates of interest in comparison with that afforded foreign competitors operating within the framework of their national export credit policies which assure availability of funds at more stable and attractive rates. The "voluntary" foreign credit restraint program of the Federal Reserve System apparently constitutes, in addition, a kind of psychological sword of Damocles for a bank president who might otherwise consider adding to the staff of technical expertise which export credit management requires. And, ironically, the laudable work of the Export-Import Bank in attempting to make optimum use of its funds in the period of tight money through cooperative financing with commercial banks has probably made commercial banking more dependent on Government and has pointed us in the direction of statist and centralist solutions to our problems of export finance which are bound to deter the growth of the widespread initiative and support for exports in banks across the country so necessary to the achievement of a significant export surplus.

Title I of the Export Expansion Finance Act would allow a federally insured commercial bank to rediscount at any Federal Reserve bank at specified rates commercial paper ranging in maturity from 6 months to 5 years and used to finance the export of commodities produced in the United States, provided the rate charged by the commercial bank to its customer falls within certain prescribed limits.

Export credits with maturities from 6 to 12 months and ranging from 6¾ to 7¼ percent in interest charges, depending on the value of the transaction, could be rediscounted at 6 percent.

Credits for exports to developed countries with maturities from 1 to 5 years with guarantees or insurance under Export-Import Bank authority and ranging from 5¾ to 6¼ percent, depending on the value of the transaction, could be rediscounted at 5 percent. Should the prevailing Federal Reserve rediscount rate be less than 5 percent the credits could be rediscounted at the lower rate, provided the interest charges would be no greater than three-fourths of 1 percent to 1¼ percent above the prevailing rediscount rate.

Credits with Eximbank guarantees or insurance for export to developing countries could be rediscounted in the same way, except that the rediscount rate would be the lower of 4 percent or the prevailing Federal Reserve rediscount rate, with allowable interest charges ranging from three-fourth percent to 1¼ percent above such rate.

Nonguaranteed and noninsured export credits with maturities from 1 to 5 years would have the same rediscount facilities as mentioned above available, but with allowable commercial bank interest charges ranging from 1 to 2½ percent above the applicable rediscount rate, depending on the value of the transaction and the degree of country risk involved as established by the Export-Import Bank under its guarantee program.

Title II requires the elimination of limitations and restraints imposed by the Federal Reserve System on the extension of credit for the purpose of financing U.S. exports.

Title III modifies and increases the authority granted to the Export-Import Bank.

Section 301 requires the Export-Import Bank to provide rates, terms and conditions which are competitive with those offered by the other principal trading nations of the world.

Section 302 prohibits the Bank from providing its credit facilities for exports to any nation with which the United States is in armed conflict.

Section 303 increases the authority of the Bank to guarantee and insure export credit sales on a fractional reserve basis from the present $3.5 to $10 billion.

Section 304 increases the total authority of the Bank to guarantee, insure, and lend from the present $13.5 to $20 billion.

Section 305 allows the Bank to issue its notes, debentures, and other obligations with maturities extending beyond its statutory life to purchasers in addition to the Secretary of the Treasury.

Mr. Speaker, each of these provisions affecting the Export-Import Bank are essential if the Bank is to fulfill its role in the achievement of an adequate export surplus in the years immediately ahead. The enactment of section 303 is especially urgent because the Bank is rapidly approaching the limits of its authority to guarantee and insure on a fractional reserve basis, and is expected to reach its present limit within the next few months.

Enactment of the Export Expansion Finance Act, Mr. Speaker, would make our export credit program competitive with our foreign challengers, would restore employment, particularly to thousands of highly skilled personnel in the production of capital goods, would lead to a significantly strengthened dollar in the years ahead and to a marked improvement in our balance of payments, and would free the Export-Import Bank to pursue a course of supplementing and encouraging private capital in ways which are more fully consistent with the established policy of the Congress.

Mr. Speaker, there has been a great deal of discussion about whether we should place domestic or international considerations first in the shaping of our economic policy. Full employment has been poised against the balance of payments as though these are on a collision course. The export expansion finance legislation I am introducing today is one, if not the only, efficient, low-cost policy proposal which is designed to meet our low-cost policy proposal which is designed to meet our domestic and our international objectives, and so I urge its prompt enactment.

Hearings on this export credit legislation will begin on May 18. The proposed International Economic Policy Act will be considered subsequently.

Following are copies of the two bills I have introduced today:

H.R. 8180

A bill to extend the Export Administration Act of 1969, to encourage diplomatic efforts to improve international monetary mechanisms, to eliminate certain foreign investment controls, to establish a Council on International Economic Policy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Economic Policy Act of 1971".

STATEMENT OF PURPOSES

SEC. 2. It is the purposes of this Act to—

(1) foster the expansion and balanced growth of international trade, and to contribute thereby to the promotion and maintenance of a high level of employment and real income and to the increased development of the productive resources of the United States;

(2) provide for continuation of authority for the regulation of exports;

(3) assist in eliminating international capital transfer restrictions which hamper the growth of world trade and investment and assist in shortening the duration and lessening the degree of disequilibrium in the international balance of payments of the United States without resorting to measures destructive of national prosperity; and

(4) provide for closer Federal inter-agency coordination in the development of a more rational and orderly international economic policy for the United States.

TITLE I—EXTENSION OF THE EXPORT ADMINISTRATION ACT OF 1969

SEC. 101. Section 14 of the Export Administration Act of 1969 is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

TITLE II—SENSE OF THE CONGRESS WITH RESPECT TO THE INTERNATIONAL ECONOMY

SEC. 201. The Congress finds that the present imbalance in international trade and payments should be remedied principally through the employment of certain monetary mechanisms rather than through the use in considerable part of quotas, tariffs, and capital controls. It is therefore the sense of Congress that the President, to diminish trade imbalances and the threat of a severe disruption of the progress made in international trade policy, should take initiatives within the framework of the International Monetary Fund to implement improved monetary mechanisms such as more flexible exchange rates.

TITLE III—FOREIGN DIRECT INVESTMENT CONTROL

SEC. 301. (a) The first section of Executive Order No. 11387, dated January 1, 1968, shall be without force and effect.

(b) This section shall take effect one year following the date of enactment of this Act or on such earlier date as the President may provide by notice published in the Federal Register.

TITLE IV—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

FINDINGS AND PURPOSE

SEC. 401. The Congress finds that there are countless activities undertaken by diverse departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (A) domestic and foreign economic activity, and (B) in particular, that economic behavior which, taken together, constitutes United States international economic policy. It is therefore the purpose of this title to establish a Council on International Economic Policy which will provide a forum for certain members of the Executive Branch of the Federal Government and others who are responsible for the development or implementation of Federal programs and policies which relate to or affect international economic policy. It is the further purpose of Congress to provide the Council with the opportunity to (A) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy and (B) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SEC. 402. There is created in the Executive Office of the President a Council on International Economic Policy (hereafter referred to in this title as the "Council").

MEMBERSHIP

SEC. 403. The Council shall be composed of the following members and such additional members as the President may designate:

(1) The President.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Agriculture.

(5) The Secretary of Commerce.

(6) The Secretary of Labor.

(7) The Director of the Office of Management and Budget.

(8) The Chairman of the Council on Economic Advisers.

(9) The Assistant to the President for National Security Affairs.

(10) The Executive Director of the Domestic Council.

(11) The Special Representative for Trade Negotiations.

(12) The Chairman of the Federal Reserve Board.

(13) The Executive Director of the Council on International Economic Policy.

The President shall be the Chairman of the Council and the Secretary of State shall be the Vice Chairman.

DUTIES OF THE COUNCIL

SEC. 404. It shall be the duty of the Council to—

(1) assist and advise the President in the preparation of the International Economic Report;

(2) review the activities and the policies of the Congress and the President which indirectly or directly relate to international economics and determine with some degree of specificity the substance and scope of the international economic policy of the United States;

(3) collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters;

(4) study, investigate, and evaluate the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry to determine the extent to which any such activities interfere with, or conflict with one another to the detriment of, the international economic policy of the United States;

(5) study, investigate, and evaluate methods of coordinating the activities of all the departments and agencies of the United States and the several States, with one another and with private industry, for the purpose of accomplishing a more consistent international economic policy;

(6) continuously assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy; and

(7) make recommendations for administrative and legislative domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) eliminating the deficit in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis; and

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity.

REPORT

SEC. 405. (a) The President shall transmit to Congress not later than March 1 of each year a report on the international economic position of the United States. The report shall be entitled the "International Economic Report" and shall include—

(1) information and statistics describing characteristics of international economic growth and identifying significant trends and developments;

(2) a comprehensive foreign exchange budget for the United States which shall include all foreign exchange received and expended during the previous year and all expected foreign exchange receipts and expenditures in the coming year divided so as to delineate separately all commercial transactions (as opposed to government transactions) and all special financing transactions engaged in by the United States Government

which have the effect of reducing or increasing any measure of the balance of payments surplus or deficit. Such foreign exchange budget shall in no way limit the Government in its expenditures abroad but shall be used for information purposes in establishing United States priorities in the use of foreign exchange and dollars abroad. In addition, the foreign exchange budget shall include, but not be limited to, a separate accounting of the receipts and expenditures involved in United States aid to foreign countries (bilateral and multilateral), the actual dollar outflows and all income of the United States direct private investment abroad, the receipts and expenditures in the United States international trade account (both excluding and including government-financed exports), the receipts and expenditures in the tourism account, and the receipts and expenditures in the service and capital accounts, so as to indicate the United States balance of payments position;

(3) a review of significant matters affecting the balance of payments and the international trade and investment position of the United States including, but not limited to, matters discussed and actions taken by international institutions and assemblies such as the United Nations, the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Organization for Economic Cooperation and Development, and under the General Agreement on Tariffs and Trade;

(4) a review of foreign economic developments and actions by trading blocs and individual nations which appreciably affect the United States balance of payments, international trade, and investment;

(5) a review of international monetary developments affecting the United States balance of payments and the strength of the dollar;

(6) a review of all significant matters affecting or likely to affect the United States balance of payments or the strength of the United States dollar abroad including, but not limited to, the balance of payments effect of United States bilateral and multilateral aid (including any loss or gain in United States exports resulting from the use of any United States aid monies for procurement outside of the United States), international commodity agreements, and restrictions of trading blocs or nations on United States trade (including United States agricultural exports) and investments;

(7) a review of the net expenditure of foreign exchange or dollars abroad (exclusive of any special financial transactions) for the cost of United States defense forces and establishments and a review of any burden sharing provided by host nations to the foreign exchange costs involved, except that for national security reasons the President may delete and classify any such information;

(8) an evaluation of the progress and effectiveness of Federal efforts designed to meet the international economic needs of the United States and to carry out the policy of this title;

(9) an assessment of the policies and structure of existing and proposed programs and activity on the part of the Federal Government, the several States, and private industry with respect to international economics and developments affecting such policies; and

(10) recommendations for programs and policies for carrying out the international economic policy of the United States, including such legislation and administrative actions as may be deemed necessary and desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in section 401.

EXECUTIVE DIRECTOR AND STAFF

SEC. 406. (a) The Council shall have an Executive Director who shall be appointed by the President and shall be compensated at the rate in effect for level I of the Executive Schedule under section 5312 of title 5 of the United States Code. The Executive Director shall be directly responsible to the President. It shall be the duty of the Executive Director to—

(1) direct the activities of the Council staff,

(2) develop the agenda and supporting materials for Council meetings and review all matters before the Council, and

(3) establish a work program, including topics and the selection of individuals to carry out particular assignments.

(b)(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff as he deems necessary.

(2) The staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 407. There is authorized to be appropriated each fiscal year such sums as may be necessary to carry out the purposes of this title.

H.R. 8181

A bill to require Federal Reserve banks to discount certain commercial paper used to finance the export of United States commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Expansion Finance Act of 1971".

STATEMENT OF PURPOSE

SEC. 2. It is the intention of Congress to foster the expansion of United States exports and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States. It is therefore the purpose of this Act (A) to provide the Export-Import Bank and the Federal Reserve Board with increased authority to expand export credit facilities to levels competitive with those of the other major trading nations of the world and (B) to eliminate export credit restrictions which unduly hamper the growth of United States exports.

TITLE I—AMENDMENTS TO FEDERAL RESERVE ACTS

SEC. 101. The Federal Reserve Act is amended by inserting after section 13a the following new section:

"SEC. 13b. (a) Upon the indorsement of any federally insured bank, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own endorsement exclusively, any Federal Reserve bank shall, in accordance with this section and subject to regulations prescribed by the Board of Governors of the Federal Reserve System, discount notes, drafts, and bills of exchange used to finance the export of commodities produced in the United States. Such notes, drafts, and bills of exchange shall hereafter in this section be referred to as 'commercial paper'.

"(b) Any commercial paper having a maturity, at the time of discount, exclusive of days of grace, of not less than 6 months and not more than 12 months shall be discounted in accordance with subsection (a) by a Federal Reserve bank—

"(1) at a rate which is equal to (A) the lowest rate established under section 14(d) by any Federal Reserve bank for any class of paper, or (B) 6 percent, whichever is the lower; and

"(2) if the federally insured bank which endorses such commercial paper has, in connection with the acquisition of such commercial paper, not charged a discount rate greater than that permitted by the Board of Governors. For the purposes of this paragraph, the Board of Governors shall prescribe maximum permissible rates for such discounts which shall take into consideration the dollar value of the commercial paper and which shall be limited to a rate not less than ¾ and not greater than 1¼ percentage points above the rate applicable under paragraph (1) of this subsection.

"(c) Any commercial paper having a maturity, at the time of discount, exclusive of days of grace, of not less than 12 months and not more than 5 years shall be discounted in accordance with subsection (a) by a Federal Reserve bank—

"(1) at a rate which is equal to—

"(A) in the case of commercial paper used to finance the manufacture for export or the export of commodities to countries other than less developed countries, (i) the lowest rate established under section 14(d) by any Federal Reserve bank for any class of paper, or (ii) 5 percent, whichever is the lower; or

"(B) in the case of commercial paper used to finance the manufacture for export or the export of commodities to less developed countries, (i) the lowest rate established under section 14(d) by any Federal Reserve bank for any class of paper, or (ii) 4 percent, whichever is the lower; and

"(2) if the federally insured bank which indorses such commercial paper has, in connection with the acquisition of such commercial paper, not charged a discount rate greater than that permitted by the Board of Governors. For the purposes of this paragraph, the Board of Governors shall prescribe maximum permissible rates for such discounts which shall take into consideration the dollar value of such commercial paper and shall not be—

"(A) in the case of commercial paper which is guaranteed or insured under the authority of the Export-Import Bank Act of 1945, less than ¾ or greater than 1¼ percentage points above the rate applicable under paragraph (1) of this subsection; or

"(B) in the case of commercial paper which is not guaranteed or insured under the authority of the Export-Import Bank Act of 1945, less than 1 or greater than 2½ percentage points above the rate applicable in paragraph (1) of this subsection.

In setting such maximum permissible rates under paragraph (B), the Board of Governors shall take into consideration (i) whether credit is being extended to a United States firm or a foreign borrower, and (ii) in the case of a foreign borrower, the credit risk rating assigned by the Export-Import Bank to the country in which such foreign borrower resides. For the purposes of this subsection, the term 'less developed country' means a less developed country as defined under section 4916 of the Internal Revenue Code of 1954 (relating to interest equalization tax)."

Title II—Voluntary Foreign Credit Restraint

Sec. 201. In connection with section 2 of Executive Order No. 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

Tittle III—Amendments to the Export-Import Bank Act of 1945

Sec. 301. Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end of paragraph (1) the following: "In the exercise of its functions the Bank shall provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the rates, terms, and other conditions applicable to the financing of exports from countries with which the United States carries on its principal trading relations."

Sec. 302. Section 2(b)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(3)) is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any national or agency of any other nation of any product, technical data, or other information which is to be used principally by or in any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States."

Sec. 303. Section 2(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)(1)) is amended by striking out "$3,500,000,000" and inserting in lieu thereof "$10,000,000,000".

Sec. 304. Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

Sec. 305. Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by inserting immediately following the words "Secretary of the Treasury" the following: "or any other purchasers".

POLISH NATIONAL HOLIDAY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. ASPIN. Mr. Speaker, this week, American citizens of Polish extraction are celebrating the anniversary of the Polish Constitution of 1791. A young lady from my district, Miss Barbara Walewicz, has prepared the following remarks, which illustrate the feelings of many Polish Americans on this occasion:

This week marks the anniversary of the Polish Third of May Constitution. It is an occasion on which Poles, and citizens of Polish origin in many countries celebrate the anniversary of a document written in 1791 which eliminated most of the fundamental weaknesses of the Polish parliamentary and social systems.

This week, Polish-Americans are commemorating that document by parades and in private moments of reflection. It is not only the occasion which is significant in their lives, but also the recognition that they are part of a culture which stems back over a thousand years. This culture has handed down to them a heritage of great wealth. Ignace Paderewski, Tadeusz Kosciusko, Casimir Pulaski, and Marie Curie are Poles who contributed to the areas of music, science, and the cause of freedom and justice during the American Revolution.

During this celebration, the song of welcome and thanks is heard around the world, "Witaj Maj, Trzeci Maj."

NAME THE BRIDGE FOR MARKEL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. WOLFF. Mr. Speaker, several times during the past few years I have spoken here in the House of Jesse Markel's many contributions to his community, his State, and the Nation. A longtime friend of mine, he has given an incredible amount of time, energy, and understanding to projects ranging from Government activities to raising money for medical research.

For 20 years, Mr. Markel, a resident of Great Neck, N.Y., in my congressional district, has been urging that the Saddle Rock Bridge in Great Neck be widened to reduce the hazard to persons using it. Finally, after 20 years of Jesse Markel's urging and after the death of a 15-year-old child, the bridge is being widened.

The Great Neck Record, one of the fine weekly newspapers in my district, suggested in a recent editorial that the new Saddle Rock Bridge be named for Jesse Markel. I am pleased to endorse that suggestion by the newspaper and the Saddle Rock Civic Association, and I would like to include the editorial at this point in my remarks:

Name the Bridge for Markel

Jesse Markel has always been a generation ahead of his time. His thinking on the Saddle Rock bridge now under reconstruction was no exception to the rule. It took 20 years of Markel's urging and the life of a 15-year-old child to move the powers-that-be to widen that hazardous bridge.

Now the bridge is nearly done, and the Great Neck Record wants to join the Saddle Rock Civic Association in recommending that community pay tribute to a man who has fought for the well-being of this community for all his adult life. The new Saddle Rock bridge should surely be named for Jesse Markel.

Naming the bridge for Jesse Markel should do more than pay honor to a man who deserves it; it should remind everyone who thinks tomorrow is the best day to make complicated changes that today is the only day to make the changes that can save a child's life.

HENRY W. MINOT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. MORSE. Mr. Speaker—

His life was gentle,
And the elements so mix'd in him
That Nature might stand up and say
To all the world, "This was a man."

Henry Whitney Minot of Brookline, Mass., died on Friday, April 30, 1971, and left in the hearts of his countless friends a sorrowful void unlikely ever to be filled.

Henry served for many years with a singular devotion as trusted friend, matchless assistant and, to a significant degree, as mentor to Leverett Saltonstall throughout the latter's several terms as both Governor and Senator. His knowledge of the history and of the structure of American government was unparalleled and his comprehension of the purposes and functions of the Congress was beyond compare. In his personal hours, Henry Minot was the guide, counselor, and unfailing friend of immeasurable numbers of Americans, an admirable human being in every splendid sense.

To his beloved and devoted wife, Ellen, and to his children and grandchildren, I extend my deepest sympathy as one who was privileged to know him as private citizen, public servant, as a sensitive, understanding man, and as a friend.

Henry Minot has gone on now, gone on just a bit ahead of the rest of us, in neither doubt nor fear. Our day is darkened by the thought and the fact of his death, but for such wonderful souls as his there can be no night.

In this sad vein, I include in the Record at this point the tribute published in the Boston Globe on May 1:

Henry W. Minot, 75, Aide to Leverett Saltonstall

When Henry Whitney Minot went to Washington with former Massachusetts Sen. Saltonstall, Mr. Minot thought it would be for a short while.

But, as it turned out, Mr. Minot remained 15 years as administrative assistant and advisor to the senator.

Mr. Minot died yesterday at his home, 85 Sears rd., Brookline. He was 75.

Henry Minot devoted much time to public affairs and politics, but of his own choosing preferred to say behind the scenes.

Interested in Republican politics, he became Saltonstall's assistant when Saltonstall was governor from 1939 to 1945.

After World War I, Mr. Minot became a member of the National Economy League and the Mass. Federation of Taxpayers Assn. He was also former vice-president of the Brookline Taxpayers Assn. and treasurer of the Brookline Citizens' Committee.

During the late '20s and early '30s Mr. Minot served as assistant treasurer and chairman of the executive board for the Republican State Committee of Massachusetts.

In Brookline, Mr. Minot served as a town meeting official and director of the Park and Recreation Committee.

In 1918 Mr. Minot was commissioned by the

Army as first lieutenant and was assistant administrative adjutant to the American Students Detachment at Oxford University, England.

After the war, he entered Harvard Business School for a year and then went to work for several Boston and New York import firms.

Mr. Minot once described the import business as the most exciting for a young man. He traveled to the West Indies, London, Australia, Paris, Amsterdam and Germany, but in 1930 ill health forced Mr. Minot to retire

In 1924, Mr. Minot married Ellen Sears Curtis and moved to Brookline. His hobbies were traveling and gardening. He took several trips around the world with his family.

Mr. Minot spent his summers at North Haven, Maine, where he owned an 80 acre island.

At Harvard University he was a member of the Walter Camp All America Football Team. He graduated from Harvard in 1917.

In 1925 he took up the sport of curling, and in his 25th anniversary report for Harvard, the editor said Mr. Minot was the best curler in America.

Mr. Minot belonged to the Brookline Friendly Society, the Brookline Home for Aged Men, Nobles School Club, the Hasty Pudding, the Owl, and he was also former director of the Habit Clinic for Child Guidance in Brookline.

Besides his wife, Mr. Minot leaves two sons, Henry Minot, Jr. of Dover and George R. of Manchester; his daughter, Mrs. Stephen Little of Dover, and 12 grandchildren.

Burial will be in Forest Hills Cemetery.

DR. VIRGINIA R. KEEHAN—APPOINTED ACTING PRESIDENT OF CHICAGO CITY COLLEGE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. PUCINSKI. Mr. Speaker, I was pleased to learn of the recent appointment of Dr. Virginia R. Keehan to become the first woman to head a public institution of higher learning in Chicago. Dr. Keehan will become the acting president of the Southwest College located at 7500 South Pulaski.

Dr. Keehan will bring to this new position a wealth of experience. She has recently been on leave from the city college system in order to develop a community college in Columbus, Ind. Previously, she had been coordinator of planning and development for the city colleges.

Dr. Keehan has served as director of the program division of the Job Corps and as an education specialist for the Department of Health, Education and Welfare. She is the author of many guidance handbooks.

As chairman of the Central Education Subcommittee, I have often called upon Dr. Keehan for the benefit of her thinking, experience and dedication. She has been of immeasurable assistance to the subcommittee. I know she will be very successful in her new assignment and that the City of Colleges of Chicago will be all the better with her serving at Southwest College.

CONGRATULATIONS TO THE PEOPLE OF ISRAEL FOR A JOB WELL DONE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. BURKE of Florida. Mr. Speaker, when on May 15, 1948, Ben Gurion issued his world famous proclamation of statehood for the nation of Israel, he did so full knowing the determination of the small group of people to whom his words were given. He knew in uttering those words that the seeds of statehood for the nation of Israel would be well tilled and nurtured and that statehood would grow and form because for 2,000 years prior thereto there had been no state for the Jews of the world. Those who listened knew that the task of succeeding would be difficult for they knew that waiting at the borders of the new state, as proclaimed, were the armies of those who would seek to destroy the Jews. The people of Israel, however, had a dream but they did not fool themselves with the idea that the task of building a nation would be easy. They knew that they had to be strong and dedicated in order to turn the dream into reality.

The will to survive is inherent to the Jews and throughout the history of the world the Jews have almost constantly faced challenges to their freedoms and often to their very existence. In order to make the new nation of Israel a success, it was their responsibility to work and work hard. They have. They drained swamps and cleared the desert of rocks and brush so that the wilderness could be turned into orchards, pastures, and fields. Out of the wilderness, the rubble and debris of past conflicts, homes and cities grew. The refugees from war devastated Europe and elsewhere came to the new state of Israel bringing with them new schools, new ideas, and new hope for the future. Highways were built in order to transport the products from the factories and farms into the cities and into the ports. From the dust and the debris and from the destruction of the past rose the new nation of Israel and today this nation which started just 23 years ago has given refuge and has become home for many of the Jews who had been made homeless because of the devastation of World War II.

It is true that peace has not come to Israel but it is significant, nevertheless, to note that in this age when there are so many dedicated to the destruction of civilization and the good of the past that the oldest nation has now been reborn and has established a thriving economy, excellent schools, new cities and a strong healthy democratic form of government. Although the new State of Israel, because of its youth, is still termed a developing nation, nevertheless, it is involved in programs to help other underdeveloped countries move forward. Many African nations owe their thanks to the expertise in technical knowhow of the Israelis who offered to them manpower assistance. Israel has sent hundreds of instructors, vocational and agricultural advisers as well as other technicians to countries in Africa, Asia and even Latin America.

It is unfortunate that Israel on this birthday month of its 23rd year must still devote so much of its time and energy to the security of its own borders. It is unfortunate that the people of the State of Israel must still live under the threat of an uneasy truce that may at anytime break out in an all-out war that could lead to the nation's death and destruction. I have always admired the spunk, the energy and the dedication of the Jews whose determination has made the dream proclaimed by David Ben Gurion, when he stood before such a small group of people in Tel Aviv on May 15, 1948, a reality. From the ashes of history they have proven what honest determination can do.

In 1969 I was honored to receive the Service to Israel Award for my efforts to aid the struggling young nation.

Mr. Speaker, I would like to extend now to the people of Israel my congratulations and on this anniversary of the statehood of the State of Israel I would further like to extend my hope for their continued success for continued progress. In addition it would seem proper to me to offer my pledge to work on their behalf so that the State of Israel will not perish. I extend once again, therefore, my personal admiration, my congratulations and my best wishes to the people of Israel and to their friends throughout the world, that their nation may continue to survive with peace and prosperity throughout the ages to come.

HOW ABOUT THIS FOR NEWS

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. KARTH. Mr. Speaker, nearly each day we read in the daily newspaper about cost and schedule overruns in technology and military advancement programs. I have made an effort to study the track record of the different contractors. My analysis thus far shows that at least one company, the Martin Marietta Corp., has an outstanding record. The Aerospace Group of that corporation with three operating divisions; one located at Denver, one at Baltimore, and one at Orlando has complied an enviable if not an unbelievable record. Over the last 10 years these three divisions have had a combined underrun of approximately 1 percent on sales slightly over $4 billion. This evaluation covers 400 individual contracts representing all contracts having an individual value of over $1 million.

I have asked GAO for confirmation of these figures. Unfortunately, they are unable to do so at this time but will report to me sometime in June. I will make that report available then.

Mr. Speaker, I think it appropriate to point this out since the industry record has not been as good as some of us would like to see it and some members of the industry have produced a record that is unacceptable. It is time the good guys be identified, too. Let us hope that all of the giants will produce equally good records in the future.

It is my intention to continue the study and report periodically as it is completed. Needless to say, I extend my congratulations to the three divisions of Martin Marietta's aerospace group.

A REPORT ON THE SITUATION IN CHILE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. SCHMITZ. Mr. Speaker, I recently received a report on the situation in Chile before and after the recent Communist rise to power.

The election itself was significant in several respects. First it showed that Socialist-liberal reform programs not only do not succeed in weaning the malcontents away from the Communist Party programs but actually exacerbate the problems which the Communists count on for building mass action groups. The Christian Democrats of Chile paved the way for a victory for Communist coalition victory. The half-and-half Socialist revolutionaries were displaced by the thoroughgoing totalitarian revolutionaries. Twentieth century liberalism, sometimes known as the "socialism of the mentally unkempt," cannot even make its own ill-conceived reform programs work, much less successfully resist a strong Communist movement.

Another important aspect of the Chilean election was the important part played by the Catholic Church in the Marxist victory. Chile is unquestionably a Catholic country—if one measures catholicity by percentage of population. The Catholic Church has traditionally been one of the staunchest opponents of communism. Now, however, as the following excerpt from the report by the Brazilian Society for the Defense of Tradition, Family, and Property makes clear, that situation is drastically changing. Through naivete or outright collaboration, prominent church leaders permitted and even encouraged the ascendancy of communism in Chile.

I include this excerpt in the hope that we in the United States will wake up to the similar dangers within our churches and within our society as a whole. We must learn from the tragic case of Chile.

The report follows:

CHURCH HELPS TO CONSOLIDATE THE COMMUNIST REGIME

In order to fully understand the present political confusion in Chile, it is necessary to analyze the role played by the Catholic Church before and after Allende's innauguration. As it is known, Chile is a Catholic country (89%) and the Catholic Church has a tremendous influence in the whole country.

BEFORE THE 1970 PRESIDENTIAL ELECTIONS

There were an enormous amount of declarations and attitudes from the clergy backing communism, or the marxist candidates, or at least trying to bring confusion to anti-communist public opinion.

1. In August 1969 the Catholic University of Santiago conceded the title of "doctor honoris causa" to the notorious-communist Pablo Neruda. Incidentally this happened just a few days before he was nominated presidential candidate of the Communist Party (later he resigned on behalf of Allende). In this occasion, Cardinal Silva Henriquez, archbishop of Santiago, spoke out in a way very difficult not to interpret as an approval of Communism.[1]

2. Some months later, the same Cardinal explained in an interview that he thinks nowadays is is morally licit for a Catholic to vote for a marxist candidate. No denial came, nor any refutation was known from other Chilean bishops, nor from the Vatican, which was consulted about this moral issue.[2]

3. In spite of the scandal the declarations of the Cardinal aroused, msgr. Carlos Oviedo, general-secretary of the National Bishop's Conference, stated that Communism was condemned by the Church as an abstrate doctrine . . . but since—to vote in a Communist candidate is a concrete act, so it is licit for a Catholic to do so (!)[3]

4. The well-known jesuit priest Juan Ochagavia S.J. returned from a much-heralded trip to Cuba, praising by all forms the communist regime there. It was as if the Cuban people were living in a new kind of Paradise. The rector of the Catholic University of Santiago did a similar propaganda-service to Castro when returning from Cuba.[4]

5. The Ste. Catherine parish of Cruz Gama promoted a solemn-commemoration of Lenin's centennial. It was promoted by the parish-priest himself in the church.[5]

6. The notorious Mensaje Magazine, of the jesuit fathers, took an each time more communist position during the presidential campaign. However, they did not endorse officially the marxist candidate.

7. Both Catholic Universities from Santiago and Valparaiso—promoted several acts of marxist propaganda before the elections, through its television stations, publications, inviting marxist leaders for lectures and so on.

These are some meaningful examples. Many more could be cited. Such facts and attitudes from the Catholic clergy influenced a great number of people, especially the catholics with little religious education.

And furthermore, there is evidence that numerous socialist priests profited from their religious influence to make people vote for communism, including use of the Confessional.

AFTER ALLENDE'S ELECTION

1. The bishop of Puerto Montt, msgr. Jorge Hourton, soon after Allende's victory issued a pastoral letter praising—him(!). No bishop contested this, although the Episcopacy had declared previously the bishops would take a non-political position."[6]

2. Several Catholic organizations published manifestoes saluting the marxist victory. Amongst others: the University Parish, the "Young Church Movement", the "Workers Movement of the Catholic Action", the "Rural Catholic Action", etc.[7]

3. Several groups of priests also issued declarations praising Allende and some of them, more enthused, visited Allende to congratulate him for the victory.

4. On the Sunday after the election a prayer was read during the Mass asking God "to make people fear not the social reforms". Some parishioners in several churches called this a "sacrilege," with priests profiting from the Holy Sacrifice of the Mass to convince the faithful to accept the marxist reforms which are anti-Christian.

5. Rev. Manuel Segura S.J., the jesuit superior in Chile, addressed an open letter to all jesuit priests of the country, qualifying the marxist Unidade Popular program as "authentically Christian".[8]

6. The Secretariate of the National Bishop's Conference issued a declaration stating the willingness of the bishops to cooperate with the new government social revolution. (24.09.70)

7. The President of the Bishop's Conference, msgr. José Manuel Santos tried to calm those who feared the government communist program. He said there's no problem with the government program, since "the work would be the same for whatever President". (7.10.70)

These attitudes show that the aim of an important part of the Chilean clergy, and the most influential of it, was to eliminate apprehensions, to discourage any Catholic anti-communist reaction and even to incorporate themselves as parts of the new Socialist State machine.

This became clear with Cardinal Henriquez attitudes: first his joy with Allende's election, his celebration of a thanks giving solemn Te Deum in Santiago's Cathedral, with Allende and all his cabinet present.

Further on he visited Allende to transmit to him a personal message of congratulations from Paul VI and to explain that his solidarity with the new President will not remain only in words. The press was invited to this "fraternal" encounter and reported about the great friendship reigning there. Then the Cardinal declared to the press his "full support" of Allende's program. Regarding the eventual injustices he would commit applying his program, he said there's no problem, since every regime always practices some injustices.[9]

But the worse had yet to come. And it came in the person of the new Papal ambassador in Chile, the Nuncio msgr. Sotero Sanz. When he presented his credentials to Allende in a official ceremony, he declared in a speech the Church sees with complaisance the government program of social transformation in Chile. And he granted the full help of the Church to the Marxist Program in order that Chile can accomplish big progress. At the same time he transmitted to Allende more "most cordial compliments" from Paul VI.[10]

PAUL VI'S SILENCE

All these scandals occurred in the Chilean Church without a single word of orientation or of doctrinal clarification coming from Paul VI, in spite of the several requests for his word.

One must consider this in the light of the tremendous importance of the Catholic opinion in Chile. And moreover, the decision of the election was in the hands of Congress, since no candidate had the official majority in the popular vote. The Congress was dominated by the Christian Democratic party, a Catholic party. But the Catholic deputies voted in mass for the marxist candidate, thus giving him the Presidency.

The tragedy of the Chilean fall is due in great measure to the communist infiltration and influence in the Church. However this problem is not new. Already in 1968 the Chilean Society for the Defense of Tradition, Family and Property sent a reverent petition to Paul VI denouncing this infiltration and demanding measures; 120,000 Catholic

Chileans signed it, along with two million South Americans who signed similar petitions promoted by the TFPs of Brasil, Argentina and Uruguay. But Paul VI remained silent this time too.

Now that Chile is gone, the actions and omissions that led this country to ruin will be judged by the Divine Judge and by the Tribunal of History.

Will History this time be the teacher of life? Will the other Latin American countries learn something of from whence comes the danger? Or else, is Chile giving the pattern of a cascade of treasons and apostasies that'll finish with a general red rule over this vast Continent? It must be remembered that the communist infiltration in the Church is not a privilege of Chile. The situation is similar in the other Latin American countries.

The TFP is alerting the peoples of America, hoping "they'll learn from the Chilean tragedy."

FOOTNOTES

[1] "Ultimas Noticias", august 1969.

[2] 'Clarin" and "Ultima Hora", 24.12.69.

[3] NBL Press release.

[4] CUS Magazine, december 1970.

[5] "Ste. Catherine's bulletin".

[6] "CEDOC", 239, 252, 253 and 257, 1971.

[7] "CEDOC", january 1971.

[8] "CEDOC", january 1971.

[9] "Ultima Hora", 12.11.70.

[10] "La Revista Católica", 9.12.70.

SENATE—*Monday, May 10, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, before whom nations rise and fall, give us a glimpse of the holy city Thou are bringing on earth when death and pain will have gone and all men gather in the light of Thy presence. Help us to repent when we know we have sinned, to return to Thy paths when we have lost the way, and to commit ourselves to Thee while time remains. Teach us the ways of peace—peace within our own being, the peace which is quiet strength, and peace in our relations with others.

Impart Thy grace and strength to all whose vocation is service in the government of this Nation. Overrule our ignorance and weakness and use our wisdom and strength to bring about Thy will—for Thine is the kingdom, and the power, and the glory forever. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 10, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

The following reports of a committee were submitted on May 7, 1971, pursuant to the order of the Senate of May 6, 1971:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

S. 932. A bill to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates (Rept. No. 92–97).

By Mr. YOUNG, from the Committee on Agriculture and Forestry, without amendment:

S. 1131. A bill to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State (Rept. No. 92–98).

By Mr. McGOVERN, from the Committee on Agriculture and Forestry, without amendment:

S. 1806. An original bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating and other type loans, and for other purposes (Rept. No. 92–99).

JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 6, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

INTERNATIONAL ATOMIC ENERGY AGENCY

The legislative clerk read the nomination of Dwight J. Porter, of Nebraska, to be deputy representative of the United States of America to the International Atomic Energy Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

TRIBUTES TO SENATOR AIKEN OF VERMONT

Mr. MANSFIELD. Mr. President, the Burlington Free Press and the Rutland Daily Herald, both published in the State of Vermont, carry two excellent editorials on Senator AIKEN, the distinguished dean of the Republican Members of this body and second in seniority. May I say to the Senate that they are both well deserved.

I ask unanimous consent to have printed in the RECORD the two editorials, one from the Burlington Free Press entitled "Regard for Senator Aiken," and the other from the Rutland Daily Herald entitled "A Tribute Well Deserved."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

A TRIBUTE WELL DESERVED

From the standpoint of strict ornithology, to classify Sen. George Aiken with the "owls" is to put him closer to the hawks than to the doves. But there was no mistaking, in the affectionate encomiums at the senior Vermont senator's testimonial in Winooski Saturday night, that the quality of wisdom is what his "classifiers" have in mind.

From the standpoint of human endeavor, it would be hard to classify George Aiken. Certain instincts are needed to survive 30 years in the predatory atmosphere of the U.S. Senate. To have done that, and to have satisfied the changing demands of a changing constituency, is in itself a sign of no small wisdom.

The praise, handed out with senatorial magnanimity Saturday night, was well deserved. Vermont is indeed, as they said, fortunate in having George Aiken among its representatives in Washington. The Senate's senior Republican has been at once the symbol of Vermont's enduring qualities, and a force for changes that are needed.

If George Aiken has assumed the attitude of the quiet countryman a little bewildered by his surroundings in the big city, that is a characteristic of more birds than the hawk, the dove, and the owl. It is known as protective coloration, and another aspect of that is the ever-present red necktie.

But anyone who thinks he is dealing with just a quiet bewildered man from the country is in for a quick surprise, as a number of Presidents have learned by this time. And, we hope, as a number of other Presidents are likely to learn.

Some of George Aiken's constituents have criticized his bipartisan positions on world and national affairs. But how many senators are at the same time accorded a healthy respect by a Republican White House and a warm friendship by the Democratic majority leader?

It is that quality of George Aiken that is his strength. On matters of farm land, on matters of help to the poor, on the matter of a war he regrets—to all of those subjects he brings the same honesty that has gained him the respect of his fellow Vermonters and his fellow Americans.

REGARD FOR SENATOR AIKEN

It is appropriate that a testimonial dinner in honor of U.S. Senator George D. Aiken, at St. Michael's College tonight, coincides with the national observance of Law Day.

Senator Aiken, during his 40 years in public service, has earned the deep respect and affection of millions of Americans. He is one of the nation's most influential lawmakers—though he is respected most not for his lawmaking capability but rather for his individualistic, humanistic approach to the task of lawmaking.

We have often heard George Aiken described as "a man of contrary opinion." Certainly nobody takes him for granted. He cannot accurately be described as either a liberal or a conservative. He is probably a Republican by necessity rather than choice; there are times when the Democratic Party seems more enthused about Senator Aiken than the Republican Party.

Certainly George Aiken represents the people of Vermont as effectively and as forthrightly as any public servant could. This is so because he is obligated to no special interests and wedded to no restrictive philosophy, and because he has a knack of communicating with—and being understood by—all of his constituents on the one hand and by a succession of Presidents and other high officials on the other.

One of the more perceptive characterizations of Senator Aiken was given yesterday by a colleague from across the river, Senator Thomas McIntyre of New Hampshire. He characterized Aiken as a "mountain of integrity, honesty, purpose and decency," and added: "His common sense approach to problems and his fidelity to principle have freed him from categories and labels. He fronts for no faction and disdains harsh partisanship. In a phrase, George Aiken is his own man, speaking from his own conscience for his own people."

Vermonters may disagree with Senator Aiken's positions on some public issues, but the respect, affection and admiration for this senior American statesman are constant. He and his constituents believe in each other, and this fact in itself must be the finest tribute of all to a man who has served Vermont so nobly over these past four decades.

INTERVIEW WITH SENATOR HUGHES OF IOWA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an interview with the distinguished Senator from Iowa (Mr. HUGHES), published in the Christian Science Monitor of May 6, 1971. The Senator from Iowa is one of the outstanding Members of this body—a man of tremendous integrity and understanding. I believe that the publishing of this interview is well deserved.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

YOU NEED CONFIDENCE TO SEEK PRESIDENCY

(By Godfrey Sperling, Jr.)

WASHINGTON.—Maybe it's the deep, booming voice of the big man. Or maybe his poise and confidence.

Whatever it is, Sen. Harold E. Hughes, a relative newcomer in Washington, is somehow able to say he's interested in running for president without being charged—at least, very much—with political audacity.

Yet the question is asked—what, indeed, does the Iowa Senator think he can bring to the presidency?

"My answer," the Senator said in an interview here, "will not be a modest answer—but you are not looking for a modest answer.

"To begin with, to approach this position with the idea of possibly deciding to seek the presidency, you must first be convinced that you can fill the job administratively and that you can cope with the immense domestic and foreign-affairs problems."

LEADERSHIP ACCENTED

"But you also must be convinced that you have the quality of leadership within yourself to unite the American people. . . .

"Governmentally, my experience ranges from being a commissioner in state government to three terms as governor and now in the United States Senate (since 1968).

"I think that if I finally make that decision [to run for president] and come to the point of seeking the nomination, I have the capability.

"Now if you didn't have that confidence, you shouldn't seek the presidency—ever. I have a native ability to assimilate things rapidly. I gain from experience rapidly. And I think when you surround yourself with the proper people, the advisers, the right people also in the administrative sector of the government, that all the facilities are there to get the job done."

COMMITMENTS NOTED

What did he think he could accomplish as president?

"Well, I've been trying to do a number of things over the last several years. I have tried to alter the positions of our country in the war in Southeast Asia. . . .

"I have been committed to reorganization of the Democratic Party . . . I have been committed to congressional reform, particularly of the seniority system. . . .

"Now if this commitment leads to my seeking the nomination for the presidency, I'll be very eager to accept the challenge—if I find sufficient public support to do it."

What, precisely, is his view on the Vietnam war?

"I think our programs right now in Vietnam are going to be a mistake in the future. Our program of Vietnamization is going to continue the war rather than end it.

CRITICISM EXPRESSED

"I think, though, that the administration is trying desperately to wind the war down and is following what it believes is the best way to do it, including the invasion of Cambodia and Laos.

"But I think the administration has, in fact, spread the war.

"We are reducing our number of men in Vietnam; but we're keeping our tremendous support of air commitments involved there.

"The administration has hung some contingencies on total withdrawal that I think means we're going to have tens of thousands of men in Indo-China for probably the next two or three decades like we've had in Korea—only with the possibility of more men in Indo-China because it's a more difficult situation."

Isn't there also a good chance that the President's withdrawal policy will turn out to be a success?

"I pray to God that he does succeed. You know, I'm not praying for his failure in order that I may be able to make a political issue of the matter. I really pray that he succeeds. I pray that he can reduce our manpower to a very minimum level. I also pray that he may decide to totally disengage, get out."

END THE WAR FIRST

What are the priorities in this country?

"First thing is to end the war. With that you create at least some greater financial ability and certainly 100 percent improved psychological ability of meeting the problems at home.

"Then I think we're going to have to reorder some of the programs we have. I opposed the SST as a financial commitment among other things, even though it may have created jobs. I think there are other and better ways those jobs can be created—that the same craftsmen and the same engineers can be used.

"Legislation for reconversions from a war to a peace economy should have been instituted both by the White House and the Congress years ago. It hasn't been.

"I think we must give first priority to meeting human needs—health, education, and welfare, jobs and opportunity, and so on."

Is there a possibility of his announcing early for the presidency?

"No, it isn't very conceivable because I just don't see the advantage of doing it that way—other than the advantage of getting some money earlier. I don't think the advantages politically are there. The risks are higher in doing it. I think everyone in America will gradually know that I'm moving toward a commitment to make the race. And that's obviously what I am doing."

When will the decision be made?

"Probably very late this year or very early next year."

MEXICAN-AMERICAN FRIENDSHIP

Mr. MANSFIELD. Mr. President, last Wednesday, the Republic of Mexico celebrated one of its major holidays, known simply as Cinco de Mayo, or May 5. It commemorates the victory of Mexican forces in 1862 over the army of Napoleon III, then Emperor of France.

France, taking advantage of Mexican difficulties and the internal preoccupation of the United States with its own Civil War, defied the Monroe Doctrine and attempted to impose a monarchy on Mexico. The French and Mexican armies met on May 4, a few miles south of Puebla. When the smoke of battle had cleared the following day, the French were in full retreat.

France eventually was able to secure the throne for Ferdinand Maximilian and force into exile the great Mexican President Benito Juarez. But the courage and valor shown by the Mexicans on May 4 and 5, 1962, were not to be denied. After a brief interlude of monarchy, constitutional rule was restored.

The joy of Mexicans on this holiday is also our own—not only because of the presence of so many Mexican Americans in our country, but because the victory of May 5, symbolizes the triumph of democratic ideals cherished by all Americans. President Juarez served during the same period as Abraham Lincoln. Both men lived the democratic dream. Both men presided over the unification of their respective countries. Their common commitment to government of the people and to cooperation between our nations continues to live in our day. I am reminded of the close personal relationship which existed between Mexican President Adolfo Lopez Mateos and our own John F. Kennedy; and between Gustavo Diaz Ordaz and Lyndon B. Johnson.

I have every hope and confidence that the same relationship will exist between the current President of Mexico, Luis Echeverria, and President Nixon.

Concurrent with these developments, Members of our respective Congresses have also done much to kindle the spirit of friendship with periodic meetings. In fact, they meet again on the 27th of this month in Mexico in the 11th annual Mexico-United States Interparliamentary Conference. I like to think that it is more than just coincidence that we are meeting in the month of May—a month of glory for Mexico and of friendship for both our nations.

THE 47TH ANNIVERSARY OF J. EDGAR HOOVER'S DIRECTORSHIP OF THE FBI

Mr. MANSFIELD. Mr. President, today marks the 47th anniversary of J. Edgar Hoover's tenure as Director of the Federal Bureau of Investigation. In recent years and more so in recent days, he has been under attack both personally and, as far as the Bureau itself it, too, has felt the lash.

It is my belief that over the years, Mr. Hoover has done an outstanding job in his most difficult position and has tried to carry out his duties to the best of his ability. By and large, the Bureau has served effectively through its offices throughout the land, including those in Montana in the control of crime in the United States. Of course, mistakes have been made as they would be made in any organization. But it is my impression that Mr. Hoover has done the best he could in behalf of his country.

If there are those who have legitimate complaints, they should present the evidence to the appropriate congressional committee. If that is done, these committees will hold hearings and will return a judgment on the basis of the evidence and the testimony presented.

In the meantime, we should desist in our personal attacks on the Director and let the evidence, testimony, and facts be presented and judged by the appropriate committees. Until proven otherwise, Mr. Hoover deserves support and confidence. The Federal Bureau of Investigation should have our trust if it is to function effectively, if it is to carry out the job for which the Congress created it.

Mr. GRIFFIN. I want to commend the distinguished majority leader for the statement he has just made and to associate myself with it.

SECRETARY OF STATE ROGERS' VISIT TO THE MIDDLE EAST

Mr. GRIFFIN. Mr. President, our distinguished Secretary of State, William P. Rogers, returns today from a very important trip to the Middle East.

While it is perhaps too early to assess the results of that trip, it is not too early to recognize and pay tribute to the excellent way in which Secretary of State Rogers has conducted himself and the outstanding credit he has been to the United States and to the cause of peace.

I, for one, have great hopes that this effort will prove successful.

We wecome him back after a very difficult and important mission.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. I join the distinguished Senator from Michigan, the acting minority leader, in his remarks about our distinguished Secretary of State, William P. Rogers.

Secretary Rogers has, in my opinion, done an outstanding job in trying to bring about a settlement in the Middle East with due regard to the situation as it affects both the Israelis and the Arabs.

I have supported his policy from the very beginning. I still support it because I think he is on the right track. I hope that, on the basis of his personal visit, there will develop a situation which will bring about some hope for peace in that area and, thereby, to present a possible confrontation among the great powers which might come about if it is not achieved.

Mr. PERCY. Mr. President, in this Chamber we often hear criticism of the administration policy in international affairs. However, today we have already heard from our assistant minority leader and the majority leader words of praise for Secretary Rogers and the mission he has just completed. I trust that before the day is over we will hear a good deal of much-deserved praise for the administration in connection with Secretary Rogers' trip to the Mideast.

In the most difficult circumstances, the Secretary of State has once again renewed hopes for peace in that explosive area of the world.

Secretary Rogers' initiatives toward a peaceful, political settlement of the Arab-Israeli dispute have achieved a ceasefire since early last August and have now brought the parties involved into indirect negotiation for the opening of the Suez Canal. The Secretary and his able associate, Assistant Secretary Joseph Sisco, are persistent in their efforts to solve the Middle East problem. They deserve much credit.

COLLOQUY ON A VOLUNTEER ARMY

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Colloquy—Friedman: Is a Nation Justified in Compelling Physical Servitude From an Individual?" published in the Montana Review of the University of Montana, Missoula, Mont., April 16, 1971. This article expresses Professor Friedman's views on a volunteer army, which I support. I believe his arguments warrant inclusion in the RECORD. I am happy to call them to the attention of the Senate which, I believe, will be voting on this issue soon.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRIEDMAN: "IS A NATION JUSTIFIED IN COMPELLING PHYSICAL SERVITUDE FROM AN INDIVIDUAL?"

Milton Friedman, currently a Newsweek magazine columnist and a professor of economics at the University of Chicago, has been an advisor to both Sen. Barry Goldwater, R-Ariz., and to President Nixon. He is known as the nation's foremost conservative economist, but having served on the Gates Commission on an All-Volunteer Armed Force, Dr. Friedman also speaks out on such social issues as the draft. He is the author of 14 books on various aspects of economics. The interview was conducted for The Montana Review by Kaimin Feature Editor Gary South during Dr. Friedman's Mansfield Lecture visit to the University April 9.

Review: Mr. Friedman, you have served on the Gates Commission on an All-Volunteer Armed Force, and I know you have strong feelings about the draft. What I would like to know is, as probably the foremost conservative economist in the country, what considerations brought you to your long-time advocacy of an all-volunteer armed force, in view of the fact that it is generally considered a liberal position?

Friedman: But it isn't; it's quite the opposite! This is just a misuse of the word "liberal" and a misunderstanding of history. I'm a conservative only in the sense that I'm a true liberal: I believe in individual freedom. It is the believers in individual freedom who have always been in favor of a volunteer armed force and opposed to conscription. It's the liberals—in the modern sense, in the American sense—who have been proponents of the draft.

It's amazing. I'm sure you know of Sen. Robert Taft. He was called Mr. Republican, and he was a great conservative. Sen. Taft, when he was campaigning for the Presidency (in the 1952 Republican primaries), one of his planks was abolishing the draft and having an all-volunteer army. Indeed, during World War II, he was one of the few who voted against the draft.

In 1964, you may remember that there was a Presidential candidate by the name of Barry Goldwater. I suppose you would call him a conservative also. Did you happen to know that one of the main planks in his platform was abolishing the draft and having a volunteer armed force? President Johnson would be regarded as a liberal. He was running against Mr. Goldwater. He did not commit himself to the volunteer force.

So the fact of the matter is that the strongest supporters of a volunteer army all along, have been people like myself who fundamentally believe in individual freedom . . . and an unwillingness to see the government exert too much control over individuals.

Review: Some critics of the volunteer army have surmised that the draft has made the problem of Vietnam more acute to the American public, because if all conscription were ended we probably would not feel the trauma that we do when our brothers, sons, nephews, etc., are drafted to fight in that war. Do you agree with this position?

Friedman: No, I believe the effect of a draft or volunteer army on what our military and foreign policy would be is a very complicated issue, and there are no simple answers possible. There are forces working in both directions. On the one hand, there is the force you suggest. On the other hand, if you had had a volunteer army and not a drafted army at the time that Vietnam arose and escalated, President Johnson could not have escalated it without going to Congress for additional funds to hire additional soldiers to man the forces. And then, that would have forced a public consideration of the desirability of escalating the war in Vietnam.

As it was—with the draft—the President did not have to go to Congress, all he had to do was to telephone over to Gen. Hershey and tell him to send a few thousand more bodies to the armed forces. So, on that side, the existence of the draft would make it rather easier for a President to engage in military intervention.

On the whole, I have been inclined to believe that you would have more sensible foreign policy with a volunteer armed force than without. And the reason is, that if you have a foreign adventure that is popular—if it is backed by the bulk of the people—then it will be easy to get volunteers. You have, as it were, an additional method of voting.

On the other hand, if you have a foreign adventure which is not popular, it will not be easy to get volunteers. And that will mean that in order to get volunteers you'll have to raise the pay much more, you'll have greater expenditures and you'll have much more political opposition. So, on the whole, I would say, I think a volunteer force would either leave the formulation of foreign policy unchanged or, if anything, improve it somewhat.

COSTS

Review: As an economist, what about the costs of an all-volunteer army? I recall the Army Draft Report of 1966 charged it would cost approximately $30 billion. Is this an accurate figure?

Friedman: No. First of all, the question is what you mean by costs. When people talk about additional cost, they are looking at budgetary expense, at what goes through the budget. The true cost of a volunteer army—if you count in all costs—is much lower than the cost of a conscripted army. The reason for the difference is that when you conscript a man, you essentially impose a tax on him.

If I've got a young man who would be willing to serve in the armed force for, let's say, $6,000 a year, but I actually pay him only $2,500 a year (which is not far from what he is now getting paid including pay in kind—food, clothes and housing) then in effect I am imposing something like a 60 per cent income tax on him. If I tend my books right, I ought to treat that 60 per cent income tax as part of government receipts, and then the expenses of hiring him as part of government expenditures. If I kept my books in that way, the total cost of a conscripted army would be higher than the cost of a volunteer force, because with a conscripted army you use manpower much less efficiently; you have a much greater turnover; you have shorter terms of service and, therefore, need more people to be trained.

If you look at not the money costs, but the physical cost, in order to achieve a given military effectiveness you need a smaller armed force with a volunteer army than with a conscripted army, because of the slower turnover and the saving in training. In addition, if you have a volunteer army, the men who serve in the armed forces are those who least dislike doing so, for whom this is the best alternative. If you conscript people, you force some to serve for whom it is a great cross. That also makes the cost of a conscripted army higher.

In the third place, you have all sorts of costs to people other than the armed forces and other than the government that aren't counted in. You have youngsters who go to college in order to stay out of the armed forces who otherwise would not do so. You have draft-induced fathers. You have draft-induced ministers. You have people who flee to Canada in order to get out of it. Now, all of those ought to be charged up in a proper accounting as costs of a conscripted army. If you made your accounting right, there isn't any doubt that a volunteer army costs less than a conscripted army.

BLACKS

Review: Some Senate liberals—Kennedy and Bayh among them—have charged that under a volunteer army you would have a much higher percentage of blacks than we now have. I understand some senators voted against the amendment to the Military Procurement Bill last year—which would have established the basis for an all-volunteer force—on that basis. You have been quoted in the Chicago Daily News as saying that under no circumstances could a radical change in the racial composition of the armed forces be brought about under an all-volunteer system. How do you reconcile these two views?

Friedman: Well, Senators Kennedy and Bayh are simply wrong; they have not done their homework and looked at the facts. But there are two separate issues. One issue is what would happen, and the second issue is let's suppose you did get an increase in blacks, is that necessarily bad.

On the first issue of what would happen, the facts are very simple. Of the present armed forces, in the first place, the percentage of blacks is slightly lower than the percentage of blacks in the population—roughly the same, but a little lower. Second, of the present armed force something over 60 per cent are true volunteers. I use the words "true volunteers" in order to distinguish between the people who volunteer only to avoid the draft—the draft-induced volunteers—and the others.

Now, all men who are in their second term of service are true volunteers, because nobody has to re-enlist to avoid the draft. Most officers are true volunteers. Of the men in the first term of service, we have had some extensive studies which suggest that about one-half the people who volunteer are true volunteers, and one-half are draft-induced. If you add up these categories, you find that over 60 per cent of the armed forces now are true volunteers. Well, shifting to an all-volunteer force can only affect the other 40 per cent. Even if it makes a drastic change in 40 per cent, it cannot change drastically the character of the armed forces.

Now, if you look at the 40 per cent, we have made many studies and looked at whatever evidence we could, and it seems as if with an all-volunteer armed force you'd get roughly the same ratio of blacks and whites as you now do. Let me point out that improving the pay of the first-termers will raise the attractiveness of the armed force to whites more than it will to blacks. The reason is that whites now have better opportunities on the outside than blacks; hence, a raise in pay would mean more to the whites.

It might be that you would get a slight increase in the fraction of blacks. It might go from its present 10 to 12 per cent to 13, 14 or 15 per cent. But there cannot be anything like an all-black army; it is a figment of the imagination of Senators Kennedy and Bayh.

But in the second place, let's suppose you did have an increase in the fractions of blacks. Is that a bad thing? Not at all. Why would you have such an increase? Because blacks regard this as a better opportunity than other things you have. Now, it's always been a mystery to me how you help the blacks by preventing them from taking what they regard as a better opportunity. . . . We ought not to deny blacks an opportunity. . . . It's bad if you force them to do it, but it's not bad if they do it voluntarily.

So, I would say that Kennedy and Bayh are wrong about the facts. But they are equally wrong on their philosophy.

MERCENARIES

Review: Another fear that was voiced in regard to an all-volunteer army was that it would be an army of mercenaries, operating not on the basis of patriotic duty but on the basis of pecuniary reward, and that this would increase the threat of military supremacy in this country. Is this a legitimate fear?

Friedman: No, it is not. During the course of the Gates Commission hearings a high Army official made the statement that he did not want an army of mercenaries. I said to him, "General, would you rather have an army of slaves?" He drew back and said, "I don't like to hear our men referred to as slaves." And I said, "Well, I don't like to hear patriotic volunteers referred to as mercenaries."

Let's go to the fundamentals. Is there any reason to believe that shifting to an all-volunteer force would increase the influence which the military can have? The answer to that is, as I've already said, that 60 per cent of the armed forces are now volunteers, and the overwhelming bulk of the officers are volunteers. It's the officers who exert influence, not the enlisted man. The idea that the foot soldier in his first two years somehow has some effect on protecting the country from military influence is nonsense.

Moreover, if you look at historical experience, it's tragic. As you know, there is an army junta which is now in dictatorial control of Greece. Do you suppose the armed forces of Greece are raised by conscription or by volunteers? By conscription. The same thing was true in Italy and Germany. The same thing was true under Napolean in France.

In the course of our work for the Gates Commission, we had the research staff make a study of all South American countries and classify them according to whether they had volunteer or conscripted armed forces, and according to the number of military coups they had had. And it turned out that the countries with conscripted forces had somewhat larger numbers of coups than the countries with volunteer forces.

Britain, Canada and the United States have had volunteer armed forces over long periods of time. These are all countries in which the military has been subservient in the political system, and there has been no serious threat. So, I think that the fear that shifting to a volunteer force would be politically harmful is, again, a figment of the imagination.

NIXON

Review: President Nixon has stated that we could have an all-volunteer army after the Vietnam war has ended, and in statements you have made, you've stated that we should have had a volunteer force "yesterday." What with the recent House vote extending the draft, are you satisfied with the Administration's lack of forcefulness on the issue?

Friedman: Well, the House vote is very good from the point of view of the volunteer armed force. In the first place, the House came within two votes of passing only a one-year extension. It finally passed a two-year extension; every previous draft extension has been a four-year extension.

Second, the President recommended a substantial increase in first-term pay as a way of getting to a volunteer force. The House not only accepted that, but tripled the amount of money that he recommended. So if what passed the House gets through the Senate, I think we are well on our way to a volunteer armed force in the next year or two.

Now, to go back to the President's position, President Nixon has always been a proponent of a volunteer armed force. Once again, this goes back to your very first question. He's been in the tradition of Bob Taft and the true liberal Republican view. He appointed the Gates Commission, and that Commission recommended essentially a policy of increasing first-term pay and changing other conditions in such a way to get to a volunteer force. The President has not been pushing it as fast as the Commission would like, and the main reason for that has been the budgetary problem. But I think the proposal as it now stands does not require our being out of Vietnam before we have an all-volunteer force. And I think that if what is now before Congress is passed, we will probably have an all-volunteer armed force within a year.

Review: On a more theoretical basis, as a long-time advocate of less governmental interference with individuals, what, in your opinion, are the ethical questions involved in the whole idea of conscription?

Friedman: The fundamental ethical question is under what circumstances, if any, is a nation justified in compelling physical servitude from an individual. Now, on that ethical issue, let me say that I could accept such conscription in time of major war, such as World War II, where there is an overwhelming national survival problem.

I may say that even under these conditions, I would prefer to do without conscription, and I do not believe we had to have conscription during World War II. . . . My own personal individual feeling would be against a draft even under such circumstances, because I believe that if, in fact, the survival of the nation were at stake, there would be no problem in getting the great bulk of people to volunteer to serve . . . I do not believe the government has the right to compel individuals to perform designated physical services as a condition of citizenship.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized for not to exceed 15 minutes.

THE STRENGTH OF THE AMERICAN DOLLAR

Mr. PERCY. Mr. President, once again the world has been faced with the threat of an international monetary crisis. Once again, the strength of the dollar has come under attack.

The immediate cause was the suggestion last Monday by four German economic research institutes that the German mark be allowed to float and find a new level of parity vis-a-vis the dollar. This led to a speculative surge into marks, forcing the German Bundesbank on Tuesday alone to buy $1 billion worth of dollars to try to support the dollar at the official minimum exchange rate of $1 to 3.63 marks. When the Bundesbank could no longer keep up with the demand, the German Government ordered the Bundesbank to suspend its foreign exchange transactions until today. Other countries followed suit and suspended foreign exchange transactions.

Over the weekend, following an emergency meeting of the Common Market finance ministers, the West German Government decided to "float" the mark, which will temporarily make it a more expensive currency. The government of the Netherlands also reacted by going to a floating rate for its guilder. Switzerland and Austria revalued their currencies upward.

Mr. President, the current monetary crisis may have been resolved—although that is by no means certain—because of the action of these European governments. But the fundamental reasons for its existence remain, and I believe it is imperative that we examine them carefully and take prompt action to forestall new attacks on the dollar.

The underlying cause of the crisis of confidence in the dollar is the massive balance-of-payments deficits the United States has been accumulating in recent years, coupled with national economic policies which are not responsive to our current priorities.

Let us look first at national economic policy. We must take steps to curb inflation, increase employment and make U.S. industry competitive in world markets.

Both management and labor must exercise genuine restraints on wage and price increases. Further escalation of wages and prices will only prolong inflation, hurt the consumer and destroy America's ability to compete in world markets.

We must provide incentives for American industry to modernize and become more efficient. This means that economic inducements must be employed.

For that reason, I endorse wholeheartedly the proposed Treasury regulations for more realistic depreciation allowances.

They would allow American business to invest in more modern equipment, thereby increasing productivity, increasing employment, reducing inflation, and helping the United States to become more competitive in international markets.

A tax reduction or a speed-up in the reductions contained in the Tax Reform Act of 1969 would be ill-advised when we face a $15 to $20 billion deficit in the budget this year. Rather, we should take steps to reduce Federal outlays so that expenditures can be brought back in line with revenues.

And, in that regard, we must also strive to make the Government more efficient. It has been estimated, for example, that implementation of the President's Executive Reorganization Plan could save $5 billion a year, in addition to making the Government more responsive to the unmet needs of the American people.

Second, it is clear to me that if we are to restore stability to our economy, we must reassess our national priorities, our national interests, and our national security requirements.

We must move more boldly to end American participation in an Asian land war which has already cost this Nation more than 50,000 lives and $121.5 billion by the Department of Defense's own estimate. It is a war which has never been in our national interest and which actually militates against our national security by squandering our military manpower, depleting our military inventories, diverting money and energies from urgent domestic needs, dividing our people and weakening our national spirit.

To put our economic house in order, we must reevaluate the enormously expensive, new weapons systems which—if all are continued—will further enlarge the defense budget even after we have withdrawn from Vietnam. Choices must be made. We can afford only those weapons systems which are absolutely essential to our national security.

Last year the United States spent more than $2.5 billion for the anti-ballistic-missile system and the Poseidon. Minuteman III missiles cost $589 million, and DOD has asked for another $839 million for these missiles in fiscal 1972. The F–111, grounded again for safety reasons, cost $666 million last year and represents a total investment of $8 billion. The C–5A, another problem plane, cost $621 million. Millions upon millions are spent on F–4's, F–14's, F–15's, SRAM's, SAM's and ULMS. Somewhere we must define limits to such spending.

We must be more creative and constructive in the strategic arms limitation talks. We should seek zero-level ABM a freeze on all offensive systems where they are, and talks in a European forum toward reducing forward-based systems. Only with such initiatives can we hope to stop the arms race at a time when the United States and the Soviet Union are poised again on the threshold of a new level of weaponry escalation that is at once both destabilizing and staggeringly expensive.

Third, it is time for all of the industralized countries of the Western World to begin to carry a larger share of the responsibility for the economic health of the free world.

Japan spends less than 1 percent of its gross national product for national defense, and West Germany spends only about one-half the percentage of its GNP for defense that the United States does. The United States absorbs a large share of the costs for the defense of both of these nations.

At the same time, these countries, which are protected by the U.S. military umbrella, impose restrictions on U.S. trade exports. Japan has many restrictions on U.S. exports at the same time that the United States has an open market for Japanese exports. The Common Market—including Germany—has a tariff system designed to decrease American agricultural exports. The situation is aggravated by the restrictions these countries impose on each other's products, which put even more pressure on the U.S. market.

The Common Market places 71 restrictions on products coming into the European market from Japan. The United States has only one restriction against Japan. This means that the great economic growth in Japan is putting great pressure on the American market.

Yet Japan continues to close the door on American capital and American manufactured goods coming into Japan. The most ludicrous example is automobiles. Japan wants unlimited access to the American market for its steel. And the steel goes into automobiles. Yet, Japan restricts these same automobiles, built with Japanese steel, from entering the Japanese market, believing they will disrupt the Japanese economy.

At the same time, Japan enjoys the prestige and power of an industrial nation, one that is expected to surpass American production by 1972 if it continues at the present rate.

A country such as Japan cannot have it both ways. It cannot expect the treatment accorded a developing nation at the same time it enjoys the prestige and power of an industrialized nation. It cannot hover under the umbrella of American protection and restrict American exports, and simultaneously demand unrestricted access to the American market.

Japan, Germany, and other industrialized countries must assume a greater and fairer share of the cost of maintaining the economic and military strength of the Western World.

Fourth, let us examine the American balance-of-payments gap, which has contributed so significantly to the loss of confidence in the dollar. On an official settlements basis, the United States had a record $9.8 billion balance-of-payments deficit in 1970.

It is instructive to see where and how this deficit came about.

The trade balance fell on the plus side of the ledger by over $2 billion. Thus, the American private sector actually helped contribute to an improvement of the U.S. balance-of-payments position.

Worldwide military financial transactions resulted in a balance-of-payments deficit of nearly $4 billion in 1970. Approximately $1.4 billion of this military deficit was due to the U.S. commitment to NATO, and $640 million of the deficit was attributable to our military commitment to Japan. Thus, the United States suffered a balance-of-payments deficit of over $2 billion for protecting rich and prosperous NATO and Japan.

Mr. President, we must reassess our military commitments abroad. For 3 years, I have been urging greater European financial assistance for U.S. forces in Europe. I have made it clear in discussions in the Economic Committee of the NATO North Atlantic Assembly that unless the European members of NATO make their rightful financial contribution to the defense of Western Europe, there is a strong likelihood that the Congress of the United States will vote to reduce American troop strength on the Continent.

There are specific ways in which we can cut down on our NATO expenditures and transfer them to the budgets of European countries. Many of these countries and their parliamentarians have agreed in principle this should be done.

We should have NATO countries assume the costs for:

One, salaries of the 74,000 local nationals employed by U.S. forces. Of these 62,000 are in Germany and about $250 million annually is paid in dollars to hire foreign nationals to work in the common defense for Europe, as well as this country.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. PERCY. I am glad to yield to the majority leader.

Mr. MANSFIELD. Is it not true that until recently dependents of Americans were forbidden to work in these American installations in Europe?

Mr. PERCY. That is absolutely correct.

Mr. MANSFIELD. Some of the dependents, wives and children, can work doing KP in American installations, but the Europeans are doing us a favor by allowing that.

Mr. PERCY. The majority leader has pointed out the ludicrous situation we face.

Mr. MANSFIELD. As I have pointed out time and time again $14 billion from our defense budget is spent in Western Europe.

Mr. PERCY. And it is going up.

Mr. MANSFIELD. Now we find the German mark, and the Netherlands guilder being allowed to float to achieve an appropriate position because of the tremendous influx of American dollars. For the same reason the Austrian schilling and Swiss franc were revalued.

Mr. PERCY. Absolutely; which is presenting us with a crisis.

Mr. MANSFIELD. Why do we not try to find a proper floating level in reverse, perhaps, for American troops and dependents in Europe, and start some of this $14 billion back toward this country?

Mr. PERCY. These expenditures add to inflation, our deficit, and the pressure placed on the dollar. They also create a military balance-of-payments deficit for NATO of $1.5 billion annually and this is what is helping contribute to the crisis we are now facing.

The second specific way to cut down our NATO expenditures would be to stop paying in dollars for roadways, buildings and other facilities that we obviously cannot bring back to this country Those costs should be paid for by European nations for the defense of their countries.

Third, NATO countries should assume the cost for materials and equipment purchased in the local economy for use in those countries. Why should we be paying in American dollars for those things to be used in Germany for the common defense? All of those expenditures should be paid for by NATO countries.

Fourth, our European allies should be paying the cost for transportation, power, and various other services for transporting NATO troops around. We are actually paying the German Government in American dollars for these costs because the German Government owns these particular enterprises. Various other services could be paid for by the European countries.

Fifth, the infrastructure expenses, such as runways, should be paid for by the European nations.

These five items would save American taxpayers about $1 billion a year, and one-half of that would be in Germany alone.

In addition, we should not have to pay many of the taxes in Europe we currently pay, such as real property taxes, local and municipal taxes, business and trade taxes, excise taxes, and import taxes.

We do not pay taxes to local communities and States for our installations here and yet we pay European Governments taxes on property we maintain over there.

The European nations that were putting great pressure on the dollar last week are the same nations that, year after year, have refused to bear their fair share of NATO military expenditures. The United States has been the one NATO country that has lived up to all of its commitments. As a result, this country has been forced to pay an unfair portion of the expenditures for NATO defense and suffer a disproportionate share of the balance-of-payments deficit associated with that expenditure.

But of even greater consequence, in my judgment, is the balance-of-payments deficit which resulted last year from our military activities in Southeast Asia—about $2 billion.

Our tragic involvement in Indochina has not only brought human misery to the peoples of that part of the world, spent the blood of our young manhood, and precipitated more internal conflict than any event since our Civil War, but it also has contributed to the dollar crisis.

Other U.S. Government grants and loans supporting international programs cost this Government $5.5 billion in foreign exchange in 1970.

In summary, then, we had a military balance-of-payments deficit in 1970 close to $4 billion on top of a deficit from all other U.S. Government international transactions of about $5.5 billion.

Once the groundwork had been laid for the current shift into marks and away from dollars, it was further fueled and deepened by the actions of multinational corporations, which protected themselves by jumping on the bandwagon and buying up stronger currencies. In trying to protect themselves, they sold dollars and bought other currencies—further increasing the pressure on the dollar. A part of the current crisis can be attributed to these shifts of corporate funds, which have limited economic justification but great significance. The corporate treasurers involved may well be responsible for the close scrutiny that will be given to the operation of multinational corporations.

Mr. President, I have no doubt but that we will survive the present dollar crisis. But if we are to restore international confidence in the dollar quickly, we will have to take steps to improve our general economic health. And that will require determination, sacrifice, and hard decisions.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today appear at the end of the Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes on each Senator being recognized.

RESOLUTION OF COMMENDATION FOR ACTION TAKEN DURING RECENT DEMONSTRATIONS

Mr. CURTIS. Mr. President, I send to the desk a resolution and ask that it be read and immediately considered.

Mr. MANSFIELD. Mr. President, I reserve the right to object to the request for immediate consideration. I do so not that I am against the resolution, because I am a cosponsor. I would assume the resolution has been cleared on the Senator's side; however, I think there should be a quorum call so that we will be on as solid ground as possible when the measure is considered.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 119) to commend the Chief of the Metropolitan Police Department of the District of Columbia, Jerry V. Wilson, all officers and members of his department, and all other officers and members of other units, for their consistent, just, calm, and efficient action under strenuous conditions during the recent demonstrations in the Nation's Capital.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that prior to the vote on the resolution submitted by the Senator from Nebraska there be printed in the RECORD an editorial entitled "Lessons From May Day Rallies," published in the Christian Science Monitor of Saturday, May 8, 1971.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LESSONS FROM MAY DAY RALLIES

> Nothing was gained on any side by the sorry spectacle of the May Day rallies in Washington this week.
>
> Contrasted with the impressive protest by the Vietnam veterans two weeks earlier, the obstructionism and vandalism by milling thousands can only have set back the cause they espoused.
>
> Sit-downs in the streets, sleep-ins on the Mall, and nudity on the Capitol steps are hardly the stuff on which conscientious protest against government policy are made. Many Americans, whose doubts about the Vietnam involvement may have been deepened by the veterans' protest, may have had second thoughts after the May Day debacle.
>
> On the government's side, one must be grateful that the lessons on police violence at Chicago and Kent State University were largely well learned. Guns stayed in their holsters. Night-sticks got some exercising, but mainly against legs rather than heads. And while tear gas may have ridden too heavily on the raw spring winds, it is better to have spilt tears than blood.
>
> This said, we also are disturbed about the way in which more than 12,000 persons were swept off the streets by police. Casual passersby, on their way to jobs or classes, found themselves grabbed by police, loaded onto buses, and put into jails or open-air stockades, without regard for usual arresting procedures.
>
> A correspondent of this newspaper watched a long-haired lad, walking peaceably along a street, picked up and led off by police in what our writer describes as "a hit or miss" arrest. Similarly a Los Angeles Times reporter recorded the random arrest of citizens, the only apparent on-scene selectivity being based on length of hair and style of dress.
>
> So many dragnet arrests were made that the District of Columbia's public defender, Mrs. Barbara A. Bowman, brought suit in Superior Court against police, asking them to show cause why all charges should not be dropped against all who were arrested. A court of appeals later upheld Mrs. Bowman's objection to dragnet arrests, but not to dropping of all charges. The American Civil Liberties Union agreed with Mrs. Bowman, and charged the police with not making plans for prompt and humane processing of persons arrested.
>
> It is tempting to underline some of the ironies in the situation. Demonstrators who were indiscriminate in harassing Washington workers are now protesting indiscriminate arrest; demonstrators who sought to suspend the process of law and impose anarchy on Washington are now demanding the protection of law.
>
> Despite these ironies, it is the obligation of a democracy to offer justice both to those who treasure it and those who abuse it.
>
> Mass arrests and abandonment of due process have no place in American society. They are repugnant to all who hold police power to be subordinate to individual constitutional rights.
>
> Perhaps this week's sorrry affair need not be a total loss if citizens learn from it that mass action, aimed at violating others' rights by obstructionism, is self-defeating; and if the police realize the need of further refining control techniques in handling mass protests.

Mr. MANSFIELD. Mr. President, is there objection to the immediate consideration of the resolution?

The ACTING PRESIDENT pro tempore. The Chair hears no objection.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CURTIS. Mr. President, I shall not take time for a lengthy discussion. The resolution speaks for itself. It commends Chief Wilson of the Metropolitan Police Department, the Capitol Police, the military, and all other components that assisted in maintaining order in recent days when protesters were in Washington. The first purpose of government is to maintain order. Without order, government itself fails.

A splendid job was done by the police and the other units that assisted them, and I believe the Nation is grateful to them. They acted in a most professional way. No lives were lost, and the injuries were minimal and rather insignificant.

Mr. President, without further comment, I ask for a vote on the resolution.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MANSFIELD. I would like to read from the Christian Science Monitor editorial which I had asked to be printed in the RECORD, and for which permission was granted:

> It is tempting to underline some of the ironies in the situation. Demonstrators who were indiscriminate in harassing Washington workers are now protesting indiscriminate arrest; demonstrators who sought to suspend the process of law and impose anarchy on Washington are now demanding the protection of law.
>
> Despite these ironies—

And this is the important part—

> it is the obligation of a democracy to offer justice both to those who treasure it and those who abuse it.
>
> Mass arrests and abandonment of due process have no place in American society. They are repugnant to all who hold police power to be subordinate to individual constitutional rights.
>
> Perhaps this week's sorry affair need not be a total loss if citizens learn from it that mass action, aimed at violating others' rights by obstructionism, is self-defeating; and if the police realize the need of further refining control techniques in handling mass protests.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, may I ask for a vote on the resolution?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution. [Putting the question.]

The Chair votes "no."

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

> Whereas the Chief of the Metropolitan Police Department of the District of Columbia, Jerry V. Wilson, and the officers and members of the Metropolitan Police force serving under him, together with the officers and members of the United States Park Police force, the Executive Protective Service, the Capitol Police, the United States military personnel, and all others involved in assisting the aforementioned, have continually distinguished themselves by consistent, just, calm, and efficient action under strenuous conditions during the recent demonstrations in the Nation's Capitol;
>
> Whereas Chief Wilson and the others engaged in law enforcement have handled a

difficult and potentially extremely dangerous situation with exemplary professionalism;

Whereas the leadership displayed by Chief Wilson has been a primary reason that disorder and damage to public and private property was held to a minimum, and stands as an inspiration to his own men and the men of other units assigned to maintain order; and

Whereas the community of the District of Columbia and the Nation as a whole owe Chief Wilson and the others a deep debt of gratitude: Now, therefore, be it

Resolved, That the sense of the Senate of the United States is, that Chief Jerry V. Wilson and the officers and members of the Metropolitan Police Department, as well as the other officers and members of other units, including military personnel, involved in handling the situation arising out of the aforementioned demonstrations, should be highly commended for their service to the District of Columbia and to the United States of America.

The ACTING PRESIDENT pro tempore. Is there further morning business?

OVERSEAS MILITARY FORCES AND THE STRENGTH OF THE DOLLAR

Mr. GRAVEL. Mr. President, I found the statement of the Senator from Illinois (Mr. Percy) most interesting and most timely, and I should like to associate myself with that statement. He makes a very compelling case to the point that we not only place our troops in Europe for the defense of Europe, and in Japan for the defense of Japan, but we also pay for those troops.

The discussion thus far has centered primarily on the cost of the troops. To me, that is not the paramount point. If we talk only in terms of cost, what we are saying is that American boys are mercenary, and that these mercenaries are around the world.

I can only liken that situation to that of the Hessian mercenaries who came to this country under the monarchists, because they could put them out to work. But at least they had the wisdom to put them out and make money on their troops, and thus enrich their own coffers. In this instance, we do not even have the wisdom to make money with our mercenaries; we put them out and pay the tab also.

I commend the Senator from Illinois, because I think he has made a very fine case about the course that this Nation has taken in its apparent desire to bankrupt itself. I hope his comments will come to the attention of many people.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Congress Rebelling At Size Of Military," written by George C. Wilson and published in this morning's Washington Post, which I think makes an excellent case, among other things, on this very point, in demonstrating rather accurately that in the Army alone we could trim down the fat and reduce our forces by 250,000 American boys. Based on the statement I heard earlier that 100,000 men represents a cost of about a billion dollars, we could save, just with the stroke of a pen, $2.5 billion this year were we to require a discipline that would enforce efficiency and trim away the fat.

There being no objection, the article was ordered to be printed in the Record, as follows:

Congress Rebelling at Size of Military

(By George C. Wilson)

Senate Majority Leader Mike Mansfield (D-Mont.) said in an interview yesterday that he will move soon to cut the number of American troops in Europe by half—giving reasons that are fueling a new congressional rebellion on Pentagon manpower policies.

"We've got too much over there," Mansfield said. "Too much logistics; too many generals; too many colonels; too much headquarters. Too much. The 525,000 servicemen and their dependents could be cut by half, and they would probably be twice as effective."

He said the $14 billion-a-year cost for American troops and equipment, either actually in Europe or set aside for use there, cannot be justified economically or as "a matter of principle. The weakness of the dollar fits into it. It has been a quarter of a century since the war ended."

Mansfield said he "definitely" will offer an amendment to "cut in half" the 4⅓ Army divisions in Europe—meaning down to about two divisions. The only question in his mind, he said, is whether to propose the amendment as part of the draft extension bill now before the Senate or wait for another bill later on in the session.

Even without the Mansfield amendment, the bill of the Senate floor signifies a new challenge to Pentagon manpower policies—a challenge which goes beyond the specific question of whether to extend the draft another two years.

For the first time, Congress in the bill tells the Pentagon how many men and women it can have in the Army, Navy, Marine Corps and Air Force. (Congressional committees through appropriations exert control on force sizes, but do not authorize specific levels.)

In deciding how big the services should be, the Armed Services Committee served notice on the Pentagon that it could not count on fattening up its other forces with men from Indochina. The committee, noting the troops were coming out of Vietnam at an accelerated rate, cut the active duty strength of the Army by 50,000; the Navy and Air Force by 3,000 each. The Marines got what they requested—an average active duty strength of 209,846 for the fiscal year ending June 30, 1972.

As for the NATO forces which Mansfield will try to slash, Committee Chairman John Stennis (D-Miss.) indicated that he—like the Senate majority leader—believes there are far too many men in rear-area jobs compared to those who would actually fight in a European war. He suggested to the Pentagon that our NATO force remain under authorized strength. Any additional soldiers sent to Europe should be offset by equal reductions in the support force, Stennis said.

The fact that the Pentagon's manpower policies are under attack by some of its best friends in Congress, members of the Senate Armed Services Committee, makes the job of the Pentagon's usual critics that much easier. The federation of national organizations known as the Coalition on National Priorities and Military Policy is in that latter camp. The group is lobbying for a big cut in the Pentagon budget.

Manpower is where the money is. The Pentagon figures 53 per cent of its total budget is spent on people—more than on military bases, tanks, airplanes or ships. This makes the manpower account the biggest single target for budget cutters inside and outside the Pentagon. Any general cuts imposed by the Congress this year will have to be absorbed largely by cutting civilian or military personnel.

In short, pressure is coming from several different sources for a restructuring of the Defense Department's personnel. Again because it is the biggest target, the Army stands to be reshaped the most. And some Army officers, if not the top brass, contend it is high time to put the service in fighting trim.

"If there is serious interest in reducing defense manpower costs," argues Army Lt. Col. Edward L. King (ret.), "the present armed forces combat and support concepts cannot continue to be tolerated.

"If the armed forces were required to streamline, reduce the number of duplicative headquarters and commands—and bring support doctrines within the bounds of national priorities and austere combat requirements," he said, "they could provide more combat capability with less overall power."

King, a combat veteran of the Korean War and former planning officer on the Joint Chiefs of Staff, resigned from the Army in 1969 and is writing a book in hopes of prompting manpower reforms. He gives this arithmetic in decrying the overhead in today's Army:

The Army wants 942,000 men and women (strength at end of fiscal 1972) to field 13⅓ combat divisions. Yet a division (including augmenting forces is only 16,350 men. Multiplying those two figures—23⅓ times 16,350—gives a total of 218,000 men.

Allowing two divisions to sustain each of the 13⅓ on the line, as under present Army doctrine, adds another 436,000. Adding together the combat divisions and those assigned to sustain them—218,000 men plus 436,000 men—gives a total of 654,000 men.

What, asks King, is the Army doing with the 288,000 men outside that division structure but still within the requested total of 942,000 personnel?

After Examining an individual Army division of 16,350 men job by job, King said "no more than 7,500 soldiers aim, load or fire on the enemy in combat. This means," he said, that the other "8,000 or so soldiers in each combat division are engaged in noncombatant, administrative or sustaining roles in addition to the 32,700 soldiers" in the two divisions backing up the one in battle.

"Broken down to basic combat terms," King said, "this means that out of the 49,050 soldiers required to put a present day U.S. Army division into the field (16,350 plus 32,700), less than 25 per cent finally deliver fire on the enemy. This is very little return for the costs involved."

Another field grade officer who is still in the Army, who specializes in manpower and who has had recent combat experience in Vietnam complained:

"The Army has gotten so heavy that we could never go to a place like Vietnam again without sending the engineers in two years ahead of the combat troops to build a base. And every time you put a fancy piece of equipment on the ground it takes two men to guard it and another three to maintain it.

We ought to bite the bullet all the way through and build a realistic force. That would be no more than two heavy divisions in Europe, a paring down of division structure elsewhere and formation instead of light, fast and hard-hitting brigades. Then we could get down to around 60,000 men where a voluteer army begins to make sense. We should just admit this is the era of blue water diplomacy, build a force which everyone could accept as necessary for the job in the next 10 years."

Defense Secretary Melvin R. Laird himself wanted to pull out some support troops from Europe last year, with 20,000 one figured discussed. The idea was rejected in the White House where the decision has been made to keep American forces in place unless Russia agrees to a mutual troop withdrawal along the NATO front. The Army top leadership favors the status quo, too.

Roger T. Kelley, assistant secretary of defense for manpower, is the Pentagon official who has to try to hold the line on manpower and adjust military forces if Congress imposes cuts.

He said in an interview that the Army is not lopsided with support forces given how many men it takes to keep modern military equipment combat ready, citing the helicopter as one example, and the peculiar manpower pressures of the Vietnam War.

He said an extra-long logistical tail has grown in Vietnam partly because the Vietnamese forces, as well as our own had to be supported in battle.

Also, the decision to keep American draftees in Vietnam for only one year requires a constant amount of training, Kelley said, meaning large support forces in the form of training units.

"Forty-two per cent of the total general support force is in training," Kelley said.

"Given the nature of the problem we inherited," said Kelley, "we think we are progressing toward efficiency levels at a rapid rate—we are getting the support ratio in a better balance."

"What we're trying to attack," said Kelley, "is the total utilization factor" in trying to improve the "performance capability of the forces. Just attacking the logistical tail is not the answer to the problem."

As for King's figures on how comparatively few men load, aim or fire a weapon in combat, Kelley said such comparisons are misleading because they do not take into account the extra punch of modern weaponry.

A ship, he said, does take a lot more men to keep its complicated equipment operating. But at the same time the ship is a much more powerful weapon because of that complicated equipment.

On the specific question of where are the 288,000 missing men under King's calculations, Pentagon manpower specialist mentioned men in training; on travel or sick. But critics contend the bulk of the "missing" men are in staff and support jobs that are difficult to justify.

Sen. Birch Bayh (D-Ind.) who sponsored the amendment last year giving Congress the power to set the manpower levels of the services, said he is not satisfied with Pentagon explanations to date on how it is deploying and using its personnel. He is preparing a speech on the subject, and a fresh demand for more detailed justification is anticipated.

Inseparable from the argument over how many men the military services need is the question of how the United States expects to fight the next war.

In Europe, for example, the NATO allies are stockpiling for a much shorter war than is the United States; so short, according to some Pentagon planners, that American reserves could never arrive from the United States to back up combat divisions already on the ground.

If the NATO allies will not prepare to fight for 90 days or more, goes the argument, than why spend billions of dollars on American reserve forces which could never take the field before the war was decided or went nuclear?

Not only is the Pentagon's manpower program and strategy for using it under challenge in Congress, but the NATO defense ministers later this month will examine the same questions for alliance as a whole in meetings in Brussels, Belgium and in Garmisch, Germany.

STRENGTH OF MILITARY IN 1972

This is how many men the Senate Armed Services Committee approved for average active duty strength for fiscal 1972 by the services. The numbers requested, already approved by the House are shown for comparison.

	Senate	Requested
Army	947, 309	1, 024, 309
Navy	613, 619	616, 619
Marines	209, 846	209, 846
Air Force	755, 635	758, 635

NATIONAL PROSPERITY DOES NOT DEPEND ON LOCKHEED

Mr. AIKEN. Mr. President, we have been told that there will soon be submitted to this Congress a bill designed to bail out the Lockheed Aircraft Co. and indirectly the British Rolls Royce Co.

I understand that this bill has not yet been completely drafted.

I am making this statement today for the purpose of making my own position clear.

The administration proposal to bail out the SST failed.

Although no Member of this Senate is more concerned for adequate research which will add to our knowledge in the field of aviation, including the stratosphere, and for the development of outer space and even interplanetary travel, I could not and did not vote for the SST.

I was not persuaded to vote as I did by those who feared that the future of humanity would be jeopardized by sonic booms or pollution of the stratosphere, for to prevent such disasters should surely be among the main purposes of the proposed research and development work as well as reducing the time for intercontinental travel.

I voted against the SST for very simple and very important, down-to-earth reasons pertaining to the present day needs of 200 million people.

National prosperity does not depend upon a few giant corporations which have got into trouble because their management was shortsighted, inefficient or, in some cases, worse.

National prosperity depends upon the thousands of businesses, large and small, which give employment and incentive to millions—not thousands—of workers.

I voted against SST because at the very time we were being asked to bail out a few industries—some with international aspects—funds appropriated by the Congress which would have furnished work and income for a far greater number were being impounded or withheld by administration officials.

Agriculture alone provides work for probably thirty percent of our gainfully employed people and yet agriculture was shoved into the background by the SST.

I trust that the administration will not again make this same mistake in seeking special legislation for Lockheed.

I know I am not qualified to propose specific legislation, but I do know that unless any recovery bill—and that is what it really is—is equally considerate of those businesses employing 10, 100, or 1,000 persons in hundreds of communities in the United States—at least on a standby basis—I will not be able to support legislation designed to bail out a single corporation even though Government itself may be largely to blame for its existing difficulties.

SALUTE TO AGRICULTURE DAY

Mr. DOLE. Mr. President, last Friday was "Salute to Agriculture Day" at the White House. It was a day when President Nixon and his administration led a special tribute to the industry whose productivity has made the United States the best-fed Nation in the world and which has played a major role in feeding the populations of the world for a hundred years.

I believe it is time that America's farmers were recognized for what they are—a unique breed of men and women who have increased the productivity of the land beyond the wildest imaginings of any person of even 50 years ago.

We hear much of the farmers' problems these days—and we recognize that those problems are real and must be solved.

But we hear all too little of the farmers' accomplishments, of what each one has done to build America and to preserve America.

That is what the President's salute to agriculture was all about.

This was the first salute of its kind—at least here in Washington, I hope it will not be the last.

Mr. GRIFFIN. Mr. President, last Friday President Nixon and his administration paid a unique tribute to American agriculture and the American farmer.

Representatives of farm groups were invited to the White House. An agricultural display was set up on the White House lawn. Nice things were said about this major industry.

Such things have happened before, although not necessarily involving agriculture, and it is easy for some, especially some members of the media, to be cynical about them.

But I believe, Mr. President, that Friday's "Salute to Agriculture" was different.

I believe this was more than just a one-time event designed to mollify the farmer. Instead, I believe this was symbolic of the esteem in which this administration holds the farmer.

I am confident that Friday's salute was just the beginning of a new and brighter period for agriculture. That is what the President intends and that is what I am confident lies ahead.

DEMONSTRATION PLANNED IN NORTH VIETNAM

Mr. DOLE. Mr. President, reported in today's issue of Monday, which is a publication of the Republican National Committee, is a statement by the convicted riot leader and new leftist, Jerry Rubin, who states that recent demonstration activities in Washington were planned in North Vietnam.

The article quotes Mr. Rubin as follows:

"This demonstration in Washington is a conspiracy and it was planned in North Vietnam and I don't think we should be ashamed of that," Yippie leader Jerry Rubin told University of Wisconsin students April 28 at the Parkside Campus in Kenosha. "This is a Viet Cong flag I'm wearing, by the way," he explained. "It's amazing no one knows the flag of the enemy. . . . I support the National Liberation Front" (the Communists). Rubin's statement that the demonstrations were planned by the Communists was carried by television station WISN in Milwaukee. Monday has heard the broadcast and confirmed the quotes.

QUORUM CALL

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE AMCHITKA BLAST

Mr. GRAVEL. Mr. President, I compliment the Senator from Kansas on his statement with respect to the disposal of atomic wastes in his fine State of Kansas, and about his request to have a study made and as I understand—and I am sure the Senator will correct me if I am wrong—to report back to the President and Congress after its completion.

I have supported the Governor of my own State of Alaska who has requested that a hearing be held in Alaska concerning the proposed 5-megaton blast at Amchitka. I hope that at some appropriate time my colleague from Kansas will join me. Since I am sure he has as deep an affection and concern for Alaskans as human beings as for the people of Kansas as human beings, I am sure that, at an opportune time, not only as the Senator from Kansas but also as the titular head of the Republican Party, he would be willing to join me in my efforts to secure a hearing to determine the safety and the impact of shooting off a 5-megaton bomb within the confines of the State of Alaska.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield to the Senator from Kansas.

Mr. DOLE. I appreciate the Senator's comments, and would certainly be willing to help in any way that I can. There is much consternation in Kansas about the proposed nuclear repository, to be the first of its kind. On the one hand, we are talking about a $25 million project, and on the other, the safety of Kansas residents.

So it is a very delicate matter. We recognize the need to dispose of nuclear wastes but we do not want to become involved unless we are assured that it can be done in complete safety.

What I have suggested is that the President, in addition to all the studies that have been made and all the commissions which have reviewed the disposal of atomic waste, appoint a high-level council which would offer guidance, not just to Kansas, but to other States, such as Alaska, as well.

I find it difficult to understand how the AEC can be both the promoter of the site and the judge and jury. We do not quarrel with the AEC. We just suggest that perhaps additional steps and safeguards are needed.

We have asked the Environmental Protection Agency and the Environmental Quality Council also to review the problems involved and to give us their assistance.

Mr. GRAVEL. I cannot thank the Senator from Kansas enough for those assurances, because I have been at it since 1969, asking that we have such an investigation, to determine the efficacy of having an agency prosecute the goals of Atomic Energy and at the same time policing its effort. I think that is too much to ask of any human being.

I look forward to a close working relationship with the Senator from Kansas in this regard.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENT, ETC.

The ACTING PRESIDENT pro tempore (Mr. Stevenson) laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriation for the Department of Defense for Fiscal Year 1971 (S. Doc. No. 92–17)

A letter from the President of the United States transmitting proposed supplemental appropriation request for the fiscal year 1971 in the amount of $13 million for the Department of Defense (with accompanying paper); to the Committee on Appropriations.

Proposed Supplemental Appropriation for the Securities and Exchange Commission for Fiscal Year 1971 (S. Doc. No. 92–14)

A letter from the President of the United States transmitting a proposed supplemental appropriation for the fiscal year 1971 in the amount of $84,000 for the Securities and Exchange Commission (with an accompanying paper); to the Committee on Appropriations.

Proposed Supplemental Appropriations for the District of Columbia and Other Agencies for Fiscal Year 1971 (S. Doc. No. 92–13)

A letter from the President of the United States, transmitting proposed supplemental appropriations for the District of Columbia and other agencies for the fiscal year 1971 in the amount of $45,121,000 in budget authority, and $30,185,000 in proposals not increasing budget authority (with accompanying papers); to the Committee on Appropriations.

Proposed Supplemental Appropriations for the Department of Health, Education, and Welfare for Fiscal Year 1971 (S. Doc. No. 92–15)

A letter from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1971 in the amount of $6 million for the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Appropriations.

Proposed Supplemental Appropriation for the Department of Agriculture for the Fiscal Year 1971 (S. Doc. No. 92–16)

A letter from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1971 in the amount of $65 million for the Department of Agriculture (with an accompanying paper); to the Committee on Appropriations.

Report of Loan to Northern Minnesota Power Association of Grand Rapids, Minn.

A letter from the Administrator, Rural Electrification Administration, United States Department of Agriculture, reporting, pursuant to law, approval of a loan to the Northern Minnesota Power Association of Grand Rapids, Minn., in the amount of $4,184,000 for the financing of certain transmission facilities; to the Committee on Appropriations.

Report of Loan to United Power Association of Elk River, Minn.

A letter from the Administrator, Rural Electrificiaton Administration, United States Department of Agriculture, reporting, pursuant to law, approval of a loan to the United Power Association of Elk River, Minn., in the amount of $3,589,000 for the financing of improvements to existing transmission and generation facilities and completion of previously loaned facilities; to the Committee on Appropriations.

Report of Conclusion of Proceedings in Docket No. 190, Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final conclusion of judicial proceedings regarding Docket No. 190, the Cherokee Nation, Plaintiff, versus the United States, Defendant (with accompanying papers); to the Committee on Appropriations.

Proposed Legislation To Provide for the Procurement and Retention of Judge Advocates and Law Specialist Officers for the Armed Forces

A letter from the General Counsel of the Department of Defense, submitting a draft of proposed legislation to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces (with accompanying papers); to the Committee on Armed Services.

Report of Actual Procurement Receipts for Medical Stockpile of Civil Defense Emergency Supplies and Equipment Purposes

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment for the quarter ending March 31, 1971; to the Committee on Armed Services.

Report on Purchases and Contracts Made by the U.S. Coast Guard of the Department of Transportation

A letter from the Assistant Secretary for Administration, Office of the Secretary of Transportation, reporting, pursuant to law, on the purposes and contracts made by the U.S. Coast Guard of the Department of Transportation under section 2304(a)(11) during the period November 1, 1970, through April 15, 1971 (with accompanying papers); to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the savings available through reduced use of air parcel post shipments by the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements pertaining to insurance operations of the Federal Housing Administration, Department of Housing and Urban Development, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the savings available under the program for relocating roads and bridges at the Auburn Dam and Reservoir in California, as administered by the Bureau of Reclamation, Department of the Interior (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT TO S. 958, ATOMIC ENERGY ACT

A letter from the Chairman, Atomic Energy Commission, submitting a draft of a proposed amendment to the bill (S. 958) to authorize appropriations to the Atomic Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

A joint resolution of the Legislature of the State of California; to the Committee on Aeronautical and Space Sciences:

"SENATE JOINT RESOLUTION NO. 11

"Memorializes the President, the Congress, and the National Aeronautics and Space Administration to permanently locate the launch and reentry facilities for the space station shuttle ship project in California.

"Whereas, The hub of NASA's future space plans is the earth-orbited manned space station, from which interorbital ferries and planetary expeditions will depart, and hopefully, it will prove to be the precursor for the module that will eventually carry men to Mars and back; and

"Whereas, In order to support the station and its subsequent additions, an earth-to-orbit shuttle is required; and

"Whereas, Together, the space station and shuttle are the keystones to the next major accomplishments of the nation's space program; and

"Whereas, California's year-round climatic conditions are ideal for the earthside operations of the so-called "shuttle ship" to the future United States space station; and

"Whereas, California has a tremendous reserve of highly trained engineers and technicians experienced in aerospace; and

"Whereas, California's aerospace industry presently has unused capacity and the capability to supply all project components at the lowest cost; and

"Whereas, California offers a variety of launch and recovery sites in clear weather areas; and

"Whereas, California offers the necessary open space to allow for a launch area 7,000 miles long free of any population and not crossing over any foreign country, or miles of dry lakebed areas for recovery; and

"Whereas, California has available, in place, most of the operating facilities required; and

"Whereas, California's vast unemployment problem would be greatly alleviated with the employment that would be generated by locating the space shuttle project here; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and requests the National Aeronautics and Space Administration, to permanently locate the launch and reentry facilities for the space station shuttle ship project in the State of California; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Aeronautics and Space Administration."

Two joint resolutions of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION NO. 4

"Memorializes the President and Congress of the United States to amend the Clean Air Act to allow California to enforce and adopt aircraft emission standards that are feasible and stricter than Federal standards for aircraft operated in the State

"Whereas, Under Section 233 of the Clean Air Act, as amended by the Clean Air Amendments of 1970, the federal government has preempted the regulation of emissions of air pollutants from any aircraft or engines thereof; and

"Whereas, The preeminence of California in the control of air pollution is recognized by the federal government, as exemplified by Section 209 of the Clean Air Act, which authorized California, upon approval of the Administrator of the Environmental Protection Agency, to adopt standards stricter than federal standards for motor vehicle emissions; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to exempt California from the present federal preemption of the regulation of emissions of air pollutants from aircraft by amending Section 233 of the Clean Air Act to allow California to continue the enforcement and adoption of its own aircraft emission standards that are feasible and stricter than federal standards for aircraft operated in the state; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

"SENATE JOINT RESOLUTION NO. 5

"Memorializes President and Congress to expand proposed Railpax system to prevent elimination of certain California passenger trains

"Whereas, The federal government has announced its proposal for the operation of a network of intercity passenger trains by Railpax, relieving those carriers who elect to join Railpax of their individual responsibility for the passenger lines they presently operate; and

"Whereas, The basic Railpax network, as currently planned, does not provide for the maintenance of certain intrastate passenger trains operating along some very heavily traveled and vital routes within this State; and

"Whereas, A vigorous and attractive rail passenger system is considered to be of the highest importance to the interests of the people of California, particularly in view of the congestion and delays being experienced in air travel; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the President and Congress of the United States to expand the proposed Railpax system to prevent elimination of passenger service in California and, if necessary, to increase the funds available for Railpax in order to provide adequate matching funds for state and local cost sharing; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A concurrent resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO TAKE IMMEDIATE ACTION TO PROVIDE FREE AND FAIR INTERNATIONAL TRADE IN THE POWER TRANSFORMER INDUSTRY

"Whereas, The future of America's power transformer industry is threatened by the apparent unfair trade practices of competing foreign manufacturers and;

"Whereas, These practices present an imminent danger to the American technology base in vital electrical equipment; and

"Whereas, The manufacture of power transformers in Berkshire county, Massachusetts provides employment for more than three thousand citizens of the commonwealth; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States and the President of the United States to take immediate action to eliminate unfair international trade practices in the power transformer industry and to provide free and fair trade in these products; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Commerce:

"SENATE JOINT RESOLUTION NO. 30

"Memorializing the Congress and the National Railroad Passenger Corporation to reevaluate the service being proposed for Nevada and provide service to Las Vegas

"Whereas, The National Railroad Passenger Corporation has issued its final route selections for railroad passenger service; and

"Whereas, The route selection has failed to provide passenger service to that best-known and one of the most frequently visited cities in the nation, Las Vegas, Nevada; and

"Whereas, Such an omission is not only seriously damaging to the economy of Nevada but eliminates one of the best potential sources of passenger customers; and

"Whereas, This legislature believes that a proper evaluation of the needs and desires of railroad passengers would result in providing service to Las Vegas; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Congress of the United States and the National Railroad Passenger Corporation are hereby memorialized to reevaluate the decision to omit rail passenger service to Las Vegas, Nevada, and to include that city in the proposed rail passenger network; and be it further

"*Resolved,* That copies of this resolution be prepared by the legislative counsel and transmitted forthwith to the President of the Senate and the Speaker of the House of Representatives, to the Secretary of the Department of Transportation, to the chairman of the board of directors of the National Railroad Passenger Corporation and to members of the Nevada congressional delegation."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION NO. 49

HOUSE CONCURRENT RESOLUTION

"Whereas, there is mounting concern throughout the nation over the failure and inability of the existing public welfare programs to furnish the basic needs and assistance to those who are unable to provide for themselves; and

"Whereas, great disparities exist among public welfare programs currently in effect in the several states, resulting in serious inequities to recipients of such programs as well as disproportionate burdens upon the states in financing of such programs; and

"Whereas, the staggering welfare burden, with some 13.5 million citizens throughout the country dependent upon public assistance, at a total cost of approximately $15 billion annually, is swiftly propelling state and local governments toward the brink of financial disaster; and

"Whereas, the President, in recognition of the growing financial plight of state and local governments, has proposed a system of revenue-sharing, in addition to a proposal for welfare reform; and

"Whereas, recent decisions of the Supreme Court of the United States striking down state residency requirements for welfare purposes, and other state imposed restrictions, have stripped state and local governments of their last vestiges of effective control and have placed the entire problem upon the shoulders of the federal government which alone has both the power and resources at its command to attack the problem with any possibility of successful and rational solution; and

"Whereas, the total assumption by the federal government of all welfare costs through nationalization of the public welfare system offers the only hope for immediate and meaningful financial relief to state and local governments; now, therefore,

"*Be it resolved* by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, the Senate concurring, that the Congress of the United States be and is hereby respectfully urged to enact legislation necessary to enable the federal government to assume full financial responsibility for all welfare programs the costs of which are now jointly shared by the state and federal governments; and

"Be it further resolved that Congress, in enacting such legislation, create a Uniform National Public Welfare System with categories covering aid to the aged, aid to the blind, and aid to the permanently and totally disabled to be administered by the Social Security Administration and with a category covering aid to families with dependent children to be administered by the states under federal laws and policies which would require the states to initiate and supervise work and training programs to promote self-support and self-care and to strengthen family life; and

"Be it further resolved that duly authenticated copies of this Concurrent Resolution be forwarded to the presiding officers of the House of Representatives and the Senate of the Congress of the United States and to the members of the Hawaii delegation in Congress."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

"Senate Joint Resolution No. 12

"Urging the Congress of The United States to adopt certain legislation concerning the recreational values of public lands

"Whereas, The 56th session of the Nevada legislature recognizes the great value of public lands for recreational purposes; and

"Whereas, Such recreational value is demonstrated by the large number of citizens who use the public lands for a variety of recreational pursuits; and

"Whereas, The recreational value of the public lands is threatened by the lack of federal legislation to protect, develop and enhance such recreational value; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the 92nd Congress of the United States is hereby memorialized to adopt legislation, embodying the provisions of Senate Bill 3389 of the 91st Congress of the United States, which will provide a basis for the protection, development and enhancement of the outdoor recreational value of the public lands:

"1. Within the framework of the multiple-use management consistent with 16 U.S.C. §§ 4601—4601–3; and

"2. In conformity with the statewide, outdoor recreational plans developed under 16 U.S.C. §§ 4601–4 and 4601–11; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate and the members of the Nevada congressional delegation."

A resolution adopted by the Common Council of the City of Buffalo, N.Y., in support of legislation to assure equal protection to all people having need of insurance coverage; to the Committee on Commerce.

A resolution adopted by the Lawrence Development and Industrial Commission of Lawrence, Mass. in support of the enactment of a revenue-sharing program; and

A resolution adopted by the Board of Education of Jericho, Long Island, N.Y., urging the major priority to be the needs of education; to the Committee on Finance.

A resolution of the National Society of the Daughters of the American Colonists in commendation and support of President Nixon's Vietnamization policy; to the Committee on Foreign Relations.

A resolution of the National Society of the Daughters of the American Colonists urging that the birthday of George Washington be observed on February 22d;

A resolution of the National Society of the Daughters of the American Colonists urging that police officers be given respect and cooperation by all citizens;

A resolution of the National Society of the Daughters of the American Colonists in appreciation of the work of the FBI and in support of J. Edgar Hoover; and

A resolution of the National Society of the Daughters of the American Colonists pledging to honor the flag, the Federal Government, and the Nation with renewed dedication; to the Committee on the Judiciary.

A resolution of the National Society of the Daughters of the American Colonists urging that the Federal Government exercise its fullest powers to protect the Nation and its institutions from those who would destroy them; to the Commitee on Rules and Administration.

A resolution of the National Society of the Daughters of the American Colonists in appreciation; and

A resolution of the National Society of the Daughters of the American Colonists paying tribute to the late Senator Richard B. Russell; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCOTT (for Mr. Prouty), from the Committee on Rules and Administration, with amendments:

S. Res. 112. A resolution to permit the appointment of Senate pages without discrimination on account of sex (Rept. No. 92–101).

Mr. McCLELLAN, pursuant to Senate Resolution 337, 91st Congress, 2d session, submitted a report on bills referred to the Special Subcommittee on Criminal Laws and Procedures, of the Committee on the Judiciary, which was ordered to be printed (Rept. No. 92–100).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable executive reports of nominations were submitted.

By Mr. MANSFIELD, for Mr. Fulbright, from the Committee on Foreign Relations:

E. Ross Adair, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia;

Bernard Zagorin, of Virginia, to be the representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador; and

Frank Stanton, of New York, reappointment; Hobart Lewis, of New York, vice Thomas Van Husen Vail, term expired; for a term expiring January 27, 1963; and James A. Michener, of Pennsylvania, vice Palmer Hoyt, term expired, for a term of 3 years expiring January 27, 1974, to be members of the U.S. Advisory Commission on Information.

Mr. MANSFIELD. Mr. President, for the Senator from Arkansas (Mr. Fulbright), from the Committee on Foreign Relations, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appear at the end of the Senate proceedings of March 25, 1971.)

By Mr. CANNON for Mr. Jackson, from the Committee on Interior and Insular Affairs:

Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, vice Leslie Lloyd Glasgow, resigned.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McGOVERN:

S. 1806. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating and other type loans, and for other purposes. (An original bill introduced on May 7, 1971, during the adjournment, by order of the Senate of May 6, 1971. Order placed on calendar.)

By Mr. CANNON:

S. 1807. A bill to provide that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled, will not suffer reductions in the amount of such aid or assistance because of future increases in monthly benefits under title II of the Social Security Act. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. Cannon, Mr. Church, Mr. Cranston, Mr. Fong, Mr. Hughes, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Pell, Mr. Thurmond, Mr. Williams, and Mr. Bible):

S. 1808. A bill to amend the Federal Aviation Act of 1958 in order to authorize certain reduced-rate transportation to individuals who are 65 years of age or older. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 1809. A bill for the relief of Angela Chan. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 1810. A bill for the relief of Dorothy G. McCarty; and

S. 1811. A bill for the relief of Erma P. Curry. Referred to the Committee on Post Office and Civil Service.

By Mr. TOWER:

S. 1812. A bill to establish within the Department of State a U.S. Passport Service. Referred to the Committee on Foreign Relations.

By Mr. MANSFIELD:

S. 1813. A bill for the relief of Rita Lorraine Springer, Ramona Lee Springer, Richard Allan Springer and Robert Ronald Springer. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 1814. A bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code. Referred to the Committee on Veterans Affairs.

By Mr. HARRIS:

S.J. Res. 93. A joint resolution to authorize the President to proclaim July 14, 1971, as "Woody Guthrie Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CANNON:

S. 1807. A bill to provide that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled, will not suffer reductions in the amount of such aid or assistance because of future increases in monthly benefits under title II of the Social Security Act. Referred to the Committee on Finance.

Mr. CANNON. Mr. President, I rise at this time to introduce a bill to insure that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled will not suffer reductions in their payments because of future increases in monthly social security payments. I ask unanimous consent for the printing in today's RECORD of my bill in order that my colleagues may review this proposal. Rather than waiting for social security legislation to reach the Senate floor, I am offering my bill at this time so that the Senate Finance Committee may study this proposal along with similar bills under consideration. Essentially, I am offering a proposal which would require the States to disregard all future social security benefit increases in determining need for public assistance.

Many retired citizens have pointed out to me that the social security increases authorized by the Congress are offset by State action which reduces old-age assistance payments in proportion to the social security increase. In other words, the retired citizen may receive no benefit at all as the social security increase is taken away by a reduction in State assistance. My bill attempts to resolve this inequity by requiring the States to disregard social security benefit increases authorized by the Congress when determining their income need figure for public assistance. This proposal will not place any great financial burden upon the States, but it will help ease the economic crisis facing many of our retired citizens.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 1807

A bill to provide that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled, will not suffer reductions in the amount of such aid or assistance because of future increases in monthly benefits under title II of the Social Security Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 2 (a)(10), 1002 (a)(8), 1402(a)(8), and 1602 (a) (13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act, shall disregard (and the plan shall be deemed to require the State to disregard), in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount (or any portion thereof) paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof) if—

(1) for the month preceding the first month that monthly insurance benefits payable under title II of the Social Security Act are increased by reason of the enactment of a social security benefits increase law (as defined in subsection (b))—

(A) such individual received aid or assistance under such State plan; and

(B) such individual was entitled (on the basis of an application filed in or before such month) to monthly insurance benefits under section 202 or section 223 of the Social Security Act; and

(2) such amount (or portion thereof) is attributable to the increase, in monthly insurance benefits payable under title II of the Social Security Act, resulting from the enactment of such law.

(b) The term "social security benefits increase law" means an Act (or a provision of an Act) enacted after the date of enactment of this Act which provides a general increase in the amount of the monthly insurance benefits payable under title II of the Social Security Act.

By Mr. MOSS (for himself, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. FONG, Mr. HUGHES, Mr. McGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. PELL, Mr. THURMOND, Mr. WILLIAMS, and Mr. BIBLE):

S. 1808. A bill to amend the Federal Aviation Act of 1958 in order to authorize certain reduced rate transportation to individuals who are 65 years of age or older. Referred to the Committee on Commerce.

REDUCED AIRLINE FARES FOR SENIOR CITIZENS

Mr. MOSS. Mr. President, I am today introducing, for myself and Senators CANNON, CHURCH, CRANSTON, FONG, HUGHES, McGOVERN, METCALF, MONDALE, MONTOYA, PELL, THURMOND, WILLIAMS, and BIBLE, a bill to provide reduced fares for senior citizens on airlines. This is the same bill introduced in the 91st Congress which enjoyed the cosponsorship of many of my colleagues.

My bill would amend section 403 of the Federal Aviation Act of 1958 to authorize reduced rate transportation on U.S. airlines for individuals 65 years and over. At the present time ministers of religion are the only group of our citizens who enjoy reduced air fares by statute, although the CAB does allow reduced fares for young people through the age of 21.

I am fully aware of the fact that airline revenues have been lower this past year than anticipated, and that this has necessitated a fare increase. I am also aware that promotional fares are in some disrepute with some members of the CAB because they argue airlines have not used them to attract new riders into the market but to take passengers away from competitors. It is contended that this practice has aggravated the economic problems of the airlines.

Despite these developments, I still feel that the bill I am introducing today should be placed before the Senate. It could be justified, simply by the fact that we provide the luxury of reduced-fare travel for our youth, and surely our Nation is not so youth-oriented that we do not want to provide the same benefits to our elderly. They are in similar financial straits—our youth because their earning capacities have not yet been developed, and our elderly because theirs, for the most part, have been depleted.

My reasons, however, are based on economics as well as on justice to our older Americans.

Few of us, Mr. President, I am sure are aware of the fact that only 1 percent of our 20 million elderly crossed a State line last year. Some of us realize the severe income squeeze they face with over 25 percent of them finding themselves with income placing them below the poverty line.

Another fact of interest is that those senior citizens who can afford to travel make up only 5 percent of current airline passengers. The conclusion must be reached that older Americans do not travel much because of their reduced incomes. When they do travel they look for the most inexpensive way. More senior citizens would undoubtedly fly if fares were reduced.

It seems to me that senior citizens constitute the ideal target group for a promotional fare. I do know, for example, that the reduced fares for seniors announced in New York subways during offpeak hours increased ridership by 26 percent in the first year of operation. I expect the same kind of acceptance of a program geared to air travel.

What I have in mind is an up to 50 percent discount for seniors with a reserved seat during the Monday through Thursday slack periods when load factor hovers around the 40 percent mark.

To me it is significant that some airlines would like to establish this kind of promotional fare program. I believe that the elderly and the airlines would mutually benefit from this proposal. I am simply asking that we make jet travel available to those who made the jet age possible.

By Mr. TOWER:

S. 1812. A bill to establish within the Department of State a U.S. Passport Service. Referred to the Committee on Foreign Relations.

U.S. PASSPORT SERVICE

Mr. TOWER. Mr. President, I would like to introduce today a measure which is intended to improve substantially the capacity of the Passport Office of the Department of State to meet the greatly increased demands for its services and, consequently, to serve more citizens in a better, faster manner.

The problem of insufficient passport facilities in the country has been brought to my attention, particularly because of the absence of such an office in Texas, which has heavy international traffic out of Houston and Dallas. Texans and other adjacent-State citizens currently have to utilize the New Orleans office to obtain passports. Passport offices now exist in Chicago, Honolulu, Los Angeles, Miami, New Orleans, New York, Philadelphia, San Francisco, Seattle, Boston, and Washington, D.C.

Frances G. Knight, Director of the Passport Office, discussed the pertinent statistics of passport issuance in testimony presented to the House Foreign Affairs Committee on April 28, 1971.

In 1959, the Passport Office issued and renewed 732,038 passports. In 1969, the office issued 1,759,286 passports, representing a 140 percent increase in issuance alone.

This "does not take into consideration the vast increase in citizenship work, the great increase in official and diplomatic travel, all of which has more than doubled." With more people traveling every year, the prospect is for an ever increasing workload, which will cause an increasing delay period and inconvenience to those persons who travel abroad. The increase in applications is estimated to continue at around 15 percent or more per year for the foreseeable future.

The Passport Office has been assisted in processing by State and Federal courts, but the workload of the courts is too heavy for many of the courts to continue this practice. In Houston, for example, the courts have had an average of two phone calls for every application accepted, and for a yearly workload of 15,000 or so applications, that amounts to a very heavy burden on court time.

This bill would provide for the Passport Office to be made a separate division of the State Department, to be designated the U.S. Passport Service, "which shall have as its purpose the administration of the laws relating to the nationality, documentation, and protection of nationals of the United States engaged in travel outside the United States and relating to the control of travel outside the United States by such nationals."

The need for this improvement in the status and authority of the Passport Office has been brought about by greatly increased international travel volume and by the unresponsiveness of existing Government machinery to meet these volume pressures. Under this bill, the Passport Service would be better able to cope with its volume problems by dealing with the State Department and the Congress on a more authoritative basis.

The bill would also provide that the Service would have the authority "to establish, staff, and maintain passport agencies and Passport Service offices at such locations in the United States as the need for efficient and convenient public service may require." This authority is needed in order that the Service may establish several much-needed additional offices around the country, which have been blocked in the past by action, or lack of action, of the State Department and the House of Representatives. I cannot in good conscience continue to watch my State continue to suffer inadequate passport service in deference to the longstanding prejudice of various Government officials against the full and proper expansion of the Passport Office to meet greatly increased international travel volume.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1812

A bill to establish within the Department of State a United States Passport Service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established with the Department of State the United States Passport Service (hereinafter referred to as the "Service"), which shall have as its purpose the administration of the laws relating to the nationality, documentation, and protection of nationals of the United States engaged in travel outside the United States and relating to the control of travel outside the United States by such nationals.

SEC. 2. (a) The Service shall be under the control and supervision of a Director, who shall be appointed by the Secretary of State. The position of Director shall be placed in grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, and included within the number of positions for such grade authorized by section 5108 (a) of that title.

(b) The Director shall supervise Foreign Service officers and employees who are engaged in carrying out the laws and regulations administered by the Service.

SEC. 3. (a) There are transferred to the Director all the functions of the Secretary of State carried out through the Passport Office of the Department of State, and such office shall lapse upon such transfer.

(b) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under this Act are transferred to the Director. Any personnel not under section 5337 of title 5, United States Code, shall be transferred without reduction in classification or compensation for one year after such transfer.

(c) In order to carry out the provisions of this Act, the Director is authorized—

(1) to adopt, amend, and repeal rules and regulations governing the operations, organization, and personnel of the Service, and the performance of the powers and duties granted to or imposed upon him by law;

(2) to appoint and fix the compensation of passport agents and such other officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this Act;

(3) to establish, staff, and maintain passport agencies and passport service offices at such locations in the United States as the need for efficient and convenient public service may require;

(4) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(5) to acquire by purchase, lease, condemnation, or in any other lawful manner, any real or personal property, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate;

(6) to construct, operate, lease, and maintain buildings, facilities, and other improvements as may be necessary.

(7) to enter into contracts or other arrangements or modifications thereof, with any government, any agency or department of the United States, or with any person, firm, association, corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) or any other provision of law relating to competitive bidding;

(8) to make advance, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

SEC. 4. (a) Passport agents and such other officers and employees as the Director designates may administer oaths, affirmations, affidavits, and depositions in connection with their official duties.

(b) Passport agencies and passport service offices established under section 3 (c) (3) shall be funded initially with money from the Passport Service Fund. If, at the end of any fiscal year, any such agency or office is determined, under regulations prescribed by the Director, not to be self-sustaining financially, such agency or office shall be closed within sixty days after such determination. Upon the closing of any agency or office, its assets shall be liquidated and the money received from such liquidation shall be paid into the fund in accordance with the provisions of section 5(c).

SEC. 5. (a) There is established within the Treasury a Passport Service Fund (hereinafter referred to as the "fund"), which shall include and be valued at—

(1) $15,000,000, which is hereby authorized to be appropriated to carry out the provisions of this Act; and

(2) any unexpended balances of appropriations, the inventories and other physical assets of the Service (exclusive of buildings occupied and land) as of the date of enactment of this Act, such inventories and other physical assets to be evaluated at their fair market value.

(b) The fund shall be available without fiscal year limitation for financing the costs and expenses of operating and maintaining the Service, and any obligations, commitments, and liabilities transferred to the Service on the date of enactment of this Act.

(c) All amounts received for services performed by the Service, and all other amounts received by the Service from whatever source derived, including all proceeds arising from the disposition of any property or other assets acquired or held by the Service, shall be paid into the fund. At the end of each fiscal year, any amounts in the fund in excess of the total amount authorized under subsection (a) on the date of enactment of this Act shall be deposited into the general fund of the Treasury as miscellaneous receipts.

SEC. 6. In accordance with the provisions of existing law—

(1) there shall be prepared and submitted annually a budget program for the Service;

(2) there shall be installed and maintained in the Service an integrated system of accounting, including proper features of internal control, which will (A) assure adequate control over all assets and liabilities of the fund, (B) afford full disclosure with respect to the financial conditions and operations of the fund according to the accrual methods of accounting, and (C) supply on the basis of accounting results the date for the annual budget of the Service will respect to the last completed fiscal year. The system of accounting shall conform to principles and standards prescribed by the Comptroller General of the United States so as to accomplish the purposes of this section, and shall be subject to such review by the Comptroller as may be necessary to assure its conformance with the principles and standards prescribed and its effectiveness in operation; and

(3) the financial transactions, accounts, and reports of the fund shall be audited on a periodical basis by the General Accounting Office and a copy of each report or audit shall be furnished promptly to the President and the Congress.

SEC. 7. The section numbered 1 of the Act of June 4, 1920 (41 Stat. 750; 22 U.S.C. 214), is amended by striking out the figures "$2" and "$10" wherever they appear and by inserting in lieu thereof the figures "$3" and "$12", respectively.

By Mr. HARTKE (for himself and Mr. Thurmond):

S. 1814. A bill to authorize the Administrator of Veterans' Affairs to sell, at prices which he determines to be reasonable under prevailing mortgage market conditions, direct loans made to veterans under chapter 37, title 38, United States Code. Referred to the Committee on Veterans' Affairs.

DIRECT LOANS TO VETERANS

Mr. HARTKE. Mr. President, I am quite disturbed by the elimination of direct loans which have been caused by budgetary restraints placed on the Veterans' Administration by the Office of Management and Budget.

The direct loans are made to veterans living in rural areas where private capital for guaranteed loans is not generally available. Since the program's inception, almost $3 billion has been loaned directly to over 309,000 veterans. During the last fiscal year, 8,500 veterans were aided by direct loans totaling over $114 million. Recently, however, the Veterans' Administration stopped making direct loans and has been referring all applications to the private sector for placement. While it may be true that certain mortgage money may be more readily available today, there is no guarantee that this will continue or even that there presently exists sufficient capital in nonmetropolitan areas. An increase in the general demand for mortgage money may well exhaust what funds do exist. It is significant that the Veterans' Administration reports that applications for guaranteed loans have jumped 50 percent in the past 2 months.

Nevertheless, Donald Johnson, the Administrator of the Veterans' Administration, has recently testified before our Veterans' Affairs Committee that no veteran will go without financing if the restriction presently in force on his authority to sell direct loan paper is removed. Presently, the Administrator is restricted by section 1811(g) of title 38, United States Code, from selling direct loan paper at less than 98 percent par. As he noted in his testimony on April 26, 1971, this is "the only paper in the Government of a similar type which has a limitation factor."

The legislation which I introduce today will vest the Administrator with discretionary authority to establish reasonable prices at which he may offer and sell direct loan paper. Of course, any sale of direct loan paper will have to be approved by the Secretary of the Treasury. According to Administrator Johnson, this will free approximately a half billion dollars in loan paper currently subject to limitation for the revolving fund from which direct loans are made.

The Administrator has assured the committee that no qualified veteran will be denied housing financing for the coming year if this legislation is enacted.

Mr. President, I thus introduce this legislation and urge its prompt enactment so that he may keep that promise.

I ask unanimous consent that the text of the bill be placed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1811 (g) of title 38, United States Code, be amended to read as follows:

"(g) The Administrator may sell, and shall offer for sale, to any person or entity approved for such purpose by him, any loan made under this section at a price which he determines to be reasonable under the conditions prevailing in the mortgage market when the agreement to sell the loan is made; and shall guarantee any loan thus sold subject to the same conditions, terms, and limitations which would be applicable were the loan guaranteed under sections 1810 or 1819 of this title."

Mr. HARTKE. Mr. President, I ask unanimous consent that a statement by the Senator from South Carolina (Mr. Thurmond) on this bill be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR THURMOND

Mr. President, I am pleased to join the Senator from Indiana (Mr. Hartke), Chairman of the Committee on Veterans Affairs, in introducing legislation to assist our veterans in purchasing homes.

This legislation is something that should have the early consideration of this body. It is badly needed, particularly in many states that do not have large cities that contain readily available home loan banking institutions with a sufficient amount of funds, for mortgage purposes. Mr. President, if we are to keep our word to the young Americans who have been bearing the brunt of battle in Southeast Asia, thousands of whom have returned to take up their position in business, getting married and raising a family, we must take immediate steps to help them to find a home.

In February of this year, the Veterans Administration received 61,000—repeat, 61,000—home loan eligibility requests, the highest in any month since July, 1967, and an 86 percent increase over February, 1970.

In March of this year, veterans' requests jumped to 86,000—repeat, 86,000—the highest monthly total in ten (10) years. There is every indication that this trend will not only continue, but very likely will increase for the simple reason that young veterans are now being released at the rate of about 82,000 per month.

Mr. President, it is certainly reassuring from a standpoint of restoring the confidence of the American people in the future of our country, in its institutions, and in its economy, to know that these thousands are returning to take up their places as heads of families, as home owners and as concerned citizens in communities all over the United States.

We all remember the dividends gained as a result of the G.I. Bill following World War II and the Korean conflict. One of its outstanding provisions made it possible for the returning veterans to get the money needed to buy a home at little or no money down, with a generous long-term mortgage.

No greater incentive can be given to assure the stability, peace and tranquility of our communities across the nation than to have these young men establish their own homes. In effect, we would be giving them the opportunity to become shareholders in America by obtaining ownership in their native land for which they fought and for which they made such great sacrifice.

Mr. President, the Senate Committee on Veterans Affairs has been assured by the Veterans Administration that early passage of this legislation will go a long way towards setting the stage for a sound economy, a decade of peace and happiness, the kind of peace and happiness that can best be achieved by a Nation of families—fathers, mothers, and children—living in their own homes.

This is a self-supporting program which will cost the Federal Treasury nothing. The record of our war veterans in paying off their mortgages is excellent. Mr. President, I urge prompt consideration and passage of this bill.

By Mr. HARRIS:

S.J. Res. 93. A joint resolution to authorize the President to proclaim July 14, 1971, as "Woody Guthrie Day." Referred to the Committee on the Judiciary.

WOODY GUTHRIE DAY

Mr. HARRIS. Mr. President, Clifton Fadiman wrote in a book review for the New Yorker in the early 1940's that—

> Some day are going to wake up to the fact that Woody Guthrie and the ten thousand songs that leap and tumble off the strings of his music box are a national possession Like Yellowstone and Yosemite.

The life of Woody Guthrie was tragically cut short by Huntington's disease in 1967, but through his songs and his writings, his compassion, his love of the land, his joy in life's variety live on. Like Yellowstone and Yosemite, many of his songs are a part of our country's heritage.

"This Land Is Your Land," "So Long, It's Been Good To Know You," and "Hard Travelin" are some of the favorities among the thousand folk songs Woody Guthrie wrote. Woody's autobiography, "Bound for Glory," written in 1943, was a best seller and prompted Orville Prescott of the New York Times to say that the book had "more triple-distilled essence of pure individual personality in it than anything in years."

Woody Guthrie obviously possessed great musical talents. Although often described as having a "wispy, raspy voice," Woody said that he had "rather sound like the ash cans of the early morning, like the cab drivers cursing at one another, like the longshoremen yelling, like the cowhands whooping, and like the lone wolf barking."

Woody was born in my home State of Oklahoma in a small community, Okemah, located in what was once Indian territory. In Okemah, Woody was influenced by the cultural mix of three races, Indian, black, and white. The depression and the dust bowl days in Oklahoma influenced much of his earlier work, as did his move to California along with many other Oklahomans. He traveled to New York and then to the Pacific Northwest. He traveled from "California to the New York island; from the Redwood Forest to the Gulfstream waters."

He sang in boxcars, in waterfront taverns, in hobo jungles, to the upper classes in town hall, to the workingmen in Madison Square Garden, and to workers constructing power facilities on the Grand Coulee and Bonneville dams.

Woody gave up wealth for his travels, travels which brought a lot of happiness and hope for the people of this land at a time when both were greatly needed. He said:

> I am out to sing songs that will prove to you that this is your world and that it has hit you pretty hard and knocked you for a dozen loops . . . no matter what color, what size you are, how you are built, I am out to sing the songs that make you take pride in yourself and in your work . . . I hate a song that makes you think you're not any good. I hate a song that makes you think you are just born to lose . . .

The significance of the work of Woody Guthrie has not gone unnoticed. In 1966, Secretary of Interior Stewart L. Udall awarded him the Conservation Service Award and called him a "poet of the American landscape." An electric power substation in the Pacific Northwest has been named after Woody for the 26 songs he wrote of the area while working for one of the power companies—"Roll on Columbia," "Grand Coulee Dam," and "Pastures of Plenty" being a few of the more familiar songs.

Woody has been called the "best folk ballad composer whose identity was ever known," and it has been said of him that he represented the essence of the "American spirit."

July 14, 1971, will be Woody's 59th birthday. I and others are planning a special day of recognition for Woody to be held in Oklahoma. Oklahoma can proudly claim his birthplace, but Oklahomans and all Americans can claim his music, because they are the inspiration behind the music. I, therefore, think it appropriate for all Americans to honor Woody Guthrie on July 14.

Mr. President, in recognition of the life of Woody Guthrie and the contribution he made to our country, I am introducing a joint resolution to authorize the President to proclaim July 14, 1971, as "Woody Guthrie Day." I ask that it be appropriately referred.

ADDITIONAL COSPONSORS OF BILLS

S. 485

At the request of Mr. Griffin, for Mr. Goldwater, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 485, a bill to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

S. 835

At the request of Mr. Harris, the Senator from New Hampshire (Mr. McIntyre) and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 835, the Alaska Native Claims Settlement Act of 1971.

S. 1064

Mr. HARRIS. Mr. President, I ask unanimous consent that the name of the junior Senator from Indiana (Mr. Bayh) be added as a cosponsor of S. 1064, the Youth Participation Act of 1971. I am honored to have his name among the cosponsors, particularly in view of the decisive role which he played in obtaining the right to vote for American youth between he ages of 18 and 21.

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

S. 1310

At the request of Mr. Hansen, the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Fannin), the Senator from Utah (Mr. Moss), the Senator from West Virginia (Mr. Randolph), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 1310, a bill to amend the Internal Revenue Code to encourage an increase in production of coal.

S. 1315

At the request of Mr. Harris, the Senator from New Hampshire (Mr. McIntyre,) the Senator from Missouri (Mr. Eagleton), the Senator from Minnesota (Mr. Humphrey), the Senator from Rhode Island (Mr. Pell), the Senator from Texas (Mr. Tower), the Senator from Oregon (Mr. Hatfield), the Senator from Indiana (Mr. Hartke), and the Senator from Ohio (Mr. Taft) were added as cosponsors of S. 1315, the Ocean Mammal Protection Act of 1971.

S. 1485

At the request of Mr. Ribicoff, the Senator from Massachusetts (Mr. Kennedy), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 1485, to establish a Department of Education.

S. 1580 THROUGH S. 1591

At the request of Mr. Percy, the Senator from Ohio (Mr. Saxbe) was added as a cosponsor of S. 1580, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes; S. 1581, a bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term health care facilities; S. 1582, to provide for grants for the training and retraining of nurses aides and orderlies; S. 1583, to train certain veterans to serve as medical assistants in long-term health care facilities; S. 1584, to assist in the provision of housing for the elderly; S. 1585, to provide for coverage under part A of title XVIII of the Social Security Act of certain drugs which are prescribed and furnished by generic name; S. 1586, to provide for the development of more uniform standards for determining eligibility for assistance provided under Federal programs to facilities for long-term health care; S. 1587, to provide for the conduct of a study and investigation of care to individuals in long-term health care facilities; S. 1588, to provide financial assistance for senior citizens' community centers; S. 1589, to authorize grants to rehabilitate elderly patients of long-term health care facilities; S. 1590, to permit the deduction of all expenses for medical care of a taxpayer after age 65; and S. 1591, to provide certain transportation services to elderly persons.

S. 1631

At the request of Mr. McGovern, the Senator from Oklahoma (Mr. Harris) was added as a cosponsor of S. 1631, the Emergency Transition Allowance Act of 1971.

S. 1774

At the request of Mr. Tower, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 1774, a bill to furnish assistance to farmers in emergencies caused by natural disasters.

SENATE RESOLUTION 120—SUBMISSION OF A RESOLUTION RELATING TO REGULATIONS ISSUED UNDER THE FOOD STAMP ACT OF 1964

Mr. McGOVERN. Mr. President, last April 29, the Department of Health, Education, and Welfare released a long overdue national nutrition survey. While I have many questions about the survey, it did at least, reconfirm the existence of widespread malnutrition among America's poor.

That same day, in which must rank among the all-time ironies of governmental actions, the Department of Agriculture announced that its new food stamp regulations were going to eliminate a minimum of 340,000 persons from the food stamp program and reduce food benefits to another 1.75 million persons.

These dual and contradictory announcements were comparable to saying that an epidemic existed but that innoculations were being discontinued.

The fact that so many needy persons were going to be hurt by the new regulations published in the Federal Register on April 16, probably would not have come to light except for a hearing by the Senate's Select Committee on Nutrition and Human Needs.

Expert witnesses at the committee's hearing first reported that such a large number of persons, amounting to about 20 percent of all those participating in the program, were going to be disadvantaged. One witness, Mr. Ronald Pollack, Director of the Food Research and Action Center, said the number of persons hurt might be as high as 4 million.

The director of the food stamp program in New York City, Mr. Arthur Schiff estimated that 500,000 to 600,000, or 50 to 60 percent, of New York's 1 million food stamp recipients would drop out of the program.

On their face, the new regulations would appear to have the following effects.

Most of the aged, blind, and disabled in 10 States, including California, Connecticut, Illinois, Massachusetts, Nebraska, Nevada, New Hampshire, South Dakota, Vermont, and Washington would be rendered ineligible for food stamps by reasons of new income guidelines.

Most welfare recipients in New York, New Jersey, and Connecticut would receive severely reduced benefits because of the income guidelines.

Hundreds of thousands of other welfare recipients, including many aged and temporarily unemployed persons in such States as Colorado, Iowa, Louisiana, Minnesota, Nevada, South Carolina, and Texas would be prohibited from participating because of an arbitrarily low limitation of $1,500 on outside resources.

Additional hundreds of thousands of persons would be eliminated from the program by a new definition of what constitutes a household, essentially aimed at banning hippie communes, but also knocking out any household containing a nonfamily member.

Finally, the new regulations would create an administrative nightmare by requiring welfare recipients to be individually recertified regardless of whether they have been receiving benefits previously.

Mr. President, when I first heard that the new regulations would have these effects, I was incredulous. After all the work of the past years, I could not believe we were taking such drastic steps backwards.

Whatever else may be said about the new Food Stamp Act passed by Congress last year, I think we all believed that its overall purpose was to expand participation, to help feed more people, not less.

I am aware that the Department of Agriculture believes that about 1.7 million persons, living in the poorer States, will be made newly eligible for the program by the setting of a national standard of $4,320.

I hope this is so. But, as an editorial in the Washington Post stated so well just last Thursday:

> It is fine that more of the poor in some states will now get much needed food, but what about the two to four million whose tables will now be stripped clean? What have they done to be ignored so suddenly? Is hunger and malnutrition in New York City, for example, easier on the stomach than in Sunflower County, Mississippi? If this strange decision by the Agriculture Department is a try at saving money, then it is assuredly a direct reversal of the President's intention "to put an end to hunger in America itself for all time."

The reaction to the publicity surrounding the new regulations has been swift—and distressing. Letters and telegrams have poured into the select committee. As an example, I would like to quote from one of these letters sent by an elderly lady living in California:

> DEAR SENATOR MCGOVERN: I am writing this letter with a great deal of worry and anxiety in my heart. Someone is kindly typing it for me. I am an elderly widow, diabetic, and partially blind. I reside in California and have lived here for the past eight years. I am now on a very meager fixed income (Social Security) augmented by aid from OAS, Medicare and MediCal, and, thankfully, food stamps.
>
> In last night's newspaper I was told there is an article indicating that interpretation of the Agriculture Department's revised food stamp legislation can eliminate the old and disabled from the program entirely. It is hard for me to see how I could go on without the extra economic aid of food stamps. Why must the elderly poor and the disabled live in a constant state of worry over their futures? My husband worked hard during his life and died prematurely of cancer. Do we have to be left to starve, or to slowly die from worry over trying to balance a budget that becomes increasingly burdensome because of rising food costs? Cannot the administration see that someday they, too, may be old and poor and ill? Are our votes really that meaningless? Please remember us and our needs.

Mr. President, because of my concern regarding the new regulations, I wrote Agriculture Secretary Clifford Hardin requesting a 30-day extension on the comment period. I felt this extra time, from May 17 to June 16 was vital to allow the public at large to learn about the regulations and to write the Department of Agriculture regarding them.

I received a reply from Assistant Secretary Richard Lyng last Thursday, stating that the Department was denying the request for an extension. Mr. Lyng stated, in part:

> In view of the attention which has been given to the proposed regulations we believe an extension of time for comments would not significantly increase the number of people who will comment.

I must say that I disagree strongly with this viewpoint. In fact, if there is one thing of which I am sure, it is that, given more time, hundreds of more persons would comment on the regulations.

It is for this reason that I am proceeding today with the submission of this Senate resolution calling on Secretary Hardin to extend the period for comment on the regulations from May 17 to June 16.

Joining me in cosponsoring this resolution, which I now send to the desk, are Senators CRANSTON, KENNEDY, HART, MONDALE, NELSON, HOLLINGS, MAGNUSON, HARTKE, RIBICOFF, CHURCH, BAYH, HUMPHREY, PASTORE, TUNNEY, MCGEE, MUSKIE, EAGLETON, BROOKE, FULBRIGHT, RANDOLPH, GRAVEL, HARRIS, HUGHES, and WILLIAMS.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The resolution will be received and appropriately referred.

The resolution (S. Res. 120), which reads as follows, was referred to the Committee on Agriculture and Forestry:

S. RES. 120

Whereas, the Congress of the United States in 1970 revised the Food Stamp Act of 1964 for the purpose of providing every needy American with an adequate nutritional diet; and

Whereas, the Secretary of Agriculture was given the responsibility of issuing regulations to implement the purpose of the Food Stamp Act of 1964 as so revised by the Congress; and

Whereas, the Secretary of Agriculture issued such regulations on April 16, 1971, and provided a period of only 30 days for public comment on such regulations; and

Whereas, the effect of such regulations would appear to be to eliminate at least some 340,000 persons from the food stamp program and to reduce the food benefits under the program to another 1.7 million persons or more; and

Whereas, the aged, blind, and disabled in 10 States, including California, Connecticut, Illinois, Massachusetts, Nebraska, Nevada, New Hampshire, South Dakota, Vermont, and Washington would be rendered ineligible for food stamps by reason of the income guidelines under the new regulations; and

Whereas, most welfare recipients in New York, New Jersey, and Connecticut would receive severely reduced benefits by reason of the income guidelines under the new regulations; and

Whereas, hundreds of thousands of other welfare recipients, including many aged and temporarily unemployed persons, in States such as Colorado, Iowa, Louisiana, Minnesota, Nevada, South Carolina, and Texas would be prohibited from participating in the program by reason of an arbitrarily low limitation of $1,500 on outside resources; and

Whereas, for these and other reasons the new regulations appear to run counter to the avowed purpose of Congress to provide adequate nutrition to more, not fewer, persons: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should, and is hereby urged and requested to extend for a period of 30 days, from May 17, 1971, to June 16, 1971, the time within which interested persons, including Members of Congress, may submit their views and comments on the proposed food stamp regulations.

Mr. MCGOVERN. Mr. President, I have scheduled a hearing of the Select Committee on Nutrition for this Friday, May 14, and invited Assistant Secretary Lyng, as well as other members of the Agriculture Department to testify on the impact of the new regulations.

I ask unanimous consent to have printed in the RECORD a Washington Post editorial on the new regulations and Assistant Secretary Lyng's letter denying my request for an extension of time for public comment on the regulations.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 5, 1971.

Hon. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition and Human Needs, Washington, D.C.

DEAR SENATOR MCGOVERN: We acknowledge receipt of your letter of May 3 in which you express concern that we have allowed insufficient time for comment on the proposed regulations for the food stamp program.

To delay for thirty days the implementation of the new program as you suggest, would be to delay substantially increased benefits to a large number of currently ineligible families.

We are pleased to have your comments. They will be considered along with the others we are receiving. All comments postmarked before midnight May 17 will be given consideration in the regulations we adopt.

In view of the attention which has been given to the proposed regulations we believe an extension of time for comments would not significantly increase the number of people who will comment. We must, therefore, respectfully deny your request to extend the period of comment until June 17.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

FOOD STAMPS AND THE HUNGRY

The intent of the 1970 Food Stamp Reform Act was to attack hunger and malnutrition by including more people in the food stamp program and by providing more generous benefits. The regulations were hailed by President Nixon and by millions of the hungry themselves. Among its reforms, the new law replaced the uneven standards set by the states; for example, in one state, a family of four could have an income of $4,000 and qualify for food stamps, while in another, a family earning $2,000 could not qualify. The 1970 act pushed that aside and set one national standard—a maximum of $4,300 for a family of four. A second feature was that the approximately 12 million citizens on welfare were automatically eligible for food stamps. Since this group had already submitted once to the ordeal of administrative paperwork, why make them and the food stamp officials go through it again to establish eligibility standards?

While this reform was far from the ideal way of getting food to the hungry and poor, it surpassed previous methods and was seen as a constructive move. Now, however, the Agriculture Department has proposed new food stamp regulations which, if given final approval by officials, will be a major source of agony to large numbers of the poor. The new regulations propose, in effect, to make more people eligible for stamps in the South and scattered states—where the eligibility requirements are now especially severe. A trouble with this is that from two to four million of the poor in industrial Northern and Western states will lose their present benefits or see them reduced.

It is fine that more of the poor in some states will now get much needed food, but what about the two to four million whose tables will now be stripped clean? What have they done to be ignored so suddenly? Is hunger and malnutrition in New York City, for example, easier on the stomach than in Sunflower County, Mississippi? If this strange decision by the Agriculture Department is a try at saving money, then it is assuredly a direct reversal of the President's stated intention "to put an end to hunger in America itself for all time."

The proposed food stamp regulations are not scheduled to go into effect until May 17. Until then, concerned citizens and their political allies in federal, state and local governments have the opportunity to protest the plan. The grossness of taking food *away from people* should not require long reflective thought in order to reach a decision.

Mr. RIBICOFF. Mr. President, today I am cosponsoring the resolution authored by the distinguished chairman of the Select Committee on Nutrition and Human Needs, Senator McGovern, to extend the period for public comment on the new food stamp regulations proposed by the Department of Agriculture.

At present the food stamp program provides assistance to less than half the Nation's poor and it does so at inadequate nutrition levels. The regulations under consideration would decrease or eliminate food stamp benefits for at least 2.1 million of the 10½ million program participants, according to the Department of Agriculture's own estimate.

The national eligibility standards proposed to implement the 1970 Food Stamp Act would, among other things, virtually eliminate the food stamp program in urban States such as Connecticut, New York, and New Jersey through the imposition of unduly severe eligibility requirements.

In Connecticut, participation would drop so dramatically that it would not be worthwhile to continue the food stamp program. Over 120,000 of Connecticut's poor would face the increased likelihood of a life of malnutrition, welfare, and sickness as a result of these cutbacks. The Connecticut Nutrition Programs Coordinator, Albert R. Science, has commented in a letter to me that the regulations "do a great disservice to the people in Connecticut."

It is a cruel irony that the food stamp regulations limiting benefits were followed so closely by a Government nutrition survey indicating that at least 25 percent of America's poor are so anemic or lacking in essential vitamins that they need medical attention. Senator McGovern and others have observed that the nutrition survey seriously understates the dimensions of the problem.

If we are going to commit ourselves to eradicating poverty, we must begin to coordinate our efforts. We cannot, on the one hand, promise a welfare program designed to get more people off the welfare rolls into jobs while, on the other hand, cutting back food benefits, thus assuring that malnutrition and its effects will keep our welfare rolls filled.

Providing inadequate food or cash benefit programs for the poor in the name of fiscal responsibility is, at best, pennywise and pound foolish. What we save in costs by cutting back food benefits will be dwarfed by the inevitable consequences of that neglect—a lifetime of welfare assistance to compensate for malnutrition.

While we debate economies in the Federal budget, millions of Americans are going hungry and actually starving to death in this land of milk and honey.

We should be increasing our commitment to aiding those in America who are undernourished, not decreasing it. Our resolution will not solve this problem by itself, but I am hopeful that the increased time made available for comment on the USDA regulations by our resolution will provide an opportunity for Congress and the American public to raise their voices in protest against a proposal that will provide adequate nutrition for fewer people less of the time.

Mr. PERCY. Mr. President, I, too, am distressed by the new food stamp regulations recently proposed by the Department of Agriculture. For while I think the Department should be commended for expanding coverage of the food stamp program, I can only deplore the elimination of any present recipient from the same program, especially when the majority of those are estimated to be the elderly. The Congress clearly did not intend this result.

Furthermore, I am deeply concerned by what appears to have been, in several instances, misinterpretations of the will of Congress. No one as yet has estimated the actual effect of these sections, but they strike me as being restrictive and narrow. I am particularly concerned by the unusual definition of "household," by the setting of "maximum" rather than "minimum" national standards of eligibility, and by the too limited variable purchase requirement. For these reasons I have today joined by my distinguished minority colleagues on the Select Committee on Nutrition and Human Needs—Mr. Cook, Mr. Dole, Mr. Bellmon, Mr. Schweiker, and Mr. Taft—transmitted our comments and recommendations to the Secretary of Agriculture.

Since the proposed regulations do not become final on May 17, but only after the Department has considered all the public comment heard during the 30-day period it granted for debate, I personally feel that the constructive tenor of our letter is the most effective method by which to bring about the kind of adjustments in the regulations which I would like to see.

While I am never opposed to providing sufficient time for the public to comment on any issue, I do not think that an extension in this case is really necessary. In fact, I find it difficult to believe that additional time for public comment will bring forth any more compelling evidence to change the regulations that I personally have heard in just the last 3 weeks alone. I ask unanimous consent at this time to have the letter to Secretary Hardin printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate, Select Committee,
on Nutrition and Human Needs,
Washington, D.C., May 10, 1971.

Hon. Clifford M. Hardin,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

Dear Mr. Secretary: In response to Assistant Secretary's Lyng's letter of April 16, 1971 to Senator Percy concerning the proposed revisions of the Food Stamp Program regulations, we have taken the opportunity of his kind invitation to comment on those regulations. As Minority Members of the Select Committee on Nutrition and Human Needs, we all join in this constructive effort.

We believe that the Department should be fully commended for its thorough and diligent revision of the entire regulations. It was a job that was completed in slightly more than three months; and, in addition, one which generally demonstrates the determination of the Department in its continuing effort to seek solutions to the problem of hunger in America.

We understand your request to work with the Department "toward the goal of improving the nutritional level of all needy people" to be an attempt to gain our critical comments on the actual substance of the proposed regulations. We have, therefore, undertaken this particular course of detailed response because we believe that this will be the most effective contribution that we can make in this matter. Let us make clear that we will not join Senator McGovern in his resolution to extend for 30 days the time for public comments on the proposed regulations.

We realize that in drafting regulations pursuant to any act of Congress, the respective delegee is usually given wide latitudes of discretion and limited ministerial powers. It is difficult for anyone to substantially counter these acts. And with regard to them we can only raise questions that seek an answer or necessitate an interpretation. Yet, these are areas of regulation-making which depend not so much on discretionary powers but more on the interpretation of the law and the intent of Congress. It is these areas with which we are primarily concerned at this time and which we desire to rectify through our mutual efforts.

As we have previously stated, there is much that is commendable in the new proposed regulations. The "certification of household" procedures under § 271.4 of the proposed regulations are an excellent example of the positive workable elaboration of the law. What is, in effect, an initial attempt at "self-certification" for public assistance families is a step in the right direction [§ 271.4(a) (1)]. So, too, are the provisions which permit certification continuation for migrants and others [§ 271.4(a) (3)], and simplication and standardization of the procedure of recertification [§ 271.4(a) (4)].

One particular aspect of the proposed regulations that relies heavily on the intent of Congress—and thereby in this instance fulfills the will of Congress—is Section 5(c) (b) of Public Law 91-671 which deals with acceptable minimum wages for suitable work. The applicable section states that no able-bodied adult person shall be eligible if he "has refused to accept employment or public work *at not less than* (i) the applicable State minimum wage, (ii) the applicable Federal minimum wage, (iii) the applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations, or (iv) $1.30 per hour if there is no applicable wage as described in (i), (ii), or (iii) above." However, the proposed regulations indicate that no employment shall be considered suitable unless the wages offered are *"less than the highest of* . . ." the four categories designated in the law, [§ 271.3(d) (3)]. The Department has apparently looked to the explanation contained in the Report of the House Committee on Agriculture (*Report* No. 91-1402, page 11) in reaching their interpretations since there it is stated that "it is the clear intent of the committee that no work should be required at wages less than the higher . . ." of the same four categories. In this instance where interpretation is necessary, the Department has looked to the intent and will of Congress which is within the valid exercise of its delegated powers.

In addressing ourselves to those sections of the proposed regulations which we feel ought to be re-interpreted in light of Congressional intent, we shall attempt to recite Congressional language which we believe supports our interpretation and will thereby aid you in ultimately revising the regulations.

1. *Definition of Household.* Section 3(e) of the law provided a definition of "household" which meant ". . . a group of related individuals . . . or non-related individuals over age 60 who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common." The intent of Congress in redefining household in this manner was already contained in the Conference Report (*Report* No. 91-1793, page 8). There the Conferees stated that "the conference substitute includes language which is designed to prohibit food stamp assistance to communal 'families' of unrelated individuals." As Senator Ellender pointed out on the floor of the Senate (*Congressional Record*, 91st Cong., 2nd Sess., vol. 16, pt. 33, p. 44431), this definition of the provision was "designed to exclude households consisting of unrelated individuals under the age of 60 (such as hippy communes)."

It appears that the so-called "anti-hippie commune" provision was to deny food stamp eligibility to unrelated individuals only. Yet the Department in § 270.2(dd) (i) of the proposed regulations adds that "when all persons in the group are under 60 years of age, they (must be) all related to each other. . . ." This added requirement would have the effect of eliminating from eligibility families who might happen to have "taken in" a friend out of kindness. Certainly, this was not the intention of Congress. Even the Supreme Court of the United States has indicated in an analogous situation pertaining to the effect of the "man-in-the-home" rule that "Congress must have intended that the children in such a situation remain eligible for AFDC assistance notwithstanding their mother's impropriety." (*King* v. *Smith*, 392 U.S. 309, 1967)

Therefore, we suggest that "household" be redefined to meet the intent of Congress. Perhaps, the related members of a household might remain eligible or become eligible on their own merits by "fractionation." Or perhaps the Department might broaden the definition of "affinity" in § 270.2(kk) to include for eligibility a household that contained a related family unit and an unrelated individual. In any event, the Congress did not intend to make ineligible anyone more than "unrelated individuals."

2. *Uniform Standards of Eligibility.* Section 5(b) of the law provides that the Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for particaption and that no plan of a State "shall be approved unless the standards of eligibility *meet* those established by the Secretary." In interpreting this provision, the Department has set "the maximum allowable monthly income standards for determining eligibility." (*Notice*, FSP No. 1971-1).

Congress stated only that the standards be uniform, but Senator Ellender indicated in the Senate that while national eligibility standards were not specified as in the Senate bill he had ". . . every expectation that this will be set by the Secretary of Agriculture at the Federal poverty level, as was done with the national school lunch program. This national eligibility level should permit millions more to take part in the program." (*Congressional Record*, 91st Cong., 2nd Sess., vol. 16, pt. 33, p. 44433. And the dissenting views of Congressmen Foley and Lowenstein in the Report of the House Committee on Agriculture stated that the effectiveness of uniform eligibility standards ". . . is diminished by the failure of the Committee to define a specific and adequate income amount *below* which the States cannot go . . ." (*Report* No. 91-1402, page 30).

Both the Senator and the Congressmen appear to have viewed the national standards as a floor rather than a ceiling on eligibility. Senator Ellender envisioned a level above which the States could go as they do in the National School Lunch Program. And, the Senate bill to which he referred included language that ". . . in no case shall the minimum income level prescribed by the Secretary *be less* for any household than the equivalent of $4,000." (S.2547, 91st Cong., 1st Sess., Section 8, page 5). The two Congressmen, while decrying the failure of the Committee's bill to establish a specific income level, quite naturally assumed that such a level would be a floor rather than a maximum amount. Finally, the language of the law itself provides that the eligibility standards of State plans *"meet"* those established by the Secretary. The use of "meet" implies the process of "coming into conjunction with" (*Webster's Seventh New Collegiate Dictionary*) and therefore indicates that, at a minimum, those standards should simply conjoin those set by the Secretary. This language clearly did not intend to prohibit a state from setting its standards above those uniform minimum standards established by the Secretary. The intent of Congress was positive here, as Senator Ellender has indicated, in both bringing new people within the national eligibility standards and also in maintaining those already eligible and above that floor.

3. *Variable Purchase Requirement.* Section 7(b) of the law provides that the Secretary shall afford eligible recipients a "reasonable opportunity . . . to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued . . .". Although the regulations [§ 271.6(d) (3)] appear essentially to reflect the language of the law by permitting variable purchase of quartile portions of an authorized monthly allotment, the Department's subsequent explanations of this regulation do more harm than the limited advances the regulation seems to have accomplished. Both in the Department's press release issued with the regulations (Press Release, USDA 1215-71, page 3) and in the publication of the Food and Nutrition Service of the Department (*Food and Nutrition Newsletter*, USDA No. 9, April 15, 1971, page 2) it is indicated that "if a family chooses less than its full allotment during any purchase period, *it would not be permitted to return later for the balance,* for that period." This interpretation would have the effect of allowing a family to purchase one-fourth of their allotment during the first half of the month but to forego entirely the remaining portion of that allotment.

Variable purchase first appeared in the House passed version of the law, and the Agriculture Committee Report indicated that "this change is recommended so as to facilitate participation of households who are paid on other than a monthly basis and find it difficult to amass sufficient cash to purchase their entire monthly authorization." (*Report* No. 91-1402, page 16). On the Senate side, Senator Ellender explained that this section "permits household(s) to purchase at each issuance date *all or any part* of its monthly allotment *not previously purchased."* (*Congressional Record*, 91st Cong., 2nd Sess., vol. 16, pt. 33, p. 44433). It would appear that these statements reflect an attempt to provide an eligible household a true right of election in regard to variable purchase, rather than the election "out" after an initial variable purchase that the Department has mandated.

In this instance we do not believe that the Department's interpretation is in harmony with the clear intent of Congress. Variable purchase means that an eligible household may purchase any quartile of its allotment at any time of issuance within a particular month. We do not presume to advise the Department on how to establish administrative procedures for the implementation of the variable purchase requirement, but it strikes us that if provision for issuance of one-quarter, one-half or three-quarters of an allotment can be made, then the issuance of the remainder of that allotment should not be too difficult to conceive and execute.

These are the three basic provisions of the proposed regulations which we believe the Department has both misread and misinterpreted to varying degrees in terms of the intent of the Congress. In addition, we are concerned about three other subjects of the proposed regulations which are to be found more within the parameters of discretion and the area of ministerial duty that we discussed earlier.

A. The proposed regulations clearly indicate, as was the intent of Congress, that a student over eighteen years of age who is not living at home but "who is claimed as a dependent for Federal income tax purposes by a member of a household which is not certified as being eligible for food assistance shall be ineligible to participate in the program . . ." [§ 271.3(c)]. The important question, though, is the status of a student who is over eighteen, living away from home, and claimed as a dependent but whose family is eligible for assistance under the Food Stamp Program. Is such a student eligible then on either the grounds of an inverse reading of § 271.3(c) or on the merits of his own eligibility?

B. The proposed regulations indicate that income will include "scholarships, education grants (including loans on which repayment is deferred until completion of the recipient's education), fellowships, and veterans' education benefits" [§ 271.3(b) (1) (i) (h)]. We question, first of all, whether this provision pertains to the family of a student recipient living within his parental household and/or to the family of a student recipient living away from home. Regardless, we believe that the inclusion of these items is a new departure by the Department and one which places it in direct conflict with the "exclusion from income" provisions contained in the Administration's proposed Family Assistance Plan (HR 1, 92nd Cong., 1st Sess., Section 443(b)(7), page 146) and the existing Internal Revenue Code (Section 117 of the *Internal Revenue Code* of 1954). We would hope that the Department will be able to adjust this provision in order to bring it into conformity with other relevant existing statutes and regulations. After all, such an inclusion in income would work a hardship that would force an otherwise eligible family to make the impossible choice between food and education.

C. Finally, we are interested and concerned about the Department's immediate plans to establish the "special standards of eligibility and coupon allotment schedules" for Puerto Rico, Guam, and the Virgin Islands which were mandated by Section 5(b) of the Food Stamp Act of 1964, as amended. We believe that the most rapid implementation of this provision to expand the umbrella of the Food Stamp Program will bring some relief to the conditions of poverty and hunger and also extend the equal protection of the laws of the United States as was the intention of Congress.

We greatly appreciate this important opportunity to comment on the proposed regulations of the Department. It is an opportunity which permits the Congress to further amplify and interpret its own will and intent for the benefit of the Department of Agriculture in revising its regulations, especially in those instances where the Congressional language itself has been either unclear or confusing. We do not pretend to infringe on the rightful discretion of the Secretary in these matters, but only to aid him within the bounds of his kind invitation and the prerogatives of Congressional powers. We fully understand the pressures of promulgating such regulations, and strongly reiterate our praise for the great progress that has been achieved by this Administration in closing the hunger gap in America. We understand also that any further changes or clarifications on the Food Stamp Program beyond those revisions which we have strongly urged must come from the Congress itself.

We thank you for this unique opportunity and hope that we can continue to work together for a better Food Stamp Program.

Sincerely,

Charles H. Percy,
Marlow W. Cook,
Robert J. Dole,
Henry L. Bellmon,
Richard S. Schweiker,
Robert Taft, Jr.

Mr. KENNEDY. Mr. President, I feel it is vitally important for the Senate to take this opportunity to consider recent action announced by the U.S. Department of Agriculture because of the deleterious effects that action will have on hungry Americans.

As a result of the efforts of the very able chairman of the Select Committee on Nutrition and Human Needs, my attention and that of others in this Senate has been focused on new regulations affecting the Federal food stamp program proposed by the Department of Agriculture. According to a notice published in the Federal Register, April 16, the Department intends to lower the level of the maximum income allowed for participation in the food stamp program. And presumably, the purpose of this move is to save money. Yet, the tragic effect of the new rules will be to eliminate thousands of hungry citizens from the rolls of the food stamp program.

It seems that the new rules stand in defiance of the President's intention to bring an end to hunger in America for all time. The Department's plans would wipe out the assistance now received by hundreds of thousands who receive benefits in those States that have struggled to meet the requirements for nutritional adequacy among the poor. The new rules, as I understand them, will extend benefits to some families that have never shared the benefits of food stamps. No one denies that this is a proper goal for us to seek. But, this in no way provides a reasonable justification for removing from the rolls, other families that now share in the program's benefits.

As the Washington Post editorialized last Thursday, it is as if "hunger and malnutrition in New York City, for example, is easier on the stomach than in Sunflower County, Mississippi."

The effect of this move penalized not only needy recipients but also the actions of concerned officials in those States that have struggled to reach a level of adequacy for their needy residents. Unbelievably, States with the highest levels of assistance payments, are the States in which hungry people will be stripped of assistance. Thus, in Massachusetts, a majority of the elderly, blind, and disabled recipients of public assistance will be cut off from the food stamp program. I wrote the Secretary of Agriculture protesting the new rules because I find it difficult to explain why 30,000 elderly Massachusetts residents who, until now, have been eligible for participation in the food stamp program, under the new rules, will be denied this vital assistance.

At the same time, I want to know why all of the 3,100 public assistance recipients in Massachusetts who are blind and the 20,000 residents of my State who are permanently disabled have to be cut off from a program that can deliver the essentials of a good diet for them.

We know that across this country about 2 to 4 million people will be denied assistance because of this new regulation.

What have they done to be ignored so suddenly? And it makes sense to ask that question, because the Department's action ignores the persistent demand to do something that will end hunger for all who are needy. Yet, the Department's latest action is not responsive to the continuing demands for guaranteeing a minimum level of adequacy for those who are deprived.

Not only will the new rules cause people to be directly dropped from the rolls; the rule change will force off others who find it too expensive to purchase foodstuffs under the new purchase limit.

A four-member family living in Massachusetts receiving a monthly assistance payment of $300, now spends $76 of that to buy $106 worth of food in the stamp program. The new regulations will force that family to spend $7 more to gain only $2 in added benefits. I am anxious to learn what explanation makes that kind of administrative change justifiable. If indeed it is solely for the sake of saving money then its effect can only be justified by a grossly distorted sense of national values.

I am convinced that if this Government can move to guarantee the existence of a failing aircraft company, it must move to insure subsistence for its hungry citizens.

For that reason, Mr. President, I strongly endorse the resolution offered by my able and skillful colleague who serves as chairman of the Select Committee on Nutrition and Human Needs. I have worked diligently with him throughout the life of this committee to bring help to those who have needlessly been denied quality diets and healthful living conditions. I firmly believe in the committee's mandate to uphold maximum efforts in the fight against hunger.

And, that is why we are urging the Senate to approve this resolution which will allow more time for the public and the Congress to respond to the Department's proposals concerning revisions to the Federal food stamp program.

SENATE RESOLUTION 121—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF THE 1970 ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION

Mr. TALMADGE. Mr. President, I submit for appropriate reference a resolution authorizing the printing of the 1970 Annual Report of the National Forest Reservation Commission as a Senate document. This has been done through the years in order that the report may be available to official libraries for the use of students and other interested parties.

The ACTING PRESIDENT pro tempore (Mr. Stevenson). The resolution will be received and appropriately referred.

The resolution (S. Res. 121), which reads as follows, was referred to the Committee on Rules and Administration.

S. Res. 121

Resolved, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1970, be printed with an illustration as a Senate document.

SENATE RESOLUTION 122—SUBMISSION OF A RESOLUTION REFERRING S. 1728 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

Mr. MATHIAS submitted a resolution (S. Res. 122) to refer the bill (S. 1728) to the Chief Commissioner of the Court of Claims.

The resolution (S. Res. 122), which reads as follows, was referred to the Committee on the Judiciary:

SENATE RESOLUTION 122

Resolved, That S. 1728 entitled "A bill for the relief of George Wise" together with all accompanying papers is hereby referred to the chief commissioner of the Court of Claims pursuant to Sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. Griffin, for Mr. Case, the Senator from Indiana (Mr. Hartke) and the Senator from Connecticut (Mr. Ribicoff) were added as cosponsors of Senate Concurrent Resolution 21, calling for suspension of military assistance to Pakistan.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 79

Mr. BYRD of West Virginia, for Mr. Williams, submitted an amendment (No. 79) intended to be proposed by Mr. Williams to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 81

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY. Mr. President, in Vietnam, our Nation has been pulled into a quagmire in which more than 54,000 young Americans have died.

Many were draftees, plucked from the campus and the assembly line to forfeit their lives in distant rice marshes.

The vast majority were in their teens or early twenties.

They died in defense not of American shores or interests or liberties, but in an effort to sustain a far-away military oligarchy—an effort that has spanned 17 bloody years.

Well, that war must be brought to an end.

And so should the sacrifice of young men called by our draft.

Therefore, I am submitting an amendment to the Military Selective Service Act. Specifically, it will prohibit draftees from serving in any combat zone without prior congressional authorization.

This amendment will be a major step toward American disengagement from the war in Southeast Asia.

It will be a major step toward restoration of congressional authority over decisions of war and peace.

It will be a major step toward preventing administrations from launching expeditionary forces into foreign wars.

It will be a major step toward reducing the anxiety of our young that their lives will be wasted in a futile and foolish war.

It will be a major step toward ending the tensions now dividing our Nation.

Finally, it will be a major step in supporting two other amendments that will restrict the draft and bring it within rational limits.

One is by Senator Birch Bayh and would limit extension of the draft to 1 year.

The other is by Senator Edward Kennedy and would give Congress sole authority to increase the draft quota beyond a ceiling of 150,000 men each year.

To me, these amendments make sense. They permit the Nation to wind down the draft as the war in Vietnam winds down.

I would support one more amendment to the draft—the Hatfield-McGovern amendment that would do what most Americans want: end American involvement in Southeast Asia by the end of this year.

LICENSING OF INCOME TAX RETURN PREPARERS—S. 1527—AMENDMENT

AMENDMENT NO. 80

Mr. RIBICOFF submitted an amendment (No. 80) intended to be proposed by him to the bill (S. 1527) to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers, which was ordered to be printed and referred to the Committee on Finance.

NOTICE OF HEARINGS OF THE SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. RIBICOFF. Mr. President, the Subcommittee on International Trade of the Senate Finance Committee will hold its first round of hearings on major foreign trade issues facing the United States and the world from May 17 through May 21. The subcommittee has agreed on the need for the presentation of a broad spectrum of views. I believe the witness list, which is now complete, accomplishes this objective.

During the first day of hearings, we will receive testimony from Treasury Secretary John B. Connally, who may wish to comment on the implications of the current monetary crisis and its effects on the United States.

I ask unanimous consent to have printed in the Record the statement announcing the hearings. This statement includes three late additions, Secretary of Commerce Maurice Stans; George Shultz, Director, Office of Management and Budget; and Deputy Under Secretary of State for Economic Affairs, Nathaniel Samuels.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Press Release Announcing Hearings

Washington, D.C., May 10.—Senator Abe Ribicoff, chairman of the Subcommittee on International Trade of the Senate Finance Committee, announced today he will conduct hearings during the week of May 17 through May 21 on world trade and investment issues.

Lead-off witness will be Treasury Secretary John B. Connally, who will testify at 10 AM Monday, May 17 in Room 2221 of the New Senate Office Building.

Senator Russell B. Long, Chairman of the Finance Committee, created the Subcommittee on International Trade in March, appointing Senator Ribicoff as Chairman and as members Senators Herman Talmadge, Gaylord Nelson, Paul J. Fannin, and Clifford P. Hansen. Senators Long and Wallace F. Bennett are ex-officio members of the Subcommittee.

The chairman said the hearings will explore the significance of changes underway in the structure of the world economy as they affect the U.S. economy and American foreign policies.

Subjects to be examined include changing political and economic relationships around the world, the emergence of an enlarged European economic bloc, the rapid ascendancy of Japan and Eastern Asia in the global economy, the prospects for increased East-West trade and the adequacies of national trade policies and international rules and institutions for coping with the changing conditions in the world economy.

The Chairman said the changing conditions of world trade and production are related to the problems and economic prospects of the developing nations. The hearings, he said, therefore will include preliminary consideration of the implications of tariff preferences for the products of less developed nations.

The hearings will also cover the rapidly changing patterns of world agriculture production and consumption, with special attention to the so-called "Green Revolution" for both the developing nations and the U.S.

In addition, the Subcommittee will examine existing impediments and distortions to world trade and the recent tendency toward retaliatory trade policies.

Senator Ribicoff said that the witnesses who have been invited to testify represent a broad range of views of foreign trade policies and problems. The witnesses and the days they will testify are:

MAY 17

John B. Connally, Secretary of the Treasury.

Joseph Wright, Chairman, Zenith Corporation.

Dr. N. R. Danielian, President, International Economic Policy Association.

MAY 18

George Meany, President, AFL–CIO.

Maurice Stans, Secretary of Commerce.

Heindrick Houthakker, member, Council of Economic Advisors.

Ely R. Callaway, President, Burlington Industries.

MAY 19

George Ball, former Under Secretary of State.

Nathaniel Samuels, Deputy Under Secretary of State for Economic Affairs.

Sam Pisar, international attorney, Paris.

Senator Fred R. Harris (D-Okla.).

MAY 20

Clarence D. Palmby, Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture.

D. W. Brooks, Chairman, Goldkist, Inc.

Orville Freeman, President, Business International Corporation, and former Secretary of Agriculture.

MAY 21

Fred J. Borch, Chairman, General Electric.

Kenneth Davis, former Assistant Secretary of Commerce for Domestic and International Business.

Roger S. Ahlbrandt, President, Allegheny-Ludlum Industries.

George Shultz, Director, Office of Management and Budget.

The Chairman said the Subcommittee wishes to obtain a broad range of views and welcomes the submission of written statements for the record. These statements should be typed, double spaced, and have a summary. Five copies should be filed with Thomas Vail, Chief Counsel, Senate Committee on Finance, Room 2227 New Senate Office Building, Washington, D.C., 20510 by June 15. These statements will be considered by Subcommittee members.

Subsequent hearings by the Subcommittee will focus on specific issues and problems facing the U.S. in international trade. Persons interested in a particular trade problem can participate in the Subcommittee's oversight review at later hearings.

Senator Ribicoff also announced that the Subcommittee at its first executive session agreed to request the Executive Branch to undertake the studies which the full Committee had directed in the Trade Act of 1970, legislation which was not enacted into law.

Attached are texts of Senator Ribicoff's letters to Peter Peterson, Assistant to the President for International Affairs, and to Dr. Glenn Sutton of the Tariff Commission.

APRIL 21, 1971.

DEAR MR. PETERSON: As you know, the Committee on Finance determined in its deliberations over the Trade Act of 1970 that the Executive branch and the Tariff Commission should undertake a number of comprehensive studies in the field of foreign trade. The studies requested of the Executive are listed below:

(1) The most-favored-nation (MFN) principle and the exceptions thereto; their effect of MFN exceptions on intra-regional and extra-regional trade where common markets and free trade areas are concerned;

(2) The GATT provisions and interpretations on export subsidies and border taxes, the rationale underlying the differing treatment of "direct" and "indirect" taxes insofar as border tax adjustments are concerned, and the U.S. negotiating position on border tax adjustments;

(3) The adequacy of GATT provisions dealing with agriculture;

(4) The adequacy of the balance of payments exceptions in Article XII of GATT;

(5) The GATT provisions on unfair trade practices, fair international labor standards, and relief from injurious imports;

(6) The GATT provisions on "compensation" and "retaliation";

(7) The quantitive restrictions that remain in effect in many countries such as Japan;

(8) The common agricultural policy of the EEC;

(9) The border tax-export rebate system of the EEC, and the reasons why indirect tax rebates on exports are not considered "bounties or grants" within the meaning of the countervailing duty statute as interpreted by Supreme Court cases;

(10) Discriminatory government procurement policies;

(11) The probable effects of British entry into the Common Market on U.S. trade and balance of payments;

(12) The effect of foreign exchange-rate changes on United States trade and tariff concessions; and

(13) An analysis of whether or not greater flexibility in foreign exchange rates would serve in the interests of United States and world trade;

(14) The nature and extent to which other countries subsidize their exports, directly or indirectly;

(15) A comparative analysis of various proposals to extend tariff preferences to the products of less developed countries with particular emphasis on the effects on U.S. trade and investment patterns and on U.S. labor;

(16) The various agency responsibilities within the executive branch for handling all U.S. foreign trade matters, and the means by which policy coordination is achieved.

The Subcommittee on International Trade of the Finance Committee met in executive session on April 20 and agreed to request the Executive and the Tariff Commission to undertake these studies as soon as possible. I am writing to the Chairman of the Tariff Commission requesting the separate studies which the full Committee requested from that organization.

Your office appears to be well equipped to coordinate the Executive branch's effort in completing the studies requested by the Finance Committee last year. The Subcommittee believes that the results of these studies could lay the foundation for a trade policy adequate to the needs of the 1970's. We would hope that you would provide the Committee with in-progress reports and analyses on these issues as they are completed, rather than waiting until all the studies are completed.

APRIL 21, 1971.

DEAR MR. COMMISSIONER: (SUTTON)

As you may know, the Committee on Finance determined during its deliberations of the Trade Act of 1970 that the Tariff Commission should undertake a number of studies dealing with crucial issues in the field of foreign trade. These studies are listed below:

(1) The tariff and nontariff barriers among principal trading nations in the industrialized countries, including an analysis of the disparities in tariff treatment of similar articles of commerce by different countries and the reasons for the disparities;

(2) The nature and extent of the tariff concessions granted in trade agreements and other international agreements to which the United States is a party by the principal trading nations in the industrialized countries.

(3) The customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of custom valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation, based on rates of duty which will become effective on January 1, 1972; and

(4) The implications of multinational firms on the patterns of world trade and investment and on United States trade and labor.

The Subcommittee on International Trade of the Senate Finance Committee met in executive session on April 20 and agreed to request the Tariff Commission to proceed to study these issues and report to the full Committee as it completes various phases of its work. We would hope that the Commission could supply the full Committee with the results of its findings on these issues on a timely basis together with supplementary materials which may aid the Committee in its oversight review of U.S. foreign trade policies.

NOTICE OF ADDITIONAL HEARINGS ON PROGRAMS FOR OLDER AMERICANS

Mr. CHURCH. Mr. President, the U.S. Senate Special Committee on Aging has conducted 5 days of hearings in Washington, D.C., on an "Evaluation of the Administration on Aging and the White House Conference on Aging." In conjunction with that inquiry, several individual members of the committee are planning to conduct hearings during or soon after State conferences on aging are conducted in their home States during May or June.

Thus far, the following hearings have been scheduled:

Senator EDWARD J. GURNEY will preside at a committee hearing in the Park Plaza Hotel, Orlando, Fla., at 10 a.m., Monday, May 10, 1971. This session will be open to the public.

Senator JACK MILLER will preside at a committee hearing in conjunction with the Iowa State Conference on Aging in the Veterans Auditorium, Des Moines, Iowa. The hearing will begin at 2 p.m., Thursday, May 13, 1971, and will also be open to the public. The conference is scheduled to begin at 9 a.m. that same day.

I will preside at the committee hearing to be held at the YWCA in Boise, Idaho, at 2 p.m., Friday, May 28, 1971. All interested parties will be invited to attend.

NOTICE OF HEARINGS ON RAILROAD RETIREMENT INCREASE

Mr. CRANSTON. Mr. President, for the information of Senators, I wish to announce that the Subcommittee on Railroad Retirement of the Committee on Labor and Public Welfare has scheduled public hearings on a proposed 10-percent increase in railroad retirement benefits. The hearing will commence at 1:30 p.m., in room 4232, New Senate Office Building.

The distinguished Senator from Wisconsin (Mr. NELSON) announced this hearing on my behalf last Thursday, May 6, 1971. This additional notice is to specify the time and place of the hearing, which were not certain at the time of the previous notice.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of Senators under orders previously entered, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business tomorrow, the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the debate on the unfinished business, H.R. 6531, the distinguished junior Senator from Alaska (Mr. GRAVEL) be allowed up to, but to exceed three members of his personal staff on the floor at any one time, with the exception of during rollcall votes. In justification therefor, I offer the fact that the junior Senator from Alaska is the leader of the opposition forces to the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator from Maryland (Mr. BEALL) be granted a leave of absence from the Senate for a period of 2 weeks because of illness.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LIFE, LIBERTY, AND THE PURSUIT OF VIOLENCE

Mr. BYRD of West Virginia. Mr. President, the Washington Sunday Star of May 9 published an editorial which summed up the results of last week's demonstrations in our Nation's Capital. The editorial was entitled "Life, Liberty, and the Pursuit of Violence."

The editorial noted that the demonstrations failed in their "avowed purpose of stopping the war or stopping the Government," but added that the judicial branch of our Government "was briefly reduced to near chaos." This, the editorial rightly notes, had the effect of making "the Mayday tribes the chief victims of their own disruptions."

Mr. President, the Sunday Star concedes that the tactics used by police resulted in the arrest of some innocent persons and in the temporary violation of the constitutional rights of a number of demonstrators. However, the editorial states that "given the extraordinary circumstance on May 3—the police had no practical alternative."

This is my feeling exactly. On occasions during the disruptions, I contended that the civil rights of a mob must never be placed above the civil rights of innocent, law-abiding citizens.

The editorial in the Sunday Star of May 9 articulates that position in a most incisive, cogent, lucid, and forthright manner.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LIFE, LIBERTY AND THE PURSUIT OF VIOLENCE

By the week's end, it was hard to believe that it had really happened.

The quiet, orderly crowd's were back by Friday, strolling down the streets that, four short days before, had been something close to a battleground, driving over the bridges that had been lined with troops, posing for photographs on the Capitol steps where, two days earlier, those who came in anger had gathered by the thousands for inevitable confrontation and arrest.

The abrupt return to normal has already bathed the thunderous events of the past week in the diffused light of unreality, much as the terror of a nightmare begins to fade with the dawn. But this nightmare was real. Helicopter-borne troops did land on the Washington Monument grounds. Our streets were filled with debris, with tear gas, with rage and with repression. Some 12,000 American citizens were rounded up and carted away by the busload to detention centers. They were held, for periods ranging up to 48 hours, in conditions described by a judge as "cruel and inhumane."

It has been said—and acknowledged by some of the protest leaders—that the demonstration failed. Certainly it failed in its avowed purpose of stopping the war or stopping the government. But it should be noted that one branch of government was briefly reduced to near chaos. The judicial branch was overwhelmed by the size and the vehemence of the protest. Due process of law was the sole governmental casualty, making the Mayday tribes the chief victims of their own disruption.

The hoisting of the engineers of chaos on their own petard is more than a mildly sardonic joke. It is a practical lesson in the nature of society. It is a lesson that all of us—and particularly those who advocate extremism in pursuit of their peculiar view of virtue—must study with care.

There is, at present, a lively debate under way over the tactics used by police to control the disorders. The civil libertarians, and particularly the lawyers among them, view the law enforcement procedures that were employed as an outrage. They argue that innocent men and women were swept up in the dragnet and jailed for no cause other than youth, length of hair and style of dress. They contend that police procedures violated the requirements established specifically for dealing with mass disorder; that, in a high percentage of cases, the arrests were illegal, based on a supposition of intent to commit a crime and not on specific criminal acts; that prisoners were, in many cases, never advised of their rights, and were detained too long under atrocious conditions.

Those of us who believe that the police, for the most part, acted properly cannot deny the technical validity of these arguments. A number of those detained were innocent. Many, probably a large majority, were improperly arrested and deprived of their constitutional rights. But it is our conviction that, given the extraordinary circumstances on May 3—the orchestrated plan of disruption, the widespread vandalism, the clear and present danger of mass violence—the police had no practical alternative. To have employed the prescribed street-arrest procedure at the height of the disorder would have tied authorities' hands securely in red tape and guaranteed the success of the Mayday plan. The city had two choices: Capitulation or the imposition of de facto martial law. It made the right decision.

In reality, though, the argument over the propriety of the police action is meaningless. Debating points, legalisms and constitutional niceties are quite beside the point. The overriding fact is that the basic drive of society is self-preservation; that governments, like individuals, react to threats with an instinct for survival. It is a lesson that has been repeated throughout history.

Government, in the crunch, always has the right, indeed the duty, to take whatever steps are necessary to prevent anarchy and dissolution.

The shrill assertion by the Mayday leaders that the reaction of the District demonstrates the fascist nature of the American government is patent nonsense. The man who reacts to protect himself against physical attack is not guilty of assault. The government that reacts to violent disorder with a temporary curtailment of individual rights is not guilty of fascism. Both have been forced by events they did not originate to take actions that are foreign, even abhorrent, to them.

It must be recognized, however, that the waiving of traditional rights carries with it the real danger that the rhetorical prophesies of the radical left can become self-fulfilling. All too easily, as history has shown, expediency can be substituted for necessity, lawful protest can be confused with insurrection, dissent mistaken for treason. Repression of liberty must never be lightly accepted. It must be seen for what it truly is: A tragic, temporary defeat inflicted on this society by those who would destroy it.

If this country ever abandons its incomparable heritage of freedom, it will come about not through the efforts of the far right or because of any natural gravitation to totalitarionism. If liberty is lost, it will be abandoned in panicked reaction of the majority to the excess of the left. That is a fact to be pondered by those thousands who came to the city intent on creating anarchy in the forlorn belief that disruption could force instant peace in Indochina. It is a fact that is fully appreciated by those among the radical leadership who see the peace issue only as a means to their expressed end of the destruction of the system, a lever by which the government can be moved to permanent repression, by which society's divisions can be widened until there is no middle ground, and the goal of self-destructive polarization is achieved.

Those of us who believe in freedom must resolve never to become the unwitting agents of those revoluntionaries who demand freedom for themselves, and who seek to silence all who oppose them. We must not be pressured into intolerance or a casual acceptance of repression. We must never lose sight of the obligation to defend the rights of those with whom we may differ, whether they be ex-soldiers demanding an immediate end to war or civilians clamoring for military victory in the name of Christanity. Dissent and legal protest are not annoyances to be tolerated; they are fundamental rights that must not be diminished.

The illegal protest, the demonstration specifically planned to break the law and designed to threaten the rights and the safety of the majority, also makes demands on society. There is an obligation to end the disturbance, to control it promptly, applying a minimum of force. If, in order to meet those obligations, due process must be temporarily suspended, it must be restored at the first possible moment.

The Mayday leaders have announced their intention to return this summer, and to spread the policies of disruption to other major cities around the country. There is no reason to question their sincerity.

Those in authority, here and elsewhere, would do well to use the brief breathing spell to search for a more orderly means of containing the coming deluge. Provision should be made for the detention of large numbers in something other than subhuman conditions. Consideration should be given to establishing a procedure for a declaration of emergency by the civilian authority of the city, whereby demonstrators could be removed from the streets and held in protective custody, without formal charges, for the duration of the disturbance. Jails and prison records would then be reserved for those caught committing crimes on the scene. The police would be freed of the obligation of bending, stretching and occasionally breaking the law in order to restore the peace. And the radical leadership would be deprived of a new store of rhetorical ammunition in its assault on the citadels of individual human freedom.

ADDRESS BY SENATOR SMITH AT RICKER COLLEGE

Mrs. SMITH. Mr. President, editorial reaction to a recent address of mine—the commencement address at Ricker College in Houlton, Maine, on April 24, 1971—gives special meaning to me of the old saying of "Beauty is in the eyes of the beholder."

The Brunswick, Maine, Times-Record characterized my address as "spouting strange doctrine that seems to be saying—or at least strongly implying—that one of the best ways to preserve democracy in America is to destroy a large part of it."

In contrast the Bangor, Maine, Daily News commended me as "knowledgeable and perceptive" and said of my address that it was "a recipe for closing the generation 'gap' " and that "in these days of bull-horn bellowing" I had "quietly contributed words of wisdom that will be applauded by most Americans." I am grateful for the applause of the Bangor Daily News.

It is not my custom to place my addresses in the Record. But I make an exception this time because these two widely contrasting reactions may cause some curiosity as to just exactly what I did say. Consequently, I ask unanimous consent that this address of mine be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Senator Smith

Mr. President, Trustees, Members of the Faculty, Graduates of 1971, Parents and Friends of Ricker College:

I deeply appreciate the honor that Ricker College does me—you give me courage and at a time when it is most welcome, for never have I seen our people more disturbed and disunited.

We lament the lack of communications with each other, but too many of us want to shout and not listen to the other fellow.

It is high time that we stop, look and listen, whether we are old or young, black or white, Asian or American, Democrat or Republican—in or out.

In these turbulent times, when basic concepts, mores, patterns and values are being so keenly and even violently challenged, our greatest national need is "UNITY." When we determine priorities let us put Unity first, even ahead of individual liberty that too many piously cloak over acts of violence and nihilism.

What about this "UNITY" that we so greatly need, individually and collectively, for ourselves, our society and our nation? We know what it is—but how do we even try to achieve it?

The first thing is to start being civil to each other—and speaking of civility, historians point out that while it takes centuries to create civilization it takes only a generation, yes, even as little as a year, to destroy it.

After we start being civil to each other—then we had better start communicating with each other. But in that process of communicating with each other in order to make it effective, productive and meaningful, we need to establish a high degree of credibility. In short, we had better—each and every one of us, old and young alike, start being civil, communicative and credible.

The desired "UNITY" should start right back in the home and with the family.

We must unite mature counsel with young ideas if we are to achieve unity, we elders must recognize that some of the so-called "wild" initiatives of Youth have produced some greatly needed reforms and remedial actions from Legislative Chambers and Executive Offices. This has so effectively been pointed out by Doctor Ariel Durant, the distinguished historian.

But like communication, in order for unity to be achieved it must be a two-way process. Young people must learn to listen as well as to speak. We of the older generation must realistically recognize and give proper credit to the imaginative innovations of youth just as youth should not discount the values of traditions.

We of the older generation must not dampen the ardor of experiment advocated and practiced by youth—just as youth should not disregard the valuable experience that we elders can contribute.

The unity we must strive for is the fusion of youthful experiment with older experience.

Finally, in achieving desperately needed unity for ourselves, our people and our beloved nation let us not forget and let us recognize that we are the most fortunate people in the history of the world in being citizens of the greatest nation in the history of the world.

In these troubled times when we read and hear so much of the shrill and violent degradation of our way of life and "see no evil, hear no evil, speak no evil," may seem to have been replaced in vogue with a new creed of "see no good, hear no good, speak no good."

Let us recognize that no people in the history of the world have enjoyed as much freedom and liberty and unabridged exercise of the right of dissent as today's Americans.

WELFARE REFORM

Mr. TALMADGE. Mr. President, the May issue of Nation's Business magazine contains an excellent discussion of proposed welfare reform, written by Senator Russell B. Long, of Louisiana, the distinguished chairman of the Committee on Finance.

The Finance Committee has worked long and hard on welfare legislation that has been proposed by the administration and various Senators. I wish to commend Chairman Long for the outstanding leadership he has given the committee and the Senate on this complex and controversial issue. His interview with Nation's Business is one of the finest discussions of some of the problems involved that I have seen. I bring it to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Welfare Costs: Sky-High or Down to Earth

The Congressional spotlight is focusing this year on committees dealing with such crucial domestic issues as welfare reform, revenue sharing and health insurance.

A center of attention is the powerful Senate Finance Committee and its chairman, Russell B. Long (D.-La.).

Of the three big issues, the first the Senate Finance Committee will tackle after House passage will be a plan for reshaping the welfare system.

While there is little controversy over the plan's goal of putting able-bodied welfare recipients to work, Congress is in round two of the great debate over proposals to commit the federal government to the concept of a guaranteed annual income.

It was Sen. Long who last year blocked House-approved Administration proposals that would have more than doubled the relief rolls.

The Senator held then that the Administration approach did "not solve the problem" but just made "it cost $4 billion more" and contained "fantastic, illogical incentives for people to quit work."

He has promised he will give equally close scrutiny to this year's version of the welfare bill and insist that it contain enforceable, realistic work requirements.

The welfare issue has become of major concern at all levels of government and in all walks of life.

Costs have soared and programs to help the poor have gone wide of the mark. [See "Saving the States from Bankruptcy" by California's Gov. Ronald Reagan, page 56.]

The National Governors' Conference wants the federal government to take over all welfare costs.

The Administration proposed to Congress a minimum income maintenance program of $1,600 a year for a family of four, plus food stamps worth an additional $800 a year. States could supplement those benefits if they wished.

The recommendations were revised by the House Ways and Means Committee into the presently pending plan for a $2,400 cash payment without food stamps.

So-called "working poor" also would benefit. For example, an employed father with a wife and two children who makes less than $3,920, would receive a federal supplement to reach this level.

Another proposal by Sen. Fred Harris (D.-Okla.), would be more generous both to non-working welfare recipients and to the "working poor."

Sen. Long, a staunch advocate of aid to the needy, talks in this interview with Nation's Business about such proposals, about abuses in the welfare system and about his fears that welfare's costs could go out of sight.

Senator, how do yo feel about the federal government assuming all of the cost of Welfare?

It may well be that the government should take over the cost of providing income for the aged. We are doing most of that already under Social Security. But I am fearful of the government attempting to take over the program for the younger people.

The cost of that program has been increasing by 50 per cent a year.

I find that the principal limiting factor to welfare expenditures in the family area has been that the states do not have unlimited funds with which to match federal contributions, and this tends to hold the cost down.

Could you comment on the Administration's proposals in this area?

The Administration's suggestions would cause the cost of the program for families with children to increase by 140 per cent in a single year. And you can be sure this will be regarded as inadequate. It will be implemented by more liberal suggestions that, in my judgment, could cost us more than $100 billion a year.

How do you arrive at such a figure?

Sen. Harris has a proposal, which has a great deal of support right now, to provide that we pay to all needy families enough income to bring them up to the government-defined poverty level. That would increase the number of people on welfare from 10 million to 59 million.

And that would cost how much?

According to the Department of Health, Education and Welfare the federal cost would increase from $3.9 billion to $12 billion a year. Now that's in the children category alone. But the more likely cost is $17 billion. That is what our staff has come up with and their estimates have proved to be far more accurate than those of HEW. We have found that HEW estimates of costs of important programs have oftentimes been as low as 10 per cent of what a program actually costs after a year or two.

Where does the rest of the cost figure in?

If this program were implemented—and more than 25 per cent of the people in the country were placed on welfare—it would set the stage for, and give major political backing to, the scheme of the National Welfare Rights Organization.

What is this plan?

It originally called for a minimum guaranteed annual income of $5,500 for a family of four without a working member. Benefits would continue on a reduced scale even if one or more members went to work—until earnings reached $11,000.

The plan would place 98 million people on welfare. HEW last year estimated it would cost an annual $56 billion. Our staff put that at closer to $70 billion. Now these costs should be projected.

Why do you say that, Senator?

Those people would not be satisfied with $56 billion. You would soon hear the question raised: How can a family of four live on $5,500? And soon every family of four drawing $5,500 would enthusiastically agree they could not live on $5,500, with the result that the payment would be increased beyond that figure.

In fact, the National Welfare Rights Organization only recently announced its support of a House bill to set a $6,500 guaranteed minimum.

So I think that in eight years we would be living at a welfare program level where aid to families with children would cost over $100 billion a year alone.

What effect would all this have on the cost of government?

Well, taken together with an equally liberal health program, it could double the cost of government. Keep in mind that this is not the end, and that we will be doing other things at the same time.

The federal government has done many things to increase the cost of programs without intending to do so.

For example?

A prime example is the placing on the payroll of thousands of so-called poverty lawyers—working for the Office of Economic Opportunity—who have undertaken to represent the poor. In some cases, these poverty lawyers are suing the federal government itself. Nobody in his right mind would hire a lawyer to file a lawsuit against himself. It is utterly ridiculous.

What effect has this had on existing welfare programs?

These poverty lawyers have had the greatest victories—at federal expense—in winning lawsuits against the states, forcing the states to do things that the federal government did not think the states should be required to do in the first instance.

For example, the law that Congress passed for aid to families clearly spelled out that a state was expected to have a residence requirement. The poverty lawyers won a case before the Supreme Court that the residence requirement violates the equal protection clause of the Constitution.

Has this led to abuses?

It certainly has. Without a residence requirement, it is within the capability of any person to get on welfare three or four different times in as many states. The state is powerless to inquire where the person lives or to insist that the person live in the state at any given period.

So this person I am talking about can very easily cross state lines and continue to draw a welfare check in the state from which he left and draw one also in the state to which he has moved. A person in New York could easily be on welfare rolls in New York, Pennsylvania, New Jersey, Connecticut and Rhode Island, and at very little expense to himself.

Is there any way of stopping this?

When we put Social Security into effect it never occurred to anyone that some people would seek more than one Social Security number for such a purpose. In Louisiana we are now discovering that some people have as many as five Social Security numbers and we are finding cases where people on welfare are collecting as many as five checks through a single welfare office.

Is this widespread?

It is impossible to know how much welfare cheating we have right now because there is no way we can check on one state's welfare rolls against another's to determine which people use multiple names and multiple Social Security numbers.

Hasn't the government claimed the extent of this fraud is negligible?

The Department of Health, Education and Welfare is spreading fraudulent propaganda about their welfare programs. They claim that only 1 per cent of their rolls reveal detectable fraud. That word "detectable" should be looked at carefully. It is perhaps the joker in the deck. Some studies that have been made show that as many as 79 per cent, in one extreme example, of people on family assistance rolls are receiving more than they are entitled to or even are totally ineligible.

Would you cite an example?

Here in the District of Columbia Sen. Robert Byrd (D.-W. Va.) made a study some years ago and found that 59 per cent of the welfare recipients were ineligible and another 20 per cent were being overpaid. That's a cumulative total of 79 per cent. And this program was completely under the administration of HEW.

Since then, the Department has liberalized its programs and the poverty lawyers have made many people eligible who were not eligible before.

What is the outlook for welfare in this country?

The program is being made so burdensome that states cannot possibly administer it. The states will call upon the federal government to take it off their hands. At that point those who favor vast increases in welfare will contend that everyone can have much greater benefits because of the federal government's theoretically unlimited resources.

Senator, what is your record on welfare?

I believe that I have been as liberal on the welfare program as anybody. Down through the years I have advocated amendments for the maximum possible increase in payments for the aged. I have supported amendments for increases for families. I have voted on practically everything of that sort until this Congress.

It is only these revelations that the program is loaded with fraud and that the so-called reformers would retain all the mischief of the existing program and double the size and cost of it without improving its efficiency that caused me to feel that I cannot support the program as it is being proposed by the Administration.

Work incentive tied in with welfare has been tried before. Has it been effective?

It has not worked because under the Johnson Administration, HEW used its best efforts to keep it from working. HEW actually called meetings to show how to keep the work incentive program from succeeding and how to frustrate the intention of the Congress.

We are still trying to find ways to improve on the work incentive program. The difficulty is that those people in HEW, who seem to stay there no matter who is President, have plans for the contrary. The logic of some of that scheming is almost beyond belief.

For example, some of those people in the Department feel welfare payments should be so high and eligibility should be so broad that a person would be assured of as much as $5,500 a year without working.

What do you mean, Senator?

The theory is that if a person were assured that much money without working, he would not take a job unless it paid a lot more than that, and the work was pleasant. So presumably a person would not take a job unless it was paying him at least $11,000 to do something he enjoyed doing.

The idea is that if you make your welfare payments high enough and easy enough for people to get for not working, then nobody would have to take anything but a good job.

It is hard for some of us to see who is going to do the work that someone has to do if society is going to continue to operate. Somebody has to pick up the trash if the streets are to be kept clean.

The Nixon Administration has proposed that 265,000 public service jobs be created under the President's welfare program. What is your view on that?

I favor it.

Is the Congressional climate better now to do this?

Yes, I think that it is likely to happen. But here's what I think we ought to do first: We ought to have federal programs in times of slack employment to try to provide the maximum amount of employment in the private sector. For example, if we have as much as 6 per cent of unemployment, which we have now, we ought to try to absorb perhaps 40 to 50 percent of those unemployed in the private sector.

Then when we reduce our unemployment to the extent that we reasonably can by private methods, we should provide marginal jobs in the public sector. Those marginal jobs—cleaning up the litter, beautification of communities, improvement of parks and playgrounds—could be made available to a lot of people who otherwise would be welfare recipients.

How about women with children where there is no husband support?

We ought to make every effort to require the husband to support his children—which is not being done now—before we require society to support those children.

As it stands today, the desertion of a child is only a matter of domestic law within a state. It is difficult to find the father, and if you find him, he moves somewhere else.

Is there a way to make these fathers shoulder their responsibilities?

We should require that the tax collector use the Social Security numbers, which are the same as the tax numbers, to find these fathers wherever they show up. We could have a federal law to accomplish this.

Then we could take some of these poverty lawyers and put them to work representing the federal government. They could file suit against fathers who decline to acknowledge, much less support, their own children.

Only when we have exhausted our remedy against those who have the first obligation to support their children should the government assume the entire expense of trying to support mothers with children.

How much would that cost the government?

Some people want to make child care run as high as $2,500 per child per year. I hope it will not cost anything like that in the early stages. We should try to hold the cost down because here again is a federal program which could cost $10 billion a year for openers.

ADDRESS BY SWEDISH AMBASSADOR HUBERT DE BESCHE ON 250TH BIRTHDAY ANNIVERSARY OF JOHN HANSON

Mr. MATHIAS. Mr. President, some 200 distinguished Maryland citizens gathered in the Capitol recently and celebrated the 250th birthday anniversary of John Hanson, who was the first President of the United States in Congress Assembled under the Articles of Confederation. Among those who joined the celebration was Swedish Ambassador Hubert de Besche. One of Hanson's ancestors came to this country from Sweden in 1642 at the request of Queen Christina.

I ask unanimous consent that Ambassador de Besche's remarks on this occasion be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE AMBASSADOR OF SWEDEN, HUBERT DE BESCHE, ON APRIL 14, 1971

Senator Mathias, Ladies and Gentlemen, I feel it a great privilege to have this opportunity of sharing with you all in the celebration of the 250th anniversary of the birth of John Hanson. John Hanson was the grandson of one of the first Swedish settlers in this country. In later waves of immigration to the United States the emigrants left their countries in Europe because of overpopulation and economic hardship and were seeking the promised land in the New World. But the group that was sent by the Swedish King to the Delaware Valley in 1638 to explore the possibilities of Swedish settlements in the New World included the very best representative of the Swedish Government and administration.

It is a great satisfaction to know that when we honor John Hanson it is just because his leadership so very much represented the same ideals of democratic Government to which Americans and Swedes are equally devoted.

We are very conscious in Sweden that if there is a good opinion of the Swedish people among the American people it is primarily due to men like John Hanson. We are of course perfectly aware of the fact that these men in the first place are Americans and citizens of their new country. At the same time we cannot but follow their fortunes with interest and sympathy and are happy to know that the Swedes have become good citizens in their new country.

I am therefore very glad to be here today and to join in celebrating this great American and great Swede, John Hanson.

SPORTS EVENTS SHOULD NOT BE CONTROLLED BY PROMOTERS ON CLOSED-CIRCUIT TELEVISION

Mr. RANDOLPH. Mr. President, the dangers and unfairness of allowing promoters to monopolize and control access to a sports event through closed-circuit television was forcefully brought to public awareness during the recent championship fight between Joe Frazier and Muhammad Ali. It is certain that the financial implications of that closed-circuit TV broadcast will generate increased activity by promoters to arrange similar closed-circuit viewing for other major athletic activities. If this practice is not restricted, we will come to the time when the home television audience will be deprived of the opportunity to view—to enjoy—important sports contests.

There was a time when the public service awareness of those organizations and individuals directly involved in a particular sport might have insured that the closed-circuit television threat would be controlled. But those groups and persons have long since abandoned the greater public interest and benefit for the profit motive. Clearly, the promoter will be guided by the dollar sign. Thus, the possibilities of self-policing or restraint within the sports world are negligible when such enormous profits are involved.

Mr. President, although the American public generally will suffer from the expansion of closed TV broadcasts, I think we should particularly consider the impact on the young people, the elderly, the sick or handicapped, and low-income families and individuals. They, too, enjoy sports events, but their access to them will be eliminated.

There are other implications involved in the closed-circuit broadcasting.

There will be no free trade in the athletic world—professional and collegiate.

Promoters will tie up certain events offering fantastic amounts of money but will only be able to program outlets for small numbers of persons who can afford to pay the price.

TV sponsors will be deprived of the opportunity to advertise on national and regional TV to large segments of the community.

There will be a deterioration in the existing competition to bring a sporting event to the people of our Nation and there very well could be the elimination of sports broadcasting on TV as we know it today.

Mr. President, on April 1, the able Senator from Illinois (Mr. STEVENSON) introduced S. 1435, a bill which prohibits the closed-circuit TV broadcast of any sports event to a paying audience outside the home, except when the Federal Communications Commission determines that it is not commercially feasible for the event to be broadcast on free TV.

I am a cosponsor of this measure which, I believe, if it becomes law, will assure the people of our Nation maximum access to sports events, in which the public has an interest.

THE EXECUTIVE REORGANIZATION PROPOSALS AND EMPLOYEE SECURITY

Mr. PERCY. Mr. President, the President's proposals to reorganize seven of the existing Cabinet departments and a number of other agencies into four new Departments of Community Development, Natural Resources, Human Resources and Economic Affairs would create a significant realinement of present offices and agencies and their personnel to the new departments. One result of this projected reorganization has been the apprehension that some existing jobs will be eliminated. This raises real human and organizational problems that we must seriously consider. No one wants to create needlessly an environment of insecurity and disorganization; this can result in demoralization and it can hurt the functioning of the existing agencies.

In his message to Congress transmitting the reorganization bills the President took note of this special problem. He said:

> I would emphasize . . . that any reduction in the Federal work force attributable to this proposal would come by normal turnover; no civil servant should lose his job as a result of this plan.

To implement this policy each of the four departmental reorganization bills, S. 1430–33, contains a provision providing that each person transferred under any of the bills cannot be separated or reduced in grade or compensation for 1 year after he is transferred. These provisions in the bills should help reassure civil servants about the stability of their jobs.

An additional measure of the President's intent, however, is provided by his March 30 memorandum to heads of executive departments and agencies concerning employee security. In this memorandum, the President reiterates that "it is my intent that any subsequent reductions in staffing which may occur as a result of the reorganization be accomplished through normal turnover," and directs the Secretaries of the new departments to work closely with representatives of employees now covered by collective bargaining agreements.

Pursuant to the President's memorandum an inter-agency working group chaired by the Director of Personnel and Training for HUD was established to coordinate efforts to inform personnel of agencies affected by the reorganization bills.

It is expected that as the departmental reorganizations are implemented there will be opportunities for increasingly efficient operations and for cost savings. These savings have been approximately estimated by Roy Ash, chairman on the Council on Executive Organization to be as much as $5 billion. But, as the President indicated, it is his intention that such savings will result through better and more efficient management, not through the elimination of jobs.

I ask unanimous consent that the memorandum referred to above be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

COMMUNICATIONS WITH EMPLOYEES CONCERNING REORGANIZATION OF THE EXECUTIVE BRANCH

(Memorandum to heads of executive departments and agencies)

As proposed in the State of the Union address, I have presented to the Congress legislation to reorganize several of the domestic departments of the Executive Branch. As you know, the reforms I have proposed will affect directly seven of the present Cabinet Departments and several independent agencies. These changes will not alter the role and purposes of the government; rather, they will improve the manner in which the government conducts its business and serves the people.

The ultimate success of this effort to achieve fundamental reform in the organization of the Executive Branch will depend in large part on your full support and cooperation and that of all Federal employees. I am confident that I may rely on such support and cooperation.

All employees of the Federal government and particularly those in the affected agencies and departments have a vital interest in the proposed reorganization. At the same time, I know that, as citizens and employees, they share my goal of making the Federal government a more effective institution in our society. This interest and commitment makes it imperative that all employees in the agencies and departments be informed of the provisions of the plan which most directly affect them and be kept informed of the progress of the reorganization proposals.

I am relying on you to see that your employees are so informed. It would be particularly appropriate to call their attention to the following policies associated with the reorganization effort:

The legislation creating the new departments will contain assurances that no civil servant will suffer loss of employment or reduction in compensation by virtue of the reorganization for a period of one year after the new departments come into existence.

Further, it is my intent that any subsequent reductions in staffing which may occur as a result of the reorganization be accomplished through normal turnover.

It is also my intent that the Secretaries of the new departments work closely with the representatives of those employees covered by existing collective bargaining agreements established under E.O. 11491 to minimize any possible impact on the constructive relationships that have developed.

We have an unprecedented opportunity to build a government in which civil servants and the public alike can take pride. Your support and cooperation will make that goal attainable.

THE 47TH ANNIVERSARY OF FBI DIRECTOR J. EDGAR HOOVER

Mr. BYRD of West Virginia. Mr. President, today marks the 47th anniversary of J. Edgar Hoover as Director of the Federal Bureau of Investigation—and, during these past 47 years, no man in government has made greater contributions to the Nation than has Mr. Hoover.

Born on January 1, 1895, in the District of Columbia, Mr. Hoover became acting Director of the politically-embroiled Bureau of Investigation on May 10, 1924. He moved immediately to take the Bureau out of politics, changing its direction so that today it serves the very real needs of the Nation. By setting educational requirements and a strict code of personal conduct, Mr. Hoover has made the Special Agent the most respected law enforcement officer in the world.

Mr. President, in the field of crimefighting, Mr. Hoover's accomplishments are legion—a superior fingerprint identification process, the National Crime Information Center, and the National Academy at Quantico are just a few of his tangible contributions. His intangible contributions are just as great, and today the FBI stands as a living monument to his life's work.

Unfortunately, Mr. Hoover has been loudly criticized in recent weeks—both in the news media and on the floor of Congress. I think it is fitting, then, that Mr. Hoover be commended today for his outstanding abilities, unfaltering determination, and unquestionable loyalty, all of which have helped to make the FBI an outstanding agency of the Federal Government.

Mr. Hoover deserves the heartfelt gratitude of all Americans for his 47 years of service, not only to the FBI, but also to the Nation.

SALUTE TO AGRICULTURE DAY

Mr. CURTIS. Mr. President, last Friday was "Salute to Agriculture Day" at the White House.

It was a day in which the administration's increasing awareness of agriculture, its needs, and its contributions were clearly evident.

I think that awareness is becoming increasingly obvious throughout the Republican Party.

As an indication of that, I ask unanimous consent to have printed an editorial published in this week's Republican publication "Monday." The editorial, entitled "The American Farmer: President Nixon Cares," was written by the Republican National Chairman, the Senator from Kansas (Mr. DOLE), who is also a member of the Committee on Agriculture and Forestry, and who is keenly aware of the part that agriculture plays in America.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE AMERICAN FARMER: PRESIDENT NIXON CARES

(By Senator DOLE)

Due to the President's success in controlling inflation and in winding down the war in Indochina, we can expect him now to be able to devote more of his time and energy to some strictly domestic issues. And, as evidenced by his recent radio address on agriculture, and by the "Salute to Agriculture Day" he hosted Friday at the White House, farming ranks high among the President's domestic concerns.

Speaking to Americans, President Nixon reported on "the success story of American agriculture," calling our country's "first industry" a "keystone not only for our economic strength but for our entire way of life." He did not, however, overlook the many challenges confronting the farmer, nor the need for farm incomes that are commensurate to those received in other segments of the economy.

President Nixon recognizes farm problems, and judging by some early results, is implementing the right kinds of programs to solve many of them. He was able to predict last week that the total income of American farmers will be higher this year than ever before in our history.

This Administration's policy to stimulate export markets is a major reason for the increase in farm income. In 1968, the President promised to increase farm exports (which in fiscal year 1968 actually dropped by half a billion dollars). Farm exports this year will be at an all-time high, reaching a value of at least 7.4 billion dollars. The President has delivered his campaign promise, and more. Farm exports are expected to break the $10 billion barrier by the next decade.

Another reason for agriculture's brighter future is the President's strong belief in the "free market system." In contrast to previous programs that emphasized supply management, the government-controlled view of commodity movements, this Administration's farm programs place the point of agricultural decision making as close to the individual farmer as possible.

Although, whenever possible, the President wants to place the onus of agricultural decisions on those who are directly affected, he does at the same time recognize the need for "government backup," especially when it can assist in alleviating the "cost-price squeeze."

Acknowledging the fact that "increases in total income are not always reflected in more farm net income," President Nixon explained that more than two-thirds of agriculture's gross income goes back out to pay for farm expenses.

In addition, he announced the following recommendations to help the farmer: $1 million more for the Foreign Agricultural Service; $100 million more this year for U.S. insured loans to rural water and sewer systems; $2 million more for fire ant and gypsy moth control and $7.6 million more to fight southern corn leaf blight, cattle ticks and other pests.

Because this Administration understands farming needs and appreciates its importance both here and abroad, our country can look forward to remaining "the best fed, the best clothed nation on earth," and now farmers can look forward to receiving improved compensation for their efforts.

ADDRESS BY DONALD COMER, JR., PRESIDENT, AVONDALE MILLS

Mr. ALLEN. Mr. President, Avondale Mills, with general offices at Sylacauga, Ala., but with a number of textile mills throughout Alabama and in Georgia, was founded some two generations ago by Hon. Braxton Bragg Comer, Governor of Alabama, 1907–11, and U.S. Senator from Alabama, March 5 to November 2, 1920.

Subsequently, Donald Comer, a son of the Governor, and J. Craig Smith, a grandson, each served as chief executive officer of the company, and Donald Comer, Jr., another grandson, is now president, treasurer, and chief executive officer of the firm, and J. Craig Smith is chairman of the board.

Avondale Mills is a good citizen in the areas where it does business and is a good citizen of the Nation. Its many thousands of employees are fine citizens of their respective communities who have contributed greatly to the success of Avondale Mills and of their communities. They are law-abiding, hard-working, God-fearing, loyal Americans, and it is their efforts and the efforts of other Americans like them that have made our country the greatest country in the world. I am proud of them and of their accomplishments.

Each year Avondale Mills brings to Washington for a visit some 30 employees who have been winners in what is called "Avondale Mills Zero Defects" program. On April 28, 1971, along with my senior colleague from Alabama (Mr. SPARKMAN) and other Members of the Alabama delegation, I had the pleasure of attending a luncheon in the Rayburn Building given in their honor. At the luncheon Donald Comer, Jr., made a speech which I believe will be of intreest to the Members of this body and to the public generally. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF DONALD COMER, JR.

A group of International Economists gathered in Bologna, Italy the middle of April. Sometimes it is very hard for me to understand economists, but it is not hard to get the sense of this meeting as reported in April to the New York Times by Leonard Silk. As a group, they were convinced that there is something seriously wrong with the International monetary system. They report that the first thing which is wrong is the United States balance of payments.

Last year we paid $10 billion more for goods and services produced out of this country than we received for our products and services for the largest deficit in our history. Some of our economists have been saying that in 1971 the payments deficit would shrink to perhaps $5 billion. Instead, the first quarter alone apparently produced a $5 billion deficit which of course is at the rate of $20 billion a year and growing rapidly. This fact may startle some, but the course we are following practically guarantees the result.

In this country we presently enjoy the highest standard of living in the world. All of us would like to see it higher. We pay ourselves wages that allow us to buy many things we could never afford before. In recent years we have increased our rate of pay more than our productivity. Under these conditions the prices of our products must go up. This we call inflation. If our answer to the higher priced product made with American labor is to buy the product made with cheap foreign labor then we close our plants because we certainly can't look for the foreign market to take on an increasing amount of our righer prices goods.

If what we do produces a higher priced product involuntarily—buying a cheap import does not solve the problem. We enlarge our welfare roles and even increasing welfare benefits doesn't work as you run out of people who are able to pay the bill.

Several years ago Henry Ford II made a talk in Birmingham. His answer to the import problem was to make your product in another country if you could make it cheaper and bring it back. This is fine for Henry if too many don't practice his theory. But if we all get on the wagon, there won't be too many buyers in America who can afford a Ford. Mayor Lindsay says the city of New York is out of money and is calling on the State for help. Governor Rockefeller says the State is running out of money and is calling for Federal help as he says he can't raise taxes, because businesses are already moving out of New York as a result of high taxes. Some of these businesses are moving to other States but some are moving to other countries. Somebody has got to stand still to pick up the check. There is no way to pay ourselves to make a $4,000 Ford in this country but buy our Ford from Japan for $2,000 without restraint.

Avondale Mills has been in business successfully since 1897. The people who have worked for Avondale have made this record possible. As long as I am President our efforts will be aimed at moving the products made by Avondale workers, but if world trade conditions that exist today continue in the future no one can guarantee our success. I would like to help someone in Hong Kong, but not at the expense of someone in America. And this we certainly do when we bring competitor goods from Hong Kong at a faster rate than our market grows.

I resent foreign goods that are manufactured under conditions that would be illegal and intolerable in this country coming in without restraint and putting 800 people out of work in Roanoke, Alabama, for example. We are the only country that would allow this to happen. We do it under a banner of free trade that is practiced nowhere in the world but here. It is evident our foreign friends have been and will continue flooding our markets as long as it is to their advantage.

My guess is the biggest deterrent to increased imports today is the owning of more U.S. dollars. It would be hard to feel completely at ease owning currency from a country that showed such little regard for its own well being. This undoubtedly is accounting for the growing world demand for our natural resources such as coal and lumber—our raw materials cotton and soy beans—all of which contain comparatively small amounts of U.S. labor. I am not for high tariffs or cutting out imports, but I am for regulating the flow in proportion to the growth of our market. Otherwise, there will be a growing concern about the soundness of our dollar and rightfully so.

J. EDGAR HOOVER'S 47TH ANNIVERSARY AS FBI DIRECTOR

Mr. McCLELLAN. Mr. President, today, May 10, 1971, marks the 47th anniversary of J. Edgar Hoover's service as Director of the Federal Bureau of Investigation. Our Nation owes a tremendous debt of gratitude to this man, whose life—since his appointment in 1924—has been devoted to making society safer and law enforcement the people's servant.

One of Mr. Hoover's greatest contributions has been his efforts to upgrade local and State law enforcement. In every possible way—for example, the conducting of police training schools—Mr. Hoover has sought to make local police more efficient and a more effective deterrent against all forms of lawlessness.

In 1935, the Director instituted the FBI National Academy, a police training school which, to date, has graduated more than 5,800 police officers from every territorial possession and State in the Union. These men have received the finest, scientific crime detection training in the world. Many of the academy's graduates have returned to their own departments as instructors and executive officials. In fact, the latest statistics show that 27.8 percent of its graduates now occupy executive positions with their respective agencies.

In this regard, I am proud to have sponsored the Omnibus Crime Control and Safe Streets Act of 1968, which provided more than $5 million to improve training facilities and programs at the Bureau's National Academy in Quantico, Va.

Mr. Hoover is the symbol of a public servant who has given unstintingly of his time, abilities and vision for the enhancement and improvement of America's law enforcement and its personnel. Our salute goes to this great man today.

IN TIMES LIKE THESE, WE NEED A STRONG AIR FORCE

Mr. GOLDWATER. Mr. President, to most Americans, the name "Jimmy Doolittle" is synonomous with the spectacular air raid on Tokyo in World War II. He remains an enduring symbol of the military and psychological effectiveness of air power.

Today, nearly 30 years later, he works as hard at his country's defense problems as he ever did—perhaps even harder, because America's defense problems are far more complex and involved than in World War II. During his career, General Doolittle often advanced theories which were not always readily accepted by the establishment. But because Jimmy Doolittle did his homework and stuck to those areas where he had unquestioned expertise, he was more often proved correct than not.

Recently, at the Florida convention of the Church League of America, held in Cape Canaveral, Fla., April 2, 3, and 4, General Doolittle warned:

> It is obvious that we are not in as good a bargaining position (in the maintainance of world stability) as we were in 1962 and if our military retrenchment and Russia's increasing strength continue, as in the recent past, our relative position will deteriorate rapidly from now on . . .
>
> We live in a troubled world and have serious national and international problems. To maintain our national security we must have the will and courage to use it if necessary. We must be strong on land, at sea and in the air.

I have known and admired Jimmy Doolittle for many years and believe his expert analysis of our air strength, and its ability to successfully defend our Nation and its international commitments, is worth of the attention of my colleagues especially at this time when we are making so many decisions affecting our long-range defense posture. I ask unanimous consent that Gen. Jimmy Doolittle's remarks, "In Times Like These, We Need a Strong Air Force," given April 3 at the Church League of America's convention, be printed in the RECORD.

There being no objection, the talk was ordered to be printed in the RECORD, as follows:

WHY WE NEED A STRONG AND MODERN AIR FORCE

(By J. H. Doolittle)

The primary purpose of our military is to assist in carrying out national policy. Our armed forces must be capable of preserving the peace and security of the United States, providing for its defense, and overcoming any nation responsible for aggressive acts that imperil our peace and security. We must be prepared to fight and win any war if deterrence fails.

The mission of the Air Force is to provide:

Strategic aircraft and land-based, long-range missiles, hopefully as a deterrent force.

The primary aerospace forces for the defense of the United States against air and missile attack.

Land-based, tactical aircraft needed to establish air superiority, to interdict the enemy and to provide air support for ground forces in combat.

The primary airlift capability for use by all of the nation's military services and by other government agencies.

The Air Force also provides the major space research and development support for the Department of Defense and, in the interest of national economy, assists the National Aeronautics and Space Administration in conducting our nation's space program.

I think of our Military Establishment—Army, Navy, Marine Corps and Air Force—

as a team with each Service playing an important and necessary position on that team.

Competition is desirable and important. But competition should be constructive, not destructive. Competition for excellence, to do the best possible job, but not at the expense of, or damaging to, another Service.

It is to be hoped that our military strength will always be sufficient to deter war. This is the principal function of our Military Establishment. However, if war should be forced on us we must be able to prevail—hopefully and decisively.

I am not going to deal at length with the threat because I am sure that other speakers will cover this subject. I'll merely say—paraphrasing a talk given by General Ryan, Chief of the Air Staff, earlier this year—that in 1962 the United States had some four hundred ballistic missiles which could have struck the Soviet Union and Russia had thirty-eight ICBM's. This disparity was a powerful diplomatic tool for our President during the Cuban crisis. Five years ago they had about one-fourth as many ICBM launchers as we had and today they have some forty per cent more than we have.

They have an even greater advantage in megatonnage deliverable. This is reliably reputed to be more than twice ours. They are presently able to deliver twenty-five-megaton nuclear warheads. Such a warhead is about a thousand times more powerful than either of the A-bombs dropped over Hiroshima and Nagasaki. In addition to the continuing development of its aerospace power the Soviet Union maintains a large, well equipped, modern army and has developed a powerful navy. The recent appearance of their navy in various parts of the world indicates their desire and intention of expanding their sphere of influence—and reducing ours.

It is obvious that we are not in as good a bargaining position as we were in 1962 and if our military retrenchment and Russia's increasing military strength continue, as in the recent past, our relative position will deteriorate rapidly from now on. In the light of present national problems and policies we can only hope that they may slow down.

We would like to feel that we have striven for quality while they are going for quantity. The fact that they are presently doing some 20 per cent more research and development than we and that their R and D program is increasing at 10 to 15 per cent per year while ours is being further reduced each year, tends to belie this.

They, for example, have introduced a new fighter on an average of one every eighteen months. They now have in production a Mach 3 fighter which is significantly faster than any we have in operational use. Our latest Air Force air superiority fighter is the F-104 which went into production in 1956 and was retired from our service in 1968. (It is still being used by several foreign governments.) The last U.S. Navy fighter with an air superiority capability, the F-4, came out in 1960. It—in one of its several modifications—is being used by both the Navy and the Air Force. The Soviets are modernizing their strategic bomber force and are developing a new variable geometry wing, long-range bomber. We need a new air superiority fighter for home defense and for tactical use; to maintain control of the air over the battlefield.

Anyone who is realistic knows that we cannot negotiate successfully with the Soviets from a position of weakness.

Also we must not forget that China is rapidly developing a nuclear capability.

Let us first look at our deterrent force. Deterrence is primarily a role of the Navy and Air Force. The Navy is responsible for submarine-launched missiles. The Air Force is responsible for land-based, long-range missiles and long-range bombers. All are needed.

The submarine-launched missiles, as of now, provide mobility and relative invulnerability. The land-based missiles have a precisely known location and provide great accuracy, high state of alert (nearly 100%) and relative economy. The bomber provides flexibility—strategic options to meet varying conditions—reusability and the ability to recall after a period of consideration—up to several hours—should that be desirable, say to a false alarm or misunderstanding. With the missile it is all or none. The bomber gives the President a range of nuclear and conventional options designed to deal with situations short of an all-out nuclear exchange that are available with no other strategic system.

There wil be arguments that one of these systems is better than the others so why not have only that one at one-third the cost. This argument is specious for the following reasons:

1. We should never put all our eggs in one basket. This is a wise military—and business—precaution.

2. It would not cost less but more to achieve a deterrent capability equal to what we have with the three if we went to a single system.

3. It would be much easier and cheaper for an enemy to cope with a single system.

Let us deal with these three points in order.

First: If we have only one system technological developments on the part of the enemy might make that system so vulnerable as to lose its deterrent capability and we could be faced—at the very least—with nuclear blackmail. Possibly with nuclear destruction if we did not promptly meet the enemy's demands. We should never forget that the French depended—to their sorrow—on their supposedly invulnerable Maginot Line.

Second: If we had but one system it, to do its deterrent job, would have to be substantially larger than any one of the three systems and, to be reasonably invulnerable, it would have to have extensive support systems.

For example: In the case of submarine-launched missiles we must presume that the Russians have been carrying on extensive research on anti-submarine warfare. It is likely that they have been working all out to devise means of finding and destroying our submarines. Should they be successful much or all of the value of our submarine-launched deterrent would be lost and in any case large expenditures would be required on anti-anti-submarine warfare. It would mean huge expenditures in a crash technology program and in the acquisition of more attack submarines, ASW carriers and aircraft—or some new devices if these no longer sufficed. At the very least a nuclear submarine fleet would have to have nearly twice as many missiles to get the equivalent missile capability of a land-based system. This is because only part of our submarines are on station and ready for action at any one time. The rest are enroute, being refitted or in overhaul. This would mean a great increase in the number of submarines and missiles, a large increase in supporting boats and land stations and a tremendous increase in cost.

In the case of land-based missiles it would mean a very large expenditure for greatly increased hardening and/or dispersal and in much more ballistic missile defense. Some ballistic missile defense is now necessary and we should, to assure the survival of our present force, proceed promptly with the Safeguard Anti-Ballistic Missile program. This defense, with the four Safeguard sites and extensions of that development, coupled with increased hardness of Minuteman silos will go a long way in providing a continuing level of adequate security. This should assure that a large fraction of our Minuteman force would survive on initial surprise attack.

In the case of the strategic bomber much more sophisticated penetration aids, increased dispersal, possibly underground shelters and eventually a completely different type of craft would be required to meet the new threat.

At present that part of our bomber force which is on alert should survive an unexpected attack. This survivability is to some considerable degree a function of warning time, missile flight time and the reaction time of the bomber. We can, at present, cope very well with conventional missiles. Should the enemy develop a flat trajectory missile and deploy his submarines very close to our shores the threat to our bombers and, of course, to our Polaris subs in port and our cities would be substantially increased. Steps are being taken to cope with this threat. One is a new satellite warning system which is designed to provide warning during the boost phase. Another is shortening the bomber reaction time. By modifying the B-52's and KC-135's for quick starts and by placing the crews closer to their aircraft they should be able to escape an airfield attack in substantially shortened time. All of these steps are in the works.

At this point I should speak of the B-1. The proposed new strategic bomber.

While the old B-52's have done, and are doing, a great job, we badly need a modern replacement. The first B-52's were delivered to SAC in 1955. The earlier models have been phased out but the later and more capable models—the G's and H's—were delivered in the early 60's and so will be nearing 20 years of age in 1980. Eventually they will have to be replaced and we should start the replacement program now in order to be sure the replacement aircraft may be phased in in an orderly fashion. The B-1 will be a far more effective airplane than the B-52 and, due to increasing cost of continually updating and modifying the B-52, we will not save money by postponing the modernization program. The requirements for the new airplane are as follows:

"The replacement must be able to launch out from under a surprise first strike by the Soviets, carry a variety of weapons to intercontinental range, penetrate—predominantly at low altitude—Soviet defenses, to deliver weapons on military or, if necessary, on urban industrial targets and recover outside enemy territory." The airplane must have a much better survival capability in, say the 1978 era, than the B-52. It should be widely dispersible—able to use more available fields, have a faster launch capability, significantly greater range-payload, higher speed aloft and near the ground, more advanced penetration aids, reduced radar cross-section (RCS), a smaller infrared signature (IR) and greater accuracy of delivery; smaller CEP's. The proposed B-1 meets these requirements and I strongly recommend it to you.

Of course, the new bomber will also be useful—as has been shown by the B-52 in Viet Nam—for conventional warfare.

And third: It is obvious that if the enemy had only one system to deal with he could much more economically and efficiently direct his technology to cope. His defense against the threat would be much simpler and he could therefore effect very great savings in technology, production and operation.

At this point we have to consider the Counter Force and the Counter Value concepts. Attack on the enemy's retaliatory force or on his centers of industry and population—his cities.

It is to be hoped that the enemy's first strike, if it comes, will be against our counter force. This, however, is by no means sure. Were he to consider our counter force invulnerable or were he able to immobilize it and still not achieve his aims he might he might well attack our cities. In the latter stages of World War II it is sure that Hitler would have attacked our cities if he had had the capability to do so. And remember, Germany was working on the atom bomb.

The best protection our cities can have is "deterrence"; the assurance that if the enemy attacks our cities we can, and will, destroy his. For this we must have an assured destruction capability even after an all-out surprise attack.

The President has expressed a desire to ". . . insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war. . . ."

I strongly advocate the mixed force concept. An all sea, all land, or all airborne force would be less effective, more costly and possibly calamitous. We need submarine-based missiles, land-based missiles and long-range bombers.

Any defense is costly. We must reduce costs to the absolute minimum. We must get the most defense for the least expenditure. But we must be sure—or as sure as it is possible to be that we can deter—or prevail. No single system gives economy and assurance. Our national survival is at stake. Three baskets of eggs.

We all remember the "Gay 90's" and other famous eras. General Bruce Holloway, Commander in Chief SAC, at their 25th anniversary celebration in Omaha on 21 March, spoke of this present era as "the Perilous Seventies." The nomenclature is apt.

And now let us consider defensive forces.

At present, the primary objective of our continental air defense is to contribute to our over-all deterrence posture. By maintaining a strong air defense we discourage aggression and limit the options available to the Soviet war planners. If they felt their bombers could easily get through our defenses, they would be more inclined to attack and could divert missiles from some of their presently assigned targets on the assumption these targets could be knocked out by bombers.

Our air defense forces, although greatly reduced throughout the sixties, are still responsible for the defense of the United States against attacks from Soviet bombers. During this same period, the Soviets have maintained a force of nearly 200 heavy and 750 medium bombers and tankers. And, as mentioned earlier, we have evidence of their development and testing of a new supersonic bomber with a greater potential than our new FB–111A.

Our quantitative reductions, which were predicated upon the deployment of a more modernized and efficient air defense system, have left us in an inferior position to blunt a full force Soviet bomber attack. Qualitative improvements in our air defenses are needed if we are to deny the Soviet bomber force a virtual free ride in attacking its choice of targets in this country. Our air defense concept, sensitive to fiscal constraints and other military priorities, calls for a modest-sized force primarily oriented to area defense. The key elements in this force are the Airborne Warning and Control System (AWACS), Over-the-Horizon Backscatter radar (OTHB), and an improved interceptor—the F–15—to exploit fully the AWACS and OTHB systems' capabilities. The Airborne Warning and Control System and the Over-the-Horizon Backscatter radar are progressing satisfactorily but the problem of an improved interceptor has, unfortunately, not been resolved.

It should be pointed out that the AWACS will be equally effective and capable for both battle management in CONUS—Continental United States—air defense and in tactical combat operations. It will significantly improve the effectiveness of current as well as any improved interceptor or fighter/attack aircraft.

For strategic reconnaissance the Air Force has an excellent airplane; the SR–71. It has a speed of Mach 3—almost 2000 miles per hour—operates at up to 80,000 feet—over 15 miles straight up—and can accurately survey 60,000 square miles per hour.

Of course we never, in this imperfect world, have as many of anything as we want—with the possible exception of miseries.

Since before the end of World War II and until the present time, U.S. ground forces have fought with the tremendous advantage to our side of having complete air superiority. The advantage of air superiority has never been more dramatically demonstrated than in the Six Day War in the Middle East. Prompt success in this conflict also pointed up the supreme importance of accurate intelligence, secure and reliable communications and delegation of authority for tactical operations to the field commander. Because of the rapid advancement in fighter aircraft being made by the Soviet Union, the highest priority development for our tactical air forces is the F–15 counter-air fighter for the post-1975 time period. As previously mentioned our best present fighter, the F–4E, will be 15 years old in the mid-1970's and the new family of Soviet fighters, which are the forerunners of our potential opposition in that time period, give all indications of outclassing the F–4E in many important aspects.

The F–15 will be outstanding in maneuverability and acceleration. In fact, for close-in maneuvers, it will be superior to any aircraft in sight through 1980. The fire control and multi-weapon options for the F–15 will make this aircraft highly effective in the various counter-air missions.

It should be able to cope with the newest and best Soviet fighters and with their new supersonic bomber. I commend it to you.

Our retaliatory forces should continue to deter full-scale attack upon the United States as long as we maintain the unquestionable capability to inflict significantly greater damage upon the Soviet Union. For deterrence to be effective the Soviet leaders must expect heavy losses to themselves were they to initiate a full-scale exchange. War under these circumstances would produce large-scale destruction and massive fatalities on both sides—which neither wants. Therefore, for the immediate future, full-scale nuclear wars seem unlikely, at least as a result of deliberate, rational initiation. The preservation of this condition must remain our Number One national priority.

But deterrence of all-out nuclear war is not, in itself, sufficient. We must also deter smaller, conventional wars. We have an obligation to the Free World—to help keep it free. The United States has made agreements with foreign governments because of our obligations and because of the global nature of our economic and political interests. For example, the United States presently has bilateral and collective defense arrangements with some 43 countries around the world.

Not only has the Soviet Union achieved approximate strategic parity with the United States, but the Soviets are improving their power position by increasing the strength of their general purpose forces. With more powerful conventional forces we may anticipate that they may, through military power, endeavor to increase their influence in various foreign areas. Their activities in the Middle East and Caribbean are current examples. Against a background of strategic parity, in contrast to their past strategic inferiority, the Soviets may feel much greater freedom to press any local military advantages when doing so contributes to their long-range aims.

In order to project United States strategic power to those areas considered vital to our national security, we must possess credible and useable power. This requirement for credible and useable power at less than nuclear exchange dictates our requirement for general purpose or tactical forces. Here, as in the strategic warfare arena, the Air Force views the job as a team effort; consequently they believe in and support a balanced force of land, sea and air elements.

Now let us consider Tactical Forces and conventional war.

The Tactical Air Command is the United States Air Force's mobile nuclear and nonnuclear tactical strike force. Mobility and flexibility are the key elements which enable TAC to deploy forces anywhere in the world on short notice to conduct tactical air operations.

The mission of the TAC forces is:

Counter-air—gaining and maintaining control of the air to deny the enemy use of the skies over the combat zone.

Air Interdiction—action taken to deny the enemy's deployed combat forces the supplies, mobility and reinforcements needed to carry out sustained operations.

Close Air Support—destruction of enemy forces in the immediate battle area in support of friendly ground forces.

Tactical Air Reconnaissance—obtaining accurate and timely information on the activities of enemy forces by visual, photographic, and electronic means.

Tactical Air Lift—providing mobility to friendly forces through air transportation and sustained logistical support in all types of operational areas.

Tactical Electronic Warfare—using electromagnetic means to help establish an operational environment to assure that commanders of friendly forces continually retain the tactical initiative in the attainment of assigned objectives.

It is not always possible to meet all the Air Support requirements of the Army but, within the limitations imposed by a very restricted military budget and the several competing tasks that must be carried out, the Army should get—as far as humanly possible—exactly the service they desire.

The action in Viet Nam gives a good illustration of the use of air power in a nonnuclear conflict.

In measuring the accomplishments of air power in Southeast Asia, it is tempting to focus on the statistics of the air war—the thousands of sorties flown, bombs dropped, targets destroyed. Indicated in this way, the Air Force record is quite impressive. That record is much more significant, however, when considered with our national objectives in Southeast Asia. Over all, the major achievement of air power has been its contribution toward preventing a communist takeover of South Viet Nam.

In 1965, such a takeover seemed inevitable. Communist forces controlled most of the country. South Vietnamese morale was low and the fall of the government was imminent unless the Vietnamese were given substantial assistance. Air power was the only way of providing assistance quickly in amounts large enough to take the initiative and victory away from the Viet Cong.

After that initial response, air power has played a dominant role in assuring the continued existence of a free South Viet Nam by preventing the massing of enemy supplies and troops necessary to overrun the country, by raising the price of aggression, and by providing essential close air support for our combat engaged ground troops. In North Viet Nam and along the Ho Chi Minh Trail, our interdiction strikes have made the movement of men and materiel into the South extremely costly for the North Vietnamese. In 1967, authorization was granted to strike military and industrial complexes in the vicinity of Hanoi-Haiphong. During that year, most of North Viet Nam's heavy industry and electrical power sources were destroyed by air attack. In South Viet Nam, controlled air strikes have been placed on enemy camps and forces shortly after their discovery. In South Viet Nam, our air strikes have often been conducted within less than 100 feet of friendly forces; in the North, similar bombing precision was required while flying against a dense air defense system of anti-aircraft artillery, SAM's and MIG's.

Wherever the enemy concentrated his forces—no matter what the cost—to seek a major victory, the application of air power has prevented it. At Khe Sanh, for example air power enabled 6,000 Marines to hold off 20,000 to 30,000 North Vietnamese regular troops and, in the process, destroyed at least two of the North Vietnamese divisions involved by killing an estimated ten to fifteen thousand enemy troops.

If, in South Viet Nam, communist troops have operated primarily at night, it is because the quick response of air power restricted their daylight operations. Our applied R & D efforts toward more effective night and all-weather operations are paying great dividends. Despite the reduction in the number of sorties we fly, our campaign to impede the movement of supplies to South Viet Nam by the North Vietnamese is significantly more effective this year than last. Some of our night and all-weather bombing systems are just really getting started over there and have shown a marked increase in effectiveness. We have destroyed/damaged nearly 60% more trucks during January 1971 than we did for the same period last year even though the total number of trucks sighted was down.

This is what air power has accomplished and is accomplishing in Southeast Asia.

Our air power consists of more, of course, than close air support and interdiction. Our ground and air operations in Southeast Asia would have been impossible without air logistics and air reconnaissance.

A unique feature of the war in Southeast Asia and a trend indication for future conflicts is the fact that over 90% of the United States participants have been airlifted to and from the combat zone. As a mater of fact, during the TET offensive of 1968, units which were airlifted from the Continental United States were in combat before other units located at forward staging bases who traveled by other means. The increased use of airlift has considerably reduced the enroute time and pipeline inventory of supplies and equipment, especially those items considered high priority or high value.

Another important task of our airlift forces is that of aeromedical evacuation. Air Force and Military Airlift Command (MAC) units are credited with reducing the 4½ per cent mortality rate of World War II to approximately one per cent for the Viet Nam conflict. One reason for this was the reduced time required to evacuate casualties from the combat zone to rear theater and CONUS hospitals by the C–141 jet transports.

Our tactical airlift forces which provide the intra-theater airlift have proved to be the lifeline of our ground and air combat forces. The level of their achievements has been unprecedented. For example, during the first quarter of 1968, the tactical airlift forces in Viet Nam—comprised of the C–130's, C–123's and C–7's airlifted 250,000 tons of cargo and 992,000 passengers.

Tactical reconnaissance has provided both air and ground commanders essential information upon which to plan and conduct their military operations.

Recently, Vice President Ky said: "The whole operation of South Vietnamese troops in Laos depends on the supplies and firepower of the United States Air Force." (Washington Post, 5 March 1971.)

Support of ground troops will continue to be an important Air Force mission, not only in Southeast Asia, but in any future conflicts. While aircraft now used for close air support are performing that mission very successfully, the need exists for a specialized close air support aircraft. Such an aircraft, called the A–X, is now under development. It is specifically designed to be responsive to Army requirements and desires and will combine the optimum qualities of speed, maneuverability, large ordnance loading and the ability to loiter, or remain over the battlefield, for long periods of time. The A–X will be designed to reduce in vulnerability to ground fire and its speed and maneuverability will enhance survivability. Its speed will also make it responsive to the needs of the ground commander, as will its loiter capability. It is a highly survivable weapon system designed for maximum target destruction and minimum aircraft attrition. The A–X will be a relatively inexpensive and unsophisticated airplane. The combination of low cost and development risk, maximum target destruction, and low attrition rates should provide the best weapon system for a given cost. Competitive prototype contract awards were let to Republic Division of Fairchild-Hiller Corporation and the Northrop Corporation in December 1970. The prototypes should be flying by mid-1972.

In addition, the quality of the tactical fighter/attack force is presently being improved by the addition of operational A–7's and F–111's. The A–7 is designed to carry a large payload and deliver it accurately and will help fill our needs for advanced fighter/attack aircraft for interdiction and ground support. The F–111 will be the finest night and all-weather interdiction aircraft in the world.

One unique innovation in ground support which evolved from the Viet Nam conflict is the gunship. These are transport aircraft which have been armed with "Gatling" machine guns, firing up to 6,000 rounds per minute. Originally these were converted C–47's. The first one was nicknamed "Puff the Magic Dragon." The latest version is a specially equipped C–130. This aircraft is equipped with 40 mm. guns rather than the 20 mm. guns that are standard on the C–47 and C–119 aircraft. Other new equipment includes a special detection system and a laser range finder. The gunships have significantly increased our capability to locate and destroy trucks at night and in jungle terrain. The gunships have been credited with saving many friendly villages and garrisons under siege by enemy forces, especially at night. The Air Force plans to retain and enhance this capability in the tactical forces.

The Military Airlift Command is a major command of the United States Air Force. It is also designated as the Single Manager Operating Agency for Airlift Service for all the Military Services.

Strategic combat airlift is the primary mission of the Airlift Command. It maintains "quick response" capability to support Department of Defense operations around the globe. Its jet aircraft are ready to airlift complete Army, Marine and Air Force units from the United States to threatened areas of the world in a matter of hours and paradrop them into the battle zone if necessary.

In addition MAC performs other major missions for all of the military services. They include: logistic resupply; aeromedical evacuation; aerial search and rescue of persons in distress and recovery of space hardware; weather reconnaissance, forecasting and observing; documentary photography, and cartographic and geodetic services. The command also acts as executive agent to contract commercial airlift for the Department of Defense.

As we continue to bring our troops home from foreign soil the ability to move our combat forces rapidly to any location where they may be needed becomes increasingly critical. To meet this need, the USAF has developed a Bare Base Equipment Program that provides an immediate capability for deployment to worldwide locations including isolated, bare airstrips where only a useable runway, taxiways and a water supply exist. This Bare Base Equipment Program adds more than 1400 possible operating locations to deployment options and provides air transportable, reusable, and easily relocatable facilities and equipment for worldwide use in response to short- or medium-term emergencies.

The key to our global mobility is airlift. We expect to attain an all-jet strategic airlift force this summer and will continue to increase its over-all capability as more C–5's enter the inventory. Presently there are 20 C–5's assigned to operational units. They are flying in our airlift system with scheduled runs to both the Pacific and Europe.

The C–5 Galaxy, the newest and largest cargo transport, provides a powerful tool where a quick military reaction is required. Teamed with the C–141 it now makes it possible to deploy fully equipped ground combat units, including their heavy equipment such as tanks, artillery, etc., from stateside bases to any desired foreign location in order to meet our nation's global defense responsibilities.

Tactical airlift aircraft, like the C–130, move troops and cargo within combat areas, landing on short, unimproved runways and often delivering their payload under heavy enemy fire. This team of strategic and tactical airlift, combined with combat ready ground forces, provide our national leaders with the capabilities of putting out faraway "fires" quickly.

Shortage of time prohibits more than mentioning the Air Force's considerable interest in space for defensive and offensive operations. They are developing space systems for early warning, improved communications, navigation and weather observation.

The work in meteorology has a direct tie-in with the study of atmospheric pollution; so the Air Force is actually working toward an improved environment.

The Air Force also has a humanitarian role.

Deterring and fighting wars is not the only mission performed by the Air Force—especially airlift forces. The concern of Air Force personnel throughout the world for their fellow man is evidenced by the fact that they are "good neighbors" in any community and by their swift response to national and international appeals for help. They helped during the Anchorage earthquake in 1964, the Fairbanks flood in 1967 and after the hurricane Camille disaster in the Biloxi-Gulfport area in 1969.

In February of this year, the Air Force launched Operation Haylift in response to urgent plans from farmers in blizzard-swept Kansas and dropped 35,000 bales of hay for 275,000 head of cattle stranded in deep snow.

The blizzard, reported to be the worst this century, dumped up to 24 inches of snow on the area in two days. Drifts up to 27 feet were reported.

The hay was dropped from C–130 Hercules transports from Forbes Air Force Base, Kansas. Air crews flew three missions a day over a five-county area with cargo doors open, dropping their cargo to stranded herds.

In related mercy missions, HH–43 Husky helicopter crews from Cannon Air Force Base, New Mexico, rescued stranded motorists on snow-blocked highways.

In Southwestern Oklahoma, 50 Air Force volunteers from Altus Air Force Base, Oklahoma operated a 12-truck rescue service for stranded motorists.

The Air Force is available when stationed in or requested by foreign country to assist our neighbors in disaster relief.

More than fifty thousand mercy missions, involving more than a million flying hours, have been flown by the Air Force.

The record of our military in helping people in distress everywhere validates our nation's quest for peace. These actions show all people, throughout the world, the value we place on human life, on the dignity of man, and on the relief of suffering.

And in conclusion I would like to state in a very few words why we need a strong and modern Air Force.

We live in a troubled world and have serious national and international problems. To maintain our national security we must have a strong military establishment and must have the will and courage to use it if necessary. We must be strong on land, at sea and in the air.

We therefore need a strong, modern, well-equipped, well-manned Air Force because it is a very important member of our military team. Our military team is a good team—the best. We owe it our homage and our support.

THE SPACE SHUTTLE

Mr. CHILES. Mr. President, ever since the time in my childhood when I first read the story of "The Blind Men and the Elephant," I have been fascinated by the common human trait described in that ancient fable of old India. Everyone remembers how one blind man thought an elephant was like a rope, another that it was like a tree, and still another that it was like a wall—all from taking data out of context, and not bringing them all together to get the whole picture into account.

I mention the old Indian story only because it always remains so timely. The most recent example that has come to my attention concerns a letter written by Dr. George M. Low, at the time Acting Administrator of NASA, to Senator Proxmire. The letter which the Senator had printed in the Record of April 30, was in response to Mr. Proxmire's request to provide a justification for the proposed space shuttle.

Dr. Low wrote a long, responsive, and quite detailed letter, but the Senator from Wisconsin (Mr. Proxmire), in commenting on it last week, chose to single out and attack a single paragraph that he considered to be the gist of it.

Here is the paragraph he chose:

> The basic premise leading to the conclusion that this nation should proceed with the development of a space shuttle system is that the United States should and will continue to have an active space program from now on.

The distinguished Senator from Wisconsin paraphrased this, in his incisive fashion, by going on to say:

> In other words, NASA does not expect any tangible benefits.

That would appear to be an idea that is considerably different from the one Dr. Low had intended to convey. With all due respect to the learned Senator, it seems to me that his conclusion is not unlike saying that an elephant is like a rope.

If I were to pick a single paragraph of Dr. Low's letter that summed up the gist of the argument, it would definitely not be the same paragraph that was chosen by Senator Proxmire. Instead, I would choose this one:

> The space shuttle is not a "manned spacecraft"; it is a reusable space transportation system to deliver manned and unmanned payloads to low earth orbit. With the shuttle, we will be able to repair, modify or update manned and unmanned payloads in orbit or return them to earth. We will minimize costly failures or automated missions. And we will be able to reduce significantly the costs of payloads by taking advantage of the much larger payload-carrying capacity that will be available. In short, with the shuttle, we will be able to do more in space, better and at less cost.

Let me hasten to say, however, that I do not think that even this one paragraph gives the reader more than a part of the total picture. To fully understand the things one will be able to do in space, one really has to follow NASA's detailed testimony before the Senate Committee on Aeronautical and Space Sciences. During the hearings before that committee Dr. Low and his colleagues made it very clear that our space program will bring to us many benefits in science as well as benefits of immediate use to man on earth.

Specifically, some of the many benefits are as follows:

First. An economical transportation from earth to space—and back to any point on earth.

Second. Assists greatly in enabling us to capitalize on our scientific and technological investments such as space communications, weather satellites, and geodetic programs.

Third. The shuttle makes a major contribution to such fields as natural resources identification and management, pollution monitoring, weather modification and climate control, television distribution, earthquake protection and avoidance, education, public health, and safety.

Mr. President, I, therefore, ask unanimous consent that the letter dated April 27, 1971, from Dr. George M. Low, be printed in the Record:

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Aeronautics and
Space Administration,
Washington, D.C., Apr. 27, 1971.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: This is in further response to your letter dated April 7 regarding the space shuttle program.

The President's budget request for NASA for FY 1972 includes a request for $100 million for the space shuttle. This funding will provide for the detailed design and development of the shuttle engines, the longest lead time component for the shuttle, and for proceeding on an orderly step-by-step basis with the shuttle airframe design. This may lead to continued detailed design or to initiation of development of a specific design, depending on the progress of the studies now underway.

We have recently settled on a single set of performance characteristics for the preliminary design of a two-stage fully reusable shuttle. Alternate approaches are also still under study. We expect to be in a position to make decisions this summer on how we will proceed with airframe design or development in FY 1972.

The basic premise leading to the conclusion that this nation should proceed with the development of a space shuttle system is that the United States should and will continue to have an active space program from now on. Our present systems for getting into and using space are much too complex and costly. We need a new approach to make space more economical for all users—NASA, the Department of Defense, other government agencies, and commercial enterprises. The space shuttle represents this new approach to space operations. Because it is reusable, we will no longer have to throw away each element of hardware, booster or spacecraft after only one use.

The space shuttle is not a "manned spacecraft;" it is a reusable space transportation system to deliver manned and unmanned payloads to low earth orbit. With the shuttle, we will be able to repair, modify, or update manned and unmanned payloads in orbit or return them to earth. We will minimize costly failures of automated missions. And we will be able to reduce significantly the costs of payloads by taking advantage of the much larger payload-carrying capacity that will be available. In short, with the shuttle, we will be able to do more in space, better and at less cost.

With respect to your question regarding benefit-cost analyses of the shuttle, Mathematica Incorporated, under NASA Contract No. NASw–2081, is performing a benefit-cost analysis of an overall space transportation system, of which a reusable shuttle is a key element. The contract under which this study is being performed calls for Mathematica Incorporated to provide an independent opinion of the benefit-cost aspects of such a space transportation system. This study has not been completed; however, I am enclosing for your information an interim report dated March 15, 1971, which reports on fairly early work under the contract. NASA is now reviewing this interim report and is awaiting a more comprehensive report which is expected by the end of this fiscal year. When the more comprehensive report is available I will send it to you.

If I can provide any additional information, please let me know.

Sincerely yours,

George M. Low,
Acting Administrator.

THE NEW JERSEY GUARANTEED INCOME EXPERIMENT

Mr. RIBICOFF. Mr. President, many fear that a guaranteed income will stifle work incentives. Demonstration programs with a guaranteed income carried out by the Office of Economic Opportunity refute this view. In fact, it appears that guaranteed income levels may stimulate recipients to seek better, higher-paying jobs.

The interim conclusions of the OEO study show that "there is still no indication of a precipitous withdrawal from the labor force by families who receive income-maintenance payments."

It is time to open our minds to new concepts of public assistance. Present welfare programs have only aggravated the poverty problem as shown by the fact that America's 1970 population consisted of 25.5 million poor persons, a rise of 5 percent over last year.

I ask unanimous consent that articles from the New York Times, Wall Street Journal, and Washington Evening Star describing the OEO study be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Poor in Nation Rise by 5 Percent, Reversing 10-Year Trend

(By Jack Rosenthal)

Washington.—The number of the poor in the nation increased sharply last year, reversing a 10-year trend, the Census Bureau reported today.

There were 25.5 million poor persons in 1970, a rise of 1.2 million over 1969, the bureau found in its annual population survey.

"This is the first time that there has been a significant increase in the poverty population" since it began keeping such statistics, the bureau said.

The increase, of 5 per cent in one year, follows a period of 10 years in which the poverty population decreased by an average of 5 per cent a year.

The Federal Government defines poverty by a sliding dollar threshold. It was $2,973 in 1959, $3,743 in 1969 and $3,968 in 1970.

The dominant reasons for the increase in the number of the poor are unemployment and inflation, Government analysts said.

Unemployment, which averaged 3.5 per cent in 1969, jumped to 4.9 per cent in 1970 and was undoubtedly a major factor, according to John O. Wilson, research chief of the Office of Economic Opportunity, the Federal antipoverty agency.

Census experts said they also saw signs of increasing underemployment among men who are willing and able to work but cannot find enough work to earn even the poverty minimum.

Inflation has added to the ranks of the poor a number of families on fixed incomes, the experts said. These include those on pensions and those on welfare in states, like California, where welfare payments have not kept up with price increases.

Those most heavily affected, the new census report showed, were families headed by women. Of the 1.2 million more poor people, half were members of such families.

More than a third of the total, 432,000 were members of black families headed only by mothers. This number accounted for virtually all the increase in poverty among Negroes.

For all races, families headed by women accounted for only 14 per cent of the population but 44 per cent of the poverty population.

Over-all, the rates of increase were about the same for both whites and blacks. One in 10 white persons lives in poverty, compared with one in three Negroes.

MORE POOR WHITES

But there still are far more poor whites than poor blacks. The white poverty population is now 17.5 million, 67 per cent of the total. For Negroes the figure is 7.7 million.

Despite the increase in poverty between 1969 and 1970, there are still far fewer poor people, according to the Federal definition, than there were in 1959 when statistics were first compiled. The poverty population then totaled nearly 40 million.

But, as the total has decreased, the proportion of the poverty population that is Negro has increased. The present figure is about 33 per cent. In 1959 it was about 28 per cent.

In 1970, black families were not only far more likely than not only far more likely than whites to be poor, but also to be poorer than whites. The average poor white family's income was about $1,000 below the poverty line. The average Negro family's income was about $1,300 below.

To increase the income of all poor families up to the poverty minimum, the Census Bureau estimated, would cost $11.4-billion. In 1969, the amount was $10.1-billion.

RISE IN URBAN POOR

Poverty is almost evenly divided between rural and urban areas. But nearly all of the increase from 1969 to 1970 came in the latter.

There were about 5.2 million poor families in 1970, an increase of 264,000, the report showed. Of this increase, 90 per cent was accounted for by families in metropolitan areas.

The report also offered a statistical picture of the near-poor. Thus, if the poverty minimum were increased one-fourth, to $4,960, for an urban family of four, poverty among Negroes, would jump from 33 to 43 per cent, among whites from 10 to 14 per cent.

Copies of the new report, "Consumer Income, P–60, No. 77," are available for 10 cents from the U.S. Government Printing Office, Washington, D.C. 20402.

YEAR-BY-YEAR TOTALS OF PERSONS IN POVERTY

WASHINGTON.—The following table, based on Census Bureau figures, shows the number of Americans below the poverty level, and their percentage of the total population, for the years 1966–70. For a family of four, for poverty level was $2,973 in 1959 and $3,968 in 1970.

Year	Number (in millions)	Percent of population
1966	28.5	14.7
1967	27.7	14.2
1968	25.3	12.8
1969	24.2	12.2
1970	25.5	12.6

LOW-PAID WORKERS GET BETTER JOBS DUE TO GUARANTEED INCOME, OEO STUDY FINDS

(By Jonathan Spivak)

WASHINGTON.—Income maintenance experiments are showing some of the potential and some of the problems involved in the Nixon administration's proposed family assistance program.

The Office of Economic Opportunity, reporting new data on the first of a series of federal experiments, said a guaranteed income payment appeared to help low-income workers obtain higher paying jobs.

The OEO also said further results from its Trenton, N.J., experiment, which provides payments to 1,300 families in a fashion similar to the proopsed family assistance program, confirms early findings that the families don't drop out of the labor force.

The OEO conclusions prepared for the House Ways and Means Committee, which is drafting changes in the family assistance program, are likely to reassure conservative Congressmen who are worried about the effects of guaranteed federal payments on the work incentives of poor families.

But the New Jersey experiment, which concentrates on families headed by males, doesn't answer many of the key questions about the effects of income payments on families headed by females, which constitute the fastest growing portion of the welfare rolls.

And some results, admittedly preliminary because the three-year project is only about halfway along, raise surprising questions about the economic behavior of families under such a plan of welfare payments.

So far in the New Jersey experiment, the work habits of recipients haven't shown any significant variation according to the level of guaranteed payment they received or the amount of earnings they were allowed to retain.

SERIES OF PAYMENT ARRANGEMENTS

The experiment has a series of payments arrangements for different groups ranging from a guarantee of $1,850 to $4,000 a year and a "tax" on outside earnings that reduces the federal payments from 30% to 70%. The assumption had been that a higher tax rate would decrease the incentive of the program's recipients to earn money and gain self sufficiency. However, so far the higher tax rate has appeared to be no more a disincentive to outside earnings than lower ones.

Thomas K. Glennan Jr., head of OEO's research studies, reasoned that there might be two explanations. Mr. Glennan said it's conceivable that any kind of cushion or guaranteed payment for the working poor is sufficient to give them the economic security to seek improved jobs and that the amount doesn't matter.

Or, Mr. Glennan contended, it may merely take a longer period of time for the recipients of the program to find out the economic effects of outside earnings and to realize that under high "tax" rates they gain only marginal amounts of money.

Conclusions on this score could have significant impact on a national program. The tax rates on earnings currently being considered by the Ways and Means Committee and endorsed by the administration are at about the highest level of the New Jersey plan. The basic annual guarantee for a family of four is $2,400 a year.

Liberals have argued that a high tax rate will defeat the purposes of the program by discouraging beneficiaries from seeking outside work. However, the higher the rate, the sharper the reduction in federal payments to poor families. This could help hold down costs of the program.

A series of other income-maintenance experiments started after the New Jersey test by OEO and the Health, Education and Welfare Department will help answer these and other questions. These experiments, some far larger than the New Jersey test that is estimated will cost $8 million over three years, also will focus attention on families headed by females, rural poor and the effects of other antipoverty approaches, particularly manpower training programs, on welfare costs.

The rural income maintenance test covers 800 families in North Carolina and Iowa. About half of the North Carolina families are Negro. The Iowa sample is totally white.

While OEO has yet to report preliminary findings on the study, experts say it has already shown the administrative complexities in providing payments in a rural area. Many of the recipients are self-employed; literacy levels are lower, which makes explaining the details of the program more difficult; and income reporting for farm families is more complicated.

The rural experiment, which will cost $5 million for three years, will hopefully show what impact a family assistance program could have on migration. The most substantial increases in actual income for the poor will occur in Southern rural areas under the administration's family assistance program.

Some critics have argued that the additional sums would lead to large-scale migration out of rural areas to the cities once families were given sufficient resources. "It's an explosive issue," argues one government expert. So far these effects haven't shown up in the rural study.

COVERS 2,300 FAMILIES

The HEW's Seattle income maintenance experiment will cover 2,300 families in that city and now has been extended to Denver to cover another 3,000 families.

The project will concentrate on the effects of manpower training in reducing welfare costs and whether results could influence future administration plans for focusing on training as a means of cutting welfare costs.

The families will receive guaranteed annual payments and also a range of subsidies to encourage them to take manpower training. The results should show what incentives are needed for persuading poor families to undertake additional training and what the results are in their earnings and the subsequent reductions in welfare costs.

The project also will provide for an even higher, 80%, tax rate on outside earnings that will be designed to drop progressively as earnings rise. The concept is that lowering the tax rate as earnings increase would be the most effective way to provide incentives to recipients to gain higher paying jobs.

The New Jersey experiment suggests that recipients of an income guarantee, although they don't drop out of the labor force, work fewer hours. Those families receiving payments work 12%, or five hours, less a week than a control group not getting payments, but their earnings were significantly higher per hour.

OEO specialists argue that these differences many indicate that the federal guarantee gives families the opportunity to seek out steadier, better paying jobs. It also may decrease the need and the desire for wives and other members of the family to enter the work force.

RANKS OF U.S. POOR GREW IN 1969–70, CENSUS SHOWS

WASHINGTON.—The number of Americans living in poverty increased sharply in the last two years, the Census Bureau said, reversing the last decade's trend.

The report said an additional 1.2 million persons were regarded as living below the government-designated poverty level during 1969 and 1970, increasing their ranks to 25.5 million.

The government scales the poverty level each year according to changes in the consumer price index. In 1969 it was $3,721 for a family of four and last year $3,944.

There had been an average 4.9 percent annual decline of poor persons during the 1960s, the agency said, but between 1969 and 1970 the figure increased 5.1%.

Blacks and whites were affected about equally by the increase, but the 1970 poverty rate among blacks still was about three times the white rate, the Census Bureau said.

HELPING THE POOR HELP SELVES—GUARANTEED INCOME TRIED

(By James Welsh)

Evidence is increasing that the working poor, when given "a cushion" of guaranteed income, exercise the freedom to look for better, higher-paying jobs, the Office of Economic Opportunity said yesterday.

This tentative conclusion is based on figures from OEO's highly publicized New Jersey Graduated Work Incentive Experiment, in which poor families are given government cash to supplement their earnings. The newly analyzed data show that participating families, after their income is bolstered by the government, tend to work fewer hours a week but earn more money an hour.

The data also shows that the poor continue working and make just about the same income they did without assistance.

NIXON PROGRAM PUSHED

Overall results from the study so far, OEO reported, add to the reasons for supporting President Nixon's Family Assistance Program. This legislation, in seeking to reform the nation's welfare system, would for the first time provide cash supplements to families with full-time wage earners that are still in poverty.

"There is still no indication of a precipitous withdrawal from the labor force by families who receive income-maintenance payments," said the report.

The New Jersey experiment got under way in 1963, OEO contracting it out to the Institute for Research on Poverty at the University of Wisconsin and Mathematica, Inc., a Princeton, N.J., research firm.

CONDITIONS SOMEWHAT DIFFERENT

More than 1,000 families were selected to take part in Trenton, Paterson and Passaic, N.J. New groups of working poor families were added later in Jersey City, N.J., and Scranton, Pa. About 40 percent were black, 30 percent white and 25 percent Spanish-speaking.

The study conditions differed from the Family Assistance Program in that there was no work requirement and no provision for day care of children. It was similar in that the cash assistance, in eight different plans used for comparison purposes, was to increase as earned income declined and was to decrease as earned income rose.

Comparing the experimental group with a control group that received no income supplements the researchers found no statistical significance in the number of families that experienced increases or decreases in earnings.

As OEO expected, there was a significant difference in the number of hours worked. The wage-earners in the experimental group worked five hours less a week than the workers in the control group.

HOURLY EARNINGS UP

"There is no evidence that this is associated with a few family heads totally withdrawing from the labor force and living only on the assistance payments," said the report. "Rather, the effect seems to arise from the small differences in the amount of overtime worked; the length of periods of unemployment, or the time worked on a second job."

What did surprise OEO, according to its report, was that the families in the experimental group "significantly increased their average hourly earnings." They worked fewer hours but earned as much as the other families.

"It is quite possible," said the OEO report, "that the effect of the experimental treatment is to raise simultaneously the aspiration levels of the families with respect to wages and their capability to find work at these levels."

A number of economists have hypothesized that this might be the case as the government supplements earnings. They refer to it in part as "the search theory."

Said Thomas Glennon, director of research and evaluation at OEO:

"The data so far is consistent with the theory. We cannot say it is proved. But if it proves to be the case, I believe it would be a very positive finding."

Referring to the evidence so far, the OEO report speculated that "the availability of a cushion in the form of the experimental benefits may allow the prime worker the freedom not to accept the first job he can find, but rather to seek one more appropriate to his skills and interests and one which also pays a higher wage."

Another tentative conclusion of the study is that in earnings and hours worked, there was no significant differences among the various income plans that were tried.

PROF. JOHN NORTON MOORE SEES DANGERS IN WAR POWERS BILLS

Mr. GOLDWATER. Mr. President, 2 weeks ago I registered my unequivocal opposition to all bills before the Foreign Relations Committee which would shackle the President's ability to defend our freedoms. These bills are collectively known as the War Powers bills because they each profess to place the dominant power over the making and sustaining of war in the hands of Congress.

In other words, these measures are aimed at establishing arbitrary and mechanical rules under which, and only under which, the American President can commit U.S. military units to armed hostilities. Not only do these bills purport to define the sole instances in which the President can initiate military hostilities, but they would avowedly refuse him the right to continue such engagements beyond a brief period unless and until he has obtained specific policy approval and direction from Congress.

Mr. President, I have previously expressed my strong view that the constitutionality of any such legislation is highly doubtful. Each President can and probably will simply ignore it. The Supreme Court will likely refuse to consider it. And the American people, as well as the governments of allied and friendly nations around the world, will be utterly confused as to what the United States might do in the event of military emergencies affecting them.

Today I can report that the committee has received confirmation of many of the doubts I had raised. For on April 26, Prof. John Norton Moore, of the University of Virginia School of Law, who is a renowned authority on international law, presented to the Committee on Foreign Relations what I believe to be the clearest and most objective testimony the committee has received regarding the War Powers legislation. Though it is evident that Professor Moore's personal sympathies lies with the goal of infusing greater congressional involvement in the important political decisions leading up to and out of war, his testimony plainly sets out an exceedingly logical, unbiased, and honest analysis of the problems surrounding the current proposals for limiting the Executive's authority over the use of the Armed Forces. Clearly, Professor Moore has undertaken to serve the committee as a frank and unemotional commentator on the issues before it.

For this reason, I am deeply impressed with several of the conclusions reached by Professor Moore. For example, in speaking of the proposed legislation introduced by the Senator from New York (Mr. JAVITS), he remarks that "the independent authority of the President is probably substantially broader" than the four categories to which the bill would restrict it. Professor Moore adds:

> In attempting to restrict the area of independent presidential authority, then, this bill may be unconstitutional. Even if the bill is constitutional, it seems unwise to enact such a constitutionally uncertain restriction. In the absence of greater constitutional clarity the bill might precipitate a constitutional crisis between Congress and the President when the nation can least afford it. Since the area is one regulated in general terms by the Constitution, it may be unwise to attempt a specific codification by statute.

Mr. President, I think it is fair to say these comments ring reasonably close to the warning I sounded before the committee that the war powers bills "may incite one of the gravest Constitutional crises in American history."

Also, Mr. President, I find that Professor Moore seconds my charge the Javits bill would prohibit an immediate American response in defense of Israel and other free world nations with which we have no statutory defense ties. As Professor Moore reads the bill, and as I argued before the committee, the measure flatly prohibits "collective defense against a sudden armed attack on a nation to which we have no 'national commitment'. . ." Since we have no defense treaty with Israel or statutory commitment to defend her, it is clear the United States would be forced by the Javits bill to sit idly by while Israel might be faced with a massive attack threatening its very annihilation. United States troops could not be engaged in support of Israel itself or the Israel people under the War Powers legislation until Congress assembles, debates the issue, and sanctifies such action with its express approval.

Why, the proposed bill goes so far in seeking to tie down the President's ability of independent action that it is Professor Moore's view—and I must agree—that it would prohibit "humanitarian intervention similar to the joint United States-Belgian operation in the Congo if the intervention were not for the protection of U.S. nationals, . . ." According to the mechanistic approach taken by this bill, the United States would be barred from taking any military action in such circumstances beyond that solely limited to the protection of U.S. citizens.

Since the 1964 Congo operations involved the rescue of approximately 2,000 foreign citizens from a fanatical revolutionary mob, but only about 60 of those individuals were Americans, it is clear the humanitarian response which the United States actually took in the Congo would have been illegal, as to the 1,940 non-Americans, had the Javits bill been in effect.

Mr. President, there is much else in Professor Moore's testimony that reveals the grave dangers inherent in any legislative approach which seeks to delimit the President's authority in advance, and I commend his entire statement to each Senator's attention. Because the paper offers such a thorough, penetrating, and honest examination of a subject about which many Americans are thinking and seeking to educate themselves, and without meaning to imply that Professor Moore agrees with all or even most of my own conclusions, I ask unanimous consent that the statement of Professor John Norton Moore, delivered before the Senate Foreign Relations Committee on April 26, be printed in the RECORD, together with all accompanying footnotes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Strengthening the Congressional Role in the Use of Armed Forces Abroad

(By John Norton Moore, Professor of Law, The University of Virginia School of Law, Charlottesville, Va.)

Mr. Chairman, it is a pleasure and a privilege to appear before the Senate Committee on Foreign Relations to discuss proposals for strengthening the congressional role in the use of the armed forces abroad. Throughout our history the proper allocation of authority between Congress and the Executive in the use of the armed forces has been surrounded by controversy. This controversy has been invited by a skeletal constitutional structure which gives Congress the power "to declare War" and to "raise and support Armies" but makes the President the "Commander in Chief" and the principal representative of the nation in foreign affairs. That this controversy has persisted suggests that there is a great deal to be said for both the executive and the congressional roles. It also suggests that *the issue is not simply the triumph of the views of either Pacificus or Helvidius but is instead the far more difficult quest for reasonable lines which will optimize the strengths of both Congress and the Executive.*[1] The starting point in drawing such lines is to recognize that the war power controversy embraces more than one or two issues concerning initial commitment of the armed forces to military hostilities. Rather, it includes a wide range of issues encompassing a broad process of decision about national commitments, the deployment of forces abroad, the commitment of forces to combat, the conduct of hostilities and the termination of hostilities. To be most effective proposals for strengthening constitutional process should be sensitive to this range of issues and their interrelation. Inadequate focus on the full range of issues may lead to an overgeneralized response which threatens the proper balance between congressional and presidential authority. The principal issues in this process are:

I. National commitments to use the Armed Forces abroad:

(a) What authority does the President have, acting on his own, to commit the nation to a contingent future use of the Armed Forces?

(b) What authority does Congress have to limit presidential authority to commit the nation to a contingent future use of the Armed Forces?

(c) When, if at all, are national commitments for contingent future use of the Armed Forces self-executing without subsequent authorization?

II. The deployment of the Armed Forces abroad:

(a) What authority does the President have, acting on his own, to deploy the Armed Forces abroad?

(b) What authority does Congress have to limit presidential authority to deploy the Armed Forces abroad?

III. The commitment of the Armed Forces to military hostilities:

(a) What authority does the President have, acting on his own, to commit the Armed Forces to military hostilities?

(b) When congressional authorization is neessary, what form should it take?

(c) What authority does Congress have to limit presidential authority to commit the Armed Forces to military hostilities?

IV. The conduct of hostilities:

(a) What authority does the President have, acting, on his own, to make command decisions incident to the conduct of a constitutionally authorized conflict?

(b) What authority does Congress have to limit command options incident to the conduct of a constitutionally authorized conflict?

V. The termination of hostilities:

(a) What authority does the President have, acting on his own, to terminate or negotiate an end to hostilities?

(b) What authority does Congress have to require termination of hostilities?

(c) When Congress terminates hostilities, what form should it take?

Although time precludes a systematic analysis of each of these issues,[2] it may be helpful to briefly review several issues which seem most relevant to the specific proposals before the Committee. They are: what authority does the President have, acting on his own, to commit the Armed Forces to military hostilities, and what authority does Congress have to limit presidential authority to commit the Armed Forces to military hostilities?

I. The Authority of the President, Acting on His Own, to Commit the Armed Forces to Military Hostilities.

The Constitution provides that "Congress shall have Power . . . to declare War . . ." It seems evident from Madison's notes of the debates in the Constitutional Convention that this provision was intended to lodge with Congress the power to commit the nation to war. It seems equally evident that in changing the initial draft language empowering Congress "to make war" to language empowering Congress "to declare war" the Convention intended to leave "to the Executive the power to repel sudden attacks" and to make command decisions incident to the conduct of hostilities.[3] Beyond these broad outlines the Constitution left broad gaps. Thus, it was uncertain which branch would have the authority to commit the nation to force short of war or indeed what "war" meant.[4] Similarly, the scope of the Executives' power "to repel sudden attacks" was uncertain. Since no constitutional language is self-interpreting, particularly the broad brush strokes with which the framers set out the war powers, constitutional history, the practice of successive Congresses and Presidents, changed global conditions, and functional distinctions between Congress and the Executive are all relevant to defining constitutional policy.

During the 18th and 19th centuries there were approximately 100 instances of use of United States Armed Forces abroad. Only three of these, the War of 1812, the Mexican War, and the Spanish-American War were fully declared.[5] Congress, however, did participate in authorizing a number of other instances during this period such as the undeclared naval war with France. Moreover, most of these instances were relatively minor actions for the protection of nationals, for the suppression of pirates or for the punishment of violations of international law. As American involvement in World affairs increased during the first half of the 20th century and particularly as it reached a high plateau of involvement following World War II, instances of use of the Armed Forces abroad have reflected a stronger presidential role. From 1900 to 1970 there have been over 60 instances of the use of United States Armed Forces abroad of which only two, World War I and World War II were fully declared by Congress.[6] Although many of the remainder of these incidents were either minor or authorized by Congress, a number evidenced a broad expansion of the presidential role. Thus, major instances of presidential commitment of the Armed Forces to military hostilities during this period include President McKinley's commitment of several thousand troops to the international army which rescued Western nationals during the Boxer Rebellion, President Wilson's arming of American merchantmen with instructions to fire on sight after Germany's resumption of unrestricted submarine warfare in 1917, President Franklin Roosevelt's Atlantic war against the Axis prior to the U.S. entry into World War II, President Truman's commitment of a quarter of a million American men to the Korean War, President Kennedy's commitment of substantial numbers of military advisory personnel to Vietnam and President Johnson's commitment of marines to the Dominican Republic.

In view of the decision of the Constitutional Convention to lodge with Congress the power to commit the nation to major hostilities abroad, the expanded presidential role may have gone too far. In particular, the waging of a sustained major war in the Korean conflict without explicit congressional authorization, a war in which the United States sustained more than 140,000 casualties, seems a poor precedent.[7] On the other hand, experience suggests a need for some independent presidential authority in committing troops to combat abroad. There may be a need for defense against sudden attacks on American forces abroad, sudden attacks on areas which the nation is committed by treaty to defend, minor commitments such as humanitarian intervention, the protection of nationals or regional peacekeeping operations, defensive actions such as the Cuban missile crisis requiring secrecy and negotiating responsiveness, and "ongoing

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command decisions" concerning day-to-day operations of military assistance programs or defensive deployment of American forces. These may all be areas in which the need for decisiveness, speed, secrecy, negotiating responsiveness or simply the difficulty in informing Congress on a day-to-day basis call for some room for presidential authority. These functional needs should neither be exaggerated nor underestimated. With the exception of the Korean War the need for speed has probably been exaggerated. On the other hand, more subtle linkages to presidential bargaining power in contexts of threat and negotiation may have been generally underestimated.

It is clear that American constitutional history supports a substantial role for the President in the initial commitment of the Armed Forces to combat abroad in defending against attacks on United States forces or territory and in situations short of war or sustained major hostilities. The real issue in allocating authority between Congress and the President in initial commitment decisions is not whether the President has a role but rather what the limits are on that role and how it might be adequately policed. In this respect several kinds of tests have been suggested. One would look to the purpose of the presidential use of force. Along these lines a thoughtful recent note in the Harvard Law Review suggests that we might allow presidential initiatives which are " 'neutral' with respect to foreign political entities." [8] Other purposes commonly suggested as a basis for independent presidential authority are protecting American nationals abroad and repelling attacks on United States territory or Armed Forces. A second kind of test would look to the actual or probable magnitude of hostilities. For example, I have suggested that congressional authorization should be required in all cases where regular combat units are committed to hostilities which are likely to become or do become sustained hostilities.[9] This test is a rough effort to separate major hostilities from those not involving substantial casualties and commitment of resources. Professor Quincy Wright rephrases this test as "the President should obtain congressional support in advance for military action which will probably require congressional action, as by appropriations, before it is completed.[10] None of the tests suggested to date are wholly satisfactory and all are frayed at the edges. Nevertheless, my own feeling is that some version of the test based on probable or actual magnitude of hostilities is preferable to a purpose of the use test. A magnitude test seems more functionally responsive to the major policy decision of the Constitutional Convention to require congressional authorization before the nation can be committed to major hostilities abroad. Moreover, constitutional history demonstrates too many diverse purposes for presidential commitment to minor hostilities to make a purposes test workable.

The judgment that Congress should oversee the Nation's involvement in major hostilities abroad remains as valid today as it was in 1789. Congressional support of that policy, however, should not destroy needed presidential flexibility.

II. The Authority of Congress to Limit Presidential Authority to Commit the Armed Forces to Military Hostilities.

At a minimum, independent presidential authority to commit the Armed Forces to hostilities includes authority to repel sudden attacks on the United States or its Armed Forces. Both constitutional experience and policy suggest that presidential authority also extends to a range of activities short of war and to responses to situations of genuine emergency in which prior congressional authorization is not feasible. It is doubtful how far this independent authority may be constitutionally restricted by Congress. On the one hand, a number of factors point to broad congressional authority to limit independent presidential authority.[11] Thus, under the Articles of Confederation the Continental Congress seemed to take a broad view of its own authority and a narrow view of the authority of George Washington as Commander in Chief. Similarly, *The Federalist Papers* suggest that the framers were concerned to distinguish the war powers of the President from the broad inherent powers of the British monarch. Moreover, Congress has authority not only "to declare War" but "to raise and support Armies [and a Navy]," "to make Rules for the Government and Regulation of the land and naval Forces," and "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers. . . ." [12] Several Supreme Court decisions also lend some support to this position. In a line of cases growing out of the undeclared naval war with France the Supreme Court seemed to subordinate presidential directives on capture of ships to detailed congressional regulations authorizing the modalities of capture.[13] And in the famous "Steel Seizure" case the Court held that President Truman could not validly direct the Secretary of Commerce to take possession of the steel mills to avert a strike during the Korean War in the face of congressional legislation precluding such action.[14] In a concurring opinion Mr. Justice Jackson pointed out that presidential authority is highest when the President acts with congressional authorization and is at its lowest ebb when the President acts in opposition to Congress.[15]

On the other hand, there are a number of at least equally strong reasons for suggesting that congressional restrictions on the independent authority of the President would be unconstitutional. First, the general historical argument for broad congressional authority proves too much both in terms of history and in terms of principles of constitutional interpretation. The historical evidence is fragmentary at best that there was any thought given to the specific issue of congressional authority to limit independent presidential authority. Yet it was clear that the Constitutional Convention at least intended the President to have the independent authority to repel sudden attacks and to conduct the course of hostilities. Furthermore, reliance on the experience under the Articles of Confederation seems a frail reed for interpreting a Constitution promulgated in large measure as a result of dissatisfaction with the experience under the Articles. Perhaps more to the point, historical evidence as to the intent of the framers, however realistic an approximation, is only one source for interpreting a living document such as the Constitution. As Mr. Justice Frankfurter pointed out in a concurring opinion in the "Steel Seizure" case: "It is an inadmissibly narrow conception of American constitutional law to confine it to the words of the Constitution and to disregard the gloss which life has written upon them." [16] Nowhere is this statement or that of Mr. Justice Holmes that "the life of the law has not been logic: it has been experience" [17] been more apt than in the interpretation of the war power. In the more than 180 years following the adoption of the Constitution there have been numerous instances of Executive action commiting the Armed Forces to hostilities abroad yet there are few instances in which Congress has sought to place restraints on Executive action. One such restraint was enacted by Congress as a proviso to the Selective Training and Service Act of 1940. It provided:

> Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.[18]

The proviso, however, was partial in that it did not apply to volunteer personnel or naval forces and was in any event repealed almost at once following the outbreak of World War II. A more recent example is the proviso in the Defense Appropriation Act of 1969 which provides that none of the funds appropriated by the Act "shall be used to finance the introduction of American ground combat troops into Laos or Thailand." [19] In comparison with the active history of presidential initiatives in the use of the Armed Forces abroad the lack of congressional restraints suggests a cautious estimate of congressional authority to limit independent presidential authority. Perhaps because of this lack of historical precedent for broad congressional authority, at least two American Presidents have urged that such restrictions might be unconstitutional. President Taft said:

> The President is made Commander-in-Chief of the Army and Navy by the Constitution, evidently for the purpose of enabling him to defend the country against invasion, to suppress insurrection and to take care that the laws be faithfully executed. If Congress were to attempt to prevent his use of the army for any of these purposes, the action would be void.[20]

And President Fillmore said that:

> No legislation could add to or diminish the power . . . [of the President to use the regular armed forces] but by increasing or diminishing or abolishing altogether the army and navy.[21]

With respect to the principle of the "Steel Seizure" case that the President's authority is at its lowest ebb when he acts in opposition to congressional action, it does not follow that in all such situations the congressional action will prevail. In this respect the "Steel Seizure" case is hardly on point when the issue is the authority of the President to use the Armed Forces abroad, since the case involved a domestic aspect of the presidential war power and at that a domestic aspect which was far from clear even in the absence of limiting congressional legislation. In many ways a case which is more on point is Meyers v. United States [22] in which the Supreme Court struck down an act of Congress which sought to require the concurrence of the Senate in presidential decisions to dismiss certain postmasters. The Court held that the President's removal power over executive agencies was an exclusive power even though the Constitution provides for the concurrence of the Senate on the initial appointment and even though the experience under the Articles of Confederation had been to allow congressional exercise of the removal power. Another Supreme Court case suggesting limitations on congressional authority to limit the independent authority of the President is Ex Parte Milligan.[23] In that case Chief Justice Chase pointed out that congressional authority did not extend to interference with presidential command decisions. According to the Chief Justice, congressional authority.

"Necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander in chief." [24]

Although this statement in Ex Parte Milligan deals specifically with the core area of command decisions in the conduct of hostilities which is one of the strongest areas for exclusive presidential authority, the principle that there are some areas of exclusive presidential power in the use of the Armed Forces abroad is clear. In fact, this principle enumerated in Ex Parte Milligan seems more applicable than the line of cases growing out of the undeclared naval war with France which are suggested to be indicative of broad congressional authority.[25] Although Little v.

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Barreme,[26] the principal case in this series, applied a congressional act limiting lawful naval captures during the war rather than a presidential interpretation of that act, the issue in the case was a narrow one of civil liability for damages for capture and detention rather than the validity of a broad restriction on independent presidential authority. Moreover, these cases involved an issue squarely within a specific grant of authority to Congress. That is, the power "to make Rules concerning Captures on Land and Water."[27] Under the circumstances it hardly seems surprising or relevant that a congressional act concerning rules for captures was preferred by the Court to a presidential interpretation of that Act.

If the arguments for and against a broad congressional authority to limit the independent presidential authority to commit the Armed Forces to hostilities abroad are inconclusive, at least one astute constitutional observer, Professor Quincy Wright has unambiguously urged that:

> [I]f he considers such action essential for the enforcement of acts of Congress and treaties and for the protection of the citizens and territory of the United States, the President is obliged by the Constitution itself to use his power as commander-in-chief to direct the forces abroad, and this duty resting on the Constitution itself cannot be taken away by act of Congress.[28]

On balance, Congress would seem to have the authority to limit presidential use of the Armed Forces abroad in areas which fall within exclusive congressional authority. Using my earlier test, I believe that Congress would have the authority to prohibit or place restrictions on presidential commitment of regular combat units to sustained hostilities abroad. In areas which do not fall within exclusive congressional authority, however, it is unclear whether Congress could limit presidential authority. The same policies which suggest some independent presidential authority also suggest that except in extreme cases of presidential abuse Congress should not be able to limit such authority.

III. An analysis of Current Proposals for Strengthening the Congressional Role in the Use of the Armed Forces Abroad.

The proposals for strengthening the congressional role in the use of the Armed Forces abroad which are before the Committee, S. 731, introduced by Senator Javits, S.J. Res. 59, introduced by Senator Eagleton, and S.J. Res. 18, introduced by Senator Taft, differ in specifics but are similar in that they all delimit in advance the independent authority of the President to commit the armed forces to hostilities. The purpose of these initiatives is commendable in seeking to clarify the constitutional balance on a vital issue. But to the extent that they restrict presidential authority beyond the area of exclusive congressional competence they are of doubtful constitutionality. To use S. 731 as an example, it limits independent presidential authority to four categories. Even in those four categories presidential authority is only recognized as initial and "shall not be sustained beyond thirty days from the date of their initiation except as provided in legislation enacted by the Congress to sustain such hostilities beyond thirty days," [29] But the independent authority of the President is probably substantially broader than the four categories in the Bill. Thus, presidential authority would also seem to include certain "low level" commitments such as regional peacekeeping, actions in defense of United States interests in free transit of international straits, humanitarian interventions such as the Stanleyville operation, defensive quarantines such as were involved in the Cuban Missile Crisis, and the commitment of Military Assistance Advisory Groups provided that such commitments stop short of the commitment of regular combat units to sustained hostilities. Though some of these situations might be brought within the language of the Bill, most seem prohibited or at least doubtful in the absence of a prior declaration of war. In attempting to restrict the area of independent presidential authority, then, this Bill may be unconstitutional. Even if the Bill is constitutional, it seems unwise to enact such a constitutionally uncertain restriction. In the absence of greater constitutional clarity the Bill might precipitate a constitutional crisis between Congress and the President when the nation can least afford it. Since the area is one regulated in general terms by the Constitution, it may be unwise to attempt a specific codification by statute.

Regardless of the resolution of the constitutional issues, a fundamental objection to proposals which seek to delimit independent presidential authority is the difficulty and consequent danger in attempting to specify in advance a policy-responsive division of authority. As an illustration of this difficulty it may be useful to examine several initatives historically within Executive competence which would be prohibited by these proposals in the absence of prior congressional authorization. By way of illustration I will refer to the specifics of the carefully drafted S. 731, but each of the parallel proposals could be similarly analyzed. In the absence of a prior declaration of war S. 731 would prohibit, among others, the following kinds of presidential initiatives: humanitarian intervention similar to the joint United States-Belgian operation in the Congo if the intervention were not for the protection of United States nationals,[30] an attack on United States Naval vessels in transit in international straits or engaged in innocent passage in the territorial sea, a threat of imminent attack against the United States or United States forces similar to that facing Israel prior to the Six Day War, collective defense against a sudden armed attack on a nation to which we have no "national commitment' (under this standard President Truman would have required a prior declaration of war before engaging North Korean forces in the Korean War as it was not until 1954 that the Mutual Defense Treaty with Korea entered into force. Since we have no specific defense treaty with Israel, or for that matter with Egypt, a parallel problem is not impossible under present conditions in the Middle East.), low level or intermittent counter-intervention, as for example a hyothetical air strike made at the request of the Jordanian government against Syrian tank columns intervening in the recent Jordanian Civil War, military hostilities arising from efforts to prevent foreign warships from engaging in espionage activities within United States territorial waters, the naval quarantine of Cuba against the emplacement of Soviet IRBM's if "military hostilities" were necessary to maintain the quarantine (in this case apparently the only lawful route for the Cuban quarantine of 1962 which the President could rely on woud have been a prior declaration of war against the Soviet Union or Cuba!).

In addition to these areas which seem fairly clearly to require a prior declaration of war under the bill, *a large number of other areas are ambiguous*. For example, as written the Bill might require a prior declaration of war in order for the United States to participate in a United Nations or OAS peacekeeping operation, to participate in a big four peacekeeping operation in the Middle East, to proceed in hot pursuit of attacking forces, and to provide military assistance advisory teams in insurgency settings. My own feeling is that it would be unwise in the extreme to deprive the President of needed flexibility in the many situations such as these which are clearly or ambigously prohibited by the Bill. Even if it is possible to seek prior congressional action in some of these cases, *the Bill does not make adequate provision for fast action in situations in which Congress is not in session* (for example during an election year). Moreover, in requiring a formal declaration of war as the only means of authorization for categories other than the four listed, the Bill rejects the constitutional practice which properly treats any specific form of congressional authorization as sufficient, a practice which was specifically adopted by the Committee during the National Commitments Hearings.[31] The Bill also seems inconsistent with the United Nations Participation Act of 1945 which provides that "[t]he President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements [an Article 43 agreement] the armed forces, facilities, or assistances provided for therein. . . .[32] Though no Article 43 agreement has yet been concluded, the recent Brewster report of the United Nations Association recommends a renewed effort to negotiate such an agreement.[33] In light of the critical need to strengthen the capability of the United Nations it seems unwise to discard the United Nations Participation Act even if it has not yet been implemented.

S. 731 may also be overly restrictive with respect to the operation of the thirty day limitation and the applicability of the procedures for expedited consideration. Inexplicably, the commendable procedure for expedited consideration is only available with respect to continuation of hostilities within the four categories of initial presidential authority. Other situations would not even benefit from these expedited procedures yet the President would be prohibited from acting even on an emergency basis until he first secured a congressional declaration of war. Even in the areas in which the expedited procedure is applicable, Congress may still be unable to affirmatively act within 30 days possibly because of disagreement about the modalities of action or restrictions on the action rather than because of any disagreement about whether the action should be taken. The Bill would also remove any flexibility now possessed by Congress in exercising discretion about the advisability of a full congressional debate at the time of the action.

These examples suggest the difficulty if not impossibility of satisfactorily delimiting Executive authority in advance (and particularly of satisfactorily delimiting it in advance by a purpose of the action test). Efforts to delimit in advance despite these difficulties are likely to lead to a rigidity which would destroy presidential independence needed for the management of crisis situations. Perhaps for these reasons the witnesses testifying before the House Subcommittee on National Security Affairs last summer on similar proposals then pending before the House largely agreed on the danger of approaches which sought to delimit presidential authority in advance even though they disagreed on the constitutional implications of such measures.[34]

Finally, though the congressional interest in improving constitutional processes in the use of the armed forces abroad should be encouraged, efforts aimed principally at restricting presidential authority in advance may prove too much. Congress already has constitutional authority to terminate major hostilities, at least where such hostilities require initial congressional approval.[35] As such, any gain from restricting presidential authority or from an automatic 30 day authorization deadline hardly seems worth the price. Conversely, as a result of his power as the principal representative of the nation in

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foreign affairs the President may frequently be in a position to precipitate or avoid war by the diplomatic posture which he selects. Prior to the Japanese attack on Pearl Harbor it was the President who played the predominant role in war-peace decisions. After the attack the congressional declaration of war was little more than a formality. And in the European theater President Roosevelt's decision to convoy allied shipping made it more likely that American Armed Forces would be attacked. Similarly, President Truman's decision to deploy seven divisions in Germany or the recent effort prior to the Six Day War to join with other maritime nations to send shipping through the Strait of Tiran might have precipitated an escalating series of events making congressional action inevitable. The issues in the use of the Armed Forces abroad involve a process of decision rather than a single commitment decision. Control of this process requires congressional involvement in decisions both prior and subsequent to initial commitment of the Armed Forces to combat. A vigorous congressional involvement in each of these areas would probably be more effective than reliance on mechanical tests for delimiting presidential authority.

IV. Recommendations for Strengthening the Congressional Role in the Use of the Armed Forces Abroad.

Strengthening the congressional role in the use of the Armed Forces abroad is largely a problem in achieving balance throughout a range of decisions from the decision to make a national commitment to the decision to terminate hostilities. Decisions on any one issue may be predominantly Executive or predominantly congressional, but the overall effect must be to reinforce the functional strengths of each branch and the essential partnership between both branches. The starting point in this process is the decision to make a national commitment. Congress should play a major role in considering national commitments which may subsequently lead the nation into major hostilities. The setting of national priorities and goals is certainly a paradigm function of the more broadly based Congress.

With respect to decisions to commit the Armed Forces to military hostilities, the President should seek meaningful congressional authorization prior to the commitment of the Armed Forces to sustained military hostilities. In conflicts like the Korean War, in which there may be a genuine need for speed, the President would be required to submit his action to congressional scrutiny at the earliest opportunity. And in conflicts which gradually escalate, the dividing line for requiring congressional authorization might be the initial commitment to combat of regular U.S. combat units as such. The President also should seek congressional involvement whenever feasible in other circumstances and should not rely on exaggerated claims of speed or secrecy. In any sustained hostilities the President is dependent on congressional cooperation and to fail to obtain congressional involvement when such involvement is feasible is to needlessly weaken the presidential action as well as to weaken the constitutional structure. For its part, when considering initial commitment decisions Congress should consider carefully the scope of its authorization and the probable implications of its action. In retrospect, although the Tonkin Gulf Resolution was a valid congressional authorization for increased United States involvement in the Indo-China War, the unnecessary sense of urgency surrounding its passage and the ambiguity of the congressional debates suggest that both Congress and the President share responsibility for a sloppy exercise of congressional authority.[36] In this respect the standards developed for such authorization during the course of the National Commitments Hearings are a useful starting point.[37]

It seems probable that in a post-Vietnam World Congress will be particularly sensitive to the need for care in authorizing sustained hostilities. Even so it might be helpful in confirming the congressional role in the commitment of the Armed Forces to military hostilities if Congress would require a report from the President whenever there is a substantial shift in the deployment of troops abroad or a commitment of the Armed Forces to military hostilities. The reporting idea in the proposals before the Committee and in H.J. Res. 1, which is the parallel legislation in the House, is sound and might be adopted by Congress as a useful step. Such a requirement also has the advantage of avoiding the constitutional and practical dangers in efforts to delimit presidential authority in advance while operating to trigger congressional action where needed and to hasten an orderly common law growth in the division of authority between Congress and the President. It might also be useful in encouraging greater Executive cooperation with Congress if Congress were to adopt expedited procedures for the authorization of certain kinds of non-major hostilities. Senator Douglas suggested such procedures at the time of the constitutional debate during the Korean War and if such procedures were carefully safeguarded to assure meaningful congressional authorization they might encourage greater cooperation between Congress and the Executive.[38] Finally, in the exercise of its concurrent authority to terminate major hostilities Congress should play a continuing role in reexamining major policy. To facilitate this role it might be helpful to create a mechanism for continuing cooperation between Congress and the President during the course of major hostilities. For example, it might be useful to encourage periodic meetings between the President and congressional leaders during the continuance of sustained hostilities. Similarly, it might be useful for Congress to create new machinery to facilitate such continuing communication with the Executive. One possibility would be a joint congressional body composed of appropriate representatives from the Foreign Affairs, Appropriations and Armed Services Committees of both Houses. Whatever the mechanism, there is a major need to improve the communication between Congress and the Executive concerning the exercise of the war powers. I would also urge the importance of congressional oversight continuing to proceed on a non-partisan basis.

In considering proposals for strengthening the congressional role in the use of the Armed Forces abroad Congress should not let the present dissatisfaction with the Indo-China War lead to a proposal which may alter the proper balance between Congress and the Executive. The Indo-China War will come to an end, but the need for balance between the Executive and Congress will continue. In August, 1937 the Young Democrats of America voted unanimously at their national convention to endorse the Ludlow Amendment requiring a national referendum before declaration of a foreign war.[39] Five years later as the nation fought World War II the proposal seemed strangely dated. History teaches that we tend to respond to past problems rather than anticipate future dangers. In the long run a commitment to a balance between congressional and presidential authority seems the best safeguard to avoid this trap.

FOOTNOTES

[1] See generally on the constitutional issues and their historical background Fulbright, *American Foreign Policy in the 20th Century Under an 18th-Century Constitution*, 47 CORNELL L.Q. 1 (1961; Kurland, *The Impotence of Reticence*, 1968 DUKE L.J. 619; Moore, *The National Executive and the Use of the Armed Forces Abroad*, 21 NAVAL WAR COLLEGE REVIEW 28 (1969); Moore, "Congress and the Use of the Armed Forces Abroad," in *Congress, The President, and the War Powers, Hearings Before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs of the House of Representatives*, 91ST CONG., 2D SESS., (*Comm. Print 1970*) at 124; Reveley, *Presidential War-Making: Constitutional Prerogative or Usurpation?*, 55 VA. L. REV. 1243 (1969); Rogers, "World Policing and the Constitution" in 11 AMERICA LOOKS AHEAD (World Peace Foundation 1945); Velvel, *The War in Vietnam: Unconstitutional, Justiciable and Jurisdictionally Attackable*, 16 KANSAS L. REV. 449 (1968); Francis D. Wormuth, *The Vietnam War: The President v. The Constitution* (an Occasional Paper of the Center for the Study of Democratic Institutions, 1968); Note, *Congress, The President, and the Power to Commit Forces to Combat*, 81 HARV. L. REV. 1771 (1968); Symposium, *The Constitution and the Use of Military Force Abroad*, 10 VA. J. INT'L L. 32 (1969); *U.S. Commitments to Foreign Powers, Hearings Before the Committee on Foreign Relations of the United States Senate on Senate Resolution 151, 90th* CONG., 1ST SESS. (Comm. Print 1967); *Congress, The President, and the War Powers, Hearings Before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs of the House of Representatives*, 91ST CONG., 2D SESS., (Comm. Print 1970). See also *Documents Relating to the War Power of Congress, The President's Authority as Commander-in-Chief and the War in Indochina, Senate Committee on Foreign Relations*, 91ST CONG., 2D SESS. (Comm. Print 1970).

[2] I have dealt briefly with the issues subsumed under headings III, IV and V in Moore, "Congress and the Use of the Armed Forces Abroad," *supra* note 1. On issues I and II see *Hearings Before the Committee on Foreign Relations of the United States Senate on Senate Resolution 151, supra* note 1; *Remarks of Senator Fulbright*, 97 CONG. REC. 520 (1951).

One important issue has been quite clearly defined. That issue is whether the President should seek the advice of Congress on the question of sending troops to Europe now, or whether his discretion should be subject to the consent of Congress. Apparently the President is agreeable to the idea that it is proper for Congress to give him its advice about this question, leaving to him the full responsibility for making the final decision. He is not willing, however, to accept the principle that the consent of the Congress is necessary to validate his decision. In other words, he does not agree that his decision in this matter must be subject to the approval of Congress.

Personnally, I agree with the position of the President. I do not agree with the proposal of the minority leader. The Congress has the right and power to raise the Armed Forces, but the President has the responsibility for the command of those forces. If in the exercise of his best judgment the defense of this country requires the sending of troops to Europe, he has the power and the duty to do so. Congress, of course, can refuse to appropriate the money for the troops but that is a decision for which Congress must take the responsibility. In the long run decisions on military strategy are best left to the Executive. That is the plain intent of our constitutional system. It would be dangerous for our future welfare to change the underlying principle simply because a strong minority or even a majority of the Congress may lack confidence in the wisdom of the Executive in some particular instance such as the present one.

Id. at 520–21. See also S. Res. 85 expressing the sense of the Senate relative to commitments to foreign powers.

[3] Madison's notes indicate that "Mr. Madison and Mr. Gerry moved to insert '*declare*,' striking out '*make*' war; leaving to the Executive the power to repel sudden attacks."

They also indicate that Mr. Elseworth, who initially voted against this motion, changed his vote to one in favor of the motion after "the remarks by Mr. King that '*make*' war might be understood to 'conduct' it which was an Executive function. . . ." Notes of Debates in the Federal Convention of 1787 Reported by James Madison 476 (Ohio University Press 1966).

[4] One authority on the concept of war in contemporary history and international law writes:

> The laws of the American Constitution which regulate the initiation of war obviously deal with war in the formal sense. The Constitution provides that only the Congress shall have the power to declare war. On the other hand there is little doubt that the President has been recognized the right, exercised frequently in the past, to utilize the armed forces for the defense of national rights and interests, which in many instances gave rise to a waging of war in the material sense. Hence the legal right and the practical power of the President of the United States to put into operation the country's armed forces outside of the United States has been a subject of considerable discussion. The question at stake was whether or not the Presidential use of armed force contradicted the terms of the Constitution according to which only Congress was entitled to initiate war.
>
> From the standpoint of modern international law the competence to initiate war under the American Constitution must be considered differently according to whether formal or material war is concerned. While the competence of the Congress to initiate war is concerned with war in the formal sense, the President, owing largely to his position as Commander-in-Chief, is entitled, if need be, to engage his military forces in material war.

L. Kotsch, the concept of the war in contemporary history and international law 62 n. 73 (1956). See also Potter, The Power of the President of the United States to Utilize Its Armed Forces Abroad, 48 AM. J. Int'l L. 458 (1954); Note, supra note 1, at 1774–75, 1778–1794.

That the framers were aware of the distinction between declared war and measures short of war is suggested by the prevalence of hostilities without a formal declaration of war during the 18th Century. A study of hostilities in the absence of a declaration of war, compiled as long ago as 1883, indicates that historically the nations of the world had frequently utilized the power to engage in hostilities without a formal declaration of war. In fact, the author of the study found that:

> Circumstances have occurred in which "declarations of war" have been issued prior to hostilities; but during the 171 years here given (from 1700 to 1870 inclusive), less than ten instances of the kind have occurred. . . .
>
> On the other hand, 107 cases are recorded in which hostilities have been commenced by the subjects of European Powers or of the United States of America against other powers without declaration of war.

Maurice, Hostilities without Declaration of War 4 (1883). This study was concerned with cases in which hostilities were commenced prior to formal declaration of war, and the number of cases in this study in which there was never a declaration of war would be substantially lower.

[5] See the list of instances of use of United States Armed Forces abroad from 1798–1970 in Background Information on The Use of United States Armed Forces in Foreign Countries, Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, 91st Cong., 2d Sess. (Comm. Print Rev. 1970), at 50, Appendix II.

[6] *Id.* at 54–57.

[7] Senator Douglas, however, presented a paper to Congress on the constitutional basis for the President's action in using armed forces to repel the attacks against South Korea in which he concluded that despite the absence of congressional authorization the President's action was "in thorough harmony with the legislative intent of the framers of the Constitution" and "in line with sound historical precedent." Douglas, *The Constitutional and Legal Basis for the President's Action in Using Armed Forces to Repel the Invasion of South Korea*, 96 Cong. Rec. 9647, 9649 (1950).

[8] Note, *supra* note 1, at 1794–98.

[9] See Moore, *The National Executive and the Use of the Armed Forces Abroad, supra* note 1, at 32.

[10] See Wright, *The Power of the Executive to Use Military Forces Abroad,* 10 Va. J. Int'l L. 43 49 (1969).

[11] See generally *A Brief on S. 731, To Make Rules Respecting Military Hostilities in the Absence of a Declaration of War,* Cong. Rec. p. 5247 (March 5, 1971).

[12] U.S. Const., Art. I § 8.

[13] See Bas v. Tingy (The Eliza) 4 U.S. (4 Dall.) 36 (1800); Talbot v. Seeman (The Ship Amelia), 5 U.S. (1 Cr.) 1 (1801); Little v. Barreme (The Flying Fish), 6 U.S. (2 Cr.) 169 (1804).

[14] Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[15] *Id.* at 634, 637.

[16] *Id.* at 593, 610.

[17] See I Mark DeW. Howe, Justice Oliver Wendell Holmes 26 (1957).

[18] Act of September 16, 1940 (54 Stat. 885, 886).

[19] 83 Stat. 469 (1969).

[20] Q. Wright, The Control of American Foreign Relations 308 (1922).

[21] Wright, *supra* note 10, at 46. The statement in Professor Wright's context is:

> The Supreme Court has held that it belongs to the President himself to determine the exigencies in which a call for the militia under the congressional act of 1792 is justifiable, and the same principle would seem to apply to uses of the regular forces if, as was assumed in the Constitutional Convention, as Commander-in-Chief he uses them for necessary defense of the territory and probably other purposes such as protection of citizens abroad. President Fillmore, like all other presidents except Buchanan, insisted that the Constitution itself granted the President power to utilize the regular armed forces, even though power to call forth the militia depended upon congressional delegation. "Probably," he added, "no legislation could add to or diminish the power thus given but by increasing or diminishing or abolishing altogether the army and navy." The Supreme Court, as well as long practice, has sustained this position in the *Neagle, Debs* and other cases.

Id.

[22] 272 U.S. 52 (1926). This case is also cited by Mr. Justice Jackson in his concurring opinion in the "Steel Seizure" case as an example of a case in which presidential actions incompatible with the expressed will of Congress were nevertheless upheld. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 634 at 638 n. 4.

[23] 71 U.S. (4 Wall.) 2 (1866).

[24] *Id.* at 139. (Opinion of the Chief Justice and Justices Wayne, Swayne, and Miller).

[25] See *A Brief on S. 731, supra* note 11, at S. 2529.

[26] (The Flying Fish), 6 U.S. (2 Cr.) 169 (1804).

[27] U.S. Const., Art. I § 8.

[28] Q. Wright, *supra* note 20, at 307 (emphasis added). On the same page Wright reiterates that:

> By reduction of the army and navy or refusal of supplies, Congress might seriously impair the *de facto* power of the President to perform these duties, but it can not limit his legal power as Commander-in-Chief to employ the means at his disposal for these purposes.

Id. at 307 n. 93. Elsewhere Wright makes the same point equally forcefully:

> [A]uthority supported by practice shows that the President has *independent power* under the Constitution to employ the military or naval forces of the United States at home or abroad except as restricted by international law, in time of peace to enforce the laws and treaties, to protect officers of the United States, to prevent obstruction of national functions, to protect the privileges and immunities of American citizens, to prevent foreign aggression and to protect inchoate interests of the United States abroad; and in time of war to prosecute campaigns, to compel submission of the enemy and to govern occupied territory. It is true that Congress can authorize the use of the armed forces either by Declaration of War or by Joint Resolution in time of peace and the President is bound to execute such declaration or resolution, *but Congress can not impair the concurrent power of the President to authorize the use of forces as given by the constitution.*

Wright, *Validity of the Proposed Reservations to the Peace Treaty,* 20 Col. L. Rev. 121, 135–36 (1920) (emphasis added). And in speaking of a proposed reservation to the Peace Treaty which would have provided that "Congress . . . under the constitution has the sole power to declare war or authorize the employment of the military or naval forces of the United States," Wright says: "[t]he first part is merely declaratory, the second unconstitutional." *Id.* at 134.

Writing in 1929 Professor Westel Willoughby of The Johns Hopkins University said:

> There has been no question as to the constitutional power of the President of the United States, in time of war, to send troops outside of the United States when the military exigencies of the war so require. This he can do as Commander-in-Chief of the Army and Navy, and his discretion in this respect can probably not be controlled or limited by Congress.

III. W. Willoughby, The Constitutional Law of the United States 1567 (2d ed. 1929). Professor Willoughby goes on to say:

> As to his constitutional power to send United States forces outside the country in time of peace when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt, although it has been contended by some that the exercise of this discretion can be limited by congressional statute. That Congress has this right to limit or to forbid the sending of United States forces outside of the country in time of peace has been asserted by so eminent an authority as Ex-Secretary Root. It would seem to the author, however, that the President, under his powers as Commander-in-Chief of the Army and Navy, and his general control of the foreign relations of the United States, has this discretionary right constitutionally vested in him, and, therefore, *not subject to congressional control.* Especially, since the argument of the court in *Myers* v. *United States* with reference to the general character of the executive power vested in the President, and, apparently, the authority impliedly vested in him by reason of his obligation to take care that the laws be faithfully executed, it is reasonable to predict that, should be question be presented to it, the Supreme Court will so hold. Of course, if this sending is in pursuance of express provisions of a treaty, or for the execution of treaty provisions, the sending could not reasonably be subject to constitutional objection.

Id. Cf. Fulbright, *supra* note 1.

The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead. . . .

As Commander-in-Chief of the armed forces, the President has full responsibility, which cannot be shared, for military decisions in a world in which the difference between safety and cataclysm can be a matter of hours or even minutes.

Id. at 2, 3.

[29] Section 1(c) of the Bill.

[30] As to the permissibility of humanitarian intervention under international law see generally Lillich, *Forcible Self-Help by States to Protect Human Rights*, 53 Iowa L. Rev. 325 (1967); Moore, *The Control of Foreign Intervention in Internal Conflict*, 9 Va. J. Int'l L. 205, 261–64 (1969).

[31] See the *Report of the Senate Committee on Foreign Relations*, 90TH CONG., 1ST SESS., *National Commitments* 25 (No. 797, Nov. 20, 1967). "The committee does not believe that formal declarations of war are the only available means by which Congress can authorize the President to initiate limited or general hostilities." *Id.* Constitutional scholars are in substantial agreement with this principle. See, *e.g.*, Reveley, *supra* note 1 at 1289.

[32] 59 Stat. 619–21 (1945).

[33] See "Controlling Conflict in the 1970's," *The Report of the United Nations Association of the United States Policy Panel on Multilateral Alternatives to Unilateral Intervention* 41 (1969) (The Panel was chaired by Kingman Brewster, Jr.).

[34] See, *e.g.*, *Congress, The President, and the War Powers*, *supra* note 1, at 23–25 (McGeorge Bundy), 36, 38, 49 & 77 (W. T. Mallison, Jr.), 45, 50, 56–58, 79 (Alexander M. Bickel), 58, 74 & 75 (William D. Rogers), 89 (James MacGregor Burns), 130 (John Norton Moore), 135–37 (Abram Chayes) 210 (John R. Stevenson), 216 (William H. Rehnquist), 304 (Nicholas de B. Katzenbach). On the constitutional issues *Professor Mallison expressed doubts about the constitutionality of such proposals* and Professor Bickel supported the constitutionality of such proposals. See *id.* at 38, 49 & 77 (Professor Mallison) and at 50 (Professor Bickel).

[35] It is worth noting that the Articles of Confederation assigned the Congress the power to determine "on peace" as well as on war. Yet at the Constitutional Convention a motion by Mr. Butler "to give the legislature [the] power of peace, as they were to have that of war," failed of adoption. The remarks of Mr. Gerry who seconded the motion suggest that the delegates expected that the Senate rather than the Congress would make decisions "on peace," probably through the treaty power which was the usual technique for concluding formally declared wars. See NOTES OF DEBATE IN THE FEDERAL CONVENTION OF 1787 REPORTED BY JAMES MADISON 477 (Ohio University Press 1966).

[36] For a discussion of the legal effect of the Tonkin Gulf Resolution see Moore, *The National Executive and the Use of The Armed Forces Abroad*, *supra* note 1, at 36–37 & 38 n. 16. And with respect to the constitutional issues in the Cambodian incursion see Moore, *Legal Dimensions of the Decision to Intercede in Cambodia*, 65 *Am. J. Int'l L.* 38, 61–72 (1971).

[37] See Report, *National Commitments*, *supra* note 31, at 26.

[38] See Douglas, *supra* note 7, at 4649.

I submit, moreover, that we of the Congress could make it easier for the President to consult us in the event of such a national emergency, and to share any attendant responsibility, by so revising our rules that congressional action in such matters can be speeded up. The House, for example, might waive for this range of subjects the formal engrossing of a bill and the Senate could for such issues permit the vote on cloture to come more quickly after the submission of the petition.

Id.

[39] See 84 CONG. REC. 2055 (1939).

GENOCIDE CONVENTION

Mr. CHURCH. Mr. President, like other Senators, I have been at the receiving end of a stream of mail in opposition to Senate approval of the Genocide Convention. Many of the letters make it apparent that much misinformation about the treaty is being distributed to well-meaning citizens.

I had no idea, however, of the extreme to which this campaign had gone until I received a letter from a high school student in Cleveland, stating that his history teacher was offering 15 points of extra grade credit "for each reply from our lawmakers to letters urging them to work against it." I ask unanimous consent that the letter be printed at this point in the RECORD, with the names of the teacher and student deleted.

There being no objections, the letter was ordered to be printed in the RECORD, as follows:

Senator FRANK CHURCH,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: I am a student at Brush High School, in the South Euclid—Lyndhurst school system. My history teacher is so concerned over the possible passage of the United Nations Genocide Treaty that he has promised fifteen points of extra grade credit for each reply from our lawmakers to letters urging them to work against it.

For example, he quotes Congressman Nixon (1951) as saying, "The major objection to the treaty is that its provisions would not apply to the persecution of political minorities in the Soviet Union. In addition, the treaty, in its present form, grants far more power to the international organization (The United Nations) than the United States should agree to . . . You can be sure that in view of these objectionable features, I shall continue to oppose the Genocide Treaty in its present form." From this, I surmise that he is in favor of prosecuting the Soviet Union under this treaty, if ratified. However, as I understand it, he feels it is wrong for the United States to be tried under this treaty for our actions in Vietnam.

Thus far we have heard only one side of the issue. Therefore, I feel my classmates' opinion is valueless to our lawmakers. How can I go about obtaining information that will present both sides of the argument?

Yours truly,

——, ——.

Mr. CHURCH. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from a student from Cleveland, with the name similarly deleted, who clearly is after those 15 extra points of grade credit.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SIR: Although, as a high school sophomore, I have no say in the government of our country, I will be able to vote in 6 years and I am concerned with what is happening in my country today. I have been law-abiding all my life, and have had contempt for the campus radicals and revolutionaries who want to wreck everything. But when I hear of things like the Genocide Treaty, I sometimes wonder if they are right.

Twenty years ago President Nixon said that he would never support the treaty in its present form. The treaty has not been changed at all. People such as Frank E. Holman, George A. Finch, Orie L. Phillips, and Eberhard Deutsch have been opposed to the treaty. I am opposed to it because it does not anywhere set out to do what it is supposed to. Nowhere does it define genocide as the destruction of a people or race, as any decent person would be opposed to, but it sets up a world tribunal which would be able to judge domestic acts. This seems to me ridiculous. We do not have world government. Nations should take care of their own.

Under this treaty any nation would be able to accuse virtually any soldier of war crimes. For instance, Lt. Calley would have been tried by this world tribunal. Speaking of the Calley trial, I think it is disgusting the way the bill was reintroduced when the American public was busy with the trial. I would really like to know what possible reasons there would be for this treaty, and I would appreciate hearing from you on this matter. Thank you.

——, ——.

Mr. CHURCH. Mr. President, I believe that this history teacher should be reminded that his function is to present both sides of an issue to his students to enable them to arrive at judgments themselves. And further I believe that all of our citizens should be encouraged to weigh both sides of the Genocide Convention issue before accepting much of what has been put out about this treaty.

CONSULTATIONS WITH MEXICO'S PRESIDENT LUIS ECHEVERRIA, FINANCE MINISTER MARGAIN, AND BUSINESS LEADERS

Mr. JAVITS. Mr. President, on April 13–16, I traveled to Mexico City where I consulted with the President of Mexico, His Excellency Luis Echeverria; the Minister of Finance, Hugo B. Margain; and the American official community headed by our distinguished Ambassador Robert H. McBride.

I consulted also with leaders of Mexico's business community, at a magnificent dinner at the home of Bruno Pagliai.

And, I attended also a breakfast hosted by Alfredo Santos, president of the Association of Chambers of Commerce of Mexico. I express my deep appreciation to the President, Minister Margain and my hosts for their unexampled courtesy and hospitality.

I spoke publicly before the American Chamber of Commerce of Mexico at a large luncheon gathering.

I am pleased to report that I found United States-Mexican relations to be excellent and that a highly constructive continuing dialog between our two countries makes possible the sensible solution of problems in the spirit of mutual respect and good will. The most notable recent example is the outstanding cooperation which the Mexican authorities have been giving the United States in the common fight against drugs.

I also found Mexico's President and his administration to be energetic and fully determined to improve further the standard of living of the Mexican people by furthering industrialization and increasing output as well as insuring an equitable distribution of this output. Toward these ends, the administration of President Echeverria is promoting a program of exchange of technicians with six countries including the United States. This technical exchange will complement the inflow of technology and training accruing from the activities of private foreign enterprise in Mexico. In turn, the administration of President Echeverria is looking toward the broader distribution of ownership in corporations to the Mexican people as a way toward strengthening the ongoing democratic system as well as the vigorous capital markets of Mexico. In all my conversations with Mexico's leaders, I emphasized the importance of acceptable foreign private investment as a vehicle for the all-important transfers of technology and know-how.

I also found an awareness among Mexican leaders of the potential new role Mexico could play in developing economic integration in Latin America looking toward the eventual formation of a Latin American Common Market. I emphasized that self-help efforts toward greater economic integration, I felt, would be favorably received in the United States.

I had the strong feeling that President Echeverria looked favorably on the countries of Latin America moving to establish a regional approach to industrialization and endeavoring to rationalize the Latin American system of industrial production. As is widely recognized, the fragmented production of the same products by many countries does not lead to efficiency of production or the most fruitful use of human and material resources.

President Echeverria's position on accelerating the integration of Latin America was clearly stated in his inaugural message to the Mexican Congress on December 1, 1970. He said:

> Latin American integration calls not only for the union of markets but also for that of our productive potential. We must create large-scale economies that will make the most complex industries profitable and competitive in the world markets. We shall propose the establishment of multinational enterprises that will integrate the initiatives of our investors, utilize the raw materials of various countries, and take advantage of the most advanced techniques and institutional sources of international credit. At the same time, we shall also propose the creation of multinational research centers.

It is my hope that the Echeverria administration and the enlightened Mexican business community which has done so much to build a stable and prosperous Mexican democracy will increasingly turn their attention to the affairs of Latin America and assume a leadership role in developing Latin American integration.

In all my conversations, I was impressed by the concern over the protectionist mood in the United States as evidenced by the near congressional passage of the Mills bill in 1970. The reason for Mexico's concern is evident since in recent years, two-thirds of Mexico's exports by value went to the United States. In 1970, the U.S. trade surplus with Mexico reached $482 million, an increase of $61 million over the 1969 surplus of $421 million. I am convinced that continued access of Mexican products to the American market is the key element in maintaining the excellent state of relations between the United States and Mexico.

In turn, any action by the United States to restrict the access of Mexican exports to the U.S. market would run counter to the determined effort which the Echeverria administration is making to promote exports and would create serious friction in the relations between the two countries. Mexico would be particularly concerned about quotas on textiles and shoes and any changes in U.S. law which would restrict the market access of the products of Mexican border industries. Since the United States maintains a trade surplus approaching a half billion dollars annually out of a total trade of some $3 billion—there should be considerable sympathy in the United States for Mexico's position.

While in Mexico City, I explored with Mexican business leaders the type of relationship they wished to see evolve over time with the United States. Many of the business leaders favor the establishment of a special relationship between our two countries which would accord Mexico's production special access to the U.S. market. I believe that interest in the establishment of such a special relationship will be heightened considerably if the generalized preferences scheme fails of passage in the U.S. Congress; or if the European Common Market fails to accord Mexican and other Latin American products greater and nondiscriminatory access to the European market.

In all my talks with Mexico's leaders and with the press, I emphasized that resolution of the textile issue with Japan is a must if there is to be any forward movement in U.S. trade policy.

I ask unanimous consent that the speech I made before the American Chamber of Commerce of Mexico on Pan American Day be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A NEW POLICY FOR THE AMERICAS

(An address by Senator JAVITS, a member of the Senate Foreign Relations Committee)

It is always a pleasure to visit this great capital of Mexico; but, today, it is particularly an honor to have been invited to give an address on the 40th anniversary of Pan-American day. In our preoccupations with the immediate issues of the day, we sometimes tend to overlook that the present inter-American regional system is the oldest international organization in existence today, dating back to the Congress of Panama convened by Simon Bolivar one hundred and forty-five years ago. Then on April 14, 1890, the First International Conference of American States created the International Union of American Republics.

Leaving the past, let me turn to 1971 which may prove to be a watershed year for the world.

The negotiations going on in Europe toward the expansion of the Common Market will determine the shape of Europe for the rest of this century as will the shifting patterns of relations between East-West Europe that have come to be characterized by the Federal Republic of Germany-USSR's Ostpolitik. There is movement toward the integration of the People's Republic of China into the family of nations. In the United Nations, the Second Development Decade has been launched which looks ambitiously toward the betterment of the social and economic plight of two-thirds of mankind. Latin America gives evidence of a new, almost revolutionary mood. And the United States, because of the costly and long-term involvement in Vietnam and Indochina gives evidence of a nascent isolationism which could set back the cause of world organization for world peace by decades.

The portents of a new and possibly dangerous isolationist mood in the United States are already clearly evident, particularly in foreign economic policy.

In 1970, the forces of protectionism, buttressed by even the Administration's support of rigid quota legislation for man-made and woolen textiles, almost succeeded in passing the most restrictive trade legislation since the Smoot-Hawley tariff. This legislation in addition to legislating new quotas on textiles, shoes and glycene would have frozen into law the now Administratively determined quotas on oil and meat in addition to opening the door to quotas on literally hundreds of additional products. That a devastating trade war was narrowly averted in 1970 is an understatement.

In 1971, the forces of protectionism remain strong, the destructive textile and apparel dispute with Japan continues to run its dangerous course, the authorization bills for multinational financial institutions including the Inter-American Development Bank face trouble despite the recent elevation of such distinguished leaders as President Ortiz Mena of the Inter-American Development Bank, and the legislation which would authorize the United States to extend generalized, non-reciprocal tariff preferences to developing countries faces a long and difficult road ahead.

The fact that the United States is looking increasingly inward both in reaction to the Vietnam neurosis and to an economic recession affects seriously our relations with Latin America. The citizens of my country today are less enthusiastic about undertaking foreign commitments anywhere in the world—be they military or economic—than they were ten years ago when the Alliance for Progress was launched. And as is to be expected, this mood of weariness and unease is being felt in the Congress with greater force perhaps than it is being felt in the Executive Branch.

Even if the United States does cough the bone that is Vietnam out of its throat in the near future, the world must be aware that only the passage of time will heal the spirit of the North American people. This mood, in turn, will decisively influence the legislative concerns of the nation's lawmakers and in turn influence the program and policy initiatives of the Nixon Administration.

When a country faces difficulties, it is a logical response for other countries to attempt to exploit perceived weakness. This can take the form of construction of military facilities where they should not be constructed; or the excessive maneuvering in the textile dispute; or the slighting of U.S. interests in Europe as the negotiations looking toward the expansion of the Common Market go forward. Such policies which seek unduly to take advantage of a situation and a world leader are a serious mistake—since they may trigger a response by the Administration, by the Congress, or by the citizens of the U.S. that could work to the detriment of long-term relationships.

It is also not productive for nations to have policy expectations in respect to the United States that do not take account of the existing mood. As indicated, part of this existing mood is that the United States is overextended and overcommitted in the world. It is only the minority who would draw the finer distinction which would acknowledge that our overcommitment to Southeast Asia is perhaps matched by our undercommitment to Latin America.

I am convinced that over time our foreign policy priorities will be re-ordered. Over time the United States will come to give our relations with Latin America the priority that they already today rightfully deserve. To give one specific example, it would be my hope that a better balance would develop between Administration and Congressional consideration of the demands of special interest groups such as the cattleman's lobby, the interests of other supplying nations, and the interests of Latin American states in shipping more meat to the United States. The latter is fully consistent with the consumer interest in the United States. In making this statement, let me emphasize that I am not only talking about the Administration because we in Congress also have a heavy responsibility. However, if the Administration bows to the pressure of any special interest group, it is going to be more difficult for the Congress to adopt a forward-looking position.

I would further suggest that in those areas where quotas are felt to be absolutely necessary, that increasingly the developed countries of the world should give developing countries preferential consideration when country quota allotments are made.

Times of difficulty are also times of opportunity, and the United States and Latin America have the opportunity to build a new relationship of equals—a relationship based on mature partnership. The foundations of this new relationship have already been laid in the two-way street consultations in the CIAP; in the first Regular Session of the OAS General Assembly which is today underway in Costa Rica; in the drawing up of the Consensus of Vina del Mar and the U.S. response to this Consensus; in the Nixon Administration's correct response to the election of a Marxist oriented Government in Chile and of course in the close and evolving relationships between the United States and Mexico.

United States-Chilean relations do deserve special mention. It is clearly in the United States and Chilean interest to maintain Chile in the Inter-American system, and I would even suggest that there may be a similarity of long-term U.S. and Chilean interests that should not be obscured by the short-term issues of the day. The Inter-American system in turn should serve as a buffer toward the end of insuring that the democratic and intellectual leadership in Chile is not lost and that relations between the United States and Chile are not unnecessarily exacerbated.

I have a similar attitude toward the military dictatorships in Central and South America. The long-term community of interest we have with these countries must transcend the more immediate day-by-day political considerations, and the OAS again must be the buffer to carry up through until free institutions are again attained. Yet we cannot overlook the fact that essential freedoms have been abrogated.

Turning to the foreign economic policy, I am encouraged by the foundations that have been laid in the field of trade—particularly as they relate to the intensive consultations between the United States and Latin America through a new OAS mechanism. However, a key trade issue remains and it is emerging as the most critical and central problem between the United States and Latin America. I refer to the U.S. pledge to extend generalized trade preferences to the semi-manufacturers and manufacturers of the developing world.

The Nixon Administration should submit this legislation to the Congress. Nothing will be gained if the submission is delayed and much could be lost—including the credibility of a major U.S. commitment.

In the U.S. Congress the main roadblock to the passage of a generalized preferences scheme is the climax engendered by unresolved textile impasse with Japan. It has long been my contention that this problem is capable of prompt resolution if there is give and take on both sides. Chairman Mills has now paved the way for a permanent, mutually satisfactory settlement by showing to the world through the unilateral offer of the Japanese textile industry that it is impossible to reach agreement. The Administration should now follow the lead opened up and the Japanese should recognize that only if they agree to a formula or restraint that permits our President to offer our domestic textile industry a better deal than they obtained from Chairman Mills will it be possible to break the impasse.

I believe that the U.S. Congress would act on the international commitment made by the United States in regards to authorizing U.S. participation in a world-wide, non-discriminatory, non-reciprocal preferences scheme for the developing world if they realized the stakes.

This is particularly the case now that the European Economic Community will put its scheme into effect as of July 1 of this year. Failure of the United States to act would play into the hands of those Europeans who still favor proliferating preferential arrangements with Africa including reverse preferences which work to the detriment of Latin American and U.S. exports. It would play into the hands of those who favor a trading world characterized by regional trading blocs and growing protectionism. And it would damage United States' relations with the developing world. These factors are not in the security interests of the United States or the interest of world peace. If the full case is effectively made, I think the Congress would not opt for the wrong road.

If the generalized preferences legislation does not begin to move through the Congress this year, its chances of securing passage in 1972—an election year—would be diminished, and who knows what 1973 holds. And the longer the United States marks time in terms of its foreign economic policy, the greater will be the chance that the countries of the European Common Market will go regional and inward looking.

The European Common Market is already well down the road toward the creation of a preferential trading system with states bordering on the Mediterranean and selected African states in open violation of the General Agreement on Tariffs and Trade (GATT). If the Common Market does not phase out the reverse preferences now being accorded it under such treaties as the Yaounde Convention, it would be in the interest of the U.S. and Latin America to forge closer trading ties. In turn, if the talks between the United Kingdom and the Common Market do not succeed, Great Britain, Canada, the United States, Mexico and other Latin American states will be exploring the possibility of establishing closer trading ties by a Free Trade Area, Common Market or other means.

Before turning to the issue which many regard as the issue of the hour, allow me to say a word about integration. I fully share the sentiments of President Echaverria who stated in Tijuana on December 29, 1969, that:

"We have learned that it is erroneous to think that communities were formed by selfish and isolated individuals. It is also wrong to think that countries are capable of living in a state of self-sufficiency and national selfishness. The interdependence among countries is an undeniable fact. No country in the world can prosper without the collaboration of others. That is why we should definitely forget competition and think always in terms of cooperation and equality."

The new President of the Inter-American Development Bank recently echoed this theme in Buenos Aires by remarking that "Latin American failure in respect to integration is surprising considering the universal trend in the world "pointing out that "economic integration is the most feasible means of resolving external strangulation and successfully combating the lack of dynamism of the Latin American economies . . ."

It is my view that the slow progress in Latin American integration in turn contributes to the relative decline in Latin American exports in world markets, to the ineffective use of resources and productive capacity and finally to the status of Latin America in the world. I would hope that Latin America would take the steps necessary to implement the ambitious integration goals set forth by the Presidents of the American States at Punte del Este in 1967.

The role of private foreign investment in Latin America is one of the most pressing questions of the day, and one that must move toward resolution. It is a primary area where the lack of a logical, coherent policy works to the detriment of Latin American growth objectives. This "no policy" approach or "highly restrictive policy" approach—such as the one just developed by the countries of the Andean group—not only impedes foreign capital flows, but also threatens to exacerbate the economic and political relationships between the United States and Latin America. In turn, if private foreign capital is increasingly scared off at the same time that public aid flows are declining, it will be increasingly difficult for the countries of Latin America to reach the rates of economic growth and job creation necessary to meet the burgeoning needs of their people.

I find it increasingly difficult to understand why the countries of the world that have gone to such great pains to bring order to and regulate their trade relations, their international currency flows and their public aid flows tolerate a world of "no policy" in the increasingly vital area of private capital flows. The result is that some investors take improper advantage of their host governments, some host governments take unfair advantage of the foreign investor and a general state of confusion and misunderstanding prevails.

As is well known, uncertainty is an anathema to private capital flows—be these flows to the New York Stock Exchange or to productive investments in Latin America. The figures on private foreign investment in Latin America are beginning to reflect this uncertainty. The U.S. Department of Commerce has reported that the plant and equipment expenditures by U.S. affiliates in Latin America for the year increased only slightly in 1970 to $2.0 billion and are expected to decline slightly to $1.9 billion in 1971. In every other area in the world, on the other hand, plant and equipment expenditures by U.S. affiliates increased at a faster rate for these two years. In turn, net capital outflows from the United States to Latin America declined dramatically in 1969 falling to $271 million from the 1968 level of $477 million. There is a tragedy inherent in these figures in terms of economic growth and employment and in terms of meeting the goals set forth by the United Nations in the Second Development Decade.

Mexico, on the other hand, is almost unique in Latin America in having developed a foreign investment policy. Mexico has announced the rules of the game, the rules of the game are open for discussion and there is give and take between the Government of Mexico and private foreign investors; and I feel that this has helped contribute to Mexico's impressive rate of economic growth over the past 15 years.

For example, estimates of plant and equipment expenditures of U.S. affiliates in Mexico indicate an increase of 44 percent in 1970 over 1969 and a further increase of 19 percent is projected for 1971. In dollar terms, this means that U.S. affiliates will spend $303 million in 1970 and $362 million in 1971. Net capital outflows from the United States to Mexico in turn are expected to reach $93 million in 1969 as compared to $63 million in 1968.

I would suggest that it would be of mutual interest to Latin America and the United States to convene a high-level meeting that would look toward the evolution of a continent-wide foreign investment policy which must safeguard, of course, the sovereign rights of each country. Perhaps such a meeting could then commission a small group of Americans (North and South) of unimpeachable repute who are representative of the entire Inter-American system thoroughly to review this matter with a view toward defining the role of private foreign investment and foreign capital, technological and managerial inputs required by Latin America over the next decade. These men would be free to work without preconceived notions as to what conclusions and policy recommendations should be made. This definition of need could then help determine the type of foreign investment policy which should be adopted and the type of mechanism that should be established toward the achievement of the desired goals. Then a small working group might be organized under the auspices of the Center of Inter-American Relations to prepare proposals looking toward a future relationship with the OAS through the CIAP mechanism and with the Inter-American Bank.

Again, the nature and seriousness of the problem suggests the establishment of a more permanent mechanism than the highly useful ad hoc meetings that have been held in Medellin and Rome where Latin American investment problems were discussed by public and private representatives of both host and donor nations. It is my view that a multilateral mechanism to set forth and help enforce principles and guidelines of behavior by investor and host has never been more essential if the law of the jungle is not to take over in investment matters—with all the sad consequences this would entail for international and inter-American relations.

The more advanced countries of Latin America also are facing another major policy dilemma. Even in the Latin American countries which have shown a consistently high rate of economic growth, the problem of unemployment and underemployment continue to stalk the land. There are two points of pressure developing throughout Latin America—there is the pressure on the cities as they seek to absorb increased population resulting from high rates of population growth in addition to the movement of persons from the land to the cities; and then there are the pressures of increasing population on the limited usable land areas in the rural areas.

That there is a connection between these points of pressure and the agricultural policies followed by the nations of Latin America is clear. There is a great deal of evidence that in the drive to industrialize their economies, many of the nations of Latin America have ignored their agriculture at great cost. A weak agricultural sector forces many countries to import food products, causing a significant drain on foreign exchange. Tight foreign exchange situations in turn limit a country's ability to import, to both equip and feed industrial plants. In turn, underinvestment in agriculture contributes to the push of rural populations to the cities which are incapable of generating sufficient jobs.

The fact that these pressures persist and perhaps are even increasing in all Latin American countries including those which have shown a sustained, high rate of economic growth suggests strongly that a high rate of economic growth cannot be the end of policy. Rather, the objective of a high rate of economic growth must combine with the policy objective of diffusing the fruits of this growth, in income, more evenly throughout the nation. As the economic pie grows, policy makers must increasingly be concerned that this pie ends up in more mouths if healthier social structures are to be built and democratic institutions are to be sustained.

The areas where considerably more emphasis should be given throughout Latin America which would contribute to a broader diffusion of the fruits of economic growth:

(1) The development of more efficient systems of installment credit which would open the door to more persons in terms of home ownership and ownership of consumer durables;

(2) The broader distribution of ownership in corporations to the people through the development of healthier capital markets including stock markets;

(3) Greater efficiency in retailing;

(4) Better quality and health controls and such controls increasingly determine export performance and export sales.

The lesson that we have learned in the advanced nations in the industrial world—and that Japan is just learning—is that man does not live by GNP alone. I would also suggest that economic and political policies now apparently being followed by some countries of the hemisphere which concentrate on redistributing the existing economic pie to the neglect of a larger and more equitably distributed GNP do not serve the best interests of their citizenry.

I would not want to conclude an address in this beautiful and friendly city without saying a few words about the state of United States relations wtih Mexico. Never, I am told by both my Mexican and my American friends, have these relations been better than they are at the present time. Although there are problems between us, our two governments have managed to establish a continuing dialogue with each other which makes possible constructive, sensible solutions of these problems in a spirit of mutual respect and good will. A noteable example is the outstanding cooperation which the Mexican authorities have been giving the United States in the common fight against drugs. The widespread use of drugs is one of the most agonizingly difficult problems which American society must deal with, and all Americans are grateful for the help which Mexico has been giving us in this difficult struggle.

The friendly and cooperative spirit in which we are solving this and other problems has been made possible by a relationship which is founded on respect for each other's sovereignty and dignity. In fact, the mature partnership which exists between the United States and Mexico can serve as a model for the kind of relationship which the United States wishes to establish with all of Latin America.

ANNUAL ELECTRONIC SURVEILLANCE REPORT AND WIRETAP INVESTIGATION

Mr. McCLELLAN. Mr. President, on June 19, 1968, at 7:14 p.m., President Johnson signed Public Law 90–351, the "Omnibus Crime Control Act of 1968." Title III of the 1968 act, which I sponsored and which dealt with wiretapping and electronic surveillance, represented the culmination of an attempt, over the past 40 years, embracing approximately 50 bills, resolutions and joint resolutions, to arm law enforcement with a sorely needed tool to combat the forces of organized crime. District Attorney Frank S. Hogan, who has been one of the Nation's outstanding district attorneys for over 27 years, has aptly discribed this tool as: "the single most valuable weapon in law enforcement's fight against organized crime."

Title III of Public Law 90–351 has now been in effect for a period of 3 years. At first, it was not used on the Federal level, since it was the opinion of the then Attorney General that electronic surveillance was "neither effective nor highly productive," New York Times, May 19, 1967, p. 23, col. 1. Since January of 1969, however, title III has been used on the Federal level, and from January of 1969 through March of 1971, 315 court-approved surveillance orders, including extensions, have been executed. All but 12 produced incriminating evidence. As a result, over 900 persons have been arrested, and, so far, 100 of these individuals have been convicted. Additional convictions will undoubtedly result as other defendants among those arrested are brought to trial. No case has yet reached the Supreme Court, but I am encouraged that the lower Federal courts have twice sustained the constitutionality of the basic scheme of the act. District Attorney Hogan's characterization of electronic surveillance on the local level is fast proving true on the Federal level, and the wisdom of the Senate in rejecting a motion to strike title III from the 1968 act by a record vote of 68 to 12 is being vindicated in practice.

Mr. President, when title III was enacted in 1968, seven States, including Arizona, Georgia, Maryland, Massachusetts, Nevada, New York, and Oregon, had State level legislation which dealt with wiretapping or electronic surveillance and authorized, under varying standards, the issuance of court orders for surveillance in criminal investigations. My research indicates that 19 States, including

Colorado, Florida, Kansas, Minnesota, Nebraska, New Hampshire, New Jersey, Ohio, Rhode Island, South Dakota, Washington, and Wisconsin, now have such legislation and that the majority of it was patterned after title III. At least one of these post-title III statutes, moreover, has been sustained in a published opinion against constitutional attack in the State courts. *State* v. *Christy*, 112 N.J. Super. 48, 270 A 2d 306 (1970)). These developments, too, are heartening. If we can on the Federal and State level arm our police with the tools they so sorely need, I am hopeful that we can arrest and reverse the growth of organized crime in the United States.

Mr. President, under title 18, United States Code, section 2519, prosecutors who seek and judges who issue surveillance orders under the 1968 act or its counterparts on the State level are required to file detailed statistical reports in January of each year with the Administrative Office of the U.S. Courts and in April of each year, the Director of the Administrative Office is required to transmit to the Congress a summary and analysis of the data contained in these reports. These public disclosure provisions reflect the judgment of the Congress in 1968 that public accounting is essential to any system of the limited use of electronic surveillance techniques. Public support for the exercise of the power to wiretap and bug—even under court order—can only be obtained where the public is responsibly informed of the extent and character of its use.

Mr. President, the 1970 annual report has just been released by the Director of the Administrative Office. Because of the widespread interest in these matters of late, I think it will be helpful to summarize for the Senate and comment on the basic data in the report.

This is the third report submitted under title III. It covers the period from January 1, 1970, to December 31, 1970. It indicates that during this period 597 applications for orders were made to Federal and State judges. Of these applications, 183 were signed by Federal judges, and 414 were signed by State judges. Of the 414 State orders, 215 or 52 percent were issued in New York, while 132 or 32 percent were issued in New Jersey.

The 597 applications filed during the 12 months of 1970 compare with the 304 applications filed in 1969 and 174 filed in last 6 months of 1968. On the Federal level, the increase from 33 in 1969 to 183 in 1970 reflects the growth in the Department of Justice's drive against organized crime. Federal organized crime strike forces are now in operation in cities throughout the Nation. On the State level, the increase from 269 in 1969 to 414 in 1970, reflects the implementation of new laws in several States, primarily in New Jersey. In 1969, only 45 applications were made in New Jersey; in 1970, the figure rose to 132, of which the State attorney general's office accounted for 82 in its increased organized crime efforts.

On the Federal level, of 183 authorized intercepts, 180 were installed and 43 extensions were granted. The 183 authorizations were granted for an average length of 17 days; the extensions for an average of 9 days. The State picture varied. In New Jersey, for example, of the 82 authorized intercepts of the attorney general's office, 82 were installed and 19 extensions were granted. The 82 authorizations were granted for an average length of 16 days; the extensions for 19 days.

In 1970, of the 583 applications that resulted in an intercept, 539 involved a telephone wiretap, 21 intercepts used a nonconsensual listening device, such as a microphone. In 23 requests, both a telephone wiretap and a microphone were used for the interception.

The report does not, of course, include data on either the so-called national security or domestic security use of wiretaps or listening devices. In the national security area the use of these techniques, I should like to emphasize, was first begun as a result of a May 21, 1940, memorandum of President Franklin D. Roosevelt to Attorney General Robert Jackson, later Mr. Justice Jackson. In the domestic security area, this practice was first begun as a result of a July 17, 1947, memorandum of President Harry S. Truman to Attorney General Tom Clark, later Mr. Justice Clark. In both areas, it has been continued in each administration and by each Attorney General thereafter. No reports in either of these two areas are required under the 1968 act, however, since the Congress in the 1968 act did not wish to limit in any fashion the constitutional power of the President as Commander in Chief of the Nation's Armed Forces to respond to either foreign powers or clear and present domestic threats to the survival of the Nation. See 18 U.S.C. 2511(3); 14 CONGRESSIONAL RECORD S6245–46—daily edition May 23, 1968. Nevertheless, the President recently commented on the number of wiretaps, indicating that none are currently in operation, while the number running at any one time in recent years has not exceeded 50. In the early 1960's, the figure was 100. What the scope of the President's constitutional power is in this area is a question the Congress did not reach in 1968, and which is, I note, now in the lower Federal courts winding its way up to the Supreme Court. See *United States* v. *Keith*, No. 71–1105 U.S. Court of Appeals for the Sixth Circuit, decided April 8, 1971.

The offenses specified in the applications summarized in the 1970 report covered a wide range of criminal activities. Several broad categories of crime, however, predominated: Arson 13; bribery, 16; drugs, 127; extortion, 17; gambling, 326; homicide, 20; larceny, 31; and robbery, 13.

The locations of the interceptions authorized included 203 residences, 163 apartments, 39 multiple dwelling, 122 business locations, and 30 business and living quarters.

The character of the interceptions were also described in the reports. In 1969, the average intercept involved 116 persons and 641 intercepts, of which 252 or 39 percent were incriminating. In 1970, on the other hand, the average intercept involved 44 people and 655 intercepts, of which 295 or 45 percent were incriminating. With more experience, therefore, it seems apparent that the intercepts are becoming more discriminating, a development that works well both for privacy and justice.

In certain areas, however, the picture is even better. In 1970, for example, on the Federal level, the average intercept touched on 57 persons and embraced 821 intercepts, of which 571 or 69 percent were incriminating, while in New Jersey, in the interceptions conducted by the office of the attorney general, 42 persons were involved and 294 intercepts were made, of which 237 or 80 percent were incriminating.

The total costs of each intercept—manpower and equipment—ranged from a low of $14 to a high of $146,300, with the average national intercept running $5,524, and the average Federal intercept running $12,106. These figures alone should do a great deal to put into context people's fear of excessive use of these techniques. Most police agencies including the Federal, simply do not have the manpower and other resources to conduct widespread surveillance.

Most of the cases in which there were interceptions reported are, of course, still under investigation or are awaiting trial. Nevertheless, the reports indicate that a total of 1,874 arrests have been made as of December 31, 1970. This figure compares favorably with the 625 arrested in 1969. Supplementary court action reports dealing with intercepts first reported in 1969 were also filed for 53 percent of the 1969 intercepts. Others are coming in periodically. A total of 31 trials and 70 convictions have occurred. One motion to suppress has been granted, one withdrawn, 25 are pending, and 25 have been denied. These figures, too, say a great deal about the judgment of those who say that these techniques are not effective or that they will be subject to widespread abuse. As the experience is beginning to develop, it shows clearly how important convictions can be obtained without an undue invasion of privacy.

Mr. President, I recognize, of course, that it is not proper to draw too many conclusions from wholly statistical information. Nevertheless, I am moved to point out and to emphasize that this data does not support the position of those who fought the enactment of title III and would now seek its repeal or substantial modification. The opponents of this legislation predicted widespread and promiscuous use of wiretaps and bugs by law enforcement authorities. They are being proven wrong. They said it was neither effective nor highly productive. Now they are being made to eat their words. I would hope, too, that when they make new and equally sweeping predictions and charges today that the Senate and the Nation will remember that their track record does not warrant paying close attention to them.

On the other hand, Mr. President, I am frank to admit that I sense a certain public concern about wiretapping. I have seen no evidence that warrants it. I assure the Senate, too, that I have made it my business to watch carefully the implementation of this statute on the Federal and State levels. When and if abuses occur, I shall do all in my power to see to it that those responsible are prosecuted to the full extent of the law and shall seek from time to time to have appropriate inquiries made to verify that abuses are or are not taking place and to bring to the public's attention how well or ill these techniques for the investigation of crime serve the public interest.

It is in this context, therefore, that I should like to inform the Senate that I have directed the staff of the Subcommittee on Criminal Laws and Procedures, which I am privileged to chair and which has legislative oversight in the area of wiretapping and electronic surveillance, to begin to undertake a comprehensive examination of law and practice on the Federal and State levels. The Attorney General has informed me that he will extend to the subcommittee every possible assistance, and I am hopeful that this examination could mature into public hearings by early fall. There is a need here for a public review of the facts—all of the facts. Hopefully, these hearings can bring out those facts. I intend to do what is in my power to see to it that they do.

Mr. President, I ask unanimous consent to have printed in the Record following my remarks an exchange of correspondence between the Attorney General and myself, copies of the three Presidential memorandums, a staff memo summarizing the developments of the law in this area, certain summary charts contained in the 1970 Annual Surveillance Report, and excerpts from the President's recent news conference.

There being no objection, the items were ordered to be printed in the Record, as follows:

[Exhibit No. 1]

April 28, 1971.

Hon. John N. Mitchell,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: I write to solicit your cooperation in a study of wiretapping and electronic surveillance to be undertaken by the Subcommittee on Criminal Laws and Procedures.

As I am sure you are aware, I sponsored the enactment in 1968 of title III of Public Law 90–351, which deals with wiretapping and other forms of electronic surveillance, out of the deeply held desire both to strengthen law enforcement and to protect the legitimate need for privacy of our Nation's citizens. Title II of Public Law 90–351 will have been effective for a period of three years on June 19 of this year, a period during which it has been utilized on the federal level for 2½ years and in which the legislatures of 12 of our states have enacted comparable local legislation. I note, too, that the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, established by title III and recently strengthened by Public Law 91–644, will come into operation in June of 1973 to review the operation of title III and report to the President and the Congress two years thereafter. It is appropriate, therefore, now that we are at approximately the halfway mark of the initial six-year life of title III, that we take stock of where we are and chart carefully where it is that we might go.

As you may also be aware, after the first annual surveillance report had been issued in April of 1969 by the Administrative Order of the Courts, I directed the staff of the Subcommittee on Criminal Laws and Procedures, the Judiciary Subcommittee which has legislative oversight jurisdiction over title III, to undertake a review of the operation of the statute on the state level during its first six months of operation. The results of that study were presented to the Senate on August 11, 1969. (115 Cong. Rec. S9569, daily ed., Aug. 11, 1969.) The study had immediate and beneficial effects, including a revision of the initial regulations issued by the Administrative Office for the annual reports so that they might more accurately reflect practices under the statute and the enactment of an amendment to title II itself as a part of Public Law 91–358, to clarify the civil liability of phone company and other private personnel cooperating in the execution of court orders issued under title III and fair on their face. I would hope that a similar study now could also have beneficial effects.

Since August of 1969, of course, a number of facets of the use of electronic surveillance techniques have come into the focus of public attention, including their use in domestic security cases, a practice that I note was first established under President Truman and Attorney General Tom Clark in 1949, and the propriety and legality of recording and other techniques in light of the Supreme Court's decision in *United States* v. *White*, No. 13, October Term 1970, decided April 5, 1971.

In light of all these items, I believe, in short, that it would be in the public interest to undertake at this time a comprehensive review of law and practice in these and related areas. I would expect that this review could mature into public hearings by early fall. Should you agree that this course of action should be followed, please have an appropriate member of your staff contact the staff of the Subcommittee. I am sure that the details of the study can be worked out without undue difficulty.

With kindest regards, I am,

Sincerely yours,

John L. McClellan.

[Exhibit No. 2]

May 7, 1971.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: This is in response to your letter of April 28, 1971 concerning a study of wiretapping and electronic surveillance to be undertaken by the Subcommittee on Criminal Laws and Procedures.

We at the Department of Justice are well aware, Senator, of your key role in the enactment of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, the landmark legislation dealing with wiretapping and electronic surveillance, and of your interest in improving our law enforcement effort while at the same time safeguarding individual liberties. Our experience under the statute in the last 27 months has proved the wisdom of the framers of it on both counts.

We agree also that this is an appropriate time for us to report to the Congress on our experience under Title III, and for the Subcommittee on Criminal Laws and Procedures to undertake a comprehensive review of law and practice in the area of wiretapping and electronic surveillance, as well as related areas. You may be assured, therefore, of our full cooperation in the endeavor. Members of my staff will be in touch with the staff of the Subcommittee as you requested.

Sincerely,

——— ———,
Attorney General.

[Exhibit No. 3]

[From the Sunday Star, May 2, 1971]

Wiretaps

Q. Mr. President, regarding the use of wiretaps in domestic security matters——

Nixon: The kind that you don't have with subpoenas, in other words?

Q. Yes, court orders. The attorney general has stated the policy on that and he has been criticized by Congressman Emanuel Celler of New York, who said that this could lead to a police state. Would you comment on the threat of a police state in the use of this type of activity?

A. Well, I have great respect for Congressman Celler as a lawyer and, of course, as the dean—as you know, he is the dean of all the congressmen in the House, a very distinguished congressman.

However, in this respect I would only say, where was he in 1961? Where was he in 1962? Where was he in 1963?

Today, right today, at this moment, there are one-half as many taps as there were in 1961, '62 and '63, and 10 times as many news stories about them. Now, there wasn't a police state in 1961, '62 and '63, in my opinion, because even then there were less than 100 taps and there are less than 50 today, and there is none, now, at the present time.

All of this hysteria—and it is hysteria, and much of it, of course, is political demagogery to the effect that "the FBI is tapping my telephone" and the rest—simply doesn't serve the public purpose.

In my view, the taps, which are always approved by the attorney general, in a very limited area, dealing with those who would use violence or other means to overthrow the government, and limited, as they are at the present time, to less than 50 at any one time, I think they are justified, and I think that the 200 million people in this country do not need to be concerned that the FBI, which, with all the criticism of it, has a fine record of being non-political, nonpartisan, and which is recognized throughout the world as probably the best police force in the world, the people of this country should be thankful that we have an FBI that is so greatly restricted in this respect.

This is not a police state. I have been to police states. I know what they are. I think the best thing that could happen to some of the congressmen and senators and others who talk about police states is to take a trip—I mean a trip abroad, of course—and when they go abroad, try a few police states.

This isn't a police state and isn't going to become one.

I should also point this out: Where were some of the critics in 1968 when there was Army surveillance of the Democratic National Committee—at the convention, I mean? We have stopped that.

This administration is against any kind of repression, any kind of action that infringes on the right of privacy. However, we are for, and I will always be for, that kind of action necessary to protect this country from those who would imperil the peace that all people are entitled to enjoy.

EXHIBIT NO. 4

TABLE 7.—SUMMARY REPORT ON AUTHORIZED INTERCEPTS GRANTED PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2518, 1968,[1] 1969, AND 1970

Reporting period	Total	Residence	Apartment	Multiple dwelling	Business	Business and living quarters	Not indicated and other
Type of facility:							
Jun. 20 to Dec. 31, 1968	174	67	49	10	45		3
Jan. 1 to Dec. 31, 1969	302	135	68	14	71	5	9
Jan. 1 to Dec. 31, 1970	597	203	163	39	122	30	30

Reporting period	Total		Number of extensions	Average length (in days)			
						Actual use	
	Authorized	Installed		Original authorization	Extension	Days	Hours
Intercepts authorized:							
Jun. 20 to Dec. 31, 1968	174	147	128	20	20	[1]	[1]
Jan. 1 to Dec. 31, 1969	302	271	194	26	22	9,019	3½
Jan. 1 to Dec. 31, 1970	597	583	246	22	19	11,200½	11

Reporting period	Total	Arson	Drugs	Extortion	Gambling	Homicide	Larceny	Robbery	All othe
Major offense specified in application:									
June 20 to Dec. 31, 1968	174	2	71	13	20	21	19	8	22
Jan. 1 to Dec. 31, 1969	302	1	88	10	102	19	10	24	49
Jan. 1 to Dec. 31, 1970	597	13	127	17	326	20	31	13	50

Reporting period	Intercepts				
	Total[2]	Installed	Persons involved	Intercepts	Incriminating intercepts
Average number per authorized intercept:					
June 20 to Dec. 31, 1968	174	147	29	454	98
Jan. 1 to Dec. 31, 1969	302	271	116	641	252
Jan. 1 to Dec. 31, 1970	597	583	44	655	295

Reporting period	Total where cost reported	Average	Less than $1,000	$1,000 to $2,000	$2,000 to $5,000	$5,000 to $10,000	$10,000 and over
Cost per authorized intercept:							
June 20 to Dec. 31, 1968	120	$1,358	75	21	18	6	
Jan. 1 to Dec. 31, 1969	262	2,634	127	45	54	24	12
Jan. 1 to Dec. 31, 1970	570	5,524	178	88	139	88	77

[1] Not available

[2] Authorized by judges.

[EXHIBIT NO. 5]

TABLE 1.—JURISDICTIONS WITH STATUTES AUTHORIZING OR APPROVING THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS EFFECTIVE DURING THE PERIOD JAN. 1, 1970 TO DEC. 31, 1970

State	Statutory citation[1]	Reported use of wiretap in 1970
Federal	18:2510 to 2520	Yes.
Arizona	13: 1051 to 13:1059	Yes.
Colorado	40–4–26 to 40–4–33	Yes.
Florida	934.01 to 934.10	Yes.
Georgia	26–3001 to 26–3010	Yes.
Kansas	22–2513	No.
Maryland	35–92 to 35–99	Yes.
Massachusetts	272–99	Yes.
Minnesota	626A.01 to 626A.23	Yes.
Nebraska	86–701 to 86–707	No.
Nevada	200.610 to 200.690	No.
New Hampshire	570–A:1 to 570–A:11	Yes.
New Jersey	2A:156A–1 to 2A:156A–26	Yes.
New York	813–J to 813–M; 814 to 825	Yes.
Oregon	141.720 to 141.900	No.
Rhode Island	12–5.1–1 to 12–5.1–16	No.
South Dakota	23–13A–1 to 23–13A–11	No.
Washington	9.73.030 to 9.73.080	No.
Wisconsin	968.27 to 968.33	Yes.

[1] Excludes jurisdictions which enacted legislation in 1971.

[Exhibit No. 6]

APRIL 30, 1971.

Memorandum to Senator MCCLELLAN.

From: G. Robert Blakey, Chief Counsel, Subcommittee on Criminal Laws and Procedures.

Subject: Wiretapping Controversy.

You asked for a background memorandum on the current wiretapping controversy.

DEFINITIONS OF KEY TERMS

1. *wiretapping:* interception of communication transmitted over wire from phone *without* consent of participant.

2. *bugging:* interception of communication transmitted orally *without* consent of participant.

3. *recording:* electronic recording of wire or oral communication *with* the consent of a participant.

4. *transmitting:* radio transmission of oral communication *with* the consent of a participant.

5. *electronic surveillance:* generic term loosely used to cover all of the above, but often confined to "wiretapping" or "bugging."

6. *national security:* generic term loosely used to refer to wiretapping or bugging aimed at either "foreign" or "domestic" threats to the national security.

a. *foreign security:* usually meant to cover "wiretapping" or "bugging" to obtain coverage of foreign diplomats, spies, and their American contacts; also directed at Communist party and Communist front activities in the United States; sometimes used to obtain coverage of those involved in foreign intrigue, e.g., gun running to Latin American countries, etc.; primarily useful to prevent damage (theft of documents, etc.), not "solve crimes."

b. *domestic security:* usually meant to cover "wiretapping" or "bugging" to obtain coverage of extremist groups in the United States, e.g., the Black Panthers, groups within the K.K.K., and La Cosa Nostra; sometimes used to determine the influence of extremist groups in other legitimate organizations (civil rights or peace); primarily useful to prevent damage (assaults, bombings, kidnapping, homicides, riots, etc.).

Note that the "foreign" and "domestic" security distinction is sharper in theory than in practice. Often it is difficult without "wiretapping" or "bugging" to determine the "foreign" or "domestic" character of the threat.

Note, too, that since the emphasis is on the prevention of harmful activity rather than the punishment of those who have already caused harm, police action in these areas tends to cover more people for longer periods of time under less precise standards than conventional criminal investigations.

Caveat: Newspaper reporters, in particular, but all of us sometimes use "wiretapping," "bugging" and "national security" to refer to some or all of these techniques or areas of activity without carefully discriminating between them. This fact alone leads to most of the controversy; people often are not talking about the same things, even though they are using the same words.

CHRONOLOGY OF SIGNIFICANT EVENTS

1. *Olmstead* v. *United States*, 277 U.S. 438 (1928), held: (1) that wiretapping without a warrant did not violate the Fourth Amendment's ban on unreasonable searches and seizures because without a trespass there was no "search" and without a tangible taking there was no "seizure;" (2) that wiretapping did not violate the Fifth Amendment's ban on compulsory self-incrimination because no compulsion was placed on the speaker to speak; and (3) that the product of wiretapping illegal under state law may be used in Federal courts, since the suppression sanc-

tion applied only to violations of constitutional rules.

2. Section 605 of the Federal Communications Act of 1934, 48 Stat. 1103 (1934), 47 U.S.C. § 605 (1968), prohibited the "interception" and "divulgence" or "use" of the contents of a wire communication. At passage of the Act, managers of the bill observed, "[I]t does not change existing law." 78 Cong. Rec. 1013 (1934).

3. *Nardone* v. *United States,* 302 U.S. 379 (1937) held that the "divulgence" of a wiretap made by a Federal officer in a Federal court violated Section 605 of the 1934 Act.

4. N.Y. Const., Art. I, § 12 (1938), authorized wiretaps.

5. President Franklin D. Roosevelt on May 21, 1940, instructed Attorney General Robert H. Jackson to use wiretapping and bugging against subversive activities against the government of the United States. (A copy of this memo is attached.)

6. Attorney General Robert H. Jackson informed Congress in March 1941 that Section 605 could only be violated by both "interception" and "divulgence" or *private* "use." Hearings before Subcommittee No. 1 of House Judiciary Committee on H.R. 2266 and H.R. 3099, 77th Cong., 1st Sess. 18 (1941).

7. N.Y. Code of Crim. Proc. § 813a (1942) implemented state constitution to authorize court-ordered wiretaps.

8. *Goldman* v. *United States,* 316 U.S. 129 (1942) held that bugging without a warrant did not violate the Fourth Amendment's ban on unreasonable searches and seizures if there was no trespass.

9. President Harry S Truman on July 17, 1947, concurred in the recommendation of Attorney General Tom C. Clark that the F.D.R. authorization of 1940 be extended to cases of domestic security or where human life was in jeopardy. (A copy of this memo is attached.)

10. *On Lee* v. *United States,* 343 U.S. 747 (1952) held that the use of a transmitter by police officers without a warrant to overhear conversations between an informant and a suspect did not violate the Fourth Amendment's ban on unreasonable searches and seizures where the informant consented to its use.

11. *Irvine* v. *California,* 347 U.S. 128 (1954) held that bugging without a court order accomplished by a trespass violated the Fourth Amendment's ban on unreasonable searches and seizures, but that since the suppression sanction did not operate in state courts, no evidentiary consequences attached to the violation.

12. *Benanti* v. *United States,* 355 U.S. 96 (1957) held that a wiretap under a court order under New York law violated Section 605 of the 1934 Act and its product could not be used in a Federal court.

13. *Rathbun* v. *United States,* 355 U.S. 107 (1957) held electronic recording of a wire communication with the consent of a participant was not an "interception" under Section 605 of the 1934 Act.

14. *English Privy Councillors Report on Wiretapping* (1957) concluded that wiretapping under the Home Secretary's authorization was effective in criminal investigations, necessary to protect the security of the State, carried with it no harmful social consequences, and should be permitted to continue.

15. N.Y. Code of Crim. Proc. § 813a extended to authorize court-ordered bugging in 1959.

16. *Lopez v. United States,* 373 U.S.C. 427 (1963) held that electronic recording of an oral communication with the consent of a participant was not a violation of the Fourth Amendment's ban on unreasonable searches and seizures.

17. *Massiah* v. *United States,* 377 U.S. 201 (1964) held that electronic recording of an oral communication with the consent of a participant after the indictment of the suspect violated the suspect's Sixth Amendment right to counsel.

18. President Lyndon B. Johnson on June 30, 1965, prohibited the use of wiretapping or bugging by Federal agencies except to collect intelligence affecting the national security and on the approval of the Attorney General, (A copy of this memo is attached).

19. *Osborn* v. *United States,* 385 U.S. 323 (1966) held that electronic recording of an oral communication with the consent of a participant and pursuant to a court order was not a violation of the Fouth Amendment's ban on unreasonable searches and seizures.

20. Prime Minister Harold Wilson in 1966 re-affirmed the conclusions of the 1957 Privy Councillors Report but indicated that the Report's recommendations would not be followed to the extent that they would permit the interception of the wire communications of members of Parliament. Rept. C&P Pro. pp. 634–42 (17 Nov. 1966).

21. The President's Commission on Law Enforcement and the Administration of Justice in 1967 recommended that a carefully drawn statute be enacted to authorize court ordered wiretapping and bugging.

22. *Berger* v. *New York,* 388 U.S. 41 (1967) held that Section 813a of N.Y. Code of Crim. Proc. authorized unreasonable searches and seizures contrary to the Fouth Amendment, but the Court observed that where there was provision for judicial supervision based on an adequate showing of probable cause, particularization of the offense under investigation and the type of conversations to be overheard, limitations on the time period of the surveillance, a requirement of termination once the stated objective was achieved, close supervision of the right to renew and a return to be filed with the court, such surveillance could be reasonable.

23. Attorney General Ramsey Clark, on June 16, 1967, issued regulations that prohibited wiretapping and bugging except in national security matters and required that his approval be obtained prior to recording with or without a court order or transmitting.

24. *Katz* v. *United States,* 389 U.S. 347 (1967) held that bugging without a warrant violated the Fourth Amendment's ban on unreasonable searches and seizures, even though there was no trespass, where the communication was uttered under a reasonable expectation of privacy; *Olmstead* and *Goldman* were overruled, and the Court repeated that a carefully drawn court order would be sustained and expressly left open the question of national security wiretaps or bugging without a warrant.

25. Title III of Public Law 90–351 (June 19, 1968) provided as follows:

(1) prohibited all private wiretapping and bugging (18 U.S.C. § 2511(1)),

(2) permitted private recording only where not done to commit a tort or crime (18 U.S.C. § 2511(2)(d)),

(3) prohibited state or federal law enforcement wiretapping and bugging except under court order system (18 U.S.C. § 2511),

(4) permitted state or federal law enforcement recording (18 U.S.C. § 2511(2)(c)),

(5) expressly disclaimed any intent to regulate federal, foreign, or domestic security wiretapping or bugging (18 U.S.C. § 2511(3)),

(6) set up a Federal court order system for wiretapping or bugging (18 U.S.C. §§ 2516(1), 2518),

(7) set standards for optional state court order systems for wiretapping or bugging (18 U.S.C. §§ 2516(2), 2518),

(8) made unauthorized wiretapping or bugging a Federal civil tort (18 U.S.C. § 2529),

(9) required annual reports for Federal and state wiretapping and bugging (18 U.S.C. § 2519),

(10) set up a commission to review the operation of the first seven years of the statute in its seventh year (82 Stat. 223). (Note: P.L. 91–644 advanced this date from 1974 to 1973).

NOTE.—As of October 1970, the following 19 states had legislation for court ordered wiretapping or bugging:

Arizona (Post-*Berger*, Pre-Title III);
Colorado;
Florida;
Kansas;
Georgia (Post-*Berger*, Pre-Title III);
Maryland (Pre-*Berger*);
Massachusetts (Revised after *Berger* and Title III);
Minnesota;
Nebraska;
Nevada (Pre-*Berger*);
New Hampshire;
New Jersey;
New York (Revised after *Berger* and Title III);
Ohio;
Oregon (Pre-*Berger*);
Rhode Island;
South Dakota;
Washington; and
Wisconsin.

26. The first Annual Surveillance Report for 1968 was issued; it indicated that 174 applications had been made and orders issued for wiretaps or bugs, which resulted in 263 arrests.

27. *Alderman* v. *United States,* 394 U.S. 165 (1969) held that illegally obtained evidence must be disclosed to suspects without an in camera review so that an opportunity can be afforded them to suppress evidence against them at trial.

28. The second Annual Surveillance Report for 1969 was issued; it indicated that 304 applications had been made and 302 orders issued for wiretaps or bugs, which resulted in 625 arrests.

29. Title VIII of Public Law 91–452 (October 15, 1970) set aside the result of *Alderman* for wiretapping and bugging occurring prior to June 19, 1968, and set up an in camera disclosure procedure.

Note: 18 U.S.C. §2518(8)(d) and (10)(a) govern disclosure of wiretapping or bugging after June 19, 1968 and provides for an in camera disclosure procedure.

30. *United States* v. *Clay,* 430 F. 2d 165 (5th Cir. 1970), held that wiretapping under the direction of the Attorney General without a warrant to obtain foreign security intelligence did not violate the Fourth Amendment's ban on unreasonable search and seizure. (*Cert.* has been denied as to this issue.)

31. The American Bar Association on February 8, 1971 approved electronic surveillance standards for recording, wiretapping and bugging under court order and the use of such techniques in the foreign security field.

32. *White* v. *United States,* No. 13, October Term 1970, decided April 5, 1971, 9 Crim. L. Reptr. 3036 (4–7–71), sustained against Fourth Amendment objections the use of a transmitter by police officers without a warrant to overhear conversations between an informant and a suspect where the suspect consented to its use.

33. *United States* v. *Keith,* No. 71–1105, United States Court of Appeals for the Sixth Circuit, decided April 8, 1971, held that an authorization of a wiretap in a domestic security matter by the Attorney General without judicial sanction violated the Fourth Amendment's ban on unreasonable searches and seizures.

[Appendix A]

Confidential Memorandum for the Attorney General

The White House,
Washington, D.C., May 21, 1940.

I have agreed with the broad purpose of the Supreme Court decision relating to wiretapping in investigations. The Court is undoubtedly sound both in regard to the use of evidence secured over tapped wires in the prosecution of citizens in criminal cases; and is also right in its opinion that under ordinary and normal circumstances wiretapping by Government agents should not be carried on for the excellent reason that it is almost bound to lead to abuse of civil rights.

However, I am convinced that the Supreme Court never intended any dictum in the particular case which it decided to apply to grave matters involving the defense of the nation.

It is, of course, well known that certain other nations have been engaged in the organization of propaganda of so-called "fifth columns" in other countries and in preparation for sabotage, as well as in actual sabotage.

It is too late to do anything about it after sabotage, assassinations and "fifth column" activities are completed.

You are, therefore, authorized and directed in such cases as you may approve, after investigation of the need in each case, to authorize the necessary investigation agents that they are at liberty to secure information by listening devices direct to the conversation or other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies. You are requested furthermore to limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens.

(s) F. D. R.

Office of the Attorney General,
Washington, D.C., July 17, 1946.

The President,
The White House.

My Dear Mr. President: Under date of May 21, 1940, President Franklin D. Roosevelt, in a memorandum addressed to Attorney General Jackson, stated:

"You are therefore authorized and directed in such cases as you may approve, after investigation of the need in each case, to authorize the necessary investigating agents that they are at liberty to secure information by listening devices directed to the conversation or other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies."

This directive was followed by Attorneys General Jackson and Biddle, and is being followed currently in this Department. I consider it appropriate, however, to bring the subject to your statement at this time.

It seems to me that in the present troubled period in international affairs accompanied as it is by an increase in subversive activity here at home, it is as necessary as it was in 1940 to take the investigative measures referred to in President Roosevelt's memorandum. At the same time, the country is threatened by a very substantial increase in crime. While I am reluctant to suggest any use whatever of these special investigative measures in domestic cases, it seems to me imperative to use them in cases vitally affecting the domestic security, or where human life is in jeopardy.

As so modified, I believe the outstanding directive should be continued in force. If you concur in this policy, I should appreciate it if you would so indicate at the foot of this letter.

In my opinion, the measures proposed are within the authority of law, and I have in the files of the Department materials indicating to me that my two most recent predecessors as Attorney General would concur in this view.

Respectfully yours,
/s/ Tom C. Clark,
Attorney General.

July 17, 1947.
I concur.

/s/ Harry S. Truman.

[Administratively confidential]

The White House,
Washington, D.C., June 30, 1965.

Memorandum for the Heads of Executive Departments and Agencies

I am strongly opposed to the interception of telephone conversations as a general investigative technique. I recognize that mechanical and electronic devices may sometimes be essential in protecting our national security. Nevertheless, it is clear that indiscriminate use of these investigative devices to overhear telephone conversations, without the knowledge or consent of any of the persons involved, could result in serious abuses and invasions of privacy. In my view, the invasion of privacy of communications is a highly offensive practice which should be engaged in only where the national security is at stake. To avoid any misunderstanding on this subject in the Federal Government, I am establishing the following basic guidelines to be followed by all government agencies:

(1) No federal personnel is to intercept telephone conversations within the United States by any mechanical or electronic device, without the consent of one of the parties involved. (except in connection with investigations related to the national security).

(2) No interception shall be undertaken or continued without first obtaining the approval of the Attorney General.

(3) All federal agencies shall immediately conform their practices and procedures to the provisions of this order.

Utilization of mechanical or electronic devices to overhear non-telephone conversations is an even more difficult problem, which raises substantial and unresolved questions of Constitutional interpretation. I desire that each agency conducting such investigations consult with the Attorney General to ascertain whether the agency's practices are fully in accord with the law and with a decent regard for the rights of others.

Every agency head shall submit to the Attorney General within 30 days a complete inventory of all mechanical and electronic equipment and devices used for or capable of intercepting telephone conversations. In addition, such reports shall contain a list of any interceptions currently authorized and the reasons for them.

/s/ Lyndon B. Johnson.

J. EDGAR HOOVER

Mr. THURMOND. Mr. President, today marks the 47th anniversary of J. Edgar Hoover's distinguished leadership of the Federal Bureau of Investigation. Forty-seven years in such a demanding position is quite an achievement; however, the greatness of Director Hoover is not merely in his tenure. He has built the FBI into the most competent and honorable crime-fighting organization in the world.

Mr. President, it is with pride that I rise to honor this great American, J. Edgar Hoover. The newsletter I have prepared for release today is entitled, "J. Edgar Hoover and His Critics." I ask unanimous consent that it be printed in the Record.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

J. Edgar Hoover and His Critics

(By Senator Strom Thurmond)

Americans are currently witnessing a concentrated attack against one of our most respected and capable officials—J. Edgar Hoover, Director of the Federal Bureau of Investigation. The attack, conducted simultaneously by some of the news media and by politically ambitious individuals, has as its purpose the removal of Hoover from his post as head of the nation's foremost and finest bureau of investigation—the F.B.I. A secondary aim is to discredit the F.B.I. as an institution in order to hamper its investigations into the numerous revolutionary groups that continue to advocate violence and illegal disruption of society.

In 1924 when Hoover took over as Director of the F.B.I., it was a scandal-ridden and ineffective bureaucracy. Since Hoover's tenure began, not one single F.B.I. agent has been charged with a crime. The image of honesty and integrity which Hoover has insisted upon has never been blemished.

REPUTATION FOR EFFECTIVENESS

In addition to the F.B.I.'s well-deserved reputation for integrity, the bureau under Hoover's guidance has also gained a worldwide reputation for effectiveness. The crime-fighting record of the F.B.I. is unexcelled, whether the law-breakers are part of organized crime, or part of the growing number of revolutionaries who commit such crimes as bombing government buildings. The history of the F.B.I. also shows great success in apprehending foreign agents and saboteurs—both Nazis during the Second World War, and Communists since then.

The record of the F.B.I. as an honest and effective investigative agency has created a tremendous feeling of confidence in J. Edgar Hoover and in the F.B.I. by the American people. The F.B.I. has shown judgment and restraint where judgment and restraint were needed. It has shown courage and daring where these qualities are required. It is indeed unfortunate that this outstanding record has resulted in such undeserved attacks upon Hoover and the F.B.I.

In recent weeks, the criticism of Hoover and the F.B.I. has focused on two allegations: First, that the F.B.I. has "bugged" the telephones of Members of Congress; and Second, that the F.B.I. has recklessly spied on legitimate political activities, such as the recent "Earth Day" meeting in Washington. Neither charge withstands careful examination. Much publicity attended a speech recently made on the floor of the House of Representatives by one of the Democrat leadership, who promised "proof" that the F.B.I. had tapped his telephone. However, even the normally liberal press concluded that no factual evidence has been presented to substantiate this charge, a charge that Attorney General Mitchell has branded as false.

BASELESS CHARGE

The second charge—that the F.B.I. has recklessly spied on legitimate political activities—has also been shown to be baseless. F.B.I. agents have had under surveillance numerous persons who have been suspected of involvement in illegal activities aimed at the U.S. government, and some of these people do attend legitimate political functions from time to time. However, in an era when political protest far too often takes such forms as bombing the Capitol or massive and illegal attempts to shut down the government by blocking traffic and entrances to government buildings, it is difficult indeed to find fault with F.B.I. efforts to gather intelligence on individuals and groups who may be involved.

We are one of very few peoples in the world today or throughout recorded history who have been privileged to live in a nation based on democratic processes and the rights of individuals. If crime, subversion, and illegal acts, committed for the purpose of circumventing or destroying the democratic process, are allowed to multiply unchecked, then freedom's future is bleak. The responsibility of the F.B.I. is to bring to justice those who violate the law, whether the motive of the criminal be personal or political. Under J. Edgar Hoover, the Bureau has discharged this responsibility with reason and within the safeguards of the law.

HOW NOT TO NEGOTIATE WITH THE RUSSIANS

Mr. CHILES. Mr. President, the able junior senator from Washington (Mr. Jackson) in his capacity as chairman of the Government Operations Committee's Subcommittee on National Security and International Operations is taking the forefront by conducting the first major congressional look into the process and problems of international negotiation. The focus of the subcommittee's inquiry revolves around lessons to be learned from the past and present experience in the conduct of negotiations, the goal being to identify the central issues relating to international negotiation and get out in the open and to encourage sounder attitudes and approaches.

The subcommittee is finding that little up-to-date or substantial analytical materials have been done and this subcommittee is breaking into new ground.

During my brief tenure in the U.S. Senate, the subcommittee has held four hearings relating to this goal; they were:

February 26—Dr. Dirk U. Stikker, former Netherlands Minister of Foreign Affairs and Secretary General of NATO from 1961 to 1964;

March 17—Bernard Lewis, Professor of History of the Near and Middle East, University of London;

April 2—Robert F. Byrnes, Distinguished Professor of History at Indiana University;

April 30—Robert Conquest, noted British author and analyst of the Soviet Union.

I invite the Senate's attention to an article by the subcommittee's distinguished chairman, published in Nation's Business for April, 1971, and ask unanimous consent that it be printed in the Record.

In my opinion, "How Not to Negotiate With the Russians" is one of the most concise thought-provoking and educational articles written in this area. In addition, it takes an approach very dear to our American tradition, and that is we can find humor in our actions and at the same time have the seriousness and dedication to begin correcting them.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Not To Negotiate With the Russians

(By Senator Henry M. Jackson)

(Note.—Sen. Jackson, a Democrat from Washington, is now conducting the first major Congressional inquiry into the problems of international negotiation. He is chairman of the Senate Government Operations Committee's Subcommittee on National Security and International Operations.)

In Paris, Viet Nam talks drag on; SALT negotiations proceed at Helsinki and Vienna; the status of Berlin is under discussion; there is diplomatic jockeying over a European security conference; and talks about a Middle East settlement go forward.

Clearly, international negotiations are the order of the day.

If we handle such negotiations effectively, we are able from time to time to act together with the Soviets in ways consistent with our own interests and purposes. Certainly, Americans want to identify areas of common or parallel interest with the Soviets.

Yet negotiating with them is a most complicated process, and Moscow's objectives and tactics create enormous difficulties. Negotiations would be hard enough to bring to a successful outcome if those on our side handled themselves skillfully. That is very often not the case.

Watching America conduct its foreign affairs, I've seen blunders lead to missed opportunities and serious setbacks to the national interest, including unnecessary wars.

Here, for the benefit of those who want to avoid these pitfalls, is a "Bungler's Guide to International Negotiation"—or "How to Botch the Talks."

1. *In approaching a negotiation, the born bungler will discard in advance any proposal he thinks the other side will object to.*

As the American government formulates its position on an issue, it often happens that a possible proposal is scrapped as being "unacceptable" to Moscow—even though the idea has much to recommend it from the U.S. point of view. Since a proposal obviously can never be accepted if it is never submitted, the effect of ruling one out as "unacceptable" is to guarantee its unacceptability.

There is the possibility, however, that an adversary can be brought to change its evaluation of what is acceptable as a negotiation proceeds. It is, after all, one of the main purposes of negotiation to persuade the other side to change its mind about what is an acceptable outcome.

The Austrian State Treaty is a classic case in point. We and our allies remained firmly committed to a free Austria and we pressed the Soviets with proposals that were "unacceptable" from their point of view. Finally, in 1955, the Russians decided it would also be to their advantage to end the occupation and partition of Austria.

Another important postwar agreement with the Soviets—the partial nuclear test ban (i.e., it does not cover underground tests)—was realized after some five years of negotiations, although part of U.S. officialdom had classified the partial ban as "unacceptable" to Moscow.

2. *The perfect patsy will banish from his mind any ugly suspicions about the intentions of the opposing side.*

Ignorance of the other side's real intentions is obviously no help in negotiating. But understanding these intentions does not necessarily augment trust and make your task any easier. America's decision to enter the Atlantic Alliance did not result from failure to grasp what the Kremlin wanted. We needed that defensive alliance because the Kremlin's designs on Europe were crystal clear.

Averell Harriman tells how—at the Potsdam Conference in 1945—he said to Stalin that it must be very gratifying for him to be in Berlin, after all the struggle and tragedy. Stalin replied: "Czar Alexander got to Paris." As Mr. Harriman adds: "It didn't need much of a clairvoyant to guess what was in Stalin's mind."

Moscow may now share the common interest of avoiding a general nuclear war. But it does not follow that Moscow wants all-out peace. There is much room for maneuver between trying to avoid a nuclear holocaust and seeking a genuine peace.

The Russians know it.

Leonard Schapiro, dean of Soviet studies in Great Britain, stated the matter this way to our Senate subcommittee:

"Soviet policy is unremittingly dynamic. It is not directed towards achieving equilibrium, or balance of forces, or peace, or collective security. . . . Its ultimate aim is 'victory,' which means communist rule on a world scale. However unrealistic this aim may seem, it is the case that it has been thoroughly inculcated into the minds of all Soviet leaders from Lenin onwards for over 50 years. . . .

"There is no time factor attached to this ultimate ideological aim—in contrast in this respect, say, to Hitler, or Genghis Khan. And so . . . the Soviet Union seeks to advance wherever this is possible, to gain one advantage here, and another there, and to move forward or halt as advantage dictates."

Understanding Soviet intentions today, far from diminishing concern, arouses it. What the Kremlin wants—if it can get it—is not in the interest of the Free World and the future of individual liberty.

3. *The truly timid negotiator will not want to embarrass the other side.*

If it comes to light that an adversary is guilty of bad faith, you can make a lot of trouble for yourself by hiding the truth about it.

A classic example of how not to deal with the Russians was the U.S. response to the Soviet and Egyptian violations of the Mid-East cease-fire. We were taken to the cleaners in that August, 1970, fiasco.

No sooner had agreement on the military standstill been achieved than the first Soviet-Egyptian violations occurred. We saw the violations taking place. By failing to corroborate them, the State Department invited still further illicit movement of surface-to-air missiles into the prohibited zone.

The fact that we turned our backs on gross violations of an initiative proposed and arranged in Washington, and concurred in by Moscow, can have the effect of encouraging the Soviets to deliberate deception and greater boldness elsewhere.

U.S. officials should know by now that the consequences of telling the truth about Soviet bad faith will be easier to live with than the consequences of not telling it.

4. *The brilliant bumbler will signal the opponent that he is desperate to get some kind of agreement, especially for domestic political reasons.*

In adversary relations the appearance of overeagerness is bound to stimulate stubbornness and intransigence on the other side.

When top U.S. officials give the impression that some arms control treaty or agreement is indispensable to them they make it enormously more difficult for the American negotiating team to strike a favorable bargain in the talks.

We should not negotiate *any* agreement just for agreement's sake. We should vigorously pursue arms control agreements that can add to the stability of the strategic balance, while rejecting proposals that have a built-in incentive to instability. What we really want are agreements that will reduce the risk of nuclear war; and this means careful agreements which are extremely difficult to contravene and which confer no destabilizing advantage.

What security exists in the world today depends on the delicate balance of military, political and economic forces.

As the Soviet Union reaches parity (or more) with the United States in strategic arms, its leaders are likely to become more energetic in trying to spread Soviet influence and more willing to run dangerous risks in the international arena.

Those who live in freedom are able to do so only under the shelter and power of ourselves and our allies. This is a grave responsibility, and while we strive for sensible and salutary arms control agreements, we must not imperil a stable Free World deterrent.

5. *The gregarious sap will put a premium on being popular with the other side.*

A persistent danger of all diplomacy is what Harold Nicolson called "the human difficulty of remaining disagreeable to the same set of people for many days at a stretch."

If you have obstinately refused on Monday to agree in a matter pressed by the other side, you may be tempted to be less stubborn than you should be on Tuesday when a wholly different subject is under discussion. You may ask too little and offer too much.

Popularity-seekers seldom make good negotiators. They are likely to give the wrong signals.

If you are so concerned about being a "good fellow" that you shrink from speaking bluntly when this is called for, you may lead your adversaries to misjudge your fortitude, thereby whetting their appetite. What might be appropriate to say on the Senate floor to one's colleagues is not necessarily appropriate to say in talks with top officials in Moscow.

Americans, often great conciliators in working with allies, sometimes lack perseverance in pursuing their cause against a hostile opponent.

6. *The eager sucker will try for accord by giving something for nothing.*

A sure way to worsen one's problems is to make unilateral concessions in hopes the opponent can be "conciliated" and will return the "favor."

When closely allied nations are engaged in a long-term common effort, there may be enough "community spirit," to use Jean Monnet's phrase, so that an act of generosity on one issue establishes credit on another issue. However, in negotiation with the Russians, a concession without any assurance of an equivalent countergain weakens one's bargaining position.

The policy of making gratuitous concessions to dynamic powers has been tried in the past from time to time, and the results have been disastrous.

There is the example of the obliteration of Carthage, which had allowed itself to be disarmed by Rome in the hope this would lead to peaceful coexistence. And there is the example of French and British appeasements of Nazi Germany, which led directly to World War II.

Moreover, things given as gifts cannot be traded.

A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Kremlin. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet government be encouraged to move in this direction? Certainly not by our making a substantial, unilateral, and unrequited reduction of American forces in Europe, as some U.S. Senators are urging.

Clearly, NATO should sustain the bargaining position it has worked so long and hard to construct, and actively pursue acceptance of gradual, mutual and balanced revisions in forces on both sides of the Iron Curtain.

CALIFORNIA'S WELFARE CUTBACKS

Mr. RIBICOFF. Mr. President, today I am asking the General Accounting Office to begin an immediate investigation of a possible violation of Federal law by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare which is attempting to use section 1115 of the Social Security Act to justify radical departures from existing Federal welfare standards. I am also asking that the GAO use its power to compel the release of information which the Social and Rehabilitation Service—SRS—has been wrongfully withholding from the public.

The State of California has been attempting to cut back its welfare programs. However, implementation of these cutbacks would require drastic departures from present Federal law.

A vehicle for legalizing these massive statewide welfare cutbacks had to be found. And it was—in an obscure provision of social security law, section 1115, the purpose of which is to allow waivers from strict Federal standards for small-scale tests of new methods for dealing with the problems of welfare recipients and improving their lives.

HEW now seems prepared to condone the use of section 1115 to authorize statewide waivers which would result only in benefit decreases and State cost cutbacks, not in small experimental improvement programs. To twist the meaning of section 1115 by allowing its use simply for the purpose of providing State fiscal relief at the expense of welfare recipients would be irresponsible and deceptive.

I am calling on the Comptroller General to investigate this distorted interpretation of the law at this time to prevent the development of a precedent which could result in the wholesale abrogation of the Social Security Act.

If such a precedent is allowed to develop, Federal welfare guidelines, standards, and requirements will be bypassed in increasing numbers. They will exist only at the sufferance of the Governor, subject in effect to executive repeal.

I am also distressed that SRS has refused to disclose the substance of many of California's requests for waivers from compliance with Federal welfare standards. The SRS has released a list of 38 welfare proposals by the State of California which supposedly are "federally approvable without detailed study or analysis." Yet SRS has refused to disclose other proposed program changes until studies are made to see if they qualify for waivers.

The SRS issued a release on May 4 which concluded:

> SRS considers the details of any proposed program change submitted by a State and currently under Federal study to be releasable only by the State. However, when a proposal has been formally acted upon, and the State so notified, the Federal Government will make details publicly available.

While it is questionable whether the previously disclosed 38 requests are federally approvable under any standards, the refusal to disclose waiver requests is even more questionable. This is especially so in light of the fact that the details of one waiver request made by California which has not been formally acted upon has been revealed while the details of other "proposed program changes" have not been disclosed.

Who is making the decisions? The State that is seeking Federal approval and Federal money? Or the Federal agency charged with granting approval and funds?

It would appear that the Department of Health, Education, and Welfare has made it a policy to allow the States to determine what matters the public, and indeed the Congress of the United States, are entitled to see.

The logic of this policy is elusive. There is no law or regulation on which SRS can properly rely to justify this refusal to make public the proposed program changes which have been submitted by California.

I ask unanimous consent that the text of my letter to the Comptroller General and recent Washington Post articles concerning this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 10, 1971.

Hon. ELMER STAATS,
Controller General of the United States, General Accounting Office Building, Washington, D.C.

DEAR MR. STAATS: Pursuant to your authority under Title 31, Section 53 of the United States Code, I hereby request that you undertake an immediate investigation of possible violations of federal law by the Social and Rehabilitation Service of the Department of Health, Education and Welfare in its administration of Section 1115 of the Social Security Act. I also request that you compel the Department of Health, Education and Welfare to furnish you with information in its possession regarding California reqeusts for additional Section 1115 waivers—information which it now refuses to disclose.

Under present federal welfare law, the Federal Government shares the cost of state public assistance programs. In order to receive these federal funds, states must have in existence federally approved state plans, the most basic requirements of which are:

(1) The plan must be state-wide with benefits made available to all eligibles.

(2) A single state agency must oversee the program and state funds must be made available to the program.

(3) Judicial review and confidentiality of records must be guaranteed to the recipient.

(4) Grants must be based on a state standard of need and any reductions or increases must be equitably applied to all.

In 1962, Section 1115 was added to the Social Security Act allowing the Department of Health, Education, and Welfare to authorize certain demonstration projects outside the limits of these state plan requirements. Because state plans require state-wide application of any welfare standards or program provisions, Congress enacted the Section 1115 waiver provision to allow smaller-scale experimental or pilot demonstration programs to be carried out.

The Senate Finance Committee, of which I am a member, made this clear in its Report on the Social Security Amendments of 1962. The Committee adopted the state plan waiver provision to encourage "experimental projects designed to test out new ideas and ways of dealing with the problems of public welfare recipients . . . if such project furthers the general objectives of the program."

The waiver provision has proved valuable in various experimental projects intended to provide more equitable and progressive welfare programs. Thus a limited application of the simplified declaration method for old age assistance made possible its use on a state-wide basis to determine eligibility.

Today, unfortunately, it appears that Section 1115 may be used in a manner wholly inconsistent with Congressional intent. As the enclosed series of Washington Post articles makes clear, California is seeking and HEW is apparently acquiescing in the use of Section 1115 to authorize state-wide waivers which would result only in benefit decreases and state cost cut-backs, not in small-scale experimental programs designed to test innovative methods for improving life for the welfare poor. It has never been the intent of Congress to allow state use of Section 1115 for the purpose of reducing state financial and legal commitments to an adequate welfare program. Section 1115 was not designed to solve the fiscal problems of the states.

I believe that a prompt opinion by the General Accounting Office will be especially valuable and timely in preventing the development of an illegal precedent under which parts or all of the provisions of the Social Security Act could be abrogated. Such a precedent could result in welfare program cutbacks across the country.

My other concern is that the Social and Rehabilitation Service within HEW may be unlawfully refusing to disclose information on other California requests for waivers. I am unaware of any legal authority under which this information which should rightfully be in the public domain can be withheld. Therefore I also request that you exercise your authority to compel the disclosure of this information which is now being withheld. Therefore I also request that you exercise your authority to compel the disclosure of this information which is now being withheld as well as any HEW memorandum indicating the legal status of pending or expected Section 1115 waiver requests.

Thank you for your prompt attention to this matter.

Sincerely,

ABE RIBICOFF.

[From the Washington Post, May 1, 1971]

HEW HITS REAGAN PLAN BUT SEES NIXON APPROVAL

(By Nick Kotz)

HEW officials oppose as illegal the private requests made by California Gov. Ronald Reagan to cut welfare and medical benefits for almost two million people, but they predict President Nixon will order approval anyway.

Following an April 1 summit meeting with Mr. Nixon to discuss Reagan's welfare problems, the governor has been submitting to Washington a series of proposals that would charge the poor for part of the cost of medical and hospital treatment under the Medicaid program, and cut welfare payment benefits.

The Reagan proposals come as a surprise because the assumed purpose of his meeting with Nixon was to protest HEW and federal court orders requiring California to raise welfare benefits in accordance with a 1967 Social Security Act.

The law called for a cost-of-living increase that Reagan refuses to implement. He has been given an extension until July 1 on this issue. His strategy remains unclear.

But following a different tack, Reagan is seeking approval of welfare-cutting measures that he acknowledges would require waiver of provisions of the Social Security Act, HEW officially refuses to make public Reagan's requests, but they were obtained from other sources, as were HEW memoranda protesting accession to the governor's wishes.

Reagan seeks exemptions from requirements of federal law under a "waiver provision", that some HEW officials say was clearly intended only to permit small-scale experiments to help the poor, not reduce their benefits.

"If Reagan gets away with this," said one HEW official who declined to be quoted by name, "the welfare law is going to be as full of holes as a piece of Swiss cheese. But the indications here are that the President will do anything Reagan wants."

In a Williamsburg, Va. speech last week, Mr. Nixon praised both Reagan and New York Gov. Nelson Rockefeller "for moving on your own at the state level" to "bring some order into (welfare) chaos."

Rockefeller also seeks a waiver from Social Security Act requirements to implement plans to cut welfare checks by more than 50 per cent. The governor and legislature already have approved a 10 per cent cut effective today.

CHARGES ASKED

One Reagan proposal, revealed in a document obtained by The Washington Post, requests that welfare patients be charged $1 for each office visit, $1 for each prescription filled at a drug store, and $3 per day for hospital or nursing care. The present Medicaid law precludes making these charges to the poor.

The proposal, from Dr. Earl Brian, director of California's Department of Health Care Services, to HEW Secretary Elliot Richardson, says the patient charges are needed as "a natural deterrent for overutilization and improper use of health care services by the welfare poor.

Dr. Brian justifies use of the Social Security Act's waiver provision of grounds that California would "conduct a statewide experiment to evaluate the effect of a token copayment" on utilization of health care services.

The payments would be required "of all beneficiaries with income, property holdings, or other resources." HEW officials say this language could be applied to most of the poor who now qualify for aid.

In a memorandum arguing against this Reagan request, HEW-official W. L. Parker, an assistant chief for program planning and evaluation, branded as "absurd" Reagan's contention that the payment would merely put the poor on the same basis for health care as the "average California citizen."

COULD BLOCK CARE

"Even a modest payment of $2 for each physician's office almost certainly prevent needed health care "rather than control abuse."

Other Reagan requests for exemptions to the law include:

Permission to permit welfare recipients to keep less earned income than is now provided under a law section designed as an incentive for the welfare poor to take jobs. Reagan would exclude individual exemptions for work expenses, such as transportation and child care.

Permission to toughen the circumstances under which recipients to the Aid to Dependent Children program could refuse work.

There also may be other exceptions sought by Reagan. Several high-ranking HEW officials, have said privately they have not been permitted to see requests they contend are being handled by the White House with HEW only handling technical details.

[From the Washington Post, May 2, 1971]

REAGAN REQUESTS GRANTED

(By Nick Kotz)

HEW Secretary Elliott Richardson revealed yesterday that he already has approved 39 requests by Gov. Ronald Reagan for changes in California's welfare system and probably will approve other requests, some of which would cut welfare benefits.

Richardson said in an interview with The Washington Post that a principal reason for granting Reagan's requests, some of which would require waivers from the present Social Security Act, is that the governor's proposals would test ideas included in the Nixon Administration's proposed new welfare law.

He said the administration's new welfare principles have been approved tentatively by the House Ways and Means Committee, and that Senate Finance Committee Chairman Russell Long (D–La.) has written him urging approval of Reagan's requested exemptions from present law.

"It's hard for us to refuse a waiver to test something we believe should be in the law anyway," Richardson said.

The last Congress failed to approve the President's proposal, called the Family Assistance Plan, and the present Congress has just begun consideration of it.

Reagan's proposal requiring the poor to pay part of the cost of health care was opposed in a strongly-worded memorandum written by an HEW assistant administrator. Other HEW officials disapprove of Reagan's requested exemptions, and question their legality but say privately they are certain the White House will overrule them.

Richardson initiated the interview to say that the White House has taken no part in his deliberations with Reagan since the President and Reagan originally discussed the California governor's requests at an April 1 meeting in California.

At that presidential meeting Richardson said about 70 Reagan proposals were discussed in detail. The HEW secretary said 39 were approved on the spot, and others were tentatively approved, but some had to be scrutinized further to see whether waivers could be granted from the present law. HEW has declined to make public the detailed Reagan requests but Richardson said yesterday he is willing to do so eventually.

After the April meeting, the President praised Reagan's proposals as in spirit with his own and designed to give more assistance "to those truly in need, but to stop helping those who can help themselves but refuse to do so." He said "we . . . have discovered that the California plan in major details can be implemented without being in violation or contrary to the federal regulations or federal law."

According to a wire service report, Reagan apparently did surrender yesterday on his original and lengthy battle against providing the "cost of living" increase in welfare benefits for participants in the aid to dependent children program July 1, 1969. The governor had refused to implement the benefit hike despite orders from HEW and both federal and state courts.

The governor now hopes to more than make up for these increased costs with his new plans for cutting costs.

The Administration's proposed legislation and Reagan's plans are similar principally in the area of tightening regulations and benefits for participants in the aid to dependent children program.

However, Reagan strongly opposes the most controversial and innovative feature of the Administration legislation—payment of income supplements that would guarantee the non-welfare working poor a minimum income of $2400 a year for a family of four and would provide graduated benefits to all families with less than $4100 a year wages.

There is strong disagreement in HEW and among other welfare law experts as to Reagan's proposed use of the waiver provision of the Social Security Act.

The waiver provision was added to the Social Security Act in 1962 to permit experimental projects designed to test new ideas and ways of dealing with the problems of welfare recipients.

Some HEW experts in the field agree with Elizabeth Wickenden, a consultant to the Nationanl Assembly for Social Policy and Development, that the legislative intent of the waiver was to permit small-scale experiments to improve life for the welfare poor.

By permitting a statewide waiver that results in reduced welfare benefits, Mrs. Wickenden says the Administration would be "rewriting the Social Security Act by waiver."

Richardson said he is troubled about permitting a statewide waiver, but has satisfied himself it is legal.

Richardson said he opposes use of the waiver for experimental tests that would cut welfare benefits, but offered arguments in favor of use of the waiver for two Reagan requests that would cut benefits.

One is the proposal to require partial payment by welfare recipients for health care services. Richardson said a waiver would be proper in this case because the proposal would test an effort to stop overutilization and improper uses of services, and would test the similar Nixon administration legislative proposal.

Another waiver requested by Reagan would implement a California plan, permitting welfare recipients to keep less earned income. A 1967 Social Security Act amendment designed as a "work incentive," permits welfare recipients to keep earnings needed to pay work expenses plus the first $30 of monthly earnings and one third of the balance. Reagan would impose a flat limit permitting total income equal to 150 per cent of the welfare payment standard, irrespective of the total amount of work related expenses.

Richardson said a waiver for this purpose was justified to test a similar administration legislative proposal designed to prevent abuses of the work incentive.

Richardson said no waiver is required for him to approve another Reagan proposal that would separate welfare recipients into two categories. The welfare department would handle the blind, aged and disabled recipients while the labor department would handle AFDC parents whom the state deems capable of working.

The Administration and House Ways and Means Committee favor an almost identical plan.

[From the Washington Post, May 5, 1971]

HEW To Allow Most of Reagan Welfare Cuts

(By Nick Kotz)

The Department of Health, Education and Welfare said yesterday that Gov. Ronald Reagan of California does not need federal approval for a majority of measures which he hopes will cut state welfare costs by $200 million.

John Twiname, administrator of HEW's welfare programs, released a list of 38 Reagan proposals which he said "appear to be federally approvable."

Among these measures agreed upon at an April 2 meeting between Reagan and President Nixon, are:

A mandatory requirement that all physically able adult welfare recipients accept offered work.

A provision greatly reducing the amount of property or assets a family can own and be eligible for aid. Families in the aid-to-dependent-children program would be limited to $600 and the aged and disabled to $1,200. For the first time, a family's furniture, silverware and chinaware would be counted.

Provisions shifting some of the state's welfare costs to counties.

An entirely new benefit system based on dividing the available state fund among the total number of recipients rather than payments based on a "standard of need."

However, many of the 38 Reagan proposals require approval of the California legislature, where he is encountering considerable resistance.

State Rep. Bob Moretti, speaker of the State Assembly, said yesterday that the legislature definitely will not enact Reagan's plans to reduce welfare benefits.

Referring to the Reagan proposal on the amount of personal property a family can have, Moretti said: "That's incredible. Maybe we ought to require that they sell their clothes too and give them one gray uniform that says 'welfare recipient'."

A second group of Reagan proposals would require waivers from the present Social Security Act. Twiname said these requests will be studied to see whether they would qualify under the provision permitting waivers in order to conduct experimental programs.

He said the only waiver request formally received so far is one that would require the welfare poor to pay part of the cost of medical, hospital, and drug benefits under the Medicaid program—$1 per doctor's visit, $1 a prescription, $3 a day for hospital or nursing care. Concerning this request, Twiname said, "The federal government has suggested changes . . . and has indicated that the pròposal appears approvable if these changes are made."

However, Twiname refused to disclose the proposed changes, and said that the other requests for waivers would be made public only after the federal government has acted on them.

One such Reagan plan, requiring a waiver, would subtract from welfare grants the amount of benefits received from the food stamp, commodity distribution, school lunch, or FHA low-cost housing programs. Reagan estimated state savings of $42 million by eliminating these benefits.

A family with children receiving free school lunches, for example, would have the value of those lunches deducted from its welfare check. Similarly, an old age recipient who gets $20 in free food under the food stamp program would have the $20 deducted from his welfare check.

Another plan requiring a waiver would abandon "the work incentive" in present law permitting recipients to keep more than one-third of earned income. Reagan would sharply limit retained earnings and would count as earned income small sums of money, such as that earned by children on paper routes or by babysitting.

HEW officials said Reagan's proposal to revamp the California welfare system cannot receive final approval until he submits a new state plan to the federal government. In addition to roadblocks in his own legislature, Reagan faces court tests from welfare rights groups challenging some of his benefit cutting plans.

AWARD TO DALLAS R. PARKER, HOUSTON, TEX.

Mr. TOWER. Mr. President, each year the Texas Trial Lawyers Association presents an award to a law student in Texas who prepares the most outstanding paper, suitable for publication, on issues with which they are concerned. This year the outstanding award in the torts area went to a student at the University of Texas Law School, Mr. Dallas R. Parker, of Houston, Tex. In order that Senators may enjoy the caliber of work that we produce in Texas, I ask unanimous consent that Mr. Parker's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

TORTS—Landlord and Tenant—Landlords of Multiple-Unit Apartment Houses Have a Duty To Take Protective Measures To Guard Their Tenants from the Perpetration of Foreseeable Criminal Acts by Third Persons, Kline *v. 1500 Mass. Ave. Corp.*, — F.2d — (D.C. Cir. 1970)

(By Dallas R. Parker) *

Plaintiff tenant was criminally assaulted and robbed by an unknown assailant in the common hallways of defendant's apartment house. The apartment building had experienced increasing criminal activity of which the landlord had actual notice.[1] Plaintiff brought an action alleging that defendant was negligent in failing to institute any of the normal security precautions attendant to the exercise of the duty of due care owed by defendant to plaintiff in her capacity as tenant.[2] The trial court held that the landlord owed the tenant no duty of protection. *Reversed and remanded.*[3] Landlords of multiple-unit apartment houses have a duty to take protective measures to guard their tenants from the perpetration of foreseeable criminal acts by third persons.

Tenants of multiple-dwelling buildings have attempted to hold their landlords liable for a variety of injuries sustained as a result of the criminal acts of third persons.[4] Although the complaints have sometimes suggested a theory of implied contract as an alternative basis of recovery,[5] principal reliance has been placed upon the versatile negligence cause of action.[6] In generally denying liability in these actions,[7] the courts have based their responses upon resolution of two recurrent issues—proximate cause and duty.

In the earlier decisions the courts ordinarily held that as a matter of law no proximate cause had been established. The criminal was regarded as an "independent moral agency" over whom the defendant had no control and thus for whose acts he could not be held responsible.[8] No mention or consideration was made of the element of foreseeability. Eventually, the Supreme Court abandoned this rationale and posited the currently accepted view that if the act is foreseeable, its criminal nature is irrelevant to the determination of liability.[9] Thus with the criminality of the misconduct largely discredited as a basis for finding no proximate cause, a majority of the subsequent decisions have presumed proximate cause and have, consequently, failed to discuss the objections raised in the earlier cases.

More recently, the courts have responded

Footnotes at end of article.

to this assertion of liability with a declaration that there exists no duty to provide protection. These opinions are based upon the traditional common law rule, formulated in the age of the agrarian leasehold, that the landlord has no duty to protect his tenant from the acts of third persons that interfere with the tenant's enjoyment of the premises. While some cases inferentially suggest that a tenant desirous of protection should bargain for that benefit in his lease agreement, most opinions have undertaken no meaningful discussion of the rationale behind the no duty rule.[10]

Perhaps the only illuminating treatment of the controversy surrounding this proposed obligation was presented in *Goldberg* v. *Housing Authority*.[11] The court based its denial of duty on several policy considerations including the arguments (1) that protection should be afforded by the "duly constituted police forces," [12] (2) that the "vagueness" of the proposed duty rendered it "unfair," [13] and (3) that if this duty were imposed, the landlord would surely distribute the resultant costs among his tenants—the persons often least able to afford it.[14]

The instant opinion includes an extensive discussion of duty and imposes an obligation of protection squarely upon the landlord, requiring him to use care commensurate with the circumstances.[15] In flatly rejecting the traditional rule, the court takes note of its agrarian origin and states that it "falters when it is applied to the conditions of modern day apartment living." [16] Determinative in the establishment of duty in this decision was the fact that the assault occurred in an area of common use over which defendant landlord had exclusive control. The court reasoned that because of this control the landlord is the "only party who has the *power* . . . to provide the necessary protection." [17] In rejecting the *Goldberg* rationale that the duty properly rests with the police, the court found that the landlord's ability to protect may be greater than that of the municipal forces.[18]

The court's analysis of certain economic considerations marks a further departure from the *Goldberg* decision. Conceding that the expense will ultimately and justifiably be passed on to the tenants, the court contends that under existing law the tenant already suffers economic loss from injury and increased insurance premiums, and that his interests would be advanced rather than retarded by the imposition of this duty.[19]

The principal case omits entirely any reference to proximate cause. The opinion does, however, discuss the problem of third party criminality—the foundation of the earlier courts' holding of no proximate cause—and, noting the frequency and predictability with which criminal misconduct occurred in the apartment building, holds that the illegality of that conduct presented no bar to recovery.[20]

Although clouded by the unenlightening and confusing proximate cause terminology,[21] the reason stated in the earlier cases for finding no proximate cause [22] perhaps reflects the thought that at one time in our history criminal misconduct was relatively less frequent and thus less predictable than in many comparable situations today. The earlier holdings may also evidence philosophical dissatisfaction with the idea of requiring one person to respond in damages for the criminal acts of another. When criminal acts recur frequently, however, and one person may, by the exercise of care, increase the security of a relatively large number of persons, as in the principal case, the fact that the acts are criminal in nature should constitute no more of a bar to recovery than other predictable acts of third persons.

The primary difficulties presented by decisions similar to the principal case concern questions of policy properly relegated to the analysis of the duty issue. In reiterating the traditional no duty rule, the earlier cases failed to adopt a realistic approach to the resolution of the contemporary problem surrounding a landlord's duty to provide protection. The agrarian leasehold rule was no doubt well suited to the situation in which the tenant leased the premises primarily to obtain use of the land and the landlord relinquished all control over the property. In the modern apartment house, however, control of the land itself may be of little significance to the tenant, while the incidents of shelter and protection constitute his paramount concern. Furthermore, the contemporary landlord normally retains substantial control over the common areas of leased property. As the landlord's control increases, the tenant's control correspondingly decreases; it would seem desirable to allocate the responsibility for protection to the party who can most effectively exercise it.[23]

The contention that responsibility for this aspect of crime control rests solely with the police is similarly unrealistic. Presumably, the police forces are already doing their best to prevent crime and in many cities are performing to the limitations of their capacities. Any notion, therefore, that a municipal law enforcement agency alone can be relied upon to provide adequate protection in areas of high crime rates is largely illusory. Moreover, in many instances the landlord can offer the cheapest and most effective means of protection.[24]

The earlier cases also failed to analyze properly the economic considerations relevant to resolution of the controversy surrounding this duty. The disadvantageous position of the tenant vis-a-vis the landlord resulting from the housing shortage has frequently been given judicial recognition.[25] Thus the suggestion that if the tenant wants to be protected, he should bargain for the benefit in his lease, is probably untenable. Perhaps a more realistic appraisal of the economic power enjoyed by the individual tenant would anticipate that he will be confronted with exculpatory clauses in future leases attempting to avoid the duty established by the principal court. Such clauses, if they arise, should be regarded as contrary to public policy.

Other economic considerations lend further support to the imposition of this protective obligation. The landlord receives economic benefit from the parties' relationship, and it is he who is best able to distribute the losses. It would seem socially desirable, therefore, to place the liability with him. The court in the instant opinion admits that the cost of protection will ultimately be borne by the tenant, but it correctly reasons that it would be more equitable for each member of the class to bear a proportionate share of the risk than for a tenant to face individually the costs of victimization. Furthermore, to hold the landlord liable is in accord with other current concepts of risk distribution.[26]

Finally, the earlier opinions have denied liability because of the vagueness of the proposed duty. It must be conceded that a landlord may find himself somewhat uncertain in determining whether he has complied with his obligation. Nevertheless, one need only ponder the fundamental "reasonable and prudent man" concept to be reminded of the characteristic lack of precision in tort law. Furthermore, in the context of this emerging duty, lack of precision arguably provides the flexibility necessary to induce appropriate means of protection.

The holding in the principal case is representative of the contemporary trend toward recognition of a duty to protect in relationships of dependence.[27] The prerequisite to duty—control—provides both a reasonable basis upon which to predicate liability and a means by which the obligation can properly be limited. In light of the current crime rise, imposition of this duty to protect may portend judicial recognition of the broader principal that "every segment of society has obligations to aid in law enforcement and to minimize the opportunities for crime." [28]

FOOTNOTES

[1] — F.2d at —. Plaintiff alleged that defendants had actual notice of twenty other individual criminal incidents within the building. Defendants conceded the allegation at trial. *Id.* at —.

[2] *Id.* at —.

[3] *Id.* at —. Although the trial court held as a matter of law that there was no duty, the court of appeals, in reversing, held both that a duty did exist and that the applicable standard of care had been breached. The case was remanded solely for the determination of damages. The dissent is devoted in large part to a criticism of the majority's procedural handling of the case:

> [The trial court] never considered whether the facts proved liability if the duty did exist. Against such a procedural background the panel opinion here comes to a different conclusion on the duty owed . . . and then proceeds to find defendant liable on the facts as a matter of law. This necessarily involves a *de novo* consideration of the facts on a cold record and subjects the result to all the imperfections inherent in any decision arrived at under such handicaps.

Id. at — (MacKinnon, J., dissenting).

[4] *See, e.g.,* Applebaum v. Kidwell, 12 F.2d 846 (D.C. Cir. 1926) (thieves broke into tenant's apartment through unsubstantial partition constructed by and maintained under the control of the landlord); Ramsay v. Morrissette, 252 A.2d 509 (D.C. App. 1969) (tenant assaulted in apartment house by unknown third person); Teall v. Harlow, 275 Mass. 448, 176 N.E. 533 (1931) (tenant's apartment robbed—landlord had left vestibule door open); McCappin v. Park Capitol Corp., 42 N.J. Super. 169, 126 A.2d 51 (App. Div. 1956) (tenant's apartment robbed after landlord's employee allegedly left keys in accessible area); Bass v. City of N.Y., 61 Misc. 2d 465, 305 N.Y.S. 2d 801 (Sup. Ct. 1969) (tenant's child raped and murdered by third person in housing complex). *See also* Annot., 58 A.L.R.2d 1289 (1958).

[5] *E.g.,* Mutual Coat Corp. v. Dorsyl Realty, Inc., 346 Mass. 777, 195 N.E.2d 512 (1964).

[6] *See* cases cited note 4 *supra.*

[7] *See, e.g.,* Applebaum v. Kidwell, 12 F.2d 846 (D.C. Cir. 1926); Goldberg v. Housing Auth., 38 N.J. 578, 186 A.2d 291 (1962). *But see* Ramsay v. Morrissette, 252 A.2d 509 (D.C. App. 1969); Bass v. City of N.Y., 61 Misc. 2d 465, 305 N.Y.S.2d 801 (Supp. Ct. 1969).

[8] Applebaum v. Kidwell, 12 F.2d 846 (D.C. Cir. 1926). This is a variation of the "last human wrongdoer" rule. The rule apparently originated in the English case of Vicars v. Wilcocks, 103 Eng. Rep. 244 (K.B. 1806), and probably because of the facility and certainty of its application, the rule gained widespread acceptance in both England and America. The English courts divested themselves of the rule by the end of the last century, but the principle did not begin to wane in this country until well into this century. For a fuller account of the rule's history accompanied by critical discussion see Feezer & Favour, *Intervening Crime and Liability for Negligence,* 24 MINN. L. REV. 635 (1940) & 24 MINN. L. REV. 666 (1940), in which the rule is described as "obnoxious."

[9] Lillie v. Thompson, 332 U.S. 459 (1947). The Court held an employer liable for injuries sustained by his employee at the hands of third persons.

[10] *E.g.,* DeKoven v. 780 West End Realty Co., 48 Misc. 2d 951, 266 N.Y.S.2d 463 (N.Y. Civ. Ct. 1965).

[11] 38 N.J. 578, 186 A.2d 291 (1962). In *Goldberg* plaintiff, while delivering milk to defendant's tenant, was beaten and robbed in an elevator. The court said that although defendant was a public housing complex, its liability was to be adjudged under principles of law applicable to the private owner of property. *Id.* at 581, 186 A.2d at 292. The court construed plaintiff's claim as asserting that defendant was negligent in failing to provide police protection on the premises. Thus because of the confinement of the complaint to the single issue of police protection, *Goldberg,* like most other cases in the area under consideration, is probably distinguishable from the principal decision.

[12] *Id.* at 589, 186 A.2d at 296.

[13] *Id.* at 589–90, 186 A.2d at 297.

[14] *Id.* at 591, 186 A.2d at 298.

[15] — F.2d at —.

> Although in many cases the language speaks as if the standard of care itself varies, in the last analysis the standard of care is the same—reasonable care in all the circumstances. The specific measures to achieve this standard vary with the individual circumstances.

Id. at —.

[16] *Id.* at —.

[17] *Id.* at —. The court is here reiterating the "retained control" doctrine. According to that concept, a landlord who leases separate portions of property to different tenants and retains control over some of the property for the tenants' common use has a duty to use reasonable care to maintain the retained portions in a reasonably safe condition. The doctrine has been widely accepted in cases in which the injury results from physically defective premises, *e.g.,* Kay v. Cain, 154 F.2d 305 (D.C. Cir. 1946), and has been adopted in Restatement (Second) of Torts § 360 (1965). Its success has been limited, however, when the wrongful acts of third persons are involved. *E.g.,* Applebaum v. Kidwell, 12 F.2d 846 (D.C. Cir. 1926). *But see* Mayer v. Housing Auth., 84 N.J. Super. 411, 202 A.2d 439 (App. Div. 1964). The use of the retained control doctrine in *Mayer* was criticized in 20 Rutgers L. Rev. 140, 143 (1965).

[18] — F.2d at —.

[19] *Id.* at —.

[20] *Id.* at —.

[21] Proximate cause has been a recurring source of confusion in the law of torts and one writer acknowledges that it "has been all things to all men." W. Prosser, Torts § 49, at 284 (3d ed. 1964). *See also* Green, *Proximate Cause in Texas Negligence Law,* 28 Texas L. Rev. 471 (1950). It has been suggested that discussion of proximate cause in cases similar to the principal decision serves no useful purpose and may actually cloud the important issues by diverting attention from consideration of policy. Feezer & Favour, *Intervening Crime and Liability for Negligence,* 24 Minn. L. Rev. 635, 648 (1940). *See also* Green, Merlo v. Public Service Co.—*A Study in Proximate Cause,* 37 Ill. L. Rev. 429 (1943).

[22] *See* cases cited note 8 *supra* & accompanying text.

[23] The courts have often acknowledged the importance of control in imposing a duty to protect. Thus, a school district must protect its pupil, a common carrier its passenger, an employer his employee, and an innkeeper his guest. *See* Restatement (Second) of Torts § 314A (1965); Annot., 10 A.L.R. 3d 619 (1966).

[24] For example, in a highrise apartment house with only a few outside doors, the most effective method would probably be to secure those doors with either locks or a guard. This form of protection would be more economical than requiring each tenant to devise individual methods for securing his doors—an approach that would still leave the hallways vulnerable—and more reliable than periodic police patrols.

[25] *E.g.,* East Haven Associates, Inc. v. Gurian, — Misc. 2d —, 313 N.Y.S. 2d 927 (N.Y. Civ. Ct. 1970).

[26] *See generally* Knepper, *About Tomorrow's Tort Trends,* 18 Syracuse L. Rev. 1 (1966).

[27] *See* Restatement (Second) of Torts § 314A, comment *b* (1965).

[28] — F. 2d at —.

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DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Mr. MOSS. Mr. President, when former Secretary of the Interior Walter J. Hickel spoke recently in Salt Lake City as a part of Environmental Week 1971, he called upon the President and Congress to create a Cabinet-level Department of Natural Resources and Environment.

It was most satisfying to me that a former Secretary of the Interior, whom I considerably admire, voiced support in my own hometown and State for a goal I have long sought.

I introduced my first bill to establish a Department of Natural Resources in 1965, and have reintroduced it in each succeeding session, including the present one. I have been saying for some time very much what Secretary Hickel said so well in Salt Lake:

> A Department of Natural Resources and the Environment, in its total concept, is more important to the future generations of Americans, in its size and expenditure, than the Department of Defense, and should be given that kind of priority.

Furthermore, the Secretary supported adjustments in the proposal President Nixon has sent to Congress asking for the establishment of a Department of Natural Resources which match my own thinking completely, and are incorporated in my bill.

The first is that the Department should be called Natural Resources and Environment, since, as Secretary Hickel puts it:

> We cannot separate resources from the environment; every time we alter a resource in any way, cut a tree, or plant a tree, we change the environment for the better or worse.

The second is that the Environmental Protection Agency must be a part of any Department of Natural Resources and Environment because—

> To divorce resources from environmental protection is to isolate the policing function—it is too late in the world of ecology to take action after a strip mine has desecrated an area, or a tanker has polluted a bay.

I agree fully, and S. 1025 reflects this agreement.

Mr. President, I ask unanimous consent that the speech Secretary Hickel made keynoting the Governor's conference which launched Environmental Week activities be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record as follows:

A Civil War of Priorities

We are rapidly approaching a civil war of priorities in America, neighbor against neighbor, man against need, over the preservation or use of our resources.

Bitter voices are being raised on the one side pleading, "Give us work, give us energy for our homes." On the other side shouting, "Stop the rape of our environment, protect our wildlife and our wilderness." We cannot undo all the wrongs of yesterday, but we can build responsibly the needs of tomorrow.

We cannot condone exploitation of one resource at the expense of another resource, whatever that resource might be, but neither can we preserve untouched all those resources that man needs.

What role should government take in the improvement and management of our environment? In the past we have taken action designed to improve our current welfare, but little or no thought was given to longer range consequences.

As we became aware that our planet is a closed system, we faced the reality that we cannot create new resources, we can only alter them. This underscored the realization that sooner or later our individual decisions will, in some way, help or harm all of society. There are very few "private" decisions anymore.

Increasingly, every decision related to our environment must also be considered a "social" decision, which cannot be undertaken without regard for its effect upon others. Continued waste, extravagance, or indifference today can only burden more severely the welfare of tomorrow. What can we do about "private" decisions which are ecologically destructive?

We can alert people, educate them and inspire them. There is no substitute for the motivation of millions of people. That power, when people are informed and committed to a great cause can do what billions of federal funds cannot begin to do.

Secondly, in those areas where people refuse to listen, or where the dimensions of the problems go beyond individual control, Government has got to take a strong stand.

One of the hard realities of a free society is that Freedom ends when it infringes on the rights of others. You are free to swing the fist at the end of your arm until it lands on someone else's nose.

Any man should be free to produce a product for sale, but his freedom ends when his factory pollutes the air of the general area or destroys the water flowing onto someone else's property, or desecrates beauty, or harms those around him in some other way.

This is where Government must come in. Our nation fosters the concept that all men are created equal and should be so treated by government. This applies to individuals and to institutions. The life blood of our free enterprise system is competition.

In my dealings with industry as Secretary of the Interior I discovered that even the great lobbies will accept strict pollution control, even enthusiastically, if it is administered equally to all.

If all competitors must include environmental protection as the cost of doing business there is no complaint.

But it takes men at the top who dare to risk the pressure and the fury of the special interests, who relish the challenge of representing the public good.

A special interest is not just General Motors or a great oil company. It can be a municipality, an association of Governors, a conservation group or a society to protect tennis courts. These interests are not bad.

They are generally good, but government must maintain perspective and balance.

I have often said, if you make a decision to help a special few, it is at the expense of the many, but if you make a decision for the benefit of 200 million Americans it will also help the few.

We have set up a system in this country to govern. The best system I am aware of in the history of the world. No system, however, is any better than the men who are in it.

How often government, on one level or another, ignores the long term good of its people for the political advantage of the moment. How often polarizing rhetoric drowns out healing guidance.

How often decisions are based on making things easier for government instead of the people.

But the system is great, you can make it work.

After my firing I was talking with a group of young men and women in their middle twenties and early thirties in Georgetown. They were doctors, scientists, and government employees. One of them said to me, "You are a perfect example of why the system won't work."

I replied, "But you're wrong, I'm a perfect example of why the system will work. I made it work for 22 months. I showed if you really care, and are dedicated, and want to solve the problem, you can make it work."

"In my area of water pollution control for example, I had no new laws to work with. We even dug up the 1899 Refuse Act for legal back-up for our enforcement actions.

"We were not stopped by all the reasons why not to do something, I am a perfect example that the system can work."

My young friend replied, "Yes, and you got fired."

I said "If someone runs the four minute mile and then they are shot, it doesn't mean that the four minute mile cannot be run, no, my experience is proof that the system can work."

And I'll tell you again, the system is great. If you are disappointed with it, don't change the system, change the men.

More than a century ago, Alexis de Tocqueville (DE-TOK-Ville) the French political philosopher, visited the United States to get a first hand look at our new democracy. You all know the story.

He was impressed by our clear skies, our inviting streams, the endless expanses of our forests and plains, and the vigor of our 13 million people. He wrote:

"A Democratic power is never likely to perish for lack of strength, or of its resources, but it may very well fall because of the misdirection of its strength and the abuse of its resources."

In the decades since, we have seen both misdirection and abuse. Today our government must prove, to itself and to the world, that it has the ability not only to clean up industrial and municipal discharges and garbage, but to recycle them for continuing use.

Not only to stop piling disgrace on the environment, but to begin caring for it, and nourishing it, so that needed goods and services reach the people, but not at the expense of our great natural heritage.

All this is possible, if the people have the will, and the government has the courage, to make it happen.

America has to be the leader in a positive approach to environmental problems, worldwide. You know as well as I that we cause more of the problem than any other nation, many times more.

It is also true that no one nation alone can provide the answer or escape the problem. There is no place to hide.

That is why the nations of the world will meet in a conference on problems of the human environment in 1972 in Sweden sponsored by the United Nations. This is a key event to watch. It will be an indicator of just how serious our government is about taking leadership in world pollution problems. If we send representatives, steeped in the school of diplomacy, reluctant or powerless to act the entire exercise will be a farce.

The American people and the people of the world must not stand for it. The old game of jockeying for short-term national self-interest will, in the environmental area, be disastrous. As small men debate, the great oceans and the atmosphere itself will, perhaps faster than we can foresee, become choked and clogged with life destroying materials.

So, let me use this occasion to warn America and the world—those governments, communist, developing, or affluent, as our own, those governments which treat this conference superficially or politically are playing with a danger of great magnitude. An ecological disaster can be just as devastating and kill just as thoroughly as a nuclear disaster. I see no reason why this should happen.

It is to the benefit of all nations, no matter how large or small, to cooperate on a meaningful and intensive basis—to catch up with the environmental desecration of the globe—and then to lay the guidelines to keep up with the ongoing problems of pollution.

I know personally Secretary General Maurice Strong, the man in charge of this conference, and I have the utmost confidence in him.

If our nation and the other nations of the world will respond eagerly, and not reluctantly, an historic turning-point can be accomplished by mid-summer, 1972.

Here at home, we face one urgent area of the environmental battle which has been practically ignored. I am referring to the most challenging battle of all, the urban environment.

We still have a job to do correcting a false public image about the environment. To the general public, it is forest lands, it is mountain streams, and rolling meadows: But in reality the environment involves how people relate to where they live, and their surroundings, wherever that might be. The environment can be a junkyard across the street. It can be dirty air or polluted water, or it can be the desecration of someone else's land, not necessarily your own. And the environment for 85% of America's population involves an urban situation.

Unfortunately, many of our greatest ecologists and conservationists have written off our urban areas as being too complex and difficult to deal with; no wonder certain minority groups say they can't be bothered with the environmental movement: We cannot as a generation have that approach.

When I first became Secretary of the Interior, I initiated a program called "Parks to the People". Because for many of our city dwellers it is strictly academic that we have great national parks in the west of our country and in Alaska. They are simply out of reach.

Government must take a strong hand now in getting parks to where people can reach them; pocket parks, streets closed off to the automobile, abandoned military installations and other federal properties turned back to the municipalities.

Above all we must reclaim our cities from the automobile and give them back to the people. It is time that a great portion of the money which now goes into the highway trust fund be turned over to mass rapid transit.

If you were to ask me the priorities for the government's role in environmental management I would place this at the very top. We have subsidized the automobile long enough.

Last year in Yosemite Park we set an example which I believe can be profited from by communities all over the country. When approached by the officials of the park I said "You don't have too many people in that park, you have too damn many automobiles."

The upshot was that we banned the automobile from the key areas of the park and put in its place public transportation. The results have been entirely positive and have demonstrated a solution to the most crippling problem we face in our great urban areas.

Of course, people want to live close to their work and yet crave the open spaces of country living. This can be accomplished with high speed elevated mass rapid transit. In less time than the city worker now uses to get from his home to his job, he could be transported 50 to 75 miles from outside of town. The technology is there, but we have lacked the guts to face the financing.

It's time for the public to say we have had enough, and to demand that government rechannel the great sums which are now being used to build more and more environmentally destructive freeways into environmentally constructive mass rapid transit systems.

When I think about urban environment I get excited. There's so much challenge, and so much reward in making a city come alive. Money is needed, but you can't do the job with money alone. We cannot dent the problem with great schemes and millions of dollars. Often we only make it worse.

We have to start to care for people, and to plan for the environment of the heart, the mind and the soul. Do this, an every ghetto child will want to get involved, as will the wealthy and the middle guy. People—our job is people. If you treat humans as humans, instead of as votes, the great heart of America will respond. Then America will awake, she will shake off her frustration and fears. And not only will our cities come alive—we'll demonstrate to the world that it is possible to care for the needs of all the people and the natural environment as well.

Recently President Nixon proposed to reorganize the executive Branch of government at the Cabinet level. In his plan, he asked Congress to support the creation of a Department of Natural Resources. This is excellent. I made such a proposal to the White House many months ago and I hope it will be adopted by the Congress. But I urge the Congress to go one step further. We need more than a Department of Natural Resources—We need a Department of Natural Resources and Environment.

We must not and cannot separate resources from the environment. Every time we alter a resource in any way, cut a tree, or plant a tree, we change the environment, for better or worse.

A department totally dedicated to natural resources and their development will continue to cause the problems "Business as usual" we have seen throughout the last century.

To divorce resources from environmental protection is to isolate the policing function. But it's too late in the world of ecology to take action after a strip mine has desecrated an area, or a tanker has polluted a bay.

Therefore, I urge the President and Congress to join the New Department of Natural Resources with the Environmental Protection Agency. I am not against development. I am for a governmental approach which recognizes the people's desire that each resource be put to the highest use and greatest good. I place prevention ahead of policing.

The Department of Natural Resources and the Environment, in its total concept, is more important to the future generations of Americans, in its size and expenditure, than the Department of Defense, and should be given that kind of priority.

I would like to raise a point with the representatives of the younger generation. We need men and women in government who are not looking for a job, but who want to do a job. The younger generation has openly challeged the materialistic values which have been the guidelines for generations before us. I commend you for this, but I challenge you now to make these human values the guiding forces in your lives of public service.

Government needs more than management. Government needs a conscience.

It needs men and women who are excited about life and want to contribute something great. Get into government where the decisions are made and begin to represent the greatest special interest of all, the American public.

When I spoke earlier about national approaches to our environmental problems such as making the cities come alive . . . giving them some space . . . you might ask about the cost. After all, the nuts and bolts of the civil war of priorities is cost.

Well, my reply is . . . what does a war cost? How many billions did we spend in World War II? How many billions are we spending today? Nearly Forty-Four percent of our national budget goes to defense. The defense of what?

From the beginning of recorded time, the most important thing to that first man, the stone age man, was protection. After the individual, it spread to his family, and then the community and on up through history.

Nations the world over spend the great portion of their time, energy and money on the protection and destruction of life.

Up through medieval times man built great forts with walls six feet thick which are still standing today, and yet he'd sleep on the floor with the rats running around, because the priorities were not for the living of life, they were for the protection and the destruction of life.

And so this thing rolled on, until we in the twentieth century still spend about half, not quite, of our resources on protection and destruction of life.

Now you will never eliminate the need for defense all together. But I think it's time we switch the emphasis and lead the world in how you live life.

I think if we in America do nothing else in the next twenty years, or by the year 2000, but help the world change its priorities to the living of life rather than the destruction of life, then we will have made that full circle of what is really human.

Thank you.

SEPARATION OF ADMINISTRATIVE AND JUDICIAL FUNCTIONS OF NATIONAL LABOR RELATIONS BOARD

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the Record a statement adopted by the board of directors of the El Paso Chamber of Commerce regarding four legislative proposals pending before Congress.

I want to draw special attention to the chamber's endorsement of legislation to separate the administrative and judicial functions of the National Labor Relations Board. I have long felt that such an approach is of the utmost importance and that such an arrangement should be made effective as soon as possible.

This is the purpose of S. 1320 which I introduced earlier this session.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Legislative Position

I. The El Paso Chamber of Commerce officially supports:

Senator Towers' bill concerning the *National Labor Relations Board* that would separate the administrative and judicial functions of the NLRB by transferring the jurisdiction for the trial of unfair labor practice cases to the Federal District Courts. It would give complainants the alternative right to present their own cases before the courts or to have such cases presented for them by a U.S. Attorney.

Contrary to congressional intent and policy, the NLRB has proceeded on a self-directed course and behaved as if it were an extension of organized labor. Protection for all concerned is over due.

II. The El Paso Chamber of Commerce officially opposes:

1. HR1, *Social Security—Welfare Reform,* combines into one bill proposed changes in Social Security (e.g., automatic increases in benefits and taxable wage base tied to cost of living levels) and welfare programs (e.g., guaranteed minimum income of $1,600.00 not including such other welfare benefits as Medicaid, public housing, or food stamps) that would double welfare rolls to some 25 million and increase welfare costs from an estimated $4.5 billion to $12 bililon a year.

HR1 is too big a package—there are too many complex problems in a single pretty wrapping.

The bill should be separated into a single Social Security bill and a single welfare bill. The welfare portion then should be so written as to permit a vote separately on proposals that would reform the present system and on proposals to establish a guaranteed income program.

2. HR14 (S1177), *Consumer Representation,* would establish a powerful independent Consumer Protection Agency to intervene in regulatory agency and court proceedings in behalf of consumer interests. Other agencies would be compelled to acquire for it information the Consumer Agency desired for a particular proceeding. It could obtain and publish information in the files of other agencies except where barred by law. It would also engage in a broad product safety program.

Creation of a new, independent superagency is unnecessary and unwarranted. Existing consumer protection authority, if proerly implemented, is adequate to represent consumer interests.

3. HR1746, *Equal Employment Opportunity Commission, would grant* "cease and desist" powers to the EEOC in job discrimination cases.

If job discrimination procedures need strengthening, the Federal courts can be utilized without sacrificing fair treatment for all.

THE SAWTOOTH RANGE—AMERICA THE BEAUTIFUL

Mr. CHURCH. Mr. President, every Idahoan treasures the beautiful Sawtooth Mountains, sometimes called the "American Alps." The snow on the mountain peaks, the quick flickering of the aspen leaves, the tinkling rush of the clear mountain stream make this unspoiled area a most prized heritage.

I was most pleased to find the beauty of the Sawtooths recognized in an article published in the Potomac magazine section of the Washington Post of May 9, 1971. In an article entitled "A Guide to Seven Spots Where America the Beautiful Can Still Be Found," written by Marion Lynn Clark, the Sawtooths were described as "still everything one imagines 'wide open spaces' and 'room to breathe' to be." This spectacular mountain range was chosen by a panel of experts assembled to select areas in America which are the best, ecologically, in which to live. Some of the other areas chosen were the Flagstaff, Ariz., area; the Big Sur, Calif.; and the Culpeper-Warrenton, Va., area.

Although the Sawtooth Range is still untrammeled, still resplendent under the big sky, it is attracting ever larger numbers of people. The article says, for example, that the population of Ketchum has not grown since Ernest Hemingway lived there. Actually, the population of Ketchum and Sun Valley has increased substantially. And in the Sawtooth Valley, at the foot of the mountains, unregulated subdivisions threaten to degrade the scenic splendor. It is for this reason that the entire Idaho delegation has introduced bills to protect the Sawtooth-White Cloud-Boulder region of Idaho. The proposed legislation would include all three ranges in a national recreation area with the Sawtooths designated as wilderness. The legislation also directs the National Park Service to prepare a detailed plan so that the peaks of the White Clouds, the Boulders, and the Sawtooths could be brought into a national park.

I am hopeful that the legislation can be passed by both Houses of Congress during the current session so that this unique and beautiful area of our country can be seen and treasured by all generations of Americans that follow.

I ask unanimous consent that the portion of the article describing the Sawtooth Range be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

A Guide to Seven Spots Where America the Beautiful Can Still Be Found

(By Marion Lynn Clark)

Where's the best place to live in the United States? In these days of mounting concern over air pollution, water pollution, noise pollution, etc., more and more people are thinking of moving out of cities to more pleasant areas. *Potomac* set out to find which areas were the best, ecologically, in which to live.

The task was difficult, since different people have different tastes. Some prefer a climate where the seasons change only from mild and sunny to mild and rainy. Others hate it. Spectacular mountain views are not universally loved, nor are flat beaches.

We assembled a group of environmental experts from the Interior Department to help pick the best general areas. In these areas, the air and water is pollution free and the climate not extreme.

The panel consisted of Dr. Deric O'Brien, a human ecologist and water expert; Charles Beetschen and Bob Alexander, geographers; Frank Forrester, a meteorologist; Bill Over-street, chief map information officer at the U.S. Geological Survey, and Dr. Arch Gerlach, chief geographer of the Geological Survey.

Once the panel has picked its most ecologically desirable areas, it discovered two important problems: One, the cleanest air and water in the country occurs where there are the least people. That's because many of the most pollution-free areas are either too cold or too inaccessible for easy habitation. Two, when it got down to narrowing in on general areas, objectivity became more difficult. The panel of experts is extremely well-traveled in the United States and each has his favorite spots. By popular opinion, San Diego rated number one in ideal climate and location, but its air and water are polluted. Florida, lovely in the winter, is unbearable in summer, Cape Cod summers are hard to match but winter gusts make it uncomfortable from late September on. And so it went.

At last the panel concurred on seven areas. We must qualify our list by saying that these are definitely some of the most delightful areas in the country in which to live all year around or visit. But they are by no means the only fine places in the country.

In early March the buttercups come out in force in Idaho. They cover the foothills of the Sawtooth Mountains, turning them a brilliant, sunny yellow. About 9,000 feet up, the snow starts to melt, filling crystal clear mountain lakes and rivers with some of the best water in the country. The Sawtooths are often called the American Alps, and some of them rise to 10,000 feet in the middle of big sky country." Their mountain meadows are surrounded by Aspen and cottonwood trees; their lower slopes are showered with Idaho's state plant, the Syringa, whose white flowers blossom from stalks that are sometimes 12 feet high. One of the few large antelope herds in North America roams free, playing with deer and elk, through the tall, white pine forests of the upper mountains. Sturgeon and trout, instead of beer cans and detergent foam, fill the mountain rivers. The sun, meanwhile, shines on it all through blue skies that reputedly contain the cleanest air of any state in the country.

The Sawtooth range, in mid-Idaho, enjoys a much milder climate than is usually found in this latitude. Prevailing winds bring warm sea air from the Pacific Coast and high mountains to the East keep the warm air in. The sun usually shines over Idaho and in the Sawtooth range the annual total precipitation is only about 17 inches. Summers bring warm, sunny days with temperatures averaging around 80 and cool nights with near 40-degree temperatures. January, the coldest month, has an average daily high of 31, just right to keep the snow perfect for skiing up in Sun Valley. The low temperatures seem much less cold because humidity and wind velocity are low. Indian summer comes every fall to the Sawtooths and outdoor sports like fishing for sturgeon, boating and sailing, hiking and climbing go on until the end of November. Shooting the rapids down the white water Salmon River of no return" is a major challenge for hardy souls. Penetrating Idaho's primitive forest area to camp and explore is another highlight. Idaho's mountains and valleys are more heavily forested than any other Rocky Mountain state. Its farmlands are highly fertile and agriculture is the state's booming main industry. The Sawtooths so inspired Ernest Hemingway that he stayed, spending most of the last years of his life near the little town of Ketchum close to Sun Valley, and Ketchum hasn't grown in population since. Neither has the population of the rest of the Sawtooths. It is still everything one imagines "wide open spaces" and "room to breathe" to be.

MORALITY AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the founding of the United Nations opened a whole new era in the history of international relations. The dream of a real world community was to be given a chance of realization.

The United Nations is concerned with peace and cooperation between states, but it is also concerned with peace and cooperation between men. Absolutely basic to this goal is that all men, regardless of race, religion, nationality, or culture be allowed to live as they wish, providing they do not impinge on the rights of others.

The world has seen many instances of attempts by one culture to eliminate another. Among the worst of these were the slaughter of the South American Indians by the Conquistadors, the attempted elimination of the Armenians by the Turks, and the horrible slaughter of the Jews of Europe during World War II. These acts have always been morally repugnant. The time has come to see that they are made illegal as well. The aim of the Genocide Convention is to do just that.

It takes a long time for any great goal to become a reality. The documents in the history of the world that potentially had the greatest good to offer have also been among the hardest to effectively implement. This does not mean that the effort should not be made. The Magna Carta and our own Constitution are both great documents in the history of individual freedom. Both were established only with great difficulty. Neither of them were perfect as they were promulgated and they have been changed. None of these things reduces their net worth to the cause of human freedom.

The Genocide Convention is not a perfect document either. But its goal of guaranteeing the right of existence to all peoples is essential. While it may not guarantee an immediate cessation of genocide, it will establish the principle that the nations of the world will not condone it, and will open the way to the eventual total elimination of this crime against all humanity.

Mr. President, I urge the Senate to ratify this all-important treaty.

THE EFFECTS OF MARIHUANA

Mr. MOSS. Mr. President, the smoking of marihuana in this country, especially by our young people, has reached almost epidemic proportions. Exact figures are hard to determine, but it is estimated that between 12 and 20 million of our citizens use marihuana on a regular basis.

One reason for this tremendous number of pot smokers is the prevailing opinion that marihuana is really not harmful, and that it may be used without damaging effects.

I say this is an opinion, because the exact effects of marihuana usage are not known. This is why I have for many years advocated the establishment of a presidential commission to study all aspects of the problem and determine once and for all just what are the effects of marihuana usage. I was pleased that my legislation to establish this study was incorporated in the Drug Abuse Act of 1970, and I hope we can soon begin such a study. Just last week we passed H.R. 5674, which will authorize another $3 million to help conduct this much needed study.

In the meantime, studies are being conducted by medical personnel on an independent basis. One such study was recently reported in the Journal of the American Medical Association for April 19. It is a study conducted by Harold Kolansky, M.D. and William T. Moore, M.D. The introduction to the article reads as follows:

> The large amount of marihuana smoking (12 million to 20 million people) in this country was reviewed, as well as some of the literature concerning adverse effects. Thirty-eight individuals from the age of 13 to 24 years, all of whom smoked marihuana two or more times weekly, were seen by us between 1965 and 1970, and all showed adverse psychological effects. Some also showed neurologic signs and symptoms. Of the 20 male and 18 female individuals seen, there were eight with psychoses; four of these attempted suicide. Included in these cases are 13 unmarried female patients who became sexually promiscuous while using marihuana; seven of these became pregnant.

Every parent and every teenager should read the article. It demonstrates the negative reactions which take place in a person's mind and attitude when using marihuana. As I read this article I was impressed with the repetitive pattern of the various cases. Time after time, bright, hard-working students were turned into slow, dim-witted and disoriented individuals. The degree of this transformation was in direct response to the amount of marihuana used, and in the few cases where the practice of smoking marihuana was stopped, the subject returned to his former, intelligent, hard-working self.

One especially tragic example is mentioned where a 19-year-old "A" student began smoking marihuana and saw his grades drop, his ability to think and concentrate diminish. He relates that because he observed this change he went to his college counselor, relating that he felt the use of marihuana was causing this negative change. But he continued to use the drug for some time, because the counselor, "reassured him that the drug was harmless and that there was no medical evidence of difficulties as a consequence of smoking."

Certainly, Mr. President, we need much more study on the subject, but the evidence is piling up. This study and others show that an individual, especially a college counselor, is displaying his irresponsibility when he tells college students there is "no medical evidence of difficulties as a consequence of smoking marihuana."

I ask unanimous consent that the article, entitled "Effects of Marihuana on Adolescents and Young Adults," be printed in the Record.

There being no objection, the article

was ordered to be printed in the Record, as follows:

Effects of Marihuana on Adolescents and Young Adults

(By Harold Kolansky, MD, and William T. Moore, MD)

The large amount of marihuana smoking (12 million to 20 million people) in this country was reviewed, as well as some of the literature concerning adverse effects. Thirty-eight individuals from age 13 to 24 years, all of whom smoked marihuana two or more times weekly, were seen by us between 1965 and 1970, and all showed adverse psychological effects. Some also showed neurologic signs and symptoms. Of the 20 male and 18 female individuals seen, there were eight with psychoses; four of these attempted suicide. Included in these cases were 13 unmarried female patients who became sexually promiscuous while using marihuana; seven of these became pregnant.

The smoking of cannabis derivatives in the United States has now reached alarming proportions. Between 12 million (estimated by J. L. Goddard, MD, US Food and Drug Administration, in *Life*, Oct. 31, 1969, p. 34) and 20 million (estimated in *Drug Abuse: The Chemical Cop-Out*, National Association of Blue Shield Plans, 1969) adolescents and young adults are using, or have tried smoking, cannabis derivatives. In February 1970, a *Newsweek* survey (Feb. 16, 1970, p. 65) showed that 30% to 50% of all high-school students in this country had made marihuana an accepted part of life. Results of surveys of college students smoking marihuana are similarly high. In our own observations at local high schools and at several college campuses along the eastern seaboard, we have noted the openness of marihuana smoking, which may indicate a trend toward more universal use of the drug. All of this is in marked contrast to the situation as recently as four years ago when the COMMITTEE ON ALCOHOLISM AND DRUG DEPENDENCE of the American Medical Association reported that most experimenters give up the drug quickly or continue to use it on a casual basis.[1]

Literature in the United States describing the adverse effects of smoking marihuana is rather sparse. Among the more important communications was a report by Bromberg[2] in 1934, describing studies made while individuals smoked. Talbott and Teague[3] recently described 12 patients with acute toxic psychosis associated with cannabis smoking. Of special significance in their communication was the development of psychosis in each of the 12 upon the first smoking of marihuana. Ten of 12 were delusional, and all showed paranoid symptoms. Physical symptoms, including evidence of neurologic dysfunction, were seen in some. Ten showed no history or premorbid personality disorder. The American Medical Association's Council on Mental Health, along with the National Research Council of the National Academy of Sciences,[4] and an editorial in The Journal in 1968[5] warned that cannabis is a dangerous drug and a public health concern. Also, there have been articles by Ames[6] and Allentuck[7] describing ill effects.

In the literature of clinical experiments, Isbell[8] and his associates showed that the isolated chemically-active ingredient of the cannabis group, (—) Δ "-*trans*-tetrahydrocannabinol, caused psychotic reactions in humans tested at the Addiction Research Center in Lexington, Ky. Hartmann[9] and Wieder and Kaplan[10] described some psychological effects in 1969.

In the pharmacological literature, a detailed report and review by Gershon[11] in 1970 showed the many effects of marihuana on animals. He stressed that, in most animals extracts of marihuana induced stimulation and excitement followed by general depression. Gershon also called our attention to the marked diminution of oxygen uptake by the brain while the animals were intoxicated with marihuana.

We (both authors) are in separate, individual, private practices of child and adult psychiatry and psychoanalysis, and both of us have extensive consultative opportunities. In the period from 1965 to 1970, we began to note a sizeable increase in referrals of individuals who, upon investigation by history, showed an onset of psychiatric problems shortly after the beginning of marihuana smoking; these individuals had either no premorbid psychiatric history or bad premorbid psychiatric symptoms which were extremely mild or almost unnoticeable in contrast to the serious symptomatology which followed the known onset of marihuana smoking. In our study, all in this group who smoke marihuana more than a few times showed serious psychological effects, sometimes complicated by neurologic signs and symptoms. In 38 of our patients, our findings demonstrate effects ranging from mild to severe ego decompensations (the latter represent psychoses). Simultaneously, we have examined and treated many other marihuana smokers who either had severe psychological problems prior to smoking marihuana or who also used lysergic acid diethylamide (LSD), the amphetamines, or other drugs; these patients had more complex findings and were not included in this study of 38 patients because we could not be certain that symptoms seen were related to marihuana alone. We have studied some neurotic individuals whose symptoms became more severe after smoking marihuana, but since their earlier symptomatology would becloud such a study as this, we did not include them. Still others who had a marked predisposition to psychosis and who became psychotic after beginning to smoke marihuana were not included in this series, since our purpose was to report only the effects seen as a consequence of marihuana smoking in those not showing a predisposition to serious psychiatric problems. We are currently studying the group with a known predisposition to determine whether marihuana acted as a catalyst to produce psychosis. The 38 patients described in this communication range in age from 13 to 24 years, and the group consists of 20 male and 18 female individuals. We have seen many patients older than 24 who have been smoking marihuana and who have similar symptoms to those we describe, but we have confined our present communication to those aged 24 and younger.

METHODS

Prior to 1965, we only occasionally saw patients who smoked marihuana. The 38 patients described are part of a consultation practice that included several hundred new referrals seen during the five-year period from 1965 to 1970, most of whom did not smoke marihuana.

To establish a diagnosis for the usual adult referred for consultation, we see the patient once or twice to determine his history and to examine his psychiatric status; following this, treatment recommendations are made. When children and adolescents are referred, we see the parents two to five times to obtain a history; following this we examine the youngsters in one or two office visits. About one of four of our patients is also psychologically tested. Psychological testing is performed by clinical psychologists with long experience on those of our patients for whom our diagnostic impressions are that we are dealing with a psychosis, an ego disturbance, an organic central nervous system disorder, or a severe learning disability. We followed the same diagnostic procedures with those of our patients known to be smoking marihuana.

Formal neurologic examinations were not done, but there were gross indications of neurologic impairment in a few patients who smoked marihuana four or five times weekly for many months. This impairment consisted of slurred speech, staggering gait, hand tremors, thought disorders, and disturbance in depth perception (such as overshooting exits on turnpikes, misjudging traffic lights and stop signs at intersections, diminished ability to time catching a baseball, or undershooting a basketball net).

A diagnosis was established and treatment recommendations were made for each of our 38 patients. In some, psychotherapy or psychoanalysis was indicated, and in that group, further psychological understanding of the underlying causes of marihuana smoking was obtained. In others, the gamut of psychiatric treatment was instituted, which sometimes, of necessity, included hospitalization.

In each instance, only one of us diagnosed the condition and prescribed the treatment. In a few instances, diagnosis was made by one author and treatment was instituted by the other. In these few cases, there was agreement on diagnosis.

GENERAL PSYCHIATRIC CONSIDERATIONS

Most of the 38 patients in this study smoked marihuana two or more times weekly and, in general, smoked two or more marihuana cigarettes each time. These patients consistently showed very poor social judgment, poor attention span, poor concentration, confusion, anxiety, depression, apathy, passivity, indifference, and often, slowed and slurred speech. An alteration of consciousness which included a split between an observing and an experiencing portion of the ego, an inability to bring thoughts together, a paranoid suspiciousness of others, and a regression to a more infantile state were all very common. Sexual promiscuity was frequent, and the incidence of unwanted pregnancies among female patients was high, as was the incidence of venereal diseases. This grouping of symptoms was absent prior to the onset of marihuana use, except in 11 patients who were conscious of mild anxiety or occasional depression.

There was marked interference with personal cleanliness, grooming, dressing, and study habits or work or both. These latter characteristics were at times present in some patients prior to smoking marihuana, but were always markedly accentuated following the onset of smoking. In one subgroup, a clear-cut diagnosis of psychosis was established, and in these patients, there was neither evidence of psychosis or ego disturbance nor family history of psychosis prior to the patients' use of marihuana. Several in this group were suicidal. In some individuals, instead of apathy, hyperactivity, aggressiveness, and a type of agitation were common. In no instance were these symptoms in evidence prior to the use of marihuana.

A. Psychosis with suicidal attempts

Four individuals, two male and two female between the ages of 14 and 17, showed psychotic reactions directly attributable to cannabi derivatives, and each attempted suicide. In the usual type of adolescent psychosis, there is an antecedent history of very poor ego organization. In no instance was there a history of such earlier ego disorganization in our eight psychotic patients; nor prior to smoking marihuana was there psychosis, ego disturbance, family history of psychosis, fragile ego, or suicidal attempts.

Footnotes at end of article.

CASE 1.—A 17-year-old girl smoked marihuana daily for one year prior to consultation and for an additional year while she was in psychiatric treatment. By history from her parents and by observation during the year following entry into treatment, she showed a gradual regression in organizing thought. She continuously repeated phrases and had the delusion that she was a great actress, but saw life as through a veil. Speech and thinking slowed down, and she believed that she was living life in slow motion. Memory and perception became markedly impaired, thinking became tangential, and judgment became poor. This led to marked social and familial difficulties. Suicide was attempted while she was smoking marihuana, and despite the seriousness of the attempt, the patient was euphoric during and following the effort, with slurred speech, pleasant mood, absent judgment, and missing reality testing.

CASE 2.—A 17-year-old boy was seduced homosexually after an older man gradually introduced him to marihuana smoking over a period of one year. His history showed no evident previous psychopathological condition, and his adolescent development appeared to be normal prior to smoking. Confusion and depression gradually developed, which led to psychiatric evaluation. He continued to smoke marihuana and gradually withdrew from reality, developing an interest in occult matters which culminated in the delusion that he was to be the Messiah returned to earth. He attempted suicide three times by wrist cutting. When he was hospitalized and marihuana was withdrawn, a slow and gradual reversal of the process described occurred.

CASE 3.—Shortly after a 14-year-old boy began to smoke marihuana, he began to demonstrate indolence, apathy, and depression. Over a period of eight months, his condition worsened until he began to hallucinate and to develop paranoid ideas. Simultaneously, he became actively homesexual. There was no evidence of psychiatric illness prior to smoking marihuana and hashish. At the height of his paranoid delusions, he attempted suicide by jumping from a moving car he had stolen. He was arrested, and during his probation period, he stopped smoking and his paranoid ideation disappeared. In two six-month follow-up examinations, he was still showing some memory impairment and difficulty in concentration. Of note was the fact that he still complained of an alteration in time sense and distortion of depth perception at the time of his most recent examination.

CASE 4.—A 16-year-old girl in whom there was no prior psychiatric difficulty smoked cannabis derivatives (marihuana and hashish) at first occasionally, and then three to four times weekly for a period of two years. She began to lose interest in academic work and become preoccupied with political issues. From a quiet and socially popular girl, she became hostile and quite impulsive in her inappropriate verbal attacks on teachers and peers. She dropped out of school in her senior year of high school, which led to psychiatric referral. She showed inappropriate effect and developed paranoid ideas about an older sister's husband having sexual interests in her. She refused to give up smoking marihuana and eventually became so depressed that she attempted suicide by hanging. After withdrawal from the drug, her depression and paranoid ideas slowly disappeared, as did her outbursts of aggression. Ten months of follow-up showed continued impairment of memory and thought disorder, marked by her complaint that she could not concentrate on her studies and could not transform her thoughts into either written or spoken words as she had once been able to do quite easily.

B. Psychoses without suicidal attempts

Four individuals, all male between the ages of 18 and 24, showed psychoses as a consequence of smoking cannabis derivatives. As with those who attempted suicide, this group showed no prior history of ego fragility, predisposition to psychosis, or familial history of psychosis.

CASE 1.—A married 24-year-old man who had shown no previous psychiatric illness or evidence of personality disorder met a group of new friends who taught him to smoke marihuana. He enjoyed the experience so much that he smoked it daily for two months, claiming that it did not interfere with his daily functioning. He even said that he could think more clearly. Gradually he began to withdraw from his friends and seemed suspicious of them. He developed ideas of reference, believing that his friends talked about him saying that he was impotent. (Impotence had actually occurred on several occasions after he had smoked a large amount of "good hash.") He also believed that he was developing heart disease as a result of "bad drugs." He had experienced palpitations and a feeling of his heart "jumping" in his throat on several occasions while smoking some Mexcian marihuana. He believed that his friends were trying to do away with him in order to have his wife. At the end of the two months, he showed a full-blown paranoid psychosis and had delusions of grandeur. He believed that he had developed a superior intellect at the expense of a loss of his sexual life. He was the first member of a new "super race." After stopping his smoking, his delusional ideas disappeared and he returned to his normal functioning in his job and marriage.

This patient and the others in this subgroup, although delusional, were never hospitalized, since they adequately functioned in other ways. It was only after some acquaintance with the psychiatrist that each of these patients told of his delusional system. Characteristic of some of our long-term marihuana smokers who develop paranoid delusions is an ability to function for a period of time without others being aware of their illness, either because they join groups who share their aberrational thinking or because they keep their delusional thoughts to themselves.

We have also noted that, as these individuals withdraw from marihuana, the delusional system is given up more quickly in those patients who have been smoking for a shorter period of time; however, as better reality testing is achieved, these patients seem to be left with a residual of some memory difficulty and impairment of concentration. One patient has shown this for two years at the time of this writing.

CASE 2.—A 20-year-old man developed delusions of omnipotence and grandeur six months after starting to smoke marihuana. He believed that he was in charge of the Mafia and that he was an Eastern potentate of the Ku Klux Klan. He began to collect guns and knives in addition to training his German shepherd dog to attack others. He had not previously smoked marihuana except experimentally on two occasions while in college. He graduated cum laude in business administration in less than three years by attending summer school. He worked in a family business and was doing creditably in his job as well as in his social life. He found his way into a "swinging" crowd that smoked cannabis derivatives regularly. He took up "the habit" and almost immediately noticed changes in his working pattern and a shift or decline in ambition. He gradually withdrew from a heterosexual relationship after a few episodes of impotence while "high" on hashish. He became apathetic and more of a "loner," and then finally became distrustful of his friends and family. At this point, he sought psychiatric treatment and told of his delusional thoughts, fearful that he was losing his mind. Upon withdrawal from the drug, psychotic symptoms disappeared, yet a residual of difficulty in thinking (which he described as "fuzzy") was still complained of in a one-year follow-up examination.

CASE 3.—An 18-year-old boy who smoked marihuana and hashish regularly for a three-year period became progressively withdrawn, confused, and depressed. His interest in astrology and Eastern religions increased. He became a vegetarian and practiced yoga. He had the delusion that he was a guru and eventually believed that he was the son of God who was placed on earth to save all people from violence and destruction. This patient gave a history of mild anxiety and headaches in his earlier adolescent years, as well as that of some difficulty in getting along with others. Prior to smoking marihuana, he had mild general and social anxiety and headaches for several years. He began smoking marihuana occasionally with friends at the age of 15, and over a two-year period, showed signs of ego decompensation. He did poorly in school, although he could "get along." When he increased the frequency of smoking, delusional symptoms began to develop. Consultation with one of us previously because of some of his adolescent difficulties made it easier for him to consult us again upon becoming concerned with his beliefs that he was God's son. He knew that his thoughts were not "right" and worried when a smoking friend told him of his own similar delusions. There was even a joke among his crowd that they knew "a guy had gone too far" when he thought that he was like a god. Persuasion could not convince this young man to give up cannabis, although he acknowledged that his symptoms resulted from drug use. After consultation, he moved to the west coast and continued his unproductive, aimless life, supported financially by his parents.

CASE 4.—A 19-year-old boy smoked marihuana for four months, gradually developing ideas of reference. Believing he had superhuman mental powers, he felt that he was able to communicate with and control the minds and actions of animals, especially dogs and cats. No one knew of his belief in his messianic powers and divine rights. He was referred for psychiatric consultation by his school because of a sharp decrease in his interest in his schoolwork. He seemed listless, apathetic, and depressed. Prior to smoking marihuana he had been outgoing and did well academically, but following the onset of smoking he shunned family and friends. He continued to maintain good grades on the basis of sheer momentum of accumulated academic experience, although there was decline in academic interest.

His most closely guarded secret was the belief that he was the Messiah, and although he believed this to be a "weird idea," he felt it to be true and thought that marihuana gave him this power.

Upon cessation of marihuana smoking, the delusional system disappeared, and he was able to return to a level of functioning similar to that of the days before marihuana smoking.

It was our impression in these cases that the use of cannabis derivatives caused such severe decompensation of the ego that it became necessary for the ego to develop a delusional system in an attempt to restore a new form of reality. It would appear that this type of parnoid reaction is a direct result of the toxic effects of cannabis upon the ego organization of those patients described in this study.

We have not included in this communication a large number of cases of psychosis due to the use of other psychotomimetic drugs in combination with cannabis derivatives. It is our impression that those patients who had been taking LSD or mescaline or both with marihuana appeared to have more acute psychotic reactions which were accompanied by greater panic and distress, resulting in more frequent need for hospitalization, than those smoking marihuana alone.

C. Borderline states (ego decompensation) in those on trial for possession of marihuana

Twelve adolescents (aged 15 to 18), nine male and three female, had smoked marihuana regularly for one or more years prior to being arrested for using marihuana. In each instance, the legal authorities asked for a psychiatric evaluation, and none of these individuals smoked marihuana immediately prior to the examination. All 12 showed evidence of ego decompensation and disturbance in reality testing, memory, social judgment, time sense, concept formation, concentration, abstract thinking, and speech production. All 12 gave a history of steadily declining academic ability and class standing, and all felt isolated from others. Eight of this group complained of trouble converting thoughts into words, which resulted in a rambling, disjointed flow of speech with hesitation and circumstantiality. Memorized phrases were frequently substituted to mask the loss of speech and thought continuity.

Three of these adolescents had periods of depersonalization while not under the influence of the drug. They felt that they were watching themselves and others interreact, as if in a dream.

None of the 12 individuals showed evidence by history of psychotic disturbance prior to beginning to smoke marihuana.

Psychological testing performed on four patients in this group showed these patients to have regressed to early stages of psychological development and to be relying on omnipotent and grandiose fantasies as methods of psychological defense against anxiety. All of these patients showed impairment in control of impulses and judgment and an inability to distinguish the subtleties of the feelings of others in social situations. Limited attention span and encroachment on reality testing, as well as generally impaired cognition, were evident in all.

The psychological tests were done without the psychologists' previous knowledge of cannabis use by the patients, but testing was not used to help determine whether cannabis was used or whether cannabis produced a specific effect. It was used instead to help determine the extent of ego decompensation.

A bright 16-year-old boy smoked marihuana for 18 months. He had a "B" average prior to smoking. He was well liked by teachers and peers, seemed happy, and appeared to have no more difficulties than other adolescents prior to smoking marihuana. He said that he began to smoke because his friends did. He felt that it was safe, believing marihuana was harmless. As he began to notice some apathy, loss of goal direction, and increasing depression, he still felt that marihuana was not harmful.

Upon examination, he attempted to win over the psychiatrist with a pleasant, willing, cooperative manner. There was, however, mild disorientation, feelings of omnipotence, and a feeling of isolation.

In psychological testing, he had bright-normal scores on the Wechsler-Bellevue intelligence scale. He showed poor attention span and concentration and poor retention of acquired, as well as of accumulated, knowledge. There was evidence of tenuous control of impulses. Reality testing was impaired. The psychologist reported "early signs of personality decompensation in that he retreated into himself. He functioned at a level of early childhood, believing in his own omnipotence. This state might result in further impulse-motivated behavior so that he would probably commit further asocial and/or anti-social acts prior to becoming severely depressed."

D. Borderline states (ego decompensation) not at first associated with marihuana

Six individuals 14 to 20 years of age, five male and one female, were seen in consultation. All of these individuals were seen because of the chief complaints of general deterioration in schoolwork, inability to concentrate or to pay attention in class, gradual decrease in academic standing, apathy, indifference, passivity, withdrawal from social activities, and limitation of interest. All showed the same evidence of ego decompensation as described in group C, including disturbance in reality testing, memory, social judgment, time sense, concept formation, concentration, abstract thinking, and speech production. All felt isolated from others. Four of these individuals showed no prior history of these symptoms, while two showed some difficulty in concentration in school prior to smoking marihuana. In the latter two, the difficulty in concentration became far more pronounced following regular smoking of marihuana.

CASE 1.—A 19-year-old college freshman arrived on time for psychiatric consultation, dressed in old, torn, dirty clothes. He was unkempt, with long hair that was uncombed and disheveled. He talked in a slow, hesitant manner, frequently losing his train of thought, and he could not pay attention or concentrate. He tried hard to both talk and listen, but had difficulty with both. He had been an excellent high-school athlete and the highest student in his class in a large city. He was described as neat, orderly, and taking pride in his appearance, intellect, and physical fitness. During the last half of his senior year, he began casual (one or two marihuana cigarettes each weekend) smoking. By the time of the evaluation in the middle of his first college year, he was smoking several marihuana cigarettes daily. While in college, he stopped attending classes, didn't know what his goals were, and was flunking all subjects. He partook in no athletic or social events, and was planning to drop out of college to live in a young, drug-oriented group.

CASE 2.—A 19-year-old boy entered college with an "A" average. He began smoking marihuana early in the freshman year, and within two months of starting to smoke cannabis, he became apathetic, disoriented, and depressed. At the semester's end, he had failed all courses and lacked judgment in most other matters. Upon return to his home, he discontinued marihuana after a total period of 3½ months of smoking. Gradually, his apathy disappeared, his motivation returned, and his personal appearance improved. He found employment, and in the following academic year, he enrolled at a different university as a preprofessional student. His motivation returned, as did his capability. As with so many of our patients, this young man told his psychiatrist that he had observed changes while smoking marihuana; he even went to a college counselor and told the counselor that he felt he was having a thinking problem due to smoking marihuana. The counselor reassured him that the drug was harmless and that there was no medical evidence of difficulties as a consequence of smoking.

E. Ego impairment with marked sexual promiscuity

Thirteen female individuals, all unmarried and ranging in age from 13 to 22, were seen in consultation with almost the same symptoms as those in groups C and D. (One in this group was psychotic and is listed as clase 1 of group A. Thus, our total reported group of cases remains 38, not 39.)

This group is singled out because of the unusual degree of sexual promiscuity, which ranged from sexual relations with several individuals of the opposite sex to relations with individuals of the same sex, individuals of both sexes, and sometimes, individuals of both sexes on the same evening. In the histories of all of these individuals, we were struck by the loss of sexual inhibitions after short periods of marihuana smoking. Seven patients of this group became pregnant (one on several occasions), and four developed venereal diseases. Each showed confusion, apathy, depression, suicidal ideas, inappropriateness of affect, listlessness, feelings of isolation, and disturbances in reality testing, and among the 13, all of whom attended junior high school, high school, or college, all showed a marked drop in academic performance. The decline in academic performance was in direct proportion to the frequency and amount of smoking. Most smoked three or more times weekly.

Five of the 13 were engaged in homosexual activities which began after the onset of smoking, and three attempted suicide.

In no instance was there sexual promiscuity prior to the beginning of marihuana smoking, and in only two of the 13 cases were there histories of mild anxiety states prior to smoking. We take these results to indicate marihuana's effect on loosening the superego controls and altering superego ideals.

ADOLESCENT DEVELOPMENT AND MARIHUANA

The nature of adolescent development is of importance in a discussion of marihuana. The adolescent may begin to smoke marihuana and then suffer damage in further psychological growth, development, and maturation.

In brief, adolescence has as its central driving force the organic, maturational establishment of puberty. Related to physical changes of adolescence are profound (normal) psychological changes.

Anna Freud[12] has described these psychological changes in the normal adolescent as follows:

> "It is normal for the adolescent to behave . . . in an inconsistent and unpredictable manner; to fight his impulses and to accept them; . . . to love his parents and to hate them; . . . to thrive on imitation of and identification with others while searching unceasingly for his own identity; to be more idealistic, artistic, generous, and unselfish than he will ever be again; but also the opposite, self-centered, egotistic, and calculating."

These psychological changes, according to Pearson,[13] are due to the unsettling effect of sudden, general bodily growth and the gradual changes in primary and secondary sexual characteristics, as well as to a final stage of myelinization within brain tracts which leads to greater perception of nuances of color and sound. Pearson also described the conflict of generations, and how lack of parental understanding further weakens the adolescent's ego, leading to the psychological changes already mentioned.

The normally developing adolescent compares the image of his body (often characterized by uneven growth spurts) to his preadolescent body (smooth and even), to those of his peers (different), and to those of adults (who are ambivalently admired), and feels himself lacking. He is bombarded by known sexual impulses related to the

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Footnotes at end of article.

organic sexual changes, and he feels overwhelmed and at first unable to control or deal with these impulses effectively. He feels flooded by subtleties of color and sound never before perceived, but now very taxing to his mind. Typically, in efforts at management of these biological induced phenomena, and also due to the struggle with his parents, he regresses psychologically and tends to handle these anxieties in paradoxical ways, as by immersing himself in glaring colors and loud sounds, by fighting with parents, or by dressing in a bizarre way which accentuates his body-growth disproportions.

The normal adolescent needs support the guided firmness from the parent. If this is missing, he may turn increasingly to drugs. The adolescent living in a ghetto has the added problem of the absence of daily necessities, making reality harsh and the appeal of drugs even stronger. When the adolescent is further exposed to equivocation by authorities in speech or writing on the innocence or dangers of marihuana, then his urge toward a drug solution for conflict may be enhanced, and if there has been a lack of support and interest in the child prior to adolescence and a lack of continuing interest, support, and benevolent firmness by the parent in the teen-age years, the adolescent may still more readily turn to drugs.

To illustrate the issue of lack of firm guidance, several of our patients had parents who talked to the adolescent of their own curiosity about the effects of marihuana, without emphasizing its dangers, or emphasized the discrepancies in the law, without insisting that the youngster must not use marihuana or other drugs because of the serious effects that would occur. We have found that equivocation by the parents has contributed to eventual drug experimentation.

Most often, the normal adolescent, weakened by his own rising sexual pressures, body changes, and disillusionment with parental ideals, seeks peer relationships to establish new ideals and thereby strengthen his own character. Among his peers today, he finds many smoking marihuana. He cannot tolerate the isolation from those who smoke. Also, the need to repudiate parental ideals is strong. In his desperation to find new ideals, he turns to those who use drugs. Even though their smoking frightens him, gradually he accepts their drug use. He cannot see any changes in his friends as a result of smoking cannabis (early changes are even difficult for the professional to detect). He identifies, however, with their rebellious attitude toward authority as expressed by their use of marihuana. He may then smoke. At first, he is puzzled and disappointed at not reaching a "high" (which he will not admit to his new firends), and he fails to see any adverse effect upon himself other than some exaggeration or distortion of sensory perceptions. He continues to smoke in an attempt to achieve an effect. His parents and others are thought to be alarmists; he can see no harm in "smoking a little pot." He is unaware that increased smoking over a period of time will likely deprive him of the ability to adequately resolve his internal conflicts.

When we examined the effects of marihuana on the adolescents in our study, we were struck by the accentuation of the very aspects of disturbing bodily development and psychological conflicts which the adolescent had been struggling to master. Marihuana accentuates the inconsistencies of behavior, the lack of control of impulses, the vagueness of thinking, and the uncertainty of body identity which Anna Freud described.[13] Moreover, dependency and passivity are enhanced at a time when the more natural course would be to master dependent yearnings and to become independent. Rebellion toward parents and authority is increased while the adolescent is struggling toward abandoning such rebellion. His uncertainty about sex grows while he smokes marihuana. The desire to be independent diminishes while he is smoking with his peers.

While the adolescent is struggling to master his feelings about bodily growth surges, he is confronted with further changes in the mental image of his body if smoking marihuana. Also, while he is struggling to master new physical, intellectual, and emotional strengths, he is hampered by marihuana. This leads to further anxiety.

Moreover, while struggling to make order out of the sudden flood of new sounds and colors incident to normal brain maturation, he is inundated by the changes in sensory perceptions which are the hallmark of marihuana use. While valuing clear thinking, coherent speech, alertness of reasoning, good attention span, and concentration, he is now confronted with at least temporary interference with these activities.

Our study showed no evidence of a predisposition to mental illness in these patients prior to the development of psychopathologic symptoms once moderate-to-heavy use of cannabis derivatives had begun. It is our impression that our study demonstrates the possibility that moderate-to-heavy use of marihuana in adolescents and young people without predisposition to psychotic illness may lead to ego decompensation ranging from mild ego disturbance to psychosis.

Clearly, there is, in our patients, a demonstration of an interruption of normal psychological adolescent growth processes following the use of marihuana; as a consequence, the adolescent may reach chronological adulthood without achieving adult mental functioning or emotional responsiveness.

We are aware that claims are made that large numbers of adolescents and young adults smoke marihuana regularly without developing symptoms or changes in academic study, but since these claims are made without the necessary accompaniment of thorough psychiatric study of each individual, they remain unsupported by scientific evidence. No judgment on the lack of development of symptoms in large, unselected populations of students or others who smoke marihuana can be made without such definitive individual psychiatric history-taking and examination.

FOOTNOTES

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ADDRESS BY U.S. AMBASSADOR TO FRANCE, ARTHUR K. WATSON

Mr. TOWER. Mr. President, a copy of an address made by U.S. Ambassador to France, Arthur K. Watson, delivered April 21 to a luncheon meeting of the Anglo-American Press Association in Paris, has come to my attention.

The address is a succinct statement of the administration's position abroad. I do not believe that it has received wide attention here. I ask unanimous consent that the text of Ambassador Watson's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS BY U.S. AMBASSADOR TO FRANCE ARTHUR K. WATSON

Mr. President, Ladies and Gentlemen: It is a pleasure to be with you for a second time during the 1970–71 season. I thank you particularly, Mr. President, for the gentle introduction.

While we are not exactly adversaries, nor even necessarily separated by a generation gap, representatives of governments and representatives of the press have been known to have their differences. Indeed, it has often been said that in the American representative system, which has no vote of confidence procedure, the press plays the prime role of loyal opposition. In theory, you are ready to question and challenge any administration.

The theory is amply supported in fact.

Some people regard the government-press relationship as a state of constructive tensions. Others, of course, don't bother with the adjective.

But let me try to put this relationship in another, somewhat over-simplified way: It is your business to find and report the stuff from which headlines are made. It is my business to conduct the affairs of the United States in France in a way that we will not provide the raw material.

It may be paradoxical, if not foolhardy, that I have come among you today without undue compulsion. The fact is I believe profoundly in this constructive tension that both separates and connects us. In the final analysis we are all Jeffersonian in our belief in a free press.

We are both, in our separate ways, seeking enlightenment and, thanks in no small part to you and your colleagues, we do not lack fact or opinions.

But the promise of ultimate and positive answers in international affairs remains a seductive one. All too often the equations are studded with unknowns or half-knowns.

All too often we seem to face, on any given issue, only an array of choices, all of them bad. And always we deal with the marvelously unpredictable, infinitely variegated human being.

Thus if you came here today expecting to be illuminated by electric bolts of instant wisdom, I shall disappoint you.

Instead, I am going to borrow shamelessly an approach to our affairs from an old acquaintance, James Bryant Conant. He set forth this approach as a means of understanding science and scientific advance. As I recall it, Dr. Conant said that basic scientific concepts are developed from observed or experimental data and are fruitful of new experiments or observations. These, in turn, may lead to still more fruitful concepts.

Now, there is nothing in Dr. Conant's formulation that says a scientific theory must be right, right in the absolute sense. No there are only two conditions: First, the proposition must be consistent with known data and second, it must be sufficiently sound for further work to be built on it. Indeed, its application in further work may lead to discoveries which eventually modify or replace it. Meanwhile, it has served to advance science.

This, it seems to me, is not a bad viewpoint from which to examine human affairs. Are we acting consistently with the facts? Are our concepts fruitful bases on which to construct advances in international affairs?

It is in this spirit that I offer you three summary comments on what I consider to be factual data; to suggest three propositions; and to register two conclusions.

As we survey the world scene, there are three fairly plain groupings of evidential data which I by no means have time even to sumarize today, but which I find basic to any coherent view. They are:

One: The massive evidence of cumulative change. The world is not what it was in the 1950's, or even the 1960's. It is not what it was last year. Specifically, the configuration of power that emerged from the second world war is gone forever, and with it many of the assumptions that have been shaping foreign policies since 1945. Today the 127 members of the United Nations comprise an increasingly complex and varied world, with economic, social, political, and military power widely distributed and constantly in flux.

The second piece of basic data is this: The huge and distressing array of stubborn, sometimes explosive problems in today's world is not always amenable to solution and often not even to significant influence, by any single nation, superpower or not. Often these problems are beyond prompt and effective resolution by the combined forces of groups of nations. We have here a new and surprising natural law. As the capacity of large nation-states to apply overwhelming destructive military power has increased, their capacity to influence the behavior of smaller nation-states has declined.

Third: The Nixon administration has developed a comprehensive foreign policy consistent with the perceived realities and published it in detail. The latest Presidential report, dated February 25, 1971, is called "U.S. Foreign Policy for the 1970's, Building for Peace."

I find this third piece of data remarkable in at least two aspects:

First, it jettisons conventional wisdom about the conduct of diplomacy. President Nixon has provided both his defenders and adversaries, domestic and foreign alike, with a precise statement of our objectives. In two "State of the World" messages, the Nixon administration has laid out with frankness and detail both the facts and assumptions on which our policies are based, and the policies and objectives themselves. This must be the most frank and comprehensive public statement of foreign policy by a Chief of State in all history.

Secondly, this detailed enunciation of our foreign policy has received a remarkable acceptance at home and abroad.

How many critics have you read or heard who challenge the facts on the world situation as presented in these documents?

How many have you read who seriously challenge the objectives as set forth by President Nixon?

Who in Congress has risen to say that "U.S. Foreign Policy for the 1970's" falsely represents the situation in the world or our national plans to deal with it?

The arguments and criticisms have been on other matters, and I intend to get to them as we look at certain propositions. It would be impossible in the time we have—as well as gratuitous—to repeat or even summarize major points from the document. Instead, as I suggested earlier, I have drawn from it three propositions.

Here is my first proposition: The policy is a reasonable coherent, and practical statement of national programs and goals in a changing and complex world. If this is untrue, and the document is erroneous in any basic respect, we should know it. If it is unacceptable to any major part or parts of the American people, we should know it. If it is unacceptable to our friends and allies, they should be heard. If, indeed, it is unreasonable in the view of our adversaries, that needs to be known with urgency.

The acceptance of the administration's "Foreign Policy of the 1970's", so far as I can judge, has been excellent. Neither the assumptions nor the objectives have been basically challenged at home or anywhere else in the free world.

Yet, there is criticism of our foreign policy. And why? There are, I think, several reasons aside from the quite valid assumptions that anything can be improved. One that I sometimes sense is that some people have simply not read the President's document. They are opposing the American policies of another era.

Others, it appears to me, refuse to accept the document at face value. They attribute to the administration secret and devious designs. They raise specters of a widened war in Southeast Asia, for instance, as though our government would undertake today with 284,000 men what it would not do two years ago with half a million. And yet another reason is that events in this troubled world do not move as fast as words. To many, today's word must be today's deed.

My second proposition is this: The Nixon foreign policy, to use Dr. Conant's phrase, is a fruitful concept. It codifies and organizes known data. It offers means to deal with data in manageable terms, area by area, problem by problem. Without any claim to omniscience, it provides a framework on which to buttress further fruitful labor.

Let me illustrate. Something over two years ago, when this administration took office, we were clearly at a low point of our postwar international fortunes. I say this in no pejorative or partisan fashion, for I have never wished an American President, of either party, ill will or misfortune. I describe a fact. The United States was the object of the largest, bitterest, and in some ways most unanimous wave of criticism in our history in world affairs.

The future of NATO was considered dubious. The Alliance for Progress had fallen into neglect and nothing had been offered in its place. The war in Southeast Asia looked insoluble. There was a shooting war between the Arabs and Israelis, threatening to draw other powers into the conflict. The will, and capacity, of the United States to maintain its far-flung commitments were almost everywhere in doubt. Mind you, I am not discussing ancient history. I speak of a period all of you have experienced as citizens or covered as newsmen.

Today you need only to look around you to make your own judgment on whether U.S. foreign policy for the 1970's represents progress. NATO is alive and well. Negotiations are going forward on a multiplicity of issues among a myriad of countries. We are deep into the strategic arms limitations talks and four power discussions on Berlin. A seven-sided negotiation on expansion of the Common Market is in full swing, and there are peacemaking initiatives in the Near East in every bi-lateral and multi-lateral channel available.

The tragic tangle of Southeast Asia remains tragic and tangled. But make no mistake about it; we are withdrawing on schedule. Everywhere in the world, the American presence is being scaled to meet the more clearly defined requirements of our essential national interests and obligations. We are going about our international affairs with purpose, vigor, and a minimum of waste motion.

My third and final proposition today is this: The Nixon foreign policy offers a viable alternative to an American retreat into isolationism. We were, I regret to say, in the mood to take that alternative two years ago. President Nixon made this point strongly on February 25, saying, "Our friends are revitalized and increasingly self-reliant while the American domestic consensus has been strained by 25 years of global responsibilities." He added: "Partnership that was always theoretically desirable is now physically and psychologically imperative."

Let us take an example. It is the troubled area from the Southern and Eastern Mediterranean littoral to the Persian Gulf and Indian Ocean. For generations these have been, for all practical purposes, European seas. Following the devastation of World War II, the European influence receded. To some extent, American naval and air power moved into the vacuum. Now, over the last few years, Soviet naval power has become increasingly visible in the entire area, most notably in the Mediterranean. Meanwhile, the political complexion of the region has been altered hugely by changes in sovereignty, changes in government, the Arab-Israeli conflict, and social and political evolution.

The United States has, in this region, the same interests it has for the world as a whole. In the words of the President: "America's interest in the Middle East—and the world's interest—is that the global structure of peace not be allowed to break down there."

America, it is true, has business interests in the area but, in the case of Europe and Japan, the interest is direct and immediate. The United States takes 4 percent of its oil requirements from the area. Western Europe relies on the area for more than 80 percent of its oil and, in the case of Japan, 90 percent. The implications of this relationship, it seems to me, are plain.

Lest I be misunderstood, I hasten to add that I am neither predicting nor asking for an American withdrawal from Europe generally nor the Mediterranean specifically. The President has pledged that the United States will maintain and improve its own forces in Europe, given a similar approach by our allies, and will not reduce them unless there is a reciprocal action from our adversaries. We shall do our share, and observe our commitments.

At the same time, we welcome the growing economic strength and unity of Western Europe, the steadily improving standard of living, the increased freedom of movement of both goods and people across borders. But Western Europe must look outwards as well as in. It must fully realize that not only its health and growth, but its survival is dependent on an intricate and comprehensive web of relationships with other countries and areas. I speak not only of tariffs and trade. I speak in terms of economic and technical assistance, educational exchange, unilateral and multilateral development assistance, both the military and non-military aspects of peacekeeping, interlocking programs in the field of scientific development and environmental control, and much more.

Thus my three propositions. If they are valid, they lead further to two conclusions.

The first is this: The Nixon foreign policies are working. Our government has recognized, with a remarkable candor and realism, what the problems and perils are in the world today and what we can and cannot do. We are following every available avenue toward peace. Where discussion is possible, we are talking. Where cooperation is possible, we are working with others.

The second conclusion is this: The Nixon Doctrine represents the most important change in American policy in two decades. One can make what the analysts call a straight line projection of U.S. foreign policy from the late 1940's, with the birth of the great and creative design which became known as the Marshall Plan. NATO, Point Four, SEATO, CENTO, The Alliance for Progress, and finally Viet-Nam came from this matrix.

This administration has already changed American policy far more fundamentally than has been recognized by any but a few observers. Now, today, we are beginning to see the fruits of the policies.

TYONEK, ALASKA, MANAGEMENT CORP.

Mr. HARRIS. Mr. President, in considering how to fashion a settlement of Alaskan Native claims with justice and equity, it is relevant to examine available evidence as to how Native villages may be expected to utilize settlement proceeds. The village of Tyonek, on Cook Inlet, provides a useful example. In 1963, oil was discovered on Tyonek property, and the Tyoneks subsequently were paid $13 million for oil leases. Today, the Tyoneks are among the most prosperous and secure of all Alaskans, and the Tyonek Management Corp. is a model for rational, comprehensive community development. The story of the Tyoneks is told in an article written by James E. Bylin, published in the Wall Street Journal of April 12. Mr. Bylin's article indicates that waste and inefficient use of resources would by no means result from a just and generous settlement of Alaskan Native claims. I ask unanimous consent that the article, entitled "What Will Alaska Natives Do With Riches? A Wealthy Indian Village Offers an Example," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT WILL ALASKA NATIVES DO WITH RICHES? A WEALTHY INDIAN VILLAGE OFFERS AN EXAMPLE

(By James E. Bylin)

TYONEK, ALASKA.—This small village looks as if it were designed for Southern California and then mistakenly got delivered to the Alaskan wilderness.

The paved streets are lined with comfortable ranch houses, some of them nestled in cul de sacs. Trees pleasantly dot the terrain. In the center of town rests a modern, multicolored school. The chief clue to the nature of its inhabitants, who can hardly be called typical suburbanites, is the village's only church, topped by the tell-tale "onion" common to Russian architecture.

Despite its looks, Tyonek is a native village, home to the Yonek Indians who, like most natives in Alaska, belong to the Russian Orthodox church.

Tyonek (population: 200) is definitely an aberration among Alaska's nearly 200 native villages, which are largely distinguished by their poverty. But it is also a model of what may lie in the fairly near future for the some 60,000 natives—Eskimos, Indians and Aleuts—scattered over the state. For after decades of complex disputes over the ownership of Alaska, the land claims of the North appear headed for a settlement. And even if the natives don't receive all they're demanding, they can expect a bonanza that would have made envious the sourdoughs who sought gold in the frozen north in 1898.

President Nixon recently proposed that the natives be compensated with $500 million in cash—payable over 20 years without interest—as well as a 2% share in Alaskan oil revenue (up to another $500 million) and 40 million acres of land. The White House impetus could induce Congress to pass a bill this session; until the claims are settled, the natives probably could hold up federal permits for an oil pipeline across Alaska. Though the natives want a more lucrative deal, Donald R. Wright, president of the Alaska Federation of Natives, called the President's move "a positive and constructive contribution toward achieving a just settlement of our land rights."

A BRIGHTER DAY

The natives want the $500 million, but payable over nine years with interest. They also want the 2% oil royalties, but in perpetuity. And they want 60 million acres of land. They boosted the land demand from 40 million acres in January, with Mr. Wright announcing that "inflation has taken hold."

Whatever the settlement, it will spell a new, brighter day for the natives. That day, however, has already dawned for the Tyoneks, who illustrate what a monetary windfall can—and can't—accomplish.

In 1963, the village differed little from its destitute counterparts. Located 46 miles southwest across Cook Inlet from Anchorage, it was an isolated jumble of log shacks heated by camp stoves. The seasonal salmon run and a little trapping in the winter provided a subsistence living for the Tyoneks, a tough but quiet people chary of strangers. If a Tyonek worked hard, he might earn $1,000 a year. A diet of fish and wild game was supplemented with the bare necessities—milk, flour, beans and the like—available at a tiny store run by the Bureau of Indian Affairs. The village school was a one-room affair. And every few years, a public health official would surface to check out the Tyoneks.

That year, though, oil was discovered in Cook Inlet, and oil men began sniffing about the shore-side village and adjacent land. They wanted to explore it and applied to the federal government for leases. The Tyoneks sought advice from an old friend, Stanley McCutcheon, an Anchorage lawyer who had hunted and fished with the villagers as a boy.

After some legal wrangling, it was determined that the Tyoneks could lease the land and use the money themselves. Their lease sale yielded $13 million, primarily from Humble Oil & Refining Co., a subsidiary of Standard Oil Co. (New Jersey). That's equal to $65,000 for every man, woman and child in Tyonek.

HOMES AND A RUNWAY

The Tyoneks easily could have squandered the new-found riches. But Mr. McCutcheon and village elders helped map a combination improvement-and-investment program, transforming the tribal council into a board of directors for the Tyonek Management Corp. to manage the money.

The top priority: improved housing and living conditions.

Most shacks were razed, and, at a cost of nearly $3 million, the Tyoneks had some 60 prefabricated ranch houses shipped in from Seattle. One villager, Willard McCord, the father of six, can still gaze down from his six-bedroom home to the 10-by-12-foot cabin where his family used to live. Each family received a furnished home fitting its needs, at an average cost of nearly $50,000 per family. The village put up $250,000 and the Bureau of Indian Affairs some $750,000 for the new school, which has five classrooms, a multipurpose room, lunch facilities and a gymnasium. (The old one-room school, including the teacher's quarters, was about half the size of the new gymnasium.) With 72 pupils and five teachers, the school boasts an enviable 14-to-1 student-teacher ratio. Regular visits by a doctor were also instituted, though the village doesn't have a full-time doctor.

The church was ornately refurbished, roads were paved and a 5,000-foot landing strip was put down. For visitors, an eight-room center was built, equipped with kitchen facilities. Grocery, hardware and clothing stores were erected, along with a snack bar.

In the spacious grocery store, which is complete with walk-in freezers, the Tyoneks can sample chop suey, pork tongue, beef goulash, pigs feet, TV dinners and pizza as well as more ordinary fare. "The store's intent is to sell food at Anchorage prices," says Elvest L. Hawkins, manager of Ernst & Ernst in Anchorage, the Tyoneks' accountant. "If they can break even, then it's fine."

WORKING AND LEARNING

In a sense, the Tyoneks work for themselves, with the Tyonek Management Corp. paying residents from investment income to rebuild the village. According to Mr. Hawkins, villagers now earn $7,000 to $12,000 annually. At the same time, often under the guidance of an adviser from Anchorage, they have been learning skills as electricians, mechanics and operators of the village's dozen pieces of heavy equipment, among other jobs. "But the village is still basically a fishing village," Mr. Hawkins says, adding that during the spring salmon run, "all other operations stop."

Meanwhile, the Tyoneks embarked on an ambitious investment program to insure a steady income. They bought several small office buildings in Anchorage and then built, at a cost of $2 million, two large office buildings. They also have interests in the company, a utility company and for a three-plane airline that has daily flights between the village and Anchorage.

With its improvements, the village now is worth about $11 million, Mr. Hawkins figures. He also calculates the Tyoneks have some $8 million out in investments, including $3.5 million in a nearby, newly built power plant, equipped with a 14,000-kilowatt gas turbine and a 4,000-kilowatt diesel-gas back-up unit.

The Tyoneks needed the power source for their new all-electric homes (most also have sprouted TV antennas), and it also provided more skills for the villagers.

"AS QUAINT AS POSSIBLE"

The lease money hasn't yet created a long-term source of employment, which is necessary to keep the Tyoneks in the village. This is a problem that other villages probably will also face if and when they begin receiving their settlement money. The village rebuilding work is winding down. Last summer, the villagers pushed roads out to lakes in the vicinity. (Mr. Hawkins says sport fishermen can use the lakes, but that the Tyoneks "like to be left to themselves in the village.") This summer, a community center may be the main project. Also in the future is the possible construction of docking facilities, which the villages don't have now.

But the Tyoneks hope to use the power plant as the bait to lure some type of small industry to the village, possibly a fish cannery. They have even prepared a brochure proclaiming that "opportunity awaits in Tyonek" and assuring prospects that power costs would be substantially cheaper than in Anchorage and that the prospects wouldn't be subjected to "sales, property or any local tax of any kind." The Tyoneks also would consider financing construction of an industrial building for lease. To date, though, they haven't had any takers.

From their village, the Tyoneks can watch oil rigs working in Cook Inlet. But their land has yet to yield any oil in commercial quantities, and the interest by oil companies has largely shifted to the distant North Slope. But the Tyoneks make it clear that while they want to upgrade their way of life, they aren't particularly interested in changing their life style. "I don't think the village will change," says Fred Bismark, the tribal chairman. "We're trying to keep it as quaint as possible."

POSSIBILITY OF A COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. CASE. Mr. President, in 1963 the limited nuclear test ban treaty was agreed upon. This was a useful and important action. But it fell far short of the comprehensive test ban which the United States and Russia had discussed for some time prior to that date.

The limited nuclear test ban treaty outlawed nuclear weapons testing in the atmosphere, outer space and under water.

Underground testing was still permitted chiefly because Russia and the United States were unable to agree on the number of on-site inspections to be permitted.

The U.S. rock-bottom position was that seven on-site inspections were necessary in order to provide reasonable assurance against violation of a comprehensive test ban. The Russians were willing to permit two or three, but not more, such inspections each year. So, a comprehensive treaty failed in 1963, but the limited treaty which was adopted made it very clear in its preamble that the United States, Great Britain, and the Soviet Union were united in the following objective: to achieve the discontinuance of all test explosions of nuclear weapons for all time—to desiring to put an end to the contamination of man's environment by radioactive substances.

There are indications, which I believe it would be irresponsible for us to ignore, that since 1963 we may have so improved our ability to distinguish between earthquakes and underground nuclear tests with a magnitude in excess of 4.0 on the Richter scale that a comprehensive test ban agreement is now possible.

Informal but authoritative reports which I have received in regard to discussion at a 7-day conference sponsored by the Pentagon's Advanced Research Projects Agency at Woods Hole, Mass., last July indicate that our capacity to distinguish between earthquakes and nuclear explosions has improved tenfold since 1963.

If in 1963 the United States considered it could safely agree to a comprehensive test ban if we were allowed seven on-site inspections each year, would it not seem self-evident that we could safely accept now the two or three on-site inspections the U.S.S.R. was willing to allow in 1963?

A highly competent authority in the field of nuclear disarmament, William Foster, formerly director of the Arms Control and Disarmament Agency, expressed the view recently in a speech in New Jersey that with our improved capacity to identify nuclear explosions by means other than on-site inspections, it would be feasible for us to accede to a comprehensive test ban treaty providing for no on-site inspections at all.

I do not presume now to pass judgment on this question. But I believe that enough has been brought to our attention to place upon us the responsibility to make a thorough inquiry as to whether a comprehensive test ban treaty may now be possible.

Accordingly, I shall ask the Senator from Arkansas (Mr. FULBRIGHT), Chairman of the Foreign Relations Committee, and the Senator from Maine (Mr. MUSKIE), Chairman of our Subcommittee on Arms Control, International Law, and Organization—of which I am the ranking minority member—that full hearings on this subject be held as soon as this can be done.

We will, of course, want to hear from the Atomic Energy Commission and the Joint Committee on Atomic Energy, both of whom carry particular responsibility for the development of atomic energy and nuclear weapons. Indeed the importance of the matter demands we hear from every source, scientific, military, and civilian, which may have a useful contribution to make.

But it is the Foreign Relations Committee and its Arms Control Subcommittee which has peculiar and primary responsibility within the Senate for progress toward greater control of arms. It is clear, therefore, that it rests upon us to initiate and carry through the inquiry I have urged.

In the light of the importance, from every standpoint, of a comprehensive nuclear test ban, we can surely do no less than look closely into the possibility that developments since 1963 may have made this great advance possible.

ADDENDUM

On Tuesday, May 4, I advised Senator MUSKIE that the foregoing statement would be released in the newspapers of Sunday, May 9. On Wednesday, May 5, he said that on Thursday, May 6, he would announce hearings by the Disarmament Subcommittee on a broad range of matters and that the possibility of a comprehensive test ban treaty will be among them. I welcome this initiative.

Mr. President, I ask unanimous consent that excerpts from an address by Hon. William C. Foster, referred to in my statement; a Washington Post article commenting upon the Woods Hole Conference; and a U.S. Arms Control and Disarmament Agency analysis of test ban negotiations through 1965 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXCERPT FROM AN ADDRESS BY WILLIAM C. FOSTER, FORMER DIRECTOR, U.S. ARMS CONTROL AND DISARMAMENT AGENCY, FAIRLEIGH DICKINSON UNIVERSITY, TEANECK, N.J., FEBRUARY 26, 1971

Moving to the final item in my outline I would like to make a proposal which could be both psychologically and politically most useful. Let me tell you what it is.

I would recommend, as soon as possible, a comprehensive nuclear test ban—a total ban on all nuclear weapon tests, including underground tests.

This proposal of course is not by any means new. In fact we have long been committed to work toward a comprehensive test ban by the language of two treaties which we have ratified: The limited Test Ban Treaty and the Non-Proliferation Treaty. But we seem no closer to the actual conclusion of a complete test ban now than we were some years ago—although some have predicted that it may become possible if there are positive results from the SALT talks.

Well my idea is that we should not wait for that. First of all, because I believe a comprehensive ban on nuclear tests could be a considerable stimulus to the SALT talks. Let me try to explain why.

It was agreed between the United States and Soviet Governments that they would not discuss the substantive aspects of the SALT talks publicly. This is a sound idea from the standpoint of negotiations: For when negotiating parties go public they then have to dig in their heals and defend their public positions, thereby losing negotiating flexibility. From another viewpoint, however, this privacy is not an unmixed blessing, for it means that to a considerable extent these vital but highly complex talks become the private reserve of technicians, civilian and military, who are not answerable to the public. And given the mistrust which has grown up between the Soviet Union and the United States over the years, this means that groups of adversary technicians thus have an opportunity to nibble away at whatever proposals are made and almost literally to study them to death, while a concerned public is left in the dark.

I am not saying that this is happening: But I am saying that it could happen, and I think that one way to prevent this would be to inject—publicly—a new note of moral uplift and purpose into the whole arms control picture. I believe that if the U.S. and Soviet Governments, at the highest level, could agree fairly quickly on a comprehensive test ban, it would provide a valuable psychological uplift to the climate which underlies all of our arms control negotiations, including SALT.

Moreover, it is fully within our scientific competence to monitor adequately such a total test ban. With our present means of instrumentation and other sources of information, it is not conceivable that the Soviets could carry out clandestine testing on a scale which could affect the strategic balance. Also, we must remind ourselves constantly of a fact which is obvious but frequently overlooked: In weighing the risks of an arms control agreement we must also take into account the alternate risks of not having an agreement, of having instead a continuing arms race.

Now this brings me to another point: I believe that a ban on all nuclear testing, in addition to serving the immediate purpose I referred to, would also deal a blow at the very heart of the nuclear arms race. In the near term it might have relatively little effect on the on-going weapons programs of the United States and the Soviet Union; but in the long range, it would slow down and ultimately end innovations in nuclear warheads. It would be like taking the test tube away from the chemist. By this one simple step, which would be readily comprehensible to all, we could ring down the curtain on many further wasted investments in mass destruction.

When Averell Harriman was talking about arms control to Khrushchev one time he said, "Mr. Chairman, the way for you to get more things for a better life for your people is to sign the Test Ban Treaty."

Khrushchev banged the table (not with his shoe) and exclaimed, "You are right!"

As one consequence, we got the limited Test Ban Treaty.

In other words—as Mr. Khrushchev seems to have realized—there is much that can be accomplished through forthright ideas that immediately catch the imagination.

We have been working toward arms control for many years, but up to now we have many times been diverted by undue emphasis on technical detail. Perhaps it is time for us to show in a demonstrative way that we are not just expert technicians but that we are also human beings—that we have the wisdom, the moral courage and imagination to get off this moving train which is taking us nowhere but to oblivion.

[From the Washington Post, Apr. 11, 1971]

TINIEST A-BLASTS IDENTIFIABLE NOW

(By Thomas O'Toole and Marilyn Berger)

Such dramatic strides have been made in detecting distant underground atomic explosions that scientists can now discriminate between earthquakes and the smallest nuclear tests conducted either by the United States or the Soviet Union.

These scientific gains are expected to have a sweeping impact on the diplomatic front and promise to remove one of the last obstacles to a ban on underground testing of atomic weapons. That obstacle is U.S. insistence on as many as seven inspections a year of the two Soviet test sites, and Soviet refusal to allow any inspections.

"There is absolutely no more need for on site inspections," one conservative U.S. arms expert declared. Any decision against an underground test ban from here on in is purely political."

The improvements in explosion detection now enable seismometers as far away as 4,000 miles to pick out weapons tests with less force than one kiloton. One kiloton (1,000 tons of TNT) is one-twentieth the force of the bomb dropped on Hiroshima in 1945 and a thousand times smaller than the warhead on the Minuteman missile.

Present capacity to detect tests of less than one kiloton is better than a 20-fold gain over what scientists were able to do five years ago and covers just about every weapons test the United States and the Soviet Union have conducted since testing in the atmosphere was banned by treaty in 1963.

There have been tests of less than half a kiloton, but these are believed to have been experimental explosions largely unrelated to weapons.

The gains in detection and the work that led up to them were discussed last summer in a meeting sponsored by the Pentagon's Advanced Research Projects Agency. The proceedings of that meeting have been declassified and published and are now being circulated among politicians, diplomats and disarmament experts.

The White House has seen the Woods Hole report, but it being cautious about what the report implies can be done to bring about a ban on underground weapons testing.

"We're aware of the work that's been done and of the reports describing this work," said one White House source. "The feeling here is that there's no sense of enough of a breakthrough to start any new kinds of disarmament negotiations."

The White House conceded things could change if Congress grew interested in the detection developments, and the first reactions to the Woods Hole report from Capitol Hill suggested that Congress might become quite interested.

VIEWED AS A BOOM

"A test ban would be a boon to the people on both sides," said Sen. Frank Church (D-Idaho). "I'd strongly favor a test ban whenever competent scientific opinion held that these explosions could be identified."

"I've been aware that we've been making progress in this field," said Sen. George D. Aiken (R-Vt.), a member of the Foreign Relations Committee and of the Joint Committee on Atomic Energy. "I'd be in favor of anything we could do that would prohibit the spread and use of atomic weapons."

Sen. Mike Gravel (D-Alaska) and Sen. Hubert H. Humphrey (D-Minn.) said they favored a comprehensive test ban, and Sen. Edmund S. Muskie (D-Maine) said if there were a breakthrough in detection technology he might, as chairman of the Subcommittee on arms control, schedule hearings on the matter.

"If scientists can detect the very small nuclear explosions, it would be a major step towards an agreement on a total nuclear test ban," Muskie said. "Such an agreement would be very opportune, since it would provide a means for verifying that certain types of qualitative improvements will not be made in nuclear weapons systems. It would be a great boost to the pace and progress of the SALT talks and movement towards a non-proliferation treaty."

The United States has conducted 228 atomic weapons tests underground in the eight years since the Limited Test Ban Treaty was signed, most of them at the Nevada test site. The Soviet Union has had, by the Atomic Energy Commission's edited count, 47 underground weapons test in the same period.

The question of a ban on underground weapons testing first came up 10 years ago, when diplomats from the United States and Soviet Union began the talks that led to the ban on atmospheric testing.

At the time, U.S. scientists could detect underground tests in the Soviet Union that were equivalent in earthquake force to 4.75 on the Richter scale, which is about the same as 20 kilotons (20,000 tons) of explosive energy. Since many weapons tests are below 20 kilotons, the United States felt that on-site inspections of Soviet test sites were a necessity for an underground test ban to work.

The Soviet Union rejected the proposal for on-site inspections and has stayed with that position ever since.

START OF PAYOFF

In the last 10 years, the United States has spent more than $300 million on surveillance and detection research, and it is this work that has begun to pay off as far as detection technology goes.

"There hasn't been any spectacular breakthrough," one American scientist said. "Just a lot of hard work and a steady flow of unspectacular gains."

Scientists have long been able to pick up the seismic disturbances of small underground explosions, but below 20 kilotons they could never tell if their instruments had detected an atomic test or a natural earthquake. The reason was that most of the seismic waves generated by quakes and small explosions were remarkably similar.

More sensitive seismometers, the use of seismometer arrays to mask out background earth noise and learning to recognize certain long period surface motions triggered by underground explosions changed all that.

"This was the key to the detection of small explosions," one scientist explained. "Underground tests move the surface of the earth up and down in a different way than earthquakes do and the difference seems concentrated in surface motions of very long periods, motions that occur once every 20 seconds or so."

In the last four years, seismometer arrays in Norway and in four states in the United States have been used to study the seismic motions of more than 400 earthquakes, many of them outside the United States and at least 20 inside the Soviet Union.

At the same time, the seismometers studied more than 50 underground explosions at all five United States and Soviet sites, the two in Nevada, one at Amchitka Island in Alaska, at Semipalitinsk in Siberia and Novaya Zemlya Island in the Arctic Ocean.

"The surface waves are consistently different for underground explosions than for earthquakes for all of the events we studied," one scientist wrote in the Woods Hole report. "This difference or discriminant is nearly always more pronounced for long-period waves than for those of shorter periods."

The scientists who conducted the studies say the only way to get around the new detection technology would be to set off a very small atomic device that was buried several miles in desert sand. The trouble with that, they claim is that there are no known deserts whose dry sands go that deep.

REVIEW OF INTERNATIONAL NEGOTIATIONS ON THE CESSATION OF NUCLEAR WEAPON TESTS, SEPTEMBER 1962–SEPTEMBER 1965—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

KHRUSHCHEV-KENNEDY LETTERS, DECEMBER 19, 1962–JANUARY 7, 1963

Writing to President Kennedy on December 19, Premier Khrushchev announced a significant change in Soviet policy. He stated that the time had come, now that the Cuban crisis was over, to "put a stop to nuclear tests once and for all." Both sides agreed that national means were adequate for the control of tests in the atmosphere, in outer space, and underwater. But he saw American insistence on international control and inspection for underground testing as the "main obstacle in the way of an agreement." He would like to think that the President appreciated the truth of Soviet arguments that national means were also adequate for this environment, but the President had been "unwilling thus far to recognize this reality openly."

Premier Khrushchev referred to the Soviet proposal for automatic seismic stations and repeated Tsarapkin's offer to accept these stations at Kokchetav, Bodaibo, and Yakutsk. The Soviet Union would, however, be willing to discuss alternative sites in the Central Asian, Altai, and Far Eastern seismic zones. He saw no need for automatic stations in the Caucasian and Carpathian seismic zones, since these areas were "so densely populated that it would be virtually out of the question to conduct nuclear tests there." As Tsarapkin had indicated, foreign personnel could participate in the delivery of apparatus to and from the automatic stations, with appropriate antiespionage precautions. The Soviet Premier described this element of international control as "an important gesture of goodwill on the part of the Soviet Union."

Finally, he offered to accept an annual quota of two to three on-site inspections, since the Kennedy Administration apparently had to have this to get a comprehensive treaty through the United States Senate. And he asserted that Ambassador Dean had previously indicated that the proposed quota would be acceptable:

"We have noted that on 30 October 1962, in discussions held in New York with Mr. V. V. Kuznetsov, the First Deputy Minister for Foreign Affairs of the USSR, your representative, Ambassador Dean, said that in the opinion of the United States Government 2–4 on-site inspections a year in the territory of the Soviet Union would be sufficient. At the same time, according to Ambassador Dean's statement, the United States would be ready to work out measures to rule out any possibility of espionage being carried out under cover of these inspection vists. Such measures might include the use of Soviet aircraft flown by Soviet crews to transport the inspectors to the site, the screening of aircraft windows, a ban on the carrying of cameras, etc.

We have given consideration to all these points, and with a view to overcoming the deadlock and reaching a mutually acceptable agreement at last we would be prepared to agree to 2–3 inspections a year being carried out in the territory of each of the nuclear Powers, when it was considered necessary, in seismic regions where any suspicious earth tremors occured. Control of the agreement on the prohibition of underground nuclear testing would, of course, mainly be effected by national detection systems, operating in conjunction with the automatic seismic stations. On-site inspections could be carried out with the precautions against the misuse of control for intelligence purposes mentioned by Ambassador Dean.[1]

In his reply of December 28, President Kennedy hoped that the Soviet Premier's suggestions would "prove to be helpful in starting us down the road to an agreement." He was encouraged by Soviet acceptance of the principle of on-site inspections, which were essential "not just because of the concern of our Congress," but because they went to the "heart of a reliable agreement." There have to be ways of reducing or removing suspicion by one side or the other and to provide the "element of assurance . . . vital to the broader development of peaceful relationships."

As Ambassador Stevenson had indicated, the United States was prepared to accept reasonable security provisions to assure the Soviet Union that inspectors would not engage in "espionage" while en route to the area of inspection.[2] The President thought that there had been "some misunderstanding" about the Dean-Kuznetsov talks:

. . . Your impression seems to be that Ambassador Dean told Deputy Minister Kuznetsov that the United States might be prepared to accept an annual number of on-site inspections between two and four. Ambassador Dean advises me that the only number which he mentioned in his discussions with Deputy Minister Kuznetsov was a number between eight and ten. This represented a substantial decrease in the request of the United States as we had previously been insisting upon a number between twelve and twenty. I had hoped that the Soviet Union would match this motion on the part of the United States by an equivalent motion in the figure of two or three on-site inspections which it had some time ago indicated it might allow.

The President found some difficulty in Khrushchev's implication that on-site inspection should be limited to seismic areas:

. . . It is true that in the ordinary course we would have concern about events taking place in the seismic areas. However, an unidentified seismic event coming from an area in which there are not usually earthquakes would be a highly suspicious event. The United States would feel that in such a circumstance the U.S.S.R. would be entitled to an on-site inspection of such an event occurring in our area and feels that the United States should have the same rights within its annual quota of inspection."

"Perhaps your comment would be that a seismic event in another area designated for inspection might coincide with a highly sensitive defense installation. I recognize this as a real problem but believe that some arrangement can be worked out which would prevent this unlikely contingency from erecting an insuperable obstacle."

He thought the three locations suggested for automatic seismic stations in the U.S.S.R. were "all outside the areas of highest seismicity." They would be helpful in increasing the detection capability of the system, but the President doubted that "they would have the same value in reducing the number of suspicious seismic events by identifying some as earthquakes." He believed that the automatic stations should be located in the regions of highest seismicity and that a number would be needed in the Kamchatka and Tashkent areas. The number of automatic stations on Soviet territory could be reduced somewhat by arranging stations in Hokkaido, Pakistan, and Afghanistan. And the problem of identification could be reduced if the "stations on Soviet territory were sited in locations free from local disturbances and could be monitored periodically by competent United States or international observers who took in portable seismometers and placed them on the pedestals."

The President did not believe that any of the problems were insoluble. He suggested that a Soviet representative might meet with ACDA Director William C. Foster at a mutually convenient place.[3]

Replying on January 7, Premier Khrushchev was satisfied that the President had correctly evaluated the Soviet proposal. He understood that the President did not object to "national means of detection in conjunction with automatic seismic stations," as the basis of control.

The Soviet Premier stated that the proposed sites for automatic stations on Soviet territory had been carefully selected and had certain advantages. Although Soviet scientists thought the Kamchatka and Tashkent regions suggested by the President would be inferior to the Kokchetav and Yakutsk sites, the Soviet Union would agree to install automatic stations near Seimchan (for Kamchatka) and Samarkand (for Tashkent) if the United States so desired. He assumed that the Bodaibo site was satisfactory to the United Sttaes. A site on the Kamchatka peninsula itself would not be acceptable to the Soviet Union "in view of the serious interference which would result from the proximity of the ocean and the intense volcanic activity." In short, the Soviet Union was willing to relocate two of the three automatic stations it had previously offered to accept. It also anticipated that the United States would designate prospective sites on American territory.

He believed that the inspection question could be settled, but he did not offer to raise the annual quota he had previously proposed:

"We are convinced, Mr. President, that every possibility now exists for reaching agreement on the question of inspection also. Throughout the recent period, as you know, we have been told on repeated occasions by the Western side that if we agree in principle on inspection the way will be open to an accord. It has always been our view, as it still is, that there is no need for inspection at all; and if we now agree to a quota for two or three inspections a year, we do so solely in order to remove the remaining differences for the sake of bringing about agreement.

As you see, we have taken a most important step to meet your views. The quota of inspections in the territory of each of the nuclear Powers which we are proposing is an adequate one; your representatives themselves admitted during the negotiations that there is no need to verify all or a high proportion of significant suspicious events in order to deter States from attempting to violate the treaty. In this connexion, they mentioned an annual number of inspections which virtually coincides with the quota we are proposing. It stands to reason that the most rational course would be to carry out inspections in the seismic areas in which the greatest number of unidentified seismic events are likely to occur. If, however, you consider it necessary, we would have no objection to inspections being carried out in aseismic areas also, provided that the annual quota we have indicated is not exceeded."

He agreed with the President's suggestion regarding the protection of sensitive installations in the inspected area.

Premier Khrushchev had no objection to the meeting between American and Soviet representatives suggested by the President. He stated that N. T. Fedorenko, Soviet representative to the United Nations, and S. K. Tsarapkin, Soviet representative to the Eithgeen Nation Disarmament Committee, had been designated to meet Mr. Foster in New York.[4]

FOOTNOTES

[1] *Documents on Disarmament, 1962,* vol. II, pp. 1239–1242.

[2] See *ante,* pp.15–17.

[3] *Documents on Disarmament, 1962* vol. II, pp. 1277–1279.

[4] *Ibid., 1963,* pp. 1–4.

INFORMAL TALKS, JANUARY 14–31, 1963

The informal talks suggested by President Kennedy took place in New York and Washington. ACDA Director Foster represented the United States, and the Soviet delegation was led by Ambassadors Federenko and Tsarapkin. They were joined by Sir David Ormsby-Gore, British Ambassador to the United States.

During the talks the President directed the Atomic Energy Commission to postpone underground testing in Nevada. The United States remained ready, however, to resume its test program at any time; it had "no intention of again accepting an indefinite moratorium on testing, and if it is clear we cannot achieve a workable agreement we will act accordingly," the President warned.[1]

Both sides agreed that a system of nationally owned and operated seismic stations would report to an international data-collection center. The United States thus dropped its former demand for international supervision of manned posts. The United States and the Soviet Union exchanged preliminary lists of manned seismic stations, and they agreed that automatic stations would be used to supplement them. The Soviet confirmed their previous offer to allow the automatic stations to be periodically checked by international personnel.

But it was impossible to reach agreement on the numbers of on-site inspections and automatic stations. On this issue, the Soviets adopted a "take it or leave it" attitude toward the Khrushchev proposals and refused to discuss other questions until the United States accepted them.

Mr. Foster made it clear that the two or three inspections a year and the three automatic stations offered by Premier Khrushchev were not adequate. The United States would agree on seven automatic stations, if they were suitably located and equipped, and the Soviet Union agreed to build new manned stations where needed. It proposed deferring study of the number of inspections until certain related questions were settled. These questions, which had been discussed at some length at the Geneva Conference for the Discontinuance of Nuclear Weapon Tests, involved inspections procedures, staffing, and criteria. Scientific criteria had to be agreed on to determine what seismic events would be considered unidentified and therefore eligible for inspection, and the treaty would have to specify who would make the determination. Moreover, there had to be some agreement on how the inspection teams would be composed, selected, and despatched. The Soviets refused to discuss these questions.

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[1] *Documents on Disarmament, 1963,* p. 16.

The talks were finally terminated at the suggestion of the Soviet representatives, who proposed that negotiations be returned to the Eighteen Nation Disarmament Committee at Geneva. When he announced the end of the talks, Mr. Foster stated that the United States would give "priority attention to efforts to achieve a nuclear test ban treaty" when the Committee resumed its work.[2]

Commenting on the results of the talks, Secretary of State Rusk said that the Soviet Union might well be confident of its ability to find out about American tests, because the open nature of society made it difficult to preserve secrecy. The United States was not in the same position:

"But our situation is different, because we are concerned about the possibility of secret tests in a vast area, much of it sparsely populated, inhabited by a closed society, where the ordinary means of information about what is going on in the country are simply not available. Therefore to us the idea of on-site inspection is not simply a political question involving the acceptance of on-site inspection in principle but is the practical problem of establishing arrangements which in fact do provide assurance that agreements are being complied with.

From this point of view the two or three on-site inspections suggested by the Soviet Union are not enough. We ourselves do not have instruments at the present time which could make those two or three on-site inspections enough. If the Soviet Union has such instruments—and they may have—but if they have such instruments, they have not agreed to the urgent invitations of both the United States and the United Kingdom to come forward with the technical means which might take the place of on-site inspections.

So, in summary, we have on the one side a rejection of the practical necessity and utility of on-site inspections and on the other side a fundamental need to have assurance that in fact such agreements would be carried out.[3]

[2] *Ibid.*, p. 28.

[3] *Ibid.*, pp. 28–29.

NEGOTIATIONS IN THE EIGHTEEN NATION DISARMAMENT COMMITTEE, FEBRUARY 12–JUNE 21, 1963—U.S. EFFORT FOR SERIOUS NEGOTIATIONS

The Eighteen Nation Disarmament Committee resumed its discussions on February 12. On that date President Kennedy stated that prospects for a test-ban agreement now seemed more encouraging because of Soviet acceptance of the principle of on-site inspection, but "very important questions" still had to be settled.[1] He later emphasized the value of a test ban as a measure to curb the possible proliferation of nuclear weapons to countries that did not already possess them. If the test-ban negotiations failed, the number of nuclear powers would increase in the next 5 to 20 years; an "alternative . . . so dangerous keeps me committed to the effort of trying to get a test ban treaty." Proliferation, he pointed out, involved the risk of the acquisition of nuclear weapons by irresponsible governments and the increased danger of accident which might "initiate a general conflagration." He said that a test-ban agreement would not actually guarantee an end to proliferation, but he did not think that the Soviet Union would sign a test-ban agreement unless it shared the American view that a test ban might be "a weight in the scale against proliferation."[2]

In his opening statement at the ENDC, ACDA Director Foster saw some reason to hope for success. The Khrushchev-Kennedy letters provided a common basis for negotiation. Both sides now agreed on the use of nationally owned and operated detection networks, which "would submit data regularly and in a uniform manner to an international data-collection centre." They agreed on the use of automatic seismic stations to supplement the data collected by national stations. They also agreed that there should be an annual quota of on-site inspections.

He pointed out that the area of disagreement centered on the number of automatic seismic stations and the size of the on-site inspection quota. Here the Soviet Union still insisted on only three automatic stations and two or three inspections. Mr. Foster reaffirmed the previous American offer to agree to seven automatic stations under certain conditions. The United States still regarded up to 10 inspections as necessary but would reexamine the question if the Soviet Union produced scientific information that substantially reduced the number of unidentified seismic events.

Recalling that the President had clearly indicated the inadequacy of the Soviet inspection quota in his December 28, 1962, letter, Mr. Foster could not understand why the Soviet Union decided to participate in the January talks if its position was inflexible. He stressed that flexibility was needed at Geneva. During the past 3 years the United States and the United Kingdom had repeatedly modified their verification proposals:

"The United States and United Kingdom delegations have thus shown that they can be flexible within the rock-bottom limits imposed by the present state of scientific knowledge in seismology. However, we must know the parameters of the problem with which we are grappling. We must see in clear detail how many seismic events the proposed world-wide system will be likely to detect and identify so that we will have some idea of how many residual unidentified events will be eligible for inspection. We cannot accept any number of inspections in the annual quota which does not allow the inspection of a reasonable proportion to such events. We must also ask about the general outline of provisions to be adopted to determine how on-site inspections will work in practice before we can commit ourselves to any fixed number of automatic recording stations and on-site inspections."

He denied the Soviet charge that the West wanted discussion of technical details in order to postpone agreement. Many important features of verification were "not mere details at all, but . . . essential to ensure the effectiveness of inspections as a deterrent and as a contribution to the confidence of both sides." A sensible agreement on an inspection quota was not possible, he said, until the following characteristics of the inspection process were known: (1) the nationality of the inspection teams, (2) the criteria which made seismic events eligible for inspection, (3) the size of the area to be inspected, and (4) the arrangements for selecting events for inspection. Although the general Western position on these issues was known, he concluded, the Soviet Union had so far refused to comment on any of them.[3]

The immediate Soviet response was not encouraging. First Deputy Foreign Minister Kuznetsov declared that the Soviet proposals for automatic seismic stations and two or three on-site inspections showed the sincere interest of the U.S.S.R. in reaching agreement. He demanded that the United States state clearly whether it really wanted a test-ban treaty, and he asserted that it had not done so during the January talks. He also charged that the recent resumption of American underground testing violated the General Assembly resolution and left no doubts as to the intentions of the United States.[4] A Tass statement of the same date made a similar argument.[5]

THE U.A.R. QUESTIONS

Feeling that the nuclear powers should clarify their positions, the U.A.R. representative asked them the following questions:

1. Could they confirm that the area of agreement achieved in the previous negotiations still existed?

2. Why would four or five on-site inspections be more dangerous to state security than two or three?

3. Why would not four or five inspections be as adequate to deter violations as eight or ten?

4. Had the West merely prodded the U.S.S.R. to accept the principle of a very small inspection quota?

5. When would on-site inspections be necessary in practice?

He suggested that compromise solutions could be found on the issue of whether to discuss the inspection quota or procedures first: The nuclear powers could submit new draft treaties or working papers, or they might work out a common draft with brackets indicating unagreed language, as had been done with the draft treaty on general and complete disarmament.[6]

Mr. Foster replied along the following lines:

1. With "certain notable exceptions," considerable progress had been made on technical issues prior to November 28, 1961, but "any apparent measure of agreement" was overturned by the Soviet proposal of that date. Difficulties would be reduced if the Soviet Union now agreed to "advance its position from where we were in November 1961."

2. Since there was no "intrinsic security disadvantage" in on-site inspection, there was no reason why a larger number could not be accepted under proper safeguards.

3. It might be possible to reduce the number of inspections the United States had requested, but the Soviet proposal fell below the fraction required for deterrence.

4. The United States and the United Kingdom had indeed urged the Soviet Union to accept the principle of on-site inspection in order to reestablish a common basis for negotiation. Once it had done so, however, "we concluded that the question of numbers within reasonable limits would make little difference to the Soviet Union." The West also felt that the modalities of inspection "would present little problem if the Soviet Union honestly agreed to the principle of on-site inspection."

5. The Western position on inspection had previously been made clear to the Soviet Union. Mr. Foster summed it up as follows:

"The United States and the United Kingdom believe that national detection networks assisted by automatic seismic stations will detect and locate annually a large number of seismic events whose origin cannot be determined from seismic readings alone. Located events will be those whose signals have the characteristics of waves from earthquakes or explosions, are consistent in time and are recorded at a sufficient number of detection stations to establish the approximate position and time of the seismic event. Secondly, we indicated that some events might be discarded from that group of located events on the basis of certain characteristics which can be determined from seismic records. Finally, events which have been located and which have not been discarded through the employment of agreed criteria, which I have just described, would be inspected if selected by

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the other side. No military purpose lies behind our suggestion that the other side should choose the events eligible for inspection; we have indeed already made it clear that we are willing to conclude arrangements to exclude sensitive areas."

The Soviet Union had apparently implied a system of this kind when it first proposed an inspection quota in 1960, but the present Soviet position was not known.

Mr. Foster announced that the United States would be willing to adopt any of the procedures suggested by the U.A.R. representative, and he urged the Soviet delegation to consider them carefully.[7] The Soviet Union did not comment.

U.S. OFFER OF SEVEN ON-SITE INSPECTIONS

Without waiting for the Soviet Union to express its views on other issues, the United States decided to specify a new on-site inspection quota. Mr. Foster met Mr. Kuznetsov privately and explained the American position on the inspection system. In the context of that kind of verification framework, he told Mr. Kuznetsov, the United States would be willing to accept an annual quota of seven on-site inspections.[8]

THE SOVIET POSITION

On February 22 Mr. Kuznetsov assured the Eighteen Nation Disarmament Committee that the Soviet Union still favored the cessation of tests. His statement showed, however, that there had been no change in the Soviet position. He maintained that national means alone were sufficient to insure effective control of all types of tests. Since this was so, he continued, Western inspection demands were really "attempts to achieve some other purpose" or to block agreement.

The Soviet Union was willing to accept a limited amount of international control as an "important political concession" to the West. Mr. Kuznetsov repeated previous Soviet offers to accept an annual quota of two or three on-site inspections, three automatic seismic stations, and an international commission of scientists. He denied that there was any scientific justification for the Western position, and he emphatically declared that the number of on-site inspections and automatic seismic stations was not a subject for bargaining.

Mr. Kuznetsov said it was up to the United States to "take the first constructive step and to reach agreement on the basis of the compromise which it has itself proposed"—a reference to the two to four inspections Ambassador Dean had allegedly offered him in October, according to the Soviet version. He opposed Mr. Foster's proposal to discuss inspection procedures before deciding on the number of inspections. Although he agreed that inspection procedures would have to be settled, he took the position that the basic questions should be dealt with first.

Finally, he renewed previous Soviet charges that continued underground testing by the United States prejudiced the negotiations. And he opposed reconvening the tripartite subcommittee, as the Western Powers had proposed. Instead, he advocated continued discussion of the test-ban question in the plenary conference.[9]

Ambassador Stelle denied that American underground tests made negotiations difficult. In this connection, he recalled that the United States and the Soviet Union had agreed on the Joint Statement of Agreed Principles and the composition of the Eighteen Nation Disarmament Committee during the Soviet tests of 1961. On the other hand, experience with a moratorium had not been satisfactory:

". . . From 1958 to 1961 the United States and the United Kingdom negotiated in good faith for a nuclear test ban treaty under conditions of a unilateral moratorium. During a long part of the time, at least towards the end of that period, the Soviet Union was preparing actively for a massive resumption of tests. Past experience does not seem to indicate that a moratorium is useful for negoatiations. . . ."[10]

The way to stop tests was to "achieve a sound test ban treaty."

He said there was no dispute between the United States and the Soviet Union on the use of national detection systems. In defending their merits, Mr. Kuznetsov was "banging on an open door." The United States did not, however, accept the Soviet claim that national systems could identify all seismic events. American scientists believed there would still be a residue of events which could be identified only by on-site inspection.

As for the on-site inspection issue, he pointed out that the United States and the United Kingdom had progressively reduced their demands but that the current Soviet proposal for two or three inspections was essentially the same as the quota originally proposed by the Soviet Union. But this figure had never been acceptable to the United States, as Mr. Kuznetsov suggested. Ambassador Stelle said the United States regretted the misunderstanding that had arisen regarding the Dean-Kuznetsov talks, but that this misunderstanding should have been removed by the President's letter of December 28, 1962. "The number of two or three on-site inspections," Ambassador Stelle stated, "has never been acceptable, and is not acceptable, to the United States."[11]

In Washington, the United States Arms Control and Disarmament Agency commented that Soviet rejection of subcommittee negotiations was a discouraging development. The Soviet Union appeared to demand acceptance of its proposals on the numbers of on-site inspections and automatic seismic stations as the only condition on which agreement could be reached. The Agency declared:

"We have made it clear that we cannot accept these figures. The United States is directing its efforts to working out a sound and reliable agreement. We are prepared to negotiate on all elements of the necessary verification system and it is the system as a whole which must be reliable. We regret the unwillingness of the Soviet Union to discuss this wider range of questions."[12]

In spite of Soviet adamancy, the United States persevered with its efforts to reach agreement. President Kennedy remained convinced, as he told his news conference on March 21, 1963, that this was one way to discourage nuclear proliferation:

". . . the reason why we keep moving and working on this question, taking up a good deal of energy and effort, is because personally I am haunted by the feeling that by 1970, unless we are successful, there may be 10 nuclear powers instead of 4, and by 1975, 15 or 20.

"With all of the history of war—and the human race's history unfortunately has been a good deal more war than peace—with nuclear weapons distributed all through the world, and available, and the strong reluctance of any people to accept defeat, I see the possibility in the 1970s of the President of the United States having to face a world in which 15 or 20 or 25 nations may have these weapons. I regard that as the greatest possible danger and hazard."[13]

ANGLO-AMERICAN MEMORANDUM OF POSITION APRIL 1, 1963

During the month of March, the American and British delegations at Geneva developed the Western position on the modalities of inspection. The Soviet delegation, adhering to the position set forth in Mr. Kuznetsov's statement of February 22, persisted in refusing to discuss modalities unless the West accepted its proposals for two or three inspections and three automatic seismic stations.

On April 1 the American and British delegations submitted a memorandum describing the arrangements they proposed for inspection on the territory of the United States, the United Kingdom, and the Soviet Union. The memorandum stated the following general principles:

"1. There now exists a new basis for agreement on a nuclear weapon test ban arising from the exchange of letters between Chairman Khrushchev and President Kennedy. Under this basis for agreement each nuclear side also would place primary reliance on its national detection stations for the collection of seismic data, supplemented by the use of automatic seismic stations. Each nuclear side would use a small number of on-site inspections to check the nature of potentially suspicious unidentified events. It is a system which differs from the kinds of systems under discussion by this Conference before the last recess.

2. The United Kingdom and the United States have also indicated that, under certain conditions related to the conduct of inspections, they would accept an annual quota of seven on-site inspections in the territory of each nuclear power. This reduction in the number of inspections emphasizes the need to maximize the deterrent effect of each on-site inspection. This, in turn, will enhance the feeling of confidence each nuclear side will have in the verification system, and, consequently, in the fact that treaty obligations are being observed.

3. With this end in view, the position of the United Kingdom and the United States is strongly influenced by the concept of reciprocal inspection, in accordance with which each nuclear side plays a primary role in the arrangements concerning on-site inspection in the territory of the other. Members of the international staff of the commission would also participate in the inspection."

The memorandum outlined the following procedures for on-site inspection: Within 60 days after a seismic event occurred, a state could designate it for inspection. The designating state would send a statement to the international commission indicating the time and place of the event, accompanied by technical data including "four clearly measurable and mutually consistent arrival times" and "P-wave arrival times at three different stations," as had been provided in article VIII of the Anglo-American draft comprehensive treaty of August 27, 1962. The statement would indicate that the event could not be identified as an earthquake, by the use of agreed criteria to be listed in the treaty.

The international commission would transmit the statement to the state on whose territory the event had occurred, and that state would have 1 week to provide any data it wished to submit. During that week the designating state could send its personnel, accompanied by international staff, to retrieve data from the automatic seismic stations.

The designating state would have one more week to analyze any additional data provided by the other state or obtained from the automatic stations. During this week, it would have to decide whether to select the event for inspection. If it decided to do so, it would make a new statement describing the area selected for inspection, which would not exceed 500 square kilometers. It would also inform the receiving state of the time and place of arrival of the inspection team.

The receiving state would have 5 days to reply. In its reply, it would set forth arrangements for the reception of the inspection team. It could also indicate if a sensitive installation was located in the area to be inspected. If it did this, the designating state would have the right to cancel the inspection without loss to its quota. A state which felt that the procedure for excluding sensitive installations was being abused could withdraw from the treaty.

As the United States had previously indi-

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cated, the receiving state would provide transportation to the site of the inspection, and it could institute security safeguards in transit, provided that the inspection team got to the site promptly. The team would "consist partly of persons from the inspecting nuclear side and partly of persons from the international staff." At least 14 members, including the team leader, would come from the "designating nuclear side." The host country could assign observers to accompany the team at the site.

In the area, the inspection team would carry out ground and low-level aerial observation for any evidence of a nuclear test. Unless drilling was required, it would have to complete its activities in 6 weeks. If drilling were necessary, the team leader would notify the host country. After the inspection was over, the team leader would submit a report to the international commission within 30 days.

The Anglo-American memorandum also outlined the way in which automatic seismic stations could be set up in the United States and the Soviet Union. Each nation would build the stations on its own territory, "in accordance with agreed specifications." Recorders and instruments would be provided by the other nuclear side. There would be seven stations in the Soviet Union and seven in the United States.

Each station would consist of a sealed vault and a separate structure. The host country would transmit information from the unsealed instruments to the international commission and the other nuclear states at frequent intervals. The other side would have the right to visit each station eight times a year to obtain data from the sealed instruments. The stations "could also be visited within the annual limit for routine recovery of data, maintenance, calibration of instruments, installation of improved instrumentation or checking of seismic noise levels." [14]

Ambassador Tsarapkin declared that the memorandum was not aimed at opening the way to an agreement. In his view, it showed that the Americans and British persisted in "maintaining their old position in regard to . . . an increased number of annual inspections and automatic seismic stations." He accused them of trying to "impose a discussion of technical matters on the Committee." He again emphasized that it would be a "sheer waste of time" to discuss technical matters "in the absence of agreement on the main questions." He also attacked the scientific validity of the Western position.[15]

SCIENTIFIC BASIS OF THE WESTERN POSITION

The Western position had changed greatly since 1961; because of revised scientific findings, the Western Powers had reduced the annual number of inspections from 20 to 7. The magnitude of the change was even greater than these figures indicated: The Anglo-American draft treaty of April 18, 1961, called for the inspection of 20 events above the threshold of seismic magnitude 4.75 (equivalent to the 19 kilotron explosion).[16] There was to be a moratorium on subthreshold testing while further seismic research was carried out, with the expectation that the threshold would later be lowered or eliminated.

Later, the United States and the United Kingdom amended the draft treaty to take account of the possibility that the number of seismic events on Soviet territory above the threshold might be smaller than the 100 they then estimated. The amendment proposed a sliding scale of 12–20 inspections per year, depending on the number of unidentified events above the threshold.[17] Thus, under this proposal, about one-fifth of the unidentified events above the threshold would be inspected.

In March 1962, at the beginning of the negotiations in the Eighteen Nation Disarmament Committee, the United States offered to drop the threshold without increasing the number of on-site inspections.[18] As we have seen, the United States indicated in August 1962 that it was willing to further reduce the number of inspections if the Soviet Union accepted the principle of obligatory on-site inspections.[19] There was no threshold in the Anglo-American draft comprehensive treaty of August 27, and the number of on-site inspections was left blank.[20] On October 30 Ambassador Dean suggested 8–10 inspections to Mr. Kuznetsov, and in February 1963 Mr. Foster offered him a quota of 7 inspections.[21]

There were those in the United States who felt that the reduction of the number of on-site inspections was a dangerous concession. Speaking in the United States Senate on March 7, Senator Humphrey answered these critics. He reviewed the negotiations and pointed out that the number of unidentified seismic events was now much lower than had formerly been believed. He therefore maintained that the quota of seven inspections proposed by Mr. Foster was entirely adequate:

". . . It is argued that the number of inspections being proposed by the United States is not adequate. The number of inspections is adequate when one compares the number with the total number of events in the Soviet Union that would be highly suspicious. At one time the United States proposed to have 12 to 20 inspections when it thought there might be as many as 70 to 100 unidentified underground events equal to a 19-kiloton explosion. At the same time we proposed not to inspect for 3 years any event which was below this size. In other words, for a 3-year period we were willing to forego inspection altogether for all small underground tests. And we were proposing to inspect roughly 1 out of 5 unidentified events above the equivalent of 19 kilotons.

Today we are proposing that all unidentified events be subject to inspection—no more moratorium; no threshold—even though we presumably are not worried about small tests any more than we were then. We simply think this provides greater deterrence to a cheater. As to large seismic events, the number of those that are really most suspicious, that is, that give no indication of being an earthquake, number only about a dozen, as compared with the previous estimate of from 70 to 100. We can easily maintain the same ratio of inspections to number of events and have some inspections left over for the smaller events." [22]

On April 1 Ambassador Tsarapkin attempted to exploit Senator Humphrey's speech to support the Soviet position. He argued along the following line: The United States had previously taken the position that one-fifth of the unidentified seismic events should be inspected. Senator Humphrey was now saying that there would be only about a dozen important and suspicious unidentified events each year in the Soviet Union. Hence, in Tsarapkin's view, the Soviet proposal of two or three inspections was quite adequate:

"The rest is a matter of simple arithmetic. If the number of such events in the Soviet Union is about a dozen, that is ten to twelve a year, then if we apply the aforementioned ratio—to verify one event out of five—we find that the number of inspections per year should not be more than two to two and a half. As you see, the figure of two to three inspections a year proposed by the Soviet Union represents a very generous response on the part of the Soviet Union, and on that basis it should be possible to reach agreement without delay." [23]

Ambassador Stelle replied that the "highly suspicious" 12 seismic events mentioned by Senator Humphrey had been selected from "a much larger group of events above seismic magnitude 4.75 which had been detected, located and not eliminated as earthquakes on the basis of the seismic data." Moreover, the detection threshold was no longer 4.75, but 4.0—equivalent to a 2 kiloton explosion in tuff. Consequently, he pointed out, "This system would detect a considerably larger number of events in the Soviet Union, including a large number which would not have been identified as earthquakes." There could be as many as 150 unidentified events each year in the Soviet Union, "some of which would be more suspicious than others." Ambassador Stelle hoped that there would be no further Soviet attempts to "twist Senator Humphrey's statement" and make it appear that "he somehow differed from the United States delegation" on this question.[24]

Testifying before the Joint Committee on Atomic Energy in March 1963, Assistant ACDA Director Long explained that the number of earthquakes in the Soviet Union of a given magnitude was 2½ times smaller than had previously been believed. Excluding those earthquakes whose depth of focus could be determined as 60 kilometers or more, there would be about 170 shallow earthquakes in the Soviet Union each year greater than seismic magnitude 4.0 (equivalent to a 1 kiloton explosion in tuff). But not all 170 seismic events would be equally suspicious. About 55 percent of them would give some seismic evidence of natural origin and could therefore also be excluded. That would leave 75 for which there was no evidence of natural origin. For such geographical reasons as proximity to foreign countries, 45 of these could also be ruled out, leaving a hard core of about 30.[25]

SOVIET POSITION HARDENS

Any hope that the Soviet Union might yet adopt a more flexible position on the inspection issue was dampened by an interview of April 20 between Premier Khrushchev and the editor of *Il Giorno*. In this interview, Premier Khruschev repeated the Soviet charge that the United States had reneged on an offer of two to four inspections. He therefore denied that the American proposal of seven inspections was a concession, since the United States was really "stepping backward." He warned that the question might arise on the Soviet side of "whether we too should not return, as did the United States, to our own former positions and withdraw our assent to the holding of two to three inspections a year, since we are firmly convinced that national means are sufficient for the detection of all kinds of nuclear tests." [26]

The United States and the United Kingdom nevertheless made a new demarche through their embassies at Moscow. As President Kennedy described it at his news conference of April 24, "the United States made proposals for intensification of the negotiations and suggested some procedures by which those negotiations might be speeded up." He was "not overly sanguine about the prospects for an accord." He and Prime Minister Macmillan had written to Premier Khruschev "in an effort to see if we could develop some means by which we could bring this matter to a climax and see if we could reach an accord . . . to prevent diffusion." [27]

On May 8 the President told his news conference that he was "not hopeful at all." He thought it would be a "great disaster" if there was no agreement that year: "If we don't get it now, I would think perhaps the genie is out of the bottle and we'll never get it back in again." [28] Two weeks later, he said that the genie was "neither in nor out right now, but . . . we'll know by the end of summer whether it's finally out." [29]

AFRICAN SUMMIT RESOLUTION

Other states showed a continuing interest in the test ban. The African Summit Conference, meeting at Addis Ababa, resolved

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on May 25 to "oppose all nuclear and thermonuclear tests."[30]

TRIPARTITE JOINT MEMORANDUM, JUNE 10, 1963

The three African members of the Eighteen Nation Disarmament Committee—Ethiopia, Nigeria, and the U.A.R.—spelled out their views in a joint memorandum of June 10. They were convinced that the nuclear powers could reach a comprehensive agreement, "under satisfactory and safeguarded conditions," in the immediate future. They found that the positions of the two sides were close and stated that the world would "not understand or condone their failure to bridge the residual final gap."

They believed that a test-ban treaty would inhibit the spread of nuclear weapons, end radiation hazards, and release energy and funds for peaceful endeavors. They felt that high-level direct contacts between the nuclear powers would be of great help, and they urged them not to "let this propitious moment slip away." They appealed for consideration of the suggestions of the nonaligned countries.

On the key issue of inspection, they stated that science might show in the future that on-site inspections were unnecessary. "For the time being, however," they recognized that "three, four or so, yearly truly effective inspections—or an adequately proportionate figure spread over more years" might be needed. They urged the nuclear powers to "accept a reasonable compromise-quota of inspections contingent upon . . . effective modalities on inspection."

They stated that agreement on modalities should be sought in the following areas: (1) location of seismic events, (2) criteria of eligibility for inspection, (3) composition and role of the International Scientific Commission, (4) procedures for initiating inspections, (5) composition of inspection teams, (6) conduct of inspections, (7) size of the inspected area, and (8) safeguards against abuse of inspections.[31]

VIEWS OF THE EIGHT

The views of the Eight were summarized in a paper circulated by the Secretariat on June 10. None of them denied the need for on-site inspections. Some suggested possible compromises on the size of the annual inspection quota. Ethiopia suggested that the quota might vary between a minimum of three and a maximum of eight inspections a year, and the U.A.R. did not see why both sides could not accept a quota of 4–5 inspections. There might be a sliding scale, with the quota increasing or decreasing over a period of years, Sweden suggested. That nation also noted the possibility of tying the quota to a longer period of time than 1 year. India suggested a clause providing for reexamination of the quota after the first year. Both Brazil and Sweden emphasized the need for technical discussions, and several countries made suggestions on procedures for discussing inspection quotas and the modalities of inspection.[32]

DODD-HUMPHREY RESOLUTION

Meanwhile, the apparent deadlock on the issue of on-site inspections led to renewed interest in a limited treaty. On May 27 Senator Dodd (Dem., Conn.) and Senator Humphrey (Dem., Minn.), joined by 32 other Senators of both parties, submitted a resolution proposing an agreement to ban tests in the atmosphere and underwater, where testing could be monitored without on-site inspections on Soviet territory. Even if the Soviets rejected this proposal, the resolution continued, the United States should publicly declare that it would not conduct atmospheric or underwater tests as long as the Soviet Union abstained from them. Finally, the resolution stressed the need for the United States to be prepared if the Soviet Union suddenly resumed atmospheric or underwater testing.[33]

PRESIDENT KENNEDY'S AMERICAN UNIVERSITY SPEECH

Following the earlier initiatives of the United States and the United Kingdom in Moscow, President Kennedy announced in a speech at American University on June 10 that the United States, the United Kingdom, and the Soviet Union had agreed to high-level discussions at Moscow "looking toward early agreement on a comprehensive test ban treaty." At the same time, he declared that the United States would not conduct nuclear tests in the atmosphere as long as other states did not do so. The President added that this was not a "substitute for a formal binding treaty," but he hoped that it would "help us achieve" one—just as a test-ban treaty, though no substitute for disarmament, could lead to it.

The President said that the test-ban treaty was the "one major area" where the end was in sight, and he emphasized the importance of the treaty:

". . . The conclusion of such a treaty—so near and yet so far—would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security; it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards."

* * * * *

"While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both. No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can, if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers, offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

The United States, as the world knows, will never start a war. We do not want a war. We do not now expect a war. This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of annihilation but toward a strategy of peace.[34]

THE SOVIET REACTION

The President's speech was published in *Pravda* and *Izvestiya*, and it attracted considerable attention in the Soviet Union. In a press interview of June 15, Premier Khrushchev said that the speech was "a step forward in a realistic appraisal of the international situation and stressed the need of finding ways to rid mankind of the arms race and the threat of a thermonuclear war." He stated, however, that the Soviet position on verification for an underground test ban remained unchanged. The Soviet Union still refused to "throw open" its territory "for inspection for the purpose of espionage." Although the Soviet Union regarded national facilities, combined with automatic seismic stations, as a "dependable guarantee" to detect any violations, it had offered to agree to 2–3 inspections as a political concession. Premier Khrushchev regretted that the West had not "properly appreciated" this offer, and he said that the success of the forthcoming Moscow negotiations depended on the United States and the United Kingdom.[35]

FOOTNOTES

[1] *Documents on Disarmament, 1963*, p. 31.

[2] *Ibid.*, p. 59.

[3] *Ibid.*, pp. 33–38.

[4] *Ibid.*, pp. 44–47.

[5] *Ibid.*, pp. 50–51.

[6] ENDC/PV.99, pp. 12–17.

[7] ENDC/PV. 100, pp. 6–9.

[8] *Documents on Disarmament, 1966*, p. 76.

[9] *Ibid.*, pp. 60–72.

[10] ENDC/PV. 101, p. 42.

[11] *Ibid.*, pp. 41–45.

[12] *Documents on Disarmament, 1966*, pp. 72–73.

[13] *Ibid*, p. 113.

[14] *Ibid.*, pp. 141–145.

[15] ENDC/PV. 119, pp. 25–26.

[16] *Geneva Conference*, pp. 489–490.

[17] *Ibid.*, pp. 537–538.

[18] *International Negotiations*, pp. 200–201.

[19] See *ante*, p. 12.

[20] *International Negotiations*, p. 293.

[21] See *ante*, pp. 44–45.

[22] ENDC/82, p 32.

[23] ENDC/PV.116, p. 21.

[24] ENDC/PV.119, pp. 16–17.

[25] *Documents on Disarmament, 1963*, pp. 86–88.

[26] *Ibid.*, pp. 174–175.

[27] *Ibid.*, pp. 181–182.

[28] *Ibid.*, p. 183.

[29] *Ibid.*, p. 194.

[30] *Ibid.*, p. 195.

[31] *Ibid.*, pp. 203–206.

[32] *Ibid.*, pp. 206–214.

[33] S. Res. 148, 88th Cong., 1st sess.

[34] *Documents on Disarmament, 1963*, pp. 215–222.

[35] *Ibid.*, pp. 222–228.

CONCLUSION OF THE LIMITED TEST-BAN TREATY: BACKGROUND

On June 21, 1963, the ENDC recessed to await the outcome of the Moscow negotiations among the United States, the United Kingdom, and the Soviet Union. Before the negotiations got under way, there was a significant change in Soviet policy. As we have seen, the Soviet Union rejected the Anglo-American proposal of August 27, 1962, for a treaty limited to tests in the atmosphere, in outer space, and underwater, and insisted on a comprehensive treaty, without accepting the on-site inspections that the West considered necessary for monitoring a ban on underground tests.

After the Cuban crisis, important changes in the positions of both sides made it seem for a time that it might be possible to agree to a comprehensive treaty. The Soviet Union offered to accept automatic seismic stations on its territory and to agree to a small number of on-site inspections each year. The United States dropped its demand for international supervision of nationally manned posts and reduced the size of the annual inspection quota it had previously proposed. In spite of this rapprochement, however, the ENDC negotiations became deadlocked because the Soviet Union adamantly refused to discuss any other issues unless the West accepted its proposals for 3 automatic stations and 2–3 inspections, and the West considered these numbers inadequate.

SOVIET UNION OPTS FOR LIMITED TREATY

Speaking in Berlin on July 2, 1963, Premier Khrushchev again accused the West of demanding inspections for intelligence purposes and declared that the Soviet Union would "never open the doors to NATO spies" and that this was "not a subject of bargaining." At the same time, however, he announced that the Soviet Union now favored a limited treaty, since a comprehensive treaty seemed to be impossible:

"Having carefully weighed up the situation, the Soviet Government, moved by a sense of great responsibility for the fate of the peoples, declares that, since the Western

Powers are impeding the conclusion of an agreement on the cessation of all nuclear tests, the Soviet Government expresses its readiness to conclude an agreement on the cessation of nuclear tests in the atmosphere, in outer space and under water."

TOP BUSINESSMEN OPPOSE LOCKHEED BAILOUT

Mr. PROXMIRE. Mr. President, the top businessmen in the country are strongly opposed to the unprecedented Lockheed bailout being proposed by the administration. According to the Wall Street Journal, opposition to Federal loan guarantees for the Lockheed Corp. was almost universal on the part of the prestigious Business Council during its annual meeting at Hot Springs.

Business leaders considered the Lockheed loan guarantee to be a dangerous precedent. Mr. President, I could not agree more. The administration seems to be taking the position that large companies, merely because of their size, cannot be permitted to fail. If this becomes the official policy of the U.S. Government, the trend toward industrial conconcentration will be accelerated. Moreover, governmental interference in the corporate affairs of our Nation will be substantially increased. The Nation's top business leaders have good reason to be concerned about the Lockheed bailout. It could drastically weaken our free enterprise system.

During 1970, there were over 10,000 business failures of small and medium sized firms. No one has proposed that we guarantee these 10,000 firms against failure. Why should Lockheed be treated any differently? Why is the administration showing such favoritism to a firm which has consistently demonstrated managerial incompetence and bad judgment?

Mr. President, the Lockheed bailout would be a serious mistake. I hope the Congress will not go along with this latest attempt to protect big business from the consequences of their mistakes. Mr. President, I ask unanimous consent to place in the record the article from the Wall Street Journal describing the Business Council meeting.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADMINISTRATION'S BID TO BAIL OUT LOCKHEED IS WIDELY OPPOSED BY TOP BUSINESS LEADERS

(By Albert R. Hunt)

HOT SPRINGS, VA.—The nation's top business leaders overwhelmingly oppose the Nixon administration's effort to bail out Lockheed Aircraft Corp. with $250 million in loan guarantees.

This sentiment was repeatedly echoed, often privately, by members of the blue-ribbon Business Council at its spring meeting here. "There appears to be almost universal opposition to government intervention in the Lockheed situation," said one council member.

During the sessions the businessmen also expressed:

—Strong doubts that inflationary pressures are significantly receding and particular worry about the possibilty of a new burst of inflation next year.

—Continuing skepticism over the administration's forecast of a rapid economic recovery this year. They generally predicted that the unemployment rate will remain higher than 5% until late next year.

—Surprisingly little concern over the international monetary crisis, although several executives said the complexities of the situation baffled them.

—Deep concern over growing antibusiness sentiment in the country. But they were admittedly perplexed over how to cope with this problem.

A "DISTURBING PRECEDENT"

Many of the businessmen were plainly troubled by the Lockheed proposal. "As a precedent, it disturbs me," said Donald M. Kendall, president of PepsiCola Inc. and a close friend of President Nixon. Asked whether a Lockheed failure could dangerously undermine business confidence, he responded, "It would affect my confidence."

Some council members, including William M. Allen, chairman of Boeing Co. and Fred J. Borch, chairman of General Electric Co.. even were actively drumming up opposition to the administration's proposal, according to one participant at the meetings. GE reportedly has attacked the plan because Lockheed's L1011 plane would use a Rolls-Royce engine, which competes against GE's own jet engine.

Mr. Borch's opposition particularly antagonizes administration officials. "It seems pretty hypocritical that in the same week GE would ask Congress for reimbursement for its expenses on the supersonic transport plane, and then oppose any effort to help Lockheed," one administration man fumed.

But these officials conceded that the Lockheed proposal faces a tough uphill fight in Congress. "As of now, our chances are certainly less than 50–50," one insider said. Some top officials are known to believe the only chance for favorable congressional action is to broaden the proposal so other companies also could qualify for similar guarantees.

Over the weekend, Senate Democratic Majority Leader Mike Mansfield of Montana said it isn't "the function of a democratic government to pick up the tab for the failures of private enterprise," the Associated Press reported. But the Senate Leader added he "wouldn't be surprised" if Congress approved the Lockheed request.

GLOOM ON INFLATION

On the question of the economy, all the council's leaders voiced concern that although inflation appears to be abating somewhat, the problem is far from under control. "Inflation is still the No. 1 problem in this country and I'm frankly not optimistic about making much progress over the next year," one corporate executive said.

Irwin Miller, chairman of Cummins Engine Co., said wage and price controls are necessary to reduce the unemployment rate to the 4% level. Mr. Miller also called for a reinstatement of the 7% investment-tax credit in place of the administration's proposed liberalization of depreciation guidelines and suggested this should be accompanied by an increase in the corporate tax rate.

But George Shultz, director of the Office of Management and Budget, said he disagreed "sharply" with Mr. Miller's call for controls. He said inflationary pressures have been moderating "for a number of quarters." And at a press conference, Mr. Miller said the reaction of his fellow businessmen to these proposals was "substantially unfavorable."

Some of the economic advisers to the council, however, expressed concern that the current "expansionary forces could rekindle inflation in 1972," and generally agreed that "no increase in monetary and fiscal stimulus is currently required." These advisers reiterated their forecast of three months ago that the gross national product will total about $1.05 trillion this year, rather than the $1.065 trillion forecast by the administration.

JOBLESS RATE

The advisers predicted that real output will grow about 3% this year and that inflation "isn't expected to exceed 4.4%," down from last year's 5.3% pace. But they predicted only a "moderate drop" in unemployment to about 5.5% by year-end. On Friday, the Labor Department reported the jobless rate edged up to 6.1% last month from 6% a month earlier.

In response to questions, R. V. Hansberger, president of Boise Cascade Corp. and chairman of the council's economic committee, said the jobless rate will remain above 5% until "late 1972." The Nixon administration has said the unemployment rate will be in the area of 4% by the middle of next year.

The business leaders also forecast a "weak third quarter" this year because of the current heavy steel buying in anticipation of any possible strike. But the economic consultants agreed a steel strike would have only a "very minor impact" on the economy, Mr. Hansberger said.

THE MONETARY ENIGMA

The businessmen said they were watching the international financial situation closely, but voiced few hard opinions on this subject. "It's all so complex it's difficult to figure out what's happening," confessed one corporate chieftain.

Vice President Spiro Agnew, however, told the businessmen the international problems wouldn't be allowed to impede U.S. economic growth. "We shall continue to take appropriate action to reduce the temporary glut of dollars abroad," the Vice President said in a prepared text for his dinner address to the business leaders. "But what we will not do is put the U.S. economy through the wringer in order to deal with a temporary situation."

Much of the three-day meeting was spent discussing the increasing public criticism of business. Thomas W. Benham, executive vice president of Opinion Research Corp., told the businessmen that surveys show an increase in antibusiness sentiment in every year since 1965.

Most of the business leaders agreed that business' image problems largely are caused by the increased interest in consumerism and envronmental matters and by the problems of inflation. And a number of businessmen conceded that some of the criticism was legitimate.

CHALLENGE TURNED DOWN

There wasn't any consensus, however, on how to deal with this problem. C. B. McCoy, chairman of Du Pont Co., suggested that "head-to-head contact with critics" is often desirable. But a short while later, at a press conference, James M. Roche, Chairman of General Motors Corp., turned down a debate challenge issued a few weeks ago by consumer advocate Ralph Nader. "I see no benefit in anyone from General Motors debating Mr. Nader," he said, asserting that GM always has responded to Mr. Nader's many criticisms of the company.

Ironically, the staunchest defender of business turned out to be a government official—Commerce Secretary Maurice H. Stans. He said surveys show that business "is more than 99.44% pure" in that buyers are fully satisfied with transactions. Pressed on this point, Mr. Stans later conceded this was only his own "personal estimate."

Despite differences over the Lockheed proposal and the economy, the businessmen generally expressed satisfaction with President Nixon. A number, however, were less enthusiastic about Mr. Agnew. "The vice President has said a lot of things that needed to be said," observed one council member. "But I think he's really polarized the country," he added. In contrast, many businessmen heaped lavish praise on Treasury Secretary John B. Connally, who canceled his scheduled appearance before the group because of the international financial crisis.

THANK YOU, MR. HOOVER

Mr. HANSEN. Mr. President, since the Russian Revolution during the second decade of this century, the Communist Internationale has always marked the month of May as a time for special notetaking and displays of power. We have all, on occasion, been witnesses to news releases and television films of May Day parades and agitation throughout the world on these occasions. There is one date during this month which Communists and criminals alike look upon with something less than appreciation. That date is, of course, today, which marks the date that the Honorable J. Edgar Hoover became Director of the Federal Bureau of Investigation.

It is more than coincidental that as the head of the greatest law enforcement agency in the world stands at the helm today, those who do not wish to live within the legal processes that have made this Nation great, seek to cause his downfall through false criticism and wild, unsubstantiated allegations.

The Nazi saboteurs, who were literally plucked from the sea by the FBI under Mr. Hoover's leadership, were unsuccessful in forestalling our defense programs during the dark days of World War II. The Russian explosion of the atomic bomb was linked directly to American quislings exposed by the FBI. It goes without saying that the very name of J. Edgar Hoover and the initials FBI have struck terror in the hearts of untold thousands of criminals.

If we were to look at a day-by-day account of Mr. Hoover's activities over the past almost half a century, it would read like a chronicle of American history. From the days of "Ma" Barker and Alvin Karpis through the present days of Bernadine Dohrn, he has been there in the very front rank.

Each American citizen should hope that his leadership, which is a symbol for law and order, continues as long as his health permits.

Throughout government our responsibilities have multiplied manifold over the years. Our entire country has moved from a primarily agrarian one to a highly mobile and industrialized society. As the fragile variables of our times have changed and been tossed like petals in the wind, the stalwart integrity and unfailing dedication to duty of Mr. Hoover have withstood the passage of time. Although lawless few have attempted to discredit with unrelenting criticism through the years, the integrity of this single man has provided the moral leadership and example for thousands of men who have been privileged to call themselves FBI agents.

On this occasion, I wish to take a moment from our busy schedule to say quite simply—Thank you, Mr. Hoover.

DISASTROUS DROUGHT IN TEXAS

Mr. BENTSEN. Mr. President, a disastrous drought is gripping much of my State of Texas. It is one of the worst natural disasters in recent years. As a result of the drought, many of the State's ranchers and farmers face economic ruin, many small businessmen in the drought-stricken areas are in financial straits, and many farm workers face continued unemployment.

The drought is one of the worst natural disasters in Texas in recent memory. Congress passed legislation which provides the kind of aid needed in such disasters, but that aid is contingent on the initiation of the program by the President.

I have repeatedly called on President Nixon to declare the affected areas of Texas as a major disaster area in order that the many programs could be effected. The Governor of Texas has formally requested such a declaration.

The President has not responded. About all that has come from the administration has been publicity efforts. The Department of Agriculture has taken a few modest, but very ineffective, steps to help.

I fear that the President and his advisers are not fully aware of the dimensions of the terrible drought which grips much of my State, and parts of other States. In the hope that someone at the White House follows the Congressional Record, I ask unanimous consent that the article from Business Week of April 24 be printed in the Record. I call special attention to the comment that many farmers have lost their farms because of debts resulting from the drought.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bitter Harvest in the Southwest

An unseasonal spring drought stretched across a massive section of the southern U.S. this week, causing fires in some states and concern for cotton, cattle, and wheat production in others.

Fires burned out of control in the Florida Everglades, destroying wildlife and recreational areas and even closing a west Miami freeway because of thick smoke. Parts of Southern California, which usually has flash fires in the fall, not the spring, were also in danger.

Most concern was focused in the southwestern states of Oklahoma and Texas, leading producers of cotton, cattle, and wheat. Agriculture Dept. officials estimated that crops worth as much as $4-billion may have been lost. So far, cattle prices have held remarkably steady, but Everette B. Harris, president of the Chicago Mercantile Exchange, says he expects that a shortage of milo grain will drive up its price, and subsequently the price of meat in three to six months. Milo grain is an important feed for fattening cattle before they are sold.

In Texas, State Agricultural Commissioner John C. White says that $500-million of the $4-billion the state expected to earn from agriculture this year is threatened. Texas produces almost one-third of the country's cotton, and many nonirrigated fields in the state have been too dry to plant. Now planting deadlines have either passed or are looming perilously close. In addition, many of the state's 11-million beef cattle are in danger of starving on the parched land.

"We're just now getting our livestock industry back in shape after the drought of the Fifties," says White. "Now we're on the brink of liquidating some pretty good herds."

FEED SHORTAGE

In Texas and Oklahoma, wheat losses are expected to reach $100-million, according to the Agriculture Dept., which says the diminished crop comes at a critical time. Last year about 15% of the nation's corn was lost to the Southern corn leaf blight, and USDA officials say the damage this year may run even higher. Cattle feeders had hoped to use more wheat for fattening steers.

"Nobody's going to say exactly what will happen to the crops now," says Claude Freeman of the Agriculture Dept.'s grain division, "but in the meantime, those markets sure are going to be bullish as far as price is concerned."

There was some hope for relief during the week as thunderstorms, hailstorms, and tornadoes—and sometimes rain—hit parts of the affected area, but generally the rain was too light and scattered. "One rain can't break a drought," says White. "It would take several substantial rains over a period of weeks to bring our row crop situation back to anywhere approaching normal."

Cattle are also suffering and are being rushed to market without being fattened. Many Texas and Oklahoma ranchers have culled their herds, and some have sold out completely. There have been record cattle sales in such livestock centers as San Antonio, Fort Worth, and Oklahoma City. But when rains fell a week ago, cattlemen who had brought their animals to auction in San Angelo, Tex., loaded them up again and took them back to the ranges.

William McMillan, executive vice-president of the American National Cattlemens Assn., says there still has not been any mass liquidation of herds, but "if some really good rain doesn't come along soon, we're going to get some major relocation of beef cows." This means that ranchers, after selling their lighter animals, will feed the rest on rented grass pasture in areas unaffected by the drought. They will try to preserve their basic breeding herds, however much it costs them, so they can build the herds up again over the next eight to 10 years.

But in Oklahoma, James N. Ballinger, president of the state board of agriculture, said: "There are isolated instances where people are already losing their livestock or farms because of indebtedness."

AID

Soon after the drought's magnitude became clear, President Nixon invoked a section of the Disaster Relief Act to help stricken cattlemen in Texas. This would provide some federal money to help bring in hay for livestock.

The President also ordered Agriculture Secretary Clifford Hardin to put several aid programs into action. One would make grain owned by the Commodity Credit Corp. available at reduced prices to eligible farmers and ranchers in affected counties; another would permit the farmers and ranchers to graze livestock on cropland taken out of production under the cropland adjustment program.

But ranchers and farmers complained that the President had not gone far enough. Texas and Oklahoma officials declared that conditions warranted federal loans in addition to feed programs. "I don't have any quarrel with the President," said Texas' White, "but the disaster is already here." Senator Lloyd Bentsen (D-Tex.) wrote to Nixon asking him to declare a large part of the state a major disaster area. The governor of Oklahoma also asked for federal help. For his part, Nixon instructed Hardin and George Lincoln, director of the Office of Emergency Preparedness, to fly to Texas to assess drought conditions and frame recommendations.

One notable exception to the hard-hit cattle spreads is the massive King ranch in southern Texas. Mindful of the terrible drought of 1916–18, Robert J. Kleberg, Jr., 75, the innovative boss of the operation, developed types of drought-resistant grass. Safe himself, he is worried about his less fortunate neighbors. "I think they're in a lot of trouble," he says.

And it may get even worse. Basing its findings on studies of the Southwest as far back as the 1930s, the Atmospheric Physics & Chemistry Research Laboratory in Boulder, Colo., is predicting that the 1970s will be the most severe decade of drought in U.S. history.

THE LATE WHITNEY M. YOUNG, JR.

Mr. HARRIS. Mr. President, the late Whitney M. Young, Jr., was so identified with the contributions made to the civil rights movement that his other accomplishments were often overshadowed. Many do not know that he had risen to the highest position of leadership within his chosen profession of social work. At the time of his death he was the president of the National Association of Social Workers and in that capacity prepared a message for the March issue of the National Association of Social Workers News which, I think, has special interest at this time. As usual, his manner was to state the facts about an issue, to shed light on the ways that the problem might be resolved and to quietly educate to bring about a greater social unity. This last message from Whitney Young dealt with the welfare crisis which this country has yet to face in a forthright way, in a definitive way and in a just way.

Mr. President, I ask unanimous consent that the message of this great statesman, humanitarian, and dear friend of mine be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

MESSAGE FROM WHITNEY M. YOUNG, JR.

Once again, public assistance has become a flamboyant subject for public debate. The avalanche of publicity in the press and on radio and television in recent weeks has been almost overwhelming. But instead of giving the public the information they really need to know in order to support a drastically improved welfare system, the media have been presenting stories that can only make matters worse.

The public hears about a handful of recipients living in plush hotels in New York City because of a temporary housing crisis, rather than about the thousands living in hovels. Or about a few families in California that fudge a little on AFDC, instead of the millions who aren't receiving the aid they are entitled to.

After reading and listening to these reports, who can blame the public for thinking. Why on earth should we lend our votes or sympathy to welfare reform? Remember, most people learn about welfare only through these sources. They certainly don't hear from the poor themselves, who are too busy just trying to make it with their poverty.

BEHIND THE HEADLINES

How do we change this situation? We don't stand still, that's for sure. We act and act decisively; we strike now while, the issue is hot. As social workers and members of NASW, we should organize immediately to clear up the confusion, tell the facts behind the headlines, expose the contradictions in government actions, and clarify the nickel-and-dime solutions of most public assistance programs.

We should move today to (1) inform the public about what is really going on in welfare, (2) lobby Congress to pass a completely upgraded Family Assistance Plan, and (3) halt the actions of states that arbitrarily restrict welfare payments to the poor. On this last point, we should get behind the National Welfare Rights Organization.

NWRO is involved in a difficult struggle in Nevada. Last January, the state cut off welfare assistance to 3,000 women and children and reduced payments for 4,000 more—that is 50 percent of the welfare population there!

"It is imperative that we expose the fraud and illegality of Nevada's action as a notice to the country that repressive moves will meet massive resistance," proclaims a recent NWRO bulletin, also warning that "similar threats are being made in California, Washington, Illinois, Rhode Island, New Jersey, and elsewhere."

Whatever we do, we should tell the public what we are doing and why. They have to hear from social workers as much as they hear from reporters and government officials. In the telling, we should share all the facts we know so the public can begin to understand the problems and contradictions welfare recipients face. Then maybe we can get them to think more analytically on welfare and with less emotion.

THE ELOQUENCE OF FACTS

Here are just a few points we ought to make clear. All are taken from official federal and state sources.

Based on recent data, Daniel P. Moynihan, former special adviser to President Nixon, noted that the United States devoted the lowest percent of GNP to welfare of any Western nation—7 percent compared to 17 percent in West Germany, which gave the most.

Of the 12.8 million individuals now receiving public assistance in this country, 6 million are children and another 3½ million are aged, blind, or physically and mentally disabled. What kind of welfare system do we have that wants to deny or restrict assistance to people in such dependent categories?

Of the 4.9 million children on AFDC at the end of 1970, 3.5 million were without fathers in the home. For the other 1.4 million, the fathers were dead, incapacitated, or unemployed. Do we really know what we're talking about when the suggestion is made that welfare mothers be forced to work and leave all these children home alone or with strangers?

The current Nixon Family Assistance Plan phases out benefits to a family of four on public assistance when it earns in excess of $3,920. The U.S. Department of Labor says a family of four requires well over $6,000 to just subsist minimally in this day and age. The government that tells you you need six will give four. Does this make sense?

In January, HEW cut off federal aid for AFDC in Indiana and Nebraska, effective April 1. The ruling resulted from the failure of these states to make cost-of-living adjustments to maximum AFDC payments as required by federal law. What kind of a welfare system do we have that may have to penalize two states by taking away the funds that go to poor children and families?

There is a lot more to tell the public, of course. The important thing now is that we can begin saying something as persistently as we can. The media and the government, regardless of their reasons, cannot continue to disregard the findings of current research and the knowledge of thousands of social workers who know as much or more than most so-called experts on the social problems draining the spirit and resources of our nation.

Let's start talking louder and acting more today.

FANNIN'S COURAGE

Mr. HANSEN. Mr. President, all of us have some deeply etched memories of the May Day activities here in Washington, D.C.

There is, of course, a decidedly marked difference of opinion as to what was—or was not—accomplished by the most recent example in Washington of the pursuit of violence.

Be that as it may, an editorial published in one of last week's issues of the Arizona Republic pointed up how a great many of us feel about the recent demonstrators and disrupters and calls attention to the courage displayed by the distinguished senior Senator from Arizona.

Because the editorial points up Senator FANNIN's steadfastness and reflects the feelings of many of us in the protests just concluded, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FANNIN'S COURAGE

Sen. Paul Fannin showed the kind of courage that is necessary to overcome the leftist wolfpacks sniping at Washington's heels when, confronted by a mob demanding that he stay away from work, he replied that he would not be intimidated and drove away.

The leftists slashed a tire and he had to pull over to change it. What's important is that Paul Fannin refused to be intimidated, refused to knuckle under to gang tactics. It is that kind of determination that prevented roving gangs from holding the nation's capitol in a state of siege, and Paul Fannin deserves the respect of all Americans.

WISCONSIN FIRM STUDIES NOISE IN THE HOME

Mr. PROXMIRE. Mr. President, for some time now there has been considerable discussion and research into the problems of job-related noise—especially in heavy industry.

Studies have shown that the hearing and nerves of persons who work around loud machinery on the job can be affected by the noise.

Now, a study conducted by the environmental design department of the University of Wisconsin, Madison, for Koss Electronics, Inc., of Milwaukee, shows that people who spend a lot of time in a normal residential kitchen—and that would be primarily housewives—may be similarly affected.

The research report "The Auditory Environment in the Home" points out that people in the kitchen are under constant bombardment from the groan of the garbage disposal, the din of the dishwasher, the bleat of the blender, and other noisy alliterations.

This study represents seminal research in an area which undoubtedly will come under close examination in years to come. I congratulate the staff members of the university and the Koss firm who worked on the project.

Mr. President, I ask unanimous consent that some remarks by Mr. John Koss and an article about the study, published in the New York Times, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Excerpt of Remarks of John C. Koss in Discussing the Study "The Auditory Environment in the Home"

"Koss Electronics became convinced that there was a pressing need to know more about noise in the home—How bad is the problem? Can it get worse? How can it get better? To find out this information, we provided a grant to the Environmental Design Center at the University of Wisconsin. This is an unusual post-graduate department, probably the only one of its kind in the country. Because of its interests and ours, The Auditory Environment in the Home Study brings together information, indicates causes and effects, and hints at new directions that go beyond the specialized interests of Koss and can best be tackled by a general awareness and concerted action.

"The research shows that noise in the home is too loud, too strong, and too disturbing. Virtually our last vestige of quietude is being eroded away . . . and hardly anyone has paid it any attention in any meaningful way.

"One of our reasons for making this study public is the hope that other manufacturers of products for the home, space designers, architects, engineers, and builders will heed and act upon the implications of these findings.

"We at Koss strongly urge such action and call upon each of these segments to engineer and design noise out of the home. If attacked at the base—by putting the human first in the design process—it can be done. And the consumer force can exert the kingpin power of not standing still for anything less."

[From The New York Times, Feb. 6, 1971]

Enough Noise To Make Anyone Sulk

(By Rita Reif)

Even Joan Sutherland wouldn't have been heard above the garbage disposer's growl, the blender's roar, the diswasher's hum, the exhaust fan's moan and the thunderous storm of water unleashed from the kitchen faucet.

And she wasn't even there to try. In fact, the taped sounds heard in the Top of the Met restaurant earlier this week had no musical competition from the stage a few floors below in the Metropolitan Opera House. The occasion was an ear-splitting demonstration of what women have long suspected—that the kitchen is the noisiest room in the home.

The demonstration was part of a report, "The Auditory Environment in the Home," that also showed kitchen noises are increasing at the rate of 5 per cent a year and may well be contributing to home accidents.

CONDUCTED OVER TWO MONTHS

The host was Koss Electronics, Inc., a Milwaukee producer of hi-fi equipment and stereophone headsets, sponsors of the $6,000 study. The research project, conducted over a two-month period last summer by a team of two architects, two industrial designers, a psychologist and a human factors specialist consulting with a psychiatrist, was done in the Environmental Design Department at the University of Wisconsin.

John Koss, president of the electronics concern, made it clear that hi-fi equipment producing "pleasurable sound for some and noise for others" was not covered in the study. Only sound irritants, or "noise as unwanted sound" were surveyed, he said.

According to Byron C. Bloomfield, an architect and professor at the university, housewives deserve "hazardous duty pay." He told of the decibel rates of applicances that were recorded during the study and played back during the luncheon.

"The terror of the kitchen—the garbage grinder—sounds like this after a pork chop dinner," he continued. The level was 88 decibels, 23 decibels above what this study contends is an acceptable sound level for kitchen appliances. The blender, described by Mr. Bloomfield as "the most piercing noise in the kitchen," was rated at 87. So was the vacuum cleaner when used on hard surface floors. Electric can openers measured 70, knife sharpeners 80, dishwashers 68 and refrigerators were the quietest kitchen appliance of all—rating 45 decibels.

Surprisingly, he said, water makes more of a racket running full blast in a kitchen sink (77 decibels) than in an enclosed shower (75 decibels).

"But the bathroom has sound irritants, too," he pointed out in an interview before the meeting. Electric shavers had been tested and measured at 92 and 88 decibels, he said. These and all tests were done with sound measured at the normal ear distance of the appliance operator from the machine.

The research included visits to private homes. In one test, the researchers measured the sounds produced over a 20-minute period while a woman prepared lunch for her two children. Squeeze toys, china plates hitting metal cabinets and one child banging the table top measured as high as the home appliances in operation—between 70 and 80 decibels.

Donald C. Hay, an industrial designer and chairman of the environment department at the university, who cited the estimated 5 per cent increase in kitchen noises, added that to tone down the noise level to 65 decibels or below would probably add about 5 percent to the cost of appliances.

"But we feel it would be worth this to consumers," he said.

Dr. Jack C. Westman, a psychiatrist, said the kitchen was "like a boiler room" and reported that the noises were adding to the "tired mother syndrome," producing headaches, gastrointestinal symptoms and nervous tension.

EMOTIONAL EXHAUSTION

"For example," Dr. Westman said, "a mother may be required to be a cook, friend to a neighbor, customer on the telephone, child caretaker, pet caretaker, wife and housekeeper. All of these demands, particularly when placed upon a mother of young children exposed continuously to a noisy environment, can result in emotional and physical exhaustion."

Studies of African communities where conditions were quieter have shown that what is considered the normal progressive hearing loss in the Western world did not occur as quickly nor to the same degree, he said.

"It is entirely possible then," he pointed out, "that prolonged exposure to noise in the Western world has been taking its toll on the population's hearing without our awareness."

TITLE TO NATIVE-OWNED LANDS IN ALASKA

Mr. HARRIS. Mr. President, John Teal, Jr., is a distinguished conservationist and one of the world's foremost experts on arctic ecology. He is presently serving as professor of human ecology at the University of Alaska. Mr. Teal is principally responsible for the successful effort to preserve, protect, and domesticate the musk ox, which he believes may become an important factor in the various economies of the world's circumpolar region.

Mr. Teal is also an interested and informed observer of the Alaskan Native land claims movement, and a strong supporter of the position adopted by the Alaska Federation of Natives, now embodied in S. 835. Mr. Teal regards land as the chief resource in arctic economies, and has recently provided me with a document in which he addresses the question of conveying formal title to the Natives for a substantial portion of the lands they have traditionally used and occupied. Because I consider Mr. Teal's thoughts to be worthy of the attention of the Senate, I ask unanimous consent that his memorandum be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Some Thoughts on Conveyance of Formal Title to Native-Owned Lands in Alaska

It seems reasonable to suppose that the delivery of title to the lands in Alaska owned by the original or native citizens will be no cause for fear that these lands will be bundled up and removed from Alaska, or taken to Asia or some other continent. They will remain in Alaska, utilized and husbanded under the domain of the United States by their original owners. unquestionably American citizens. Their status as an integral part of our country, deeds in owners' hands, will be indistinguishable from that of the wide farmlands of our Midwest, the ranchlands of the Southwest, or the rock farms of New England. The owners, as American citizens, will have precisely the same responsibilities and obligations to their government as do residents in other parts of the country, and the government will have the same rights of eminent domain. Consequently, the American people as a whole need fear no loss through a recognition by Congress of the just title due to the owners; in fact, the status quo will be preserved, now properly validated and registered.

* * * * *

The likelihood is that, in terms of acreage, the extent of the claims is far too modest for practicality. Bare subsistence in an Alaskan food-gathering economy required about a thousand acres per person, and we are all aware that there has been inflation during the past century. More than a fifth of Alaska, well over 100 million acres is represented by coastal-tundra-mountain lands which from about 17,000 years ago to this very day are inhabited *only* by the original owners, the so-called native persons. For example, on the entire Arctic Slope there is only one full-time non-native resident. Yet the natives state that they will welcome settlers who come to live full-time and will do their best to accommodate them. For purposes of best utilization title should be given for not less than 100 million acres (to our society at large, the least desirable parts of Alaska). And perhaps, for the sake of administrative book work, the Bureau of Land Management should inform the owners that they have been given credit for the 17,000 years of "proving" their homesteads and grazing lands, and the passing of functional titles from generation to generation.

* * * * *

For several centuries the better organized nations have proposed a doctrine of "effective use and occupation" as the criterion of land ownership, and this has, when convenient, been interpreted to mean agriculture use. However, agricultural use, based upon particular southern forms of plants and animals, has often been inconvenient or unrealistic, and observers have noted other forms of effective use and occupation. Thus, to rid themselves of the difficult burdens of title based upon agriculture, the wide-roaming British invented valid claims based upon the stamping and mailing of letters from a small telephone booth set up on shore; when floating ice made the shore uncertain, they invented the Sector Principle by which one could divide, say, Antarctica or the Arctic Islands like a pie from an armchair in London; the Spaniards invented a system of land claims based upon the imbedding of a Cross at the low water mark of a beach; we Americans started a History, long accustomed to the retention of land ownership by basic populations no matter what the conquest, by the invention of removing the population; the Texan with his longhorns and the Wyoming Basque with his sheep did their agricultural validation without touching the land with a plow, merely turning animals loose, occasionally, indeed, fighting the agricultural fence-builders, it is even questionable that the settler in New Hampshire, wandering amongst his giant boulders, was engaged in agriculture at all.

Therefore, there cannot be doubt that the natives of Alaska, jealously preserving through the millenia the lands which grew and sustained their food supplies and other needs, (even engaging in that most respected of "proofs", warfare to keep their land), fully met, on both individual and tribal bases, the criteria of that "effective use and occupation" which delivers title. Their "agri-culture", perhaps an extreme example of loose-herding, nevertheless was their vital concern, and when European man arrived the herds were there in plenty, and there was no sign of such despoilation under original ownership as has occurred during the past century of enlightenment. As owners, the natives have been, for one reason or another, good caretakers. But principally, we must in logic and fairness remember that they have for generations met the internationally agreed standards for land ownership.

* * * * *

The historical record shows that when we "purchased" Alaska from Imperial Russia in 1867, we bought a pig-in-a-poke, since Alaska belonged, not to the Russians, but to the native people. At best, we bought Russia's claim to the right to govern. The native owners were never asked nor consulted in any way about the purchase, not even if Alaska were for sale. Their basic rights to the land, however, were recognized in the Organic Act of 1884, and subsequent official documents. But the written deeds have yet to be delivered although nearly a century has passed. In many states even squatters' rights convey title in less than a decade.

* * * * *

While on the one hand the Alaska natives should retain title to that one fifth of Alaska, or 100 million acres which they alone inhabit, on the other hand they plan to relinquish four fifths to the government, asking a price roughly equivalent to the cost of building the proposed Pipeline. Precedents for such compensation or payment exist in our history, for example, in the purchase of Manhattan from the Indians for $26 (although a case there could be made out for overcharge). To satisfy our Puritan ethic regarding the frugality of our neighbors, we can be sure that the native people, as those most likely to retain life-long residence in Alaska, will use the money up there and to its best advantage, some of it even going for the establishment of those social, educational, and vocation institutions so long promised by our government. Neither the land nor the money will be packed away to another continent: all of it will remain under the domain of the United States and used by American citizens. It will be, in a true sense, a payment to ourselves.

* * * * *

It is not unreasonable to suppose, were we to purchase England from the Irish, especially without informing the English, that our Attorney General, or his wife, would do some phoning about. At the very least he could be expected to caution the Treasury Department to use restraint; and we can be certain that individual Englishmen would retain title to their farms if for no other reason than that our concepts of democracy, liberty, and property are based upon their land rights, or that it gives us a warm feeling to say that "an Englishman's home is his castle".

No less a response is due the Alaskan natives and their land rights. By the purchase of Alaska we may have extinguished Russia's claim to the right to govern; in no way did it extinguish, any more than did conquests or treaties or purchases at other times in history, the individual rights of the Alaskan inhabitants to title to their land. If we claim that it did, then we are shaking our own foundations most seriously.

It would be a source of great satisfaction to millions of Americans who attempt to live by your national ideals, which are essentially those of fair play between men, if, as we approach our 200th Anniversary, a generation—ours—were at last to begin the practice of fair play with our native fellow citizens. There is no way in which anything can be lost by the swift conveyance of written title; everything stays here. A feeling of consistency and a great deal of self-respect is to be won.

URGENT NEED TO CONTROL POLLUTION

Mr. STEVENSON. Mr. President, in recent years few issues have captured the country's attention more than the urgent need to control the pollution of our environment. This issue has evoked nationwide concern because it affects the immediate well-being of all Americans. Realization of this vital truth has led to increasing demands for responsible political action. The distinguished Senator from Wisconsin (Mr. NELSON) has been championing the environmental cause for many years. He was a leader in the fight against pollution long before it became politically fashionable, and he has compiled an enviable record as a wise and far-sighted authority in this field.

It was largely due to his initiative that Earth Day was established a year ago, and that event was so successful that it was expanded to Earth Week this year by Presidential proclamation. On this occasion, Senator NELSON addressed the Wisconsin Legislature, summing up the achievements of the environmental movement and pointing out some of the difficulties which threaten its future progress. I believe that the speech warrants close attention and study, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS TO JOINT SESSION OF WISCONSIN LEGISLATURE BY SENATOR GAYLORD NELSON TUESDAY, APRIL 20, 1971

Mr. Speaker, Governor Lucey, Lieutenant Governor Schreiber, Senators, State Representatives, and friends. Thank you for the invitation to speak here today for Earth Week in Wisconsin.

I proposed Earth Week because it seemed appropriate to have an annual environmental observance for the representatives of this and every state to meet to review environmental progress and to set goals and plans for the future.

From the response, it is clear that Earth Week has been established nationwide, with broad support and participation from Alaska and Hawaii to Maine.

It hasn't always been this way. For years, conservationists have been fighting their battles without getting serious attention either from the press, the politicians, the public, or the polluters themselves.

Meanwhile, everybody—institutions and individuals alike—continued to dismiss Pollution as the price of Progress.

And with massive advertising budgets, industry sold the American public on the idea that free enterprise can do our social planning for us, set our national priorities, shape our social system, even establish our individual aspirations.

Pesticide manufacturers convinced the farmers that the panacea for their needs was to dump ever increasing quantities of pesticides on their crops, even though the result has been tougher pests and more pollution.

Automobile manufacturers sold an increasingly affluent American public on instant obsolescence and the idea of two cars for every garage.

Then Government was persuaded to step in with a huge program to lay an apparently endless carpet of concrete which still hasn't been able to accommodate the rising glut of cars and which has resulted in the destruction of mass transportation within our cities and between them.

For the consumer society that had been created, our technology and immense resources cranked out an endless stream of gadgets, with the question always being, Will It Sell, never Is It Safe, Is It Needed, or Will It Pollute.

Polluters managed to frighten off any serious effort at control by calling the smoke coming out of the factories "the smell of prosperity," and threatening to close down if anybody complained.

The result of this headlong pursuit of Gross National Product as our Holy Grail has been environmental destruction we couldn't even have conceived of thirty or forty years ago.

We've seen the Great Lakes being methodically degraded, one after the other, in one of the most shocking environmental tragedies in history.

Lake Erie, for many purposes a dying lake . . . Lake Michigan, under serious assault; Green Bay, its southern end rapidly being converted into another Lake Erie . . . Lake Superior, the largest and deepest, and as yet, the cleanest, of them all, now threatened.

Then thousands of inland lakes clogged and stinking with algae . . . and rivers packed with so many wastes they've sometimes become firetraps.

Now the ocean itself is showing the scars . . . with a twenty square mile dead sea off New York City and raw sewage being swept up the Florida coast in the Atlantic off Miami Beach.

Huge oil spills in the Gulf and in Santa Barbara . . . poisoned air over our great metropolitan areas . . . devastating pollution of many of the major watersheds in the land . . .

DDT in mothers' milk . . . poison gas in Utah sheep and in the Atlantic Ocean . . .

Congestion and blight in every major city . . . billboards and litter from urban slums to the deepest wilderness . . .

Carbon monoxide counts from auto exhaust on State Street in Madison soaring to levels comparable to those in Chicago and Philadelphia.

In one way or the other, the environmental crisis exploded everywhere, from Alaska and California to Wisconsin to Maine.

Then, as the sound, sight, smell, and touch of the environmental assault began to impinge on the life of every individual, public concern quietly began to develop across the country.

Finally, on Earth Day last April, that concern flowered in a vast, peaceful demonstration involving tens of millions of people from grade school students to elderly citizens.

For the first time, the issue of environmental quality became a part of the national political dialogue, forcing every public leader in government, schools, churches, business, labor, to take notice.

Successes began to flow from the power of this new, broad-based movement . . .

Congress passed the Clean Air Act setting a deadline for ending automobile pollution and directing new standards on air pollution sources.

The National Environmental Policy Act was passed, requiring an environmental investigation of all Federal projects.

The Environmental Education Act was passed, authorizing new aid and a higher priority for this vital subject.

The first Federal legislation to deal with the environmental dangers of pesticides was enacted.

The Federal subsidy to the SST was rejected, marking an entirely new view of our civilization's idea of progress.

The Corps of Engineers was forced by Congress to stop choking off water to Everglades National Park.

Environmental law firms sprang up across the country, taking the "public interest" as their client. Successful suits delayed the Trans-Alaska Pipeline, forced a review of Federal pesticide policy, and founded broad new concepts of environmental right and responsibility.

In short, environmental action on a broad scale had finally become possible, as people all across the spectrum of American life demanded that the right to a decent environment be adopted as a fundamental aim of this society, just like a decent education, health care, housing, jobs, justice.

In fact, it all happened so fast that many in this country were caught unprepared, still believing the whole issue was a fad, a passing fancy.

Now that it has become apparent the environment is one of the toughest issues the country faces, some of the promises of the recent past have suddenly begun to fade.

While many industrial leaders in this country have moved vigorously to shoulder responsibility for reducing pollution, others have started attacking those who seek a better environment, calling them "doomsday prophets", "eco-freaks", or part of some kind of subversive movement.

Recently, the publisher of LOOK magazine, Thomas R. Shepard, Jr., blasted away at what he described as "the Disaster Lobby" in a Wisconsin speech.

Presumably out in front as a speaker for some of his advertisers, the publisher attacked everybody from opponents of indiscriminate pesticide use to the advocates of automobile seat belt installation and truth-in-packaging.

Mr. Shepard levelled the favorite charge in the current smear campaign: You're attacking the free enterprise system.

What the allegation really means is, "Give us the profit and you take the pollution."

Then in a speech a few weeks ago, General Motors Chairman John M. Roche launched a wild, swinging attack on corporate critics including environmentalists, making the incredible charge that these critics are assaulting America's reputation, creating an unfairly negative image of American corporations, and threatening the entire system of private business.

These are strong words coming from the head of the company which, with the other U.S. automakers, was charged by the government with engaging for 15 years in a conspiracy not to compete in the development of pollution control devices for the automobile.

The automakers finally negotiated an agreement with the government to refrain from such collusion in the future—meanwhile, suits filed on the same basis by a total of 28 states are still pending.

If the automakers had been working all that time—from 1953 to 1968—to develop pollution controls, we'd have a clean internal combustion engine by now.

This has not been the kind of corporate responsibility we should expect from the nation's biggest company.

In the most dramatic example of all of the new special interest assault, when it became apparent in December that the SST could go down to final defeat, the plane's supporters pulled together a massive coalition backed by hundreds of thousands of dollars.

In the effort to intimidate Congress and the American consumer into another unquestioning acceptance of a new technology with global environmental dangers, conservationists were labelled "extremists" and their concerns dismissed as "anti-progress."

When the President sent his modest, but sound environmental package to Congress, 200 U.S. industrialists, including some of the nation's largest polluters, went to the White House two days later to express their deep concern.

And in recent Congressional testimony, the National Association of Manufacturers threw their weight against standards that would require sound, effective pollution controls everywhere in the nation.

The crucial fact that the anti-conservation lobby insists on ignoring—and wants the rest of the country to ignore too—is that the cost to this country of the current pollution is massively greater than the cost of actually cleaning it up.

Every one of us has actually been paying a huge annual tax in the form of costs for pollution damages, and the dirtier the environment gets, the larger the bill becomes.

Under the false economy of the pollution status quo, dirty air does $13 to $15 billion in property damage in the United States annually. Yet for $7.5 billion, or about half the damage cost, some 80 percent of the problem could be eliminated.

Or if air pollution levels in major urban areas were reduced by 50 percent, the nation would save more than $2 billion in health bills alone, according to a recent study.

Water pollution does an estimated $12 billion in property damage each year . . . plus the immeasurable loss of a Lake Erie; or of a beautiful, productive wetland; or of an estuarine area, or of life and productivity in the ocean itself.

Solid waste . . . the mounting litter and garbage of our consumer society . . . levies additional billion dollar damage costs.

Strip mining is destroying the economic future of entire regions in the name of the easiest, cheapest way out of meeting our resource demands.

And while indiscriminate pesticide use continues to pose ever greater worldwide environmental hazards, farmers using other pest control alternatives are saving money while producing better quality crops.

All told, no one has ever successfully tried to estimate the total environmental damage bill we pay each year in ruined health and property, spoiled recreation, devastated resources, and diminished quality of life for all.

To sum up, this first Earth Week we find the environmental movement at a vital crossroads.

Either it will founder on industry scare tactics designed to defend what many have considered their right pollute.

Or it will reject the present attack and marshal the massive cooperative effort necessary to confront the fundamental problems posed by the environmental crisis.

Either we will let the old arguments and myths prevail, the old refrains by those who would preserve the frontier day attitudes that have polluted our air and water and scarred our land from coast to coast.

Or we will recognize and establish pollution control and in the near future the recycling of all wastes as good business for shareholders and the public alike.

To achieve a decent environment, the new standards must be tougher than ever before . . . for everybody.

From now on, the environmental commitment of politicians and industry will be measured not by their Promises but by their Performance.

Never again will there be another major campaign like the one in 1968 where all the Presidential candidates ignored the environmental issue. The environmentally-concerned American public is approaching the point where it will defeat the candidate who impedes environmental progress and will boycott any foot-dragging industrialist.

Our new goal is not No Technology, but New Technology designed to find ways of making all "wastes" valuable resources out of place that are circulated back into the economy instead of landing in the river or the sea.

Our goal is New Jobs and New Industry in environmental technology; in designing and building mass transportation; in restoring our urban areas and building new towns.

Our goal is a new measure of American progress, whose index is Gross National Quality, not just Gross National Product.

The cost of achieving a clean environment will be substantial . . . the cost of not acting will be greater than we have ever imagined.

In conclusion, I would like to quote an article from the Des Moines, Iowa, Register on Earth Day last year: ". . . Granted that ideas and institutions long established are not easily changed; yet today is the first day of the rest of our life on this planet. We will begin anew."

This is as appropriate today as it was last April 22nd. We have only just begun. We have the means, but only if we have the will.

And let me add that with the excellent and far-reaching package he has presented here today, Governor Lucey has taken a giant step forward in the effort to restore and protect the Wisconsin environment. These proposals reflect the Governor's initiative, creativity, and determination to meet the environmental challenge of today and tomorrow.

NATIONAL PETROLEUM RESERVES

Mr. PROXMIRE. Mr. President, a great deal of discussion has been devoted to alternatives to the present oil import quota program which is costing the American economy over $5 billion a year.

President Nixon's Cabinet Task Force on Oil Import Control recommended a shift to tariffs as a means of controlling imports. Others, including General Lincoln, the head of President Nixon's Oil Policy Committee, have suggested that we ought to develop the technology to produce oil from oil shale or from coal economically.

Mr. President, one of the most promising alternatives that I have seen is the development of national petroleum reserves that would enable us to counter any threats to interrupt our supply of oil. It appears to be the most efficient means of protecting our national security.

Professors Mead and Sorensen have written an excellent analysis of the concept which is to be published in the University of Wisconsin's August 1971 issue of Land Economics. I ask unanimous consent that it be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

A National Defense Petroleum Reserve Alternative to Oil Import Quotas†

(By Walter J. Mead* and Philip E. Sorensen**)

The net social cost to the nation of the oil import quota system is estimated to be between one and four billion dollars annually. Quotas were originally instituted and now wholly justified on national security grounds. But an alternative program is available which offers both a known present degree of national security at lower cost and a higher degree of long-run national security. This paper presents the case for that alternative program.

OIL IMPORT QUOTAS

During World War II the United States shifted from a net oil exporting country status to a net importer status. In the postwar periods, imports expanded rapidly such that in 1957 crude oil imports amounted to 11.6 per cent of domestic demand. Faced with increasing foreign competition, the domestic oil industry, joined by the coal industry, persuaded the federal government to institute a program of voluntary restrictions on crude oil imports in 1957. The voluntary program proved to be ineffective and on March 10, 1959, President Eisenhower, by proclamation, ordered mandatory import quotas.

The President stated that "the basis of the new program, like that for the voluntary program, is the certified requirements of our national security which make it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States." The Trade Agreements Extension Act of 1955 provided that "whenever the Director of the Office of Defense Mobilization (hereinafter referred to as ODM) has reason to believe that any article is being imported into the United States in such quantities as to threaten to impair the national security, he shall so advise the President," and that the President "shall take such action as he deems necessary to adjust the imports of such article to a level that will not threaten to impair the national security." On April 23, 1957, and again on February 27, 1959, directors of ODM certified to the President that "Crude oil and the principal crude oil derivatives and products were being imported in such quantities and under such circumstances as to threaten to impair the national security." Neither the certifications nor any studies submitted prior to the certifications provided an economic analysis of the oil-import national-security relationship. There was no estimate of the economic cost of oil import restriction and there was no estimate of alternative means of satisfying a national security requirement.

A major motive of the oil industry in pressing for import quotas, as for any industry asking for a restriction in competition, was to obtain a higher price for its domestic product. The import quota system limits imports into Petroleum Administration Districts I to IV (the area east of the Rocky Mountains) to 12.2 per cent of estimated domestic production in these districts. Imports into District V (the area west of the Rocky Mountains including Hawaii and Alaska) are limited to the difference between (1) the sum of District V domestic production, shipments from Districts I–IV into District V, and overland imports from Canada and Mexico, and (2) total demand (at the desired price) in that District as estimated by the Bureau of Mines. Given this limitation on foreign supply, the price of crude oil in the United States has increased and the gap between United States crude prices and world prices of crude oil has widened until 1970. The Cabinet Task Force on Oil Import Control concluded that Middle Eastern crude oil could be imported into the United States at a free trade cost of $2.14 per barrel. Adding the existing tariff of 10½ cents per barrel the delivered price in the absence of quotas would be about $2.25 per barrel. The East Coast delivered price of domestic crude was estimated at $3.89 per barrel. Thus the East Coast premium due to oil import quotas was about $1.65 per barrel.[1] Market place support for this conclusion is offered in the fact that import quota tickets distributed free of charge to domestic refiners in 1969 traded at about $1.50 per barrel.[2]

The import quota system fails in several respects as a solution to the national security problem. Given import restrictions, domestic prices of crude oil and finished petroleum products rise above their free market levels. Thus (a) an economic efficiency problem is created. High domestic crude oil prices lead producers to develop submarginal fields and continue to produce from inefficient wells. Resources are misallocated and in the process the nation's security is damaged. (b) Restrictions on imports force the United States to accelerate the rate at which it depletes its domestic reserves. Since oil is a non-renewable resource, future security is sacrificed in order to obtain present security. (c) Industries such as the pretrochemical industry which use oil as a feed stock in producing products sold on world markets are placed in a noncompetitive position. These industries thus have an incentive to establish plants abroad. (d) The question of distributive equity arises. Consumers must pay higher prices for refined products while owners of crude oil resources receive windfall gains. The cost of whatever degree of national security we purchase through quotas is in no sense equally shared. (e) Finally, import quotas are not an effective method for securing a specific level of national security since there is no necessary relationship between the quota, on one hand, and the volume of reserve productive capacity on the other. In view of these problems we should inquire—is there a better way to meet our national security requirements?

THE NATIONAL DEFENSE PETROLEUM RESERVE PROPOSAL

The most attractive alternative method of providing a reliable future petroleum supply for security purposes appears to be a shut-in domestic petroleum reserve. McDonald has suggested that the Federal Government "purchase wholly or partially developed petroleum reservoirs and set them aside as a reserve to be drawn upon in the event of emergency."[3] This "explicit national defense reserve" would utilize the lowest cost method of oil storage, its in-situ natural state. Where entire reservoirs are dedicated to a national defense reserve and properly maintained, there is no loss through oil migration, evaporation, or deterioration. That quantity of petroleum estimated to be needed for future emergency supply may be provided by reservoir acquisition. If the need for reserves increases, additional reservoir purchases can be made. Geographical needs for reserve capacity may be provided by appropriately located acquisitions and by pipeline construction. The present import quota system, in contrast, is haphazard. In various ways, both domestic and foreign exploration and production are heavily subsidized, but no provision is made for an explicit reserve capacity. If excess capacity is equal to national defense needs, it is purely a chance event.

The Record of Naval Petroleum Reserves.—There is a little known but highly significant history of military petroleum reserves in the United States. In 1909, President Taft, by executive order, temporarily withdrew from the public domain 38,073 acres of potential oil land located in the Elk Hills field southwest of Bakersfield, California, an area later designated as Naval Petroleum Reserve No. 1. Subsequent additions to this Reserve have increased the total acreage to 46,095 acres, of which 81 per cent (79 per cent of the known oil) is owned by the Federal Government. The remaining 19 per cent is owned by Standard Oil Company of California.[4] In June, 1944, the Federal Government entered into a "Unit Plan Contract" with Standard which gave to the Navy "full and absolute power to determine from time to time the rate of prospecting and development on, and the quantity and rate of production from, the Reserve," including the right to "shut in wells on the Reserve if it so desires."[5]

Estimates provided by the Navy indicate that the Elk Hills Petroleum Reserve as presently developed contains 1,363,435,000 barrels of recoverable oil (utilizing known primary recovery methods), plus 1.8 trillion cubic feet of gas. This oil reserve amounts to approximately one-third of the current annual United States crude oil consumption. The current rated efficient productive capacity of the Elk Hills Reserve is 160,000 barrels per day (58.4 million barrels per year) available on a 60-day notice basis. The Navy has also estimated that with an additional $100 million for capital investments, the 60-day emergency productivity of this Reserve could be efficiently increased to 350,000 barrels per day (127.75 million barrels per year) which would approximately equal current foreign imports into the West Coast, not counting imports from Canada. Initial output levels may be increased further with additional development investments.

Reserves in the Elk Hills field are currently known to be in three different zones. The largest is the Stevens zone, estimated by the Navy to contain 854.15 million barrels[6] or nearly two-thirds of the presently known Elk Hills Reserve. This zone is partially developed by 236 wells. All but one of these is in complete shut-in status but fully producible on a 60-day notice. The single exception is producing from a different Stevens zone field inside the Elk Hills Unit and is operating only to protect the Reserve from an adjacent well operated by Atlantic-Richfield Company. This single well is currently producing at a rate of only 20 barrels per day. In addition, outside of the Elk Hills Unit several operators are producing on private land from Stevens zone oil. This has forced the Navy to produce approximately one million barrels per year from adjacent Reserve lands.

The Shallow zone in the Elk Hills Reserve had its static equilibrium disturbed by early and wartime production and is subject

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Footnotes at end of article.

to water encroachment and possible migration to privately owned properties outside of the Reserve unit. In order to protect its reserve the Navy is producing approximately one million barrels of oil per year from this zone to evaluate equipment, monitor reservoir performance and prevent water encroachment. This amounts to 0.3 per cent of the estimated reserves in this zone. Finally, some production is taking place from the least developed and the smallest of the three zones, the Carneros. Annual production currently amounts to about 0.4 per cent of its estimated reserve.

In addition to the Elk Hills Reserve, there are three other designated naval petroleum reserves. Oil was discovered in the Buena Vista Hills area, immediately south of the Elk Hills Reserve in 1910. In 1912, President Taft set aside 30,181 acres as Naval Petroleum Reserve No. 2. However, 63 per cent of this acreage was already subject to private claims, and thus only 37 per cent of NPR No. 2 is in government ownership. Unlike Elk Hills, this Reserve is not covered by a unit operating agreement. Consequently, private owners are producing oil from this field on a commercial basis and the Navy, in order to protect the public interest in the Reserve, has been forced to lease its mineral interests for commercial production. Thus, NPR No. 2 is not a true national defense petroleum reserve but is, rather, in the same defense status as an existing productive oil field in private ownership. As of January 1, 1969, NPR No. 2 had estimated reserves (Navy owned) amounting to 23,054,200 barrels of oil, and its current annual production, 2.6 million barrels, is approximately 11 per cent of its remaining reserves. It has no additional standby capacity.

Naval Petroleum Reserve No. 3 is more renowned for its scandalous history than as a petroleum reserve. By executive order, President Wilson designated the Teapot Dome area in Wyoming as a naval petroleum reserve in 1915. In 1921 President Harding transferred administration of the petroleum reserves from the Navy to the Secretary of the Interior. In 1922 the Teapot Dome Reserve was leased to the Mammoth Oil Company formed by Harry F. Sinclair, while Elk Hills reserves were leased to the Pan-American Petroleum and Transport Company, owned by Edward L. Doheny. The U.S. Supreme Court determined that the lease arrangements were products of "conspiracy, corruption and fraud" and ordered the lands to be returned to the Navy in 1927. Following the Supreme Court judgment, the Teapot Dome Reserve was shut-in until 1952. In 1949 and 1959, oil was discovered on private lands adjacent to the Reserve and the Navy was subsequently forced to withdraw oil from the Reserve in order to avoid a drainage loss. In 1968 production from NPR No. 3 amounted to 313,000 barrels. Estimated reserves are a relatively modest 50 million barrels. Thus, protective production is running at a rate of 0.6 per cent per year.

Since oil is a migratory common property resource, commercial production from adjacent private lands drawing on the same oil reservoir has forced the Navy to engage in matching commercial production from the above three Reserves in order to protect the public ownership. This production is contrary to national defense reserve objectives. The obvious solution is for the Federal Government to purchase adjoining private interests that tap reservoirs which are part of the Reserves. To date, funds have not been made available for this purpose.

Naval Petroleum Reserve No. 4 was established in Alaska by President Harding by an Executive Order signed in 1923. This Reserve encompasses 23,680,000 acres which is more than 500 times as large as Elk Hills in terms of geographical area. It is located on the North Slope of Alaska directly west of the major Prudhoe Bay discoveries. Although three oil fields have been discovered and gas is currently being produced, the total Reserve has not been adequately evaluated. A drilling program carried on between 1944 and 1953 was limited to the relatively shallow Cretaceous zones, while the deeper zones in which Prudhoe Bay oil has been found have not yet been explored. Estimates concerning the recoverable reserves from NPR No. 4 have varied from 4 to 25 billion barrels.[7]

For NPR No. 4 to qualify as a ready reserve, standby delivery capacity must be made available. The Cabinet Task Force on Oil Import Control estimated that a 3 million barrel per day standby capacity would require a pipeline from the North Slope to Valdez, Alaska having an initial cost of $1.9 billion. Furthermore, in order for this reserve capacity to be of maximum military use, oil should be delivered by pipeline to the Chicago area. This involves an additional, but not estimated, cost. Annual maintenance cost for the pipeline only is assumed by the Task Force to amount to $20 million per year. The high cost of idle capacity under Arctic conditions may be offset by some potential advantages in terms of reserve size and absence of private claims within the Reserve.

The Opportunity Cost of a Petroleum Reserve. The merits of the explicit National Defense Petroleum Reserve proposal must be judged, first, on the basis of its net social cost relative to alternative methods, and second, by comparison of the physical effectiveness of the proposed and alternative methods of supplying oil in emergencies.

The social cost of the proposed alternative is the cost of foregone opportunities, plus the cost of standby equipment maintenance and of standby pipeline capacity. By holding otherwise productive reserves idle, we forego the right to produce oil on an economic liquidation basis. The foregone opportunity involves an interest cost on the immobilized capital. This cost will be estimated by calculating the market price for a developed petroleum reservoir such as Elk Hills, and then imputing an interest cost to the immobilized capital in order to obtain an annual capital cost. We will then add the estimated cost of continuing maintenance for a shut-in reserve held in standby status. We must identify the annual cost of maintaining all of the necessary equipment for an operating oil field, even though the field in fact is shut-in. Finally, we will add the estimated annual capital and maintenance cost for standby pipeline capacity which must be available to connect the reserve field with a pipeline grid.

In order to estimate the costs outlined above, we will use the Elk Hills Petroleum Reserve as a case study. Elk Hills is currently the most fully shut-in of the nation's developed oil fields. Further, there is an adequate cost history of shut-in field management at Elk Hills that may be drawn upon. In order to estimate the important capital costs, we will determine the price that a willing buyer would pay to a willing seller to acquire an entire oil field such as Elk Hills. We assume that this figure will be representative of the per-unit capital cost of meeting any defined level of national security needs by means of reserve expansion.

The present value of a delineated petroleum reserve in its future wellhead value, minus both the additional capital costs necessary to recover the oil and the lifting costs, all discount to the present. The Elk Hills Reserve is estimated to contain 1,363,435,000 barrels of oil. Assuming an orderly rate of commercial production at a stable daily output for five years, followed by a logarithmic declining output thereafter for a total 43-year depletion period, the initial level of production amounts to 127,750,000 barrels per year. The annual output based on this production schedule is shown in Table 1. Using early 1970 oil prices, the wellhead value of Elk Hills oil was $3.00 per barrel.[8] The cost of lifting the oil would be low during the early period of production and would rise steadily thereafter as field pressure is reduced. We have accepted Navy estimates that the initial lifting cost would amount to 25 cents per barrel and would increase logarithmically thereafter until the 43rd year when the lifting cost would equal the value of the oil. At this point production would cease.

As noted earlier, the Navy has estimated that an additional $100 million of investment is necessary for full field development of the two currently known major reservoirs of the Elk Hills Reserve. We have assumed an additional $20 million capital investment for each of the first five years of production.

Table I shows estimated net income from commercial operation of the Elk Hills Petroleum Reserve, by year, through the productive life of the field. In order to compute the present value of expected future net income we need a discount rate which a representative oil company would use to capitalize income from an oil field. The present value thus obtained would approximate the price a willing buyer would pay to a willing seller for an oil property such as Elk Hills.

Footnotes at end of article.

TABLE 1.—ESTIMATED NET BEFORE-TAX INCOME, DISCOUNTED TO OBTAIN A PRESENT VALUE FOR THE ELK HILLS NAVAL PETROLEUM RESERVE

	Production (thousand barrels of oil)	Value at $3.00/bbl. for oil, plus gas at 41¢/bbl. of oil=$3.41[1]	Lifting cost per barrel	Total lifting cost	Additional capital cost (millions)	Before-tax net income (value less costs)	Present value at 18 percent discount
Year:							
1	127,750	$435,627,500	$0.25	$31,937,500	$20	$383,690,000	$325,158,000
2	127,750	435,627,500	.25	31,937,500	20	383,690,000	275,558,484
3	127,750	435,627,500	.25	31,937,500	20	383,690,000	233,525,245
4	127,750	435,627,500	.25	31,937,500	20	383,690,000	197,899,628
5	127,750	435,627,500	.25	31,937,500	20	383,690,000	167,710,899
6	117,205	399,699,050	.27	31,645,350		368,023,700	136,327,019
7	98,277	335,124,570	.29	28,500,330		306,624,240	96,255,481
8	88,405	301,461,050	.31	27,405,550		274,055,500	72,906,980
9	69,096	235,617,360	.33	22,801,680		212,815,680	47,979,295
10	57,937	197,565,170	.35	20,277,950		177,287,220	33,872,496
11	48,581	165,661,210	.38	18,460,780		147,200,430	23,833,222
12	40,735	138,906,350	.41	16,701,350		122,205,000	16,768,000
13	34,156	116,471,960	.44	15,028,640		101,443,320	11,795,829
14	28,640	97,662,400	.47	13,460,800		84,201,600	8,297,226
15	24,015	81,891,150	.50	12,007,500		69,883,650	5,835,984

Footnote at end of table.

	Production (thousand barrels of oil)	Value at $3.00/bbl. for oil, plus gas at 41¢/bbl. of oil=$3.41[1]	Lifting cost per barrel	Total lifting cost	Additional capital cost (millions)	Before-tax net income (value less costs)	Present value at 18 percent discount
16	20,136	$68,663,760	$0.53	$10,672,080		$57,991,680	$4,104,071
17	16,884	57,574,440	.57	9,623,880		47,950,560	2,875,595
18	14,157	48,275,370	.61	8,635,770		39,639,600	2,014,881
19	11,870	40,476,790	.65	7,715,500		32,761,200	1,411,025
20	9,953	33,939,730	.70	6,967,100		26,972,630	984,501
21	8,346	28,459,860	.75	6,259,500		22,200,360	686,657
22	6,998	23,863,180	.81	5,668,380		18,194,800	476,886
23	5,868	20,009,880	.86	5,046,480		14,963,400	332,337
24	4,920	16,777,200	.92	4,526,400		12,250,800	230,560
25	4,126	14,069,660	.99	4,084,740		9,984,920	159,259
26	3,459	11,795,190	1.06	3,666,540		8,128,650	109,899
27	2,901	9,892,410	1.14	3,307,140		6,585,270	75,467
28	2,432	8,293,120	1.22	2,967,040		5,326,080	51,716
29	2,039	6,952,990	1.30	2,650,700		4,302,290	35,408
30	1,710	5,831,100	1.40	2,394,000		3,437,100	23,956
31	1,434	4,889,940	1.50	2,151,000		2,738,940	16,187
32	1,202	4,098,820	1.60	1,923,200		2,175,620	10,878
33	1,008	3,437,280	1.71	1,723,680		1,713,600	7,266
34	845	2,881,450	1.83	1,546,350		1,335,100	4,793
35	709	2,417,690	1.96	1,389,640		1,028,050	3,125
36	594	2,025,540	2.11	1,253,340		772,200	1,992
37	498	1,698,180	2.26	1,125,480		572,700	1,248
38	418	1,425,380	2.40	1,003,200		422,180	781
39	350	1,193,500	2.60	910,000		283,500	445
40	294	1,002,540	2.78	817,320		185,220	250
41	246	838,860	2.98	733,080		105,780	120
42	207	705,870	3.10	641,700		64,170	61
43	34	115,940	3.41	115,940		0	0
Total	1,369,435	4,669,773,350		465,496,610	100	4,104,276,740	1,667,343,242

[1] Gas is valued at 31¢/MCF at Elk Hills. The reserve estimates indicate that there are 1,363 cu. ft. of recoverable gas per barrel of oil. Thus, the value of the associated gas is 41¢/barrel of oil.

We have used an 18-per cent rate to discount *before-tax* net income. Given the existence of the depletion allowance and other tax arrangements favorable to oil production, oil industry taxes are minimal. In 1968, the twenty-one largest United States oil companies had an average effective federal income tax rate of 7.7 per cent.[9] From 1962 through 1968 this average tax rate varied from a low of 4.0 per cent to a high of 8.3 per cent. Accordingly, an 18-per cent before-tax rate of return in the oil industry is equivalent to approximately 16.6 per cent *after taxes*. Given the degree of risk involved in estimating oil reserves, together with uncertain future events (including tax legislation), an 18 per cent discount rate for *before-tax* income appears reasonable.[10]

We conclude that the present value of the Elk Hills Reserve is $1,667 million. The social cost of this immobilized capital is the annual interest cost. Utilizing a six per cent social time preference rate, the annual interest cost is $100.2 million or (dividing by 1,363,435,000 barrels of reserve) 7.3 cents per barrel of reserve per year.[11]

In addition, annual maintenance costs on the idle production facilities and management expenses must be estimated. To fulfill its objectives, a National Defense Petroleum Reserve must be maintained in a perpetual state of readiness. The equipment must be replaced when it deteriorates or becomes obsolete. These costs are avoidable by liquidating the Reserve and are therefore chargeable to it. In fiscal year 1969, total management costs (including administrative expenses) for the entire Elk Hills Reserve were $3,876,036. A four-million-dollars annual expenditure for maintenance and management is believed to be adequate. This amounts to 0.3 cent per barrel of reserve per year.

Finally, standby pipeline capacity must be available to transport oil to its major markets, or to connecting pipelines. Oil production from private lands surrounding the Elk Hills Reserve has been declining and idle pipeline capacity happens to exist at the moment. However, owners of these pipelines will expect to be compensated for providing continuing standby capacity. Furthermore, we are interested in generalizing our findings to other similar fields which might be purchased and added to the nation's petroleum reserves. Accordingly, we must estimate the social cost of standby pipeline capacity consisting of interest on an amortization of invested capital, plus maintenance costs. A 36-inch pipeline 100 miles long running from Elk Hills to Los Angeles involves a capital cost of about $50 million. Pumping stations and other facilities add another $10 million. Annual maintenance charges would amount to about $250,000. Assuming a 30 year pipeline life and that the pipeline company requires an 18 percent[12] before-tax yield on its invested capital, the annual interest and amortization cost amounts to $10.9 million. Adding the $250,000 annual maintenance cost this totals 0.8 cents per barrel of reserve per year.

The sum of all estimated annual social costs for a petroleum reserve similar to the Elk Hills Reserve is $115,350,000. This amounts to 8.5 cents per barrel of reserve per year.[13] Reserves can be made available indefinitely at approximately this cost by purchase of additional oil fields for inclusion in the Reserve system. Fields located far from a pipeline grid or in an environment involving high maintenance costs will involve slightly higher annual expenditures.

If a higher level of emergency production is desired, closer well spacing, additional field production facilities, larger pipeline capacity, and greater pumping capacity would be necessary, requiring additional investment commitments. Initial emergency production would be higher than provided in the commercial production schedule shown in Table I. The Navy estimates that with an additional investment of $278 million, initial year emergency production amounting to 453 million barrels may be attained (instead of 127.75 million barrels.)[14]

Again using a 6 per cent social time preference rate, the annual cost (interest and amortization) of an additional $278 million investment is $20.2 million. Standby maintenance costs would increase annual charges by another $10 million. Adding this to the $115,250,000 estimated above, we arrive at an annual social cost of $145.5 million. Thus, the annual cost of holding 1,363,435,000 barrels of oil in reserve indefinitely at a higher rate of initial emergency production becomes 10.7 cents per barrel of reserve.

Alternatively, the social cost of an in-situ reserve may be expressed as a cost per barrel of additional emergency oil supplies in some time period, say one year. Thus, the initial 453 million barrels of reserve production capacity is available at a carrying cost of $145.5 million, or 32 cents per barrel, for the initial year.

Comparison of the Import Quota and the Petroleum Reserve Alternatives. The social cost of the existing system of import quotas has been estimated by both the Charles River Associates and by the U.S. Department of the Interior. The CRA Study concluded that the annual social cost amounted to $3.9 billion.[15] The Department of the Interior estimated lower costs of the present system for two years, 1975 and 1980, under minimum and maximum assumptions about domestic production in these years.

Prorationing is assumed to continue under the quota system.[16] Resolving this difference of opinion and assumptions in favor of the quota system, we will use the USDI estimates of import quota costs, assuming a low level of domestic production in the absence of quotas.[17]

According to the analysis of the Interior Department, the import quota system will stimulate an increase in domestic crude oil production (in 1975) by 2.17 billion barrels at a social cost of $2.26 billion. This amounts to $1.04 per barrel of additional domestic production. Thus, utilizing the most favorable estimate of quota system costs, we find that the cost of providing petroleum for national defense emergencies is clearly less expensive under the National Defense Petroleum Reserve proposal (31 cents per barrel of initial year production) than under the quota system ($1.04 per barrel of annual production). Whereas shut-in petroleum reserves can be maintained indefinitely at the relatively low cost of 8.5 cents per barrel of reserves, high level domestic production of a non-renewable resource as provided by the quota system cannot be perpetual. Further, the already high cost of domestic production stimulated by the quota system will increase persistently as we continue to exhaust the lowest cost domestic reserves.

The Interior Department has also studied and published estimates on several alternatives to import quotas, not including a shut-in petroleum reserve alternative. (See Table II) According to the Interior Department analysis, salt dome storage at $0.39 per barrel per year is the least cost alternative studied.[18] While this alternative is considerably cheaper than import quotas, it is more expensive than shut-in petroleum reserves for the following reasons: (1) Oil for storage must be purchased in the current market rather than at a discounted present value from some fu-

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ture production date. (2) It must bear a lifting cost. (3) The purchased oil must be transported to the site of the salt dome. (4) Finally, it must bear the cost of pumping back into the ground for storage. Recovery and storage involve high capital costs on which interest must be computed. Finally, salt dome storage involves a net loss of some of the oil placed in storage.[19]

TABLE II.—COST OF STRATEGIC OIL RESERVE ALTERNATIVES

[Dollars per barrel per year of additional reserves]

Program	1975	1980
1. Salt dome storage	0.39	0.39
2. Oil shale, case II[1]	[2]1.45	[2].51
3. Present program (modified to exclude prorationing)	.67	.68
4. Oil shale, case I[1]	[2]1.45	[2].68
5. Steel tank storage	.98	.98
6. Present program (with continued prorationing)	1.04	1.04
7. Subsidize oil exploration, case I[3]	[4]1.12	[4]1.17
8. Oil from coal	[5]1.35	[5]1.35
9. Subsidize oil exploration, case II[3]	[4]1.56	[4]1.64

[1] Oil shale, case II assumes that an improved technology is introduced early enough to affect 1980 costs whereas case I assumes delayed technological innovation.

[2] 105,000 barrels per day available in 1975. 1,000,000 barrels per day available in 1980.

[3] Subsidy case I assumes a straight subsidy whereas case II assumes this subsidy plus a large field incentive.

[4] 3,500, 000 barrels per day available in 1978. 5,000,000 barrels per day available in 1981. 6,000,000 barrels per day available in 1983 at $1.21 per barrel for case I; $1.69 per barrel for case II.

[5] 100,000 barrels per day available in 1975. 1,000,000 barrels per day available in 1980.

Source: Letter from Mr. John Licca, Deputy Director, Office of Oil and Gas, U.S. Department of the Interior, to Mr. Phillip Areeda, Executive Director, Cabinet Task Force on Oil Import Control, Sept. 19, 1969. Table I.

With respect to reserve reliability, there are additional doubts regarding the merits of restricting the importation of oil as a means of promoting U.S. national security. The Cabinet Task Force commented as follows. "The fixed quota limitations . . . bears no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption. The level of restriction is arbitrary and the treatment of secure foreign sources internally inconsistent."[20] The economic rationalization behind import restrictions is that higher crude oil prices are needed in order to induce operators to explore for and develop new petroleum reserves. While the theory in general is valid for a limited time horizon, there is no specific relationship between the limitation of imports, on one hand, and the particular level of desired spare productive capacity, on the other. In fact, the reserve-to production ratio in the United States has been declining persistently, until the Prudhoe Bay discoveries in Alaska. In 1960 the ratio of proved reserves to annual crude oil production was 12.8. By 1969 this ratio had declined to 9.3. This decline in the reserve-to-production ratio should in fact be expected. Petroleum is a non-renewable resource. While higher prices will initially bring forth both expanded exploration and new discoveries, the best prospects will be exploited first. Having had favorable tax treatment for oil in the form of depletion allowances since 1926, and having had mandatory import restrictions since 1959, both exploration and production have been stimulated for an extended time period. The best prospects have been exploited, leaving the worst prospects for the present and future. This, indeed, is the major shortcoming of an oil import restriction program. It sacrifices future national security in order to obtain a higher degree of current self-sufficiency.

The Petroleum Reserve proposal, in contrast, would permit any desired level of strategic reserve. If reserve needs increase, reserves may be expanded through additional purchases. Having guaranteed whatever level of national security is desired, the nation would then be free to import low-cost foreign crude oil for current needs.

Whereas the Petroleum Reserve proposal provides for an increase in oil supplies from secure domestic reserves, the import quota system stimulates domestic exploration and development and thereby increases annual domestic supplies. The Quota system provides no reserve production capacity which may be drawn upon for additional oil supplies in the event of an emergency.

National security objectives are served when a nation allocates its scarce resources in an efficient manner. Whereas the present system of import quotas leads to high cost production and permits well-known pro-rationing inefficiencies, the Petroleum Reserve proposals, in the absence of quotas and prorationing, would permit the free market to allocate resources in a relatively more efficient manner.

McDonald has warned that there are some administrative problems arising out of both acquisition of a Petroleum Reserve system, and its management. Selection and valuation of reservoirs pose difficult problems since some of the most important variables are not subject to precise measurements. Multiple ownership interests raise equity problems. Favoritism charges might be heard frequently. Community pressure for various objectives might be mounted against the federal government. Once a large reserve has been established, producers might object that it would be used to exert governmental pressure on crude oil prices. Rules would be needed governing the start-up and close-down conditions. These, and perhaps other problems, must be compared with the lower cost and greater effectiveness of the proposed Petroleum Reserve system. And it should be noted that the present import quota system has its own serious set of administrative problems.

CONCLUSIONS AND PUBLIC POLICY IMPLICATIONS

A shut-in National Defense Petroleum Reserve is found to be the lowest cost available means of providing a national defense petroleum reserve as an alternative to the present oil import quota system. The social cost of this in-situ storage system is limited to the interest cost on the immobilized investment, the incremental maintenance and management expenditure, and the cost of standby pipeline facilities. The total social cost of this form of national defense reserve is estimated at 8.5 cents per barrel of reserves per year or 31 cents per barrel of additional emergency oil supplies for one year. This is significantly lower than the social cost of the present system of import quotas estimated at $1.04 per barrel per year, calculated on the basis of additional costs to society of incremental domestic production induced by the quota system. The second most attractive reserve alternative is oil storage in salt domes, estimated at 39¢ per barrel per year.

It is reasonable that in-situ storage should be the lowest cost possible storage form. Like any storage arrangement, society foregoes immediate consumption and must therefore bear the interest cost of an immobilized resource. In addition, any storage form will involve costs for equipment and standby pipeline capacity. However, unlike both salt dome storage and steel tank storage, there is no need to first recover the oil, transport it to a storage location and then replace it in storage. Furthermore, where an old field is 100 per cent owned by the Reserve, there is no cost of seepage, evaparation, or deterioration in field storage. Unlike the present oil import quota system, the shut-in storage proposal involves no interference with the market mechanism, and there is no consequent misallocation of resources due to artificially high domestic prices of oil and production from inefficient wells. Since the shut-in reserve proposal does not involve subsidized current production, it does not require a cash subsidy from consumers to owners of oil resources. The reserve proposal provides for an emergency increase in domestic oil supplies, not provided by the present system. Finally, since the proposal does not subsidize current production from dwindling U.S. petroleum reserves, it does not require that future national security be sacrificed in favor of immediate security.

Three public policy implications follow from this analysis. First, on June 11, 1970, President Nixon sent to Congress a draft of a bill to terminate twenty oil leases on federal lands in the Santa Barbara Channel and to compensate the lessees by producing and selling oil from the Elk Hills Naval Petroleum Reserve. The bill provided that "the Secretary of the Navy is authorized and directed to produce, by whatever means he deems necessary, sufficient oil from Naval Petroleum Reserve Number One to fulfill the requirements" for reimbursement of the lessees. The amount of the reimbursement is to be determined by legal action in the United States District Court. According to one estimate, the ultimate compensation may be in the area of $300 million.[22] If the payment required is near this amount, approximately 100 million barrels (about 7 per cent of the total Reserve) will have to be withdrawn from Elk Hills. While repurchase of the twenty oil leases in the Santa Barbara Channel may be appropriate given the environmental problems, there is no necessity to compensate the lessees with petroleum from a national defense Reserve. Instead, compensation for lease cancellation should pass through the normal Congressional appropriation procedures. This proposal failed in the 91st Congress and has been expanded and resubmitted to the 92d Congress. The new bill expands from 20 to 35 the number of leases to be repurchased. It further provides for exploration of Petroleum Reserve Number Four, for compensating both the Interior Department and the Justice Department for administrative costs arising out of the repurchase program, and for reimbursing the Treasury Department for rental income lost due to the lease cancellation, all to be financed by production and sale of Elk Hills oil.

Second, instead of Elk Hills reserves being reduced, their low cost and their high reliability characteristics suggest that they should be expanded. When the Elk Hills Petroleum Reserve is fully developed it will be sufficient to replace all non-Canadian imports into the United States west of the Rocky Mountains. Given the likelihood that Alaskan production will be available within a few years to further supply national security needs of this region, no large scale expansion of petroleum reserves is needed in District V. However, privately owned land in and adjacent to Elk Hills should be acquired to remove the threat of further drainage from the Reserve. Large scale expansion of petroleum reserves east of the Rocky Mountains is in order. Consideration should be given to acquiring privately owned oil resources adjacent to the Teapot Dome Naval Petroleum Reserve in Wyoming. Acquisition of these private lands would eliminate the necessity for offsetting production by the Navy and would expand the Reserve itself. Reserves should then be acquired in the important Gulf Coast producing area. For example, the recently discovered "Main Pass Block" No. 112 offshore from Louisiana, reported to be one of the largest U.S. oil fields,[23] might be purchased in its entirety and placed in ready-reserve shut-in status. Other fields in Texas, Louisiana, and Oklahoma, as needed, would then be acquired to complete the reserve system. In all cases, present owners would be fully

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compensated for the discounted present value of their holdings.

Third, oil import quotas are a costly, inequitable and unreliable method for assuring future strategic energy capacity. The rationale for oil import quotas rests entirely on national security considerations. A National Defense Petroleum Reserve would provide greater long-run security for the nation at a fraction of the cost imposed by the system of quotas. Quotas should be progressively eliminated and a National Defense Petroleum Reserve program should be established at the earliest possible date.

FOOTNOTES

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[1] Cabinet Task Force on Oil Import Control *The Oil Import Question* (Washington, D.C., February 1970), p. 19.

[2] *Ibid.,* p. 260. The 1970 curtailment of Libyan oil production and the closure of the Trans-Arabian Pipeline (reopened in 1971) caused a shortage of oil available in the Mediterranean. Compensatory shipments have been made from the Persian Gulf around South Africa, as well as from other distant shipping points. As a result of the increased demand for tankers, shipping rates have increased sharply, temporarily eliminating the value of import tickets.

[3] Stephen L. McDonald, "Conservation Policies and National Securities," *Quarterly of the Colorado School of Mines,* October 1969, p. 154.

[4] Department of the Navy, "History of Naval Petroleum and Oil Shale Reserves," Mimeographed (June 30, 1969), p. 25.

[5] "Unit Plan Contract between Navy Department and Standard Oil Company of California Relating to Naval Petroleum Reserve No. 1 (Elk Hills)," Contract No. NOd-4219, June 19, 1944. As a consideration for entering into the Unit Plan Contract, Standard received the right to early recovery of 25,000,000 barrels of oil from its share of the Reserve, together with associated hydrocarbons, or ⅓ of Standard's share of the estimated recoverable oil in the shallow oil zone "whichever of said events shall first occur." *Ibid,* pp. 10–11.

[6] Department of the Navy, "Navy Report as of and to December 31, 1969, Elk Hills Field, Naval Petroleum Reserve No. 1," January 12, 1970, p. 4.

[7] The Cabinet Task Force on Oil Import Control, *op. cit.*, p. 306.

[8] While our analysis uses a 1970 (Spring) market oil price it overstates the social value of oil since both import quotas and market demand prorationing reduce the supply of oil and thereby create an artificially high price. On the other hand, the depletion allowance and other tax favors reduce the after-tax cost of production and thereby provide a slight stimulant to exploration and production which in turn artificially lowers the price. An Interior Department study in 1969 concluded that, in the absence of import quotas restricting imports into District V, the price of West Coast crude petroleum would decline about 75 cents per barrel. (Letter from Cordell Moore, Assistant Secretary of the Interior, to Senator William Proxmire, January 16, 1969). After the Interior Department study was completed, the price of domestic crude was increased approximately 25 cents per barrel without a corresponding change in the world oil price. Therefore, we may estimate that if artificial impediments to trade were removed, the price of West Coast crude petroleum under conditions prevailing at the time of the study would decline approximately one dollar per barrel. We would therefore be justified in using not $3.00 per barrel wellhead price, but $2.00 per barrel. The latter would more accurately reflect the social value of oil on the West Coast. Nevertheless, we have used the 1970 crude market price. We expect that additional petroleum reserves would be acquired before import quotas would be removed. Thus, present owners of any acquired reserves would not suffer a capital loss due to the U.S. price of crude oil falling to a competitive world level.

[9] U.S. Senate *Congressional Record,* July 14, 1969, p. 8029.

[10] In a 1956–57 study, Lanzillotti found that large firms used an average 14 per cent after-tax target rate of return in pricing products, and individual firms varied between 10 and 20 per cent. Robert F. Lanzillotti, "Pricing Objectives in Large Companies," *American Economic Review,* December 1958, p. 923.

[11] By way of comparison, if we assume a 10 per cent discount rate for both the private oil company and for society, the present value of the Elk Hills Reserve is $2,315 million, and the annual interest cost is $231.5 million or 17 cents per barrel of reserve per year. There is no reason for assuming that private and social rates of discount would be (or should be) equal in this situation. Cf. M. S. Feldstein, "The Social Time Preference Discount Rate in Cost-Benefit Analaysis," *Economic Journal,* June 1964, pp. 360–79.

Our analysis has not taken any credit for the possibility that crude oil prices in the future might continue to increase as they have in the past. A six per cent annual gain would eliminate the holding cost on oil reserves.

[12] Pipeline companies do not have the same tax advantages that oil companies enjoy. They are subject to rate regulation. An 18 per cent before-tax rate of return would produce approximately nine per cent after taxes.

[13] Alternatively, assuming a uniform 10 per cent discount rate for private oil companies, pipeline companies and society, the sum of all estimated costs is 17.8 cents per barrel of reserves per year.

[14] Instead of a constant rate of production for each of the first five years, followed by a declining rate of production for a total of 43 years, the added investment would permit the following liquidation schedule:

[In million barrels]

Year	Production	Year	Production
1	452.7	10	13.2
2	301.7	11	9.2
3	200.3	12	5.7
4	133.2	13	3.7
5	89.1	14	2.9
6	61.3	15	1.4
7	40.6	16	1.0
8	27.0	17	0.7
9	19.1	18	0.5

[15] James C. Burrows and Thomas A. Domencich, *An Analysis of the United States Oil Import Quota,* A Charles River Associates Research Study (Lexington, Massachusetts: 1970), p. 158. This analysis is based on 1968 data and assumes that prorationing would be impossible in the absence of import restrictions. Elasticity of demand is assumed to be −.05.

[16] United States Dept. of the Interior, Bureau of Mines, "The Cost of the Oil Import Quota Program: A Reconciliation of the Adelman, Blair, Charles River Associates, and United States Dept. of the Interior Estimates," mimeographed, Sept. 1969, Table 4. Like the CRA study, the USDI analysis assumes that prorationing would end with the termination of quotas. Demand is assumed to be highly inelastic, −0.02. *Ibid.,* p. 13.

[17] The social costs of the import quota system (net of income redistribution) consist of three elements. First, society bears the cost of inefficient production which is stimulated when the domestic price of oil is increased from the $2.14 competitive price to a $3.89 per barrel noncompetitive price created by the restriction of foreign competition. Second, American buyers suffer a loss of consumer's surplus through forgoing additional quantities of oil which might be purchased at lower competitive world prices. Third, society bears the additional cost of inefficiencies arising from state prorationing systems. Market-demand prorationing is possible only in a market insulated from competition. If import quotas were removed, continuation of the state market-demand prorationing system would be impossible. The estimate of the social cost of import quotas should be distinguished from the cost to consumers. The latter includes in addition the cost of transfer payments from consumers to the oil industry. The cost to consumers has been estimated in several studies. Adelman wrote that "the annual cost for this whole system of organized waste, including the import controls needed to insulate it from foreign competition . . . is just over $4 billion." M. A. Adelman, "Efficiency in Resource Use in Crude Petroleum," *Southern Economic Journal,* October, 1964, p. 105. Adelman's estimates for 1962 data were updated by John Blair for 1968 conditions. Blair's estimate indicated a consumer cost of $7.2 billion. United States Congress, Senate, *Hearings* before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, 91st Cong., 1st Sess., Part I, March 11, 1969, p. 40. The Charles River Associates report estimated consumer costs to be $6.2 billion for 1968, *op. cit.,* p. 7–17. The Cabinet Task Force estimated that the import quota system cost consumers $6.04 billion in 1969 and that this cost will increase to $9.69 billion by 1985, *op. cit.,* p. 262. The Interior Department estimates vary from $7.13 billion for 1975 to $8.15 billion for 1980, *op. cit.,* p. 8.

[18] The reader should be warned of cost comparability problems due to the use of estimates from diverse studies.

[19] Stigler suggested in private correspondence that "an unregulated system of oil productions would also hold reserves for emergencies. If the price of oil were not fixed in an emergency (a huge if), is there even a case for reserves?" If the government would guarantee, and if private owners of oil resources were willing to accept a guarantee, that oil prices would not be controlled or subjected to "jawboning" in any future emergency period involving a shortage of oil, then private owners would indeed have an incentive to provide for probable future shortages.

[20] Cabinet Task Force, *op. cit.,* p. 128. For a similar point of view, see McDonald, *op. cit.,* p. 153.

[21] McDonald, *op. cit.,* pp. 155–6.

[22] *Oil and Gas Journal,* June 29, 1970, p. 1.

[23] *Oil and Gas Journal,* June 1, 1970, *68,* p. 30.

EXPANSION OF WATER AND SANITARY SEWER SYSTEMS OF MONTGOMERY, ALA.

Mr. ALLEN. Mr. President, the Chamber of Commerce of the United States from time to time publishes case studies of outstanding accomplishments by cities throughout the United States which demonstrate how such cities have successfully solved one of a variety of urban problems.

The March 1971 issue of the Urban Action Clearinghouse, published by the Chamber of Commerce of the United States is devoted to a case study of the response in Montgomery, Ala., to a critical need to expand and upgrade its water and sanitary sewer systems.

The problem was outlined as follows:

> Twenty years ago, the City of Montgomery, Alabama, was deeply in debt and could not borrow money for expansion and improvement projects that were badly needed. One step to solution of its problems recommended by a financial consultant was to separate the water utility from the city and to establish an independent public corporation to handle the service.
>
> The Water Works and Sanitary Sewer Board has served Montgomery well. When the Board of three private businessmen took over, Montgomery, with 106,525 people, was served by 31 wells, with a daily maximum capacity of 20 million gallons. The city dumped its raw sewage into the Alabama River and other streams and was a major polluter of the state.
>
> Today, the Board, serving 140,000 people, provides a daily water capacity of 45 million gallons from a river water capacity of 45 million gallons from a river water treatment plant that can increase its capacity to serve one million people. Montgomery has 3 sewage treatment plants giving secondary treatment to some 26 million gallons of sewage a day. The Alabama River receives treated effluent.
>
> Montgomery and the Water Works and Sanitary Sewer Board have prospered under this arrangement and, today, both have high credit ratings.

Mr. President, the initiative and foresight of the mayor and council and other civic leaders of the city of Montgomery to whom much credit is due is acknowledged in the case study. These individuals are to be commended for their selfless devotion to the community reflected in their outstanding achievements. We commend also the Chamber of Commerce of the United States for making available to the civic leadership of all cities the series of case studies published in its Urban Action Clearinghouse.

Mr. President, I am sure that many communities in the United States could profit by the Montgomery example. I ask unanimous consent that the case study of an important Montgomery, Ala., problem and the happy solution thereof be printed in the Record.

There being no objection, the case study was ordered to be printed in the Record, as follows:

MONTGOMERY CREATES WATER WORKS AND SANITARY SEWER BOARD

PROJECT

Community Development of the Water and Sanitary Sewer Systems of the City of Montgomery, Alabama, to meet the needs of a growing community.

OBJECTIVES

1. to find a vehicle to help the city out of its financial crisis;

2. to take whatever action was required to free the water, and later sewer, system from economic shackles, to bring the systems up to date and continue development;

3. to develop a sanitary sewer system and remove pollution from the Alabama River; and

4. to evaluate at regular intervals the results of action taken.

SUMMARY RESULTS

1. The Water Works and Sanitary Sewer Board is now on a firm financial basis, with a credit rating of A by Moody.

2. As a result of transferring the water and sewer systems to the Board, as a public corporation, the City of Montgomery has been able to maintain a high credit rating, which is now A (Moody).

3. The Water Works and Sanitary Sewer Board assumed $5,316,000 of city indebtedness and paid the City of Montgomery $750,000 in cash for the system plus a franchise fee of $1,100 per month and five percent of the gross receipts from water sales. In addition, the Board has issued bonds totaling $20,000,000 (as of January 1, 1971) since it began operations January 1, 1950. In the meantime, the Board has increased the book value of the two systems from $8,804,098 to $41,950,235. The outstanding indebtedness of the Board as of January 1, 1971 was $16,172,000. The Board has increased its indebtedness in the amount of $10,856,000, and the value of its properties increased by $33,146,137. The Board also has in its Construction Fund over $3,000,000 for future contracts and $1,504,702.50 for debt service, thereby increasing its properties and cash by $37,653,839.50.

4. The Board now services 41,921 accounts, compared with 24,009 in 1952. Yet, Board personnel has increased only slightly from 129 merit system employees to 146.

5. The Board has more than doubled its water production capacity from a maximum of 20,000,000 gallons per day in 1950 to 45,000,000 gallons per day at the present. With its Tallapoosa Water Plant now in operation, production could be increased to 100,000,000 gallons per day. The water distribution system now has 620.00 miles of mains, compared with 261.2 in 1950. Storage capacity is now 21,500,000 gallons compared with 18,000,000 in 1950.

6. The Board has 460 miles of sanitary sewers, compared to 200 miles when the Board took over the sanitary sewer system in 1952.

7. The Board is now giving secondary treatment to some 10–12 million gallons of raw sewage daily in its Catoma Creek and Towassa Treatment plants, and completed a third plant (the Econchate), adding 14 million gallons of capacity daily, in 1970. This removes all of the city's pollution from the Alabama River to permit navigational and recreational development of the river as a part of the vitally important Coosa-Alabama regional development for Alabama and Georgia. When the Econchate plant was finished in November, 1970, the city's sewerage needs were taken care of for at least 20 years. Looking back, the City of Montgomery had no sewage treatment facilities until the Catoma Creek plant was dedicated on April 4, 1956.

8. Because of Montgomery's favorable water supply situation, fire insurance rates for business, industry and home are among the lowest for any city in the United States. Combined water and sewer rates are among the lowest for any city in the United States. Combined water and sewer rates are the lowest of any major system in Alabama where operation costs are not supplemented with taxes.

9. Water service revenue is now $4,200,000 per year, compared with $1,139,432 in 1953, the first full year of collections from a combined water-sewer charge. There have been three rate increases: 1950, 1957 and 1965. Each additional increase was approximately 30–35% on the average billing, publicized well in advance.

PROBLEM

Immediately following World War II, the City of Montgomery was caught in a squeeze between inadequate tax revenues and a debt of $12,500,000. The relationship between revenues, required payments on bonded indebtedness, and operating expenses was such that the city was in no position to borrow for the expansion and improvement projects needed due to population growth.

Despite the opposition of traditionalists who opposed interference from outsiders, Mayor John L. Goodwyn, in 1948, retained a New York financial consulting firm to help get the city on a firm financial footing. One of the firm's recommendations was that the city's water utility be put on a self-supporting basis. While consulting with financial experts, the Mayor had also engaged an engineering firm to make a full study of the city's water works facilities.

In the face of opposition, Mayor Goodwyn decided, with the advice of supporting citizens, that the only solution to the problem was to quietly establish, under state law, a public corporation known as the Water Works Board, to which the ownership of the entire water system would be transferred. This was permissible under Title 37 of the Alabama Code of 1940, passed by the State Legislature to provide relief for cities in the financial bind that Montgomery faced.

ESTABLISHMENT OF BOARD

The transfer of the properties of the City Water Works was accomplished by the establishment by the Mayor-Commission of the Montgomery Water Works Board in October, 1949, to become effective on January 1, 1950. The Board, a separate entity outside of the city's political control, owned and operated the city's water system and was able to increase revenues from the water system, and issue bonds for the enlargement and improvement of the systems, pledging the revenues of the system. The Board's life was originally limited to 30 years; this was later changed to be until the system is debt-free, at which time all property and income revert to the city.

When it was created, the Board assumed $5,316,000 of bonded indebtedness from the city which had pledged water revenues for repayment of the debts; it paid the city $780,000 for the system, and contracted to pay the city $1,000 per month as a franchise fee and 7% of the cash water receipts (later changed to 5% and $1,100).

This transfer immediately reduced the city's debt by $5,316,000, allowing other plans of the financial consultants to be put into effect, and improved the city's national credit rating and freed the tax dollar for other bond issues.

Legal Limitations

Under state law, the board was restricted by certain regulations to protect the public, namely:

(1) The Board must keep its records and books open at all times to the public.

(2) All bonds sold must be sold on a bid basis.

(3) Construction work and purchases made by the Board are awarded to the lowest qualified bidders.

(4) The Board cannot convey any property belonging to either system to private owners. The system remains the property of the people.

(5) The Board is legally bound to carry on its business exactly as outlined in a legal agreement with bond buyers.

(6) All Board transactions involving revenue from the sale of bonds must be approved by a trustee. The trustee for the Water Works and Sanitary Sewer Board is the First National Bank of Montgomery.

(7) The Board must return all properties of both the Water Works and the Sanitary Sewer System to the jurisdiction of the City Commission when the systems are free of debt.

EARLY ACTION

For membership on the first Water Works Board, the Mayor-Commission appointed three of the city's leading businessmen: N. J. Bell, III, Manager of one of Montgomery's largest estates; the late John Hodgson, owner of a large construction business and wealthy dealer in real estate; and the late Rush Stallings, a successful Studebaker dealer.

The task of transfering and getting the system in operation on a successful basis, increasing its revenues and issuing bonds to put the system on a sound financial basis, was formidable for three private citizens. The Board met frequently and long and called in consultants, such as one experienced in the operations of an independent board.

In March, 1950, three months after the Board began operation, it simultaneously raised water rates an average of 30% and changed the billing system from a quarterly plan to a monthly billing. This was done to make it possible for the water works to sell $2,200,000 in revenue bonds so that the system could be enlarged and improved. The city needed 5 new wells, 2 reservoirs with a total of 4 million gallons storage capacity, additional pumping equipment, and distribution lines. The new billing was supposed to begin in January but due to confusion at the water works, did not start until March when citizens began receiving adjusted bills they did not understand. The public at this point was not fully aware that the Board had even been created, despite local media publicity. Due to opposition from some sources, the Mayor, on the advice of other citizens, had not publicized the city's action of creating the Board before it was an established fact. The lack of public information resulted in a tremendous flare-up of private opinion and the Board had to hire a local public relations consultant to publicize the entire situation: the creation of the board, the rate increase, billing system, the water needs of the city and the Board's plans.

After the original confusion subsided, due to the frequent public explanations through the media, the Board was able to proceed with its work. In July 1952, the original Board resigned, saying they felt the Board was established, and that they were compelled to return full time to their businesses. Three more businessmen were appointed by the Mayor and the two commissioners, for staggered terms.

A succession of bond sales followed: second series, for enlargement and improvement, $800,000, March, 1953; third series, $1,000,000 enlargement and improvement, March 1955; fourth series, $1,750,000, enlargement and improvement, September 1956; fifth series, $430,000 enlargement and improvement, April 1957.

INCLUSION OF SEWER SYSTEM

At this time, the city was still dumping raw sewage into a small creek on one side of the city and into the Alabama River on the other. The same population growth that demanded expanded water supply also made it necessary to build new sewage facilities, and in 1952, the State Health Department ordered that Montgomery's sewer system be enlarged and improved.

The city government had engaged an engineering firm in May 1951 for a survey on sewer needs. The firm recommended construction of a sewage treatment plant, a trunklike sewer from the southern and southeast area of the city, and enlargement and extension of the facilities for the east and southeast section of the city, at an estimated cost of $2,900,000. The city government began to study ways and means of carrying out the recommended projects.

Acting on a resolution of the Water Works Board requesting that the City Commission permit it to amend its certificate of incorporation, the city transferred the sewer system to the Water Works Board. This action also was permissable under Title 37 of the Alabama Code. In July, 1952, the Board became the Water Works and Sanitary Sewer Board of the City of Montgomery. All revenues from the water works, above operation and maintenance costs, already were pledged to improvement and retirement. This meant that a loan would have to be made to finance the sewer expansion program and a new source of revenue would have to be found to back such a loan. In order to move toward the sale of bonds for the sewer system, the Board had to place a sewer service charge on all users in the amount of 25% of their water bill.

Court test of service charge

The Board hoped that plans could go forward immediately with the sale of revenue bonds to finance the sewerage expansion program. However, legality of the service charge was tested in the courts in August 1952, with opponents calling the increase a tax. The Supreme Court of Alabama ruled in November 1953, that the Board could not legally collect the charge under the provisions of the law on which the charge was based. The court ordered all money collected under that provision be refunded, less a percentage for attorney fees. Refunds of approximately $250,000 were made accordingly, covering the period from September 1, 1952, through June 30, 1953.

In January 1954, after a rehearing of the case at the request of the Board, the Alabama Supreme Court ruled that the Board had the right to collect a service charge under a new law which was passed by the State Legislature in June, 1953, governing municipal collections on sewer service charges.

FACTFINDING COMMITTEE

In January, 1954, the Board, reacting to the adverse publicity of the past months over the sewer service charge and the accusation by a city official that it had not accomplished its purpose and should be dissolved, sent letters to 14 organizations in the city, asking them to take part in the formation of a Fact Finding Committee, to investigate the Board's record and report to the people of Montgomery. Fourteen citizens, representing such organizations as the Chamber of Commerce, Ministerial Association, PTA Council, Central Labor Union, League of Women Voters, Bar and Medical Associations, and Teacher Associations, devoted some 900 hours between January and July to this investigation. They interviewed city officials, representatives of firms with contracts with the Board and Board members, and when their report was issued, completely endorsed the work of the Board.

The board proceeds

With all obstacles cleared and the collection of an additional charge for sewer service a fact, the Water Works and Sanitary Sewer Board was now in a position to proceed with its plans for enlarging and improving the sewer system. Public interest in and sympathy for construction of the treatment plant was heightened by the fact that in 1953 the city experienced a polio epidemic, costing the lives of numerous children and some adults; and while the lack of facilities for treatment of the city's sewage was not determined to be responsible for the epidemic, the public was ready to support adequate treatment. Sewer bonds sold were in the amount of $2,000,000 in revenue bonds (November, 1954), for construction of the Catoma Creek Sewerage Plant, and $750,000 in additional bonds (July, 1955), for completion of the plant. The bond sales were made with approval of the Board's trustee, the First National Bank of Montgomery. Public approval was not required.

SEWAGE PLANT CONSTRUCTED

Groundbreaking ceremonies for the Catoma Sewage Treatment Plant were held on June 11, 1954, and the plant was put into operation on April 4, 1956. Before the plant was completed, millions of gallons of raw sewage poured into Catoma Creek daily, creating a public health menace to the city. The plant was designed to handle an average daily load of 9 million gallons, with a peak capacity of about 13 million gallons.

Change in Board

In November 1959, a political decision was reached by the City Commission to increase the membership of the Water Works and Sanitary Sewer Board from 3 to 5 members, with staggered six year terms. Whatever the political thinking of the Mayor-Commission may have been on this matter, the relationship between the Board and the City Government was not altered considerably. The Board, with its members appointed by the Mayor-Commission, continued to be made up of alert, intelligent businessmen of the city, and the strong leadership of the Board continued to hold sway over any political influence from the Commission.

Consolidation of bonds and billing

The Board concluded in 1959 that it was necessary to consolidate all the separate bonds of the water system and the sanitary sewer system to provide the necessary financing for the expansion of both systems. Consequently, the Board set in motion plans for a $10,000,000 bond issue which would retire all existing indebtedness at a cost of approximately $9,000,000 and would provide an additional $1,000,000 for additional construction on both the water and sewer systems. This plan was carried out, and the $10,000,000 in bonds were delivered on December 17, 1959.

A significant development which increased the financial capability and flexibility of the Board was to combine the water charge and the sewer service charge, effective January 1, 1960, into a single "water service charge". Montgomery was one of the cities to pioneer in establishing a single charge based on the philosophy that supplying water, taking it away, and treating it to remove pollution are all components of one water service charge. From January 1, 1960, the Board has made no charge for sewer service by that name.

Long-range survey made—River water plant built

In the years immediately preceding the decision to build a water purification plant which would utilize water resources from the Tallapoosa River, the Board had employed another engineering firm to make a comprehensive study which was submitted in August, 1962, of the entire water and sanitary sewer systems and to make a thorough projection of the needs of the city for thirty years.

Based on population estimates for the City of Montgomery, prepared by the firm, on the basis of the U.S. Census and Montgomery Chamber of Commerce figures, the indications were that the city would, by 1990, have an estimated population of 265,000. The engineers pointed out that many of the improvements required by the normal growth of the city would not produce additional revenues for many years. Availability of an adequate water supply at all times was described as a prime requirement for a favorable fire insurance rating. They not only recommended the construction of the Tallapoosa River Water Treatment Plant, but determined that with the development of the Coosa-Alabama River System for commerce and recreation, the city would need to construct additional sewage treatment plants.

The decision to build the river water treatment plant was based on long and careful engineering studies of the underground water resources of the city. As the Water Works and Sanitary Sewer Board sought to bring in new underground wells to augment the city's water supply, it became apparent that the underground supplies were not adequate to meet the need. Numerous test drillings were made by the Board in all directions from the city, and the result in most cases was unsatisfactory. The test wells showed that underground resources were either inadequate or the water located was filled with iron, salt or other chemical elements which rendered the supply unusable.

The decision to go to the river was a long, arduous and highly contested procedure. Differences among the members of the Water Works and Sanitary Sewer Board reflected the strong disagreements of the people as to the necessity of spending $4,000,000 on a water purification plant when a single well could be drilled for around $40,000. A strong element of popular opinion also held that river water was impure, that it would change the chemical nature and even the taste of the underground source of water that Montgomery enjoyed at the time.

The most controversial and drawn-out issue was a proposed tapping fee. One Board member resigned because of this argument. In 1960 the Board had proposed raising the charge for connection to the system from $10 to $325. By 1962, the Board had reduced the proposed levy to $125 but this still brought a storm of protest and a strong campaign against the proposal from local home builders and real estate developers.

Open hearings were held by the Board for opponents to state their opposition. The Board had carefully developed information which indicated that the actual cost to the Board of connecting a new user was $59.37, including a ¾'' meter, but developers were paying only $10 per tap. The $125 fee was finally established in 1964.

In all of these matters the Board proceeded slowly and with extreme caution in building up to the point where the public would accept the decision to build a river purification plant. It agreed with the engineers' proposed plan to tap the Tallapoosa River for a period of three or four years before the final decision to build the plant was made. In this way, the Board built up public sympathy for the idea, and when the time came to proceed with the construction of the plant, there was not a great deal of opposition to the plan. The Board's research and examination was accomplished through consultation with geological experts from the office of the State Geologist on the availability of usable underground water supply in the Montgomery area; well-drilling experts who had drilled the wells then in use, as well as numerous test wells; engineers with the State Bureau of Sanitation; water system consultants familiar with river water use for domestic supply; and financial consultants familiar with comparative costs in plant construction and operational costs and changes and additions in water mains that would be necessitated by the introduction of treated river water into the city supply.

In 1964 bonds were issued for $4,000,000, for the construction of a river plant to tap the resources of the Tallapoosa River.

The plant was dedicated on August 20, 1966. The cost of the plant, with its 2½ million gallon underground storage reservoir was $2,500,000, and the total cost of the new expansion, including some 8½ miles of new water mains and a one million gallon elevated storage tank was approximately $4,000,000.

Initial capacity of the plant was 20,000,000 gallons of water per day, which almost doubled the then existing capacity of the city's water system. Provisions were made to allow additions which would give the plant a daily capacity of 60,000,000 gallons. Actually, the plant could be increased to treat up to 100,000,000 gallons of water daily, which added to the 25,000,000 gallon well capacity was enough to serve a city of 1,000,000 people

SECOND SEWAGE TREATMENT PLANT

With the construction of the water purification plant, the city had taken care of its water supply problems for many years to come. However the city remained a major stream polluter.

The Board's first action toward meeting waste treatment requirements was to build the Catoma Sewage Treatment Plant, completed in 1956, to treat sewage from South and Southeastern Montgomery. But Montgomery and its adjacent military installations, Maxwell and Gunter Air Force Bases, were dumping some 12,000,000 gallons of raw sewage into the Alabama River daily. This constituted 45% of all the municipal wastes put into all Alabama streams, with 75% of the total of all Alabama's stream pollution going into the Alabama River.

Arduous efforts of the Coosa-Alabama Association, an organization dedicated to developing the Coosa and Alabama Rivers for navigational and recreational purposes from Mobile, Alabama, to Rome, Georgia, had made such progress that the Alabama River would be cleared for navigation as far North as Montgomery by 1971. The city, therefore, constituted 45% of all the municipal wastes put into all Alabama streams, with 75% of the total of all Alabama's stream pollution going into the Alabama River.

Based on the study's projections Montgomery needed an additional sewage treatment capacity of 17 million gallons daily (average) by 1970 in order to remove the city's pollution from the Alabama River by 1971.

Accordingly, the Board moved in this direction. The Towassa Plant, which was completed in 1968, has an average design load of 3,000,000 gallons daily. It was built at a cost of $1,936,317 (including outfall lines), and the Federal Government participated in the amount of $638,588.

In June, 1968, Board Chairman Joe L. Coleman announced that the Board planned a $6,000,000 bond issue for that July, to build a third plant which would be scheduled for completion in November, 1970—the Econchate Plant. The Department of the Interior participated by committing $2,010,360 to this construction. In all of its financing, the Board has delayed issuance of bonds until funds were actually needed.

Upon completion of the Econchate plant in 1970, the engineers estimated that the three plants would be operating at about two-thirds of their total design capacity of 26 million gallons per day, and that on this basis, the three plants with expansion of the Catoma Plant, would take care of the needs of the City until 1990.

Provisions have been made and land acquired to expand the three waste treatment plants and the outfall sewers and distribution lines to take care of unlimited development of drainage areas.

PROGRAM EVALUATION

In summary, the City of Montgomery, which in 1949 had 31 wells and no sewage treatment, today has a large water plant capable of serving 1 million people, and 3 sewage treatment plants. The city now has 140,000 residents.

Contracts have recently been let for State docks on the Alabama River at Montgomery. When industry follows the barges to the city, Montgomery will have no problems meeting its needs.

Further testimony of the success of the Water Works and Sanitary Sewer Board is that a movement is now beginning in Montgomery to have its airport under the management of a similar board.

Factors in success

One of the chief factors for the success of this Board in more than supplying the needs of the city has been in its long-range planning. From its beginning, the businessmen who composed the Board, utilized the services of experts, with surveys, studies and a 30-year plan, so that the Board always knew where it was and where it had to go.

Good management is another factor, first under General Manager Clarence Perry, and since 1965 under Nat. P. Wiley, Jr. Since 1952 the Board increased its accounts by 16,648 but has only added 17 employees. Management has utilized efficiency experts and runs the works with modern business methods and equipment. Even though it is not required by state law, all operators at the plants are certified. For the past two years the Water Works has received the best plant in the state award.

All of the businessmen who have served on the Board have been honest, dedicated men, interested only in improving the services to their city. The present members of the Board are: Chairman, Joe L. Coleman, owner of a business research service; O. B. Carr, insurance executive; Nimrod T. Frazer, Senior Vice President of a national investment banking firm; C. F. Halstead, contractor and owner of various businesses; and Richard E. Hanan, a wholesale distributor and investor.

The Board has always attempted to cooperate with business and industry. It has extended water and sewer lines, whenever financially practical from the standpoint of available funds and anticipated revenues, whenever and wherever requested. It has encouraged new building through its refunding agreement with builders. If the sought connection will not exceed three times the estimated annual water revenue to be derived, the Board does the connection at its expense. If it is more than three times the revenue estimated, the developer deposits the estimated cost and gets a refunding contract from the Board to recover his investment.

All users receive equal treatment. No favoritism is shown to any individual, business or agency. The City of Montgomery pays the Board $75.00 per year for each of its fire hydrants. All government agencies, local and federal, as well as public and charitable agencies, pay for service.

CHIEF PROBLEMS

The major difficulties of the Board lie not with the difficulties of construction and growth but with human management. They had problems with people who were not aware of what was happening in the beginning, with people who were against a sewer service charge, and with vested interests which were against a raise in tapping fees. Additional publicity, the courts, and time have solved these problems.

It must be pointed out that the Board is bound only by compliance with the law, its obligations to bond holders, and the approval of its actions by its trustees. Original organizations of the Water Works Board and the transfer of the sanitary sewer system to the Board were not given *wide* publicity before the actions were taken but full public service publicity was given by all local information media. Paid newspaper advertising prepared and paid for by the Board was used as a supplemental form of information. The Board, immediately after its establishment, initiated a policy of inviting all public information media to have representatives attend Board meetings, and all official Board records were declared open for public inspection.

Transferability

The steps taken by Montgomery can be adapted by any community whose legislature has passed the enabling legislation for the transfer of public utilities to a private board. The chief factor is the intelligent concern and willingness on the part of business leaders and private citizens to work at every level of government to serve the community's needs.

The creation of a Water Works and Sanitary Sewer Board is one method of solving these problems. Other areas might adapt county-wide systems (see Clearinghouse Case Study on Dayton, Ohio, Code 1548); might contract with neighboring municipalities for service, or might establish joint ownership with other communities through a utility district. A city can also contract with a private industrial firm and have these services performed under such contract. Each area must determine its needs and its feasible approach to this problem.

The Montgomery Water Works and Sanitary Sewer Board is a laudable example of successful delivery by a special-purpose board or district. There is a danger, not evidenced by Montgomery, of a lack of coordination with other government programs. There is also the point that this group can be self-perpetuating. Special district boards of this type are usually appointed and, therefore, are not directly responsive to public will. They are autonomous and therefore are not subject to control by a local elected governing body, including the government that created the board. The Montgomery experience demonstrates how well such a board can serve the public when it is made up of courageous, conscientious members aided by competent professional management.

Key contracts for additional information

Mr. N. P. Wiley, Jr., General Manager, Water Works and Sanitary Sewer Board of the City of Montgomery, Post Office Box 1631, Montgomery, Alabama 36102, AC 205/262-7904.

Mr. Joe L. Coleman, Chairman of the Board, Water Works and Sanitary Sewer Board of the City of Montgomery, Post Office Box 1631, Montgomery, Alabama 36102.

Mr. John J. Coffey, Jr., Senior Associate, Natural Resources and Environmental Quality, Community and Regional Development Group, Chamber of Commerce of the United States, 1615 H Street, N.W., Washington, D.C. 2006, AC 202/659-6174.

Miss Lynn DeBlois, Director, Urban Action Clearinghouse, Chamber of Commerce of the United States, 1615 H Street, N.W., Washington, D.C. 20006, AC 202/659-6172.

WATER WORKS AND SANITARY SEWER BOARD

Past board members, term of office, and occupation

Carl W. Bear, 1952–1955, Lawyer & Vice Pres. of Lumber Co.

Charles N. Covey, 1954–1959, Insurance and sales executive.

A. H. Darby, 1955–1960, Meat Packing Co. representative.

Ed S. Watts, 1959–1962, Developer and financier.

Arnold Blackwell, 1960–1967, Real estate developer.

N. P. Wiley, Jr.[1] 1960, Sales engineer.

N. J. Bell, III, 1949–1957, Executor of Bell estate.

John S. Hodgson, 1949–1953, Contractor and developer.

Rush Stallings, 1949–1955, Automobile dealer.

Silas D. Cater,[2] 1950-1965, Secretary to Board & City Clerk.

Aaron Aronov, 1952–1953, Developer and financier.

B. Coleman Beale, 1952–1959, Financier.

WATER AND SANITARY SEWER PROJECTS: 1960-69

	New construction by board	Paid on refunding contracts	Oversized mains paid by board	Sewer projects assessed by city	Total valuation [1]
Year:					
1960	$309, 569. 00	$143, 721. 00	$41, 165, 00		$494, 455. 00
1961	188, 838. 00	160, 120. 00	29, 935. 00	$90, 286. 00	469, 179. 00
1962	329, 458. 00	160, 272. 00	43, 684. 00	3, 577. 00	536, 991. 00
1963	154, 698. 00	149, 964. 00	47, 096. 00	357, 728. 00	709, 486. 00
1964	435, 257. 00	140, 425. 00	31, 328. 00	23, 576. 00	630, 586. 00
1965	3, 453, 155. 00	143, 454. 00	31, 924. 00	110, 040. 00	3, 738, 573. 00
1966	242, 635. 00	166, 452. 00	85, 965. 00	116, 934. 00	611, 986. 00
1967	2, 346, 925. 00	157, 652. 00	67, 255. 00	46, 536. 00	2, 618, 368. 00
1968	516, 728. 00	168, 004. 00	67, 576. 00	24, 661. 00	776, 969. 00
1969	2, 646, 633. 00	172, 050. 00	24, 656. 00	1, 005, 749. 00	3, 849, 088. 00
Total					14, 435, 681. 00

[1] Major contracts let in 1969: Econchate plant, $2,593,070.00; Madison Ave. relief sewer, $53,563.00; Sanitary sewer projects in West Montgomery, $1,005,749.00; Dannelly Field area and Dalraida (assessment by city).

STATE OF ALABAMA,
DEPARTMENT OF PUBLIC HEALTH,
Montgomery, Ala., February 10, 1971.
Mr. JOE L. COLEMAN,
Chairman, Water Works and Sanitary Sewer Board, City of Montgomery, Montgomery, Ala.

DEAR JOE: You have asked for my comments on the development and operation of the Montgomery Water Works and Sanitary Sewer Board. I have given my thoughts on this many different times voluntarily and I am happy to do so again.

The water and sewer systems of the City of Montgomery are a fine example of supplying the basic needs of a city through community action. I have been familiar with the board's policies and operations since it was established and the State Health Department has not received better cooperation from any city than Montgomery.

With the completion of your water purification plant in 1966 and the recent completion of a third waste water treatment plant, Montgomery is in an enviable position for industrial growth and community expansion. In my opinion Montgomery's water supply and waste water facilities can be compared favorably with those of any city in the nation.

Sincerely yours,
IRA L. MYERS, M.D.,
State Health Officer.

STATE OF ALABAMA,
DEPARTMENT OF PUBLIC HEALTH,
Montgomery, Ala., February 10, 1971.
Mr. JOE L. COLEMAN,
Chairman, Water Works and Sanitary Sewer Board, City of Montgomery, Montgomery, Ala.

DEAR JOE: It is a privilege to have the opportunity of expressing briefly a few of my thoughts concerning the Montgomery Water Works and Sanitary Sewer Board.

As Director of the Bureau of Environmental Health of the State Health Department and technical secretary of the Alabama Water Improvement Commission, I take personal pride in the accomplishments of the City of Montgomery in the fields of water supply and waste water treatment. Our technical staffs have enjoyed a cooperative relationship with the Board and it's personnel through the years. The Board has certainly looked far into the future in an effort not only to meet the needs of the city but to stay 10 to 20 years ahead.

The City has taken care of its water needs for many years to come. It is fortunate to have two independent sources of water supply, one from deep wells and the other from an excellent surface stream. Adequate waste water treatment facilities are now completed and very soon all untreated liquid waste will be removed from the Alabama River in order to permit its development for navigation and recreation. I know that the Board has experienced many problems and difficulties but it has always been able to work them out. It is a pleasure to work with you and your people.

Sincerely,
ARTHUR N. BECK,
Chief Engineer & Director,
Bureau of Environmental Health.

MONTGOMERY, ALA., *February 10, 1971.*
Mr. JOE L. COLEMAN,
Chairman, Water Works and Sanitary Sewer Board, City of Montgomery, Ala.

DEAR MR. COLEMAN: This is to take the opportunity to commend the Water Works and Sanitary Sewer Board for their continued efforts in improving and expanding the supply of water for our citizens.

Until the Tallapoosa River purification plant was completed, we were only able to supply a maximum of 29,500,000 gallons of water on any given day, and even this could not be done for more than one or two days. Since the plant has been in operation we have already experienced a peak day of 34,000,000 gallons.

One of the most significant achievements of the Board is the completion of the Towassa and Econchata Water Pollution Control Plants. With these two plants and the Catoma Plant now in operation, all raw sewage has been removed from the Alabama River in the Montgomery area.

The favorable position we are now in is a result of the long range planning on the part of the Water Works and Sanitary Sewer Board, in cooperation with the City Government. While the Board is an independent organization, the system still belongs to the people of Montgomery. You and the other Board Members appointed by the City Commission have done an excellent job administering the responsibilities of this important and necessary service. I am personally proud of what the Board has done, and it gives me a great pleasure to have this opportunity to express my appreciation.

Yours truly,
EARL D. JAMES,
Mayor.

AMERICAN FEDERATION OF SCIENTISTS STUDY CHARGES DEFENSE DEPARTMENT EXAGGERATES SO-CALLED SOVIET TECHNOLOGICAL LEAD

Mr. PROXMIRE. Mr. President, for months the Department of Defense and its chief Director of Research, Dr. John Foster, have been asserting that the Soviet Union was leading us, or would soon gain technological superiority over us as a part of their annual "scare 'em" technique to gain bigger and bigger military appropriations.

But yesterday the American Federation of Scientists, in a scathing report, charged that Dr. Foster and the Pentagon had grossly exaggerated the facts. They said that the entire episode was a "classical numbers game featuring selective disclosure, questionable assumptions, exaggeratedly precise estimates, misleading language, and alarmist non-sequitur conclusions." Nothing could be more damning than that indictment.

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[1] N. P. Wiley, Jr.—resigned as Board Member to accept position as Assistant Manager.

[2] Silas D. Cater—served as Secretary to Board from the beginning until his retirement in May, 1965; at this time Nimrod T. Frazer was appointed to serve as Secretary until such time as his successor is appointed.

They charged that Dr. Foster had failed to cite numerous Soviet speeches which directly rebutted his assertions that the Soviets were spending 30 percent more than the United States on Military research and development. They charged that Dr. Foster arrived at this figure by juggling the figures.

They quoted the office of Defense Research and Engineering itself in direct contradiction of its Directors views that the Soviet Union is catching up technologically with the United States. The Scientists also charged that the precision suggested by Director Foster and his office for its estimates are "quite impossible."

The Federation of American Scientists has among its members some of the most distinguished scientists in American life. They also have vast experience at the Pentagon. Dr. Herbert York is its Chairman. Dr. Georg Rathjens is one of its National Council Members and a coauthor of yesterday's report. Dr. Marvin L. Goldberger was Chairman of the Committee which approved the study.

The time is long overdue when the Department of Defense should stop being a propaganda agency and start telling the truth. This country will be far stronger when that happens. At the moment neither the Congress nor the country has very much reason to accept the credibility of their statements about Soviet weapons, their or our technology, or what is really necessary for the real security of the United States.

I ask unanimous consent that the study of the Federation of American Scientists, entitled "Is There An R. and D. Gap?" be printed in full at the end of my remarks. I hope the Pentagon will read it and take it to heart. If they fail to do that, I hope an informed press and public will be able to counteract their obviously self serving and exaggerated claims.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

IS THERE AN R. & D. GAP?

(Report of the Ad Hoc Committee on Military R. & D., Federation of American Scientists)

This Federation staff study has been approved by the Federation's Ad Hoc Committee on Military R & D, with whose advice and consultation it was prepared, and by the FAS Executive Council. The Committee was chaired by:

Dr. Marvin L. Goldberger, Chairman of the Department of Physics at Princeton University, long-time Chairman of JASON at IDA, and a former member of PSAC and of the Defense Science Board.

Other Committee members were:

Dr. Richard R. Nelson, Professor of Economics at Yale, co-author of *Technology, Economic Growth, and Public Policy*, published by the Brookings Institution in 1967.

Dr. George W. Rathjens, Professor of Political Science at MIT, former Director of WSEG at IDA, Deputy Director of ARPA in DDR & E, Special Assistant to the Director of ACDA, and Deputy Director of the Bureau of Science and Technology at ACDA.

Dr. F. M. Scherer, Professor of Economics at Michigan. Professor Scherer is the co-author of *"The Weapons Acquisition Process"*, the seminal work on R & D costs of weapons systems of the fifties.

SUMMARY AND INTRODUCTION

The Federation of American Scientists supports a vigorous program of research, and of development (R & D), on those weapons that are necessary to maintain a deterrent of unquestioned power. For this reason, we have looked closely at the charges that the Soviet Union is spending importantly more money on R & D and will, as a result, shortly assume technological superiority.

The United States has seen before concern over "gaps" in our weapons programs: the Bomber gap in 1955; the missile gap in 1960; 1960 fears of a GNP gap arising from high (now much lower) Soviet rates of growth of that period; the ABM gap in 1967; and the (large missile) SS–9 gap of 1969. But most recently, the subject that has given rise to "scare" headlines has been, strange as it may seem, this Research and Development (R & D) gap. U.S. News and World Report headlined it: "Russia vs. U.S.—Coming Crisis in Arms".[1] It presented an interview with Dr. John Foster, long-time Director of Defense Research and Engineering (DDR & E) in the Pentagon. Reader's Digest featured these R & D calculations, among other concerns, in an article entitled: "Our Strategic-Arms Advantage is Fading Fast".[2] Dr. Foster has spoken widely on this subject, arguing that the United States would lose its "technological superiority" if present trends continued in R & D financing and that it would become vulnerable to "technological surprise". These arguments have appeared in the record of the Armed Services and Appropriations Committees of both Houses of Congress for two years. He has asked for no additional funds to redress the imbalance but has threatened to do so in the future.

Our conclusions are as follows. *This entire episode has been a classical numbers game featuring selective disclosure, questionable assumptions, exaggeratedly precise estimates, misleading language, and alarmist nonsequiteur conclusions.*

On examination, there is no claim, much less any evidence, that the United States is spending less than the Soviets on its military technological advances as measured by the oft-mentioned military "technology base"—research, exploratory development and a fraction of advanced development. These are the expenditures that let a country know what weapons are possible. Expenditures in these categories are relatively small (about 25% of total R. & D.). No one has ever claimed to be able to measure Soviet expenditures in this category; these expenditures would amount to a few billion at most and be most difficult to estimate. *Necessary expenditures become progressively larger as one moves from research on basic technological discoveries to development of weapons. This shows the extreme difficulty in making meaningful comparisons on a financial basis of efforts to protect against technological surprise.* Neither funding nor numbers of personnel involved are a sensible measure of original technological advance. Of far greater importance is the organization and application of available intellectual and other resources.

Until this year, the charges made by Dr. Foster were not even based on relative spending in the entire *military* R. & D. budgets of the two sides. It was simply claimed that there was an imbalance in the *rate of growth* of overall spending on research and development of all kinds for space, military, and atomic energy, i.e. *militarily-related* R. & D. This imbalance in rate of growth during several years of this decade was a result of different rates of R. & D. expenditure on space—as is evident from the recently released "Comparison of U.S. and Soviet Technological Efforts" graph which appears later (page 5A). Until late last year, Dr. Foster said that more precise estimates of the military R. & D. component alone could not be made.

This year, Dr. Foster is saying that the Soviets are spending $3 billion more than the U.S. in *military* R. & D. and the graph embodying these figures suggests that this entire net "advantage" arose suddenly in two years from 1968–1970. How can we learn of such sharp changes in a category of expenditures that was said, formerly, to be impossible to estimate? The answer seems to be the completion of a new study—one simply assuming that Soviet R. & D. expenditures on the Soviet space program are suddenly to be kept fixed, and that all increases in the rate of growth of Soviet militarily-related R. & D. are going to be assigned to military R. & D. If there is evidence for this, the public should have it. Obviously there can be no such evidence from deployed weapon systems. We normally impute military R. & D. expenditures from the weapons built at least a few years later; thus estimates of a period two years ago are especially unreliable.

Furthermore, whether or not there was *persuasive* evidence that the Soviet Union was spending more on *advancing technology*, the United States could easily spend more also—if it has the necessary ideas—since the categories involved: Research; exploratory development; and part of advanced development; are relatively inexpensive. If Dr. Foster is concerned about our rate of spending in these categories, why does he not ask for more funds? U.S. spending in these categories has been relatively stable, as a small fraction of the R & D budget, for more than ten years.

Most of the R & D budget is associated with the building, and managing, of systems whose deployment is already agreed—the Operational Systems Development category and related expenditures. If Dr. Foster is concerned that we are not agreeing to deploy more systems, why is this concern phrased in terms of R & D? He himself, as we show, has criticized the Soviet military R & D system for wasting R & D by building too many prototypes.

Dr. Foster's Deputy, Dr. Eberhardt Rechtin, has contradicted the impression made by Dr. Foster's statements of last year that the Soviets are now gaining one year in every three or four in technology. He says they did not gain on us from 1960–1968. (Obviously, no sensible conclusion that the Soviets are now gaining one year in every three or four can be based on knowledge gleaned from the two year period *after* 1968). But even if the Soviets were gaining, this would only be natural since they have a more advanced technological power (the U.S.) to copy. Also, even if the Soviet Union were gaining one year of technology in every three or four, it does not provide evidence that they will—as charged—"assume technological superiority" but only that they may eventually achieve rough technological parity. It is today an amazing and unusual state of affairs that the United States should be—as Dr. Foster has testified—ahead almost *across the board* in technology. This is a tribute to the relative backwardness of Soviet technology and to its relative inefficiency.

Dr. Foster has emphasized the large number of *engineers* that are being produced in the Soviet Union, and given little emphasis to the fact that we are producing twice as many *scientists*. He has denied the well-known fact that Soviet engineers are less well trained than ours. Nor are we short, in any case, of engineers and scientists for developing our technology or for implementing it. American strategic analysts have already learned not to use numbers of warheads, numbers of bombers, or numbers of missiles, as a critical index of military preparedness.

Footnotes at end of article.

Numbers of engineers or numbers of scientists would be still more absurd.

In fact, the U.S. effort in military R & D is responsible for almost all of the arms race successes. Since our invention and development of new strategic weapons lead inevitably to Soviet expenditures to catch up on these same weapons, we have been working hard for *both* sides—inventing for ourselves but giving the other side something to emulate at the same time. It is not clearly in the United States' interest to push weapons technology as far and as fast as possible. *Over-cautious hedging—by building U.S. weapons systems prematurely against less than critical Soviet threats—can guarantee that these threats will arise by encouraging the Soviets to match us or by making SALT agreements on these weapons impossible.* There is clear evidence that we have made this mistake with MIRV and we may now be making it also with ABM.

This official scare has been characterized by an intellectually disreputable looseness of language. Total military R & D has been confused with "Technology Base expenditures". The possibility of "loss of technological advantage" across the board has been confused with the other side's gaining "technological superiority". The dates at which this might occur are thrown around almost at random. Numbers of scientists and engineers have been made an issue when they are of little relevance and the numbers have been repeatedly summarized in a distorted way. The Defense Department has knowingly suppressed the fact that the United States was spending more on military R & D in order to spread a much less relevant fear that the Soviet rate of growth of militarily-related R & D was larger than ours. Further, it has been assumed that Soviet R & D expenditures will go into military systems, in part by misquoting speeches that really indicate these expenditures will go into Soviet *domestic* efforts. Numbers are said to be accurate to within 10% when two different versions of the same DDR & E graph are not themselves consistent to within 15%.

Whatever the Soviets are, or are not doing, the evidence provided to show that the Soviets will assume technological superiority has no more substance than that of earlier, now discredited, gaps. The entire matter deserves the closest attention of Congress.

I. The fear

Dr. John Foster does not doubt that the United States is ahead of the Soviet Union in its technology, and in its military technolgy generally across the board. He has said:

"Right now, I'd say we still have a two to three-year lead over the Soviet Union generally across the board, in research and technology, based on our work over the last two decades. Of course, there are exceptions in certain areas". (Nov. 30, 1970).[3]

"Today, while our R & D level of effort is now smaller, we believe the United States is still technologically ahead of the Soviet Union—ahead on quality of weapons—by perhaps two to three years on the average". (March 18, 1971.)[4]

However, in the last 24 months, Dr. Foster began issuing public statements arguing that the United States will lose its technological superiority if present trends continue. In successive statements he has talked of this happening in a "decade", in the "next several years", in "two years", in the "latter half of this decade" and in the "middle of this decade". Sample quotes are footnoted.[5]

The evidence for these fears lies in three different kinds of estimates. They include: estimates of relative R & D expenditures of both sides; direct estimates of the technological capabilities embodied in the equipment of both sides; and estimates of production of scientists and engineers in both countries. We discuss these in order.

II. Expenditures for military R & D

In expressing his fear of forthcoming Soviet "technological superiority", Dr. Foster refers most often to calculations of relative expenditures here and in the Soviet Union on research and development. On March 11, 1970, Dr. Foster told the House Armed Services Committee, that both total Soviet R & D (military and civilian) and Soviet militarily-related R & D (defense, space and atomic energy) were growing faster than our own expenditures. He did not tell the Committee the more relevant fact that the United States was then spending more on *military* R & D (and had been for years) than the Soviets but this was true. Dr. Foster must have known it because this fact can be deduced, in an only slightly involved economic calculation, from other information provided by Dr. Foster at the time (see Appendix A of this report). And this fact is clearly shown in the graph which Dr. Foster began to distribute eight months later in November, 1970 (see page 5A of this report). Here is an unequivocal example of a scare encouraged by selective release of classified information.

When this information was suppressed, Dr. Foster was telling the Senate Armed Services Committee (on February 26, 1970) that the information was unavailable—that the method of adducing military R & D expenditures from weapons output did not permit him to estimate military R & D but only to compare efforts of the two sides on "defense, space, and atomic energy research and development across the board". He said: ". . . we have tried for several years now to unscramble this problem in the Soviet Union, and we have not been able to do it".[6] For example:

Senator McIntyre. ". . . You indicated that the Soviets will spend an estimated $16 to $17 billion for defense, space and atomic energy research and development compared with $13 to $14 billion for the United States.

Now is your breakout sufficient so you could give me what the Soviets will spend on the matters of defense research and development as opposed to what we know you are requesting, $7.4 billion. Do you have those figures?"

Dr. Foster. "No, sir. It is very unfortunate that we cannot separate the Soviets' space effort from their atomic energy effort and from their defense effort."[7]

By fall, 1970, the R & D gap scare had been made much more precise. DDR & E statements no longer referred to rates of growth of total R & D or of militarily related R & D. Now it was possible to estimate military R & D separately and for "each of the last 20 years." Suddenly, the Soviets were spending more than we on military R & D:

"The fiscal input to Soviet military R & D has been increasing at a rate of 10 to 13 percent in each of the last 20 years, while ours has been erratic. Indeed, for the past several years, our efforts in military R & D have been declining. As a result, I believe the Soviet Union is now devoting 40 to 50% more in equivalent effort to military R & D than the U.S. This amounts to about $3 billion more for this year alone."[8]

According to his prepared remarks this year, Dr. Foster's conclusions pertaining to fiscal inputs "are based largely on the results of studies, begun several years ago"—work he called "an impressive pioneering attempt" to help resolve questions about comparative U.S./U.S.S.R. efforts.[9]

This pioneering effort evidently "broke out" the military R & D portion of space plus military R & D by deciding that:

"In the early 1960's the roughly 10-percent growth each year which previously had been applied solely to military technology, was applied instead to civil space technology, until the latter reached a level of roughly 5 billion in equivalent U.S. dollars, after which the growth was again applied to military technology."[10]

Thus, in the two graphs following of Dr. Foster and Dr. Rechtin, the sharp increase in Soviet military R & D arises from the assumption-conclusion that the Soviet Union will find it desirable to *continue* its rate of growth in total militarily-related R & D but will *cease* all growth in space R & D and *assign* total growth in militarily-related R & D resources to military R & D. The three italicized words reflect conclusions for which it would be hard or impossible to get firm evidence.

Foster himself admits that "In some ways, is more accurate to say that the Soviet RDT & E investment rate challenge—considering the military and space investments lumped together—*unchanged*, rather than that a new challenge has appeared". (his italics). He went on to note that the "change" is the Soviet return to allocating R & D resources to the military sector and admitted that a "Soviet planner" might not even recognize a new challenge.[11]

But is the projected rate of increase of Soviet militarily-related R & D going to go into military R & D? What evidence exists gets distorted. For example, a celebrated Washington Post Editorial of May 1, 1970 uncovered the fact that Dr. Foster had deceptively misquoted a speech of Communist Party Chief Leonid Brezhnev. By quoting a sentence at the beginning and the end of a speech urging "scientific and technical progress", he had made a speech urging more Soviet R & D on tractors seem like a speech urging more R & D on missiles. The Post called this part of a Pentagon "spring offensive" release of information and termed the handling of the quotation "incompetent and disingenuous."[12] We simply point out that if the quotation is taken in full, it suggests that the projected rate of growth of Soviet militarily-related R & D may be going—in whole or part—into Soviet *domestic* activities.

"The CPSU Central Committee has constantly stressed in this connection the great, primary importance of speeding up scientific and technical progress, of the broad and timely introduction of its achievements into production. It is precisely here that vast and still unused possibilities are hidden. To accelerate scientific-technical progress means to introduce new technological methods, more rapidly into production, to replace old equipment, to secure an increase in labor productivity, to lower production costs, to improve the quality of produce; in other words to speed up the whole process of communist building and of raising the people's living standard . . . [Here there follows about twice as much prose as already quoted, concerning the production of farm machinery, the role of the workers and the party factortums in the process, and so on] . . . *Fundamental questions of the scientific-technical revolution, of rapid development in science and technology will continue to be given priority by the party and government".*[13]

In short, on February 26, 1970, Dr. Foster argues that his estimating methods *must group together* atomic energy, space and military expenditures. Nine months later, on November 30, 1970, he begins to give graphs showing *military R & D by itself* for earlier, as well as recent, years. The graphs show Soviet military R & D suddenly jumping 30% in two recent years (during 1968 and 1969) from an almost constant level! It is impossible to confirm the speculations about the last two years because the Soviet weapons built in this period with the military R & D will not be apparent for a few years.[14] But this as yet unconfirmable 30% increase became the total net advantage of the Soviets in military R & D—the $3 billion advantage of which Dr. Foster is now testifying. On the basis of this increase, Dr. Rechtin is extrapolating further enormous Soviet expenditures in military R & D. Truly some explanations are called for.

Footnotes at end of article.

Selective Release Indicated

The graph provided by Dr. Foster makes some other things clear. If Dr. Foster had been able to distinguish military R & D from militarily-related R & D earlier in this decade—as he earlier said he could not—he would not have had a very frightening conclusion. From 1960 to 1969, U.S. and Soviet military R & D are shown on this graph to be quite comparable, with the United States spending about 10% *more*. Nor, on the basis of this graph, could one have gotten a very frightening conclusion about the *absolute amounts* of *militarily-related* R & D, since the U.S. was ahead all of that period. But since the middle of the decade, the *rate of change* of *defense plus space* R & D has been in the Soviet favor. This has been largely because we cut back *space* R & D. This is R & D which is only somewhat related to military technological advance but which nevertheless became the heart of Dr. Foster's charge in 1970.

It is hard to avoid the conclusion that complicated graphs like these can always be said to show something frightening if selective facts from them are released. And in calculations this fuzzy—if selective facts are not available—it will always be possible to extrapolate "frightening" lines drawn on the basis of pure speculation. Finally, there will always be a pioneering new study available to support such speculations with a brand new speculative assumption about Soviet *future* allocations.

ESTIMATES OF ACCURACY QUESTIONABLE

Dr. Foster's narrow estimates of accuracy are quite impossible. He argued last year, for example, that the method of examining Soviet budgets and the method of imputing Soviet R & D from Soviet expenditures agreed substantially:

"Either way there is roughly a 10–20 percent agreement on the statements made by the Soviets as to how much money they are going to spend and the work that we actually see being produced". [15]

Dr. Rechtin has called these graphs accurate to within "10% or so". But it is interesting to note that even Dr. Foster's and Dr. Rechtin's graphs are not in such close agreement—there is a billion dollar (14%) difference between what the two graphs show for 1968 in Soviet military R & D expenditures although they purport to measure the same thing. One wonders from what economic series such graphs can be drawn.

The idea that these estimates can be made to within 10% to 20% flies in the face of an uncertainty alone in the Ruble-Dollar conversion ratio of over 40% in authoritative estimates. An O.E.C.D. study has used factors between .28 rubles to a dollar and .40 rubles to a dollar.[16] Others have used estimates of .45 to .50.[17] (The Rechtin version of the graph reprinted in this paper suggests that Dr. Foster is using .44 rubles to a dollar).

To take another problem, much is made of inflation in the United States as a key component of costs. In the Soviet Union, it is quite impossible to get a reliable estimate of inflation—impossible theoretically and impossible practically—because prices are not set through a market mechanism.

There is also the problem of estimating how much "free" military R & D arises from civilian R & D in our more advanced civilian research and development sector. The computer provides an interesting example and is discussed later in this paper. Indeed, one can even argue about how large *our* military R & D budget itself really is by questioning relatively arbitrary accounting decisions that assign R & D-related DOD expenditures to other accounts.

A memo on R & D estimates from the Legislative Reference Service started out by saying that it must first be said that this subject necessarily involves a "high degree of uncertainty".[18]

The SIPRI Yearbook for 1969/70 made this comment on Dr. Foster's 10% to 20% estimate of accuracy, after a thorough study of other unofficial estimates:

"This margin might well be considered a narrow allowance either for the uncertainty involved in estimating Soviet military R & D expenditures in rubles, or for that involved in converting any ruble estimates to dollar estimates; it can hardly accommodate both kinds of uncertainty".[19]

III. Is total R & D relevant to the fear?

Dr. Foster's explanation of his concern does not, of course, rest simply on the charge of a spending "gap" per se. His statements center around the problem of "technological surprise" which appears over and over in his statements. For example:

"To avoid technological surprise, we carry out a vigorous advanced technology program to anticipate the worst that our potential adversaries could bring against us, and to exploit these advances to our own advantage".[20]

Dr. Foster has argued that we must be ahead technologically because of the Soviet advantages of secrecy:

"Our counter to this disadvantage is to be technologically ahead; sufficiently ahead so that we can anticipate the kind of choices that they are likely to make; far enough ahead so that if we find we are in a little difficulty here or there we can pick up those things from the technological base that are necessary to mold a system in a hurry and bridge the gap". [21]

This is a plausible argument for maintaining a vigorous program on technology associated with military weapons but it is not a good argument for RDT & E—most of which is spent for weapons whose procurement has already been ordered or weapons of no great strategic import. The RDT & E budget can be divided into six categoires according to standard DOD definitions. These categories are: 1) Research; 2) Exploratory Development; 3) Advanced Development; 4) Engineering Development; 5) Operational Systems Development; and 6) Management and Support.[22]

Now the large RDT & E expenses in, or associated with, "Operational Systems Development" have nothing whatsoever to do with "technological surprise". They are not hedging expenditures at all. They are associated with weapons we have *already* decided to deploy. Indeed, Dr. Brown noted that for purposes of "analysis", one could put management support in with systems development and, on the other hand, group together research, exploratory and advanced development efforts as part of a "technological effort". He concluded that "for every $2 that goes into the very expensive weapons development, we are currently spending approximately $1 for the technology whose progress will lead to future weapons systems". The attached graph of 1970 R & D expenditures shows how much less expensive "R" is than "D".

The Chairman of the Senate Armed Services Committee, Senator John Stennis, and the Chairman of the Subcommittee on R & D, Senator Thomas J. McIntyre, are acutely conscious of this distinction. On May 14, 1969, Senator Stennis told Dr. Foster that he was "dead serious" about changing the DOD "bookkeeping" on R & D because "the press just handles this as if it is all research".[23]

Dr. Foster himself emphasizes, in describing his concerns, the "Research and Technology Base", including Research and Exploratory Development. But, as he has testified in earlier years, "For over a decade, the type of work which we now categorize as research and exploratory development has been supported at a level amounting to about *one-fourth* of the RDT & E funds". (italics added)[24][25]

These are relatively small amounts of money compared to the whole R & D budget. The Federation does not oppose, but supports, adequate expenditures in this category. We simply note that there is no evidence whatsoever that the United States is spending less in these categories than the Soviet Union. Indeed, as we noted earlier, Dr. Foster a year ago claimed he had no way of comparing U.S. and Soviet R & D expenditures for *military* needs alone—much less can he estimate how much each side is putting into its *"technology base"*, which is a fraction of its military R & D expenditures that is of the order of only 25%. In any case, as Dr. Foster testified in 1968 "In the research and exploratory development programs, we are limited by our brainpower" rather than by availability of funds.[26]

Prototypes Should Not Be Confused With Technological Advance

By contrast, prototype and operational systems development is really mostly engineering. Werhner Von Braun said this in 1957:

"I believe an established missile program, like the Jupiter, has much more similarity with an industrial planning job than with a scientific project . . . I would say it (Jupiter) was 90% engineering and 10% scientific." [27]

Here we see most clearly the extent to which a total R & D gap is irrelevant to the fear expressed that the Soviets will get a weapon we have not thought of. (Indeed, only about 40% of the total R & D budget is concerned with strategic weapons at all!).

Of course, if the other side spent more R & D funds on prototypes, it could have more prototypes. But this would not be good reason for us to buy more prototypes. We should develop prototypes only for those weapons we have decided to deploy or those for which we should go to great expense to shorten our lead time. Dr. Foster should justify these *separate* prototype programs *separately*. The *number* of prototypes being built by the Soviets is largely irrelevant to our decisions here.

National Attitudes Toward Prototypes Differ

Indeed, it seems to be true that the Soviets spend more R & D per weapon system developed because they build more prototypes. This may or may not be a more efficient process—obviously the American consensus so far is that it is not. In any case, if the Soviets develop two quite similar weapons systems—perhaps for bureaucratic reasons as we did the Thor and Jupiter intermediate range missiles—comparisons of R & D expenditures give them unwarranted credit for "doing more". We need not match the Soviets in total R & D expenditure and we certainly should not do so by matching them in numbers of prototypes. In 1968, Dr. Foster explained this very precisely and took the opposite position to the one he is encouraging now:

Dr. FOSTER. . . . "as we indicated earlier, the Soviets are devoting about twice as much effort as the United States for research and development when considered on a gross national product basis. I suppose they could put three times as much. Does that mean, therefore, that we should plan on the basis that they will put three times as much and gear ourselves accordingly?

It is not clear to me, however, that it would be the right thing to do. *The Soviets, it seems to me, make a large number of models of different kinds of aircraft and missiles, only a few of which are actually put into the inventory.* We tend to do less of that than they, relying more heavily on our confidence that these things are possible and that they do not all have to be demonstrated, relying more on our judgment of what should be the best characteristics of the thing we want, and then going out and getting it.".[28]

Footnotes at end of article.

Too Many Prototypes Can Mean Waste

In both countries, waste arises from bringing weapons systems to the point of production needlessly and then canceling them. The waste is not associated with bringing ourselves to the point (early advanced development) where we can see clearly what kind of a weapon would arise and what kind of weapon the other side might buy. Dr. Herbert F. York, now the Chairman of the Federation of American Scientists, advised the House Appropriations Committee, when he was the first Director of Defense Research and Engineering, that the biggest mistakes he had made were those involving the initiation and the carrying along to a considerable degree of completion of programs which turned out we did not need".[29]

This situation of needless advance and duplication of programs still exists. Dr. Foster testified to it himself last year:

Dr. FOSTER. ". . . because of the urgencies of the war we initiated a number of what I believe you call simultaneous developments".

Senator CANNON. "Parallel programs".

Dr. FOSTER. "Parallel programs, yes, sir. As a consequence we now find ourselves with an inventory that is complicated by the existence of weapons that we had prior to the Vietnam conflict. At the same time we have under development a number of weapons that offer the possibility of replacing not only those older ones from the inventory but some of the more recently developed ones. To me this is a very complicated but urgent matter to straighten out".[30]

One especially good reason for avoiding this is the hard to predict high costs of development that normally exceed estimates by high factors. The most authoritative study of this matter for weapons systems of the fifties concluded that development costs were normally 3.2 times estimates and development time was normally 1.36 times estimates.[31]

A table, provided to Congress in 1970, and reprinted in Appendix B, shows that development projects costing $6.8 billion were canceled during the past 10 years, many after years of work.

R. & D. Expenditures Depend on the Stage of Force Build-up

Finally, since the Soviet Union is now engaged in a rapid military build-up, Soviet R. & D. expenditures for strategic weapons development—but not necessarily for new technology—will in fact be relatively large. This is true on both sides during force buildups. For example, in 1966, Dr. Foster explained that his R.D.T. & E. budget was "more austere" than the previous year, although the numbers did not seem to show it, because of the "maturing of several very large programs in fiscal year 1967"—the Poseidon, the C–5A, and the SAM–D. Thus despite large expenditures, he felt he had "less flexibility". The Soviet force build-up is now in a period comparable to that in which the United States was in the early sixties. Large force buildups mean large R. & D. costs.[32] Whether the R. & D. costs will continue depends upon the force buildups. In this sense, much of whatever accuracy there may be in Dr. Foster's numerical estimates of Soviet R. & D. may really be reverberations of a larger problem—a long-delayed and long expected Soviet force build-up in answer to our former unquestioned superiority.

IV. What produces technological surprise?

It is evident from the foregoing that most R. & D. expenditures are not associated with the technology base about which Dr. Foster is concerned but are concerned instead with developing systems for which we have the technology already. The American technology base itself, in our pell-mell effort to stay ahead of the Soviets, has been the main source of world technological surprise. As Dr. Foster has put it:

"I will present the kinds of longer term potential threats that could be significant if they occurred. *You know that the most productive source of such potential technological development is our own research and exploratory development program.* This vigorous exploration of measures and countermeasures is the major basis for our confidence that we are unlikely to be technologically 'surprised' ". (italics added)[33]

Since the Soviet Union rapidly learns of our discoveries, we are protecting against being surprised by new weapons only by guaranteeing that we will be confronted by these same weapons.

Nor are we content only to research the ideas and make the exploratory development on new weapons. At that stage, they might be kept quiet if not secret. But in our urge to cut down lead-time on these same weapons, we push them to the point of development where—all too often—we simply ensure that they will be matched by the other side and hence must be bought. Look at what Secretary McNamara said in 1968:

"We are spending on the POSEIDON missile system alone, I would guess, $3 to $4 billion, and on the MINUTEMAN III probably over $2 billion, not because we have specific or certain knowledge that their current or future forces will require them, but rather in anticipation of possible moves on their part, and this is related to our concern that if we don't move in this direction, they might some day be able to reduce our second strike capability to the point where it might not constitute an effective deterrent.

Now what are we doing in the 1969 budget? We are basically proposing an insurance program. In other words, we propose to push ahead with POSEIDON, expensive as it is, push ahead with MINUTEMAN III, as expensive as it is, push ahead with the development of SRAM and the modification of the B–52's, and the initial research work on a possible replacement for the Polaris subs and on further work on the AMSA and on a rebuilding of our air defense system. These are all, primarily, insurance measures against actions that they haven't indicated they will take, and hence, all designed to counter a possible reduction of our second strike capability."

Remember, the POSEIDON and MINUTEMAN III programs are neither more nor less than MIRV programs for sea and land-based missiles. Today, in 1971, three years later, we are assuming that the Soviets will buy MIRV in answer to our development of MIRV and deploying MIRV first on that basis. Our exploratory development invented MIRV. Our development made it certain that the Soviets would catch the idea. And our deployment makes Soviet deployment inevitable. *As the front-runner in the arms race, we must make sure that we do not run this race with ourselves.*

But this is precisely Dr. Foster's philosophy:

"There is, as I have indicated, however, only one approach that we have been able to see that we thought would be possibly adequate to meet the future challenges. That was to push as aggressively as we possibly could across a broad range of research and technology, in an attempt to discover first the kinds of things that an enemy might later have in store for us".[34]

We have to learn not to buy so much "lead-time" at the cost of spewing out new military ideas at the same time. Every weapon idea we develop is one that we develop also for the Soviets. A more restrained hand on the throttle is required to manage, contain, limit, and end the arms race.

V. Direct estimates of United States and Soviet relative technological capability

In developing his fears, Dr. Foster has gone beyond expressing alarm about relative R & D expenditures, and about "technological surprise". He sees a technological race across the board. On December 5, 1970, he told the Navy League that the Soviets "now seem to be gaining on the United States technologically at a rate of about 1 year in every three or four". Having just noted that we were "perhaps 2 to 3 years" ahead in most major areas, he could have reached the conclusion that the U.S. would lose its technological advantage in military systems in 6–12 years and he did indeed speak of a crossover point "in the latter half of this decade", a period five to ten years off. He further noted, without explanation, that U.S. recovery of such a rapid loss of leadership would not be feasible without "enormous expenditures over many years".

Two months before, Dr. Foster had explained that these estimates of "how much of a lead" we had were based on the degree of technological capabilities evident in Soviet tactical, strategic and space systems in 1960, 1964, and 1968 and the years in which the United States has achieved these same capabilities. But in early 1971, in a speech given at the University of Southern California, the present Deputy Director of DDR & E, Dr. Rechtin, said that analysts had "recently" been able to "reduce the uncertainty considerably" in these and related calculations. He concluded:

"As a general rule, we *neither gained nor lost* very much of our several-year military technological lead over the Soviets from 1960 to 1968. On the other hand, we *clearly picked up lead* on the Soviets in the space business". (italics added)[35]

Evidently, those estimates of "how much of a lead" we had in earlier years revealed no problem through 1968. Then how can Dr. Foster be claiming that the Soviets "now seem to be gaining on the United States technologically" one year in every three or four? Obviously nothing can have happened in the last two years to permit estimates of Soviet technological advance of such a precise across the board nature. We are only beginning to see what the Soviets have been doing with the last two years' technology. The answer would seem to be Dr. Foster's estimate that the Soviets are *spending* 40% to 50% more than we. By his new spending estimates of the last two Soviet years, the Soviets would be spending in three years what we would spend in four years. But it would be most misleading to pass this off with the phrase that the Soviets "now seem to be gaining on the United States *technologically*" one year in every three or four—especially after talking of his estimates of direct technological capability in 1960, 1964 and 1968. In short, Dr. Foster seems questionably to be basing his numerical estimates of Soviet *technological progress* on already highly questionable estimates of Soviet R&D *spending* and to be clothing these estimates in rhetoric that pretends to be looking at underlying technological capabilities.[36]

It is Suggested that the Soviets Will "Assume Technological Superiority"

But Dr. Foster has not contented himself with arguing that we were steadily *losing* technological superiority. He speaks continually of the possibility that the Soviets "could assume technological superiority" in research and development.[37] The difference between U.S. loss of technological advantage and Soviet assumption of that advantage is a critical one. There *is* reason to expect ongoing U.S. loss of technological advantage because countries which are behind in technology learn from those that are ahead. They learn what is feasible from the existence of progress in more advanced countries and they read about basic scientific research (and

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Footnotes at end of article.

about advances in technology), through scientific journals and related periodicals. If two equally large, and equally efficient, and equally talented countries spent the same amount of money on technology, the country lagging would catch up. But this does not mean that it would surpass the first country—they would instead tend to a par.

For Catching Up, the Soviets Have an Advantage

Thus, by simply following U.S. weapons deployment patterns, the Soviets may be able to spend far less in their "technology base" when they are a few years behind (or to spend the same amount less efficiently, etc.) We are normally the pioneers in R & D and this should make the Soviets more efficient than they would be otherwise. By seeing what works in the United States, the Soviets are able to avoid deployment and procurement expenditures for false alleys.

Dr. Foster emphasized this pattern of emulation in 1968:

"However, I don't feel that we are reacting to the Soviet moves. Rather I find them reacting to our moves".

"So in each case it seems to me the Soviet Union is following the U.S. lead and that the United States is not reacting to the Soviet actions".

"Another way of describing it is indeed the way you have described it that we are reacting to them, but we are not reacting to anything in fact. We are reacting to something that they might be able to do; hence, we are taking action when we have no evidence (or very little evidence) on the other side of any such action, so I don't think of our moves as being reactions in that sense".[38]

Indeed, it would be an extraordinary tribute to the inefficiency in the Soviet system if the Soviet Union had not been able to make steady relative gains in technology during the 1960–68 period. The Soviet system is thought to be especially well designed for catching up at least, if poorly designed for getting ahead. A distinguished report by the Organization for Economic Co-operation and Development (O.E.C.D.) "Science Policy in the U.S.S.R.", noted that:

"In the Soviet system . . . the drive for technical progress comes not from a competitive market but from central government . . . The system undoubtedly facilitated the rapid introduction of Western technology into existing Soviet industries, and the establishment of new industries utilizing technology adapted from advanced Western firms".[39]

Indeed, the President of the Soviet Academy of Sciences has complained publicly of the Soviet tendency to under-estimate the practical importance of fundamental research so that work on applications only commences after reports have appeared in the foreign press.[40]

It Would Be Much Harder for the Soviets To Assume Superiority

Although the Soviet system has relative advantages for the rapid introduction of technology, it is not, however, a good system for innovating. The present Assistant Secretary for International Security Affairs, Warren G. Nutter, put it this way in 1964:

"In the face of accumulating economic troubles, Soviet leaders have become increasingly aware of what some outsiders have long known: that problems are traceable in large measure to the inflexibility and general inefficiency of the Soviet system . . . Centralized direction of economic activity is a poor substitute for the marketplace under the best of conditions. It becomes less and less effective as the economy and the problems confronting it become more and more complex".[41]

The military sector in the Soviet Union is surely more efficient than the Soviet economy as a whole. But this sector is still embedded in a Soviet society that is economically far less efficient than our own. Faced with the possibility of substantial differences in the efficiency with which R & D resources are used—and with enormous differences in industrial infrastructure to support military development—it is unreliable reasoning to equate spending with technological progress. But this is what DDR & E is doing after it makes the assertions about spending discussed above. For example, Dr. Rechtin explained his technological comparisons by saying: "We then reasoned that if one country or the other was conspiculously ahead it was probably investing more".[42]

Civilian Technology Is Relevant Too: Our Lead in Computers

When he talks of loss of superiority, Dr. Foster does not always distinguish between "technology" and "military technology." But he should. It would be extraordinarily difficult for the Soviet Union to gain technological superiority over the United States and its allies. In O.E.C.D. literature, it has been estimated that the 22 O.E.C.D. countries account for roughly 75 percent of current contributions to scientific knowledge with only the majority of the remaining 25 percent coming from the Soviet Union. And it would not be easy to become or remain technologically superior in military matters while producing only a fraction of the technological advances of all kinds. Fundamental military advances often come from civilian breakthroughs.

To take one example, Dr. Foster testified in 1966 that small and reliable electronic digital computers were a "striking example" of how the "continuing expansion of our scientific horizon" had played a major military role because it had "made missiles and other guidance devices possible" and had "revolutionized the area of command and control".[43] But Soviet computers are known to be years behind ours in quality and quantity. In an as yet unpublished article, Z. Brzezinski noted:

"The gravity of Soviet backwardness is illustrated by the fact that in 1970 the United States had approximately 70,000 computers in operation, and was expecting to install that year 18,000 more; the number operating in the Soviet economy was approximately 3,500".[44]

Look at these relevant excerpts from the commentary of A. D. Sakharov, V. F. Turchin and R. A. Medvedev on computers and the state of the Soviet economy in their famous "Appeal of Scientists":

"In the past decade the national economy of our country has begun to show threatening signs of dislocation and stagnation . . . When we compare our economy with that of the United States, we see that ours is lagging behind, not only quantitatively, but—and this is the saddest part—also qualitatively. The more novel and revolutionary the aspect of the economy, the wider becomes the gap . . . We are ahead of the U.S. in the production of coal but behind in the production of oil, gas, and electric power, ten times behind in chemistry, and *immeasurably behind in computer technology*. The latter is specially essentially, for the introduction of electronic computers into the national economy is of decisive importance and could radically change the face of the system of production and culture in general. This phenomenon has rightly been called the 'second industrial revolution.' Meanwhile, the total capacity of our pool of computers is hundreds of times less than in the U.S.A., *and as for the use of electronic computers in the national economy, here the difference is so enormous that it is impossible to measure. We are simply living in a different era* . . ." italics added) [45]

Michael Boretsky, an experienced economic Soviettologist at the U.S. Department of Commerce, has concluded that Soviet industrial technology in 1962 lagged behind that of the U.S. by some 25 years on average; in some areas the lag was as much as 40 years, while in a few it was only 5–7 years.[46]

In a recent article in "Problems of Communism," a well-known Soviet analyst and economist Gertrude E. Schroeder concluded that although the rate of technological advance had become the "touchstone" of Soviet competition with capitalism, "the payoff from this ambitious campaign has thus far been minimal." [47]

Dr. Abram Bergson, Harvard Professor of Economics and long-time Director of the Harvard Russian Research Center made this comment:

"Yet really consequential innovations of Soviet origin seem only rarely to be reported, either by the Russians themselves or by foreign observers. Authorities in this field appear to be of the view that, overall, the number of such basic innovations in the U.S.S.R. has been quite limited compared with that in such countries as the United States, Germany, or England.

Given its initial backwardness and the continuing opportunities to borrow knowledge from abroad, the U.S.S.R., of course, could not be expected to be highly original technologically. If here too, however, the Soviet working arrangements have sometimes been an adverse factor, this would not be very surprising." [48]

VI. Who has more scientists and engineers?

It is a time-worn, inaccurate, and not very serious, fear that the Soviets are producing more scientists and engineers. Because Dr. Foster has made much of this issue, we discuss the evidence. But we emphasize that the maintenance of a deterrent in being, and the capacity to generate new capabilities quickly, is not very closely linked to the *numbers* of technical personnel. This is especially so if manpower is considered independently of the effective allocation of the manpower, the purposes to which it is assigned, its precise skills, and the facilities available for it.

The footnoted table shows that the United States is graduating more than twice as many natural scientists and that the gap in our favor is widening (U.S. scientists as a proportion of Soviet scientists are: 78% in 1950; 98% in 1955; 128% in 1960; 218% in 1968).[49]

However, the Soviet Union is graduating roughly five times as many engineers. Here the *Soviet* gap is widening. (Soviet engineers as a proportion of U.S. engineers are: 75% in 1950; 260% in 1955; 390% in 1960; 490% in 1965; and 580% in 1968).

These statistics are sometimes misstated by Dr. Foster and are often stated misleadingly. For example, he told Senator Stennis, in an Armed Services Committee Hearing, that the Soviets were producing more "scientists" which is, as indicated above, quite the reverse of the truth.[50] Other of his statements indicate that the Soviets are producing more "scientists and engineers" which is literally true but only if you add our advantage in scientists to theirs in engineers. Since scientists and engineers are not interchangeable, this would be a misleading calculation.

U.S. Has More Scientists But Fewer Engineers

In *total* numbers, the United States has almost double the number of scientists (395.5 thousand to 231 thousand in one estimate) but about half as many engineers (965.8 thousand to 1,630.8 thousand). Not all scientists and engineers work in R & D of course.

Footnotes at end of article.

The U.S. has a lead of three to one in scientists working in R & D (181 thousand to 53 thousand) and has about half as many engineers so engaged (317 thousand to 587 thousand.)[50]

As far as scientists are concerned, we have what one might expect relative to the Soviet Union. A distinguished sociologist of science, Dr. Dereck de Solla Price of Yale University, has shown that scientific contributions from all the countries of the world vary in rough proportion to the GNP of those countries rather than according to population. For example, the United States has only 6 percent of the world's population but he notes:

"(it) publishes about one third of the world's physics and chemistry, one third of the astrophysics, and gets about one third of the big prizes and discoveries—and has also about one third of the world's wealth".[51]

The Soviet GNP is about half of ours. Thus we would expect half as many scientists, as indeed they have both in total and in rate of production.

Soviet Engineers are Often Poorly Trained

The Soviet relative advantage in numbers of engineers is swollen by differences in quality. In the Soviet Union, an engineer is a very high status occupation and a very loosely used term. Dr. Foster has testified uncertainly about the quality of Soviet engineers. He told the Senate Appropriations Committee that "The same standards that are used in the United States were used in assessing the number of Soviet engineers" in the table footnoted above. Later, after persistent skeptical questioning from Senator Ellender, who has much experience in travels through the Soviet Union, and who called many Soviet engineering institutions "about equal to our junior colleges", Dr. Foster testified ambiguously:

"We have tried to apply the same standards that are set in this country against theirs, so that we are talking about the same kinds of engineers. However, *I cannot guarantee that a U.S. engineer would be comparable to a Soviet engineer.* That particular aspect is not covered. They do have to pass roughly the same kinds of courses". the big prizes and discoveries—and also (italics added)[52]

An O.E.C.D. publication of 1969 reports, however:

"Soviet engineering graduation figures are considerably inflated by the addition of extension-correspondence and evening school graduates, who in some years comprise over 40% of the engineering graduates. Since these are 'shorthand' graduates, i.e. their course of training is considerably 'watered down' as compared to the full-time day course engineering students, Soviet annual engineering graduation statistics have to be viewed with a somewhat jaundiced eye".[53]

In fact, not long ago, half of the members of the Soviet Politburo were classified as "engineers".

Numbers of Scientists and Engineers are Only One Factor

The efficiency of scientists and engineers cannot be separated from their surroundings. *Science Policy in the U.S.S.R.* notes:

"A very frequent source of complaint in the Soviet press is that factories lack laboratories, design facilities and experimental shops for proving prototypes of new products and processes".

"The scarcity and delay in supplies for R & D as a whole is a notoriously difficult problem . . ."[54]

And while there are undoubtedly differences between the efficiency of military and civilian R & D, there are limits to which one sector of a country can suddenly create a self-contained, vastly more efficiency infrastructure. For example, the Soviet national telephone system simply does not permit the rapid and effective communication that we have available to communicate freely (and without rationing) between institutes, and suppliers, and the like.

Efficiency inside a given country may depend upon other factors as well. The large number of Soviet engineers may actually be increasing Soviet R & D costs needlessly, and adding inefficiency, if they are being used on projects that really need fewer engineers. This would not be out of line with Soviet practices in other more easily observed fields of endeavor. Whether or not this is so—perhaps the Soviets really are more efficient in important ways—the "efficiency" factor cannot be ignored in favor of calculations of relative expenditures.

Scare Concerning Numbers of Soviet Engineers Is 15 Years Old

It should be said that the fear of Soviet increases in numbers of engineers and scientists is a very old one. *The Weapons Acquisition Process*, published in 1962, was already noting that the "relative number" of engineers and scientists is "by now a well-known cause for alarm". In particular, it quoted Edward Teller in a speech to the Air Force Association in 1957 saying:

"Ten years from now the best scientists will be found in Russia. I am not saying that this will happen unless we take this or that measure; I am saying that this is going to happen."[55]

Obviously, Teller was wrong.

1970 SUPPRESSION OF U.S. LEAD IN MILITARY R. & D.

The most detailed information on relative R&D given by Dr. Foster to the Congress appears in the attached footnote.[56] From it the following calculations can be made. These calculations are referred to, but not provided, in a footnote of a report on this subject by the Swedish Peace Research Institution.[57]

The calculations are as follows. In particular, the preceding footnote provides the following information in 1966 dollars but leaves x, y, and z unknown.

	1960	1970
Total Soviet R. & D.	7.8	21.3.
Soviet militarily related R. & D.	x—13 percent annual increase→.	16–17 billion.
Soviet military R. & D.	y—60 percent total increase→.	z.

However, x can be determined from its 13% rate of annual increase and its 1970 total (here taken as $16.5 billion) to be x equals $4.9 billion. Since *military* R & D cannot exceed *militarily-related* R & D (i.e. y is less than x), Soviet military R & D (y) must have been significantly less than $4.9 billion in 1960. Increasing this quantity by 60%, we get an upper limit for Soviet military R & D in 1970 of $7.8 billion (in 1966 dollars). But the United States request for fiscal 1970 was $7.4 billion in 1970 dollars or, about $6.2 billion in 1966 dollars. (Rate of inflation used is the 4% used by Deputy Director of DDR & E, E. Rechtin, in a recent paper, "The Immediate Future of Defense Research, Development, Test and Evaluation"). Thus, if the Soviets had had no space and no atomic energy expenditures in 1960—which is false—we could conclude that the Soviets were only spending *$1.6* billion more than we on military R & D, not the approximately *$3* billion claimed. In 1960, our AEC and space expenditures were about $1.75 billion in 1966 dollars. If Soviet expenditures in 1960 were comparable, then x would equal $3.15 billion and Soviet military R & D would, by these estimates, turn out, in 1970, to be 20% lower than that of the U.S. rather than 40 to 50% higher.

APPENDIX B.—MAJOR PROJECTS TERMINATED DURING THE PAST 10 YEARS

Project	Year started	Year canceled	Funds invested (millions)
Aircraft:			
Army: XV–3 Convertiplane[1]	1952	1960	10.1
Navy:			
A–2J–1	1948	1963	20.0
F–111B[1]	1961	1968	384.1
Air Froce:			
ANP	1951	1961	[2]511.6
X–21[1]	1960	1966	36.0
X–19[1]	1962	1966	16.0
XB–70[1]	1958	1967	1,468.1
X–15[1]	1959	1968	210.5
RF–111	1966	1970	26.9
Missiles:			
Army: Mauler	1960	1965	200.0
Navy:			
Corvus[1]	1954	1960	80.0
Eagle	1959	1961	53.0
Typhon[1]	1958	1964	225.0
Air Force:			
Snark[1]	1947	1962	677.4
GAM–87 Skybolt	1960	1963	440.0
Mobile Minuteman	1959	1962	108.4
MMRBM	1962	1964	65.4
Astronautics: Air Force: MOL[1]	1964	1970	1,491.9
Ordnance, combat vehicles and related equipment:			
Army:			
Vigilante[1]	1952	1961	26.6
Tank, medium and heavy, T–95	1955	1960	18.0
Truck, cargo, 2½-ton	1946	1965	5.9
Truck, cargo, 16-ton	1959	1965	[3]4.8
Truck, tank, 5,000 gallons	1959	1966	(3)
Truck, wrecker, 20-ton	1959	1966	(3)
Area scanning alarm (E–49)	1957	1966	3.9
Infantry mortar, 107 mm. XM–95	1960	1967	10.7
Howitzer, 155 mm. self-propelled, XM–138	1964	1968	5.3
Other equipment:			
Army:			
AN/USD 5-drone	1957	1962	103.3
AN/USD 4-drone	1957	1960	40.0
Auto integrated switch	1958	1965	39.9
Radiofrequency amplifier for AN/PRC–25	1963	1969	.6
Signal generator set, AN/PRC–25	1963	1970	.4
Tactical extended range antenna system	1965	1969	1.0
Navy:			
NRRS, Sugar Grove	1957	1962	70.0
DSSV	1969	1970	12.1
Air Force: Dyna-Soar	1960	1963	405.0

[1] Development was completed or essentially completed.

[2] AF costs only.

[3] The 3 trucks listed comprise the 16-ton series of the GOER program which was terminated in June 1965. Work was officially terminated on the tanker and wrecker in February 1966. The cost of the program was $4,800,000.

Source: U.S. Senate hearings on "Military Procurement, Research and Development, Fiscal Year 1971," 91st Cong., 2d session., p. 421.

FOOTNOTES

[1] November 20, 1970.

[2] February 1971.

[3] U.S. News and World Report, November 30, 1970, pg. 24.

[4] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1972, 92nd Congress, 1st Session, pg. 1–6 prepared remarks.

[5] "Our real concern is the fact that for the last decade they have been going up at a 10-percent rate per year. We have been increasing at about 4 percent per annum. If this is allowed to continue for *another decade*, I believe that there is nc doubt that the Soviet Union will be technologically superior to the United States". (May 14, 1969).—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1970, 91st Congress, 1st Session, Vol. 2, pg. 1848.

"The U.S. will lose technological superior-

Footnotes at end of article.

ity to the Soviets in the *next several years* if present trends continue".—U.S. News and World Report, November 30, 1970.

"If the Soviets continue to increase their effort devoted to militarily-related research and development and we continue our present trend, within the next *2 years* the Soviet Union will assume technological superiority". (April 27, 1970).—U.S. House of Representatives Hearings, Defense Subcommittee of the Appropriations Committee, Fiscal 1971, 91st Congress, 2nd Session, Part 6, pg. 41.

"If present trends continue, . . . the Soviet Union could assume technological superiority in military research and development in the *latter half of this decade* (italics added) (March 18, 1971).—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1972, 92nd Congress, 1st Session, pg. 1–6.

"If present relative trends were to continue: . . The Soviet Union would assume technological superiority in military research and development in the *middle of this decade*".—Ibid., pg. 2–7.

[12] Washington Post, May 1, 1970, pg. 22.

[13] The Post noted in its editorial that the underlined sentences had been quoted and the material in between had been omitted (the parenthetical remark inside the quote was inserted by the Washington Post). It should be mentioned that the Post said of Dr. Foster that it was "reluctant to believe that a scientist of his stature could have concocted such a presentation himself" and once referred to the "speech that someone put together for Dr. Foster."

[14] In 1969, before this "pioneering study", Dr. Foster explained how estimates were done. One looked at the weapons produced and adduced the R & D expenditures that must have been involved. He said his estimates were:

"Based on comparable output, not on the actual number of rubles. In other words, if we see a Soviet tank developed and in production, we give them credit in terms of the dollars it would cost us to develop a similar tank. It is an equivalent effort expressed in U.S. dollars. That is how the accounting was done".—U.S. Senate Hearings on Department of Defense Appropriations, Fiscal 1970, 91st Congress, 1st session, pg. 236.

[15] U.S. House of Representatives Hearings, Defense Subcommittee on the Appropriations Committee, Fiscal 1971, 91st Congress, 2nd Session, pg. 40.

[6] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, 91st Congress, 2d Session, p. 401.

[7] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, 91st Congress, 2nd Session, pg. 401.

[8] Address to the Navy League, Miami, Fla., December 5, 1970. The Senate Armed Services Committee was told about this $3 billion differential on March 18, 1971, in Dr. Foster's prepared remarks—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1972, 92nd Congress, 1st Session, pg. 1–3, prepared remarks.

[9] Elsewhere, Dr. Foster told the Senate Armed Services Committee last year that the best analysis was a report completed in Spring, 1970 by the Institute for Defense Analyses—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, 91st Congress, 2nd Session, Part 1, pg. 412. For the above quotation see Prepared Remarks, March 24, 1971 of Dr. John S. Foster, Director of Defense Research and Engineering before the Committee on Appropriati ns, U.S. Senate, 92nd Congress, pg. 2–4, 2–5.

[10] Ibid.

[11] Ibid., pg. 2–2.

[16] Davis, Barker and Fakiolas, "The Research and Development Effort in Western Europe, North America and the Soviet Union: An Experimental International Comparison of Research Expenditure and Manpower in 1962", Appendix II (Soviet Research and Development Statistics), published by O.E.C.D., 1965.

[17] Emile Benoit and Harold Lubbell, "The World Burden of National Defense, Disarmament and World Economic Interdependence", ed. by Emile Benoit, Oslo, Universitetsforlaget,1967, pg. 40.

[18] Memo from John D. Holmfeld, March 24, 1971.

[19] Stockholm International Peace Research Institute, *SIPRI Yearbook of World Armaments and Disarmament, 1969/70*, Stockholm, pg. 306.

[20] U.S. House of Representatives, Defense Subcommittee of the Appropriations Committee, Fiscal 1969, 90th Congress, 2nd Session, Part 2, pg. 445.

[21] U.S. Senate Hearings on Department of Defense Appropriations, Fiscal 1969, 90th Congress, 2nd Session, Part 5, pg. 2645.

[22] Dr. Harold Brown explained it this way when he was Director of Defense Research and Engineering:

(1) *Research:* "represents an essential effort to build up our basic understanding of natural phenomena from which new ideas for military hardware may be generated. . . . The Research category, more than any other, is directly related to support of individual researchers, and stability of effort is accordingly essential." (Fiscal 1971 request was 5% of total RDT & E budget.)

(2) *Exploratory Development:* ". . . effort that is directly pointed to the solution of military problems. . . . Its end product is the determination of the feasibility of concepts and the understanding of engineering characteristics so as to be able to make an intelligent decision to proceed to the development of hardware." (Fiscal 1971 request was 12.2% of total RDT & E budget.)

(3) *Advanced Development:* ". . . provides for effort directed toward the building of test or experimental hardware." (Fiscal 1971 request was 15.3% of total RDT & E budget.)

(4) *Engineering Development:* ". . . effort directed toward the design and development of specific hardware for service use." (Fiscal 1971 request was 18.9% of total RDT & E budget.)

(5) *Operational Systems Development:* ". . . identical to the RDT & E work under the category 'Engineering Development' except that projects shown in this category have been approved for production and deployment." (Fiscal 1971 request was 32% of total RDT & E budget.)

(6) *Management and Support:* ". . . effort directed toward general support of the RDT & E program. It thus includes certain maintenance and overhead costs of the laboratories, funds required for test and evaluation units and—a very large factor in today's overhead costs of development—the funding of the national ranges such as the Atlantic—Cape Canaveral—Pacific and White Sands Missile Ranges." (Fiscal 1971 request was 15.9% of total RDT & E budget.)—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1964, 88th Congress, 1st Session, pg. 413–417.

[23] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1970, 91st Congress, 1st Session, pg. 1769.

[24] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1967, 89th Congress, 2nd Session, pg. 428.

[25] Beginning, evidently, in 1970, DDR & E redefined its "Technology Base" to include not only Research and Exploratory Development but approximately 30% of Advanced Development. Such a re-definition adds approximately 30% to the cost of the Technology Base since Advanced Development is approximately the same as Research and Exploratory Development put together.

[26] U.S. Senate Committee on Armed Services, Status of U.S. Strategic Power, Hearings before the Preparedness Investigating Subcommittee, pg. 50.

[27] U.S. Senate Committee on Armed Services, Preparedness Investigating Subcommittee, Hearings, Inquiry into Satellite and Missile Programs, 85th Congress, 1st and 2nd Sessions (1958), pg. 590–591.

[28] U.S. House of Representatives Hearings, Defense Subcommittee of the Appropriations Committee, Fiscal 1969, 90th Congress, 2d Session, Part 2, pg. 441.

[29] U.S. House of Representatives Hearings, Defense Subcommittee of the Appropriations Committee, Fiscal 1962, 87th Congress, 1st Session, Part 4, pg. 21.

[30] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, 91st Congress, 2nd Session, Part 1, pg. 309.

[31] Op. Cit., The Weapons Acquisition Process, pg. 22.

[32] "The Weapons Acquisition Process" concluded that R & D had been 22% to 31% of total expenditures for aircraft and missile programs in the 1950's and said there was "every indication" that the trend toward an "increased proportion" of resesarch and development activity "will continue". (Merton J. Peck, Frederic M. Scherer, pg. 26–27.

[33] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1969, 90th Congress, 2nd Session, pg. 440.

[34] Op. Cit., Status of U.S. Strategic Power, Part 1, pg. 69.

[35] Speech entitled 'The Immediate Future of Defense Research, Development Test and Evaluation (RD & E)", undated copy supplied by DDR & E.

[36] Actually, Dr. Foster was charged that the Soviets were catching up technologically as early as the spring of 1969. At that time, for example, he was asked by Senator Stennis, and by Senator Dominick, to submit unclassified material in support of this charge and to insert it in the public record (see pg. 1885, Senate Armed Services Committee Hearings for Fiscal 1970). The Hearing record shows that this material was not received in time for insertion. In response to his verbal inquiry, the Director of the Federation was advised on April 14, 1971 by the Committee on Armed Services that the material had indeed been submitted, but in classified form and had never been declassified because no one had asked about it; he was promised a copy as soon as it was declassified. (Added in Proof: On May 3, 1971, the Armed Services Committee advised the Federation by telephone that the material could not be declassified).

[37] Address before the Navy League, Miami, Fla., Saturday, 5 December, 1970.

[38] U.S. Senate Hearings, Status of U.S. Strategic Power, Armed Services Committee, Preparedness Investigating Subcommittee, 1968, 89th Congress, 2nd Session, pg. 110–111.

[39] Organization for Economic Co-operation and Development, Science Policy in the U.S.S.R., Paris, 1969, pg. 403.

[40] Ibid, pg. 431, Originally, Vestn Akad., Nauk, 1961, No. 7, pg. 18.

[41] U.S. House of Representatives, Hearings before a Subcommittee on Europe of the Committee on Foreign Affairs, 88th Congress, 2nd Session, February, March, 1964, pg. 181–182.

[42] Rechtin, Op. Cit., pg. 8.

[43] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1967, 89th Congress, 2nd Session, pg. 429.

[44] Private communication; based on data obtained from Technology Review, February 1970; R. V. Burks, "Technological Innovation and Political Change in Communist Europe", RAND, Santa Monica, August 1969; and Richard W. Judy, "The Case of Computer Technology", from *East-West Trade and the Technology Gap* edited by Stanislaw Wasowski, N.Y., 1970.

[45] Problems of Communism, September-October 1970, Soviet Technology: System vs. Progress, pg. 20, article by Gertrude Schroeder.

[46] U.S. Congress, Joint Economic Committee, New Directions in the Soviet Economy, testimony by Michael Boretsky, 1966, Part IIA, pg. 149.

[47] Problems of Communism, Op. Cit., pg. 19.

[48] *Planning and Productivity under Soviet Socialism*, by Abram Bergson, Carnegie-Mellon University, 1968, pg. 61–62.

[49] Soviet and U.S. graduates (in thousands):

	1950	1955	1960	1965	1968
Soviet:					
Engineers	38.5	67.4	102.1	175.5	238.0
Natural scientists	28.0	23.2	33.3	33.3	33.5
All others	166.8	179.0	192.0	222.2	252.2
Total, Soviet	233.3	269.6	327.4	431.0	523.7
United States:					
Engineers	51.0	25.8	30.8	35.9	41.0
Natural scientists	22.6	22.7	42.9	68.0	73.1
All others	204.5	255.0	305.5	436.0	556.5
Total, United States	278.1	303.5	379.2	539.9	670.6

Source: U.S. Department of Defense. (See "U.S. Senate Hearings on Department of Defense Appropriations, Fiscal 1970, 91st Cong., 1st sess.," p. 235.

[50] These estimates are circa 1965 and are presented in a December 24, 1970 internal memo from John D. Holmfeld in the Legislative Reference Service of the Library of Congress. Dr. Foster has projected that the Soviets would have a four to three advantage in total scientists and engineers working in R & D by 1985 but this obviously depends upon projections of future expenditures—projections we question in this document. (For this projection, see his testimony for Fiscal 1971 before the House Appropriations Committee). Because of this uncertainty, Dr. Foster's projections were flatly described as "meaningless" and "nonsense" in a forthcoming MIT Center for International Affairs Study by Robert Mikulak: "A Second Look at U.S. and Soviet Research and Development", February 1971, pg. 20 and pg. 23. This study is an excellent analysis of the technical deficiencies in Dr. Foster's arguments.

[51] Measuring the Size of Science, Israel Academy of Sciences and Humanities Proceedings, Volume IV, Number 6, Jerusalem, 1970, p. 104.

[52] U.S. Senate Hearings on Department of Defense Appropriations, Fiscal 1970, 91st Congress, 1st Session, pg. 235–236.

[53] Science Policy in the U.S.S.R., Scientific and Engineering Manpower Resources of the U.S.S.R.: 1961–1966, by Joseph P. Kozlowski, Study Director, Foreign Studies Group, National Science Foundation, Washington, D.C., pg. 159.

[54] Science Policy in the U.S.S.R., Op. Cit., pg. 409 and 412.

[55] The Weapons Acquisition Process, Peck and Scherer, 1962, pg. 170.

[56] "Comparative funding data for R. & D. in the U.S. and the U.S.S.R.—data that are probably accurate within about 10 to 20 percent—look like this:

RESEARCH AND DEVELOPMENT FUNDING

[Billion 1966 dollars]

	1955	1960	1965	1968	[1] 1970
U.S.S.R	3.5	7.8	13.9	17.7	21.3
United States	5.1	13.7	20.6	25.4	24.6

[1] Estimate.

Three points drawn from RDT & E funding data should be examined seriously. First, Soviet R & D has been growing faster during the past decade than total U.S. R & D. For example, the U.S. total funding was almost twice that of Soviet total in 1960, and by 1970 the U.S. total was only about 15 percent greater. During the last few years, Soviet R & D has been growing by roughly 10 percent per year while U.S. R & D effort has essentially leveled off. For the entire decade of the 1960's. Soviet R & D devoted to military, atomic energy, and space applications grew by about 13 percent per year, and this vigorous growth rate appears to be continuing. These budget data have been found to be consistent, on a general program basis, with the resources required to support the growing numbers and types of aircraft, missiles, ships and other equipment which the U.S.S.R. has been developing in recent years.

Second, the U.S.S.R. continues to emphasize military/space/atomic energy R & D. For example, looking at the military component alone, during the 1960's the Soviet military R & D increased by about 60 percent while the U.S. military R & D increased by roughly 30 percent. Overall, Soviet funding for military/space/atomic energy R & D is now about $16 to $17 billion while comparable U.S. funding is about $13 to $14 billion. In the last two years, however, the U.S.S.R. has shown considerable concern over the lagging technological level of its civil industrial base and appears to be adding resources to this sector, but not at the expense of continued growth in their defense, space, and atomic energy efforts.

Third, we should note that cumulatively and currently, the U.S. has a substantially larger investment in R & D than the U.S.S.R. During 1960–68, U.S. R & D amounted to about $173 billion, while Soviet expenditures were somewhat more than 50 percent of that. Nevertheless, the U.S. activity is much more heavily weighted toward civil R & D (in 1968 roughly $11 billion out of $25 billion total) compared with the Soviet proportion on civil R & D.—U.S. House of Representatives, Armed Services Committee Hearings, Fiscal 1971, 91st Congress, 2nd Session, pg 7957.

[57] U.S. estimates of Soviet expenditure for military research, *SIPRI Yearbook of World Armaments and Disarmament, 1969/70*, Stockholm International Peace Research Institute, 1970, pg. 302.

INDIAN HEALTH CRISIS

Mr. HARRIS. Mr. President, I have been conducting a series of public hearings in Oklahoma to bring the Federal Government home to the people. The hearings have centered primarily on issues pending in Congress and have been extremely helpful to me in getting a first-hand report from the people of my home State.

On March 18, 1971, I held a public hearing in Oklahoma City on the subject of Indian health. Over 300 Indian people attended the hearing representing the major tribes of the State of Oklahoma.

I know, from talking with American Indians of other States, that there is not only an Indian health crisis in Oklahoma, there is a crisis throughout the Nation. Indian hospitals have a tragic shortage of personnel, drugs, and supplies. In urban areas Indians are in many instances going without care.

It is obvious that Congress must increase significantly the appropriation for the Indian Health Service if we are to improve the level of health care. The anticipated increases of $14 million will barely take care of the increase in costs. I have testified before the subcommittee on Interior Department appropriations and requested that the funding be increased to $200 million rather than to $137,576,000 as requested in the budget. The testimony which follows will give a clear understanding of the need for this increase.

I intend to have the complete transcript of the Oklahoma City hearing printed in the RECORD and see that it is presented to the members of the Senate and House Appropriations Committees.

Today, Mr. President, I ask unanimous consent that the first portion of the testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF U.S. SENATOR FRED R. HARRIS AT HEARING ON INDIAN HEALTH, MARCH 18, 1971, AT THE NORTHWEST COMMUNITY ACTION CENTER, OKLAHOMA CITY, OKLA.

I am pleased that so many of you have responded to my invitation to appear at this hearing on Indian health. I know that the Indians of Oklahoma are terribly upset—and rightly so—over the inadequate health care they have been receiving, which is attested to by your presence today.

The level of health of American Indians lags 20 to 25 years behind the health advances of the general population in America. The average age of death for Indians is 44 years of age, about one-third less than the national average of 64. Indians are eight times as likely to suffer from tuberculosis as the rest of us, and deaths due to influenza and pneumonia are nearly two and one half times higher for Indians. There are three and one half times as many homicides and two times as many suicides among Indians as there are among the general population.

If one is an American Indian, he is ten times more likely to suffer from rheumatic fever, strep throat, and hepatitis. Only about 24 percent of the dental care needs of Indians are met.

In September of 1969, several of you here today travelled to Washington to meet with the Oklahoma Congressional delegation about health problems in Oklahoma. I subsequently offered an amendment to a supplemental appropriations bill and was able to increase the funding for drugs and supplies and for additional health personnel by over $2 million. These funds were to be directed to the needs you made known to our delegation, but as many of you will recall the Administration did not release the funds for several months.

Last year I offered a series of amendments to the appropriations bill that were enacted increasing the funding for Indian health by over $5 million. But these increases hardly enabled the Indian Health Service to keep pace with increases in the cost of providing care.

On Monday, March 22, 1971, I will appear before the Subcommittee on Interior Appropriations of the Senate Appropriations Committee again to ask the Committee to increase the budget requests of the Administration for funding Indian health programs.

Although the overall budget for Indian health has been increased from $120,000,000 to $137,576,000, the increase will not enable the Indian Health Service to upgrade the present level of health care being received here in Oklahoma or in other parts of the nation. No request has been made by the Administration for: funding in the coming year for hospital construction; funds to improve sanitation in existing homes; funds to improve mental health programs; increases in funding for drugs, supplies, and personnel in our hospitals to meet increasing needs.

The Administration's budget provides no

recognition at all of health needs in urban areas.

The testimony you give today will all be transcribed and will be presented to the Appropriations Committee next week. It will be a part of the official hearing records of the Committee. Having your testimony will enable me to speak with authority before the Committee about the health care needs of the Indians of Oklahoma and throughout the nation. I can give the Committee a current report on this tragic situation. I will be armed with information which I hope will convince the Committee to correct the deficiencies in the Administration's budget and in Indian health generally.

PROVIDED AT THE REQUEST OF THE TALIHINA TRIBAL HEALTH COMMITTEE: DENTAL RESUME OF TALIHINA DENTAL SERVICE UNIT

1. The present staff in the Talihina Service Unit consists of one Dental Officer and one Dental Assistant. They are to provide dental care to the official dental population (3+) of 6,435 people. This is a job that is estimated to require three dental officers and six dental assistants in seven operatories according to the Indian Health Services Manual.

2. Because of the disparity between the staff required and the staff available, strict adherence to an established priority system has had to be enforced attempting to provide care for emergencies and children. Unfortunately, not all children are receiving adequate care, let alone providing any adult care.

3. Most of the children not seen are from the southern half of the Talihina Service Unit. The problems are threefold:

(a) Transportation to the Talihina Hospital Clinic is available only in very limited amounts. The average distance is approximately 96 miles for a family living in this area to the Talihina Hospital.

(b) The economy of the southern area is very low and attracts very few dentists. Those that are there, have large practices and are reluctant to provide care to Indians.

(c) Even if money was available, only one-half of the 6,435 Indians are located close enough to a Contract Dentist that they might reasonably seek dental care from them.

4. Based upon FY 1970 Dental Epidemiology, 8,993 services either by Direct or Indirect sources were provided out of a total need of 77,815, that is 11.6% of the total need. Less than 18% of the 8,993 services were provided for people over 20 years of age.

5. Based upon the above, it is clear that additional personnel must be made available in the Talihina area. Logically a clinic at both Idabel and Hugo are required if anything approaching total care is to be provided. To meet the immediate need, the medical clinic at Idabel should be supplemented to include two dentist, three dental assistants and four operatories. This clinic is located within 30 miles of 2,500 Indians and cannot be provided for by contract dentists. Direct care is the only possible means by which dental care can be delivered.

Cost, first year:	
Equipment	$50,000
Initial supplies	3,000
Rental	3,000
Total	56,000
Cost of second year:	
Staff	47,000
2 Dental officers	
3 Dental assistants	
Replacement supplies	3,000
Rental	3,000
Total	53,000

STATEMENT TO SENATOR FRED R. HARRIS, INDIAN HEALTH HEARING, MARCH 18, 1971, OKLAHOMA CITY, OKLA.

(By Mrs. Mary M. Williams)

Because of the current proposal for a National Health Insurance program, the question of Medical Care is being talked about a great deal these days, but one of the greatest health scandals in the country is still receiving the silent treatment it has always received, that scandal is Indian Health.

What concerns me most in my role as Director of the Dallas American Indian Center is the aspect of the Indian Medical Care program, which almost everybody forgets about. I am talking about problems of Urban Indians when they get sick.

Reservation Indians are able to get some medical attention from the Public Health Service Hospital. The care at the Indian Hospital is often bad due to limited resources and funding and the whole bad system, but at least it is something. The Urban Indian though, does not even have this unsatisfactory alternative. As virtually every other aspect of his life, the Urban Indian is caught in a no mans land: He is ineligible for the services reservation Indians receive, and unable to get those services elsewhere.

Once an Indian moves to the city, he has to depend on services and all other resources of the city. I personally think it is scandalous that once an Indian leaves his reservation he loses what little he was entitled to from the Federal Government. But, for better or worse, that is the way things are. An Indian in Dallas is just any other person in Dallas when he needs any kind of services.

This is where our problem begins when it comes to Medical Care. On the one hand we have city and state health officers who either are not aware that Dallas has a sizeable Indian population or—and we hear this time and time again—they think Indians are somehow being "taken care of" by the B.I.A. or some other agency. Nothing of course could be further from the truth.

Then we have a great many Indian people who are not aware that they are entitled to *all* the services other residents of Dallas are or if they are aware of this, do not know how to go about getting those services. There are about 15,000 Indians in the Dallas-Ft. Worth area. Some have been living there for a long enough time to know their way around the bureaucracies. Many, though, have not been in Dallas for long. When they were home—either on reservation or in Alaska or Oklahoma—they received all of their medical care from the Indian Hospitals. They knew where to go and what to do if they or a family member got sick.

When they move to Dallas, many people have no idea at all how to get health care. Some of the Indian people from Oklahoma go all the way up to Oklahoma to see a doctor. But a Navaho from Arizona or New Mexico can't even do that. What should they do when they get sick. Whom can they see, especially if they cannot afford private physicians.

Getting information on where to go, of course is not the only problem. Even if you do know where to get medical care, even if you do know where. All what the very wealthy can get is totally inadequate. You get shunted through a clinic and in the end it may almost be more trouble than it is worth.

Of course many of the health care problems Urban Indians have are common to most poor or middle income people. It seems often that only the very rich can afford good medical care. But I do think health officials have some special obligation to Indian people. It does not seem sensible, for example, that an Indian family which is entitled to medical care on the Navaho reservation should be deprived of that right just because they move to Dallas to find a job, or for whatever reason. Medical attention should not depend on where you happen to live. Also, the public health officials in the city have an obligation to be aware of the health needs of Indian people, especially since the number of Indians in the cities is increasing all the time. I should also add that Indian organizations must make sure they communicate health care information to the Indian community and, at the same time, be sure that the health officials are paying as much attention to Indian need as they should.

We in Dallas and other groups have been doing the best we can, but we sorely need funding for health specialist to work with us.

It is often easy to talk about problems like the delivery of medical care as though they were only abstract ideas. But medical care is literally a matter of life and death, and if we do not begin to do something soon about the situation an Urban Indian faces when he is sick, we will have let, that many more human beings become ill or even die. We need fundamental changes *now*.

HEALTH SERVICES FOR THE URBAN INDIAN

(Prepared Statement of Vincent Bointy, Oklahoma City, Okla.)

Health services for the Indian off the reservation or away from the home area, is restricted by policies implemented prior to the early 40's. During the 40's, the Indian began leaving the home area and began migrating to the metropolitan area. This movement to the Cities was pressured by economic conditions in the home area. Presently, the Indian population in Oklahoma City and Tulsa far exceed the Indian population of all other counties in the State.

Unknowingly to the Indian, his move to the City divorced him from the services of both the Bureau of Indian Affairs and the Indian Health Service. His most critical needs are in the area of health, and here suddenly he finds himself completely alone, without any assistance from any source. He is denied the available health resources in the City, he is told to utilize the Indian hospitals and clinics which have been provided for his health care. He goes to the Indian Health facilities and finds that these facilities are no longer available to him as he is now a non-reservation Indian. He can expect no assistance from his tribal council to voice his plight, for to his tribe, friends and relatives, he no longer is a Kiowa, Comanche, Choctaw or Ponca. A new tribe of Indians has emerged, the "Urban Indian," he is now an urban Indian.

The majority of the urban Indians that are employed are relatively new residents, and have an income which barely provides subsistence for their families. However, to the Government he is now in the mainstream of the current society; able to care for all his needs. If not, community services in the city are capable of meeting any human needs he might have that exceed his personal resources. To the local Indian from the home area, he is from Oklahoma City or Tulsa, thus, he is a rich Indian without the economic and social problems that besiege the ordinary Indian.

Once an Indian moves to Oklahoma City, Tulsa, or any other city, it is assumed that he no longer needs any type of assistance, irregardless of the period of time he may have been in the city. Whether it be for one week, three months, two years or for four years.

Health care for the Indian by the Government should be looked upon as an investment, help this Indian as he is beginning a new life away from home, in a society unlike his own cultural traditions and social customs. Help him to get started on his own, on a solid base and very soon he will provide his own needs. He will help other Indians get started that enter the urban areas for a livelihood.

As he begins a new life in the city, should assistance for his health needs be denied, he may find himself heavily entangled with an accumulation of debts, and be forced to return to the home area. There to become ensnared in Welfare, and Welfare has a history of perpetuation from one generation to generation. Most certainly, the Indian does not want to become a recipient of the Welfare program. He only requests that medical services be provided and made available, as documented in treaties with the United States Government.

CONTINUATION OF HEARING

Senator Harris. Okay, Mr. Bointy, go right ahead.

Vince Bointy. Well, the Indian wants to become a recipient of the welfare program. We all request that medical services be provided and be made available as documented in treaties of the United States Government. I have here two plans that would take care of the urban Indians. Plan No. 1 would be just to contract for taking care of the Indians in this area. The estimated population here in Oklahoma City is 11,200 from the 1970 census. We have about 1,702 people who were admitted in hospitals last year, and just for outpatient care we have 26,880. That is just from Oklahoma City alone. Plan No. 1 would be a contract program where services would be purchased from the local private resources. These things would include such things as increase in hospitalization, outpatient, medical, eye glasses, dental care, drugs, staff, buildings and utilities. This adds up to $4,332,000. The things I think we should consider here would be limited control over quality and quantity of medical service provided by local vendors; (2) there would be no permitted medical program except limited ones provided by local vendors in their private offices; (3) there would be limited patient follow-up.

Plan No. 2 would also be both contract & direct services. These would include inpatient hospitalization, outpatient medical, eye glasses, drugs—just about the same things—except there would be a clinic involved. The thing here would be that the Indian Health Service physicians and dentists could monitor and follow each patient's medical care and assure maximum quality and services. Two, Indian health physicians would be available on the spot to counsel all patients concerning their health problems and health needs. Three, Indian health service physicians would conduct and manage a total preventive health program. Four, Indian Health Service physicians would make all contracts for health services. I have all these broken down into classes like surgery, dental and so forth on here which I will give to the Senator. We would like to have help from you because we're still Indians. Even though we moved away from the home area we haven't lost our love for our home songs, dances, religion. We still like boiled meat and fried bread. We're still Indians, and we'd like to ask your help at these medical service hearings.

Senator Harris. I'd like next to call on Chief Sylvester Tinker of the Osage Tribe who is scheduled for the afternoon but needs to be heard in the morning so he can get away. Chief Tinker we are pleased to hear from you at this time.

Chief Sylvester Tinker. Thank you Senator Harris and Mrs. LaDonna Harris. Thank you very much. There is a great deal to be said about Indian health. I've been with Indian health for a good long time since Dr. Bow came and made a tour of the Oklahoma health program and I was there the night when he spoke at Pawnee and he said I want these Indians doctored and I want them doctored now. Since then we have been able to get somewhere near 28 clinics throughout the state of Oklahoma of which I am very grateful. But nevertheless nearly all of the Indian health is on a second-class basis. It's not because we don't have the people to run the hospitals and the clinics but because of the lack of money to run them on a first-class basis. Money is the main object of what we really need for the Indian health people. I think that if we had plenty of money to build clinics, to revise our hospitals—I know the hospital at Claremore is some 40 years old, has been condemned a good many years, but we're still in there. We're grateful to have it, however, because if we didn't then it would be a real tragedy. I have often thought of how lax is the medicine and the doctors to run the hospital for the amount of people that we have. Now I know that—and I do want to say a few words in regard to the urban people of Oklahoma City and Tulsa. It is a pitiful thing that whenever the Indian has been encouraged to come to town to get a job and to work and live like white people and then be penalized when he does that. I know that there has been many many Indians turned down and it is because of the lack of money. And money is all we need and the Senator here and the representatives who represent all of us in the state of Oklahoma are the ones that can get us a bunch. Now in the case of urban Indians, Senator, I know that you can be as strong as Senator Mundt of South Dakota and I know that in Rapid City, South Dakota, we have one of the finest clinics in the entire United States, and that is for urban Indians. Now if any of you ever go up there this summer I wish you all would go by and see what a wonderful institution that Senator Mundt has got for the Indian people. Now they all tell us that these urban Indians can be taken care of. They've got to be taken care of, and I think, Senator, if you will get with the Oklahoma delegation I think it won't be too long before we have places for urban Indians to go to. It is very important, and the need of glasses is great. It is a terrible thing when a little child is in need of glasses and dentistry and the lack of food—you just can't teach a person like that. If they have a full stomach and can see and they can eat good you can have a real smart child. But one thing is really necessary is that we have dental clinics throughout the whole entire country. Then, I do want to say a few words in regard to why can't the Indians of Oklahoma whenever they go to Albuquerque or any other town then we're denied the use of the hospitals of those other states. All of these Indian children who came from New Mexico to go to the government schools here in Oklahoma are taking out of our pockets for those people, which we were glad to do, but we certainly want to be able to—if any of our children go to any other state well then we want to have the same privilege that we have given these other people. It's a terrible thing. I know that out in Albuquerque we had an Indian boy, Pawnee boy, that had a kidney ailment. And I tell you we worked for a year to get that boy out there where he could get some medical aid. We finally got him in to where he could use this machine, and it has done him a great deal of good and they've operated on him now and he's doing real fine. Otherwise, he would have lost his life. Well, in general, I think that we need a doctor at Pawnee. It has been almost a year and a half that we've been with just three doctors. And it just works them to death, Senator. I don't see any reason why we can't get another doctor over there. And that's about all I have to say.

Senator. Very good. I'll call now on Charles E. Brown of Oklahoma City. Mr. Brown is Chairman of the Oklahoma City Council of Choctaws, Inc. I'm glad you're here and we're pleased to hear from you at this time.

Charles E. Brown. I'm glad to be here Senator Harris—Mrs. Harris, friends and guests. We're in the urban area of Oklahoma City. Due to relocation of the Indians in the last few years, some of our people have left the rural areas and moved to Oklahoma City, Dallas, Chicago or wherever. The relocation program has moved these people to urban areas now, the urban people have a problem. I think the problem is that the money that is funded to the Indian Health program hasn't reached the people in the city area. The nearest place for the Indians to go to get the medicine for being a diabetic or anything of this nature or glasses is 40 miles from here, the Shawnee clinic. I think here in Oklahoma City the need is great. I think the government should appropriate money to other things all over the country for other causes. But I think we Indians in Oklahoma City need a clinic here in Oklahoma City. I have talked to a lot of people here in Oklahoma City about these problems and they have voiced their opinions that they really need a clinic for the Indians here, just a clinic for Indians alone. And I think with this in mind I think our government should appropriate money—you are trying to help us—and I think that Senator Harris has done his best for us in this field. So, the problems that some of the people have encountered here is that when they go to these hospitals here they have to wait so long to be attended to. And another area because of the problems we have in Oklahoma City is that some of our people went to these hospitals and they were attended by unfortunate, untrained doctors. I was talking to a man last night and he said he had become deaf because of using untrained doctors on this one Indian man. I think we should have doctors among our people in Oklahoma State and city areas. I think the Federal Government ought to appropriate enough money to have a good clinic and good doctors for our people. Thank you.

Senator Harris. Now I would like to call on Mr. Jim Cleghorn. Jim Cleghorn, Tulsa, is Chairman of the Health Committee of the Indian Affairs Commission of the City of Tulsa. We're glad you're here.

Jim Cleghorn. Thank you, Senator. Senator, we do appreciate—the Indians of Tulsa and other urban areas—the opportunity to testify that our problems might be magnified in Washington where the funding is made. The Indians in America today are considered for program purposes in five large groups: (1) residents of recognized reservations, (2) Indians living in a migratory status of bigger towns nearby reservations, (3) Indian people entitled to federal services, rural Indians such as live in Oklahoma, (4) and the groups not recognized for federal services, and (5) the one which I will dwell on today are the Indian people living in urban centers throughout the nation.

The major problem today is how to get systematic support for Indian people in the last category. For urban Indians who reside in Oklahoma City and Tulsa, this is a critical need and a very major problem. The urban Indians are in great numbers. Most authorities agree that over one half of the Indian population in the United States live in the urban areas. Large numbers of Americans have begun a new migration from reservations and rural areas to the cities where they hope to find jobs, education and generally a better life. None of the Federal Government programs are aimed with any meaningful impact on the special problems which Indians of these urban areas face. I think this might sound familiar to you for in your July *Congressional Record* you made such a statement. Most vital among the government programs that Indians find lacking in the urban areas are the health facilities provided by the Indian Health Service. Should an emergency occur, all that is offered the urban Indian is health care if he returns to the reservation or the rural areas. The Indians lose their entitlement to many benefits when they migrate and live within the city limits of Tulsa and Oklahoma City. I refer to the Indians who are one fourth or more degree Indians. Census statistics from the Tulsa metropolitan area planning commission reflect that in 1950 there were 1,160 Indians in Tulsa. The 1960 census figures showed there were 3,325, and in 1970 there are 9,544. This includes Sand Springs. The city of Tulsa census count for 1970 is 331,638. The City of Tulsa Public Schools report a racial composition of student body showing that on October 1, 1970, there were 2,435 Indian children who are one fourth degree or more Indians enrolled in the public schools. If these children lived in the rural areas they would receive student priorities for eye glasses and dental care which these people in Tulsa may need badly but do not receive as our brother and sister students in the rural areas receive. The American philosophy of health care is to spend thousands of dollars to save a physically ill person while some people go without. The national health surveys and studies show that Tulsa and other cities have grave problems. Surveys show health resources shortages, etc. The areas of Tulsa where surveys show the greatest need is the central downtown area and the rest of the Arkansas River where most of our Indians reside.

The Claremore Service unit and the Sapulpa clinic serve the rural Indians of our area and in addition they take on the urban Indians. The statistics reflect that in one week the total of the Claremore hospital that were received in outpatient treatment was 677. 212 of these were from Tulsa. This is 30 percent of the load at Claremore. The same figure is reflected, 30 percent, at our nearby Sapulpa clinic, at which they also treat our Indians from the city of Tulsa. Now the Metropolitan Indian Health Care study prepared by the Tulsa Area Health and Hospital Planning in March of 1970 made some recommendations. Their recommendations were that Tulsa should establish a neighborhood health center designed primarily to serve the Tulsa area Indian population. This center should be developed to offer outpatient services to an estimated 10,000 persons. The distribution of the Indian population in the 1960 census indicated that the center should be located reasonably close to downtown Tulsa. The location of the neighborhood health center should be compatible with existing bus routes in order to alleviate transportation problems. The majority of the center's staff should be of Indian descent so cultural differences would be minimized. Working agreements should be established as necessary to assure compatible relationships with the city-county health department, area hospitals and other health resources. So the city, county health and the state health are aware of our problems and they have made these recommendations. Senator, we request that when you testify before the Interior Appropriations Subcommittee to ask for additional funds for Indian health on March 22 that your request include contract medical care funding for urban Indians of Tulsa and other urban areas, such as was done for the Indians in Rapid City, South Dakota. The urban Indians further request general medical attention for all rather than an expanded program of specialized attention for a few. I think that as in all federally funded projects for installation of facilities it becomes top heavy. Just as the infantryman who goes out to face the enemy—one infantryman faces the enemy but there are ten in the back supplying him, and I feel personally that it is my opinion that the area office is becoming top heavy and too much specialization is done where general health care is needed by our urban and other Indians. We further request that increased funding of those service units that serve our urban areas for as I quoted to you 30 percent of the people who are receiving out-patient care are from Tulsa. We do appreciate this and I hope that as other cities—urban cities—that something can be done for we remain Indians. We do not wish to lose our identity because we go into the city limits and any of our urban areas and thanks again for this opportunity.

Senator Harris. I would like to call next on Mr. Garland Blaine of Oklahoma City. I believe he is a member of the Pawnee Indian Tribe.

Garland Blaine. Senator Harris, ladies and gentlemen, I tried to get this just as concise as I could. I know there are a lot of people here, and I don't want to have to take up more time than I have to, but I want to be effective. Senator Harris, this statement is in regard to the shortage of personnel at the Pawnee Service Unit at Pawnee, Oklahoma. Approximately 7,550 Indians are in this area. The Service Unit serves six tribes in North Central Oklahoma. This Unit is lacking or shows shortages in the following areas: (1) Staff—one doctor, two registered nurses and four licensed practical nurses. The present staff has to work exceedingly long hours since the facility is understaffed. (2) Contract medical care is another area in which we have a shortage of funds. (3) Emergency Care—this is another area, ambulance service, surgery, etc. Also very important is opticle care. Children are especially affected. When a small child suddenly finds out that his vision is being impaired, maybe he never understands this. This may result in a misunderstanding as he grows up. It may take three or four years before it catches him. This may be hard for him to overcome the rest of his life. Also Elective care according to my research. It includes ear care and such things as that. Supposing a man comes in and there are a minimum amount of funds left and this man has ear difficulties, and another man comes in and he has cut his hand and it is bleeding, the one that is bleeding is the one that is going to get the care. This other may be important but it's the wording in this area. Also, dental care. I understand we do have dental care but since all ages are affected, they do need to expand in that area. Now here is the recommendation which in my research I came across and I thought I would say something about this. I recommend that the PHS take the approach to obtaining medical personnel that the Army, Navy, and Air Force use. The services make it a point to interest medical students and interns every November. PHS only sends out notices, and not until March. This tends to make it very difficult for a doctor to make a decision. Should a medical person turn down a commission in the Armed Forces, he also may not be accepted by PHS. Doctors interested, thus, in Indian Health service are at a disadvantage.

I had a doctor to tell me that he made two special trips from Boston to Washington to show that he was definitely interested even though he was not sure he would be employed. Now in the Pawnee area at the present we have three doctors from various medical schools—Boston, etc. They are doing a tremendous job. I was up there last weekend and one was on duty all day long. There is a definite shortage. We were short one nurse already and the other nurse retired to help her mother and daddy. The LPN's are doing wonderful there. They are putting in very long hours and this is hard even if they are getting overtime. This is another area, also, the same thing, PHS I understand only sends out notices to nursing schools and such. The Armed Forces send people there. They talk to people and this is something I definitely am sure that needs to be expanded. There is another one here—I recommend that a program be made for adequate orientation for new medical personnel. I know that such a program now exists. However, an Indian person, that has an overall knowledge of the particular culture and can express it in terms so that a person of another culture can gainfully understand, should assist in these programs, which has been suggested as being inadequate in this respect. I have talked to doctors who have said they have come and they weren't taking anything away from their present orientation. But if you take a man that grew up in the Indian community as an Indian even though he don't put his words in sophisticated form, if he would help the new programs I would say he would contribute something to these people which would enable them to understand the older Indian or the Indian that left home. There are cultures as close as theirs, there are norms undeveloped, there are folk ways that have developed since a few years ago to our changing times. These are some of the things doctors don't seem to understand but it might take some time for them to get on to it. I tried to make this as concise as I could and I have something here written down. Thank you very much.

Senator Harris. Garland, thank you very much. Now I want to call on Mr. Bob Stopp of Tahlequah, General Business Manager, Deputy Chief of the Cherokee Indian Tribe. I would like also to come up at this time to back him up and maybe to add additionally when Bob is finished, Earl Crawford, Tahlequah, who is the Health and Sanitation representative for the Cherokee Tribe. If Earl will come on up at the same time too and be ready to add in when Bob is finished.

Bob Stopp. Thank you Senator, my testimony is based upon my personal observations working with U.S. Public Health Service and Tribal Health Board. The opinions expressed are my own and they may or may not agree with those of others in the Public Health Service.

It seems as if we have been playing a "wait-and-see" game. It seems our game has been waiting for the promises of the Federal Government. From the time I was born some thirty-one years ago at the W. W. Hastings Indian Hospital, the only change that I see today is that we are in an obsolete hospital. Several years ago we did get a new addition to our hospital, a new waiting room. It is real nice. We have 60 seats and people are still standing around. You will note the overcrowded condition of the hospital. They also stand in the hallways to see the doctor. Maybe they are there for the biggest part of the day.

When available funds are allocated to meet accreditation, we always have our fingers crossed year after year to find if we meet the accreditation. We must always remodel in order to meet accreditation, such as remodeling the dental or our pharmacist areas and make other repairs. Yes, I can see some changes; more of the people are diabetics; one of the highest percentages here in Oklahoma. Yes, we do have a dreaded disease called tuberculosis . . . we rate the highest in Oklahoma in this also. We need a TB Ward of 10 beds space, ultra-violet lights, air filter system; the treatment would last 60 to 90 days—cost $50,000. We do have special problems; not enough medical staff, such as medical doctors. Due to the cutback from the Viet Nam War, most of the doctors come through the draft. It is hard for the W. W. Hastings Hospital or other U.S. Public Health Hospitals to meet the demands of medical doctors at the present time because they go into private practice; they make more income than they would in Public Health Service Hospitals. We need to have more attractive salaries to bring more doctors into the Public Health Service.

One of the problems that we are going to encounter in a few months is replacing the surgeon that we have, who is going into private practice. A surgeon is the hardest person to recruit and as I said if we had an attractive salary, adequate operating space and adequate surgical equipment maybe a surgeon would stay for a long period of time.

Our operating room is obsolete; many of our patients report ready to be operated; that patient is in the hallway waiting for another patient's operation to be finished. The sterilizing room is also obsolete considering that many of our sterilized materials are exposed to incoming traffic.

At the present time in order to meet the accreditation and also acquire a better operating room there has to be some $4,500 or $5,000 improvement in the operating room just to remodel and realign the rooms. Still, this is a long way from an adequate operating room and an adequate place for a surgeon to work. What problems will we face if we don't get a surgeon by the time this other surgeon leaves? Then, we will have to use contract health services for surgery, maybe out of Tulsa, or Fort Smith. As you know, this volume of contracting is extremely high in costs; if that we had our own surgeon this work could be done in our own hospitals and at much less costs.

A complete staffing of the W. W. Hastings Hospital needed at the present time are (1) 3 orderlies, (2) 4 Licensed Practical Nurses, hospital, (5) 1 Registered Nurse, field clinic, (6) one clerk, medical records, (7) 1 clerk-typist, medical staff, (8) 1 Public Health Nurse, field, (9) 1 Social Worker, medical, (10) 2 Health Education Aids.

What type of problems do we have when we don't have the complete staffing? (1) Patients are demanding better care, (2) are more critical of services rendered, (3) and, if the patients aren't critical of some services the chances are, the families are, (4) doctors are delegating more of their functions to nurses, (5) hospitals are demanding increasingly higher standards. As the standards go up, the more obsolete our hospital becomes.

We are still playing the "wait-and-see" game . . . to see if we get enough appropriations from Congress to provide adequate health services for our people. In the latter part of 1970, we had Congressman Ed Edmondson from Muskogee and Congressman John M. "Happy" Camp visit surrounding hospitals. At that time was the cutback on drugs. Comments from Congressman Edmondson at that time were that funds are so short that adequate medical treatment is sometimes impossible. He said that at Claremore the posting out list for use by doctors and nurses consisting of such basic drugs as bufferin, aspirins and vitamin supplies was totally inadequate.

And, at Tahlequah essential antibiotics are low in supply and same can be said for certain antiseptics. I also mentioned in this report that Claremore is not accredited, which was denied in 1960 with the comments that the institution is hazardous, a dangerous building and should not house hospital in-patients. Also, it was said Tahlequah may be in its last year in accreditation status. Several dangerous conditions exist there.

As I have mentioned the overcrowded situation of W. W. Hastings Hospital . . . the only real change has been more patients. I would like to go back to 1968 on hospital admissions, average daily patient load, births and outpatients. . . .

Fiscal year 1968—July 1, 1967 to June 60, 1968

Hospital admissions	1, 675
Average Daily Patient Load	41. 9
Births	306
Outpatient visits	35, 150

Fiscal year 1969—July 1, 1968 to June 30, 1969

Hospital admissions	1, 849
Average Daily Patient Load	41. 4
Births	384
Outpatient visits	44, 145

Fiscal year 1970—July 1, 1969 to June 30, 1970

Hospital admissions	1, 726
Average Daily Patient Load	39.8
Births	343
Outpatient visits	46, 702

Fiscal year 1971—July 1, 1970 to December 31, 1970

Hospital admissions	839
Average Daily Patient Load	31.6
Births	246
Outpatient visits	27, 447

According to the large increase of outpatient visits in 1971, there will be 10,000 more in 1971 than in 1970, and the birth rate will be greater in number, approximately 200 more for 1971. The allocation of funds given to us for 1971, no doubt it is more, but, in comparison with the figures, I just stated to you, we probably will not be able to break even for the 1971 Fscal Year. From these comments there is always a fear with our Indian people . . . will they be able to have some adequate care from day to day.

The doctors, nurses and administration are doing a first rate job within the limitations imposed on them.

This "wait-and-see" game . . . we wait for the Federal government to do their "readjustments" on Public Health . . . and, the Indian people see their people suffering from inadequate health care. I feel this responsibility lies with the Federal government, which has long assumed major responsibilities for Indian health. Thank you.

Senator HARRIS. Thank you, Bob. And now, Mr. Earl Crawford.

EARL CRAWFORD. Thank you, Senator. I want to do a little bit of a follow-up with Mr. Stopp because I have four areas in particular which I want to talk about. One is dental care which I consider one of the most important things we can offer. Some of our younger people—18–25 year olds—as Public Health is set up, hardly get taken care of at all. They can pull your teeth, sure. They can pull everyone of them for you but you can't get any of them back. And this is a sad situation. We have young students that are going to high school who have two or three teeth missing in front. They need a partial plate. These funds are not provided for these people—these young children. I have talked with friends about young fellows that if their teeth were fixed could go on into regular life and into society and possibly come up with a good job. I've also talked with them that hold their hands over their mouths and shake. It's a situation that has to be corrected. It is something that is of vital concern to me and has been for nine years. We've tried in the past. All we need is more dental people, more nurses, dentists, more mobile clinics to go into the fields, more education for these people. This is of vital concern I think to every Indian that is here. I know it is of mine. I speak in behalf of the Indians of eastern Oklahoma, including the Claremore and the Tahlequah Service Unit which I play a small part in and of which I am very proud. I have become so involved in Indian health and it is almost like a brother to me and even more. Another area I'd like to take up is the eye glass program. We are meeting only 10 percent of our needs for eastern Oklahoma. Here again people 25–40 years of age are left out. We have our priorities set up. The younger kids or the kids in school get top priority. And yet we have people who are diabetics, people who will never have an opportunity to obtain a pair of glasses. Recently we had a little bit of money leftover. They said spend it. We took care of 1,116 people within 60 days. We could use—as a matter of fact we now have some 3,000 people on the waiting list for eye glasses. The Indian people, as you know, are kind of running away because they need this eyesight. I've seen people with glaucoma that need some person to lead them around the house even. It's that bad. It's serious, Senator, and I have seen many women and children who like to sew. I know an 80 year old woman making quilt tops that have to have someone push the needle for them. These situations shouldn't be allowed to exist. Not in this day and time.

Another area that I would like to discuss is the Public Health 86121 which is another pet project of mine and I think it is something we should consider. This is health related also. We have some 800 Indian families in eastern Oklahoma today. I am talking of Cherokees only. There might be possibly more in other tribes. Indian families that live in existing homes that don't want to participate in the mutual help housing or the low-rent housing. They want to live where they are, their homes are adequate, but they don't have a safe water supply. They don't have sanitation facilities. We were just beginning to make inroads into this area on the basis of a good, safe, potable water supply, good sanitary facilities to help alleviate the problems in the hospitals. What happens? The money is being cut off. Sequoyah County has never been touched with any type of program, as far as help is concerned. In the north half of Delaware County people have been waiting and wondering why this happened to us. This is scattered throughout eastern Oklahoma. This is one such area, Senator, which I hope you can help us on.

There is another area I think the tribes of Oklahoma should consider. Recently in President Nixon's address he made mention of getting Indians involved in health services as doctors and nurses. I would like to see for Oklahoma a nursing training center. The nearest one, I understand, is in Albuquerque. We have talented men and women here in Oklahoma. As you know, one of the greatest problems is getting the Indian to move from his environment. He wants to be among his people. We have people that could educate those Indians who could provide possibly our own nursing staff here for our hospitals, not only in Oklahoma but throughout the whole Indian Health Service. I think we should give this serious consideration. I think money should be made available to do such a thing. We don't care where it is, just as long as it is close to home. We don't need people in the west. We've got people right here that can handle the job.

Another area too—I have a letter here from the Tulsa County Lakes Area Association here Senator requesting some $200,000 for the aid of the TB Center which Mr. Stopp has previously mentioned. I think this is vital for the simple reason that here again the nearest facility is Talihina. And when one of our Indians get TB, especially in our area, you have to send him off down there practically in chains when these places like Claremore and Tahlequah could have one of these small units and doctor the man and get him out of there in 60 days. I would like to leave this information for you for the record and I hope that you can do something about it, Senator.

TULSA-LAKES AREA TUBERCULOSIS AND
HEALTH ASSOCIATION,
Tulsa, Okla., March 17, 1971.
Hon. FRED R. HARRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: At its regular meeting, Tuesday, 16 March 71, the Board of Directors of the Tulsa-Lakes Area Tuberculosis and Health Association unanimously approved the following resolution:

"The Board of Directors of Tulsa-Lakes Area Tuberculosis and Health Association urges the Congress to approve a budget request of $200,000.00 for the W. W. Hastings Indian Hospital, Tahlequah for the rental of a facility, the rennovation, equipment and personnel for a ten bed TB diagnostic and treatment center at the hospital. The Board feels that this is a definite step forward in the treatment of tubercular patients."

If this appropriation is approved and the facility placed in operation, it would have a tremendous impact on the Indian population of eastern Oklahoma, because many of them have a great fear of being sent away from their homes for treatment of TB and therefore, avoid all efforts to diagnose and treat the disease. This is one of the big reasons the TB rate is so very high among the Indian population of eastern Oklahoma.

This also is in line with the policy of the National Tuberculosis and Respiratory Disease Association, which calls for the treatment of tuberculosis patients in general hospitals. One of the big reasons for this, is the fact that 50% of all TB patients have some other major medical problem in addition to the TB and these problems can not be treated in a sanatorium. We hope you will give this your active support.

Sincerely,
MRS. SHIRLEY BROOKS,
President.

DENTAL NEEDS OF TAHLEQUAH SERVICE UNIT, TAHLEQUAH, OKLA.

1. More money is needed for more and better equipment and supplies, more dental clinics areas near high Indian populations, more dentists and dental assistants.

2. Even with more money, dental production may not increase significantly if the Indians aren't made aware of their dental needs and motivated to seek care. A lot of time is wasted with broken appointments or unfilled appointment schedules. More health educators, C. H. R. and other Indian people are needed to provide this movitation and education.

3. A means of transportation provided for Indians who do not have any means to get to the clinics and hospitals.

4. Adult care is very minimal because of the shortage of dental personnel. The IHS dental philosophy is to treat the youngest available patient first in the hope that in years to come as these children become adults they will be dentally educated and will not be the dental cripples their parents are. Fewer dentures will be required, less periodontal disease, and healthier mouths will be present. Then as the total Indian population is on maintenance care, full dental care can be provided for all.

5. A central dental supply center should be set up for each area. At present, supply orders take anywhere from one month to four or five months to be filled. Consequently, many of the daily necessary items are hard to keep in stock at each clinic since you do not know when to order or how much to order. A central supply could fill orders on a monthly basis and maintain full stocks of supplies at each clinic.

Another solution would be to provide an allowance one year for a dentist to order his own necessary items from the nearest dental supply house without all the red tape and order forms necessary now.

CONTINUATION OF HEARING

Senator HARRIS. Thank you, Earl. A good friend of mine who is here and who can't stay very long, and that is Reverend Guy Quoetone of the Kiowa Indian Tribe. Reverend Quoetone, come right up here and we'll be glad to hear from you. It's good to see you. Why don't you say a few words to us on medical care.

Rev. GUY QUOETONE. Senator Harris and all my Indian friends, I come here to say what I can to help our Senator get us relief. A long time ago when the Indians owned the country and there was no white man here they didn't have any jails. They didn't have any taxes. We owned the country that the white man sure wanted and gave us all kinds of treaties and made all kinds of promises. Well, we want our Senator to know some of those promises. When they wanted this land we told them they had no business trying to come take this land. They said they were going to give us a big reservation. One of our powerful chiefs said, "No, it was mine a long time before you came over here. You got no land. You can't give me no land. It's all mine any way." The white man said, "You signed up and you know what I am going to do for you, now I want to take the responsibility to take care. I'm going to take care of you, I'm going to educate you, and your welfare." Is he doing it? No; he has tried. He has tried time and time again. Now I say I'm a coward. I represent my people but we have a hospital over there. We built it over a protest. The government didn't want to give us any money to build a hospital for our people. Yet they guaranteed our medical care in the treaties, and we had a good agent. He worked with the politicians, got an appropriation out of tribal funds, got together $5,000 and built us a pretty good hospital, against the protest of our Indians. They said we have a medicine man; we don't need a hospital. When we get sick we go to the medicine man. Senator Harris is out of our territory. That is the reason I can talk that way to a white man. If he gets mad we can tell his wife. After the government took our money Indians went into the hospital. They purchased it with our Indian money. It took $5,000 annually to get medicine and doctors and they have a time getting Indians to go in it. However, today you have to go in on an application. After so many years they built an annex to it. Another few years then they built another annex to it. Then they wanted to change it. They wanted to remove the name of Kiowa Indian Hospital and make it Public Health Service Hospital. I said all right I don't want it that way. We built it with our own money and we want to do as we please. If the doctor don't do good we want to put him out of business. They got some of the senators like this fellow and build it whether we liked it or not. I was one of the delegates and went up to see Senator Watkins, Chairman of the Senate Committee. He said we're going to make you a fine hospital for all the Indians. We're going to name it Federal Public Health. I said we don't want it that way. You're going to take all the authority away from us. You're going to run the business yourself. We like it ourselves. When we want something new we'll buy it. You know if you'd quit your protesting we're going to build you a fine, better hospital, better doctors, better nurses, better medicine, better everything.

I said why couldn't you do it anyway without changing it to Public Health Hospital. I don't understand why they wanted to change. We didn't want to change. But a lot of medical associations were in favor of it. Senator, you put that bill through. We want Indians to come to the hospital but you have a regulation that if they got a big income, if they got land, don't let them go in there. If there's an Indian man and a white man, don't let him go in. And if they've got a good civil service job, don't let them in. They got the bill through. I sure hate to go in that hospital. I don't want to go there, but I had to go in. I did go in from air pollution in November. I looked a thousand times out the window. I took notice what was going on. You know I got cold and when you're in the hospital generally it's cold. They didn't have the heating on, they didn't have blankets, they didn't have anything warm for the patients. We didn't have good service. I objected—what's the matter here. They said they were going to make a better hospital for us. It's worse than the old Indian hospital. It has no heat; there are no blankets; I'm cold and they brought me an old worn out bedspread and put it on top of me and then I said it's not enough. Bring me a blanket. And they brought me two more worn out bedspreads to put on top of me. I said I can't get warm, so they finally got about six old torn bedspreads to put on top of me. They were clean though; they had been washed.

Senator HARRIS. Don't you wear yourself out. Finish up.

Rev. GUY QUOETONE. We want to help our Senator get appropriations for the Indian hospitals. That's the reason I'm coming out here. I haven't got very long to stay here, but what little time I've got I want to put it in by helping my people, and I am going to help them. I know a lot of things if I didn't have to close up at twelve o'clock. You know they don't like to hear things like that, they want to cut you off. Let me show you something. I want to file this. I'll get it out . . . I don't know what I did with it. I want to file it as an exhibit. This is fact, my people. They are facts what I'm going to tell you. I had an operation and I use to weigh over 300 pounds and you see my clothes? I lost half of my body. I lost 60 pounds. Now that's a whole lot. But I eat just like I used to. I feel good and they discharged me saying you're not well. I told them I wanted some bandages and gauze to tie myself up until I was healed. I'd rather be cold than in this hospital and I don't think it takes a professional to put a bandage on me any more. They gave it to me but they said we can't give you much. We don't have the money. We don't give outpatient assistance. You have to stay here. All the time you stay in here it's all right but when you leave you can't get a refill. The doctor told me you come back and I'll give you a refill. Anyway they told me I couldn't get any except under a doctor's prescription, and the doctor told me we can't give you any bandages—we don't have any to give. You have to stay in here. So I went to the prescription man, but he said we can't give out medicine to patients without a prescription. So, I went to my doctor but he had gone, and I saw another doctor, but he said I don't recognize your face. Your case is on file.

We'll have to get your case out; however, they all quit at five o'clock. Well, I'm sick, I've got to go home. I live fifty miles from here. He said go to the drug store that's where you can buy it. Another thing he said we don't give out medicine and bandages. We haven't got it. So I had to go home without it. When he told me to go to the drug store, I told him I didn't have any money. He said they couldn't give it to me—they can't give Indians credit. I'll tell you what you do, you sign this check with your name on it, and if you don't pay I'll put you in jail. So I signed a "hot" check. There's a statement, black and white, that it is a fact that they went up there after I made a complaint and said my friends aren't getting medicine. I didn't get any. What's the matter with your hospital. We're short. The government doesn't give us money enough to supply all you people. I said how many doctors do you have, and they told me and I made a record. You know what they said? They have four full time physicians, four sub-professionals, an old hospital building built in 1914 and accreditations were made in 1930 and 1936. A new building contracted to be built in 1967 that cost $205 million. Now the building is entirely separate from the old structure. You know what we need more appropriations. It's a fact. We need money to get help. They asked for volunteer nurses. A lot of the Indian girls went over there and they work all around. Two of them came in while I was there. I said this hospital can get any registered nurses and you walk around like you're somebody here. You know you've got to serve me. I order you to get me some water. Now they claimed they didn't have any baby supplies, so they had to close it up. No nurses so they had to close it up. That's a fact. So the Indians got a lot of baby diapers and things and took them over there. I said, hey, you don't have to do that. The government has lots of money. Don't be doing that. Next year we'll be taking our own blankets when we go to the hospital. But I want to tell you the government $59 million to California University. They want to give a big appropriation to the University of California. And I think they gave another $1,000 to the University of Colorado. What for? Fine art so they could talk to each other. The Indian Public Health Hospital at Lawton also serves for field headquarters for health program under program clinic held in Anadarko, Carnegie, Hobart. The physician and nurse travel to these places. The Lawton hospital is the service unit, and is responsible for 10 counties—Caddo, Comanche, Cotton, Grady, Harmon, Jackson, Kiowa, Jefferson, Stephens and Tillman counties. They also serve 7 tribes including these counties. There are seven other service units who serve Indians and counties in the State. The hospital operates on $1,000,000 annually. When there was much flu among people there were nothing here for you—no flu shots or penicillin. They said sorry can't help. In short, there is some help for old ones but none for younger people. Thank you.

LAWTON, OKLA.,
September 15, 1970.

Mr. GUS PALMER,
Chairman, Kiowa Business Committee,
Carnegie, Okla.

DEAR MR. PALMER: This is in reference to a letter of complaint I received from you and Mr. Reid concerning the situation of Mr. Guy Quoetone. This is also to acknowledge our discussion of this matter at our Intertribal Health Committee Meeting on the night of September 3, 1970.

As I explained that night, I was not aware that our Indian Hospital was not issuing bandages and tape to Indian patients who medically need these items. Because we are rendering services within a limited budget, we will need to issue these items under a physician's prescription. In this way, we feel that we will be able to meet the medical needs of patients who require these items and, at the same time, have some type of control on them.

After learning about the complaint expressed by Mr. Quoetone, which positioned him to get the necessary items on credit from a drug store in Apache, Oklahoma, I went to that drug store on August 28, 1970. I felt that the bill would be taken care of by the Indian Health Service if it had not been paid. The cashier in the drug store confirmed that Mr. Quoetone paid for these items on the following day after he received them.

Also, according to your letter, I gathered that the second part of the complaint was in reference to Mr. Quoetone's not having received courteous attention. I certainly agree with you in that the attitude and the public relations on the part of several of our employees here at the Indian Hospital will need to be improved. This matter is being discussed with our employees here, so that we can improve our efforts toward receiving Indian patients with all the consideration and respect to which they are entitled.

On September 4, 1970, I went to the home of Mr. Quoetone to make a verbal apology and explanation about what had happened. At that time he was not at home, but his grandson said he would relay the information to him. This grandson was with Mr. Quoetone on the day that the incident occurred at the Lawton Indian Hospital. I still plan to make personal contact with Mr. Quoetone within the next few days.

I hope the above explanation will help to supplement and clarify what had taken place. Please let me know if you need any further written or verbal explanation regarding this incident.

Sincerely yours,
EMERSON ECKIWARDY,
Service Unit Director.

CONTINUATION OF HEARING

Senator HARRIS. I was a little afraid that Guy was going to wear himself out and I know it worried his friends out in the audience, but I'm glad he could be here because I think that testimony is the best we've had this morning. I'll now call on Ruth Davis of Wetumka; we're glad you're here and we're glad to hear from you.

RUTH DAVIS. Senator Harris, I want to confine my remarks to the health problems in central Oklahoma, particularly of the Shawnee Clinic. We have 28,000 out-patients. The waiting room is overcrowded, the halls are congested, and we have quite a problem of waiting room, let alone services. In preventive medicine, we do not give electrocardiograms, chest x-rays, TB tests, and pap smears on a regular basis. We have no specialists here, not even in the Indian hospitals, to my knowledge. This particular area about which I am talking involves eight counties. We have seven tribes that use the Shawnee clinic, but there isn't any Indian hospital in this area—78,000 people and yet no hospital serving the people in this area. Transportation—and I might say this—if I'm wrong I wish someone would correct me—Lawton got the only new hospital in Oklahoma during the past 25 years—am I right? We have not had a new hospital in 25 years until Lawton received one, so it's time we were receiving some kind of hospitalization especially in this area. Transportation is a problem, and especially for the OB cases. These mothers are expected to leave home several days before delivery and wait so that they will be in a hospital. And you can see what a hardship this is on the family and the anxiety the mother goes through in her waiting period. Transportation is a big problem in this area, to say nothing about the people who are seriously ill and have to go so far—100 miles or more—to a hospital.

We need a new building at the clinic, since it is old and inadequate and the equipment is out of date. We have contract medical care funds but it isn't enough to pay our bills. Senator, it is a disgrace when a sick person goes to the doctor and he hands him a prescription and he says go to the drug store and get it filled. Then he goes there and the druggist says no, I can't fill it because the Indian Service hasn't paid me for four or five months. So I'm cutting them off. We can't give them any more medicine. And when our Indian people go to the hospital, one woman told me that the nurses and the doctors were grumbling among themselves saying, well you'll never get your money out of them anyway and she said they didn't change the linens of her bed and she had to bring them from home. Things like that going on. Something should be done about it. In order to reach more people who cannot come to Shawnee clinic, we have established a one day clinic at Wetumka, one day at Wewoka and one at Okemah. The two clinics at Wetumka and Wewoka are not adequate. There is no equipment. A doctor comes into an empty building and a few chairs, an examining room, and he has a stethoscope and pills in his little black satchel. A nurse and a clerk come with him, and you can imagine the kind of service he can render especially if he needed laboratory tests, x-rays, and many times he doesn't have the right kind of medicine with him.

There is an answer to this problem and that is to bolster up the Indian Health Services to the point that it can at least provide the minimum amount of service that the government has promised the Indian people. This can be done by providing a hospital for the Shawnee area patients, proper staffing, basic specialists and other personnel. Increase the CMC funds so the Indian will not suffer because vital bills are not being paid. Thank you.

FIGURES HANDED IN BY RUTH DAVIS

(1) Operating Field Medical Services allowance total:

Fiscal year 1971	92,490
Fiscal year 1970	99,479
Fiscal year 1969	89,250

(2) Drug allowance:

Fiscal year 1971	42,000
Fiscal year 1970	56,500
Fiscal year 1969	50,910

(3) CMC allowance:

Fiscal year 1971	281,000
Fiscal year 1970	218,000
Fiscal year 1969, estimated	265,000

(4) Total outpatient visits:

Fiscal year 1971 to present	18,777
Fiscal year 1970	23,617
Fiscal year 1969	25,170

(5) Clinics:

Fiscal year 1971, Wetumka, Wewoka, Shawnee, Ohemuh.
Fiscal year 1970, Wetumka, Wewoka, Shawnee, Ohemuh.
Fiscal year 1969, Shawnee, Ohemuh.

CONTINUATION OF HEARING

Senator HARRIS. I would like to say at this point that Mr. John T. Tsatoke (Hunting Horse), a member of the Kiowa tribe of Lawton and Carnegie has furnished a statement which we will make a part of our printed record.

STATEMENT OF JOHN T. TSATOKE

1. My first suggestion is that the south wing or Pediatrics ward of third floor be opened. Because this wing is closed the children who should be cared for in this wing are being put in the same wing with sick adults. If the reason for the south wing being closed is lack of funds then I believe additional funds should be requested. I believe this problem of children being cared for in the same area as sick adults is a serious one and should be solved as soon as possible.

2. My second suggestion deals with the administration of drugs at the hospital. Many who are sick and go to the hospital for treatment are given aspirin and cough syrup which prove to be inadequate in curing their sickness. As a result these people must soon return to the hospital for additional treatments. For many who live far from the hospital these trips are quite expensive. Therefore, I suggest that more money be allocated in order that more effective drugs, such as penicillin, might be administered to patients.

3. My third suggestion is that more information be distributed to Indians concerning the availability of such items as dentures and eye glasses at the hospital. Facilities for preparing such items are available at the hospital, but the people must be told of these

facilities in order that they be of maximum benefit.

4. My fourth suggestion is that the Kiowa Tribe have female, as well as male, County Health Representatives. Many times women who must go to the hospital have problems with which a male CHR might not be acquainted. Furthermore, sick women often feel more comfortable in the company of another female rather than a male. In any case I do think women should have the option of a female CHR open to them.

5. My fifth suggestion is concerned with a need for facilities to deal with special problems at the hospital. For instance, when alcoholics seek treatment at the hospital many times the Doctors do not like to treat them. These alcoholics who sometimes have the D.T.'s are sick people and deserve treatment at the hospital. They need physical treatment as well as counseling. If such facilities cannot be set up at the hospital I would hope that they could be set up elsewhere. This is a serious problem and one which must be dealt with.

Notes-Suggestions:

My sixth suggestion deals with the expenditure of funds at the hospital. I feel that when certain amount of money is allocated to the hosiptal that amount should be spent and that the hospital should not withhold any money to return to Washington. All of the money and more that is sent to this area is needed right here. In addition to increased medical facilities, for instance, we need additional janitorial supplies. Many of the janitorial supplies now in use were carried over from the old hospital and are not sufficient to keep this new hospital as clean as it should be. Cleanliness, we all must agree, is essential in a medical facility.

My final suggestion is that the doctors and nurses at the hospital have a human relations course of some sort dealing with Indians.

Continuation of Hearings

Senator **Harris**. We will now be glad to hear from Mr. George England of Maud. George, why don't you just come right up here. We'll be glad to hear from you at this time.

George England. Well, Indian people, leaders of the different tribes, you know many times I've thought about when Indians were ever going to get together to work together for the good of the Indian people. I know funds have been restricted to the Indian hospitals and as the elder man said a while ago you can go up to these hospitals, they begin to say they have a lack of funds. They have no money. Just like I came to Shawnee one time for a dental appointment. How long did I have to wait? I waited three months to get my dental appointment to go through. And those are some of the things that we are beginning to look forward to. And many things I can say today. You have to be sent a hundred miles away from your homes. Like I had a little boy born about three months ago, and I had to deliver him myself because I had to carry him to Lawton before I could have gotten anything done. I know just like one white man said, why don't you put your name in the paper? I said because I'm a full blood Indian. They never put nothing in that is good for an Indian. They'll never give you a good write up. And that's what I'm saying today, now is the time for us Indian people to get together and work for the things and get some of the things that we are entitled to. You know when the white man came in all around the United States—the Indian owned it just like the elder man said—we were pushed back. We were pushed back. Now they have promised the Indians everything. But have they done that? No. Just like I say today when I went into the service in 1941 I still had to fight a white man for my rights. And I'm still going to fight the white man for our Indian people. I've been in states where they were in the wrong. I've been in public work. Just because I'm Indian I could train white people. But when time came for a layoff I had to go and the man that I trained stayed there. I had to go. See all that feeling is coming right back.

And many of them are well educated. I guess many of them begin to look at somebody Indian's face. Well let them get it the hard way like I did. No, that's no way to look at it. It's up to each individual to help the ones that are coming up and the ones that are helped back. When they say no to an Indian, that's as far as we go. It's up to us to say well you have rights. Each and everyone has a right but we don't tell our Indian people we've got to take it to them. But many of us stand back some more. We don't want to go see these people. But we draw money for it. We get money for it. You pay for it. Now why don't we go get these people and let them know these things. Now I'll tell you when the VA pays me they ask me can you do this for me. I say certainly. But many of us we won't do it. But you are paying so why can't we get out and do it. Sure I work through the OIO and I'm proud of it. In other words, my work is free to help the Indian people. I go out of my way to try to help them—many of them. Many of our young Indians are invalid or have been hurt. They've been to war or something else. So we look at him and push him aside. That's no way. Just like many times one boy last year had been talking to me—his right arm has a steel plate in it—has applied for Social Security. They kept telling him you're not too good to work. You're not disabled. His mind, he didn't have any. It's a shame. So it's up to us to try and get what monies we are due or what we can survive on. And the Indian people are set back in their health. Just like in the mid-eastern part of Oklahoma, way 15 miles out in the country, the young Indian boy went to the bank and they said yes we have a job for you up here. We have no transportation, we have no way to get there. So that's what it takes. We've got to get out and see these people. You know good and well they don't have transportation. So that is one of the things we've got to think about. Thank you.

Senator **Harris**. I want to call on at this time Mr. Arthur Rowlette, here representing COEDD. Arthur, you might explain what that is and make whatever statements you care to make. We're pleased that you're here. Explain who you are and what the organization is.

Arthur Rowlette. COEDD is Central Oklahoma Economic Development District, and we represent eight counties, and I work for all the people back there—not only Indians but other non-Indians. I don't have too much to say but here's what we need in Shawnee. We have several here from Shawnee. We've been asking for a hospital in that area and several years ago they told us that we had to wait on the report of the census but they didn't say what year. So we haven't got one yet.

Two basic problems face the Indian population at this time based on a study conducted by the COEDD Health Commission (please find a copy of this study enclosed). These two problems are:

1. Accessibility.
2. Comprehensiveness of service.

Services, in order to be accessible, must be readily obtainable by all Indians on a twenty-four hour a day, seven day a week basis. As indicated in the study, this is not generally the case in the COEDD area. Indians quite often have difficulty in obtaining services when needed after 5:00 p.m. and on weekends. This problem is not being adequately dealt with.

In addition to being accessible to the Indian, health services must be comprehensive in nature. For instance, it does no good for the Indian to be examined and prescribed certained drugs when the Indian can then not obtain the drugs necessary to correct the medical problem. Arrangements must be made to insure continuity and comprehensiveness of health care services regardless of the health problem involved.

Obviously, the best solution to provision of comprehensive health care services to all Indians would be to provide a hospital for Indians in each community with a significant Indian population. However, this is not practical at this time, nor is it likely to be financially practical at any other time.

The COEDD Health Commission, realizing the financial and manpower restrictions inherent in the Indian problem, have proposed that the second-best alternative to hospitals in every community would be to expand, by some method, the current contract health service program to include private hospitals, clinics, institutions, personnel and existing services where they exist to improve accessibility and provide for continuity of health care. Such a system would allow the Indian to purchase health care services when and where convenient on an equal basis with other members of the community.

Attached is a copy of this report and I appreciate your letting me testify, Senator Harris:

If one looks at statistics it is evident that over the years the U.S. Public Health Service, Division of Indian Health, has done much to improve the health of the Oklahoma Indian. This impressive record should not, however, obscure the fact that the medical care provided to Oklahoma Indians through the Indian Health Service is still inadequate at best. This second statement may seem paradoxical if one is not aware of how incredibly poor health care for Indians was 20–30 years ago. Thus, a medical program that has made great strides can be, and is, still falling far short of its goals of providing minimum adequate medical care to Oklahoma Indians.

Examples of this are numerous. By anyone's standards the outpatient clinics are crowded and, at times, resemble cattle pens more than medical facilities. Preventive medicine, such as at least occasional electrocardiograms, chest x-rays, TB tests, and pap smears on a regular basis is more a wishful thought than a reality at present. There is a critical shortage of even the basic specialists (i.e. internists, surgeons, obstetricians, pediatricians) at the Indian hospitals. At least two hospitals have no specialists whatever. In regards to specialists such as bone and joint surgeons, kidney specialists, eye surgeons, and heart specialists, there are none at all at any Indian hospital.

This all sounds bleak, but it is just scratching the surface. In Shawnee there is a very busy outpatient clinic serving over 28,000 Indians. There is, however, no Indian hospital for this huge number of people. If they require hospitalization, they must travel long distances, often over 200 miles, to an Indian hospital already crowded with patients from its own geographical area. Often a patient from the Shawnee area has difficulty speaking and understanding English and cannot communicate with his physician because there are no members of his tribe in that area to interpret for him.

Getting a patient transported these long distances is a difficult problem itself. Once there, however, the patient is often desperately lonely and many times goes home against medical advice as it is usually impossible for friends and relatives to travel such a long distance to visit him regularly. The plight of the prenatals is even worse. Imagine driving sometimes over 200 miles in a rain to get to an Indian hospital before the baby arrives or, just as bad, going to the hospital early and waiting two weeks or more before going into labor.

These are only a few examples of existing inadequacies. Many of these were anticipated years ago, and funds were set aside to make up for some of them. They are called Contract Medical Care (CMC) funds. They are used to pay for specialists when the Indian Health Service has none, pay for deliveries when the mother is not able to reach an Indian hospital in time, and pay for the treatment of emergencies when no Indian hospital is near. The funds, however, despite priority lists of services fall far short of providing these services. It is not uncommon for a number of Indian hospitals to run out of CMC funds sometimes early in the fiscal year, leaving promised payments unpaid, and promised vital services, such as payment of emergency bills, undelivered. This is truly shocking if one considers the financial devastation that can be brought by a huge hospital or emergency bill thrown back in the lap of a person eligible and dependent on the Indian Health Service for his total medical care. The extent of this shortage becomes more evident when one considers that these CMC funds are not available to any of the many Indians residing in the Oklahoma City or Tulsa areas.

This then is a summary of the Oklahoma Indians medical care plight. Something needs to be done. The answer cannot be cut back medical services, as they are inadequate already. It is not to expect the private physicians to give free care to Indians to make up for the Indian Health Services shortages because that is very unrealistic. There can be only one answer, and that is to bolster up the Indian Health Service to the point that it can provide at least the minimum amount of service the government has promised to the Indian people. This can be done only by providing extra Indian health facilities such as a hospital for the Shawnee area patient population, the addition of funds so that these facilities can be staffed by basic specialists and other personnel, and by increasing the CMC funds to the point that the Indian population can be secure in the knowledge that commitments to pay basic vital bills in areas not covered by Indian facilities will be honored.

COEDD INDIAN HEALTH STUDY

I. Introductory remarks:

At the April 30, 1970 meeting of the COEDD Health Commission, the staff was instructed, by official resolution, to place top priority upon the development of a study of Indian health needs and problems in the COEDD area. This paper is an attempt to (1) document some of the facilities for providing health care to the Indian population. It also attempts to (2) define gaps, problems, and barriers that often hinder the Indian in his attempts to elevate his individual and group health status. Finally, it (3) offers some possible avenues for strengthening and improving the system for the delivery of health services to Indians and some possibilities for changes in payment for services.

II. Historical and anthropological data.

III. Indian demographic data.

IV. Availability of facilities and services for heathl care for area Indians.

The eight counties of the COEDD region are divided among the Pawnee, Shawnee, and Claremore Indian Health Service Units. Payne and Pawnee County Indians utilize the Pawnee Indian Hospital for both outpatient and inpatient care, Creek County Indians utilize the Claremore Indian Hospital for both outpatient and inpatient care, and Pottawatomie, Lincoln, Okfuskee, Hughes, and Seminole Counties all utilize the Shawnee Service Unit for outpatient care and the Talahina and Lawton Indian Hospitals for inpatient care.

In addition, outpatient clinics are operated by the Indian Health Service in Sapulpa, Okemah, Wetumka, and Seminole. The Contract Health Services Program includes 4 area hospitals, 5 physicians, and 11 dentists.

COEDD has had requests from officials in Holdenville, Wetumka, Okemah, Seminole, and Shawnee for assistance in locating an Indian Hospital in one of these communities. In addition, at least five other communities outside of the COEDD jurisdiction are known to be vieing for this hospital. According to correspondence received from the Office of Program Planning and Evaluation of the Indian Health Services, monies are not currently available for such a facility and that office estimates that construction of such a facility to be 5 to 10 years away. (See correspondence on following page.)

V. Indian health data:

Basic health data

The health status is about a generation behind the level of the general U.S. population. Mortality from infective and parasitic diseases is about three times greater; diabetes and cirrhosis of the liver two and one-half times greater; and tuberculosis four times greater.

During the past fiscal year approximately 20% of all outpatient visits were for diseases of the respiratory system. This amounts to approximately 57,100 visits out of 285,500. The Oklahoma Area appears to have a much older population than other areas as indicated by the number of visits for such conditions as diabetes, areterioscerotic heart disease, hypertension, gallbladder disease, and diseases of the bones and organs of movement. The mortality rate for these conditions are also considerably higher than other Indian areas.

Communicable diseases among children are high and associated illnesses results in much disability. The main conditions noted are gastroenteritis and otitis media as well as influenza and other upper respiratory infections.

Birth rate—registered live births/1000 estimated population in 1968 was 39.2. Over twice that of the estimated U.S. rate of 17.4.

Births born in a hospital with a physician in Attendance: Over 99% of all live births are born in a hospital with a physician in attendance compared with 92% in C.Y. 1953.

Crude Death Rate Per 1000 estimated population in 1968 was 9.8 compared to rate of 9.6 for the general U.S. population.

LEADING CAUSES OF DEATH, OKLAHOMA AREA, CALENDAR YEAR 1968

[Rates are per 100,000 estimated population]

Cause	Indian, Oklahoma Area (provisional)		U.S. all races (provisional)	
	Rank order	Rate	Rank order	Rate
Diseases of the heart	1	231.1	1	372.9
Accidents	2	125.7	4	55.8
Motor vehicle		(67.6)		(27.0)
All other accidents		(58.1)		(28.8)
Malignant neoplasms	3	117.6	2	159.6
Cerebrovascular disease	4	75.7	3	104.8
Influenza and pneumonia	5	58.1	5	34.9
Diabetes	6	48.7	7	19.2
Cirrhosis of the liver	7	36.5	10	14.5
Certain causes of mortality in early infancy	8	33.8	6	21.2
Infective and parasitic diseases		29.7		9.1
Tuberculosis		(13.5)		(3.3)
All other		(16.2)		(5.8)

INFANT DEATHS—6.7 PERCENT OF TOTAL REPORTED INDIAN DEATHS IN 1968 COMPARED TO 3.9 IN THE GENERAL U.S. POPULATION. (IN 1956, THE PERCENTAGE OF INDIAN INFANT DEATHS WAS 15 PERCENT)

[Rates are per 100 registered live births]

	Indian		U.S., all races	
	1967	1968	1967	1968 (prov.)
Total (under 1 yr.)	18.8	16.2	22.4	21.7
Neonatal (under 28 days)	13.1	8.6	16.5	15.9
Postneonatal (28 days-11 mos.)	5.7	7.6	5.9	5.8

VI. CONCLUSIONS AND ALTERNATIVES FOR ACTION

The COEDD Health Commission has been charged, through P. L. 89-749, with the responsibility of organizing and operating the Comprehensive Health Planning Process in this eight-county area.

It is important that we receive input from the total population, including minority groups, as to area health problems, needs, and priorities, and that Indians be involved in decision-making regarding area allocation of resources for supporting health facilities, manpower, and services.

After a careful study of COEDD's Indian population, it is the concensus of the Commission that (1) a significant gap exists in the health status of the Indian as compared to the Non-Indian (2) duplication and overlaps exist between the public and private segments of health care for Indians, and (3) services for area Indians are often inconvenient and inaccessible to the patient.

The Indian Hospitals utilized by the area are largely unacceptable for various reasons. The only hospital located convenient to area patients is the Pawnee Indian Hospital and it is considered by experts as an outdated facility due to its construction date of 1930. It has a total of 32 beds of which had a 52.5% occupancy rate in 1968. Claremore Indian Hospital and Talahina Indian Hospital were established in 1928 and 1937 respectively but both present transportation problems to area Indians because of the travel distance necessary for access to care. Lawton Indian Hospital, though of recent construction, also is not convenient to area residents. (Reference is made to map on following page.)

The fiscal restraints and limited financial resources available for constructing health facilities, employing medical and paramedical personnel, and supporting adequate levels of health services, makes it necessary that these expenditures be based upon the needs of the service population on a priority basis, and particularly, that coordination and planning be jointly undertaken by the private and public segments of health care at all levels of government. The COEDD Health Commission has attempted to provide this "neutral forum" for this type of planning process. Several meetings have been held for the purpose of planning with local Indian groups for improving their problems of health care.

Several political aspects and legal questions have been raised by Commission members. Does a "segregated" facility, providing hospital care for a particular minority race, comply with Title VI of the 1964 Civil Rights Act? What influence would Universal National Health Insurance, if and when enacted, have upon the present dual system of delivery of health services to the Indian? Would it be more feasible to build a more meaningful and comprehensive partnership between the public and private segments rather than attempting to duplicate existing community health facilities and resources?

Indians are increasingly insisting upon equal rights. They, rightfully so, expect health care to be available and accessible to meet their needs. The language barrier is not the problem of previous years. The time is overdue for the Indian to take an equal role in today's society. He should not be denied his choice of physician or facility for meeting family health needs. It is the recommendation of the COEDD Health Commission that a *comprehensive partnership developed between the Indian Health Service, U.S.P.H.S., OEO and other federal agencies, along with state and local governmental agencies, with the other partner being the area private segment of health care.*

This partnership must focus upon the health status of the Indian and be responsive to his needs. *It is our recommendation that the "Contract Health Services Pro-*

gram" be expanded utilizing private hospitals, clinics, institutions, personnel and existing services where their more convenient location provides for the best interest of the Indian patient. In the case of patient care by the private segment, the Indian Health Service, should always reimburse the private segment for costs of services rendered.

The private segment should agree to assume some additional responsibilities. It should endeavor to help solve social and economic problems, such as communication, with the Indian patient and develop innovative ways of welcoming the Indian into an integrated health care system. It is important that efforts be made for achieving a more complete understanding of the health-related problems of the Indians.

Finally, it is recommended that, if and when, the U.S.P.H.S., *replaces or modernizes the Pawnee Indian Hospital, consideration be given toward construction of a joint facility with the local community, as provided through the provisions of Public Law 85–151 Contracts for service and patient care could then be negotiated between the City of Pawnee and the Indian Health Service and we could truly have a "Partnership for Health".*

INDIAN HEALTH SERVICE,
Oklahoma City, Okla., August 7, 1969.

HOWARD H. VINCENT,
Director of Health Planning, Central Oklahoma Economic Development District, Shawnee, Okla.

DEAR MR. VINCENT: Dr. Robertson has asked me to respond to your recent letter and to serve as his staff representative in coordinating our program with your activities.

Taking the questions in the same order in which they appeared in your letter, we hope that the following information is useful.

1. Status of proposed new Indian Hospital for the Central Oklahoma Area: Reluctantly, we must say that construction of such a hospital appears likely only in the very distant future, i.e., five to ten years from now or thereafter. Seven of the eight existing hospitals in this area are in critical need of replacement or major remodeling. Optimistically, we would hope to achieve upgrading of only one-half of these facilities in the coming five years. There are sound justifications for construction and operation of a Central Oklahoma Indian Hospital, but for this to become a reality in the foreseeable future, major changes in present policy and allocation of resources at the national level are prerequisite.

2. Status of replacement facility for Pawnee Area: The present Pawnee Indian Hospital is one of the seven scheduled for replacement, as mentioned above, but Pawnee is not included in the Indian Health Service 5-Year Construction Plan for Hospitals, Fiscal Years 1971–75. Thus, the earliest date by which construction of a new Pawnee Indian Hospital could begin would be the latter part of CY 1975, or early 1976. This estimate is based, of course, on current staffing and levels of appropriation. Should major changes in fiscal or program policy occur at the national level our construction plans would be expedited or delayed accordingly. We see no cause for optimism that our construction plan will be accelerated. Therefore, we must respond to your question to the effect that replacement of the Pawnee Indian Hospital is at least five years away.

3. Applicability and possible utilization of Public Law 85–151 in the COEDD Area: The broad provisions of this public law do apply to the COEDD Area. Specific applicability depends upon presence of conditions which warrant utilization of Public Law 81–151, e.g., presence of a significant Indian health service population; absence or inadequacy of community health facilities; and consistency of any proposal with the "State Plan for construction of Hospitals and Medical Facilities for Oklahoma", as published by the Oklahoma State Department of Health. We would be pleased to discuss with you any specific "151" proposal which you may have in mind, or to discuss the law in general. This brings us to the last of your questions, Mr. Vincent.

4. Improved coordination between COEDD and the Indian Health Service: As an indication of his interest in bringing about close coordination, Dr. Robertson has appointed me as his direct representative with COEDD. May I suggest that we meet initially at your convenience to discuss the extent, scope, and methods of coordination. I shall await your pleasure on this score.

Thank you for your letter, Mr. Vincent. We appreciate your interest in Indian health and shall endeavor to be of service in any way possible.

Sincerely yours,
JEPTHA W. DALSTON,
Chief, Office of Program Planning and Evaluation.

SUPPORT OF INCREASED FEDERAL FUNDING OF PROGRAMS FOR COMMUNITY COLLEGES

Mr. HARRIS. Mr. President, I believe it is essential that the community colleges throughout the Nation be provided increased Federal support. Passage of legislation such as the Comprehensive Community College Act of 1971, which was introduced by the distinguished junior Senator from New Jersey (Mr. WILLIAMS) and which I have cosponsored, is imperative.

On April 8, 1971, I held a public hearing in Tulsa on the Comprehensive Community College Act of 1971. Virtually all of the 2-year colleges in Oklahoma were represented and numerous suggestions as to how the act could be improved were set forth.

The need for community colleges has been growing at a rapid pace. Student enrollment in the public sector of Oklahoma higher education increased by about 106 percent during the 1960's, while at the same time the population of the State increased by only 10 percent, public school enrollments by only 20 percent, and high school graduates by 50 percent. Other States have had a similar experience.

Fortunately, Oklahoma has developed an outstanding community college program and is a leading State in this field. The program has been actively supported by the educators of the State and has received the full and enthusiastic support of each of the communities involved. Notwithstanding the fine effort that has been made a shortage of facilities continues to exist. Dr. Al Phillips, president of the Tulsa Junior College, testified at the hearing that approximately "1,500 students could not find programs this semester, and we turned away and denied higher education to them."

Funds are needed by our community colleges not only for the purpose of constructing classrooms, but also for support of the various educational programs undertaken by community colleges and for such services as counseling.

I believe that Senators will find the testimony in the Tulsa hearing most interesting, and I intend, in addition to having it printed in the RECORD, to have it presented to the members of the Senate Labor and Public Welfare Committee. The testimony clearly establishes the need to enact the Comprehensive Community College Act of 1971.

I ask unanimous consent that the testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FRED R. HARRIS

I am pleased to see the Junior and Community Colleges of Oklahoma so well represented here this morning. The enthusiasm of the Administrators of our two-year colleges, coupled with the great support from the local communities, has made a tremendous impact on me and many of my colleagues in the Senate who are co-sponsoring the Comprehensive Community College Act of 1971.

The importance and necessity of our two-year colleges can not be doubted in the future of this country's educational system. We have witnessed in the last decade a growth in the number of two-year colleges from 678 in 1960 to 1,091 in 1970, and an increase in the enrollment from 660,216 to 2,499,837 during the same period of time. The increase has been so dramatic that freshman students at two-year colleges comprise nearly 50% of all first-year students enrolled in institutions of higher learning.

Most of this growth has taken place without adequate assistance from the federal government. Notwithstanding the tremendous growth of our two-year colleges during the past decade, less than 6% of $4.4 billion budget administered by the U.S. Office of Education goes to assist two-year colleges. As a result, the construction programs of these colleges have been for many communities a real nightmare. Temporary quarters in churches and office buildings are altogether common place. Not that anything is wrong with this on a short-term basis, but, because of the many government agencies that are involved in long delays and needless duplication of paper work often occur.

I believe the federal government must do more to support these two-year colleges. Passage of the Comprehensive Community College Act is one way that more systems could be provided. This bill is designed to provide better coordination of the federal programs and would authorize direct assistance to the states for the development of our two-year colleges.

Pursuant to the terms of the bill, a state would be given one year in which to develop a comprehensive plan for the state. Federal grants would then be available to the state to enable the states to carry out the plan they have developed. Supporters of this bill hope that at least $6 billion will be authorized over the next 3 or 4 years to develop the colleges.

I recognize that this bill is not perfect. Some of you made suggestions for improvements in the bill when you were in Washington several weeks ago attending the annual convention of the American Association of Junior Colleges. I thought it would be helpful to me and to the Senate if your views on this bill and your views on the role of the federal government in supporting our two-year colleges could be set forth here today. This hearing is being transcribed and I will make it available to the entire Senate.

I personally intend to support our two-year colleges in every way possible. The broad flexibility of these schools, offering the first two years of traditional higher education; offering vocational and technical training; offering adults and continuing education; and other such programs as remedial education, will be, in my opinion, an important factor in the ability of Oklahoma and this nation in meeting the challenges we face in the last third of the twentieth century.

Statement by E. T. Dunlap, Chancellor of Higher Education, Oklahoma City, Speaking for Dr. Dunlap Is Dr. Dan Hobbs

Dr. Dunlap is sorry that he could not be here. He meets with the legislature today but will be here this afternoon if the hearings are still going on. I will read Dr. Dunlap's statement.

On behalf of the Oklahoma State Regents for Higher Education and the public two-year colleges of Oklahoma, it is my pleasure to speak in support of the "Comprehensive Community College Act of 1971," authored by Senator Harrison Williams of New Jersey and co-authored by a distinguished list of progressive colleagues, including the Honorable Fred R. Harris of Oklahoma. We are pleased that the Subcommittee on Education of the Committee on Labor and Public Welfare of the United States Senate is currently hearing testimony and gathering information with regard to the need for comprehensive junior college education in the nation, and we are doubly pleased that Senator Harris has come back to Oklahoma to provide us the opportunity to speak concerning the need for enactment of this vital legislation.

During the decade of the 1960's, student enrollment in the public sector of Oklahoma higher education increased by about 106 per cent, going up from about 45,000 in the fall of 1960 to approximately 92,000 in the fall of 1970. State System institutions thus added as many students in ten years as had been added during the previous seventy years combined. By contrast, during the same decade the Oklahoma population increased by only 10 per cent, public school enrollments by only 20 per cent, and high school graduates by 50 per cent. Thus higher education enrollments increased at a rate ten times that of the population, five times that of public school enrollments, and two times that of high school graduates. Growth in the public sector of higher education was approximately twice that of the rate in the private sector.

Perhaps the most important point that could be made in connection with the past decade is that higher education moved from a minority to a majority enterprise. In 1960, only 30 per cent of Oklahoma's nineteen-year-old population was starting to college. By 1970, some 57 per cent of the same age group was starting to college. By 1980 it is projected that 75 per cent of the young people of eligible college age will enroll as freshmen in a post-high school program in Oklahoma. At the beginning of the past decade, the average Oklahoma community of 10,000 people sent 244 students off to college. By the end of the decade, that same community had 430 students in college. In 1960, one Oklahoman in forty-one was in college. In 1970, the figure was one in twenty-three.

Heretofore in the history of higher education, the student body has comprised an educational and socio-economic elite, being somewhat homogeneous in its makeup. By 1980, when universal higher education will become a reality instead of a goal, the student body in colleges and universities will be as heterogeneous as the population itself, containing both the academically talented and the less talented, the economically affluent and the deprived, minority as well as majority groups, and women in numbers approaching those of men. The extent to which those in positions of responsibility for public policy planning in higher education recognize and respond to these basic changes will determine the relative success or failure of the higher education enterprise.

The challenges confronting higher education brought on by increased numbers of students would be difficult if the changes were merely changes in degree; instead, they constitute a change in magnitude or order, necessitating a change in the nature of higher education itself. For example, the kind of higher education that was appropriate for a student body taken from the upper third of the population group in ability and social status is not the same kind of education required when two-thirds or three-fourths of the population group is enrolled. Just as the high schools were compelled to change their basic approach to education when they stopped educating a college-preparatory elite and begin educating everybody's children, so the colleges and universities are finding it necessary to make the same kind of adjustments in dealing with a student body whose broadened aptitudes and interests are rapidly approaching those of the general population.

A decade ago, when 30 per cent of the college-age group was starting to college in Oklahoma, a baccalaureate or professional degree was appropriate for almost every student enrolled at that time. Appropriately enough, an overwhelming percentage of students attending colleges and universities was then enrolled in four-year colleges and universities. Since the aptitude level of most students was sufficient to enable them to complete a rigorous baccalaureate program, and since their interest levels were geared toward the attainment of a professional or graduate degree, the match between students and institutions at that time was excellent.

Today, when more than half of the population in the college-age group is enrolling as college freshmen, more and more students are coming from the bottom half of the distribution in every category of human endeavor—reading and writing ability, academic achievement, social status, parental income, and all other areas of activity or endeavor. The kinds of institutions and educational programs appropriate for students only a few years ago are no longer appropriate for today's clientele, since the aptitudes and interests of those currently enrolled are so much broader than formerly.

Recently a national consensus has begun to emerge concerning the kind of higher education structure appropriate for the decade of the 1970's. The President's Task Force on Higher Education recommended in August of 1970 that ". . . the expansion of post-secondary education should take place largely in two-year colleges and equivalent programs that combine a variety of educational and occupational options."[1] In June of 1970, the Carnegie Commission recommended the development of two-year comprehensive colleges within commuting distance of every potential student in the United States by 1980, except in those areas where residential two-year colleges could furnish the same program.[2] Both the President's Task Force and the Carnegie Commission questioned whether the four-year baccalaureate degree is any longer the appropriate norm or model to be sought after or pursued by the majority of the population. It is increasingly clear that the comprehensive two-year college has come of age, and will be the institution relied upon in the future to take care of the bulk of additional lower-division students expected to be enrolled in American higher education between now and 1980.

OKLAHOMA COLLEGES AND UNIVERSITIES

Oklahoma currently has within its borders a total of forty colleges and universities, of which twenty are state-supported and operated, six are state-aided and locally operated, and fourteen are church-related or privately maintained. By type of institution, Oklahoma maintains three universities, nineteen senior colleges, and eighteen junior colleges. Of the eighteen junior colleges, fourteen are public with eight being fully state-supported and operated, and the remaining six state-aided but locally controlled. Also, there are two lower-division branches operated by one of the state universities. In the fall semester of 1970, all junior colleges combined enrolled a total of 17,956 students, with approximately 88 per cent of these enrolling in the public sector.

NEEDS AND PRIORITIES FOR THE 1970'S

The Oklahoma State Regents for Higher Education are currently in process of developing a state plan to guide Oklahoma higher education through the decade of the 1970's. In that plan, the state and community two-year colleges are being counted on to assume a major role in the family of institutions. Already the two-year colleges are taking on increased loads, having upped their enrollments by 170 per cent during the decade of the 1960's, as compared with increases on the part of four-year colleges and universities of 140 per cent and 70 per cent respectively during that period. Between 1970 and 1980, the public two-year colleges are expected to continue at an accelerated growth rate in comparison with the other institutional types because of the new institutions in process of development in the metropolitan areas of Oklahoma City and Tulsa.

Prior to 1968, Oklahoma, had not established a new state institution of higher learning in 50 years. The number of public institutions actually declined significantly during the decades following World War II, as small local junior colleges fell prey to the movement of the population from the small towns to cities. As the population began to concentrate in the urban areas of Oklahoma City and Tulsa, the needs of these two metropolitan centers for public higher education became acute. In 1967, the Oklahoma Legislature passed enabling legislation which subsequently produced the planning of two new institutions for the Oklahoma City area. In 1968 legislation was passed providing for the establishment of a new junior college to serve the needs of Tulsa County and surrounding area.

Also in 1968, the people of Oklahoma approved a state bond issue providing approximately $6,000,000 for junior college facilities for the urban areas to match federal funds anticipated to be forthcoming from the Higher Education Facilities Act of 1963 as amended. Federal matching funds have been provided thus far to match less than $2,000,000 of the $6,000,000 in state funds for building urban junior college facilities. Tulsa Junior College alone has $4,000,000 in state funds currently awaiting federal matching funds. The newly authorized South Oklahoma City Junior College is yet to be funded with state dollars, but that institution also is in need of federal matching monies.

In the event that federal funds authorized under the Higher Education Facilities Act of 1963 as amended or funds from the Comprehensive Community College Act of 1971 are not made available, the needs of the urban areas for construction of facilities will most certainly not be met under the timetable originally established.

In addition to the need for funds to stretch scarce dollars for facilities in the two urban areas, there is also a continuing demand for upgrading and expansion of facilities at eleven other state and community junior colleges located throughout Oklahoma. In the fall of 1970, these eleven two-year colleges enrolled approximately 10,000 lower-division students among them.

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[1] *The Report of the President's Task Force on Higher Education: Priorities in Higher Education,* August, 1970, p. 9.

[2] *The Open-Door Colleges: Policies for Community Colleges,* p. 39.

Historically, two-year colleges in Oklahoma have been principally "junior" colleges—that is, they have offered the same lower-division work provided by four-year colleges and universities, designed to be transferred and applied toward a bachelor's or professional degree. It has only been in recent years that an attempt has been made to make these colleges truly comprehensive, providing not only transfer work, but occupational programs, guidance and counseling programs, compensatory programs and services ideally contained in a comprehensive community college.

Oklahoma's public higher education system has just gone through a decade of growth and expansion in an effort to educate twice the number previously enrolled. Projections for 1980 indicate that enrollments in all higher education should move up from 110,000 at the beginning of the decade to 160,000 or more, with the overwhelming majority to be in attendance at the public colleges. Although the percentage of growth in the 1970's is not envisioned to be as great as in the 1960's, the absolute increase is projected to be as great or greater. The demand for scarce state resources has already greatly exceeded the needs for operating programs of excellence in the public sector of higher education, and competition is keen for the new state revenues in sight. In such a competition, those institutions and programs already established and operating have an advantage over newly emerging institutions and programs in the junior college sector. Thus it is imperative that Federal legislation contained in the "Comprehensive Community College Act of 1971" be enacted, in order to provide opportunity for those whose opportunities would otherwise not be forthcoming, or whose opportunities have already been long denied.

I am firmly convinced that the comprehensive community college will be the single most important educational influence in the last half of the 20th Century, just as the land-grant college was the most important institution of the previous half century. The comprehensive community college is an institution whose time has come.

Like the land-grant college, the comprehensive community college is an institution close to the people, designed to meet the needs of those whose needs are most neglected and greatest. If the comprehensive community college is aided and abetted in its development and operation, those responsible for its success will have earned a rich reward. If the institution is neglected and allowed to wither away, society will be forced to create new institutions in its image to carry out its assigned role in the higher education structure.

HEARING CONTINUED

Senator HARRIS. Dr. Hobbs has set up a really excellent foundation for these hearings today, and I think everybody will be impressed by the statistics that you have given us about what is happening as far as numbers are concerned in higher education in Oklahoma. I knew that things were accelerating in this direction, but I did not know the actual figures and percentages which I think are impressive. I second what you say about the necessity of turning loose those Federal matching funds so that Oklahoma schools and students can get the advantage of the bond issue we fought for. I have several times spoken to withdraw the freezes put on higher education and construction funds which I think are very unfortunate. Those funds are desperately needed. This is not only a good time to turn them loose because we need to spur the economy, and provide more employment, but also, primarily, because we desperately need the construction.

Now I want to call on our host for the day, Dr. Al Phillips, President of the Tulsa Junior College, and I might say that I know that many of you have associates with you and community people with you and we want to be sure and recognize them because I think that it is particularly impressive that they have come and are this interested. Dr. Phillips, perhaps some of your associates are here, and we would be glad to have you introduce them.

Dr. PHILLIPS. Thank you, Senator Harris. I would like to echo the words of Dr. Hobbs. We here at Tulsa Junior College certainly support the philosophy that was expressed and second each of those comments.

I think very definitely that the two year junior community college is going to serve a remarkable part in the last half of the 20th Century and truly serve the educational needs in the United States. Trustees will drop in during the session and a number of our staff and faculty are at the back of the room. If you would please wave your hands and stand up collectively. We also have some students here.

I would like to address my comments very specifically to S. 545. First of all, I want to comment on the strength of the bill. No college is more interested in Federal matching funds than Tulsa Junior College. We need it tremendously. We currently enroll 3,000 students on a 14-hour per day basis. Approximately 1,500 students could not find programs this semester, and we turned away and denied higher education to them. Three-thousand are presently enrolled and we envision our needs becoming much more critical as each semester rolls on.

In terms of S. 545, as I read it, it represents a positive move toward a general consolidation of Federal support of two-year colleges. It represents consolidation more than many pieces of legislation. Those of us in higher education appreciate any move to consolidate the myriad of types of legislation that affect two-year colleges.

I was pleased that this legislation provides the extension of educational services to two-year colleges as the States provided, not as a substitute or to supplant efforts of the States. I think that this is awfully important because our needs are growing and the abilities of the various states to provide the funding for increased services is a real strength. Therefore, Federal support to augment and add to these services is awfully important, particularly in Section 206 where there was a recognition made of concern and consideration for innovative and exemplary projects. I think that this is very important because two-year colleges are noted for many kinds of projects of a little unusual nature. We roll up our sleeves. We get where the action is as the saying goes and do things on unconventional ways. This is an awfully important recognition, I feel.

I would like to reflect certain concerns that I feel, and I think in talking to colleagues represent their feelings, too. I know that in this bill specific dollars are attached to the planning process for the development of the states plans. Recognizing that in order to put gas in the tank and make legislation like this operate, there would have to be dollars for other kinds of things. These are not spelled out specifically, perhaps for a very good reason. But again, for those of us on the firing line, it would be very heartening to have a feel and understanding for the number of dollars that this bill would represent, and I think particularly to get the support and the feeling that the dollars that are represented by it would at least represent the total number of dollars of the bills which may be consolidated. We hope, in other words, that the whole, not only be equal to some of its parts, but equal to more than its parts.

Section 302 deals particularly with the responsibility and the authority of the Commissioners office. This bill places a great deal of responsibility and power on the Commissioner of Education, and I believe specifically provides for a Deputy Commissioner to head a Bureau or sub-organization responsible to the Commissioner for operation and implementation of the bill.

I feel personally that it is very, very important that the Commissioner be extremely sensitive to the needs of all kinds of two-year-colleges around the country, and I think that it is awfully important that the deputy commissioner be a person who has had very definite in depth exposure to the operation and development of two-year-colleges. Hopefully, a person who is versed as a practitioner, too.

Senator HARRIS. Is it your thought that we might try to write into this bill some qualification for the position alone?

Dr. PHILLIPS. I would feel more secure if there was a greater definition, Senator. We need some exact guidelines for the selection of this person.

Senator HARRIS. Right.

Dr. PHILLIPS. This is in no way a reflection on the intent of the sponsors of the bill, but I think that it would be awfully easy for a person who was very well meaning but did not have the particular experience to have such a position. A number of my colleagues present would agree that there is no substitute for experience. I think this is awfully important.

In Section 305 there is mention made specifically to a National Advisory Council to advise, as I understand it, the Deputy Commissioner and the Commissioner himself. I think it is very critical again that these represent persons who are practitioners, who understand, again, two-year-colleges, and the depth and variety, and nature of these schools—urban and non-urban. I think that this is tremendously important, and if I could underline my words three times, I would when I say that they need to represent geographically a variety of regions in this country so that this Council will not all come from any one spot in the United States. We all know that two-year-colleges take on the flavor, the purpose, not only of the area in which they are located, but also, the region in which they operate and are funded. They are different and this is good. People who have such a key position and who make critical determinations need to be able to recognize and have experience in these sorts of things.

I appreciate again, Senator, this opportunity and the privilege of hosting these hearings. We stand ready to assist you in any way we can.

Senator HARRIS. Fine. Thank you very much. I appreciate that and appreciate those suggestions. As you understand, this bill is the work of several of us. I believe that the other co-sponsors will be equally delighted to hear your suggestions for improvement of the bill, from those, as you have said, who are right on the firing line. I would now like to introduce an old friend of mine, Dr. Garold D. Holstine, President of Bacone College in Muskogee.

DR. GAROLD D. HOLSTINE, BACONE COLLEGE, MUSKOGEE, OKLA.

Dr. HOLSTINE. Senator Harris, my fellow colleagues, and friends of the Oklahoma Junior Colleges, public and private—I want to express in the term private that I will want to stress the importance of private higher education in education not only in Oklahoma, but throughout the United States, and I will urge that every consideration be given to the assistance of those students who would like the freedom of choice to attend the private colleges and universities in this state and other states, as you apply it generally across the nation. My remarks are going to be very brief.

In the first place I want to endorse fully the statement made by Dr. Dan Hobbs for the Oklahoma Board of Regents for Higher Education. It was an excellent statement, and I think it is not necessary to repeat many of these notes I have here and could have given. However, I may add two or three other points which will be useful.

I think it is about time to stress in this nation what is right about this country. One of those things which is right about America is the fact that we have a greater emergence of the acknowledgement of need for higher education on the post-secondary levels as well as the continuation even on through the graduate schools for those who can profit. As we evaluate bills like S. 545 and others, not only on the National level, but also in our state legislature now in session, we ought to give every consideration to the possible assistance which can be provided to the student in order to acknowledge the principle of separation of church and state and at the same time helping those who are citizens and have the right to that assistance and the possibility for development of their skills and their knowledge and their effective participation in citizenship. I think we have, as you may know, a bill which has been introduced and has been given a new class hearing on the part of our Senate Committee of Higher Education in the State of Oklahoma—a bill coming first out of the Senate to provide basic support to the students of Oklahoma who qualify as citizens of Oklahoma and who have lived in the State of Oklahoma twelve months or more. I think that this is a good sign. In fact, I believe 34 states have already passed legislation which would help the student to acknowledge this principle of freedom of choice as to the institution which they might attend. So we are grateful for the comments of support and the attitude in this State on behalf of the acknowledging of the need that we have for well-educated people coming out of our institutions to take the responsible positions in a highly technological type of society—a type of society that must deal effectively in leadership on the highest possible levels in all fields of science, arts, and humanities.

I want to leave with you in this Committee some material dealing with our College of Bacone. It is a private Junior college, church-related, although it has a board of 36 member, 16 of whom are of the community and other 20 spread throughout the U.S. We are serving now on the campus 539 students, more than one-half of whom are American-Indian students from more than 55 tribes, 32 different states. So you can see we carry with us not only the responsibility from the local community (by the way, about one-half of our students are from Eastern Oklahoma) in many ways, we serve the same functions as the other colleges the President of Tulsa Junior College spoke of a minute ago in our services to the community and with our private liberal arts science programs, special programs in nursing, music, art, and other areas that help our young people get prepared to go to our institutions and graduate programs throughout our state and other states. So it is a basic kind of education to help meet the needs of those who will continue and also to provide certain kinds of terminal courses.

In that way, then, I want to point out that we are a junior college with comprehensive community interests and concern and working with the citizens of the community. We have received some funding from Federal sources in special projects which in themselves, I think, have been a great service, not only to our own community, but again, one of them especially, throughout the entire nation. It has to do with bi-lingual problem of English as a second language, of the improvement of speech, of the problem that young people have in the lower-income levels, of the kinds of students who attend there who need encouragement and who have tremendous ability. If I were to mention the names of many people who have come out of institutions like ours, you would know them because of their national leadership and their state and local leadership and their contributions in all of the occupations, vocations and professions of this country.

Now, to bring my remarks to a close here, I would hope that this bill and I do not have the specific details here, but I have made some notes—that you would provide in this bill some way by which the student who attends a private college or university may have some assistance and encouragement, perhaps complementing the kinds of programs that are now coming out of our state legislatures. That together, we make a total impact and a total kind of influence and encouragement for these young people and to put together a kind of package that will enable them to get the kind of preparation they need so that they can be effective in their leadership, their community lives, their personal lives, and in every other way we want and need in this country. We need this to be able to take the leadership world-wide as well as to emphasize the importance of national contributions which are necessary to keep this good country not only good but improved and to emphasize continually what is right with our country. I know you will find the means by which this can be done.

I want to say that since I have worked in both state institutions—tax supported institutions and private colleges of various sizes, I think it is a part of the total educational family with which we are concerned. The biggest concern that we have and the only really important resource from all of the people of all of the racial backgrounds and socio-economic levels of our country—that most important resource to develop now if there is to be a future in this country happens to be those resources that are possessed by our people who are ready for us to make the decision as to whether our investment will pay off in a greater America or whether it will contribute to some of the trends which seem to be evident in this country where the radicals have seized control because of certain kinds of dissatisfaction, confusions, and frustrations that we read about and hear about. Let's keep America on the positive and constructive side through the educational programs that can be developed with the interests and support and concerns from the National legislature which you represent.

Thank you, Senator Harris, for this privilege.

Senator HARRIS. A record of these hearings would certainly be incomplete without the clear expression of the view of private junior college and President Holstein, you certainly started us out with that.

DR. PAUL FAULKENBERRY, ACADEMIC DEAN, BARTLESVILLE WESLEYAN, SPEAKING FOR LEO G. COX, PRESIDENT

Dr. FAULKENBERRY. Senator Harris, President Cox regrets that he is unable to be here.

I think to add emphasis to what Dr. Holstein has presented to us we would have concern in relation to the private sector not only from the historical standpoint of the importance of private higher education, but also, the contribution now being made by private institutions. I think the bill does provide for this as I read it, so we would lend support to the bill with the concern that this area be taken into consideration in the presentation and development of S. 545. I think that in terms of all of the institutions in Oklahoma that are funded each of them are making contributions to their local communities as well as to the total of our constituency which may come from many areas of the nation which we will find in Bartlesville. About one-half of our students come from the Washington County-Bartlesville area and we do have about 10% of our students from Indian heritage, and we have about 7% Negro student population. So, we are serving in this area as well. I would lend support to this bill with the understanding that the private sector also be given some consideration.

Senator HARRIS. Thank you very much. We are grateful you are here and appreciate your statement.

PRESIDENT EDWIN VINEYARD, PRESIDENT NORTHERN OKLAHOMA COLLEGE TONKAWA, OKLA.

Mr. VINEYARD. I appreciate being invited to come and say something regarding junior colleges and their needs. I would like to say something I think is obvious to everyone who works in public junior colleges in Oklahoma and that is that our present financial structures are totally inadequate, either for supportive programs or for supportive construction. Because of the inadequate financial structure under which we operate, we are for the most part unable to fulfill as we should the comprehensive role of the junior college. Most of us know and as professionals, realize, that this is a very important educational function. We can't do all that we should do. We do what we can and too often, we do what is the cheapest. This tends to be the general academic education program with not enough attention to other services and many types of programs that students who are part of our clientele have a great need of what the junior colleges in Oklahoma should be doing and what we can do best. We are not doing it to the extent we should. This is in serving the general junior college population which does indeed include many people in the disadvantaged category associated or non-associated with an ethnic minority group. We have many who have come to us who are educationally disadvantaged. We are open-door institutions. We have students come to us who have abilities and potential which have not yet been developed. They have not yet developed the skills which will enable them to succeed in college and because the programs to assist them with those problems they have as individuals are expensive programs to operate, too often they are not operated.

Now some of the kinds of things that we are not doing to the extent that all of us feel we should are for one thing counselling services. Counselling often times involves small group contact. It involves one-to-one contact between the counselor and the individual assisting him in finding his educational objectives, finding his vocational objective, overcoming his personal difficulties, adjusting to the academic environment. This one-to-one relationship or small group relationship is a highly expensive service, but its very important to the junior college student because here we have a heterogeneous population. We have often times disadvantaged students involved in that population. A second thing that we are not doing to the extent we should is to provide developmental courses for development of the basic tool subjects for this individual so that he can build upon these and other areas of specialization, and provide study skills, counselling or study skills, clinical services for this type of student. We are neglecting adult education to a high degree. We are not providing in most places basic education for adults where they are not receiving from some other educational institution. We are not fulfilling our continuing educational role for adults. We are not fulfilling this transitional type of education as people in one job that has become antiquated by technological advances and have to move to another job. We have not moved into this sector.

The Junior College Program dealing as it does with the heterogeneous population and having the special problems associated with instruction of this group needs a much lower student-faculty ratio and involves a greater expanse and greater budgetary investment. We need very desperately to expand our career oriented and vocational programs to extend opportunities there. One thing that may not be covered in this bill, and a lot of these other things are and I appreciate this, is that too often we fail to provide the cultural opportunities—opportunities for general cultural development for our students because of their finances and what we can bring to them on the campus and what we can do to develop students in this particular fashion.

I think that any kind of Federal legislation should have certain kinds of things in it. I see much of this in your legislation, and I am very pleased. We need desperately funds for educational programs to support the basic work of the institution, and that is teaching and instruction and these related services. We would like to have a bill that is not pitched at categorical aid. We would like to have funding that is not proposal-oriented involving projects, proposals and so on, so that the guy who writes the best gets it. We do very well at our institution in this regard, and I don't feel that it is the best way to go about assisting higher educational institutions. We would like to have a bill which is not pitched at the disadvantaged only because he feels that the junior college population itself automatically includes this type of group in our services. In providing for our clientele, we automatically provide assistance directly to this type of population. We would like as Dr. Phillips intimated in terms of geographical distribution, to be protected in this regard. As a rural junior college, I would like to see some legislation coming out of Congress related to education that is not urban-oriented. We would like the bill if it is possible to be structured in such a way that the Department of Health, Education and Welfare, by its guidelines cannot subvert the bill to any of these kinds of purposes that I have just mentioned and that the State plan for implementation of the bill cannot subvert it at the State level.

I would add just one or two more comments before I close. We do need funds for construction. After visiting Tulsa Junior College today, and I have visited junior colleges outside of the ordinary state system or at least the older colleges in the state system, and without exception, we have found these institutions to be hard-pressed for facilities. They have in many instances seven or eight faculty members in one office, or the faculty members in classes where they teach are without certain types of student services facilities and without sufficient means to provide these special services areas, such as reading and study skills and specialized science facilities in many instances. So the Oklahoma junior colleges are in desperate need of construction funds. I generally feel fortunate that at home, though I need some things, I see conditions under which other people operate.

In general, I am very much in favor of your bill. We appreciate your interest in it and appreciate the energies and the aggressive way in which you are going about it. I do have the feeling that it involves too little to do too much, and I hope that it can be expanded. I would really like to see construction programs separated into two different bills so that they are not intermingled.

Senator **Harris**. That is an excellent statement, President Vineyard. I appreciate it very much, and you have made some extremely constructive suggestions.

Senator **Harris**. I would now like to call upon Dr. Melvin Self who represents a college which is one of our oldest colleges.

DR. MELVIN SELF, PRESIDENT OF CONNORS STATE COLLEGE OF AGRICULTURE AND APPLIED SCIENCE, WARNER, OKLA.

Dr. **Self**. I doubt that I could make many contributions than have not already been made. I'd be happy to do what I can. I am certainly interested in the kinds of innovative legislation that we are getting here. I think that this represents a departure from the initial type of legislation which we have had, Senator, and you are to be commended for your foresightedness, and we think that this is a step in the right direction. Certainly, this is not a cure of our problems, but it is a step toward a cure.

I would like to further emphasize something Dr. Vineyard started, and I would like to do it in this particular way. Junior college images have not obtained the recognition that they should have, Senator. We have all too often been cast in the image of the status conscious university, and we have ignored the junior college as an institution concerned with the disadvantaged student, the socially-deprived student, and the potentially productive student. Many of the students that we have are diamonds in the rough. They have tremendous potential. They have not been able to demonstrate this potential because of economic reasons, because of social reasons, because of educational reasons. I think that we are dealing with a clientele that is unique and that is potentially great, really.

But I don't believe that consideration has been given in the past to the innovative programs we are capable of developing in the junior colleges, and I think that we have been cast in the role of "junior higher education" and have not been given the recognition for what we can actually do in this society of higher education. The junior college role, as I have entered here, would refer to what most people consider the junior college as a cheap role or an ineffective role or an inferior role. This isn't our role at all. We can be as effective as the most status-conscious university in existence. We can make our contributions where they're felt the most—with the people. We can make some tremendous contributions in the area of improved education, in the area of upgrading the citizenship of our country. We take the student with open-door policy. We have little or no restrictions on the students who come to our institution. We take him where he is and do the best we can for him. This is no easy task. It requires some innovation on our part. It requires a great deal of counseling on our part, and it requires some specialized technologies that do not exist in the academic environment and these are quite expensive. The truth is known, and really, our junior institutions are not inferior, and by all means, are not cheap types of operations. I'm afraid that's the role in which we have been cast too often.

I doubt seriously that I could make many contributions to this field that haven't already been made. I don't want to take a lot of your time, but I do want to encourage a concerted effort toward this type of legislation and the safeguards which should be installed here to see that these kinds of experiences are provided.

Senator **Harris**. You've made a very important contribution. Thank you very much.

Also from one of the junior colleges that has been a part of our system for a long time, I would like to call on Robert Keck of Eastern Oklahoma State College of Agriculture and Applied Science.

ROBERT KECK, DIRECTOR OF TECHNOLOGICAL EDUCATION, EASTERN OKLAHOMA STATE COLLEGE OF AGRICULTURE AND APPLIED SCIENCE, WILBURTON, OKLA.

Mr. **Keck**. It gives me great pleasure to be here today.

Over the past four years we have had a 71% gain in students, and we are trying to become a true community college and in order to do this, we have to furnish quality education for the first two years for the 20% of our total population that need to have a four-year degree or above. We, also, have to have a quality educational program for the 80% of our total population at the two-year school. This is what Eastern is trying to do. In the past four or five years, we have put in twenty-one of the one and two year-degree type programs, and just to show how this is benefiting the 80% of the population, we have a twenty-one percent increase in these areas from last year to this year. So we find it very difficult to finance some of these areas because in certain health occupations, health programs and data processing—these types of programs require special equipment, and it just naturally costs more than it does for a traditional type of English or history class. And this is what we are finding most of our difficulty is—is trying to find funds to adequately support the two-year vocational-technical type programs. I'm very impressed with this bill that you have and very impressed with the interest that you have in helping us with our problem. Thank you very much.

Senator **Harris**. Thank you. Good statement. Thank you very much.

I am very pleased with the quality of this testimony and the very detailed and helpful suggestions that we're getting here. I think that is going to be very helpful to the other fellows who, in the Senate, are the co-sponsors of this bill. I've already gotten several good suggestions for changes that I think can be made to improve it.

El Reno Junior College is one of our community colleges which has been with us a long time—not one of the newer ones that has just been developed, and they have had a good deal of experience there and we would be pleased to hear from Dr. Harrison at this time.

DR. A. R. HARRISON, VICE PRESIDENT OF EL RENO JUNIOR COLLEGE, EL RENO, OKLA.

Dr. **Harrison**. Thank you, Senator. We appreciated your having this hearing, Senator, particularly as it relates to the financing of the community junior colleges, and in the area not only of construction funds, but as we understand it, in this reading, of operating funds as well.

Senator **Harris**. Absolutely. I do know that you have some representatives from your community here today. You might want to introduce them, and the same is true, let me say, of any others who are here to testify. If there are people from your community or your college with you, we would hope that you will introduce them to us. And if any of them have anything to say as individuals or otherwise, we would be pleased to hear from them.

Dr. **Harrison**. Mr. Bruce Haynes has accompanied me here today. He is one of the outstanding citizens of El Reno. In fact, I think he is the most outstanding because he has given me the most support at the junior college, Senator.

Senator **Harris**. I agree.

Dr. **Harrison**. I can simply echo the things that have already been said up here. I think that Dr. Vineyard brought out some very pertinent points, and I think that Dr. Phillips brought out some additional areas of thought. Dr. Self and Dr. Connors also brought out some very pertinent points. And Dr. Holstein, in support of the privately owned institutions, needs to be considered in the testimony that he gave relative to the support of the privately-owned institution. They are a very vital part of our operation.

There are one or two questions that concern me as I look at the bill. One is the timing of this. As I read the bill, the timing relates to the development of state committees or commissions to develop state plans, and that the timing is as of July 1, 1972. I know the processes of Congress are slow in some instances, Senator, but we are in immediate need of these services. My own particular institution received last year, and this year and are in the process of constructing a new building with a complete view of campus planning. We received from Federal funds some $406,000, and state funds of only $100,000. Bonds were voted in the amount of $375,000 so we will have a plant of approximately $900,000 when we complete it. We are at the present time operating it in Old Post Office Building in El Reno. We have 5 inadequate teaching spaces. When we move into the new plant, we will have 13 adequate teaching spaces and a forecast on our enrollment for next fall will fill this. So the timing is quite important to us because we feel that within two years we must go ahead and complete our total master campus project which will then accommodate approximately 2,000 students. We anticipate that our enrollment will grow that rapidly.

One of the problems that we face as a municipal junior college is that (and there are 4 other institutions in the State facing the same thing—Poteau, Sayer, Seminole, and Altus are no longer in that category because they are now a state-owned institution. But they did face this same problem) the financing of these institutions comes from the independent school districts. In our case the El Reno Independent School District #34 is the one. A total financing of the institution was done from their funds or from tuition charged the student until the Senate Bill #2 of the state legislature was passed in 1968, I believe it was. We are now receiving 50% as much funding per full time equivalent student as the state-owned institution receives. So these are the sources of our income. However, the matching funds did not come from the district which we serve, but came from the independent school district #34 in the amount of $75,000. We are serving 19 different communities at the present time who are not contributing anything to the operational costs or the construction costs of our new operation. Therefore, if we're going to operate, we're going to have to have, at least, additional state funds, and certainly we would most welcome Federal and state funds. Last year, our Educational Facilities Act of 1963 was funded in the amount of $40 million for community junior colleges. In the State of Oklahoma, that is $663,000 and out of this, two of the municipal junior colleges have been able to develop the initial groundwork of a full campus operation. But all of the rest of us are still hurting from this point of view.

Senator Harris. Now, what are they? Sayer and——

Dr. Harrison. No, El Reno and Seminole received these funds.

Senator Harris. Right.

Dr. Harrison. Poteau had received a little bit of funding about three years ago under the Higher Education Facilities Act. Sayer received nothing. They have a fine dormitory they built out there on self-liquidating bonds.

Senator Harris. I was involved in that, you know. The Federal people took the view that these municipal junior colleges were not eligible for the program on dormitory construction. We later were able to change their views. In regard to the Sayre Junior College, it took me a good while to do that. Has that particular administrative change in regard to that particular community junior college helped in regard to any of the other municipal junior colleges, do you know?

Dr. Harrison. I don't know. Orville (Orville Johnson, President of Poteau Junior College) do you have any dormitories? We do not. Sayre is the only one, I believe, that does, but they're in need of them out there because of the geographical area. We are not in need of dormitories because we are serving a geographical area within commuting distance in a range of 25 to 30 miles.

Senator Harris. Right.

Dr. Harrison. These people drive in on a commuting basis. We are very much concerned with construction funds to provide adequate teaching spaces for these people when they come in. There are two things I am particularly interested in in this bill, and that is the fact that you have provided here for a Board of Trustees to be designated as a governing body which includes individuals representing the community which they serve and we think that this is essential—that the Board of Trustees is the local Board of Trustees who will feed back to us, the Administrative area, the feelings and needs of the people of our community. I think that this is very good.

There is another item that I noticed has been changed in this and that is in relationship to becoming a tuition-free institution as soon as possible. I appreciate the fact that we now have the wording in there for loan tuition or toward state—full support from the State. We appreciate your efforts in this, Senator Harris, and if we can be any help, please call us.

Senator Harris. Thank you, and I appreciate also what you said in regard to timing on this. As I say, this is a joint effort by several of us, and I say that a lot of states are not as far along in junior colleges and community programs as we are. I agree with you that it wouldn't take us until 1972 to get our state plans in operation and approved, and I hope we can step up that time table, and I'll use these hearings to try to do that.

Dr. Harrison. I think that in the State of Oklahoma we already have a state level and commission and program already outlined and ready to move.

Senator Harris. I do, too.

Dr. Harrison. So we are ready as far as time is concerned, Senator.

Senator Harris. I doubt that there is another state which has made the progress we have in developing a community college program. New York and California, I know, have been moving in this direction, but I doubt that any state is as far along as we are in this.

Dr. Harrison. We have the potential.

Senator Harris. Right.

Dr. Harrison. We have the basic groundwork laid.

Senator Harris. Good point. We'll call now on the Dean of Students at Murray State College at Tishomingo, Dean Don Martin.

DON MARTIN, DEAN OF STUDENTS, MURRAY STATE COLLEGE OF AGRICULTURE AND APPLIED SCIENCE, TISHOMINGO, OKLA.

Mr. Martin. Thank you, Senator, and again we appreciate your efforts on this bill and on behalf of the junior colleges of Oklahoma, and we appreciate your coming down and taking your time to hear the problems of the colleges of Oklahoma. I think in speaking your language and talking about services to communities and knowing about politicians and their grass root campaigns reaching out into the community where the people are, you have a feeling of the pulse of the community—what the needs are. We, too, as community and junior colleges feel that we offer the same type of service in reaching out in the community and dealing with the people and dealing with the students and finding the pulse and the root of the needs of the people in these communities through the community colleges and junior colleges of Oklahoma. We appreciate this bill very much and as we know that Oklahoma is not highly industrialized as some of the Eastern states, we also find that a number of areas of Oklahoma specifically the area from which I come, Southern Oklahoma, Tishomingo, that we are not as industrialized as other sections of Oklahoma, that part of our students come from low-income people, and I think that this is perhaps the purpose of this bill to provide services and counseling and other activities for families and students of this type of people. Seventy-five percent of the students of Murray State College come from families receiving less than $3,000 in income. Last year a large percentage of students came from families receiving less than $5,000 annually. Now this is where our student income aid programs come in dealing with providing services to the students in our college study programs, educational opportunity grants, National Defense Student Loan Programs and providing services like this to students enabling them to go to college. This bill, as I understand it, would allow us to provide services unavailable now for these students through these types of aids to the colleges. This type of thing is what we appreciate. I, again reiterate, Dr. Vineyard brought this out. In this bill we certainly want to see that this is not something to be supplanted by either local funds or state funds, but would be supplemented by it so that we would be able to do a better service to our constituents and our people who we serve and to provide a better type of service in the community colleges. I think that this would provide this and that we might be able to reach out into the community and do a better job in adult education and community service and provide the counseling services in the junior colleges which we do not have the financial ability to do now. The amount of money set aside in this bill, S. 545, is not more than $300,000. I do not know how this will really provide the type of services. It is going to assist, but I hope that we are not trying to do too much with too little.

Senator Harris. I agree. The spelling out of those funds has to do with the planning part of it. We, the co-sponsors of the bill, envision, as I have said, something like $6 billion over a 3 to 4 year period, but I do agree with the suggestions that have been made that we ought to try to spell that out. And we are talking about new money, not existing money. This is generally the figure we have had in mind.

Mr. Martin. The vicinity of Murray State College—8% of our students are Negro, 8% are American Indians and again this typifies the type of people that we serve in the area from which we come.

Again, may I express regret that Dr. Kindell couldn't be here. This is Afro-American Day at Murray State College and he is speaking there. We appreciate your efforts.

JOE LEONE, VICE PRESIDENT, OSCAR ROSE COLLEGE, MIDWEST CITY, OKLA.—PRESIDENT JACOB JOHNSON WAS UNABLE TO ATTEND

Mr. Leone. I would like to point out a few things about the college. The five-year enrollment projections for the college have been reached the second semester of the first year. Two-thousand individuals are on the campus now, while the feasibility study indicated that we would have 2,400 full time equivalency in ten years.

I would like to tell you a little about the composition of the student body there because I think it emphasizes some of the things that have been said. President Vineyard indicated the need for continuing adult education. I would like to point out that the average age of our students at the college is 25 plus. The median age which is extremely important is a little over 23. These are freshmen and sophomores, and of course, the multiple is still year 18. We have over 400 students 18 years old. What this really indicates is that we have a very widespread range from 17 to 70, and we have a pretty large group of people over 40 years of age. We have over 900 people enrolled in the evening college. This is the second semester of the first year of operation, and this will point out to you some of our needs and concerns for this piece of legislation as we face the summer and the second year of operation. But I would like to leave these needs for construction to Mr. Kimball, the trustee, but I would like to ask a few questions and make a few comments from the experience I bring with me from the university. We were quite active in the university, still quite involved, in Federal programming. As I read the various pieces of legislation which are presently before us and the new legislation that is being considered, I am concerned some about coordination of the financial support for junior colleges. I read in this bill the programs that are eligible, the academic programs, the vocational-technical programs, the adult educational programs but I would like to say that we have had legislation for all of this in the past. It has been put in many cases in different bureaus, and you have to deal with the Bureau of Vocational-Technical Education for one part of your support and the Bureau of Adult Continuing Education for another part of your support and the Higher Education Bureau for another part. In Section 302, is it indicated that a Bureau will be at the same level as these other Bureaus or could it be a step above so that there could be some coordination?

Senator HARRIS. It is my thought that it ought to be a step above, but the question you raised will help us in that consideration.

Mr. LEONE. I would like to point out what I think Dr. Harrison pointed out, that in Title I, the development of the state plan being July 1, 1972, and we appreciated the need for the planning that goes into starting a state plan for a comprehensive community college. We are under such pressure to build buildings and develop programs and staffs for them that July 1, 1972 seems an awfully long time away. Then we notice in Title II, the authorization for the financial systems also begins July 1, 1972, and I question if it is possible to begin the development of the state plan July 1, 1971 so we would have a year of planning before we get into the financial systems under Title II.

Senator HARRIS. I think that makes sense.

Mr. LEONE. Another question for you is, although I know that this hearing is really on the Williams bill, I would like to confer with you about the Pell Bill and the Green Bill. I was wondering if sometime today when you conclude your hearings on this bill, would you talk with us some about the relationship of this bill to the Pell Bill and the Green Bill and maybe any other legislation?

Senator HARRIS. If you have any comments on those, it might best serve you to bring them up now. This way you will educate my co-sponsors and members of the Committee from this transcript. If you are not prepared to mention them I would welcome any information you would want to send me, and if we get it in time, we can add it to the transcript.

Mr. LEONE. I have read the Pell Bill, and it seems very comprehensive and maybe includes many of the components of the Williams bill except for the state plan component. I don't believe that I noticed it in there. I have not read the Green Bill, but it is my understanding that it differs from the Pell Bill in that it does not have the National Foundation for Education.

Senator HARRIS. I will read both of those.

Orin Kimball, Trustee, Oscar Rose Junior College, Midwest City, Okla., Member of Steering Committee of National Council of Community College Boards

Mr. KIMBALL. I am in a dual roll today, although it is not so dual. If you have not heard of the Council of Community College Boards, we are a two year organization which is organized under the fathership of the NASB, the National Association of School Boards. They recognize that we represent the different levels of education and many of your school boards, not only in our state, but in other states, are serving a dual function, K–14, so Dr. Jones recognized this and saw fit to sponsor and finance us, and I am proud to say that this year we came to $8,000 balancing our budget out of $125–130,000 expenditures made. We think that next year we will balance the budget and be on our own. We have more authority than in the past, and I will be contacting many of you people to see about membership. We now represent 103 districts nationally and 135 campuses and 370,000 students. We expect this time next year to represent 270 campuses and 200 plus districts and close to one-half million students.

The thing I would like to say regarding the Williams Bill is that junior colleges, as you are aware of, represent over 50% of the disadvantaged students being educated in America today. The present time we are getting less than one dollar out of every ten spent for higher education, and we are competing actively with youths very much better organized to compete than we are. In the case of the University of Oklahoma, they even have a Washington office. We have to catch our Senator in the State or one of our representatives and try to get our funds. One of the big goals of the Community College Boards is to have an earmarking of funds designated specifically for junior colleges as the three bills we have referred to today, the Green Bill, the Pell Bill, and the Williams Bill, so indicate and we feel that a great lot of this came about through the Junior College Association and the Council of Community College Boards. We are pushing real hard for this thing and this earmarking—the building funds are very essential. We are a recipient of funds. We have built roughly a $4.5 million campus at Oscar Rose. In the last 340 days we let a contract, I believe 340 days ago—this is the wrong amount, I beg your pardon. We entered students 300 days after the contract to build a campus of 143,000 gross feet. We entered, as Dr. Leone pointed out, and nearly doubled our first year FTE that was anticipated for us. We are growing into 3,000 by next fall, and we feel we will probably top 3,000 students with 2,000 FTE next fall. With the present time our voters have gone to polls four times now. Each time our Board of Trustees has asked them to vote a bond. We voted in 1969 a $1,750,000 bond issue and the same time they gave us two mills operating funds under the Vocational-Technical Act. We went to them again last year to increase this to five mills. On March 13 of this year we went to the voters and were approved for another $1,750,000 bond issue subject to receive state and Federal matching funds, and we are in desperate need.

We need to double our facilities. We have architects working on a plan at this time to add probably a 100,000 plus square feet of strictly teaching space and faculty office space which we are doubling up on. We are in desperate need of this. We are hung in a state of limbo until we can obtain funds. We have promised our voters that we will not sell our bonds until we can assure them of matching funds to complete our building schedule, Senator Harris.

Again, I appreciate this opportunity to inform you of the Council and discuss this bill.

Senator HARRIS. Thank you.

Orville Johnson, President Poteau Community College Poteau, Okla.

Mr. JOHNSON. We appreciate this opportunity to get to talk to this Committee. In a small school like ours, we don't get into Washington often. I do want to introduce my Dean of Students, Joe Hemphill, and a member of the Board of Trustees, Dr. Ronald Tobey.

I don't believe that I will dwell on the role of the emerging junior college. It has been well covered today, and I really wholeheartedly agree with the philosophy expressed by Dr. Phillips, Dr. Vineyard, and others that this bill is a step in the right direction.

One thing, Senator, I have not heard expressed today and is an important point, I think, is that we are getting more education for our dollars spent in the community college than any other type of higher education. This is an economical way for us to provide an education for those people who so desperately need it. At the Poteau Community College, we are desperately in need of facilities. Three years ago the City Board of Education voted bonds to buy some land and move the junior college out away from the public school and keep its identity separate from the institution. Immediately thereafter, our enrollment doubled. At the present time we have 438 students enrolled, and this semester we have had a 525 unduplicated head count. Now most of these students who come to us are first generation college students. Eastern Oklahoma is in a low-income educationally deprived area. Over 25% of our people have less than an eighth grade education according to the last census. So our students come from low-income families. Fortunately we have had very good strong financial aid programs. I hope that you will see that student financial aid and employment work study loans and other types of aid are protected in this bill and in other bills which provide for financial aid to students because this is the salvation for our people to go to school. Eighty-nine percent of our people come from within a commuting range of 35 miles or less. About 5% come from outside the County and about 5% come from the neighboring states of Arkansas and Missouri.

We are in need of money to expand technical education. As has been pointed out so well today, this is one of the roles of community colleges. The role of technical education is more expensive and when we get into this area of expensive teachers and equipment, we exceed the budget for these community junior colleges. Another type of program that we need is for specialized special education or compensatory education for people who come from high schools which are very small and which do not prepare them adequately for college. So 50% of our students at least need some kind of compensatory remedial type of education—basic education either in math, English or science to prepare them for their role as junior college people. This is extremely important because here these people are not socially oriented and are going into the discipline of college routine. They need somebody to stand by them and provide them with the encouragement and help that they need to cope with problems of going to college. These people do not get this from their own lives, but most of their parents have not been to college, and they do not understand the need for training to cope with the problems of today. Our students certainly need this type of thing.

To provide these kinds of services requires more operating money. Our teachers are already overworked. They are carrying a higher than average class load because of the inability to extend the budget to add more faculty members. They are carrying the load of counselors. Each teacher is a counselor and this needs to be added to our faculty. We are short on space to the extent that we are running part of our regular program into the evening and expanding the length of our day. We have about one-fourth of our students in the evening school, and this is due partially because many of our people work in the day time and go to evening school. It is also partially due to the fact that we do not have enough facilities to put in enough classes in the regular day program so we expand the length of the day and the classes. There are many ways to meet the educational needs of the community, but we are striving for the time when the community colleges should have the role of the cultural center of the community and around this cultural center ought to develop service and programs to help the community develop. It ought to be the spark plug for industrial and community development as well as upgrading the cultural and academic level of the community.

Thank you, Senator.

Senator Harris. Thank you. It was good of you to come and that was a very good statement.

Dave Cawthon, Staff, St. Gregory's College, Shawnee, Okla.

Mr. Cawthon. St. Gregory's appreciates the opportunity to voice an opinion on this. I do not have a lot to add to the record. I would like to add to the remarks about the private sector of the legislation we are talking about. I think that before I say something, I have to make two assumptions. One is that private education can and does make a valuable contribution to higher education in the United States and secondly, Federal funds can and should be used to support some of the programs higher education is attempting to accomplish today. Certainly we feel very fortunate, Senator Harris, and we have expressed through our appreciation for some support we have received under the Higher Education Act, Higher Facilities Act, through HUD and so forth by rapid growth in the last 5 years at St. Gregory's. St. Gregory's would like to go on Record as giving full support to the concept projected by your Community College Bill.

Certainly community colleges must be around. We have to develop community service programs for the cities in which we live. Adult education needs to be developed in all areas, urban and rural. All of us are, I think, lacking in facilities and we need to begin putting these things together. The past approaches we have had have been piece meal approaches, and as Dr. Johnson pointed out, we have had to go to various bureaus in order to find support for our programs and our colleges. Hopefully this type of legislation will provide for the junior college a summarization of all this piece meal activity and give us a full thrust in terms of accomplishing our goals and objectives.

As a representative of private education, I am still somewhat confused as to just how the private sector will enter into this type of legislation. I noticed that the bill calls for institutions which have either low tuition or either no tuition. This is a paradox as far as private education is concerned. Certainly we would like to be able to offer to the economically disadvantaged students programs without tuition. Yet in order to exist, we would have to charge tuition to pay for our programs. This would perhaps eliminate some of that difficulty in terms of the paradox we face. I do think, too, that Dr. Vineyard and Dr. Self pointed out that we have to be very cautious in seeing the junior college or community college movement as primarily oriented toward the economically and socially disadvantaged student.

St. Gregory's is somewhat unique in that 40% of our students come from the State of Oklahoma. The other 60% come from states from all over the country. Most of our students are not economically disadvantaged. It is not that they are rich, but they are not poor. Most of these students, or many of them, have been rejected by universities. They apply to go to various universities and have been rejected because they do not have the grades to get in. St. Gregory's feels very proud that it can attract such students, either from Oklahoma or from around the country. We work with the student for two years and give him a different self-image, a success image of himself that he can succeed, and then he will go on and transfer to a major university. Our programs are primarily transfer oriented. This does not mean that we do not want to do more community work and adult education and vocational programs. We just do not have the money to do it. I am still somewhat unclear—I think it has been mentioned, Dr. Leone mentioned it briefly, that some of the other legislation that is around—I think that student aid is a vital part of any type of educational plan for the future. I think that the student aid we have today is entirely inadequate. It does not serve the needs of all the students who need it. Senator Yarborough introduced a bill in the 91st session of Congress which had the Post Secondary Act of 1970 and provided an almost comprehensive approach to make an almost voucher system where the student can spend his money at the college that he wishes. Of course private education likes to hear that kind of talk—that way we are not competing with a low or free tuition type thing. We can build the program to attract students. As you re-define this, Senator Harris, and here again we agree and concur with the basic concept of the bill, that that area of tuition, that area of student aid, that area which provides the students the means to be there especially as far as private education is concerned, is something we are very concerned about.

Thank you, Senator Harris.

Senator Harris. Thank you. Thank you very much. As you say, St. Gregory's is somewhat unique among those colleges we've heard from today. You made a contribution to our understanding of the over-all problems.

I want to call now on the representatives of Sayre Junior College, President Harry Patterson and Dean Paul Connors. I am glad you are here. You have come a long way.

President Harry Patterson, Sayre Junior College, Sayre, Okla.

Mr. Patterson. Thank you very much. I was the only one able to attend from Sayre today. I would like to thank you for taking time out of your busy schedule and inviting us here today. We do have problems, and I know that we all are glad that you are interested in trying to do something about the problems.

I am not going to say much about the role of the community junior colleges because it has been covered, and I imagine that you would like to get everyone in here before noon and maybe the meeting over with.

But I would like to say a little bit about Western Oklahoma, especially about Sayre. As some of you know, Sayre is in the western part of Oklahoma. We are a town of about 3,000 population, and we feel like that the largest industry we have in Sayre at the present time is the community college. At the present time, we have 310 students at Sayre and in the past three years we have practically doubled our enrollment. Our college was established back in 1938 as a part of the Sayre Public Schools and fourteen years ago, we voted bonds to the school district and the people of Sayre financed this separating our campus from our high school. At that time there were no matching funds, and it was a little bit of a burden on the people of the district, but they felt a need of a community college and they were glad to do this. It did bring our public schools a little bit of finances as most other community colleges in the state have been drained of finances, too. And, as it has been mentioned here this morning, for the past three years, the Board of Regents have given community colleges some aid—little better each year and we hope that next year we will at least get three-fourths of the funding or maybe full funding that state supported junior colleges are receiving. I believe that we will get additional funds this next year.

When Dr. Vineyard was making his talk here this morning, our college fell in the category of the one he had visited where he did see five or six faculty members trying to share one office because of a lack of facilities. We do need additional classrooms. We need at least three to four large additional classrooms at the present time to take care of our present enrollment. We do need a library very badly, and when they voted the hero bonds, the presidents of the community colleges know that there were some funds in the hero bonds that were for building for their community colleges, and we do have in our campus master plan, and some of the others do, but there were not enough Federal funds available this year to match all of our monies. We do have $100,000 that the Board of Regents waiting for matching funds now, and we do have a plan in to build additional classrooms and a library. We are having to share our library with the high school at the present time. That is the facility we are sharing. And if these Federal matching funds do not become available soon, we will have to try to do something else because they are pressing us to have a library of our own, and we do need one on the campus.

We feel like that we have a fine group of students in these community colleges, and we have not heard of any in the state that have been having any kind of demonstrations, any kind of riots, or anything in the community type colleges that they have been having in some of the larger schools. I feel like that we are able to hire good faculty members for this reason alone as most any of the universities and I am sure that all of these other presidents agree with me. I have received in the past year numerous letters from faculty members who have received their doctoral degrees that have been teaching in the universities and want to come to the community colleges because they know that we have good students who do not have demonstrations on our campus. They are not trying to burn our schools down. They are coming to the community college to get an education.

We mentioned dormitories this morning, and we are probably the only community college that does have a dormitory. I had not mentioned anything about this, but Senator Harris was real interested in it, and Mike Monroney, at the time Sayre was trying to build the dormitory. I would like to mention a few things about it. Now, Senator, our dormitory has not worked as well as some of the people in Sayre had thought it would work. We only have—they built the dormitory for 104 students—we only have about 20 students living in the dorm, but we haven't missed a payment so far, and we think that within a year or two, with additional programs, especially our med-tech program and our electronics programs, and some of those programs that we are reaching out further and getting students who will stay in the dorm. But in order to make our payments, we feel like we have advantages in having a dormitory for development of the town and community because each summer we hold a girls' basketball camp that lasts five or six weeks with 350 to 400 high school girls coming into Sayre. They come for a week at a time, and the revenue that we make from them goes to payment on the dorm, or cafes in Sayre. We have three civic clubs, and they got to where they would not feed the civic clubs any more in the cafes. They had the tourists coming in so the three civic clubs which we have—which are the Kiwanis, Rotary and Lions Clubs—were about to disband. So we are feeding those clubs in the dormitory and this brings in some revenue so we help the community of ours by being able to keep these civic clubs in force. We have six police schools every year—we had six police schools last year, and they are having six this year. This is called the Western Oklahoma Seminar, and these policemen come from all towns in Western Oklahoma. A number of them stay in our dorm while the four day school is going on.

They have their meals there and this is either paid by the state or Federal Government to hold these schools. Instructors in these schools are FBI men or from the Oklahoma Highway Patrol. The local officers from the different towns of Western Oklahoma that attend this police school—and I think that all of the cities in Western Oklahoma feel like the police are doing a better job by coming to these schools. We have a number of banquets in the dorm that helps with the financing of the dorm. With these new programs that we have started in the vocational-technical field in our college and with the added facilities, we do think that our dormitory will finally fill up and maybe it will get to where we can make our payments without so many outside interests. All of these have helped our community and helped our town because as dry as it is in Western Oklahoma and other parts of the State, any type of industry is really appreciated, and I know that Sayre has supported our college. The reason that we don't have local money now is that we have pretty well drained the school district and anything that we could get from the state level or Federal government level we definitely need in our facilities.

Thank you, Senator Harris.

Senator HARRIS. Thank you. You really pointed very well the importance of these community colleges to the community in which they are located and also the varied purposes they serve—educational and community development purposes. I think that it is a really important aspect of community colleges. I call on President Elmer Tanner now, President of Seminole Junior College.

We are glad to hear from you. I was there not long ago and saw the beginning of the building program.

ELMER TANNER, PRESIDENT OF SEMINOLE JUNIOR COLLEGE, SEMINOLE, OKLA.

Mr. TANNER. I do not know what I can add to what has already been said. I would strongly endorse the recommendations that Dr. Phillips made on Sections 302 and 305 and outside of that I can have no other comments.

Of course you have visited and known something about it. We existed since 1931 as the 13th and 14th grade of the high school, but two years ago the citizens of Seminole voted a bond issue and started the movement to develop our own campus and separate it from the high school. At that time we had 77 students. We are now teaching in a church. The first year we had 364 and this year we have 604 students. It is estimated that next year we will have between 1,000 and 1,200 students. This brings to the point of why this bill is very important because we estimated in our ten year master plan that it would take us five years to get 500 students, and we have reached it within the second year and within our development of the college we estimated that we would fill 4,000 students. Of course, in the first phase which was a $790,000 project, we were not able to develop the whole campus. Basically we are going to outgrow our present facilities before they are even completed so this is a very important measure which I think could aid Seminole Junior College. Of course, I would like to brag on the people of Seminole for they are the first people I think in the State, I know they are in the State, in the Nation, to assess an additional one cent sales tax and earmark that money for the junior college so that we could have a stable source of revenue for operation, maintenance and capital improvement. It is the intent of the Board of Trustees to take this money and have it available if certain Federal funds are available. And, of course, just to complete our campus to handle 1,000 students, it will take a million and a half dollars to do this.

So, I want to thank you for the support that you have given the junior college. There is a definite need for these colleges. I don't know if you are familiar or not—in fact, being an Oklahoman you should be—at one time Seminole produced one-third of the world's oil. And of course, those wells are now depleted, and the average income in the area that we serve is now around $2,150. And of the 600 students that we now have enrolled, 147 of them say that had it not been for the Seminole Junior College, that they would not have been able to go to school. Also, we have a number of adults—the average age of our student body is around 25. So, there is a great need for this community junior college. Any support which you could give us we would greatly appreciate. Thank you.

Senator HARRIS. Thank you. You really are doing a fine job there in face of phenomenal demands that have been revealed in that area. Seminole, as is true for so many of these other communities, is greatly to be commended for the kind of support it is willing to give and has been willing to give to the junior college.

Is President J. C. Nichols of South Oklahoma City Junior College here?

J. C. NICHOLS, PRESIDENT, SOUTH OKLAHOMA CITY JUNIOR COLLEGE, OKLAHOMA CITY

Mr. NICHOLS. Thank you, sir. Mr. Carlton V. Myhro, Chairman of our Board of Trustees is in attendance today, Senator, and I would like to have him acknowledged. He said he would leave the remarks to me and then make a critical critique afterwards. Also, I brought one-third of our staff and faculty with us. Mr. Victor Varner, a research assistant, and I am the second one-third, and we left our secretary at home to take care of the important mail. I believe that the topic has been covered and as at a rock festival after you have heard fifteen organizations, they all start sounding the same so I believe that about the only point I would like to cover is that as the newest junior college in Oklahoma, we are facing the same problems the rest of them are. We do plan to be in operation in September of 1972. We plan to have basically the same type of operation Oscar Rose and the Tulsa Junior College have. We are in the process of developing our enrollment projection and our construction needs. Not only do the existing colleges have a great need for additional resources, but it is quite obvious to me as I have started planning this new junior college that the start-up costs of these new junior colleges are quite excessive. Oscar Rose and Tulsa have found that to be so. So I would encourage that as there are amendments to the Higher Education Facilities Program to give additional funds for colleges for leased facilities or start-up money that possibly an amendment be included in this particular bill to assist the larger metropolitan colleges with some of this seed money or start-up money would be helpful. I think that the main three points that the other presidents discussed that I would want to leave with you would be (1) we need more support in these new bills than the total income from the previous bills; (2) we need to have nation-wide representation on our advisory committees. We do not need to be dominated by the New York, California, Florida system of community colleges. We think that we have something pertinent to offer here. (3) Finally, I believe that we should take an extremely close look at the possibility of separating construction from this bill. I feel like possibly increasing the Higher Education Facilities Act may be a way to go on this. Other than that, Senator, we appreciate your coming here and taking your time. We hope that we will continue to do in the community college movement what we should be doing, and we look forward to having you on our campus when we get one.

Senator HARRIS. Good. Thank you. I want now to call on Mr. Carter Bradley who most of you know. He is the executive secretary of the Higher Education Alumni Council in Oklahoma, and Carter, we would be glad to hear any comments that you have got.

CARTER BRADLEY, EXECUTIVE SECRETARY, HIGHER EDUCATION ALUMNI COUNCIL

Mr. BRADLEY. Thank you, Senator, I appreciate this opportunity to put in a word here at the close of this hearing. I just hope, Senator, that you can move this legislation through the Senate as expeditiously as you have moved testimony through this procedure here this morning.

We as an organization, Higher Education Alumni Council, have not taken any action directly bearing upon this legislation, Senator, but our Board and our purpose in being is consistent with the over-all aims and objectives of this kind of legislation. I think that speaking personally, what this legislation represents, Senator, is part of the reordering of priorities, both nationally and locally. We have to proceed with great alacrity if we are going to deal with the crisis in education and particularly in higher education. We as an organization are dedicated to that, to try to develop a new force in Oklahoma that will bring to bear the public opinion of concerned alumni on this problem. Now Dr. Dunlap's message, I am sorry that he couldn't be here today because he had a State Senate Education Committee matter this morning, makes the point that the doubling that occurred in the last decade at the same rate of increase in higher education student load is occurring this year and in this decade. As a matter of fact, although Dr. Hobbs and his research staff cannot support this statistically at this time, the indications are that we may double again in this decade as we did in the last decade. In other words, go up from around 90,000 now to 180,000 in higher education in this state in this decade, and certainly by 1981. People of Oklahoma and the people nationally just simply are not aware, Senator, as you know, of the tremendous pressure this puts on all levels of the budget in the public budget making.

The same thing exists here that exists in Ohio, Florida, Pennsylvania and many other states across this nation where higher education has simply fallen further and further behind. In the State of Oklahoma, this year we are getting in state appropriated funds for this fiscal year around 69 million dollars. The State Regents for Higher Education, which you know, has constitutional authority to do the kind of research and examination of needs says that just to maintain present standards in higher education in Oklahoma will take an additional 16 million dollars for the 71–72 school year. That is an increase from 69 million to 99 million plus in state appropriated funds. We are a long way from being there at this point in the state revenue picture. We have got to have this kind of legislation. We have got to have a re-ordering of priorities nationally. I know that you are on top of this situation thoroughly. Everything that you have said and have written in recent months indicates that you are fully aware and way ahead of most of us, Senator, as to these new needs that we face as a nation and as a society. I just want to tell you that as far as the Higher Education Alumni Council is concerned, we are going to need a lot of copies of this record that you are making here, and the record that will be made by this Committee because I have got a lot of people to educate. Literally thousands of alumni in this state who have benefitted from our higher education system are not aware yet that their own children and grandchildren are not getting the same break they got because of lack of state and national budget priorities that higher education deserves. I want to express again our thanks to you, Senator, and to say that it will be our effort in the Higher Education Alumni Council to do everything we can to see that measures of this kind get fullest and best possible public acceptance from the people generally.

Thank you very much.

Senator HARRIS. Thank you, Carter. No man could have been chosen who could do a better job in the position that you now serve in, and I think that you have really made a great additional contribution to our record here. Is there anyone else who would like to have anything to say at this time on this subject. Anybody else present or anybody who would like to add anything additionally to what has already been said? If not, let me say again how grateful we are to each one of you for being here, to Dr. Al Phillips who has been our host and who has made excellent arrangements and accommodations for these hearings.

I think beginning with Dr. Dan Hobbs of the Regents for Higher Education in Oklahoma and winding up with Carter Bradley of the Higher Education Alumni Council of Oklahoma and everyone of you in between, we have seen documented here both the fact and the enormous proportions of a growing crisis in higher education in Oklahoma. I was astounded to see the figures that Dr. Hobbs talked about and to hear some of the figures and statistics that Carter Bradley has talked about and hear, for example, what was said about the growth at Seminole and Oscar Rose Junior College, where already you are behind before you even start. I am kind of a Populist in that I mean that we ought to stand up for the people's interests, and I do not know of any more vital people's interests than the question of what is going to happen to my child, will my child have a better chance than I had? Will he have the education and the skills to have a better chance in life than I have? And I don't think we are facing up to that question with the kind of urgency that we are going to have to face up to and particularly with a growing population and with the tremendously increasing educational requirements. People have to know a lot more, we all realize, than you used to have to know. They have to in order to be employable in our society and to be productive members in our society. There are a lot of people who are adults now who did not have that chance and there are a lot of kids coming on now who won't have that chance unless we can strengthen and fully support the comprehensive community junior college program that has been the subject of these hearings. Among other things, that most basically means money, and as Carter Bradley said, we are not going to be able to provide the kind of money we ought to provide in higher education generally, or for junior colleges and community colleges, unless we put first things first and get our priorities back into some kind of whack. Just like the Oklahoma housewife who cannot buy everything she wants to buy when she goes to the grocery store because she has limited funds, the same is true of the Federal Government. We will always have limited resources and that is what the government is—the process by which there is a division of limited resources. I think it might be a terribly romantic and dramatic thing to do as some suggest for us to start now to spend additional billions of dollars to try to put a man on Mars and bring him back one of these days, if we have a lot of money lying around—surplus over and above what we need. But we do not have that at the present time, and therefore, I think education and health and other such people's concerns ought to take priorities over those kinds of programs until such time.

I do not see that time right away—when we have more money than we know what to do with in the fields like education. That means a re-ordering of priorities so that we can expand the federal support for higher education and for community and junior colleges. It, also, means giving the State some relief, particularly from its welfare burden. President Nixon and others have suggested that we have got to give some additional and massive financial help to the states in an unrestricted way so that they could use that however they please. I think the best way to go about that particularly since the Supreme Court has, in my judgment, rightly held that states can't set residency requirements on welfare recipients, that welfare is more and more a national rather than just a state problem, and I think we ought to federalize the welfare program thereby relieving the states of one of the two twin and increasing financial burdens, welfare and education, which I simply think they cannot continue to bear up under. We could and should and will under legislation which I have introduced begin now in steps to take that welfare burden off the states and some of the cities and thereby relieve them of that financial expense and, in my view, do a more humane and uniform job as well. Then the states would have more of their own money which they are presently having to use to match Federal welfare funds. The state government in Oklahoma then would have a substantial sum that they could turn to such growing needs as education. That is in addition to what we ought to do in increased support for education at the Federal level.

I will take the transcript of these hearings back to the Senate and Congress, bring your views to the personal attention of the members of this Committee and all Members of the Senate. We will have the transcript printed and I believe that it will be very helpful to us first of all in improving the legislation before it is passed and in providing the impetus in the Senate to get others to see how urgent it is that legislation along this line be passed. I am grateful for the participation of everyone and for those of you who came to sit in as spectators as well. Thank you very much.

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order, the Chair now lays before the Senate H.R. 6531, which the clerk will state.

The legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SMITH. Mr. President, I have joined the distinguished chairman of the Armed Services Committee in sponsoring this Nixon administration legislation to extend the draft for a 2-year period. The Senate has already heard the detailed points that the chairman made last week so I shall not go into them now.

We think it is a good bill. Our objective—at least my objective—is to cut the numbers in our services; to have a small, well trained and paid regular service, which would mean that a large, well-trained reserve will be necessary.

I support this legislation because I stand for a strong Regular Military Establishment backed by a viable and well-paid Reserve force.

I told the President when he first called for the volunteer service that I would go all the way with him and that I hoped it could work. I am supporting the volunteer military service.

I support the 2-year extension of the draft because in matters of national security I like to be a realist. If we are to attain an all-volunteer force there must be a trial period and we must have a realistic pilot program. During this trial period we must have a law on the books to provide insurance that our goals will be met.

No undertaking of such vast importance should be attempted on a crash basis. We must take every precaution that the transition to an all-volunteer force is an orderly one.

I wish to remind my colleagues that the all-volunteer force has my full support. I have said many times before, and I will repeat it now, that I would fully support the abolition of the Selective Service System if three big if's are met:

First, if sufficient numbers of volunteers can be obtained and our national security will not be impaired;

Second, if the quality of such volunteers meets our military requirement;

Third, if the taxpayers are willing to pay the price.

Those are three big "if's."

The first "if" depends on the 2-year extension. This is the trial period. In today's environment and the public attitude toward the military, it would be most imprudent to embark on such a program without the shakedown needed to learn if the system will work. This is the trial period needed to learn if the inducements in the bill will attract the numbers required to maintain whatever manpower levels are established. To do otherwise would be to gamble without security.

The second "if" is of equal importance, if not more so. Without qualified manpower, today's complex and sophisticated weaponry is rendered useless. Without a trial period we have no assurance, let alone any guaranty, that the caliber of volunteers will meet the necessary physical and mental standards.

The third "if" depends on the American taxpayers and their willingness to pay for the necessary inducements, measured in dollars, which are essential to attract the numbers and the quality of volunteers.

If these three "if's" can be met, this Nation has nothing to fear.

In order to bring this about, I would have preferred to have it 4 years, but the committee, nearly unanimously, voted to extend the selective service authority of the President to 2 years, and I am willing to go along with the 2 years; but I fear for the results, the chaos, that will be created if we go into a 1-year period or if we cut it off immediately.

Therefore, Mr. President, I hope the Senate is going to think, and think long and hard on this, debate it to the fullest, that every Senator will have a chance to say everything he wants to say, that Senators will offer the amendments they want to offer; but I hope in the end we will not do anything to destroy especially the hope in this area in the transition from the draft, to a small regular establishment, a large reserve, and a volunteer service.

Some of you perhaps recall that early in 1970 I offered in this Chamber to sponsor legislation that would embrace the recommendations of the Gates Commission for an all-volunteer force. I did so because I was willing to accept the advice of the Commission, whose members were men of proven judgment and experience. Important among the considerations which impelled me to sponsor legislation at that time is that I visualized a long and difficult debate. I was convinced then that we should make the effort to achieve an all-volunteer force while there was still time. I was certain that these important decisions should be made while we had a Selective Service System in being.

In a Senate speech I notified the President that I was prepared to introduce at that time such legislation as he desired and proposed on the goal of an all volunteer force. The bill now before the Senate represents for the greater part what the President a year later requested.

Since the 30th of June is fast approaching and time is running out, we must fish or cut bait. In my judgment a vote against the 2-year extension to suit a temporary mood could be a catastrophic error.

As I mentioned before, an important if is contingent on the willingness of the taxpayers to pay the price. The cost to the Nation of preparedness is high both in dollars and in sacrifice, but the cost of being unprepared could be suicidal. I, for one, will not be encouraged to forget history. I will not soon forget that first Sunday in December, 1941, nor will I forget the shock and anger that swept this nation in the aftermath of Pearl Harbor.

The lessons of Pearl Harbor remain valid today.

I would remind those, who argue that the day for ground troops belongs to the past, that since the advent of nuclear weapons we have been faced with Korea, Berlin, the crisis in Cuba, and later Vietnam. I would also remind them that we have a continuing crisis in the Middle East where political decisions continue to be made on the success or failure of trained manpower and conventional weapons.

The pay provisions in the bill have been arrived at after a painstaking review and most comprehensive hearings. They represent the President's recommendation and are substantially below the amounts passed by the House.

Only time will tell if we have acted with wisdom and forethought. It is my belief that any delineation of the funding or the 2-year draft extension would be gambling with our national security.

Mr. STENNIS. Mr. President, I listened very carefully to the analysis by the Senator from Maine, and, in her usual, fine, terse way, the Senator certainly touched upon the very vital spot of the problem that is embodied in this bill. As always, she has lent strength to the debate, as she did to the committee in the hearings and in the marking up of the bill.

I noted, too, what the Senator from Maine had to say about the reserves, the necessity for it, the vital role, the right kind of reserve, training, and equipment—not necessarily great manpower in numbers, but the need for quality. I heartily endorse what she said as a very serious part of the manpower program, and a necessary one.

With the Senator from Maine, I wish to thank the Members of this body for an opportunity for the subcommittee to fully present the bill in all its major facets. Although the attendance is not as good as it could be, to hear the speeches, it is through this method that the facts are brought out, put into the RECORD, and given to the press, and the Members of the Senate themselves, and their staffs, are thus informed, whether they are on the floor at the time or not, and also the public is informed.

I have a quite brief statement to make this morning. I expect to make brief statements, perhaps, as the debate continues.

After looking over the amendments and getting the drift of some of the amendments that are being presented, and judging by some of the amendments, but not all, of course, which have been introduced to the Selective Service Act, I believe it is possible now to see what the thrust of the debate will be. The underlying issue of this debate is not so much the Selective Service itself as it is whether or not Congress is to attempt to end the war by destroying or crippling the draft—our primary means of procuring military manpower. This is a dangerous thing to attempt to do.

We all want to end the war, and we want to end the war as soon as we can. We honestly disagree about methods, and I do not impugn the motive of any Member of the Senate, because his ideas are entitled to as much consideration as mine; but I do want to emphasize, with all the vigor I can, with the full responsibility of the chairmanship of the committee that I try to carry, that the pending bill is not an issue over the war. The bill goes to the question of the availability of the necessary manpower to man all of our services—the Army, the Navy, the Air Force, the Marine Corps—with enough qualified personnel to protect our people—not South Vietnam primarily, but our people—and the security of our Nation. That is the purpose of the bill. That is the President's purpose.

I believe the requirements with respect to the manpower level, and so forth, that we have put in the bill are necessary and that this is a sound bill.

Let me say, too, the committee thoroughly reviewed the entire Selective Service System and we actually considered every major recommendation that was made and took an unprecedented number of votes. I think we spent about 8 days of long sessions in writing up the bill and had rollcalls on a great many of these provisions.

For the last several years not only has about one-third of our military manpower been supplied directly by the draft but about another one-third—half of the men who enlist—has been supplied indirectly by the draft. This is because large numbers of men are induced to enter the military services because of the draft. That is no reflection on them. That has been an established policy of the Government for more than 50 years. This is not only true of the Army but also of the Air Force and the Navy.

I was not content to rely on statistics. Last fall I visited over 1,000 of these young men in private halls, with no one in there except the group, and I was the only other person outside their group. I wanted to see what they had to say and how they felt about it. To attempt to end the war by crippling or ending the draft would be a calamity for our Nation's security. Directly and indirectly, the draft supplies not only our soldiers in Vietnam but the crews for our submarines, the ground crews for our aircraft, and the men who operate our intercontinental and ground-to-air missiles.

That is, it supplies a great number of them. These men are on duty in submarines, on the ground where the ICBM's are, and other places that I have referred to in highly responsible positions. A great number of them are there because of the influence of the draft, and I emphasize that that is no reflection on them.

All services rely on this draft motivation to a very heavy degree.

A draft extension for only 1 year will not allow us time to do the work which the President believes is necessary to move smoothly to a voluntary military system. I believe this will be an extremely difficult job at best, even during peacetime, but within the next year it will be impossible.

As the Senator from Maine said, almost all of the members of our committee, no matter how we might disagree on a so-called volunteer army, agreed that at least 2 years was absolutely necessary in order to meet the situation with which we are confronted.

I say here the President. It is not just the President's judgment. It is the judgment of most of us who have wrestled with this problem and tried to weigh the facts. Of course, the President is entitled to consideration, because he is the man who carries out the responsibilities of the laws we pass.

Mr. President, many will argue that we should review the draft every year because we review other military needs annually. I believe that, although superficially attractive, this argument is really wholly without merit. We already annually review the manpower needs of our military services. This year the Committee on Armed Services recommended a significant reduction—about 100,000 men in end strength—in our Armed Forces.

That is a matter that we expect to follow up on, not only this year but in the years to come, and we have already announced an in-depth review and survey, to be followed by hearing upon the essentiality of these numbers. This review of military manpower is an important function, and it is one that our committee will pursue with an intensive effort in the months to come, and without a deadline date hovering over our heads when we must finish it in order to get a bill moving. This is the way military manpower should be reviewed. The levels should be reviewed annually, but not the method of procurement. This bill relates to the method of procuring these men.

To argue that we should, every year, review whether or not to give the President the authority to induct men into the armed services is a bit like arguing that we should review, every year, our entire tax system, and decide whether or not we will have taxes next year. Our military services and the Selective Service System could not operate effectively with the kind of disruption which would be produced by a perpetual uncertainty over the very existence of the system by which military manpower is procured. I do agree that we should annually review the levels of military manpower, just as we review expenditures, but I do not agree that we should conciously force all of our armed services into continuing confusion and disruption in an attempt to end the war.

There is one further issue I would like to comment on very briefly, Mr. President. In an article in the Washington Post this morning a retired Army lieutenant colonel is reported as saying that the Army needs no men outside the actual combat divisions and their immediate support troops which are deployed with them. Mr. President, if this report of the colonel's statement is accurate it betrays an appalling lack of familiarity with military manpower requirements. For example, nearly 200,000 Army personnel are required to maintain the Army training establishment—this includes trainees as well as those who are in the various schools. Although 80 percent of the manpower for the Army's base operations is supported by civilians, there are still required 32,000 men to operate the bases. These 39 major Army bases in the United States serve an important function in helping to maintain our national security. Over 40,000 men are required to maintain the medical support for the Army. And there is a large category of men who are in transit because of changes of station. To argue that the Army needs no men except those who are present in the divisions themselves and in the units—many of them combat units—which support the division in the field is to neglect some of the fundamental realities of military manpower.

As I say, Mr. President, I am talking about the realities of this matter. It is proper that these matters be reviewed from time to time, but, with all the earnestness I have, I warn the Senate now that just a meat-axe method of passing an amendment here on the Senate floor drastically reducing available manpower numbers, with drastic reductions in fields where sensitive international policy is involved, is a dangerous precedent and a dangerous thing to do. If there is any other alternative, the Senate should pursue the more sound course, rather than this extreme.

Mr. President, I am glad to see the Senator from Ohio (Mr. SAXBE) is in the chamber. He is a very valuable new member of our committee. I have not seen anyone contribute more, and few as much, as he has in such a short time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. SAXBE. Mr. President, I find myself in an unusual position this morning. I have been a steady opponent of our involvement in Vietnam. I have supported with reservations our commitments in Europe. I cannot help but feel that the tremendous amounts of money we have spent on the Continent have contributed substantially to the devaluation of the dollar which occurred this past week. I also find myself at odds with some of the military's practices, which I find wasteful. I have been critical of the C–5A. I have been critical of a great many of the expensive developments that have gone on in regard to other aircraft.

But I feel that I have an obligation, this morning, to try to bring into focus what is happening in this country, particularly in regard to the Selective Service, which is the subject of the bill we are discussing.

There is a tremendous antimilitary movement in this country. I talked with young people in my office last week who said that the military was the root of all our difficulties—that they are inept, they are pompous, they are expensive, and they are unnecessary. The greatest gripe of those young people seems to be that this country is run by and for the military, and that we in Congress are simply pawns of them, that they make not only the military decisions, but some of the political decisions of the State Department, and that therefore we must root them out, and only then can we be objective in our dealings.

Others come in and say we must do away with the ROTC—in other words, that we should only have professional Army officers, educated at the professional academies, and that the civilian concept of officers will have to go, because it has no place in our universities, that in fact it has a very serious bad effect at our universities, and must be driven out. They have gone so far, in some places such as Kent State and others, to burn the ROTC buildings. One of the prime reasons for the disaster at Kent State last year was the burning of the ROTC building.

This antimilitary attitude in this country has extended generally to all aspects of military life. A young man with a military haircut is identified in a downtown place in Columbus, Ohio, and is jumped by a group who are opposed to anyone who is in the military. My son had a similar experience here in Georgetown. If you have a military haircut, you are singled out as obviously a square.

This feeling is deeper than just the cursory examination that one might give it would indicate; and it is centered today on the draft, on the Selective Service, because here is an instrument of "the horribly inefficient and evil military machine" that has to be extended by act of Congress. It is the obvious symbol that can be set upon.

So these people, not the ones particularly who are antimilitary, but those who are subject to their attitudes and those who join with them in some of their feelings, feel that we can deal the military a serious blow—and the only possible blow, some of them think—by failing to extend it, or by extending it for only 1 year. By extending it only 1 year, they feel that next year being a political year, a presidential election year, no one will have the courage to ask for a further extension, and that would be the end of Selective Service.

I can understand what many of these people stand against in this opposition, but I do not understand what they stand for in regard to their country's future, because many of the assumptions that are made in doing away with the danger just are not true and cannot be proved by history. We have a feeling, as we go down this road of antimilitarism, that it is a result of the exhaustion, the tiredness, the complete estrangement of our people, with the hassle they have gone through since 1939: World War II, then a period of active demilitarism, until we let everyone go, and then a rapid buildup for Korea, and that leading into Vietnam, and then the seemingly endless involvement there, and we can see that there is an attitude that would naturally develop as a result of this fatigue.

But we have commitments to our people in this country that we cannot overlook. It will be recalled that in 1946 and during World War II, we said that never again are we going to be so weak in the world that things can happen that did happen. Never again are we are going to let evil men and evil people build up a military regime that threatens the freedom—I said "freedom" of the individual. We enlisted in great numbers and we were enthusiastic, because we were fighting for a world in which we could live as we wish to live. We talked a great deal about liberty, we talked a great deal about democracy, and we talked a great deal about freedom.

These words are not popular today, because since that time, an attitude has crept in that all these things can be enjoyed without any of the responsibility of fighting for them or the unpleasantness of fighting for them. Fighting is something that only the cave men did; modern, educated man has no responsibility for nor has any real purpose in fighting. All things can be settled if we will just act as reasonable men. But history tells us that the world has never been run by reasonable men.

I do not know of a time in our world history when we can say that reason prevailed for any length of time. Our world affairs have been run, and run badly, by emotion. They have been run by bad people, people who were not interested in liberty and freedom. In fact, when we speak of liberty and freedom and then we equate the number of years in the history of the world when man has enjoyed these things, we find them to be very few and usually very temporary; because the despots and the tyrants come in and say:

> We will relieve you of your responsibilities. Just give us your freedom and your independence, and we will tell you what to do. We know what is good for you.

So, over the years, we have made certain commitments to the peoples of the world that this would not happen again. One of these concepts was NATO. Here is a group of European nations, many of which had survived the war only at a tremendous cost of lives and property. Some had been defeated. But all said:

> We do not want this kind of war again. Man is destined for something better than this kind of misery and death.

An effort was made, after the war, that Russia and all others could live in peace. Then came the Iron Curtain, and then came the subjugation of the Baltic States, and we found that freedom and independence, as we knew it, had departed. So NATO was set up to protect what was left. And surely it has happened that those who did not come into NATO were gobbled up—Hungary, Czechoslovakia—behind the Iron Curtain.

Many of us feel today that the threat from Russia, although declining, is still there. Those of us who have visited Russia recognize that this is a threat to our lives—not a red, glorious future that we hear about in Russia, but the grey, dismal future of standing in line, being told what to do, having every one of your moves directed, and enjoying none of the independence and freedom that we like to talk about perhaps once or twice a year.

So we have made these world commitments, and we have made these in SEATO. However ill-conceived, we have tried to live up to those commitments. One might say, "Well, you cannot be the policeman of the world," and I suppose that is right. We have found that out the hard way.

I do not question that President Kennedy and President Johnson went into Vietnam with the best of motives, with the idea that here was a small country whose independence and freedom were under attack, a country which wanted to exist as a free nation but was being overwhelmed by a stronger, more militaristic group. This is the thing we had agreed to help with, and we felt that we were serving that purpose, only to be hung up in a war that has lasted for 10 years, and a no-win concept developing about the middle of it that made a farce out of all our great promises.

We find ourselves now in a situation that is tearing our country apart, estranging our young people, and destroying our economy. We have learned from this that we cannot be the policeman, but we can be the tower of strength in the world, and we can lead by example; and we can, by our tremendous wealth, under the so-called Nixon doctrine, supply arms to those who do wish to defend themselves, even though we cannot supply manpower. We have our fingers in this international setup in Morocco, Spain, all the countries of NATO, and our island possessions that are gradually working their way to independence and statehood. We have our far-flung outposts in all parts of the world that protect freedom and give integrity to our promises.

I do not think anyone would care to venture how long Israel would survive if the 6th Fleet were not there, or how long some of the countries bordering the Soviet Union would survive in independence if we did not have NATO. These things are brought home to us forcibly when we look at countries such as those in the Balkans, where there is no real independence.

I was interested in the visit that Hugh Downs, of NBC, made to Rumania. It is a charming country. They witnessed many delightful things. But this morning, after his return here, he reported that it is a great country; that they are developing fast, but in the countryside the peasants still are operating as they did 200 years ago; that one can write all the sports news he wants, but one cannot write any political news; that one can make a speech about domestic affairs, so long as he does not criticize the Government; that there cannot be any organization that is critical of the Government.

I am certain that if we want to accommodate Russia, we can have this in Western Europe and we can have it in this country.

A young man, the son of a prominent attorney known to some Senators, told me quite seriously that China and the Soviet Union are ascending and that we in America are declining and, therefore, we should accommodate to Russia and China, we should not antagonize them, we should not have troops in Europe, we should not point our missiles at them, or do anything warlike in their direction.

Mr. President, do you know what that means to me? That is a "Finlandization"—if there could be such a word—of the Western World; in other words, we would not give up our prerogatives or our independence but we would adjust ourselves and live according to the way that would cause Russia and China the least interference.

Mr. President, the price of freedom has never been cheap. One of the difficulties we encounter today is that, as we approach extension of the Selective Service Act, we have the idea that we can live at peace in the world by throwing away our defenses, by standing before our good friends and saying, "Well, here we are. We know you will look after us," and then withdrawing to our shores, which is about all that we could do with a garrison army that we would wind up with, and hope for the best.

I know it is an unpopular thing to talk about extending the draft, but the questions raised if we do away with it, are also unpopular.

The most important question is: What would be our degree of safety?

Can we rely on "good old Russia?" Can we rely on "good old China?" Can we rely on the fact that they will recognize we have taken the olive branch and have weakened ourselves to the point where it would take a major effort to reestablish our world leadership?

These are things which no one wants to talk about but I hope they will be brought out in this debate.

Personally, with the present antimilitary feeling in this country, I do not believe, that we could have a volunteer army. I do not agree with the President that a volunteer army is the coming thing and that we are going to have one in a few years' time. Nor do I think that, in a democracy, we should have a mercenary army, an army hired by raising the pay so that those who need money will take the jobs.

I believe that we have to have a civilian army and a civilian controlled military. I feel that we have an obligation that each American should feel necessary to perform, and it should be performed with pride.

If this is not so popular as it once was, perhaps we should have it in the way of a national service, because we never need the tremendous number of men available at the age of 18 every year. Perhaps we should have a national service where those who wish to go into the Peace Corps or into VISTA or work in the Neighborhood Youth Corps, or in various other good works of that kind, could elect to do that if they so chose.

Those who feel sympathetic towards the military, could make that their choice. I do not think we would have any shortage that way.

I maintain that it is unfair that a young man, approaching the age where he will be subject to Selective Service, should have to give 2 years of his life to a military duty which he does not look forward to, nor enjoy, and that another young man of the same age but with flat feet, or a young lady, has no such obligation. I would think that a national service would make sense. Of course, we do not have that now. We have to deal with what we have and that, of course, is Selective Service.

But I find a moral problem when we talk about the professional military. I met with a group of young men in my office early last week, and one of them said that he could think of no situation which would cause him to bear arms for his country—no indignity, no violence against it that would cause him to bear arms for his country. I said:

> Then what do you think about a volunteer army?

He said:

> That would be just great.

He would not bear arms to defend his country but he was perfectly willing to let someone be hired to fight for him. A hired gun, in other words.

To me, that is an attitude in this country that I find distasteful.

If we believe in freedom and democracy, then we have an obligation to bear our share of the burden of maintaining that freedom and democracy.

If we want to cave in, or to accommodate, then let us begin at the top. Let us not cut off the vine at the root. Let us begin pruning from the top. Let us withdraw from all our world commitments, get out of NATO, bring the 6th Fleet back to Norfolk, and get the 7th Fleet out of Southeast Asia.

Let us not fool ourselves. Let us not begin by cutting off the roots while we have all these worldwide commitments, all these treaties which this body has voted for—42 of them, which are still in existence—and, at the same time, trying to make a farce out of the necessary manpower supplied through Selective Service to keep those commitments and back up the treaties.

Mr. President, I am the first to recognize that the Army could perhaps benefit, as well as other groups, by severe cutbacks which would, in fact, make it a leaner, harder, and more effective military force, if we could take some of the slack out of the line and get better organization, and get rid of some of the people at the Pentagon and substitute men from the headquarters that we have scattered all around Europe and other places to bear the command burden.

I do not question that attitude, but what I do think is, we should recognize the fact that until we start to cut back on these commitments, we need the manpower.

The distinguished Senator from Maine (Mrs. SMITH) said this morning—and we hear this from the military too—that what we need is a lean and hard Military Establishment with a strong Reserve—a strong Reserve, well equipped, well trained, and capable of moving in at any time.

Well, Mr. President, let me tell you something about the Reserve. I think I can do that because I enlisted in the Ohio National Guard in 1937. At that time there was no military pressure of any kind. When it came time to go to camp, we had to go out and talk people into going to camp because we did not have enough to make up even a troop of cavalry.

Every Sunday morning, when we drilled, we never knew whether we were going to have enough men to get paid. No one ever achieved a high degree of proficiency because if a man moved along or left town, we had another obligation there, we had a vacancy to fill.

Then, after World War II, when I again joined up with the Ohio National Guard, at that time there was no pressure and no draft call, although the draft existed up until 1948. But there was no call and no pressure on us, as we were able to get a number of veterans to make up our units, and they were excellent—people that were willing to train. However, as natural attrition drew them off, we could not get any replacements. The people who were attracted for the money were not much good. Most of them were not well educated. And most of them did not have the degree of training capability that was necessary for the then not very sophisticated weapons.

Then in 1948 the draft went out altogether. And as the antimilitary was even then growing, we began to hit the bottom of the barrel. Our National Guard units at that time often would not have enough men attending drills so that the unit could be paid for a paid drill. There were other times when the sheriff was called to go out under a State law and pick up people who were supposed to be at drill and did not come. That is bad business.

Then we struggled along until most of us were called up during Korea. But when we were called up, we were not worth a great deal to the Army simply because there was a vast turnover caused by the indefinite nature of the life of the Reserves at those times. They had to start training us right from scratch because our training was not competent.

There were other causes. We have gone through the same thing again. We now have a waiting list to get in the Guard. Because of the pressure of the Selective Service they would rather be in the Guard unit at home than be called up on active duty. But the pressures will disappear with the ending of Selective Service. We will dump billions of dollars into a system of Reserves that is not going to be effective. It is simply going to be a holding area where we will have a list of names. They say we will have a ready unit.

Let me tell the Senate what a ready unit is. It is a unit that can operate at unit strength and at a level of training commensurate at least with the platoon. At present standards the turnover will be so great if we lose selective service that it will be at the individual training unit all of the time. We will never get over the turnover of officers and enlisted men.

There are other reasons that I feel strongly about the reserves. We train them like soldiers for 2 weeks out of the year, and the rest of the time like foreign relatives. They do not get any benefits. They do not get many commissary benefits. We make them leave the Guard when they are 40 to 45 or 55 years of age. Yet they cannot draw any kind of retirement pay until they are 60.

These are things that I hope will be later corrected. However, what I am saying is that without selective service there will be no effective Reserve. It will just disappear and wither on the vine. They cannot pump enough money into it to make it anything else. I think this is something that should be part of our consideration.

We have these world commitments and we have this reserve all dependent upon an effective military. If we take off the pressure of the draft, it means that these are going to die right on the vine.

What do I mean by pressure of the draft? During the middle 1950's, selective service was in effect. However, in most States there were no actual calls. It was taken care of because of the small number of calls primarily by enlistments. But the pressure was there.

This is fine. This is something that I would like to see continue over a long period of time. We should raise the pay, raise the opportunities in the Army so as to make it a career. However, at the same time, we should keep the Selective Service so that the slight pressure is there and that it exists for the 1 year during which it survives under the lottery.

I believed that with this kind of system we could continue and we could have an effective Reserve. If we want to cut back on any of the other fleet commitments or manpower in this country, I think we can do it. However, I think that we should always be aware that once we give up our position in this world, liberty and freedom have lost their best ally in the world. We may be hard put to keep it here in this country.

Let us not make any mistake about it. If we are going to opt to do away with the military, let us realize that we will be in danger of throwing the baby out with the bath water.

I regret that we live in such circumstances. This is what we learn from history. Those who refuse to learn from history are destined to make the same mistake again and again. That has been said on the floor many times: "The past is prologue."

I cannot think of a time when it has been more true than today. If we in our revulsion do away with the military and make it a garrison force in this country, as many would have it be, we must be ready to suffer the international consequences of our actions.

I think that defense manpower is a vital resource needed for the national security. Our best national security objective is to preserve the United States as a free and independent nation, to safeguard its fundamental institutions and values and to protect its people.

I do not believe that any of us want to pump money into the military to keep it as an institution for itself. It only has one purpose and that is to provide security for the people.

Through our foreign policy and collective security arrangements, the United States seeks an environment in which its basic security objective can be obtained.

This does not mean that the committee intends to give unbridled authority to the President in the areas of manpower. We have already decided on a definite limit that we want to see continued. However, I repeat that what we are talking about here today is national security. We can take a calculated risk with the national security, but we must never take gambles.

In the fiscal year 1972 we will need over 170,000 nonprior service personnel to meet the needs of our Reserve components, and in fiscal 1973 we will need 110,000. If the draft is removed, we will lose over 70 percent, or 196,000, from our selective reserve draft which has already been authorized by the House of Representatives at the level of 972,000 personnel. We have made excellent progress in equipping our Reserve components with modern weapons and other up-to-date equipment. Without an extension of the draft, we would dilute our emphasis on readiness in search of manpower. It may, in fact, be possible with such a volunteer force, but the draft must be phased out in search of such a force, not all at once. I personally have serious doubts whether we could ever do it. If we do we may have nothing left.

Mr. President, I would like to make some reference to the Gates Commission, which is the primary source of argument for all those favoring an all-volunteer Armed Forces, commencing in fiscal year 1972. The Gates Commission makes assumptions which will not prevail over the next 2 transition years. First, it assumes a need of 325,000 new enlisted personnel in fiscal year 1972, instead of the actual requirement of slightly over 500,000. It also assumes a higher retention rate because a man who volunteers is more likely to stay. But for the next 2 years we are dealing with draftees and draft-motivated enlistees. Therefore, we are not dealing with those people who were motivated by a true desire for military life. Therefore, how do we bridge the gap between 500,000 and the Gates Commission assumption of 300,000 personnel? We do it by higher pay and ending of the Vietnam war. House Resolution 6531 contains increases of $1,030,600.00. The President is now winding down the war. But I dare say that an Army life will not be competitive by July 1 of this year.

Mr. President, at the outset of my statement, I said that our manpower requirements were related to our worldwide commitments, and not just the Vietnam war. As anyone who has been listening to me for the last 2 years knows, I have been first and foremost in arguing for a reduction of our commitments. We are overextended, we must get other countries to pick up their fair share of the burden. However, until we do, and while we are doing it, we must not undercut these commitments by a reduction of our manpower beyond the point where we can no longer meet them.

I commend to the attention of my colleagues the statement of Secretary Laird, entitled "Defense Military Manpower Requirements for Fiscal Year 1972," starting on page 3 in the supplemental manpower hearing record, which should be on each of your desks. He explains the reasons and missions of our total manpower commitment. Our manpower level, based on the forces we need to carry out specific missions—mission forces—and the support necessary to sustain these forces, general support. In fiscal year 1972 the Defense Department needs 139,000 men to man the strategic forces which serve as our deterrent against nuclear attack on the United States.

These personnel seek to provide reliable reconnaissance and early warning capabilities to minimize the likelihood and consequences of a surprise attack; appropriate defense forces to protect against limited air and ballistic missile attacks; and effective and reliable command and control of these forces. I wish to point out to my colleagues that no operational manpower has been provided for the Undersea Launched Missile System—ILMS—and the B-1 manned bomber. Furthermore no operational manpower is planned for the Safeguard Anti-Ballistic Missile System. These systems are still controversial and no one should vote to reduce our strategic forces because of his opposition to any of these systems.

About 40 percent of our total military manpower in fiscal year 1972 or 1,032,000 men is attributable to land, tactical air, naval, and mobility forces which comprise our general purpose forces. These forces are maintained to support our commitments predicated upon two policies which have been inforced for over a decade spanning four administrations. They are: first, that the security of our region is inextricably tied to a forward defense and thus to the security of our allies; and second, that strategic nuclear forces in and of themselves cannot be relied upon to provide a credible deterrent or a reasonable response to the entire spectrum of aggression which we must be prepared to face.

Our general purposes forces are sized so that the United States will be prepared for either a defense of NATO, Europe, or a defense of Asia. In addition we would be prepared to assist our allies in Asia against an attack by one of its neighbors and also provide limited forces for a strategic reserve and for minor contingencies. Our forces are designed so that major operations in one theater must be conducted at the expense of the major capability in the other. The one and a half war strategy.

In fiscal year 1972 591,000 personnel, comprising almost 25 percent of total DOD military manpower, will man our Army and Marine corps land force elements. In addition we need 170,000 in the tactical air forces of the Air Force, Navy, and Marine Corps. Finally our general purpose forces provides for the assignment of 203,000 Navy and Marine Corps personnel to our naval forces.

I am eternally faced with those who give the simplistic answer:

> Well, we have all these bombs and missiles and they are in silos and all we need is one man to push those buttons.

If we have a defense based on missiles and the annihilation of one-half of another country, with deaths that may reach 40 million, we will never have anyone to press that button and we will be nibbled to death with wars of conventional forces. We will be unable to defend ourselves in wars of conventional forces and those are the wars from which our peril will come.

Yet many will say that all we have to do is sit back and push that button and we will be able to defend ourselves. It just is not that easy, gentlemen.

The Defense Department will need 68,000 men in its mobility forces which comprises strategic and tactical airlift, sealift, key positioned equipment, and mobility support forces including air and sea terminals.

Thus, 199,000 personnel are needed for the four categories of our mission forces: intelligence and security; communications; research and development; and support to other nations.

To meet general support requirements in fiscal year 1972 we will need 1,135,000 men. These include individual and base support elements, training, command, and logistics.

Mr. President, I have long urged a reordering of our priorities. I have been a constant critic of the Vietnam War. Finally I have spoken out against cost overruns, inefficiency and mismanagement in the procurement of certain weapons systems.

I have long recommended a reordering of our priorities. I have been a constant critic of the war in Vietnam. I have spoken out against cost overruns, inefficiency, mismanagement, and the procurement of certain weapons systems. But I stand on the floor of the Senate today and ask each of my colleagues to think long and hard before in their pain, grief, and agony over the war in Vietnam—which our President is now attempting to wind down—they vote against or filibuster the extension of the Selective Service Act.

I think the choice we are really going to have to make is not unlike the choice of the old cowboy in the West who was the fastest gun and who decided that he wanted to abandon that post of leadership and retire. He will always find someone who is going to challenge him, especially if he was the lawman of that time who was the fastest gun. That man is not going to be permitted to retire.

It seems to me we are the fastest gun in the world; and by that I mean in defense of what we stand for. We are that lawman giving up the idea of policing the world but we like to think we can protect what we stand for and believe in. I am old fashioned enough to believe there are bad people in the world who do not agree with the concept of liberty, equality, and justice on which our Nation is founded.

I hope we realize that the military, even though it does not meet all of our wishes, is our gun. If we do not like it, let us correct it. If we do not want our commitments let us cut them back, but let us not just abandon our world responsibility.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. GRAVEL. I was struck by the Senator's comparison with the cowboy, the fast gun, or the "peaceful arrow" as it is known in Mexico, and the efforts to retire. It is an apt comparison and one that is probably not germane in this particular century. I say that because I am reminded of a statement made by a very able Alaskan, a Dr. Charles Koenigsburg at our recent Public Works Committee hearings in Alaska. He made a similar comparison of our cowboy society and our new space age society and noted that things are changing and that we cannot afford to allow ourselves to live in a cowboy society, although this was a laudable goal in times past because the cowboy had the wide open spaces and could do pretty much what he wanted to do. But in today's hair-trigger society, what happens in an instantaneous fashion is not man to man in a shoot-out. It is one man, possibly, with all of society. So that if a mistake is made, it is not man to man; it is the total destruction of our space capsule. So we do not have a society any more where one man can shoot it out in a very gallant way; we have a spaceman society where one decides it all.

So I think the example given by my able colleague has expressed some of his views, views I may disagree with over the next month and a half or longer. I think that there is a danger, of course, in winding down the system, but I am reminded of reading an article by my distinguished predecessor, Ernest Gruening, which appeared in the New York Times last week. I was not aware of this, but apparently President Nixon, as a part of his campaign rhetoric in 1968, promised over and over again that, if elected, he would end the draft. That was almost 2½ years ago.

What does that mean? I pose the question to my able colleague. That is a very sound and deliberate argument—we cannot quite do it now because of our responsibility—but it is an argument that can be made next year and the year after that and the year after that. That is an argument that really offers no termination.

I thank my colleague for his views.

Mr. SAXBE. I thank the Senator from Alaska. I cannot help but feel that we live with the feeling on the part of all of us that the world must become a better place, that we must learn to get along, that we are on this small planet, hurtling through space, and it is becoming smaller and smaller and more confined, and we have to find a solution to get along. But we can only judge the future by the past, and man has not accommodated himself as he should. We have not done a good job of it. We wind up in wars. We wind up in violence. Violence occurs in our cities and violence occurs every place. We must learn to organize ourselves, but during that period we must recognize that this winding down cannot be done overnight; that we have to get rid of our commitments.

I know that any time we talk about cutting back on a military installation in a Senator's State, he hits the ceiling.

Mr. GRAVEL. Mr. President, would the Senator yield on that point?

Mr. SAXBE. I still have the floor. We object to cutting back. I do. They all do. I say, "It is not necessary to cut back on this installation in my State."

So if we are going to cut back on the source of manpower, we have to be realistic. We know we have a total of 600,000 troops and dependents in Europe today, in NATO. These troops are costing us $14 billion a year in the loss of exchange. I think this is where we have to start. We have to start cutting back there. We have to cut back in manpower everywhere. But I know one thing I observed on my recent visit to Vietnam—that dedication is more important than hardware or anything else. A man can take one of our battle tanks costing $700,000, run it down the road, and where there is one little soldier with determination and dedication, with a satchel charge, he can lay down in the middle of the road and blow up that tank.

We have somehow gotten the idea that we can hire a sophisticated helicopter costing $400,000, or a C–5A costing $40 million, or a $15 million F15, and that it does not need a dedicated soldier behind it. But I have observed, and I doubt that anyone has not seen this in the dedication of some of our enemies in Vietnam, that the dedicated man, with the most simple of weapons, is capable of holding his own against the most sophisticated weapons in the hands of a man who is not dedicated.

I do not know how we are going to inject this spirit into anyone. I am not saying that at some time in the future, perhaps, we cannot get a volunteer army. I question it with the present antimilitary view and feeling. But I do know that until we cut down on our commitments, we would be doing a foolish thing by cutting down the source of manpower while we still have our commitments. We surely should cut down on those before we cut down on our manpower.

I refer to the analogy of the fastest gun in the West, and that surely those days are outmoded, that we live in different times, we live in an age when we are supposedly sophisticated and civilized; but so often we scratch through the veneer of that civilization and find ourselves just at the place we were when we first came out of the jungle.

This, I agree, is regrettable, but the man who fought for what he believed in and achieved freedom in this country, which he had to fight to get, is not going to just abandon it with promises that man has changed, because all around us we find that man has not changed.

Mr. STENNIS. Mr. President——

Mr. GRAVEL. Mr. President, I would like to ask the Senator to yield, but first I would like to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, if the Senator will yield to me to make a comment, I think the Senator from Ohio put his finger on the real issue or question. As the Senator from Ohio has said, we would all like to end the war. We would all like to abolish the draft. But what are the consequences? What are the consequences of doing what we would all like to do? His discussion is certainly a lucid statement and a very reasoned one—an understatement, perhaps—about what would happen to our source of manpower—and these are not contradictory—to our services, not only the men in the Army, in the rifle companies, but all the rest of the services, including the submarine crews, carrier crews, ICBM crews, and all the rest.

If we do not have the Selective Service System, certainly for 2 years, there will be a liquidation of the Reserve. There is no provision in any existing law that could possibly hold them together unless there was selective service.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Chair would like to inquire as to who has the floor.

Mr. GRAVEL. Mr. President, the Senator from Ohio yielded to me. I yielded for a brief statement. The Senator from Ohio still has the floor.

Mr. SAXBE. Mr. President, I yield the floor.

Mr. GRAVEL. Mr. President, I want to take the floor for a brief time. I would like to ask the Senator from Mississippi a question.

In this morning's New York Times there was a very fine article concerning the Senator from Mississippi, in which there was a statement made which I think is rather interesting and which refers to him. The article states:

> He said the committee's reduction "if it would run for a full year" would be 100,000 men.

The quoted matter refers to the Senator's statement:

> "There is a billion dollars," he added.

Am I to infer from this statement that the implemental trade-off is probably $1 billion for 100,000 men, so that if we were to cut 300,000 men from our Military Establishment, that would mean about $3 billion, in round figures?

Mr. STENNIS. Yes, in round figures. In round figures, if you reduce the total by 100,000 men, that is an off-the-cuff calculation that I think is fairly within reason. That includes, of course, the operation and maintenance in addition to the average salary, and so forth. But it is a round figure that we can use.

Mr. GRAVEL. Very good. I am glad we can agree on that.

The only other point I wish to make—and unfortunately, the Senator from Ohio has left the floor—is to underscore that we are not a cowboy society, we are a statesman society. The dedication and commitment of which the Senator from Ohio speaks we obviously do not have in Vietnam, because this great colossus is not able to achieve a military victory there. It is true, as he says, that one small person with a satchel charge can wipe out a dozen helicopters or a very expensive tank.

The reason for this is very simple. Our boys over there are mercenaries, just as our boys in Europe are mercenaries. That was a point I made earlier in conjunction with a statement made by the distinguished Senator from Illinois (Mr. PERCY).

That is a very simple thing. We had that experience in this country ourselves during the Revolutionary War, when we had Hessian mercenaries operating in this country, and they were not nearly a match for our own American boys, who fought very ably in our War for Independence.

I suspect that, regardless of the circumstances around the world, as long as we have American soldiers acting as mercenaries, they will never be a match for people who are fighting for their own ground, because of the difference in dedication.

The irony in it all—which of course speaks poorly for our economic wisdom—is that in days of old, when a country sent out mercenaries, it was the foreign government that paid for those mercenaries. But uniquely, in today's society, we send out our mercenaries and the American taxpayer picks up the tab.

I think the time is perilously close when, regardless of the will to pay the tab, we will not have the economic fiber to do so. I do not want to be a prophet of economic gloom, but I think we are rapidly spending ourselves into bankruptcy with these worldwide machinations.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, H.R. 6531, providing for a 2-year extension of the Selective Service Act, has my support and in my judgment amounts to a sound proposal to meet the Nation's military manpower needs.

This bill, as amended by the Senate Armed Services Committee, was written with the recognition that our Nation cannot fulfill military manpower requirements and national commitments without a 2-year extension.

Thus, this legislation would provide the authority to induct into military service up to 150,000 men a year through July 1, 1973. This ceiling provides a lid on the authority and is slightly above the administration's estimated needs of 114,000 men in the approaching fiscal year. The Selective Service Act extension date coincides with the time by which the Secretary of Defense hopes to achieve what has been called "zero draft." This term implies that although the draft would still be in effect, no one would be called because manpower strengths would be sufficient without involuntary induction.

Normally, the Selective Service Act has been extended at 4-year intervals. This Nation has needed the draft since shortly after World War II. At that time the draft was instituted because of falling manpower levels, and this action turned out to be critical when President Truman ordered American troops into Korea.

In my view the Congress would be wiser to extend the draft for the normal 4-year period. Then at the end of fiscal year 1973 if zero draft is attained, men would not have to be inducted, but the nation would have the draft machinery intact for instant use if necessary.

As Commander in Chief, the President of the United States must be given some authority to act, and act promptly, if he feels that a military deployment is necessary in our national interest. In a fast moving situation the President must move more quickly than the legislative process sometimes allows. The Congress always has the authority to grant or deny him the funds to support such actions.

However, it is my view that Congress will accept no more than a 2-year extension of the draft at this time. Should world tensions increase to a point requiring a buildup of U.S. forces, then the Congress will have to extend the authority 2 years from now.

In preparation of such an eventuality, this bill provides that the draft machinery and organization will be continued on a standby basis even during periods when the induction authority is not in existence.

Mr. President, it is recognized that attempts will be made on the Senate floor to do away with the 2-year extension or end the draft next month. In my judgment, such action would not only be militarily unwise, it would signal to the world that America has taken another step towards isolationism.

Admittedly, this country is in a trying period as forces are gradually withdrawn from South Vietnam. Considering this situation and U.S. commitments abroad, manpower needs cannot be met on a voluntary basis within the next 2 years.

The conclusion that the induction authority is needed for 2 additional years is supported not only by the needs for new manpower for the active forces but also by the manpower accession requirements of the Reserve and National Guard components. The intake requirement of the active forces and Reserve components is estimated to be 690,000 in fiscal year 1972 and 520,000 in fiscal year 1973. For fiscal year 1972 the total active force and Reserve manpower intake requirement is estimated to equal about 35 percent of the population of men age 19, and for fiscal year 1973, about 26 percent.

Taking into account that about 30 percent of the population does not meet military physical or mental standards, the aggregate active force and Reserve component accession requirement for fiscal year 1972 is the equivalent of about 50 percent of the 19-year-old male population meeting military qualification standards. In fiscal year 1973 it would be approximately 37 percent.

In the absence of induction authority the Defense Department could expect to meet only about half of the total active duty and Reserve personnel needed in fiscal year 1972. Thus, U.S. forces would drop around 600,000 below the required level.

Also, it is absolutely essential that there be continuing authority beyond July 1, 1971, for the induction of medical, dental, and allied specialists. The armed services will not have the personnel necessary to fulfill the medical portion of its mission if the so-called doctor draft expires. The competition from the civilian sector for the services of a scarce supply of medical personnel is intense. The economic alternatives to military service are extremely attractive.

Mr. President, even a 2-year extension looking toward an all-volunteer force will have a major impact on U.S. Reserve components. Few realize that 70 to 90 percent of those young men going into Reserve and National Guard units are draft motivated. Once the legal obligation of military service is removed, experts predict Reserve strengths will nosedive.

To help meet this problem, I introduced legislation last month to establish an Armed Forces Reserve Study Commission. Sixteen Members of the Senate joined me as cosponsors. An investigation and study of the Reserve situation, independent of the Defense Department, is vital if Congress is to fulfill its obligations in this important area.

This bill, S. 1599, would study Reserve needs and strength levels in an all-volunteer armed force or zero draft environment. The Gates Commission failed to make any significant study or recommendations with reference to Reserve forces if an all-volunteer forces comes into being.

Other actions by the committee regarding the selective service bill included restoration of the President's discretionary authority over undergraduate deferments. However, the Senate did reject retroactive withdrawal from this year's freshman students, the class of 1974.

The pay package proposed by the President was approved. It included substantial pay increases over and above present rates for men in the lower military grades.

The committee approved pay hikes amounting to approximately $1 billion, slightly above the $987 million requested by the President. These pay proposals included an enlistment bonus which will be an important tool in maintaining necessary manpower levels. I strongly support this bonus and feel it should apply to reservists as well.

Mr. President, in conclusion, it is my opinion that H.R. 6531 is a sound bill and should be approved by the Senate. The Selective Service extension of 2 years is a minimum, under present world conditions. It is my hope that the Senate will consider this bill carefully but with dispatch.

In closing, I wish to commend the distinguished Senator from Mississippi for his leadership with respect to this important piece of legislation, and also to commend the ranking member on the minority side, the distinguished Senator from Maine, for the great contribution she has made in this matter.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield.

Mr. STENNIS. I thank the Senator for the remarks he has made. He was very forceful in presenting these major points.

Furthermore, the Senator from South Carolina certainly speaks with experience. As a young boy in college, he joined the ROTC and selected that part which was voluntary and continued it there. From there, as a lieutenant in the Reserve Force, he went straight on through and became a major general in the Army Reserve and took part in World War II with distinction.

I appreciate his work on the committee, his counsel, and his guidance. I appreciate the remarks he has made. He has touched on vital aspects of this matter.

I feel that when the facts are all brought out and the importance of this bill is realized, with the proviso for all the manpower of our services—almost all of them—it will pass in the form it is presented here, or substantially so, after a very good debate.

I thank the Senator again.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Mississippi for his kind remarks.

Mr. CANNON. Mr. President, I wish to speak briefly today in support of the Selective Service bill, H.R. 6531, as it was reported by the Committee on Armed Services, and particularly to support the need to extend the induction authority under the Selective Service Act for a period of 2 years.

Much has been said in the media and in the debate in the other body about the recommendations of the Gates Commission report. That report recommended that we move to a volunteer army—I would say a more accurate phrase would be all-professional force—by this summer. Some have indicated that they have great confidence in this recommendation and for that reason they wish to reduce the length of extension of the President's induction authority to 1 year or even to refuse to extend it altogether.

It should be noted, Mr. President, that the Gates recommendation that we end the draft this summer was predicated on an assumption that there would have been this last year a transition period in which there were very high pay raises to induce more volunteers to enter the armed services. This transition period has not yet occurred. Pay raises which will enable the President to test out the concept of moving to all-professional force will only begin this summer.

Moreover, even the very high pay raises included in the House version of the bill—$1.7 billion in addition to the pay increases in the bill before the Senate—fall far short of the increases for new entrants recommended by the Gates Commission. About $1 billion of the money in the House version of the bill is for the career force and it is very difficult to argue that this money will have any appreciable effect in dramatically increasing enlistments of 18- and 19-year-olds.

But there is a far more serious problem with the recommendation that we move to an all-professional force this summer or next summer. That is the needs of our combat units in the Army. I am not speaking now of the war in Vietnam. The problem is far more general than that. It is a problem that was, I believe it is fair to say, neglected by the Gates Commission. Their investigations dealt with overall force levels, not with the subcategory—the vital subcategory—of Army combat units.

It is a striking statistic that only 4 percent of the men who go into Army combat units volunteer for the job. Over two-thirds of the men who go into those units are inducted; the rest are enlistees who do not specify their choice of assignment when they enlist and whom the Army therefore feels free to assign to combat units. This is no reflection on the Army. The job of being a ground soldier is tough, demanding, and dangerous, even in time of peace. Physical training is rigorous—it must be, if men are even to survive in ground combat, much less be able to prevail. It is not a job, frankly, that most men seek. But it is a vital one. Our committee has recommended a reduction in the manpower for the Army requested by the administration. But this reduction does not obviate the need for the draft. Far from it. As the Army is reduced in size during the withdrawal from Vietnam it becomes even more important that the remaining units be effective and ready for combat in case our national interests require it. The men to fill these units are not going to appear because we wish them to appear—there must be an effective manpower procurement policy which insures that we can maintain effective Army combat units. At this time, Mr. President, and certainly for the next 2 years, only the draft provides that assurance.

One aspect of this problem is illustrated by current recruiting policy. It must be frankly admitted that all three services rely to a great extent on the draft to induce men to volunteer.

Most estimates are that about half the men who volunteer for the Army, the Air Force, and the Navy are motivated to do so by the draft. These men seek to be able to choose the type of training they may receive and even the part of world to which they may be assigned. Recruiting policy permits, indeed encourages, this type of selection. These choices which are given to prosective recruits are absolutely central to recruiting for most services. The primary selling point is "Come with us and you would not have to be a foot soldier." This is true not only for the Air Force and Navy, but also for the Army's own recruiting, which offers options for training in noncombat specialties. It is important to understand that there is nothing wrong with these practices. But they represent the reality of acquiring manpower for the military services.

Now it may be that if the draft is removed we could, with very sizable pay increases—far beyond anything approved even in the bill as passed by the other body—acquire enough technical men for the Armed Forces. But I do not believe that it can be seriously argued that we could acquire enough riflemen. Nor has it been demonstrated that we could do so. Should we find within the next 2 years that the difficulties are less serious than they now appear, we will be free at that time to establish an all-professional force. But it is entirely unrealistic, I believe, to suppose that we could succeed in this major restructuring of our procurement system for Army combat manpower within the next year.

Mr. President, I want to add a final note on the Reserves. This point was just discussed by the distinguished Senator from South Carolina (Mr. THURMOND) and the distinguished Senator from Mississippi (Mr. STENNIS) just a few moments ago. Whatever the difficulties of acquiring manpower without the draft for the active forces, they are doubly great for the Reserves. About three-quarters of the new men coming into Reserve units are motivated to do so by the draft. We are now attempting to improve the readiness of our Reserve units in order to make it possible for them to take the place of some active units in our planning for certain contingencies. It is entirely inconsistent to make this attempt and at the same time to remove the driving force behind the procurement of the vast majority of Reserve manpower.

When the 6-month Reserve program was established in 1955 it was with the explicit assumption that this service would provide an alternative to the draft. Draft motivation was thus, from the beginning, central to the success of the Reserve program. New equipment is useful, but the Reserves cannot exist with new equipment alone. A hasty and ill-considered abolition of the draft would leave us without the manpower needed by the Reserves to perform their mission.

Mr. President, I have tried to indicate some of the important military reasons why I believe it would be extremely unwise to terminate induction authority either this year or next. It may be that with 2 years of experiment and effort we will be able to achieve an all-professional force. This will only be true if we are willing to pay the very high price which this would require, and pay it in the face of other very pressing military and civilian needs. But if we are able to accomplish such a fundamental change in our whole military manpower structure, we will not be able to do it without at least this much time. An assumption that we could do it sooner must be based on something other than a consideration of the real manpower needs of the military services.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHILES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I want to make a few remarks today about the primary question at issue during the consideration of H.R. 6531. On the surface, the major issue with which we must deal in our consideration of this bill is whether to extend the President's induction authority and, if so, for how long. I believe it is absolutely essential that this extension be for a period of at least 2 years. Frankly, I would have preferred a longer extension, for a period of 4 years, and I so voted in the committee. This is not because I believe that there is some intrinsic value in the draft, but rather because I believe it is totally impractical to think that we can maintain military forces of reasonable size without it.

With all due deference to those who advocate extending the draft for a period of only 1 year, I am constrained to say that their position reminds me of a man who had a long-tailed dog which he wanted to convert into a short-tailed dog. So he cut off the dog's tail a little at a time so that it would not hurt the dog so much.

We are going to have to extend the draft upon its expiration, regardless of whether it is made to expire in 1 year or in 2 years. There is an old adage which declares that even the most pious man cannot live in peace unless it pleases his wicked neighbor.

Those of us who are elevated by the people to the Senate of the United States owe those people an obligation to act as watchers upon the towers. While all of us wish the world were otherwise, we are bound to concede, if we are able and willing to face reality, that we live in a very precarious world. And wistful wishing will not make it otherwise.

It is incumbent upon us to keep our Nation militarily strong if we are to act rationally and with a view to insuring its survival. It is very unfortunate that the incumbent of the White House campaigned for the abolition of the draft while seeking election to the office of President.

I am satisfied that if he had heard

and heeded the counsel of any member of the Armed Services Committee who has served upon that committee for any substantial period of time, or any military man possessed of knowledge of the facts, he would never have come out for a program which cannot be consummated without jeopardizing the security of our country.

I know there has been some criticism of the operation of the draft because of certain inequitable conditions which it produces. I have always been a person who advocated universal military training for a limited period of time for all of our youth. If every one of our youth were compelled to undergo military training at the same age under exactly the same circumstances there would be no basis for any inequitable treatment of any youth in respect to one of his primary duties of his country, that is, serving in the military forces when the interests of his country so demand.

I do believe that the substantive reforms recommended by the Armed Services Committee in the operation of the draft will make it a fairer system and I believe this is important. Procedural fairness will not mean that the prospect of military service will thereby be made pleasing to all who are called. But the obligations of citizenship are not always pleasant, and it is not necessarily the obligation of the State always to subordinate its citizens' long-run interests to their immediate desires. The draft is not an obligation we should impose lightly on young men. Military service, and even possible death in combat, is not a matter to be taken lightly. But neither should we take lightly a fundamental restructuring of our entire policy for procuring military manpower.

Mr. President, advocates of the volunteer army often contend that, since all those who are serving in the military who are beyond their initial term of service are volunteers, we are already on the verge of being able to implement an all-voluntary army. This claim is dangerously deceptive, for it ignores the fundamental issue of military manpower procurement. By focusing on the entire military such an argument neglects the great deficiency in new acquisitions which would be caused by eliminating the draft. The figures I am about to cite will become well known to each Member of this body during the course of this debate, but they cannot be repeated too often. For the last several years about one-third of our new men coming into the military have been inducted and about another third have been motivated to enlist by the draft. That is, they enlisted only because by doing so they could have a better opportunity of fulfilling their military obligation in a job more to their liking than they would have obtained if they had been inducted. This is not to any man's discredit, but it is very clearly quite important for it means that the vast majority of our military manpower is still produced, directly and indirectly, by the draft.

Mr. President, at the beginning of these remarks I said that "on the surface" the major issue we are debating is the extension of the President's induction authority. As every Member of this Chamber knows, the underlying issue of this debate is quite something else. The underlying question is whether or not we are to deal with issues of justifiable concern to this body—and I refer to the constitutional authority of the President to engage in hostilities without a declaration of war by the Congress, and to the President's conduct of the war in Vietnam—directly or indirectly. I say this knowing that there are some of my colleagues who actually believe that a volunteer force of reasonable size can be maintained and our national security protected without the draft. With them I disagree. For many others, however, I believe the underlying issues which I have mentioned are the primary ones. There is a strong desire to use the issue of draft extension as a convenient method to assert the Senate's powers in the field of foreign affairs and, more specifically, to constrain the President's power to wage war and the war in Vietnam in particular. It is not an ignoble objective for this body to assert its constitutional prerogatives. We can all agree with the principle that the Senate has important constitutional functions in the field of foreign affairs. But I believe there is a great deal wrong with trying to exercise the Senate's important constitutional powers in an indirect—I would even say backhanded manner—by creating an unworkable system of acquiring men for our Armed Forces.

There is real danger in limiting one Presidential authority—the authority to induct—in order to have an effect on another—the authority to use men in combat. There is danger because we will affect far more than we bargain for. If we fail to extend the President's induction authority, or extend it for so short a time that our procurement of military manpower is severely disrupted, we will severely hamper our military strength around the world.

I believe it is undeniable that our security depends on others believing that we have at our command effective military power. The world is too insecure a place—from the harbor of Cienfuegos to the Near East to the international waters off North Korea—for us to be able to rely on the good will of others to maintain the peace. Nor can we hope to deceive the world into believing that undermanned and understrength forces provide credible military power. We are, thankfully, an open society. But this means that most of the deficiencies and problems of our military are public knowledge to the rest of the world within minutes of the time they are known to ourselves. Does any Member seriously believe that serious deficiencies in our military manpower could be kept a secret? Is it at all plausible that such deficiencies would not have most undesirable effects on the behavior of our potential enemies? The Nation is weary of the war in South Vietnam, but that is no reason to encourage other potential enemies through weakness and thereby make other conflicts more likely.

Mr. President, I want to add one further point. I believe it is especially important since there are many now who support the notion of a wholly professional military as an objective and wish to dispute only the speed at which we reach it. I said at the beginning of these remarks that I did not believe there was an intrinsic value in the draft. I do believe, however, that there is intrinsic value in the notion that citizenship is not a matter of all rights and no obligations. We would all, in our weaker moments, wish to have nothing required of us. But that is not the nature of citizenship in America in the latter half of the 20th century. There have been times in our history in which this may have been an appropriate—or at least not an entirely pernicious—view. But those times are past. We face all sorts of threats to our continued existence as a constitutitonal democracy.

Some of those threats are gradual and internal. They are the result of short-sighted policies by our own Government which have grown quite serious in recent years. These are policies which imply a lack of trust in the American people and which produce a lack of willingness to recognize any limitations on intrusions into their privacy and their communications.

But while we are guarding our Constitution and our Government from internal erosion we must also protect it from external assault. It is important that we not raise future generations of Americans to believe that the only appropriate posture for a citizen is one of being on guard against excessive demands on him by his own government. On guard he must be, but he must also recognize his obligation to protect his form of government when necessary.

I believe it is irrefutable that, for the sizes of military forces needed to maintain our security, we must for the foreseeable future use the draft and call on young men to perform this obligation.

Mr. President, I stated a few moments ago that we live in a precarious world and that we have potential enemies, and that if we are to insure our survival, we must keep militarily strong. I am convinced, from long service on the Senate Committee on the Armed Services, that it would be impossible for us to maintain our Armed Forces in sufficient strength to insure our survival in this rather dangerous world without the extension of the draft for a substantial period of time.

Mr. STENNIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield?

Mr. ERVIN. I am glad to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I appreciate the opportunity to have heard the part of the Senator's address that I did get to hear. On the Senate Armed Services Committee we respect the Senator's opinion and his rugged approach to the realities we have to deal with. That is true here on the Senate floor in other subjects far beyond the subject matter of armed services.

I also appreciate the Senator's statement because of his fine knowledge of government and policies designed to protect our country during times of stress and strain.

Another thing the Senator has put his finger on is the predominant American point of view toward anyone having to serve or being inducted for any service, including the military service. We do not exactly like the idea. It is not a pleasure, or anything like that, but it is an obligation of citizenship in the times in which we live. I heartily subscribe to what he has said. It is a necessary function that someone who lives in a free country should be prepared to defend that freedom, which includes the obligation that falls upon those of a young age.

Despite statements to the contrary, I find that a high percentage of young men basically look at it in that way. They are not boys I have seen on the streets or around the Capitol or in my home, but I have made visits among them, and, by and large, they realize what makes it possible for us to have these freedoms.

When we were writing up the bill, one of our guidelines and one of our guiding motives was to provide what we thought was the necessary manpower for all our services. It was not just a war matter. Many of these amendments are getting off on the idea of limiting the war or ending the war, but it is not just that; the bill carries the manpower that we recommend as necessary for all our services, including those who are on carriers on the high seas and those who are in the missile pits of the ICBM's. A great many of those boys are there because of the draft. It includes not only men who carry rifles, but men who work on ground-to-air missiles, the Nike-Hercules, and missiles of that type. So it is the whole structure of our military services everywhere that we are trying to provide manpower for.

Is that not correct? Would the Senator enlarge on that?

Mr. ERVIN. That is absolutely correct. The Senator from North Carolina will say in his own behalf that he has always believed that when the politicians or statesmen, or whatever you may choose to call them, fail to such an extent that war comes, they ought to take a back seat and leave the actual direction of the tactics on the battlefield to the admirals and generals who have been trained for that purpose.

I, myself, am convinced that the United States could have won the war in Vietnam 4 or 4½ years ago if the civilian authorities who controlled the armed services had given the military force the power to determine its own tactics on the ground and permitted it to win. However, they did not see fit to do so. And I am convinced that the Nation has lost its will to seek to achieve a military victory in Vietnam.

For that reason, I support the disengagement policies now being pursued by the President, because I think they are the soundest policies which have developed to extricate ourselves from our very unfortunate involvement in Southeast Asia.

I think that when the Senate Committee on the Armed Services adopted its amendments to H.R. 6531, it was not actuated primarily by the purpose of procuring men for service in Vietnam. It accepted in good faith the fact that we are now withdrawing from Vietnam, and it acted in the hope that our withdrawal would be consummated at the earliest moment consistent with the safety of our men and the immediate safety of our country and the world.

As I understand the work of the Senate Armed Services Committee in this respect, it was concerned with the necessity of having our Nation retain the capacity to survive in this very troublesome world, and the amendments to the bill were designed primarily for the future, and not for the mere purpose of securing manpower for armed conflict in Vietnam.

The Senator from Mississippi has so well indicated by his questions that the Senate Armed Services Committee, in action upon the bill, was seeking to perform its duty to recommend that the Congress take such steps as the members of the Armed Services Committee honestly felt were necessary to insure the survival of our Nation during the immediate future in the very precarious world in which we now live.

Mr. STENNIS. I thank the Senator for his statement. As I said, I did not get to hear all the Senator's speech, but as manager of the bill, my idea here is to try to get the judgment of the committee members and any other Members of the Senate on the vital points of the bill.

I remember that the Senator from North Carolina and I discussed, before any votes were taken in committee, whether or not a pure volunteer army would work, and then whether or not it would do to extend selective service for just 1 year, or 2 years, or 4 years. As I remember, the Senator from North Carolina and I voted for the 4-year extension as our preference. But I want the Senator to give his direct opinion now, and his reasons, with reference to the so-called volunteer army. We had an amendment here a year ago in which 39 fine Members of this body voted to stop the draft June 30, 1971—just quit.

For the purpose of this question, I assume another such amendment likely will be offered. I should like the Senator to state his opinion about it.

Mr. ERVIN. Mr. President, I have always entertained the conviction that all Americans owe certain obligations to their country by reason of their citizenship and by reason of the blessings which their country secures to them.

One of those obligations is to pay taxes, and the other is to serve in the Armed Forces of the Nation when there is a need for such service.

I think it is absolutely impossible, at the present moment, to maintain sufficient Armed Forces for the defense of this Nation by dependence upon a voluntary army. I think it would be just as wise, under the conditions which now confront us, for the Nation to depend upon voluntary taxpayers for support as it would be for it to depend upon volunteers for the defense of the Nation.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. ERVIN. Just a moment. As I have pointed out in my remarks, a very substantial number of those who have theoretically volunteered for service in the Armed Forces of the Nation during recent times have been induced to do so because they realized that if they did not volunteer, they would be drafted, and that in the event they were drafted, they would be assigned to service in some branch of the Armed Forces less desirable than the branch to which they would be assigned if they volunteered and thus chose their own branch.

Furthermore, I think that the concept of a volunteer army is not workable in a period of the world's history in which so much danger exists internationally as exists today. I think the establishment of a volunteer army today would mean that the old adage which we have heard on occasion about a rich man's war and a poor man's fight would be absolutely true. The sons of the affluent are not going to be attracted to military service by reason of the compensation they receive, because the compensation of the men in the service is always going to be less than the compensation of people in civilian pursuits. The consequence would be that the poor and the disadvantaged would be the ones who would volunteer, because of the material considerations which they would receive, and not the sons of the affluent.

I think that any nation which imposes the obligation of serving in its military forces and possibly fighting in wars upon the poor and the disadvantaged is a nation which cannot justify its own actions.

Moreover, our Nation would have a tendency to lose the advantage it now enjoys of having substantial bodies of men serve temporarily in the Armed Forces and then return to civilian life. Such action enables our Nation to look at the civilian and military authorities in proper perspective.

Mr. STENNIS. I thank the Senator. On that point, is it not true that a young man feeling that he does have an obligation is entitled to the assurance that he will be called when needed, or when his time comes, by someone authorized by law to pass a judgment and rule on who is qualified, and by the method under law established by his lawmakers as to when he will be called? Is that not somewhat of an assurance to him?

Mr. ERVIN. That is abolutely true, in my judgment.

Mr. STENNIS. And, as a practical matter, a great many of them rely upon it from that viewpoint; is that not true?

Mr. ERVIN. That is true.

Mr. STENNIS. There is an amendment here, and the report has already gone into it, to provide for just a 1-year renewal of the draft. As the Senator will remember, that matter came up in our committee's deliberations and was debated around the table. I would like for the Senator to speak directly on that. He has already said that he was for more, but just what is the Senator's reasoning about the 1 year?

Mr. ERVIN. I would say to the Senator from Mississippi that sometime earlier I stated that the proposal to extend the draft for only 1 year would be about as wise as the action of the man who cut off his dog's tail just a little bit at a time, to keep from hurting his dog so much. If we extend the draft for only 1 year, Congress is going to be compelled to consider a further extension before the end of that year. If we extend the draft for only 1 year, we are going to handicap the military forces, or the military authorities, in devising plans for the maintenance of the forces necessary for our security in this very precarious world, and I do not see any use in putting off until tomorrow something that we are going to have to consider again day after tomorrow. I think it would be the better part of wisdom to consider and determine that question now.

As the distinguished Senator from Mississippi has stated, he and I voted in the committee for a 4-year extension of the draft. I personally believe that is going to be absolutely necessary to keep the draft law on the books for at least 4 years, if we are not going to be so foolish as to jeopardize our national security and impair the sufficiency of the Armed Forces to protect that national security.

Mr. STENNIS. And, if I may add one point, the Senator will recall also that it takes about 3 months to process a man through all the different preliminaries and the call and everything of that kind, and get him to the training camp, and a minimum of 3 months more to give him even basic training.

Mr. ERVIN. Oh, yes.

Mr. STENNIS. So there is 6 months gone right there, and if he goes into a specialty of any kind, there is an additional time required, a period of some 2 months to 3 or 4, as a minimum.

Mr. ERVIN. Yes.

Mr. STENNIS. So there is almost a year gone, and that makes it almost conclusive, does it not, that we could not limit it to 1 year?

Mr. ERVIN. I would say that it takes a minimum of 6 months to train a soldier to an extent where he can function to any substantial degree in the capacity of a rifleman.

Mr. STENNIS. Yes.

Mr. ERVIN. And in view of the fact that so many of our weapons are so much more intricate and complicated than a rifle, I think that, as the Senator from Mississippi has suggested, it would take many more months after the 6-month period to qualify men to use those weapons in an effective manner.

Mr. STENNIS. Yes. And their knowledge of those weapons and their capacity to use them effectively is absolutely essential to our national security.

I thank the Senator very much and I thank him for yielding to me.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. ERVIN. I yield.

Mr. GRAVEL. As I understand it, then, if we have a draftee for 2 years, if these weapons are so complicated and so involved, it would seem very inefficient, moneywise, to keep running young men through the turnstile, training them on these sophisticated weapons, and, just about the time they develop a proficiency, having them go back to civilian life. Would it not make more sense to find some way to develop a category of proficient people to learn these complicated weapons and the computerizations which go with them, and then hang on to those young people, so that we could have the benefit of their training and the practical experience they would develop over the years?

Mr. ERVIN. I would say to the Senator from Alaska that we need a combination in order to have an effective Army—a combination of fresh young men coming into the Army for limited periods of time, so that we can remobilize them in case we get into what one might call a world conflict or a serious conflict, and we likewise need a permanent cadre of career men to train these young men and to use, when occasion arises, our most complicated weapons.

Mr. GRAVEL. Another question. I have great admiration for the Senator. Even before I came to the Senate, I felt that he was certainly one of the great constitutionalists of our Nation and certainly in our history. Particularly of late in his activities with respect to individual freedom, primarily in wiretapping and surveillance, I cannot commend the Senator enough, as a colleague, as a Senator, with respect to the service I think he is doing for the Nation in this regard.

I ask the Senator whether he sees any possible invasion of a person's personal liberties in the fact that the present service—the Senator's exact words are:

> The Nation has lost its will to fight.

If the Senator does not think there is a possible violation of a person's individual freedoms by being pressed into service to fight a war that the Nation apparently does not believe in, No. 1; and No. 2, if there is any inequity in the fact that we press into service only young men.

In the Second World War, people 40 years of age were being drafted. I enlisted in the service, and I would be happy to enlist again, because I am still young enough to serve and to carry a gun. If this Nation were under attack, I would be the first to leave this Chamber and enlist.

But is there not an inequity in the fact that we select a small cadre of young people and say, "You go fight and die, and the rest of us will sit comfortably"? Is there not a danger that this might be an imposition on a person's personal freedom?

Mr. ERVIN. I have been to a number of colleges recently, and I have had the opportunity to meet and discuss matters with numerous young people at these colleges; and I am convinced that the part of the Nation which has lost its will to fight has been the civilian population, not the people in the military service or our young people.

I think we cannot let the fact that we are now engaged in an unpopular war in Southeast Asia blind us to the realities of this world and, because of our dissatisfaction with that war, refuse to take steps which are adequate and necessary to guard our future.

Mr. GRAVEL. Let me restate my question. Relying upon the Senator's expertise as a great constitutionalist on personal freedoms, he does not see any problem with pressing young men, and only young men, into service? The question I phrase is twofold: One, we press people into service to go and fight and die in a war which the Nation does not feel we should wage; two, the fact that we only press into service a certain age span and we do not press into service the entire spectrum of able-bodied human beings in this country who could go and wage that war.

My question is this: Does the Senator feel, from his expertise, that this denies these people their personal freedom?

Mr. ERVIN. It may deny a person his personal freedom to draft him into the Army. But, frankly, I do not think that any young man who loves his country ought to be unwilling to serve in the military forces when we are confronted by the kind of precarious world in which we now live. I am not talking about the Vietnam war. I think that the civilian authorities of this country denied the military forces in Vietnam the power to win a war which they could have won 4 or 4½ years ago. But our country is going to have to have some of our youth in the military forces and exempt some of them from service in the military forces so long as we have a situation in which the country does not need all its youth in the military forces. At this time we do not need all our young people in the military forces and for this reason it would be a lack of economy to compel them all to serve.

I am frank to state that if I were running this country by myself, every boy in this Nation would serve in the military forces for a limited period of time, under exactly the circumstances that all boys were called on to serve. I think that would be a good investment in character and in knowledge of sanitation and other things, if it served no other good purpose.

Mr. GRAVEL. I do not know that I share the Senator's view in that regard. But I would say that the first part of my question, which the Senator has answered, is that we have to exclude the Vietnam war with respect to these draftees because that is the point in which the people of this country have lost heart. I will accept the Senator's answer in that regard with respect to Vietnam; and if I am misconstruing it, I would appreciate the Senator's correcting me, because I want to be precise in the information I acquire—that is, that there is an invasion of a person's freedoms by being drafted and being sent to fight a Vietnam war when the Nation has lost its resolve to fight that war.

Mr. ERVIN. I think it may be said to be taking advantage of our personal freedoms when Congress compels us to spend at least one-third of all the time we work during the year merely to earn money sufficient to pay our Federal income taxes. But I think Congress has no choice in the matter at this moment.

Mr. GRAVEL. If the Senator makes that equation, let me state—and I say this most respectfully—that he made the statement that our taxes are not voluntary. I was impressed by a speech delivered by the head of this IRS. The point he made was that the success of our tax system is that it is voluntary. We police it and put people in jail if they violate the law. But if the people of this country chose not to pay their taxes, we could not hire enough policemen to force them to pay their taxes.

So, basically, it is a voluntary system, and we assume that people are honest. When we find on a spot-check basis that some are not honest, we make them pay the price for the lack of honesty. Basically, once a year, the Senator and I and millions of others sit down and figure out our taxes. Big brother is not watching us, and we figure out our taxes, and we send in our checks. Of course, we know that if we do not do that, we are subject to penalty. So there is a punitive aspect. But, as the IRS official said in his speech, it would all come crushing down around our heads if it were not for the spirit of voluntarism and the patriotism of Americans who feel they have to pay their taxes.

Mr. ERVIN. If I had heard the head of the Internal Revenue Service say that the payment of Federal income taxes is voluntary, I would have voted for him to be recognized as the biggest liar in the United States.

Mr. GRAVEL. The next question that I posed, and I think it still is germane—and it is very simple—is the fact that we only draft young men at a certain age frame. If we say we are at war in Vietnam and the Nation needs the manpower, should it not be as it was in World War II, and subject everybody to the threat of this service—say, everyone from 19 to 45 years of age?

Mr. ERVIN. Not meaning to be facetious, I am constrained to observe that that would be similar to electing everybody to the U.S. Senate, notwithstanding the fact that only 100 Senators are needed.

Mr. GRAVEL. But what I am saying—and I do not particularly consider facetious what the Senator has said—even though we may need 1, 3, or 4 million people, I think that we should draw 1, 3, or 4 million people from the total reservoir and not from the minor reservoir. What I am saying is that if we draw from that minor reservoir, there are people in that minor reservoir having their freedoms impressed upon or put upon more than someone else's.

I will give the Senator a graphic example. I happen to be 41 years old this week. That means that in the Second World War I would have been subject to being drafted. We have had the Korean war. Why should not I, at 41, be as liable to go into military service and fight for my country as a boy 19 years old? What is the difference?

Mr. ERVIN. There is a lot of difference. One is the fact that a boy 19 years of age can recover from hardship much quicker than even a young fellow like the Senator from Alaska, who is only 41 years of age. Young men are the most effective in conditions of hardship. They can come back after being crushed to mother earth. They come back the quickest.

Mr. GRAVEL. Well, since I took up jogging 3 years ago, I have been in better shape than I was at 20. I must confess I think I have a little better judgment than when I was 19. I think I could make a darn good soldier right about now. I could pack my M–1, or do better than that. I could probably exercise my judgment very effectively on the sophisticated military equipment we have these days and which Senators are talking of.

I think we should draft a lot of these computer people around the age of 35, 40, or 45, because they would do one very good job with all the equipment it takes so much sophistication to know how to handle. I believe, by doing that, we would be able to save all the money that is being spoken of here to be used for training, because men in that age bracket would have instant training. The only cost would be to put them in uniform and that would not be very much. These people would know all about the techniques of computerization and math and how to operate today's sophisticated arsenal.

Mr. ERVIN. Well, I do not think the computer will help a fellow fighting with a rifle in a jungle.

I do not want to say anything to discourage my good friend from Alaska, but I believe that when he gets a little past the age of 41 he is going to find that his youth has begun to vanish.

I have just one grievance against the Almighty and that is, that youth is such a precious thing it is a shame He wastes it all on young people. I think He should have kept some of it for the elderly. [Laughter.]

Mr. GRAVEL. Every day that goes by, I can see the wisdom of that admonition to the Almighty. I share the Senator's view.

Mr. ERVIN. And that is the reason we should draft young people into the Armed Forces.

Mr. GRAVEL. But, does not my colleagues agree with me that there are many tasks that a 35-, 40-, or 45-year-old can do in today's Army?

Mr. ERVIN. Oh, yes; but I doubt seriously that they could in a water-soaked trench where their feet are frozen in icy water and recover from that as well as someone about 20 years old. I also doubt seriously they could get out and hike 25 miles or make a forced march with a rifle and a pack on their back as well as a young fellow 20 years old. I think, in many respects, that they would be deficient as soldiers compared with the efficiency of a soldier of 20 or 21. Athletic coaches do not choose 35-, 40-, or 45-year-old's to play football or engage in other competitive sports.

Mr. GRAVEL. Let me ask my distinguished colleague from North Carolina—I am not on the Armed Services Committee—but there are 2,900,000 Americans under arms today; what percentage of them hike 25 miles a day and carry a rifle and a pack on their back? There used to be the M–1 rifle—I have forgotten what it is called now—but how many go through the physical rigors the Senator describes? How many do we need of that 2,900,000 men? How many do we have with a little bit of paunch that sit back in the orderly room? How many of those do we really need that can go through the physical rigors the Senator speaks of?

Mr. ERVIN. In all the wars fought thus far in the history of the world, the overwhelming proportion of the men who fought them have been young. If we could confine all activities in war to those who can press a button and fire a nuclear weapon, maybe a Methuselah would be the only military man we would need. But, thus far, there has been no war won by any nation in the history of the world that has not had a substantial part of its armed forces made up of young men serving in the infantry or in that part of the field artillery which uses guns of small caliber.

I do not believe the world will change overnight in this respect. What has been true about wars in the past will be true about wars in the future, unless, of course, we have a nuclear holocaust and the whole world is destroyed.

Mr. GRAVEL. My distinguished colleague from North Carolina has helped me make the points I wanted to make. But, at this particular point in time, this is a period that I do not want to impose upon, as it is the initial period which belongs to the Armed Services Committee and its membership, because they are presenting their case to the public. But I did not want this opportunity to go by without availing myself of the Senator's expertise in the civil liberties area.

Let me add for the RECORD that maybe it will be misconstrued as time goes on, but I personally believe that the young people of today are just as patriotic and love their country just as much as anyone else in past history, and they would be prepared to defend it.

Let me say, for my own record, so that my motives and my actions today will not in any sense be misconstrued, that if this Nation were under attack, I would be here leading the battle to impose the draft, or to impose any measure that would provide for an adequate, proper, and instantaneous defense of this Nation.

Mr. ERVIN. I am satisfied that that is true. The Senator is a great patriot.

Mr. GRAVEL. I thank my distinguished colleague for so graciously yielding to me.

Mr. ERVIN. Mr. President, more than 50 years ago when the world and I were both young, I had the privilege of sitting one night in a YMCA hut in France, listening to a great Shakespearean actor, Edward H. Southern, as he entertained an audience composed solely of young men who had entered the military service in a war to make the world safe for democracy.

I often wonder just exactly how much we made the world safe for democracy because since those days we have had the Second World War, we have had the Korean conflict, and now we have active combat in Southeast Asia.

Edward H. Southern, on that occasion, made a most eloquent recitation of a poem written by one of the greatest poets and the most profound statesman the world has ever known, Rudyard Kipling. Kipling had written this poem at a time when England had undergone a period in which the English people were not willing to keep their military forces strong, and in which their potential enemy, the German Empire, had built up what was up to that time the greatest military might the world had ever known.

Kipling wrote this poem at a time when England was destitute of adequate armed forces with which to protect itself. As a consequence, when the Germans drove toward the British canal, Britain had to send Kitchener's mob to oppose the Kaiser's mighty army.

This poem of Kipling's electrified the British people and gave them the will to persevere in a fight against a mighty empire which was then threatening to extinguish the lights of liberty in all of

Western Europe. This poem contains the only prescription by which free men can preserve their freedom in a precarious world such as that in which we now live.

As I remember the poem, it runs like this:

For All We Have and Are

1914

For all we have and are,
For all our children's fate,
Stand up and take the war.
The Hun is at the gate!
Our world has passed away,
In wantonness o'erthrown.
There is nothing left to-day
But steel and fire and stone!
Though all we knew depart,
The old Commandments stand:—
"In courage keep your heart,
In strength lift up your hand."

Once more we hear the word
That sickened earth of old:—
"No law except the Sword
Unsheathed and uncontrolled."
Once more it knits mankind,
Once more the nations go
To meet and break and bind
A crazed and driven foe.

Comfort, content, delight,
The ages' slow-bought gain,
They shriveled in a night.
Only ourselves remain
To face the naked days
In silent fortitude,
Through perils and dismays
Renewed and re-renewed.
Though all we made depart,
The old Commandments stand:—
"In patience keep your heart,
In strength lift up your hand."

No easy hope or lies
Shall bring us to our goal,
But iron sacrifice
Of body, will, and soul.
There is but one task for all—
One life for each to give.
What stands if Freedom fall?
Who dies if England live?

Mr. President, I repeat that poem gives the only prescription by which free men can preserve their freedom in a precarious world such as that which confronts us.

The old commandments still stand. If America is going to survive, it must keep its heart in courage and must lift up its hand in strength. To be able to lift up its hand in strength at this dark moment, America, through its Congress, must extend the draft for at least 2 years.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I thank the Senator for a very fine speech and for setting forth the minimum requirements for our Armed Forces.

QUORUM CALL

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 6531, a bill to amend the Military Selective Service Act of 1967.

UNANIMOUS-CONSENT REQUEST

Mr. SAXBE. Mr. President, I ask unanimous consent that in further proceedings there be a time limitation of 3 hours on each amendment and 6 hours on final passage, and that the time be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of Virginia. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Virginia reserves the right to object.

Mr. BYRD of Virginia. Mr. President, will the Senator from Ohio temporaily withhold his unanimous-consent request?

Mr. SAXBE. No. If the Senator cares to object to the request he may do so.

Mr. BYRD of Virginia. Well, I would prefer that the Senator from Ohio withhold temporarily his request, and if he will not, I will have to object.

Mr. President, I want to say, still reserving the right to object, that my objection has nothing to do with attempting to delay the consideration of any amendments to the bill. But I believe it would be better to withhold temporarily the request.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. Yes. Objection is heard, right here.

The PRESIDING OFFICER. The Senator from Alaska objects.

Mr. GRAVEL. I apologize. May I have the request restated?

The PRESIDING OFFICER. Will the Senator from Ohio restate his unanimous-consent request for the benefit of the Senator from Alaska?

Mr. SAXBE. I ask unanimous consent that the time on all amendments be limited to 3 hours, to be equally divided, and that the time on final passage be limited to 6 hours.

If we are not ready to proceed with the consideration of amendments we create the kind of proceedings that bring the Senate into disrepute. This is the kind of situation we tried to accelerate by our actions last fall, and it seems to me we should not wait 5 or 6 weeks to vote on matters that could be voted on this week. We should get down to business. If they want to get down to business let them proceed.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 6531, a bill to amend the Military Selective Service Act of 1967.

Mr. STENNIS. What is the unanimous-consent request now before the Senate?

The PRESIDING OFFICER. Objection was heard to the unanimous-consent request of the Senator from Ohio.

Mr. STENNIS. Mr. President, if I may be recognized for just a minute, I was called from the Chamber for a consultation. The Senator has some amendments here. I requested, last Thursday, as manager of the bill, that the committee be given an opportunity to present the bill in its entirety and have an opportunity for any member of the committee who wanted to speak to do so. There has not been an opportunity to confer with the Senator from Ohio about that. We are in the process of doing that now.

The Senator from Ohio has been a very fine contributor to the debate today. So, had I been present, for that reason I would have had to object. I wanted to make that statement to the Senator from Ohio, because he is a fine, stalwart member of the committee.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SAXBE. I am a proponent of the bill, and my attitude is that here is one of the most serious problems facing the country today—extension of the Selective Service System. We all know that time runs out on June 30. We also know, and we have been warned by the Senator from Alaska, that there is going to be a filibuster. If there is going to be a filibuster, let us have it. I serve notice right now that any time there are no proceedings going on on the Senate floor, and I am available, I am going to make the same request. If we are going to horse round for all these weeks, and get down to it at the last minute, we ought to know it. We ought to work at it. If there are amendments, we should discuss them and vote on them, and get to a vote on the bill, without wasting 5 or 6 weeks.

Mr. GRAVEL. Let me assure my colleague that I am prepared to work at it. I have enjoyed the colloquy with him. I have enjoyed colloquy with every other member of the Armed Services Committee. So there is no lack of resolve on my part to work at it. I had lunch just outside of the Chamber, and will have it there for the next several weeks. There will be no lack of resolve on my part. I thought we were proceeding as we always have on filibusters. If the Senator or any other member of the Armed Services Committee wishes to speak on the bill, I think it would be proper that the membership of the committee make its case known to the American people during this week. Then it would be proper for those with alternate cases to pick up the cudgels and make their case in the ensuing weeks.

Let me make my course clear on the time limitation. It is not my intention to thwart the will of the Senate in voting on amendments, but I wish to register my objection now, and as long as necessary, to requests for limitation of time on amendments. We are intelligent people. If a subject is discussed fully, it can come to a vote. I do not think we have to be put in narrow traces and march to a tune that is timed as to the moment we should vote on which amendment. I want to stand up and make my case. If my colleague wants to join in a similar way, I am prepared to occupy as much time on the floor as necessary.

Mr. SAXBE. Mr. President, I make this statement simply to call to the attention of the people of the United States the fact that here we are, three or four Senators out of 100, on the floor of the Senate. If this continues for 7 weeks, if we are going to have Senators aimlessly reading boilerplate material prepared by someone else, which could be entered into the RECORD merely by going up to the desk and having that done, it is not going to change one vote. Here is a momentous decision to be made. Here we are, three Senators on the floor, and I would guess the average attendance for the rest of the 7 weeks will be between three and five, including the Senator occupying the presiding officer's chair.

If they are not dilatory tactics, not only on the part of the proponents but the opponents, I do not know what is. Why should we sit and not change any votes and dawdle away 5 or 6 weeks, when we should be getting down to the appropriation and authorization bills? They will be coming out of committees very rapidly.

The fact remains that unless we are resolved to go to the mat on some of the major questions facing this country, we are going to find ourselves, next January, having to spend 12 months plus in the year, without giving proper consideration to many bills.

As Senators will recall, we were here late at night at the end of last year.

I would suggest to the leadership on both sides that we dig in here. We have 5 hours a day of germaneness on this bill. Let us not read into the RECORD a lot of boilerplate. Let us get down to facts. If it takes all-night sessions, let us have all-night sessions. Let us get to it. If we do not want extension of the Selective Service, let us vote it down. If we want 1-year or 2-year extensions, let us vote on them. But let us not try to fool anybody by what is happening on the floor of the Senate. We are just trying to string something out on which most minds are made up.

Toward the end of the week, on Thursday, we will start to disappear. Nobody will be here. We will start to skip sessions. We will go along on 2-or-3-days-a-week sessions. We will say, "Well, we have a very serious matter down there we are discussing. We are discussing Selective Service." Well, we are not doing anything of the kind. We are just horsing around. It seems to me, if it is as important as Senators say it is, that we owe it to our people to be straightforward about it.

Mr. GRAVEL. Mr. President, I certainly think some of the comments, in my mind, would be germane a week or 2 weeks from now, but if there is anything that the majority leader of this body cannot be faulted for, and something I felt pinched about, it was the speed with which this legislation was taken up. In fact, it was almost instantaneous. The bill was laid before the Senate on a Wednesday afternoon and was taken up on Thursday. In fact, it was printed in such haste, as I noted before, that the report had the numbers on it reversed. I could not get a copy of the report until late that afternoon, and I had to spend the wee hours of the night reading it.

When we speak of momentous debates, I think this is a momentous debate, one of the most momentous, probably, in the history of the United States, because we are not only talking about hundreds of thousands of young men who will be drafted, pressed into service, some of whom will be killed, but we are also talking about the major vector in the Nation. It is the direction that this Nation will take, this Nation that calls itself a peaceful Nation.

The majority leader came right out of the box—and I quote that—starting with sessions at 10 o'clock in the morning. If that is not putting the feet to the fire of the proponents and opponents, I do not know what it is.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. GRAVEL. Yes, I yield.

Mr. SAXBE. I would like to call the Senator's attention to the fact that we did start at 10 o'clock. When I interrupted with the request to stop the quorum call, we had had four quorum calls today, which had occupied more time in calling the roll than had been taken in talking.

I can see the Senator's point. He wants to filibuster past June 30. The Senator has been very fair and direct in saying that. What I am saying is that because that is the Senator's tune, we do not have to dance to it.

Mr. GRAVEL. Senators may not have to dance to it, but I respectfully say that we are all equal in this body.

I am not here to call a tune. I am here as any other Member of this body has been in the history of this body, to use my prerogatives, to work a will that I think is the will of the Nation. This filibuster, unlike many filibusters in the past, is not dissent and is not designed to thwart the will of the Nation. It is designed, if anything, to thwart the will of the administration.

If I may draw a parallel, which I think is an interesting one, let me point out that last year this body sat in a filibuster under the leadership of the other side of the aisle for exactly the same period of time involved here, not because hundreds of thousands of American young men were involved, not because of the vector that is festering in this Nation, but to save the votes for the President so he could withdraw troops from Cambodia on his time schedule, and not be disciplined by this body and forced to do it.

That is why the filibuster was conducted at that point in time. So I do not think it is too much to ask of any Member of this body to come forward and say that for the same amount of time that we spent saving the face of President Richard Nixon, we now want to spend making a determination as to whether or not we want to send more thousands of young men to their deaths, whether or not it is even equitable, whether or not it is even just to draft a small segment of our young men and leave people in other segments of our society untouched, undrafted, and unthreatened in their livelihood—a situation where we take the young people and send them out to fight, while those who have the economic wherewithal sit back and callously enjoy the benefits of that conflict.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. SAXBE. Mr. President, I cannot help feeling that the Senator is shooting some firecrackers he ought to be saving for 2 weeks hence, if we can get this laid down, as we are attempting to do right now.

In many ways, I am fully in agreement with the Senator. But I would like to point out, since the Senator is talking about sending thousands of boys off to be killed, that he might look at the casualty rates. We kill more people on the streets of the District of Columbia than I hope will ever be killed in Vietnam.

Mr. GRAVEL. Does my colleague suggest——

Mr. SAXBE. I would just like to say this: I think that we are winding down what has been a terrible episode in our history, but I repeat what I said this morning: Let us not let our hatred for the war in Vietnam blind us to the responsibilities of this world.

I should like to read to the Senator a statement from an editorial published in the Detroit News of May 1, 1971. The statement is:

> Some Germans believe the United States is defending the freedom of West Berlin when it fights in Vietnam.

I ask unanimous consent that the entire editorial, entitled "U.S. Role in World," concerning a statement made by a German lecturer at Wayne State University, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AT STAKE IN VIETNAM—U.S. ROLE IN WORLD

"Some Germans believe the United States is defending the freedom of West Berlin when it fights in Vietnam."

That statement, made by a visiting German lecturer to a Wayne State University history class, brought a gasp of astonishment and disbelief from the American students. It obviously was an entirely new—and improbable—thought to them.

While the German lecturer admitted his statement oversimplified the situation, he emphasized that many Germans see the U.S. withdrawal from Vietnam as a possible threat to their own security on several grounds:

First, they fear that the United States will become increasingly isolationist and will wish to withdraw its forces from Europe as well as from Vietnam.

Second, they fear that as the United States gives up its commitment to Vietnam, it also might give up its commitment to defend West Berlin and West Germany.

Third, they fear that without U.S. forces in Germany—which serve as a kind of "hostage"—the United States might be less likely to defend Germany against any new aggression.

The visiting lecturer has raised an issue about the U.S. withdrawal that deserves attention and consideration. The point is that withdrawal from Vietnam cannot be viewed as an isolated act. It must be considered in terms of its effect elsewhere in the world.

Even the way the United States is getting out of Vietnam is important. If this country gets out and leaves behind a viable South Vietnamese economy and a South Vietnamese defense force capable of defending itself, the world could look at the withdrawal in one light. But if this country withdraws so suddenly in response to the demonstrators' demands of "Out now!" that the South Vietnamese fall quickly to the Communist North Vietnamese, the world could look at the withdrawal in a different light.

In the first instance, the world could conclude that the United States had carried out its commitment. In the second, the world could conclude that the United States had permitted an ally to go down the drain.

It may be, as some people argue, that the United States has given enough of its blood and substance in the defense of South Vietnam and that it must get out as quickly as possible to concentrate on the critical issues facing the country at home.

Despite all of the argument over the specific timing of a U.S. withdrawal, it is clear that the United States is getting out. President Nixon favors a phased withdrawal which he believes will best serve U.S. and South Vietnam interests. America's doves believe the divisions in this country demand an immediate pullout. So the argument is not over whether the United States will withdraw. The debate is over when.

Yet that withdrawal will not be without its effect on other people and other nations, as the West German lecturer pointed out. For every friend that the United States would frighten with an abrupt withdrawal even at this late date, there would be an enemy that would be delighted at a U.S. pullout of that kind.

In the country's current mood, it is not popular to discuss, let alone defend, the virtues of a phased withdrawal. Yet the way this country pulls out could have a profound effect on the future role of this country not only in Southeast Asia but in the rest of the world as well.

Mr. SAXBE. What I am saying is this: The hatred against the military and the opposition we have to the war in Vietnam should not be so strong that it blinds us as to the world role that we in this country play. A week ago, I was host at a luncheon for former Ambassador Reischauer of Japan. He is a very realistic man, and I thought he made an excellent presentation at that time.

He said that the world looks to us and trusts us. If we run out on Vietnam precipitately—and he is for getting out, like all of us, but he wants to set a time, and do it in a regular way—but if we simply turn our backs on our commitments, we will never again have the trust of an Asiatic nation, because already they believe that we have a double standard, one for the countries of Europe and another for the countries of Asia.

He said they have always regarded our commitments over there as something that we could throw off at any time that they became onerous. He went on to say that our failure to maintain a military position in the world—a presence, if you please—our failure to maintain a military presence would require both Germany and Japan, now the most solvent and strongest countries in the world, to start on another militaristic development.

The question is: Are we ready to turn them loose? Are we ready to say to Germany, "There is nothing more we can do for you, you are going to have to build up your own military machine"? Senators know how the Germans can do it.

Are we ready to say to Japan, "We can do nothing more for you; we have not got any presence any more; we are not interested in our so-called burden in this world any more, so get going, build your own submarines and your own missiles, and get back into this thing"?

These are the dragons we will be unleashing if we just pull back and take a back seat on the military front. These are the things we need to be talking about here. I am glad to talk about them. I want to hear what the Senator from Alaska has to say on this subject, because these are problems that bother me.

What is going to be our position in the world? I do not want to draft people to be killed. I do not want anyone serving in the Army who does not want to serve. But I recognize that the world is not filled with good guys.

We have a role to play. What is that role? Is it to pull back until we have nothing but a garrison force, or are we going to have a world front? If we are going to do the former, let us not fool anybody; let us trim our sails. Let us pull back in. Let us take the second-rate seat we would deserve under such conditions, and turn Germany and Japan loose, and then hope that our grandchildren will not have to deal with that problem.

Mr. GRAVEL. Mr. President, my colleague has raised several points. Let me address myself to the first one: hatred of the military.

I think the military in our society is very important. I volunteered and served in the military. I have many friends who are in the military. If there is anything this country needs, it is a strong, effective military force.

But what is happening today? A hatred of the military is being developed. It is being developed, not because of the policies of the military, but because of the policies of the civilian leadership, which uses the military as a tool, and then, when the heat comes on, throws the military services to the dogs, when the fault really lies with the civilian authorities.

Let us consider, for instance, surveillance. I was a Counterintelligence Corps agent, and I knew of the surveillance that took place on civilian people—Americans and foreigners. In fact, I took part in it myself on a few occasions, in Europe.

It was not the military people who gave the final order. It obviously came from the civilians. But who takes the heat when it goes bad? It is the military types.

So I can say that, among the goals I have set for myself, I want to do as much justice for the military as possible. I want an effective military, a military that is admired. I want our flag to be admired by our young people. I want the uniform to be admired by our young people.

But obviously the course followed by the political leadership of this country has not brought that about.

Speaking of foreign commitments, if you have a bad commitment, do you go down the tubes with it? If you have a bad commitment, do you die with it? If you have bad leadership, do you die with that bad leadership? Of course not. This is representative government, and it is an evolutionary type of representative government.

If our country has made bad commitments in the past, we have no obligation to live up to those bad commitments, because those commitments were under the limitations of the intelligence and wisdom of our people at that point in history. Commitments made in the Civil War should not be binding today. If that were the case, my good friend JOHN STENNIS would not be here.

Obviously, a commitment is a commitment made at a point in time, and after that point in time has elapsed, it is subject to reevaluation at any point. We have commitments in Southeast Asia which I think are so obsolete they are putrid.

Let me add that if those commitments are a source for our losing face with other Asians, I submit that they do not have to wait for that eventuality; they need but look and see the butchery that takes place at the hands of the white man in Vietnam, and they have ample reason to be dissuaded from any desire for friendship with our country.

Another point, about winding down the war. I have heard that statement. I have heard it for almost 2½ years. The President of the United States had a secret plan to wind down the war. If it takes him this long to wind it halfway down, and I think that is stretching it a little, it may take him another 2½ years, if he gets it, to wind down the balance of the war. I think that is much too long. That war could have been over years ago.

I think there is a time, and I think the Members of this body, at this point in history, are going to have to fish or cut bait, because the time is now. We have an opportunity now, not to legislate, but an opportunity to avail ourselves of executive power, as a result of the very simple fact that the draft, the President's induction power, will expire on the 1st of July; and I think we can be successful in thwarting an extension of that expiration date.

When the Senator speaks of world presence, what does it take to have a world presence? We had far in excess of 3 million men under arms last year and the year before that. We had a world presence. This year we have under arms 2.9 million, and it was done under President Nixon. For that decrease, I applaud; for not doing more, I do not applaud. Have we lost world presence because of that? Will we lose world presence if we come to 2.5 million troops? Will we lose world presence if we come to 2 million troops? That is a lot of people under arms. Will that cause us to lose world presence?

Let me ask the Senator from Ohio, who is on the Armed Services Committee, and for whom I have great respect and personal affection: What do we have 1,600 troops doing in Ethiopia? What are those 1,600 Americans doing in Ethiopia, and what is that presence, and what is the definition of that presence? That is costing us dearly, and that is costing us good money. I will wait for the answer. What are 1,600 Americans doing in Ethiopia today?

Mr. SAXBE. If the Senator will yield, I should like to point out that I am not one of the defenders of our far-flung missions, and I do not presume to come here today to defend the commitments of our troops.

What I am saying is simply this: If we are for cutting back these commitments in the world—and I assure the

Senator that they are there—on international commitments that we have made, 42 peace treaties and a thousand executive agreements, over the last 20 years, we should attack those directly. If we feel that 300,000 troops in Europe—265,000, I believe, at the last count—are no longer necessary, let us get the troops out of Europe. Let us not fool about that. Let us say, "I am against NATO; I am against any troops being in Europe." And if we want to get the 6th Fleet out of the Mediterranean, let us say, "We don't want it there. If Israel goes down the drain, let it go."

Those are things that I think we should be talking about, and this is the plane I want to talk about. But we tried to cut back in the Armed Services Committee and did cut back to a total strength, at the end of the biennium, of 2.5 million troops. Personally, I think it could come down even more than that. We would be a leaner, harder Army, Navy, and Air Force.

But what I am saying is that until we do that, let us not cut it off at the root by saying that a volunteer army is going to come along and we are going to get the type of people and we are going to raise the pay enough to attract those who will hire themselves out.

Let us do this. Let us attack it. Let us say we do not need any troops in Ethiopia; we do not need any troops in NATO; we do not need any troops any place in the world except the garrisons in this country. Then we can operate on a volunteer Army. There is no question about that. We can operate on a volunteer Army, such as the old dog-face Army we had before World War II. It was not a very good Army. All during World War II, we said: "How in the world did this happen? It will never happen again. We have lost a million lives because we were so stupid that we sat here and let our defenses go downhill." We did not have any Army worthy of the name. We did not have officers trained. We did not have any equipment. But it is not going to happen again. We are going to see that we are strong.

We all have an obligation to our country. The selective service is the way we handle that obligation. We have never learned from history, and I would guess that if we do what the Senator from Alaska proposes, we are about to repeat the same mistakes.

Mr. GRAVEL. Let me state it again. I do not want to be colored in that light.

Perhaps my colleague disagrees with me in the reading of the Gates report and many other reports. I find no authority in the field who says that we cannot very easily maintain 2 million people under arms on a voluntary basis. For that matter, they say 2.5 million. Perhaps someone could enlighten me in that regard.

Mr. SAXBE. I put in the RECORD this morning the fact that the Gates report is wrong in saying that we are going to get a 70-percent reenlistment, or some fantastic figure such as that—it is the speech I delivered this morning—from the people who are now in the military. What the Gates Commission failed to take into consideration, in this respect, is that the people now in the military are there because of selective service or the pressure of selective service. They are not volunteers. Yet the Gates Commission is trying to put the percentage on those who will re-up as persons who had come in under their own volition. That is not true.

Mr. GRAVEL. Then perhaps the Senator, with his expertise, can tell me and the Nation what level of troops we will have, what the Armed Forces will be. Will it be 2.5 million? 2.2 million? 2 million? What will be the number under a volunteer army?

Mr. SAXBE. I think we are going to spend about half our time recruiting, under a volunteer army, and I believe that the cost is going to be tremendous for this aspect of it.

First, the Senator should understand that there is among the youth of today—whether one supports it or not—a great antimilitary feeling. Therefore, it is going to be extremely difficult.

Second, once we assume this concept of a mercenary army——

Mr. GRAVEL. On the first point, why the antimilitary feeling? If we took away that antimilitary feeling, would that not destroy the first part of the Senator's argument?

Mr. SAXBE. If we took away the antimilitary feeling, it is not going to be with this generation; and if the Senator has talked with them, he will understand that.

Mr. GRAVEL. I have talked with them.

Mr. SAXBE. It is a fixation, and a great deal of it stems from the feeling that we do not need any military, with which neither the Senator nor I agrees. I think we have that right away. We do need a military. I think our difference is on how to get it. The Senator says immediate voluntary. I say we have to continue the Selective Service or the thing will fall apart.

Mr. GRAVEL. My colleague has not come up with the figure I asked him for, as to what level we will be at if we do not have selective service.

Mr. SAXBE. I cannot say, because what are going to be the commitments?

Mr. GRAVEL. Can anybody say?

Mr. SAXBE. No one can say.

Mr. GRAVEL. Then, if no one can say, we really do not know. Is that correct?

Mr. SAXBE. As I said this morning, I believe that after we cut back in NATO—and I hope we do—after every man is out of Vietnam, which I hope will be soon, then we shall have to reassess what our mission is in world political organizations.

Mr. GRAVEL. Why cannot we reassess that mission right now? It has been reassessed. I have heard Senator FULBRIGHT and Senator SYMINGTON and other Senators bring that assessment up every time we have been in session. We are not going to stop here and all of a sudden start assessing where we are. We are there. It is an evolving thing, and it changes every day.

I assure the Senator that if we do not have the draft, this will bring about the greatest assessment of our involvement in the world, and that is the discipline I seek to bring about.

Mr. SAXBE. I understand that. The Senator's concept is that if we cut this off at the ground, then the whole thing will wither and die.

Mr. GRAVEL. Not at the ground. My concept is very simple. I think that under a voluntary system, we can easily maintain 2.5 million, and in the crunch, maintain 2 million troops. Personally, as a red-blooded American, I would feel secure, going to sleep at night, I would feel secure having my children go to sleep at night, knowing that we had a 2,500,000-man Army which could defend ourselves in the event of attack. If that attack came, I would be down here on the floor of the Senate voting for a draft, or any other instantaneous method of either declaring war or defending ourselves. I feel perfectly sure that 2,500,000 men can adequately do the job and show the flag wherever it must be shown. All I am doing now is calling into question the simple thing that mirrors the whole issue. For instance, why do we have 1,600 American soldiers in Ethiopia?

Mr. SAXBE. It is 16,000, I believe.

Mr. GRAVEL. The number is 1,600.

Mr. SAXBE. It is 1,600?

Mr. GRAVEL. Yes.

Mr. SAXBE. That is less than I thought.

Mr. GRAVEL. Oh. Why would my colleague think we have so many there? Is there something going on in Ethiopia that a member of the Armed Services Committee knows that I do not know about, as an equal representative in the U.S. Congress? What is going on in Ethiopia?

All I know is that when I was a little kid of 6, Haile Selassie became the head of that country and he, bless his soul, is still the head of Ethiopia, which is still poor as salt, starving to death, and is a backward country, all of which is no disrespect to Haile Selassie, but it does not seem that he has been tremendously effective over the years. So, I do not know.

I want to ask, why do I have to pay out my tax dollars to put 1,600 American soldiers in Ethiopia? Why?

Mr. SAXBE. I am sure that the Senator is disturbed about 1,600 troops in Ethiopia. I have been more alarmed about the almost 300,000 troops, up until last year, that we have in NATO.

Mr. GRAVEL. That is a firecracker that the Senator anticipates will come, but today we will discuss Ethiopia.

Mr. SAXBE. I am sure that we will talk about many other countries if this debate continues for 6 or 7 weeks. But I think that the Senator spoke truer than he thought when he said that the only way we can bring this reckoning rapidly into focus is by cutting off the Selective Service and then we will really have to reckon with what we do all over the world.

I think that is what is going to be the focus on this whole thing in our attitude toward the military—an antagonistic attitude, I might add.

Mr. GRAVEL. Let me restate my position to the Senator, that I love the military.

Mr. SAXBE. The way we get to that position is to cut everything off and say there will be no more manpower.

Mr. GRAVEL. The Senator is misleading—and I say that respectfully. I have a great affection for the military because they defend our national security in time of crisis. It is the leadership. It is not the military. Why should we blame the military when it is the leadership of the country, in this body and the elements of the leadership that wishes to work its will throughout the world. So it is not the military. In my view, it is not to cut them off at the root. It is not to cut them off at either 2 million men or 2,500,000 men which, to my mind, will leave a gigantic tree trunk upon which this Nation can rest its defense posture.

Mr. SAXBE. I might interject at that point, as the most junior minority member on the Armed Services Committee, to say that I have probably had less to say about a great many of the military aspects that have been discussed in that committee than anyone else. But I do feel, and I have some knowledge of the military, having spent a great portion of my life there, in the Reserves, the National Guard, and on active duty time, that today, our concept of the military role in the world is up in the air. People on both sides of the aisle are worried. They are uncertain. They want to cut back on military spending and, yet, they look at what we expect in the next 10 years.

Today, we just do not look at the next year but at 10 years from now. We say, "I want to cut back and save the money we are spending, 7 percent of the gross national product, on a rather pointless military continuation and buildup. This is too much. We need the money for other things." But they have a second thought and they say, "But is eternal vigilance and readiness the price of freedom? Do I want to be the Senator who says we do not need any NATO? Do I want to be the Senator who says we do not need the Sixth Fleet or any defense in the world, and that we have the missiles in the silos and we can push the buttons and everyone will be defended?"

What I want to bring hard home to Senators is that that is the choice they are going to have to make, because I can see that if we say we are going to have a volunteer Army and everything will be just great and we are going to have it on July 1, 1971, I want them to realize that it is not that easy.

Mr. GRAVEL. Let me make this one point, that it is not going to happen on July 1. That is misleading because the power of the President will continue, the authority to draft those who have deferments; so that there will be plenty of men available over the next 6 months or longer to supply the President with whatever needs, unfortunately, he may want to pursue in Southeast Asia.

So that the illusion that the world will stop on July 1, because we do not have a draft any more, or that this Nation's defense posture will wilt away, are just illusions. That is not what is going to happen, because the President can call up all young men who are under present deferments if he feels the need.

Mr. BYRD of Virginia. Mr. President, I rise to support the extension of authority to induct personnel into the Armed Forces for another 2 years.

I might say in regard to the colloquy which has just taken place between the Senator from Ohio and the Senator from Alaska that, on the merits of the legislation, I agree with the Senator from Ohio. But as to whether there should be a time limitation imposed this early in the discussion of this vitally important piece of legislation, I agree with the Senator from Alaska.

This is an extremely important subject, as the Senator from Ohio indicated and as the Senator from Alaska has stated. It is a matter of grave concern to all the American people. I feel it is a subject that should be fully debated. It is too early to be talking about a time limitation on either amendments or the bill itself.

I think it is important that all Senators, whether they favor the legislation, as I favor it, or whether they oppose it, as the Senator from Alaska opposes it, should have full opportunity to present their viewpoints. The more the American people can understand this legislation, the better the decision that will be made in regard to it.

We know that it is a subject of intense debate. We know that there was only a two-vote margin for a 2-year extension of the draft in the House of Representatives. Thus, it is an extremely important and very debatable subject.

I personally feel that those who oppose this legislation should have ample opportunity to present their arguments in opposition.

Today I shall attempt to make some arguments in favor of it.

I feel that our national security is directly related to a 2-year continuation of the draft at this particular time. Every Department of Defense witness who has appeared before the Armed Services Committee hearings has stated that the armed services, particularly Army, cannot yet meet its manpower needs on a volunteer-only basis.

This has been the case, by and large, ever since this country assumed a position of world leadership. Our first experiment without a draft between World War II and the Korean conflict showed that we required a draft despite the small size of our Armed Forces.

Although the administration's effort to increase the enlistments are commendable, a gap still exists between the number of volunteers and the requirements for manpower. If this Nation is to maintain its credibility in the eyes of friends and foes alike, we must maintain our force of authorized strength.

I feel that we have allowed the emotionalism of recent years and days concerning our commitment of troops to battle in Southeast Asia to cloud our vision and to cause us to lose our perspective.

Mr. President, I think it is important to get into the RECORD certain facts.

Beginning with the year 1966, our Government took into the services 939,000 men.

In 1967, the total taken into the services was 833,000. In 1968, it was 922,000.

In 1969, it was 856,000.

Mr. President, when the Secretary of Defense appeared before the Committee on Armed Services on February 2 of this year, I queried him as to the number of men who would be needed for 1971.

I read now from page 54 of the committee hearings on February 2:

> Senator BYRD. You might say 600,000 we will need to take in during the year 1971.
>
> Secretary LAIRD. We will have to take in 565,000 enlisted personnel, plus 43,000 officer personnel.
>
> Senator BYRD. In round figures you will need 600,000 men.
>
> Secretary LAIRD. 600,000 men, and that is in fiscal year 1971, the year we are currently in.
>
> In fiscal year 1970, we took in almost 700,000 enlisted and officer personnel.

Mr. President, in considering the very large figures that are needed for the military services at this particular time, it seems to me obvious that without the stimulus of the draft and without the draft law being on the books, it would be almost impossible to obtain the required number of military personnel.

In that regard I want to say that I supported in the Committee on Armed Services a reduction of the total authorized strength of our military. The committee reduced the administration manpower request to a level of 2,400,000 by the end of the upcoming fiscal year.

So, I favor reducing the number of men in uniform. However, Mr. President, I think that we must be realistic. We cannot have drastic reductions all of a sudden unless we are going to run grave risks in this period of great uncertainty.

I feel that the draft law should not be the target of those who oppose the war in Vietnam. Our involvement in Vietnam is a problem of foreign policy and should have been treated as such by Congress and the administration. From the very beginning I have said that the commitment of American ground troops to a land war in Southeast Asia was a grave error in judgment. Once our troops were committed, however, I have given full support to our fighting men.

The need for a continuation of induction authority should be considered only on the basis of what is needed at this time for the security of our Nation. I happen to feel that it is necessary to continue the draft for 2 years at this particular point in our history.

In the colloquy between the distinguished Senator from Ohio and the distinguished Senator from Alaska, the Senator from Alaska stated that in his judgment the war could have been over several years ago. I agree thoroughly with that assertion. As a matter of fact, I have been saying the same thing on the floor of the Senate for more than 4 years now.

I am convinced that the way in which the war was fought during the preceding administration prolonged the war and increased the number of casualties.

Mr. President, when Richard Nixon became President, he was faced with the fact that the United States had 540,000 men in Southeast Asia. He did not put them there. They were put there by the previous administration. He had no responsibility for sending those 540,000 men to fight a ground war in Southeast Asia.

In the little more than 2 years, however, since he has been President, he has reduced the number of military personnel in Vietnam by approximately 50 percent.

Mr. President, it seems to me that is making progress. It is going in the right direction. President Nixon has completely reversed the trend of the previous administration and completely reversed the policies of the previous Secretary of Defense, Mr. McNamara, who was wedded to what he called "a limited war."

I opposed the McNamara concept of a limited war just as I opposed from the very beginning the sending of ground troops to Southeast Asia to fight a land war there.

Certainly, once we committed the troops there, it seemed to me that the McNamara plan of a limited war was a plan that could only lead to a conflict that would be very long and very costly in lives and in treasure. It was mainly the lives of the men that I was so deeply concerned about. Almost every week, for several years, I called attention on the floor of the Senate to the American combat casualties in Vietnam.

I have been deeply concerned about this war for a long time—deeply concerned about it. I am deeply concerned about it now. I want to see it brought to a close at the earliest possible time. However, I submit that President Nixon is making progress in that direction. He is getting a great deal of what, in my judgment, is unjustified criticism for his handling of the war in Vietnam.

I think the public should be aware of the fact that he has reduced the number of Americans there by 50 percent in a short period of slightly more than 2 years.

I would like to see greater reductions, but so long as he is heading in the right direction and so long as he is making progress in disengaging American personnel from this land war in Asia, I want to give the Commander in Chief my support.

In regard to the draft law, taken in isolation, the practice of compelling our young men to enroll for military service might be interpreted as alien to basic traditions in a great nation, where we go to great lengths to protect the freedom of the citizenry. But, conscription cannot be considered in isolation. It must be placed in the greater context of national security interest. If we could achieve a standing defense force of sufficient size and quality then the extension of the Selective Service law would not be necessary.

In my judgment, however, it has not yet been proved that the necessary military force can be achieved or maintained without continuance of the draft. I am, therefore, unwilling to pursue a course that would lead to the weakening of our defenses to the end that this Nation could not control its own destiny.

The people look to the Congress to assert our responsibilities and assume our obligations under the Constitution. I admit that extension of the draft is not popular, but we must assume our responsibilities to raise and support defense forces which are necessary to secure and preserve our Republic. In my judgment, a temporary incursion on individual liberties through continuance of conscription today is imperative if we are to prevent a permanent incursion on the liberties of posterity.

To me, this represents a decision in the best interest and traditions of our democracy; that is, an acceptance of the principle that freedom carries with it certain inherent responsibiliites and obligations—certain inherent burdens, if you will—which must be shared equally by all the people of any republic. I believe that this is as much of a tradition in the United States as the principle that the rights, privileges, and freedoms of this Nation are to be equally shared.

Presently all of the armed services have a gap between their manpower needs and their supply of true volunteers. While this gap is most severe in the Army, it also exists to some extent in all of the other services.

On this point it is necessary to point out and be aware of the fact that a very substantial percentage of those who enlist as volunteers are volunteers because of the stimulus of the draft. I think that is important and significant.

The services have initiated many actions to increase professionalism and improve the attractiveness of military careers, but even if all their actions are successful and we act favorably on all their proposals, there are specific manning problems which cannot be solved immediately.

The Secretary of Defense and other Defense witnesses have assured us that they are making an all-out effort to reach a zero draft. Meanwhile, we must insure that an adequate armed strength is maintained to insure the security of this Nation during the transition period.

Over the past 2 years, draft calls have declined. The draft for calendar year 1970 was 163,500, the smallest annual draft call since 1964, and one-half of the number inducted in calendar year 1968.

Progress is being made toward a zero draft, but there is little evidence to suggest that the draft bill will not be needed for another 2 years; namely, to June 30, 1973.

As draft calls steadily decline, we must attract additional people to enlist in our armed services. I support the need for appropriate increases in military pay for the lower enlisted and lower officer grades. The Committee on Armed Services has recommended such an increase—a billion-dollar increase. Indeed, there has been a military pay increase every year for the past 8 years—since 1963.

Since 1963 there has been an increase every year in military pay. I think that is not generally recognized by the Nation. It is not generally realized in the Congress that there has been an increase in military pay every year for the past 8 years.

Mr. President, I believe that any attempt to reach a volunteer force until the Vietnam war is concluded is bound to fail.

We must also consider the effect of the elimination of the draft on the Reserves. Our Reserve forces and our National Guard are swiftly increasing in importance to the national defense. As we reduce the manpower authorizations for our active forces, more and more reliance must be placed on trained, ready Reserves.

For the most part, the draft does not directly supply manpower to our Reserve forces. It does, however, motivate about 70 to 80 percent of the first-term enlistments in our Reserve forces. Many young men who believe that they are likely to be conscripted into the active military forces when they reach the age of 19 enlist in the Reserve components at the age of 17 or 18.

If the draft is not extended until July 1, 1972, the Reserve forces will begin to experience reduced enlistments in the 17- and 18-year-old group in the very near future. In this respect, a personnel shortage may result in the Reserve forces even before the active forces are faced with the same problem.

Mr. President, if we do not extend the draft for a 2-year period, our Reserve forces may well fall below the manpower levels needed to discharge their responsibility. Our Reserve forces will undoubtedly suffer just at the time when reductions in our active forces are making the role of the Reserve forces most critical.

Finally, there is the matter of fairness to the young men who are of age to be potential draftees during the next 2 years. If we extend the draft for only 1 year instead of 2, there will be a natural tendency for these young men to assume that acceptable all-volunteer force levels will be met by July next.

I do not believe it is logical to assume that this country could have an all-volunteer military force in that short a period of time.

The plans made by these young men would be subject to serious disruption if we find it necessary to extend the draft again next year.

A 2-year extension now, on the other hand, will allow the President to reduce draft calls to zero before July 1, 1973, should it become feasible to do so at an earlier date. I think it is safe to say that personal and career plans will not be significantly disrupted should that happen.

So when one considers the full import of whether to extend the draft for 1 year or for 2 years, or, as some would like, to end the draft as of June 30 this year, it seems to me that the preponderance of evidence is on the side of extending it 2 years.

I feel our Nation is faced with very grave and severe problems throughout the world. It has taken on extensive commitments. In my judgment, we have taken on commitments in some areas that we should not have taken. Nevertheless, commitments have been made in the name of the United States—some commitments by the Congress, some by the President, some jointly.

So we are faced with commitments that have been made. Until those commitments can be reduced, it seems to me that we must continue to have a strong military posture.

Many Members of the Senate say they are not too deeply concerned about the Soviet threat. I am frank to say that I am concerned about the Soviet threat.

We know what the Russian capabilities are. None of us knows what their intentions are. Many very splendid citizens contend that the Soviet Union has no intention of bringing about difficulties for the United States.

I submit that none of us knows what the Soviet intentions are. We in Congress, who, collectively, are responsible for the safety, welfare, and security of the American people, must be governed by what the Soviet capabilities are.

With that in mind, I feel the only logical course for the United States to follow today—it may vary 1 year from today or 2 years from today or 3 years from today, but the only logical course for us to follow today—is to extend the draft authority for 2 additional years; namely, until June 30, 1973.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the chairman of the committee.

Mr. STENNIS. I want to especially thank the Senator. He has done exactly what I asked him to do in this debate. I asked him to come on the floor and give us the benefit directly of his views, whatever they might be, upon the key parts of this bill. We have no more valuable member of our committee than the Senator from Virginia, and his ideas are very seriously considered by our committee, and I think they will be by this body before the final vote is taken.

I heartily agree with him on a point that he made so clear, that this is the draft law, this is the personnel law, for all of our forces to protect us in all of our vital interests, and should not be used as a means of ending the war or trying to cut off the manpower that will make the war fall and collapse on its face.

I certainly agree with that. With his fine, penetrating mind, he has made that point very clear. It is a manpower bill, and manpower amendments, of course, are relevant; but, going back to the old days in grammar school, the teacher would say, "Keep your eye on the ball." We have to keep our eye on the ball in passing on this bill and keep in mind what its real purpose is.

I was impressed by the fact, as he made clear, that he wants to end the war at the earliest possible time. The Senator has certainly been in that position and has espoused that cause in every way at his command, going at it, though, in what he calls a realistic approach and a realistic way.

I am glad the Senator mentioned the Reserve. I just do not see any way in the world for the Reserve to survive as a reserve force in this Nation unless we are going to have a continuation of the Selective Service Act.

I do not see how the Reserve is going to survive on a volunteer Army basis, should that be undertaken 2 years from now. I do not know of any program that is going to be enough of an inducement to keep the Reserve going anywhere near approaching the rate of manpower that we have now.

Mr. BYRD of Virginia. I do not know of any way.

Mr. STENNIS. We have some very fine men who would volunteer and be willing to serve perhaps for nothing, but under the present pay scales, the increase for the Reserves would be only $29.24 a month. A brick mason gets that much in 2 hours, in many places, and certainly in 3 hours in all places.

I thank the Senator for his contribution. I trust that certainly, in any future debate, he will bring his viewpoint to our attention and I hope the Senator will engage further in the debate as the various amendments come up, because he is very qualified to speak. I thank him very much for the splendid statement he has made.

Mr. BYRD of Virginia. I thank the Senator very much.

I would like to comment on the matter of pay. It seems to me increasing the compensation of military personnel is not in itself going to bring into service the desired and required number of individuals. As I mentioned, I favored and supported, just this past week in committee, an increase in pay for our armed services. I think it is justified, and I favor it, but that in itself will not make it possible to have an all-volunteer military force until such time as the Vietnam war is fully concluded.

I want to emphasize again that there has been an increase in military pay ever since 1963. That is a period of 8 years. So it may be that at some subsequent time it would be practical to go to an all-volunteer military force, but I do not believe that time has yet arrived. Until a year or more has passed, I believe the best thing we could do for the safety of our Nation would be to extend the Selective Service Act for 2 additional years, ending June 30, 1973.

Mr. President, I ask unanimous consent that there be printed in the RECORD a speech which I made in the Senate on Tuesday, May 4, 1971, dealing with the Vietnam war and President Nixon's actions in regard to Vietnam.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON'S VIETNAM ACTIONS PLACED IN PERSPECTIVE

Mr. BYRD of Virginia. Mr. President, as the Nation's Capital is being harassed by antiwar demonstrators, it is worthwhile, I think, to put President Nixon's Vietnam actions in perspective.

President Nixon had nothing to do with sending combat troops to Indochina.

It was the administration of Lyndon B. Johnson that propelled the Vietnam war into the longest—and one of the most costly—in American history.

President Johnson began large-scale combat operations in Vietnam in the spring of 1965. He and his Secretary of Defense, Robert S. McNamara, then began to send more and more American military personnel to Vietnam, until the total for a particular time reached 540,000. All together, 2½ million Americans have served there.

It was more than 4 years ago that I began to speak out against the Americanization of the war in Indochina. It was more than 4 years ago that I began to continually call the attention of the Senate and the Nation to our current casualties and the need to deemphasize America's role in this war, the need to encourage the Asians to fight their own battles.

From the very beginning, I stated that it was a grave error of judgment for the United States to become involved in a ground war in Asia. But when President Johnson, under his authority as Commander in Chief, sent troops to Indochina, I consistently supported those troops.

From the beginning, it has been my deep conviction that U.S. involvement in a long war in Southeast Asia is not only costly in lives and treasure to Americans, but is also highly advantageous to our chief adversary, the Soviet Union.

With that thought in mind, I had a standard question which I put to every high official of the Department of Defense who came before the Senate Armed Services Committee. That question was: "In your judgment, is U.S. involvement in a long war in Southeast Asia advantageous to the Soviet Union?"

I was deeply disturbed and alarmed at the attitude of Secretary of Defense McNamara and his top civilian advisers. To me, it was clear that they did not regard U.S. involvement in a long war in Southeast Asia as being advantageous to our chief adversary, Russia.

As a result, there was no sense of urgency in the Department of Defense under Mr. McNamara to bring the war to an end. As a matter of fact, it was the very foolish McNamara policy of a so-called limited war that in fact prolonged the war and increased the casualties. The McNamara line—which one heard throughout official Washington during 1966, 1967 and 1968—was the "merits" and "sophistication" of a limited war.

So when President Nixon came to office in January 1969—only a little more than 2 years ago—he was faced with a critical situation not of his making. At that time, 540,000 Americans were in Vietnam.

President Nixon; the new Secretary of Defense, Melvin R. Laird; the President's Foreign Affairs advisor, Dr. Henry Kissinger; and the Secretary of State, William P. Rogers, decided to reverse the Johnson-McNamara program of sending more and more men to Asia, and instead began a program of steady withdrawal.

Instead of 540,000 Americans in Vietnam, President Nixon has reduced that figure by more than 50 percent.

He is continuing his withdrawal program, and at the same time, he is concentrating on developing the Vietnamese to a point where they have a reasonable chance to hold their own against invaders from the North.

So I say the facts are—and the figures show—that President Nixon, in a short period of time, has made progress in bringing about American disengagement. In a few more months, American troops will no longer be assigned to combat misions.

Those who continually condemn the President for not moving fast enough should, I feel, give him credit for what he has done.

Instead of putting more and more men into Vietnam, as was done by President Johnson and Secretary McNamara, he has been taking more and more men out of Vietnam.

Instead of following the McNamara policy that a long, limited war in Southeast Asia is somehow advantageous to the United States—or at least not disadvantageous to the Soviet Union—President Nixon has stated loud and clear that he wants this war brought to an end, and he has taken firm, clear, precise and definite steps to bring American involvement to an end.

Over the weekend, I read again the official testimony of 4 years ago high Defense Department officials before the Senate Committee on Armed Services.

The testimony, to my mind, made clear that the McNamara team in the Defense Department had no sense of urgency in bringing the war to an end.

I shall quote from the testimony of only two, but these two, in my judgment, personified the basic civilian thinking in the

Defense Department under Secretary McNamara.

First, I quote from the hearing on June 28, 1967, when John T. McNaughton, of Illinois, Assistant Secretary of Defense for International Security Affairs, was nominated to be Secretary of the Navy.

(The following is a part of the colloquy that I had with Mr. McNaughton:)

Senator Byrd. Let me ask you this question.

During the past 2 years do you feel that the war has greatly widened?

Mr. McNaughton. Widened during the past 2 years? No.

Senator Byrd. Now, could I recite what seems to me areas where it has been greatly widened. Two years ago, that is, April of 1965, we had 29,000 ground troops in Vietnam. Today, we have got in round figures 462,000 ground troops in Vietnam. Now, it seems to me that so far as the American people are concerned that the war has been greatly widened.

Mr. McNaughton. I agree that the war has "widened" if you use the word "widened" in that sense.

The war has been greatly intensified.

Senator Byrd. It has not been widened insofar as going beyond the physical boundaries of Vietnam?

Mr. McNaughton. That is correct.

Senator Byrd. It has not been widened insofar as bringing in additional allies to help us?

Mr. McNaughton. Well, we have gotten some additional allies. The Koreans and the Australians and New Zealanders and the Thai and the Filipinos have all contributed forces in that period, a total of over 50,000, between 50,000 and 60,000 forces.

Senator Byrd. While it hasn't been widened beyond the borders of Vietnam, it may be widened so far as the contributions of the American people are concerned?

Mr. McNaughton. It has intensified in that sense; that is correct.

Senator Byrd. Intensified both in regard to manpower and in regard to economic resources?

Mr. McNaughton. That is correct. And furthermore—a correction of my original answer, Mr. Senator—the actions against North Vietnam have been intensified in that period.

Senator Byrd. During that same period of 2 years, while the American ground forces were being built from 29,000 to 462,000 today, the harbor at Haiphong has been an open harbor insofar as cargo going to the Vietnamese enemy is concerned; is that correct?

Mr. McNaughton. That is correct, with minor qualification. There have been some strikes on some facilities. The answer in substance is "Yes."

Senator Byrd. In other words, while the war has been greatly widened insofar as the American people are concerned in the way of combat troops, and in the way of economic resources, we have done nothing to shut off the supplies going through the harbor at Haiphong?

Mr. McNaughton. For practical purposes, that is correct.

Senator Byrd. Do you see an end to the fighting in Vietnam within the next 12 months?

Mr. McNaughton. It could happen. But this is a matter of probability. I think it is unwise for me to say something which could be taken out of context and construed to imply optimism or pessimism. There is a chance.

Senator Byrd. Do you see a long war?

Mr. McNaughton. We have already had a long war, Senator. I believe the best chance for a short war is to be prepared for a long one. The best chance to shorten the war is to be dug in with absolute perseverance to see through a long war if necessary.

Senator Byrd. Is a long war in Vietnam to the advantage of the Soviet Union in your judgment?

Mr. McNaughton. This is similar, Senator, to a question put to Mr. Nitze. And I would answer about the same way. I think that the Soviet Union on balance wants to see the war ended, but not if she has to take steps to bring it to an end which would work to her disadvantage, and not if it came to an end on terms that would severely disadvantage her. And, therefore, the question can only be answered in terms of what the outcome is likely to be. I think the Soviet Union would like to see the war brought to an end on terms acceptable to her.

Senator Byrd. Do you feel that with the United States so deeply involved in Vietnam, suffering heavy casualties, and fighting a very costly war from an economic point of view, that it is or is not to the advantage of the Soviet Union to keep it going?

Mr. McNaughton. I think that it is to their disadvantage to keep it going. And I would like to make this strictly a personal opinion, Senator.

Senator Byrd. In all of these I am seeking your own personal judgement.

Mr. McNaughton. I am labeling this clearly so that there is no misunderstanding.

Senator Byrd. I was hoping that all of this would be your judgement.

Mr. McNaughton. Yes.

I think that the military power of the United States is greater today than it has ever been. I think that the Soviets do not think of the war in Vietnam as something that is weakening the United States in the way you implied your question. I have forgotten the final sentence of your question, but I do not think that they want to keep the war going in order to weaken us. I do not believe that.

Senator Byrd. You do not believe that. I must say that I am 100 percent in disagreement with you.

Mr. McNaughton. I am sorry that we are in disagreement.

Senator Byrd. I respect your opinion.

To get back to my original question, to which I assume your answer would be "No," the original was this: Is a long war in Vietnam to the advantage of the Soviet Union in your own personal judgment? I assume your answer is "No" to that question.

Mr. McNaughton. The answer is "No, if they can bring it to an end on terms that fall within their shaded area of acceptability."

Senator Byrd. If they can accomplish all their objectives, perhaps they would like to. But assume they don't accomplish their objectives.

Mr. McNaughton. They have some minimum objectives. I don't know what they are, unfortunately. But I would suspect that they would like to see this war brought to an end. They do have the problem that Secretary Nitze raised, of their position in the world; and they cannot be in a position of running out on a colleague, or of being put in an embarrassing position vis-a-vis China. They have a very complex problem to face, too. So I just can't answer your question yes or no.

Senator Byrd. I have been fearful that a great many individuals in high positions in our government have taken that view—that the Russians will not be advantaged by a long war. I can't help but believe that a long war logically from every point of view is an advantage to Russia. We are losing men every day. We have these great economic commitments to Southeast Asia, and the Russians have an opportunity to hit us elsewhere and stimulate adverse activity elsewhere as they did in the Middle East.

But anyway, your judgment may be right and my judgment may be wrong.

Mr. McNaughton. Let me add, Senator, that we do not, in our decisions or behavior, count on my being right or your being right on this point.

Senator Byrd. I think it is very important, though, what is the real thinking of the men who have to make these vital decisions. And to me it is a matter of vital consequence whether or not they believe that a long war is to the advantage of the Soviet Union. And I can't help but see that a long war is to the advantage of the Soviet Union.

But if they don't feel that way, naturally they are going to make decisions differently from what they would otherwise.

Mr. Byrd of Virginia. So much for Mr. McNaughton, whose testimony showed he believed that it was to Russia's disadvantage to keep the Vietnam war going, and that the Soviets did not think the war was weakening the United States, as I had suggested.

Now, on August 17, 1967, Mr. Townsend Hoopes, of Virginia, was nominated to be Under Secretary of the Air Force.

(I read into the Record at this point my colloquy with Mr. Hoopes when he appeared before the Committee on Armed Services, which was considering his nomination:)

Senator Byrd. Thank you, Mr. Chairman.

Mr. Hoopes. I would like to welcome one who lives in Virginia, with many children, to the committee today.

I might say for the record that I have not had the privilege of knowing you, but I am very much impressed by your appearance befor the committee this morning.

I would like to ask one or two questions.

* * * * *

Senator Byrd. You have had wide experience during the past 2 years with the economic problems throughout the world which confront the service?

Mr. Hoopes. Generally speaking; yes, sir.

Senator Byrd. And that would include Southeast Asia as well as the areas that we mentioned a moment ago?

Mr. Hoopes. It would include Southeast Asia in a broad sense, particularly as far as the impact of what is going on there relates to areas with which I had closer contact and for which I had closer responsibility.

Senator Byrd. In what areas did you have closer contact and closer responsibility?

Mr. Hoopes. I would say the broad area we call the Near East and Southeast Asia. It includes the southeast flank of NATO, Greece and Turkey. It runs through the Near East, and includes Iran, Afghanistan, India, Pakistan, and Ceylon; it stops essentially at the Himalayan frontier.

Senator Byrd. What about the Soviet Union?

Mr. Hoopes. I have had no direct responsibility for the Soviet Union, but of course, that is a pervasive factor in all our considerations.

Senator Byrd. That covers your consideration of all the other matters?

Mr. Hoopes. It does, indeed, in every problem area.

Senator Byrd. Now, another question along that line. You agree, of course, that we are involved in a very costly war in Vietnam?

Mr. Hoopes. I do, indeed, sir.

Senator Byrd. Costly in regard to resources, economic resources; costly in regard to casualties?

Mr. Hoopes. I do, indeed, sir.

Senator Byrd. And it has been a somewhat lengthy war?

Mr. Hoopes. Yes.

Senator Byrd. And I assume you will agree, too, that the end is not now in sight?

Mr. Hoopes. I don't see any evidence of it.

Senator Byrd. Is it your judgment that a long war in Vietnam, insofar as the United States is concerned, would be to the advantage of the Soviet Union?

Mr. Hoopes. I would say not necessarily, Senator, because I think the Soviets would calculate to some extent, as we do, that the longer the war goes on, the larger the opportunity for an escalation. And I believe that the Soviet Union does not desire a confrontation with the United States in any part of the world at this time.

Senator Byrd. Is it your belief that the Soviet Union would like to see the war in Vietnam ended—on their own terms, naturally—do you think that the Soviet Union would like to see the war in Vietnam ended at an early date?

Mr. Hoopes. I would say that, on balance, the Soviet Union would probably like to see an ending of the war in Vietnam.

Senator Byrd. Has there been any evidence that the Soviet Union is decreasing the military materiel that it is sending to North Vietnam?

Mr. Hoopes. I don't believe there is. I have limited information on that subject.

Senator Byrd. Am I correct in interpreting your response to my questions to be that it is your view that the Soviet Union would not be advantaged by a long war in Vietnam?

Mr. Hoopes. I would say from what I know of the prevailing opinion in the Soviet Government that on balance it would like to terminate the war, because it would fear that the longer the war went on, the greater the risk of a military escalation which might involve it directly.

Let me give you an example of why I believe the Soviet Union is quite reticent about confronting the United States at this time. In the recent Middle Eastern War in June, you may recall that Premier Kosygin took the initiative on the hotline to make it completely clear to us that there would be no Soviet intervention on behalf of the Arabs. This was highly disappointing to the Arabs. But I think it was a clear signal of the Soviet reticence about facing this kind of military situation with us.

Senator Byrd. I am pleased to hear you say that you feel the Soviet Union is reticent in regard to a basic situation with the United States. But that is not exactly the purport of my question.

The Soviet Union does not have to face the United States in Vietnam. It has not been facing the United States in Vietnam. The North Vietnamese and the Vietcong have been facing the United States. And the United States has been pouring resources and manpower in opposition, not to the Soviet Union, of course, but to the Vietcong and the Vietnamese.

Now, it is not to the Soviet Union's advantage, in your judgment, that we continue to pour resources and manpower in opposition not to the Soviet Union but to North Vietnam and to the Vietcong?

Mr. Hoopes. I would agree with that, sir. I think the Soviet Union is not displeased by our expenditure of resources, human and material, in Vietnam. But I don't believe that they would conclude from that that the United States is being severely weakened. It is a fact of history, I think that every war we have fought in has rendered us afterward militarily and industrially stronger than before. And the Soviet Union is aware of this. I would say that the Soviets have to balance their desire to see us expend resources wastefully against their fear that a wider war might involve them.

Senator Byrd. Is it your feeling then, that the longer the war goes on, the stronger the United States would be?

Mr. Hoopes. No, sir; I wouldn't argue that.

Senator Byrd. You said a moment ago that history shows that after each war we are stronger than we were before. Would that naturally lead to your belief that if this war goes on 2 or 3 or 4 years longer, we would be better off than if it were ended quickly?

Mr. Hoopes. I think it happens to be an historical consequence. But I wouldn't turn it around and argue that it was therefore desirable for us to——

Senator Symington. Would the Senator yield?

Senator Byrd. I yield.

Senator Symington. I think you are a bit mixed on that, Mr. Secretary. At the end of World War II, this country had $24.5 billion in gold, and owed $7 billion abroad redeemable in gold. Today we have $13.2 billion in gold, and owe over $30 billion abroad that can be called tomorrow morning. I think the Senator from Virginia is correct in the implications of his question.

The gross national product of the United States does not necessarily have anything to do with our financial position, specifically our fiscal and monetary positions. We had the dollar gap and other things after World War II. Those problems are no longer with us today.

To me, a great problem today is inflation. We will have a trillion dollars' worth of life insurance out among the citizens by the end of this year. We have retirement plans, pension plans, and so forth. I predict all these are going to be vitally affected, especially because of this $70 million-a-day expense in Vietnam.

So I would hope you would give full consideration to the implications of the questioning of the Senator from Virginia, because I believe the longer this war goes on the more it is weakening the United States, not strengthening it. I hope you never give the impression that wars are what make capitalism work because that is exactly what the Soviets have been preaching for a long time, the theory of Marx.

Thank you, Senator.

Senator Stennis. Any further questions, Senator?

Senator Byrd. Yes.

Senator Stennis. Proceed.

Senator Byrd. I want to say again that I feel that you are a tremendously able individual. I am not in any way discounting that. I am interested in the philosophy, however, of those who are in a high position of our Government, who make decisions regarding Vietnam. And certainly, you have been in a position to influence decisions, and you will be in a position to—in even a more important position in regard to influencing decisions of Government. And I am not clear in my own mind from your response to my various questions, and I would be glad if you would correct. The best that I can determine is that you do not agree with my assertions that a long war in Vietnam is to the advantage of the Soviet Union.

Mr. Hoopes. I would like to try to correct what may be a misunderstanding. I certainly am not, obviously, an advocate of war, short or long.

Senator Byrd. I am aware of that; I am certain of that.

Mr. Hoopes. You asked me what I thought the Soviet judgment would be on the question of U.S. involvement in a long war. And I gave you my best judgment, which was that the Soviet Union probably does not believe that we are being decisively weakened by our expenditure at the current level in Vietnam.

Senator Byrd. Do you think we are being weakened?

Mr. Hoopes. I believe we are expending very substantial resources.

Senator Byrd. Am I correct, though, in assuming that you do not agree with me that a long war is to the advantage of the Soviet Union? Leaving out what they think, what is your judgment? Does your judgment coincide with mine, or is it contrary to mine?

Mr. Hoopes. If the Soviets could be assured that this war would stay at a low level, a relatively low level, and would be contained, that it would not escalate in a way that might involve them directly, I think I would probably agree with you, sir.

Senator Byrd. Let me state it once more. My belief is that a long war in Vietnam is advantageous to the Soviet Union. Now, is that your personal view, or is it not your own personal view?

Mr. Hoopes. I would say it is not my personal view, in broad terms.

Senator Byrd. You do not agree with my assumption that a long war in Vietnam is to the advantage of the Soviet Union?

Mr. Hoopes. I couldn't agree with the way you have stated it, which is somewhat in isolation of other factors which would bear upon Soviet considerations.

Mr. Byrd of Virginia. So much for Mr. Hoopes. His testimony concerned me so greatly that I held up his confirmation for about 10 days.

Mr. Hoopes had stated that "the Soviet Union would probably like to see an ending of the war in Vietnam," and denied, "in broad terms," my assertion that a long war in Vietnam worked to the advantage of the Soviet Union.

Today, 4 years after the testimony of Mr. McNaughton and Mr. Hoopes, I continue to believe that a long war is in the interest of Moscow.

And I feel that had there been clearer recognition of that fact, then officials in the Johnson administration would have acted differently.

And had they acted differently—had they had a real sense of urgency about ending the war—then I think we would not have had as long a war in Vietnam as we have had.

Now we have a different administration. And the Nixon administration has adopted a firm policy of disengagement from Vietnam, which in my opinion has so far been successful.

The record is clear. President Nixon and his associates have reversed the course of ever-increasing American involvement in Vietnam.

I think these facts should be stated and should be recognized by the American people.

Mr. Griffin. Mr. President, does the Senator have any time remaining?

The Presiding Officer. Does the Senator yield time, and if so, to whom?

Mr. Byrd of Virginia. A parliamentary inquiry, Mr. President.

The Presiding Officer. The Senator will state it.

Mr. Byrd of Virginia. How much time do I have remaining?

The Presiding Officer. The Senator from Virginia has 1 minute remaining.

Mr. Griffin. Mr. President, will the Senator yield to me?

Mr. Byrd of Virginia. I yield.

Mr. Griffin. I wish to compliment the distinguished Senator from Virginia upon his excellent and very statesmanlike remarks. It proves again that, although he sits on the other side of the aisle, he indeed is an independent and a nonpartisan.

I commend the Senator and associate myself with his remarks.

Mr. Byrd of Virginia. I thank my good friend from the State of Michigan.

I want to say, too, that I see on the floor of the Senate a former distinguished Member of this body, the former Senator from Delaware, Mr. Williams, who has rendered such great service to the Senate and to his State as a Member of the Senate.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am happy to yield to the Senator from Alaska.

Mr. GRAVEL. Let me say first that though the Senator from Virginia and I may disagree many times on policy, there are few Members of this body whom I hold in higher esteem. I particularly thank him for, earlier this afternoon, raising the objection and giving me time to get back into the Chamber, because I was not here when the Senator from Ohio made his motion to limit debate on the amendments.

Mr. BYRD of Virginia. Mr. President, if the Senator will yield at that point, I think the RECORD should show that up until today, there has been only 1 day's debate on this very important piece of legislation, and that was last Thursday.

I think it is very important that all parties, those who favor the legislation and those who, like the Senator from Alaska, oppose it, should have full and adequate time to present their views, not only to the Senate but to the American people, because the American people, after all, are deeply involved in this matter. It is their sons who must supply the manpower, whether it be for volunteer service or for a conscriptive service, or a combination of the two such as we now have.

So I, for one, favor full debate on this matter, and would oppose a time limitation at this point. Certainly, I feel, some time should elapse before a time limitation is imposed on Members of the Senate.

Mr. GRAVEL. I certainly appreciate that consideration from the Senator, because that is very much my view of the matter, and I know that the Senator from Mississippi feels this way also.

We can disagree, but we do not have to be disagreeable. I think that the standard by which we conduct ourselves in this debate, which involves such a weighty question, should be of the highest order and in the best traditions of the U.S. Senate. I assure the Senator that, for my part, I shall try to live up to that standard with every ounce of energy I have. I thank my colleague for helping me bring that about today, and thank him also for the expression that he has voiced with respect to his desire to have full deliberation of the matter, because, as I stated earlier, I can think of no subject area in the history of the United States more vital than this one.

Not only are we talking about the war, but we are talking about the future course that this Nation will take in world affairs. If that is a sound course, this Nation can sustain itself in the world for another 100 years, or many hundreds of years; but if we make a mistake, our glory will wane as surely as did the glory of Rome, the glory of Greece, and the glory of many other past civilizations.

That is why we must be ever vigilant. I can understand the concern of the Senator from Ohio in this regard, but I think, without being critical of my colleague, and certainly most respectfully, that his point was not well taken in chiding this body about being dilatory.

If anything, the Senate has acted with alacrity in the handling of this measure, and the fact that we meet at 10 in the morning and have 5 hours' application of the rule of germaneness is ample demonstration that we are working as assiduously on this subject as possible. I am sure that if it gets to a point, at a later date, when we must put in more hours, the majority leader will be the first to demand of the membership of this body a greater effort toward meeting the goals that must be met.

But this is a deliberative body, not only unto itself, but unto the American people, because in the goals I seek, there are not two elements, but three: There are the pros and cons within this Chamber, but the most important element of all, as the Senator has just stated, is the people, because they are the ones who fight and die and the ones who pay the tab, and they should be heard from.

I thank my colleague, and certainly underscore his views in this regard.

Mr. BYRD of Virginia. Mr. President, I concur in the statement made by the Senator from Alaska in regard to the leadership. The fact that the leadership is bringing the Senate in at 10 o'clock each day, with the approval of the Senate, and has extended the hour of germaneness to 5 hours, again with the approval of the Senate, indicates to me that both the leadership and the Senate want to see this matter handled as expeditiously as possible, but at the same time to give all of the Members of the Senate full opportunity to present their views pro and con on an extremely important and difficult matter.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HANSEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

DEATH OF FORMER SENATOR ALBERT W. HAWKES

Mr. CASE. Mr. President, I announce with sorrow the death of a former colleague, Albert W. Hawkes, Senator from New Jersey for one term from 1943 to 1949.

Senator Hawkes was a strong man, a good friend, a man on whom one could rely to be true to his convictions and to fight for them with great vigor.

It is especially appropriate, I think, that the Senator from Virginia yielded to me, because his father was a great friend of Senator Hawkes. Senator Hawkes often spoke to me about visiting Senator Byrd, and I know that Senator Byrd visited him in Montclair on several occasions.

For a man who has lived 92 years, it is difficult to say that he has not lived a full span or a full life, and indeed, Senator Hawkes did so; but it is still with a feeling of sorrow and regret that I announce his passing, as well as with a sense of very deep personal loss. Senator Hawkes and I disagreed on many things, and sometimes very strongly, but on personal grounds, and especially toward the end of his life, we became quite close again, and I record with sorrow and regret his passing.

Mr. BYRD of Virginia. Mr. President, I join with my friend the distinguished Senator from New Jersey in expressing sorrow at the death of former Senator Hawkes. He was one of my father's very closest friends. They served together for 6 years in the Senate of the United States, but their friendship continued until my father's death in 1966.

I might say that, during the time that I have been in the Senate, Senator Hawkes has communicated with me a number of times. We have discussed many matters of national and international interest.

He was an outstanding American, a man of great patriotism, firmness, high ability, and the very highest integrity. Senator Hawkes was a Member of the Senate, in whom all his colleagues could take pride.

I am glad that I could be in the Chamber today to make these few words of comment in regard to an outstanding American and a beloved friend, former Senator Albert W. Hawkes.

Mr. CASE. I thank the Senator.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, seeing that only 3 minutes remain under the Pastore rule for today, I ask unanimous consent that the rule be lifted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR RECOGNITION OF SENATOR HUGHES AND SENATOR GRAVEL ON WEDNESDAY, MAY 12, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. And that at the conclusion of his remarks on Wednesday next, the distinguished junior Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, upon the expiration of the Pastore rule, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized, to speak on a nongermane subject, if no Senator has the floor at that time; and if a Senator does have the floor at that time, that the Senator from Mississippi be recognized at such time as such Senator yields the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I wish to make a few remarks now with respect to the pending amendment.

We have had speeches today from members of the committee who have gone into various phases of the bill and, in addition to the overall coverage, have given their appraisal and their reaction with respect to the facts that came before the committee—such vital factors as the necessity for renewing the act, the necessity for renewing it for a minimum of 2 years and the necessity for looking at the bill as the medium by which the United States regulates and brings into its services the manpower necessary, not just for the war in Vietnam that is being wound down but for all the services, whatever may be their pursuits. Other major points have also been covered by the various members of the committee, including the problem arising with reference to the Reserves. In that way, I am sure they have contributed substantially to the record. The matters are in here now for Senators to read, for their staff members to read, for members of the press, and for others who may have a special interest or a special duty. So, it goes out before the people and, in that way, the ideas in the bill and in the report will gradually percolate out to the country.

Tomorrow, some additional members of the committee will give their special views on these very problems. Additional Members of the Senate have asked for some time tomorrow, 3 or 4 hours. Then, so far as I know, that will be what I shall call the committee's presentation of the overall bill. After that, so far as I am concerned, it will be in order to take up amendments, seek changes, and have some understanding about the time to be agreed on and, if possible, votes on the amendments.

I think it will be helpful to all to have amendments submitted for printing. Many of them will require some research and analysis by those who are well versed in these matters and that will facilitate disposition of the bill.

I am agreeable and willing to have controlled time on any amendment and, finally, on the bill, but that would always have to be consistent with the views of many other Senators, including the authors of amendments, or any other Member of the Senate. Heretofore, we have had good success in working out agreements of that kind.

I believe that by application and the way we have arranged it here, we can get well into the bill this week and have some chance of completing it next week.

But, at the same time, these are major amendments. I do not know how many of them will be offered or finally called up. However, I believe that progress has certainly been made today.

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. I wish to commend the distinguished chairman of the committee for his presentation, and also for the presentations of his colleagues on both sides of the aisle who serve with him on the Armed Services Committee. I know that there will be more tomorrow. I think it has been a very enlightening discussion for the benefit of the Senate and for the benefit of the country.

I wish to indicate my agreement with the Senator from Mississippi that as soon as the committee's presentation is completed, we should try to reach time limitation agreements to deal with the amendment process, and get to a vote on the bill itself.

I am not unaware of the fact that there has been some talk in terms of extended debate and a long debate about the bill. It seemed to me that regardless of one's views on the merits—and we certainly have different views—it is very important that the Senate get to a vote on the merits of the bill, within a reasonable time—before the expiration of the present act.

I think it would be an unfortunate reflection upon the Senate itself as an institution if we were unable to get to a vote. If there are those who want to impede the efforts of the Senate in that respect, they should be on notice that there will be a continuing effort on the part of the leadership on both sides to keep the Senate working on the bill and get to a vote.

I thank the Senator from Mississippi for yielding to me.

Mr. STENNIS. I appreciate the sentiments of the Senator from Michigan and his very generous words about the presentation here by the membership.

This is a subject of great importance that will have to be passed on by the Senate—and I say that with all deference to everyone. There are certain matters we can defer, but we cannot leave our military services, numerous as are their duties—although there is room for improvement within the military and I am pressing for some of those improvements—but regardless of a few points by the wayside like that, we cannot leave our military services stranded for manpower. It will mean the collapse of our foreign policy. Our foreign policy, Mr. President—while we might disagree as to some elements of it—for the time being is carrying a great part of the load of the free world. Without it, there will be a calamitous reaction. I believe that the free world would fall apart rather rapidly. Thus, we cannot afford not to pass on this matter of a final vote. It will not be defeated, either, on a final vote.

I thank the Senator from Michigan again for his generous remarks and, Mr. President, I yield the floor.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. and immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Alaska (Mr. GRAVEL) will be recognized for not to exceed 15 minutes; upon the conclusion of which there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the unfinished business, H.R. 6531, an act to amend the Military Selective Service Act of 1967, will be laid before the Senate. Under the previous order, the Pastore rule of germaneness paragraph 3, rule 8, of the Standing Rules of the Senate, will be triggered upon the laying before the Senate of the unfinished business, and will continue for a period of 5 hours instead of the normal 3 hours under the rule.

Upon the expiration of the Pastore rule of germaneness on tomorrow, and at such time as the floor is yielded, the distinguished junior Senator from Mississippi (Mr. STENNIS) will be recognized to speak on a nongermane subject.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 11, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 1971:

DEPARTMENT OF JUSTICE

Julio Morales Sanchez, of Puerto Rico, to be U.S. attorney for the District of Puerto Rico for the term of 4 years, vice Blas C. Herrero, Jr., resigned.

IN THE ARMY

The U.S. Army Reserve officer named herein for promotion as a Reserve Commissioned officer of the Army, under provisions of title

X, United States Code, section 593(a) and 3384:

To be brigadier general

Col. Benjamin L. Hunton, SSAN [redacted] Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned officers of the Army under provisions of title X, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. Robert L. McCrady, SSAN [redacted] Adjutant General Corps.

To be brigadier general

Col. William J. McCaddin, SSAN [redacted] Field Artillery.

Col. Charles A. Rollo, SSAN [redacted], Field Artillery.

Col. Dana L. Stewart, SSAN [redacted], Armor.

IN THE NAVY

Rear Adm. Philip A. Beshany, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title X, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Richard D. Nauman
Willard P. Arentzen

SUPPLY CORPS

Joe G. Schoggen
Edward E. Renfro III
James E. Forrest

CHAPLAIN CORPS

Richard G. Hutcheson, Jr.

CIVIL ENGINEER CORPS

Donald G. Iselin
Albion W. Walton, Jr.

DENTAL CORPS

Anthony K. Kaires

CONFIRMATION

Executive nomination confirmed by the Senate May 10, 1971:

INTERNATIONAL ATOMIC ENERGY AGENCY

Dwight J. Porter, of Nebraska, a Foreign Service officer of the class of Career Minister, to be the deputy representative of the United States of America to the International Atomic Energy Agency.

HOUSE OF REPRESENTATIVES—*Monday, May 10, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D. offered the following prayer:

Study to show thyself approved unto God, a workman that needeth not to be ashamed.—II Timothy 2: 15.

Our Father God, amid the disturbances about us and the bewilderments within us we come seeking the quiet sanctuary of Thy healing and heartwarming presence. In this moment of prayer grant us to hear and to heed Thy summons to greater moral discipline, to tap the higher resources of inner strength, and to develop a finer faith in goodness and truth that, come what may, we may keep our hearts with Thee.

We pray for our Speaker who this day celebrates his birthday. We thank Thee for him, for his integrity of mind, his sincerity of spirit, and his devotion to our country through this House of Representatives. Grant unto him, we beseech Thee, health and strength, wisdom and patience for this year and for many years to come.

We pray in the spirit of the Master of all good workmen. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 22. Concurrent resolution designating "Human Development Month" and "Voluntary Overseas Aid Week."

ON A U.S. WITHDRAWAL FROM VIETNAM

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussions on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

CONGRESS SHOULD DELEGATE CONTROL OF THE DISTRICT OF COLUMBIA TO THE DISTRICT OF COLUMBIA

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, had I a vote in this Chamber—and I should have as the duly elected Representative of nearly 800,000 American citizens who happen to live in the District of Columbia—had I a vote, and I hope that the 92d Congress in this session will vote to give me the vote; had I a vote today I would vote to assign responsibility for decision-making on several of the bills you will consider today to the District of Columbia City Council.

I have watched with interest the vital issues that have claimed the attention of you, our Nation's finest legislators, in the 3 weeks I have been privileged to serve among you. We, as Representatives of the people of the United States, have considered and must deal in this session with a complex and broad range of issues—from the war in Indochina, the faltering position of the dollar in the world economy, the state of this Nation's economy, to the overhaul of the Nation's welfare system. Our list of needs is long; our time is short.

Faced with these pressing issues, the House will consider this afternoon on the District Calendar H.R. 2596. This bill would allow members of the District Fire Department, the Executive Protection Service, and the U.S. Park Police to play in the District police band.

What concerns me, Mr. Speaker, is that this House must spend its valuable and all too limited time discussing such matters which properly are matters for a city council. The Members of the House can far more valuably spend their time in their offices handling constituent mail rather than sitting here acting as the District of Columbia City Council. That this Congress must deal with such questions as who can play in the police band clearly illustrates once again the futility of a system that requires Congress to sit as a municipal legislature.

Let me stress, Mr. Speaker, that I am not opposed to H.R. 2596. If this bill had come before the City Council as a municipal regulation while I was Vice Chairman of the District's City Council, I probably would have voted in favor of it. But this matter should come before a city council and not the National Legislature. Of what possible concern could it be to the people of California or Oklahoma whether a park policeman can play the tuba in the District police band? It is my hope, Mr. Speaker, that before this session is over the citizens of this colony will have self determination. Home rule for the District of Columbia would not only free the citizens of this city, but it would also free the Congress of the United States of much wasted time.

PROGRAM OF WORK ON ALTERNATE FRIDAYS ANNOUNCED

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, first I would like to announce for the benefit of all Members, that beginning after the Memorial Day recess, on the first and third Fridays we will have legislative sessions, providing, of course, that there is business to be considered.

The second and fourth Fridays will be free of business. We plan to keep this schedule throughout the summer months. I make this announcement so that there will be no uncertainty about the program after Memorial Day.

Also, Mr. Speaker, I would like to announce in the event some of the Members did not hear our distinguished Chaplain that all of us join in wishing you a very happy birthday. We are very proud of you.

HAPPY BIRTHDAY, MR. SPEAKER

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of joining with the distinguished majority leader in extending to the distinguished Speaker our very best wishes on his birthday anniversary.

J. EDGAR HOOVER

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DORN. Mr. Speaker, today marks the 47th anniversary of J. Edgar Hoover's leadership of the Federal Bureau of Investigation. I am honored to join my colleagues in paying tribute to this dedicated public servant. His service to the Nation has become a symbol of absolute integrity, of strength and perseverance, and we are all grateful to him. Over the years the FBI has come to reflect the outstanding personal characteristics of its Director. The esprit de corps, the efficiency, and integrity of the FBI staff have become a model for law enforcement organizations all over the Nation and indeed the world.

Mr. Speaker, ours is an open and free democratic society. But there are those from within and without who would subvert our Nation and replace our free institutions with totalitarian institutions. The FBI has been a most effective instrument of our free society in combating this subversion. But just as important, Mr. Speaker, the Bureau has accomplished this without itself endangering the very free and open society we wish to maintain.

In view of the awesome effectiveness of the FBI in combating crime and subversion, one shudders to think what might have happened had the Bureau been formed and led by a weaker and less restrained Director. A weaker Director might have succumbed to ever-changing political pressures and circumstances, and the results could have been tragic for our free society.

But it is the mark of J. Edgar Hoover's leadership that he has so clearly recognized the true enemies of society while always maintaining the Bureau's absolute integrity. The effectiveness of the Bureau in combating the ordinary interstate crime under its jurisdiction is well known. Equally well known has been the Bureau's effective infiltration of the ever-changing conspiracies dedicated to violent overthrow of our Government. In this connection, J. Edgar Hoover was one of the first to recognize and warn the Nation about the Communist menace. More recently, the Bureau has moved effectively, under the proper legal authority, to combat criminal syndicates and ideological terrorist groups.

Mr. Speaker, rarely in our Nation's history has an executive agency enjoyed the confidence, trust, and respect that our people have extended to the Federal Bureau of Investigation. I know that the people of my area believe in the FBI.

In large measure this public trust is a tribute to the man who has shaped and directed the Bureau. For this reason I am pleased to join in paying tribute to the Honorable J. Edgar Hoover on this anniversary of his service and wish for him continued success and good health.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from South Carolina (Mr. McMILLAN), chairman of the Committee on the District of Columbia.

SCHOOL FARE SUBSIDY

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 6638) to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia," approved August 9, 1955 (D.C. Code, Sec. 44-214a), as amended by an Act approved October 8, 1968, is further amended by deleting "1971" and substituting "1974".

With the following committee amendment.

Page 1, line 7, strike out "October 8, 1968" and insert in lieu thereof "October 18, 1969".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the sole purpose of H.R. 6638 is to extend the present subsidy for transportation of school children in the District of Columbia, established by an Act of Congress approved October 18, 1968 (Public Law 90-605, 82 Stat. 1187), which will expire in August of this year, for a period of three years to August 1974.

BACKGROUND

For many years, transit companies operating in the District of Columbia have been required by law to carry schoolchildren at a fare not exceeding one-half the established adult fare. The Metropolitan Area Transit Commission having jurisdiction over such carriers in the city is responsible for determining the amount of such reduced fares for schoolchildren. This reduced rate has never been sufficient to cover the cost of carrying the schoolchildren, and up until three years ago, the Commission was compelled to set the adult fare at a level which was high enough to cover the entire cost of the carrier's operation, including the cost of transportation of schoolchildren in excess of the receipts from their reduced fares. Thus, the economic effect was that the adult bus-riding public had to make up the uncovered cost resulting from the reduced fares for transportation of the schoolchildren.

In 1968, however, the Congress enacted Public Law 90-605, which made it possible for the cost of carrying schoolchildren in the District to be borne by the community as a whole. Under the provisions of this act of 1968, the Washington Metropolitan Area Transit Commission is required to certify to the Commissioner of the District of Columbia for each calendar month, with respect to each bus company transporting schoolchildren in the city, an amount representing the difference between the total of all reduced fares paid to such carrier by schoolchildren and the amount which would have been paid if such fares had been at the lowest adult fare set by the Commission for regular route transportation. Upon receipt of such certification, the Commissioner of the District of Columbia is required to pay each carrier the amount so certified by the Transit Commission.

At the time of enactment of this law, in October 1968, the reduced fare for schoolchildren was 10 cents, and has remained at that level to the present time. The lowest adult fare in 1968 was 25 cents, and since that time has increased to the present level of 40 cents.

The following table, submitted to our committee by the Washington Metropolitan Area Transit Commission, shows the amount of this subsidy paid to the carriers affected, during the 3-year period since the enactment of Public Law 90-605. It will be seen from these figures that whereas a total of 7,686,711 school passenger rides were subsidized during the first year under this system, at a certified subsidy amount of $1,402,552.33, during the third such year, ending in August of 1971, it is estimated that 10,041,741 school passenger rides will have been certified, a total subsidy cost of $3,010,052. The increase in the cost shown is attributable not only to the increase in the number of school passenger rides, of course, but also to the increases in the adult fares which have accrued since 1968.

TABLE I.—SCHOOL FARE SUBSIDY PAID UNDER PUBLIC LAW 90-605

Month	D.C. Transit System, Inc.		WMA Transit Co.	
	School passengers	School subsidy certified	School passengers	School subsidy certified
September 1968	640,825	$96,123.75	17,614	$2,642.10
October 1968	934,545	141,234.82	23,413	3,511.95
November 1968	751,954	122,192.53	17,799	2,669.85
December 1968	600,842	97,676.73	10,142	1,521.30
January 1969	822,608	164,521.60	18,019	2,702.85
February 1969	789,920	157,984.00	18,082	2,712.30
March 1969	854,555	170,911.00	19,689	2,953.35
April 1969	672,860	134,572.00	15,640	2,981.40
May 1969	791,341	158,268.20	16,392	3,278.40
June 1969	350,918	70,183.60	5,965	1,193.00
July 1969	267,898	53,579.60	2,348	469.60
August 1969	43,112	8,622.40	230	46.00
Total, September 1, 1968, through August 31, 1969	7,521,378	1,375,870.23	165,333	26,682.10
September 1969	654,522	130,904.40	17,339	3,467.80
October 1969	999,623	204,442.24	21,374	4,274.80
November 1969	759,379	167,063.38	12,330	2,466.00
December 1969	779,601	171,512.22	11,573	2,314.60
January 1970	903,422	198,752.84	13,714	2,742.80
February 1970	897,486	197,446.92	16,516	3,303.20
March 1970	937,607	206,273.54	16,256	3,251.20
April 1970	904,065	$198,894.30	15,957	$3,191.40
May 1970	914,376	210,162.72	14,848	2,969.60
June 1970	462,331	101,712.82	6,620	1,382.05
July 1970	437,998	120,959.08	3,817	954.25
August 1970	144,376	43,312.80	570	142.50
Total, Sept. 1, 1969 through Aug. 31, 1970	8,794,786	1,942,437.26	150,914	30,460.20
September 1970	701,627	210,488.10	15,023	3,755.75
October 1970	1,182,114	354,634.20	21,796	5,449.00
November 1970	1,044,342	313,302.60	14,121	3,530.25
December 1970	797,097	239,129.10	12,803	3,200.75
January 1971	1,008,709	302,612.70	13,495	3,373.75
February 1971	1,022,897	306,869.10	13,980	3,495.00
March 1971	1,272,523	381,756.90	[1]16,256	[1]4,876.80
April 1971	[1]904,065	[1]271,219.50	[1]15,957	[1]5,584.95
May 1971	[1]914,376	[1]274,312.80	[1]14,848	[1]5,196.80
June 1971	[1]462,331	[1]138,699.30	[1]6,620	[1]2,317.00
July 1971	[1]437,998	[1]131,399.40	[1]3,817	[1]1,335.95
August 1971	[1]144,376	[1]43,312.80	[1]570	[1]199.50
Total, Sept. 1, 1970 through Aug. 31, 1971	9,892,455	2,967,736.50	149,286	42,315.50

[1] Estimate—based on 1970 passenger figure for month.

SCHOOL TICKET SYSTEM

Our committee is advised that each schoolchild who requires bus transportation gets a form signed by his teacher, stating that he is a bona fide pupil. He must present that form in order to buy a book of schoolbus tickets, either 10 tickets for $1 or 20 rides for $2. These ticket books can be purchased either from the D.C. Transit office or from certain banks in the city; or in some instances, they may be obtained at the schools themselves. The child deposits one such ticket in the fare box, of course, when he gets on the bus.

These tickets are counted as they pass through the fare box, and that count is audited by personnel of the Washington Area Transit Commission. There are two such auditors on the premises of the D.C. Transit Co. each day, who conduct at least a spot check on the fare box tallies each day and also check the procedures by which the company keeps track of the school tickets. The school tickets themselves are turned over to the Transit Commission once each month.

Your committee is further informed that the District of Columbia public school system provides these schoolbus tickets free of charge to high school students less than 18 years of age who reside more than 1½ miles from the school but within the school zone, and whose parents have corresponded with the high school principal indicating their financial need for such help.

We are advised that the costs per year of these free ticket distributions have been as follows:

Cost of tickets distributed

School year:	
1968–69	$60,048
1969–70	278,632
1970–71	[1]250,375

[1] As of Apr. 8, 1971.

In addition, the public school system provides transportation for some 950 special education students, in 53 vehicles owned and operated by the school system. The cost of this operation, however, is in no way involved in the schoolbus fare subsidy which is the subject of this proposed legislation.

PROVISIONS OF THE BILL

The bill H.R. 6683, provides a 3-year extension to the provisions of the act of August 9, 1955 (69 Stat. 616) as amended by the act of October 18, 1968 (82 Stat. 1186). The bill amends present law (D.C. Code, sec. 44-1214a) by extending the expiration date of the provisions of the section of the year 1974. The Washington Metropolitan Transit Commission will continue, under the proposed extension, to certify each month to the Commissioner of the District of Columbia the number of school fares on which the District of Columbia is to reimburse the D.C. Transit Co. the difference between the school fare paid and the lowest adult fare.

CONCLUSION

On the basis of the experience during the past 3 years and the testimony received at the public hearings, our committee concurs with the views favoring extension of the subsidy expressed by the District of Columbia Commissioner and the Transit Commission. The Chairman of the Transit Commission summed up the agency's position as follows:

> Philosophically, we at the Commission believe that the 1968 law places the burden of providing transportation for school children where it properly belongs, on the community at large rather than on only those members of the community who happen to ride the bus. Speaking from the standpoint of the practical result, we can report that the shift of that burden has resulted in substantial benefit to the city's bus riders and to the city itself.

The basic desire of all parties is that the citizens of the District of Columbia continue to receive the best possible transportation service at the lowest possible cost to the user of that service. This bill is designed toward that purpose.

HEARINGS

Public hearings on this proposed legislation were conducted on April 7 and April 30, 1971. Testimony in support of the bill was offered by spokesmen for the Commissioner of the District of Columbia, the Washington Metropolitan Area Transit Commission, and the D.C. Transit System.

COST ESTIMATES

Our committee is informed that the estimated cost of this legislation, over the 3 years of its existence, will be some $8,634,300, based upon present fare levels and general economic conditions.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I would be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would the gentleman say what this subsidy will amount to and whether the bus company in the District of Columbia is already being subsidized beyond the school fare subsidy?

Mr. McMILLAN. Well, as the gentleman from Iowa knows, back in the States and the counties they pay the school children's fare to and from school, but here in Washington they had no such provision until about 3 years ago when we passed this act originally. We are trying to subsidize a part of the fare because we felt that the private bus company should not be required to pay all of the schoolchildren's bus fare. We believe the District of Columbia government would like to subsidize a part of their children's school fare as it has been done for the past few years.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, what will be the total cost of this and what will be the total cost of present Federal contributions?

Mr. McMILLAN. It is costing about $3 million a year.

Mr. GROSS. In fact, we are paying at the present rate based upon the contribution to the District government about 17 percent; is that correct, or is it more?

Mr. McMILLAN. This contribution is a small amount of what we pay here. I understand that the District government gets around $500 million under grants. So, this is just a small amount that we pay with reference to the overall contribution.

Mr. NELSEN. Mr. Speaker, for years schoolchildren have been riding the local streetcars and/or buses at a reduced rate and up until 3 years ago the regulatory commission, in effect, charged off the difference between the school fare and the regular rate to the adult riders.

In 1968, Public Law 90–605 provided that under arrangements with the WMATC an amount representing the difference between the total reduced fares paid by such schoolchildren and the regular fare would be paid by the District government. Provisions were set up where school bus tickets were obtained through the school system and the total count was audited by personnel of the WMATC, and upon certification by that commission the District government paid the D.C. Transit Co. for the difference between the school fare and the regular fare each year.

This bill would extend the provisions of this program from August 1971 for a period of 3 years, to August 1974.

The chairman of the city council takes the position on this bill that there is $18 million due and owing the city government under the franchise agreement for the removal of track on various city streets. It would seem that certainly if there were any sale in the future of the transit company, that would be a factor which would have to be taken into consideration to insure that the city government was credited with the amount due it. The chairman's position will undoubtedly be further clarified when hearings are held on the District of Columbia budget as respects the $18 million.

The city government, in submitting their proposals on this legislation, requested an amendment to this bill which would permit the Commissioner to reduce the payment to a carrier of schoolchildren with respect to any certification filed by the WMATC in such amounts which would be equal to other amounts due the District from such carrier.

This legislative setoff provision would allow but not require the Commissioner to withhold payment in whatever amount the carrier might owe the District of Columbia government.

Inasmuch as this proposal was made by the District government, I think it important that the matter be clarified for the future. In my opinion, it was the intent of the committee in reporting out this bill that, without such proposed amendment, the District government had the legal authority to effect such setoff now, and the proposed amendment to authorize the Commissioner to effect such setoff was unnecessary. Accordingly, it seems necessary to point out as part of the legislative history of the bill we consider today that the fact that the committee did not act to adopt the recommendation of the District government as respects legislative authority for setoff, the failure of the committee to act should in no way be taken as an indication that the District government lacks such authority. In fact, the converse is true; what the committee is saying is that the District government does not need legislative authority for setoff inasmuch as they have it under existing law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, at this time I yield to the gentleman from Missouri (Mr. HUNGATE) to call up a bill from his subcommittee.

PENALTIES FOR ASSAULTS ON DISTRICT OF COLUMBIA FIREMEN

Mr. HUNGATE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 5638) to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5638

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, sec. 22–505) is amended by inserting after "District of Columbia," where such phrase first appears, the following: "or any officer or member of any fire department operating in the District of Columbia,".

Mr. HUNGATE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 5638, which was requested by the District of Columbia government, is to provide the same criminal penalties for assaults on firemen in the District of Columbia, and for interfering with such firemen in the performance of their official duties, as are presently provided by law for assaults on and interference with police officers in the city.

PROVISIONS OF THE BILL

The bill amends subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, section 22–505), presently applying to assaults and other interference with police officers and employees of penal and correctional institutions, so as to extend the penalties provided in this subsection to cover such assaults on officers and members of the Fire Department of the District of Columbia and any other fire department operating in the District of Columbia. These penalties are a fine of not more than $5,000, imprisonment for not more than 5 years, or both.

The harassment of firefighters in the District of Columbia, and the deteriorating climate between the firefighter and the citizen in this city, has become a very real and menacing problem in recent years, and is steadily growing more serious.

In 1965, for example, there were 4,000 false alarms sounded in the District of Columbia; and in 1970, this number rose to 17,000. Our committee is advised that drastic measures are being considered to combat this situation, including the recommended discontinuance of fire alarm boxes in areas of the city which have proved to be particularly perilous to the firemen, and which boxes have been used in recent years almost exclusively for the sounding of false alarms.

Further, this committee has been furnished with a list of more than 100 documented incidents of many types of harassment—including stoning by rocks and bottles, members assaulted on the fireground, engine houses being fired into, and apparatus being fired on while responding to an alarm—which have occurred solely in the area of the city east of the Anacostia River, within a period of approximately the past 3 years. And this list does not comprise the total number of such incidents, but only those of the most serious nature.

Further, while the area referred to above is the section where this problem has been the most prevalent, such incidents have by no means been confined to that location. The fact is that virtually every fire company east of Rock Creek Park has been similarly affected to some degree.

NEED FOR LEGISLATION

At the present time, there is no law in the District of Columbia making it a crime to assault or otherwise interfere with a fireman while he is performing his official duties. For this reason, any prosecution for such an offense would presently have to be made under the general statutes relating to assault, disorderly conduct, or rioting. Our committee is advised that these statutes not only do not provide sufficiently severe penalties for assaults on firemen engaged in their hazardous work, but also they are not broad enough to permit adequate prosecution for this most serious offense. For example, the existing statutes referred to would require a direct assault by a person upon a fireman, whereas the provisions of H.R. 5638 would facilitate prosecution also for resisting, opposing, impeding, and interfering with a fireman while in the performance of his duties.

Thus, the problem existing in this area at the present time is not the subject of a specific statute, a condition which the enactment of this proposed legislation would alleviate.

HEARING

A public hearing on this bill was conducted on March 29, 1971. At this time, testimony in favor of the measure was offered by spokesmen for the District of Columbia Fire Department, the Commissioner of the District of Columbia, and the North Washington Council of Citizens Associations. No opposition to the bill was expressed.

CONCLUSIONS

Our committee feels strongly that the grave problem of assault upon and other forms of interference with firefighters while performing their highly perilous work in the District of Columbia demands the strongest and most effective legislative relief which we in the Congress can enact, and that the same law which provides criminal penalties for such offenses against police officers and officers and employees of penal or correctional institutions in the District should certainly be extended to protect the city's firemen as well. Accordingly, we commend the bill H.R. 5638 for favorable and prompt action.

COMMISSIONER'S LETTER

The following letter from the office of the Commissioner of the District of Columbia expresses the Commissioner's recommendation for the enactment of this proposed legislation:

THE DISTRICT OF COLUMBIA,
Washington, D.C., March 26, 1971.

Hon. JOHN L. MCMILLAN,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. MCMILLAN: The Commissioner of the District of Columbia has for report H.R. 5638, a bill "To extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes."

At the present time assault on a fireman, or interference with a fireman while he is performing his duties in connection with extinguishing a fire, are not the subject of a specific statute. Prosecutions must be brought under the general assault, disorderly conduct, or rioting statues. In this regard, it should be noted that there were 33 incidents of assaults against District of Columbia firemen during the calendar year 1970.

H.R. 5638 amends subsection (a) section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, sec. 22–505 (a)), presently applying to assaults on police officers and employees of penal, correctional, or juvenile institutions, to extend its coverage to officers and members of the District of Columbia Fire Department and any other fire department operating in the District of Columbia. In emergency situations involving interference with firemen in the performance of their duties, prompt and effective enforcement of a statute specifically covering these situations is necessary to prevent widespread destruction of property.

In light of the foregoing, the Commissioner of the District of Columbia recommends enactment of H.R. 5638.

Sincerely yours,
GRAHAM W. WATT,
Assistant to the Commissioner.
(For Walter E. Washington,
Commissioner).

Mr. GROVER. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I am happy to yield to the gentleman from New York.

Mr. GROVER. Mr. Speaker, I want to compliment the gentleman from Missouri for presenting this legislation. Recent events in New York City have indicated the need for this type of legislation in urban areas. I would state that I have a great deal of respect for these men who go unarmed into various sections of urban areas trying to save lives. I think the legislation the committee is sponsoring should be looked into very, very carefully and some of our other urban areas.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman from New York for his support which has been very helpful.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to ask the gentleman from Missouri whether the gentleman thinks these penalties are severe enough?

Mr. HUNGATE. If the gentleman will yield, I will reply that I think they are probably as severe as the courts would impose.

Mr. GROSS. They are probably more severe than the courts would impose, would the gentleman not agree, in view of the way the courts have been performing here recently?

Mr. HUNGATE. I would respond to the gentleman from Iowa by saying that I would just think the penalties are as severe as you could probably get convictions for and sentences for. It would be quite an improvement over the present situation where it is simply a misdemeanor to assault a fireman when he is responding to a call.

I would say further to the gentleman from Iowa, that as I recall our testimony, that we have been reasonably fortunate insofar as the District of Columbia firemen getting shot at, wounded, or serious things of that nature, there have not been so many. There have been a good many cases of throwing stones and bottles, which, of course, we do not want to have, and there was also one case where a fire engine responding to a call was actually burned up.

Mr. GROSS. I wanted to ask the gentleman about that. I think this legislation is a good step in the right direction. I only hope that the courts will provide the maximum penalties under the terms of this legislation.

Referring to the situation of the burned firetruck, and I note the report of the committee also stated that episode occurred at Howard University. I would ask the gentleman from Missouri whether the gentleman's committee inquired into this to find out who replaced the pumper truck that was destroyed by a fire at Howard University?

Mr. HUNGATE. As I recall that, that burden fell on the city government. In other words, they were asked to assume the bill. In that situation it was destroyed there at the university and consequently the government paid for the destroyed truck.

Mr. GROSS. It is my understanding the university did not pay for the destroyed firetruck, although rioting students drove firemen away and then set it afire. That was left to the city of Washington, and I assume the taxpayers across the country got the opportunity to finance 17 or 20 percent of the cost of the replacement, since that is the Government's contribution to the support of the District of Columbia.

Mr. HUNGATE. The gentleman's memory, I believe, is correct, and his statement of the facts is correct insofar as I recall the testimony before the committee by the firemen and others who were there at that time.

I would say to the gentleman from Iowa that Howard University is perhaps something like Missouri University in that it does not take complete responsibility for all of the acts of its students.

Mr. GROSS. I suspect that if it had occurred at the University of Missouri the students who were responsible would have at least been expelled and the burden of replacing the truck would have fallen upon the city of Columbia, Mo., and no part of it on the Nation's taxpayers. So far as I know no one was ever penalized for burning up the costly firetruck at Howard University.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HAYS. Mr. Speaker, I realize that all the gentleman is saying is certainly relevant, I think. But I was reading in this morning's Post, and the Star and Post of yesterday, statements by some commentators about the demonstrators here last week and describing them and they kept calling the demonstrators "our children."

I, for one, resent having old Dr. Spock referred to as "our children." Certainly, I think most Americans would feel the same way. He is a little too old to be called anybody's child in this generation. I doubt if anybody who could have fathered him is still alive.

Mr. GROSS. I thank the gentleman from Ohio (Mr. HAYS) for his observation, and I certainly agree with him.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HUNGATE. The gentleman is aware, I am sure, that this committee has no direct oversight over the operation of Howard University and would lament with him any loss suffered by the city.

Mr. GROSS. The gentleman says we have no oversight over Howard University? Congress only put out about $45 million a year for the operation of Howard University.

Mr. HUNGATE. But that does not pass through the Committee on the District of Columbia.

Mr. GROSS. I am talking about the Congress of the United States.

Mr. HUNGATE. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 0, not voting 120, as follows:

[Roll No. 85]

YEAS—312

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspin
Baker
Begich
Belcher
Bennett
Bergland
Biester
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, S.C.
de la Garza
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frenzel
Frey
Fulton, Pa.
Fuqua
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Henderson
Hicks, Wash.
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Minish
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Roy
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton, J. William
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—120

Abzug
Alexander
Anderson, Tenn.
Archer
Ashley
Aspinall
Badillo
Baring
Barrett
Bell
Betts
Bevill
Biaggi
Bingham
Blackburn
Blanton
Brademas
Brinkley
Brooks
Camp
Celler
Chisholm
Clay
Conyers
Cotter
Danielson
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Diggs
Donohue
Dow
Dowdy
Drinan
Edmondson
Edwards, Calif.
Edwards, La.
Eshleman
Fish
Ford, William D.
Forsythe
Frelinghuysen
Fulton, Tenn.
Galifianakis
Gallagher
Giaimo
Grasso
Green, Pa.
Griffin
Halpern
Hanley
Hanna
Hansen, Wash.
Harrington
Hastings
Hawkins
Hébert
Heckler, Mass.
Helstoski
Hicks, Mass.
Hillis
Hogan
Holifield
Johnson, Pa.
Jones, Tenn.
Kee
Koch
Kuykendall
Lent
Long, La.
McCloskey
McCulloch
McKevitt
Mann
Matsunaga
Mayne
Mikva
Mills
Mink
Minshall
Mitchell
Moorhead
Mosher
Nix
O'Neill
Pepper
Podell
Rangel
Rees
Reuss
Rhodes
Riegle
Roe
Rooney, N.Y.
Rosenthal
Rousselot
Roybal
Runnels
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Spence
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stuckey
Symington
Terry
Ullman
Ware
Watts
Wiggins
Wilson, Bob
Wolff
Wylie
Wyman

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Betts.

Mr. Hébert with Mr. Rhodes.

Mr. Biaggi with Mr. Davis of Wisconsin.

Mr. Celler with Mr. Hastings.

Mr. Mills with Mr. Saylor.

Mr. Podell with Mr. Bell.

Mr. Gallagher with Mr. Frelinghuysen.

Mr. St Germain with Mr. Hogan.

Mr. Rooney of New York with Mr. Halpern.

Mr. Rosenthal with Mr. McCloskey.

Mr. Jones of Tennessee with Mr. Dellenback.

Mr. Holifield with Mr. Bob Wilson.

Mr. Wolff with Mr. Fish.

Mr. Brooks with Mr. Archer.

Mr. Bevill with Mr. Minshall.

Mr. Barrett with Mr. Johnson of Pennsylvania.

Mr. Donohue with Mr. Steele.

Mr. Matsunaga with Mr. Spence.

Mr. Mikva with Mr. Hawkins.

Mr. Symington with Mrs. Chisholm.

Mrs. Mink with Mr. Clay.

Mr. Rees with Mr. Nix.

Mr. Roe with Mr. Rangel.

Mr. Fulton of Tennessee with Mr. Wiggins.

Mr. Giaimo with Mr. Blackburn.

Mr. Moorhead with Mr. Hillis.

Mr. Danielson with Mrs. Heckler of Massachusetts.

Mr. Blanton with Mr. Kuykendall.

Mr. Bingham with Mr. Mitchell.

Mr. Steed with Mr. Camp.

Mr. Stuckey with Mr. Eshleman.

Mr. Harrington with Mr. Diggs.

Mr. Drinan with Mr. Dellums.

Mr. Roybal with Mr. Riegle.

Mr. Green of Pennsylvania with Mr. Wyman.

Mr. Aspinall with Mr. Forsythe.

Mr. Ashley with Mr. Lent.

Mr. Hanley with Mr. Terry.

Mrs. Abzug with Mr. Conyers.

Mr. Cotter with Mr. Mayne.

Mr. Reuss with Mr. Steiger of Wisconsin.

Mr. Runnels with Mr. Wylie.

Mr. Griffin with Mr. Alexander.

Mr. Galifianakis with Mr. Anderson of Tennessee.

Mr. Edmondson with Mr. Ware.

Mr. Edwards of California with Mr. Mosher.

Mr. Dowdy with Mr. Baring.

Mr. Mann with Mr. Brademas.

Mrs. Hicks of Massachusetts with Mr. McKevitt.

Mrs. Hansen of Washington with Mr. Koch.

Mr. Long of Louisiana with Mr. Dow.

Mr. Edwards of Louisiana with Mr. William D. Ford.

Mr. Davis of Georgia with Mr. Sarbanes.

Mr. Watts with Mr. Ullman.

Mr. Brinkley with Mr. James V. Stanton.

Mr. Pepper with Mr. Scheuer.

Mr. Kee with Mr. Helstoski.

Mr. Ryan with Mr. Badillo.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRIBUTION OF A MINOR'S SHARE IN DECEDENT'S ESTATE

Mr. HUNGATE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2594) to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000, and ask unanimous consent that the bill be considered in the House as in the Committee on the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 19 of title 20, District of Columbia Code, is amended by adding at the end thereof the following new section:

"§ 20-1908. Distribution of minor's share

"If (1) any person entitled to a distributive share of a decedent's estate is under twenty-one years of age and is not otherwise under a legal disability, (2) such distributive share consists of personal property or money of the value of not more than $1,000, and (3) there is no duly appointed and qualified guardian for such person—

"(A) if such person is eighteen years of age or over, the executor or administrator may deliver such share to such person and his receipt shall be sufficient voucher therefor;

"(B) if such person is under eighteen years of age, the executor or administrator may deliver such share to the custodian of such person and the receipt of such custodian shall be sufficient voucher therefor."

(b) The table of sections for such chapter is amended by adding at the end thereof the following new item:

"20-1908. Distribution of minor's share."

Mr. HUNGATE. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of this bill, H.R. 2594, is to facilitate the distribution of a minor's share in the personal property of an estate, whenever such share is of the value of $1,000 or less, and the minor is not otherwise under a legal disability and does not have a duly appointed and qualified guardian.

Distribution under the provisions of the bill would be made directly to the minor if he is 18 years of age or older, or to his custodian if he is under 18 years of age.

REASON FOR LEGISLATION

The reason for the proposed change in law made by H.R. 2594 is to avoid the necessity of creating a guardianship estate for the minor where his inheritance is not more than $1,000. Experience has shown that the creation of a guardianship for property of this modest value is impractical and expensive. The expenses incurred in opening the estate and administering the estate through the years of minority, together with the attendant formalities of a court-supervised estate, indicate a need for the expeditious and less expensive distribution and management of an interest having a value of $1,000 or less.

PRESENT LAW

Under existing law in the District of Columbia, if at the end of the administration of a decedent's estate any assets remain which are due and payable to a distributee who is under the age of 21, such assets must be paid or delivered to a duly appointed and qualified guardian. This means that the decedent's personal representative must go to court and secure the appointment of a guardian of the minor's estate. In the case of small estates, the cost involved may exceed any ultimate benefit that the minor receives.

Guardianships in the District of Columbia are initiated by the filing of a petition and order. Since most persons are unable to prepare the documents, it is necessary to engage the services of an attorney. Upon appointment, the guardian must qualify by posting a bond. Thereafter, a 60-day report is required, followed by annual accounts until the minor attains the age of 21 years. Any disbursement for the care of the minor can only be made upon order of the court, after a petition therefor has been filed by the guardian. Not only must the surety of the guardian be approved by the court, but the guardian must file an annual report with the court and retain all assets intact until the minor reaches his majority, at which time a final account is filed and distribution is made to the minor.

Under the present procedure in the District of Columbia, our committee is advised, the costs incurred in the case of a $1,000 guardianship would be approximately as follows: original court costs, $10 to $12; initial bond premium, $10; attorney's fees, $50; and expenses of travel to the court house. Any additional court costs and fees, if incurred, as for petitions for expenditures or other relief, of course would be deductible. Finally, court costs for auditing the usual accounts would be between $5 and $10, plus the annual renewal bond premium of $10.

EFFECT OF THE BILL

H.R. 2594 is intended to eliminate the need for the protracted and expensive procedures referred to above in the cases of personal property in the amount of not more than $1,000, distributable to a minor. Our committee is well aware that the court costs and other fees referred to could easily render the guardianship estate less valuable at termination than at its inception, despite constant court supervision. Likewise, in many cases, the minor may be either socially, economically, or physically much more in need of his funds during his minority than when he reaches the age of 21.

HEARING

The Judiciary Subcommittee of our committee held a hearing on this proposed legislation on April 27, 1971, at which time a representative of the government of the District of Columbia, the Register of Wills of the District of Columbia, and representatives of the Bar Association of the District of Columbia, all appeared in support of H.R. 2594. There was no testimony in opposition to the bill, and no expression has been received by our committee in opposition to it.

PRECEDENTS

Informal procedure, such as is contemplated and provided for in H.R. 1594, with regard to handling small amounts of property, is in accord with the modern legal trend, as may be seen by reference to the District of Columbia Code—title 21, section 120—under which a minor may receive up to $3,000 in settlement of a civil action, without the necessity of the appointment of a guardian of his estate.

In addition, the District of Columbia Code—title 4, section 159—permits the police to dispose of the property of a decedent in his possession without distribution to a court-appointed fiduciary if the value is not more than $1,000.

Also, such procedure as is provided in H.R. 2594 is in accord with Maryland law—Annotated Codes, new title 93A—which deals with minors' estates.

CONCLUSION

It is the judgment of our committee that minors who are distributees of decedents' estates should be treated no differently than minors who receive funds in settlement of civil actions, or in other cases such as are outlined above. Our committee, therefore, urges the enactment of H.R. 2594.

Mr. HUNGATE. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA ADMINISTRATION OF ESTATES ACT

Mr. HUNGATE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 7931) to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Administration of Estates Act".

SEC. 2. Sections 20–2101, 20–2102, 20–2106, and 20–2107 of the District of Columbia Code (relating to the administration of small estates) are each amended by striking out "$500" wherever it appears and inserting in lieu thereof "$2,500".

SEC. 3. (a) Section 15–707(a) of the District of Columbia Code, as amended by section 144(10) (A) of the District of Columbia Court Reorganization Act of 1970, is amended by striking out "Superior Court" and inserting in lieu thereof "court having jurisdiction over probate matters in the District of Columbia."

(b) Section 15–707(b) of the District of Columbia Code, as amended by section 144 (10) (A) of the District of Columbia Court Reorganization Act of 1970, is amended to read as follows:

"(b) Where the estate does not exceed $500 in value the Register of Wills shall receive no fees, and where the estate does not exceed $2,500 in value the fees may not exceed $15."

SEC. 4. The last sentence of section 20–2105 of the District of Columbia Code (relating to the administration of small estates) is amended to read as follows: "The Register of Wills may demand and receive for services performed by him under this chapter such fees as shall be set by the court having jurisdiction over probate matters in the District of Columbia."

SEC. 5. Section 19–101 of the District of Columbia Code (relating to the family allowance) is amended—

(1) by striking out in subsection (a) and subsection (e) "$500" and inserting in lieu thereof "$2,500" and

(2) by striking out in the third sentence of subsection (a) "$200" and inserting in lieu thereof "$600".

SEC. 6. Section 2 of title IV of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 40–102) is further amended by adding at the end of subsection (d) thereof the following: "When the only assets of a decedent's estate requiring administration consist of not more than two motor vehicles, the Commissioner of the District of Columbia may upon proof satisfactory to him that all debts and taxes owed by the decedent have been paid or provided for, transfer the title to such motor vehicles to the person or persons entitled thereto or their nominee; and in such case, no administration of the decedent's estate, or other proceedings, need be had. In the event that any of the persons entitled to the transfer of title hereunder shall be a minor, the custodian or the legal guardian of said minor may nominate transferees on behalf of such minor."

SEC. 7. Section 20–334 of the District of Columbia Code (relating to the order of preference of persons entitled to administer estates) is amended—

(1) by striking out in clause (3) of subsection (a) "the father shall be preferred; and, where there is no father, the mother shall be preferred", and inserting in lieu thereof "the father or mother shall be preferred"; and

(2) by deleting in such subsection (a), clauses numbered (5), (9), and (10), and

redesignating clauses numbered (6), (7), and (8) as (5), (6), and (7), respectively.

SEC. 8. Section 20–1106 of the District of Columbia Code (relating to the authority of the court regarding sales of realty) is amended—

(1) by inserting in the third sentence immediately after the word "or" the following: ", except where consents have been filed with the court as hereinafter provided,"; and

(2) by adding the following: "Upon a proper showing by the fiduciary of an estate that the personal estate of a decedent is insufficient to meet all of the aforesaid charges and that all or part of the decedent's real estate must be sold to pay all or part of the said charges, the court may order the sale of all or part of said real estate without reference to the auditor, provided all persons who have an interest in the real estate to be sold shall have filed with the court their consents to the sale thereof. In the event a person having an interest in the said real estate is not sui juris, the court may accept on his behalf the consent of a fiduciary duly appointed for the estate of said person, or may appoint a guardian ad litem who shall have the right to file a consent on behalf of said person"; and

(3) by adding at the end of the section heading, immediately following the word "report", a semicolon and "sales without reference to the auditor".

SEC. 9. The item relating to section 20–1106 in the analysis of chapter 11 is amended by inserting immediately before the period at the end of the word "report", a semicolon and "sales without reference to the auditor".

SEC. 10. Section 18–511 of the District of Columbia Code (relating to the appointment of a guardian ad litem) is amended by striking out "shall" and inserting in lieu thereof "may".

Mr. HUNGATE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purposes of the bill, H.R. 7931—which if enacted will be cited as the "District of Columbia Administration of Estates Act"—are to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administrating estates.

The bill is the embodiment of legislation which was proposed by the Commissioner of the District of Columbia and recommended for approval by the Congress.

SMALL ESTATES ACT

Under existing law dealing with the settlement of small estates in the District of Columbia (District of Columbia Code, title 20, sec. 2101, et seq.), the surviving spouse or minor children of a person who dies leaving an estate consisting only of personal property of a value not to exceed $500, may petition the probate court for an order which among other provisions, eliminates the necessity of a formal administration of the estate or the probate of a will.

Also under existing law, the person entitled to be preferred in the appointment of an administrator may, in the case of a person who dies intestate leaving an estate consisting only of personal property of a value not in excess of $500, and there is no surviving spouse or minor child, similarly petition the probate court for an order waiving formal administration and permitting the expeditious settlement of the estate.

For some time, the Register of Wills of the District of Columbia, and the Bar Association of the District of Columbia, have considered proposals to increase the size of the estate which might be processed as a small estate, thus saving formality, time and money. After prolonged consideration of the problem, they jointly agreed that $3,000 would be a reasonable amount to fix as the size of an estate which could be handled as a small estate under the Small Estate Act. However, the Commissioner of the District of Columbia, after reviewing the matter, recommended to the Congress that the limit for small estates be increased from $500 to only $2,500, and that is the figure contained in section 2 of the reported bill.

Such increase, our committee is advised, is in conformity with the trend of other States; for example, the limit for small estates in some other jurisdictions is as follows: $5,000 in Illinois; $3,000 in Ohio; $3,000 in New York; $2,500 in Pennsylvania; $2,500 in Virginia; and $2,000 in Maryland.

FAMILY ALLOWANCE

Present law (District of Columbia Code, title 19, sec. 101) fixed $500 as the amount of the family allowance to which a surviving spouse is entitled out of the personal estate of a decedent for the personal use of such spouse and any minor children. This same provision also provides $200 as the maximum amount to which the family allowance may be subjected for the payment of funeral expenses. Also, at present the family allowance is exempt from all other debts and obligations of the decedent.

Since the family allowance is interrelated with the Small Estates Act, both the District of Columbia Commissioner and the bar association recommend that the family allowance be increased to the same amount as the top limit for small estates; namely, from $500 to $2,500, and section 5 of the bill so provides. In addition, it is recommended by them, and section 5 of the bill so provides, that the liability of the exempted family allowance for funeral expenses be raised from $200 to $600.

The small estates and family allowance provisions were enacted into law by the act approved June 24, 1949 (63 Stat. 269). Our committee agrees with the District of Columbia government that changes in economic conditions since that time have acted to make the present amounts of $500 unrealistic in terms of present-day values and requirements.

Further, it is the view of your committee that the proposed increase in these jurisdictional amounts to $2,500 would materially aid in relieving the probate court as well as the Office of Register of Wills of the detailed procedures and time-consuming processes now required in administering estates having assets of more than $500. Thus, if the reported bill is enacted into law, a greater number of persons will be able to use the relatively inexpensive and expeditious method of winding up the affairs in a decedent's estate, and the increase of $2,500 should prove to be of significant benefit not only to the surviving spouse but to the dependent children whose needs are most immediate and pressing.

As indicated, the maximum of amounts as fixed in this reported bill, namely, $2,500 for both small estates and family alowances, is in line with the maximum amounts in other jurisdictions.

TRANSFER OF MOTOR VEHICLES WITHOUT ADMINISTRATION

Section 6 of the reported bill also permits the transfer of title to not more than two automobiles registered in the name of a decedent, without the necessity of formal administration of an estate in cases where the automobiles are the only assets of the estate requiring administration. The bill provides, however, for the submission of satisfactory proof that all debts and taxes owed by the decedent have been paid or provided for prior to the transfer of title to such motor vehicles, and for the protection of the rights of a minor who may be entitled to the transfer of title.

Similar legislation is already in effect in the neighboring jurisdictions of Maryland and Virginia.

NO PREFERENCES IN APPOINTMENT OF ADMINISTRATOR

The law at the present time (District of Columbia Code, title 20, sec. 334) prefers a male over a female and a femme sole over a married woman, within the same class, whether the court is required to appoint an administrator of an estate of a person dying intestate. The reported bill provides for the elimination of this preference and creates equality among the sexes in this regard.

SALE OF DECEDENT'S REALTY FOR PAYMENT OF DEBTS

Existing law (District of Columbia Code, title 20, sec. 1106) authorized the probate court to require the sale of the realty of a decedent whenever necessary for the payment of funeral expenses, debts, costs of administration, taxes, and legacies. Prior to the approval of the sale of such realty, however, the auditor of the court must have ascertained and reported the debts and legacies, the deficiency of personal assets, and the real estate necessary to be sold for the payment of such charges and legacies.

Sections 8 and 9 of the reported bill eliminate the necessity of a reference to the auditor in those cases where it is satisfactorily shown to the court that there is a deficiency of personal estate to pay debts, expenses, taxes, and legacies. Thus, if a proper showing is made by the fiduciary of the need of such sale, and consents to the sale are obtained from all interested parties—and such interested parties must be sui juris—such sale may be had.

The proposed amendment to existing law is permissive, and should the court or the Register of Wills entertain any question as to the allegations of the parties involved, reference to the auditor would be required in accordance with the present law.

DISCRETIONARY APPOINTMENT OF GUARDIAN AD LITEM

Under existing law (District of Columbia Code, title 18, sec. 511) the appointment of a guardian ad litem (who must be an attorney) is mandatory when an infant or a person of unsound mind is an interested party to the proceedings. The function of the guardian ad litem, of course, is to protect the interest of his ward and to contest the will if he deems it necessary and proper.

Often the appointment of guardians ad litem are not only burdensome and time-consuming but expensive as well to the estates involved, and it is desirable that the appointment of a guardian be made only when the court finds that it is necessary to protect the interest of a ward, rather than in all cases.

Section 10 of the bill as reported amends existing laws to authorize the court, in its discretion, to appoint a guardian ad litem to represent an infant or a person of unsound mind when a will is offered for probate.

By thus permitting the exercise of the court's discretion, the appointment of a guardian may be avoided in cases where it is unnecessary. Examples would be where it is obvious that the interest of the ward is protected by admitting the will, such as first, where a minor or incompetent is the sole beneficiary and hence takes the entire estate and whereas, by intestacy, he would take either less than the entire estate or nothing; or second, where a minor or incompetent takes the same or a greater share by will then he would by intestacy. In such cases, the appointment of a guardian ad litem to advise the court that it would not benefit the ward to contest the will is unnecessary. The estate would thereby save the expense of a fee for the guardian ad litem and the time required by him to file his report to the court.

HEARING

The Judiciary Subcommittee of our Committee held a hearing on the proposed legislation on April 27, 1971, at which a representative of the District of Columbia government, the Register of Wills, and representatives of the Bar Association of the District of Columbia testified in support thereof. No testimony was received in opposition to it, nor has any expression been received by our committee in opposition to the legislation.

CONCLUSION

In view of the ultimate benefits obviously to be derived from the enactment of this legislation, expedited procedures, savings of time and money, and the fact that the provisions of the reported bill bring up to date local practice and procedures and conform them more nearly to those in nearby jurisdictions, our committee urges the favorable action of the Congress thereon.

Mr. BROYHILL of Virginia. Mr. Speaker, I am pleased to be a cosponsor of the bill H.R. 7931, and to commend it to my colleagues for their favorable action.

The general purpose of this proposed legislation is to simplify certain procedures with respect to the administration of small estates in the District of Columbia, in conformity with the trend in many of the States, and thus to benefit the local courts, the District of Columbia Register of Wills, and the heirs of the decedents themselves.

This bill will amend the District of Columbia Small Estates Act so as to raise from $500 to $2,500 the maximum value of an estate consisting only of personal property, in which the surviving spouse or minor children of the decedent may seek and obtain a court order to eliminate the necessity of formal administration of the estate or the probate of the will. This will save formality, time, and money for all concerned. At the present time, the maximum limit for such simplified handling of small estates in my own State of Virginia is $2,500; and I see no reason why the present unrealistic limit of $500 should not be raised to that amount in the District of Columbia.

The bill provides also that the amount of the family allowance to which a surviving spouse is entitled out of a personal estate in the District of Columbia, for use on behalf of such a spouse or surviving minor children, be increased from the present amount of $500 to a limit of $2,500; and at the same time, the maximum liability of the exempted family allowance for funeral expenses is raised from the present $200 to $600. In view of present economic conditions, these provisions are obviously realistic.

It is obvious that these provisions of H.R. 7931 will serve materially to spare the District of Columbia Probate Court and the District of Columbia Register of Wills a great deal of time-consuming and unnecessary work in the administration of estates with assets in excess of $500. An at the same time, the surviving spouse and minor children will benefit through the use of relatively inexpensive and expeditious settling of such estates.

H.R. 7931 also authorizes the transfer of title, without formal administration, to not more than two motor vehicles registered in the name of a decedent upon a showing that all debts and taxes have been paid or secured and that the claimant is the rightful owner of such automobiles. It is provided further, however, that the vehicles must be the only assets of the estate requiring administration.

Present law in the District of Columbia prefers a male over a female, and a single woman over a married woman, within the same class, whenever the court is required to appoint an administrator of an estate. H.R. 7931 will eliminate this preference, and thus create equality among the sexes in this respect.

At present, the District of Columbia probate court has authority to order a sale of real estate of a decedent for the payment of funeral expenses, debts, taxes, administration expenses, or legacies. However, the court cannot order such a sale until the auditor of the court first determines the need for such a sale. This proposed legislation will eliminate this requirement, when a satisfactory and proper showing is made by the fiduciary of the need for the sale, or if consent thereto is obtained from all interested parties. In many instances, this provision will save needless expense and a loss of time.

The final provision of this bill pertains to the appointment of a guardian ad litem to represent a minor or incompetent heir at law, and the next of kin where the will of a decedent is offered for probate. At present, the law requires the court to make such an appointment, even though in many instances such an act is useless on its face. For example, this is true in cases where the minor or incompetent is the sole heir and thus entitled to the entire estate, or where such an heir takes under the will an equal or larger share of a decedent's estate than he would take if the will did not exist. Under such circumstances, this provision of H.R. 7931 will save the estate the expense of a fee for the guardian and the time required by the guardian to file his report to the court.

I am informed that the District of Columbia Bar Association has been advocating these reforms for several years, and that the Commissioner of the District of Columbia has requested the enactment of this proposed legislation.

The benefits which will accrue from this legislation to the probate court, the Register of Wills, and to the heirs to these small estates are both obvious and substantial. The bill is very much in the public interest, and I urge the support of this body for its passage.

Mr. HUNGATE. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

METROPOLITAN POLICE DEPARTMENT BAND

Mr. HAGAN. Mr. Speaker, I call up the bill (H.R. 2596) to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the establishment of a band in the Metropolitan Police force", approved July 11, 1947, is amended as follows:

(1) The second sentence of the first section of such Act (D.C. Code, sec. 4–182) is amended to read as follows: "The Commissioner is authorized in his discretion to detail officers and members of the Metropolitan Police force and the District of Columbia Fire Department to participate in the activities of such band." The first sentence of such section is amended by striking out "Commissioners" and inserting in lieu thereof "Commissioner". The third sentence of such section is amended by striking out "Commissioners are" and inserting in lieu thereof "Commissioner is".

(2) Such Act is amended by inserting immediately after the first section the following new section:

"SEC. 2. The Secretary of the Interior is authorized in his discretion to detail officers and members of the United States Park Police force to participate in the activities of the band established by this Act, and the Secretary of the Treasury is authorized in his discretion to detail officers and members of the Executive Protective Service to participate in the activities of such band."

(3) Section 5 of such Act is repealed and section 4 of such Act (D.C. Code, sec. 4–184) (relating to an authorization of appropriations) is redesignated as section 5.

Mr. HAGAN. Mr. Speaker, the purpose of H.R. 2596 is to permit members of the District of Columbia Fire Department, the Executive Protective Service, and the U.S. Park Police force to be detailed by the Commissioner of the District of Columbia, the Secretary of the Treasury, and the Secretary of the Interior, respectively, to participate in the activities of the Metropolitan Police Department Band.

This bill is essentially identical to H.R. 8205 of the 89th Congress, passed by the House on August 22, 1966; to H.R. 831 of the 90th Congress, approved by the House on March 13, 1967; and to H.R. 9551 of the 91st Congress, passed by the House on July 28, 1969.

NEED FOR LEGISLATION

Actually, some members of these other forces do participate as members of the Police Department Band. However, since present law does not permit them to be officially detailed to this duty, they must do so without any coverage as to disability compensation which applies when such members are performing their official duties. In short, therefore, while members of all these forces may and do participate as members of the Police Department Band, only members of the Metropolitan Police Department are presently protected against injury or disability incurred while engaged in the band's activities.

It is the opinion of our committee that all members of this band should be adequately protected against injury incurred while engaged in the band's activities. This bill will accomplish this by providing that members of all these forces, when assigned to the police band, will be engaged in official duty and hence will be eligible during such activity for the same disability benefits to which they are entitled when performing their regular duties.

Another present difficulty in connection with members of the District of Columbia Fire Department, the Executive Protective Service, and the U.S. Park Police force, participating as members of the Police Department Band is that they must do so on their own time, whereas the time spent by Police Department members of the band in rehearsals and performances counts as part of their regular work week. Further, if such time is spent outside their regular duty hours, then the Police Department members are entitled to an equal amount of compensatory time off. The provisions of this bill will extend this arrangement also to members of these other forces who participate in the band's activities, so that the time so spent by all members of the band will be considered as part of their duty hours.

It is the view of our committee that these provisions will have the desirable effect of materially increasing the size of this fine Police Department Band.

BACKGROUND

The Metropolitan Police Department Band was first officially authorized by an Act of Congress in 1947, as "a band to perform at such municipal or civic functions and events as may be authorized by the Commissioners of the District of Columbia."

The members participate in this band without extra compensation, though a director is authorized at a salary not to exceed that of a captain in the Metropolitan Police Department.

The Metropolitan Police Department Band presently consists of 20 regularly participating members. By calling upon other musicians in the Executive Protective Service, the U.S. Park Police, and the District of Columbia Fire Department, it is possible to organize a unit of approximately 50 pieces.

ROLE OF THE METROPOLITAN POLICE DEPARTMENT BAND

At a public hearing on this legislation conducted on August 1, 1966, our committee was informed that the mission of the Police Department Band is far broader in scope than merely playing at parades, ceremonials, and dedicated for whatever public relations value these may have. While the band does strive, of course, to make a good showing in such highly competitive performances as American Legion Parades and Shriners Parades, of far greater importance to the Police Department, and to the District, is the band's contribution in the fields of community relations, cadet recruiting, crime deterrence, and bringing the true image of the policeman before the District of Columbia citizen of tomorrow.

This portion of the Police Department Band's mission is made possible by an arrangement with the District of Columbia Superintendent of Schools, by which this police band joins with the various high school bands in the city for special assembly programs. Each of these programs requires two 1-hour rehearsals. During these rehearsals and the assembly program itself, the seating arrangement is such that a police musician sits in a group of high school musicians, all playing the same type instrument. Through this experience of common interest and participation in music, the children and the policemen discover a mutual appreciation and understanding of each other, which the Police Department has found to be invaluable to all concerned. These children will be less hesitant and reluctant to call on their new friend, the police bandsman, and their parents will also be more apt to regard the policeman in the light of friendship.

The point is eloquently expressed in a letter addressed to former Metropolitan Police Chief John B. Layton from the principal of one of the senior high schools in the District. This letter was submitted to this committee in testimony, and states in part as follows:

> DEAR CHIEF LAYTON: On Thursday, February 11, it was our pleasure to have the Police Band perform for our student body at an assembly. The students and faculty were quite impressed. It is my belief that this was an excellent bit of public relations. You are to be commended for encouraging and maintaining this group. It is an image of the Police Department we need to encourage just as well as the law enforcement side of the Department. In closing, I would like to again commend you for maintaining and promoting this worthwhile group.

The Metropolitan Police Department Band offers opportunities also to members of these forces with previous musical training to come into its program. For example, the present director has organized a group of District of Columbia police cadets, most of whom had no previous knowledge of music whatever, into a group of drummers. Also he offers private lessons free of charge to any member of the various forces who wishes to learn to play an instrument.

CONCLUSIONS

Our committee is of the opinion that this Police Department Band represents a useful weapon in the war against crime in the District of Columbia. Further, we believe that its service in this respect has not been utilized to its fullest extent. Our committee suggests, for example, that this band, as it will expand under the provisions of this bill, might well be sent outside the District of Columbia to perform as an aid to the recruitment program. Such a demonstration to the public that the Metropolitan Police Department offers opportunities for outlets other than just police work could prove a valuable asset, indeed, to recruitment.

The committee recommends this proposed legislation, therefore, to augment the important contribution which this band is making toward alleviating crime in the District of Columbia, and urges that its use be expanded as far as is practicable.

The Commissioner of the District of Columbia recommends that this bill be enacted into law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HUNGATE Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on all District of Columbia bills considered today.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE ORDERLY PROCESS OF GOVERNMENT

(Mr. CAFFERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CAFFERY. Mr. Speaker, all persons who value the orderly process of government must condemn the disgraceful events which occurred on the very steps of this Capitol last week. It was a scene most of us thought we never would see, one so fraught with destructive potential that we can only be grateful it was handled so well by police officials. Police restraint was all the more remarkable when you consider their utter exhaustion after so many long and trying days. They deserve our praise and thanks.

Despite the unfortunate and inaccurate picture that it may have given the Nation and the world of the U.S. Congress under siege, we know that not to be true. Indeed, it is a telling measure of the strength of our system that this ragtag army had no more effect. Notwithstanding momentary inconvenience to tourists, staff members, and even to Members of Congress, the work of this body was not impaired. The people of America should know that.

Nevertheless, the events of last week and of the last 3 weeks in the Capital remind us again of that most delicate and persistent problem of a free society: the reconciliation of minority rights with those of the majority.

Protection of individual rights is a tenet upon which this Nation was founded and has flourished. Far from diminishing in priority, the sanctity of those rights is accorded increasing consideration in the operation of this Government.

But some of this Nation's best legal wisdom—most notably that of Mr. Justice Holmes—has established the commonsense principle that in order to remain free and open, a society must carefully balance individual freedoms against the security of other citizens.

This balance is particularly important in a case such as we have witnessed over the last few weeks, where this Government has been confronted by a band seeking less to enforce its own rights than to hinder and destroy the rights of others.

As I watched the mob on the one side and the police on the other, I thought of the meeting in jail between Emerson and Thoreau, after Thoreau had refused to pay his taxes. Emerson said something like, "Thoreau, what are you doing in there?" and Thoreau replied, "Emerson, what are you doing out there?" We pay our money and take our choice.

But somewhere along the line the idea began that civil disobedience in this country meant a carte blanche right for a person to act without risk of penalty; and that calling your group action a "demonstration" or a "protest" invested it with such an aura of nobility and acceptability that participants could escape individual responsibility for individual actions.

American jurisprudence has no margin for vigilante action. We have from the beginning of our country held fast to the belief that we are a nation of laws above men, and that might makes right only when that "might" takes the form of the expression of the will of the majority of the people through legal process.

The same law which governs individual conduct must also govern group conduct or, if you will, mob conduct. When individual identity dissolves into group identity it often assumes a new character. The mob becomes a new creature entirely, operating as one, devoid of the quality of conscience. The mob does not say, "Thus does conscience make cowards of us all." Instead, robbed of conscience, members of the mob quickly lose whatever responsibility they may have felt when acting alone and follow the most base and primitive instincts with destruction as their goal.

Mobbery has no place in a democratic society because it seeks to destroy the very instrument—in this case the Government—which gives it the right to become a mob. Most often the intent is not to change but to destroy. The object is not to persuade but to seize. The goal is not to influence but to annihilate.

Mr. Speaker, among my earliest remarks in this body was a statement almost 2 years ago in support of legislation to prohibit camping on public grounds in the District of Columbia. To my regret, that legislation did not become law. But my endorsement of the proposal sprang from beliefs which I expressed then. After the last few days in this Capital, I am even more convinced of their soundness.

In that speech, I said:

> Washington, D.C., belongs to all of the people of this nation. This great city fixes the temper and sets the tone of thinking throughout the land. We must guarantee that all our citizens have access to their government, its agencies and to the public property and grounds wherein these bodies reside. We must hear opinions, we must listen to reason, we must change in many things because the winds of change are upon us, and yet we must be determined that we will stand as firm as an anvil under the hammer. But we cannot, we must not, we shall not permit a breakdown of our laws that would allow any group to usurp the freedom of access that is the right of all the people of this nation. We must all abide by our laws with firmness and reverence.

If the organizers of last week's provocation were seeking to dramatize what a fascist state really is, they must surely have seen themselves reflected in the looking glass. As I stood and observed the confrontation, it was not the weary police officers who reminded me of Hitlerism. Rather, it was in the actions of the mob—frothing madly, scaling the walls, screaming and cursing and chanting and taking off their clothes—that I could sense the dread echo of Auschwitz.

For whatever cause they came, those people who assaulted this building are just as intemperate, just as inflexible as the most repressive dictatorship. More tragically, like a dictatorship, they are declaring by such action that the people do not count, that the people's judgment in choosing their Government comes to nothing.

This Government has stood, not by responding to the whims of the few, not by acceding to the irrational demands of the mob. It has stood because it places supreme value in law and reason. We can ill afford to forget this.

HEARINGS BY SUBCOMMITTEE ON INTERNATIONAL COOPERATION IN SCIENCE AND SPACE

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, today, there is a growing interest in international activities in space, and in science generally. Since there appear to be new opportunities to promote more extensive cooperative ventures in these fields in the foreseeable future, the chairman of the Science and Astronautics Committee, the Honorable GEORGE P. MILLER, established the Subcommittee on International Cooperation in Science and Space at the beginning of this session of Congress.

As the chairman of this new subcommittee, I have scheduled 3 days of public hearings for May 18 through 20, 1971. The purpose of the hearings will be to conduct a general review of the nature and extent of past and current international cooperative programs in science and space; to determine the functions, activities, and interrelationships of the various Government agencies involved in such programs; to gain perspective on the problems and obstacles which exist and those that are anticipated; and to explore prospects for the future.

Witnesses will appear from the State Department, the National Aeronautics and Space Administration, the Office of Science and Technology, the National Science Foundation, the National Academy of Sciences, the Atomic Energy Commission, and the National Oceanic and Atomspheric Administration.

Mr. Speaker, science traditionally has transcended ideological and political barriers. Moreover, activities in space are intrinsically international, a fact which Congress recognized in the National Aeronautics Space Act of 1958; that act, which created the National Aeronautics and Space Administration, expressly provides that U.S. space activities shall be conducted so as to contribute materially to cooperation with other nations and groups of nations. Pursuing that policy, NASA has conducted our space program openly, and has shared the results with the world at large. Even more important is the fact that we have invited the participation of foreign scientists in many space projects; indeed, the United States has urged other nations to play as significant roles as possible in a cooperative effort.

The record of the past decade includes some 250 agreements under which the United States has launched foreign satellites, foreign experiments have been flown on NASA spacecraft, foreign scientists have assisted in the analysis of data received from U.S. spacecraft, as well as lunar surface samples acquired from Apollo missions, and foreign nations have helped in the operation of American tracking and data acquisition facilities around the world. This is a record we can all be proud of. Still, it should be recognized that much more can, and should, be done in collaboration with other nations.

NASA's post-Apollo program is currently under discussion between our Government and friendly nations abroad, and we continue in the hope that some form of genuine partnership will prove to be practicable. It is also noteworthy that recently there have been indications of a greater willingness on the part of the Soviet Union to engage in certain limited cooperative space efforts with the United States. I am sure I speak for the other members of our subcommittee when I say that these signs are encouraging, and might possibly represent a new departure toward a more meaningful dialog between our nations.

No one can say with any certainty what the future will hold. But it is clear that the potential of international cooperation is so great that to seek new initiatives, and to explore new opportunites will be worth our best efforts. It is in this spirit that the Subcommittee on International Cooperation in Science and Space will undertake its initial hearings this month.

THE HOPKINS COUNTY, TEX., ANNUAL DAIRY FESTIVAL

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is my privilege to represent the leading dairy county in the State of Texas, Hopkins County in northeast Texas. This single county of 793 square miles has a concentration of about 500 dairy farms which together account for over 10 percent of all the milk produced in Texas. Hopkins County produces more than a third of a billion pounds of milk each year with a value well in excess of $20 million—over twice the production of any other Texas county.

Certainly, no farm commodity is more essential than milk. In my opinion, milk is a strategic material indispensible to national survival. And few farm operations require more time and thoughtful attention than dairy farming—unremitting hard work day in and day out. But despite the amount of effort involved and the rising prices in practically every other part of our economy, the price of milk has actually dropped during the past 10 years—solid proof of the fact that America's dairy farmers are giving the consuming public a square deal.

On May 13, the people of Hopkins County will gather in Sulphur Springs, the county seat, for the annual Hopkins County Dairy Festival—one of the largest attractions of its kind in all of Texas. The people of Hopkins County are justifiably proud of their wonderful dairy industry, and everyone in the county is to be commended for helping to maintain an atmosphere in which dairy farms and associated industries can grow and prosper.

Mr. Speaker, I proudly call the Hopkins County Dairy Festival to the attention of my colleagues both as a means of paying tribute to the people of the county and of reminding every Member of this House of the tremendous importance of our American dairy industry. Dairy farmers in Hopkins County and throughout the Nation are doing a wonderful job by producing an abundant and economical supply of wholesome and healthful milk for all our people. I am sure that the Congress will follow the lead of the people of Hopkins County by maintaining a national environment in which dairy farms throughout the Nation can continue their important work with ever greater efficiency. Dairy farmers are among the great people of this world, and with proper import laws and farm programs, our farmers will continue to deliver good health to the American people. I know that all of you join with me today in saluting Hopkins County for a job well done, and in wishing its citizens continued growth and prosperity.

CONGRATULATIONS TO J. EDGAR HOOVER

(Mr. KING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KING. Mr. Speaker, today marks the 47th anniversary of J. Edgar Hoover as Director of the Federal Bureau of Investigation. Nothing that I might accomplish today will be more important or will give me greater personal satisfaction than the few remarks I am now privileged to make.

I wish to extend my personal congratulations to one of the great Americans of our time, Mr. J. Edgar Hoover, on his tremendous accomplishments in the field of law enforcement during his past 47 years as the FBI's Director. Little did the Attorney General of the United States, the Honorable Harlan F. Stone, think on May 10, 1924, that the young 29-year-old lawyer whom he had appointed the day before to become Director of the Bureau of Investigation would during the next 47 years change law enforcement from the low position it held in the minds of Americans to a highly respected profession held in high esteem.

His great work in the field of law enforcement affected not only Federal Government law enforcement agencies, but elevated all facets of law enforcement, including State, county, and city.

In the light of the devious campaign that has been waged against this great American during the past few months by ill-advised citizens posing as liberals, I feel it fitting today to mention a few of Mr. Hoover's great accomplishments since 1924.

One of his first moves, after taking over the position of Director, was to establish a Fingerprint Division with approximately 800,000 fingerprints that were on file with the Federal Government and with the International Chiefs of Police Association. Through his determination he has proved the value of fingerprint identification and the Identification Division now has more than 200,000,000 fingerprints on file. In March 1932, the small son of Charles A. Lindbergh was kidnaped from his home in New Jersey. The collective efforts of FBI Agents broke the case; the kidnaper was apprehended, tried, convicted, and electrocuted for his crime.

Through Mr. Hoover's efforts, the gangsters of the "terrible thirties" were eliminated from their petty thrones of authority. Their power came through murder, bank robberies, and a large variety of crimes which caused a pall of terror to hang over the land until FBI agents fought the criminals in numerous gun battles and conquered them. They fought and killed such gangsters as John Dillinger, "Baby Face" Nelson, "Ma" Barker, "Pretty Boy" Floyd, and others. Mr. Hoover was stung by a Senator's speech that he was a desk-bound police officer and did not go out into the field and make arrests. Mr. Hoover let it be known that he wanted to arrest the next nationally known famous criminal that could be located and he did so on May 1, 1936, when he led the raiding party which arrested Alvin Karpis in New Orleans on that day.

Through Mr. Hoover's efforts, espionage was controlled during war years, and through the diligent efforts of FBI agents, Julius and Ethel Rosenberg were arrested, found guilty, and executed for spying. The FBI solved the Brinks' robbery which involved $2,775,000 after 6 years of tedius investigation.

The great accomplishments of the FBI continue today just as they have since 1924. It has been an honor and privilege to take a few moments of your time today, gentlemen, to let you and the world know that I respect this great American, J. Edgar Hoover.

THE UNITED STATES IN SPACE—INTERNATIONAL COOPERATION AND ACHIEVEMENTS

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, in approximately 2 weeks the Congress will be asked to consider the NASA authorization bill for fiscal year 1972. The information I am presenting today represents the fourth article in a series of seven which will discuss the United States in space. It is my sincere hope that this background I am providing will offer my colleagues a fuller understanding of this country's commitment to space—a commitment leading to a better tomorrow.

Today I want to talk about the field of international achievements and international cooperation—two areas in which our space program has had a highly beneficial impact.

I believe most of my colleagues are aware that the National Aeronautics and Space Administration's international activities are based on the National Aeronautics and Space Act of 1958 which provides that U.S. space activities be conducted so that they contribute materially to cooperation with other nations and groups of nations. NASA's record over the past 12 years in meeting this objective has been nothing less than spectacular.

NASA has entered into some 250 agreements for international space projects; orbited foreign satellites; flown foreign experiments on its spacecraft; participated in more than 600 cooperative scientific rocket soundings from sites in all quarters of the world; and involved more than 50 foreign scientists in the analysis of lunar surface samples.

As a specific outgrowth of this work, consider the following activities. Today data from U.S. weather satellites is provided daily to 50 countries around the world. In another field, major satellite ground stations in a dozen countries have participated in the experimental testing of communication satellites. Earlier work in this area was the forerunner to our present 79-nation Intelsat commercial communication satellite network. And, just as significantly, foreign nationals participate extensively in the operation of NASA's overseas tracking and data acquisition facilities.

In terms of NASA's second major field of endeavor, aeronautics, cooperative aeronautic projects have been carried out with the Canadian, German, and British agencies. This work has contributed importantly to the development and testing of a variety of new and advanced V/STOL aircraft.

From this brief highlight we can appreciate the number and diversity of international projects and agreements to which NASA has been a party. But I also wish to make abundantly clear the benefits both the United States and our cooperating partners have derived from these international efforts.

The results of this work can be evaluated and measured in a number of ways. To me, one of the most exciting aspects of our international programs is that of the cost savings. For example, Canada has assumed total financial responsibility for a series of satellites in the NASA ionospheric research program. Similarly, Germany is today providing financial support on a major solar probe program. Cooperation of a different sort is provided by Brazil, India, and Norway. These countries are responsible for the extensive range support required for sounding rocket projects.

Naturally there are also profound scientific benefits in this field of international cooperation. Over the past few years, NASA has witnessed an amazing increase in the mission sophistication of foreign countries requesting "payload space" on NASA experimental flights. This is a direct result of the foreign experimenters being required to compete with one another in flying their instruments on NASA satellites. Furthermore, we are now seeing an era in which the foreign experiments flown are providing wholly new data. When other countries first joined with NASA to gain launch support, many of the missions were duplicative or of questionable value. More and more, however, experiments such as being flown on the Canadian topside sounder satellites, the Italian atmospheric density satellites, and the German barium cloud probes represent new and intriguing approaches to scientific experimentation. This and other similar work have contributed to significant advances in the state-of-the-art in balloon technology, remote sensing, spacecraft engineering, and aircraft design.

A very recent example of this Nation's international space cooperation program is the work of the foreign scientific and technical community under NASA's post-Apollo projects—the space shuttle, the space station and the space tug. First, NASA undertook a major international indoctrination program to determine the interest of countries around the world in participating with NASA in these projects. The countries of Western Europe, as well as Canada, Japan, and Australia thus became prime participants in NASA's management reviews to gain the planning information necessary for a decision on committing funds. Presently, under European financial support, British, French, and West German industrial firms are working with NASA's prime contractors in design studies for a space shuttle. As an outgrowth of this work, the European Space and Research Organization is independently funding complementary studies of possible orbit-to-orbit tug designs. It now remains for these and other countries to determine the extent to which they wish to join with the United States in the new space ventures of the 1970's and 1980's.

I, for one, am looking forward to the time when our NASA astronauts will be joined in space by the astronauts from other countries.

It is also significant to comment upon the particular fields of space study which have been chosen by our international partners. Similar to the emphasis we have seen by NASA in applications programs, much of the international activity has also been focused on this area. As I discussed in my previous article on May 6, one of the most far-reaching application ventures is with India. In 1974, NASA will make available the ATS–F experimental satellite to India to conduct an experiment in instructional TV broadcasting to some 5,000 remote Indian villages. Moreover, through our earlier work with this nation, India will assume total responsibility for the construction of ground transmitters, the design and production of augmented TV receivers, the planning of instructional programs, and the complete logistics required to implement and support all elements of the system.

I have also previously discussed the work of NASA in the area of earth resources technology, but that discussion ignored the vast international implications of the program. One example of this international activity is the cooperative project being undertaken jointly by the United States, Brazil, Canada, and Mexico designed to acquaint the international scientific and policymaking community with the potentials of remote sensing. People from these three foreign countries have been trained in remote sensing techniques, have established ground test sites in their own countries, and are acquiring and instrumenting their own experimental aircraft.

In an ever wider range of effort in this field of earth resources, NASA has begun working more closely with the Outer Space Committee at the United Nations. During this very week, in fact, NASA is holding an international workshop in the field of earth resources in which 51 nations have been invited to gather to review the status of research and experimentation in this new and valuable field.

In still other applications areas, NASA is presently reviewing a proposal to launch a French synchronous meteorological satellite as a joint contribution to the international global research program. Perhaps of more immediate interest is work being done by NASA in bringing together the world's major commercial air carriers to consider implementation of a global air traffic control and navigational satellite system. Establishment of such a system will not only bring greater economies in operation to the carriers, but offer the elements of greater safety and convenience to the individual air traveler.

Finally, one of the major contributions to international peace and understanding will be the cooperative space ventures now being discussed between NASA and the U.S.S.R.

In a recent 5-year plan issued by the Soviet Congress—CPSU—heavy emphasis was put upon accelerating the country's space effort during the 1971–75 time period. Under the plan, Russia will seek to develop more advanced domestic communication satellite systems, earth resources and meteorological satellite systems, in addition to undertaking sophisticated planetary exploration. The Soviet goal was outlined to be the comprehensive exploitation of space technology, the exploration and settlement—where practical—of the planets, the exploration of the moon in greater detail, and the extensive use of earth orbital stations.

However, based upon both the expenditure associated for such an ambitious effort and the similarity of the Soviet space program to that of the United States, Russia, through its Academy of Sciences, has begun to explore the possibility of cooperative efforts with this country. In a recent meeting in Moscow with the then Acting Administrator of National Aero Space Agency, Dr. George Low, the Academy, and NASA agreed to the following areas for cooperation: meteorological satellite systems, meteorological rocket soundings, environmental earth resources satellite systems, moon and planetary exploration systems, and space biology and medical systems. NASA is very optimistic that meaningful agreements can be generated which will permit the United States to join with the Soviets in undertaking programs in these areas.

Certainly, one of the most dramatic proposals to date for a cooperative effort would be a docking between the Russian Soyuz manned spacecraft and a U.S. Apollo command service module. NASA in Houston is presently investigating this as one means by which it could utilize surplus Apollo spacecraft and launch vehicles after the end of the Skylab mission in 1973. The docking mission would be flown in mid-1975. There would appear to be a number of minor technical problems in such a mission, none of which is insurmountable. The program has been in the discussion stages with the Russians since late in 1970.

In summary, when the United States investigated the possibility of space agreements with the Soviet Union in the early 1960's, the effort produced only a modest exchange of weather pictures. With Russia demonstrating an increasingly impressive capability in space and building confidence in her program, the hope is greater than ever that fruitful cooperative efforts between the Soviet Union and this country can be carried forth.

It is vitally important for this Congress to recognize that NASA has established, through its international programs of the sixties a broad base of institutions, facilities, competence, and patterns of cooperation from which it can move forward in the future. It is engaged in a major new effort to increase international cooperation in the seventies by extending its activities with the other nations of the world, to include participation in the development and use of major new space systems and in the experimental development of new applications of space technology. The NASA objective is also to bring about a greater sharing of both the costs and the benefits of the exploration and utilization of space and to seek new paths of cooperation with the Soviet Union.

As in all matters involving international agreement, progress will take time, but the 1970's should see major advances in international space cooperation far beyond the substantial achievements of the 1960's. Perhaps through such cooperation and collaboration, a greater common understanding can be achieved that will enable us to solve pressing political, as well as technological, problems.

DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION J. EDGAR HOOVER

The SPEAKER. Under previous order of the House, the gentleman from Illinois (Mr. COLLIER), is recognized for 30 minutes.

Mr. COLLIER. Mr. Speaker, 47 years ago today, May 10, 1924, Harlan Fiske Stone, the Attorney General of the United States, summoned one of his subordinates to his office and said:

"Young man, I want you to be Acting Director of the Bureau of Investigation."

The young man replied:

"Mr. Stone, I will take the job—on certain conditions."

When asked, "What are your conditions?", he outlined them:

"The Bureau must be divorced from politics. It must no longer be a catchall for political hacks. We must base every appointment on merit. We should make promotions on proved ability only, and the Bureau should be responsible to no one but the Attorney General."

The older man said:

"I would not give it to you under any other conditions."

The young man was J. Edgar Hoover.

Undoubtedly the Attorney General was criticized for appointing a man who was only 29 years old to such an important position, just as President Nixon is today being taken to task for retaining a man who has reached 76.

Many years after the interview with his superior, Hoover told about his most inspiring moment:

> I resolved then and there to dedicate my full energies to making the FBI an organization which was efficient at all times, where employment was based strictly on merit, and where political string-pulling could not exist. I knew that only in this way would the FBI win and hold the respect of the people.

Under his inspired and dedicated leadership, the Bureau was soon transformed from a scandal-ridden refuse for political time-servers into a highly efficient organization which is completely independent of politics, with appointments based on qualifications and experience, and demonstrated ability the sole consideration for advancement.

Most people who work for the executive branch of the Government in our Nation's Capital have come here from all over the United States, but John E. Hoover was born in Washington, D.C., January 1, 1895. Members of his family had been connected with the National Government since the early days of our existence as an independent country.

Early in his own Government career, he had a coworker who was also listed on the payroll records as "John E. Hoover." As the story goes, the John E. come-lately agreed to part his name on the side in order to avoid confusion. Perhaps the other John E. Hoover will some day be mentioned in the history books, with a footnote in the chapter devoted to J. Edgar Hoover.

Young Hoover was graduated from George Washington University Law School in 1916 and received his master's degree in law in 1917. His first Government job was with the Library of Congress, where he began work October 13, 1913.

He began his career in the Department of Justice on July 26, 1917, at a starting annual salary of $990. Later that year he was put in charge of a unit in the Department's enemy alien registration section.

In 1919, Attorney General A. Mitchell Palmer named Francis P. Garvan as Assistant Attorney General in charge of all investigations and prosecutions that dealt with the problem of bomb explosions. As part of Garvan's administrative staff, Palmer established a General Intelligence Division with J. Edgar Hoover, the special assistant to the Attorney General, in charge. Hoover received instructions to study subversive activities in this country in order to determine their extent and what action could be taken in the way of prosecution.

As he studied the backgrounds of the Communists, he soon became aware that a conspiracy, with headquarters in Moscow, was dedicated to the overthrow by force and violence of all non-Communist governments throughout the world, including our own. It must be borne in mind that the Communists had overthrown the Kerensky regime in November 1917, and shifted the Russian capital from St. Petersburg—Petrograd—to Moscow the following year.

Hoover recognized that the writings of Karl Marx, Friedrich Engels, Leon Trotsky, Nikolai Lenin, and their disciples constituted a blueprint for placing the entire world under Communist domination, not by means of free elections and free choices, but through violence and subversion. He soon realized that the actions of the Communist Party were part of the conspiracy. He has never lost sight of that fact.

On August 22, 1921, almost half a century ago, Hoover was transferred to the Bureau of Investigation as Assistant Director at an annual stipend of $4,000. Soon after Stone became head of the Department of Justice in 1924, he began looking for the best man to replace William J. Burns, the Bureau's head. He mentioned his problem at a Cabinet meeting.

When the Secretary of Commerce, Herbert Hoover—who was not related to the younger man—returned to his office, he told his assistant, Lawrence Richy, that Stone was searching for an intelligent young man to head the Bureau of Investigation. Richey asked:

"Why should they look around when they have the man they need right over there now—a young, well-educated lawyer named Hoover?"

When the Secretary asked, "You think he can do the job?", his assistant replied, "I know he can." Richey's words have certainly proved to be prophetic.

Three days after young Hoover's appointment, he and the Attorney General agreed on basic policies for the Bureau of Investigation:

First. The Bureau would be a fact-gathering organization, and its activities would be limited strictly to investigations of violations of Federal laws.

Second. Investigations would be made at and under the direction of the Attorney General.

Third. The Bureau's personnel would be reduced as far "as is consistent with the proper performance of its duties."

Fourth. The incompetents and the unreliables would be discharged as quickly as possible.

Fifth. All "dollar-a-year" men, "honorary" agents, and others not regularly employed would be cut from the rolls.

Sixth. No new appointments would be made without the Attorney General's approval, with preference being given to men of good character and ability who had some legal training.

These instructions gave the Acting Director ample opportunity to carry out his reforms. In a note to Stone, sent 6 days after the latter had appointed him, Hoover said:

> I have . . . instructed the heads of the respective Divisions of the Bureau that the activities of the Bureau are to be limited strictly to investigations of violations of the federal statutes under your direction.

During the almost half a century that has elapsed since then, the Federal Bureau of Investigation has followed these instructions. Those who castigate the Bureau, its Director, and its agents for their activities ought to realize that the organization and its employees are only doing the jobs that have been assigned to them by statutes enacted into law by the Congress of the United States. There would be far more reason to complain if they failed to do their jobs.

As the investigative branch of the Department of Justice, the Bureau obtains evidence for use in civil litigation and prosecution of criminal violations of Federal law. It has primary responsibility for the internal security of the United States. It assists all law enforcement agencies in training, identification, and technical matters.

Critics of J. Edgar Hoover and his subordinates, both those who are sincere and well meaning and those who are motivated by questionable impulses, attack the Director and the agents for living up to their responsibilities. Let me briefly outline some of the responsibilities that we and our predecessors in the Congress have lodged in the Federal Bureau of Investigation.

The security and criminal investigations activity includes the Bureau's investigative responsibilities, coordination and maintenance of the data gathered, and maintenance of the Bureau's communications system. Data are disseminated to other Government agencies having an official interest in them. Last year the Bureau received 2,567,373 names for search through its files.

Mr. Speaker, at this point I would like to insert a tabulation showing how the FBI's workload increases substantially year after year:

Workload volume—Criminal, security, and civil classifications

Investigative matters received, by year:	
1966	718, 850
1967	770, 654
1968	820, 830
1969	859, 666
1970	882, 254
1971 (revised estimate)	990, 000
1972 (estimate)	1, 115, 000

The Bureau's Identification Division is the national repository of identification data based on fingerprint records. Fingerprints are acquired, classified, preserved, and exchanged with other duly authorized law enforcement agencies. Last year the FBI received 7,220,816 sets of fingerprints for handling. As of July 1, 1970, the total number of sets of fingerprints on file was 197,149,252. While the primary purpose of maintaining this tremendous volume is to assist in apprehending criminals, it also serves to help clear the innocent. Fingerprint records are also of great value in noncriminal areas, such as the identification of victims of accidents and natural disasters.

A criminal and scientific laboratory maintained by the agency provides technical and scientific assistance to the Bureau and all duly constituted law enforcement agencies and other Federal agencies which desire to avail themselves of the service. Scientific examinations totaled 384,690 during 1970; although this is an all-time high, a new record will most likely be set this year.

Upon request the FBI will assist in providing various types of training to State and local law enforcement agencies. Many a police officer on the municipal, county, or State level is better qualified because of such training.

Naturally all these activities cost money and lots of it. Total obligations for the fiscal year that will begin in less than 2 months will be $318,646,000.

While the budget requests for the other departments and agencies of the Government are cut, some of them drastically, the appropriation for the Federal Bureau of Investigation has never been cut—it has frequently been increased.

Fines and recoveries resulting from the Bureau's activities amount to a dollar and a half for every dollar expended. One cannot, of course, put a price on the peace of mind that the American people enjoy because of the knowledge that the Federal Bureau of Investigation is on the job 24 hours a day.

While we are on the subject of money, an interesting sidelight is the fact that Mr. Hoover receives a salary of $42,500 per annum, the same as that of a Member of either this or the other body. Naturally we in the Congress are aware of the fact that a big part of his pay is withheld for taxes. It is common knowledge, in Washington at least, that he could command a much higher salary outside the Government. What is probably not generally known, however, is that J. Edgar Hoover can retire at full pay at any time he chooses. He is, in effect, donating his services to the Nation and its people.

Mr. Speaker, during my 14 years of service in this body, I have become aware of the great respect that my colleagues have for J. Edgar Hoover. I have, nonetheless, been pleasantly surprised by the overwhelming response to this special order.

Why does J. Edgar Hoover receive such nearly unanimous approval from the people's Representatives? Why does the Agency which he has headed for so many years inspire such overwhelming support from those who control the public pursestrings? Why are FBI agents regarded with such tremendous respect by their fellow citizens?

The best answers to these questions will be found in a personal and confidential letter to all special agents in charge which Hoover wrote in May 1925. In this letter he told them:

> I want to bring to your personal attention certain conditions existing in the Bureau in the past and which I do not intend shall continue in the future. . . . I do know that some years past the forces of the Bureau of Investigation did not enjoy the best reputation. . . . I am strongly of the opinion that the only way whereby we can again gain public respect and support is through proper conduct on our part.
>
> I do believe that when a man becomes a part of this Bureau he must so conduct himself, both officially and unofficially, as to eliminate the slightest possibility of criticism as to his conduct or actions.
>
> This Bureau cannot afford to have a public scandal visited upon it in view of the all too numerous attacks made . . . during the past few years. I do not want this Bureau to be referred to in terms I have frequently heard used against other governmental agencies.
>
> What I am trying to do is to protect the force of the Bureau of Investigation from outside criticism and from bringing the Bureau of Investigation into disrepute because of isolated circumstances of misconduct upon the part of employees who are too strongly addicted to their own personal desires and tastes to properly keep in mind at all times and upon all occasions the honor and integrity of the service of which they are a part.

Many people today, as in the past, have expressed concern about the vast amount of data that have been accumulated by the FBI and the damage that would result if this information reached the wrong persons. Let me reassure these people by quoting what the Director wrote to all employees on February 27, 1925, after a rumor that ex-agents were being given access to Bureau information had come to his notice:

> Rumors . . . have come to my attention, that former employees and officials of the Bureau may be able to obtain information of the Bureau's work and activities and may be shown special consideration in their dealings with the Bureau. Such a report, I trust, is without foundation, but I want to make certain that all employees of the Bureau understand fully that there is to be no special consideration shown to anyone whether or not he has been previously connected with the Bureau . . . and, further, that the files, records, and activities of this Bureau . . . are not to be discussed with or disclosed to anyone not officially connected with the Bureau or Department.

Mr. Speaker, I do not worry about the possibility that J. Edgar Hoover or his subordinates will make data in the FBI files available to the wrong people. I do worry, however, about what might and most likely will happen if FBI records are stolen.

Attorney General Stone, who had originally designated Hoover as Acting Director, gave further evidence of his confidence in his subordinate by appointing him Director on December 10, 1924. In a subsequent letter to Young B. Smith, dean of the Columbia University Law School, Stone said:

> I took the responsibility of appointing Mr. Hoover as head of the Bureau of Investigation, although many people thought that Mr. Hoover was too young a man, and had been in too close contact with the Burns regime to be given the post. I thought I knew my man, and the event has proved that I was right. I found him responsive to the ideas I held, that efficient police work could be done by men who were not crooks and who did not resort to crooked methods. Mr. Hoover has steadily built up the Bureau.

On January 2, 1932, Stone, who had in the meantime become an Associate Justice of the Supreme Court of the United States, wrote Hoover as follows:

> I often look back to the days when I first made your acquaintance in the Department of Justice, and it is always a comfort to me to see how completely you have confirmed my judgment when I decided to place you at the head of the Bureau of Investigation. The Government can now take pride in the Bureau instead of feeling obliged to apologize for it.

J. Edgar Hoover has served under eight Presidents of the United States, four from each political party: Calvin

Coolidge, Herbert C. Hoover, Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon. These men have represented widely varying shades of political philosophy. Any one of them could have replaced Hoover for any reason, good or bad, or for no reason whatever, but all have shown their complete confidence in his qualifications, experience, and character by leaving his undisturbed.

It is interesting in this connection to note that on March 4, 1933, while riding with Franklin Delano Roosevelt from the inaugural ceremonies, Herbert Hoover pointed out to his successor that the FBI had been reorganized and operated on a nonpartisan basis and expressed his hope that it would continue under J. Edgar Hoover's management. The new President promised to look into the situation and see what he could do.

Four months later President Roosevelt decided that Hoover should remain in charge of the Federal Bureau of Investigation. His five successors as Chief Executive have followed his lead.

Both his enemies and well-meaning friendly critics have, through the years of the FBI's existence, been worried about the possibility that it might some day become a national police force. Perhaps some people, who are understandably concerned about the growth of crime and subversion that has occurred during recent years, would welcome the establishment of a national police force.

One of the most vigorous opponents of such a force has been none other than J. Edgar Hoover. As far back as 1936, in a letter to the Topeka Capital, he said:

> The Federal Bureau of Investigation believes that the secret of crime eradication lies not in a national police force but in solidarity and the combined linking of all law enforcement agencies. It believes in a close-knit cooperation, each unit capable of handling its peculiar problems but capable also, when necessary, of mobilizing its efforts in a concerted drive against the criminal element of this country.

Hoover has maintained these views throughout his tenure as Director. While holding to his attitude of opposition to a national police force, he has encourgaed the elevation of police work from a low-paid job requiring elementary skills to a dignified calling demanding professional training.

He once put his aims in these words:

> I want to see our field of activity become a real career, a profession, to which can be attracted the decent, honorable, respectable young men of the country who can go into it as a career and look forward to making something out of their life's work, rather than as a dumping ground, as all too frequently it has been, for some ward politician to use in repaying his obligations to his political party.

The Director laid down these ground rules regarding cooperation between law enforcement agencies:

> The FBI is willing and ready to cooperate with all law enforcement agencies. The only exceptions are when officers of the law are corrupt and controlled by venal politicians; when they can't keep a confidence—and be trusted; or when they are so incompetent that to cooperate with them would defeat our purposes.

The Federal Bureau of Investigation has been just as active in the battle against subversives and traitors as it has in the never-ending war on criminals. Late in 1923, 6 years after the Communists had seized power in Russia, a subcommittee of the Senate's Committee on Foreign Relations asked the Department of State to present its position regarding the recognition by the United States of the Soviet Union. Charles Evans Hughes, the Secretary of State, requested J. Edgar Hoover, then the Bureau's Assistant Director, to prepare the brief for his use on Communist activities in the United States.

Hoover's brief, which was supported by original documents, traced the interlocking relationship and control of the Soviet Union over the Third International and Communist leaders in the United States in the preparation and advocacy of the use of force and violence to obtain Communist ends. Hoover sat with Hughes at the witness table. Their presentation was neither controverted nor denied by Communist leaders in the United States or abroad.

The subcommittee refrained from acting favorably on the Senate resolution to recognize the Soviet Union. It remained for Franklin Delano Roosevelt to recognize the Communist regime in 1933.

J. Edgar Hoover rendered a tremendous service to his country during World War II when he helped to keep the Communist secret police from setting up an office in the United States. Don Whitehead recited the facts in "The FBI Story:"

> In early 1944, FBI Director Hoover received confidential reports from the Pentagon and the State Department which alarmed him. The reports came from sources too reliable to be doubted and both had the same documented story: arrangments were being made for the Communists' secret police, the NKVD, to set up an office in Washington.
>
> Without prior clearance from the White House, Secretary of State Hull, or the Joint Chiefs of Staff, the Office of Strategic Services had agreed with Russia's Commissar of Foreign Affairs Molotov for an exchange of missions which would permit OSS men to go to Moscow and NKVD men to come to Washington.
>
> Presumably, each agency would act only in a liaison capacity in the interchange of intelligence. But Hoover knew that each country which had tried such cooperation with the Russians had found itself in trouble trying to curb the NKVD's efforts at espionage.
>
> Hoover sent a special messenger to the White House with the following confidential letter dated February 10, 1944, to Harry L. Hopkins, the President's close friend and aide:
>
> "Dear Harry: I have just learned from a confidential but reliable source that a liaison agreement has been perfected between the Office of Strategic Services and the Soviet Secret Police (NKVD) whereby officers will be exchanged between these services. The Office of Strategic Services is going to assign men to Moscow and in turn the NKVD will set up an office in Washington, D.C. This agreement, I am advised . . . has gone so far that War Department officials now feel they cannot change the program.
>
> "I wanted to bring this situation to your attention at once because I think it is a highly dangerous and most undesirable procedure to establish in the United States a unit of the Russian Secret Police which has admittedly for its purpose the penetration into the official secrets of various government agencies. The history of the NKVD in Great Britain showed clearly that the fundamental purpose of its operations there was to surreptitiously obtain the official secrets of the British Government. I am informed that various other countries where the NKVD has operated have had a similar experience with it.
>
> "I feel that it will be highly dangerous to our governmental operations to have an agency such as the NKVD officially authorized to operate in the United States where quite obviously it will be able to function without any appropriate restraint upon its activities. In view of the potential danger in this situation I wanted to bring it to your attention and I will advise you of any further information which I receive about the matter.
>
> "Sincerely,
>
> "J. Edgar Hoover."
>
> Hoover sent a memorandum to Attorney General Biddle advising him of this development. He passed on to Biddle the same warning he had given Hopkins, adding:
>
> "Secret agents of this agency in the United States operating surreptitiously have been engaged in attempting to obtain highly confidential information concerning War Department secrets. I think that the establishment of a recognized unit of the NKVD in the United States will be a serious threat to the internal security of the country."
>
> The "War Department secrets" to which Hoover referred were the secrets of the atomic bomb, which were being guarded in the Army's Manhattan Engineer District.
>
> The Exchange of intelligence missions was blocked by the White House and quietly forgotten by everyone concerned.

It remained for the Rosenbergs and others to steal our Nation's atomic secrets for the benefit of our enemies.

Included among the programs which Hoover initiated to strengthen the Bureau are: the founding of the Identification Division in July 1924; the creation of the FBI Laboratory in November 1932; the opening of the FBI National Academy on July 29, 1935; and the beginning of the National Crime Information Center in January 1967.

The bigtime gangsters of the prohibition era, the kidnapers, the murderers, the bankrobbers, the subversives and enemy agents of World War II, and the foreign and domestic Communists and anarchists of the cold war years have all met their match in J. Edgar Hoover and his force of loyal, courageous, and dedicated agents.

Earlier this afternoon I introduced a bill which provides that the future home of the Federal Bureau of Investigation, now under construction, shall, upon completion, be named the J. Edgar Hoover Building. I invite my colleagues to cosponsor this bill. We have paid tribute to such eminent former Speakers of the House of Representatives as Joseph Gurney Cannon, Nicholas Longworth, and Sam Rayburn by naming the three House office buildings after them, so we would merely be following precedent by naming the new FBI edifice after Mr. Hoover.

Mr. Speaker, I will be delighted to yield to my colleague from California (Mr. Schmitz).

Mr. SCHMITZ. I thank the gentleman for yielding.

Mr. Speaker, it is a real privilege to be able to join in this tribute to Mr. J. Edgar Hoover. It is difficult to think of any man who has given so many years of dedicated and outstanding service to our Nation as has Mr. Hoover.

Mr. Hoover has guided the Federal Bureau of Investigation since its inception in a course consonant with the security needs of the Nation. The Federal Bureau of Investigation has a well-deserved worldwide reputation for its efficiency and thoroughness in protecting our Nation from organizations and individuals who seek to destroy our free society.

Chief Justice Vinson made clear long ago the worth of an organization which has within its mandate the protection of our country from those who would attempt to overthrow the duly elected representative Government by force and violence when he stated:

> Indeed this (preventing the overthrow of the government by force) is the ultimate value of any society, for if a society cannot protect its very structure from armed internal attack, it must follow that no subordinate value can be protected.

This principle holds true today.

The Federal Bureau of Investigation under the leadership of Mr. Hoover has performed this defensive service for us over the years. We have been able to maintain a free society because we have men like Mr. Hoover who are knowledgeable and dedicated enough to spend their entire lives interfering with the plans of those who would take away our freedoms.

Some people have either become confused as to who is protecting our freedoms and who is attempting to undermine them or they resent the effective job which the Federal Bureau of Investigation is doing. In either case their carping criticism of both the FBI and Mr. Hoover is both unwarranted and generally ridiculous.

It seems that some people even feel that they can get to be President by having a platform which includes dispensing with the services of Mr. Hoover. They will, of course, be rejected out of hand by the voters as rather silly politicians who have mistaken the editorial columns of the New York Times for the pulse of the American people.

We all owe a tremendous debt of gratitude to Mr. J. Edgar Hoover and I would like to thank him for the years of service he has already given to our Nation and wish him the best of health in the many years he has ahead of him as Director of the Federal Bureau of Investigation.

Mr. COLLIER. Mr. Speaker, I yield to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I thank my friend from Illinois for yielding, and commend him for initiating this tribute to Mr. Hoover.

Today, I am proud to say, marks 47 years in the career of one of America's foremost public servants.

In appraising the worth of a man or an organization, I always take a look at the record. In this particular instance, I can say without fear of contradiction that the operations of the FBI under the guidance of J. Edgar Hoover are without peer in the field of public service. He took over the reins of a bureau which was mired in mediocrity and plagued by political patronage and elevated it to the pinnacle of success where today it is recognized as the world's foremost law enforcement agency.

Over the years, Mr. Hoover has slugged it out, toe to toe, with the deadly enemies who threaten the welfare and security of our country. During the 1930's, he directed the FBI's hard-hitting attack against the gangsters roaming throughout the country. At the outbreak of World War II, the FBI assumed the responsibility of protecting our Nation against espionage, sabotage, and subversion and became a top-flight intelligence agency. In later years, the godless forces of communism and their efforts to gain headway in our land have been exposed time and again by the FBI. Any threatening element to our fundamental freedoms is an enemy of the FBI.

Mr. Speaker, as one who served as one of Mr. Hoover's FBI agents for nearly 5 years, I can speak from firsthand knowledge and experience.

More recently, Mr. Hoover has brought before the public eye the evil workings of the New Left—in actuality, Marxist-Leninist revolutionaries dedicated to the violent destruction of our society. He has repeatedly warned our young people against the dangers of being influenced and led by these radical groups which openly preach revolution.

In the recent past, many of these groups, and other individuals with high political aspirations, have demanded the immediate removal of Mr. Hoover. Their fabricated charges and wild accusations have fallen flat and have proved to be baseless, doing far more damage to the accusers than to Mr. Hoover. Such tactics, however, are outrageous and a disservice to the country.

During this unreasonable period of harsh and unjust criticism, Mr. Hoover has kept his dignity, and remained stanch and determined in his beliefs. The FBI has continued to discharge its responsibilities with the same high degree of dispatch and thoroughness which has marked its success in the past. In a free society, no one is above the rule of law, and we may indeed be thankful for the eternal vigilance and determination of Mr. Hoover and his associates.

Director Hoover is a tower of strength and a strong force for progressive, efficient public service. He is a man endowed with relentless courage, vision, ability, and profound faith in humanity. He exemplifies the highest ideals and standards of a true American. His accomplishments and career have left an everlasting imprint on the people of the Nation whom he has so faithfully served for many years. With great personal sacrifice, he finds the time and energy to serve, to work, and to lead, shouldering countless responsibilities and burdens with unfailing compassion and grace.

It has been said that courage, loyalty, understanding, initiative, and vision are the attributes of a great leader. Today, I salute Director Hoover as a distinguished exponent of all these qualities. It is my hope that we may have the continued benefits of his services, and I pray that God grant him strength and health to pursue his arduous duties.

Mr. COLLIER. Mr. Speaker, I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman yielding and even more his taking the floor on this very special day in the life of a truly great American.

Mr. Speaker, today marks a very special day in the life of a truly great American, the Honorable J. Edgar Hoover, eminent Director of the Federal Bureau of Investigation for the past 47 years.

I say special day, as I believe all Members of this great body and all concerned citizens of this great country should take note of his 47th anniversary—particularly in view of the wake of recent attacks on this dedicated patriot and the organization he has built—unquestionably the top law enforcement agency in the world.

In recent months, we have heard many transparent—yes, even malicious utterances about Mr. Hoover—but when called upon to back up their charges, these critics have failed to produce a single shred of solid evidence.

I am convinced that those—who have seen fit to criticize this truly legendary American, and an organization which has protected the rights and liberties of all citizens—regardless of political affiliation—would have been much wiser to have first examined the record. They would have found a man and an organization which last year reported fines, savings, and recoveries of over $422 million, a return of $1.60 for every dollar appropriated for FBI operations; an organization that last year alone obtained 468 convictions of parasites involved in organized crime with more than 1,200 other hoodlums, gamblers, and racketeers involved in organized crime awaiting prosecution as 1970 came to a close; an organization that apprehended more than 32,000 fugitives from justice, including some 2,700 being sought for State and local law enforcement agencies; an organization that afforded assistance in over 9,300 police training schools attended by nearly 300,000 local police officers; an organization that furnished information to State and local law enforcement agencies which enabled them to make more than 800 raids, arrest some 4,400 organized crime figures and seize more than one million dollars worth of currency, contraband and gambling paraphernalia; an organization that efficiently and well within the constitutional bounds of our Constitution, handled many major and delicate criminal investigations with the highest degree of proficiency and excellence in their field.

Yes, Mr. Speaker, I could go on and on citing examples of the greatness of the FBI—which greatness can, in no small way, be attributed to the greatness of its leader—examples which can be backed up by facts.

Today, I take great pride in joining the great bulk of law-abiding citizens in this great land of ours in commending and thanking J. Edgar Hoover and the dedicated men and women of the FBI for their many outstanding contributions to our great Nation. It is my sincere hope that he will continue at the stewardship of the Bureau for many years to come, and that successes, which have become the trademark of the FBI, will increase manyfold in the future.

Mr. COLLIER. Mr. Speaker, since the gentleman from Illinois (Mr. Gray) who is now in the chair presiding wanted to associate himself with the remarks made in the special order previously paying tribute to Mr. J. Edgar Hoover, I want the Record to so indicate because the bill which I mentioned will go before the gentleman's committee.

The SPEAKER pro tempore (Mr. Gray). Without objection, the remarks of the gentleman from Illinois (Mr. Gray) will appear immediately following the remarks of the gentleman from Illinois (Mr. Collier).

There was no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I would be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I want to join with my colleagues in commending the gentleman from Illinois for taking this time to pay a well-deserved tribute to J. Edgar Hoover. Few men have served the country longer, and none with greater distinction over such a span of years than Mr. Hoover. May he continue this service.

Mr. GERALD R. FORD. Mr. Speaker, I am pleased to join with my colleagues in honoring J. Edgar Hoover, a great American, as he begins his 48th year as Director of the Federal Bureau of Investigation.

Today we honor the tremendously capable man who at the age of 29 took over a scandal-ridden Government bureau and turned it into a criminal investigation agency renowned the world over. We all know J. Edgar Hoover as the individual who almost singlehandedly revolutionalized and professionalized law enforcement in America.

There are those who attack J. Edgar Hoover for his zeal in guarding the internal security of America, his ferver in tracking down Communist subversion. They would have you believe that Mr. Hoover is the destroyer of individual rights, an anticivil libertarian. Yet the truth is that Mr. Hoover was one of the few Americans to vigorosuly oppose the rounding up and internment of a million Japanese-Americans during World War II. That should be sufficient to establish him as a man concerned about the individual rights of others.

I personally have no fears about electronic surveillance by the FBI. I believe Mr. Hoover when he says the FBI has never "tapped" or "bugged" anyone without the expressed authorization of the Attorney General.

America is lucky to have had the services of J. Edgar Hoover. Under J. Edgar Hoover, the FBI has become an American version of Scotland Yard—and no greater compliment could be paid to its Director.

Mr. ARENDS. Mr. Speaker, 47 years ago today J. Edgar Hoover became Director of the Federal Bureau of Investigation. For myself, and in behalf of the people I am privileged to represent, I extend to him our hearty congratulations, our very best wishes and a "thank you" beyond measure.

I am glad for this opportunity to acknowledge to him our debt of gratitude and express our admiration of him and continued confidence in him. Under his guidance the FBI has become the most efficient and most respected law enforcement agency in the world. It has been the guardian of our national security and the protector of our free society founded on ordered liberty under law.

No one is more qualified to evaluate the quality of leadership furnished by J. Edgar Hoover, his devotion to country and dedication to public service, than those who served under him. I should like to read a letter which I received from a fellow Illinoisan who had served with the FBI for 23 years. His name is Harvey G. Foster, and he now resides in Park Ridge, Ill.

He wrote me as follows:

Park Ridge, Ill.,
April 16, 1971.

Hon. Leslie C. Arends,
House of Representatives,
Washington, D.C.

Dear Congressman Arends: I have become increasingly concerned with the spate of comments from columnists, Congressmen and others asking for J. Edgar Hoover's removal or retirement from the F.B.I. I spent 23 years in the F.B.I., the last 15 years in charge of various offices around the country. I chose to retire and am very happy with a very challenging second career.

I cite my career in the F.B.I. only because I want to comment, I hope authoritatively, about Mr. Hoover and the F.B.I.

I found Mr. Hoover the most dedicated public official I ever met. He lives for the F.B.I. and for the United States—these are his constant unflagging interests. I found him a superb administrator, a tough disciplinarian and something seldom mentioned, even quicker to recognize and reward outstanding service on the part of the F.B.I. employees.

He bent over backwards to assure that the F.B.I. investigations were impartial and objective and that everyone's personal and constitutional rights were to be considered inviolate. I think he personally is very responsible for leading law enforcement to an early recognition of the necessity for this. He is an able and an exceptional man who has chosen to devote all his energies to a governmental agency and who has made it an agency looked up to and respected by the public and by law enforcement around the world.

I see him criticized as being a publicity seeker for himself and his agency. Certainly he has sought to keep the F.B.I. before the American public, but this is because he was long ago astute enough to recognize that the F.B.I. would rise or fall as an investigative body depending on the confidence the public had in it.

A Law Enforcement agency is dependent on the public for the information it needs to pursue an investigation. If it were unknown or in discredit, its investigations would quickly reflect this.

I read that he should retire because of his age. I think this should be interpreted in the light of the man. I have seen no lessening of his mental powers and I personally feel that if there were he would be the first to retire. I am interested in efficiency in government as well as economy in government. Mr. Hoover could have retired at full pay some years ago, so actually we are getting his services for nothing. I can't imagine a greater bargain.

I read that he and his organization are suspected of tapping the telephones of some Congressmen. I know from experience that this is absolutely impossible. The F.B.I. scrupulously follows the U.S. Department of Justice regulations on this and there were none made without the express authority, not of Mr. Hoover, but of the Department of Justice for whom the F.B.I. is an investigative arm.

I read that he is not adjusting to the times. How can this be said when both he and his agency have steadily and most successfully adjusted with the times since 1924?

I read that he should have been grooming a successor. Who says he hasn't? But his successor, when that time comes, will be appointed by the President, the Attorney General, and by Congress. Does any one think they would necessarily select a person who had been publicly groomed as a successor? I doubt it.

In summation, I feel that I can attest that Mr. Hoover is an able executive, and administrator with few peers in Government, and I would like to suggest that he is one of the greatest bargains in Government. I would hope that he would be permitted to continue to serve his country with his obvious dedication until such time as he steps down—and that he be supported in this endeavor partially as a reward for long and dedicated service, but more importantly, because in this day of permissiveness that in him we have a dedicated person of integrity in a most responsible position of trust, where permissiveness would be disastrous.

Most sincerely,

H. G. Foster.

Mr. SMITH of California. Mr. Speaker, 47 years ago today, a young Justice Department attorney was called to the Office of the then Attorney General Harlan Fiske Stone. Stone spoke abruptly, saying: "Young man, I want you to be the Acting Director of the Bureau of Investigation."

This man was John Edgar Hoover, and he has directed the FBI ever since. But young Hoover's answer to Stone was qualified. He said he would accept the job under certain conditions—that the Bureau must be divorced from politics and not be a catch-all for political hacks; that appointments be based on merit and promotions based on ability; and that the Bureau would be responsible only to the Attorney General of the United States. Stone agreed.

So 29-year-old J. Edgar Hoover took over a floundering, ineffectual, politically controlled organization and built it into the most respected, most effective, most efficient investigative agency in the world.

Writing to the dean of Columbia Law School a few months after appointing Mr. Hoover, Stone said:

I took the responsibility of appointing Mr. Hoover as head of the Bureau of Investigation, although many people thought he was

> too young . . . I thought I knew my man, and the event has proved that I was right. I find him responsive to the ideas I held, that efficient police work could be done by men who were not crooks and who did not resort to crooked methods. Mr. Hoover has steadily built up the Bureau.

I do not cite this incident as a lesson in history, but rather as a reminder of the premise under which the FBI has operated the past 47 years under Director Hoover's leadership. Only a dedicated, self-sacrificing, unselfish man could have accomplished this tremendous feat which has given our Nation a feeling of great security for 47 years.

Every agent receives the same training. All must be able to handle every activity over which the Bureau has jurisdiction. Mr. Hoover demands that each agent have a thorough knowledge of the law, be efficient, honest, courageous, courteous, abide by the rules and regulations, and at all times be completely loyal to the Bureau. Every agent knows this from the day that he is sworn in. And almost without exception, every agent performs in accordance therewith. Occasionally one does not, and upon leaving the Bureau, makes critical statements of the Director. In my opinion, such critical statements are solely self-serving in an effort to ease his conscience for his mistake.

One of the reasons for the success of the Bureau is that all agents are held accountable for their mistake. They all know that. But by the same token, Mr. Hoover is as fair and human in his attitude toward each agent as any person could possibly be. Let me cite a few examples.

After completing training school, each agent is assigned to a field office. Usually it is in an area different from his home. This is to help the agent understand that the thinking of people varies in different parts of the country. On this occasion the agent's first assignment was Nashille, Tenn. He was married for 1½ years before becoming a special agent. The assignment to the first office is usually for about 5 months.

Before the assignment, his wife had become pregnant for the first time. She was born and raised in California. She had never been away from her mother. As the months passed, she became nervous and upset over being away from home, and wondering where she might be when her first child was to be born.

Mr. Hoover follows a policy of personally opening and reading every letter when the envelope is marked "Personal and Confidential." The agent wrote such a letter to the Director, explaining the circumstances, and requesting a transfer to California until after the child was born. The following day transfer orders were received sending the agent to Atlanta, Ga. The letters had crossed in the mail. Within 48 hours, the transfer orders to Atlanta were rescinded and the agent was transferred to San Francisco, instead. This was a salvation so far as the mother and the marriage were concerned.

On another occasion, an agent and his wife's second son was born with his third and fourth fingers on each hand "webbed." There were two bones, but the skin went around both fingers. After having the child examined by 10 of the best plastic surgeons in Los Angeles, one was selected. It turned out that he was the greatest.

The able surgeon stated that it could take as long as 3 years and several operations. The agent wrote a "Personal and Confidential" letter to the Director, explaining the circumstances, and requesting that he be permitted to remain in Los Angeles until the operations were completed. Mr. Hoover permitted him to so remain.

Back in those days, each agent had to qualify 12 times a year in firearms training. Later it was changed to nine times a year because of the difficulties during the snowy winter months in some States to have suitable range facilities. An agent, who had been efficient for years, for some reason or another, developed difficulty in qualifying. Technically he should have been asked to resign because he could not then do everything required of an agent. But rather than do this, Mr. Hoover directed that he not be required to carry a firearm in the future, and that he not be assigned to any cases where a firearm might be necessary. The agent continued to perform efficiently for many more years and has now retired.

Yes, Mr. Hoover is fair and human in his attitude toward each agent. I know whereof I speak, because in the first two instances cited above, I was the agent involved.

I am proud of the Bureau. I am proud of Director Hoover. And I am proud of its record and accomplishments. It is not necessary for me to enumerate these accomplishments—and I could not in this short time that I speak today. The FBI's record speaks for itself. Mr. Hoover's leadership, determination, and devotion to duty speak for themselves.

There are a few of my colleagues who would not agree. There are some who have made grave charges against Director Hoover and the FBI, casting aspersions on the integrity and reputation of this organization and its thousands of employees. They have been refuted—by the President, by the Attorney General, and by the Director himself.

This is not the first time in 47 years that Mr. Hoover and the FBI have been subjected to criticism. And, fortunately for our country, serious-thinking people who hear allegations of "Gestapo," "secret police," and "national police force" hurled at the FBI are not fooled by these epithets.

The recent wave of critical articles, degrading caricatures, and caustic comments about Director Hoover and the FBI are a disgrace to this country. Criminals and subversives at home and abroad most certainly take comfort with each new criticism. What more could enemies of our government ask than to have the FBI—for years America's most revered law enforcement body—belittled in the eyes of the American public?

I believe that when the winds of time have cleared away the fog surrounding these criticisms; when all the facts are in and all the evidence heard; the FBI and its Director will be given a clean slate and the stigma of recent months removed from this great organization.

As for me, I will keep my faith in the FBI and leave unfounded speculation and rumors to the fuzzy-headed leftist radicals and neonihilists—and a few egotistical Congressmen and Senators who think the FBI has nothing better to do than eavesdrop on their telephone conversations.

I am privileged to meet and talk with Mr. Hoover on occasions. To those few in and outside of Congress who would like to force him to retire because of age, may I state in all sincerity that he is as mentally alert, and physically well qualified, as any Member in this House of Representatives. In a recent letter to the UPI he stated:

> I have no thought of leaving my present position and intend to remain as Director of the FBI as long as I can be of service to the country and my health permits.

He will do just that. When the time comes that he is not, he will, of his own free will, act accordingly.

I regret that someday Mr. Hoover will decide to retire. He has always believed in promoting Agents in the Bureau. There are many who will be able to carry on, but not with the respect and ability that Mr. Hoover possesses. If some politician or bureaucrat is appointed to replace him, the Bureau could well return to the chaotic condition that it was in when Mr. Hoover took over. If so, it will be a catastrophy so far as the future of America is concerned. When Mr. Hoover does retire, I hope that the President will see to it that he is accorded the fullest honors that any American can receive for his long, loyal service to his country.

I salute you, Mr. Hoover, for your many years of devoted public service, and sincerely hope that you will be able to continue for several more years. In fact, outside of my father, you are the finest man that I have ever known.

Mr. PIRNIE. I welcome this opportunity to pay tribute to a man who has served our country with great distinction and dedication, J. Edgar Hoover. This is his 47th year as Director of the Federal Bureau of Investigation—a term of service so distinguished that this recognition is truly merited. His unrelenting persistency and able guidance have made the FBI the efficient security force that it is today. He has served under eight Presidents and 16 Attorneys General since 1924 when, at the age of 29, he became the first Director of the Division of Investigations within the Department of Justice. His pursuit of excellence, characterized in the operation of the Bureau, together with his undivided loyalty, have achieved national recognition. During these troubled times, all Americans can well be thankful that we have been fortunate enough to have this man in a position so vital to our national security. J. Edgar Hoover is a great American and a fine public servant.

Mr. HILLIS. Mr. Speaker, I am honored today to join my colleagues in paying tribute to a great American—J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Our Nation today is facing troubled

times, but this is not the first time that we have had grave problems.

The racketeers in the 1930's, the fifth column operated by the Nazi Party in the 1940's, Communist infiltration in our Government in the 1950's spelled trouble for our Nation.

One man, J. Edgar Hoover, was given the responsibility of protecting us from these troubled times.

And he did his job.

The name G-man was feared by all who were outside the law. Criminals were careful not to commit a "Federal Crime" because that meant the FBI would be called in.

J. Edgar Hoover has long been considered our top law enforcement officer. Today I want to commend him.

I join other Members of the House of Representatives in taking my hat off to this fine official and am saying that he has not only done his job well in the past but am confident that he will in the future.

Our Nation is a free nation.

We have freedoms that many others in other lands do not enjoy.

But we cannot be sure that we would still be living in a free country if it were not for J. Edgar Hoover.

Mr. WAGGONNER. Mr. Speaker, it is a privilege to participate in this congressional tribute to a man who so lavishly deserves it, the Honorable J. Edgar Hoover.

There is an old adage about a man being known by the company he keeps, and the older I get the wiser these old sayings seem to get. They are wise, I suppose, because they would not have become old adages unless they had stood the test of time and had proved to be correct. In this context, I would like to preface my remarks with a wondering in my mind as to how those of today's radicals here in this country must feel when they look about themselves and see the company they are keeping when they grow livid with rage at the mention of the FBI and its renowned head. A Communist must feel the same way about the FBI, for it has been his nemesis over the decades. A criminal must have few kind words for the FBI, for it has fought him on a nationwide scale unparalleled by any other organization in any other nation in the world.

A smuggler of dope, a trafficker in prostitution, a blackmailer, a member of the Mafia, an anarchist—all must hate the FBI and J. Edgar Hoover, for they keep his activities at the low level they are.

I do not suggest, of course, that everyone who criticizes the FBI or Mr. Hoover is either a Communist, a dope smuggler, a member of the Mafia, or any other category of criminal. My suggestion is that when one finds oneself on the side of this element of humanity, when one parrots their party line and reacts with the same vehemence they do, it is time to search one's soul and find out why this association exists. There is another old adage that I believe in very strongly, and it is that when you lie down with the dogs you get up with fleas.

But this, as I said, is a preface and a personal observation that is meaningful, perhaps, to me alone and I do not press upon you, my fellow Members, this same philosophy. Each man has his own reasons for the course he takes, however foolish or however sagacious it might be.

In my 10 years of observation of the Federal Government and its departments and agencies, I think I have concluded as anyone would conclude after even a cursory examination of it, that there are some departments and agencies which are efficient, dedicated to their assigned work and of which we Federal servants can be proud. There is also a percentage, and it is a small one, of the Government's subdivisions run by fools, riddled with inefficiency, and a disgrace to any political subdivision. When hundreds of thousands of men and women are employed on any assignment, a certain number of charlatans, mountebanks, incompetents, and leeches will make their way into the system. Hopefully, they are eliminated with the passage of time.

There are some agencies with three-letter names which annually disgorge hundreds of millions of dollars down ratholes that are bottomless. They are wasteful, scandal-ridden, unproductive, and controlled in every echelon by those who make their sorry living on human misery. For such agencies and for such people I have nothing but contempt.

But, I defy you to find a word of criticism about one of these agencies in the national press from one year end to the next. You will not find it because they deal, in the main, with minorities and few have the courage to criticize, investigate, or prosecute anyone black or white who is connected with a program which is supposed to benefit any minority, for fear of being called a racist.

Yet, these same bleeding hearts, these same liberals, leftists, radicals or whatever you want to call them, scale the walls in their attacks on one of the very few agencies of the Federal Government which has never been subjectively accused of any incompetence, of any corruption or any misdoing, the FBI.

The FBI is not the only agency of this calibre in the Federal service; but it is one of the few. What agency is there that can boast of not only a national but an international reputation as a very model of incorruptability. Few, if any, other than the FBI.

Yet, the FBI and its head are the targets of the most scathing, prejudiced, unsupported accusations that have ever been directed against any agency of the Federal Government. I wonder why. Some of the critics are merely dupes, but they should ask themselves why they are saying the same thing the Communist Party is saying. They should ask themselves why they are on the side of the Mafia. They should wonder how they got in bed with the dope smuggler, the anarchist, the pimp and the bawd. Surely, if they feel they simply have to criticize some Government agency, there are some more deserving of it than the FBI.

I have no idea that Mr. Hoover is a saint. I have met the gentleman, have talked with him and have observed him for all my adult life and I have the impression that he puts his pants on in the morning one leg at a time just like I do, and he admits it. I am sure he has made mistakes and I am sure his judgment is not infallible.

I am equally sure that he is undeserving the kind of venom being spewed upon him by the asps who are attacking him today. I am also sure of something else, and that is that the attack being partylined against him as nothing whatsoever to do with his ability. The attack is against what he and the FBI represent: the protection and preservation of law, justice, and order in the Nation. If Mr. Hoover were to resign tomorrow, the attacks would not cease; they would simply change in their emphasis. Because those who want to get rid of J. Edgar Hoover want to get rid of what he epitomizes.

If there is any presidential candidate or any political party foolish enough to make Mr. Hoover an issue in the forthcoming presidential campaign, they are in for a rude awakening. They will find that the only people who support J. Edgar Hoover and the FBI are the people of the United States.

I hope my words reach the ears of this great man and that he understands as personally as I do that there is no desire on the part of the people for him to resign; there is no subjective criticism of the way he has run his agency. There is nothing but honor and respect and admiration for what he and the FBI have done in the face of hostile courts, deluded followers of subversives, the dupes of radicalism and the foolishness that manifests itself when political sensationalism lures the thoughtless on.

I sincerely trust that he will not consider for a moment tendering his resignation under this harassment from the left because it is the surest sign that could possibly be manifested that he is doing his job and doing it superbly.

As I said at the beginning, a man is known by the company he keeps. I can think of no man with whom I could walk with greater pride than J. Edgar Hoover and I will keep his company as long as he will stay on the job.

Mr. CLANCY. Mr. Speaker, on May 10, 1971, we mark a most memorable event, the celebration of the 47th anniversary of J. Edgar Hoover's directorship of the FBI.

This remarkable man has built a remarkable organization, firmly founded on the rockbed of positive accomplishment, not suspended in midair like so many of the spurious and petty criticisms recently directed his way.

Appointed in 1924 by Harlan Fiske Stone to clean up and revitalize an inept and ineffective organization wallowing in public contempt, J. Edgar Hoover did his job fantastically well, so well that his lasting place in our history as one of America's most selfless and successful public servants is forever established.

After cleaning house thoroughly and establishing employee character and ability criteria of the highest order, he zealously undertook an all-out war with the forces of crime and subversion, faithfully demanding in all investigations strict adherence by all of his Bureau's employees to America's cherished constitutional guarantees.

His pioneer inauguration of such milestone successes as the FBI Laboratory and the FBI National Academy, both designed to soundly elevate the professional standards of local law enforcement, attest to his foresight and wisdom.

His noteworthy dedication to truth and justice, which has sometimes irritated those with a lesser devotion to these principles, has characterized the FBI under his dynamic leadership and supplied the spirit behind the Bureau's living motto, "Fidelity, Bravery and Integrity."

In proudly saluting this great American today I would sincerely ask my distinguished colleagues to recall what J. Edgar Hoover and the FBI have meant to our beloved Nation for these past 47 years and to contemplate the basic guideline established in 1924 when this courageous man took on an overwhelming challenge—that the Bureau would be strictly divorced from politics. Let us resolve to maintain this happy estrangement and thus continue the highly successful formula which has distinguished the FBI as a thorough, objective, impartial and nonpolitical investigative agency, diligently serving all citizens.

Mr. BURLESON of Texas. Mr. Speaker, I rise to join in tribute to Mr. J. Edgar Hoover on the occasion of his 47th anniversary of service as Director of the Federal Bureau of Investigation.

Mr. Hoover is the FBI. Under his resolute direction the FBI has kept the security of this Country and all Americans owe a debt to the long and dedicated service he has rendered.

In 1917 J. Edgar Hoover was a 22-year-old lawyer who became Assistant Attorney General. Seven years later the Attorney General at that time, Harlan Fiske Stone, appointed Mr. Hoover as Director of the Bureau of Investigation. He was directed to reconstruct the Bureau "According to the highest ethical and executive standards and remove all actions from partisan politics." He was instructed to remove from the Bureau any man as to whose character there was any ground for suspicion. Mr. Hoover withdrew the Bureau from all extra-legal activities and made it an efficient organization for the investigation of criminal offenses against the United States.

Mr. J. Edgar Hoover has had the highest confidence of eight Presidents.

It was a personal privilege for me to serve as an FBI agent under Mr. Hoover and I salute him on the quality of service he has rendered for these 47 years.

Mr. MYERS. Mr. Speaker, it is my pleasure to join with my colleagues of this body in reminding that today marks the 47th anniversary of distinguished service by the Director of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover. Today, perhaps more than at any other time in our Nation's history, we are thankful for the contributions that this man has made. In his personal strength of character; indefatigable, indomitable spirit; and unswerving allegiance to the principles of justice we have witnessed an unparalled record of service to our country.

Since the day that he took over the office of Director, he has built and maintained the FBI as the most outstanding law enforcement agency in the world. His dedication and vision saw the creation of a Government institution that is unequaled in concepts of duty, honor, and service. The FBI is truly the shadow of the man. Through his foresight the Bureau from the outset of his leadership was divorced from political control or influence. Ability, performance, and merit are the only stepping stones to advancement in the FBI. The highest positions are filled with individuals who have risen through the ranks. Theirs is a career service of dedicated employees who are imbued with a feeling of pride in the performance of their duty.

"Fidelity, Bravery, and Integrity" is the motto of the Federal Bureau of Investigation and how steadfastly these principles have been maintained is indeed a moving tribute to J. Edgar Hoover. No other individual or institution in our Nation's history can match the zeal, devotion, and unexcelled pursuit of perfection that so characterizes the FBI and its legendary director. The late President Kennedy may well have had J. Edgar Hoover's example in mind when he challenged the American people to think not of what their country can do for them, but rather what they could do for their country.

His contributions to law enforcement are beyond estimation in value. He is responsible for the concept of professionalism in police work. The FBI national academy which annually trains selected police officers from the United States and foreign countries is but one example of his genius. Mr. Hoover realized that a professional level of police work could only be achieved through a nationwide corps of highly trained officers. The national academy was established to provide the most up-to-date training available. Those who attended the Academy would in turn pass on the benefit of their experience to the other members of their various departments. The fact that many of these graduates of the national academy are in the highest positions of their departments serves to highlight the success of this endeavor. Professionalism, training, cooperation, and dedication to duty coupled with knowledge, courage, and integrity characterizes the spirit of the national academy and its graduates.

Today when the spirit of America is so dangerously challenged by many who seek to destroy our most hallowed institutions, we are certainly not surprised to find Mr. Hoover as a target. Those who seek his removal would likewise prefer the FBI to be responsive to their whims and views of the way things ought to be. They know in him they have a person beyond their influence and one who holds no sympathy for their desecration of our noble concept of representative government. Mr. Hoover by his personal courage and recognition of duty is the antithesis of what those who only wish to destroy can show as a standard. The American public is indeed grateful for the service of this great man. The overwhelming majority of our citizens recognize and deeply appreciate the sacrifice and tribulation that he has withstood to maintain his stand against the forces of crime and subversion. His conduct has set standards of public service which are practically impossible to emulate.

It is in the Nation's best interest to look forward to his continued direction of the FBI, and it is my personal wish, as well as, that of millions of proud Americans, that we may enjoy the benefit of his influence for many years to come.

Mr. CHAMBERLAIN. Mr. Speaker, in the course of our nearly 200 years as a Nation, the United States has been blessed with many leaders steadfast in the defense of the principles on which the country was founded. For the past 47 years, such a man, J. Edgar Hoover, has headed one of the most sensitive agencies of our Government, the Federal Bureau of Investigation.

Mr. Hoover's career as the Nation's No. 1 G-man has been no accident, but rather a most impressive record of achievement by a man of impeccable character. Since taking over the Bureau on May 10, 1924, Mr. Hoover has gradually built his agency into the most effective, honest, and tough crimefighting force in modern times.

In light of this brilliant record it is most ironic that in recent years the FBI, and Mr. Hoover in particular, have come under increasing criticism. FBI offices have been plundered of their confidential files, which have then been distributed in an attempt to prove that the FBI is carrying on police-state activities. Some critics of the Bureau have decried the attendance of FBI agents at public meetings. Yet these same people who criticize FBI surveillance techniques today were some of the loudest critics of the FBI after President Kennedy's assassination in 1963.

And now recently, unable to come up with a better reason, critics of the hard hitting and incorrigible Mr. Hoover have begun pointing out that the Director is getting too old to adequately handle his responsibilities. And while I might agree in principle to a mandatory retirement age for public officials, I am wondering why Mr. Hoover alone faces such a challenge. Strangely, there are at this very time Supreme Court Justices, Senators, and Members of the House of Representatives who exceed Mr. Hoover in age; yet no one has demanded their resignation.

In every sense of the word, J. Edgar Hoover has been an eminent protector of the American way of life and our system of free government. His continued tenure in office should not be dependent upon the rancorous clamor of an ungrateful minority element. And certainly his retirement should not be occasion for rejoicing and relief, but a solemn thanks from a Nation well served.

Mr. MAYNE. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to a dedicated civil servant, J. Edgar Hoover, upon this 47th anniversary of his service as Director of the Federal Bureau of Investigation.

Probably no man since Sir Robert Peel, who reorganized the English police in the early 1800's, has contributed so much to the improvement of law enforcement as has Mr. Hoover. His dedicated hard work and genius has developed the fledgling Government Agency, over which he was given command in the 1920's, into the highly respected, complex, and modern law enforcement and investigative arm in which we can all justly take pride.

Under his genius and leadership, the Bureau has constantly kept abreast of the changing scene, meeting the various challenges from subversive and criminal elements alike. Long before the Miranda decision, Director Hoover required special agents of the FBI to fully advise suspects of their rights, including the right against self-incrimination. The Bureau has pioneered in the full use of science and technology in the war against crime, and has shared its know-how with State and local law enforcement agencies and those of many foreign countries. With vision and foresight, the Director has crusaded for improvement of all law enforcement techniques. The FBI's National Police Academy has trained thousands of fine law enforcement officers on State and local levels, long before the present law enforcement assistance programs were enacted.

Despite difficult times and pressures from every side, J. Edgar Hoover's stern adherence to the highest ethics and principles has continued to insure the integrity of the Bureau. His demands upon special agents and other Bureau personnel are great, but no greater than the demands he makes upon himself. Under his leadership, the words "Fidelity, Bravery, Integrity" have become more than just a motto. They are the qualities which the Nation expects and knows it will receive from Mr. Hoover and every officer and employee of the Federal Bureau of Investigation.

America owes a tremendous debt of gratitude to J. Edgar Hoover. All Americans can be grateful for the example he provides to all hard-working, dedicated, and loyal public servants everywhere. I am proud to have had the honor and privilege of serving under his leadership as a special agent of the FBI before my service in the Navy in World War II. I urge all my colleagues to join in recognizing the achievements of this great man on this 47th anniversary of his directorship.

Mr. WYDLER. Mr. Speaker, I fully support the Federal Bureau of Investigation and its Director, J. Edgar Hoover. I make this statement because an unusual campaign with political overtones has been started to discredit the best agency in the Federal Government and to force its director to resign.

The FBI is the best run, most effective, least political and most respected of all law enforcement agencies, not only in the United States but in the world. Most of the credit for that belongs to J. Edgar Hoover—its longtime director. It is molded in his image, one of dedication to country and high standards of performance.

Suddenly, there is a small, loud and orchestrated cry for his removal. It is centered in the Democratic Party and particularly in its "liberal wing."

Recently some Congressmen have stated they "feared" their telephone calls were being listened to. No one knows why they feared this. On the basis of this guesswork they asked for an investigation of the FBI. To date no evidence has been presented that any phone was tapped, much less that the FBI was involved.

Apparently it is now enough to fear something to investigate the fear. That would be a ridiculous basis for any investigation. It is really a mere device to "get" the FBI.

The thrust against the FBI is centered in the protest groups fighting our country's policy in Vietnam. Stealing of thousands of FBI documents and making them public has done something the agency avoids—giving publicity to investigation. For example, I have been the subject of FBI investigation many times in my life as they checked into my background. Such investigations are in the national interest and I welcome them.

Cries for a total investigation of the FBI based on the "fears" of some is self-serving nonsense. Even more nonsensical is the cry that J. Edgar Hoover, age 76, is too old and that he and his agency should be investigated by the Judiciary committee, whose chairman, EMANUEL CELLER, is age 83.

Those who commit crimes must be investigated and prosecuted. They cannot be exempt because they hold public office nor because they claim a kind of immunity since their crimes are part of political dissent.

I urge every American to back the FBI. The great agency deserves such support on the merits of its service to our Nation.

Mr. ICHORD. Mr. Speaker, I join with many of my colleagues today in paying tribute to Mr. J. Edgar Hoover on the 47th anniversary of his dedicated service as Director of the Federal Bureau of Investigation.

The job of being Director of the FBI is probably one of the most trying and most difficult in our society. In handling this exceedingly difficult task, in performing the countless jobs that society directs him to do, in carrying out the tremendous responsibilities that are imposed upon him, Mr. Hoover has acted at all times as a highly efficient and professional law enforcement official. His character, his life, and his dedicated service has helped to maintain the great ideals and traditions of the FBI and to elevate this organization as the most faithful and dedicated law enforcement organization in the world.

In a free society the law is supreme and the FBI and law enforcement agencies are living symbols of the freedom shared by all. The FBI, under Mr. Hoover's leadership, have long enjoyed respect as an efficient law enforcement agency, Mr. Hoover sees to it that FBI agents receive excellent training and that they do their job in a thorough, competent, and highly professional manner. Mr. Hoover's record speaks for itself. He has much to be proud of. His good reputation is the result of public confidence—a confidence that grows only after years of sustained accuracy, objectivity and sound ethics. Mr. Hoover's lifetime of devotion to the safety and security of this Nation has been an inspiration to all responsible citizens.

I do not means to imply that we must look at Mr. Hoover with sanctimonious reverence and deem him too sacred to be criticized. Not at all. It is through constructive criticism that we all do a better job in any particular assignment. While a few in this body have recently questioned the aggressiveness of Mr. Hoover in the FBI's constant battle with the evil forces of crime and subversion, I have never heard any Member question Mr. Hoover's sincerity or his dedication to duty.

Yes, Mr. Speaker, we are indeed fortunate to have a man of Mr. Hoover's stature at the helm of the FBI, and on this the 47th anniversary of his service as Director of the FBI, I extend to him my sincere congratulations for the outstanding job he has done over the many years. There is really very little that I can add to the words that have been spoken and written in praise of Mr. Hoover. He is one of the great men of the century and his name will forever be inscribed on the rolls of great Americans.

Mr. MONTGOMERY. Mr. Speaker, I commend my esteemed colleague, Congressman COLLIER, of Illinois, for requesting this special order today and providing the Members of the House an opportunity to pay tribute to a truly great American, J. Edgar Hoover.

When I think of law and order, I immediately think of J. Edgar Hoover because his name has been synonymous with America's fight against crime for almost 50 years. Since May 10, 1924, Mr. Hoover has been head of the Federal Bureau of Investigation. Under his leadership and devotion to duty, the FBI has become preeminent among crime fighting agencies in the world. I know of no other man or woman who has been more zealous and meticulous in upholding the Constitution of the United States and protecting those rights guaranteed to all Americans under our Constitution.

Even though Mr. Hoover has always credited former Chief Justice Harlan F. Stone as the father of the FBI, I personally believe Mr. Hoover is deserving of this title. To tell the story of the FBI is to recite history of men and women seeking to make America more secure. It is a story of a long line of citizens who form a solid front against crime. Leading this long line for the last 47 years has been J. Edgar Hoover.

Because the outstanding career of J. Edgar Hoover and the history of the Federal Bureau of Investigation are so interwoven, it is impossible to discuss one without discussing the other.

Four of the innovations introduced by Mr. Hoover which have made the FBI history's greatest investigative agency are the fingerprint identification unit in 1924, the crime laboratory in 1932, the FBI National Academy in 1935 and the National Crime Information Center in 1967. Each of these has contributed greatly to America being able to bring the lawless to the bar of justice and to clear the good name of the innocent.

Many people tend to forget that the FBI's crime detection facilities, such as the laboratory, are used almost as often to prove the innocence of suspects as it is to obtain an air tight case against the guilty.

There has been much criticism lately of Mr. Hoover and the FBI by a vociferous minority. I feel this criticism is unfounded and is the result of hopeful presidential candidates grasping for false issues in hopes of winning a handful of votes.

They falsely accuse Mr. Hoover of being a dictator and running a national police force. Nothing could be further from the truth. The FBI is a factfinding organization investigating violations of Federal laws and its authority is strictly limited to matters within its jurisdiction. I might add that we in the Congress have provided the FBI the jurisdiction within which it operates.

Another fact: Fifty-two percent of the special agents have 10 years or more of service. And yet another fact: The Gallup poll in mid-1965 asked a cross-section of Americans: "If you had a son who decided to become an FBI agent, would you be pleased or displeased?" The poll reported that 77 percent of the persons questioned said they would be pleased. I have a very strong feeling 100 percent of the American people would have registered pleasure if it were not for the fact they were concerned for the well-being of their sons because of the daily dangers an FBI agent faces.

Can we actually be led to believe the FBI is a national police force in any shape, form, or fashion when over three-fourths of the American people consider it a promising and worthwhile career for their sons? Can we be led to believe Mr. Hoover is a dictator in any shape, form or fashion when over half of his special agents of their own free will have worked under him for 10 years or more?

I say definitely not. The people of America will not allow themselves to be intimidated into believing the babbling of the leftist element of our Nation. And I most fervently hope Mr. Hoover will not be intimidated into retiring.

Mr. Speaker. Thus far I have dealt mainly with Hoover the FBI Director. But there is also Hoover the man—a man of great compassion and understanding who has always taken a personal interest in his fellow FBI agents and their families. Mr. Hoover is a very warm individual in spite of the impression you may receive from the Eastern press. He has a great concern for people. He does a lot of things for people that nobody hears about, because that is part of his makeup, the way he is. If someone in the Bureau becomes sick or is in need, Mr. Hoover personally takes steps to see that he or she is taken care of.

I realize the time of my colleague is limited. Therefore I will bring my remarks to a close, although I would much prefer to continue because there is so much more I have to say in praise of and tribute to J. Edgar Hoover.

Mr. Speaker. I know of no more fitting tribute to pay Mr. Hoover than to say he is truly an American's American and may he serve for another 47 years.

Mr. FISHER. Mr. Speaker, it is most appropriate that public acclamation be accorded J. Edgar Hoover on the occasion of his 47th anniversary of distinguished service as Director of the Federal Bureau of Investigation.

It is unfortunate that this occasion should have been preceded by a rash of irresponsible criticisms of the FBI and its Director—however puny and irrelevant the charges have been.

In fact, most of those critics appear to be apologetic about what they say. I heard one prominent faultfinder in a network television appearance lodge his protest in words to this effect: "Mr. Hoover is a great American. His official record is unblemished. He has been a truly great leader, and both he and the FBI have contributed immeasurably to the cause of law and order in the country. The entire Nation is indebted to him. But—we should be rid of him. He should resign immediately."

This objector inferred that he thought the Director should retire because of his age. Yet, there is no claim that Mr. Hoover is not in excellent health. If that critic is so concerned about the age of public officials, why does he confine his concern to only one official—J. Edgar Hoover? Why, for example, does he not call for the retirement of several Members of the House and Senate who are older than Mr. Hoover? And what about several members of the Supreme Court who are older than Mr. Hoover?

In other words, it is obvious that the age issue as applied to the Chief of FBI is a phony issue because it is not related to any claim of ill health or incapacity to perform.

Two or three others want Mr. Hoover to quit because they claimed he was responsible for the tapping of telephones used by Members of Congress. This charge was flatly denied by the Department of Justice, and the accusers totally failed to produce any proof whatever to substantiate their allegations. Indeed their "proof" reminds one of the man who said he caught a 50-pound fish. When questioned about the truth of his claim he took the questioner down to the river and showed him the water where he caught it.

Another critic, with political overtones, became disturbed because the FBI had applied surveillance over the activities of such notorious revolutionaries as Rennie Davis, at public gatherings. Still others blew their tops because the FBI uncovered evidence of guilt on the part of the Berrigan brothers and their confederates.

Aside from politicians who seem to think it is stylish to criticize Mr. Hoover, most of the protests leveled at him are traceable to those whose toes have been stepped upon, or are in danger of being stepped upon.

In recent years, when the crime rate has skyrocketed, riots erupted, crime and subversion on certain college campuses have become commonplace; when revolutionary movements have gained momentum, and the New Left has become more brazen and active—it is understandable that Mr. Hoover and his agency would become increasingly unpopular among those elements in our society.

Mr. Speaker, it is generally recognized by responsible people that the Federal Bureau of Investigation is the most efficient law-enforcement agency in the world. That agency has gained and earned the confidence and support—and the gratitude—of the great masses of Americans throughout the time Mr. Hoover has directed its affairs. When we speak of that record we are, in effect, speaking of Mr. Hoover. The latter has for nearly half a century been a part and parcel of everything the FBI stands for and all it has accomplished. He has provided that inspired leadership and direction so essential to the success of this particular mission.

It is no accident and no coincidence that the man we honor today is admired, respected, and revered by every patriotic organization in the country; by every law-enforcement organization; and by practically every one of the tens of thousands who have served in that agency since its beginning.

It happens that a good many years ago I served for 10 years as a prosecutor. That threw me in contact with a good many FBI agents. I can say I never met one of those agents who was not an honorable man, of strong character and integrity, and religiously devoted to duty. And I never met one who did not respect and honor his leader—J. Edgar Hoover.

I shall not pursue this subject further. In retrospect I shudder to think what might have happened to this country and its internal security had there been no FBI and a J. Edgar Hoover to direct it.

The Nation can ill afford to dispense with his services at this time. It would be next to impossible to find a suitable replacement. Let us hope he stays on the job.

Mr. ANDREWS of Alabama. Mr. Speaker, this Nation has had few public servants who have worked with such dedication and contributed so much to its betterment as John Edgar Hoover.

The Federal Bureau of Investigation, which he has served as Director since 1924, has been a model of efficiency and its deeds and contributions are legend.

J. Edgar Hoover's leadership of the Bureau is also legend. He reorganized the FBI shortly after taking the directorship and did two things that are never done in agencies of the Federal Government anymore, to their own detriment: he got rid of the lazy and the incompetent, and he took the Bureau out of politics.

When he removed the FBI from the political arena, he undoubtedly stepped on some high-level toes, and while those toes may be on different feet now, they are still smarting.

Some of those who are participating in the current attacks on Hoover and the FBI simply cannot stand the fact that they have no political influence or control over the man and the organization. They feel that they cannot get to him, and because they feel they cannot get to him to do some favorite armtwisting, they stand back and make outrageously false accusations and join the demagogs on the stump around the country to denounce what they cannot intimidate.

They are wrong, of course, every one of

them. J. Edgar Hoover is not a sacred cow. He does not operate outside of the Government. He must justify his budget requests annually before the House Appropriations Committee.

He is answerable to the President—and Mr. Speaker, he sits at the head of the FBI right now because eight Presidents were pleased with the job that he was doing and had the good sense to keep him on the job.

Some were Republican Presidents and some, Democratic, but party politics was not the issue when it came to the world's greatest criminal investigative organization. J. Edgar Hoover enjoyed bipartisan support during the years of Coolidge, Hoover, Roosevelt, Truman, Eisenhower, Kennedy, and Johnson, and he enjoys it today—in Congress and in the White House.

His detractors are few in number. Their motives are highly suspect. It would probably be kind to conclude that these motives are born merely of political expediency and petty jealousy. Unquestionably much opposition to Director Hoover is more sinister in nature, now, as it probably always has been.

Since we are entering another age of permissiveness, in which subversive organizations inevitably grow and expand their activities, it follows that Hoover's hard-line approach toward these people would make him enemies, and some of these same enemies are in the front ranks of the current attacks on the Director.

Subversives, overlords of organized crime, and criminals at all levels of society have good reason to dislike the FBI and Director Hoover. The Bureau has an outstanding record, unmatched by an investigative agency anywhere, of tracking down these people.

The beneficiaries of the tremendous and largely thankless job that the agents and other personnel of the FBI perform, are you and me and all of the people in this country.

The law is better observed, the peace is better maintained, and society is better protected because of the assistance given State and local law enforcement agencies by the FBI.

Those Members of Congress who are participating in this current unwarranted attack on the Bureau and in this campaign of character assassination against J. Edgar Hoover know better. They know the job that he has done and is doing. They know, but for their own reasons, they do not care.

But, I should remind those who are acting in what I consider a wholly irresponsible manner that the people in this country know, and they care. They will not swallow the ridiculous charges leveled at Hoover and the Bureau by the rabble in the street and their spokesmen in the halls of Congress.

J. Edgar Hoover may be 76 years old, but he is still attacking the problems of this Nation and the problems of the Bureau that he heads efficiently, tirelessly, competently, and with the same fierce dedication as when he started to build the Bureau.

If J. Edgar Hoover wants to retire, that is up to him. It would be a tragic loss to the Nation, in my opinion, and I would hope that he would not make that decision anytime soon.

I know that he will not be intimidated into retirement by the groundless accusations of his critics. They speak for themselves, and nobody else.

Today is the 47th anniversary date of J. Hoover's service as Director of the Federal Bureau of Investigation. He will enjoy many more. The mere existence of that great organization today is surely tribute enough to its leader. To that, we in the House of Representatives add our own.

Congratulations, Mr. Director.

Mr. GROVER. Mr. Speaker, this great body has joined together on innumerable occasions throughout its history for the singular purpose of honoring exceptional men and women who have immeasurably contributed to the growth and strength of our proud Nation. It is in keeping with this fine tradition and most appropriate that we pause at this time to honor a man who warrants our highest praise and who so profoundly deserves the eminent status as one of America's greatest patriots and champions of justice.

The man to whom we pay tribute today upon serving for 47 years as the Director of the Federal Bureau of Investigation is one who has dedicated nearly all of his adult life to the noble cause of protecting the security of our country. His relentless efforts on behalf of all Americans have been applied solely to the preservation of those basic ideals which comprise the essence of a free democracy. We need only to examine the incomparable record of achievement compiled by J. Edgar Hoover during his long tenure to find undisputed evidence of his steadfast commitment to justice and the sanctity of our form of government. It is a record which reflects an earnest and inexorable effort to eradicate those criminal and subversive elements which strive to impair freedom in America. In addition, it is a record which explains the enviable status of the FBI as the most elite law enforcement organization in the United States and the world.

Our primary purpose here today, is to express our gratitude and tribute to a great American. But as we praise the honorable qualities and deeds of J. Edgar Hoover, I believe it is fitting to allude to those who have so appallingly espoused vacuous and inflammatory rhetoric in recent weeks to cast a shadow of doubt on the integrity with which the FBI fulfills its role in the enforcement of Federal law. It is deplorable that such irresponsibility has been openly expressed, but it is particularly despicable that those who self-righteously hurled these attacks manifest an explicable reluctance to produce evidence to support their incredulous statements. In view of these unfound accusations, it is even more appropriate that we direct the attention of all Americans to the unimpeachable record of the FBI which substantiates the greatness of the organization and its Director.

Our system of government could not endure without positive and effective law enforcement. This indispensable facet of our Government organization demands a high degree of competence and expertise if our laws are to have force and meaning. For 47 years, J. Edgar Hoover has exceeded our expectations for the performance of this important duty. It is a privilege to join today to speak of his excellence and I hope our country will continue to benefit from his superb leadership.

Mr. HUNT. Mr. Speaker, I am proud to be in the company of those whose recognition of Mr. J. Edgar Hoover on his 47th anniversary date as Director of the FBI is a tribute to this giant of a man whose contributions to law enforcement and the internal security of this Nation are unequaled.

The continuity of service which Mr. Hoover has brought to his office during the recent years of turmoil, civil disobedience, and a rapid growth of subversive activities, is something for which we as Americans should be thankful.

Is it not more than coincidental that his critics have attempted to bring discredit upon him and the agency of the FBI itself at the very time when protest in the streets approaches the dreams of some that our democratic institutions can and will be brought to their knees? Without equivocation, I can earnestly say that I take comfort in entrusting the security of my country to a man of this stature and integrity as opposed to any one of his critics, some of whom even have aspirations of taking the reigns of the Nation. Others have already sold their country out and merely add their voices to the criticism as cover for their own destructive ambitions.

I frankly do not believe that Mr. Hoover as a man or as the Director of the FBI is the primary object of this staged criticism, but rather it is the agency of which he has become the symbol, the FBI. Illustrative of this approach are the remarks of the majority leader who, on April 22, asserted:

> The events now coming to the surface from many quarters clearly reveal that we have permitted to come into being a power and force within the Government for which no one is accountable and of which no one is knowledgeable.
>
> This is a power which threatens and places in jeopardy those rights and those liberties essential to the survival of our system.

I would agree with the majority leader's observations per se, but surely the object of his fear—the FBI—is grossly misplaced. I would only ask that his remarks be considered in the context of the demonstrations in Washington over the past several months, including the U.S. bombings carried out with purpose and discrimination across the Nation over the past several months, including the U.S. Capitol Building itself. The "power" of which the majority leader spoke as the threatening menace to our rights and liberties is not the feigned monolithic hand of the FBI, but is more accurately the portrayal of the anarchistic and subversive elements organized throughout our society that seek to paralyze our institutions and trample the very individual liberties—of those who disagree—which they loudly proclaim afford protection to their obstreperous and frequently violent conduct.

To be sure, the American people are not fearful of the FBI or its activities and, I dare say, in the wake of the massive civil disobedience in Washington during the past few weeks, many are certainly justified in wondering if the leaders of such volatile militancy are among those who Mr. Hoover's critics would place beyond reproach or surveillance. I say thank God for Mr. Hoover and those of his character whose loyalty to country, devotion to God, and dedication to duty ought to be, and are in my mind, marks of distinguished respect rather than targets for the subtle degredation of the institution for which he stands.

Mr. BARING. Mr. Speaker, I stand today in tribute to J. Edgar Hoover, our long-time Director of the Federal Bureau of Investigation.

I appreciate this opportunity to honor a man who has dedicated himself to the career of heading the important investigative and crime fighting arm of the U.S. Government.

I have, in fact, introduced legislation which would insure that what J. Edgar Hoover established within the FBI would be retained when the Director chooses to retire from Government public service.

I introduced a bill on April 29, 1971, which I enclose now for the benefit of my colleagues and the general public:

H.R. 7918

A bill to provide that hereafter the Director of the Federal Bureau of Investigation in the Department of Justice shall be appointed by the President, by and with the advice and consent of the Senate, from among career officers or employees of such Bureau

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Federal Bureau of Investigation in the Department of Justice shall be appointed by the President, by and with the advice and consent of the Senate, from among those individuals who have served for not less than ten years as a fulltime officer or employee of the Federal Bureau of Investigation in the Department of Justice.

SEC. 2. The first section of this Act shall apply only with respect to appointments made to fill vacancies in the office of Director of the Federal Bureau of Investigation in the Department of Justice occurring on and after the date on enactment of this Act.

I feel that this bill will insure that the reins of the Federal Bureau of Investigation will remain in the hands of a career man of the FBI who came up through the ranks of the FBI under the scrutiny of the current FBI Director, J. Edgar Hoover.

I feel that when the day arrives that Mr. Hoover, whom we honor today, decides to retire from the FBI, the process by which his successor will be chosen must be laid down now by law.

I am sure, Mr. Speaker, that Mr. Hoover would agree in that the selection of his future successor must remain outside the realm of political consideration and my bill would insure that the crime fighting agency would not become a political football.

Furthermore, I feel that Mr. Hoover would approve that only the highly trained FBI personnel who have been under his direction should be considered for the directorship of the fine agency.

I want to emphasize that as the bill states, and I will paraphrase, only those FBI career personnel who have been with the Bureau for at least 10 years will be eligible to qualify and then be subject to possible appointment by the President of the United States with the advice and consent of the Congress.

I finally want to state that in my estimation, J. Edgar Hoover has done a grand job in fighting crime and subversion in America and that this Nation owes much gratitude to this man.

What has gone on before under Mr. Hoover's direction must continue. For that reason I feel the processes of the FBI, established by Mr. Hoover in seeking out and removing bad elements of society from America's daily life, must be protected and I further feel my bill naming Mr. Hoover's successor, when he retires from the ranks of the FBI, will insure just that.

Mr. BROOMFIELD. Mr. Speaker, I welcome this opportunity to pay tribute to J. Edgar Hoover, a man whom history will record as one of America's most highly respected and most dedicated citizens.

For 47 years he has headed, perhaps, the most effective agency related to law enforcement in the world. During that nearly half-century the FBI has been operated without the slightest hint of corruption or malperformance. It is significant that even his most rabid critics today can find no trace of scandal in that vast agency. The effectiveness of the FBI in its formative years and during World War II is legend. It made a major contribution to the survival of our democratic form of government and to the cause of individual liberty.

No less important, is the inspiration and guidance Director Hoover and his agency have provided to law-enforcement agencies at all levels of government throughout the country. Over the years the FBI has pioneered the use of scientific methods of criminology and has become the hallmark of professionalism in law enforcement. He has encouraged, supported, and inspired State and local law-enforcement officers. They admire and respect him.

For those who contend that the FBI threatens our civil liberties, I would let history reply. During his 47 years as head of the FBI's vast investigative apparatus, our civil liberties have flourished. If anything, Director Hoover has been scrupulously careful that the vast potential power of his position remains divorced from domestic politics.

This absolute integrity and devotion to duty has enabled him to maintain the respect and confidence of Presidents and Congresses regardless of partisan leadership for nearly 50 years.

Mr. Hoover, in my view, is a dedicated patriot and law-enforcement pioneer. Every American should weigh the charges of his present-day critics against the weight of history and performance.

Mr. PELLY. Mr. Speaker, I appreciate the time given me by the gentleman from Illinois (Mr. COLLIER) to speak about and honor a great American, FBI Director J. Edgar Hoover.

In the 47 years since he was appointed to that high position, he has formed the most efficient, most respected and the highest quality investigative body in the world. But, beyond this, he has kept our country aware of its enemies, both from within and without.

J. Edgar Hoover has weathered some high-pressured, emotional storms regarding his service, but he maintains the respect and trust of the American people.

Mr. Hoover's record is outlined by his outstanding achievements in the fight against crime and subversion, and in this respect no other person is held in as high esteem.

Mr. Speaker, I add my voice of commendation and praise today to those honoring the 47 years of service to his country by FBI Director J. Edgar Hoover.

Mr. KUYKENDALL. Mr. Speaker, I am proud to join with the gentleman from Illinois (Mr. COLLIER) in paying tribute to the Director of the Federal Bureau of Investigation for 47 years of dedicated service to America and its people.

Under his leadership the Federal Bureau of Investigation grew from a politically motivated and impotent and insignificant department to a model of one of the world's most outstanding law enforcement agencies. The safety of millions of Americans has been secured by the consistent efforts of the FBI to contain crime and to route out subversion and attacks from foreign agents in times of war and peace.

We would be an ungrateful Nation indeed and this body would be especially negligent if we did not take note of the 47 years of service by Mr. Hoover and say to him with deepest sincerity, "Thank You Sir For a Job Especially Well Done."

Mr. MINSHALL. Mr. Speaker, it is a privilege to join in this tribute to a great American.

J. Edgar Hoover's stature as a man of unimpeachable integrity, of complete, selfless devotion to our nation, and of scrupulous nonpartisanship, places him far beyond the feeble arrows shot by a handful of politically motivated detractors.

Long after their names are erased from memory, that of J. Edgar Hoover will rank among those of the most dedicated, able and patriotic men our country has produced.

Mr. STEIGER of Arizona. Mr. Speaker, as a young man J. Edgar Hoover took office as head of the Bureau of Investigation, then a relatively small body, barely 16 years old. It is his signal achievement to have transformed that organization into one of the most effective investigative agencies in history, an organization whose name has become a by-word in American life for security, integrity, and duty. The Federal Bureau of Investigation reflects in its structure and operations the character and purpose of its Director, and we are the continuing beneficiaries.

Crime plagues all nations. The forces of organized lawlessness in America, however, have had to deal with tireless and effective opposition. The honesty, loyalty, and ability essential to such opposition have been established and maintained under the leadership of Mr. Hoover, whose public life is marked by selfless dedication and fearless candor.

In these trying and difficult times there has been a wave of criticism directed at Mr. Hoover and the Federal Bureau of Investigation. Now is an appropriate time for those among us who respect and admire his work to speak out.

I am proud to extend to Mr. Hoover the assurance of support and good-will on behalf of Americans who are grateful to him for his dedication to duty.

Mr. HOSMER. Mr. Speaker, little in recent years has distressed me as much as the wholly unwarranted and abusive personal attacks on the Director of the FBI, some from within this very Chamber.

I personally abhor this vilification of a great American patriot who has served his country so ably for so many decades. But, Mr. Hoover has a tough hide and I am confident that he personally gives these attacks the little attention they deserve.

However, what particularly disturbs me is the belief that this vendetta against Mr. Hoover is not so much aimed at forcing his resignation—on account of age or for any other reason—as it is a calculated attempt to destroy the public's trust and confidence in the FBI.

This is the real threat and tragedy.

I strongly suspect that if Mr. Hoover were to step down as Director, those who are so virulent in their attacks would be shocked and dismayed. In fact, they may be actually forestalling the time when Mr. Hoover might voluntarily retire.

A direct frontal assault on the FBI as an agency would be essentially futile because of the high esteem in which it is held by the vast majority of Americans. As a result, criticism of the Director becomes a convenient and workable alternative.

Those who would tear down America began by chipping away at the public confidence in the military, attempting to portray it not as defender of our freedom but as a threat to democracy.

They continued with a campaign to destroy faith in our local police forces. Now, to complete the circle, they are attacking the FBI.

J. Edgar Hoover is not a saint and the thousands of dedicated agents are not without their own human shortcomings. But charges of "Gestapo tactics" and "police state" are pure and utter hogwash. Mr. Hoover has built the FBI into the finest law enforcement agency in the world, and I challenge anyone to dispute that fact.

With respect to surveillance by the FBI of Members of Congress, from my own personal standpoint I would welcome it. With the crime rate what it is, it would be very comforting to have a well-trained, intelligent, and experienced FBI agent tagging along behind.

So let us recognize these attacks on J. Edgar Hoover for what they are—part of a vicious campaign to destroy the effectiveness of the FBI and all law enforcement in America.

I am confident that Mr. Hoover will not let this happen.

Mr. MATHIAS of California. Mr. Speaker, the unwarranted attacks on the integrity of J. Edgar Hoover and on the FBI have unjustly discredited the outstanding record of one of America's most dedicated public servants.

The record of Mr. Hoover and the FBI has been one of public service, achievement, and protection. His devotion to the preservation of freedom and justice, during the past 47 years, deserves the commendation of all Americans.

He has guided and shaped the FBI into one of the most efficient and respected law enforcement agencies in the world. Efficiency, professionalism, and objectivity are the trademarks of this man and the agency he heads.

At a time when our country is plagued by crime, increased drug traffic, anti-American movements, and turbulence, men of the caliber and courage of J. Edgar Hoover are needed to help preserve order and peace.

Because of Mr. Hoover's advanced age, there is good reason for him to retire. But in my opinion, this is the only reason he should step down.

I am happy for this opportunity to pay tribute to J. Edgar Hoover on this the 47th anniversary date of his service as Director of the FBI. I am sure the majority of the people respect this man, as I do, not only for his services to the country, but also for his honesty and ability.

Mr. BOB WILSON. Mr. Speaker, it is with great pleasure that I join my colleagues today to pay tribute to Mr. FBI. It is seldom that any nation is privileged to have available the services of a man totally dedicated to his work—a man with judgment, character, and unswerving honor. This Nation has had the services of such a man—J. Edgar Hoover—who today starts his 48th year as head of the Federal Bureau of Investigation.

Under his leadership, the FBI has become a hard-hitting, effective, and fair law enforcement arm of our Department of Justice. In 1970, the FBI obtained 13,000 convictions and was successful in 96 percent of the cases it brought to trial—certainly one solid indication of the thoroughness with which Mr. Hoover's agents work. Another is the esteem in which the American people hold the FBI and its director. A recent Harris Poll, for instance, shows that by a vote of 81 to 13 percent, Americans agree that the FBI has done a "first-rate" job of protecting the security of this country.

I doubt that many Americans really realize the tremendous job J. Edgar Hoover has done or are aware of the strength of character of this man whom we have come to know as the chief symbol of law and order and justice in this country. It has been my privilege to know him well from his annual visits to San Diego—and I can say in all honesty that America's security could not have been in better hands than his. For nearly five decades, he has guided this law enforcement agency, molded into an efficient investigative unit, and created a reputation of integrity and incorruptibility.

I deplore the senseless attacks being made on this outstanding public servant by heedless headline hunters. This Nation owes Mr. Hoover a big debt of gratitude for success in what has to be one of the toughest jobs in the world. Our national security is stronger because of the decisive leadership Mr. Hoover has given the FBI and his unfailing loyalty to our system of government and to enforcing the Nation's laws.

Mr. WINN. Mr. Speaker, there are times in the lives of men and institutions when it is necessary to stop, look, and evaluate and ask, "Where have we been?" and "Where are we going?"

Today is one of those days in the life of the FBI and its esteemed Director, Mr. J. Edgar Hoover. For today is Mr. Hoover's 47th anniversary as Director of this world famed law enforcement agency.

Actually, the FBI has been tested and retested, evaluated and reevaluated many times in the past. And in the words of the physician the result has always been: This agency is sound and good.

To the American people, Mr. Hoover and the men and women of the FBI are "sound and good," they are playing their role in protecting our freedoms. To citizens from Maine to Florida, from California to Vermont, from New York to Oregon, the FBI remains that agency of Government which merits their trust and confidence on the basis of continuous high-level performance.

What of the past?

Mr. Hoover's years of service are an open book. We know that he was appointed as Director in 1924. He led the Nation's fight against the hoodlums of the 1930's and the Axis spies of World War II. In the postwar period, he geared the FBI to fight against the Communist Party and its camp followers and the hoodlums who robbed banks, kidnaped, and committed crimes of all varieties.

To do this he had to keep the agency up to date—in training, in equipment, in application of the latest techniques of crime detection. This the FBI Director did.

Another point which is so often overlooked. Mr. Hoover has assembled one of the most enthusiastic and dedicated group of employees which can be imagined. A living legend is the morale of the FBI, the "we" spirit which Mr. Hoover encourages. This "we" spirit says simply that no one special agent, no one administrative official, no one clerk or stenographer, no one fingerprint classifier can solve a case by himself. No, a case is brought to solution through a team effort, of all pitching in and doing their share.

It we had time to discuss some of the FBI's cases more in detail we could show how teamwork was the key which brought excellent results.

The verdict on the FBI's work in the past? The answer is "sound and good."

What of the future?

We are hearing today criticism from a vocal minority that the FBI is "obsolete," that it is "out of date," that it is a "national police."

I, for one, want the FBI to remain as a premier law enforcement agency, unencumbered by politics and cabals of cronyism. My respect for the FBI is based on the simple fact that I am confident that it is making honest investigations and serving the best interests of the country.

Is the FBI a national police? How silly can you get? Where is the evidence? In a country where personal freedom almost runs riotous when demonstrators attempt to force the Government to close, when any opinion can be expressed and any type of movie shown, how is the FBI a national police?

I think the charge in itself falls flat.

What is the prognosis of the FBI for the future? In my opinion, and in the opinion of millions of hard-working, honest, sincere Americans, it is "sound and good."

For that reason I want today to extend my congratulations to Mr. Hoover for a job well done.

Mr. WYLIE. Mr. Speaker, I take this opportunity on the occasion of the 47th anniversary of J. Edgar Hoover's service as Director of the Federal Bureau of Investigation to insert a copy of a letter which I wrote to President Nixon:

APRIL 15, 1971.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: May I take this opportunity to express my support for Federal Bureau of Investigation Director J. Edgar Hoover.

Mr. Hoover has served our country with the utmost devotion and distinction from the very inception of the Federal Bureau of Investigation. He has made a major contribution to the survival of our democratic form of government and to the very cause of individual liberty. The Director has carried out the mandate of the law for over 40 years and has, indeed, protected the internal security of our nation.

In my opinion, J. Edgar Hoover's record of dedication in upholding the Constitution should be envied and I commend the Director for a job "well done."

Warmest personal regards,
Very truly yours,
CHALMERS P. WYLIE,
Member of Congress.

Mr. WARE. Mr. Speaker, observing the 47th anniversary of J. Edgar Hoover as Director of the Federal Bureau of Investigation, I insert in the RECORD a column by David Lawrence which I believe is most appropriate on this occasion:

INTERNAL SECURITY OF THE UNITED STATES DEPENDS UPON THE FBI

(By David Lawrence)

The American people have never known the intimate story about the operations of the Federal Bureau of Investigation because public disclosure would impair the usefulness of an important governmental organization in dealing with problems of surveillance involving subversion and crime.

To supervise a group of nearly 19,000 persons who must dedicate themselves to secrecy is not an easy task. J. Edgar Hoover, who has been Director of the FBI for several decades—under both Republican and Democratic Administrations—has given the agency a leadership which has enabled it to participate in investigations throughout the land, especially those related to persons suspected of violating federal laws or crossing State lines to escape punishment.

The FBI does not act alone. It works in cooperation with State and local enforcement agencies and often supplies the critical information which leads to the solution of many a crime and to arrests and prosecution by the proper authorities.

The FBI has been very helpful to the police departments of the nation's cities. It gets no publicity for doing so, and doesn't seek any. But in numerous cases, it has been the FBI which furnished the tip that led to the capture of a much-sought-after criminal. State law-enforcement agencies also benefit from the work of the FBI. In fact, there is a reciprocal arrangement among all these groups in order to help each other.

The policy laid down by Director Hoover is one of concentration on the gathering of facts, leaving it to others to act thereon. The decision to prosecute, for instance, is not made by the FBI. The data it assembles are turned over to the Department of Justice, which then can seek a grand jury indictment. The FBI doesn't make these requests or furnish attorneys for the court proceedings which may follow.

Many organizations which are emotionally aroused over current issues are inclined to blame the FBI if some of the "extremists" are indicted, arrested and brought to trial. The truth is that the Department of Justice makes the decision as to whether they should even be charged.

But there has been apparent for some time a belief among radical groups that their foremost enemy is the FBI, and they have tried in various ways to discredit the organization.

Recently some members of Congress have been assailing Mr. Hoover for allegedly ordering their telephones to be tapped. Although both he and the Department of Justice have emphatically denied any such thing, the story has been spread and agitators have picked it up as a means of starting another crusade to drive the present Director out. The purpose, of course, is to disorganize the agency and weaken it.

Actually, Mr. Hoover at the age of 76 is one of the most active men serving in public office. He has developed the FBI, with assistants and associates having specific responsibilities, so as to make it possible for the agency to work harmoniously and effectively with close supervision from the top, including suggestions on important cases. As men who have served in the FBI have gone into business or other professional pursuits, they have usually said to their friends on leaving that the organization is as efficiently directed today as it has been over the years.

The radicals would like nothing better than to tear down the FBI. The removal of J. Edgar Hoover would be a victory for them. But there are no indications that the Nixon Administration will fall for such tactics and surrender to the groups antagonistic to the FBI.

The one thing that the FBI has always sought to avoid was any act which could involve its agents in controversies with members of Congress or government officials unless, of course, in connection with some criminal case. But the maintenance of wire tapping of the telephones of members of Congress, as recently claimed by critics of the FBI, is something that anyone who is familiar with FBI operations would know instantly was never authorized by J. Edgar Hoover and probably never occurred.

The FBI has successfully kept out of politics. It has refrained from interference in any way with campaigns of members of Congress or participation, favorable or unfavorable, in presidential contests.

The FBI operation has been expanding over the years, but the Bureau has stuck to one rule—that it would not make public its findings except with the authorization of the Attorney General of the United States, who is the boss of the agency itself.

The FBI can be relied upon to carry on inside the United States extensive investigations of subversion, espionage and any conspiracy against the Government. For the FBI is the principal safeguard of the internal security of our country.

Mr. SPRINGER. Mr. Speaker, the President was not exaggerating when he recently referred to the Federal Bureau of Investigation as "probably the best police force in the world" and the reason that it is can be given in one name: J. Edgar Hoover.

"A policeman's lot is not a happy one," goes an old Gilbert and Sullivan song, and J. Edgar Hoover always has had his detractors, but few men in the public life of this great Nation have been held in such high esteem over so long a period.

Only last week, at a time when a campaign of villification against him was peaking, a special Gallup poll found that Americans still have a tremendous admiration for J. Edgar Hoover. Asked to rate the job he has done as head of the FBI, 70 percent of those polled by Gallup rated his performance either "excellent" or "good." They also gave high marks to the FBI itself. Eighty percent of those interviews indicated either a "highly favorable"—49 percent—or "moderately favorable" opinion of the FBI while only 4 percent expressed an "unfavorable" view.

That is a truly remarkable showing when it is recalled that when J. Edgar Hoover became director of the FBI 47 years ago today, it was a small and hardly reputable organization. Calvin Coolidge was President and the United States was still predominantly rural. Now, almost a half century later, J. Edgar Hoover has remained at the helm of the FBI through the administrations of six Presidents and the present occupant of the White House has left no doubt that the Director rates high with him.

I congratulate Director Hoover on a superb performance in one of the most sensitive spots in the Government and hope that we can benefit from his service for many years to come.

Mr. MIZELL. Mr. Speaker, this week marks a milestone in this Nation's constant pursuit of law and order and justice. On May 10, J. Edgar Hoover and a grateful nation observe his 47th anniversary as Director of the Federal Bureau of Investigation.

It is difficult, if not impossible, to talk about the FBI without mentioning Mr. Hoover, and the reverse is true as well.

For almost half a century, both the man and the organization have served their country faithfully and well, and without the slightest hint of scandal, impropriety, or political involvement.

Recent attacks made on the Bureau and the Director have sought to mar that image, but those rash charges have proven to be unfounded. I believe the people of the Fifth Congressional District of North Carolina feel, as I do, that Mr. Hoover and the FBI deserve nothing but praise for their past accomplishments and activities.

The Nation owes a great debt to them both. Since Mr. Hoover took over as Director in 1924, the FBI has become world-renowned as the best law enforcement agency ever established.

Its service has spanned the gangster era of the 1930's, the Nazi subversion of the 1940's, the Communist espionage that continues to this day, the drastic increase in crime brought on by national permissiveness, extremist activity of all kinds, city rioting and street violence, and organized crime.

The FBI's meritorious service began with Mr. Hoover's appointment 47 years ago, but the Director himself is quick to add that it is hardly a one-man operation.

Mr. Hoover has said:

> To tell the story of the FBI, is to recite the history of men and women seeking to make America more secure. It is the story of a long line of citizens who form a solid front against crime.

Those men and women today make up the best-educated, best-trained, most effective force in the law enforcement field.

The FBI has come to be generally recognized as "the elite corps of law enforcement in this country," and the reputation is well-deserved.

Fewer than 8,500 special agents investigate 800,000 criminal cases a year, and their thorough and careful investigative work has resulted in an astonishing percentage of convictions. In 1968, for example, 97.3 percent of their arrests resulted in conviction.

The success of their efforts has been praised by hundreds of the Nation's leaders in the past half-century.

In 1964, the House of Representatives passed a unanimous resolution praising both Mr. Hoover and the FBI for their outstanding service to America.

I believe the words of that resolution ring as true today as they did 6 years ago, and I believe they bear repeating, as a fitting tribute on this special day.

The resolution read in part:

> Throughout his tenure in office, J. Edgar Hoover has consistently displayed strong moral determination and great personal foresight in recognizing the threat and meeting the challenge of deadly enemies of American freedom.
>
> Under his brilliant leadership, the Federal Bureau of Investigation has waged a fearless and unrelenting battle against America"s criminal and subversive underworlds while at the same time fully observing and protecting the rights and privileges guaranteed by the Constitution and the laws of the United States.
>
> J. Edgar Hoover and his Federal Bureau of Investigation associates have brought new standards of efficiency, integrity and impartiality to the law enforcement profession and have truly earned the admiration and respect of all right-thinking citizens.

These words of high praise are well-deserved. Today we are still a law-abiding Nation, despite the rashes of lawlessness with which the FBI has had to deal.

Today we are still a free society, despite the threats that have been posed by Nazi and Communist and revolutionary subversion.

It is no coincidence, and certainly no paradox, that the greatest law enforcement agency in the world should be found in the freest society in the world.

I believe the two are closely related, that each is to a large degree dependent on the other, and I am grateful that they are both realities today.

Mr. YOUNG of Florida. Mr. Speaker, today we pay tribute to a great American, J. Edgar Hoover, on his 47th anniversary as Director of the Federal Bureau of Investigation. As we honor the man we also honor the organization—and rightly so, for in the eyes of most Americans, J. Edgar Hoover is the FBI.

Under his leadership, the FBI has become the most effective law enforcement agency in the world, working tirelessly to protect America's internal security.

For millions of patriotic, law-abiding Americans, J. Edgar Hoover is one of the Nation's most dedicated and highly respected public officials; for lawbreakers, leaders of the criminal underworld, for the Communists, and other enemies of America, Mr. Hoover is the enemy. And that, perhaps, says more about J. Edgar Hoover than we can here today.

Mr. Hoover's abilities, courage and selfless dedication to the preservation of our Nation serve as an inspiration to all Americans. A tribute to his service is both timely and long overdue.

Mr. Hoover has achieved a remarkable record during his 47 years as America's top lawman.

Mr. SLACK. Mr. Speaker, I am pleased to be numbered among those who have united to extend to FBI Director J. Edgar Hoover congratulations on the 47th anniversary of his service in office.

During the past 10 years I have been a member of the Appropriations Subcommittee for the Departments of State, Commerce, Justice, and the Judiciary under Chairman JOHN ROONEY, and each year Mr. Hoover and his able staff have appeared to testify in support of the Bureau's budget request.

Down through those years I have come to admire the practical and businesslike manner in which the Bureau is operated. Each year the record reflects knowledgeable and convincing testimony providing more than adequate justification for all funds requested. It is an impressive tribute to the quality of thoroughness for which the Bureau is world famous.

The people of the United States are well served by the world's premier professional domestic police organization, and yet have no cause to fear the evils that can arise when a single national police power crisscrosses the land.

This is a singular tribute to the policies and convictions of the Director, as he has often expressed them. We congratulate him today as we must congratulate ourselves on our good fortune in his continuing service.

Mr. GOLDWATER. Mr. Speaker, today marks the anniversary of an event which will pass unnoticed by many Americans, but which has been of singular significance for the safety and well-being of the American people.

I am referring, of course, to the 47th anniversary of J. Edgar Hoover's assumption of office as head of the Federal Bureau of Investigation.

During his 47 years of tenure, he has guided the FBI to the forefront of all law-enforcement agencies, so that it is a model for swift and impartial apprehension of criminals. The FBI, under Mr. Hoover's leadership, has kept pace with the changing crises of society, and today faces and deals with such diverse problems as organized crime and internal terrorism.

In the face of current and unwarranted attacks on Mr. Hoover, we should remember that no one has been able to make any sort of case against his outstanding performance as Director. Age is being made the sole basis for criticism, and if we were to extend this concept to all of our Government, many of our most able leaders would have to step down. Mr. Hoover encompasses a half century of valuable crimefighting experience, and we should recognize and reward this value, not denigrate it.

I think, moreover, that we should also pay tribute to Mr. Hoover for his high restraint in office. Given its massive expertise and the backing of the Federal Government, the FBI could readily have become a national police force. Instead, Mr. Hoover has clearly and carefully delineated the FBI's responsibilities on the Federal level, and set procedures for backing up and strengthening local police forces in the performance of their own functions. In an era of burgeoning big government, this is a truly impressive feat.

In conclusion, let me say that I think we owe Mr. Hoover a large debt of honor, and in this time of civil disrespect and strife, it is especially important that we are vocal in acknowledging that debt.

Mr. FASCELL. Mr. Speaker, 47 years ago today, a young man took over the scandal-ridden Division of Investigation in the Justice Department with a mandate from the then-Attorney General, Harlan Fiske Stone, to clean house. The young man, of course, was J. Edgar Hoover, and not only did he clean house, he built an investigatory agency which has effectively protected the security of this Nation during a difficult half century.

"To tell the story of the FBI is to recite the history of men and women seeking to make America more secure," the Director wrote in 1946. "It is the story of a long line of citizens who form a solid front against crime."

Most would agree that the story of the FBI is primarily the story of one man: J. Edgar Hoover. Born near Capitol Hill in 1895, the Director received a law and masters degree from George Washington University before joining the Justice Department in 1917. Even before becoming head of the Bureau of Investigation, J. Edgar Hoover had already become experienced in combating subversive activities through his early work against Communist and Ku Klux Klan organizations.

Over the years, the FBI has successfully met and overcome threats to the internal security of this Nation such as kidnaping, gangsterism, Nazi and Communist espionage and subversion, extremism from the right and left, and organized crime. As Tom Wicker wrote recently:

> J. Edgar Hoover's life has been the FBI that he created; his pride is to have kept it and himself independent and powerful: his genius is that he has known exactly how to do it.

I feel particularly privileged to have come in contact with the Director in my capacity from 1963 to 1971 as chairman of the House Government Operations Subcommittee on Legal and Monetary Affairs, which has oversight jurisdiction over the Federal investigatory agencies. Through this experience I came to appreciate the exceptionally efficient and professional investigative work done by the FBI in criminal cases. I agree with former Attorney General Nicholas Katzenbach that at this work the FBI is "the best and most decent agency in the whole world."

In fact, Mr. Hoover has built a world renowned law enforcement agency. In an era when the need for law and order with justice is greater than ever before, we should be proud of an effective and strong FBI, especially in light of the unblemished record of agents under Mr. Hoover's 47 years of leadership. Not one has ever been convicted of any form of corruption.

Irresponsible criticism of governmental institutions, from whatever source on the ideological spectrum, is not constructive, whether it is against the FBI or the Supreme Court. Human institutions are subject to human error, but it is the overall record of accomplishment which is important.

It is that record which we salute on this 47th anniversary of J. Edgar Hoover's service. In reflecting on that service it has been suggested that we consider what another man, without Mr. Hoover's integrity and strength of character might have done in the same position.

It is likely that such a consideration makes the selection of a successor to Mr. Hoover all the more difficult. President Johnson reportedly once expressed the hope that he would not have to be the one to choose a new Director. I, for one, would not covet the job. To administer an agency is difficult enough. To fill the shoes of a man who almost singlehandedly built the FBI into the effective law enforcement agency it is, would be a herculean task.

The young man who entered the Justice Department over 50 years ago when it was known as the "Department of Easy Virtue," had no examples to follow when he assumed the directorship of the Division of Investigation in the wake of the Teapot Dome scandal. He had only the moral force of his own character and personality to guide him, and that has served him and a grateful nation long and well.

Mr. ZWACH. Mr. Speaker, there is one man in all this Nation who for almost half a century has been the epitome of rugged uncorruptibility, standing far above suspicion or criticism.

He came on the American scene at a time people have forgotten, a time many have never known, the era of the bootleg gangster, bank robber, and kidnaper.

Almost singlehandedly he organized his bureau and directed his men in such a manner as to all, but eliminate these triple scourges.

As he was uncorruptible, so was he also nonpolitical. He was appointed by President Calvin Coolidge in 1924. He has been reappointed by every President since.

Today, J. Edgar Hoover, Director of the Federal Bureau of Investigation, is under attack. That attack must bring joy to the heart of every totalitarian espionage director because Hoover was their arch foe.

It must be said that the critics of the Director of the Federal Bureau of Investigation are far in the minority.

As an example of the feeling in our Minnesota Sixth Congressional District, I insert in the Record two editorials, one by a Republican, one by a Democrat. They are typical of the support expressed for the Director by our Minnesota newspapers:

We Must Destroy J. Edgar Hoover

(By Alan McIntosh)

Well . . . well . . . well . . . guess who has joined the anvil chorus hammering away at FBI Director J. Edgar Hoover?

None other than Alvin Karpis, "Old Creepy."

The last time we saw this gangster (although we didn't know him at the time) was Sept. 17, 1930, when he carried one end of a checkered red and white tablecloth. He waved a machine gun at us . . . and reason he should, because there was a million dollars worth of boodle in that tablecloth . . . the biggest bank robbery looting in the world history.

Karpis, who was in on the Bremer and Hamm kidnappings in St. Paul, has spent most of his years since those Dillinger-Capone days in federal prison.

Now he comes forward to join the "smear Hoover brigade" to claim that Hoover didn't tell it like it was when he related to reporters how Karpis was arrested. Karpis makes Hoover look like a cringing coward . . . hanging back until Karpis had been shackled after his arrest.

Right now, it is fashionable to try to destroy Hoover's image as a champion of law and order.

Funny, isn't it? Here is the FBI which has never had a breath of scandal since Hoover became director. All of a sudden, efforts are being made by the leftist-liberals to portray the organization as something as sinister as Hitler's S.S. troops.

These detractors would have you believe that Hoover is a doddering old, conceited, suspicious man, living in the past.

We can say "thank the Lord for Hoover." He was ahead of everybody in recognizing the menace of Hitler. We remember how, long before war came to the U.S. the FBI had under surveillance a good share of the secret Nazi forces in the U.S. Saboteurs were thwarted.

It isn't fashionable to say so, but Hoover was alert and ahead of everybody in recognizing the inroads being made in Black areas by Communists—twenty-five years ago.

If certain liberals had their way the forces of law and order should be blindfolded and handcuffed . . . and top item on their agenda is the destruction of the image of the FBI director.

To give any credence to a notorious killer-bank robber's attack on Hoover is typical of how desperate some people have become.

We just don't buy it. Sure—we'll go along with the Biblical admonition of "love your enemies" but we want to know who those enemies are before we start turning our cheeks.

Why Be Afraid of the Wire Tap

(By Curtis Warnke)

This newspaper has difficulty understanding why House Democratic Leader Hale Boggs of Louisiana and Sen. Edmund S. Muskie of Maine are making such a big issue of possible wire-taps made by the F.B.I. on members of Congress. After all, should members of Congress be immune from such legitimate activity? Do they have something to hide?

National security wiretaps and bugs have been used by every president and attorney general since it was first authorized by President Franklin D. Roosevelt in 1940. The practice has been widely accepted as a part of our maintaining our national security, and we think the F.B.I. and its director J. Edgar Hoover has done a good job on this.

We agree with Attorney General John N. Mitchell when he says: ". . . that the government's right to defend itself against violent attack must prevail over some individuals' right to privacy." Mitchell was replying to the Boggs and Muskie charges claiming heavy-handed investigations into the affairs of dissenters are posing a threat to individual freedom. Mitchell argued, and we agree with him, that the 4th Amendment's prohibition against unreasonable searches must be balanced against "the right of the public to protect itself."

The telephone company and the F.B.I. deny that they have tapped the telephones of any members of the House or Senate, and we tend to agree that they likely are telling the truth. Yet, we wonder if once in awhile some general political surveillance might not be in order. Certainly subversive elements could infiltrate the Congress just like they have infiltrated every other walk of life—and really why should a congressman be so afraid of some wire-tapping?

If the F.B.I. wants to place a wire-tap on the phone here at the News office, they are welcome to do so. They are likewise welcome to tap our personal phone—we have nothing—absolutely nothing to hide from them—and we think that's the way it should be!

Instead of so many people running around the country being critical of the F.B.I. and its director J. Edgar Hoover, it's about time somebody defended them for doing a good job. This newspaper would like to do just that, and say further—thank you, J. Edgar, we're behind you all the way!

Mr. SCHERLE. Mr. Speaker, the initials "FBI" are famous the world over as the abbreviated title of the Federal Bureau of Investigation. To those who know the history of the Bureau, however, the familiar letters also signify the three primary qualities which have made this agency a model of Government operation: Fidelity, bravery, integrity.

The traditions which have grown up within this organization are largely the creation of one man, J. Edgar Hoover. He made the FBI what it is today, the best law enforcement agency in the Nation, and perhaps the world.

The FBI's achievements are a matter of record. Last year more than 96 percent of those brought to trial as a result of FBI investigations were convicted, 83 percent of them on guilty pleas. Moreover, the Bureau is one of the very few Federal agencies which consistently operates in the black. It garners $1.60 in fines, savings and recoveries for every dollar appropriated by Congress for its use. The FBI also provides invaluable support services for other law enforcement agencies throughout the country. Its contributions to the security of the United States are countless.

Today, as we celebrate the 47th anniversary of Hoover's service as Director, however, this stalwart veteran of almost half a century of fighting crime is under attack from many quarters. His enemies for a number of specious reasons want him to resign. But his allies and stanch supporters vastly outnumber his detractors. We know the value of his contributions and we want him to remain as Director so long as the Nation needs him and he is willing to serve.

Following is an editorial from today's New York Daily News which sums up very well the nature of the opposition to the FBI:

HANGING JURY

> A committee that includes some former Justice Department luminaries has announced with appropriate ruffles and flourishes that it plans a "clear, dispassionate review" of the Federal Bureau of Investigation's role in American life. Oh, yeah?
>
> This fearless and favorless panel includes former Attorney General Ramsey Clark, who has been gunning for FBI Director J. Edgar Hoover for months. If he needs help on this hatchet job, ex-associates Burke Marshall and Roger Wilkins apparently will happily supply it.
>
> The committee handout—which, incidentally, pronounced the FBI guilty of "political intimidation" without hearing a single witness—was hardly dry before Marshall and Wilkins took turns saying the bureau was "horrible" and on an "unmanageable course."
>
> Remarks like that would get any unlearned-in-the-law prospective juror barred from sitting in a $2 shoplifting case. And these guys are going to "try" the FBI?

Mr. ROBINSON of Virginia. Mr. Speaker, while it is most appropriate that we take time today to honor Mr. J. Edgar Hoover, it is for many of us, I am sure, a classic situation of being lost for words by which to do justice to one of the most remarkable records in American public life.

In marking his 47th anniversary as Director of the Federal Bureau of Investigation, Mr. Hoover has outdistanced long since such other claimants as there might be to durability in major Federal office in the executive branch. Presidents have come and gone, and Attorneys General. Mr. Hoover has served them conscientiously, irrespective of political party, and, above that, he has served his country with fidelity and vigor.

As with any energetic figure in the field of law enforcement, he has made enemies who have striven to discredit him. These efforts have not diverted him from his sedulous devotion to duty, or caused him to modify the high standards of professionalism which he set for the FBI, and which he has maintained and heightened through the years in a training and career-development program carried forward under his continuous personal surveillance.

What often is disregarded by those who have undertaken to undermine Mr. Hoover's great reservoir of public confidence is his own clear and uncompromising view of the function of his agency in a free society.

Repeatedly, he has spoken out against the idea of a national police force. He has made plain that the FBI is no such thing. He has never sought to head up a domineering Federal police establishment. He knows and abhors as much as any man the excesses of the national secret police systems of totalitarian States.

J. Edgar Hoover knows and respects the limits of the FBI mission—detection of internal threats to the national security, the investigation of interstate crime and other offenses against Federal laws and the apprehension of those who transgress these Federal laws.

Of high importance to the average citizen, whether he lives in a major city or small community, is the availability to his own local police department of the technical expertise of the FBI, which stands ready to cooperate with, and not to supersede, local law enforcement agencies.

It is a privilege, Mr. Speaker, to join today in saluting Mr. J. Edgar Hoover, and in expressing a nation's thanks to one of the most truly dedicated public servants.

Mr. ESCH. Mr. Speaker, today, May 10, marks the 47th anniversary of Mr. J. Edgar Hoover as Director of the Federal Bureau of Investigation. I doubt that any one will ever surpass this record.

Mr. Hoover has achieved the respect and admiration of the American people for the dedication and perserverance which has marked his leadership throughout the years. Perhaps the secret of his success is the fact that he accepted a challenge and dedicated his life to it. He has not sought fame or greater power, although efforts have been made to thrust each upon him.

Mr. Hoover has made enemies; no man in his position could avoid doing so. Yet he has been aware of the great trust he holds in leading a major Federal law enforcement agency. It was Mr. Hoover himself who stated:

> I hope the day never arrives when the FBI or any other Federal agency has powers and authority approaching those of a national police force.

This phrase is perhaps the hallmark of Mr. Hoover's administration. He consistently rides the tide of controversy. He must use the authority and force at his command to carry out the Federal law. Yet he must use the greatest of discretion in avoiding encroachment upon personal rights and privileges. He constantly walks the narrow line between State, local, and Federal authority and he, like most law enforcement officials, constantly suffers the rath of those he pursues.

Our Nation will long be thankful for the integrity and respect he has brought to the Federal Bureau of Investigation.

Mr. GOODLING. Mr. Speaker, all of us have heard the shrill cries of denunciation that have been hurled at J. Edgar Hoover, the Director of the Federal Bureau of Investigation.

As these charges are being leveled at this man of vast competence and character, I am reminded of the words of Longfellow when he said:

> We judge ourselves by what we feel capable of doing, while others judge us by what we have already done.

It is quite apparent what J. Edgar Hoover has done; that is, to put into operation one of the most effective investigatory bodies that has ever functioned toward the end of protecting our national interest.

It is interesting to observe that in the course of this storm of accusation, Mr. Hoover has remained aloof from its blasts, keeping his composure and maintaining his stature as the head of that outstanding institution known as the FBI. This would serve to suggest something of the character of the man and the futility of his accusers.

No man is, of course, perfect, because imperfection is in the nature of mortals. However, when J. Edgar Hoover is evaluated according to the contribution he has made to his Nation through his public service, it must be declared that beyond the shadow of a reasonable doubt, he has done a superlative job.

It is in the American tradition to extend appreciation to someone who has performed a yeoman job in public service, but there are always some whose vision is blurred to such service. As Elbert Hubbard once said:

> There is something that is much more scarce, something finer far, something rarer than ability. It is the ability to recognize ability.

Mr. BROWN of Michigan. Mr. Speaker, I am pleased to participate in this tribute to J. Edgar Hoover, our very able, respected, and dedicated Director of the Federal Bureau of Investigation, on this the 47th anniversary date of his commencement of service in such capacity.

No other man has ever deserved or received such thanks from a Nation for his service in a similar position; nor has any other man dedicated so much of his life to his Nation and yet been so protective of the rights of the individual while committed to his duty of assuring the domestic security of his Nation.

Mr. Hoover is truly an unusual man. He caused to exist in the "Bureau"—as all of us who have at one time been associated with it almost familially refer to it—a loyalty among its associates, to the institution, and to himself, unequalled in any department of Government with which I have ever had any acquaintance.

Although Mr. Hoover has received most attention for the substance of what the Bureau has done over the years and for the way in which his leadership of the Bureau has walked the tightrope of society vis-a-vis the individual in this Nation where the law has been the very foundation upon which all else is built, I wish to emphasize another side of Mr. Hoover which is deserving of great praise and commendation, but one which is rarely noticed.

Mr. Hoover is an administrator extraordinary. Year after year after year, the efficiency, productivity, and effectiveness of his leadership have been manifested by his reports to the Congress and the almost unchallenged review of his appropriations requests by our committees.

Having had an opportunity to view firsthand his administration at varying levels of decisionmaking in the Bureau, I became greatly impressed with his management ability and the way in which this proficiency was reflected up and down the administrative line, from assistant directors to unit chiefs.

He was able to instill in all employees a real sense of purpose and a dedication to the doing of a job in the most expeditious and efficient way without sacrificing his constant goal of achieving perfection in substantive output.

Mr. Hoover has served this Nation and all people well and without regard for self. He is entitled to the thanks and blessings of all as he continues his service and upon his retirement, whenever he chooses to leave this life-long dedication.

But let there be no mistake, when he decides to turn the reins of leadership over to another, a substitute may be found but never a replacement.

Mr. WILLIAMS. Mr. Speaker, Mr. J. Edgar Hoover has served the Department of Justice for 54 years. Throughout the last 47 of those 54 years, he has served as Director of the Department's Federal Bureau of Investigation.

I am confident that no one is more aware than Mr. Hoover that one who serves so long in such a key public position becomes viewed, in the public mind, as virtually synonymous with the institution itself.

I am also confident, however, that no one is more aware than Mr. Hoover that, in our constitutionally defined Republic, our institutions are viewed as permanent while those who serve them remain viewed as mortal and, therefore, replaceable in the normal, proper order of things.

My confidence of these facts has its basis in the root fact that Mr. Hoover's entire 54 years of outstanding service have been in the dedicated area of defending our Republic and keeping its institutions secure.

It is understandable that, from its inception, the Federal Bureau of Investigation has earned the animosity of gangsters, common criminals, our external enemies, and those who serve those enemies' efforts to destroy us from within.

Down through the years, the Federal Bureau of Investigation and its Director have been routine targets of criticism and charges from these same criminal and alien-directed sources. Recently, however, the Bureau and its Director have become targets of wild and unproved charges from partisan political sources. This is unfortunate and shocking; for, throughout the more than five decades of the Bureau's existence and of Mr. Hoover's direction, both have served under both Democratic and Republican Presidents and Attorneys General.

After Mr. Hoover has retired, and a new Director has assumed command, there is every reason to accept that charges and criticism will continue to flow from the criminal and subversive elements.

What will be interesting to note will be whether those partisan politicians who, of late, have chosen to direct their fire against Mr. Hoover and the FBI will do the same.

Whatever history may write in this regard, I wish to record, here, my tribute to Mr. Hoover for his 54 years of faithful service to this country and to wish him well in the days to come.

Mr. SHOUP. Mr. Speaker, the Roman poet, Virgil, wrote:

> "The noblest motive is the public good."

These words might well serve as the key to the life of J. Edgar Hoover. From the beginning of his career in public service, the public good has been his guiding motive and single-minded concern. In times of war and in times of peace, he has provided an example to inspire all Americans with love of country and of God.

Ideals of citizenship, honor, and duty have been paramount in his administration of the Federal Bureau of Investigation, an agency which he has made his own insofar as it has come to embody the ideals and values by which he has lived. As a people we may breathe more securely in the knowledge of the FBI's vigilant operations under Mr. Hoover's distinguished leadership.

The war against crime in all its many forms and the war against subversion in all its forms have been a vital part of the FBI's continuing struggle, requiring patience, energy, and courage. The members of the FBI have earned the respect of a grateful America. During decades in which free governments throughout the world succumbed to tyranny and disruption, the United States remained strong, protected within by those who loved her, Mr. Hoover foremost among them. Coming to his great office some 47 years ago, Mr. Hoover has lived to see the FBI—and the legend and reality of his own person—an enduring part of the national consciousness, honored by all for the integrity of its dealings.

"True courage," wrote Lord Shaftesbury, "is cool and calm." So has it been with Mr. Hoover, who has never sought the accolade of the crowd. He has risen above small-minded sniping and criticism in the past and today. I am happy to pay this tribute to him, to commend his extraordinary career of service to the Nation, and to congratulate him in this anniversary year.

Mr. WYATT. Mr. Speaker, almost 30 years ago, as a young man just graduated from law school, I received a wire from J. Edgar Hoover, advising me that my application for service as a special agent of the Federal Bureau of Investigation had been accepted, and instructing me to proceed to Washington, D.C., for training. I served only a year before entering the service in World War II. However, during my period of training, and my subsequent months as a special agent, I had considerable contact with Mr. Hoover, and of course, with the system of training agents, and using agents in investigative work.

I was, and ever since have been, enormously impressed with the efficiency of the organization Mr. Hoover has built. There is no doubt that he designed the system, and that he has been very carefully supervising the operation of the Bureau during his long tenure as Director. He has been most zealous to protect the Bureau from political and all other outside interference, so that the efficiency and effectiveness of the Bureau would remain very high.

That you can have an organization within the vast Federal bureaucracy of the size of the FBI which is at once so effective and efficient is a living tribute and monument to the great ability and to the personality of J. Edgar Hoover.

The recent efforts made to discredit both Mr. Hoover personally and the FBI as an institution have been despicable. I, for one, do not feel that just because I am a Member of Congress, gives me any immunity above and beyond that which is enjoyed by every other citizen in this land. The enormous contribution to America that Mr. Hoover has made will be recorded in history long after the petty harping of his critics is forgotten.

Nearly every year since my election to Congress, I have called on the Director personally to extend my best wishes to him, and to discuss some of the current problems of interest to the Bureau. I have found him extremely alert, sensitive, very well informed on details, and certainly competently on top of his most demanding job.

It is a pleasure to join in wishing him well on this anniversary occasion.

Mr. CASEY of Texas. Mr. Speaker, on behalf of the people of the 22d District I am privileged to represent, I consider it an honor and a pleasure to join with my colleagues in expressing congratulations and best wishes to J. Edgar Hoover on the occasion of his 47th anniversary as Director of the Federal Bureau of Investigation.

Under his able and dedicated guidance, we have built the finest law enforcement agency in the world. And under his guidance, and that of his agency, thousands of local law enforcement officers have received advanced training to better equip themselves in the constant battle against the underworld.

Mr. Speaker, I do not believe that either Mr. Hoover, or the agency he heads, needs to be defended by me. The people I represent know that he is an able administrator, a man of unquestioned principle and patriotism, and a dedicated and implacable foe of the forces which would destroy us, either from within our country, or from abroad. He has, in my opinion, ably met the heavy responsibility placed upon him by the President of the United States, and in so doing, has compiled a record unequaled in the annals of law enforcement. He, and the agency he heads, have had and will continue to receive my wholehearted support in the excellent job they are doing in protecting our country against its enemies.

On this great day, Mr. Speaker, I consider it a pleasure and a privilege to express again my sincere congratulations to Mr. Hoover on his 47th anniversary as Director of the FBI.

Mr. ARCHER. Mr. Speaker, I am proud to join my colleagues today in paying tribute to a great American who has selflessly devoted his life to public service. There are few men like J. Edgar Hoover, who has spent so many years and so much energy in serving his country.

For more than four decades, Mr. Hoover and the Federal Bureau of Investigation have been the epitome of incorruptibility and dedication in the fight against crime. When he was named Director of the Bureau in 1924, his first step was to clean out corrupt and inept officials, and begin building a strong, highly trained, single-minded agency. Under his guidance, the FBI has become one of the best investigative agencies in the world. Its techniques are the guidelines for police forces across the Nation.

During the 47 years he has been a cornerstone of the Bureau, Mr. Hoover has remained completely above politics—he has never entered the fray about issues or candidates. Unfortunately, that cannot be said about some of his contemporary critics. During the past few weeks we have seen a kind of political grandstanding and emotionalism that is rare even in this city. The FBI, and particularly Mr. Hoover, have become targets of vicious criticism—allegedly for using strong-arm "Gestapo" tactics, for spying on Congressmen, and more. The Bureau has been condemned as the "secret police" of America.

Yet it all has been based on exaggeration and innuendo. Despite glorious promises of proof positive about some hasty charges, no one has produced any evidence that the FBI is guilty of any grave transgressions.

Mr. Speaker, I suggest that we end this headline hunting and take a dispassionate look at the Federal Bureau of Investigation, lest the irresponsible scare tactics of its critics overshadow the tremendous contributions it has made to the safety and security of our Nation. It will be a tragedy if the invaluable work of the Bureau is degraded and hampered by these charges.

It will be even more tragic if 47 years of tireless dedication and outstanding service is besmirched by reckless accusations and personal attacks. J. Edgar Hoover is indeed an American phenomenon, and we should be deeply indebted to him.

The attacks on Mr. Hoover have accompanied demands that he resign as Director. Retirement, of course, is an inevitability for all of us, regardless of capability. I have advocated mandatory retirement at 70 for Congressmen, Federal judges, and other public officials. When Mr. Hoover retires, it will unfortunately be the end of an era. I believe it should come as a highly deserved reward for a job well done, and not as a result of 11th-hour criticism.

Mrs. REID of Illinois. Mr. Speaker, I am pleased to have this opportunity to join my colleague, the gentleman from Illinois (Mr. COLLIER), and others, in commending and congratulating one of the great Americans—J. Edgar Hoover—on this 47th anniversary date of his service as Director of the Federal Bureau of Investigation.

Appointed FBI Director on May 10, 1924, by the then Attorney General, Harlan F. Stone, Mr. Hoover has worked from that day on to create a skillfully organized law enforcement agency which approaches its job in a meticulous and highly scientific manner. His work in behalf of our national security, his unceasing battle against crime all over the country, his work in reference to juvenile delinquency, his great interest in the young people of our country, and his dedication to intelligent police research all have made for him a place in history unequaled by any similar official in our history.

Like all public figures, J. Edgar Hoover is subject to intensive secrutiny and criticism, but the fact of the matter is that his personal integrity is without blemish, and the FBI continues to be one of the outstanding law enforcement organizations in the world. For almost 5 decades J. Edgar Hoover has exemplified the epitome of Americanism in its true sense of equality, in its true sense of efficiency in Government, and in its true sense of nonpartisan political example.

Again, I extend my congratulations on this anniversary and wish for him many more years of good health and service to our country.

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to join in this special order of my friend and colleague from Illinois (Mr. COLLIER) to pay tribute to J. Edgar Hoover on the occasion of his 47th anniversary as Director of the Federal Bureau of Investigation. Mr. Hoover has compiled an outstanding record of achievement for the FBI during his long tenure as Director, building the fledgling investigative unit into the most modern and efficient crime-fighting organization in the world. His record of progress and achievement is a reflection of his tireless service, his selfless dedication, and his peerless patriotism. Even if he were to retire today, no one could come close to matching his long record of service.

One of the most fitting and authoritative tributes I have ever read on J. Edgar Hoover was contained in a letter I received last month from a former FBI agent, Mr. Harvey G. Foster of Park Ridge, Ill. If there is no objection, Mr. Speaker, I would like to include the full text of that letter at this point in the RECORD.

PARK RIDGE, ILL., *April 15, 1971.*

Hon. JOHN B. ANDERSON,
House of Representatives, House Office Building, Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I have become increasingly concerned with the spate of comments from columnists, Congressmen and others asking for J. Edgar Hoover's removal or retirement from the F.B.I. I spent 23 years in the F.B.I., the last 15 years in charge of various offices around the country. I chose to retire and am very happy with a very challenging second career.

I cite my career in the F.B.I. only because I want to comment, I hope authoritatively, about Mr. Hoover and the F.B.I.

I found Mr. Hoover the most dedicated public official I ever met. He lives for the F.B.I. and for the United States—these are his constant unflagging interests. I found him a superb administrator, a tough disciplinarian and something seldom mentioned, even quicker to recognize and reward outstanding service on the part of the F.B.I. employees.

He bent over backwards to assure that objective and that everyone's personal and constitutional rights were to be considered inviolate. I think he personally is very responsible for leading law enforcement to an early recognition of the necessity for this. He is an able and an exceptional man who has chosen to devote all his energies to a governmental agency and who has made it an agency looked up to and respected by the public and by law enforcement around the world.

I see him criticised as being a publicity seeker for himself and his agency. Certainly he has sought to keep the F.B.I. before the American public, but this is because he was long ago astute enough to recognize that the F.B.I. would rise or fall as an investigative body depending on the confidence the public had in it.

A Law Enforcement agency is dependent on the public for the information it needs to pursue an investigation. If it were unknown or in discredit, its investigations would quickly reflect this.

I read that he should retire because of his age. I think this should be interpreted in the light of the man. I have seen no lessening of his mental powers and I personally feel that if there were he would be the first to retire. I am interested in efficiency in government as well as economy in government. Mr. Hoover could have retired at full pay some years ago, so actually we are getting his services for nothing. I can't imagine a greater bargain.

I read that he and his organization are suspected of tapping the telephones of some Congressmen. I know from experience that this is absolutely impossible. The F.B.I. scrupulously follows the U.S. Department of Justice regulations on this and there were none made without the express authority, not of Mr. Hoover, but of the Department of Justice for whom the F.B.I. is an investigative arm.

I read that he is not adjusting to the times. How can this be said when both he and his agency have steadily and most successfully adjusted with the times since 1924?

I read that he should have been grooming a successor. Who says he hasn't? But his successor, when that time comes, will be appointed by the President, the Attorney General, and by Congress. Does any one think they would necessarily select a person who had been publicly groomed as a successor? I doubt it.

In summation, I feel that I can attest that Mr. Hoover is an able executive, and administrator with few peers in Government, and I would like to suggest that he is one of the greatest bargains in Government. I would hope that he would be permitted to continue to serve his country with his obvious dedication until such time as he steps down—and that he be supported in this endeavor partially as a reward for long and dedicated service, but more importantly, because in this day of permissiveness that in him we have a dedicated person of integrity in a most responsible position of trust, where permissiveness would be disastrous.

Most sincerely,

HARVEY G. FOSTER.

Mr. HOGAN. Mr. Speaker, it gives me great pleasure to join my colleagues in paying tribute to J. Edgar Hoover who today celebrates 47 years of public service. On May 10, 1924, Mr. Hoover was named Director of the FBI and in all the years since that day he has given the country dedicated leadership and service.

Having served with the FBI myself for 10 years, I am extremely pleased that my colleageus have taken time from their busy schedules to honor this great American and his accomplishments in the FBI.

In the past several months, Mr. Hoovers' detractors have received much publicity and the FBI and its employees have been subjected to much criticism. I think I have made known my feelings about this unwarranted criticism. President Nixon, in a recent interview with the Nation's newspaper editors, summed up the situation when he said:

> I believe it would be most unfortunate to allow a man who has given over 50 years of dedicated service to this country to go out

> under a cloud, maligned unfairly by many criticisms. I don't mean that some criticism of him, of me, of anybody, is not justified. But he is taking a bad rap on a lot of things and he doesn't deserve it. . . . Mr. Hoover, like any man who is a strong man, an able man, who has led this Bureau for so many years, has made many enemies. But we can also be thankful that in the FBI he has developed an organization which is recognized throughout the world as the best law enforcement agency in the world.

This, Mr. Speaker, is the point that I think needs to be made today. Mr. Hoover has made the FBI the outstanding law enforcement agency that it is. Prior to his assumption of the Directorship, the Bureau was wracked by corruption and scandal and hardly embodied the high qualities which are ascribed to it today.

Mr. Hoover believes forthrightly in the supremacy of the law. He is a man of integrity, honesty, and fairmindedness. All through his career he has been urging the American people to respect the law, emphasizing that the law is the archway through which men and women achieve justice and security. Take away that archway and government crumbles into anarchy and chaos.

When he took over the helm of the FBI in 1924, Mr. Hoover instilled these ideals in the employees of the Bureau. And today, anyone who visits the FBI or deals with agents throughout the country will acknowledge the accomplishments and high standards of this government agency.

Under Mr. Hoover's leadership, the FBI has become a highly professional law enforcement agency which has been a model for police agencies all over the world. Mr. Hoover realized that in order to be an organization which Americans respect and trust, the FBI must have highly qualified and competent employees to serve as its representatives. Consequently, he has imposed his own high standards on FBI employees and today most Americans cooperate promptly and fully with FBI agents because they do have confidence in the integrity of the agency.

Last year, FBI agents managed to collect enough evidence to lead to the conviction of 468 persons involved in organized crime. They also collected enough information which, when passed along to local law enforcement agencies, led to over 800 raids and the arrest of some 4,400 organized crime figures.

These achievements would not be possible were it not for the dedication and discipline of the FBI's Director. His leadership should be praised, not maligned, as indeed it has been by his superiors and by other persons of stature and reknown in our Government. Both the President of the United States and the Attorney General have indicated their complete confidence in the way Mr. Hoover is carrying out his responsibilities. No man could ask for a higher recommendation.

I am proud to join my colleagues in this tribute to a great American.

Mr. BOW. Mr. Speaker, a close association with J. Edgar Hoover has been one of the most rewarding experiences I have had during more than 20 years in Washington.

During most of this time I have served on the appropriations subcommittee having jurisdiction over the funds of the Justice Department including the Federal Bureau of Investigation. This has led to a closer association with the Director than would be enjoyed by many other Members of the House, and it is an association I value highly.

Mr. Hoover is always clear, concise, and completely frank in his testimony to our subcommittee, and careful to keep us informed throughout the year about significant events and changes in his problems, programs, and responsibilities. His annual presentation is a complete and highly informative report on the internal security and domestic tranquillity of our Nation.

Mr. Speaker, all Americans are indebted to the Federal Bureau of Investigation for its vigilance and its vigorous enforcement of Federal law. The FBI is the world's finest law enforcement agency. Its agents are recruited from among the best men this country produces. The list of those who have gone on from the Bureau into other areas of national life includes some of our most distinguished citizens, and in this category I wish to include those former agents who now serve in the Congress.

All of this is a tribute to Mr. Hoover, whose diligent labor and untiring efforts have built the FBI as we know it. I am proud to extend congratulations to my good friend on this anniversary.

Mr. EDWARDS of Alabama. Mr. Speaker, today marks the career anniversary of perhaps the single most influential figure in the annals of law enforcement this Nation has ever known.

Forty-seven years ago, John Edgar Hoover set out with the FBI to right the seemingly insurmountable wrongs borne from decades of lawlessness and violence. His task was challenging beyond belief. And yet, his honesty and perseverance amidst all odds prevailed. Not once, in peace or war, has this great American shirked his responsibility or disavowed his committed goal in life.

Even with this flawless record, however, there are those among us who are actively seeking his removal. And for what reason? Has he been found guilty of any misdeed? Of what are his critics accusing him? Apparently, they sense he may be losing his reasoning ability to cope with the crime which is daily rearing its ugly head across this Nation. But, these same critics who have so much to say about Mr. Hoover's 76-year-old age are the most ardent supporters of liberal Supreme Court justices, one of whom is 81.

Fortunately, Mr. Hoover, like so many other great American champions of freedom and moral decency, has risen above such a callous display of ingratitude. Truly, Mr. Hoover is a venerable giant among great men.

Mr. Speaker, in further attesting to my respect of and admiration for the outstanding job Mr. Hoover has accomplished as Director of the FBI, I am submitting a copy of a certified endorsement of his accomplishments drawn up by the Alabama State House of Representatives.

The endorsement follows:

STATE OF ALABAMA HOUSE OF REPRESENTATIVES, H.J.R. 48

Whereas, Mr. J. Edgar Hoover has recently come under unwarranted attack; and

Whereas, Mr. Hoover symbolizes blunt honesty and old virtues in an age of changing values and easy morals; and

Whereas, Mr. Hoover has given the nation superior service while making the F.B.I. a model of honest and efficient law enforcement; and

Whereas, he has been the foremost example of good over evil for America's youth and grownups; and

Whereas, on one thing his admirers and critics can agree: The F.B.I., with its thousands of agents, millions of fingerprints and volumes of information is graven in the image of a single man, John Edgar Hoover; now therefore

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That this body goes on record as supporting this fine American and does pass this resolution as a vote of confidence in Mr. John Edgar Hoover.

Mr. FLOWERS. Mr. Speaker, for 47 years J. Edgar Hoover has stood for law and order in this country. His name has become virtually synonymous with modern and efficient crime fighting methods. Individual security throughout America has increased immeasurably under his vigorous leadership of the Federal Bureau of Investigation. The Nation as a whole has maintained its tradition of liberty through perilous times due to the efforts of Mr. Hoover and others like him.

The forces of organized crime, as well as individual transgressors of the law, have come to fear and respect Mr. Hoover. Especially in this time of rising crime in the Nation, it is good to know that a man of Mr. Hoover's ability and experience is on the job.

His leadership and dedication over many years of service are well known to all of us. He has truly given of himself to this Nation as have few men in our history, and all law-abiding citizens are the beneficiaries.

Mr. Speaker, he has received countless distinctions from a grateful nation, and it is fitting that we pause here in the House to add our congratulations and best wishes to this outstanding American on the occasion of his 47th anniversary as Director of the FBI.

Representative Ben Cherner and Speaker Sage Lyons, two distinguished members of the Alabama Legislature, recently presented a resolution to that body which was passed on April 27, 1971, and which sets out the legislature's admiration for Mr. Hoover. I am pleased to offer it for inclusion in the RECORD at this time, and commend it to the attention of my colleagues:

STATE OF ALABAMA HOUSE OF REPRESENTATIVES

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Whereas, Mr. Hoover symbolizes blunt honesty and old virtues in an age of changing values and easy morals; and

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Be it resolved by the legislature of Alabama, both Houses thereof concurring, That this body goes on record as supporting this fine American and does pass this resolution as a vote of confidence in Mr. John Edgar Hoover.

Mr. RHODES. Mr. Speaker, it is a privilege to join many of my colleagues to pay tribute to J. Edgar Hoover on this, the 47th anniversary of his service as Director of the FBI.

Mr. Hoover has done much good for police work in this country. Under his direction, the FBI has set standards for professionalism and proper conduct in police work. This example has done a good deal to make law enforcement a respectable career.

Mr. Hoover came into the FBI in 1924. From that time on the record speaks for itself, and speaks profoundly well. It is a record of achievement, public service and protection.

He has been neither partisan nor partial in his use of the enormous power of this national investigative agency. His policies have helped the FBI establish a reputation for honesty, credibility, and devotion to the law which is unequalled anywhere in the world.

The Nation owes Mr. Hoover a sincere thank you. I thank him and pay tribute to his many years of dedicated service. He is, in every sense, a great American.

Mr. HUTCHINSON. Mr. Speaker, in 1917, a 22-year-old lawyer by the name of J. Edgar Hoover became an Assistant Attorney General of the U.S. Justice Department. Seven years later, he was appointed to the Justice Department's Bureau of Investigation with the instructions that the agency was to be operated according to the highest ethical and executive standards and removed from partisan politics.

Mr. Hoover undertook this responsibility with dedicated effort to create the world's finest law enforcement agency. Confidence in his record has been expressed by the eight Presidents under whom he has served as Director of the Federal Bureau of Investigation. President Dwight Eisenhower awarded Mr. Hoover the National Security Medal in 1955 for "brilliant leadership in a position of great responsibility" and for "the highest ideals of Federal Law Enforcement."

When Mr. Hoover joined the Justice Department in 1917, there was no well organized FBI to protect the law abiding citizens of this Nation. During the course of his career he has often come under attack by the criminal, the left, the right, and has been subjected to political pressure. However, he continues to give this Nation the same dedicated service that was used in the formation of the FBI.

At the age of 76, having given this country more than half a century of distinguished service, Mr. Hoover deserves the respect of every law-abiding citizen. He has, and he continues to earn, my respect. He continues to adhere to the guidelines set down to him in 1924 to operate the FBI according to the highest ethical and executive standards and to avoid partisan politics. Mr. Hoover has faithfully carried out his duty as Director of the FBI.

Mr. JONES of Alabama. Mr. Speaker, I salute the Director of the Federal Bureau of Investigation, J. Edgar Hoover, on his unusual record of 47 years of dedicated service to the cause of law enforcement in this Nation.

His tenure is even more admirable when you consider that he has been the instrumental force in keeping the FBI above suspicion of corruption throughout nearly five decades.

Because he has set the highest standards for himself and his coworkers, the FBI is considered the most elite law enforcement agency in the country.

He has earned the respect of law enforcement personnel everywhere because of the close work and cooperation of the agency whenever the high professional skills of the FBI are sought. At the same time, Mr. Hoover has carefully avoided extension of the Federal agency into enforcement problems where there was no Federal authority for action.

The FBI has won acclaim for its thoroughness and efficiency; yet, through the years, Mr. Hoover has wisely resisted suggestions that his agency be converted into a national police force.

It is a pleasure to extend my felicitations and best wishes to Mr. Hoover on the 47th anniversary of his tenure as director of the FBI.

Mr. MICHEL. Mr. Speaker, it is with great pleasure that I join my colleagues in the House today to express our appreciation for a grand American—J. Edgar Hoover.

The phrase "dedicated public servant" has been bandied about considerably, but there is no other description that fits Hoover. He has served our Government for 54 years, 47 of them as head of the Federal Bureau of Investigation.

During that time he has earned the respect and admiration of our people. He has performed a tough job in a manner that has garnered credit for the Bureau. Mr. Hoover has served under eight Presidents and 16 Attorneys General.

The Bureau has grown in stature in the nearly five decades Mr. Hoover has been at the helm. It has been a crack law enforcement agency, not just at the federal level, but also through the foresight of Mr. Hoover in establishing training programs for local police and the sharing of information and crimefighting techniques. He has established a fingerprint bank of nearly 200 million sets, which has proven invaluable in identification of individuals, and has in itself solved many cases by producing irrefutable evidence of a criminal's whereabouts at the time of a crime.

We are fond of saying that certain things can happen "only in America." The tenure of Mr. Hoover at the head of the FBI has been truly such an example. In many Nations such an enforcement bureau would eventually have grown into a Gestapo-like organization, or become involved in internal politics. Mr. Hoover has hewed to the line without fear or favor. He has demanded the highest caliber of men and the most stringent training and work regulations. As a consequence, the FBI and incorruptibility have become synonymous in the United States.

Perhaps the most telling of how good a job the FBI has done is that it strikes terror into the hearts of hoodlums—large and small. No one on the other side of the law wants to have the "Feds" after him, for their arrest record is high, and their conviction rates phenomenal. Due again to the strict standards of gathering evidence Mr. Hoover has instilled in the Bureau. Last year the FBI obtained 13,000 convictions, and ran up a batting average of 96 percent convictions to arrests—and this against some of the most skillful criminal lawyers in the country.

The rest of the Federal Government might well envy the FBI's fiscal operations. During 1970 the Bureau took in, in fines and recoveries, $422 million—or about $1.60 for every dollar we in Congress appropriated for their operations.

The FBI does not stand still. It has been in the forefront of developing and utilizing the latest in crimefighting equipment—and in sharing that knowledge with law enforcement officials across the land. Currently under construction is a modern FBI building which will bring together its operations now scattered in several buildings in the city. It is due to completion late in 1973, and will provide the Bureau with the room it needs, and coordination of all its many functions.

It is regrettable that certain Members of this body have chosen to attack Mr. Hoover while in search of cheap headlines. As has been the case in the past, their attacks have been groundless—particularly the intemperate attack and accusation of use of telephone taps. No Member of this body is immune from investigation, nor should he be, when the evidence points to involvement in criminal activities. There have been few instances of this happening, but there have been some. I believe that the shabby tactics being employed by those who are attempting to witch hunt for flaws in Mr. Hoover's administration of the FBI are unworthy and uncalled for. They reek of the same frenzied sensationalism that took place in the early 1940's when the FBI first began its functions as guardians of our internal security. The tragedies at Dallas, Los Angeles, and Memphis during the 1960's are proof positive that we do have problems with subversive elements in our society, and we do need an agency with the full resources of our Government behind it to root out this cancerous ideology and protect our citizens from anarchy and revolutionist tactics.

It is said that lightning strikes only the tallest trees. Mr. Hoover has weathered many a storm created by politicking and propaganda circulated by those who envy or fear the efficiency and the effectiveness of the FBI.

"Mr. G-Man" has done a marvelous job in one of the Nation's hot seats in Government, and I feel that a vast majority of the American people share with us today a deep feeling of gratitude that we have been able to have a man such as J. Edgar Hoover as head of the FBI.

Mr. LANDGREBE. Mr. Speaker, this morning, one of the most respected news commentators in America, Paul Harvey, mentioned that today marks the 47th anniversary of J. Edgar Hoover's tenure as Director of the Federal Bureau of Investigation.

As near as memory serves me, Mr. Harvey had this to say of Mr. Hoover's 47 years of distinguished service to America:

> Of course, the jackals are yapping at his heels, just as jackals have always yapped at the heels of lions. But Mr. Hoover will survive their attacks, just as he has survived other attacks in other years.

I subscribe wholeheartedly to these remarks. Can it be that the leftist elements in America are crying out for Mr. Hoover's blood because he has been ineffective in his fight against crime and subversion? I don't believe it for 1 minute.

The reason, in my opinion, can be found in the fact that Mr. Hoover has been extremely effective and successful in his efforts to protect America from those who would destroy it. He has stepped on the toes of the subversive, the criminal, and the weak-kneed politicians who either see no threat in Communist subversion or who are feeding at the trough of crime.

We have heard it said that Mr. Hoover is a threat to freedom. I would ask "Whose freedom?" I would rather protect the law-abiding citizen's right to freedom from fear and coercion than the freedom of the criminal to peddle narcotics, murder for hire, or terrorize our cities with the petty rackets which have become big business for the syndicate.

I submit that the cries that Mr. Hoover is attempting to stifle political dissent are so much hogwash. If this were true, we would be right to be concerned. But have we heard any proof whatever of these ridiculous charges?

I am sure I join the majority of my colleagues and the overwhelming majority of Americans in extending heartiest congratulations and gratitude to Mr. Hoover on this, the 47th anniversary of the day he became director of the FBI and made it the finest investigative agency in the world. I also believe that most Americans wish him continued success.

Mr. DERWINSKI. Mr. Speaker, I consider it a privilege to participate this afternoon in this special order paying tribute to Federal Bureau of Investigation Director J. Edgar Hoover on this the 47th anniversary of his service in that position.

Normally on an occasion such as this we would be eulogizing his long and meritorious service, pointing out his tremendous professionalism, his imagination, his technical exactness and effectiveness that have become a trademark of the FBI.

Unfortunately, we are going through a period when the radical left, abetted by many misguided allies in carrying on a determined assault against Mr. Hoover and the FBI. Many of the allies of the radical left happen to be presidential hopefuls of the Democratic Party who, if they were not obsessed with visions of power, would not be participating in the campaign to smear Mr. Hoover. Obviously, visions of grandeur confuse what otherwise would be the good judgment of supposedly knowledgeable officials.

But on my part, Mr. Speaker, I wish to emphasize my personal respect for Director Hoover and the FBI. I also want to emphasize, on behalf of my constituents, appreciation for the long years of dedicated, unselfish service and devotion to the highest principles of public service which have motivated Mr. Hoover.

Above all, Mr. Speaker, I pay tribute to Mr. Hoover's respect for our American institutions and the need to protect them, which has motivated him throughout his long career.

Mr. KEATING. Mr. Speaker, today, I am honored to participate in this special order to commemorate the 47th anniversary date of J. Edgar Hoover's able leadership as Director of the Federal Bureau of Investigation.

I had the opportunity this past week to visit with Mr. Hoover at the FBI Headquarters and discuss some past and current events with him. It was a delightful visit.

I found Mr. Hoover in vigorous health and appearing to be much younger than his years.

I wish to join my friends and countrymen in congratulating him on these many years of excellent and dedicated service to his country, and to wish him continued good health and success in the future.

Mr. BUCHANAN. Mr. Speaker, I rise to join my colleagues in recognizing the outstanding service of Federal Bureau of Investigation Director J. Edgar Hoover.

Today, 47 years after becoming its Director, J. Edgar Hoover is a symbol of everything the bureau represents. Under his direction it has become the most highly respected and effective agency of its kind in the world.

Mr. Hoover himself is of unimpeachable character and his influence is reflected in the high caliber of the Bureau and the personnel in it who enforce our Federal laws. For more than 50 years, this dedicated public servant has put duty to his country first and has rendered magnificent service to the American people in so doing.

Recent attacks on Mr. Hoover from some sources here in Washington to the contrary notwithstanding, Mr. Hoover enjoys the great respect of Americans everywhere. Every letter I have received from my constituents concerning him has expressed admiration and appreciation for his service.

These attempts to malign Mr. Hoover have resulted, instead, in the confirmation of his honesty, integrity, and sincerity. The directorship of one of the world's largest investigative and law enforcement agencies is a demanding one, but for 47 years, Mr. Hoover has fully met these demands.

In my State of Alabama, the State legislature recently adopted a resolution expressing a vote of confidence for Mr. Hoover. This resolution follows:

> RESOLUTION
>
> Whereas, Mr. J. Edgar Hoover has recently come under unwarranted attack; and
>
> Whereas, Mr. Hoover symbolizes blunt honesty and old virtues in an age of changing values and easy morals; and
>
> Whereas, Mr. Hoover has given the nation superior service while making the F.B.I. a model of honest and efficient law enforcement; and
>
> Whereas, he has been the foremost example of good over evil for America's youth and grownups; and
>
> Whereas, on one thing his admirers and critics can agree: The F.B.I., with its thousands of agents, millions of fingerprints and volumes of information is graven in the image of a single man, John Edgar Hoover; now therefore
>
> Be it resolved by the legislature of Alabama, both Houses thereof concurring, That this body goes on record as supporting this fine American and does pass this resolution as a vote of confidence in Mr. John Edgar Hoover. Be it further
>
> Resolved, That a copy of this resolution be sent by the Clerk of the House to Mr. Hoover, and that copies be sent to the members of the Alabama Congressional Delegation in order that they might place it in the Congressional Record and circularize it among fellow congressmen.

I commend Mr. Hoover for his service to the cause of law enforcement in the United States which has played such a vital role in the preservation of this Republic.

Mr. WHALLEY. Mr. Speaker, it is a great privilege to join my voice to those of my fellow Americans from across the land today who are speaking out in behalf of a great American and a dedicated leader: J. Edgar Hoover.

For nearly 47 years as Director of the Federal Bureau of Investigation, Mr. Hoover has embodied those qualities of vigilance, enterprise, and prudence essential to the effective leadership of that organization. A man of granite integrity, he has become legendary in his own remarkable lifetime.

J. Edgar Hoover has been steadfast in his defense of the ideals of his Nation and his God. The FBI, as we know it today, is to a large degree the creation of this man, reflecting his concern for honesty, efficiency, and ability in public—as well as private—life.

Basic to J. Edgar Hoover's dedication to these ideals is his philosophic view of history, as expressed in his own words:

> Throughout history, man has been confronted with a never-ending struggle against tyranny. However, history has shown that free societies have invariably proved more resilient, creative, and enduring than those under a totalitarian yoke.

His deep and passionate faith in freedom has been a sustaining presence and power in his career. It is reflected in the FBI itself.

There are many ways to judge and evaluate a man's career. One very interesting and revealing way is to note and observe his enemies. The enemies Mr. Hoover has made among the criminal and subversive elements constitute his greatest tribute.

Centuries ago a great teacher declared that, "To whom much is given, of him much shall be required." By that exacting standard, J. Edgar Hoover has more than met the obligations of his office.

History will show Mr. Hoover to be among the great patriots of this or any time, and I am proud and pleased to salute him in this anniversary year.

Mr. McCLURE. Mr. Speaker, someone once defined a liberal mind as one capable of believing almost anything. In a free society, that is their right. The trouble is that in today's world, the thoughts which spring from the liberal mind are often treated as if they came from above. And so, a lot of people have been fooled into thinking that the liberal is also infallible. Thus, economists make political decisions and politicians pass themselves off as economists. Earlier in the year, one committee took testimony from a man who claimed the SST would increase the incidence of cancer. Since the liberal mind wanted to believe that so badly, the press gave the allegations wide coverage, despite the fact this same man had once attributed the New York power failure to unidentified flying objects.

Now, the liberal mind is apprehensive about the FBI. There is an agent under every bed, our phones are tapped and all of us are under constant surveillance. This is, of course, the work of J. Edgar Hoover, who now has a complete record of what the McClures' eat for dinner each evening as well as how angry I get when the pork chops are burned. If freedom is to survive, J. Edgar must go.

Even the thought of having to defend Mr. Hoover against such foolishness is embarrassing. Nevertheless, I am grateful to my friend from Illinois (Mr. COLLIER) for the opportunity to talk about this great American. I would like to express, with as much sincerity as I can muster, my endless admiration for J. Edgar Hoover and my hope that he still has many more years of dedicated service as Director of the Federal Bureau of Investigation ahead of him.

Recent attacks on his integrity and his ability cast more of a shadow on those making the charges than they do on the man himself. If other branches of the Federal Government were as efficient and as free of corruption as the FBI, it would certainly make our work a great deal easier around here. So, Mr. Hoover's sudden emergence as a villain worse than any of those on the agency's Ten Most Wanted list must lie elsewhere.

What single characteristic binds all of those now itching for the Hoover scalp? They are, one and all, tried and true liberals. No one suggests for a moment that they do not have a right to their points of view. But when the product of such thinking emerges as violence in the streets of our cities and disruption on the Nation's campuses, that constitutes a greater menace to free thought than anything even Congress could devise. And the FBI would be derelict in its duty were it to ignore the violence. You would think this thought would have occurred to our liberal friends, concerned as they are with freedom in all of its many manifestations. Instead, they pull the radicals to their bosom, cloak them with such phrases as "The New Left" and give them an aura of respectability they would not otherwise have had.

There were no cries of alarm when the FBI was taking on the big crime syndicates, or the Ku Klux Klan or the American Nazi Party, or even the Communist Party, come to think of it. Until recently, no one would have seriously thought of the FBI as antiright or antileft or antianything else. It had built its reputation through seven administrations representing both political parties as the one force determined to protect the integrity of the U.S. Government. Those who now challenge the agency and its Director cannot help but raise questions in the minds of the rest of us about their own motives. Destroy those things which symbolize a nation's integrity and you pretty much destroy the nation itself.

Perhaps we are overly concerned about these attacks. Even Mr. Hoover's critics are unable to agree on the man. For some, he is to old to function; for others, he functions all to well. But to the vast majority of Americans, J. Edgar Hoover has risen above petty political partisanship throughout his career. They view him in much the same manner as they did Dwight D. Eisenhower. And like Ike, Mr. Hoover's accomplishments will be remembered long past the time when his detractors are forgotten.

Mr. CARTER. Mr. Speaker, for 47 years, Americans have spoken of J. Edgar Hoover and the Federal Bureau of Investigation in a single breath and as a single entity. And rightly so, for the FBI has indeed been shaped and fashioned by its Director into the product recognized today as preeminent throughout the world in the field of law enforcement.

The Federal Bureau of Investigation's motto, derived from its initials, reveals the nature of the organization—what it should be and what it actually is for most Americans: Fidelity, bravery, and integrity. Those words distill the very essence of the FBI's attitude and its approach to a myriad of responsibilities involving the most delicate problems of this Nation and often involving physically dangerous situations.

Although the FBI's special agent force in larger than when Mr. Hoover took over in 1924, it is smaller than some city police forces. Over the years Hoover has insisted on keeping the FBI—the organization as well as its personnel—above suspicion and free from outside influences. He will not tolerate any deviation from the standards laid down and exemplified in the motto. I believe that the absence of scandal that has characterized the agency is a measure of his success in imbuing his force with the spirit symbolized by that motto.

Applicants for the special agent force are carefully screened to insure that they meet the high educational and character standards required by the Federal Bureau of Investigation. In addition, the new agents are put through 14 weeks of training. Throughout Mr. Hoover's nearly 50 years as Director of the FBI, none of these agents has ever been charged with a crime.

Under Mr. Hoover's directorship, the FBI's record of success has been an outstanding one. Since the list of the top 10 most wanted criminals began in 1950, 291 persons on it have been captured. In fiscal year 1970, convictions were obtained against 96 percent of the persons brought to trial during the year. Of the 13,245 convictions that year, 83 percent were on guilty pleas; the rest followed trials before judge or jury. These percentages are typical of other years. During calendar year 1970, 468 persons involved in organized crime were convicted, and over 32,000 fugitives were located.

One of the latest advances in law enforcement for use against criminals is a computer network known as the National Crime Information Center. The NCIC established in 1967, provides a computeriezd index of information concerning wanted criminals and stolen property of nationwide interest. Vital information can be obtained in a matter of seconds. The system serves law agencies in nearly all States. During 1970, close to 20 million inquiries were made of the computer.

I am convinced this Nation's confidence in the FBI is properly placed and that the Bureau and Mr. Hoover have lived up to the tremendous trust placed in them. Over the years, Mr. Hoover has set a course that reveals his vast patriotism as well as his unswerving belief in the supremacy of the rule of laws.

His standards, as set forth in the FBI's motto are high but easily defined. It is a privilege to honor J. Edgar Hoover here today. He has built a proud organization deserving of this recognition and indeed worthy of its motto: fidelity, bravery, and integrity.

Mr. DULSKI. Mr. Speaker, I am delighted to have this opportunity to join with my colleagues in paying tribute to J. Edgar Hoover on the 47th anniversary of his appointment as Director of the Federal Bureau of Investigation.

His service to his country is well known, and I believe my own feelings are best expressed by a letter which I sent to Mr. Hoover just a month ago. Following is the text of my letter:

APRIL 8, 1971.

Director J. EDGAR HOOVER,
Federal Bureau of Investigation
Washington, D.C.

DEAR MR. HOOVER: I am quite disturbed and concerned over the flood of recent criticism which has been leveled against you and the Federal Bureau of Investigation.

The contacts I have had with the representatives of the F.B.I. and your office over a period of many years, as well as my personal observations of the activities of your organization, have led me to have the greatest respect for the Bureau and your leadership.

Few Americans can equal the impressive record of public service you have established. It is my strong feeling that no individual could enjoy the continued trust and confidence of so many Presidents and the American people if he did not properly conduct himself and the affairs of his office.

You have my support and best wishes for the future.

With kindest regards, I remain
Sincerely yours,
T. J. DULSKI.

Mr. Speaker, I also include with my remarks a very appropriate editorial by

David Lawrence in the U.S. News & World Report issue of April 19.

INTERNAL SECURITY OF U.S. DEPENDS UPON THE F.B.I.

(By David Lawrence)

The American people have never known the intimate story about the operations of the Federal Bureau of Investigation because public disclosure would impair the usefulness of an important governmental organization in dealing with problems of surveillance involving subversion and crime.

To supervise a group of nearly 19,000 persons who must dedicate themselves to secrecy is not an easy task. J. Edgar Hoover, who has been Director of the FBI for several decades—under both Republic and Democratic Administrations—has given the agency a leadership which has enabled it to participate in investigations throughout the land, especially those related to persons suspected of violating federal laws or crossing State lines to escape punishment.

The FBI does not act alone. It works in cooperation with State and local enforcement agencies and often supplies the critical information which leads to the solution of many a crime and to arrests and prosecution by the proper authorities.

The FBI has been very helpful to the police departments of the nation's cities. It gets no publicity for doing so, and doesn't seek any. But in numerous cases, it has been the FBI which furnished the tip that led to the capture of a much-sought-after criminal. State law-enforcement agencies also benefit from the work of the FBI. In fact, there is a reciprocal arrangement among all these groups in order to help each other.

The policy laid down by Director Hoover is one of concentration on the gathering of facts, leaving it to others to act thereon. The decision to prosecute, for instance, is not made by the FBI. The data it assembles are turned over to the Department of Justice, which then can seek a grand jury indictment. The FBI doesn't make these requests or furnish attorneys for the court proceedings which may follow.

Many organizations which are emotionally aroused over current issues are inclined to blame the FBI if some of the "extremists" are indicted, arrested and brought to trial. The truth is that the Department of Justice makes the decision as to whether they should even be charged.

But there has been apparent for some time a belief among radical groups that their foremost enemy is the FBI, and they have tried in various ways to discredit the organization.

Recently some members of Congress have been assailing Mr. Hoover for allegedly ordering their telephones to be tapped. Although both he and the Department of Justice have emphatically denied any such thing, the story has been spread and agitators have picked it up as a means of starting another crusade to drive the present Director out. The purpose of course, is to disorganize the agency and weaken it.

Actually, Mr. Hoover at the age of 76 is one of the most active men serving in public office. He has developed the FBI, with assistants and associates having specific responsibilities, so as to make is possible for the agency to work harmoniously and effectively with close supervision from the top, including suggestions on important cases. As men who have served in the FBI have gone into business or other professional pursuits, they have usually said to their friends on leaving that the organization is as efficiently directed today as it has been over the years.

The radicals would like nothing better than to tear down the FBI. The removal of J. Edgar Hoover would be a victory for them. But there are no indications that the Nixon Administration will fall for such tactics and surrender to the groups antagonistic to the FBI.

The one thing that the FBI has always sought to avoid was any act which could involve its agents in controversies with members of Congress or government officials unless, of course, in connection with some criminal case. But the maintenance of wire tapping of the telephones of members of Congress, as recently claimed by critics of the FBI, is something that anyone who is familiar with FBI operations would know instantly was never authorized by J. Edgar Hoover and probably never occurred.

The FBI has successfully kept out of politics. It has refrained from interference in any way with campaigns of members of Congress or participation, favorable or unfavorable, in presidential contests.

The FBI operation has been expanding over the years, but the Bureau has stuck to one rule—that it would not make public its findings except with the authorization of the Attorney General of the United States, who is the boss of the agency itself.

The FBI can be relied upon to carry on inside the United States extensive investigations of subversion, espionage and any conspiracy against the Government. For the FBI is the principal safeguard of the internal security of our country.

Mr. RUTH. Mr. Speaker, I am pleased to have this opportunity to speak about a man who has had more to do with professionalism in law enforcement than anyone in this Nation.

Director J. Edgar Hoover is completing his 47th year as director of the Federal Bureau of investigation. His leadership has been nothing less than progressive, and all of us owe him something for that.

In recent months, there have been personal attacks on the Director. Some of the criticisms have been very sharp, tending to be political bric-a-bracs or fishing expeditions for presidential aspirants. These criticisms are unfair to a man who has given this Nation almost a half-century of outstanding, dedicated, professional service.

I think that it is important during the criticisms over Mr. Hoover's service that this Nation keep sight of the tremendous professionalism he has brought to law enforcement, both on the national level and in our communities. Mr. Hoover's agents, his records research and crime laboratory are not just the best in the world, but they are an invaluable source of information and guidance for our police throughout the country.

In addition to that, Mr. Hoover continues to be among the best and most effective administrator in our Government.

Mr. Hoover's kind of law enforcement is what I want. It certainly is the kind of law enforcement this Nation needs during a time of political bombings, radical demonstrations, and left-wing attempts to stop the operations of our Government.

Mr. Hoover is a distinguished public servant. He is not the leader of any secret police force in this Nation. His operations are supervised by the Attorney General, and the Congress controls the operating funds for the FBI.

I am one who feels that we must act in Mr. Hoover's interest, and in respect of his years of service, whether this pleases his critics or not.

Mr. QUILLEN. Mr. Speaker, it is indeed a pleasure and a privilege to join my colleagues here today in honoring the dean of law enforcement, Mr. J. Edgar Hoover.

Today marks his 47th anniversary as Director of the Federal Bureau of Investigation. During these years, Mr. Hoover has transformed an infant agency into the most potent and respected force for law and order in American history.

It is the Nation's top security force and to quote former Attorney General Nicholas Katzenbach, it has become "the best and most decent agency in the whole world."

Mr. Hoover has always been a man of great power, and he has used that power in constructive measures for the good of all Americans.

He has been admired by young and old alike for decades. He is the symbol of basic American values of decency, fair play, and respect for the law.

The Nation has come to depend on the FBI due to the outstanding job it has done in protecting the peace and preserving the security of our country.

I noted with interest that a recent poll conducted by the Gallup organization showed enormously favorable ratings for Mr. Hoover and the FBI. This clearly indicates the esteem in which both are held by the American public.

Mr. Speaker, I congratulate Mr. Hoover on the fine job he is doing, and I commend him for his dedication to uphold the Constitution of the United States.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in salute to J. Edgar Hoover on the occasion of his 47th anniversary of service as Director of the Federal Bureau of Investigation.

Under his leadership, we have witnessed the building of a highly effective investigative arm of the Department of Justice. The FBI carries the burden of the fight against internal security threats, organized crime, civil rights disruptions, drug traffic, aircraft hijacking, interstate car thefts—to name but a portion of its responsibilities. The Bureau conducts training schools and assists thousands of law enforcement officers annually on new techniques and methods of investigation. It acts as a storehouse of information as well as a cooperative source of guidance and instruction for our police throughout the country.

Recently we have been experiencing a wave of criticism directed toward the practices of the FBI and questioning the integrity of its Director. Critics have charged that Mr. Hoover is "out of touch" with the contemporary needs of law enforcement in a free society, and that under his "dictatorship" the FBI may become America's "Gestapo."

The fact is that the policies and the personal philosophy of Mr. Hoover are diametrically opposed to the concept of a national police force.

Most historians date the birth of the modern FBI as May 10, 1924, when Hoover was appointed its new Director by Harlan Fiske Stone, then Attorney General. Hoover had advised Stone that he would accept the appointment on these terms:

> The Bureau must be divorced from politics and not be a catch-all for political hacks. Appointments must be based on merit . . . promotions on proved ability. The

> Bureau will be responsible only to the Attorney General (and the President).

This forms the basic philosophical foundation of what is today the world's finest law enforcement agency.

With the establishment of the FBI National Academy in 1935, this same philosophy was to be extended to the local law enforcement agencies as graduates of the Academy returned to their home territories. These graduates in turn worked with the FBI in full cooperation for the singular purpose of effective law enforcement. In Hoover's words:

> (This) is the American way of avoiding any resemblance of national control or of a national police system.

Mr. Hoover, through the years, has performed national service of great benefit by alerting the people to the huge costs of crime—and to the dangers of international conspiratorial activities. He has done this with his annual visits to the Congress, through reports to the Attorney General and the President, and through such notable contributions to literature as his book on totalitarianism, "Masters of Deceit."

In all statements and actions, Mr. Hoover is steadfast in his conviction that the FBI should never be permitted to become an independent agency, operating without the checks and controls under which it now operates.

J. Edgar Hoover's public life spans the last half century. The fruit of experience has aided him to exercise consistently responsible judgment in handling in many challenges which confront the FBI. When assessing the turmoil of sporadic violence, or the cries for social and political revolution, or the desecration of American symbols, or the denigration of American institutions, Mr. Hoover is able to call on vast experience. No little wisdom is evident when he says:

> The truly revolutionary force of history is not material power but the spirit of religion. The world today needs a true revolution of the fruitful spirit, not the futile sword. Hypocrisy, dishonesty, hatred, all these must be destroyed and man must truly rule by love, charity, and mercy. (*Masters of Deceit*)

J. Edgar Hoover's record of achievement shows us the true greatness of his leadership.

People from all walks of life hold Mr. Hoover in the highest esteem. His personal contribution to criminology, national security, and individual rights is acclaimed throughout the land. Few men have the vision, integrity, and unselfish devotion which mark his illustrious career. His dedication to the preservation of law, order, freedom, and justice place him among the outstanding leaders who have made this Nation great.

Mr. DICKINSON. Mr. Speaker, in 1908, President Theodore Roosevelt advocated the establishment of a special corps of investigators in the Federal Government. This special group was formed within the Justice Department and officially called the Bureau of Investigation. Teddy Roosevelt would be very proud of today's Federal Bureau of Investigation which his order began. The FBI's achievements in law enforcement have been many. The reputation for honesty, efficiency, and coverage which this organization possesses today can be attributed, in large part, to the efforts of one man, its Director, J. Edgar Hoover.

Mr. Hoover has often quoted Theodore Roosevelt's credo that:

> Much has been given us, and much will rightfully be expected from us. We have duties to others and duties to ourselves; and we can shirk neither.

Mr. Hoover has never shirked the difficult. He has always exemplified the code of duty, honor, and country. His dedication to the American people and the Government of the United States has been unexcelled.

When Mr. Hoover became Director of the FBI, he accepted a formidable challenge. The Bureau was virtually hamstrung with incompetency and dishonesty. Mr. Hoover's first request of Attorney General, and later Chief Justice, Harlan Fiske Stone, was to be allowed the authority to rid the Bureau's ranks of incompetents and patronage hangers-on. Mr. Hoover requested the authority to remove his Bureau from political interference, and he insisted on making appointments and promotions on the basis of merit and ability. Immediately upon taking over the Bureau, Mr. Hoover began his housecleaning tasks. At the same time, he began a recruitment program that staffed the FBI with highly qualified young men.

Mr. Hoover, true to his own standards of excellence, was not satisfied with simply recruiting well educated young men of unblemished character. He also instituted a rigorous instructional program which included physical training by tough Marine drill sergeants and classroom lectures by professors and FBI personnel. As a result, Mr. Hoover's agents were the best trained law enforcement officials in the country and, in all likelihood, the world.

Mr. Hoover also saw to it that his agents had an excellent backup force. He early realized the benefit of using scientific techniques in fighting crime. As soon as he took over the Bureau, he established an identification unit which assisted agents and police authorities all over America in acting more swiftly on the basis of accurate information. A few years later, the Bureau's Crime Laboratory was launched as another powerful weapon in the war on the lawless. To extend the FBI's own training program to other police officials throughout the land, Mr. Hoover founded the Bureau's National Academy for Training.

Mr. Speaker, these innovations have vastly upgraded law enforcement throughout our Nation. They have also meant that previously unsolvable crimes could be successfully investigated, sometimes with nothing more of a clue than a strand of hair or a few pieces of burned, twisted metal. Undoubtedly, the efficiency of the FBI has proved a deterrent to the commission of many serious crimes.

The efficiency and integrity of the FBI has had another effect. Before the Bureau became famous, the status of the policeman for many years had been somewhat low, to say the least. Large segments in our society considered a law-enforcement officer an armed ignoramus. Sometimes this opinion was justified. Certainly there had been enough scandal to tinge the reputation of even the most honest of local law-enforcement officials. Even the Bureau, prior to Mr. Hoover's tenure as Director, was tainted. But the incorruptibility of Mr. Hoover's agents and their reputation for always getting their man, began to put a different light on the status of police in general. In the course of changing the image of the FBI, Mr. Hoover succeeded in enhancing the status of all policemen. By making the FBI a factfinding agency as well, Mr. Hoover extended to local officials a better-edged weapon for combating crime in their own areas.

The fight against crime, of course, was only one of the assigned tasks of the FBI. An equally important assignment has been in the area of counterintelligence. During World War II, the FBI, along with Army and Navy intelligence units, became responsible for guarding against espionage, sabotage, and subversion. Unlike the Bureau's bungling in the First World War, the FBI was ready this time. Nazi spy rings were broken up even before the United States entered the war. Again, unlike the Bureau of World War I, the FBI carried out its task with meticulous regard for civil rights. There were no mass raids and no vigilantes. Mr. Hoover, his critics should be reminded, was one of the few high Government officials to oppose the wartime internment of Japanese-Americans in the western United States.

To Mr. Hoover, this act transgressed the American traditions of justice and freedom.

> Freedom—

As Mr. Hoover sees it—

> is the one value which underlies and is an inherent part of all other values. Only under freedom do other values acquire real meaning. Only under freedom can other values grow. Without freedom, all other values lost their luster; some, in fact, lose all meaning.

J. Edgar Hoover has long and diligently guarded the freedoms of the American people. His efforts have been manifold. By insisting that the rights of even the most hardened criminal be respected, he has ensured the rights of other citizens. By publicly proclaiming Communists inroads, he has alerted millions of Americans to the dangers of such encroachments on their system of government and their liberties. Many of Mr. Hoover's critics have claimed that the Communist-conspiracy theory is simply a figment of his imagination. We have watched in the past three decades the monstrous figment of the imagination rear its ugly head and engulf entire nations. Are we to believe that American shores are somehow magically inviolate? Somehow, I cannot believe most Americans are able to accept such an hypothesis.

In more recent months, the criticism of Mr. Hoover has taken a new tack. Now the critics denounce Mr. Hoover and the FBI for wiretapping and the surveillance of responsible citizens. More timid individuals simply call for his removal on the basis of his age. None of the critics, however, seem to have really looked at the facts. Mr. Hoover, despite his age, has been considered indispensable as Director of the FBI by two Presidents. Senators, Members of the House of Representatives, and Supreme Court Justices are not mandatorily dismissed at a certain age. As far as wiretapping is concerned, the FBI is required to obtain a court order before engaging in any such activity. Yet, we hear no criticism of the courts for their involvement in wiretapping.

Surveillance, of course, is another matter. This type of information gathering is one of the prime functions of the FBI, as it is of any law enforcement agency. FBI agents have been criticized for attending public meetings so that they can spy on the proceedings. I wonder if the critics who make such dire accusations have ever had the word "public" defined for them. Somehow I rather doubt that they have consulted Webster's dictionary recently.

As far as some of the more radical groups are concerned, those which have as their avowed purpose the overthrow of the American Government, the FBI would be derelict in its duty if it did not gather as much information as possible about them. Most of these radical groups have made inroads into many of the Nation's college campuses. The FBI has been denounced for spying on college students. The FBI has admitted that it gathers information on college campuses. This, perhaps, is not a very nice thing to do, but then the spectacle of bombed campus buildings is not very pretty either. If one considers the violence that has been perpetrated on or near college campuses in recent years, one must agree that the FBI has acted with a restraint which has been unequaled anywhere else in the world.

But what goes on elsewhere in the world is not the criteria by which we should measure our own law enforcement officials. The record which Mr. Hoover and the FBI have established in the past 47 years speaks for itself. It is a good record and one which responsible, law-abiding Americans can view in pride. In the next several years, our Nation will face severe challenges. It is the hope of many that we will continue to have the leadership of that loyal and dedicated public servant of his country, J. Edgar Hoover.

In addition to my remarks, Mr. Speaker, I would at this time like to include in the Record two timely editorials from local daily newspapers as well as two news columns that are directed to Mr. Hoover's record of service to this country:

[From the Washington Daily News, Apr. 24, 1971]

Boggs' "Proof Positive"

Early in the month (April 5) the Democratic Leader in the House of Representatives, Hale Boggs, promised "proof positive" that the telephones of members of Congress had been tapped by the FBI.

Seventeen days later Rep. Boggs delivered an hour-long speech in the House belaboring FBI Director J. Edgar Hoover, alleging the FBI "uses the tactics of the Soviet Union and Hitler's Gestapo," and drawing a fearsome picture of "a vine of tyranny which is ensnaring that Constitution and the Bill of Rights which we are each sworn to defend and uphold."

He claimed several congressmen "had reason to believe" their phones had been tapped (by someone) and asserted some members of Congress were "so imprisoned by the climate of fear" they wouldn't use their phones.

It was a flamboyant speech. Frightening, if believable. But it was short on one thing—"proof positive."

Rep. Boggs said last summer he got "suspicious" that his home phone was tapped and called in the phone company to check it. The company said its investigation showed there was no tap on the Boggs line, FBI or otherwise.

Rep. Boggs says Mr. Hoover should be fired. But if he has that "proof positive" on which he said this demand was based, he forgot to mention it. Not often has so conspicuous a public official talked so long and let himself down so far.

[From the Washington Evening Star, Apr. 24, 1971]

Not Guilty

House Majority Leader Hale Boggs has done J. Edgar Hoover, the Federal Bureau of Investigation, the Democratic party, Congress, the nation and his own reputation an immense disservice.

In a one-minute speech in the House on April 5, Representative Boggs accused the FBI of tapping "the telephones of this body and of members of the Senate." In an hour-long speech Thursday, Boggs presented not a scintilla of evidence to support these serious charges.

The best Boggs could do was to claim that a nameless investigator from the Chesapeake & Potomac Telephone Company, called to his Bethesda home last August to inspect a suspected tap, reported that one had been placed on his "private telephone lines but that it had been removed in advance of the inspection."

The Louisianan admitted that the telephone company's written report stated "categorically that there was no tap on my lines." Boggs added lamely that it was his understanding that it was telephone company policy to deny the existence of a tap if it had been placed by the FBI.

The telephone company disputes Boggs on all counts. C&P spokesman Fred Langbein asserts flatly that "no wiretapping was found nor was there any evidence of a previous tap." Langbein adds that it is not telephone company practice to disclaim FBI taps.

When Boggs fired his broadside on April 5, both Hoover and Attorney General Mitchell denied the charges, which the latter termed "reckless and cruel." Nothing Boggs said Thursday invalidated that description.

One of the saddest aspects of the whole sordid affair is that it will be used to discredit those who believe for other and more valid reasons that the 75-year-old Hoover ought to accept the honorable retirement which he has surely earned after 47 years at the helm of the FBI. Boggs, failure to substantiate his wild charges has only served to delay the day when Hoover will admit that it is in everybody's best interest for him to hand over the direction of the FBI to a younger man.

That cannot be helped. The gentlemanly thing for Boggs to have done would have been to admit his error and to confess that, as Deputy Attorney General Kleindienst suggested shortly after the April 5 incident, he was, at the time he made his original charges, "sick or not in the possession of his faculties." Having failed to follow this course on Thursday, however, there is small chance that Boggs will elect to do so in the future.

All in all, a disgraceful performance.

Weekly News Column of Congressman William L. Dickinson

Washington, D.C.—Several weeks ago I had the privilege of meeting with the only director the Federal Bureau of Investigation has known since its beginning 46 years ago. J. Edgar Hoover, alert and active, looked like a man much younger than his 75 years. The heavy responsibilities of Mr. Hoover's job as "the chief protector of America's Internal Security" have not deterred his activities; in fact, the director seemed to me to be working harder than ever and keenly aware of all department investigations. I would like to report to you Mr. Hoover's observations and investigations on the Black Panthers. . . .

The Black Panthers have generated a cadre of support among the elements of the left and those ultra-liberal claque who embrace almost any cause that is against traditional American values or government by law and order. Members of the Panthers have, to date, been convicted of 409 major crimes, with 310 cases still pending action—some 719 instances of violence and lawbreaking. Contrary to liberal and left-wing belief, this group is *not* the upstanding organization which is supposedly fighting for the rights of ghetto residents.

In a Subcommittee report, Hoover said of the Panthers: "While falsely claiming their intent to protect the black community, Panthers have in fact assaulted and threatened Negro citizens" and intimidated neighborhood stores into contributing food and money. He termed the group as "consisting mostly of hoodlum-type revolutionaries," and said they are "dangerous from an internal security standpoint." He noted that during the past two years, authorities have confiscated 125 machine guns, sawed-off shotguns, rifles and hand grenades as well as thousands of rounds of ammunition.

Hoover said: "Let us clear away the rhetoric and confusion purposely generated to shroud the Black Panther issue and get it back into proper perspective. . . . An organization which stockpiles illegal weapons, trains in guerrilla warfare and seeks confrontation with enforcement officers for the expressed purpose of killing them is certainly in violation of the law. . . . Responsible citizens of all races have the right to demand and expect continued vigorous prosecution of any law violator—including a Black Panther."

He noted: "Currently, law enforcement agencies throughout the country are wrongly accused of harrassment by many well-intentioned but uninformed voices echoing outright lies generated by the Black Panther Party." He pointed out that the Panthers admit they use Marxist-Leninist doctrines and have openly called for the assassination of the President and the violent overthrow of the Government. He said Panther speakers made 189 appearances at colleges last year, getting up to $1,900 for each talk. Hoover said the FBI is operating under "lawful process" in bringing the Panthers under control, but that many mistakenly believe their charges of "genocide" and "harassment."

The Panther motto, expressed in "The Black Panther" their official newspaper is "The only good pig is a dead pig." The Panthers caution against using small-caliber weapons that may not kill and urge large-caliber guns "to knock the pigs out of their shoes."

We should pay particular attention to Mr. Hoover's remarks for he is in a position of high credibility. We can be grateful for men of his integrity who have devoted their life to public service.

Weekly News Column of Congressman William L. Dickinson

Washington, D.C.—I am deeply disturbed over the recent organized attacks from several quarters upon the Federal Bureau of Investigation, and especially upon its director, J. Edgar Hoover himself.

Like all public figures, Mr. Hoover is subject to intensive scrutiny and criticism. It is far-fetched and intemperate, however, to compare this giant of law and order with adopting the "tactics of the Soviet Union and Hitler's Gestapo." Mr. Hoover has dedicated his entire life to impartial enforcement of our federal statutes. To most Americans, he is the epitome of honest and efficient government service. He has long been the target of Communists, criminals and anarchists, but now we find misguided politicians joining his foes to remove him from office.

Why the uproar? Has he been found guilty of any misdeed? The answer, of course, is that this whole effort is entirely without justification. Mr. Hoover is scrupulous in obeying the rulings of Congress and the courts. His superiors, Attorney General Mitchell and President Nixon, support the FBI chief fully. He has devoted 47 years to the FBI (under 8 presidents and 16 attorney generals), and he is solely responsible for the impeccable reputation enjoyed by that organization.

No critic of Mr. Hoover's age disparages his mental agility or reasoning capacity. Nor is it essential for the director of a tough law enforcement agency to have universal popularity as well as respect. The fact of the matter is that his personal integrity is without blemish, and the FBI remains the most outstanding law enforcement organization in the world.

Those who would engage in unwarranted personal attacks upon the director of the FBI should weigh their words carefully, unless it is their goal to detract from the effectiveness of the agency. Quoting from a portion of the letter I wrote the President: "Mr. Hoover has my utmost confidence, and I hope you will not be swayed by scurrilous attacks upon him personally and upon the Federal Bureau of Investigation. Our enemies—both foreign and domestic—would like nothing better than an ever-increasing criticism of the FBI. I hope you will remain firm."

Mr. BROYHILL of Virginia. Mr. Speaker, it is difficult to weigh the value of one man in relation to his own and the other nations and people of the world.

History is the final arbiter of every man's fate. Let it so judge the man we honor today—the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation.

In my opinion that judgment—on the day each facet of his character, ability, and accomplishments are laid on the scales of justice—J. Edgar Hoover will stand among the great Americans who has dedicated his life to saving the nation he loves.

If any man in America is to be known by the enemies he keeps this man, J. Edgar Hoover, ranks at the top of the hatred list compiled by those who have made crime, communism, and corruption a way of life.

Those who hate him, those who send the slings and arrows of slander at his lifetime of service, do him honor today—for after a lifetime of trying they cannot yet, at this moment, pierce the shield of his integrity. It remains unscarred, impenetrable, a human Gibraltar of honor, duty, country.

They try, Mr. Speaker. They are still trying. And they are still failing. Thank God, Mr. Speaker, that they are.

J. Edgar Hoover is not a myth nor a monument. He is a man, Mr. Speaker, a man today as he has been for—years a man who puts in a full days work for a full day's pay.

No other man has ever heard him complain that he is overworked; no other man has ever seen him cringe at the hazards of his job; no other man, woman, or child in America has ever borne witness to his having committed a dishonorable act, a moral wrong, nor an illegal decision.

No one ever will. He is as incapable of doing so today as he was as a young man whose first task, by Presidential assignment, was to clean up the Nation's investigative agencies and keep them clean.

Massive and lurid scandals have rocked other intelligence and investigative services throughout the world and here at home. But never the FBI.

Defectors, homosexuals, drunks, and deadbeats have peopled the select services of almost every other agency in the world devoted to curbing wrongdoings by people or nations. But not the FBI.

Directors, administrators, yes, political leaders—even Presidents—have fallen by the wayside of corrupting and malfeasance. But not the FBI nor Mr. J. Edgar Hoover.

We who salute him today do so for this untarnished record. When we do, we salute the thousands of dedicated men and women who have and continue to serve beside him with pride and competence.

He will not falter nor fall, Mr. Speaker, because the American people—the good and loyal American people—will not let it happen.

Let us serve notice today, Mr. Speaker, that this Congress and those to follow, stand with the Honorable J. Edgar Hoover, today, and tomororw.

America needs this man, Mr. Speaker, as it cries out for honesty, courage, and dedicated service.

We who called him to duty Mr. Speaker, long ago issued our verdict of him as a man and an American. It will withstand the cheap sniping from the political and jungle gutters today, but only if we are ever alert in reaffirming it. In proud testament to my personal admiration for the man and the FBI, I urge, Mr. Speaker, that each of us in our prayers and our actions reaffirm our faith in the Honorable J. Edgar Hoover and in his strength, his service, and determination, may he remain on the firing line of decency and duty for many years to come.

Mr. McCLORY. Mr. Speaker, I wish to commend my colleague from Illinois (Mr. COLLIER) for his initiative in extending congratulations to the distinguished Director of the Federal Bureau of Investigation on the occasion of his 47th year with the FBI. The worldwide reputation of the FBI is due in no small part to the high quality professional service which has developed under Mr. Hoover's leadership. It would take many pages of the CONGRESSIONAL RECORD to enumerate the successful investigations and prosecutions which have resulted from the expert investigative work of the FBI.

This record of the FBI under Mr. Hoover's direction is appreciated by all—particularly in this day when many would seek public attention by leveling attacks against law-enforcement officials. Indeed, it seems well to pause and reflect on the important work which all investigative and law-enforcement agencies perform. The existence of an orderly society is dependent upon their professionalism, their courage, and their dedication to the public safety and welfare.

Mr. Speaker, I join in commending J. Edgar Hoover on his service to the Nation and wish him both good health and an extended active career. He is entitled to our honor and respect and this is a most appropriate occasion for expressing those sentiments.

Mr. McCOLLISTER. Mr. Speaker, last night I was rereading some of the newspapers from the last few weeks. I was particularly noting some of the charges which have been brought against J. Edgar Hoover and the FBI lately. In the midst of reading the articles, they suddenly began to sound quite familiar—almost as if I had seen all of this somewhere before. I leafed back through some materials I had, and came across a few newsclippings dated 1950. This, in essence, is what the articles seemed to say:

> Senator Joe McCarthy has lodged unprecedented charges against the State Department, saying it contains 57 card-carrying communists. He has accused Secretary of State Dean Acheson of being fully aware of the situation, but says Acheson refuses to do anything about the communists.
>
> In a radio interview, McCarthy said, "I don't claim to be the FBI, so when I have the names of 57, you can be right well sure there's a lot more."
>
> The Senator said he would provide the names of the communists and his sources, but nothing has ever been forthcoming.

Mr. Speaker, when I was rereading the articles, I started substituting the name BOGGS in place of the name McCarthy. And when McCarthy spoke of communism, I inserted the words FBI and J. Edgar Hoover. The similarities in the two situations were astounding.

The charges against Mr. Hoover have gone unsubstantiated, as we all knew they would. And I would like to pay tribute today to a man who deserves the widespread respect he has had over the years. He has served our Nation with a devotion and ability, and, under his direction, the FBI has done an unparalleled job of protecting our American citizens and their principles.

Mr. Speaker, I am honored to join my colleagues in honoring one of the Nation's great leaders and patriots.

GENERAL LEAVE

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of this special order in tribute to J. Edgar Hoover and to include extraneous matter.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE LATE MILTON A. PEARL

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House the gentleman from Iowa (Mr. KYL) is recognized for 60 minutes.

(Mr. KYL asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE TO EXTEND

Mr. KYL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the life and service of the late Milton A. Pearl.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. KYL. Mr. Speaker, very few outside of the Congress realize the scope of the contributions made continually by good committee staff members. Nor can others know the very deep personal relationships which develops between Members of Congress and these counselors.

A week ago Milton A. Pearl, counsel of the Subcommittee on Public Lands of the House Committee on Interior and Insular Affairs, died suddenly here in Washington.

I take this special order today to help honor Milton Pearl who was indeed one of the finest persons on a staff long known for its total excellence. I have good reason to honor him. I appreciated his competence. I treasured his friendship.

On Sunday last, at a memorial service, the gentleman from Colorado (Mr. ASPINALL), chairman of the Committee on Interior and Insular Affairs, delivered a tribute to Milton Pearl, a tribute which expressed not only the sentiments of the chairman but also a host of others of the House who had the pleasure of working with this very fine individual.

I ask unanimous consent that the tribute of the gentleman from Colorado (Mr. ASPINALL) be placed in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The tribute referred to follows:

EULOGY OF MILTON A. PEARL

(By WAYNE N. ASPINALL, chairman, Committee on Interior and Insular Affairs)

Rabbi Bash, my friends: When I was honored by being asked to say a few words this afternoon in tribute to our recently departed loved one and friend, Milton Pearl, I understood fully how words of mine would be all too inadequate to express the deep love and sincere affection which all of us have experienced as we worked, walked and talked with him while he was yet among us. I feel this inadequacy of mine all the more so, as all we have left of him now are the memories of his gentle, compassionate, loyal and understanding spirit and personality together with his fine and valuable contributions to mankind.

When the all-persuading hand of his Creator and God was laid on the shoulder of Milton Pearl, time stood still for his loved ones, his friends and his co-workers. Life will never be quite the same for any of us anymore. We not only have lost his physical presence, but he has taken even part of each one of us with him. But, how meaningful and wonderful it is that he left a great part of himself with us—a contribution which has heretofore, and will from the moment of his departure on, make us the fuller and richer because, for a while here on earth, he was a part of us.

These are hours of sorrow for all of us, my friends. This is not because of Milton's last journey, but rather because of the great void that his final departure leaves here among us—a void that no one else can ever fill because Milton was a man of special talents.

But, as the poet Wilde has written: "Where there is sorrow, there is holy ground." Yes, we, in our sorrow today, stand on holy ground, because our sorrow is so real, so poignant, so meaningful and so personal. The physical gem is gone. But, oh, how lustrous the beauty of the memories of that earthly temple that was with us for a while.

Addision left us his thoughts about one's final earthly farewell as he wrote: "Death only closes a man's reputation and determines it as good or bad." What a pleasant and joyous task it is for us who remain to measure the earthly reputation of a man such as Milton—a friendly obligation at this time because the door of his earthly life has been closed forever. There is no remaining alternatives for us. Accordingly, we accept without hesitation our opportunity of assessment of his reputation because of his great contribution to all of us.

Milton Pearl, in his journey with mankind, was an obedient and industrious son who brought honest, sincere and righteous pride and joy to his parents and family. He spoke often of his boyhood and early youth. It was always with heartfelt appreciation and joy that he had been privileged to be a part of his family and to grow in stature and mind in their presence.

Milton Pearl loved and sacrificed joyously for his loved ones especially those of his own immediate family. His daughters, Andrea and Joycelyn, were his pleasure and joy; and for their mother, Eleanor, he showed always understanding, respect and consideration. The last two years of his life were spent with his surviving widow, Muriel. These were most happy years for them as they worked and played together. She was his great inspiration. Their problems were his problems without any complaint or reservation. His legacy to each one of them is rich beyond description.

From the earliest days of his personal understanding of self-discipline and self-determination, Milton Pearl knew what he wanted to do with his life. Accordingly, he became a lawyer, an appraiser of real property, an active participant in the furtherance of his community's and nation's welfare—even to active service in his country's military—an able, industrious and efficient public servant.

His record of accomplishments is written and will be further elaborated on by many others. However, at this time, I wish to speak briefly and testify personally as to his work of the last ten years, because it was during this time, after he had come to work in the congressional process, that I personally came to know Milton Pearl.

He was industrious to the degree of uncomplaining sacrifice of his own personal time and desires. He was an unselfish contributor of his own great talents, intellect, logic, rationalism, loyalty and understanding. He was fair and generous as he accepted and gave direction. He possessed a memory far beyond that of most of his associates. He was dedicated to the work at hand to the extent that his own physical self suffered. He was loyal to his employees, his employers and friends far beyond the call of duty. When called upon to do so by those in charge, after presenting eloquently his personal views, he was willing and able to present and further the views and decisions of his supervisors.

I know whereof I speak: I was Milton Pearl's trusted friend and he was mine. To Milton Pearl, more than any other one individual, belongs the credit for the contribution of the Public Land Law Review Commission, its work and its report. And, yet, the decisions were not directly his, nor did he ever voice destructive criticism of any of the work of the Commission. On the other hand, throughout all of this great and universally recognized work, runs the thread of the genius and talents of Milton Pearl. Those who know and understand say, "Thank you, Milt", in full appreciation and deep sincerity.

Milton Pearl was a humble and gentle human-being. He never intentionally wounded physically or mentally another human-being.

The writer Raymond penned the following commentary: "Life is eternal; and love is immortal; and death is only a horizon; and a horizon is nothing save the limit of our sight."

Another poet wrote: "Oh write of me, not died in bitter pains, but emigrated to another star."

Milton's faith was such that all of us who knew him realize fully that his has been such an emigration. As he embarked on that journey, he left behind for us his great contributions of gentleness, of love, of understanding, of affection and service. So, we bid him a loving farewell, sincere and appreciative thanks, and a thoughtful prayer for a safe and successful journey.

Mr. FOLEY. Mr. Speaker, will the distinguished gentleman from Iowa yield?

Mr. KYL. I am glad to yield to the gentleman from Washington.

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I would certainly like to commend the gentleman from Iowa for taking this special order to recognize the long and distinguished service of the late Milton Pearl.

The gentleman said at the beginning of his remarks that an overwhelming number of our citizens do not understand or appreciate the very significant contributions that are made by expert and dedicated staff members of the Congress in all its deliberations and efforts. Whatever success we have in the Congress of the United States is due in no small degree to a largely unheralded staff. Certainly an outstanding example of that staff contribution was the dedication, expertise and effort of Milton Pearl. He was appreciated not only by the members of the Committee on Interior and Insular Affairs who served with him but by every Member of Congress who came in contact with him. We recognize our indebtedness to him, honor his services to the Congress, and mourn his untimely passing.

Mr. KYL. I thank the gentleman from Washington for his contribution.

Mr. ASPINALL. Mr. Speaker, I would like to express my appreciation to Mr. KYL for reserving this time today in order that we may pay tribute to the rewarding life and the outstanding and effective service of the late Milton A. Pearl to the Congress and to the Nation.

I first became acquainted with Milton Pearl during the 1950's when he represented the Secretary of the Army before the Committee on Interior and Insular Affairs and other committees of the Congress on legislation involving military real estate matters. Before that period of responsible service, he had many years of training with the U.S. Army Corps of Engineers in various real estate assignments, a part of which time was spent in uniform. Members of the Interior and Insular Affairs Committee were very much impressed with the ability and knowledge which Milton Pearl exemplified during those early appearances before the committee and it was our committee's good fortune that, in February of 1961, we were able to lure him away from the executive branch and retain him on the professional staff of the committee as consultant on public lands, minerals, and mining matters.

During the next 4½ years, his professional conduct earned for him the respect and recognition of his capability by Members of this body, both on and off the committee. His work resulted in a unanimity of accord on both sides of the aisle for the valued, professional, objective, and craftsmanlike manner of his work. He demonstrated professional conduct not beholden to any political party, not beholden to any pressure group, and secure in the knowledge of acceptance for ability and technical competence, and for these alone. It was during these years that Milt and I became closely associated, as fellow workers and friends.

And so, when the Public Land Law Review Commission was created by the Congress in 1965 to review and recommend the updating of the public land laws of the United States, it was not unexpected that virtually all users of the public lands, from industrial and consuming users to the conservation and wildlife users, urged that Milton Pearl be given a leading role in this enormous task. As a result of this support and the confidence expressed by the 19-member Commission, Milton Pearl was appointed staff director for the Commission.

The Commission's gain of an effective leader meant, of course, a great loss to the committee. I recall that when I announced to the committee that Milt was leaving our staff, there was a spontaneous and unanimous outpouring of the sense of loss which the committee felt. Practically every member of the committee at that time expressed his admiration and respect for Milton Pearl.

Mr. Speaker, I had the honor to be chosen as Chairman of the Public Land Law Review Commission by its 18 members comprising six Members of the Senate, six Members of this body, and six members appointed by the President. Without the confidence I had in Milton Pearl, I could not have accepted this great responsibility. With the load of a committee chairmanship already on my shoulders, I had to have someone to whom I could turn over the directional authority for the day-to-day operations of the Commission. I had such a person in Milton Pearl.

The work of the Commission is now past history and is well known throughout the Nation. Our report was presented to the President and to the Congress in June of last year.

Because of his great contribution, the Commission's work and its report will serve as a memorial to Milton Pearl in the years ahead.

The work of the Commission took 5 years and cost about $7 million. Reflecting the vastness of the acreage owned by the United States, the Commission's report is entitled "One-Third of the Nation's Land." With the work of the Commission finished, the next step is to develop, in cooperation with the executive branch, legislation to try to unravel the complex web that constitutes the chaoic legal jungle of public land laws that has grown up since the inception of the Union. It was in this endeavor that Milton Pearl was engaged at the time of his untimely death. We had persuaded Milt to return to the committee staff as special counsel on public lands to undertake this task. I fear that the enthusiasm and intensity with which he tackled this new challenge may have shortened his life.

Mr. Speaker, it was my great honor to have the opportunity to eulogize Milton Pearl during the funeral service here in Washington last Sunday. Mrs. Aspinall and I join Milt's legion of friends throughout the Nation in expressing our most sincere sympathy to the friends and the wonderful family he leaves behind.

Mr. SKUBITZ. Mr. Speaker, I join my colleagues in mourning the death of Milton A. Pearl and I want to extend to his family my deep-felt sympathy.

Milton A. Pearl will be well remembered by all of us who knew him and the impact of his work will be felt by generations to come. He was a scholar of the first order, a gentleman, and an authority in his field. Milton Pearl spent his entire career as an attorney and technician in real estate and public lands work. As a professional member of the House Committee on Interior and Insular Affairs, during the 87th, 88th, and the first 7 months of the 89th Congresses, Milton Pearl earned for himself an enviable reputation for integrity and excellence in his work. That work included among other work the establishment of the Public Land Law Review Commission, preparation of the Classification and Multiple Use Act, Public Sales Act, Wilderness Act, and amendments to the Mineral Leasing Act.

The fact that he was appointed the staff director of the Public Land Law Review Commission is evidence of the esteem in which Milton Pearl was held by the users of the public lands, from industry to ardent conservationist. We shall all miss Milton A. Pearl, but we can all feel comfort in the thought that he truly was one that left that which he touched a little bit better for his having done so.

Mr. STEIGER of Arizona. Mr. Speaker, I want to associate myself with the remarks of my colleagues in paying tribute to the memory and work of the late Milton A. Pearl, a valued professional staff member of the House Committee on Interior and Insular Affairs, of which I am privileged to be a member.

It is difficult to eulogize a man like Milton A. Pearl, for spoken words are inadequate to describe the intangible legacy he left. Competence, integrity, and performance are adjectives that come to mind when I think of Milton Pearl. His contribution to the study and development of policy for the utilization of public lands, his advocacy of the causes he chose to champion, his service to the House Interior Committee on such technically complex matters as the morass of public land laws, mining laws, and mineral laws, the unfailing accuracy of his counsel and warmth of his personal friendship are some of the things for which he will be remembered.

I feel a deep sense of loss in his absence, but that loss is coupled with a feeling of privilege and pride to have known him and in part to have been a beneficiary of his personality and expertise.

I extend my condolences to his family.

Mr. HOSMER. Mr. Speaker, I would like to join in the remarks made by my colleagues in tribute to the memory and work of the late Milton A. Pearl.

I was dismayed upon receiving the news of his untimely demise. Milton Pearl was a valuable consultant and staff member of the Committee on Interior and Insular Affairs. His contribution to the study and development of policy for the utilization of public lands was most significant. We were indeed fortunate that Mr. Pearl chose to devote his considerable background, education, and ability to public service. Indeed, we have been most fortunate that the responsibilities inherent in advising and assisting us in the formulation of public land, mining, and mineral laws were entrusted to so able a gentleman. Upon the occasion of his appointment as Director of the Public Land Law Review Commission in July of 1965, I expressed my regret at our loss of his fine counsel. Now, after his return to us, to aid us in the implementation of some of the recommendations of that Commission's work, his loss is, and in the future will be, most deeply felt.

I, too, extend to Mr. Pearl's family and host of friends my deepest sympathy in their bereavement.

Mr. HALEY. Mr. Speaker, today, I join my colleagues on the House Committee on Interior and Insular Affairs in paying tribute to a departed friend, Milton A. Pearl, who served us, the Congress, and the Nation so well in so many capacities. My first real association with Dr. Pearl came in 1961 when he joined the staff of the Interior and Insular Affairs Committee, where he worked as consultant on public lands and mining and was responsible for the staff work on legislation in those fields during the 87th and 88th Congresses and the early months of the 89th Congress.

Because of his able and effective service, it was appropriate that he leave the committee to become the Director of the Public Law Land Review Commission, where he did an outstanding job.

When that work was completed he returned again to a position on the Interior Committee staff.

His untimely passing was a great shock to me and my associates. He was held in the highest esteem by all who knew him. He was a kind and gentle man. He was a friend. He will be missed greatly. I extend to his family my deepest sympathy.

Mr. JOHNSON of California. Mr. Speaker, it is with a great deal of sadness that I rise today to pay tribute to one who has served this Nation so well for the loss which we all feel, not only personally but professionally, is very deep.

As a relatively new Member of Congress and of the House Committee on Interior and Insular Affairs I became an admirer of Milt Pearl's dedication, knowledge, and experience. As a newcomer, and one representing an area with tremendous acreage of public land, an area which is strong in mining history and lore, Milt Pearl became a close friend and whenever I was faced with questions pertaining to mining and minerals I very quickly found that I could always turn to him for both accurate advice and information. He has been a teacher to me in matters pertaining to public land laws as well as those relating to mining interests and problems.

His guidance has been valuable to the people of the Second Congressional District and I feel that as a result of his efforts we have made some progress in these important areas. Mr. Pearl visited California several times and had a wide acquaintance within the State. People of California think very highly of him and they mourn his passing.

On behalf of myself, my wife and the people of the Second Congressional District and the State of California I want to extend our deepest sympathy to his fine wife and his family. We all are going to miss Milt, who will always be remembered for his unselfish and dedicated service which was a hallmark of his career in private life, the military, the executive and legislative branches of Government, and in his recently completed tour as Executive Director with the Public Land Law Review Commission. The entire Nation has benefited tremendously from his outstanding record of achievement, of which we all can be proud.

Mr. O'HARA. Mr. Speaker, with the untimely passing of Mr. Milton A. Pearl, the Nation has lost a dedicated public servant and the House Interior Committee a most capable advisor. Mr. Pearl was an expert in the very complicated field of public land law. During his congressional career, he helped formulate a number of laws which provide for the rational use of our public lands, including the Wilderness Act, the Classification and Multiple Use Act, and the Public Land Sales Act. His experienced counsel will be sorely missed by the full committee, and the Subcommittee on Public Lands. I extend my deepest sympathy to his family.

Mr. RONCALIO. Mr. Speaker, above Dubois, Wyo., shortly before you start the long climb toward Togwotee Pass, there is a simple monument that sets off on a lonely little knoll. It is a worn monument and it warrants no more than a glance, a mere moment of curiosity from the thousands who have hurried through the scant and lonely country.

For those who climb the knoll to satisfy their curiosity, the legend is simple. It is brief. A small dedication to a breed of men no longer a part of the land; "tie-hacks' they called them, hard-working robust men who asked little and gave all out of some old and timeless virtue that hard work was the mark of a man, accomplishment its own reward. There was only one thing they could say after hacking ties all day. They could straighten up, look at the dying sun, and say that this load of ties would be 1 more mile west. The work was hard, the reward was meager.

Nobody else climbs this knoll but it is there. A simple legend that carried the greater seed of men who were imbued with that particular American hunger—westering. There will be thousands more who will come down another road and not know Milton Pearl but of us who knew him, we will have known a man of the westering breed. He will be missed.

Mr. TAYLOR. Mr. Speaker, when the candle of life is snuffed out and the sadness of the darkness surrounds us, it lightens the burden of our sorrow if we can remember the experiences which made our association meaningful.

As one whose association with the Committee on Interior and Insular Affairs closely paralleled my own, Milton Pearl became my good friend and a valued adviser I, like everyone, was shocked and saddened at his passing.

For me, it was especially helpful to benefit from his years of experience as a Federal lands specialist. Coming, as I do, from a State with no public domain, I learned a great deal from Milt about public lands problems and opportunities, and that basic knowledge has been useful to me in the years that have followed.

My association with Milt Pearl went beyond his service to the Committee on Interior and Insular Affairs, because I served on the Public Land Review Commission, as well. In the years that the Commission existed, my respect for Milt's ability expanded and I looked forward to relying on his expertise when he rejoined the committee staff as a specialist to help formulate a program for the implementation of the Public Land Law Review Commission recommendations.

We will miss our friend for many reasons, but we can take consolation from the fact that his life was a fruitful one. His ambitions were converted into effective action and his energy and ability were transformed into constructive achievements. Our personal sadness at his passing cannot be diminished, but it is somewhat assuaged by the knowledge that his contributions to the life and well-being of his fellow man will endure.

Mr. UDALL. Mr. Speaker, the wheels of a government such as ours, dealing as it must with problems involving an infinite number of variables depending upon one's viewing perspective, require men of exceptional talent if those wheels are to turn at all.

Such a man was Milton A. Pearl who we honor here today.

I came to know Milt, first as public lands and mining consultant for the Committee on Interior and Insular Affairs, then as Director of the Public Land Law Review Commission. It was my good fortunate to work with him on both bodies.

Milt was a dedicated craftsman. He was one of those rare individuals with the capacity to view big issues in both their broad perspectives and in their minute details. He probably worked longer and harder than any man I knew.

When the Public Land Law Review Commission was established, the task was thrown to him. This was to be a truly monumental and pioneering undertaking and few men could have assembled the staff, organized the study and seen it through to successful completion. Milton Pearl was one of those few.

Yet, as his staff will tell you, for all of his burden of work and for all of the pressures upon him, he was the kind of person who would listen to someone else's troubles and extend a helping hand if he could.

I feel I have lost a friend but even more sad is the fact that a conscientious and able public servant, in the highest sense of the word, is gone.

I include the following:

MILTON A. PEARL, DIRECTOR, PUBLIC LAND LAW REVIEW COMMISSION

Entire professional career in real estate and public lands work as attorney and technician. Immediately before assuming present position was member, professional staff, Committee on Interior and Insular Affairs, House of Representatives. As consultant on public lands and mining, was responsible for staff work in the House on public lands and mining legislation during 87th and 88th Congresses and the first seven months of the 89th Congress, including establishment of Public Land Law Review Commission, Classification and Multiple Use Act, Public Land Sales Act, Wilderness Act, and amendments to Mineral Leasing Act.

By designation of the Speaker acted as adviser to the United States Delegate, International Lead and Zinc Study Group meetings, 1963 and 1964.

Prior to congressional staff work represented the Secretary of the Army on land matters before congressional committees.

Affiliations: American Bar Association; Federal Bar Association, American Institute of Real Estate Appraisers (awarded MAI designation); Washington Board of Realtors, National Wildlife Federation; Alpha Lambda, honorary land economics fraternity.

Teaching: Professional Lecturer on real estate, School of Business Administration, The American University; formerly lecturer at Pohs Institute of Real Estate, New York City.

Publications: Contributor to Rocky Mountain Mineral Law Institute, the Appraisal Journal of the American Institute of Real Estate Appraisers, Journal of Forestry, and other professional publications.

Background: 1937–1943, practice of law, real estate management. 1943–1946, in Army, with last year of service in Real Estate Division of the North Atlantic Division Engineer Office, New York. 1946–1960, as civilian employee of the Corps of Engineers, occupied progressively more responsible positions culminating in representing the Secretary of the Army as referred to above. 1961–1965, staff, House Interior Committee.

Education: A.B., 1934, Washington Square College, New York University. J.D., 1936, New York University School of Law.

Born: March 19, 1914.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Although Luther Burbank won both fame and honor, he thought of himself as a good gardener. During his many years of work, he created more than 220 new plants and improved many old ones. In a message to a group of schoolchildren he said:

> Tell them this is a beautiful world full of wonders . . . Tell them to have confidence and faith. Who knows—one of them may do all that I have done and more.

DISTRICT OF COLUMBIA FIREMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, inasmuch as I was away from Capitol Hill on official business in connection with my Post Office and Civil Service Committee assignment when the House considered and voted on H.R. 5638 earlier today, I wish at this time to express my support for this legislation and my pleasure at the unanimous approval it received by the Members of this body.

This bill, which would extend the penalty provisions for assaulting a policeman in the District of Columbia to assaults on firemen, fills a void in the law which has sorely needed attention. At the present time, there is no law in the District which would make it a crime to assault or otherwise interfere with a fireman when he is performing his official duties.

The need for such legislation first came to my attention in 1968 during the Washington riots. My colleagues will recall the harassment and interference which the firemen experienced when quelling fires arising out of the riots. In response to this problem, I introduced legislation in the 91st and 92d Congresses which would make it unlawful to injure, intimidate or interfere with any fireman performing his duties in the course of a riot.

In the 92d Congress, I also introduced legislation which would amend the Federal law much in the same way the bill before us amends the District of Columbia Code, however, with stiffer fines and penalties.

District of Columbia Firemen have continued to be subjected to harassment and interference when attempting to respond to fires. The committee has pointed out in its report several excellent illustrations of the type of harassment which has plagued the men of the Fire Department in the last year or so, and I insert these in the Record for your information:

Exhibit No. 1

District of Columbia Fire Department

(Engine Co. No. 27, Platoon No. 2)

May 30, 1970.

Memorandum to the Fire Chief:

Subject: Unit shot at while responding.

While responding on Box Alarm 998 this unit was shot at several times, one shot breaking the windshield of the pumper, one going into the cab of wagon, and the rest going wild.

Communication Section was notified that we were at 50th Pl., and Hayes St. and to send the police.

We then left the area and met the police at 49th St., and Deane Ave., N.E.

No one was injured and the only damage was to a broken windshield on S–198.

Sixth District Police Lt. Light and Sgt. Simmons along with 8th B.F.C. McDermott investigated and made a report.

Apparatus Division was notified and Job No. H–7822 received.

The Box was received at 1:38 P.M. and unit placed in service at 1:41 P.M. In quarters at 2:05 P.M.

Thomas W. Scott,
Lieutenant.

8th BFC Endorsement is attached.

Exhibit No. 2

District of Columbia Fire Department

(Engine Co. No. 30, Platoon No. 3)

April 12, 1969.

Memorandum to the Fire Chief:

Subject: Stoning of Apparatus and Personnel.

At 11:55 P.M. on April 11, 1969 this unit responded on S.A. 9438 at 58th and East Capitol Streets and on arrival found two fires burning. As we dismounted the apparatus we received a volley of rocks and bottles which came from a group of about twenty older teenagers (15 years old and up) in a nearby alley. Pvt. W. J. Boyd was hit by a missile at this time and a call for Police assistance was made immediately.

Since one of the fires required immediate attention we remained on the scene and from time to time encountered additional rocks. After the fires were extinguished and the Police had not yet arrived I decided it would be advisable to move the apparatus to a safe location. While moving the apparatus back to East Capitol Street we were stoned again.

There were no injuries to personnel and no damage to the apparatus. A more rapid response on behalf of the Police Department would have greatly relieved a tense situation.

Dennis L. Boatman,
Lieutenant.

Exhibit No. 3

District of Columbia Fire Department

(Engine Co. No. 30, Platoon No. 1)

September 4, 1970.

Memorandum to the Fire Chief:

Subject: Rock-throwing assault.

On September 4, 1970, this unit was subjected to a rock throwing incident. The location was the 200 Block of 53rd St. N.E., where we responded to a Local at 12 Midnight. Upon arrival, 2 dumpsters were fully involved. A group of ladies approached me as I got off the apparatus and in a hostile manner informed me that they had set the fire as a protest to the government for not collecting the garbage. In a courteous and respectful manner I informed the ladies that starting fires as a protest was unlawful, and they should inform the mayor's office of their complaint. They greeted this advice with obscene words. Suddenly, Private Strine was hit with a stone in his back, Private Green was struck in the face with a small stone, and a bottle was thrown near me. None suffered injury. Since we have not had a rock-throwing incident in quite a while, I would assume that the recent bad press and TV coverage of our Fire Department might be the cause.

Joseph Varoff,
Lieutenant.

Exhibit No. 4

District of Columbia Fire Department

(Engine Co. No. 10, Platoon No. 3)

March 28, 1970.

Memorandum to the Fire Chief:

Subject: Special Order 65, Series 1969.

At 7:30 P.M. this date while standing on the running board of E–10's wagon to use radio, Pvt. Richard T. Sweeney of E–10 was struck on the side of the face by an unknown object which was thrown by an unknown person in front of 775 18th St. N.E.

There were a great many people standing around, both adults and children and as usual no one saw anything or knew who had thrown the object, there were several police officers on the scene and as usual they did not see anything either.

At this time Pvt. Sweeney is at the WHC for an X-ray of his face and jaw.

This incident was reported to Sgt. Yackley, Badge No. H–86 of the MPD, District No. 5.

R. E. Cross,
Captain E–10.

H.R. 5638 authorizes a stiff fine of not more than $5,000, 5 years imprisonment, or both, for actions of this nature, and with appropriate execution and enforcement this should serve to help eliminate the practice of harassing and interfering with the District of Columbia firemen while carrying out their duties.

IMPRESSIONS AND SUGGESTIONS UPON RETURNING FROM LATIN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, from April 10 to April 18, 1971, I was a delegate to the spring meeting of the Interparliamentary Union, held in Caracas, Venezuela. The following impressions and suggestions are based on my experiences there:

IMPORTANCE OF AMERICAN POLICY

I was impressed with the importance of the role of the United States in the future of Latin America. Everyone comments on this fact.

We are the giant neighbor. Every remark we make, every action we take or do not take, is noted and widely publicized. A single sentence on page 123 in Secretary Rogers' report to the Congress on U.S. foreign policy caused a storm of protest in Venezuela, and it took days of patient diplomatic effort to calm things.

There is an unfortunate but widespread expectation that a few changes in U.S. policy will correct all the problems of Latin America. This expectation is fueled by statements like that of President Cadera of Venezuela who said that he is "convinced that the future of the hemisphere depends upon the extent to which this great nation, the United States, reaches a decision to become a pioneer in social and international justice."

The importance of American policy is probably exaggerated by the Venezuelans, and arouses misleading expectations.

For improved relations in Latin America, however, it is vital for us to understand how carefully our actions are watched in Latin America. Such an understanding will save us from many errors of haste or neglect, and also remind us to do a much better job of communicating the reasons for our actions.

The feeling is often expressed that Washington does not understand what is going on in Latin America and that this country is insensitive to the needs of the hemisphere. Although official statements are always courteous, there is an underlying suspicion about American policy. Almost to a man, Venezuelans are deeply disappointed by our apparent lack of concern for Latin America. It has not missed their attention, for example, that there are very few Congressmen who have an in-depth knowledge of Latin American affairs.

In most of the conversations I had with Venezuelans, I was struck by the feeling that their attitude toward the United States was a kind of love/hate relationship, a curiously mixed blend of admiration and resentment. Given the dominance of the United States in the Western Hemisphere, this attitude may be the best we can hope for, but we should always be aware of both strains of feeling in their attitude toward us.

VENEZUELA

I was very much impressed by the importance of Venezuela as a test case of whether or not Latin America can avoid violent revolution. The issue is still in doubt and democracy is fragile. Everywhere people are saying that the 1973 presidential election in Venezuela will be a critical test of whether it can remain a parliamentary country. The star of Latin American democracy has waned in several nations, but democracy has been maintained in Venezuela for the past decade. There continues to be speculation about a coup, and there is great anxiety as to whether or not the present Government is moving quickly enough to meet the social problems and to persuade the populace that it is concerned about these problems. The feeling seems to be that the Venezuelan Government at the moment is not in any danger of military overthrow.

But I came away from Venezuela knowing that, even there, serious questions are being raised by many thoughtful persons about the capacity of a democracy, an open government, to deal effectively with the enormous economic and social problems.

It is worthy of note that the tempo of terrorist activity increasing from Canada to Argentina has not been present in Venezuela, at least not in recent months. The military continues to be concerned about the possibility of violence and points to a number of anti-Government groups capable of violence. The Venezuelans say, with their fingers crossed, that their country is currently an island of relative tranquillity. The President's action in granting amnesty to anti-Government forces in 1969 has helped. He legitimatized the Communists and related parties and the military has been energetic in the pacification program.

The economic vitality of Venezuela is apparent. The American Ambassador, Robert McClintock, has said that Venezuela can become the Japan of Latin America, and even the casual visitor notes the crowded and well-stocked shops, the traffic-clogged streets, the obvious wealth of many, the crowded restaurants, the weekend rush to the seashore, and other evidence of a throbbing economy. The visitor is not surprised to learn that Venezuela has the highest per capita income in Latin America, the soundest currency, relatively small debt burden, and an annual growth rate over the past 5 years averaging 4½ percent.

Even so, everywhere the cry is for economic development and social justice. If anything is certain, it is that Latins will no longer wait passively for a better life. They want to do something now about poverty, misery, hunger, illiteracy, and disease.

The single common denominator that unites Venezuela, if not all Latin America, is their striving for economic development and their struggle to teach, feed, house, and decently employ the rapidly expanding population.

I came away from Venezuela with the feeling that the Government wants very badly to make reforms—especially in eliminating the barrios, the squatter slums that surround Caracas and other cities. But I am also aware that there is a smoldering hostility that governmental inflexibility and lack of progress could easily ignite. Sincerity and a desire to get the job done will not be enough. No one can really say how much time the present Government has to deal effectively with its problems.

NATIONALISM AND INVESTMENT

You cannot be in Latin America very long without sensing the feeling among the people of the need for fundamental changes. Ferment is evident everywhere. The root causes of it are the rapid population growth, modernization, the migration from rural areas to the cities, the increase in communications and the rising tide of expectations, and the ever-widening gap between opulence and misery which exists between and within nations. The gap is especially evident in Venezuela, where great extremes of wealth and poverty exist within blocks of one another.

The ferment and unrest often manifest themselves in a strong and rising nationalism. The people are seeking much greater control over their own institutions, more independence from the United States, and, in some instances, they show this in an anti-United States attitude.

This attitude is understandable. Between 1961 and 1966, Latin America received $6 billion in U.S. loans and investments, but paid back double that in debt payment, interest on loans and remitted profits. Between 1961 and 1968, U.S. corporations netted $5.7 billion from their Latin operations. At the same time, U.S. imports from Latin America dropped from 21 percent of total imports to 12 percent—during a time when total U.S. imports rose more than 400 percent.

There has recently been a very sharp change in the investment climate in Venezuela. A few months ago it was the best climate for investment in Latin America. Today, the American business community is not so sure. They have been stunned by recent restrictive legislation and are trying to evaluate its future impact. The legislation came in the form of a new banking reform law and increases in petroleum profits taxes. The foreign banks are now to be at least 80 percent owned by Venezuelans and the largely foreign-owned petroleum industry is to be taxed more heavily, with the effective Government share of profits rising from 70 percent to 80 percent. Since the Government will now unilaterally establish reference prices on which the petroleum taxes are based, Venezuela will now decide how much profit foreign oil companies may earn. Previously, this was a matter for negotiation.

The abrupt change in the foreign investment climate arises from several factors. First, many Venezuelan products have been priced out of the market for exports. For many years, Venezuela has felt that oil would pay for everything. It depended upon that product to provide 90 percent of its foreign exchange earnings and two-thirds of its gross national income. Only 3 percent of the population pays income taxes. The Government has been following a policy of import substitution, forcing local manufacture of goods normally imported. This creates jobs, but means prices are substantially higher than they are in countries with larger markets and more effective use of mass production technology.

Second, an exploding population has increased the labor force faster than jobs have been created, and unemployment and underemployment are high, leading to economic discontent.

Third, the people have demanded that progress be made in dealing with the country's enormous social problems. Attempting to meet these problems, the Government faced deficits and tried to collect new taxes. Naturally, it turned to the oil companies and to other foreign investments.

Also, the petroleum supply market tightened, and the Middle East oil negotiations were noted. Their message was that it is possible for countries like Venezuela, which depend upon one commodity, to band together with other countries and get more money from the industrialized nations whose appetite for petroleum is unsatiable.

As if the legislative steps already taken were not enough, there is the fear among Americans and other foreign business interests that the Government will move toward new laws which will restrict foreign investment even further. There is consideration of a foreign investment code similar to one that will soon govern foreign investments in the Andean Group of Colombia, Ecuador, Peru, Bolivia, and Chile. This code is very restrictive, much more so than anything Venezuela has imposed so far. It would restrict the movement of foreign exchange, limit profits and impose domestic controls on basic industry, which Venezuela has not done in the past. For the moment, the American business community waits, watches and hopes that further restrictions will not be imposed.

SUGGESTIONS FOR AMERICAN POLICY

Several steps could be taken which would enhance our relations with our friends to the South.

It is apparent that a new United States-Latin American policy has been emerging. The Latins still want assistance, but with fewer strings attached. They want foreign investment, but not exploitation, and on their terms. They want more trade with a market for their exports. The new policy must take into account these attitudes, stressing trade, aid, and private investment more than the reforms which were the hallmark of the Alliance for Progress.

American policy is obviously important to the future of Latin America, but a sense of perspective is important. We should recognize that American policy can only influence events in minor ways. The future of Latin America rests overwhelmingly with the Latin Americans.

I. COMMUNICATION

Nothing is more important than for the United States to convey to the people of Latin America our deep concern for furthering economic development and social progress. Too often we are identified with the forces standing against change, for the status quo, and against the people who urgently want a new order of things. Unless we succeed in conveying a new posture, we will find ourselves increasingly alienated from our Latin neighbors.

Style and rhetoric of policy are almost as important as its substance. We have to do a better job than we have done in conveying to the Latin Americans our interest in and concern for their problems. The President and the Secretary of State carry the major burden of communication, but the Congress has an important role to play.

There is no belying the fact that the Venezuelans, and I suspect most Latin Americans, feel that the United States neglects and ignores them. They point out that little or no public attention has been given to our Latin America policy since the Rockefeller report and Presidential speech of late 1969. Almost to a man they are disappointed by present U.S. policy toward Latin America. It has not escaped their notice that America's chief foreign policy concerns have been elsewhere. It will take much better communication of our sensitivity to the problems of Latin America to rehabilitate U.S. policy toward that area.

In this country we must better understand the Latin Americans' loss of pride and dignity when confronted with the American Goliath. They want a better life, to be treated as equals, and to be able to develop their culture, economy, and life style in their own way. American policy must understand these central realities. Our policy must communicate that understanding to the people of Latin America—not just to their governments. We must bend every effort to identify and adopt our policy to the hopes and desires of the people for change, development, and progress.

Latin American events must be given more prominence in our our news coverage. Several Venezuelans mentioned to me that, while visiting the United States, they went for days at a time without seeing a single reference to Latin America in the news media.

Contacts between North and South America must be encouraged by increased travel, cultural exchanges, and people-to-people programs.

II. TRADE

We should adopt a trade pattern that gives the developing countries of Latin America tariff preferences for their products. Venezuelans, at least, are not much interested in aid; they are very much interested in trade. Our goal should be an open market and freer trade for Latin American products. We should strongly support efforts to reduce nontariff barriers to trade, and the elimination of nuisance duties on products of special interest to the countries of Latin America. The President should follow up on the promise made in his state of the world speech of February, 1971, that he would "soon" submit legislation to implement generalized tariff preferences, and Congress should promptly enact this legislation, when proposed. This step would increase trade of products now traded and create a new market in the United States for other products.

III. INVESTMENT

We must be sensitive to the fact that the role of U.S. foreign investment in Latin America is changing almost everywhere in response to the new political realities and the growing enlightenment of the American businessman.

Traditional U.S. efforts to control South American mineral wealth and the extractive industries cannot be swiftly erased or changed. Perhaps the best course would be to urge American companies to try wherever possible to enter into joint enterprises with other nations and to work carefully with the host country, which may wish a majority share of the enterprise. At the least, we must be open to new approaches to an investment relationship.

IV. DEVELOPMENT ASSISTANCE

Development assistance will be needed in Latin America for a long time to come. The trend toward the use of multilateral channels of assistance is desirable, and apparently is quite acceptable to the Venezuelans, if not to all Latin America. The Inter-American Committee on the Alliance for Progress has approved this trend.

The Congress should promptly approve the President's request to increase the authorization for the Inter-American Development Bank, which is becoming the major source of development funds.

The United States should also continue its bilateral assistance programs with special emphasis on technical assistance in the areas of agriculture, education, health, and population control.

I believe we are slowly learning the importance of sharing responsibility in U.S. assistance programs. The temptation has been for the United States to tell the Latin Americans what should be done. Reality demands that the United States participate with them in developing and implementing plans for assistance.

Assistance must be according to plans which the Latin Americans themselves approve, if not originate, and should be with as few restrictions on its use as feasible, and, if a loan, should be on easy terms.

We should be cautious in extending technical aid unless the technician is highly qualified with a knowledge of the language and culture of the recipient nation, and accomplished in human relations.

One hopeful sign in Latin America is the growing number of a new breed of leaders and technicians who have a sense of commitment to their country and a strong desire for economic and social progress. These men are agricultural experts, urban planners, housing and sanitation engineers, health and education experts. They are the best hope for progress, and I left with the feeling that things will go better for Latin America if their tribe increases. Our assistance programs should do all they can to multiply their number and strengthen their capability.

By so doing, we will help disabuse Latins of the notion we are trying to guide their development and we will affirm our belief that they should determine their own development policies. At all costs we must avoid the patronizing attitude that "Uncle Sam knows best."

The Inter-American Social Development Institute, created in 1970, will provide funds for nongovernmental institutions, like universities, credit unions, foundations, and represents an important opportunity to reach people directly, unhampered by the political sensitivities that can accompany government-to-government programs. It deserves strong support because it gets resources directly to private groups and will help bring about fundamental social change.

I must confess to disappointment at the attitude I encountered in Venezuela on population control. I hope it is not typical of all Latin America, but I fear it is. Latin America has the highest rate of population growth of any continental area in the world—some 3 percent per annum. This growth counteracts economic growth rates, causes congestion in the cities, strains educational, health, and other services. We must continue to push hard for acceptance of the need for limitations on the rate of population growth.

The Peace Corps seems to have been well received in Venezuela. It is adopting its new form in Venezuela with increasing emphasis on skilled volunteers. It is one of our more successful efforts in assistance to Latin America.

V. MILITARY ASSISTANCE

U.S. military assistance to Latin America should be tailored to each country's circumstances. Sweeping policy generalizations of no military assistance to any country or military assistance to Latin America for stated purposes should be avoided, and a vigorous, country-by-country analysis made.

It is helpful to maintain good working relations with the Latin American military because of its critical leadership role, both present and potential.

Depending upon our assessment for a particular country, we should be prepared to assist Latin American countries in their efforts to maintain internal order, modernize their forces with reasonable amounts of U.S. equipment, and provide training assistance. We should strongly discourage the diversion of funds needed for economic and social development.

VI. INTER-AMERICAN SYSTEM

Our policy should leave no doubt about our commitment to the growing inter-American system, and our desire to strengthen the Organization of American States and other institutions of the system. U.S. participation in 1970 in the review by the Inter-American Committee of the Alliance for Progress of our economic policies was a beneficial step, and should be repeated annually.

U.S. DOLLAR CRISIS—A DIVIDEND OF INTERNATIONALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, while public attention is funneled by the communications media to urban ghettos, pollution, poverty, and the Vietnam war; one of the most serious threats, not only to our country but to every individual, receives little news coverage. I refer to the devaluation of the American dollar by foreigners.

West Germany, Switzerland, the Netherlands, Belgium, and Austria have stopped supporting the price of the dollar by refusing to pay the official exchange rate. This refusal to accept our dollar creates the possibility of devaluation of our money.

The rush to dump U.S. dollars for German marks with the expectation of making a profit later became so obvious that Chancellor Willy Brandt's government felt justified in ordering the Bundesbank to close its official money exchange and halt the buying and selling of U.S. dollars.

It is estimated that the Bundesbank's holdings of dollars alone exceeds the total value of U.S. gold stocks.

This international monetary condition is contributed to an increasing American balance-of-payments deficit, which has flooded West Germany and other European countries with excess dollars.

The American balance-of-payments deficit has resulted from unwise policies of our government in the areas of foreign aid and free trade which, while benefiting foreigners, have been detrimental to the American taxpayer.

The effects of UNCTAD—United Nations Conference on Trade and Development—the name of which was changed to the Kennedy round before submission of the free trade project to Congress, are coming home to roost as we see cheap foreign goods dumped on the American market to undersell American-made goods, eventually causing local firms to go out of business, thus swelling the unemployment rolls in this country.

While socialist foreign governments back their domestic corporations and other firms in the export market with credit at preferential rates, tax incentives, and underwriting of sales and advertising programs; such is not the case with the U.S. Government and U.S. suppliers competing for U.S. markets, nor should it be under a free enterprise economy.

The effect of international repudiation of U.S. paper money must eventually affect us all. It will be felt like a new wave of inflation lessening the buying power of our dollars, or it could be explained as diminishing our paychecks like the pasage of a new hidden Federal tax.

The financial apologists for the manipulators of U.S. dollars are hard at work using the communications media to reassure our people that foreign loss of faith in U.S. money will have no affect on Americans at home. Yet the over reaction of our "whiz kids" (financial experts) who have sold themselves on the textbook theories that money is only faith on paper indicates fear that the American people may panic.

If U.S. dollars possessed by the German Bundesbank exceeds all U.S. gold holdings, what happens if Germany, Switzerland, Austria, and The Netherlands demand gold and we cannot pay? How does a nation politely go bankrupt? Or do we just assess our people by raising taxes?

For certain, the solution to be offered will not be returning of U.S. troops from West Germany, nor cutting off foreign aid, nor requiring the French to pay their World War I debt owed to us.

Now that gold cannot be owned by American citizens nor paper money redeemed in silver, the bank accounts and paper currency of our people are at the mercy of the dictates of the Federal Reserve Banking System—not for the best interests of Americans but to save face for international bankers abroad.

While the low regard for the American dollar, which since the demise of the British pound has been the most desired currency in the world, can be credited to the liberals' foreign trade and foreign aid policies by the bureaucrats in the U.S. Government; it should also be remembered that the present monetary crisis comes at a time less than 2 weeks following the secret 3-day meeting of the Bilderbergers. This international financial meeting—attended by former West German Foreign Affairs Minister Gerhard Schroeder, Prince Bernhard of The Netherlands, and Henry Kissinger, Assistant to President Nixon for National Security—may just have masterminded the assault on the stability of the U.S. dollar. The Bilderberger discussion reportedly concentrated on "the possibility of a change of the American role in the world and its consequences" and "the contribution of business in dealing with current problems of social instability." See CONGRESSIONAL RECORD 13688 of May 5, 1971 entitled "Bilderbergers Woodstock Meeting."

Mr. Speaker, the conditions which produced the current real possibility of a devaluation of the U.S. dollar have evolved during the past half century as a result of the passage of certain laws and the pursuance of certain policies abdicating the guidelines laid down by the U.S. Constitution and basic economic fundamentals of the free enterprise system.

Unless the present national goals toward more and more socialistic legislation, deficit spending, bureaucratic governmental controls over the lives of people, concentration of power at levels of government distantly removed from the people, and toward crass immorality, are reversed, what future can our children have?

The key to peace through freedom is to return power to the people. The greatest source of people power is the Constitution of the United States of America. To restore America to her former greatness, it is essential that we return to the Constitution and competitive free enterprise.

I have introduced three bills to return power to the people over their money, over their taxes, and over war. If enacted, these measures will return America to its intended role of greatness as deserved by our people. The amendments can be passed by every State legislature as well as this body. I urge our colleagues to give these people power measures early consideration.

I insert related news clippings followed by the text of House Joint Resolution 23, proposing an amendment to the Constitution relative to abolishing personal income, estate, and gift taxes and prohibiting the U.S. Government from engaging in business in competition with its citizens; H.R. 351, to vest in the Government of the United States the full, absolute, complete, and unconditional ownership of the 12 Federal Reserve banks; and House Joint Resolution 535, proposing an amendment to the Constitution for a referendum on war.

The items follow:

[From the New Orleans States-Item, May 4, 1971]

DOLLAR SENT REELING BY EUROPEAN TRADERS

LONDON.—Currency speculators sent the dollar reeling on European exchanges today, and the flood of U.S. money exchanged for West German marks, Dutch guilders and Swiss francs threatened to send inflation soaring further.

The dollar was on the floor in Frankfurt and Zurich. Only heavy buying by the Bank of England kept the rate just off the mandatory intervention point of $2.42 to the pound.

Anxiety over the monetary situation drove the price of gold up in the London and Zurich free markets. The jump was 43 cents in London to $39.86, the highest level since the 1969 crisis over the undervaluation of the mark.

West Germany's Central Bank was reported to have taken in $250 million to $300 million in the first hours of trading today and more than $120 million in the last hour yesterday.

"Substantial" dollar sales were reported in Zurich. The smaller Amsterdam market was also caught in the flurry, with $20 million reported taken in late trading yesterday.

The speculation apparently was touched off by the call from five West German economic research institutes yesterday for the mark—now pegged at 27 cents—to be set free in world markets to combat inflation.

Speculators saw a chance of a quick profit, anticipating another upward revaluation of the mark that might even force the guilder and the Swiss franc to go up too.

The British pound was caught in the squeeze but to a lesser extent. However, the Bank of England is reputed to have taken in more than $1 billion since December, driving the country's rate of inflation up to the highest level of any country in Western Europe, 8½ per cent.

[From the Washington Evening Star, May 5, 1971]

FIVE NATIONS SUSPEND SUPPORT OF DOLLAR

(By Lee M. Cohn)

A major international monetary crisis erupted today when West Germany and several other European governments stopped supporting the price of the dollar.

These moves were viewed as a preliminary to possible action raising the official parity values of the German mark and other currencies—which would devalue the dollar, in effect.

If this happens, imported goods will cost more here, U.S. export prices will decline and American tourists will find that trips to Europe are more expensive.

More dollars would be required to purchase any given amount of marks and other revalued currencies.

DEFICITS, INTEREST RATES

The crisis has resulted from big deficits in the U.S. balance of payments and, more immediately, huge flows of dollars attracted to Europe by high interest rates there.

International monetary rules require foreign central banks to maintain the value of their currencies within 1 percent above or below fixed parities with the dollar. When the dollar is weak, the central banks buy dollars with their currencies to keep the price within the permitted range on the markets.

Heavy flows of dollars into Germany have compelled the Bundesbank, that country's central bank, to buy huge sums of dollars to keep the dollar from falling through its floor price of 3.63 marks.

Today's action suspending these support operations temporarily eliminated one of the primary rules of the international monetary system, fixed currency exchange rates.

The mark was permitted to "float"—to find its natural level on the basis of supply and demand relative to the dollar. Conversely, the dollar was permitted to float downward.

In early trading, as expected, the price of the dollar in terms of marks went below the support level, and the price of the mark rose above its ceiling of about 27.35 cents.

Central banks in Switzerland, The Netherlands, Belgium and Austria also suspended dollar support operations, according to wire service reports from Europe, but Britain, France and Italy continued normal operations.

Monetary authorities were expected to meet soon to decide what to do next.

They could continue to let their currencies float until they settled at new parities. Or they could quickly fix new and higher parities.

In either case, higher values for European currencies would in effect devalue the dollar—at the initiative of foreign governments rather than the United States.

Germany in 1969 allowed the mark to float, and finally raised its official value by 8.5 percent.

Wire services reported from Europe today that holders of dollars were being limited in some cases in the amounts they could convert into foreign currencies. European bankers were trying to protect themselves against losses in case the dollar's value declines.

There was no immediate comment from U.S. authorities. They could help ease the crisis by absorbing excessive European holdings of dollars.

This could be done by expanding sales of Treasury and agency debt securities to foreign branches of American banks, and to foreign central banks.

Massive flows of dollars to Europe have created a glut, which has depressed the price and compelled the central banks to accumulate more dollars than they want in their reserves.

Upward revaluation of the mark and other currencies would reduce this accumulation of dollars in reserves.

The prospect of revaluation has augmented the flow of dollars to Europe. Speculators are using dollars to buy marks and other strong currencies in the hope of profiting by revaluation.

The Bundesbank reportedly bought $1.2 billion yesterday alone, on top of previous huge accumulations.

Suspension of support will halt temporarily this accumulation of dollars. Uncertainty about where a new parity will be fixed, if the mark is revalued, may stem the stampede for marks.

Treasury Secretary John B. Connally issued a statement last night, before support operations were suspended, that he saw no need for parity changes. A spokesman stuck to the statement today.

SEEN AS TEMPORARY

Administration officials have taken the position that the currency turmoil is temporary, and that the markets will settle down when differentials between U.S. and European interest rates narrow. Higher rates in Europe have been an important factor in the outflow of dollars from here.

The U.S. Federal Reserve has been raising short-term interest rates and foreign central banks have been lowering their rates.

German foreign currency exchanges were to remain closed through Friday. Thus, the Bundesbank will not resume purchases in support of the dollar until Monday at the earliest.

The German cabinet is scheduled to meet on Friday to discuss and perhaps act on the monetary crisis.

Direct devaluation of the dollar at the initiative of the United States would require an increase in the official $35-an-ounce price of gold. The Nixon administration adamantly opposes such action.

THEORETICAL READINESS

The United States theoretically stands ready to sell gold to foreign central banks for dollars at the official price. However, the Bundesbank's holdings of dollars alone exceed total U.S. gold stocks.

If the central banks tried to redeem large amounts of dollars for gold the United States probably would halt gold sales. That could undermine the international monetary system, although some experts contend the consequences would not be so disastrous.

Since the central banks want to avoid that risk, they have avoided large-scale demands for gold. Thus, they have been compelled to accumulate dollars without an adequate outlet, and have been searching for ways to stem the flood.

There have been proposals for agreed limits on accumulations of dollars abroad. If deficits in the U.S. balance of payments continued to send dollars abroad in excess of those limits, the United States would be obligated to buy them back—by borrowing foreign currencies from the International Monetary Fund, if necessary.

As in all monetary crises, the price of gold on free markets has soared above $40 an ounce.

[From the Washington Post, May 6, 1971]

FIVE EUROPEAN GOVERNMENTS END 'SUPPORT' OF DOLLAR

(By Hobart Rowen)

The U.S. financial community braced itself last night for moves later this week that could have the practical effect of devaluing the dollar.

Nixon administration officials remained silent yesterday on this prospect. On Tuesday, Treasury Secretary John B. Connally had said that no change in the value of major currencies "is necessary or anticipated."

But after West Germany and four other European governments stopped "supporting" the price of the dollar—which means they refused to pay out their own currencies at present exchange rates—the prospect of devaluation became a real possibility, although not a certainty.

Devaluation would be a blow to American prestige—one that the Nixon administration and its predecessors have assiduously sought to avoid—although its practical effect on most Americas citizens would be hard to detect.

One respected private expert here said he thought that the dollar was in a "hopeless" position, and that it would be foolish of the U.S. government to try to support an "untenable" exchange rate.

But American officials are reluctant to see moves that would tend, even psychologically, to degrade the U.S. dollar, which has been the standard for international trading and exchange markets. There could be bitter feelings among many nations which held dollars in their officials reserves, guided by U.S. assurances that there would be no devaluation.

COULD BE HEALTHY

On the other hand, many experts feel that the long-run effect of a devaluation amounting to 5 or 6 per cent would be healthy because it would make American exports that much cheaper—relative to other goods—and imports (and travel abroad) that much more expensive.

The crisis stems from the continuing, huge deficits in the American balance of payments, a problem which has become worse in the last year because of the sharp reduction in interest rates here resulting from an easier monetary policy pursued to promote recovery from the 1970 recession.

The low American interest rates, compared to those in Europe, have stimulated a flow of dollars abroad in search of a higher return. In the last few weeks, most of these dollars have moved into German marks, Swiss francs, and Dutch guilders, all considered "strong" currencies.

In a sense, it has been a self-fulfilling speculative movement: the more dollars were exchanged for other currencies, the more certain it was that there would come a point when those currencies' central banks would cut off the flow.

Under rules of the international monetary system, where a dollar is worth 1/35 of an ounce of gold (gold, therefore, is $35 an ounce), other currencies are quoted in terms of the dollar.

The relationship is maintained by the "Intervention" currencies move more than 1 of central banks in the currency markets: When their per cent above or below the quoted parity, the banks buy or sell their own currencies to maintain the fixed rate.

What West Germany (and others) did yesterday was to quit this process. They closed the foreign exchange markets in effect saying that they would no longer buy dollars at the old rates.

International monetary experts here think that the foreign exchange markets can't reopen "without doing something new," and that the "something new" will be a different set of exchange rates. Those rates are bound to raise the value of European currencies in one fashion or another.

POSSIBLE ALTERNATIVES

The guessing here is that one of three alternatives is possible:

A revaluation by the West Germans alone, which they are reluctant to do: A higher rate for the mark makes German goods less competitive with those of other countries.

A concerted action by several countries, which might jointly refuse to support the dollar with their own currencies and tell the United States to do the job itself by borrowing the necessary currencies, or selling gold to get them.

A refusal of the strong currency nations to accept any new dollars (except those that are derived from trade) at the old exchange rates.

EFFECTS ON THE DOLLAR

Higher values for other currencies—especially if a group of leading nations acted together—would have much the same effect as a formal devaluation of the dollar.

The present rate of the West German mark is 27.3 cents, which is 3.66 German marks to the dollar. An American tourist cashing a $20 traveler's check has been getting about 73 marks. If the mark were allowed to "float" up to a 30-cent level, or 3.33 to the dollar, the same $20 check would bring only 67 marks.

The big speculator, similarly, would get fewer marks for the dollar, and thus a portion of the hot money flow might be decreased.

[From the Washington Post, May 6, 1971]

EUROPEANS HALT DOLLAR TRADING

West Germany closed its foreign exchange market yesterday to stymie a rush by speculators converting dollars into German marks. This dramatic action was promptly followed by several other European countries. Experts predict that it foreshadows an upward revaluation of European currencies. This, in turn, would decrease the value of the U.S. dollar for purchases or travel abroad.

The monetary crisis has erupted as a result of the continuing heavy American balance of payments deficit, which has flooded Europe with excess dollars. American officials continued to insist that no basic changes in the international monetary system were necessary, although additional steps to dampen speculative money flows are being considered.

BONN DECISION

(By John M. Goshko)

BONN.—The West German government today suspended the central bank's dollar transactions.

The action came after an avalanche of dollars hit West Germany early today, swamping the capacity of the central bank; the Bundesbank, to support the dollar at the official minimum exchange rate of 3.63 German marks.

Confronted by an international monetary crisis, the West German government set itself a Friday deadline to find ways of stemming the dollar inflow.

Bundesbank president Karl Klasen said an estimated $1 billion had become stacked up waiting to be exchanged for marks in the first 40 minutes of business this morning.

In response, Chancellor Willy Brandt's government ordered the bank to close its official money exchange and halt its buying and selling of dollars until Monday.

Confronting the government is a situation that results from the fact that West Germany's explosive economic prosperity had made the mark one of the world's strongest and most desired currencies.

Because of the feeling in financial circles that the dollar is over-valued and over-extended, the past few years have seen steady pressures to exchange dollars for marks.

Recently, this trend has been accelerated by a flow of speculative money anxious to take advantage of the high German interest rates. The result of this dollar inflow, when exchanged for marks, is to greatly increase the amount of money in circulation within the country and aggravate its mounting inflation.

Brandt today scheduled a cabinet meeting for Friday, promising to have ready for its consideration a comprehensive set of proposals to deal with the dollar inflow and other factors contributing to West Germany's politically explosive inflation problem.

Bonn's action set off shock waves among other European central banks and raised fears that the move could seriously disrupt the European Common Market's striving toward financial and monetary unity.

It was reminiscent of the situation two years ago when heavy speculation in the German mark also raised the threat of world monetary crisis. The result then was to force West Germany into its October, 1969, decision to revalue the mark upward by 9.2 percent.

However, as today's events made clear, that action has proved to be only a temporary palliative, both in terms of curing West Germany's domestic inflation problems and preventing its currency from having disruptive effects on the international monetary system.

Brandt now faces a choice of several counter-measures—each of which would prove financially harmful to one or more key voter groups within West Germany. Unless the course he does decide on shows quick signs of being an effective remedy, the result could be the fall of his government.

While the decision will be painful, the government seemed fully aware that it cannot be put off. Referring to the months of debate and hesitation that preceded the 1969 revaluation, the government's spokesman, Conrad Ehlers, promised that this time a decision will be "quick and without long-drawn-out discussion."

Brandt echoed the same theme just before he departed for a two-day unofficial visit to London to participate in the 150th anniversary celebration of The Guardian newspaper. He said his decision to fulfill the London commitment indicated that there was no reason for panic.

But, he said the situation had reached a point where the long-range interests of the Common Market and other countries could be weakened if West Germany failed to safeguard its own position.

Actually, the decision on what course the government takes will be hammered out Thursday night when Brandt returns from London to meet with Economics Minister Karl Schiller and some of the most influential cabinet members.

The situation began building to crisis proportions on Monday after four major economic research institutes suggested that the best way to reverse the dollar flow would be to "float" the mark and let it find a new level of parity with the dollar.

The recommendation triggered a new torrent of speculative dollars that yesterday saw the Bundesbank forced to buy an estimated $1 billion in support operations and that today resulted in the suspension of dollar dealings.

Actually, this suspension represented a de facto floating of the mark because it meant a withdrawal of the Bundesbank's commitment to keep the mark pegged to its present parity of between 3.63 and 3.69 to the dollar.

As a result, the dollar quickly fell below the minimum support price in West Germany's unofficial money markets. Banking sources said that volume in these markets during the day was low and that the dollar was trading at exchange rates varying from 3.59 downward to 3.45.

One immediate effect was that all German banks restricted the exchange of foreign currencies and travelers checks to 500 marks per person.

Klasen, who met in Frankfurt with Schiller and the Bundesbank board of directors, announced afterward that if no other steps are taken by the government, his intention is to resume dollar operations on Monday at the present official rate.

However, the clear expectation is that by that time the government will have decided its course. Government officials and independent observers agreed that Brandt essentially has three choices:

The government can announce a new revaluation and put it into effect in time for the mark to trade at its new parity on Monday.

BLAME ASSESSED

(By Jonathan C. Randal)

PARIS.—One European country after another followed West Germany in suspending foreign exchange trading today. The only major European money markets still operating in dollars were in Britain, France and Italy.

In the press and in private conversations, West Germany—and especially Economics Minister Karl Schiller—came in for harsh criticism. One Swiss banking source, who insisted on anonymity, characterized the German government's handling of the crisis as "grotesque mismanagement."

But the real onus for the crisis was placed squarely on the United States and on the uncontrolled and constantly growing $60 billion accumulation of Eurodollars—dollars held outside the United States.

No matter how bitter Europeans might be at what they view as U.S. goverment prodigality and refusal to take meaningful action to control the Eurodollar funds, they themselves had little to crow about.

For the six-nation Common Market, the suspension of foreign exchange trading was something of a self-inflicted wound.

It was caused by their inability to take concerted action to stem the speculative and inflationary flow of dollars into their economies.

Ironically, it was only this week that the Common Market nations took their first practical step to achieve their goal of economic and monetary union by 1980.

A new communications system, allowing thrice-daily multilateral conference telephone calls among member central banks to coordinate currency intervention, fell into disuse in Brussels as the respective governments acted in dispersed order.

[Switzerland, Belgium, the Netherlands and Austria joined Germany in ceasing to buy dollars, while Israel suspended trading in continental currencies and Britain refused to quote them against the dollar, Reuter reported. Portugal suspended all foreign exchange dealings.]

Reliable sources said the Germans gave no specific advance warning of their intention to suspend trading, despite a Common Market obligation to consult members before taking a major economic or monetary decision affecting them.

A further blow to the already battered Common Market unity took the form of the disruption of the common agricultural policy.

Normally a full-fledged council of ministers meeting should be called within 72 hours of any planned change in currency parity or any suspension of trading. But in the past, in both the revaluation of the French franc and the upward revaluation of the German mark, in 1969, the Common Market has found suitable compromises—albeit at some damage to its proclaimed goal of having its own currency rivalling the dollar.

But the shock waves of the German decision were also felt beyond the Common Market, as non-members Austria, Switzerland, Portugal and Finland joined members Belgium and Holland in suspending foreign exchange dealings in dollars—and, in some cases, other currencies as well.

Doing business as usual, at least in France's case, was relatively without risk since the French government maintains complicated exchange controls that make it extremely difficult for "hot money" speculators to export capital.

Moreover, France is not adverse to building back its reserves to the $7 billion level that they reached just before the 1968 student-worker upheaval wiped out Gen. de Gaulle's carefully husbanded gold hoard.

EARLIER FRENCH VIEW

Valery Giscard d'Estaing, the French finance minister, noted a $71.2 million increase last month in reserves, which now total $5.2 billion, in justifying the controls.

Only 10 days ago, Giscard d'Estaing helped fuel the public debate that led to the West German decision by telling fellow Common Market finance ministers in Hamburg that the price of gold should be raised above its $35-an-ounce official level. Such action would be tantamount to devaluation of the dollar.

Compounding Schiller's blunder in trying to persuade France to accept a flexible exchange rate for the dollar for Common Market currencies as a bloc was the extraordinary report of five German economic institutions which calmly invited their government to revalue the mark or at least allow it to float.

The recommendations were all that speculators—with money managers of big and often American-owned multinational companies leading the way—needed to resume their stampede on the mark.

"Who sows the wind reaps the whirlwind," remarked the independent newspaper Le Monde in a tart front-page editorial which said that "the least one can say is that the Germans played with fire."

For Germany "which has the biggest world exchange reserves—$16.5 billion worth—such a policy, or lack of policy," the newspaper said, could be qualified as irresponsible, "especially in the light of painful (German) precedents in the fall of 1968 and the summer of 1969."

In both episodes, German officials were guilty of speaking publicly about parity changes, much to the annoyance of world monetary officials who hoped that such misbehavior reflected domestic political considerations of the moment which would not be repeated.

AMERICAN "CONDESCENSION"

The newspaper noted the "certain condescension with which the Americans consider those who have the audacity to question the sacrosanct parity" of the dollar which Washington refuses to devalue unilaterally.

"Here, too, is it not necessary to speak of irresponsibility?" Le Monde asked. "Faced with monetary disorder maintained by the American [balance of payments] deficits and the enormous volume of floating capital out for a killing, Germany must choose."

While such talk is scarcely new, the extent of the money market disruptions gave new urgency to old arguments and produced predictable results.

London's free gold market posted its highest price—$40.15 an ounce—since October 1969, the date of the previous German mark revaluation crisis.

The switch from currency to gold has produced a $1.20 an ounce increase in a week, with investors turning to gold-mining shares and to such commodity markets as sugar, cocoa, coffee, metals and rubber. Prices of these commodities all moved up.

SWISS REFUSED TO TRADE

In Zurich, the other main free gold market center, Swiss banks refused to trade because of the inability to quote prices in dollars, a consequence of the suspended money market.

Swiss banking sources were generally skeptical about a general realignment of major European currencies, a course of action favored by West Germany.

But they surmised that Switzerland, which absorbed $710 million in two days before suspending trading, would also revalue the Swiss franc if such a general European revaluation could be arranged.

Switzerland, which like the United States used to require parliamentary approval for changing the value of its currency, recently changed the law to allow for independent government action in this sphere.

[From the Washington Evening Star, May 7, 1971]

THE CHALLENGED DOLLAR

There are always pressures in the relations between free-world currencies, because of the varying experiences and objectives of the national economies at a given moment. Occasionally the pressures boil up into a monetary crisis, like the current one involving the over-abundance of dollars in the financial capitals of Europe.

If there is one reason for viewing the affair with calmness, it is that the Western democracies have too great a stake in the orderly workings of the international monetary system to let it suffer severe damage. Solutions will be found, and the overriding common interests of the major non-Communist trading partners will be served.

The causes of the dollar crisis range from the long-term deficit in our balance of payments, to disparities in interest rates, to the rush of speculators intent on making a fast Deutschemark. The last two are temporary phenomena. Interest rates can be brought more into line (cutting the flow of dollars seeking a larger return abroad), and the speculative sales of dollars will be dampened when something is done about the apparent undervaluation of the German mark.

A solution of the balance-of-payments problem is a long-range proposition. Continuing attention to our health as an exporting nation is required. And eventual relief should come from reduction of our military spending abroad, through conclusion of the war in Southeast Asia and, when possible, cuts in our forces in Europe.

Oddly, though the ubiquitous (and some say overvalued) dollar is the cause of Europe's monetary headache, there is relatively little that American officials can be expected realistically to do about it. They should be concerned (and perhaps are more so than their alleged "benign neglect" would indicate), and should do what they can. But with recovery just begun, a reimposition of tight money is not in the cards. So the quest for a solution devolves, at the moment, mainly upon West Germany. The mark must be revalued upwards, possibly after being allowed to float according to market pressures. The achievement of a realistic exchange rate should solve the dollar glut though not without pain for the Bonn government. Or the Germans might try other forms of control over capital movements.

As for the dollar, because of its unique position as the currency on which all the others are pegged, devaluation is possible by raising the price of gold, but the administration opposes such a step. A more expensive mark would devalue the dollar in relation to that strong currency, but as ignominious as that sounds there are some advantages in it for us. German exports would be hurt by being made more expensive, and ours would be helped by the reverse process.

But overshadowing the day-to-day concerns of the marketplace is the vital stability of the monetary system. This stability, on which depend the vigor of international commerce and the success of political relations, must be improved. The basic framework of the system dates from the Bretton Woods conference of 1944, when the overpowering American economy was the hope of a shattered Europe. In the light of the growing equality of the national and supranational economies, changes are needed. Above all, cooperation in international monetary affairs must be preserved, ruling out a return to the destructive chaos of the pre-war years.

[From the Washington Post, May 9, 1971]

THE POLITICS OF MONEY

(By Joseph Kraft)

The current monetary crisis is chiefly interesting as a marvelously sensitive indicator of political relations among the supposedly allied countries of the West. It shows that the Europeans are beset by a paralyzing variety of contradictory impulses.

The administration in Washington, once again obsessed with Vietnam and the problem of public confidence, is seen to be out to lunch when other issues arise. Some of the glow may even be coming off the man who has hitherto been the local Golden Boy, Secretary of the Treasury John Connally.

The country most on the spot, of course, has been West Germany. The obvious, sensible action for the Bonn regime would have been a quick upward revaluation of the mark. That would have sent dollars flowing back to the United States and made it easier to deal with West Germany's internal inflation problem. It also would have shown Chancellor Willy Brandt leading the way toward cohesion in the West.

But Chancellor Brandt has hooked himself on the Eastern policy of detente with Russia. To sustain that policy he has depended on the coalition support of a splinter party, the Free Democrats. The Free Democrats count as their main base of support the German farmers.

Revaluation, unless coordinated with currency adjustment by Germany's partners in the European Common Market, would have exposed German farmers to revised pricing arrangements in the Common Market. So rather than run the risk of a strain in the coalition, the Brandt government diddled until it could at least throw some of the blame on other European governments.

For the French government of President Georges Pompidou the money crisis raised to the surface the shadow that has dominated the Paris regime since its earliest days. That is the shadow of Gen. de Gaulle.

In monetary affairs, it will be remembered, Gen. de Gaulle was a gold bug. His answer to all problems was a devaluation of the dollar against gold.

The Western nations, with France going along, decided that issue against him three years ago. But for President Pompidou the call to show faithful Gaullist colors was irresistible. Paris, once more, offered as its contribution to the monetary crisis a call for devaluation of the dollar against gold.

Britain's clear interest in the monetary crisis was an upward revision of the German mark and most of the other European currencies. That way British goods would sell more readily on the Continent, and European investment funds would flow to Britain. An improved economic condition would be the result, thus enhancing the British position in all foreign policy matters.

But the government of Prime Minister Edward Heath has pitched its future on entry into the Common Market. Rightly or wrongly, Heath has always felt that the route to Brussels lies through Paris. His government has been chary of differing from the government of Pompidou even on the issue of gold. So London has played a passive role in the monetary crisis.

With the Big Three across the Atlantic thus constrained, there was prepared an opening for American initiative. The United States in the past has stood for more flexible exchange rates to promote automatic adjustment without development of recurrent crisis. Off that position it would have been easy for American officials to express sympathy for everybody involved, to urge a jointly managed revaluation with a pledge to move towards a larger reform of the whole system later on.

Because large speculative movements of money are involved, governments have to tell lies during currency crises. Perhaps Washington did, in fact, play the role outlined above. But that is not the impression given by the public rhetoric of the Treasury, nor received by sensitive observers at the International Monetary Fund.

The chief statement from the Treasury was a repudiation of the former support for flexible exchange rates. Secretary Connally said that no change in the value of major currencies is "necessary or anticipated." The impression, even in highly sophisticated circles, was that the United States was throwing the crisis entirely onto the Europeans on the narrow, chauvinistic principle that any changes would be bad because they would have the effect of shaking still further confidence in the Nixon administration.

In the long run, the monetary crisis should sort itself out with no great damage. The technical problems are easily soluble. Politically, the crisis could even have the useful effect of stimulating the West Germans to take a more active role in promoting West European unity.

But the problem of American relations with Europe persists. A less self-centered approach in Washington, a disposition to help other countries manage their problems, seems required if even minimal cohesion is to be maintained in meeting common problems.

[From the Washington Post, May 10, 1971]

GERMANY FREES MARK; 3 NATIONS ADJUST CURRENCY

(By John M. Goshko)

BONN.—In a bid to stem the inflow of U.S. dollars, the West German government tonight formally decided to "float" the German mark and temporarily make it a more expensive currency.

Germany argues that the dollars are feeding its own inflation.

Three other European nations acted quickly to adjust their currencies.

Economics Minister Karl Schiller conceded to reporters that the floating period would last for "months."

But he insisted, in the fact of considerable skepticism, that floating was not a prelude to revaluation and that the government intends eventually to return the mark to its current rate with the dollar.

Floating the mark means that the German government will let market demand set the exchange rate between marks and dollars from day to day as the mark rate rises, American investors and tourists will get somewhat fewer marks for their dollars and American buyers will have to pay somewhat more for German goods.

Schiller, in his insistence to newsmen, was making a nervous obeisance to West Germany's five partners in the European Common Market. Early this morning, after a 20-hour negotiating session, the Common Market grudgingly gave Chancellor Willy Brandt's government the go-ahead on floating.

The decision made in Brussels by the finance ministers of the Common Market represented a desperate attempt to preserve the credibility of a united approach to the international monetary crisis that burst over Europe last week, when a massive flood of speculative dollars caused many European countries, led by Germany, to suspend trading.

However, in so doing, the ministers were keenly aware that they could be dealing a crippling blow to their embryonic monetary union plan and their rickety common agricultural policy.

For this reason, they conditioned the green light given Bonn with the qualification that the Common Market expects the floating of the mark to be temporary and with a minimum of disruptive effects on the international monetary system.

Tonight, however, the immediate indications were that Bonn's decision was triggering precisely the sort of chain reaction that the Brussels meeting had feared.

In quick order, two countries outside the market—Switzerland and Austria—decided on upward revaluations of their currencies: Switzerland by 7 per cent and Austria by 5.05 per cent.

Both governments acted to protect themselves against a possible diversion to their currencies by speculative dollars moving away from the German mark.

Within the market itself, The Netherlands, which had followed West Germany's lead last week in suspending official support of the dollar, reacted tonight by also going to a floating rate.

BELGIAN FRANC

[Belgium's Premier Gaston Eyskens announced the Belgian franc would not float along with the mark, Reuter reported. Belgium, the only Common Market member that operates an official and a free market for its currency, preferred to use its present double-market system, Eyskens said. Any excessive capital inflows will be channeled onto the free market, where in effect the franc already floats, he said.]

Most attention centered on the mark, whose reputation as probably the strongest of the world's currencies, played a pivotal role in bringing about the present monetary crisis.

Because of the feeling in financial circles that the dollar is over valued and over extended, the past few years have seen steady pressures to exchange dollars for marks. The result of this dollar flow into West Germany is greatly to increase the amount of money in circulation and aggravate the country's mounting inflation problems.

Last week, the inflow reached such landslide proportions that on Wednesday the Bundesbank, the German central bank, was forced to suspend its commitment to support the dollar at an officially pegged exchange rate of between 3.63 and 3.69 marks to the dollar.

TOO EXPENSIVE

The suspension meant that the mark has been in a de facto floating state since Wednesday.

By opting for a course of continued floating, the Brandt government hopes that the mark will eventually become too expensive for speculators to make a profit by buying marks with dollars and that the dollar inflow will shrink correspondingly.

Because floating cannot be continued indefinitely, the German government sooner or later will have to set a new level of parity—that point where the Bundesbank intervenes officially to support the dollar and stabilize the exchange rate.

Since the mark is going to increase in value during the impending period of floating, many monetary experts here think the government will find it impossible to return to the current suspended rate.

For this reason, they predict that floating must inevitably lead to a revaluation that will see the mark repegged at a higher official exchange rate.

BORN IN DENIALS

At a press conference tonight, though, both Schiller and Foreign Minister Walter Scheel denied that the Brandt government intends anything other than an eventual return to the suspended rate. They said this was the understanding that they had given to the Common Market last night and that, in the government's view, such a return would be feasible once the crisis has abated.

Schiller also pointed out that the floating period to begin Monday would not be completely free but would be controlled in an effort to keep the floating rate from moving too far away from present parity.

By this, he means that if floating leads to a situation where the dollar seems to be slipping too far in its exchange value, the Bundesbank will intervene to buy dollars and support it at what is regarded as a safe level.

Schiller would not say what this level would be, although the expectation here is that it will be somewhere in the range of between 2.5 to 5 percentage points below the price of 3.63.

Although he refused to put a definite time limit on the floating period, Schiller was prodded into saying that it would last for months. This raised eyebrows since some participants in the Brussels meeting, notably French Finance Minister Valery Giscard D'Estaing, were quoted as saying that the mark would float only for a few weeks.

In everything he said tonight, Schiller showed a keen awareness that the floating policy could have effects seriously detrimental to both the Brandt government's relations with its Common Market partners and its standing with the General electorate.

Repeatedly, he and Scheel insisted that Bonn's course would serve the long-range interests of European unity because this goal makes it incumbent on West Germany to control its inflation and otherwise set its economic house in order. A similar statement was issued tonight by Brandt himself.

In terms of domestic political considerations, the idea of a more expensive mark is opposed both by German industry and agriculture.

Industry doesn't like it because it would make its exports costlier. Agriculture is unhappy because German farmers have their earnings tied to a Common Market price policy related to the dollar.

These were among the issues that burst to the fore at last night's marathon Common Market session in Brussels, touching off an especially embittered exchange between France and Germany.

JOINT ACTION

The Germans had gone to Brussels, aware that their floating proposal could have detrimental effects on the European Economic Community and on the currencies of the other countries. Their hope was to win approval by the six members for a course of joint action, but in this they were only partially successful.

At the core of the debate was the adamant French opposition to uncontrolled, floating exchange rates. While France, supported by Italy and the European Community executive commission, argued for exchange control measures, the Germans stood firm in their insistence on floating.

In the end, the ministers came up with a face-saving formula that amounted to a bowing to the German position.

This stated that "in view of excessive capital inflows" into West Germany and "despite the incompatibility of floating exchange rates with the smooth running of the common market," it was understood that certain countries could widen their exchange margins "for a limited time."

Giscard d'Estaing had pressed for a strict limit, both in time and volume, on the German mark float. But, as Schiller's statement tonight indicated, he came back to Bonn with no such strictures.

MONETARY UNION

The most immediate casualty of the Brussels decision to allow unilateral floating of Common Market currencies is the community's monetary union plan.

It is virtually certain that the first practical steps toward a single currency—the reduction of the exchange rate margins between the Common Market currencies scheduled to go into effect June 15—will now have to be postponed.

The common farm policy, which is still suffering from the 1968 French franc devaluation and the revalution of the German mark in October, 1969, is further threatened by this morning's Brussel's agreement.

Under the farm policy, common prices throughout the six member nations are expressed in units of account, equal to the gold value of the dollar. This means that in the event exchange rate fluctuations between the individual national currencies, farm prices in the member countries, which directly reflect farmer's incomes, would also fluctuate.

POLITICAL EFFECT

Because of the potentially explosive political effect this will have among West German farmers, Schiller had asked the Brussels meeting to allow relief for the German agricultural sector in the form of border controls applied to food imports from the rest of the market.

Following a 4:30 a.m. phone call to Brandt, the Germans dropped this demand.

Instead, an emergency meeting of Common Market Agricultural ministers was scheduled for Tuesday in Brussels, and, at his press conference tonight, Schiller stressed that Bonn will continue pressing for special measures to aid German farmers during the floating period.

In Brussels, Schiller also promised Bonn's partners that the Brandt government will adopt a wide range of additional measures to combat inflation and cool off the booming German economy.

Tonight he said merely that the cabinet was still working on a comprehensive stabilization program.

However, Bundesbank President Karl Klasen later announced that the government will order West German banks to stop paying interest on deposits kept with them by foreign residents.

Other sources said additional likely measures aimed at depressing the flow of foreign funds into West Germany would include raising the minimum size of deposits in German banks by foreign residents and firms. The idea is that the necessity of having to keep large non-interest-bearing accounts will discourage the proliferation of such accounts.

Still other measures being debated by the cabinet are expected to include a tight clamp on government spending, freezing the use of various receipts due the federal government and the states and continuing in force various temporary taxes aimed at inhibiting business expansion.

Where the United States is concerned, most observers seemed to feel that the floating decision should aid the U.S. balance of payments problem—provided that its chain effects do not get out of hand and result in a general shakeout of free-world currencies.

If the German floating measures help to inhibit the flight away from the dollar to the mark, these observers say, the net effect should be to inhibit dollars from leaving the United States and also to force many dollars now circulating in Europe back home.

[From the Washington Post, May 10, 1971]

LITTLE U.S. HARM—MOVE BENEFITS AMERICAN TRADE BUT SHRINKS TOURIST DOLLAR

(By Hobart Rowan)

West Germany's and Holland's decision to "float" their currencies and the upward revaluations of other European currencies yesterday will have no harmful effect on the U.S. economy and will go unnoticed by most Americans, except those traveling abroad.

The Americans most affected may be U.S. soldiers on duty in Germany, who will find that their pay in dollars will have shrunk by the same amount that the German mark eventually increases in value.

Overall, the American competitive position in world trade will be improved: for example, unless the Volkswagen company cuts the actual selling price of its cars, a VW delivered here will cost more. That would give a new edge to Detroit's small cars, as well as competing imports.

If the German mark should eventually settle at a level 5 per cent higher than the old fixed rate, then $2,310 would be needed to buy a VW that formerly sold at $2,200. Conceivably VW might think a $110 boost would cut too heavily into sales and would try, therefore, to absorb some of the higher price.

Yesterday's key move, of course, was that by Germany. Experts here expect that the mark ultimately might be revalued by 5 per cent. Floating of the Dutch guilder had been expected to prevent the speculative "hot money" flow from being transferred from Germany to Holland.

Late last night, after a four-hour session, the Executive Directors of the International Money Fund issued a carefully drafted statement which avoided a direct disapproval of the German and Dutch actions, which are in violation of IMF rules.

Both countries, the statement said, had "assured the fund with respect to resumption of the maintenance of the limits around parity, in the interest of the smooth functioning of the international monetary system." By inference, the IMF thus expressed the hope that the old fixed rates would be restored.

The fund added that in its consultation on ways to cope "with the difficulties presently facing its members," it would seek to "maintain and strengthen the basic principles of the Bretton Woods system."

But it added that "the recent disturbances demonstrate the need to improve the international adjustment process and to bring about a better coordination among members with respect to their internal and external policies."

The British Treasury, meanwhile, said there would be no change in the value of the pound, which is "not directly involved," and that the British foreign exchange market would be open today as usual.

Ironically, although the IMF must take the position that the German float is technically in violation of its fixed-exchange rules, the technique was prominently mentioned by the executive directors in a report to last year's annual meeting in Copenhagen as one of three ways "which would facilitate a speedier response to an emerging or imminent fundamental disequilibrium."

"FINAL VIEW"

At that time, the directors said they had "not come to a final view," but reported that the "transitional float" could be one of three ways that might promote "the most smooth and effective operation" of the international monetary system.

There was much favorable comment on the IMF report at the Copenhagen meeting last fall, but since then, nothing much has been done about it.

High U.S. Treasury officials were in their offices yesterday afternoon after the German Cabinet decision to float the mark was announced. But at 7 p.m., the Treasury press office said that "there will be no statement."

"If the U.S. has any sense," said one private expert yesterday, "it should be pleased at the way things have worked out."

Why, then, the anxiety of recent days, and the repeated suggestion of U.S. officials that there was no basic reason for a change in the existing system of currency relationships?

LACK OF CONFIDENCE

Primarily, it is a matter of pride. The fact that five major countries in Europe last week refused to support the dollar was a striking display of lack of long-run confidence in the dollar.

It suggests to some that if the United States does not take steps to reduce its hefty balance of payments deficit, there will be other and stronger reactions against the dollar. These could involve new barriers to the movement of capital and goods, and eventually a shrinkage of trade on which world prosperity depends.

But for the moment, the system has been patched up in a logical way, although the solution will cause competitive problems within the Common Market. Indeed, it is one of the frustrations for the Europeans that they must make the adjustments in the international monetary system, while the U.S. dollar, which they blame for most of the trouble remains—in theory—unimpaired.

AMERICAN GNP

But whether the Europeans like it or not, the United States can afford to treat monetary crises with equanimity since it is much less dependent than others on foreign trade. U.S. exports of goods last year at $42 billion bulk huge as a dollar item to the rest of the world; but it's only about four per cent of U.S. Gross National Product. Even adding in exports of services, the percentage is only 6.3.

But many of our trading partners find that their exports are 25 per cent, as in the case of Germany, or even a larger percentage of their GNP.

The U.S. attitude, therefore, is to treat international financial problems more lightly than do its partners. In a policy statement made too late Saturday night to be widely disseminated yesterday, Vice President Spiro T. Agnew told the prestigious Business Council at Hot Springs, Va.:

"We cannot allow transitory flareups in the international monetary situation to drive us into actions which are against the long-run interests of both this nation and our friends abroad."

CAPITAL CONTROLS

Agnew didn't say so, but one suggestion rejected earlier in the week by Nixon administration officials was the institution of some form of capital controls to dampen the flow of dollars to Europe. Lesser measures, such as the special Treasury security mentioned Thursday by Secretary John B. Connally, are soon to be unveiled.

Agnew used some other tough language. He said, observing that his comments came after discussion with Connally:

"What we will not do is to put the U.S. economy through the wringer in order to deal with a temporary situation.

"We can generate the trade surplus we need and deserve only if we are treated fairly by our trading partners abroad. To be blunt, we are not in my judgment being treated fairly today."

EUROPEAN VIEW

That language won't go well in Europe. It is not just a question of having too many dollars to match the shrinking U.S. gold supply.

U.S. financial power arouses a nationalistic backlash; the American presence is seen not so much in the dollar bill, but in the American-owned or controlled domestic enterprise.

On our contiguous border with Canada, the resentment grows bitter. In Europe, what is termed American insensitivity to this issue has helped fuse Common Market determination to create a stronger economic and monetary union.

But now, the revaluation upward of several European currencies while others hold steady threatens that unity. French resistance to the German float has caused, according to most reports, a new disagreement between those two strong nations.

All of the eventual European repercussions can't be foreseen clearly now.

[From the Washington Post, May 10, 1971]

SWISS ANNOUNCE FRANC REVALUED

(By Jonathan C. Randal)

BASEL, SWITZERLAND.—In the first parity change in the entirely gold-backed Swiss franc since 1936, Switzerland revalued the franc by 7 per cent as a protective measure against speculative "hot money" poised to flood in at the opening of trading Monday.

As of Monday, one U.S. dollar will be worth 4.08 francs rather than the previous 4.37

parity, Finance Minister Nelo Celio announced.

The inability of the world's strongest money to resist revaluation reflected speculators' increasing flight to get out of what they believe is the overvalued U.S. currency.

In announcing the decision "without joy," Celio reiterated Switzerland's attachment to a "Traditional policy of monetary stability" which he said had been profoundly disturbed last week when $1.5 billion of "hot money" forced suspension of official trading on Wednesday.

With inflation running at 6.7 per cent for the first three months this year—the fourth highest rate in the world—the government acted to avoid further pressures imported from abroad through speculative investments.

While conceding that the franc long has been "undervalued," Celio squarely blamed U.S. low interest policies last year for flooding Europe with unwanted dollars and sparking the present crisis.

SWISS DECISION

Switzerland's revaluation was apparently chosen because of the importance of banking the Swiss economy and a desire to spare clients the confusion of a "floating" rate.

Once Germany had all but officially decided to let the mark "float" upwards to find a new parity against the dollar, Switzerland had little choice but to take action, especially in the light of its close economic links with its more powerful neighbor.

It was against this background—compounded by the disarray shown at the Common Market finance ministers meeting in Brussels—that concerned central bankers from the 10 richest industrial nations meeting in Basel.

Paramount in their minds was the dollar problem which was discussed—as it has been so often at these regular monthly meetings at the Bank for International Settlements—without reaching any positive conclusion.

EUROPEAN WRATH

European wrath at U.S. insistence that the dollar cannot be unilaterally devalued because of domestic politics and its role as the major world reserve currency can only be expected to increase as revalued European currencies fight at competitive disadvantage against Japanese goods.

Symptomatic of the central bankers inability to cope with root issues was their renewed failure to announce action on regulating the Euro-dollar market.

This freewheeling accumulation of some $60 billion in U.S. currency held outside the United States is blamed by many Europeans for sparking the generalized speculative crisis against their monies.

HOUSE JOINT RESOLUTION 23

Joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

"ARTICLE—

"SECTION 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"SEC. 2. The constitution or laws of any State, or the laws of the United States, shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"SEC. 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"SEC. 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

H.R. 351

A bill to vest in the Government of the United States the full, absolute, complete, and unconditional ownership of the twelve Federal Reserve banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve Banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

HOUSE JOINT RESOLUTION 535

Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possession, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

"SEC. 2. Congress shall have the power to carry out this article by appropriate legislation."

BRING BACK THE PENNY POSTCARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the penny postcard was a great invention; its demise should never have been permitted, and I am here to urge the House to bring back the penny postcard.

In a few weeks postage rates will go up, perhaps by 30 percent, and we will all be hearing protests. But Congress has given up the responsibility for setting postal rates, and we no longer have anything to say about the cost of postage, so we will have no answers for our constituents. We will not know, any more than the average man on the street, why postage rates have gone up—just that they have gone up. And we will not have any authority to do anything about it. We will not be able to do much except shrug our shoulders and talk about inflation, and how the Postal Service is supposed to get rid of its deficit.

But the truth is that the Postal Service is more than a service; it is vital to every person in the country, every day. It is a service that can only be provided by Government, and it is a service that can never be allowed to halt. The Postal Service is one of the most fundamental of Government services and, therefore, one that Congress should take the closest interest in. But we have turned our backs on this responsibility.

Now we will see the first result, and that is increased postal rates.

Why should not Congress be willing to set postal rates? It is ultimately our responsibility to see that the mail service system works, and it ought to be our responsibility to see that it works in a way that best serves the people who own it.

I believe that Congress has a duty to provide not just efficient mail service, but service that will reach everyone, service to which everyone has access regardless of his personal circumstances.

There are people in this country who are already hard pressed to scrape up a dime for an air mail stamp—a great many of them. There are some who cannot afford a 6-cent stamp for an ordinary first-class letter. To these people the postal service is already almost out of reach—and yet they are citizens, and they are entitled to mail service, and they ought to have access to it.

No matter how poor a man may be, he could still afford a 1-cent post card. He could easily afford the price of postage to contact his family, his friends, or his Congressman.

There should be no economic bar to the postal service. There should always be at least one rate that is available to every citizen, no matter how poor he may be.

There are those who would protest that a penny post card would have to be subsidized—that is hogwash.

I think that it is within the realm of reason to have a postal service that is efficient enough to handle post cards for a penny—and if it cannot do that, we ought to subsidize such postal cards.

We believe that mail is important to people, because otherwise we would have never established free mail service for people in Vietnam. If we can afford to subsidize air mail halfway around the world—and I believe that we certainly should—then I do not see why we cannot afford to subsidize penny post cards for people right here at home, if in fact subsidies would be required. I doubt that post card subsidies would cost as much as we are spending today for a few tanks, a couple of torpedoes, or for county fairs at the White House, and certainly would provide far greater benefit to the public.

There are those who protest that a penny post card rate would be snapped up by bulk mailers, and the Postal Service would be swamped and ruined by billions of penny postcards. But that is absurd, because we could write into the rate a provision that a penny post card should be a personal communication, from one individual to another, and that it is in no way available for any commercial use.

That, after all, was what the penny post card was invented for—to serve people who need to tell someone else, easily, conveniently, reliably, and at very little cost, that everything is all right, that everyone is well, or that everyone is not well and nothing right; it could tell people thank you, or no thank you; and it was the easiest way in the world to keep people close together.

Do we not need such a service today? I say that we do. I say that we ought to provide it. Then we would be able to know for a fact that communicating a thought would never cost more than a penny—if it fit on a postcard.

We should bring back the penny post card—perhaps it would bring us back together.

DRUG ABUSE IN THE ARMED SERVICES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, a January editorial in the Christian Science Monitor in the following words strongly urged the Government to face a problem of great importance to our young people and our whole country:

> Congress should step squarely up to the military drug problem in the next session. The issues of treatment for soldier users, the kind of discharge they should get . . . should be addressed, forthrightly and forthwith.

Many segments of the community have pressed for enactment of broad reforms and an urgent appeal has come from the Vietnam veterans. Last month when these veterans were in Washington, I spoke with groups of them who asked that Congress deal with the drug abuse problem in the Armed Forces. I have sought to respond to their appeal. The legislation I am introducing today speaks to the drug situation in the military with particular emphasis on providing a workable system of drug abuse treatment, rehabilitation and prevention in military combat zones.

It is almost impossible to obtain accurate figures on the number of drug abusers in the armed services. A recent report of a House Armed Services Subcommittee indicated that up to 60 percent of all U.S. servicemen had tried drugs—and other estimates range as high as 80 percent. The Army itself acknowledges that the number of American servicemen involved with drug abuse in Vietnam alone has increased from 47 in 1965 to 9,253 for the first 10 months of 1970. In the same period, 89 American soldiers in Saigon died from drug-related causes. Time magazine recently observed:

> Drugs are rapidly becoming as great a threat to American forces as the enemy.

Although all of the armed services admit that the drug problem exists, the Army has so far been the only service to confront the problem through setting up a program and providing rehabilitative opportunities for the drug user in that branch. The Navy, Air Force, and Marines take the position that they do not have adequate facilities or personnel to handle this problem. Their solution is to discharge drug users as quickly as possible, and usually with other than honorable discharges. The attitude of these services toward drug abusers allow young men, damaged physically and emotionally by a habit they developed while in the service, to bring their problems back to civilian life. The inevitable result for the home front is an increase in drug-related crime. Although the number of Vietnam veterans involved in drug-related crimes has not yet been made available by the Pentagon, it is certainly high. While we must deplore the resort to drugs on the part of these young men and reject the idea that they should in any way be rewarded for what is voluntary and in some sense indulgence, nevertheless the critical nature of the problem requires that we address it as an actual threat which exists rather than an abstract situation involving free will and objectionable conduct. Whether we like it or not, it is there and it has reached crisis proportions so that it is a problem which must be attacked in a national way and with national resources.

The military drug abuse problem should receive attention in three areas: First, there are no authoritative information and creative projects to educate members of the military about drugs and drug abuse, as well as a lack of constructive programs of rehabilitation for those wishing to break their habits; second, the enforcement procedures designed to eliminate dangerous drugs on or around American military installations are not working effectively, and third, the prevention and control of drug abuse require intensive and coordinated efforts on the part of both nonmilitary and military agencies.

My bill, the Armed Forces Drug Abuse Control Act of 1971, provides the military structure in each service with a specialized division, trained to care for the problems of drug addiction within its service. I offer this bill in the belief that drug abuse in the military can be treated effectively and efficiently before the soldiers are demobilized and returned to civilian life. In this bill, each service will establish a Drug Abuse Control Corps that will oversee the drug abuse control program for each branch. The intent of the bill in establishing three divisions in the Corps, an education, a rehabilitation, and an enforcement division, is threefold: to prevent those not already addicted; and through enforcement, to eliminate the source of the supply of narcotics now available to members of the American military.

The education and training division would be headed by a staff psychiatrist with experience in dealing with users of narcotics, and include an enforcement officer, and a person having experience in drug education. The staff would develop and collect materials on the dangers of drug abuse that have relevance to the location of the base affected and the types of drugs available there. The purpose of the education program would encourage the individual to resist involvement with narcotic drugs.

A treatment and rehabilitation division would develop a program under a trained psychiatric and medical staff that would restore the drug user willing to accept rehabilitation to active military service and would offer rehabilitative treatment to all convicted offenders.

An enforcement division would conduct antinarcotic and dangerous drug activities in geographical areas in which American military troops were based. It would collect and evaluate narcotic intelligence; identify routes and personnel involved in narcotic traffic; isolate narcotic traffickers from narcotic sources and users; assist in joint narcotic suppression efforts with the local authorities of the country or area in which American troops are based; develop evidentiary data and assist in prosecution of narcotic traffickers and their compatriots; prevent illicit shipping of drugs by military personnel. Using all intelligence and enforcement procedures available, the enforcement officers would reduce the availability and use of narcotic drugs in the areas surrounding American military bases.

The final section of my bill provides that no member of an armed force who is adjudged addicted to a narcotic drug by competent medical authorities during his active duty, may be separated from service until he is completely free from any habitual dependence on narcotic drugs, according to competent medical authorities.

It is time that the Military Establishment was directed to take more responsibility for the drug problem and that every service was stimulated to an all-out effort to control, if not entirely eliminate, the drug abuse problem from which it, by its own admission, suffers.

With the passage of my bill, the members of the military services, with the full support of the civilian community, would work within a constructive framework for the control and eventual elimination of the narcotic drug problem, which is draining the strength and vitality from our people. It is with the hope of such success that I file this bill today.

CLOSING THE LOOPHOLE IN THE JONES ACT

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, for the information of the House, I wish to state that today I have introduced a bill to amend legislation passed during the Korean war which authorized the waiver of navigation and vessel-inspection laws. Under this wartime measure, the head of each department or agency responsible for these laws was directed to waive compliance with such laws upon the request of the Secretary of Defense whenever he deemed that such action was necessary in the interests of national defense.

The purpose of that law, known as the act of December 27, 1950 (64 Stat. 1120) was to facilitate the movement of troops and supplies to the war zone. There was nothing in its legislative history to indicate that the statute covered waiver of the Jones Act, which, as Members of the House know, prohibits foreign-built or foreign-flag vessels from engaging in U.S. domestic trade. However, the Bureau of Customs and other agencies, including the Department of Defense and the Coast Guard, believe the statute does cover waivers of the Jones Act.

Mr. Speaker, I have been told that the policy of the Department of Commerce and the Maritime Administration is to oppose waivers of the Jones Act. But, on the other hand, in connection with the Alaskan North Slope oil development, there is strong pressure, I am told, by certain oil interests for waivers for foreign-flag tankers to carry petroleum to West Coast and other ports. Indeed, there are rumors that there have been discussions in the Office of Management and Budget and some support for the granting of waivers under provisions of this old emergency law on the grounds of national defense.

In World War II and the Korean war, in the interest of legitimate defense reasons, Congress acted promptly to pass waiver laws and if need be, legislation could be enacted again.

Meanwhile, Mr. Speaker, Congress should assure itself that the act of 1950, for purely commercial purposes, is not used as a device to waive the Jones Act. In this regard, I am hopeful the Congress will act expeditiously to close the loophole in section 1 of the act of December 27, 1950, by accepting my bill to provide that nothing in the law would authorize any department or agency to waive compliance with section 27 of the Merchant Marine Act of 1920, the so-called Jones Act to limit carriage of cargo and passengers between American ports to American-flag ships.

THE TAX SHARING ACT OF 1971

(Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter and tables.)

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing the Tax Sharing Act of 1971, to provide a more balanced sharing of tax resources by the Federal, State, and local governments. The Tax Sharing Act of 1971 incorporates a two-pronged approach for providing additional taxing latitude to State and local governments, consistent with the division of responsibilities within our federal system.

First, a 20-percent tax credit is provided against an individual's Federal income tax liability for State and local income taxes that he pays. The credit would be extremely simple and easily understood by the taxpayer. A taxpayer would simply claim a credit on his Federal return for 20 percent of the State and local income taxes he has paid. For all taxpayers, whether they itemize or take the standard deduction, the credit will be in addition to and not a substitute for the deducation already provided for State and local taxes. State and local governments will know in advance that all taxpayers will have a reduction in their Federal personal income taxes equal to 20 percent of their State and local taxes paid.

The additional State tax resources made available by the new income tax credit—about $2.5—will be clearly identified, and State or local governments can raise an equivalent amount by simply increasing their tax rates across the board or by imposing a surtax.

Second, my bill would update the Federal estate tax credit for death taxes to 80 percent of the tax on the first $150,000 of the taxable estate, and 20 percent of the remainder. The present credit, which is based on the rates prevailing in 1926, is an anachronism currently providing a credit of only about 10 percent of the present Federal estate tax rates.

Historically, death taxes have been regarded by both the Federal and State Government as a State revenue source. Although the Federal Government enacted an estate tax in 1916, it recognized the States prior claims to this revenue source. In 1926, when it became apparent that interstate competition might impair this traditional revenue source, Congress provided an 80-percent credit against the Federal estate tax for State death taxes as an alternative to repeal of the Federal tax. Under the pressure of the depression and the fiscal crunch of World War II, Congress sharply increased Federal estate tax rates while continuing to base the credit for State death taxes on the 1926 rate schedule.

The law is now an anachronism. Cooperative federalism and fiscal balance in our Federal system require that we update the credit. In addition to providing over $1 billion in increased taxing latitude to the States, my bill will substantially reduce the incentive in present law for "forum shopping" by people of means and also stabilize this important source of State revenue.

Additionally, Mr. Speaker, my bill directs the Treasury Department, working with the staff of the Joint Committee on Internal Revenue, to study the feasibility of a program for Federal collection of State income taxes at Federal expense at the request of the State. The study, which would include the feasibility of combined withholding of Federal and State income taxes, must be submitted to Congress not later than July 1, 1972. Hopefully, the study will provide the basis for improved Federal and State tax administration, reducing overall costs and the compliance burdens now imposed on taxpayers and their employers.

Mr. Speaker, I am appending to my remarks a technical explanation as well as a table showing on a State-by-State basis the distribution of the additional taxing latitude provided by my bill. Additionally, I am including a table comparing the State-by-State distribution of the $1 billion of tax relief under my estate tax proposal with the tax burden that would be imposed on each State by raising $1 billion through the Federal individual income tax.

I am also enclosing tables showing the individual income tax effort being made by States and localities on three different bases: first, State, and local individual income tax collections are compared with personal income in each State, with each State being ranked according to State and local income tax effort; second, individual income tax collections by each State are shown as a percentage of Federal income tax collections in that State; and third, State individual income tax collections in each State are shown as a percentage of Federal adjusted gross income in each State.

Finally, Mr. Speaker, I am enclosing a table that ranks each State by overall tax effort—general revenue from their own sources—as a percent of personal income.

In all cases, I have used the latest statistical data available from the Census Bureau and the Internal Revenue Service. Although differences in my proposal require the use of additional data not relevant to the administration's proposal I believe we are in agreement on the relevant statistical sources.

However, I believe it is appropriate to point out difficulties that are necessarily encountered in projecting precise cost estimates relevant to any general revenue sharing or tax sharing proposal.

For example, there is a necessary lag between the collection and publication of the data and different years must sometimes be used for different governmental levels. The latest available figures on State income tax collections relate to fiscal year 1970. The latest available figures for local income tax collections are for fiscal year 1967. This means that revenues will have grown somewhat in the interim—both from economic growth and through changes in tax laws. There is also a lag in the collection of data on State and Federal death taxes.

While I thought it appropriate to point out these problems, I want to emphasize that the estimates are not only as accurate as can be obtained, but based on much more reliable data than is often available to us in other areas of the tax law.

Mr. Speaker, I have introduced this bill as an alternative to the general revenue-sharing measure proposed by the administration. I continue to solidly support the administration's program for "special revenue sharing"—grant consolidation along broad functional lines. I want to emphasize my complete agreement with the emphasis the President is placing on reform of our system of public services, and the need to halt the growing centralizing of more and more decisionmaking in Washington. In both his general and special revenue sharing proposals, he is to be commended for defining the problem, outlining objectives, proposing solutions, and focusing public attention on the issues. We are in agreement on the need for special revenue sharing; in the area of general revenue sharing, we agree on the objectives, but differ fundamentally on the means.

My bill would make an additional $3.5 billion available to State and local governments. I am frankly not convinced that the Federal Government—which must borrow $47 billion in the current and succeeding fiscal year to pay its bills—can afford a reduction in revenues of this magnitude at this time. We simply must realize that a fiscal crisis confronts all levels of Government—Federal, State, and local. We are all squeezing blood from the same turnip—the overburdened American taxpayers. No one can perform the miracle of the loaves and the fishes: increased spending at any level of Government means increased taxes for the American taxpayer. We must not camouflage the fundamental fact that we, as a people, are demanding of all levels of Government more services than we can or are willing to pay for. However, a more balanced division of tax resources consistent with the division of responsibilities within our Federal system is a goal I am firmly committed to attaining as soon as fiscal responsibility permits. This goal will be achieved much more effectively through tax sharing than through general revenue sharing for several reasons.

First, general revenue sharing divorces the pleasure of providing public benefits from the odium of imposing taxes. Public officials are relieved of the painful necessity of balancing the benefits citizens receive against the increased tax burdens they must bear. Tax burdens are centralized; public benefits are decentralized. This is bad public finance and poor government.

Tax sharing retains this important nexus between dispensing benefits and imposing tax burdens. The dispensation of benefits and the imposition of taxes will be maintained on the same governmental level. Public officials will be required to impose the taxes necessary to finance benefits they desire to provide. Full public accountability requires no less.

Second, general revenue sharing is of dubious constitutional validity. The Constitution gives Congress the power to tax "to pay the debts and provide for the general welfare of the United States." This language—and the separation of powers within our Federal system—requires Congress to make a fundamental policy decision as to what constitutes the general welfare of the United States, rather than delegating this responsibility to the States.

By providing a blank check to the States, general revenue sharing abdicates this responsibility. Our Constitution is a flexible document. It was not cast in bronze at the dawn of creation, but neither is it a formless mass to be molded to whatever shape appears expedient.

Tax sharing provides additional taxing latitude to the States that they can utilize by imposition of their own levies in accordance with the federal system established by our Constitution. Ample precedent is provided in tax credits that have long been included in our estate tax laws and Federal unemployment tax, which the Supreme Court has specifically upheld.

Third, general revenue sharing distributes money largely on the basis of population, with only a minor adjustment for the revenue effort States and localities are making to meet locally defined needs. This revenue effort varies widely among the States. Even the minor adjustment made for revenue effort rewards all tax structures alike although 13 States either have no income tax or an income tax in name only, while others impose a very limited income tax burden. No incentive is provided for improvements in State and local tax structures. Although conceived as a response to Federal preemption of the income tax—the most elastic, easily administered, broadly distributed tax source available to government—general revenue sharing paradoxically provides no incentive for greater utilization by States and localities of this revenue source.

Tax sharing provides a positive incentive concurrent with fiscal relief for States and localities making little or no use of the individual income tax to improve their tax structure. States imposing a substantial income tax burden on their citizens would receive a greater share of the fiscal relief. By providing fiscal relief commensurate with individual income tax effort, tax-sharing recognizes that it is the States making the greatest income tax effort who have been truly "preempted" by the Federal individual income tax.

Finally, general revenue sharing creates the danger of States becoming mere appendages of the National Government dependent on Federal largess—the victims of greater centralization. History unfortunately shows that the aphorism "he who pays the fiddler calls the tune" is applicable to Government. The proliferation of restrictions on State discretion in our grant-in-aid programs is a case in point. In view of this experience, one can easily envision that dissatisfaction by Federal officials with State utilization of general-revenue appropriations might lead to increasing restrictions on State discretion in dealing with responsibilities historically reserved to the States.

Tax sharing provides adding taxing latitude to the States and localities that they can tap through simple amendments to their own tax laws. They will raise their own revenues as they have historically done under our Federal system, rather than being dependent on appropriations from the Federal Government. States and localities will "pay the fiddler and call their own tune."

While this does not exhaust the list of defects in general revenue sharing, it demonstrates the real need for a constructive alternative. My proposal provides a constructive alternative. It restores fiscal balance consistent with the lessons of history and our Federal system. It expresses renewed faith in our Federal system of Government, the backbone of the most successful experiment in self-government in the history of man. I hope it will provide a basis for public dialog leading to constructive action on the important problems we face.

The material referred to follows:

Technical Explanation—The 20 Percent Credit for State and Local Income Taxes

The bill adds a new provision to the tax laws providing individuals a credit for the State and local income taxes they pay. This credit is limited to 20 percent of the State and local income taxes paid (or accrued) during the year and is allowable as a credit only against the regular individual and capital gains income taxes. It may not be used to reduce the minimum tax or the penalty tax on self-employed H.R. 10-type pension plans. The bill provides that the credit is in addition to, and not a substitute for, the deduction of State and local income taxes.

State and local income taxes are defined under the bill as those imposed by a State, locality, or the District of Columbia and which are of the type treated as deductible income taxes (sec. 164(a) (3)) under the tax laws.

At the option of the taxpayer, he may take a credit for taxes in the year they were accrued rather than in the year of payment. In addition, the Treasury Department is to prescribe regulations setting forth appropriate treatment of cases where taxes claimed as credits on an accrual basis represent ultimate payments which differ from the accrual and where taxes claimed as credits are refunded.

Several technical amendments relating to the 20 percent State and local income tax credit also have been included in the bill.

The 20 percent credit for State and local income taxes is to be effective for years beginning after December 31, 1971. However, no credit is to be allowed for taxes due before January 1, 1972, regardless of when paid.

The bill also provides that the Treasury Department is authorized to prescribe regulations and tables under which the withholding of tax on wages is reduced to the extent necessary or appropriate to reflect the State and local income tax credit allowed by this bill.

INCREASE IN CREDIT AGAINST FEDERAL ESTATE TAX FOR STATE DEATH TAXES

This bill substantially increases the credit for State death taxes which may be taken against the Federal estate tax. Currently, the credit is limited to a schedule based on 80 percent of the rates in effect in the Revenue Act of 1926. In most cases this works out to be about 10 percent of the present rates. The bill replaces this schedule with a credit equal to 80 percent of any Federal estate taxes on the first $150,000 of the taxable estate plus 20 percent of the Federal estate tax on any taxable estate over $150,000.

For example, if the taxable estate of a decedent is $250,000, and no other credits are allowable, the maximum amount of credit for State death taxes would be $34,560. This can be computed first by taking 80 percent of the tax on the first $150,000 of the taxable estate (80 percent of $35,700 or $28,560). To this, then, is added 20 percent of the tax on the remaining $100,000 (20 percent of $30,000, or $6,000). The sum of these two amounts ($28,560 and $6,000) is $34,560, the maximum amount of State death tax credit which may be claimed.

One change made by the bill relates to the present law exemption from the net estate tax imposed by the Federal Government (called the additional tax). Under current law, members of the Armed Forces dying as the result of injury received in a combat zone are forgiven for this "additional" estate tax but are subject to the portion of the Federal estate tax generally creditable for State death taxes (the basic estate tax). Since with the credit of up to 80 percent, the State death tax is likely to be the more important tax, the bill provides that these members of the Armed Forces will no longer be subject to any part of the estate tax imposed by the Federal Government, whether or not there is a creditable State tax.

Another change made by the bill relates to the fact that under present law overpayments of estate tax in some cases may be attributable to the payments which initially were related to the gift tax. This can occur, for example, where a gift is ultimately determined as made "in contemplation of death" or where, because of powers retained, a gift transfer is not viewed as complete until an individual dies. Presently, the gift tax paid in these cases can be credited against the usually larger Federal estate tax due. However, under the bill the "Federal" estate tax may be smaller than the gift tax (where there is no credit for State taxes) and as a result provision needs to be made for the payment of refunds. Under the bill, therefore, gift tax payments in these cases may be allowed as a credit to the extent of the net Federal estate tax paid and as a refund to the extent of the creditable State death taxes.

The operation of this provision of the bill can be illustrated by the following example: Assume that the taxable estate is $150,000 and that a gift tax previously paid of $40,000 is allowable as a credit against the estate tax. In this case, the amount of the gift tax which may be refunded is limited to $28,560. This can be shown as follows: The tax on the taxable estate is $35,700.

The credit for State death taxes is limited to 80 percent of this amount, or $28,560. Of the $40,000 gift tax, $7,140 would be allowed as a credit offsetting entirely the net Federal estate tax. A refund would also be allowed for the creditable State death taxes paid, $28,560. No credit or refund would be allowed for the remaining $4,300 of gift taxes paid.

The bill also contains a provision relating to "income in respect of a decedent." This is income attributable to a decedent but received after his death. Under present law, this income is included in the decedent's estate tax base (even though it may not yet be received). Then, when this income is reported for income tax purposes, a deduction is allowed for the estate tax attributable to this income. However, no deduction is allowed for the State death tax attributable to this income. The bill provides that this deduction is also to be available for the State death taxes paid on this income to the extent a Federal estate tax credit is allowed for them.

Several technical amendments relating to the credit against Federal estate tax for State death taxes have also been included in the bill. The principal changes specify the order in which this credit is to be taken, relative to other credits under the Federal estate tax.

The credit for State death taxes applicable to estates of nonresident aliens has also been amended by the bill since a separate tax rate structure is provided in these cases. The bill provides a credit against State death taxes for nonresident aliens which is comparable to the credit available for residents and citizens of the United States.

The increase in the credit against Federal estate tax for State death taxes is made effective by the bill to decedents dying after December 31, 1971.

STUDY OF PROPOSAL FOR FEDERAL COLLECTION OF STATE INCOME TAXES ON INDIVIDUALS

The bill also provides that the Treasury Department, working with the staff of the Joint Committee on Internal Revenue Taxation, is to study the feasibility of a program under which the Secretary of the Treasury would enter into an agreement with any requesting State for the collection by the Treasury Department of the income taxes imposed by the State on individuals. This collection would occur as a part of the process of the collection of the Federal income tax and would be without cost to the State. The study would also consider the feasibility of the Treasury Department also combining withholding of both the Federal and State income taxes from wages paid to individuals in the State in question. The Treasury Department and the staff of the Joint Committee would be required to submit their recommendations on this study to the House of Representatives and the Senate not later than July 1, 1972.

ESTIMATED ADDITIONAL REVENUE, BY STATE, RESULTING FROM A 25-PERCENT INCREASE IN STATE AND LOCAL INCOME TAX TO PICK UP THE DECREASE IN FEDERAL INDIVIDUAL INCOME TAX LIABILITY UNDER A PROPOSAL TO GRANT A 20-PERCENT CREDIT AGAINST FEDERAL INCOME TAX (IN ADDITION TO THE PRESENT LAW DEDUCTION) FOR STATE AND LOCAL INDIVIDUAL INCOME TAXES PAID AND ESTIMATED INCREASE IN STATE DEATH TAX COLLECTIONS, BY STATE, UNDER A PROPOSAL TO INCREASE THE STATE DEATH TAX CREDIT AGAINST FEDERAL ESTATE TAX TO 80 PERCENT OF THE FEDERAL TAX LIABILITY BEFORE CREDITS ON THE FIRST $150,000 OF THE TAXABLE ESTATE AND 20 PERCENT OF THE TAX LIABILITY ON THE BALANCE OF THE TAXABLE ESTATE

[In thousands of dollars]

State (1)	Increase in State and local revenues under tax credit proposal [1] (2)	Increase in State revenues under estate tax proposal [2] (3)	Total column (2) plus column (3) (4)
Alabama	21, 848	5, 528	27, 376
Alaska	8, 114	88	8, 202
Arizona	16, 244	15, 402	31, 646
Arkansas	10, 637	4, 323	14, 960
California	287, 651	160, 030	447, 681
Colorado	32, 274	8, 276	40, 550
Connecticut [3]	1, 229	28, 912	30, 141
Delaware	17, 122	7, 106	24, 228
District of Columbia	20, 761	7, 112	27, 873
Florida [4]		54, 298	54, 298
Georgia	46, 236	19, 405	65, 641
Hawaii	26, 255	2, 145	28, 400
Idaho	9, 166	1, 301	10, 467
Illinois	143, 900	80, 171	224, 071
Indiana	54, 096	14, 792	68, 888
Iowa	28, 187	11, 355	39, 542
Kansas	19, 606	10, 949	30, 555
Kentucky	40, 067	10, 355	50, 422
Louisiana	11, 998	7, 767	19, 765
Maine	4, 721	4, 656	9, 377
Maryland	111, 882	18, 391	130, 273
Massachusetts	129, 488	33, 205	162, 693
Michigan	118, 976	25, 207	144, 183
Minnesota	86, 433	10, 429	96, 862
Mississippi	11, 041	5, 381	16, 422
Missouri	42, 283	30, 145	72, 428
Montana	9, 718	2, 103	11, 821
Nebraska	11, 111	3, 593	14, 704
Nevada [4]		3, 123	3, 123
New Hampshire [3]	866	3, 647	4, 513
New Jersey [3]	4, 411	43, 818	48, 229
New Mexico	8, 933	2, 897	11, 830
New York	708, 941	150, 058	858, 999
North Carolina	67, 736	12, 254	79, 990
North Dakota	3, 845	909	4, 754
Ohio [4]	29, 744	48, 450	78, 194
Oklahoma	12, 629	10, 763	23, 392
Oregon	53, 263	10, 762	64, 025
Pennsylvania [4]	57, 126	68, 119	125, 245
Rhode Island [3]	4, 661	6, 525	11, 186
South Carolina	23, 850	4, 317	28, 167
South Dakota [4]		1, 683	1, 683
Tennessee [3]	3, 028	11, 324	14, 352
Texas [4]		49, 836	49, 836
Utah	15, 334	1, 935	17, 269
Vermont	10, 917	1, 887	12, 804
Virginia	70, 692	17, 759	88, 451
Washington [4]		12, 882	12, 882
West Virginia	10, 015	4, 932	14, 947
Wisconsin	122, 486	18, 201	140, 687
Wyoming [4]		1, 471	1, 471
Total	2, 529, 521	1, 069, 977	3, 599, 498

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[1] Based on State individual income tax collections, fiscal year 1970, and local individual income tax collections, fiscal year 1967; makes no disallowance for the small amount of State and local income taxes paid by persons who are nonfilers or nontaxable under the Federal individual income tax.

[2] Based on fiscal year 1970 State death tax collections and estimated Federal estate tax data from returns estimated to have been filed in calendar year 1970; assumes that each State increases death taxes in an amount corresponding to the aggregate increase in tax credits claimed on Federal returns filed from the State.

[3] States with selective individual income tax as of Jan. 1, 1970. Connecticut: A tax is imposed at the rate of 6 percent on an individual's net capital gains of $100 or more. New Hampshire: Income from interest and dividends taxed at 4.25 percent; effective July 1, 1970, a 4 percent tax is imposed on residents on income derived outside the State and on nonresidents on New Hampshire derived income. New Jersey: Tax imposed on New York resident individuals deriving income from New Jersey sources, and New Jersey residents deriving income from New York sources. Rhode Island: Tax imposed at the rate of 10 percent on an individual's dividend, interest, and net capital gains income as reduced by a personal exemption of $2,000 and subject to certain adjustments. Rhode Island has repealed this tax for taxable years beginning on and after Jan. 1, 1971, and, effective for the period Jan. 1, 1971, through June 30, 1971, has enacted a 20-percent individual income tax on one-half of adjusted Federal income tax liability. Tennessee: Dividends and interest taxed at 6 percent; 4 percent on dividends from corporations with 75 percent of property taxable in the State.

[4] States with no State individual income tax as of Jan. 1, 1970; effective for taxable years ending after Dec. 31, 1970, Pennsylvania has enacted a 3.5-percent individual income tax on modified Federal taxable income.

COMPARISON BETWEEN ESTIMATED INCREASE IN STATE DEATH TAX COLLECTIONS, BY STATE, UNDER A PROPOSAL TO INCREASE THE STATE DEATH TAX CREDIT AGAINST FEDERAL ESTATE TAX TO 80 PERCENT OF THE FEDERAL TAX LIABILITY BEFORE CREDITS ON THE 1ST $150,000 OF THE TAXABLE ESTATE AND 20 PERCENT OF THE TAX LIABILITY ON THE BALANCE OF THE TAXABLE ESTATE AND ESTIMATED FEDERAL INDIVIDUAL INCOME TAX LIABILITY, BY STATE, CALENDAR YEAR 1970, ADJUSTED FOR THE EFFECT OF THE TAX REFORM ACT OF 1969 WHEN FULLY EFFECTIVE

State	Increase in State revenues under estate tax proposal[1]		Distribution of $1,069,977,000 of Federal individual income tax liability[2]	
	Amount (thousands) (1)	Percentage distribution (2)	Amount (thousands) (3)	Percentage distribution (4)
Alabama	$5,528	0.52	$10,255	0.96
Alaska	88	0.01	1,554	0.15
Arizona	15,402	1.44	7,775	0.73
Arkansas	4,323	0.40	5,207	0.49
California	160,030	14.96	116,603	10.90
Colorado	8,276	0.77	10,437	0.98
Connecticut	28,912	2.70	26,782	2.50
Delaware	7,106	0.66	3,374	0.32
District of Columbia	7,112	0.66	4,246	0.40
Florida	54,298	5.07	35,713	3.34
Georgia	19,405	1.81	16,975	1.59
Hawaii	2,145	0.20	4,316	0.40
Idaho	1,301	0.12	2,396	0.22
Illinois	80,171	7.49	77,253	7.22
Indiana	14,792	1.38	25,714	2.40
Iowa	11,355	1.06	11,980	1.12
Kansas	10,949	1.02	10,110	0.94
Kentucky	10,355	0.97	10,068	0.94
Louisiana	7,767	0.73	12,365	1.16
Maine	4,656	0.44	3,920	0.37
Maryland	18,391	1.72	25,923	2.42
Massachusetts	33,205	3.10	35,729	3.34
Michigan	25,207	2.36	48,586	4.54
Minnesota	10,429	0.97	16,416	1.53
Mississippi	5,381	0.50	4,994	0.47
Missouri	30,145	2.82	21,974	2.05
Montana	2,103	0.20	2,124	0.20
Nebraska	$3,593	0.34	$5,991	0.56
Nevada	3,123	0.29	3,785	0.35
New Hampshire	3,647	0.34	3,520	0.33
New Jersey	43,818	4.10	49,501	4.63
New Mexico	2,897	.27	3,398	.32
New York	150,058	14.02	133,353	12.46
North Carolina	12,254	1.15	17,888	1.67
North Dakota	909	.08	1,558	.15
Ohio	48,450	4.53	60,395	5.64
Oklahoma	10,763	1.01	9,472	.89
Oregon	10,762	1.01	9,644	.90
Pennsylvania	68,119	6.37	61,809	5.78
Rhode Island	6,525	.61	4,921	.46
South Carolina	4,317	.40	7,736	.72
South Dakota	1,683	.16	1,871	.17
Tennessee	11,324	1.06	14,771	1.38
Texas	49,836	4.66	53,416	4.99
Utah	1,935	.18	3,874	.36
Vermont	1,887	.18	2,149	.20
Virginia	17,759	1.66	21,165	1.98
Washington	12,882	1.20	18,862	1.76
West Virginia	4,932	.46	6,050	.57
Wisconsin	18,201	1.70	20,688	1.93
Wyoming	1,471	.14	1,371	.13
Total	1,069,977	100.00	1,069,977	100.00

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[1] Based on fiscal year 1970 State death tax collections and estimated Federal estate tax data from returns estimated to have been filed in calendar year 1970; assumes that each State increases death taxes in an amount corresponding to the aggregate increase in tax credits claimed on Federal returns filed from the State.

[2] Estimated by the staff of the Joint Committee on Internal Revenue Taxation.

Note: Detail will not necessarily add to totals because of rounding.

STATES RANKED BY STATE AND LOCAL INDIVIDUAL INCOME TAX EFFORT

[State and local individual income taxes collected as a percentage of personal income]

State	Personal income calendar year 1969 (millions) (1)	State individual income tax collections, fiscal year 1970 (thousands) (2)	Local individual income tax collections, fiscal year 1967 (thousands) (3)	State and local individual income tax collections (thousands) (4)	State-local individual income tax effort[1] (percent) (5)
New York	$81,384	$2,506,435	$329,327	$2,835,762	3.4844
Hawaii	3,060	105,019		105,019	3.4320
Wisconsin	15,376	489,944		489,944	3.1864
Delaware	2,218	86,486		68,486	3.0877
Vermont	1,426	43,668		43,668	3.0623
Oregon	7,261	213,053		213,053	2.9342
Maryland	15,336	413,366	34,161	447,527	2.9181
Alaska	1,258	32,445		32,455	2.5799
Minnesota	13,448	345,733		345,733	2.5709
Massachusetts	22,722	517,952		517,952	2.2795
District of Columbia	3,768	83,044		83,044	2.2039
Utah	3,132	61,335		61,335	1.9583
Virginia	15,441	282,769		282,769	1.8313
North Carolina	15,030	270,945		270,945	1.8027
Montana	2,172	38,871		38,871	1.7896
Kentucky	9,202	121,423	38,845	160,268	1.7417
Idaho	2,120	36,662		36,662	1.7293
Colorado	7,569	129,097		129,097	1.7056
California	83,408	1,150,604		1,150,604	1.3795
Michigan	35,010	415,345	60,557	475,902	1.3593
South Carolina	7,018	95,398		95,398	1.3593
Georgia	14,253	184,943		184,943	1.2976
New Mexico	2,879	35,730		35,730	1.2411
Illinois	47,340	575,601		575,601	1.2159
Indiana	18,868	216,384		216,384	1.1468
Iowa	9,870	112,746		112,746	1.1423
Arizona	5,709	64,974		64,974	1.1381
Missouri	$16,085	$129,654	$39,478	$169,132	1.0515
Kansas	8,096	78,423		78,423	0.9687
Alabama	9,116	85,081	2,311	87,392	0.9587
Arkansas	4,963	42,548		42,548	0.8573
Nebraska	5,230	44,444		44,444	0.8498
West Virginia	4,735	40,061		40,061	0.8461
Mississippi	5,234	44,162		44,162	0.8438
North Dakota	1,852	15,379		15,379	0.8304
Oklahoma	7,825	50,516		50,516	0.6456
Maine	2,987	18,885		18,885	0.6322
Rhode Island	3,515	18,644		18,644	0.5304
Pennsylvania	43,182		228,502	228,502	0.5292
Louisiana	10,413	47,993		47,993	0.4609
Ohio	40,145		118,977	118,977	0.2964
New Hampshire	2,489	3,462		3,462	0.1391
Tennessee	11,189	12,113		12,113	0.1083
New Jersey	30,312	17,643		17,643	0.0582
Connecticut	13,784	4,916		4,916	0.0357
Florida	22,396				
Nevada	2,037				
South Dakota	1,995				
Texas	36,458				
Washington	13,093				
Wyoming	1,073				
Total	744,482	9,265,906	852,158	10,118,064	1.3591

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[1] Column (4) as a percentage of column (1).

Note: Compiled and computed by the staff of the Joint Committee on Internal Revenue Taxation.

STATE USE OF THE PERSONAL INCOME TAX

[Dollar amounts in millions]

States	Personal income tax collections in 1969— Amount	As percent of Federal AGI in 1968	As percent of Federal income tax in 1968
United States, total	7,595	[1]2.2	[2]16.1
Alabama	75	1.2	9.8
Alaska	25	3.4	24.3
Arizona	53	1.3	10.6
Arkansas	38	1.1	9.9
California	1,087	1.7	13.0
Colorado	103	1.9	14.6
Connecticut			
Delaware	61	3.7	23.0
District of Columbia	67	3.1	19.4
Florida			
Georgia	139	1.4	11.2
Hawaii	87	4.1	29.8
Idaho	38	2.6	22.6
Illinois			
Indiana	181	1.3	9.6
Iowa	107	1.5	12.5
Kansas	72	1.3	10.2
Kentucky	108	1.7	14.0
Louisiana	45	0.6	4.7
Maine			
Maryland	313	2.4	17.0
Massachusetts	453	2.6	18.0
Michigan	390	1.5	10.3
Minnesota	304	3.2	25.4
Mississippi	20	0.6	5.5
Missouri	118	1.0	7.3
Montana	31	2.2	18.8
Nebraska	37	1.1	8.6
Nevada			
New Hampshire	3		
New Jersey	15		
New Mexico	20	1.0	8.3
New York	2,152	3.5	23.0
North Carolina	240	2.3	18.9
North Dakota	14	1.2	11.5
Ohio			
Oklahoma	48	0.9	7.1
Oregon	204	3.8	29.2
Pennsylvania			
Rhode Island			
South Carolina	84	1.7	14.8
South Dakota			
Tennessee	11		
Texas			
Utah	51	2.2	19.3
Vermont	34	3.3	26.1
Virginia	273	2.4	18.0
Washington			
West Virginia	31	0.9	6.9
Wisconsin	462	4.0	31.0
Wyoming			

Ex.=Exempt. Cr.=Credit.

[1] Local rates are shown only for those States where such tax is used fairly extensively.

[2] Weighted mean of the 35 States, and the District of Columbia imposing a broad-based personal ncome taxfor the entire fiscal year. Maine and Illinois became personal income tax States during 969.

Source: U.S. Bureau of the Census, State Government Finances in 1969; Internal Revenue Service, Statistics of Income, Individual Income Tax Returns, 1968; and Commerce Clearing House State Tax Reporter.

STATES RANKED BY STATE AND LOCAL TAX EFFORT

[General revenues from own sources as a percent of personal income by State; in millions of dollars]

State	Personal income (1968) (1)	General revenue from own sources (1968–69) (2)	Revenue effort (col. 2 as a percentage of col. 1) (3)
Wyoming	1,005	195.7	19.47
North Dakota	1,712	312.7	18.79
New Mexico	2,667	472.7	17.73
Hawaii	2,705	466.4	17.24
California	76,581	12,822.1	16.74
New York	75,049	12,472.0	16.62
Arizona	5,034	826.2	16.41
Alaska	1,136	182.7	16.09
Nevada	1,777	285.4	16.06
Minnesota	12,185	1,953.8	16.03
South Dakota	1,887	301.8	15.99
Idaho	1,876	299.0	15.94
Wisconsin	14,197	2,262.2	15.93
Louisiana	9,814	1,547.1	15.76
Mississippi	4,878	763.4	15.65
Colorado	6,824	1,052.0	15.41
Oregon	6,660	1,024.9	15.39
Utah	2,885	442.5	15.34
Montana	2,039	311.9	15.20
Washington	12,081	1,844.5	15.17
Vermont	1,306	198.4	15.19
Iowa	9,057	1,351.7	14.92
Nebraska	4,661	693.3	14.87
Michigan	32,119	4,694.0	14.61
Oklahoma	7,259	1,022.4	14.09
Florida	19,626	2,739.6	13.96
Delaware	2,026	280.7	13.85
Kentucky	8,516	1,170.8	13.75
Kansas	7,574	1,033.7	13.65
Massachusetts	20,974	2,841.4	13.55
West Virginia	4,451	602.1	13.53
Alabama	8,316	1,121.8	13.49
Maryland	14,048	1,878.5	13.37
Georgia	12,705	1,684.7	13.26
Maine	2,757	359.4	13.03
Virginia	14,100	1,796.0	12.74
Arkansas	4,611	584.0	12.66
Indiana	17,270	2,178.9	12.62
North Carolina	13,642	1,721.4	12.26
Tennessee	10,252	1,283.7	12.52
Rhode Island	3,244	402.7	12.41
South Carolina	6,341	785.6	12.39
Texas	33,254	4,085.6	12.29
New Jersey	28,047	3,405.6	12.14
Pennsylvania	40,102	4,738.6	11.82
Missouri	15,065	1,758.0	11.67
New Hampshire	2,288	262.6	11.48
Ohio	37,151	4,195.7	11.29
Illinois	43,760	4,897.6	11.19
Connecticut	12,611	1,394.4	11.06
District of Columbia	3,580	386.6	10.80
Total	683,072	95,397.5	13.95

Source: Governmental Finances in 1968–69, Bureau of Census.

BLACK MESA COAL AND THE ENVIRONMENTAL POLLUTION OF THE SOUTHWEST

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matters.)

Mr. HECHLER of West Virginia. Mr. Speaker, in the Southwestern area of the United States, several power companies and coal suppliers have plans for supplying the people of Arizona, New Mexico, Utah, and California with electricity for many years to come. The proposals provide for the construction of several large powerplants, the diversion of a river, and the strip mining of several large beds of coal. Unfortunately, the power needs of the people have been considered without regard for the human needs of the Hopi and Navajo Indians, not to mention the adverse effects on the environment. In a paper, "Fact Summary of the Southwest Power Plants: Ecological and Cultural Effects: Recommended Action," prepared by the Native American Rights Fund, a thorough study of the environmental consequences of the Southwest power project has been made. I present this paper below for the information and use of my colleagues:

FACT SUMMARY OF THE SOUTHWEST POWER PLANTS: ECOLOGICAL AND CULTURAL EFFECTS: RECOMMENDED ACTION

(Prepared by: Native American Rights Fund, David H. Getches, director, Bruce R. Greene, and Robert S. Pelcyger)

INTRODUCTION

This memorandum is a composite of our information to date concerning the existence and construction of six large coal burning electrical generating plants and the coal mines which supply them. Included are sections describing the environmental impact of the plants, the federal government's involvement, the Hopi way of life, the Navajo way of life, Indian problems, National Environmental Policy Act studies which have been undertaken or proposed, a section on information which is needed but as yet has not been obtained, and recommendations for action.

I. PLANTS AND LOCATIONS

Six huge coal burning electrical generating plants are being constructed in the American Southwest. One plant is now in operation, one has been constructed but is temporarily inoperative, three are under construction and the remaining plant is slated for operation by the mid-1970's. The individual plants are jointly owned by several utilities, but operated by a single utility company. The joint owners receive power in proportion to their capital investment in the plant. All participating utilities are members of Western Energy Supply and Transmission Associates (WEST). WEST is a western region group primarily concerned with planning for energy generation sufficient to meet the projected needs of the load centers served by their member utilities. At the present time WEST consists of 23 utilities in seven Southwestern states: 12 investor owned, 5 municipally owned, 3 REA generation and transmission systems, 2 irrigation districts and 1 state authority. WEST itself does not construct or own any of the facilities in question. The 23 members of WEST are:

Arizona Public Service Company.
Department of Water & Power, City of Los Angeles.
El Paso Electric Company.
Nevada Power Company.
Public Service Company of Colorado.
Public Service Company of New Mexico.
San Diego Gas and Electric Company.
Sierra Pacific Power Company.
Southern California Edison Company.
Tucson Gas and Electric Company.
Utah Power and Light Company.
Arizona Electric Power Cooperative.
Arizona Power Authority.
Burbank Public Service Department.
City of Colorado Springs.
Colorado-Ute Electric Association, Inc.
Glendale Public Service Department.
Imperial Irrigation District.
Pacific Power and Light Company—Wyoming Division.
Pasadena Municipal Power and Light Department.
Plains Electric Generation and Transmission Cooperative, Inc.
Salt River Project.
Southern Colorado Power Division of Central Telephone and Utilities Corporation.

As envisioned by WEST in 1985 the six projects in the Southwest will produce more than 3 times the power of the Tennessee Valley Authority and 17 times as much as the huge High Aswan Dam in Egypt. The Navajo and Mohave plants alone, when operating at full capacity, will produce enough power to meet the normal needs of a city of 3,750,000 people.

Four Corners Plant

The first generating station to go into operation was the Four Corners Plant, located on the Navajo Indian Reservation 16 miles south west of Farmington, New Mexico. This plant has an installed capacity of 2075 megawatts produced by five generating units. Units 1, 2 and 3 are owned and operated by the Arizona Public Service Company; these units produce 575 megawatts. Units 4 and 5, producing a combined total of 1,500 megawatts, are operated by Arizona Public Service Company and are jointly owned by Arizona Public Service Company, Southern California Edison Company, Public Service Company of New Mexico, Salt River Project, Tucson Gas and Electric Company, and El Paso Electric Company. 48% of the power of units 4 and 5 go to Southern California Edison.

Coal for the plant is being obtained from the Navajo Strip Mine operated by the Utah Mining and Construction Company. The mine is located near the plant site on land leased from the Navajo Indian Reservation. The coal is transported to the plant via trucks. 22,000 tons of coal are used daily.

Water for cooling purposes is pumped from the San Juan River and is stored in a reservoir immediately adjacent to the plant, called Lake Walker. After the water has cooled the plant, it is returned to the reservoir. The water is removed from the river under the terms of a contract negotiated between Utah Mining and the Secretary of the Interior. 34,000 acre feet is yearly pumped from the river. The company also has a contract with the Secretary of the Interior for an additional 44,000 acre feet per annum for use by future units identified as 6, 7 and 8. The only water current being returned to the San Juan River is a small amount that is sluiced off the ash settling ponds. This water runs from the ponds down a wash and into the river.

Mojave Plant

The first unit of the Mojave Generating Station has been constructed but is currently not in operation. It is believed that a mechanical breakdown due to high ash content of the coal from Black Mesa which is averaging 13% instead of the predicted 8%, and craft labor disputes which have led to prolonged strikes have prevented the plant from operating. The plant is located on the Colorado River in Clark County, Nevada, approximately 3 miles downstream from Davis Dam and Lake Mojave. The site is situated on the 2,500 acres of land which is part of a much larger parcel designated as the Fort Mojave Development area. This area has been set aside in favor of the State of Nevada by an act of Congress. It is being developed under the auspices of the Colorado River Commission of Nevada. The land has been purchased from the Commission at a cost of $440,000.

The completed plant will produce 1,580 megawatts in two units, with the second unit scheduled for completion by June 1, 1971. Southern California Edison, which operates the plant, will receive the major energy output—56%. Other utilities investing in the Mojave plant are Los Angeles Department of Water and Power, Nevada Power and Salt River Project.

Coal for the Mojave operation is being strip mined from 64,858 acres atop Black Mesa. A lease executed with the Navajo Tribe covers operations on a 24,858 acre portion entirely on the Navajo Reservation. The remaining 40,000 acres is part of the joint use area belonging to both the Hopi and Navajo Indians. The coal is slurried to the plant site through a 273.6-mile 18-inch steel pipeline which shoots westward across the Arizona Desert from Black Mesa. The pipeline carries a mixture of one half coal and one half water, with the entire trip requiring approximately 2.8 days. At full capacity, the pipeline will hold 43,000 tons of coal. When both units of the Mohave plant are in operation, it is expected to consume coal at a daily rate of 16,000 tons.

Water for the pipeline is provided by five deep wells which have been drilled under Black Mesa. The amount of water required when the pipeline is operating at full capacity is 3,200 acre feet per year, or 1,042,720,000 gallons per year. The coal mine is operated by Peabody Coal of St. Louis, Missouri, a wholly owned subsidiary of Kennecott Copper Corporation. The terms of the leases executed between the Hopi and Navajo Tribes and Peabody Coal Company is for "... ten (10) years from the date of approval by the Secretary of the Interior or his authorized representative, and for so long thereafter as the substances produced are being mined by the lessee. ..." The coal provision contracts executed by Peabody and the plant owners run for 35 years. Black Mesa Pipeline, Inc., a subsidiary of Southern Pacific Pipelines, Inc., has a contract from Peabody to operate the pipeline and crush the coal to the proper size before it is pumped into the pipeline. Coal quality ranges between 10,000–11,500 Btu. per pound with a sulfur content range from 0.36–1.26% and an ash content range of 5.84–12.18%.

Water for power plant cooling purposes is drawn from the Colorado River. 30,000 acre feet per year will be utilized. This water is part of Nevada's share of Colorado River Water under assignment from the Secretary of the Interior. While the operating company at Mojave had originally announced plans to use the well water from the slurry line for plant purposes, our best information to date indicates that this has not been possible due to poor operation of centrifuges which have not separated out as much of the coal dust from the water as expected. If the slurry water is not used for plant purposes, it is unknown whether it will be returned to the river or evaporated. The water provision contracts have been negotiated with the Colorado River Commission of Nevada which in turn has negotiated for water rights from the Bureau of Reclamation. The Commission pays 50¢ an acre foot to the Bureau for every foot removed from the river. The plant operators pay $1.05 per acre foot to the Commission. No water is returned to the river. The plant has one smokestack that is 500 feet in height.

Navajo plant

Construction began on the Navajo Generating Station in April 1970. This plant is located on 1021 acres leased from the Navajo Indian Reservation near Page, Arizona, three miles from Lake Powell. Another 776 acre parcel, two miles further east, has been leased from the Tribe for an ash disposal area. The plant will be operated by the Salt River Project with the United States Bureau of Reclamation, Los Angeles Department of Water and Power, Nevada Power and Tucson Gas and Electric all receiving power from the generating station. The Bureau of Reclamation needs this power in order to operate pumping stations on the Central Arizona Project which will supply Colorado River water to Phoenix and Tucson. The plant capacity will be 2,310 megawatts in 3 units. It will have 3 smokestacks each 775 feet, which is over 70 stories in height.

Coal for the Navajo plant will be mined from the same Peabody mine on Black Mesa as that which supplies the Mojave plant. The coal will be transported from the Black Mesa Mine by conveyor belt and shipped to the Navajo plant on the 80–85 mile Black Mesa to Lake Powell railroad. The railroad line is to be built by the Morrison-Knudsen Company and construction will commence within the immediate future. 23,000 tons of coal per day will be needed to fire the boilers at the generating station. The contracts between Peabody and the plant operations provide for coal to be supplied for 35 years.

The operators of the plant have contracted with the U.S. Bureau of Reclamation to remove up to 34,000 acre feet of water per year from Lake Powell for cooling purposes. Current plans are that no water will be returned to the lake. This water is part of Arizona's allotment of the Colorado River, but also involves Indian water rights. The Navajos specifically allowed upper Colorado basin water to be used for this industrial purpose.

The water will be removed from the lake by means of a pumping station located on the edge of the lake. Five suction lines will extend from the pumping station 350 feet down the cliff into the water. A pipeline approximately four miles in length will carry water from the pumphouse to the generating station.

San Juan plant

Construction began on the San Juan plant on December 23, 1970 and the first power will be available by June of 1973. The plant is located on land purchased from the Bureau of Land Management 12 miles northwest of Farmington, New Mexico. The total land area occupied by the plant and the coal leases is approximately 6 square miles. (The Four Corners plant is 10 miles to the south.) Two power companies are the joint owners: Public Service Company of New Mexico and the Tucson Gas and Electric Company. The plant will ultimately have an installed capacity of 990 megawatts in three units.

The first unit planned for operation in 1973 will have a capacity of 330 megawatts. Cooling water will come from the San Juan River in the amount of 20,200 acre feet per year when the plant is operating at its peak performance level. The water will be stored in a retention reservoir prior to its use in the plant. After plant use, the water will pass through cooling towers and be returned to the river. Approximately 10% to 12% of the water removed from the river will be returned.

Coal will be strip mined at the plant site. 3,100 tons a day will be utilized when the plant is operating at the initial installed capacity of 330 megawatts with increases corresponding to the level of power production at the time. The coal will be strip mined by Utah Mining and Construction Company. The Company has purchased surface rights and leased mineral rights from the Bureau of Land Management. The ash content of the coal averages 18% and the sulfur content averages 1%. The third and final unit which will bring the plant to maximum planned output is planned for operation by 1980.

Huntington Canyon

The Huntington Canyon Generation Station is now under construction. It is located 28 miles southwest of Price, Utah and 7 miles west of Huntington, Utah. The plant will be owned and operated by the Utah Power and Light Company and eventually will produce approximately 2,000 megawatts of power. The first unit scheduled for completion in 1974 will produce 450 megawatts. There will be one smokestack not less than 300 feet high.

The coal will be supplied at the rate of 3,300 tons per day from an underground mine two miles from the plant site. The mine will be owned and operated by Peabody Coal Company. Peabody has purchased mineral and surface rights from private parties, state agencies, and the Secretary of the Interior. The coal will be crushed at the mine mouth and transported by conveyor to the plant. The coal quality ranges from 12,200 to 12,900 BTU per pound with a sulfur content averaging approximately 0.5% and an ash content range of 6 to 10%.

Cooling water will be diverted from Huntington Creek to a settling basin containing approximately a two day supply. The power company plans to build a reservoir upstream from the plant for a supplemental water supply which will contain about 30,000 acre feet. The reservoir will be about 4 miles long and 215 feet deep at the dam. As an additional water source, Utah Power is negotiating a contract with the Secretary of the Interior for 6,000 acre feet of water per year to be supplied from the Emery County Project, a Bureau of Reclamation project. The total water consumption is expected to be approximately 30,000 acre feet per year.

Kaiparowits plant

The Kaiparowits plant, the largest of all the planning power stations as of this time, is in the intermediate planning stage. There are two plant sites being considered both located on public land, one about ten miles from Page, Arizona at Warm Creek and the other about thirty miles from Page. The Warm Creek site is the favorite at this time because of its proximity to Lake Powell which will be the source of cooling water. Application has been made to the Bureau of Reclamation for the use of this site. If selected, it will be about fifteen to thirty miles from coal mines which supply the plant.

The owners of the plant are the Southern California Edison Company, San Diego Gas and Electric Company and the Arizona Public Service Company. Plans call for ultimate installed capacity of 5,000 megawatts with an initial capacity of 2,000 megawatts in two units by 1977. The generating facility will be the largest in the United States. The design of the plant has not yet developed to any specifics.

II. ENVIRONMENTAL IMPACT OF THE STRIP MINING AND POWER PLANTS

The impact which fossil fuel steam plants have on the environment is already a matter of general knowledge. In the Southwest, the impact is potentially much more grave due to the general scarcity of water and the present clarity of the air. The Southwest desert is one of the last environmentally pristine areas in the United States.

The combination of power plants and strip mining present virtually every conceivable pollution problem. The plants will withdraw huge quantities of water to be used for cooling and other plant purposes from the Colorado River and its tributaries, which will further deplete a scarce and overextended water resource and increase the salt proportion of an already highly saline river. They will emit large quantities of particulates, sulfur and nitrous exides. In addition, the quality of the land will be permanently impaired from the strip mining operations.

Air and visual pollution

The Four Corners plant, which has been operating since 1966 and for which we have the most information, is the single worst stationary source of air pollution in the State of New Mexico, perhaps even in the entire United States, emitting over 465 tons of particulate matter each day. According to the State Chairman of the New Mexico Citizens for Clean Air, particulate matter emissions from all sources in New York City and the County of Los Angeles are 140 and 110 tons per day, respectively. Particulate matter includes solid and liquid substances in varying sizes and weights. Particulates are produced primarily by coal fired plants and are a basic component of visual pollution. Particulate matter when combined with sulfur dioxide poses a danger to the health of humans, livestock and vegetation. The Navajo plant, according to a draft NEPA statement dated January 1971, will emit between 7 and 15 tons of particulates each day. Under current Los Angeles County air pollution regulations, steam plants may emit only 240 pounds of particulates each day.

According to nuclear physicist at the Los Alamos Scientific Laboratory, a direct aerial tracing of the Four Corners plume has revealed smoke from the plant in the Grand Canyon, Bryce Canyon, Monument Valley, Utah, and Albuquerque, New Mexico.

Air pollution of the Grand Canyon, as well as other recreation and scenic areas, and the Indian reservations of the Southwest will increase greatly as the plants now under construction go into operation. The Southwest, long known for its near perfect visibility, may soon have the distinction of being the smoggiest non-metropolitan area in the country.

In addition to particulates, the plants will also emit sulfur and oxides of nitrogen, both of which are acid, corrosive, and poisonous gases and have a deleterious effect on human and livestock health, vegetation and property. According to the First Annual Report of the Council on Environmental Quality, at page 68:

"*Sulfur oxides,* produced mainly by burning coal and oil, can cause temporary and permanent injury to the respiratory system. When particulate matter is inhaled with the sulfur oxides, health damage increases significantly. The air pollution disasters of recent years were due primarily to sharply increased levels of sulfur oxides and particulates.

"Sulfur dioxide can irritate the upper respiratory tract. Carried into the lungs on particles, it can injure delicate tissue. Sulfuric acid—formed from sulfur trioxide when water is present—can penetrate deep into the lungs and damage tissue."

It has been calculated that Edison's Mojave plant will emit 13,000 pounds of sulfur dioxide each hour. Under Rule 67 of the Los Angeles County Air Pollution Control District, steam plants are limited to 200 pounds and 140 pounds each hour of sulfur dioxide and nitrogen dioxide emissions respectively.

The power plants will constitute mammouth, ugly intrusions on the scenic quality of the Four Corners area. For example, the Navajo plant will be located on a bluff overlooking Lake Powell and the 70 story stacks will be easily visible from the surface of the lake. The giant Kaiparowits plant will also be located near the shores of Lake Powell, opposite the Navajo plant. The stacks of all other plants will be several hundred feet high, painted red and white and thus will serve as constant and ubiquitous reminders of the power company's intrusion upon the environment of the Southwest.

Water

There are essentially two types of water problems in the Southwest: first, the critical scarcity of the resource, and, second, pollution of that resource. Large quantities of water will be withdrawn from the Colorado River and its tributaries for cooling purposes. Kaiparowits alone is planned to consume 102,000 acre feet each year, which is enough water to serve the needs of all persons living in the city and county of San Francisco for one year. Other than limited local supplies of water, the Colorado River and its tributaries is the only principal source of water supply for Southern California, Arizona, Nevada, Colorado and Utah. But the flow of the river is not sufficient to satisfy the needs of the numerous individuals and governmental organizations which have claimed water rights. Consequently, the use of the water is tightly regulated and competition is keen for rights to water usage. By drawing such huge volumes of water from the already over-draughted Colorado, the power plants are making a critical situation much worse.

The Central Arizona Project, estimated to eventually cost upwards of a billion dollars and perhaps more, will consist of facilities to bring non-existent water from the Colorado River to the Phoenix/Tucson area. There is simply not enough water to meet even the present needs of Colorado River users. The adjudicated water rights of the five Indian Reservations along the lower Colorado River (Mojave, Chemehuevi, Colorado River, Quechan and Cocopah) are left in an extremely vulnerable position. If experience is any guide, the State of Arizona and the Bureau of Reclamation can be expected to take the position that in authorizing the Central Arizona Project, Congress impliedly seized the Indians' water rights.

The second major and related water problem of the Southwest is pollution of existing supplies. The Little Colorado River is highly saline. It intersects the main stream of the Colorado River a few miles above the Grand Canyon. The water of the main stream is relatively less saline at this point and presently serves to dilute the salty concentrations added by the Little Colorado. Five of the six power plants are currently withdrawing and consuming or will withdraw and consume water from the main body of the Colorado above the point of intersection, thus reducing the quantity of fresh water available for dilution. This results in a higher salinity for downstream users.

These downstream users are already plagued with a high concentration of dissolved salts in their water. Many acres are yearly removed from agriculture in the Imperial Valley of California because of infertility resulting from the deposition of salts by irrigation waters from the Colorado. The lower Colorado area is potentially one of the most fertile agricultural areas in the United States. Huge sums of money are spent annually in attempts to prevent this valuable resource from becoming as dry and barren as the once fertile Tigris and Euphrates Valleys are today.

This same salinity problem also affects the farmers of the rich Mexicali Valley of Mexico who also depend on the Colorado River for irrigation. By treaty with Mexico, the U.S. government in 1944 agreed that Mexican farmlands each year should receive from the Colorado River, en route to the Gulf of California, at least 1.5 million acre feet of water suitable for irrigation of crops. Not only has this pledge gone unkept, it has been broken more and more flagrantly with the passing years. Huge flood controlling dams have conserved the water for use north of the border, the impounded water has lost enormous amounts of its volume by evaporation under the desert sun, the salt content of the water has risen because of the evaporation, and the American farmers have leached the salt out through irrigation ditch drainage and dumped it back into the river, finally leaving the Mexican share of the water not only sadly depleted but so heavily laden with salt that crops irrigated with it are limited both in variety and in yield. Crop failures are commonplace. The failure of the United States to deliver water of the requisite quality and quantity to Mexico is one of the principal sources of friction between the two countries.

By diverting additional millions of acre feet of Colorado River water, the proposed Central Arizona Project will severely intensify these critical water quality problems. The Indians, along with other lower Colorado River users including the Imperial Irrigration District and the Republic of Mexico, will receive waters so saline as to be virtually useless.

Another source of water pollution is the surface run off of evaporation ponds and ashen dams near the power plants. All of the plants use large ponds to evaporate water not returned to the river. At Four Corners they are currently using their third pond. The first is completely dry while the second still contains small amounts of water. After a pond is fully evaporated, salts, which were in solution, remain on the now dry surface. These fine, powdery salts are scattered onto adjoining land by the prevailing desert winds. There appears to be no evidence of pond lining, and seepage and run off from the pond in use and from dry ponds after a rainfall may occur. Surface run off usually finds its way back into the river, further increasing salinity. Similarly, contaminated run off from strip mined areas will either pollute and destroy local water supplies or wash down eventually into the Colorado River.

In addition to water removal from the Colorado, Peabody Coal Company has drilled several deep wells into the Navajo Sandstone Acquifer beneath the Black Mesa. This water, over one billion gallons per year, will be used to slurry coal transported by the pipeline to the Mojava plant. In a U.S. Geological Survey letter, a copy of which is attached, dated October 20, 1970, it was stated that the water table at Kayenta should drop 100 feet over the life of Peabody's lease.

Water is a scarce and valuable resource in the Southwest. Average rainfall is only 10 to 12 inches, and consequently there will be little recharge of the acquifer in the foreseeable future. Thus far, little consideration has been given to this aspect of the water problem. Are there higher uses for the water? What of the Indians' rights to the water? Peabody can argue that the Hopis and Navajos will be paid for the water, but what is the value of payment if a scarce resource is for all practical purposes permanently depleted? Who will bear the cost of the new pumping equipment needed at Kayenta, Shonto and Rough Rock after the level of their wells drops?

Land

Far and away the most significant environmental intrusion upon the land results from the strip mining operations now occurring at the Black Mesa and Navajo mines. Appalachia is ample testimony to the ravages left in the wake of strip mining of coal. In addition to the environmental degradation, the mining operations are a sacrilege to the Hopi and Navajo people who consider Black Mesa itself to be a religious shrine.

Peabody has made public statements, the most recent occurring in the February 8, 1971 issue of *Newsweek*, that they will reclaim the area and make it more fertile than before the mining occurred. Peabody claims it will introduce new strains of more hearty vegetation which will improve the nutrients in the soil. But whether successful reclamation can occur is a matter of much dispute. A noted geologist from the Southwest has concluded that the overburden, once replaced into depleted mining cuts, will be so highly saline that it will not be capable of sustaining growth of *any* vegetation. This is due to the failure of Peabody to separate the top soil from lower, more saline shale after the overburden is removed, which would entail greater expense on their part. The lower shale contains salts which have settled there by the process of percolation of surface water.

This same overburden, which lays on the surface while the open cut is mined, contains large amounts of shale. With the coming of the rains and snows, the shale will disintegrate in the water and be carried down the slopes of Black Mesa, through the Moekopi wash, to be deposited eventually on agricultural lands that the Hopis have relied upon for agricultural purposes since the twelfth century. The shale hardens into an impenetrable layer that may render useless lands which are the very basis of the Hopi way of life. The water resistant characteristics of dissolved and then hardened shale are well known to the Hopis who have used the same process to construct the roofs and walls of the homes that have protected them from the elements from time immemorial.

III. FEDERAL AGENCY PARTICIPATION AND PERMITS REQUIRED

U.S. Corps of Engineers

33 U.S.C. 401 requires that a permit be issued by the U.S. Army Corps of Engineers prior to the construction of any structure that will modify or change in any way a navigable river. The statute reads:

"The creation of any obstruction, not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty or other structures in any port, road-stead, haven, harbor, canal, navigable river, or other water of the United States except on plans recommended by the Chief of Engineers and authorized by the Secretary of the Army; and it shall not be lawful in any manner to alter or modify the course, location, condition or capacity of any port, road-stead, haven, harbor, canal, lake . . . or channel of any navigable river of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army prior to beginning of same."

The Colorado River and its tributaries are navigable and therefore, pursuant to 33 U.S.C. 401, permits from the Corps are required for the power plant cooling water intake and outfall structures which extend into the river. The intake structures will be used to divert large quantities of water. An Army Corps of Engineers' permit has been obtained for the Mojave plant intake structures and for the slurry line crossing the Colorado River. No other permits have as yet been granted for the other plants. The Four Corners plant was constructed prior to the extension of Corps jurisdiction to include tributaries of navigable rivers at the time of construction and therefore, it is the Corps position that no permit was required. Permits will be required for the Navajo, San Juan, Kaiparowits, and Huntington plants. Permits for the plants now under construction have not as yet been required because there have been no structures built in or affecting navigable rivers. However, before such structures can be constructed, a permit is required.

In cases where water is to be returned to a navigable stream, the Corps requires that a certificate from the state in which the construction is to be undertaken be attached to the application for the issuance of a permit. Such certificate must be obtained from the state water quality control board. The certificate must verify that the effluents discharged will comply with the applicable state water pollution ordinances. The Corps permit is issued based upon state or local governmental approval of the project to be undertaken. In the event such approval is not granted, the permit is invalid. The decision whether a permit will be issued must rest on an evaluation of all relevant factors, including the effect of the proposed work on navigation, fish and wildlife, conservation, pollution, aesthetics, ecology and the general public interest. Public hearings will be held whenever there appears to be sufficient public interest to justify such action, and any doubt will be resolved in favor of holding a hearing.

Secretary of the Interior

All of the power plants will draw at least a portion if not all of their cooling water from sources that are under the jurisdiction of the Secretary of the Interior, Bureau of Reclamation. The Huntington plant obtains the majority of its cooling water under a contract with the State of Utah, but a portion is to be obtained from the Emery Project under the direction of the Secretary of the Interior.

The water service and land use contracts, which have already been negotiated, all have provisions regarding environmental quality. The provisions include requirements concerning both air and water pollution. It is generally required that the contractees comply with all local, state and federal antipollution ordinances. However, provisions in each contract vary as to specific requirements. Failure to comply with these conditions can result in cancellation of the lease.

In addition to these specific protections, Public Law 91-190, The National Environmental Policy Act, requires that each federal agency make a study and report to the President's Council on Environmental Quality whenever the agency proposes legislation or other major federal actions "significantly affecting the quality of the human environment."

With regard to existing projects and programs, the Revised Guidelines on Statements on Proposed Federal Actions Affecting the Environment, promulgated by the Council on Environmental Quality, which will not become effective for approximately another 30 days, provide:

"To the fullest extent possible the section 102(c) procedure [which requires the preparation of an environmental statement should be applied to further major federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. When it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program."

State agencies also have authority to control pollution activities of these power plants. Each state has its own governmental framework for regulating pollution. A good example is the agencies of the State of Utah which have jurisdiction over both the Huntington Canyon and Kaiparowits plants. The Utah Air Conservation Council has authority under 326-14-9(2) of the Utah Code Annotated (U.C.A.) to review and approve plans where there will be air pollution. The Utah Water Pollution Control Committee has authority to review and approve plans under authority of U.C.A. Section 73-14-5(b)(4), 1953. These agencies possess continuing authority and permission to inspect premises for compliance with the various standards set. Other states have similar regulation authorities.

In addition to the federal involvement discussed above, the Secretary of the Interior has the jurisdiction to grant applications for land use and routing for power transmission line right of ways whenever these lines cross federal land. These right of ways are of significant size. For example, there will be at least thirteen 500 KV transmission lines emanating from four of the power plants, Mojave, Navajo, San Juan, and Kaiparowits. These lines will connect the plants with load centers in Southern California, Phoenix and Tucson. In a 500 KV line, there are usually 3 pairs of conductor cables and 2 overhead ground wires. At normal spacing there are about 4 towers per mile. Each tower is approximately 110 feet high and occupies about one-half acre. The tower sites and the road required for line construction and maintenance, occupy slightly less than 4 acres per line mile.

Each of these transmission lines will be several hundred miles long. As is readily apparent, thousands of acres of land are involved, in addition to the land leased for the power sites and strip mines.

Generally, Indian tribes have sovereign police powers much like those of states and local entities. This police power includes the right to enact ordinances pertaining to the regulation and control of air polluting emissions. It is clearly within the Secretary of the Interior's jurisdiction, and indeed is undoubtedly encompassed within his fiduciary obligations toward Indians, to offer a tribe technical assistance in the preparation of these air quality ordinances. However, the Secretary not only has failed to assist in the drafting of antipollution ordinances, but has approved the lease between the Navajos, acting through their Tribal Council and the Arizona Public Service Company in which the Tribe purportedly contracted away its rights to enact pollution regulations. The contract provides:

"The Tribe covenants that, other than as expressly set out in this agreement [the agreement does not appear to contain any express or implicit controls over air and water pollution], it will not directly or indirectly regulate or attempt to regulate the Company or the construction, maintenance or operation of the power plant and transmission system by the Company, or its rates, charges, operating practices, or its sales of power; . . ."

We believe there is a substantial doubt regarding the legality of this purported relinquishment of the Tribe's police power. But, beyond that, once again the Secretary has failed to live up to the high standards of his trust relationship with the Indians.

V. THE NAVAJOS

The Navajos differ significantly from the Hopi. The basic difference is that the Navajo people are nomadic and pastoral, while the Hopi are agricultural and sedentary. But like the Hopi, beauty and harmony are the heart of the Navajo way of life. The beautiful Southwestern plateau country has become and remains deeply engrained in their life.

The landscape itself is a shrine to the Navajo. Their land lies between four sacred mountains. The land forms of the Navajo country all play a role in the drama of creation with each form embodying a special meaning. Pollen Mountain is a recumbent female figure. Her head is Navajo Mountain, her body Black Mesa, and her feet Balukai Mesa. On these and other summits stand the Sky Supporters, deities who hold up the canopy of the sky. Between the sky and earth move the sun, moon and stars, which are held aloft by winds. Pollen is the symbol of life and productivity, for peace and prosperity. Pollen symbolizes light. Light and color abound in the Navajo homeland and are mentioned constantly in ritual.

The spirits and gods of the Sacred Mountains created man from everything natural. The name of this being is "Created from Everything." Because man is of the earth, to injure the earth is to injure man. When the earth is ill its sickness is transmitted to man and harmony must be restored. Without natural harmony, man must perish. The Navajo "Song of the Earth Spirit" from the "Origin Legend" expresses this concept of oneness with the earth:

It is lovely indeed, it is lovely indeed
I, I am the spirit within the earth . . .
The feet of the earth are my feet . . .
The legs of the earth are my legs . . .
The bodily strength of the earth is my bodily strength . . .
The thoughts of the earth are my thoughts . . .
The voice of the earth is my voice . . .
The feather of the earth is my feather . . .
All that belongs to the earth belongs to me . . .
All that surrounds the earth surrounds me . . .
I, I am the sacred words of the earth . . .
It is lovely indeed, it is lovely indeed.

Smoke from the Four Corners plant has darkened the clear air and is reducing surface light and muting color. Strip mining is ripping open the body of Black Mesa, more specifically the liver. The tide of industrialization is sweeping across the home of the Navajo and Hopi and its effects have begun to alter their way of life.

VI. THE INDIAN PROBLEM

The Hopis and Navajos are the Indians that are usually associated with the power plants and strip mining in the Southwest. While it is true that the Navajo and Hopi Tribal Councils are the only Tribal governments that have permitted the use of Indian land for strip mining, for the power plant sites and for essential rights of way, scores of other Indian reservations within the area will suffer adverse environmental effects caused by the power plants and related activities.

The Southwest is the very heart of Indian country within the continental United States. There are some forty Indian reservations in the area—from the Colorado River on the West to the Rio Grande on the East, and from Salt Lake City and Denver on the North to Phoenix and Albuquerque on the South (see attached map). The precious air and water resources of all of these reservations are, and will be endangered by the operation of these plants.

The environmental impact on some of these other reservations is immediate and obvious. As already noted, the water rights of the five reservations on the Lower Colorado River will suffer from inadequate quantity and increased salinity of their water supplies.

The Mohave Indian Reservation is within five miles of the Mohave power plant and will certainly be inundated with air pollution. The Jicarillo Apache Reservation, standing astride the continental divide, just downwind from the Four Corners and San Juan plants, and directly in the path of the main plume from all but one of the plants, has been living with skies blackened from the Four Corners Plant for the last five years. If current plans proceed, air and water quality will become much worse. In spite of the Interior Department's trust responsibility to preserve and protect these properties, to the best of our knowledge, no one from the Government has ever advised *any* of the reservations in the area of the adverse effects of the power plants on their environment or what powers the Tribes have to deal with the situation.

Indeed, the Interior Department's conflicts of interest stand in the way of the proper discharge of its trust obligations to protect and enhance the environments of the reservations. The Interior Department itself is up to its neck in the development of the power plants and has a great stake in the completion of the projects. For example, the Bureau of Reclamation will take the largest share of electrical power from the Navajo Plant. It will use the power generated by the plant to pump Colorado River water to Phoenix and Tucson as part of the Central Arizona Project. Since Black Mesa coal is the energy required to fuel the Navajo Plant, the Secretary of the Interior's approval of the Black Mesa strip mining leases amounts to a flagrant case of self-dealing on the part of the trustee. In effect, the Secretary of the Interior is both seller and purchaser of the Black Mesa coal. In these circumstances, the trustee cannot properly advance the interests of its beneficiaries "without reservation and with the highest degree of diligence and skill." *

The Hopi and Navajo Tribes were never advised by the Secretary of the Interior, either before or after the various leases were approved, of the adverse environmental effects of the power plants and the strip mining on their reservations. At the present time, the newly elected chairman of the Navajo Tribe has indicated that he wants to re-evaluate the situation now confronting his tribe. With regard to the Hopis, there is no doubt that the Bureau of Indian Affairs has made possible the lease of sacred Black Mesa lands by allowing and encouraging the so-called "Hopi Progressives" to impose their will on the Hopi people in opposition to the traditional clan and village religious leaders and in violation of the Hopi constitution and bylaws.

At the very least, *all* of the Indians within the affected area are entitled to a full report on the environmental impact of present and projected facilities on all of the reservations in the Southwest. If the Indians then decide to interpose no objections, it will be done with full knowledge of the consequences. Until then, a moratorium should be ordered halting all future construction activities.

VII. ECONOMIC RETURNS TO NAVAJOS AND HOPIS

In addition to Peabody's claims regarding restoration of the land, as outlined above, Peabody is providing some jobs for Indians living on or near the Mesa. The contracts provide that Indians will be hired when available and when in the judgment of the lessee, they are qualified. Peabody has also agreed to make a special effort to work Indians into skilled positions and other more important jobs in connection with the mining operations.

According to Peabody's figures, a 150-man crew is currently employed in order to supply coal to the Mojave plant. Of these it is claimed that 70% are Indian employees. It is expected that the work force will increase to 375 workers when both plants are in full operation, and Peabody has stated publicly that it hopes to employ 80% Indians. Salaries for these employees are expected to approach $10,000 per year. Our best figures indicate that Peabody is currently employing approximately 85 Navajos at the mine site, which constitutes 56.6% of a 150 man work force, some 15% less than Peabody's claim. There are approximately 120,000 Navajos living on the Navajo Indian Reservation and approximately 5,000 Hopis living on the Hopi Reservation.

Peabody has agreed to pay the tribes 25c a ton for coal used off the reservation and 20c a ton for coal used on the reservation. They claim that this represents the highest royalty ever paid for coal developed on Indian or public lands. There is a provision in the contract for increasing the price per ton if Peabody's gross realization should rise above $4.00 a ton.

It is estimated that payments to the tribe will average about $3,000,000 annually when both plants are in full operation which will extend over the anticipated thirty-five year operating lives of the plants.

With regard to the water Peabody is extracting from the deep wells on Black Mesa, they have agreed to pay $6.67 per acre foot of water pumped from the leased area, $5.00 to the Navajos and the remainder to the Hopis.

Numerous calculations have been made regarding the economic benefits which will be derived by the Indians as a result of locating coal mines and generation plants on their land. However, these calculations have generally been one sided, with no attempt made to calculate the costs associated with the environmental harm from these same operations. Admittedly, environmental intrusion is difficult to quantify, especially since it effects many future generations. However, both government and private industry appear to have adopted a consistent pattern of all but ignoring these costs.

VIII. NATIONAL ENVIRONMENTAL POLICY ACT STATEMENTS

No final NEPA statements have been prepared to date, even though much construction has occurred in the area. There are currently five draft NEPA statements which are available to the public, copies of which are attached. Four are contained in a document dated January 13, 1971 and relate to: (1) The Black Mesa coal mining operation, (2) the Navajo Black Mesa coal haul railroad, (3) the Navajo-McCullough transmission line, and (4) the Navajo-Phoenix transmission system. The fifth statement is entitled Draft of Environmental Statement Navajo Project, and is dated January 1971.

The shortcomings of all of these statements, aside from any lack of merit of an individual statement, is the failure to consider the total impact of all of these mines and power plants on the Southwest. Thus, to consider the Black Mesa coal mine solely or to consider the Navajo generating plant solely is like examining one piece of a puzzle. The more the components of this single power development are isolated, the less significant the environmental intrusion. Thus far, there have been no comprehensive studies of the Southwest as a region to determine how it will be affected by the construction of facilities which will generate over 14,000 megawatts by the burning of coal, even though the draft NEPA statement admitted that the "extent of the problem" was beyond their current comprehension.

"Cumulative impact considerations

"In meetings held to explore the probable effects on the environment of the Navajo Project, environmentalists have repeatedly expressed strong convictions that the studies of environmental effects should be expanded beyond the area that may be influenced by the Navajo Generating Station to include the entire southern Utah and northern Arizona regions.

"The reason advanced for this proposal is that there could well be cumulative effects from the power plants now operating or planned for construction in this region, as shown on the thermal-electric plant location map in the Appendix. The proponents of expanding the studies to this broader area argue that even if a single plant, like Navajo, meets all Federal and State standards for environmental control, a serious problem might develop from the cumulative effects of other plants in the region.

* * * * *

"In addition to the possible effects of power plants, the cumulative effects study should also consider future industrial and urban development in the region, including sociological aspects. Much attention is being given to this aspect of environmental protection in the region by the Department of the Interior and other agencies."

Current NEPA drafts totally belie the last sentence of Navajo report, "quoted above". Without a comprehensive regional study, which is *not* predicated on the assured construction of these plants, one can be certain that these individual reports are nothing more than attempts to placate the public conscience.

Even assuming for the moment that a regional study is not possible, the individual drafts prepared thus far are patently inadequate. For example, the coal mine report essentially states that there is no information regarding revegetation of the stripped area, no analysis of the overburdened soil, and no information on rainfall to aid in selecting optimum revegetation methods. This complete lack of information has thus far not in any way inhibited full scale mining operations. To justify the Navajo coal haul railroad, the draft report states that the only practical alternative is a slurry line, but that "is not feasible due to the quantity of water needed . . . and the limited supply of water at Black Mesa coal field." But there is virtually no discussion of the scarcity of water in the coal mine report and this irretrievable loss is not even listed as an "Adverse Environmental Effect."

None of the draft reports effectively discuss alternative sources of power. In the December 5, 1970 issue of *Saturday Review*, there is a lengthy article on geothermal steam as a source of fuel to generate electricity. Qualified experts predict that steam from beneath the Mexicali Valley ultimately may provide enough power for the equivalent of the needs of the metropolis of Los Angeles. In addition, there are known thermal springs over most of the western eleven states. One of the principal by-products from geothermal generation power is water, which could be used for agricultural and other purposes.

It is this type of planning, or lack thereof, which has paved the way for the general deterioration of the environment today. It is now time that we turned our attention away from the purely economic considerations which have dominated our thinking in the past, and began instead to evaluate our actions in terms of the quality of our environment and our responsibilities to the Indian as our fellow man.

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* President Nixon's message to Congress on "Recommendations for Indian Policy," transmitted July 8, 1970.

IX. GAPS IN OUR INFORMATION

There is a great deal more technical information which we need to effectively conduct litigation planned for the Four Corners area. While the power companies and the government have conducted some environmental studies, much more research is required. This is immediately apparent after a quick perusal of the draft NEPA statements prepared to date; the reports candidly admit great gaps in information. For example, we need to know more about:

(a) the operational mechanics of fossil fueled electrical plants;

(b) the state of art on particulate, sulfur and nitrous oxide emission control devices;

(c) the effects and interaction of polluting emissions on vegetation, livestock and human life;

(d) the movements of ground water and the relationship of salinity in the Colorado to the plant's planned water withdrawals;

(e) the meteorological conditions, including the existence of inversion layers and prevailing wind directions as well as the effects of weather modification caused by activities such as evaporation of cooling water withdrawn from the Colorado and its tributaries;

(f) the soil conditions in and around the strip mined sites and how this relates to attempted revegetation; also the optimum methods of revegetation, if any;

(g) rainfall in the area and its effect on recharging the Navajo sandstone acquifer, which is the water source for the slurry line: also the probabilities of any effective revegatation of strip mined areas due to the small annual rainfall;

(h) projected consumption of power over the next several decades in order to adequately access the need for more generating facilities. Current predictions by experts indicate that California will never again experience the same growth rate of the period between 1950 and 1970. In an article appearing in the January 8, 1971 edition of the *Los Angeles Times*, it was reported that due to a slow down in California population growth, that California's water supply will last into the 2000s, some 20 to 30 years longer than anticipated. Two reports, one prepared by the state and the other by a local agency, were sharp departures from repeated warnings that Southern California was facing a water crisis. Since this change of opinion is due principally to lowered population projections, it appears highly likely that future electric power needs also may have been overestimated;

(i) alternative sources of fuels and methods of supplying power such as geothermal steam;

(j) the effects of noise pollution caused by operating the generating plants;

(k) the whole range of land use problems including the steady movement of wilderness land to forested, grazing, agricultural and finally urban uses. For example, in California, for every person added to the population, one-fifth of an acre of agricultural land is converted to urban uses. The problem is intensified because only 6.7% of California's land area is in the prime agricultural area to begin with. In the Southwest, thousands of acres will be devoted to generating and then transmitting power to major urban load centers. How much land does our civilization need?

Experts who can provide affidavits and testimony on the above areas as well as interpret the complicated numerical relationships which are explanations of air pollution monitoring standards are also needed. These reports and affidavits will aid us in our attempt to present a documented comprehensive lawsuit on the total regional effects of the entire system of power plants.

X. RECOMMENDED ACTION

At the present time, the Fund is working with and advising several tribes and groups of individuals and plans to file three major lawsuits in the near future. We are also working closely with three national environmental organizations which are vitally concerned about the potentially disastrous ecological impact of the power plant development in the Southwest.

The most pressing need at this time is cessation of all further construction and development until the full extent of the environmental impact has been assessed. A regional, in depth NEPA study is required; one which fully considers and questions all assumptions starting with the need for this power, then working through all potentially adverse environmental effects. Until this Southwest regional study is completed, the council on environmental quality should call for an Executive moratorium, directing all interested agencies and departments to cease issuing any additional permits or entering into any contracts which directly or indirectly relate to these plants.

STRIP MINING: THERE MUST BE A CEASE-FIRE IN THE WAR AGAINST THE ENVIRONMENT

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there are several articles which relate to strip mining which I would like to call to the attention of my colleagues, The escalation of strip mining means that the war against the environment has been escalated, and there must be a cease-fire which can only be achieved through a total ban on the strip mining of coal.

One of the powerful arguments which is advanced in defense of strip mining is that all you have to do is to enforce strong reclamation laws, and the land will be restored to better condition than before the strip miners began to disturb the land. We have all seen the beautiful color photographs which had been published to display attractive scenes of recreation areas, blue lakes, fishing, golf, and other activities allegedly made possible as a result of or following reclamation of strip-mined areas. For example, in the March 29, 1971, issue of Time magazine is included a full-page color ad by the Bethlehem Steel Corp., showing a fishing scene captioned: "Most of the land for Fishpond Lake and Park was donated by Bethlehem to serve as a recreational area for the people of Jenkins and other nearby communities in eastern Kentucky. The dam and lake were built by the State of Kentucky." The advertisement itself is headed: "Before Sunny Mullins Was Born, Fishpond Lake Was a Coal Mine." The text of the ad then reads:

> Where mining shovels once pulled coal from the earth's surface, Sonny and his grandfather—retired miner George Mullins—now pull bluegills and large-mouth bass from this 45-acre, man-made lake. The lake and 900 acres of surrounding park were built on property that had been surface mined more than a decade ago.
>
> George Mullins remembers the area before it was surface mined. Here's how he tells it:
>
> "I've lived close to what is now Fishpond Lake all my life. In the late forties when they began surface mining the area here, I thought: 'Boy, these old hills have had it.' But I was wrong. Before they removed the coal, the land just sort of laid there . . . pretty but not much use to anyone. But now that these hills have been mined and reclaimed, they're just as pretty as ever. And we've got something we never had before: a lake for fishing and swimming . . . and acres of restored land for picnicking. Now I'm glad they mined this land. Look what we've gained."
>
> We need lots of coal, and we must mine it where it is . . . even if this sometimes means disturbing the natural terrain of hillsides and mountain slopes. But the disturbance is only temporary. Every acre of land surface mined by Bethlehem is promptly and effectively restored . . . often to more beneficial use than before it was mined.
>
> Bethlehem first took steps toward scientific control and restoration of lands more than 40 years ago. We want to be a good neighbor wherever we have operations.

A very significant analysis of this Bethlehem advertisement in Time Magazine was made by Ernest B. Furgurson in the April 15, 1971, issue of the Baltimore Sun, the complete text of which follows:

WHAT THE ADVERTISING DOESN'T TELL

(By Ernest B. Furgurson)

JENKINS, KY.—You may remember the ad: a full page in color in Time, Newsweek and elsewhere. A happy youngster in jeans and baseball cap fishing with his grandpa beside a blue mountain lake. The grandpa tells how he feared when strip mining first opened that hole in the earth that "these old hills have had it," but now he's glad because it created such a nice 43-acre fishing hole.

To his testimony, Bethlehem Steel added: "We need lots of coal, and we must mine it where it is . . . even if this sometimes means disturbing the natural terrain of hill-sides and mountain slopes. But the disturbance is only temporary. Every acre of land surface mined by Bethlehem is promptly and effectively restored . . . often to more beneficial use than before it was mined."

The ad made strip mining seem such a public-spirited and beautifying enterprise that I just had to come down to have a look at Fishpond Lake. And it turned out to be true, from one point of view. If you circle the lake carefully, you can find a narrow angle from which, when the light is right, the proper filters are used and the background forest is at season's peak, it all looks like a cameo from a Sierra Club publication.

But don't look left or right. What you see there is characteristic of all strip mines: coal slides into the water, scars in the mountainside. Fishermen were there in the Easter weekend sunshine, and so were beer cans and gritty dust blowing from the irreparable gash in the slope opposite.

The main thing Bethlehem contributed toward Fishpond Lake was the land after it had been ravaged. The state of Kentucky built the dam and lake. Student architects from Yale did the pier. Workers in an OEO program provided much of the labor. Then Bethlehem ran the ad, which quite likely cost many times what the land itself was worth.

One eastern Kentuckian who happens not to be a Bethlehem employee says that all Fishpond Lake proves that if you want to spend half a million dollars you can make a pond out of a stripped hollow. But you can't do it with every stripped hollow; this one just happens to be on a high plateau near where several rivers originate. And it was torn out by relatively small equipment more than a decade ago, before the giant land-eaters were built which now are ripping up thousands and thousands of acres of West Virginia, Pennsylvania, Virginia, Ohio, Kentucky, Maryland and other states.

Of course neither Bethlehem nor any of the other absentee companies financing this frenzy of strip mining during the current period of high coal demand is about to spend half a million dollars reclaiming each hole they claw in the earth. The pattern is for them to fight desperately in the state legislatures against laws which require them to replant forest and otherwise go through the motions of reclamation.

Even where such laws are in effect, they are no more than a gesture. It simply is impossible to put a mountain back together after it has been torn apart. What happens instead has been well publicized—the mud slides that often inundate the homes of the people who own the land but unfortunately not the mineral rights beneath the surface; the acid runoff that kills the streams; the desolate moonscape that offends the eye from an airplane overhead or from the roadside parking areas that once offered views of peaceful hills beyond hills.

One such pulloff is in Pound Gap, where U.S. 23 crosses from Virginia into Kentucky. The highway overlooks Jenkins, surrounded by mountains whose sides are shorn away, making long brown scars where trees would be budding if they still grew. This is the domain of Bethlehem Steel, which owns the land, usually contracts the stripping, then buys back the coal.

Not far from Fishpond Lake is the Millstone strip mine, on which Bethlehem spent many thousands as a reclamation demonstration project. Little grows there but weeds.

There is an outcry about stripping in every state where it is practiced. Laws are passed, but they are mere wrist-slapping. There is debate over banning stripping entirely. But there is no way it can be halted immediately. The companies are fighting a ban while the acreages stripped multiplies each year. Even road builders and specially formed speculation firms are rushing to get theirs by strip mining while the market is hot.

Meanwhile, the effort is made to soothe the body politic with full-page ads in national magazines, read mostly by people who will never have a chance to take a first-hand look at Fishpond Lake or the rest of the misused land. And it should be added that what the strippers do to try to assuage public opinion is duplicated by other industries. Lumber, for one.

Mr. Speaker, one of the best analyses of the effects of strip mining was made by Robert J. Daoust, a graduate of Syracuse University with a B.S. degree in forest management. He was employed by the West Virginia Forestry Division in 1961 and in 1968 became district forester responsible for nine southern counties. Since 1970 he has been employed by the U.S. Army Corps of Engineers as a forester working in four States. His analysis, which was printed in the Charleston, W. Va., Gazette of February 14, 1971, follows:

Future Being Stripped Away

(By Robert J. Daoust)

Almost nine years have passed since I first journeyed through the rugged southwestern highlands of West Virginia. My experience in the state at that time was a brief and relatively uneventful tenure as a service forester of the W. Va. Forestry Division in the pleasant rolling hills of Roane, Wirt, and Calhoun counties. With this background I was sent to Mingo County in the spring of 1962 to help forestry personnel fight numerous fires, worsened by unusually high winds.

Although I had been well briefed by my supervisors and had read and listened to numerous accounts about conditions in the coal fields, this first trip was a depressing experience. Subsequent to that first journey into Appalachian poverty, years of experience resulting from permanent assignment to the southern mountains has transformed my original consternation to cheerless acceptance. Familiarity however will never erase those vivid first impressions of the much abused landscape with its coal dust blackened houses.

As a professional, I had been trained to evaluate the land-use history of a region by observing the patterns of forest and vegetative cover, the relationship of agricultural to industrial land use and the over-all economic climate of the region. The story etched on those tortured hills and the faces of its people is a lamentable catalogue of human failure.

The occasional is lands of prosperity resulting from the skilled union miner working in an automated mine contrasted with the sea of despair evident in the permanently unemployed. The gigantic welfare state created a specter of wretched people sitting idly on the porches of their rotting shacks with blank faces. The great public dole which feeds the body and destroys all traces of ambition and human dignity was in every hollow. It was indeed a pity to see a myriad of futureless children languishing in such abject poverty.

In the intervening years I learned that forest fires were a routine semi-annual occurrence of minor concern to all but a few dedicated conservationists. In fact, it was apparent the entire forest resource was considered of little value except as it might serve the interests of the big coal operators.

One does not spend very much time in the southern highlands before learning the basic economic law of the region. For 70 years "King Coal" has reigned supreme. This unfortunate condition harms the land, its resources, and its people. Seven miserable decades during which time the once proud and independent mountaineers have suffered every possible indignity at the hand of this despotic monarch.

Coal has been described as the "Brute of American Industry" upon which our highly touted standard of living has been built. Unfortunately, brutes seldom offer compassion to their slaves. A review of the poorly recorded history of coal mining in West Virginia reveals a complex and dramatic record of feudalism, enormous poverty, innumerable crippling injuries, great loss of life, and violence so brutal it makes western frontier history read like "Mother Goose Rhymes."

By far the most damning evidence of the total, utter contempt for the land, resources, and people of the once magnificent southern mountains is the loathsome and hideous strip mine. Monster earth moving machines gouge the mountains, cutting them open with unbelievable ease. Oaks, hickories, poplars, maples, sassafras, and beech; many lesser plants, mosses, delicate wildflowers, laurels, and rhododendrons; the food and shelter of birds, squirrels, raccoons, deer, and every other denizen of the forest succumbs to the brute power of these awesome contraptions. Down the slope it all goes, crushed trees, animals, and plants quickly covered by an avalanche of topsoil, yellow clay, rocks, and slabs of gray slate. Jack hammers bore into the exposed sandstone and explosives crack and shatter the yellow rock. Mammoth bulldozers shove fragments as big as army tanks crashing down the slope.

The huge gash extends for miles around the mountain. On the uphill side a grim man-made cliff of jagged rock or "high wall" rises as high as 80 feet. On the downhill side extends a sweeping apron of splintered trees, loose soil, and jumbled rock fragments. The glistening black coal has now been exposed on the artificial bench and it too is blasted apart. Giant power shovels load it into waiting trucks to eventually feed ravenous steam generators or huge steel furnaces.

Close behind the stripper follows the auger miners with their "big screws." These devices riddle the mutilated mountain with thousands of holes drawing out as much as 15 tons of coal per minute. This wasteful method only recovers about 30 per cent of the coal and on occasion has so weakened the potential roof support that large isolated blocks of coal can never be safely recovered.

For six years I frequently piloted a state airplane at low altitude over the steep mountains and narrow twisting valleys of the southern highlands. It was a painful and saddening experience to watch mountain after mountain reduced to useless heaps. Most alarming was the steadily increasing rate of destruction as the enormous profits of strip mining financed bigger and faster machines to devour the land. Tens of thousands of acres have already been irrevocably destroyed and left useless.

What is there to be said about reclamation of strip mined land? As a professional, I can state that reclamation in the mountains of West Virginia is virtually impossible. This fact is clearly recognized and discussed in Section 11 of the present strip mine law. If this tough-worded section of the law had been enforced with the spirit and intent of the men who drafted and approved it, strip mining would have ceased in West Virginia. Unfortunately, however, history repeated itself and the defenders of the coal interests had their way.

In the normal course of my forestry activities I have crossed by jeep and on foot many miles of stripped mountainside. What little reclamation I observed will afford little protection against heavy rainstorms. Many of these sparse plantings have already washed down the steep slopes along with large quanitities of mud after the first heavy rain.

The impoverished people who continue to reside in the midst of this desolation are gambling with their lives. A heavy downpour and resultant flash flood can and will bury them under an avalanche of rock and mud.

The current debate over whether to abolish strip and auger mining focuses on the most important decision in the entire uneven history of conservation in the state. The judgment when rendered will determine the fate of an entire region and its people.

The opportunity to abolish strip mining represents the first ray of hope to penetrate the dreary hollows of the coal counties in 70 years. It could be the juncture in state history which future generations will gratefully and pridefully recall. It could be the great turning point when mountaineers discard the bonds of the absentee coal barons. It could be a signal to Kentuckians and Virginians; a beacon that leads the way and saves vast forested mountains beyond the borders of our state.

Lobbyists for the absentee land wreckers are on the scene and they are extremely well financed. They will drag out the old time-worn and faulty arguments that the state economy depends on the continuance of their obscene trade. Business interests who profit enormously from the sale of expensive hardware to the stripper will parrot the nonsense.

The evidence against this tiny segment of the state's labor force is overwhelming. The highly paid strippers live alongside the poorest people in the United States. A substantial number of these skilled men will leave the state as soon as the outcrop coal has been stripped, easily selling their skills elsewhere. Of course they will have totally destroyed the land, endangered its people, and taken away any glimmer of hope for a better life.

West Virginia is losing population as the prospects for a better future diminish. The exodus of the capable young people from the southern mountains is most tragic. The more perceptive youngsters can see that as the land is destroyed and impoverished the chance of a meaningful future is eliminated. The remaining population will eventually consist of the very old, the very young, and the incompetent. As a result the prospects for any regional improvement grow dimmer and dimmer. The feeblest of minds must recognize that continued destruction of the region's resources can only lead to permanent poverty and despair.

The stripper knows that it is only a matter of time before overwhelming public opinion drives him from the land. He'll support any move that will buy him a little time because all he needs is a few years. His technology is so efficient he can decapitate and dismantle entire mountains. Failure to approve the proposed abolition legislation or the passage of another meaningless unenforceable "reclamation" law will effectively buy the stripper sufficient time to erase vast portions of our state.

On the other hand the legislators can take the first and powerful stride on the long uphill journey toward prosperity. They can look well beyond the traditionally alternating "boom and bust" coal market and the short-lived problem of re-employing highly skilled people. They can boldly design new programs which will re-employ the mass of jobless, undertaking vast conservation and community improvement projects. They can take the welfare fund which has fostered laziness and ignorance and invest it in the restoration of the land and more importantly the dignity of its people. They can envision a beautiful region where streams and rivers are crystal clear and mountains and covers grow new young forests.

These men of our legislature have a great opportunity to earn the gratitude and respect of all future generations of Americans by simply preserving a region which has been accurately described as the richest expression of the deciduous hardwood forests of North America.

One of my very good friends, a member of the West Virginia State Legislature, the Honorable Robert F. Hatfield, recently stated his views on strip mining in an article in the Hurricane, W. Va., Breeze. I found Delegate Hatfield's reasoning sound and his ideas expressed with clarity, so I would like to share them with my colleagues:

Delegate Hatfield Explains His Position On Strip Mining

(By Robert F. Hatfield, Member of House of Delegates, Putnam County)

The public issue created by strip mining is, according to Senator V. K. Knapp, debatable. Perhaps, but in my view it is only if you, as an individual, are not intimately and adversely affected by stripping.

Thousands of West Virginians have been the victims of strip mining in years past. Many more thousands will be its victims in years to come unless, and until, the industry is abolished.

As the number of these victims doubles, and then doubles again and again, such detached, calm discussions as presented by Senator Knapp regarding property rights and investments, tax revenues and jobs, will pale before the outrage of those victims.

Property rights and investments and tax revenues and jobs are, of course, vitally important to the people and the State of West Virginia. Senator Knapp is proper, therefore, in giving each weighty consideration.

But there is more to consider. There is the value of the quality of life lived by the victims of strip mining. Senator Knapp is not such a victim. As he indicated, "surface mining is presently almost non-existent" in his Fourth District.

It is, however, very much in existence elsewhere in West Virginia. And to those people who live in the midst of devastated mountains and flooded and polluted streams clogged with sediment and boulders, the abolition of strip mining is not really very debatable.

There are property rights and investments of those who own strip mineable coal to consider. But so too are the property rights and investments of those whose homes are ruined by that flooding to be considered, those whose walls are cracked by blasting, whose property values plunge as a direct result of the devastation surrounding them.

And frequently this devastation occurs even though the coal that is taken might actually be recovered through deep mining methods instead of stripping. There are experts in the field who suggest just this, but stripping is a cheaper method of production creating a greater profit.

Senator Knapp argues that at the John Amos Power Plant, indeed a valuable asset to Putnam County, approximately 30 per cent of the coal used will be obtained from strip mines. I believe his statement is true. Yet he also suggests that should strip mining be abolished, the power plant's development and operation would be curtailed. This, I do not believe to be true. In fact, West Virginia has known millions upon millions upon millions of tons of deep-mineable coal which can supply all our needs for many, many years to come—including those of the John Amos Power Plant. And each day new coal resources are being discovered.

In all the controversy over strip mining, however, the most volatile single issue is employment. Senator Knapp says industry supporters claim strip mining employs 22,000 persons—7,000 directly and 15,000 more in businesses which supply and support the industry.

Some industry supporters did, early during the recent legislative session, make such claims. Later, however, both supporters and opponents of the strip mining industry generally agreed that actually, a maximum of about 8,000 jobs would be affected, and maybe less.

Their agreement was reached after the State Department of Mines reported that, as of the first week in January of 1971, the number of persons actually employed in strip mining was some 4,100.

And Dr. William Miernyk of West Virginia University, one of the nation's leading economists, says no more than 4,000 additional jobs are indirectly affected by the strip mining industry.

Eight thousand jobs, of course, still of substantial concern—especially to those who would lose them if strip mining were abolished instantly. But instant abolition has never been the proposal. Rather, abolition was not sought until the end of a two-year phase-out period.

During those two years, with an economy improving such as is West Virginia's with a boom in deep-mining of coal, and highway and housing construction, it is quite probable that nearly all those who would lose jobs through abolition would, instead, be able to find other employment.

Then too, there is another aspect of this job controversy. It is that strip mining is much like highway construction, and those persons employed in the industry are, to a substantial extent, transient. That is, their homes are actually located in other states and they are working here only until the completion of their particular project—whether it be an interstate highway or a strip mine. And while I earnestly hope we can provide more and more new jobs for more and more new citizens of West Virginia, the fact is that many of the jobs provided by the strip mining of coal in West Virginia do not actually go to those who plan to settle down here.

When considering employment, consideration must also be given to the future as well as the present. As more and more of our mountains are ripped apart, as more and more of our streams are clogged with sediment and overflow, as day-by-day our state's magnificent natural beauty is ravaged, what new industry creating new jobs will find West Virginia to be an attractive place to locate?

Not many, I suggest, and when, in 15 or 20 years all our land is stripped and all our beauty is gone, what will we have then? No more strip mining jobs and no new jobs in new industry.

Then too, Senator Knapp suggests that while abolition wasn't passed in the recent legislative session, those who support abolition should receive some solace from the bill that was passed. In sum, he indicates our strip mining controls are now stronger than before.

I question that. True, reclamation bonds were increased from $300 to $600 an acre and abolition for a two-year period was imposed in 22 counties.

But it's also true that there is now no strip mining in those same 22 counties—and coal discovery reports indicate, there never will be strip mining in 15 of those counties because it isn't there to be stripped.

Additionally, while the reclamation bonds were increased, a number of controls which previously were only regulations that could be tightened by administrative action, are now a matter of law and cannot be improved by the Director of the Department of Natural Resources.

A prime example of the effect of this action is that the degree of mountain slope which can be strip mined is now set by law at 33 degrees, even though the Department of Natural Resources earlier recommended that this be reduced, by regulation, to 25 degrees.

Finally, Senator Knapp and others imply that West Virginia can well afford a year-long study of the problems created by strip mining, and then, if the study is adverse, the Legislature can enact abolition.

Perhaps, but during that year more and more thousands of West Virginians will be intimately and adversely affected by the devastation created by strip mining. Already strip mine permits issued during the first quarter of 1971 are more than double that issued for the same period of 1970—and during 1970 the number of strip mining permits issued was 50 per cent higher than those issued in 1969.

All of which suggests that at the end of the year-long study there will be thousands more new victims of strip mining in West Virginia who will not find the issue of abolition quite so debatable.

Mr. Speaker, an excellent letter just reached my desk this morning from James P. Bland, clinic manager of the Southern West Virginia Clinic. His ideas are expressed in a letter which he enclosed, addressed to a member of the West Virginia House of Delegates, and also an excellent article entitled "The Mountain State—Woodland or Wasteland," written by Prof. Robert Leo Smith of West Virginia University:

MAY 7, 1971.

Hon. MARY MARTHA MERRITT,
Delegate, House of Delegates,
Beckley, W. Va.

DEAR MRS. MERRITT: I seldom take the time or trouble to write our legislative representatives but I have been so troubled over the strip mining situation that I feel compelled to write each of you and implore your urgent consideration of some action beyond what is now being undertaken. I realize and appreciate the many pressures you have as a legislator plus the fact that in most instances you have to approach problems from the standpoint of a compromise. I also have a fair realization of the economic values and effects of strip mining in West Virginia, but in this case I strongly feel that we no longer can compromse with strip mining, or we will see our home state completely devastated during our lifetime.

As you know, stripping has been going on for many years and we have all been too apathetic about the situation. However, with the coal market now being so good, plus the trend of legal curtailment of stripping, it is obvious to us all as to what is taking place. The list of strip mining permits on the front page of our local newspaper certainly attests to this fact! I am afraid the all out effort by the strippers while the legislature is conducting a study is comparable to watching a man drown while we sit on the river bank and decide which is the best method to save him.

Last week I happened to take a morning Piedmont flight to Washington, D.C. and when the plane was up over the Beckley area and the morning sun shone on the high walls, I could hardly believe my eyes to see the devastation in our immediate area. This was in direct contrast to our landing in Bluefield twenty minutes later where I could not see any signs of such scars in their area. I know the stripping is terrible but it really hits you between the eyes when you can see the extensiveness of the damage from the air.

As I said, I realize the economic pressures are great from those who are making financial gain from stripping, but many of these same people got along economically without stripping in the past and will have to again sometime in the future, so why not *now*! Moreover, now is the time to abolish stripping while our economy is good enough to absorb those whose jobs would be affected into other phases of mining and similar work. I hear the argument as to how badly coal is needed at this time but I find that many of the local companies in Raleigh County are shipping coal to Japan and other foreign markets. I certainly do not feel like permitting my home land to be desecrated for the sake of shipping coal to Japan and a few bucks in the pockets of out of state land holders. As you well know, the biggest profit margin in stripping does not go to the laborers who are doing the work. Surely you folks in the legislature can find some better solution than permitting continuation of stripping under the guise of a slogan about reclamation. These "thirty foot highwalls" in our mountainous areas can certainly never be reclaimed during our lifetime and probably that of many others. Admittedly they have a few good rehabilitated jobs on stripping projects, such as the Montgomery area, but these few tokens should certainly not blind us to the total realism of this situation.

I have just read one of the most intelligent and comprehensive reports, as well as unemotional, on strip mining that I have seen anywhere. The article is written by a professor at West Virginia University and appeared in the current Spring issue of "The West Virginia University Magazine". You may have already seen it or I am sure you will be exposed to it sooner or later. Therefore, I am enclosing a copy which I strongly urge you to give top priority to reading at your earliest opportunity. With this kind of information available plus the many obvious affects, I fail to understand why we should be losing valuable time with additional studies of the situation. Stripping is running rampant while all of this study takes takes place. The fairest way to both sides of the issue would have been to cease any further stripping permits or operations until a study was completed and not encourage the strippers to make hay while all of this was taking place.

As a native of West Virginia, I beg you to exert your influence to curtail this devastation as soon as possible and overcome the tendency we all have these days to sell our soul for a dollar.

Most sincerely yours,
JAMES P. BLAND.

THE MOUNTAIN STATE—WOODLAND OR WASTELAND?

(By Robert Leo Smith)

(NOTE.—Dr. Smith is a professor of wildlife biology at the University and has written numerous articles on ecology. His book, Ecology and Field Biology, was published by Harper and Row in 1966. A new work, The Ecology of Man, will be issued by the same publisher this fall. His syndicated column, "Outdoors West Virginia," is carried by a number of newspapers in the state.)

During the 1970s the major problems facing most states will center about expanding populations, city and suburban expansion and deterioration, and the environmental problems they create. By contast the major issues of West Virginia will center about the production of power, which will create innumerable problems and public crises unless they are faced ahead of time.

The demand for power will double over the next ten years. Coal and water will continue to be a major source of that energy in spite of the glowing promises of nuclear power. At present nuclear power is based on fission reaction. Uranium-235 is bombarded with neutrons which convert U-235 into a series of fission products including reusable plutonium, neutrons and usable heat. Eventually the U-235 is totally utilized. The effect of this result is a heavy drain on the very limited supplies of low-cost uranium. Unless our present type of power reactor is replaced with breeder reactors, which can convert fission products into usable radioactive materials at a high rate, the world faces the exhaustion of inexpensive sources of uranium within twenty years and the irretrievable loss of uranium. Although a crash program is underway to develop breeder reactors that can utilize low-grade sources of fissionable material, the solution to the problems (including removal of the danger of radiational pollution of the environment) is at least 10 years away.

Although the use of coal as an energy source will probably decline if nuclear power becomes more important, increased power needs will require proportionately more coal than is being used now. Demand for coal in the steel and chemical industries will stimulate the opening of new fields, taking place at an increasing rate, which will involve deep, auger and strip mines.

Both the demand for and the high price received by coal is stimulating a rapid increase in strip mining, not subject to the high production costs nor the long time involved in opening up new seams characteristic of deep mining. Increased strip mining poses a very serious threat to the land resources of West Virginia. Our steep slopes are not suitable for strip mining. The excavation of the coal results in very tall "high walls" on the inside of the slope that isolate the ridge tops and render them useless both for wildlife utilization or any economic use such as timber. The overburden, shoved over the side of the mountain, creates precipitous down slopes that buries vegetation. Where several seams of coal exist on the same slope an entire mountainside can be converted into one huge pile of overburden. The original slopes are destroyed, the narrow valleys are filled and the whole area is reduced to a pile of broken rocks, slate, shale and yellow clay.

Although strip mining is highly efficient, there may be many places in a mountain where the overburden becomes too great for economical stripping, yet the unstrippable seam of coal is exposed along the highwall. To remove this, auger mining moves in.

The spoils created by strip and auger mining are highly unstable. Water seeping into and percolating through the overburden wets the clays and shales. The slipperiness of the clays, the weight of the overburden, and gravity combine to cause massive landslides that can block mountain roads and dam mountain streams. Water rushing down steep slopes carries with it tons of sediment that is washed far downstream. Comparison studies of strip-mined land with adjacent undisturbed forest land in Beaver Creek Basin, McCreary County, Kentucky, showed that sediment yields increased 1,000 times their former level on strip-mined land. The sediment yield from a forested watershed in 1958 was 27.9 tons per square mile, from the adjacent strip-mined land 30,000 tons per square mile. The increased sediment discharge from strip-mined land had a much higher percentage of fine particles than sediment discharge from undisturbed land. And channels receiving drainage from the disturbed land have become clogged with recently deposited sediment that also found its way into streams far below.

In 1969 the Soil Conservation Service completed a study on the erosion of spoil banks on the Spruce Fork and Clear Fork of Coal River, Kanawha County, West Virginia. Three spoil banks ranging in steepness from 66 percent to 96 percent lost 3.5 to 3.8 inches of spoil material from the surfaces of the slope. From these two creeks alone 19,700 tons of silt flows annually into Coal River.

Strip mining alters the ground water regime. Water tables once deep in the underlying rock strata are exposed and flow freely to the newly created surface. Heavy surface runoff collects in pits and benches. During periods of intense spring and summer storms, runoff flows freely from strip mines with tremendous force, intensifying and heightening the damage from flash floods and washing out stream channels and narrow flood plains below.

To complicate the problem, the spoils, especially in West Virginia, are not easily vegetated. The spoil material, a mixture of rock fragments, sand, silt and clay high in iron, aluminum, magnesium and sulphur is too acidic and toxic to support life. Revegetation on many spoils is nearly impossible because of the acid and toxic soil of the overburden, the extremely unstable slope and severe environmental conditions. For the exposed acid materials to leach out to a point where the material might support life again could require 800 to 1,000 years. Thus, for short-term economic gains, many parts of the state are in danger of being destroyed for centuries.

Of all ecological changes brought about by coal mining, both deep and strip, none is more damaging or affects a wider area than acid mine water pollution. Mine acid entering a stream destroys it. For the most part aquatic life associated with clear-running streams is killed from the high concentration of acid, the ions of iron sulphate and the deposition of a smothering blanket of iron precipitates on the stream bottom.

Much of this expansion will take place in the scenic eastern highlands. Mining activity in our eastern regions because of pollution regulations threatens to destroy the timber production on the National Forest, to eliminate the last of our fishing streams, and to reduce, if not entirely eliminate, population of such game animals as the wild turkey and the black bear. The eastern highlands are also the heart of a growing and potentially lucrative tourist and recreation industry. At present coal and recreation are incompatible. They will remain incompatible, and a source of considerable friction and legal battles, unless strong efforts are made by both industry and government to control mine acid drainage, restrict and strongly regulate strip and auger mining, prevent acid mine drainage, control gobpiles and other eyesores so characteristic of the coal industry, and limit or prohibit mining of coal in areas of great scenic and ecological value.

The coal industry has yet to show any real interest in environmental conservation. A great deal of publicity is directed toward the reclamation of strip mines. State law requires that stripe mine operators pay a fee of $30 on every acre of surface land destroyed. This money is to be used to reclaim "orphaned banks"—ones on which no reclamation has failed. Yet studies indicate that costs of reclamation are over $2,000 an acres. Thus, little if any newly significant reclamation is ever done. Reclamation in mountainous regions usually amounts to little more than hydroseeding of water, straw and seed on steep slopes. The land is then considered reclaimed. To strip coal in the mountain counties we lose some of the finest forest land in eastern North America and gain, at the worst, uninhabitable, unproductive tracts of desolate landscape, and, at the best, a ruined landscape supporting a spotty growth of grass and legumes.

One of the more economical ways to convert coal to power is to construct power plants near coal fields so that the coal can be mined or stripped and conveyed directly to power plants without costly transportation costs. In the valley terrain of West Virginia these plants can cause serious air pollution problems. The deep narrow valley and steep sided mountain provide ideal conditions for formation of inversion layers which trap pollutants in the valley. Inversions form early in the evening in valley bottoms and deepen as night progresses and more cold air draws into the valley. The cold air is trapped by warm air that lays like a belt across the valley just below the ridge. Smoke from power plants and coal processing plants rises until its temperature equals that of the surrounding air. Then it flattens out and spreads horizontally. Unable to rise, the pollution fills and spreads through the length of the valley, physically affecting the people and blighting the vegetation. You need only to look at a topographic map or fly over the state, or stand on one of our higher summits to realize how vulnerable this state is to air pollution.

Air pollution, however, is not the only environmental problem associated with power plants. Another one of growing importance as power plants increase is thermal pollution. Producing electricity by steam electric stations is not an efficient operation. Much of the energy of fuels cannot be converted to electricity and is lost in the form of heat which must be dissipated. Although the ideal way to get rid of the heat is to release it to the atmosphere, the most economical way is to allow the water to discharge the heat to the air. Where ample supplies of cooling water are available, fresh water is circulated through the condensers where it picks up the heat. The heated water is then discharged back to the waterway. When ample supplies of cooling water are not available power plants are evaporative or wet cooling towers. Most of the waste heat is dissipated to the atmosphere by the evaporation of a small part of the cooling waters and the water is then recycled through the condensers once or several times before it is passed out to the stream or river. Power plants generally increase water temperature 10 to 30° F above the normal stream or lake temperatures. The temperature of the discharge varies with the season, reaching the highest in the summer when water is already warm and the flow is down. Then it is not unusual for discharges to reach 100 to 115° F.

Such temperatures are lethal to acquatic life. Increases of only a few degrees in temperature especially in the summer months, may cause 100 percent mortality amongaquatic animals. Temperature also influences the behavior of fish, reproduction and life cycles.

Much of the water utilized for cooling by power plants contains mineral matter that can be highly corrosive to condensers. Deposits of metal and biological growth on the walls of condenser tubes and on boilers can reduce heat exchange capacity and electrical generating efficiency. To clean these surfaces the electric power industry uses a variety of detergents, acids and chlorine which, along with the metallic materials, are washed into the stream. They may eliminate what life has been able to survive the high temperatures of the water. This has occurred already in West Virginia.

Thermal pollution need not occur nor do the wastes from the cleaning of boilers and condensers need to be discharged into streams. Thermal pollution can be reduced by use of dry type cooling towers, which function as enormous auto radiators. They operate on the principle of direct transfer of heat from tubed radiator devices to the atmosphere. Such installations are 2 to 3 times as expensive as evaporative cooling towers and would raise the consumers' electric bill by 2.6 percent. When compared to present day inflation this isn't too high a price to pay for the control of thermal pollution. But it destroys the electrical power industry's sales pitch that the cost of electricity per kilowatt hour has been declining. Low cost per kilowatt has been at the expense of environmental quality.

A second source of energy in West Virginia will be hydroelectric power. Some power dams may be beneficial to recreational development but too many of them will destroy unique scenic areas or the quality of streams and drown out productive lowland forests and agricultural land.

West Virginia is commonly called a mountain state: It is more appropriately a valley state. The vegetation is influenced for the most part not by altitude as it is in the high mountains, but rather by the exposure of the mountain slopes. The best timber grows on the lower slopes and in the coves. The finest farmland is in the narrow valleys. Our mountain tops or ridge tops are dry and rocky and not particularly productive of timber, wildlife or food.

Because it does have narrow valleys and steep mountainsides, West Virginia provides excellent sites for dams, both for power and for questionable flood control. Plans already are well underway for the construction of a power dam in the Canaan Valley which will destroy that scenic and historic mountaintop valley. Yet the environmental effects of that dam have not been fully studied. The Rowlesburg reservoir will drown out some of our finest farmland, a number of small and historic towns, and excellent forests, and it will tame a river that has been described in national magazines as one of the wildest in the East. Also proposed is a monstrous power dam, the Swiss Dam, that will back up the waters of the Gauley River from the town of Swiss to the Sutton Dam. It will burn more than 3,000,000 tons of coal per year which would create enormous pollution problems in that area. The Army engineers have on their drawing boards numerous dams suggested for future construction. Indeed if all the dams recommended are built in West Virginia during the next several decades, we will lose our highly productive valleys and mountain slopes and be left with largely sterile lakes and islands of unproductive mountain tops.

Few people consider West Virginia an agricultural state. Although we may lack the expansive cornfields and enormous feedlots of the Midwest, agriculture still is very important to the state. Yet when power and flood control projects are planned, not only in West Virginia but in other states as well, no thought is given to the loss of farmland that will occur. We live under the very false assumption that we have sufficient land for future food production in the United States, that technology will increase the productivity per acre. But there is a limit to the productivity of the land and to the conversion of energy by photosynthesis. The real truth is that a growing population and the continual loss of our best farmland to dams, roads, industry and homes will place a serious strain on our ability to produce food in the not too distant future. We need to be concerned about the protection of our best farmlands and their preservation should have the highest priority. In the future, first class farmland will be far more important to human welfare than hydroelectric or flood control dams.

Another environmental problem of the 1970s is the expanding road construction in the state. Increased building of roads, so desperately needed in West Virginia creates more environmental damage in our state than in most other states. Massive hillside cuts can expose as much raw earth and can scar the earth, the mountains, as greatly as strip mining. These roads will require intensive planning to reduce environmental damage, to protect scenic and cultural values, and to prevent excessive erosion and siltation.

For all its history West Virginia has been exploited by outside interests who have removed our timber and mined the coal, leaving the state degraded ecologically without really helping it economically. The profits accrued from our resources have flowed out of the state. Now with increased demands for energy, not only other states but other countries look to West Virginia as a source of energy. We are rapidly becoming a coal bin to the world. Our valleys are viewed covetously as sites for hydroelectric dams. Unfortunately, all of the coal that is mined and the power that is produced is not being used to economically improve our State. The coal and the power is and will be exported for use outside of our boundaries, and the wealth obtained will enrich not West Virginia but states, industries, corporations and stock holders in distant places. The same exploitative pattern that so characterizes our past will be accelerated in the future. Unless we guard against it we will inherit from coal and power only more polluted streams, polluted air, and a destroyed landscape.

If West Virginia is not to become poorer in the 1970s we must take immediate steps to prevent increased degradation of water, air, and landscape that will surely come with an expanding need of coal and power. As much as West Virginians hate to consider it, the answer lies in ecological land-use zoning on a grand regional basis. Such zoning should consider protection of our valuable farm land, recreational demands, forest production, wildlife and fishery resources, air and water quality road locations, and the siting of hydroelectric dams, and location of deep coal mines and strip mines. In fact, throughout much of southern West Virginia strip mining should be prohibited as being too damaging to both the environment and the long term economy of the state. Zoning studies should be undertaken soon and be fully implemented by legislative action, by a fair severance tax on both the coal mined and the power produced to finance the maintenance and improvement of the quality of our environment and the human resources. To fail to do either can head West Virginia well on the road to self-destruction by the 1980s.

Mr. Speaker, Dr. William H. Miernyk, of West Virginia University, has discussed the economics of strip mining in a most persuasive fashion, in an article which was reprinted in the Parkersburg, W. Va., Sentinel dated February 18, 1971:

Strip Mining Economics Discussed by Professor

(Note.—The author of the following article on the economics of strip mining is Benedum Professor of Economics, and Director of the Regional Research Institute at West Virginia University.

(The article was written in response to a number of inquiries about the potential economic impact of the proposed ban on strip mining on the West Virginia economy. The views expressed are those of the author, and should not be attributed to West Virginia University.)

(By William H. Miernyk)

The current controversy over strip mining shows how statistical juggling can confuse a fairly clear-cut issue. Surface mine spokesmen have claimed that 22,500 persons depend on strip mining for their livelihood. This figure includes all workers empoyed in surface mines, those employed in supplying industries, and all the members of their families. This is the number of persons it is claimed who "benefit" from surface mining.

But where there is an economic "benefit" there is also an economic "cost." In the case of surface mining, this cost results from acid drainage, soil erosion, and general damage to the environment. Environmental damage lessens the chances of other kinds of economic development. Thus the "cost" of surface mining is borne directly or indirectly by all the residents of the state. If it is legitimate to say that 22,500 West Virginians "benefit" from surface mining, it is also legitimate to say that 1.7 million West Virginians are paying the "cost."

If strip mining is banned in West Virginia a certain number of jobs will be phased out over a two-year period. This raises several important questions: How many workers will be affected, directly or indirectly, if surface mining is outlawed! What are the economic grounds for proposing that strip mining be abolished? Who stands to gain and who stands to lose if surface mining is allowed to continue, or if it is banned entirely?

The latest figures reported by the West Virginia Department of Mines show an average of 2,904 persons employed in surface mining in West Virginia in 1970. And strip operators produced 26.9 million tons of coal last year. This represents an increase of almost 50 per cent in the production of surface mines over 1969. The National Coal Policy Conference expects strip mining to increase less this year than it did in 1970, since deep mine capacity in West Virginia will increase by almost 40 million tons this year. To be on the safe side, however, we may assume that surface mine production in West Virginia will increase by 30 per cent this year. If surface mine production should reach 35 million tons direct employment in strip mining will increase to 3,378. This is the number of workers who would definitely lose their jobs over a period of two years.

Employment impacts are not, of course, limited to the workers directly employed by an industry. If production in one industry goes down suppliers to that industry are also affected. Thus any estimate of the economic effects of a ban on strip mining in West Virginia should include the indirect as well as the direct effects. Indirect effects can be measured using what economists call an input-output model. Such a model, which consists of a set of highly detailed statistical tables, has been constructed for the State of West Virginia by the Regional Research Institute at WVU. From this model employment multipliers have been calculated for each industry in West Virginia. In the case of surface mining the employment multiplier is 2.07. When all the direct and indirect effects have been worked out, the initial job losses due to a ban on strip mining could be 2.07 times the number of strip miners directly affected. The maximum number of jobs that could be lost in West Virginia, over a two-year period, is 7,820.

But one important point must be made about employment multipliers. The employment multiplier is a static concept. It provides an estimate of job losses on the assumption that everything else in the economy remains unchanged. If an economy is declining the employment multiplier will understate the true impact of job losses. If the economy is expanding, the employment multiplier will overstate actual job losses. The actual economic effects of a ban on strip mining in West Virginia will thus depend to a large extent on the timing of the ban, and on the state of the economy at that time.

One good indicator of the state of an economy is the amount of personal income received by its residents. For more than 20 years, personal income in West Virginia increased more slowly than that of the nation as a whole. But in 1970—for the first time in more than two decades—personal income in West Virginia increased at a faster rate, by 7.5 per cent while the increase for the nation was only 6.1 per cent. Largely because of a strong increase in the demand for coal, the West Virginia economy has enjoyed a modest boom at the same time that the national economy was in a modest recession. This does not mean, of course, that West Virginia's economic problems have been "solved." Problems engendered by long-term economic decline are not solved in a year or two. The important point is that West Virginia's economy is now expanding, and this expansion will cushion the impact of job losses due to a ban on strip mining.

Some of the workers employed in strip mining—tipple operators for example—can find jobs with deep mines, and many deep mines are now aggressively recruiting workers. But the skills of most workers employed in strip mining are more closely related to the skills of engineering construction workers than they are to the skills of underground miners. This is significant since West Virginia is now in the midst of an extensive highway construction program. Because strip mine employes and highway workers belong to the same "job family," it would be possible for many strip miners to find jobs with road construction companies.

When the current state of the West Virginia economy, and the availability of job alternatives, are taken into account, the job losses estimated by the use of static multipliers are probably too high. One cannot be precise about the actual number of jobs that would be lost as a result of a strip mine ban, but it would be a smaller number than the one obtained from a mechanical application of the static multiplier.

It would be misleading to imply that a ban on strip mining would be entirely painless either from the point of view of the West Virginia economy or of individual workers. Job dislocations are never a simple matter for the workers affected. Even if the workers are lucky enough to find other jobs immediately, they and their families must often go through a difficult period of adjustment.

But economic policy cannot be decided entirely on the grounds that some individuals will be adversely affected. Many public policies have adverse effects on specific individuals, but they are adopted by lawmakers because society as a whole stands to gain. This is true, for example, when Congress refuses to impose quotas on imported products. Workers in the industries affected may lose their jobs as a result of rising imports, but all consumers gain as a result of lower prices. It would be easy to provide other illustrations of public policy decisions that result in economic injury to a few in the short run, but which provide economic gains for society as a whole in the long run.

From an economic point of view, strip mining in West Virginia should be banned only if the gains to society as a result of this action will be greater than the social losses. Clearly, those who advocate an end to strip mining believe that this will be the case. They believe that the social costs of strip mining are greater than the social benefits. The social benefits of strip mining are very small, although private benefits to operators and employes may be substantial. But the social costs of strip mining are very high. This is because all of the gains from strip mining—whether to individuals or to society—are of a short-run nature while the costs may be borne by several generations.

If surface-mined land could be restored to its original state, the coal industry would gain and society would not lose. The Surface Mining Act of 1967 requires operators to post a bond on land that is strip mined until the land is reclaimed. But the reclamation provisions of this law have not been adequately enforced. Although the law specifies that the directors of the Department of Natural Resources may deny permits on land that cannot be successfully reclaimed, there is no record of such denials. There are not enough inspectors to cover the more than 32,000 acres that were strip mined last year. And with a few notable exceptions—such as the well-publicized reclamation activities of Tracy Hylton in Nicholas county—strip miners leave behind them land that is devastated rather than "reclaimed." The costs of this devastation in terms of acid drainage, siltation, erosion and other forms of ecological damage can only be estimated. But these estimates tend to run high.

Estimates of the cost of acceptable reclamation of strip mined land run from $1,200 to well over $2,000 an acre. These figures may be used as rough benchmarks of the short-run social cost of strip mining. If this cost is not met on an annual basis it would have to be compounded, using an appropriate interest rate, to obtain an estimate of long-run social costs.

Using the estimates given above, it would have cost between $38 and $64 million to reclaim the land strip mined last year. Who should bear this cost?

Increasingly, economists have accepted the view that businesses engaged in economic activity which results in environmental damage should pay the cost of that damage. These are "external" costs. They are not part of the internal costs of production of the business establishment. But many economists now argue that these external costs should be "internalized." Why should society pay these costs, they ask, when the benefits of the economic activity go to a limited few? Those who accept this view would argue that surface mine operators in West Virginia should be taxed at rates ranging from $1,200 to $2,000 per acre. This would transfer the "external" costs of environmental damage to the internal costs of the firm. If the market price of coal would permit the operators to pay this tax and still earn a profit, the total cost of strip mining—private and social—would be covered.

If we assume that the 26.9 million tons of surface coal sold at an average price of $7.00 per ton last year, the total revenue of the industry would have been $188.3 million. Thus the cost of acceptable reclamation would have ranged from 20 to 34 per cent of the surface mining industry's total income last year. Clearly, the industry could not have paid even the smaller of these amounts in taxes and remained in business. Yet this is what it should have paid if the external costs had been "internalized."

It is difficult to avoid the conclusion that the social costs of strip mining far exceed any social gains. Tinkering with the Surface Mining Act of 1967 is not the answer to the problem. There can be no acceptable compromise between the short-run private interests of strip mine operators and their employees and the long-run social interests of the citizens of West Virginia.

Mr. Speaker, one of the prime movers in the abolition movement in West Virginia is West Virginia's Secretary of State, the Honorable John D. Rockefeller IV. Mr. Rockefeller's view on strip mining is ably set forth in the enclosed article from the March 1971 issue of Pathway magazine:

MY POSITION ON STRIP MINING

(By John D. Rockefeller IV, Secretary of State)

The simple truth is that I genuinely love West Virginia's tremendous natural beauty. And I enjoy that beauty by being an outdoorsman of sorts—a hiker.

So it was that nearly two years ago my wife, Sharon, and I were hiking along Otter Creek in Randolph and Tucker Counties. We both agreed that with the area's majestic trees, its lush undergrowth and its crystal clear mountain streams, Otter Creek is one of the most beautiful areas in the eastern United States.

But then I heard bad news for that beauty. First, there was talk of logging. And next, there was prospecting for coal.

With the talk of prospecting for coal, I thought about what the devastation of strip mining might do to an area so beautiful as Otter Creek, and what it was already doing elsewhere in West Virginia.

As a consequence, late last summer I set out to assess as thoroughly and reasonably as possible the effects of continued strip mining of coal in West Virginia. My purpose was to develop a position on strip mining for this session of the Legislature.

I spent hundreds of hours making a variety of field trips—by car, on foot, and by helicopter. I went to strip mining operations both north and south of the Kanawha River. I listened to the views of operators, conservation groups, unions, state government officials, federal and state reclamation people, Corps of Engineer experts, water experts, and soil experts. I read the literature, studied our laws and other states' laws, did research on the economic and job significance of the industry. I saw the new and the old, the bad and the better.

I considered the difference between the northern coal industry and the southern; the possibilities of reclamation research; the consequences of tightening the laws or of leaving the laws alone, of reducing the slope levels to 25 or 20 degrees, and of abolishing strip mining altogether.

I saw the reclamation of operators who care, and the work of those who don't.

The dilemma is a classic one: West Virginia needs both its job opportunities and its natural beauty. State policy should try to preserve both. But I am convinced—reluctantly but strongly—that strip mining of coal in West Virginia must be prohibited by law, completely and forever. That's why I decided to work for stautory prohibition in this session of the Legislature.

Clearly, the industry has tried to do a better job since the 1967 strip-mining law. It has worked on seeding spoil banks, sloping benches, planting, water impoundments, and covering toxic materials. I saw a few operators, who had been conscientious and somewhat successful. I saw many more operations that were neither conscientious nor successful.

Even the best efforts fell short of preventing slides, acid drainage and other stream pollution. And I saw no solution to the most glaring problem of all—the highwall. This is the fatal flaw of reclamation. The highwall is the signature of the strip miner. Wherever he goes, he leaves it there. Bleak rock circles, often two or three tiered and semi-permanent, shatter the contoured beauty of our hills. The effect is devastating and humiliating.

Frankly, I think of those highwalls as a cancer, spreading out from hill to hill, on and on, into more and more areas. Why should Grant, Raleigh and Upshur Counties, for example, all with ample strip coal reserves and quiet scenic landscapes, fall prey to this cancer?

Our state's natural beauty is a great resource now, and will become more so. But it is a fragile beauty, highly personnal, easily destroyed, and a beauty that depends on space and isolation and mood. In other words, a frontier beauty.

We still have it, but we are losing it. *The highwall is like a knife slash through a painting;* you can patch it up, but somehow it is always there, and the beauty and mood, the closeness, are never the same again.

The industry says it needs time for research. I say it is too late for additional research. The damage to large sections of our state is already beyond repair.

There is a special urgency to act now. The energy crisis has made the demand for coal so great that the next few years will see a fury of stripping. Huge new equipment has been developed to speed the job.

Too much of West Virginia is already a tangle of ugly highwalls and eroded spoilbanks. The damage is grotesque.

Despite the efforts of the Reclamation Division, I am convinced stronger enforcement is not the answer.

Our enforcement history in West Virginia has not been a distinguished one, and there is no reason to expect it to show any marked improvement now. In any event, the Reclamation Division will be needed to work on the tens of thousands of acres of presently unreclaimed strip-mined land.

I am, of course, deeply concerned about the number of jobs—both direct and indirect—involved in prohibiting strip mining. But even the immediate labor impact should not be insuperable. Only one-half of one percent of the work force in West Virginia is directly engaged in stripping. The bulk of these men are highly skilled workers—tipple operators, mechanics and heavy equipment operators whose services are definitely marketable. Nearly all of these men will be able to find good work. Services and businesses dependent on strip mining may not be able to adjust as well and as quickly. Nevertheless, the public interest must assert itself at some point. It rarely has in West Virginia.

It is argued that America faces an energy crisis and that strip mining is part of West Virginia's obligation toward meeting the national demand for coal. But other less destructive methods can be employed to extract West Virginia coal. Stripped coal is mined at a high benefit to a few but at too great a cost to all West Virginians.

Neither America nor West Virginia will always be able to have it both ways—all the energy they want and all the beauty and tranquility they want. It isn't often, particularly in West Virginia, that anything as intangible and basic as beauty and the quality of life can stand their ground against economic and political interests. But in this case, the political process must function in behalf of this and future generations, in order that they may have beauty and tranquility.

One of the fallacies of our state's environmental efforts became clear to me as I studied the strip mining problem—that oil and gas well sites and deep-mining sites, as well as our own state highway building efforts show a basic disregard for the responsibility of reclamation. Some of the worst highways and spoilbanks in the state are direct results of our roadbuilding program.

Strip mining, however, is the problem with first priority. Each citizen loses each time any of our hills are permanently scarred and disfigured by strip mining. The loss diminishes the state as a whole, while stream pollution and sedimentation are specific losses. Most important, such damage limits future alternatives for our state. We become less attractive to industry, to tourists, to retaining our own citizens.

For all these reasons, I decided to strongly support legislation now before the Legislature to end strip mining.

Because of the economic effects brought about by abolition, there will be, of course, a certain winding-down period necessary. Displaced workers must have time to find jobs; strip mine operators have major capital investments in equipment and heavy machinery. Power plants utilizing strip coal must find other fuel supplies.

But West Virginia's economy is on the upswing and there has never been a better time during the past 30 years for the adjustment required by abolition to be made than now.

Even more importantly, if West Virginia doesn't make this adjustment now, it will be tremendously more difficult to do so in some future year when the necessity for abolition becomes increasingly clear.

Finally, I feel it is fitting and a matter of pride that West Virginia, a state most richly blessed by natural beauty and a state

most cruelly devastated by strip mining operators, should take the lead in historic environmental legislation. I sincerely believe the most responsible, the most significant, and the most generous contribution this 60th Legislature can make to all our people is to abolish strip mining.

Mr. Speaker, I include a statement which I made on April 12, 1971, as well as a statement which I made on April 22, 1971, at a briefing for Members of Congress and their staffs. Present and participating in this briefing were Hon. John D. Rockefeller IV, secretary of state of West Virginia; Hon. JOHN SEIBERLING, of Ohio; and West Virginia coal miners Clarence Pauley, of Van; Ivan White, of Madison; and Arnold Miller, of Ohley. Because of the eloquence and importance of the statement by Arnold Miller, I am including the entire text of his remarks on that occasion:

Statement by Rep. Ken Hechler,
April 12, 1971

I raise my voice today in a cry of agony and anguish for the land of Appalachia, where Mother Earth is being nailed to the cross by the strip mining of coal.

In the past week, I have visited strip-mined areas of eastern Ohio, Kentucky and my own state of West Virginia, and the devastation by the strippers is escalating by the hour. Billions of tons of valuable topsoil, trees, rocks, the habitat for wildlife and the hills themselves are being chewed and churned up because it's so cheap to make a quick killing when you can pass the environmental costs on to future generations.

Next week is Earth Week, and no doubt many administration spokesmen will be out with their best-polished rhetoric on the importance of the environment.

But I charge that the leaders of this nation are apathetic, stagnant and insensitive toward the national crisis affecting our land which has resulted from the pell-mell race of the strip miners to rip out the coal before Congress acts to put a stop to this environmental hara-kiri.

The fact is that President Nixon's own people are undercutting his professed desire to protect the environment. The credibility gap is growing wider every day.

Just before Easter, two press statements were made by the Department of the Interior. One release summarized a significant study by the U.S. Geological Survey, indicating that in the Beaver Creek basin in south central Kentucky "strip mining of coal in the basin has significantly increased the acidity and mineralization of surface and ground water, and increased the sediment of streams below the mined area. These changes in water quality, in turn, have adversely affected aquatic life in the stream." The study is a damning and documented indictment of the seriously adverse environmental effects of strip mining.

The second press release contains the text of a speech by Hollis M. Dole, Assistant Secretary of Interior for Mineral Resources before the Pacific Northwest Metals and Minerals Conference in Portland, Oregon. In the entire 7-page speech entitled "Energy, Environment and the Economy," Secretary Dole has one slim sentence about strip mining, and all he says is that "strip mining, without proper land reclamation, is particularly offensive to esthetic values." He says nothing about acid mine drainage, as documented in the report of his own Department. He says nothing about the millions of tons of sediment from strip-mined spoil banks, washed into the streams by the spring rains. He says nothing about the human beings whose homes are shaken by blasting, whose lawns are covered by muck, and whose water from the tap has turned black and undrinkable. He says nothing about the Gem of Egypt, and other ten-story power machines that every day are making huge new acreage look like the surface of the moon. To listen to Secretary Dole, you would think those who are concerned about strip mining are just a bunch of nuts who love to go out and gaze at the scenery.

Both the President and Secretary of the Interior Morton have sounded the trumpet for action, the President in his Environmental Message of February 8, 1971, and Secretary Morton in his letter to the Vice-President and Speaker dated February 10, 1970. Secretary Morton predicted that by 1980 5 million acres, an area the size of the State of New Jersey, will be disturbed if surface mining continues at the same rate.

What good does it do to make speeches against strip mining, if you have a man like Assistant Secretary Dole who apparently does not believe in the recommended legislation? How effectively will such a law be enforced by a man who is obsessed with production like Secretary Dole? I personally feel the bill being recommended by the Nixon Administration is pretty toothless to begin with, but apparently even that is too strong for Secretary Dole.

In his State of the Union message, the President observed that "most Americans today are simply fed up with government at all levels." The President said in his March 25 message to Congress that "the major cause of the ineffectiveness of government is not a matter of men or of money. It is principally a matter of machinery." The President then attacked the scattering of responsibility among many different bureaus and agencies, and said he was going to bring some organizational sense into government by streamlining its organization.

I listened carefully to the President, and to Governor Connally when he briefed Democratic Conressmen over scrambled eggs at a White House breakfast. But what good does it do to re-structure the organization of government when you have high officials like Secretary Dole, who either don't believe in or are decidedly unenthusiastic about a policy like regulating strip mining?

Furthermore, if you put the Bureau of Mines into a new Department of Natural Resources, and bury it in a new subdivision headed "Energy and Minerals Resources", you're not only taking the human factors out of coal mine safety, but you are subordinating the need to protect the environment against strip mining to the all-out drive for production of more and more energy.

Easter is the season when we herald the spiritual rebirth of all mankind. The awakening and renewal of life which accompanies the Easter spirit will never be realized as long as we continue to plunder and scar the earth, decapitate the hills and poison the waters of the earth which are God's handiwork.

Earth Day Briefing for Congressmen on Strip Mining of Coal, April 22, 1971

(Statement by Representative KEN HECHLER)

On Earth Day 1971, there is a surge of public support for legislation to ban the strip mining of coal. There are now 73 Members of the House of Representatives from 24 states co-sponsoring H.R. 4556 and companion bills, introduced in the Senate as S. 1498 by Senators Gaylor Nelson (D-Wis.) and George McGovern (D-S.D.).

At the same time, a well-financed lobbying and advertising campaign has been launched by the National Coal Association and its allies to stave off this legislation long enough to enable the strippers to make some quick killings. The strip-miners are racing to rip out more coal with their giant gouging machines, decapitating hills, ruining topsoil, destroying the habitat for wild life, pouring acid and sediment into streams, laying waste huge areas of valuable timber, causing floods and landslides, and even where reclamation has been attempted the land has been drained of its productiveness, value, resources, and beauty.

Strip mining produces a high profit margin because the damage to the environment is not figured in the present costs; these environmental costs are simply passed on to future generations. They cry "energy crisis" and "job losses" in the face of efforts to protect the soil, hills, forests and streams. Coal can and must be obtained from the billions of tons available through deep mining, and a start must be made immediately to prepare for opening those deep mines needed in the coming years, with due protection against environmental damages. Congress is now passing an accelerated public works act which, along with construction, housing and other constructive jobs should assist in providing employment. We can no longer afford to assault the environment in order to provide either energy or jobs. We can no longer afford to allow technology to be our master, rather than our servant.

In West Virginia, the fight to abolish strip mining received a tremendous boost through the strong support of Secretary of State John D. Rockefeller IV. The path to power in West Virginia can be transparently simple: go along with the coal barons and their powerful economic allies, and also work closely with those political leaders some of whom follow the example of the extractive industries in taking out more than they put in. Thus, "Jay" Rockefeller displayed a special brand of courage in West Virginia when in the closing days of 1970, he publicly announced that he favored an outright ban on the strip mining of coal in our beautiful mountain state. He may have lost a battle in the State Legislature, but he won the war on the side of the people.

Mr. Rockefeller is here today to talk exclusively about the West Virginia situation, and he is taking no position on the Federal legislation co-sponsored by Rep. John Seiberling (D-Ohio) and myself, among others.

I am impressed by the tremendous public support from both coal mining states, and those areas where there is no coal mining, in favor of a ban on strip mining. The people are determined that this assault on the environment and this insult to God's handiwork must cease. A halt to strip mining will be a valuable investment in the future productivity of the soil, protection of our water supply, the saving of forests and streams, prevention of floods, the saving of the property of home-owners and, above all, the preservation of the total environment.

Statement by Arnold Miller,
Ohley, W. Va.
April 22, 1971

West Virginia is made up of rugged but beautiful mountains. I was born in a narrow valley between two mountains where there were about fourteen deep mines in operation. The stream of Cabin Creek in my boyhood days had many species of fish and didn't appear to be bothered by acid mine water, along about 1950 strip mining increased rapidly and our problems began, our stream was polluted, the stream channel began to fill with silt and debris, all life in the stream ceased. Today there is little stream channel if any and we are under the constant threat of flooding, our roads are being destroyed by heavy coal hauling trucks.

For years most people who lived in mining communities enjoyed hunting and fishing as their main form of recreation, now this is being systematically destroyed along with the water supply for our people. After living with these problems I have decided to speak out on strip mining. Strip mining has become a very serious problem in the United States in general and West Virginia in particular, strip mining became a raging controversy during the last session of the West Virginia legislature, there was much debate on the pro's and con's and I for one feel there was some important facts left out, I will attempt to cover most of these as impartial as I can.

There are three basic methods of mining coal in West Virginia, drift mining, slope mining, and shaft mining. Drift mining is a method where the coal seam is above ground level, slope mining is where the coal seam is below ground level, but close enough to the ground level that it is easier to enter on a gradual slope than to put a shaft down, and shaft mining is where the coal seam is too far below ground level to enter into except by putting down a shaft. For this article we can put aside shaft mining as it has no bearing on strip mining. Slope mining for the most part in relation to strip mining except where thick seams prevail can be discounted. Drift mining conflicts with strip mining as the coal seams in this type mining are vulnerable to both types of mining and this is where the controversy arose, strip mine supporters say that strip miners produce coal that can't be recovered by deep miners, one labor leader made a statement that the only time deep miners would drive entries outside were for ventilation, having been a deep miner most of my life I know that is about as far from the truth as anyone could get. The controlling factor in deep mining in regards to mining coal on the out crop is the market for coal as the coal seam close to the out crop is of poor quality in relation to the deeper part of the seam, if the market is good for the coal that strip miners mine then it can be mined by deep miners.

Another factor in strip mining is the thickness of the coal seam, when the coal seam is under 36'' it is more difficult to mine and keep production high with deep mining, at the same time where the coal seam is under 36'' it is less feasible for strip mining as there is a standard among strip miners that they can move a certain amount of over burden for each inch of coal, a mountain cannot be moved profitably for the thin seams by strip mining. The same labor leader referred to earlier made another statement that I believe should be reversed, he said that the deep miners had to have the strip mined coal in order to operate, the truth is that in order to raise the market value of strip mined coal it has to be mixed with deep mined coal to raise the B.T.U.

There have been a number of reasons advanced in support of strip mining, such as a fuel shortage, safety factor, length of time in developing deep mines. I firmly believe these reasons have been created for the sole purpose of profit, first I recognize the lack of much development in deep mining in the past several years. A serious shortage of labor for deep mining has been allowed to grow and any real effort to promote safety had to be forced on the coal operators.

In an effort to be as objective as I can I see no justification for strip mining other than for profit, we are asked to tolerate an industry that does more damage by far in relation to the product it produces and creates more problems for a state that is plagued with many.

Finally, Mr. Speaker, I include a complete list of the 82 House and four Senate cosponsors of the legislation, as of May 10, 1971:

Environmental Protection and Enhancement Act of 1971 (To Abolish Strip-Mining of Coal in the United States)—H.R. 4556, H.R. 4557, H.R. 6484, H.R. 6485, S. 1498

COSPONSORS BY STATE

May 10, 1971

Arkansas: Rep. David Pryor (D).

California: Rep. Glenn M. Anderson (D), Rep. Phillip Burton (D), Rep. James Corman (D), Rep. George Danielson (D), Rep. Ronald Dellums (D), Rep. Don Edwards (D), Rep. Augustus Hawkins (D), Rep. Robert Leggett (D), Rep. Paul N. McCloskey, Jr. (R), Rep. John Moss (D), Rep. Thomas Rees (D), Rep. Lionel Van Deerlin (D).

Connecticut: Rep. William R. Cotter (D), Rep. Ella T. Grasso (D).

Florida: Rep. Claude Pepper (D).

Georgia: Rep. John Davis (D).

Hawaii: Rep. Pasty Mink (D).

Illinois: Rep. Ralph Metcalfe (D), Rep. Abner Mikva (D), Rep. Sidney R. Yates (D).

Indiana: Rep. John Brademas (D), Rep. Ray Madden (D), Rep. J. Edward Roush (D).

Iowa: Rep. Fred Schwengel (R).

Louisiana: Rep. Edwin Edwards (D).

Maine: Rep. William D. Hathaway (D), Rep. Peter Kyros (D).

Maryland: Rep. Clarence Long (D), Rep. Parren Mitchell (D), Rep. Paul Sarbanes (D).

Massachussets: Rep. James Burke (D), Rep. Silvio Conte (R), Rep. Robert F. Drinan (D), Rep. Harold D. Donohue (D), Rep. Michael Harrington (D), Sen. Edward Kennedy (D), Rep. F. Bradford Morse (R), Rep. Thomas O'Neill (D).

Michigan: Rep. John Dingell (D), Rep. William Ford (D), Rep. Lucien Nedzi (D), Rep. Guy Vander Jagt (R).

Minnesota: Rep. Joseph Karth (D).

New Jersey: Sen. Clifford Case (R), Rep. Cornelius Gallagher (D), Rep. Henry Helstoski (D), Rep. Peter Rodino (D), Rep. Robert Roe (D), Rep. Charles W. Sandman, Jr. (R).

New York: Rep. Bella Abzug (D), Rep. Herman Badillo (D), Rep. Mario Biaggi (D), Rep. Jonathan Bingham (D), Rep. Hugh Carey (D), Rep. John Dow (D), Rep. Seymour Halpern (R), Rep. Edward Koch (D), Rep. Peter A. Peyser (R), Rep. Otis Pike (D), Rep. Bertram Podell (D), Rep. Ogden Reid (R), Rep. Benjamin Rosenthal (D), Rep. William Fitts Ryan (D), Rep. Lester Wolff (D).

North Carolina: Rep. Nick Galifianakis (D), Rep. Richardson Preyer (D).

Ohio: Rep. John Seiberling (D), Rep. James V. Stanton (D), Rep. Louis Stokes (D), Rep. Charles A. Vanik (D), Rep. Charles W. Whalen, Jr. (R).

Pennsylvania: Rep. William A. Barrett (D), Rep. Edward G. Biester (R), Rep. William Moorhead (D), Rep. Joseph Vigorito (D), Rep. Lawrence Williams (R).

South Dakota: Sen. George McGovern (D).

Texas: Rep. Robert Eckhardt (D), Rep. Henry Gonzalez (D).

Washington: Rep. Tom Foley (D), Rep. Thomas Pelly (R).

West Virginia: Rep. Ken Hechler (D).

Wisconsin: Rep. Robert Kastenmeier (D), Sen. Gaylord Nelson (D), Rep. David Obey (D).

NATIONAL HOLIDAY OF THE RUMANIAN PEOPLE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, today, the 10th of May, is the national holiday of the Rumanian people. Although currently a member of the Communist bloc of nations, Rumania has a cherished national history, and Rumanians continue to celebrate the anniversary of three significant historical events on May 10.

On May 10, 1866, the Rumanian dynasty was founded when Charles, Prince of Hohenzollern-Sigmaringen, was proclaimed Prince of Rumania.

On May 10, 1877, the Principality of Rumania declared her independence from the Ottoman Empire.

On May 10, 1881, Rumania became a kingdom when Charles I was crowned King of Rumania.

Despite the attempts of the current regime in Rumania to shift the celebrations to May 9, the anniversary of the Soviet victory, Rumanian-Americans and Rumanian nationals continue to mark this date, May 10, as their national holiday.

Mr. Speaker, I am proud to call attention to the significance of this date for our Rumanian friends, and to take this timely opportunity to remember the great historical events which cause them to celebrate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hutchinson (at the request of Mr. Gerald R. Ford), for May 11, on account of official business in attendance at funeral of Edson V. Root, a State representative of Michigan.

Mr. Hogan (at the request of Mr. Gerald R. Ford), for today, on account of official business as a member of the House Committee on Post Office and Civil Service.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Robinson of Virginia), to revise and extend their remarks and include extraneous matter:)

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Bray, for 10 minutes, today.

Mr. Hogan, for 5 minutes, today.

(The following Members (at the request of Mr. Fauntroy), to revise and extend their remarks and include extraneous matter:)

Mr. Hamilton, for 30 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Rangel, for 60 minutes, on May 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROBINSON of Virginia) and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. KEATING.
Mr. MILLER of Ohio.
Mr. WHALEN.
Mr. MORSE.
Mr. WYATT
Mr. DICKINSON.
Mr. CARTER.
Mr. KING in five instances.
Mr. NELSEN in two instances.
Mr. DUNCAN in two instances.
Mr. DERWINSKI in two instances.
Mr. SCHMITZ in two instances.
Mr. ZWACH in two instances.
Mr. LLOYD.
Mr. HOSMER in two instances.
Mr. GOLDWATER.
Mr. ROBISON of New York in two instances.
Mr. QUILLEN in four instances.
Mr. SEBELIUS.
Mr. KEMP in two instances.
Mr. MICHEL in two instances.

(The following Members (at the request of Mr. FAUNTROY) and to include extraneous matter:)

Mr. GARMATZ.
Mr. HARRINGTON.
Mr. CARNEY.
Mr. DANIELSON.
Mr. HAMILTON.
Mr. DRINAN in five instances.
Mr. JOHNSON of California in two instances.
Mr. HUNGATE in three instances.
Mr. RYAN in four instances.
Mr. GIAIMO in 10 instances.
Mr. MAHON.
Mr. DELANEY in two instances.
Mr. RARICK in four instances.
Mr. GONZALEZ in three instances.
Mr. BENNETT.
Mr. FASCELL.
Mr. ICHORD.
Mr. O'NEILL in two instances.
Mr. BYRNE of Pennsylvania.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on May 6, 1971, present to the President, for his approval, a bill of the House of the following title:

H.R. 4246. An act to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes.

ADJOURNMENT

Mr. FAUNTROY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 11, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

691. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1972 for the legislative branch and the General Services Administration (H. Doc. No. 92–108); to the Committee on Appropriations and ordered to be printed.

692. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide for the retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

693. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended March 31, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

694. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting a report on State and local taxation of banks, pursuant to Public Law 91–156; to the Committee on Banking and Currency.

695. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings in docket No. 190, *The Cherokee Nation, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

696. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting an amendment to H.R. 5522, a bill authorizing appropriations to the Atomic Energy Commission for fiscal year 1972; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

697. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements pertaining to insurance operations of the Federal Housing Administration for fiscal year 1970. Department of Housing and Urban Development (H. Doc. No. 92–107); to the Committee on Government Operations and Ordered to be printed.

698. A letter from the Comptroller General of the United States, transmitting a report on savings available through reduced use of air parcel post shipments by the Department of Defense; to the Committee on Government Operations.

699. A letter from the Comptroller General of the United States, transmitting a report on the savings available under the program for relocating roads and bridges at the Auburn Dam and Reservoir in California, as administered by the Bureau of Reclamation, Department of the Interior; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 1907. A bill for the relief of Arnold D. Smith (Rept. 92–188). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4042. A bill for the relief of John A. Martinkosky; with amendments (Rept. 92–189). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 6666. A bill for the relief of Maj. Michael M. Mills, U.S. Air Force; with amendments (Rept. No. 92–190). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 7085. A bill for the relief of Eugene M. Sims, Sr.; (Rept. No. 92–191). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 7569. A bill for the relief of Mrs. Eleanor D. Morgan; (Rept. No. 92–192). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 2846. A bill for the relief of Roy E. Carroll; with an amendment (Rept. No. 92–193). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 8191. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 8192. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in 1975 and every 10 years thereafter, to prescribe February 1 as the census date for the 1975 and later censuses of population, to limit the categories of questions to be answered in mid-decade censuses, to provide for census recounts of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNES of Wisconsin:

H.R. 8193. A bill to allow a 20-percent credit against the Federal individual income tax for State and local income taxes, and to increase substantially the credit against the Federal estate tax for State death taxes; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 8194. A bill to amend title 18, United States Code, to provide for the protection of U.S. probation officers; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 8195. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 8196. A bill to name the new Federal Bureau of Investigation Building the J. Edgar Hoover Building; to the Committee on Public Works.

By Mr. COUGHLIN (for himself, Mr. MCCLOSKEY, and Mr. VEYSEY):

H.R. 8197. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. DANIELS of New Jersey:

H.R. 8198. A bill making an appropriation to provide support for the Neighborhood Youth Corps summer support program for the summer of 1971; to the Committee on Appropriations.

H.R. 8199. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

H.R. 8200. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. DOWNING (for himself and Mr. MOSHER):

H.R. 8201. A bill to amend the Merchant Marine Act, 1936, as amended, by inserting a new title X to authorize aid in developing, constructing, and operating privately owned nuclear-powered merchant ships; to the Committee on Merchant Marine and Fisheries.

By Mr. GONZALEZ:

H.R. 8202. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

H.R. 8203. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

H.R. 8204. A bill to amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and paint products containing toxic solvents; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 8205. A bill to create regional seed-money corporations; to the Committee on Banking and Currency.

H.R. 8206. A bill to amend title II of the Social Security Act to provide wage credits under the old-age, survivors, and disability insurance program for Japanese Americans who were detained or interned during World War II and performed compensated service during the detention or internment; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 8207. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. HATHAWAY:

H.R. 8208. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to provide federally financed emergency unemployment compensation for up to 26 weeks in addition to the extended compensation now available under such act; to the Committee on Ways and Means.

By Mr. HÉBERT (for himself and Mr. ARENDS):

H.R. 8209. A bill to amend and extend for a temporary period the act of November 9, 1966, permitting persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 8210. A bill to establish a Department of Education; to the Committee on Government Operations.

By Mr. KING:

H.R. 8211. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. McDADE:

H.R. 8212. A bill to restore the investment tax credit and to liberalize the credit available for used machine tools; to the Committee on Ways and Means.

By Mr. McKAY:

H.R. 8213. A bill to establish the Capitol Reef National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

H.R. 8214. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 8215. A bill to provide relief for certain prewar Japanese bank claimants; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 8216: A bill to establish drug abuse control organizations in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. NATCHER:

H.R. 8217. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 8218. A bill to amend chapter 55 of title 10 of the United States Code to provide medical and maternity care in service facilities for certain members of the uniformed services and their dependents after such members are separated from active duty; to the Committee on Armed Services.

H.R. 8219. A bill to provide for the establishment of a national cemetery within the boundaries of the Red River Army Depot, Bowie County, Tex.; to the Committee on Veterans' Affairs.

By Mr. PELLY:

H.R. 8220. A bill to amend the act of December 27, 1950 (64 Stat. 1120), authorizing the waiver of the navigation and vessel-inspection laws; to the Committee on Merchant Marine and Fisheries.

By Mr. REID of New York:

H.R. 8221. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 8222. A bill to provide that expenses incurred in the construction of the Elmira Psychiatric Center in the city of Elmira, N.Y., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. VANIK:

H.R. 8223. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 8224. A bill to amend the Internal Revenue Code of 1954 to modify the definition of "student" under section 151; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 8225. A bill to amend the Military Selective Service Act of 1967 to broaden the sole-surviving-son exemption to include all sons of a family; to the Committee on Armed Services.

H.R. 8226. A bill to change the definition of "ammunition" for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 8227. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMILTON (for himself, Mr. BRADEMAS, Mr. JACOBS, Mr. MADDEN, and Mr. ROUSH):

H.J. Res. 623. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. O'NEILL (for himself, Mr. FRASER, Mr. GALIFIANAKIS, and Mr. HOWARD):

H.J. Res. 624. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. SNYDER:

H.J. Res. 625. Joint resolution authorizing the President to proclaim May 19, 1971, as "Dr. Culbertson Day"; to the Committee on the Judiciary.

By Mr. WRIGHT (for himself, Mr. BROOKS, Mr. ECKHARDT, and Mr. KAZEN):

H.J. Res. 626. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. PERKINS:

H. Res. 434. Resolution to authorize additional investigative authority to the Committee on Education and Labor; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

163. By the SPEAKER: Memorial of the Legislature of the State of New York, relative to the use of the island of Culebra for target practice; to the Committee on Armed Services.

164. Also, memorial of the Senate of the State of Hawaii, relative to national parks in Hawaii; to the Committee on Interior and Insular Affairs.

165. Also, memorial of the Legislature of the State of Nevada, relative to railroad passenger service for the city of Las Vegas; to the Committee on Interstate and Foreign Commerce.

166. Also, memorial of the Legislature of the State of Hawaii, relative to Federal financing of public assistance; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 8228. A bill for the relief of Juana C. Gonzales; to the Committee on the Judiciary.

H.R. 8229. A bill for the relief of Bong Ja Park; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 8230. A bill for the relief of Kudret Gonlualcak; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 8231. A bill for the relief of Col. John H. Sherman; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 8232. A bill for the relief of Rosa Vaccarco and her daughters; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 8233. A bill for the relief of James J. O'Connor; to the Committee on the Judiciary.

H.R. 8234. A bill for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc., and/or Sobin Chemicals, Inc., and/or Daniel M. Hicks (incorporated); to the Committee on the Judiciary.

By Mr. DOWNING:

H.J. Res. 627. Resolution restoring citizenship posthumously to Gen. R. E. Lee; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

RELATIONSHIP BETWEEN THE UNITED STATES AND RED CHINA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, May 10, 1971

Mr. THURMOND. Mr. President, of April 16, 1971, the Chicago Tribune contains an important article entitled "After the Ping-Pong Games."

In a short length of time the United States has set aside several restrictions on trade and travel between Red China and the United States. In a country that is tired of war, there is a strong appeal for peaceful relations between the most populous Communist nation and the strongest free country. However, as Editor Clayton Kirkpatrick points out, just because Red China was civil to our table tennis team, that does not mean Red China's basic imperialist plans have been changed. To plunge ahead without regard to Peking's motives would be utter folly.

Before any last improvement can be established between our countries, certain preliminary steps must be started. To this extent, the reception of our table tennis team is heartening. The situation becomes quite different when politics are involved. There is no reason whatsoever for us to believe that Red China has softened its desire to spread Chinese Communist influence throughout Asia and Southeast Asia.

Thus, we must keep a realistic attitude in mind when dealing with Red China, and not be led astray by taking these actions at face value. These relevant comments deserve the consideration of Congress.

Mr. President, I ask unanimous consent, that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

After the Ping-Pong Games

If it is possible to plunge headlong toward peace, that is what the United States seems to be doing in its relations with Red China. In a matter of weeks, even days, we have seen one restriction after another discarded, affecting travel, communications, trade and shipping. There is talk of invitations to the Chinese Ping-Pong and soccer teams to visit this country, and Premier Chou En-Lai has spoken wistfully about coming to North America.

In a country fatigued by war abroad and tension at home, as the United States is, there is an understandable and almost irresistable appeal to the thought that if the most powerful nation and the most populous nation on earth can kiss and make up, a new era of peace will dawn. One United States official, asked why he thought China responded so quickly and enthusiastically to President Nixon's earlier overtures, replied that China's motives don't matter; that it is the results that count.

Well, maybe. It is quite true that there can be no durable improvement in relations without preliminary steps such as these. To that extent, the sudden spring thaw in Peking is welcome. But to think that we can plunge ahead without regard to Peking's motives is to invite disappointment and very likely worse.

One can dream, of course, about how nice it would be if our relations with Red China could always be handled thru dedicated Ping-Pong players who never raised the ugly subject of politics—if our relations with Russia could be turned over to chess players, and with France to wine tasters. But as Russia has demonstrated time and again, every form of activity in a totalitarian regime is an agency of the state. Art is not art, and literature is not literature unless it conforms to the party line. And Russia's form of totalitarianism is mild, at the moment, compared with Peking's.

So when the Chinese speak ingratiatingly of friendship between the "peoples" of the two countries, we mustn't be fooled. When Mao Tse-tung talks of 100 flowers blossoming, he is talking only of differences between Peking and Moscow; within China, there is room for only one flower, and it blooms in the little red book of Chairman Mao's thoughts. The American visitors learned as much the other day when one of them asked about former President Liu Shao-chi. Liu is alive, a Chinese official replied, but his thought is dead. He is being "reeducated."

Things are very different here. The young people on our Ping-Pong team are idealistic and uninhibited, representative of millions more at home. Theirs are qualities which we prize—but which we've learned can often put them at odds with authority, and with authority in Washington in particular. Our Ping-Pong players relate [if we may borrow the contemporary term] much more directly to the people at home than the Chinese players do to their people.

China's first objective, it must therefore be assumed, is to try to widen the gap between Washington and many American people—to create a craving for peace so strong, and perhaps so blind, that cooler and more experienced heads will be unable to prevail when they see our interests and the long-range outlook for peace being threatened.

Because the Bamboo Curtain is more impenetrable even than the Iron Curtain, we can only speculate on Peking's goals. They probably include the displacement of Nationalist China from the United Nations; the assumption by Peking of the Chinese membership in that body; the absorption of Nationalist China into Red China; the expulsion of all western influence [including Russian] from Southeast Asia; and the ultimate establishment of Chinese hegemony over all of East Asia, including Japan.

If these goals are correct—and there is no reason to think Red China has renounced its imperialist plans since it made war on the United Nations forces in Korea [a war which is still technically in progress]—then there are bound to be more confrontations and very likely more wars with countries that are more important to us than Korea or Viet-Nam, and that we are bound by treaty to defend.

Will it then be too late to protect our interests? The question is worth keeping in mind as we are propelled, with smiles and sweet talk, toward the bar.

SOVIET ARMS ESCALATION IN AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. RARICK. Mr. Speaker, several very illuminating articles on the Soviet arms escalation in Africa appeared in recent editions of the Aviation Week and Space Technology magazine. If this information is correct, the United States has sunk to a third-rate nation by searching only for peace rather than seeking to perpetuate man's basic motivation to also be free.

Quite tragically, many still do not understand that our defeats in Southeast Asia have but supplied the vacuum for Soviet expansionism and supremacy in Africa.

If our national determination is to retreat from leadership of the free world, the United States should play no role in combating Soviet expansion today in Africa, tomorrow in Europe, or next week in our Fatherland.

The price of peace by concessions to tyranny is always loss of freedom.

I insert the news articles in the Record at this point:

[From Aviation Week and Space Technology magazine, Apr. 26, 1971]

Strategic Stakes

The latest Soviet moves in the Mediterranean (AW&ST Apr. 19 p. 14) emphasize again the enormous strategic stakes that are involved in the North African military equation. Egypt is the keystone of Soviet policy in the Middle East and North Africa and they are pouring their very latest air defense systems into that area to keep it secure as a base for their expansion in two directions:

First, along the North African littoral of the Mediterranean until they have naval bases with air cover all the way from Alexandria to Mers el Kebir.

Second, through the Suez Canal to the Red Sea, enabling them to establish a strong naval force in the Indian Ocean.

Both objectives have the economic and political goal of controlling the flow of oil to Europe from its African and Middle Eastern sources. Control of the North African littoral could cut off many of the oil supply valves to Europe from Algeria, Libya and the new Red Sea fields. The Soviet navy in the Indian Ocean could threaten a blockade of the Persian Gulf from which tankers stream to Europe.

It is indeed ironic that tremendous U.S. diplomatic pressure has been exerted on Israel to permit opening of the Suez Canal because this is the major Soviet goal in expanding its naval force into the Indian Ocean. The Soviets have already established skeleton naval bases in Yemen, Eritrea and the British-vacated island of Socotra, but they cannot supply them at full strength by the lengthy round the Cape of Good Hope route from Baltic or Black Sea ports or by the Asiatic route from the maritime provinces of Siberia. Secure passage through the Suez Canal is the only way the Soviets can implement their next goal of basing a significant Indian Ocean fleet on the skeleton bases already established in the area. The U.S. Navy's high command is thoroughly alarmed over this prospect and would prefer maintenance of the status quo. So would the Israelis who are reluctant to exchange a strong defensive line on the east bank of the canal for diplomatic assurances. They also are worried about a Soviet naval presence in the Indian Ocean that could threaten their maritime lifeline to Africa and Asia as much as the Egyptian closing of the Straits of Tiran that precipitated the Six Day War of 1967 and the Sinai campaign of 1956.

Meanwhile, the heavy Soviet deployment of air defense equipment to the Middle East has revealed some interesting facets of that equipment and also forced a basic new Israeli strategy to counter it. When the An-22 heavy logistic carrier first appeared in the West at a Paris air show some years ago, long before the USAF C-5A had made its first flight, there was considerable derision by western observers over some of its "old fashioned" equipment such as the giant turboprops with contra-rotating propellers. During the past two years it has emerged as a key component of Soviet foreign policy, providing a swift and secure long-range airlift for key military equipment such as Foxbat and MIG-21J fighters, Goa (SA-3) and Ganef (SA-4) and Frog 7 missiles complete with mobile self-propelled launchers. In the meantime, USAF has been struggling to eliminate many of the unnecessarily complex features of the C-5A which contribute little to its basic mission performance and escalate its already swollen costs. As a result, the basic strategic value of this type aircraft is being severely questioned in the U.S. and its production curtailed at the very time the Soviets are providing dramatic demonstrations of how it can be used as a basic instrument of national policy.

The new versions of the MiG-21 and the MiG-23 appearing in Egypt also offer more evidence of how the Soviets work diligently on model improvement of basic designs after they are committed to production. The MiG-21J has substantially improved performance over the C models encountered earlier over Egypt and North Vietnam and a number of prior weak points have been remedied. Equipped with an improved air-to-air missile and the digital data link to its airborne fire control system, it is a formidable air-to-air fighter. When the Foxbat first appeared in Soviet skies it was correctly identified as a long-range bomber-killer equipped with downward looking radar and air-to-air missiles aimed at countering the threat from either the defunct B-70 or the emerging B-1. Now they have come up with a lighter version aimed at an air-superiority role with speed and altitude advantages that could have been matched only by the abandoned USAF YF-12 version of its Mach 3 SR-71 black spy plane.

All of these improvements in both the quantity and quality of the Soviet air defense system in Egypt, beginning with the introduction of the SA-3 and MiG-21J plus Soviet pilots and technicians, have forced the Israelis to adopt a new strategy against the time when it may become necessary to penetrate this defense system to blunt an Arab ground offensive.

The Israelis have now shifted from their sensational aircraft penetration tactics of the Six Day War to a first strike capability based on supersonic drones and stand-off missiles aimed at blasting gaps in the ground belts of radars and anti-aircraft missiles to enable strike aircraft to penetrate to Egyptian artillery, armor and other assault forces. The Israelis are still confident that these tactics will enable them to penetrate eventually. But they concede that the quality and scope of the new Soviet air defense system in Egypt would take a heavier toll of their limited supply of Mirage, Phantom and Skyhawk strike aircraft and their pilots. Even with great gaps blasted in the missile belts, the Israeli air force faces a tougher task then ever in clearing the skies of MiG-21Js and Foxbats before they can turn their undivided attention to the ground battles as they did so decisively on the second day of the Six Day War.

The military and strategic equation in the Middle East has changed significantly during the past six months. Only the test of combat will prove which values remain constant.

[From Aviation Week and Space Technology magazine, Apr. 19, 1971]

ESCALATION IN AFRICA

The Soviet Union has taken another giant stride in establishing military control over North Africa as preparation for exerting political control over the oil sources of Europe. The latest Soviet drive in Africa has moved in two directions:

First, to establish air superiority over its main Egyptian base complex and the Israeli battle lines that threaten it. The Soviets airlifted into Egypt a new generation of interceptors, missiles and communications systems manned by Russian pilots and technicians. This massive airlift of the past six weeks is described in exclusive detail by Edward H. Kolcum, European editor of Aviation Week & Space Technology on page 14 of this issue.

Second to extend the geographic scope of its African-based air and seapower from Egypt through Libya to western Algeria. In a little more than a year, the Soviets have extended their base structure from Alexandria in the eastern Mediterranean to Mers el Kebir in Algeria on the eastern approaches to Gibraltar. They now have maritime reconnaissance Badgers and Ilyshin Il-38s operating out of Egypt and the former USAF base at Wheelus in Libya and will shortly move into Algiers and Oran where squadrons of Mig-23 Foxbat interceptors and Sukhoi Su-7 attack airplanes are already based to protect them.

The scope and pace of the Soviet campaign in North Africa, particularly its latest massive airlift of its own first-line air defense equipment into Egypt, has surprised even the few knowledgeable experts who predicted its general thrust more than two years ago.

The Soviets are apparently giving the air defense of Egypt a priority second only to that of their homeland. The latest airlift has brought in all the elements of the Soviet's first-line home air defense system. Backbone of this system is the Mikoyan Mach 3 twinjet Foxbat interceptor first displayed at the Domodedovo air show near Moscow in the summer of 1967. This is an aircraft that has performance superior not only to anything the Western world has flying but also to the new generation of fighters (F-14 and F-15) and the U.S. Air Force and Navy are now developing.

The Israeli F-4 Phantoms and A-4E Skyhawks are no match for the Foxbat, no matter how skilled or combatwise their pilots may be.

Thus, for the second time in a year, the Soviets have poured their first-line interceptors and Red air force pilots into Egypt in an attempt to wrest air superiority from the Israelis and establish an effective counter to the carrier-based airpower of the U.S. 6th Fleet. Last summer, the Soviets made their first such attempt when they airlifted 100 MiG-21J interceptors and a contingent of Red air force pilots to man them and took over the air defense of Egypt. After some preliminary feinting, the Israeli air force bounced the Soviet pilots and wiped out a patrol of four MiG-21Js over the Suez Canal battle lines.

Stung by this defeat, the Soviets have now countered with their very best equipment. This includes not only the Foxbat interceptor but the SA-4 Ganef, an improved surface-to-air missile mounted on mobile tracked launchers, and a digital data link system that makes it impractical for the Israelis to monitor ground instructions being fed from radar to Russian pilots. This was formerly done by voice, but now the data goes electronically from ground radars to the airborne computers and displays in the Foxbat.

The air defense belt of SA-2 and SA-3 missiles, anti-aircraft artillery and radar tracking and guidance stations that moved in with the MiG-21Js last summer covered only the northern sector of the Suez Canal battle line. It had vulnerable flanks to the north across the Mediterranean and on the south across the Red Sea. The new interceptors and missiles will not only plug these flanks but also beef up the main air defense system designed to cover an Egyptian assault across the Canal.

Extended air cover offered by the new equipment also provides an opportunity for the Egyptian assault to outflank the Bar-Lev fortifications along the Suez Canal and force the Israelis to fight in open desert. The introduction of Russian Frog-7 surface-to-surface missiles last winter also gave the Egyptians the capability of hitting the Israeli supply bases in the desert behind the Bar-Lev line where they are not dug in or hardened.

Few Middle East observers doubt that the Soviets' goal is opening of the Suez Canal to permit its navy to reach the Indian Ocean skeleton bases it already has established in Yemen, Eritrea and on the island of Socotra. The frantic efforts of Washington to arrange some navy limitation pact before this occurs appear doomed to futility just as were the attempts to negotiate the Israelis back from their Suez defense line.

The new Soviet threat over the Mideast goes far beyond tipping the balance of power against Israel. It is but a part of the overall Soviet strategy to turn the southern flank of NATO by controlling the air and sea bases of the African shore to neutralize U.S. power in the Mediterranean and put a Communist fist on the oil valves of the pipelines to Europe (AW&ST Mar. 30, 1970, p. 9).

The Soviets have moved into the former USAF base at Wheelus in Tripoli, where the United Arab Republic is establishing its main training base with Russian MiG-21s and French Mirages, and have built naval bases in Tripoli. Now under a secret pact with Algeria, they are basing submarines at Mers el Kebir and moving Red air force squadrons with Foxbats and Su-7s into Algerian bases. One more step into Morocco and the Soviet military plan will be complete. Then the economic squeeze on European oil sources will accelerate and the political pressure on European governments will begin.

The Israeli military position is deteriorating. It is impossible to repeat the strategy of the Six Day War because most of the elements in that equation for success, including surprise, have vanished. The Six Day War conjured visions of Stonewall Jackson's Shenandoah Valley campaign as a classic of highly mobile, highly motivated, numerically inferior forces defeating a combination of superior forces. But the prospect of fighting an open desert war deep in Sinai with the Bar-Lev fortifications outflanked could be equally reminiscent of Robert E. Lee's vain attempts to hold the Petersburg line against attrition, dwindling logistics and superior technology.

All of this is transpiring against a background of incredible indifference in these United States, where Southeast Asia occupies the spotlight and rends the people into bitter divisive factors blurring both the threats to and the promises of our national future.

[From Aviation Week and Space Technology magazine, Apr. 19, 1971]

SOVIETS SPUR ARMS FLOW TO EGYPT: DEPLOYMENT OF FOXBATS, GANEF SAM'S AND NEW COMMUNICATIONS TO MIDEAST SEEN EFFORT TO GAIN AIR SUPERIORITY OVER ISRAEL

(By Edward H. Kolcum)

Soviets are deploying Foxbat Mach 3 interceptors, Ganef anti-aircraft missiles and new communications systems to Egypt in a massive arms airlift spurring a new attempt to gain air superiority over the Arab-Israeli battle line from the Mediterranean to the Red Sea.

The new round of Soviet arms shipments also is aimed at plugging an air defense gap along the Suez Canal south of Ismailiya and along the Red Sea shoreline and increasing the strength of the already formidable missile, radar and antiaircraft artillery belt in the northern canal zone opposite the Israeli Bar-Lev line on the west bank.

In an airlift that has taken on the characteristics of a regular shuttle between Russia and Egypt, the Soviets have delivered:

A squadron of Mach 3.2 Foxbat fighters whose performance characteristics have been judged by Israel and the West to demonstrate a clear superiority over aircraft flown by Israelis.

SA-4 Ganef surface-to-air missiles with an effective range up to 80,000 ft.

Swamp, a ground-to-ground voice communications system, which links air defense fighter bases, missile batteries and gun emplacements.

Markham, a ground-to-air digital transmission system, which enables tracking radars to feed data directly to the Foxbat cockpit display panel.

The new system is manned exclusively by Soviet personnel. It complements the heavy concentration of SA-2 Guideline and SA-3 Goa missiles along a 78-mi. band from Ismailiya to the city of Suez (AW&ST Nov. 16, 1970, p. 16).

Independent Israeli, U.S. and British intelligence estimates conclude that the Foxbat has no serious challenger in the Middle East. Below 15,000 ft., the lighter McDonnell Douglas F-4E flown by the Israelis could be a factor. But the judgment is that the Foxbat will never be caught below 15,000 ft.; rather it will rely on its superior dash speed for a tail chase from above.

The Foxbat is the interceptor version as differentiated from the standard MiG-23. The standard MiG-23 has a somewhat longer fuselage—80 ft. compared with 65 ft.—and a heavier gross weight—70,000 lb. compared with the 64,200 lb. of the Foxbat (see box p. 16). Analysts believe that Foxbat is the Soviet air force replacement for the MiG-21J, and the standard MiG-21 has had only limited production.

The new Soviet air defense package in Egypt is aimed at preventing a repetition of the humiliating battering Soviet pilots received last July 30 (AW&ST Nov. 16, 1970, p. 21), in which four MiG-21Js were knocked down in a dog-fight by F-4Es and Dassault Mirage 3CJs.

One factor in the Russian defeat last July was the ability of Israelis to monitor voice transmissions in Egypt—both ground-to-air and air-to-air. Swamp and Markham are extremely secure communications systems. Markham eliminates the need for any ground-to-air voice transmissions.

The Soviet air shuttle to Egypt has been functioning since January, and intelligence observers noted a significant restructuring of southern air defenses about six weeks ago. At least 60 landings have been made in Egypt in the past four months by the giant Antonov An-22 cargo transport. Several hundred sorties have been flown by the older An-12. The mobile Ganef missile is transportable in the An-22. Disassembled Foxbat fighters are also carried in the An-22.

Foxbat made its first flight in Egypt on March 26 from Cairo West Airport. Through last week, a total of seven flights had been made, five of which were observed and analyzed. It is probable that the flights are acceptance checks after the aircraft have been assembled in Egypt.

Following are the performances achieved in the five flights observed between Mar. 26 and Apr. 7:

First flight, Mar. 26—Operation from sea level to 63,000 ft. at speeds averaging Mach 2.0. In a dash at 63,000 ft., the Foxbat reached a speed of Mach 3.2, which converts to 1,860 kt.

Second flight, Apr. 1—Tests ranging from sea level to 73,000 ft. Overall computed speed for this run was 1,100 kt., with top speed of 1,680 kt.

Third flight, Apr. 4—Same figures as Apr. 1.

Fourth flight, Apr. 5—Mock dog-fights held against MiG-21J, with the Foxbat reaching a top speed of 1,100 kt.

Fifth flight, Apr. 7—Top speed of 1,600 kt. attained.

The test flights all follow a triangular path of approximately 500 mi. to the southwest of Cairo.

Meanwhile, on Apr. 6 Egypt issued a notice to airmen (Notam) closing a wide section of airspace to foreign aircraft. The area is along the northern Red Sea shoreline, and it is believed by intelligence sources that the ground environment is being established there for the SA-4 missile and Swamp and Markham communications systems. These same sources believe the Soviet airlift has concentrated exclusively on the new air defense system.

The number of MiG-21Js in Egypt is now about 112 as compared with 100 a year ago (AW&ST May 11, 1970, p. 18). Another dozen Sukhoi Su-7s also are believed to have been delivered to Egypt during the past year.

From the political standpoint, it has become obvious that Russia with its new shipments is digging into Egyptian territory, and the theory persists that the Soviet goal is control of the Suez Canal and the Red Sea approaches.

In addition, the growing Russian military presence in Algeria is viewed as a further step at entrenchment in the North African littoral.

Speculation that the Soviet shipments are a response to the Israeli stand on peace negotiations is discounted by Israeli and most U.S. observers in the Middle East. They point out that the decision to install the new system was taken last August following the visit by a Russian air marshal to Cairo after the four MiG-21Js were shot down.

FOXBATS IN ALGERIA

Soviets have moved approximately 15 MiG-23 fighters and a squadron of 9-18 Sukhoi Su-7 ground attack aircraft into Algeria under terms of a new and hitherto secret military pact between the two countries.

Soviet pilots flying the aircraft have free access to Algerian air fields under the agreement, which basically covers the use of the former French naval base at Mers el Kebir Two Soviet submarines are based there. The agreement runs through 1988.

The aircraft are being flown to Egypt in Antonov An-22 heavy cargo aircraft prior to being based in Algeria. The MiG-23s are assembled in Egypt by Soviet technicians and flown by Soviet crews on to Algeria.

FOXBAT CHARACTERISTICS OBSERVED

Mikoyan Foxbat MIG-23 fighter now being flown by Soviet pilots in Egypt is thought to have same speed characteristics as Lockheed SR-71 strategic reconnaissance aircraft. It has been observed by Israeli, U.S. and British intelligence flying at a dash speed of Mach 3.2 and a maximum altitude of 73,000 ft.

Based on analyses resulting from these observations, Foxbat has these basic design and performance specifications:

Maximum gross takeoff weight—64,200 lb.

Operating weight empty—34,000 lb.

Useful load—30,200 lb., of which 25,000 lb. is fuel.

Wing span—44 ft.

Wing leading edge sweep—inboard, 42 deg.; outboard, 38 deg.

Wing area—640 sq. ft.

Wing loading—100 psf.

Fuselage length—65 ft.

Fuselage width—9.2 ft.

Fuselage depth—8.7 ft.

Maximum power rating—24,200 lb. sea level static thrust.

Time to climb—sea level to 36,000 ft., with afterburner, 2.5 min.; on full military power, 7.8 min.

Combat radius—610 naut. mi. for a normal mission. The radius actually varies from 400-700 naut. mi. depending on duration of supersonic flight.

Foxbat can be armed with air-to-air missiles, rockets and bombs. Its primary mission in Egypt is air superiority, but it can be adapted for reconnaissance and fighter-bomber roles.

RECONNAISSANCE IL-18

Military version of the Ilyushin II-18 commercial transport is being used over the Mediterranean as shipping reconnaissance patrol aircraft.

A flight of these aircraft, code-named May, which carry the designation II-38, is based at Matru field near Cairo.

[From Aviation Week and Space Technology Magazine, Apr. 19, 1971]

THREE BILLION DOLLAR CUT EXPECTED IN DEFENSE REQUESTS

(By Donald C. Winston)

WASHINGTON.—Major attack on the Defense Dept. $78.7-billion Fiscal 1972 budget request opened in Congress last week, setting the stage for cuts expected to exceed $3 billion—and possibly reaching double that figure—by the time the legislative process is complete late this year.

As in previous sessions, the conclusive debate will take place in the Senate in midsummer. But new factors at work in both House and Senate this session have greatly complicated the task of Defense Dept. officials in selling their programs to Congress. As a result, the fate of several major weapon systems at this time is highly uncertain.

The new factors include:

Decline of the Southeast Asia war as a prime political issue, essentally ending the distinction between "hawks" and "doves" in matters concerning the military in general. Strong opposition to a particular major weapon system no longer carries an automatic "dove" label. This truth will become more evident as established "hawks" increasingly question the economics and strategic importance of some of these systems.

Defeat of the supersonic transport last month (AW&ST Mar. 29, p. 14) by a coalition of liberals and conservatives. The political strength demonstrated in that vote will show enough cohesivenss to influence future votes on major military procurement, with liberals opposing the programs because they are defense-oriented and conservatives in opposition because they are expensive.

Continuation of a high level of unemployment against background of inflation. This combination is encouraging anti-defnse spending forces to advocate a "shift of priorities" to civilian spending, which they claim will create more jobs while contributing less to inflation.

Evidence of the depth to which the move combination is encouraging anti-defense to chop Defense Dept. spending has moved is seen in the action of Sen. John C. Stennis (D-Miss.), chairman of the Senate Armed Services Committee, who last week ordered the General Accounting Office to investigate the Navy/Grumman F–14 fighter contract.

The Stennis move followed by a month an order by Rep. George H. Mahon (D-Tex.), chairman of the House Appropriations Committee, for a staff report on relative capabilities of the F–14 and the Air Force/McDonnell Douglas F–15 fighters (AW&ST Mar. 8, p. 188).

The GAO investigation into F–14 was triggered by what Sen. Stennis called "concern over recent reports of cost increases" in the program. He said he is aware of "some contractual implications on cost for varying quantities and abnormal economic variation."

Earlier, Sen. Stennis had served warning on Defense Dept. officials that his committee will examine each proposed weapon system in great detail before approving funds for Fiscal 1972 (AW&ST Mar. 15, p. 15). The committee will concentrate its efforts on aircraft and missiles.

Last session, the House and Senate Armed Services Committees convinced Defense Secretary Melvin R. Laird of the political necessity of reducing the scope of the Safeguard anti-ballistic missile system in order to get it passed by Congress. The same "friends of the Pentagon" in Congress this session are expected to conduct a similar survey of the mood of their colleagues and may recommend even sharper cutbacks, in Safeguard as well as other programs, for the same reasons.

Example of the strategy expected to emerge in coming months on the part of anti-Defense Dept. forces was given by Sen. ———, who last week attacked the Fiscal 1972 program on the premise that because it is too costly it will weaken the U.S. economically and, ultimately, militarily.

The ——— attack was timed for maximum impact, when Congress was out of session and full attention could be gained because there were few other legislators at work. The choice of timing also made reply difficult, with several key committee leaders out of town.

Sen. ———, fresh from his victory as leader of the anti-supersonic transport forces, is a long-time opponent of major Defense Dept. weapon programs. In the past, his attacks have dwelled almost exclusively on waste in defense spending, but this session he has shifted emphasis to military reform.

Sen. ——— declared, "through more prudent policies and through military reform, we can provide a more than adequate defense for the U.S. for far less money. In fact, if we continue to squander our treasure for obsolete or unworkable weapons as we have done in the past, we will weaken ourselves militarily and economically."

He said that $4 billion could be cut from what he described as an $18-billion annual expenditure for strategic weapons and still provide by Fiscal 1975 approximately 19 times the nuclear force "needed to inflict an unacceptable level of damage on the Soviet Union or to destroy 30% of her population and 78% of her industry."

Sen. ——— accused the Defense Dept. of spending more money each year than Congress has authorized. The figures he presented, however, included military construction expenditures but not military construction authorizations.

He explained that the unequal comparisons were given to demonstrate that "the Pentagon has suffered only the most minute or marginal cut" in recent years.

U.S. defense planners were also castigated for failure to exercise "some self-restraint" in light of what Sen. ——— declared was a "decision by the Russians not to deploy the SS–9" intercontinental ballistic missile. According to U.S. officials, approximately 240 SS–9 Scarp missiles have been deployed in the Soviet Union, and numerous tests have been performed with them (AW&ST Mar. 8, p. 27).

Sen. ——— declaration that the Defense Dept. regularly spends more than Congress authorizes, and that the Soviets have not deployed the SS–9, immediately stood out as a warning that the upcoming debate will not be fought squarely on the facts.

Of current major weapon systems, only the Lockheed Poseidon underwater-launched ballistic missile received full endorsement from Sen. ———, who similarly approved further research on the underwater long-range missile system (ULMS), the Poseidon follow-on. Weapons strongly opposed by Sen. Proxmire include:

North American B-1 bomber. "The B-1 cannot be justified by its mission," he declared. "Present aircraft with standoff weapons can adequately perform the same mission."

Airborne Warning and Control System (AWACS). Sen. ——— said that neither the Russians nor the Chinese possess a credible bomber threat, and that the system cannot be justified on the basis of general tactical usefulness. "This system has every appearance of being a major boondoggle," he said.

Attack aircraft carriers. He said that carriers "are sitting ducks for modern missiles" and that the Navy's existing carrier fleet is inefficiently utilized.

Main Battle Tank 70. "We need a new tank. But we don't need this one," Sen. ——— declared.

F-14, F-15 EVALUATED

WASHINGTON.—Recent staff report of the House Appropriations defense subcommittee evaluating the Navy/Gruman F-14 and the Air Force/McDonnell Douglas F-15 air-superiority fighters now under development concludes that neither could effectively engage the Mach 3 Soviet MIG-23 Foxbat variable-geometry fighter.

The report says, in part, that both aircraft "are inferior to the Foxbat—they cannot even get up into the Foxbat environment. The Foxbat can engage at will or retire at will. Neither the F-14 or F-15 can handle the Foxbat threat."

BRITISH REORGANIZE AEROSPACE PROCUREMENT

LONDON.—British Ministry of Aviation Supply will be dissolved May 1 and its military procurement functions returned to the Ministry of Defense. Civil procurement and development funding will be transferred to the Department of Trade and Industry, the former Board of Trade.

In Defense, there will be a single procurement agency responsible to Lord Carrington, Minister of Defense. It will be headed by Derek G. Rayner, who is taking a two-year leave of absence as a director of Marks & Spencer, a large British department store chain.

Rayner headed a special project team on civil and military procurement set up by the Conservative Government last year (AW&ST Oct. 19, 1970, p. 22) to streamline present procurement and costing arrangements.

Rayner will have the title of chief executive. Under him will be three controllers for sea, land and air systems; a controller for guided weapon and electronic systems, and a controller for research and development establishments.

The current minister of aviation supply, Frederick Corfield, will move to Trade and Industry as minister of aerospace, and report to John Davies, the Trade and Industry head.

The government also will form a Ministerial Aerospace Board consisting of the ministers of Defense and Trade and Industry to oversee collaboration between the two departments and give guidance in overall procurement.

The Concorde supersonic transport management team will be transferred to the Department of Trade and Industry.

SILVER ANNIVERSARY OF U.S. ARMY FIELD BAND

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, May 10, 1971

Mr. MATHIAS. Mr. President, it gives me great pleasure to pay tribute to one of our fine military service bands, the U.S. Army Field Band, based in Maryland at Fort George G. Meade. March 21, 1971, marked the silver anniversary of its founding and I would like to congratulate all of its members, past and present, for their unselfish devotion in the performance of their duties with this outstanding organization.

The band celebrated its 25th anniversary with a dinner-dance at the Washingtonian Country Club in Gaithersburg, Md., on March 21. More than 400 active, retired, and former members of the "Kings of the Highway" and their guests attended. It seemed to many a family reunion.

Lt. Col. Chester E. Whiting, retired, the band's first commander, called to mind many events which took place during his years as conductor of the band and summed up his 14 years of wielding the baton when he said:

> Yes, you and I share many memories in common because we were a closely knit family that attained success. And the touchstone of our success was loyalty, loyalty to one another, to our mission and to our superiors.

Lt. Col. Hal J. Gibson, present commanding officer, read just a few of the many congratulatory messages which had poured into the bands' headquarters from places as far distant as Germany and Thailand, and from all over the United States. The message from President Nixon read, in part:

> It is fitting that fellow citizens everywhere reflect with pride on its quarter-century of service, and express both admiration and gratitude for the high tradition its members have always adhered to.
>
> Here at home, this Band has stirred people's hearts and helped keep alive the patriotic spirit in our communities. Abroad, it has created good will wherever it has performed, and its members have been successful unofficial ambassadors of the best that America stands for.
>
> My congratulations on this occasion, and best wishes for another quarter-century as brilliant as the last.

On behalf of all the men and women of the U.S. Army, Gen. William C. Westmoreland, Army Chief of Staff, wrote:

> Throughout the years since its activation in 1946 by General Jacob L. Devers, Commanding General, Army Ground Forces, the band has demonstrated its professional excellence . . . in cities and towns across the Nation and in more than 25 foreign countries. The "Kings of the Highway" have fully earned their distinguished reputation by their outstanding performances on concert tours and in radio and television appearances.
>
> I join with other members of the Army in saluting your achievements and wishing you continued success . . .

The Army's Chief of Information, Maj. Gen. Winant Sidle, addressed the members of the U.S. Army Field Band with—

> You should be justly proud of your numerous accomplishments and can rest assured that your musical proficiency and devotion to duty, despite arduous schedules, distances traveled, and separation from family, have not gone unnoticed.

Lt. Col. Robert L. Bierly, retired, the man who succeeded Colonel Whiting some 11 years ago, observed:

> I've been proud to be a part of it. This is not the end of 25 years . . . it is the beginning of a new era. This is my hope, this is my prayer, and I wish you well.

Lt. Col. Wilmont N. Trumbull, retired, commanding officer of the band from 1966 to 1968 brought greetings and good wishes to the band.

Many noted men were called to the microphone by Colonel Gibson, including the guest of honor, retired four-star Gen. Jacob L. Devers, the founder of the Army's traveling band. It was General Devers who, on March 21, 1946, issued the order to organize a band "that will carry into the grassroots of our country the story of our magnificent Army, its glorious traditions and achievements; and of that great symbol of American manhood—the ground solidier."

The keynote address was delivered by Lt. Gen. George I. Forsythe, project officer, U.S. Army. He pointed out that the field band "is an example of the youth of today. Where could we send out so many ambassadors to deal with young people than we could with this band?"

At the conclusion of the speeches, the band's sergeant major, Frank Granofsky, proposed a toast and this was followed by the executive officer of the band, Maj. Samuel J. Fricano, cutting the first piece of the nearly 100-pound, five-tiered cake with a gleaming ceremonial sabre. Music for dancing was provided—in a typical example of interservice harmony—by the U.S. Naval Academy Stage Band under the direction of Chief Warrant Officer Oliver.

The people of Maryland owe a special debt to the U.S. Army Field Band because of its many and constant contributions to patriotic events of many kinds. As a Member of Congress, I have had frequent occasions to call upon the band to help in activities in Maryland and have never been refused when it was physically possible for the band to be present.

The band travels thousands of miles each year on concert tours. In its 25-year history, the band has also earned considerable fame outside the United States on tours sponsored by the Department of the Army and the State Department.

Some of the historical highlights of the first 25 years of the band's history include:

1946. The United States Army Ground Forces Band activated 21st of March by order of General Jacob L. Devers. Initial concert performance at the White House for President Truman.

1947. Escorted General Eisenhower at Minnesota State Fair. First concert at the Watergate in Washington, D.C.

1948. First concert on foreign soil in Juarez, Mexico.

1949. First Presidential Inaugural Parade. First military band to present full-dress concert in Carnegie Hall, New York.

1950. Redesignated as the United States Army Field Band, official touring musical representative of the United States Army. Concerts in Hollywood Bowl and San Francisco Opera House.

1951. Concert for U.S. Secretary of State in Ottawa during first Canadian Tour.

1952. First European Tour. Played at opening of International Music Festival and Military Tattoo at Edinburgh Castle.

1953. Second Presidential Inaugural Parade. Played for King and Queen of Greece in Washington, D.C.

1954. First Rocky Mountain Tour. Band had now appeared in all 48 states.

1955. Presented musical pageant on barge on Susquehanna River at Clearfield, Pa. Featured at 150th anniversary of "The Old Man of the Mountains," New England landmark.

1956. Played for President of Italy and Emperor of Ethiopia during visits to Washington. Featured in "Christmas in Music," first all-musical production in Army's "Big Picture" TV series.

1957. First U.S. Service band to play in Yugoslavia during second European Tour of 12 nations. First major service band to appear in Portugal, Norway, Denmark and Monaco.

1958. First Far East Tour, first all-airborne. Played 45 concerts in 41 days in Hawaii, Japan, Korea and Okinawa.

1959. First Major service band to tour Alaska as a state. Played for the President of Ireland in Washington, D.C.

1960. Featured at 25th Anniversary of Montreal Music Festival. U.S. Army Air Defense Command Tour in Colorado. Chester E. Whiting retired as a Lieutenant Colonel; Major Robert L. Bierly assumed command.

1961. Third Presidential Inaugural Parade.

1962. Appeared at Seattle World's Fair. Guest Band at American Bandmasters Convention, Purdue University, Lafayette, Indiana, and National Music Educators Conference in Chicago.

1963. Featured band at the Festival of States, St. Petersburg, Florida. Played for 100th Anniversary of West Virginia's Statehood in Charleston. Played for President of India in Washington and Philadelphia. West Coast Tour with special appearance at Hollywood Bowl. Soldiers' Chorus featured at National VFW Convention in Seattle.

1964. Appeared at 150th Anniversary of Star Spangled Banner in Baltimore. Northeastern U.S. and Canadian Tour. Performed eight concerts at World's Fair in New York. Played for Presidents of Ireland and Philippines in Washington, D.C.

1965. Fourth Presidential Inaugural Parade. Featured at "Armed Forces Spectacular." Seattle. Played for President of Upper Volta in Washington, D.C. Featured in the Fine Arts Series, University of Connecticut.

1966. Celebrated band's 20th Anniversary. Medal of Honor Ceremony at Ford Auditorium, Detroit. Lieutenant Colonel Bierly retired; Major Wilmont N. Trumbull assumed commaned. Played for Prime Minister of Burma in Washington, D.C. Played for President Johnson in Baltimore. Dedication of the Plaza of States at the Oklahoma State Fair.

1967. Represented the United States Army in four concerts to 40,000 people at EXPO '67 in Montreal. Standing-room-only concert at Mormon Tabernacle, Salt Lake City, Utah. Performances at the Alaskan Centennial Celebration in Anchorage and Sitka. Performed for Presidents of United States, Mexico, and Prince of Laos in Washington, D.C.

1968. Major Hal J. Gibson assumed command of the United States Army Field Band. Featured at the 125th Anniversary of the Citadel, Charleston, S.C. July 3rd, performed for 325,000 people in Milwaukee. Performed for more than 15,000 people in Montreal, launching the city of Montreal into the National Baseball League.

1969. Fifth Presidential Inaugural Parade. Featured band at the 20th Annual Northwest Band Clinic in Moorhead, Minn., and 10th Annual Mid-East Band Clinic in Pittsburgh. Eighty-four-day tour of Southern half of United States. Celebrated Commemoration of 25th Anniversary of D-Day in Abilene, Kansas, President Eisenhower's boyhood home. First military band to perform at the new Damrosch Shell in New York City's Lincoln Center and the Merriweather Post Pavilion in Columbia, Maryland. Performed for the 18 governors at the Southern Governor's Conference in Jamestown, Virginia.

1970. First foreign tour in 11 years to seven countries in Latin America, Puerto Rico, the US Virgin Islands and the Canal Zone. The 11th Annual Mid-East Music Conference in Pittsburgh. George Washington Honor Medal awarded to the Band from the Freedoms Foundation. Featured at the 1970 National Cherry Blossom Festival in Washington, D.C. Toured the North Central United States and Canada. Joint concerts with the National Band of the Canadian Armed Forces in the Centennial Hall in Winnipeg, on the occasion of Manitoba's 100th Anniversary as a Province. First cross-country tour by the Studio Band. First summer concert series (5 concerts) at the beautiful Merriweather Post Pavilion of Music in Columbia, MD. Second annual summer tour of the North East states. Fall concert tour of the 10 North Eastern United States. The Meritorious Service Medal presented to LTC Gibson by the Chief of Information. First visit to the Band's Headquarters by its founder, General Jacob L. Devers, (USA ret).

1971. Celebration of the 25th Anniversary of the United States Army Field Band.

Although the Members of the Senate and Members of the House are familiar with the distinguished reputation of this musical organization, I wanted to share with them the silver anniversary ceremonies of the U.S. Army Field Band.

SAIGON POLICY COULD HARM ITS YOUNGEST WAR VICTIMS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DRINAN. Mr. Speaker, I enclose a very moving article from the Boston Globe of April 24, 1971, with regard to the Committee of Responsibility—COR—which has done admirable work in bringing 76 war-wounded Vietnamese children to the United States for treatment during the past 4 years.

This national organization deserves the highest commendation for this impressive humanitarian work.

It is distressing indeed that the South Vietnamese Ministry of Health has rescinded its agreement with this group and that the government in Saigon is refusing to collaborate with COR volunteer doctors in finding war injured children. This touching article follows:

SAIGON POLICY COULD HARM ITS YOUNGEST WAR VICTIMS

(By Christina Robb)

The Committee of Responsibility, which has brought 76 war-wounded Vietnamese children to the United States for treatment since 1967, may be "finished," its New England chairman reports.

"We could have handled 50 children month," Dr. Emanuel S. Epstein said. "Bu we have been severely hampered—largely by the South Vietnamese government and in part by US Agency for International Development," he said.

Now the South Vietnamese Ministry of Health has rescinded its three-year-old memorandum of cooperation with the Washington-based committee. Saigon is now refusing to allow COR volunteer doctors and paramedical personnel into South Vietnamese hospitals to find the war-injured children COR is chartered by the US to treat, Dr. Epstein said at his office in the Children's Cancer Research Foundation Inc.

Tran Van Dung, who was shot in the spine at age nine while sleeping in his village home near Saigon, is one of the 13 children that COR has managed to bring to Boston for treatment. He could be the last.

COR field workers found the boy, half paralyzed and weakened by kidney infection, near death in a Saigon hospital. Three years later, 12-year-old Dung is alive and playing wheelchair baseball with his US foster family in Framingham.

Unless the committee can muster enough congressional support to persuade Saigon to change its recent policy, "for all intents and purposes we're finished," Dr. Epstein said.

COR first learned of the surprise refusal when COR Saigon fieldmen Jerry Berge and John Arnorosa applied "for a completely routine extension of their three-month visas" last September, Mrs. Donna Shor, COR national executive secretary explained.

"The Ministry of Health simply said they weren't extending the visas since they weren't extending the memorandum," Mrs. Shor said.

A spate of cables from COR congressional supporters persuaded the Ministry to extend the visas in November, Mrs. Shor said. "But they still haven't renewed the memorandum," she said.

And the principals for a new agreement laid down by the Saigon Ministry in a December letter are impossible for COR to accept, Mrs. Shor said.

The letter states that COR must not limit its services "only to the sphere of those children injured by war" and suggests that COR concentrate on developing treatment facilities in Vietnam rather than removing children who can only be saved by sophisticated medical treatment available only in the US.

"They didn't say in the letter that they won't let COR men into the hospitals, but they simply don't give them the papers they need to get in," Mrs. Shor said.

Dr. Herbert L. Needleman, COR national chairman, said in his February reply to the Ministry letter that the "small organization relying entirely on private funds" cannot afford to build and staff a hospital in South Vietnam—"with construction costs higher in Saigon than in Philadelphia where I write this letter"—and noted that "by law it is impossible for the committee to accept any cases except those injured in the war."

"We are chartered to treat only war injuries," Dr. Needleman wrote, adding that the committee is interested in "creating some kind of rehabilitation center in South Vietnam."

COR has received no reply from the Saigon Ministry, Mrs. Shor said.

The Ministry of Health also said that COR "cannot distinguish or categorize war casualties" and "absolutely cannot exploit unfortunate children for political purposes" in its December letter.

COR has submitted its assessment of Vietnamese war casualties to two sets of Senate subcommittee hearings on refugees and escapes, including those just completed under Subcommittee Chairman Edward M. Kennedy.

Dr. Epstein, who heads the Jimmy Fund's environmental toxicology and carcinogenesis laboratory, said that COR will remain in South Vietnam and continue its efforts "to make an accurate assessment of civilian casualties" even if the South Vietnamese continue to deny them access to war-injured children.

COR also wants to establish a Saigon half-way-house for some of the 700 known child paraplegics in South Vietnam, he said.

Mrs. Shor denied that the committee uses the children it treats for political purposes, but admitted the committee's nature makes political uninvolvement difficult.

"The children we treat are war victims," she said. "It's estimated that 40 to 60 percent of the casualties are children. Obviously, if the war were stopped there would be no more casualties. Ergo, we're for peace."

"We bend over backward to be tactful about the children," she continued. "I don't know how we could exploit them less—actually, the stories that are written about them are mostly about the good they've done to the people they've touched."

"COR doesn't have anything to do with exploitation or propaganda," Mrs. Shor concluded, near tears. "It has to do with 76 salvaged human lives."

Mrs. Shor and COR representative Berge will speak at a Vietnamese dinner COR plans to serve at Tufts University's Hodgdon dining room on Saturday, May 1, at 7 p.m. Tickets may be obtained from the New England Regional Office, 1115 Centre st., Newton Centre.

THE NEWMAN NAVY

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, May 10, 1971

Mr. CHURCH. Mr. President, the current issue of "All Hands," a bureau of naval personnel career monthly magazine, contains an inspiring story about a gungho Navy family—the Newman brothers, whose parents, Mr. and Mrs. Kirby Newman, Sr., live in Twin Falls, Idaho.

Six brothers—Eddie, Joe, Weldon, David, Johnny, and George—have recently been joined in naval service by a seventh brother, Raymond. He joined the Navy 1 year after an eighth brother, Kirby, Jr., also Navy, was killed in an aircraft accident. In all, the senior Newmans had 15 children.

The Newmans, of Twin Falls, are to be congratulated for raising these dedicated, patriotic sons. The sons deserve our admiration for their decision to "Go Navy." It is an extraordinary story, and the Navy did well to recognize it by publicizing the Newmans. The next time we see a passing car with a sticker, "We're a Navy Family," we can think of the eight Newman sons, one of whom gave his life while in the service of his country.

Mr. President, I ask unanimous consent to have printed in the extension of the RECORD the article about the Newmans, these well-motivated sons of Idaho.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEWMAN NAVY

Seaman recruit Raymond Newman enlisted in the Navy almost a year to the day of his brother Kirby's death on 17 Feb. 1970. Coincidence? Maybe, but Raymond had some strong motivation to enter the Navy—even with Kirby's death, there were still six other Newman brothers on active duty.

Former Chief of Naval Operations and now Chairman of the Joint Chiefs of Staff Admiral Thomas S. Moorer wrote Kirby Newman's wife immediately after the aircraft accident at El Centro, Calif., which took the 1st class photographer's life. In that letter Admiral Moorer said, "Perhaps the only consolation in the loss of one so close is the knowledge that he was actively engaged in service to his country and lost his life while engaged in that service.

"There is little more than can be said of an American or a patriot.

"In these times of worldwide stress, our nation must continue to call upon its finest citizens to help their country in the preservation of American liberty and freedom as we know it both at home and throughout the world. You may take great pride in the fact that your husband was one of those heroic Americans who unselfishly and unstintingly answered the call."

The newest family Navyman, Raymond, 24, is a son of Mr. and Mrs. Kirby Newman, Sr., of Twin Falls, Idaho. He's one of 15 children.

Of the others, older brother Eddie, 31, a machinery repairman 1st class, is assigned to the destroyer USS Parsons (DDG 33) homeported in San Diego. Brother Joe, 27, a machinist's mate 1st class, is attending a Navy school in Philadelphia, Pa., and will join Eddie in Parsons upon graduation.

And the list grows—brother Weldon, 26, a machinery repairman 3rd class, has recently been assigned to another destroyer in San Diego.

David 24, a communications technician 3rd class, and Johnny, 22, a machinery repairman 3rd class—the only single man of the group, are both stationed at Little Creek, Va. The last brother is George, 29, a photographer's mate 1st class assigned to the Naval Air Rework Facility at El Centro, Calif.

Newman's Navy now represents 72 years of service, and if Raymond makes the service his career, too, the family's military longevity will exceed 150 years.

The newest member says, "I worked in different gas stations, and did quite a bit of farming and skipping from one job to another."

Married at 17, he says, "I wanted to be established like my brothers. After looking over the various opportunities available in the different services. I realized that my brothers had made the right decision and I was the one who was missing the boat.

"My wife and I already had one son and I was still jumping from job to job trying to support them. I applied for enlistment but was not immediately accepted because of my dependents. Later, though, my recruiter received a waiver from the Bureau of Naval Personnel and I was on my way."

Now with two sons, Chris, three, and Rick, one, Raymond is the last member of the Newman clan to be in the Navy. His wife, Karen, also from Twin Falls but now making their home in Fountain Valley, Calif., reports she "couldn't be happier."

Kirby Newman, Sr., the father of Newman's Navy, stated that he never served in the military, "I was too young for World War I and I had too many dependents during World War II."

During their careers, the Newman boys took advantage of the education available through the Navy—correspondence courses, United States Armed Forces Institute and Navy schools—to increase the scope of their knowledge and to advance up the ladder. Those who have been in the Navy long enough to make a mark for themselves had done well and were considered to be good leaders, skilled in their jobs and a credit to the service.

Several of the Newman brothers had worked at civilian jobs like Raymond before entering the Navy. With this combination of education and experience each of them had successfully come through the test battery given to prospective recruits and their General Classification Test results pointed to the diverse Navy fields in which each was interested and for which he was suited.

Raymond says, "My dad is very proud of his Navy sons. Every time Newman's Navy is mentioned in Twin Falls, his chest swells with pride. I wanted him to be proud of me as he is of my brothers.

"Now, with the opportunities I have in the Navy, I know that I can be just as successful as anyone. I felt that I'm beginning to get established."

ALLIED CONFERENCE REPORT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the Record I would like to insert the "Final Communique," resulting from a conference of allied nations contributing to the joint war effort in Southeast Asia.

This is an important document which has not received the publicity it deserves. Investigative reporter Paul Scott revealed in a recent column why it had not received publicity consonant with its relative importance.

The Scott report and the communique follow:

The Scott Report

(By Paul Scott)

Washington, May 3.—An illustrative example of the shocking suppression of the "good news" about Vietnam occurred here during the week-end of the massive April 24 anti-war protest.

The news suppression is worth reporting so the American people can make a judgment on what is going on both in Vietnam and the nation's Capital.

While the major Washington newspapers and the New York Times gave banner coverage to the anti-war demonstration, none of these big dailies printed a single line concerning a six-page communique issued here by the Foreign Ministers of the nations contributing troops to the Vietnam fighting. Neither did the major TV-Radio networks carry reports covering the Foreign Ministers' communique.

The highly important and newsworthy document was issued by the Foreign Ministers of Australia, South Korea, New Zealand, Thailand, South Vietnam, and the U.S. following an all day meeting at the State Department on Friday, April 23.

The unreported pronouncement of the Foreign Ministers was significant for several reasons. They noted that "over 90 percent of the Vietnamese people now reside in localities under secure or relatively secure government control, whereas only two-tenths of one percent still reside in VC (communist) controlled hamlets."

The Foreign Ministers, including Secretary of State William Rogers, agreed that "all nations which are making available armed forces to help defend the Republic of Vietnam must participate in the settlement of the conflict."

All out backing was given by the Foreign Ministers to the present governments of Republic of Vietnam (South Vietnam), the Khmer Republic (Cambodia), and Republic of Korea (South Korea), which is still being threatened by Communist North Korea, and Laos.

In discussing the security situation throughout Asia, the Foreign Ministers noted "with concern that a state of tension continued to prevail over the Korean peninsula." Their communique stressed that the tension was being caused by the avowed policy if the North Korean communists to bring the whole of Korea under communist rule by all means, including military aggression.

The Vietnam Picture.—The report of the Foreign Ministers also included details of a briefing given them on the Vietnam situation by H. E. Tran Van Lam, the Foreign Minister of South Vietnam.

He hailed the recent U.S.-supported South Vietnamese military operations in Laos and Cambodia as major successes. As a result of these attacks, he pointed out, the security of South Vietnam had improved tremendously since they took place. The military actions, he claimed, paves the way for the continued withdrawal of American forces.

Rural security was so improved in South Vietnam, he reported, that regular South Vietnamese troops used to protect small hamlets were being freed for offensive operations against the remaining North Vietnamese forces still in the country.

The Foreign Minister detailed the extension of government control and services of all kinds to the population of South Vietnam. For example, he stressed that the land-to-the-tiller program had helped 160,000 former tenants to become land owners in the past year. He reported that more than 200,000 hectares of rice land were distributed under it.

The Foreign Ministers announced that they would hold their next meeting in South Korea. They also agreed that representatives of the troop contributing countries would meet in Saigon later in the year—a sign of the improved security in that strife-torn country.

A very disturbing factor about the suppression of the Foreign Ministers' communique was the backstage role that State Department officials played in the whole sordid affair.

After word got around that the Foreign Ministers were to meet here, the Department's press spokesman announced that there would be no communique from the meeting. When the Foreign Ministers later issued their six-page single spaced document, State Department officials did little or nothing to bring it to the attention of the Press.

Secretary of State Rogers didn't help the situation any by holding a press conference to discuss his peace mission to the Middle East and London on the same day that the Foreign Ministers met.

Brainwashing Operation?—The strange timing of the Foreign Ministers' meeting caused several participants to wonder what the State Department's real purpose was in calling it.

As one of the Asian diplomats, wise in the ways of the State Department, put it:

"By timing the meeting to come on the same week-end as the big anti-war rally, one wonders if the State Department was trying to give us a message."

Another participant in the conference reported that he was asked by a State Department official if he was planning to cable a report to his government "about the massive anti-war demonstration."

"When I said no," stated the Asian diplomat, "the American official seemed to be very disappointed. He even encouraged me to do so."

Although Secretary of State Rogers discussed the new American policy toward Peking with the Foreign Ministers, they made no mention of this policy in their communique. The reason: their governments disagree with the policy. Several of the Foreign Ministers even warned Secretary Rogers that it will bring disaster to the area.

Final Communique—Conference of Troop Contributing Countries, Washington, Apr. 23, 1971

1. The Foreign Minister of Australia, the Honorable Leslie H. Bury; the Minister of Foreign Affairs of the Republic of Korea, H. E. Kyu Hah Choi; the Ambassador of New Zealand, H. E. Frank Corner; the Minister of Foreign Affairs of Thailand, H. E. Thanat Khoman; the Secretary of State of the United States, the Honorable William P. Rogers; and the Minister of Foreign Affairs of the Republic of Viet-Nam, H. E. Tran Van Lam met in Washington on April 23, 1971, at the invitation of the Government of the United States.

2. The representatives agreed that since their last meeting notable progress had been made in the Republic of Viet-Nam toward the goal of bringing an end to the aggression of North Viet-Nam against the people and territory of the Republic of Viet-Nam. They noted the success of the Government of the Republic of Viet-Nam in extending control over and bringing its services to an ever growing percentage of the population. They also noted the increasing participation by the Vietnamese people in the processes of government at all levels. Recognizing the increasing significance of economic problems confronting the Republic of Viet-Nam, the representatives observed with satisfaction the promising measures which had been taken in the last year to promote economic stability. They noted with regret that the considerable progress in all other areas was not accompanied by progress in achieving a negotiated end to the war. The failure so far to reach a negotiated settlement continues to be attributable to the refusal of the North Vietnamese representatives to enter serious negotiations. The representatives reaffirmed their previous agreement that all nations which are making available armed forces to help defend the Republic of Viet-Nam must participate in the Settlement of the conflict.

3. The Foreign Minister of the Republic of Viet-Nam reported in detail on the current situation in Viet-Nam. He described the achievements of the operations of the Vietnamese forces, with Allied support, against the sanctuaries and base areas in the Khmer Republic and in the Kingdom of Laos from which the enemy forces conducted their aggression against the Republic of Viet-Nam. The Minister also cited operations against the few remaining major enemy base areas within the territory of the Republic, notably the dry-season campaign in the U–Minh Forest and other areas in the Mekong Delta. The Minister commented that by reason of vigorous campaigns by Vietnamese forces, the enemy was no longer secure in what had earlier been his sanctuaries. Rural security has been greatly enhanced, because of the increasing ability of the Regional Forces, Popular Forces and the People's Self-Defense Forces to assure the security of their own localities, thereby freeing the regular forces for offensive operations against the enemy's main force. The Foreign Minister discussed the progressive extension of government control and services of all kinds to the population. He noted that over 90% of the Vietnamese people resided in localities under secure or relatively secure government control, whereas only two-tenths of 1% still reside in VC controlled hamlets. The Land-to-the-Tiller program which had been launched just over a year ago will make it possible for large numbers of people formerly tenants, to become owners of the land which they cultivated. So far 160,000 titles have been issued under this program. The program met its goal for the first year of distributing 200,000 hectares of rice-land.

4. The Foreign Minister of the Republic of Viet-Nam stated that with the decrease in military activity, the enhancement of security of the population, and the extension of government control, economic problems were

considered to be the most significant issues confronting his Government. One of the major problems was to obtain through Viet-Nam's own efforts and the assistance of its friends, the resources to defray the increased costs deriving from the assumption by the Republic of Viet-Nam of a larger share of responsibility for its own defense. Another problem was to find means to control inflation arising largely from this increased war effort. Finally, his Government needed to plan for the nation's Post-war economic development.

To solve these problems the government had enacted a series of measures to stabilize the economy and increase revenues in October 1970 and again in March 1971. As a result of these reforms, the rate of inflation has been reduced considerably as compared to the earlier rate of inflation which had been about 30% annually in recent years. The Minister cited other indicators of the improving economic situation in the Republic of Viet-Nam, but did not minimize the problems that would continue so long as the Republic of Viet-Nam was forced to continue to resist North Vietnamese aggression.

5. The representatives noted with satisfaction the description by the Vietnamese Foreign Minister of progress made in the military situation, as well as in the other areas as described by the Foreign Minister. The representatives expressed their earnest hope that the various measures taken by the Government of the Republic of Vietnam would help to mitigate the adverse economic and social effects of the war, and to provide the basis for action to promote and facilitate future long-range development of the country. They expressed the hope that the steady improvement in the military situation, accompanied by political and economic stability in the Republic of Viet-Nam might serve to persuade the rulers of North Viet-nam that they could not reverse this progress by military means; and hence that they must agree to serious negotiations. The representatives re-emphasized that all Allied proposals remained fully negotiable, except with regard to the right of self-determination of the Vietnamese people. In this regard they called attention to the proposals made public by the President of the Republic of Viet-Nam on October 8, 1970.

6. The representatives agreed that the progress within the last year had made it possible and desirable for them to re-examine the future combat role of the troop contributing countries. They noted that the steady assumption of responsibility for its self-defense by the Republic of Viet-Nam had made it possible for the troop contributing countries to begin progressive withdrawal of some of their combat forces. They also agreed that as their combat forces were withdrawn at a measured pace, the troop contributing countries should strive to provide for a further period, as desired by the Government of the Republic of Viet-Nam, and according to their respective military and economic capabilities military support forces capable of providing training, engineer construction, medical, advisory, and other forms of assistance. They noted that steps in this direction have already been taken by the Government of Australia and the Government of New Zealand (both of which have recently replaced portions of their combat forces with military training detachments) and that combat force withdrawal planning in conjunction with the Government of the Republic of Viet-Nam is being carried out by all troop-contributing countries. Reviewing past accomplishments, the representatives noted that circumstances had already permitted a reduction of 265,000 in the number of US troops in South Viet-Nam by May 1, 1971. It was noted that the United States Government had just recently announced plans for further withdrawals. The representatives also took note of statements which had been made by the governments of Thailand, Australia and New Zealand regarding withdrawal plans. The Foreign Minister of the Republic of Korea stated that, as the first phase measure of an overall plan for gradual reductions of its troops in the Republic of Viet-Nam, the Government of Korea planned to withdraw one division strength of its troops from Viet-Nam. The period of this withdrawal would be made known through consultations presently under way between the Governments of the Republic of Korea and the Republic of Viet-Nam.

7. They agreed that the nations which have assisted the Republic of Viet-Nam militarily should seek to help the Vietnamese people in the equally important endeavors of peace, thus continuing the close coordination and cooperation which had been developed in conducting their common struggle against aggression. In this continuing stage of their cooperation, which would emphasize security and economic measures, the representatives reaffirmed their determination to continue to help the South Vietnamese people to restore their national strength. With its people free from want, as well as enjoying improved security, the Republic of Viet-Nam can better play its role in Southeast Asia. Further, they expressed the hope that other nations will join in this effort.

8. The United States Secretary of State reaffirmed his Government's fundamental policy of continuing to strengthen the forces of the Republic of Viet-Nam while withdrawing United States troops. This policy will result in the continued redeployment of United States forces from the Republic of Viet-Nam. He reported his Government's satisfaction with the growing capabilities of the Vietnamese forces which continue to carry an increasing part of the burden of the defense of the Republic of Viet-Nam. At the same time, the United States has not altered its dedication to the achievement of a negotiated end to the war. The Secretary of State reviewed the initiatives taken by the United States to try to elicit serious negotiations on the part of the other side in the Paris talks. He cited the concrete proposals made by President Nixon on October 7, 1970.

9. The representatives expressed special concern about the enemy's inhumanity with regard to prisoners of war they have captured in North Viet-Nam, South Viet Nam, the Kingdom of Laos, and the Khmer Republic. They noted that the Governments of the United States and the Republic of Viet-Nam have sought repeatedly for humanitarian reasons to open productive talks on prisoners of war in the Paris meetings, but that the other side had rebuffed all such efforts. They expressed their support for the Republic of Viet-Nam's initiative in undertaking to repatriate sick and wounded prisoners of war to North Viet-Nam. They condemned the enemy's continued refusal to identify all prisoners of war, to allow them all to correspond regularly with their families, and to allow impartial inspection of prisoner of war facilities, as required by the Geneva Prisoner of War Convention on 1949, to which North Viet-Nam is a party. The representatives renewed the undertakings of their governments to ensure full compliance by their forces with the Geneva Conventions.

10. The representatives noted that the North Vietnamese armed forces were continuing their aggression, not only against South Viet-Nam, but that an even larger total number of North Vietnamese troops were deployed also within the sovereign territories of the Kingdom of Laos and the Khmer Republic, inflicting untold death and destruction on the peoples of those neutral nations. They noted the declared intentions of North Viet-Nam to overthrow the legitimate Government of the Khmer Republic. On the other hand the representatives expressed admiration for the courage and determination of the peoples of the Kingdom of Laos and the Khmer Republic in resisting North Vietnamese aggression.

11. The representatives called upon the participants in the 1954 Geneva Agreements to ensure the independence, neutrality, and territorial integrity of the Khmer Republic. They also urged that all signatories comply with their obligations to respect the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos which they had pledged at Geneva on July 23, 1962.

12. The representatives exchanged their views on the security situation in Asia as a whole. In particular, they noted with concern that a state of tension continued to prevail over the Korean peninsula. The Minister of Foreign Affairs of the Republic of Korea pointed out that the avowed policy of the north Korean communists to bring the whole of Korea under communist rule by all means, including military aggression, and their continuing acts of provocation constituted the main cause of this tension. The representatives welcomed the statement by the President of the Republic of Korea on August 15, 1970 calling upon the north Korean communists to renounce the use of force and to undertake constructive efforts toward a peaceful solution of the Korean question, and noted with regret that it was rejected outright by the north Korean communists. They commended the efforts of the Republic of Korea to defend itself against the aggressive acts of the north Korean communists on the one hand and to develop its economy, at a rapid growth rate, on the other. The representatives reaffirmed their support for the Republic of Korea in resisting the aggressive acts of the north Korean communists.

13. It was agreed that the Foreign Ministers would meet again, as required, to coordinate their efforts in the common endeavor, and they received with gratitude an invitation from the Foreign Minister of the Republic of Korea to host the next such meeting. It was also agreed that representatives of the troop contributing countries would meet with the Foreign Minister of the Republic of Viet-Nam in Saigon later in the year.

ADDRESS BY MRS. HENRY STEWART JONES TO CONTINENTAL CONGRESS OF DAUGHTERS OF THE AMERICAN REVOLUTION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, May 10, 1971

Mr. THURMOND. Mr. President, it is reassuring in these troubled times to bring to the attention of the Senate and all Americans the views expressed by Mrs. Henry Stewart Jones, first vice president general and national defense committee chairman of the Daughters of the American Revolution. Mrs. Jones addressed the recent Continental Congress of the Daughters of the American Revolution, DAR, in Washington, D.C.

While the protesters demonstrated in Washington, it was heartening to know that another group of Americans, who expressed the opposite view, was also in town. The theme expounded by the DAR at their convention was for a strong America.

Mr. President, I shall quote one part of the address given by Mrs. Jones as an answer to the protesters:

> The cry is for peace on every side. But what kind of a peace will it be if a recent proposal is approved which would require the President to withdraw all military forces from Vietnam by December 31, 1971? Would not this reinforce Hanoi's conviction that the war in Vietnam need not be won on the battlefield, but can be won on the campuses and streets of America?

Mr. President, I ask unanimous consent that the address given by Mrs. Henry Stewart Jones on April 20, 1971, to the Continental Congress of the DAR be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE WILL TO BE FREE

(An address given by Mrs. Henry Stewart Jones, First Vice President General and National Defense Committee Chairman, at the Continental Congress, Daughters of the American Revolution, April 20, 1971.)

It is my privilege tonight to bring greetings to you all on this occasion of our annual National Defense Program. In particular, we wish to extend warmest greetings to those members of Congress who are with us tonight. You have greatly honored the National Society, Daughters of the American Revolution by your presence here. Yours is a great responsibility in these troubled days. We, therefore, take this opportunity to express our faith in your stewardship.

However, the Congress of the United States, like an army, can be no stronger than the people behind it. Thus, the Daughters of the American Revolution acknowledge that the responsibility for the future of our Country is not yours alone. We recognize that the preservation of freedom and of our Constitutional Republic is the joint responsibility of the American people and their leaders.

To this end, and in the words of our Bylaws, the DAR seeks to "cherish, maintain and extend the institutions of American freedom." No DAR has ever conceded that patriotism is old-fashioned. It is our continuing purpose to preserve the moral and spiritual and constitutional values on which our freedoms are based. We intend to do all in our power to keep America a bastion of freedom.

Most of us think of national defense in terms of a strong military posture, capable of defending us against all enemies. It is that, of course. But national defense also has a deeper meaning. It is a thing of the spirit as well as of the military. Character is the heart and core of national defense.

To remain free, a people must have the will to be free and self-discipline. In a Republic, which we foolishly describe as a democracy, self-government cannot work if everyone is looking for a handout from government and thereby enlarging its powers. There is an old saying: As the State swells, the people shrink.

There are other ingredients necessary for freedom, national sovereignty and national solvency. Without national sovereignty, Americans would no longer have the freedoms thus far secured by the Constitution. Continuing Government deficits can only lead to more inflation and ultimate bankruptcy. The surest and easiest way to destroy freedom is to debauch the currency.

Moreover, if we insist on expanding welfare payments at the expense of this Nation's military power, in the end we will have neither freedom nor welfare. The April 5 issue of *U.S. News & World Report* performed a great public service by publisihing a hard hitting report on the state of the Nation's defenses. The article bore the blunt title, "U.S. Superiority Ends."

Calling attention to this Nation's dwindling military superiority and the Soviet Union's drive for supremacy, the article stated: "American preserved world order is now distinguished as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long cherished political, economic and even military objectives."

The dramatic shift in the balance of power has gone largely unnoticed by the public. Must we sit idly by until we become a second-rate power threatened with A-bombs to awake to our peril? The answer should be a thousand times "no."

Let us pray God that this Nation is never obligated to say, "Better Red than Dead." Meanwhile, isn't it time that we understood that the road to peace and continued freedom has never been through appeasement, unilateral disarmament or negotiations from weakness? The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the United States—of its military capability and its will—could be the gravest threat to the peace of the world—and to national survival.

Never in our history was it more important that we retain a strong military posture, capable of defending us against all enemies. The need to recover our former unchallengeable strength comes at a time when the American people are weary of no-win wars. We are tired of seeing our boys thrown into the agony of war without hope of victory. The cry is for peace on every side. But what kind of peace will it be if a recent proposal is approved which would require the President to withdraw all military forces from Vietnam by December 31, 1971? Would not this reinforce Hanoi's conviction that the war in Vietnam need not be won on the battlefield, but can be won on the campuses and streets of America? Would not this, in the words of David Lawrence, be "notification to the enemy that it would then be free to continue its aggression in Indochina"? Is Mr. Lawrence right in describing such an action as "aid and comfort to the enemy"? Is this what we want for America?

As we ponder the answer to these questions, one can only wonder by what strange quirk of fate this moment in history was chosen to resurrect the Genocide Convention or Treaty. Twenty years ago the American people fought this Treaty to a standstill in the belief that it would diminish national sovereignty and open up a new concept of international law by converting what hitherto have been considered "domestic" crimes into international crimes.

It took the tragic case of Lieutenant Calley to awaken the American people to another aspect of the Convention, which has been little discussed in the past.

It is now feared more than ever that if the United States were a party to the Treaty, it could be used to raise the charges of genocide against United States forces in Vietnam, including American prisoners of war held in Hanoi. Critics of the Treaty charge that it also could be used as a basis for accusing American officials of committing genocide.

Furthermore, radical groups are standing in line to charge the United States with genocide. The atmosphere is quite different from 1949, when the word "genocide" was rarely heard except in the context of Hitler's Germany. But today, the term is thrown around recklessly in all directions like a flaming torch. We hear it in the course of criminal prosecutions, campus demonstrations and antiwar protests. Nothing that is said or done against any person could be immunized against the charge of genocide, if this emotionally charged Treaty becomes the "supreme law of the land." Shall we now bow to a mythical "world opinion"? Shall we place this fearful and unconstitutional weapon in the hands of our enemies abroad and in the hands of the revolutionaries within our borders?

America is already a Nation in trouble. The revolutionaries in our midst raise the cry of genocide freely. Our people are weary of war, inflation and turmoil. In this atmosphere, we are in danger of falling easy prey to the revolutionaries, forgetting that we, as a people, have been rarely blessed. The greatest disaster which could befall this land would be our failure to accept joint responsibility for defending all that is great and good in America.

If we lack the will to be free, if we lack a willingness to defend our freedom at home and abroad, our military strength will avail us little. America can be destroyed from within as well as by A-bombs. The revolutionary forces at work within our borders are as much a threat to our survival as a free Nation as all the bombs the Soviet Union or any other nation can muster.

Here, we must ask ourselves whether we have the faith, the courage, the necessary self-discipline to preserve our God-given liberty. Can we match the zeal of the revolutionaries and the communists who are bent on our destruction? And where do we begin?

We must begin with ourselves, of course. Every American must accept some responsibility for the fact that we have allowed the moral, the financial and the military strength of this Nation to be seriously weakened. Moreover, we have failed to enlist the help of idealistic youth in the great task of preserving freedom.

We in the DAR can be proud of the youth programs we sponsor, of the schools we support, of the leadership provided the Children of the American Revolution, and of our Junior American Citizens program. But nothing that we do, nothing that any other devoted American does will be enough until our young people are imbued with a dedication that exceeds that of the enemy.

The future of this or any other nation lies in the hands of its children. But, we have raised a generation of economic and constitutional illiterates. We can never survive as a free people unless our young people understand and appreciate the American system which has provided more freedom and more of the good things in life than any other system in the world. Character must become important in this Country again. The old essentials of honesty, integrity, self-respect, self-discipline, loyalty, support for law and order, MUST be taught the younger generation—and here is where we have failed them most dismally.

Nevertheless, there are millions of young people who are seeking something to believe in, a cause to win. These young Americans can be made to understand that communism pollutes the atmosphere of freedom with its attacks upon all that we hold dear—our Flag, our Country, our homes, our institutions and our traditions. Isn't it time we challenged the enemy within our gates who wishes to destroy constitutional government, make a mockery of justice, insure domestic anarchy, disregard the general welfare and repress the general liberty?

For more than 10 years a hodgepodge of downgraders of America has tried to persuade us that everything we believe in, everything we have done in the past, and everything we plan to do in the future is wrong. Their violent actions on college campuses, their desecration of public buildings, their despoliation of our cities—mostly unhindered and unchecked—are paraded before us in newspapers and magazines and on TV as though these people were the harbingers of some glorious future instead of the destroyers of public institutions, private property and freedom.

Has not the time come to challenge these violent actions and assaults on all that we believe in? What is the matter with America? Nothing is the matter with America that a renewed faith in Almighty God and in this great Nation could not undo. Nothing is the matter with us that cannot be cured and corrected if the so-called "silent majority" will throw off its apathy, speak out, stand up and be counted in defense of all that is great and good in America. The revolutionaries could be stopped in their tracks if we jointly undertook to revive the flame of the Republic.

Today, we are engaged in a war that is no less fateful than the Revolution of 1776. I do not speak of the war in Vietnam but rather of the battle for the minds of men, including our children. It is a battle against the dialectic materialism of atheistic communism. It is a battle for our God-given liberty. History will not hold us guiltless if we lose this war.

With courage and God's help we can rebuild the fabric of the Republic and the fiber of national life if we have the will to be free. We dare not fail, for if the lights of freedom ever go out in this Country, they will go out all over the world. There will be no one to help us. If we do not act now to preserve the American heritage of freedom, tomorrow's children will have neither freedom nor the opportunity to protect it.

Thus, this is a plea to all Americans. Let us take action—in politics, in our schools, in our newspapers, yes, even in our churches, or wherever the need is felt. Let us also put on the armor of faith. Let us, as our forebears have done before us, put our trust in Divine Providence and resolve to win the battle for freedom. It is a continuing fight and one in which we cannot afford to grow weary. As we gird for action, as we take our stand for freedom, let us never forget to sing:

"Our Father's God, to Thee
Author of liberty,
To Thee, we sing.
Long may our Land be bright
With freedom's holy light,
Protect us by Thy Might
Great God, our King."

RUMANIA'S INDEPENDENCE DAY

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, today, May 10, is the most significant date in the calendar of the nation and people of Rumania—a holiday which will not be celebrated within the Communist-dominated country.

May 10 has a triple significance in Rumanian history. On May 10, 1866, Prince Charles of Hohenzollern-Sigmaringen was proclaimed Prince of Rumania—putting an end to internal rivalries.

On May 10, 1877, taking advantage of the Russo-Turkish War, the Principality of Rumania declared its independence from the Ottoman Empire and joined Russia in the battlefield as an ally.

The Congress of Berlin confirmed Rumania's independence in 1878.

On May 10, 1881, the Rumanian people declared their nation a kingdom and Charles I was crowned as King.

On the occasion of Rumanian Independence Day we extend our best wishes to the Rumanian people.

NOTES ON THE MINERAL INDUSTRY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. JOHNSON of California. Mr. Speaker, in the preliminary stages of consideration by the U.S. Forest Service is a proposal to incorporate in the National Wilderness System the Salmon-Trinity Alps Primitive Area.

Much has been said about the various aspects of this proposal, but I feel that one voice which has not been heard, as well as others, is that representing the minerals industry.

Accordingly, I would like to share with you the statements submitted to the Forest Service hearings held recently in Redding, Calif., by Mr. Oris Mahan, of Redding, president of the Western Mining Council, Inc.:

The statements follow:

My name is Oris Mahan, 2416 Vandiver Lane, Redding, California. I am speaking as National President of Western Mining Council, Inc., a nonprofit California Corporation.

It is recognized and understood by Western Mining Council, Inc. that there is a need for wilderness type areas where man may find solitude or a primitive and unconfined type of recreation. This, we agree may be found within the present boundaries of what is known as the Salmon-Trinity Alps Primitive Area.

It is further understood that entry under the Statute Mining Laws of 1872 is a lawful procedure under the defacto classification of Primitive Area, even though mechanized ingress and egress restrictions are presently enforced without Statute Authority.

In order to evaluate this matter and bring it into proper perspective, we must examine the broad picture of the Public Interest.

The strength of this Nation has been this Nation's ability to produce goods and services for the needs of the people. With vigor and initiative, the people of this land, combined with the good agriculture lands, have produced food, fiber, timber and forage. This same vigor and initiative combined with the good deposits of minerals in the land, have produced the minerals that formed the base for the advancement of our society as we know it today. These minerals form a part of every phase of our lives, be it transportation, communications, buildings, tools, foods or the clothes we wear. The productive capacity of the people of this Nation, combined with the God-given natural resources have met the demands of this Nation and have made it a strong, healthy, productive and a wealthy Nation.

Minerals and agriculture products are the New Wealth that feed the blood streams of the economy. This Nation will remain healthy as long as we continue to produce domestic minerals and agriculture products.

All of these natural resources are the basis by which this Nation became strong and powerful. Our man-power produced New Wealth from the land. Much of this New Wealth was from public lands. The lands were open and available to the people without much restriction and being thus, this Nation grew. This land also produced strong men and women who could meet her challenge.

What has this to do with the small segment of land under discussion today?

We, of Western Mining Council, Inc. contend that there is a greater Public Interest involved here than that of Solitude and unconfined types of recreation.

The dictionary describes a resource as "something that lies ready for use or can be drawn upon for aid; a supply of something to take care of a need."

The people of this Nation have a need. This need is now. This need will continue for a number of years. The need is gainful and meaningful employment and disciplined money.

The ever increasing birth rate is demanding more land to accommodate the ever increasing population. The ever increasing pressure of the Federal Government displacing Rural America from private lands as well as the Public lands is forcing these people into the asphalt jungles where welfare breeds poverty and crime.

The Federal Government is attempting to do for people what people can better do for themselves.

The disciplining role of gold and silver upon this Nation's monetary affairs is both Constitutional and Historical. No thinking member of our Nation should consider this matter lightly. The facts show that hard money is the best deterrent to the ever increasing pressures of inflation. Even the International Monetary Fund has warned the United States of these facts.

Those among us who have upset the ecological balance between human needs and our environment are enjoying the fruits of their labors. The people of this Nation are lacking in gainful and meaningful employment. Sound money has given way to flat money. The health of the people is deteriorating for lack of productive exercise in the natural resources. Flood control is harvesting willows, ruches, dead fish and polluted water supplies.

The Public Land Law Review Commission states on page 27 of their report to the President and the Congress, "The Federal Government in the last 175 years, has granted or sold over one billion acres of public land, land which now constitutes a major portion of the productive base of the United States."

This productive base became the tax base for the Local Governments and States involved.

The records show that the land under discussion today contains large and small deposits of such minerals as chromite, ilmenite, rutile, manganite, hematite, magnetite, copper ores, gold, silver, platinum, platium group metals, gallium, germanium and many other ores and minerals. The record shows that less than 10% of the minerals have been extracted from our mineral-bearing lands. The record further shows that timber and forage are present in this area.

All of this forms a productive base which will serve that Greater Public Interest as it helps supply the needs of the people of this Nation and meets the needs of the people who shall be gainfully employed in the productive process.

A CONSTRUCTIVE LEGISLATIVE PROGRAM FOR PUERTO RICANS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. RANGEL. Mr. Speaker, I wish to comment on the remarks of my distinguished colleague from New York (Mr. BADILLO) who so eloquently described an innovative four point program to cope with Puerto Rican problems.

Mr. BADILLO proposed that first, all American citizens in Puerto Rico be included in legislation the same way

American citizens in the mainland are included; second, that an economic development plan similar to the Appalachian Regional Development Act be developed for Puerto Rico; third, that Puerto Rican development programs such as bilingual educational and economic development be funded separately and directly by the Federal Government; and fourth, that a comprehensive manufacturing and service trades training program in Puerto Rico be established to help those who are forced to migrate to the mainland for economic reasons.

The need for this innovative program is obvious. Every year a larger number of able-bodied people enter the labor market than the Puerto Rican economy can accommodate. This has forced hundreds of thousands of Puerto Ricans to migrate to the mainland annually. Once they reach the mainland, their aspirations become shattered. They are not able to obtain employment. Their English is poor. Their training is limited. That means job opportunities are open only for the most menial of jobs.

Even if they were to return to the island there would be little hope. The per capita income there is half that of Mississippi. The average pay for industrial workers there is half that of industrial workers on the mainland. Over 80 percent of the island residents have family incomes under $3,000 a year. Unemployment is several times as high as that here.

I suggest the time is late for ending legislative discrimination against Puerto Ricans. As the proposals of Mr. BADILLO take form and move through their respective committees I urge my colleagues to adopt Mr. BADILLO's attitude and respond with nonpartisan zest so that dreams and good intentions will not remain dreams and good intentions but will ripen into law.

SEX DISCRIMINATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. HUNGATE. Mr. Speaker, since the question of equal rights amendment, House Joint Resolution 208, may soon be before the Congress again, I thought the following article in the April 1971 Harvard Law Review entitled, "Sex Discrimination and Equal Protection: Do we need a Constitutional Amendment?" would be of interest:

SEX DISCRIMINATION AND EQUAL PROTECTION: DO WE NEED A CONSTITUTIONAL AMENDMENT?

(NOTE.—Footnotes will appear in a subsequent installment.)

"A woman cannot be herself in modern society. It is an exclusively male society, with laws made by men and with prosecutors and judges who assess female conduct from a male standpoint."—Henrik Ibsen[1]

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."—Proposed Amendment to the Constitution of the United States[2]

Since Ibsen wrote at the turn of the century, traditional conceptions of women's role in society have been seriously shaken. The increased sensitivity of many women to sexual discrimination[3] and the debunking of myths concerning feminine physical capabilities and moral sensitivities have eliminated many exclusive male bastions in both social and professional life.[4] Not surprisingly, laws which use sex as a distinguishing characteristic have also come under attack. Activity on the legal front reached a peak in the 91st Congress when the House of Representatives passed, and over forty Senators cosponsored, a proposed equal rights amendment designed to end legal sex discrimination. After extensive hearings before the Senate Judiciary,[5] however, the amendment was defeated on the Senate floor.[6]

The amendment's defeat was apparently the result of serious objections raised in the committee hearings. Although almost everyone who testified acknowledged that some statutory restraints on women are both archaic and unnecessary,[7] there was much disagreement as to whether a constitutional amendment is the proper vehicle for reform. Opposition seemed to stem from the belief that sexual distinctions make up such a significant part of the country's legal mosaic[8] that the blunderbuss of a constitutional amendment would shatter a delicate pattern, some parts of which may be worthy of preservation.[9]

Most people would probably agree that many sex-distinguishing statutes should be eliminated. There are, for example, some statutes whose only apparent purpose is to raise ancient chivalric notions to the level of state protection; in some jurisdictions it is a criminal offense for a male to use obscene language in the presence of a female, but not an offense for a female to do so in the presence of a male.[10] Other statutes may simply codify a double standard as to the relative freedom of males and females to depart from conventional morals; in some jurisdictions, for example, a statutory defense is available to the husband who murders his wife's paramour but not to the wife who kills her husband's mistress.[11] Still other sex distinctions are vestiges of the old common law doctrine of coverture, which treated husband and wife as a single legal entity; thus, a married woman's domicile, with all its legal ramifications,[12] is generally determined by her husband's, even though they may live miles apart.[13]

Nevertheless, many people would disagree as to the merit of eliminating statutes which "protect" women[14] or are based on some alleged difference in physiology or ability. Some sex distinctions are designed to "protect" women from certain burdens of citizenship and social life. Some jurisdictions, for example, make jury duty a mandatory obligation for men but make service for women conditional on their affirmative request to serve.[15] Many states have maximum hour and minimum wage laws applicable to women only.[16] Some states deny women the freedom to engage in certain occupations, ranging from professional wrestler[17] to liquor store salesman.[18] Other laws distinguishing the sexes seem to reflect a legislative judgment about the relative capacities of men and women to care for children. Illinois, for example, requires a legal guardian for an illegitimate child when only his natural father is alive, but not if the surviving parent is his mother.[19] Similarly, an Idaho statute, which gives an absolute preference to males over females in estate administration contests when two contenders for the job are otherwise equally qualified,[20] may reflect a legislative judgment that males are more competent in managing financial and business affairs. Examples of laws which distinguish the sexes could be multiplied endlessly.

The procedure chosen for reworking this legal mosaic will have much to do with the scope of substantive reform achieved. Three possibilities have emerged from the congressional forum, where most current public discussion has been focused. First, Congress could take no further action, leaving the problem of evaluating sex distinctions to current statutory remedies[21] and future constitutional doctrines developed by the judiciary. Second, Congress could pass additional legislation, within the limits of its constitutional powers, to eliminate specific instances of sex discrimination in federal, state, and private action. Finally, Congress could embody a proscription of sex discrimination in a constitutional amendment which would serve as a basis for judicial decision and might also augment congressional power to pass remedial legislation in the field. While the differences between proponents and opponents of a constitutional amendment have been cast primarily in terms of these procedural alternatives for change, each alternative carries with it a certain substantive bias. Assuming the need for some reform, analysis can expose the strengths and weaknesses of each approach and indicate the substantive results each is likely to bring about.

I. THE NO FURTHER ACTION ALTERNATIVE—LEAVING THE PROBLEM TO THE COURTS

A. Historical background—Permissive review

"Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the devine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood."—Bradwell v. Illinois.[22]

While no Justice today would author an opinion containing such undisguised male bias,[23] the Supreme Court has not yet held that a sex distinction has violated the equal protection clause of the fourteenth amendment.[24] Recent decisions of the Court have upheld against equal protection challenge statutes which prohibit most women from engaging in the occupation of bartender[25] and statutes which exempt them from jury duty unless they specifically request to serve.[26] The Court's failure to eliminate legal sex discrimination has been the major motivating force behind the concerted campaign to secure congressional approval of a constitutional amendment.[27]

The cases and commentary surrounding the equal protection clause[28] have articulated two primary standards of review to determine the validity of singling out one group of people for special legal treatment. The first standard, permissive review, generally defers to legislative judgment and upholds a distinction so long as the distinction can be reasonably construed as consistent with any legitimate governmental goal.[29] Permissive review thus places a great burden on a party challenging the constitutionality of a distinction. The second standard, active review, scrutinizes the distinction more closely and places a heavy burden on the state purpose.[30] Active review is triggered either by statutes which affect certain "fundamental interests" (such as voting[31] and procreation[32]) or by statutes which use "suspect classifications" (such as race[33] or national ancestry[34]) to distinguish among individuals.

The Supreme Court has not yet found statutory classification by sex to be a suspect classification. Accordingly, unless a statute affects a fundamental interest, the Court utilizes the permissive standard to review sex distinctions. Using this standard in the bartender case, *Goesaert v. Cleary*,[35] the Court ignored the obvious effect of the statute, monopolization of the profession for men. It sustained the law as having a rational relation to the legitimate, but far more subtle aim of avoiding the "moral and social problems" surrounding the employment of women in bars.[36] Yet it felt no need to articulate the nature of those problems nor the magnitude of the harms ensuing from them. It was sufficient that the legislature might have addressed itself to these difficulties and might have found them sufficiently compelling to require the statute. If statutes affecting an interest as important as the capacity of an individual to choose his calling elicit such uncritical analysis, one can expect little more under present doctrine when other sex-distinguishing laws are challenged. The passive review principle exemplified by *Goesaert* is, in short, almost a rule that sex distinctions can never violate the equal protection clause.[37] And, despite a significant shift in attitudes toward sex discrimination, *Goesaert* has not been overruled.

Some of the reasons for passive review of sex distinctions lie in an accident of history. In the earlier part of this century, the Court, utilizing now discredited standards of substantive due process,[38] invalidated maximum hour laws on the ground that they interfered with the liberty of contract of the employer and employee.[39] Several states later enacted maximum hour laws limited to women, perhaps hoping that such statutes would better withstand constitutional challenge and believing that protecting some workers was better than protecting none at all.[40] If this was the theory behind the legislation, it succeeded.

In *Muller v. Oregon*,[41] the Court, sustaining such a law against due process attack, combined arguments based on the physical capabilities of women[42] and historical patterns of male dominance[43] to produce its grand conclusion: "she [woman] is properly placed in a class by herself"[44] as a subject for legislation. That conclusion, never reexamined nor limited in scope by a later opinion,[45] has been used by courts to preserve many different kinds of sex-distinguishing statutes against equal protection attack.[46] Frequently, these statutes, unlike maximum hour legislation which arguably benefits women, restricted the opportunities of women or denied them an equal share of the benefits and burdens of citizenship. Once a liberal force in constitutional jurisprudence. *Muller* has changed its form and become the basis for the present uncritical permissive review of sexual distinctions.

The Court's continued use of permissive review for sex distinctions may be based as much on institutional calculations as on historical considerations. The Court might be reluctant to undertake on its own initiative so potentially large, difficult, and politically explosive a task as the reexamination of the legal doctrines surrounding sex roles in society.[47] Such reluctance might be reinforced by the fact that women are a majority of the population and, unlike racial minorities, can at least theoretically use the vote to protect their interests. However, the proposition that constitutional protection should depend on judicial assessment of a group's political power is, at best, of doubtful validity.[48] Nonetheless, such practical calculations, combined with the historical background of *Muller*, may explain why the Court has not yet reexamined the constitutional status of sex discrimination under the equal protection clause.

B. The possibility of a stricter standard of review

Opponents of a new constitutional amendment for "equal rights" argue that the Court can be persuaded to eliminate irrational sex distinctions through the equal protection clause.[49] The growing public awareness of and opposition to sexual discrimination, and the evidence of congressional support for reform embodied in Title VII,[50] might well convince the Court that it is time to reexamine its permissive review standard.[51]

One possibility for a more active standard of review might lie in the fundamental interest doctrine. Statutes classifying by sex, like statutes classifying by any other trait, are subject to a strict standard of equal protection scrutiny when fundamental interests are impinged.[52] For example, several recent decisions, which invalidated sentencing discriminations on the basis of sex,[53] can be rationalized in terms of equal protection doctrine by arguing that the statutes involved abridged the fundamental interest in freedom from incarceration without sufficient justification.

However, the utility of such an approach depends on the willingness of the courts to expand the concept of "fundamental interest"; recent judicial treatment of the fundamental interest doctrine casts doubt on its usefulness for eradicating sex discriminations. In *Dandridge v. Willams*,[54] the Court specifically excluded from strict scrutiny under the fundamental interest doctrine "state regulations in the social and economic field, not affecting freedoms guaranteed by the Bill of Rights."[55] Although the parameters of fundamental interest described by *Dandridge* are far from clear, the Court cited *Goesaert* v. *Cleary*[56] as an example of excluded economic and social regulation."[57] indicating that one of the most important areas of sex discrimination, employment, is presumptively immune from attack under a fundamental interest theory. Even if *Dandridge* were not a roadblock to establishing a "fundamental interest" in employment, the doctrine would not be a particularly reliable tool to reach a wide variety of sex discriminations due to the Court's rather ad hoc articulation of fundamental interests.[58] Finding a fundamental interest in one area, such as employment, would in no way guarantee a similar finding in such unrelated areas as property and inheritance law.

In view of these difficulties, the suspect classification approach would seem more promising as the basis for the kind of sweeping attack on sex discrimination which even the opponents of an amendment agree is necessary. Although the primary concern of the framers of the fourteenth amendment was to eliminate racial discrimination,[59] the Court has applied to legal classifications made on the basis of national origin or lineage a standard of equal protection review substantially equivalent to that given racial distinctions.[60] While judicial standards for determining which classifications are "suspect" have not as yet been clearly articulated, the Court would be justified in applying to sex classifications the same standard it now applies to racial classifications if the similarities between the two were compelling.

The similarities between race and sex discrimination are indeed striking.[61] Both classifications create large, natural classes, membership in which is beyond the individual's control;[62] both are highly visible characteristics on which legislators have found it easy to draw gross, stereotypical distinctions. Historically, the legal position of black slaves was justified by analogy to the legal status of women.[63] Both slaves and wives were once subject to the all-encompassing paternalistic power of the male head of the house.[64] Arguments justifying different treatment for the sexes on the grounds of female inferiority, need for male protection, and happiness in their assigned roles bear a striking resemblance to the half-truths surrounding the myth of the "happy slave."[65] The historical patterns of race and sex discrimination have, in many instances, produced similar present day results. Women and blacks, for example, hold the lowest paying jobs in industry, with black men doing slightly better than white women.[66] After an examination of such evidence, Gunnar Myrdal concluded:[67]

"In the final analysis, women are still hindered in their competition by the function of procreation; Negroes are laboring under the yoke of the doctrine of unassimilability which has remained although slavery is abolished. The second barrier is actually much stronger than the first in America today. But the first is more eternally inexorable."

The factual similarities between race and sex discrimination are reinforced by broader concerns. Through a process of social evolution, racial distinctions have become unacceptable. The old social consensus that race was a clear indication of inferiority has yielded to the notion that race is unrelated to ability or performance. Even allegedly rational attempts at racial classification are now generally rejected outright. The burden of showing that these attempts are based on something other than prejudice is enormous.

There are indications that sex classifications may be undergoing a similar metamorphosis in the public mind. Once thought normal, proper, and ordained in the "very nature of things," sex discrimination may soon be seen as a sham, not unlike that perpetrated in the name of racial superiority. Whatever differences may exist between the sexes, legislative judgments have frequently been based on inaccurate stereotypes of the capacities and sensibilities of women. In view of the damage that has been inflicted on individuals in the name of these "differences," any continuing distinctions should, like race, bear a heavy burden of proof. One function of the fourteenth amendment ought to be to put such broad-ranging concerns into the fundamental law of the land.[68]

There does exist then, a factual and moral base from which the Court could conclude that race and sex discrimination should receive substantially similar equal protection treatment. Yet the analogy has its limits, and sex discrimination, if it is to be constitutionally attacked, must be treated as a problem in its own right. In particular, women may differ from men in ways which might rationally be reflected in statutes. For example, women appear to live longer on the average and exclusively possess the procreative function.[69] Some alleged differences[70] may turn out, on further investigation, to be products of environment and training rather than of immutable physiology. Until further studies are made, however, the possibility that the apparent differences are real must be acknowledged. Laws classifying on the basis of such apparent differences between the sexes might be upheld, even though if similar physiological differences were found to exist between the races,[71] the historical background of the fourteenth amendment, concerned as it is with the special stigma of slavery, would probably not permit these differences to be taken into account for purposes of legal classification. Whatever the differences between race and sex discrimination, however, racial precedents, with their highly articulated jurisprudence, do provide a good starting point for analysis of sex distinctions.

If the Court decides to adopt an active review standard for sex, the state will be required to make a substantial showing that a sexual distinction is justified by some important state interest. Under such a standard, laws based on unsupported contentions about women's proper role in society should fall.[72] In two easily identifiable areas, however, the state will often be able to make a colorable showing which will require detailed judicial analysis. First, the state may argue that some legislation is based on aggregate statistical differences between men and women. Statistically, for example, women live longer than men, perhaps justifying lower life insurance premiums for women in a state-supported insurance program; similarly, laws which aim to protect women by prohibiting their employment in jobs requiring the lifting of heavy weights[73] may be based on an aggregate statistical judgment that women are physically weaker than men. Second, some laws, such as those requiring separate bathrooms and dormitories, may reflect deeply ingrained notions of personal bodily privacy.[74]

The difficulty with statutes based on aggregate statistical judgments, of course, is that, while they may provide greater administrative efficiency and may benefit many members of the class, they may also cause substantial harm to individuals who differ from the statistical norm. One way of analyzing the problem of aggregate legislation is to ask whether the characteristics of the class important to the determined purposes of the statute match the characteristics of the class designed by the statute.[75] Consider a hypothetical statute prohibiting women from drinking alcohol, whose purpose is determined to be the prevention of public drunkenness.[76] Unless the state can show that all women who drink become public drunks, the characteristics of the class important to the purpose of the statute (public drunks) do not match perfectly the characteristics of the class actually designated by the statute (women who drink).

The question for the Court, then, is what degree of mismatch between the important class and the designated class it will tolerate. Some commentators can be interpreted as urging that no degree of mismatch be tolerated, because all laws can be rewritten asexually.[77] Thus, a maximum weight-lifting restriction, to be valid, would have to refer to the muscular capacity of an individual, as measured in some scientific way. Such a position has generally been called "functional analysis" because it emphasizes the function or purpose for which the statute was allegedly passed; the "function" of a weight-lifting restriction is protecting those workers who would be injured by more than a given amount of exertion.[78]

The requirement that all statutes be written asexually is attractive because it eliminates the difficulties of evaluating sophisticated medical, sociological, and actuarial theories of aggregate differences between the sexes.[79] It is also attractive because it would represent the highest degree of societal commitment to the ideal of legal sexual equality.[80]

It can be argued, however, that a principle which permits no deviation from a perfect match would impose unreasonable administrative costs in some cases.[81] The logical outcome of such a view is to urge a balancing test, allowing a less-than-perfect match when administrative inconvenience outweighs the individual interests invaded.[82] While administrative cost may seem a plausible reason for allowing certain types of sex-distinguishing statutes to be maintained, the balancing process is, in fact, fraught with difficulty.

The problems with the balancing approach can be seen by analyzing an analogous racial situation. In *Korematsu v. United States*,[83] the Court upheld the wartime exclusion of *all* Japanese-Americans from certain areas of the western United States because of a supposed threat of espionage by *some* Japanese-Americans. In that case the important class—those who presented a threat of espionage—obviously did not match the designated class—all Japanese-Americans. However, in light of the presumed threat of imminent foreign invasion, the time-consuming process of individual examination might have thwarted the purported national security purpose of the exclusions.[84]

Korematsu demonstrates the pitfalls of attempting to balance important personal rights against administrative costs. It is often difficult for courts to investigate adequately the alleged administrative difficulties in identifying members of the important class. Many people now feel, for example, that the asserted administrative difficulty of ferreting out those Japanese-Americans who were a threat to national security was grossly exaggerated by the government and could not justify such a gross mismatch.[85]

Korematsu also demonstrates the extreme difficulty of knowing what weight should be given to administrative costs, even when convincingly shown, when balanced against important individual rights. There may be a temptation in the heat of the alleged "administrative crisis" to give less easily dramatized personal rights short shrift. Thus, in retrospect, *Korematsu* involved an unfortunate discounting of personal rights, leading to unnecessary human suffering and substantial political embarassment after the "emergency" had passed. While not as dramatic as *Korematsu*, it may be just as difficult to strike a satisfactory balance between administrative costs and personal deprivation in sex discrimination cases.

It is impossible within the scope of this Note to survey every category of sex-distinguishing statute for which administrative costs might be offered as justification. But in making the choice between a balancing test and a perfect match requirement, two factors peculiar to sex-distinguishing laws should be taken into account. First, few of the administrative efficiency goals which sex-distinguishing statutes are designed to reach would be seriously compromised if sex could not be used as a basis for classification. Many laws justified by the alleged efficiency of a sexual test could be replaced by non-sexual tests which would create a perfect match at little or no additional cost. For example, statutes which place weight-lifting restrictions solely on women seem designed to protect physically weak workers. A visual survey of job applicants, male and female, would appear to be just as useful in distinguishing those who are too fragile for the employment involved. Second, many of the laws which have at best a questionable efficiency rationale impinge on important individual rights such as employment and jury service. Thus, the Court might well conclude that because the bulk of sex-distinguishing laws have dubious administrative justifications and because they often impinge on important individual rights, a "perfect match" standard, permitting no administrative justification for ill-fitting sex classifications, is called for.

The finding of a mismatch, however, need not always mean that the statute must fall; a court might simply extend the coverage of the statute to the excluded sex, thereby eliminating the suspect classification which triggered active review. For example, the coverage of the weight-lifting statute previously mentioned might be extended from women to all workers, whether male of female.[86]

In choosing between extension or elimination of the statute, a court must weigh the general interest in retaining some statutory provision against a judicial reluctance to extend coverage without legislation.[87] The court's reluctance might be eased by considering the historical reasons which limited many early wage and hour laws to women. As noted earlier,[88] many protective laws were enacted against the background of now discredited standards of due process which invalidated such protections for men. It is, therefore, a reasonable inference that the enacting legislature, in some cases, would have extended the protection to men had its constitutional power not been limited.[89]

Of course, extension of these laws rather than elimination in toto might bring about economic dislocations.[90] In some cases, as, for example, when a statute prohibits women from engaging in a certain occupation, extension would be ludicrous because it would have the effect of eliminating the occupation. In other cases, the pay of workers who depend on substantial amounts of overtime might be drastically lowered if the working hours of male laborers were suddenly limited by abolishing compulsory overtime. Similarly, across-the-board extension to men of minimum wage laws now limited to women might drive some producers out of business or cause some male laborers to lose their jobs to automation. In evaluating the remedial alternatives of extension or elimination, a court must consider whether the legislature is better equipped to deal with the ramifications of extension. Courts may prefer simply to eliminate these laws rather than extend them. An alternative would be for courts to eliminate the laws but delay relief for a reasonable period[91] to allow legislatures to redefine legal relationships.[92]

In addition to the problem of aggregate legislation, a second area of concern involves those statutes which appear to have been enacted to protect notions of personal privacy surrounding the sexual organs or exposure of the body.[93] State action, for example, may mandate sexually separate dormitories at a public university or restrooms in public buildings. Such statutes might be protected from the sweep of active review by resurrecting the constitutional cadaver of "separate but equal."[94] In such cases, the law might be upheld if the facilities provided for one sex were tangibly and intangibly equal to those provided for the other.[95] *Brown* v. *Board of Education*[96] does not preclude such a doctrine in the sexual privacy area. *Brown* seems to have been based on the idea that separate was inherently unequal because it was a sign to all concerned that one race was socially inferior to the other.[97] Separation of facilities indicated that whites did not want to associate with blacks. In contrast, there has never been any indication that men have wished to avoid intimate contact with women on a daily basis. Therefore, the separation of restrooms and the like by sex, unlike separation by race, has no automatic implication of inferiority.[98]

Incorporating the principle of "separate but equal" as an exception to active review would permit the state to retain the sexually segregated restrooms and dormitory facilities associated with notions of personal bodily privacy. Its rationale, however, would be strictly limited to those facilities which involve potential exposure of intimate parts of the body. No such potential exists in schools,[99] state-run public accommodations, or other facilities where sexual segregation may be traditional but is not motivated by notions of bodily privacy.

Even in those facilities to which "separate but equal" would apply, it should remain open to plaintiffs of either sex to establish that the separate facilities are not "equal" or that some harm of substantial magnitude results from the segregation itself. Courts would have to make such determinations on a case-by-case basis. If inequality of facilities were established, a court could order either equalization or integration. If harm from the very fact of segregation were shown, a state might be required to provide sexually integrated facilities for those who want them (as by rearranging existing dormitory space so that students could freely choose between all-male, all-female, and mixed housing) or be forbidden from distinguishing facilities by sex at all.

While there is strong justification for the Court to adopt an active standard of review for sex distinctions, precedent, the difficulties of the task, and the political dangers involved may discourage such a bold judicial initiative.[100] Congress might therefore conclude that legislative action is needed to eliminate sex discrimination.

This is all of part 1.

The remainder will be inserted later.

OUR LAW ENFORCEMENT OFFICERS DESERVE OUR APPRECIATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. RARICK. Mr. Speaker, I rise to express praise of our police for their handling of the Hanoi agents who invaded the Capitol yesterday.

I was present and observed the unfortunate invasion personally. It is a tribute to the law enforcement officers that they so calmly accepted the abuse, insults, and indignation hurled at them and still conducted themselves as law enforcement officers worthy of the title of guardians of law, order, and decorum on the Hill.

Then, last evening I listened to the sob stories of the poor little mistreated youth who were abused by the big bad officers. I wondered if they were referring to the same incident I had earlier observed. Certainly the American people will not overlook the news media complicity for having encouraged the demonstrations.

True, having been abandoned by their leaders, the kids played the affair as if it were a game. I think they call it cops and revolution. But charges of repression coming from radical extremists, who while marching on the U.S. Capitol under the banner of the Vietcong and giving the clenched fist salute—recognized symbol of international communism—strikes me as lacking relevance. They did not seek an end to war, rather a Communist victory over their own country.

Repression. They were the aggressors and always had the freedom to leave, to go home—even to bathe. Why should they complain of their own doing?

Since their banners, slogans, and expressions were so favorable to Red China, Russia, and international communism, one wonders how long they could sit on the steps of the Kremlin in Moscow before being arrested—or if they would have regarded arrests in Communist countries as a joke or a game.

My conclusions were that the more youthful demonstrators should not have been arrested; rather they should have been detained and their parents forced to claim them and explain the lack of parental supervision. I disapprove of having police officers utilized as babysitters and then falsely accused of roughly treating the children.

Our police officers are the frontline of defense in the battle against crime, anarchy, and insurrection. Their magnificent performance in maintaining law and order under difficult conditions is a tribute to Chief Wilson and the Metropolitan Police Department as well as to the FBI and all other supporting law enforcement officers.

I know that all who appreciate the wonderful freedoms we enjoy, unite with me in thanking our police officers for an arduous job well done.

FARM DAY

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. McKAY. Mr. Speaker, I see by the news reports that President Nixon is spending $100,000 of the taxpayers' money on a "Salute to Agriculture" to be held at the White House. The farmers in my district expect more from their Government than punch and cookies on the White House lawn.

Problems farmers face are severe. There are, for instance, 2.8 million fewer farms than there were in 1950; farm population has dropped in this period from 23 million to 9.7 million. The declining numbers of people in our rural areas present special problems. Adequate medical and other services become uneconomical or cease to exist entirely, children leave home because farming no longer appears to offer opportunity, and the farm communities have no other source for employment. Many of these communities are becoming more isolated as they dwindle. Utah is a particular case in point. Our population is concentrated in four counties on the Wasatch front, and these counties continue to grow at the expense of rural areas. The farmer faces a continual rise in the prices he must pay for his goods and services—a 59.6-percent rise since 1947–49. In addition, he operates on land overvalued by speculation, a fact reflected in his taxes.

These increases have occurred without commensurate increases in farm income.

References to these problems are often made, even though solutions proposed have not proved entirely satisfactory.

I should like to point out some other concerns of farmers which are not so frequently recognized, but are nonetheless important, particularly to the people in my State.

For instance, the Agriculture Committee of the Rocky Mountain Federation of States is meeting in Billings, Mont., this weekend and its primary concern will be the report of the Public Land Law Review Commission as it relates to the ownership, rental, and management of public lands.

Also of interest to Utah agricultural people is soil conservation. Not only must we focus our attention on the abuses to which soil is subjected, we should also be concerned about land use policies which will preserve productive farmland for the growing of crops. We can no longer afford the luxury of taking these lands promiscuously for roads, industrial development, and other nonfarm uses.

A third item of particular importance in Utah is the need for agricultural weather service. Our fruit growers and stockmen can protect themselves from some of the adverse effects of bad weather if they have adequate warning. The weather bureau has proposed a national plan for an agricultural weather service, but no funds have been appropriated for agricultural weather forecasting since 1966. In Utah, certain fruit crops vary by as much as 50 percent from year to year because of weather conditions.

Of interest to Utah stockmen are ways to eliminate the weed halogetin. Recently, you may recall, 1,200 sheep died in Utah as a result of consuming halogetin. Most authorities agree that we will only rid ourselves of this weed by developing hearty plants to supplant it on our ranges and by proper range management. Range management and shrub research, particularly on public lands, are matters with which the Congress can deal.

Mr. Speaker, in dealing with farm problems of major and immediate impact, we should not lose sight of our responsibilities in many of these other areas I have mentioned.

DIRECT FEDERAL PAYMENT OF DEMONSTRATION COSTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. FAUNTROY. Mr. Speaker, I would like to share with my colleagues a statement which I issued today calling for a direct Federal payment of the costs of the recent demonstrations here in Washington, D.C.:

FAUNTROY ASKS DIRECT FEDERAL PAYMENT OF DEMONSTRATION COSTS

District of Columbia Delegate Walter E. Fauntroy today called for a direct payment by the Federal Government to cover the cost of the recent demonstrations. "Because of the presence of the Federal Government, the citizens of Washington, D.C. are forced to bear the inordinate expenses generated by citizens' expressions of opinion over policies of the national government. In 1970, three demonstrations—May 9 (following Kent State incident), July 4 (Honor America Day), and October 3 (March for Victory)—cost this city over a million dollars in police overtime, highway and traffic costs, and sanitary facilities. The city government should no longer be burdened with these costs."

Mr. Fauntroy defended the right of demonstrators to engage in acts of civil disobedience "when they are non-violent and when demonstrators willingly accept the consequences of their actions as a moral witness. Anyone who came to Washington to protest violence in Southeast Asia but engaged in violent acts in demonstrating was a traitor to the cause."

Mr. Fauntroy deplored the summary arrest procedures and the passing over the Delegate's office and the local government. "I hold the Justice Department and the Administration responsible for much of what happened. While meticulous arrangements were made to drive the demonstrators from the park and to arrest them in dragnet fashion without filling out proper arrest records, no preparations were made to assure proper shelter, sanitary facilities, and food for those arrested. I personally visited those detained in a field at RFK Stadium and at the Washington Coliseum and I received a number of complaints at my office. The conditions at the RFK Stadium were deplorable. Sitting in Judge Green's court on Tuesday night, it was clearly evident to me that the majority of people held could not be brought to trial because of the faulty arrest procedures.

"The only solution which I can see to these problems is genuine self-government for the District of Columbia. So long as city officials cannot act on their own, we will face such problems again and again. Certainly it is the Department of Justice and the Administration and not the local government which must bear the responsibility for the errors which were made. So long as public officials owe their allegiance to the Administration and not to the people, we, the citizens of Washington can expect this kind of disrespect."

SMALL BUSINESS ADMINISTRATION CLOSING

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. BEGICH. Mr. Speaker, our economic system works on the principle of free enterprise. The Small Business Administration is one Government agency which provides immeasurable assistance to those individuals who wish to become entrepreneurs.

Recently, the Small Business Administration announced that it will close its Juneau office. The citizens of southeastern Alaska would suffer needless delays and difficulties if this closing is to be carried out. Southeastern Alaska is in such dire need of new business to aid its struggling economy. All legal obstacles that would prevent economic growth should be removed. I believe it is a serious mistake to close the Small Business Administration office in Juneau.

The State Legislature of Alaska has perceived this problem and has passed the following resolution:

SENATE JOINT RESOLUTION NO. 35, ALASKA STATE LEGISLATURE

Relating to the closing of the Small Business Administration office in Juneau

Be it resolved by the Legislature of the State of Alaska:

Whereas federal officials have recently made public the decision of the Small Business Administration to close its Juneau office; and

Whereas, if this action is carried out, it would mean that all the citizens of Southeastern Alaska would suffer needless delays, aggravation, and countless other difficulties in attempting to carry on business transactions with the Small Business Administration; and

Whereas one of the reasons given for the removal of the Juneau office was that certain legal actions were delaying an expected economic expansion, not only in Juneau, but in all of Southeastern Alaska; and

Whereas in recent days a federal court has largely removed the legal obstacles which the Small Business Administration has alluded to; and

Whereas the citizens of Southeastern Alaska cannot be adequately served by Small Business Administration personnel making periodic sojourns to Juneau;

Be it resolved by the Alaska Legislature that it expresses its strong protest against the closing of the Small Business Administration office in Juneau and urgently requests the Small Business Administration to reconsider and rescind its decision to close its Juneau office.

Copies of this Resolution shall be sent to the Honorable Thomas S. Kleppe, Administrator, Small Business Administration; the Honorable Frank Cox, Director of the Small Business Administration in Alaska; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

POLLUTION CONTROL BY INDUSTRY

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. MOLLOHAN. Mr. Speaker, in our justified concern over control of pollution we often overlook the fine work done by industry in achieving this goal. Too often many of us may speak with an indignation which neglects the pollution control efforts of many of our conscientious industries.

The need to protect our environment has often grown into a desperate rage without concrete suggestions on how, from a practical basis, we can make pollution control more economically feasible for our industries.

It is my belief that if we are to check pollution, research must be stimulated to aid industries.

Let us not forget that our best ally in controlling pollution is the conscientious industry, and to further develop this alliance, all of us must begin to treat industry as an ally, and not as a foe.

The following editorial shows the kind of wisdom I am talking about. It points out what one industry in my district, the Weirton Steel Division of National Steel, is doing:

[From the Wheeling (W. Va.) News-Register, May 4, 1971]

INDUSTRY NOT ALL BAD

Admittedly we have done our fair share of lamenting the condition of the environment, viewing with alarm the pollution of our air and water, and bemoaning the errant ways of industry in contributing to the worry of ecologists.

But it is important, we believe, that we keep our concern for these things in proper perspective. True, there is a need for major repair of the environment and the development of new techniques to deal with pollution abatement and waste disposal. However, in most instances it is industry itself that must in the end provide the solutions. And the record shows that in many instances industry already is leading the way. Currently American industry is spending over three billion dollars a year to clean up the environment and additional billions to develop products that will keep it clean.

A case in point was the recent opening of a full-scale metal can recycling program at Weirton. Details of the program were unveiled last week at a press conference at Weirton sponsored by the Carbonated Beverage Container Manufacturers Association and Weirton Steel Division of National Steel Corporation.

Two collection centers for all discarded cans were opened in Weirton and will receive bulk quantities of empty cans from individual consumers or local groups for compaction and recycling in steelmaking. Weirton Steel, a major supplier of can-making material, is cooperating fully in the program and will recycle the scrap cans into primary steel.

This new effort has a two-fold purpose: reduction of litter and conservation of natural resources. The can companies and Weirton Steel stressed that they anticipate no profit from the recycling program, but are making their services available to demonstrate their interest in reduction of litter and conservation of natural resources. The recycling program is now operating in many other states and will ultimately be a nationwide endeavor to return empty cans to the recycling streams.

Here then is a positive program providing a practical approach to re-using waste materials and reducing the amount of solid waste to be handled by communities. It is an industry initiated and sponsored effort. It was on June 8, 1970, Weirton Steel Company remelted 500,000 compacted beer cans into useable product at the basic oxygen furnace shop in the "Steel Mill of the Future." The test proved the feasibility of scrap can recycling and tests continued throughout the year.

In summing up we believe the remarks of President J. G. Redline of Weirton Steel Division of National Steel Corporation are most pertinent.

He said, "It is obvious that people have different degrees of concern about the environment. We believe they all are sincere in their concern, regardless of degree, and would ask only that they try to understand that technological miracles cannot be wrought overnight. We cannot wave a magic wand with one hand and at the same time wave goodbye to all of our environment problems with the other. No one, to my knowledge, has found a way to solve a problem to which a solution does not yet exist.

"The point is that we are working toward solutions, and the program . . . (can recycling) is aimed at helping to solve one of the major environment problems . . . litter."

The can project is only one of many similar programs launched by industry today in a sincere effort to find the answer to the many ills suffered by our environment. These efforts must go forward without unnecessary interference from the "Disaster Lobby" that continually warns that the end is near.

NATIONAL HOLIDAY OF THE RUMANIAN PEOPLE

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. KING. Mr. Speaker, it is my honor to call the attention of my colleagues to the national holiday of the Rumanian people. May 10 marks the historic anniversary of three great events of Rumanian history.

On May 10, 1866, the Rumanian dynasty was founded. Eleven years later, in 1877, Rumania acquired independence from the Ottoman Empire. Four years later, on May 10, 1881, Charles I was crowned King of Rumania.

We American friends of the Rumanian people know what good friends they have been over the years and how they have expressed that friendship to the people of the United States.

As American citizens, we must renew our hope that our concepts of freedom and liberty be extended to the Rumanian people.

GOOD NEWS ON FINE PROGRESS OF PEOPLE OF SOUTH VIETNAM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement by Hon. Robert H. Nooter, Assistant Administrator for Vietnam Agency for International Development:

STATEMENT OF HON. ROBERT H. NOOTER, MAY 6, 1971

Mr. Chairman, Members of the Committee, I appreciate this opportunity to appear before this Committee today to present the FY 1972 economic supporting assistance program for Vietnam of $565 million.

OBJECTIVES

The principal objective of this program is to provide economic support so that the Government of Vietnam can take over the military burden of the war in that country. In addition, economic assistance will be used to maintain price stability; to assist the Government of Vietnam in caring for refugees, civilian war casualties, and other war victims; to provide support for the pacification program; and to move the South Vietnamese economy toward longer term economic development and eventual self-sufficiency.

Some of our programs support more than one of these objectives. For example, commerical imports help to provide the commodities necessary to make up for the loss of production resulting from the mobilization of Vietnam's 1.1 million man military force. At the same time, these imports help to maintain price stability, and play an important role in providing the raw materials necessary for domestic production and the capital goods needed to expand productive output.

As security is restored, the problem of caring for refugees and war victims has been eased somewhat, and restored security in the countryside has facilitated pacification and rural development. As these trends continue, we will place greater emphasis on longer range economic development goals during FY 1972.

PROGRESS IN 1970

There was substantial progress across the board in the A.I.D.-supported programs in Vietnam during the past year.

Stabilization. First, after a period of rapid inflation from mid-1969 to mid-1970 when prices rose about 50 percent, the Government of Vietnam instituted a series of economic reforms which created a parallel exchange market for personal conversions and certain other transactions, increased various import taxes, raised interest rates on savings and loans, and required heavy advance deposits on imports. These measures were successful in restoring price stability, and the Saigon retail price index is now only 2 percent higher than it was in July 1970. There is no guarantee that this degree of stability will continue, since the inflationary pressures caused by an expanded military budget and substantial future costs for land reform and veterans' benefits remain. However, the reforms which the Government undertook last year demonstrated its ability to take the difficult measures which are necessary to contain prices, and we are encouraged to believe that they will continue to do so.

Land Reform. Also, the Government passed into law and proceeded to implement the Land-to-the-Tiller land reform program. Over 500,000 acres of land have been distributed to more than 150,000 farm families during the first year of the program, a pace which exceeded our expectations for this highly complicated and difficult program. Another two years will be required to complete the implementation, and much work remains to be done, particularly with regard to payments to former landowners which are proceeding slowly. However, on the whole, the Vietnamese Government has made an excellent record during the first year of this very important program.

Rice Production. Vietnam is now producing enough rice to meet its internal needs. This has been brought about by increased security in the countryside, the introduction of high-yielding rice varieties, and substantial increase in fertilizer usage. We cannot be certain that future crops will be as good as the present one, but we expect that the trend will continue upward, barring some unforeseen setback. Also, production of poultry and swine continues to increase at the rate of 10 to 15 percent per year, and some progress was made in the introduction of sorghum and corn, which are not traditional Vietnamese crops but which hold great promise for the future.

Capital Investment. As a result of both improved security and the recent price stability, there have been encouraging signs of interest in new investment by both domestic and foreign entrepreneurs. An existing plywood plant is being modernized and a second plant is in the planning stage. Fishing boats are being motorized and much larger and more modern trawlers have been ordered. A number of U.S. firms have expressed interest in direct investments—mostly on a joint venture basis—in such fields as glass, fertilizers, cigarettes, and petroleum. Several Japanese entrepreneurs are constructing manufacturing facilities in Vietnam, and others are actively seeking new opportunities for investment.

Pacification. There has been progress in political development resulting in increasing participation on the part of the people in the political process. Building a sense of national unity and cohesion requires, in part, the relaxation of power at the center and the transfer of responsibility to lower echelons of government. This process was started two years ago with local elections for village and hamlet representatives. It was later extended to include Province and Municipal Councils. Elections of local officials were held last year in over 1,000 villages and nearly 4,000 hamlets, with a very high level of voter turn-out and a full slate of competing candidates for virtually all vacancies. At the Province level the elections for Province Councils saw 2,000 candidates vie for 554 seats. About 98 percent of all hamlets and villages now have elected officials.

Government control over the rural population has continued to expand during the past year. The Government now claims to have effective control over 94 percent of all of the people in Vietnam, and is continuing to extend its control to the remote areas which are still considered to be under Communist domination.

War Victims. The Government of Vietnam has assumed the major burden of assisting war victims, and on the whole it has performed well. The Ministry of Social Welfare handled virtually the entire reception and care for 210,000 ethnic Vietnamese from Cambodia with great competence. Over 155,000 of these are already integrated into Vietnamese society and are no longer considered in refugee status. At the same time, problems still continue with regard to the care and provisioning of the Montagnard population in Central Vietnam, where there have been instances of inadequate handling. The Vietnamese Government has responded to the needs of those who have suffered from the war by passing legislation providing for pensions and other benefits for discharged veterans and widows, children and parents of soldiers killed in action. Approximately 500,000 people are already receiving benefits under this law, which was passed in July, 1970.

Medical Care. The plan for joint utilization of military hospitals for the treatment of civilian war casualties has been extremely effective in providing better health care to the Vietnamese population. This plan added over 2,000 trained medical personnel to the hospital staff of the Ministry of Health, and made it possible to continue the gradual reduction of U.S. doctors and nurses. Also, A.I.D.-assisted medical training schools graduated over 200 Vietnamese doctors and 700 nurses during the past year.

FISCAL YEAR 1972 AID LEVEL

The principles of Vietnamization are being applied to the economic assistance program as well as to our military assistance. That is, we are turning over responsibility for jointly funded projects to the Vietnamese as rapidly as possible. The substantial inputs made over the years to create Vietnamese institutions and to train Vietnamese are now paying off as they take over more and more operational responsibility for these projects. Funding for the project program will decline from a high of $285 million in FY 1967 to $90 million in FY 1972. Direct hire U.S. employees in the economic assistance program in Vietnam will decline from 2,381 in 1968 to 1,360 by the end of FY 1972. Our funding request for the project program represents the minimum level which we believe is necessary to carry on these programs during FY 1972. However, we will continue to phase down the level of U.S. support as rapidly as possible in future years.

At the same time, our request for funds to finance general imports to sustain the economy is substantially increased, principally because of the reduction in U.S. military expenditures in Vietnam. Over the years the Defense Department has purchased piasters from the Government of Vietnam in order to pay the local costs of operating military bases and for the purchase of goods and services in support of our military forces there. The dollars used to purchase these piasters were in turn used by the Government of Vietnam to finance the import of goods necessary to support the economy and the war effort, and were additional to the goods imported under the economic assistance program. Defense Department in country expenditures are expected to continue to decline in FY 1972, and additional economic assistance funds will be needed to provide the support which had been accruing indirectly from this source.

The increased economic assistance will be used for two principal purposes:

(1) To permit the Vietnamese to bear an increasing military responsibility while maintaining a reasonable degree of price stability.

(2) To support Vietnamese economic policies aimed at moving the country toward economic reconstruction and longer term development.

The increase which we are requesting for these purposes in FY 1972 is approximately the same as the estimated decline in Defense Department piaster purchases, so that, while the Government of Vietnam will be receiving these funds from a different source, it will not really be receiving more in terms of total economic assistance.

It is essential that the total emount of U.S. foreign exchange support provided the Vietnamese not be reduced despite the sharp reductions now taking place in Defense Department piaster purchases. Vietnam is a small, relatively underdeveloped country and simply does not have the economic resources required to assume a greatly expanded share of the present counterinsurgency burden without a continuation of at least the present total level of U.S. foreign exchange support.

There are a number of advantages in shifting this support from the military to the economic category. In the past, the purchase of piasters at the official exchange rate has had an inhibiting and undesirable effect on exchange rate adjustments. Under the new arrangement, these inhibitions will be greatly reduced. Second, it will permit economic aid to be more closely related to Vietnamese economic policies, so that those policies can be directed toward the development goals which must be attained if Vietnam is eventually to achieve economic self-sufficiency.

In order to meet this increased requirement, we propose to increase the Commercial Import Program (CIP) from $270 million in FY 1971 to $300 million in FY 1972, which is the maximum level possible given the limitations on the kinds and sources of commodities which can be financed under this program. The CIP, as in prior years, will be used to finance essential imports such as fertilizer, industrial raw materials, and capital equipment from the United States and from certain less developed countries. The CIP will continue to play an important role in meeting Vietnam's resource requirements and in holding inflation in check.

We also propose to use PL-480 Title I resources to the maximum extent possible considering Vietnamese requirements for agricultural commodities available under this program. However, these requirements will decline in absolute terms from FY 1971 levels (from $115 million in FY 1971 to $70 million in FY 1972) since PL-480 rice should no longer be required.

CIP and PL-480 alone will not provide sufficient U.S. support for the economy and the war in view of the rapid decline estimated for Defense Department expenditures in FY 1972. Therefore, we propose to establish an Economic Support Fund designed to provide a level of foreign exchange adequate to meet Vietnam's resource requirements. We are requesting $150 million for this Fund for FY 1972, which is approximately equivalent to the estimated decline in Defense Department piaster purchases during that period.

Releases from the Economic Support Fund will be determined by the level of resources which the Government of Vietnam must devote to maintain its security, the rate of decline in Defense Department piaster purchases, and the level of foreign exchange needed to assure progress in implementing Vietnam's economic reform and stabilization program. Periodic reviews will be made of Vietnamese economic policies, since U.S. assistance can only be effective if these policies are sound. The funds will be made available in monthly or quarterly tranches for the untied purchases of imported commodities, which is the same way in which Defense Department dollars received by the Government of Vietnam through the sale of piasters are used.

We expect Defense Department piaster purchases to be reduced again in FY 1973, and therefore U.S. economic support requirements will probably increase further. However, as the Vietnamese economy is restored to normal and as economic development accelerates, we can anticipate a gradual reduction in U.S. asisstance, with the rate dependent upon the rate of Vietnamese economic growth and the level of assistance forthcoming from other nations and institutions.

FY 1972 PROJECT PROGRAM

In the Project Program, we will continue to put emphasis on increased *Agricultural Production* by continuing our programs in animal and crops production, credit and cooperatives. We will help the Government of Vietnam to develop policies and programs to encourage *Industrial Development*, with particular emphasis on the encouragement of private enterprise. In the field of *Education*, emphasis will be placed on higher education now that the elementary school system is able to accommodate about 85 percent of the elementary school population. We will continue to provide technical assistance for the *Land Reform* program in addition to a $15 million request for funds to be utilized to finance imports needed to absorb the inflationary impact of piaster compensation payments to former landowners. We will continue our assistance in *Public Administration* in support of local government, fiscal administration, statistical services, economic development planning, and in-service training for civil servants. We will continue all FY 1971 activities in the field of *Public Health*, but at somewhat reduced levels.

In *Logistics*, FY 1972 will see the completion of our assistance to the operation of the ports, as well as major reductions in our support to warehousing and internal distribution of commodities. In the field of *Public Works*, we will continue to provide help in developing water supplies, improving provincial roads, telecommunications, electric power, and for construction in provincial and village self-help programs. A.I.D. will continue to contribute personnel and commodities to the Civil Operations and Rural Development Support (*CORDS*) program, at a somewhat reduced level. Support under the *Public Safety* program will be continued to the National Police and the Vietnamese correctional system. A.I.D. support for the *Refugee Program* will decline slightly in view of the decrease in the refugee population, as will the level of *Technical Support* which provides personnel and common use commodities for all USAID and CORDS personnel.

PUBLIC HEALTH PROGRAM

I would like to say a few words about U.S. assistance in the medical and public health field, since we have received numerous Congressional and private inquiries questioning the reduction in U.S. assistance in this area.

First, the concern expressed in these inquiries for the people of a nation beset by war over the past 30 years is understandable, and fully shared by us. However, the reduction in funding of about 15 percent annually over the last several years is made possible by the substantial inputs made into this program in previous years, and by the greatly increased Vietnamese staffs which are now manning the hospitals and health clinics in that country.

We have financed the construction of 8 new Provincial hospitals and the reconstruction of 11 others, and have provided 29 modern hospital surgical units. We have financed the construction of a 54-bed plastic and reconstructive surgery center, and have assisted in setting up 4 clinics for fitting and producing prosthetic devices. We and the Defense Department have shared the financing of medical supplies at an average annual cost of $12 million for the past 4 years, as well as providing hundreds of civilian and military doctors and nurses for service in that country. We have also financed the travel and expenses for over 800 U.S. doctors who have served in Vietnam on a volunteer basis, and have provided assistance to the Saigon University Faculty of Medicine, which now graduates approximately 200 Vietnamese doctors each year.

The Vietnamese are now taking over these programs, at the same time that civilian war casualties are declining. The Vietnamese now have some 20,000 personnel operating their national hospital system compared with 7,000 in 1966.

We will continue to provide assistance to this program as long as it is necessary to do so, assuming that the Congress makes funds available. However, it is our considered judgment after a close inspection of the individual projects that reduction in funding and manpower can continue without a reduction in delivered medical care.

CORRECTION CENTER PROGRAM

We have also received numerous comments and suggestions that the United States should withdraw the assistance which we have been providing to the Vietnamese prison system. The U.S. financial support for this program is small, but I would like to comment on it since it has received such wide public attention.

It is tempting, indeed, to contemplate withdrawal from a program which has received such wide public criticism. Our role is advisory and not operational, and, no doubt, the prison system still leaves much room for improvement. However, there are several reasons why I believe that we should continue to support this program for a few more years.

First, there is no doubt in my mind that South Vietnamese prisons are better operated and provide more humane treatment of prisoners than would be the case if our program had not existed. We have helped finance construction which has relieved crowding conditions in the prisons. We have provided training for Vietnamese personnel, and our advisers have worked with them in a constructive way. The Vietnamese have not always operated their prisons in the way we would, but they have shown a willingness to work with us and have accepted our advice in most cases.

Also, while individual instances of inhumane treatment exist, the overall system is far less onerous than the impression conveyed in press stories during the past year. Specifically, the monthly death rate in Vietnamese prisons from all causes in 1970 was .03 percent per month, which is better than the death rate for the country as a whole. This is less than one-fourth of the .14 percent per month death rate in 1967, when our assistance started, and is an extremely low rate by any absolute or relative standard.

I do not believe that we should walk away from this problem simply because it is a difficult one, as long as the Vietnamese continue to demonstrate their willingness to work with our advisers and to make improvements. We will, of course, phase out these activities as soon as we believe that the objectives of this program have been attained, but our assessment now is that this will take several more years.

PROGRAM MANAGEMENT

During the rapid build up of the Vietnam program in 1965 and 1966, it was difficult to control the sudden influx of commodities, which exceeded the Port of Saigon's ability to handle and process them. Also, the turmoil caused by the instability of the political and security situation made sound program management very difficult. Over the last several years most of these problems have been overcome as procedures have been established and facilities have been constructed. During the last several years losses under the Commercial Import Program have been estimated to be less than ½ of 1 percent. Normal auditing procedures have been re-established, which is helping to provide the inspection and control which is necessary in any program. We will continue to emphasize sound management and close control over the program, and will, where necessary, pull back our assistance if improvements cannot be achieved.

During the past year we became aware that some portions of the PL-480 Title II Grant Program were not being adequately managed. This program, which provides surplus agricultural commodities on a grant basis to refugees and other needy people throughout Vietnam, grew to a large size in response to the real needs of the recipients. However, it was also extremely difficult to monitor in view of the large geographic area and sizeable numbers of people involved. When the

Mission management became aware of the shortcomings of the program, it began gradually to insist on tighter control. When all else failed, the Mission halted distribution of foodstuffs in a portion of the country, and will now limit these commodities primarily to institutions rather than for individual distribution. As a result, the Title II Program will be reduced from $27 million in FY 1971 to $15 million in FY 1972.

ASSISTANCE FROM OTHER NATIONS

The Vietnamese have been seeking assistance from other donor nations and multilateral institutions, and we have been encouraging them to do so. Some additional financing is now beginning to come forward. The Japanese have recently agreed to finance power generating equipment, a 1,500-bed hospital, and the reconstruction of a hydroelectric plant damaged by the war. The Asian Development Bank has agreed to provide the first multilateral loan ever made to Vietnam—$2.5 million for expansion of the fishing industry. Germany is financing a slaughterhouse, cold storage and fish meal facilities. In addition, a number of nations continue to make humanitarian contributions in the form of medical personnel, supplies and equipment. Total non-U.S. assistance is estimated to be about $35 million in 1971.

All of this is modest compared to the size of the U.S. support provided to Vietnam. However, it does represent an increase from prior years, and is a trend which we hope will continue as security is restored. Substantial contributions for economic development from other sources will be necessary in future years, and we will do our best to bring about the conditions which will make these contributions possible.

APPENDIX A

Program summary

The total FY 1972 request will, when administrative costs are added, total $565 million. This compares with the two previous years as follows:

[In millions of dollars]

Economic supporting assistance	Fiscal year— 1970 actual	1971 estimated	1972 proposed
Commercial import program	238	270	300
Economic support fund			150
Land reform		15	15
Project program	116	101	90
Administrative costs	5	4	4
Program support costs	7	6	6
Total	366	396	565

MISSION SAN GABRIEL ARCANGEL—200TH ANNIVERSARY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DANIELSON. Mr. Speaker, in a few days the city of San Gabriel, Calif., located in my congressional district, will hold a 3-day celebration commemorating the 200th anniversary of the founding of the Mission San Gabriel Arcangel by Father Junipero Serra in 1771.

San Gabriel is one of California's most historic communities, and the festivities taking place from May 20–22 will be widely attended.

The mission was the fourth established in the chain which extends from San Diego on up through the State of California. The San Gabriel Post Office was the third post office in California—established in 1854.

I know that my colleagues will find the following historical items, which elaborate on the background of San Gabriel and the San Gabriel Mission, to be of interest:

EXCERPTS FROM A HISTORY OF SAN GABRIEL

(By Thomas Workman Temple II)

Mission San Gabriel Archangel was the fourth of the Franciscan missions established in upper California under the administration of Fray Junipero Serra. Padres Pedro Cambon and Angel dela Somera founded the Christian outpost on Septemer 8, 1771 in the wilderness of San Gabriel Valley at a point near what is now the intersection of Rosemead Boulevard and San Gabriel Boulevard.

Untold hardships and want marked the first lean years of the Mission's existence but perseverance and faith in a beneficent God eventually wrested the wide valley from the wilderness. Captain Don Pedro Fages, an early Spanish Governor of Mexico, once wrote that "the conquest of California was due in no small part to the aid contributed by the San Gabriel Mission."

In November, 1775, the Mission was reestablished at its present location and the construction of adobe buildings began. In January of 1776 while Americans on the eastern border of our United States were contemplating the "Declaration of Independence" the San Francisco colony of 200 men, women and children under Captain Anza arrived at San Gabriel. They had crossed the tortuous terrain from Sonora, Mexico and San Gabriel was the "promised land" of these eager but weary pioneers who had just completed one of the outstanding migrations of people in the whole history of our nation.

In 1781 the Rivera Expedition from Sinaloa and Sonora, Mexico arrived at the Mission. This expedition contained the "pobladores" or settlers for the proposed Pueblo de Nuestra Senora La Reina de los Angeles de Porciuncula. On September 4, 1781 the chosen settlers departed from the sheltering walls of the Mission to found their pueblo which is today the great City of Los Angeles.

The first American citizen to come overland to San Gabriel was Jedediah S. Smith who led a group of trappers down from the Great Salt Lake. He was hospitably received at the Mission by Padre Jose Sanchez in November of 1826. The first organized wagon train captained by William Workman and John Rowland arrived at the Mission in November of 1841.

In 1852 after the American occupation San Gabriel became one of the first townships in the County of Los Angeles and in the 1860 census of the township, 586 persons were enumerated.

At the turn of the 20th century, San Gabriel was gradually awakening from its "adobe days" and experienced its first growing pains. As an aroused citizenry awoke to the potential of private enterprise, San Gabriel was ready to strive for incorporation. Although we of today enjoy the benefits of a modern city spiritually, culturally, and educationally, we cherish and respect the sacrifice and devotion of past generations that have made our 200th anniversary possible.

SAN GABRIEL: FROM MISSION SAN GABRIEL ARCANGEL TO MISSION APOLLO

When the Indians saw the brown-robed monks come trudging through the valley that day in 1771, they didn't know that the Padres were the first hint of Western civilization. The priests were emissaries of Fr. Junipero Serra, charged with the duty of bringing Christianity to California. The priests had made three earlier stops along the road they call El Camino Real—and where they stopped, Missions were built. At this stop, it was to be Mission San Gabriel Arcangel. So the monks and the Indians toiled in the California sun. And when their toil was finished, the adobe walls of the Mission marked the beginning of a trend that is still continuing. The Padres didn't stop with Mission San Gabriel. Before they were through, 21 Missions stood in California between San Diego and San Francisco. But Mission San Gabriel was known as the "Queen of the Missions," and the name came from its wealth. By 1832, it was said that 88,000 Indians were working for the priests, and their labors almost overshadowed the small colony nine miles to the south, the sleepy town named Los Angeles.

San Gabriel Mission gave its name to a mountain range, a valley and a river. The adobe bricks and tile roof of the Mission stood in the shade of Valencia orange trees, planted by Spanish settlers who clustered around the Mission.

In 1833, the ruling Mexican government confiscated all Mission properties and sent civil administrators to manage them. As a result, the Mission lost its worldly wealth and was threatened with sale to a private owner in the 1850's by Governor Pio Pico. But this was prevented by the United States government which returned the Mission to the control of the Catholic Church in 1862.

U.S. citizens had a stake in San Gabriel dating back to 1841, when the first American wagon train rumbled into the San Gabriel Valley. The Americans stayed and prospered, like Benjamin Wilson, known to the community as "Don Benito." He was one of the key developers of the San Gabriel Valley, where his cattle and sheep grazed on the rich turf. By 1854, Don Benito was able to write an Eastern friend, saying the area produced "every species of grain and fruits in greatest abundance."

Don Benito may have posted that letter at the San Gabriel Post Office, built in 1854 on the east side of San Marino Ave. south of Broadway. It was the third largest post office in California. San Gabriel's riches were based on agriculture until 1880, when the railroad invaded the land, bringing steam, cinders and people to the community. Where there are people, there are children, and where there are children, there are schools. The first one, built in 1854, was now too small. Other schools were built, and in 1888, Washington School won an award as the finest architecturally designed school in the nation. The California land boom, begun in the 1880's, continued under the early 1900's, when San Gabriel was bursting at the seams.

In 1912, the San Gabriel Improvement Association was formed, defining street widths and urging Los Angeles County to widen and pave the streets. Also in that year, a theatrical premiere dramatized a pageant of the history of California. The Mission Play, written by John Steven McGroarty, illustrated the Mission's history from 1769 through 1847. From that play came the Mission Playhouse, now known as the San Gabriel Civic Auditorium.

In 1913, San Gabriel incorporated and became a city. It has snowballed since then, until now it is the hub of the San Gabriel Valley. Where once Indians stared at the dusty monks, factories sit, building aerospace components destined for use in the Mission Apollo Space Program, taking man to the moon less than two hundred years after the founding of Mission San Gabriel Arcangel.

THE COMMUNIST GOVERNMENT OF CUBA ENACTS A NEW DRAFT LAW

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. ICHORD. Mr. Speaker, the Communist Government of Cuba recently enacted a new draft law—to authorize the drafting of all loafers into the labor force of Fidel Castro's "workers' paradise".

The law became effective at the end of January and at May Day ceremonies in Havana last Saturday, Cuban Minister of Labor Jorge Risquet announced that the antiloafer draft law had netted 101,000 Cubans, forcing them to go to work. Risquet added that the government believed those rounded up so far represented only one-third of the total number of loafers in the country.

What type of work will these erstwhile loafers perform? Castro says most of them will be moved out of the cities into the countryside to cut sugarcane. The sugar crop this year is in critical trouble due to heavy rains at harvest time. Fidel told a May 1 audience that the crop would be 800,000 tons less than his predicted goal of seven and a half million tons.

Last year and again this spring in open hearings before our Committee on Internal Security we heard the testiminy of witnesses from the Soviet Union, Czechoslovakia, East Germany, Latvia, Red China, and Cuba. All of them spoke of Communist laws that make work a firm duty, not a right. All of them testified that in a Communist state unions are merely instruments of government, created to carry out directives to the workers—not representatives of the workers and workers' interests to the government which is the sole employer.

Any able-bodied man who fails to work in the Soviet Union, for example, loses his ration cards, his status in the community and any claim to state assistance. He is subject to arrest and imprisonment and his punishment in prison involves hard labor.

For the benefit of Members of Congress who may be interested in seeing what a draft against loafers involves, I insert the general provisions of the new Cuban law, as published in Castro's official Spanish/English newspaper Granma, in the RECORD. This law should be of interest to everyone who believes in the spirit of free trade unionism. It appears that in Communist Cuba workers have no rights, not even the right to decline to work.

The article follows:

NEW DRAFT LAW OF COMMUNIST GOVERNMENT OF CUBA

Whereas: the Revolution, upon rescuing the national resources, breaking down the semicolonial structure, abolishing exploitation of man by man and starting the construction of socialism, created in the city and in the countryside, for both men and women, full opportunities for employment, and self-improvement, eradicating chronic unemployment, the "dead season," prostitution, the humiliating lot of domestic servants and begging as a means of subsistence contradictory to humany dignity;

Whereas: in the new society, work is a social duty for all able-bodied men and women;

Whereas: our people are engaged in a great productive effort to overcome the underdevelopment to which they were subjected during imperialist domination availing themselves of their precious right to create with their own hands the cultural and material goods needed, without foreign appropriation of the product of their work;

Whereas: in contrast to the upright attitude of the vast majority of our workers, there is a numerically small social stratum that, intent on living as parasites, without working, exhibits antisocial behavior and provides a bad example for the new generations;

Whereas: loafing may take different forms, running from those persons who have no work connections whatsoever and are dedicated to a life of idleness and crime, to those who try to disguise their lazy ways with occasional work, quitting one job after another, or even to those who, while having an official work center, are repeatedly absent from their jobs and on whom all disciplinary measures adopted by the labor councils have no effect;

Whereas: the working class condemns all forms of loafing as crimes similar to robbery, unanimously repudiates the negative behavior of the loafers and demands that severe and effective measures be taken against those who, every day, round the clock, steal the social and material goods created through the efforts of the working people;

Whereas: it is necessary to provide our workers and bodies of labor justice with the means to determine and combat the antisocial conduct covered by this law; and

Whereas: in response to the people, it is the duty of the Revolutionary Government to denounce and fight against such manifestations inherited from the old society—and, consequently, adopt measures leading to the eradication of loafing and parasitism.

ON THE SOCIAL DUTY TO WORK

Article 1: All citizens who are physically and mentally fit have the social duty to work.

Article 2: All men from 17 through 60 and all women from 17 through 55 are presumably physically and mentally fit to work.

CHAPTER I. ON THE CRIME OF LOAFING

Article 3: All male citizens of working age who are fit to work and are not attending any of the schools in our national system of education but who are completely divorced from any work center are guilty of the crime of loafing.

CHAPTER II. ON THE PRECRIMINAL STATE OF LOAFING

Article 4: All male citizens of working age who are fit to work and who,

(a) connected with a work center, have abandoned the said work center for more than 15 days without any justification

(b) connected with a work center, have been punished by a labor council two or more times for unjustified absence from work, without any improvement in their behavior

are considered to be in the precriminal stage of loafing.

CHAPTER III. ON PUNISHMENT AND SECURITY MEASURES

Article 5: In such cases as those included in Article 3 of this law, the following punishment may be applied.

(1) The guilty party will be sent to a rehabilitation center for a period of from 6 months to two years, during which time he will do productive work.

(2) The guilty party will be sent to a rehabilitation center for a period of from 6 months to two years, during which time, while working outside the center, it will be his duty to spend the night at the said center.

Article 6: In such cases as those included in Article 4 of this law, the following security measures will be applied:

(1) The guilty party will be sent to a rehabilitation center for a period of no more than one year, during which time he will do productive work.

(2) The guilty party will be sent to a rehabilitation center for a period of no more than one year, during which time, while doing productive work outside the center during working hours, he will spend the night in the said center.

(3) The guilty party, while living at home, will be charged with the duty to work, subject to surveillance by the workers in his work center and the mass organizations in his neighborhood for a period of no more than one year.

Article 7: The court in charge of passing sentence will take into consideration the following points at the moment of passing sentence or implementing security measures:

(1) age of the guilty party,

(2) civil status and number of his dependents,

(3) personal work record,

(4) time spent without working,

(5) means of self-support employed by the guilty party,

(6) family or personal problems that may have a bearing on his not working, and

(7) any other details relevant to the case.

CHAPTER IV. ON THE REMISSION AND CONDITIONAL SUSPENSION OF THE PUNISHMENT OR SECURITY MEASURE

Article 8: The court in charge of passing sentences or dictating the measure of security may suspend the implementation of the same at any time, in keeping with the behavior of the party being punished or sent to a rehabilitation center.

Article 9: The pertinent court, whenever it deems it convenient, may suspend the implementation of the security measure or the part of the sentence still pending, at the request or indication of the authorities of the rehabilitation center or of the revolutionary organizations, together with the administration of the work center to which the party has been sent.

CHAPTER V. ON THE ACCUSATION

Article 10: The crime of loafing or the pre-criminal state outlined in this law may be reported by any person or mass organization to a unit of the Department of Public Order or other competent authorities.

In cases of abandonment of work center, the administration is obliged to make the corresponding accusation to a labor justice Regional Appellate Council.

Article 11: If the accused person claims physical or mental disability, he will be examined by a medical commission designated for this purpose, and the commission will decide on his labor capacity.

CHAPTER VI. ON JURISDICTION

Article 12: The labor justice Regional Appellate Councils will have jurisdiction over all cases of loafing outlined in Article 3 of this law.

Article 13: The labor justice Regional Appellate Councils can order the arrest of the person in question on a temporary basis while he is under indictment if there is reason to believe he might try evading the law.

Article 14: The labor justice Regional Appellate Councils will also have jurisdiction over cases of abandonment of work centers outined in section (a) of Article 4 of this law.

Article 15: the National Review Council will hear all appeals on sentences imposed by the Regional Appellate Councils. In cases covered by Articles 12 and 14 of this law, its decisions will not be subject to appeal, whether administrative or judicial.

Article 16: The cases of habitual absenteeism cited in section (b) of Article 4 of this law will be heard by the labor councils, which will suggest the security measures to be taken to the general assembly of the work center.

This can only be done in cases in which the labor councils have already applied the disciplinary measures called for by Law 1166 on at least two occasions.

Article 17: The general assembly of workers, after hearing a report on the labor background of the accused and other factors, can ratify, reject or modify the proposed security measure. The labor council must issue the corresponding resolution, and the accused can appeal to the labor justice Regional Appellate Council, whose decision will not be subject to appeal, whether administrative or judicial.

FINAL MEASURES

First: The Ministers of Labor and the Interior are authorized to take all necessary measures to guarantee the fulfillment of this law.

Second: All legal measures which, in whole or in part, block the fulfillment of this law are declared null and void. The law will go into effect as soon as it is published in the Gazette of the Republic.

CANYONLANDS: BEAUTY NOBODY KNOWS ABOUT

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. LLOYD. Mr. Speaker, the canyonlands in southern Utah are among the world's most amazing, colorful, and breathtaking sights. They have been incorporated into a new national park. As yet, a relatively few persons have seen these natural wonders, but their availability under national park status is now being gradually recognized. I recommend to my colleagues and their families the following article published in the Washington Post on Sunday, May 9:

CANYONLANDS: BEAUTY NOBODY KNOWS ABOUT

(By Richard Joseph)

MOAB, UTAH.—Careful, chappies, here come the superlatives!

For more than three months now, I've been sticking to my New Year's resolutions to lay off the exclamation points.

Then I fell upon Canyonlands National Park near here, and I must say that it is the greatest, biggest, most colossal, most colorful, most sensational . . .

I've done most of the Western oldtimers, like Yellowstone, Yosemite, the Grand Canyon and the Grand Tetons, but this one I'd barely heard of though it was established in 1964. It has all the grandeur of the Grand Canyon, plus many attractions of its own—and without the crowds.

Crowds? There is nobody here, yet; like myself, few people seem to have heard of Canyonlands, and within its 275,640 acres are great spaces as yet unsullied by crowds.

Flying over it is easy, but to open up some of the more remote canyons you have to be part human-fly. But the Indians seem to have made it; every time somebody does succeed in pushing through to a new area he finds Indian ruins scattered around and petroglyphs painted on rocks.

Some of this area was Zane Grey's Robber's Roost, the land of Butch Cassidy and the Sundance Kid, and they shot a good deal of the film hereabouts.

It's fruitless to try to describe scenery anywhere, and here the scenery is indescribable—so I'll try to describe it. Back a few eons ago, this whole area was covered by an inland sea, and the weight of the water pressed the sandy soil into soft red sandstone.

Then rivers cut great canyons, and wind erosion—aided by extreme temperatures—cut the stone into fantastic shapes.

Some of the forms look like the red sandstone fortresses of Fatehpur Sikri in India, others like medieval castles and cathedrals. Still others resemble the ruined Mayan temples of Yucatan; other strange forms look like pregnant elephants lying on their backs and Renaissance saints carved by impressionist sculptors; and if you half-close your eyes while flying over some areas you get the illusion of passing over the skyscrapers of a modern city.

The colors lie in the time of the beholding: at dawn deep purple, then orange red, brightening to sandy yellow by midday, then in later afternoon back to fiery red—and to dark purple just before the sun lets go of the scene.

Much of Canyonlands National Park has the look of the Grand Canyon, which isn't surprising, since the Grand Canyon is formed by the same twisting Colorado River a few hundred miles downstream.

But the park is far from being the whole of the Canyonlands scene. Utah very cagily has reserved one of the very best lookout spots for itself at Dead Horse Point State Park, right next to the park, from which you peer down into the Colorado River below, then out over the buttes and mesas of Canyonlands to the distant Blue Mountains.

All this up to the southwest of Moab, gateway to the whole area. Five miles on the other side of Moab, to the northwest, is the Arches National Monument.

Some monument! Fifty-three square miles of some of the strangest shapes seen anywhere since Minsky got out of the burlesque business. The 88 arches were formed by great holes cut into the rock by the winds after the soft sandstones had been weakened by ice formations.

A few years ago I might have described all this as a lunar landscape, but after watching the movements of Armstrong, Aldrin, Conrad, Bean, Shepard and Mitchell on TV, I know that the moon is pale in comparison.

Recently my 11-year-old namesake (on school vacation) and I at the Moab airport met a local character by the name of Ole Tex McClatchy. "Ole," Tex must be all of 35, but he hides his comparative youth behind a bushy black beard, and he enhances his character role by wearing yachting and Bulgarian army forage caps.

Behind the bushy facade, we found a sharp, knowledgeable and enthusiastic tour operator. Ole Tex is the triple-threat man of the Colorado River country: he'll explore the river with you by boat, jeep or plane.

We took off from the Moab airport about mid-morning in a Volkswagen Microbus that Ole Tex had fitted out with fat dune buggy tires on the rear wheels.

We lunched around a campfire on the flat rocks near Dead Horse Point, overlooking a bend in the Colorado, almost half a mile straight down, then drove down to the canyon floor along the narrow, twisting Shafer Trail—the scariest expedition available since they closed the giant skyride at Luna Park in Coney Island.

We did the Arches in the purpling dusk to end a day that must rank with a trip through the white marble Taroko Gorge in Taiwan as our most memorable single piece of sightseeing.

The next morning we flew over all of the park with Dick Smith, a young giant who looks like the other one of the black-bearded Smith Bros. and operates Canyonlands Aviation out of Monticello Airport, a few miles south of here.

Letters addressed to Ole Tex at Moab or Dick Smith at Monticello will get you more information, but if you're in the neighborhood, maybe they'll be in touch with you.

You see, the highway police have a cute stunt around here. When things get too quiet, they'll stop a passing car—preferably with out-of-state license plates and packed with kids—and scare the driver by telling him he'll have to come with them. Then they invite him to be the guests of the Moab TraveLodge overnight and of Old Tex for next day on the river. Everything on the cuff.

HOW WINTER WHEAT MADE KANSAS AND THE UNITED STATES THE BREADBASKET OF THE WORLD

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. SEBELIUS. Mr. Speaker, on March 9, my colleague and good friend from Kansas, GARNER SHRIVER and I introduced a resolution to provide for a 1974 centennial celebration in Kansas to commemorate the introduction of hard red winter wheat into the United States.

Several weeks later, the editor of the Hutchinson News, Mr. Stuart Awbrey, wrote an excellent article regarding the story behind this important chapter in our history. For those who do not know the pioneering background of winter wheat and how it came to make Kansas, and in turn the United States, the breadbasket of the world, I would like to share this article written by Mr. Awbrey with my colleagues and commend it to their attention:

FROM THE SEA OF AZOV

A group of wheat state Congressmen, including Messrs. Sebelius and Shriver, have introduced legislation for a 1974 centennial to commemorate the introduction of hard red winter wheat into the United States.

Specifically, into Central Kansas in 1874, in the vicinity of Hillsboro.

That's fitting. Not only because of the impact of hard winter wheat on the nation and world, but also because behind that first seed planted here 100 years ago is one of the great, moving epics of modern history.

A story, moreover, which has peculiar overtones to our own time. Because this story was born out of a controversial war, and it brought conscientious objection, mistrust of long hairs, persecution and repression of those who felt differently from the Establishment.

The story began more than 400 years ago, about the time Coronado poked gingerly into these plains, when a priest named Menno Simons reorganized the scattered remnants of his religious followers in Holland.

The next chapter came in 1783. Catherine II, a German princess and empress of Russia, invited the Mennonites of Holland to forsake the persecution which Phillip II of Spain was inflicting upon them and to make their homes in her southern province of Taurida. She granted them religious freedom, immunity from military service, and local administration—for 100 years.

These Mennonites developed a fabulous agriculture community. Their wheat governed the price of that staple in the world market, their homes were in many cases mansions, and their peace seemed secure, for at least 80 years. But their exclusiveness led to their downfall.

The Franco-German war of 1870–71 gave the Russian government its ammunition to move against these rich farmers. In a deal with Germany's Chancellor Bismarck, Russia remained neutral providing the German government withdrew its political guardianship of the Mennonites.

Bismarck accepted, with one counter-condition: that the colonists be allowed 10 years to emigrate.

Thus began one of history's great exoduses. Thus, too, began the development of the Hutchinson territory as a breadbasket.

Here enters the Santa Fe railroad. The American Homestead Law, passed in 1862 to give 160 acres of land to pioneers who settled on it, was the lever the Santa Fe used to pry loose some 15,000 Mennonites from southern Russia and transport them, boatloads at a time, to Central Kansas.

C. B. Schmidt, a big bespectacled man with a Garfield beard and an eye for a thrifty farmer, was the immigration commissioner for the expanding A.T.&S.F. He set sail for Russia just as the Mennonites were aroused to the peril of their position.

Many already were on the way to join their brothers in Pennsylvania, Maryland and Canada. But Schmidt, who had the backing of some Mennonites in Marion county plus the eyewitness account of Cornelius Jansen, Prussian consul who had toured the Santa Fe's territory, easily persuaded the emigrants to try their luck in Kansas.

Four months after Schmidt's arrival in Russia, a Red Star steamer carried a full cargo of household goods, farm implements, wagons, and 400 Mennonite families from Berdiansk to Philadelphia. Traveling all the way at the expense of the railroad, they arrived at Newton simultaneously with the grasshoppers, and the two invasions were distinctive. The 'hoppers brought near ruin; the Mennonites brought \$2¼ million in gold and purchased and/or settled 60,000 acres in Reno, Marion, McPherson and Harvey counties. By 1883, the Mennonites on Santa Fe lands numbered 15,000.

It is a far cry from the Sea of Azov to the plains of Kansas, but the farmers understood the soil. In analysis, it was turkey red wheat, hand-picked and stowed in the baggage of each family, that unlocked the Kansas land for the newcomers.

Drought and rust-resistant, hardy and with a ready adaptability to the trinity of soil and mill and bakery, turkey red made its name by 1879. Within 10 years, other Kansas farmers were buying seed from the Mennonites and importing bushels of grain from Russia.

The year before the Mennonites arrived, wheat production in Reno county totaled 44 bushels. By 1884, a million-bushel crop was reported, most of it turkey red.

And what about persecution? The Mennonites must answer that, but they did secure a measure of immunity from military service, their own schools and churches, and religious liberty which started the whole story.

CONFERENCE ON PROPERTY TAX REFORM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. ROSENTHAL. Mr. Speaker, on December 12, 1970, Ralph Nader and his public interest research group, sponsored a conference on property tax reform.

We are all painfully aware of the rising property taxes in most jurisdictions around the country. This increasing tax burden stems, in part, from the growing demand for more and better governmental services at the local level. But it also stems from certain inequities in the way in which the property tax laws are promulgated and administered.

It is these inequities which the Nader conference examined. There has been made available to me a transcript of the speeches delivered at the conference.

I am including in the Record at this point, the speeches of: Ralph Nader; Senator Edmund Muskie; Gov. Milton Shapp, of Pennsylvania; Mason Gaffney; and Prof. Ferdinand Schoettle:

Remarks by Ralph Nader Before the Conference on Property Tax Reform Washington, D.C., December 12, 1970

I. INTRODUCTION

Mr. Simon, Ladies and Gentlemen. The remarks I'm going to make this morning deal with the property tax. Only, however, with the administration of the property tax and some of the more blatant outrages. Beyond the actual inequities in the property tax are issues very close to the local communities and very much related to the quality of life in the total community in terms of what its municipal services can provide its citizens. In that respect, the property tax is a system and manifestation of much deeper problems in the local communities and the local power structures. I think it represents, perhaps more than any other economic governmental relationship at the local level, a corruption of the political process that in recent days has been given a great degree of treatment around the country.

Of all the taxes levied by governments upon their citizens the property tax is one of the oldest, it is probably the most controversial, and it is clearly one of the most important. It has been and still is the financial lifeblood of local city and county governments. Revenues collected from the property tax have grown sevenfold since 1945 and now amount to over \$33 billion a year. This represents close to 80 percent of all local revenues. City, county and some state services are financed almost entirely from the ad valorum tax. Fire protection, police protection, water and sewage services, maintenance of streets and parks are all services financed in part or in their entirety through the property tax. Of course, the local educational systems in our country are almost universally finaced through levies upon property.

Despite its importance, that the property tax has been subjected to a great deal of theoretical discussion over the years that transcends its administrative inequities There is, of course, among fiscal specialists a profound difference over the validity of the tax itself and whether there is a more equitable way to exact levies from the local communities. What I'd like to speak about this morning is more the actual operation of the tax, how it is administered, rather than the basic philosophy of the overall concept of the personal and real property taxation which will be discussed by others later in the conference.

The quality of the administration of the property tax is notoriously poor. That could be considered in itself an understatement. It could be called notoriously illegal in many communities. The results are clear. Financially starved cities are losing billions of dollars a year. Taxes on residential property are increasing to a point where the average citizen can no longer afford to own a house, especially in the cities. Entire school systems are considering closing down because of the unwillingness of overburdened property owners to subject themselves to even higher taxes. Senior citizens are literally being forced out of their homes. Many of these elderly citizens are now paying taxes on their homes that are higher than the monthly payments they made to purchase them. Land use patterns throughout the country are being disturbed and are having an adverse effect on the environment and ecology of many areas.

There are, of course, other factors that contribute to these problems. The costs of city services are increasing rapidly. But these costs are being borne disproportionately by the homeowner and small businessman because of the inequalities in the administration of the tax system. If all taxpayers were to bear their proper share of the property tax burden, taxes on residential and small business property could be decreased as much as 25 percent while increasing revenues for the local governments.

There is nothing new in saying that there are gross inequalities in the administration of the property tax. Inequality has been an issue in property taxation for over a hundred years and citizens have been calling for an end to discriminatory administration for equally as long. For example, E.R.A. Seligman in the late 1800's described a property tax that must have been much the same as the one known by most citizens today. He said:

> The general property tax as actually administered is beyond all doubt one of the worst taxes known in the civilized world . . . It puts a premium on dishonesty and debauches the public conscience; it reduces deception to a system, and makes a science of knavery; it presses hardest on those least able to pay; it imposes double taxation on one man and grants immunity to the next. In short, the general property tax is so flagrantly inequitable, that its retention can be explained only through ignorance or inertia. It is the cause of such crying injustice that its alteration or its abolition must become the battle cry of every statesman and reformer. (Essays on Taxation, 10th Ed., 1928, p. 62).

Seligman's call to battle against inequities in the property tax has largely been ignored. The fact is that up until recently little or nothing has been done to correct inequitable administrtion. Effective action to end abuses can be accomplished only if there is a clear and accurate understanding on the part of all citizens of the source and cause of inequitable administration as well as the means by which they may obtain reform. A clear understanding of these factors has been hidden by a brace of myths that have developed and which need to be replaced with facts. It's also important, I might add, to know the mechanism by which this inequity is perpetuated; that is probably beyond the scope of the conference today. But the partial return of windfalls to large property owners in inequitable assessment is often shared proportionately with the political party machine. This has, for example, been illustrated in the Chicago area. And that's the kind of binders that corrupts the process—in a sense, it ensures its own perpetuation and does probably more to undermine the integrity of local government and county government than the procurement of government services and goods would.

There is a belief that is widely held among those who deal with property taxation that underassessment and undertaxation applies equally to all types of property and in equal amounts. Many of these people insist that if any property is overtaxed it is commercial and industrial property. The logic of their argument is that since large industrial and commercial property is easy for the assessor to spot and since the owner is a non-voting corporate entity, there is a tendency to assess or tax them more than other property in the jurisdiction.

Not only is the belief that commercial, industrial and mineral property is overtaxed a myth, it verges on being hyperbolically ridiculous. There are a number of factors that have led to this belief, but whatever the basis for this widespread myth, it is, with perhaps a few exceptions, factually just plain wrong. Underevaluation, underassessment, and consequently undertaxation of large commercial, industrial and mineral property is of epidemic proportions across the entire country. Studies conducted by my staff, by interested citizens and professional organizations have documented case after case of undertaxation of these large economic interests. A few examples may be cited: in Chicago, a city not known for a lack of official abuses, nearly every major building in the city is grossly underassessed. The twin Marina Towers, the Merchandise Mart, the John Hancock Building—all multi-million dollar structures—are undertaxed by as much as 50 percent. Ah, but the critics reply, you can't count Chicago—we all know that Cook County is the exception. Look, then, at Houston, Texas. A recent study done by law students at the University of Texas Law School revealed that commercial property was being assessed at a rate that is approximately one-half that used for residential property.

If these two cities are not sufficiently probative, then look at Allegheny County, Pennsylvania or Gary, Indiana or Anmoore, West Virginia. In each of these locations some of the industrial giants of our country devote a substantial amount of time and resources to deliberately avoid the payment of property taxes. United States Steel, for example, refuses to open its records to city or county officials in order to facilitate an accurate appraisal of their property. They even defy the law by refusing to take out building permits whenever they construct additional facilities on their property. The results of these tactics are easy to see. In Pennsylvania, one of U.S. Steel's plants is underassessed by at least $100 million. Over a five-year period, the company added over $350 million in capital improvements, while their property tax assessment increased only $3 million. In Gary, Indiana, U.S. Steel's taxes went down this year while the taxes for all other taxpayers increased—Gary, Indiana being one of the largest company towns in the U.S.A.

Another example is the Union Camp Company in Savannah, Georgia. Union Camp is the largest manufacturer of bags and cartons in the country. It produces 35 million paper bags that you see in supermarkets every day. Yet they have a special tax rate that is less than one-half the tax rate which other taxpayers must pay. In addition to avoiding taxes on their plant property, Union Camp held property that was assessed at $10 to $15 per acre but which they sold for over $2,000 per acre. Still another example is Union Carbide, whose plant and facilities in Anmoore, West Virginia* are assessed at 20 percent below residential property.

Undertaxation of mineral and timber property is equally as widespread. Oil properties in east and west Texas, the largest oil-producing state in the union, were shown in two recent studies, again by law students at the University of Texas, to be underassessed by more than 50 percent when compared to assessments on residential property. In a ten-country area in east Texas, the same study showed that over $600,000 a year in tax revenues were lost due to undertaxation of timberlands. Coal properties in Kentucky, West Virginia and other Appalachian states escape taxation almost completely.

Railroads, which are now before Congress asking for special legislation to protect them from alleged overtaxation, also receive fantastic tax breaks. An example is the B. & O. Railroad in Maryland. In Baltimore city they pay $50,000 in lieu of taxes on over 640 acres of prime land. Moreover, they also receive a special tax rate on their intangible property—a reduction of 75 percent in their rate compared to that of other public utility property.

Commercial and industrial property are not the only types that receive special tax breaks. The homes and playgrounds of the wealthy who control these large economic and corporate interests also receive favorable tax treatment. A study done this summer of country clubs in the Virginia and Maryland suburbs of Washington, D.C. (which we hope to release shortly) showed that, because of special legislation and some double accounting, country clubs are undertaxed. It was determined, in fact, that the average homeowner in these areas subsidizes these clubs to the tune of $25 to $45 per member—members such as Vice President Agnew.

It is these examples and others that demonstrate a clear trend that is in no way related to the common belief—or the myth—that all property is equally underassessed and that commercial, industrial and mineral property is overtaxed.

There are also myths about why there are inequities. The myth of commercial and industrial overtaxation is a result of even more myths about the reasons for inequitable taxation.

Myth #1: That large economic interests are overtaxed because they are easy targets for the assessor because they don't have the "vote".

Fact: This assertion demonstrates a profound naivete. Economic power and therefore political power is far more important within community power structures in determining who is to receive favorable tax treatment than the possession of one or even one hundred votes. In a political system that depends on expensive media coverage for successful campaigning, the winner is the candidate with the best source of funds very often. In Chicago, for example, to receive favorable tax treatment one must contribute to the local political machine, to the campaign of the assessor, or purchase land in certain development companies. It is the offer of campaign funds that is the *quid pro quo* for lower property tax assessments. Anybody who wonders what the power of the Mayor is in Chicago and what cement connects the political machine to the economic power systems of that city would do well to study this property tax administration. In a recent election the Mayor exerted fantastic efforts to re-elect the assessor against the challenger who had disclosed many of these illegalities and inequities. I'm reminded of an article in a Chicago paper which observed the scene of election eve when one of the precinct captains came rushing in with great exuberance, saying that he had come in with 360 votes to nothing in favor of the incumbent, whereupon he was rebuked by his superiors and urged to go back and get at least four votes in the negative so that they're not investigated.

Economic strength is perhaps the most important factor in achieving favorable tax treatment. Industrial units with a national financial base are totally insensitive to the financial needs of the local communities in which they are situated. They are constantly threatening the city with: "If you raise our taxes, we will leave or move." It is simply another example of irresponsible use of corporate economic power and demonstrates a total disregard for the responsibilities of industrial citizenship. Too often, moreover, companies in company towns drain the area of tax revenues and then contribute a fraction of their windfall toward some charitable activity to further their hold on the community.

Myth #2. Another myth contributing to the under-assessment of large commercial and industrial property is the belief that it is impossible to accurately appraise industrial property. The extremely difficult job of industrial assessment is used as an excuse to justify a negotiated settlement between the local government and the particular industry.

The facts, however, are that there are generally accepted methods of industrial appraisal that, if competently used, provide defensible figures for assessment of the industrial plant. There are a large number of professional appraisers who could be retained by a community if in-house appraisal expertise is missing. The extra expenses involved in hiring an outside appraiser will be more than offset by the additional revenue received from the industrial and commercial giants. This, incidentally, does not mean to disregard the possible risks in delegating the appraisal function to a private contractor. We found that in west Texas, for example, the Permian Basin, that the local taxing districts hired out an appraisal firm which did everything except put the stamp on the envelope containing the bill to the taxpayer. And there are additional safeguards that have to be developed if this delegation of the appraisal function is to be made to private contractors.

The appraisal of industrial property is by no means precise. There are myriad factors that must be considered. But the basics of the appraisal process are well known and there are generally accepted principles that can be applied. Appraisal of any property involves applying three methods of assessment to determine a rational fair market value from the basis of the figures arrived at from each method. The first method is the use of values from sales of the same or similar property. That's obvious. The second method is to determine the reproduction cost of the plants and then subtract depreciation. The third method is what is called the "capitalized income" approach. Under this method, the projected income from the plant is determined and discounted to present value. I might say, this is the one that is subjected to the easiest type of manipulation, particularly with the refusal of corporate management to release accurate projections.

For the purpose of appraising industrial property, the sales method is especially inadequate because of the lack of relevant sales data. The other two methods, however, can be used with a fairly high degree of exactness—of course, depending on the cooperation of the subject taxpayer. The problem has not been with inexactness of the procedures for appraisal, but with the recalcitrant corporation which refuses to cooperate with the local taxing authority. U.S. Steel is a leading example. The corporation's management here refuses to divulge any cost information from which the assessor as an independent appraiser could determine the reproduction cost of the plant. Similarly, U.S. Steel—as well as other companies, such as Union Carbide—refuse to divulge income information in order to facilitate an appraisal by the income approach.

Myth #3. That tax shelters must be offered to industry in order to attract them. Opposition to industrial tax-shelters is allegedly "anti-industrial."

The facts are that there is simply no evidence that the existence of a property tax shelter is a decisive or significant factor in the process involved in deciding where to relocate a major plant. The other factors of production, labor, entrepreneurship, capital, transportation, are all far more important to an industry in determining where to locate than property taxes are.

The existence of these shelters cause more difficulties than they can possibly be worth. This is especially true where suburban communities provide tax-sheltered greenbelts for the purpose of attracting industry out of large urban centers. At the same time, these communities restrict, through zoning laws, the living space within the communities so that the workers still live within the city. The result is an enhancement of the power of an already powerful industry. They now have the leverage—which they use—to threaten urban centers with relocation if their taxes are not lowered. In other words, suburban industrial park tax shelters tend to bring the level of taxation of industry within the entire area down to that level. It is an endless cycle enuring only to the benefit of the industry at the expense of the community and the schools.

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* In tiny Anmoore, West Virginia (population 960), the town council last week repealed a loophole in a local ordinance which allowed the mighty Union Carbide Corporation to pay sales taxes at one-fifth the rate paid by Anmoore's small businesses. The new influx of revenue will allow the town to pave its streets, install a sewage system for the first time, build parks and recreational facilities—in short, to escape the syndrome of bleak Appalachian poverty which Union Carbide's colonial rule has inflicted upon them. The dollar amount involved was small—a few hundred thousand dollars in the next three years—but the implications are far-reaching for other similar company situations around the country.

There is another fallacy involved in the tax shelter. It is implicit when a tax shelter is offered that the citizens of the community believe that the industry will impose less costs on the community than other property owners. But that is simply not true. No doubt, additional employment is created when a new plant is built. At the same time, the community costs for schools, roads and the like increase. Moreover, the industry poses a serious pollution threat frequently. A relevant example is Augusta, Georgia. An illegal tax shelter was offered to a plant that was involved in reprocessing paper for pulp. The plant moved to Augusta and within a short period of time ruined a new sewage system with its waste products. This was a $14 million sewage system that the citizens had just purchased and installed through their property taxes. The industry did not help pay for it—nor will it help pay for the repair because of the tax shelter.

There is no doubt that the inequities in the property tax are outrageous and that they are caused in large part by political and economic power of large economic interests. The real issue is what can be done to bring about reform of the system. Here again a number of myths have developed that act as deterrents to positive action for reform.

The first one is that many respected authorities on state and local finance claim that it is impossible to have a well administered property tax, and therefore efforts toward reform should be aimed in other directions. Now there are obviously different and alternate taxes that have to be considered here. That, however, is a different subject—not necessarily a displaced concern. We must pay attention to the existing administration of the property tax if only because it's there. And it's likely to be there for a long time—it has very deep political roots. And while there has to be consideration of other taxes—perhaps with a more progressive impact and a more direct relation to the uses to which tax revenues are put, we still have to face the problem of the administration of the local property tax.

High quality administration is, in fact, possible if certain basic reforms are instituted. Most of these reforms will require basic legislative reform in most states. The efficacy of political and economic influence can be substantially reduced if the assessment positions are taken out of the political spectrum. A majority of the assessing officials in this country today are either elected officials or are political appointees. As a result, assessing officials are frequently not qualified. They are also willing to bend to the influence of the politically and economically powerful in order to assure their continuance in office.

The assessor himself is not the only one to be blamed. He is perhaps the most underpaid of all public officials. In many states the assessor is a part-time position and salaries range as low as $1800. It is foolish to expect any sort of quality from this type of administration, but it doesn't mean that there cannot be improvement. Appointed full-time assessors who are paid salaries commensurate with their educational requirements would be a significant step toward preventing inequitable assessments.

Professional assessors who are adequately paid in an office equipped with the latest in data processing equipment, would comprise significant steps towards eliminating inequalities. There are additional specific reforms that can be taken by the state legislatures and other legislative bodies that will also avoid many of the inequities in administration. These reforms have been called for as far back as 1963 by the Advisory Commission on Intergovernmental Relations and as recently as last May by a panel of 40 experts in the assessment field. Both these groups claimed that the property tax system can be made to work within reasonably acceptable cost-benefit limitations and in an equitable manner.

The second myth, of course, is the one that has indentured citizens throughout history, namely, You can't fight city hall, or, I might add, You can't fight General Motors. (There's getting to be very little difference now between city hall and General Motors, between government power and corporate power.) The old adage that the average citizen is helpless to work against entrenched political and economic power is perhaps the most frequent reason given for why definite reforms have not been adopted. By the way, the old point about You can't fight city hall is a delightful rationalization for spending millions of hours watching TV soap operas, chatting on the telephone, and playing bridge. So it has a nice correlation with human apathy and laziness.

Fact: There is concrete evidence that hard and courageous work on the part of the average citizen within a community can result in dramatic improvement. In Anmoore, West Virginia the city council, led by Mayor Buck Gladden, a $3.00 an hour laborer, voted to increase the taxes on a Union Carbide plant that had not paid its fair share of the property tax for over 20 years. That increase, which was voted last week, amounted to over 400 percent.

What Anmoore has demonstrated, and what is going on in other communities around the country, is that effective action can be taken by organized citizen efforts with the help and backing of a national organization. This conference, the Property Tax Newsletter, and technical aid and support from our Public Interest Research Group, combined with citizens who are determined and who have the courage to stand up to the frequently abusive tactics of those receiving favorable tax treatment, can achieve positive results.

Anyone working for reform within his community should, in fact, be prepared for the worst. The tactics that special economic interests will resort to are virtually unlimited. There are cases where business and personal affairs of those working towards reform have been severely damaged. In Augusta, Georgia, for example, a group of 40 citizens, including an employee of the assessor's office, began a campaign to eliminate illegal tax breaks offered under the auspices of a "Committee of 100." Within a period of a year the size of the group had been effectively whittled down to six and the employee in the assessor's office had been stripped of all official duties. That, of course correlates with an observation of mine that the speed of exit of a civil servant is directly proportional to the quality of the performance.

The group finally prevailed. Their perseverance resulted in a court action that barred the illegal activity. Yet even to achieve this small victory, the group had to go to another county to find a judge willing to hear the issue. This phenomenon is common place: attorneys are unwilling to represent taxpayers for fear that their reputation or financial interests within the community will be hampered; and judges are unwilling to hear the issues or offer outrageous excuses for finding against taxpayers.

Clearly it is not an easy road. There is, for example, no property taxpayer haven in the country the way there is a corporate haven in Delaware. But Anmoore, West Virginia is a shining example of what can be achieved if citizens organize. What happened in Anmoore will be happening in every city and every county in the country. It is time that the myth of corporate responsibility be exposed at the local level and that the facts of corporate irresponsibility be acknowledged. The double ethical standards that have been applied to corportions and to individuals should be remedied at once. Union Carbide, U.S. Steel, Union Camp, General Motors and all the other corporate giants, as well as the large economic interests within the communities, are citizens—presumably—and must exercise the responsibilities of citizenship that are expected of all citizens.

In conclusion, some problems cannot be solved by citizen action in only one jurisdiction. For example, the movement of industry from one state or city cannot be presented by its citizens when another state or city offers outrageous tax shelters. Inequities in administration are so widespread that, like pollution—which is simply another manifestation of the corporate abuse of power—the problem is national as well as local.

The combined force of courageous citizens in every locality, together with efforts by national organizations and authorities, will rapidly lead to a much more equitable property tax system, with all that means for city and county services, education, small property holders, land use, the elderly and a more honest political structure.

It should not be misinterpreted that a reform of the property tax administration is necessarily going to reduce everybody's property tax at all. It will, of course, provide added revenues which will be absorbed by many desperately needed municipal services. In addition, there is, of course, a greater response on the part of people to the needs of the community if there is a lessening of the gross illegalities and inequities which breed disrespect for the whole process of property taxation.

It can be expected that this conference, with its sincere and knowledgeable participants and speakers, will launch to a new stage of action the quest for tax justice and corporate responsibility.

Thank you very much.

Remarks by Senator Edmund S. Muskie Before the Conference on Property Tax Reform, George Washington University, Dec. 12, 1970

Mr. Nader, Mr. Shapp, Ladies and Gentlemen. I'm glad to be here. We're here to talk about tax reform—property tax reform.

This conference with Ralph Nader and this assembly represents not simply the gathering of some people, but it represents, I think, the development of a program on his part to stimulate the initiation of reform in the property tax area. It's a step forward in that direction. This is an issue which, although it involves local tax policy, undoubtedly, deserves a searching national inquiry. We know these facts, for example:

Property taxes provide at least 40% of all state and local government revenues;

They are assessed by some seventy thousand local governmental units;

They generate more than $33 billion a year in government revenues.

This income-producing mechanism is second only to the Federal Income and Social Security Taxes in importance. It is the basic revenue source of two-thirds of our cities' expenditures. It finances 54% of local government cost for education; 41% of their costs for health care and 30% of their costs for welfare.

It is the basic tax we levy on our entire housing stock in this country.

Its very magnitude would be reason enough for a periodic examination of this tax and its reliability.

But the wide variations throughout the country in terms of taxable wealth, administrative performance, fiscal requirements have all contributed up to now to make property taxes a matter of local, rather than national, interest.

That attitude is no longer satisfactory.

Taxpayers across the nation are beginning to ask the same fundamental questions:

Are property taxes fair?

Are they equitable?

Are they sound?

These questions should be answered—thoroughly, and without evasion. Congress should seek the answers, not only for the purpose of educating the public—but also for the purpose of determining how property taxes affect national programs and policies.

For example, major federal expenditures for rehabilitation of urban housing will have little impact if property tax assessments at the local level are increased to the extent that they make any new investments prohibitive. Aside from its effect on current programs, the level of property taxes is directly related to the financial aid which state and local governments are presently requesting.

In all likelihood, the 92nd Congress will be asked to expand federal grants-in-aid and to initiate a planned revenue sharing.

Are we fully prepared to do either until we understand both the limitations and the potential of the property tax, until we adequately consider the need for reforms in the property tax structure?

It has been estimated, for example, that the inequalities in local property tax assessments are resulting in a shortage of 20 to 50% of potential property tax revenues. Mr. Nader has estimated that a fair assessment of business properties in America would increase state and local tax revenues by at least $6 billion a year. Monies then could be used to improve health care facilities, a greater housing supply, better elementary and secondary schools, more effective law enforcement, and cleaner air and water. This is not to suggest that property taxes are the only answer to the financial survival of our states and cities, or that they should not be lowered where possible. But it is to suggest that property taxes could substantially ease the financial burden of many localities if they were simply levied in an equitable manner on all property owners.

The question of equality would be, I think, central to this inquiry. Equities between business property and residential property; between houses and apartment units; between land which is improved and land which is unimproved. Is it wise, for example, to offer a low property tax assessment as an inducement to new industry or business concern? After all, the introduction of a new industry would necessarily place a new strain on available services of water and sewage, for capacities of schools—services which localities must find money to support. If they cannot find the money at home, by raising taxes of everyone else in town, then local governments will seek relief from state and federal government. And as a result, many taxpayers have already been placed in the curious position of unwittingly subsidizing a new business in another town.

With unequal assessments across the country, residential housing, the utilities, and small businessmen end up paying the lion's share of the bill on community services.

The case of Anmoore, West Virginia is very instructive. Here, two members of Mr. Nader's Task Force on Union Carbide, succeeded in convincing the town to tax the plant on its whole assessed value with an expected revenue gain of about $380,000 by 1973. Moreover, once a property tax inducement is offered and accepted, it is likely to become institutionalized, as it did in Anmoore, West Virginia and has happened in so many small towns in my own region of northern New England. It continues to be a drain on public resources, for private advantage.

Are there, in fact, any rational alternatives to this haphazard method of allocating our resources?

If so, should Congress help bring them to light?

We must also ask whether it is fair that our Federal tax laws which permit homeowners to deduct property tax payments from their income; provide no relief at all to apartment dwellers, whose rent is increased by their landlords as a result of those same property taxes?

More than 3.5 million Americans—many of them elderly, many of them sick—live in apartments where taxes account for 20% or more of their rent.

Should they bear a special burden of paying for schools and for welfare?

Do many of them, in fact, need increased Social Security benefits *because* of rising property taxes?

There is still another more basic question: Whether any property taxes should be levied against buildings and improvements or whether they should be levied completely, or primarily, on land value itself.

The argument has been made:

That it is socially undesirable for the land speculator to pay substantially less property taxes than the person who builds improvements on his land.

That cities are decaying precisely because the property tax structure discourages modernization and rehabilitation and replacement of existing buildings.

That absence of sensible land use planning is due in large measure to property tax structures which stimulate land speculation at the expense of coordinated land development.

What is wrong is the all too familiar pattern of irregular growth, disorderly expansion, scattered development of subdivisions, shopping areas and industrial centers often far removed from the center of urban activity and equally far removed from needed municipal services such as water, transportation and other utilities.

Americans have borne the final cost incurred through travelling longer distances to work and to shop and higher costs for gasoline and over clogged roads—in constant need of being widened—to accommodate yet the next wave of suburbanites.

Their water systems, often so small as to be virtually uneconomic to operate and then at rates for services which are far out of proportion to their needs. They've experienced and they continue to experience the inconvenience of gas and electric utilities expansions at substantially higher costs.

On the other hand, would a land tax alone have the effect of promoting the kind of vertical development, of high density living, which is the most undesirable alternative in terms of our environment?

These are fundamental questions that involve not only the local communities which create this property tax, but also the Congress. So the Congress has an undeniable role to play in resolving these arguments, and we must not avoid asking the hard questions.

Do property taxes necessarily have to control a higher fraction of the income of poor families than of families who are not poor?

Must certain industries such as railroads, other mass transit systems, be placed at a price disadvantage because their competition has signficantly less property tax to pay?

Can we begin to design methods of uniform property tax assessments which are more real than imaginary?

Are there more sensible ways for local governments to levy taxes by joining together on a regional basis?

If these questions seem complicated it is only because they are. The answers will be neither easy nor quick. Those of us in the Congress shall need your experience, your knowledge, and your insistence that we begin the task.

It has been written that:

"If any tax could be eliminated by adverse criticism, the general property tax should have been eliminated long ago . . ."

This, of course, can be said of any tax, I suppose, in a very real sense. If I may summarize what I've been trying to say, let me put it this way.

We are in the midst of a move into a society which increasingly will be populated heavily and more complex, more industrialized. We are concerned about centralization, government responsibility, and increasingly it is necessary to formulae solutions to the problems which must cross over local jurisdictional lines. Is there a middle: I've been convinced after several years of study in the intergovernmental field, that every live urban area in this country has within its borders the resources to deal with the problems of the people within those borders. The real question is the ability of those regions to apply those resources.

What we're talking about this morning, although the subject is property tax reform, is really not just property tax reform. Because in order to adjust the property tax to the realities of the American of today or tomorrow, we must also get involved in the structure of our public and non-public institutions.

That's an enormous task. Acquiring a kind of understanding of the total structure we have never fully developed in this country. It involves a focusing of the public spotlight on the real friction points which generate the conflict among our people and then finding the wisdom, the organizational change, which will make it possible for us to change the structure and thus, is resolvance. We have in this country as the focus of our Gross National Product and other evidences of the extent of our resources, a great impact, greatest tenacity for dealing effectively with the problems of our people than has ever been assembled heretofore in a single nation. Yet we have some of the most grievous problems of injustice to our own people that any nation has ever faced before. So what we must do, is to close the gap between potential, promise and reality.

I think that Ralph Nader, to a greater extent than anyone else I know, has opened the property tax problem as a significant key to the door in that future. So I compliment him upon undertaking this effort, stimulating and prodding it in the only way that Ralph Nader can. I know, because he's prodded me into the area of property tax reform and I'm sure he's going to prod me into others in the future, so I'm glad to be here this morning to participate in this discussion.

Remarks by Honorable Milton J. Shapp, Governor of Pennsylvania Before the Conference on Property Tax Reform, George Washington University, December 12, 1970

Mr. Nader, it is a pleasure to be here with you this morning to talk on the problems of taxation. I am always introduced these days as Governor-Elect Shapp: the newspapers seem to be full of Governor-Elect Shapp. I never realized the impact this would have on the young mind until a few days ago when a woman came up to me and told me that her five year old daughter had come to her and said: "What kind of first name is "Elect"?

Ralph, I was also wondering about the size of this audience. I understand the only reason you are able to obtain a large place like this for the Conference and have it free of charge is that you are using a tax-exempt building.

Property tax valuation, of course, is quite an art. That is spelled with a capital "A" and a small "a". It was once described as valuation not on the basis of what you own but who you know. As Mr. Nader said a few moments ago, politically, it is who you own and not what you own.

I am afraid this is a basic problem, this whole reliance on the property tax as a major part of the income of our nation. As many of you know, I was elected Governor of Pennsylvania on November 3rd. That election automatically made me one of the nation's most concerned citizens in the area of taxes.

In the past six weeks since I've been elected, it has become more and more clear to me that my state faces perhaps the most critical fiscal crisis of any state in the nation. Of course, during the campaign I had sufficient information available to me to indicate that Pennsylvania was headed into the red ink during the current fiscal year to the tune of several hundred million dollars.

But today I feel much like President Kennedy felt after he took office. You will recall he said then that he was shocked to find out that all the charges he made about his opposition during the campaign were actually true. In my case, the facts are even more true than I thought they were. This is a reversal of the usual political process. Ordinarily, candidates are supposed to exaggerate the problem of the opposition and then have an easier time of it when they, as victors, take office.

All during the campaign I thought that Pennsylvania was only $300 million in debt for the current fiscal year. But now it has become apparent that the actual figure may go above the half billion mark. If you add in the projected budget for the next fiscal year, Pennsylvania must find more than 1.2 billion dollars—perhaps as much as 1.5 billion dollars—in the next 18 months just to stand still. I intend to streamline the operation of the government in Pennsylvania to cut costs, but it is obvious to everybody that unless we are to slash vital services, the huge deficit we face can be overcome only by additional state taxes or by the federal government assuming a greater share of the load, either through federal tax sharing programs or by the assumption of total welfare load or by other means.

Of course, to add to our crisis, Pennsylvania, like most states, has a constitutional requirement of a balanced budget for each fiscal year. Therefore, we must find the funds to balance the budget for this year's operations prior to June 30, 1971. I might add, in this connection, that after the discussion several Governors had at the White House yesterday with the President it is clear that the Federal government is the only one which has the power to resort to deficit spending in order to resolve these problems. The states and cities cannot do so. And this is one reason why the Federal Government must resort to tax-sharing and begin to assume the cost of welfare programs for the cities and states.

Just thinking about all these problems makes me realize what my wife meant during the campaign when she looked up to me and said: "Milt, what happens if we win?".

I don't want to dig into these various problems in any depth today, I just want to mention them so that you can get a picture of the gravity of this whole fiscal situation in Pennsylvania and the nation. For, while we deliberate in Pennsylvania on the state taxes, the National League of Cities met this past week in Atlanta. One report from that conference describes the problems facing the cities as the worst since the depression.

The cities and the states all around the nation face revenue shortages. For example, Newark, New Jersey is in a tight squeeze, described by both the Mayor of the city and the Governor of the state, and the problems of her urban areas are going to pull the vise even tighter. The financial affairs of New York City and New York State are desperate and under existing conditions, Rockefeller may have to dip into his personal funds to rescue his state. Even the smaller states are faced with the need to hike taxes upon taxes.

To put the national picture into clear focus, all cities and states must either slash services to the people or raise taxes at a time when we are experiencing a citizens tax rebellion and a citizens demand for an increase in services to be supplied by government.

Make no mistake about the tax rebellion—rebellion it is, but I think that it is faulty reasoning to say that our citizens are merely rebelling against the idea of taxes. Obviously, with a few exceptions, they are not rebelling against the services the taxes provide because no one really wants to close down schools, or hospitals, or stop building highways, or public transit facilities, or to make the poor and aged starve. Everybody wants to clean up our air and water. People are rebelling against the waste of tax dollars due to politics and inefficiency in government and people are rebelling against the idea that somewhere somebody else is not paying his fair share of taxes and that the rest of the community has to pick up his share of the tax burden.

On other occasions, on other platforms, I shall speak about the necessity for and means of cutting costs of government. Today, my subject is taxes.

Most citizens are convinced that tax inequities exist, even though they do not have proof. But you people today know that such inequities do exist, and in many cases you have been and will be presented proof that such special breaks, incentives and advantages are enjoyed by some to the detriment of others.

Essentially, property taxation, although a necessity, is a bad tax in our present system. It is an outmoded tax, but I don't see any way it can be avoided in the foreseeable future even though it is also recognized to be a regressive tax. Certainly, as we draw further and further away from the old land-based economy which existed when our country was founded, the idea of a property tax as the primary method of financing education and municipal services makes less and less sense, but all our communities and school systems are locked into it. Nonetheless, in the long run, if we are to resolve our problems, the idea of the property tax as a principal tax will become as outmoded as the gold standard—and for the same reason

When our community was founded, there was an unlimited supply of land and there was a plentiful supply of gold. The only limitation of their usage as the coin of the realm was their development or mining. Today, however, the supply of gold cannot keep pace with the need for coin, so we exist on a paper currency worldwide. The price of gold is controlled artificially. So it will soon be with the price of land when the United States runs out of developable land. Then, real estate value as a taxable commodity will diminish.

We can see this happening already in Pennsylvania. A recent study by the Pennsylvania Economy League shows that the growth in market value of land in the Commonwealth of Pennsylvania is being far outstripped by the growth in per capita income. Between 1948 and 1968, the market value of Pennsylvania's taxable real estate increased 93 per cent. But the value of real estate per person increased only 69 percent and, more importantly, the value of the state's real estate per dollar of personal income declined by 29 percent. In other words, the personal income of the state's residents has increased at such a rapid rate that the value of the Commonwealth's real estate has no relationship to it.

The Pennsylvania Economy League concluded, then, that real estate is becoming a less valid measure of trends of total wealth. Sooner or later, we must face reality. If we are to have a system of taxation that is fair and also enables to finance the needs of our citizens, it is wealth that should be taxed. This is simply another aspect of placing heavy reliance upon property taxation. Taxing property is taxation without relationship. Our forefathers ignited a revolution over the issue of taxation without representation.

One of the flames under the current kettle of rebellion is the fact that the value of real estate has no bearing—no relationship—on, for instance the cost of educating a school child. There is no relationship between the value of a gas station located across the street from William Penn High School in Harrisburg, and the cost of educating a pupil there. There is no relationship whatsoever between the value of the home of a 69 year old retiree living on social security and a small pension in the Strawberry Mansion section of Philadelphia and the cost of educating a school child in that economically-depressed section of the city.

For the senior citizen, particularly, and widows and other persons on fixed incomes, the rising burden of property taxes which can and does force many out of the ownership of their homes is an inequity. It becomes especially inequitous when they believe—and rightly so—that somebody somewhere else in their city—is getting a big break on his real estate tax bill through a low assessment of value. It becomes inequitous when they believe—and rightly so—that special tax breaks have been written into the law for railroads and pipeline companies and other public utilities. We have tax breaks for industry, particularly for railroads.

It becomes especially inequitous in a city like Harrisburg where 30 per cent of the land and buildings are tax exempt because they are owned by the state. The existence of these buildings, the cost of providing police and fire protection, highways, and other services for the people. The traffic generated by people working in Harrisburg increases city taxes—but the state of Pennsylvania makes no effort to help out the city in these costs.

It becomes especially inequitous in a Borough like State College in Centre County, where some 60 per cent of the real estate is tax exempt because it is occupied by an institution of higher learning which—like any other industry—forces increases in the need for municipal services.

And there are other inequities less obvious but equally noted by taxpayers. One is the hodge-podge methods used to value real estate. In Pennsylvania as in most states, real estate tax rates are based on a percentage of the market value of a piece of property. But the percentage varies wildly across the state—from a low of 20 per cent in rural Elk County to 69 per cent of market value in Philadelphia, the state's largest county.

In fact, a recent court decision in Washington County, Pennsylvania, noted that property there was assessed at anywhere between 1 per cent and 150 per cent of market value. It has been loudly rumored for years that in many Pennsylvania counties the assessed value of property varies depending upon whether its owner is registered as a "D" or "R" and that this situation is so partisan in nature that the high or low valuation for "R's" and "D's" varies from county to county depending upon which party is strongly in the saddle.

The question of assessments in Pennsylvania, and I would guess it is similar in most other states, is left up to elected assessors or political appointees. In either case, the door is open for wheeling and dealing and politics. As long as the property tax forms a major base for financing our governments, there is obviously need for (1.) professional assessment, and (2.) a uniform base for assessment.

It was proposed, and wisely so, during the recently ended session of Pennsylvania's General Assembly, that the assessment of land be made uniform statewide and that both professional assessment and the uniform base be adopted. The legislation, proposed by a special committee of the State House of Representatives called for assessment at 100 per cent of market value—to be updated regularly. This last reform would have a double benefit; it would make it easy for the homeowner to determine if his property were being assessed fairly, and it would make it easy for the homeowner to determine if his property were being assessed fairly, and it would cut down on costs of assessment by cutting down appeals.

There would be another savings too. It costs the state more than a half million dollars annually merely to operate a tax equalization board whose only job is to equalize the various rates of assessment and rates of taxation among the 67 counties and 51 cities into a formula to provide a comparable base on which to compute the state aid to local school districts.

The House Committee made some other valid proposals for reform as has the Pennsylvania Economy League. The Committee suggests that the owners of tax exempt property such as school and lodges and fraternal organizations be required to pay a public safety charge—a pro rated share of the municipalities fire and police costs. The precedent is already established in Pennsylvania in the form of a requirement that nonprofit institutions pay their own pro rated shares of the cost of sewer and water facilities.

The Committee also suggests that the state be required to make payments to municipalities in lieu of taxes to help alleviate the burdens their facilities place on communities like the State Capitol City. In addition, I support the proposals for real estate exemptions for senior citizens living on fixed incomes to alleviate one form of injustice of the property tax as a measure of wealth.

None of these proposals, however, attack the problem of the special tax breaks awarded to big business. Almost all of these tax breaks—in Pennsylvania and elsewhere—are justified on the basis that low taxes will attract industry and create jobs. Yet, in Pennsylvania, some of these tax breaks are guaranteed by decisions of the State Supreme Court for certain industries and not others.

One such tax break is that granted to public utilities. Last year in Pennsylvania, the state finally succeeded in taxing part of the real estate owned by public utilities, but the major portion of it still goes exempted as does all of the operating land and facilities of railroads outside Philadelphia and Pittsburgh. Pipeline companies are similarly exempted.

The defensibility of these tax breaks is fast waning as the activities of public utilities become more and more akin to manufacturing and production and less aligned with their original franchises as public service companies. Let me explain. In Pennsylvania we tax coal mines as real estate. Ten and twenty years ago, the produce of these mines was hauled cross the country hundreds and thousands of miles to coal-fired electric generating stations, where the electricity was manufactured for local needs. Today, new generating stations are located at the very mouth of the coal mines and the electricity is manufactured there and shipped via wire across the nation and even into Canada. Electrical generators, through the nation's system of interconnections between utility companies, no longer service localities, but are part of a regional and perhaps soon-to-be nationwide system of shipment of power-by-wire.

I am not saying that I am against the building of generating stations at the mouths of mines. Nor am I against the development of atomic power-generating plants in Pennsylvania if they can be shown to be safe and create no danger to the public. What I am saying, it that these generating plants are a form of manufacturing and, therefore, should be subject to fair taxation in the state.

If we were to follow the precept that generators manufacturing electric power are public utilities because they service a public need, then the steel mills of Pittsburgh and Johnstown are public utilities too, because they serve a public need. So we need equitable taxation of the real estate owned by public utilities—to be fair to other industries as well as to be fair to the taxpaying homeowner.

But some industries—the steel industry to name one specific type—are also protected from certain kinds of real estate taxation in Pennsylvania by court decree. This situation arises because Pennsylvania is one of only four states to exempt tangible personal property from taxation. In the case of industry, "personal property" means machinery.

But the Supreme Court of the State of Pennsylvania has gone a step further where the steel mills are concerned. The court has stated that the heavy foundations of buildings which support furnaces are exempt from taxation because they would not be needed were it not that steel was being manufactured. The courts have ruled that ore yard facilities, slag pits, blast furnace stock bins and even the roof supports to which cranes are attached, are part of the production machinery and are not part of the real estate.

Because of the specific nature of the court decisions—down to the point of naming such facilities used in steel manufacturing—other manufacturing firms do not enjoy such tax breaks. Is it any wonder overburdened citizens and even small businesses think that they are bearing someone else's tax burdens?

The answer to tax breaks for big businesses is not an easy one. Even without court decisions, there are the under-evaluations of property owned by manufacturing firms. One reason is that it is difficult to determine the fair market value of a blast furnace or a machine shop or a drop forge which has never been on the market, and probably never will be. The Special House Tax Committee I referred to had one recommendation in this area—allow tax assessors to use replacement cost as a determination of market value.

But so long as there is interstate competition for industrial development, there will be the temptation to give new plants special breaks on real estate taxes. And this practice, I believe, is detrimental to the tax system in the long run because it encourages the belief that a tax system can be inequitable in some ways as long as it serves some long range public good. I think the nation would be better served by an end to this kind of business incentive. This is why I think that we should shift emphasis and a greater bulk of our taxes should be collected at the national level and distributed locally. Only the federal government can levy a tax that will be equal and uniform on all classes of people and corporations in the nation.

I think we will see more and more of this trend as the demand grows—not for a drastic reduction in taxes and a concurrent reduction in government services—but for greater equity in taxation. It was James Madison who wrote in the Federalist papers that the inequities in the distribution of property was one of the principal causes of factionalism in history. Nothing has happened since the American colonial period to contradict President Madison's maxim. But I think we can safely add the corollary that inequities in the rates of taxation on property only adds to discord. At a time when democratic institutions everywhere are being attacked, it is necessary to strengthen them by erasing undemocratic injustices which exist in their structures in order to make them work better.

It will take a long time to change the nature of America's tax structure. We are so deeply committed to the personal property tax and so many of America's communities are so deeply locked to this form of taxation that it would create an upheaval to make drastic changes too quickly, but we should start moving in the direction that logic tells us to go. For only by developing a logical and equitable system of taxation can government continue to meet the increased demands for services from our citizens and end the growing trend toward tax rebellion.

What Is Property Tax Reform?

(By M. Mason Gaffney)

You people are so different, you remind me of the son who worried his dad by becoming a campus militant. The dad tried to pal up to the boy in the old fashioned way by talking sports. It being that season, he opened the sporting news one night and asked "Son, what do you think about the Indianapolis 500?" Son: "They're all innocent!"

As I say, you're different. You are in the most hopeful and constructive movement of our times, and I salute you. You are becoming, I hope, the answer to Norman Cousins' question "Who Speaks for Man?" While others were losing their heads you kept yours. Now the tumult and the shouting dies, you are center stage. It's your turn. You may not feel ready, but the world is suddenly quiet and listening—for you.

Today the subject is property tax reform. You want to represent the unrepresented. How can property tax reform help them?

The answer is pretty obvious, and it is not property tax relief. Property is owned by people of property—the rich. Ownership of this rich tax base is concentrated in a few hands, much more so than income. The top 10% of income receivers in the U.S. receive something like 30% of the income, and we call that concentrated. But a high share of that 30% is property income, while lower bracket income is more composed of wages. Most property income receives privileged tax treatment of various kinds, so the effective income tax rate applied to property income is much lower than that on labor earnings, and official definitions of income are so sloppy that much property income isn't even included in the data, much less taxed.

As to concentration of property, about half the people own none, they are tenants. So we begin the top 50% of families owning 100% of the property. They are not an underprivileged class, but some are more equal than others.

Among property owners I estimate the top 10%—that's 5% of all families—own around 60%. I find no overall data relevant to the property tax base, but here are some items.

The top 2.3% of farmers had 43% of the farm land as long ago as 1950. I pulled that figure from my Ph.D dissertation, which also showed that if the Census measured farm land by value instead of area the concentration would not have been any less, and if you want to check me out, it's available on microfilm from the University of California Library.

Since 1950 the rate of engrossment has not slackened, so today control is even tighter. Federal subsidies lavished on these favored few in proportion to their landholdings are legendary. The effective rate of rural property tax is about 1%.

Urban concentration is less well documented. I analyzed the assessed value of real estate on the west side of the Milwaukee C.B.D. in 1969. The top 10% have 53% of the assessed value there, and more elsewhere. I feel confident that if I knew the names lurking behind the disguished ownerships the top 10% would have a good deal more.

The largest owner in the small study area is the William Plankinton Trust, at $6 million. That is the value of 1,200 slum dwelling units at $5,000 each (many in Milwaukee go for less than that). Think about that the next time someone speaks of the poor man's stake in property tax relief.

The Schlitz Company is on the rolls for $3 million in the small study area. This omits the brewery that made Milwaukee famous; it omits the family's (their name is Uihlein) 200 acre "farm" on the choicest residential site in the County, by the lake in posh Bayside where land goes for $20,000 an acre (200 x $20,000 equals $4 million); it omits the Polo grounds on the speculative northwest side, and who knows what else?—the larger the ownership in one area the more likely is the owner to hold land outside it, often around the country and the world.

On the East Side of Milwaukee's C.B.D., I found the top 10% to have 60% of the value.

I ranked Milwaukee's industrial firms by assessed value and found the top 10% to have 89%—yes, 89%—of the assessed value of industrial land and buildings. In this study I also found evidence that assessment of industrial land (I do not know about buildings) is regressive, indicating the top 10% have a yet higher share of the true value of property—but that's another story. 89% is high enough. You get the point. Taxable property is highly concentrated in the hands of a few, even in Milwaukee which is notable for diversification. Imagine what you find in Seattle, Dearborn, and Gary.

It's also interesting that these big fellows with 89% or more of the property employed only 69% of the workers. It's the small shops that hire more men in proportion to their assets. Next time they dwell on the importance of big employers to fight unemployment you might think on that, too.

Turning to expenditures, much of the tax money raised from this progressive base is used redistributively, to pay for schools and welfare.

The property tax is the traditional means in American law whereby the poor assert their equity as citizens in the property to which the rich hold title. It is as good a claim as the other, the one we call 'property' in fee simple. The public claim in fact is prior in law—taxes are senior to mortgages, for example. The public claim is not limited. The fee holders' right to retain what is left after taxes (and debt service) is not a contract between him and the state, it is a matter of legislation and common law. Like eminent domain, taxation of real estate expresses the ultimate sovereignty of the state. I speak not as a revolutionary but a believer in law and order in a nation whose laws are radical enough to let the poor accomplish more than any revolution, if they only will learn how.

The property tax base is big and strong. The national levy on property now is around $35 billions. There is gnashing of teeth and rending of garments. The pain of the wealthy is loud and they never lack sympathy. And yet the market value of this tax base keeps rising, rising in the teeth of higher tax rates *and* higher interest rates, the latter at 8% making most tax rates (about 2%) look small. Allen Manvel estimated the value of taxable real estate in 1967 at $1.4 trillions, double the 1957 value; and to that you may add minerals, timber, water rights, and a great variety of miscellaneous forms of property of unknown but high values. The owners of nearly $2 trillions of real estate value are not a collective welfare case. They just sound that way—it's one of their special skills. That is not so funny when you look at the punitive and destructive way we treat many real welfare cases.

"Property tax relief" for the orphaned blind widow in the ivy-covered cottage is a popular theme, but that means sloughing the social obligation of property onto others—how? Sales taxes hit the poor. What we fondly call the income tax has degenerated into a payroll tax primarily, because property has learned to duck it, in a thousand clever ways. "Social security" is a slick name for another payroll tax, the most regressive one going. The corporation income tax can't touch unincorporated property and is full of loopholes that corporations can use by misallocating their resources.

Naturally property owners resist sharing with the propertyless. But the struggle of the poor in America has been fought before, and won. It is a repetitive theme in our history. Each generation of poor must fight the battle anew, must rediscover the levers of power that our system avails them. The Nation survives because the establishment has some give, and is attuned to accommodate—however grudging—some of the demands of the poor.

That requires pressure from the poor, and this we have. There are plenty of excitables ready to march, confront, agitate and demonstrate. It also requires know-how, so far not much in evidence. Pressure alone is not enough. If the poor could rout the police and loot at will they would enjoy only a one-shot gain, with nothing to loot tomorrow. But know-how! There is a permanent revolution built right into the system we already have, with the police coming down on the side of the poor.

The method is taxation, which is tempered looting according to rules that can be quite constructive and provide a permanent support for welfare, education, and many other things.

Why don't the poor know how? It's not that no one tells them, and it's not that they never listen. The problem is so many are telling the poor so many and complex and confusing things they don't know whom or what to believe, and their energy is lost charging down blind alleys following delusions. Property's spokesman ask for tax relief—and the sales tax. They defend regressivity in the rhetoric of progressivity. But ev'rybody talkin' 'bout Heaven ain't gwine dere.

The defense of property is to generate negative information to clog the channels of communication. This is the problem. And you are the solution, because you are dedicated to finding and publicizing positive information—some call it truth.

Negative information on the property tax now circulating makes a long scroll. But high on the list is the refrain that it is regressive. A high powered organized well-oiled campaign has been mounted to persuade us that we can help the poor by shifting taxes off property onto the Federal Payroll Tax—usually called the income tax for P.R. purposes.

To make the property tax look as though it socks the poor when most property is so closely held calls for some fancy sophisms. I have in my security blanket here—this large briefcase—a list of seventeen fallacies in basic studies alleging the property tax to be regressive, and a copy is yours on request. The main argument has to be that the tax is shifted. Indeed some go so far they seem to say that big owners shift it and only widows and orphans really get stuck with it. I exaggerate, but not much.

To the extent there is any truth in the shifting thesis, and there is some, it can be stopped by reforming the property tax. That is my theme this morning.

Reform Priority No. 1 is the assessment of land. That is Step One, and as the day is too short for the next 29, I will dwell only on it. A quarter of what is wrong with the property tax can be remedied by upgrading land assessment, so it is a big Step One, sufficient alone to benefit us greatly and necessary to most other steps.

I have seven reasons why land assessment is Priority No. 1.

1. Taxing land encourages good use; taxing buildings doesn't.
2. Land is more underassessed than buildings.
3. Land is a large share of real estate value.
4. Land ownership is more concentrated.
5. Regressive assessment is most evident with respect to land.
6. Citizen involvement is most feasible with respect to land.
7. Correct land assessment is necessary to close loopholes of the income tax.

1. TAXING BUILDINGS IS OFTEN COUNTER-PRODUCTIVE

A critic of the pork barrel once defined an engineer as a man who tells you the very best way to do something that shouldn't be done at all. The same might be said for the art of assessing buildings. My city of Milwaukee illustrates the tragedy of good assessment applied to the wrong bases. For years Tax Commissioner Thomas Byrne was one of the best: honest and true, capable and respected. And did Milwaukee then flourish? The record shows that it did little but grow older under this exemplary regime. A heavy tax on capital is not much more attractive to investors by virtue of being levied accurately.

To when you demand higher taxes on buildings you meet a counterargument that you may stifle renewal. Newarks, Boston, and in lesser measure Milwaukee, each with real tax rates over 4%, serve as cases in point.

Now I don't advise you to cave in before every counterargument, but this one makes some sense. When buildings are taxed, the tax on a parcel of real estate depends on the use to which the owner puts it. If the tax is high enough to matter it biases owners against the heavier taxed use. It biases them against supplying new floor space and shelter. and in favor of billboards, gas stations, junkyards, open storage, parking lots, baronial estates, obsolescence, speculation, and dilapidation. In general it favors old over new and ranks high among factors that retard urban renewal. It tends to restrict supply and maintain rents paid by the poor, thus shifting some tax to the poor and putting what regressive element there may be in the property tax.

Taxing buildings raises the spectre of interurban competition and puts a ceiling on feasible property tax rates, limiting the revenues it can raise. Capital has loose feet. Land, on the other hand, has only square feet; you can tax the very all out of land and not one square foot will get up and walk out of town—**not one.**

So to help the unrepresented, it makes more sense to raise land than building assessments.

2. LAND IS MORE UNDERASSESSED

Every study of assessment discrimination finds land to be the most underassessed class of property. The most comprehensive study is the 1967 Census of Governments, Vol. II. On p. 42 we find a summary for the whole U.S. The Census compared assessed values to sale prices of parcels of real estate sold over a period, and arranged the results by classes of property. For "all types" the assessment to sales ratio is 31%. That is a measure of fractional assessment conventionally practiced. Let's call it "parity." Any class assessed at 31% is assessed at 100% of parity; 15½% is 50% of parity; and so on.

The lowest assessment to sales ratio is for the class called "Acreage and Farms," at

19%. That's 61% of parity. Next is "Vacant Lots" at 24%, which is 77% of parity. "Residential" is at 35%, or 113% of parity; and "Commerce and Industry" at 36%, or 116% of parity. So you see that interclass discrimination of a gross order is the rule nationwide.

Interclass discrimination like that is not reflected in the Census statistic assessors usually cite to evaluate their work. This statistic is the "Coefficient of Dispersion." It is a kind of average of the deviation of assessment ratios from 100% parity. Coefficients under 20% are considered passing—sort of like a D grade in school—and under 10% pretty good. Many assessors flunk.

But those who earn high grades (low coefficients) and wave them around are not necessarily doing a good job. "The" Coefficient of Dispersion is really only "a" Coefficient of Dispersion, a partial score. It is computed from one class of property only—single family residences. An assessor can enter land at zero and still get good marks on his Coefficient.

Let's look at Maryland. It gets the best marks for a low Coefficient of Dispersion, and enjoys the highest reputation for good assessment. Yet its interclass bias is bad. On p. 44 we find that assessment parity in Maryland is 43%. "Acreage and farms" show an assessment to sales ratio of 18%—that's only 42% of parity. Vacant lots are at 29%, 67% of parity. But residential gets soaked for 117% of parity. Comparing classes directly, that means residential is assessed nearly 3 times too high compared to acreage and farms. *Three times* too high! That's not just one deviant; that's a systematic bias between classes. And that's not a chamber of horrors case from Arkansas, Mississippi, or Alabama. That's shining Maryland, a beacon light in the assessment jungle.

The truth is even sadder than the Census shows. Census Table 9 which I have been citing doesn't dig the worse abuses. The Census omits that class of land most underassessed: unsubdivided acreage inside SMSAs. Its class called "Acreage and Farms" is only outside SMSAs; and "Vacant Lots" means subdivided, improved lots. But a large share of all land inside SMSAs, maybe half or more, is unsubdivided acreage. This is the stuff assessors can't see, and the Census hasn't touched it.

Let's look at Michigan. The Census gives Michigan fair marks on interclass bias; parity is 29%; acreage and farms are at 25%—not bad by Maryland standards. But Professor Dan Fusfeld of the University of Michigan studied Michigan assessments independently in 1969. He zeroed in on the neglected class—acreage inside SMSAs. He pronounced it a "scandal" of underassessment. One Michigan city, Southfield, wrought a modern economic miracle by electing itself a mayor in 1962 who had acreage assessed at value. He—James Clarkson—and his assessor, Ted Gwartney, tell me that this meant multiplying previous land assessments severalfold.

This jibes with my findings in Milwaukee. The Census says that parity in Wisconsin is 49%; acreage and farms are at 35%; and vacant lots at 23%; or 47% of parity. That sounds bad, and it is. But I found worse. After extended study and data collection and map analysis I estimated Milwaukee land values to be $2.3 billions. The assessor's values, when equalized, tote up to $700 mildetail in a new book edited by Daniel Hollions—that's 30% of parity. You'll find the detail in a new book edited by Daniel Holland, *The Assessment of Land Value,* University of Wisconsin Press, 1970.

Don't think it's easy to get such facts publicized. Perry Prentice of Time, Inc. managed to get some press for the Milwaukee findings in the *Nations Cities* Magazine for May, 1970, and you may be interested in what happened next. The Milwaukee *Journal,* which feuds with the Mayor, changed its spots and rallied to his defense. It ran a front page editorial demanding an apology. *Nations Cities* ran a long, rambling screed from Milwaukee's Tax Commissioner. Neither would run my reply, although *Nations Cities* had it in galleys before Editor Pat Healy zapped it. Make of these facts what you will. "Establishment cop-out" is, I believe, the new idiom. I have spare copies of the reply here for you who like facts and figures.

Then we could open the chamber of horrors and look at Edgartown, Massachusetts, where some land was not even on the tax rolls until 1969 when they started finding it on aerial photographs; Sonoma County, California, where the state paid 62 times the assessed value for Salt Point Ranch; Jasper County, Missouri, where an assessor was forced out after using a University soils expert to help reassess farm land; Texas, where Nader's Raiders have documented systematic underassessment of oil and timber lands; but enough! You get the point. Land is No. 1 reform priority because assessors are favoring it scandalously.

3. LAND IS A LARGE SHARE OF REAL ESTATE VALUE

Most people have no notion of how high a share of real estate value is land value. Returning to Milwaukee, the present land assessment is only 23% of the whole. My calculations triple the land figure. That does not triple the land share because it also raises the total, and I don't know by how much because some of the increase represents simply a reallocation of value from building to land while some is a net gain—the detail gets complex. But I'm sure land is over half the total, when land is rigorously assessed by comparison with current sales of adjacent land.

The District of Columbia enjoys superior assessment. Assessor John Rackham worked over land values a few years back and brought them up to 43% of the total. I suspect my approach would put them higher yet, but one new broom can only sweep so clean in a complex institutional setting.

In California, Ron Welch of the State Board of Equalization estimated land values at 43% of real estate. That was a few years back. Ron and I have a friendly disagreement about the use of maps to infer and interpolate land values between sales data points, and if he says 43% my methods would probably yield a higher figure. More recently Bob Gustafson, a whiz-bang young statistician who works with Ron, set the figure at $70 billions. That's as much as anyone would admit the whole U.S. was worth a few decades ago, which gives you an idea.

These figures apply only to land in an orthodox limited definition. They do not include many natural resources held by license or other exotic legal-administrative form. Reform of land assessment should include the project of getting these penumbra properties classified as taxable real estate.

For example, the California figures I cited do not include the value of hydroelectric power drops controlled by PG&E and SCE. There is no market in waterfalls, so they give up and call the value minute, which is nonsense. Big western stockmen graze their herds on our Federal land at nominal rents. These rights are worth millions, maybe billions, but they are not directly taxable. Broadcast licensees enjoy virtual tenure of a nondepreciable frequency band—tax free. And so on. Get these assets in the property tax base and the widow in her ivied cottage could truly find tax relief.

4. LAND OWNERSHIP IS MORE CONCENTRATED

Reforming land assessment is Priority No. 1 because the rich are heavy on land relative to buildings.

Wednesday night I tuned in the Nader Report and heard about the underassessment of Union Camp Corp. in Savannah. I was glad to hear them mention UCC's Savannah landholdings. They might also have mentioned 1,600,000 acres of other land UCC owns in the southeastern states. This is mostly just timberland, but several new interchanges are on UCC land. A recent inventory by UCC disclosed 40,000 acres they held worth *more* than $400 per acre. 40,000 x $400 comes to $16 millions, and that is much less than the total value of this fraction of their land.

Continental Can, another Savannah firm, has 1,300,000 acres of land in 7 southeastern states.

It was not by chance that the Savannah Raiders stumbled on landowning corporations. The corporate form of organization originated as a landholding device, and it still is that above all. For a collection of information on this I again refer you to my chapter in Dan Holland's book *The Assessment of Land Value.*

There is a tendency for larger corporations to go heavier on land. Ranking corporations by value of assets, 6 of the top 11 are mineral-based: U.S. Steel and 5 oil companies. And it's not just minerals. There are 324,000 gas stations in the U.S., mostly in cities on hot corners, the land toting up to $16 billions or more as an educated guess. Professor David Martin of Indiana University has shown that larger mineral corporations tend to hold more land reserves in relation to output.

Turning to residential, the share of land in residential real estate value rises steadily with total value. If you doubt it, check me in the Kaiser Commission Report, Technical Studies, Vol. II, p. 351. Or see the study by Professor Harold Brodsky of the University of Maryland on the District of Columbia. He ranked Washington Census Tracts by median income and found the land share in real estate to rise with income. His method was multiple regression analysis, but all you really have to do is tour Foxhall Drive and use your eyes.

At the bottom of the heap, 23% of the families in Milwaukee cover 3% of the residential area. These are the slums, where you pay a base price for a roof over your head regardless of the neighborhood. The poor use little land area per person, and the land is cheap because of the neighborhood. Several studies show that the poor think shelter while the rich think neighborhood—that is, land value. And the super-rich? 1,000 acres of front yard is nothing in the upper crust, and several estates scattered around the jet-age world. They have lain field to field until there be no place, that they may be alone in the midst of the land—in the words of Isaiah, a prophet who foretold more than Christmas day.

Turning to commerce, I've told you I ranked the holdings of the Milwaukee C.B.D. by value. Then I figured the share of land in each decile—that is 10% of the holdings. The share rises with size of holding. The trend is less steady than I would like, but I think that is because of the small numbers and some technical data problems I'll be glad to discuss with interested people.

As to industry, I ran a study of 626 industrial firms in Milwaukee. Here my data were better—I had a way of estimating market value of land from my map, rather than relying on assessed values. For the top 10% the land share is 35%; and they reported much additional land held for expansion.

For the smallest 10% the land share is very low—under 5%. You must understand that these smallest industrial firms are often little more than old garages converted to tool and die shops.

So I have the data to say that the land share rises with value of real-estate holdings. Theory also predicts this, but we can skip that. Raising land assessments therefore will make the property tax bear heavier on larger owners than it does now, and be more progressive.

5. REGRESSIVE ASSESSMENT OF LAND

It is the custom to assess large industrial tracts at less per acre simply because they are larger. Assessors defend this on the grounds that large tracts sell for less per acre. You'd think no one ever heard of subdivision. Yet at the same time, the City of Milwaukee land bank is stockpiling large industrial tracts as bait for giant industries that allegedly put a premium on large, unsubdivided tracts. Fascinating!

These attitudes obviously lead to regressive assessment of land. I never dreamed how far this went, however, until I ran my study of the 626 industrial firms. Since I had my own estimate of market value of land to compare with assessed values, I could figure assessment to market value ratios for each firm and then compare the treatment given the large and the small. The findings bowled me over. The top 10% had their land assessed at 20% of parity; the bottom 10% had their land assesssed at 200% of parity—10 times too high compared to the biggest firms.

I cannot believe it's really that bad. Probably there is some compensatory underassessment of the buildings of the small firms. But I have no way of checking that. All I know for sure is that the assessment of industrial land in Milwaukee is regressive beyond the wildest accusation I ever heard.

A key factor in this pattern is the bias against subdivision. The smaller the parcel, the higher unit value the assessor gives it. That is no secret—assessors actually rationalize and defend the practice. Another angle is that raw acreage is left at farm valuation until subdivided. Then they raise the value—not just by the cost of subdivision but by all the pure unearned increment that has accrued over 30 years. So the big owner—no matter whether you call him a farmer, speculator, investor, or orphan—the big owner gets the low assessment, and the 50 small fellows he sells to get high ones. That is not just an industrial pattern, it is universal. The result is regressive land assessment.

Since most residential land is subdivided and most industrial land is not, this is also a bias against homeowners relative to industry.

I know of no comparable pattern leading to regressive building assessment. Land assessment is reform priority No. 1 because that's where assessment is demonstrably regressive and reform is demonstrably easy: use a map and apply standard unit values regardless of parcel size.

6. CITIZENS INVOLVEMENT

It is more feasible for average citizens to check on land than building assessments. Anyone can read a map, and anyone can use known values to estimate unknown values nearby. That's how I, an amateur, could estimate industrial land values. I inferred them from sales of all land round about. God did not label His product "industrial," or "residential." Land is versatile, and all uses compete for it. So residential land values, which everyone knows, tell a lot about industrial land values. House values on the other hand tell little about overhead cranes, warehouses, pulp mills, and breweries.

The assessor who wants citizens to get involved can publish city land value maps. It doesn't cost that much, and it's been done before. Milwaukee did it in the early thirties, and I have a collection of land value maps from Budapest, Copenhagen, Chicago, Vancouver, Sydney, etc. They make good conversation pieces, along with aerial photographs.

Assessors really don't know much about valuing big industrial complexes, and they say as much. How could they?—the stuff never sells. There's no objective reference point. How can the citizen inquire intelligently into a subjective judgment?

With land there is a foolproof test of good assessment. Theory and common sense tell us that you demolish a building to salvage the land underneath. That means the bare land is worth more than the land with old building together; and this means the old building has no value. In fact it has a minus value—the cost of demolition.

So to test the assessor, check on the eve of demolition. The land share should be 100% or more—the building worth zilch. It is that simple. Most assessors flunk cold on this one, which gives the timid inquiring citizen the confidence he needs to ask more questions—pretty soon he's an expert!

In Milwaukee I checked 2500 demolitions and the assessor was generally alloting half or more of the value to the old junkers, less than half to the land. That gives you an idea of what to expect.

I hasten to add you may generally expect friendly treatment from assessors, even when you're critical. They are pleasant human beings—how else could they survive in that job? They take a lot of flack from the ignorant and neurotic, so give them a chance to discover you're different. Then you'll get through, unless they're crooked, but I've never met that. The problems are philosophical, not motivational.

7. LAND AND THE INCOME TAX

Last, land assessment is Priority No. 1 to close a huge loophole in the income tax. You probably know that landlords can depreciate buildings but not land to reduce their taxable income. When they buy an old building they can depreciate it all over again—outrageous, but true. They can depreciate their cost—what they paid—*less* the value allotted to land. They then allott as little to land as possible. Now what happens if they're audited and challenged? They cite their friendly local assessor's land valuation, that's what. The income tax instructions invite them to—that is virtually conclusive. The result: they depreciate land, not just once but several times. They depreciate it even though it is actually rising. They sell out and pay only capital gains rates on the book profit. They sell for a higher price because the buyer can depreciate the land again—and sell to repeat the cycle again, again and gain. This tax shelter depends entirely on understating land value.

So your friendly assessor is under great pressure from local influentials to underassess land, even if that means overassessing buildings, so they can pay less income tax so you and I may have more withheld from our paychecks to cover their share. There's more, but that's enough. If we want to make property a taxpayer instead of a tax shelter, we have to reform land assessment.

In conclusion, there are seven reasons why reform of land assessment is Priority No. 1:

1. Taxing land encourages good use; taxing buildings doesn't.
2. Land is more underassessed than buildings.
3. Land is a large share of real estate value.
4. Land ownership is more concentrated.
5. Regressive assessment is most evident with respect to land.
6. Citizen involvement is most feasible with respect to land.
7. Correct land assessment is necessary to close loopholes of the income tax.

Let's get on with it.

REMARKS BY PERRY I. PRENTICE BEFORE THE CONFERENCE ON PROPERTY TAX REFORM, WASHINGTON, D.C., DECEMBER 12, 1970

I don't know anything that could be more important to the cause of property tax reform than getting Mr. Nader to turn his people loose on the subject. I've been working on this problem for at least ten years and I'm already learning things from Mr. Nader, although I would not object that Mr. Nader still has things he's got to learn from me before he gets through.

Now, the most important event in the history of the United States, of the history of America, is the Columbus discovery. But the most interesting thing about Columbus discovering America is that he died without having any idea he discovered it. He thought that he found India, and he thought the principal importance of what he found was that it would be cheaper to get spices to Europe because they could bring it home from the west instead of bringing it home around Africa. Actually the discovery of America turned out to be a great deal more important than that.

The single most important event in the history of the United States probably was that in 1607 some white men came to live here. Once again, the white men who came here had no idea what they had found; and the first afternoon they got off the boat they all rushed out into the James River and started panning the the James River for gold. And when they didn't find any gold, why a lot of them began thinking they might as well go back to England because there was no gold there. Between you and me and the lamp post, the United States was much more important than any amount of gold that they could have found in the James River. I don't think they have found any there yet.

Now I want to say something nice. I've just come from the most interesting session where your local groups were exchanging information on their local problems. This was fascinating, because all of a sudden I think a lot of your local groups were finding out that somebody else was working on the same problems and finding just about the same kind of scandal that you've been finding in your operation. Misery loves company.

I think all of you will be able to operate more effectively at the local level because you've found out that other people are working on the same problems and they're going to be developing answers to it.

What I want to tell you, though, about this assessment scandal is that the most important reason for correcting what's wrong with assessments is that you can't correct what's wrong with the property tax itself until you correct what's wrong with assessments. What can you do to correct the property tax when this man is assessed at three percent of the value of his property and this man is assessed at 80% of the value of his property?

Property tax reform has to start with providing a sensible base from which you can start property tax reform. But the principal importance of assessment reform is that once you have good assessments, then you can go after what is fundamentally wrong with the property tax. What is fundamentally wrong with the property tax is that people fail to understand that the property tax is not one tax; the property tax combines and confuses two completely different taxes. The results of those two different taxes fused and confused in the property tax couldn't possibly be more different.

Now, the common expression is to say that property tax is a combination of tax on land and a tax on the improvement. But, more precisely, the land component is defined as the unimproved value of the land; or, in other words, the value of land in its location without the improvement. Still more precisely, this component is what land in this location would be worth if the owners of the land had never done anything, never spent anything to improve it. I want to repeat that again. It is what land in its location would be worth if the past and present owners of that location had never done anything, or spent anything to improve it. In other words, it is the tax on the value which is entirely—I'm getting too old to use an extreme, so I'll say—it's a tax on the value which is 99.44% created not by what the owner has done or spent, but by an enormous investment of other people's money and other taxpayer's money to make land in its location accessible, livable and richly salable. And let's talk about how big that investment from other people's money is.

The Regional Planning Association in New York published a breakdown a couple of years ago that showed the investment of other taxpayers' money required to make accessible the land for one more residence in the nine-county New York metropolitan area added up to $16,750. That was in 1965. The Chairman of the Regional Planning Association says that now the other taxpayers in New York have to put up more than $20,000 to make the location for one more residence in the New York metropolitan area accessible.

In southern California a research council associated with a large California university arrived at a figure only about $1,000 less than what it cost the taxpayers in New York to make the land for one more residence in Los Angeles livable and salable. Gentlemen, this does not include the private investment of other people's money that is required to make that land valuable. But just taking the other taxpayers' investment, this comes out to a subsidy for land in the New York metropolitan area of, say, $20,000 to enable the owner of that land to sell the land for, say, $8,000. A $20,000 tax subsidy put up by other taxpayers to enable the landowner to get $8,000 for his lot is one hell of a subsidy.

Unless I'm very much mistaken, this is a subsidy which adds up to substantially more across the country than the farm subsidy that we hear so much about. It is my speculation that this land subsidy is costing the taxpayers more than the federal subsidies for agriculture and costing the taxpayers of this country more than the federal appropriations for foreign aid.

This, in case you're curious, is how Marshall Fields made his money—everybody thinks he made his fortune in the department stores, but this isn't true. He got the start of his money in department stores and then took to land speculation, and that's where he made his money. Marshall Fields said, "I would not call holding land a good way of making money. I would not call holding land the best way of making money. I would call buying land the only way to make money." What he meant was that it's the only way to make money because other people and other taxpayers have to put up the money to make your land valuable before you sell the land. You are the only person who is in a position to cash in on this enormous investment of other people's money and other taxpayers' money.

Now, at this truly fascinating session of community action groups upstairs, you heard it spelled out over and over and over again how under-used land is assessed at only a very small fraction of what land that is put to good use is assessed at. One reason for this is, no doubt, skullduggery. But the other reason for this is that assessors tend to confuse the property tax with the income tax and if land isn't being used to bring in an income, why the assessors figure that you can't collect a big tax—you know, you can't get blood out of a stone and you can't get taxes out of land that's being held off the market and not producing any revenue.

The end result of it is that the land, sure enough, is grossly undertaxed. Land is underassessed and undertaxed almost in direct proportion to how completely it is underused. Conversely, if you start putting it to good use, then all of a sudden the taxes go up.

Now, the other half of the property tax is the tax on the improvement, which is another way of saying the other half of the property tax is a tax on what the owners have done or spent their own money to do. This is a tax on their investment. Now I'll quote from a round table that I arranged with the National League of Cities, a round table on urban finance, which says: "It should be obvious to anyone that heavy taxes on improvements will discourage, inhibit, and in many cases prevent these improvements from being made." On the other hand, the round table said: "Heavy taxes on location values obviously cannot prevent the creation of those locations." God did that, you know, before John Smith came to America. On the contrary, heavy taxes on location values would put heavy pressure on the owners of that land to put that land to good use or sell it to somebody who would.

To the best of my knowledge and belief, heavy taxation of land is the only kind of taxation that actually results in increasing the available supply. You put heavy taxes on production and you discourage production. But you put heavy taxation on land and the land comes out of cold storage.

Please don't underestimate for a minute the millions of acres that are being held off the market in this country right now in anticipation of the enormous investment of other people's money and other taxpayers' money. This investment of others' money in nearby land, combined with inflation, will multiply its price. The tax structure on land, the undertaxation of land values, is such that it is not very far from standard that one can hold a million dollars' worth of land off the market for a year at a net tax cost as low as $5,000, while inflation of this investment and investment of other people's money to develop the community around it is increasing its value of $60,000, $70,000 or $80,000.

This ends up being one of the biggest reasons why we have a housing shortage in this country, and one of the biggest reasons why —to quote the chairman of Urban America— "America has failed to develop even one really good city." I'll quote the chairman of the Center of the Study of Democratic Institutions: "Today's property tax subsidizes and encourages almost every bad public policy possible. It subsidizes slum formation, urban decay, premature subdivision and sprawl. By undertaxation it penalizes, discourages and prevents improvement and good land use."

You can't have good property taxation unless and until you have good assessments, but please don't overlook the fact that the goal of assessment reform is property tax reform. Without property tax reform, you're never going to meet the need for good housing in this country.

This is a good point for me to ask you the basic question: Why is it that private enterprise and the profit motive, which has given this country such an abundance of almost everything else—so much food that the government feels it has to pay farmers to raise less food, so many cars that the government can't build new roads fast enough to keep the cars moving, so much of practically everything else that just getting rid of what we throw away is creating a new multi-billion dollar problem for local government—why has private enterprise and the profit motive been unable to come anywhere near the meeting our needs in housing? Let's face it—we may be a two-car society, but we have only nine housing units for every ten families that have to be housed. Every tenth family has to live in a pigpen because we haven't been able to provide enough decent housing to provide even one decent home for each family. Once again, why hasn't private enterprise, which has given us so much of everything else been able to give us one decent city?

I think the answer to that is another $64,000 question. How can you expect private enterprise and the profit motive to give us enough housing and to give us good cities when we harness the profit motive backwards and make it more profitable to let property decay than to put it to good use?

Now, there's one thing that came up this morning that really alarms me and that was the Governor of Pennsylvania indicating that he thought that the property tax was just a no-good tax and should be abolished. I would like to tell you a story. Back in 1962, I organized a group of about 62 leaders of the housing industry and took them to Europe for three weeks to see what the housing industry in America could learn from the housing industry in Europe. There was a good deal they could have learned. For example, we are eight years late and we're only beginning to hear a terrific amount of talk about borrowing the European system of modular construction. My party could have seen that in Europe. There are a lot of things they could have seen. But they didn't learn anything. And the reason they didn't learn anything was that they were appalled by how little you get for your money when you buy housing in Europe. They just sat around for an hour and a half every evening over their cocktails patting themselves on the back on how much better value we were giving home buyers in this country than they're giving in Europe. The fundamental reason that housing in Europe is so much more expensive than housing in this country is that for all practical purposes they don't tax property in Europe. Most particularly, they don't tax land as land in Europe.

In England, for example, they have what you call a "rate". So long as you use your land for fox hunting and it doesn't produce any income, you don't pay any taxes on it. But if you put your land to good use, you pay an income tax on your land. But just so long as you use it for fox hunting or for admiring the view or for anything you like, no tax. I can't be specific about what they do in Europe. I can only tell you that I've heard a housing official in France speak and he says one of the nice things about it is that there are no property taxes at all. I can tell you that my mother-in-law in Switzerland owns what I call a one-and-a-half bedroom house (I call it that because there is one full-sized bedroom and one bedroom so small that if you get out of bed there is hardly any place to stand)—but she turned down $85,000 for that one-and-a-half bedroom house. My roommate at Yale has retired and had a house in Switzerland, but he wanted to move and sell his house and move to an apartment.

And he asked me, "You're a rent housing expert—what do you think I should be able to get for my house?" For once in my life I had sense enough to keep my mouth shut and said, "Well, you're more familiar with local conditions than I am." He said he was asking $150,000. My jaw dropped, because if I'd answered him I'd have said, "Oh, you might get $35,000 for it." He actually sold it for $135,000. I've got a Swiss nephew who has four acres and he tells me that he could sell his place for one million dollars. I just gasped at this. But this is what happens when you don't tax land.

I will not swear by the accuracy of the figures I'm about to give you, but last year there was a group sent over by the French government to study housing in this country and I had lunch with them. I thought I would impress them with the fact that I knew something about European housing conditions by saying, "Well, of course, your conditions are different from our conditions here. My impression is that 50% of all homes in France are public housing units built by the government." But I didn't impress them at all. They all looked at me as if I had given them a wonderful demonstration of my ignorance. I forget whether they told me that 80% of all the housing in France has to be built by the government because private enterprise can't do it, or whether the figure they gave me was 90% of all new housing in France has to be built by the government because private enterprise can't provide housing at a price that anybody can afford.

You'll find that condition all over Europe, including Sweden, where they have the screwiest system of subsidy that you ever heard of. Some construction over there has five different kinds of mortgages piled one on top of the other, each with a different amount of government subsidy for that particular level of housing. Don't kid yourself that housing is good in Sweden. You see these pictures of beautiful apartment houses out in the park and you say, "My, isn't that nice." But you go inside and then all of a sudden you find out that you have to have two children before you can get a government priority to get a one-bedroom apartment. And this, incidentally, is one reason for the high rate of illegitimacy in Sweden, because you have to have two illegitimate children before you can get an apartment. So please don't let anybody tell you that conditions in this country would be improved if we abolished the property tax. Sure enough, what we ought to do is abolish, or almost abolish, the tax on improvements. Don't underestimate the weight of that tax.

NOTES ON THE PROPERTY TAX AND LEGAL REMEDIES

(By Prof. Ferdinand P. Schoettle, Law School, University of Minnesota, Minneapolis, Minnesota)

The following notes have been prepared for use in connection with an afternoon workshop concerning reform of the property tax. Source materials have been grouped under headings so that participants in the workshop can be spared the chore of taking notes.

I. PROBLEMS OF VALUATION

Most state statutes specify that property shall be valued for purposes of taxation at "market value", "fair market value", "true value", or use similar language.

Whatever the statutory language, value is a necessary element in any property tax assessment. The courts normally define market value as the price at which the property to be valued would be sold by an owner willing but not compelled to sell to a buyer willing but not compelled to purchase. The following materials explicate some of the difficulties presented in proving the price which would have been paid in this hypothetical sale.

1. J. C. Bonbright, "The Valuation of Real Estate for Tax Purposes," 34 Columbia L. Rev. 1397 (1934). In addition Professor Bonbright's two volume treatise, *The Valuation of Property* (1937), is still the most comprehensive and lucid exposition of problems of valuation.

2. Assessed value not equivalent to price received in recent sale. *Bliss Hotel v. Thompson*, 378 P. 2d 319 (Okla. 1962) (actual sale accepted as "substantial evidence of value"). *Great Plains Supply Co. v. County of Goodhue*, 268 Minn. 407, 129 N.W. 2d 335 (1964).

3. The relevance of reproduction cost. *Florida East Coast Railway Company*, 178 S. 2d 355 (Fla. 1965) (*held* not to have been given undue weight). *People v. Miller*, 38 NE 2d 465 (N.Y. 1941) (reproduction value less depreciation as a ceiling). *Joseph E. Seagram & Sons, Inc. v. Tax Commissioner*, 231 N.Y. Supp. 2d 228 (1963), affirmed, 251 N.Y. Supp. 2d 460 (1964) (building which had recently been built at a cost of $36 million was assessed at $20.5 and $21 million for the years involved. The owner argued that an income approach dictated a valuation of $17.8 million).

4. Special uses. *C. C. Anderson Stores Co. v. State Tax Commission*, 337 (Idaho 1967) (garage adjacent to department store). *People ex rel. New York Stock Exchange Bldg. v. Cantor*, 223 NY Supp. 64 (1927) (court approves use of reproduction cost minus depreciation).

II. ADMINISTRATION OF THE TAX ON REAL PROPERTY

Unlike the income tax and sales tax which are self administered, the real property tax is administered by the state which places a value on the property through its assessment procedure. Although almost all states require that property be assessed by full value, the invariant "practice" of assessors seems to have been to assess property at some figure less than fair market value.

One of the problems which arises in connection with the tax is to determine the quality of the job being performed by local assessors. Even if assessors were diligent in once valuing every property at some figure approximating fair market value, inflation, alterations in the property, changes in the neighborhood and changing patterns of demand make it likely that the fair market value once established would not remain constant. The relationship between the fair market value and the assessed value is known as the "assessment ratio" and is typically determined by dividing the assessed value by the fair market value. Thus a house which had a fair market value of $10,000 and was assessed at $4,000 would be said to have an assessment ratio of 40%.

In order to determine whether real property tax assessments are being fairly administered it is necessary to determine relative assessment ratios. For example, if a $20,000 house were valued at $6,000 and a $10,000 house at $3,000 we might find that because both houses had the same 30% assessment ratio there was no inequity in the tax system; as the relative tax burdens between the owners of the two houses remained the same.* If though the $20,000 house were valued at $6,000 and the $10,000 house at $6,000 there would be an obvious inequity; the owner of the less expensive house has been unfairly overassessed.

There are a number of studies which attempt through statistical means to present a picture of what sort of a job the assessor is doing. Typically such statistical studies use words and concepts with which the lawyer is not ordinarily familiar. Unfortunately, a fairly good grasp of these materials may be essential if the lawyer is to convince a court that administration of the real property tax system may be so bad that the court should grant extraordinary relief. Furthermore, proof of an assessment ratio is an important element of most modern cases involving the property tax.

The essential truth of the modern real property tax system is that it is being unfairly administered. Owners of inexpensive houses are paying too much tax relative to other homeowners. Furthermore, because the system is not well administered taxpayers are able to enjoy special advantages pursuant to "private" understandings with public officials. The materials which follow illustrate the current picture concerning administration of the tax on real property.

1. *Baldwin Construction Co. v. Essex County Board of Taxation*, 16 N.J. 329, 108 A.2d 598 (1954); *Dalton Realty, Inc. v. State*, 270 Minn. 1, 132 N.W.2d 394 (1965).

2. U.S., Bureau of the Census, 1967 Census of Governments, Vol. 2, *Taxable Property Values* (1968).

3. F. L. Bird, *The General Property Tax: Findings of the 1957 Census of Governments* (1960) (explains the census figures. The theoretical explanations are applicable to the 1967 Census).

4. O. Oldman and H. Aaron, "Assessment-Sales Ratios Under the Boston Property Tax," 18 National Tax Jour. 36 (1965) (an excellent study of Boston).

5. U.S. Department of Commerce, State and Local Government Special Studies No. 52 *Property Assessment Ratio Studies*, (1969) (reviews procedures and gives a bibliography of state studies of assessment ratios).

6. A. D. Lynn, Jr. (ed.), *The Property Tax and Its Administration* (1969).

7. H. F. McClelland, "Property Tax Assessment" in *The American Property Tax: Its History, Administration and Economic Impact* (1965).

III. PROOF OF ASSESSMENT RATIOS IN COURT

One of the serious problems confronting a taxpayer attempting to show overvaluation is proof of the assessment ratio or ratios which may prevail for the relevant taxing jurisdiction. A number of options confront the litigant. One approach is for the litigant to introduce evidence he has developed for the purpose of providing the relevant assessment ratios. Proof of such ratios may entail substantial expense. Furthermore, unless care is taken the court may reject the entire procedure adopted by the litigant.

A second approach is for the taxpayer to attempt to introduce into evidence assessment ratios which have been developed by various government bodies. Most states make equalizing payments to school districts. One purpose of such payments is to help those school districts which have a lower than average tax base. As we have seen, assessed value will not ordinarily give a true picture of a school district's wealth for one does not know whether the property has been assessed at 10% or 100% of market value. Thus for purposes of distributing state equalization payments to school districts it is necessary for the state to develop an equalization ratio which will allow the state to convert assessed value to market value. For the litigating taxpayer such ratios, if accepted by the court as proof of assessment ratios, can be quite useful. Finally, some states have provided by statute for the proof of assessment ratios.

A. Proof of assessment ratios by the taxpayer

1. *Deitch Company v. Board of Property Assessment*, 417 Pa. 213, 209 A.2d 397 (1965).

2. *In re Brooks Building*, 391 Pa. 94, 137 A.2d 273 (1958) (taxpayer held to have satisfied burden of proof by evidence of assessment ratios of 3 or 4 similar buildings.)

3. *Atlantic Richfield Company v. Warren Independent School District* 453 S.W. 2d 190 (Texas 1970) (it is not unusual to lose in the lower court).

4. *In Re Shope*, 214 Pa. Super. 315, 257 A.2d 635 (Pa. Super. 1969)

B. Introduction into evidence of equalization ratios

1. *Schenley Land Company v. Board of Property Assessment* 205 Pa. Super. 577, 211 A.2d 79 (Pa. Super. 1965)

2. *In re Appeals of Kents 2124 Atlantic Avenue, Inc.*, 34 N.J. 21, 166 A.2d 763 (1961).

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*Even when assessment ratios are the same though relative burdens may be shifted, for example, an exemption stated in absolute terms may have more relevant importance when applied against a lower assessment ratio. For example, suppose the law were to state that every homeowner was entitled to a $4,000 "homestead exemption". If a $30,000 house were assessed at a 40% assessment ratio and had an assessed value of $12,000, the homestead exemption would seemingly relieve the homeowner of about 33% of his taxes rather than the 13% which would have been the case had the property been assessed at its fair market value. The net effect of under assessment with such a flat exemption can be to extend benefits to higher income groups at the expense of lower income groups which the legislature intended to benefit.

C. Statutes concerning assessment ratios

1. Oregon Revised Statutes, Chapter 309 (requires the assessor to make a publicly available statistical study of assessment ratios).

2. New York, Real Property Tax Law Section 720 (as amended) (provides for selection of properties by the litigants).

3. Rosett, "Inequity in the Real Property Tax of New York State and the Aggravating Effects of Litigation", 23 Nat'l Tax Jour. 66 (1970) (This volume of the National Tax Journal contains a valuable symposium on Problems of State and Local Government Finance.)

4. Minnesota Statutes Section 273.11 provides as follows:

"Each assessing officer responsible for the determination of adjusted market value shall annually file with the county auditor the ratio which he has used of adjusted market value to market value of all the taxable personal and real property within the taxing district, except property which by law custom or practice is valued by the commissioner of taxation."

IV. LEGAL ENTITLEMENT TO A PARTICULAR ASSESSMENT RATIO

Once the litigant has somehow presented the facts concerning existing assessment practices, there still remains the problem of determining to what assessment ratio taxpayers are entitled. Suppose, for example, that assessment ratios are almost randomly distributed from 60% to 10% of fair market value. To what assessment ratio is a taxpayer entitled? Should the taxpayer be entitled to have an assessment at the mean (average), median (the middle item of a series), mode (that point about which the most assessments are clustered) or at some other point? The courts have not resolved this question. Justice Roberts opinion in *Deitch Company v. Board of Property Assessment,* 417 Pa. 213, 209 A. 2d 397 (1965), presents some of the possibilities. After indicating that the taxpayer was entitled to have his assessment set at the "common level" the Justice went on to say:

"Of course, the question arises as to the definition of the term "common level." Where the evidence shows that the assessors have applied a fixed ratio of assessed to market value throughout the taxing district, then that ratio would constitute the common level. However, where the evidence indicates that no such fixed ratio has been applied and that ratios vary widely in the district, the average of such ratios may be considered the "common level" . . . Furthermore, it may be that the evidence will show some percentage of assessed to market value about which the bulk of individual assessment tends to cluster, in which event such percentage *might* be acceptable as the common level."

Other cases are no more helpful. However, the following materials will at least provide some enlightment, if not answers.

1. Cheng, "The Common Level of Assessment in Property Taxation," 23 Nat'l Tax Jour. 50 (1970)

2. *In re Dulton Realty, Inc.,* 270 Minn. 1, 132 N.W. 2d 394 (1964)

3. The Supreme Court provides no clear guidance for making such interstitial choices:

Sunday Lake Iron Co. v. Township of Wakefield, 247 U.S. 350 (1918)

Sioux City Bridge Company v. Dakota County, 260 U.S. 441)1923)

Cumberland Coal Co. v. Board of Revision of Tax Assessments, 284 U.S. 23 (1931)

Nashville, Chattanooga & St. Louis Ry. v. Browning, 310 U.S. 362 (1940)

Township of Hillsborough v. Cromwell, 326 U.S. 620 (1946)

V. CHOICE OF AN ACTION

The citizens group contemplating property tax reform may find that state laws concerning "standing" determine litigation strategy. If the law does not permit a taxpayer to complain about the particular assessments of others it may still be possible to bring an action seeking reform of the entire system. Such matters vary from state to state; the statutes of some states specifically accord standing to all taxpayers, in others standing to complain about an assessment has been held to be limited to the complainant's property.

The trend of the decisions over the past decade, or so, has been toward more active judicial review of the decisions of taxing authorities. In a number of cases, the courts have considered and granted petitions that assessors be compelled to perform their statutory duties. The following materials may be helpful.

1. Annotation, "Who May Complain of Underassessment or Nonassessment of Property for Taxation," 5 A.L.R. 2d 576 (1949).

2. In the following cases taxpayers sought and were granted a remedy to compel taxing officials to improve their assessment practices. *Pierce v. Green,* 229 Iowa 22, 294 N.W. 237 (1940); *Bettingale v. Assessors of Springfield,* 343 Mass. 223, 178 N.E. 2d 10 (1961); *Russman v. Luckett,* 391 S.W.2d 694 (Ky. 1965).

3. New Jersey started the property tax revolution. *Baldwin Construction Co. v. Essex County Board of Taxation,* 16 N.J. 329, 108 A.2d 598 (1954); *Switz v. Township of Middletown,* 23 N.J. 580, 130 A.2d 15 (1957); *Village of Ridgefield Park v. Bergen County Board of Taxation,* 31 N.J. 420, 157 A.2d 829 (1960).

4. Note, "Inequality in Property Tax Assessments: New Cures for an Old Ill," 75 Harv. L. Rev. 1374 (1962).

RUMANIAN INDEPENDENCE DAY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DELANEY. Mr. Speaker, today is Independence Day for one of Europe's oldest peoples, one whose lineage traces back to the early Roman Empire. I speak of Rumania, whose people achieved a millenium-long ambition for self-determination on this date in 1877.

Throughout ancient and medieval times, Moldavia and Wallachia, which comprise modern Rumania, were ruled by a succession of invaders from Europe and Asia. But always they maintained and fought for their own identity, succeeding at last in breaking free from the Ottoman Turks during the Russo-Turkish War. Independence was not achieved by a legislative act nor by a regal pronouncement. Just as our own Nation, Rumania won its independence on the battlefield, where its young armies helped its Russian ally defeat the Turks.

On March 3, 1878, the treaty of San Stefano, ending the Russo-Turkish War, affirmed this independence and international recognition to the new nation was given by the Congress of Berlin in June 1878.

Four years after asserting their independence, the Rumanians raised the status of their nation from a principality to a kingdom. Charles of Hohenzollern-Sigmaringen, who had served as Prince of Rumania since 1866, was crowned by the will of his people as Charles I. As his elevation to prince had been in 1866, Charles' coronation occurred on May 10, thus giving a triple significance to this day so dear to all Rumanians.

With the closing days of World War II, the Russians, who had taken Bessarabia from Rumania 70 years before, completed their domination of this land of brave people. Communists were placed in key positions, King Michael was forced to appoint a Communist-front government. A Soviet-style election in November 1946 consolidated the Reds' power, which became absolute with the forced abdication of Michael in December 1947.

Ruthless foreign rule again prevails in this long-oppressed nation. But no alien oppression can ever still the hopes and prayers beating in all Rumanian hearts. Let us hope and pray with them on their nation's birthday that their faith and courage will be rewarded with the bright dawn of new times, when freedom shall again prevail in Rumania.

RUMANIAN INDEPENDENCE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. BROOMFIELD. Mr. Speaker, this Monday, May 10, 1971, marks the 94th anniversary of Rumanian Independence Day.

This day is celebrated as a national holiday by Rumanian people throughout the world.

Throughout history, Rumania has been the crossroads between East and West. Rumania was a divided territory, parceled out among her neighbors for nearly 400 years. During these centuries, Rumania was part of the Ottoman Empire and was ruled by agents representing the sultans.

In 1877, when the Russians and the Turks were engaged in a war in the Balkans, the courageous people of Rumania cast off the Ottoman yoke and proclaimed their national independence on May 10. Four years later, on May 10, 1881, Prince Charles became Charles I, King of Rumania.

In 1945, the independence of the Rumanians came to an end when the Soviet Union by the presence of its Red army forced the Rumanians to establish a Communist government that would be a satellite regime to the Kremlin. In recent years, the Rumanian Government has made limited efforts to reassert its national sovereignty and independence from Moscow.

However, reflections of the brutal invasion of Czechoslovakia by Warsaw Pact troops have dimmed the hopes of any such nationalistic movement.

It is my sincere hope that the brave people of Rumania will maintain their eternal hope for freedom and independence. We must continue to support their aims for freedom.

AMERICAN TRAILS—REDISCOVERED

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. ROBISON of New York. Mr. Speaker, I feel confident that all of our colleagues are interested in the outdoors and the program administered by the Department of the Interior's Bureau of Outdoor Recreation. I have just seen a very interesting publication from the Bureau of Outdoor Recreation having to do with one facet of their extensive program to build outdoor recreation facilities throughout the country for the enjoyment of all Americans. One part of the program has to do with the building of trails throughout America for the enjoyment and pleasure of our constituents. The publication is entitled, "American Trails—Rediscovered," and was written by Mr. G. Douglas Hofe, Jr., Director of the Bureau of Outdoor Recreation.

Mr. Speaker, I believe Mr. Hofe's statement as contained in the publication will be of great interest to all Members of the House and I commend it to my colleagues.

The article follows:

AMERICAN TRAILS—REDISCOVERED

(By G. Douglas Hofe, Jr.)

The story of the American trail starts with the story of America itself. No outdoor resource is more imbedded in this nation's heritage and history. First there were the animal trails. Then came the Indian trails. Finally, the trails which carried the explorer, the pioneer, and the adventurer clear across a continent—forging from a frontier links which united a nation; literally, from sea to shining sea.

Until recent years, most Americans looked upon our trails with a mixture of historical awe and nostalgia. The city dweller and the suburbanite rarely identified himself with this outdoor asset.

Most Americans knew that trails were out there—somewhere. And that they were being used, they reasoned—by someone. And they were nice to have—they supposed. But how trails translated into the recreation and renewal plans for the urban American eluded them.

Today, the American trail has been rediscovered—almost with a vengeance.

Once again, the trail molds and meanders in the destinies of America's outdoor traditions. It is no longer the sole possession of the hiker, backpacker, camper, fisherman, camera buff, or birdwatcher.

This newfound awareness of the American trail has been caused, in part, by "The Leisure Explosion"—shorter work days, shorter work weeks, longer vacation periods, and more spendable income. And too, as more and more of us move into bigger and bigger cities and suburbs, there grows a need for something which almost borders on the spiritual. The pessimist would say we need to "get away from it all." At the Bureau of Outdoor Recreation, we prefer to think of it as a need for personal involvement, enrichment, and renewal.

TRAILS FOR EVERYONE

By its nature, the trail takes its traveler from one place to another. And what things there are to see and do along the way!

In a matter of minutes the casual walker can often leave behind his office worries—incubated by the impersonal suffocations of the city's concrete canyons. In minutes he can rediscover how nature fashions its intricate weavings in tapestries of trees and vegetation. In minutes the jangling of a telephone is forgotten as the walker "tunes in" to the warble of a bird or the serenade of a cricket. He can touch a leaf and trace its veins and patterns. What is more, the trail walker can share his experiences with a few others. Or he can be alone.

To walk or ride a trail requires no particular skill or stamina. For the walker, a comfortable and scuffable pair of shoes and some casual clothing are all that is necessary; for a bike trail—just a bike and some legwork.

More exotic and specialized trails, of course, do exist and are increasing. In the Virgin Islands and elsewhere swimmers can explore undersea trails. There are more opportunities for the handicapped person to share outdoor experiences with his family, thanks to trails which are graded for wheelchair use. And, while the sightless American cannot "see" the wonders found along a trail, he can hear, smell, and touch them along a growing network of "Braille Trails."

NATIONAL RECREATION TRAILS

The new National Recreation Trail concept of bringing trails closer to people is highly significant. The concept is being turned into reality through Public Law 90–543, the Act which established the National Trails System.

The first federally administered trail to bear the designation "National Recreation Trail" came into being last summer in Angeles National Forest near Pasadena, California, when a representative of the Department of Agriculture snipped a ribbon opening up the 28-mile-long Gabrielino National Recreation Trail.

Only a few weeks later, in September 1970, an enthusiastic crowd gathered a few hundred miles up the California coast in the hills which command a sweeping overlook of the East San Francisco Bay area. There, a personal representative of the Secretary of the Interior addressed the crowd and presented a special document. The document was a certificate declaring the East Bay Skyline Trail, administered by the East Bay Regional Park District of Oakland, to be the first nonfederal National Recreation Trail in the nation.

Thus, a 14-mile trail administered under criteria prescribed by the National Trails System Act and the Department of the Interior was dedicated and plans are underway to extend the trail 25 miles to further enhance the varied recreation opportunities of the East Bay area.

URBAN TRAILS

In addition to their designations as National Recreation Trails, the East Bay Skyline and Gabrielino Trails share something else in common. They serve large urban areas.

And here lies the most challenging aspect of all who are concerned with America's outdoor recreation destinies: bringing the outdoors closer to the frontdoors of urban Americans.

High on the list of priorities at the Bureau of Outdoor Recreation is a creative and innovative determination to provide an "escape mechanism" for our metropolitan dwellers; many of whom are virtually captives of the city.

Not only are they demanding outlets to fill their increasing leisure hours, but their quest includes "breaking the ranks" from contemporary regimentation. Millions of our citizens who feel regimented at their offices or factories must fight the regimentation of traffic, only to end the day in crowded and regimented housing patterns.

At present, the city dweller is often dependent on the automobile to get from his home to a place where he can commune with nature, walk, hike, ride horseback, or pedal along a bike trail. But many city dwellers do not have cars. In fact, it is estimated that some 50 million of us of driving age do not have automobiles. This is especially true of many inner-city inhabitants. The very people who most need outdoor experiences and exercise stand the least chance of getting it.

IN SEARCH OF SPACE

A film produced recently by the Bureau of Outdoor Recreation and National Educational Television graphically probes into the problems of urban open space needs.

The film's title, "In Search of Space," quickly summarizes its thrust and character. Its message tells us that outdoor space in and near our large cities is there—if we look for it.

Unused or ill-used rights-of-way can be found in almost every urban area; often complete with built-in and welcome green space. These include abandoned railroad lines, canal banks, and utility rights-of-way. Flood plains also offer an exciting recreation resource.

Because of their straight-line characteristics, these rights-of-way can become links and extensions—tying together parks, leading into existing trails, or bringing together a city's cultural facilities. Additionally, these rights-of-way can sometimes form greenbelts which encircle a city, or that wind serpentinely throughout a city.

The potential recreation use of abandoned railroad rights-of-way and similar trail opportunities in and near our cities is receiving full attention from the Bureau of Outdoor Recreation. A report which includes an inventory of railroad abandonments over the past 10 years—with emphasis on those near or within large cities—is to be released soon. Criteria for determining the range of recreation potential of these abandonments—especially trails—will be included also.

The report suggests that it is the responsibility of the public—interested individuals, trail clubs, private recreation associations—to maintain a running balance sheet of recreation opportunities in their states and communities. They will have to evaluate rights-of-way; pursue the legal aspects; promote community interest; deal with, persuade, and generally pester state and local officials to acquire these rights-of-way.

If we want more and better trails in our cities—some of which may eventually become National Recreation Trails—it is necessary to pinpoint trail opportunities and ignite citizen-official action.

SUCCESS STORIES

It is encouraging to note that many city dwellers are taking the initiative and pushing ahead on their own to establish recreation trails.

Such perseverance of determination are paying off.

More than 300 members of the nonprofit Buckeye Trail Association are working diligently to extend the Buckeye hiking trail from Cincinnati to Toledo, including side trails.

In Seattle, more than 100 persons turned out last year for a "Citizen's Walk-In"—dramatizing the need to acquire a railroad right-of-way for recreation trail use. The route was being considered for abandonment.

In New York State, the residents of cities and villages who cooperated in the establishment and initial maintenance of the Old Groton Trailway are to be commended. This urban trail extends 26 miles from New York City to Grotonville. The title for this trail passed to the state in 1968.

Everyone was pleased when President Nixon signed into law the bill to preserve and enhance the C&O Canal by making the canal and its adjacent trails an addition to our national park system.

But possibly overlooked was another excellent illustration of urban cooperation among federal agencies, local governments, and a private organization to establish a recreation trail in the Washington, D.C., area. In this case the Bureau of Outdoor Recreation and the National Park Service teamed with the American Youth Hostels organization. Various local governmental agencies representing the District of Columbia, Maryland, and Virginia also gave their support. One of their plans is the creation of an area-wide, loop-type system of biking and hiking trails—along which will be situated overnight hostels. The same team is looking into the possibilities for bicycle commuter trails.

THE TRAILS ACT

The National Trails System Act of 1968 stresses the importance of the establishment of three types of trails: (1) Trails in or near urban areas—particularly National Recreation Trails; (2) connecting and side trails; and (3) a system of National Scenic Trails.

Urban oriented National Recreation Trails are designated by the Secretary of the Interior (or the Secretary of Agriculture, on lands administered by his agency), but only Congress can establish National Scenic Trails.

Recreation and Scenic Trails may offer a wide range of trail-type activities, or, they may be restricted to a single use, such as walking.

Motorized recreation vehicles, such as snowmobiles and trail scooters, may be allowed on some National Recreation Trails although they are barred from long-distance National Scenic Trails.

NATIONAL SCENIC TRAILS

The first National Scenic Trails established by Congress under the National Trails System were the Appalachian Trail and the Pacific Crest Trail. Since passage of the Trails Act, work has progressed steadily to select rights-of-way and to develop procedures and guidelines for the operation of these two splendid trails.

The proposed route of each has been remapped—in the case of the Appalachian Trail, by the overall federal administrator, the National Park Service, with significant and welcome assistance from the Appalachian Trail Conference; and the Pacific Crest Trail by its administrator, the Forest Service. As required by law, route selections were given public exposure through publication in the *Federal Register*.

Both trails receive protection through cooperation of the states involved—primarily by use of various land acquisition methods, notably scenic easements which do not require landowners to give up their property. Under the terms of the Act, though, land acquisition cannot take place immediately.

And, both trails have the advantage of advisory councils to assist in formulating trail policies. Their membership is drawn from public and private sectors. One of the first actions of both councils was the adoption of a distinctive symbol representing each trail on the uniform marker of the National Trails System.

POTENTIAL NATIONAL SCENIC TRAILS

Bestowing national status upon the Appalachian and Pacific Crest Trails is a sound beginning—but merely that—a beginning.

The Trails Act lists 14 routes for consideration as National Scenic Trails. Five of these studies are underway, directed by the Bureau of Outdoor Recreation. They are El Camino Real, Mormon, and Mormon Battalion Trails, the North Country Trail, and the Oregon Trail. Of these five, only the El Camino Real is less than 100 miles long, most are thousands of miles.

Bureau studies of the Continental Divide and the Potomac Heritage Trails are nearing completion and will be submitted to the Secretary of the Interior for review.

At various intervals during the next three years, studies of the seven remaining trails will be started: Alaska's Gold Rush Trails, the Chisholm Trail, Lewis and Clark, Long, Natchez Trace, Santa Fe, and Kitaning Trails.

During such studies, every effort is made to secure the views of interested parties, both government and private. Their ideas and perspectives play a prominent role in the decision-making process of each report. A healthy cross section of opinions is generated through personal contacts, public meetings, letters, telephone calls, and the media.

OTHER TRAIL ACTIVITIES

Recreation trails are included as integral elements of other studies conducted by the Bureau.

Another federal agency, the Department of Housing and Urban Development, is considering incorporating trails in its model cities program in the hope of satisfying some of the recreation needs of those they serve.

States, too, are playing a more active role in recognizing the recreation potential of trails. Last year, the State of Washington passed legislation establishing a state trails system. And other states are considering similar measures.

California is trails conscious. That state recommended that trails be established within the California State Park System and elsewhere to serve its growing urban population. To coordinate this, the governor appointed a California Recreational Trails Committee.

California law now bans construction of state highways which could destroy or cut through existing trails unless a reasonable alternate route is provided for the trail users. Thanks to the same law, designers of freeways on the state highway system must now incorporate pedestrian paths and bicycle accommodations.

And, new trail associations, such as are found in Florida, Tennessee, and Virginia are also making their presence felt.

THE PRIVATE SECTOR

Private industry is very much on the trails scene. Bicycle manufacturers and other related private organizations, for example, have long worked cooperatively toward establishment of new bike trail systems.

Bicycle manufacturers' sales charts reflect growing sales and profits. And with the mounting sales of bikes must come a call for more bike trails.

Since the 1962 comeback of bicycling as a popular adult pastime, it is estimated that more than 10,000 bicycle trails have been established. Furthermore, the Bicycle Institute of America reports that the demand for new trails keeps growing. The Institute offers advice and planning assistance to those interested in community bikeways.

One dramatic concept—shared by federal agencies, city governments, and the Bicycle Institute—is the possibility of bicycle commuter trails as a partial answer to car-clogged freeways.

THE FUTURE: PLANS, ACTION, MONEY

The three ingredients: plans, action, and money are essential to the success of any trails program.

With this very much in mind, a National Trails Symposium is scheduled for June 2, 3, and 4 in Washington, D.C. Hosting this vital meeting will be the Departments of the Interior and Agriculture, and Open Lands Project, a Chicago-based private conservation organization.

A broad range of individuals and groups, both governmental and private, will be contributing to the symposium. Their common interest will be an enthusiasm for trails and a determination for more and better trails.

As envisioned, the symposium will sidestep pep talks in favor of head-on confrontations about problems, legalisms, and those ingredients which have translated themselves into success stories.

The federal role must evolve along these lines:

1. Working with private groups to bring together clubs, groups, and individuals into compact, influence-wielding confederations;

2. Serving as a clearinghouse for the latest in trial-planning information, with more ambitious contributions of their trail expertise to citizens groups;

3. Financial assistance for establishing trails, including acquistion and development costs.

The Bureau of Outdoor Recreaton administers the Land and Water Conservation Fund, through which states and communities—on a 50–50 cost-sharing basis—can be assisted in acquiring and developing lands for trails.

The Open Space Land Program of the Department of Housing and Urban Development provides grants of up to 50 percent to state and local public bodies to assist in acquiring and providing basic development of lands for park, recreation, and open space purposes. Trails on lands purchased for these purposes are an eligible project cost.

WHERE TO WRITE FOR INFORMATION

Since many may have questions concerning the National Trails System, a 30-page booklet entitled "National Scenic and Recreation Trails," which answers some of the more common questions asked about the program, is free by writing to: TRAILS, Bureau of Outdoor Recreation, U.S. Department of the Interior, Washington, D.C. 20240.

Further questions concerning the System or trails in general may be directed to the six regional offices of the Bureau of Outdoor Recreation at the following addresses:

Northeast—Pa., Maine, Vermont, N.H., Mass., N.Y., R.I., Dist. of Col., Conn., N.J., Md., W. Va., and Del.: Regional Director, Bureau of Outdoor Recreation, Federal Building, 7th Floor, 1421 Cherry Street, Philadelphia, Pa. 19102, Phone: 215–597–7989.

Southeast—Ga., Va., Ala., Tenn., N.C., S.C., Ark., La., Miss., Fla., Puerto Rico, and Virgin Islands: Regional Director, Bureau of Outdoor Recreation, 810 New Walton Bldg., Atlanta, Ga. 30303, Phone: 404–526–6377.

Lake Central—Mich., Minn., Wis., Iowa, Ill., Ind., Ohio, Mo., and Ky.: Regional Director, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, Mich. 48104, Phone: 313–769–7481.

Mid-Continent—Colo., N.D., S.D., Wyo., Neb., Kan., N. Mex., Okla., and Texas: Regional Director, Bureau of Outdoor Recreation, Building 41, Denver Federal Center, Denver, Colo. 80225, Phone: 303–233–8831, 303–233–6765.

Pacific Southwest—Calif., Nev., Utah, Ariz., Hawaii, American Samoa, and Guam: Regional Director, Bureau of Outdoor Recreation, Box 36062, 450 Golden Gate Avenue, San Francisco, Calif. 94102, Phone: 415–556–0182.

Pacific Northwest—Wash., Idaho, Oreg., Mont., and Alaska: Regional Director, Bureau of Outdoor Recreation, 1000 2nd Avenue, Seatle, Wash. 98104, Phone: 206–583–4706.

For information regarding the Appalachian National Scenic Trail, write: National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

For information regarding the Pacific Crest National Scenic Trail, write: Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250.

For group and VIP motion picture screenings, consider the Bureau of Outdoor Recreation film, *The American Trail*. A multi-award winner, its latest accolade is the Golden Sun Medallion (Grand Prize) at the II International Touristic Film Festival last November in Lisbon, Portugal. Fully narrated in 16mm color, *The American Trail* is also cleared for public service time on local television and runs 28 minutes. Write (well in advance): Modern Talking Picture Service, 1212 Avenue of the Americas, New York, N.Y. 10036.

NATIONAL TRAILS SYMPOSIUM

June 2, 3, and 4, 1971, Washington, D.C.

Hosts: The Department of the Interior, The Department of Agriculture, Open Lands Project.

WHAT YOUR STATE IS DOING ABOUT TRAILS

State	Approximate number[1] of miles of existing trails	State trails system considered in SCORP[2]	State trails act drafted	State trails legislation enacted	Implemented	Trails planned for by the State	Who to write for State trails information
Alabama	456					173 miles for 1969–74	Director, department of conservation.
Alaska[3]	1,200	Yes		Act establishing wilderness trails.	No	144 miles for 1970–75	Theodore G. Smith, director, division of parks.
Arizona	3,104	Yes					Roger Gruenewald, outdoor recreation coordinating commission.
Arkansas	45					16 miles for 1970–74	Frank A. Patalano, executive director, Arkansas Planning Commission.
California	12,234	Yes		(1) 1969 Recreational Trails Act encourages establishment of trails. (2) Pleasure riding tax law provides for establishment of public riding and hiking trails by taxing owners of pleasure riding animals. 1969. (3) Act prohibits destruction of existing trails by State freeway construction unless alternate routes provided. 1970.	Yes		William Penn Mott, Jr., director, department of parks and recreation.
Colorado	7,126	Yes	Yes				Harry K. Woodward, director, division of game, fish, and parks, department of natural resources.
Connecticut	390		Yes				Joseph N. Gill, commissioner, department of agriculture and natural resources.
Delaware	48						David R. Keifer, director, State planning office.
Florida	247	Yes				176 miles by	Ney C. Landrum, director, division of recreation and parks, department of natural resources.
Georgia	158	Yes. Also recommends State legislation to protect Appalachian Nature Study Trail.				68 miles in 1971	Tom Linder, State planning and community affairs officer, bureau of State planning and community affairs.
Hawaii	471						Shelly M. Mark, director, department of planning and economic development.
Idaho	10,817	Yes					Wilhelm M. Beckert, director, Idaho Department of Parks.
Illinois	700					Acquisition by 1973 of a river trail of 8,000 acres inclusive of land and water acreage.	Henry N. Barkhausen, director, department of conservation.
Indiana	928	Yes				28 miles for 1971–75	John R. Lloyd, director, department of natural resources.
Iowa	182		Trails provided for under existing legislation.				E. B. Speaker, assistant to the director State conservation commission.
Kansas	33						Lynn Burris, Jr., director, State park and resources authority.
Kentucky	717	Yes					Frank J. Groschelle, special assistant to the Governor.
Louisiana	214	Yes				45 miles for 1970–75	Lamar Gibson, director, State parks and recreation commission.
Maine	2,935	Yes		Act to regulate snowmobiles. Act set $10 registration fee, $1 of which goes toward providing trails. 1969.			Lawrence Stuart, director, State parks and recreation commission.
Maryland	818	Yes		Trails provided for under existing legislation.		450 miles for 1971–75	Spencer P. Ellis, director, Department of forests and parks.
Massachusetts	2,513	Yes		(1) Act authorizing State to acquire land for Appalachian National Scenic Trail. 1969. (2) Act authorizing State trails inventory. 1969.	(1) Will start acquiring land this year (1971). (2) Inventory completed 1970.		Arthur Brownell, commissioner, department of natural resources.
Michigan	10,526	Yes		Public Law 225, 1964, authorizes studies for State trails system.	No		Ralph A. MacMullan, director, Michigan Department of Natural Resources.
Minnesota	2,673	Yes		(1) Act to regulate snowmobiles provides funds for trail development. 1967. (2) Act desingating Casey Jones Trail. 1967. (3) Act designating Minnesota Valley Trails. 1969. (4) Act authorizes State Forestry Department to acquire easements for trail purposes. 1969.	Yes	Approximately 200 miles for 1971–75.	Robert Herbst, commissioner, department of conservation.
Mississippi	9					284 miles for 1971–74	Spencer E. Medlin, comptroller, Mississippi Park System.

Footnotes at end of table.

WHAT YOUR STATE IS DOING ABOUT TRAILS—Continued

State	Approximate number [1] of miles of existing trails	State trails system considered in SCORP [2]	State trails act drafted	State trails legislation enacted	Implemented	Trails planned for by the State	Who to write for State trails information
Missouri	1,818	Yes				Approximately 280 acres for 1971–74.	Robert L. Dunkeson, executive secretary, Inter-agency council for outdoor recreation.
Montana	9,496						Robert F. Cooney, assistant chief, recreation and parks division, department of fish and game.
Nebraska	67	Yes				20 trails for 1971–75	Willard R. Barbee, director, game and parks commission.
Nevada	503						Elmo J. De Ricco, director, department of conservation and natural resources.
New Hampshire	1,262	Recommends State legislation to protect the Appalachain National Scenic Trail. Bill in preparation.					George Gilman, commissioner, department of resources and economic development.
New Jersey	3,772	Yes	Yes			150 miles for 1971–75	Richard J. Sullivan, commissioner, department of environmental protection.
New Mexico	3,648						State planning officer, State planning office.
New York [3]	4,548	Yes				180 miles for 1971–75	Sal J. Prezioso, commissioner, office of parks and recreation.
North Carolina	1,884						William L. Turner, director, department of administration.
North Dakota	590					2,409 miles recommended for development during 1971–75.	John Greenslit, coordinator, State outdoor recreation agency.
Ohio	2,331	Yes		Resolution passed recognizing Buckeye Trail.	Yes	78 miles for 1971–75	William B. Nye, director, department of natural resources.
Oklahoma	307						Director, industrial development and park department.
Oregon	8,963	Yes	Yes				R. L. Porter, State highway engineer, State highway department.
Pennsylvania	6,172	Yes					Irving Hand, executive director, State planning board.
Rhode Island	60	Yes				30 miles for 1971–75	John L. Rego, director, department of natural resources.
South Carolina	68	Yes				30 miles for 1971–72	Bob Hickman, director, department of parks, recreation, and tourism.
South Dakota	1,252					3 trails are planned for acquisition and development for 1971–74.	Robert Hodgins, director, department of game, fish, and parks.
Tennessee	708	Yes	Yes				William L. Jenkins, commismissioner, department of conservation.
Texas	750	Yes	Yes			65 miles for 1971–73	Paul Schlimper, assistant director of park services, department of parks and wildlife.
Utah	5,348	Yes					Gordon E. Harmston, executive director, department of natural resources.
Vermont	7,438						Forrest E. Orr, planning director, agency of environmental conservation.
Virginia	913	Yes	Yes			1,000 miles for 1971–75	Ben Bolen, commissioner of parks.
Washington	8,356	Yes		Yes (1970)	Underway		Lewis A. Bell, chairman, interagency committee for outdoor recreation.
West Virginia	776	Yes				208 miles for 1971–75	William H. Loy, acting director, Federal-State relations.
Wisconsin	433	Yes		(1) Snowmobile Act provides for development of trails on public lands. 1969. (2) Motorcycle Outdoor Recreation Act provides for trail development. 1969.	Yes	50 miles for 1971–73	John A. Beale, deputy secretary, department of natural resources.
Wyoming	6,318	Yes				4 trails for 1971–72	Paul H. Westedt, director, Wyoming Recreation Commission.

[1] Compiled from Federal and state sources.

[2] Statewide Comprehensive Outdoor Recreation Plan.

[3] Number of trails identified by the State for potential inclusion in the national trails system—Alaska, 12; New York, 4.

VALOR UNHERALDED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DERWINSKI. Mr. Speaker, the concentration of interest in the critics of the Vietnam war has led to a situation which is obvious; namely that the wonderful service to the country of the men who have been assigned to Vietnam has in fact been consistently overlooked. Yet at last, in the San Diego Union of Friday, April 30, editorial recognition is given to thousands of unheralded young Americans who served honorably and properly in the uniform of our Armed Forces in Southeast Asia. The editorial follows:

PUBLIC WRANGLING DROWNS CHEERS—VALOR OF THOUSANDS UNHERALDED

As the withdrawal of U.S. combat troops from Vietnam proceeds, we find a troubled chapter in our history coming to a close with a notable void. Few can identify the heroes of the Vietnam War.

Was this truly a "war without heroes," as an author has called it? Or have we simply failed to recognize and applaud those men whose behavior in Vietnam has measured up in every way to the standards of American fighting men in the past?

Certainly this has not been a war without heroic conduct. It has been detailed in the citations for some 170 Medals of Honor awarded since 1964 and it lies behind countless other decorations for gallantry under fire. It is demonstrated as well in the fact that all but a miniscule few of the 2.5 million men who have served in Vietnam have done so with skill, steadiness and pride. We cannot speak of a war without heroes when 45,000 men have given their lives in its cause, and tens of thousands more will bear the scars of its combat for the rest of their days.

Yet the names of our most decorated heroes fade quickly from mind. The Vietnam veteran hangs up his uniform and slips back into civilian life with little demonstration of gratitude or welcome. He comes home to find a populace more interested in withdrawal dates than in the fact that his own service and sacrifice are what have made our honorable withdrawal from that conflict possible. He finds the air filled not with cheers but with public wrangling over whether the struggle to which he gave a significant portion of his life is really worthwhile.

It is not enough to regret that our men were not followed to Vietnam by many like Ernie Pyle, who during World War II gave the American people a vivid appreciation of the day-to-day duress of frontline duty. It is fair to ask whether the reporting of the Vietnam War, which so often has seemed to focus in the wrong direction, was not simply a reflection of the preoccupation of the American people themselves with the political implication of that struggle, both at home and abroad.

The result may be that we have failed as a nation to identify ourselves with the human commitment which our men have fulfilled so unselfishly in Vietnam—the same commitment that carried our fighting men through every war the United States of America has fought in this century, producing a galaxy of national heroes.

It will be tragic if uncertainties and misunderstanding over the issues of policy that took our troops to Vietnam should blind the American people to the pages of heroism written there. It would compound that tragedy if the exhibitionism of a few veterans throwing medals over a fence in Washington should detract in any way from the dignity, the respect and the honor that hundreds of thousands of fine Americans have earned by their service in Vietnam.

MUSKIE CONTINUES TO LEAD NIXON

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune today carried the latest results of the Harris survey, which show that Senator Muskie continues to be the most serious challenger to President Nixon in 1972.

This survey gives us our best answer why the administration has given orders to all of its field marshals to "get Muskie."

We have watched with interest the attacks being leveled against against Senator Muskie by such GOP stalwarts as the Vice President, the minority leader in the House, and the chairman of the Republican National Committee himself.

It is obvious the White House strategists realize that the only man who can topple President Nixon in 1972 is Senator Edmund Muskie, and that is why they are concentrating their guns on him.

The Harris survey follows:

The Harris Survey—Muskie Widens Margin

(By Louis Harris)

In the latest Harris Survey, Sen. Edmund Muskie [D., Me.] has widened his lead over President Nixon to a 47 to 39 per cent margin, with Gov. George Wallace, an independent, receiving 11 per cent. Last February, Muskie led the President by a margin of 44 to 39 per cent.

Here is the trend of the Presidential trial heats between Nixon and Muskie conducted by the Harris Survey during the last two years. As before, this latest cross section of 1,619 likely voters, including 18–20 year olds, across the nation was asked:

"Suppose the 1972 election for President were being held today and you had to choose right now—would you vote for Richard Nixon, the Republican, Sen. Edmund Muskie for the Democrats or George Wallace, the Independent?" and "[if not sure] would you lean toward Nixon, Muskie, or Wallace?"

NIXON-HUMPHREY-WALLACE

[In percent]

	1971 test	1968 results
Nixon	42	43
Humphrey	41	43
Wallace	13	14
Not sure	4	

Confirming the basic set of this survey are the results of another pairing taken just between Muskie and Nixon with Wallace out of the race:

NIXON-MUSKIE ALONE

[In percent]

	Nixon	Muskie	Not sure
1971:			
April	44	50	6
February	42	48	10
January	46	49	5

Muskie continues to hold onto the six-point lead he had back in February when the 1972 election was cast as a two-way contest. The significance of these results is that it has now become clear that it is something of a myth to assume that the bulk of George Wallace's vote normally would go to Richard Nixon. Wallace voters are essentially against the "in" establishment, and this includes the occupant of the White House, regardless of party.

Perhaps as good a measure of where President Nixon stands politically today can be obtained in the results of another test when he is pitted against his 1968 opponent, Sen. Hubert Humphrey [D., Minn.]

NIXON-MUSKIE-WALLACE TREND

[In percent]

	Nixon	Muskie	Wallace	Not sure
1971:				
April	39	47	11	3
February	39	44	12	5
January	40	43	11	6
1970:				
November	40	46	10	4
1969:				
November	49	35	11	5
May	51	33	11	5

Against Humphrey, Nixon is precisely where he was back in 1968. Today, such a repeat contest with George Wallace as a third party candidate would produce the identical result. This represents something of a comeback for Humphrey, but still places him well back of Muskie as the strongest Democratic nominee at this time.

Nor should the 8-point Muskie lead over the President be taken to mean that Nixon is incapable of opening up a sizable lead over other potential Democratic contenders. In this latest Harris Survey, the President was also pitted against Sen. George McGovern [D., S.D.], the only announced Democrat aspirant:

NIXON-McGOVERN-WALLACE

[In percent]

	April	February
Nixon	46	45
McGovern	36	34
Wallace	13	12
Not sure	5	9

AN EROSION OF SPIRIT

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DICKINSON. Mr. Speaker, I would like to take this opportunity to share the following editorial by William Randolph Hearst, Jr., on the SST with my colleagues:

An Erosion of Spirit

(By William Randolph Hearst, Jr.)

New York.—The refusal by both houses of our new Congress to continue test development of an American SuperSonic Transport plane strikes me as a most serious and shameful milestone in the nation's history.

Without getting overly dramatic, I must say that killing the SST has raised some rather frightening thoughts in my mind.

What they add up to is a spectre—the dark vision of an America whose elected representatives, at least, are lacking in the adventurous spirit of pioneer leadership which made this country great.

It is impossible to say how widespread the same loss may be true of the general public. But it is a distressing fact that the lawmakers who decided to give up in the field of superjet development are supposed to reflect the vitality and opinions of the electorate—and generally do.

So something very serious indeed has happened. And it is shameful because it demonstrates how vastly different in outlook and motivation so many present-day Americans have become when contrasted with our early settlers and explorers.

We speak English today because the most venturesome, the hardiest and the most tenacious were English. Beginning with the settlement at Jamestown in 1607 and the Mayflower landing at Plymouth Rock in 1620, theirs was a saga of go, go, go—always forward in blazing trails through the unknowns of their world.

This spirit inspired and drove the country for approximately 300 years, as it continued to prevail in the first half of this century. Yet in recent years a kind of erosion has set in—and the death of the SST could well mark a turning point in our Nation's philosophy.

At the very least, the refusal of Congress to continue test work on a United States possible rival to Supersonic Transports already being flown by the Russians, British and French will—I am confident—go down as an indelible stain on its record.

This is the first Congress I have ever known that has refused to have a look at the future.

It is the first Congress I have ever known to spurn the kind of progressive, exploratory thinking that makes for a great, youthful and curious nation.

It is the first Congress I have ever known to adopt a policy of "go back" rather than "go ahead"—to deliberately surrender world leadership in a tremendously important field.

The 92d Congress, in a word, has disgraced itself.

In suggesting that this Nation may have turned a sad corner—possibly a 180-degree turn from its proud past—I am motivated more as an indignant citizen than an aviation buff.

It certainly is true that I have always been a real bug on the subject. There is an old photograph of me grasping the wheel of one of those ancient Wright Brothers-type plane which flew and captivated me at the Panama-Pacific International Exposition in San Francisco in 1915. I first flew solo still in my teens, and ever since have been handling every kind of plane anybody would let me.

Speaking as an aviation fan, I say quite frankly that I don't think the U.S. needs any fleet of the SST at this time.

In addition to its highly doubtful economic practicality, the SST still has a lot of unsolved problems. Its sonic booms, for example, might or might not be capable of being solved.

But this nation most certainly should have gone ahead with research and development of any potentially vital tool for the future. The fact that this particular tool happens to be a special kind of aircraft is only incidental.

What I am saying is that it is a sorry day when America decides it has gone far enough, or high enough, or fast enough, or deep enough in any field where its leadership is being challenged.

When the word "stop" takes over from the word "go" in our nation—as it did with the SST—it will mark the passing of the peak of America's greatness.

Killing the SST test development reflects not only a terribly serious sickness in our national soul, it wasn't even logical.

To be consistent, Congress also must now cut off any further funds for developing SuperSonic military planes—another field where our leadership is challenged by the Russians, among others.

The next logical step if we are going to get out of the big leagues would be to cut out going to the moon and leave space exploration to more venturesome nations.

Logic demands, if ecology is to be the determining factor in our national existence, that we must shut down our factories—those terrible polluters—and return to an agricultural society.

Logic and consistency require also the banning of all airplanes. And, of course, all automobiles.

Logic and ecology require, in sum, that all of use return to the horse and buggy age.

Such is a logical extension of the illogical and shameful action by Congress in turning its back on the future.

The words of the French lady being trumbilled to the guillotine—as quoted by Macauley, the famous British essayist—come to mind:

"Oh Liberty! How many crimes are committed in thy name!"

Progressive-minded, forward-looking Americans might well ask themselves a question something like this, *"Ecology! Environment! How many crimes will be commited in their names?"*

LAW DAY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. ROYBAL. Mr. Speaker, in commemoration of Law Day, I would like to offer my support to those efforts currently underway to make the laws of this land more comprehensible to the non-English speaking members of our society. Since it is essential that all residents of this country have as complete an understanding of the American legal process as possible, any attempt to translate our legal codes into foreign tongues deserves our praise. One such laudable program has been undertaken by the American Bar Association. In an attempt to expand the Spanish-speaking community's knowledge of our laws. The American Bar Association has printed a pamphlet in Spanish which commemorates Law Day and explains the rights of each citizen guaranteed under the Constitution.

My district is also fortunate to have the local Committee of the International Association of Women Lawyers which has undertaken to widely disseminate the pamphlet to my Spanish-speaking constituents. In addition, Law Day is being celebrated with the appearance of judges and lawyers on local Spanish language television and radio stations. In order to familiarize my colleagues with the notable work currently being done by the American Bar Association and its local Committees in this area, I include the contents of their Spanish language pamphlet commemorating Law Day, 1971:

SUS DERECHOS DE CIUDADANO

Todo cuidadano norteamericano goza de ciertos derechos promulgados en la Constitución y protegidos por la ley. Estas libertades individuales distinguen a nuestra sociedad de los sistemas totalitarios.

Sus derechos amparados por la ley incluyen:

El derecho a una igual protección por las leyes y a una ecuanimidad de justicia en las cortes.

El derecho a verse libre de registros o arrestos arbitrarios.

El derecho a una igual oportunidad educacional y económica.

El derecho a escoger a los funcionarios públicos en elecciones libres.

El derecho a tener propiedades.

El derecho de libre expressión, presna y asamblea.

El derecho de atender a la iglesia be su elección.

El derecho a tener la asistencia legal de su elección, y un juicio inmediato si se le acusa de un crimen.

POR QUÉ CELEBRAMOS EL DÍA DE LA LEY

El día de la ley, celebrado anualmente el 1°. de mayo, es una fecha educacional y patriótica establecida por el Congreso y por una proclamación oficial del Presidente de los Estados Unidos. El tema de el dia de la ley en 1971 es: Reforma encaminada por la Ley y la Razón. Se propone recalcar la urgencia e importancia de resolver las injusticias y disparidades por medios legales y ordenados, a través de las cortes, los cuerpos legislativos y el Congreso de la nación, y no por tácticas de militancia, desorden y destrucción. La Resolución Unánime adoptada por el 87°. Congreso, llama a los norteamericanos a reafirmar su lealtad hacia los Estados Unidos, y a dedicarse renovadamente a "los ideales de igualdad y justicia bajo la ley, en sus relaciones entre sí." Con este fin, en visperas o el 1°. de mayo, numerosos programas se llevarán a cabo en toda la nación: en las escuelas, tribunales, iglesias, y ante organizaciones de toda clase.

Los objetivos de EL DÍA DE LA LEY son:

1. Promover la igualdad y justicia remitiéndose a la ley.
2. Alentar a los ciudadanos a que respeten las leyes y soporten el cumplimiento de las mismas.
3. Fomentar respeto hacia la ley, y una comprensión de su lugar esencial en la vido norteamericana.

SUS DEBERES DE CIUDADANO

Conjuntamente con sus derechos de ciudadano van sus responsabilidades individuales. Todos los norteamericanos las comparten.

Sus deberes de ciudadano incluyen:

El deber de obedecer las leyes.

El deber de respetar los derechos de otros.

El deber de mantenerse informado sobre asuntos gubernamentales y de bienestar de la comunidad.

El deber de votar en las elecciones.

El deber de servir en los jurados, si se le solicita.

El deber de servir y defender a su patria.

El deber de asistir a las agencias encargadas de preservar la ley.

El deber de practicar y enseñar en su hogar los principios de una sólida ciudadanía.

MINNESOTA PRIZE WINNER CHALLENGES SUBURBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. NELSEN. Mr. Speaker, I have long felt that the tiny minority of destructive voices in our midst tend to receive a good deal more attention than the constructive voices whose views can help in practical fashion to solve some of the problems besetting our Nation. So I am delighted to share with my colleagues a crackerjack of an essay on a very timely subject written by a young constituent in my district who herself represents the finest of young America.

Its authoress is Miss Pat Barke, daughter of Mr. and Mrs. Richard Barke of rural Fairmont, Minn. A junior at Fairmont Senior High School, Miss Barke is a leader in a number of school and community activities, including 4-H, and was recently selected to spend 3 months abroad this summer in a student exchange program sponsored by the American Field Service.

In a statewide contest this spring sponsored by the State of Minnesota Conservation Department, Miss Barke was awarded first prize for an essay entitled "Is Suburbia Benefited by Soil and Water Conservation?" It might be added that Miss Barke's composition was considered so superior, she was invited to deliver it at the State legislature and she read it over one of our State's leading radio stations.

I am, therefore, most pleased to call Miss Barke's composition to the attention of my colleagues in Congress and insert it at this point in the RECORD:

IS SUBURBIA BENEFITED BY SOIL AND WATER CONSERVATION?

(By Pat Barke)

Wake up, surban America! Join in the fight to save our soil and water and help fight pollution!

It's your world, too!

What men do to their world affects everyone in it—farmer or suburbanite, ardent conservationist or casual consumer. Everyone has to breathe the air, drink the water, eat the food, throw away his trash and share living room with his neighbors.

It is almost impossible to listen to the radio, pick up a magazine, read a newspaper, or watch TV without finding new accounts of actual or threatened danger to our surroundings.

Yes, suburbia is definitely benefited by soil and water conservation! All living things are inter-related and interacting.

In this day and age, what we do affects everybody! We are all custodians of nature. But, shame on us, we have raped the land, the water, and the air!

As they say about our rivers today—they are too thick to drink, and too thin to plow.

The farmer and the people of agriculture have done more than any other segment of our society to improve our environment.

Agriculture quietly pioneered this country's war against pollution beginning some **30 years ago.**

Pollution cuts ugly scars into the land while streams are being contaminated with silt from soil erosion. Careless suburban building, lets much good rich soil run-off with heavy rains, and makes rivers unlivable for fish and increases water treatment costs.

Farmers have dramatically reduced the silt run-off from farmlands. Terraces, contour and strip-planting help keep soil, rainfall and chemicals from washing away.

Silt flow is also checked by grassy waterways, diversion ponds and farm lakes created by damming erodible ravines.

If American farmers had not been following good conservation rules, today every public reservoir in the United States would be filled to capacity—with sediment instead of water.

Farmers have helped reduce air pollution, too. To protect blowable soil areas with windbreaks, they've planted millions of trees and miles of flowering hedges, which also accommodate birds and small game.

Environment-wise, even on the farm, there is still much to be done. But nowhere else has so much already been done—with such beautiful results.

Most city-dwelling Americans take a steady and sufficient supply of water for granted. Country folk who rely on wells for drinking water, streams or ponds to water their stock, and rain to nourish their crops, are constantly concerned about their water supply.

There is a world-wide water shortage! But water can be conserved in many ways. These range from repairing leaky faucets to slowing the flow of rivers to the sea by building dams.

And we must stop erosion, whether we live on the farm, or in suburban America. Keep topsoil from being washed away, and allow precipitation to sink slowly and replenish ground water.

Oh, yes, man has intelligence. With his intelligence, modern man has created technology. This gives him powers to make great changes in nature.

Technology also makes humans able to use huge amounts of the Earth's resources. Because we can use so many resources, we create huge amounts of wastes—too many wastes for nature to reuse. When these wastes make the water, and soil unfit for use, or unhealthy, we say they are polluted.

Pollution leads to water that fish can't live in, soil plants can't grow in, air that kills crops. It is a limiting factor that nature didn't plan for. So man, the smartest animal, can also be the most dangerous one!

Arsenic is beginning to appear in river waters. The suspected carriers are the detergents we use in our washing machines. These so-called "washday miracles" are turning our nation's lakes and streams into reservoirs of *stinking slime.*

Our planet belongs to every living person! We ALL must care for and nurture our planet.

Our very lives depend on it. If we destroy it, we destroy ourselves and our loved ones.

The polluted clouds of selfishness have been with us long enough. The earth is limited!

The problems are complex. It will take *everyone* to solve them.

At the last meeting of our legislature, there were 80 bills for defense, and only two bills to clean up our environment.

But all of our water and soil management solutions are strictly theory until we as citizens become personally involved.

What can we do?? 1. We can put pressure on our legislators for stricter controls. 2. We can start at home.

Let's not underestimate ourselves—we can do something about soil and water conservation, and pollution!

Pollution threatens man's survival.

Is suburbia benefited by soil and water conservation? OH, yes, for our very life comes from the soil and water. EVERYONE has to breathe the air, drink the water, eat the food, throw away his trash and share living room with his neighbors.

Life depends upon the soil and water!

We must keep the water pure, and the soil rich and uncontaminated.

We can, we shall, we must!

THE NUCLEAR SWORD OF DAMOCLES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. CARTER. Mr. Speaker, I recently read with interest and trepidation, as far as our nuclear program is concerned, this article by Mrs. Lenore Marshall. Continued nuclear testing and unrestricted use of nuclear reactors may well constitute a serious danger not only to our environment but to the continued existence of all forms of life. I submit this article for your perusal:

THE NUCLEAR SWORD OF DAMOCLES

(By Lenore Marshall)

(NOTE.—The author wishes to express her appreciation for Miss Egan O'Connor's valuable assistance in research.)

A short while ago another nuclear accident occurred. An underground weapons test, supposedly self-contained, produced a radioactive cloud that traveled at least 450 miles, with fallout at its site that affected hundreds of people who had to be evacuated and decontaminated, and for whom ultimate damage cannot yet be ascertained.

During the years since Hiroshima—the short years previous to the newest atomic accident (which was the 17th underground test that has leaked, according to Atomic Energy Commission announcements)—we have recognized to our sorrow and terror that our entire planet has joined the wilderness in its struggle for survival; not only the wilderness but the whole world is in peril. Nothing, no matter how remote, is immune. Great tracts of fertile land, plant life and animal life in forests, plains, oceans, rivers, and lakes have been joined by human life in the danger of extinction. The greatest threat to the continuance of animal, vegetable, and human existence comes from the nuclear sword of Damocles that hangs over our heads.

By great good luck, despite the minor accidents, there has not yet been a massive release. However, since sources of nuclear contamination are proliferating, the chances of a major disaster are also increasing; such a disaster could devastate a number of states and cause thousands more cases of cancer and genetic defects and deaths. There is a fundamental difference between radioactive pollutants and other pollutants such as DDT, NTA, oil, and automobile exhaust. All the latter are stable compounds, and there are possibilities of eliminating them or of rendering them harmless. But radioactive atoms are deranged atoms whose high-energy emissions from the nucleus cannot be stopped or, presto, made innocent by a lawsuit or a wave of a wand; they taper off at their own rate—240,000 years for radioactive plutonium 239, which happens to be a basic element in both the military and peaceful application of nuclear energy.

Cockroaches are said to withstand the effects of radiation quite nicely. Other animals, wild or otherwise, fare worse.

Since there is no way to turn off radioactivity, nuclear pollution is in a class by itself. Therefore, to whatever extent is possible, we must prevent any more of it from occurring.

We are already bearing the legacy of some earlier activities—radium from uranium mine wastes eroding into the Colorado and into other rivers, plutonium 238 in the atmosphere from a misfired navigational satellite (1964), and fallout from the atmospheric nuclear bomb tests. They are all, of course, still with us. For instance some of the radioactive cesium 137 will still be around 300 years from now and radioactive carbon 14 another 57,000 years. The strontium 90 fallout created by atmospheric tests was enough to work its way into the bones of almost every child tested for it in the Northern Hemisphere, according to Anthony Smith (*The Body*). Since all radiation exposure is assumed to be harmful, whether it comes from bombs, medical X-rays, nuclear power plants, rocks, or the stars, what counts is the amount we accumulate and which we can still limit. The only hopeful thing to be said about this peril is that it is still possible to control it, keeping doses of radiation to safer permissible levels.

The biggest radioactive burial ground in the world lies in Nevada only 75 miles from Las Vegas, and consists of 250 square miles of contaminated desert surface pocketed with deadly plutonium 239. Under the surface, as well, lie hundreds of pools of radioactivity; some radioactive tritium is contained in the waters beneath the surface. This no-man's land is mentioned in a paragraph within a report of the Atomic Energy Commission to the President's Council on Environmental Quality. If an earthquake or some other disaster, man-made or natural, were to strike this land, there is no knowing how vast would be the damage.

This is only one of many instances of pollutant destruction related to A.E.C. blasts and experiments. There is no way of estimating how much radioactivity is being released to the environment from all sources; however, what is known is that the amount of radioactivity and the damage from it are adding up. Since 1957 the A.E.C. to date has conducted over 200 tests in Nevada, plus two in Mississippi and two in Alaska. During 1970, through October 14, the United States detonated 23 underground bombs, the Russians six. An estimated 33 per cent of the underground explosions vent some radioactivity into the air and, probably, gases seep to the surface eventually from all of them. Regarding Alaska, an A.E.C. contractor has calculated that the Milrow test in October 1969 could start discharging radioactive hydrogen into the ocean in six years and continue discharging for the subsequent 66 years. In 1966 ecologist G. G. Polykarpov warned that the oceans already have all the radioactivity that they can tolerate and that fish embroyos show damage. Nonetheless new underground tests, the largest we have ever held, are being planned for Alaska, and in an active earthquake zone.

From sources other than nuclear bomb tests the danger and the damage proliferate. There are about 20 experimental nuclear power plants in operation in the United States now; the A.E.C. expects to license 450 to 650 more in the next 30 years. Each plant accumulates in one year as much long-lived radioactivity as in several hundred Hiroshima bombs. Construction and active preparations are presently occurring in 28 states and in Puerto Rico. Peaceful "Plowshare" underground bomb tests, proposed by the hundreds, would create contaminated gas, oil, and possibly copper for nationwide distribution. Pilot projects have been blasted in Arizona and Colorado; Wyoming is probably next. Nine "Plowshare" excavation bomb experiments for building canals and harbors have produced contaminants; a recent one produced radioactive air as far from the Nevada test site as Boise, Idaho. Thus the "peaceful atom," a kindly-sounding benefactor, may require a bit more assessment.

Radioactive material is being more and more widely used in industry, raising problems of disposal. In Florida, the country's first commercial nuclear sewage disposal plant is using radioactive cobalt. Storage of radioactive wastes is a mammoth problem. Altogether, there are over 100 million gallons of high-level radioactive waste stored in tanks in South Carolina, Idaho, Washington, and New York state. Storage tanks tend to disintegrate under the intense radioactive bombardment and heat; so far, 60,000 gallons have leaked from such tanks into the ground. The A.E.C. is working on techniques for solidifying the waste, but the process is so expensive that the A.E.C. hopes to dump millions of gallons of *un*solidified waste into underground excavations along the Savannah River. At the A.E.C.'s Hanford installation, there are open "dribble trenches" for so-called "low level" wastes. In March 1970, ducks drinking from these trenches were found to be so radioactive that eating them would give a person five times the annual "permissible" dose of radiation. And oysters at the mouth of the Columbia River are reconcentrating radioactive zinc released far upstream at Hanford. In New Mexico, radioactive waste is pumped into deep wells, stored, and allowed to seep into desert soil. Monitoring has sometimes been casual. At one commercial plant in West Valley, New York, after official denials of hazard, a group of citizens found radioactive levels in a creek to be 30,000 to 100,000 times higher than levels permitted by the A.E.C. During a test of the nuclear space rockets in Nevada in 1965, levels of air contamination on U.S. highway 95 between Reno and Las Vegas rose temporarily to 200,000 times their normal level.

When plutonium 239 falls on the test site in Nevada, the land is fenced off and posted. The problem is how to confine that plutonium to that fenced-off place, against wind and oxidation, for the next 240,000 years—when it will no longer be able to hurt us. Near Denver, Colorado, local scientists have proven that significant amounts of plutonium have escaped from the Rocky Flats plant where warheads are manufactured. After denying the possibility, the A.E.C. has confirmed the findings.

A recent medical report in the *Journal of the American Medical Association* states that among the young people of Rongelap Atoll in the Pacific who were accidentally exposed to fallout during the 1954 tests, the majority have developed thyroid abnormalities, many of them malignant.

Today's environmental crisis proves that much modern technology now actually functions to the detriment of society. It has become disoriented from society. Science and scientists are not omniscient; in fact many scientists are attached to special interests in government and industry. As Doctors John W. Gofman and Arthur R. Tamplin[1] say of science and technology: "They offer credibility to the proposed ABM system and thereby offer thinkability to a nuclear war; they create the illusion that if we really get into trouble with our environment, science and technology will be able to rescue us; and they divert the scientific manpower away from more meaningful programs." Thus, within the fact that there are seismic, tidal wave, and radioactive hazards from nuclear weapons-testing underground, there lies the greater danger that weapons-testing is part of a general framework of thinking that war is thinkable.

Doctors Gofman and Tamplin continue: "Science in itself is not bad or good; that is why it has no ethics. Without application, science is meaningless. But most of science in this country is meant to be applied, and hence the government, hand in glove with industry, rules over science by controlling the purse strings. . . . Quite obviously we need a mechanism for effectively criticizing present day science and technology, and for articulating a new set of priorities that would lead science and technology to fulfilling the needs of society. . . . They must offer alternative programs that represent routes to the solution of the needs of society." Doctors Gofman and Tamplin propose an Adversary Center to consist of a group of distinguished scientists who would criticize any new application of science until it has been impartially scrutinized. In terms of the human condition, an Adversary Center would assist technology, and would base its rationale on the continuance of life of the human species. It would take up arms against the concept of the obliteration of man and of his beautiful earth, his wilderness and his cities, and of the civilization he has built.

It is argued that the country's increased need for electrical power necessitates nuclear plants and that defense needs necessitate further weapons development. As for the latter, since we already have means for overkill beyond that of any other country, and since the continuance of the arms race leads to a deadly tit-for-tat psychology that can only end in catastrophe, the sooner a moratorium on development and accumulation of nuclear weapons is called the safer we shall be. If the world aims at universal disarmament, perhaps elephants and seals and eagles and sparrows and pine trees and fish and roses and children will survive. A moratorium on the burgeoning nuclear reactor business must similarly be called.

What are some of the alternatives? Without nuclear energy would there be brownouts? Would a million sparklers around advertisements be cut in half? Would the electric carving knife not cut? The answer is that we can obtain the power we need. The lights will not go out. Even if this were the case, one must ask which is more important: more lights or life itself? Moreover there are safer alternatives to nuclear electricity. There is the further development of fossil fuel, which may be better utilized and made "clean" by means of new processes. There should be investigation of magnetohydrodynamics (MHD) and work on fusion and geothermal energies. Promising work is being done to develop the use of solar energy; it is said that the sun's heat falling on Death Valley alone could solve a multitude of power needs. Certainly, much electric energy that is wasted today could be conserved.

The public is entitled to demand information from the government and to say, Stop! to nuclear danger until plans are submitted for impartial scrutiny. There are a number of citizen groups which are fighting for safety from nuclear pollution. Two new committees have recently been launched, one to act as a clearing house and action center to bring about safeguards, the other as an information and educational center. They are, respectively, Task Force Against Nuclear Pollution and Citizens Committee for Nuclear Responsibility. They may be reached through Suite 1200, 111 East 58th Street, New York.

The marvel of our mass society, of our intricate civilization, of our establishments and vast impersonal structures, is that the individual can always do something. The individual has always performed miracles, and he still can. He can save his wilderness, he can save animal and vegetable life, he can save himself. He can understand his predicament, and if he has the will to do so he can take steps to save what he loves; one man—one woman—can start to build a bridge whereon others may walk. Will individuals tackle this new proliferating danger before it is too late?

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[1] "A Proposal to Establish an Adversary System of Scientific Inquiry," in *Environmental Action Bulletin*, January 2, 1971.

AMTRAK FALLS SHORT OF GOAL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. KEATING. Mr. Speaker, I am troubled by the widespread discontinuance of rail passenger service across the Nation, and especially in the Greater Cincinnati area. I am sure that there is agreement among Members of this body that the entire Amtrak situation has fallen considerably short of the intent of Congress in enacting the Rail Passenger Service Act of 1970. While I remain a strong supporter of the Amtrak concept, I cannot help but feel that the basic system put into effect by Amtrak will be counterproductive in fulfilling the basic aims of the legislation.

In view of the fact that legislators of the 91st Congress perceived the need for more efficient and modern rail passenger service—service which would allow the American traveler a greater measure of freedom to choose his mode of travel—I find it rather difficult to understand why many of the routes in the basic system were selected.

Those citizens in the Greater Cincinnati area are assured of passenger service only to Chicago, Washington, D.C., and Norfolk. Cincinnati travelers who desire rail transportation to New York, St. Louis, or Miami are faced with the choice of either longer train rides, with increased delays due to necessary changeovers, or else to opt for another mode of travel.

It seems to me that this will tend to discourage rather than encourage more frequent use of rail passenger service. In short, the citizens of Cincinnati had much more feasible travel options available to them under the old rail passenger service system than they do under the system currently operated by Amtrak.

At present, there is strong interest in the revitalization of rail passenger service throughout the Cincinnati area. Cincinnati city officials have traveled personally to Washington, D.C., to discuss their interest with Amtrak officials. Every day, I receive letters and resolutions from local government units urging that adequate service be provided. If the limited Amtrak routes, as presently planned, are the only ones available to the Cincinnati area, widespread disillusionment with Amtrak may prevent future appropriations.

These problems are complicated further by the poor service being provided by those railroad companies absorbed by Amtrak. Passenger cars which are wholly unclean, inefficient passenger ticket counters, and inadequate onboard service are just a few of the problems afflicting the system operated by Amtrak. Unless these and other areas are greatly improved upon, I believe we can fully expect the use of rail passenger service to decrease even more, rather than increase.

For instance, overnight passengers traveling from Cincinnati, Ohio to Washington, D.C., who choose to ride in a pullman must get up at approximately 5:30 a.m. and transfer to a coach car in Charlottesville, Va., and then ride the remaining 2½ hours to Washington, D.C., without provisions for breakfast.

It is my understanding that Amtrak is planning a multimillion-dollar campaign advertising to get people back to the rails. Before millions are spent on publicity, I strongly urge that the present service be upgraded; that eating facilities be modernized, that rate structures be lowered to be more competitive, and essential items such as cleanliness and convenience to be attended to.

Mr. William Mathewson, staff reporter for the Wall Street Journal, has written an excellent article on this subject, in which he depicts many of the problems encountered by rail passengers riding under the current Amtrak system. The article appeared in the Wall Street Journal on Friday, May 7, 1971, and I insert the text in the RECORD:

DERIDING THE RAILS: A JOURNEY OF AMTRAK SHOWS RAILROADS NEED MORE THAN A NEW NAME

(By William Mathewson)

The event was a historic first, but the atmosphere was far from festive.

"When are they going to clean the window?" asked one participant. "They'so dirty you can't even take pictures."

The disgruntled photographer was aboard the dome car of the California Zephyr as that train sped westward earlier this week on its maiden run under the aegis of the National Rail Passenger Corp., the quasi-governmental company that was born as Railpax and that now calls itself Amtrak. The consensus among passengers seemed clear: it will take more than a new name to transform the nation's passenger railroad system.

To be sure, Amtrak began with no illusions of instant metamorphosis. "We know . . . changes which are vital to upgrading rail service cannot be accomplished overnight," states David W. Kendall, Amtrak's chairman, in a preface to the new Amtrak timetable. He adds, however, that "we think the Amtrak system will become increasingly attractive to those who travel for business and pleasure, young people and older people, families and travel groups."

The first part of his statement, at least, proved to be oh so right, judging from my experience this week in taking one of the first Amtrak trains from coast to coast.

"BE PATIENT, PLEASE"

In the beginning, all was total confusion. "You know you're the first guy to buy one of these cross-country tickets under this new system," said the clerk at New York's Pennsylvania Station. That was April 27, four days prior to Amtrak's debut. I had called earlier to make reservations, but that didn't seem to help. "Be patient please," the clerk said. "We still haven't figured this thing out."

My patience was rewarded 53 minutes later. Another clerk, a supervisor and an adding machine produced my $250.91 ticket entitling me to occupy a Broadway Limited roomette for 907 miles of track from New York to Chicago and, following a change of trains to the California Zephyr, for 2,420 miles from Chicago to Oakland. (It takes approximately two minutes to buy a coast-to-coast airplane ticket.)

Amtrak Day, May 1, saw Penn Station decorated with new Amtrak banners. Workers sported new Amtrak buttons. But the Broadway Limited, pulling out on time at 4:55 p.m., was apparently little changed, at least in appearance, from April 30, when it was owned by the fabled Penn Central.

The Broadway, however, is much changed from years past—for the worse. "It isn't like it used to be," says Mack McGreevy, a Chicago jewelry manufacturers representative who has been riding the rails since January 1920. "They used to have cocktail parties and singing here in the lounge—now look at it, it's empty."

"WE DON'T KNOW WHAT'S GOING ON"

The lounge, indeed, is sparsely occupied—as are the rest of the Broadway's cars. Statistics aren't available ("I'm sorry, this is the first day and we don't know what's going on," a conductor says, but a stroll through deserted coaches and a solitary meal in the dining car indicates the Broadway isn't exactly operating at capacity.)

Nevertheless, the cars, if faded and empty, are clean. And the service is cheerful, although many of the train's workers claim to be bewildered by Amtrak. "They don't tell us anything," says a porter. "We don't know what's expected of us." (Amtrak says it will have representatives aboard some trains to field questions from staff and passengers; none, however, are visible aboard the Broadway.)

Operating employes are equally confused. The Broadway pulls into Chicago's Union Station Sunday at 9:55 a.m.—55 minutes late. "There was some confusion in Harrisburg (Pa.) last night," explains an attendant. "We changed some cars we didn't used to have to change."

(There is also confusion in Union Station. "Is this the Broadway Limited?" asks one Chicagoan who has come to greet a traveling friend. "You're kidding. It looks more like a Russian troop train.")

THE GERIATRIC EXPRESS

The outward appearance of the Zephyr, scheduled to depart at 2:45 p.m. that afternoon, is somewhat more auspicious. And boasting four dome cars, two diners and four sleeping cars—somewhat more ample space than is required by the 133 people aboard—the Zephyr begins its maiden Amtrak run on time.

Indeed, the Zephyr's passengers soon discover punctuality is the order of the day, with the first call for dinner announced promptly at 4:30 p.m. and the last call following two and a half hours later at 7 p.m. "It isn't exactly what you'd call continental dining hours," says one woman.

No reasons are advanced for the early dinner, but a number of passengers are quite old and seem happy to retire early. Youth, indeed, is not a distinguishing characteristic of most of those aboard. Though Amtrak Chairman Kendall talks of the rails becoming "increasingly attractive" to youth, a Burlington Northern representative on board the Zephyr admits that "we lost young people long ago—they just stopped riding trains, and we don't know how to get them back." The Burlington Northern operates the Amtrak Zephyr between Chicago and Denver.

A few of the livelier passengers are less than ecstatic with the trip. "They should operate more like an ocean-liner and forget about trying to be like airplanes," says one. "They should have music and activities—maybe even a cocktail party—it should be fun."

Many of those on board, however, say they will continue to ride trains even if they never become fun. "I will only fly in an emergency," explains Mrs. Fran Schweikert, a Michigan widow whose husband was killed in a plane crash. However, Mrs. Schweikert, en route to California, admits "it would be nice to have some more interesting people on the train."

A big drawing-card of the Zephyr, if not excitement, is the scenery through which it travels—particularly west of Denver. "I take the train to sightsee," says a Sacramento grandmother returning from a visit with relatives in New York. But she, as well as others, is annoyed as the Zephyr pulls away from Denver Monday morning with diesel-oil splattered across the windows of its one remaining dome car. (The three other domes, as well as several other cars, were dropped in Denver. "Why did they need all those domes to cross the plains at night?" one passenger asks. No one abroad has an answer.)

"THINGS ARE CONFUSED NOW"

But even the scenery is a source of dissatisfaction for some, particularly those who have traveled aboard pre-Amtrak Zephyrs. "They've cut out some of the best views," my friend, the traveling grandmother, informs me. "We used to go through the Western Rockies, and that was beautiful."

Since the Denver & Rio Grande Western Railroad chose not to join the Amtrak system, the Zephyr isn't able to use that line's tracks through Western Colorado. Instead the train now travels on Union Pacific tracks from Denver to Ogden, Utah, via southern Wyoming, and now cuts through some of the lower and least spectacular evaluations of the Continental Divide.

Besides cutting out cars and views, the train also drops a number of passengers in Denver. And when we pull away from the Colorado capital, the number of passengers aboard has shrunk to 40, some of whom have just boarded the train. Other than mountain-watching, solitaire proves to be a popular diversion.

Having obtained a permit to ride with the engineer from Cheyenne to Laramie, I am treated to a running historical commentary on the 37 beautiful miles connecting the two cities. The other passengers, however, are forced to make do with their own maps and guidebooks or on the knowledge of those who have previously made the trip. For me, it is a fascinating leg of the trip. For them, it is just another boring 37 miles.

"They used to have someone pointing out the sights to the passengers," explains W. H. Alberts, a general foreman for the Union Pacific Railroad Co. "But things are confused now. We're operating with temporary timetables."

BIG DEAL, A BUTTON

Temporary timetable or not, the Zephyr pulls into Ogden *early;* and while the engine is changed (we are now crossing onto the tracks of the Southern Pacific) those passengers who wish to do so are allowed to stroll about the Ogden station, which is no great treat. Those who do are presented with a memento of the occasion: a free Amtrak button.

"Yeah, they give out buttons—why don't they give out information?" says an employe later that evening.

Bitterness on the part of train men against the new system—particularly based on lack of communication—is seen over and over again. "Listen, Roosevelt tried to run the trains with the military once and he failed," one train employe says. "These politicians don't know what they're doing. They're a lot of leeches."

Some, however, are optimistic. "This is going to look really nice when they fix it up," says the bartender in the lounge end of the antiquated dome car. "An Amtrak man said they're going to put in new upholstery. They say they're going to clean the windows in Chicago and then Denver and then Oakland. And they hope to standardize a lot of things, including drinking laws." (A precautionary note: Trains passing through states where alcoholic beverages aren't served—such as Iowa on Sunday—are forced to close their bars.)

But some seasoned passengers aren't enthusiastic about standardization. "They shouldn't standardize the menus," one says. "Each train should have its speciality."

The Zephyr's particular specialty isn't discernible. But those who use the dining car seem, if not wildly enthusiastic, at least generally satisfied. (Typical dinner entrees include "special sirloin steak dinner" at $5.50 and "fried disjointed spring chicken" at $3.75; a "wine bottle for 2" was also available for $1.25.) And the rosebuds gracing each table, if somewhat wilted by the time the train reaches California, had at least begun the trip as fresh flowers.

Some passengers have also become wilted, and the subject of baths and showers crops up frequently as the Zephyr speeds through the snowy Sierras Tuesday morning.

LESSONS FROM MAY DAY RALLIES

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DRINAN. Mr. Speaker, no one condones any lawbreaking that might have occurred on the part of the 15,000 or 20,000 demonstrators who came to Washington on the days of May 2–6, 1971.

I did not approve or endorse the tactics of techniques adopted by the demonstrators who came to the Nation's Capitol during the first week of May. I think nonetheless that all of us should have sober thoughts about the number of illegal arrests that were made on these streets of Washington during the 5 days when these predominantly young people were in this city. I think that all of us would agree with an editorial in the Christian Science Monitor on Saturday, May 8, 1971, to the effect that—

> We are disturbed about the way in which more than 12,000 persons were swept off the streets by police.

The Monitor editorial, reproduced below, went on to state that—

> Mass arrests and abandonment of due process have no place in American society.

Similarly an editorial entitled "Repression on Capitol Hill" in the New York Times for May 8, 1971, stated that—

> The arrest of more than a thousand persons on the steps of the Capitol on Wednesday brought the week's anti-war protest to an ominous climax.

The New York Times stated that the arrest of these individuals "Was a spectacle of lawlessness and repression hardly to be expected in a republic of free men."

The editorials from the Christian Science Monitor and the New York Times follow:

[From the Christian Science Monitor, May 8, 1971]

LESSONS FROM MAY DAY RALLIES

Nothing was gained on any side by the sorry spectacle of the May Day rallies in Washington this week.

Contrasted with the impressive protest by the Vietnam veterans two weeks earlier, the obstructionism and vandalism by milling thousands can only have set back the cause they espoused.

Sit-downs in the streets, sleep-ins on the Mall, and nudity on the Capitol steps are hardly the stuff of which conscientious protest against government policy are made. Many Americans, whose doubts about the Vietnam involvement may have been deepened by the veterans' protest, may have had second thoughts after the May Day debacle.

On the government's side, one must be grateful that the lessons on police violence at Chicago and Kent State University were largely well learned. Guns stayed in their holsters. Night-sticks got some exercising, but mainly against legs rather than heads. And while tear gas may have ridden too heavily on the raw spring winds, it is better to have split tears than blood.

This said, we also are disturbed about the way in which more than 12,000 persons were swept off the streets by police. Casual passers-by, on their way to jobs or classes, found themselve grabbed by police, loaded onto buses, and put into jails or open-air stockades, without regard for usual arresting procedures.

A correspondent of this newspaper watched a long-haired lad, walking peaceably along a street, picked up and led off by police in what our writer describes as "a hit or miss" arrest. Similarly a Los Angeles Times reporter recorded the random arrest of citizens, the only apparent on-scene selectivity being based on length of hair and style of dress.

So many dragnet arrests were made that the District of Columbia's public defender, Mrs. Barbara A. Bowman, brought suit in Superior Court against police, asking them to show cause why all charges should not be dropped against all who were arrested. A court of appeals later upheld Mrs. Bowman's objection to dragnet arrests, but not to dropping of all charges. The American Civil Liberties Union agreed with Mrs. Bowman, and charged the police with not making plans for prompt and humane processing of persons arrested.

It is tempting to underline some of the ironies in the situation. Demonstrators who were indiscriminate in harassing Washington workers are now protesting indiscriminate arrest; demonstrators who sought to suspend the process of law and impose anarchy on Washington are now demanding the protection of law.

Despite the ironies, it is the obligation of a democracy to offer justice both to those who treasure it and those who abuse it.

Mass arrests and abandonment of due process have no place in American society. They are repugnant to all who hold police power to be subordinate to individual constitutional rights.

Perhaps this week's sorry affair need not be a total loss if citizens learn from it that mass action, aimed at violating others' rights by obstructionism, is self-defeating; and if the police realize the need of further refining control techniques in handling mass protests.

[From the New York Times, May 8, 1971]

REPRESSION ON CAPITAL HILL

The arrest of more than a thousand persons on the steps of the Capitol on Wednesday brought the week's antiwar protests to an ominous climax. In a crass display of arbitrary power, the Constitutional rights of these citizens were ignored as they were hauled off to a makeshift detention center. It was a spectacle of lawlessness and repression hardly to be expected in a republic of free men.

The mass arrests earlier in the week were questionable because the Washington police suspended the use of normal arrest forms and simply swept up thousands of citizens in a dragnet operation. Inevitably, innocent persons who were merely walking to work were seized by mistake. But since the demonstrators had publicly avowed that they intended to disrupt traffic, block access to Federal offices and "shut down the Government," the police had a difficult assignment in keeping the streets open and maintaining public order. The police were constantly confronted with the fact that the potential for violence was there.

None of these extenuating circumstances applied to what took place on the Capitol steps on Wednesday afternoon. The protesters were sometimes shouting, singing and gesturing, but their assembly was entirely peaceful. Even larger crowds often gather on the same site without difficulty. It is a Constitutional right of every American to assemble peacefully and to petition members of Congress. Yet the police, after giving a warning to disperse that was inaudible, began arresting these citizens. Both houses had already adjourned for the day and the Capitol building had been closed except to members and employes before the arrests began, while sympathetic Congressmen were actually addressing the crowd when the police moved in.

The most profoundly disturbing part of this entire debacle is the response of most members of Congress. It is no surprise that such reactionaries as Representative Joe Waggonner of Louisiana and John Hunt of New Jersey applaud this police depredation, but even members who can be expected to know better such as Representative Edith Green of Oregon blithely dismiss the matter because they disapprove of the manner and style of those arrested. Is this nation to have one Bill of Rights for the "crazies" and another for the respectable people?

The Justice Department, which has been closely supervising Washington police tactics, shares responsibility for this outrage. But when Congress does not defend constitutional liberty on its own front steps, it cannot shift the ultimate blame to the Executive. Wednesday was a day of shame for this nation's representative institutions.

FARM DAY

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. LANDGREBE. Mr. Speaker, it is appropriate indeed that the House of Representatives should set aside this time for the observance of "Farm Forum Day."

American agriculture is truly a magnificent growth industry which has created miracles in terms of producing an abundance of food and fiber for our own ever-growing population, with sufficient amounts left over to maintain an expanding export market.

The achievements of American farmers and ranchers are something for which each of us here today can be grateful and in which we can take pride. A quarter century ago, 28 million Americans were engaged in operating some 6 million farms and ranches. Today, fewer than 10 million Americans operate less than 3 million farms. Yet, an abundance of high-quality food products is always available in stores and supermarkets across the country.

For such a small percentage of the total population to continue to supply such an abundance of food and fiber to the constantly expanding nonfarm population, it has been necessary for our farmers and ranchers to achieve production efficiency which has made American agriculture the envy of the world.

Attaining that efficiency in production and distribution has not been easy. Federal and State governments, through their agricultural research agencies, business concerns, and farmers themselves have devoted countless man-years of work and spent many millions of dollars in painstaking research to improve production of food and fiber products which meet the rigid demands of the homemaker when she goes about the business of obtaining food products with which to provide her family a wholesome and nutritious diet.

But, research accomplishments were only the first step. The results of sound research are beneficial only to the extent that they are applied by individual farmers and ranchers in their own operations.

The cost of applying new techniques and adapting newly developed equipment has been phenomenal.

Had producers not had the ability and the foresight to utilize technological advances, it would not have been possible for them to produce the abundance we presently enjoy. The development of our industrial economy has been directly proportional to the extent to which individual agricultural producers have been able to supply the food and fiber needs of persons engaged in nonagricultural pursuits.

Those of us who live and work in our urban areas are dependent upon agriculture for sustenance, and we should recognize that the manner in which we live and work would not be possible without an efficient agriculture.

Many housewives doubtless are appalled at what appears to be a continuing upward spiral of food prices. In too many instances, it is taken for granted that all price increases are due entirely to increases in prices paid to farmers and ranchers for their products, and that they are getting rich at the expense of those who must purchase their food products.

Nothing could be farther from the truth.

Actually the average American consumer spends less than 17 percent of disposable income for food—an all-time low for this country and the smallest percentage spent for food in any country in the world.

The fact is that food costs have risen an average of 33 percent since 1960, but, during the same time, prices received by farmers have risen only 10 percent. And that is only one side of the coin. While prices received have gained only 10 percent, costs of operation have been in a fast-moving spiral, resulting in lower net income.

It is entirely fitting and proper, therefore, that we recognize and applaud the efforts of the 5 percent of our total population which supplies us with the greatest abundance of high-quality food and fiber the world has ever known. It is appropriate that we seek to dispel the myth that farm prices are soaring as a result of higher farm prices when, in fact, much of the added cost of food is due to the housewife's demand for highly-processed, fancy-packaged, easy-to-prepare food items.

I am grateful to American agriculture for its essential contribution to the Nation's economy, and I am proud of farmers in Indiana and in every other State of this great Nation.

RUMANIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DINGELL. Mr. Speaker, throughout history Rumania has been a crossroad between East and West. In the late 15th century the country was overrun and conquered by the Ottoman Turks. Thenceforth, for nearly 400 years Rumanians lived under alien rulers. These were callous and corrupt agents of the sultans. Through their misrule the people suffered very much, but as the Rumanians by themselves could not shake off the oppressive foreign tyranny, they worked secretly to attain their freedom. In 1877, when the Russo-Turkish war was raging in the Balkans, the liberty-loving Rumanians cast off the Ottoman yoke and on May 10 of that year, they proclaimed their national independence.

That was a memorable day in Rumania's modern history. The Rumanian forces then joined the Russians in the war against the Turks, and at the end of that war their newly won independence was confirmed by the Congress of Berlin in 1878. During the First World War Rumanians fought on the side of the Allied and Associated Powers, and in the end succeeded in having their territorial claims recognized, thus assuring the formation of a greater Rumania. They were also involved in the last war, and as we know, they became victims of totalitarian aggression. Since the end of that war they have been living under a regime of Communist dictatorship.

Under this dictatorship the Rumanian people have again suffered severely, but in recent years their Communist leaders have shown some independence of the Kremlin line and have pursued a national policy. However, this stand has not allowed any freedom to individual Rumanians. They are not free in their own homeland.

On the 94th anniversary of their Independence Day we hope that they regain their independence and live in peace in their historic country.

HELEN BENTLEY COMMENDED FOR CONTRIBUTIONS TO MARITIME INDUSTRY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. GARMATZ. Mr. Speaker, international commerce is an essential element in our national health. It is vitally important to our Nation's continued growth—both to our overall economy and to our transportation industry. The American merchant marine, which is an integral part of that industry, has been forced to face fierce foreign competition in order to carry its share of foreign commerce.

Foreign competition, especially in the form of rate wars and discriminatory practices against American shipping, has been a constant source of concern to everyone interested in a healthy American maritime industry.

Mr. Speaker, these destructive aspects of foreign competition are being effectively reduced by the outstanding work of Helen Delich Bentley, chairman of the Federal Maritime Commission; under her dedicated and dynamic leadership, I think that more progress has been made in these areas than ever before. As an example of her agency's accomplishments in these vital matters, I would like to include two documents in the RECORD: one is a press release relating to the destructive rate war in the North Atlantic; the other item is a report from the Federal Maritime Commission which discusses current actions being taken to improve trading conditions between the United States and Japan. Both documents illustrate the definite contributions Mrs. Bentley is making to the American merchant marine and to international commerce. I hope my colleagues will read them.

The documents follow:

REPORT OF MRS. HELEN DELICH BENTLEY, CHAIRMAN, FEDERAL MARITIME COMMISSION, RELATIVE TO JAPAN VISIT APRIL 11–20, 1971,

RATE DISPARITIES

The matter of rate disparities was taken up both with the Japanese Shipowners Association and the Ministry of Transport officials. It also was referred to in my general official meeting with the Foreign Minister of Japan.

From the Japanese side, the principle subject of discussion concerned overtonnaging and rationalization of ships in the liner trades. They do not want overtonnaging in any of the markets of the United States or in any of their other liner services because of the chaotic conditions created by too many ships in a limited trade. Naturally, we don't want a repeat of the North Atlantic rate war either, but I told the Japanese that their government structure permits them to dictate terms to their shipowners relative to the numbers of ships, etc., while we have no legal means of keeping any steamship operator or company from putting as many ships as he desires on a trade route.

On with the discussion regarding rate disparities. Relative to the over-all picture, I pointed out that in the trade between Japan and the East Coast of the United States there had been an increase of 7 to 10 percent from the East Coast of the United States to Japan as of April 15, 1970, and another increase of 12½ percent is slated as of June 1, 1971. On the other hand, the only increase on commodities from Japan to the United States took place on October 1, 1970, and amounted to 7½ percent. Between the West Coast of the United States and Japan, there had been an increase of 7 to 10 percent from the West Coast to Japan on April 15, 1970, and another increase of 10 to 15 percent slated for June 15, 1971, in the same direction. By comparison, there was one increase of 9 percent on October 1, 1970, from Japan to the West Coast of the United States.

When you consider the fact that before these particular increases went into effect, a disparity between similar items going in opposite directions already was in existence, that disparity was widened by these particular increases.

For instance, assuming a rate on a commodity as of January 1, 1970, was $100 going from the United States, it was increased at a minimal to $107 on April 15, 1970, which will be compounded upon June 1, 1971, and raised to $120.37. If the April 15, 1970 increase was 10 percent, the price as of June 1, will be $123.75. By the same token, a $100 item bound from Japan to the United States has only been increased to $107.50.

On some specifics, for instance, the rates filed with us show that dry paint pigments from the United States are charged $62.00 a weight measurement ton compared to $45.25 to $53.00 inbound from Japan. Refrigerating equipment pays $57.75 from the United States and $37.25 and $44.50 to the United States from Japan. Plastic sheets including lamination pay $85.00 a ton from the United States and $41.00 to the United States. Copy machine chemicals are charged $76.25 from the United States and $45.25 to $53.00 to the United States. Tire patches are charged $72.25 from the United States and $54.50 to the United States. Electric hand tools are charged $90.00 from the United States and $54.50 to the United States. Electric motors are charged $72.50 from the United States and $48.50 to the United States.

The American Chamber of Commerce in Tokyo on April 19, 1971, passed a resolution calling for the elimination of all disparities on commodities moving to and from the United States, alleging that the higher freight rate definitely has an adverse effect on the part of some of their sales in Japan and they think that the Federal Maritime Commission has the responsibility to help clear this up. We told them we are working in this area and that we needed assistance from them also in informing us when they come across any disparity. The Chamber's resolution called for the Federal Maritime Commission to make a full list of the different disparities on all commodities between Japan and the United States.

Because there are more than 50,000 items on file and sometimes this is four to five fold depending upon how many independent lines and how many conferences are involved, it would take not only months but perhaps years to make a commodity-by-commodity comparison all the way down the line. To expedite the matter, I urged that they come to us with specifics whenever possible and that we would pick up as many as we could in the interim to try and clear this up.

The American Chamber of Commerce resolution noted that "such disparities exist where the inbound and outbound rates on identical products differ. In practice all trans-Pacific disparities involve higher transportation costs for U.S. exporters than foreign exporters.

"Due to the great distance between the United States and Japan, freight rates represent a relatively high percentage (about 17 percent on the average) of total delivered costs. Moreover, freight rates are particularly important in relation to U.S. exports to Japan since Japan applies duties on a C.I.F. (cost, insurance, and freight) basis. Finally, a number of commodity taxes are applied on the duty paid-landed value.

"The Chamber is concerned both about the existing large disparities in rates and the tendency for these disparities to grow as disparate rate increases are applied by the shipping conferences. Some of these disparities are already extremely large, both absolutely and relatively.

"While there are historical reasons for these disparities and they may have been well-founded at some time in the past, this is no longer true. We wish to make clear that it is not the 'Conference System' we object to, but rather the misuse of this system which adversely affects U.S. trade.

"The ACCJ notes that the conferences state that if a well documented case showing that a disparity adversely affects U.S. exports were presented the conference would act to reduce or eliminate the disparity. We find this assurance of little tangible benefit. In fact, the conferences have in a number of cases not so acted although good cases were presented to them. Moreover, we see no reason why U.S. exporters should be required to demonstrate injury before they obtain equitable treatment from conferences whose mere existence depends on the sanction of United States administrative organizations which are charged with promoting U.S. trade.

"We would, of course, prefer to see a reduction in U.S. outbound rates so that we could increase sales here and in a number of cases we have examined such action would have led to a substantial increase in trade. However, if this were not possible even an increase in U.S. inbound rates would be desirable since it would help to reduce the glaring inequality in import costs which adversely affects a number of U.S. industries faced by import competition.

"Accordingly, the ACCJ requests the conferences covering U.S.-Japan trade to examine this situation and take speedly action towards instituting freight rate equalization. The ACCJ also requests the Federal Maritime Commission to furnish the Chamber with data on all existing disparities so that individual firms can ascertain how these affect their operations.

"If substantial progress is not made towards the elimination of these disparities, the American Chamber of Commerce in Japan requests the Federal Maritime Commission to take appropriate remedial action."

Although the Japanese Government and the Japanese shipowners never admitted that an actual rate disparity in shipping commodities between the United States and Japan existed, the Ministry of Transport did agree to establish a working committee composed of members of its staff to work with members of the FMC staff to further probe the matter and see what final recommendations should be made by the two Governments.

This was considered a great step forward by all concerned because it will give both parties a working base so that the matter can be duly probed by both sides as soon as possible.

JAPANESE TONNAGE FIGURES

The Japanese expect that country's total annual export trade to be about 88 million tons and its import trade, 940 million tons by late 1974. Of the export tonnage, they project that 50 percent or 44 million tons will be carried by Japanese vessels, or a total of 55 percent by Japanese and foreign vessels chartered by Japanese shipowners. On the import tonnage, 510,800,000 tons will be carried in Japanese ships which will be equal to 54.3 percent, while 62.5 percent by both Japanese and Japanese chartered vessels.

The largest amounts of imports to Japan include raw materials such as iron ore, coal, and oil.

Under the tonnage of oceangoing vessels required to be constructed, the Japanese conclude that they need by 1975 a total of 4,500,000 gross tons in liner vessels, including containerships which would be up from 3,500,000 held and under construction as of March 31, 1970. Their tramper fleet should be increased to 13,800,000 gross tons or up from 5,500,000; specialized bulk carriers up to 12,100,000, up from 5,400,000; tankers 14,600,000, up from 9,100,000; or a total of 45 million tons by 1975, up from 23,500,000 held and under construction as of March 31, 1970.

NORTH AMERICA AND LINER CARGO MOVEMENTS

From 1960 to 1969, the amount of export trade from Japan to North America increased from $1,221,000,000 to $5,439,000,000 a year, or 18 percent a year while the import cargo from North America to Japan increased 11.7 percent a year, from $1,757,000,000 in 1960 to $4,759,000,000. The Japanese estimate that the amount of liner cargo movements between Japan and the Pacific Southwest did increase from 1,020,000 freight tons a year to 2,765,000 tons in 1969 at an annual growth rate of 11.8 percent. This is expected to reach 3,999,000 tons by 1975. Between Japan and the Pacific Northwest, the amount of general cargo moving went from 535,000 in 1960, to 1,460,000 in 1969, and is expected to go to 2,083,000 by 1975, again at an annual growth rate of 11.8 percent. Between Japan and New York, the tonnage increased from 1,615,000 tons in 1960 to 3,611,000 tons in 1969 and is expected to reach 4,922,000 tons by 1975 at an annual growth rate of 7 percent. These figures do not include East Canada, Great Lakes and the Gulf.

SHIPBUILDING

As was noted, the Japanese are preparing to add about 28 million more gross tons to their own fleet, constructed in Japanese shipyards by January 1, 1975. The most modern yard in Japan is Tsu Shipyard at Nagoya. There they can build ships up to 600,000 gross tons, but have only series of vessels up to 260,000 tons for the most built there. Their yard is laid out so that it is a canal grading dock and can be opened at both ends. You can have two docks in one if you're not building 600,000 ton ships. This helps speed up the construction.

One thing that is very noticeable in Japan is that whenever they want more acreage for shipyards or industrial areas, all they do is dredge up sand and dirt from the bottom of the ocean or bay and make acreage. For instance, the Tsu yard is on a 460 acre plot of ground that was all dredged or made land. The Hitachi Shipyard at Osaka is another one on dedged land consuming about 200 acres of a 1,000 acre area. They have not run into objections from the Japanese people relative to the adverse affects that made land might have on water flows, etc. By being able to build up such acreage, the Japanese industry is able to have area in which to build new plants and compete with all of the rest of the world. The story is the same for other shipyards in Japan.

Of particular interest to me was the fact that the shipyards in Japan keep only a four-day inventory of supplies on hand. Their entire economy and production are so computerized that the materials just automatically arrive on the scene exactly when they are scheduled. There is no concern over strikes or other disruptions to the flow of goods. This is extremely important to an efficient and economic operation.

TOTAL CARGO CARRIED BY CONFERENCE MEMBERS

Between Japan and the Pacific Coast, the Japanese-flag ships in 1970 carried 46 percent while United States-flag ships carried 51 percent, and third-flag ships carried 3 percent. The Japanese-flag portion dropped sharply from 55 percent the year before which they attribute to the fact that for more than a month in 1970, their ships took all their Seattle-Portland cargo to Vancouver because of the dispute between these two ports on where container ships should dock in the Pacific Northwest.

On the trade route between the East Coast of the United States and Japan, of the cargo carried by conference members, 63 percent moved on Japanese-flag ships and 17 percent on U.S.-flag ships, and 20 percent on third-flag ships.

PORT PROBLEMS

Director General Suzuki, of the Japanese Shipowners, expressed hope that there would not be a repeat of the trouble to their container ships which occurred in the Portland Case. Mrs. Bentley replied that the problem of ports is one of the most difficult concerning containerization and that we were involved now in a major case which could have a major influence on the whole picture when it is through. Since it is another Portland-Seattle case under formal procedures before a hearing examiner, Mrs. Bentley declined to comment further on this.

F.M.C. ACTION BRINGS EXPORT RATES CUT

Shipping lines serving United States foreign trade and commerce, which are members of the North Atlantic Continental Freight Conference, have reported to the Federal Maritime Commission that the Conference has eliminated or reduced freight-rate disparities on twenty-two export commodities in the trade from U.S. North Atlantic ports to Continental Europe, it was announced today by Commission Chairman Helen Delich Bentley.

The Conference reported it had taken the action after the Commission had ordered an investigation into disparities in U.S. foreign commerce allegedly adverse to U.S. exports.

The rate actions reported by the Commission today will eliminate or reduce previously existing disparities on some of the commodities which are the subject of the formal Commission proceedings requiring the carriers to show cause why they should not be ordered to eliminate from their tariffs rates which are prima facie allegedly discriminatory against American exporters.

Chairman Helen Delich Bentley announced the Commission's pleasure in the preliminary step towards resolution of the discriminatory rate problems in the trade taken by the Conference and expressed hope that this action will signal a further return of stability to the troubled waters of this most important segment of U.S. international trade.

Chairman Bentley stated that the Commission was prepared to pursue, to the fullest extent, solutions to mutual shipping problems in the cooperative atmosphere created by the carrier actions.

Among commodities on which the North Atlantic Continental Freight Conference reported to the Commission it would institute lower rates to provide greater incentive to American exporters to penetrate the European markets are:

Fencing or netting, radios, baking machinery, punching machines, electric motors, typewriters, paper bags, meats in glass or tins, tobacco, synthetic yarn, furniture, record changers and players.

Members of the Conference are, Atlantic Container Line, Ltd.; Dart Containerline Company Limited; Hapag Lloyd Aktiengesellschaft; Sea-Land Service, Inc., Seatrain Lines, Inc., and United States Lines, Inc.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. HAMILTON. Mr. Speaker, I include in the RECORD, the first of two weekly commentaries on the "Relationship Between The United States and the People's Republic of China":

WASHINGTON REPORT

(By Congressman LEE HAMILTON)

(EDITOR'S NOTE.—"Ping pong diplomacy" has clearly improved the atmosphere between the United States and the People's Republic of China (Peking), but it has not resolved the basic issues in their relationship. This is the subject of this and next week's newsletters.)

Since the outbreak of the Korean War in 1950, relations between the United States and Peking have been hostile. There has been no direct communication between the two governments and very few Westerners have been allowed to visit the Chinese mainland.

During the 1950s, the U.S. adopted a strongly ideological stance, viewing Peking as an aggressive agent of "monolithic world communism" which should be militarily contained and diplomatically isolated. We opposed a seat for the Peking regime in the U.N., refused to recognize her, objected to even non-official travel, and built an extensive system of military bases around her. The Republic of China on the island of Taiwan, which had received U.S. support in the Chinese civil war, was viewed as the legitimate government of all China.

Peking was hostile, too, although for a brief period the Chinese communists experimented with greater flexibility. It assumed a conciliatory stance and proposed diplomatic talks with the U.S. A number of proposals were initiated, such as exchanges of newsmen and the opening of trade, which, if implemented, might have led to greater interaction between the two countries.

In the 1960s, the situation reversed itself. The U.S. gradually moderated its stand, and eventually called for expanded non-official contacts, while Peking refused to consider doing so until the central issue of Taiwan could be resolved.

Prior to the unexpected invitation to visit Peking extended last month to the U.S. ping pong team, there had been no response by mainland China to a series of unilateral American policy changes, all minor in nature but potentially great in their impact. More specifically, recent administrations have:

Stated that the U.S. aim now is to establish a "more normal and constructive relationship" with mainland China.

Removed the naval patrol forces which formerly were maintained in the strait between Taiwan and the mainland.

Made it clear that the U.S. does not support Taiwan's "back to the mainland" aspirations.

And gradually loosened the total trade embargo that has existed between Peking and the U.S., though all direct trade between the two nations is still heavily restricted.

Why were these steps taken by the U.S. and why did Peking choose to respond at this point in time?

In the case of the United States, one likely factor is the President's desire to place some restraint on the activities of the Soviet Union. By improving relations with the Soviet Union's neighbor and opponent, the U.S. will have an added lever in dealing with Moscow. This could lead to a reduction of tensions.

Another element is the President's goal to draw Peking into the discussion and settlement of major international problems. As a formal member of the world community, Peking may be less inclined to pursue troublesome courses of action.

Peking may have responded to U.S. initiatives at this point because of a desire to have a voice in shaping the future of Asia following settlement of the Vietnam war. Non-participation would leave this role to the U.S. and the Soviet Union.

A related reason for China's response may be the realization that a more cooperative attitude could lead to useful contacts with its Asian neighbors, especially Japan. Continued diplomatic, political and economic isolation is no longer advantageous if Peking is to assume a position of importance in international relations.

IS POLITICS THE REAL POLLUTER?

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. HOSMER. Mr. Speaker, an article in the May 1 issue of Electrical World magazine raises some profound questions regarding environmental protection which should be food for thought by all concerned citizens.

The principal issue is this: has the environment become so much of a political football that our zealous and well-intentioned efforts might actually be hindering the cause of environmental quality?

Dr. James H. Wright, director of Environmental Systems for Westinghouse Electric Co., discusses this and other timely environmental issues in an Electrical World interview. I commend it to my colleagues as enlightening reading.

INTERVIEW WITH DR. JAMES H. WRIGHT—
IS POLITICS THE REAL POLLUTER?

A green Volkswagen putters by the Pittsburgh Hilton, where Dr. James H. Wright has just addressed members of the press on energy use and the environment. On the rear bumper of the car is a bright orange sticker which proclaims: *Ecology Now!* "That slogan," chuckles Dr. Wright to the man beside him, "means nothing."

Dr. Wright, a part-time mountain climber and conservationist, is the director of Westinghouse Electric Corp.'s Environmental System Dept. (Power Systems). With lightness, he readily admits to being a "Boy Scout" and sharing in the "environmental awakening" that the nation is going through.

But, he insists, the movement and the economy are headed for disaster if emotions and politics force regulatory actions which have as much meaning as the bumper sticker on that passing car.

In an exclusive interview with *Electrical World*, Dr. Wright, who has a PhD in chemistry and a deep background in nuclear technology, razors through the complexities of the environmental movement, comments on the latest developments in air-pollution abatement thermal utilization, and environmental education, and pinpoints what he thinks is the ultimate solution to turning the pollution clock back 50 years.

Q. In the electric utility industry, who would you say are the leaders in environmental awareness and action?

A. I've often made the analogy between the utility industry's response to the environment and its response to nuclear power about 15 years ago.

Back in the late 1950s, several major utility companies were interested in nuclear power development—companies that invested manpower, money, or both in putting together projects, from design studies to demonstration programs, to develop nuclear power.

Some of these same companies have provided the industry with leadership to meet society's new demands for environmental quality. At this time, it would be hard to identify the leaders because the response for environmental action is universal throughout the industry.

Q. In comparison with other US industries, how would you rank electric utilities in environmental knowledge, awareness, and action?

A. US industry has not responded uniformly to the environmental challenge. In terms of research on environmental effects, the electrical industry, including manufacturers and utilities, appears to be the leading industry—with chemical and petroleum companies a close second. In terms of commitment of resources to environmental protection, the utility industry is far ahead of all others. Utilities will be spending more than $1-billion per year for environmental protection during the '70s, and will just about double this in the '80s.

Q. Do you think there's too much stress on the impact man makes upon the environment?

A. No. I share in joining this environmental awakening that the country is going through. However, let me add that while I think the emphasis is proper, I am deeply concerned about the lack of planning for implementation.

The political and regulatory reactions to environmental problems have taken the shape of the best political football that has bounced by in a long time. These actions, particularly at the national level, are generally being designed to attract a favorable response from the masses, and often have no basis in fact or practicality. These regulatory actions are often emotionally inspired and politically administered. I think the results of this situation can be absolutely disastrous to the environment.

While improving the quality of our environment is an important objective endorsed by everyone, a leaderless, headlong stampede by the public and politicians can succeed only in destroying the movement itself or the means for implementing the objectives sought.

For example, consider the ridiculous regulations on the discharge of heat into Lake Michigan. The fact that the federal government first attempted to establish a one-degree temperature rise as the limit of heated discharge into Lake Michigan simply reflects pure political motivation, with little concept of what was going to happen in the lake.

You could design a condenser to have a one-degree temperature rise in cooling water by increasing the flow by a factor of 20. But that would not only be expensive, it could wreak environmental havoc in the lake because of the problems that would be created by the large water volumes and velocities. This one example illustrates how a hypothetical problem—the discharge of heat into Lake Michigan—can be politically administered to create potentially worse environmental problems.

There is a wide latitude between the normal temperature of the lake, with its normal seasonal changes and the temperature at which measurable effects on the ecosystem could be noted. But instead of getting to work and establishing the environmental data and the systems analysis that are required to identify what the allowable temperature ranges could be, they went to the extreme and said, "No heat discharged into Lake Michigan."

True, the one-degree limit has been eliminated, but it was proposed and, I think, it stands as a symbol of the real danger of what can go wrong with this environmental movement—the mis-allocation of resources.

You know, the great challenge to any society is to provide for the proper allocation of resources. We must learn that most of man's actions involve some commitment of resource allocations, including deferred environmental costs. For example, a cooling tower built to prevent real or imaginary damage to the aquatic ecosystem not only must be evaluated on its direct costs of material and construction-manpower resources, but must also include the incremental environmental costs associated with the higher consumptive use of water, fuel, and pollutant emissions from these added fuel requirements.

When cooling towers are installed unnecessarily for environmental protection, they represent a total loss of resources. And when auxiliary cooling systems are necessary for protection of the aquatic system, it is still important to consider the cost benefit on a total resource-allocation basis.

What all this means is that obviously we have not defined our objective for environmental quality. If our objective is total preservation of the natural environment, we immediately become a very poor nation, because we cannot use the natural resources with which this great nation is so liberally endowed. If our objective is a total disregard for environmental effects, we become a very poor nation a few years from now when our quality of life degenerates to an undesirable level.

Many choices exist between these two extremes. I would like to propose this objective for our efforts: That we develop the technical understanding that will allow us to use our natural resources and, at the same time, protect them as a heritage for future generations.

Q. It's been said that even though there seems to be a general condemnation of technology on the part of society, for the first time in US history, the demands that society has placed on technology have been far in excess of our technical ability to deliver. Do you agree with this?

A. This is a key point. In the past, technology has always been one, two, or three steps ahead of the society's demand for progress. But in this environmental push the demand has snowballed to the point where it has far exceeded our technical capabilities.

For example, getting back to Lake Michigan, in 10 years we could make a really beautiful study of the lake to determine the degree of heat loading that it could take without damage. Between now and 1981 we could not possibly load that lake with a damaging quantity of heat; at the end of the 10 years it would be possible to say whether or not the lake could handle another 20 years of discharge heat. But now there's no incentive even to study the lake, because arbitrary regulations have removed the incentive.

Q. Some of the biologists who are now involved in power plant impact studies are saying that there's entirely too much emphasis being placed on thermal plume, and that the real damage is in mechanical effects. Do you agree?

A. Yes. Evidence gathered from studies conducted in all parts of the country have generally failed to show that present levels of discharge heat have caused memorable damage to aquatic ecosystems. The benthic organisms, fin fish and shell fish, have, generally, not been adversely affected. In our studies, we have shifted more of our attention in field investigations to the possible mechanical damage of plankton being transported through the condenser. We have found no indications of substantial damage to most zooplankters or phytoplankters from condenser operation; however, the study of fish eggs and larvae is not complete at this time and, therefore, continues to be a matter of concern.

One of the projects we're working on now is trying to determine whether we want a single- or two-pass condenser. We may find that a two-pass condenser with a Delta T up above 30F is preferable. In other words, we might find that a higher mortality rate in a smaller amount of water would turn out to be environmentally the most desirable.

None of this is to say that thermal effects will not become a major problem in some areas. We must do case-by-case analyses in order to know what bodies of water are resilient—suitable for power plants—and what bodies aren't. The Mississippi River and Lake Michigan, for example, have the capability to sustain thousands of Mw of heat rejection without adverse effects.

In principle, we must conduct the necessary scientific investigations to determine an environmental baseline, then assess the probable impact of the proposed power system on that baseline. Conducting these investigations for primary and alternative proposals will be vital both in the decision processes and in communications with the public.

Maybe I'm just a Boy Scout, but I am hoping that, down the road, sensible regulation could be developed that is based on the technology of environmental impact.

Q. Is there anything that can be done to minimize mechanical effects?

A. There's a lot that can be done. I think we're still using 19th Century design approaches for fish screens and fish-repel mechanisms. I think there's a lot of research and development that needs to be done in this area, in order to try to minimize damage to fish.

Q. What are some of the latest developments in the areas of thermal effects and thermal utilization?

A. I think both agriculture and aquaculture projects are familiar to us all. And now we've added the third dimension, the use of low-grade heat in the urban system—such things as heat in sewage-processing, space-cooling, and air-conditioning programs.

There are several interesting opportunities in thermal utilization. One concept uses the effluent water from sewage plants as cooling-tower makeup. Cooling towers can be used to concentrate, through evaporation, the nutrients contained in effluents from secondary-sewage-treatment plants. These cooling towers could be used to concentrate and recycle nutrients, something that's very difficult to do if you have to pay for the heat for this process.

Another recent innovation in the area of using power plants for environmental enhancement is using discharge water to deliver oxygen to an environmentally damaged river. It is conceptually possible for a power plant to environmentally upgrade a dying river by taking a side stream from the condenser, pressurizing it to about 100 psi, loading it up with 300 or 400 ppm pure oxygen, and then blending that back in with condenser water to deliver very large quantities of oxygen to a river damaged by oxygen sag.

Q. Moving to air pollution, what are some of the latest developments in SO_2 control, and which do you think are the most promising?

A. We've studied 13 of the many different systems for removal of SO_2. Each of these appears to have the capability of removing between 60% and 90% of the SO_2. But there's one thing that worries me about all of them. Even though each SO_2 removal process may be successful, it produces additional environmental problems.

Take the handling of waste dolomite. The present ash problem, for example, is small compared to the dolomite problem that's going to be involved in SO_2 removal. This of course, has an economic impact. Most people figure the economic impact on capital cost and on the operation of the desulfurization unit. This is inaccurate. You must add another factor. How do you dispose of the waste material, whether it be dolomite, sulfuric acid, or elemental sulfur or sulfate that's generated in the desulfurization process? Another problem will, of course, be finding a *use* for all this waste material from the SO_2 removal process.

Q. How much truth is there in reports which indicate that SO_2 seems to have a salubrious effect on man?

A. That's what some of the tests have shown. We find the same thing in low-level radiation on mice. With great consistency, we have found that low doses of radiation have increased their life spans.

That's what the facts show, but I would not like to try to convince anyone of this in today's emotionally charged situation. This may turn out like the fluoride-in-water problems.

Q. What progress is being made in NO_x control?

A. The two-stage-furnace design, with controlled addition of secondary air, offers excellent potential advantages for gas-fired boilers. The nitrogen content of liquid and solid fuel represents a limitation for these fuels, however. I am also interested in a longer-range prospect that involves a fluid-bed boiler, where we can use a lot of conductive heat transfer, reduce flame temperatures to minimize nitrogen fixation, and thereby get appreciable reductions in NO_x production. I think that's got real possibilities.

Q. In the area of computer technology and the environment, are there any new developments that you think utilities should be investigating?

A. Yes, I think there are several new and exciting computer applications for environmental management.

Utilities may find it to their advantage to accept a leadership position in the management of ambient air quality. This might be done by conducting total monitoring of air pollution in a total air basin. In this way, the utility could provide valuable systems analysis of air pollutants from all sources, and help regulatory agencies identify and deal with the most critical problems. The handling and analysis of this large mass of data clearly call for automated recording and recall systems.

In another area, this summer we're coming out with a hardware-software program that uses a computer to calculate the thermal-discharge plume. It verifies that calculation with just a dozen real points (buoys in the water) in the environment. This may provide a reasonable basis for monitoring compliance with state regulations on thermal discharge.

The application of the computer in a systems approach for energy-use patterns with minimum air pollution is another area we're working on, and it appears to have a great deal of promise.

Q. Do you think electric utilities should be concerned with noise abatement?

Absolutely. Utilities should be concerned about noise control—both inside the plant and outside. Inside the plant, noise can affect the efficiency of employees and contribute to their fatigue. Outside the plant, the public will be demanding noise abatement from an environmental standpoint. Power plants and substations located in populated areas are going to face some pretty stiff noise-control laws in the future.

Q. Is present environmental legislation adding to our environmental problems, or forcing faster solutions?

A. It is actually doing both. In the case of SO_2, it's definitely forcing a faster solution in terms of large-scale commitments to systems not yet fully developed. If this forced solution turns out to be premature in terms of performance, the whole problem may be set back, due to the wasted resources involved.

In the case of the thermal discharges, most of the regulation is totally without technical justification. Forcing the use of cooling towers when they are not required, for example, may compound rather than solve environmental problems.

As far as the new federal plant-siting bill is concerned, despite the errors in it I think the intent is right. For example, with land being a limited resource, I do not feel that we can fail to plan land use wisely.

With the help of computer programs developed over the past 15 years, utilities can make some pretty good estimates for planning their future power-generation need. But I think it should be pointed out that it seems equally reasonable that utilities be asked to plan the sites for these future plants along with environmental-impact studies.

And since we must learn to include deferred environmental costs in our decision processes, maybe this new FPC regulation, allowing site stockpiling in the financial rate structure, will help our site-planning and acquisition programs.

Q. Taking into consideration all the vast complexities that this environmental movement has generated—complexities of laws, groups, opinions, and actions—can you see any real solution to the overall pollution problem?

A. Yes, but not the way we are now headed. It has to be solved on a systems basis. We must plan for environmental quality on a broad basis, not hammer individuals over the head.

It is my opinion that the only way to solve this problem is through the increased use of electric power. Electric power's role in our future energy-use patterns should be increased threefold, on a percentage basis.

Electricity represents the only feasible means for air-pollution control in transportation. The first step in any cleanup program is to collect all the trash in a few locations. The power plant does this—automobiles do not.

It's much easier, more economical, more feasible, and more administratively possible to maintain pollution-control and regulatory surveillance over a few large units than over a large number (100-million) of small units. Electric power production has to be the key answer.

Furthermore, nuclear power will play a major role in meeting that objective. Nuclear power development was undertaken for two important reasons: To develop a new energy system that would extend our fuel resources, and to provide this usable energy in the most nearly pollution-free manner. The past 15 years have seen both of these objectives fully achieved.

The poorly conceived arguments of some of the critics of nuclear power are reminiscent of the blaring headlines on another energy problem of nearly a century ago. In New York City, the people were ready to "hang" the Mayor and the City Council there for going through with an emotionally hot issue: They thought there was considerable peril associated with the switching from direct to alternating current! It's a problem of education and understanding.

Q. When utilities trek off to the colleges to do their recruiting, do you think they should attempt to woo graduates from the environmental fields?

A. Yes, if they know what to look for and do not have a "we-need-one-of-those" approach.

In the past couple of years, I've met a number of highly frustrated former university biologists who were employed at utility companies. They said they were frustrated because utilities did not quite know what work to give them, nor how to direct their efforts.

If a power company has not prepared its environmental objectives, and is not prepared to supervise this "new breed," then it shouldn't hire them—that's just plain horse sense.

As far as the general idea of hiring environmental experts is concerned, I think it would be extremely wise for utilities to have in-house capability, and then supplement it from time to time with outside expertise.

Q. Utilities have had problems hiring engineers out of college. Do you think they'll have the same problems hiring graduates from the environmental fields?

A. First of all, I do not believe that the difficulty of utilities in hiring engineers out of school still exists. Two major things have happened in the industry that tend to make it much more attractive to graduates—the nuclear power program and the environmental problems. Both of these have changed the image of the utility industry from a somewhat conservative-banker look to one of progressive leadership.

The same applies to graduates in the environmental field. If they want to "go where the action is," they will find few places more exciting than the new environment of the utility companies. Of course, there will always be some who prefer to sit back in the womb of the university and shout insults instead of working at the solution of society's problems.

Q. In the area of environmental sciences, how would you classify the level of education and training being given by U.S. universities?

A. Awakening. In the past, the universities of this country were the last vestige of veritable integration in our society.

The people in life sciences never talked to engineers or scientists, engineers never talked to lawyers who never talked to mathematicians. The last two years have seen some exciting signs of change in the old institutions. Joint seminars and cross-bred curricula are finally creating graduates with both a technical and a humanities background. Environmental engineering is a special field now being taught in two or three dozen universities.

Q. Do you think the Westinghouse Environmental School, which you directed last year, is perhaps a better answer to providing power companies with expertise than hiring recruits from the colleges?

A. I don't think so. What the school is doing is providing, in the absence of adequately trained people, an "environmental retrofit" for utility engineers. In addition, I believe we're pressuring the colleges to fulfill their obligations to society in this important area of training and education.

Q. It's been reported that there are a number of changes that the school is going to incorporate in this year's July session. Would you care to tell what they are?

A. In this year's school, we are emphasizing the study of case histories. Environmental management consists of our important factors—technology, public relations, and legal and regulatory processes—all of which are necessary to a successful endeavor. While technology will still be the point of emphasis, we will include all these factors in our lectures and case studies. By the way, we have cut the length of the school to two weeks in order to better accommodate the schedules of

busy people, and the program is still quite intensive—requiring approximately 100 hours per week of the participant's time.

Q. One last question: Do you think that power companies, since they have been so active in area development, can turn the tables by taking the role of enforcing strict environmental-quality standards in the areas they serve?

A. Utility companies can play a significant role in area environmental management. Among all industries, the electric utility has traditionally set the example of good citizenship. No other industry sells direct to so many citizen-customers. Furthermore, the electric utility is integrally and irreversibly tied to the community and its households.

I do have a vision that utilities are going to take the lead in the environmental-quality arena and, when they do, they're going to have to drag along with them some of their more reluctant brethren from other industries. And they can do this by leading the parade as good citizens and using Rotary Club meetings to make sure the "other guy" comes along.

One possibility for the utility industry would be to help sponsor financially, with other industries, environmental-awareness centers, which would eventually function as regional environmental-planning centers. These regional centers would act as repositories for environmental reports and information. By setting the standard in environmental awareness, action, and information, the the 20th Century utility will provide the leadership to achieve the goals of that society which all industry serves.

RUMANIAN INDEPENDENCE DAY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. ZABLOCKI. Mr. Speaker, today marks the anniversary of Rumanian Independence Day. On this date the Rumanian monarchy was founded in 1866, the nation declared its independence from the Turkish Ottoman empire in 1877, and the Rumanian people converted their country to the rank of kingdom in 1881. Thus, the 10th of May marks a special day in the history of freedom.

However, within Rumania, the traditional celebration of these events has been suppressed. The Communist regime there, by stifling the memories of these great historical events, hopes to weaken the nation's will for freedom. To counter this, Mr. Speaker, free people throughout the world are raising their voices in encouragement and sympathy to the people of that valiant nation which has been under Communist domination for the past 26 years.

Despite oppression and domination at the hands of Communist forces, the spirit of the Rumanian people has shone brightly and the heritage of greatness which the free leaders of that proud nation have left behind still is enshrined in the hearts of her sons and daughters, both within their homeland and abroad.

Rumanians everywhere have cherished the 10th of May as their national holiday, the anniversary of happy and glorious events in their history, in which the achievements of the monarchy and the people were interwoven. The oppression which the people of Rumania are now undergoing deprives them of their individual, political, economic, and religious freedoms. However, their zeal for renewed independence is as alive as during the prosperous era following the establishment of the Rumanian kingdom. They await with faith and courage for the dawn of a new day when their freedoms will be restored. The Rumanians are noted for their vigor and their nation is known for its ability to hold together despite the depredations of its neighbors.

As we turn our thoughts toward Rumania today, Mr. Speaker, we sympathize with the plight of her people and earnestly hope for improvement in the lives of the Rumanian people. As freedom-loving people, they cannot be kept in bondage.

REMARKS OF GOV. WINFIELD DUNN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DUNCAN. Mr. Speaker, I recently had the opportunity of attending the meeting of the Tennessee Federation of Republican Women in Gatlinburg.

It was an honor to appear on their program with some of my Tennessee colleagues from the House and with our distinguished Governor.

I particularly enjoyed the remarks of Gov. Winfield Dunn and would like to place his speech in the Record, as follows:

Remarks of Gov. Winfield Dunn to the Tennessee Federation of Republican Women, Gatlinburg, Tenn., April 23, 1971

I could have selected many things to discuss with you this evening. I might have told you of the awesome responsibility of a new governor and the difficulty he faces with a Democratic controlled legislature. I might have told you of the satisfaction one receives in performing the duties in the state's highest office. I could have spent the evening talking about the fine U.S. Senators who represent Tennessee, Howard Baker and Bill Brock, or the outstanding Republicans who serve in the U.S. House of Representatives, Jimmy Quillen, John Duncan, Lamar Baker and Dan Kuykendall.

However, realizing that the months pass quickly into years, I want to talk to you tonight about our great President, Richard Milhous Nixon. In just a few short months it will be 1972 and time for another election. I will become increasingly more involved in the re-election of Richard Nixon as time draws near for the American people to again make their selection.

Richard Nixon is a man of very genuine greatness, not only here in the United States, but to an increasing degree, on the larger stage of world affairs.

He is a gentleman and a man of towering personal integrity . . . facts that are abundantly clear to anyone who knows him personally or has taken the trouble to look through the smoke screen of vilification and abuse he has had to bear.

(I saw a cartoon the other day—and it was not drawn by Bissell or by Herblock—that showed two news executives in the offices of one of our television networks and they were examing the wire service reports of the California earthquake.

And, one of them was saying to the other, "Let's interrupt the programs with a bulletin, but first let's see if there isn't some way we can blame it on Nixon.")

I want to say parenthetically here that, hard as my first 90-odd first days in office have been, they have been made immeasurably easier by the abiding friendliness and sense of fair play on the part of the ladies and gentlemen of the news media with whom I am in touch every day.

I don't know that I am big enough or strong enough to stand up under the daily barrage that is levelled at the President.

But through it all, he is a gentlemen.

He is a man of courage and selflessness.

He has handled matters of inflammatory emotional sensitivity with responsibility and balance, and in everything he has done he has shown a classical sense of the nation's history and purpose.

I feel particularly objective saying this about him, because there are some matters on which he and I have disagreed, and I anticipate that there will be others.

(When the Governor of Tennessee agrees one hundred per cent with the President of the United States, or with anyone else, there is pretty good evidence that we really don't need a Governor of Tennessee.)

But I want Tennessee to know—and I want him to know—that I regard his contribution to the United States as something beyond calculation.

The nation is in his debt.

And I am honored to be his friend, and to have been his guest.

And today we are here to talk about the year ahead.

The year 1972.

This is a year, like other years, in which America will arrive at a series of crossroads in the long journey in search of our national destiny.

There have been many such crossings in our history.

At each, we have made a choice—some for the better, some for the worse.

Somehow, no matter which choice we made, we managed in the long run to come out ahead.

From weakness we drew strength.

From confusion we brought about order.

From doubt we forged new confidence.

But the choice the nation will face in 1972 is perhaps different from any other in our history. And the penalties for making a wrong choice are perhaps the most severe in all of that history.

Let me be a little bit more specific:

In 1968 the American people had had about enough.

We hear a lot about the "beat generation".

And the "now generation".

Well, in 1968, America was the "fed up generation."

Fed up with riots.

Fed up with campus unrest and weak-kneed administrators.

Fed up with run-away inflation.

Fed up with permissiveness in the government and in the courts.

Fed up with a supreme court that seemed more interested in the criminal and the subversive than in the citizen.

Fed up with the constant escalation.

Under two Democrat administrations, of the Vietnam war.

(Let me say to the endless wail of the McGoverns and the Fulbrights and the Muskies and the Kennedys and all the rest that there were 540 *thousand* American boys in Vietnam when Richard Nixon took office. This week—as I speak to you tonight, the President is two weeks ahead of his self-determined schedule—there are now only 284,000).

Fed up, I say.

Fed up with reckless spending and the endless government give away.

Fed up with broken promises and broken dreams and of a broken and terribly divided society.

So, in 1968 the people rose up on a national scale and they voted *against* the things that had provoked their outrage.

They voted against them and the nation has begun, like the case of the Vietnam involvment, to translate votes into programs and policies.

Reasonableness and responsibility has begun to return to the Supreme Court.

Today our nation is far richer and its wealth is distributed more widely and used to better purpose than ever before.

(Before you listen to the wailing and caterwauling of the hate America faction, let me give you a fact or two about this country of ours. Before you despair about poverty of America listen to this:

"The average annual per capita income in some 40 of the world's poorest countries today—many of them iron curtain countries enjoying the blessings of communism—is roughly $120.

If you are good at math you will recognize that this amounts to a little less than 35 cents a day.

The annual per capita income of the United States is more than $3,000 a year. That is more than $8.00 a day—a 2,000% increase.

We have made important gains against poverty and against prejudice.

We have begun a decade of peace at home and a plan to bring peace in the world . . . campuses are quiet and productive and order prevails in our cities.

Our economy bids fair to resume the pace of long-run growth and within a matter of days the stock market will probably reach an all-time high in all the long 300-year history of our economy.

The Russian bear has become a bit tamer and the prospects for world peace a bit brighter.

Just last week we hit a ping-pong ball across the great wall of China and it came back in a friendly exchange—and for us to be playing a game with the same set of rules on a table of the same size and shape with the "other side" is certainly a step in the right direction.

So these are some of the things we will need to vote *for* in 1972.

Here are others:

Revenue sharing, which 78 per cent of the American people approve

Our sound fiscal policy

An end to the draft and an all volunteer army

Realistic and effective welfare reform

Our reorganization of the executive branch of Federal government.

There are many others . . . landmarks and benchmarks of an administration which has kept it word.

America is united behind one man—and the latest poll by Opinion Research Incorporated—possibly America's most respected information analyst—shows that a solid 54% of the American people approve of the Nixon policies as opposed to only 31% who disapprove.

The Democrats, far from being united behind a candidate have a round dozen of them.

And what are they running *for*?

Nothing that I can determine from reading what they write and listening to what they say.

They are running *against*.

And what are they against?

Apparently they are running against the FBI.

That seems to be about the sum and substance of it.

Against the FBI.

And against the Army.

And against our boys in Vietnam, although they were sent there by Democrat leadership.

Against national security, even in the face of the communist threat that menaces the nation as never before in our history.

One of the candidates—the man from Maine—has fancied himself as a phrase maker and he has come up with the phrase "Nixon's Gestapo" for the FBI.

Well, Gestapo or no Gestapo, we absolutely must have security in this nation, and I know of no reason why publicly elected officials should be exempt from investigations, any more than any of you.

It makes one wonder.

We must assume that too much violent objection to investigation might sometimes indicate that some of them, or some of their friends, have something to hide!

And that is why.

These phony issues . . . and these straw boogie-men.

That is why 1972 is going to be such a critical year.

Every appeal possible is going to be made to emotions, and to prejudice in the desperate struggle for votes.

But I don't think the American people are easily fooled, do you?

If this Republic survives five more years, it will be two hundred years old.

No Republic has ever survived anything like two hundred years.

And we didn't survive to that ripe and wise maturity by chasing after hob-goblins and swallowing political patent medicine.

The American people *know* who is in the White House.

They know that a respectable family lives there.

And worships there.

A family that believes in things.

Like family life where love is shared and shown and respect is a part of that love . . . like firmness and honor . . . and compassion . . . like determination tempered with reasonableness.

Intelligence and understanding.

Steadiness of purpose and of will, but flexibility and willingness to entertain new ideas and adopt them if they have wisdom and promise.

Yes, America needs Richard Nixon's leadership in 1972.

Tennessee needs it as well.

And Richard Nixon needs Tennessee.

He has always carried Tennessee—twice as Vice President, once against John Kennedy, and once again in 1968.

He is counting on his friends in Tennessee again.

People who believe in his kind of God . . . and his kind of family life . . . and his kind of America.

We cannot let him down!

TRIBUTE TO SPEAKER CARL ALBERT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. CARNEY. Mr. Speaker, I would like at this time to commend the record of the Speaker, on the occasion of his 63d birthday, and to express my admiration for his notable performance in office. Since entering this body some 24 years ago, he has won recognition as a practical man of affairs, an expert organizer, and, above all else, a man of his word.

A product of the great Southwest, he has brought to the Nation's counsels his deep concern for the problems of rural America. A longstanding member of the Agriculture Committee, he fought hard in that capacity for every measure looking to the interests of the small farmer. Representing a region elevated to a position of economic significance by the rural electrification programs of the New Deal period, he has championed the interests of public power, at every opportunity. He is himself a veteran of World War II and, as a Congressman, has helped in the passage of several measures benefitting veterans in general.

Appointed majority whip in 1955, CARL ALBERT revealed himself in succeeding years a master of the complex procedures of democratic government, and, as Speaker—the post he has held for the past few months—he has again displayed the many abilities required for the smooth and effective functioning of the national legislative process.

It is a pleasure to salute our great leader, Speaker ALBERT, and to wish him the happiest of birthdays.

TENNESSEE PRESS REPORTS DEMANDS FOR RELEASE OF FUNDS FROZEN BY BUREAU OF THE BUDGET

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the demands for release of more than $12 billion in funds appropriated by the Congress and frozen, withheld, and impounded by the Bureau of the Budget—OMB—continue to echo in Tennessee and throughout the Nation.

In this connection I place in the RECORD herewith copies of articles and editorials from the Tullahoma News and Guardian, Tullahoma, Tenn.; the Lebanon Democrat, Lebanon, Tenn.; the Manchester Times, Manchester, Tenn.; and the Memphis Commercial Appeal, because of the great interest of my colleagues and the American people in this most important matter.

The articles and editorial follow:

[From the Lebanon (Tenn.) Democrat, Apr. 23, 1971]

EVINS CHARGES WHITE HOUSE AND BUDGET BUREAU IMPOSE NEW RESTRICTIONS ON TVA

Representative Joe L. Evins (D-Tenn.), chairman of the Subcommittee on Public Works Appropriations, charged Tuesday that the White House and the Office of Management and Budget (Bureau of the Budget) have imposed new restrictions on Tennessee Valley Authority not required by law.

Evins said the new restriction would require TVA to secure from local municipalities a commitment to repay water resource project costs for those portions of the projects allocated to water supply.

"This is an administrative action and not authorized by law," Evins said. "This is another example of the Bureau of Budget arrogating unto itself arbitrary and unwarranted powers."

Chairman Evins said the new restriction by the Bureau and the White House was announced after Congress had appropriated $4.6 million for land acquisition and beginning of construction of the Normandy and Columbia Dams on the Upper Duck River in Middle Tennessee.

"First the Bureau impounded $4.3 million of these funds in another unjustified action contrary to the will and mandate of the Congress. Now the Bureau is insisting that TVA and local municipalities agree to defray $16 million of the total project cost before these appropriations will be released. This constitutes budgetary blackmail and I deplore and denounce these tactics."

Evins said the Subcommittee on Public Works Appropriations which is reviewing TVA budget requests is currently conducting a thorough investigation of the Bureau's newly imposed restrictions on TVA.

"There is nothing in the TVA Act to require local communities to pay for benefits received for the use of water" Evins said. "The purpose of the TVA Act is to assist local communities and people of the Tennessee Valley in building a stronger economy. Additional restrictions and fees will not help achieve this goal and objective."

Evins concluded:

"Will we ever learn who are the true friends of TVA?

"Presidential candidate Goldwater advocated the sale of TVA. Under the Eisenhower Administration TVA was called "creeping socialism' and territorial limits were imposed on the TVA setting boundaries and barring expansion.

"And now the present Administration is impounding funds for TVA appropriated by the Congress and is applying restrictions not authorized by law requiring the people of the Tennessee Valley area to pay for the use of water in the area."

[From the Manchester (Tenn.) Times, Apr. 23, 1971]

"Budget Blackmail" Charged by Evins

Rep. Joe L. Evins has charged the White House and its budget office with "budgetary blackmail" in holding up funds for Normandy and Columbia dams and in demanding that the project water supply investment be repaid by area communities.

The Fourth District congressman further accused the Nixon administration of adopting a new policy contrary to the Tennessee Valley Authority Act and of a new action designed to restrict TVA's growth.

He also released a letter from a presidential adviser saying that the administration is, in effect, making the water supply repayment for the Duck dams a test case on its new requirement for TVA.

Rep. Evins' blast came Tuesday on the final day of hearings on TVA's 1971–72 budget before the House Public Works Appropriations Subcommittee, which the Fourth District congressman heads.

TVA Chairman Aubrey J. Wagner and other key officials, including John S. Barron, tributary area development director, were in Washington for the hearings.

Rep. Evins said the subcommittee is conducting a "thorough investigation of the Budget Bureau's newly imposed restrictions on TVA."

President Nixon's budget for TVA, sent Congress in January, contained no funds for the Duck dams. The U.S. Office of Management and Budget (formerly the Bureau of the Budget) is holding up $4.3 million of $4.6 million appropriated by the Congress at Rep. Evins' request.

It says it will not release the funds until communities that will benefit from water supply from the dams' reservoirs make a commitment on repaying the part of the Federal investment attributed to this.

Based on the original project estimated cost, this water supply amount was set at about $16 million. Later figures have put it at $19 million, totaling about $26 million counting interest.

"This is an administrative action and not authorized by law," Rep. Evins said. "This is another example of the Bureau of the Budget arrogating unto itself arbitrary and unwarranted powers . . . this constitutes budgetary blackmail, and I deplore and denounce these tactics."

The congressman added:

"There is nothing in the TVA act to require local communities to pay for benefits received for the use of water. The purpose of the TVA Act is to assist local communities and the people of the Tennessee Valley in building a stronger economy. The additional restrictions and fees will not help achieve this goal and objective.

"Will we ever learn who are the true friends of TVA? Presidential candidate Goldwater advocated the sale of TVA. Under the Eisenhower administration, TVA was called 'creepin socialism,' and territorial limits were imposed on the TVA, settiing boundaries and barring expansion.

"And now the present administration is impounding funds for TVA appropriated by the Congress and is applying restrictions not authorized by law, requiring the people of the Tennessee Valley to pay for the use of water in the area."

[From the Memphis (Tenn.) Commercial Appeal, Apr. 23, 1971]

TVA Cost-Sharing Slapped by Evins

Waskington.—Representative Joe L. Evins (D-Tenn.) Thursday protested a new administration policy requiring municipalities to help pay for Tennessee Valley Authority dams if they use water from the reservoirs.

Evins, chairman of the House Public Works appropriations subcommittee, said the new requirement by the Office of Management and Budget and the White House was disclosed after Congress had appropriated $4,600,000 for land acquisition and beginning of construction of the Normandy and Columbia dams on the upper Duck River in Middle Tennessee.

"First," Evins said, "the bureau impounded $4,300,000 of these funds in another unjustified action contrary to the will and mandate of the Congress.

"Now the bureau is insisting that TVA and the local municipalities agree to defray 16 million dollars of the total project cost before these appropriations will be released.

"This constitutes budgetary blackmail and I deplore and denounce these tactics."

Evins said his subcommittee is investigating the new requirements.

[From the Tullahoma (Tenn.) News, Apr. 23, 1971]

Time for Senators To Act

White House policies on Tennessee Valley Authority projects—the Duck River dams in particular—and on withholding of funds voted by Congress have come to the point that it is imperative that our two United States senators do something about it.

Senators Howard H. Baker Jr. and Bill Brock need to act to counter what Rep. Joe L. Evins has labeled as the "budgetary blackmail" policy of the Nixon administration in withholding funds for starter work on Normandy and Columbia dams and in threatening the future flexibility of TVA through its administrative decisions without regard to the law.

The Fourth District congressman has been one of the leaders in a growing congressional protest against executive withholding of appropriated funds which now amounts to an estimated $12 billion for all sorts of programs. Now the congressman and his colleagues in the Congress in this fight need to be joined by Senators Baker and Brock.

Rep. Evins' latest statement, made as TVA leaders, were testifying before House and Senate budget committees, points up a disturbing trend that applies to both the Duck River dams and to TVA generally, as well as to the separation of powers between the executive and legislative branches.

By now, most area residents know that Congress has voted $4.6 million for land buying and first construction on the two Duck dams, but that the U.S. Office of Management and Budget has ordered that all but $300,000 of this amount not be spent. And it says it will not release the funds until a commitment is made for citizens of the area to repay the Federal investment in the dams attributed for water supply, a major benefit from the project.

Most no doubt recall also that such repayment is not required by law for TVA, but that it is for the Army Corps of Engineers and Bureau of Reclamation—and that the White House has decided, nevertheless, to insist that TVA comply with the provisions.

The latest comment from the White House is the most blatant of all regarding the presidential attitude toward TVA and its legal status.

Writing Rep. Evins, Max L. Friedersdorf, a special assistant to President Nixon, said of the water supply repayment: "It is especially important that we adhere to this decision, as this is the first case, to our knowledge, of a TVA multipurpose project which will provide significant benefits from water supply."

In other words, the administration intends to stick this new water-supply policy on TVA projects, whether it is authorized by law or not, and is determined to make the Duck River dams the precedent for this newest means of clamping down on TVA.

Can anyone deny that Rep. Evins describes it correctly?

"This is an administrative action and not authorized by law," he says. "This is another example of the Bureau of the Budget arrogating unto itself arbitrary and unwarranted powers. . . . This constitutes budgetary blackmail, and I deplore and denounce these tactics. . . .

And, as Rep. Evins also pointed out, the TVA Act, which created and which governs the Tennessee Valley Authority, contains no requirement whatever to require anyone to repay water supply costs attributed to its dams. And it is also true that no community anywhere in the TVA area now benefiting from the use of water supplies from TVA lakes pays the government anything for the water.

"The purpose of the TVA Act," the congressman said, "is to assist local communities and the people of the Tennessee Valley in building a stronger economy. The additional restrictions and fees will not help achieve this goal and objective . . . now the present administration is impounding funds for TVA appropriated by the Congress and is applying restrictions not authorized by law, requiring the people of the Tennessee Valley to pay for the use of water in the area."

Rep. Evins continues to be heard on this serious topic, but it is more important than ever that action be taken by Senators Baker and Brock to combat a trend that may well be the Dixon-Yates policy of the Nixon administration in regard to TVA.

Our two senators, both members of the President's party and both keys to Republican progress in southern and border states, can make an impact by speaking up and taking appropriate action in the Congress on behalf of the Duck River project and on behalf of TVA, which can be significantly stifled if this repayment policy can merely be imposed without any legislative action by the Congress.

We would think also that two eminent conservative legislators such as Senators Baker and Brock would be quick to protest an encroachment on congressional powers and the overstepping of bounds that has been manifested by the White House budget bureaucrats in both making new laws and enforcing them, in deciding which projects voted by Congress it will accept and which it will veto without using the constitutional veto process.

Both this issue and the one of insidious erosion of TVA's effectiveness mean that action by our senators is long overdue. Both Senators Baker and Brock, during their election campaigns and on other occasions, have had plenty to say of their support for TVA. Lip service at times is important, but what is needed now is some action. How do they stand on this threat to TVA and to congressional independence? The people of the Duck River watershed and the TVA region are waiting to hear.

FUNDING TO FIGHT LEAD POISONING—HEW EMPLOYEES SUPPORT, HEW HEADS OPPOSE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. RYAN. Mr. Speaker, in January of this year, the President signed into law the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695. He did so despite recommendations from his own bureaucrats to veto the bill. At that time, I would have ventured to commend him—although it was obvious that his action was the consequence of considerable public pressures, not an over-weaning empathy for the programs authorized by the legislation.

Today, the law is moribund. True, almost all programs involving health and public welfare are underfunded. But the Lead-Based Paint Poisoning Prevention Act has the sorry distinction of being totally unfunded. No funds have been requested by the administration for fiscal year 1971. No funds have been requested for fiscal year 1972.

This is unacceptable.

Initially, I patiently attempted to work with the Department of Health, Education, and Welfare, awaiting their initiative to implement the act. I have with increasing impatience looked for some movement, some appreciation of the needs of thousands of children—almost all of them in urban ghettos—who are condemned to be the victims of a vicious, man-made disease which is, and I stress this, preventable.

Well, it is clear that the administration has defaulted. No matter that some 400,000 children may be poisoned each year. No matter that more than 200 children die each year. No matter that some 12,000 to 16,000 children are severely enough victimized to require medical treatment. No matter that some 3,200 children incur moderate to severe brain damage, requiring special care. No matter that 800 children a year receive brain damage severe enough to require care for the remainder of their lives. The administration does not want any money to implement the Lead-Based Paint Poisoning Prevention Act, and so these little children have no hope.

Tomorrow, the second supplemental appropriation bill will be before the House. Not 1 cent is provided for fighting lead-based paint poisoning. This is a severe deficiency of the bill. Hopefully, the Senate Appropriations Committee, whose subcommittee I testified before on April 23, 1971, will provide funds.

The tragedy of this situation is heightened by the fact that within the Department of Health, Education, and Welfare, the agency designated by the law to administer the grant programs, there are sincere, committed individuals who do perceive the enormous importance of the Lead-Based Paint Poisoning Prevention Act. Unfortunately, those with the power are not listening.

Today, the Health Employees for Change, a group within the Department, issued a strong statement regarding this situation. They stated:

> In spite of the Administration's concern for prevention and health maintenance, there has been little support for action programs to deal with a clearly preventable disease that kills hundreds and leaves hundreds of thousands of children with some form of measurable brain damage each year: Lead Poisoning.

As the Health Employees for Change all too correctly observe:

> Since the signing of the bill, nothing has happened.

And they called for "effective action now and not simply discussion about the problem."

I second this statement emphatically. But it is the administration whose affirmative action is needed. So far it is totally absent.

There is simply no reason for this. And that is a fact amply supported by HEW's own bureaucracy, which prepared the "implementation plan to carry out the DHEW responsibilities under the Lead Poisoning Prevention Act of 1971." Prepared by the Bureau of Community Environmental Management, the division delegated the responsibility to implement the act, this formal plan leaves no question that those concerned with actually running programs see the Lead-Based Paint Poisoning Prevention Act as enormously important. The plan begins:

> Lead-based paint poisoning is one of the more serious health problems affecting urban core children today. Lead-based paint poisoning affects 400,000 children annually, causing 200 deaths and leaving many thousands permanently retarded.

On page 3, the implementation plan states:

> (I)t is now practical and economically feasible for communities to carry out the massive screening programs recommended by the Surgeon General. There is a minimal need for further research.
>
> The necessary information to eliminate the problem is known. The time for action is now and now is the time for effective action programs at the community level.

And on page 3, the implementation plan also states:

> Based on the extent of the valid need evidenced to date—based on pilot screening programs already undertaken—the Bureau is convinced that the full funding authorized under the law for 1971 can be effectively utilized in the current fiscal year to carry out the types of community programs as outlined above . . .

And I want to emphasize another statement in this formal implementation plan. At page 2, it is stated:

> Inaction on this problem would be an economic and human disaster.

We must depend upon the Senate to provide funds for the Lead-Based Paint Poisoning Prevention Act for fiscal year 1971. But, in actuality, it is not we who are privileged to live in decent housing—where lead-tainted paint and plaster chips do not fall from the ceilings and walls to be eaten by small children who then become sick—who are depending upon the Senate. It is the thousands of children who are waiting. It is their lives which are at stake.

I am including at this point the statement of the Health Employees for Change regarding lead poisoning, issued on May 10, 1971:

HEALTH EMPLOYEES FOR CHANCE POSITION STATEMENT—LEAD POISONING IN CHILDREN

In spite of the Administration's concern for prevention and health maintenance, there has been little support for action programs to deal with a clearly preventable disease that *kills* hundreds and leaves hundreds of thousands of children with some form of measureable brain damage each year: Lead Poisoning.

Health Employees for Change is deeply concerned at this inactivity. Lead Poisoning is a disease mostly of the Ghetto, affecting children from one to six years of age. Lead gets into the children's bones, blood stream, liver, kidney, and the brain. These children acquire lead poisoning by eating paint chips containing lead from the walls and windowsills of dilapidated houses built prior to 1940. It is estimated that some 400,000 children may be poisoned each year, and that some 12,000 to 16,000 children are treated and survive each year and some 200 children die each year. Based on one large study, of all children having lead poisoning, 39% go on to develop some measurable amount of brain damage. Of all children entering the hospital or clinic with acute lead poisoning about 10 to 15% of these children will have signs of symptoms of brain involvement: convulsions, and coma. Of those with neurological involvement, 82% will be left with permanent handicaps, 54% will have recurrent convulsions, 38% will have mental retardation, 13% will have optic atrophy (hence loss of vision). (Perlstein MA, Attala R, *Neurologic Sequellae of Plumbism in Children*, Clinical Pediatrics 5:292, 1966.

In November 1970, the Surgeon General issued a policy statement on the medical aspects of lead poisoning in children. At that time the Administration's position in front of the Senate Health Sub-Committee was to oppose S. 3216 which would have authorized the appropriation of funds for screening and treatment of children with lead poisoning as well as for encouraging communities to develop local programs to eliminate the hazards of lead based paint poisoning. Opposition was based upon a desire to stop the development of still another categorical program, and because there was enough authorization under Section 314(e) of the Public Health Service Act. While the above are both true, it was brought out in testimony that the Administration, under the current authorized programs, has no intention to develop a comprehensive program for lead poisoning in children. While it is true that there is sufficient authorization under Section 214 (e), there are no free funds available. In addition, there were 27 requests totalling over $39 million dollars submitted to HEW to support comprehensive childhood lead poisoning programs.

In spite of the Administration's opposition, the lead poisoning bill was passed by Congress and signed without comment by the President, against the recommendations of HEW. Since the signing of the bill, nothing has happened. The President did not mention lead poisoning in his health message, nor was a request presented in the 1972 budget. For those who look to 314(e) for support, the 1972 request was decreased from 109 million to 105 million and will have to absorb a 16 million dollar obligation from OEO in the 105 million request. It is highly unlikely that a lead poisoning program under the current authorized programs can be developed. We therefore, urge Congress to appropriate the necessary funds under the Lead Based Paint Poisoning Prevention Act.

We again repeat our deep concern at the present inactivity. What is called for is effective action now and not simply discussion about the problem.

REMARKS BY HON. SEYMOUR HALPERN

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. HALPERN. Mr. Speaker, I am pleased to join my colleagues in commemorating the 53d anniversary of the Declaration of Freedom by the Byelorussian Democratic Republic. This great event in the history of the Byelorussian people took place in March 25, 1918.

On this day, 53 years ago, the Rada of the Byelorussian National Republic met to proclaim the independence of Byelorussia. This was the culmination of a growing nationalistic feeling among inhabitants of the republic. During the late 19th and early 20th century these feelings manifested themselves in the cultural aspects of society. Byelorussian journals and a Byelorussian theater was established. The cultural revival eventually had great political impact on events within the country. At the dawn of the 20th century, Byelorussian students founded a revolutionary party which help the first of a series of conferences calling for the autonomy of Byelorussia.

The events to the west of the small country, which caused World War I, and the events to the east, which brought a revolution in Russia, combined to make independence a possibility and finally a reality for Byelorussia.

The Germans imposed certain restrictions during their period of occupation of Byelorussia. Political leaders were permitted to carry out their work and Byelorussian language was accepted as the official language of the nation's public life.

In late 1917, the Bolsheviks wrested control of the country. Because of the precarious nature of the political situation in Russia, all Byelorussian conferences were able to convene in November 1917 and in March 1918. Finally on March 25, 1918, in Minsk, the ancient capital of Byelorussia, the Rada proclaimed the independence of Byelorussia.

What makes this day of remembrance a sad occasion is the swiftness with which the light of freedom in Byelorussia was extinguished. In December of 1918, the Red army marched into Minsk and seized control of the Byelorussian Government. In 1919 they proclaimed the Byelorussian Soviet Socialist Republic and in 1922 the area was incorporated into the Soviet Union. For the last 52 years the people of Byelorussia have lived under hell of Russian rule. The Soviets have carried out a systematic policy of genocide. Over 4 million citizens have been victims of political terror, mass deportation, and forced resettlements in other parts of the Society Russian Empire.

Periodic purges have resulted in the arrest of thousands of artists, engineers, and members of the Byelorussian Academy of Science. Hundreds of thousands of farmers have been deported to Siberia. In essence, Byelorussia has become a colony of the Soviet Union. By means of a system of exploitation, similar to the mercantile system used by the English in the handling of the American colonies, Byelorussia's natural resources are being syphoned off for use by the USSR.

Through these 53 years of hardship the Byelorussians have refused to give up and have continued the battle to free themselves from foreign domination. Many of these freedom loving Byelorussians have emigrated to the United States and are continuing their unceasing efforts from our shores.

Let us continue to hope that the day may soon come when the courageous people of Byelorussia can enjoy the freedom and liberties which are afforded every American as a birthright, and that they can again proclaim, as they did 53 years ago, that they are a free nation.

POLISH CONSTITUTION DAY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. WHALEN. Mr. Speaker, I rise on this occasion to commemorate the 180th anniversary of the Polish 3d of May Constitution Day.

Americans of Polish descent can take justifiable pride in the greatness of both the Polish document as well as our own Constitution. Both were adopted within 2 years of one another. Both embraced similar progressive principles.

But the accident of geography perhaps is one of the main reasons why our Constitution and Nation have flourished while Poland has suffered the agonies of partition and subjugation since 1791. Indeed, Poland still can feel the physical and political aftereffects of the Second World War even today. But I believe it is accurate to observe that the spirit which led to the creation of the 3d of May Constitution still lives in Poland and in the hearts of those of Polish nationality throughout the world.

Here in the United States, Polish Americans are mindful of the great traditions of their motherland which translates into their contributions to our own country.

There is a developing intellectual life in Poland which reinforces the belief that this great European nation one day will regain her freedom and live under the philosophy embodied in the May 3 Constitution. The alien form of government that has been imposed upon Poland and so many other countries trapped behind the Iron Curtain cannot be disguised as anything else. Even now in Soviet Russia we see signs of a yearning for a truly democratic form of government.

Mr. Speaker, I am pleased to join my colleagues in paying tribute to this great anniversary in Poland's history.

FIRST LADIES OF AGRICULTURE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. MICHEL. Mr. Speaker, President Nixon set aside last Friday, May 7, for a special salute to our Nation's farmers. I am proud to remind my colleagues that in my congressional district—the 18th of Illinois—reside two outstanding gentlemen who have been chosen to represent a sizeable portion of those farmers on the State and the national levels.

They are William Kuhfuss, president of the American Farm Bureau Federation, and Harold Steele, president of the Illinois Agriculture Association.

We all know that behind every great man is a great woman, and these men are no exception to that rule. Their wives, Elizabeth Kuhfuss and Margery Steele were subjects of a recent article in the Peoria Journal Star, and I want to bring that article to the attention of my colleagues in the House:

[From the Peoria Journal Star, Apr. 18, 1971]

THEY'RE THE FIRST LADIES OF AGRICULTURE

A woman who can wax ecstatically over soil is Mrs. Margery Steele of rural Dover, whose husband, Harold, recently was elected president of the Illinois Agriculture Assn.

"I think Illinois, or at least this area, in the spring, is the most gorgeous thing in the world. I can become a charter member of the Chamber of Commerce. When they turn this ground over with plows, I really get excited.

"I remember being with Harold at a meeting in Normal and the head of the ISU School of Agriculture said he was asked what one thing we should exhibit to show America's wealth and he said we should show the world a sample of soil. You know he was absolutely right. I'm astounded every year when the ground is turned over; it's just like turning over the coal bins!"

For someone who grew up in New York City, worked abroad and then came to Illinois as a bride of eight months, what did she know about farming?

"Not much at all. Harold has apologized many times for me and my lack of knowledge," she laughed. "Also for my family because they are still not too well oriented. When they come to visit, he just sort of shakes his head. I did know a cow from a steer, although he doesn't give me any credit for it."

Attired in a brightly-striped dress and red shoes, her graying hair worn short with side-swept bangs and dark-rimmed bifocals worn on a chain around her neck, Mrs. Steele reminisced about World War II days when she met her husband in Austria.

"It was in the 1940s when more and more men were being taken for service. I knew some people who were broadcasting in the European Office of War Information and so I applied for a job as junior radio engineer. Any field was open to women then if they wanted to try. Well, they saw my file and offered me a job in the Office of Strategic Services as a cryptographer.

"My job itself wasn't exciting; it was hard work, substitute and substitute. I worked in message centers coding and decoding messages. What was exciting was the people I worked with and the places where I was."

Mrs. Steele worked in North Africa 13 months, Greece for seven months and Austria for a year.

"My favorite place was Greece. The people were horribly, unbelievably poor but most of them were literate. Of course, there were very wealthy people in Egypt, but some very poor who couldn't read or write. There were many fine restaurants in Cairo where one could eat. I remember a place there called Groppi's that had 27 kinds of ice cream. It was the Howard Johnson's of the Middle East. But we found that water buffalo is not bad if you know how to cook it. The main thing was to start early in the day," she laughed.

"There were no accommodations for us at all in Greece. The English gave us a ration of bread a day and we got one ration a week from the American embassy. We had to live on the Greek economy and found that squid was delicious and plentiful. There was very little meat; we had hare and kid and lamb—and they don't waste any of it. We had delicious meat balls called Kestethes made from lamb entrails. There was a tremendous amount of fish, but we relied on beans and olives for protein. I used to say that I preferred my milk fresh, but I became very fond of yogurt.

"Vienna was altogether different. The French, Germans, Americans and English were hundreds of miles from our zone, but the Russians lived in the city, so we had to depend upon everything being airlifted in to us—just as it was later to West Berlin. It was not a calm place in which to work; there was always constant turmoil about something, constant friction."

As the war was ending, she met her future husband, an infantry captain, on a blind date in Vienna where he was chief agent of criminal investigation for the U.S. Armed Forces.

They were married in October in the stable of Schoenbrunn Palace, which had been converted into a chapel. Margery wore a floor-length bridal gown mailed to her from the U.S. by her mother.

The huge white farm house to which Mrs. Steele came as a bride in June, 1947 was built in 1903 by his grandparents.

"Structurally, it's very well made, but it's so big I never finish cleaning it. I start at the top and go through the five bedrooms, bath and sewing room upstairs, then the hall, then over this way, and then downstairs and I start here and over that way and before I quite get out that end, I'm long overdue up there again.

"There are two living rooms, a den, dining room, kitchen, utility room and half bath on this floor. Downstairs there's a six-room cellar, three with concrete floors. One was a coal room, one a wood room and one, a root cellar room. And then there's an attic over the whole thing.

"I had help when the kids were small. But the children are pretty good. I don't expect them to do housework, but when I get in a bind and I say, 'Hop to, I need you!' I mean hop to—and they do."

The Steele's four children include 23-old-old twins, Linda, an elementary education teacher in a suburb of Denver, Colo., and Greg, who lives at home; Becky, 19, who recently was graduated from Massey Junior College in Atlanta, Ga., and hopes to go into fashion merchandising; and Susan, 17, at home.

"And we also have a Japanese daughter this year, Kyoko Yamada. She and Susan are seniors at Princeton High School."

Kyoko, who has been with them since last September, is from Sappora, Hokaido, the northernmost island of Japan.

"She is the second American Field Service student we have had. In 1962, we had Akke Litzke van der Zyjpp of Rottum, The Netherlands.

"Greg finished service a year ago. He had gone to Ames two quarters and started back to school at Southern Illinois University, but the school riots put an end to that. He's decided to stay on the farm and run the operation. For years he and Harold talked about farming together. I know Harold looked forward to it just as his father looked forward to it.

"Harold's father and I became very good friends through the years. In fact, we all lived here together in this house for 14 years. We closed off this part of the house and we lived on that side, up and down, and his folks had this side. Harold's dad had hoped one of his three sons would take an interest in farming and Harold was the only one who did.

"It's all Harold has ever been interested in and Greg is the same way. They think it's great going to Chicago, or Washington or New York and seeing how city people live, but then they'll say, "Well, we've seen this: now let's go home.' And so when Greg finally had service and school behind him, they really looked forward to farming together," she said.

Now that the father is busy with the IAA, Gregg is the farmer-in-residence.

Greg is being married later on this year and will take his bride to live on another farm they own down the road.

Of all the household chores, Mrs. Steele finds cooking and ironing are her two favorites.

"Gardening has always been a problem and we finally gave it up as a lost cause. Harold always felt field work came first and garden plowing last. He always had a big acreage and was too busy to bother with a little garden plot. But after he would get his other plowing done, he would plow up the garden. It would be a little late, after everyone else had peas and beans and stuff in.

"I remember one time when we had everything in the garden in lovely shape and he decided that's where he was going to build a new hog shed. 'Whatever you want out of the garden, take it now because the hog shed is going to come that far', he said, and that was pretty discouraging.

"The next year, the garden was put in late, as usual, somewhere else. Did you ever watch cattle come through a garden? Oh, it's cute! They're darling—all thousand pounds of each and every one of them.

"This happened every single year. If the cattle didn't get out, the hogs did. In another two weeks, you were really going to harvest something to eat from the garden when ZOOM—through went the livestock! I think Harold really got discouraged, too, because the last time, they went through his strawberry patch. That was sort of the life blow.

"I finally said, 'Well, I think it's easier for me just to run to town for whatever I need. Unless we get some really tight fence, let's forget the garden; I'm not going through that again.' "

Laughing, she removed her eye glasses and said, "Chickens? Yes, we tried those too. When we first came home, we had chickens, milk cows, beef, some pork, even a ram. I guess we had some ewes but I only remember the ram because he was always taking someone and sending them flying.

"One day I got to figuring how much time I spent with those chickens. I wasn't a whiz bang at plucking, drawing, and cutting them up and with chickens about 29 cents a pound, I decided I was working for real scabby wages. Then the chicken house was struck with lightning and a raccoon got in the hen house, so we were out of the chicken business.

"Then we milked for a number of years, but with two cows, you're nothing but a nursemaid to them. You have to make sure you're around the house twice a day for that kind of nonsense. You can put hogs and cattle on self-feeders and they take care of themselves, but milking is the first thing in the morning and the last thing at night.

"So we started feeding out cattle and decided it was a luxury we could ill afford; we'd let somebody else play that game, so we started feeding hogs.

"We used to feed out 400 or 500 head of sheep, too, and the program we had then worked out fine; they were excellent gleaners in the fields. But there isn't that much profit to fritter away the many man hours needed.

"Having grown up in the city and watching my children grow up here on the farm, I'm grateful they had this. As a child in New York City, I was terrified most of the time. We moved there in 1927 and I was just old enough to remember the crash when people were jumping out of windows all over town. And I remember watching hundreds of people lining up every evening at the soup kitchens for a bowl of soup and a piece of bread."

Mrs. Steele is a member of Princeton Women's Club and has a hard time remembering to go to the afternoon meetings.

"I started out with twins and was real busy right away with them and trying to learn many other things a farm wife should know. But I belong to a bridge club.

"I thoroughly enjoy reading and that's a fine outlet for me—poetry, biographies and plays. But now I wear bifocals and that makes a tremendous difference in the amount of reading I do.

"My mother-in-law planted the traditional flower garden and I try to keep it up. She knew a great deal about plants and shrubs and planted them so that we have continuous bloom all spring and summer. I plant things to fill in. But I remember one year I even saved burdock, thinking it was rhubarb," she laughed.

"I love to refinish furniture. When we were married I didn't know one piece of wood from another—a piece of oak from a piece of walnut—but I do now. And Harold can get so ecstatic about wood that he pats the grain."

As to changes in the daily routine since her husband took on his new post, she said, "Well, first of all, he's not home. Not that he was underfoot all the time before but at least I knew he would be here every day—and usually most of the time for three meals a day. Now he's only home for weekends.

"He stays in Bloomington, comes home weekends and leaves home again early Sunday morning. This necessitates an odd strain of laundry late Saturday night when I have to get all his things washed and organized to get him back on the road next day.

"Next fall will bring the real change. Our son will be married in July and our baby, Susan, will go off to college in September so then I'll really rattle around here by myself.

"People say, 'Why don't you or when are you going to Bloomington?'

"But Harold is even gone from Bloomington, visiting various counties and making speeches around the state. If I'm going to rattle around I'd just as soon do it here where I have my books and my knitting and the friends I've made over the past 20 some years as to rattle around in a small apartment in Bloomington wondering what to do with myself.

"I really don't know a great deal about his new job, but he finds it very worthwhile and stimulating. I know I can modestly say that he will do absolutely as fine a job as he is physically capable of doing, which is saying a lot. Sure, I'm prejudiced—I like him."

SHE MADE A GREAT MANY BOO-BOOS LEARNING TO BE A FARM HOUSEWIFE

(By Elizabeth Kuhfuss)

Elizabeth Storm Kuhfuss, wife of American Farm Bureau Federation president William Kuhfuss, wears her title as First Lady of Agriculture as graciously as she did the state title during the 12 years her husband headed the Illinois Agriculture Assn.

"After he was elected in Houston last December, about 700 pieces of personal mail came in from all over the country, most of it offering congratulations and best wishes. I started out trying to answer it all, but it snow-balled out of all proportion; I'd get 10 letters answered and 15 more would come in.

"I got so bogged down, I had to get a cleaning lady to come in once a week," she said.

Things have sort of leveled off again now.

A native of Lexington, Mrs. Kulfuss is the daughter of two Christian Ministers, the Rev. Homer and the Rev. Myrtle Storm, both deceased.

"They always had two different pastorates not far apart. My brother and I lived with mother in the parsonage of her church. Father would keep a room in his church parsonage and rent the rest of the house. We would all see something of each other during the week, but we always had to go to our own church celebrations or services, then we would have our Sunday supper or Christmas celebration or whatever later. For some reason, our best holiday always was the Fourth of July.

"They both ministered at Carlock, then at Ladysmith, Wis., Minier, Pekin and Peoria. Mother preached for 53 years before she died.

"Bill and I met while we were students at Minier High School. I was a freshman and he was a sophomore. We started going together his last two years in school. After graduation, he went to Illinois State Universitl at Normal. Then I went to William Woods Junior College, Fulton, Mo., and finished my last two years at Eureka College. We did a lot of letter writing during that time.

We became engaged in February, I was graduated in June, and the following August we were married. Bill brought me as a bride to this house (between Minier and Mackinaw) where he had always lived. Although his mother was moving to another farm near Minier, she stayed here until the town house was fixed up.

"She helped me to learn the routine of being a farm housewife. I made a great many boo-boos but his mother was always gracious and tactful. Like the time I spilled the lard.

"We had butchered and rendered the fat and strained the lard into large stone crocks. They were setting on the back porch to cool and she asked me if they had set. Well, the top had thickened and turned white and when I tilted the crock to see how much of it was congealed, lard spilled out of the crock, over the porch, down the steps and into the yard.

"I was beside myself to think of the waste but her response was quick and easy, 'That will be good to make soap. We've got too much lard anyway.'"

"I was the first daughter-in-law and, with four sons, I guess she was happy to get a daughter. Anyway, there was always a good relationship between us."

The large 11-room white house where Elizabeth Kuhfuss has lived since her marriage was built by her husband's grandfather in 1892 on land he had farmed near the Mackinaw crossroads since 1878.

"This house had one of the earliest bathtubs in the country—a big tin contoured tub with a drain plug—even before the house had running water. The water had to be heated and poured into the tub and then drained out and carried away.

"There was a gasoline-powered generating system and I inherited the 32-volt electrical appliances from my mother-in-law. Then Bill got busy and worked for a high line through this part of the county and after that we had public utilities. The house formerly was heated from a natural gas well, but when that played out, oil heat was installed.

"The house has gone through four remodelings over the years. The last one was about 12 years ago, about the time Bill was elected head of the IAA. At that time, the kitchen became a family room with stone fireplace, a summer kitchen became the kitchen and a porch was enclosed to become an eating-study area."

The Kuhfusses have four children: Karen, who lives in Trenton, Ill., with her husband, Edward Koch, and their two children, Caroline and Devin, who will be three and five years old this spring; Linda, who just finished her doctorate in special education from the University of Illinois and has joined her husband, Dr. Thomas O'Donnell, an English professor at the University of Kansas in Lawrence; Thad, who is in the U.S. Army as a legal clerk at Leavenworth, Kan.; and John, 21, a senior at the U of I who expects to leave for service after graduation.

"This will really be a year of adjustment because the family is so divided. Thad, who expects to be out of service in June, will be going back to school he's already two-thirds of the way through law school at Washington University."

Things haven't always been so smooth for this husband and wife team.

"But I've learned a great deal from Bill—such as not worrying about things that never happen. I remember when Karen was just a baby and I discovered she had club feet. Bill went on a trip out of town after I had assured him the baby and I would be all right.

Then he came home to find her legs in casts.

I worried about all the money we would have to spend on surgery. As it turned out, we had new casts put on every two weeks and by the time she was nine months old, the casts were permanently removed and she soon started walking. We never did have the expense of surgery."

Another bad time for the young family was when Karen, the eldest, was nine, and John, the baby, only four months old.

"The doctor found I had a dermoid cyst and about nine inches of my lower intestine had to be removed. I knew I was seriously ill and I worried about raising my family. I even made contingent plans for how they would care for one another should something happen to me so that I couldn't rear them. I was ill for a long time and had to keep having annual checkups. At the end of five years, I was pronounced as cured. You see, the cyst had been malignant. Bell knew it and went through those five years alone—he didn't want me to have to worry about it.

"I've always been anxious to see the kids advance and be able to take care of themselves at each step as they grew older."

In addition to looking after her home, Mrs. Kuhfuss knits, making things for herself and granddaughter, and she is secretary of the Little Mackinaw Unit of Homemakers Extension.

"I'm a charter member because Thad was born the year it was organized. I remember answering roll call at a meeting by announcing that I had visited my doctor for a monthly check-up. That's one way to announce the good news to your friends," she laughed.

"But I'm a great champion of Homemakers Extension. I've learned many good things through all the years—how to iron a shirt in six minutes, mending, all kinds of cookery, how to make soap. The lessons are so different now, more contemporary. Where we used to learn basic cookery, now we may have a lesson on a nationality or gourmet dish. But there's always something interesting to learn."

Mrs. Kuhfuss has served in the choir, Sunday school and Women's Guild of the United Church of Christ in Minier. She reads a lot, although she does not care for fiction.

"I guess it's a sign of aging, but I can remember when I was referred to as "the daughter of Reverend Storm, 'then' the wife of Bill Kuhfuss,' and as 'the mother of Karen,' and now, more recently, as 'the grandmother of Carolina," she smiled, her eyes crinkling at the corners.

Mrs. Kuhfuss finds life is different since her husband's election as head of the nearly two million member organization.

"When he was at Bloomington and had speaking engagements within the state, I frequently would accompany him and then drive him home while he would sleep so as to be fresh for the next day's work.

"Now his office is in Merchandise Mart, Chicago, and he may find in one week that he's in Phoenix, Ariz., Denver, Colo., and Middlesex, Va., and the next week in Atlanta, Ga., or somewhere in Florida. Of course he flies now and is able to catnap on the plane. But he covers much more ground now as national president.

"With him traveling so much, we find it's harder to communicate. Bill finds the hardest thing about his job is that he doesn't have anyone to talk to—you know, the husband-wife type of talk.

"I clip news articles from local papers—things I think he will want to read—and jot things down on a list. So even though he is out of touch on the local level, he still has a sense of what is going on at the home base with our friends and acquaintances and neighbors.

"I'm concerned about his health and appearance, I keep a close check on his wardrobe and have to urge him to get a new suit occasionally. And I tuck a packet of vitamin tablets in his luggage, hoping he will remember to take them.

"His job requires a lot of physical stamina, which he has. Athletic men, I've found, seem to feel that if the goal is worthwhile, it's worth the required discipline. Bill always has been athletic—and he's also very well disciplined."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

VA HOSPITALS TREATING DRUG ADDICTED VIETNAM VETERANS IN SPECIAL CENTERS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. TEAGUE of Texas. Mr. Speaker, many of our young men who are coming home from the war in Southeast Asia and elsewhere are suffering from addiction to narcotics, a condition that may be as crippling and as devastating personally as any wound of battle. These veterans deserve the best medical and rehabilitative help we can give them.

It is gratifying to know that the Veterans' Administration is providing this help for many young men and is planning to expand this care.

Under present plans, VA will have 30 special units to care for narcotics victims. Five have already been activated; 12 more will come into being in July of this year, and 13 more in July 1972.

They will be in existing VA hospitals and will provide some 500 beds for this highly important and complicated treatment. But the number of beds will not be the real measure of this program, because it contemplates most of its therapy being conducted on an outpatient basis while the veteran works or goes to school and attempts to bring new order to his life and assure himself a better future.

This posthospital care is expected to be provided for 5,000 to 6,000 veterans at the 30 facilities.

The five centers that have already been activated—at VA hospitals in Houston, Manhattan, Washington, D.C., Battle Creek, Mich., and Sepulveda, Calif.—call on varied skills and disciplines and therapy of the most advanced kind to bring about cure. Involved are physicians, nurses, psychiatrists, psychologists, social workers, vocational counselors, chaplains, physical therapists, and others.

One of the strengths of the centers is the fact that no two are exactly alike—they are geared to the needs of their patients and they reflect creativity and special abilities of those who run them. I am certain these are highly competent professionals and they are able to call on the best and most advanced knowledge concerning drug treatment. But they are also continuously conducting research and applying new concepts as they help their patients free themselves of their distressing and debilitating disease.

The clinics are organized to mesh with other VA programs in trying to improve the personal situations of their patients. The veterans are counseled and advised concerning vocations and education as well as personal problems concerning family situations, living conditions, and income.

Some veterans are being treated as outpatients and attending school and college under the GI bill at the same time. Others are working or are training on the job under the GI bill. All are apprised of the ways in which they can make their veterans rights work for them.

Mr. Speaker, drug addiction is a major problem in this Nation. To me it is doubly tragic when it strikes men who are serving their country in uniform. It is good to know that the country they served is helping them to find their way back, and I hope the Veterans' Administration will speed up its efforts.

CONGRESSMAN RYAN TESTIFIES ON RENT CONTROL AT AD HOC HEARINGS OF STATE LEGISLATORS IN NEW YORK CITY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. RYAN. Mr. Speaker, to speak of the housing situation in New York City is to speak of catastrophe. Rents and carrying charges are soaring as are the costs of privately owned housing. More than 130,000 families are on the waiting lists for public housing. Subsidized housing is in massive short supply, and housing subsidies are equally lacking.

Amidst this disaster, the device of rent control serves to stave off an even worse situation. At least rent control prevents landlords from skyrocketing rentals to levels guaranteed to drive out the remaining moderate- and middle-income families and individuals. Yet, despite its utility—despite its necessity—the Governor of New York has proposed legislation which would have a devastating impact, bringing widescale rent decontrol. This legislation is misguided; it is unacceptable.

On May 8, 1971, I appeared to testify at ad hoc hearings held in New York City by the Democratic members of the New York State Legislature's Joint Committee on Housing. Following is my testimony:

STATEMENT OF CONGRESSMAN WILLIAM F. RYAN, AD HOC HEARINGS OF DEMOCRATIC MEMBERS, NEW YORK STATE LEGISLATURE'S JOINT COMMITTEE ON HOUSING, NEW YORK CITY, MAY 8, 1971

The rent control proposals which Governor Rockefeller has produced are a tribute to reverse logic. While New York City has achieved national, if not world, renown as the prime example of what is charitably referred to as a housing crisis, the Governor proposes to escalate that crisis into disaster. The proposed virtual destruction of rent control which has emanated from the State House in Albany is a time bomb, guaranteed to relocate middle income residents to the suburbs, leaving New York City a haven for the rich and a hell for the poor.

The Governor's legislation proposes to lift controls on all apartments "voluntarily" vacated by their tenants.

Another bill, which would apply to all rent-controlled apartments, but not those subject to the city's rent stabilization law, would decontrol any apartment that was not used as the "primary residence" of the tenant.

Still another bill would permit owners to pass on to tenants in controlled units increases in costs over which, and I quote, "the landlord has no control," as the Governor phrased it. This would include increases in maintenance, utility and fuel costs, and taxes.

Finally, the Governor has asked the Legislature to terminate the city's authority to extend control to units not now subject to rent control and its authority to impose even stricter controls on those now under control. This proposal would have the effect of nullifying the pending rent control referendum.

This is, indeed, a recipe for disaster.

The basic problem afflicting New York City is the lack of sufficient housing—decent, adequate housing—at rentals and carrying charges which can be afforded by families of low, moderate, and middle incomes. New York City may be Fun City for the rich, but for the rest it is the Hiroshima of housing—a city where there simply is not enough housing at feasible costs for hundreds of thousands of people. What does the Government propose? A package of proposals designed to further erode the habitability of New York City, not a massive housing production and rehabilitation program.

What are going to be the results? The Rand Institute reports that rents in post-1929 buildings would go up by about $100 a month—$1,200 a year. Rents in pre-1929 buildings built after 1901 could go up about $50 per month—$600 a year. Some rentals may soar by as much as $1,800 per year. It has been estimated that two-thirds of the rent-controlled apartments in the city would completely change tenants within seven years. On the West Side of Manhattan there would be fifty percent decontrol within approximately four years. Thus, all of these apartments would be subject to massive rent increases.

Now, who is kidding whom? The residents of New York are groaning under enormous rentals and carrying charges. Even subsidized housing—the Mitchell-Lama projects—are putting an onerous burden on their inhabitants. How can people pay these enormous increases?

The answer is that the rent control proposals demonstrate a grasp of reality so tenuous that one questions whether Albany is in the same state as New York City.

And what of the proposal that the controls will be lifted as apartments are "voluntarily" vacated by the tenant. Emily Post may not have written this up in her etiquette book as an invitation—on a silver platter—to harassment by landlords, but my reading of the reality of New York City housing tells me that Governor Rockefeller proposes to declare open season on tenants. If his proposal becomes law, we are going to see open warfare in the corridors of every rent-controlled apartment in the city, with the landlords having the clout, and the tenants easy targets.

For years now, the tenants and cooperators of New York City have been handed placebos in place of panaceas. Today, the big doctor in Albany has produced a new landmark in prescriptions—destroy the patient. That's the ultimate cure. Some may call it euthanasia. I call it the grossest folly.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, but I hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Maj. John Murray Martin, U.S. Air Force, [redacted], Pittsburgh, Pa. Married and the father of five children. 1954 graduate of the University of Pittsburgh. Officially listed as missing November 20, 1967. As of today, Major Martin has been missing in action in Southeast Asia for 1,266 days.

SUCCESS OF NIXON'S FOREIGN POLICY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. KEMP. Mr. Speaker, I wish to call two recent articles to the attention of my colleagues. The first, by Russell Kirk, raises the point that Vietnamization might very well be successful to the embarrassment of some.

The second, a foreign impression from the London Daily Telegraph, points out who those "some" are that will be embarrassed. The London editorial, reprinted in the Sunday Observer, states that the President is showing that he is able and determined to discharge his responsibilities without reaction to the shouted obscenities which are now a routine part of demo techniques.

The editorials follow:

NIXON'S SUCCESSES AS A STATESMAN

(By Russell Kirk)

Despite the endeavor of his political adversaries, and of a good many of my columnar colleagues, to make it appear that President Nixon's foreign policies are ineffectual, in truth Mr. Nixon has been more successful in diplomacy and related matters than has any other President since Theodore Roosevelt, perhaps. If he continues in this fashion for the rest of his term—and possibly for a second term—we Americans may find our way out of a variety of perils and predicaments.

True, Mr. Nixon may set his sights—or his rhetoric—too high on occasion. Not long ago he declared that there may never be another war—which imprudent notion repeatedly has tended to bring on, in the course of history, precisely the calamities it had been meant to avert.

Before his election to the presidency, Mr. Nixon told me that his model of a statesman, in international affairs, was Woodrow Wilson. Certainly much Wilsonian idealism lingers in President Nixon's mind and conscience, which is his weakness, not his strength. Yet so far, his actual policies (as distinguished from his occasional language) have been practical and realistic.

Take his course in Indo-China. Since Mr. Nixon took office, American ground forces in Indo-China have been reduced to little more than half of what they were at the height of our involvement.

This disengagement has been achieved without sacrificing the territory of America's Asiatic allies to the Communists. South Vietnam has fairer prospects of withstanding communism than it has enjoyed since the end of World War II.

In the Levant, Mr. Nixon has done much to prevent a fresh—and catastrophic—clash between Israel and the Arab states.

In relations with Communist China, Mr. Nixon has opened some little windows to a more tolerable relationship, without abandoning our Nationalist Chinese allies in Taiwan. In his dealings with Soviet Russia, he has yielded no ground, but has raised hopes of some tacit settlement of rival interests; and the masters of the Kremlin appear to respect his talents as much as they dislike his ends.

Wouldn't it be hideously embarrassing if America should come out of Indo-China, after all, undefeated—with the Communists still denied Saigon? (Embarrassing for the left, that is, after all their vacillations.) Wouldn't it be humiliating if a conservatively inclined President and a conservatively inclined professor (from Harvard, of all places!) should accomplish what a series of liberal administrations couldn't achieve—an enduring settlement in the Middle East, a reduction of tensions with China and Russia, the ending of military conscription? Who could be happy about such a consummation—except the American people?

HAS THE VIETNAM WAR ROTTED UNITED STATES' CREDIBILITY?

Is America so rotted by the Vietnam War, so rent by protest against most of the things that the Nixon Government stands for at home and abroad, as now to be no match, in power or the will to use it, for an imperialist Soviet Russia or a resurgent China? If this were indeed so the European and other democracies, which now take American protection as much for granted as the sun and the rain, should be doing something more constructive than self-righteously deploring the presages of America's decay so eagerly served up by the media.

Has the canker eaten as deep into the American soul as the television pictures suggest? About 300,000 demonstrated against the war in Washington alone (one recent weekend). Eight hundred youthful-looking "veterans" from Vietnam discharged their appointed task of reflecting vocally and visually the supposed demoralization of the American Army. The climax was a well-organized and well-photographed orgy in which the various military decorations so prized in the country's history were dishonored, thrown away, and trampled underfoot. It was a kind of antipatriotic black mass, calculated to shock in the same way as the shouted obscenities which are now a routine part of demo techniques. Senators Kennedy, McGovern, and Muskie were among those anxious to be associated with such proceedings. In this atmosphere the highest estimates of drug-addiction and officer-murder in Vietnam seemed credible.

And yet President Nixon—contrary to all indications when he took office, despite organized malice of unprecedented scale and intensity at home and all the enemy's efforts to exploit America's self-inflicted wounds—is resolutely achieving his objectives. More than half of the troops have already been withdrawn, and the reverse flow has been increased. The South Vietnamese, growing daily stronger, will soon be carrying the entire burden of the land fighting. The initiatives in Cambodia and Laos, far from bringing China into the war, as Mr. Nixon's denigrators predicted, must have played some part in bringing China to the contemplation of a settlement that is implied by her overtures. In America, the economy is responding to treatment, the racial scene, and even campuses seem to be cooling.

Abroad, Mr. Nixon—despite isolationists of the Right and Left, and pandering by the Democratic leaders to the pacifist and protest movements—is showing that he is able and determined to discharge America's responsibilities. He sometimes has to trim a bit in dealings with an awkward Senate, but in a showdown it knows that he would have public opinion behind him. He did not withdraw troops from Europe. He stood up to Russia in the Syria-Jordan crisis last October, recently reinforced the Sixth Fleet to compensate for Russian moves and is evidently not going to allow Russian expansion in the Indian Ocean to go unanswered. While seeking a missile agreement, he is telling Russia firmly that he will not allow her to steal marches or gain advantages, and is taking practical dispositions accordingly. Such things do not make such good television programs as veterans' protests, but in the present context they are much, much more important.

LETTER FROM VIETNAM

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Monday, May 10, 1971

Mr. HARRINGTON. Mr. Speaker, John Anderson is a specialist fourth class in Delta Company, 4th Battalion, 21st Infantry, 117 Infantry Brigade, Americal Division, now stationed in Vietnam. Recently he and 21 of his platoon members sent a letter to the Ipswich Chronicle which said in part:

> My whole platoon would be proud to fight for their country for a just cause, but the cause over here just isn't worth dying for.
>
> We have lost faith in our leaders and in America itself for getting caught up in a conflict like this and hope someday we will be able to regain our faith and trust in America.

These men are from different parts of the country, representing various religious and ethnic backgrounds; some volunteered while others were drafted. Yet they share one bond; they are disillusioned with their country.

We sent them to fight a war we will not claim and yet cannot ignore, defining their mission but not their goal. All we asked was that they kill and be killed quietly without upsetting our sensibilities or awakening our consciences. Is that too much for a nation to ask of her sons?

Then upon their return, after they have bought our honor with their blood, we reward them handsomely. Backpay and a one-way ticket home, a few medals and a mimeographed letter of thanks are our gifts to them. And for all this we make only one request—go home. Go quickly and quietly. Get a job, start a family, forget about Vietnam. Forget about search and destroy, napalm, hooches, and gooks, forget death and destruction. Forget, so that we can.

We tell them to rejoin society, work, relax, vote. Vote for experienced, tested leadership, for statesmen who understand the complexity of the problems you have lived. If there have been mistakes, others made them. If there are not any jobs, if prices are high, if your sacrifices cannot be justified—well, after all we inherited this mess. Things are not that simple, it takes time. All of this we tell men like Specialist Fourth Class Anderson and then we ask them to trust us.

Seven years of war and death in Indochina have cut deeply into the American spirit. The agonies of the last decade have numbed our conscience and we have come dangerously close to tearing apart the fabric of our society. After all this, are we to clothe our mistakes in self-deceit.

If we cannot erase the memories, if we cannot restore the dead, then let us at least deal honestly with the living. We have betrayed ourselves, breaking faith with our past, let us not now mortgage the future.

Men such as Specialist Fourth Class Anderson are both our hope and our future. Our responsibility to them goes beyond benefits and security. It goes to the heart of this Nation. In time I hope we can earn back the trust of John Anderson and those like him but it will require an honesty and a dedication far greater than we yet have displayed. I insert the text of John Anderson's letter as reminder of that responsibility:

WE HAVE LOST FAITH IN OUR LEADERS

Army specialist Fourth Class John Anderson, son of Mrs. Louise Anderson, Brownville avenue, submitted this letter to the editor this week, and included the signatures of 21 of his platoon members. The soldiers are members of Delta company, Fourth Battalion, 21st Infantry, 117th Infantry Brigade, Americal Division, now stationed in Vietnam.

TO THE EDITOR:

I'm an Infantryman in (the above company). I'm writing because I feel obligated to let the people back home know what's going on over here and how we feel. The majority of the people in my platoon (2nd platoon), are members of or support the actions of Vietnam Veterans Against the War.

None of us want to be over here and none of us want to fight. Pres. Nixon has led the people back home to believe that we (the infantry) would be out of the combat role May 1 and pulled back to firebases. This is not true. Already our commanders have told us we would still be going to the field after May 1.

Two days ago 1st platoon was ambushed by a group of North Vietnamese Army (NVA) soldiers. They had two people wounded. After first platoon was out of the contact area the battalion CO called on the radio and told 1st platoon he was proud of them for making contact with the enemy.

After talking with the members of first platoon they didn't seem too proud of what they were forced to do. Yesterday my platoon was on patrol by a river when we found some hooches, the company commander had us burn the hooches.

After we had burnt the hooches we continued on our patrol and started walking in some open rice paddies when we were ambushed. Luckily no one was hurt. Not one of us wanted to burn those hootches or walk into that ambush but the "career soldiers" (lifers) made us do it.

My whole platoon would be proud to fight for their country for a just cause, but the cause over here just isn't worth dying for.

We have lost faith in our leaders and in America itself for getting caught up in a conflict like this and hope that someday we will be able to regain our faith and trust in America.

Two-thirds of the combat troops over here were drafted. The career soldiers, the ones that believe in this war, aren't out in the field fighting; we are. They are in the rear making money in many corrupt ways such as selling government property to Vietnamese civilians and bringing prostitutes into the firebases. Before I came into the Army I believed in this war but after seeing things first hand I have changed. I think that many people back in the world that believe in this war would also change after coming over here.

Please, for the sake of myself and my fellow soldiers do what is ever possible in whatever small way to end this needless and bloody conflict. Replies should be addressed to

SP-4 J. W. Anderson [redacted] D 4-21,
11th BDE, Americal Div., APO San Francisco,
Calif. 96217

A list of the people in my platoon who have read and support this letter:

(List of 21 signers is illegible.)

RUMANIAN INDEPENDENCE DAY

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. BUCHANAN. Mr. Speaker, it is always a privilege for me to join in the celebration of national events which have great meaning to the millions of persons on this earth who do not possess the precious freedoms enjoyed by those of us in the United States of America. At this time, therefore, I take pleasure in joining in the observance of the Rumanian national holiday, which is celebrated annually on the 10th of May.

The 10th of May commemorates three significant events in the history of Rumania.

On May 10, 1866, the Rumanian people saw the successful outcome of the nation's long struggle to acquire the right of electing as its sovereign a member of one of the Western reigning families and thus put an end to the strifes and rivalries among native candidates to the throne. On this date, Charles, Prince of Hohenzollern-Sigmaringen—a scion of the Southern and Catholic branch of the Prussian royal family—was proclaimed Prince of Rumania. This action was the founding of the Rumanian dynasty.

Eleven years later, on May 10, 1877, during the turmoil of the Russo-Turkish War, the Principality of Rumania proclaimed her independence by severing the old and outdated bonds that linked her with the Ottoman Empire. This independence had to be fought for on the battlefields south of the Danube, where the young Rumanian Army, as an ally of Russia, played a noteworthy part in the defeat of the Turkish forces. The Congress of Berlin of 1878 confirmed Rumania's independence and conferred Europe's official recognition.

Four years after the Rumanian people had proclaimed their independence, a further step was taken as they decided to raise their country to the rank of a kingdom. Charles I was crowned King of Rumania, by the will of his people, on May 10, 1881. On that day a prosperous era, which lasted over six decades, opened for the nation. The culmination of this era was reached when national unity within the historic boundaries was attained after World War I.

Throughout all these years the Rumanian people have cherished the 10th of May as their national holiday and the anniversary of glorious events in the history of their nation. In today's Rumania, however, the traditional celebration of this event has been suppressed along with many other traditions revered by the Rumanian people.

The repressions to which the brave people of Rumania and the other captive nations of the U.S.S.R. are subjected are a continuing source of deep concern to freedom-loving people everywhere. In joining the Rumanian people in their observance of this significant occasion, those of us who are privileged to enjoy the freedoms so brutally denied them express our continuing support for their hope of obtaining these freedoms again. I pray that their hope will be strengthened through our expressions of support and that they will once again control their own destinies and enjoy the precious human right to freedom.

POLICE CHIEF BIAGIO DiLIETO

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. GIAIMO. Mr. Speaker, on May 13 Police Chief Biagio DiLieto of New Haven, Conn., will be honored at a community tribute and testimonial dinner.

Ben DiLieto ascended to the highest office in the New Haven Police Department as an appointee of the Honorable Bartholomew Guida, mayor, and as a consequence and appropriate recognition of his 23 years of distinguished service in the public interest.

Formerly director of the police department's communications and central complaint bureau in New Haven, Chief DiLieto has assumed his critically important post in full command of the necessary expertise in communications and information systems which will spell the future success or failure of police departments across the Nation.

Appropriately, the main address at this Thursday night's testimonial will be by Dr. Robert R. T. Gallati, director of New York State's intelligence and identification systems, and a former classmate of Chief DiLieto's at the Federal Bureau of Investigation training classes.

Chief DiLieto's expertise in sophisticated communications systems is tempered and complemented, however, by his identification with the very human problems of those who encounter the wrong side of the law, and especially with young people through his work in juvenile delinquency programs.

Prior to his terms as precinct captain, patrol division in 1967, and director of training for the police department in 1961, Ben was director of the department's youth division, and also special assistant to the mayor for formulation and implementation of a comprehensive antidelinquency program in New Haven.

Ben DiLieto's concern with and work for youth were shown recently by his innovative action in devoting law enforcement assistance administration funds earmarked for his department's work to partial support for New Haven's residential youth centers, programs attempting to arrest and reverse the growth of delinquency through group work and supervised living.

Illustrating further the merit system of police promotion, Chief DiLieto was promoted to the rank of captain in 1967, having achieved first ranking on the promotion list with highest scores in combined examinations.

Commended 10 times in departmental work, holder of the silver medal of the department for commendable service, Ben DiLieto's record is replete with the kind of quiet but dangerous heroism that we who benefit from good police service often do not hear about or believe occurs only on television.

Aside from traditional police work, however, Chief DiLieto's contributions in the areas of administration and program development deserve—and have received—national recognition.

Police training in New Haven, innovative, flexible, and oriented to changing times, is a model for the Nation, and Ben DiLieto's institution of a police science program in cooperation with the University of New Haven was the first such development in New England.

A graduate in police science/public administration from that university—formerly New Haven College—from the Delinquency Control Institute of the University of Southern California, and from the FBI National Academy in Washington, D.C., Chief DiLieto has attracted attention and earned rewards wherever his talents have been applied. Elected president of his DCI class at Southern California by fellow students representing law enforcement agencies from all over the world, Chief DiLieto was also commended by J. Edgar Hoover for academic excellence achieved in the FBI program.

In community work, no less than in traditional and innovative departmental police work, Chief DiLieto has excelled in dedication. Outstanding young man of the year in 1958, according to the New Haven Junior Chamber of Commerce, and man of the year in 1960 according to New Haven's Melebus Club, Chief DiLieto's activities in New Haven and throughout Connecticut have brought credit to him personally and to the department he now heads.

In times when more and more is asked of those who head our police departments, when, indeed, police chiefs must be diplomats, community leaders, and department and professional leaders, Ben DiLieto fully deserves the vote of confidence to be presented by distinguished members of the Greater New Haven community Thursday night.

As has been written about this coming tribute, it is "as much an expression of our confidence in his future performance as it is of our desire to honor him for his splendid work in the past. It is an affirmation of our respect for the man he is, was, and will be."

MAYNARD CENTENNIAL

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DRINAN. Mr. Speaker, I make notation today of the centennial observance of the town of Maynard which I am honored to represent as one of the 31 cities and towns of the Third Congressional District of Massachusetts.

The people of Maynard, who now number almost 10,000, have always been proud of the heritage and the spirit which has brought them together and kept them together despite many adversities over the past 100 years.

In 1871, Maynard separated itself from the parent towns of Sudbury and Stow with which it had been associated for nearly two and a half centuries.

Maynard was the 19th town in the Massachusetts Bay Colony and the second plantation to be settled away from the coastlines of the Atlantic Ocean.

Maynard has always been, however, a very small town in geography. It is 5.7 square miles in area and at the time of its incorporation was the third smallest town in the Commonwealth of Massachusetts.

The town of Maynard is on the Assabet River. The name Assabet is from the Indian Algonquin language and means "The place where materials for making fish net grows." It was the power of the Assabet River that helped the industrious and hard-working people of Maynard to attract commercial and industrial corporations in the 19th century to the growing town of Maynard. The town of Maynard was for many decades the home of the American Woolen Co., and in more recent days has been the home of the Digital Corp.

For more than a century the town of Maynard has been characterized by all of the New England virtues of industry, frugality, hospitality, and good government.

In 1941 the people of Maynard and surrounding towns voluntarily relinquished more than a thousand acres of their precious land for use by the military personnel of the United States. Despite the fact that the land taken from the town of Maynard would be a very valuable asset to this community the people of Maynard have always felt that the uses of the military and of their Federal Government should take priority. In the recent past, however, it would seem that an accommodation can be worked out between the town of Maynard and the military objectives which occupy parts of the land taken from the people of Maynard for use in World War II.

One of the excellent features of the 100th birthday program conducted by Maynard on Independence Day, April 19, 1971, was a splendid presentation by the Maynard Community Band—an organization which has existed for well over 50 years and which performs regularly for the people of Maynard and surrounding towns.

It is an extraordinary privilege to be able to participate in the ceremonies of a community which rightfully has pride in its ancestry and great hope for its future. One of the most remarkable features of the centennial celebration was the production of a truly fascinating book of 234 pages which details all of the remarkable history of the migration of peoples to this lovely town in Massachusetts where the ingenuity and resourcefulness of so many people over so many decades have created a community which has a very unique sense of purpose and determination. With these qualities Maynard can look optimistically to the next 100 years.

RUMANIAN INDEPENDENCE DAY

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. MORSE. Mr. Speaker, today, the 10th of May, is the national holiday of the Rumanian people. It is a day when Rumanians in the free world commemorate the founding of the Rumanian dynasty and express for themselves, and for the people of today's Rumania who are stifled in their desire to participate in this traditional celebration, their protests against suppression and their hopes for freedom.

I am honored to be able to join in

reaffirming the principles of liberty and independence which are the rights of the people of Rumania, and the hopes of all those of Rumanian descent who are deeply concerned over the tragedy of their land of origin. And I am pleased to be able to share with my colleagues the following statement which I have recently received from the Rumanian National Committee:

The Tenth of May: Rumania's Independence Day

The Tenth of May is the national holiday of the Rumanian people, celebrating three great events of its history.

On May 10, 1866, Charles, Prince of Hohenzollern-Sigmaringen, a scion of the Southern and Catholic branch of the Prussian royal family, was proclaimed in Bucharest Prince of Rumania, and thus founded the Rumanian dynasty. It was the successful outcome of the nation's long struggle to acquire the right of electing as its sovereign a member of one of the Western non-neighbouring reigning families in order to put an end to the strifes and rivalries among native candidates to the throne. This ardent wish, though officially expressed as far back as 1857 by the Moldavian and Wallachian Assemblies—the "Ad-hoc Divans"—convened as a result of the Paris Treaty of 1856, was nevertheless opposed by the Russian and Austrian empires, equally disquieted by the growth in power and prestige of the young bordering nation they both secretly hoped to absorb some day. It was due to unrelenting efforts made and wise steps taken by Rumanian patriots, and also to the constant diplomatic assistance of Napoleon III, Emperor of the French (to whom Prince Charles was related through the Beauharnais and Murat families) that all political obstacles were gradually removed and what was to be the prosperous and glorious reign of Charles I could be inaugurated on May 10, 1866.

Eleven years later, on May 10, 1877, during the turmoil of the Russo-Turkish War, the Principality of Rumania, until then nominally a vassal of the Sultan, proclaimed her independence by severing the old and outdated bonds that linked her with the Ottoman Empire. This independence had to be fought out on the battlefields south of the Danube, where the young Rumanian Army, as an ally of Russia, played a noteworthy part in the defeat of the Turkish forces. The Congress of Berlin of 1878 confirmed Rumania's independence and conferred Europe's official recognition, a bright page in the country's dreary history though marred unfortunately by the loss of Bessarabia, cynically wrenched by Czar Alexander II and his government from the ally who helped them obtain victory over the Turks.

Another four years elapsed after the Rumanian people had proclaimed their independence and a further step was taken as they decided to raise their country to the rank of a kingdom. On May 10, 1881, Charles I was crowned, by the will of his people, King of Rumania. A prosperous era, which lasted over six decades, opened on that day for the nation. Its apex was attained when national unity within the historic boundaries was reached after World War I. The socially progressive country had now become a factor of peace and equilibrium in the South-East of Europe.

During all those years and up to the present time, Rumanians have cherished and revered the Tenth of May as their national holiday, the anniversary of happy and glorious events in their history, in which achievements of Monarchy and people were interwoven. It remains the symbol of their permanency and perseverance through woes and hardships to reach the ultimate end of freedom and well being.

The ruthless foreign rule which now oppresses the Rumanian nation has not been able to uproot the people's attachment to the traditional celebration of the 10th of May. In order to try and alter at least its significance, official celebrations were shifted from the 10th to the 9th of May, anniversary of the Soviet victory. But, though flags are now hoisted on May 9th, Rumanians in their captive homeland celebrate in their hearts the following day, awaiting with faith and courage the dawn of new times, when freedom shall be restored to them.

TITO OPPOSES COUNTERREVOLUTION IN YUGOSLAVIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. RARICK. Mr. Speaker, on April 30, 1971—Congressional Record, page 12884—I commented on the appearance of U.S. Chief Justice Warren Earl Burger and Soviet Chief Justice Gorkin at the World Peace Through Law Conference to be held in Yugoslavia during July of 1971.

Apparently General Tito, who calls himself a "humanistic Marxist," is under serious opposition from his people and faces a counterrevolution; thus the need to bolster Tito's stock by improving his local image to sedate his flock by the personal appearance of two representatives of the world's major powers.

Interestingly enough, the recent reports from Belgrade indicate that General Tito, who has always championed Communist liberation fronts and revolution around the world, is vehemently opposed to any international liberation movement against his own police state in Yugoslavia.

Yugoslavia may just as well end up being an interesting site for world peace through law—the site of non-nonviolent demonstrations.

I insert related news clippings at this point:

[From the Washington Post, May 6, 1971]

Tito's Speech

Sarajevo, Yugoslavia. — President Tito called for the further development and perfection of Yugoslavia's unique social system, which he said was "humanistic," "Marxist," and an inspiration to the world's proletariat.

Yugoslavia started down the path of revisionism 20 years ago by inaugurating workers' councils in the country's enterprises. The system of "workers' self-management" has been criticized from all sides, including Soviet Communists as well as Yugoslav centralists who fear that it is draining power away from the Communist Party.

Tito, opening the 20th anniversary "congress of self-managers," said the experiment was a success and would proceed.

[From the New York Times, May 2, 1971]

Tito Assails Critics at Home and Abroad

(By Alfred Friendly, Jr.)

Belgrade, Yugoslavia, May 1.—President Tito today placed much of the blame for Yugoslavia's current political crisis on opponents abroad but also intimated that he would crack down on domestic dissent and probably shuffle both the Government and Communist party.

In a rambling, 40-minute May Day address, broadcast on radio and television from the town of Labin near the Italian border, the 78-year-old leader reserved his sharpest remarks for Yugoslav newspaper and television journalists, university students and professors and "megalomaniac" investors. These groups have often been targets for his wrath.

But the speech, which revealed few details of the three-day leadership meeting President Tito held this week, had a new tone of harshness toward critics at home and abroad.

"We have placed democracy on a very high level, on a strong foundation," the President said in a reference to the open discussion that makes Yugoslavia unusual among Communist nations. "But there cannot be democracy for the enemies of our social system who fight against everything we wish to achieve."

"Up until now we have tolerated too much", he said as applause from the well-dressed crowd in the coal-mining town interrupted him. "We have tolerated such enemies and their actions too much, and they are at work in many areas."

The President, who will be 79 on May 25, said that the mass of Yugoslavs still gave him and his associates in the party full support. On a recent trip through backward areas in the south, he said, he had been received "with the same faith" as was shown in him after World War II, when he turned his victorious Partisan movement into a government.

Toward the end of that trip, Marshall Tito made several angry speeches indicating that nationalist rivalries among leaders of the country's six republics were becoming a danger to Yugoslavia's development and unity. It was then that he announced this week's leadership meeting, which observers thought would be a major showdown on economic and political issues.

In discussing the meeting on his island retreat of Brioni, however, the President said only that "very sharp discussion" had ended in unanimity. He did not say how outstanding economic questions had been reconciled nor did he point to any change in existing policy beyond "more energetic" application of party and governmental discipline.

GREATER AUTONOMY FOR REPUBLICS

Stating that Yugoslavia was not in danger of disintegration, he said the current reorganization giving greater autonomy to the governments of the six republics would strengthen the nation.

"We have settled the national question, not only in theory," he maintained. "All that remains is to implement our decisions. There is no nationality in Yugoslavia that wants to be outside Yugoslavia."

Part of the reorganization, he added, would probably be a shuffle of federal posts, which many expect this summer. Beyond that, President Tito said, it may prove necessary to remove prominent party members from posts that they have become "to weak" to occupy.

As for bankers, business managers and others who follow policies opposed by the Government's economic stabilization measures, he declared, "They will not only be expelled from the party but also from their jobs."

[From the Washington Post, May 1, 1971]

Yugoslavia's Leaders Avert Split

(By Dan Morgan)

Belgrade, April 30.—Yugoslavia's top leadership today averted a public split in its ranks by "unanimously" subscribing to a declaration that singled out nationalism as the main threat to the country's unity.

The declaration came at the end of a three-day meeting of about 80 top Communist and government officials at President Tito's Adriatic island retreat of Brioni. It was called by Tito himself as a step to restore unity to the Yugoslav Communist Party's quarreling factions.

It was not clear from the communique issued today to what extent this aim had been achieved. But an announcement that a conference of the Yugoslav League of Communists would be called soon came as a surprise and suggested to observers that Tito intended to press further with his campaign to heal divisions within the party.

The first such conference in Yugoslavia's history was held only last November and none had been anticipated for this year.

Rivalries have become more pronounced in recent weeks as Communists from Yugoslavia's diverse regions have used a period of decentralization and political relaxation to argue for more local say.

The most explosive issue was raised by Croat Communists who charged that they had been smeared by a conspiracy to link them with the terrorist Ustashi exile organization.

Frictions between Serbs, the largest national group in the country, and Croats, the second largest, have been on the rise.

The party presidium in effect accepted a Croat allegation of a conspiracy. The communique cited an effort by "hostile, subversive forces to exploit our internal difficulties and to seek support from the enemy in our own country."

But the presidium denied earlier insinuations by Croat leaders that federal security police in Belgrade may have had a hand in the smear campaign, details of which have never been revealed. The presidium said "some weaknesses" in the security services had come to light and these agencies would have to be strengthened.

Rumors that the session might signal a major party purge did not materialize. The presidium was unanimous in its estimate of the "seriousness" of the economic situation.

It noted the dangers of bureaucratic, technocratic and centralist tendencies—which are taken as a euphemism for outmoded orthodox ideology. The leadership warned against nationalism, which it described as a basis for "the gathering for all anti-Communist forces undermining the confidence and unity of our peoples."

[From the Washington Post, May 9, 1971]

Tito Makes Appeal for Yugoslav Unity

(By Dan Morgan)

Sarajevo, Yugoslavia, May 8.—President Tito today reasserted his role as Yugoslavia's premier political institution in what was described as his most powerful appeal for unity in many years.

His target was all those who undermined that unity, from critical intellectuals to retired, high-pensioned generals who sit in Balkan cafes and grumble about "what does not suit them."

The audience he appealed to was the Yugoslav working class, which he deputized as the "watchdog" against the possibility that new forms of political centralism could arise in the six constituent Yugoslav republics, which will receive broad new powers in a coming constitutional reorganization.

His brisk, barbed remarks, delivered off the cuff, were frequently interrupted by delegates to a congress of factory employees representing the country's workers' councils.

One Western observer who has followed Yugoslav politics since World War II said the speech was Tito's best "in 20 years." A Yugoslav official said the address would rally thousands of persons behind him once again and create the psychological atmosphere in which concrete changes could be made in political, economic and social structures.

FACTIONAL BICKERING

These changes, stalled recently by factional bickering were initiated by President Tito last fall. Yugoslavs have described this as an effort by the 78-year-old leader to vent the potential crisis of the post-Tito era while he was still around to control it.

Rivalries between the country's diverse republics and national groups quickly surfaced and at times Tito had seemed unwilling or powerless to step in. But today he threw his full personal prestige behind the campaign to submerge differences and work out a viable system for the future.

To observers who have watched him for years, he seemed as dynamic and full of fight as he did in 1945 when he and his partisans followed the retreating Germans out of the country and established a Communist regime.

They said the style of the speech, as much as its content, demonstrated his political touch and his special position as the pillar of Yugoslav unity.

SELF-MANAGERS

He was addressing the second congress of Yugoslav self-managers, made up of factory employees who are most active in the system of "self-management"—the method of industrial democracy and worker ownership of enterprises.

Yugoslavia's decentralized system was introduced in 1950, as an alternative—and a challenge—to the rigid systems in the Soviet bloc. Assets of the state monopolies were distributed to enterprises and councils of workers were set up to run them.

Yugoslav workers, he said, were not going to "go back" to capitalism.

President Tito made clear there is only one Yugoslav working class and only one Communist Party. Just because the six republics are to have more power, they are not going to become new centers of "republic statism," he said.

Nevertheless, it remains to be seen whether Tito's appeal to the workers—over the head of the leaders in the republics—will have enough momentum to result in a system of consultation between the republics that will assure equality between them and be an efficient decision-making apparatus. Sometimes this summer, a 23-member presidency will be inaugurated to run the country.

LEAVING PARTY

But President Tito left no doubt that he expects those who oppose his course to "go out" of the League of Communists, Yugoslavia's Communist Party.

"We shall see who among us leaders accepts the right course we are going to initiate," he said.

Tough work is still ahead, including adoption of sweeping constitutional changes that will mean a drastic reduction of federal powers; a party conference to fix the relationship between the Communist Party organization in the republic and the Yugoslav League of Communists; and "gentlemen's agreements" between republics on economic questions that will determine regional say in economic matters.

But today the audience gave its loudest applause for Tito's attack on intellectuals who "only criticize" and who want to take over now that Yugoslavia has been built up into a strong state.

But he said, "There are also generals, retired ones, who draw large pensions and engage in coffee shop talk, assessing negatively what does not suit them . . . all the while drawing 350,000 (old) dinars ($2,300) a month."

[From the Sunday Star, May 9, 1971]

Tito Threatens To Purge Decentralization Critics

(By Dennison I. Rusinow)

SARAJEVO, Yugoslavia. President Josip Broz Tito yesterday threatened a purge of Communist party members and bureaucrats who oppose a series of constitutional changes designed to limit the power of the central government and strengthen the authority of the six national republics.

Addressing the closing session of the second congress of self-managers, Tito referred to past failures to follow word with action and to a Western news report that his words were "an empty gun." He promised that "this will not happen this time. The gun is not empty, we have plenty of ammunition."

A sense of nervousness and bitterness among Yugoslavia's diverse nationalities has been growing in past months to the point that plans for decentralizing the nation have been threatened.

EARLIER MEETING HELD

The three-day congress of self-managers follows a special meeting last month at Tito's island retreat of Brioni of the presidium of the League of Communists that, according to Tito and others who attended, began with "very sharp words." But the meeting reportedly ended in agreement to maintain an ideologically unified Communist party while going ahead with a radically decentralized government.

At the Sarajevo meeting of some 2,300 delegates from factories, firms and institutions, Tito vigorously supported the concept of decentralization and sought to stem the open criticism among the country's nationalities, particularly the most numerous groups, Serbs and Croats.

The workers in self-management, said Tito, would insure that local "statism" and "bureaucratism" would not replace the national "statism" and "bureaucratism" now being dismantled.

The United interests of the working class and the impact of a united market would prove stronger than bureaucratic forces thriving on centrifugal trends, he said.

"We shall also have to see who is among us leaders who does not accept the rigorous course we are going to institute," he said in a threat to those who oppose the current policies.

CRITICIZED BY RICH

Criticism of the system, Tito said, did not come from poor pensioners and low income workers who had a right to criticize, but from those with large pensions and cars who had done better than they deserved out of the system.

Naming those who oppose the Yugoslav kind of Communism within the Communist party would only create "even greater confusion in the present artificial psychosis," Tito added, "but I know who they are."

He referred to "some general on the retired list," whose real complaint was disappointment in "megalomaniac" ambitions to "become president of the republic or at least a minister."

FEDERAL ACTION FOR POPULATION POLICY—WHAT MORE CAN WE DO NOW?

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. FOLEY. Mr. Speaker, I include in the Record Dr. Robert W. Lamson's article entitled "Federal Action for Population Policy—What More Can We Do Now?" which appeared in a recent number of Bioscience. Since Dr. Lamson served on the professional staff of the Senate as an aide to the former Senator E. L. "Bob" Bartlett and subsequently with the Defense Department and Interior Department. He has been a pioneer in sensitizing both the Washington, D.C., policymakers and professionals to the importance of a Federal population policy and to the close interaction between any strategy to restore the quality of our environment and improving our social policy and the population explosion.

I strongly commend Dr. Lamson's recommendation to my colleagues:

Federal Action for Population Policy—What More Can We Do Now?

(By Robert W. Lamson)

A critical problem and a question confront us. The United States and World Population will not increase forever. There are limits. How will they be imposed?

We have roughly three options.[1]

(1) *Physical limits—war, famine and disease:* to approach more closely the physical capacity of the earth, and thereby, to bring into play the traditional agents—war, famine, and disease—which have helped to limit growth of populations in the past.

(2) *Repression:* to risk, by delaying action now, the use later of more manipulative and repressive social and political techniques, which some individuals now advocate and governments may come to use, in order to avoid the "traditional" physical limiting agents.

(3) *Voluntary limitation:* to control our size and growth, voluntarily, by increasing human awareness and individual decision to regulate family and population size. This option is based on wide-spread provision of the means to limit births as well as on democratic creation of policies to influence the intent of individuals to use these means.

Current concern over the environment has led to increased discussion of the need to control population size, primarily via the third option.

Consider for example, the following statements which reflect the concern of the Executive Branch as well as the Congress of the United States:

Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs, the Department of Health, Education and Welfare: "What does freedom of choice in family planning imply in the present state of our society? It implies enormous population growth for the simple reason that the typical American family, if it can, will elect to have three children, not two. . . . I think we are going to have to work for a change in national mores, a change based on the public acceptance of the demographic facts of life. I think we are going to have to help the people of this country understand that their vital interest and that of their children demands that we control the growth of population."

Secretary Robert H. Finch, Department of Health, Education and Welfare, when asked at a meeting in Washington, D.C., what young people can do to protect the environment, replied: "I'd begin by saying, have only two children."

The House Committee on Government Operations: "We fully agree that one of the most serious challenges in the last third of this century will be the growth of population and that our response to that challenge will be determined by what we do today."

The House Republican Task Force on Earth Resources and Population: "The overriding concern of the Task Force is for realization that the time for action is now and that the need is urgent."

Dr. Lee DuBridge, Science Advisor to the President: "Do we need more people on the earth?" We all know the answer to that is 'no.' Do we have to have more people? Also 'no.' . . .

"Our spaceship called the Earth is reaching its capacity. Can we not invent a way to reduce our population growth rate to zero? Of ensuring that there be no more births than deaths?

"That is the first great challenge of our time. And we are the first generation to come face to face with this challenge and recognize it. Will we do something about it? Every human institution, school, university, church, family, government—and international agencies, such as UNESCO—should set this as its prime task."

If the nation and the U.S. government are serious about the importance of the population problem and about zero population growth, which the President's Science Advisor stated as a desirable goal for national policy, then we must ask ourselves several questions, and begin to implement the answers.

What can we do now, with existing resources, to carry out this goal through voluntary limitation.

In the future, what measures can we take for which we will need additional funds, personnel, equipment, facilities, authority, and new organizational arrangements?

The federal government can, immediately, with existing authority and resources, take many actions in the areas of research, planning, and operations to cope with our critical domestic population problem—the additional 100 million projected for the year 2000, if current trends continue.

RESEARCH

On 1 July 1969, an interagency Ad Hoc Group on Population Research made a report, "The Federal Program in Population Research," to the Federal Council for Science and Technology.

The Group recommended that the government create an interagency Standing Committee on Population Research to review and evaluate federal population research activities; to advise on gaps, priorities, and uses, as well as appropriate ways to support and administer research; to review efforts to collect, store, and disseminate information; to review federal mechanisms to identify research underway and further research needed in the future; and to identify organizations involved in research.

The federal government, particularly the new Commission on Population Growth and the American Future, now has an opportunity to help implement these actions. In addition, much research remains to be done.

Population Growth Rates and National Goals: For example, we need to analyze the effects of alternate trends in population growth and distribution on the success and cost of federal programs as well as on the capacity of the United States to protect and enhance its values and to meet its goals.

There are many goals and programs affected by population growth as well as agencies which should, therefore, have an interest in this research. Too large a population and too rapid growth make it more difficult for us to achieve these goals. Consider the various agencies with responsibilities for meeting the need to:

Protect and enhance the environment, and meet increasing demands for resources and services (Departments of Agriculture; Health, Education and Welfare; Housing and Urban Development; Transportation; and Interior; Smithsonian Institution; Water Resources Council; National Water Commission; Corps of Engineers).

Provide energy (Atomic Energy Commission; Federal Power Commission; Department of the Interior).

Supply housing and other urban functions (Department of Housing and Urban Development).

Provide transportation (Department of Transportation).

Solve manpower and unemployment problems (Department of Labor).

Solve problems of trade, industrial production, economic growth, location of population and industry, and examine and cope with the effects of population stability on the economy (Council of Economic Advisors; Departments of Commerce and Labor).

Provide for education, health, and welfare services (Department of Health, Education and Welfare).

These agencies could introduce their analysis of the impact of population trends into their Annual Reports, public information materials, and reports on proposed legislation.

Environment and Population Policies: Based on its survey of ongoing population research supported by federal agencies as of 30 April 1969, the Ad Hoc Group on Population Research found that, of a total of some $55 million spent for population research, about $20,000 or 0.04% of it concerned the environment, and about $153,000 or 0.3% concerned population policy and its implementation.

Even allowing for some error in reporting, there does seem to be a need for more research emphasis in such areas as the implementation of alternate population growth rates and policies for the achievement of environmental quality values, goals, and programs. In this regard, population study centers could be encouraged to examine the environmental policy aspects of population growth and distribution; and, environment and resource study centers could be encouraged to analyze the relation between population trends and environmental problems. Federal activities with an interest in such research include: the Council and Cabinet Committee on Environmental Quality; the Departments of Interior; Agriculture; Commerce; and Health, Education and Welfare; The Atomic Energy Commission; and The Federal Power Commission.

Incentives: In addition to creating, through biomedical research, more efficient means to limit births, we also need more analysis of incentives to use these means and to limit family size. The physical and social environment can be designed to restructure incentives for having children, for example, through housing and community arrangements, and by creating alternate careers for women which provide opportunities, in addition to having and raising children, through which women can find personal self-fulfillment. The Council on Urban Affairs; the Departments of Housing and Urban Development; Labor; and Health, Education, and Welfare, all have interests and responsibilities in this area. In addition, the tax and social security system as well as federal and state laws can accelerate or retard population growth and influence population distribution. There are opportunities here for the Departments of Justice; Commerce; Health, Education, and Welfare; Treasury; and Internal Revenue Service; and the Council on Environmental Quality.

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[1] Provision of means to limit births and family size include abortion, sterilization, pills, chemicals, various types of contraceptives, rhythm, abstinence, and delayed marriage.

Methods for motivating people to limit family size include clinics, information, and propaganda, removal of incentives for having additional children beyond a given number through the tax and social security system, raising the legal age for marriage, provision of careers for women which will serve as viable alternative means to the self-fulfillment now attained through having and raising children.

Manipulative and repressive techniques include putting contraceptive chemicals in food and water supplies; greatly increasing the legal age for marriage and government licensing of the right to bear children with harsh penalties for violation; compulsory sterilization, abortion, and contraceptive inoculation or immunization against fertility via implantation of fertility-reducing drugs and chemicals; and infanticide.

For a Malthusian anti-utopia, see Anthony Burgess. 1962. *The Wanting Seed,* W. W. Norton & Company, Inc., New York.

Zero Population Growth: Finally, we need more research on the problem of stabilizing U.S. (and world) population at various levels—less than its present size, or double its present size, or greater by a factor of 2.5, 3, or 4. The critical research questions are: What are the requirements for, and effects of, achieving a stable population, at what level, at what rate, and when—in 40, 60, 76, 100, or 200 years?

PLANNING AND OPERATIONS

We can take, immediately, many practical steps to plan and implement policies for zero population growth, and to translate the results of research into action. Consider the following opportunities.

Planning: In our plans to support science, we can aim directly at developing the manpower, institutions, and medical and social technology necessary to achieve zero population growth. The Office of Science and Technology, the Department of Health, Education and Welfare, and the National Science Foundation have important responsibilities and opportunities in this area.

We can include considerations of population growth, distribution and control in planning, programming, and budgeting studies conducted throughout the government. The Bureau of the Budget can make sure that all agencies plan for a range of alternative demographic futures, based on alternate patterns of population growth, distribution, and use of technology. For example, federal water resource planning should consider a range of contingencies based on the difference between high and low population projections for the nation as a whole as well as for specific river basins.

River Basin Commissions, Regional Commissions and States, in addition to attempting to meet demands for resources, could be encouraged to look at a range of population projections, and to consider the problem of limiting demands for resources by influencing population growth and distribution within a particular river basin or region. In addition to the Bureau of the Budget, agencies in a position to encourage this activity include the Departments of Interior, Agriculture, and Commerce; the Corps of Engineers; Water Resources Council, and National Water Commission.

In commenting on proposed legislation, especially proposals which attempt to meet the demand for some resources or service, agencies of the Executive Branch can discuss the relation of the proposals to population growth, what difference it would make for the success of the legislation if the high or low population projection came true, and the limits to the proposal's ability to meet the demands which population growth creates. The Bureau of the Budget, in coordinating comments on legislation, has an opportunity to encourage agencies to include such considerations in their reports.

FRAMEWORK FOR ANALYZING FEDERAL ACTIONS FOR POPULATION POLICY—TO INFLUENCE CAPACITY AND INTENT TO LIMIT BIRTHS

Research [1]	Planning	Operations	Goals	Options
Reproductive biology	Plan to control population growth as well as to meet the needs (for resources and services) generated by population growth.	Public information	Zero population growth via	
Fertility regulation techniques and materials.	Contingency planning for a range of alternative demographic futures.	Annual reports		Voluntary limitation.
Description of population size, distribution, characteristics and trends.		Reports on legislation		
		Family planning programs—Clinics		Manipulation and repression.
		Programs with States and cities		War, famine and disease.
Determinants of population size, distribution, characteristics and trends.				
Consequences of population size, distribution, characteristics and trends.	Use of planning, programing and budgeting system.	Possible futures; use of tax and social security.		
Research on operation aspects of population problems.		Careers for women		
Programs to support institutions which perform research on population.		Urban design		

[1] This list of research categories is taken from the report by the Ad Hoc Group on Population Research.

Public Information and Education: This activity is important in influencing people's intent to limit births. To some degree, public information can substitute for positive and negative incentives.

As we have seen, most agencies have interests and programs which are affected by population growth. They could, therefore, adapt their public information programs to convey to the public the interaction between: (1) alternate population growth rates; (2) family size; and (3) the ability of the agency to continue to solve the problems which it is chartered to solve. Federal agencies can do much more to develop public awareness of the population problem through conferences and seminars, and by developing needed public information and media materials, T.V. programs, speeches, charts, graphs, posters, pamphlets, movies, and policy exhibits.

For example, the National Aeronautics and Space Administration, with the Department of Interior; Health, Education and Welfare; and Agriculture could develop a series of posters on the theme "Spaceship Earth," the need to take proper care of it, and the relation of this theme to population growth, environmental quality, and average family size. The Department of Health, Education, and Welfare could develop teaching aids for use in acquainting students at various grade levels with the demographic facts of life, how to prevent conception, and what needs to be done to preserve and extend the quality of the environment.

The Post Office Department could (1) create a series of stamps concerning the relation between population growth, family planning, family size, and problems of resources, the environment, and society—air, water, and land pollution, transportation, food, housing, medical and welfare services, and education; (2) provide free distribution of information and publicity via pamphlets and posters; and (3) increase the opportunity for employment of housewives.

The Government Printing Office and the Department of Health, Education, and Welfare could create and maintain a special list of available government publications, charts, exhibits, posters, stamps, films, etc., on population and family planning.

All federal agencies could include in their Annual Reports information on the relation between trends in population growth and distribution, and the success or failure of their mission.

Federal agencies such as the Department of Health, Education, and Welfare and Office of Economic Opportunity which have family planning programs could, in addition to enabling families to control births, also attempt to influence their intent to do so, for example, through information concerning the relation between family size, population growth, and other social problems.

Finally, most federal agencies have programs with regions, states, and cities and could encourage them to consider alternatives for population growth and distribution in their planning, programs, and public information.

CONCLUSION

As this article demonstrates, the government currently commands many resources to do more *now*, through research, planning, and operational programs, to implement Dr. DuBridge's priority, no-growth goal for U.S. population.

However, we urgently need the wisdom, will, and decisions to put these many existing capacities to work—to increase quickly public discussion of the population problem and of the goals and means to cope with it, and to expand, among policy makers and the public, the awareness, concern and understanding which are necessary for effective action.

What do we do now, with the resources at hand, and with the time we have left, will help to determine how, at some future date, we will achieve the inevitable limits to the world and U.S. population growth.

Our lack of foresight and prompt action increases the likelihood that we will limit our population through some combination of manipulation, repression, war, famine, and disease. Thus, we will fail to protect and promote our values of economic well-being, environmental quality, democratic government, and individual freedom.

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DOCUMENTARY—OR HATCHET JOB?

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. GONZALEZ. Mr. Speaker, the CBS News program "The Selling of the Pentagon" has aroused great controversy, as have others before it.

The principal problem with this show is that its producers edited statements in such a way that people were shown to be saying things that they never intended; the speakers hardly recognized, in many cases, the statements they were shown to be uttering. Though there could not have been any doubt that the show did depict people saying certain words, the ideas conveyed by the words were not the ideas that the speakers had in mind. It all has a distinct aura of doublethink, produced in this case by artful editing.

One writer has given his reaction to all of this in an article in the Retired Officer magazine. I call this to the attention of the House; it is yet another reminder of the problems that so clearly arise from editing practices that distort the real facts:

THE WAYWARD PRESS

(By Claude Witze)

Washington, D.C., March 15, 1971: We are reprinting with permission the following article, from the column "Airpower in the News," from the April 1971 issue of AIR FORCE Magazine, the publication of the Air Force Association. Mr. Witze is the magazine's senior editor.

The winter issue of the Columbia Journalism Review, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly 40 years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same 40-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine will ever duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could me marketed to some huckster of toothpaste or gasoline and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be 34-year-old Peter Davis, who says he and his staff spent 10 months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primiraly for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

MUDD. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems and military affairs, as well as foreign policy.

MUDD. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Captain Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the U.S. involvement in Vietnam'."

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Colonel John A. MacNeil of the U.S. Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MACNEIL. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page 55 of the prepared, and approved, text of the briefing. Next sentence:

MACNEIL. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page 36 and discussing an entirely different aspect of the presentation. Then:

MACNEIL. "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page 48 of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MACNEIL. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page 73.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of 42 minutes of filmed conversation. Here is one breakdown:

MUDD. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, that is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

HENKIN: "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers thought that was a bit disjointed for a reply and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor.

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producers of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances, Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL-TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Major James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked 34 questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the 34 questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste and a collection of calloused consciences.

CURRENT ECONOMIC TRENDS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. GAYDOS. Mr. Speaker, there has been considerable discussion about the effect the administration's latest inflation alert will have on the upcoming contract negotiations within the basic steel industry. I, along with others, feel the administration was wrong in implying the steelworker was escalating inflation in seeking wage increases when, in reality, all he is seeking to do is catch up with a cost of living which has increased from 2.8 percent in 1967 to 5.9 percent in 1970.

A very clear explanation of how labor feels about the administration's interference and current economic trends was given during a recent labor news conference radio interview, featuring Nathaniel Goldfinger, director of the AFL–CIO's department of research, and several leading representatives of the press. I would like to insert a transcript of that interview into the RECORD, and respectfully urge my colleagues to read it.

The transcript follows:

CURRENT ECONOMIC TRENDS

Guest: Nathaniel Goldfinger, director of the AFL–CIO's Department of Research.

Reporters: Hobart Rowen, business and financial editor of the Washington Post; Murray Seeger, Washington correspondent for the Los Angeles Times.

Moderator: Frank Harden.

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Nathaniel Goldfinger, director of the AFL–CIO's Department of Research.

In the view of the AFL–CIO, the Nixon Administration's economic policies have failed to effectively stem the inflationary spiral that continues to erode the buying power of workers' wages, while recent White House pronouncements and actions have created a double standard that rewards business and banks while demanding restraints on workers' wages. Here to question Mr. Goldfinger about the effects of the Administration's economic policies, and alternatives the AFL–CIO urges, are Hobart Rowen, business and financial editor of the Washington Post, and Murray Seeger, Washington correspondent for the Los Angeles Times. Your moderator, Frank Harden.

And now, Mr. Rowen, I believe you have the first question?

ROWEN. Mr. Goldfinger the White House issued its third so-called "inflation alert" a few days ago, which said, in a broad way, that we were making some modest progress in controlling price inflation, but very little progress on the wage side. I wonder what your reaction is to that statement?

GOLDFINGER. Well, Mr. Rowen, once again, that's the Administration's tack—trying to single out the working people of this country as "scapegoats" for the Administration's own failures.

The Administration, when it came into office in January 1969, promised to cool the economy and to cool inflation. But, their "game plan" was obviously ill conceived—it's been obviously one big flop. It has resulted in rising unemployment—a recession, followed by stagnation.

At the same time, there has been a continuation of rapid increases in price levels. Even in the past couple of months, the Consumer Price Index—which is the government's measure of living costs—has been about 5% above a year ago.

Well, with all of this in the picture, and with soaring bank profits—soaring salaries of bank executives, and all sorts of other things, including land speculation, land prices, and so on—the Administration's focus in these past several months has been to blame all of the problems on the working people, and on working people who seek wage increases.

And mind you, Mr. Rowen, these are wage increases that are sought, by and large, to offset the prior rise in the cost of living.

ROWEN. Well, Mr. Goldfinger, isn't it a fact though that wage increases have been continuing to go up very sharply, while profits in the economy have actually been going down, as a share of the national income?

GOLDFINGER. Well, that's both true and hokum at the same time.

The point is, the cash-flow to corporations in this country skyrocketed 91%—91%, Mr. Rowen, from 1960 until the middle of 1969. They have declined since the middle of 1969, as the result of the recession—with declining sales and declining production. But at the same time, while the cash-flow to non-financial corporations has eased off, the cash-flow and profits to banks have been soaring, as a result of very high interest rates—the highest interest rates in 100 years.

So when you look at the profit situation, it's not quite the way the Administration poses it.

The profit overall situation in the past several months is a reflection of the recession—not a reflection of price reductions, or even of cuts in profit margins. The current situation in the American economy, unfortunately, is one of relative economic stagnation, following a period of more than a year of general economic recession—with rising unemployment, cuts in production, cutbacks in working hours, and actual declines of the buying power of the average worker's weekly take-home pay.

SEEGER. Mr. Goldfinger, this most recent inflation alert focused on the negotiations coming up in the basic steel industry. For the first time, the White House is talking about negotiations ahead of time, and warning against an inflationary settlement in that industry. Do you see this as a change of policy?

GOLDFINGER. Well, I'm not sure to what degree it's a change of policy, but the way I see it rather clearly in my mind, Mr. Seeger, is that the White House and the Administration is sitting on the other side of the bargaining table—with the corporations—against the workers.

This is the White House injecting itself into a collective bargaining situation.

I think it is shocking—it's a shocking lack of objectivity—it's a shocking example of the Administration showing its partiality for the corporations and against the workers.

SEEGER. Earlier, this Administration said it would stay out of collective bargaining negotiations. In the last few weeks, we've had the formation of a committee in the building trades industry to set some type of guidelines for wage increases. Now we have this—what used to be called "jawboning"—in the steel industry. This seems to be an escalation by the White House.

GOLDFINGER. Well, it does look to me, Mr. Seeger, like an escalation of "scapegoating"—"scapegoating" the American workingman, trying to lay the blame for all of the problems—all of the failures of the economic policies of this Administration—on the workingman, rather than where it belongs—and it belongs, essentially, right at the doorstep of the Administration.

ROWEN. What share of responsibility, Mr. Goldfinger, do you think that labor generally should accept and take for the current inflation?

GOLDFINGER. Well, the working people in this country did not cause the inflation, and the working people of this country are its prime victims.

Wage increases have caused increases in unit cost, to some degree—that's true.

But, this is a minor factor in the overall situation. The cause of the acceleration of inflation over the past couple of years, Mr. Rowen, has been the Administration's own policies, which shot interest rates up to the highest levels in 100 years. They shot up—in 1969 and early 1970—to the highest level since the 1860's. The rise in interest rates put increased pressure on costs and prices throughout the economy.

Now, a second factor of great importance, in terms of the Administration's contribution to the stepped-up rise of living costs, has been the recession itself.

With industry operating at 74% of productive capacity, it's obvious that the productive efficiency of the American economy is at a standstill.

That's what's happened—and, as a result of productive efficiency being more or less at a standstill during much of the past two years, we have additional pressures on unit costs. Now, if you look at the record, Mr. Rowen, you find that the cost of living rose 2.8% in 1967; 4.2% in '68; 5.4% in '69; 5.9% in 1970—and in the first couple of months of this year, it's running about 5% a year ago.

Now, workers obviously are trying to offset that when they come into bargaining—into negotiations with employers—workers and unions are trying to offset the prior increases in living costs, and to make some improvements in buying power.

ROWEN. Well, Mr. Meany told the Senate Banking Committee the other day—he said this—"We want inflation ended. We want full employment restored. We are prepared to sacrifice to meet these goals—as much as anyone else." What would be the program of the AFL–CIO to curb inflation and restore full employment?

GOLDFINGER. Well, that's a big order for a short program.

We of the AFL–CIO have made numerous recommendations—very specific recommendations.

In the first place, we think that the economy has to be lifted. We need a boost in the economy. We need job-creation to reduce the very high levels of unemployment.

There is a bill before Congress right now, which has passed the United States Senate and is moving ahead in the House of Representatives, which would create public service jobs in state and local governments and federal agencies—by and large, for long-term unemployed people. It is called the Public Service Jobs Program.

The President of the United States—Mr. Nixon—vetoed this kind of legislation several months ago.

Now, the Congress is moving ahead again—moving with a similar bill. We think that the adoption of this kind of bill is essential, as one small step toward job-creation and toward a reduction of unemployment.

Another thing which is essential, we think, is stepped-up expenditures—government expenditures—at the federal, state and local levels—with federal grants-in-aid to state and local governments for essential social improvements, such as urban transit, street improvements, public buildings, anti-pollution devices, water and sewer systems.

These kinds of things are badly needed by the cities, and by the states, and by the American people. They would create jobs both on the site—on the construction sites—and in the manufacture of goods—and the materials. This kind of development would not only reduce unemployment, it also would increase industry's productive efficiency, and thereby, begin to reduce some of the pressures on unit costs.

These are some of the things which we believe are needed.

But moreover, Mr. Rowen, as Mr. Meany stated once again—before the Senate Banking Committee a couple of weeks ago—the AFL–CIO is prepared to cooperate with overall, across-the-board stabilization controls, if the President deems that they are necessary, provided that such overall stabilization controls are on all forms of income—all prices, profits, dividends, rents and interest payments—as well as on the wages and salaries of workers.

SEEGER. The authority cited by Mr. Nixon for his stabilization plan in the building industry, Mr. Goldfinger, was this stabilization law. Now, I see, the AFL–CIO is supporting renewal of that authority. Were you surprised that this was used in just one sector of the economy?

GOLDFINGER. Yes, Mr. Seeger, we were surprised by that.

We supported the original legislation. We endorsed the purpose of the original legislation when it was pending before the Congress last year.

It's interesting that the Nixon Administration opposed the legislation at that time. They then used it, in our view, in an utterly distorted form. This legislation provided, as we saw it, for across-the-board controls—gave standby authority to the President of the United States for across-the-board and equitable controls—not only on the wages of workers, but on executive compensation, prices and profits too.

The President's Executive Order on construction stabilization, which is entitled Stabilization of Wages and Prices, is very specific in its controls on wages. But, there is hardly anything more than vague language about some kind of future effort by a government committee that is going to look into the possibility of some kind of restraint on construction prices, on executive compensation of employers and management in construction, and on profits.

The order is completely inequitable and unfair. It is solely weighted against the workers in the construction industry.

SEEGER. Well, do you want that law rewritten when it's renewed? It expires in a few weeks.

GOLDFINGER. Mr. Meany very specifically urged that the Congress, in extending this law, make it abundantly clear that this authority is for overall, across-the-board, and even-handed measures, rather than for singling out one industry or one group of workers.

ROWEN. Mr. Goldfinder, at the same time the White House put out its Inflation Alert, Chairman McCracken, of the Economic Council, spoke somewhat optimistically about results in the first quarter. He said there had been a strong upturn, and that there were hopes for improving sales. How does that check with your own assessment of the recovery from the recession?

GOLDFINGER. Well, Mr. Rowen, that looks to me again like optimistic rhetoric.

It looks to us like the Administration—instead of adopting concrete programs to lift the economy to create jobs, to increase sales and production—it looks to us like the Administration is engaged in some kind of program of trying to psych the economy upward.

This goes back to the French psychologists of the 1920's, who said that every day, in every way, things are getting better and better.

Apparently, the Administration is following that kind of strange advice—just keep saying things are better and perhaps they will get better.

But, if you look at the record—at the concrete evidence—the point is that there were approximately 5 million unemployed people in the first quarter of this year—that's the January-March quarter of this year.

ROWEN. Will that number grow, do you think?

GOLDFINGER. Yes—that is the same number of unemployed as in the fourth quarter—the last quarter of 1970.

I'm afraid that on the basis of the way things look, Mr. Rowen, that number will grow.

There is no evidence in the cards now—there is nothing on the horizon to indicate any significant sharp push of sales, production and employment.

SEEGER. Do you see the economy getting an exaggerated push from the auto industry, and from the steel industry, in this quarter? Do you see the possibility of that slacking in the second quarter?

GOLDFINGER. Well, much of what Dr. McCracken is talking about—the first quarter rise in the Gross National Product—is simply a rebound from the effects of the General Motors strike last October and November.

But, there is no evidence of any widespread upsurge of activity in this economy. That's one of the things that very badly disturbs the American people generally, and particularly the trade union movement. We see a record of not only high levels of unemployment, but, month after month, the Labor Department reports—in the past several months—continuing widespreads, rather small, true enough, but widespread layoffs—in the construction industry—in almost every manufacturing industry.

The only sector of the economy where employment is increasing substantially is state and local government employment.

ROWEN. You spoke a moment ago about the need for more public service jobs, and for larger federal expenditures to stimulate the economy. What would be the AFL–CIO's attitude toward a program for further tax cuts, or for acceleration of the tax cuts that have already been planned for 1972 and '73?

GOLDFINGER. Our emphasis, Mr. Rowen, is on the Administration's moving ahead on the needed job-creation programs.

Let me give you an example of the kind of situation that exists.

According to the Senate—United States Senate committee—this Administration now has more than $12 billion of appropriated funds frozen. These funds include things like $191 million for Appalachian regional development; $217 million for forest roads and trails; $942 million for low-rent public housing; $200 million for basic water and sewer facilities grants; $583 million for Model Cities programs.

Now, we think that these funds, which have been appropriated by the Congress, should be spent by the Administration to create jobs and to provide these badly-needed improvements. The cities certainly need them.

ROWEN. Well, does that mean that the AFL–CIO would be against tax cuts in this situation?

GOLDFINGER. We have not adopted a policy on that specific issue, Mr. Rowen.

But, at the moment, we think it is much more important to get this economy moving ahead on the basis of existing programs and existing authority. We think it is much more important to get a large portion of the $12 billion that the President is sitting on—has frozen—to get that money into public investment and job-creation programs—particularly when the cities are in such a sad state. It seems shameful to us that there is almost $1 billion for low-rent public housing frozen by the Administration, and almost $600 million additional funds for Model Cities programs frozen.

SEEGER. Mr. Goldfinger, the White House analysis the other day showed that the only area where wage increases seem to be slackening off is the non-union manufacturing area. This would make it sound as if during a recession, unions should grow. Is that what's been happening in this last period?

GOLDFINGER. I haven't followed the month-to-month reports on this.

Union dues payments tend to decline during a recession, because of unemployment and layoffs. When people aren't at work, those things decline.

It's quite obvious, from the report, that those non-union people need a union, to protect them and to provide advances.

Unions have been growing in the past number of years. In some parts of the economy, such as state and local government employment—and public employment generally—there have been very significant advances in union membership.

ROWEN. Would you be as strongly against restoration of the 7% investment tax credit as you are against accelerated depreciation?

GOLDFINGER. Mr. Rowen, we are opposed to both devices—they are tax bonanzas to big business.

The Administration has come up with this step-up in depreciation, which is a tax bonanza of $3 to $4 billion a year for the next several years.

This is another example of the double standard followed by this Administration. They blame the workers for the problems that exist, and then give handouts to business.

The 7% credit is the same kind of device as the accelerated depreciation.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was Nathaniel Goldfinger, director of the AFL–CIO's Department of Research. Representing the press were Murray Seeger, Washington correspondent for the Los Angeles Times, and Hobart Rowen, business and financial editor of the Washington Post. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

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INTERFAITH RALLY IN WEST ORANGE, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. MINISH. Mr. Speaker, on April 20 I discussed in the RECORD the shocking bombing of the Jewish Center in West Orange, N.J. I am pleased to follow up on that report by informing my colleagues of the interfaith rally held in West Orange last Sunday organized by local civic and religious groups.

An estimated 1,000 persons gathered at West Orange Mountain High School to mount a "Rally for Unity." Also present at the rally, sponsored by 15 churches and synagogues and 47 local organizations, were West Orange Mayor Louis P. Falcone and former State Senator Macyln Goldman.

After the closing prayer was delivered by Msgr. John T. Lawlor of Our Lady of Lourdes Rectory, the rally participants marched from the high school to the lawn of the Jewish Center despite rain.

Mr. Speaker, I believe that out of this tragic bombing incident has come a strong showing of brotherhood, for which the citizens of West Orange can justifiably take pride. This community, in which I have the good fortune to reside, has demonstrated its total commitment to redress the wrongs perpetuated against one house of worship within the community. In such stressful times it is good to see a community such as West Orange, which is truly united.

For the edification of my colleague, I include below the speech delivered by keynote speaker Judge Brendan T. Byrne, as well as the program of the rally for unity which lists both the participants and the sponsors of the rally:

Remarks of Judge Brendan T. Byrne—May 2, 1971

This is a special day for West Orange! A day in which we come together from various callings to demonstrate unity.

Many of us were literally awakened to the need for this demonstration of unity by the events of April 18th, two weeks ago. A blast rocked the mountain top and the augur of violence which had never really threatened our community before, seemed to be upon us.

And those who woke early and heard radio accounts of what had happened, heard interviews with a courageous rabbi, who standing in the midst of terror and destruction was announcing his determination to carry on. Rabbi Mozeson's course has been charted with a dedication that does not yield to intimidation or panic, and which did not yield on that morning even for a moment.

So, under Harold Mozeson's inspiration, a sense of normalcy quickly returned to our community. The panic that might have been, was not. Nothing was destroyed but brick and lumber; and a leader of the Jewish Community, even if he had stood alone, was unshakeable.

Yet, a significant thing happened in West Orange. The community, with remarkable unity, determined that Harold Mozeson would not stand alone. Immediate offers of support and assistance were forthcoming. Community outrage was universal. People who did not know where the Jewish Community Center is in West Orange, felt that their values had been threatened. And the Rabbi who stood alone in the rubble, found he was not alone. He saw an outpouring of community leaders, of civic leaders, of religious leaders, and of citizens, which was unparalleled in our community history.

This was not an outpouring of people who felt a sense of shared guilt for the wanton act of destruction of April 18th. It was an outpouring of people who shared a sense of appreciation for what the Jewish Community Center stands for in West Orange, and who could not passively accept any threat to it.

That outpouring must have impressed and comforted Rabbi Mozeson. And I know it has added to his strength in his determination to rebuild.

But he has made it clear that the rebuilding is only of the bricks and lumber and physical structure, because nothing else was destroyed.

The attack on April 18th was obviously an attack on a symbol. What that symbol stood ing is only of the bricks and lumber and spirit of community service by a congregation, that spirit is undamaged.

If the attack was on the spirit of dedication of a rabbi to his congregation, that spirit is undamaged.

If that attack was on a forum where ideas could be exchanged and where controversy could be explored, that forum exists and will continue to exist.

If that attack was on the courage of a man, of a rabbi, of a leader, that courage has been tested—that courage is firm.

If that attack was on the concept of tolerance in this community, that tolerance is more firmly rooted than it has ever been.

April 18th is a significant date in the history of our country. It was the date on which the people of Lexington and Concord were awakened to the need to protect freedom and liberty. They stood and were counted. We stand to be counted today.

Rally for Unity—May 2, 1971

Mountain High School Auditorium and
Jewish Center of West Orange

PROGRAM

Pledge of allegiance—Entire assembly.

Invocation by Rev. Ernest C. Enslin, Pleasantdale Presbyterian Church.

Showing of colors—Boy Scouts, Girl Scouts, Veterans Groups.

National anthem—Entire assembly.

Greetings—Harry Bonnet, President, Town Council.

Keynote address—Honorable Brendan Byrne.

A message from our youth—Participants to be announced.

Acknowledgement—Murray Gottlieb, President, Jewish Center.

Song presentation—Lincoln Jr. High School 8th Grade Choir, Ronald Owens, Director.

Benediction—Father John Judge, Our Lady of Lourdes Church.

Entire assembly to march to the Jewish Center and reassemble on the Temple Grounds.

Song "Kumbaya" and Friendship Chain—Cantor Edward W. Berman, Choir and Assembly.

Closing prayer—Rabbi Harold Mozeson, Temple B'nai Sholom, Jewish Center of West Orange.

SPONSORS

Churches and synagogues

Olivet Congregational Christian.
Holy Trinity Episcopal.
St. Mark's.
Church of the Holy Innocents.
Bethany-Evangelical Free.
Beth Israel Synagogue.
Ahawas Achim B'nai Jacob and David
Norwegian Mission Assembly.
Patterson Memorial Presbyterian.
Pleasantdale Presbyterian.
Ridgewood Community.
St. Cloud Presbyterian.
Our Lady of Lourdes Roman Catholic.
St. Joseph's Catholic Church.
Church of God—Undenominational.

Organizations

American Legion Post. No. 22.
American Jewish Committee.
B'nai Brith Lodge No. 1068.
B'nai Brith Women, West Orange Chapter.
Boy Scouts of America, West Orange Troops.
Catholic Daughters of America No. 782.
Citizens League of West Orange.
Community Service Council of Orange and Maplewood.
Creative Arts Group.
Crestmont Deborah.
Democratic Club of West Orange.
Girl Scouts of America, West Orange Troops.
Hadassah.
Jewish War Veterans.
Jaycees, West Orange.
Junior Women's Club of West Orange.
Knights of Columbus, West Orange.
Ladies Catholic Benevolent Association.
League of Women Voters.
Mountain High Booster Club.
National Council of Jewish Women, West Orange.
O. R. T.
Police Athletic League and Women's Division.
Pleasantdale Businessmen's Association.
Republican Club of West Orange.
Rotary Club of West Orange.
Societies of Our Lady of Lourdes Church.
Suburban Club.
Tory Corner Businessmen's Association.
Unico National, Orange-West Orange Chapter.
Valley Civic Association.
Valley Settlement House.
V.F.W. No. 376.
West Orange Chamber of Commerce.
West Orange Chronicle.
West Orange Community House.
West Orange Civil Defense.
West Orange Council of P.T.A.'s.
West Orange Fire Auxiliary.
West Orange First Aid Squad and Ladies Auxiliary.
West Orange High School Booster Club.
West Orange Kiwanis.
West Orange Lions Club.
West Orange Mountain Top League.
West Orange Optimists.
West Orange Police Auxiliary.
Women's Club of West Orange.

Chairman and Master of Ceremonies—Father John Judge, Our Lady of Lourdes Church.

Co-chairmen—Rev. Ernest C. Enslin; Rev. Kenneth Lynde; and Rev. Harold J. Stanton.

Honorary chairman—Rabbi Harold Mozeson.

PAST, PRESENT, AND FUTURE OF THE INTER-AMERICAN SYSTEM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. FASCELL. Mr. Speaker, one of the questions put to me most frequently as chairman of the Inter-American Affairs Subcommittee is why we in the United States should keep giving assistance to the nations of Latin America.

Seldom have I seen that question answered so succinctly or eloquently as it was in a recent Pan American Day speech in Tampa, Fla., by the Honorable Eduardo Gaitan-Duran, Minister Plenipotentiary of the Embassy of Colombia.

Because of the interest of many in this Chamber in Latin America, I am inserting the speech in the Record:

Past, Present, and Future of the Inter-American System

Mr. Chairman: First of all I want to express deep appreciation, on behalf of Mrs. Gaitan and myself, for your kind invitation to speak to you tonight. As a representative of my country, I feel deeply honored to address such a distinguished audience regarding the special relationship between the countries of the Americas—an appropriate and meaningful subject for this Pan American Day celebration.

I do not believe it is necessary to recall all the history that has forged such a profound and unique relationship between the countries of the Hemisphere. Everyone here knows that since the very dawn of our independence there has been a conception of unity and solidarity as a common enterprise for peace among the Republics of the Americas.

Today Pan American relations are cemented by an international law of its own, which applies the universal principles of the law of nations with special human and social characteristics. Over a period of eighty years, with the participation of all member nations, there has been an incredible amount of work devoted to perfecting and strengthening the economic, political, cultural and military bonds of the Hemisphere. Thus, the legal body that represents Pan American ideals—the Organization of American States—is a dynamic system that has changed with the times and the needs of the people of the Americas, acquiring an unsurpassed degree of competence that makes it possible to keep alive the drive to promote a better life for all Americans.

But the greatest change in the system is the conviction expressed by all its members that economic and social development is possible and that the conditions of poverty, hunger and ignorance that afflict the majority of its people must and can be changed. The future of the Panamerican System rests on the premise that the improvement of the conditions of the peoples in the Americas is its most urgent and important task, basic to the stability of all the members of the system.

Since World War II, however, two fundamental changes have occurred in Latin America: a rapid population increase and a migration from the rural to the urban areas. For example: Colombia's three largest cities have been growing at rates over 6% a year for the past two decades, and over 50% of the population of Colombia now lives in cities of 100,000 people or more. In 1938, 70% of the population lived in the country-side. Selective migration of young adults from rural to urban areas has resulted in a slow expansion of the rural force, while the urban labor force has increased at a rate of 4.4% annually. As of 1964 three quarters of Bogota's population between the ages of 15 and 59 had been born outside the city, and almost half of them had arrived in the capital within the preceding eleven years,—since 1953. Bogota today has a population of 2.5 million people and by 1975 it will reach 3.5 million. These trends may be observed in most of the other countries of Latin America.

Besides the altered composition of the urban population, the rate of the general population growth is explosive: forty years ago the yearly rate of increase was 1.8%, today it is 3.0%. At the present rate it is estimated that by the year 1980 the population of Latin America will be 337 million and by the year 2,000 will reach 580 million.

The changes in size and location of the population of Latin America have been the predominant factors that have depressed the rate of economic growth,—5.2% a year during the past ten years,—thus creating a condition that Raul Prebisch has described as "The dynamic insufficiency of the Latin American economy".

"The rate of development"—says Prebisch—"has not been active enough to respond to the urgent demands of the demographic expansion, with a tremendous wastage of human potential that is discarded in one form or another, with detrimental effects upon the economy and the social status of the people."

Usually a reduction in the agricultural labor force is a necessary factor in the process of development, but in the case of Latin America this reduction does not mean a corresponding increase in the industrial labor force. Quite the contrary, every year millions of young men come into the labor market,—which has limited offers for employment,—and find meager subsistence in the area of services. This creates a tremendous depression in the growth rate since the quality of the work available is not productive enough to permit a consumer economy of sufficient strength to generate a high rate of industrialization.

Fortunately, in Latin America, most of the chronic problems of our development are well known, and we are aware that progress depends primarily on the nations themselves, that development is a national effort produced by the internal dynamics of a society, and that, whatever the sacrifices, it is necessary to set our clocks ahead of time without blaming anyone for what is happening to us. That is why the Panamerican concept acquires more and more relevance today, because we all know very well that much of the impulse for development has come from collective efforts of the hemisphere. Between 1960 and 1969, the Latin American countries invested 150 billion dollars in the various programs established under the Alliance for Progress concept, while the United States contributed 6.7 billion for the same purpose a substantial effort to the progress of the hemisphere.

But if there is agreement that development should be sought primarily by the underdeveloped countries themselves, and that they should improve the management of their economies, it is also true that because of the weakness in trade and our accumulated indebtedness, it is not possible to continue a reasonably fast rate of progress, taking into account the factors of population and employment, without continuing assistance from foreign capital, both private and governmental.

External aid helps to overcome formidable obstacles in the process of development. It contributes to the fulfillment of the objectives that Latin America has set out for itself. It creates a framework within which greater amounts of resources can flow. It is vital to the promotion of Latin American trade with the rest of the world. It could provide the leverage necessary to permit a better utilization of resources. It could be above all a meaningful relationship which creates friendship and understanding.

But on the subject of international cooperation, the question is immediately raised: "Why should the industrialized nations, particularly the United States, give economic aid to Latin America? Why should we care? What is in it for us?. . . . When there are so many problems at home, why should we help foreigners?. . . . Besides the obvious answers that economic progress has always been a primary drive of the wealthy nations, that it is closely related to world order and that it has strategic and humanitarian considerations, let me dream for a while and express a thought on the meaning of a developed Hemisphere to the United States of North America.

There is a deficit today in balance of trade between the United States and Latin America. In a two-way stream involving goods worth 9 billion dollars, 4.8 billion are exported to Latin America and 4.2 billions are imported from the area. But the imbalance is more serious if we take into consideration that 80% of United States exports are manufactured and semi-manufactured goods, machinery and equipment, while only 20% of Latin American exports to this country are in these categories. In other words, the Latin American countries do not have sufficient resources to pay for the capital goods they need to import.

The human resources of Latin America, properly utilized, can be a tremendous asset: The immense natural wealth, the common heritage of Pan Americanism that makes easy and close relations between nations, and the definite Latin American commitment to the principles of Western civilization. What would happen in the light of the above if the annual income of all the people of all the nations of the Hemisphere were raised to one thousand dollars per year, instead of today's $460 dollars?

The mere thought of such an increase in the per capita income of the Latin nations brings visions of a huge effort requiring tremendous quantity of imports in the form of capital goods, machinery and equipment over a relatively short period of time. Most of the countries have the capacity to utilize greater amount of imports today, but they are hampered by restrictions imposed by their balance of payments. If the rate of growth of the Continent can be raised and maintained at a yearly rate of 8%, the need for capital goods for the next twenty or thirty years would be immense. This is not an impossible task. There are countries in the Hemisphere today,—Colombia for one,—with long range development plans with growth targets of 7.6% a year, which are being implemented.

What would happen then if the income per capita of the Latin American countries were to improve to such level as to permit additional purchasing power for their people? What would be then the demand for United States goods? Colombia, with 22 million inhabitants, where only 18% of the population can buy manufactured goods, imports close to 300 million dollars a year from the United States. What would be the impact on the industry of this country if a potential market of 600 million people were to expand rapidly its purchasing capacity? As the growth of the countries increase, so is their need for capital and consumer goods. Would it be possible for the United States to supply this demand? Would this country be prepared to satisfy added tourism from Latin America? Would the State of Florida, the city of Tampa be ready to handle an endless stream of visitors, eager to shop, to visit, to enjoy the sights, to absorb the culture of the land?

Think for a moment on what it means to have a prosperous neighbor. Think of the possibilities of the commercial exchange between this country and the ones South of the border.

With the technological advances in the United States, greater productivity will create a true international distribution of labor within the Continent, saving precious labor resources that can be applied to more capital oriented enterprises, at the same time promoting industries in countries where less expensive labor is available.

No nation is ever self-sufficient. Therefore, as conditions improve, the Latin American industries will demand more advanced elements to become more efficient. These goods, of high capital input, will have to be purchased from this country. Thus, the old principle that the "rich will get richer" will apply to the fullest with the development of the Latin American countries.

Why cannot we think then of economic assistance as a form of a long range investment, of a bilateral relationship, where the brilliant future is the resultant of an effort made by partners? Why cannot we think in terms of mutual benefits, and not in terms of gifts? Many of you here tonight are in banking. Is it not true that the bank's main business is to utilize its resources in order to bring profits to both the lender and the borrower? Why cannot we think of the necessary and vital development loans that this country extends to others in the Hemisphere as a trigger that will ultimately bring benefits to the lender and to the borrower? And if we complement aid funds with a proper trade policy, would not that be the same as developing the huge markets of which I spoke just a moment ago?

These and many other questions come to mind with the thought of a faster development of the Latin American countries. Its implications for the industrial potential of the United States are incredible. It does stagger the imagination of people that can think ahead of their times, of people that can put together not only the mere humanitarian feelings towards a less fortunate human-being, but the conception of an objective that will be as great as man can make it. This people are here tonight. Thus the Pan American Day celebration is an opportunity to discuss the great future of a great people and to think ahead about the economic and social progress of a whole Continent, bound together by the ideals that brought us here tonight.

MASONIC YOUTH COMMITTEE ESSAY CONTEST

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. ROBISON of New York. Mr. Speaker, I take great pleasure in sharing with my colleagues the winning essays of the Masonic Youth Committee Essay Contest in New York. The topic is "Freedom" and the participants are students throughout the State. This year's winners have written a group of outstanding essays—all of them framed around the author's personal reflections about the meaning of freedom in contemporary society. We should all consider the deeper meanings of our liberty more often, for freedom is the first victim of apathy.

Reading over these essays, one is struck by the simple but eloquent truth in them. One student, in defining freedom, states:

> Freedom is the right to speak freely. However, we must also listen politely to what others have to say. More than any other form of government democracy demands a capacity for good manners. Freedom of speech does not give anyone the right to shout obscenities or make inflammatory statements.

How refreshing it is to hear such words after the spectacle last week here in Washington, when thousands of youth tried to violate the rights of others in the name of peace.

The students who wrote the winning essays this year in the Masonic contest are, I am happy to note, much more representative of the youth of America than the self-styled revolutionaries of the streets. The winners are as follows: Curtis Burden, Liverpool, N.Y., first prize, $600; Susan Cook, Brownville, N.Y., second prize, $400; Richard Lincer, Plainview, N.Y., third prize, $300; Joan Wightman, Andover, N.Y., honorable mention, $100; Hessa Bhadte, Elmont, N.Y., honorable mention, $100. The essays follow in order, with Mr. Burden's first-prize work first:

What Is Freedom?

(By Curtis Burden)

America is being challenged today as never before in her history to show the world that a free society can govern itself well, and provide a good life for all its citizens. Our forefathers thought that life without freedom was not worth living, and that has become an American ideal. From the beginning of its history America has stood for freedom. People have come to this land from all over the world seeking freedom and an opportunity to improve their lives. Freedom demands responsibility and restraint on the part of the individual. To be free is to be responsible. Otherwise freedom turns into license.

Yet, what is freedom and what are its limits? Freedom is the right to speak freely. However, we must also listen politely to what others have to say. More than any other form of government democracy demands a capacity for good manners. Freedom of speech does not give anyone the right to shout obscentities or make inflammatory statements.

Freedom is the right to assemble peaceably. This does not mean engaging in riots that endanger the lives and property of others.

Freedom is the right to print the truth. The press has the responsibility to restrain itself and not to print things that would be injurious or offensive to individuals or our country.

Freedom is the right to worship as we please, but not to force our religious beliefs on others.

Freedom is the opportunity for all our citizens regardless of race, color, or religion to advance as far as their ability and ambition will take them.

Freedom is being able to choose that which is right and good.

The Liberty Bell at Philadelphia, which rang when the Declaration of Independence was signed, is preserved by Americans because it symbolizes the fact that they once fought and won their freedom. It reminds them that the fight for freedom never ends. Freedom is not a heritage, but a fresh conquest for each generation. The price each man must pay for freedom is to strive constantly to extend it to all people.

Freedom

(By Susan Cook)

Freedom is a state of mind. It is choosing your own friends, your own school or college, your own career. It is *you* deciding on what movies to see, what clothes to wear, what foods to eat. Freedom is changing something rather than just loving or leaving it. Freedom is all of these plus many more things. It can be expressed in a million ways, your manner of speaking, in your hobbies, in what you accomplish, whether in school or not. Freedom depends on your feelings and how you express them.

It is an abstract term which is used in many different meanings. It is doing what you want, when, and how you want. However, freedom does have its special limits. As long as you do not infringe upon the rights of others, you may enjoy freedom. When you ignore other people's rights, you are not enjoying freedom but, rather, license. Some people mistake license for freedom and feel that there should be no laws and regulations because laws infringe upon their freedom. These people are wrong. They do not realize that without laws to govern us, we would lose our freedom. Our society would no longer exist. It would turn into a survival of the fittest, lacking any freedom whatsoever.

Most Americans understand the difference between freedom and license and abide by the law which they, themselves, helped to establish. Our form of government, a democracy, is merely an outgrowth of freedom. Americans are known for their independent spirit and their high regard for freedom so it is only natural that they have a democratic type of government to protect that priceless abstraction known as freedom.

What Is Freedom?—An Open Letter To Youth

(By Richard Lincer)

What is freedom? This is the challenging question which confronts our nation today. People are attempting to make the fullest use of their freedoms and at times freedoms are being abused. Therefore it is necessary for people to know what freedom is so they can determine what their rights are. But this proposition is indeed difficult to carry out because "freedom" is a term which does not lend itself to simple definitions. Freedom as a concept is nebulous and indefinite. The concept of freedom includes what freedom is, as well as what freedom is not—If the limits of individual freedom are overstepped, then the freedom of all suffers. Freedom is responsibility and selfcontrol. Freedom is an elusive ideal and perhaps the best way to define it is by specific examples and not by words.

Freedom is the right to believe whatever you want as long as you do not restrict the beliefs of others. Freedom is the right of free speech as long as you do not deny this right to others. Freedom is the right to criticize as long as you can offer something better. Freedom is government by majority rule as long as that majority does not use its powers to sublimate the rights of minorities. Freedom is the right to call for peace as long as you do not preach violence.

But freedom also has its limits and acts outside these limits are not freedom but license. Individuals who abuse freedoms in a free society limit the freedoms of everyone else. Thus, freedom is not the right to destroy and disrupt because your opinions differ with those of others. Freedom is not the right to force the closing of colleges or universities because certain "nonnegotiable demands" are not met. Freedom is not the right to cry out against industrial polluters when you yourself pollute the earth with soft drink cans and "souped-up" cars. Freedom is not the right to condemn the capitalist system when you can offer no alternative and you insist on having your stereos, cars, and clothes. Freedom is not the right to "turn on" with drugs, run away from life, and distort your natural senses.

No freedom is absolute. Freedom is just as much privilege as responsibility. Freedom is a delicate balance between privilege and license which, if upset, restricts the rights of all. Today's youth as the nation's future leaders must be aware of the concepts of freedom if it is to use freedom wisely and lead our nation with foresight. We must not chastise others for restricting people's freedoms before we examine our own actions. We dare not be so self-righteous as to believe that only our views are correct. Freedom is an awesome burden and its challenge faces youth today—the way in which we handle this challenge will determine the fortunes of our nation for years to come.

Freedom

(By Joan Wightman)

Freedom, libertad, liberté—they sound different but they all mean the same. To every man across the world, the word freedom, expressed in his native tongue, brings a very distinct, unique feeling within himself—a feeling that is very hard to explain or define. This one emotion has led masses of people through both victory and destruction throughout all the phases of history.

In one sense the emotion is very complicated, being mixed with love, pride, and hatred all at once, and in another it becomes a simple inborn reaction. Even as a butterfly knows what freedom is as it flutters away from you. Every insect, animal, and human being seems to be born with its meaning imbedded deep in his soul.

There are a great many problems in the world today with few answers and if you were to examine these problems I think you will find their basic source in the question of freedom. You can look at freedom in two different aspects: one—those given you by the government and two—those that you allow yourself as your personal morality. Of course these do become interrelated but to me the latter is the one most prominent in the questions and problems of the day.

Americans, comparatively, are well adorned with governmental freedoms but these become worthless without sound personal freedoms. This is a necessity to real freedom—the promotion of personal liberties (meaning freedom of thought, speech, press, life, and pursuit of happiness). How do you promote these?—by listening, caring, and helping.

Let me, through today's problems show you some examples. A person can stage a demonstration or march but if no one listens or bothers to try to see the message his freedom to protest is worthless—his freedom is gone. Apathy is a growing problem and destroys freedoms. It is an imprisonment—you must care. The small majority of students who are provoking violence on the campuses are infringing on the education of others and therefore their freedom. Drug addiction is a very sad and crucial problem. Some believe it is their right, but is it? They are not only destroying their own freedom in their drug "imprisonment" but may also be destroying the freedom of those around them by committing crimes and damaging families or lives. Future generations may also be greatly affected. Has anyone this right? I don't think so.

So you ask me "What is freedom?" Freedom in my mind is the right to be an individual in a working society with rights to open communication and contact between all—no matter what race, color or creed. In the use of your freedoms you must not infringe or harm others but promote them through love, attention, and help. Freedom is a good uncomplicated interrelationship between all with a main purpose to preserve others as well as your own. The key to freedom lies in this one old phrase, "Do unto others as you would have them do unto you."

Freedom

(By Hessa Bhadte)

Much has been written about the forces of freedom that have battled their way, opposed by blindness and fear, through the history of mankind. The inalienable rights described in our federal and state constitutions are, for the most part, guaranteed to us by nature of our citizenship. However, they are simply the by-product of a great freedom that we must possess first as human beings. That is, the freedom of thought and criticism and the necessity of self-determination that is vital if humanity is to have self-respect.

True freedom is that which allows each man, and each man alone, to govern his life. A man must be free before he will want to contribute to society. It necessarily follows that the value of his society is dependent upon the extent of his individual freedom. Thus, a meaningful society must revere the ideals of freedom. No society of value can be built on repression and conformity. If freedom and originality are inconspicuously stifled in our schools and expressive arts, we risk creating a generation of extremely mediocre people. And what is freedom if it is not that which prevents mediocrity?

A contemporary author, when discussing the essentials of meaningful living, cited first the basic need of human beings for others and the definite desire for solid relationships therein, as well as a good understanding of oneself. The necessity of freedom was mentioned last and for this, I feel the author was remiss. Without freedom the former becomes virtually impossible, for if our freedoms of association are abridged, so too are our relationships with other people.

The following words, spoken by Wendell L. Willkie, constitute what I believe to be a basic truth.

"Freedom is an indivisible word. If we want to enjoy it, we must be prepared to extend it to everyone, whether they are rich or poor, whether they agree with us or not, no matter what their race or the color of their skin."

LLOYD GRAHAM'S PERSPECTIVES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. KEMP. Mr. Speaker, notwithstanding the fact that the Washington Post, Star, and Daily News are all fine newspapers, we have got to read and listen to our local media to get that proper "perspective."

I get back to the district a lot, but when I am not there, you can bet I am checking out our local editorial pages for grassroots sentiment. Lloyd Graham writes for the Buffalo Courier-Express and he says it in plain talk:

The administration knows what it is doing.

I feel it is imperative to call two of his articles to the attention of my colleagues and I insert them at this point in the RECORD:

Abuse of President New Fad

After President Nixon addressed the nation on the evening of April 7, it was reported in the press that Hanoi spokesmen and those of the Viet Cong denounced the speech and said it held no promise of peace. They described it as an attempt to continue the war. As enemies, this reaction was to be expected.

Further, Communist spokesmen refused to retreat from their demand that the President set a firm date for the unilateral withdrawal of American military personnel in Vietnam.

Mme. Nguyen Thi Binh, Hanoi's foreign minister, was quoted as saying, "Nixon's speech showed that he will leave a significant number of troops in Vietnam to support the Saigon regime and to continue his war policies."

Others quoted the day after the speech said, "The best prospect for an end to the war, . . . is a fixed date to end (the) involvement."

"The people of Southeast Asia can no longer bear this war, and neither can the United States."

The last two quotations were not from Hanoi spokesmen. They were from United States senators. This leads one to wonder, whose side are they on? The quotations might easily have come from Hanoi leaders. In effect, they were saying the same thing.

Another senator, McGovern of South Dakota, was quoted as saying that the President "is still trying to convince us that a tragic blunder represents America's finest hour."

On the other hand, there were many senators who applauded the President's position. Sen. Robert Griffin of Michigan described what he said as "sincere, credible, and courageous."

Sen. Cotton of New Hampshire endorsed the Presidential statement on Vietnam 100 per cent, "The President's unequivocal declaration for the first time stirred my confidence that we are finally disengaging from Vietnam."

Now all this smacks of party policies. Setting aside questions of sincerity, this is not to say that the Democratic Party is following the Hanoi line. However, this does point up the ambivalent view of the presidency which is inherent in the two-party system.

In being President of the United States, a person comes into enormous power. But he also inherits a counter-balancing measure of hostility—hostility from the opposition party, skepticism possibly tied to hostility from the news media, and kibitzing from mild to vicious from thousands of individuals, high and low.

There was a time when the President was regarded by a large segment of Americans as a sort of father figure.

In any national crisis, the President is bound to be the center of a cyclone of vituperation. During the American Civil War, a large segment of citizens loathed President Abraham Lincoln and denounced him in the bitterest terms.

Even under normal conditions in this century, that is, without war, the tendency to criticize the president seems to have become more widespread and inflammatory. Perhaps Daniel P. Moynihan, professor at the Harvard Graduate School of Education and adviser to presidents, made a most wise observation from experience when he said that the matter of criticism has become more than political.

It has become a part of American culture, that which he described as "the culture of disparagement." With this goes skepticism. Perhaps of skepticism would be even more appropriate. It has become fashionable to snipe not only at the remarks of a president but also at the manner in which he speaks.

Probably President Lincoln is admired today as much for his fortitude as for any other quality. He had the guts to muddle through a cataclysmic conflict. History finds fault with the way he conducted the Civil War—he was unlucky with generals except at the last—but time has generally proven that he had integrity and that his aims were valid and correct. He was steadfast, He would not be swayed by hecklers.

Our great Presidents have been those who have faced up to issues and have had what is euphemistically described as intestinal fortitude to act on their appraisal of the facts, facts which often they alone possess, no matter how rough the opposition. This was particularly evident in Grover Cleveland, the two Roosevelts, Harry Truman, and even Woodrow Wilson, not to mention John Kennedy, for example, in the Cuban missile crisis.

A President is elected to be a leader, the commander-in-chief, the top executive. If there is anything disappointing and even unnerving to the rank-and-file Americans, it is to be saddled with a leader who does not lead.

It will be a sad day for these United States if we ever have a President who acts as a weathervane in the winds of public opinion.

The President inevitably has knowledge of facts and conditions and trends and policies of friends and enemies available to few if any others, and in integrity, he must act on that knowledge. The critics may sound off on partial knowledge or no knowledge at all, even on personal whim. And often do.

All through these attacks, the President must keep a straight face. And smile. Hopefully, he is not swayed by fools and heel-snappers.

One of the great overriding virtues of this country is that anyone can express an opinion. He even may be insulting in doing so, but this is a matter of personal taste.

With that free-speech virtue goes the responsibilty of listeners to be discriminating and to consider the competency of those who express opinions.

TV Gives "Roman Forum" View of War

Tonight and every night, blood of the battlefields of Southeast Asia is seen in 40 million American living rooms, and probably in 40 million other homes throughout the world. Not actually on the rug, but still there.

This is the first war which, in sight and sound, has been brought into the home. Not only in sight and sound but in living color, thanks to Edward H. Herold, the inventor who contributed so much to the creation of color television.

Actually, the TV tube does not bring in real war but merely a viewer non-participation, on-the-spot presentation thereof. It gives you the sights and sounds of war with more or less comment and explanation, like a guided tour, say, of the Roman Forum.

The inventors and developers of video and audio contrivances have yet to find a method to convey the smell and stench of war and death. You are still unable to feel, that is, actually touch death and destruction; or taste it.

Give them time, however, and you of the television audience no doubt will have in addition to sight and sound all of the other sensations of actual battle instantly. Live! Unrehearsed! In your own living room. If that is what you want. Plus instant replay, if the first time around is not sufficient for you.

Truth is that television news executives, newscasters, cameramen, and correspondents are but slightly more sophisticated than the viewers of their product.

They present the scenes of Khe Sanh, the

My Lai massacre, glimpses of the human drama involving Lt. Calley, the South Vietnamese withdrawal from their forays in Laos, and all the rest as though these were events of a kind new in the world.

It is difficult to believe seriously that they actually think this. They and their viewers should realize that My Lai butchery has been repeated thousands of times in past conflicts, often with even greater brutality, since the beginning of written history, nay, since the beginning of conflict man with man. For example, you may find plenty of proof of this in the Old Testament.

The scenes of carnage and devastation and wreckage of war at Khe Sanh have been repeated times without number in past wars. World Wars I and II were the real mass killers. More than 400,000 Americans alone died in World War II.

Exhausted, crippled, bloodied, and bandaged fighting men, struggling out of the Laos fighting, are nothing new under the compulsion of the war god Mars.

One difficulty is that we see on the "you-are-there" tube only the scenes the cameramen and correspondents choose or find it possible to obtain for you, scenes and events that they in their superior wisdom decide that you, the viewer, should see and hear.

Also, never forget that you see, out of the material transmitted to the editors, only that which those editors in their god-like wisdom and professional dexterity decide you should see and hear within their time limits.

Convinced that the human animal just dotes on blood and thunder with insatiable appetite, the operating requirements seem to call for the reporting—any reporting—to be as violent as possible in both sight and sound.

They do not give you the opportunity to view what happens to the North Vietnamese as results of their encounters with the South Vietnamese.

You do not see what happens when the smoke has cleared away from an American bombing sortie. Nor do you see what happens when a gunship works over an enemy truck train or missile bunkers or an ammunition and supply dump.

You do not see any heroic acts of self-sacrifice and man-to-man loyalty, of which this war must have its customary quota, the personal friendship and devotion of men under stress being what it is.

You do not see views of some of the operations behind the lines that make the effectiveness of those in combat possible. That sort of thing, they believe, belongs in the "Who-Cares File."

You do not see North Vietnamese burning South Vietnamese villages and torturing prisoners and assassinating victims. Yet all of these acts take place. (Duc Duc was a rare exception.)

War is presented as an unrelieved horror, which it is not. A horror it always has been for the unlucky participants, but there are other moments, moments when it is a big bore.

It is a period of unthinkable loneliness, spiced with fear and uncertainty, which the luckless, caught-up individual must sweat out.

War is a season of loss of individual freedom and suspension of constitutional rights.

The over-riding difficulty with the presentation of war news or other news of violence is that television gives it such stark immediacy. Triggered by the snitching of some returned soldiers, it showed the reality of the My Lai massacre. Does anyone believe there have not been other My Lais on both sides, not only in this war but in other wars? Anyone who has been there will tell you that under the stress of combat fury and fear, anything can happen and often does.

It was just Lt. Calley's bad luck that there were some nosey "comrades" around who blew the whistle.

When you see an inert bundle of broken bones and torn human tissue on a stretcher on TV, you know instantly it is real. TV gives it immediacy that relates to every one of us.

When you see a bundle wrapped in black plastic, you know that this is all that is left of a human being, the cold ashes of some mother's pride and adoration, some Mary's Golgotha, and the end of some person's hopes and ambitions.

You know, when you see those war scenes, that they are real, even though they may be accompanied by background music. They are no play-acting, no "Gunsmoke" with Matt Dillon and his "bad guy" walking away from the scene of action. There will be a grave.

Do the television crews who bring the blood of battle into our living rooms have a responsibility for all this? Do they have any taste? And if they have are they permitted to exercise any taste?

Certainly, they must have a selective responsibility. Without taste, they should not be permitted to serve in a position charged with such potentialities for mass emotion. But do not expect too much of them. They are certain they know what a sensation-hungry public wants. If they do not know, the rating services will nudge them. Perhaps they are right.

You, as a viewer, also have a responsibility to yourself and to your fellows.

Probably, Philo T. Farnsworth, Vladimir K. Zworykin, John A. Flemming, Shelford Bidwell, Lee De Forest, and the rest of the television and transmission developers never fully realized the monstrous aspects of that which they created.

Perhaps, in the long run, that very immediacy of battle fury in our own homes will become a potent force for peace. The immediacy and reality dissolve the glamour of war, the uniforms, the paraphernalia—the glow that never was, really, except, like beauty, in the eye of the beholder.

It is just possible that this stark reality will set off such a chain reaction of outrage that a fear of war, as war, to be used as a national policy and instrument will move the minds of the world's political leaders; yes, even the minds of the predatory ones and those who would force their fanatical political theories on all others not of their thinking.

PRESIDENT NIXON—ONE OF THE GREATEST

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. NELSEN. Mr. Speaker, Mr. Francis R. McGovern, editor and publisher of the Minneapolis Daily American, has waged a long, untiring battle against great odds to establish his newspaper in Minneapolis, Minn. He is qualified to understand in a very personal way the deepest meaning of the word "courage." So I was tremendously pleased to note, in a recent editorial, Mr. McGovern's assessment of President Nixon as one of our alltime greatest Presidents. Mr. McGovern does not always agree with Mr. Nixon, as he points out. But he is willing to give our President credit for the tough decisions he has been forced to make "during the most explosive emotional binge" our Nation has experienced since the great depression. I am honored to include Mr. McGovern's commonsense editorial at this point in my remarks:

President Nixon—One of the Greatest

I probably disagree with President Nixon as much as I disagree with my wife . . . nevertheless, our Chief Executive in my mind is one of the great ones.

And, I reject the attitude that I support everything Mr. Nixon does or says because I admire him.

To second guess the leader of the greatest nation on earth is a wonderful sport . . . as long as I don't have to take the responsibility for what I think. In other words, if what I would do had the force of the President's decisions, I might have second thoughts about my snap judgments and even my whole approach.

Take the case of William Calley, I think President Nixon should not have offered to review the trial. I think the Calley murders and his conviction demonstrated that the United States is finally going to take itself out of the barbaric class. I think it was a start toward stopping our mad rush to animalism—atrocities, abortion, infanticide, euthanasia, genocide and selective extinction of misfits and handicapped.

But, as the President explained to my fellow editors Friday night, reaction of the nation to the Calley verdict led him to take a step which would calm the nation's emotions—emotions which erupt into national violence.

I don't agree with the President's assessment of the situation, but neither am I the man responsible for what might have happened.

His willingness to suffer my criticism in order to do what must be done takes courage, too—for I have often stated I think he's the greatest President in my lifetime. To kick friends in the teeth in the line of duty is a tough but admirable quality in a leader.

During the give-and-take-exchange to the editors, the President also made the confession that he had been beat on a couple of occasions by one of his questioners. It's tough to field questions on an extemporaneous program in front of the whole nation and win all the time—even if you are as sharp as the seasoned Mr. Nixon.

To admit in public that you were wrong is the mark of a courageous man—and a conscientious man.

The President's political courage is brooking the anger of the construction workers by taking action against them as a means of halting inflation is another case in point to illustrate his greatness.

For once, a Republican executive had a substantial segment of labor fighting for him on the most critical issue of the age—the Vietnam war. But when it became necessary to disagree with them on another issue, he faced his responsibility squarely and took the rap.

Many people who have polarized themselves against the President are acting like the so-called far-rightists who see men like Hubert Humphrey or George McGovern as agents of the Communist plot.

That makes me feel sad because Richard Nixon has worked as hard and long at doing what he wanted to do as I have on my job. Only a man with total dedication can understand what that means; to help you understand, go back to Ernest Hemmingway's The Old Man of the Sea; you'll thereafter, love men who try. The smattering of examples I have related here is evidence that Mr. Nixon is totally courageous and concerned. His experience is a lifetime in government. I disagree with him as much as anyone does, but, that doesn't take away from his greatness.

His genuine greatness is keeping this nation together during the most explosive emotional binge this people has experienced since the turmoil of the Great Depression.

A lesser man could turn the world into the Planet of the Apes.

SENATE—*Tuesday, May 11, 1971*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for life and for every moment in it. We thank Thee for moments of work and of rest, for moments of high reward and deep disappointment, for moments of joy and of sadness.

We thank Thee for the drive of daily duty, for the hidden power which keeps us at our tasks, for periods of plodding effort when success seems remote, and for those better, sudden moments of insight when all life falls into order under Thy divine guidance.

We thank Thee most of all for the luminous moments with Thee when the curtain veiling Thy reality is drawn back and we know who Thou art and what Thou wouldst teach us. Be to us our God in every moment that we fail not.

We pray for this Chamber and for all who labor in it—that the people of this land may be well served and that in serving them we may find joy.

We pray in the Great Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 11, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 10, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Mr. MANSFIELD. Mr. President, I am delighted that this nomination is before the Senate today. I anticipate that approval by the Senate will be unanimous.

I have had the pleasure of meeting Mr. Nathaniel P. Reed on a number of occasions. I am very much aware of the outstanding job he has done, in an environmental and an ecological sense, in the State of Florida.

He is credited with a major role in gaining more Federal water to preserve the Everglades National Park, which is now in a very precarious position because of the drought in that region, and in bringing about a halt to the construction of a jet airport close to the Everglades to serve Miami.

He was also instrumental in acquiring by purchase 14 new State parks and three new wilderness areas in the State of Florida.

He has served as executive assistant to Florida's Gov. Claude Kirk, Jr., and to the present Governor, Reubin Askew. He has also served as chairman of the State's Department of Air and Water Pollution Control.

I ask unanimous consent that a background sheet, as well as an article published in today's New York Times, be printed in the RECORD, and urge his approval by the Senate.

There being no objection, the background data and article were ordered to be printed in the RECORD, as follows:

NATHANIEL PRYOR REED, ASSISTANT SECRETARY FOR FISH AND WILDLIFE

Born: July 22, 1933. Son of Mr. Joseph Verner Reed of Denver, Colorado, and Greenwich, Connecticut and Permelia Pryor (Reed) of St. Louis, Missouri, and Greenwich, Connecticut.

Education: Greenwich County Day School; Public schools of Lexington, Virginia; Deerfield Academy, 1951; and Trinity College, Hartford, Connecticut, BA, 1955.

Mr. Reed served in the United States Air Force from 1955 through 1959 as a military intelligence officer. He was stationed in France and served in Europe, North Africa and the Middle East. He retired with a rank of Captain in the USAF Reserves.

In 1960 Mr. Reed returned to Hobe Sound, Florida, where he became involved in his family's real estate and hotel business. He assisted in the management of the family business around Jupiter Island Club.

Active in conservation work throughout the State, Mr. Reed centered his activities on the problems of the Everglades National Park, the estuaries and water pollution. He prepared the basic natural resource platform for Claude Kirk, Jr. and following the Governor's election became a full-time Assistant to the Governor with wide responsibility in modifying existing State programs. Mr. Reed became a member of the Florida Pollution Control Commission in 1968 and the first Chairman of the newly formed Department of Air and Water Pollution Control in 1969. The Department is credited with becoming one of the Nation's most aggressive and active pollution control agencies. Following Governor Askew's election, Mr. Reed was asked by the Governor-elect to stay on in his joint position as environmental consultant to the Governor and Chairman of the Department.

Mr. Reed is particularly proud of the effort made during the Kirk Administration to control air and water pollution, to implement a new water schedule for Everglades National Park, the establishment of Biscayne National Monument, and the position on the proposed Everglades Jet Port. Mr. Reed championed in Florida's administration the need for a major overhaul of the estuarine areas. He was intimately involved in the purchase of fourteen new State parks and three wilderness areas.

Mr. Reed is married to the former Alita Davis Weaver of Greenwich, Connecticut. They have three children: Nathaniel P., Jr.—5, Alita Pryor—4, and Adrian William—2.

An ardent sportsman, Mr. Reed is a member of the majority of conservation organizations and serves on the Board of the Lerner Marine Laboratory, a field station of the American Museum of Natural History.

His conservation memberships include:

National Audubon.
Florida Audubon.
National Wildlife Federation.
Florida Wildlife Federation.
Wilderness Society.
Nature Conservancy.
Conservation 70's.
National Parks Association.
Izaak Walton League.
Garden Clubs of America.

[From the New York Times, May 11, 1971]

NOMINEE TO GIVE UP $500,000 OIL STOCK TO GET INTERIOR POST

WASHINGTON, May 10—The Senate Interior Committee unanimously approved today the nomination of Nathaniel P. Reed as Assistant Secretary of the Interior for Fish and Wildlife and Parks after he volunteered to divest himself of $500,000 worth of oil stock.

Mr. Reed, 37 years old, of Hobe Sound, Fla., told the committee that he would dispose of the stock because "my reputation and my ability to make decisions without being accused of conflict of interest are precious to me."

Senator Henry M. Jackson, Democrat of Washington, who is chairman of the committee, said Mr. Reed had "voluntarily" agreed to dispose of 9,470 shares of the Mobil Oil Company and commended him for his action.

Mr. Reed said that he would sell $200,000 worth of the stock this week and divide $100,000 worth among his three children. In early 1972, he said, he will divest himself of the remaining stock and also liquidate other energy-type holdings. The other holdings were described as a small amount in coal.

The stock came from the sale 10 years ago of oil shale land held in Colorado by his family.

Mr. Reed has been serving as executive assistant to Democratic Gov. Reubin Askew of Florida and chairman of the state's Department of Air and Water Pollution Control. He held the same post under former Republican Gov. Claude R. Kirk Jr.

He will succeed Dr. Leslie L. Glasgow of Louisiana, who was dismissed as Assistant Secretary after President Nixon's dismissal of Walter J. Hickel of Alaska as Secretary of the Interior.

Mr. Reed is the son of Joseph Verner Reed, financier and author of Greenwich, Conn. He served in the Air Force from 1955 to 1960 as a military intelligence officer and retired with the rank of captain in the Air Force Reserves.

He became active in conservation work upon his return to Florida to assist in the management of his family's real estate and hotel business. He is credited wtih a major role in gaining more Federal water to preserve the Everglades National Park, a halt to the construction of a jet airport close to the Everglades to serve Miami, and the purchase of 14 new state parks and three wilderness areas in the state.

Mr. SCOTT. Mr. President, I request that the clerk call the next name on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania wish to speak on the present nomination?

Mr. SCOTT. No, Mr. President.

The ACTING PRESIDENT pro tempore. If there is no further discussion on the pending nomination, the nomination is considered and confirmed.

The clerk will state the next nomination.

AMBASSADOR

The assistant legislative clerk read the nomination of E. Ross Adair, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Mr. SCOTT. Mr. President, former Representative Adair, of Indiana, is a man of excellent qualifications, and I therefore move, Mr. President, that he be confirmed.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The clerk will state the next nomination.

UNITED NATIONS

The assistant legislative clerk read the nomination of Bernard Zagorin, of Virginia, to be the representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ADVISORY COMMISSION ON INFORMATION

The assistant legislative clerk read the following nominations in the U.S. Advisory Commission on Information:

For a term expiring January 27, 1973: Frank Stanton, of New York, and Hobart Lewis, of New York, as members of the U.S. Advisory Commission on Information for the term indicated.

For a term of 3 years expiring January 27, 1974: James A. Michener, of Pennsylvania, as a member of the U.S. Advisory Commission on Information for the term indicated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LET US NOW PRAISE FAMOUS MEN—COMMENTS ON THE NOMINATIONS

Mr. SCOTT. Mr. President, under the heading, "Let us now praise famous men" I wish to praise E. Ross Adair, our new Ambassador to Ethiopia, whom I have known for a long time and who, with his wife, will make excellent representatives of our country to Emperor Haile Selassie, the Lion of Judah, and the people of Ethiopia.

We are to be congratulated on his appointment.

I am also delighted to see the appointment of Mr. James Michener just confirmed on the Executive Calendar. Mr. Michener is a very prominent author and a resident of Pennsylvania. He is highly literate and quite a famous person. His appointment to the U.S. Advisory Commission on Information, as is true with respect to the other appointees, is to be applauded.

Mr. Michener was chairman of the committee for my opponent in the last election. Therefore, praise from me in this case is praise from Sir Hubert.

I am delighted to see a former leader of my opponent's committee signally honored, because he will truly be a good representative of the American people.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, rather than referring to himself as Sir Hubert, I think he ought to refer to himself as St. George, because evidently the dragon has been slain—at least it was last November.

I join the Senator in what he has had to say and note also the reappointment of Frank Stanton, of New York, to the U.S. Advisory Commission on Information. I am delighted in view of recent controversies that the Senate has unanimously given its approval to this outstanding head of the CBS network.

I think he has done a remarkably efficient job under most difficult circumstances. I am sure that he will continue to do the kind of job he has done in the past in this capacity.

Mr. SCOTT. Mr. President, I thank the Senator.

Mr. President, I am also delighted to see the confirmation of the nomination of Hobart Lewis, of New York, the editor of Reader's Digest. His confirmation is also one for which we are extremely happy. He is an extremely capable and able person.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, under my time, I suggest briefly the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this is, of course, outside the period of the Pastore rule of germaneness, which does not begin, as I understand it, until the unfinished business is laid before the Senate—that the Senate proceed to the consideration of unobjected to items on the Calendar, beginning with Calendar No. 97.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REVIEW OF THE NATIONAL RAIL PASSENGER SYSTEM

The ACTING PRESIDENT pro tempore. The clerk will state the first measure.

The assistant legislative clerk read as follows:

S.J. Res. 92, to direct the National Railroad Passenger Corporation to make a study

with respect to expanding the basic national rail passenger system.

The ACTING PRESIDENT pro tempore. Is there objection to consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I call up an amendment which is now at the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 6, strike the following: "by June 30, 1971," and insert "by June 15, 1971" in lieu thereof.

Mr. MANSFIELD. Mr. President, this amendment has been cleared with all concerned, I understand. It is quite simple. It moves up to June 15, 1971, the date upon which the Rail Passenger Corporation is to report its findings concerning needed additions to the Amtrak system. That is all.

In reviewing this matter, it was reported that the proposed investigation could be accomplished in a very short period of time. It is my judgment that time is absolutely imperative when considering the lack of service to areas of this Nation that are in vital need of such service. That is the case in my part of the country, where 80 percent of the population and 80 percent of the area is now without rail transportation service except on a freight basis. This area on the old Northern Pacific route includes two veterans' hospitals and 12 or 13 institutions of higher learning in the State of Montana. It is also the case elsewhere. To move expeditiously to meet the need, my amendment would speed up the reporting date of the Corporation's study of this matter. There should be no time wasted, and I am hopeful, under the authority vested in the act which created this corporation and allowed Amtrak to go into operation, that speedy consideration will be given to expanding the present system, because the need is great and the time is near when something must and should be done to take care of the needs of the people of this country and to do so in accord with congressional intent.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–95), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

BACKGROUND

In 1970 the Congress took what has been described as a bold innovative step to rescue rail passenger service from certain extinction. The 20,000 trains of the 1920's had dwindled to about 400 trains. It was clear that government policy as represented by Interstate Commerce Commission regulation would not yield the kind of improved rail passenger system necessary to providing better balance in the country's overall transportation scheme. A revived and modernized rail service responsive to public needs and demand would require restructuring and reorganizing.

The Rail Passenger Service Act of 1970 seemed to offer an answer. It was to establish a quasi-public corporation sufficiently flexible, independent of past practices and policies, and dedicated to improving passenger travel by rail. It was to provide new management to use fresh approaches to the old problems of passenger service.

At the time of enactment, it was anticipated that some reduction in service might occur. However, it was hoped that any service reduction would be temporary, resulting from the Corporation's commencement of activity, and in any case would be balanced by improvement in the quality of service.

It was contemplated that reduction in service incident to the Corporation's commencement would generate some level of objection in the areas affected. In reality, however, the prospect of the Corporation beginning service according to its announced plans (See Appendix A) has brought tremendous criticism. The outcry has been monumental and there is much merit in the objections.

There may be several causes for the inadequacy of the Corporation's plans which would account for the outcry.

First, the Act contains very specific time requirements. For example, thirty days after enactment the Secretary of Transportation was to make a preliminary report on the basic national rail passenger system; sixty days later he was required to submit his final report; and the corporation was to begin operations on May 1, 1971 which as it turned out was 90 days thereafter—a total of 180 days after the enactment. In one important area no time strictures were imposed—that was in the naming of the incorporators; and they were not named until December. Although they were almost immediately confirmed after being nominated, the result of the delay in their nomination by the President was that they had only 120 days within which to work. (See Appendix B) Further, and perhaps as a result, the corporation did not announce its route selection until March 22, hardly thirty days before it was to begin operations.

Second, its announcement that a considerable amount of service was to be eliminated naturally created concern among those affected. The Act provides that state, regional, or local agencies may seek to have new service instituted or old service retained if the agency is ready to assume financial responsibility for at least two-thirds of any losses. But undertaking that kind of obligation may require agreements between more than one jurisdiction, it often means approval by legislative bodies, and it certainly demands some serious analysis of the support for and need for such service—these actions take time, certainly in almost every instance much more than 30 days.

Third, another cause is reflected in the very strong belief from the outset among many members of the Committee that the Act was underfunded. There are those, indeed, who conclude that the major cause of the criticism is traceable to the size of the authorization. $40 million. Additional Federal funding may have made the system more acceptable.

Finally, another ground for criticism is the Corporation's determination that the lack of available time dictates providing service through contract with railroads. As indicated above, a principal reason for establishing a quasi-public corporation was to inject fresh managerial attitudes into rail passenger transportation. But under the contracts designed by the incorporators, the Corporation will have, as a party to contract, general management responsibility The railroads will continue to have day to day operating responsibility. The Corporation will be forced to react and will not be in as good a position to propose and carry out new management ideas as it would if it had taken over direct operating responsibility.

The Committee is concerned about the Corporation's plans. It desires to respond to public sentiment on this matter.

The Committee considered, but rejected, amending the Rail Passenger Service Act of 1970 (P.L. 91–518) to postpone the date on which the Corporation would assume the duty of providing passenger service.

The Committee also considered, but rejected, increasing the Corporation's authorization to provide sufficient funds for more service. It was believed that the time available for deliberation was not adequate to permit reasoned decision on the amount, if any, of an authorization increase and in any event additional views of the Corporation should be sought.

The Committee therefore, recommends that the Corporation be directed to study ways and means for increasing the number of routes for intercity rail passenger trains and to report to Congress by a day certain, June 30, 1971, on the desirability of such increase, the specific costs involved, including detailed market characteristics, and the means of accomplishing such increase. In view of the belief of many that the Corporation might be underfunded already, the Committee recommends that $100,000 be authorized for the study.

If new legislation is needed to support routes, the Congress wants to be informed. In order to act intelligently in the framing of legislation Congress will need to know how much more assistance, if any, will be necessary, and the desirability of having new routes and/or service. To the extent possible it would be of benefit to Congress to know the kind of market available to be served or the extent of the market which could be generated by new service. Congress should also be advised in making the increase—whether, for example, new service should be initiated on a daily basis, seasonably, or otherwise.

The Corporation is encouraged to provide as much information as could be helpful to the Congress. It is the Committee's intent that the joint resolution reported herewith will make clear Congress' desire to have sufficient information available to make informed judgments with respect to operations of the Corporation.

COST OF THIS LEGISLATION

The costs of this legislation are set forth in the authorization provision of the bill. The amount authorized is $100,000.

Mr. HARTKE. Mr. President, it is important to comment on some matters relevant to the legislation under consideration and the operations to date of the National Rail Passenger Corporation. Congress must continually review this Corporation's activities independently of requiring a study and report on expanding the passenger system.

There has apparently developed within the Corporation some notion that Congress does not want to hear from it about adding or retaining service if it might mean that there would have to be a request for additional authorizations and appropriations. In the report on Senate Joint Resolution 92 we have tried to make clear that not only do we want to receive the report directed by Senate Joint Resolution 92 but we also want to be kept informed thereafter—a special act of Congress should not be required the next time information would be helpful to Congress. Let me say explicitly also, Congress would have been delighted to have a list of routes enumerating the cost for adding each. The argument that Congress has demonstrated that it does not want a money request from the Corporation sounds suspiciously like an argument with its genesis in the White House.

There is no question in my mind that the Corporation had complete authority to make a study identical to the one described by the joint resolution and that a report could have issued without congressional action. Congress is merely directing that the study be started now to be completed within a specific time.

Another matter of not inconsiderable moment regards the sums of money expended by the Corporation in start-up costs. On the one hand the Corporation pleads with us that it simply has insufficient funds to enlarge the passenger system. The Corporation has advised the committee that it spent over $4 million just to start up, a good portion of that—estimates are $355,000 for promotion, $600,000 for attorney's fees—went for "PR" and legal charges. The act requires that the Corporation be held to an annual accounting by independent accountants and gives the Comptroller General authority to audit. Perhaps we should have an audit before money is appropriated under the authorization contained in the resolution.

Finally a potential problem that goes to the very roots of the National Rail Passenger Act is the question of control by the Corporation over the destiny of rail passenger service. As has been said frequently recently a major reason or perhaps the major reason for establishing a corporation rather than leaving the railroads in control of the service was to bring to play managerial ideas and attitudes that for the most part are utterly foreign to rail management. I was very upset to learn that contracts entered into between the Corporation and the railroads leave the railroads actually running the trains and collecting the revenue. Furthermore, the contracts contain only vague indefinite standards and no discernible penalties for violation of the contract terms. Relying on the "good will" of the railroads to carry out the spirit and letter of the act and contracts, the Corporation advised the committee that it was sure the terms would not be violated by the railroads. That is an astounding statement. The committee and the Congress will need better answers than that.

In closing, I only want to say that matters could have been considerably more pleasant for rail passengers in this Nation after May 1 if the White House had decided to pay the slightest bit of attention to the behavior of the President's appointees to the Board of Directors. There should be no question in anyone's mind that the White House prevented the Corporation from coming forward to the Congress and laying out a request for financial aid. The directors of the Corporation like to fall back on the words "for profit" in the act as supportive of a congressional attitude opposing requests for funds. They chose to ignore the fact that Congress by including Federal assistance in the act recognized the probable inability of the Corporation to make money at least initially. There are other arguments to be made on this question, but the essential point is that the Congress would require through Senate Joint Resolution 92 action which should have been taken by the Corporation on its own motion. In the present circumstances, however, I must urge that the Senate approve Senate Joint Resolution 92.

SENATOR RANDOLPH SUPPORTS SENATE JOINT RESOLUTION 92

Mr. RANDOLPH. Mr. President, it is a privilege to express support for Senate Joint Resolution 92, directing the National Railroad Passenger Corporation to study ways and means for increasing the number of routes for intercity rail passenger trains. As Senators know, the Corporation is to report to the Congress by June 15 on the desirability of increasing the proposed rail service, the costs involved, and methods of accomplishing such increases. This is an urgently needed evaluation and I commend the Senate Commerce Committee for expediting its authorization.

When the Congress approved the Rail Passenger Service Act of 1970, it appeared that we had secured a viable solution for providing the traveling public with a modernized and revitalized rail passenger service—service which had deteriorated drastically in recent years. It was felt that the rail program authorized by the act would provide the necessary flexibility, management approaches, and financial resources for a revived rail passenger service, responsive to the needs of our citizenry.

However, the announcement of the proposed rail system has been met with substantial and reasoned objections by communities, public officials, and private citizens. There appears to be a consensus that the basic system is much too limited to provide the service necessary to initiate a new era in rail travel. It is not the system envisioned by Congress.

Along with many other Members of Congress, public officials, and citizens throughout the Nation, I am disappointed that many areas, cities, and communities will not be covered by the basic system being implemented by the National Railroad Passenger Corporation. As you know, there are six States which are not included in the rail plan. In West Virginia—which has one Amtrak route—there are two—nonincluded—routes, a C. & O.-B. & O. line across eastern and central sector and a N. & W. line in the southern portion, for which substantial evidence can be presented justifying their inclusion in Amtrak. I am confident that other States would be able to present similar justification. During discussions with Corporation officials, I found little hope that there will be additions in the foreseeable future, and I believe that under the existing program there is no hope for long-range development of additional service. I am convinced that unless there is timely action by Congress to authorize and appropriate additional funds to expand the proposed system, it is highly unlikely that the passenger service being discontinued will be restored in any appreciable degree, even with a substantial increase the funding at some later time. You are aware of the difficulties and obstacles involved in reinstating service once it has been discontinued. It is imperative that the Congress act now.

The mandate of Congress to the Railpax Corporation was to establish and operate a viable railroad passenger system for the Nation. Clearly, the Congress also intended that the rail service be a part of an integrated and balanced national transportation system in the future. I do not believe that these objectives will be achieved by the program as announced. Rather, it is my belief, with the abrupt elimination initially of 50 percent of the existing passenger service, Amtrak could be a further movement toward the total abandonment of passenger service.

As in most critical problem areas confronting our Nation, the key issue involved in the limited rail pattern under Amtrak is the level of funding. In terms of Federal grant funds, the $40 million authorization for the Secretary of Transportation to make grants is incredibly inadequate. It certainly does not reflect a realistic commitment by the Congress to the development of improved rail service. While there are provisions for loans and loan guarantees in the amount of $300 million, this source of funding, in my opinion, will not provide the assurance that is needed for Railpax to secure the new equipment and facility improvements essential to a viable passenger operation or to the expansion of service in the future. Further, the other financing provisions are of such an uncertain nature that they provide little assurance of adequate funding of the new system. In this regard a recent statement by one of the President's economic advisers is noteworthy. He states:

> As a result of representations from various sides, the initial network has just been expanded somewhat, but still the annual loss is estimated at $100 million. Unless Congress were to appropriate additional funds, a loss at this rate would exhaust the Corporation's funds within two or three years, even without the improvement in service that appears to be widely exected but for which no resources have so far been provided.

Combined with this lack of financial base, there is the seeming urgency to create a profitmaking corporation at the earliest possible date. In fact, I have sensed that the profit or self-supporting objective has become the overriding issue as opposed to the task of providing an essential public service for the traveling public. I do not see how plans for expansions in service will be considered under such conditions. The critical policy question of of whether the new rail passenger service system should be required to be a profitmaking corporation has been brought into clearer focus since the announcements of the proposed routes. While I am not advocating a continuing Government subsidy of passenger service or nationalization of the system, I do feel that the existing financial structure and the duration do not provide the sound basis for an entirely new system of transportation in this country.

A recent editorial from the Huntington, W. Va., Herald Dispatch cogently states the case for a full-scale review of Railpax. The editorial reads in part:

> Instead of restoring any part of the passenger train complex that once made it possible to get from almost any starting point to almost any destination, Railpax began by eliminating more than 100 trains. The service it inaugurates on May 1 will be so attenuated that it may collapse for lack of feeder patronage.
>
> Even the bare bones of a system which will operate only in selected corridors, will be a severe strain on the slender financing of Railpax. The corporation was forced to start business on $40 million in Federal cash, with the privilege of borrowing another $300 million that will be guaranteed by the Government. A first year operating deficit of about $100 million seems inevitable.
>
> David Kendall, Chairman of the Railpax board of incorporators, said last week that the new system is "probably under-funded," and that his big worry is trying to run the business "without putting this infant railway into receivership."
>
> Out of its slender resources, Railpax is being obliged to loan the railroads money to participate in the system. More and more it looks as though the semi-private corporation was invented primarily to relieve the railroads of an unprofitable burden, rather than to assure the people of the United States of a service that was rapidly dwindling to nothing.
>
> Right now, before disillusionment with the Railpax idea sets in, Congress should get the advice of one of the top organizations that makes feasibility surveys. On the basis of its findings, the government will most likely have to continue to subsidize Railpax for years to come.

It is not my intention to be critical. It is my desire, however, to stress the urgency of moving forward with a complete review of the proposed rail passenger service system. The resolution directing the National Railroad Passenger Corporation to study the possibilities of expanding the basic rail system will provide the basis for this review.

The ACTING PRESIDENT pro tempore. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 92), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, the preamble is agreed to.

The amended joint resolution, with its preamble, reads as follows:

S.J. Res. 92

Whereas the National Railroad Passenger Corporation in instituting rail passenger service on May 1, 1971, pursuant to the Rail Passenger Service Act of 1970, will greatly reduce the number of passenger trains operating in the United States; and

Whereas it is the sense of Congress that additional rail passenger routes may be needed for a truly effective intercity rail passenger system; and

Whereas the basic national rail passenger system designated by the Secretary of Transportation and the routes and service decided upon by the National Railroad Passenger Corporation for intercity rail passenger service appear to be inadequate: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Railroad Passenger Corporation shall study ways and means for increasing the number of intercity rail passenger trains in the basic national rail passenger system, and shall report to Congress by June 15, 1971, on the desirability of such increase, the routes over which such additional service should be provided, if any, the specific costs of providing such additional service, including detailed market characteristics, and the means of accomplishing such increase, including any necessary legislation.

Sec. 2. There is hereby authorized to be appropriated to the National Railroad Passenger Corporation not more than $100,000 for carrying out the provision of this joint resolution.

COTTON GINNERS REPORTS

The bill (S. 932) to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 43 of title 13, United States Code, is amended to read as follows:

"§ 43. Records and report of cotton ginners

"Every cotton ginner shall keep a record of the county or parish in which each bale of cotton ginned by him is grown and report at the completion of the ginning season, but not later than the March canvass, of each year a segregation of the total number of bales ginned by counties or parishes in which grown.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–97), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> This bill amends the census law to provide that reports by cotton ginners as to the county in which each bale ginned is grown shall be made at the completion of the ginning season, but not later than the March canvass, rather than at the March canvass. As a practical matter, cotton gins now ordinarily make their reports at the end of their ginning operations, so that the effect of the bill would be to make the law conform to present practice.
>
> Since the bill makes no change in present practice, the committee estimates that no costs would be incurred in carrying it out in this fiscal year or any of the five succeeding fiscal years. This is consistent with the attached statement from the Secretary of Commerce that it would be more efficient if ginners were to make their final reports as soon as they finished ginning:
>
> The Secretary of Commerce,
> *Washington, D.C., February 11, 1971.*
>
> Hon. Spiro T. Agnew,
> *President of the Senate,*
> *U.S. Senate, Washington, D.C.*
>
> Dear Mr. President: Enclosed are four copies of a draft bill "To amend title 13, United States Code, to provide for a revision in the cotton ginning report dates" together with a statement of purpose and need in support thereof.
>
> We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress from the standpoint of the Administration's program.
>
> Sincerely,
> (Signed) Maurice H. Stans,
> *Secretary of Commerce.*

MARKETING QUOTA REVIEW COMMITTEE

The bill (S. 1131) to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State was announced as next in order, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, is amended as follows:

Section 363 is amended by changing the first sentence to read: "Any farmer who is dissatisfied with his farm marketing quota may, within fifteen days after mailing to him of notice as provided in section 362, have such quota reviewed by a local review committee composed of three farmers from the State appointed by the Secretary.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–98), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> This bill would amend the Agricultural Adjustment Act of 1938, to permit farm marketing quota review committee members to be appointed from any county in the State (instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties). The provisions of this bill were included in S. 2226, as passed by the Senate on September 24, 1969. S. 2226 was not passed by the House and did not become law.
>
> The committee estimates that no additional costs would be incurred in carrying out the bill in the current fiscal year or any of the five succeeding fiscal years. This estimate is consistent with the estimate contained in the following letter from the Department of Agriculture, which recommends enactment of the bill.
>
> Department of Agriculture,
> Office of the Secretary,
> *Washington, D.C., April 1, 1971.*
>
> Hon. Herman E. Talmadge,
> *Chairman, Committee on Agriculture and Forestry, U.S. Senate.*
>
> Dear Mr. Chairman: This is in reply to your request of March 10, 1971, for a report on S. 1131, a bill "To amend the Agricultural Adjustment Act of 1938, to provide

that review committee members may be appointed from any county within a State."

The Department recommends that the bill be passed.

This bill would amend section 363 of the Agricultural Adjustment Act of 1938, as amended, to authorize the Secretary to select review committeemen from any county in a State. Existing law limits the Secretary to selection of review committeemen "from the same or nearby counties." Since the adoption of this act in 1938, many changes have occurred in agriculture, so that counties which were agricultural then, are now largely urban. In addition, many of the programs have been modified so that "quotas and allotments" are now established to growers based on history. Consequently, the work load of such committees have been reduced substantially. This proposal, if enacted, would give the Secretary greater flexibility in the selection of review committee members and would result in a more objective analysis of the farmer's appeal than is now possible.

Enactment of this legislation would not require additional funds and would strengthen the review provisions authorized by the act.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. Phil Campbell,
Under Secretary.

AMENDMENTS OF THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

The bill (S. 1806) to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating and other type loans, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961 is further amended as follows:

(1) Section 306(a)(5) is amended by striking "$4,000,000" and inserting "$10,000,000".

(2) Section 306(a)(6) is amended by striking "sewer" and inserting "waste disposal".

(3) Section 308 is amended by striking "1971" and inserting in lieu thereof "1975".

(4) Section 309(f)(1) is amended by changing "$100,000,000" to "$500,000,000".

(5) Section 309 is amended by adding at the end the following new subsection:

"(g) The assets and liabilities of, and authorizations applicable to, the Farmers Home Administration direct loan account created by section 338(c) are hereby transferred to the fund, and such account is hereby abolished. Such assets and their proceeds, including loans made out of the fund pursuant to this section, shall be subject to all the provisions of this section."

(6) Subtitle A is amended by adding at the end a new section as follows:

"Sec. 310A. Loans meeting the requirements of the Watershed Protection and Flood Prevention Act or title III of the Bankhead-Jones Farm Tenant Act may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309, the last sentence of section 306(a)(1), and the last sentence of section 307 of this title."

(7) Section 313(1) is amended by striking "$35,000" and inserting "$50,000".

(8) Subtitle B is amended by adding at the end a new section as follows:

"Sec. 317. Loans meeting the requirements of this subtitle may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309 and the last sentence of section 307 of this title."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–99), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SHORT EXPLANATION

This bill would amend the Consolidated Farmers Home Administration Act of 1961 to—

(1) Increase the maximum loan and grant under section 306 (for water or waste disposal facilities and other specified purposes) to $10 million (from $4 million);

(2) Extend the planning grant authority to all waste disposal systems (now limited to "sewer" systems);

(3) Extend the authority of the Secretary to insure loans to October 1, 1975 (from October 1, 1971);

(4) Increase the maximum amount of loans which may be made by the Secretary from the Agricultural Credit Insurance Fund and held by him at any one time for sale as insured loans to $500 million (from $100 million);

(5) Transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans), and abolish the direct loan account;

(6) Authorize insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act or title III of the Bankhead-Jones Farm Tenant Act;

(7) Increase the ceiling on operating loans to $50,000 (from $35,000); and

(8) Authorize insurance of operating loans (of the type now authorized to be made as direct loans).

The numbered paragraphs set out above correspond to the numbered paragraphs of the bill.

COMMITTEE CONSIDERATION

The committee's subcommittee on Agricultural Credit and Rural Electrification held hearings on S. 290 and S. 578 on March 9, 1971. These bills, which were administration requests, would have amended the act to—

(1) Authorize insured operating loans (of the type now authorized to be made as direct loans);

(2) Increase the amount of loans which may be made from the insurance fund and held by the Secretary at any one time for sale as insured loans to $300 million (from $100 million); and

(3) Transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans), and abolish the direct loan account.

The President's Message relative to his legislative program of January 26, 1971 referred to these bills as follows:

INSURED FARM OPERATING LOANS

"This proposal would permit the Farmers Home Administration to substitute insured for direct loans to farmers up to a level of $275 million for the coming fiscal year.

"This could reduce Treasury outlays by $275 million, while leaving a Federal guarantee for the loans. It is consistent with our belief in maximum use of the private sector in achieving public purposes, and its enactment is assumed in our 1972 Budget."

The figure $275 million was not contained in the bills, but represented the amount of operating loans authorized to be made from the direct loan account in fiscal 1971 and proposed to be authorized in fiscal 1972 in the absence of enactment of the bills.

The committee's purpose in providing for insured operating loans, insured loans to watershed project sponsors, and insured resource conservation and development loans is to provide for increased and adequate credit for these purposes, and the committee expects the law to be administered in that manner. In his radio statement on agriculture on May 2, the President said:

"I am recommending that the level of farm operating loans be increased in fiscal year 1972—just as soon as the Congress enacts my proposal to allow the Farmers Home Administration to insure loans for operating expenses. . . . I am also proposing that Federal grants for small watershed projects be increased by $28 million to a level of $105 million, and that 75 new projects be authorized. I am further recommending quadrupling of loan programs to help local communities finance their share of these projects * * *"

Mr. DOLE subsequently said: Mr. President, this morning I was meeting with a group of farmers from the State of Kansas and was not able to be on the floor when S. 1806, the bill to provide more accessible funds for Farmers Administration operating loans, watersheds, and resources conservation and development projects, was passed by the Senate.

Credit is as important to the farmer of America today as the seed he plants in the ground. His money outlays in preparing the seeded, fertilizing, applying weed and insect control chemicals and harvesting are far in excess of the capital reserves of most farmers. Therefore, the farmer depends on credit as he does a tool or implement for growing or harvesting a crop. With increased costs of seed, fertilizer, tractors, and combines, the farmer's need for credit has also increased.

The Farmers Home Administration has provided direct loans to those farmers unable to obtain loans from conventional sources, but the need for more loans has not been met with comparable increases in the Federal budget for these loans.

In 1961, the Farmers Home Administration made 74,740 operating loans. In 1970 the number dropped to 46,457. In Kansas, during the same period, the number of FHA operating loans decreased from 1,299 to only 659. The budget for operating loans has ranged between $275 million to $300 million during those 10 years.

The legislation which we passed today, S. 578, which I cosponsored, will eliminate the need for capital outlay by the Government by shifting Farmers Home Administration operating loans from a direct loan basis to an insured loan basis.

The bill recognizes the increased need for expanded credit caused by a combination of increased individual farm operation and inflation by raising the maximum FHA operating loan from $35,000 to $50,000.

The bill also provides for the Agricultural Insurance Fund to be utilized for making and insuring watershed loans and loans for resource conservation and development projects. The purpose of including these loans is to relieve some of the demand for direct loans and facilitate the increase in total funds available for these important rural development activities.

The farmers of Kansas and the Nation urgently need the additional financing this legislation provides, and I was pleased with the prompt, favorable action taken on this measure.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania wish to be recognized under the standing order?

Mr. SCOTT. I do.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

PUBLIC OPINION POLLS

Mr. SCOTT. Mr. President, I recently inquired of the Under Secretary of State when he was testifying before the Foreign Relations Committee as to why certain questions were not asked by poll takers. Because of the failure to ask the right questions, an impression prevails that a vast majority of the American people want a pullout from Vietnam at the end of this year regardless of the consequences.

When people were asked the simple question, "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal," indeed, they said yes by 68 to 20.

However, when they are asked, "Would you favor withdrawal of all U.S. troops by the end of 1971, even if it meant a Communist takeover of South Vietnam," the yeas are 29 and the nays are 55.

When they are asked, "Would you favor withdrawal of all U.S. troops by the end of 1971, even if it threatened the lives or safety of the U.S. POW's held by North Vietnam," there were only 11 yeas. Fifty-nine percent of the people said no.

Finally, when asked the key question, "Do you support President Nixon in his plan to end the war in Southeast Asia," the yeas were 72 and the nays 18. Ten percent of the people had no opinion.

These questions were asked at my insistence by Opinion Research after the continued repetition of what I felt were figures which, standing alone, do not give a full, fair, and complete expression of the American people.

I hope that wide publicity will be given to this poll.

Mr. President, when that eminent American literary figure and patron of the impressionist artists, Gertrude Stein, lay dying in her Paris apartment, she asked:

> What is the answer?

And then she uttered her last words:

> No, not what is the answer, but, what is the question?

In putting it that way, Miss Stein, even in the shadow of death, showed the kind of perception that enabled her to detect the genius of Ernest Hemingway when he was still unknown, and to recognize the contribution of the impressionists when the world of art remained purblind.

Gertrude was right in giving priority to questions instead of answers, for the answers are determined by the questions.

I ventured to predict that an entirely different view of the electorate's response of the President's handling of the war would result if the questions were cast in a different framework.

I would challenge Mr. Harris to ask the following questions in his next poll and supply the answers.

Have you seen any poll which at any time inquired whether the people of this country would have believed that the Cambodian forces, following Sihanouk's departure, would be capable of the fivefold increase through the volunteer system in their military strikes? Have you seen any poll which inquired in advance as to whether or not the Cambodians would be capable of making a strong defense of their country in their own right? Have you ever seen a poll which asked whether a 60-day or any other incursion into Cambodia would or would not be useful? Have you ever seen a poll which asks whether the American people approve or disapprove of the President's withdrawal of two-thirds of the American forces? Whether Nixon is doing better in the handling of the war than his two predecessors? Whether you would or would not favor the abandonment of the prisoners of war by the withdrawal of all troops prior to release?

It is all in the asking of the questions. Opinion Research Corp. this weekend presented a completely different viewpoint on the public's reaction to the war when more substantive questions were asked.

Here are some of the results of that survey:

First. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

Second. Support for the proposed congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a Communist takeover.

Third. Well over half the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist takeover of South Vietnam.

Fourth. By almost 7 to 1, Americans oppose any yearend withdrawal that threatens the lives or safety of American prisoners of war.

Fifth. The earlier poll is misleading and has been grossly misinterpreted because, while the American people will support almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist takeover.

I ask unanimous consent to have printed in the RECORD the results of a poll conducted by Opinion Research Corp.

There being no objection, the results were ordered to be printed in the RECORD, as follows:

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

OPINION RESEARCH CORPORATION,
Washington, D.C., May 8, 1971.

PRINCETON, NEW JERSEY.—The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but *not* if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year *if it meant a Communist takeover of South Vietnam,* 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 *if it threatened the lives or safety of the United States POW's held by North Vietnam.*

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes, 72; no, 18; and no opinion 10.

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes, 68; no, 20; and no opinion, 12.

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes, 29; no, 55; and no opinion, 16.

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes, 11; no, 75; and no opinion, 14.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the Senator from Alaska (Mr. GRAVEL) for not to exceed 15 minutes.

POVERTY FIGURES FROM CENSUS BUREAU

Mr. GRAVEL. Mr. President, I thank the Senator from Pennsylvania, whom I hold in high regard, for his remarks. I noted an article in a recent edition of the Washington Post that deals with some figures that would be very interesting. It speaks of the withdrawal of troops from Vietnam and certain statistics. We had a withdrawal of another 6,300 troops last week. That leaves the level of U.S. troops at about 284,000 men.

I want to praise the President of the United States for this, because I think that is a very good act. I would hope, of course, that this would be accelerated.

I might suggest with respect to the polls that it would be very interesting and not very costly to have a poll taken in South Vietnam and ask a very simple question, that is, whether the people of South Vietnam would like our presence to continue. I think the answer to that question might be very revealing. It would also have a significent impact on the American people.

Mr. President, I have an article here that was published in the Washington Post of May 8. It was written by William Chapman. The headline is, "Poverty Up 5 Percent in 1969–70, Census Finds."I would like to discuss this article because I think it is very important.

These are not the figures of some inexpert persons. These are the actual census figures.

The article reads:

> For the first time in a decade, the number of persons officially recorded as living in poverty has increased significantly.
>
> The number considered to be "poor" increased by about 1.2 million from the beginning of 1969 to the end of 1970, the U.S. Census Bureau reported yesterday.

That would have been on May 7. I continue to read:

> That increase contrasted sharply with the trend of the past decade. In every year of the 1960's U.S. statisticians have found the number of people living in poverty to be decreasing.

I think this is a fundamental statement. For that particular decade of the 1960's, poverty was on the downgrade. That suggests that our Nation was going in the right direction from an economic point of view.

I continue to read:

> There had been an average annual decline of 4.9 percent during the 1960's. But between 1969 and 1970 the number living in poverty actually increased by 5.1 percent.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BELLMON. If I understood the Senator correctly, he read that the rate of poverty went down 4.9 percent each year for 10 years. Is that correct?

Mr. GRAVEL. No, not as I interpret the statement. I will read it again. The article states:

> There had been an average annual decline of 4.9 percent during the 1960s.

The article simply states that during the 1960's there was an average annual decline of 4.9 percent.

Mr. BELLMON. In other words, during the 1960's the number of families living in poverty was reduced by 4.9 percent.

Mr. GRAVEL. It seems that way.

Mr. BELLMON. It seems to be a remarkable decline for a brief period of time. I wonder if those figures have been checked.

Mr. GRAVEL. I will place the article in the RECORD. The writer of the article is quoting the U.S. Census Bureau. I will accept the Senator's consternation with respect to a statement that there had been an average annual decline of 4.9 percent during the 1960's. I did not come into office until 1969 so I cannot take any credit legislatively. I am astounded by the progress made in that decade and by the increase that took place in 1 year in this new era of the American revolution.

Mr. BELLMON. I would like to suggest that perhaps those figures should be confirmed by the Census Bureau. The writer of the article to which the Senator has referred may have misinterpreted the figures.

Mr. GRAVEL. My colleague from Oklahoma knows the high esteem I have for him. I will be glad to give the Senator a copy of the article and he can have his staff check the matter, and if he cares to he can comment on the floor of the Senate today or tomorrow. If I am in error I will be happy to confess error.

Mr. BELLMON. I would like to have those figures checked.

Mr. GRAVEL. I will be happy to give the Senator a copy of the article so he can have the figures checked.

Mr. BELLMON. I thank the Senator.

Mr. GRAVEL. Mr. President, the article to which I have referred continues:

> This meant that about 13 per cent of the American population (25.5 million people) were living on incomes less than the officially-designated level of poverty. At the beginning of the 1960s, about 22 per cent were considered to be living in poverty.
>
> The Government has established official poverty levels for every year since 1959. For example, in 1970 any family of four persons whose income totalled less than $3,944 was considered to be living in poverty. The comparable figure for 1969 was $3,721. The scale is changed each year according to changes in the consumer price index.
>
> Rising unemployment apparently explains most of the sudden reversal in the poverty picture.
>
> At the start of 1969, the unemployment rate was at a low point of about 3.3 per cent, but by the end of 1970 it had risen to 6.2 per cent.

Mr. President, I think it should be noted that at the beginning of the decade of the new American revolution the unemployment rate was about 3.3 percent, but by the end of 1970 it had risen to 6.2 percent. I think in any objective analysis, without being partisan, these figures tell a tremendous story. It would not be so bad if it were not for the fact that it is a story told in broken hearts and the pain suffered by families as a result of what has happened.

The article continues:

> A Nixon administration economist seeking to put the best possible face on the report, observed that the number now considered to live in poverty is far smaller than that reached during comparable periods of unemployment in the past.

Mr. President, I have a copy of the article which I am glad to hand to the Senator from Oklahoma.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 8, 1971]

POVERTY UP 5 PERCENT IN 1969–70, CENSUS FINDS

(By William Chapman)

For the first time in a decade, the number of persons officially recorded as living in poverty has increased significantly.

The number considered to be "poor" increased by about 1.2 million from the beginning of 1969 to the end of 1970, the U.S. Census Bureau reported yesterday.

That increase contrasted sharply with the trend of the past decade. In every year of the 1960s, U.S. statisticians have found the number of people living in poverty to be decreasing.

There had been an average annual decline of 4.9 per cent during the 1960s. But between 1969 and 1970 the number living in poverty actually increased by 5.1 per cent.

This meant that about 13 per cent of the American population (25.5 million people) were living on incomes less than the officially-designated level of poverty. At the beginning of the 1960s, about 22 per cent were considered to be living in poverty.

The Government has established official poverty levels for every year since 1959. For example, in 1970 any family of four persons whose income totalled less than $3,944 was considered to be living in poverty. The comparable figure for 1969 was $3,721. The scale is changed each year according to changes in the consumer price index.

Rising unemployment apparently explains most of the sudden reversal in the poverty picture.

At the start of 1969, the unemployment rate was at a low point of about 3.3 per cent, but by the end of 1970 it had risen to 6.2 per cent.

A Nixon administration economist, seeking to put the best possible face on the report, observed that the number now considered to live in poverty is far smaller than that reached during comparable periods of unemployment in the past.

He said that with the unemployment rate at about 4.9 per cent in the mid-1960s, the number living in poverty was about 35 million. Last year, with the unemployment rate averaging about 4.9 per cent, the number living in poverty was only about 25 million, he said.

"I think that this report may show that the poverty figure is now leveling out at about 25 million people," the economist said.

He said the report also illustrated the fact that the upward trend of unemployment is not falling exclusively on the poor, but also affects middle-class technicians and engineers. Had unemployment affected only the poor, he said, the increase in the poverty population would have been much greater.

Negroes and whites were afflicted about equally by the increase in poverty from 1969 to 1970. But the poverty rate among Negroes in 1970 was about three times the white rate, reflecting the past history of gaps in income between the races.

There were also significant differences in the ages of the Negro and white poor. The white poor were more apt than the Negroes to be old. For example, about one-fifth of the white poor are older persons, compared with only seven per cent of the black poor.

There was also an indication that poverty falls disproportionately on the rural and small-town family. The Census Bureau has discovered that about 64 per cent of all American families live in metropolitan areas. But only half the families below the poverty level live in metropolitan areas.

The Census Bureau said it would have required about $11.4 billion to raise the income of all poor families above the poverty line in 1970.

The report is based on a Census Bureau survey of consumer income last March. It compares income received during calendar years 1969 and 1970.

THE JOBLESS RATE

Mr. GRAVEL. Mr. President, although the time is too brief to deal with the matter fully, I have before me an article entitled "Jobless Rate Inched Up to 6.1 Percent in April," written by Frank C. Porter, and published in the Washington Post on May 8, 1971. I wish to read just the beginning of the article:

> The government reported yesterday that unemployment edged up from 6.0 to 6.1 per cent in April, a statistically insignificant change that disapppointed Nixon administration hopes for an improved job picture.
>
> The major conclusion to be drawn from the monthly Bureau of Labor Statistics report is that unemployment peaked out at about 6 per cent in December and has shown little change since, Prof. R. A. Gordon of the University of California at Berkeley told the Joint Economic Committee of Congress.

I find this somewhat strong and I know my colleagues will find it somewhat strong, but I am merely reading the article and I am sure that anyone who wishes to verify the figures can do so. The article continues:

> Gordon accused the Nixon administration of subverting the report of a committee on unemployment statistics he headed in 1962 to justify the Labor Department's discontinuance of press briefings on the job figures two months ago.

I was not aware of this, but apparently the administration discontinued these briefings designed to provide greater information to the American public; and I think that any act that denies information to the American public denigrates our democracy since our democracy is founded on the recognition of the importance of access to information.

I continue to read from the article:

> He suggested the major reason the briefings were halted was White House displeasure that the assessment of BLS technicians conflicted with optimistic statements by administration officials.

It is interesting that we would have one arm of the Government, the White House, sort of throttling the outflow of information from another agency, particularly the Bureau of Labor Statistics which only reports statistics; and it is difficult to lie about statistics.

I continue to read from the article:

> "There is nothing in the report of the Gordon Committee to suggest the desirability of doing away with the technical press briefings," Gordon said. "The reverse is the case."

> In lieu of the suspended briefings, Chairman William Proxmire (D–Wis.) set a hearing yesterday morning for BLS officials to amplify the report, released at 10 a.m.

Here we have a situation where they do away with official press briefings on unemployment, and when a Senate committee wants to address itself to that problem the people who could give adequate and proper testimony cannot come forward and give public information. Obviously this is thwarting the will and the purpose of Congress.

> But Proxmire said he was informed that the BLS technicians would be too busy answering telephoned press queries to appear before 1 p.m.
>
> Proxmire said the reluctance of Secretary of Labor James H. Hodgson to cooperate with the committee and Congress is "an insult which cannot and must not be tolerated."

Mr. President, I will end the reading of the article at that point. I ask unanimous consent that the entire article may be printed in the Record inasmuch as I feel it deals with the subject quite adequately.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 8, 1971]

Jobless Rate Inched Up To 6.1 Percent in April

(By Frank C. Porter)

The government reported yesterday that unemployment edged up from 6.0 to 6.1 per cent in April, a statistically insignificant change that disappointed Nixon administration hopes for an improved job picture.

The major conclusion to be drawn from the monthly Bureau of Labor Statistics report is that unemployment peaked out at about 6 per cent in December and has shown little change since Prof. R. A. Gordon of the University of California at Berkeley told the Joint Economic Committee of Congress.

Gordon accused the Nixon administration of subverting the report of a committee on unemployment statistics he headed in 1962 to justify the Labor Department's discontinuance of press briefings on the job figures two months ago.

He suggested the major reason the briefings were halted was White House displeasure that the assessment of BLS technicians conflicted with optimistic statements by administration officials.

"There is nothing in the report of the ability of doing away with the technical press briefings," Gordon said. "The reverse is the case."

In lieu of the suspended briefings, Chairman William Proxmire (D.-Wis.) set a hearing yesterday morning for BLS officials to amplify the report, released at 10 a.m.

But Proxmire said he was informed that the BLS technicians would be too busy answering telephoned press queries to appear before 1 p.m.

Proxmire said the the reluctance of Secretary of Labor James H. Hodgson to cooperate with the committee and Congress is "an insult which cannot and must not be tolerated."

"I deplore the fact that you are treating Congresss as second-class citizens in this important matter," Proxmire wrote Hodgson.

Ironically, all regular telephones at the Labor Department and the Bureau of Labor Statistics were dead yesterday because a cable was severed by subway diggers.

The department was able, however, to press two emergency phones into service.

A government source said there were about 20 calls from newsmen (Proxmire said he had been informed that seven top technicians would be needed to handle the calls).

It was understood that the bureau's top man on employment statistics and Proxmire's top choice as a witness, Harold Goldstein, handled none of the calls. After the hearing Proxmire jokingly suggested that maybe the committee could get Goldstein, assistant commissioner of labor statistics, up to testify during his lunch hour.

A partial offset to the gloomy unemployment figures came from the Commerce Department, which reported that retail sales in March rose 1.8 per cent from February and 8 per cent from the year-ago level; much of the rise, however, is attributable to inflated prices. It was the fourth straight monthly rise.

This provides "strong and mounting evidence that a major resurgence of consumer spending is under way," said Harold C. Passer, assistant secretary of commerce for economic affairs.

Also, an unofficial index compiled by Prof. Alfred J. Tella of Georgetown University that attempts to include so-called cyclically discouraged workers—receded from 6.8 to 6.7 per cent last month. Tella defines such workers as those who would be looking for jobs or in jobs during good times but who give up the hunt in bad times.

Although the overall job figures were relatively unchanged from March, there were some important shifts in components—a point Gordon made to the Joint Economic Committee in support of resuming the press briefings.

Black unemployment, for example, rose to 10 per cent for the first time since early 1964. It was 9.4 per cent in March and 8.3 per cent a year ago.

Technicians says, however, that the black unemployment rate is particularly susceptible to aberrations as the result of sampling error. Also, the black rate still remains below the historic 2-to-1 ratio to the white rate that prevailed for more than a decade ending in 1969.

One bright ray was the second straight monthly increase of six minutes in the average work week for all private payroll workers. The work week in manufacturing, however, moved down by the same amount.

Although total jobs increased more than 200,000 seasonally (largely the result of a rise in farm jobs and most of these for teenagers), there was virtually no change in payroll employment, and manufacturing jobs feel for the fourth consecutive month, to the lowest level in five years.

Actual unemployment dropped 480,000 to 4.7 million. But the decrease was nearly 100,000 less than usual for March, producing the slight rise in the seasonally adjusted unemployment rate.

Jobless rates among major groups of workers were virtually unchanged except those for blacks, women (up from 5.8 to 6.0 per cent), part-time workers (up from 8.7 to 9.4 per cent), service workers (up from 6.0 to 6.3 per cent), farm workers (down from 2.2 to 1.8 per cent) and construction workers (down from 10.9 to 9.6 percent).

Average hourly earnings for nonfarm private payroll workers rose 2 cents to $3.39 in March—an increase of 21 cents, or 6.6 per cent, from a year ago. Average weekly earnings rose 73 cents in the month to $124.75—a gain of $7.41, or 6.3 per cent, from a year earlier.

Gordon, the lone witness before Proximire's committee, said every economist with whom he has spoken about the matter has been critical of the Nixon administration for dropping the traditional briefings on employment statistics (similar briefings on consumer prices were also abandoned).

He was sharply critical of Secretary Hodgson for claiming the 1962 Gordon Report recommended that "sharp lines should be drawn between the release of statistics and their accompanying explanations and analysis" and using this to bolster the decision to drop the briefings.

What the report actually said, Gordon explained, was that "a sharper line should be drawn between the release of the data and their accompanying explanation and analysis on the one hand and the more general type of policy-oriented comment, which is the function of official responsible for policy making, on the other."

In effect, Gordon suggested that political commentary—such as that emanating from the White House, the Council of Economic Advisers or the Treasury—should not cloud the technical analysis coming out of BLS.

Mr. GRAVEL. Mr. President, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. GRAVEL. I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senate will proceed to the transaction of routine morning business for not to exceed 30 minutes, with speeches by Senators limited to 3 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Publications of the Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting recently issued publications entitled "Typical Electric Bills, 1970," and "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1969" (with accompanying publications); to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a statement of GAO reports issued or released in April 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on more reliable data needed as a basis for providing Federal assistance to economically distressed areas, Department of Commerce and Department of Labor (with an accompanying report); to the Committee on Government Operations.

Projects Selected for Funding

A letter from the Secretary of the Interior transmitting, pursuant to law, a list of 54 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations, or other institutions (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Gateway National Recreational Area

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to provide for the establishment of the Gateway National Recreational Area in the States of New York and New Jersey, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Appointment of U.S. Marshals by the Attorney General

A letter from the Attorney General transmitting proposed legislation providing for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

Report of Opinion and Findings of Fact in Southwest Metropolitan Water and Sanitation District, Colorado v. The United States

A letter from the Chief Commissioner, United States Court of Claims, transmitting, pursuant to law, a report of opinion and findings of fact in Southwest Metropolitan Water and Sanitation District, Colorado v. The United States, Congressional Reference Case No. 5–69, rendered May 6, 1971 (with an accompanying report); to the Committee on the Judiciary.

Proposed Act To Conquer Cancer

A letter from the Secretary of Health, Education, and Welfare, submitting a draft of proposed legislation to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Allen):

A letter from the Anti-Communist League of the Chinese Consolidated Benevolent Association, Los Angeles, Calif., requesting that the American Government should continue to support the Government of the Republic of China as the sole government of China; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 1700. A bill to amend section 14(b) of the Federal Reserve Act, as amended to extend for 2 years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury (Rept. No. 92–102).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs.

Norman Vickers Watson, of Florida, to be an Assistant Secretary of Housing and Urban Development.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. LONG:

S. 1815. A bill to require that publications of statistics relating to the value of articles imported into the United States include the charges, costs, and expenses incurred in bringing such articles to the United States, and for other purposes. Referred to the Committee on Finance.

By Mr. PROUTY (for himself, Mr. Aiken, Mr. Brooke, Mr. Cotton, Mr. Kennedy, Mr. McIntyre, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Ribicoff, and Mr. Weicker):

S. 1816. A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to authorize creation of the Northeastern Regional Oil Area. Referred to the Committee on Commerce and the Committee on Finance, jointly, by unanimous consent.

By Mr. BYRD of West Virginia for Mr. Ellender:

S. 1817. A bill for the relief of Mato Cibilic. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 1818. A bill for the relief of Henry B. Rodrigues. Referred to the Committee on the Judiciary.

By Mr. BAKER (for himself and Mr. Brock):

S. 1819. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs. Referred to the Committee on Government Operations.

By Mr. PACKWOOD:

S. 1820. A bill authorizing the Chief of Engineers to construct certain bank protection works along the Willamette River and its tributaries. Referred to the Committee on Public Works.

By Mr. MAGNUSON:

S. 1821. A bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 1822. A bill to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954, as amended, and for other purposes. Referred to the Committee on Commerce.

By Mr. HART:

S. 1823. A bill to amend Section 5 of the Federal Trade Commission Act. Referred to the Committee on Commerce.

By Mr. NELSON:

S. 1824. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

By Mr. BAYH:

S. 1825. A bill for the relief of Roberto Mejia-Zuniga and Maria-Estela Lopez de Mejia. Referred to the Committee on the Judiciary.

By Mr. JAVITS:

S. 1826. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses. Referred to the Committee on the Judiciary.

By Mr. CHURCH:

S. 1827. A bill to amend the Social Security Act. Payment for Extended Care and Home Health Services. Referred to the Committee on Finance.

By Mr. DOMINICK:

S. 1828. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer. Referred to the Committee on Labor and Public Welfare.

By Mr. SAXBE:

S. 1829. A bill to amend title II of the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder, to provide for the making of supplementary payments to low-income recipients of old-age or disability insurance benefits thereunder, and to increase the annual amount individuals are permitted to earn without suffering deductions from their benefits on account of excess earnings. Referred to the Committee on Finance.

By Mr. JAVITS (for himself and Mr. PERCY):

S. 1830. A bill to amend the Budget and Accounting Act, 1921, to require that the Budget contain information with respect to revenue losses incurred and indirect expenditures made through the Federal tax system. Referred to the Committee on Government Operations.

By Mr. HRUSKA (by request):

S. 1831. A bill to provide for the appointment of United States marshals by the Attorney General. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 1832. A bill to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment criteria to be Economic Disaster Areas; to extend a program of Federal aid to these areas for the relief of human suffering; and to supplement the purposes of the Public Works and Economic Development Act of 1965, as amended. Referred to the Committee on Public Works.

By Mr. HARRIS:

S. 1833. A bill to amend the wheat, feed grain, and upland cotton programs, as provided for in the Agricultural Act of 1970, in order to require the Secretary of Agriculture to make advance payments under such programs at an earlier time than required under current law. Referred to the Committee on Agriculture and Forestry.

By Mr. HUMPHREY:

S.J. Res. 94. A joint resolution providing for a White House Conference on Environment and International Law. Referred to the Committee on Foreign Relations.

By Mr. STENNIS:

S.J. Res. 95. A joint resolution relating to the authority of the President to use the Armed Forces of the United States in armed conflict. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LONG:

S. 1815. A bill to require that publications of statistics relating to the value of articles imported into the United States include the charges, costs, and expenses incurred in bringing such articles to the United States, and for other purposes. Referred to the Committee on Finance.

OFFICIALLY MISLEADING FOREIGN TRADE STATISTICS

Mr. LONG. Mr. President, several years ago, my late beloved colleague Everett McKinley Dirksen and I brought out the fact that our foreign trade statistics are fraudulent and misleading. In 1966, the Committee on Finance held a hearing on the subject, and the facts developed at this hearing substantiated our contention. Ever since the death of Senator Dirksen, I have been trying to get the Commerce Department to publish more accurate trade statistics to show our true international competitive position. At numerous hearings, I have brought this subject up to the Secretaries of Commerce and Treasury and to other officials.

These top officials understood the problem and agreed that the present statistics are misleading. However, the entrenched, faceless bureaucrats in the Federal Government who maintain their status throughout every administration, Republican or Democrat, have fought the presentation of accurate trade statistics in every way they could.

Finally, after much agonizing and dillydallying the Commerce Department agreed to publish, on a quarterly basis, statistics which would break out those exports financed under our giveaway foreign aid programs from private commercial exports, and to add a factor to our imports showing the cost of insurance and freight. However, as time passed, it was clear that this quarterly publication was completely inadequate. In the meantime, the Government's monthly trade statistics were published proclaiming our foreign trade position to be in rosy surplus. The truth is that we have had actual deficits in our foreign trade position ever since 1968 as table I shown below indicates, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—U.S. TRADE BALANCE, 1960–70

[In billions of dollars]

	Total exports, f.o.b. (A)	Total imports, f.o.b. (B)	Trade balance (C=A−B)	AID and Public Law 480, Government-financed exports (D)	Total exports less AID and Public Law 480, financed exports (E=A−D)	Total imports, c.i.f.[1] (F)	Merchandise trade balance (G=E−F)
1970	42.7	40.0	+2.7	1.9	40.8	44.0	−3.2
1969	37.3	36.1	+1.2	2.0	35.3	39.7	−4.4
1968	34.1	33.2	+.9	2.2	31.8	36.5	−4.7
1967	31.0	26.9	+4.1	2.5	28.5	29.6	−1.1
1966	29.5	25.6	+3.9	2.5	27.0	28.2	−1.2
1965	26.8	21.4	+5.4	2.5	24.3	23.5	+.8
1964	25.8	18.7	+7.1	2.7	23.1	20.6	+2.5
1963	22.5	17.2	+5.3	2.6	19.9	18.9	+1.0
1962	21.0	16.5	+4.5	2.3	18.7	18.2	+.5
1961	20.2	14.8	+5.4	1.9	18.3	16.3	+2.0
1960	19.6	15.1	+4.5	1.7	17.9	16.6	+1.3

[1] CIF imports are assumed to be 10 percent higher in value than f.o.b. imports in accordance with Tariff Commission study.

Source: U.S. Department of Commerce.

Mr. LONG. After many members of the Finance Committee and the Ways and Means Committee made it abundantly clear to the Secretary of Commerce that the two responsible committees of Congress were unsatisfied with the misleading trade statistics propagated on the American public by the Commerce Department, the Secretary of Commerce took the matter up with the President of the United States. This is stated in the Secretary's memorandum of December 17 which I shall later ask to be included in my remarks.

According to the Secretary's memorandum, the President directed the Secretary to implement the proposal. I repeat, the President of the United States directed the Secretary of Commerce to publish accurate import statistics. The memorandum states:

> I discussed this proposal with the President, and he directed me to implement it.

Mr. President, a most extraordinary thing has occurred. Those nameless and faceless bureaucrats in the Federal Government have told the President to go fly a kite; he is wrong.

I shall ask to place in the RECORD a most extraordinary report from Mr. Shultz to Secretary Stans which states that—

> A great majority of participants in the Interagency Committee on Foreign Trade Statistics expressed the view that it would be inadvisable for both statistical and conceptual reasons to calculate and publish prominently such a series on a regular basis.

In other words, Mr. President, these bureaucrats are afraid of showing the American people the true facts with respect to our foreign trade position. It is incredible to me that the President of the United States cannot get foreign trade statistics published the way he and the Congress wants them published.

The Shultz letter is full of incorrect, irrelevant, and misleading statements. For example, he states that—

> With regard to the calculation of imports c.i.f., a significant part of these charges is paid to U.S. firms and therefore does not represent an international payment.

He apparently is not aware of the fact that U.S.-flag vessels carry only about 6 percent of U.S. foreign trade. Is that a significant part? The fact is we simply do not know what the costs of domestic versus foreign insurance and freight charges are because we do not have the data to make the analysis.

Then he says:

> C.i.f. charges cannot be legitimately considered part of the import side of the trade balance.

This is wrong. The effect of imports on domestic economy, on American jobs, is not their value at the foreign factory or foreign port, but their landed value in the United States.

He is obviously confusing balance of payments with balance of trade. I do not particularly care if they want to break out services in balance-of-payments accounting. I think they will find their service statistics are woefully inadequate anyway. But for balance-of-trade analysis and the impact of imports on the American economy, production, and jobs we should have c.i.f. statistics.

The letter then says that the British and French calculate their balance of payments to show freight and insurance separately. But their import figures are c.i.f. I checked the April International Monetary Fund statistics and found they continue to calculate their imports c.i.f. In fact the IMF tabulates all its import statistics c.i.f. I ask unanimous consent to have table 2 printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—WORLD TRADE: VALUE IN MILLIONS OF DOLLARS

Exports (fob)[1] Imports (cif)[1]

	1963	1964	1965	1966	1967	1968	1969	1970	1964	1965	1966	1967	1968	1969	1970
World Total	136,100	152,700	165,400	181,300	190,600	212,900	243,500	278,000	160,900	175,200	192,400	201,700	224,700	255,500	288,000
Industrial countries	95,330	107,940	118,430	130,770	137,740	155,800	179,600	208,000	110,590	120,540	134,020	141,200	159,970	184,000	211,000
United States	23,387	26,650	27,530	30,430	31,622	34,636	38,006	43,227	20,286	23,186	27,745	28,745	35,319	38,315	42,482
United Kingdom	12,220	12,785	13,722	14,676	14,379	15,346	17,515	19,363	15,949	16,103	16,651	17,694	18,959	19,956	21,643
Industrial Europe	47,490	53,760	60,230	65,900	70,260	79,690	93,740	109,240	58,860	64,370	69,930	72,130	80,220	96,500	114,500
Austria	1,326	1,446	1,600	1,684	1,809	1,989	2,412	2,857	1,683	2,100	2,328	2,309	2,496	2,825	3,549
Belgium-Luxembourg	4,840	5,601	6,394	6,832	7,032	8,164	10,032	11,600	5,930	6,502	7,182	7,176	8,333	9,964	11,900
Denmark	1,908	2,121	2,320	2,454	2,539	2,639	3,018	3,400	2,618	2,823	3,003	3,154	3,236	3,812	4,490
France	8,085	8,995	10,053	10,890	11,381	12,682	14,992	17,888	10,070	10,343	11,843	12,381	13,939	17,373	19,139
Germany	14,621	16,221	17,901	20,145	21,748	24,853	29,070	34,194	14,618	17,482	18,036	17,365	20,235	24,953	29,817
Italy	5,054	5,958	7,200	8,038	8,705	10,187	11,728	13,186	7,252	7,378	8,589	9,827	10,286	12,450	14,939
Netherlands	4,961	5,807	6,392	6,751	7,286	8,341	9,963	11,765	7,055	7,460	8,016	8,336	9,291	10,989	13,391
Norway	1,073	1,291	1,443	1,564	1,738	1,938	2,203	2,455	1,984	2,210	2,404	2,748	2,706	2,943	3,696
Sweden	3,203	3,675	3,971	4,266	4,528	4,937	5,688	6,762	3,856	4,377	4,582	4,701	5,182	5,905	7,011
Switzerland	2,417	2,647	2,960	3,275	3,498	3,968	4,627	5,135	3,610	3,697	3,944	4,129	4,513	5,285	6,551
Canada	6,779	8,067	8,494	9,988	11,033	13,158	14,390	16,861	7,554	8,713	10,170	10,966	12,482	14,250	14,526
Japan	5,453	6,674	8,452	9,777	10,442	12,973	16,002	19,379	7,994	8,175	9,530	11,672	12,997	15,035	18,889
Other developed areas	9,540	10,730	11,120	12,310	13,230	13,800	15,940	18,000	15,110	17,360	18,420	18,980	19,700	22,500	26,000
Other Europe	4,410	5,130	5,620	6,350	6,800	7,100	8,300	9,800	8,480	9,850	11,160	11,160	11,530	13,650	16,000
Finland	1,149	1,291	1,427	1,505	1,534	1,637	1,985	2,307	1,505	1,645	1,726	1,698	1,598	2,023	2,637
Greece	290	309	328	406	495	468	554	--------	885	1,134	1,223	1,186	1,393	1,594	--------
Iceland	94	111	129	140	97	82	108	146	131	137	159	162	138	123	157
Ireland	550	623	615	684	790	798	891	1,035	974	1,041	1,043	1,087	1,175	1,411	1,570
Malta	15	19	24	30	27	34	38	40	96	98	109	112	123	148	180
Portugal	418	516	576	620	701	732	823	946	778	924	1,023	1,059	1,039	1,232	1,556
Spain	736	955	967	1,254	1,384	1,590	1,900	2,344	2,245	3,004	3,574	3,456	3,498	4,233	4,717
Turkey	368	411	464	490	523	496	537	--------	537	572	718	685	764	747	--------
Yugoslavia	790	893	1,092	1,223	1,252	1,264	1,471	1,679	1,323	1,288	1,576	1,707	1,797	2,135	2,872
Australia, New Zealand, South Africa	5,130	5,600	5,500	5,960	6,420	6,690	7,630	--------	6,630	7,510	7,260	7,820	8,170	8,850	--------
Australia	2,788	3,038	2,978	3,158	3,478	3,526	4,221	4,771	3,313	3,765	3,636	3,913	4,382	4,558	4,800
New Zealand	910	1,074	1,007	1,076	993	1,010	1,211	1,400	961	1,043	1,095	955	895	1,003	1,120
South Africa	1,432	1,490	1,518	1,726	1,954	2,158	2,200	--------	2,356	2,699	2,526	2,948	2,891	3,291	--------
Less-developed areas	31,200	34,000	35,900	38,300	39,600	43,300	48,000	--------	35,200	37,400	39,900	41,500	45,000	49,000	--------
Latin America	9,180	9,860	10,380	11,040	11,030	11,570	12,400	--------	8,580	8,840	9,720	10,130	11,180	12,100	--------
Argentina	1,365	1,410	1,493	1,593	1,464	1,368	1,612	--------	1,077	1,119	1,124	1,096	1,169	1,576	--------
Bolivia	66	93	110	126	145	153	182	--------	97	126	138	151	152	167	--------
Brazil	1,406	1,430	1,595	1,741	1,654	1,881	2,311	--------	1,263	1,096	1,496	1,667	2,132	2,242	--------
Chile	540	624	685	877	910	941	--------	--------	607	604	757	727	743	--------	--------
Colombia	446	546	537	510	510	558	608	--------	586	454	674	497	643	686	--------
Costa Rica	95	114	112	136	144	171	194	--------	139	178	178	191	214	245	--------
Dominican Republic	174	179	126	137	156	164	184	214	221	100	185	201	226	243	306
Ecuador	148	159	180	186	200	208	183	--------	152	168	164	191	229	262	--------
El Salvador	154	178	189	189	207	213	202	--------	191	201	220	224	214	214	--------
Guatemala	154	167	187	232	204	227	262	--------	202	229	207	247	247	--------	--------
Haiti	41	40	37	35	34	36	37	--------	41	34	38	36	38	40	--------
Honduras	83	95	127	143	154	179	169	--------	102	122	149	165	186	184	--------
Mexico	969	1,031	1,120	1,199	1,136	1,254	1,430	--------	1,493	1,560	1,605	1,746	1,960	2,078	--------
Nicaragua	100	118	144	138	146	157	155	--------	136	160	182	204	185	177	--------
Panama	60	70	79	89	93	100	120	--------	181	208	235	251	266	294	--------
Paraguay	40	50	57	49	48	48	51	64	40	55	59	71	73	82	76
Peru	540	666	666	763	801	865	864	--------	584	745	817	833	630	604	--------
Uruguay	165	179	191	186	159	179	200	--------	198	150	164	170	159	197	--------
Venezuela	2,629	2,703	2,744	2,713	2,886	2,857	2,892	--------	1,269	1,454	1,331	1,464	1,697	1,752	--------
Other Western Hemisphere	1,650	1,650	1,680	1,790	1,880	1,930	2,000	--------	2,300	2,420	2,540	2,720	2,800	3,000	--------
Barbados	41	35	37	40	42	43	40	--------	64	68	76	77	84	97	--------
Guadeloupe	38	35	38	35	32	38	34	--------	79	85	93	100	102	106	--------
Guyana	102	95	97	112	113	108	121	--------	87	104	118	129	110	118	--------
Jamaica	202	216	214	228	224	219	257	--------	289	289	327	348	383	442	--------
Martinique	36	29	38	45	43	40	36	--------	79	91	93	106	109	128	--------
Netherlands Antilles	658	630	603	592	608	599	625	--------	758	721	721	776	781	808	--------
Surinam	46	48	59	92	107	113	--------	--------	81	95	90	103	99	--------	--------
Trinidad and Tobago	374	408	403	429	440	472	473	--------	426	477	454	417	420	483	--------
Other	150	150	190	220	270	300	350	--------	440	490	570	660	710	800	--------

[1] The world total excludes the Soviet area countries and Cuba. Available current trade totals for these countries are shown on page following Austria country pages.

The data are identical to those given on the country pages, converted to U.S. dollars and assembled into January–December years. However, data are also given here for countries for which there are no country pages. Descriptions of the data and discussions of the problems of conversion to U.S. dollars are in the country notes. Totals include estimates for listed countries for which data are not available. The comparability of trade data over a period of years is necessarily affected by changes in political or customs area boundaries. Except as noted the data refer to the areas as they were at the period reported.

For countries reporting imports f.o.b. or exports at place of dispatch, the data in this table are adjusted to include freight and insurance. For details see the 1966/67 supplement to IFS.

Source: International Monetary Fund, International Financial Statutes, April 1971, p. 36.

Mr. LONG. On the export side, Mr. Shultz says that we should not show our foreign aid financed giveaway exports separately from private transactions because "the proposal ignores the favorable impact on the balance of payments which occurs when the dollar balances are repaid." He is obviously not familiar with our aid programs. When we sell wheat to India in exchange for Indian rupees, how does that earn us dollars? From a balance of payments point of view, we might just as well dump the wheat in the ocean. In fact, it might be cheaper since it would save us shipping expenses.

Most of our aid is long term—40-year loans at low interest. A large part of the Public Law 480 agriculture sales are for nonconvertible foreign currencies, which no one expects to ever see paid in to the U.S. Treasury. To put these transactions in the same basket as straight cash or short-term credit transactions is to completely mislead the American people as to the true state of American competitiveness.

Mr. President, this episode raises another question: Why does the Secretary of Commerce have to go on his knees to Mr. Shultz to get some statistics published, which, by statute, under section 484(e) of the Tariff Act, are under the legal jurisdiction of the Secretary of the Treasury, the Secretary of Commerce, and the Chairman of the Tariff Commission. After having received the approval of the President, why does an interagency committee have the authority to thwart the President's will on a matter he has already approved. I applaud Secretary Stans for his efforts to correct his Department's misleading statistics and for getting the President's support. It is unfortunate that an interagency committee can thwart the President's will.

To assist the Secretary and the President I intend to do what is in my power to make sure that the foreign trade statistics presented to the American people paint an accurate picture of where we stand in foreign trade. To this end, Mr. President, I am introducing a bill which had been approved last year by the Finance Committee as part of the Trade Act of 1970, which would by statute direct the publication of the statistics which the President's bureaucracy refuses to publish, even after the President has instructed and directed that they be published.

I ask unanimous consent to have printed in the RECORD the correspondence between Mr. Shultz and Mr. Stans on this subject, which tells an incredible tale of how the nameless and faceless bureaucrats are able to thwart the will of the President of the United States, and also a news report from the Journal of Commerce describing the affair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 30, 1970.

MEMBERS OF INTERAGENCY COMMITTEE ON FOREIGN TRADE STATISTICS—NOTICE OF MEETING

Time: *Monday, January 11, 1971, 2:30 p.m.*

Place: *Room 10104,* New Executive Office Building.

Subjects to be considered:

1. Proposal by Department of Commerce on the reporting of Merchandise Export and Import Data presented in attached memorandum, December 17, 1970, from the Secretary of Commerce to the Director, Office of Management and Budget.

Reference to related data currently published:

FT 990 (Census September, 1970), Special Announcements section, p. III, data on c.i.f. values of imports, and federally assisted exports.

Survey of Current Business, Table 4 of quarterly balance of payments articles published in issue dated last month of each quarter.

2. Plans of Census Bureau to update factors used to estimate low-value shipments for which Shippers' Export Declarations are not required.

PAUL F. KRUEGER,
Chairman, Interagency Committee on Foreign Trade Statistics.

THE SECRETARY OF COMMERCE,
Washington, D.C., December 17, 1970.

Memorandum for: The Honorable George P. Shultz, Director, Office of Management and Budget.

Subject: Reporting Merchandise Export and Import Data.

In response to a request from the Senate Finance Committee, I am hereby proposing that the Department of Commerce report monthly and annual merchandise export and import totals on a new basis, as well as continuing the present basis of reporting. The new series to be reported are total "commercial" exports and total "CIF" imports.

I discussed this proposal with the President, and he directed me to implement it.

We plan to derive the monthly "commercial" export total by deducting from the present total export value: (1) actual military-grant-aid shipments, (2) the estimated value of exports financed under Public Law 480 and (3) the estimated value of exports financed by the Agency for International Development under the Foreign Assistance Act. These two estimated values would be provided by the Department of Agriculture and the Agency for International Development, respectively.

At present, AID compiles data semi-annually on exports financed under the Foreign Assistance Act and makes them available only after a considerable time lag. Agriculture prepares quarterly figures on exports financed under the P.L. 480 program, with a lag of about three months. As the compiling agencies, AID and Agriculture should be requested to make the up-to-date monthly estimates that will be necessary to adjust exports to the new basis. These estimates will be needed by the Foreign Trade Division of the Bureau of the Census no later than three weeks after the end of each month. In addition to these estimates, both agencies should be requested to develop more current actual data on these shipments.

In making this adjustment, we have not deducted exports financed by Export-Import Bank loans, because these exports are almost always sold in regular commercial transactions and because the loans are usually short-term. In brief, despite financing aid, these exports are in every sense of the word "commercial."

The current monthly c.i.f. import totals would be calculated by applying to the regular total import value the estimated c.i.f. factor for the most recent calendar year covered by the annual sample survey of c.i.f. import values. (The latest sample survey of c.i.f. import values covered transactions for 1968. C.i.f. values for the sample items were found to be 6.3% higher than the values for the same items as reflected in the regular Census import statistics. A sample study of the 1969 import transactions is now underway and should be completed within the next few months.)

Corresponding data for both imports and exports are being prepared on an annual basis for prior years back to 1947. For exports this will involve deducting actual shipments recorded under Lend-Lease, UNRRA, the Department of Army Civilian Supply, Incentive Materials, and International Refugee Organization Programs and military-grant-aid, as well as the estimated value of exports financed under P.L. 480 and by the Agency for International Development and its predecessor agencies.

For imports, the estimated annual c.i.f. totals will be calculated by adjusting the regular import total as follows:

(1) The 1968 and 1969 total import values will be multiplied by 1.063, the c.i.f. factor estimated from the 1968 import transactions.

(2) The 1967 import total will be multiplied by 1.069, the c.i.f. factor estimated from 1967 transactions.

(3) The import totals for 1947 through 1966 will be multiplied by 1.083, the c.i.f. factor estimated from 1966 transactions. (1966 was the first year for which a sample survey was made of c.i.f. import values.)

Obviously, there are shortcomings in this way of developing "commercial" export and c.i.f. import data. Aside from the acute timing problem, however, it would seem that the costs and difficulties involved in attempting to obtain precise data would far outweigh any improvement in their usefulness.

Our proposed procedure and timing for the new trade data are as follows:

1. The Assistant Secretary of Commerce for Economic Affairs will issue a monthly release containing total merchandise exports on the present basis and on the new basis, showing the trade balance on each basis and giving equal prominence to the trade balance on each basis.

2. The data on the new basis will be prepared by the Foreign Trade Division of the Bureau of the Census, as are the data on the present basis.

3. The issuance of the data on the new basis will begin at the end of January 1971, when data for December 1970 and for the entire year 1970 are first available.

4. The Bureau of the Census will continue to issue detailed monthly data on exports and imports but will not calculate a trade balance.

MAURICE H. STANS,
Secretary of Commerce.

Hon. MAURICE H. STANS,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: We have given careful consideration to your memorandum proposing the publication of a new trade balance. The proposal, presented to our Interagency Committee on Foreign Trade Statistics, was that a monthly balance be calculated by subtracting imports c.i.f. from non-Government assisted exports. A great majority of participants expressed the view that it would be inadvisable for both statistical and conceptual reasons to calculate and publish prominently such a series on a regular basis. My staff supports this view, and I concur in their judgment.

With regard to the calculation of imports c.i.f., a significant part of these charges is paid to U.S. firms and therefore does not represent an international payment. Furthermore, insurance and freight are properly classified under services, not trade. Hence, c.i.f. charges cannot be legitimately considered part of the import side of the trade balance. In this connection, it should be noted that last November the British, and only weeks ago the French announced the discontinuance of the balance figures they have been publishing based on c.i.f. valued imports. Their published commodity balances will now be based on f.o.b. values, with freight and insurance being reflected in the services portion of the balance of payments accounts.

Insofar as exports are concerned, the proposal to subtract those which are federally assisted implies that if this assistance had not been available our total exports would be correspondingly less. While there would be some reduction in exports, this implication is incorrect. The proposal also ignores the favorable impact on the balance of payments which occurs when the dollar balances are repaid. In our view, the trade balance should pressure the net transfer of real goods irrespective of the sources of financing.

Annual estimates of imports c.i.f. are published by the Census Bureau for major commodity groups and for major exporting countries. Those data are useful in analysing landed prices of foreign goods and after taking account of tariffs, the import component of the supply of goods to domestic markets. The techniques involving these annual compilations cannot, however, legitimately be used to prepare similar figures monthly.

While we cannot agree with the proposal to publish monthly this additional set of exports and import figures, and the balance derived from this comparison, we do see ways in which you could improve the presentation of trade statistics that fit into your approach, and we would encourage you to proceed along these lines.

Like you, we recognize limitations in the monthly trade balance data now published by the Department of Commerce. We understand that work is now being done in the Department on the preparation of a new monthly balance, following balance of payments concepts, with a view to publication later this year. The definition underlying this balance is generally recognized as the best for balance of payments analyses and trade policy considerations, and is accepted for these purposes in international forums.

When this new balance becomes available, it would be desirable to consider substituting it for the monthly balance now published based on Census data.

Your efforts in this direction would be strengthened by improvement and expansion in data collection in order to provide better information both for the work referred to above and for other analytical uses. For example, consideration should be given to improving the quality of valuation data now being collected. More frequent information on transportation and insurance costs associated also be useful.

Finally, it would probably contribute to better public understanding of the international trade situation if you would undertake a more comprehensive compilation of foreign trade data which would include some information of the type contained in your proposal. I would think that a presentation could be developed which, with analysis and interpretation, would be more effective and useful than either the routine monthly publication envisaged in your proposal, or the present publication of quarterly data on Federally assisted exports and annual data on c.i.f. valued imports. In addition to periodic publication in articles, you and your staff could use such data in speeches and other public statements.

Members of my staff will be glad to assist in the development of these alternative approaches.

Sincerely,

GEORGE P. SHULTZ,
Director.

NIXON VOTES NEW WAY TO REPORT TRADE BALANCE

(By Richard Lawrence)

WASHINGTON, April 25.—President Nixon reportedly has approved a new way of reporting the U.S. trade balance—it would show the country as scoring deficits rather than surpluses—but top aides are balking.

They are said to fear that the new procedure would only serve protectionist causes.

The issue is basically whether the U.S. should report its monthly foreign trade position the way most other nations report theirs by counting imports on a c.i.f. (cost insurance freight) basis.

The U.S. tabulates its imports in a way much closer to an f.o.b. basis, where only the value of the product in the country of export is counted. Freight and insurance charges are excluded.

The difference is that U.S. imports probably total 6 per cent more using c.i.f. statistics. Last year, for example, the U.S. would have just missed a trade deficit, had the c.i.f. standard been used.

Instead, the Commerce Department reported that last year the U.S. reaped a $2.7 billion surplus.

For more than four years, the Senate Finance Committee and particularly its chairman, Sen. Russell Long, D-La., has been urging the executive branch to report the c.i.f. import totals, for a better comparison with the trade balances of other major nations.

The committee is not asking that the present import tabulating system be scrapped. It only wants the c.i.f. data to be also reported monthly by the Commerce Department.

It further suggests that the department separate foreign shipments from the U.S. export total. That way, it says, a more "realistic picture of our true competitive position" may be had.

By deducting foreign aid exports, while reporting imports on a c.i.f. basis, the U.S. trade balance these days would be deep in deficit.

The Commerce Department, for a long time reluctant to carry out the committee's urgings, now is willing to do so. Meanwhile, it has been printing c.i.f. estimates and foreign aid exports in an obscure quarterly statistical publication, as a gesture to the senators.

The department's change of attitude appears to stem from the committee's continuing demand for the monthly data and the department's own growing concern about rising imports.

In a recent letter to Committee Chairman Long, Commerce Secretary Maurice Stans said he had raised the issue with President Nixon and that the President had agreed to the committee's request.

NO ACTION TAKEN

But no action has since been taken, and none seems imminent. The reason, insiders say, is that Budget Director George Shultz is resisting a procedure that would put the already shaky U.S. trade position in a worse light.

The Budget Office is involved since collecting the additional c.i.f. data probably would mean additional customs expenses.

The Senate Finance Committee, however, is likely to take matters into its own hands, if the administration keeps refusing to act. Last year, it appended to the trade bill a requirement that the Commerce Department report c.i.f. imports and separate foreign aid exports.

The trade bill died, but the committee may tie the requirement onto another measure this year. The full Senate can be expected to approve, and there seems to be a good chance that the House would then go along to force the administration to report what many say is the "real" American trade balance.

Mr. LONG. I also ask unanimous consent to include in the RECORD a statement I made on this subject on September 17, 1970, together with materials submitted at that time. This should put into perspective in one place in the RECORD a full explanation of the fraudulent and misleading trade statistics which have been sold to the U.S. public.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICIAL MISSTATEMENTS ABOUT OUR REAL FOREIGN TRADE POSITION

Mr. LONG. Mr. President, the International Monetary Fund has recently issued a report warning against the consequences of prolonged U.S. balance-of-payments deficits. We have been running deficits in our balance of payments in every year since 1950 with the exceptions of 1957 and 1967.

For the first half of 1970 the balance-of-payments deficit, under the traditional basis of measurement, was running at an annual rate of $6 billion. On another basis of measurement—the so-called official settlement method—the balance-of-payments deficit for the first half of this year was running at an annual rate of $9 billion.

One of the major problems we face in searching for solutions to our balance-of-payments problem is misleading information on our balance of trade.

The Department of Commerce has recently issued monthly trade statistics which have been widely reported by the press as showing "a booming surplus" of exports over imports, "running at an annual rate of more than $5 billion" for June and July. It has been suggested that this so-called surplus indicates that the country would be better off without the major trade legislation awaiting House action that would impose mandatory import quotas on textiles and shoes, and facilitate import limitations on other products. To cite 2 months' statistics as evidence of a basic reversal in our trade position is grasping at straws. It is a classic example of how misleading facts create erroneous conclusions.

The Department of Commerce statistics give a false impression that this country enjoys a highly favorable balance of trade when, in fact, if our trade balance were accurately tabulated, it would show an unfavorable balance of trade.

For too long the public has been misled into believing that we have a "favorable balance of trade." The proponents of our "one way free trade philosophy" have argued that our trade negotiations have been an unmitigated success since they have resulted in a "favorable balance of trade." Even our negotiators have put themselves at a disadvantage by using our misleading statistics and providing their negotiating counterparts with the ammunition to destroy our negotiating position. All the foreign negotiator has to do is read back the statements of our negotiators about how favorable our trade picture is, and how if we do anything here to protect our industries, they—the foreigners—will retaliate, and our negotiating position is destroyed. If you read back to a man his own words it is hard for him to repudiate the thought behind them.

So here are our own negotiators using misleading trade statistics, misleading Congress, misleading the American public, misleading the world, and defeating their own objectives in representing American interests.

All foreign countries have to do is read back to them their own false statements which they make. Those false statements are picked up and published in the New York Times, which is probably the only American newspaper that diplomats in foreign governments usually read, and they cannot understand why the United States is trying to save some domestic interests, when our national policy requires it.

In past years—during the first half of the sixties—our misleading statistics indicated that our balance of trade was in surplus by $5 to $7 billion. In more recent years, since 1967, this so-called surplus has dwindled to a rate of about $1 billion. So, even under the most rosy method of calculation, the balance of trade has deteriorated sharply over the last 4 or 5 years.

But, Mr. President, this is not the whole story. Those official figures belie the fact that our balance of trade was never as favorable as the official figures would suggest, and that we have a large net deficit on commercial exports and imports.

Under the traditional methods of calculating our trade balance, our exports include foreign aid giveaways which do not earn a penny of foreign exchange for the United States. When we give wheat or corn away to India, for example, the farmer receives his money from the U.S. Government, not from the Indian Government. The American taxpayer pays for the wheat, not the Indian Government. As far as our balance of trade is concerned, we just as well might be dumping it into the ocean. In fact, we would save money, because we would save the ocean freight.

On the import side of the equation we do not include the cost of insurance and freight in computing imports, even though most other countries in the world, the United Nations, and the International Monetary Fund calculate imports on a c.i.f. basis. The Tariff Commission has done some calculations showing that if you computed our imports, on the same basis that most other countries compute their imports, it would increase our import value by 10 percent.

So, Mr. President, if we deduct the foreign giveaways from our exports and calculate our imports the same way that most foreign countries do, instead of having a $1.4 billion balance-of-trade surplus—last year—in 1969, we would have about $4.4 billion balance-of-trade deficit. In other words, the statistics overstate our position by more than $5 billion.

Let us look at what has happened in 1970. Our exports are reported to total $24.9 billion for the period January through July. If we subtract the foreign aid giveaways, the net figure would be about $23.4 billion. Our imports, f.o.b., were running at $22.9 billion and, if we add the c.i.f. factor of 10 percent, this would increase to $25.2 billion, leaving us with a net unfavorable balance of trade of $2.3 billion. So, what is widely reported in the press as "a booming surplus" actually turns out to be a blooming deficit.

Let us look at the July data which is being widely circulated as evidence that we do not need the major trade legislation just about to pass the House. The Department of Commerce statistics show exports of $3,683 million and imports of $3,242 million for a net "surplus" of $441 million. Some analysts multiply this by 12 and say we are running a surplus of over $5 billion.

Now let us see what happens if we revise these misleading figures. Take out the foreign aid giveaways and our exports drop some $200 million to $3,483 million; add the c.i.f. factor and our import bill for July increase by some $324 million to some $3,566 million, leaving us with a net deficit of $83 million for July. If we then multiplied that by 12 we could say our balance of trade is running in deficit by $996 million. Not a $5 billion annualized surplus, Mr. President, a $996 million annualized deficit for that month on that basis of calculation; and that is the best month so far this year.

I am not going to elaborate on the fact that what has been hailed as a big export surplus in June or July, occurred at a time of domestic recession, growing unemployment, and huge balance-of-payments deficits. If we need a domestic recession to create a phony trade surplus is that any cause for rejoicing about our competitive position? It is suffice to say that the trade statistics currently published are a misleading indicator of the competitive position of this country in world markets and they should be changed to more accurately reflect our true competitive position.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which shows how completely misleading are the figures offered by the American negotiators to their own Government.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

BALANCE OF TRADE, 1960-69

[In billions of dollars]

	Total exports (1)	Less Government financed exports (2)	Commercial exports (3)=(1)−(2)	Total imports f.o.b. (4)	Estimated imports c.i.f. [1] (5)	Overall balance (6)=(1)−(4)	Commercial balance (7)=(3)−(5)
1969	37.4	2.2	35.2	36.0	39.6	+1.4	−4.4
1968	33.0	2.9	30.1	32.0	35.2	+1.0	−5.1
1967	39.9	2.8	28.1	26.8	29.5	+4.1	−1.4
1966	29.4	2.7	26.7	25.6	28.2	+3.8	−1.5
1965	26.7	2.6	24.1	21.4	23.5	+5.3	+0.6
1964	25.7	2.8	22.9	18.7	20.6	+7.0	+2.3
1963	22.4	2.6	19.8	17.1	18.6	+5.3	+1.2
1962	21.0	2.1	18.9	16.4	18.0	+4.6	+0.9
1961	20.2	1.7	18.5	14.5	16.0	+5.7	+2.5
1960	19.6	1.6	18.0	14.7	16.2	+4.9	+1.8

[1] Imports including the cost of insurance and freight.

Source: Survey of Current Business.

Mr. LONG. I ask unanimous consent that another chart, showing the July trade figures before and after adjustment and also a statement of the American Federation of Labor, which has changed its position on foreign trade because it has been forced to conclude that what I am saying here is right, as well as for other reasons that are equally cogent, be printed in the RECORD at this point.

There being no objection, the chart and the statement were ordered to be printed in the RECORD, as follows:

July trade data

[Dollars in millions]

Traditional method of measurement:	
Exports	$3,683
Imports	3,242
Balance	+441
Revised methods of calculation:	
Exports [1]	3,483
Imports [2]	3,566
Balance	−83

[1] Government-financed exports estimated at $200 million ($95 million P.L. 480; $105 million AID).

[2] Imports calculated on c.i.f. by Tariff Commission +IMF (10 percent difference).

THE EXPORT OF AMERICAN JOBS

(By Andrew J. Biemiller)

The United States position in world trade deteriorated in the 1960s, with adverse impacts on American workers, communities and industries. The deterioration continues in the 1970s, with further displacement of U.S. production and loss of American jobs.

The basic causes are major changes in world economic relationships during the past 25 years, which accelerated in the 1960s. Among these changes are the spread of government-managed national economies, the internationalization of technology, the skyrocketing rise of investments of U.S. companies in foreign subsidiaries and the mushrooming growth of the U.S.-based multi-national corporations.

U.S. government policies and doctrines, which were developed to meet world economic conditions of the 1930s and 1940s, are utterly unrealistic today. Moreover they contribute to undermining the U.S. economic position in the world. Their continuation in the 1970s spells further losses for U.S. production and employment.

Solution cannot await additional long-range studies. Action must start now. Workers, whose jobs are at stake—from a rising tide of imports, frequently produced with modern technology at wages 50%–90% below U.S. levels—must not be told to wait another year or two or three for the findings of yet another study, while the displacement of U.S. production and export of American job accelerates.

Changes in world economic relationships have made two old concepts—"free trade" and "protectionism"—outdated and increasingly irrelevant. U.S. government policy must face up squarely to the increasing export of American technology and jobs by U.S. companies for their own private advantage. U.S. government policy must also face up to the reality that foreign governments directly and indirectly bar imports from the U.S., while they spur exports to the huge American market.

A thorough revision of U.S. government posture and policies, in the related areas of international trade and investment, is required. The AFL–CIO urges this committee to initiate the legislation needed to enable America to meet the economic realities of the world of the 1970s—for the orderly expansion of world trade, on a reciprocal basis, and the improvement of the U.S. trade position in the interest of the American people.

The U.S. ranks first among nations in world trade. But this rating is essentially based on the huge size of the American economy. In terms of the share of world trade, the U.S. position has been declining throughout the post-World War II period. This decline continued even after the war-ravaged economies of other industrial nations returned to world markets, and it continues at a more rapid rate today.

While U.S. exports continued to increase—although at a much slower pace than that of most other industrial countries—imports also rose throughout the past 25 years. In most of the latter 1960, imports rose much faster than exports. Imports also increased faster than their share of the total national output of goods (excluding services and structures)—from 5.8% in 1960 to approximately 8% in 1969. For many specific industries and products, the impact is much greater than 8%.

Since imports rose much faster than exports during most of the latter 1960s, the reported merchandise trade surplus dropped from about $5 billion in the early 1960s and $7.1 billion in 1964 to $800 million in 1968 and $1.3 billion in 1969. If government-financed AID and PL 480 shipments are excluded from the reported volume of merchandise exports, the U.S. had trade deficits in both 1968 and 1969.

The U.S. trade position has been worsening in composition, as well as volume, with imports of manufactured goods—parts and components, as well as finished products—rising most rapidly.

By 1968 and 1969, the U.S. had become a net importer of steel, autos, trucks and parts, as well as such products as clothing, footwear and glass. A flood of shoe imports absorbed the entire expansion of U.S. domestic shoe sales in the 1960s. Even in electrical and non-electrical machinery, exports increased less rapidly than imports, with clear signs of danger for the period ahead. In consumer electrical products, imports took over major parts of the U.S. market in recent years.

From 1960 to 1969, exports of manufactured goods doubled. But imports of such goods tripled. Imports of finished manufactured goods rose from about 35% of all imports in 1961 to over half of all imports in 1969. In the latter year, when imports generally rose about 8.7%, imports of finished manufactured goods soared 18%.

During the 1960s, the expansion of manufactured exports was strongest in products which are based on advanced technology, such as computers, jet aircraft, control instruments and some organic chemicals. Such industries are generally capital-intensive, with relatively few production and maintenance workers for each dollar of production

The expansion of exports of most products was hampered by barriers of foreign governments by the sharply increasing operations of foreign subsidiaries and other foreign affiliates of U.S. companies.

Detailed information on the job impact of imports is not available. There are some jobs involved in the transportation and distribution of imports. However, there are job losses due to imports that compete with U.S.-made products. Moreover, the labor-intensive nature of much of the great import-expansion of the 1960s has caused significant losses of job opportunities, particularly for semi-skilled and unskilled production workers—at a time when such job opportunities were sorely needed. And the shift of imports to relatively sophisticated products has also caused the loss of skilled industrial jobs.

An indication of the deterioration of the U.S. trade position and related job-losses can be found in the substantial change in the competitive nature of imports. In the 1950s, according to foreign trade experts, only about 30%–40% of imports were considered competitive with U.S.-made products. By 1966, according to a report by Secretary Shultz to the Joint Economic Committee of Congress, about 74% of the much greater volume of imports were "nearly competitive with domestic products." About 13% of imports in 1966, were products not produced in the U.S. and another 13% were goods "produced in the U.S. but in short supply," according to Secretary Shultz. Between the 1950s and the latter 1960s, the total volume of imports increased sharply and competitive imports, as a share of the rapidly rising total volume, approximately doubled.

Temporary factors in the 1960s can explain only part of the deterioration of the U.S. trade position. The rising price level in the U.S. since 1965 and the boom of business investment in new plants and machines undoubtedly contributed to the sharp rise of imports and the deterioration of the U.S. position.

But there are basic, underlying causes of the deterioration of the U.S. trade position. Temporary factors—the rising U.S. price level, the business investment boom and the Vietnam war—merely aggravated them.

The Chase-Manhattan Bank Newsletter for June 1969 predicted a further slippage of the U.S. share of world trade by 1973. Moreover, it predicts a slower rise of exports of "technologically advanced products," while imports of such products are expected to continue to increase rather rapidly. "Thus," states the bank newsletter, "prospects for an improved U.S. trade balance remain dim."

NEW DEVELOPMENTS IN THE 1950'S

Among the major changes in world economic relationships during the past 25 years, which accelerated in the 1960s, have been the following:

1. By the latter 1950s, the war-shattered economies of Germany, Japan, etc., were revived, with newly installed plant and equipment and increasing strength in world trade. Some effects of such American-aided revival of the war-ravaged economies on the U.S. trade position were to be expected. But these effects have not stabilized. The U.S. share of world exports of manufactured goods continued to decline in both the 1950s and 1960s.

However, the desired revival of these war-ravaged economies, in itself, can hardly be the reason for the deterioration of the U.S. position.

2. In the 1960s, another development was the emergence of trading blocs, such as the European Common Market, with its inward-looking, protectionist tendencies.

The Common Market countries have greatly expanded their world trade. As a bloc, the Common Market is now the world's greatest exporter. Yet these Common Market countries maintain barriers to U.S. exports and many of these barriers have been imposed in the past 10 years—despite U.S.-aided economic revival and increasing prowess in world trade.

These major trading nations have not significantly readjusted their trade arrangements—after achieving great export strength—to provide equitable, two-way arrangements with the U.S.

3. In the past 25 years, there has been the spread of managed national economies—with varying degrees of government management, regulation and control over economic activities, including foreign trade and investment. The U.S. is now confronted by complex governmental economic arrangements in other countries to spur exports (direct and indirect subsidies, etc.) and to bar or hold down imports (direct and indirect barriers). Examples include numerous Japanese quotas on imports, the German border tax and the Mexican border problem.

The Federal Reserve Bulletin of April 1968 reported that "some goods in which the U.S. competitive advantage is large are not freely admitted to some foreign markets. They are subject to quotas, usually stringent health and technical standards, equalization levels and other special import taxes, marketing ageements, and mixing requirements whereby stipulated amounts of local products must be used. Such restrictions have limited U.S. exports of wheat and other grains, tobacco, poultry and some agricultural products; and also coal and a wide range of manufactured products, including computers, autos, heavy electrical equipment, drugs and fabrics."

4. The internationalization of technology has been reducing or eliminating the former U.S. productivity lead in many industries and product lines.

In many products, the lead in technology and productivity, which enabled high-wage U.S. industries to compete successfully in world markets, even against low-wage competition, has been reduced or eliminated.

Deputy Undersecretary of Labor George Hildebrand explained to the National Foreign Trade Council's Labor Affairs Committee in September 1969: "It has often been assumed that high U.S. wages and better working conditions were largely offset by high U.S. productivity and a strong internal market. Increasingly, however, the spread of skills and technology, licensing arrangements and heavy investment in new and efficient facilities in foreign lands have all served to increase foreign productivity without comparable increases in wages."

Much of the U.S. technology, which has rapidly skipped over national boundary lines, has been developed with U.S. government expenditures, at the expense of American taxpayers.

5. The sharp rise of foreign investments of U.S. firms in foreign subsidiaries—accompanied by licensing arrangements, patent agreements, joint ventures, etc., of U.S. companies with foreign firms—has contributed substantially to the internationalization of technology and its deteriorating effects on the U.S. trade position.

It is estimated that in the past 25 years, U.S. firms established about 8,000 foreign subsidiaries, mostly in manufacturing.

Direct investments of U.S. firms in foreign subsidiaries, plants and other facilities soared from $3.8 billion in 1960 to $10.6 billion in 1969 and an estimated $12.7 billion in 1970—partly financed by outflows of U.S. capital, partly by plowed-back profits and depreciation of foreign subsidiaries and partly by foreign-raised capital. The outflows of private U.S. capital that have financed part of these soaring investments have been a major factor in U.S. balance of payments problems.

Foreign subsidiaries of U.S. firms and foreign companies using U.S. license, patents, etc. with U.S. technology—and, thereby, with productivity levels that are close to those in similar U.S. plants—can take maximum advantage of lower wage- and fringe-benefit costs and produce goods at lower unit costs. Many such foreign subsidiary plants operating with American technology and know-how, pay workers as little as 15 cents an hour.

This development has displaced U.S. production. It has meant the export of American jobs to subsidiary plants of American companies in foreign countries. It has resulted in the loss of exports to third-country markets. It has meant a growing tide of imports from foreign subsidiaries into the U.S. American workers have been the losers.

6. The rapid spread of U.S.-based multi-national corporations—firms with plants, offices, sales agencies, licensing arrangements, etc., in as many as 40 or more countries—is a new factor of growing importance in the deteriorating U.S. position in world trade. They can manipulate the location of operations, depending on labor costs, taxes and foreign exchange rates. They can juggle exports, imports, prices, dividends, from one country to another within the same corporate structure.

Multi-national companies attempt to use a systems approach to global production, distribution and sales. With plants and other facilities spread through numerous countries, multinational firms can and do juggle the production of components and assembly operations, license and patent agreements, distribution and shipping and sales arrangements to maximize the gains of the firm. What finally shows up as U.S. exports and imports is, to an increasing degree, the result of intra-corporate decisions, made by the private managers of U.S.-based international companies for the private advantage of the firm.

A multi-national corporation can produce components in widely separated plants in Korea, Taiwan and the U.S. assemble the product in a plant in Mexico and sell the goods in the U.S.—with a U.S.-brand name.

Moreover, when such goods are sold in the American market, they are sold at American prices. So the American worker loses his job and the American consumer pays the same price or close to it. The beneficiaries are the U.S.-based multi-national companies.

The fact that other nations have high, and often prohibitive, barriers to U.S. exports, while the U.S. is a relatively open market for industrial goods, means that U.S.-based multi-national companies can have relatively free rein both abroad and at home, while U.S. workers' jobs, incomes and communities pay the price. No wonder that spokesmen for multi-national corporations usually advocate a free trade policy for the U.S.—freedom to manipulate operations, prices, sales profits, etc., and to ship back whatever they wish, for sale in the U.S. market—for the benefit of the managers and stockholders of the corporation, regardless of adverse impacts on American workers, communities and the nation.

The claims of multi-national corporations that foreign investments always help to boost U.S. exports is not true. A study by the Department of Commerce, reported in the Survey of Current Business, May 1969, stated: "The great majority of U.S. parent companies (and) of foreign affiliates contributed very little of U.S. export trade. This suggests that foreign direct investments by U.S. corporations do not necessarily contribute to the export trade of these corporations."

In fact the operations of foreign subsidiaries often substitute for U.S. exports—to the countries of the subsidiary operations and to third-country markets, with impacts on job opportunities. For example, the Commerce Department reports that in chemicals, non-electrical and electrical machinery—which account for about one-half of U.S. manufactured exports—foreign subsidiaries of U.S. firms exported $1.9 billion in 1965 to third countries, amounting to about one-fifth of all such exports from the U.S.

Moreover, foreign subsidiary operations result in increased imports into the U.S.—frequently displacing U.S. production and employment. In April 1969 Commerce Department report on foreign trade states: "The increase in imports of manufacturing has resulted in part from the establishment of plants by U.S. firms in low-wage countries to produce for the U.S. market, as in the case of TV picture tubes and clothing. Precise data are not available to develop this observation fully." The report also declares: "Technology is rapidly diffused among advanced countries. European and Japanese manufacturers are penetrating the American market even in the most advanced product areas where we have been exporting technology. The more rapid rate of increase of imports than exports implies a larger problem in future years. Some of these imports will come from foreign subsidiaries of affiliates of U.S. firms."

The growth of multi-national companies, in the 1960s, has been accompanied by the rapid expansion of international banking—much of it by U.S.-based banks. The London Economist of November 15, 1969, stated: "It is without precedent that banks should have joined forces across national frontiers to establish multi-national institutions with their own separate identities."

These international banks have been servicing and helping to finance the multi-national companies. They move money back and forth across national boundary lines "beyond the effective reach of the national monetary policies of any country," as the London Economist points out.

U.S.-based multi-national banks have succeeded, increasingly, in moving beyond the effects of U.S. monetary policy, just as U.S.-based multi-national companies have succeeded in juggling production, distribution and sales across national frontiers, with different laws, customs, taxes, living standards and currencies.

The spreading operations of U.S.-based multi-national companies are an important factor in both the surge of manufactured imports into the U.S. and the absolute slowdown or the slowing rise of U.S. exports in many product-lines.

Foreign trade experts are particularly concerned about the near-future impacts of foreign subsidiaries of U.S.-based multi-national corporations on exports and imports of such major commodities as chemicals, non-electrical machinery (including engines, office and metal-working machinery, construction and factory equipment) and electrical products (including generators, power machinery, motors, TV, radios, household equipment and control instruments).

These multi-nationals now account for about one-half of U.S. exports. About 25% are direct transactions between the parent and subsidiaries. Probably another 25% involve the multi-nationals and their other business relations—licensees, foreign patent holders, foreign joint ventures, etc.

A similar or larger percentage of imports is also intra-corporate—involving the transactions of U.S.-based multi-national firms with their subsidiaries and other business arrangements.

These closed-system, intra-corporate transactions are hardly competitive. They are not trade. And "foreign" is hardly the word for them.

The U.S.-based multi-nationals have substantially affected the volume and composition of U.S. exports—through competition with U.S.-produced goods in third-country markets, as well as in the country of the subsidiary. They have greatly affected the volume and composition of imports into the U.S.

At the same time, a large percentage of U.S. exports is affected by the management of foreign trade by foreign governments—direct and indirect subsidies for exports and barriers to imports.

Therefore, most U.S. foreign trade has little to do with what most people consider competition. Text book theories of foreign trade—and government policies based on such theories—are increasingly irrelevant in the real world of trade and investment in 1970.

THE IMPACT OF U.S. TRADE DETERIORATION ON WORKERS

The deterioration of the U.S. foreign trade position has obvious impacts on jobs, on collective bargaining strength of unions, on wages and labor standards in adversely affected industries.

Precise statistics on the job loss of imports are not available and estimates of the job impact of exports are only rough guesses that are clouded by the increasing complexity of trade patterns.

Unfortunately, foreign trade experts usually show little interest and even less knowledge about the employment impacts of developments in foreign trade.

One rough indication of job losses was Secretary Shultz's estimate, presented to the Joint Economic Committee of Congress, that "about 1.8 million jobs in 1966 would have been required in the U.S. to produce the equivalent value" of the 74% of imports into the U.S. that were competitive with U.S.-made products.

Secretary Shultz brought these figures up to date in his statement to this committee last week, when he said: "In 1969, if we had attempted to produce domestically goods equivalent in value to such imports, the Bureau of Labor Statistics has estimated that we would have needed 2.5 million additional workers. . . ."

These rough estimates indicate the loss of approximately 700,000 American jobs in the three years 1966–69, as a result of the rising tide of imports that compete with U.S.-made products.

Secretary Shultz's estimates omitted the additional job losses due to the sales of foreign subsidiaries in foreign countries, in competition with the U.S.-made products. Anything like a full picture of the job-impact of foreign trade developments is lacking.

The fact of increasing job losses is clear. And recent changes in the composition of exports and imports have been a special burden on semi-skilled and unskilled production workers in an increasing number of industries and product lines.

The loss of job opportunities has occurred at a time of urgently-needed unskilled and semi-skilled production jobs, as well as skilled industrial jobs, in the U.S. labor force, which is growing about 1.5 million persons each year. These are the blue-collar jobs that are being affected by spreading layoffs and production cutbacks.

Production and maintenance workers are being forced to bear most of the burden of the deterioration of the U.S. position in foreign trade. There are the same non-supervisory workers—including skilled employes—who bear most of the heavy burden of the Administration policy of severe economic restraint, as well as the impact of radical and rapid technological change.

Two months ago, for example, The Wall Street Journal provided an illustration. It reported that Zenith Radio Corporation had said it would "reduce its work force by about 3,000 jobs this year, and more than one-third of those laid off will be blacks." The chairman, Joseph S. Wright, said that, in addition to the 3,000 layoffs this year, probably another 4,000 layoffs will occur in 1971.

Why? Because Zenith is building a giant new plant in Taiwan.

The increasing export of American jobs threatens to undermine domestic living standards and the growth of consumer markets at home. When an American corporation exports American jobs, it weakens a part of its potential market. Zenith won't be selling many of its products in Taiwan. It will be paying wages as little as 15 cents an hour so none of Zenith's workers in Taiwan will be able to afford them. And, of course, the workers Zenith lays off here—black and white alike—won't be able to buy them either.

Another story, in the New York Times of May 12, 1970, reported from South Korea, about a Motorola plant, outside of Seoul: "Because labor is less expensive in Korea, production costs are one-tenth those of a similar plant in Phoenix."

The report stated: "George A. Needham, representative director of the Motorola Company's electronic component assembly plant on the outskirts of Seoul, told visitors to the bright, modern factory that total production costs in Korea were one-tenth of costs for similar production at Motorola's plant in Phoenix, Arizona.

"He also noted that it took two weeks less time to train Korean girls to assemble semiconductors and transistors than to teach American girls the same job.

" 'The girls here are more motivated,' explained Mr. Needham. 'Life is tough in this country. These people really need this work.' "

Although this account did not report the wage levels in the Motorola plant, it noted that wages in a nearby plywood plant ranged from $32 to $48 a month, for six-day weeks of 10 to 11 hours of work per day.

There have been other adverse impacts on workers, as well as job losses. Imports are sometimes encouraged as a supposed "discipline" on prices. Often, the American consumer benefits not at all—the imports are sold at the American price. Or, frequently, the price differential to the customer is small and the profit margin to the business widens. The "discipline" is usually most effectively directed to the labor cost—to the workers' collective bargaining strength and their ability to negotiate improved wages and fringe benefits. For example, in 1967 and 1968, the copper imports of major corporations contributed to delaying achievement of a settlement of the strike of U.S. copper workers.

The adverse impacts of the deterioration of the U.S. position in foreign trade are much tougher and more direct on workers than on capital or top-management officials Capital is mobile—investments can be moved out of an unprofitable business to other industries, companies and countries. Owners and top-management are more mobile than workers. In contrast, workers have great stakes in their jobs and their communities—skills that are related to the job or industry, seniority and seniority-related benefits, investment in a home, a stake in the neighborhood, schools and church.

NEW POLICIES FOR THE 1970'S

In the setting of world economic realities, in 1970, there is an urgent need for immediate action to thoroughly revise government policies affecting international trade and investment.

The choice is not between free trade and protectionist theories. Free, competitive trade relations hardly exist any longer in this world of managed national economics and the large-scale operations of foreign subsidiaries of U.S. companies. It is neither possible for the American economy to hide behind high tariff walls nor to pretend that free, competitive trade relations are possible.

There is a need to: (1) move ahead rapidly for an orderly expansion of world trade, with U.S. considerations as the starting point for U.S. policy and posture, based on the premise that trade is a complex network of interrelationships and (2) establish trade and investment policies to deal with the foreign investments and operations of U.S. companies and banks.

U.S. government measures are required:

1. To stop helping and subsidizing U.S. companies in setting up and operating foreign subsidies—to repeal Section 807 and similar provisions of the Tariff Code, for example, and to repeal the tax provision which permits the deferral of U.S. taxes on the income of U.S. companies from their foreign subsidiaries.
2. To supervise and curb the substantial outflows of American companies for investment in foreign operations.
3. To develop regulations covering U.S.-based multi-national companies.
4. To press, in appropriate international agencies, for the establishment of international fair labor standards in world trade.
5. As a stop-gap in the face of growing unresolved problems, to regulate the flow of imports into the U.S. of a variety of goods and product-lines, in which sharply rising imports are displacing significant percentages of U.S. production and employment in such markets.

Orderly marketing

The need for guarding against a sharp inrush of imports of any product or component—to prevent adverse impacts on American workers, communities, firms or industries—has become crucial.

The existing escape clause mechanism is woefully inadequate, as experience has unfortunately proven. Even a much-needed, improved escape clause, in itself, is not sufficient to guard against the harmful effects of a rising tide of imports on American workers and the disruption of domestic markets.

The AFL–CIO, therefore, supports the general approach of the Orderly Marketing bill, H.R. 9912, introduced by Congressman James A. Burke of Massachusetts, to stem the tide of imports through the imposition of quotas on imports of a product or component, whenever a significant share of the U.S. market in such a product or component is threatened. International agreements to accomplish this purpose would supersede the imposition of import limitations, but quotas would be established for imports from countries that are not party to the agreements.

This approach provides for the orderly marketing of articles imported into the U.S., as well as a flexible basis for allowing foreign-produced products to enjoy a fair share of the growth of the U.S. market in the product or component.

In the Trade Expansion Act of 1962, Congress recognized the concept of orderly marketing in Section 352, Which provides for international agreements on such import limitations. But this provision has not worked.

The AFL–CIO urges the Committee to adopt legislation along the lines of the Orderly Marketing bill.

The escape clause

The Escape Clause, under Title III of the Trade Expansion Act of 1962, has not worked satisfactorily.

Both the Administration bill (H.R. 14870) and the bill introduced by the Chairman of this Committee (H.R. 16920) recognize the need to remove the requirement to find a causal relationship between a tariff concession and the injury that results from imports. Thus, both bills would remove the burdensome, technical impediments to finding injury from imports.

However, these two bills differ on whether the imports are a "primary cause" of injury, as in the Administration bill, or a "substantial cause," as in Chairman Mills' bill. We believe that the Chairman's bill provides a more realistic test and we support it. Our concern is that imports be recognized as a cause of injury.

Both bills propose changes that affect the government's authority to reduce duties, in compensation for an Escape-Clause action. We believe that the 20% request of the Administration is too great and support the proposal of H.R. 16920, as more in line with the AFL–CIO request that this authority should be "minimal."

However, the most important cause of injury is the displacement of U.S. production and export of American jobs, while the Escape Clause deals with injury from imports. We suggest, therefore, that the relationship of injury to a decline in U.S. production be fitted into the Escape Clause and other adjustment assistance provisions.

Unfair foreign restrictions

The Administration has requested that the Congress strengthen the government's ability to act, when unfair trade barriers in foreign countries are applied to manufactured goods from the U.S.

The AFL–CIO believes that such authority is contained in the 1962 Act. But it has not been operative for manufactured goods. Therefore, we urge the Congress to clarify its intent on this.

Adjustment assistance

The AFL–CIO has consistently advocated the concept of adjustment assistance. The AFL–CIO hailed the adjustment assistance provision in the Trade Expansion Act of 1962. But due to a rigid interpretation of the Tariff Commission, this provision has been of little value. Between 1962 and 1969, there were only three findings of injury to workers; in 1970, there have been three more.

While the AFL–CIO continues to support the necessity of workable and effective adjustment assistance, we believe that it is merely a supplement to the needed, meaningful legislation on international trade and investment. Adjustment assistance is most decidedly not a substitute for such legislation. Those workers, adversely affected by trade-problems, who can be retrained and helped to relocate, most certainly should have adjustment assistance. Those whose jobs have been lost through injury from imports should most certainly receive benefits. But the basic core of U.S. trade and investment policies should be aimed primarily at preventing such job losses, with adjustment assistance is a cushion for those few workers who are, nevertheless, adversely affected.

Therefore, the AFL–CIO supports the Administration's proposals for a workable adjustment assistance policy, which would provide for findings of injury by the President, with the Tariff Commission supplying factual information.

Item 807 and similar provisions of the tariff schedules

The AFL–CIO urges immediate adoption of H.R. 14188, introduced by Chairman Wilbur Mills, to repeal Item 807 of the Tariff Schedules. We also urge repeal of Item 806.30, which is a similar provision of the Tariff Schedules.

In introducing H.R. 14188 to delete Item 807 from the Tariff Schedules, Chairman Mills declared on October 3, 1969, that "item 807.00 is being exploited in a manner not originally anticipated by the Congress. If operations under it continue to expand and its use is adopted by other industries, the result will be loss of many jobs. While there may be meaningful economic operations being conducted under this provision, I am convinced that in many instances, it is being misused in some industries. Therefore, I feel the provision should be repealed until such time as the government can develop new language and assure that the operations under such a provision are economically viable and contribute to rather than damage the wellbeing of the U.S. labor force."

The AFL–CIO agrees with the Chairman of this Committee. Item 807 should be repealed. And the similar item in the Tariff Schedules, 806.30, should also be repealed.

Both Items 806.30 and 807 provide reduced U.S. tariff duties on imports which contain U.S.-produced components and which have been assembled or processed abroad. The U.S. tariff duty is applied effectively to merely the value added in foreign assembly or processing—often, to merely the very low wages of workers in the foreign operations. Under 807, the advantage to the firm is two-fold. There is a substantial advantage from the utilization of American equipment and know-how in foreign assembly operations, usually combined with wages and fringe benefits that are 50% to 90% less than in the U.S., and frequently accompanied by lower taxes in the foreign country. Item 807 adds to this a reduced-tariff subsidy.

Item 807 is one small loophole in the trade and investment structure for the advantage of U.S.-based multi-national companies. It operates as a lubricant for the growing export of U.S. capital, which is a major factor in America's balance of payments difficulties. It provides financial encouragement of foreign production, by U.S. firms of goods that are sold in the U.S. market. It is a factor in the deterioration of both the volume and composition of the U.S. trade balance.

Like many tax loopholes, 807 and similar provisions tend to grow. Reported imports under 807 shot up from $577 million in 1965 to $1.6 billion in 1969. Moreover, these figures may well be understated, since multi-national firms can juggle their prices in intra-corporate transactions, for the benefit of the firm.

In addition, even the so-called U.S.-produced component, under 807, may not be what it appears. Such component may be an imported item, processed in the U.S. and assembled abroad, for shipment back to the U.S. under 807.

From 1967 to 1969, when reported 807 imports rose 77%, overall U.S. imports of all commodities increased 33.8%. Thus 807 imports are growing at double the rate of overall U.S. imports.

The expansion of 807 operations has been phenomenally rapid since 1967, in countries like Mexico, Taiwan, other countries in the Far East as well as the lowest-wage areas of this hemisphere. Reported imports, under 807, from Mexico alone soared from $3.1 million in 1965 and $19.2 million in 1967 to $145.2 million in 1969.

The operations of U.S. firms in foreign countries, with the utilization of this provision, have led to the export of one hundred thousand or more American jobs between 1967 and 1969.

At home, the U.S. government is engaging in numerous efforts to train unemployed workers for low-skilled jobs—jobs that are now disappearing, due to recent and current economic developments. But 807 provides firms with a federal subsidy to export such assembly and production jobs for the advantage of some companies and to the detriment of the American labor force, including the most disadvantaged. Thus, while the Executive Branch has been examining the issue in these past few years, and while the National Alliance of Businessmen has been training, with federal subsidies, a small portion of the disadvantaged unemployed for jobs in U.S. plants, many companies, including NAB members, have used the encouragement of 807 to export jobs to low-wage foreign subsidiaries.

The issue of 807 involved tariff savings to the companies of approximately $24 million in 1968, which may have increased to about $30 million in 1969. Of the $1.6 billion in imports under 807 in 1969, all but $339 million were charged the duties appropriate for the imported items. Payment of the appropriate duties on the excluded $339 million would surely not break the companies involved, but it would eliminate this specific type of federal inducement for the displacement of U.S. production and employment by runaway operations to countries whose wage levels are as low as 15 cents an hour. Moreover, it would end this federal government inducement for the export of American jobs.

International fair labor standards

Labor organizations in various parts of the world, as well as the AFL–CIO in the U.S., have advocated the establishment of international fair labor standards. The development of such standards, through appropriate international channels, is essential to protect and advance living standards in the U.S. and in other nations, as well.

For years, there have been occasional discussions of this issue within the U.S. government and in international agencies. But there has been no follow-through and no action.

This issue has grown in importance, as multinational business has been expanding its search to produce goods in subsidiaries in low-wage countries for sale at high prices in the industrial nations, particularly, the U.S.—without regard for labor standards or consumers.

The report to the President, "Future United States Foreign Trade Policy," issued on January 14, 1969, states:

"The United States should bring for review and resolution under appropriate provisions of the GATT cases of exports to this country produced under what it believes to be clearly unfair labor standards. The United States should also seek, through the GATT and the ILO and possibly other international organizations, to develop international agreement upon a workable definition of fair labor standards and upon realistic means for their enforcement."

The AFL–CIO urges the Congress to direct the Executive Branch to press for the establishment of international fair labor standards, as one essential step toward the development of a rational and social responsible international trade and investment policy for the U.S. and all trading nations.

American selling price

The AFL–CIO is opposed to the Administration's proposed repeal of the American Selling Price.

The resolution on international trade, adopted by the AFL–CIO convention in October 1969, declared: "No tariff-cutting authority, beyond the authorization of the Trade Expansion Act of 1962 should be approved if there is any change of the methods of valuation of imports, such as the American Selling Price."

The Trade Expansion Act placed a 50% limit on tariff reductions. The Administration's proposed repeal of A.S.P., as negotiated, could result in considerably greater tariff cuts for affected products. Such action, therefore, would be unfair.

In conclusion, Mr. Chairman, we of the AFL–CIO are not isolationists and have no intention of becoming isolationists.

We support an orderly expansion of world trade. We oppose the promotion of private greed at public expense or the undercutting of United States wage and labor standards. We want expanded trade that expands employment at home and abroad and that improves living standards and working conditions, here and abroad.

No single action or one-shot panacea can meet the complex issues of world trade, foreign investments of United States companies and the operations of U.S.-based multi-national corporations.

A battery of realistic policies and measures must be adopted to meet the needs of the American people in world economic relations in the 1970s.

Practical, common-sense foreign trade and investment policies are needed that promote employment and achieve decent wages and working conditions—in the United States and in every nation with which we trade.

Mr. Long. I pointed out, Mr. President, that this country is faced with an unfortunate situation where bad figures lead to bad conclusions. The books are deliberately kept in an erroneous fashion, in my judgment, to justify an erroneous policy that is benefiting somebody, but it is not benefiting this Government.

Mr. LONG. Mr. President, let me sum up my remarks. This Nation has been pursuing trade policies which are indefensible. We maintain an open-door policy for foreign imports, while other countries work hand and glove with their industries, protecting them, and insuring their competitiveness.

The bureaucrats who created this indefensible policy, and have a vested interest in its perpetuation, do not identify themselves. They hide behind faceless and nameless editorial writers who heap scorn on Members of Congress who try to save American jobs for American workers. These editorial writers pour out insults and use fraudulent statistics published by the Commerce Department to support their nonsensical positions. Their case cannot stand the light of day. Yet one is unable to tell who they are or what their purpose might be.

Mr. President, in the past 10 years our balance of payments has been in deficit, measured on a liquidity basis, by $27 billion, as table 3 demonstrates, which I ask unanimous consent to have printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE 3.—U.S. BALANCE OF PAYMENTS, 1961–70

[In billions of dollars]

	1961–65 average	1966	1967	1968	1969	1970
Merchandise trade balance	5.4	3.9	3.9	.6	.6	2.2
Exports	23.0	29.4	30.7	33.6	36.5	42.0
Imports	−17.6	−25.5	−26.8	−33.0	−35.8	−39.9
Investment income balance	3.5	4.1	4.5	4.8	4.4	[1] 4.3
Receipts from U.S. investments abroad	4.9	6.3	6.9	7.7	8.8	[1] 9.6
Payments on foreign investments in United States	−1.3	−2.1	−2.4	−2.9	−4.5	[1] −5.3
Balance on other services	−2.5	−2.7	−3.2	−2.9	−3.1	[1] −3.1
Balance on goods and services	6.5	5.3	5.3	2.5	1.9	[1] 3.9
Unilateral transfers, excluding Government grants	−.8	−.9	−1.2	−1.1	−1.2	[1] −1.3
Balance on current account, excluding Government grants	5.7	4.4	4.0	1.4	.8	[1] 2.6
U.S. Government economic grants and credits [2]	−3.7	−3.9	−4.2	−4.2	−3.7	[1] −3.4
Balance on private direct investment	−2.2	−3.6	−2.9	−2.9	−2.2	[1] −3.8
Balance on securities transactions	−.8	.4	−.3	3.1	1.6	1.3
Balance on various other long-term capital transactions [3]	−.5	.6	.2	.9	.7	[1] .3
Balance on current and long-term capital accounts [4]	−1.4	−2.0	−3.1	−1.7	−2.8	[1] −3.3
Balance on various other capital transactions: Short-term, other than liquid liabilities; long-term bank liabilities to foreign official agencies; nonmarketable U.S. Government liabilities; unscheduled debt payments on U.S. Government credits; and Government sales of foreign obligations to foreigners		1.2	.6	2.3	−1.3	[1] .1
Errors and omissions	−.9	−.5	−1.1	−.5	−2.8	[1] −2.0
Allocation of special drawing rights						.9
Balance on liquidity basis	−2.3	−1.4	−3.5	.2	−7.0	−3.8
Less certain nonliquid liabilities to foreign official agencies	.1	.8	1.3	2.3	−1.0	.3
Plus liquid liabilities to private foreigners and international organizations	.7	2.4	1.5	3.8	8.7	−6.2
Balance on official settlements basis	−1.8	.3	−3.4	1.6	2.7	−9.8

[1] 1st 3 quarters of 1970 at a seasonally adjusted annual rate.

[2] Net of scheduled repayments.

[3] Excluding changes in long-term bank liabilities to foreign official agencies and in nonmarketable U.S. Government liabilities.

[4] One version of the so-called basic balance.

Note: Details will not necessarily add to totals due to rounding.

Source: Treasury Department.

Mr. LONG. Mr. President, no nation, however strong, can continue policies which place it in such heavy debt to foreign nations. The American people have been told that central banks and commercial banks in Europe are refusing to accept any more dollars or will accept them only at a discount. This could force a dollar devaluation with dire consequences for the international monetary system. If we do not correct the balance-of-payments deficits on our terms, they will correct it for us on their terms.

How can we correct our balance of payments and remove the albatross which hangs over the head of the international monetary system? We cannot do this by merely increasing exports. We must also take action to stem the tide of rising imports.

There are many ways of correcting a bad situation, but we simply cannot negotiate away our balance-of-payments deficits, or let "benign neglect" solve the problem. Our deficits are other countries' surpluses. They do not want us to solve our deficits in a way which will hurt them.

The Germans do not want us to solve our deficits by removing any American troops from Germany. The French and Italians do not want us to solve it by reducing our imports of wine and shoes. Nor do any countries wish to help us by reducing their protectionist policies which discourage U.S. exports to their markets. The Japanese and the Europeans have many more restrictions on imports from us than we do on imports from their countries.

Central bankers from these countries want us to raise interest rates so they can pick up more of the banking business. Well, that is a very unsatisfactory way to solve our international deficit situation, because it puts our domestic economy through the wringer and causes many economic and social problems for the American people.

We in the Congress are also somewhat schizophrenic on this issue. Members from New England want to solve the balance-of-payments problem by reducing footwear imports without concern for imports of other sensitive products. Members in textile States want to cut down textile imports. Oil States' representatives wish to cut down oil imports. There is no unified, consistent policy to deal with this problem.

But we must deal with it because the United States has adopted many policies around the world which cost us money; without a healthy trade surplus, we will not be able to pay for those policies. Otherwise some of those policies must be discontinued.

Multinational firms who argue against trade restrictions to protect their investments abroad and to insure a ready market for their exports to this country may soon find those investments nationalized and paid for by foreign governments with American dollars earned as a result of our deficits.

It is time for American people to know the truth about our international balance-of-trade and balance-of-payments positions and the consequences that will occur if we do not solve them on our terms.

The President wants to level with the American people on our sorry balance-of-trade situation, but his bureaucracy has prevented it.

The bureaucrats to whom I have made reference have cast their President in the image of a helpless giant, unable to even convey the truth to the public as much as he would like to do it.

An honest presentation of the facts to reflect the truth in an understandable manner is fundamental to a reshaping of outdated and misguided policies of trade and aid. If I have enough influence, the truth will be honestly presented.

By Mr. PROUTY (for himself, Mr. AIKEN, Mr. BROOKE, Mr. COTTON, Mr. KENNEDY, Mr. MCINTYRE, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, and Mr. WEICKER):

S. 1816. A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to authorize creation of the Northeastern Regional Oil Area. Referred to the Committee on Commerce and the Committee on Finance, jointly, by unanimous consent.

NEW ENGLAND STATES FUEL OIL ACT OF 1971

Mr. PROUTY. Mr. President, on behalf of myself and Senators AIKEN, BROOKE, COTTON, MCINTYRE, MUSKIE, PASTORE, PELL, RIBICOFF, and WEICKER, I introduce, for appropriate reference, the New England States Fuel Oil Act of 1971. This act has three major purposes: First, to provide for free importation of No. 2 home heating oil into the New England States; second, to eliminate the tariff on all oil product imports into the United States; and third, to direct the Secretary of State to begin negotiations for creation of a Northeast Regional Oil Area, encompassing the six New England States and eastern Canada.

Mr. President, I ask unanimous consent that this bill be referred jointly to the Committee on Commerce and the Committee on Finance. Also, Mr. President, I ask unanimous consent that the text and explanation of this bill be printed at the conclusion of my statement.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. PROUTY. Mr. President, the New England State Fuel Oil Act is designed to deal with a problem critical and unique to the New England area—the low supply and high price of home heating oil. I say unique because New England is the only area of the country that consumes more No. 2 heating oil than gasoline; it is the only area where more than 70 percent of the total homes are heated by oil. It is also the only major oil consuming area without refining capacity and imports to equal the demand.

Th problem is critical to our area because we have experienced a chronic shortage and threat of a shortage every winter—except the last one—for the past 5 years. Fortunately, in 1970–71 the combination of favorable weather early in the heating season and the modest import expansion program announced by President Nixon last June, assured that there were sufficient stocks on hand to meet the home heating oil demand.

However, Mr. President, the current No. 2 fuel oil import program for the Northeastern States, involving 40,000 barrels a day, is not sufficient. It is a good beginning, but more must be done. Unfortunately, the current oil import program for district I has one very bad feature, in that it forces independent marketers to purchase their oil from Western Hemisphere refineries running on Western Hemisphere crude oil. This compels the independents to buy from ESSO and Shell, their competitors in the New England market, who control over two-thirds of the Caribbean refining capacity.

The major oil companies in the United States holding import licenses enjoy the privilege of importing oil for their east coast refineries from any place in the world, but New England independent businessmen do not enjoy the same privilege and thus our homeowners cannot enjoy the benefits of lower cost oil available from Eastern Hemisphere refineries.

The critical nature of the No. 2 fuel oil problem was underscored last week by the announcement by Humble Oil Co. the domestic marketing affiliate Standard Oil of New Jersey that it would raise in stages the wholesale price of the product from their Caribbean refinery, by 1.3 cents per gallon by January 1, 1972, all along the east coast. As I pointed out in my speech on last Wednesday, this will mean at least $60 million in added fuel bills for the homeowners of New England alone. And these added costs mean added profits for the Humble Oil Co. at a time when its parent, Standard Oil Co. of New Jersey, is enjoying record profits.

Mr. President, we are in a very difficult situation in New England and the bill I am introducing is designed to solve it.

The basic principle of this bill is that the New England area can and must be treated as a separate oil district. There is, of course, precedent for treating sections of our country in different ways under the current oil import program. As many Members of the Senate know, the import program in effect on the west coast, district V, is different from the import program in effect east of the Rocky Mountains. Since the west coast is a crude oil deficit area the refiners there are allowed to import substantial quantities of foreign crude oil to make up the deficit.

My bill recognizes that the New England States are also an oil deficit area without refineries or crude oil sources. It allows free importation of the most critical product—No. 2 home heating oil—into this area. Title I of the New England States Fuel Oil Act of 1971 completely decontrols all imports of this product into our six States. As I have indicated, in the case of the west coast being a deficit area, this is consistent with the current oil import program.

I am sure that critics will immediately raise the issue of foreign dependence and the experience of the Northeastern States with residual oil, that is No. 6 fuel oil, in recent years. We in New England have been told by some in recent months that we made a mistake in seeking decontrol of No. 6 oil and that we are paying for this mistake through higher prices and shortages of the product.

Mr. President, this is nonsense, and I am surprised that high officials of the Government and the major oil companies have even seen fit to raise it. The facts clearly refute their argument. In the first place, residual fuel oil prices in the Middle West, districts II, III, and IV, have risen as high or even higher than east coast, district I, prices over the past year; and the import controls are fully in effect on residual oil in the Middle West. This proves that there is no relationship between decontrol and high prices, the prices have doubled on No. 6 oil in areas where there are controls and in areas where there are no controls.

As for the argument relating to undependable and lack of supplies from overseas, it should be pointed out that foreign refineries supplied 300,000 barrels a day of additional No. 6 fuel oil this past winter to meet the high demands of the east coast. This was a commendable performance, and the American companies who own most of the refineries overseas are to be congratulated for providing these additional supplies; but imagine if import controls had prevented us from tapping these supplies. Thus, it seems ridiculous to claim that our dependence on foreign sources of oil was a handicap because it was foreign sources that enabled us to get through the winter without a shortage of residual fuel oil. Yet a shortage would have certainly occurred had we depended on American refineries alone for supplies of No. 6 oil.

In sum, I see no danger or problems arising in decontrolling No. 2 fuel oil in New England, in fact, I see substantial advantages in terms of supply and prices. That is our unique problem. It might be noted that, despite recent price increases, the cost of No. 2 fuel oil in Eastern Canada is still 1½ to 2 cents less per gallon than in New England. If we could lower the price of home heating oil in New England by 2 cents per gallon it would mean savings of $90 million to $100 million per year to the consumer of No. 2 fuel oil in New England.

Title II of the bill I am introducing today removes the tariff on all imports of oil throughout the United States. The tariff amounts to only one-fourth of 1 cent per gallon and this cannot, of course, mean major savings to the American consumer; but it is a step in the right direction.

Mr. President, I think it is clear to anyone who looks at the problem of petroleum prices that the oil import quota program is exacting an exhorbitantly high price from the captive consumer. Title II would eliminate the tariff on the oil products which are already controlled by the import quota program. The oil tariff extracts approximately $85 million a year from the consumer. Although some might say that this is not a significant sum of money, I believe it is too much when added to the already artificially high price for petroleum products.

Two reasons are normally given for imposing an import restriction system on a particular commodity. An import restriction system is imposed to, first, limit the importation of a commodity or, second, to raise revenue.

Within the petroleum industry, the quota system places absolute limits on the number of barrels of foreign oil which can be imported into the country during any 1 year.

It is the second reason expressed for imposing an import restriction system—that is to raise revenue—which I am seeking to amend with title II.

Mr. President, approximately 71 percent of the $85 million raised by the tariff is paid directly or indirectly by residents of district I in the oil import program. That is, 71 percent of this tariff is paid by an area which contains only 38 percent of the population in our country. Some Senators might say that those who use the imported oil products should bear the burden of this tariff. The tariff represents an unjust tax endured by the consumer on a product which faces no competition and an industry which takes advantage of its position with artificially inflated prices.

Thus, the rationale expressed for this double taxation is highly questionable. The problem of foreign oil flooding the market is controlled by the quota system. The revenue raised by this tariff is borne in unfair proportions by a small segment of the population. The amount raised by this tariff is insignificant to the Federal Treasury.

I might add that this title would not eliminate the tariff placed on petroleum products from Communist countries. I seek only to remove the tariffs from countries covered under column 1 of the U.S. Tariff Schedule.

Thus, I can see no rational reason for the existence of a tariff schedule on top of the already functioning quota system.

The third title of the New England States Fuel Oil Act of 1971 authorizes and directs the Secretary of State to enter into negotiations with Canada for establishment of a "Northeast Regional Oil Area." This area would consist of Eastern Canada and the New England States and there would be free trade in petroleum products between the two. I hope that these negotiations would eventually lead to complete removal of all import barriers between our two countries, since it makes no sense to have any barriers to oil imports. If Canada can play a significant role in the defense planning of our Nation now, then there is no security justification for not developing her crude oil sources and refining capacity to the fullest and for not making that oil and that refining capacity available for the American market.

If we can depend on Alaska as a source of petroleum for the west coast, we can certainly depend on Eastern Canada as a source of petroleum product for the east coast.

I would hope that the introduction of this bill will result in immediate initiation of talks regarding creation of the Northeast Regional Oil Area and to eventual full integration of the energy systems of the United States and Canada.

I realize that it will take time for Congress to consider this legislation. In the meantime, there are several steps which the President and the administrators of the oil import program can take to assure now that we will have an adequate supply of fuel oil at reasonable prices in the New England area next winter. I outlined these steps in my statement to the Senate last week and I hope that they will be put into effect immediately.

Mr. President, I intend to press for passage of this bill at the earliest possible time. It would be tragic if the 92d Congress does not make this measure a priority order of business.

EXHIBIT 1

S. 1816

A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to authorize creation of the Northeastern Regional Oil Area

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "New England States Fuel Oil Act of 1971".

TITLE I

SEC. 2. The Congress finds that—

(1) the availability of fuel oil for residential heating at reasonable prices should be assured throughout the United States;

(2) adequate supplies of home heating oil at reasonable prices are essential to the health, safety and economic development of the New England States;

(3) a major cause of the comparatively higher prices for home heating oil in the New England States is the limitation on imports of petroleum and petroleum products established by Presidential Proclamation 3279, as amended (the Oil Import Program);

(4) while reasonable limitation of imports of petroleum and some petroleum products is necessary to the national security, measures must be taken to assure an adequate supply at reasonable prices of home heating oil within the New England States;

(5) the special supply and demand relationships for petroleum and petroleum products existing in states along the West Coast have required creation of a separation import control system for that area (Petroleum Administration for Defense District V);

(6) the special supply and demand problems relating to home heating oil in the New England States requires creation of a separate import control system for that area.

SEC. 2. For the purpose of this Act—

(1) the term "home heating oil" means No. 2 fuel oil;

(2) the term "New England States" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

SEC. 3. After the effective date of this Act, no quantitative limitations under the authority of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. § 1862) or other import restrictions shall be imposed on the importation of home heating oil into the New England States.

TITLE II

Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1972 items 475.05, 475.10, 475.25, 475.30, 475.35, 475.40, 457.45, 475.55, 475.60, and 475.65 of the Tariff Schedules of the United States are each amended by striking out the matter in rate column numbered 1 and inserting in lieu thereof "Free".

TITLE III

SECTION 1. The Secretary of State is authorized and directed to enter into negotiations with the Government of Canada for establishment of a "Northeast Regional Oil Area" consisting of Eastern Canada and the New England States. The purpose of such negotiations is the elimination (within such area) of all restrictions on trade in petroleum and petroleum products between the United States and Canada to effectively provide finished petroleum products at a reasonable cost, consistent with the National security.

SEC. 2. Within twelve months of the effective date of this Act, the Secretary of State shall report to the Congress on the results of such negotiations and each year thereafter until such negotiations shall have been successfully completed.

EXHIBIT 2

EXPLANATION OF NEW ENGLAND STATES FUEL OIL ACT OF 1971

The purpose of the bill is to authorize the importation of No. 2 home heating oil, without regard to the existing quota system on petroleum products, for the purpose of residential heating in the New England States and to authorize the creation of a Northeast Regional Oil Area.

TITLE I

Title I would remove the restrictions on the import of No. 2 home heating oil (Presidential Proclamation 3279, as amended) which is the major cause of the higher prices of home heating fuel in New England. The title recognizes that reasonable limitation of imports of petroleum and products is necessary to national security. The present situation dictates that measures must be taken to insure that adequate supplies of No. 2 fuel oil are available at reasonable prices for the New England residential consumer.

The special circumstance of the supply and demand relationship that created a separate import control system for the West Coast of the United States also demand that the critical supply and demand relationship for No. 2 home heating oil in New England be recognized and relief granted.

TITLE II

Title II strikes the existing tariffs on petroleum products which are already limited by the Oil Import Program. The striking of the tariffs would save the consuming public an estimated $87 million based on 1969 figures for oil products imported into the United States.

TITLE III

Title III would direct the Secretary of State to undertake negotiations with the Government of Canada for the establishing of a "Northeastern Regional Oil Area" consisting of Eastern Canada and the New England States. If the negotiations proved fruitful this could lead to the decontrol of all petroleum products for New England and gain access to Eastern Canada's refinery capacity for the New England consuming market. The Secretary would report back to Congress within one year, and one year thereafter until the negotiations are successful.

By Mr. BYRD of West Virginia for Mr. ELLENDER:

S. 1817. A bill for the relief of Mato Cibilic. Referred to the Committee on the Judiciary.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to introduce, in behalf of the distinguished senior Senator from Louisiana (Mr. ELLENDER), a bill for the relief of Mato Cibilic.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

By Mr. BAKER (for himself and Mr. BROCK):

S. 1819. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs. Referred to the Committee on Government Operations.

Mr. BAKER. Mr. President, on January 2 of this year President Nixon signed into law the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646. The act represents a major step toward the fair and equitable treatment of individuals, families, and businesses displaced by federally assisted projects.

The act provides, in part, that the Federal Government will bear 100 percent of the first $25,000 of any single relocation payment paid under the act where the property acquisition or displacement occurs prior to July 1, 1972. It is estimated that there will be few single payments in excess of that amount. However, after July 1, 1972, State and local project agencies will be required to participate in the cost of relocation payments mandated under the new act to the same degree that they share in other project costs.

This is tantamount to revenue sharing in reverse. The fact that the Congress provided for full Federal assistance through fiscal year 1972 was an acknowledgment of the fact that State and local participation in these increased costs will impose a significant new financial burden on those agencies. I feel quite strongly that it is not a burden that should be imposed, whether in fiscal 1973 or at any time thereafter.

I have long advocated and now applaud the assistance required by the 1970 act. But I feel that having mandated this new assistance, the Federal Government should be prepared to bear its cost, not only through fiscal 1972 but indefinitely.

Therefore, I send to the desk, on behalf of Senator BROCK and myself, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and ask that it be appropriately referred. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1819

A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under Federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by striking out: "in the case of any real property acquisition or displacement occurring prior to July 1, 1972,".

(b) Section 211 (a) of such Act is amended by striking out: "on account of any acquisition or displacement occurring prior to July 1, 1972,".

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Tennessee (Mr. BROCK), I ask unanimous consent that a statement prepared by him in connection with the introduction of the bill (S. 1819) be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BROCK

I am pleased to join Tennessee's Senior Senator, Howard Baker, Jr., in introducing legislation which we believe will protect our now hard-pressed local governments from further undue financial stress as a result of a provision in the new Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, enacted January 2, of this year.

The Act applies to all activities involving the purchase of property and relocation of site occupants where Federal funds are involved. Among other things, the Act includes a section which provides that the Federal government, prior to July 1, 1972, bear up to $25,000 of the cost of any acquisition or displacement, and after that date the burden of a fully shared cost requirement will be shifted to local agencies.

While I support the overall intention of the law and feel that it is necessary to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms because of Federal interests, I believe this particular provision would create some very serious problems for the localities—urban renewal activities, for example, would be a tremendous strain—because the municipalities simply cannot afford the expense, even with the Federal Government sharing the cost. In my own State of Tennessee I know of several urban renewal projects where appraisals and cost estimates have already been completed, and the project cost was within the budget. However, this part of the act will increase the relocation payments to the point where continuation of these projects is doubtful.

Further, I believe this provision is contrary to the principle of revenue sharing, and instead of providing additional federal revenues to assist our local governments in meeting their needs, it will in fact increase their load.

Mr. President, I urge prompt attention to this legislation to delete altogether the compliance date of July 1, 1972.

By Mr. PACKWOOD:

S. 1820. A bill authorizing the Chief of Engineers to construct certain bank protection works along the Willamette River and its tributaries. Referred to the Committee on Public Works.

RIVERBANK PROTECTION ON THE WILLAMETTE RIVER

Mr. PACKWOOD. Mr. President, today I am introducing a bill to authorize $3 million to be appropriated for the Corps of Engineers to perform certain riverbank protection works in Oregon along the Willamette River and its tributaries.

For a good number of years the Corps of Engineers has been involved in work to protect agricultural lands and urban and suburban areas in Oregon from damage caused by riverbank erosion. This work has consisted of the construction of riverbank revetments, pile and timber bulkheads, drift barriers, and channel improvements. It was originally authorized by the Flood Control Acts of 1936, 1938, and 1950 which provided for specific local cooperation. However, the present authorization for the Corps of Engineers will expire with the work now planned for this summer.

Naturally this has caused great concern for many property owners throughout the Willamette Basin who are now threatened with serious damage to their land. Even at the present time, in several locations the riverbanks are caving in and the land is washing out at a very high rate. Further, many acres of good river bottom soil are being lost. In some areas, the situation is completely out of control.

As evidence of the critical need for congressional action in this area, I ask unanimous consent to have printed in the RECORD a letter and attached tabulations of erosion areas, I recently received from Col. Paul D. Triem, the Portland district engineer for the Corps of Engineers.

There being no objection, the letter and tabulations were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
PORTLAND DISTRICT
CORPS OF ENGINEERS,
Portland, Oreg., April 22, 1971.
Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: The following information concerning bank erosion along streams in the Willamette River Basin is furnished in response to a recent telephone inquiry by Mr. Paul Vandermyde of your office.

Although much bank protection work has been done, some 84 miles in place at 202 locations, severe erosion continues at many other locations. That condition arises from the fact that Willamette River and its tributaries still constitute a meandering stream system. Upstream from New Era, and in the downstream reaches of its major tributaries, streams flow at relatively high velocity through alluvial flood plains of easily erosible material. The riverbanks are composed of clays, silts, sands, and gravels which erode at different rates. Generally, less easily eroded materials lie at or near low-water elevations and maximum erosion conditions prevail only when the river is at or near bankfull stage.

A reconnaissance of the total river system made in 1967, in conjunction with the multiagency Willamette Basin study and report, disclosed that varying degrees of erosion still were occurring at 335 locations along approximately 110 miles of riverbank. Of that total, erosion at 27 locations extending along nearly 10 miles of riverbank was considered as severe, and at 125 locations with a length of approximately 39 miles, erosion was considered as medium in severity. Works to correct those and related problems are included in the comprehensive Willamette Basin plan, as developed by the multiagency study.

The total number of erosion areas existing in 1971 is not known, but probably approximates the 1967 total. While some work has been done since 1967, new erosion areas, or areas at which erosion has accelerated, have been reported by local interests this winter. A list of active and critical locations, to the extent now known, is enclosed for your information. Further, and more detailed, study by this office will be required as a basis for recommendations to the Congress for implementation of that portion of the multiagency plan. On that basis, from 6 to 10 years could elapse before any additional bank revetment could be provided.

Our procedures have been such as to insure that work has been done only at the most critical problem areas which qualify under the project authorization. Bank protection work must be accomplished during low water in the summer months. Thus, it has been necessary to select the locations to be protected, in each fiscal year and within the limit of annual appropriations, well in advance of the construction season. Locations to be protected have been selected from the list of known erosion areas, which has been reviewed annually and supplemented by aerial and ground inspections, including inspection of damage areas reported by local interests. Priority has been given to those locations at which damage or potential damage was greatest, where the work would be economically justified, and where local cooperation would be available. In that manner, advance engineering, design and plans and specifications, including furnishing of assurances and rights-of-way by local interests, have been consummated prior to invitation for bids in the early spring of each year.

Preconstruction planning for each critical location includes consideration of all bank protection required, on a "reach basis." That procedure permits review and evaluation of all active and potential bank erosion problems in the reach involved, and allows for coordinated planning for individual but interrelated elements of the overall project. Natural or manmade "hardpoints," such as rock ledges or existing revetments, delineate the reach limits and are determined by field reconnaissance and study of aerial photographs. Those portions of the riverbank along the outer periphery of curves in the channel in each reach have been considered as potential bank protection sites for determination of costs, benefits, economic status, and priority for construction of possible revetments for the reach.

In summary, we have constructed a substantial amount of bank revetment at critical erosion areas in Willamette River Basin. Nonetheless, there still is a severe need for additional bank protection work to prevent loss of or damage to lands and improvements and to stabilize the river channels. At present, however, the only authorization under which such work might be done will expire with the work now planned for the coming low-water season. Under those conditions and recognizing that, under normal procedures, possible new authorization to permit implementation of the multiagency plan cannot be expected pending completion of further studies, there will be a growing, increasingly severe, and unresolved bank erosion problem over the next several years.

We understand that the Willamette Basin Project Committee, acting in behalf of residents of the basin, is seeking Congressional action to bridge the time lapse until new Corps of Engineers recommendations might be available for Congressional action. Information available to us, as summarized in this letter, confirms the need for some such action. In view of the continuing changes in location and scope of individual erosion sites as discussed above, however, it is recommended that any action considered to extend the existing authorization, or to secure new authorization, be based on permitting flexibility of action to best serve the overall basin needs, rather than on providing revetment for specific erosion locations as now known to exist. In that manner, available funds could be utilized to continue to protect those critical areas which meet all of the conditions outlined above for selection of locations for annual accomplishment.

I will be pleased to furnish you any additional information you may require on this matter.

Sincerely yours,

PAUL D. TRIEM,
Colonel, Corps of Engineers District Engineer.

WILLAMETTE RIVER BASIN, OREG., BANK PROTECTION

[Active and critical erosion areas]

Location	River, mile	Bank	Length, feet	Estimated cost
Willamette River:				
Lucier D.L.C.	50.8	R	3,000	$190,000
Stoutenberg U/S Ext.	66.3	L	750	45,000
Pyburn D.L.C.	109.7	L	4,500	180,000
Cannon	137.3	R	1,800	110,000
Maple	150.9	R	2,500	200,000
Davidson	154.7	R	6,200	460,000
Foster U/S Ext.	158.1	L	1,730	95,000
Sawer Drift Barrier	166.4	R	1,000	40,000
Subtotal			21,480	1,320,000
Middle Fork Willamette River:				
Storman	13.1	L	3,000	110,000
Woodward	14.3	L	2,000	70,000
Kincaid	42.2	L	2,000	85,000
Subtotal			7,000	265,000
Coast Fork Willamette River: Lower Benter D/S Ext.	11.2	R	800	30,000
McKenzie River:				
Spencer	11.5	R	3,000	110,000
Burnum D/S Ext.	23.2	L	1,000	40,000
Milton	25.4	R	500	18,000
Merton	26.8	L	1,300	50,000
Subtotal			5,800	218,000
Santiam River: Tomasek U/S Ext.	5.1	R	1,600	75,000
South Santiam River:				
Milton	0.5	R	900	$33,000
Settle	11.7	L	2,600	110,000
Swink U/S Ext.	13.3	R	840	70,000
Landstrom D/S Ext.	19.0	L	1,000	44,000
Subtotal			5,340	257,000
North Santiam River:				
Holt	0.8	R	2,100	85,000
Knox	1.2	L	2,300	97,000
Greens Bridge	2.9	L	1,200	45,000
Stewart	6.6	L	1,200	42,000
Chamness	7.0	R	1,600	66,000
Subtotal			8,400	335,000
Molalla River:				
Location 2 D/S Ext.	5.0	L	800	30,000
Gribble	4.5	L	1,200	40,000
Woodcock	17.1	L	1,900	62,000
Russell	17.7	L	1,100	36,000
Subtotal			5,000	168,000
Clackamas River:				
Upper Semple Rd.	10.2	R	3,600	100,000
Lower Paradise Pk. D/S Ext.	18.8	R	1,000	33,000
Lower Paradise Pk. U/S Ext.	19.4	R	1,400	48,000
Subtotal			6,000	181,000
Grand total (33 locations)			61,420	2,849,000

Notes: 1. Locations tabulated based on 1967 reconnaissance, updated for locations constructed and other areas subsequently inspected. 2. Protection of any location would be based on relative need compared with all other critical locations; showing of economic justification; and assurances of local cooperation as required by section 3 of the 1936 Flood Control Act, as amended. 3. Recognition should be given to the fact that erosion may increase or decrease at the above locations and that new areas may develop and become more critical; thus, some of the works which could be done within the above total cost might be at locations other than those shown.

Mr. PACKWOOD. Mr. President, I think it is obvious from Colonel Triem's observations that we are faced with a very serious situation requiring immediate attention. In addition to hearing from Colonel Triem, I have also received letters from Mr. A. Warren Jones, the executive secretary for the Willamette Basin Project Committee in Salem, Oreg., Mr. O. E. Mikesell, secretary for the Linn County Willamette Basin Project Committee in Albany, Oreg., and Mr. Gerald T. McCarthy in Canby, Oreg. I ask that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WILLAMETTE BASIN PROJECT COMMITTEE,
Salem, Oreg., March 11, 1971.

Hon. BOB PACKWOOD,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: We have been informed by the Portland District office of the Corps of Engineers that the monetary authorization for bank protection works in the Willamette River Basin, under the basic authorization of the Flood Control Acts of 1938 and 1950 has expired. This has created great concern on the part of our Committee as well as landowners through the basin who are threatened with damages to their property, some of which could be quite substantial.

The Willamette Basin Task Force Report will show a need for the continuation of channel stabilization and bank protection works to prevent damages from natural runoff as well as releases from reservoirs.

The Task Force Report was to be completed July 1, 1969. There has been considerable slippage and it now appears that the report will be completed a short time before July 1, 1971. It will then have to go through the review process before it reaches the Congress for consideration. We were aware that this work would have to be reauthorized and were also aware of about the time that the monetary authorization would expire. If the Task Force Report had been completed in 1969 as planned, the Congress would now have the Report to act on which, if they agreed to the Report by the Task Force, would mean only about a year's delay in the continuation of this most needed work. It would appear now that we are talking about three to four years' delay which in some places could create a very critical situation.

We feel that the Corps will tell you that there are critical areas that need immediate attention and I am sure, based on past experience that if a delay of three or four years takes place, the damages in these areas will be substantial.

On behalf of the many people in the basin who are going to be confronted with this situation, we would request that you investigate the possibility of interim funding for those areas that are deemed to be critical by the Corps of Engineers. I am enclosing for your information our letter to the Portland District, Corps of Engineers; the reply of Colonel Paul D. Triem, District Engineer and the maps that will be contained in the Report of the Willamette Basin Task Force showing the areas needing attention.

This request is being presented to all members of the Oregon Congressional Delegation for the reason that the need for this work is found in all of the Congressional Districts.

We will be very happy to help in any way we can to assist you in your efforts to obtain this relief for the people of the basin who are facing these losses.

Sincerely,

A. WARREN JONES,
Executive Secretary.

ALBANY, OREG., *April 9, 1971.*

ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: Linn County property owners along the Willamette, Santiam, South Santiam, North Santiam, and Calapooia Rivers are seriously concerned over the fact that no funds are now available to the Corps of Engineers to do revetment work to control serious bank erosion.

Our Willamette Basin Project Committee understands that it will be some time before Congress has an opportunity to act upon the recommendations in the Willamette Basin Task Force report which contains recommendations concerning appropriations for revetments.

As this may be several years, our property owners are fearful that present erosion problems are going to become more and more serious and destroy acres of good river bottom soil.

These landowners do have Water Control Districts and District Improvement Companies, but do not have enough resources to construct and keep revetments in repair.

The Linn County Willamette Basin Project Committee is recommending that Congress work out a program whereby the Corps will receive funds to do revetment work between now and the time the Willamette Basin Task Force report is approved. This could perhaps be done by extending the present authorization of funds to let the Corps select the critical areas to be reveted.

Also, the committee wishes to voice their approval of Cascadia Dam on the South Santiam River. This dam is badly needed to complete the flood control complex on the South Santiam and Santiam Rivers.

Your support of these two projects will be greatly appreciated.

Very truly yours,

O. E. MIKESELL,
Secretary, Linn County Willamette Basin Project Committee.

CANBY, ORE.,
April 12, 1971.

Hon. Senator ROBERT PACKWOOD,
Bonneville Power Administration Building, Portland, Oreg.

DEAR SENATOR PACKWOOD: We have a situation that has developed on our place that is beyond our control!

We have a thirty-three acre ranch on the Molalla River. During the W.P.A. days the U.S. Government built a revetment to contain the river at flood stage on our place and it worked beautifully all these years keeping the flood damage to a negligible point. (Picture No. 1.)

About four years ago the Army Engineers built a revetment on the river about one or two miles above my place at Island Park, and every winter since that time the river has been straightening out—wiping out our property! (Picture No. 2.)

The river has deviated from the old channel but followed the old revetment in a gentle turn to the point where it now plows into the tail end of the revetment at a 90° angle. (Picture No. 3—Spring of 1971). It is washing out land at a high rate.

I have been taking pictures of it as it changes for a matter of record. The Army Engineers tell me they cannot do anything about it as they don't have the money or the authority to extend the revetment.

What can we do? We love our place very much and share it with the community during fishing and swimming season. We are not financially situated to fight the river. As you can see there will be nothing to stop it next winter and where it will go I can't guess, as the property below the revetment is relatively low country.

The Army Engineers saved property above us by the Island Park Revetment but at our expense. You can see from the pictures what is happening.

If you can help correct this situation many people will be appreciative.

Thank you for your kind consideration of this matter and would appreciate it if you could advise me of your findings.

Sincerely,

GERALD T. MCCARTHY.

Mr. PACKWOOD. Mr. President, I am hopeful that this measure will receive prompt and favorable action by the Senate Public Works Committee.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1820

A bill authorizing the Chief of Engineers to construct certain bank protection works along the Willamette River and its tributaries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive plan for the Willamette River Basin, approved by the Flood Control Act of June 28, 1938, as amended, and supplemented by subsequent acts of Congress, is hereby further amended to provide for the continuing construction of bank protection improvements at critical areas along the Willamette River and its tributaries. Locations to be selected and approved by the Chief of Engineers.

SEC. 2. In addition to previous authorizations for prosecution of projects in the Columbia River Basin, including the Willamette River Basin, there is hereby authorized to be appropriated the sum of $3,000,000 to carry out the provisions of this Act.

By Mr. MAGNUSON:

S. 1821. A bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce today a bill to amend the Federal Aviation Act, with respect to the transportation of Government traffic by civil air carriers of the United States.

Mr. President, the immediate need for this legislation arises from the announced intention of the Air Force to virtually abandon the use of civil air carriers for the transportation of international military cargo. The Air Force plan is contrary to the policy adopted by the Congress after careful consideration. It is adverse to the national interest. It is wasteful and uneconomic. It is unfair to the air carriers who have acquired aircraft and placed them in the Civil Air Reserve Fleet—CRAF—in reliance upon the congressional policy.

More than a decade ago, the Congress through various committee reports and legislative actions established a policy that the Department of Defense should make substantial use of civil carriers in peacetime for both passengers and cargo in order to stimulate the development of capacity to be available in emergencies. The Congress was more definitive with respect to passengers than with respect to cargo, establishing firm legal requirements as to passengers. While the policy with respect to cargo was also made clear, the Congress stopped short of firm legal requirements.

We have the benefit of actual experience during the 1960's to show the effectiveness of this policy of using civil air carriers for international military traffic in peacetime. After the policy was adopted in 1960, the carriers did acquire modern passenger and cargo equipment for the Civil Reserve Air Fleet program. Then an emergency arose in Southeast Asia for which this capability was used to meet requirements that the Air Force could not have met at all without the civil carriers. Thus, the policy was proved out.

The greatest benefit of the policy was that our country has needed defense capability that could not have been provided in any other way at any cost. But, beyond that, it obtained this capability, and the transportation performed by the civil carriers, at a cost many millions of dollars below what it would have cost the Air Force to provide the same capability and service with "organic" airlift had that been possible at all.

Notwithstanding the proven benefits of the policy with respect to the use of civil air carriers, the Air Force has been trying for several years to reverse the policy as to international military cargo. The Air Force apparently plans to move virtually all international cargo in peacetime on Military Airlift Command—MAC—aircraft, principally C–5's and C–141's. It appears that no funds are included in the Air Force budget for fiscal 1972 for movement of international cargo in civil carriers. This reversal of policy is being undertaken without congressional approval.

The Air Force plan is a mistake because—

First. It is a breach of an obligation to the civil air carriers. They have relied, and were entitled to rely, on the apparently established policy of using them for international cargo airlift. They have invested heavily in modern jet aircraft. The withdrawal of this business is a heavy financial blow to them. It comes at a particularly bad time because of softness in the civil air cargo market at present.

Second. It will discourage the civil carriers from procuring and maintaining the airlift capability which may be vitally necessary in wartime. Indeed, the confidence of the carriers has already been so badly shaken that nothing less than a statutory mandate to the Department of Defense can be expected to induce the necessary expenditures for the maintenance and further modernization of the air carriers' fleet which the national defense requires.

Third. It will result in wasteful and uneconomic expenditures. Through expenditures for substantial movements of international military cargo by the civil carriers in peacetime, the Department of Defense can furnish incentives for the civil carriers to provide cargo airlift capability to be available for emergencies at a cost to the Government many millions of dollars less than it would cost to provide an equivalent added cargo capability in MAC "organic" airlift and to accomplish the same international cargo movements with such added MAC airlift.

For these reasons, legislation is urgently needed at this time to establish a firm requirement that the Air Force adhere to the congressional policy that civil air carriers be given the primary role in peacetime movements of international military cargo of the kinds suitable for movement by such carriers.

At the same time, it would be desirable to reaffirm the congressional policy with respect to other types of Department of Defense air traffic and to set a policy with respect to certain other Government or Government-aided air traffic.

Mr. President, at this point I ask unanimous consent to have the bill and an explanation of it printed in the Record.

There being no objection, the bill and explanation were ordered to be printed in the Record, as follows:

S. 1821

A bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act, as amended, is amended by adding at the end of Title XI thereof the following new section:

"TRANSPORTATION OF GOVERNMENT TRAFFIC

"Sec. 1112(a) Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any property, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such property, the appropriate agency or agencies shall take such steps as may be necessary to assure that such property, whenever transported by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, shall to the fullest extent practicable be transported by air carriers holding certificates under Section 401 of this Act to the extent allowed by such certificates or by regulation or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act.

"(b) Whenever the Department of Defense moves persons or property by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States—

"(1) To the fullest extent practicable, such persons and property (except persons and property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or in the case of property because of limiting physical characteristics such as size or dangerous properties) shall be transported by air carriers participating in the civil reserve air fleet program and holding certificates under Section 401 of this Act to the extent allowed by such certificates or by regulation or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act.

"(2) As a minimum, at least 50 percent of the annual gross tonnage (measured in ton-miles) of all property moved by the Department of Defense by air between such places shall be transported by air carriers participating in such program and holding such certificates to the extent such carriers are available at such rates.

"(c) The provisions of this section may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense, declares that an emergency exists justifying a temporary waiver of the provisions of this section and so notifies the appropriate agencies and certificated air carriers.

"(d) Every department or agency having responsibility under this section shall administer its program with respect to this section under regulations issued by the Comptroller General of the United States. The Comptroller General of the United States shall review such administration and shall annually report to the Congress with respect thereto."

Provisions of the Bill

The bill would add a new Section 1112 to Title XI of the Federal Aviation Act.

Subsection (a) of the new Section 1112 establishes a policy with respect to the use of United States air carriers for international movement by air of property procured, furnished or financed by the United States. It is substantially similar to Section 901(b) of the Merchant Marine Act, 1936, as amended, which establishes a preference for United States-flag vessel with respect to at least 50 percent of the tonnage of cargoes procured, furnished or financed by the Government when transported on ocean vessels. Specifically, Subsection (a) in the present bill provides that whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any property, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such property, the appropriate agency or agencies shall take such steps as may be necessary to assure that such property, whenever transported by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, shall to the fullest extent practicable be transported by air carriers holding proper authorization from the Civil Aeronautics Board to the extent such carriers are available at rates established under the Federal Aviation Act.

Subsection (b) of the new Section 1112 establishes a policy with respect to the use of civil air carriers for international air movements of passengers and property by the Department of Defense. The general policy as set out in subparagraph (1) is that the civil air carriers holding proper authorization from the Civil Aeronautics Board shall be used to the fullest extent practicable for all DOD movements of persons or property by air between a place inside the United States and a place outside thereof or between two places both of which are outside the United States, to the extent such carriers are available at rates established under the Federal Aviation Act. An exception is made for persons and property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or in the case of property because of limiting physical characteristics such as size or dangerous properties. This is the so-called "hard-core" traffic.

Subparagraph (b)(2) establishes a specific rule for *international* movements of military *cargo*. While the general policy established in subparagraph (b)(2) should, if fairly and properly applied, result in substantially more than 75 percent of DOD international cargo moving by civil carriers, and while it is expected that it will have the result, nevertheless in view of the attitude of the Air Force on this subject, it seems necessary to establish a specific minimum which must be met in any case. Accordingly, Subparagraph (2) provides that as a minimum at least 75 percent of the annual gross tonnage (measured in ton-miles) of all property moved by the Department of Defense by air between a place in the United States and a place outside thereof, or between two places both of which are outside the United States, shall be transported by United States civil air carriers participating in the Civil Reserve Air Fleet program and holding certificates of public convenience and necessity under Section 401 of the Federal Aviation Act to the extent such carriers are available at rates established under such Act. No exception is provided with respect to "hard-core" cargo because the proportion of "hard-core" cargo is small enough to permit compliance with the 75 percent rule without any such exception. The term "property" as used in this subparagraph does not include mail.

Subsection (c) of the new Section 1112 provides that the provisions of this section may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense, declares that an emergency exists justifying a temporary waiver of the provisions of this section and so notifies the appropriate agencies and certificated air carriers. There is a similar provision in Section 901(b) of the Merchant Marine Act, 1936, as amended, applying to ocean shipping.

Subsection (d) of the new Section 1112 provides that every department or agency having responsibility under this section shall administer its program with respect to this section under regulations issued by the Comptroller General of the United States. The Comptroller General of the United States shall review such administration and shall annually report to the Congress with respect thereto. A similar provision applying with respect to ocean shipping was added last year to Section 901(b) of the Merchant Marine Act, 1936, except that in that case the regulations are to be issued by and the reports made by the Secretary of Commerce.

By Mr. MAGNUSON (by request):

S. 1822. A bill to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954, as amended, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954, as amended, and for other purposes.

I ask unanimous consent that a letter of transmittal be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., April 26, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes".

It is requested that this bill be referred to the appropriate committee for consideration; its enactment is recommended.

Two Protocols to the International Convention for the Northwest Atlantic Fisheries entered into force on December 19, 1969. The United States has ratified these Protocols. One provides for a new method for entry into force of regulations proposed by the International Commission for the Northwest Atlantic Fisheries, established by the Convention; the other grants authority to the Commission to propose regulations for international measures of control (enforcement) to ensure uniform application of the fisheries conservation regulations through joint action. These Protocols require amendments to the Northwest Atlantic Fisheries Act, which is the implementing legislation for the Convention. The proposed changes in the North Pacific Fisheries Act are consequent to the changes in the aforementioned Act. The bill also proposes measures to facilitate United States representation to the Commission and to similar international fisheries commissions.

The Protocol on entry into force of regulations was initiated by the United States, and is designed to expedite the procedure for adoption of regulations proposed by the Commission. Under the previous procedure, each government participating in the Panel for the Convention subarea to which a proposal applied had to take affirmative action to signify its approval thereof before a proposal could enter into force. There have been long delays in the entry into force of some Commission proposals, apparently in large measures because of inertia in taking the required action, particularly on the part of countries whose fishermen are little affected one way or the other by the proposal in question. Under the new procedure a government is deemed to have approved a proposal unless it objects within a specified period. Adequate safeguards are included to protect the rights and interests of the contracting governments and their fishermen. The aims of the Convention will be achieved more fully through this more expeditious system of bringing necessary conservation proposals into force. The procedure will also apply to proposals relating to joint enforcement which may be made under the other Protocol.

The Northwest Atlantic Fisheries Act requires both the Secretary of State and the Secretary of Commerce to take positive action to accept a proposal on the part of the United States. The proposed amendment would require the Secretary of State to take appropriate action, with the concurrence of the Secretary of Commerce wtih regard to such proposals. The United States has never rejected a proposal, and, in fact, among the fifteen member governments, only three proposals have been subject to objection. The United States would have six months in which to act. The Secretary of Commerce would be required to inform the Secretary of State within five months as to what action he considers appropriate with regard to such proposals and the Secretary of the Department in which the Coast Guard is operating would be required to similarly inform the Secretary of State with regard to proposals relating to national and international measures of control. The Protocol also provides for extended periods of objection if one party rejects the proposal during the six month period. The Secretaries would have a similar obligation to inform the Secretary of State within these periods concerning appropriate action in sufficient time to allow the Secretary of State to file an objection within the time allowed by the Protocol.

With regard to the latter provision of the Protocol, it may be that the United States would find a proposal acceptable but would not wish to be bound by it if another party objected to it and relieved itself of any obligation to give effect to the proposal. Under the Protocol a proposal becomes effective for all governments, except those which have presented objections, at the end of the objection period, unless a majority of the governments concerned have objection in which case all governments are relieved of any obligation to give effect to the proposal. In the latter circumstance, any of the governments may agree among themselves to give effect to the proposal, which is also provided for in the legislation.

Since a very significant proportion of the fisheries in the Convention area are conducted in waters off the coasts of the United States, it is in our interest to secure prompt acceptance of necessary conservation proposals. In the past, numerous proposals which were necessary or desirable from the standpoint of United States interests were unduly delayed by inaction on the part of one or more of the other parties to the Convention. Thus the changes in the Convention are very much in our interests; we believe that the proposed changes in the legislation is a reasonable method of implementing them on behalf of the United States.

The Protocol on measures of control expressly permits the Commission to make proposals related to national or international measures of control to ensure the application of the Convention and the conservation regulations adopted thereunder. At present, each contracting government is required to enforce the terms of the Convention and the regulations adopted thereunder with respect to its own nationals. The Protocols permits a supplemental system of international inspection or enforcement to be adopted under the terms of regulations proposed by the Commission and approved by member governments. This will permit more efficient and uniform enforcement of Commission regulations designed to conserve the stocks of fish in the Convention area in the North Atlantic, a significant part of which lies off the coasts of the United States.

Before proposing the Protocol to governments, the Commission discussed the question of enforcement at some length, and decided that enforcement of the Commission's regulations would be more uniform and efficient if some form of international inspection or enforcement system were adopted.

Consideration was given to amending the Convention to specify the form of international inspection or enforcement, as is done for example in the International North Pacific Fisheries Convention. It was concluded, however, that some flexibility would be preferable. Thus the Protocol authorizes the Commission to adopt such proposals without specifying their nature. Proposals will not enter into force until approved by the Contracting Parties under the procedure discussed above. Accordingly, it is not possible to be specific in the amendments to the Northwest Atlantic Fisheries Act concerning the international enforcement activities which may be undertaken by the United States with respect to foreign fishing vessels in the Convention area or by other parties with respect to American fishing vessels in the Convention area, as it is for example in the case of the North Pacific Fisheries Act where international enforcement procedures are spelled out in the Convention. Rather, it will be necessary to implement enforcement proposals which enter into force for the United States by regulation.

International enforcement has been discussed extensively with the concerned segments of the fishing industry in the Northwest Atlantic, and we have found them to be strong advocates of such a program. In view of the magnitude of the foreign fishing activities in the area, they consider it to be essential that American enforcement authorities have an opportunity to ensure that foreign fishermen adhere to the same strict standards that we require of the American fishermen. They realize full well that this can only be undertaken on a reciprocal basis.

The proposed amendments would empower the Secretary of the Department in which the Coast Guard is operating and the Secretary of Commerce, with the concurrence of the Secretary of State, to jointly issue the necessary regulations to implement the enforcement proposals which enter into force with respect to the United States and to cooperate with officials of other parties to the Convention in implementing such proposals. Proposed section 7(d) would give a legislative basis for foreign enforcement officers taking action with respect to American vessels pursuant to such proposals, within certain limitations which are specified in the section. Other limitations also might be specified in the Secretary's regulations and, of course, the proposals negotiated in the Commission with the participation of the United States, including industry advisors, might also contain limitations on such activities.

Proposed section 7(e) would give a legislative basis for American enforcement officers to take action with respect to foreign vessels pursuant to such proposals. The Northwest Atlantic Fisheries Act permits the Secretary of Commerce to designate officers of the States of the United States to enforce its provisions. International enforcement authority, however, would be limited to officers of the National Oceanic and Atmospheric Administration and the Coast Guard, since it is understood that other parties to the Convention believe that such activities will only be undertaken by National officers. Such officers may be directed to appear in foreign courts to assist in their proceedings if necessary when they have encountered a violation in the course of their international enforcement activities, according to proposed section 7(f).

Proposed section 9(c) would make it unlawful to prevent any duly authorized international inspector from boarding a vessel and making his inspection, or to interfere with his activities, conducted pursuant to an enforcement proposal effective for the United States. This is based on a provision of the North Pacific Fisheries Act. Proposed section 10(b) would provide penalties for violating this provision. Such a provision is essential to ensure that individual fishermen do not frustrate international enforcement procedures which are accepted by the United States, although we do not anticipate difficulties in this regard.

Section 12 of the North Pacific Fisheries Act incorporates in *haec verba* sections 7(a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act. Some of these sections would be amended in accordance with the above proposals. It is deemed desirable not to amend the Northwest Atlantic Fisheries Act with exceptions for the North Pacific Fisheries Act incorporated therein, but to insert the pertinent provisions in the North Pacific Fisheries Act itself, including those provisions of the Northwest Atlantic Fisheries Act applicable to it which are not being amended in order that the North Pacific Fisheries Act may stand alone with appropriate provisions for regulating its fisheries. The changes proposed do not amend the substance of the provisions of the Northwest Atlantic Fisheries Act which are incorporated in the North Pacific Fisheries Act in any way, although a few minor modifications of language are proposed to accommodate the changes in the language of the latter Act and to clarify the provisions relating to violation of court orders. Some renumbering of sections is proposed in order that the provisions may be incorporated in the most appropriate places.

Title III of the proposed legislation also suggests procedures for facilitating United States representation on the various international fisheries commissions. United States Commissioners are appointed by the President in accordance with implementing legislation, including the two Acts cited above. At times United States Commissioners may not be present at commission meetings for various reasons, including vacancies, illness, and other obligations during the periods involved. This is especially true with respect to meetings of committees of the various commissions, which may require technical representation. Other parties to these Conventions are generally represented at all meetings by commissioners, however, because they have a greater tendency to appoint technical commissioners and because they usually do not require presidential level action on appointments. Thus they may designate a commissioner for a single meeting. The proposed legislation would allow the Secretary of State to designate Alternate Commissioners to which it is entitled.

Such designations would be for the meeting in question only, and would be solely for the purpose of ensuring that the United States has appropriate representation at such meetings without having to seek approval of the President concerning a temporary situation. The President's authority to make permanent appointments of Commissioners would be unimpaired, of course. This authority would extend to all present international fisheries commissions except one, and to any similar bodies which may be established in the future. The one exception is the International Pacific Salmon Fisheries Commission, since the convention which established it provides that Commissioners must be appointed by the President. No other such convention contains such a limitation, and it is believed that the proposed legislation will permit the United States to carry out its obligations under these conventions in a more efficient and satisfactory manner.

The 1970 Annual Meeting of the Commission proposed international measures of control in accordance with the Protocol. The measures will take effect on July 1, 1971, having been accepted by all contracting governments. Accordingly, it would be advantageous to the United States if the proposed legislation were enacted prior to that time in order that the United States might best carry out its obligations under the Convention.

The Office of Management and Budget advises that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

By Mr. HART:

S. 1823. A bill to amend section 5 of the Federal Trade Commission Act. Referred to the Committee on Commerce.

Mr. HART. Mr. President, once again I introduce legislation to erode a bit of the big brotherism of the Federal Government and to return some of the power to the people.

My bill would end the total dependence on the Federal Trade Commission of individual and groups of consumers and businessmen who seek relief from violations of section 5 of the FTC Act.

As you all know well, that section outlaws unfair or deceptive acts in competition. If we judge only from the number of cease-and-desist orders entered yearly by the FTC under this section, we might think that violations are almost novel. With more than 300,000 manufacturing organizations and 1.7 million retail outlets in this country, the FTC orders under this section ranged from 167 in 1960 to 75 in 1970.

But to conclude that unfair and deceptive competitive acts are rare would be naive. It would not recognize the limited resources of the FTC—or the requirement that they deal only with the nationwide practices. More than that, it would overstate the public awareness of the very existence of the agency—let alone of section 5.

Consumers and businessmen across the country have no trouble knowing when they are hurt by such practices.

Members of Congress receive several letters, phone calls or personal visits monthly or even weekly complaining of practices suspect under the section.

My office refers hundreds of these complaints yearly to the FTC. Unfortunately, as the number of cease-and-desist orders demonstrates, few of them get full-blown investigation.

Many of the complaints, honestly, are not really sufficient in magnitude to merit "making a Federal case" out of them. Maybe it is simply a consumer misled by a tire ad—or a victim of "bait and switch advertising" for a vacuum cleaner. Many of them are disposed of simply by the FTC calling the incident to the attention of the advertiser.

But I can recall a number of businessmen over the years who appealed to my office for help—who desperately needed it—who did not get it from the FTC and who today are out of business. The avenue of a private suit was closed to them because the anticompetitive practices were not covered by the Sherman or Clayton Acts.

Perhaps it is the frustration wrapped up in standing by helpless and watching such demises that has made me consistently suggest that we give these people the weapons to help themselves.

I mean no criticism of the past actions of the FTC in outlining these experiences. I understand the magnitude of the load they must carry. I can understand when they report that certain practices are not widespread enough to justify spending agency time.

But it is no consolation to the businessman who is drowning—or a batch of consumers stung by the same deceptive sales practices—when it is explained that the facts of life being what they are, no help can be given.

A criticism directed against my proposal to open up section 5 for individual or class action suits frequently is that it will result in an increase in the number of suits.

That is right. If I did not think it would, the legislation would have little or no merit.

But I do not feel it will result in a number of worthless suits. Obviously, anyone or any group desiring to bring such a case must first convince a lawyer that it has enough merit to deserve his time. Further, the case must be tested in the courts just as any other civil suit is tested oday.

I grant that section 5 is extremely broad and could be used to make judicial history. In fact, I have suggested in the past that it may be a weapon to assist in implementation of the growing body of environmental protection regulations. The theory is that generally, when a company does not adopt environmental protection mechanisms, it is to avoid their cost. Therefore, it is logical that the "do nothing" company gains a cost—and therefore anticompetitive—advantage over the "do it all" company following the environmental protection rules.

Where I part company with the critics who oppose this bill because of the number of suits it might make possible is on basic philosophy.

It is beyond me how we can say that certain practices are illegal—if the FTC decides to bring a case—and not illegal—if no suit is brought.

That is a bit of the "anything is all right if you get away with it" philosophy which does not square with the basic morality of this country—let alone of its laws.

But even more important is what limiting such cases to the FTC initiative is doing to the competitive structure of the economy.

We still give lip service to the idea that in our system the supplier with the best product, at the best price, will be rewarded by sales. Protecting a class of anticompetitive practices behind the wall of the FTC's limitations distorts this theory. It says that the dishonest and less-than-honest can steal the business from the honest supplier and still be rewarded. Thus, honest businessmen with good products at good prices either disappear from the market—to the detriment of both the consumer and the system—or they are hampered from growing to serve more consumers better.

Either way, the Nation loses.

Mr. President, the idea of opening up the section 5 cases to the public is not unique with me. The American Bar Association Commission, chaired by the now-Chairman of the FTC, Miles Kirkpatrick, suggested the same thing—at least to the extent of deceptive practices—in its report to President Nixon.

> This private right of recovery, particularly to the extent that it does not depend upon the utilization of FTC resources—

The report said—

> would multiply the effectiveness of the enforcement mechanism and the seriousness of the sanction against violation.

The report further recommended: "Legislation to provide an adequate private remedy to reimburse injured parties and to deter section 5 violators should be sought with vigor."

Hopefully, Mr. President, vigor is exactly what this Congress will bring to movement of the bill I send to the desk for appropriate reference and ask unanimous consent to have printed in the Record at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1823

A bill to amend section 5 of the Federal Trade Commission Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "1971 Amendment to the Federal Trade Commission Act".

Sec. 2. Section 5 of the Federal Trade Commission Act, 38 Stat. 719, as amended, is hereby amended by adding thereto a new subsection "(m)" as follows:

"Right of Action of damaged parties—

(m) (1) Any person, partnership, or corporation who shall be injured in his business or property by any other person, partnership, or corporation by reason of any unfair method of competition in commerce, or unfair or deceptive acts or practices in commerce forbidden or declared to be unlawful by this section, may sue therefore in any district court of the United States in the district in which the defendant resides or is found, or has as an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

(2) An order to cease and desist of the Commission which has become final as provided in this section to the effect that the defendant in any damage suit has violated the provisions of this section shall be prima facie evidence against such defendant in the damage suit brought by any other party against such defendant under this subsection as to all matter respecting the violation of this section as declared by the Commission.

(3) Such suits for damages shall be brought within three years from the commission of the unfair methods of competition or unfair or deceptive acts or practices, or in case of a continuing violation from the commission of the last violation, or be forever barred: *Provided,* That the running of the three years limitations in respect of each and every private right of action arising under this subsection and based in whole or in part on any matter complained of in the proceedings under this section of the Commission shall be suspended during the pendency of such proceedings and until any order to cease and desist entered therein has become final.

(4) The several district courts of the United States of America are hereby invested with jurisdiction to receive and proceed with suits under this subsection as in other civil suits in those courts.

By Mr. NELSON:

S. 1824. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

MEDICAL DEVICE SAFETY ACT OF 1971

Mr. NELSON. Mr. President, I am today reintroducing legislation which I first presented in the Senate in May of 1969, the Medical Device Safety Act.

This measure, known as S. 2107 in the 91st Congress, would assure the safety, effectiveness, and reliability of equipment and devices used in the treatment and diagnosis of diseases.

This bill may not be the final answer to the entire problem of regulating the use of medical devices. However, in light of the increasing concern in many quarters about the problems to which this bill addresses itself, it is my judgment that it is a necessary first step. Hearings on the subject would air all available information and points of view, so that comprehensive legislation might result.

A Special Committee on Medical Devices in the Department of Health, Education, and Welfare recommended in September 1970, that the authority of the Food and Drug Administration be extended to regulate medical devices as it does drugs.

It is apparent, however, that much of the problem with complicated medical devices today stems not only from lack of premarket clearance, but from lack of expertise in operating the equipment. The HEW committee, chaired by Theodore Cooper, M.D., Director of the National Heart and Lung Institute of the National Institutes of Health, stated:

> Some consultants pointed out that many of the reported accidents associated with medical devices arose not from design and manufacture, but from improper installation, interconnection with other devices and frank misuse. Consequently, regulation of devices themselves would not resolve all problems.

I am contemplating further legislation to meet these kinds of problems.

Many of the provisions in this bill were cited in the Cooper committee report. HEW already has begun several measures recommended by the committee, including an inventory and categorization of all medical devices. Many of the proposals in this bill I believe are consistent with the aims of HEW.

More and different approaches, however, may be necessary.

It is indeed appalling that the estimated 5,000 therapeutic and diagnostic devices being presented on the market today have not been pretested for safety or reliability.

No one should be exposed to possible electrocution, unwarranted infection, or permanent disability by faulty manufactured or poorly designed medical devices.

Presently the Federal Government can take action against faulty or dangerous medical equipment only after it has been used and proved to be unsafe. Establishing that a device is unsafe and being in a position to prove this in court can be a long, tedious, and costly procedure. Usually, it is only after several serious injuries have occurred.

In the absence of any legal requirement to report injuries and in view of a practitioner's or manufacturer's desire not to be exposed to liability, it is difficult to ascertain the number of injuries which occur from the use of medical devices. Some indication might be perceived from a statement before the National Product Safety Commission indicating that about 1,200 hospital patients are electrocuted each year while receiving routine treatment.

These cases have been traced to a variety of problems from the malfunction of equipment, such as electrocardiograms, to ungrounded heating pads and hospital bed controls.

I ask unanimous consent that three articles concerning this testimony be printed in the Record following my statement. The first is a February 20, 1969, article from the Washington Post; the second is a March 1971 article from Ladies Home Journal; and the third is an April 2, 1971, article from United Press International.

The ACTING PRESIDENT pro tempore (Mr. Allen). Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, the problem of unsafe devices exists not only with complex electronic equipment but also with simple items, such as bone pins, nails, screws, and plates. In numerous cases, these simple devices which are often not made from inert materials have reacted with body chemicals and rusted.

They had to be removed after insertion, posing an additional hazard to the patient.

Of course, there are legitimate uses for many, many devices and great advances have been made in developing equipment to utilize the newer knowledge of modern science in helping to provide better health service. An example of this equipment is the artificial kidney machine. But the miracles of bona fide scientific medical instruments must be controlled when such products are built for the commercial market and care must be taken to insure that quacks do not develop fake machines or gadgets based on the concept of a new scientific accomplishment.

There are certain instruments which might fall within the definition of "device" which are not significant from the point of view of requiring premarketing clearance. Examples of such items might be tongue depressors, surgical instruments such as scalpels, first-aid dressings, and so forth. The bill I am proposing will not require preclearance for such common items.

However, those devices for which premarketing clearances are deemed necessary will be subjected to premarketing testing, including controlled clinical testing, for safety and effectiveness.

The results of this test will have to be submitted, along with other relevant data, to the Secretary of Health, Education, and Welfare for review. If the Secretary agrees that the data submitted proved, by substantial evidence, the safety, effectiveness, and reliability of the device, the application will be approved and the device can then be marketed in interstate commerce. However, if the data submitted are inconclusive or fail to establish either safety or effectiveness, then the application will be denied. The sponsor can appeal the decision of denial and request a hearing on the matter.

Standards would be established, in consultation with the many standard-setting organizations now in existence, in lieu of preclearance for devices amenable to minimum standards.

The bill will also require quality manufacturing controls and require manufacturers to maintain and make available information received by the manufacturer or distributor concerning the safety and effectiveness of its devices. Withdrawal of the Secretary's approval of the device application will be permitted where doubt as to a device's safety or effectiveness arises.

In conclusion, Mr. President, I would emphasize the importance of this legislation and the need for action on it in the near future. Passage of the Medical Device Safety Act of 1971 would be a great step forward in the protection of the public health in America, by extending to devices the same medical and scientific safeguards that Congress applied to drugs in 1938 and 1962.

I ask unanimous consent that a brief section-by-section analysis and the text of my bill be printed in the Record at this point.

There being no objection, the bill and other material were ordered to be printed in the Record, as follows:

S. 1824

A bill to protect the public health by amending the Federal Food Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medical Device Safety Act".

TITLE I—AUTHORITY TO ESTABLISH STANDARDS

Sec. 101. Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351), is amended by adding at the end thereof the following new section:

"STANDARDS FOR MEDICAL DEVICES

"Authority To Set Standards

"Sec. 513. (a) Whenever in the judgment of the Secretary such action will protect the public health and safety, he may by regulation establish for any device (including any type or class of device), a reasonable standard relating to the composition, the properties, the identification or the performance (including compatibility with power systems and connections) of the device or devices involved (or relating to two or more of such factors).

"Weight Given Other Standards—Consultation With Interested Groups

"(b) In the development and consideration of proposals for the issuance of standards under this section, and in particular prior to the commencement of formal proceedings on his own initiative pursuant to subsection (c), the Secretary shall to the optimum extent consult with, and give appropriate weight to relevant standards published by, other Federal agencies concerned with standard setting or other nationally or internationally recognized standard-setting agencies or organizations, and invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, and consumer organizations that in his judgment can make a significant contribution to such development.

"Procedure for Issuance, Amendment, or Repeal of Standards

"(c) The provisions of section 701 (e), (f), and (g) of this Act shall, subject to the provisions of subsection (d) of this section, apply to and in all respects govern proceedings for the issuance, amendment, or repeal of regulations under subsection (a) of this section (including judicial review of the Secretary's action in such proceedings). The Secretary may suspend the running of any applicable time limit under section 701(e) pending receipt of the report of an advisory committee under subsection (d) of this section and consideration of the committee's report by the Secretary.

"Referral to Independent Advisory Committee

"(d)(1) In any proceeding for the issuance, amendment, or repeal of a regulation establishing a standard under this section, whether commenced by a proposal of the Secretary on his own initiative or by a proposal contained in a petition, the petitioner, or any other person who will be adversely affected by such proposal or by the Secretary's order issued in accordance with paragraph (1) of section 701(e) if placed in effect, may request, within the time specified in this subsection, that the petition or order thereon, or the Secretary's proposal, be referred to an advisory committee of experts for a report and recommendations with respect to any matter involved in such proposal or order that requires the exercise of scientific judgment. Upon such request, or if the Secretary on his own initiative deems such a referral necessary, the Secretary shall appoint such an advisory committee and shall refer to it, together with all the data before him, the matter so involved for study thereof, and for a report and recommendations thereon in accordance with the applicable provisions of paragraph (5)(C)(ii) of subsection (b), and subject to paragraph (2) of subsection (d) of section 706. A person who has filed a petition or who has requested the referral of a matter to an advisory committee pursuant to this subsection, as well as representatives of the Department, shall have the right to consult with such advisory committee in connection with the matter referred to it. The request for referral under this subsection, or the Secretary's referral on his own initiative, may be made at any time before, or within thirty days after, publication of an order of the Secretary acting upon the petition or proposal.

"(2) The appointment, compensation, staffing, and procedure of such committees shall be in accordance with subsection (b) (5)(D) of section 706.

"(3) Where such a matter is referred to an expert advisory committee upon request of an interested person, the Secretary may, pursuant to regulations, require such person to pay fees to pay the costs, to the Department, arising by reason of such referral. Such fees, including advance deposits to cover such fees, shall be available, until expended, for paying (directly or by way of reimbursement of the applicable appropriations) the expenses of advisory committees under this subsection and other expenses arising by reason of referrals to such committees and for refunds in accordance with such regulations."

CONFORMING AMENDMENTS

Sec. 102. Section 501 of such Act is amended by adding at the end thereof the following new paragraph:

"(e) If it is, or purports to be or is represented as, a device of a type or class with respect to which, or with respect to any component, part, or accessory of which, a standard established under section 513 is in effect, unless such device, or such component, part, or accessory, is in all respects in conformity with such standard."

TITLE II—PREMARKET CLEARANCE OF CERTAIN MEDICAL DEVICES

SEC. 201. (a) Section 501 of such Act, as amended by section 102 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(f) If (1) it is a device, and (2) such device, or any component, part, or accessory thereof, is deemed unsafe, unreliable, or ineffective within the meaning of section 514 with respect to its use or intended use."

(b) Chapter V of such Act, as amended by section 101 of this Act, is further amended by adding at the end thereof a new section as follows:

"PREMARKET CLEARANCE FOR CERTAIN MEDICAL DEVICES

"When Premarket Clearance Is Required

"SEC. 514. (a) A device shall, with respect to any particular use or intended use thereof, be deemed unsafe, unreliable, or ineffective for the purpose of the application of section 501(f) if—

"(1) its composition, construction, or properties are such that such device is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety, reliability, and effectiveness of such device, to be safe, reliable, and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof; and

"(2) such device (A) is intended to be secured or otherwise placed, in whole or in part, within the human body or into a body cavity, or directly in contact with the mucous membrane, and is intended to be left in the body or such cavity, or in such direct contact, permanently, indefinitely, or for a substantial period or periods (as determined in accordance with regulations issued after notice and opportunity to present views), or (B) is intended to be used for subjecting the human body to ionizing radiation, electromagnetic, electric, or magnetic energy (including, but not limited to, diathermy, laser, defibrillator, and electroshock instrumentation), or heat, cold, or physical or ultrasonic energy, or is intended for physical or radio or electronic or electric communication in either direction with any part of the human body or with a device placed within or connected with the human body, or (C) is a device which the Secretary, by special order made on the basis of a finding (for reasons stated in the order) that there is probable cause to believe that the device is not effective for its use or intended use, or that it is not safe for use or not reliable, under the conditions prescribed, recommended, or suggested in its labeling, has declared to be subject to the requirements of this subsection with respect to such use or intended use,

unless either—

"(3) an application with respect to such device has been filed pursuant to subsection (b) and there is in effect an approval of such application by the Secretary under this section,

"(4) such device is exempted by or pursuant to subsection (j), (k), or (l) of this section, or

"(5) such device is intended solely (A) for the use in the cure, mitigation, treatment, or prevention of disease in animals other than man or (B) to affect the structure or any function of the body of such animals.

The Secretary shall, by regulation issued or amended from time to time under the authority of this sentence, insofar as practicable promulgate and keep current a list or lists of devices; and of the particular uses (or conditions of use) thereof, which he finds are generally recognized, among experts qualified by scientific training and experience to evaluate the safety, reliability, and effectiveness of such devices, to be safe, reliable, and effective for use (under the conditions, if any, referred to in such list or lists), and the inclusion, while in effect, of a device in such a list shall, in any proceeding under this Act, be conclusive evidence against the United States of the facts stated in that list with respect to such device.

"Application for Clearance

"(b) Any person may file with the Secretary an application for determination by the Secretary of the safety, reliability, and effectiveness of any device to which paragraphs (1) and (2) of subsection (a) apply. Such persons shall submit to the Secretary as a part of the application (1) full reports of all information, published, or otherwise available to the applicant, concerning investigations which have been made to show whether or not such device is safe, reliable, and effective for use; (2) a full statement of the composition, properties, and construction, and for the principle or principles of operation, of such device; (3) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of such device; (4) an identifying reference to any standard, applicable to such device, which is in effect pursuant to section 513, and adequate information to show that such device fully meets such standard; (5) such samples of such device and of the articles used as components thereof as the Secretary may require; (6) specimens of the labeling proposed to be used for such device; and (7) such other information, relevant to the subject matter of the application, as the Secretary may require.

"Time for Initial Consideration of Application

"(c) Within one hundred and eighty days after the filing of an application under subsection (b), or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either—

"(1) approve the application if he then finds that none of the grounds for denying approval specified in subsection (d) applies, or

"(2) give the applicant notice of an opportunity for a hearing before the Secretary to be held under subsection (d) on the question whether such application is approvable.

The Secretary may suspend the running of the applicable time limit under this subsection pending receipt of the report of an advisory committee under subsection (h) and the period allowed to the Secretary for consideration of the report thereafter.

"Bases for Approval or Disapproval; Opportunity for Hearing

"(d) (1) If, upon the basis of the information submitted to the Secretary as part of the application and any other information before him with respect to such device, the Secretary finds, after due notice to the applicant and opportunity for a hearing to the applicant, that—

"(A) such device is not shown to be safe and reliable for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

"(B) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing and installation of such device do not conform to the requirements of section 501(g);

"(C) there is a lack of substantial evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof; or

"(D) based on a fair evaluation on all material facts, such labeling is false or misleading in any particular;

he shall issue an order denying approval of the application. If, after such notice and opportunity for hearing, the Secretary finds that clauses (A) through (D) of this subsection do not apply, he shall issue an order approving the application.

"(2) As used in this subsection and subsection (e), the term 'substantial evidence' means evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the device involved, on the basis of which it could fairly and responsibly be concluded by such experts that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.

"(3) For the purposes of this section, when a device is intended for use by a physician, surgeon, or other persons licensed or otherwise specially qualified therefor, its safety, reliability, and effectiveness shall be determined in the light of such intended use.

"Withdrawal of Approval

"(e) (1) The Secretary may, after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an application with respect to a device under this section if the Secretary finds—

"(A) (i) that clinical or other experience, tests, or other scientific data show that such device is unsafe or unreliable for use under the conditions of use upon the basis of which the application was approved; or (ii) on the basis of evidence of clinical experience, not contained in such application or not available to the Secretary until after the application was approved, or of tests by new methods or by methods not reasonably applicable when the application was approved, evaluated together with the evidence available to the Secretary when the application was approved, that such device is not then shown to be safe or reliable for use under the conditions of use on the basis of which the application was approved;

"(B) on the basis of new information before him with respect to such device, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof;

"(C) that the application filed pursuant to subsection (b) contains an untrue statement of a material fact;

"(D) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records, or to make required reports, in accordance with an applicable regulation or order under subsection (a) of section 515, or that the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection;

"(E) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that the methods used in, or the facilities and controls used for, the manufacture, processing, and packing and installation of such device do not conform to the requirements of section 501(g) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or

"(F) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the labeling of such device, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of.

"(2) If the Secretary (or in his absence the officer acting as Secretary) finds that an imminent health or safety hazard is involved, he may suspend the approval of such application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority conferred by this paragraph to suspend the approval of an application shall not be delegated.

"(3) Any order under this subsection shall state the findings upon which it is based.

Authority To Revoke Adverse Orders

"(f) Whenever the Secretary finds that the facts so require, he shall revoke any previous order under subsection (d) or (e) denying, withdrawing, or suspending approval of an application and shall approve such application or reinstate such approval, as may be appropriate.

"Service of Secretary's Orders

"(g) Orders of the Secretary under this section shall be served (1) in person by any officer or employee of the Department designated by the Secretary or (2) by mailing the order by registered mail or certified mail addressed to the applicant at his last-known address in the records of the Secretary.

"Referral to Independent Advisory Committee

"(h) (1) In the application filed by the applicant under subsection (b), or at any time prior to the expiration of the time for action by the Secretary under clause (1) or (2) of subsection (c), or within such reasonable period after notice of opportunity for a hearing to be held under subsection (d) or (e) as may be specified by the Secretary in such notice, the applicant may request that such application or the Secretary's action thereon, or the matter or matters with respect to which notice of opportunity for hearing is given, be referred to an advisory committee of experts for a report and recommendations with respect to any question therein involved that requires the exercise of scientific judgment. Upon such request, or if the Secretary on his own initiative deems such a referral necessary, the Secretary shall appoint an advisory committee and shall refer to it, together with all the data before him, the question so involved for study thereof, and for a report and recommendations thereon, in accordance with the applicable provisions of paragraph (5) (C) (ii) of subsection (b), and subject to paragraph (2) of subsection (d) of section 706. The applicant, as well as representatives of the Department, shall have the right to consult with such advisory committee in connection with the question referred to it.

"(2) The appointment, compensation, staffing, and procedure of such advisory committee shall be in accordance with subsection (b) (5) (D) of section 706.

"(3) Paragraph (3) of section 513(d) shall also apply in the case of a referral to an advisory committee under this subsection.

"Judicial Review

"(i) The applicant may, by appeal, obtain judicial review of a final order of the Secretary denying, or withdrawing approval of, an application filed under subsection (b) of this section. The provisions of subsection (h) of section 505 of this Act shall govern any such appeal.

"Exemption for Investigational Use

"(j) (1) It is the purpose of this subsection to encourage, to the maximum extent consistent with the protection of the public health and safety and with professional ethics, the discovery and development of useful devices and to that end to maintain optimum freedom for individual scientific investigators in their pursuit of that objective.

"(2) Subject to the provisions of paragraph (3), there shall be exempt from the requirement of approval of an application under the foregoing provisions of this section any device which is intended solely for investigational use (in a hospital, laboratory, clinic, or other appropriate scientific environment) by an expert or experts qualified by scientific training and experience to investigate the safety, reliability, and effectiveness of such device.

"(3) (A) The Secretary shall promulgate regulations relating to the application of the exemption referred to in paragraph (2) to any device that is intended for use in the clinical testing thereof upon humans by separate groups of investigators under essentially the same protocol, in developing data required to support an application under subsection (b).

"(B) Such regulations may provide for conditioning the exemption, in the case of investigations intended for such use, upon—

"(i) the submission to the Secretary, by the manufacturer of the device of the sponsor of the investigation, of an adequate plan for the investigation, together with a report of prior investigations of the device (including, where appropriate, tests on animals) adequate to justify the proposed investigation;

"(ii) the obtaining, by manufacturer, or the sponsor of the investigation, of a device to be distributed to investigators for such testing by a signed agreement from each of such investigators that humans upon whom the device is to be used will be under his personal supervision or under the supervision of investigators responsible to him;

"(iii) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer of the device or the sponsor of the investigation, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of the device, as the Secretary finds will enable him to evaluate the safety, reliability, and effectiveness of the device in the event of the filing of an application pursuant to subsection (b), but nothing in this clause or in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of devices; and

"(iv) such other conditions relating to the protection of the public health and safety as the Secretary may determine to be necessary.

"(C) Such regulations shall also condition such exemption upon the manufacturer, or the sponsor of the investigation, of the device requiring that investigators using the device for the purpose described in subparagraph (A) certify to such manufacturer or sponsor that they—

"(i) will inform individuals upon whom such device or any controls in connection therewith are used, or the representatives of such individuals, that the device is being used for investigational purposes, and

"(ii) will obtain the consent of such individuals or representatives,

except where they deem it not feasible or, in their professional judgment, contrary to the best interest of such individuals.

"(D) Such regulations shall provide—

"(i) that whenever the Secretary determines that a device is being or has been shipped or delivered for shipment in interstate commerce for investigation testing upon humans as described in subpargaraph (A) of this paragraph, and that such device is subject to the foregoing subsections of this section and fails to meet the conditions for exemption for investigational use of the device, he shall notify the sponsor of the Secretary's determination and the reasons therefor and that the exemption will not apply with respect to such investigational use until such failure is corrected, and

"(ii) that in determining whether subparagraph (A) of this paragraph (3) is applicable and, if so, in determining compliance with the conditions of exemption, including the adequacy of the plan of investigation submitted to the Secretary, or upon application for reconsideration of his determination with respect to any such matter, the Secretary shall, if so requested by the sponsor of the investigation, or may on his own initiative, obtain the advice of an appropriate expert or experts who are not otherwise, except as consultants, engaged in the carrying out of this Act.

"Exemptions for Devices Complying With or in Anticipation of Standards, Custom-Made Prescription Devices, and Devices Made to Specifications of Licensed Practitioners for Use in Their Practice

"(k) In addition to the devices exempted by subsection (j) the Secretary shall, by or pursuant to regulation, exempt the following devices, with respect to any particular use or intended use thereof, from the requirement of approval under this section:

"(1) Any device which, with respect to such use, fully conforms to an applicable standard in effect pursuant to section 513, or pursuant to section 358 of the Public Health Service Act, to the extent that the Secretary finds that the standard provides assurance that the device will be safe, reliable, and effective for such use.

"(2) Any device of a type or class with respect to which there is in effect a notice by the Secretary, published in the Federal Register, that in his judgment the establishment, within a reasonable time, of a standard (issued under authority referred to in paragraph (1)) that would adequately meet the requirements of public health and safety with respect to such use of the device (without subjecting such device to the requirement of approval under the foregoing subsections of this section) appears to be feasible; that he intends to propose the establishment of such a standard; and that the nonapplication of the foregoing subsections of this section to such type or class of device with respect to such use pending the establishment of such standards would involve no undue risk from the standpoint of the protection of the public health and safety.

"(3) Any device made to the lawful order, and in accordance with specifications, of a practitioner licensed by law to use or prescribe the use of the device if—

"(A) a device meeting such specifications (i) is not generally available in finished form for purchase or for dispensing upon prescription, and (ii) is not, whether in finished form or otherwise, stocked or offered through a catalog or advertising or other commercial channels by the maker or processor thereof; and either

"(B) (i) such device is intended for the use of a patient, named in such order, of such practitioner, or (ii) such device is intended solely for use by such practitioner, or by persons under his professional supervision, in the course of his professional practice.

"Exemptions

"(1) (1) The Secretary may by regulation, with the unanimous consent of the Advisory Council on Medical Devices, exempt from one or more of such requirements, devices for which such requirements are found not to be necessary for the protection of the public health and safety.

"(2) The Secretary may also by regulation exempt (to the extent he finds appropriate to avoid duplication of regulatory controls or procedures) medical devices licensed by the Atomic Energy Commission. The Atomic Energy Commission shall cooperate with the Secretary by providing him with such information as is necessary consistent with the purposes of this Act.

PROHIBITED ACTS

SEC. 404. (a) Paragraph (e) of section 301 of such Act, is amended by striking out "or" before "512" and by inserting "or 514(j) or 515," after ", 512 (j), (l), or (m),".

(b) Paragraph (j) of section 301 of such Act is amended by inserting "514," immediately after "512,".

(c) Paragraph (1) of such section 301 is amended (1) by inserting "or device" after the work "drug" each time it appears therein, and (2) by striking out "505," and inserting in lieu thereof "505 or 514, as the case may be,".

TITLE III—REQUIREMENT OF GOOD MANUFACTURING PRACTICE

SEC. 301. Section 501 of the Federal Food, Drug, and Cosmetic Act, as amended by sections 102 and 201 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(g) If it is a device and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, holding, or installation do not conform to, or are not operated or administered in conformity with, current good manufacturing practice to assure that such device is safe and reliable and has the properties and performance characteristics which it purports or is represented to possess and otherwise meets the requirements of this Act."

TITLE IV—RECORDS AND REPORTS; REGISTRATION OF ESTABLISHMENTS

SEC. 401. (a) Chapter V of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end thereof the following new section:

"RECORDS AND REPORTS ON DEVICE EFFECTS AND EXPERIENCE

"SEC. 515. (a) (1) Every person engaged in manufacturing or processing, or in distributing, a device that is subject to a standard in effect under section 513, or with respect to which there is in effect an approval of an application filed under section 514(b), shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such person with respect to such device, and bearing on the safety, reliability, or effectiveness of such device, or on whether such device may be adulterated or misbranded, as the Secretary may by general regulation, or by special regulation or order applicable to such device, require. Regulations and orders prescribed under the authority of this subsection shall have due regard for the professional ethics of the medical profession and the interests of patients and shall provide, wherever the Secretary deems it appropriate, for the examination, upon request, by the persons to whom such regulations or orders are applicable, of similar information received or otherwise obtained by the Secretary.

"(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(b) Subsection (a) shall not apply to—

"(1) pharmacies which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs or devices, upon prescriptions of practitioners licensed to prescribe such drugs or devices, to patients under the care of such practitioners in the course of their professional practice, and which do not, either through a subsidiary or otherwise, manufacture or process drugs or devices for sale other than in the regular course of their business of dispensing or selling drugs or devices at retail;

"(2) practitioners licensed by law to prescribe or administer drugs and devices and who manufacture or process devices solely for use in the course of their professional practice;

"(3) persons who manufacture or process devices solely for use in research or teaching and not for sale;

"(4) any person, with respect to any device if—

"(A) neither such device nor any of its components has been in interstate commerce, and

"(B) such device is not introduced or intended for introduction into interstate commerce; or

"(5) such other classes of persons as the Secretary may by or pursuant to regulation exempt from the application of this subsection upon a finding that such application is not necessary to accomplish the purposes of this subsection."

INSPECTION RELATING TO DEVICES

SEC. 402. (a) The second sentence of subsection (a) of section 704 of such Act is amended by inserting "or prescription devices" after "prescription drugs" both times it appears.

(b) The third sentence of such subsection is amended (1) by striking out "for prescription drugs", (2) by striking out "and antibiotic drugs" and inserting in lieu thereof ", antibiotic drug, and devices," (3) by striking out "or section 507 (d) or (g)" and inserting in lieu thereof ", section 507 (d) or (g), section 513(j), or section 514", and (4) by inserting "or devices" after "other drugs", inserting "or of a device subject to section 513" after "new drug", and inserting "or section 514" after "section 505(j)".

(c) (1) Paragraph (1) of the sixth sentence of such subsection is amended by inserting "or devices" after "drugs" each time such term occurs.

(2) Paragraph (2) of that sentence is amended by inserting ", or prescribe or use devices, as the case may be," after "administer drugs"; and by inserting ", or manufacure or process devices," after "process drugs".

(3) Paragraph (3) of that sentence is amended by inserting ", or manufacture or process devices," after "process drugs".

REGISTRATION OF DEVICE MANUFACTURERS

SEC. 403. (a) Section 510 of such Act is amended as follows:

(1) The section heading is amended by inserting "OF DRUGS AND DEVICES" after "PRODUCERS".

(2) Subsection (a) (1) is amended by inserting "or device package" after "drug package"; by inserting "or device" after "the drug"; and by inserting "or user" after "consumer".

(3) The first sentence of subsection (b) is amended by inserting ", or of a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "or of any device" after "drug".

(4) The first sentence of subsection (c) is amended by inserting ", or of a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "or of any device" after "drug".

(5) (A) The first sentence of paragraph (1) of subsection (d) is amended by inserting ", or of a device or devices," after "drug or drugs"; and the second sentence of such paragraph is amended by inserting "or any device" after "drug".

(B) Paragraph (2) of such subsection (d) is amended by inserting "or any device" after "drug".

(6) Subsection (g) is amended by inserting "or devices" after "drugs" each time such term occurs in paragraphs (1), (2), and (3) of such subsection.

(7) The first sentence of subsection (i) is amended by inserting ", or of a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "or devices" after "drugs".

(b) Subsection 502(o) of such Act is amended by inserting "or device" after "drug".

(c) The second sentence of section 801(a) of such Act is amended by inserting "or devices" after "drugs" both times such words appear.

(d) Section 301 of the Drug Amendments of 1962 (76 Stat. 793) is amended by inserting "and devices" after "drugs" each time such word appears, except that "or devices" is inserted after "which drugs" and after "intrastate commerce in such drugs".

TITLE V—ADVISORY COUNCIL ON DEVICES, ETC.

SEC. 501. Chapter VII of the Federal Food, Drug, and Cosmetic Act, as amended by this Act, is amended by adding at the end thereof the following new section:

"ADVISORY COUNCIL ON DEVICES, AND OTHER ADVISORY COMMITTEES AND EXPERTS

"SEC. 708. (a) For the purpose of advising the Secretary with respect to matters of policy in carrying out the provisions of this Act relating to devices, there is established in the Department (in addition to the ad hoc advisory committees that may from time to time be appointed under sections 514 and 515) an Advisory Council on Devices not to exceed 15 members appointed by the Secretary without regard to title 5, United States Code. Such members shall consist of persons chosen with a view to their special knowledge of the problems involved in the regulation of various kinds of devices under this Act, members of the professions using such devices, scientists expert in the investigational use of devices, and members of the general public.

"(b) In order to facilitate the carrying out of this Act, the Secretary may employ experts and consultants, as authorized by title 5, United States Code, section 3109.

"(c) Members of an advisory council or committee appointed pursuant to subsection (a) who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the council or committee or otherwise engaged on its business, and experts or consultants employed pursuant to subsection (b) shall, while so employed, be compensated at per diem rates fixed by the Secretary but not in excess of the rate established for grade GS–18 of the General Schedule at the time of such service, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703, title

5, United States Code, for persons in the Government service employed intermittently."

TITLE VI—EFFECTIVE DATES AND TRANSITIONAL PROVISIONS

SEC. 601. (a) Except as provided in subsections (b), (c), and (d) of this section, the foregoing provisions of this part shall take effect on the date of the enactment of this Act.

(b) Except as provided in subsection (c) of this section, paragraph (f) of section 501 of the Federal Food, Drug, and Cosmetic Act, as added to such section by section 201 (a) of this Act, shall, with respect to any particular use of a device, take effect (1) on the first day of the thirteenth calendar month following the month in which this Act is enacted, or (2) if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under section 514 of such Act as added by section 201(b) of this Act.

(c) (1) Where, on the day immediately prior to the date of enactment of this Act, a device was in use in the cure, mitigation, treatment, or prevention of disease in man, or for the purpose of affecting the structure of any function of the body of man, such paragraph (f) of section 501 of the Federal Food, Drug, and Cosmetic Act shall become effective with respect to such preexisting use or uses of such device on the closing date (as defined in this subsection) or, if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under such section 514 of such Act.

(2) For the purposes of this subsection, the term "closing date" means the first day of the thirty-first calendar month which begins after the month in which this Act is enacted, except that, if in the opinion of the Secretary it would not involve any undue risk to the public health, he may on application or on his own initiative postpone such closing date with respect to any particular use or uses of a device until such later date (but not beyond the close of the sixtieth month after the month in which this Act is enacted) as he determines is necessary to permit completion, in good faith and as soon as reasonably practicable, of the scientific investigations necessary to establish the safety and effectiveness of such use or uses. The Secretary may terminate any such postponement at any time if he finds that such postponement should not have been granted or that, by reason of a change in circumstances, the basis for such postponement no longer exists or that there has been a failure to comply with a requirement of the Secretary for submission of progress reports or with other conditions attached by him to such postponement.

(d) Any person who, on the day immediately preceding the date of enactment of this Act, owned or operated any establishment in any State (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act) engaged in the manufacture or processing of a device or devices, shall, if he first registers with respect to devices, or supplements his registration with respect thereto, in accordance with subsection (b) of section 510 of that Act (as amended by section 403 of this Act), prior to the first day of the seventh calendar month following the month in which this Act is enacted, be deemed to have complied with that subsection for the calendar year 1971. Such registration, if made within such period and effected in 1972, shall also be deemed to be in compliance with such subsection for that calendar year.

Brief Section-by-Section Analysis of Medical Devices Safety Act of 1969

TITLE I. AUTHORITY TO ESTABLISH STANDARDS

Section 101—amends Chapter V of the Federal Food, Drug, and Cosmetic Act by adding a new section relating to the standards for medical devices.

Section 513(a)—authorizes the Secretary of Health, Education, and Welfare to establish standards for devices when such action will protect public health and safety.

Section 513(b)—requires that the Secretary, in developing standards, shall consult with and give appropriate weight to standards published by other Federal agencies and National or international standard-setting agencies, and shall invite participation of others representative of scientific, professional, industry, and consumer organizations.

Section 513(c)—establishes the procedure for issuance, amendment, or repeal of standards related to those now incorporated in the Federal food and drug law (announcement and hearings on proposed rule making), but authorizes also the use of a referral to an independent advisory committee, outlined in Section 513(d) below.

Section 513(d)—authorizes those who would be affected by a standard to request a review of a proposed standard, or any matter involved in such a proposal, to an independent advisory committee for consideration.

Section 102—makes conforming amendments in section 501 of the present food and drug law by amending the section defining "adulterated drugs and devices" to include devices which do not meet a standard set forth in accordance with Section 513 above, where such a standard exists.

TITLE II. PREMARKET CLEARANCE OF CERTAIN THERAPEUTIC DEVICES

Section 201(a)—amends section 501 of the present food and drug law by deeming a device "adulterated" if it is unsafe, unreliable, or ineffective with respect to its use or intended use.

Section 201(b)—amends the present food and drug law by adding a new Section 514, "Premarket Clearance for Certain Therapeutic Devices."

Section 514(a)—sets forth conditions for when a premarketing clearance is required. States that a device is to be deemed unsafe, unreliable, or ineffective for purposes of applying section 501(f) above when:

(1) the device is not generally recognized by experts, qualified by scientific training or experience, to be safe, reliable, or effective for use under the conditions prescribed, suggested or recommended; and,

(2) the device is intended for or is used within the human body, intended to be used for subjecting the human body to some process, or after investigation is found to be ineffective, unsafe, or unreliable.

unless—

(1) a new device application has been filed, or an approved application exists,

(3) is exempted as outlined in 513(j), (k), or (l) below,

(4) or is used solely in animals other than man.

This section also requires that the Secretary shall maintain and publish a list of devices and their uses.

Section 514(b)—describes the contents and procedure for new device applications to comply with the clearance procedure set forth in 514(a) above. These applications must contain:

(1) information and data to show the safety, reliability, and effectiveness of the device,

(2) composition, properties, and principles of operation,

(3) methods and controls used in manufacture,

(4) identification of the applicable standard and information to show that the device meets the standard,

(5) samples of the device,

(6) specimens of labeling, and

(7) other requirements the Secretary may require.

Section 514(c)—requires the Secretary to act on application within 180 days after filing by approving, denying and affording an opportunity for hearing, or suspending the time limit pending the report of an advisory committee.

Section 514(d)—establishes the basis for approval or disapproval. Disapproval would be made where:

(1) the device is not safe or reliable under conditions prescribed,

(2) manufacturing or processing controls do not meet good manufacturing practices,

(3) lack of substantial evidence that the device has the effect it purports,

(4) has false or misleading labelling.

Also defines substantial evidence to mean evidence from adequate and well-controlled investigations, including clinical investigations.

Section 514(e)—authorizes the Secretary to withdraw approval of an application where:

(1) other data, or later evidence, indicates that the device is unsafe or unreliable,

(2) new information shows the device to be ineffective,

(3) the application contains untrue statements of material fact,

(4) there is a failure to maintain records, as required elsewhere in the bill (see new section 515).

(5) good manufacturing practices are not employed as required elsewhere in the bill (see new section 501(g)).

(6) on the basis of new information, the labeling is false or misleading.

Where an imminent health or safety hazard is involved, the Secretary is authorized to suspend approval immediately and to provide for an expedited hearing into the matter.

Section 514(f)—provides the Secretary with authority to revoke adverse orders when the facts so require.

Section 514(g)—requires that the Secretary's order be served in person or by registered or certified mail.

Section 514(h)—authorizes the use of a referral committee for an opportunity for a hearing on an application or the Secretary's action to obtain the committee's report and recommendations. This procedure may be employed when filing an application or at any time prior to the expiration of the time for the Secretary to make a determination on an application. The committee would be appointed by the Secretary. This procedure also applies to Section 513(d) relating to standards as outlined above.

Section 514(i)—provides applicants with the right of appeal and to obtain judicial review.

Section 514(j)—establishes exemption for devices used solely for investigational purposes by persons qualified to conduct such investigation. The exemption would be conditioned upon:

(1) the existence of an adequate plan of investigation

(2) a written agreement that the use of the device will be under the supervision of the investigator in cases where the device is for human use

(3) that records and data obtained from the investigation are kept and available

(4) other conditions determined by the Secretary to assure public health and safety.

The exemption is conditioned also upon notification to those who use such a device that its use is for investigational purposes and that consent be obtained.

Section 514(k)—also exempts from the application procedure under section 514 any device which fully conforms to an applicable standard established under section 513, section 358 of the Public Health Service Act, or meets standards about to be announced or implemented, devices made upon order by a practitioner, where such a device is not generally available in finished form or in existing commercial channels, or where the device is for the use of a named patient, or for the sole use of a practitioner in the course of his professional practice.

Section 514(1)—provides exemptions for devices for which requirements are found not to be necessary for the protection of the public health and safety, with the unanimous consent of the Advisory Council on Medical Devices; and for devices licensed by the Atomic Energy Commission, where the Secretary finds regulation duplicative.

Section 202—makes conforming changes in existing law to include under the section on "prohibited acts" certain aspects of the new section 514.

TITLE III. REQUIREMENT OF GOOD MANUFACTURING PRACTICE

Section 301—amends present law to provide that a device is "adulterated" if the method and controls used to manufacture the device do not conform with good manufacturing practice to assure that such a device is safe and reliable and that it has the characteristics it purports to have.

TITLE IV. RECORDS AND REPORTS; INSPECTION AND REGISTRATION OF ESTABLISHMENTS

Section 401—amends present law by adding a new section 515 requiring that manufacturers, processors, and distributors of devices subject to standards keep records and make reports to the Secretary relating clinical experience and other data which bears on the safety, reliability, and effectiveness of such devices. The Secretary is also authorized to have access to such records.

Section 515(a)—sets forth the above requirements.

Section 515(b)—exempts from these requirements the following:

(1) pharmacies operating in conformance with applicable local laws,

(2) practitioners, licensed by law, who manufacture devices solely for use in the course of their professional practice,

(3) persons who manufacture devices solely for use in research or teaching, and not for sale,

(4) persons, with respect to any device, no part of which has been interstate commerce and which is not intended for interstate commerce,

(5) other classes, as determined by the Secretary.

Section 402—amends varied parts of existing law to provide the inspection provisions now relating to drugs to devices covered under the act.

Section 403—amends various sections of existing law relating to the registration of drug manufacturers to include the manufacturers, processors, and distributors of devices covered under the act.

TITLE V. ADVISORY COUNCIL

Section 501—establishes a new section 703 which provides for the creation of an Advisory Council on Devices within the Department of Health, Education, and Welfare to advise the Secretary on policy matters in carrying out the provisions of the bill. The members would be selected with a view toward their special knowledge of the problems involved in regulating various kinds of devices.

TITLE VI

Section 601—makes the provisions of the bill effective upon the date of enactment with the exception as shown in 502(b), (c), and (d).

Section 601(a)—makes the effective date (except as provided in 502(c) below) of the definition of an "adulterated device" on the 1st day of the 13th month following enactment (1 year from enactment), or sooner if, upon application, the Secretary issues an order with respect to such application. The effective date in latter case would be the date of the order. This effective date is the date on which the "safety, reliability, and effectiveness" requirement is imposed.

Section 601(b)—relates to devices already in existence. The safety, reliability, and effectiveness requirements shall become effective on a "closing date," the 1st day of the 31st month after enactment (2½ years after enactment), unless an application is filed sooner. If an application is filed sooner, the effective date is the date of an order with respect to such application. Under certain conditions, this date may be extended by the Secretary to the end of the 60th month following enactment (5 years after enactment), or to any date between the 31st and end of the 60th month.

Section 601(c)—requires registration of manufacturers, processors, and distributors prior to the 1st day of the 7th month (6 months after enactment).

EXHIBIT 1

[From the Washington Post, Feb. 20, 1969]

HEARING TOLD 1,200 PATIENTS GET ELECTROCUTED YEARLY

(By Morton Mintz and Nate Haseltine)

About 1200 hospital patients are accidentally electrocuted annually while receiving "routine diagnostic tests" or treatment because of faulty equipment, safety investigators were told yesterday.

The source of the information was Dr. Carl W. Walter, clinical professor of surgery at Harvard Medical School and a surgeon at Peter Bent Brigham Hospital, Boston. The disclosures were made by consumer advocate Ralph Nader in testimony before the National Commission on Product Safety.

Dr. Walter said in a telephone interview that many of the electrocutions happen during diagnostic procedures in which the patient is hooked up to electronic systems. Almost invariably he said, the deaths are listed as cardiac arrests—and "who's to prove electricity did not cause the heart stoppages?"

For that reason, he said, there have been few law suits over the deaths, and the hazards have been little publicized.

The Boston doctor said that most hospital electrocutions happen when untrained hospital employes link together incompatible electronic units. But other such deaths, he said, are caused by surges of high voltage, leaking from equipment, poor circuit design and connecting patients to electronic equipment for long periods of time—as in intensive care units.

Dr. Walter said he obtained the figure on electrocutions from an actuary for a national insurance company whom he would not name. The number, he said, is close to his own estimates.

But Nader said that Dr. Seymour Ben-Zvi, director of scientific and medical instrumentation at Downstate Medical Center in New York City, has documented evidence of defects in 40 per cent of the equipment coming into the Center.

Nader criticized the insurance firm whose actuary supplied Dr. Walter with the information. "Unfortunately," he said, "this company has followed the ghoulish practice of the insurance industry in not publicly releasing this data so as to promote remedial measures."

In other testimony before the Safety Commission:

A scientific firm hired by the Commission on a non-profit, $800 contract said that it has devised protections to prevent thousands of children from being burned annually when they happen on to the scorching hot grilles on gas-fired floor furnaces.

Frank E. Hogdon, director of laboratories for the American Gas Association, praised the commission-sponsored firm for doing in three weeks what his organization of gas utilities had failed to do over a decade.

An industry committee on safety standards "simply did not know of any technology and apparently couldn't think of any; and didn't perhaps have enough incentive," Hogdon said.

A Milwaukee lawyer representing five children scalded by electric steam vaporizers said that one maker alone, the Hankscraft Co., has acknowledged that about a hundred damage suits are pending against it.

Directed to report

The new disclosures about hazards in the home came during the closing session of an inquiry into whether "voluntary" standards—which indicate to consumers what to expect from sellers—provide sufficient protection. The Commission is under a Congressional directive to make a report to Congress and President Nixon.

The gas furnaces are used—mainly by low-income families—almost entirely in the temperate climate of the South Atlantic and South Central states, and in Arizona, California and New Mexico. Possibly four million have been installed. Today, there is a burgeoning new market in mobile and summer homes.

"The only other heating device so constructed is the barbecue," which "is deliberately designed to cook flesh," Dr. Julian A. Waller of the University of Vermont testified.

Dr. Waller said that the victims were mainly children under five. Each year, he estimated, between 60,000 and 65,000 of them are burned seriously enough to require medical treatment. About 90 percent of the victims suffer second- or third-degree burns "sufficiently to blister or char skin," he said.

The physician, who said data were lacking on persons older than 5, became aware of the problem a decade ago when he was caring for 50 children under age 2 in a Contra Costa, Calif., clinic. In a single year nine of them were "cooked in the same fashion as a waffle" from 13 contacts with flare-furnace grilles.

Waller and two Department of Health, Education, and Welfare safety specialists—Floyd Oglesbay and Alphonse Schaplowsky—gave this account of the effort to get the AGA to act:

In 1958, Eugene Lehr, HEW's liaison with the industry, learned of injuries in Denver (which since has banned the furnaces). He ordered a survey and expressed concern to the AGA.

The standards set by an industry committee permitted a temperature an inch above the grille of 350 degrees over room temperature. A one-second exposure to 158 degrees can produce a second-degree burn.

In Mississippi County, Ark., among a rural population of 85,000, Oglesbay found nine children who had been burned in a single year.

On July 21, 1968, the AGA's R. E. Cramer told Lehr of a lack of "documented reports" and said the industry's Standards Committee would do nothing because if the grille temperature were to be limited to a suggested 120 to 130 degrees, "it would not be possible to heat a room with a floor furnace."

In August, 1959, Lehr told the AGA that the furnaces were unsafe, and, sending along photos of burned toddlers, asked it to withdraw its approval. He forwarded studies, including some done by Walter in Atlanta while he was in the Public Health Service.

On Aug. 28, 1959, the AGA's C. George Segler told Lehr that this continuation of

AGA approval would not be "desirable or practical."

In 1964 Waller and Dewa Manheimer published a paper showing that among 11,000 children medically treated for burns in 14 years in Alameda County, California, 28 per cent of those under five got them from floor furnaces.

The consulting engineering firm whose three-week $800 project developed grille protections is Weiner Associates of Baltimore.

[From the Ladies Home Journal, March 1971]

Danger in Our Hospitals

(By Ralph Nader)

Not long ago, a patient connected to an external heart pacemaker—an electronic device to help the heart function normally—was found dead, part of his body touching the metal frame of his electrically operated hospital bed.

In another hospital, a resident physician was discovered slumped lifeless beside a stainless steel table. He had been electrocuted when he touched an ungrounded oscilloscope (an instrument that monitors the heart pacemaker) and the table at the same time.

In yet another hospital, a patient suddenly became rigid during a routine diagnostic procedure, warning personnel to cut the electric power of an instrument that was sending potentially lethal currents into his heart. Fortunately, the patient survived.

In a fourth hospital, an electrical switch broke and a patient was crushed to death by a descending X-ray machine.

And in a speech last November 16, Roger O. Egeberg, M.D,. Assistant Secretary for Health and Scientific Affairs of the U.S. Department of Health, Education and Welfare, described another hospital tragedy: "Not long ago," Dr. Egeberg noted, "a woman in her mid-sixties entered a hospital in metropolitan Washington, C.C., for routine thyroid gland surgery. When the operation was completed and the patient was being sutured, the physician turned off the anesthesia machine. An explosion occurred, possibly caused by an electrical spark. Within four and a half hours the patient was dead as a result of the injuries she sustained in the blast."

Paradoxically, medical instruments that have brought hope of longer life to thousands of people have also increased a thousandfold the risks to hospital patients. "Lifesaving" electrical devices used in hospitals across the country electrocute an average of three patients a day, at the lowest estimate. Other patients die as a result of electrical burns, explosions or loss of instrument control. Since the advent of the heart pacemaker and cardiac catheterization—the insertion of a catheter, or tube, into the heart—the hospital environment has become so dangerous that today it is the site of more electrical accidents than any industry except mining.

Spectacular advances in medical technology have unquestionably opened new horizons for people suffering from heart and lung disorders and other diseases. Those who may benefit—for example, the 20,000 patients who receive implanted heart pacemakers each year—may understandably be willing to hazard risks in hope of staying alive. But the myths of the medical machine lead us to believe that most of these risks are unavoidable. The tragedy is that most are not.

Most electrical accidents in hospitals occur because safety measures that can reduce risks are grossly neglected or even unknown among hospital staffs; because complex and highly dangerous equipment is installed in hospitals that have primitive wiring systems, and the equipment is operated by untrained personnel; and because machines that reach inside a human being and touch his heart are less well tested than plumbing devices in our bathrooms.

These accidents often occur because manufacturers design dangerous devices without making them fail-safe against even the most common mistakes of operators. The real risk for a hospital patient may be considerably less than esoteric. It may be the risk that hospital staff will decide to use a frayed electrical cord one more time, or, for the heart patient with external pacemaker, that he will be placed in an electrically operated bed—a highly dangerous but common occurrence. Or instead of employing a qualified biomedical engineer, a hospital administrator may ask the building electrician to install complex new equipment.

Most of these instances of negligence remain hidden by the fact that physicians and hospitals habitually report deaths by elecrocution as "cardiac arrest."

Electrical gadgetry and the accompanying hazards of electric shock are everywhere in our environment—in our homes, schools and offices. When a young guitarist is electrocuted by his instrument, or when a priest is killed by an electrically operated weight reducer—two incidents recently reported in the press—we want to know what went wrong. Was the guitar defective? Was the wiring bad? Did the victim use the machine improperly? Unfortunately, these questions are not often asked in hospitals, where at the very least 1,200 Americans are electrocuted annually during routine diagnostic and therapeutic procedures.

We do not even have a clear idea of the number of hospital fatalities caused by electric shock. Medical engineers such as Professor Hans von der Mosel, co-chairman of the Subcommittee on Electrical Safety of the Association for the Advancement of Medical Instrumentation and safety consultant to New York City's Health Services Administration, believe that the number might be 10 times as high as the conservative estimate of 1,200. Yet most of these deaths could have been prevented by adequate safety measures.

For the patient whose heart is made accessible to electric current through electrodes and catheters, merely touching the frame of a hospital bed, especially an electrically operated bed, may prove fatal. This happened to a 52-year-old man who was connected to an external pacemaker by means of a catheter inserted into the heart itself. Someone had attached to the pacemaker an ungrounded extension cord that eliminated the instrument's grounding system. When a current leaked from the pacemaker, as it frequently does, it passed through the catheter electrode into the patient's heart, then through the part of his body in contact with the grounded electrically elevated bed.

The death could have been prevented in at least three ways: if hospital staff had not attached an ungrounded extension cord to the pacemaker (extension cords should never be used with such equipment); if the patient had not been placed in an electrically operated bed; if the pacemaker had carried a device that limited the current in the patient's circuit to a safe level.

This death was investigated because it was the third such fatality in less than two months at that hospital. It is possible, even likely, that the other deaths, which were not investigated, were also due to electrocution. But most such deaths are not reported. Almost invariably, when electrocutions happen during diagnostic procedures in which the patient is hooked up to electronic systems, the deaths are listed as cardiac arrests. Without engineering analysis, it is difficult to tell whether a patient died of his disease or of a shock caused by the equipment. To protect themselves against malpractice suits, physicians and hospitals avoid such investigations, and many hazards go undetected and uncorrected. There have been few lawsuits over these deaths, and thus the hazards have been little publicized. Insurance companies that make studies of electrical hazards have not alerted the public to the dangers or to the incidence of death. Statistics have hidden the fact that a shock-hazard epidemic of critical proportions exists in our hospitals.

The hazards of electrical devices are not limited to delicate equipment such as the heart pacemaker. Routine electrical equipment may also cause death. Take the case of the patient who was squeezed to death when the switch controlling the X-ray machine's vertical movement failed when the machine was being lowered over him. He died before the technician could open the circuit breaker located some distance away.

What caused the switch to fail? A broken contact blade that shorted a circuit. The break had probably existed for some time. If the hospital had conducted regular equipment checks, the fault would probably have been discovered and corrected. In addition, precious time was lost because the main switch, which cuts all power to the instrument, was not easily accessible. Finally, the circuit breakers were not clearly marked, and the technician opened three different electrical circuits before he found the right one.

Nor are electrical accidents limited to patients. A young Canadian physician nearly died of electric shock when he pressed the discharge button on a defibrillator. This machine, used for correcting uncoordinated heartbeat is, inherently dangerous because it is designed to deliver a high-energy shock. Examination revealed that the ground wire in the three-prong plug had been broken, presumably when someone attempted to force the plug into a two-hole socket. Thus current was released—first into the chassis of the machine, then into the physician.

INEXCUSABLE NEGLIGENCE

Some fatalities are caused by inexcusable negligence. Many devices are used with adapter plugs that don't ensure grounding. That is what happened with the hospital doctor who was found dead, the metallic switch of the oscilloscope in his right hand, his left hand touching a metal drawer of the stainless steel table on which the instrument was standing. A device in the power supply circuit of the oscilloscope had shorted, shooting 300 volts into the cabinet of the instrument. The oscilloscope should have been grounded through the grounding prong of the three-prong connector; instead of three-to-two-pronged adapter (called a "cheater adapter") was in use. In this case, the adapter was completely unnecessary to connect the instrument, but the instrument was not designed to prevent the mistake. Because it was ungrounded, and because the doctor was touching a grounded steel table, the current passed through his right arm, through his trunk, heart and left arm into the grounded table.

Physicians and hospital personnel have been aware for some time of the hazards of electrically ignited explosions and external electric shock.

Some progress has been made in reducing the danger of explosions in operating rooms by employing standard safety precautions and, in a few hospitals, by eliminating flammable anesthetics. But there is little if any protection against a newer hazard—internal shock. Catheters, electrodes and probes have opened pathways to the heart through which very small accidental currents can kill a patient. A shock of 20 microamps across the heart can cause fibrillation, which after one minute results in irreversible brain damage and after three minutes, in death. At the surface of the body, a shock must be a thousand times greater to produce fibrillation.

If properly grounded, most devices are safe when used by themselves. But most of the time, the patient is connected not to one but to several electrical devices. In addition, he may touch any number of other electric appliances—bed, radio, television, clock, lamp. He may also come in contact with routine equipment, such as portable X-ray machines, physiotherapy apparatus and respirators. In such an environment, the risk is extremely great that a stray electrical current will complete a circuit to ground through the patient. Most electrocutions happen in just this way. Prevention of death or injury from internal shock requires expert planning, sophisticated wiring systems, and careful, constant testing.

Few hospitals, even the newer ones, have adequate electric wiring systems. Most need extensive modernization to provide a safe environment for new electrical devices that are in widespread use. Electrical overloading is common. Many hospital outlets are incorrectly wired or provide no ground contact. In most cases these outlets were installed by hospital electricians when equipment appeared with three wires. As long as the plugs went in, the electrician believed his job was done.

Only three hospitals in the country have biomedical engineers on their staffs to supervise the operation and maintenance of complex machines: Downstate Medical Center in New York City; Sinai Hospital in Baltimore; and Charles S. Wilson Hospital in Johnson City, N.Y. Most hospitals simply turn over the apparatus to a staff physician who may have worked with electronic equipment. Hospitals do not yet have electrical device safety committees comparable to drug safety committees, although the two hazards are equally great. Few physicians who deal with these devices know as much about the concepts behind them or about their use as they know about pharmacology. Yet for years physicians operated these devices without recognizing either their potential hazards or the actual fatalities they caused. Countless deaths attributed to cardiac arrest are now believed to have been caused by internal electric shock. Even now that there is greater understanding of the risks posed by the new hospital environment, precautionary measures are inadequate.

While inadequate hospital facilities and errors in using the machines are leading causes of accidents, mechanical defects also play a part in imperiling patients' lives. One medical engineer, Seymour Ben-Zvi, tested several thousand instruments at Downstate Medical Center in New York City. He reported that 40 percent were defective. Every one of the 10 defibrillators he tested contained defects. One was capable of discharging high voltage into a patient before the physician signaled for it. Such a defect could kill both patient and physician. Another instrument had what the manufacturer thought was an insulator; it was actually a good conductor of electricity—a potentially fatal flaw that should have been discovered through testing. (The testing program at Downstate began in 1956, and Ben-Zvi states that most manufacturers now agree to correct defects found.)

C. W. Walter, a clinical professor of surgery at Harvard Medical School, has reported that two prominent firms are now selling highly dangerous machines. Poor circuit design is a common criticism, and many devices have problems stemming from high leakage of current, problems often revealed only through the death of a patient. Some manufacturers offer to replace equipment; they cannot replace a dead person.

TOILETS AND PACEMAKERS

Mrs. Virginia Knauer, President Nixon's Assistant for Consumer Affairs, has pointed out that toilet valves must pass several preclearance tests before they are installed in our bathrooms, but a pacemaker that is inserted into our hearts need not be tested at all. Heart pacemakers, artificial kidneys, hip pins and respirators—none are subject to standard inspection or regulation—as are drugs, for example.

Manufacturing of medical devices is a $500-million-a-year industry engaged in by more than 1,000 firms. Without regulations or standards, there has been little impetus for these firms to standardize their products. Manufacturers' resistance to standardization has created an unnecessary hazard, since each hospital must sort out discrepancies in connectors and devise a system to prevent hazardous currents from being applied to helpless patients. Generally, the manufacturer considers his product a separate unit rather than part of a total treatment system, although a device is rarely used by itself.

In designing instruments, manufacturers almost totally ignore the ease with which mistakes can be made in the hospital environment, where personnel are often hurried, strained or tired, and untrained in the use of the equipment. Fatal errors are made that could be prevented by safer design.

Often the grounding devices furnished with electrical equipment are weak, easily broken and not designed for rough handling. They are not remotely foolproof, not fail-safe and not even reliable. Cords and plugs, the most vulnerable part of the electrical safety system, are usually "totally inadequate," according to Professor Walter. On occasion, a complex and expensive piece of equipment is equipped with a cheap, inefficient plug.

Fatally for patients and staff, manufacturers often assume that users have technical competence, which they almost universally lack. Instruction booklets, labels, foolproofing and protection devices are far inferior to what is needed.

One respected independent testing agency that has begun to test and evaluate medical equipment reports an "appalling" number of defective instruments. Research at the Emergency Care Research Institute of Philadelphia revealed, for example, defective respirators that were "totally unable to support respiration." The Food and Drug Administration has recalled a number of these devices.

Dr. Joel J. Nobel, ECRI's director of research, says that "the number of life-threatening defects is truly appalling. Most are basic design deficiencies."

ECRI is a nonprofit organization supported by government agencies, hospitals and private contributions. No staff member receives consulting fees from the health devices industry. ECRI findings indicate that, in the absence of objective testing and evaluation, unsafe equipment is being used in hospitals that are unequipped to pretest it.

Hospital associations in three regions—California, Texas and New England—are in the process of setting up medical product information exchange systems. Central testing programs to serve all hospitals in a region are much more feasible than tests conducted in individual hospitals, but such programs have yet to get underway.

At present, there are no government regulations requiring premarket clearance or standards to ensure the safety and performance of certain medical devices, such as catheters, pacemakers, diathermy machines and bone pins. During the past several years, efforts to bring new devices under regulations have failed. President Kennedy, Johnson and Nixon have supported regulations and minimum standards for medical devices. In September 1970 a study group appointed by President Nixon and headed by Dr. Theodore Cooper, Director of the National Heart and Lung Institute of the National Institutes of Health, recommended legislation to regulate these devices.

A bill has been introduced by Congressman Thomas Foley (D., Wash.) to establish regulations and standards for devices not covered by present law. This bill was originally proposed in 1969, but no action has yet been taken. Legislation has been stymied in part by claims that standards for such instruments are difficult to set. But the failure of physicians to publicize the real extent of the hazards is the reason why the need for legislation has been unnoticed.

Pretesting of these devices by independent testing agencies and establishment of uniform government standards will help ensure that the instruments are safe, that they are fail-safe and that they assume much less knowledge and expertise on the part of the typical hospital employee who runs them.

But beyond government standards, what is needed is greater vigilance by hospitals and physicians. In the absence of trained personnel, adequate electrical systems and rigid inspection and testing, even the best designed machine may become a killer. Unfortunately, there is little indication, on a broad scale, that hospitals and physicians are prepared to make a major commitment to electrical safety. Instead, there is every indication that accidents are occurring more frequently. The public may well ask where the electric safety committees in hospitals are, or the services of biomedical engineers. Where are the research grants to study questions of safety? Where is the leadership of medical organizations that should be demanding safety from manufacturers and help in ensuring safety from governments? I do not believe the public should have to accept the response one physician made to the problem of hospital safety: that after all, most electrical accidents occur in the home.

It is true that there is too little understanding of electrical hazards. The use of two-prong plugs (without a third grounding wire) is a simple hazard that continues to exist in many homes and other buildings. The naivete of physicians who use intricate devices is undoubtedly shared by many other people who do not understand when or why electrical devices can be hazardous. The housewife who simultaneously touches a toaster and a refrigerator handle and receives a shock usually lives to return the toaster, or change the wiring, or complain to the manufacturer. The heart patient who receives the same kind of shock is not so fortunate.

If we have the technology to stimulate the heart, to sustain life and to probe the innermost regions of the body, we also have the means to make devices that are safe from human error. The unprecedented hope offered by new medical technology does not need to be accompanied by unprecedented risk. Such avoidable tragedies in our hospitals will not be stopped until manufacturers recognize the limitations of the personnel who use their devices, and until users demand that safety be built into the devices. Dangers that have been veiled as unavoidable risks, or risks inherent in the condition of the patient, must be exposed. Until they are, new medical devices will continue their Jekyll-and-Hyde role—they are life-giving devices for some, but death machines for others.

[From the Washington Star, Apr. 2, 1971]

Hospitals Need To Upgrade Much Electrical Equipment

(By Dean C. Miller)

New York.—An East Coast physician trying to revive a heart patient accidentally touched an energized metal plate and received a jolt that put him in the hospital—in the bed next to his patient.

A young girl about to undergo surgery in a southern hospital was almost killed when a common piece of operating room equipment—a heart monitor—short circuited.

In a large eastern hospital, a patient was killed when a doctor turned off an anesthesia machine and it exploded, reportedly because of a short circuit.

"Such accidents are not rare," said Dr. Joseph Davis, director of the Division of Medical Devices of the Food and Drug Administration. "They've been happening for years."

It has been conservatively estimated that there have been 1,200 hospital deaths due to electric shock. Since the beginning of the year, as the Health Insurance Institute notes, medical magazines such as the Journal of the American Medical Association and the Journal of the American Hospital Association have commented on the growing electrical hazard.

Sales of X-rays and other equipment are estimated at $560 million for 1970 and expected to go over the $1 billion mark by 1971.

David Lubin, administrative engineer for the Sinai Hospital of Baltimore and a member of the technical subcommittee on hospital wiring and equipment of the national electrical code, believes the situation is critical because of:

1. The increased use of electrical and electronic equipment.

2. The necessity to "wire" a patient to monitors and pacemakers.

"The hazard situation is here now," said Lubin. "It exists in thousands of hospitals."

The number of legislative reform bills introduced into Congress indicates it knows the problem exists. "Unacceptable numbers of hazardous and unreliable medical devices now affect interstate commerce," said Rep. Paul Rogers of Florida who introduced one such bill.

One electrical problem found in many hospital operating rooms involves outlets. They don't have outlets that will accept grounded three-pronged plugs used on most electronic devices.

Defective equipment is always a problem. Seymour Ben-Zvi, director of scientific and medical instrumentation at downstate Medical Center, New York, said 30 to 40 percent of the devices his staff inspects are hazardous.

Electronic danger areas in a hospital include "biomedical equipment and instrumentation such as dye injectors, electrocardiographs and monitors," said Lubin. Cathodes and electrodes, routinely connected to patients, also may be dangerous, he added.

Lubin noted that patients can "become involved in electrical accidents if exposed to defective radios, television sets, electric beds and vaporizers.

He said lives could be saved and the cost of improvement kept at a reasonable level, if health centers are made a concerted effort to upgrade all electrical and electronic devices with "hospital duty" cords, plugs and receptacles.

"All such high quality items are available today," said Lubin.

By Mr. JAVITS:

S. 1826. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses. Referred to the Committee on the Judiciary.

WAR CLAIMS LEGISLATION

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend the War Claims Act so as to make later nationals eligible for benefits.

This is a measure which I first offered many years ago. Under the present provisions of the War Claims Act only persons who were citizens of the United States at the time of their loss can apply for benefits. All those who came to this country as refugees, but who did not actually receive final citizenship papers until after their loss are ineligible to file claims.

I stress in reintroducing this bill which must be for the last time—because the entire fund will have been distributed by the time the 93d Congress convenes—that there is very little likelihood that there will be sufficient funds available even to pay all American citizens their full claims, and until that is done, it is doubtful that Congress will pass a bill such as this, expanding the class of claimants. I offer the measure only in the hope that funds now in litigation will eventually accrue to the fund, and that with these additional funds available, congressional attitudes toward later nationals will change. Last year, certain unscrupulous agencies, advertising in the foreign language press and radio offered, for a fee, to prepare claims for later nationals, asserting that this bill was about to become law. I would like to stress to all those who would be beneficiaries first, that it is unlikely this bill will pass unless sufficient funds become available and second, even if this bill were to become law, there would be no need to pay any agent or private individual to prepare a claim since Government forms and assistance would be readily available.

By Mr. CHURCH:

S. 1827. A bill to amend the Social Security Act. Payment for Extended Care and Home Health Services. Referred to the Committee on Finance.

PROTECTION AGAINST RETROACTIVE DENIAL OF PAYMENTS

Mr. CHURCH. Mr. President, I introduce for appropriate reference, a bill to protect medicare patients from retroactive denial of payments for posthospital services.

Extended care benefits, up to 100 days, are now available to elderly persons who no longer require inpatient hospital care, but still need skilled nursing services. To be eligible for this coverage, a patient must:

Have been in a hospital for at least 3 consecutive days before admission to the extended care facility;

Admitted within 14 days after leaving the hospital; and

Certified by his doctor as needing extended care for treatment of a condition for which he was hospitalized.

Under present law, the determination of whether a patient qualifies for posthospital nursing home care is usually made after the services are rendered. As a result, medicare benefits have been denied retroactively in many instances by fiscal intermediaries, causing hardships for patients, nursing homes, and physicians.

Because of this problem, many doctors are reluctant to refer their patients to nursing homes, although such care would be of important therapeutic value and less costly than continued hospitalization. Large numbers now believe that it is preferable to leave the patient in a hospital, rather than submit him to this uncertain risk. But shaving one hospital day from the medicare national average could result in savings up to $400 million a year.

Caught in this no man's land is the unsuspecting elderly patient who has relied in good faith on his doctor's certification. Even with this certification, very few patients can be absolutely certain that their claims will be reimbursed by medicare. Quite frequently a retroactive denial of payments is made several days, or even weeks, after the services were performed. And it can mean a charge of hundreds of dollars—wiping out the financial resources of persons living on limited incomes.

Nursing homes are also in a dilemma because they may not receive payment for services performed in good faith. To avoid this risk, extended care facilities by the hundreds have dropped out of the medicare program.

To help provide a solution for this pressing problem, my bill would authorize advance approval for extended care services. Under this proposal the Secretary of Health, Education, and Welfare would establish specific periods of time after hospitalization during which a patient would be presumed to require services in a nursing home. This determination would take into account the nature of the illness or injury and other pertinent factors. In cases where a patient failed to convalesce as rapidly as expected, additional extended care payments beyond the presumed period would be approved by the intermediary, based upon appropriate medical evidence. A similar measure would also apply to posthospital home health services.

The complexity and uncertainty of the extended care determination—plus the fact that it is usually made retroactively—has caused confusion for all parties concerned. Moreover, existing practices may encourage attending physicians, first, to delay the discharge of a patient from a hospital, where coverage is less likely to be questioned, or second, to recommend a less economical course of treatment, though financially more predictable.

Much more can be gained for all parties concerned by prescribing minimum periods, based upon sound medical data, during which treatment at an extended care facility would be covered. With such an approach medicare patients would know with much greater certainty that their bills for skilled nursing care will, in fact, be covered. And doctors and nursing homes can be more confident that they will be paid for their services.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1827

A bill to amend the Social Security Act. Payment for Extended Care and Home Health Services

Be it enacted by the Senate and House of

Representatives of the United States of America in Congress assembled, That

Sec. 233. (a) (1) Section 1814(a) (2) (C) of the Social Security Act is amended by striking the phrase, "skilled nursing care on a continuing basis" and inserting in lieu thereof, "posthospital institutional care which requires the continuing availability of skilled nursing and related skilled services";

(2) Section 1814 of such Act (as amended by section 226 of this Act) is amended by adding at the end thereof the following new subsections:

"Payment for Posthospital Extended Care Services

"(h) An individual shall be presumed to require the care specified in subsection (a) (2) (C) of this section and payment shall be made to an extended care facility (subject to the provisions of section 1812) for posthospital extended care services which are furnished by such facility to such individual if—

"(1) the certification referred to in subsection (a) (2) (C) of this section is submitted for approval in timely fashion prior to the time of admission of such individual to such extended care facility, and

"(2) such certification is accompanied by (A) a plan of treatment for providing such services, and (B) as may be required by regulations, an estimate of the period for which such services will be required, and

"(3) there has not been a finding prior to or at the time of such admission by a review group designated by the Secretary that such individual does not require the care specified in subsection (a) (2) (C) of this section,

but only for services furnished—

"(4) during the first ten days of the individual's stay in the extended care facility, or

"(5) if less, during such period as may be certified under subparagraph (2) (B) or as may be approved by the review group under paragraph (3).

A similar presumption and payment for services furnished thereafter (for such number of days as are specifically approved by the review group) shall be made pursuant to the preceding sentence if, prior to the third day before the last day for which such payment may be made or (if earlier) a day specified by such review group, appropriate medical and related evidence is submitted on the basis of which such review groups finds that such individual continues to require for a period determined in accordance with paragraph (4) or (5) the care specified in subsection (a) (2) (C) of this section; except that where such evidence is submitted in timely fashion but does not support such a finding, payment may be made for such services as are furnished by such extended care facility before the third day after the day on which such facility receives notice of the review group's determination.

"Payment for Posthospital Home Health Services

"(i) An individual shall be presumed to require the services specified in subsection (a) (2) (D) of this section and payment shall be made to a home health agency (subject to the provisions of section 1812) for posthospital home health services furnished by such agency to such individual if—

"(1) the certification and plan referred to in subsection (a) (2) (D) of this section, accompanied by such estimate of the number of visits which will be required by such individual as may be required in regulations, is submitted in timely fashion prior to the first visit by such agency, and

"(2) there has not been a finding prior to such first visit by a review group designated by the Secretary that such individual does not require skilled nursing care on an intermittent basis or physical or speech therapy,

but only for services furnished—

"(3) during the first ten such visits, or

"(4) if less, for such number of visits as may be certified under paragraph (1) and as may be approved by the review group under paragraph (2).

A similar presumption and payment for services furnished (for such number of visits as are specifically approved by the review group) during subsequent visits by such agency shall be made pursuant to the preceding sentence if, prior to the seventh day before the final visit for which such payment may be made or (if earlier) a day specified by such review group, appropriate medical and related evidence is submitted on the basis of which such review group finds that such individual continues for a number of visits determined in accordance with paragraph (3) or (4) to require skilled nursing care on an intermittent basis or physical or speech therapy; except that where such evidence is submitted in timely fashion, but does not support such a finding, payment may be made for such services as are furnished by such home health agency before the day on which such agency receives notice of the review group's determination."

(3) Section 1835 of such Act is amended by adding at the end thereof the following new subsection:

"(e) An individual shall be presumed to require the services specified in subsection (a) (2) (A) of this section and payment shall be made to a home health agency (subject to the provisions of section 1832) for home health services furnished by such agency to such individual if—

"(1) the certification and plan referred to in subsection (a) (2) (A) of this section, accompanied by such estimate of the number of visits which will be required by such individuals as may be required by regulations, is submitted in timely fashion prior to the first visit by such agency, and

"(2) there has not been a finding prior to such first visit by a review group designated by the Secretary that such individual does not require skilled nursing care on an intermittent basis or physical or speech therapy,

but only for services furnished—

"(3) during the first ten such visits, or

"(4) if less, for such a number of such visits as may be certified under paragraph (1) or as may be approved by the review group under paragraph (2).

Payment for services furnished during subsequent visits (for such number of visits are specifically approved by the review group) by such agency shall be made pursuant to the preceding sentence if, prior to the seventh day before the final visit for which such payment may be made or (if earlier) a day specified by such review group, appropriate medical and related evidence is submitted on the basis of which such review group finds that such individual continues to require for a number of visits determined in accordance with paragraph (3) or (4) skilled nursing care on an intermittent basis or physical or speech therapy; except that where such evidence is submitted in timely fashion, but does not support such a finding, payment may be made for such services or furnished by such home health agency before the day on which such agency receives notice of the review group's determination. The amendments made by this section shall apply to plans of care initiated after June 30, 1971."

PROHIBITION AGAINST REASSIGNMENT OF CLAIMS TO BENEFITS

Sec. 234. (a) Section 1842(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(5) No payment (226) for a service shall be made pursuant to an assignment under subparagraph (B) (ii) of paragraph (3) of this subsection or under subsection (f) of section 1870 to anyone other than the physician or other person who furnishes the service, except that payment may be made (A) to the employer of such physician or other person if such physician or other person is required as a condition of his employment to turn over his fee for such service to his employer, or (B) (where the service was provided in a hospital, clinic, or other facility) to the facility in which the service was provided.

By Mr. DOMINICK:

S. 1828. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer. Referred to the Committee on Labor and Public Welfare.

ACT TO CONQUER CANCER

Mr. DOMINICK. Mr. President, I introduce today a measure which is intended to substantially advance the development of cures for cancer. This morning the President called on the Congress to act on his additional $100 million to support his expanded campaign against cancer. He also asked the Congress to establish a cancer-cure program within the National Institutes of Health, where it can take the fullest advantage of other wide-ranging research. He noted that it was important that this program be identified as one of the Nation's highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and redtape. He asked that the Congress give the cancer-cure program independent budgetary status and that it make its director responsible directly to the President.

In the President's message to the Congress on the state of the Union on January 22, 1971, and again in this special message on health concerning a national health strategy on February 18, 1971, the President expressed his determination to wage a successful campaign against cancer. Today's action by the President is another bold step in the determination to make giant strides against cancer and thus, in the President's words "Bringing new hope for all Americans—and indeed for all the world."

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at the conclusion of my remarks, together with the President's statement on the program dated May 11, 1971.

There being no objection, the bill and statement were ordered to be printed in the Record, as follows:

S. 1828

A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act To Conquer Cancer."

CANCER-CURE PROGRAM ESTABLISHED

Sec. 2. (a) The Public Health Service Act is amended by redesignating sections 401, 402, 403, 404, 405, and 406, and references in such Act thereto, as sections, and references to sections, 404, 405, 406, 407, 408, and 409, respectively; and by inserting, immediately before such redesignated section 404, the following new sections:

"CANCER-CURE PROGRAM

"SEC. 401. (a) The cancer-cure program is hereby established in the National Institutes of Health. The program, acting in coordination with the other programs and activities of the National Institutes of Health, shall have as its objective the conquest of cancer at the earliest possible time.

"(b) The cancer-cure program shall be administered by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall serve under the direction of the President and, with respect to such functions as the President may prescribe, under the direction of the Secretary.

"FUNCTIONS OF THE PROGRAM

"SEC. 402. The program—

"(1) shall administer the authority of the Secretary pursuant to this Act with respect to cancer;

"(2) shall make recommendations to the President to improve and coordinate research and development programs and activities within the executive branch, and within or among other public or private agencies, organizations, and institutions, relating to the prevention, diagnosis, or treatment of cancer;

"(3) is authorized to provide, directly or otherwise, for the production or distribution of specialized biological materials, drugs, or other therapeutic substances, for cancer research;

"(4) is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, or maintain cancer centers, laboratories, research or other necessary facilities and equipment, and necessary related accommodations, and such other real or personal property (including patents) as the Director deems necessary to carry out the purposes of this part; except that the acquisition by purchase or lease of facilities in or adjacent to the District of Columbia shall be effected through the Administrator of General Services for the use of the program but without regard to the Act of March 3, 1877, 19 Stat. 370; and

"(5) shall perform such other functions as the Secretary, with the approval of the President, may prescribe to encourage or coordinate public or private programs of research or development which show reasonable promise of contributing to the prevention, diagnosis, or treatment of cancer.

"CANCER-CURE ADVISORY COMMITTEE

"SEC. 403. (a) There is hereby established a Cancer-Cure Advisory Committee. The Committee shall consist of the Secretary, the chairman and members of the National Advisory Cancer Council, the Director of the Office of Science and Technology, and not to exceed ten additional members to be appointed by the President. The Secretary, the chairman and members of the National Advisory Cancer Council, and the Director of the Office of Science and Technology shall serve on the Committee as ex officio members. The remaining members shall hold office for such term or terms as the President may prescribe. Compensation and travel expenses of members of the Committee, other than ex officio members and members who are in the full time employ of the United States, shall be governed by section 208(c).

"(b) The Committee shall advise the President, the Secretary, and the Director of the Cancer-Cure Program on ways and means of conquerinig cancer and on matters of policy, organization, and management arising in the administration of this Act and reelating to the conquest of cancer, including the development of general criteria for approval of applications under this Act for the award of grants, contracts, and other assistance."

(b) (1) The heading of title IV of the Public Health Service Act is amended to read "TITLE IV—CANCER-CURE PROGRAM; NATIONAL RESEARCH INSTITUTES".

(2) The heading of Part A of title IV of such Act is amended to read "PART A—CANCER-CURE PROGRAM AND NATIONAL CANCER INSTITUTE".

(3) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Director, Cancer-Cure Program."

NATIONAL CANCER INSTITUTE MADE PART OF CANCER-CURE PROGRAM

SEC. 3. (a) Section 404 (as redesignated by this Act) of the Public Health Service Act is amended to read as follows:

"NATIONAL CANCER INSTITUTE

"SEC. 404. The National Cancer Institute shall be a part of the Cancer-Cure Program.

(b) Section 405 (as redesignated by this Act) of the Public Health Service Act is amended by striking out all that precedes clause (a) of such section, except the heading thereof, and inserting the following in lieu of such stricken matter:

"SEC. 405. In carrying out the purposes of section 301 with respect to cancer, the Cancer-Cure Program, through the National Cancer Institute and in consultation with the Cancer-Cure Advisory Committee and the National Advisory Cancer Council, shall—".

(c) Section 406 (as redesignated by this Act) of the Public Health Service Act is amended (1)(A) by striking out "Surgeon General" wherever it appears in such section and inserting "Cancer-Cure Program" in lieu thereof; (B) by striking out "he" and "him" wherever either appears in such section and inserting 'the Program" in lieu thereof; and (C) by striking out "section 402" wherever it appears and inserting "section 402 and section 405" in lieu thereof; and (2) by striking out "Institute" in subsection (b) thereof and inserting in lieu thereof "Program or Institute".

COORDINATION OF FUNCTIONS OF NATIONAL ADVISORY CANCER COUNCIL

"SEC. 4. (a) Subsection (b) of section 406 (as redesignated by this Act), and clause (i) of section 301, of the Public Health Service Act, are amended by striking out "National Cancer Advisory Council" and "National Advisory Cancer Council", respectively, and inserting "Cancer-Cure Advisory Committee" in lieu thereof.

(b)(1) Section 407 (as redesignated by this Act) of the Public Health Service Act is amended by striking out "The council is authorized" preceding clause (a), and inserting in lieu thereof "Subject to such general criteria as the Cancer-Cure Advisory Committee may prescribe, the National Advisory Cancer Council is authorized".

(2) Such section is further amended (A) by striking out "Surgeon General" wherever it may appear and inserting in lieu thereof "Cancer-Cure Program"; (B) in clause (a) thereof by striking out "section 402" and inserting "section 402 or section 405" in lieu thereof; and (C) in clause (d) thereof by striking out all following "Act" and inserting a period in lieu thereof.

REMOVAL OF LIMITATION ON USE OF APPROPRIATIONS FOR CONSTRUCTION

"SEC. 5. Section 408 (as redesignated by this Act) of the Public Health Service Act is amended (A) by striking out "shall be available for the acquisition of land or the erection of buildings only if so specified, but in the absence of express limitation therein", and (B) by striking out "Surgeon General" and inserting in lieu thereof "Director of the Cancer-Cure Program".

STATEMENT BY THE PRESIDENT

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional $100 million to support such an effort. I am pleased that in recent days the Appropriations Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next ten years alone, three and a half million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason to hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past ten years as we have multiplied many times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1,000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

MORE MONEY AND BETTER ORGANIZATION

The time has now come for us to put our money where our hopes are. In the first full budget developed by this administration last year, an increase of $20 million was provided for cancer programs. For fiscal year 1972, the administration request for cancer programs is slightly over $332 million—an increase of $100 million from the 1971 fiscal year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hestitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one thing, that a wide variety of research activities in all parts of the country, in many areas of society and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal: the cure of cancer—and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance for the President and for others who lead the Cancer-Cure Program, particularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

By Mr. SAXBE:

S. 1829. A bill to amend title II of the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder, to provide for the making of supplementary payments to low-income recipients of old-age or disability insurance benefits thereunder, and to increase the annual amount individuals are permitted to earn without suffering deductions from their benefits on account of excess earnings. Referred to the Committee on Finance.

Mr. SAXBE. Mr. President, earlier this year President Nixon signed into law, a bill increasing social security benefits by 10 percent. I was delighted to see this increase actually become law and know the relief it will bring to millions of Americans.

Although the 10-percent increase has now been enacted, there are still some necessary improvements in the social security system; in particular, increased benefits to the elderly. Today I am introducing a bill designed to provide these increased benefits.

My bill would do three things:

First, increase the minimum monthly payment to $100.

Second, guarantee a minimum income of $160 a month to an individual, and $220 a month to a couple.

Third, lift the earnings limitation from $1,680 to $2,600 a year.

The first phase of the bill—raising the minimum payment to $100—is the least we can do for our elderly. The present $70 minimum is grossly inadequate in today's inflationary spiral. We all feel the effects of inflation, but the ones hardest hit are our older citizens. It is therefore essential for us to raise this minimum monthly payment—at least to bring it in line with the present inflationary scale.

The second portion involves an income assurance plan for social security recipients through supplementary payments. The poverty level for a single elderly individual is presently $159 a month, according to standards set by the Census Bureau and adjusted to take account of price increases through February 1971. My bill will guarantee all retired and disabled workers an income of $160 a month, and if he is married, $200 a month. For example, if a man received the $100 monthly minimum, as provided in this bill, and had no other income, he would receive an additional payment of $60 to reach the guarantee of $160 a month. Thus, through this provision, our older citizens would at least be lifted to the poverty line.

The third section of my bill involves the earnings limitation feature of the social security bill. There are thousands of our senior citizens who can and do wish to work; but because of a restrictive limit on earnings, these people are penalized for working by a subsequent loss in social security payments. As it stands now, a person can collect Social Security even though he draws huge sums in unearned income; but once he becomes a wage earner, he puts his payments in jeopardy. To me, this is not fair. If a person wants to work, he should be allowed to do so, and to have his social security benefits as well. My bill would lift the earnings limitation from the present level of $1,680 to $2,600 a year. A retired person should be allowed to earn it at least that much without forfeiting his rightful benefits.

I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1829

To amend title II of the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder, to provide for the making of supplementary payments to low-income recipients of old-age or disability insurance benefits thereunder, and to increase the annual amount individuals are permitted to earn without suffering deductions from their benefits on account of excess earnings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the table in section 215(a) of the Social Security Act is amended by striking out the matter beginning with the line on which appears the following:

"---- $16.20 $64.00 ---- $76 $70.40 $105.60"
or less

and continuing through the line on which appears the following:

"26.95 27.46 91.90 114 118 101.10 151.70"

and by inserting in lieu of the matter stricken the following:

"---- $26.94 90.60 ---- $113 $100.00 $150.00
or less
$26.95 27.46 91.90 $114 118 101.10 151.70".

(b) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted and with respect to lump-sum death payments under such title in the case of deaths occurring after the date of enactment of this Act.

SEC. 2. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new sections:

"SUPPLEMENTARY PAYMENTS FOR LOW-INCOME RECIPIENTS OF OLD-AGE OR DISABILITY INSURANCE BENEFITS

"Definitions

"SEC. 230. (a) For purposes of this section—

"(1) The term 'eligible individual' means an individual who, for any month, is entitled to—

"(A) a monthly insurance benefit under

section 202(a) (including any individual entitled to such a benefit by reason of the application of section 227); or

"(B) a disability benefit under section 223; except that, if two individuals who are married to each other and who live in the same household are each entitled to a monthly benefit referred to in clause (A) or (B), only the individual who is the husband shall (for purposes of this section) be regarded as an eligible individual.

"(2) The term 'monthly insurance benefit' means either of the benefits referred to in clauses (A) or (B) of paragraph (1).

"(3) The term 'amount' when used in connection with any monthly insurance benefit means the amount of such benefit after any reduction brought about by reason of the provisions of section 202(q) or 203(a).

"(4) The term 'income' means all income from any source (other than income derived from supplementary payments under this section); except that, when used in connection with an eligible individual, such term does not include a monthly insurance benefit paid to such individual.

"Eligibility for Supplementary Payments

"(b) Any eligible individual shall (subject to the succeeding provisions of this section) be entitled to monthly supplementary payments under this section for any month if the amount of the monthly insurance benefit to which he is entitled is less than—

"(1) $220, in case such individual is married and lives in the household in which his spouse resides; or

"(2) $160, in case such individual does not meet the criteria specified in clause (1).

"Amount of Supplementary Payments

"(c) The amount of the supplementary payments to which any eligible individual is entitled under this section for any month shall (subject to subsection (d)) be equal to the amount by which—

"(1) $220, in case such individual is married and lives in the household in which his spouse resides; or

"(2) $160, in case such individual does not meet the criteria specified in clause (1),

exceeds the amount of the monthly insurance benefit to which such individual is entitled for such month.

"Deductions from Supplementary Payments on Account of Income

"(d) If for any period—

"(1) any eligible individual is entitled to supplementary payments under this section; and

"(2) any income is received, during such period, by such individual or (in case such individual is married and living in the household in which his spouse resides) by the spouse of such individual;

deductions from the supplementary payments payable to such individual shall be made, in such amounts and at such time or times as the Secretary shall determine, to the extent necessary to reduce the amount of the supplementary payments payable to such individual by an amount equal to the total of the income received during such period by such individual and (in case such individual is married and living in the household in which his wife resides) by the spouse of such individual (or, if less, an amount equal to the amount of the supplementary payments to which such individual is entitled for such period).

"Suspension of Payment When Individual Is Residing Outside the United States

"(e) The supplementary payments otherwise payable to any eligible individual under this section for any month shall not be paid if, during such month, such individual is not a resident of the United States. For purposes of this subsection, the term 'United States' means the 50 States and the District of Columbia.

"Treatment as Monthly Insurance Benefits

"(f) For purposes of subsections (t) and (u) of section 202, and of section 1840, a monthly supplementary payment under this section shall be treated as a monthly insurance benefit payable under section 202.

"Automatic Adjustment in Eligibility for and Amount of Supplementary Payments Based on Increases in the Cost of Living

"(g) (1) For purposes of this subsection—

"(A) the term 'base quarter' means the period of three consecutive calendar months ending on June 30, 1972, and the period of three consecutive calendar months ending on June 30 of each year thereafter;

"(B) the term 'cost-of-living computation quarter' means any base quarter (beginning no earlier than April 1, 1973) in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than three per centum, such index in the latest of (i) January 1, 1973, or (ii) the base quarter which was most recently a cost-of-living computation quarter, or (iii) the most recent calendar month (after January 31, 1972) in which an increase (other than an increase under this subsection) in the dollar amounts contained in subsections (b), (c), and (e) became effective based upon an Act of Congress; and

"(C) the Consumer Price Index for a base quarter shall be the monthly average of such index in such quarter.

"(2) (A) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall, effective for January of the next calendar year, increase the dollar amounts contained in subsections (b) and (c) (as increased previously under this subsection) by the same percentage (rounded to the next higher one-tenth of 1 percent if such percentage is an odd multiple of .05 of 1 percent and to the nearest one-tenth of 1 percent in any other case) as the percentage by which the Consumer Price Index for such cost-of-livin computation quarter exceeds such Index for the base quarter determined after the application of paragraph (1)(B).

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply in the case of supplementary payments under this section for months after December of the calendar year in which occurred such cost-of-living computation quarter.

"(C) Notwithstanding the provisions of subparagraphs (A) and (B), the increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall not be effective as provided in such subparagraph (A) if in the calender year in which such cost-of-living computation quarter occurs a law has been enacted which provides for an increase in the dollar amounts contained in subsections (b) and (c).

"Applications for Supplementary Payments

"(h) No supplementary payments under this section shall be payable to any eligible individual unless such individual has filed an application for such payments in such form and manner as the Secretary shall by regulations prescribe. No application for supplementary payments shall be effective with respect to any month prior to the month preceding the month in which such application is filed; and no application for such payments which is filed prior to November 1, 1971, shall be accepted as for such payments for purposes of this section.

"Special Rule to Prevent Loss of Benefits on Account of Marriage

"(i) Notwithstanding any other provision of this section, if any individual becomes married after the first month for which he is entitled to supplementary benefits under this section, the amount of the supplementary benefits payable to such individual under this section for the month in which he becomes married (or any month thereafter) shall not be less than the amount of the supplementary benefits which would have been payable to him for such month if he were not married.

"Annual Reimbursement of Federal Old-Age and Survivors Insurance Trust Fund

"(j) Payments under this section shall be made from the Federal Old-Age and Survivors Insurance Trust Fund. There are authorized to be appropriated to such Trust Fund for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, such sums as the Secretary of Health, Education, and Welfare deems necessary on account of—

"(1) payments made under this section during the preceding fiscal year and all fiscal years prior thereto;

"(2) the additional administrative expenses resulting from the payments described in paragraph (1), and

"(3) any loss in interest to such Trust Fund resulting from such payments and expenses;

in order to place such Trust Fund in the same position at the end of such fiscal year as it would have been in if such payments had not been made."

(b) The amendment made by this section shall be effective in the case of supplementary payments under section 230 of the Social Security Act for months after December 1971.

Sec. 3. (a) (1) Paragraphs (1) and (4) (B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$225".

(2) Paragraph (1) (A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$225".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $225 multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) The amendments made by this section shall apply with respect to taxable years ending after December 1970.

By Mr. JAVITS (for himself and Mr. Percy):

S. 1830. A bill to amend the Budget and Accounting Act, 1921, to require that the budget contain information with respect to revenue losses incurred and indirect expenditures made through the Federal tax system. Referred to the Committee on Government Operations.

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Illinois (Mr. Percy), I send to the desk for appropriate reference, a bill to amend the Budget and Accounting Act of 1921, for referral to the Committee on Government Operations.

This bill will require the budget to furnish detailed information about revenue losses, which we estimate this year at $40 billion, through a variety of special tax provisions. It does not mean there is anything wrong with these losses. We may very well choose to carry them on. But, by providing that the public shall know about them and we shall know about them, at least, they will not be buried in a mass of data but will stand out so that we will be able to grasp what they mean. This bill will require the budget to furnish detailed information about these revenue losses.

The bill requires the budget to contain estimates of the losses in revenues from special Federal tax provisions both: First, on a provision-by-provision basis; and second, by budget function. A provision-by-provision accounting will provide information on the revenue loss caused by each section of the tax code which grants special or preferential treatment. An accounting by budget function will relate revenue losses to the various purposes, such as national defense or health, which the special tax provisions are designed to serve. The latter type of information was provided in the 1968 annual report of the Secretary of the Treasury and also in the statement of Assistant Secretary Weidenbaum before the Subcommittee on Economy in Government of the Joint Economic Committee on June 2, 1970. I ask unanimous consent that the relevant portion of Mr. Weidenbaum's statement be printed in the Record for illustrative purposes at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Weicker). Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, it is my firm conviction that the information requested by this bill will be of inestimable value to the administration, the Congress, and the general public, in establishing Federal tax policies and Government spending priorities.

Publication of these estimates will call attention to the cost to the Treasury of the various Federal tax preferences and will provide clearer insight into the overall allocation of public resources. These estimates must be available so that the public may become more fully informed as to these matters, which bear so importantly upon proposals affecting the tax laws and the spending of the revenues.

Information on the revenue costs of the separate tax preference items on a provision-by-provision basis will obviously be helpful as an analytical and evaluative tool in the continuing struggle for tax reform. Such information will assist us in shaping a tax structure which is both economically rational and fair to all taxpayers.

Relating the revenue losses to budget outlays on a category basis will illustrate the total Government support provided to each budget function or program, by giving recognition to indirect expenditures made through the tax system in the form of special tax relief. We will thus have fuller knowledge and understanding of the true allocation of public resources. Such an understanding is crucial to both the determination of sensible outlay priorities and the evaluation of specific spending proposals.

Mr. President, let me repeat, we are not seeking in any implicit or indirect way to go after any particular tax preference or any particular loss of revenue under the special Federal tax provisions but we feel the time has come to know what they amount to and also how they relate as an indirect expenditure to each particular function set up in the budget.

We hope very much that we shall have early consideration of this matter, what we consider to be a highly desirable reform by the Committee on Government Operations on which the Senator from Illinois (Mr. Percy) and I both serve, as well as by the Senate.

I ask unanimous consent to have the text of the bill printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1830

A bill to amend the Budget and Accounting Act, 1921, to require that the budget contain information with respect to revenue losses incurred and indirect expenditures made through the Federal tax system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended by adding new clauses (13) and (14) to subsection (a) as follows:

"(13) estimates of the losses in revenues for the last completed fiscal year, the fiscal year in progress, and the ensuing fiscal year which result—

"(a) under the provisions of the Federal income tax laws which cause the income tax bases to deviate from widely accepted definitions of income and standards of business accounting by prescribing or allowing (i) exclusion of certain items from gross income, (ii) deductions from income, (iii) credits against tax, (iv) deferral of the imposition of tax, (v) preferential rates for certain classes of income, or (vi) exemption of certain persons from tax, or

"(b) under other Federal tax provisions which grant special or preferential treatment of a similar nature;

"(14) estimates of the indirect expenditures made or to be made by the Government through the application and operation of the Federal tax laws during the most recent fiscal year, the fiscal year in progress, and the ensuing fiscal year, which estimates shall be based on the estimates of revenue losses described in clause (13) and shall be related, insofar as possible, to the expenditures described in clauses (5), (7), and (8)."

Exhibit 1

Appendix B

EXPLANATION OF TAX AIDS

An important recent development in the effort to make the Federal budget a more useful tool of economic policy has been an increasing awareness of the growing magnitude of fiscal benefits accruing to various categories of taxpayers. Over the years the Federal income tax structure has gradually accumulated a host of special deductions, credits, exclusions, exemptions, and preferential rates designed to achieve various social and economic objectives. It has been recognized that these selective reductions in tax liabilities have the same fiscal impact on the budget surplus or deficit as direct increases in expenditures. In this context they have been termed "tax expenditures." A more appropriate term might be "tax aids."

In the broadest sense a tax can be defined as any indentifiable reduction in tax liability by an individual or business compared to a tax base totally devoid of any reduction from income or distinction of treatment of different kinds of income. Such a definition of tax expenditures would include differences in tax liability because the individual was married or single, old or young, healthy or disabled, lived at home or abroad, was charitable or uncharitable, was a homeowner or renter, etc.

But to group together without distinction all deviations from a theoretically neutral tax system would be hopelessly cumbersome and reduce the usefulness of the tax expenditure concept as an added measure of the total fiscal impact of the Federal budget. The more practical approach is to group by functional spending category those tax aids intended to encourage private action to resolve various social and economic problems or to give fiscal relief to those who might receive an inadequate share of current productive resources under a completely neutral tax system. In most cases these tax aids are clearly an alternative to an equivalent increase in Federal expenditures that would otherwise be required.

The first compilation of tax aids under this approach was published in the 1968 Annual Report of the Secretary of the Treasury. This compilation helped create public discussion and improved understanding of the program aspects of tax aids. It also helped to stimulate program analysis of tax aids, an approach which has received the endorsement of President Nixon. In his tax message to the Congress of April 1969, the President stated:

"Tax dollars the Government deliberately waives should be viewed as a form of expenditure, and weighed against the priority of other expenditures. When the preference device provides more social benefit that Government collections and spending, that "incentive' should be expanded; when the preference is inefficient or subject to abuse, it should be ended."

In addition to its value as a catalyst for program analysis, the compilation has value for economic analysis. Such compilations focus on tax aids as important determinants of the size of budget deficits and surpluses. The overall magnitude of foregoing revenues due to tax aids is substantial and, if the budget is not balanced, the deficit and surplus is only a small fraction of that magnitude. Year to year changes in tax aid magnitudes, either because of economic growth or through legislative actions, affect substantially the size of the budget deficit (or surplus) and the expansionary (or restrictive) course of the economy.

Table B presents an updating of data on estimated tax aids for the fiscal years 1968 and 1969 on the basis of the current functional breakdown of Federal expenditures. The present compilation is not intended to provide a full and complete accounting in a theoretical sense of all tax aids in the income tax structure. It is, in fact, a minimal selection of tax aids—minimal in the sense of including only acceptable and practical choices. Certain tax provisions are omitted because their inclusion would require controversial or highly theoretical justifications. Others are omitted because the underlying data is difficult to compile and present in understandable form or because the amounts involved are not quantitatively significant. In short, the choice of the tax aids listed is largely governed by the criteria of public acceptability and practicality.

TABLE B.—ESTIMATED TAX AIDS, FISCAL YEARS 1968 AND 1969

[In millions of dollars]

Tax aids by budget function	1968	1969
National defense:		
Exclusion of benefits and allowances to Armed Forces personnel	500	550
International affairs and finance:		
Exemption for certain income earned abroad by U.S. citizens	40	45
Western Hemisphere trade corporations	50	55
Exclusion of gross-up on dividends of less-developed country corporations	50	55
Exclusion of controlled foreign subsidiaries	150	165
Exclusion of income earned in U.S. possessions	80	90
Total	370	410
Agriculture and rural development:		
Farming: expensing and capital gain treatment	800	860
Timber: capital gain treatment for certain income	130	140
Total	930	1, 000
Natural resources:		
Expensing of exploration and development costs	300	330
Excess of percentage over cost depletion	1, 300	1, 430
Capital gains treatment of royalties on coal and iron ore	5	5
Total	1, 605	1, 765
Commerce and transportation:		
Investment credit	2, 300	3, 000
Excess depreciation on buildings (other than rental housing)	500	550
Dividend exclusion	225	260
Capital gains: corporation (other than agriculture and natural resources)	500	525
Excess bad debt reserves of financial institutions	600	660
Exemption of credit unions	40	45
Deductability of interest on consumer credit	1, 300	1, 600
Expensing of research and development expenditures	500	550
$25,000 surtax exemption	1, 800	2, 000
Deferral of tax on shipping companies	10	10
Total	7, 775	9, 200
Community development and housing:		
Deductibility of interest on mortgages on owner-occupied homes	1, 900	2, 200
Deductibility of property taxes on owner-occupied homes	1, 800	2, 350
Excess depreciation on rental housing	250	250
Total	3, 950	4, 800
Income security:		
Disability insurance benefits		100
Provisions relating to aged, blind, and disabled: Combined cost for additional exemption for aged, retirement income credit, and exclusion of social security payments	2, 300	2, 700
Additional exemption for blind	10	10
"Sick pay" exclusion	85	95
Exclusion of unemployment insurance benefits	300	325
Exclusion of workmens' compensation benefits	150	180
Exclusion of public assistance benefits	50	50
Treatment of pension plans:		
Plans for employees	3, 000	4, 000
Plans for self-employed persons	60	135
Exclusion of other employee benefits:		
Premiums on group term life insurance	400	400
Deductibility of accident and death benefits	25	25
Privately financed supplementary unemployment benefits	25	15
Meals and lodging	150	165
Exclusion of interest on life insurance savings	900	1, 000
Deductibility of charitable contributions (other than education)	2, 200	3, 000
Deductibility of child and dependent care expenses	25	25
Deductibility of casualty losses	70	80
Standard deduction	3, 200	3, 600
Total	12, 950	15, 905
Health:		
Deductibility of medical expenses	1, 500	1, 600
Exclusion of medical insurance premiums and medical care	1, 100	1, 400
Total	2, 600	3, 000
Education and manpower:		
Educational expense deduction		40
Additional personal exemption for students	500	500
Deductibility of contributions to educational institutions	170	200
Exclusion of scholarships and fellowships	50	60
Total	720	800
Veterans' benefits and services:		
Exclusion of certain benefits	550	600
Aid to State and local government:		
Exemption of interest on State and local dept	1, 800	2, 000
Deductibility of nonbusiness State and local taxes (other than on owner-occupied homes)	2, 800	4, 150
Total	4, 600	6, 150

By Mr. HRUSKA (by request):

S. 1831. A bill to provide for the appointment of U.S. marshals by the Attorney General. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill which would grant career status to U.S. marshals. I am pleased to make this introduction at the request of the Attorney General and ask that the bill be appropriately referred. I also ask unanimous consent to have printed at the conclusion of my remarks the text of the bill and the transmittal letter from the Department of Justice.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HRUSKA. Mr. President, all of us grew up hearing stories of the bravery and the adventure of U.S. marshals. In the early days of our history, the marshal was sometimes the only symbol of law enforcement our citizens knew. Certainly the contributions of these men were, and continue to be, important to the maintenance of lawful conduct throughout the country.

However, the duties and the responsibilities of U.S. marshals have changed over the years. Today a marshal must be knowledgeable not only about laws—both local and Federal—but about court rules and procedure, agency and departmental rules and regulations, extensive accounting procedures and administrative techniques. It is important that we have, and that we retain in these positions, men who are trained and experienced in all of these aspects of the job.

It is my belief that the high quality of the marshals' service would be enhanced by providing the opportunity to those within the service to advance to the position of U.S. marshal. Therefore, I am introducing this bill to give career status to this important position. As the Attorney General has stated:

> The government and the taxpayer have a tremendous investment in such a man; hence it is in the national interest that the position of United States marshal be converted into a career-merit service.

While the role of the marshal in pioneer days was, of necessity, one of policy-making, that is not true today. The disruption of each of the 93 marshals' offices at the end of every administration is no longer justified. With professional status for the marshals, the entire service will be staffed with career officers since the deputies, supervisory personnel, and chief deputies are already in the competitive civil service.

Mr. President, I hope that this bill will receive prompt attention by the appropriate committee and that it can be approved by this body so that this important change can take place soon.

EXHIBIT 1

S. 1831

A bill to provide for the appointment of United States marshals by the Attorney General

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 561(a) of title 28 of the United States Code is amended to read as follows:

"The Attorney General shall appoint a United States marshal for each judicial district."

(b) Section 561(b) of such title is hereby repealed, and subsection (c) of section 561 is redesignated as subsection (b).

(c) Section 565 of such title is hereby repealed.

(d) The sectional analysis at the beginning of chapter 37 of such title is amended by changing "565. Vacancies" to read "565. Repealed."

SEC. 2. (a) Section 24(b) of the Organic Act of Guam, as amended (64 Stat. 390; 48 U.S.C. 1424(b)), is amended to read as follows:

"The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for Guam to whose office the provisions of chapter 35 of title 28 shall apply."

(b) Section 24 of such Act is further amended by redesignating the present subsection (c) as subsection (d) and inserting a new subsection (c) reading as follows:

"The Attorney General shall appoint a United States marshal for Guam to whose office the provisions of chapter 37 of title 28 shall apply."

SEC. 3. (a) Section 45(a) of title 3 of the Canal Zone Code is amended to read as follows:

"The Attorney General shall appoint a United States marshal for the District of the Canal Zone to whose office the provisions of chapter 37 of title 28, United States Code, shall apply, except as otherwise provided in this Code."

(b) Section 45(b) of such title is hereby repealed.

(c) Section 45(e) of such title is amended to read as follows:

"The appointment and tenure of deputies and clerical assistants of the United States marshal are subject to section 562 of title 28, United States Code."

(d) Subsections (c), (d) and (e) of section 45 of such title are redesignated as subsections (b), (c) and (d), respectively.

(e) The caption of section 45 of such title is amended to read "§ 45. Appointment, leave, and residence of United States marshal; deputies and assistants."

(f) The sectional analysis at the beginning of subchapter II of chapter 1 of such title is amended by changing item 45 to read "Appointment, leave, and residence of United States marshal; deputies and assistants."

SEC. 4. A United States marshal serving under a Presidential appointment on the date of enactment of this Act shall be covered into the competitive service under title 5, United States Code, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe.

EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 11, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Attached for your consideration and appropriate reference is a draft bill "To provide for the appointment of United States marshals by the Attorney General".

Under existing law United States marshals are appointed by the President, by and with the advice and consent of the Senate, except in the Virgin Islands where the marshal is appointed by the Attorney General. Marshals are appointed for a term of four years, except in the Canal Zone where the term is eight years and in the Virgin Islands where no term of office is prescribed. All marshals are under the general supervision of the Attorney General.

For many years deputy and supervisory deputy United States marshals have been career employees. In 1959 the chief deputy marshals were given career status. In 1966 the Civil Service Commission placed these employees under the competitive civil service. Before that time they had been in the excepted civil service and were required to meet appointment qualifications prescribed by the Commission.

As a result of the career status afforded them, the caliber of deputy marshals, supervisory deputies, and chief deputies has improved considerably through the years and the turnover rate among these employees is the lowest of any category in the Department of Justice. We believe that similar results can be achieved by making the office of United States marshal a career position. Essentially, the marshal must have a knowledge of Federal and local laws, court rules and procedures, departmental rules and regulations, Civil Service Commission regulations, General Accounting Office procedures and pertinent decisions of the Comptroller General in the administration of civil procedures, criminal procedures, accounting procedures, and personnel actions. Suffice it to say, the Government and the taxpayer have a tremendous investment in such a man; hence, it is in the national interest that the position of United States marshal be converted into a career-merit service.

Section 1 of the draft bill would provide for the appointment of marshals by the Attorney General. The marshals would then be appointed in accordance with qualification standards prescribed by the Civil Service Commission. Such a change should make the office more attractive to qualified persons and would afford a better opportunity for appointment as marshal to those who have experience as deputy marshals.

Sections 2 and 3 of the draft bill make the necessary changes to provide for career appointments of the marshals for Guam and the Canal Zone.

Section 4 would provide that marshals serving under a Presidential appointment on the date of enactment would be covered into the competitive service under title 5, United States Code, upon passing a suitable, noncompetitive examination prescribed by the Civil Service Commission.

The present method of appointment of United States marshals has no relevance to the needs of modern law enforcement or the requirements of efficient administration. While marshals may have been policy making officials to some extent in the early days of the service, they are not today. This measure would provide for the appointment of non-policy making employees strictly on the basis of proven merit. Also, it would provide an improved structure of responsibility within the Department of Justice, would permit continuity and improvement of service in the marshals' offices, and would provide for advancement within the service which should serve as an incentive to qualified employees who aspire to the position of United States marshal.

This recommendation was made as early as 1912 by President Taft's Commission on Economy and Efficiency, in 1937 by President Roosevelt's Commission on Administrative Management, and in 1949 and 1955 by the first and second Hoover Commissions.

The Office of Management and Budget has advised that enactment of this legislation would be consistent with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

By Mr. HARRIS:

S. 1833. A bill to amend the wheat, feed grain, and upland cotton programs, as provided for in the Agricultural Act of 1970, in order to require the Secretary of Agriculture to make advance payments under such programs at an earlier time than required under current law. Referred to the Committee on Agriculture and Forestry.

Mr. HARRIS. Mr. President, I am introducing today a bill which would amend the Agriculture Act of 1970 insofar as it relates to the making of preliminary payments to producers under the wheat, feed grain, and upland cotton programs.

The 1970 act provides for certain "advance" or preliminary payments to be made to producers "as soon as practicable after July 1 of the year in which the crop is harvested."

The present law provides that the advance payment, in the case of wheat, is to equal 75 percent of the Secretary's estimate of the face value of certificates to be issued with respect to the wheat crop. Advance payments for corn are made at the rate of 32 cents per pushel, with comparable rates for sorghum. The advance payment for cotton is equal to 15 cents per pound.

The bill which I am introducing would require the Secretary of Agriculture to make at least 50 percent of this preliminary payment within 60 days following signup by the producer; the balance of this payment would be made as soon as practicable after July 1 of the year of harvest.

The farmer is faced today with extreme financial pressure. High interest rates make borrowing an all too expensive transaction for farmers. The early payment to farmers would provide cash when it is most needed—at a time when seed and fertilizer must be purchased, and when immediate cash is needed for operating costs.

My bill would not change the relationship, insofar as advance or preliminary payments are concerned, between the three crops affected by the bill. The formula for determining advance payments would remain the same. Only the time for making the payment is changed, in order to provide the farmer with liquidity at a time when it is urgently needed. The language of the bill would leave a degree of flexibility with the Secretary of Agriculture as to the amount to be paid at the earlier date. Not less than 50 percent of the payment must be made within 60 days after signup. However, if the Secretary should determine, a greater amount might be paid at the early date with any remaining balance to be paid as soon as practicable after July 1.

I am hopeful that this bill will receive early consideration so that in future years farmers will have available the necessary cash to finance their spring operations. The selection of July 1 in present law as a marker for the making of preliminary payments is not tied in with the farmers needs. It is an artificial time, based rather on the beginning of a new fiscal year. My bill would not increase the cost of advance payments. It would merely make these payments available to farmers at a more favorable time.

By Mr. HUMPHREY:

S.J. Res. 94. A joint resolution providing for a White House Conference on Environment and International Law. Referred to the Committee on Foreign Relations.

POLLUTION—A WORLDWIDE PROBLEM

Mr. HUMPHREY. Mr. President, I rise to speak today on an issue of vital importance to the health and well-being of all people—the protection and preservation of a wholesome environment.

Unfortunately, we in the United States have been focusing our attention only of late to the serious problem of the deterioration in our environment. Had we seen long before what we see now; if we had the panoply of legislation, especially the Environmental Policy Act of 1969, and a governmental body such as the Environmental Protection Agency to enforce this legislation, much of the irreparable damage to our environment could have been avoided. I am not naive enough to believe that because we now have some solid legislation the battle is over. On the contrary, I think it still is an uphill struggle which demands our unfailing energy. We can, nevertheless, say today that there is legislative backing for the work ahead and that our efforts promise to bring immensely constructive results.

But all our efforts will be for naught, if action to save and repair our environment is not coordinated on a universal basis. Surely, it is myopic to assume that cleaning up the Mississippi River is strictly a national problem when that waterway flows into the Gulf of Mexico which is an international—and polluted—body of water. Is it realistic to assume that by cleaning up the air in the United States, we will be creating clean air in parts of the world where environmental controls are lax or nonexistent? Do we not eat fish from the same oceans that other countries may continue to pollute.

There is, in sum, no end to the interdependency between the cleaning up of our environment and the world's. Selfish reasons should not be our primary concern. We want other, less-developed nations to profit from our own industrial experience so that they can achieve a higher standard of living, health, and education. At the same time, for their sake as well as ours, we can suggest ways to avoid the deleterious effects which we have discovered in our own growing process. If we truly want the people of the world to be healthier, the environment in which they live must be cleaner and healthier.

For these reasons, I am introducing a joint resolution to request that the President establish a special White House conference to create, through the United Nations, an international body of law directed toward the protection of the world's environment, and a U.N. Commission on Pollution Control to enforce the law.

This plan would be prepared for presentation at the Conference on the Human Environment, scheduled to be held in June 1972 at Stockholm. This Commission's first function—once established by the U.N.—would be to create international pollution codes and quality standards that will insure a safe environment. A White House conference this year could propose guidelines for such standards, as well as help define the statutes and makeup of a future U.N. commission. Hopefully, after the conference proposals have been discussed in Stockholm, a plan for a Commission on Pollution Control, along with a model set of standards, could be presented in 1973 to the U.N. General Assembly for approval.

The United States should exercise all of its power in the United Nations to establish this Commission. Furthermore, we should actively aim our work in the U.N. to see to it that this new Commission is given a rare and crucial commodity in the realm of U.N. organizations: power. The new U.N. Pollution Control Commission will be effective only if its charter has teeth in it to enforce its codes.

As a first step, the Commission ought to be given power to impose forms of commercial sanctions on nations which violate the pollution codes. This may prove difficult, but certainly such an unprecedented undertaking is worth the difficulty. The issue at stake involves the very survival of man. This issue, therefore, transcends regional or ideological rivalries. Polluted oceans will wash the shores of nations, both Communist and capitalist—old and new, rich and poor.

The General Assembly recognized the universality of this problem when it proclaimed the Second United Nations Development Decade and when it passed the resolution calling for the Stockholm Conference on the Human Environment.

This position has been reiterated at each preparatory session for the Stockholm conference. Secretary-General U Thant put it very well when he said:

> Like it or not, we are all travelling together on a common planet. We have no rational alternative but to work together to make it an environment in which we and our children can live full and peaceful lives. Stressing the urgency of the problem the Secretary-General said in his report to the Economic and Social Council and the General Assembly that "If present trends are allowed to continue, the future of life on earth could be endangered."

Many may argue that there is sufficient activity now going on in this field under the auspices of the United Nations, and that a pollution control commission is, therefore, unnecessary. It is true that the specialized agencies like the United Nations Development Program and the Food and Agricultural, the World Health, the World Meteorological, and the International Maritime Consultative Organizations have their programs. In addition, the Europeon Commission has its own advisory board for environmental questions.

What is lacking, however, is one central body which could coordinate all these activities so that much of the present overlap and conflict between bureaucracies would be avoided. A U.N. commission would be the ideal body to develop common standards and, in its second stage, to enforce these standards.

Each country faces different environmental problems because of varying stages of economic development and other reasons. But the essential point remains that other countries can profit from our experience, and we from theirs. The best way to share information on the problems we all face and to solve them on a cooperative basis is an international forum such as the one I am proposing.

For the Commission to be truly international, every effort must be made to include all nations. We can start by inviting nonmembers, as well as members of the United Nations, to the Stockholm conference. These nations are as involved, as we are in environmental proposals and could, therefore, contribute a great deal to the conference.

It is with great hope and earnestness, Mr. President, that I ask that the resolution I am proposing today be put into effect. The stakes are too high not to try. The cause is this generation and future generations. I ask unanimous consent that the joint resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 94

Whereas the General Assembly of the United Nations proclaimed the Second United Nations Development Decade starting from January 1, 1971;

Whereas one of the declared objectives of the United Nations Development Decade is to safeguard world environment;

Whereas the General Assembly passed a resolution December 3, 1968 calling for a Conference on the Human Environment, to be held in Stockholm, Sweden in June, 1972, in order to focus worldwide action to avoid a possible crisis endangering the well-being of mankind from the increasing impairment of his environment;

Whereas the Secretary General of the United Nations created the post of Under Secretary General for Environmental Affairs and Secretary General for the Stockholm Conference on the Human Environment;

Whereas the United States Government has created an Advisory Committee to the Secretary of State to advise him on the participation of the United States in the Stockholm Conference; Now, therefore, be it

Resolved, (1) That a White House Conference be convened for the purpose of establishing a plan to create a body of international law directed toward universal environmental protection and a United Nations Commission on Pollution Control;

(2) That the White House Conference prepare this plan to be presented at the Stockholm Conference on the Human Environment.

By Mr. STENNIS:

S.J. Res. 95. A joint resolution relating to the authority of the President to use the Armed Forces of the United States in armed conflicts. Referred to the Committee on Foreign Relations.

Mr. STENNIS. Mr. President, my remarks at this time will concern the power and the responsibility of Congress, under the Constitution, regarding a declaration of war. I shall discuss a constitutional and policy question that has concerned me for many of the years that I have been privileged to be a Member of this body. I do not believe it is an exaggeration to say that this policy question is the most important and fundamental to face us during this decade. The question is whether or not we shall return to that constitutional mandate found in the original text of our Constitution, as adopted in 1787, which provides that Congress shall have the power to declare war. I strongly favor following this mandate, and I am today introducing a resolution which reaffirms the constitutional power and duty of the Congress to pass on the question of a declaration of war, and which proposes regulations concerning our use of armed forces in emergencies.

My remarks today are prompted solely

by a conviction of many years—that our Nation should not be committed to a war except by declaration of war by the Congress.

My remarks and my action today have nothing whatsoever to do with the handling of the war in Indochina, by President Nixon, or by any preceding President. I shall not try to place blame for the fact that we got into this war, nor criticize in any way the methods used in the conduct of the war now or in the past. The resolution I shall introduce expressly provides that it shall not apply to the present war in Indochina.

Neither are my remarks in any manner a criticism of Congress, or any Member thereof for events of the past. I was a Member of the Senate when the Korean war started. In 1954, when we first sent troops into South Vietnam, I vigorously opposed such action, but along with others, I did not sufficiently oppose it in 1965. I fully assume my part of the responsibility for what happened in 1965. But regardless of how it began, this war is being wound down by the President, and I support him in his efforts to that end.

I know that had the Congress debated a declaration of war rather than a measure such as the Tonkin Gulf resolution, the subject matter of which has been of so much concern to the membership of the entire Congress, it would have been passed on only after exhaustive consideration and debate. The people of the entire Nation would have been alerted, aroused, and rightfully greatly concerned, had this been a proper declaration of war. Some say that we must abolish the draft in order for the Congress to establish its rightful role in the balance between the executive and legislative branches. I do not believe this is true. I believe that Congress should assert its role in this type of decision directly through a declaration of war itself based on provocations. The Congress should not approach the problem indirectly.

In debates in the Senate regarding the proposed adoption of the mutual defense treaties, I repeatedly raised the point that we were not to be committed to war except through constitutional processes, and that these processes included the step of congressional action, which meant a declaration of war by Congress. Many other Members of the Senate, other officials and leaders, made the same point before committees and on the Senate floor. I claim no special credit for these positions, but point to my record in the years past solely to show that my basic position now is the same as it was many years ago.

Some of the Senate speeches and colloquies to which I have referred can be found in the following places in the Congressional Record: First, a colloquy with Senator Wiley on January 26, 1954, printed in the Record, volume 116, part 30, page 40442 by Senator Cooper; Senator Wiley was then chairman of the Senate Foreign Relations Committee and was submitting a treaty to the Senate; second, a speech and colloquy with Senator and late President John F. Kennedy on March 9, 1954, at page 2902; and, third a speech and colloquy with Senator Long of Louisiana on May 11, 1954, at page 6359.

I refer today to the present war only for the purpose of taking a new starting point and seeing what lessons we can learn from experience. Mr. President, I have learned, and I believe that millions of American people have learned, that we must return to the original safeguard before our Nation can be committed to a state of actual war with any nation; that is, the Congress, representing the people, must so declare.

We have also learned, Mr. President, that unless this course is followed, the people as a whole do not feel committed; they do not and cannot have a full sense of personal commitment and personal obligation. This is no reflection on any President and, further, I give all Presidents full credit for the utmost good faith in dealing with these momentous problems, including events prior to and during the present war.

Mr. President, I have not been one of the principal advisers to Presidents. However, in this period that the statement covers, I did have personal contact with all of these Presidents, more than once, beginning with the late President Eisenhower, then the late President Kennedy, former President Johnson, and then President Nixon. I can say that they were dealing in the utmost good faith, surrounded as they were by these tremendous problems, a complete solution to which no one could find. So, I mention that as a background that might add a little value to things I might say.

The fact of the matter is that the decision to make war is too big a decision for one mind to make and too awesome a responsibility for one man to bear. There must be a collective judgment given and a collective responsibility shared. That is exactly the tone, the letter, and the spirit of the Constitution of the United States.

Let no one say, Mr. President, that this is a contest between the legislative and the executive branches of our Government, this matter of a declaration of war.

The very opposite is true. The judgment and the responsibility on the grave question of declaring war has to be shared by both the executive and the legislative members. As a practical matter, no congressional declaration of war will ever be made without the President's having great weight in the decision, and a major part of the leadership in that decision. That would, of course, be proper and any other course would be improper.

Mr. President, this is not merely a theoretical concern. I believe the absence of a declaration of war has harmful practical effects. I would even say that I do not believe the United States could expect to prevail in a conventional war in the foreseeable future which was not declared by Congress. Although we have accomplished much in Southeast Asia—and I have never discredited what we have accomplished—the scars on our society are deep and public support for any future hostilities in an undeclared war should not be taken for granted. That is one of the lessons of Vietnam. That is one of the lessons of post-World War II. The state of future hostilities in an undeclared war should not be taken for granted.

The chances for peace for our Nation are far better, I think, if there is compliance with the following two policy positions.

I am thinking of the future and not thinking of past wars. The chances for peace for our Nation are far better, I think, if there is compliance with the following two policy questions:

One, that we be militarily prepared to defend our own security by meeting a major military thrust of any kind that might be thrown against us. Further, we must have sufficient military strength for us to be able to do our part in carrying out our commitments. By being militarily prepared, I always include the condition of having more strength available than that which is barely enough. We must have a preponderance of military strength. and that means having a sufficiency of the very best weapons, with ample numbers of highly qualified men, trained and ready to go. The qualifications and the training are far more important than the numbers.

The second position is to have the firm policy that our Nation will not be committed to a war unless there is a declaration of war by Congress. As I shall point out, the President should be permitted certain emergency authority to respond to an attack upon us. But under the Constitution the decision of whether we are to go to war belongs, in the final analysis, to the elected representatives of the people. It is they who are directly responsible to the people and who have to answer on a personal and official basis for the exercise of their very best judgment. It is they who must personally assume responsibility in a yes or no vote on the question of whether our Nation shall declare a state of war to exist with another nation, or nations.

The pressures are simply too great to be carried by one man and one mind alone. Matters that lead to a prospect of war almost always happen step by step, day by day, week by week, and month by month.

I call that to the especial attention of the Members of this fine body who have not been here but a few years. No man, no Chief Executive, feels free to back up when his action could be interpreted as a sign of weakness on his part. Furthermore, there are tremendous pressures—the pressures of politics, and the pressures of advisers. There is pressure from professional military advisers and from civilian advisers in the White House, the Department of State, and the Department of Defense and other advisers. These advisers are naturally proud of the capabilities they control and for which they are responsible. They want to serve the President loyally and give him forceful advice. They are serving their county loyally and they are highly qualified in their field. But, with all deference to them, they should not have the last word with reference to whether or not we inch forward and go to war. Our constitutional system places that decision in another forum—among those of us who, as Mr. Thoreau once said, may hear a different drummer.

These are my fundamental beliefs and conclusions based on years of experience here in the Senate. I remember I was standing at the desk which is behind me now when the news came into this Chamber that troops had been ordered to land in Korea. I knew that that was the first time in our history a deliberate decision had been made to land troops, an Army, in a war against another nation without a declaration of war by the Congress of the United States. I am not being critical of the man who gave that order. There had been skirmishes and battles at sea and the repelling of force with force, as at Pearl Harbor, but I knew then and there, and I never forgot how I felt about that commitment. I was salved in a way by thinking, "It is the United Nations Security Council which ordered this, and that to a degree is a committal of us." I pushed it aside for the time being, but I have never forgotten that a principle was involved. I have already referred to the developments in the present war. I am not blaming anyone, but I know that inch by inch, foot by foot, step by step, and crisis by crisis we were in, and yet we have never stood up here and said that in our judgment we ought to go to war.

We debate back and forth here day after day things that seem so small by comparison with the fundamental question we are up against: What are we going to do in the future?

Even though the present war is not over, and I am supporting the President as he copes with the problems involved, nevertheless, I feel that to a degree we are already in the postwar era. That is why I have been thinking about this matter. The subject has been brought up and advocated by others, and I, of course, welcome the discussion. Personally, I might have put it off a little longer—I am speaking of the postwar policy—but I am afraid we are emphasizing and thinking too much about the past, and I am not speaking with respect to this bill that is now pending at this time. Let us look to the future.

With policies and courses of action for the future being considered and formulated, I, therefore, feel that this resolution is presently in order and should be passed, after thorough understanding and debate.

I do not mean passed within a week or a month. I think this matter should be pending for a year or more. It must be understood in every facet and the people must understand fully the question that is involved.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOPER. I do not wish to interrupt the Senator; I know how deeply he feels about these great constitutional decisions of peace and war. That the Senator has come to this day and time is of tremendous consequence in our country and in Congress.

I have not read all of the Senator's speech, but his proposal should be considered and debated thoroughly by the Senate.

I recall that in 1954 when the subject of the approval of the bilateral treaty with Korea was before the Senate, the Senator from Mississippi raised the question of constitutional process, which was the great question connected with that treaty. I can remember he argued at that point that Congress should make the decision.

I hope the Senator will forgive me for interrupting him, but I did wish to make that point.

Mr. STENNIS. I express my appreciation and gratitude to the Senator from Kentucky for his fine service and for what he has meant to me in my efforts in trying to fulfill my office.

Mr. President, I shall now discuss briefly the history and background of this provision of our Constitution.

At the Philadelphia convention where the Constitution was written, the framers made a distinction between declaring war and making war, changing proposed wording that gave Congress the power to make war to wording which gave Congress the power to declare war, article I, section 8, 11. The President, it was agreed, should have the power to repel sudden attacks. The President's explicit power, as stated in the Constitution, is as Commander in Chief; his implicit power is that "he shall take care that the laws be faithfully executed—article II, section 2, 1, 3. Together, these statements give him the power to make war after it has been authorized by Congress. Congress was also given general appropriations power, with military appropriations limited to 2 years at a time—article I, section 8, 12. This power of appropriations enables Congress to cut off the funds if it disapproves of the war that is being waged. But the power of appropriations is not the best instrument, or even an appropriate instrument, to prevent involvement in wars or to stop wars that have already been started. What is needed is an assertion of the power and responsibility of Congress before the fact of involvement.

It has sometimes been argued that the constitutional balance in the war powers is a dead letter because of the erosion in congressional prerogatives over the years. I do not believe that this is true, not by any means. I think there is some confusion, and it is vital that the role of Congress be made clear. For example, I believe it is deceptive to assert that the large number of unapproved force commitments in the past ties our hands in the future. First, some of these conflicts were very small matters, perhaps not appropriate for congressional concern. Second, it does not follow that just because there have been some cases of significant U.S. force commitments without congressional approval, that this has been desirable or should continue. These incidents do not constitute binding precedents. They have not made law, and this practice is most certainly not in concordance with the Constitution. The last declared war ended in 1945, but the United States has been involved in armed conflicts—undeclared wars—many years since June 1950. I think we should take a close look at this problem with respect to history, but more particularly with an eye to the future. I am concerned that we not again allow the United States to slip gradually into a major conflict without authorization by Congress.

A word about these precedents. A great many cases are decided by the courts. Rulings are made by the diplomatic agencies of our Government. Findings are made by our Secretaries of State. In almost 200 years we have accumulated a whole roomful of precedents. One can find authority for almost any position he wants to take. Many of these decisions were made to back up facts that had already happened. That has not changed the basic law, but even if it has, we ought to take a new start. We must take a new start.

Some may argue that such a mechanism would be an undue restraint on the President's power to conduct foreign relations and on his power as Commander in Chief. If a mechanism is properly designed, I do not believe this would be true. I believe that we in the Congress can summon the skill to design a mechanism which will restore to Congress the power to declare war without impeding the due exercise of Presidential authority.

As a contribution to our joint efforts in the Congress toward this end, I would like to state first the principles around which I believe such a mechanism should be designed:

First. The President should be permitted the freedom to deploy U.S. forces to meet certain immediate contingencies without seeking prior congressional approval.

For example, the President should clearly be able to move quickly to repel an attack on U.S. territory or U.S. forces and to protect the lives of U.S. citizens abroad. These exceptions include events like Pearl Harbor. I believe that he should also be free to prevent an imminent nuclear attack on the United States of which he has clear evidence. I do not believe that other possible circumstances, such as an attack on a country with whom the United States has an executive agreement or a mutual defense treaty, should justify a prior commitment of U.S. forces to armed conflict without congressional authorization. The mutual defense treaties all recognize that each nation will take action in accordance with its constitutional processes. Our Constitution does not place the right to decide such matters solely in the hands of the executive branch.

Even in the very special cases in which the President would be authorized to take action quickly, I believe that after an appropriate amount of time for congressional debate this action should either be ratified by the Congress or it should cease.

That is important ground, and this matter is so urgent and demanding, and communications and Senate attacks have such broad possibilities, that there is no way to lay down the final word or final rule.

Second. U.S. military personnel should not engage in combat, or serve in significant numbers as advisers to foreign armies engaged in combat, prior to congressional approval.

There may arise conditions of a complex not now imaginable in which we will have to fight to protect the peace. It would be fruitless to try to state these conditions now in detail. The only reasonable solution to this problem is to require prior congressional authorization at the time except in those specific cases mentioned above and to establish the machinery for prompt congressional action.

Third. There should be a reasonably well-defined point at which all can agree beforehand that any situation will be considered sufficiently serious to require authorization.

One difficulty I have had in understanding how some other proposals on this general subject would operate is that it is hard to determine how any agreement could be reached on the key question: When do hostilities begin? If one looks to our Vietnam experience, it is clear that involvements of this type rarely have a clear beginning. Reasonable men may differ by as much as a dozen years over when the United States began being involved in hostilities in Vietnam. If Congress is to vote within a certain number of days after some occurrence, it is vital that we are all able to agree on what that occurrence is. I have examined this issue in some detail, and have thought about it for a long time, and I do not believe there is any simple answer. But I believe that if we leave the matter vague and, for example, merely provide that the initiation of "hostilities" shall mark the beginning of the time within which Congress shall act, we are creating potential conflict and confusion for those who follow us. A specific criterion, such as a fixed number of U.S. combat fatalities within a given period, has much to recommend it. But on balance I believe that such a formula would be too mechanistic, and I believe a specific definition of events such as that designed by the distinguished Senator from Missouri (Mr. EAGLETON) in his resolution, is the most reasonable solution.

I have taken the liberty of incorporating a definition of this type and other suggestions of his in my proposal.

Fourth. The question of authorizing future conflicts should be separated from our discussion of the current war in Southeast Asia.

I emphasize again that after we got in it and were committed and our boys were fighting, I supported that war in every way I possibly could, and I intend to do so as long as I am convinced, as I am now, that President Nixon, with his fine intelligence and courage, is doing all he can to bring this war to what I think is a respectable, livable termination. I emphasize that again to keep whatever thought I have on this subject of the maze of the present war we are in.

I believe that it is important that we not permit consideration of this constitutionally important resolution, which could be vital to the maintenance of our form of government in the years to come, to be affected by the current disagreements in the Congress over the war in Southeast Asia. I believe that it would be unwise, for example, to use this mechanism to authorize specifically some current hostilities, such as those within South Vietnam, and to exclude others. On the other hand, a simple exclusion of all "current hostilities" from the provisions of the resolution is such a general provision it could lead to later disagreements. In my resolution I propose to exclude from the requirements of the resolution the use of all types of U.S. forces within South Vietnam and other military activities elsewhere in Indochina which are directly related to the war in South Vietnam. This exclusion simply permits us to debate the operations in Indochina in other contexts.

Mr. President, I believe that we can and should act now, effectively, to first admit, and then clearly restore, as a matter of policy, the constitutional war powers of the Congress. I offer this proposal in hopes that it will contribute to that end.

Mr. President, this matter is so complex that I wish to commend other Senators who have worked on it recently, particularly the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. EAGLETON), and the Senator from Ohio (Mr. TAFT).

As to my resolution, Mr. President—and I do not refer to theirs in this context—I suppose one could find a hundred reasons why it should not be adopted—a hundred reasons with some logic behind them. But, Mr. President, we can find a thousand reasons why something along this line should be adopted. And we do not have to have but one reason. The major reason is this: The people, by and large, the so-called "little people"—I never use that term—but by and large, the people everywhere put up the blood to fight a war. Those people need a direct voice. They need a voice here in the legislative halls to represent them. Many of them personally know individual Members of this Congress.

That is the primary reason for sponsoring this resolution, as we move, now, undoubtedly into another era. The end of this war will bring us into a new era.

Mr. President, with all deferrence to everyone—and I was present, as I have already said—this Tonkin Gulf Resolution that was brought in here, debated briefly, and passed, if it had been a declaration of war, would have received the most intense, exhaustive consideration and concern by the Members of this body and by the people at large. And it would not have been passed until there was a firm, solemn judgment that it should be passed. But as it was, again with all deference, that resolution was passed, not altogether as a routine matter, but at least partly so; and it was pointed to later by a President of the United States, in good faith—and I know how former President Johnson wrestled with all these matters; I do not join in any criticism of him—but later, that resolution was pointed to by the former President as authority for his actions. And then the next President said we did not need it in order to honor our commitment.

Mr. President, I could not find any argument more convincing than that. Right here in this Chamber these things have happened. I do not put blame anywhere. But I say we can find a better way, we can find a better policy, and I want the people to take notice at this time that now, as this war is winding down, we can make a new start. We cannot afford any longer, Congress cannot afford any longer, to let this issue lie unresolved, and I do not believe the people want us to.

So let us launch out into the future. According to the Bible, Jesus admonished his disciples to launch out in the deep and let down their nets. Let us launch out into the future and cut a new path, a clear course, as clear as we can make it, through the forest and into that future for our young generations and the other generations that will follow. Let us not spend all our time arguing about the past, or about things that are not essential. But let us move forward, and try to find that peace that we seek, and that it is absolutely necessary that we attain.

I say necessary because I speak with knowledge about what the nations have that are against us, and how their strength is accumulating. I could speak with knowledge of our own power to retaliate, but what is that power going to be worth? Maybe not too much. We have got to rethink and work hard, and I believe we will find a way, a way with which the world will be in sympathy.

I am no pacifist. I have stated strongly here that we have to have strength, military strength for our time and beyond. We must have enough of it. And to have enough, we have to have what many people call too much

I am no wise man, but I have lived awhile, and I remember, after World War I, how that pendulum swung. I remember when we sank those battleships, and when we got down to the very nub. We finally passed the Selective Service Act of 1940 with the understanding that it was for 1 year, and the next year it passed by only one vote in the House of Representatives. Pearl Harbor came 60 days later.

Then I remember in 1945, and beyond that. No one was more enthusiastic about the United Nations than I, and I do not discredit it now, but we were trying to take in the whole world. We were going to have an automatic formula for peace.

We moved on, then, and rearmed. We have fought two wars now, and are heavily armed, and are arming more, particularly with nuclear weapons.

But this is post-Vietnam. What are

we doing now? I think we must continue to be well prepared militarily. I think we must realize now we cannot undergird and defend the whole world. I think we must realize that to have successful wars, we must fight to win; and that is the only posture the people are going to understand and be fully behind.

We can take a long step forward here toward restoring, as far as we can, the congressional responsibility of the declaration of war, and help in that way to find a way to the future.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. If I may make one other point, I shall be glad to yield in a moment to the Senator from New York. The Senator has worked hard on this matter, and has made a significant contribution.

Mr. President, I have not tried to write this resolution, or have it written, so that it will be referred to the committee of which I am chairman. This resolution ought to go, and it will go, to the Committee on Foreign Relations. That is where all such resolutions belong, and that is where I want this one to go.

I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, this is a historic moment. I know the Senator from Mississippi, I know his philosophy, and I know how profound are his convictions. I say we are witnessing a miracle. It is both a miracle of the human personality and a miracle of this Chamber.

What is so hard for the onlooker to understand is that men in this Chamber can differ deeply, based on the convictions of a lifetime, on subject A, and come together on subject B, and that it is a completely rational, understandable, acceptable, and honest fact. That is exactly what has happened here today.

To me, all my life, the proudest words in the language have been the words "I am persuaded." When I first broached this subject last year, the Senator from Mississippi electrified me by expressing an interest. He has pursued that interest diligently and carefully, and he has now come up with his own prescription, based, surely, upon the fundamental framework which I introduced—but his own prescription, responding to his own ideas and his own vast experience in the defense field as well as in public affairs.

The significance of Senator STENNIS' action today derives from his exceptional knowledge and experience with regard to military affairs, and the great prestige and influence he commands in the Senate with respect to these matters. As chairman of the Senate Armed Services Committee he has dealt for years with the great decisions and issues respecting our Nation's capacity to make war. He is in a somewhat unique position to judge the issues regarding the exercise of the basic war powers—the life and death decisions that must be made whether or not our Nation shall make war in a given situation.

I note that Senator STENNIS has also adopted in his measure some of the suggestions contained in a bill introduced by Senator EAGLETON. Senator EAGLETON's bill also follows closely the conceptual and procedural framework contained in the bill I first introduced last year, and reintroduced again this year on February 10. I welcomed Senator EAGLETON's bill as a useful and thoughtful contribution which adds to and modifies certain of the provisions of my bill.

Senator STENNIS' introductory statement is one which commands great attention and reveals the depth and earnestness of his consideration of the great national and constitutional issues which are involved in basic war-powers legislation.

I am confident that Senator STENNIS' decision to sponsor basic war powers legislation will have an important impact on the thinking of the Nation and—I hope—of the administration. Secretary Rogers is scheduled to testify before the Foreign Relations Committee on Friday, May 14, respecting my bill and the other measures before the committee. With Senator STENNIS now joining those of us who feel that it is essential to our Nation that the Congress reassert its constitutional powers respecting war there can be no doubt left as to the seriousness and earnestness of the Senate sponsors in this respect.

It would be demeaning of what I consider to be a historic moment as between two Senators of such widely divergent views and background, and of this Chamber, if I now tried to analyze differences, or individual points, or anything else, and I would not dream of doing it. We will have plenty of time for that. Suffice it, for the moment, to express one of the deepest satisfactions I have ever felt, either in or out of this Chamber, in having come to a basic agreement on principle with so distinguished and patriotic an American on a matter which I believe will turn the course of history for our people from a course which has led us into far more wars than we should have had—not that we could have avoided them all, by any means—into a course which will give the people the deep assurance that, so far as human contrivance and human machinery can provide, we will avoid future wars wherever possible.

Mr. STENNIS. I thank the Senator for his kind words, and I again thank him for the assistance I received from his resolution.

Mr. JAVITS. I thank the Senator.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MATHIAS. Mr. President, we like to think that rational men react in a rational way to facts. This ought to be one of the constant rules of human behavior, but unhappily it is not. However, I think that by what we have heard from the distinguished Senator from Mississippi today—we know the proposal he has made and has brought to the Senate today—we can see that he is in the highest sense exercising the rational faculties of the human race.

In the great committee over which he presides, he has inevitably become involved in the cost of armed conflict. While I know that he is determined, and I am determined, that we will maintain our defenses at the kind of level which will deter armed conflict, what he would like to see and what I would like to see and what the Senator from New York has been working for is the prevention of our once again getting on the sliding board and slipping down without the kind of controls and the kind of thoughtful policy decisions that should be made.

I am sure this has not been an easy decision for the Senator from Mississippi. I thank him for the very thoughtful consideration he has given this matter, and I salute the leadership he has demonstrated. I hope to join him in moving in the direction of setting up a framework of rules so that a government of law will apply to the issues of war and peace and life and death as well as to other aspects of our society.

Mr. STENNIS. I thank the Senator very much for his remarks. There is plenty for all of us to do.

I do want to state that I had intended to deliver this speech some weeks ago, but in the last several weeks I have been busy with the pending bill, the hearings, and other matters.

Mr. President, I introduce the joint resolution and ask unanimous consent to have it printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 95

Joint resolution relating to the authority of the President to use the Armed Forces of the United States in armed conflict

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That except as provided in sections 2 and 3 of this joint resolution, the President may not use the Armed Forces of the United States in any armed conflict.

SEC. 2. The President may, in the absence of a specific authorization by law as provided in section 3 of this joint resolution, use the Armed Forces of the United States in conflict to the extent reasonably necessary—

(1) to repel any armed attack on the United States by the forces of any foreign government or power and to take action that will protect the United States against future armed attacks by such foreign government or power;

(2) to repel an armed attack on the Armed Forces of the United States by forces of any foreign government or power and, concurrently, to protect the Armed Forces of the United States against any imminent danger of future attacks by the forces of such foreign government or power;

(3) to prevent or defend against an imminent nuclear attack on the United States by the forces of any foreign government or power, but only if the President has clear and convincing evidence that such attack is imminent; and

(4) to evacuate citizens of the United States from any foreign country in which they are located when such citizens are in such country with the express or tacit consent of the government of such country and their lives are being subjected to an imminent threat by such government or by

persons or forces beyond the control of such government.

SEC. 3. The President is authorized to use the Armed Forces of the United States in armed conflict pursuant to a declaration of war or other specific statutory authority, but authority to use the Armed Forces of the United States in armed conflict shall not be inferred from any provision of law, including any provision contained in any appropriation Act, unless such provision specifically authorizes the use of such forces in armed conflict.

SEC. 4. (a) Whenever the Armed Forces of the United States are used in armed conflict under any of the circumstances described in section 2 of this joint resolution, the President shall promptly report that fact to the Congress and shall include in such report a detailed account of the reasons for so using the Armed Forces of the United States, his estimate of the scope of the armed conflict, and the justification for the use of such forces under section 2 of this joint resolution. Upon receiving any such report, the Congress shall decide, within 30 days after the first day on which Armed Forces of the United States were committed to armed conflict, whether the authority to so use the Armed Forces shall be extended or terminated. The following procedures shall be applicable to any such question:

(1) Any bill or resolution, authorizing the continued use of the Armed Forces in armed conflict under authority of section 2 of this joint resolution shall, if co-sponsored by one-third or more of the total number of Members of the House of Congress in which such bill or resolution originates, be considered reported to the floor of such House no later than one day following its introduction; unless the Members of such House determine otherwise by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee determine otherwise by yeas and nays.

(2) Any bill or resolution reported pursuant to paragraph (1) of this subsection shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall determine otherwise by yeas and nays.

(b) In no case shall the Armed Forces of the United States be used in any armed conflict under any of the circumstances described in section 2 of this joint resolution for any period exceeding thirty days after the first day on which such forces were first engaged in such conflict unless the Congress has specifically authorized the use of such armed forces in such conflict for a longer period.

SEC. 5. Whenever Armed Forces of the United States are engaged in armed conflict in any foreign country, the President shall, so long as such forces continue to be so engaged, report to the Congress periodically on the status of the armed conflict as well as on the scope and expected duration of such conflict, but in no event shall he report to the Congress less often than every six months.

SEC. 6. The provisions of this joint resolution shall not apply to—

(1) the armed conflict in the Republic of South Vietnam in which the Armed Forces of the United States were engaged on the date of enactment of this joint resolution; or

(2) military activities carried out against the military forces of North Vietnam, or against forces allied with North Vietnam, in North Vietnam, Laos, Cambodia, or the waters surrounding the Indochina Peninsula, so long as such military activities are directly related to the conflict referred to in paragraph (1) above.

SEC. 7. As used in this joint resolution, the term "armed conflict" includes (1) land, air, and naval actions taken by the Armed Forces of the United States against the military forces or civilians of any foreign country or government, (2) the deployment of the Armed Forces of the United States outside of the United States under circumstances that present a reasonable possibility of the use of arms against the military or civilian forces of a foreign country or government, and (3) the assignment of members of the Armed Forces of the United States to accompany, command, coordinate, or participate in the movement of regular or irregular military forces of any foreign country or government when such military forces are engaged in any form of combat activity.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 290

At the request of Mr. BELLMON, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 290, a bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans.

S. 530

At the request of Mr. BAYH, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 530, a bill to establish a universal system of child care and development in the United States.

S. 635

At the request of Mr. ALLOTT, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 635, a bill to amend the National Mining and Minerals Policy Act of 1970.

S. 681

At the request of Mr. BELLMON, the Senator from Idaho (Mr. JORDAN) was added as a cosponsor of S. 681, the State Environmental Center Act of 1971.

S. 1156

At the request of Mr. HART, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1156, a bill to provide for a Great Lakes Basin conservation program.

S. 1309

At the request of Mr. HANSEN, the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1309, to amend the Internal Revenue Code to encourage an increase in the production of coal.

S. 1608

At the request of Mr. SPARKMAN, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1608, a bill to designate certain lands on the Bankhead National Forest in Alabama as wilderness under the Wilderness Act of 1964.

S. 1611

At the request of Mr. PEARSON, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 1611, a bill to amend the Interstate Commerce Act for the purpose of insuring that regulations governing the operation of farm vehicles will be based on commonsense and on an understanding of the normal operation of our Nation's farms.

S. 1644

At the request of Mr. DOLE, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 1644, to increase the small issue exemption from the industrial development bond provision of the Internal Revenue Code from $5 million to $10 million.

S. 1681

At the request of Mr. BELLMON, his name was added as a cosponsor of S. 1681, to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

S. 1782

At the request of Mr. CURTIS, the Senator from Oklahoma (Mr. BELLMON) and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 1782, a bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof.

SENATE JOINT RESOLUTION 29

At the request of Mr. SCOTT, the Senator from New Jersey (Mr. CASE), the Senator from Nebraska (Mr. HRUSKA), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Joint Resolution 29, a joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Delaware (Mr. ROTH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 79, a joint resolution proposing an amendment to the Constitution of the United States relative to the equal rights of men and women.

APPOINTMENT OF SENATE PAGES—SENATE RESOLUTION 112—AMENDMENT

AMENDMENT NO. 83

Mr. JAVITS submitted an amendment (No. 83) intended to be proposed by him to the committee amendment to the resolution (S. Res. 112) to permit the appointment of Senate pages without discrimination on account of sex, which was ordered to be printed and to lie on the table.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 85

Mr. PELL submitted an amendment (No. 85) intended to be proposed by him to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and for other purposes, which was ordered to be printed and referred to the Committee on Labor and Public Welfare.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

AMENDMENT NO. 82

Mr. HUGHES (for himself, Mr. SYMINGTON, Mr. BELLMON, Mr. SCHWEIKER, and Mr. CRANSTON) submitted the following amendment (No. 82) intended to be proposed by him to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which was ordered to be printed and to lie on the table:

No. 82

On page 35, beginning with line 7, strike out all down through line 5 on page 38, and insert in lieu thereof the following:

"SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

" '(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10[1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,739.30	$2,967.60	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40
O-8	1,695.00	1,745.00	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.00
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,142.10	1,471.20	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3[2]	654.30	731.10	781.20	864.90	906.00	938.70	939.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2[2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1[2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	722.80	622.80	622.80	622.80	622.80	622.80	622.80

"[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under sec. 205 of this title.

"[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	655.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

"WARRANT OFFICERS

"Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20	748.20

"ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	879.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.00	574.50
E-5	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	441.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	199.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.10	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

"[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185.00 regardless of cumulative years of service computed under sec. 205 of this title."

"SEC. 202. Chapter 5 of title 37, United States Code, is amended by inserting the following new section and a corresponding item in the analysis:

" '§ 302a. Special pay: optometrists

" '(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rates set forth in subsection (b) of this section—

" '(1) a commissioned officer—

" '(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

" '(B) of the Regular Air Force who is designated as an optometry officer; or

" '(C) who is an optometry officer of the Regular Corps of the Public Health Service;

who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

" '(2) a commissioned officer—

" '(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

" '(B) of a reserve component of the Air Force who is designated as an optometry officer; or

" '(C) who is an optometry officer of the Reserve Corps of the Public Health Service;

who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

" '(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"'(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"'(A) $50 a month for each month of active duty, if he is in pay grade 0–1, 0–2, or 0–3;

"'(B) $150 a month for each month of active duty if he is in pay grade O–4 or O–5; or

"'(C) $200 a month for each month of active duty if he is above pay grade O–5.

"'(c) The amounts set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay.'

"Sec. 203. (a) Section 402 of title 37, United States Code, is amended as follows:

"(1) The first sentence of subsection (b) is amended to read: 'An enlisted member is entitled to a basic allowance for subsistence of one of the following types—

"'(1) when rations in kind are not available; and

"'(2) when permission to mess separately is granted.'.

(2) The fourth sentence of subsection (b) is amended to read: "The allowance for enlisted members who are on leave shall be the rate authorized for members authorized to mess separately."

"(3) Subsection (d) is amended to read:
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"'(d) The basic allowance for subsistence for members of the uniformed services is as follows:

Officers	$48.00 a month.
Enlisted members authorized to mess separately	$48.00 a month.
Enlisted members when rations in kind are not available	$3.45 a day.'.

"(4) Subsection (e) is amended by adding the following sentence:

"'(e) Under regulations prescribed by the Secretary of Defense, an enlisted member who is granted permission to mess separately, and whose duties require him to buy at least one meal in a messing facility of the United States, shall be charged for each such meal not more than the pro rata share prescribed for that meal of $1.60.'.

"(b) Section 403(a) of title 37, United States Code, is amended to read as follows:

"'(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	Without dependents	With dependents
0–10	$271.20	$339.00
0–9	271.20	339.00
0–8	271.20	339.10
0–7	271.20	339.00
0–6	249.30	303.90
0–5	233.40	281.10
0–4	210.30	253.50
0–3	186.30	230.10
0–2	163.20	206.70
0–1	128.10	166.50
W–4	202.80	244.50
W–3	182.70	225.60
W–2	161.40	204.30
W–1	145.80	189.30
E–9	153.90	216.90
E–8	143.70	202.59
E–7	123.30	189.90
E–6	121.80	176.40
E–5	109.20	163.20
E–4 (over 4 years' service)	96.00	143.10
E–4 (4 years' or less service)	45.00	45.00
E–3	45.00	45.00
E–2	45.00	45.00
E–1	45.00	45.00

A member in pay grade E–4 (less than four years' service), E–3, E–2, or E–1 is considered at all times to be without dependents.'."

On page 38, line 6, strike out "Sec. 203" and insert in lieu thereof "Sec. 204".

On page 39, line 7, strike out "Sec. 204" and insert in lieu thereof "Sec. 205".

On page 39, beginning with line 19, strike out all down through line 5 on page 40, and insert in lieu thereof the following:

"Sec. 206. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"'Sec. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grade E–1, E–2, E–3, and E–4 (four years' or less service) and inserting in place thereof the following table:

Pay grade	Without dependents	With dependents
E–4 (4 years' or less service)	$96.00	$143.10
E–3	85.20	120.00
E–2	75.00	105.00
E–1	70.20	105.00".

"Sec. 207. Section 4 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2204) is amended by inserting immediately before ': *Provided further*' the following '; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States in accordance with section 204 of title 37, United States Code) if that training is for a period of 30 days or more.'.

"Sec. 208. Section 7 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2207) is amended by striking out 'to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), or any other enlistment program that requires an initial period of active duty for training,'."

On page 40, line 6, strike out "Sec. 206" and insert in lieu thereof "Sec. 209".

On page 40, line 8, strike out "Sec. 203" and insert in lieu thereof "Sec. 204".

AMENDMENT NO. 84

Mr. SCOTT submitted an amendment intended to be proposed by him to the same bill which was ordered to be printed and to lie on the table.

AMENDMENT NO. 88

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, I submit an amendment as a substitute for the one offered by the distinguished majority leader, because I am concerned about the limitation placed on the President to move troops as necessary to meet our national security commitments. Let me say I agree completely that our forces in Europe should be reduced and the totals proposed by the majority leader may even be correct, but I take no stand on this at this time. However, the majority leader's amendment appears to me to be unduly restrictive in connection with our treaty commitments, and the administration should be provided reasonable flexibility and time to enter into such negotiations and discussions as may be necessary with our allies.

Mr. President, we did not enter into our European agreements lightly. We have maintained our side of the bargain in good faith and at great expense for many years. The Congress should not arbitrarily abrogate these long standing agreements. The prestige of the United States is at stake. Rather, by adoption of my amendment we indicate our concern for the continuing large commitment of U.S. Forces and the balance of payments problem it is contributing to and the difficulty this is causing our country. With adoption of my substitute amendment we apply pressure to the administration to correct this problem, but we leave its resolution to the administration. In this manner we will not raise the constitutional issue of whether Congress has the right to determine where troops should be placed to defend this country but we will show the administration and our allies that without jeopardizing our NATO commitments in any way, we will indicate strongly that we have left too many of our forces for too long, in an area where the economic strength of our allies is enormous and their and our military defense effort can be enlarged rapidly if deemed necessary.

NOTICE OF HEARINGS CONCERNING REFORM AND IMPROVEMENT OF NATION'S CORRECTIONAL SYSTEM

Mr. BURDICK. Mr. President, as chairman of the Subcommittee on National Penitentiaries, I wish to announce hearings for May 18, 19, and 20 commencing at 10 a.m., in room 2228, New Senate Office Building, concerning reform and improvement of our Nation's correctional system.

On the first day we will hear witnesses regarding S. 662, a bill introduced by Senator Bellmon, which would establish a series of models of correctional programs which could be followed by other jurisdictions.

On the second and third days we will hear witnesses regarding the relationship between employment and rehabilitation, barriers to employment, present programs of placement, training, evaluation and counseling, as well as future needs and directions. Anyone who wishes to be heard on these subjects should get in touch with the subcommittee staff in room 6306.

NOTICE OF HEARINGS ON THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. CANNON. Mr. President, I wish to announce that the Subcommittee on Privileges and Elections will hold public hearings on May 24 and 25, 1971, beginning at 10 a.m., in room 301 of the Senate Office Building.

The subject of the hearings will be S. 382, "The Federal Election Campaign Act of 1971."

ORDER FOR RECOGNITION OF SENATORS BROCK AND WEICKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the remarks of the Senator from Iowa (Mr. Hughes) and prior to the recognition of the Senator from Alaska (Mr. Gravel) tomorrow, the

Senator from Tennessee (Mr. Brock) be recognized for not to exceed 15 minutes, to be followed by the Senator from Connecticut (Mr. Weicker) for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks of the able Senator from Alaska (Mr. Gravel), there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements by Senators therein limited to 3 minutes, following which the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further morning business?

THE DOLLAR CRISIS AND AMERICAN PRESTIGE

Mr. GOLDWATER. Mr. President, some years ago during a crisis involving the pound sterling the British Chancellor of the Exchequer was asked whether anyone in the world really understood the international monetary system. He replied, according to this legend as follows:

> Yes, there are to my knowledge two men in the entire world who understand the workings of the international monetary system. One is an official of the French ministry of Finance. The other is an obscure genius who works deep in the bureaucratic system of the U.S. Treasury Department. These two men understand the world monetary system and they disagree completely on every important point.

Mr. President, I am reminded of that story today as we attempt to figure out what is happening to the American dollar in the wake of actions taken by West Germany and some other European countries to permit their currencies to float upward toward possible reevaluation.

There can be no doubt that the action is aimed at the American dollar. Nor can there be any doubt that the American dollar will shrink appreciably in the nations where these actions were taken. This we know for sure will be an immediate effect of the European developments.

But we are being bombarded in the press with assurances that there will be little harm caused to the U.S. economy because of these monetary changes. Much is made of the fact that overall the American competitive position in world today may be improved and that our exports will have a better chance of competing in the foreign market.

Mr. President, I am certainly no expert on questions involving international monetary policies. As a layman I am inclined to agree that under the circumstances the European countries, by permitting their currencies to float, have taken a course most beneficial to this country. I would far rather have the exchange rates fixed by the natural working of the laws of supply and demand than have them arranged for us by the International Monetary Fund or upon recommendations by such financial figures as World Bank President Robert S. McNamara.

However, Mr. President, no amount of low profiling on the part of Treasury officials and on the part of our national economic writers can disguise the fact that American pride has taken a tremendous beating. Our prestige and the respect with which we are held by other nations of the world was certainly not improved when the U.S. dollar went begging on the European continent and foreign governments resorted to extreme measures to counteract the effects of American inflation. Although the possibility had been foreseen for many months, a sizeable portion of the free world this week began to openly question the stability of the American dollar. Long years of fiscal irresponsibility, of one deficit piled upon top of another, of shrinking gold reserves, of unlimited Federal spending had finally produced such a wide imbalance in our international payments account that West Germany, Holland, and other countries were forced to take action for their own protection. The result of the floating of course will be to devalue the worth of the dollar in the foreign market. It will cause enormous problems with the European common market countries. It will certainly increase the anger that foreign governments are bringing to bear against the U.S. Government. This is an understandable reaction by governments which are not prone to remember gratefully the debts they owe this country for its open-handed help in the past. The International Monetary Fund and its member countries only remember back far enough to remind themselves that for almost a decade they have been lecturing the United States on the need for living within its income; for the need of a policy of fiscal responsibility aimed at working toward balanced Federal budgets and reduction of the national debt.

Mr. President, their concern was understandable. Because of the close interworkings of the world's currencies almost the entire free world had pegged its money system to the American dollar, consequently any threat to the American dollar automatically involved a threat to their own stability.

There can be no doubt that as this country in the wake of World War II began taking on a role of a spendthrift banker for the non-Communist nations it got in over its head. It spent money year after year for foreign aid and a hundred other projects in a manner which seemed to say that monetarily speaking there would be no tomorrow. The Senate, I am sure, is aware of the fact that many of us in the conservative ranks have warned and warned and warned over and over again that there would indeed be a tomorrow and that sometime the chickens would come home to roost and make our fiscal hen house a complete shamble.

I yield to no one in this respect. As a merchant who met many a payroll and balanced many a profit and lost sheet before coming to the Senate I have been a constant critic of the irresponsible fiscal and monetary policies followed by this Government. And while I am at it I should like to point out that we really went over the edge during the period of the 1960's when our deficit spending actually paced the growth of inflation in this country. We are this minute living with a dollar shrunken by inflation that is the heritage left to us by the so-called new economics practiced by the fiscal advisers in past administrations who downgraded balanced budgets and fiscal restraints as dangerous to an expanding economy. I shall not at this time go into a long discussion of the fallacy and deception which was foisted on the American public by men who called old-fashioned budget balancing and efforts to have the Nation live within its income as a throwback to something they called the puritan ethic.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BELLMON. Mr. President, if the Chair will recognize me, I shall be glad to yield my 3 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. GOLDWATER. I thank the Senator from Oklahoma.

Now, Mr. President, while I have been very hard on my own country for policies and practices which I felt were harmful I want to say that I have very little patience with the tendency of European countries to blame the United States for everything which presently seems to be wrong with the international monetary system. First, I believe West Germany and all the other non-Communist countries of Europe should let their memories go back to the time when they lived in rubble heaps left over from World War II and the United States financed their recovery. I believe West European countries should call themselves to account for not stepping in when they became financially competent to and assume part of the financial load which this Nation carried so long all by itself. Even to this day affluent European nations are dragging their feet on their commitmnets to the North Atlantic Treaty Organization and I have not noticed any concerted rush on the part of those who today are refusing to support the dollar into the area of assistance to underdeveloped nations throughout the world.

These are very fundamental reasons why the United States, for all its deficiencies, has some reason to view with cynicism the performance of the countries it once rebuilt. In addition to these fundamentals there are some specific reasons why this country has cause for complaint. In the matter of trade, for example, the European Common Market has been somewhat less than charitable toward the United States. Nor do we have any reason to thank the European countries for their handling of interest rates in the immediate past. One of the reasons for the heavy flow of dollars to Europe in recent months has been the insistence of major non-Communist countries, such as Britain and Germany, of maintaining high interest rates while the United States was loosening up on money restraints and lowering interest rates.

Perhaps our economic writers are correct when they claim that little economic damage will be caused the United States as a result of the monetary crisis. But I cannot overlook the fact that this blow to American prestige comes at a very bad time. It comes at a time when this Nation, more and more, is beginning to look like a second- or third-class power.

The assault on the dollar, unfortunately, coincides with a drive toward isolationism in the U.S. Senate. This downgrading of American monetary prestige comes on the heels of a decision to step out of our position as the free world air transport industry leader. It comes at a time when forces which are demanding a withdrawal of American power and influence throughout the world managed to defeat even a minor proposal for the production of a prototype of the supersonic transport. We appear before the world to be slipping in almost every area of national endeavor. We are rapidly forfeiting our lead in strategic weapons to the Soviet Union. We are under pressure here at home to withdraw from more and more of our international commitments. We are witnessing growing strength in the ranks of shortsighted neoisolationists in the legislative branches of the Government.

Mr. President, maybe we are not hurt very much in dollars and cents on the domestic monetary front. But we are certainly hurt, and hurt badly, in our status as a world leader. We are now beginning to look to the world like a nation that no longer wants to share in the responsibilities involved in the maintenance of human freedom.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Viriginia. Mr. President, I ask unanimous consent that during the remaining debate on the unfinished business, H.R. 6531, today and hereafter, the distinguished junior Senator from Alaska (Mr. GRAVEL) be allowed up to, but not to exceed, three members of his personal staff on the floor at any one time, with the exception of during rollcall votes. In justification thereof, I offer the fact that the junior Senator from Alaska is the leader of the forces in opposition to the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CANCER

Mr. DOMINICK. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by President Nixon on the subject of cancer.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional $100 million to support such an effort. I am pleased that in recent days the Appropriations' Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next ten years alone, three and a half million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason for hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past ten years as we have multiplied many times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1,000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

MORE MONEY AND BETTER ORGANIZATION

The time has now come for us to put our money where our hopes are. In the first full budget developed by this administration last year, an increase of $20 million was provided for cancer programs. For Fiscal Year 1972, the administration request for cancer programs is slightly over $332 million—an increase of $100 million from the 1971 Fiscal Year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hesitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one thing, that a wide variety of research activities in all parts of the country, in many areas of society and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal: the cure of cancer—and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance for the President and for others who lead the Cancer-Cure Program, particularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

THE LATE SENATOR RICHARD B. RUSSELL—RESOLUTION BY GEORGIA STATE SOCIETY, NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. TALMADGE. Mr. President, I bring to the attention of the Senate a resolution adopted by the Georgia State Society, National Society, Daughters of the American Revolution, at its 73d State Conference, on the passing of the late senior Senator from Georgia, Richard Brevard Russell. This is an outstanding statement that reflects the love and respect the people of Georgia had for the great Senator Russell.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

GEORGIA STATE SOCIETY, NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION—RESOLUTIONS COMMITTEE

HON. RICHARD BREVARD RUSSELL

Whereas: In the death of the Honorable Richard Brevard Russell, United States Senator from Georgia, we realize: that Georgia has lost her most distinguished son, one who served her for almost half a century with utter devotion to his every trust; that the Nation has lost a valued leader on whose sound judgment his colleagues and even Presidents leaned; that as Chairman of the powerful Armed Services Committee of the Senate, the shadow of his influence was worldwide, through his effective advocacy of a strong military defense, and as Chairman of Appropriation Committee at the time of his passing his influence was all powerful—these were among his outstanding contributions: Therefore be it

Resolved: That the Georgia State Society, NSDAR, honor the memory of Richard Brevard Russell for his sterling character, his moral integrity, and his elevated patriotism; that we mourn the passing of this distinguished public servant; and be it further

Resolved, That copies of this Resolution be sent with our sympathy and affection of the immediate members of his family all of whom he loved so deeply;

And be it further

Resolved, That a copy of this Resolution be sent to the Senate of the United States requesting that this Resolution be made a part of the Congressional Records.

MISS MARTHA ANN COOPER,
State Regent.
MRS. T. K. KENDRICK,
Chairman.

SEVAREID ON DEMONSTRATIONS

Mr. SCOTT. Mr. President, on last Thursday's CBS Evening News that eminent commentator and observer of American life, Eric Sevareid, had some cogent thoughts on last week's dismal demonstrations in Washington. He places the whole miserable affair in perspective, and in his brief comments raises some questions which might well be pondered by those who now cry "foul" because the police blocked attempts to shut down the city of Washington and the U.S. Government.

For Senators who did not hear Mr. Sevareid's notes on the demonstration, I ask unanimous consent to have the commentary printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

CBS EVENING NEWS WITH WALTER CRONKITE—EXCERPT

SEVAREID. The street demonstrations have fizzled out here in the capitol; twelve thousand arrests and a little cold rain do make a difference.

During this brawling week American psychiatrists have been meeting in a Washington hotel. Two youthful leaders of the week's mob action spoke before them today and said they would be back, to shut down the government; some psychiatrists applauded them. Not too surprising. A few years ago a convention of attorneys heard a leading law school dean argue that lawbreakers should not be punished if their cause is worthy. The chief dissenter was the British Lord Justice of Appeals who warned his American colleagues that this line of approach was fatal.

The psychiatrists here might have a professional field day if they hung around to question some of this week's demonstrators. They could be asked, for example, their reaction to the fact that nearly all of them were white and prosperous while a high percentage of the police who imposed order on them were black and relatively poor.

They could be asked why they were indignant that a number of innocent bystanders were also swept up in the police dragnet, when they themselves, when they tried to stop the traffic, made no distinctions between say, Pentagon officers and haberdashery clerks trying to get to their shops. Or why they are furious at delays in the legal processing of their cases when they had set out to put a full stop to all processes of government here. Or why they resent the insanitary conditions in their detention centers when, had their own plans succeeded, there would be no sanitation anywhere in the city, including the hospitals. It would be interesting to find out if they really want peace anywhere save in Vietnam and if the word love that they emblazon on their placards isn't really their code word for hate.

Some psychiatrists have learned a good deal, directly, about the Viet Nam war and the psyche of the American young. Things that those of us old enough to have known other wars should have realized from the beginning. One study, for example, of six hundred Viet Nam veterans classified as psychological casualties established eighty six percent of them had never been in actual combat. It also showed that only thirteen percent were draftees. All the rest had volunteered, finding home life intolerable, too. The conclusion was that they were simply the kind of youth who would have cracked up somewhere along the line, war or no war.

TIME FOR CONGRESS TO CONSIDER TAX RELIEF FOR SMALL BUSINESS

Mr. SPARKMAN. Mr. President, I am pleased for several reasons to join again with the chairman of the Select Committee on Small Business (Mr. BIBLE) in cosponsoring and putting forward S. 1615, the Small Business Tax Simplication and Reform bill of 1971.

This proposal is a milestone in the long-time effort of the committee to achieve tax equity for the 99 percent of business in this country which are "small business."

As first introduced on June 30, 1970, during the 91st Congress, this bill (S. 4039) represented the most comprehensive piece of small business tax relief legislation ever to be placed before Congress. However, we have not rested on our laurels. Since then it has been my pleasure to make this composite bill and background material widely available to business, industrial, and legal groups in Alabama for their review and comments in a concerted effort to improve the legislation prior to its recent reintroduction in the 92d Congress.

As a result, I believe we have improved the bill at some two dozen points. It is thus in order to express our appreciation to the many organizations within the State of Alabama who have devoted their time and talents to this effort in behalf of small business, our economy, and the free enterprise system.

As Senator BIBLE has already stated, our bill can undoubtedly be further improved in form and content, as the tax-writing committees and the Treasury give their attention to these matters. However, I believe the Senator from Nevada was modest in not mentioning what is perhaps the most significant point. That, in my opinion, is that this bill will serve to raise small business tax problems to the level of public consideration and, hopefully, action, at a time when this relief is urgently called for.

Since S. 4039 was presented last June, we have seen the introduction of an administration small business tax bill, S. 544, by the distinguished Senator from Utah (Mr. BENNETT), whose wide experience on both the Senate Committees on Banking and Finance is much respected. In January, also, the Treasury Department proposed an administrative revision of depreciation guidelines applying to all business. These initiatives are certainly welcome.

SOME HISTORICAL BACKGROUND

In light of my service on the Select Committee on Small Business since 1950, perhaps a short backward glance at some legislative history would be appropriate at this point.

That committee has, for two decades, concerned itself with tax problems of new and small firms. I recall an extensive investigation by a Special Subcommittee in 1952 on which I had the honor to serve, along with the able and hardworking Senator from Minnesota (Mr. Humphrey).

We held seven field hearings around the country, taking testimony from more than 120 businessmen and tax experts. This was accompanied by considerable committee research. At the conclusion of this inquiry we filed a rather complete report—S. Rept. 442, 83d Congress, 1st Sess., June 18, 1953—with recommendations which are still relevant in 1971. Our subcommittee addressed the questions of more liberalized and flexible depreciation; the clarification of the accelerated earnings section; an adjustment of the tax rate for small business; and reform of the estate tax to allow businesses to continue within the founder's family.

I am glad to say that these areas are treated in the present bill. In 1956, there was a White House Conference on Small Business, under the chairmanship of Arthur Burns, which endorsed certain of these proposals and added others in the tax and other areas. These events set the stage for my introduction of four sets of small business tax proposals in 1957. These were reworked and subsequently became the Small Business Tax Bill of 1958, which was enacted by the Congress in that year.

That legislation also added subchapter S to the Internal Revenue Code, which I understand is now being used by about 200,000 small business corporations.

In 1962 and 1964, I was a strong supporter of President Kennedy's tax measures, which included the liberalization of the depreciation guidelines, the creation of the 7-percent investment tax credit, and reversal of the normal and surtax rates. This latter provision meant simply that the tax rate for the lowest small business brackets dropped from 26 to 22 percent for 90 percent of American small corporations.

PRESERVING THE TAX CREDIT FOR SMALL BUSINESS

When the investment tax credit was suspended in 1966, it was my amendment in the Senate which lead to a final $20,000 exemption for qualified investment on the part of small business being preserved in the law. When the issue arose again in connection with the Tax Reform Act of 1969, we fought hard for a similar exemption. We were successful in having it pass the Senate, only to have it knocked out of the bill in the Senate-House conference.

I feel that there remains much merit to the investment tax credit, especially in its possible variations which were touched upon by the distinguished Chairman of the Federal Reserve Board, Dr. Arthur Burns, before the Committee on Banking, Housing and Urban Affairs on March 10 of this year. Thus, I am not surprised that Chairman Mills of the House Ways and Means Committee has been weighing these possibilities. The able senior Senator from Minnesota (Mr. Mondale) has also introduced a bill with a small business investment tax credit feature, and other Senators have offered similar proposals. The tax credit thus appears to deserve serious congressional attention from the viewpoints of both the tax structure and the economy. Our small business tax bill repeats the finely tuned investment credit proposal essentially as contained in last year's bill.

ASSURING PROPER DEPRECIATION POLICIES

As President Nixon's Task Force on Business Taxation reported in September 1970, the amount of underdepreciation in business corporations has been rising rapidly. It is estimated it will reach $7 billion in 1970 . . . nearly $10 billion if unincorporated businesses and financial corporations are taken into account. While this might seem like a rather technical matter, the inevitable result of this, in my judgment, will be a "profitability gap," and a serious weakening of the ability of small businesses and U.S. firms in general to meet world competition. This means that jobs and profits, which could, for instance, be going to the Southeastern United States, might be migrating to other parts of the world.

I am glad that the small business tax bill also advocates further depreciation advances, so that we have a fair chance to keep that economic activity here.

On May 3 to 5, extensive hearings were held at the Treasury Department on the administration's January depreciation proposals. I understand that there is much thoughtful testimony and discussion in these proceedings. Accordingly, I would very much hope that the hearings are printed in the way congressional hearings are published, so that they will be fully and promptly available to Congress, to our professional staffs, the universities and law schools around the country, and to the many conscientious private organizations and citizens concerned with questions of our tax structure. This would also increase the accessibility of this material to experts throughout the Treasury Department and the executive branch of the Government. I have taken the liberty of addressing such a request to the Secretary of the Treasury.

It is my belief that it is appropriate that the Congress and its committees join to consider further these fundamental questions of taxation on which the health of our economy rests.

SUMMARY

To sum up, my work in behalf of small business tax relief goes back some time. With a perspective of about 20 years, it seems to me that Senator Bible has made a magnificent contribution to this effort by the formulation and introduction of the small business tax simplification and reform bill, S. 1615.

I am proud to be in the forefront of this effort. I hope we can make progress with this bill through Congress, so that small businesses in Alabama and across the country can look forward to early implementation of its benefits.

REFORM OF LEGAL SERVICES IN THE SEVENTIES

Mr. COOK. Mr. President, in a recent address before the Cincinnati Bar Association, the distinguished junior Senator from Ohio (Mr. Taft) raised some very judicious and relevant questions concerning the reform of legal services in the seventies.

Consumer class action, no-fault insurance, and the creation of a National Legal Services Corporation are a few of the issues discussed by the Senator which Congress will be acting on before the end of the 92d Congress.

Because the Senator will be deciding these, as well as other issues, I ask unanimous consent that Senator Taft's speech be printed in the Record so that all Senators might have the benefit of his sound legal thoughts.

There being no objection, the speech was ordered to be printed in the Record, as follows:

LEGAL SERVICES—REFORM IN THE SEVENTIES

The more I see of the procedures and difficulties of the law making process, the more I appreciate that the effective and orderly administration of justice presents challenges at least equal to those of law making.

Each field admittedly has its peculiarities and inequities, but I want to talk tonight about problems in administration, rather than formation of law, recognizing that they are inextricably intertwined.

The problems are both new and old ones. On the old ones, no source could be more respected or wise than that of the great Roscoe Pound. Even in my now fading memories of Harvard Law School, this green eye shaded figure was a legend. I recall he once met me on the steps of Austin Hall and recalled how he had met my father there as a student waiting for the doors to open in the morning.

In 1906 Pound delivered a speech before the annual convention of the American Bar Association which was a landmark in its analysis of the problems of our American legal system.

Perhaps on no other occasion has any legal scholar ever set forth a better agenda for the reform of our legal institutions. Among other things he observed that our contentious procedure:

"Leads the most conscientious judge to feel that he is merely to decide the contest, as counsel presents it, according to the rules of the game, not to search independently for truth and justice."

He noted that our procedure:

"Leads to exertion to 'get error into the record' rather than to dispose of the controversy finally and upon its merits. It turns witnesses, and especially expert witnesses, into partisans pure and simple."

He said that:

"If the law is a mere game, neither the players who take part in it nor the people who witness it can be expected to yield to its spirit when their interests are served by evading it."

He said that to the layman, our case law system is:

"A citation match between counsel, with a certainty that diligence can rake up a decision somewhere in support of any conceivable proposition."

Of our judicial organization and procedure he stated that:

"Uncertainty, delay and expense, and above all, injustice of deciding cases upon points of practice, which are the mere etiquette of justice, direct results of the organization of our courts and the backwardness of our procedure, have created a deep-seated desire to keep out of court, right or wrong, on the part of every sensible businessman in the community."

He attacked congested courts, the waste of judicial power, unnecessary retrials and the bore of jury duty.

Regrettable it is that after 65 years these comments of Roscoe Pound should still serve as guideposts for the reform of the American legal system. If we are candid with ourselves and with the public, we must admit that much of what he said is as true as it was 65 years ago.

This is not to say that the American legal system has not made important advances during the last 65 years. We have given dimension and meaning to the right of counsel: We have initiated better forms of pleading; we have modernized court rules, and streamlined procedures. Our courts have responded to social issues such as segregation and legislative reapportionment in a way which has made the judicial branch a vital and creative force in our democratic society. We have established the institute of court management in 1969, which will professionalize the administration of our federal courts. We have undertaken the enactment of uniform State laws, such as the uniform commercial code, which are vital to the working of our economy.

Perhaps most important, our judicial system has taken the lead in protecting the rights of the individual against the State and defended unpopular causes which politicians have been too timid to embrace. It has been the courts, rather than the legislators or the executives, which have given dimension to freedom of speech and press. It has been the courts which have held that if our procedural safeguards are to have any meaning they must be available to the poor, the black, the unpopular, and, yes, even the un-American. It has been the courts which have established the right of privacy, and precluded confessions which are coerced, rather than freely given.

Members of the legal profession can be proud of the fact that during the past 65 years our legal system has done more than any other branch of government to give definition to our liberties and order to our society.

Despite these advances, there remains an important agenda of reform for the American legal system. Without attempting to make a definitive statement of reforms which might be appropriate, I want to suggest that we consider the following:

First, I believe we should greatly expand the number and jurisdictional limits of our small claims courts. In far too many instances, a dispute is so small that claimants cannot afford to hire a lawyer and obtain appropriate legal relief. As attorneys and members of the bar, we have an obligation to see that the remedies of law are available to all worthy claimants and that the litigation should not preclude a judicial determination of rights and obligations. I know of no more salutory development affecting the legal profession than development of small claims courts. Such courts give the average man an opportunity to pursue a $100 claim which he could not pursue on his own if small claims courts were unavailable to him. I believe that we should not permit our financial self-interest as lawyers to keep us from acknowledging the need to promote small claims courts and enlarge their jurisdictional limits.

Second, if the average man buys a toaster and it does not work, there is no economically meaningful way for him to secure legal relief. An unscrupulous manufacturer can make and sell shoddy merchandise in full recognition that there is little practical relief available to the consumer. For this reason I think we should consider a reform to allow class actions by consumers and modify the jurisdictional requisites of our courts so as to accommodate this type of dispute. Of course, class actions can be a subject of abuse or misuse, and we must keep proper safeguards against this danger.

In the 91st Congress, the Consumer Protection Act (S. 3201) would have expanded the authority of the Federal Trade Commission over unfair and deceptive acts and practices: would have granted the FTC power to obtain preliminary injunctions against such practices: would have enabled the FTC and the Justice Department to obtain court ordered redress for consumers and enabled consumers to bring class actions for redress of injuries resulting from specified unfair consumer practices. Alternative suggestions would give injunction power to the FTC or set up consumer courts.

While I don't buy certain provisions of that bill, I would agree with its general philosophy that such wrongs are entitled to remedies. The legal profession should take the lead in making the legal system responsive and effective in meeting the needs of the American consumer. It is better to have it handled responsibly than by later strong arm methods fueled by emotion.

Third, I think the time has come to seriously question the institution of the civil jury. Thirty-six years ago the British abolished jury trial for civil cases except for a few types of cases such as libel and slander. The Federal Tort Claims Act of 1947 provides for a trial without a jury. At a time when dockets are overcrowded, litigation is expensive, and delays are costly to the litigants, we should ask ourselves whether civil juries are really a necessary ingredient in our judicial process. Quite aside from the expense of civil juries, I have long been troubled by our myth of reversing a judgment because of an erroneous instruction that the jury members possibly could not understand, and probably did not remember, the abolition of civil juries would do much to take the theatrical element out of our civil courts. It is a reform which might be long overdue.

Fourth, related to the question of civil jury is the problem of the scientific witness. Even trial attorneys must be perplexed at times by a system that would have steelworkers, farmers and housewives rule upon the mental condition of a defendant when long parades of psychiatrists have given directly opposite testimony on the issue. What kind of a legal system is it that calls upon shoe salesmen, textile workers and meat cutters to decide whether or not a piece of bar steel was defectively manufactured, when metallurgical experts cannot agree? If we are honest with ourselves as trial lawyers we will recognize that it is possible to find an expert witness to say almost anything.

You can take just about any criminal defendant and find some psychiatrists who are willing to say that he is sane and others who will say that he is not. This not only confuses the lay jury but calls into question the very integrity of our legal process. In a speech in Philadelphia, Pennsylvania on November 14, 1970, Chief Justice Burger made a significant comment on this subject:

"In England, as here, some of the most time-consuming and complex litigation is in the field of business regulation, antitrust and patent cases. England's experience deserves study. In a complex business-economic case they often have two economists or other specialists sit down with the judge and join with him as triers of economic issues.

In a patent case involving esoteric questions of chemistry or physics or engineering, the lay judges who assist the professional judge are experts in the relevant field. This shortens and simplifies trials, and if the judgment of British judges and barristers can be relied on, the results are far more satisfactory and the process more efficient."

Perhaps we would be better advised to follow the British example and call upon scientific experts to sit with the judge and join with him in determining technical issues.

Fifth, we should give favorable consideration to the proposals for no fault insurance as advocated by Professors Keaton and O'Connell and others. We can hardly deny that far too much of the automobile insurance dollar goes for adjusters, claims agents and attorneys, rather than payment to injured parties. The principle of workmen's compensation has worked well without the element of fault. I see no reason why all special damages, to the extent of policy limits, should not be paid without regard to the question of fault.

If a man has an automobile accident, in order to recover the damages to his car, he may have to go to the expense of hiring a lawyer and may have to wait several years to get paid. This is an injustice. He should be paid at once without having to resort to lengthy and costly procedures. The no fault system should also have a beneficial impact upon the congested dockets of our courts.

Unquestionably, this reform might have and adverse impact upon the income of many attorneys. I do not believe, however, that the legal profession would put itself in the position of placing its possible short run economic self interest ahead of the interests of the general public. As a profession, we have not done so in the past and we should not do so now. This is a reform which we should welcome and embrace. Our leadership would reflect credit upon the entire legal profession.

Sixth, at the present time if a plaintiff is tainted with the slightest degree of contributory negligence, he is precluded from recovering, even though the injury was principally caused by the negligence of the defendant. This can be another injustice. The State of Wisconsin has enacted a comparative negligence statute (sec. 331.045 Wisconsin statutes annotated) which provides that contributory negligence shall not bar recovery "if such negligence was not as great as the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person recovering."

This statute eliminates the terrible injustice of denying total recovery to a person whose negligence was only a minor factor in the accident. The statute apportions the damage in relation to the degree of negligence of each party. This statute has worked well in the State of Wisconsin and should be high on our agenda for legal reform.

Seventh, in his Philadelphia speech on November 14, 1970, Chief Justice Burger said:

"Perhaps the time has come to ask whether automobile personal injury cases have any more place in the federal courts than overtime parking or speeding on Chestnut Street in Philadelphia."

I would suggest that we go further and consider the elimination of diversity jurisdiction entirely. The concept of diversity jurisdiction was formulated at a time when there was a heightened sense of sovereignty reposing in each of the States. In all but exceptional cases, a person from one State can expect to receive a fair hearing for his cause simply because it is being litigated in the courts of another State. A special basis for removal could be set up for exceptional cases. This relates to the proposal of Pound in 1906 that:

"All original jurisdiction should be concentrated. It ought to be impossible for a cause to fail because brought in the wrong place. A simple order of transfer from one docket to another in the same court ought to be enough. There should be no need of new papers, no transcripts, no bandying of cases from one court to another on orders of removal and of remand, no beginnings again with new process."

If his suggestion made good sense in 1906, it would be more eminently practical today. We should review the concurrent jurisdiction of State and Federal courts in diversity cases to see if its retention is required to serve the order of justice.

Eighth, in his speech Pound referred to laws which are not intended to be enforced. I believe that the bar association of each State should conduct a periodic review of State and local laws and urge the repeal of those which are outmoded, outdated, or so unrelated to public policy that they are not currently being enforced. If we do not do this, how can we answer young people who ask why marijuana laws are being enforced and other laws are not.

Ninth, I believe that we must work harder to eliminate the delays in our judicial process which are so debilitating to the functioning of our legal system. On March 11, 1971, President Nixon spoke before the national conference on the judiciary in Williamsburg, Virginia. On that occasion he said:

"In criminal cases in Great Britain today most accused persons are brought to trial within 60 days after arrest. Most appeals in Britain are decided within three months after they are filed."

"Let's look at the situation in the United States. In case after case, the delay between arrest and trial is far too long. In New York and Philadelphia the delay is over five months: in the State of Ohio it is over six months: in Chicago, an accused man waits six to nine months before his case even comes up.

"In case after case, the appeal process is misused—to obstruct rather than to advance the cause of justice. Throughout the State systems, the average time it takes to process an appeal is estimated to be as long as a year and a half. The greater the delay in commencing a trial, or retrial resulting from an appeal, the greater the likelihood that witnesses will be unavailable and other evidence difficult to preserve and present. This means the failure of the process of justice."

He concluded by saying:

"Justice delayed is not only justice denied, it is justice circumvented, justice mocked, and the system of justice undermined."

Tenth, I am pleased that the American Bar Association has undertaken the revision of our canons of ethics. This process of revision must be a continuing one if the canons are to be addressed to the contemporary responsibilities of lawyers. In much of the public mind there is the notion that lawyers are gougers, twisters, or incompetents whose only real adversary is the client himself. The imagery of Charles Dickens has not faded into the past.

But difficult ethical problems do exist. Since I have been in the Senate, I have had a number of Ohio attorneys who have written to me and asked to be listed to have Federal mortgage foreclosure cases referred to their offices. It is an established practice, but what are its ethical implications?

As important as the problem of solicitation may be, many others are more important to the public. For example, should it be ethical for an attorney to draft so-called warranties which attempt to restrict rather than expand the warranties available to a purchaser as a matter of law? This question and many like it must be faced by our profession.

Eleventh, we must bring the law into step with modern scientific thinking. As just one example, the legal rule for the determination of sanity in a criminal case in many jurisdictions is based upon the *M'Naghten* case decided by the House of Lords in 1843, is it not time that we determine the mental condition of a defendant in the light of current scientific thinking? Should we ask a psychologist to render a professional opinion based upon criteria which his science does not recognize?

Twelfth, I believe that we must continue the process of bail reform. In my judgment the question as to whether or not a defendant should be free prior to trial should not be dependent upon his financial situation. We cannot approve a legal system where the rich are able to be free before trial and the poor are not.

The April 16 issue of the *Saturday Review* reported that:

"In 1966 more than 58,000 persons, including about 13,000 adolescents, spent an average of a month each in New York City's overcrowded jails because they could not find a bondsman willing to put up their bail."

The Bail Reform Act of 1966 brought meaningful change at the Federal level. In the State of New York the Vera Foundation developed an excellent record in obtaining pretrial releases for dependants upon their own recognizance if they satisfied certain criteria unrelated to their financial condition. The Bail Reform Act of 1966 and the work of the Vera Foundation indicate to me that the bail bondsman should not be the ultimate arbiter as to whether or not a defendant is released from jail prior to trial. To hold thousands of innocent men and women in jail, sometimes for several months prior to their trial, simply because they cannot post a bail bond, is an injustice which we should work to eliminate.

Finally, I believe that proper access to our courts should be the birthright of every American. For that reason I am one of the principal co-sponsors in the Senate of S. 1305, a bill to establish the National Legal Services Corporation. (It must have a great deal of merit of some sort for I share in the cosponsorship with less than six Democratic presidential hopefuls!)

This corporation would take the legal services program out of the Office of Economic Opportunity and establish it under the jurisdiction of an autonomous federally chartered corporation. Its establishment would reflect a policy of Federal concern in universal access to legal services, free from political interference, for low income Americans. Its precept is that it is in the public interest to encourage resort to attorneys and legal remedies for resolution of grievances and as a means to secure orderly change, responsiveness and reform.

This corporation would be federally funded and render to the poor all types of legal services which law firms can render for their clients, consistent with the canons of ethics. This would include class actions and even suits against the Government itself. Legal services should not be infused with political controls. Today there are thousands of economically deprived Americans who cannot afford to obtain proper legal assistance. The establishment of this corporation would assure legal services for those in need and at the same time take the attorney-client relationship from under the arm of political interference.

We have come a long way since the days when guilt or innocence could be determined by dunking an old woman in a pond. The genius of the American legal system has been its adaptability to the demands of a changing society. The reforms which I suggest would simply give new impetus to that ever continuing process of American legal reform.

SENATE RESOLUTION 116—ADMINISTRATION WITHHOLDING OF APPROPRIATIONS FOR HEALTH PROGRAMS

Mr. HUMPHREY. Mr. President, on May 5 I submitted Senate Resolution 116 which asks the administration to release $226.2 million in appropriations which it has not released but which Congress approved for fiscal year 1971 in the health field.

The amounts of the withheld funds which I used in this resolution and my statement were obtained in response to my request by the Appropriations Committee staff from the Department of Health, Education, and Welfare. Subsequent to my remarks in the Senate, HEW officials have indicated that the report furnished the committee staff and me was incorrect.

Assistant Secretary James B. Cardwell of the Department of Health, Education, and Welfare has written a letter explaining the errors. I ask unanimous consent that the letter, along with a table, be printed in the Record.

The letter contains encouraging assurances that most of these funds for urgently needed health care, facilities, and research ultimately may be spent. But significant sums, at least $65 million, are being impounded at present, denying funds Congress has approved, most importantly, to health education facilities construction and regional medical programs. Also, funds for biomedical research apparently have been transferred to pay salary increases.

I again urge a thorough examination by appropriate committees of this unwise and unjustified impoundment of funds.

There being no objection, the letter and table were ordered to be printed in the Record, as follows:

Department of Health,
Education, and Welfare,
Washington, D.C., May 6, 1971.

Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: I am writing this letter in an attempt to clarify the record on what administrative reserves have been placed on 1971 appropriations for health programs.

The resolution (S. Res. 116) which you offered on Wednesday calling on the Administration to release 1971 health appropriations indicates that such reserves add up to $226.2 million. This is a mistake. It is actually $65.4 million. Moreover, all of these funds will be obligated during their period of availability.

Our efforts to track the figures cited in support of the resolution indicate clearly that they were based on erroneous data provided inadvertently by HEW to the Senate Committee on Appropriations. Considering the way in which they were presented to you, there can be no doubt that you had every reason to interpret them to mean that a large sum was being held in reserve. I want to apologize to you for this error and do whatever I can to rectify the situation. We have prepared a corrected table showing 1971 health appropriations and reserves in an effort to set the record straight. It is enclosed with this letter.

The most significant error in the earlier table is in medical facilities construction, the Hill-Burton program. The $226.2 million figure is based on the assumption that $175 million in this account is held in reserve. This is completely misleading. No Hill-Burton funds are in reserve. The entire appropriation has been apportioned and allocated to the State Hill-Burton agencies.

Another significant error has to do with appropriations for health manpower programs. While the earlier table showed no reserve for these programs, there is, in fact, a reserve of $15 million for the construction of health education facilities. These funds are available for obligation for a two-year period, and we plan to obligate them in 1972.

There was a small error in the reserve shown for Indian health facilities. The old table showed $1.1 million in reserve when it actually should be $265,000. These funds were appropriated for two health facilities in New Mexico. When program specifications for these projects have been completed, we will request release of these funds and proceed to obligate them. They are available until expended. The reserves are consistent with our normal operations in direct construction activities. We only request the release of the funds when we are actually ready to proceed with the project. Thus, this item in no way involves any decision on the part of the Executive to keep these funds from going to their intended purposes.

The other reserves shown for Regional Medical Programs and several of the research institutes at NIH are correct. The $34.5 million reserve in Regional Medical Programs will be obligated in 1972. The $15.6 million in NIH reserves, while originally appropriated for research grants and contracts, will be obligated later this year for increased pay costs.

I would like to conclude this letter by repeating that these reserves which have been placed on health appropriations will only be in effect for a limited period of time. All of the $65.4 million which is currently in reserve will be released and obligated within the time period of availability specified in the 1971 Appropriation Act. *None of the funds will revert to the Treasury because we did not obligate them.* I think this is an important factor to consider when you are trying to analyze the significance of these reserves with regard to the intentions of Congress in appropriating them.

Again, I want to apologize for letting incorrect information be sent to you.

Sincerely yours,

JAMES B. CARDWELL,
Assistant Secretary, Comptroller.

Enclosure.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, 1971 APPROPRIATIONS AND RESERVES FOR HEALTH PROGRAMS

(In thousands of dollars)

	1971		
	Appropriation	Currently available for obligation	Current administrative reserve
Food and Drug Administration: Food and drug control	89, 549	89, 549	
Environmental Health Service: Environmental control	58, 720	58, 720	
Health Services and Mental Health Administration:			
Mental health	386, 016	386, 016	
St. Elizabeths Hospital	19, 598	19, 598	
Health services research and development	57, 403	57, 403	
Comprehensive health planning and services	247, 178	247, 178	
Maternal and child health	255, 659	255, 659	
Regional medical programs	106, 502	72, 002	[1] 34, 500
Disease control	43, 938	43, 938	
Medical facilities construction	196, 521	196, 521	
Patient care and special health services	79, 889	79, 889	
National health statistics	9, 668	9, 668	
Retirement pay and medical benefits for commissioned officers	19, 501	19, 501	
Office of the Administrator	11, 812	11, 812	
Indian Health Service	117, 986	117, 986	
Indian health facilities	18, 715	18, 450	[1] 265
Emergency health	3, 755	3, 755	
Total, HSMHA	1, 574, 141	1, 539, 376	34, 765
National Institutes of Health:			
Biologics standards	8, 838	8, 838	
National Cancer Institute	230, 383	230, 383	
National Heart and Lung Institute	193, 479	193, 479	
National Institute of Dental Research	35, 257	34, 868	[2] 389
National Institute of Arthritis and Metabolic Diseases	138, 339	136, 486	[2] 1, 853
National Institute of Neurological Diseases and Stroke	105, 807	102, 178	[2] 3, 629
National Institute of Allergy and Infectious Diseases	102, 249	101, 117	[2] 1, 132
National Institute of General Medical Sciences	166, 072	159, 816	[2] 6, 256
National Institute of Child Health and Human Development	94, 436	93, 886	[2] 550
National Eye Institute	30, 986	29, 868	[2] 1, 118
National Institute of Environmental Health Sciences	20, 620	19, 882	[2] 738
Research Resources	66, 201	66, 201	
John E. Fogarty International Center	3, 582	3, 582	
Health Manpower	428, 839	413, 839	[1] 15, 000
National Library of Medicine	20, 769	20, 769	
Office of the Director	8, 206	8, 206	
Scientific activities overseas	32, 444	32, 444	
Total, NIH	1, 686, 507	1, 655, 842	30, 665
Total, Health, DHEW	3, 408, 917	3, 343, 487	65, 430

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[1] Multiyear funds to be carried over for obligation in fiscal year 1972.

[2] To be used to offset 1971 pay cost increases.

PRIZE-WINNING ESSAYS BY FARGO, N. DAK., STUDENTS

Mr. YOUNG. Mr. President, one of North Dakota's prominent radio stations, KFGO, North Dakota, recently sponsored an essay contest at the elementary and secondary school levels suggesting that students write essays concerning why they are proud to live in North Dakota.

This is the kind of a program for young people which I believe is very meritorious and highly appropriate. It would be helpful if not only organizations like this radio station, but other industry of all kinds were to encourage this sort of activity by our young people. This cannot help having a very wholesome influence on not only the young people who participate, but upon the very large audience which was made aware of the thinking of these young people through this radio station's efforts.

The three winning essays were written by Miss Linda Burchill, in the eighth grade at Ben Franklin Junior High School; Miss Rana Quraishi, a senior at Fargo North High School; and Michale Simonson, in the sixth grade at St. Mary's School; all in Fargo.

Mr. President, I ask unanimous consent that these essays be printed in the RECORD as a part of my remarks.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

NORTH DAKOTA—WHERE ELSE?

(By Linda Burchill, Ben Franklin Jr. High School, Fargo, N. Dak., 14 years old, grade 8)

I like to live in North Dakota! "What?" some might say. . . . "Like to live in North Dakota? Like our blizzards, dust storms, hot summers, floods" . . . and on and on they go. Yes, I will admit right off we have all of these, (not all at once, thank heaven!) but what state doesn't have its bad points? So, so much for the gripers. . . . Now on to the positive side of North Dakota; and don't think for a minute we don't have a mightily lot of them. Where else is the soil so fertile to raise our crops in? We are the leading producer of wheat in the nation, you know. Where else can the eye rove for miles without seeing hundreds of billboards, car graveyards, skyscrapers, and smoke-belching factories? Do you like steak and juicy roasts? Where else are there hundreds of acres of clover and alfalfa for our farm animals to graze on? Do you like fresh, un-polluted air? We have it here . . . and the people who say there is no pure air left should come to our state on a fresh summer or cold winter morning! Where else do people love winter and all the winter sports that go with it? Where do you find summer, with camping, swimming, rodeos, out-door plays, fishing, and golf? North Dakota, where else? Do you like colors? North Dakota has them all . . . watch our changing seasons . . . where nature is vivid and beautiful all year long. What state can compete with any other as far as historical background is concerned? Ours can!! Do you like good schools? In a book called "Crises in the

Classroom" the schools of North Dakota (where else?) are praised. Where is the crime one of the lowest in the nation and you can still walk the streets safely? Where do people really, truly have a "White Christmas"? Where are people open, friendly, and honest? Where do people of California and New York want to retire "to get away from it all?" (Yes, it's true . . . of my relatives, anyway.) Where else is the tallest man-made structure in the world? Where do I want to live in all the world? North Dakota!!!! Where else?

Why I Am Proud To Be a North Dakotan

(By Rana Quraishi, Fargo, North High School, 16 years old, grade 12)

The joy of life comes from the quality and goodness around. North Dakota is a place to be happy. A man can walk and walk in the openness and breathe deeply of the air. There are spaces to be alone and cities to be close. He can savor the intenseness of nature in the abundant snowfalls of the North Dakota winter, and the greenery and bright sunshine of summer. There is room in this state for men who want to develop nature and the land, and room also for those who merely want to enjoy it. The potential is great. North Dakota is in its spring, just beginning to bud, and opportunities are vast. But a promise for the future is not all the land holds. There is also the nostalgia of the past that embodies all the excitement and romance of the old American west; a nostalgia that is only three or four generations old, and therefore, nearer, and more exciting in North Dakota than in other, older states.

The quality of life is beautiful here. The cities are uncrowded, without the crime and pollution so characteristic of urban areas, and yet, there are many excellent centers of culture and learning. The enrichment provided by nature. There is room for children to grow spiritually and intellectually. A child can run in North Dakota with joy instead of fear. It is a good place to raise children the way they should be raised.

All this is part of North Dakota. The excitement of the past and promise for the future, and happiness of the present. It is all that one can ask for as the basis of a fulfilling life.

Hicksville (Maybe)

(By Michael Simonson, St. Mary's School, Fargo, 12 years old, grade 6)

People from New York might look at North Dakota as a Hicksville state, but I am glad I live in North Dakota. Mainly because I am not afraid of choking to death in my state. We might complain about some small sugar beet factory, but it is nothing compared to an iron and steel mill. Here we can breathe some of the only clean air left on the face of the earth. We have a large man-made lake called Garrison, which provides electricity, recreation, fishing, and game, as well as many other facilities. We have water to be proud of compared to other states. We still have fish that are fit to eat in most places. We will have good hunting as long as we don't take our privileges for granted and we must respect our animals almost as we respect ourselves for without animals we cannot survive very long. I can truly say I am glad to be a citizen of North Dakota.

LATEST SCHOOL DECREES ADD UP TO NONSENSE

Mr. ALLEN. Mr. President, today the Washington Evening Star contains an interesting and analytical assessment by James J. Kilpatrick, the able and distinguished columnist, of the recent U.S. Supreme Court school decisions.

On many occasions the junior Senator from Alabama has pointed to the Court-created chaos that exists in the implementation of forced integration of public schools in the South. He has pointed out, also, how the Supreme Court has shifted its holdings from the 1954 Brown case, which held that a State cannot require segregation in its public schools, to its present rulings that a State, while it cannot require segregation, must require and must implement and must force integration in the public schools of the South.

An old French proverb is to the effect that the more things change the more they appear to be the same.

Before 1954, pupils were assigned to schools because of their race. The Supreme Court changed this—or did it, basically? Does it not now order pupils to be assigned to schools because of their race? Certainly it does. Court-created chaos. How illogical.

I ask unanimous consent that Mr. Kilpatrick's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Latest School Decrees Add up to Nonsense

(By James J. Kilpatrick)

Three weeks have passed since the U.S. Supreme Court delivered itself of opinions in the school desegregation cases, and I ask your forgiveness for arriving late at the story. The press of Portugal, with deference to its editors, was not of great help in determining what the court had said.

But neither are the opinions themselves. These turgid pronouncements, combining bad law with wretched style, add up to the poorest performance thus far from the Burger court. The chief justice, principal author of this lamentable mush, has many good qualities, but none can be discerned in the murk. The pen of Mr. Burger, sad to say, is filled not with ink, but with library paste.

The several Southern school cases that were combined for argument in October had this much in common: They were intended to provide the Supreme Court an opportunity for fashioning clear guidelines to lower federal courts in deciding upon desegregation remedies. No such clear guidelines emerge.

At first reading, the opinions seem to say that anything goes—busing, pairing, clustering, gerrymandering, you name it; on closer inspection, this is yes and no, as may be, depending upon circumstances, unh-hunh and provided that. "Words are poor instruments," sighs the chief, "to convey the sense of basic fairness inherent in equity." True. But his words are poorer than most.

The difficulty here is that the court has lost its way. The longer it stumbles about in the thickets of equity, the farther it gets from the benchmark of the 14th Amendment. That is what the famous Brown case, 17 years ago, was all about. The holding then was that the defendant states, by assigning children to school by reason of their race, were denying them the equal protection of the laws. What was generally understood was that the court, in ordering an end to state-imposed segregation, was ordering an end to racism.

What was generally understood then, alas, cannot be generally understood now. The Brown decision of 1954 said, in effect, that pupils could not be assigned to schools by reason of their race; the opinions of April 20 lay down precisely the opposite rule: Pupils must be assigned to schools by reason of their race. The teaching of Brown was that all children must be treated equally; the teachings of April 20 are that some are more equal than others.

Thus the court affirms, for example, a scheme of racist lunacy solemnly compounded for Charlotte and Mecklenburg County in North Carolina. As one minor facet of this gem, 300 black students must be daily transported away from the high school they normally would attend, in order that the racial mix may be improved in Independence High School some miles away. This the Supreme Court approves.

Yet such an objective is absolutely inconsistent with the court's own avowed objective, which is "To see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race." Unless words have lost all meaning, it is plain that the 300 black pupils, members of the racial minority, have indeed been excluded from a particular school "on account of race."

So it is back to racism. That is about what the opinions of April 20 amount to.

We can forget about the court's statement a couple of years ago that it wants neither black schools nor white schools, but "just schools." It is not possible to maintain "just schools" when the sole criterion underlying every decision is the criterion of race.

So far as the attained Southern states are concerned, race must remain the be-all and end-all. In the selection of school sites, in the hiring and assignment of faculty, in the fixing of attendance zones, the local school boards are to be regarded as guilty until proved innocent. Lower courts are to assume that the boards are seeking deviously to maintain segregation, and it is up to the trial judges to outwit them.

It is a sad business all around—for the courts, for the children condemned to insistent race-consciousness, for the public school systems that inevitably will suffer through the loss of public support. The old follies and evils of segregation cannot be eradicated by these decrees; they can only be exchanged for new follies and new evils. This is not equity; this is nonsense.

SUPPORT FOR VIETNAMIZATION PROGRAM

Mr. SCOTT. Mr. President, during the Vietnam war veterans demonstration, a series of hearings were held by the Foreign Relations Committee. At one of the hearings, a former Navy lieutenant, with his eloquent presentation, catapulted overnight into the living rooms of every family watching television news. He was given broad coverage by all of the news media. His point of view was to bring an immediate end to this terrible war.

Also at these hearings, but a few days later, was another former Navy lieutenant. Perhaps he did not possess the same kind of charisma, the poise, or the self-confidence during his presentation. But what he said had much meaning and attracted a generous applause from many in the hearing room. He supported the Vietnamization program. The television news shows did not cover this very sincere young man. Most newsmen at the hearing did write stories, but apparently their editors did not see fit to print this side of the story. Mr. President, in an effort to give Senators an opportunity to review the overall matter, I ask unanimous consent that an editorial column by J. F. ter Horst be printed in the Record. I commend it to those who are interested in fair play and balanced journalism.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ex-Lt. John F. Kerry Has Credibility Gap

(By J. F. ter Horst)

Washington.—This is the tale of two Vietnam veterans who came to Washington to lobby for an end to the war. One is John F. Kerry, 27, of Waltham, Mass. The other is Melville L. Stephens, 26, of Hanford, Calif.

Both are ex-Navy lieutenants and saw combat as river patrol commanders in Vietnam. Both hold the Silver Star, the Bronze Star and the Purple Heart. Both wear their hair long. Both profess a kinship with all the other war-weary young men who came here with their medals of valor and peace symbols.

TWO MEN CONTRASTED

The resemblance stops there.

Kerry is wealthy, a product of the best Eastern schools. Stephens grew up in Akron, Ohio, and is out of work.

Kerry had the help of a well-known Kennedy speechwriter in preparing those phrases which rang so eloquently over television when he testified before Senator J. William Fulbright's committee.

Stephens wrote his own statement for the Senate Foreign Relations Committee—and never made TV.

Kerry emerged as the recognized leader of the Vietnam Veterans Against the War (VVAW), a very dramatic figure by day during the demonstrations. But, after dark, Kerry did the Washington social scene and slept in a clean bed at one of Georgetown's most fashionable addresses.

Stephens spent every night on the damp ground of the Mall, risking arrest along with the other Vietnam brothers who came to protest the war.

HOT POLITICAL PROSPECT

Hardly anybody has heard of Stephens, but Kerry has become one of the hottest young political prospects on the antiwar scene. His oratorical flair, his good looks and Kennedyesque manners have marked him as a man to keep an eye on.

Indeed, he is already considering running for public office in Massachusetts, according to word passed to friends by his wife, the former Julia Stimson Thorne, daughter of a socially-prominent Long Island family.

Kerry is not so uptight about Vietnam as to be militant or radical. He calls himself "an angry young man," but he neither tossed his medals over the Capitol fence nor stayed around for the disruptive demonstrations of last week.

A week ago last Saturday night, when the big Capitol demonstration of 200,000 dwindled to a folk-rock concert at the Washington Monument, Kerry chose another scene.

ATTENDED POSH DINNER

He attended a posh black-tie dinner party at the Federal City Club, put on by the "Five-ers," a quintet of Washington's top socialites. One of them was Mrs. Robert Charles, better known as Oatsie Leiter, at whose home the Kerrys stayed during the Vietnam veterans' encampment on the Mall.

The high point of Kerry's week in Washington took place before the Senate Foreign Relations Committee April 22, when he delivered an impassioned plea for ending the war. As the TV cameras zeroed in on him, the thrice-wounded Vietnam veteran asked the senators:

"How do you ask a man to be the last to die in Vietnam? How do you ask a man to be the last to die for a mistake?"

In New York, former Robert F. Kennedy staffer Adam Walinsky acknowledged he had helped Kerry put together his eloquent presentation.

Walinsky said Kerry, the 1966 Yale class orator, was "pretty darn good" with words by himself, but added that he had a hand in crafting those parts of the Kerry address "which were on TV."

That kind of wordsmithing was not available to Stephens, who made his pitch to the same committee a few days ago.

SPEECH OF LIEUTENANT STEPHENS

Speaking after a group of radicals had berated the senators, Stephens conceded his views "are not very popular these days." But drawing on more than 30 months' experience in the Vietnam theater—many times that of Kerry—Stephens argued that the United States could not morally pull out so fast as to endanger the lives of those thousands of South Vietnamese who had trusted the American promise of deliverance from the Communist enemy.

Stephens made no defense of the allegedly corrupt members of the Thieu-Ky regime ("frankly, I am sure that they will take care of themselves").

Nor did he buy President Nixon's argument that the United States should not be made to look like a "pitiful, helpless giant." Rather, argued Stephens, a wounded veteran and former aide to Admiral Elmo Zumwalt, naval operations chief, the United States should arrange to quit the war so that peace will help the loyal South Vietnamese. "Peace for us must not come at the cost of their lives."

SENATOR SCOTT COMPLAINS

Stephens' testimony might have escaped public attention altogether had not Sen. Hugh Scott of Pennsylvania, Republican floor leader, complained that the TV networks had ignored it.

Kerry quit Vietnam in March, 1968, as was his right as a three-times wounded serviceman. He also became an admiral's aide—in New York. Then he left the Navy to run for Congress but withdrew from the race in favor of the Rev. Robert F. Drinan, a Catholic antiwar priest who was elected last November.

Friends who talked to Kerry said he was not visibly upset about Vietnam when he first began thinking of running for office. "I thought of him as a rather normal vet," one said, "good to be out but not terribly uptight over the war."

Another to whom Kerry talked about running for office described him as "a very charismatic fellow looking for a good issue."

Kerry, with his connections, financial resources and a set of initials that read JFK, may be one of the brightest young political properties to emerge from New England in a long time.

One of those who'll be watching will be Stephens, who is slated to enter Cornell University Law School next Fall.

SENATOR HARTKE PRAISES SOIL CONSERVATION SERVICE

Mr. HARTKE. Mr. President, I wish to voice my strong support for the vital work being done by local conservation units throughout the country. For 30 years, Soil and Water Conservation Districts as well as local Resource Conservation and Development projects have made significant contributions to the improvement of the quality of our environment and have created better communities in which to live.

If these local conservation units are to continue to provide people with much needed conservation activities and services, they must be afforded adequate financial assistance.

In view of this fact, I was deeply disappointed with the administration's 1972 budget proposal for the Soil Conservation Service. This proposal, it seems to me, reflects the low priority which the administration has assigned to the important work of local conservation units.

Last month I had the opportunity to appear before the Senate Subcommittee on Agriculture, Environmental, and Consumer Protection. At that time I spoke in support of additional appropriations for the Soil Conservation Service.

Mr. President, I ask unanimous consent that my testimony before that subcommittee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Honorable Vance Hartke, April 27, 1971

Mr. Chairman, I appreciate this opportunity to appear before your committee to speak in support of additional appropriations for the soil conservation service.

The Wabash River Basin Comprehensive Study will be completed this fiscal year. This study, which has started in 1963 and has been eight years in the making, is a part of the national effort to plan responsibly for the wise use of our water and land resources.

The Wabash River Basin Comprehensive Plan was formulated to meet the projected needs of the basin for land and water resources development and preservation to the year 2020.

The plan is a result of cooperative work of Federal, State, and local agencies having interests in the area and knowledge of its needs and requirements.

The Soil Conservation Service played a major role in the development of this plan. The plan recommends for development in the next 10-15 years a total of 85 small watershed projects with a total drainage area of 9,717 square miles. These early action projects include 287 reservoir sites controlling a drainage area of 2,846 square miles. The amount of storage for flood prevention and other purposes is 1.1 million feet. The cost of developing detailed small watershed project work plans in cooperation with local project sponsors for these early action projects would be $6.1 million. At the present rate of progress, it will take about 40 years to complete the planning instead of the 15 year period indicated in the basin plan.

I might mention in passing a few land treatment activities which must be accomplished in the early action period. The program would develop conservation plans on 12.5 million acres. About 8,900 farm ponds would be constructed. About 25,000 acres would be planted to special wildlife plantings.

It is expected that by 1980, 216,000 acres of the basin will be converted to urban use. These construction areas will need vegetative cover and other water and sediment control measures with technical assistance from the soil conservation service.

Land treatment measures will need to be installed in the area above the major reservoirs planned by the Army Corps of Engineers. These land treatment measures will require time and funds on the part of the Soil Conservation Service.

We in Indiana have done much to get ready for the day when we would have a comprehensive plan to help us determine on an organized basis just what we need to do toward developing our water and related land resources.

A total of 205 potential watersheds have been identified as needing project type activities. To date, 114 applications have been received for assistance. Thirty-four conservancy districts have been organized with four more in the process of being organized. There have been 29 work plans authorized for construction with five projects completed and construction underway on 18 projects.

The question we need to ask ourselves is, "Where do we go from here?"

Now that we know what must be done, do we do it, or do we put off for tomorrow that which demands action today? I believe we need to go forward, and I would like to encourage an appropriation of at least $7.5 million for watershed planning.

The increase in construction funds in 1971 fiscal year was most welcome, but the amount was far short of the needs. Watershed construction funds should be increased to about $100 million, if we are to accomplish the indicated needs of the Wabash River Basin study.

An item of great concern to conservancy district directors and others attempting to construct watershed projects is the availability of Farmers Home Administration watershed loan funds. Indiana presently has completed loan dockets pending by FHA on seven watershed projects for a total of $4,373,492. The total FHA appropriation nationwide is $5 million. Present needs indicate that while nationally a fund of $50 million could be used, a minimum of $15 million should be provided.

Indiana presently has two resource conservation and development project applications in for consideration. Now is the time to accelerate and improve our resource base and make our rural areas a better place to live. I recommend that the total R.C. & D. appropriation be increased to about $20 million and that the ceiling and number of new starts be removed.

The appropriation for the conservation operations phase for the soil conservation service needs to be increased. As I previously mentioned, about 12½ million acres of land in the Wabash Valley need conservation land treatment measures. These acres produce large quantities of the number-one pollutant—sediment. We depend on the technical assistance of the soil conservation service provided through soil and water conservation districts to help landowners combat these problems. Rather than spending vast sums of money for new programs, I believe it would be better to allocate additional money to the soil conservation service to use in its efforts to improve the environment. A sum of $147 million a year would allow it to do much to improve our land and water resources and add to our country's natural beauty.

The future well-being of our people, the economic growth, and the environmental quality of our great country depend in large measure on the timely implementation of our resource development program. The time for action is now. Already, in many areas, resource availability lags behind demand. Needs of the year 2020 can be met only if resources are developed in time.

Mr. Chairman, I urge favorable consideration of the increases in budget for the Soil Conservation Service that I have outlined.

AS OTHERS SEE US

Mr. BELLMON. Mr. President, as Robert Burns so wisely observed years ago, "To see ourselves as others see us" is a rare gift. The views of an outsider can be of much value in helping to put events in the proper perspective.

Recently Peter Arnett, a New Zealander, and Horst Faas, a German, toured the United States for 3 months. It was their first visit to America and following their tour they wrote a series of articles for distribution by the Associated Press in which they looked at this country through the eyes of foreigners.

One of these articles is especially meaningful in view of recent events in Washington as well as in other major cities over the country. After reading this article it can be concluded that the United States is not as bad as its publicity sometimes presents it to citizens of other nations.

Mr. President, I ask unanimous consent that the article by Peter Arnett and Horst Faas be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Apr. 23, 1971]

VISITORS FIND U.S. SCARS BUT VIOLENCE ISN'T APPARENT

(By Peter Arnett with Horst Faas)

Visitors to America tend to look over their shoulders for race war, police violence and revolution. That has been the stuff of the recent American image overseas. What we found was not what we expected.

Two foreigners touring America for the first time, we walked through ghettoes, rode with police patrols in the crowded cities, and visited militant campuses.

We saw where violence had passed by: the fire-blackened streets, the empty lots where stores once stood, the "riot renaissance" architecture that grafted windowless solid brick walls on banks and supermarkets to protect them against flying stones.

But in three months of walking and riding through America we witnessed not a single act of violence, although we sensed that the potential was often there.

As part of our visit, we looked for signs of America's problems. We had difficulty coming to grips with them for we have seen far worse elsewhere in the world.

We had watched people starving to death in East Pakistan, gasped through Tokyo smog more dense than anything ever seen over Los Angeles. I twice barely evaded muggings in Bangkok. I've been trapped for hours in a Rome traffic snarl.

I watched French students tearing up paving stones and flinging them at the police on the Boulevard St. Germain de Press in Paris, and saw murderous police leading charges against demonstrators in India.

So we brought an international perspective to the problems we expected to find.

CHICAGO POLICE

From that perspective, then, the police of Chicago appeared efficient and obliging, more like the bobbies of London than the embattled lawmen we expected to find in a once gangster-infested city more recently notorious for the street battles during the 1968 Democratic National Convention.

Detective John Parrilli and other officers we met showed a remarkable knowledge.

They pointed out addicts, gamblers and other criminals as we rode, sketching in backgrounds of major and minor crime.

They like their work and often recalled the street fights with demonstrators during the 1968 convention.

"Just a dozen of us took 200 of them apart on Lakeshore Drive," one detective recalled. We began to sense how bitter the fight had been.

ALL PRAISE DALEY

And they all praised Mayor Richard J. Daley.

We eventually got the feeling in Chicago that, while the city was not the police state we sort of expected to find, and that, while the police patrols were discreet and not pervasive, the arm of the law was strong and powerful and could be mobilized instantly.

We had no doubts that the police could be very tough indeed, on demonstrators or anybody else.

We heard talk of a revolution being born on the campuses, but having seen insurgency take root and grow in Vietnam in the past decade we could only conclude that America is far from revolution as the rest of the world knows that term.

The ghettoes were a surprise. At first glance West Oakland and Watts in California might have passed as better grade residential suburbs in many foreign cities. Where were those crushing mobs of people and filth-laden alleys that our minds had always associated with ghetto living?

MEANING OF GHETTO

But as we stepped across the prostrate form of a drunk on the sidewalk and entered a black job bureau, we sensed what the American ghetto really means: despair. The black people inside regarded us with what seemed like cool hatred.

Outside again, we began to see the surroundings for what they were: seedy, crumbling hovels. We sensed none of the sheer joy of living that we found in the Wanchai ghetto in Hong Kong, or even Cholon in Saigon.

The hippies, too, did not fit the preconceptions we had brought with us. They were difficult to find, and when we did discover them on the lonely West Coast beaches they were remote and careworn, hardly the free spirits of the Age of Aquarius.

But we envied the peace of some of them, such as the bearded youth from Massachusetts we met lying languidly on the sands of Mendocino Beach in Northern California. He told us when we asked what he was doing: "I've been listening to the waves for six weeks, man. It's enough."

DROPOUTS ABOUND

But while we saw fewer hippies in the cities than we expected, other dropouts abounded. There were the skid rows, uniquely American institutions that you won't find in Europe or Asia.

And there were the Street People, once carefree flower children but now running in packs near the militant campuses like birds of prey. We were aghast at how unhealthy the girls looked, pimpled and sallow faced, wrapped in shawls. "They are on a death trip" a sympathetic Berkeley student told us.

And we found the religious dropouts, like the Amish and the Hutterites, who have almost totally withdrawn from society, secluded on their farms from radio and television, certain that the Bible is a surer instrument for self-improvement than the voting machine.

"ONLY AMERICA"

Horst and I talked about the dropout phenomenon as we drove through Montana. "Only America is big enough to accommodate people who so obviously reject its disciplines," he said.

I said that only America can afford them, such as the skid row bum in Los Angeles who has his monthly welfare check sent to his favorite bar to pay his bill. Or the Street People who have mastered the art of collecting food stamps to stay fed.

We had brought with us mental pictures of the the famous American cities. Generally, we found these expectations off base.

So we found Chicago, on first arriving, to be much more beautiful than the gray, sinister picture we carried in our minds. Her boldly designed office buildings and apartments rose dramatically over the lake shore. So much sadder, then, was the Chicago South Side where whole blocks of once attractive homes were so battered that they might have been the target of bombs.

ATLANTA RELAXED

Atlanta turned out to be one of the most genial and racially relaxed cities we visited, when we thought it would be among the worst. "You Northerners just don't know, do you?" challenged an aide in the mayor's office, mistaking my slightly nasal accent for Bostonese. "We get along with the blacks and we are thriving because of it." The blacks we met concurred.

Los Angeles was the throbbing, immediate metropolis we imagined it to be, not so much a city as a state of mind. "I haven't been to the center of town in three years," a movie producer told us when we visited 20th Century Fox in Hollywood. How could a Chicagoan not visit the Loop, or a New Yorker ignore midtown Manhattan.

We found in New Yorkers a tough honesty, as though they feel their daily difficulties and dangers are a price worth paying to live in one of the world's two or three truly great cities.

No one pretends in Fun City. Tales of muggings and robberies and police brutality are traded around the officers as casually as weather information or comments on the latest Broadway play.

Las Vegas was our biggest surprise. It was not the heartless pushy neon hell we had envisaged. "We want people to like us, to come back to us; we are running a clean city," a public relations man for the Sands Hotel told us.

He wasn't referring to the streets, but they were the cleanest we had seen in America. So was the air.

San Francisco's skyline was as gorgeous as we expected, but that city is better known abroad for its bawdiness. When night descended we gravitated to the garish North Beach. Horst took some pictures of the gyrating bottomless dancers, but he grew more cautious after a tall blonde strode over to him. "Don't take my picture for your newspaper," she said. "What will Mom back home in Kansas City think?

After a couple of nights of this research, Horst decided than San Francisco seemed a little ashamed of its bawdy reputation, without the determined debauchery of Manila or the sophisticated sexiness of Paris.

Our preconceptions didn't fare very well.

CLEAR-CUTTING IN NATIONAL FORESTS

Mr. NELSON. Mr. President, the Public Lands Subcommittee of the Committee on Interior and Insular Affairs recently took a good deal of testimony on the question of clear-cutting in the national forests of America. The hearings point up the inescapable fact that there is in this country a growing dissatisfaction with the pace at which our natural heritage is being exploited and a fear that we are stripping some of our precious forest lands faster than we can or will replenish them. The charge is a serious one, for it implies that the much praised principle of multiple use is being bent in two for commercial purposes.

As a cosponsor of S. 1592, a bill to provide for a thorough investigation of clear-cutting during a 2-year period in which the practice would be halted, I am pleased to note the growing public support for this effort to make sure we are not overutilizing our forests out of shortsightedness. This support is apparent in the editorial endorsements emanating from serious newspapers across the land, including two from my own State.

I ask unanimous consent, that an editorial in support of S. 1592, published in the Sheboygan Press of April 19, and an editorial questioning current forest management practices, published in the Milwaukee Journal of April 15, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Sheboygan Press, Apr. 19, 1971]

SAVING THE FORESTS

Senator Gale McGee of Wyoming has proposed a moratorium on clear-cutting by logging companies until a study can be made of timber-management in the national forests.

Clear-cutting is the practice of cutting down all the trees in a particular section of forest. The idea behind such a practice is that clear-cutting will allow better regrowth. On the other hand selective cutting singles out only the fully grown trees, leaving others to mature. The idea is that this method, admittedly more costly to loggers and more time-consuming, helps prevent soil erosion with the resulting clogging of streams, leaves wildlife undisturbed, and preserves the scenery.

Conservationists generally favor the idea of selective cutting. Loggers, understandably interested in keeping costs down, defend the clear-cutting practice by issuing brochures showing the rapid regrowth in tracts where this practice has been used. They contend that over the long-range, this practice is preferable.

The fact remains, however, that as far as the national forests are concerned, reforestation efforts are far behind the cutting of timber. The Des Moines Register has published a series of articles indicating that the Forest Service is five million acres behind in its reforestation efforts and another 13 million acres in forest improvement. A special committee at the University of Montana, studying the Forest Service's practices in the Bitterroot Mountains, concluded that the Forest Service was engaged in "timber mining" rather than in "timber management." In West Virginia, a special commission called for a halt to all clear-cutting, except in small occasional patches of forest. Commission members were shocked by the devastation resulting from the practice of clear-cutting.

Under the circumstances, Senator McGee's call for a review of current practices and a moratorium on clear-cutting should be honored. It appears that the practice of clear-cutting has been getting out of hand. Better management is needed.

[From the Milwaukee Journal, Apr. 15, 1971]

SMOKEY BEAR A HYPOCRITE

The United States Forest Service is guilty of shocking disregard for the public interest and violating a congressional mandate, in the way it has permitted private industry to rape the national forests. Hearings last week in Washington revealed progressive abandonment of the multiple use-sustained yield principle enacted by Congress in 1960.

The 1960 act requires replacement of harvested timber by new growth, and equal attention to all forest uses—watershed protection, wildlife, fish, grazing and recreation, as well as timber. However, the so-called forest management technique of clear cutting has been permitted increasingly. This involves clear harvest of trees of all ages and kinds, regardless of marketability, in vast areas of the national forests.

The nude scars of once beautiful Bitterroot National Forest in Montana and Monongahela National Forest in West Virginia stand as prime examples. Erosion, watershed degradation, silted streams and dangerous depletion of soil nutrient reserves inevitably follow continued clear cutting.

The Forest Service admits to being five million acres behind in reforesting logged lands, and 13 million acres behind in thinning and other improvements. Yet it has agreed with a startling recommendation of the Public Land Law Review Commission that timber harvest become the dominant use of national forests. The Nixon administration has already capitulated to timber interests and announced plans to increase timber harvest on public lands 60% by 1978.

Lumber interests say clear cutting is essential for some species, such as Douglas fir, to propagate. Yet clear cutting has devastated vast areas of Eastern hardwoods, too. The lumber industry defends its plans as necessary to meet the nation's housing goals. Yet it is apparent that these firms benefit handsomely from the more efficient, profitable, "cut everything in sight" approach.

For years the Forest Service's symbol of timber protection, Smokey Bear, has warned against forest fires. Meanwhile, increased private exploitation has been permitted to wreak much the same kind of damage. Sad to say, the Forest Service makes a hypocrite out of Smokey Bear.

FAIR CREDIT REPORTING ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have printed in the RECORD two more articles concerning the new Fair Credit Reporting Act.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

[From the Consumer Trends, May 1, 1971]

FTC "BEEFING UP" ITS EFFORTS TO ASSIST COMPLIANCE WITH FAIR CREDIT REPORTING ACT

With April 25, its effective date now past, the Federal Trade Commission can be expected to begin reasonable enforcement of the law, but it will also continue previous efforts to guide the business community towards compliance with the new law. In recent months, in addition to assisting trade associations in their understanding of the law, the FTC Staff has answered many letters it has received requesting guidance. Currently, it is releasing some of the more pertinent of these letters for general publication, without a hint of the identity of the writers. And shortly an elaborate set of "guides to compliance" prepared by the FTC Staff will be issued, which, even if they do not reflect the collective views of the Commissioners themselves, will be of inestimable value to the industry.

In addition, the FTC Staff under Sheldon Feldman has prepared a form of disclosure which in their view will constitute full compliance with the requirements of Section 606(a)(1) by users of consumer investigative reports, and which may be made separately or as a part of an application for credit, employment or insurance, so long as in the latter case it clearly and conspicuously is separately stated and placed in a manner and form so that it is likely to be read by the consumer—and he is given a copy of the application for his retention.

When a separate notice is used, the FTC Staff recommends the following wording: "This is to inform you that as part of our procedure for processing your (initial insurance) (renewal insurance) (credit) (employment) application an investigation may be made whereby information is obtained through personal interviews with your neighbors, friends, or others with whom you are acquainted. This inquiry includes information as to your character, general reputation, personal characteristics and mode of living. You have the right to make a written request within a reasonable period of time for a complete and accurate disclosure of additional information concerning the nature and scope of this investigation." When included in an application, the beginning of the recommended wording would be as follows: "In making this application (for insurance) (for credit) (for employment) it is understood that an investigation may be made whereby information is obtained, etc."

In the letters made available for publication initially, the FTC Staff expressed the following opinions: 1) investigative reports on applicants for employment may not include information on relatives or business interests of the applicant (this is also the opinion of the Commissioners themselves). 2) Whenever a consumer report (including an investigative report) is used in connection with employment, the user is subject to disclosures under Section 615. (This letter seems to make no distinction between reports on current employees, applicants for employment or persons considered for employment who have not made an application.)

3) The words "transactions or experiences" in Section 603(d)(A) could be construed to be opinion as well as statements of fact when opinion language is used to summarize fact, such as "slow pay." This letter also expresses the view that in disclosing to consumers, reporting agencies have no obligation to permit a consumer to have physical handling of the file. And it also states positively that a consumer reporting agency may not accept oral certification of the purpose for which information is sought before providing a report, but must have this certification in writing. Thus, a general contract for credit reports does not cover certification for reports for employment or other permissible purposes.

4) A credit union (or other creditor) which denies credit on the basis of information from employers, neighbors or other such third parties must make disclosures under Section 615(b), but not when the denial is totally based on information in the creditor's own file information. 5) Disclosures are not required where reports on consumers have been obtained in connection with commercial insurance transactions and bonds which cover only commercial risks.

6) The Fair Credit Reporting Act does not cover reports prepared on or about corporations, associations and other collective entities. (Note that this opinion does not take family corporations, which exist in some states, into consideration.) 7) This letter seems to indicate that disclosures made under Section 615(b) should identify the source of information by type of credit granter, such as department store, finance company, bank, etc. 8) An organization which issues reports on fund raising organizations would not be a consumer reporting agency unless it issues reports on individuals, which would be consumer reports under the law.

9) One letter, which would appear to have answered an inquiry from a collection agency organization, said that if one of the organization's licensees distributes a list of delinquent accounts compiled from information furnished by creditors, the licensee would appear to be a consumer reporting agency under the law. Further, the letter indicates that the licensee would be violating Section 604 on permissible purposes of reports, and creditors involved in the reciprocal arrangement would be in violation of Section 619. (If "CT" understands this letter correctly, it would also apply to local consumer credit associations and other creditor groups, and those so engaged would be involved in willful noncompliance with the law if they knowingly continue to engage in such practices. The letter also indicates that a creditor may be in violation of Section 619 any time he obtains a report on a person who has not applied for credit, so carpet companies and firms in the home improvement industries who have been getting reports before preparing estimates or preparing contracts for work should take warning.)

10) One inquirer who asked whether disclosure must be made under Section 615 when credit is denied after the creditor has obtained a report was told that even if the denial was based on the creditor's previous experience with the customer, disclosures must be made under Section 615(a), and if other information was obtained from other third party sources which are not consumer reporting agencies, disclosures would also have to be made under Section 615(b). The staff member who replied to this letter appears logically to have taken the position that when denial of credit occurs after information has been obtained from any third party source, disclosures must be made under Section 615.

11) Another letter on the construction of terms in the Fair Credit Reporting Act sheds important light on FTC views about the law's definition of "consumer reporting agencies," and what is meant by the term "cooperative non-profit basis." The letter cites this example: "Let us assume that a group of credit grantors in a particular locality, who are competitors for other purposes, agree to establish a central file containing certain information which bears on extensions of credit to their customers, and agree to make available this information to any member of the association. No fees are charged for the use of the information, and the expense of its operation is borne by the various members. Such an exchange or pool of information would be a consumer reporting agency operated on a cooperative non-profit basis within the terms of Section 603(f) of the Fair Credit Reporting Act, and reports issued by it would be consumer reports for the purpose of the statute. Likewise, its operations would be subject to all applicable provisions of the Act." (Please note, this is only one example.) When the FTC Staff issues its "guides to compliance," the information presented is expected to cover all of the usual problems of interpretation of the law which users and issuers of reports are likely to encounter. One such area is the question of disclosures in connection with investigative consumer reports obtained for employment purposes. Because Congress apparently intended to make at least some exceptions, but failed to make its intention clear enough in the law, the FTC will probably either hold that no disclosures are required under Section 606 any time an investigative report is used for employment purposes, or that disclosures are required in all such instances.

[From the San Francisco Examiner & Chronicle, Apr. 17, 1971]

The Consumer Gets a Break on His Credit Rating

(By Jack Kassewitz)

We jumped the gun on the new federal Fair Credit Reporting Act and asked Larry Clemente, division manager at the Credit Bureau, Inc., to let us look at our own credit file, in 10 seconds, more or less, the computer said we were a good credit risk but its information was awfully skimpy. (They may have had that mixed up with our pocketbook.)

An important new law goes into effect next Sunday. It gives the consumer, who has to depend upon credit as an American way of life, much greater protection than he ever had. If he's turned down for credit, he has a right to learn from the credit bureau in his town just who has been putting out information that, in some instances, may be false and detrimental to his cause.

Only two types of consumers really will be interested in the new law: Those who have been rejected by a credit granter, or the naturally curious. And it will cost the latter to find out what he already knows—that he probably is a reasonable credit risk. If you have no credit problems, you would have no interest in what the Credit Bureau has in your personal file.

Congress enacted the strict control on the nation's credit bureaus to insure that consumer agencies operate fairly and respect an individual's right to privacy. Some of the small credit agencies may not survive because they lack the counseling for consumers and merchants that larger companies provide. In all probability they have limited resources for keeping such knowledge at hand.

For purposes of today's column, Clemente agreed to pretend we had been rejected by a local department store upon application for credit. We showed him identification in the form of a Florida driver's license and Social Security card. He took down our age, address and name of employer and fed it into a video display tube hooked up with the computer center in Atlanta. Within 10 seconds came the response, showing a particular store had given us credit in 1970 and again in 1971, the last time for a $430 purchase. The balance owed was reported as $65 and the store indicated we had a good rating, paying our debts within 30 to 90 days. (It didn't reflect what we owed our favorite bank, although Clemente explained that if we were well known in the bank, it probably would not run a credit check through his bureau.)

About 2,000 companies in Dade and Broward use the Credit Bureau, which previously had almost 800,000 consumer files in its possession. The new law forced the disposal of obsolete family data and when the system was computerized, many thousand files were destroyed.

"No one asks our opinion whether a customer is a good credit risk," Clemente points out. "We merely store and dispense, without comment, information to help the consumer and the store credit manager reach decisions based on the company criteria."

The law requires the credit bureau to furnish, upon proper demand, the "nature and substance of all information" in a file, except medical data. If the consumer doesn't agree with what he sees, he has a right to protest and the credit bureau is obligated to thoroughly check out the complaint.

If the bureau continues to insist its information is correct, the consumer still has the right to place in his file a brief statement telling his side of the story. Upon demand, the credit bureau must inform everyone who received a copy of the original report.

This is the third effort to assist the credit consumer in recent months. In January a new U.S. law went into effect which limited to $50 the amount a consumer can be charged for unauthorized purchases made on a lost or stolen credit card. And last fall, the government banned the mailing of unsolicited credit cards.

Clemente stresses the point that credit bureaus are obligated to make examinations and corrections, free of charge, when a consumer receives a rejection notice from a collection department affiliated with the bureau. The nosy consumer, who merely wants to see his personal file, will have to pay a fee. And even then, he can only inquire into his own dossier.

After all, says Clemente, you know who you owe. The Credit Bureau doesn't have to tell you.

THE WHITE PANTHERS

Mr. DOMINICK. Mr. President, now that the demonstrations in Washington have ended, at least for the time being, and we are able to look back on the events of the past 3 weeks in a more objective fashion, I think it is fair to say that the majority of those who came to the Nation's Capital for the planned demonstrations were sincere in their desire to end the war.

Among the throngs, however, were certain persons who were bent on disrupting our Government and tearing down all that we have accomplished in this country, in exchange for some ill-defined goals which most closely resemble anarchy. I believe that we should become more aware of this danger and better understand the motives of those who would seek to destroy our institutions and threaten the safety of our high officials.

Recent articles published in Newsweek and various newspapers discuss one such group, described as the "White Panthers." Newsweek, on October 12, 1970, carried an article by Karl Fleming about his interviews with a young member of that organization. An Associated Press story and a Publishers-Hall Syndicate article by David Lawrence on March 17, 1971, provide further information and comment on some of the specific activities of this and other terrorist groups. In order that Senators and all other Americans may become better informed on this serious matter, I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Newsweek, Oct. 12, 1970]

"We'll Blow up the World"—A 19-Year-Old U.S. Terrorist Tells His Story

(By Karl Fleming)

(Note.—Seeking entree to the clandestine world of the radical terrorist groups stirring such concern today, Newsweek's Los Angeles bureau chief, Karl Fleming, placed a classified ad (photo) in a local underground newspaper. The ad drew a phone call from a youth who finally agreed to a rendezvous with Fleming on a stretch of beach near Venice, Calif.—which led to some remarkable conversations. The conditions of the encounter precluded any direct checking of the young revolutionary's statements (though a number of the details that went into his story did turn out to be independently verifiable). In all, he convinced a seasoned, normally skeptical correspondent that he was a chillingly authentic specimen of what he purported to be.)

"We'll blow up the whole f------ world if it comes down to it. And if our people start getting hassled and busted, we'll shoot police cruisers full of holes and kill every pig on the street."

The hard words sounded incongruous coming from the diminutive, red-haired kid in blue jeans and mustard-colored windbreaker who had approached me across the sunny Venice beach, glancing furtively over his shoulder to make sure that "the pig" wasn't lurking nearby.

He said his name was Larry. Period. He had lustrous brown eyes and softly freckled cheeks, and he wore his hair short. The haircut, he says, is camouflage. He belongs to a 50-member, all-white, all-male revolutionary terrorist gang, he says, and the short hair keeps him and other members of his group from attracting the attention of "the pig."

Over the course of the next week, in a series of interviews that totaled perhaps 24 hours, "Larry" revealed himself to be politically naive and a mere foot soldier in his bitter, rebellious band—a spear carrier not privy to political strategy and top-priority secrets. Nevertheless, the information he had absorbed provided a rare glimpse of the operations and violent schemes of what appears to be a widespread if haphazardly organized network of underground guerrilla bands.

Larry's own group has no name—for security reasons. Its members range in age from 18 to 23 and one-third of them—like Larry himself—are Vietnam veterans. Using his Army training as a demolitions expert, Larry has, he says, taught other revolutionaries how to use explosives, has gone on weekend shooting maneuvers with his group and has helped pinpoint potential targets such as power plants and armaments factories. He won't talk about whether he has personally blown anything up. "You don't want to hear about that," he says.

But he does offer a rationale of sorts for his group's activities. "The main reason for blowing up what we have so far," he says, "is just to let the people know we are here." Similarly, he wanted to tell his story to me, he says, so that "the people" can be won over to the coming revolution. "The people have to be told that we're not really a bunch of Communist murderers in disguise," says Larry. "We want change now. And nothing is at our disposal but violence. We can't even demonstrate without getting clubbed and teargassed. Well, if we can't live in peace, then the rich can't live in peace. There will be all-out war within a year. And when the pig picks up arms this time, he won't get rocks and bottles back—he'll get rifle rounds."

Larry's concept of the brave new world that would follow the revolution amounts to little more than rudimentary anarchism. "Our idea is that a person ought to be able to do anything he wants to do—smoke dope or make love on the beach—as long as he doesn't hurt anybody else," he says. "There is a lot of talk going on among all the groups about what kind of government we would have. It wouldn't be one man. Maybe a group of 100. It would be something like a democracy, but more free than one. Private-enterprise capitalism would be out. People wouldn't have to 'rip off [steal] anymore. They would have what they need."

"NAM"

Larry is 19 and a high-school dropout, the son of a Midwest steelworker. During his year in Vietnam he mastered lessons that would be valuable when he turned revolutionary. In "Nam," Larry learned, for example, how to extract a pound of C4 plastic explosive from a Claymore mine and ship it back to the U.S., and how to construct a bomb and place it against a building so that the charge will do the most damage. And his opportunity to rebel came soon enough. Always a malcontent, Larry finally refused to fight any more after he had killed three Viet Cong. He recalled his feeling during our conversations: "Man, they've got VC who'll stand in a field and shoot at jets with rifles. They must believe strong in something. I can't kill people like that. I had just as soon kill Americans."

He talked that way in Vietnam, too—and attracted the attention of a member of the White Panthers, a Stateside revolutionary group. The White Panther, Larry says, "asked me if I wanted to join a group when I got home and fight against the U.S. I said sure, I could dig it." The recruiter gave Larry some phone numbers in Arizona, California, Montana, Ohio, Kentucky, and Tennessee. After getting his undesirable discharge, Larry says, he used the numbers to make contact with his Los Angeles group.

He was duly examined and accepted, though few applicants are. Blacks aren't: "Accepting discipline from a group like ours hurts their status with their own people, so it makes bad vibrations and causes hassles." Women aren't accepted either. "Chicks can't be depended on," Larry says. Even so, he says, women are now being trained in secret guerrilla camps in the California, Colorado and Montana mountains to shoot, to carry ammunition cross-country, to administer first aid, even to plant bombs.

Larry's organization meets weekly, each time in a different place. The meetings last two to three hours. Attendance three times a month is mandatory. Members split up into five-man squads and train in demolition, street fighting, booby trapping, bomb setting, sniping, night marching and foraging. If there is a particularly dangerous mission to do, the members cut cards or draw straws. No more than ten people go on a job, so as not to jeopardize the whole organization.

Che: More than half of the members are college-trained, he says. Many are politically sophisticated and conversant with revolutionary theory and history. But when Che Guevera, the Viet Cong or other revolutionaries are discussed at the meetings, the talk is of military tactics, not ideology. Larry believes that theoretical revolutionary discussion is confined to the higher leadership councils, and he is not admitted to them.

Indeed, as a low man on the revolutionaries' totem pole, Larry has been given only the scantiest information about his comrades in the band. He does not know the last names of any of them and he has been given the telephone numbers of only four. All the members do meet together, but only first names are used. "We don't have any established patterns," Larry says. "I don't know anybody important. If one man knew too much and got busted, he could finger every dude in the organization."

"MAIN MAN"

The members work at "straight" jobs, some as electricians, telephone repairmen, truck drivers and laborers. The "main man" is a waiter, Larry believes. But, typically, he isn't sure.

There is obviously a lot Larry doesn't know including precisely how much communication and joint planning there is among the various underground groups. He knows that his group shared a 20-pound shipment of C4 explosive (from Vietnam) with a Washington state group, and that the Washington group shared ammunition it "ripped off" from an Army depot. But he doubts that there is any tightly knit conspiracy among the various revolutionary groups. Right now, he reports, there is some talk of a revolutionary "D Day" of sorts—a one-day campaign in which all the groups would join in a series of surprise attacks around the country on utilities, truck lines, war plants and police stations.

Larry says he has personally visited five revolutionary bomber groups. From conversations, he deduces the total number of such organizations in the U.S. to be as high as twenty. "Some of them are crazy and blow stuff up just to hear the noise," he says. "But some of them are really mellow, like the dudes who got the Shaker Heights [Ohio] police station. Man, that was a good demolition job."

It is a shared hatred of the police and the courts—as agents of established authority—that brought his organization's first members together. "Most of them have been f----- over by the pig and the courts," says Larry. "We've got people who are willing to walk into police stations with a satchel of explosives and detonate them just like that. Man, you could get all the members you wanted just by standing outside courtrooms and saying 'Sign up here for the revolution'."

DYNAMITE

His organization, he says, has 30 weapons, including an M–1 rifle, a shotgun, a .357 Magnum, a .30–06 rifle and a Browning automatic. On weekends, the members take their weapons and travel in several vehicles to camps where they train within a five-hour drive of Los Angeles. On three weekend trips, Larry says he tutored other members in demolition and had target practice with the M–1. He says they have 100 cases—2,500 sticks—of dynamite hidden away, but not at the camps. To get dynamite, he says, you have to steal it, or "dress up like a super-farmer and go into some little country town and buy it for blowing up stumps."

Before joining the California group several months ago, Larry says he visited a secret guerrilla camp so high in the Colorado mountains that it is obscured most of the year by clouds. His tale of the camp plays like a vignette from one of Jean Luc Godard's more imaginative revolutionary fantasies—but Larry insists it is all true.

He got in touch with the mountain guerrillas, he says, by using another telephone number given him in Vietnam. After reaching a contact in Flagstaff, Ariz., he says, he was told to travel to a certain intersection, where he was met by a guide who emerged from a clump of trees. They hiked six hours before reaching the camp, a strung-out array of sleeping bags and tents pitched beneath pine trees. Larry estimates that there were fully 1,000 people in the camp—most of them, he says he was told, were college students there for summer training. The guerrillas, he says, practiced firing and demolition and even staged mock battles. Their rations included rabbit and venison cooked on skewers over open fires, fish and a few staples. Provisions were bought in several different towns, Larry says, to avoid arousing suspicion.

CAMP

About 100 guerrillas stay all year, he reports, burying their firewood in snow banks, cooking surreptitiously—living sparsely so as to escape detection. Whatever money they needed was brought in by student sympathizers. Most of the members of the permanent guerrilla group, Larry gathered, were wanted by the police.

He stayed, he says, only a day, although he was asked by the leader, "a Castro-looking dude smoking a cigar," to remain as a demolition teacher. But he couldn't stand the cold, and for that reason also passed up a similar camp in Montana and chose California instead. From talking to the mountain rebels, Larry says he concluded that there are as many as ten such camps at various spots around the country.

TAPE

I told Larry that some people simply wouldn't believe him, so he grudgingly agreed to submit to a lie detector test if I wanted it. To try to corroborate and flush out the story, I asked him to arrange for me to meet other members of his group. But fearing identification, they refused. However, I did get Larry to carry a tape recorder to last week's meeting, and to invite the unidentified leader to say anything he wished. Larry returned with this terse, harsh-voiced message on the tape:

"What we're doing, we're making things so f______ uncomfortable people can't brush us off like fleas. We want freedom and peace, not half-truths and bull___. Small group? Man, others are everywhere. Watch out, maybe your best friend is out to overthrow a government. Naw, man, we're not f____ followers of some Communist organization. Man, you want a message for the people: do what you believe in, but don't believe in something you're going to hate. Freedom and peace shall follow."

Next day, Larry telephoned to say the organization was now fearful that he had become a security risk and had ordered him into temporary exile. He said he was splitting—he didn't say to where.

David Lawrence—Kidnaping Perils Rising

Although governments may not like to talk about it, they are facing an increasing peril in the terrorism involving kidnapings of prominent officials and diplomats which have become commonplace.

No international conference has brought an answer, nor have individual governments in Latin America or on any continent found that terrorist activities can be stopped just by the paying of ransoms.

The detention of four American soldiers, seized by a Turkish "liberation" group, is one of the few incidents that has not been prolonged. But in another part of the world this was followed almost immediately by the kidnaping of the attorney general of Uruguay. The same tactic of terrorism appears in country after country.

It is recognized that terrorists usually are left-wingers and revolutionaries who try to capitalize on the discontent in their respective countries. The episodes emphasize the absence of any adequate police power to deal with the small groups which abduct well-known persons, particularly foreigners, and hold them for ransom.

It is often insisted that other members of the rebel organizations who have been previously imprisoned should be released as the price of letting the kidnaped individuals go free.

The trouble has emerged repeatedly in a number of countries in Latin America. While the demand for ransom has been for the most part resisted, there have been some instances where it has been paid.

One of the weaknesses in the situation is the unfamiliarity in many capitals of the world with systems of detection that could lead to the capture of the kidnapers. The major powers could be of help in training the law-enforcement agencies of the smaller nations, the governments of which may ultimately.

It is recognized that terrorists crumble unless the terrorists—really revolutionaries—are caught and punished.

Terrorism exists in various forms throughout the world. Bombings by dissident groups are reported nearly everywhere. In the United States, the damage from such crimes has been growing steadily. In 1970, there were 1,096 bombings, more than double the previous year.

The rise continues with 79 explosions in January, compared with 51 in the same month a year ago. Even the Capitol Building was struck on March 1. Security measures are being tightened, and the law-enforcement mechanism is rapidly being enlarged. The belief is that ways will be found eventually to detect many of the perpetrators of the bombings.

The subject has become one of major importance in every country. While the Organization of American States has discussed the problem, no constructive action has been taken. If terrorism continues and expands, the smaller nations will need the financial help of the larger countries in order to deal with such tactics.

Where social and economic conditions have produced unrest, there is every reason for more attention to be given to the reforms that will reduce the discontent which exists But in several countries the rebels are not seeking merely social and economic reform. They are bent on overthrowing governments or the "Establishment."

In the United States, a congressional committee has just been given a report from the General Services Administration which says that since 1969 there have been 51 actual or attempted bombings and 918 bombing threats at the 10,000 buildings in its jurisdiction. Approximately $8 million voted by Congress last year is being used to hire and train 1,777 additional guards, but this means only two guards per building. These facts indicate the problem of the government in furnishing security. It will require more guards, better technical devices and more personnel in the law-enforcement agencies themselves.

Senate Panel Told White Panthers Considered Kidnaping Spiro Agnew

Washington.—The White Panther Party considered kidnaping political leaders of the prominence of Vice President Spiro T. Agnew to gain release of jailed radicals, according to a policeman's testimony released Tuesday by a Senate subcommittee.

Michigan State Police Sgt. Clifford Murray said the kidnap plans were among several courses of action suggested to or considered by White Panther officers in an effort to secure release of their chairman from the Marquette, Mich., state prison.

John Sinclair Jr., co-founder and chairman of the party, is serving a 9½-to-10-year term for violating Michigan drug laws.

Murray disclosed the alleged plan in testimony last September before the Senate internal security subcommittee. The testimony was released Tuesday.

Murray attributed his information to "a confidential source who has furnished reliable information in the past."

"The recommendation included adopting the style of the Tupamaros of South America, involving the kidnaping of government officials to be traded against the release of 'political prisoners' in the United States," he said.

"This recommendation included the suggestion that Michigan congressmen could be traded for John Sinclair," the detective continued. "Prominent national figures such as Sen. Robert Griffin and Rep. Gerald Ford might be good for trading for Black Panther Party leaders such as Huey Newton and Bobby Seale.

"The recommendation included the suggestion that with someone of prominence of the vice president, Spiro Agnew, one 'could write his own ticket'," Murray said.

He quoted his source as saying Lawrence Plamondon, co-founder of the party and formerly on the FBI's list of most wanted fugitives, had suggested "during a riot was a good time to 'rip off banks' or to 'snatch (Michigan) Governor (William) Milliken.' "

The party is an all-white organization whose stand is similar to that of the Black Panthers.

DRUG EDUCATION FUNDS

Mr. HARTKE. Mr. President, Americans are waking up to the drug problem, but we are waking up at a time when all social and economic levels of our society are caught in the grip of heroin, hallucinogens, amphetamines, and barbituates.

The incidence of drug abuse is growing in alarming proportions, far outstripping the response of Government and private interests. Laws which make the possession of dangerous drugs illegal have not served to provide a solution, nor have we been successful in confiscating illegal narcotics which enter this country from abroad. It was to this latter point that I addressed myself upon the introduction last month of Senate Resolution 64 which urges the President to take all appropriate action to stop heroin from reaching the United States.

While I believe that much of the heroin problem would be solved if we took the type of concerted action recommended in Senate Resolution 64, I am equally convinced that there is another avenue which must be pursued with equal vigor—that of education.

In a talk delivered recently at Notre Dame University by Mr. H. Stephen Glenn, a program consultant in the Division of Continuing Education at Indiana University, the following statement appears:

> I submit that teenage use and abuse of drugs is a type of learned behavior that is characteristic of American society in general! Indeed, there is reason to believe that a young person who uses drugs, rather than rejecting the values of society, may be conforming more closely to them than are his peers who do not use drugs!

What Mr. Glenn was referring to is the fact that we are a very drug-oriented society. We take pills to feel more relaxed, pills to help us sleep, and pills to keep us awake. There are literally thousands of preparations which make us more socially attractive.

It is through television and other mass media that the wonders of these drugs and preparations are made known to us all. Each of these forms of media, particularly television, plays an important role in the socialization process of young children. Through the media, and from his observations of family life, the child learns the importance and value of drugs. These facts were brought to light during the very informative hearings held in September 1970, by the distinguished chairman of the Consumer Subcommittee of the Committee on Commerce, Mr. Moss.

Because our children are learning to depend on drugs, it is vital that we educate them about their dangers. It is education which will provide the best means of drug abuse prevention.

In 1970, OEO funds were reprogramed to the Office of Education for the establishment of a National Action Committee for Drug Education, through which $3.2 million was made available to the States for the current fiscal year. Each State was to initiate a drug education program by training a team at the State level and then, through the efforts of that team, expand the program to reach local communities.

The program was to be an initial thrust which would gain increasing support and importance during subsequent years. Working in this direction, several States have developed cadres of trained personnel and have encouraged communities to look toward them for support.

Six million dollars has been requested for Office of Education programs in drug education for 1971–72; however, one-half of this money is to go to communities directly on a competitive basis. Therefore, after administrative overhead costs are deducted from the remaining $3 million, only $2.1 million is left for continuation of the State programs. This represents a 42-percent cutback over the previous year's funding and will result in the destruction of a number of very meaningful programs being developed by various State teams.

In my home State of Indiana, this cutback will mean that our drug education program will have only $42,000 in Federal funds compared to the $74,000 we had last year. After administrative costs are considered, there will be only $25,000 for support of a State team and funding of community training efforts. This is simply too little to do the job that is needed.

Many highly trained individuals will have to be released from State programs and little or no assistance can be offered to communities that are expecting help. This is particularly tragic in light of the past year's experience in drug education. Literally hundreds of individuals have voluntarily contributed time and money to insure the success of programs sponsored by the States.

The modest funding of State programs has served as seed money that has been more than matched by private individuals and organizations as well as by school authorities and local governments. The cutback in funding will put an end to most of this effort.

A more serious implication lies in the psychological impact of this cutback. The efforts of the State teams have aroused hope at the most basic levels of society. This hope will be dashed if the States are forced to discontinue most of the programs they have developed.

Mr. President, drug abuse is an individual problem. It occurs as the result of two factors: First, the availability of drugs, and second, the interaction between the individual and his environment. We can decrease the availability of narcotics by taking action to halt their flow into the United States. But only through education can we seek to provide our children with the rational information they need to resist the temptations of our drug-oriented society.

It is essential, therefore, that funding for drug education programs be made available at no less than their current level. This would enable a fulfillment of commitments already made and would allow for continuation of developmental programs in drug education at the State level.

OKLAHOMA NO. 1 IN MEDICAL SELF-HELP TRAINING

Mr. BELLMON. Mr. President, emergency medical assistance has saved many lives in circumstances where professional medical care is not readily available. In Oklahoma medical self-help courses are taught in high schools, colleges, Government agencies, industry, and civic clubs in order that individuals may prepare themselves to provide such assistance when the need arises.

According to Dr. R. Leroy Carpenter, Oklahoma Commissioner of Health, the goal for our State is to train one member of every family in this lifesaving program. Dr. Carpenter reports that since its inception in 1963, Oklahomans, under program direction of the State Department of Health, have taught approximately 300,000 persons.

Just last month in Oklahoma a person's life was saved by a graduate of the medical self-help course. This is ample reward in itself for the time, effort, and cost of conducting this program.

Oklahoma was cited recently for having attained the distinction of being No. 1 in the Nation in medical self-help training for the month of February 1971.

Dr. Carpenter and others who are responsible for this excellent record are to be congratulated. Also credit should go to the citizens of Oklahoma and other States who sacrifice their time and put forth the effort to acquire these lifesaving skills.

Mr. President, I ask unanimous consent that a letter of recognition from the Division of Emergency Health Service of the Public Health Service be printed in the RECORD as a tribute to this outstanding achievement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md., April 5, 1971.

R. LE ROY CARPENTER, M.D.,
Commissioner of Health,
State Department of Health,
Oklahoma City, Okla.

DEAR DR. CARPENTER: As the enclosed report shows, Oklahoma led the Nation during February in the number of students graduated from Medical Self-Help Training courses. Also, for the same period, your State had the greatest number of graduates based on population. Congratulations to you and to your staff on this fine accomplishment. Through your efforts, close to three hundred thousand Oklahoma citizens have been taught to care for their health needs in emergencies.

We appreciate your continued interest in emergency health services, and we hope you will contact us if we can be of any assistance to you.

Sincerely yours,
HENRY C. HUNTLEY, M.D.,
Director, Division of Emergency Health Services.

REPORT ON TACTICAL FIGHTER PLANES

Mr. PROXMIRE. Mr. President, today, the Members of Congress for Peace Through Law issued its second report on military spending issues for 1971.

This report on the F–14 and F–15 tactical fighter planes was prepared by Senator VANCE HARTKE and Representative JONATHAN BINGHAM.

The report is very well done, has great merit and, if followed by the Pentagon and Congress, could result in the savings of billions of dollars.

Because of its great public interest and its high quality, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON THE F–14 AND F–15 TACTICAL FIGHTERS

(By Senator VANCE HARTKE and Congressman JONATHAN BINGHAM)

RECOMMENDATIONS

1. Terminate immediately all further production of the "A" version of the Navy's F–14 due to cost uncertainties and delays in operational availability. The Administration has requested $806-million for procurement of 48 more F–14As in FY 1972. We recommend no further procurement funds be authorized or appropriated.

2. Termination further development and production of the Phoenix fleet defense missile due to high cost and insufficient capability for fleet defense against saturation attacks by decoyed surface-to-surface and air-to-surface missiles. The Administration has

requested $104-million for procurement of a classified number of these "terribly expensive" (Admiral Connelly) missiles. We recommend this entire procurement request be rejected and the Phoenix program terminated.

3. Authorize funds for purchase of an adequate number of F–4Ms (currently being sold to the British) or other advanced version of the F–4 to meet immediate needs for high performance air superiority aircraft until a more cost-effective new aircraft can be developed and made operational. Initially, this purchase should equal at least the planned FY 1972 purchase of F–14As—48 aircraft. The purchase price of the F–4M is approximately $6.5-million. We recommend, therefore, authorization of $312-million for this purpose.

4. Undertake immediate high-level studies to determine what further improvements could be made in the highly successful and flexible F–4 through design modifications at moderate cost to improve the capabilities of this aircraft to meet tactical air force requirements for the latter half of the 1970's and beyond.

5. Terminate further development of the F–14B and F–14C due to the low performance capabilities of these aircraft without the Phoenix missile relative to their high cost. The FY 1972 Administration request for the F–14B is $228-million. We recommend it be rejected and the contract terminated.

(An alternative to this course of action, in view of some evidence that the F–14B might prove cost-effective even without the Phoenix in performing missions other than fleet air defense, would be to continue R & D for the "B", but withhold any procurement unless and until the aircraft proved superior to the F–4M or other improved version of the F–4 based on, among other considerations, a "fly-off" competition. In effect, this would bring the F–14 program under a competitive "fly-before-buy" policy. If this alternative is followed, the full R & D request for the F–14 program for FY 1972 of $228-million should be approved, and the F–14 contract renegotiated to include the competitive "fly-before-buy" condition for procurement.)

6. Continue R & D on the Air Force's F–15 at requested (or slightly increased) levels despite evidence that the very high cost of this airplane may not be justifiable by its performance projections. At the same time, however, designs should be requested and funds authorized for development of a light, highly maneuverable fighter of the FX–X type (to meet the MIG–23 threat) that could be "brought in" at a cost significantly below that of the F–14. The Administration has requested $415-million for F–15 R & D. We recommend approval of that request. In addition, we recommend authorization of an appropriate sum (no more than $50-million in FY 1972) in RTD & E funds for Contract Definition and initial development of a lower-cost light fighter for possible use in combination with, or as a substitute for, the F–15.

7. Require Defense officials to provide Congress on a continuing basis with detailed tactical air force size, structure, and cost alternatives and rationale extending at least ten years into the future.

Pursuit of the recommendations of this report would effect immediate (FY 1972) savings ranging from $538-million to $776-million. Longer range savings, while difficult to calculate precisely, would certainly be many times these immediate savings, and could range in the neighborhood of $25-billion. Ten-year "systems costs" of the F–14 have been reliably estimated at between $20-billion and $30-billion. Accepting a compromise figure for full projected procurement (722 aircraft) and related costs of $25-billion, should an improved version of the F–4 be found sufficiently cost-effective to replace the F–14, the ten years savings could be as high as $12.5-billion. In addition, this would result in a saving of at least $1-billion, and perhaps as much as $4-billion, in Phoenix system costs.

Long-range system costs of the F–15 program are even more speculative than those relating to the F–14. However, savings resulting from total or substantial substitution of a light fighter for the planned purchase of 737 F–15's would produce savings near those effected in the case of the F–14.

TACTICAL AIR MISSIONS

Any combination of four major missions can be assigned to tactical aircraft. Although tactical aircraft are designed for use in conventional (non-nuclear) conflicts, they can also be used in tactical nuclear strikes.

1. *Close-Air Support*. Tactical aircraft provide close-support to troops engaged with enemy land forces. This mission is especially important in Europe where the Warsaw Pact has extensive armored forces. Close-support strikes prevent troops from massing, armored vehicles from breaking through lines, and friendly troops from being overrun. Large loiter and payload capabilities are important characteristics for aircraft used in close-support. In addition, survivability against ground fire is important.

2. *Interdiction*. Interdiction missions are of two kinds—battlefield interdiction and deep interdiction. When tactical aircraft strike supply concentrations, vehicles and lines of communication in the vicinity of the front, these attacks are called battlefield interdiction. Such attacks disrupt troop and armored column movement and prevent the enemy from stockpiling supplies near front lines. Deep interdiction missions, on the other hand, aim at reducing the flow of troops and supplies to the front by striking far behind enemy lines at communications and industrial facilities. These deep strikes have a less immediate effect on enemy troops at the front than close support or battlefield interdiction due to the availability of optional lines of communication and to the short repair-reconstitution times for roads, bridges, factories, etc. In addition, losses on deep interdiction strikes tend to be higher because of the higher density of enemy anti-aircraft missiles, artillery, and interceptors.

3. *Air Superiority*. Tactical fighters are employed to protect ground attacks by escorting strike aircraft, by flying protective cover (combat air patrol) or by sweeping the front before strike aircraft arrive. In view of the large number of interceptors in Pact and North Korean tactical air forces, this is likely to be our highest priority mission in the event of war. Air superiority missions require an aircraft with high concentration, low wing-loading (wing-loading is determined by the ratio of aircraft weight to wing area; wings must be large enough for stability in turns, but small enough to minimize drag), good control response and good visibility from the cockpit.

4. *Airbase Defense Interception*. Fighters are also used for point defense of airbases and infrastructure. Navy fighters fly fleet air defense missions to protect the carrier and its task force from enemy bombers and cruise missiles. Assuming the carrier survives, these same fighters must be able to fly air superiority missions, and particularly, to escort the carrier's attack aircraft against their targets. High speed dash, long loiter time, and a long-range missile/fire control system are important capabilities for successful performance of the fleet air defense mission.

TOTAL TACTICAL FORCE STRUCTURE

Secretary of Defense has announced that FY 1972 will be a period of "continued reduction" of our active fighter and attack forces, and that efforts are underway to find ways to "reorient (these) forces over the 1973–77 period" in order to achieve "more flexible tactical air forces in the future." As the following chart indicates, our total active fighter and attack forces will have dropped from about 5000 aircraft in 1970 to a projected 4020 by the close of FY 1972:

ACTIVE FIGHTER AND ATTACK AIRCRAFT (1970–72)

	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Total aircraft	5,000	4,600	4,020
Total wings	39	36	35
Navy wings	13	12	11
Air Force wings	23	21	21
Marine Corps wings	3	3	3

Sources: 1970–72 Defense Budget and Defense Program Statements, Clark M. Clifford and Melvin R. Laird.

No detailed reason or rationale for this reduction has been provided by the Department of Defense in terms of expected future military contingencies. In general, in fact, the Congress is provided with insufficient information on long-range projections of tactical aircraft needs, costs, and alternatives. We recommend that the Congress require such detailed information, including the implications of all proposed new aircraft on force size and structure, on a continuing basis.

The only apparent reason for the current reduction in total tactical air forces is the imminent modernization of these forces. This modernization is projected to be accomplished primarily by the planned introduction of the Navy's new F–14 fleet air defense and general purpose fighter.

We recognize the need for modernization and improvement of our tactical air force to meet expanded capabilities on the part of potential enemies. However, both the F–14 and F–15 will cost several times more than the aircraft they are scheduled to replace (primarily the F–4 Phantom). As far as we are able to determine, no lower-cost options for tactical air force modernization are currently under active consideration.

In our view, exclusive pursuit of high-cost options may require us in the future either to increase our expenditures on tactical air forces beyond desired or necessary budget restraints, or to purchase only an insufficient number of new aircraft in order to stay within such budgetary restraints. To avoid this dilemma, we favor keeping low-cost options for tactical air force modernization open as long as possible. A number of our specific recommendations point to such low-cost options.

THE NAVY F–14

In 1968, the Congress killed the ill-fated Navy F–111B and authorized in its place development of a new multi-mission fighter, the F–14. Designed to provide fleet air defense, air superiority and air-to-ground capability, the F–14 is anticipated to replace the F–4 Phantom as the Navy's chief tactical fighter by the mid-1970's.

Grumman Aerospace Corporation received the contract for development of the first version of the plane, the F–14A, in February of 1969. The F–14A makes maximum use of technology gained during the development and test program of the F–111B by incorporating the Pratt & Whitney TF–30/P–412 engine and the Phoenix air-to-air missile system originally intended for use in the F–111B. In addition, the avionics system of the F–111B has been redesigned for tandem seating and for fire control use of the existing Sparrow and Sidewinder missiles. The airframe of the F–14A uses titanium as a weight-saving device in an attempt to optimize, to the extent other missions permit, maneuverability in "dogfight" situations. The F–14A also has the design capability to carry one or more weapons systems in varying combinations depending on its mission.

The second model in the F–14 series, the F–14B, is to be equipped with advanced technology, high thrust engines presently being developed by Pratt & Whitney for testing in June, 1972. Target date for operational "B" engines is December, 1973. F–14As are then to be retrofitted with "B" engines, supposedly at minimum cost since the F–14A airframe has been designed with the new engines in mind.

The F–14C, expected in the late 1970's, will have improved avionics. Even if the Navy and Marine Corps should somehow find the resources to replace over 1,000 F–4s with F–14s, the unit cost of the F–14 under the most optimistic assumptions, will be at least three times that of the F–4. Buys of fewer F–14s would mean still higher unit costs. To date, 38 "A"s have been procured. The Navy is requesting funds to procure 48 more in FY 1972, for a total of 86 aircraft.

Twelve of the "A"s already procured are test aircraft, the first of which crashed in its second test flight due to malfunction of the plane's primary and backup hydraulic systems. This will delay the operational date for the "A" by six months or more. The estimated earliest operational date is now regarded to be early 1974. The F–14B is projected to become operational in January, 1975, although some experts believe the "B" can be operational by the end of 1974 in view of reports that development of its new Pratt and Whitney engine is proceeding smoothly and slightly ahead of schedule.

As a result of the test complications, as well as generally rising costs, an increase in the cost of the F–14 has been widely rumored. Such an increase will necessitate either a renegotiation of the F–14 contract or purchase of fewer planes.

The latest "unit flyway" cost of the F–14 before the crash of the test model and the cost increase rumors was $11.5-million. More recent estimates have ranged as high as $15-million per copy.

Regardless of any other actions that may be taken on the F–14 program, the delays that have been encountered in development of the F–14A following the crash of the first test model, the uncertain but increasing cost of the aircraft, and the progress that is reportedly being made in readying the new Pratt and Whitney engine suggest that no more F–14As be purchased. The gap between the projected operational date of the F–14A and the estimated operational date of the first F–14B is now less than a year. This means that all F–14As will have to be refitted, at great expense, with new engines hardly more than a year after they are first flown.

The entire justification for the F–14A was to provide the Navy with a plane to meet the growing Soviet challenge several years before the F–14B would become operational. That rationale no longer exists. Furthermore, many of the performance characteristics of the F–14A are inferior both to the Soviet MIG–21 and such currently available Western aircraft as the F–4M which McDonnell-Douglas is selling to Great Britain. The Navy itself, for example, has predicted that the F–14A would have only about a 2% speed advantage over the Soviet MIG–21—hardly enough of a capability improvement to justify the $806-million requested to purchase more of the "AA"s in 1972.

We therefore recommend termination of the F–14A and the purchase of an appropriate number of F–4M's or other late versions of the F–4 to meet the immediate needs of the Navy for high performance fighters.

The Phoenix missile is a long-range, air-air defensive missile system. Six missiles can be mounted on each F–14. Development of the Phoenix began in December, 1962, with the letting of a contract to Hughes Aircraft Company. The program, at that time, was keyed to development of the first F–111B fleet squadron in February, 1969. With cancellation of the F–111B the Phoenix program was reoriented to the F–14As requirements and schedule.

The Navy reports that the Phoenix will be capable of destroying "multiple targets in a heavy electronic countermeasure environment under all weather conditions." Simultaneous launch against a classified number of targets is reported to be possible. But simultaneous firing in flight from the F–14 has not been tested, and there is continuing skepticism over whether the F–14 air frame is substantial enough to permit such firings.

Research and development firings of the Phoenix completed as of March, 1970, achieved 20 successes in 27 tests, and the Navy currently reports that final testing of the missile is now near completion.

The Phoenix, according to the Navy, will "provide the F–14 aircraft with its primary fleet air defense capability." Our analysis of the Phoenix program, however, suggests its capabilities are limited and that its limitations are strikingly similar to those which argue so persuasively, in our view, against deployment of an ABM system.

Like the ABM, the Phoenix seems incapable of accomplishing the mission assigned to it, even if it performs entirely up to expectations. While details of its operation are scarce, there is no evidence that it is capable of neutralizing any more than, at best, a small group of closely clustered targets. With that capability, carrier-based F–14s, each carrying six Phoenix missiles, might be able to defend against a moderately heavy enemy attack. A saturation attack, however, particularly one involving large numbers of heavy cruise missiles and accompanying enemy decoys, would surely penetrate Phoenix defenses. The carrier fleet, therefore, remains extremely vulnerable to determined attack, and no defense missile system of the Phoenix type can be depended upon realistically to erase that vulnerability.

The threat for which Phoenix might be effective—to protect carriers and accompanying ships from enemy bombers—simply has not materialized and does not now exist.

The cost of the Phoenix system is extremely heavy in both dollars and restrictions it imposed on the F–14 to perform missions other than fleet defense. Reliable estimates of the per unit cost of the Phoenix range from $200,000—to $800,000—about ten times that of the most sophisticated airborne missile we currenly possess, the Sparrow. Based on a compromise estimate of $400,000 per Phoenix, it would cost $2.4-million to outfit each F–14 with the Phoenix. If even half of the 722 F–14s the Navy proposes to buy in the foreseeable future are outfitted with the Phoenix, just the initial Phoenix procurement cost would be well over $800-million. The estimated cost of the Phoenix program just through 1977 is estimated at $1.502-billion.

The Navy proposes that to relieve F–14s of extra weight and drag should they unexpectedly encounter situations where close-in combat may occur, they would simply jettison the Phoenix components—a startling proposal in view of the extremely high cost of these missiles.

Most of the training of F–14 pilots will necessarily focus on the close-in combat contingency, which requires the most sophisticated skills on the part of the crew. In view of this emphasis in their training, F–14 pilots will consider themselves primarily "fighter pilots." There is already considerable evidence that fighter pilots tend to resent and distrust long-range missiles which cut down the close-in combat capability of their aircraft. F–14 pilots, therefore, must be expected to jettison the Phoenix with little prospect of a dogfight, raising further serious questions about the feasibility of maintaining the Phoenix system from a cost point of view.

The Navy has noted that the Phoenix missiles and the pallets on which they are carried can be removed, giving the F–14 the flexibility to fly with or without the extra weight of the missiles depending upon the immediate mission assigned. Indications are, however, that the process of removing and replacing the missile pallets may be considerably more complicated and time-consuming than originally anticipated, thereby reducing the airplane's general flight readiness, and increasing its service time and cost.

On the basis of these very basic problems, it is our conclusion that the Phoenix system, like the ABM, offers minimal dependable security payoffs—at extremely high cost, and that despite the considerable sums we already have invested in it, the sooner we abandon it the better. We therefore recommend determination of the Phoenix program at the first opportunity.

The dual mission capability of the F–14 has been consistently stressed by the Navy. Gradually, however, the fleet air defense mission of the aircraft seems to have been superceded by its air superiority role. This impression is gained from testimony by the Navy during hearings before various Congressional Committees. An undated Naval Air Systems Command memorandum states that "First, and perhaps foremost, the F–14 is being designed as a Navy fighter, to meet Navy needs, and operate in a Navy environment." Reliable trade journals have reported such a trend. Electronic News, for example, noted a "switch from emphasis on fleet air defense to air superiority."

The F–14, like the F111–B which it closely resembles, was largely designed around the Phoenix, with fleet air defense as its primary mission. Cancellation of the Phoenix, therefore, calls into question the advisability of completing the remainder of the F–14 series.

Relieved of the Phoenix and the fleet defense mission, the primary mission of the F–14 would presumably become air superiority—a mission which, as noted earlier, seems to have become predominant in the priorities of defense experts since the F–14 was designed. Whether the F–14B and C should be continued without the Phoenix hinges on the alternatives available to meet admitted immediate need for an improved air superiority fighter to counter the MIG–21 and, ultimately, the MIG–23 (Foxbat).

Our examination suggests that the F–4M, or an even more advanced F–4 that might emerge from development efforts between now and 1974 (when the F–14B is scheduled to become available), would be superior to the F–14B and C (stripped of the Phoenix) in carrying out the three remaining tactical aircraft missions, and that such an aircraft could be purchased at considerably less cost than the F–14.

The F–4M possesses engine thrust variously rated at 21,500 lbs. (Air Force and Space Digest) and 20,500 lbs. (manufacturer's rating). The Pratt-Whitney TF–30–P–12 turbofan engine being developed for the F–14B is estimated to provide 28,000 lbs. thrust. But the estimated top operating speed of the F–14B is Mach 2.5, while the F–14M is already believed to be operating in the Mach 2.5–2.8 range. In these important respects, the F–4M compares favorably with the F–14B, and has the advantage of being already operational and available at a cost about one-half that of the estimated cost of the F–14B.

We feel that these facts alone offer ample evidence that an adequate aircraft is available at lower cost than the F–14B, and that the F–14B and the rest of the F–14 program should be terminated now in favor of the F–4M and further improvements on the F–4. We so recommend.

As an alternative to this recommendation, research and development on the F–14B could be continued in order that a "fly-off" between the F–14B and the most advanced version of the F–4 then available could be held to determine which plane the Navy would buy. This alternative is justified by the fact that, although the estimates of the performance of the F–14B are slightly inferior to those of the F–4M and its cost higher, the F–14B does offer some design improvements over the F–4M for closein combat, including better placement of engines for suvivability and better location of pilots (tandem) for visibility.

Whichever of these alternatives might be followed, a high-level study should be launched and development funds made available to determine what other modifications might be made in the F–4 to further improve its capabilities. The F–4 is the most successful and flexible aircraft ever developed by our Armed Forces, and there is some evidence that the Navy, in its determination to develop a fleet defense capability through the F–111 and then to combine fleet defense with air superiority in the F–14, may have seriously understated or ignored the potential of the F–4 to be modified at relatively low cost, thereby achieving even greater capability. Another look should be taken at the F–4 before any major procurement commitment is made on the F–14B.

THE AIR FORCE F–15

The Air Force F–15 is strikingly similar in design to the F–111. Like the F–14, it draws heavily upon the technology gained during the F–111's development. Although powered by the same Pratt & Whitney advanced technology engine designed for the F–14B, it will be some 12,000 pounds lighter. This difference in weight can be attributed to the single mission responsibility (air superiority) of the F–15 in contrast to the multi-mission duties imposed on the F–14. The F–15 will not carry the Phoenix missile or the missile's weighty avionics. Rather, it is anticipated that the F–15 will fulfill its air superiority role through sophisticated stand-off missile capability.

The design of the F–15 reportedly corrects major deficiencies on the F–4 design for close-in visual combat which were discovered through combat experience with MIG–21s in Southeast Asia. For example, it has improved wing loading, acceleration, thrust-to-weight, visibility, fuel, and handling qualities.

Despite recent changes in the development of the aircraft to reduce cost, the F–15 is now anticipated to "come in" at an even higher price than the F–14. Furthermore, valid questions remain about whether the F–15s dependence on "stand-off" capability is sufficient to make it a match for the "Foxbat." Should its "stand-off" weapons fail and should it be forced to close-in visual combat by an enemy aircraft such as the MIG–23, it is questionable whether the F–15 would have the speed and maneuverability to survive.

Nevertheless, a much better case can be made for a sophisticated "stand-off" capability in the F–15 than could be made for the "fleet air defense" capability in the F–14. Inclusion of the improved "stand-off" weapons and avionics has not added excessively to the weight of the aircraft. No effort has been made to make it a multiple-mission plane.

We therefore recommend continued funding for R & D on the F–15 at requested levels. We recommend, also, however, simultaneous development of a light, lower-cost version of the F–15 or an entirely new light fighter of the FX–X type. Such an alternative fighter should be designed for maximum speed and maneuverability at a cost between that of the F–4 and the F–15. A light fighter would provide a needed option to the F–15 in the event future budgetary restraints restrict the number of F–15s we can afford to buy, or in the event the "stand-off" capability of the F–15 proves inadequate to counter enemy fighters and greater emphasis on speed and agility is required.

A NATURE EDUCATION CENTER TO BE ESTABLISHED IN WISCONSIN

Mr. NELSON. Mr. President, a few days ago, the Schlitz Foundation announced that the foundation directors voted to make a gift of 185 acres of undeveloped land near Milwaukee on Lake Michigan to the National Audubon Society. This tract of beautiful woods and meadows where a herd of deer roam is, according to the Milwaukee Journal:

> More diverse ecologically than any similar nature center in the country and has the great advantage of being in an urban setting of more than one million people.

The Audubon Society has established other nature centers around the country; 400 acres at Greenwich, Conn., 300 acres at Sharon, Conn., and a center of less than 100 acres at Dayton, Ohio. It has also helped develop many others which are operated by public and private groups.

The society is expected to use this magnificient area for schoolchildren and adult groups, but carefully controlled so that the natural setting and delicate balance of the ecology will not be disturbed.

In addition to the donation of this remarkable tract, the foundation will make a contribution of $1.2 million.

If the Audubon Society accepts the gifts, Wisconsin and the Nation will soon have another nature center as "a part of wild America set aside and interpreted for the enjoyment and edification of the people of a community."

I ask unanimous consent that an editorial and articles on the subject be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Milwaukee Journal, May 3, 1971]

Magnificent Gift

What a magnificent gift to the Milwaukee area and all the Nation the Schlitz Foundation is making in its donation of the Nine Mile Farm to the National Audubon Society! The foundation, the Uihlein family particularly, and another anonymous donor have offered more than this 185 acres of beautiful woods and meadows; they assure the development and operation of what an Audubon official promises will be the Nation's finest nature education center.

The Nine Mile Farm in Bayside is the largest remaining undeveloped tract along Lake Michigan and in the Milwaukee area. It has a resident herd of more than a dozen deer, is considered more diverse ecologically than any similar nature center in the country and has the great advantage of being in an urban setting of more than a million people.

Under Audubon control, the center is assured of proper care and wise use to its fullest potential. Access will be open to schoolchildren, Scouts and other youth and adult groups, but will be carefully controlled so that tour groups limited in size will not endanger flora and fauna through overuse at any one time.

Official Audubon acceptance is expected later this month at the society's national convention being held, appropriately, in Milwaukee. The village of Bayside will need to grant enough variance from the tract's residential zoning to permit construction of an educational building and operation as a nature center. The County Board will need to exempt the area from its real estate taxes, $33,500 this year. These approvals should be eagerly voted.

[From the Milwaukee Journal, May 2, 1971]

9 Mile Farm Offered to Audubon Society

(By Robert W. Wells)

The Nine Mile Farm in Bayside has been offered to the National Audubon Society for creation of what is predicted to be the nation's finest nature education center. A gift of $1.3 million will be made to finance preparation of the site and operation of the center.

Robert A. Uihlein Jr., president of the Schlitz Foundation, announced Saturday that the foundation directors had voted to present the 185 acre tract to the society for what would be called the Schlitz-Audubon Nature Center.

Members of the Uihlein family are providing $1.2 million of the $1.3 million grant that goes with the foundation's gift, with the rest from another contributor. All of the individuals involved made the gifts anonymously.

The tract, at 8566 N. Lake Dr., has an estimated value of over $1.5 million. It is the largest area of undeveloped land on Lake Michigan in the Milwaukee area.

"The foundation feels such a nature center would put this unspoiled tract to the best possible use, maintaining its natural beauty and wildlife population for common enjoyment," Uihlein said.

"Hundreds of thousands of people, young and old, would derive pleasure from it. In the hands of the Audubon group, we think, the Nine Mile Farm could become one of America's leading nature centers, bringing national attention to the area."

A spokesman for the Audubon Society said Saturday that a nature center there would be more diverse ecologically than any similar center elsewhere, with the added advantage of being close to a major city.

"It has wonderful possibilities," said Charles H. Callison, executive vice-president of the national society. "If the offer is accepted by the directors, we intend to make this the very best such center in the country.

"It will be unique from the standpoint of the opportunities it will provide for education because of its convenient location and its ecological diversity."

Although the society's board has indicated it is receptive to the offer, Callison said, formal action cannot be taken until the next meeting of the 30 directors. This will be held at the society's national convention May 20–24 at the Sheraton-Schroeder Hotel here.

The society now has a 400 acre nature center at Greenwich, Conn., one of 300 acres at Sharon, Conn., and a center of less than 100 acres at Dayton, Ohio, and has assisted in the development of about 100 others operated by various public and private agencies.

PUPILS WOULD BENEFIT

A society publication has defined a nature center as "a part of wild America set aside and interpreted for the enjoyment and edification of the people of a community."

Callison explained that such a center was used principally by school classes and other groups interested in learning about the natural environment as well as enjoying it.

Access to such centers is controlled. Provision is made for the individual who wants to walk the trails, but the number of visitors is limited to avoid the over-use that could ruin the center's natural advantages.

Callison said a private, nonprofit organization like the society was in a better position to limit public access than a governmental agency would be.

PARKS' ASSETS DISAPPEAR

"In the national parks, the number of visitors is sometimes so great that they wear away the natural assets the parks were created to protect," he said. "A public agency finds it very hard to control the number because every visitor represents a vote."

Assuming that the society board accepts the gifts, Callison said, the nature center here could be opened by the summer of 1972 and operate the year around.

A visitors' center, including a meeting room or auditorium, would be built, along with parking facilities, nature trails and other facilities needed to make Nine Mile Farm into an open air laboratory for nature study.

STUDY MATERIAL PROVIDED

The staff would be headed by a director-naturalist, Callison said, and would include several other full time naturalists. Educational exhibits would be provided to serve as a kind of nature museum.

A group visiting such a center, Callison said, is met by a staff naturalist who suggests what the visitors should look for on the trails. He accompanies the group during its hike, but children are encouraged to make their own discoveries rather than simply looking where the naturalist points.

Study material is provided to teachers to prepare classes for the visit, Callison said, and additional written information is distributed for later discussion.

Special workshop sessions for teachers are held at the center to show them how to use the natural environment as a laboratory in their own communities.

The center is also designed for use by other groups, including garden clubs, Boy Scouts, Girl Scouts and a variety of organizations composed of either adults or children, Callison added.

NO MASS RECREATION

"But visitation is by appointment," he said. "The center will never be operated as a mass recreation area."

Last January, a general appraisal of the Nine Mile Farm's possibilities as a nature center was made by three Audubon officials, Joseph J. Shomon, director of the nature centers division; Duryea Morton, director of educational services, and Edward M. Brigham III, director of the northern midwest region.

"It is our considered judgment that the 185 acre farm . . . has very great potential as an Audubon center," they reported.

"No fewer than five habitats merge here: Lake Michigan, the lakeshore, midglacier flood plain, hardwood forest on the bluffs and upper lakeshore plain. These give the area attractive physical and biological diversity.

CALL LOCATION IDEAL

"The location is ideal from an educational standpoint. There are well over 180,000 students within an hour's bus ride, as well as thousands of teachers for whom workshops could be conducted. The Co-operative Educational Service Agency is a regional, locally oriented educational service ready to cooperate with the society on co-ordinating children's visits, teachers' workshops and adult education.

"None of us is aware of any existing nature center or environmental education center in a city with property located on a major lakeshore.

"This in itself makes the Nine Mile Farm unique and would give it national and even international significance."

The report indicated that an existing farmhouse could be improved and used as a caretaker's residence. Lumber salvaged in tearing down a barn and garage could be used in building a smaller replica of the existing barn to preserve the farm atmosphere, the report added.

It suggested that extra beams from the barn be used in the "interpretive building"—the visitors' center, which is expected to be built near the top of the bluff, overlooking the lake, east of the present terminus of Brown Deer Rd.

BOUGHT IN 1880S

Nine Mile Farm—so named because it was a nine mile buggy ride from the Jos. Schlitz Brewing Co.—was purchased in the 1880s by members of the Uihlein family.

In the early years, it was used mainly for family picnics. Brewery horses were sometimes pastured there, the meadows providing relief to hooves accustomed to cobblestone streets.

Sons of several of the six Uihlein brothers who took over operations of the brewery after the death of Joseph Schlitz planted many of the trees on the property. Those seedlings have grown into trees that are now 60 or more years old.

No Uihlein ever lived there, but many family memories are associated with the property. Robert Jr., recalled Saturday that he had heard stories from his father of how as a boy Robert Sr., camped on the bluff there.

USED FOR CAMPING

"Several kids and the family tutor, Gerhard Hubert Balg, who taught them German and other languages, drove out there from the city in a pony cart," Uihlein said. "They took tents and camped for several days. That was in 1893 when my father was 10."

The property has not been farmed for many years. Most of it is entirely as nature made it.

Included in the gift are such hidden assets as a resident deer herd—one family member, who has counted them, said there are 14—along with opossums, foxes, a variety of birds and other wildlife, such wild flowers as lady-slippers, rugged glacial ravines and both woods and open meadows.

In the early 1950s, when the brewery was owned entirely by Uihlein family members, Schlitz gave the farm to the foundation. The foundation, a charitable philanthropic organization, has given to hospital, welfare, recreational and cultural causes.

VALUE HAS SOARED

In recent years, with the Nine Mile Farm growing increasingly valuable, a variety of suggestions were made on what should be done with it.

There was a division of opinion among foundation directors as to whether the acreage should be donated to some appropriate group or sold, with the money used for other charitable purposes.

The decision was reached last week after Elvis J. Stahr, president of the National Audubon Society, and Morton presented an outline of their proposal to operate the farm as a nature center at a meeting of the foundation directors.

One requirement was that enough money be available to develop and operate the center according to the high standards desired by both the society and the foundation. Part of the $1.3 million contribution will provide an endowment fund for an annual operating budget of about $100,000.

OFFER IS CONDITIONAL

The offer is conditional on the society's operating the farm as a nature center in accord with "standards deemed appropriate by the Schlitz Foundation." If at any time during the next 20 years such standards are not met, the property reverts to the foundation.

Detailed plans for the center have not yet been worked out, but foundation spokesmen said it was expected that the trails would include pathways that could be used by persons in wheelchairs and that a nature trail for the blind would be constructed.

Assuming Audubon board approval of the offer, representatives of the society and the foundation will probably seek a zoning variance from the Bayside Village Board to permit construction of the necessary buildings and use of the site as a nature center. The farm is now zoned for one family dwellings, according to Atty. Edwin P. Wiley, representing several of the family members.

TAXES TOTAL $33,500

Wiley said that to obtain a tax exemption for the property, it would be necessary to get permission of the Milwaukee County Board. Last year, he said, the taxes totaled about $33,500, including $19,486 for schools, $11,442 to the state, county and metropolitan sewerage district, $1,297 for Milwaukee Area Technical College and $1,273 to Bayside.

More than a year ago, Kurt W. Bauer, executive director of the Southeastern Wisconsin Regional Planning Commission, indicated that the commission staff hoped the farm would be preserved as an outdoor educational laboratory.

"The loss of this high quality site in one of the primary environmental corridors of the region through development for intensive urban use would be tragic indeed, not only to the people of Milwaukee County but to all of southeastern Wisconsin," he added.

Rene Dubos, internationally known bacteriologist and a Pulitzer Prize author who is serving as an ecological consultant to the Schlitz brewery, is a member of a committee representing the Schlitz Foundation in planning for the center.

SAYS LITTLE IS LEFT

"It is important to save what little is left of the beautiful lakefront," he said Saturday. "That is almost too obvious to mention.

"But it has been my observation that when land like this is released to the public but not managed, not much has been done with it. So it was necessary not only to deed over the property but to do something to make it more meaningful to people.

"Enough management is needed to make people feel at ease but, on the other hand not so much as to lose the special quality."

Dubos said that so much of America's beautiful land had been lost that "to save some of it is very timely."

"We have to help people recapture an interest in the land," he said. "They need to see what this country used to be like and what it could be like.

"We must re-establish samples of each type of land and manage them in a way that they will retain their original natural characteristics."

[From the Milwaukee Journal, May 2, 1971]

Nine Mile Farm, an Escape From Urban Life

(By Paul G. Hayes)

Nine Mile Farm, a walking tour disclosed Saturday, is an exhilarating assault on the senses, a sugar coated lesson in nature and a complete escape from the urbanization that encloses it on three sides.

That it has been preserved undeveloped in the midst of a sprawling city and in spite of the economic pressures and attitudes that force cities to sprawl is almost a miracle.

But that near miracle is small compared to the variety that has been imposed upon the 185 acre tract of land by the true miracles of glaciers, the sun, Lake Michigan's waves and winds, erosion and the 16,000 summers since the last glacier receded.

GREGG A JUDGE OF LAND

I walked over these miracles for two hours Saturday, and at the same time, talked them over with Howard Gregg, general manager of Milwaukee county parks.

I invited Gregg to join me on the tour because I needed his experience in judging a tract of land, and because I wanted to share his knowledge of communities of plants and animals.

Gregg was waiting when I arrived at the entrance of the farm on Lake Dr., and each of us drove between the pines that border the lane to the farmhouse.

A couple of thrushes burst from the lane into the brush as a first sign that we had left the city, although the city still was only yards away.

"There's nothing like this left in Milwaukee County," Gregg said as we bent over a map he spread on the trunk of his car. "It's an ecological cross section of geology, botany and zoology, an outdoor laboratory."

COULDN'T SEE LAKE

From the contour map, we found that we were standing about 100 feet above the level of Lake Michigan, which was about a quarter mile to the east, but which could be neither seen nor heard from this point.

We walked from the cluster of buildings north and then east, crossing an expansive grass meadow that was slightly spongy from a moist spring, and we averted the shooting that came from a skeet range that has been a long-standing use of the property.

We came to the edge of the bluff—a prehistoric shore of Lake Michigan dating from the tortuous advances and retreats of the glaciers that drastically altered lake levels.

Yet, in 1971, the bluff stands 350 feet back from the lake, and 75 feet above another flat meadow that runs the length of the lakeshore. The bluff is entirely wooded but not yet leafed out.

Its trees include groves of black locust, and an occasional massive oak. Interspersed are aspen and birch. We picked our way down the steep bluff, mindful that underfoot were delicate clusters of hepatica, tiny blue, white, purple and pink blossoms.

NATIVE GROWTH ON BLUFF

"I understand that the place has been farmed and reforested so the native growth is on the bluff and in the ravines," Gregg said as we crossed the meadow, an intrusion that routed two flickers into the locusts.

The eastern edge of the lower meadow is bordered mainly by evergreens and an eight foot drop to the beach.

Moving through the border and down the bluff was to move from a background of muffled sound to noise, and from the composed landscape of meadow to that zone of violence that is the meeting place of lake and land.

The beach is a narrow strand, made even narrower by this year's high lake level, yet within its limits lie zones of its own, each zone with its own texture, each texture carefully laid down by the waves.

There is, of course, the skeletal row of driftwood, white, drying, broken, irregular, carved by sand and stacked by waves.

There were, on the beach, the noises of wind and wave and the crunch of pebbles underneath as we walked. Although Saturday was not blustery, it hinted of the glacial violence that left the legacy of the beach.

The glaciers wrenched huge granite blocks from the north where they were formed eons before, and they moved them slowly southward, grinding them together as they moved.

When the glaciers receded, their burden of rock was dropped on southern Wisconsin, and those boulders in the lake were further ground together by waves and smoothed by sand. The foreigners are the rounded beach pebbles that provide color on our beaches.

CHUNKS OF NATIVE ROCK

Interspersed are chunks of our native rock, mainly limestone put down in pre-glacier times by great salt seas that once covered the midcontinent. Less colorful, they tell more about our background, for they contain fossils of primitive life forms, crinoid and bryozoa.

There was another kind of violence evident on the beach, but it was of modern origin. Inevitably, there were fresh beer cans, left the night before by that most insulated and insensitive form of life that leaves beer cans behind.

"The people who come in here would have to come in with adult supervision and leadership," said Gregg. "You couldn't let people come in here and trample, and still preserve it as a nature center."

He said that turning the property over to an organization such as the Audubon Society to be operated as a nature center was the best possible way to preserve it.

"We can't quite have a nature center," he said of the county. "There's a question between public and private use and we have to open our places to the public. But they can be more positive about its control."

We left the beach through an opening in the low bluff on the northern boundary of Doctors Park and made our way once again across the lower meadow, pausing at copses of juniper and red osier dogwood, with its bright red bark.

Suddenly Gregg pointed. "Look at that cardinal on the top of the cedar," he said. "Oh, you beauty!"

The cardinal was perched on the very tip of a cedar tree about 25 feet high as precisely as a child might place the topmost ornament on a Christmas tree.

With the sun behind us and the blue sky behind the cardinal, the bird's redness blazed against the sky as though lighted from within. Then, in a burst of fire it flew away.

USE UNPAVED WALK

Rather than climb the steep bluff, we walked up an unpaved road to the higher meadow and then southward to one of the several ravines that cut back from the lake and branch into the meadow.

These are the wildest parts of Nine Mile Farm, and their sides are marked by the footprints of deer.

Here, too, is the greatest lesson in natural variety, for the north banks of the ravines, which receive the direct rays of the sun, grow a different community of plants than the south banks.

This was immediately apparent as we scrambled down one bank and up the other. The north bank had more grasses and at its depths were the yellow blossoms of what Gregg called dog's tooth violets.

The south bank was mossy and had the greatest abundance of hepatica that we had found. The boundary line was the bottom of the ravine, where erosion was being controlled by several concrete barriers.

Walking back through the woods to the farm buildings, Gregg noted a difference between Nine Mile Farm and county parks. "The down wood is lying where it falls," he said. "That's good, because it's nature's sequence of death and life and regeneration."

[From the Milwaukee Journal, May 3, 1971]

Offer to Audubon Hailed

(By James W. McCulla)

Rogers C. B. Morton, US secretary of the interior, Monday called the Schlitz Foundation's offer of the 185 acre Nine Mile Farm in Bayside as a nature education center a demonstration of "what the private sector of our society can accomplish, without governmental action, in preserving the American earth in its primitive state."

Morton, the former Maryland congressman who once headed the Republican National Committee, was one of several sopkesmen for national organizations concerned with the environment who applauded the gift announced Saturday by Robert A. Uihlein Jr., president of the foundation. Uihlein also is chairman and president of the Jos. Schlitz Brewing Co.

After prolonged debate over whether the tract should be turned over to private developers to enhance the tax base or be preserved in its natural state, Schlitz Foundation directors voted to offer it to the National Audubon Society.

ACCEPTANCE EXPECTED

Members of the Uihlein family will provide $1.2 million to help finance development needed for use as a nature study center. Another $100,000 has been given anonymously.

Audubon Society directors are expected to accept the land at the society's national convention here May 20 to 24. Morton is scheduled to speak at the convention. Last week Elvis J. Stahr, society president, outlined a **proposal to foundation directors to operate the farm as a nature center. It would be the society's fourth in the country.**

SPLENDID RESPONSE

Besides being an important place environmentally, the tract is extraordinarily unusual because of its size and location in a major metropolitan area. Such sites are rare in the country.

When informed of the gift, Morton recalled that President Nixon, in his February, 1970, **message on the environment, "asked millions of volunteer citizens to ask themselves 'What can I—underscore I—do?'**

"This action is a splendid response," Morton said. "As the president went on to say within that context '. . . With the aid of industry and private groups, and, above all, with the determined participation by individual citizens in every state and every community, we at last will succeed in restoring the kind of environment we want for ourselves and the kind that generations to come deserve to inherit."

Marion Clawson, director of land use and management studies for Resources for the Future, Inc., a prominent Washington based environmental preservation organization, termed the gift splendid.

A scarcity of money has hampered efforts throughout the United States to preserve large tracts of land in metropolitan areas, Clawson said. This is especially so near larger cities because of high land values and the pressure to get the land on tax rolls, he said.

Studies have shown that devoting a reasonable amount of metropolitan land to public use adds to the value of private land, Clawson said, by making the metropolitan area a more desirable place to live and providing a valuable educational resource.

Thomas W. Richards, president of The Nature Conservancy, Washington, also lauded the gift, saying: "We at the conservancy are most pleased to praise the Schlitz Foundation for showing its commitment to improving and preserving the natural environment.

"Additionally, we are most pleased that the proposed recipient of the unusual combination of habitats fronting Lake Michigan is the National Audubon Society. We work very closely with National Audubon at both local and national levels. The creation of a National Audubon model nature center in such proximity to a major metropolitan complex will bring new knowledge of the need to understand and protect our natural heritage.

"The people of Wisconsin where the conservancy has been involved in some 30 projects throughout the state, also are to be congratulated for seeking the preservation of this singular portion of the natural land."

Jonathan Ela, an official of the Sierra Club, San Francisco, called the farm a "magnificent and interesting tract of land."

CINCO DE MAYO

Mr. BAYH. Mr. President, I think it is appropriate for the Senate to take a few minutes to express congratulations and best wishes to the Republic of Mexico on occasion of their 109th anniversary of "el Cinco de Mayo," on May 5, 1971. May

5, a great day in the history of Mexico and a day in which we in this country and others throughout the world celebrate a great victory against the forces of repression and conquest.

After Mexico won independence from Spain in 1822, the nation entered an era of bloody and violent changes of government. European powers eager for expansion of their colonialist empires looked greedily upon this rich but struggling nation. In the early 1860's, Benito Juárez established a liberal government. The financial difficulties which he inherited lead to a refusal to acknowledge foreign debts contracted by his predecessors. This provided the pretext for intervention by Britain, France, and Spain who joined in the occupation of the Mexican port of Vera Cruz in October 1861. Having satisfied the purposes of their invasion, Britain and Spain withdrew from Mexico in the early part of 1862, leaving France to pursue its objective of increasing their influence in the affairs of the Americas.

About 6,000 French troops set out from Vera Cruz to what they thought would be an easy march to capture Mexico City. On May 5, 1862, they encountered a small but courageous band of Mexican patriots at Puebla, a strategic city between Vera Cruz and the Mexican Capital. When the French general reached Puebla he sent his men into the center of the Mexican positions, up the slopes of the Cerro de Guadalupe. The Mexicans under the brilliant leadership of Gen. Ignacio Zaragoza flung the French back to the coast. Their valor and heroism in the face of superior odds lead to the creation of Cinco de Mayo as a national holiday.

There are strong ties between this country and the great victory at Puebla. Gen. Ignacio Zaragoza, who led the Mexican Army was born in what is now Goliad, Tex. Even more important, is the almost 8 million Americans of Mexican descent who live in this country, most of whom foster a strong ethnic pride in the accomplishments and contributions of their forebearers.

In recognition of these ties, the city of Gary, Ind., last week celebrated Latin American History Week. I urge Senators to join me and the citizens of Gary, Ind., in extending to the Mexican people our sincere greetings and best wishes in memory of that great day—el Cinco de Mayo.

Mr. President, I ask unanimous consent that my letter to Mr. Tom Miranda be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 30, 1971.

BILINGUAL EDUCATIONAL PROGRAM,
Care of Mr. Tom Miranda,
Gary, Ind.

DEAR FRIENDS: Congratulations and best wishes on the first celebration of Latin American History Week in Gary. It is indeed fitting that this week is centered on "El Cinco de Mayo", a great day in the history of Mexico, and a day in which we in this country celebrate as a great victory against the forces of repression and conquest. There are strong ties between this country and the brilliant victory at Puebla on May 5, 1872. General Ignacia Zaragoza, who so ably led the Mexican Army in this battle was born in what is now Goliad, Texas.

There are thousands of similar historical contributions which Latin Americans have made to help make this country great. Unfortunately, many of those incidents have been lost or forgotten or misplaced. Latin Americans get little credit in most of our history books of today. That is why what you are celebrating this week is so important to all of us. It is important not only because of the ethnic pride which it must foster within your own community, but in a larger perspective it is important to all of us, lest we forget your rich tradition of history, language, and culture that is woven into the fabric of our glorious nation.

Sincerely,

BIRCH BAYH,
U.S. Senator.

TESTIMONY BY JOHN W. GARDNER, CHAIRMAN, COMMON CAUSE

Mr. FULBRIGHT. Mr. President, Mr. John Gardner, Chairman of Common Cause and one of the most distinguished citizens of our country, presented a statement to the Committee on Foreign Relations this morning which is worthy of the attention of all Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY JOHN W. GARDNER, CHAIRMAN, COMMON CAUSE, BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, MAY 11, 1971

Mr. Chairman it is a great honor for me to appear before this Committee today. As you know, there have been times when I have been somewhat critical of the way in which the Congress functions. But I must give credit, in all sincerity, to the work of this Committee. It provided a forum for national debate on the Vietnam war at a time when there was no comparable forum.

The power and influence of Congress vis-à-vis the Executive Branch must be reasserted, and no one has stated the case for that reassertion more cogently, nor labored more diligently to that end, than the distinguished Chairman of this Committee. I believe that we are already seeing the beginnings of a shift. In recent decades the people have looked to the President for the great changes in national policy about which they cared more deeply, but they are now turning to Congress. When the historical record is written, I believe it will show that the rebirth of Congressional influence was most vividly foreshadowed by the vigorous and independent functioning of this Committee.

In my testimony today, I shall limit myself to the situation in which we find ourselves at this moment, and to those aspects that bear most directly on the decisions we must make now.

The most alarming feature of our present situation is that we are engaged in a war which a majority of the American people does not support.

In January of 1971, the Gallup Poll reported that 73 percent of Americans want all troops withdrawn from Vietnam before the end of this year.

In February, Gallup reported that Americans, by more than a 2 to 1 ratio, think the United States-supported invasion of Laos by the South Vietnamese would lengthen rather than shorten the war. This was at a time when the President was saying just the opposite.

Also in February, the Gallup Poll reported that 7 out of 10 persons interviewed believe the United States Government is not telling the American people all they should know about the Vietnam war.

In April the Harris Poll reported that 58 percent of the American people believe it is morally wrong for the United States to be fighting in Vietnam. (Only 29 percent believed it morally right; 13 percent were not sure.)

These are only a few of the many indications of a massive swing in public opinion. One need only recall the disciplined but eloquent demonstration by Vietnam Veterans in Washington to know that something unprecedented has happened in attitudes toward this war.

All Americans who oppose the war do not oppose it for the same reasons. Some believe the war is immoral. Some believe that it has been a disastrous mistake in both political and military terms, and that our deep entanglement in Southeast Asia has diverted us from more important national security objectives; they argue that the Soviet Union must be pleased to have us mired hopelessly in Indochina and neglecting our interests in other places. Others fear that if we toy long enough with the explosive danger of successive military adventures such as Cambodia and Laos, sooner or later we will stumble into the ultimate tragedy of nuclear war. Finally, there are those who believe that the war is progressively but inexorably destroying the social fabric that holds us together as one people.

The fact that American public opinion has turned against the war leaves us with a tragic and explosive contradiction on our hands—and our consciences. We continue to send our young people to fight and die in a war which many of them have always opposed, and in which we as adults no longer believe. That is social dynamite. In Vietnam one sees the consequences in the deterioration of discipline and morale among our military forces in Vietnam. At home one sees the consequences in bitterness, disillusionment and—as the polls show—a growing incapacity to believe or trust their own President.

No responsible American, however opposed he may be to the President's policy, can take comfort in the socially disintegrative consequences of that policy. Widespread disaffection, demoralization and contempt for the office of the President—these are dark omens for all of us.

But one must judge from the President's actions that this awesome fact of contemporary American life is somehow unreal to him. It is in evidence all around him, yet he seems to regard it as somehow less consequential than the abstraction of U.S. prestige in Indochina. He seems not to understand that it is more real, and potentially more disastrous, than any current military reality of the battlefield.

Quite aside from the question of whether he should be responsive to the opinion of the people, the fact of a massive loss of support severely limits his options. He must surely realize that given the present state of American opinion, he cannot risk military actions that would escalate the war.

The second striking feature of our situation is that the question of the President's legal and constitutional authority to carry on the war is in doubt. In 1965, the State Department asserted that the legal basis for the Administration's involvement in Southeast Asia was the Tonkin Gulf Resolution. In 1969 the Senate *repealed* the Tonkin Gulf Resolution by a large vote. Yet the war goes on.

The United States Constitution asserts that the power to determine when and where we go to war rests with Congress, not the President. While the President's powers to conduct a war in progress are broad indeed, it is clear that the Constitution envisages a sharing of the power to make war. We must return to the wisdom and balance of the

Constitution. Congress cannot allow continuance of a war from which it has explicitly withdrawn its authorizing support. It must enact into legislation the desire of the American people for a complete military withdrawal from Indochina and it should fix a date by which that process must be completed. Only this step can end American involvement in the war, free our prisoners, and permit the Vietnamese to determine their own future.

The third striking feature of our present situation is the exceedingly dangerous half-in, half-out posture in which we now find ourselves. The President has said we are no longer fighting the war to win. He has said total withdrawal is the goal. But he persists in prolonging the half-in, half-out situation.

As long as we retain U.S. forces in Indochina, we will be under constant pressure from the South Vietnamese Government to help them achieve military victory, and we will almost certainly respond to that pressure. But in the past, this has consistently resulted in widening and lengthening the war.

We are now in a good situation, militarily speaking, to announce a total withdrawal date with some dignity and even to gain credit for taking the initiative. As our troop levels drop, however, there is no guaranty that we will not find ourselves in a worsening military situation—in which the safety of our remaining forces are in jeopardy and in which further withdrawal will look like disorderly retreat.

The President has been consistently enigmatic concerning his intentions. He has said that total withdrawal is his goal, but he has never said when. He has promised further withdrawals of American troops but he has not predicted the rate beyond December of this year. He has said we wil remain until the South Vietnamese have a "reasonable chance to survive, and emphasizes that he has a pretty good idea of when that will be—but again he refuses to be specific.

Such ambiguity is very hard for intelligent Americans to stomach. They feel that they have an enormous stake in those future events over which the President has drawn a curtain of ambiguity. How many troops does he intend to leave in Vietnam? For how long? What will they be doing? As long as they are there in any capacity, on the ground or in helicopters hovering above the ground, or as military advisers, or as pilots bombing from aircraft carriers or bases in Thailand, there is no likelihood that we will get our prisoners back or end the war.

No thinking American can be comforted by the oft-repeated assurances of "realists" that the President is too smart a politician to let the war continue through 1972. (Senator Robert Griffin, fresh from a briefing by the President, said that "in a practical sense" the terminal date was Election Day of '72.) The idea that the President would coolly allow the killing to go on until his political purposes are served is just too shocking to contemplate.

No doubt some Americans sincerely believe that by our continued presence in Indochina, we will insure a post-war situation in that part of the world that will somehow be better than if we were not there. But the evidence that we can improve the situation by remaining there any longer is exceedingly tenuous. We have been there for many years. We have not been able to resolve the conflict, either by force or diplomacy, and we have added, intentionally or not, to the sum total of human suffering in that unhappy land. What is there in the record to suggest that if we are in there for months or years longer, things will somehow be better? We have trained the South Vietnamese forces for 17 years. There is nothing to indicate that their capacity for self-defense will be enhanced by a few more months or years of our help and training.

There is nothing sudden about a proposed total withdrawal. Surely, responsible South Vietnamese leaders must have seen it coming as early as March 1968, when President Johnson announced he was not a candidate for re-election. They must have known it even more clearly when Mr. Nixon campaigned in 1968 on the promise that he would end the war.

We have given 50,000 American lives, more than $100 billion and many years of intensive national effort. When we depart from South Vietnam we will leave behind over a million well-armed, well-trained South Vietnamese soldiers confronting an enemy with less than a quarter as many men under arms. We have discharged any commitment we may have had to South Vietnam. It is time for the South Vietnamese to shoulder responsibility for their own future, politically and militarily.

The issue of the release of our prisoners of war is, of course, central to any consideration of withdrawal. The President has said that a public announcement of total withdrawal would "throw away our principle bargaining counter to win the release of American prisoners of war." In reality, such an approach would not "throw away" our principle bargaining counter but would place it carefully on the table.

The necessary first step would be private negotiations with Hanoi. Our purpose would be to exchange our proposed announcement of total withdrawal by a specified date for return of our prisoners and a *de facto* ceasefire during withdrawal. If the agreement were reached and we made the public announcement, we would presumably phase troop withdrawals with prisoner releases so that the good faith of each side would be continuously demonstrated. Our total withdrawal would of course have to be contingent upon their adherence to the agreement.

Mr. Chairman, I have not attempted to cover all of the ground in this brief testimony. I have not touched upon the unspeakable human tragedies that we have witnessed. I have not dwelt at any length on the erosion of spirit that has occurred among our citizenry. I have not spoken of the grave domestic problems that must go unsolved until we extricate ourselves from this war.

But before I close I want to return to a theme I touched on at the opening of my testimony. I said earlier that we were already seeing the beginnings of a change in the role of Congress. You, Mr. Chairman, have called for it. It may be happening before our eyes.

Consider the House of Representatives. The House has in recent years avoided any serious examination of the Vietnam war issue. To this day, the elders in the House are unwilling to schedule hearings on the question.

But now something dramatic is afoot—and opponents of the war are so much in the habit of writing off the House that they are totally unaware of the turn of events. They had better wake up, because House action is essential for any legislated end to the war.

What has happened is that a few weeks ago a group of courageous and determined Congressmen, four Democrats and five Republicans, issued what they called "Statements of Purpose" calling for an end to the war and withdrawal of all troops by December 31, 1971. The Democratic statement was sponsored by Thomas "Tip" O'Neill (Massachusetts), Hugh Carey (New York), James Corman (California) and Danny Rostenkowski (Illinois).

The Republican statement was sponsored by Charles Mosher (Ohio), Lawrence Coughlin (Pennsylvania), Marvin Esch (Michigan), Gilbert Gude (Maryland), and Brad Morse (Massachusetts).

The sponsors wrote to each of their colleagues asking them to sign. Common Cause, which had worked with the sponsors from the beginning, also urged as many members as possible to sign.

To date, Mr. Chairman, there are 130 signatures—110 Democratic and 20 Republican. Bear in mind that if and when 128 Democrats sign they will constitute a majority of Democrats in the House. We are only 18 signatures away from that goal.

Mr. Chairman, considering the past record of House indifference to this issue, that is an astonishing development.

The ultimate purpose of the signatures of course is to create the climate of support that will eventually bring about a legislative result. That legislative result may be nearer than we think. There is some indication that one or more members of the House Armed Services Committee may offer an amendment to the Defense Authorization Bill calling for a terminal date. That amendment will be offered again when the Committee bill is reported to the floor.

If by that time the number of signatures on the Statements of Purpose has reached an impressive figure, the amendment might pass.

So we are moving toward a dramatic conclusion. I have emphasized the massive shift in public opinion. It is fitting that Congress should be the first to sense and respond to that opinion—not unthinkingly, not in panic, but with the care that befits a great deliberative body. We may see in the very near future, Mr. Chairman, a conclusive test of this issue that has arisen between the people and their President.

THE GENOCIDE CONVENTION DOES NOT ABRIDGE FREEDOM OF SPEECH

Mr. PROXMIRE. Mr. President, one reason for opposition to the Genocide Convention is the fear that article III(c), which states that "direct and public incitement to commit genocide" shall be a punishable act, would abridge the right of free speech guaranteed by the first amendment to the Constitution. The right of freedom of expression is basic to this Nation, and I would never advocate anything that would restrict it. The Genocide Convention in no way infringes on this right.

In the case of Terminello against Chicago, the Supreme Court held that the right of free speech was protected under the Constitution:

> Against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that arises far above public inconvenience, annoyance, or unrest.

There is no question that genocide is a serious substantive evil, and certainly it is much more than a public inconvenience. The public incitement of genocide would certainly represent a "clear and present danger" and would therefore be liable to suppression under this judgment.

This was not an isolated judgment. There is a whole body of decisions that establish the principle that incitement to criminal actions is not covered by the first amendment. In the case of Fox against Washington the Supreme Court upheld a statute of the State of Washington that, among other things, made punishable:

> Encouraging or inciting or having a tendendency to encourage or incite the commission of any crime, (or) breach of the peace . . .

In the case of Giboney against Empire Storage Co., the Court said:

> It rarely has been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute. We reject the contention now.

There is a difference between advocacy, which is not necessarily dangerous, and incitement which is. In a concurring opinion in Whitney against California, Mr. Justice Brandies said:

> But even advocacy of violation, however, reprehensible morally, is not justification for denying free speech where advocacy falls short of incitement and there is nothing to indicate the advocacy would be immediately acted on.

Article V of the Convention states:

> The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

The precedents just cited have established that "direct and public incitement to commit genocide" is not protected under the first amendment. It is already punishable under U.S. law, and ratification of the Convention would in no way affect the rights of Americans as they now stand.

RELIEF OF SOVIET JEWS

Mr. BAYH. Mr. President, I wish to express my strong support for the bill for the relief of Soviet Jews, introduced by the Senator from New Jersey (Mr. CASE), which I cosponsored. The bill would grant special immigrant visas to 30,000 Soviet Jews and their families seeking admission to the United States to avoid religious persecution.

Last December, at the time of the Leningrad trials, I was among those who voiced their outrage at the harsh sentences, including two death penalties, initially handed down. After all, these people had acted not out of malicious motivation or out of the desire to embarrass or damage any nation. They acted only because they were being deprived of a basic human right—the right to leave one country and go to another.

Subsequently, their sentences were reduced. I then wrote Chairman Kosygin, expressing relief at those reductions but urging also that the Soviet Government "find ways to expedite and act favorably upon the request of those Jewish citizens who wish only to leave" the Soviet Union.

During March and April the number of Soviet Jews permitted to leave increased significantly. According to press reports it rose from less than 200 a month, to about 1,300 last month. Although this was a most welcome development, some observers speculated that it was largely related to a Soviet desire to cultivate favorable world public opinion during the period of the 24th Communist Party Congress in Moscow. Some said that once the Congress was over, the situation would return to what had been beforehand.

Unfortunately, there is fresh evidence that that prediction is about to come true. An article published in the New York Times of May 6 indicated that a special Moscow police commission established on March 1, to expedite the issuance of exit visas to Soviet Jews was about to be disbanded.

Even more ominous are reports that the trial of Jews charged with anti-Soviet activities which was postponed in January will shortly be resumed. These are individuals whose only apparent crime is a desire to practice their religion, to retain their identity as Jews and, in some instances, to leave the country.

I hope that these reports are unfounded. If not, I urge the Soviet leaders to reconsider. I urge the Soviet leadership not only to maintain but to expand the number of exit visas being granted to those Soviet Jews who want them. Such action, I believe, would have a most beneficial effect on attitudes in this country toward the Soviet Union. It could significantly contribute to a relaxation of tensions and improved relations.

Passage of the Case bill is a logical and essential extension of the attitude toward the persecution of Soviet Jewry so often heard in this Chamber. If we believe—and most of us do—that the Jews of the Soviet Union have suffered particular discrimination and oppression, then it is important that we act. If we believe—and most of us do—that the Soviet Government should permit those Jews who wish to leave the country to depart in peace, then they must have a place to go. Most of them will undoubtedly wish to live in the State of Israel. But if we are to be true to America's heritage as the haven for the persecuted, we must make a place for those who might seek refuge here.

THE AMERICAN SYSTEM OF MEDICAL CARE

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD an exchange of letters which speak for themselves. I do not intend to elaborate on them at this point, except to say that I believe Dr. Tetirick's communication is an eloquent summation of a tremendously complex subject.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL OHIO SURGICAL CLINIC, INC.,
Columbus, Ohio, May 4, 1971.

Hon. WILLIAM SAXBE,
United States Senator,
New Senate Office Building,
Washington, D.C.

DEAR BILL: The decibel level about your role in medical care has reached such proportions in Central Ohio that I feel constrained to write you a letter.

I was shocked, for instance, several weeks ago to see a proposal coming from one of the large community hospitals here in Columbus to form what I consider to be a totally negative, critical and ultimately damaging coalition of physicians which has been labelled "Council of Medical Staffs" and to see that proposal passed unanimously by this staff, except for one dissenting vote—my own. Defending you out here is getting to be a hazardous occupation—but then I have been defending Harvard out here for 20 years and that is equally hazardous, and it hasn't seemed to hurt me too much. There are several criticisms, however, that I wish to delineate which I think might be useful information to you.

The first is the criticism that the American system of medical care is inferior. I don't know if you have made this charge, but you are getting credit for it. The figures about infant mortality in the United States as compared to Sweden, etc., are so flimsy and the other figures that have been given are so easily challenged, that they make anyone subscribing to that view and using those figures appear to be deliberately misleading the American public. I don't think, and I don't believe you think, that American medicine is inferior to any other system in the world.

The second criticism is that doctors are being charged with raising their fees excessively over the past several years and these figures are not compared with similar rises for similar services, for example, the charges and wages of plumbers, carpenters, attorneys, United States Senators, etc. So again, when a set of figures is put forward that is easily challenged, it opens anyone using this argument to a charge of dishonesty. Again, I do not know that you have made this charge, but I guess what I want to say is that if you use any arguments containing statistical data, I would beg you to have these figures very carefully screened and evaluated by someone you trust so that they will hold up against attack.

A third criticism that is being levelled in a general way toward the proponents of any change in medical care and not specifically against yourself, is that these proponents are saying that there is something wrong with the character of the American physician, that he is greedy, lacking in sympathy for sick patients, particularly indigent sick patients, that he does not care about the prominent social issues of our day, and that he would rather let medical care suffer rather than see a gravy train he is on, destroyed. While this is, of course, true of the lunatic fringe in medicine, I know that you would agree with me that it is not true of the American physician in general and, again, what I am saying is if you do agree with me, I wish you would say so publicly.

There are some things grievously out of joint in our health care delivery. We need some adjustments and changes. Larger coalitions and more efficient operations are probably partially an answer. There are some other factors that should be ground into the computer as well. One of these is the tremendous siphoning effect of available medical talent that is occurring because of the revolution in American medicine. I don't think this factor has been given sufficient weight. Medical administrative posts are soaking up many talented doctors. The availability of funds for research and the intensity of that research is soaking up many talented doctors. The insurance industry is soaking up many talented doctors. The tax structure is making it more economic for physicians beyond a certain age and certain tax bracket to spend more of their time looking for tax shelters than providing medical service. The young physician, particularly those presently in medical school and in residency, have a new "quality of life outlook" which states that long hours at work and limited contact with family and other social activities is undesirable and to be avoided. The effect of this attitude is beginning to be felt and I think will have a considerable effect in the coming years. Pouring six or seven billion dollars additional Federal money into health care has further inflated the demand for physician's time beyond the supply.

I am not saying all of these factors are bad or uncontrollable or undesirable. I am merely suggesting that any change must take these factors into consideration. It is still true that the private physician practicing on a fee for service basis, is the most efficient and hardest working unit in the entire health program.

I do not challenge your motives, just as I am sure you do not challenge the motives of physicians in general. I know that your motives are genuine and are dedicated to the improvement of health care. I know that any criticism that you might find necessary to level at the field of medicine is done because you feel there is a compelling human need to do so and that if you did not fulfill this responsibility, you would not be worth your salt as a United State Senator. I know from the tone of some of the things I hear, that you must receive a lot of hostile, unfair mail from defensive inadequate physicians who don't want to see anything changed. A good physician is like a good ball player. There are only so many, if there is going to be a ball game—and I assume there is—then he will be asked to play, and will be adequately rewarded for his efforts. We still need, however, good recruiting, good coaching and an occasional cheer from the crowd.

With best personal regards.

Very truly yours,

J. E. TETIRICK, M.D.

U.S. SENATE,
Washington, D.C., May 11, 1971.

J. E. TETIRICK, M.D.
Central Ohio Surgical Clinic, Inc.,
Columbia, Ohio

DEAR JACK: I thank you for your letter about our health care system and my role as a legislator in examining that system. Your letter vividly illustrates some of the more pressing problems in medicine today.

Because you, in such a sincere and forthright manner, replayed current criticisms of my opinions and because you asked me to publicly clarify my views, I am placing your letter and my reply in the Congressional Record.

As to the first criticism, I do not believe that the American system of medical care is inferior to that of other countries. On the contrary, I believe we have the highest quality medical care available in the world. My quarrel is not with the quality of care, but with the system that delivers that care. We are the richest nation in the world and yet we have many Americans, especially the isolated rural and urban poor, who receive minimal health care or no care at all. This should not be. We need more doctors; and we need more health professionals to assist those doctors; and more than anything else, we need to redistribute medical manpower to the best advantage of all Americans.

As to the second criticism, excessive doctors' fees, I would like to clarify my position. It is not doctors' fees alone that I have referred to in the past, but the total picture of health care costs: hospital charges, doctors' fees, laboratory fees, equipment, insurance, drugs, etc. Health care costs are inflating at twice the rate of general price increases. As to doctors' fees, I believe most medical men charge a reasonable fee for a specialized service. But there are some who are abusing the system by charging excessive amounts for routine work, by making a fortune out of Medicare, and lifting the costs for all. These few greedy ones blacken the name of the entire medical profession, which brings us to the third criticism.

I do not question the character of the American physician, nor do I accuse him of being greedy or insensitive. I know otherwise. It is my belief that most American physicians are men dedicated to giving quality medical care. I have a son who is a surgical resident in Boston, who shows much concern and dedication to the field. I am sure that the heart of American medical practice has a similar dedication.

Lastly, you put your finger on the real problem when you said: "Pouring six or seven billion dollars additional Federal money into health care has further inflated the demand for physicians' time beyond the supply." This *is* the problem—we have a medical system where supply can't meet demand, an overheated and overburdened system. You are right. That private physician operating on a fee-for-service basis is a hardworking, efficient unit, but he is so overworked that he can't begin to cope with the demand. We need more doctors, more health professionals of all types, and more paramedical personnel to relieve doctors of the more routine functions. In addition, we need to develop more efficient grouping of personnel in response to the great demand. And we need to provide incentives for medical professionals to practice in isolated areas and to build the facilities to serve them.

Let me say at this point that I am *not* irrevocably wed to any one health care proposal. I am, however, thoroughly committed to the concept—that we must strengthen, revamp, and revitalize our present health care system to meet the demands of the present and the future. This is why I cosponsored legislation which would reform the present system; not because I believe in every technical detail of the bill, but because I believe we must give the whole problem visibility. I want something to be done.

Again I thank you for your sincere appraisal and your enlightening ideas. We too need that "good coaching and an occasional cheer from the crowd." I appreciate yours.

Best personal regards.

Sincerely yours,

WILLIAM B. SAXBE,
U.S. Senator.

RUMANIANS CELEBRATE THE 10TH OF MAY

Mr. PROXMIRE. Mr. President, on May 9 throughout Rumania flags flew to commemorate the Soviet takeover of that country. But on May 10 a more festal banner flew in the hearts and minds of Rumanians around the world.

To these good people everywhere, the 10th of May marks 3 signal days in the history of their native land:

May 10, 1866, the Rumanian dynasty was founded.

May 10, 1877, Rumania proclaimed her independence from the Ottoman Empire, an act later confirmed by the Congress of Berlin.

May 10, 1881, by the will of the people, Charles I was crowned king.

In light of these events, it is no wonder that the 10th of May is a day of celebration for Rumanians.

I share the hope of Rumanians everywhere that soon these people may celebrate their national day in true freedom.

RELEASE PENDING APPEAL

Mr. BAYH. Mr. President, one of President Nixon's statements at his recent news conference should be of great interest to all of us who are concerned with the inequities of the present system of military justice. His comment casts doubt on the consistency and fairness of the current policy of refusing almost all military prisoners the right of release or limited restriction pending trial and appeal.

The President was asked why he had ordered Lieutenant Calley released from confinement pending appeal. He replied that he considered his decision proper because he "felt that Lieutenant Calley should not be sent to Leavenworth while waiting for the months and maybe a year or so that appeal would take." He added that in his judgment this was the "right thing to do" for a "man who has a long process of appeal before him."

I believe—as the President apparently believes—that a soldier who will not flee the jurisdiction, and who poses no danger to the community, should not be held in a stockade while the legality of his conviction is being decided in the appeals courts. But saying that Lieutenant Calley's release was correct does not answer the crucial question that the President's actions raised: What about all the other soldiers being held in confinement pending appeal?

Calley is not the only member of the military faced with the prospect of waiting months for his case to be resolved on appeal. For example, in the Fort Leavenworth Disciplinary Barracks alone nearly 1,500 men are confined. Of these men, fully 43 percent—almost half—are serving time in prison despite the fact that that there has been no final action on their appeals. At the time of a recent Army study, many of those so confined had been waiting for more than 6 months. This problem is not isolated to a single base. There are over 10,000 men confined in American military prisons and stockades around the world. More than half of those men have not had their guilt or innocence finally resolved.

If, as the President said, it was "not right" to force Lieutenant Calley to spend time in Leavenworth until the appeals process had been completed, I think it is also "not right" to force thousands of others to spend time in the stockade or jail pending appeal.

Of course, not everyone can or should be released pending appeal. In Federal courts, for example, prisoners are released pending appeal if they can show that there is no danger to the community and that they will not flee the jurisdiction. That is the right and proper policy to follow. For no one is guilty unless he has been properly convicted, in accordance with the law, and the legality of the conviction can be finally resolved only during the appeals process.

However, despite what one would gather from the President's comments, those convicted by Army courts-martial are not released simply because they face several months of delay on appeal. The Army, despite the President's comments, requires a showing that there be great likelihood of success on appeal as a condition of release. Denial of a petition for release is appealable to the Judge Advocate General, but no further. But Calley was released before anyone in the Army even had a chance to turn down his application. Following normal procedures, convicted soldiers are usually forced to languish in jail, despite the fact their convictions might ultimately be overturned.

I think this situation is deplorable. What is even worse, every year many soldiers complete their sentences before the military review is completed. To give but one prominent example, all but one of the Presidio stockade "mutineers" had already completed serving his sentence to confinement by the time the military court of review reversed convictions for mutiny. If the President thinks it proper to release a man convicted by a military court of the murder of 22 civilians, what does he think about all those in similar situations who are refused release even though their infractions were much less serious?

What makes the situation even more unfortunate is that it is much easier to structure alternatives to incarceration pending appeal for soldiers than for civilians. It is difficult to make sure that a civilian released on bail will not flee the jurisdiction or pose a threat to the safety of the public. But in the military restrictive measures less onerous than commitment to prison—for example, confinement to quarters or restriction to the base—can easily be imposed and effectively enforced.

I believe that the President owes a duty to apply to all other convicted soldiers in jail awaiting appeal the same standard he applied to Calley. This standard should be made part of the Uniform Code of Military Justice, and should be applied across the board by all commanding officers. And if he is not willing to support a liberalization of the standards for release pending appeal that commanding officers are to apply, at the very least he should be willing to take action himself in any case presenting identical circumstances. He should state exactly what peculiar facts of Calley's case brought about his action so that others similarly situated could reasonably expect Presidential intervention.

TERROR AND BRUTALITY IN EAST PAKISTAN

Mr. SAXBE. Mr. President, on April 29 I had had printed in the CONGRESSIONAL RECORD a letter, dated April 17, from Dr. John E. Rohde of Hudson, Ohio. Dr. Rohde was stationed in East Pakistan as a physician under the U.S. AID program. He is one of the several hundred Americans evacuated from East Pakistan soon after civil war started there in late March.

In that letter, Dr. Rohde gives an eyewitness account of the terror and killing by the West Pakistan Army upon the unarmed, civil population of the city of Dacca in East Bengal. Dr. Rohde and his wife walked through the University of Dacca area only 4 days after military action started. They reported seeing the student dormitories of Dacca University shelled by army tanks and artillery. They saw evidence of the slaughter of young inmates of those dormitories. They saw the breaches in walls of those dormitories where tanks had broken through. They saw mass graves in which dead students were heaped together outside the halls where they had studied. Dr. Rohde sums up what he saw in the following words:

> It is clear that the law of the jungle prevails in East Pakistan where the mass killing of unarmed civilians, the systematic elimination of the intelligentsia and the annihilation of the Hindu population is in progress.

It appears to me from Dr. Rohde's account and the accounts of other eyewitnesses that systematic and brutal killings on a scale unprecedented in recent times have been committed in East Bengal. And it is a matter of profound sorrow to me, as I believe it should be to Senators, that this brutality in large part has come with the arms provided to Pakistan by our country.

Dr. Rohde urges in his letter of April 17:

> The U.S. must not continue to condone the military action with official silence.

He recognizes, he says, the inability of our Government to "oppose actively or intervene in this desperate oppression of the Bengalis" but he urges that I and my distinguished and honored colleagues in this House "seek and support condemnation by Congress and the President of the U.S. of the inhuman treatment being accorded these 75 million people of East Pakistan."

I am a cosponsor of Senate Concurrent Resolution 21, urging the suspension of our military assistance to Pakistan until the conflict is resolved. But as I have read and re-read, Dr. Rohde's account of the happenings in East Bengal, I have felt, increasingly, the force of his appeal that we here do something to help bring to an end the inhuman treatment to which the people of East Bengal have been subjected. We have a responsibility, an obligation to do something: we cannot condone this military action through our silence.

Foreign policy and foreign relations are difficult and complex matters; and those who bear the responsibility for their formulation and conduct in any country or government are capable of error. There is hardly an example of a flawless or all-successful foreign policy. Our foreign policymakers in the post-World War II era deserve credit for many things. But they also made mistakes and some of the worst were made in Asia. Our policy toward Pakistan has been a serious mistake. Here is why:

First, the decision in 1954 to arm Pakistan created an internal imbalance of forces in that country, which resulted in the military coup d'etat of 1958. Democracy has worked well enough in neighboring India and but for this tipping of the scales in favor of the military in Pakistan, it might well have worked in that country too.

Then, this dominance of the military led to the virtual subjugation and exploitation of East Pakistan, comprising 75 million people, by West Pakistan with a population of about 50 million. That is what lies at the root of the conflict between the people of the East and the rulers and the military of West Pakistan. This conflict may be another Vietnam, only much larger in size and spelling, perhaps, far greater dangers to Asia and the world.

Third, that policy alienated and antagonized, at least temporarily, a country which has all along been inclined to be among our well-meaning friends. India stands for humanist values, for liberty and freedom, and for democracy—goals and values which we ourselves cherish most. This policy led us into an alinement with Pakistan against India, a country which despite its present economic problems and other weaknesses is a force to reckon with in Asian affairs, and a potential great power on the world stage.

But let me confine myself to Pakistan. What did all our arms and economic aid accomplish in Pakistan? Almost 100 percent of the arms aid and something like 70 percent of our economic assistance was invested in West Pakistan, where only a minority of the Pakistanis live. Traditionally, more than half of Pakistan's export earnings came from East Bengal's jute and other agricultural products. And yet the lion's share of foreign imports financed by these earnings as well as foreign aid went to West Pakistan with East Bengal getting no more than 20 or 30 percent.

As a result, while West Pakistan made some progress, East Bengal only grew poorer since its independence as part of Pakistan in 1947. This was rendered possible by the fact that the people of East Pakistan had no share in the country's management which has been carried on arbitrarily by an unrepresentative military regime drawn from the West and supported with our military and economic assistance.

Small wonder, then, that after the first-ever elections to be held on the basis of universal franchise last year, the elected leaders of East Bengal led by Sheikh Mujibur Rahman demanded a large measure of autonomy, not separation or independence but autonomy, more especially autonomy in the management of East Pakistan's economic, commercial, and financial affairs.

I should remind my colleagues that during the negotiations preceding the military blitz of March 25, the demand of the East Bengalis was not independence but autonomy or self-rule in domestic matters, such as police and paramilitary forces, trade and commerce, taxation and economic investment, and the like. Behind the smokescreen of these negotiations, the strength of the largely Punjabi army from West Pakistan was increased, and its full force was unleashed on unarmed Bengalis in a manner and on a scale which Dr. Rohde and many other eyewitnesses have described as a veritable bloodbath, mass slaughter, and genocide.

I should like to have printed in the CONGRESSIONAL RECORD some dispatches on the subject. These articles tell at least a part of the story of what has gone on in East Bengal.

I know that the Pakistan Government's present line of defense is that what is happening in East Bengal is Pakistan's internal matter. What distresses me the more is that our own Government should choose to deploy the same line of argument in its response to questions from the Senate Foreign Relations Committee. As the New York Times said in its editorial of April 21—and if there is no objection, I should like to have the editorial reprinted in the CONGRESSIONAL RECORD—

> It is a dangerously short-sighted policy to insist that the military slaughter of democratic leaders and repression of the ma-

jority in East Pakistan is strictly an internal matter.

Arms and ammunition supplied by us on a grant basis or concessional purchases are being used by one side in this conflict. Our economic assistance enables the Government of Pakistan to divert its own resources to the purchase of more arms to carry on this war. I believe emissaries from West Pakistan are here right now to ask for more arms and more economic aid. And yet they tell us that what is happening in East Bengal is an internal matter upon which we should not express our views.

In the circumstances, it appears to me that it is not enough for the Senate to demand suspension of military aid to Pakistan until this conflict is resolved. Under the existing arrangements, the majority of the people of Pakistan will continue to be deprived of the benefits of our economic assistance. Therefore, until such time as this conflict is resolved to the satisfaction of the elected leaders of East Bengal, our economic aid to Pakistan must be suspended. I strongly urge this, because while this conflict lasts, any economic aid we give to Pakistan will be used by West Pakistan authorities only to suppress the majority in East Bengal.

I am not advocating interference in Pakistan's internal affairs. I am advocating our disengagement from this conflict. Through the use of our arms and our economic assistance in this conflict, the Government of Pakistan has involved us in it as a partisan against the more populous part of Pakistan. We need to disengage ourselves from this conflict completely by stopping all military and economic assistance to Pakistan. We can consider resumption of assistance when circumstances reassure us that our assistance will reach where it is most needed.

The Government of Pakistan after expelling foreign correspondents on the eve of military action in East Pakistan, has invited half a dozen of them for a conducted tour of East Pakistan under a pall of heavy censorship. One of the privilege correspondents, Mr. Malcolm W. Brown, reported, in The New York Times of May 7:

> From a helicopter flying over the eastern region of East Pakistan, vast destruction could be seen in towns and villages . . . A visit here is a visit to a city of desolation. . . . Apart from a handful of people at the market place who carefully saluted passing army jeeps, the city was virtually deserted.

He goes on:

> At intervals along streets lined with ramshackle houses bodies have been buried in shallow graves and covered with piles of red bricks. Bodies covered with bricks are found even on the porches of houses which themselves are unoccupied and closed.

This is not the story of a minor internal matter of law and order. What these press dispatches indicate is a terrible massacre. It is a proper matter of international interest and world condemnation. Let the Senate condemn it; and let the Senate ask the administration to raise the matter in appropriate international forums such as the Economic and Social Council with a view to seeking redress of the grave violations of human rights involved.

If we condone the happenings in East Pakistan in silence, this tragedy will only be compounded. Refugees are streaming out of East Pakistan, and the Indian Government has announced that it is already host to some 2 million East Bengalis who have fled. In East Bengal itself, with the disruption of normal life and communications there, is the threat of famine; there also is the threat of the spread of cholera and typhoid and other epidemics.

Such calamities are no respectors of national boundaries and international frontiers. I do not see how the present Government of Pakistan is going to be able to deal with those threats with its resources depleted to bankruptcy by a war it cannot afford, and the majority of its population already alienated.

It is necessary that the pressure of international opinion be brought to bear upon that Government to create conditions in East Bengal in which the necessary relief can be provided to millions of people who have only known denial, exploitation and repression, and now, for no fault of theirs, face the threat of decimation by famine and epidemic.

I ask unanimous consent that the items to which I have referred be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Post, Mar. 30, 1971]

HOW ARMY TANKS BLASTED A CITY

(Associated Press photographer Michel Laurent was in Dacca, the capital of East Pakistan, when the Pakistani army cracked down on the Bengali independence movement. Newsmen were confined to their hotel. But Laurent evaded the ban and toured devastated areas of the city before being finally deported with other newsmen over the weekend.)

(By Michel Laurent)

DACCA, EAST PAKISTAN.—The Pakistani army attacked the Bengali independence movement in Dacca without warning Thursday night and took the people by surprise.

The army's American M24 tanks, artillery and infantry destroyed large parts of East Pakistan's largest city and provincial capital.

The chief targets were the university, the populous Old City where Sheik Mujibur Rahman and his Awami League were strongest, and the industrial areas on the outskirts of the city of 1.5 million people.

Perhaps 7,000 persons were killed in the provincial capital alone.

Touring the still burning battle areas Saturday and yesterday, one found the burned bodies of some students still in their dormitory beds.

The tanks had made direct hits on the dormitories.

A mass grave had been hastily filled in at the Jaggernath College; 200 students were reported killed in Iqbal Hall. About 20 bodies were still on the ground and in the dormitories.

Troops reportedly fired bazookas into the medical college hospital but the casualty toll there was not known.

Thousands fled the city with only what they could carry. Some pushed carts loaded with food and clothes. Only a few persons returned to government jobs despite the orders of the military regime.

[From the Chicago Sun-Times, Mar. 30, 1971]

EXCLUSIVE ON-THE-SPOT OF SLAUGHTER IN EAST PAKISTAN

(By Simon Dring)

DACCA, EAST PAKISTAN.—In the name of "God and a united Pakistan" Dacca is a crushed and frightened city.

After 24 hours of shelling by units of the Pakistan army as many as 7,000 people are dead, large areas of the city have been leveled, and East Pakistan's fight for independence has been put to an end.

Despite claims by President Agha Muhammad Yahya Kahn, head of Pakistan's military government, that the situation is calm, as late as Sunday thousands of people were fleeing to the countryside. The city streets were almost deserted and the slaughter was continuing in other parts of the province.

There was no doubt that the Army was in control of all the towns and major population centers and that resistance was minimal and apparently ineffective.

As of Sunday, people were still being shot at what appeared to be the slightest provocation, buildings were still being destroyed, and the military appeared to be more determined than ever to assert its control over the 73 million Bengalese in East Pakistan.

Although an accurate estimate of civilian casualties is impossible, reports filtering in from outlying areas, including Chittagong, Comilla and Jessore, put the figure, including Dacca, at about 15,000 dead.

DEATH, DESTRUCTION OBVIOUS

The extent of death and destruction in Dacca was obvious: Students dead in their beds, butchers in the markets killed behind their stalls, women and children burned to death in their houses, Pakistanis of Hindu religion shot en masse, bazaars and shopping areas razed by fire. By Sunday, the Pakistani flag flew over nearly every building in the city

Military casualties are not known but at least two soldiers have been wounded and one officer killed.

The Bengali uprising seemed to be over for the moment. Sheik Mujibur Rahman was seen being taken away by the army and nearly all the top members of his Awami League faction have also been arrested.

Leading political activists were arrested, others were killed and the offices of two newspapers that supported Mujib's independence movement were destroyed.

The first target of army tanks that rolled into Dacca Thursday night was the students.

An estimated three battalions of troops were used in the attack on Dacca—one armored, one artillery and one infantry. They started leaving the barracks shortly before 10 p.m.

By 11 p.m., firing had broken out, and the people who had started to hastily erect makeshift barricades—overturned cars, tree stumps, furniture, concrete piping—became early casualties as the troops rolled into town.

Mujib was warned that something was happening, but he refused to leave his house. "If I go into hiding they will burn the whole of Dacca to find me," he told an aide who escaped arrest.

The students were also warned, but those who were still around later said most thought they would only be arrested.

Led by American-supplied M-24 World War II tanks, one column of troops sped to Dacca University shortly after midnight. Troops took over the British Council library and used it as a fire base to shell nearby dormitory areas.

Caught by surprise, some 200 students were killed in Iqbal Hall, headquarters of the militantly antigovernment Students Union as shells slammed into the building and their rooms were sprayed with machinegun fire.

Two days later bodies were still smouldering in their burned-out rooms, others were scattered outside, more floated in a nearby lake, an art student lay sprawled across his easel, seven teachers died in their quarters and a family of 12 were gunned down as they hid in an outhouse.

The military removed many of the bodies, but the 30 bodies still there could never have accounted for all the blood in the corridors of Iqbal Hall.

At another hall the dead were buried by the soldiers in a hastily dug mass grave, then bulldozed over by tanks.

People living near the university were caught in the fire, too, and 200 yards of shantly houses running alongside a railway line were destroyed during the attack.

Army patrols also razed a nearby market area. The soldiers ran down between the stalls killing their owners as they slept. Two days later, when it was possible to get out and see all this, some of the men were still lying as though asleep, their blankets pulled up over their shoulders.

In the same district the Dacca Medical College received direct bazooka fire and a mosque was badly damaged.

As the university came under attack, columns of troops moved in on the Rajabag headquarters of the East Pakistan police on the other side of the city.

Tanks opened fire first, and then the troops moved in and leveled the men's sleeping quarters, firing incendiary rounds into the buildings.

It was not known, even by people living opposite, how many died but out of 1,100 police based there not many are believed to have escaped.

ARMORED CAR ARRIVES

As this was going on, other units had surrounded Mujib's house. When contacted shortly before 1 a.m. Friday, he said he was expecting an attack any minute and that he had sent everyone except his servants and a bodyguard away to safety.

A neighbor said that at 1:10 a.m. a tank, an armored car and trucks loaded with troops drove down the street firing over the house.

"Shiek you should come down," an officer called to Mujib in English as they stopped outside. He replied by stepping out on to his balcony and saying, "Yes, I am ready but there is no need to fire. All you need to have done is call me on the telephone and I would have come."

The officer then walked into the garden of the house and told Mujib: "You are arrested."

He was taken away along with three servants, an aide and his bodyguard, who was badly beaten when he started to insult the officer. One man was killed—a night watchman hiding behind the fence of the house next door.

By 2 a.m. fires were burning all over the city, troops had occupied the university and surrounding areas, were shooting at students still in hiding and were replacing Bengali independence flags with Pakistani national flags.

There was still heavy shelling in some areas, but the fighting was beginning to slacken.

Opposite the Intercontinental Hotel where foreign journalists were detained, a platoon of troops stormed the empty offices of The People newspaper, burning it down along with most houses in the area and killing a night watchman.

Shortly before dawn most firing had stopped and as the sun came up an eerie silence settled over the city, deserted and completely dead except for noise of the crows and the occasional convoy of troops or tanks rumbling by on mopping-up operations.

FIRED INTO ALL THE HOUSES

But the worst was yet to come. At midday Friday, again without warning, columns of troops poured into the old section of the city where more than a million people live in a sprawling maze of narrow winding streets.

For the next 11 hours they proceeded to systematically devastate large areas of the "Old Town" as it is called where Mujib had some of his strongest support of the people in Dacca.

"They suddenly appeared at the end of the street," said one old man, "then they drove down it firing into all the houses."

The lead unit was followed by soldiers carrying cans of gasoline. Those who tried to escape were shot. Those who stayed were burned alive. About 700 men, women and children died there that day between noon and 2 p.m.

The same was repeated in at least three other areas, all of them covering anything up to a half mile or more.

As they left, the soldiers took those dead they could away with them in trucks and moved on to their target. Police stations in the Old Town were also attacked.

"I am looking for my constables," a police inspector said on Saturday morning as he wandered through the ruins of one of the bazaars. "I have 240 in my district and so far I have only found 30 of them—all dead."

One of the biggest massacres of the entire operation in Dacca took place in the Hindi area of the Old Town. There the soldiers made the people come out of their houses and then shot them in groups.

This area, too, was eventually razed.

NEWSPAPER OFFICE A TARGET

Meanwhile, troops of the East Bengal regiment were being used in the suburbs to start moving out toward the industrial areas of the city—Tongi and Naranganj—both about 10 miles from the city center and both areas of leftist support for Mujib.

Firing continued in these areas until early Sunday morning, but the bulk of the operation in the city was completed by Friday night.

One of the last targets was the daily Bengali language paper, Ittefaq. More than 400 people had taken shelter in its offices when the fighting started.

At 4 p.m. Friday four tanks appeared in the road outside. A half hour later the building was an inferno. By Saturday morning only the charred remains of a lot of corpses huddled in back rooms were left.

As quickly as they appeared the troops disappeared off the streets. On Saturday morning the radio announced the curfew would be lifted from 7 a.m. until 4 p.m.

It then repeated the martial law regulations banning all political activity, announcing press censorship and ordering all government employes to report back for work and for all privately owned weapons to be handed in to authorities.

PANIC SETS IN

Magically the city returned to life Saturday and panic set in. By 10 a.m., with palls of black smoke still hanging over large areas of the Old Town and out in the distance toward the industrial areas, the streets were packed with people leaving town.

By car, in rickshaws but mostly on foot carrying their possessions with them, the people of Dacca were fleeing.

By midday they were on the move in the tens of thousands.

[From the Baltimore Sun, Apr. 4, 1971]

Pakistan Is Exterminating the Bengalis

(By John E. Woodruff)

(Less than four months ago, the West Pakistan Army said it could not send soldiers and helicopters to East Bengal to save survivors of the cyclone that took hundreds of thousands of lives in the mouth of the Ganges. If troops and helicopters were moved from West Pakistan, India might attack, the Army said. By the time the Army Statement was issued, India was increasing its offers of relief aid for the cyclone victims.)

"DOMINION" NEWZEALAND DAILY

"Newzealand should quickly appeal to Pakistan to stop bloodshed. In all conscience scale of killing demands we do something.

"Reports filtering out of East Pakistan suggest slaughter to unprecedented degree as President Yahya Kahn army seeks to mend with savage indiscriminate force fracture that has sundered nations. . . . urgent need is to stop killing and get relief supplies in and Newzealand should say so."

Today, that same West Pakistan Army shows every sign of being prepared to send its last soldier to more populous East Bengal, if necessary, in an all-out effort to shoot to death the results of last December's elections.

No room remains for doubt as to the Punjabi-dominated Army's determination to go the whole distance.

For the only justification that could ever emerge for the grisly scenes of a week ago Thursday and Friday would be a total victory of bullets over the nonviolent attempts of the Bengalis to put in power the men they had elected in polling sanctioned by the Army.

NEWSMEN TOURED CARNAGE

Correspondents interned last week at the plush Dacca Intercontinental Hotel could see only fragments of what was taking place outside—a few soldiers shooting into civilian buildings, a machine-gun opening up on a dozen empty-handed youths, the Army setting fire to civilian business places.

But two European newsmen evaded the Army and stayed behind a few extra days and they managed to tour some of the carnage before they were found out and expelled.

Their reports have confirmed the worst fears of those who were only able to surmise the meaning of cannon reports and prolonged bursts of machine-gun and automatic-rifle fire coming from the new campus of Dacca University, where two burning buildings lighted the sky for hours with their flames.

SLUM RESIDENTS KILLED

Hundreds of students were burned up in their beds and hundreds more were buried in a mass grave, according to reports filed by the two newsmen who said they toured the scene.

They also confirmed previous reliable diplomatic reports that large stretches of bamboo slums were surrounded and set afire, their residents shot when they tried to flee.

The only bond between West Pakistan and East Bengal—other than the West Pakistan Army itself—is the Muslim faith, for which the divided country was created as a haven against Hindu-Muslim religious murders when India was partitioned.

Even today, the Army exercises its authority in the name of "the Islamic state of Pakistan." Yet burning a human being, alive or dead, is unequivocally forbidden by the Mohammedan faith. It is also a favorite crime charged to Hindus by West Pakistani Muslims.

Such attacks upon fellow Muslims in the name of an Islamic state can be vindicated, even in the eyes of other Mohammedan countries from which West Pakistan is apparently already seeking aid, only by a total military victory. And any military victory will require growing, not diminishing, bloodshed as the Bengalis—unified to a man for the first time in decades—struggle to resist.

Clues as to how cooly the West Pakistanis had calculated their plan to shoot and burn the Bengalis into submission are provided by the personal actions of some West Pakistani politicans at the Hotel Intercontinental on the night the holocaust started.

[From the London Times, Apr. 2, 1971]

Political and Intellectual Leaders Being Wiped Out In War of Genocide

(By Louis Heren)

The Pakistan Army is alleged to have waged a war of genocide in East Pakistan. The objective is said to be the elimination of the political and intellectual leadership, and it might well have been achieved.

Old religious enmities are also said to have been revived. Thousands of Hindus are alleged to have been slaughtered by Muslim troops.

This and other charges were made in London yesterday by a young man who left Dacca earlier this week after spending the past two years there. For many reasons his name cannot be revealed, but I know him to be a level-headed and responsible man.

He confirmed that Shaikh Mujibur Rahman, the East Bengal leader, escaped the carnage, but 11 members of his bodyguard were killed.

The Shaikh was arrested by troops last Thursday, held in the Adamju school for two days, and then flown to West Pakistan. He is believed to be held in Multan.

According to this informant, a systematic pattern of physical and psychological destruction became apparent even during the first night of fighting on March 25. Soon after, it became clear that certain groups had been selected to be the victims of completely unrestrained brutality.

These included Awami League leaders, students (who are the most radical members of the League), professors and their families, and any Hindu who could be found.

The Army commanders had apparently concluded that the students were the nucleus of a future Bengali independence movement. The professors represented the East Pakistan intelligentsia, vital for the administration of a future independent Bengal.

The reason for killing the Awami League leaders was self-evident. As for the Hindus, my informant is convinced that the troops were led to believe that they were the malign force behind the secessionist movement.

No single observer could possibly have observed all that went on during the five days of fighting, but what follows was actually seen.

At the University of Dacca, the residential dormitory Jangarnath Hall, was reserved for Hindu students. Tank tracks led to the wall of the compound, which had been blasted down.

Outside the building there was a fresh mass grave. Inside blood streamed from every room which had also been looted. There were bodies of six savagely-killed men in the servants' quarters near by.

In the apartments of the faculty staff, children were seen shot dead in their beds. The dead bodies of what appeared to be the entire family of a senior professor, were found in another apartment.

Outside were seen the bodies of students still clutching lathis, or bamboo staves, in their hands. There were bloody footprints on the central staircase, and splotches of blood trickled down the outside wall of the building.

In two of the old city's largest bazaars, one entirely Hindu and the other predominantly so, the stench of dead and burning bodies was so overpowering that the survivors walked about with cloths over their noses. At least seven or eight bodies were seen in the rubble of ruined buildings and on refuse dumps.

In one house, my informant saw the still-warm corpse of a man who had been shot to death minutes before. It was surrounded by his wailing wives.

This is what was actually seen. What follows is an account of what happened during the five days of the fighting. Parts of it are reports received from friends before he left Dacca.

The Army moved in, in force, to occupy key points of the town shortly before midnight on March 25. President Yahya Khan had departed for Karachi only a few hours before, and the assumption was that the troops acted on his personal instructions.

According to official spokesmen, the Army had been warned of a plot to barricade all the approaches to the cantonment shortly after the President's departure. Barricades had certainly gone up throughout the city, and from midnight until noon the next day, Dacca echoed with the sounds of firing from heavy artillery, heavy machine-guns and other automatic weapons.

Throughout the night, there was the glare of large fires and tracer bullets.

By dawn, a large pall of smoke covered much of the city and drifted slowly northwards towards the wealthy suburb of Gulshan. Fires were also seen in the Bihari area, the scene of communal friction earlier in the month.

A "shoot to kill" curfew was imposed upon the city on March 26. Soldiers were seen firing with automatic weapons at the house of Colonel Osmani, a retired Bengal Army officer.

Shooting and fires continued through the night, but less violently, and the curfew was relaxed for five hours on Saturday March 27.

During a walk through the newer part of the city, destroyed barricades and squatters' huts were seen everywhere.

In the older part of the city, near the police lines, there was complete destruction everywhere. It was understood that the only strong resistance to the Army took place here, with the help of policemen and troops of the East Pakistan Rifles. They were said to have been massacred for their temerity.

Refugees were already beginning to leave the city. Most of them carried only a small bundle of clothes.

The curfew was again lifted on Sunday to allow families to buy food, but the New Market was almost completely destroyed.

At the Ramna racecourse, the two small villages and shrines of Hindu herdsmen were burnt and utterly destroyed. Many bodies were seen in the rubble, and the few remaining villagers were dazed and terrified.

The conclusion drawn was that East Pakistan would be without political and intellectual leadership for at least a decade, and perhaps a generation.

Worse Than in Hitler's Germany

London, March 31: A Pakistani law student said yesterday that he saw Pakistani troops shooting women and children in Dacca "like boys playing with toy guns."

"It is genocide and a massacre. People are being butchered. It is worse than what happened in Hitler's Germany. Hitler didn't kill his own people."

The student, Mr. Shamsul Alam, flew from the smouldering East Pakistani capital to London via Amsterdam.

Mr. Alam, 31, former President of the Pakistan Youth Federation in Britain, claimed that he was carrying a message from the Awami League leader, Sheikh Mujibur Rahman appealing to the British public.

Describing the chaos in Dacca, Mr. Alam said: "The military set the houses on fire and when the people ran out they shot them. In the streets there were tanks and armoured cars and I could hear sten guns, machine guns, rifles and cannon fire. They were firing aimlessly, no matter whether at women or children.

"On the way to the airport, I saw about 100 decomposing bodies collected together and the birds were eating them."

Mr. Alam said one-third of the staff at Dacca University were dead and students were killed in their beds. He estimated 1,000 East Pakistan police officers were "butchered with sten guns."

Sheikh Mujibur Rahman, he said, had asked him to tell Britain "and the whole world of the terrible situation the Bengalis are facing."

[From The New York Times, Apr. 21, 1971]

An Internal Matter?

Washington is following a dangerously short-slighted policy in continuing to insist that the Pakistani military government's slaughter of democratically elected leaders and repression of the majority of its population in East Pakistan is strictly "an internal matter." Although the army appears to have the Bengali uprising under control for the moment, the bloodbath in "Bangla Desh" has immediate and long-run implications that the world community cannot afford to ignore.

The immediate international concern must be for the human suffering in East Pakistan. The ruthless slaughter of resistors and innocent civilians, especially members of potential leadership groups, appears to be continuing. Moreover, the disruption of economic and social life caused by the fighting is bound to create widespread hardship over a prolonged period. There is ample evidence to justify a strong plea by the world community for an immediate end to the bloodshed and for the admission of international relief agencies into East Pakistan.

The Pakistan Government itself has made this conflict an international issue by attempting to place the blame for Bengali resistance on neighboring India. If deep-rooted—and now profoundly aggravated—Bengali grievances are allowed to fester, mounting tensions between India and Pakistan could explode into a war that might quickly involve one or more of the major powers. The United Nations Security Council and its member states have not only the right but the responsibility to do all that is in their power to try to forestall such a development.

A particularly heavy burden of responsibility falls on the United States Government since Washington's arms provide the principal muscle of West Pakistan's military power and American economic aid will become increasingly crucial for the Pakistani Government's survival. Washington has the leverage to support democratic and peaceful development in Pakistan. Continued blind backing for the military regime in Islamabad can only lead to disaster for this country's substantial interests on the Indian subcontinent.

[From the New York Times, May 8, 1971]

Copter View of East Pakistan: Vast Destruction but No Fighting

(By Malcolm W. Brown)

Mymensingh, Pakistan—From a helicopter flying over the eastern region of East Pakistan, vast destruction could be seen in towns and villages but no evidence of continuing fighting.

There is virtually no battle damage, however, in the city of Mymensingh, which was captured by Government soldiers from separatist Bengali troops in a one-day battle April 15. But a visit here is a visit to a city of desolation.

Apart from a handful of people at the market place, who carefully saluted passing army jeeps, the city was virtually deserted.

GRAVES IN THE STREETS

At intervals along streets lined with ramshackle houses bodies have been buried in shallow graves and covered with piles of red bricks. Bodies covered with bricks are found even on the porches of houses, which themselves are unoccupied and closed.

Authorities said that of a heavily armed Bengali insurgent group of about 1,000, nearly all had been killed in the fighting. The insurgents were said to have been well entrenched and armed with anti-aircraft machine guns, mortars and rocket launchers, largely of Indian origin.

Officials also said that, before the Government soldiers took the city, the Bengalis had killed at least 1,000 Bihari or non-Bengali residents. Army officials introduced correspondents to people who said there had been a slaughter of Bihari residents by the dominant Bengali group led by members of the Awami League, the political party that was outlawed by the central Government soon after the military action began in East Pakistan on March 25.

["There were 5,000 non-Bengalis where I lived and now there are 25 survivors," The Associated Press quoted the assistant postmaster as having said.]

Officers from West Pakistan commanding the forces occupying this region decline to disclose overall casualty figures in Mymensingh District, which is described as the most populous single district in all south Asia. Such figures, in any case, may not be known.

"There were so many bodies here," one officer said, "it was impossible to identify them or bury them."

He said they had to be thrown into the Brahuaputra River, a tributary of the Ganges For the last two months, it is said, swarms of vultures have been gathering in the area.

The main loss of life here apparently occurred in the fields and fruit groves outside Mymgensingh, and in clust of huts that had been burned to the ground.

In Dacca, capital of East Pakistan, correspondents were shown three prisoners said to have been captured from the ranks of infiltrating Indian forces inside Pakistan.

ARMY CONTROLS TOWNS

The three men said that they had been sent to Indian border posts and had removed their unit badges before crossing the frontier. Pakistani authorities said that they had captured five Indian border guards in all, one of them wounded.

There seems little question at this point that the army is in full control of all major towns of East Pakistan, most of which have been evacuated by at least half the residents.

Army officials said that pockets of resistance continue. They said that attempts had been made to blow up bridges and other lines of communication but that search-and-destroy operations with helicopter support were rapidly neutralizing these.

TACTICS EMPLOYED AGAINST DEMONSTRATORS

Mr. BAYH. Mr. President, the controversy concerning the procedures used by police and other local and Federal officials in arresting, detaining, and processing persons taken into custody during last week's antiwar demonstrations continues unabated.

I was not in sympathy with the tactics employed by last week's demonstrators. I believe such tactics led us away from rather than toward the goal of ending our involvement in Vietnam. I am sympathetic to the problems faced by the police and other local and Federal officials in discharging their obligations to maintain order and prevent disruption of traffic during massive demonstrations and civil disobedience. I do not believe that any citizen has a constitutional right to shut down his government. I firmly believe that it is only right and proper to arrest and prosecute those who violate the law. However, I was deply disturbed by those instances in which the arbitrary suspension of constitutional guarantees of the rights of individuals was evident. Wholly innocent citizens were arrested without probable cause and detained along with those actively engaged in illegal activity. Subsequently, many were coerced into submitting to being fingerprinted and photographed and required to help create fraudulent arrest records as a condition for release on bail. I will not retrace here the many specific examples of these violators of constitutional guarantees published in the press or brought personally to my attention. But I would like to deal with some rather fundamental and disturbing questions raised by the events of last week.

Mr. President, I was particularly struck by a paragraph in the Washington Post of May 6. It said:

> In the Nixon Administration's first formal response to criticism of the mass arrest procedure, an assistant attorney general told a North Carolina audience that the circumstances were extraordinary Monday, justifying suspension of normal law enforcement standards.

Mr. President, in Germany in the 1930's, in Greece in the 1960's, in country after country that has evolved into a police state, the first step came when constitutional liberties and guarantees were dispensed with because of "extraordinary circumstances." Almost invariably this was done in the name of preserving order and maintaining the safety of the public.

As I observed earlier, I was not and am not in sympathy with the tactics employed by last week's demonstrators. But I am firmly convinced that the real test of whether we believe in the Constitution and its guarantees of the rights of individuals comes when the rights of those with whom we are not in sympathy are being violated. It is then that we must exercise the greatest care that we do not waver in our support of the constitutional rights of all our citizens. All of us might do well to remember the comments of Pastor Niemoller a quarter of a century ago in Germany when he said:

> They came after the Jews. And I was not a Jew. So I did not object.
>
> Then they came after the Catholics. And I was not a Catholic. So I did not object.
>
> Then they came after the trade unionists. I was not a trade unionist. So I did not object.
>
> Then they came after me. And there was no one left to object.

Mr. President, we must object to flagrant and arbitrary suspension of constitutional guarantees experienced here last week. We must object because history has shown that oppression very frequently has innocent origins. As the great Justice Louis D. Brandeis once observed:

> The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding.

Admittedly the circumstances last week were "extraordinary" and I feel certain that most of those who made the decisions to arbitrarily suspend constitutional guarantees to deal with it were well meaning.

But what they should have understood and what all of us must understand is that the true test of exactly what our Constitution and its guarantees are worth comes when we are faced with "extraordinary circumstances." If under such circumstances our government, local, State, or Federal, can simply conveniently overlook the necessity to comply with the Constitution then we are well on our way to having a Constitution that is worthless as a guarantee of justice.

A year ago, in a letter to Representative GERALD FORD, President Nixon made a rather significant observation concerning a basic principle of constitutional law, an observation with which I wholly agree. He wrote:

> A basic principle of constitutional law is that there are not trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose or expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision, because we are impatient to achieve our purposes.

Mr. President, the trouble with principles and with constitutions is that they are much easier to talk about than they are to live up to.

STEEL PRICE INCREASE

Mr. PROXMIRE. Mr. President, the steel industry has announced a 6.25-percent price rise on sheet and strip items which cover about one-third of all steel shipments. It is the type of steel used primarily in automobiles and household appliances, and constitutes the largest single category of steel products.

It is obvious that this increase will reverberate through the price structure of our economy and add fuel to the already rampant inflation. At a hearing last week, Prof. Aaron Gordon, eminent professor of economics and an expert on economic statistics, questioned the administration's frequent predictions that inflation would diminish and said there is a probability of intensified inflation durng the rest of the year. The steel increase helps to insure it.

And what has the administration done in the face of this threat? They have feebly expressed "disappointment" but make very clear that it does not plan to take any further action. The Council of Economic Advisers takes the position that they expected it and that, therefore, nothing can be done or should be done.

In an editorial this morning, the New York Times says:

> The vapidity of the Administration's program for curbing the wage-price spiral has never been more dismayingly evident than in its approach to the steel industry.

Mr. President, the continued failure of the administration to adopt an effective wage-price policy along the lines set forth countless times by the Joint Economic Committee is an ominous failure of policy responsibility by the administration.

President Nixon recently expressed dismay over the fact that America's share of world steel production dropped from 50 to 20 percent in the last two decades. I urge him to ponder the fact that the steel industry has traditionally reacted to reduced demand growth by raising prices—exactly the opposite of traditional economic conduct. Higher prices force a lower rate of operation which generally is accompanied by a lower increase in productivity. Such price increases serve to generate a vicious circle of stagnancy which is further abetted by a traditionally weak modernization policy in the steel industry. No wonder that foreign competition is cutting into their market heavily. How can the U.S. steel industry compete if it falls behind in productivity?

What makes it worse is the possibility that the steel industry will try to perpetrate another increase later this summer after the wage negotiations. The industry has already tried to justify the present increase on the basis of past wage rises.

Mr. President, unless President Nixon immediately adopts stronger policies, and specifically an effective wage price program, this country will suffer an intensification of inflation even with the 6-percent unemployment that will prevail for most or all of this year.

I ask unanimous consent that the New York Times editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Confusion in Steel

The vapidity of the Administration's program for curbing the wage-price spiral has never been more dismayingly evident than in its approach to the steel industry. Even now, with the dollar in acute trouble in world money markets and with the wholesale price index signaling another upsurge in domestic inflation, the White House has thrown a mantle of total confusion over developments in this most basic of American industries.

Last January, when Bethlehem Steel announced a 12 per cent increase in structural steel prices, President Nixon made plain his extreme displeasure and hinted that he might retaliate by letting more foreign steel into this country. Action by United States Steel to trim the increase to 6.8 per cent ended that confrontation.

Now United States Steel has taken the lead in a price rise averaging 6.25 per cent on the types of steel used to make automobiles, appliances and other consumer goods. This time the White House says it is "disappointed" but emphasizes that it doesn't plan to seek a rollback. The Council of Economic Advisers shrugs off the increase as merely an extension of the round that began with higher prices for construction steel. A spokesman says the council's real concern is over the danger of another jump in steel prices after the industry's crucial wage negotiations this summer.

And what is the Administration's contribution to a moderate settlement in those talks? More confusion. In mid-April, after holding aloof from pattern-setting negotiations in the can industry, the President's economic advisers issued an "inflation alert" in which they warned that extension of the can settlement to steel would undermine that industry's ability to compete with foreign steelmakers and sharply cut job opportunities in domestic mills.

In a news conference last weekend the President underscored this warning by declaring that America's share of world steel production had dropped from 50 per cent to 20 per cent in the last two decades and that the industry would lose its ability to compete if the forthcoming labor agreement did not reflect "competitive realities."

The very next day reports came out of Washington that some of the President's closest advisers were resigned to a steel settlement as high as the one in the can industry. "Anyone who thinks the settlement in steel will be less than the can settlement is out of his mind," was the crisp summary one high official gave of the White House attitude.

Union leaders, already under intense rank-and-file pressure, are bound to take the new price increases in steel and the absence of any inclination by the Administration to institute a comprehensive incomes policy as a green light for wage increases far in excess of productivity. The inevitable result will be more inflation, a further weakening of the dollar's international standing and more trouble for American steelmakers and steelworkers in withstanding overseas competition.

THE NEED TO APPOINT FEMALE PAGES

Mr. BAYH. Mr. President, I wish to express my wholehearted support for the resolution expressing the sense of the Senate that girls should be allowed to serve as Senate pages. We discussed a similar issue last year, during the debate on the proposed equal rights amendment. While the measure ultimately was defeated by the addition of extraneous amendments, the quality of debate was high. I hope that this year, as before, the Senate will pay serious attention to the need to insure equal rights and opportunities for both men and women.

Today, the question of equal rights for men and women is again before us. The resolution should not require prolonged debate. We are not being asked to determine constitutional law. To me the issue is simple: Admission of female pages would reinforce the desire of this Chamber to be as representative as possible—to discard old myths when they have been proven false and discriminatory.

During a time of citizen concern over the broad questions of civil, legal, and human rights this body must continue to demonstrate good faith in support of these rights. And there is no good reason not to do so by admitting female pages.

Of course, some are concerned that page duties are physically too strenuous or that the hours are irregular. While these concerns are sincerely voiced, they are not decisive. For the fact is that girls have been employed during equally irregular hours in the Senate mail rooms performing tasks which are physically more demanding than those of pages. Clear precedent has already been established by this body.

Finally, page duty is an education as well as a job opportunity—and equal educational opportunity has long been a theme of congressional legislation.

We are all aware that the work of a Senate page is hard, exhausting, and sometimes tedious. But we must not forget that it is also one of the finest opportunities for a student to gain a practical and intimate understanding of representative Government. All of us at some time or another have pleaded with a group of young people to be more realistic or pragmatic in the demands they place upon Congress. I have often wished that I could share with these young people—both men and women—a firsthand understanding of Congress and its intricacies. Appointing a Senate page is one way to do so.

I believe we should adopt this resolution and expand the privilege of serving as a page to women as well as men. For they are all citizens and future opinion makers.

STATEMENT BY SENATOR ERVIN BEFORE HOUSE SUBCOMMITTEE ON EMPLOYEE PRIVACY AND S. 1438

Mr. ERVIN. Mr. President, today I testified before the House Subcommittee on Employee Benefits which is holding hearings on employee privacy legislation such as S. 1438, which I introduced in the Senate. The bill was passed by overwhelming votes of the Senate in the last two Congresses. It is now cosponsored by 51 Senators.

I told the House subcommittee that the privacy and constitutional rights of employees and applicants for employment in the executive branch require the protection of a law such as S. 1438 would provide.

There has been a serious need for such a law for many years. With the recent growth of the Federal Government and the unprecedented extension of its powers, its attitudes toward its employees will affect the lives and privacy of more Americans than ever before in our history.

There are some outrageous invasions of individual privacy and violations of rights which take place today. Many of them are sanctioned by Government and powerful private economic interests.

The individual, even a Member of Congress, has few enough chances to challenge or halt many of these. I believe my privacy bill offers every Member of Congress an immediate chance to halt some of the privacy invasions. Fifty-one Members of the Senate have cosponsored the bill as S. 1438 this year. In the last Congress, the Senate passed it by unanimous consent. In the 90th Congress, the Senate passed it with a 79-to-4 vote, and, counting absentees, with the total approval of 90 Members.

The bipartisan support for the bill is illustrated in its continuous sponsorship by Democrats and Republicans of all persuasions. In policy statements during the last presidential campaign, the candidates of both major political parties strongly supported new protections for the constitutional rights of Federal employees and guarantees against unwarranted invasions of their personal privacy. The Democratic candidate wisely promised legislation based on the findings of the Senate Constitutional Rights Subcommittee and other congressional committees.

Platforms of both major parties acknowledged the privacy problem. In its platform, the Republican Party stated:

> "The increasing government intrusion into the privacy of its employees and of citizens in general is intolerable. All such snooping, meddling and pressure by the federal government on its employees and other citizens will be stopped and such employees, whether or not union members, will be provided a prompt and fair method of settling their grievances.

Time is running out for fulfillment of these campaign promises. I would like to see this administration remove the blinders it inherited, and give this employee privacy bill top priority on its list of "must-have" laws.

I first introduced a similar bill in 1966 when it became apparent that executive branch politics were working to deprive people who worked for government of basic rights which belonged to them under the first amendment to the Constitution.

They were being compelled to reveal things about themselves which under the merit system, the Government had no business asking. They were told to fill in computer-punched cards with their race, and national origin, added to their names and social security numbers.

On pain of losing their jobs, employees were told at all grade levels to respond to broad inquiries about the way they handled their personal and family finances, and how their relatives spent their own money.

On pain of not getting a job, or a promotion, or a clearance, people were being subjected to extensive questions about their religious beliefs and practices, such as whether they believed in God, or the second coming of Christ, or how often they read the Bible.

They were subjected to questions about personal family relationships, such as whether or not they loved their mother or hated their father, and whether or not they enjoyed "sweet and peaceful family relationships."

They were solicited for responses to questions about their sexual attitudes and conduct, such as whether or not they "petted," how often they had intercourse and with whom, whether or not they took birth control pills, whether they dreamed about sex matters, and many other intimate details which were none of the business of Government to demand from its employees and applicants.

I know of nothing in the Constitution which authorizes Federal officials to use economic sanctions to make such inquiries of citizens, regardless of the stated purpose. Such inquiries cropped up time and time again with different justifications from officials. National security, emotional stability, mental health, ethical and moral conduct were among the reasons given. I believe a study of the reasons for the first amendment and fifth amendment and of the Supreme Court decisions on them will demonstrate that such questions are unauthorized for the purpose and that they have no substantial relevance to the purpose of Government. Yet such outrageous inquiries were and are put to people by questionnaires, interviews, and lie-detector machines.

We found that the Government was pursuing some other inquiries and investigations which were none of its business. In the interest of furthering administration equal employment goals, its beautification program and other social, political, and economic plans, employees were told in regulations, and verbally, to go out and use their own time to lobby for open housing legislation and municipal ordinances on civil rights, to work in ghettos, paint fences, buy grass seed, support the Urban League and the NAACP, and to engage in many other suggested community activities.

They were then told to report back to their supervisors what they had done. When one large group of employees asked what would happen if they did not do such things, they were told they would be considered uncooperative and that their personnel files would reflect their attitudes.

Under our Constitution, it seemed to me that a man can certainly decide for himself whether he wants to be politically or socially active in his community. If he wants to be silent and do nothing at all, that is his business. There is nothing in the Constitution saying that just because he works for Government he should have to report to his supervisor that he prefers to go fishing on Saturday instead of demonstrating for a Government-supported cause.

Yet, apparently, this is the word passed from the White House by its civil rights Executive order to the Civil Service Commission and down to the department and agency officials all over the country.

Apparently, too, things have not changed all that much. The Subcommittee on Constitutional Rights received complaints that some employees were "urged" to take part in Veterans Day activities to show their support for the administration.

A recent press release issued by the Civil Service Commission—and I have it here—states that "a new program to facilitate voluntary service by Federal employees has been launched by the Civil Service Commission Chairman in support of the President's program to strengthen voluntary activity in the United States." It further stated:

> Based on experience in a model developed in the Washington area by the Civil Service Commission, Chairman Hampton has urged Federal Executive Boards and Federal Executive Associations throughout the country to develop similar methods for matching the volunteer needs in the community with the skills of Federal employees willing to volunteer their services. He suggested that appropriate Federal officials in local communities contact local Health and Welfare Councils and explore with them the needs for volunteer service and then get the word to Federal employees in the area about the services needed. He further suggested the establishment of a separate office manned by volunteers which would list the volunteer openings and match them against the Federal employees who indicated a willingness to serve.
>
> The experimental project in the Washington area has been highly successful. In a period of 3 months, approximately 300 Federal employees accepted volunteer assignments from 109 different voluntary agencies. These were in urban service centers, community schools, hospitals, and playgrounds and included, among other things, tutoring, teaching arts and drama, community action, services to handicapped, sports and recreation, and services to children. The Federal employees came from 60 different Federal agencies.
>
> Expanding this idea to other communities will give the charitable agencies much needed voluntary manpower, Chairman Hampton said. Federal Executive Boards are located in 25 large metropolitan areas. . . . Extension of the Washington model to other communities was carried out in cooperation with the Office of Voluntary Action, the staff arm of the Cabinet Committee on Voluntary Action established by President Nixon last May.

It is too soon to tell how this new Commission program will work out, but it seems they would have learned the lessons of the past. They have also failed to recognize the truth I learned in the infantry from World War I: that a request from a superior is equivalent to a command.

One example of the implementation of such a program came to my attention through Mr. Griner of the American Federation of Government Employees. Defense Supply Agency employees at Rough and Ready Island in California were given a "Community Relations Questionnaire" which asked whether the employee is a member of service groups, such as Kiwanis, Rotary, and others; whether he is a member of educational, civil, or similar community committees, such as chambers of commerce, and others; whether he is a member of professional associations or organizations and which ones; and whether he has membership in local PTA's and churches. I concluded from this that the agency had some "Rough and Ready" policies.

The questionnaire states at the bottom that it is "required to be returned to your supervisor not later than the close of business December 3, 1970."

I sent a letter inquiring about any departmental directives authorizing such questionnaires and received a reply from the staff director of civilian personnel telling the subcommittee that "the participation of Defense Supply Agency employees, as individuals, in community activities is recognized as an important factor in sustaining mutual acceptance, respect, cooperation and an appreciation by the agency personnel and community affected by their operations." He said that the questionnaire resulted from a "well intentioned but imperfectly communicated desire by the public affairs officer to gage the approximate extent of community activities based upon information voluntarily provided by employees." He further stated:

> The questionnaire was distributed with verbal instructions that its completion was voluntary on the part of the employee, whereas the questionnaire itself stated it was required to be turned in.

It seems that in a recent communication to the Secretary of Defense, General Hedlund had identified as a management challenge "learning to recognize and understand growing individualism and activism in today's society as these relate to personnel management." The General's word had become an order.

When he heard these complaints, this personnel officer attempted to perform his duty. He issued a directive telling supervisors to be careful about their expression of interest in non-work matters and to encourage their staffs always "to be concerned with preventing such misunderstandings by limiting employee inquiries, written or oral, to matters clearly connected with the employee's work."

It is hard for me to see how personnel officers and supervisors can follow this rule of reason when their political superiors have made it clear they are to do just the opposite. There is no way to avoid such wholesale inquiries into the employee's private life as long as the Government makes clear its desire that he go out and support programs and policies which it endorses.

We also found that employees were ordered to attend meetings called or sponsored by their agencies or supervisors in order to guide their thinking on sociological and political issues which had nothing to do with their jobs.

With one complaint of such attempted indoctrination of employees at a Federal installation, a civil servant enclosed a memorandum taken from a bulletin board stating the time, place, and date of a lecture by a sociology professor on the subject of the importance of racial integration. Attendance was to be voluntary but the notice stated that a record would be made of those attending or not attending.

To my mind, such programs constituted official intimidation of citizens to conform their thinking on public issues to those of the administration.

I found nothing in the Constitution which authorized officials of the employee's department to require attendance at such brain-washing sessions held under the auspices of the Government. Nor were they authorized under the Constitution to take note of attendance at such Government-sponsored or Government-endorsed meetings and lectures.

Here again, there is no sign that things have changed very much in the Federal Service. For example, our subcommittee has received many employee complaints about the sensitivity-sessions they are required to attend to change their "cultural attitudes and behavior" on racial issues, equal rights for women and the role of minority groups. I am told this is being done under the equal employment order issued by President Johnson to promote civil rights in Government. In these out-of-town meetings run by psychologists and other behavioral scientists, people are subjected to emotionally charged situations deliberately staged to manipulate and provoke human emotions in sensitive matters of the intellect and personality.

The reports received from employees and other Members of Congress about the way HEW programs were operating were so disturbing that I asked Secretary Richardson to investigate the matter and suspend the sessions pending his report. I also asked him to answer some simple questions so I and other Members could advise employees of their rights, since these people could get no answers from their supervisors.

That was on March 19, and to date, the subcommittee has received no reply from the Department.

In relaying these complaints, I also informed the Secretary:

> It has become clear from the complaints by responsible employees, from reports by acknowledged experts in the fields of labor-management relations and from psychiatrists, psychologists and specialists in human relations, as well as from my own studies of this matter, that this program goes far beyond the needs of personnel training in any department or agency of government.
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> On the basis of my own investigation, I am convinced that the scope of this program and the techniques used in some of the sessions amount to economic coercion of the individual to submit to official attempts to control his thoughts and emotions in ways completely uncalled for in the employment relationship. However useful such techniques may be for treating psychiatric problems in private practice on a voluntary basis, it is not the business of government to inflict them on its employees.
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> The Subcommittee study has amply demonstrated the need for more governmental recognition of the constitutional rights which employees possess as citizens. No one, therefore, can fault a management training program to teach better understanding of management duties and to develop the ability to deal with the human relations aspect of a job. However, there are well-established methods of instilling and teaching the principles and personnel techniques involved in such duties. It is tyranny over the mind of the grossest sort to subject employees to a probe of their psyches, to provoke or even require disclosure of their intimate attitudes and beliefs.
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> Even the soundest professional supporters of such techniques have emphasized the need for voluntary, enthusiastic participation by the individual. From the reports received by the Subcommittee, it appears that there is not even a gesture toward voluntarism in the government programs. Rather, employees have been ordered to leave their homes and families at some hardship and live for a period in seclusion with fellow employees and supervisors, while being subject to psychological encounter sessions. People who protest have been given the option of refusing to obey an order or of requesting an exemption on psychiatric or emotional grounds.

An Agriculture employee writes:

> During our two and a half day session on Civil Rights, we were subjected to hearing lectures, speeches, stories, songs or what have you which in many instances were full of foul language even to the point of being vulgar (morally crude, offensive, earthy, profane) and obscene (disgusting to the senses, repulsive).

Other employees of that Department wrote about being required to watch films and to listen to tape recordings of speeches by Dick Gregory and other civil rights activists stressing how whites were hated and what these people were going to do about it. Clearly, such sessions intrude on First Amendment freedoms, and just as clearly, as these letters demonstrate, they are counterproductive for the administration's purposes.

The subcommittee has received numerous complaints from employees of other departments describing encounter sessions.

There are many other ways Government attempts to intimidate the private thoughts and behavior of people who work for it.

One of the most serious, however, is the economic coercion of those citizens to invest their money in U.S. savings bonds, or to donate to charitable causes. Congress has received many reports of blacklisting, reprisals, threats of loss of security clearances, and other official adverse actions because employees wanted to make their own decisions about how they donated or invested their earnings. It is a long, unpleasant, and often unproductive route for employees to appeal such actions or for Congress to investigate them. The many cases received by the subcommittee proved the need for a plain statement in the law that such coercion of a person's freedom of thought and action is prohibited.

ENFORCEMENT MACHINERY

On the basis of complaints on these and many other privacy invasions, it was clear to me and the cosponsors of this proposal that the law fails fully to protect the rights of the citizen who works for Government. It is sometimes impossible for him to challenge unconstitutional governmental programs or unconstitutional demands on him for information. He is without the legal statutory right to have counsel or someone else with him if he wishes in sessions which may result in disciplinary actions. He is denied or inhibited from pursuing any administrative remedies. He is refused access to the courts under laws and judicial decisions which would leave such programs to the discretion of the executive branch.

So in addition to simple prohibitions on unconstitutional actions of Government, my bill also establishes certain enforcement machinery which includes a right to counsel in certain cases, a board on employee rights where an applicant or employee may obtain a hearing and action on complaints arising under this act; and it affords access to the Federal District Court in cases arising under this act.

This bill to protect employee privacy has had widespread public and editorial support throughout the Nation as well as support from employee unions and organizations. In fact, with few exceptions, the only people who seem against it are those whose power would be limited by it.

Despite the widespread public and congressional support, one would have thought that with this bill I sought to introduce the bubonic plague into the Federal service rather than the rule of law. Officials in the previous administration fought this simple proposal with every resource at its command. They conjured up incredible legal ghosts in an attempt to influence the uninformed or intimidate the faint of heart. However much they vowed to alter administrative machinery or to change governmental attitudes, it was clear that they had closed their eyes and their minds to the real need for laws on the books to protect the first amendment rights of citizens.

I do not think anyone should be misled about the purpose of this bill. To hear some describe it, all of the ills which beset the Federal service will be cured by passage of the bill. Others have seized on it as the embodiment of all of the forces of Beelzebub.

It should be understood that my proposal does no more and no less than what it states in plain English, so that every political executive in the Federal Government will have notice of the constitutional limits of his power in certain specified matters. It leaves untouched the vast investigatory apparatus of the Government. It leaves untouched the many conflict-of-interest laws, the ethical conduct codes and all the other laws under which employees are investigated by the Civil Service Commission, the FBI, and by their departments, for determining their fitness for duty or their violation of the criminal laws or the violation of orders relating to their jobs.

During the 5 years we have worked with the bill in the Constitutional Rights Subcommittee, it has been subjected to careful refinement and amendment to meet any legitimate objections. These are listed in the Judiciary Committee report of the 91st Congress, No. 91–873.

In the version passed by the Senate last year and which I have reintroduced, the Federal Bureau of Investigation is exempted and there are certain carefully drawn exceptions for the two security agencies, the Central Intelligence Agency and the National Security Agency. These exceptions in S. 782 of last year were in addition to those contained in the bill which first passed the Senate in 1967 as S. 1035.

My sponsorship of this legislation does not imply a belief that there should be a law on everything the executive branch should not do to its employees. There are many things done in the name of worthy purposes which are foolish, tyrannical, repressive, or self-defeating. But they do not necessarily violate the Constitution. Nor can Congress legislate against all manner of fools and their follies.

It can and should legislate to protect the freedom of the mind which is guaranteed all citizens under the first amendment whether they work for Government or not.

Individuals should know that they have a legal remedy when economic coercion is used to compel them to speak, think, or act against their will in favor of Government causes, or about personal matters which are none of the business of Government.

The need for such a remedy is underlined by the directives I have seen recently prohibiting employees from contacting personnel offices and supervisors who could take action on problems.

It is underlined by the written and verbal "gag rules" ordering employees not to tell Congress about their problems and, in some cases, even not to contact Members of Congress without reporting it to their supervisors.

Nor can employee unions and organizations completely protect against such complaints, although within their limited resources, they have been increasingly active in protecting privacy. In this connection I am reminded of the union concern in the last Congress when a Pentagon personnel official warned unions against going to the press or to Congress with their grievances. Furthermore, not all employees and applicants are members of unions nor should they be required to join to assure their first amendment right to privacy.

Nor does the remedy rest with the Civil Service Commission. Their attitude toward privacy is revealed by their response to my inquiry about piped-in music. After receiving complaints about this subject, I asked the Commission what grievance channels were available to employees who resented having to work by piped-in music, some of it raucous hillbilly or jazz. Without expressing any opinion on the matter, I asked whether any rules existed whereby an agency could involve its employees in the decision about whether to use it, and in the choice of music. The Commission sent me a long letter arguing that the Supreme Court has held there is no constitutional right to be free of music on buses and that people had to get used to the sounds of daily living, whether they are in the city or the country.

Undreamed of privacy invasions are being made possible or furthered by great computer systems, by the new technology with all its sophisticated devices and instruments. Some of these raise constitutional issues. Some do not.

The time has come, I believe, for Congress to consider establishing a tribunal independent of the Civil Service Commission, to hear and judge the many complaints of violation of privacy rights of employees.

The Civil Service Commission was created to be the handmaiden of the Chief Executive and to pursue his mandates in the general management of the Federal service. Its staff have an unbelievable burden to carry to assure the responsible and efficient operation of the Federal service. Too often, any constitutional rights employees possess have been administered and implemented by the Commission, and the energy and zeal behind them has come from the good will and good faith of Commission members dependent on staffing, time and resources. The impetus for their enforcement often stems from political pressure with help from the courts.

We live in a government of laws, not of men. The constitutional rights of citizens even those who work for the Federal Government, should depend on laws, not Executive orders; on the application of due process of law, not on the grace of the Civil Service Commission.

This is not a new idea, but one which may have new urgency with the new employee problems. I think it bears exploration.

But I do not see the establishment of such a body or any other new laws as alternatives to the passage of the employee privacy legislation before the House and the Senate.

I therefore urge the immediate enactment of that legislation, unencumbered, undiluted, and in the form passed by the Senate in the last Congress and as reflected in S. 1438 of this Congress.

WELFARE REFORM

Mr. PACKWOOD. Mr. President, welfare reform has been listed as this administration's No. 1 legislative goal. Although we here in the Senate disagree among ourselves on the shape of reforms that are needed, I think we too are unanimous in recognizing that some type of welfare reform is desperately and urgently needed.

Before any constructive proposals can be put forth, we first must examine the nature and source of the problems, both from the point of view of the welfare recipient, the taxpayer, and the welfare administrator. Additionally, we must carefully consider the varying needs and standards from one State or area to another. New York's needs and solutions will not be identical to Oregon's, and California's will probably differ from Maine's. It seems to me that geographical and economic diversity must be kept closely in mind as we begin to examine the specifics of the various welfare reform proposals before us.

The Oregon House of Representatives has recently completed a task force study on welfare in Oregon and has issued a very thoughtful and constructive report. In view of the relevance of this subject, I ask unanimous consent that the task force report be printed in the RECORD. I commend it to Senators for their consideration.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

HOUSE TASK FORCE ON WELFARE 1971 REPORT TO THE 56TH LEGISLATIVE ASSEMBLY

MEMBERS OF THE HOUSE TASK FORCE ON WELFARE

Representative Anthony Meeker, Chairman.
Representative George F. Cole.
Representative Leigh Johnson.
Representative Richard Magruder.
Representative Gordon Macpherson.
Charles McKeen, Administrative Assistant.
Margo Blue, Secretary to the Committee.
Interns: Gail Jeffries, John Houser, Allen Shibuya, Rush Yeates.

INTRODUCTION

Welfare programs were instituted in the United States as an emergency measure in the 1930's to aid those who were "ill-housed, ill-clothed, and ill fed" as a result of massive unemployment and a decaying economy. Today, nearly 40 years after its inception, public assistance has strayed far from its original purpose. It has become a mammoth, uncoordinated bureaucracy providing permanent income rather than *emergency* income for people in need.

In 1970, there were 72,443 applications for public assistance in Oregon compared with 43,543 two years earlier. In 1970, welfare assistance was given to 50,331, or 69.47 percent of those applying compared with 26,543, or 61.04 percent, in 1968. *In two years the number accepted for public welfare in Oregon nearly doubled.*

In the Aid-to-Dependent-Children category, the increase was even more dramatic.

From 1968 to 1970, applications for ADC soared from 14,887 to 38,554. The number accepted jumped 10,850 to 29,074. *In two years the number accepted for ADC in Oregon nearly tripled.*

The huge increase in caseloads and the resulting increase in the cost of public assistance called for action by the Oregon Legislature. Robert F. Smith, Speaker of the House of Representatives, appointed the House Task Force on Welfare to examine the increased caseload and related problems prior to the beginning of the 1971 Legislature.

Speaker Smith expressed the concern of many Oregonians when he said, "Welfare has finally revealed itself to be a colossal, expensive and wasteful failure." To get a fresh look at the welfare problem in Oregon, he appointed legislators who had no previous involvement in welfare problems.

This report is the product of nearly two months' work which involved public hearings and meetings throughout the state. The Task Force listened to citizens who wanted to comment about the welfare problem and interviewed local, state and federal officials who work with the welfare program.

Welfare has been accurately described as one of the most complex problems of state government. After listening to hours of testimony and conducting many interviews, the Task Force agreed that time limitations did not permit a complete and thorough study. Accordingly, we recommend the creation of a Legislative Interim Committee on Welfare to give close scrutiny to the administration of all public welfare policies and programs. The Task Force discovered a vexing lack of administrative backbone in the areas which we examined. We feel that the Legislature would be remiss in neglecting the opportunity to authorize a comprehensive examination of the administration of all of Oregon's public welfare programs and policies.

On the basis of its studies, the Task Force believes that some immediate changes must be made to solve obvious problems. This report attempts to list the most important changes needed.

THE CHARGE

Speaker Smith, in his letter to Task Force Chairman Anthony Meeker, instructed the group to look into these specific areas:

1. The caseload increase.
2. The breakdown of our social order.
3. The impact of the federal government and its regulations.
4. Views of the members of the Oregon Congressional delegation.
5. The attitude of the Public Welfare Division and its employees.
6. Open-ended budgets.
7. Welfare fraud.
8. Can we move to a "willingness to work" program?

The following report seeks to answer the questions raised by Speaker Smith in this charge.

THE CASELOAD INCREASE

There is a multitude of interdependent reasons for the increase in caseload. The Task Force agrees the most important reasons to be:

1. Increased unemployment.
2. Increased cost of living.
3. An open-ended budget as a result of actions of the 1969 Legislature.
4. Federal welfare policy changes and a liberal interpretation of these changes by the Public Welfare Division.
5. U.S. Supreme Court decisions, such as the elimination of the durational residence requirement.
6. Lack of policy direction by the administration of public welfare in Oregon and a lack of leadership in defining tight eligibility requirement.
7. The complete reliance on the declaratory statement for eligibility determination and an attitude of "don't question" the recipient.
8. The acceleration of social attitudes which have created an acceptance of public welfare.

These are some of the factors in the rapid and fantastic increase. Taking these factors into consideration, this Task Force is making several recommendations to the Legislature and the Public Welfare Division concerning a restriction on future costs.

THE BREAKDOWN OF OUR SOCIAL ORDER

One reason for our welfare problems is a breakdown of our social order.

We are seeing early marriages with the wife pregnant at the time of the ceremony. Often the husband deserts her after a short time, leaving the mother by herself with a child. She is untrained to get a job and unable to support herself. She and her child go on welfare.

The Task Force has heard repeated complaints about Oregon's inefficient child support laws, or at least the lack of enforcement of child support laws. The Task Force believes adequate enforcement of child support laws would substantially reduce the Aid-to-Dependent-Children caseload.

The Task Force recommends that there be a more vigorous enforcement effort to require fathers who desert their families to provide for their support. No divorce should be granted by the Court with jurisdiction until it can be assured that adequate support will be paid to the children. Further, the courts should make greater use of jail sentences in dealing with contempt proceedings arising out of non-support cases. The judicial system in Oregon must recognize its responsibilities in assisting the state to solve this problem.

The Public Welfare Division has been authorized to provide recipients with information concerning birth control methods and family planning. In addition, the Division has been authorized to assume the costs for contraceptive devices, sterilization and abortion.

The Task Force study revealed that these programs have seldom been utilized. Contraceptive devices have been made available on a prescription basis. Information about contraceptive and birth control methods have not been provided as directed.

The Task Force recommends that county welfare offices encourage the use of contraceptives for welfare recipients. In addition, information on these programs must be made readily available to all recipients.

The Task Force also recommends that the Public Welfare Division seek a utilization of programs providing the means for medical assistance of those women requesting abortions and those individuals requesting sterilization.

During the last decade, elderly citizens in Oregon have suffered greatly because of inflation. Some have been forced to surrender their homes, apply for welfare, and eventually move to nursing homes. These senior citizens comprise a small part of the welfare rolls, and the majority of them seek welfare only as a court of last resort. We believe that the rapid increase in property taxes has decayed the limited incomes of senior citizens and forced many of them onto the welfare rolls.

To help alleviate this situation, the Task Force recommends that the 1971 Legislature provide substantial property tax relief to those citizens age 65 and older.

In addition, the Task Force recommends that the Public Welfare Division place the highest priority on those programs designed to assist the elderly, the blind and the disabled. Such programs should be readily available, and should be fully explained to those who may be eligible.

THE IMPACT OF THE FEDERAL GOVERNMENT

The federal government pays more than half of the cost of Oregon's public welfare program, and there is no question that the regulations of the federal welfare agencies are binding on this state. Unfortunately, not one session of Congress has adjourned without some legal changes in the public assistance titles to the Social Security Act which provide the state with welfare money.

The state could ignore the federally-matched programs and have its own limited welfare operation, but this would be unwise. Oregon's limited resources could not provide for those in need. It is virtually impossible to operate an adequate welfare program and spend less than we do now with our 43.2 percent, or $190.2 million, share of the total cost. The constant stream of changes in welfare rules and regulations, in effect, has blackmailed Oregon into accepting federal dictates in order to obtain federal aid.

While federal regulations have been a problem, Oregon, in the words of a Health, Education and Welfare official, "has done an outstanding job in following our rules." In fact, conferences between state officials and federal officials have been conducted to determine the "exact" intention of federal regulations.

The Task Force believes that the State Public Welfare Division has adopted a liberal interpretation and administration of some federal dictates to the states. We believe that the first allegiance of the Public Welfare Division must be to the State of Oregon and its citizens—not to the U.S. Department of Health, Education and Welfare.

Instead of useless and time-consuming conferences, the state should develop priorities and policies to serve the best interests of Oregon and Oregonians. The state must act on this basis until the federal agency brings a non-compliance suit or court injunction.

The policies and plans of Oregon's public welfare program should not be submitted to the federal government for approval.

The Task Force believes that criticism of the federal earnings disregard program as a factor in the caseload increase is over-stated, and that it would serve the state's best interests to have recipients seek employment under this program. Earnings disregard legislation has received considerable criticism on the basis that it prolongs the length of time a person remains on the welfare rolls.

While there have been abuses in this program, the Task Force believes it has been too greatly maligned. We believe the program can be beneficial if properly administered.

There have been instances where welfare recipients, under earnings disregard legislation, receive more money than a non-recipient doing exactly the same work. For instance, a beginning clerk in an Oregon county welfare office, who is a welfare recipient, is given a starting salary of $367 per month. However, when public assistance and other allowances are added, this individual receives a total of $558 per month. The recipient also receives abundant food valued at approximately $50 per month plus extensive medical, optical and dental expenses as well as physician and hospital charges.

On the other side of the coin, a chief clerk in that same office, who has reached the top of the scale after working for 18 years on the same job, receives a top salary of only $543 per month, with no medical care or other fringe benefits.

The salary taken home by that chief clerk does not compare very favorably with the take-home pay and fringe benefits available to the welfare aide trainee.

This type of situation is not equitable, and administrative limitations are in order. However, it is not reasonable to junk earnings disregard because of these inequitable cases. It is reasonable to limit—or seek to eliminate—such cases, and encourage recipient use of the program.

To assist in eliminating such abuses, the Task Force recommends that the Legislature memorialize Congress seeking permission to establish maximum limits for earnings which can be disregarded in setting grants.

One of the most frustrating issues to confront the Task Force is the disregard of the income of stepfathers in determining the eligibility of children under the Aid-to-Dependent-Children program. A federal ruling requires Oregon to pay full welfare grants to stepchildren regardless of the stepfather's income. This requirement is based upon the fact that Oregon does not have a stepfather responsibiilty law. The Task Force learned of several cases where stepfathers earning as much as $1,000 per month are not required to assume the financial responsibility for their stepchildren.

The Task Force, because of the shortage of time and because legal technicalities are involved, did not draft a stepfather responsibility law.

However, the Task Force recommends that the 1971 Oregon Legislature develop a stepfather responsibility law.

In a further attempt to guarantee that stepfathers meet the responsibilities they have assumed, the Task Force believes that all welfare stepfather cases must receive a thorough audit. Such an audit would reveal which stepfathers own—or are purchasing—the family home. Ownership or purchase of the home by the stepfather should disqualify the recipient from a shelter grant. A proper audit would also reveal which stepfathers are claiming their stepchildren as deductions on their income tax. A claim for deduction should disqualify the eligibility for a grant.

The Task Force believes that there must be an immediate tightening of the administration of policy regarding stepfather responsibility to children on the ADC program.

The last major revisions to the Social Security Act provided changes to the Aid-to-Dependent-Children-Unemployed program. Prior to the revisions, the program was open to any unemployed parent. The amendments restricted the eligibility of unemployed persons in two ways:

1. No family is eligible for the federal matching grant if the family is currently receiving unemployment compensation.
2. An unemployed father is eligible provided he meets certain employment conditions within the last 13 calendar quarters.

When the federal law was changed, Oregon had a number of fathers on the ADC–UN program who became ineligible for the federal match of 58 percent. The state has continued to carry these cases under the category of Aid-to-Dependent-Children-Unemployed, Non-matchable. This means the program is being totally funded with Oregon General Fund dollars.

The Public Welfare Division budget for 1971–1973 indicates there will be an estimated 3,617 of these persons during the biennium resulting in an expenditure in excess of $4 million.

The Task Force recommends that ADC–UN-Non-matchable persons be transferred to the General Assistance program.

CONGRESSIONAL VIEWS

These are the replies which the Task Force received from Oregon's Congressional delegation.

Senator Mark O. Hatfield: "I have for some time advocated federal assumption of all costs of welfare and complete welfare reform. this would free at least $7 billion this year if the federal government took over the cost. With Oregon facing a $19 million deficit on welfare costs, it seems to me it is most urgent that the federalizing of the program can be done this year.

"It is my hope that Chairman Mills of Ways and Means will soon be acting on his plan to work on a comprehensive welfare reform bill (using the President's Family Assistance Act as a base) combined with a program to have the federal government pay the total costs. I believe the Congress may look with favor on this inasmuch as there is opposition to the revenue sharing idea."

Senator Robert W. Packwood: "Our welfare system is in desperate need of a complete overhaul. Nothing this country has ever undertaken has been a more monstrous failure than welfare, and it is encouraging that the Nixon Administration has finally taken the necessary steps to formulate and implement some reforms.

"The Administration's Family Assistance Program which was approved last year by the House, but not the Senate, would restructure our welfare laws through an integrated system of work incentive, work training requirements, and a basic income floor. This program has a dual objective of eliminating the existing abuses of welfare while insuring a minimum level of support for those in need.

"Changes embodied in the Family Assistance Program are very complex and far reaching, involving tremendous allocations of federal dollars. A number of details are yet to be worked out to insure that the program will achieve its intended purpose."

Congressman John Dellenback: "Providing public assistance through Public Welfare has not been successful. President Nixon and his staff have offered an alternative through the Family Assistance Plan. Several Congressmen have also offered alternative plans. The Ways and Means Committee is presently studying these proposals in hopes of adopting a program as soon as possible. Action must be taken to assist Oregon in her finances dilemma."

Congressman Wendell Wyatt: "My strong view is that the President's welfare program should be given a decent chance. I would particularly favor setting up four divergent geographical and economic areas and trying the program for a year or two in these areas to see if in fact the incentives to get off welfare and go to work do work. I voted for the program last year, but I did so with considerable apprehension.

"Of course, if Congress is going to make the rules on welfare the federal government should pay the costs. It is most unsound to have one branch of government proposing obligations and forcing another branch to bear the financial burden, and that is substantially what we have now. However, as a practical matter, the cost involved would be almost prohibitive so far as the federal government is concerned at this particular moment. That is why I think it is important to give the President's welfare program a thorough try and if this doesn't work, then we certainly must find something better than the present system which is so unsatisfactory to the recipients, to the welfare workers and certainly to the taxpayers."

Congressman Al Ullman: "As you know, my colleagues on the Ways and Means Committee and I are now considering HR 1 which involves amendments to the Social Security Act and the Administrative Family Assistance Plan. This week the committee requested that the Administration review the FAP program and tighten up several obvious loopholes.

"Certainly, there is general agreement that the present welfare system is inadequate, and that a major overhaul is necessary if it is to work. However, the FAP program, by adding millions of new people to the rolls, would only further add to the total burden and represent a long step in the wrong direction.

"I am now drafting an alternative program to FAP. The beginning to real welfare reform, in my judgment, is through a greatly expanded program of adequate child care, fully paid by the federal government, so that hundreds of thousands of welfare mothers can be free to go to work. We must also create a much more meaningful job training and placement program in both the public and private sectors, again fully paid by the federal government, to ensure that those who want to work will have a real job waiting for them.

"The federal government must assume more of both the responsibility and the cost. Day care for children must be the next major step forward in educational and social reform in this country. We must consolidate the many overlapping and often inefficient federal programs for job training and aiding the poor, and tie them directly to welfare needs. Such a program would allow for the rehabilitation of the women and men in the national working force. Through meaningful rehabilitation, rather than expanded handouts, we can find solutions to a broad spectrum of social and economic problems."

THE PUBLIC WELFARE DIVISION AND ITS EMPLOYEES

The Legislature has been repeatedly told that an increase in the number of caseworkers and administrative personnel in the Public Welfare Division would result in more and more welfare recipients moving toward independent living. These claims have been false. However, they might have been true if all members of the public welfare staff believed in the philosophy that the prime objective of the public welfare program is to move persons toward self-sufficiency. To our dismay, we discovered that social workers are neither educated nor trained to believe that such an objective is desirable. There is an appalling lack of strong policy direction and leadership to stress that public welfare possesses the responsibility to assist recipients in becoming self-sufficient.

A prominent faculty member of one of Oregon's major schools of social work was introduced to the Task Force as an "expert" in the field. The testimony presented by this faculty member revealed an attitude in opposition to the objective of self-sufficiency. Further, the testimony contained misleading and, on occasion, erroneous information as supportive evidence. The Task Force finds it unconscionable that such attitudes and distortions are being presented as fact to the students of schools of social work.

The Task Force recommends that strong and positive action be taken immediately by the Public Welfare Division to guarantee that all staff members operate with the understanding that the interests of welfare recipients and Oregon taxpayers will be best served by an aggressive policy of moving recipients off of welfare programs.

The Task Force learned that the caseload size—rather than administrative or management ability—is the sole criteria for determining the salary level for county public welfare administrators. A County Administrator 4 administers services in a county having caseloads requiring 30 to 74 staff members. An Administrator 5 is responsible for caseloads requiring 75 to 200 staff members.

The Task Force was told that county administrators have no control over the number of staff allocated. This is determined at the state level, and the allocation of staff is made by the state's Personnel Section. This allocation is based upon the caseload size in each county.

It appears that this system provides a built-in incentive for administrators to increase—rather than decrease—the case-load size. Conversely, this system seems to penalize the administrator who can effectively operate the welfare program with a smaller number of employees.

The Task Force recommends a complete re-evaluation of the policies followed in the promotion and placement of personnel. The Task Force believes strongly that the promotion and salary level should not be based upon caseload size.

Late in the 1967–1969 biennium, the Public Welfare Division began to move toward a program which separates eligibility and services. Under the new system, "assistance" workers are responsible for eligibility determination, and "service" workers are responsible for the provision of services. This system has created confusion and animosity. It appears to have contributed to a marked decline in employee morale.

In the early stages of the plan, it was decided that assistance workers would not require the experience and education which would be required of service workers. Service workers were classified as Social Worker 2, which requires a master's degree in social work in addition to two years' experience. The assistance worker, on the other hand, was required to have a high school diploma and three years' clerical or interviewing experience. The salary scales are presently $566 to $722 for assistance workers, and $722 to $922 for service workers.

The structured differences between the service worker and the assistance worker have developed into a separation and insulation of service workers from the responsibilities of eligibility and budget control. The Task Force received testimony that some social workers ignore violations of eligibility standards. One service worker told the Task Force that service workers could not be expected to be conversant with all eligibility requirements.

The Governor's budget for 1971–1973 calls for the same staffing standards approved by the 1969 Legislature. Under these standards, state assistance workers should process 70 applications a month for all programs except General Assistance, where they are required to process 90 applications a month. Service workers are required to provide services to 85 percent of the ADC caseload and are required to handle 85 cases per worker. The present budget also recommends a supervisor ratio of one supervisor to 6 or 7 workers. In addition, staffing standards for the Public Welfare Division require one clerical position for each professional position.

A staff addition of 435 people at a cost of $1.5 million would be required if the 1971 Legislature approves the standards contained in the proposed budget.

The Task Force agrees that assistance workers presently responsible for as many as 265 cases are carrying too heavy a load. However, the standards for service workers and supervisory ratios are unrealistic and should be re-evaluated. In addition, we could find no basis for the clerical-professional position ratio, and the Task Force cannot rationalize this level of clerical support to service activity.

The Task Force recommends that the 1971 Legislature budget on the basis of one clerical position for each two service positions.

There would be little—or no—need for additional staff within the Public Welfare Division if these changes are implemented.

Accordingly, the Task Force recommends that there be little or no increase in the number of Public Welfare Division employees. In addition, the supervisor ratio should be larger than 1-to-6 or 1-to-7.

OPEN-ENDED BUDGET

During the 1960's, the public welfare budget adopted by the Legislature has been closed. The Welfare Division was authorized to spend only those amounts which were appropriated by the Legislature.

During that period, the administration of the program was under the control of the State Public Welfare Commission. When the Commission was confronted with financial problems, it was required to make administrative changes to live within the budgeted amount. The Commission solved these financial problems through reductions in welfare grants. The 1969 Legislature abolished the Public Welfare Commission and designated the Public Welfare Division as an independent state agency under the direct control of the Governor. In addition, the budget approved by the 1969 Legislature provided for additional appropriations to the Public Welfare Division through the State Emergency Board.

When the state faced a fiscal crisis because of soaring caseloads in 1969–1970, the Governor, with the approval of the Emergency Board, took executive action to provide more money for the Public Welfare Division. Liquor prices were increased, a freeze was placed on state employment, construction programs were postponed and other operations were curtailed to provide additional funds for welfare.

The Task Force has determined that administrative steps which should have been taken to reduce overexpenditures early in the biennium were ignored by the Public Welfare Division, thus heightening the fiscal crisis. The Public Welfare Division has finally responded during the past few months by taking effective administrative steps to reduce expenditures and caseload. County administrators, at the direction of the Division, have curtailed burgeoning caseloads through administrative procedures.

As an example, 43,794 welfare checks were provided on March 1. This is a reduction of 175 in the number of checks provided February 1. In addition, there was a reduction of 295 in the number of checks provided to ADC recipients. This represents the first time in three years when there has been a reduction from February to March. In 1970, the number of checks from February to March increased by more than 1,200.

Public Welfare Division personnel credit this reduction to administrative steps "providing alternatives to receiving assistance." This is the stance which should be assumed at all times when considering requests for assistance.

After the experience of this biennium, the Task Force agrees unanimously that an open-ended budget is poor public policy.

The Task Force recommends that the Public Welfare Division be given specific directions to limit expenditures to the amount appropriated by the 1971 Legislature.

WELFARE FRAUD

Early in its investigation, the Task Force received numerous reports of error, ineligibility and overpayment, all of which contribute to the impression of fraud which is held by the general public. The image of fraud has been compounded by a lack of imagination and insight by the administration in attempting to control those who are clever enough to beat the system and cheat the taxpayers as well as their fellow recipients. The lack of adequate investigation procedures to discover fraud and ineligibility has prevented reliable statistics from being compiled.

Welfare officials told the Task Force they "feel" that the level of welfare fraud in the state is less than three percent. The head of the investigative staff has placed the level at eight percent.

No one knows the true depth of the problem, and investigations which might have shed light on this area have not been conducted.

We know that neighboring states have found ineligibility rates running in excess of 20 percent. Spot checks have revealed even higher ineligibility rates. Welfare officials in neighboring states told the Task Force that the extent of the problem in their states has not yet been discovered.

The Task Force would not be surprised to discover that fraud, ineligibility and overpayment are involved in 15 to 20 percent of the caseload. This would involve some 20,000 recipients.

The investigative unit of the Public Welfare Division found fraud, ineligibility and overpayment involved in 39.5 percent of the referrals it received for investigation. Currently, the unit is laboring under a backlog of more than 700 referrals. The unit is able to handle less than half of the referrals it receives each month.

This backlog will continue to grow, and the seriousness of the problem will remain hidden as long as the status quo is maintained. In addition, fewer than half of the cases which should be investigated are referred to the investigative unit.

The Task Force recommends that the investigative unit staff be doubled in order to dissolve the current backlog of cases.

Further, all public welfare employees should be trained to recognize possible fraud, and to immediately refer these cases to the investigative unit.

The Welfare Division maintains a quality control unit which investigates the eligibility of those who apply for welfare. The control unit determines whether or not the recipient is receiving a grant in the proper amount. At present, this unit investigates 2.5 percent of the welfare cases.

During the past year, the quality control unit has discovered substantial errors involving overpayment, underpayment and ineligibility. For the months of October, November and December of 1970, the control unit discovered overpayment, underpayment or ineligibility in 3.5 percent of the cases investigated. This involved erroneous expenditure of $159,840.

The Task Force recommends that the Public Welfare Division check a larger percentage of the total caseload and, further, that the results of the check be utilized as an administrative tool to reduce the number of those who are trying to beat or cheat the system.

The Welfare Fraud Unit in the State Department of Justice was authorized by the State Emergency Board in 1969 to replace civil fraud enforcement activities with criminal prosecutions. This action was based upon the grounds that civil recovery of most welfare fraud was a fruitless endeavor. It was felt that it was important to establish a creditable criminal deterrent.

During its first nine months of operation, the unit has referred 78 cases for prosecution. These referrals resulted in 78 indictments and 27 convictions. The indictments represented fraud involving $232,452. Check frauds were involved in 77 percent of these cases. Most of these frauds involved checks being stolen from mailboxes, or recipients having other persons cash their check and then claiming that the checks had been lost or stolen.

At the present time, the unit has a backlog of 303 cases, with the staff working overtime to prevent an even larger backlog.

The Task Force recommends an expansion of the Welfare Fraud Unit in the State Department of Justice.

WILLINGNESS TO WORK

A question frequently asked is: Why aren't welfare recipients put to work? Many Oregonians believe that jobs should be provided for welfare recipients, particularly jobs involving environmental projects.

Oregon at one time administered a successful community work and training program which provided jobs for welfare recipients. The jobs involved the building and maintenance of county parks. However, Congressional action forced abandonment of this program.

The Task Force believes it is not only desirable—but essential—to provide employment for those who seek assistance and to base Oregon's public welfare program partly on the basis of the willingness to work. The Task Force believes such a program is possible.

The Task Force recommends that state agencies and departments be required to immediately identify those positions which could be filled by able-bodied welfare recipients.

There are hundreds of positions in governmental agencies which do not require specialized education or training or advanced job skills. Such positions include janitorial and maintenance work, housekeeping jobs in state institutions, filing, typing, highway maintenance and work in state parks and recreation areas.

Many welfare recipients—perhaps the majority—would be blocked from accepting these positions because of an inability to pass the written Civil Service examination required by state government.

However, the inability to pass a written examination would in no way impair the ability of a recipient to satisfactorily perform the job in question.

Accordingly, the Task Force strongly recommends that the Legislature give serious consideration to allowing a waiver of the requirement for written examinations for those positions which are identified by state government agencies and departments.

Further, the Task Force recommends that state agencies and departments be directed by the Legislature to place the highest priority on the hiring of welfare recipients to positions for which they qualify.

The Task Force also believes the Legislature should encourage city and county governments to pursue the same policy in the hiring of governmental employees.

The Task Force is of the opinion that pursuit of this policy would result in the hiring of many hundreds of persons who are presently receiving welfare.

By accomplishing this, we would assist individuals to become self-sufficient, we would help them restore their self-respect and self-confidence, and we would be providing the taxpayers of this state with a tangible return on their sizeable investment.

This program would underscore our belief that every attempt must be made by every sector of our society and economy to restore welfare recipients to independent living.

This program would place the full resources of state government behind this philosophy, and hopefully the private sector would follow this example by placing a high priority on the hiring of competent welfare recipients.

One opportunity for a community work project is contained in the provisions of Category 3 of the Federal Work Incentive (WIN) program. Numerous reasons have been given by the Public Welfare Division for its failure to adopt Category 3 of the WIN program. Our study reveals that the only barrier to implementation of such a program is administrative in nature, in that close coordination would be required between the Employment Division and the Public Welfare Division. We believe that such cooperation should be mandatory.

The Task Force was pleased with the adoption and progress in Clackamas County of a pilot program under Category 3 of WIN.

The Task Force recommends that more programs under Category 3 of WIN be established.

Another possibility in providing work opportunities for welfare recipients is the "case aide" program initiated by the 1969 Legislature. While the Public Welfare Division demonstrated little enthusiasm for this concept—and while the Division appeared to stall in implementing its provisions—the Task Force believes the case aide program was successful in that recipients were encouraged to become self-supporting. The Public Welfare Division indicated there were training problems associated with this program, but the Task Force believes these problems can be effectively combatted if the Division will adopt a different attitude.

The Task Force recommends that the Case Aide program be retained and expanded.

The Task Force strongly recommends that the Public Welfare Division institute a program to encourage the employment of ADC women to operate child-care centers in their own homes for the children of other ADC women.

The state implies that ADC women are competent at child care by allowing them custody of their children. If this is the case, the point can be made that these same ADC women are fit to care for the children of other ADC women.

The operation of small neighborhood child-care centers in private homes would eliminate the necessity of the expenditure of large amounts of public money for the construction of child-care facilities.

The Task Force believes that one ADC recipient could care for her own child or children, as well as the children of several other ADC women. This would eliminate the constant refrain that ADC women cannot find employment because they must remain at home to care for their children.

A vigorous pursuit of this policy would require ADC recipients to fish or cut bait on the question of employment, and, hopefully, would move the vast majority of them back into a contributory role in our economy and in our society.

SUMMARY OF TASK FORCE RECOMMENDATIONS

The breakdown of our social order

The Task Force recommends:

That there be a more vigorous enforcement effort to require fathers who desert their families to provide for their support. No divorce should be granted by the Court with jurisdiction until it can be assured that adequate support will be paid to the children. Further, the courts should make greater use of jail sentences in dealing with contempt proceedings arising out of non-support cases. The judicial system in Oregon must recognize its responsibilities in assisting the state to solve this problem.

That county welfare offices encourage the use of contraceptives for welfare recipients. In addition, information on these programs must be made readily available to all recipients.

That the Public Welfare Division seek a utilization of programs providing the means for medical assistance of those women requesting abortions and those individuals requesting sterilization.

That the 1971 Legislature provide substantial property tax relief to those citizens age 65 and older.

That the Public Welfare Division place the highest priority on those programs designed to assist the elderly, the blind and the disabled. Such programs should be readily available, and should be fully explained to those who may be eligible.

The impact of the Federal Government

The Task Force recommends:

That the first allegiance of the Public Welfare Division must be to the State of Oregon and its citizens—not to the U.S. Department of Health, Education and Welfare.

That the Legislature memorialize Congress seeking permission to establish maximum limits for earnings which can be disregarded in setting grants.

That the 1971 Oregon Legislature develop a stepfather responsibility law.

An immediate tightening of the administration of policy regarding stepfather responsibility to children on the ADC program.

That ADC-UN-Non-matchable persons be transferred to the General Assistance program.

The Public Welfare Division and its employees

The Task Force recommends:

That strong and positive action be taken immediately by the Public Welfare Division to guarantee that all staff members operate with the understanding that the interests of welfare recipients and Oregon taxpayers will be best served by an aggressive policy of moving recipients off of welfare programs.

A complete re-evaluation of the policies followed in the promotion and placement of personnel. The Task Force believes strongly that the promotion and salary level should not be based upon caseload size.

That the 1971 Legislature budget on the basis of one clerical position for each three service positions.

That there be little or no increase in the number of Public Welfare Division employees. In addition, the supervisor ratio should be larger than 1-to-6 or 1-to-7.

Open-ended budget

The Task Force recommends:

That the Public Welfare Division be given specific directions to limit expenditures to the amount appropriated by the 1971 Legislature.

Welfare fraud

The Task Force recommends:

That the investigative unit staff be doubled in order to dissolve the current backlog of cases.

That the Public Welfare Division check a larger percentage of the total caseload and, further, that the results of the check be utilized as an administrative tool to reduce the number of those who are trying to beat or cheat the system.

An expansion of the Welfare Fraud Unit in the State Department of Justice.

Willingness to work

The Task Force recommends:

That state agencies and departments be required to immediately identify those positions which could be filled by able-bodied welfare recipients.

That the Legislature give serious consideration to allowing a waiver of the requirement for written examinations for those positions which are identified by state government agencies and departments.

That state agencies and departments be directed by the Legislature to place the highest priority on the hiring of welfare recipients to positions for which they qualify.

That more programs under Category 3 of WIN be established.

That the Case Aide program be retained and expanded.

That the Public Welfare Division institute a program to encourage the employment of ADC women to operate child-care centers in their own homes for the children of other ADC women.

HEALTH CRISIS

Mr. HARRIS. Mr. President, on March 18, 1971, I held an important public hearing in Oklahoma City, Okla., on the subject of the health crisis facing American Indians. The testimony I received was shocking, and I believe that Senators and relevant committees can benefit from a consideration of it. Accordingly, I ask unanimous consent that the second additional portion of that testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY ON INDIAN HEALTH CRISIS

LUNCH BREAK

Senator HARRIS. I appreciate all of you being back here again for the afternoon session and we'll get started now with our regular agenda. I was very impressed with the number of people who were here this morning and again this afternoon, and with the testimony that we heard. I said this morning we will take the testimony we hear today—I'll take it before the Senate Interior Appropriations Subcommittee which meets this coming Monday, as well as furnish it to all of the other members of the Senate and have it printed in the *Congressional Record* to strengthen my hand in trying to improve the funding and support for Indian Health. I think what we heard this morning reemphasizes that it is a terrible outrage that these conditions continue to exist amidst the richest, most medically knowledgeable country in the world. This should be helpful to me in trying to express the outrage that all of us ought to feel about the conditions which we have heard about this morning. First of all I want to call on Mrs. Martha Grass. Is she here? Mrs. Grass is from Marland, Oklahoma. We're pleased you're here and we're pleased to hear from you at this time.

Mrs. MARTHA GRASS. First of all I want to thank the Senator here for the privilege of Indians getting together to speak up on our needs and our different problems. As Indian raised a way back you can always remember that we've been awfully late in getting some of these things accomplished—some of these needs that we so much need to do something about. Yes, we have elected a President and he has cabinet members, and we have elected congressmen to do many of these things for us, and we go and just dismiss them from our minds thinking we are going to be taken care of. Now we've waited too long for these changes to be made in behalf of our Indian race. Our Indian race has suffered many things, many have suffered.

There is no other race that has suffered as much as the American Indian has suffered. Especially in health—we just live for a short time, any way, in this world of ours; but many of us are poor, many of us are disadvantaged and we have to suffer with our lives while we are here. Because of these sicknesses, because of these diseases and all of these—some children are born disadvantaged because of poor facilities and the doctors—we don't have professional doctors in these hospitals. This life of ours and this health of ours—we cannot buy it. No money can buy us good health. No money can put you back in good health and your energetic place so you can enjoy this life. That's why it behooves each and everyone of us to make some kind of stand and get in unity—forget about our problems and forget about our clans and all these kinds of things. Let's get in unity and work for this kind of cause. The Senator here can't do anything by himself. We ought to back him up. We should back him up. These are our needs and he has to go and maybe spend hours of sleepless night worrying about our needs. We Indian people sometimes neglect our own selves because we do not ask for these things. It's there; the funds are up there; I've been up there and I know. A lot of you can go up there if you want to and are interested enough in these needs we're talking about. If we don't ask for them, how can we expect to get them? You've got to make some kind of effort and try to get them. And don't think just because somebody pats you on the back and says we'll see about it and let you know about it, don't come home and say "why, I went to Washington and I went to this office and that office and I spoke about it and they're going to change things." By golly, I'm going to tell you something. This isn't going to happen, unless you are there every chance that you can and just bug them to death about it. This has got to be done. That's the reason why a lot of times people get cornered with problems. They will do these things. Well, I would even march for these things. I would be ashamed to admit that we needed these things. And I know a lot of you are energetic. You can get anywhere you want to go. But you've got to go to these places and ask for these things if you expect to get some of these things done. We can't just go to these interns in these hospitals. Sure they can learn from our bodies everything that is wrong with us but we won't gain our health back. Since last December I don't know how many cemeteries we use to go to, the Pawnees, Osages, go to their cemeteries and see how many new graves there are now. That's bad. Every week one of these tribes is having a funeral—a funeral—maybe two or three funerals going on because of some of these poor Indians went to these hospitals hoping to get well. But you know what, those interns are going to get their degree, but some of our loved ones are going to be 6 feet under because we just sit back and take it and hope someone else is going to do these things for us. Nobody is going to do this thing for us. We're going to have to do it ourselves, make some kind of effort, take it upon our own shoulder and do something about these things. These are some of things I brought here. Everything has been said already but we need professional doctors in these hospitals if we're going to keep them and besides that we need modern facilities—some of those obsolete things we need to throw out because many of the new doctors don't even know how to use them anymore.

They are so old and they're just collecting dust. We need to have the new things like the rest of them are having. Things are changing. People are going up to the moon. Here we are American Indians barely coming in the back, just barely sailing along. We can be up there if we want to be. It's up to each and everyone of us, every tribe, every individual, and you people that are calling yourselves tribal leaders we depend upon you to do these things for us. Sometimes when we don't get these things we blame you and we hold you responsible for some of our neglected needs because you're supposed to be in the position to speak to these officers, such as your health representatives: Some of you are PHR's. I hear about you but I've never met a lot of you. I don't even know who you are. You don't service us like you are supposed to. Even in localities we have failures because people don't get out and do it like they should. Some of them have so many hours to do this work and after that so many hours they are going to go home and rest no matter how sick you are. You can just go ahead and suffer in your bed or die. And some of us have to get sick on Tuesdays and Thursdays—you better not get sick in between there because you won't get any help because those are the clinic days. If you get sick between there you might as well forget it. Just take your own aspirin because that's all you're going to get anyway. Now I went to Chilocco Indian School last week and the rest of those kids are in bed up there. I have some children up there. My children were allergic to something going around up there, a professional doctor told me. But do you know what those children are getting—everyone of them are getting aspirins up there, and they're running a very high fever up there. I thought while I was there, I'll bet there are parents who don't know their children are running a high fever up there. Well, they said we had a flu outbreak here. Well they're not even giving them any shots or anything. The little boys and girls are just laying there suffering with their sicknesses. These are some of the problems we're all going through. If I can get around and go see about some of these things I'm sure the rest of you can. So that's the reason why we are playing right into our government's hands when we don't do anything about what we could do something about. If you just sit back and be silent you'll be treated that way. If you've got a position you had better exercise it to the best of your ability and get some of these changes for us. And another thing there are many children born with birth defects, and when they go to school they say they are slow learners; they are people with retarded mental conditions. Well, whose fault is it? Maybe the mother went through pre-natal care but on her delivery date no doctor could help her. And these children must suffer all their lives. We know some of these children who are in wheel chairs because of these kinds of conditions. Now these are some of the things that have actually happened, and there's another thing here I want to talk with you about. Whether our children go in for cancer, for tuberculosis,—no matter what, they're going to get the same kind of pills for that.

It gets where they give the same pill to everybody. They don't even take a blood specimen, urine specimen to see what the individual's needs are, because these pills sometimes agitates the sickness and cause you to go to your grave. If you don't watch it you'll get there before you know it. You'd better start asking questions. Ask what kind of pill you are taking. Ask what is wrong with you. I know of a case now where this fine young man that is 40 years old is waiting on the grave. He called me and he said that I want you to know I have been to the hospital every day—every day—and when they take an X-ray of me they never tell me what is wrong with me. They gave me some more pills and told me to go home and doctor myself. What's the use of having these doctors and nurses and hospitals—what little we've got—if they give you pills and tell you to go home and doctor yourself. This boy will not go back to the hospital any more because he said he was just going to sit at home and sit and wait until he dies. Now these are sad stories. I never made these up. There's a lady that was in the hospital in Ponca City; she went to Claremore; she went to Pawnee; they sent her back to Pawnee; and she called me saying she wanted someone to come and talk to her about her health. Her feet had stuck together. She was so afflicted and they had turned black. Now these are terrible things this lady has gone through and she has lost half of her weight. Now these things are happening to the Indians every day. Whether you people know it or not—the reason I know it is because I like people—I like people. When I hear someone is sick in bed I gather something and go marching over and visit them. This is how I know. There are some needs, real bad needs in Indian health. We have invalids at home that need field nurses—maybe we have field nurses—I don't know. These hospitals sometimes have them but they never show their faces in these homes and go to the places where there are invalids, or sick people, or sick babies, persons with bad colds, the flu just laying on their backs. Now they're running around and don't know what to do with this kind of kid. We have so many needs here I just get mad when I think of them because sometimes I go check up on them and we do have them. We do have those kinds of representatives here.

Now the next thing I want to talk about is the insurance. When I got on OIO and worked for them a few months they gave me an insurance policy—Blue Cross-Blue Shield. While I was working my children stayed well. But as soon as I quit work my children got sick and I took them to the doctors and they just gave them medicine and they just got worse and I was afraid I'd lose the whole family then, because one would get better and then the other would be worse. I just went from one bed to the other and played doctor and nurse to the family. Now I went back and reinstated for my insurance and it came back alive again. Now I'm taking them back to a professional doctor again and now in two days my children were back in good health. They lost many days in school before this and they got so far behind they were ashamed to go back, but I wrote them notes for their teachers so they would accept them back in school. Now they are working night and day trying to catch up in school. These are some of the reasons why we have to have these changes made. We need something done. When I, Martha Grass, walk in to the doctors I want them to know what's wrong with my children. I'm diabetic and I want them to check for diabetes, the heart, the kidneys, the bad feet and everything else. Everytime I go to the Indian hospitals I have to start all over again with the doctors telling about my own health problems. Everytime I go there are so many changes. Everytime I come I ask why there are so many changes around here. Nobody can buy their health. I've just got one life to live in this world, and I want to be happy and enjoy this life just like everybody else. Senator, if there is any area that I know about the Indian people it is that they are poor and they can't afford to pay anyway. Some kind of insurance is needed and should be provided for the neediest ones. We sure would appreciate it. That way we don't have to go and be practiced upon. Right now we're just guinea pigs, real live guinea pigs. They don't care whether we get well or not. It really scares me anymore. There are really going to be more around like me whether I'm here or not. We've got to make these changes for the generation to come. It's up to us. We've been denied too long already and that's why we need to maintain unity in the Indian race and quit fighting and work together with the help of our Senator. He's got to be our mouthpiece. He's going to be our mouthpiece up there and he has a whole lot of colleagues that he's going to have to reach their ears and their hearts so these changes can be made for the Indians. You know this country has a lot; it's the richest country there is and we shouldn't have to beg for something that was ours to begin with. God made it that way. But now we are just begging for this little bit and that little bit. We ought to be in there fighting. Get on that warpath. Try to get these things back. Ask for them, pressure them. That's the only way I get by and that's what you are going to have to do and you tribal leaders and what ever there is don't be afraid of your jobs. Just do things for the people you are representing, and then I'm sure there will be a lot of satisfied Indians and we're going to push you and help you. I'll go march with you; I'll do that much. I can do that better than anything else. Senator, thank you for this privilege very much.

Senator Harris. Thank you. I want to now call on Mr. Floyd Harjo, Vice Chief of the Seminole Tribe and Terry Walker, Chief of the Seminole Tribe. Are they here? Yes. We're glad you're here and we would be pleased to hear what you have to say.

Mr. Floyd Harjo. Senator, and my Indian people, I'm going to make mine brief here because looking over the schedule here why I see some better speakers to come. I'm yielding part of my time to my Chief, Terry Walker. Now I know we are all in one agreement after listening this morning to speakers that we do have problems. Now recently I visited one of the finest hospitals in the United States and that was at Phoenix, Arizona. I went through the entire building, the basement to the top, and I don't think I've ever seen a non-Indian hospital that was as well equipped as this one was. Now after listening to all these speakers this morning I can see that we are all in agreement that there is a great need for changes in our hospitals—that is, bringing them up to date with modern equipment, and if we could have this done for us I believe we could keep more certified doctors. It seems like most of our doctors have been staying about a year in our unit moving on to other areas because of this old equipment. We need this equipment updated. And, Senator, I think of the most needed things right now looks like that we need these new hospitals and it might take some time. I don't know how long it takes to get this through. They told me eight years, so I don't know. It might be a good time to even start today and think about that in three or four years we might get some of these old hospitals replaced with new buildings and modern equipment. And, again, at the present time, that we might solve our needs due to our increase in population. Senator, I know we need funds to take care of these services but right now I believe we need more contract services that we can take care of our problems. In the meantime we need to initiate some move to get the new buildings and modern equipment for our future health problems that are facing us today. Thank you.

Senator Harris. Thank you, Floyd. Now Chief Terry Walker of the Seminole Tribe.

Chief Terry Walker. Thank you, Senator. Of all the talks we have had today I don't think if it was all put together, the appropriations the Senator has tried to put over will not be enough. Actually we ought to have $150 million. The reason I say that is just like the hospitals they're talking about now. Now I'm from the Shawnee area and that sanitarium they used to have was shut down 10 to 15 years ago. And we've had nothing to replace it since—only just a clinic. They call it a clinic. But still we have to drive at least an hour and a half to the nearest hospital to the west. And then three hours to the southeast and about two and a half to three hours driving to the northeast. That's the closest hospital we have. And the other hospital that we do have, you have to have money to get in. Right at the present time—I got a call yesterday—there is a boy in one of these hospitals—I think it is St. Anthony Hospital—he has been operated on and he just got to walk yesterday. They told him that they have to have ready cash, about $600, before he can get out of there. So I imagine he will spend the rest of his life in a hospital. So that's the case like we're running into today. If you don't have the money, out you go, or you don't even enter. So some of the things that we have talked about, some of the things we have discussed so far, are things that are not just a joke. We would like to see it come to reality. And so for the peoples of Oklahoma, we do not have hospitals. Just two weeks ago today I came here from Phoenix, Arizona. They have a hospital there—we don't have a hospital in the state of Oklahoma, regardless of who owns it, nothing like what they have in Arizona. Now we have to be recognized as a reservation Indian before we can get any appropriation whatsoever. The way they look at us in Washington, I think the Senator knows about that, like we're just one big happy family down here in the State of Oklahoma. But the troubles—they laugh on us if we have any troubles at all. We try to dump them in their laps. No. It's just one big happy family in Oklahoma.

Now I notice here where Senator Harris has tried to appropriate an increase from $120 million to $137.5 million. That should be raised to about $150 million or more than that. Because I noticed when I was reading the other night that the state appropriates just as much money for the fowls and animals of this country trying to preserve the game. They get more money than we do. We were not worth as much as this. Ducks and teels are flying around. And then another thing I noticed too that the part appropriated has always been cut down. But anything else—we can send somebody up to the moon—that's in billions, not millions. But if all the Indians in the United States and Alaska said, Mr. President, we want to go to the moon to live there, it wouldn't be 30 days before they would have us off the globe of the United States. That's the way it is. But when it comes to taking care of us—as the old man said that spoke to us earlier—he said we have Indian medicine man. All right let's go back to our Indian medicine man. I think they could do just as good as the lady spoke a while ago. We have been taken as guinea pigs for the government doctors for many years. If we are guinea pigs, why don't they appropriate money for it so that we can be healthy enough for them to demonstrate on us. And the medicines and the drugs that we get, I have wondered many a times, where does that come from. It probably came from World War I. We don't know. So those are the things we are after. Now I'm sick and tired of getting that needle for it's like ten penny nails sticking in your arm whenever they shoot you with it. It's obsolete, it's dull, it's rusty. Those are the things we want. We are humans just like anybody else. Did you ever stop to think—I just wonder if you ever stopped to think that if you take a multimillionnaire on one side and a pauper on the other side, both dead, that body is worth just as much as the other. It is no good to anybody. But we want more than that. We are here for health to be taken care of, we are here asking for these things—we're not joking. We're here for all the people, all the Indians throughout the United States and Alaska. First we want hospitals. Next we want some doctors and nurses to take care of us. Then after that we don't want these old worn out sheets like the old man said a while ago that they put on top of him to get warm, we want to be taken care of like a human being. Now there is plenty more I'd like to say but anyway that is about all that I'm going to say. The hospitals that we do have now are obsolete. The United States government would not go in there and even put their jaws in there to be taken care of in the hospitals we have today. Thank you.

Senator Harris. I want to call now on Mr. Leroy Logan of the Osage Nation Organization.

Leroy Logan. Senator, I'm very glad to be here at this meeting today and all of my Indian people. I come in behalf of the Osage Nation Organization which is composed of Osage people with one-fourth degree of blood. The shareholders were represented this morning—shareholders of the Osage mineral estate—by Mr. Tinker; you heard his remarks. So I'm here on behalf of the Osage Indian people. And we have organized since we are without representation as Indian people, and we still believe that the Congress and the Administration recognizes us in our legal status as Indians. So due to that we want to be represented at every opportunity of importance. So that's why I'm here in regard to this meeting on Indian health. Well, it's rather new to our Osage Indians as well as the shareholders because it is just recently that we were eligible to participate in the services that are provided to the Indian Health Service, now known as the United States Public Health Service. So, it has just been in recent years; so, it is kind of new to us and it makes us, the Osage members, feel to a degree that we have imposed more hardship on our neighboring tribes because when we were made eligible to participate through the economic conditions of our tribe and through our medical state, we became eligible to participate in these programs. When that time came we also brought—I might also add here that there are 2300 Osages here that have a degree of blood one-fourth or more—and when we became eligible we brought along our shareholders who are permitted to be enrolled on our tribal rolls. And so we brought along a group of people, a total of 8,000 people. So, where these monies and appropriations are appropriated by the Congress for these Indians, we feel like we have caused a lot of people who aren't Indians or of Indian blood to become eligible. So we feel bad in that sense. So we're in favor of the appropriations that are provided for Indians. As Indians they should go to the members of the various tribes who have a degree of blood of one-fourth or more. So we would like to go on record at this time to be in favor of that. In regard to the urban problems that have developed we are in favor of the Congress appropriating these health facilities for the people in the urban areas, but again we would say that it should be provided for those who have one-fourth or more degree of Indian blood.

So that is our reason for organizing and we want to get our people, Indian people, back among the Indian people, that provides services for our Indian people. We want to take our place along with those people now and in the days to come. And a lot of things have been brought up about the different hospitals and the various services in the hospitals, and we all know. I've been confined to the Claremore Indian Hospital. I went to the Pawnee Hospital, and as I said, I don't blame those people but I noticed the reluctance to make me feel that I was welcome to these facilities, which is not anything new to me being an Osage Indian because I have been discriminated against, exploited and all these years since our contact with the French traders. So, we're used to that—I am—personally, I'm used to these things and since I did have to use these facilities and they are stated for Indians so I felt like I should have received a better feeling. I was there for six months, I might add, at Claremore, and I got the feeling that Cherokee people felt that hospital was theirs. No doubt they furnished the land for the hospital, but Indian services are provided so I felt like that I was eligible for those services too, which I received, and which I might add, as far as the doctors were concerned, the doctors gave me what attention and what knowledge they had. I was sent there for consultation with the surgeon there. He took over my case and he didn't have to amputate my leg. He did a great service which I'll never forget. So at that time the doctors in the hospital asked me if I participated in Indian affairs and I told him that I did to some degree and among our times with our people, and I had been doing that for a number of years. So they asked me if I ever had an opportunity to say anything on behalf of the hospital that one of the most important things we could ask for was larger appropriations for the hospital. So we could give these services that I've heard a lot of people complain about today and that is what this doctor asked me that I might do at the proper time. So I felt like I would like to be here although it's unhandy for me to get around. So because of a lot of good friends and relatives I am able to be here today. I'm glad to meet you again, Senator, and hope to see you again and want to thank you for what you're doing for our Indian people. I thank you and I want to say that if there is anything I can do to help in this matter to help obtain these appropriations, I would like for the Congress and the man that has the position to appropriate this money for our Indian health, I know that my Indian people will remember this in future generations. We're looking toward being here for a long, long time so we want these facilities improved. It has been said here and we agree with all these things and the only thing we would want to stress is that we think that these things belong to the Indians who have a degree of blood of one-fourth or more. Thank you, Senator.

Senator Harris. Sam Hider of Jay.

Sam Hider. Mr. Senator, fellow American Indians, before I proceed I want you to relax.

Today, Mr. Senator, the American Indians have needs pertaining to health. From the speeches already we have heard—I am not going to give statistics—because my Assistant Chief and Mr. Stopp and Mr. Walker have already given theirs and I fully concur what they have said and all others on the need of Indian health. I sent out questionnaires to all sections of eastern Oklahoma and all the answers I received were mostly complaints. We've already had too many complaints so therefore I am not going to bring them out, too many. But the need is tremendous among the American Indian healthwise. And to me this is a bad situation. In these United States of America, the greatest nation, the richest nation, the most cultured nation, so therefore the need arises in our American Indian communities, reservations, or wherever you may live—the need exists there—every tribe. And we should not be in a position where we need help. We should not be getting down on our knees. Instead the big boys in Washington and I know our friend here has battled for us and he's going to battle for us again—we ought to make it known to those people that they have broken the promises they made to the American Indian. All right I'm going to read here. The Vice President of the United States Mr. Agnew, last week made a talk in Kansas City—perhaps some of you heard it—he said the American Indians must have the right to govern their lands and their resources. The Federal Government must continue to provide financial support. Continuing the lives you lead on this are your lives. The Federal Government has obligations to provide financial support but you should establish the priorities. But I believe the priority should be a health program for Indians. When he closed he said the administration also would press for legislation to give the Indians control of their health care. So, as I have read this I want to make that as a basis and that I want to tell here our Senator, then I'm going to quote Biblical scripture. You know we have read many, many times where it says Knock, it shall be opened; Ask, and you shall receive; Seek, and you shall find. There we have it.

All right we need to work together as Indians, regardless of our tribe. I appreciate this lady—forget about the isms—tribalism, Indianism. Let's stand up as American Indians and demand our rights. Let us make ourselves heard. Not by demonstration. There are better ways. The facts, the figures, which are correct, and if they do not believe our figures we invite them to come to our reservation or our urban homes or wherever we live, all of his colleagues and others to come as the late Senator did back in 1960. He came to Oaks, Oklahoma and saw the needs there. There is a little town, Oaks, and within 30 miles in every direction about 75 percent of the people who live there are Indians or Indian descent and they have no health facility there whatsoever. There has never been anyting done for those Indians yet. And we're fighting for it. So, all of the Indians—that's not the only place—in other places we have the same problem and situation. The Administration which has already said we will support financially and all of those that are in power in Washington, D.C., in the past and still continuing to forget their obligation as I stated it. We should remind them; we should as Indians hang together because we've been hanging separate for too long now. We need to back up our Senator; we need to back up our Oklahoma delegation in Washington, D.C. and the only way that we're going to do it is by letting ourselves be heard. By letters, by telephone or telegrams—in all due respect to the women voters—they have the power—they can do a lot more than a lot of us men. Did you know that? So I was told one time when I was trying to advertise a revival meeting. It didn't go over. Someone said, just tell a woman and she'll broadcast it. There are souls of men involved in this need. We have little tots. If we do not build the bridges strong and powerful enough for them to cross over American Indians are sunk. It is up to you. It is up to us to fight the battle and Senator Harris, we want you to know that the battlecry is health and whatever you say to those politicians in Washington, D.C., make it clear that we are ready to fight for our rights. We need doctors—and we should put it this way—we need doctors who will stay instead of just fluctuating every six months. We need nurses; we need transportation. Not very long ago I worked with the Cookson Hills Community Action, as well as being a preacher for 40 years—and I'm just a young kid yet—I met a family in Butts, Oklahoma, the lady said I lost a son not very long ago of dropsy and she said I tried to get someone to take him to the hospital but I could not find a soul that would provide transportation. And I said that there are some people who would do this; she said, "Where are they? Where are they?" Of course, after the boy passed away and then the white people in the community came and helped her out.

That is just one problem in our communities all over the state of Oklahoma and I know I'm safe in saying that it exists in Alaska as well. So, we need to work together. Mr. Harris, we believe in you. You may not hear too much from Indians but you've got a squaw. And if I know the American Indians, they are going to fight for their rights as well as the men. If your colleagues don't understand your problem or our problems invite them to come as the Senator did, that is Kennedy, and I'll be glad to take him or them to a place where a litle boy whose foot is rotting away right now because he will not go to this hospital. He said I will not go because if I go they will send me off. They will just cut my leg off. And I know another man who said I will not go because if I go they'll just send me out and then bring me back in a box. So we do need health facilities and we must make ourselves known and fight for our rights on this—our rights on this. We do not want to be rich but why ask for $150 million when there are billions and billions of dollars that are appropriated for foreign causes. When we American Indians right here—we have been here all of these years and years and years. Beloved, let's just work together for the cause that our boys and girls may receive their dental care; that our old aged people will have a place to stay to make their homes. You know so many of them are neglected even so right now. They need a place where our young men and young women can find a place in society and be accepted as a true American, beloved, we have not been forgotten fully—and I'm going to close with this—because our young men have reached the age they get greetings from the President of the United States to go into the service. When April 15 rolls around they're going to see to it that you have filed your income tax. They have not forgotten us, but when a community of Indians out here like near where I live in Jay, Oklahoma, one white woman had married an Indian man just took hepatitis two weeks ago. She went to the hospital. They took her to the hospital. The doctor said do you have insurance? No, I do not. Do you have workman's compensation or some money coming in? No, I do not. Do you have property? No, I do not. We cannot accept you. That is the word everywhere across our United States of America. The American Indian needs medical attention and thank you brother Harris, and we know you are going to battle for us and you will know we are behind you. Thank you very much.

Senator Harris. I want to call on Overton James now who is the Governor of the Chickasaw Tribe. Welcome, Overton, and we'd be pleased to hear from you at this time.

Overton James. Senator Harris, my Indian friends I am privileged to be here this afternoon and to discuss some of the needs we have in the Tishomingo Service Unit and, my comments will be directed toward the Chickasaw Nation at Tishomingo.

The Chickasaw people are farther removed from an Indian Health Hospital than any other Tribe in Oklahoma. Approximately 140 miles from Talihina and about 130 from Lawton.

We now have a clinic located in Tishomingo which serves, primarily the Chickasaw Tribe, however there are several other Tribes living in the area being served, mainly Choctaws and Mississippi Choctaws.

The Tishomingo Health Center, which is the Service Unit headquarters, is currently staffed by: one Medical Officer; a Public Health Nurse (serving as the Clinic Nurse); a Pharmacist, who also does minor laboratory work and serves as Administrative Assistant; a Clerk; and a Sanitary Engineer, who supervises the sanitary facilities construction activities in the Tishomingo Service Unit.

The Tishomingo Health Center was initiated in late Fiscal Year 1967 and established as a Service Unit in Fiscal Year 1969. Since its inception, response to services has been marked and there has been an expanding clinic patient load at both the base facility and the single field clinic, so that at the present time there is a need to markedly strengthen services in order to preserve their integrity. The single doctor has examined as many as 70 patients in one day at the Tishomingo Clinic and regularly has a patient load of 40–50 each day the Clinic is open. A major increase in staffing and related resources is necessary in order to support current and projected clinical services and projected comprehensive health services.

The Chickasaw Tribe feels that to adequately serve the approximately 10,000 people living within the Service Unit area, additional staff is needed, along with the necessary drugs, other medical and general supplies, travel expense and equipment necessary to support the increased activities which would be generated by the additional staff and increasing workload. Currently, clinics can be held at Tishomingo only twice weekly, with the staff conducting remote field clinics twice weekly at Coalgate, Oklahoma, and services on the fifth day at Cater Seminary in Ardmore, Oklahoma. Presently, there are no dental services at this facility. Limited dental services are secured through contract dental funds.

Dental care is an area of great concern to our Indian people. The Indian Health Service is the only major source of dental care available to us. We feel very strongly that the addition of a dental unit at the Tishomingo Health Center is an urgent need. The dental unit would be able to meet a great amount of the immediate dental needs of the Indian people. However, just as important, a preventive dental program could be initiated as a vital part of long range plans for meeting our health needs.

Transportation is probably one of the greatest problems of our Indian people who are in need of medical care. They are unable to afford the automobiles needed to travel the long distances involved in reaching the established facilities now in operation. Also, there is limited or no public transportation available. With additional staff and supporting resources, the Tishomingo Health Center would be operated on a full time basis. New part time clinics would be opened in outlying areas of the Service Unit. Some possible locations of future field clinics would be Ardmore, Sulphur, Byng, and Ada, Oklahoma. Establishing all or some of the above clinics could be accomplished with the additional staff we are requesting and would be the first step in overcoming the lack of delivery of services because they would be more accessible and would partially overcome the transportation problem.

Present resources are meeting only about 10–20 percent of the needs of those patients who would seek care if adequate facilities were available.

The Chickasaw Tribe believes that the following additional personnel and other resources (see Attachment) would be a major step in the delivery of comprehensive *quality* health care to the Indians within the target area of the Tishomingo Service Unit.

Tishomingo Service Unit

(CHICKASAW NATION)

Tishomingo Health Center

Staff:	
Physician	$10,000
Registered nurses	7,000
Nursing assistants	3,000
Health record clerks	5,000
Laboratory technicians	6,000
Administrative officer	7,000
Subtotal	40,000
Dental officer	10,000
Dental assistants	6,000
Subtotal	16,000
Travel:	
Field medical services	4,500
Dental	500
Subtotal	5,000
Rent-communications-utilities:	
Field medical services	2,000
Supplies-drugs, equipment	12,000
Field medical services	3,000
Dental	22,000
Subtotal	25,000
Total—Field medical services	61,500
Dental	38,500
Grand total	100,000

Continuation of Testimony

Senator **Harris.** I want to call now on Tennie Little Jim of Norman.

Mrs. **Tennie Little Jim.** I'm glad to be here this afternoon and all I've got to say won't take up too much time. Just like you all say I think we've got to stick together to get something done and I'm so thankful the Senator is trying to help us, and I know if we help him he'll help us. I'm glad he's no respecter of persons either because he's not just trying to help just one tribe but he is trying to help everyone of us, and I'm just so thankful. I think that several of us are trying to represent us at Shawnee, and it is right that we don't have what we should have at that clinic. We could have lots of things but like the rest of them we just don't get anything. You can't get too much for people, and I'm thankful and sure he can help us. You know he's my neighbor; he does not live too far from me. Thank you, Senator.

Senator **Harris.** Thank you so much. Now I would like to call on Juanita Learned of Oklahoma City, who is treasurer of the Cheyenne-Arapaho Tribe.

Juanita Learned. I'm Juanita Learned of Oklahoma City. I'm one of these so called urban Indians, and I also have the distinction of being married to a white man so I know what some of the problems are that a lot of Indian women have gone through by marrying a non-Indian, and I'll give you a sample of one of the things that has happened to me. My little girl—she is 12 years old now—was very, very sick. She had an appendicitis attack, and I had never gone to the Public Health Service for anything and so I thought, well, since I had been told I was eligible to participate just recently that I would take advantage of this. I contacted the Public Health Service in Oklahoma City and they said, Juanita, I'm sorry, you're just a little bit too late. We don't have any funds. They said if you would like you can go down to Lawton—you know where Lawton is—it isn't just next door. I was real concerned about my little girl, so I went home and told my husband I was going to take advantage of this Indian Health Service. He said I think you better think about that a little while because our poor child could die before you got her down there and I'm not sure she would have the best services and physicians. I am in the position I can pay for it. So I took my little girl to the hospital and the doctor said that you're real lucky you got her in here because we need to take her immediately to surgery. If you had taken her down to Lawton you wouldn't have had a little girl. So this kind of got me, because I started thinking about it. You know we've talked about transportation, about it being hard for a lot of Indians who aren't fortunate enough to have transportation to go to Lawton or any of the Indian hospitals. I did want to bring that out because it hit kind of close to home since it concerned my family. I've always been interested in Indians and one of the things that has always been a bother to me is that you don't go to these dances and dance, you know. I don't come back with the fact that it makes me any less an Indian. While you're dancing around I try to do things that will be of benefit not just to the Arapaho Tribe or the Cheyenne Indians. I have been very active in our Clinton Service Unit at Clinton, Oklahoma, and after hearing about these other places I feel they're trying to do a good job with what they have to work with. It really isn't much when you come right down to it. But we do service at the Clinton Service Unit, Watonga, Canton, El Reno, Geary, Kingfisher, Hammond, Concho, and on the average day about 25 and not 70 as Overton James mentioned a while ago so I guess we're kind of fortunate in that respect. But we do have these clinic hours—we have two clinic days in Canton and I have been in there and have seen people who have been waiting there for a long period of time and you have to get your name in or otherwise you're not seen. I think this is kind of bad because I feel that if we had more money for a lot of our health services that a lot of our people would be better off. And we talked about uniting as Indians which I think is real good if it could work.

But a lot of times even when you're of the same tribe you can't get together but I think if each tribe through their Indian leadership would send a resolution all along the same line of supporting just like Mr. Terry Walker has mentioned—not just 137 Indians but 150 and maybe even 200 Indians. And they're always asking about Indian input. I have been to a lot of tribal meetings—that's how come I know so many and see these same old faces all the time. But going to these meetings they always ask about Indian input and I think this is the time and the place where we should have Indian input. They're always saying, well, you know, ask for it and we'll see what we can do about it. So I was real happy to hear the Senator say exactly what he's going to do with the information he's getting here today because I think a lot of Indians like I said before we write down resolutions, we write down something we would like to see done. But that is the last you hear from them. I feel this is the time and this is the place to get together and unite as Indians with Indian people and forget our petty jealousies among one another and our tribe being better than your tribe and everything and work together and I think that by doing so we'll have a stronger point and the wants and needs of our Indian people will get across to the ones they need to get to. I was in Washington yesterday and I talked to one of the Congressmen who is on the Appropriations Committee and he was very, very interested in behalf of the Indians so I think this is the time that we should push together because he stated to us yesterday that health services—he knew how bad they were—but they don't know what we want until we tell them what we want. So I think this is the time as I have said before that we should work together and try to get across to our Senator—I know he'll speak for us—and a lot of people are saying, "Is he running again or is he just politicking?" I don't think so when he comes to Indian health. He really is concerned and I think we should all be happy that he's taking this time out to come down here to Oklahoma and to talk to us. It's his job and he's doing it. Thank you, Senator.

Senator HARRIS. I want to call now on Elmer Manatowa, Jr. of Cushing, the Principal Chief of the Sac and Fox Business Committee and ask him to be backed up at the same time by Daniel Jennings, who is Executive Director of the Sac and Fox Tribe of Oklahoma.

DANIEL C. JENNINGS. Senator, Mr. Elmer Manatowa sends his regrets. He is unable to attend. I would like to recognize, though, one of our Business Committee members, Mrs. Mary McCormick, our Secretary-Treasurer, would you stand please, Mary. We also have in attendance quite a few Sac and Fox individuals who are interested in what is going on and you may want to know they are representing both rural and urban Sac and Foxes. As many of you do, the work load is so heavy on your business committees you'll assign duties to each one of your members. Remember we have health, education and welfare with our business committee and Mrs. Dora S. Ortega is our Health Representative and she, also, could not make it today and then sent me along to speak for her. I'd like to go on record with this letter to the Senator. We're from the Shawnee area and I'd just like to read it to you.

MARCH 18, 1971.

Hon. FRED R. HARRIS,
U.S. Senator, Indian Center, Oklahoma City, Okla.

Subject: Indian Health Problems

DEAR SENATOR HARRIS: In regard to the above named subject I was very happy to learn that you would be in Oklahoma City and having hearings on this matter. I would like to tell you about some of the problems that have come to my attention as an Indian leader. This, to me, is a very important subject and one that I have been interested in for many years because Indian Health is one of the programs that is so needed by our Indian people.

I would also like to tell you what we think would rectify the problems to a great degree.

First of all, let me introduce myself. I am the appointed Health Representative from the Sac and Fox Tribe of Oklahoma and therefore serve on the Shawnee Indian Health Advisory Board and the Oklahoma City Area Indian Health Advisory Board.

For several months I have been hearing of and seeing the huge influx of people who are less than ¼ degree of Indian blood coming to the Indian Health facilities seeking medical services, and this is continually on the increase. The results are: each patient is receiving about 3 minutes of a doctor's time; there is not enough staff and funds necessary to have a good medical facility; there are long waiting periods when some people have traveled great distances and once there they may be turned away; dental services are back-logged; not to mention the frustration of the doctors and staff who really want to give good services.

Because of this situation and the fact that many of my people have been telling me about the poor services they receive and that they felt that mostly non-Indians were now going to the clinics and hosptials, I made a motion, at the July 30, 1970 Shawnee Indian Health Advisory Board meeting, that "Effective immediately any person seeking medical services from the Shawnee Indian Health Clinic will have to be ¼ degree of Indian blood and this will have to be verified from tribal records and enrollment. Any non-Indian person married to an Indian, whose blood degree has been verified to be ¼ degree Indian, is eligibile to receive services but this eligibility terminates upon the divorce from or death of the Indian mate." This motion passed. To date it has not been implemented.

There was a limitation of verified ¼ degree of Indian blood in order to receive Indian Health services and it worked just fine! Somehow this was removed and this thing has mushroomed since because there are no limitations of any kind. In other words, anybody can receive services and all he has to do is *say* that he is an Indian!

We hear of many instances of individuals who are hardly any Indian at all showing up at the Indian Health facilities demanding services while the true Indians sit by waiting their turn to see the doctor. Also, these individuals have never in the past identified themselves as Indians and now that there is a chance "to get something free for nothing" they suddenly become full-fledged Indians!

Let me give you some examples of the things that have come to my attention:

1. Last summer a lady who is one-sixteenth degree Indian had 3 grandchildren born at the Lawton Indian Hospital. She was married to a non-Indian so this would make her children one-thirtieth degree. Her children married non-Indians so her grandchildren would be one-sixtieth degree.

2. I was talking to an Indian lady on the street and she remarked that she had just returned from seeing a doctor at a private clinic. I asked her why she didn't go to the Indian Health clinic and she said that it was so crowded that there was no assurance you would see the doctor that day. I asked her what doctor she went to at the private clinic and she named the doctor I go to so I know how much my doctor charges and I have a good idea of this woman's income and it is minimal. She said that when she went up to the cashier to pay, the lady was nicely dressed and told her "what are you doing here? You should go out to the Indian Clinic, I do!"

3. One Indian lady told me she knew of a non-Indian woman who is divorced from her Indian husband and is now married to a non-Indian and she still goes out to the Clinic for services!

4. Just two weeks ago an elderly Indian woman (4/4 degree Indian blood and this is verified) was turned away from one of the Indian Health clinics because they "were only seeing people on an emergency basis." This happened on a Friday afternoon and she was suffering from cataracts. While she was not in a great deal of pain she was almost blind in one eye and very uncomfortable. She was in this condition over the weekend and on Monday morning, after I called, she was seen immediately.

In my motion I said nothing about a limitation on income because as far as I'm concerned if an Indian drives up in a Cadillac car, he's still eligible for services as long as he meets the ¼ degree of Indian blood limitation.

One particular tribe whose membership numbers over 11,000 is very much opposed to this motion that I made at the July 30, 1970 meeting; 75% of their membership is less than ¼. For several years they did not set a blood quantum for enrollment purposes and their enrollment ran very high. When I asked them, if they believed in not setting a blood quantum for anything, why did they set a blood quantum for enrollment purposes? They admitted that they had to do something because "enrollment was running away from them." If they let their enrollment run away with them why should other tribes be penalized for their own problem!

I heard Sylvester Tinker, Chief of the Osages, remark at the Kansas City NCAI–NCIO conference that he is going to work towards getting through Congress that if a person is even 1/500 degree Indian blood, that person will be eligible for Indian Health services.

In every workable program there has to be a "set of rules" somewhere along the line (unless the program has unlimited funds and staff), in order for the program to serve its purpose and be a good program.

When I visited in Washington, D.C. last summer I mentioned this problem to one of the Congressmen and he said, "Well, we'll just appropriate more money." Is this always the answer? Certainly money helps, but we feel that as Indian leaders we should attempt to help ourselves too. Also as taxpaying citizens we are concerned about where our money goes. We are for a workable program and getting the most out of the dollar.

The Sac and Fox Tribe of Oklahoma is very concerned about the seemingly complete lack of eligibility factors that would provide protection of medical services to our Indian people. We feel that the present Indian Health policy is too broad and that there should be at least this one eligibility factor—¼ degree of Indian blood and verified—required in order to insure adequate health services to the "real" Indians.

We realize that someone is going to be left out but we can't all be included in on everything and there are other resource agencies for people to go to. What did they do before? They apparently got along all right. Because this is an Indian Health program it is our contention that it should be for Indians. There are too many Indians who are 4/4, ½, and ¼ degree Indian blood who, we feel, need to get services before we go below the ¼ degree of Indian blood. The day that it becomes Public Health then we will gladly acknowledge that everyone should be included.

I would like to quote President Nixon's recent message regarding the Indian people—"The Indians of America need Federal assistance—this much has long been clear. What has not always been clear, however, is that the *Federal Government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life.* It is a new and balanced relationship between the United States government and the first Americans that is at the heart of our approach to Indian problems. And that is why we now approach these problems with new confidence that they will successfully be overcome."

At the recent NCAI-NCIC Conference at Kansas City, Missouri a Resolution to this effect (¼ degree Indian blood being a requirement for Indian Health services) was drawn up, the motion made to adopt this Resolution, seconded, and passed on unanimously by the Indian delegates representing Indians nationally and including Alaska. To us, the Indians have spoken!

This, we believe, is a most important issue facing us today and no matter how much some people wish to ignore it, there is a real need for it. Therefore, we earnestly solicit your support and assistance, in this matter.

Respectfully yours,
MRS. DORA S. ORTEGA,
Health Representative.

CONFERENCE—SELF-DETERMINATION

We, the delegates of the Sac and Fox Tribe of Oklahoma hereby propose to the Committee the following Resolution:

Resolution requesting that a uniform national Indian blood degree of ¼ be established as a limitation to participate in benefits provided by public health service, Indian division.

Whereas, it is the desire and duty of all Indian Tribal leaders to insure adequate benefits from Public Health Service, Indian Division, be utilized to the fullest extent, and

Whereas, there arises a need for services that are funded for the benefits of Indians be just that, and

Whereas, too many individuals with less than ¼ Indian blood have dominated and utilized the benefits, provided for Indians, thereby causing inadequate hospital outpatient and preventive services, and

Whereas, presently, throughout the land of America, there remains, yet, a majority of Indians who possess ¼ degree or more of Indian blood, and

Now, therefore, be it resolved, That the National Conference on Indian Self-Determination request a limitation of ¼ degree of Indian blood be immediately established for service provided by Public Health, Indian Division; thereby insuring that services provided by Indian Health be utilized by Indians.

DANIEL C. JENNINGS. I'd like to submit this resolution from Kansas City, and Senator I know the people in Washington want facts and figures, and this is something that we can't give. Somebody has been counting the wrong heads and our chief wants to convey that feeling too—that we're sorry we can't give you more explicit information and things that really sell money in appropriations. So, thank you for your time and for coming here.

Senator HARRIS. I want to call on my old friend W. E. "Dode" McIntosh, Chief of the Creek Tribe. Thank you for being so patient in waiting and we're pleased to hear from you at this time. Thank you for coming.

W. E. "DODE" MCINTOSH. Senator Harris, and you good people that are working hard and that will continue to work as long as there is a breath in your body for the betterment of the Indians, not only of your tribe or the Indians in Oklahoma, but the Indians throughout the United States, as our able Senior Senator from Oklahoma has done. We can't discount the fact that the man who was the driving force and the one who was responsible more than any other individual for the Blue Lake Indians to get their 48,000 acres was our Senior Senator from Oklahoma. And those of you who read the daily press and keep up with the Indian involvement of the people in the United States Senate ever alert, physically fit, you will know that recently the article has come out in the daily press to the effect that the Senior Senator from Oklahoma is advocating, is the dynamic leader in preserving, reserving those millions of acres that have been the land of the Aleuts, the Alaskans, for time in memorial and we predict and we want and we thank them and we did thank them in Kansas City with a resolution to the effect that the land that is owned by the aborigines, the Eskimos, those three tribes would remain theirs forever and forever. Now I personally appreciate Senator Harris coming and giving the Indians an opportunity to express themselves, and bring up for him for the record and for you so that it might be presented to the Appropriations Committees of the Senate and the House.

Now, what I'm going to speak on is this, what we must do is something more besides meeting, eating, speaking, belching and adjourning and going home. Now the proposal or supposition involved here is the monetary proposition. We all know who was responsible for getting the tremendous increase in 1969 that made it possible for the Indian Health Service throughout the United States to even hold their own, and we know that because of the terrific increase in prices, in salaries, in promotions and through the civil service how the salaries must be raised. That in order to remain equal we must have millions of dollars in addition. So since the committee is now consulting on the basis of the proposed $137,576,000, above the $120,000,000 that the Senior Senator from Oklahoma fought to get us last year. In Kansas City I proposed and introduced a resolution that the amount must be a minimum of $150,000,000 and it had to be that in order to expand the ever expanding program of the Indians throughout the United States. This resolution passed unanimously. The only thing that was omitted when Lee and others, of course, were meeting privately was in this was to be that this money was to be allocated on a percentage basis relative to the Indians throughout the United States as per states. Now I am hoping that when it has been given to us the news that instead of having 61,000 Indians in the State of Oklahoma that we will have at least a quarter of a million and we hope it will be $300,000. Then our Senator is in a position to go back and say, look, this is the total amount of money available but you can't exclude the state of Oklahoma and the Indians from the State of Oklahoma on the basis of 61,000 when in reality we have a quarter of a million there. Now here's where you can participate and you must—we must—every person here should write their congressman in their district—should write Senator Bellmon. I know you have relatives and friends living out of the State of Oklahoma. Whether or not they are Indian or non-Indian you should write everyone of those. You write them a personal letter appealing to them to support Senator Harris in his gallant and dynamic fight to increase the appropriations and that is the secret in order to bring the appropriate benefits to the Indians not only in Oklahoma but throughout the United States, and to his everlasting credit the fact that he has always paved the way for Indians throughout the United States. I personally appreciate everything he has done. I know of more times when I have sent him a letter request—and I never intend to send him one that is not applicable to the services that are needed—Senator Harris has taken the ball and didn't go to first base but he made a home run. Now ladies and gentlemen, I want to yield the rest of my time to Mrs. Helen Chirpco, who in my opinion, is the best versed who knows more of the reasons why we must have Indian Health Service in Oklahoma City and Tulsa. So, Senator, I deeply appreciate this opportunity. We are ever and eternally grateful to you and if Mrs. Chirpco will come up I'll yield the rest of my time.

Senator HARRIS. It's good you're here. Mrs. Helen Chirpco, we'll be glad to hear from you.

Mrs. HELEN CHIRPCO. Thank you Senator, it is a privilege and a great privilege that the Senator has given us to testify today in behalf of our own people. I have been looking for such an opportunity for the past several months or in fact, the last 4½ years, as I started working in urban centers and seeing our own people who are disadvantaged, especially in the area of health. I have gone to many places to speak about the urban Indians needs and their problems. Recently I have been going to different tribal groups telling them about these problems that our own people are facing when coming into urban areas so that they might be able to help their people in their communities and what they must expect when coming into the big cities. And I have longed to go and testify before the Appropriations Committee or proper persons where funds may be made available for Indian Health care funds. I have been willing and waiting to testify and I appreciate this opportunity today very much, Senator.

The problems of the Indians residing in metropolitan areas are extensive and have origins going back many years, especially that of health. Every week I see large migrations of rural Indians coming into urban areas first of all seeking employment and a better way of life for themselves and for their children. Some Indians have assimilated into the mainstream of the society and are successful in meeting the complexities of urban living. But for a great number of them the conditions are just as bad if not worse than those which they left behind. It was a great pleasure and honor about four years ago to have Senator and Mrs. Harris come to Tulsa and I took them around to various homes of Indian families in the city so they could see firsthand just where they live, the kind of houses and the number of people in the family and they talked with them firsthand. We appreciated them so much for doing this since they saw firsthand, he knows something about the urban Indians—he and Mrs. Harris—they saw many of our Indian families in Tulsa as I transported them around, and we appreciated them for taking time out from their busy schedule to do this for their own record as well as for their own information.

Because of high unemployment rates or underemployment among our Indian people in urban areas, they have a very small income, perhaps from unemployment compensation or no income at all, hoping they may be able to receive special aid. And for this reason our Indian people have tried to live in fewer sub-standard housing because they were unable to pay any higher rent, even what they have to pay is above that which they could afford. They are living in overcrowded and unsanitary conditions where there are rates and are infested with insects of all kinds in this dilapidated housing. Most of them that are in the inner city, downtown area where there are old buildings and apartment buildings, where these conditions, these housing conditions, breed malnutrition and other serious illnesses and so many of the Indian people have to throng together in these small rooms. I don't know how they manage to sleep all of them at the same time when relatives live at another place over to themselves. Time has come when they were unable to pay utilities when the heat is turned off or the water is turned off. They have to go to the nearest relative and move in with them and I have seen families get their water many times from the filling station or service station. They can't continue getting this water from the service station because he must pay for his water also. I have seen many of them asking for food. This is what I mean when I say malnutrition. They have to get by on just flour and grease. I had many of them just ask for it—bacon grease and flour—and you know what this means, that's why I say our urban Indians are worse off than those that are out in the rural areas and they don't have any employment or when they are terminated or are layed off from their jobs and they have to wait and sometimes they do not qualify for unemployment compensation and they are at the mercy of the agency. Since policy changes three years ago, demands on the Indian health service have increased but the funds have been inadequate so the same level of health care can be provided. Indians residing in Tulsa, as well as Oklahoma City, or in Dallas have been denied indirect health care. This is what we call contract medical care funds. Because they tell us they don't have sufficient funds to provide the care that they need outside of the existing Indian health care service facilities. Someone in the policy making decisions has a notion that health care in metropolitan areas is adequate for the Indian population residing in them. But it is inadequate. The resources that I have talked about in trying to help our urban Indians—they have been so inadequate. It could never meet the needs of a family's rent, even $40 a month. And you can't rent a decent place for $40 a month, and you can't even get social agencies sometimes to meet the need of the utility bill. Now many of Tulsa's Indian families are prevented from considering alternate health care sources. Certain agencies consider themselves as secondary resources for the metropolitan Indians.

Many serving as agency employees have the attitude that Indians are wards of the government and refer them to other Indian agencies or Indian health services. Time and time again they call the urban centers to take care of their Indian people. And it irritates me to no end at times because they can't see me from this end of the telephone as I talk to them. And believe me, I put up a fight for our urban Indians and tell them they have just as much right to benefit from the resources of that agency as any other citizen. But yet you will have social workers even from the hospitals and schools calling to tell you about the Indian problems and their needs expecting you to take care of them. Social and cultural barriers between the Indian and the remainder of the population reduces the effectiveness of the organization from dealing with Indians. Inadequate incomes prevent many families from carrying health insurance or using traditional health resources. Transportation is a problem for many low income families particularly to the Indian Hospital. Now Claremore is a short distance from Tulsa, but it may as well be a hundred miles as far as transportation needs are concerned, because these past three or four months we have been able through our agency with limited funds and modest allowance, we have been in the red something like $200 each month of having to provide transportation to transport the urban Indians to the Claremore Indian Hospital or to the Satellite Clinic at Sapulpa. And some days we did not have room to take everybody that needed to go. We make trips three and four times a week and perhaps we don't take patient for every trip we make we pick up medicine refills for these people if they just need a refill and a lot of times they do not get the required medicine because they don't have it and they are given substitute drugs. We have to deliver these and I know what I'm talking about. I have had to call to see if they have this kind of drug in the pharmacy and they woudn't have—the doctor would give another kind or a substitute drug and medicine. Since personal health care does not have a high priority with low income Indian families, minor health problems and preventive health measures are ignored until they require extensive attention. Health problems cannot be neatly separated from a family's other special and economic problems. Indian families depend heavily upon existing Indian centers in urban areas to identify and secure the services of other agencies and vice versa other agencies depend upon Indian centers to provide services for Indians which I have mentioned before. Now we have OEO funding and a health center there, but it is located in one geographical area where there is a very small Indian population, in fact, it only covers about 6 percent of that. So very few not only 6 or 7 people have benefited from this big health center that is on the north side of Tulsa. Now recently there were large funds appropriated to an agency there for emergency drug and food. And you know what they have done? It was funded through OEO but those workers over there called our center to get the medicine for some of the Indian people who went there and we had to bring it in from Claremore Indian Hospital and believe me the first chance I have I'm going out there to see the Director. What is he doing with all the thousands of dollars he got from OEO to provide emergency medicine and food for the Tulsa population of low income families? We need more funds for contract medical care. This is really where it effects the urban Indians. They can go to the existing facilities at Claremore or Satellite Clinic at Sapulpa but when it comes to emergency needs and I can cite cases after cases that we have had to work with in trying to meet their needs and because the Indian Health Service cannot provide contract medical care they do not because of inadequate funds these Indian people are in debt and don't know when they will ever be able to pay their medical bills. I can mention an elderly man who was a cardiac patient. He didn't live but merely 15 blocks from the nearest hospital but he had to take an ambulance from his apartment to that hospital and it cost $25 for just 15 blocks from his apartment to this hospital.

He was in an intensive care unit for 20 days. Now he was able to apply for state aid through Title XVIX but you know it only covers about 10 days in intensive care units so the other ten days he could not meet. So as soon as he was able to be released from the intensive care unit he was taken in an ambulance to the Indian Hospital at Claremore. Now there was a charge of $45 there for the ambulance service. Of course medical bills, doctor, bills, hospital bills, it amounted to way over $500 even after Title XVIX paid for his expenses, and he got threatening calls from the creditors who he owed and he came to me seeking legal assistance and I referred him to Legal Aid upstairs which is located in the same building where we are so that they might help him to keep the creditors off his back. I called the Business Manager of the Hospital and told him this man was unable to take care of his medical bills. There's just no way he can meet it. And I think of another full blooded Indian man, Choctaw man, his parents are elderly people living there in the city on a veterans pension and social security benefits. Now this man was run over on North Lewis Avenue. The case was never investigated—just closed. But it has left this man with a permanent disability and he needs complete home care nursing service right now. That's why we need more medical care for our Indian hospitals, and he was in intensive care unit for three weeks or six weeks. We have no idea how this bill—thousands of dollars—is going to be paid for, and he is an urban Indian and the Indian Health Service cannot take care of his medical needs because of insufficient funds, indirect care cannot be given to urban Indians.

And I'm thinking of another man, a Chickasaw cab driver, who was robbed of only $54 and it has left him totally disabled and he must have a continual care treatment for days and days and months to come. He can never earn wages any more. He is completely totally disabled and here are all these bills piled up with no way to pay for them.

And I'm thinking of the Kiowa baby who died at 4:30 in the morning and how that little baby spent three or four days in the intensive care unit and the baby of a young couple. I was there early in the evening and saw the child and it lasted until 4:30 in the morning. The uncle of the baby called me at home not knowing which way to turn. He was filled with emotion because there was his sister who had asked him to come be by the bedside because her family was way back here in western Oklahoma, in the southwestern part of the state. I did go there and try to console them in some way and the man had no skill. He had mounting medical bills and dental bills and no job. The next morning I went back to the apartment and I began to call the Indian agencies to try to help them get their baby back in their own community.

Then I'm thinking of another young Cherokee Indian boy, full blood, age 24, who had to undergo brain surgery after being in the city for only 30 days. He had begun employment and this came about so suddenly it required surgery as quickly as possible and the total bill was $3,500 which state aid was able to underwrite about $2,400 or less and then he couldn't pay the rest of it—he was an orphan boy. He had no folks. And it just goes on and on—I could tell you cases after cases and especially maternity cases. Now they have tried to race to the Indian hospital and never make it there. Many of our Indian women have to be hospitalized at the nearest hospital and they call and ask can my bills be paid. The persons will call you. Well we're Indians we can prove we're Indians by degree of blood, and we want our bills to be paid. I'm sorry I have to tell you the Indian Health Service does not take care of urban Indians. They say why? Why? And you have to go over and over and over it again and explain to them why and they are so oppressed many times when you try to talk with them.

I am asking for our school children—not only our school children but for adults themselves—because I have been unable to find adequate resources in the city of Tulsa to meet their needs. The Lions Club provided eye glasses for school children but they ran out of funds a long time ago. And then the general care needs the school nurses will call you and will tell you about the Indian children going to public schools who need this kind of care and then you go to the Indian hospitals and try to make dental appointments and you know what they tell me? We've got time in October before we can make some of these appointments for these children. And as a Board member of the Claremore Indian Hospital I would like to speak about the needs there. The facilities are inadequate in the way of waiting rooms, laboratories. I know I go there to transport Indians there and I see these people jammed in small crowded conditions of adults and children of all ages—just thrown together with all kinds of illnesses, waiting hours and hours for them to get to a doctor and we need more space. And then the laboratory facility is inadequate. You know our Indian people are modest people. You know from where the lavatory is located and where the laboratory is when a specimen is required they have to walk in front of all these Indian people lined up, sitting on both sides and having to carry the receptacle back to the laboratory to the lab technician. And I know this keeps the Indian people away sometime because of the location of the laboratory and the lavatory and how the doctor will require a specimen and what they have to do. Our people are modest and don't like to have to do these things in front of other people. So we do need adequate laboratory and lavatory facilities. And we need modern equipment especially x-ray equipment, because some months ago the old x-ray machine we had knocked our x-ray technician out one day. He was trying to x-ray an Indain and it came down and hit him on the head and he came to the door and opened the door and he hollered for a doctor—someone to call for a doctor and he collapsed with a cut on his head. He fell down in front of all the people who were lined up in the waiting room. This shows we need new x-ray machinery, as well as other kinds of equipment. So I could go on and on but we do need more facilities, adequate facilities and equipment, and drugs for our Indian health services and also more appropriations so that urban Indians can be cared for under contract medical care funds. Thank you, Senator.

Senator HARRIS. Thank you, Helen. I would like to call now on Mr. Lee Motah, who is Chairman of the Comanche Business Committee. Lee, I'll bet you thought you'd never get up here. You've been here all day.

LEE MOTAH. Before I go into my portion of the program I would like to yield a little bit of my time to Ned Timbo who is Chairman of my Health Committee, who I have appointed from the Lawton District. Ned, would you come up here now and give your version of our program at the Public Health Indian Hospital at Lawton. Just a little while.

Senator Harris. Ned Timbo.

Ned Timbo. Senator Harris, it is a privilege and an honor to present this resolution to take care of the dental work for the Comanche Tribe. The reason why we've got this resolution is to try to help the Public Health get things the other Indians can use, and the reason why we passed this resolution is that of President Nixon's $10 million health proposal. This resolution is pertaining to that health proposal of the President's. So we try to take advantage of these privileges that normally belong to our Indian people. Whenever there is money allocated for our facilities such as the Public Health we have to survey the people and they're always short of funds. I know this is the reason why the Comanche Tribe has proposed a resolution in support of dental care for our Comanche people and what normally would serve the Comanche people these funds would be allocated from the Public Health where other tribal members that are served by this area can take care of more patients. Some of the emergency cases—they could take care of them. When our Comanche people can be taken care of from the tribe in reference to dental care—we know that our own people need dental work and that's the reason Indian people have poor health because they do not chew their food properly. We know that health is very important to us. We try to survive by ourselves. We know that life is really important. And I feel with the support of Senator Harris on this resolution which the Comanche tribe has proposed I would like Senator Harris to support this program and I feel that with his support this would help most of the people served by the Lawton area hospital. Thank you.

Senator Harris. Thank you, Ned.

Lee Motah. That was too long, Ned.

Proposal on dental needs—Salaries, equipment, expenses

Health educator's salary	$15,000
Clerk's salary	5,000
Director:	
240 days at $10 per day	2,400
5,000 miles at 10 cents per mile	500
Health educator:	
60 days at $10 per day	600
5,000 miles at 10 cents per mile	500
Total travel	4,000
Office rent	2,500
Equipment and supplies:	
2 desks	300
10 chairs	650
2 lamps	100
4 filing cabinets	200
1 typewriter	500
Miscellaneous supplies	500
Total	2,250
Total first year	32,750

B. Dietary-dental health project: It has been loosely estimated that there are 1,640 adults in the Comanche Tribe who will be eligible.

I. Contract dental care:

(a) There is a .404 ratio of prosthetics (false teeth) required in this area with a 53% expected rate of participation. The average cost of a prosthetic unit is $205.00.

Cost=1,640 x .404 x .53 x $205.00.

Total cost=$72,300.00.

(b) In the Lawton area, there are an average of 8.948 dental services required by the adult population. The average cost of a dental service is $10.00. Again, a 53% participation rate is anticipated.

Cost=1,640 x .53 x 8.948 x $10.00.

Total cost=$77,800.00.

(c) Due to expected reluctance of some Comanche Indian patients it is doubtful that the program would be completed by the end of the fiscal year. It is requested that the funds be made available until used. It is estimated that support funds for the program will be needed in the following amounts for the fiscal years shown:

Fiscal year 1971	$132,750
Fiscal year 1972	55,250
Fiscal year 1973	55,250

II. Statement of problem: poor nutrition has long been recognized by the Public Health Service as a significant problem among older Comanche Indians near the Lawton Area.

The Commodity Foods Program which makes food available has not even approached full utilization by the Comanche Tribe because of a lack of awareness of the program, or a lack of opportunity to make application, or to pick up the foods on the right day. Missing teeth has also been a leading contributor to inadequate nutrition. In the Lawton Area 41% of the eligible Indians require at least one prosthetic unit. Obviously, among the older people the rate would be much higher. This lack of teeth causes people to eat only soft starchy foods, because it is much less difficult while the more nutritional foods are avoided completely. This program would alleviate some of this problem by certain dental care suggested by the U.S. Public Health Service.

III. Objectives of project: Contribute to the improvement of the health status of the Comanches by enhancing nutrition. It is expected that the operation the first time around will take a year or two. There may be lack of interest by the subjects and possibly some resistance although there was not a dissenting vote when this proposal was submitted to some 200 tribal members. It is anticipated that just the volume of dentistry will extend the project into the next fiscal year.

Hopefully we will receive an allotment for an employee to encourage participation. This will require a very competent professional. Much travel will be required for the area of approximately 30 miles around Lawton, Oklahoma.

IV. Method of procedure: The dentistry will be purchased from non-government sources by contract, contracts with individual dentists.

The program will be publicized through tribal officials, leaders, other tribesmen and through a professional health educator to be employed with U.S. Indian Health Services and U.S. Employment Service help. Most of the Comanches to be covered by this program live within 30 miles of Lawton, Oklahoma, although a few may be living temporarily with relatives who are employed away from the home area of Lawton. The people to be served are for the most part adult American Indians of the Comanche tribe. Most are unemployed due to old age or other infirmity and lack of employment opportunity in this rural area. The needs shown are based on statistics furnished by the United States Indian Health Service.

V. It is anticipated and probable that the U.S. Indian Health Service will assist and cooperate with us in this project and its continuing evaluation according to established and accepted methods.

VI. The health educator and tribal officials, leaders and tribesmen will be utilized in furthering cooperation of existing health agencies of the city, county, state, federal government and Indian Health Service. Some of these already quite active.

Documents of endorsement are attached.

VII. Project Staffing: Project director will be the chairman of the tribal governing body, with advice from the project health educator and the Indian Health Service. The health educator will direct activities and coordinate with Indian Health Service and other cooperating health agencies. Health educator must have graduate degree in health education plus at least 3 years of professional health education experience of a level to qualify for grade GS–12 in the Federal Service. Health educator will recommend priorities and evaluate progress of program in cooperation with available assistance from Indian Health Service. Clerk will provide administrative and clerical support.

Project director will have an expense allowance of $10 per diem for up to 20 days expenses a month, plus mileage.

VIII. Facilities Available: We have no suitable facilities now.

IX. Project Budget: See Section II.

X. Supporting Data and Other Information: Letters of support from community groups and agencies that are indirectly involved will be obtained and attached hereto.

This proposal is signed by authority vested in me by Resolution of the Tribal Business Committee of the Commanche India Tribe.

Lee Matah,
Chairman.

Continuation of Testimony

Lee Motah. I don't know whether to address this gentleman here as a doctor or as a Senator; I think he's taking prescriptions today. Senator, I would like to start this way. We have a beautiful hospital at Lawton—really beautiful—one of the outstanding hospitals—really pretty—outside. Inside, no. This hospital is used partially now. The orthopedic part of that hospital has been closed over a year. Up to today I don't know where our Indian women have been going. Children I don't know where they go or how they take care of them there I know the biggest portion of that beautiful Indian hospital is closed, because of the shortage of funds—due to the shortage of funds. Now I would like to speak in the field of monetary rather than grievances. We have plenty of that. I can talk all day on grievances. I'd like to see this group of Indians appear before the Subcommittee in Washington. That could be one of the most wonderful things that could happen. I appeared before the subcommittee, Senator, I'd like to see this group—I'd like for the Senate to see the group of Indians that are here today. There would be no questions asked if they could see these Indians and their statements in regard to their areas that are in need of funds for the programs they are asking for. Now, Senator Harris, this beautiful hospital we have over there at the city of Lawton—we have what people have spoken about, time element. On the count of time element people have died in the waiting room. There is an old man that died there. Some of you fellows say I don't even know what I'm talking about—he was waiting for his turn. He went in the waiting room and he died waiting to get service. Why? Because due to the shortage of funds at our Indian hospital we do not have enough people to wait on our people that have come there to get service. We have a shortage of funds there. Talk about a shortage of funds, we have that at Lawton. I never have spoken in behalf of my own town's hospital. I've been speaking for other hospitals. Today I'm speaking for mine because they are in need. I was over there and I have seen. I sat there in the waiting room. My wife and I sat there from nine o'clock to four o'clock. We never got service. We didn't get waited on that day so we had to come home. As Chairman of the Comanche Business Committee I never pull my rank. We just waited and wanted to see how long it would take for us to be waited on. So we went back the next day again. It took until 2:30 the next day that my time came. My time element, my Senator, I want to tell you this—some of you spoke of it a while ago about the non-Indian, less than one-fourth degree of blood—people that come to our hospital. Senator, those people who come to our hospital who are not Indians they pull their cards and when there are Indians waiting there they pull their cards and call them first. I do not approve of that. That is not right. That's wrong.

Now at our last annual meeting a year ago this coming April the Comanche General Counsel passed a resolution—I don't know where it went—we submitted it to every representative that we know so that we might get help. We submitted that resolution that we wanted the one-fourth degree Indian blood recognized at our Indian hospital. We haven't heard; we haven't seen; we don't know where it went. And that has been submitted to all of our Oklahoma delegation—and you might look in your wastebasket—I say that jokingly. People, I think we need to fortify ourselves with one thought that we want money. We want money. That's what the Senator wants. Money! He wants to hear us talk about money—where we need this money—what is causing these grievances that he has heard. It's due to the shortage of funds in our hospitals. Some of us spoke about urban clinics here in Oklahoma City and our surrounding parts like Dallas, L.A., all over. Now that was mentioned in the last Kansas City conference about these urban areas. Now listen, if these urban clinics were established it would take the load off of these clinics where we go. Our biggest part of the load of our surrounding clinics and hospitals come from these urban areas. We need to do something about the urban problem because it would help us a lot in areas where we live.

Another thing I want to mention, Senator, while I'm thinking about it. Many people have come to me, many people have said this to me, but listen, Senator, I want to say it to you right now, that when appropriations come for the Indian people of Oklahoma we want our due share of that appropriation. Do not let it go to the reservation Indians. Reservation Indians is all you hear. We have one third of the population of the Indians of the United States here in Oklahoma. We are federally recognized tribes of Indians just as well as reservation Indians. I have reservation one week, one solid week—that is all that I heard in the Kansas City convention—reservation, reservation. I had to get up and make a motion, asked the chair to recognize me that any time appropriations come to those reservation Indians we Oklahoma Indians we want all due portions of that appropriation to come to Oklahoma.

Senator, I had a telephone call from a gentleman—I get telephone calls from all over this United States, some that are way far away attending colleges—they say Lee, I'm going to school, I lack one semester finishing but I've got problems with my health. What must I do? I am not recognized; I'm too far from home. Senator, we want enough funds allocated for our students that are away from home. We're neglecting our children. Our children are all trying to get educations and get established; they need help; they need public health; they need that health away as well as here at home. Let's don't neglect them. Let's consider that in the program that monetary help might be provided for them while trying to get a higher education for themselves that they might be the leaders of our people tomorrow.

Now another thing I'd like to mention here while I'm thinking about it—you know I'm getting old and I forget things—Senator, we have school over there at home—There is Riverside, Fort Sill, Concho—these are Indian schools. Now they are denied help. They have to go from Riverside to Lawton. The hospital is a private hospital; they don't recognize our Indian children there. They have to go to Fort Sill, to Lawton, to get help. So those children like that should be recognized in this monetary appropriation that we are talking about today. We need to talk about monetary; we need to talk about money for our children that are away from home. Senator, I've got a priority list here—things we need at our Indian hospital and it's going to cost money—it's going to cost money to get that Indian hospital of ours to be as pretty inside as it is on the outside. We need eight nurses over there and we need 4 R.N.'s. We're going to get money; that's what we're asking for. I sat there waiting for my medicine when I got my prescription; I waited a long time before I got my medicine because there were a lot of Indians there waiting for medicine. We were all waiting at the pharmacists' window. We need 2 laboratory technologists; we need some help in our Indian schools that might wait on our children rather than having to bring them way off. We need one clerk-stenographer for Social Worker and we need two health record clerks to keep a record of our health. We need 1 administrative clerk assistant; two property and supply clerks; three dietary persons and two maintenance helpers. Now these are the things that we need at the Indian Hospital at Lawton to make a go of it. Now those are things I would like for you to talk about before that subcommittee. Now I know what the subcommittee will say. Now another thing about these grievances—just one or two. Now the grievances that I have, Senator, over there at Lawton, we have to get sick at certain times. We've got to get sick at certain times. In other words if you're not sick by certain times you can't get any service; you can't get waited on.

Now another thing, Senator, over there at Lawton, the beautiful hospital, listen, they refuse to admit our old people. One lady—they refused to admit her. So, way late in the wee, wee hours of the morning when they called me—I always have a red horse tied outside—so I immediately got on my red horse, and Senator, this isn't necessary, it isn't necessary for a tribal leader to admit that person. She's an Indian. Now that is one of my grievances.

Now those things are important to our hospital in the way of grievances. So I wanted to bring that to your attention. I asked a question in the conference in Kansas City, "under what law are the Oklahoma City Indians federalized? and the Tulsa Indians? and our urban areas?" Under what law? is it a federal law? is it an administrative law? where is that law that federalizes our Indians in these urban areas from having the Public Indian Health Service? where is it? The conference did not answer me. I do not know. Some time ago the meeting was held again in Kansas City under the Labor program. At that time the Indian health went under HEW. Before that is was under the Bureau of Indian Affairs and I think we were doing a little bit better under the BIA than we were under HEW. HEW is such a big organization the Indian people are just a drop in the bucket considering their programs and what they have to contend with than under the BIA. Under the BIA we showed a little sign of being a people too. Since we went under the program of HEW—maybe some of you fellows understand this—we went down the drain. Senator, I know it's a hard thing to do; it's a hard thing to change a program. If there is any way possible I would like to see the Indian Hospital go back under the Bureau of Indian Affairs so we can get help. I understand that the BIA is about to have a big shake-up in it now. I think if we go under the BIA I think we would get to these people that you speak of today as doctors that don't move, doctors who will stay with us, doctors who will carry on our Indian health for us. I think that will be something that would be good for our people. Now these interns—we have some good interns over there and they go by every two years—so I think if we can get away from HEW I think we would soon get away from these two-year intern doctors. I think we could get away from that. We would have people that would stay with us rather than going off every two years after they end their internship every two years. Now that's also a monetary move. I think that if these fellows would come into our hospitals to stay with us that would save the government funds of moving these people every two years.

Senator, I'm glad that I could have the privilege to talk in behalf of my people. I could talk all day. This time I spoke from notes—I usually speak from my heart because I know my people. I know them so well that nobody can tell me about these Indian people. I know their conditions. I know who they are. I know where they are. I know what's good for them. I've done everything I could; I stood before the subcommittee and pled for my people that we might get additional funds for our Indian people. I was criticized for that; they said you took all that money and put it in CHR. That's where you put it. You didn't put it—I didn't have anything to do with it. I pled for it; that's all I did. I begged for the officials to make a distribution; I don't know how they made a distribution but I've done my begging and I'll come beg again if it becomes necessary. Thank you.

Priority I: Proposals for Immediate Resource Needs

1. 8 Nurses, Pediatrics (4 R.N's & 4 L.P.N's).
2. 4 R.N.'s for GM&S Wards.
3. 2 Pharmacists.
4. 2 Laboratory Technologists.
5. 2 PHN's or R.N.'s for Ft. Sill and Riverside Indian School.
6. 1 Clerk-stenographer for Social Worker.
7. 2 Health Record Clerks.
8. 2 Housekeeping Persons.
9. 1 Admin. Clerk Assistant.
10. 2 Property & Supply Clerks.
11. 3 Dietary Persons.
12. 2 Maintenance Helpers.

Priority II: Proposals for Additional Resource Needs

1. Orthopedic surgeon—commissioned officer:

Presently, our expenditures for contract and consultant orthopedists exceeds what the salary for a commissioned officer orthopedist would be. In addition, the orthopedist stationed at Lawton could take referrals from Shawnee, Clinton and Tishomingo, thus saving these service units contract funds.

An orthopedist would also allow our general surgeon more time to do general surgery. (Presently, 70 to 80% of the general surgeon's clinic patients are orthopedic.)

2. Additional X-ray room: Presently, there is one room to take all X-rays, including special procedures. As a result, clinic patients are forced to wait 2 and 3 hours to have X-rays taken while a special procedure is being performed. If another room were available, the clinic patients could have their X-rays taken promptly.

3. Rotate PHS surgical resident through Lawton: To provide the surgeon at Lawton with expert help and provide the resident with valuable experience.

4. Convert one of nurses homes to extended care facility: Presently, we have patients utilizing bed space in the hospital who could stay at a facility next to the hospital—e.g. Pending OB patients (ladies-in-waiting); outpatients in need of laboratory procedures over several days; patients awaiting transfer to nursing homes.

5. Equipment necessary to set up cardiac care unit: Attempt was made in FY 1970 to tie into the regional program at Southwestern Hospital, but funds were not available.

6. Reopen the pediatric ward: About eight staff nurses are needed for this pressing need. We have a new 80-bed hospital and 20 of these beds are closed down; this is the pediatric ward. Our children population outnumbers our adult population, child and maternal health is one of our highest health priorities, and the health conditions among the Indian people is anywhere from 25% to 300% worse than the general population or even the neighboring population. So, there is a definite need to open pediatrics. This would require a minimum of 8 staff nurses (4 R.N.'s and 4 L.P.N's).

CONTINUATION OF TESTIMONY

Senator **Harris.** Excellent testimony. I want to call now on Taylor Noyabad, a member of the Comanche Indian Tribe from Elgin.

H. Taylor Noyabad. Thank you, Senator Harris. I just want to say that we, the Indian people, should be very thankful for the Senator here and Mrs. Harris for all they have done for the good of our Indians. You know Mrs. Harris is a member of the Comanche Tribe and we are very proud of her. I don't want to take too much time here because Mr. Motah whom I work with as Vice Chairman of the Comanche Council has covered our needs well for our Indian hospital at Lawton, but I will say this that our hospital is an 80-bed hospital but at this time there are only 60 beds being used because of the lack of funds and the other beds are just closed up in a room. I want to say this to you, my Indian people, our Indian hospital in Lawton as Lee said is one of the most beautiful hospitals in the state of Oklahoma and we are proud of it. I would like to say that the employees—the doctors, the nurses—in that hospital are very limited. We do not have enough nurses. We do not have enough doctors. In fact, we do not have enough employees as a whole. What I'm saying is this that we have an X-ray room there—just one small room. And sometimes there are a large number of people waiting to get an X-ray picture. Sometimes these people have to wait three and four hours in order to get a picture. If we only had funds enough to add another room, an X-ray room to our hospital, it would make things a lot better for our Indians. We do have people that come into the hospital because of the lack of health. They wait from eight o'clock in the morning until sometime four o'clock in the evening before they are waited on. I want to say this to you, my people, someone mentioned about these people that are not one-fourth Indian who come into our hospital. I want to tell you about an incident that happened. You know I visit the hospital quite often. I'm there at least two or three times a week.

On one of these visits to the hospital there were four patients in one room. One of these patients happened to be a white woman. It was along about 7:30 in the evening some young ladies were reading their books, reading a paper, and this white woman came into the room where the Indian women were. When she came into the room she shut the lights off. People I do not agree with that because that's too much on her part to treat these Indian women that way. It might have been a different thing if the visiting hours were over, but at that time they were not. I want to say this, we have some buildings out there that could be used for visiting hours but they are not used because we do not have funds to prepare those buildings with. I want to tell you about an incident—sometime last winter I took my grandson, a little over a year and a half baby, to the hospital and when we got to the hospital the doctor looked him over and gave him a bottle of cough syrup and sent us on back home. And the next day the baby began to get worse. He began to get sick sure enough, and along about twelve o'clock that night my son said we're going to have to take the baby to the hospital. So we did. When we got the baby to the hospital the doctor looked him over and said that little child has a touch of pneumonia and must be taken in. But this happened to be another doctor and folks when the baby was taken upstairs they began to unwrap him and when they got his clothes off the nurse and attendant got a towel and began to put it on the baby. And the mother asked the nurse the reason for that. And the nurse said there are no blankets for the baby to use here in the hospital. We do not have any. And when the baby was laid on the bed he started crying and they started giving it orange juice and Sheila again asked why don't you give him milk and maybe he'll stop crying. And the nurse said there is no milk for the babies in the hospital. Folks, what I'm saying is this, this little child was my own grandson and I happened to be with the mother when he was taken to the hospital. If we could get a little money, a little more funds for our hospitals, the little children there would have food, they'd have milk, they'd have what they need to use. So, what I'm saying is we need more funds for our hospitals so they can operate properly. I want to thank Senator Harris and I want to assure him that in every way we can be of assistance to him we will be happy to do so.

(Material follows to be included in Record:)

Public Health Service,
Lawton, Okla., March 15, 1971.

Mr. Horace Noyabad,
General Delivery,
Elgin, Okla.

Dear Mr. Noyabad: This information is in response to your recent request for the Lawton Service Unit to supply you with our resource needs. These needs have been discussed and confirmed by our Inter-tribal Health Committee.

We are currently providing health services to a growing number of Indian people. In addition to this, we desire to improve the quality of our services to our Indian Health recipients.

We are listing our needs on the attached sheets under two current categories. Priority I includes proposals for immediate resource needs and Priority II includes proposals for additional resource needs.

The Lawton Indian Hospital is an 80-bed General, Medical and Surgical facility where we have a total of 104 employees, including Commissioned Corps personnel. During FY 1970, we had 2,049 inpatient admissions with an average daily census of 45. Our total outpatient visits at the Lawton Indian Hospital amounted to $30,900.

We would like to emphasize that we only have sixty beds available for patients, because twenty of these beds are closed down, as stated in the attached information.

Our overall greatest need is in getting more employees to provide better medical services to our Indian people. Also, attached for your information is a list of the employees we need here at the Lawton Indian Hospital in order to be adequately and properly staffed.

Sincerely,

Emerson Eckiwardy,
Service Unit Director.

Senator **Harris.** Samuel Osborne of Pawnee. Mr. Osborne, we would be glad to hear from you at this time. Again, any of you who are here on this list or those who have asked additionally to testify who could either shorten your remarks briefly and maybe later supplement them with a letter or statement or who can file a statement I will appreciate it so everybody can have their say before we run out of time. Mr. Osborne, it's good you're here.

Samuel Osborne. Ladies and gentlemen, I just want to say a few remarks in behalf of the Pawnee Indian people. Everything you have heard this afternoon and this morning exists in our hospital at Pawnee. Our hospital is also pretty on the outside but on the inside, no. We have a hospital instead of having one that is big we have offices for the doctors, and that's something where our doctors will not admit any person unless it's an emergency and we've had two different times that people have died right there at the hospital in the waiting line. That's not very good. I don't know what they call an emergency according to their ways of having people enter the hospital. And furthermore, the hospital is a place for the sick. It's a place where it should be clean but due to the lack of manpower we do not have janitors to keep the hospital spic and span. There are a lot of things there that have been mentioned here this morning that I could repeat but due to the time I would only like to say to the Senator that we're very thankful now that you have opened up the door of opportunity for the Indian people. We are very thankful for your cooperation and for helping and in so doing that I am hoping and praying that as you testify for additional funds for our Indian people, the Indian hospitals, we hope that you and the United States Congress will realize and if they don't realize what has been said and done this afternoon, if it's possible at all for them to come to the State of Oklahoma and see the existing conditions of our Indian people which is very sad at times. More power to you, Senator and we're very thankful so I would like to yield my time to the Chairman of the Pawnee Tribal Counsel, Delbert Horse Chief. Will you come up? While he's coming up I want to thank you, Senator, and may the good Lord help you in your endeavor that we might have and realize the good things.

Senator **Harris.** Thank you very much. Delbert.

Delbert Horse Chief. Ladies and gentlemen, Honorable Senator Harris, at this time I would like to take this opportunity and thank you, Senator, for taking this time, as many have mentioned before, and you, Mrs. Harris, for coming down here and giving us the opportunity to exercise our rights for it isn't possible for a lot of us to get up to Washington to hearings. I know that each and everyone here has been responsive and would enjoy going up and testifying before the Senate Committee up there. There are a lot of controveries here with the Public Health Service. I can highlight much of what the many tribal leaders who have stood before you today and continue on and give you a lot of personal incidents where our Public Health system is in dire need of more finances I would like to say at this time that at the hospital in Pawnee we are short; we do not have a public health nurse; we do not have a social worker; we do not have a health educator. I think if you will check at these other hospitals they do have them. And due to a shortage of funds we are continually told we cannot help these individuals. We have been short on doctors as you have been told here today before. We are also in need of the construction of a new hospital and I just wonder why I continually hear from the Public Health people and also from you Congressmen and Senators that there are no funds set up for construction of new hospitals, and I am serious about this. I have another area I'd like to go into and ask a question and that is about the $10 million the President had asked of OEO and the Department of Labor and Public Health itself—what has happened to the $10 million.

I hope this isn't something the President has dangled here in front of the Indians to pacify the Indians. You develop a program here and we'll shoot you this money to you and you, in turn, this is going to be your program; this isn't going to be a one shot thing either; it's going to be something that year after year if we are satisfied with your operation of this program, we, in turn, will ask these different departments to come down and finance you in your program.

I'm just curious to see what the President will do in relation to what he has said in relation to this $10 million. Our committee has worked hard and real diligently to try and develop a program and I think they have developed a real good program. And this, I might add, Senator, was done by full blood Indians, and I think this will go back to what the President has said that he wants Indian input. This is, I say, Indian input for our area and I would like to say at this time that I sanction what the Sac and Foxes have said and what some of the other tribal leaders have said in relation to the Indian degree of blood—I think there needs to be a cut-off point somewhere. I think to be considered an Indian we as Indian people should say who is an Indian—not the non-Indians up there in Washington or at the headquarters of Public Health. I feel like as Indians if we say we have a fourth degree of Indian blood that we should receive these public health services. I think this should be enough; this should definitely be enough. We are like the Comanches and the other people. We have submitted a resolution to our Public Health Hospital in Pawnee. I do not know where the resolution is today. I can't get anyone from Pawnee to Washington in the Public Health Service to commit themselves as where this authority lies and I say that if we say as tribal members and tribal leaders and pass on the resolution as such then this ought to be a law for Public Health assistants to go on. And I would like to say a little bit further here—I'll try not to take too much time—that I would like to say that I feel that we're just a little bit top heavy here from the administrative standpoint. I feel that some of these funds could be administered by the local levels where the Indian people really are in dire need of Indian funds. I feel certainly—I go to housing meetings; I go to meetings at different places that I feel it is my duty to be at these meetings and I see Public Health officials there and I don't care where it is being held—Tulsa, maybe Kansas City or anywhere—I see these people and I know they are there on extra expense money that could be used for our public health system down to where it is definitely needed. I think there needs to be some policy changes. We can pull teeth for our elderly people, but we cannot put teeth back in these Indian people's mouths. That, too, is something I consider a must for Indian health and Indian people. It has a lot to do with their diet day by day. And I think this is something that is definitely needed, and in all field of what I have heard today I would like to sanction what has been said this afternoon, and Senator, at this time in behalf of my people, in behalf of all the Indian Tribes of Oklahoma, in behalf of the people under the jurisdiction of the Public Health Service at Pawnee I take this opportunity to thank you very much.

Senator Harris. Thank you, Del.

Senator Harris. Let's go now to Mr. A. B. Pecore, Shawnee, Health Representative for the Citizens of Pottawatomie Tribe.

Mr. A. B. Pecore. Indian People, I just want to make two remarks: one is CMC funds which is one of the black eyes of public health not only for the doctors and hospitals but also for plumbers, electricians and all of them. Anywhere you mention it they've been stuck and holding money that was due them from Indian Public Health. Doctors have treated patients whose services were never paid for. Worse here in Shawnee I've been on the advisor board for about 10 or 12 years or longer at Shawnee Clinic and I am a quarter Indian, I've been chairman of the tribe also in community action of OIO and other things like that. I've worked with and that's the worse black eye that the Government service has. I was on an investigation committee over there where one of the hospitals cut us completely off of patients. They wouldn't accept any patients and we started using private hospitals and are still using them. The Indians on the Pottawatomie Tribe, gave land to the county hospital, what they call Mission Hill Hospital. It was coming to the Pottawatomie and we turned over the 20 acres to the hospital for people in that area especially for the Indian people. Senator Monroney said that the Indians would be treated there as long as they needed to be. Alright they got into a squabble over funds, I went over there on an emergency call, called the doctor on duty and he refused to come.

They appointed me as investigating committee on the clinic on the advisory board, so I went to the hospital and checked with them to find out what the reasons was. "I didn't like to pay it for the hospital services I didn't get" at the end of the financial year they were out of money and the hospital was left holding the sack. The doctor that didn't come I made a special investigation to find out why he didn't come. Come to find out, he had treated a girl and operated on her and didn't receive anything for his services and ended up paying the hospital expenses. Thank you.

(The statement follows:)

If one looks at statistics it is evident that over the years the U.S. Public Health Service, Division of Indian Health, has done much to improve the health of the Oklahoma Indian. This impressive record should not, however, obscure the fact that the medical care provided to Oklahoma Indians through the Indian Health Service is still inadequate at best. This second statement may seem parodoxical if one is not aware of how incredibly poor health care for Indians was 20–30 years ago. Thus, a medical program that has made great strides can be, and is, still falling far short of its goals of providing minimum adequate medical care to Oklahoma Indians.

Examples of this are numerous. By anyone's standards the outpatient clinics are crowded and, at times, resemble cattle pens more than medical facilities. Preventive medicine, such as at least occasional electrocardiograms, chest x-rays, TB tests, and pap smears on a regular basis is more a wishful thought than a reality at present. There is a critical shortage of even the basic specialists (i.e. internists, surgeons, obstetricians, pediatricians) at the Indian hospitals. At least two hospitals have no specialists whatever. In regards to specialists such as bone and joint surgeons, kidney specialists, eye surgeons, and heart specialists, there are none at all at any Indian hospital.

This all sounds bleak, but it is just scratching the surface. In Shawnee there is a very busy outpatient clinic serving over 28,000 Indians. There is, however, no Indian hospital for this huge number of people. If they require hospitalization, they must travel long distances, often over 200 miles, to an Indian hospital already crowded with patients from its own geographical area. Often a patient from the Shawnee area has difficulty speaking and understanding English and cannot communicate with his physician because there are no members of his tribe in that area to interpret for him.

Getting a patient transported these long distances is a difficult problem itself. Once there, however, the patient is often desperately lonely and many times goes home against medical advice as it is usually impossible for friends and relatives to travel such a long distance to visit him regularly. The plight of the prenatals is even worse. Imagine driving sometimes over 200 miles in a rain to get to an Indian hospital before the baby arrives or, just as bad, going to the hospital early and waiting two weeks or more before going into labor.

These are only a few examples of existing inadequacies. Many of these were anticipated years ago, and funds were set aside to make up for some of them. They are called Contract Medical Care (CMC) funds. They are used to pay for specialists when the Indian Health Service has none, pay for deliveries when the mother is not able to reach an Indian hospital in time, and pay for the treatment of emergencies when no Indian hospital is near. The funds, however, despite priority lists of services fall far short of providing these services. It is not uncommon for a number of Indian hospitals to run out of CMC funds sometimes early in the fiscal year, leaving promised payments unpaid, and promised vital services, such as payment of emergency bills, undelivered. This is truly shocking if one considers the financial devastation that can be wrought by a huge hospital or emergency bill thrown back in the lap of a person eligible and dependent on the Indian Health Service for his total medical care. The extent of this shortage becomes more evident when one considers that these CMC funds are not available to any of the many Indians residing in the Oklahoma City or Tulsa areas.

This then is a summary of the Oklahoma Indians medical care plight. Something needs to be done. The answer cannot be cut back medical services, as they are inadequate already. It cannot expect the private physicians to give free care to Indians to make up for the Indian Health Service shortages because that is very unrealistic. There can be only one answer, and that is to bolster up the Indian Health Service to the point that it can provide at least the minimum amount of service the government has promised to the Indian people. This can be done only by providing extra Indian health facilities such as a hospital for the Shawnee area patient population, the addition of funds so that these facilities can be staffed by basic specialists and other personnel, and by increasing the CMC funds to the point that the Indian population can be secure in the knowledge that commitments to pay basic vital bills in areas not covered by Indian facilities will be honored.

F. Melicher, M.D.,
Advisory Board Member of Shawnee Health Clinic.

A. B. Pecore,
Pottawatomie.

Senator Harris. Thank you. And now we would like to call on Margaret Sands and Archie Sam of Weleetka, both representing the "New Voice of the Creeks" if you would come up together, Margaret you could say a few brief remarks and then Mr. Sams you could follow up. Mr. Sams if you would come on up.

Margaret Sands. I'd like to shake your hand Senator Harris. I'm here on behalf of the rural Indians of Oklahoma. We've had a lot about the Urban Indians and I'm not against any of you because we all have a need, and our need there is just about the same as the others but I'll run through them so that they will know that they had a voice in this meeting. They need more funds too; mostly to get to and from the clinics and hospitals. Most of these Indians live 75 miles from the closest hospital, and even at that most of the ones that are really in need live way out in the country where there really is a need.

Then also the sanitation program of the Indian Health has been done away with since this housing project has come forth and many of them can't understand what housing can do for them and they still want sanitation.

The third thing is the lack of funds for glasses for the elder people and false teeth. Also due to vitamin deficiency they have a lot of cataracts there and there is no funds set for these operations and there is a lot of real need for that.

Fourth is Indians desire for a nursing home. Now that may seem unusual to you but an Indian will be much happier and much more satisfied if they have a nursing home of their own so that they can receive better medical care. Most of the Indians now have to go out and work to make a living and they will not or can not take care of the elderly like we used to when we stayed at home so there is a need for this.

Fifth thing is that I want to talk about something that has been mentioned before but we have this problem in Okfuskee County and it's that we get sick on the wrong days and if you do there's no hospitalization for you there. Also if you're out of district, let's say a man from Seminole has an automobile wreck in Okfuskee County and needs to go to the hospital, he can't go even if he is bleeding to death if he doesn't have the funds.

Senator HARRIS. That's brief but a very good statement. Thank you. Mr. Sams, we'd be glad to hear from you.

Mr. SAMS: Senator and American Indians I'm here as an individual interested in these people. Some of the statistics I am going to give you come from real reliable sources. American Indians is a race of people, most written about, most studied about, most surveyed, exploited, deprived and have the lowest in educational levels, under employed to support a family, have no skills to hold a good job and lives in substandard homes. Above all American Indians have the worse health of all of the groups of people in the United States. Health is very essential to hold a job or to get an education. It is every basis for a good life. Poor health attributed chronic grinding poverty among the American Indians.

In March 1968 the President of the United States made this remark in his Indian Policy Message "Viral Infection, pneumonia and malnutrition all of which contributes to chronic ill health and mental retardation." (From this Indian Children starts out in life with out a chance for rewarding life.)

The following quotes are from reliable sources.

"Fifty thousand Indians families live in unsanitary, dilapidated dwellings, many in huts, shanties, even in abandon automobiles."

"Unemployment rate among Indians is 40% which is ten times more than national average."

"50% of Indian school children drop out before completing high school. Double the national average."

"Indian literacy rates are among the lowest in the nation, the rates for sickness and poverty are among the highest."

"The average age of death of American Indians is 44 years, for all others is 65 years."

"Infant mortality rate among Indians is 34.5 per 1000. 12 points above the national average."

"More than half of the Indians obtain water from contaminated or potentially dangerous sources, and waste disposal facilities are grossly inadequate."

"Achievement levels of Indian students are far below those of their white counterparts."

Indian child fall progressively farther behind the longer he stays in school. Even worse, these children are taught by many who are indifferent about the fate of these children, and this indifference finds its way into the heart of the children themselves. One-fourth of elementary and secondary school teachers by their own admission prefer not to teach Indian children. Indian children, more than any other group believe themselves to be "below average" in intelligence. Indian children in the 12th grade have the poorest self concept of all minority groups tested. These children often abandon their own pride and their own purpose and leave school to confront a society in which they have been offered neither a place nor a hope. And the consequence of this inadequate education is a life of despair and a life of hopelessness.

"Following Comments related by Indians":

"Hospitals and clinics are always seems to be out of funds for treatments, medicine and dental care. But salaries, meetings and conventions for a PHS continue on."

"Due to fast turn over of doctors creates confusion. When a patient goes to second visit, he sees another doctor and the same check-up is repeated, so the patient sees no progress in getting well, so he does not return for any more visits."

"Indians say doctors are too young and inexperienced. They come to get practice. So it seems they stay a little while and then they are gone."

"Older doctors to the Indians have more practice and competence."

"Language barrier exists between the doctors and patients. In such cases the doctor does not fully diagnose the cases nor does the doctor fully inform the patient the medication instructions."

"There was a mobile clinic stationed a long while at Hanna, Oklahoma and it was taken away without any explanation to the Indian people. I understand some still continued to go there for awhile. Situations of this sort causes a great deal of confusion.

I'm going to get off the track a little here. I think it's good and proper that this should be brought up at this time. There was a great group of Indian people from the Southwest that would go to the White House to discuss their problems every year for 64 years. This statement was made by Senator Harris December 2, 1970. "The Senator from Minnesota has put his finger on the nub of the spurious, in my judgment, precedent issue. If the Taos Pueblo have a just claim, it ought to set a precedent for justice. It seems to me, as I said last night, that we have set plenty of precedents for injustice. So, in individual and unique cases let us set a principal for justice." Thank you.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

THE MILITARY SELECTIVE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The second assistant legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I shall address the Senate for only a few minutes on the pending matter. The Senator from Texas (Mr. BENTSEN) is in the Chamber and is a member of our committee, and he has some remarks to make with respect to the bill, provided he can get the floor.

Mr. President, we have completed 2 full days of floor debate on H.R. 6531. I believe that the general outline of the debate is clear and that the issues we will need to decide have now been partly presented in highlight; and when a few more members of the committee have spoken, they will be fully presented, and I am sure they will be understood by the Members of the Senate. I think that these discussions have been very useful and have helped clarify a number of points on which we are in agreement and others on which there is some disagreement.

As I said yesterday afternoon, I would hope that we could complete today what I would call the committee's presentation of the over-all bill, hearing, as we will, other Members of the Senate who would like to take part in the discussion. I am interested, of course, in getting to votes on these amendments as soon as we reasonably can. I think it is to the interest of all Senators who have amendments—certainly amendments which they know now to be beneficial—to file their amendments, have them printed, and permit all of us to become familiar with them. Of course, it is up to each Member and the will of the Senate as to when the amendments are called up.

Two questions have been raised in this debate informally which I should like to comment on briefly this morning.

It has been asked why it is necessary to extend the draft at all, since the Department of Defense estimated that we would need only about 114,000 inductions in the coming year before the manpower cut which was recommended by our committee.

The reduction of 50,000 men in average strength made by the committee produces greater reduction in end-strength for reasons which have been fully explained in the committee report. The latest figures we have from the Department of Defense indicate that the reduction recommended by our committee would produce a reduction in end-strength in the Army of just under 90,000 men. Thus, even if the committee's recommendations are accepted there will have to be about 30,000 or more inductions in fiscal year 1972; moreover the draft will still be needed to motivate a significant portion of the more than 100,000 volunteers which the Army will require.

The word "volunteer" means actually the men who really want to join and the others who know that they are going to be inducted some time soon and are given a measure of choice as to what part of the Army they will serve in if they sign up in advance. That is the practical side of this matter. It is a practice that is followed, and I have no criticism of it. Some draft boards operate with the sergeants and officers who are out moving among the people, with reference to volunteers. The sergeants and officers get the names of men who are going to be called soon and go to them and tell them what the situation is—that they are getting near the call date—and offer them these inducements, which is entirely all right; and in that way, according to the record, they become volunteers.

But unless we have the machinery, the inducement that goes as a practical matter with the power to induct, we will see a drastic and immediate falling off of those numbers.

We should not forget, Mr. President, that it is not only the Army who relies upon the draft but also the other services, about one-half of whose enlistees are motivated by the draft. In fiscal year 1973, there will be a need for about 336,000 new men in the Army alone. This fiscal year 1973 requirement is not affected by actions which we might take to reduce the fiscal year 1972 manpower authorization. Future fiscal year 1973 requirements are created by the number of men now in the service whose terms of enlistment will expire during that year. That is not a speculation, that is a certainty. The Defense Department estimates that even with the additional volunteers which might be provided in 1973 by the pay increases in the Defense Department program for that year, there will still only be about 124,000 volunteers for the Army during that time. This means, without the draft, that the Army will in 1973, even under optimistic estimates, fall over 200,000 men short of its requirements.

Now that is an estimate, but I said that what was certain is how many of these men will have their terms expire.

The figures here, Mr. President, cannot readily be grasped in debate, but I am putting them in the RECORD now, and I invite every Senator to check them out, because they are the figures supplied by those who are knowledgeable in the Pentagon, and they are believed to be correct by those who supplied us with the figures.

I believe that these figures show, Mr. President, it is highly impractical to think we can come even close to providing the manpower for the Armed Forces within the next 2 years without the draft.

There is a second important reason why the draft will be necessary for at least the next 2 years, and I would like to explain that in connection with another question which has been raised informally. As the committee's report states, only 4 percent of the men who go into our combat units volunteer for those units. I believe it is clear in Assistant Secretary Kelley's testimony before our committee on February 2, in the report, and in my speech of Thursday, May 6, that this is an important and serious problem. It is a problem somewhat different from the problem examined by the Gates Commission. As the committee report emphasizes, we are speaking here not of the overall problem of manning the Armed Forces but of acquiring men in combat units for the Army. That is what the statement there is about, men for combat units for the Army. That means infantrymen with rifles, or artillerymen up at the front, or armored tank units up at the front. Currently, only about 4 percent of the men in those units—and this figure does not apply only to those units in Vietnam—volunteer for those jobs. So two-thirds of the men going into combat units, about 68 percent, to be exact, are draftees.

Here is the important point: The other 28 percent are men who enlist but do not select combat units.

That is the way it is on the recruiting form. They just do not go far enough in making their election, when they enlist, to make some selection which is open to them. Those men constitute 28 percent of those who finally find their way into combat units. So it is still true that only 4 percent are actually, knowingly, deliberately volunteering for those units.

I repeat: Of over two-thirds of the men going into combat units, about 68 percent, to be exact, are draftees. The other 28 percent are men who enlist but who do not select combat units. Since these 28 percent do not make any selections, although they are given the opportunity to do so, the Army feels free to assign them to combat but they do not volunteer for that job.

Mr. President, I believe that this deficiency of volunteers for combat units is very striking and, of course, it is serious. I regret if any Member has misunderstood the figures in the report which did not carry the full explanation about the 28 percent. I believe the figures very clearly indicate the serious difficulties which we would have in finding the men we need for combat units in the Army under an all-volunteer concept.

In fact, Mr. President, I have no doubt about it myself, that we would find it impossible—absolutely impossible, and that is no reflection on anyone. It is just a fact of life.

Mr. President, I yield the floor.

AMENDMENT NO. 76

Mr. SCHWEIKER. Mr. President, I call up my amendment No. 76 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 33, line 13, after the word "thereof" strike out "July 1, 1973" and insert in lieu thereof "July 1, 1972".

Mr. STENNIS. Mr. President, would the Senator from Pennsylvania yield briefly for a question?

Mr. SCHWEIKER. I yield to the Senator from Mississippi.

Mr. STENNIS. I am compelled to go to an Appropriations Committee meeting right now where I have a matter to present. My question to the Senator from Pennsylvania is: He does not contemplate asking now for a unanimous consent request on time for voting, does he?

Mr. SCHWEIKER. No. I want to assure the Senator from Mississippi that since he has been so very fair with me, I would not do anything concerning time without consulting him first.

Mr. STENNIS. I thank the Senator very much.

Mr. GRAVEL. Mr. President, will the Senator from Pennsylvania yield to me briefly?

Mr. SCHWEIKER. I yield.

Mr. GRAVEL. I wonder whether I could ask the Senator from Pennsylvania for a similar privilege to the one he just accorded the Senator from Mississippi; namely, that I also be consulted if there is going to be any decision on time.

Mr. SCHWEIKER. I would be very glad to do so and I assure the Senator from Alaska of the same privilege.

Mr. GRAVEL. I thank my colleague from Pennsylvania very much.

Will he yield to me for an additional inquiry?

Mr. SCHWEIKER. I yield.

Mr. GRAVEL. The Senator from Alaska would like to ask the Chair if, henceforth, the pending business will now be amendment No. 76 rather than the bill itself, H.R. 6531.

Let me rephrase that, Mr. President. The question will now be on the pending amendment, not the bill itself; is that correct?

The PRESIDING OFFICER (Mr. RIBICOFF). The Senator is correct.

Mr. SCHWEIKER. I thank the Chair.

Mr. President, I ask unanimous consent that I may yield the floor at this time to my distinguished colleague from Texas (Mr. BENTSEN) if I can regain it when he has completed his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, this body has before it one of the most consuming issues of this session of Congress. Certainly, it is one which evokes deep emotions, strong feelings, and sharp differences. And well it should, because we are dealing not just with the present and the future of an entire generation but, in a real sense, we are dealing with the life and death of some of the young people of this Nation.

I think we have to begin on the premise that we know this is not a popular piece of legislation. I know that my mail is running 69 to 1 against it. I know of no Member of this body who had rather not oppose continuation of the draft, if the decision had to be made solely on whether he likes the idea of pressing young men into military service.

I must say that I find myself in agreement with some of the points made by Senators in opposition to the pending bill. I find myself in general agreement with some of the reported amendments scheduled to come up for debate and consideration. However, like other Members of the Senate, I cannot make decisions solely on the basis of one or two of the arguments presented. Each of us has to weigh the whole spectrum of arguments. We have to determine the weight of the evidence. We have to ultimately arrive at our decision based on what we sincerely believe is best for the Nation and for the people.

So, what we finally have to ask ourselves is: What is best? As one of the new Members of the Senate, I frankly confess that the Senate's decisionmaking process is still very impressive to me. I have tried to be diligent in attendance, in being present for the major arguments and listening to most of the debates. I have tried to remain objective on the issues. I have tried to approach the issues as scrupulously as I could.

Now again, I have to ask myself and, in so doing, ask the Senate, what, indeed, is best?

The senior Senator from Mississippi (Mr. STENNIS), the distinguished chairman of the Armed Services Committee, on which it has been my privilege to serve, has told us that the issue has been studied long and carefully before the committee. It has been deliberated in great detail. The discussions were free, the opinions were varied. Some of the differences were not resolved. But we have to remember that the committee did report out the bill unanimously, 16 to 0. While there were some votes against some of the provisions of the bill, a majority agreed with its major principles.

I have to confess that I found myself in the minority on some of the points. However, in its final form, this measure comes to the Senate for consideration with a majority of the committee supporting it.

In my view, the respect the committee has shown for the process of the Senate's working its will is reflected in the unanimous vote approving this measure.

As I mentioned previously, the discussion and debates in the committee were intense. Every committee member had a chance to express his feelings and his opinions on every item in the measure as it was reported. Certainly, I for one am more informed about the draft, and its implications, and its merits, and its weaknesses, and, most of all, about its necessity from the hearings held before the committee.

It is, therefore, with a strength of conviction that I join in supporting the basic purpose of the bill—the extension of the draft.

I believe that we have to extend the draft. I hope that the debate here does not become too deeply involved with the emotionalism resulting from the differences of opinion on the Vietnam war. However, I know that to some extent that matter will be heard on the floor.

The issue of the draft has always been an emotional one. It has seldom been resolved by Congress without great soul-searching and debate. We can remember in particular that prior to World War II, in the House the draft was extended by one vote. The difference in one vote, the change of one vote, would have resulted in its not being continued. A single vote made the difference, and the Nation maintained some measure of preparedness during a period of international stress.

In the present atmosphere of strong dissent over the policies being followed in Vietnam and the charged air of disagreement over how fast we should withdraw from that agonizing conflict, we are considering an issue that would be highly charged with emotion even without the Vietnam war.

But I believe we have to look at the measure in the context of all our needs—the manpower needs of the total defense structure—not just in the context of our differences over Vietnam.

I, too, deplore this war. I agonize over its frustrations. However, we must not make the destructive mistake of taking out our frustrations over Vietnam on the military and let it affect the security of our country. We all hope that the questions of Vietnam will be far behind us by the time this law is expired.

In this Nation today we are witnessing a binge of antimilitary feeling that this country has not seen in generations. However, let us remember that it is not the military which makes the policies of this country. It is the military that is charged with the responsibility of the implementation of those policies. The antimilitary mood that we hear today is not a sometimes thing among the young of our Nation. It is deep and strong, and, in its irrationality, it is frightening.

A group of demonstrators, Vietnam veterans visited with me recently in my office to talk with me about the Vietnam war. I tried not to talk too much, because I wanted to listen to them, and understand them, and see what motivated them. One of the things they kept reiterating to me about Vietnam was that they did not believe anything the officers told them.

I said, "Well, at what point do the officers start to lie? Is it when they are promoted from second lieutenant to first lieutenant, or from colonel to general?" Their response reflected a strong antimilitary attitude: They said they just did not believe officers.

I have known some of these generals and other officers for a lifetime. I know that the vast majority of them are patriotic citizens who try to do what they think is right for their country.

My concern is not so much about the differences these young men might have on the withdrawal timetable. My concern is the fact that they would not believe the military at all.

In the face of this attitude, the basic question here remains. How do we provide manpower to our armed services with the least amount of disruption in the lives of those affected?

Here, again, we get back to the question of what is best and how do we best stabilize our armed services?

How do we best meet the needs between now and the time when the military can move to an all-volunteer army—which I support—in the post-Vietnam period?

How do we best provide the talent, the expertise, and the trained men to man our defenses?

And how do we do it, not for the Vietnam war, but for the carrying out of the policy and the commitments made by this administration, by past administrations, and in general with the knowledge and consent of Congress?

Somewhere in this debate, some place among the arguments on this issue, will be found that answer.

The collective wisdom of the Senate can find it if we can minimize the emotionalism and the intense feelings generated by Vietnam.

That will not be easy. I realize that there are honest and sincere men in this Chamber who do not agree that we should separate the two issues. Any feeling person participating in the decision to determine a system of selection of men to bear arms, to fight, to die, feels the emotional pull of this frustrating war. I feel it, I want to see it end. I want to see it brought to a close. We have to bring it to a close. But in our debate on the extension of the draft, can we or should we decide and resolve the policy differences which are so deep and so strongly held about this agonizing and nation-dividing war?

What is best?

All of us, of course, believe that our course and our positions are taken in response to that question. And for those who are following the debate and trying to arrive at a final decision, it is hoped that the answers will be forthcoming as to why we should continue the draft.

I think they will be.

In the course of the debate, I believe it will be shown that an all-volunteer Army at this time cannot meet the needs of the defense posture that is necessary to this Nation's survival.

This fact was fully demonstrated in the testimony heard by the committee, and it will be shown again in debate on the floor.

I have heard it said on the floor of this body that these same arguments supporting the draft can be repeated 2 years from now and, yes, a year from now. But, Mr. President, when you are talking about military manpower policies involving over 2 million people, and trying to plan a program and tell parents and young people what they can count on, I think it is misleading to talk about terminating the draft, or to talk about 1-year draft. I say that because I believe the forces that face this Nation and challenge its security will require, if this bill should fail, that the draft be reinstated at the earliest possible time.

Let me give one example of the military manpower problems this Nation faces. In fiscal year 1973 the Army alone anticipates it will need 336,000 new men in order that it may maintain its enlisted strength of 716,000. I think sometimes we forget how much the personnel of the armed services are being curtailed and how much we are cutting down. We forget the fact that the Committee on Armed Services in its diligence and concern cut the strength as requested by the administration, of the Army, by some 50,000, cut the strength of the Air Force by 3,000, and the Navy by 3,000.

Further, it is estimated that with a larger pay increase approved by the House of Representatives, we can anticipate only 124,000 new accessions—that is, new enlistees—in fiscal year 1973 without the draft. This would mean a manpower shortage of almost a quarter million men by the end of fiscal year 1973 alone.

To bolster that argument, the experts tell us that it is not the lower numbers of draftees alone which will reduce that strength, but the reduction in draft-induced enlistees which make up the bulk of the strength of the rest of the Army, and most of the other forces.

On that same point, we have to realize that the role which we are carving for the Reserve Forces—now and in the future when we will have that all-Volunteer Army, demands a stronger, leaner, tougher and more effective Reserve Force.

If we do away with the draft, these forces will be on starvation rations, so far as personnel are concerned. If we work toward an all-volunteer army we know we have to have a strong Reserve force and building such a force cannot be accomplished overnight. It will take time and good management planning. It is one of the musts if we are to reduce the standing Army and adopt all-volunteer force.

That being the case, then, we must also ask: How can we expect young men to volunteer for the Reserves if under the present circumstances they will not volunteer for the Active Army?

The answer, of course, is that we cannot. We know that the majority of the Reservists and National Guardsmen are draft-induced. Kill the draft, and you kill the effective Reserve, until we are able to put the all-volunteer concept into effect.

We are moving toward that all-volunteer army. I favor it. I want to expedite it. But I have seen the figures; I have heard the testimony—and we are several giant steps from that all-volunteer force.

Until the Army has the time to try out the plans now in the making for an all-volunteer army; until they can test the recruiting and the pay attractions; until they know they can attract sufficient men, from across the spectrum of our national life; then we are foolish to jeopardize our very existence as a nation.

There will be debate here about a pay raise, and about how much. I support an increase in pay for our servicemen as a matter of equity, not simply as an attraction for the hoped-for all-volunteer force. It is disgraceful that servicemen have to apply for food stamps and welfare to support families. If there has ever been an application of the theme—man lives not by bread alone—it is in building attractions for an all-volunteer army. But material means alone will not attract enough men of sufficient skills to man our forces and meet our needs. It is hoped a pay raise will begin creating the psychological atmosphere of improvement and make it easier to volunteer. But the Army has much work to do in addition to boosting pay to develop plans for attracting, and holding, men for a voluntary army. It will take time.

The Army has to answer some tough questions—for instance, how do we overcome the reluctance of men volunteering for combat? The Chairman has said that only 4 percent of the present volunteers opt for combat units. So the climate has to be changed.

In my travels to the campuses, I find the all-volunteer army very popular I have asked two questions of my young audiences: first, how many favor the all-volunteer army? And up go practically all the hands. When I ask No. 2: How many would volunteer? Practically no hands are raised.

There is, in the current climate, a desire for the other fellow to volunteer.

I can understand every mother and father of every son of draft age favoring an all volunteer army but deep down inside they want some other mother's son to do the volunteering.

If there ever was a time when President Kennedy's statement should be heeded it is now:

> Ask not what your country can do for you, but what you can do for your country.

Unfortunately, that statement does not reflect the climate we have in this country today. I do not think history is prologue in this instance. One cannot go back and see what happened to volunteers in the past and project it to the future and say, "This is what we will see in the way of volunteers."

The job of changing that climate is not going to be easy. Certainly the proponents of extending the draft for only 1 year cannot believe that the election year climate of 1972 is going to be much better. In fact, most of us who have been on the campaign trail agree that the emotionalism of a national campaign year is not the best of atmospheres for deciding such a tough issue.

I find now, for instance, that most of my mail is running against the draft, and it is understandable that most mothers and fathers prefer that their sons go to college or into their trade than to the service. But even so, the strongest opposition comes from those we are asking to carry the burden, the young—which makes it doubly tough to determine what would happen if we today, June 30, or 1 year from now, went to an all-volunteer army.

I can understand this opposition by those who are personally involved. I think the committee understands it. I think we also understand the reality of the problem which faces us.

The Armed Services Committee fully recognized its responsibility in limiting the size of the military, a lesson which came from the experience of Vietnam. In so doing, it limited the size of the armed services to a numerical ceiling, the first time that has ever been done.

That limitation is a major provision of this bill, and is part and parcel of the responsible posture which the committee has taken in reporting out a measure that meets the manpower needs of the military and at the same time firmly reestablishes the congressional role of raising armies. What we were really trying to do was to balance this military economic tightrope this country walks on, keeping enough in the military to protect the security of our Nation, and yet not too much to wreck this country's economy.

We carried a number of other important issues before that committee. We made some tough calls—decisions on deferments, Reserve forces, consolidation of draft boards, military pay increases. All of them were given full discussion and full opportunity for every Member to express himself.

Over the past few weeks in this committee I have continued to ask the question, "What is best?" and, to my own satisfaction, I found that answer in the continuation of the draft.

Meeting the needs of the Nation, and doing it with the least possible disruption and in the greatest aura of fairness, is the goal of this bill. It was the goal of the committee in hammering out a measure which must now be decided by this body.

I think this debate will bring the same answer I have found—a 2-year continuation of the draft while we work toward the day of an all-volunteer Army.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, amendment No. 76, which I have offered, is now the pending question. I am pleased to be joined in its cosponsorship by my colleagues the Senator from Iowa (Mr. Hughes), the Senator from Missouri (Mr. Symington), the Senator from Indiana (Mr. Bayh), and the Senator from New York (Mr. Javits).

We seek to extend for only 1 year the President's authority to induct young men into the armed services contained in section 17(c) of the Military Selective Service Act of 1967. Under the present law this authority terminates on July 1, 1971.

There is not sufficient justification for the extension for 2 years of the President's authority to induct contained in section 32 of the bill. On the contrary, I feel the authority should terminate on June 30, 1971, and only the Congress should exercise the power to conscript men into the Armed Forces should the need arise in the national defense. The existence of a standing authority to induct within the executive branch distorts the concept of the historical balance of powers and denies the Congress its constitutional authority. A failure to regain this authority will be a primary abdication of responsibility.

Under present law, the executive branch can raise armies and commit them to battle without any approval of the Congress. In allowing the executive branch easy access to manpower, we permit it to maintain the forces to conduct military operations around the world and to perpetuate the numerous and complicating commitments which can lead us unnecessarily into dangerous military confrontation. Clearly, the size and scope of our involvement in Indochina would have been far less had the executive branch been required to ask Congress to authorize the induction of the men necessary to carry on the war there.

Despite the impression of many people, the draft is not part of our American heritage. In fact, a review of the Constitutional Convention in Philadelphia will reveal that the Founding Fathers, aware that Europeans first came to this land seeking refuge from the involuntary service in the conflicts in Europe, feared a large standing army. They only supported a concept of local volunteer militia. National conscription is an infringement on individual liberty and contrary to the historic principles of this Nation. It ought to be remembered that we have maintained a draft for only 34 of nearly 200 years.

A volunteer army is possible. An end to the draft, coupled with an adequate pay plan, can provide the Department of Defense its required manpower. This is particularly so if, as is the case, the manpower levels of the Defense Department are declining. The President's Commission on an All-Volunteer Force—the Gates Commission—unanimously endorsed the concept and indicated, that, through proper adjustments of the current pay levels for members of the armed services, particularly those in the lower ranks, such a force could come into being within 1 year. The administration is on record in support of this concept.

An extension of the induction authority for only 1 year is feasible and offers the opportunity to create the volunteer force environment. If, at the end of 1 year, there is no further need for the draft, it will terminate. However, if there remains a need, or if the efforts for sufficient volunteers to meet manpower requirements are not successful, the Congress can extend it. Such a procedure will require the executive branch to come annually to the Congress for authorization to implement its manpower proposals and to review its progress toward a volunteer force. Under the provisions of section 509, Public Law 91-441, the Congress every fiscal year is to authorize the average active duty personnel strength of each of the Armed Forces. It is appropriate, therefore, that Congress also review annually the Selective Service System and consider provisions relating to the authority to induct. Virtually all aspects of the Department of Defense are subject to annual review and the system to meet the manpower needs of the Department should not be the exception.

A 1-year limitation on the draft will have little impact on force levels, since less than 500,000 of the over 2.5 million men in the armed services are draftees. The anticipated reduction in these forces affords an easy transition to a nonconscripted military. This is particularly apparent with respect to Vietnam. Under the present plan to reduce forces in that country at a rate of 14,500 per month, no forces will be needed for replacement of existing forces after January 1, 1972. By that time, the troop reductions will exceed the number of men who normally would be rotated out of the country.

Assistant Secretary of Defense for Manpower and Reserve Affairs told the Senate Armed Services Committee, on February 2 of this year:

> On the other hand, to extend the induction authority for longer than two years would be inconsistent with our all-out effort to end reliance on the draft. The goal must be challenging as well as attainable, and I believe its early attainment calls for maximum pressure on those of us who are responsible for implementation. If factors beyond our control prevent us from attaining this goal by July 1, 1973, then we can return here early in that year and account to you for our performance.

There is nothing in that statement which cannot apply to an extension for a single year. The same logic and reasoning are applicable to my amendment. In fact, if the chief officer in charge of promoting the volunteer force believes it desirable to have maximum pressure on the military to implement the program, extension for 1 year would be in their best interest. And if for some reason, any reason, the Department of Defense cannot meet its goal, their accountability to Congress next spring will provide Congress with the basis for consideration of a further extension.

The fundamental question in this issue is the risk, if any, to a sound Defense Establishment by the extension of the draft for only 1 year. Do the threatened manpower shortages which will result from a 1-year draft affect national security? Also, are these shortages real or imagined?

Initially, it should be noted that approximately 57 percent of those men now joining the armed services are true volunteers not motivated because of the draft. A Department of Defense memorandum in April of this year reported that 57.8 percent of all regular Army volunteers, could, as a result of an analysis of draft random sequence numbers of those who volunteered, be classified as true volunteers. That is, these men had safe numbers above the cutoff for those being called for induction. There is evidence that this proportion is increasing.

The retention rates for true volunteers is higher than that of draftees or draft motivated volunteers and an increase in this proportion of true volunteers will reduce the required accessions. The required accessions during a year being the difference between the anticipated losses in manpower as a result of poor pay levels, low morale, lack of interest in service life or the absence of public esteem, and the planned reductions in force levels.

According to fiscal year 1972 budget projections the strength of the Armed Forces would fall to approximately 2.5 million by June 30, 1972. The Senate Armed Service Committee has recommended in the pending bill an additional reduction of 100,000 to an end strength of 2.4 million. Almost all of this latter reduction will involve the Army with few cuts in either the Navy or the Air Force.

The extreme shortfall possibilities for fiscal year 1972 without any draft according to administration projections is 163,000 with no raise in pay levels and no increase in voluntary enlistments. With an increase in pay and funds for improvement of service life and increased recruitment efforts as recommended by the Senate Armed Services Committee the shortfall would be 130,600. This would fall to 119,000 if the pay bill, as passed by the House of Representatives, which will be introduced in the Senate by our colleague from Iowa (Mr. HUGHES), which I support, and which I believe also goes to the very heart of this effort, were ultimately enacted.

These projections were based on a force level of 2.5 million men. After the reduction of 100,000 men in the end strength to 2.4 million men as contained in the committee substitute to H.R. 6531 these projections by the Defense Department do not seem very severe. They potentially would be less than 50,000 men.

Let me emphasize that these anticipated shortfalls by the Department of Defense are based on no extension of the draft. The pending amendment would extend the draft for 1 year so as to insure that unanticipated manpower problems can be properly dealt with. Obviously, there appears to be no need for a draft after 1 year. Nevertheless, next year the Congress as it considers the level of the average active duty personnel strength of each of the armed services can review the need for a further extension of induction authority.

It certainly does not appear that the national security is in jeopardy because of anticipated shortfalls resulting from a draft extension for only 1 year. The relatively minor shortfall that could occur can be remedied by reducing or eliminating unnecessary and certainly unessential work by military personnel. In this category I refer to grass cutting, chauffeur duties, and other clearly nonmilitary duties. Assistant Secretary of Defense Roger Kelley has acknowledged the need to move toward the volunteer force to achieve proper utilization of military manpower. The immediate result of reduced troop levels and recruiting shortfalls will be seen in the ranks of the first term enlistees, the recruits. According to Dr. Walter Oi, a member of the staff of the Gates Commission:

> Fully two thirds of a recruit's first year of service is presently devoted to training, learning the skills needed for his later military occupational specialty. Moreover, at least one instructor and/or support person must be diverted from the operating force to train each four to five recruits. Thus, if we had 80,000 fewer recruits, we could reassign 16 to 20 thousand enlisted men directly to operating units. The net reduction in the size of the truly effective force is, in the short run, only about 10,000 men, not 80,000.

Now that civilian employment ceilings have been lifted for the Defense Department a significant number of positions now held by enlisted personnel could be civilianized. Such a policy would provide a double benefit, since civilianization provides for reduced costs for the Department. This is due to less turnover and the absence of the usual investment in training of the military enlisted man when he enters the service as well as throughout his career. It is ironic that civilianization is recommended while at the same time civilian employees of the Department of Defense complain that many of their jobs are being lost to military personnel. We are bringing back people from Vietnam and putting them to work at civilian jobs to keep our force levels where the department thinks they ought to be, when in fact we could reduce them far below that. That is really one of the fundamental issues of how we are using the excess manpower coming back from Vietnam at this point in time.

The Gates Commission estimated that approximately 92,000 enlisted positions could be civilianized in a force of 2.5 million men.

A recent study just released by the Comptroller General showed that 10 percent of the men in the army now were being assigned to tasks they were not even trained for—that we were misusing 10 percent of the training that had been given to the men in the army right now. So the GAO's own audit confirms the point that we are misusing and misfitting unnecessarily 10 percent of the manpower levels in the army vis-a-vis the opinion of the Comptroller General's office, which also goes to the very heart of this matter.

The current ban against reenlistment for those in the new standards category could be lifted, producing between 7,000 and 15,000 men per year. The Defense Department has indicated that new standards men—men let in because we have changed our physical and mental standards—succeed at a rate of 93 to 95 percent—in other words, about 93 to 95 percent of those going in under the new standards program are acceptable—as well as those accepted in the regular ranks, and without special additional training.

The "early out" program could be modified. A temporary elimination of the program could provide nearly 30,000 men, simply by not having the "early out" program. The Armed Forces Journal recently noted in the May 3, 1971 edition:

> Early Navy Outs are not as popular as expected and Navy is in the unexpected position of being over strength and exceeding its year end budget limits. The problem is that reenlistments are holding up, and the number of requested extensions has increased, among other reasons. Commanders have been asked to see that personnel due for separation are out by the tenth day of their separation month.

It is obvious that much can be done to streamline our military forces and eliminate unnecessary manpower. With proper attention to this problem and a congressional mandate in the form of an extension of draft authority and a single year coupled with an intention to examine annually the progress being made in reducing the size of the armed services thus eliminating a reliance on the draft, this matter can be resolved satisfactorily. The threatened shortfalls are, perhaps, more imagined than real.

Until we end the draft, the Army will be unable to make dramatic strides in the business of restoring to itself the effectiveness and prestige it deserves.

In some areas of California, it is reported that over 30 percent of those called for induction fail to report. The system of the draft is breaking down. Every effort must be made as soon as possible to institute a system of voluntary procurement to insure that we have sufficient men.

The draft has earned for the Army the disdain of Americans from coast to coast. Its prestige has fallen while the public recognizes that increased costs and decreased effectiveness is encouraged from high turnovers and increased discipline and morale problems. As the percentage of draftees has increased in the forces over the last several years, so have the numbers of infractions of military rules and regulations. AWOL rates for the U.S. Army are twice as high in calendar year 1970 as they were in 1965. Desertion rates are more than three times as high. And we know, too, that general courts martial for draftees are disproportionately higher than for enlistees.

Experiments initiated by the volunteer Army program at Fort Ord have shown spectacular results, and the Army is to be complimented for these.

Not only is discipline improved and AWOL and desertion rates down, but military effectiveness is up as well. Training results show increases in test scores in almost every category.

The message is clear. Internally, the military cannot put itself into maximum effectiveness while the draft is still present. It is in the interest of national security that the draft should be extended for only 1 year at this time.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I am delighted to yield to one of the principal cosponsors of my amendment and one who has done very much in the Armed Services Committee with respect to the matter of pay, which is closely related to this area.

Mr. HUGHES. Mr. President, I compliment the distinguished Senator from Pennsylvania for taking the leadership in the area of reducing the draft extension to 1 year, for the reasons he has set out, which I think are vitally important, along with the statistical evidence he has indicated about the higher percentage of draftees being involved in courtsmartial, desertions, and general problem areas of the services.

Does the Senator know that, in addition, the people who are becoming addicted to drugs and narcotics in the service are also, in the vast majority, indicated to be draftees, rather than enlisted personnel who intend to make a career of the service and who stay there longer?

Mr. SCHWEIKER. That is a very valid point.

I recall touring with the Senator from Iowa one of the drug rehabilitation centers in the South and inspecting the very progressive and up-to-date effort to try to help our servicemen who get hooked on drugs.

I asked one of the people who was going through the program at the time why he had become hooked on drugs. He said he was in college and had a very challenging career ahead of him. Then, because of the college situation, he had lost his student deferment and had been drafted, and that now his big problem was that he had no challenge in the military. Military life was boring to him, gave him a lot of unnecessary jobs, a make-work approach; and, frankly, he had turned to drugs as a result of the boredom as a draftee.

I think that this is a very good illustration of why our drug addiction rates have gone up. We compel our young people to go into the service and then give them a lot of jobs that are not related to their skills and training, and ask them to do many other things. I had a personal point with this young man who made the exact point as to why he got hooked on drugs and hoped and prayed he could break the habit.

Mr. HUGHES. I am glad the distinguished Senator from Pennsylvania has pointed out these very important aspects of the extension of the draft. Since we are in the process of totally reviewing the draft, the extension of the draft, perhaps putting a ceiling on the number of men who can be in the overall armed service strength of our Nation, it is important to point out at this time that the amendment of which I am the primary sponsor, to increase the military pay to that of the House levels, as passed by the House of Representatives, is in direct context with the proposal of the Senator from Pennsylvania for a 1-year extension of the draft.

Although I am not tying the pay increase to either the rise or fall of the 1-year extension, it makes it even more critical to consider the total increase in military pay at this time, rather than by waiting for half of it in 1973, to be effective in 1973, as the administration has suggested.

So again I want to thank the distinguished Senator from Pennsylvania. I will have more to say a little later as to the relationship I believe the military pay has with respect to this amendment.

Mr. SCHWEIKER. I thank the distinguished Senator from Iowa. He has made a great contribution. I feel that our amendments are closely related, although not parliamentary-wise. The Senator's amendment to increase the pay to the Gates level recommendations, which relate to the House structure, very definitely relates to what I am trying to do. My goal, of course, is to achieve an all-volunteer Army, but we are appealing to people who support our efforts for several different reasons.

One reason is that there are those who feel that we can go to an all-volunteer force and give a year of higher pay increases and more inducements, to treat our GI's as first-class citizens rather than as second-class citizens. I think it is very indicative of this problem to realize that our GI's are below any definition of the poverty level we have ever formulated. They are below what we pay for welfare benefits in the larger States. It is below the minimum wage law. We have put our GI's below just about every conceivable index we have in this society.

It is rather ironic when people say, "Well, of course, the draft has to go, because the volunteer Army force cannot work." We have never given it an opportunity to work. We have never put our pay to the point where it is at least comparable with similar situations that young people out of high school can avail themselves of.

We have never used that approach—the Gates Commission approach and the House version, which will soon be submitted by the Senator from Iowa—which is the first approach in history to really attempt to give the opportunity for a volunteer force to work.

Not only do we treat our GI's as the very bottom of the ladder, but also we treat their dependents the same way. How can we expect people to volunteer when we treat them this way?

Recently, I came across a memorandum from the commanding general of the Army exchange system in Europe. In this memorandum, which was dated February of 1971, the general very specifically said that from now on it will be the policy of the Army exchange system in Europe not to give wives of GI's the jobs at the exchange stores and the service establishments which the Army system runs throughout Europe, because they have a higher turnover rate than local nationals and because we have to pay them more.

I have never heard of anything so ridiculous in my life. We actually send our GI's to Europe at poverty wages. We do not pay to send the wives there. They have to beg or borrow that money. They get over there, and if they do bring their wives at their own expense, the wives cannot even go to the Army Exchange Service and get a job, because a general has sent out a memorandum that says we are going to give those jobs to the nationals of the countries involved.

How ridiculous can one policy be? No wonder we do not have an all-volunteer army. No wonder we do not have people volunteering, with that kind of rank discrimination against the wives of American citizens.

The argument is that because there is a higher turnover rate of GI's wives than the local nationals, we do not do this for the GI's wives. Of course they have a higher turnover rate. Why do they? For a very simple reason. The GI is assigned there for a year. His wife is going to go back with him. So, yes, they have a higher turnover rate.

I cannot imagine that any other country in the world would treat its citizens in that way—bar none.

I could not believe the memorandum. I compliment the chairman for rightfully attempting to correct this situation, because he recognized the inequity of it. He was most receptive, and so was Assistant Secretary Kelley, who also, I think, was somewhat surprised that this was going on. Thus arose a situation which the chairman has moved to correct and which the Assistant Secretary of Defense has moved to correct. I use it to make this point only to show that we have never given the volunteer army concept a chance and we cannot do so when we discriminate not only against GI's but also their wives who want to work where the American dollars are being spent, where the GI's are spending their dollars, and where the Exchange Service itself makes a profit from the GI's. We are not using that money, according to that memorandum, to enable the GI's wife, in essence, to get respectable employment. Thus, I do commend the chairman.

Mr. STENNIS. Mr. President, will the Senator from Pennsylvania yield to me briefly?

Mr. SCHWEIKER. I yield.

Mr. STENNIS. I want to thank the Senator from Pennsylvania for the apt way he has developed the facts in this matter, once he was able to learn about them, and to present a constructive and effective amendment which obtained the unanimous vote of the committee and is in the bill now.

I thank the Senator again.

Mr. SCHWEIKER. I thank the chairman. I want to say, Mr. President, that he has been receptive to anything that I have done along this line in terms of trying to improve the state of the GI. I think that is very good and healthy. It is deplorable that we got into this situation, in the first place, and I think it is an even more deplorable situation that someone in the Pentagon did not attend to the situation or would let something like this go out. In fact, the information I had, presented to the committee, is that they were not even aware that such a memorandum was put out by this commanding general. I commend them for their willingness to rectify the situation, however.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD the particular memorandum to which I have referred.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

EES MANAGEMENT INFORMATION LETTER

WHERE DO WE GO FROM HERE?

In the current *Commander's Newsletter* (January 1971 No. 36), is an item entitled: "What Lies Ahead for EES?". I call it to your attention here because of the need to get all members of EES management thinking about our goals and problems in 1971.

Every guideline we see predicts that the year will be a costly one insofar as personnel and operating expenses are concerned. (See related item following.) The job of obtaining increased productivity and efficiency from our work force is an exceedingly difficult one which rests squarely with each of our management personnel. It is clear that 1971 will not be an easy year for those who choose to drift along on a "business as usual" basis.

You are all well aware of our efforts to date in "Operation Slim-Down." This program is designed to trim off the fat in our operation. We can and must, streamline our organization but at the same time not curtail any essential customer service. This is a tall order, I know, but we are faced with little choice.

Our organization is scattered and diverse in its operation and we must all depend upon the responsiveness of others. We depend upon the full involvement of all of our people to get the job done. In this regard it means getting more from our people through motivation and leadership. It means doing the things we have been doing, *only better*. It also means demonstrating imagination and innovation to try the new and the untried. Today, we in EES are already seeking many ways to increase productivity but we must do more.

EMPLOYMENT OF U.S. DEPENDENTS AND TOURISTS

EES presently employs approximately 4,000 full and part time US citizens in positions such as salesclerk, buffet attendant and secretary, which would normally be filled by local national employees. There are several reasons for this. Firstly, in some areas, particularly West Germany and Berlin, it is extremely difficult for the US Forces to hire local nationals, so the US dependents and tourists have been a welcome addition to our labor force. Secondly, until recently there has been little salary difference between US citizens and local nationals for these types of jobs, so there were no economic considerations. And thirdly, the employment of US dependents and tourists has been actively or passively encouraged by the US Forces for the last two or three years as one phase of the effort to improve our balance of payments situation.

Circumstances have now changed. As of 2 January 1971, the pay for HPP employees is significantly higher than the pay for local nationals in all countires where EES operates. For example, in Germany, where US and local national pay rates are closest together, a US citizen kitchen helper earns 33% more than a local national in the same job. This means higher wage costs in exchange activities.

The turnover rate of US dependents and tourists in EES averages approximately 120% per annum, whereas the comparable local national turnover average about 35%. This means an extremely unstable and inexperienced work force in those activities with a significant percentage of US personnel.

For the reasons outlined above, I desire that all European Exchange System elements in the months ahead emphasize the recruitment of local nationals and sharply de-emphasize the utilization of US dependents and tourists. Due to the high turnover in the latter category, I feel this transition can be made without actually separating any US personnel.

Positive action must be taken in all areas to meet the spiraling wage costs. Your support of this effort will help maintain the financial stability of EES and prevent a massive curtailment of service.

BAKERY COOPERAGE

An item for all managers handling bakery products: The *shippers* in which these items are issued *must be returned*, by the first available transport, *to the supporting bakery*. We are still experiencing serious difficulties in meeting delivery requirements, because facility managers are neglecting this requirement on an almost daily basis. The solution is not to add additional equipment to the pool—this costs money—a great deal of it. What is needed is continuing interest in their prompt return—by managers, field reps, branch chiefs and area top management. While we are also approaching the commissaries and unit messes through command channels on this matter, we should also police these people ourselves—to the extent possible. The shippers are EES property, no matter to whom issued. Their proper use and prompt return by all should therefore be a matter of concern to all EES employees.

AMUSEMENT MACHINES

During visits to our facilities I have noticed numerous snack bars with fewer pinball machines than space allows. I believe that, if a careful survey of available space were made, as many as 200–400 additional machines could be put into operation throughout EES. Good customer service in the field requires that each facility has as large a variety of amusement machines as space permits.

Creating an amusement center atmosphere with panelling and banks of four or five amusement machines will enhance customer acceptance and increase sales. In many food outlets there is additional space to be found without moving a single table. Where it does not interfere with snack bar operations, two tables can be put together when a small amount of additional space is needed to make room for additional machines. Considering the high return generated by amusement machines, every effort should be made to place as many of them as possible.

SANITATION STANDARDS

It has been brought to my attention that some of our food service managers are not fully apprised of the various military regulations and EES directives on sanitation requirements and standards. I think it essential that all management levels involved in the operation of EES cafeterias, snack bars, foodlands, food plants and food storage warehouses are fully cognizant and knowledgeable of these requirements and standards.

Our own Food Manual of Operations has specific chapters outlining the sanitation requirements to be followed in every type of food facility. Exact criteria are spelled out.

Local Army and Air Force veterinary medical inspection units and the Army preventive medicine section will, in nearly all instances, provide assistance to EES food personnel in obtaining pertinent information found in their military regulations.

I know that our food people want to maintain a constant high level of sanitary operation. With this in mind, it is essential that we maintain a close working liaison with each military medical inspection unit. These units should be called upon for guidance and assistance when needed.

RETAIL ACCOUNTABILITY LOSSES

Substantial retail losses, which have recently been sustained by some of our major retail stores, dictate that I bring this problem to the attention of every facility manager in our system. The purposes, of course, is to focus attention and enlist complete support of a program to "reverse the tide" of losses in our retail stores, warehouses and depot operations.

I realize that the ever present specter labeled "accountability controls" must always be contended with as long as we are in business. The point is, are we focusing the interest, attention and capability as earnestly on this problem as the current situation indicates? I feel, as I am sure you do, that the drain on exchange earnings caused by shortages, can be drastically lowered.

I would like to see some new and dynamic emphasis directed towards getting a "firm grip" on loss control and the development of an aggressive program directing every possible means at hand to remedy situations where shortages and losses are evident.

Retail losses are of major concern at this time; however, I also urge that you carefully review the losses occurring in food warehouses and depot operations as well. Since the control of losses in *all* areas is "everyone's business," every manager of our retail, warehouse/depot operations should be informed of this matter.

I realize that many of our operations are not having accountability problems. I suggest that these operations as well as those having problems be reviewed. The factors which make for excellent accountability control in the good operations should be utilized in the activities reflecting higher variances.

I am directing that each Area Exchange/Depot Commander and executive make periodic spot checks of control measures in use. An occasional unannounced cash verification, recheck of receiving reports, review of cash register variances and recount of a limited number of items during physical inventories, will consume little time but will demonstrate our interest in loss prevention and accountability control.

By separate letter to each Area Exchange Commander, I will be soliciting information in regard to actions taken as well as ideas to help us reduce these losses.

In this manner local input can be reviewed and any workable suggestions put into practice by all.

MANAGERIAL TRAINING

In this day of ever rising personnel costs, one of the best ways to tackle the problem is for continued emphasis to be placed on the training of our people. Realizing the vital contribution the work force generates in terms of operational efficiency and customer service helps to bring into clear focus the increasing need for their expanded job knowledge.

Last year fifty-nine food and retail facility managers from seven countries received developmental training in separate two-week managerial courses at Lenggries. This achievement was significant because it was the first time in exchange history that formal courses had been conducted away from the AAFES Training Center in Dallas. The curriculum was specifically tailored to EES operational requirements. In addition to instruction presented by the professional teacher from the Training Center, key executives from this headquarters who have firsthand knowledge of our operating problems and needs also presented topics. The immediate results generated from these two courses made it evident that this effort must continue. Accordingly, funds have been allocated to conduct one retail and two food courses again in EES this year. Dates and locations will be announced later. While it is realized that attendance at these courses require the manager's absence for two weeks, the motivational and work productivity benefits to be derived upon his return far outweigh the inconvenience. Making selected members of your managerial staff available to attend these courses will be very much appreciated.

In addition, further emphasis must be placed on the orientation and training of our customer contact people. Customer courtesy, improved product knowledge, better sales techniques will do much to improve customer relations and increase sales. I ask each commander to give personal attention to this matter.

Charles H. Phipps,
Brigadier General, U.S.A.,
Commanding.

Mr. HUGHES. Mr. President, will the Senator from Pennsylvania yield?

The PRESIDING OFFICER (Mr. Humphrey). Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. SCHWEIKER. I am happy to yield to the Senator from Iowa for a question.

Mr. HUGHES. I should like to ask the Senator from Pennsylvania this question: As I listened to his statement, he indicated that if the returning level of manpower from Vietnam were increased from the present 14,250 level to 16,000—was it?—that after October, we would need no more draftees in Vietnam; is that correct?

Mr. SCHWEIKER. That is correct.

Mr. HUGHES. And if the level were increased to 18,000, we would need no more draftees in Vietnam after August; is that correct?

Mr. SCHWEIKER. That is correct, yes.

Mr. HUGHES. So if the administration should decide to increase the returning manpower from Vietnam, it would be possible, on the basis of the study, to run the complete operation at the existing manpower level, without any more induction of draftees into the armed services; is that not correct?

Mr. SCHWEIKER. That is correct. That is the very point we want to make because it is relevant to the 1-year extension.

Mr. HUGHES. The Senator was taking the position in his amendment on the effect on family dependents to survive at the present level and as a result of that, the inability to encouraging people to volunteer in the Army. I believe this was the common goal of the administration and I believe also of the Department of Defense; is that correct?

Mr. SCHWEIKER. Yes. That is our expressed goal.

Mr. HUGHES. The only question is the time for the full institution of this, is that not right, whether we do it this year or next year for 1973?

Mr. SCHWEIKER. That is the very heart of the matter. They agree on the all-volunteer concept, but even on pay they were off as to when pay should go. So, what harm is it to extend it for 1 year and then if, perchance, our estimates are wrong, which, frankly, I do not think they are, we have the option next year to give them the other year if we are wrong. But if they continue to bring the GI's back home from Vietnam and provide make-work for them around the United States, then I think it will be a great injustice to them and we obviously should proceed to dismantle the draft.

Mr. HUGHES. Does not the Senator from Pennsylvania recall, when I asked Secretary of Defense Laird if, in fact, they could move in a 1-year period of time to an all-volunteer Army, that his reply was yes, that they could move if it was necessary to move that rapidly. So, basically, what we are talking about is they have the capability of moving in a year. They have indicated that they could move in a year. They have indicated that the ultimate pay objectives are the same as the objectives the Senator has been talking about, including my amendment that will be brought forth to the bill, and the only question is the time involved and nothing else.

Mr. SCHWEIKER. That is correct, and I want to say further that if we advance the pay schedule 1 year, we have eliminated that problem. So that if we step up their last increment, as the Senator's amendment would do, we eliminate the only remaining argument for a 1-year extension, that is, that the pay is available and we can get started this year. That is the heart of the whole matter. We are fighting for the administration's objectives of 1 year ahead of schedule and it can be accomplished if we put the pay in.

Mr. HUGHES. Then, the 1-year extension of the draft, actually, as the Senator has pointed out, gives Congress ample time for consideration of any conditions that could arise between now and a year; and any different type of involvement, or any different type of international confrontation, or any different type of manpower needs, wherever they might arise, could be reviewed by this very Congress and the appropriate committees, over that period of time.

Mr. SCHWEIKER. That is certainly true and will give us, in the meantime, adequate time to eliminate any unforeseen situation and will not in any way produce an emergency. In fact, prudence would dictate, since we are dealing with human lives and involuntary servitude, that this is the wiser course—the 1 year.

Mr. HUGHES. Does not the Senator also believe that this would bring assurance, not only to the young men of America but also to their fathers and mothers, that there is intention by this Congress eventually to bring conscription to a close in America and that we can maintain our forces by adequate and comparable pay with those in private industry and its occupations, by adequate concern and care for the dependents or their sons and daughters who are in the service, and also to make sure that there is a system of equality for these young men and women who are in the services, and by doing that would alleviate a lot of this tension and fear in America today as to our intentions with relation to the Armed Forces.

Mr. SCHWEIKER. It certainly will. We see the way that this draft is tearing our country apart and its young people and compounding problems in America, instead of solving them. We cannot help coming to the conclusion that it is only the fair, equitable, wise, prudent, cautious and conservative thing to do, to take another look in a year. That is all we are asking—for another year—to review the situation.

Mr. HUGHES. Can the Senator then see anything in this proposal or in the supplemental proposal on the pay increase that will follow later? Can the Senator in any way see anything in his proposal of a 1-year extension or of an increase in the military pay, in context, which I feel is a supplement to the 1-year extension, that is in conflict with the stated goal of the administration, the Secretary of Defense, or the common purpose of national defense and the security of America, as stated publicly and generally by people all over the country, and on both sides of the aisle in this Chamber?

Mr. SCHWEIKER. Mr. President, I cannot see any roadblock, any obstacle, anything at all that stands in the way of the administration reaching its goal a year earlier. And if they had been willing to submit a pay package this year, instead of next year, they would come to that conclusion, too.

The Senator from Iowa has quite correctly and properly moved up the pay package 1 year.

I would say to the Senator that, regardless of the merits of doing it for the volunteer concept, I think we have given our GI's all around the world enough injustice. Judging from every measure, every standard of equity, pay, and every kind of system, they have been at the very bottom.

So, I think in a sense of fairness and equity, forgetting the argument about the 1-year extension, we should do our best to make sure they get the pay that the administration says, in the Gates report, that they are entitled to.

Mr. HUGHES. Mr. President, there is absolutely nothing in the opinion of the distinguished Senator from Pennsylvania—and certainly not in the mind of the Senator from Iowa—that in any way affects the defense of this country and the opinions of the Secretary of Defense or the administration or the objective and goal that should be obtained for our armed services. It can be subject to review next year if different circumstances arise.

A pay increase is certainly the goal of the administration. It has brought forth support.

The only question remaining is when to do it. Is it fair to say to these young men and women that they should wait a little while longer, wait another year, continuing to try to work and be unable to do these things?

We have increases contained in this measure. However, it is not an increase to the level that will eliminate the questions the Senator was discussing earlier.

Mr. SCHWEIKER. The Senator is correct.

Mr. HUGHES. Mr. President, I thank the Senator from Pennsylvania again for his dedication, for the time that he has spent on this, years, in reaching for an all-volunteer service. He has given us so much of his time and fought the battle in the hours when it was not a popular thing to do. He is now attempting to bring it into line with the stated goal for the time being of an all-volunteer army in the future, a 1-year extension of the draft rather than a 2-year extension of the draft, which I believe obviously has no effect at all on the security of this Nation. It will alleviate so many of the problems abroad in this land among the mothers and fathers of the draftees and will bring some degree of compensation to those men and women whom we call on in our time of need to fight in an unpopular war and to be willing to die, if necessary, and take every risk and make every sacrifice that any member of the Armed Forces has ever made, even in wars considered to be absolutely essential, and to demand that they then be subjected to these additional burdens of waiting.

I am deeply grateful to the Senator from Pennsylvania for the tremendous job he has accomplished in this area.

Mr. SCHWEIKER. Mr. President, I thank the Senator from Iowa very much. I would like to read at this point a memorandum. I referred to it a few minutes earlier. This is a memorandum dated February 1971, No. 30. It is from the EES Management Information Letter, which is the Office of the Commanding General—European Exchange System.

The memorandum is signed by a Charles H. Phipps, Brigadier General, United States Army, Commanding. In that memorandum, he writes:

> For the reasons outlined above, I desire that all EES, European Exchange System, elements in the months ahead emphasize the recruitment of local nationals and sharply deemphasize the utilization of U.S. dependents and tourists. Due to the high turnover in the latter category, I feel this transition can be made without actually separating any U.S. personnel.

Is that not magnanimous? He wants to put it into effect, but does not want to hire any GI wives who are there. I never heard of such a thing.

Mr. President, I could not believe that the GI's had a valid complaint when they said that their wives could not get jobs. I had several write me and contact me. I could not believe that we were doing this until I saw an article in the Stars and Stripes by a Captain Hamilton who is stationed in Nuremberg as the head of the psychiatric division. He was complaining of why his job was so difficult. The reason was the low pay and that they gave the GI's no money to fly over there. They treated them as second-class citizens. They could not economically make ends meet. They could not get their wives jobs at the local exchange service. A number of them were ending up in hospital wards from mental exhaustion because of the economic pressures that we, the American people, were putting on the GI's.

That is why I am a little bit incensed and aroused. We have never tried to have an all-volunteer army. We have tried to discriminate against our own citizens and their wives in a manner that I could not imagine any country in the world doing.

We have never given this a fair try.

Mr. President, I will have a little more to say later. However, I conclude my statement at this time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the proviso that I do not lose my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, at the present time there are over 300,000 U.S. military personnel, including 20,000 in the 6th Fleet, stationed in Western Europe. Of this number, 128 are general flag officers, or one general flag officer for every 2,343 men.

That is an introductory statement.

Mr. President, I ask unanimous consent that I may submit an amendment to H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes; and I further ask unanimous consent that, after the reading of the amendment—and I do this with the approval of the authors of the pending amendment—the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, the amendment offered by the Senator from Montana—and I only read it a few minutes ago—is a far-reaching matter. It is highly important. It involves international policies. However, any Member might wish to vote on it. I am sure most Members want a thorough discussion and debate on it. I would not be in a position to agree now to make it the pending matter.

Mr. MANSFIELD. Would the Senator mind withdrawing his amendment so that I can offer my amendment and then the Senator's amendment could follow my amendment?

Mr. STENNIS. Mr. President, may I be heard on that request?

Mr. MANSFIELD. I understand the Senator from Pennsylvania has a right to do so voluntarily if he wishes to do so.

Mr. STENNIS. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I suggest to the Senator from Pennsylvania before he agrees to withdraw his amendment that there be time for a conference. I think the amendment of the Senator from Pennsylvania goes to the very vitals of this entire bill. The major part of the debate on it will affect the whole system of the Selective Service Act, the entire military setup, and I welcome the debate on it, and a vote on it. However, I really do not think it should be set aside now and another amendment brought up.

To that extent I appeal to the Senator from Pennsylvania in the interest of orderly procedure that he not withdraw his amendment. He told me on Friday and he told me this morning that he wanted to bring up his amendment. I had asked him not to at that time. I told him I would let him know when the committee had gotten near the point of making its initial presentation. I notified him to that effect. I hope that now he does not withdraw his amendment, certainly until we can have a conference.

Mr. SCHWEIKER. Is the Senator willing to have a conference on it now?

Mr. STENNIS. Yes.

Mr. MANSFIELD. I will go ahead with my speech while the Senators confer.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, has the amendment been read?

The PRESIDING OFFICER. It has not been read.

Mr. MANSFIELD. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be read by the clerk.

Mr. MANSFIELD. I withdraw my request in view of the situation that developed, but I want the amendment read.

The PRESIDING OFFICER. The request for the amendment to be offered for purposes of parliamentary action is withdrawn and the amendment will be read for the information of the Senate.

The amendment was read, as follows:

At the end of the bill add a new title as follows:

TITLE IV—REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

SEC. 401. (a) The Congress hereby finds that the number of United States military personnel stationed in Europe can be significantly reduced without endangering the security of Western Europe, and that such a reduction would have a favorable effect on this Nation's balance-of-payments problem and would help avoid recurring international monetary crises involving the value of the dollar abroad. It is therefore the purpose of this section to provide for such a reduction at the earliest practicable date.

(b) No funds appropriated by the Congress may be used after December 31, 1971, for the purpose of supporting or maintaining in Europe any military personnel of the United States in excess of 150,000.

Mr. GRAVEL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GRAVEL. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment of the Senator from Montana, if the Senator has no objection.

The PRESIDING OFFICER. Is there objection? The name of the Senator from Alaska is added as a cosponsor of the amendment.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the essential purpose of this amendment is to bring about a reduction of approximately 150,000 Armed Forces personnel below the number presently stationed in Europe.

In short, the amendment says it is too late for the U.S. Government to keep playing the role of Wilkins Micawber, hoping that something will soon "turn up." Something has indeed turned up: a full-blown monetary crisis created in large part by our failure to deal decisively with our enormous balance-of-payments deficits. These in turn derive mainly from our military expenditures in Vietnam, in Europe, and elsewhere around the world.

Mr. President, for several years now other Senators and I who have long felt that an excessive number of American troops and dependents are stationed in Europe have been strenuously cautioned against precipitous action to reduce those totals. Several times I have introduced resolutions making clear our belief in the need for a substantial reduction in our forces in Europe. Several times I have held off action because I have not wished to disrupt an allegedly delicate situation, or to give any justification to those who might charge that we in the Senate have not given the most mature and informed consideration to the problem.

The cautionary voices urging us to wait and see have raised a variety of reasons for inaction. Again and again we are told there can be no question but that the present level of American troops in Europe in time must be reduced, and reduced substantially. But the cautionary voices keep murmuring that now is not the time.

We have been told that so-called offset agreements with West Germany are going far toward closing the serious U.S. balance-of-payments deficits incurred by our military expenditures in Europe. Yet, on examination we have found that much of the offset payment has turned out to be relatively short-term German loans to the United States. These merely postpone our problem; they do nothing to resolve it.

Then at the NATO ministerial meeting late last year quite a different tack was attempted. In December we were told that our European allies would be making a special effort to strengthen their forces. As part of the supposed bargain the United States would not only maintain its current levels of forces intact, but would also contribute to the projected increased effectiveness of the alliance's military position. Once again, close examination reveals that the much touted special effort over the period of the next 5 years at best will represent rather modest progress.

Over each of the next 5 years the Europeans together plan to spend an additional $100 million toward improving their force levels and readiness, while a similar sum would be invested in infrastructure—that is, the facilities located on European soil for logistical and related purposes. In any one of the next 5 years the combined extra European effort would amount to roughly $200 million, or about one-ninth of the annual U.S. balance-of-payments deficit incurred as a result of American military expenditures in Europe. This, to me, is not a very impressive effort when one considers how much energy and time went into arguing for an increase which would encourage Americans to believe that the corner had at last been turned.

When other arguments fail—as indeed they have—the executive branch always seems to fall back on something which we can only call the psychological argument. We have been lectured constantly over the last year on the theme that West German efforts to promote detente, under the heading of "ostpolitik," should not be disrupted or endangered in the slightest by any action which would affect the balance of military forces in Europe. No one is more interested than I in promoting a peaceful dialog between the Soviet Union and the Western allies leading to a permanent and reliable stabilization of the European scene. However, I have never believed that this is a short-term proposition or process. If we are to wait for the full success of ostpolitik before we can change our force levels in Europe, then we may have to be prepared to endure a stalemate which could last for one or two decades, or even longer, because some of the arguments against this proposal to reduce our forces in Europe seem to have a ring of permanency about them, and some of my colleagues feel that U.S. troops should remain in Europe ad infinitum.

The related point is also stressed that we must take no action which could jeopardize the political position of the Brandt government in Germany. There is no question about the depth of the Chancellor's commitment to the West. Yet, it is conjectured that some other German leader in the future might try to work out a unilateral deal with the Soviet Union at the expense of the Alliance if the United States were to jar the supposedly delicate psychological balance of the German people. Frankly, this sort of argument is not flattering to the German people—anymore than comparable speculation abroad is to us about the possible faithlessness of the United States. Both countries should resent and reject these hypotheses. Indeed, one could turn the argument around and say that, since the leaders of the two largest German political parties are unquested advocates of Western European unity, it would be better to scale down the U.S. presence while they are in office and can handle any possible repercussions.

Mr. President, today we are seeing the high cost of postponement of consideration of urgent problems. Time and again Members of this body have taken the floor to discuss our persistent and increasing balance-of-payments deficits, to urge immediate attention to the problem, and to prophesy critical times ahead if matters are left for the most convenient time. The distinguished senior Senator from Missouri (Mr. SYMINGTON) in particular, and also the distinguished senior Senator from Illinois (Mr. PERCY), have given us an excellent lead in warning against just what has come to pass; yet another international monetary upheaval.

Last year the United States incurred

a record balance-of-payments deficit of over $10 billion on an official settlements basis. Instead of taking the lead in calling for early and dramatic measures to overhaul the system which could produce such disruptive deficits, the executive branch devoted most of its efforts to figuring out different means of computing the balance-of-payments formula and to assuring us that the situation—although admittedly less than desirable—was tolerable.

Unfortunately, the financial community in Western Europe has taken quite a different view of the international monetary scene. While we have been worrying about the fancied psychological problems of West Germany, Europeans have been worrying about the very real problems of the United States. When they looked at this country they have seen mounting waves of unrest breaking on a beach where the administration, figuratively speaking, sits like King Canute, with arms folded, saying that it would not be moved by the urgency of the situation. Confidence in the willingness of the United States to put its house in order has certainly not been increased by our display of subborn petulance. It is too bad we have forgotten the original point of the story was that of an astute ruler showing his adoring courtiers that his power had limits.

In fact, the European reaction amounts to a vote of no confidence in the international monetary policies pursued by our Government. Ironically, taking a lead in giving expression to this sentiment has been the country which has most strongly encouraged us to keep on playing the same world role, and to keep our forces in Europe intact. When the chips are down it appears that a number of our European allies are far more interested in their domestic concerns than they are in the international scene which they expect us to improve.

It seems to me we have been refusing to face up to a paradoxical European attitude which has persisted for some half dozen years. On the one hand, many of our European friends constantly urge us to maintain unchanged our commitments and our military forces. On the other hand, they argue strenuously for a reduction in our payments deficits, which are incurred largely from the activities which they say cannot be altered. As far as Vietnam is concerned, the NATO Allies offer little advice and less help; at least the French do us the favor of speaking their minds clearly and forcefully in urging withdrawal.

While a number of palliatives have been proposed and applied, our payments position in Europe and the world has deteriorated further. For example, in fiscal year 1968 the amount of U.S. defense expenditures entering the international balance of payments in Western Europe was about $1.611 billion. In 1969 the figure fell slightly to $1.586 billion. In fiscal year 1970, however, the figure had risen again to more than $1.731 billion. This could hardly be termed progress.

Now we are in a position where we must break out of this endless circle of frustration and take clear-cut action to reduce the payments deficits which have weakened international confidence in the dollar. Our European friends have met urgently to discuss means of coping with the currency crisis. Their main accomplishment was to reject for their own individual domestic reasons the compromise proposal put forward by the Commission of the European Community. In one case, we find the finance minister of a friendly nation avidly seeking the devaluation of the U.S. dollar. But there is no purpose to be served in complaining about the alarms and excursions of the international monetary situation. Our Government is just as much to blame as any other for failing to read the message on the wall.

Mr. President, my amendment is designed to bring about early relief to our pressing payments deficits abroad. It is an amendment which is necessary and reasonable. It will permit 150,000 American military personnel still to be stationed in Europe. Further, if these troops that will be returned are disbanded upon their return to the United States, it will represent a further gain for our budget, as well as our balance of payments. The financial savings in that case could well be as high as $1½ billion.

It may be argued by some that this leaves uncertain the intentions of the United States with respect to the defense of Western Europe and with respect to the numbers of American forces for that defense. But if there is one cardinal foreign policy tenet agreed upon by virtually all Americans, it is the proposition that Western Europe, for a variety of reasons, must not be allowed to come under Soviet or other external domination. I will not go into all the many arguments we have made publicly over the last few years to support our contention that there is no compelling military argument for the exact number of forces which we now maintain in Europe. Instead, I would like to append to this statement an article on this subject by a recently retired Army officer, Edward L. King, written for the October 1970 issue of the Forum periodical, published by the Ripon Society. Mr. King makes many of the same arguments, and I ask unanimous consent that the article be printed at the conclusion of my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, in closing these remarks, let me stress that I believe my amendment represents a constructive move which will respond not only to the demands of American citizens for greater expenditures at home rather than abroad but also to the demands of our European allies for urgent American measures to get our payments deficits under control. This does not in any way represent a withdrawal from Western Europe or its defense. It is quite simply an illustration of the old French saying that one recoils in order to jump better.

Our forces in Europe have been inflated and musclebound, with far more logistical than combat capability. It is my conviction, and that of many other observers—including experienced military men—that trimming away the fat in the form of excess supplies and headquarters will result in a leaner, more mobile, and more efficient combat force.

EXHIBIT 1

[From the Ripon Forum, October 1970]

THE U.S. ARMY IN EUROPE

In a recent article I touched on a few of the strategic and tactical implications of the organization and purpose of U.S. Army forces in West Germany. Let's now more closely examine these implications and expand on the questions they raise in regard to U.S. conventional war force levels in Europe.

ORGANIZATION

Is the U.S. Army overstaffed in West Germany? One way to figure whether there is fat in our European command and force structure is to compare it to Army doctrine and World War II experience factors.

In West Germany the Army has stationed a total force of approximately 195,000 soldiers. Congress and the public were told that these soldiers are all required to fight the enemy in a conventional war. This force is under the overall command of the unified (i.e. triservice) U.S. European Command with headquarters in Stuttgart, Germany. This headquarters, heavily staffed with generals and admirals, also has an element in NATO headquarters in Belgium. In time of peace this unified command serves as the senior command for all U.S. armed forces in Europe, but in time of war it performs NATO duties. U.S. European Command exercises its command supervision by passing Joint Chiefs of Staff (in Washington, D.C.) directives to U.S. Army Europe/Seventh Army headquarters located 38 miles away in Heidelberg, Germany. In peacetime this headquarters commands all Army forces in West Germany. In wartime this combined Army headquarters performs both NATO and U.S. command functions.

The next command level is the corps headquarters. (A corps headquarters exercises tactical command over military operations; it is not normally concerned with administrative support.) In West Germany there are two U.S. corps headquarters. Additionally, there is another command element approximately equal to a corps headquarters which provides logistical support. These three command levels (U.S. European Command, U.S. Army/Seventh Army, V & VII Corps headquarters) pass directives down to the combat divisions. There are the equivalent of five divisions in West Germany. And once we pass the division headquarters of these divisions, we will have finally found the Army units (the brigades and battalions) that actually engage in combat.

All of these command and supply headquarters require numerous generals (over 30 in Stuttgart alone), field grade officers and senior NCO's to command and staff them. This is in addition to the large number of troops required to man them. How many men are engaged in these noncombatant jobs?

The best way to answer is to consider how many men are in the five combat divisions. Each division at full strength contains around 16,000 men. If our combat divisions in Europe were at full strength (and they seldom have been during Vietnam) there would be a total of about 80,000 men assigned to them. We can then reasonably speculate that the remaining 115,000 men (of the 195,000 total force) are serving in other than the combat divisions. In other words roughly 115,000 men serve in administrative and logistic situations.

These 115,000 men are not the only ones serving in these situations. Each division of about 16,000 men includes only roughly 7,000 soldiers who are assigned the mission of firing at the enemy. The remaining 9,000 or so are assigned to administrative command and logistic support positions *within the division!* This means that in terms of combat manpower for conventional combat the U.S. Army in West Germany has only about 40,000 soldiers in its combat divisions who are assigned to place killing fire on the enemy.

There is no valid military reason why the Army must organize itself so that it needs over 100,000 men to command and supply a combat force of 80,000 soldiers (of which less than half fire at the enemy). For example, Army doctrine indicates that a corps headquarters "normally" commands two *or more* divisions. In World War II, each combat corps normally commanded an *average* of four divisions. Moreover the U.S. Seventh Army commanded no less than three corps during World War II combat.

So why then does it require two corps headquarters and a field army headquarters to command the equivalent of 5 understrength divisions *in peacetime?* Because the U.S. Army in West Germany has grown top-heavy through (a) bureaucratic inertia, (b) military preference for soft career living in Europe rather than extended periods of living in such places as Fort Leonard Wood, Missouri or Fort Polk, Louisiana and (c) civilian abdication of control over military policy. At least 50,000 men could be brought home from West Germany without reducing the conventional combat capability of the existing U.S. Army presence if those forces were streamlined and efficiently organized, commanded and supplied. Or, if present troop levels have to be maintained, this much manpower could be converted from fat to combat muscle.

None of these reason justifies the huge costs incurred to support the existing system of organization and command. It cost 2.2 billion in fiscal 1970, to maintain our forces in West Germany. This figure does not include the additional costs involved in moving, storage and shipment of household goods and automobiles of the military personnel and their dependents who were automatically rotated back and forth during fiscal 1970. Much of this rotation is unnecessary and is done only for career improvements. It is also one of the reasons that nearly all Army personnel in Germany are either learning their job or "coasting," waiting to rotate back to the U.S.

In any event there is no acceptable justification for obvious military paunch even in times of national budgetary surplus, much less when inflation munches on tax-dollars and domestic programs are forced to exist on subsistence levels.

PURPOSE

The organization of U.S. Army forces in Europe is unsatisfactory in terms of costs and manpower utilization. Even worse are the problems which are created by their mission.

The U.S. combat units—in consort with other NATO forces—are supposed to be able to fight a conventional war against Soviet and satellite troops. Let us assume that our 195,000 men were organized and commanded efficiently. Would there be a reasonable prospect that they could do what they are supposed to do successfully? The answer is probably not.

Part of this answer is prompted by the location and sheer numerical advantage enjoyed by their adversary: nearly 200 Soviet and East European divisions (about 2 million men) could be thrown into battle against 18 or 20 NATO divisions (about 350,000 men). There are other disadvantages.

ILL POSITIONED

Relative positioning of forward units. Within sight of many of the autobahns leading westward through East Germany, forward Soviet divisions are positioned in austere, mobile tank and truck parks. The distance from a soldier's tent or hut, to his tank, truck or armored vehicle is a matter of minutes. Contrast this with the positioning of U.S. Army forward units: the troops live in barrack compounds often removed a half-mile or more from their tanks and vehicles. The truck parks themselves are not always immediately accessible to major roads. The time needed to get our troops on the road is more than minutes.

U.S. divisions are still comfortably positioned in the World War II occupation-zone positions that they took up when they arrived in Southern Germany in 1950–51 during the dark days of the Korean War. But strategic considerations would most likely motivate the Soviet armored forces to strike boldly across the flat North German plains along the historic invation route to the Ruhr and the English Channel ports. U.S. Army forces would undoubtedly be needed to help defend not only the industrial heart of Europe but also to protect their own supply lifelines which during war run back to the channel ports. To accomplish this, they would have to move considerable distances to the north to reach viable battle positions. If a sudden attack occurred, they would have to make this movement over roads jammed with other NATO troops, overrun with millions of refugees (many of whom would be their own wives and children attempting to flee) and constantly attacked by low-flying enemy aircraft. Time would be critical in such a northward movement; only hours would be available to attempt to intercept and stem the Soviet advance. Yet during the Berlin Crisis of 1961 when such a movement was considered, *days* not hours were estimated as being required. And this movement would have been conducted under peacetime conditions!

Even assuming that U.S. Army combat elements have reached improved maximums of mobility and flexibility since 1961, exhibiting these qualities would require absolute tactical air superiority. I know of no military planner who honestly assumes that the U.S. Air Force will attain such absolute superiority (which it enjoyed over Western Europe in 1945) until a considerable period after the opening of hostilities. And there are some who doubt if it could ever attain such a degree of superiority.

But if we assume that U.S. forces *will* have absolute air superiority, could our 80,000 combat troops (i.e. 40,000 who fire on the enemy) plus approximately 260,000 NATO combat troops, reasonably be expected to stop the advance of Communist Bloc troops? (Before answering we must remember that if we fight a conventional war in Europe it will be with the forces already there. The Czechoslovakian invasion showed that we can no longer count on a comfortable mobilization period during which, in the best traditions of World Wars I and II, more combat troops can be flown or shipped to Europe from the U.S.). Most military professionals privately agree that the answer is no. However, the Army several years ago devised a very simple solution to this problem for Congress and the public. They can give an affirmative answer because they allocate "tactical" (i.e. low-yield) nuclear weapons to the conventional forces in Europe.

Simple. Now our conventional forces can offset the Soviet and satellite manpower advantage and delay their advance westward by exploding large numbers of nuclear devices against them from the very first moments of battle.

MOST UNCONVENTIONAL

The Army has been training for years in Europe on the basis of such plans. Simulated use of nuclear weapons is written into the scenario of most major unit training exercises. In one NATO field training maneuver, the *Stars and Stripes* newspaper reported that large numbers of simulated nuclear weapons were used. What was not reported was that while nuclear devices turned a losing conventional effort into a winning one, it also would have turned a conventional war into a nuclear one. And at the same time it was estimated by West German press sources that about 65 percent of West Germany would have been destroyed. In discussing low-yield "tactical" nuclear weapons we should remember that the average "tactical" nuclear weapon has the explosive force of roughly one-quarter to one-half the destructive power of the Hiroshima A-bomb. Strictly in terms of physical damage and indiscriminate loss of civilian and military lives, the one-sided use of such weapons can scarcely be called conventional.

And can we be sure that the Soviets would not use at least equivalent nuclear weapons in retaliation? One cannot believe that the Soviets will fight with their rifles and conventional artillery while we destroy whole divisions with tactical nuclear weapons.

THE PLIGHT OF DEPENDENTS

In the event of hostilities the *necessity* of using nuclear weapons first could present the United States with a grave national dilemma. The President would be faced with the choice of authorizing the military commander in Europe to use nuclear weapons (and thereby open a nuclear war) or deny their use and risk the loss of a field army and the lives of nearly 250,000 U.S. servicemen and their families. The choice between initiating nuclear escalation or failing to protect the lives of American fighting men would not be an attractive one for any President. Yet every President for the past fifteen years has been faced with this possibility as a result of our effort to maintain the fiction of a conventional war capacity in Europe.

The choice is complicated by the fact that wives and children of U.S. servicemen would be the almost inevitable victims of *our* tactical nuclear weapons. If there is a warning period before hostilities begin some of the 225,000 dependents could be evacuated by air and private automobile to "Safehavens." If hostilities begin suddenly—and there is no reason to believe the Soviets intend to provide convenient advance notice of their attack—most officials are convinced that the majority of the military dependents would have to "standfast" where they are living. These dependents would be left to fend for themselves, as would their less fortunate civilian countrymen who are working or traveling privately in Europe and who are not considered for assistance by U.S. armed forces. The soldier-husbands of the military dependents would have to fall back toward the Rhine River while covering their delaying action with "tactical" nuclear weapons. In short, firing nuclear shells and rockets on the Soviet units, hundreds of thousands of West German civilians and on their own families. (In spite of this potential disaster, the military opposed President Eisenhower's courageous and military sound decision in late 1960 to stop further movement of dependents to Europe. This decision was rescinded by President Kennedy in late 1961 in response to opposition from the armed services, even though no effective dependent evacuation plan had been devised.)

We have permitted the continuation of our conventional structure to placate the West German government, not to fight a conventional war. Our military leaders have advocated retaining these forces because they have provided increased promotions and pleasant duty stations. These military leaders have been comfortable in the knowledge that they would not really be expected to fight a conventional war against the formidable Red Army, because they could quickly change such a war into a nuclear one in which the U.S., until recently, held a vast advantage. In other words political expediency and parochial service interests have been allowed to supercede national best interests.

The presence of our over 200,000-man conventional force in Europe is fraught with potentially dangerous risks to our national security and immense problems of organization and mission. It is long past time for concerned civilians and military officers to begin the very difficult task of streamlining our force structures and more responsibility rationalizing their purpose in Europe. Perhaps the recent signing of the West German-Soviet nonaggression pact marks the historical juncture for our work to begin in earnest.

Edward L. King.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment (No. 76) of the Senator from Pennsylvania is withdrawn.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORTS OF THE PACIFIC NORTHWEST, THE SOURIS-RED-RAINY, THE GREAT LAKES AND THE NEW ENGLAND RIVER BASIN COMMISSIONS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–110)

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I am pleased to transmit the annual reports of the Pacific Northwest, the Souris-Red-Rainy, the Great Lakes and the New England River Basin Commissions for fiscal year 1970.

These commissions were created under the Water Resources Planning Act of 1965 which provides for the establishment of commissions, composed of State and Federal members, if requested by the Governors of the States involved. The primary responsibility of these commissions is to plan for the best use of water and related land resources in their respective regions.

I recently signed an Executive Order setting up a Federal-State commission for the Ohio River basin. With the establishment of this new commission, 27 States containing over 50 percent of the population of the United States are now participating in Federal-State cooperative planning through river basin commissions. The documents which I am transmitting tell the impressive story of these cooperative activities and describe the new challenges which the commissions now confront.

Richard Nixon.

The White House, *May 11, 1971.*

MESSAGE FROM THE PRESIDENT—APPROVAL OF A BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 7, 1971, the President had approved and signed the bill (S. 70) an act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 2596. An act to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the United States Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the Act of August 9, 1955, relating to school fare subsidy for transportation of school children within the District of Columbia; and

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 2594. An act to amend chapter 19 of title 20, of the District of Columbia code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 2596. An act to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the United States Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the Act of August 9, 1955, relating to school fare subsidy for transportation of school children within the District of Columbia; and

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 86

Mr. MANSFIELD. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Montana will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add a new title as follows:

TITLE IV—REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

Sec. 401. (a) The Congress hereby finds that the number of United States military personnel stationed in Europe can be significantly reduced without endangering the security of Western Europe, and that such a reduction would have a favorable effect on this Nation's balance of payments problem and would help avoid recurring international monetary crises involving the value of the dollar abroad. It is therefore the purpose of this section to provide for such a reduction at the earliest practicable date.

(b) No funds appropriated by the Congress may be used after December 31, 1971, for the purpose of supporting or maintaining in Europe any military personnel of the United States in excess of 150,000.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I requested the prepartion last week of a memorandum on this overall question of troops in Europe by Mr. Edward L. King. Mr. King has had extensive opportunity to study these questions both as a staff planner within the military and as a sensible and concerned citizen since his retirement. He brings to bear a clearness of presentation of the arguments and a crispness of focus and recommendation that should benefit the entire Senate.

The memorandum is in every respect outstanding. I ask unanimous consent that this memorandum of Mr. King be printed at this point in the Record, so as, in effect to follow my previous remarks.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

RETENTION OF U.S. FORCE LEVELS IN WESTERN EUROPE

OVERALL PROBLEM

Can the number of U.S. Armed Forces personnel stationed in Europe be substantially reduced without seriously weakening the deterrent capability of the NATO military structure?

SOME FACTS BEARING ON THE PROBLEM

a. Over 300,000 U.S. military personnel (including 20,000 in the 6th Fleet) are stationed in Western Europe.

1. Of this number 128 are general/flag officers—or one general/flag officer for every 2,343 men.

2. About 250,000 of these troops are assigned to the tri-service U.S. European Command (USEUCOM). The Department of Defense has indicated that half of these assigned forces are combat personnel and the rest are support. Over 170,000 of the EUCOM total are U.S. Army troops.

3. Major USEUCOM combat elements are 4⅓ Army division deployed in West Germany. These divisions are not at full strength. According to Army Tables of Organization and Equipment the aggregate full strength of each of these divisions would be around 16,300 men. It costs approximately $185 million to maintain one army division on overseas peacetime active duty for a year.

4. There are about 113,500 Army and Air Force personnel stationed in the Continental U.S. committed to NATO. In Europe about 2,000 American personnel are engaged in maintaining and servicing prestocked equipment to be used by these committed forces.

b. There are now approximately 7,000 U.S. nuclear warheads stored in Europe.

c. During fiscal year 1971 it cost approximately $14 billion for the support of U.S. general purpose forces in Europe and the forces in the U.S. committed to NATO.

1. This total figure includes operating costs and estimated annual investment in equipment and military construction.

2. Annual operating cost to maintain U.S. forces in Western Europe is approximately $2.9 billion.

d. U.S. defense expenditures entering the international balance of payments in NATO countries (including Canada) in fiscal year 1970 are estimated at approximately $2 billion, with about $1.1 billion being spent in the Federal Republic of Germany.

1. For every soldier removed from Germany, an approximate saving of $1,650 in individual expenditures on the European economy can be realized.

2. The withdrawal and deactivation of 2 mechanized divisions now stationed in Europe would result in annual savings of about $1 billion.

e. The U.S. forces in Europe have over 79 real property locations in seven countries, that represent a total U.S. investment in excess of $204.5 million.

f. Payment of land taxes in Great Britain and Western Germany amounts to $2.9 million annually.

g. Approximately half of the European Command's transportation needs must be accomplished by European commercial sources at a cost of $29 million in 1969.

h. Expenditures for employment of European local nationals by U.S. forces amounted to $265 million from appropriated funds in calendar year 1969.

1. Until March 1971, U.S. citizens were in most cases excluded from filling local hire vacancies.

i. Total operating costs of U.S. Army, Navy and Air Force European Commands in fiscal year 1970 were approximately $87.33 million. During the same year U.S. operating costs of NATO headquarters were $10,623,033.00.

1. These operating costs represent only a fraction of the total cost of each command. For example, the headquarters operating cost for U.S. Army Europe was only 2.30 per cent of the total fund it was provided of $1,761,000,000.00.

2. In addition to these operating costs the 9 U.S. Army Command headquarters, for example, contained 26 generals, 1,286 other officers and 1,908 enlisted men all drawing higher salaries while performing command or staff jobs.

j. While the percentage of U.S. GNP going to defense has increased over the past 20 years, that of our NATO allies has declined.

k. Major NATO ground forces presently available in the center region of Europe consist of 22 division equivalents.

1. This total includes the 4⅓ U.S. divisions but does not include two French divisions not committed to NATO but present in West Germany.

2. The Lisbon Conference of 1950 called for a total NATO force of 90 divisions.

3. Few, if any, of the 22 NATO divisions are at full combat strength in men or equipment. For example, there are shortages of trained NCO's and junior officers in some of the West German divisions.

1. Soviet forces in East Germany are estimated by the Defense Department to number over 300,000 troops deployed in excess of 20 armored and motorized divisions. Additional Soviet divisions in Czechoslovakia, Poland and Hungary bring the total Soviet forces outside the Soviet borders to over 500,000 men.

1. Estimates by SHAPE indicate that the Warsaw Pact forces have twice as many divisions in the center region as NATO.

2. Warsaw Pact forces have been estimated to be able to mobilize more than 175 divisions.

3. The SHAPE Commander has stated that when "fully mobilized" Warsaw Pact tank forces outnumber NATO's by 3 to 1.

4. The EUCOM Commander has stated that the Soviets "have additional forces in Russia which can move forward rapidly" to reinforce the forces deployed in Poland, Hungary, Czechoslovakia and East Germany.

m. Article 5 of the North Atlantic Treaty provides that each member may "take such action as it deems necessary" and it can act individually and in concert with other parties in the event of an armed attack on a member state. The parties *do not* commit themselves necessarily to take military action to repel any attack.

n. Article 11 of the NATO Treaty stipulates that the provisions of the Treaty shall be carried out "in accordance with their respective constitutional processes."

o. Article 3 of the Treaty stipulates that members agree to maintain and develop their individual and collective capacity to resist attack. But no specific means are expressed for meeting this obligation.

Discussion pro and con of substantially reducing U.S. troop levels in Europe

Countless arguments have been advanced why it is not feasible or possible, to reduce present U.S. troop levels in Europe. Generally these arguments follow fixed patterns and are based on hypothetical assumptions and predictions. A synthesis of these con arguments can be grouped as follows:

1. The U.S. Departments of State and Defense concept that the Soviets might risk a military move in Europe if they believed American strategic nuclear power had been checked and NATO conventional forces were seriously weakened.

2. A rigid concomitant belief by these two U.S. Departments in the doctrine of flexible response, which poses present U.S. conventional troop levels as a necessity to counter any conventional war attack by Warsaw Pact troops without an early resort to nuclear weapons.

a. As part of this argument the case is also made that NATO conventional forces must be maintained at current levels so they can effectively meet any low level Soviet or Warsaw Pact military "probe" of the NATO area without having to go to nuclear war to counter such a probing action.

b. Also cited as support for this argument are the agreed NATO contingencies of (1) limited unexpected conflicts which could give rise to larger hostilities, (2) crises preceded by a period of political tension which could occur after a period of several weeks or months. It is advanced that these contingencies preclude a thin forward defense because such a defense would invite "probes", while a balanced posture makes them less likely and in effect deters all such options.

3. The belief that any substantial withdrawals would set in motion a chain of causation that would ultimately unravel the the entire NATO alliance.

4. Concern that the psychological shock on our European allies (particularly the West German) of a substantial reduction of U.S. troops would be devastating to their morale and would inevitably lead to eventual Soviet dominance in Western Europe. This result is predicated on the premise that any substantial withdrawal of American forces would be the start of reduced European force levels and cause the Europeans to lose confidence in the significance of their own armed forces ability to deter Soviet attack. This would then cause them to seek a hurried accommodation with the Svoiet Union.

a. As an adjunct to this argument it is also postulated that a substantial U.S. force reduction would (in the minds of the Europeans) signal a return to U.S. isolationism and indicate that the U.S. would not defend Western Europe militarily. This is viewed as the rationale for a concurrent rise of Soviet influence and eventual domination of Western Europe.

b. Another variation of this argument is the West Germany position that substantial U.S. troop cuts would demoralize Western European public opinion and convert the current mood of detente with the Soviets into one of appeasement.

5. The conviction that unilateral force reductions would weaken our hand in the current hope of negotiating with the Warsaw Pact countries for mutual balanced troop reductions.

6. Belief that dollar savings inherent in a substantial troop reduction in Europe would be insignificant in relation to the risk to our national security.

7. State and Defense contention that forces approaching current levels must remain in Europe since forces hastily returned during a crisis are not as effective as those stationed in Europe.

a. A buffer to this argument is made by the Joint Chiefs of Staff and the SHAPE Commander General Goodpaster, who argue that it is not feasible to reduce even the logistics "tail" of the U.S. forces in Europe. They consider that such support troops are vital for the time when additional U.S. troops are flown to Europe during a crisis. They further contend that troops should not be reduced, but if cuts must be made, they should be made in combat forces rather than support forces.

8. Department of State belief that an overriding political argument against substantial reductions arises out of the transitional nature of the early 1970's in Europe and that troop cuts should not be made during this transitional period for fear of introducing a destabilizing factor, which would seriously limit our capacity to achieve effectively an optimum future relationship with Western Europe.

In considering the counterweight pro arguments for making a substantial troop reduction, it is necessary to measure the above con arguments against a criteria of what these

U.S. troops *actually do* in a combat sense to defend the national security. And within that context to critically analyze the basic validity of the counter arguments advanced.

The article attached as Appendix 1 covers some of the specific problems that relate to our conventional troop deployments in Europe and is an overview of what our troops actually do. Briefly stated, our 4⅓ divisions deployed in West Germany are a delaying force which is badly positioned and insufficient to accomplish its primary mission of retarding Soviet ground advance into Western Europe. Due to its inferiority in numbers of actual combat soldiers, poor tactical organization and positioning, it must basically rely on tactical nuclear weapons for any hope of successfully accomplishing its mission, and in fact for its own salvation in the event of a determined attack by the Red Army.

Anyone considering the argument against substantial troop reductions should do so against the background of the above-mentioned negative facets of our European conventional troop deployments. From that point it then becomes possible to more perceptively answer the arguments. Briefly, those answers can be stated as follows:

Analysis of Con Argument 1, that Soviets might attack after checkmating American strategic nuclear power and in the event of a weakening of our present conventional forces

The two substantive points made do not factually fit with the actual conditions they postulate. For example, the so-called checking of American strategic nuclear power through nuclear weapons parity (and it should be remembered that latest intelligence reports credit the U.S. with 4,000 nuclear warheads to the Soviet's 1800) or arms limitation, does not remove the ultimate threat of nuclear war and mutual destruction at the option of either of the superpowers. It is reasonable to assume that the Soviets are quite aware that any military move into Western Europe would be looked upon by us as a threat to our vital interests. They would make such a move only after carefully calculating the nuclear balance and probable weapons, not the current conventional troop levels which they already know they can handily defeat in conventional battle. It is (and will continue to be) the weight of American nuclear response and the possibility of mutual national destruction that would ensue, that restrains any Soviet predilection toward military adventures in Europe.

It is this fear far more than it is the numbers of men, planes, tanks and guns that they would face in making such a move. In a historical context it should be remembered that the Red Army drove several million of the Nazi Whermachts' finest combat veterans back into Western Europe in 1945, and in the process lost millions of their own population. It is inconceivable to my mind to imagine that this same people and Army, in the foreseeable future, will this soon after those staggering numbers of dead, be inclined to launch an aggressive war into Western Europe and accept the countless deaths that a nuclear (or conventional) war would surely bring. Conversely, it is equally unlikely that a people who have sustained and recovered from such previous monumental losses in war would long be deterred from a military action by the prospect of fighting 2 or 4⅓, or 20 U.S. divisions in conventional battle; if that was the only alternative to a direct threat to the continued existence of Mother Russia.

We should remember the Russians traditionally are a brave, but not foolhardy, people. I fail to see the rationality in an argument that a bureaucratic Soviet government and its armed forces would, or could, call on their people to again accept millions of dead solely for the purpose of an expansionistic military grab of Western Europe. This flies in the face of all logic and most past European history.

Analysis of Con Argument 2, that the credibility of the doctrine of flexibile response depends on present troop levels

This is a specious argument that has been used long beyond the time it was true. It is a military justification for maintaining large numbers of Army troops (with the accompanying high-rank justifying headquarters and support commands and career-rewarding overseas base living) stationed indefinitely in Central Europe. It is a specious argument because present troop levels do not in fact offer a valid flexible response to a determined Soviet conventional attack at any level of force or purpose. But rather are too weak to effectively react (the Berlin Crisis of 1961 is an excellent example of this weakness when the strongest conventional reaction we dared make to the challenge of the Berlin Wall and closing of the Autobahn to Berlin, was to dispatch one less-than-brigade-strength force to Berlin and this force was then ignomiliously forced to dismount from its vehicles inside East Germany and be counted by Soviet officers before being permitted to pass to Berlin). At the same time this force is too large to permit effective flexibility in the manner of U.S. response to any level of Soviet military action.

For example, under the provisions of Articles 5 and 11 of the NATO Treaty all members might not choose to react militarily to all levels of Soviet military action. Their constitutional processes might inhibit or restrict a military response. After the Vietnam experience public opinion in the U.S. could in the near future conceivably not be favorable to an automatic military reaction to all levels of Soviet action in Western Europe. However, with present force levels stationed in Europe, the U.S. has no option but to become involved in a conventional military response. Such a conventional response is in fact too weak to have much chance of success even with all NATO allies participating and foredoomed to early failure if some would choose not to initially engage in a military response.

But this U.S. force is too large (over 170,000 men and 149,000 dependents with the 7th Army alone) to permit the President any degree of flexibility, or the U.S. constitutional processes time to function effectively in regard to a response to almost any form of real or imagined Tonkin Gulf-type attack in Western Europe. The protection of the lives of a field army of U.S. fighting men and their families, would take precedence over all other legitimate questions of U.S. national best interests at the time. Because of their numbers and positioning the U.S. forces would have to be engaged in immediate fighting. Yet because of the insufficiency of these same numbers to fight effectively in conventional battle, there would be the urgent need to permit them to fire the Atomic Demolition Munitions (ADM) mines during the first hours of any level of conflict. And there would be the follow-on need for them to quickly resort to further tactical nuclear weapon fires to protect themselves from being pocketed in the Southern German salient. The probability of early use of nuclear wapons is not supposition. This use is written into the 7th Army battle plans.

In an appearance before the Senate Committee on Foreign Relations, General Goodpaster alluded to this when he stated: "If an enemy were to come at us with all the forces that the Warsaw Pact could generate and were to sustain and press his attack regardless of the losses that he took, after *a short period of time* (italics supplied) it would be probable that at least in some areas we would have to resort to nuclear weapons in order to hold." At another point when asked what the NATO situation would be 45 days after the outbreak of hostilities in Europe with both sides using only conventional forces, General Goodpaster replied, "I believe that there is a probability that it would be necessary to resort to the support of tactical nuclear weapons." General Lyman Lemnitzer, SHAPE Commander from 1962 to 1969, has stated, "One of the greatest problems that would confront NATO today would be a large conventional attack. Then we would be faced with a decision to use nuclear weapons or be defeated."

These statements and 7th Army training exercises in which simulated tactical nuclear weapons are routinely used, would seem to discredit the concept that present force levels guarantee flexibility and preclude the early resort to nuclear weapons. The same war plans and exercises also minimize the possibility of limited Soviet probes in favor of preparation for a massive attack from Czechoslovakia and through the Fulda and Hof "gaps". This military planning is generally predicated on the assumption that an attack will follow a period of increasing tensions which will permit the evacuation of dependents, repositioning of 7th Army forces and reinforcement from the United States. This warning time allows a thickening of what is actually a presently "thin" forward defense being planned for a very shallow theater of operations with France no longer militarily in NATO. From a factual military standpoint present troop levels do not conclusively deter the possibility of rather unlikely probes, nor give much probability of successfully conventional defense against major attack. It would require a much larger commitment of troops than either the U.S. or our NATO allies can afford to do this.

Analysis of Con Argument 3, that any substantial withdrawal of U.S. forces would set in motion an unraveling of the NATO alliance

This argument is purely hypothetical. No substantial evidence has been advanced to support this thesis, nor is there any historical precedent which would indicate that such an unraveling of the alliance would be the inevitable result of a phasedown of U.S. troop levels to a force of, say, 100,000 men. Within the alliance there have been past reductions of U.S. and British force levels, as well as the complete withdrawal of 10 French divisions from the NATO military command. This did not set in motion a chain of causation that has led toward collapse of the alliance. On the contrary, it has caused redoubled effort by the remaining members to attempt to improve the capability of the alliance. There is no substantive evidence to indicate that further reduction of U.S. troop levels could not be used to stimulate increased European initiative and interest in strengthening the Atlantic Alliance.

Analysis of Con Argument 4, concerning the psychological shock that substantial troop reduction would have on our European allies and which would result in eventual Soviet dominance over Europe

The substance of this argument has been stated by Martin J. Hillenbrand, the Assistant Secretary of State for European Affairs, "The psychological shock on our European allies of an American withdrawal from Europe would be devastating. The glacial pressures of Soviet power upon a Western Europe that knows itself to be militarily weak and politically divided would in due course, insure effective Soviet dominance." Furthermore, Mr. Hillenbrand indicated that it "would be beyond the capacity of diplomacy" to convince the Europeans that any substantial withdrawal did not mark the end of the effective American commitment to defend Western Europe even if 100,000 or more U.S. troops remained in Europe.

The foundation of this view is more emotional conjecture designed to justify a continuation of the status quo in Europe, than an accurate assessment of what is likely to happen if U.S. military force levels are reduced. There would of course be some initial adverse reaction on the part of our European allies to a substantial troop cut. But I can not believe it would be of anywhere near devastating proportions to overall European morale and will to defend themselves (and I have lived in Europe 9 of the past 17 years and have friends there).

I fail to find the logic in the reasoning that even an adverse psychological reaction to a cut in the number of U.S. troops stationed in Europe could cause citizens of Great Britain or West Germany to lose confidence in their own national armed forces' ability to defend them. If the level of confidence is truly that low, then NATO is in fact a thin reed. I do not believe this is the case. Nor do I believe that a reduction to a force of over 100,000 U.S. troops in Europe would in the mind of the average European signal a return by the U.S. to pre-World War II isolationism. The European is quite aware that our own people are suffering devastating psychological shocks in the cities across America. He is aware of unemployment, financial problems and our war-weariness. Though he may regret the occurrence of substantial troop reductions, he is far more likely in the long run to understand the reasons that require that they be made, than he is to hysterically lose heart and turn to an accommodation with the Russians. We fail to understand the worldlines and maturitv of the European people when we give serious credence to such unreasoned behavior on their part.

In consideration of a remaining force of over 100,000 U.S. soldiers in Europe, our continued nuclear guarantees and the massive capital investment and control exercised by U.S. firms doing business in Western Europe; it is highly unrealistic to conclude that a reduction of two divisions from West Germany will automatically trigger a rise of Soviet influence throughout Western Europe. If numbers of divisions were the criteria for a position of dominating influence in Western Europe, the Soviets would have long held such a position. It should be recognized that a substantial withdrawal of American business enterprise would do more to promote the impact of a Soviet domination in Western Europe than the removal of a few divisions.

The first steps toward a European (chiefly West German) detente with Russia have been made. France has previously made an attempt to achieve some form of detente with the Soviet Union. Neither of these steps have produced any noticeable demoralization of the Western European people. French efforts under DeGaulle at wooing Russia did not create any widespread feeling of appeasement among the West Germans for example. The avowed purpose of current West German efforts at detente are directed toward the easing of tensions in Central Europe. It is equally difficult to accept that a reduction of even half of the current U.S. force levels in Europe would create in European minds such and attitude of demoralization that they would turn from detente to appeasement. This reasoning ignores the French withdrawal from NATO and subsequent efforts at detente with Russia that did not produce an appeasement attitude. It also fails to give full consideration to the weight of the continued American presence and nuclear guarantees that still would exist after a troop reduction.

Analysis of Con Argument 5, that unilateral force reductions would weaken the U.S. negotiating position with the Soviets for mutual balanced troop reductions

For years Western statesmen have defined the Soviet goals in Central Europe as a continuation of a divided Germany, a removal of all American troops from Europe and the dismemberment of NATO. Assuming that this definition is accurate, it would seem that U.S. force levels would not be a decisive factor in negotiating mutual troop reductions. Soviet overall goals would appear to dictate that it would be equally as important to remove a remaining 100,000-plus U.S. troops as to remove 300,000 troops. Any level of U.S. force maintained in Central Europe would be a bargaining agent toward mutual reductions.

No one has suggested that these mutual reductions must be on a man-for-man or division-for-division basis. Obviously, such reductions would favor the Soviets who have a preponderant strength to begin with. Any mutual reductions would have to be worked out on a relative basis and this could be arranged as well with 150,000 U.S. troops as with 300,000 troops. The key to the issue is the Warsaw Pact sincerity in desiring mutual reductions. To date, they have insisted that any discussions concerning mutual balanced force reductions must be within the framework of a European security conference—something our Secretary of State and the NATO foreign ministers oppose in principle. It is unlikely that such an impasse of opinion between East and West is going to be resolved in the foreseeable future and this in fact implies that the U.S. must continue present force levels for an indefinite period until the question of a European security conference can be settled. Such a position is tantamount to saying that U.S. force levels in Europe will remain the same for an indeterminate number of years—possibly another decade.

Secretary of State Dean Rusk speaking in relation to the U.S. troop reductions in Europe in 1967 stated that he favored those reductions "not only because they were steps of economy, but also because they constituted a tension-lessening signal to the Soviet Union." The withdrawals that Secretary Rusk referred to represented a reduction of U.S. forces below their pre-1961 Berlin Crisis strength, and came at a time when world tensions were steadily increasing as the war in Vietnam escalated in intensity. Yet these reductions did not produce any collapse of European morale, nor did they set in motion any chain of causation that caused the Soviets to exploit our position in Berlin that was weakened by the heavy demands of the Vietnam buildup. The further thinning out of our manpower and equipment from our European based troops for use in Vietnam in 1968 and 1969 did not result in any Soviet moves to take advantage of our weakened forces. In fact, it was during this period that continued Soviet troop transfers from Europe to the Siberian front with China occurred.

No public evidence available to date indicates that our force levels in Europe necessarily play a decisive role in the possibility of gaining mutual balanced force reductions. On this question it appears that the intent and purposes of both the NATO and Warsaw Pact alliances is far more important to a successful outcome than the tactical question of the precise number of troops involved.

Analysis of Con Argument 6, which stresses that the actual dollar savings involved in a substantial U.S. troop reduction would be insignificant in relation to the grave risk to our national security

The fiscal year cost of maintaining U.S. forces in Europe and those in the U.S. committed to Europe, is put at $14 billion. U.S. annual balance-of-payment costs in NATO countries are estimated at $1.7 billion. At present offset agreements with West Germany balance out only some of these costs. If U.S. force levels were cut in half, it would be possible to realize savings in the range of $500 million or more under current conditions. These savings could eventually be substantially much more than that amount, if we take into account the future increased pay scales envisioned for our armed forces and the growing inflation in Europe.

Opponents to troop cuts cite the fact that unless the troops brought back are demobilized they still must be paid the same amounts. The divisions returned could be deactivated. But even if they are not, the money they spend would go into the pockets of American rather than European businessmen. It would thus directly return to the American economy. Another argument put forward is that if U.S. force levels were cut, West Germany would no longer pay offset costs on the same magnitude as today. Of course the balance-of-payment costs would not continue on the magnitude that the are today either, if two divisions (with all their sustaining elements) were returned from Europe.

Since there is no clear argument on how the removal of two U.S. divisions from Western Europe presents a grave threat to U.S. national security, it is difficult to equate accurately this statement to the very real possibility of effecting annual savings in U.S. balance-of-payment costs in excess of $500 million.

Analysis of Con Argument 7, that force levels must remain the same because forces hastily returned during a crisis are not as effective as those permanently stationed in Europe

This argument has little historical military substance in relation to the U.S. armed forces. In two world wars U.S. forces have traditionally fought well in Europe over battle terrain they had never seen before. Besides, battlefields change from day-to-day as do the personnel fighting the battle. Therefore familiarity with initial battle terrain has little actual effect after the first day or two of combat. If they are well trained, newly arrived forces would be every bit as effective as those permanently stationed in Europe.

In a letter of April 27, 1970, to the Chairman of the Foreign Relations Committee, the Secretary of State in commenting on Senate Resolution 292, stated, "Additional redeployments would bring such disadvantages as the loss of constant liaison with forces on our flanks, danger of massive confusion in a crisis situation and increased risks to our forces as they moved forward into position. Moreover, any division we redeployed to the U S. could only be returned to Europe quickly if we preposition its equipment and rely on airlift for return of the forces. Since we already preposition equipment for some of our U.S. based divisions, any additional reliance on redeployment with prepositioning would strain not only our transport capability but also reception facilities in Europe."

Most of these reasons are straw men. Due to the high personnel turnover in Europe the infantry combat units that I commanded there seldom were half the men in them who were even faintly familiar with the terrain over which our emergency mission called for us to fight. Liaison with forces on the flanks of the U.S. forces in Europe is the responsibility of headquarters higher than division level. The Army has had twenty years to plan for the forward movement of U.S. forces in Western Europe in time of crisis. If there exists today a real possibility of "massive confusion" and "increased risks to our forces" then two decades of Army Commanders and staff planners have failed to do their job. If such a situation truly exists then all U.S. divisions should probably be withdrawn from West Germany. They can't hope to fight and stay there if they cannot be efficiently reinforced in the forward battle areas.

The problem of prepositioning division equipment and the subsequent requirement for a second costly set in the U.S. is an old dodge. There are many ways this seemingly insurmountable problem could be overcome. And none would be as costly in balance of payments as keeping the divisions in Europe. One is to dual-base our stateside divisions that are committed to Europe, with U.S. National Guard or Reserve divisions and have each of these divisions use the same set of heavy division equipment in the U.S.

If the division returned to Europe this heavy equipment could be left in the U.S. for use by the Guard or Reserve division when it was mobilized. Or, some of it could be airlifted with the division to Europe. At present enough equipment for approximately two divisions is prepositioned in Europe. The equipment for two more divisions could be maintained afloat in East Coast ports and could arrive in Europe within 9 to 15 days. The U.S. airlift capacity would require at least that long to transport 4 divisions to Europe. In any event it is not feasible to believe that in time of crisis in Europe, the nation that can put men on the moon cannot expeditiously move two divisions and their equipment to Europe in less than two weeks.

It also makes little sense to me to continue to maintain the excessive logistics "tail" in position to service additional divisions that will theoretically be flown to Europe during a crisis, if those divisions face the danger of "massive confusion" and "increased risks" during forward movement to battle. Yet despite these evident dangers and risks, the Joint Chiefs and the SHAPE Commander advocate withdrawing the combat divisions rather than the logistics support forces. Their concern points up the fact that under today's Army tactical organization there must be a huge logistics base *before* the U.S. Army can commence to fight. This is an organizational concept which must be changed if the Army is going to ever again fight austerely and effectively anywhere in the world.

Analysis of Con Argument 8, concerning the transitional nature of the early 1970's in Europe and the contention that troop cuts would inject a destabilizing factor

Europe has been in transition at least since 1870 and will no doubt continue so for many years to come. There have been numerous distabilizing factors injected into the NATO scene over the past ten years. The rejection of British entry into the Common Market and French withdrawal from NATO, could be cited as two more recent examples. Yet none of these serious factors have produced a collapse of the alliance on the scale that is being so direly predicted if the U.S. withdraws two Army divisions and their sustaining troops from Europe.

To accept the transitional argument is to accept that it will be necessary to continue indefinitely to provide a level of conventional defense for our NATO allies that they have clearly demonstrated they are unwilling to provide for themselves. This conventional defense is of questionable value and comes at excessive cost to the citizens of the United States. The United States is also in a period of transition. And this transistional period in our country demands that we reduce our overseas balance of payments in order that these millions may be available to assist us through our period of changing priorities. As an American the well-being of our country seems to me a far more overriding argument than a theoretical risk to our national security postulated by Europeans who do not want to divert their money and manpower to defend themselves. These Europeans are supported by our own State and Defense people who for many bureaucratic reasons desire to maintain the Cold War status quo in Europe indefinitely.

It is true that the prosperity of the U.S. and Western Europe has advanced markedly during the past years of NATO. But the time has now come when economic good sense dictates that U.S. defense forces in Europe must be reduced in our own best interest. To further delay these reductions in the hope of achieving what the Secretary of State has called on "optimum future relationship" is to overlook our past efforts of twenty years while risking the sacrifice of our own national future in the bargain.

GENERAL COMMENTS AND CONCLUSION

Despite arguments to the contrary, U.S. troop levels in Europe should be reduced by the equivalent of two divisions and their sustaining troops (roughly 100,000 men). Additionally, at least another 50,000 men should be withdrawn from the layers of U.S. Command headquarters (such as EUCOM, USAREUR, USAFE and USNAVEUR) and non-USEUCOM forces such as the Military Assistance Groups. The number of tactical nuclear weapons stored in Europe should be reduced. Particular attention should be given to the political and military consequences of the possible emplacement and use of Atomic Demolition Mines (ADM) during an emergency. U.S. Southern European Task Force (SETAF) in Verona, Italy, and its supporting logistics complex at Camp Darby, Livorno, Italy, should be withdrawn. If needed, the limited range nuclear fire support that this Task Force now provides to the Italian army could be returned in time of emergency. The Berlin Brigade should be reduced by one infantry battalion. Under EUCOM war planning these forces are written off in time of war. They are only symbolic and two battalions can do this as well as three. The 10th Special Forces and Fifth Psychological Operation Battalion should also be withdrawn.)

War plans of the U.S. 7th Army should be reviewed to establish whether or not this force does have a significant capacity to provide a flexible response to Soviet attack, without early use of some form of tactical nuclear weapons. For example, in 1962 the 7th Army considered it necessary to make early use of ADM's and low-yield (2.5–10 KT) nuclear weapons in making a defense of Europe east of the Rhine River. This was at a time when there were approximately 400,000 troops including 5 divisions in Europe, and the available NATO theater of operations and supply lines extended back across the width and depth of France.

Since that time the force has been reduced to 300,000 troops including 4⅓ divisions. The possible theater of operations has been reduced to the narrow width of West Germany and the Benelux countries and the British Army of the Rhine has been reduced. U.S. supply line in peacetime runs down from Bremerhaven, Germany, and in wartime must be shifted from the vulnerable route to the Benelux Channel ports, which still are only a day or so travel away from Russian armor in East Germany. To compensate for the loss of the depots in France, huge stocks (60 days level) of supplies have been moved forward to Kaiserslautern, Germany, where they are extremely vulnerable to destruction from a Soviet pre-emptive air strike or early capture by advancing Soviet armor. Our European allies who plan on 90 day mobilization periods stockpile for 30 day levels while we plan on rushing troops to Europe in 30 days. Equally vulnerable to pre-emptive air strike or capture by Soviet armor are the U.S. 17th Air Force fighter squadrons clustered in unprotected sites in the Bitburg-Rumstein-Spangdohlem-Prum complex in West Germany. Furthermore, in case of sudden attack, there are the unsolved problems of how to evacuate the 227,000 military dependents. And the as yet unanswered problem of how we will land the airborne redeveloped forces flown in during a crisis, if the Soviets knock out the available air landing sites by air or rocket fire, capture them by ground attack or dominate the air over them.

All of these serious military problems have long existed in our European defense planning. Since they could not be solved they have often been ignored or glossed-over. Yet in 1962 when conditions and options were far more favorable for flexible response than today, it was felt that an early use of tactical nuclear weapons would be vital to any successful defense. Now with less options, the same military problems, plus other even more grave, with less troops, and a smaller theater of operations in which to swap space for time, the American public is being told that our conventional forces will put up an even longer conventional defense without resorting to tactical nuclear weapons. This is the rhetoric used to justify keeping our military and State Department empire in position in Europe. But it is not a factual assessment of the probable situation.

In the event of sudden Soviet attack, the U.S. 7th Army *must* resort to *early* (within the first 24 to 90 hours of commencing battle to meet a sudden attack) *first use* of tactical nuclear weapons if it hopes to prevent being outflanked and pocketed against the Alps and annihilated.

In my opinion one U.S. Army Corps containing an armored and mechanized infantry division reinforced with one armored cavalry regiment positioned along the line Bremen-Hannover-Kassel and supported by supply lines running back to Rotterdam or Antwerp, would provide a much more realistic U.S. contribution to NATO than our present one. Under this concept the present prepositioned equipment for one armored and one mechanized division could remain, as could the tanks of the armored division being withdrawn. This equipment would provide the basis for an early reinforcement of 2 armored and one mechanized division if this were later required. Support forces left in Europe should be those required to austerely support the two division force, maintain a drastically reduced number of stored tactical nuclear weapons and maintain the prepositioned equipment. Air squadrons in West Germany should be those required to tactically support the Corps force and accomplish forward strategic missions. The 3rd Air Force in England should command all air elements in Europe. Navy elements should be commanded from afloat command ships under the Atlantic Commander. Only the Corps, division and one logistics command headquarters should be left in Europe. The corps should command all group forces in Europe and be commanded by the Secretary of Defense exercising direction through the Joint Chiefs of Staff and the Departments of the Army, Navy and Air Force. Length of tours of military personnel assigned in Europe should be optional. For example, the military member should have a choice of serving in Europe 15 months without his family or 48 months with his family.

Above all we must stop deluding ourselves that we can financially afford to posture a truly effective conventional war deterrent to the Soviet Army in Central Europe. This force is a representative one at best and 4⅓ divisions are actually no more sufficient for the mission than 2 divisions. There is no valid reason to continue to accept our adverse European balance-of-payments costs in pursuit of the butterfly of conventional war capability in Central Europe. Russia could as soon defend Mexico from a U.S. conventional attack. The answer to Soviet attack in Western Europe will of necessity be nuclear regardless of whether we have 4⅓ divisions or 2 divisions stationed there. But with 2 divisions and a smaller overall force we have more options before having to resort to nuclear war to defend a large number of U.S. soldiers. True flexible response in Europe calls for either a greatly increased number of U.S. divisions there, or a smaller number that could be risked if national necessity so dictated.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

WAIVER OF GERMANENESS RULE—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, the Pastore rule of germaneness has been operating today for a period of 2 hours and 5 minutes at this point. Under the order previously entered, the rule is to expire after a period of 5 hours today.

There are some extenuating circumstances which I wish to call to the attention of the Senate. At the moment, the two parties are having conferences—the Republican conference is meeting, and the Democratic Policy Committee is meeting.

No Senator on the floor presently indicates interest in speaking on the pending business, which is the amendment offered by the distinguished majority leader to H.R. 6531.

The distinguished chairman of the Armed Services Committee and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), has a speech which he wishes to make at this time and which will consume from 45 minutes to an hour.

In the interest of saving the overall time of the Senate—and again I stress that no Senator wishes to speak at this time on the pending business—I therefore, in view of the circumstances I have related, ask unanimous consent that the order of yesterday, recognizing the Senator from Mississippi (Mr. STENNIS) immediately on the expiration of the 5-hour period covered by the germaneness rule, be vacated and that the Senator from Mississippi now be recognized and that the Pastore rule be waived during the time required for the speech by the Senator from Mississippi on a nongermane subject, and, further, that upon completion of the Senator's remarks, the rule then be again invoked, but that the time utilized in the course of the speech by the Senator from Mississippi be counted against the 5 hours under the previous order extending the Pastore rule.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—it would be understood that no business in connection with the pending bill would be transacted during the period not to exceed 1 hour which will now be consumed by the Senator from Mississippi on another matter, and that no agreements as to time or anything of that kind will be made.

Mr. BYRD of West Virginia. Exactly. I want to make it clear that the time to be consumed by the Senator from Mississippi under the order will be on a nongermane subject, and that when he yields the floor and the time under the Pastore rule again runs on the unfinished business, the time consumed by the Senator from Mississippi will be charged against the overall 5 hours under the previous order governing the operation of the Pastore rule.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, first, I want to thank the assistant majority leader, the Senator from West Virginia (Mr. BYRD), for his courtesy in making sure that this will not create a policy or a precedent with regard to the Pastore rule of germaneness.

As the Senator from West Virginia has said, I already had permission to use a certain time today, but due to the situation to which he referred, the time has now come that this hour that can be utilized, and I am delighted at the opportunity to get to speak now on this subject and take advantage of the additional time.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. I thank the Senator for what he has said. The leadership on both sides of the aisle wishes to vary from the reasonable operation of the Pastore rule only when to do so would expedite rather than delay the overall business of the Senate and would be in the interest of saving the time of the Senate and Senators.

Thus, I want to emphasize that it is with due consideration that we have asked to waive this rule, but, under the circumstances which have been related, I think it is well justified.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

(The remarks of Mr. STENNIS when he introduced S.J. Res. 95 and the ensuing colloquy appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. TALMADGE. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I rise in support of the pending amendment. For some 25 years now, our Nation has maintained approximately half a million troops and their dependents in Western Europe primarily for the defense of Western Europe.

It must be remembered that many of these servicemen and their dependents have different customs, different rates of pay, different standards, and different religions from people in the nations where they have been quartered for 25 years.

What has been the result?

Under those conditions, it is understandable that when foreign troops are quartered in a country, they are bound to cause friction.

We can best understand what those frictions might be, if the situation were reversed. Suppose we had foreign troops quartered in Pennsylvania, or Virginia, or Georgia, with their different customs and different standards of living, and most of them single and many of them overly attentive to some of our wives and daughters? Would it not be understandable that friction would arise under those conditions?

Human nature is substantially the same everywhere. We saw a good many years ago the slogan in Western Europe, "Americans Go Home." Dissatisfaction in many quarters was quite intense. De Gaulle, when he was chief of state in his country kicked us out of France—no doubt primarily for political reasons because of the friction that had arisen in his country and among the people of France.

The ill will and friction caused when soldiers are quartered in a foreign country for 25 years following the end of the war which necessitated their being quartered there in the first place, leads me to the conclusion that it is time to reconsider the reasons why our troops were domiciled in that country.

Those troops have been there primarily for the defense of Western Europe.

What is the situation today with reference to manpower?

Western Europe has more manpower than has the United States of America.

What is the situation economically?

The countries of Western Europe have greater gold reserves than has the United States of America. Germany alone has more dollars at the present time than the United States has in gold at Fort Knox.

What is the situation with reference to unemployment?

The United States has more unemployment than any country in Western Europe where our soldiers are there primarily for the purpose of protecting them.

What has it done to our economy?

We have some $42 billion overseas at the present time, all of which is a potential gold demand upon the United States.

What about our gold reserves?

We have roughly $10 billion plus. In other words, our short-term foreign liabilities at the present time amount to four times as much as the gold we have available to pay them.

If any bank in the United States, whether a Federal or national bank, was operating under those conditions, the Comptroller of the Currency, if it were a Federal bank or the State director of a State bank, would close down those financial institutions before sundown.

Mr. President, I think the time has come for us to change our policy.

The countries that we are there to defend have refused to support the dollar because they have more dollars than they need. I heard on the radio as I came to work this morning, that the American dollar has been devalued in European countries anywhere from 4 to 7 percent. The reason it has been devalued is that they have more dollars than they have any need for, and they are fearful that the dollar cannot be exchanged for gold or something of equal value.

Mr. President, I say, under those conditions, that it is time for further consideration of this particular matter.

We have been fighting a war now in Southeast Asia for approximately 10 years. The present cost of that war, I am informed, is about $14 billion a year. That is about the exact cost of maintaining our troops in Western Europe for 1 year.

The people we are trying to protect in Western Europe have done nothing to support our war efforts in Southeast Asia. On the contrary, they have been extremely critical. Their commercial transactions with China and their commercial transactions with North Vietnam continue.

Accordingly Mr. President, if we are to preserve the stability of our dollar, if we are to preserve the stability of our economy, if we are to protect ourselves economically, it is time to reappraise this policy of having some half a million troops together with their dependents quartered in Western Europe, 25 years after World War II is over.

We should bring back home at least 50 percent of our troops and, in doing so, we could save approximately $7 billion a year.

For 19 of the past 21 years, we have had a deficit in our balance of payments. The reason we have had that deficit in our balance of payments is that the United States of America, since the conclusion of World War II, has tried to act as policeman for the whole world. We have tried to act as banker for the whole world, and we have tried to act as Santa Claus for the whole world. Mr. President, we have only 6 percent of the world's population. It is beyond the capacity of 6 percent of the world's population to try to act as policeman, Santa Claus, and banker for the other 94 percent.

Mr. President, this is an issue that has been pending in the Senate now for some several years. I have cosponsored a resolution, along, with the majority leader in previous Congresses. But this is the first opportunity that this Senate has had an opportunity to vote on this issue.

I am amazed that a Government that cannot balance its budget, that cannot balance its payments for 19 out of the past 21 years, would continue to act as the primary guardian for western Europe, where they have more manpower, more gold reserves, and less unemployment than we have.

I would hope that the Senate, by an overwhelming majority, would approve the pending amendment.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I rise in support of H.R. 6531, a bill to extend for 2 years the Selective Service System and to increase pay and allowances in the Armed Forces.

Mr. President, I have long advocated the creation of an all-volunteer army. I believe that the future interests of our Nation can best be served by the elimination of the draft.

Unfortunately, in view of the shortfall of enlistees in relation to the complement essential to the Armed Forces, this is not the time to embark on the complete elimination of the draft and the creation of a totally volunteer army.

The bill before us contains a number of provisions that are incentives to an all-volunteer force. The substantial increases in pay and the bonuses for voluntary enlistment and reenlistment are designed to make military service attractive to our youth and bring the creation of a volunteer army closer to fruition.

Much will be said on this floor in the days ahead about eliminating the draft completely or extending it for only 1 year. I believe that both positions are unrealistic at this time. Before we can have an all-volunteer army, we must institute the incentives to make military service attractive. This bill does that, I believe, and we should give it a chance.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. Mr. President, on its face, a 1-year extension seems attractive. But upon closer scrutiny it becomes clear that our present military commitments make a single year extension of the authority to raise needed forces through the draft unrealistic.

The President is winding down the war. In my personal assessment, I do not believe we will be maintaining armed forces in Southeast Asia when the 2-year extension provided in this legislation expires. That fact, coupled with the experience gained in administering the pending provisions for 2 years will make a strong case for ending the draft and creating an all volunteer Army in 1973.

I am at this time offering an amendment calling upon the Secretary of Defense to report to the Armed Services Committees of the Senate and the House by June 30, 1972, giving his assessment of how effective the provisions of this bill have been in raising enlistments in the Armed Forces. I would hope this Amendment will be acceptable to the distinguished chairman of the Armed Services Committee and to the members of the committee. I ask unanimous consent that the text of this amendment be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Weicker). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. Mr. President, I would like to make a statement for the record at this time. In the spring of 1973, unless world conditions are substantially changed, and unless the Secretary of Defense in his report which my amendment requires, gives positive proof that a volunteer army is an impossibility, I will not vote to extend the draft again.

In conclusion, Mr. President, let me commend the Senator from Mississippi (Mr. Stennis) for his excellent presentation and the untiring efforts made to bring this bill to the floor of the Senate.

Also, Mr. President, I want to pay high tribute to the gentlewoman from Maine, ranking Republican on the Armed Services Committee (Mrs. Smith), for her usual thoroughness, devotion to the committee and her effective contribution to the eventual passage of this important legislation.

I urge my colleagues to support H.R. 6531.

Exhibit 1

On page 41, following line 4, insert the following new Title:

TITLE IV—VOLUNTEER FORCES

Sec. 401. Not later than June 30, 1972, the Secretary of Defense will report to the Chairmen of the Armed Services Committees of the Senate and of the House of Representatives on the effectiveness of the provisions of Title II of this bill in increasing the number of volunteers enlisting in the active duty uniformed services of the United States.

PUBLIC OPINION POLLS ON GETTING OUT OF THE WAR IN VIETNAM

Mr. SCOTT. Mr. President, earlier today, as bearing on the draft, I pointed out a poll taken of the views of the American people on getting out of the war in Vietnam and how they think we can end the commitment of all of our forces, including draftees. These questions were asked as a direct result of my suggestion that such questions be asked by poll takers in order to get a true picture of the will of the American people, as distinguished from the oversimplification we hear in this Chamber when it is stated that over 70 percent of the American people want us out of the war by the end of this year. I think 100 percent of the American people would like to be out of the war now. Therefore, a question like this simply appeals to the war weariness, the emotions, and the fatigue of the American people with an unpopular war.

But look at what happens when the American people are asked that question and are then asked to reflect on three other questions. Here is what happens and this is what the opinion research people discovered when they ask my type question.

True enough, when the people are asked, "A proposal has been made in Congress to require the United States Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?" The people respond in their fairness and 68 percent answer yes, 20 percent no, and 12 percent have no opinion.

Then, here comes the next question. They are asked to reflect. "Do you support President Nixon in his plan to end the war in Southeast Asia?" With a fine disregard to their reaction to the other question, 72 percent answer yes, 18 percent answer no, and 10 percent have no opinion.

So the poll taker says, "Would you favor the withdrawal of all United States troops by the end of 1971, even if it meant a Communist take-over of South Vietnam?" At this point the people fall back in horror and react quite another way: Yes, 29 percent; no, 55 percent; and 16 percent, no opinion.

So another 16 percent have moved over to the no opinion column in order to contemplate the seriousness of the question.

Finally, there is the question which we consistently say this Congress has to face: "Would you favor withdrawal of all United States troops by the end of 1971, even if it threatened the lives and safety of the U.S. POW's held by North Vietnam?" There is the question. At that point the compassion, the innate concern of the American people makes itself felt. The no opinion drops back to 14 percent. Those in favor of withdrawal, even if it threatened the lives and safety of American POW's, find themselves in a cruel minority of 11 percent. These are the ones who do not care what happens. But the people who would not favor withdrawal if it threatened the lives or safety of U.S. POW's held by North Vietnam came to 75 percent. Let us remember that 70 to 75 percent say, "Let us not abandon our prisoners of war." Seventy-five percent say adequate means of takeover. Seventy-two percent say they favor the President's way of ending the war.

Granting the inconsistency of the other statement, to my mind all it means is that when you ask the American people to balance all the facts and circumstances, they say overwhelmingly, "We believe the President is doing the right thing." They say overwhelmingly, "Give the people of South Vietnam some chance to defend themselves from Communist takeover." They say, "By no means abandon the prisoners of war."

This is the second time today I have made this statement. I am going to keep making it until I see it in print.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield to the Senator from Alaska. It may help me to get these comments in the newspapers.

Mr. GRAVEL. In connection with POW's, does my colleague from Pennsylvania, who obviously has access to higher sources than I, have any information that the North Vietnamese Government would not do the same thing by the United States as they have done by the French, who had considerably in excess of 10,000 prisoners—in fact, the French lost 10,000 troops at Dien Bien Phu alone. They were incarcerated and it was only months after that, when the French said they were going to leave, that at the initiative of General Giap he said, "If you French are leaving be sure you take your prisoners with you."

Does the Senator from Pennsylvania have some information we are not aware of that they would not do this?

Mr. SCOTT. There is no way of knowing what the North Vietnamese will do. There is a difference. The difference is when the French left they agreed to leave the government to the people of Vietnam. They were dealing with a government which thought it was going to control all of Vietnam. They were leaving a government which had no reason to hold French prisoners as bargaining pawns to bring about the termination of activities by other forces. I have no way to know whether the North Vietnamese would not act in this situation as they did with the French on the matter of POW's, but neither have I any way of knowing they would act as they did with regard to the people of South Vietnam and North Vietnam when they proceeded to execute over 100,000 of their own Vietnamese people as soon as they got the French out. I have great respect for the French but at that time they reacted with war weariness.

The United States certainly does not want to face the future of the French. Moreover, my figure of 100,000 is minimal, since one of the young revolutionaries—he defined himself with that term before the Foreign Relations Committee—says the figure should be 195,000 rather than 100,000 for all of Vietnam, north and south together.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. GRAVEL. I would like to ask the Senator a question. I am not familiar with the figure. I was not at the hearing of the Foreign Relations Committee. So I am prepared to defer and accept that figure as accurate, because I have a high regard for the reputation of my friend from Pennsylvania.

Perhaps my friend could enlighten me as to the amount of butchery that took place in Cambodia after the invasion by American troops. We all read in Life magazine about it and saw pictures of Cambodians or Vietnamese floating down the rivers. Who committed those atrocities? Were those atrocities committed by the Vietcong, or did I read that it was some other? I was under the impression that this was done by the Cambodians and South Vietmanese because of the long-standing hatreds between them. In addition to that, there were atrocities which apparently were not occasioned by ourselves. I have heard a rumor—I do not know whether it is accurate; probably my friend does—that there were over 1 million butchered in Vietnam in the purges committed by that bulwark of capitalism that stands at our side. Maybe my friend could enlighten me on the butcheries that took place in those areas.

Mr. SCOTT. I can only say that atrocities are bad no matter who commits them. Atrocities are committed by people both civilized and uncivilized, regrettably.

The only figure I call to mind in Vietnam which was reported—we do not know whether it is true—was that 500,000 people were slaughtered in the Indonesian warfare which took place between the Communists and the other supporters of the Dictator Sukarno and those who overthrew one of the most repressed and tyrannical regimes in modern history.

As to Cambodia, I think we both made it clear that those were not atrocities which Americans committed; that undoubtedly they were slaughtered during the time the Cambodians were trying to increase their little army from 50,000 to 200,000; that that slaughter certainly was committed by the free Khmer, so-called, or the Communist forces; was contributed to by the North Vietnamese; and may indeed have been contributed to by Cambodians in opposition to them.

It only underscores the inevitable horror of war and the extremities to which they go. But I do not think that justifies the bloodthirstiness of Hanoi and the murder of people by them after Dien Bien Phu. They are still murdering them. They killed 3,000 at Hue when they had temporary occupation of that place.

Mr. GRAVEL. I think my colleague misunderstood me. My point was not to justify it anywhere in the world. As I intepreted my colleague, the Senator from Pennsylvania, he was trying to make the point that the reason why we have to stay in Vietnam was, first, to assure the security of that government and, second, to make sure no atrocities were committed.

If that is the reason why we are in Vietnam, the President should have sent some troops into Indonesia, because there were purges of a greater scale that took place there. I wonder about the dichotomy of the logic that has been employed by my friend.

Mr. SCOTT. I reply that it was not this President who was faced with the Indonesian problem, which was growing, festering, and burst out into flames, but another President. I myself think it unfortunate that we intervene this Nation everywhere in the world. It is unfortunate that we are engaged, even though by invitation, in Indochina.

I do think the point should be made that I was not arguing that we should give the South Vietnamese an assurance that they will be successful when we leave, but that we give them a fair and reasonable opportunity of defending themselves and of protecting themselves against atrocities.

Take, for instance, the Catholics who fled from the north and in large number now live in the south and are well represented in the South Vietnamese Parliament. Those Catholics learned that they and their friends are marked for the first to be slaughtered by the Communists if the Communists can get at them.

Mr. GRAVEL. On that point I dispute my colleague, because there are 1,700,000 Catholics in the north. Why would they be slaughtered? Why should the Catholics in the south, if the south were to become Communist, be slaughtered any more than the Catholics already living in the north?

Mr. SCOTT. I can answer that by saying because the Catholics in the south who were refugees left the north because some of their own families and fellow merchants were slaughtered, and some were successful in getting away. They are now convinced that they are on the purge list, the slaughter list, the blacklist, and they want to keep from getting killed.

Mr. GRAVEL. I do not think that answers my point. There are 1,700,000 Catholics in North Vietnam. They are obviously on somebody's list because they are Catholics. If the point is that because Catholics live in South Vietnam, they are going to be killed if the Americans leave, I cannot relate that to the fact that there are Catholics in North Vietnam now who are not being killed.

Mr. SCOTT. The Catholics who live in the north have made their peace with the North Vietnamese. They have gotten themselves into government or into industry, and they have found there are ways of surviving. But those who fled put a mark on themselves by the act of fleeing, by running away from the Communists, by voting with their feet, by seeking a refuge in the south, and in so doing, they are marked people, unless the government which has given them sanctuary and refuge is sustained.

Mr. GRAVEL. Would it not be less expensive for the United States to take those Catholics who were refugees into this country, as we have done in other places in the world? Would it not be less expensive to leave Vietnam tomorrow, load all those people onto ships, and give them 160 acres and $5,000 to get a grubstake in the United Sates. Would it not be less expensive to do that than to continue what we are doing?

Mr. SCOTT. I will reply by giving the Senator's answer to that: If we are going to do that for Indochina, why not do it for Burma? If we are going to do it for Burma, why not do it for any other country? If we do it for everybody else, why not do it for Mainland China and everybody else who wants to come to our country? And how many hundreds of billions of dollars does the Senator intend to appropriate in order to displace American working men from their jobs while these 1,700,000 Catholics, plus the other 5 million who wish to come, plus the 40 or 80 million who want to leave Indochina or other countries there and become American citizens?

Mr. GRAVEL. I agree with my colleague that it is an unbelievable argument and that it cannot be made. The argument cannot be made that we can afford to absorb them. Nor can the argument be made, similarly, that we have to fight for them, because if we fight for them in Vietnam we have to do it every place else in the world.

Mr. SCOTT. My argument is not that we continue to fight for them, but that we stop fighting for them and get out of there, but get out of there under such conditions as will assure them of an even and reasonable chance of protecting themselves in their own home.

Mr. GRAVEL. What is an even and reasonable chance?

Mr. SCOTT. An even and reasonable chance is being demonstrated by the President in the withdrawing of our troops. They are down to 270,000. By next October there should not be a force in South Vietnam capable of undertaking an incursion or offensive action.

We will be moving into a strictly defensive position. The last full division of American forces constituted for that kind of action is now in process of coming out, and by the same period next year, there will be no Americans in Vietnam, in my judgment, other than a small body of supportive or protective forces, and there may not even be those by the end of 1972, if we can get the prisoners of war out. So this President is doing what no other President, as far as I know, ever could do or even seriously thought of doing.

Mr. GRAVEL. Now that the Senator is talking about getting out——

Mr. SCOTT. Does not the Senator agree that we are getting out?

Mr. GRAVEL. No. I think we are withdrawing troops; I do not agree that we are getting out. I think that is the whole issue. I think many others have the same point of view as I.

Let us go to the definition of what "out" means. Let me ask the Senator from Pennsylvania—and I am sure he is informed on this question—does the term "getting out" with all these troops include the Air Force element that we have in Thailand, which is bombing South Vietnam almost daily? Is that a part of the definition of "getting out?" Will those troops also be withdrawn, or will they continue to bomb South Vietnam or North Vietnam elements, or continue to sustain the threat of bombing North Vietnam which our President has made?

Mr. SCOTT. The Senator is abandoning his argument about Indonesia now, and, having lost that argument, he is moving over to Thailand?

Mr. GRAVEL. I am not prepared to say I have lost the argument. I agree that my colleague is a very able debater, but I will not accept that statement.

Mr. SCOTT. We love each other; we know that, but the Senator has lost his argument, and is moving to Thailand.

Mr. GRAVEL. Will the Senator state the point I lost? I would like to know what it is.

Mr. SCOTT. I think the Senator has lost his argument that we are not really getting out of Southeast Asia. I say we are. Now the Senator says, "All right, let us not talk about that any more, let us talk about Thailand."

Mr. GRAVEL. Well, let us not move to Thailand. Let us stay right there.

Mr. SCOTT. The Senator does not want my answer about Thailand?

Mr. GRAVEL. No, let us stay in Vietnam for a while. It is early in the afternoon.

Mr. SCOTT. The Senator has time to spend.

Mr. GRAVEL. Is the Senator from Pennsylvania prepared to give me assurance about when, first, we will have zero Americans there? In other words, we will have our American Ambassador and the employees it takes to take care of the American Embassy, but no more involvement other than that. When will we see that day?

Mr. SCOTT. When we have the prisoners of war out, and when we are convinced that we have given these people a chance to defend themselves, we will move from a military force less than we now have in Korea to a force only essential to our Embassy.

Mr. GRAVEL. The Senator put a qualifier there. The qualifier is "when we have assurance that the present government will survive." Supposing those assurances are not available to us for 10 years; is the Senator from Pennsylvania telling me we are prepared to stay there for 10 years, to guarantee the success of this government?

Mr. SCOTT. I will say to the Senator from Alaska that I do not know whether he will be here in 1973 or whether I will be here in 1973, but God willing I will be here in 1973, because I was elected to be here. If the Senator will ask me the question at that time, I will be able to tell him that we have withdrawn our forces from Vietnam.

Mr. GRAVEL. But I am asking the question now. It was the Senator, not myself, who put up the proviso that he made, a clear proviso for all to see, that when that government is viable we will withdraw to zero.

When the Senator made that proviso, I placed a quid pro quo, a very simple and logical one: If that takes 10 years, is the Senator telling me and the American people that we are going to be there 10 years, under some type of formula which does not offend the public consciousness?

Mr. SCOTT. Well, not to put too short a phrase on it, no.

Mr. GRAVEL. What is the Senator saying, then, in that regard?

Mr. SCOTT. I am saying we have no intention whatever of being there in 10 years, or 5 years, or 4 years.

Mr. GRAVEL. Of course, it is not intentions we are talking of, it is facts.

Mr. SCOTT. The Senator is engaging, now, in debaters' points.

Mr. GRAVEL. I hope not. The Senator from Pennsylvania just took me to the cleaners with a debater's point by saying he had won when he had not won. Are we back on the same old ground?

Mr. SCOTT. Evidently the Senator is more anxious to win than to be logical.

Mr. GRAVEL. Far from it. We are talking about lives, and it is not a question of winning or losing. Human beings at this instant are dying in Southeast Asia, as a result of our policy as a nation, and we stand here responsible for that action.

Mr. SCOTT. But we do not stand here idle. We stand here doing what no one else has done, namely, getting out. The Senator presses me for a calendar date.

Mr. GRAVEL. No, I do not press for a calendar date.

Mr. SCOTT. Let me finish. I do not yield until I have a chance to reply to at least a fragment of the Senator's argument. Let me finish. I understand the Senator to say that he wants facts, and what he wants to know is, when are we getting out?

I say he will get that from Hanoi better than he will get it from the United States, because only Hanoi knows when they will release the prisoners of war. Only Hanoi knows when they are able to take aggressive action in the north. Only Hanoi knows when they will make it possible for us to talk seriously at Paris.

Now, what do we know? We know this President is getting us out, that by October we will have two-thirds of the troops out who were originally there by number, that we are ahead of schedule in the withdrawal, that we will be next year be down to, at most, a minimal supportive force, probably less than we now have in Korea; and I say, in answer to the Senator's question, that we will not even have them there if, by the end of 1972, we have a prisoner of war agreement, because it is my judgment that by that time the South Vietnamese will be able to have a fair and even chance of defending themselves. That is all I am saying.

Mr. GRAVEL. Jumping to the other point—and I wish to come back to this point again——

Mr. SCOTT. I have not forgotten Thailand.

Mr. GRAVEL. My colleague has not addressed himself to the point that I raised, so let me raise it again.

If we are bombing them into oblivion, can we say—I think it is false rhetoric to say it—that we are out? Because if we are bombing them, and they shoot down our planes and capture the aviators, they are obviously not going to give them back to us. So let us put the prisoner of war argument aside for the moment. I think what in fact would happen is what happened to the French, because history is very clear on that. When the French said they were going to get out, within months, the North Vietnamese said, "Not only are you going to get out, but take your prisoners with you."

Mr. SCOTT. "To leave us free to slaughter our neighbors," which they did.

Mr. GRAVEL. Mr. President, I have listened to my colleague very patiently——

Mr. SCOTT. The Senator has forgotten that I have the floor.

Mr. GRAVEL. Because I have great respect for his words. But let me restate his position, the position of the President of the United States and the Senator from Pennsylvania, which is very simply that we will get out, with the proviso, the qualification, that we have a secure government in South Vietnam.

I posed the question that if it takes 10 years—and that is not an improbable conjecture, because if you look at the record, we had over 500,000 troops in South Vietnam, and the populations of North Vietnam and South Vietnam are about the same, so if South Vietnam, with 500,000 American troops and with total air cover, could not cut the mustard in the last 3 years, how could we expect that in the next 10 years they could cut the mustard?

My quid pro quo is that if the Senator says our Nation will get down to zero when we are sure that government has a chance, then I ask, supposing that takes 10 years, is the Senator telling me and the American people that we are going to be there for 10 years?

Mr. SCOTT. Well, now, give me a chance to answer because the Senator is not debating me, he is debating himself. I never said "a secure government," so we can knock that strawman down. I said to give them an even fair chance of defending themselves. And I never said 10 years; I said 2 years in all probability; and I have over and over again made the point that we are not saying that we can trust Hanoi. The Senator from Alaska is arguing that point, that Hanoi will give us back the prisoners of war in 3 weeks. He has not a shred of evidence to sustain it, except that it happened when the French got out. But when the French got out, Hanoi did not think anybody was left to prevent their depredations in the south and extension of their control of the whole country. Now they know somebody is left—an army of a million people is left—and that army will have, at the end of this 2-year period, 2 more years of training; and that army, in my opinion, is going to be able to give a good account of itself, and probably will be able to save their country from the Communists. But if they cannot, at that point that is their business. We will have done honorably everything we can do to give them that chance.

Mr. GRAVEL. The Senator put the same proviso on it, a slight change of rhetoric, and here it is—a fair chance. A fair chance of success, I assume?

Mr. SCOTT. No, not success—a fair chance.

Mr. GRAVEL. My question is, when will we make the determination that they have a fair chance at success? That could take 10 years, based upon our experience in the last four. If that is the case, is my colleague prepared to back up the administration to stay there for 10 years?

Mr. SCOTT. No, of course not.

Mr. GRAVEL. Everybody is very religious in the rhetoric they use, and they leave the trapdoor open.

Mr. SCOTT. The Senator is either being opaque or oblique, and I cannot make up my mind which. What he is trying to get me to say is that we will be there 10 years, and I do not know any better way to say that than "no."

Mr. GRAVEL. Five years?

Mr. SCOTT. No. Pull it down? Four years? No. Three years? No, in all probability.

Mr. GRAVEL. Then, 2 years is what you settle on?

Mr. SCOTT. It is unlikely that we will be there beyond that.

Mr. GRAVEL. Two years is what you settle on?

Mr. SCOTT. Yes.

Mr. GRAVEL. Is 2 years going to be zero, no more than the ambassador and the maid?

Mr. SCOTT. You need two maids, I think.

Mr. GRAVEL. I would be happy to vote for two maids in Saigon or Hanoi, wherever the capital might be.

Mr. SCOTT. I think this president is leading us to a zero commitment, if that is what you are asking me. Then there will be an election, and I do not know who the next president will be there. If it is the present one or another, he will be presented with a far simpler situation. We will be out, and we hope they do not get us back into anything else. Our President will not, in my opinion.

Mr. GRAVEL. Does your terminology of "out" include the Air Force and bombing? Here is the crux of the problem. When the French got out, they got out. O-u-t is what happened. They got out. What we say is that we want to get out, but we do not tell them how we are going to get out; and the President is very scrupulous in his language to make sure that the threat of bombing to obliteration is there.

I ask the Senator, when the President says, "out," does he mean no more bombing?

Mr. SCOTT. The way the French went out considerably lowered their standing in the world powers, because they did not find out what was going to happen next.

Mr. GRAVEL. The French character has improved since they got out of Vietnam and since they got out of Algeria.

Mr. SCOTT. I am not talking about their character. I am talking about their stature and their status.

The Senator leads me on and on, so I go back. Question No. 1: "Do you support President Nixon in his plan to end the war in Southeast Asia?" Seventy-two, yes; 18, no; 10, no opinion. The Senator continues to address himself to the 18 percent. That is why I say you are on the losing side.

Mr. GRAVEL. My colleague is taking an oblique stand when he accuses me of doing so, and he is doing it with a sleight of hand that is very skillful.

Mr. SCOTT. I thank the Senator.

Mr. GRAVEL. If we can return to the issue, does "out" by definition include the air force, too—no bombing, no cover, no American planes? Does "out" mean no American involvement? Let the South Vietnamese fight the North Vietnamese all alone. Is that what he means by "out"?

Mr. SCOTT. Yes. I hope the Senator is listening this time, and I will try once more.

The President has said that his objective is total and complete withdrawal of all American participation in Vietnam. I share that commitment, and that, in my opinion, is going to be reached. You do not like provisos, but I did not make them. Hanoi made the proviso and did not let us have the POW's. I want the POW's out, and so do the American people.

Mr. GRAVEL. Then, we can go on the record at this point that, one, the definition of "out" that the President speaks of, from your information, is zero—no ground forces, no Air Force, no Navy. Is that what we are talking about as zero? That is what the French were talking about.

Mr. SCOTT. The Navy perhaps is already out. Does the Senator want to abolish the 7th Fleet? Offer an amendment and see how many votes you get.

Mr. GRAVEL. No, I do not want to abolish the 7th Fleet. I think we need the 7th Fleet. We need a strong Navy and a strong Marine Corps and a strong Army, and I love those forces.

Mr. SCOTT. I am a naval officer. Do not ask me to abolish the Navy.

Mr. GRAVEL. I am just as proud of the Army as you are of the Navy, and I love the Army.

Mr. SCOTT. Let us not abolish either one. Let us not go crazy.

Mr. GRAVEL. My tack is to get to the bottom——

Mr. SCOTT. I do not think you have a tack. I think you have a nail, and I think you are trying to drive a nail in your argument, but you are not hitting the nail with the hammer.

Mr. GRAVEL. We are hitting the nail very well this afternoon. I have never read anything this extensive on this entire subject. I think we have a definition of what the administration means by "out." The President has not gone as far, but I cannot think of anyone in this Chamber who is closer to the President than you are.

Mr. SCOTT. The President has gone as far.

Mr. GRAVEL. Can you refresh my memory as to when the President has said "out," meaning out Navy, Marine Corps, Army, and out everything, except the Ambassador and two maids? Can you tell me when the President said it that clearly?

Mr. SCOTT. I am afraid that if the President called you on the telephone and told you that right now, you would not believe it.

Mr. GRAVEL. Yes, I would.

Mr. SCOTT. He has told the American people, and you just were not around. You were looking at the sports program that night.

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair enforce the rule that Senators refer to one another in the third person, rather than in the second person.

The PRESIDING OFFICER. The Senators are so admonished.

The Chair would also appreciate it if the Senators would address their questions through the Chair.

Mr. SCOTT. I suppose, Mr. President, we have to abandon the informality here, in which we should not indulge. Hereafter, I will say, "Does the Senator from Alaska favor the survival of the 7th Fleet?" The Senator from Alaska will say, "Yes," he favors the survival of the 7th Fleet, but he wants to talk about Thailand.

Then I ask the Senator from Alaska not talk about Thailand. In Thailand we are reducing our forces. In Thailand we have a treaty, unlike the Indochina situation. In Thailand we have been asked to be there, in accordance with the terms of that treaty. If the Senator does not like the treaty, he can move on the Senate floor to abrogate it.

Mr. GRAVEL. Let me say first, that the familiarity I exercised with my colleague from Pennsylvania is one of affection, and nothing more than that. But I think it is important that we follow the rules, and I feel sad that I cannot find ways to express this affection more strongly.

Referring to Thailand and the defense of Thailand and the commitment we have there, does that commitment require 30,000 troops, in the opinion of the Senator?

Mr. SCOTT. It requires whatever agreement we have made with Thailand.

Mr. GRAVEL. Does the Senator from Pennsylvania suggest that the agreement we have is a figure of 30,000 men?

Mr. SCOTT. I have nothing to do or to say about the number of troops which appear in Thailand in accordance with the treaty. The Senator probably knows more about how many troops are there than I do, because he may have been there counting them. I do not know what is adequate. I only know that the Thais tell the United States and the United States makes the judgment. Under that judgment, Thailand for a thousand years has been a free nation and is continuing to be a free nation. I think the Thais know what they are doing in having an agreement with the United States. They do not trust many people, and that is how they have stayed free.

Mr. GRAVEL. Certainly, the Senator cannot rest on that alone. We sit here talking about troop levels, about the draft, and whether we will press people into service. I cannot accept brushing off the figure of 30,000 to some underling in the administration. As a Senator, I want to know why we have to have 30,000 American troops in Thailand. What kind of agreement do we have which requires that number?

Then I wonder why most of the bombing that takes place in South Vietnam comes from Thai bases. If somebody is saying we are going to have zero in South Vietnam but we are going to keep a treaty requirement and keep an inflated figure of troops there to offer an aerial threat to North Vietnam and occasionally just bomb them to keep them alert, and then hope that they will give us our prisoners back—I do not see that logic. My first question is simple: Why do we have to have 30,000 troops in Thailand? What kind of agreement is it that requires that? Is it penciled in on that agreement? If it is, then that agreement should immediately come into question before this body, before we make a decision on the draft.

Mr. SCOTT. The Senator from Alaska has the same sources of information that I have. I suggest that he can go to the Armed Services Committee or to the Committee on Foreign Relations. He might get a different story from each one but, so far as I am concerned, he can pursue this further there; and, so far as I am concerned, Mr. President, I have another engagement and I am yielding the floor now.

Mr. GRAVEL. Before the Senator yields the floor, may I graciously thank him for this fine colloquy. If nothing else, it is a reaffirmation of the friendship and affection I hold for the distinguished Senator from Pennsylvania.

Mr. SCOTT. There is no question about it; the Senator from Alaska and I enjoy each other's company and are perfectly good friends. We simply have to agree to disagree on some of these matters. The Senator is conducting a filibuster, I am not. So, I am going somewhere else and wish the Senator would go somewhere else, too [Laughter.]

Mr. STENNIS. Mr. President, I shall briefly address myself, off the cuff, so to speak, to the amendment offered by the Senator from Montana with reference to troops in Western Europe being reduced by December 31 of this year to 150,000.

In a general way, I am familiar with that situation there, and have been for several years.

In 1968, I went to the NATO Conference in Brussels and made some preparation in advance for that trip and took part in the proceedings for the purpose of getting more familiar with the situation, the needs, and what our relationship to NATO really was. I have never been enthusiastic about our keeping great numbers of troops over there but I am fully convinced that we have to.

Of course, we all know that the distinguished Senator from Montana (Mr. MANSFIELD) is earnest and sincere and has worked on this for many years; but it is also true, Mr. President, that many of us have worked on it have also been greatly impressed with the general success of the NATO agreement.

Our foreign policy since World War II has cost us a great deal of money and a great deal of time and effort, but our policies on behalf of the free world in Western Europe have been highly successful. I made some remarks today about what we have gotten into elsewhere but, by contrast, I think that we have made the difference there, not only with the Berlin airlift, the Berlin Wall, but in other matters. A great deal has been accomplished on the plus side which offsets the amount of money we have spent there.

Mr. President, I am going to be fortified later with figures to back up some of these things I am going to say, but I do not have them now. Let me point out, first, that under the resolution, reducing our troops in Europe to 150,000 instead of 300,000, in round numbers, does not propose to save very much money in the operation of our Armed Forces. Those men and their dependents with them, who will be brought back here, so far as this resolution is concerned, will still be in the service. There may be some savings and I shall try to get the estimates of the amounts, but it is not a great deal, unless further reductions can be made in the total number of our military services.

By contrast, the bill itself carries on the actual reduction in our forces by the numbers that have already been explained. For a full year's run this would amount to well above half a billion dollars in savings.

I strongly favor that much of a reduction. I believe that, rather rapidly thereafter, we could make even more of a reduction.

So let us start out with the fact that this is not going to be a great amount of saving—certainly not the elimination of 150,000 troops and the expense that would go with that.

On this matter of the balance of payments, which I think is a strong point—it is the strongest point behind this resolution—I do not have with me at the moment any figures, but let me point out in these off-the-cuff remarks that there are other contributing factors to the balance-of-payments problem.

One is the American manufacturers who are over there with their subsidiaries and branches and related items. Another factor that contributes to our balance-of-payments deficit there is the enormous amount of money that Americans spend there each year as tourists. I do not know just what the figures are, but I will get them and make them available. It goes a long way toward offsetting the charge that is being laid at the door solely of the military.

Another point involved is that the German Government in particular has made certain offset payments and has a treaty or an agreement—I do not know, offhand, just know long it will last—but they are making now what we call offset payments; that is, enough to make a dent in the balance of payments and reduce it some.

As I say, we will get the substance of that agreement for the benefit of this debate and get as much of the figures on it as we can.

As I stated, I went to the NATO Brussels Conference in 1968 and took a strong position, if I may describe it as such, that there had to be a greater contribution on the part of our NATO allies in Western Europe in regard to manpower and money—that is, the things that cost money—and that we were expecting them to move in that direction. We debated this thing in our committee, as we would here, and then we had plenary sessions, and they were willing to put me on the agenda, as it is called there. I took as strong a position as I knew how, consistent with the facts.

They have made headway. The executive department was represented there, taking the same position. That was in 1968.

In 1969 and 1970, the executive department took a stronger position. I believe they called an executive conference. Secretary of Defense Laird was there one of those years. Now there has been a new agreement that is the equivalent of about a $1 billion additional contribution which is to come from those allies—not in money directly paid into the Treasury, but it is being put up—some of it—perhaps a great part of it—in military construction costs and the furnishing of items of that kind.

So, there is positive effort. There is no deadheading. There is some improvement on the part of these NATO allies in Western Europe. I had hoped there would be more. I was expecting more, to be frank about it. However, certainly there has been a substantial change, and it is on the good side.

Mr. President, I went over there right after the invasion of Czechoslovakia. I am not immune to being affected by compassion or emotions or excitement on occasion. However, at least I have had enough experiences in that field to be what one might call an experienced investigator. I wanted to go in there and get the feeling of the situation.

On a rainy day, accompanied by one of the finest military officers I have ever found anywhere—one who certainly had nothing to sell—we went up and down the field where our men were in training and where members of the German army were in training. This was in the forest there next to the Czechoslovakian border.

We had planned in the afternoon to fly back and forth in a helicopter so that we could see those Soviet troops who were then occupying Czechoslovakia. Rain intervened, and I did not see them. However, I got the feel of the situation. This is a sensation that one has, and the realization comes to one that he has never had before, being out there in the field with the men. I am very glad indeed that we were there represented by what they call conventional forces—that is, less than nuclear weapons.

Some think that the only thing we should supply there should be nuclear weapons and a nuclear umbrella, so to speak; the airpower, and so forth. I would no longer be willing to settle merely for that.

None of those people in Western Europe have any control over our nuclear weapons. They feel that the only defense they have, that they have any control over or can do anything about, are the conventional forces. With our being in there with them, the fact that we are there, that our machine guns, our tanks, our men, and our armament are present, that in and of itself helps.

Mr. President, if the situation were reversed, we would then really know how they felt about having a strong ally sharing in this conventional deterrent—sharing in a military force that was not going to be totally destructive to both sides if it were turned loose.

That gives them the feeling that we are there and sharing in this system. It is a great source of satisfaction and inspiration and encouragement to them so that they will not submit to blackmail and not go over to the other side and not give up.

Mr. President, I came away without anyone trying to sell me anything. I was prouder than I had ever been for our part in this chance to help a free Europe and a free western world get back on its feet and continue as part of the free world.

I look upon our efforts there since World War II as highly successful, whereas, unfortunately, I do not think we have been so successful in other parts of the world.

Mr. President, that leads me up to this thought. I know that all these arguments are going to be made, and I am interested, too, in getting some reductions over there if we can do so in a proper way. However, this thought I have been expressing here leads up to this point of view. Whatever we do now, my position here is the same as it was in the committee. Whatever we do, let us not do anything precipitately or rush action by just a meat ax approach, with a mandatory reduction within 5 months. With all due deference to everyone, that is an extreme position. It does not represent a sound policy.

So, whatever we do now, let us not be precipitate. Let us be reasonable. Let us give this assurance and have the faith that those people have had. Let us let this continue and not just throw it overboard and stop it in this way just because we think they have not done as much as they should. We do not want to do that. No one intends to do that.

Take those people in Greece. One can say what he wants to about their present form of government. If I were looking for an ideal form of government, I would not pick theirs. However, as soldiers they have proven their ability to cover their part of a mutual defense compact. They have done exceptionally well. So has Turkey. Certainly their government is not anything that I would want to model our government by.

I say this with all due respect to them. However, if this is done preciptiously, what will they think? What will be the effect on those people? Can they still have assurance that we will continue to help? I do not think anyone wants to withdraw. However, what will they say? Will they say, "After all, maybe we had better make terms or begin to make terms." Can anyone give a definite answer to the contrary? I do not think so.

What about these people in Germany. Some say, "Well, they have been getting a free ride." Perhaps we have been contributing too much of the cost. However, I tell the Senate right now that a great part of the strength of European NATO is right there in Western Germany. One gets the feel of that. I speak with due deference to the others.

I think that whatever they might have meant to us in the past, in World War I and World War II, they are the ones that have meant the difference since World War II in trying to keep conditions there such that there would be a free world. And they are entitled to tremendous credit.

I went over there and told them 2½ years ago that I thought they would have to do more. I did not spare anything. However, I certainly do not want anything done in this way, drastically, or precipitately, to start any kind of wave there. This is a matter of international agreements or international policy.

Think how much this is tied to them. I do not have any doubt in my mind that our fleet in the Mediterranean, our presence in Western Europe, or elsewhere, is the most stabilizing influence for all of these nations and even in the Mideast. I am no expert on the Mideast. I am no expert on anything. I do not aspire to be. But we have some knowledge of those things and some judgment of it.

I think that an abject withdrawal of half of these troops by the passage of this resolution will be a very dangerous thing to do.

If it must be done, if nothing less is going to satisfy Congress, let us give someone a mandate to proceed—and I say the President—and do this in a fashion that will not destroy the good that has been done and the strength that has been built up through this alliance—whatever we decide the percentage is going to be.

This is just not the way to do it. I know these matters are very sensitive. I imagine that the passage of this amendment would bring great merriment to the Soviets and those in the Middle East who are not friendly to us. I think it will bring merriment to those people and doubt to the others.

On the other hand, I think the same reduction could be made, if it must be made, in a more diplomatic way, a more understanding way, and in a more reasonable way, and avoid the dangers that I feel compelled to point out. If done on a constructive basis there will continue to be the protection to them and to us that there was originally intended to be.

I want to reduce our forces and put more emphasis on quality rather than numbers of our manpower. We are making a start in this bill but I believe this is one of the worst possible approaches to take. Precipitate action would destroy what has been built up over the years at great expense and, as I have said, leave those people. I do not know how long it would take to repair the damage.

I do not wish to be repetitive but I say for emphasis that approached in the right way I believe some reduction could be made over a span of time and good could be accomplished in that way without accomplishing the bad results along the lines I have discussed.

I will yield the floor if the Senator from Maryland wishes to speak.

Mr. MATHIAS. Mr. President, I appreciate the kindness of the distinguished Senator in yielding the floor. I have been following his argument with great interest. I think he made his presentation with great force. This is a subject which I have been studying very closely for the past several years.

I think all of us would like to see a reduction of forces, not only in Europe but also around the world. It is one of the goals Congress must have and it is one I am sure the President has. But this is an unfortunate moment in the history of the world to alter the balance of power rapidly. We have the initiation of East-West talks in Europe, the so-called Brandt Ostpolitik, and the SALT talks.

We have serious questions with respect to the armed forces in Europe. These are matters I would like to speak on at some length. I do not intend to do so at this time. I do have an amendment.

Mr. STENNIS. Mr. President, would the Senator yield at that point?

Mr. MATHIAS. I yield.

Mr. STENNIS. The Senator mentioned SALT. Unquestionably, I agree; and this is a major part of the reason why there should be no precipitate action. It would be pulling the rug out from under the policy of the United States.

Mr. MATHIAS. I thank the Senator from Mississippi for his intervention.

Mr. President, the amendment I am about to offer is in effect a substitute for the Mansfield amendment. It is language that I hope the Senate will adopt in lieu of the Mansfield amendment.

It declares that:

> The Congress hereby finds that, under continuing review within the North Atlantic Treaty Organization, negotiations undertaken by its members aimed at relaxing tensions in Europe and improving East-West relations should be continued and encouraged; that in support of such negotiations, the Congress endorses the declared intention of the President to maintain the necessary level of United States armed forces in Europe; that the Congress affirms its support of the President's program to consult on a regular basis with America's European allies, individually and severally, regarding the total compass of America's relationship with Europe; and that significant changes in the level of United States forces in Europe should not be made without full consultation with the Congress.

AMENDMENT NO. 87

Mr. President, I offer the amendment as a substitute for the Mansfield amendment.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read, as follows:

> In lieu of the language proposed to be added at the end of the bill by Mr. Mansfield, insert a new title as follows:
>
> TITLE IV—UNITED STATES ROLE IN THE NORTH ATLANTIC TREATY ORGANIZATION
>
> SEC. 401. The Congress hereby finds that, under continuing review within the North Atlantic Treaty Organization, negotiations undertaken by its members aimed at relaxing tensions in Europe and improving East-West relations should be continued and encouraged; that in support of such negotiations, the Congress endorses the declared intention of the President to maintain the necessary level of United States armed forces in Europe; that the Congress affirms its support of the President's program to consult on a regular basis with America's European allies, individually and severally, regarding the total compass of America's relationship with Europe; and that significant changes in the level of United States forces in Europe should not be made without full consultation with the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRAVEL. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Maryland (Mr. MATHIAS) as a substitute for the amendment of the Senator from Montana (Mr. MANSFIELD).

Mr. GRAVEL. We have a substitute amendment before us. That is the pending business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, on the pending business, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment offered by the majority leader, the Senator from Montana (Mr. MANSFIELD), to H.R. 6531: Senators CHURCH, SYMINGTON, HUGHES, FULBRIGHT, PASTORE, MOSS, and BYRD of West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPIRATION OF TIME UNDER GERMANESS RULE

Mr. BYRD of West Virginia. Mr. President, has the period for the operation of the Pastore rule today now expired?

The PRESIDING OFFICER. It has.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention (Executive C, 92d Congress, first session), transmitted to the Senate today by the President of the United States, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention, dated October 6, 1970.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the Protocol.

The 1949 International Convention for

the Northwest Atlantic Fisheries contains no provisions for its amendment. Nevertheless, it has been found necessary to amend the Convention six times during the past 16 years and other amendments have been considered. Though every amendment adopted by the Commission which was established by the Convention has eventually entered into force, with the exception of one that is pending, these changes have generally been accomplished by means of treaties requiring approval by all parties to the Convention.

A more expeditious method of amending the Convention was considered desirable, and the United States, as Depositary Government, was requested in 1969 to examine this matter. Accordingly, the United States prepared a draft Protocol and submitted it to the 1970 Annual Meeting of the Commission. The Commission amended this proposal to simplify its procedures, which are described in the report by the Secretary of State, and adopted it without opposition.

It is hoped that this Protocol would overcome problems which have been encountered in securing ratification from Governments which have not objected to amendments but which for one reason or another have been slow in taking action on them.

Since a significant proportion of the area to which the Convention applies lies off our coast, and because it is important to our fishermen and to the entire Nation that the International Convention for the Northwest Atlantic Fisheries operate as effectively as possible, I recommend that the Senate give early and favorable consideration to the ratification of this Protocol.

Richard Nixon.

The White House, *May 11, 1971.*

ORDER FOR RECOGNITION OF SENATOR BELLMON, SENATOR GRIFFIN, AND SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks by the distinguished Senator from Connecticut (Mr. Weicker), the distinguished Senator from Oklahoma (Mr. Bellmon) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Michigan (Mr. Griffin) for not to exceed 15 minutes; and that he be followed by the distinguished Senator from New York (Mr. Javits) for not to exceed 15 minutes—all of which will transpire prior to the recognition of the Senator from Alaska (Mr. Gravel) under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Javits when he introduced S. 1830 appear in the Record under Statements on Introduced Bills and Joint Resolutions.)

CONVENTION ON ACTS OF TERRORISM AND EXTORTION OF INTERNATIONAL SIGNIFICANCE AND TAX CONVENTION WITH JAPAN—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, signed at Washington on February 2, 1971—executive D, 92d Congress, first session—and the Tax Convention of March 8, 1971, with Japan—Executive E, 92d Congress, first session—transmitted to the Senate today by the President of the United States, and that the conventions, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the Record.

There being no objection, the messages were ordered to be printed in the Record, as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, signed at Washington on February 2, 1971.

I transmit also for the information of the Senate the report of the Acting Secretary of State with respect to the Convention.

Kidnapping and other crimes against foreign officials have become increasingly serious threats to the normal conduct of international relations. The kidnapping of officials for extortion purposes is a barbarous development which should be of serious concern to all civilized nations regardless of their political persuasion.

The General Assembly of the Organization of American States met in Washington last January for the specific purpose of dealing with this and other aspects of international terrorism. The Assembly faced the difficult task of preparing a convention which would provide both a clear statement condemning such acts and a mechanism for dealing effectively with those who perpetrate them. The Convention to which the Assembly agreed makes a significant contribution to international law. It represents an important first step in the development of effective moral and legal deterrents to crimes against diplomats and other foreign officials.

Although drafted within the forum of the Organization of American States, the Convention provides for accession by both member and non-member nations. I hope it will be ratified promptly by all its signatories and eventually by other states as well. The United States has supported and will continue to support actions which strengthen international cooperation to prevent and punish these terrorist acts.

In my report on foreign policy delivered to you on February 25, 1971, I made the following observations:

> "In some tragic cases, the forces of change take on extreme forms—hijacking, kidnapping, and terrorism. These are acts of desperation, morally bankrupt. The nations of the inter-American community recently signed a Convention dealing with their prevention and punishment. We hope that others will join in this commitment, and that its coverage will reach beyond the hemisphere."

Prompt United States action is necessary to signify our strong support of this position. I recommend, therefore, that the Senate give early and favorable consideration to the ratification of this Convention.

Richard Nixon.

The White House, *May 11, 1971.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and Japan for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Tokyo on March 8, 1971.

For the information of the Senate, I transmit also the report of the Acting Secretary of State with respect to the convention and copies of two exchanges of notes of March 8, 1971, relating to understandings in regard to certain provisions of the convention, as explained in the Secretary's report.

The existing income-tax convention of April 16, 1954, with Japan, as modified and supplemented by protocols of May 7, 1960, and August 14, 1962, would be terminated and replaced by the new convention upon the coming into force of the latter.

The new convention follows in general the pattern of bilateral income-tax conventions now in force between the United States and a number of other countries and reflects changes in United States and Japanese tax laws and recent developments in treaty policy of the two countries. So far as policy and technical considerations permit, the convention follows the model draft convention of the Organization for Economic Cooperation and Development published in 1963. The substance of the new convention with Japan is similar to that of income-tax conventions recently concluded by the

United States with France, Finland, and Belgium, except with respect to maximum rates on investment income. The Senate has given its advice and consent to those three conventions; the conventions with France and Finland have been brought into force.

In general, the maximum rates of taxation on investment income provided in the new convention with Japan are the same as those in the existing (1954) convention. Some of the major changes from the existing convention which are regarded as substantive improvements are outlined in the Secretary's report.

The convention has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, *May 11, 1971.*

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. DOMINICK. Mr. President, earlier today I had the pleasure of listening to the distinguished majority leader offer his amendment which was designed to say that no appropriations would be passed which would fund more than 150,000 troops in Europe after December 31, 1971.

We have at the present time some 333,000 troops there with their dependents. The total American presence there in terms of military plus dependents, therefore, comes to about 525,000 people. We have maintained this force, or a larger force than this, for 25 years now, ever since World War II.

We now have more troops in Europe than we have in any other area of the world, even though meanwhile we have been involved in two other wars in Asia.

I made a speech approximately 6 years ago before the International Order of the Rotary in Denver, where many of our friends were. I pointed out at that time that the NATO allies had not met their commitments for NATO defense forces, that they showed no desire to meet them for the future, and that a balance-of-payments problem had been created for us by virtue of the maintenance of our umbrella over Western Europe.

I pointed out that I personally thought this was a big mistake, both on their part and on ours.

I was on the floor of the Senate a few years ago when the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), submitted his sense of the Senate resolution that we should have a substantial reduction of forces in Europe.

I was the second sponsor of that resolution for the very reasons I have been mentioning. I am not sure that is the reason that the distinguished majority leader submitted it. I am not sure that he is as concerned about the threat to Europe as I am. However, I am very much concerned. I do not believe we will ever get our Western allies to handle their fair share of their defense unless we show that, while they are withdrawing their troops from the Western Alliance, figuring on a fast defense if necessary, that we can do the same thing.

On the other hand, I do not believe that the amendment which the Senator from Montana has submitted at this point is correct.

What it does, is substitute the judgment of the Senate for the judgment of the President of the United States, who, under the Constitution, is responsible for determining what force levels need to be in what places in order to assure the defense of the American people.

I believe that for that reason, even though it is couched in terms of a cutback in appropriations, we are denigrating the authority of the President to perform the very duty he swore to perform when he took office.

As a result, earlier today I introduced a substitute which simply said that it is the sense of the Senate that continued strength of the American forces, plus their dependents, in the European Theater, under the NATO Alliance was creating a very substantial balance of payments problem for us and that it is the sense of the Senate that a substantial reduction in those forces should be made without in any way denigrating our commitments insofar as the NATO Alliance is concerned.

There are several factors to be considered.

One is the factor that our allies need to know that we are going to maintain our commitments under the NATO Alliance in the event of an attack by the Soviet Union.

The second is the factor that they have not met their commitments.

The third is that we have the ability, through fast airlift and prepositioning of supplies, to be able to come to their reinforcement as rapidly as possible in the event of conventional attack in the European Theater.

This would not be law. It would not cut back on the right of the Appropriations Committee to determine what it wants to do. All it would do would be to indicate the sense of the Senate, which I believe is here, that we have had too many forces for too long in Europe and that some steps should be taken to reduce them.

Without revealing any names, I have had an opportunity to discuss this matter with some European friends. They have indicated quite clearly that in their opinion it would be a very drastic mistake to remove the minor forces we have in Berlin, which is psychological. We should also keep adequate forces there to indicate that we are still going to meet our commitments in the event we are called on, if someone should get more adventurous than we now hope will be the case.

Mr. President, it is for that reason that I introduced the substitute for the Mansfield proposal today. I have also read the substitute proposed by my good friend, the Senator from Maryland (Mr. MATHIAS). That is also a sense of the Senate resolution. However, that sense of the Senate resolution has one phrase in it which I hope I can get him to modify before he calls it up for a vote. That is, that there should be no change in the force level without a full consultation with Congress.

The difficulty with that, as I see it, is that the Senate, therefore, puts itself on record that in the event of an attack during this period of time, the President, at least in the sense of the Senate, would have to come to Congress to determine whether he could even meet the NATO commitments by either increasing our force levels or by increasing the strength of our armament which he might need to withstand an attack.

It is for that reason that I think that particular substitute for the Mansfield proposal should be modified. I hope to take steps later on to bring this matter to the attention of the Senate. I have no idea whether I can persuade the Senator to do it or not. However, I will try.

In the event that fails and in the event the measure of the Senator from Maryland should fail, I would hope that we could come to the one which I have offered and have a rather quick vote on it.

It seems to me that this is an important area, but that it deals with constitutional restrictions on our part and an impairment of the President's right on the other part which he has sworn to uphold in order to defend this country, namely, where, when, and how he is going to place his troops. This really is the responsibility of the President, the National Security Council and the Department of Defense, far more, it seems to me, than the Senate.

I certainly hope the Senator from Montana, for whom I have great respect and affection, will not be successful in his amendment. Rather, I hope that at least one of the two resolutions expressing the sense of Congress be agreed to, either the Mathias resolution as modified, or if that fails, the one I advocate which calls for substantial reductions, and which leaves it up to the President and National Security Council, where I think it properly belongs.

Mr. STENNIS. Mr. President, I am interested, indeed, in the remarks of the Senator from Colorado. As he said, he has been a party to many sense of the Senate resolutions before. I am glad he has done so again, and that this measure will be debated along with the others.

Mr. President, I have some hastily gathered figures that are certainly subject to revision. They are estimates at best, but we did not know this matter was going to be the pending business today and I did not have available all of the material.

I am advised that the balance-of-payments deficit resulting from our NATO commitment is not really as large as has been alleged in some places.

In the first place, about 80 percent of all the cost of our forces that are devoted and pledged to NATO is spent in the United States, since a great part of those forces so committed to NATO are stationed in the United States. I mention that to bring out the rest of the picture about the NATO forces.

One often hears the expression that NATO costs us $14 billion a year. There are ways to figure those costs, and I think when the $14 billion figure is used, it includes other costs in addition to what we spend in Western Europe. A great many of the forces which are committed to NATO are in the United States.

Our gross deficit in 1970 was about $1.7 billion resulting from our NATO commitments, and $0.8 billion of that, or $800 million, which is all but $900 million, was offset by European purchases and financial arrangements.

I assume these are the correct figures. We will check them and if they are not correct they will be corrected in the morning.

Mr. President, the current monetary crisis is not caused by our troops in NATO and we will not help that crisis very much if we split the alliance or take the chance of splitting the alliance.

Finally, withdrawing our troops from Europe would cost about $1.2 billion extra, with transportation costs and extra equipment that would be required for the troops at home in the way of housing, and items of that nature. So this is not all a one-sided picture. It is expensive and it runs up and it has cost us a great deal since World War II. But it has been worth a great deal and sizable progress has been made in trimming these costs.

I repeat that I am interested in this matter, in some kind of plan, if the Senate and Congress want to be placed in this picture rather than having just the negative emphasis on money. We can get some kind of arrangement where Congress is represented on an analysis basis and final recommendation of some kind in negotiations with these other countries. I personally know a great deal has been done in this direction in the last several years.

I am not willing now to take such precipitate action as this and I think it would be a great mistake. Not only would it upset our allies over there by taking such action so abruptly but I think great emphasis should be placed on the situation with respect to the SALT talks. We would be pulling the rug out from under the President and I think we can see many things that would be a repudiation of our policy and a diminution of our Nation's influence, prestige and position.

So whatever might be the ultimate level of our troops, the amount of money spent there, let us proceed with the caution that the subject demands. Let us proceed with the deliberation that a sensitive matter like this demands, and which is expected. It is all right to rock the boat some. That is all right as a general proposition, but which boat would we be rocking? We know how delicate the situation is with respect to the SALT talks, and we have some idea what we could expect in the Middle East.

Whatever is done, let it be deliberate, planned, and under the leadership of the Chief Executive and with Congress more directly involved. That would suit me. But I say with great deference that on this manpower bill we should not have a hobbling amendment that cuts into the very heart and vitals of our foreign policy, our international agreements, and our position in that area of the world.

I do not have to repeat it, but I remind Senators that I am not an internationalist, wanting to do everything for everyone and pay all the bills. During most of the period I have been here that is what we had been doing much of. I think we are getting our feet on the ground now.

Mr. DONINICK. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. DOMINICK. Mr. President, I want to congratulate the Senator on his comments. I think they are most appropriate insofar as the Mansfield amendment is concerned.

I also want to congratulate him on leading the committee so that the average strength level of our force for fiscal 1972 is going to be reduced by 56,000 men, if we are able to get this bill through. I think that is the first important step we have taken in that area. I know the Senator is going to seek to have personnel hearings to see what he can do later on. So I congratulate him on that.

Mr. STENNIS. I thank the Senator, but the Senator is entitled to as much credit as I am on the subject.

Mr. DOMINICK. If we do reduce the number of troops in the European theater by action of the proper authorities—which I think are the National Security Council and the Defense Department, and not the Senate, even though we think they should be reduced—we would, by bringing them back, not be substantially increasing the cost overall, in view of the reduction in the total forces we have already proposed. We will have that to consider and conjure in the course of the appropriation process.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I yield the floor at this time.

Mr. GRAVEL. Mr. President, I would like to put something in the RECORD at this time. For me it is probably an unusual item to insert in the RECORD, but it is one I am proud to insert in the RECORD. It is an article written in the New York Times by the gentleman that I defeated for the office I now hold, the former Senator Ernest Gruening, who has written what I think is a fine editorial.

Let me add this comment. I have made it publicly on numerous occasions, but I have never made it publicly in this Chamber. Ever since I became acquainted with Senator Gruening back in 1956—in fact, I met him 2 months after I had arrived in the State of Alaska; I had occasion to be his driver as he was going around the political circuit in Anchorage—I considered myself a protege of his for a number of years. We obviously had a parting of the ways, because I chose to run against him; but in running against him I tried to conduct my campaign on a plane that demonstrated the high esteem that I held him in, and still do hold him in.

In my mind, he is one of the great Alaskans that we have. I think he is one of the great Americans. I think his service here in the Senate of the United States was a tenure that is worthy of great praise. I think that he will go down in history as one of the two Senators who voted against the Tonkin Gulf resolution. Certainly, this is a demonstration of his great wisdom and ability and vision to look ahead and see problems much before many others were able to see them.

I am proud to say that when he did vote against the Tonkin Gulf resolution, I was in the State legislature as a State representative. Though I was not broadly known throughout the State, I did enjoy some political reputation in my own community. I put that reputation at that point in time on the line in speaking on numerous occasions—in fact, at every opportunity I had publicly, on television, in political gatherings, and at other gatherings—in praise of him for his vote on the Tonkin Gulf resolution, because I felt he was right then, and I still think now he was right.

I ask unanimous consent to have printed in the RECORD at this point the editorial entitled "End the Draft—Now." It shows the continued resilience, agility of mind, and great wisdom that I think he has.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The New York Times, May 5, 1971]

END THE DRAFT—NOW

(By Ernest Gruening)

WASHINGTON.—Continuation of the draft when the Selective Service Act expires on June 30 is now planned by the White House. This move is, of course, supported by the Pentagon, but the decision rests with the Congress.

If Congress does not act, if either House fails to vote for extension, no more of our young men will be conscripted for service in Southeast Asia or elsewhere. Congress could, alternatively, repeal the Selective Service

Act enacted 23 years ago, and Senate Joint Resolution 20, sponsored by Senators Hatfield, McGovern, Cranston, Church and Proxmire, would do just that.

For those who, like this writer, feel that the draft should at the very least be made inapplicable to Southeast Asia, and, preferably, totally abolished, there is the apprehension that the Administration will promise, as Mr. Nixon did in 1968, to offer a volunteer army as a substitute, but will argue that the draft must be extended for a year or two in order to effect the transition. I hope the Congress will not fall into that trap. And let me say, parenthetically, that the present and past attempts to "reform" the draft are meaningless and futile. It is the draft itself that constitutes the injustice.

We should be reminded that for by far the greater-portion of our national life we had no conscription. The millions who emigrated from the Old World came in part to get away from the compulsory military service designed to further the ambitions of monarchies, and attracted by the absence of such compulsory service in "the land of freedom." Only briefly in times of war—the Civil War, World Wars I and II—was there a draft until, for the first time, peacetime conscription was established by Congress in 1948. It can scarcely be argued successfully that our nation has fared better under this departure from time-honored precedent.

The draft—for this war—has posed an unconscionable problem to the prospective draftee. It has been a major factor in campus unrest, in the alienation of our youth, and together with the war itself, the chief contributor to the national malaise. Our young people have come to realize that military service in Indochina is not service in defense of our country.

Since the exposures of the 1968 hearings of the Senate Foreign Relations Committee, people have learned that the Congress was misled by White House misrepresentations of what occurred in the Tonkin Gulf in August 1964 into giving President Johnson the unlimited power to wage war as he saw fit in Southeast Asia, with a resulting toll of nearly 50,000 Americans dead, 300,000 wounded, some crippled for life, and all the other unhappy consequences. They should know also that a resolution to achieve what the Tonkin Gulf resolution did had been drafted months before the Tonkin Gulf incident.

Our young people also know that the official allegations that we are there to bring freedom to the Vietnamese is made a mockery by the sleezy characters that we are supporting in power in Saigon whose actions are the counterparts of the oppressive tactics we denounce in our adversaries.

So the draftee is required to take part in a war that he considers unjustifiable, immoral and, as more and more is revealed, monstrous; to fight and kill people against whom he feels no grievance and perhaps be killed or maimed himself in the process, with the alternative, if he refuses, to go to jail for five years at hard labor and probable ruin of his future in civil life.

This is an infamous dilemma to which no American, indeed no member of a society that vaunts itself as free, should be subject.

The draftee is uniquely the victim of this injustice. Those who signed up voluntarily in any of the armed services knew when they enlisted they would have to go wherever they were sent.

While in the Senate I tried twice, in 1966 and 1967, to amend the Selective Service Act to provide that no draftees should be sent involuntarily to Southeast Asia without the consent of Congress. These attempts were voted down. Such a bill has now been introduced by Representative William Fitts Ryan of New York. But now that President Nixon has proclaimed for over two years, that he is ending the war, has repeatedly announced troop withdrawals, and Congressional voices echo that, "he's winding it down," what earthly justification is there for sending draftees to the slaughter?

Actually, while campaigning for election, Mr. Nixon said he would end conscription. But fulfillment of that campaign promise appears as elusive as the other campaign promises to end the war.

I am not a lawyer, constitutional or other, but being able to read, I cannot understand why conscription is not the involuntary servitude which the Thirteenth Amendment to the Constitution forbids. Yet the Supreme Court, with the two strict constructionists recently added, has avoided ruling on this crucial issue, and now has further decided, with Douglas alone dissenting, that one can't be a conscientious objector to this obscure war.

With the executive and judicial branches having failed our young men, our hope must rest with the legislative branch. The American people will be watching how their elected representatives in Congress vote on this issue, and who among these older men will sentence more of our boys to die in vain in an utterly discredited cause.

Mr. **GRAVEL**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **STENNIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **STENNIS**. Mr. President, with such facts as I have been able to get on such brief notice, I proceed again, with the understanding that by tomorrow morning I will have an opportunity for a further check. These figures I believe to be correct, but if not they will be changed.

The resolution proposed on the Senate floor today, which would force the withdrawal of about 150,000 American troops from Europe within the next 7 months, could, as I have said before, cause a most severe rupture and misunderstanding in the relations between the United States and its European allies, with grave consequences to them and to us. That includes other friendly nations in that area of the world that are not within this alliance. It is extremely important, therefore, that the United States and its allies be able to maintain a conventional deterrent in Europe, so that it will not be necessary for us to plan in all cases, and so that our plans will not be limited to other kinds of weapons.

Moreover, uncertainties in the international situation in the Near East also make absolutely necessary and demand a U.S. posture in that part of the world. We should not let the war in Vietnam mislead us into believing that we have no interest anywhere else in the world.

Moreover, the suggested reductions are based upon a premise that I do not think is correct nor sound, which is that these reductions will result in major cost and balance-of-payments savings for the United States. Here are some figures that I have been able to get on that subject.

We would not save even a very significant portion of the cost of maintaining our Armed Forces by withdrawing the forces from Europe. True, there are savings, fairly small by comparison, in transportation, but there are very significant one-time costs for the United States in making such a rapid and radical redeployment. New equipment must be purchased for units which are brought back, since many of our tanks and heavy vehicles must be left in Europe in stockpiles. Base construction in the United States will be expensive, far more than it has ever been, and transportation costs to bring these forces back will, of course, also be great. That would apply whenever they are brought back, but it would be a demanding item for immediate incurment of costs. Even excluding the cost of new construction, the increased costs produced by redeployment such as that required by the amendment sponsored by the Senator from Montana would be approximately $1.2 billion.

Moreover, it is completely erroneous to argue that there are huge deficits in our balance of payments caused by our forces in Europe. It is very easy to imagine that these are a major factor in the balance-of-payments deficits, and it is often said that the cost of our NATO commitments in Europe is $14 billion a year. That leads the average person to believe that $14 billion of our tax money is spent in Western Europe. Mr. President, that is not correct. The $14 billion for our forces committed to NATO is not spent each year in Europe. Eighty percent of it is spent in the United States. This $14 billion includes the cost of maintaining in the United States units of our military services which might have to be deployed to Europe in a crisis.

The direct costs of our forces in Europe are only about $3 billion; and they produce a gross balance-of-payments deficit of only about $1.7 billion. This $1.7 billion is offset by purchases and other arrangements which our European allies supply, and that totals about $800 million.

Thus, the net deficit is only about $900 million, a figure not even close to the very large totals which are being quoted.

These figures apply to the land area of Western Europe. Our proper remedy in removing even these remaining deficits is to press the Europeans to increase further their offset purchases, not to destroy the NATO Alliance.

Finally, Mr. President, our NATO allies plan a very significant increase and modernization in their conventional forces in 1971 and 1976. About 1,000 tanks, 700 aircraft, and 59 escort ships would be added to their forces under this plan.

Someone might just brush that off and say that is no more than they ought to do. That is true; they ought to be doing this, but it is important that they are planning to do it.

I have been following these conferences

of NATO. I went to one. I do not have time to travel as much as I would like to, but I went to one through a sense of duty, and as I said this afternoon, I took a very vigorous position there that they must do more. I do not believe I made a dent in their armor, but others were over there on the same mission. I was there in 1968, and others were there then from the Johnson administration, I know that for the last 2 years, at least, we have been very urgent indeed on this matter, and now we have these definite promises and commitments.

I feel encouraged by that. As I have said, I am not willing just to leave them alone. I do not want to fail to insist on their stepped-up contributions. We got them to promise to make modern and to replace many of their tanks. That is not paying money into the Treasury, but it certainly is carrying their part. We had to do all that ourselves in the beginning. This thing started back in 1951, as I recall. I was a new member of the Committee on Armed Services then, and we considered the matter of NATO, whether or not we would go in.

The witness who impressed me the most was a gentleman who impressed many other people with his ability to sell an idea. He was then General Eisenhower, later President Eisenhower. I recall a statement he made then. After outlining all this, he said:

> Gentlemen, I believe in this so strongly that I am willing to stake my place in history on the success of the outcome of this alliance.

Well, we went into it. He became the first supreme commander. He was the heart and soul of it, and headed it very successfully. It has been successful ever since. I have no doubt that it was successful by any measure, far more so than anything else we have been able to do in post-World War II in foreign policy and in international affairs.

I dislike to just choke it off here, reduce it by half, put it on half rations, more or less—the favorite offspring of America's contribution in international affairs for peace since World War II.

I think that one of the things that contributes to the current monetary crisis is the matter of confidence, especially as it affects interest rates. We will not improve that confidence now by just pitching this alliance overboard. It is my understanding that there is a chance for better understanding of the financial structure in western Europe. The Common Market is making some progress and is destined to make more.

So I think we have to stay with this thing and do our part until we can do better, and I believe that they will continue to make contributions.

Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR WEICKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Connecticut (Mr. WEICKER) be recognized tomorrow immediately following the Senator from New York (Mr. JAVITS), rather than immediately following the Senator from Tennessee (Mr. BROCK).

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, does any Senator wish to speak further today?

Mr. President, I suggest the absence of a quorum. This will be the last quorum. I put the cloakroom on notice in the event any Senator wishes to come to the floor to make a statement before the Senate adjourns.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TUNNEY.) Without objection, it is so ordered.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. and, following the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order named:

Senator HUGHES, Senator BROCK, Senator BELLMON, Senator GRIFFIN, Senator JAVITS, Senator WEICKER, and Senator GRAVEL.

Immediately following the remarks of the distinguished Senator from Alaska (Mr. GRAVEL), there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Upon conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531.

Attention is called to the fact that the Pastore rule of germaneness, paragraph 3, rule 8 of the Standing Rules of the Senate, by previous order, will extend for 5 hours instead of the normal 3 hours, beginning with the laying before the Senate of the unfinished business.

There may be, hopefully, a vote or some votes soon.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Wednesday, May 12, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1971:

DEPARTMENT OF THE INTERIOR

Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

DIPLOMATIC AND FOREIGN SERVICE

E. Ross Adair, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Bernard Zagorin, of Virginia, to be the representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

U.S. ADVISORY COMMISSION ON INFORMATION

The following-named persons to be members of the U.S. Advisory Commission on Information for the terms indicated:

For a term expiring January 27, 1973:

Frank Stanton, of New York.

Hobart Lewis, of New York.

For a term of 3 years expiring January 27, 1974:

James A. Michener, of Pennsylvania.

DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Darrell D. Carter, to be a Foreign Service information officer of class 1, and ending Mrs. Katherine K. Young, to be a Foreign Service information officer of class 6, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971;

The nominations beginning John George Bacon, to be a Foreign Service officer of class 1, and ending Matthew P. Ward, Jr., to be a Foreign Service officer of class 6, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971; and

The nominations beginning J. Donald Blevins, for appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America, and ending Michael M. Sherman, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971.

HOUSE OF REPRESENTATIVES—*Tuesday, May 11, 1971*

The House met at 12 o'clock noon.

Rabbi Oscar L. Bookspan, Temple Hillel B'Nai Torah, West Roxbury, Mass., offered the following prayer:

ברוך אתה יי אלהינו מלך העולם שהחלק מחכמתו
לבשר ידם.

Blessed art Thou, O Lord, who has imparted of Thy wisdom to mortals that they administer the welfare of our country. In these difficult and soul-stirring times, we invoke Thy guidance and inspiration upon those charged with the overwhelming responsibility of directing the affairs of this Nation

To keep America as the land of freedom and equal opportunity for all its citizens, bent upon righteousness, and provide justice with mercy for all its inhabitants, our dedicated Members of Congress need vouchsafed unto them wisdom equal to their task, courage equal to their resolve and mastery equal to the enormity of the problems. Crown their efforts with success, O God, that all our people be blessed with peace, both within and without our borders—that peace which enables every man to sit under his vine with none to make him afraid. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

THE JOHN W. McCORMACK ANNUAL AWARD OF EXCELLENCE TO CONGRESSIONAL EMPLOYEES—1970—TO LEWIS DESCHLER, PARLIAMENTARIAN

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I was very privileged along with the Speaker and other Members of the House to attend a ceremony a few minutes ago at which time the distinguished Parliamentarian, Hon. Lewis Deschler, was presented the first John W. McCormack Award for Excellence.

Mr. Speaker, you will recall that the employees of the House of Representatives, working with our former Speaker, established this award last year. I am happy to see Speaker McCormack in the Chamber today. I might add that since his retirement, this is the first visit that Speaker McCormack has made to this Chamber, which he graced for so many years with his dedicated service. We are happy to see his health is good and Mrs. McCormack's health is improved. We are all indeed happy to see him here today.

Mr. Speaker, and I think it is fitting that we honor Lew Deschler in presenting him this award. I know of no man who has made a greater contribution to this body than Lew Deschler. He has been an invaluable aid to nine Speakers of the House of Representatives and has been of great help to the chairmen of the committees of this body. He gives of his time and his efforts to every Member of the House of Representatives and we all seek his aid day in and day out.

So, Mr. Speaker, I am very happy to join in paying this very small but very sincere and most deserved tribute to the great Parliamentarian of this body, Hon. Lewis Deschler.

Mr. ALBERT. Mr. Speaker, I am delighted to join all the Members, officials and employees of the House in congratulating our great Parliamentarian, Lew Deschler, on becoming today the first recipient of the John W. McCormack Annual Award of Excellence for congressional employees. No person, Member, or employee of the House, in all its history, could be more deserving of this award than Lew. A parliamentarian who stands above all others in his profession, he is also one of the wisest men I have ever known.

I have another reason for expressing joy on this occasion. It has brought our great former Speaker, John McCormack, back to us for his first visit of the 92d Congress. It was John McCormack who bestowed the award on Lew Deschler. No one else could so appropriately have done this.

John, we welcome you back—all of us. I especially welcome you for your friendship, for your tutelage of me over the years, and for your greatness as a Congressman, a Speaker, and an American. The day never passes but what I long to have you by my side as I tackle some of the problems which you mastered over the years. Welcome home, Mr. Speaker, welcome home.

GENERAL LEAVE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members today may have permission to revise and extend their remarks with respect to the visit of the former Speaker of the House, the Honorable John McCormack, and also with respect to the award to our distinguished Parliamentarian, Lew Deschler.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL EXPLANATION

Mr. KOCH. Mr. Speaker, yesterday I had to be in New York to attend a meeting of the Congress of Senior Citizens of Greater New York to discuss the pending health bill, H.R. 22. More than 2,000 senior citizens were present. Had I been present, I would have voted "yea" on H.R. 5638.

THE TRIALS OF THE SOVIET JEWS BEGIN

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, according to reliable sources, the trials in the Soviet Union of Soviet Jews now detained in the jails of Leningrad, Kishnev, and Riga are due to begin this week.

In order to ascertain what the facts are, I made a trip to the Soviet Union on March 29, returning on April 6. I visited the families of Lev N. Yagman and Lassal S. Kaminsky. Having spoken with the wives of these two men, it was an even greater shock to see their names listed in the New York Times of May 10 as being the first scheduled to be tried.

What is the crime of the 25 imprisoned Jews? No one knows specifically because the charges have not been announced publicly nor even conveyed to their families. But, among those working closely with this case, it is believed that the 25 Jews were arrested for allegedly having hand copied and photographed Jewish and Hebrew translations of textbooks for their children and because they had stated a wish to emigrate to Israel by petitioning the United Nations for help.

I urge President Nixon, as well as leaders of all other countries, to communicate with First Secretary Brezhnev of the Soviet Union urging his intercession on behalf of these 25 men and women now awaiting trial.

The Soviet Union does respond to world opinion. The families of Lev Yagman and Lassal Kaminsky knew full well that it was very dangerous for them to meet with me and yet they had no hesitation in doing so because they realized that, only if world opinion is aroused, will the Soviet Union relent and free these men and women and perhaps even permit their emigration.

A greater number of Jews have been permitted to emigrate from the Soviet Union this year than ever before because of aroused public opinion. Of course, the number allowed to go, as compared to the total wishing to leave, still remains very small.

The names of those nine now awaiting trial in Leningrad are: Gilya I. Butman; Lev N. Yagman; Lev N. Korenblit; his brother, Mikhail; Lassal S. Kaminsky; Vladimir O. Mogilever; Solomon G. Dreisner; Viktor N. Boguslavsky; and Viktor Shtilbans.

Those scheduled to be tried in Riga on May 24 are: Ruth Alexandrovich, Boris Mastzir, Mikhail Shepshelovich, and Arkady Shpielberg.

Mr. Speaker, as I left the families of Lev Yagman and Lassal Kaminsky, their final plea to me was "help us, help us." This plea really is addressed to the people of the world. Men and women of every country should respond and add their voices in opposition to the great injustice being committed by the Soviet Government.

The way our fellow citizens can do this is to write their own letters to the Soviet Ambassador to the United States, Anatoly F. Dobrynin—at 1125 16th Street NW., Washington, D.C.—urging his intercession with Soviet officials to have these 25 men and women freed immediately.

AMERICAN CITIZENS AIDING IN ASSAULT ON THE DOLLAR IN EUROPE

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker and Members of the House, I should like to bring to the attention of this body a situation I am sure Members have all casually observed; that is, the action in the monetary system and the assault upon the dollar abroad.

I am most unhappy to report to this body today that a part of that assault was made by our own citizens. I am even more unhappy to announce that they were aided in that assault by funds borrowed from U.S. banks here, and they used that money out of our economy to join in the attack upon the dollar in the monetary markets abroad.

We were not very friendly disposed toward those who attacked this House and the operation of the Government in Washington. It seems to me as fully unpatriotic of our citizens to take their dollars and borrowed money from this economy and then assault our dollar abroad; and I would hope that the Secretary of the Treasury and the Federal Reserve will take note of these facts.

Today's Wall Street Journal indicates that some restraints on private capital flowing abroad are called for. Particularly where such flow is for pure speculation in currency which compounds the ordinary problems of adjustment.

Banks of all sizes should be warned against speculative loans. Income tax forms should require special reporting of gains leading from currency speculation. I call upon this House and all agencies of Government to discourage and penalize those who for personal greed and private gain exploit the money markets abroad to the total disadvantage of our national policy and our dollar position.

Such persons as practice these pursuits and those that aid and abet them are as questionable as to their patriotism as the young radicals who attempted to halt the operations of Government here in Washington.

ON A U.S. WITHDRAWAL FROM VIETNAM

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from Souh Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussions on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

***Resolved,* That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.**

GAME PLAN BRINGS RECORD UNEMPLOYMENT

(Mr. MONAGAN asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the attached unemployment statistics for the State of Connecticut for the months of March and April 1971 and April 1970 were received by me yesterday.

These statistics hardly bear out the contention of the President and his administration that the economy is on the upward swing. In fact these shocking statistics, where nearly every major city in the State has an unemployment rate of well over 6 percent, demand action and prompt action at that.

This is further evidence that the administration game plan is not working and that other more effective measures are needed and needed soon to terminate this recession and bring back adequate employment and economic activity.

UNEMPLOYMENT IN CONNECTICUT BY AREA—APRIL 1971

	April 1971		March 1971		April 1970	
	Number	Ratio to labor force (percent)	Number	Ratio to labor force (percent)	Number	Ratio to labor force (percent)
State totals [2]	118,900	8.4	119,300	8.5	63,600	4.6
Bristol	5,500	21.5	5,200	21.0	2,100	8.6
Ansonia	2,300	13.3	2,300	13.3	1,000	6.0
New Britain	6,700	12.1	6,400	11.9	3,000	5.6
Torrington	4,400	12.1	4,800	13.1	2,500	7.5
Waterbury	10,200	11.0	10,600	11.4	6,300	6.8
Meriden	5,800	10.9	6,000	11.3	2,700	5.3
Bridgeport	18,000	10.2	17,800	10.1	9,700	5.5
Danbury	5,000	9.9	5,100	10.3	2,500	5.1
Danielson	2,200	9.6	2,400	10.5	1,300	5.8
Middletown	4,600	9.6	4,500	9.7	2,300	5.1
Norwich	2,100	8.1	2,300	9.0	1,400	5.6
Norwalk	4,200	7.9	4,200	7.9	2,000	3.6
New Haven	13,500	7.2	13,400	7.2	7,600	4.2
New London	3,800	6.5	3,300	5.8	2,600	4.4
Hartford	23,500	6.4	23,400	6.5	12,600	3.5
Willimantic	1,400	6.1	1,500	6.7	1,000	4.5
Stamford	5,700	5.7	6,100	6.1	3,000	3.1

[1] Revised.

[2] State totals may not agree with the sum of the area totals due to rounding.

ANNOUNCEMENT OF HEARINGS ON IMPLEMENTATION OF THE VOTING RIGHTS ACT

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Civil Rights Oversight Subcommittee of the Committee on the Judiciary has scheduled a series of public hearings on the implementation of the Voting Rights Act. These hearings will commence on May 26, 1971, at 10 a.m., room 2141, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2317, Rayburn House Office Building.

RUMANIAN INDEPENDENCE

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, the 10th of May is a time of great importance for Rumanians and Americans of Rumanian descent. The 10th of May celebrates three great events in Rumania's history. On that date in 1866, Charles, a Prince of the Prussian royal family, was proclaimed Prince of Rumania, thus forming the Rumanian dynasty. On May 10, 1877, the Principality of Rumania proclaimed her independence from the Ottoman Empire. And on May 10, 1881, Charles I was crowned King of Rumania, establishing Rumania as a kingdom.

The 10th of May remains the symbol of Rumanian perseverance under the hardships of Communist rule. The Communists have oppressed the Rumanian nation, but they have not been able to uproot the people's faith and courage; faith and courage resulting from their heritage, faith, and courage which sustain them today.

The brave people of Rumania deserve our abiding interest and support until the day when freedom is restored to them. I therefore salute the Rumanian people on this, their day of Independence, May 10.

TROOP WITHDRAWAL FROM EUROPE WOULD AID IN DOLLAR CRISIS

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I listened

with great interest to the remarks of our colleague from California regarding the dollar crisis in Europe.

It is quite obvious that this dollar crisis could be resolved relatively simply by pulling our American troops from Europe. We have had large numbers of troops in Germany for some time now. These troops constitute a great burden to the American taxpayer and have served as substantial aid to bolster Germany's economy. But I do not believe we need them in Europe any longer.

Our Defense Department has established that it can move a whole division, with all equipment, in less than 12 hours, by airlift from North Carolina to any point in Europe should the need ever arise—and I pray it never will.

We could save from $3 billion to $4 billion of American dollars right now by pulling our troops out of Europe. So long as there are surplus dollars in Europe and they do not need the economic propping up we have been giving them for these years, we ought to start pulling the troops out now.

We also ought to start paying German nationals who work for the American military in Europe with German marks from our counterpart funds, instead of using 180 million American dollars annually for this payroll in Germany.

Finally, Mr. Speaker, we should demand that the 20 billion American dollars Germany now has, and which is creating this dollar surplus, should be used to pay the $30 billion German debt outstanding to America since World War I.

It seems to me, so long as there are surplus American dollars in Europe, we ought to start pulling some of that money home, where help is urgently needed.

INTERNATIONAL RAILROAD PASSENGER SERVICE

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I think we are seeing definite signs of progress in getting an international railroad passenger service between Mexico and the United States through the Laredo gateway.

Hopefully, sometime next week we can have a meeting with Amtrak officials, representatives from the U.S. Department, Mexican Government officials, and Members of the Texas delegation in Congress.

I view this as progress.

Also, I can report to you that the Mexican Government is very interested in pursuing this international service. And, if for no other reason than the obvious international ramifications, I think we should move ahead in adding railroad passenger service on the U.S. side of the border from Laredo, north through the urban corridor of Texas and connecting in Dallas with service on to Chicago.

Last week, I met informally with the general manager of the National Railways of Mexico, Mr. Victor Manuel Billasenor. Although we were both speaking unofficially, I came away from the meeting impressed with the enthusiasm and high interest of the Mexican Government in initiating railway passenger service between our nations. Already, Mexico is running passenger service from Monterrey through Mexico City and to the border at Laredo.

Our goal is through service between our nations. In this day of modern technology, it can and should be done.

TUNE IN RESPONSIBILITY

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, I have an alarm clock radio, set to a "news" program. It is a bad way to start out the day, listening to an early morning catalog of society's woes, the brutalization of civilization, the deficiencies of the Nation's leadership and the drumbeat of partisan politics. I do not know how the American people can survive if they do not tune at least part of this unhappiness out. This morning I decided I was going to try to do so, in any event, and I reset my radio to a music program.

I am scarcely an unprejudiced observer. I support the President, and so harbor a presumption in favor of his leadership. He is the only man who can speak effectively for the country for some time to come. Most of the people making news by attacking the administration and our institutions of Government are scarcely unprejudiced either, since they are announced or unannounced candidates for President, seeking attention by dramatizing charges or accusations. We cannot expect people whose possible political success must be built on rejection of our present leadership to be quiet, but we would better see them for what they are if we are to keep our perspective about our democratic system. They have to be answered on occasion, but for the most part I urge Americans to tune them out until such time as the opportunity for decision is a real one. Then that decision should be made on the record of accomplishment or failure rather than on a climate created by the constant babble of posturing headline seekers trying to attract attention by running down the credibility of those who now have the real responsibility of Government.

STATE COMPROMISING SALT

(Mr. SCHMITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHMITZ. Mr. Speaker, a recent column by Chicago Tribune reporter Willard Edwards brought out the fact that the Department of State is refusing to release the essential document in a former Foreign Service officers grievance hearing.

Mr. John D. Hemenway is attempting to have what he considers to be false accusations removed from his Foreign Service record. The Department of State refuses to release a part of the one document which is the key to the whole case.

The Department of State obstinately and, according to the chairman of the grievance committee, "arbitrarily" refuses to turn over the full report of the two-man special panel former Secretary Rusk entrusted with reviewing Hemenway's case.

This would hardly seem to coincide with the best interests of justice and, in this case, may well be inconsistent with U.S. security needs. One of the men who authored this report which the Department of State continues to withhold, for various changing reasons, from both the official grievance committee panel and Mr. Hemenway is presently assigned to our negotiating team at SALT. Ambassador J. Graham Parsons, deputy to the U.S. representative at the Strategic Arms Limitation Talks, is the coauthor of the report which the State Department refuses to release.

Here we have a case where they have entrusted Ambassador Parsons with a mission which could have the greatest bearing on the future of our Nation while, on the other hand, they proceed to cast grave doubts on his objectivity and judgment by attempting to bury, for no good reason whatsoever, a document which he coauthored.

I will insert the column by Willard Edwards in the Extensions of Remarks section of the RECORD.

ANNUAL REPORTS OF THE PACIFIC NORTHWEST, THE SOURIS-RED-RAINY, THE GREAT LAKES AND THE NEW ENGLAND RIVER BASIN COMMISSIONS FOR FISCAL YEAR 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–110)

The SPEAKER laid before the House the following Message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit the annual reports of the Pacific Northwest, the Souris-Red-Rainy, the Great Lakes and the New England River Basin Commissions for fiscal year 1970.

These commissions were created under the Water Resources Planning Act of 1965 which provides for the establishment of commissions, composed of State and Federal members, if requested by the Governors of the States involved. The primary responsibility of these commissions is to plan for the best use of water and related land resources in their respective regions.

I recently signed an Executive Order setting up a Federal-State commission for the Ohio River basin. With the establishment of this new commission, 27

States containing over 50 percent of the population of the United States are now participating in Federal-State cooperative planning through river basin commissions. The documents which I am transmitting tell the impressive story of these cooperative activities and describe the new challenges which the commissions now confront.

RICHARD NIXON.

THE WHITE HOUSE, *May 11, 1971.*

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 86]

Abernethy
Ashley
Barrett
Bell
Bevill
Blanton
Brooks
Carey, N.Y.
Celler
Clay
Colmer
Corman
Diggs
Dowdy
Eckhardt
Edmondson
Edwards, La.
Evans, Colo.
Fish
Ford, William D.
Galifianakis
Gallagher
Green, Pa.
Griffin
Halpern
Hawkins
Heckler, Mass.
Hillis
Holifield
Hutchinson
Jarman
Johnson, Pa.
Jones, Tenn.
Kee
Long, La.
McCulloch
Mayne
Miller, Ohio
Mink
Montgomery
Murphy, N.Y.
Nix
O'Hara
Poff
Price, Tex.
Rangel
Rees
Reid, N.Y.
Riegle
Roy
Runnels
Scheuer
Sikes
Skubitz
Staggers
Steed
Stratton
Terry
Wiggins
Wilson, Bob
Wylie
Yates

The SPEAKER pro tempore (Mr. MILLS). On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. BOW) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas?

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8190, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1 hour, and the gentleman from Ohio (Mr. BOW) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is a good time to give a general report on the appropriation bills.

PROGRESS ON THE FISCAL YEAR 1972 APPROPRIATION BILLS

Since early in the year the Committee on Appropriations, with its 55 members and 13 subcommittees, has been conducting hearings on the annual appropriation requests for the forthcoming fiscal year which begins on July 1, about 7 weeks from today. We have completed hearings on some of the bills and are well along on others.

I would like to say to the House that the committee will be bringing the bills to the House in an orderly fashion during the months of June and July, and we hope to be able to pass all of the regular annual appropriation bills during the months of June and July unless, perhaps, we fail to get authorization on one or two of the bills. But I did want the House to know we are soon to begin to move the annual appropriation bills for fiscal 1972 into the House and over to the other body.

THE APPROPRIATION BILLS FOR FISCAL YEAR 1971

As the current fiscal year draws to a close—and it ends on June 30, next month—I think this is a good time to take some stock of what we have done appropriation-wise, or perhaps I should say to point out what we have done on appropriation bills thus far for the fiscal year which ends, as I said, next month.

The pending bill, relating almost entirely to the fiscal year 1971, is the last scheduled appropriation bill dealing with the current fiscal year 1971.

I would like to say that, in my judgment, the Congress, in the overall, has exercised considerable restraint in respect to the appropriation bills for the current fiscal year. In the appropriation bills, in respect to fiscal 1971, we reduced the President's budget requests for appropriation by about $1.7 billion. That was in the last session, but relating to fiscal 1971. Some will not especially applaud this, but nevertheless in the overall, we have exercised some considerable restraint. We have made some increases and some decreases, but in net sum we are approximately $1.7 billion below the President's requests for appropriations, in the appropriation bills relating to fiscal 1971. I am not counting the pending bill.

THE BUDGET GENERALLY AS TO FISCAL YEAR 1971

I should also say that in nonappropriation bills which mandate or provide for spending we are in some instances considerably over the President's budget. That may require some explanation. For example, the Congress in its wisdom decided that the administration's requests for increased benefits in social security should be increased. There have been increases made which have mandated spending above the President's budget in the field of social security. That increase will total for the current fiscal year probably about $600 million. This is through action of the Congress in increasing the President's spending budget.

There have been other elements of increase above the President's original budget for fiscal year 1971. However, I must say that the bill before us today does not increase the President's budget; it decreases the request made by the President.

The original budget, submitted February 2 of 1970, was amended and supplemented by the President in various respects. One had to do with increases in pay of Federal workers, proposed back in April 1970. There were other changes.

But as I say—and I repeat—in appropriation bills, in the overall, we have held the line quite well—or quite poorly, judging from one's own standpoint—by reducing the President's budget requests for appropriations relating to fiscal 1971 as of now by about $1.7 billion.

THE SWING FROM A SURPLUS TO A DEFICIT—FISCAL YEAR 1971

I regret to report that, speaking fiscally, we have had a very disastrous fiscal year. There were rosy estimates made when the original 1971 budget was submitted in February 1970.

In the original budget, the President estimated that for the current fiscal year which ends next month, the budget would be in the black by about $1,300,000,000. This was rather encouraging to me and it was hoped that this could be achieved. Certainly, in the appropriation bills we have not upset the apple cart, I should say.

But, we have fallen upon evil days fiscally and instead of being in the black about $1,300,000,000 for the fiscal year 1971 which ends next month, this Government is going to be in the red by at least $18.6 billion according to the most recent unified budget updating. If we consider the Federal funds budget alone, we are going to be in the red by more than $25 billion, again according to the most recent budget updating. This is not a very rosy picture. It is by no means the kind of picture that was sketched in the original fiscal 1971 budget. But it is a harsh reality of life that for the current fiscal year, we are going to be in the red in Federal funds by $25 billion plus—which means we are going to increase the national debt by more than $25 billion this year. By all estimates which are to be relied upon, we will increase the national debt again next year by the same, or probably even a larger sum.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Minnesota.

IMPOUNDED FUNDS

Mr. FRASER. Mr. Chairman, I wonder in the estimates of the $25 billion deficit, and that is excluding the trust accounts, where the $12 billion is that has been frozen by the administration. How does that $12 billion figure appear in these totals?

Mr. MAHON. The expenditures that would relate to that $12 billion are taken into account. Of course, if the $12 billion plus which has been withdrawn or withheld from expenditure—not permanently perhaps—but which has been impounded for the present, if all of that should be released and obligated and expended this would, of course—and this is not possible, of course, in the brief time before the fiscal year ends—this would increase the national debt additionally by about $12 billion, as the gentleman knows. But this, of course, cannot be done in the brief period of time remaining in the fiscal year 1971. I join with others in urging the release of certain impounded funds.

According to information from the executive branch, I believe that only about $1.7 billion of the $12 billion plus relates to 1971 funds. Most of the impounded funds were appropriated or otherwise made available in years prior to fiscal 1971. For example, about $5.8 billion of the impounded funds are in the Federal-aid highway fund. A large share of that money was, I believe, impounded during the Johnson administration; it is a carryover from earlier years. But I think that in some respects there has been an undue and an inappropriate use of the power not to expend money by the administration. I join with others in trying to get a selected release of those funds, as I think the gentleman knows. This is about where we stand.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my friend, the gentleman from Ohio.

Mr. BOW. Mr. Chairman, the gentleman said there is a selected list that he believes should be released from the impounded funds. I wonder if the gentleman can tell us at this time what that selective list is and the items he believes ought to be released from the impounded funds?

Mr. MAHON. I would not place high on the priority a release of all highway funds. I would release some of the hospital funds that may have been impounded—they might be released. I would say that funds for public works which have been provided by the Congress in the public works appropriation bill, which total somewhat less than $100 million, might be released.

I would add for the record that I do not have the precise list of impounded funds before me at the moment.

There may be one or two other areas that would be candidates for releases.

I am not talking in terms of releasing $12 billion or anything like that sum.

For example, certain funds for drought relief in the drought disaster areas were impounded. I would think that those kinds of funds should be released. I am talking about certain areas in which the impounding procedure has not been handled as wisely as it might have been.

Mr. BOW. I would like to point out to the gentleman, if he would yield further——

Mr. MAHON. I am glad to yield to the gentleman from Ohio.

Mr. BOW. From my study of the detail in relation to impounded funds, I can say I know of no funds that have been impounded for hospitals to be built under the Hill-Burton Act. There has been a lot of talk about impounded funds. It has been going on for years. I know we have on this side complained about it at times when there was somebody else down at 1600 Pennsylvania Avenue. This is something that goes on in great discussions at times.

I do not know of any funds for hospitals under the Hill-Burton Act that have been impounded. As to other areas, the gentleman has suggested maybe $100 million. Perhaps he can get that figure.

Mr. MAHON. I was speaking in relation to public works.

I would suggest another example, Rural Electrification Administration loans. There has been a withholding there of $25 million I believe. That is not a large amount. I would consider that as a good candidate for release. For certain housing programs, not all of the funds, but a portion of the funds for them could be released. But this is a matter that we cannot decide and determine under the bill before us.

Mr. BOW. I agree with the gentleman. I would like to make the observation at that point, in relation to some of these funds, for example, for housing and some other funds that have been appropriated, the recipients do not have any plans. Plans have not been submitted by the municipalities or by the people to whom these funds would go. So there is no chance to release funds to them until plans have finally been submitted by the people who would be the recipients.

Mr. MAHON. In one of the procedures set up by Congress there is the basis or predicate for the orderly release of funds and, of course, funds should not be released under our system until they are ready to be utilized.

I think that this is a subject about which there has been considerable misinformation, but I do think that a better job with respect to certain items and certain funds could have been done, and I trust that certain corrections will be made in the near future. As I understand it, some considerable portion of the funds currently impounded will be released on or about July 1—not all of them, but portions. Some portions, of course, are scheduled for use in the 1972 budget.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from North Carolina.

RELATION OF BUDGET OBLIGATING AUTHORITY AND SPENDING

Mr. JONAS. I do not care to prolong the colloquy on this particular subject, but I think it would be appropriate at this time, since there seems to be a continuing misunderstanding about the difference between the spending program and the appropriations program, for the chairman of the committee to explain that we appropriate funds this year, some of which may not be spent for several years in the future, and I think the Membership generally and those who read the RECORD should again be reminded of the fact that there is not any direct relationship between a spending program in a particular year and the amount of new obligational authority granted in that particular year.

Mr. MAHON. The gentleman is correct. I have a great deal of information before me on this subject which I shall not undertake to repeat at this time, but I shall get unanimous consent to place in the RECORD a statement clarifying this situation and explaining the matter which the gentleman has presented to the House in this colloquy.

Mr. Chairman, under leave to extend, I include certain tabular and explanatory material concerning the matters of unexpended carryover balances and the relation of appropriations or budget authority to expenditures in a particular fiscal year. There are more details in the budget documents, but I trust the following will be helpful.

THERE ARE ALWAYS LARGE CARRYOVER BALANCES—BOTH OBLIGATED AND UNOBLIGATED

[In billions of dollars]

	Federal	Trust	Total
A. Relation of appropriations to spending (outlays):			
Fiscal year 1972, a typical year:			
1. Unexpended balances from fiscal year 1971 and prior years (both obligated and unobligated)	*143.1	*116.4	*259.5
2. Plus: New appropriations requested for fiscal year 1972	184.9	64.1	249.0
3. Equals: Total availability, fiscal year 1972	328.0	180.5	508.5
4. Less: Expenditures, fiscal year 1972	−176.9	−52.3	−229.2
5. Less: Availability expiring, fiscal year 1972	−3.0		−3.0
6. Equals: Unexpended balances, carryovers into future years	148.1	128.2	276.3
*B. Obligated/unobligated, as of June 30, 1971:			
Obligated (estimate)	74.7	13.3	88.0
Unobligated (estimate)	68.4	103.1	171.5
Total (estimate)	143.1	116.4	259.5

Source: The Budget for 1972, various pages.

Unexpended carryover balances

[In billions of dollars]

Unexpended carryover balances of Budget Authority (all kinds), estimated June 30, 1971 (special analysis, p. 97)	$259.5
Deduct trust fund balances (obligated, $13.3 billion; unobligated, $103.1 billion)	−116.4
Federal funds balances (obligated, $74.7 billion; unobligated, $68.4 billion)	143.1
Deduct estimate of obligated portions	−74.7
Estimated unobligated balances, Federal funds, June 30, 1971	68.4
Analysis of unobligated balances, Federal funds, June 30, 1971:	
Defense/civilian:	
Defense military (approx.)	11.7
Civilian	56.7
Total	68.4
By broad categories:	
Guarantee and insurance programs (39%)	26.5
Loan programs (13%)	9.1
Procurement programs (12%)	8.4
Construction and land programs (30%)	20.6
Research and development programs (2%)	1.3
All other (4%)	2.5
Total	68.4

Source: The Budget for 1972, Special Analysis G.

According to the 1972 budget, total unexpended carryover balances at the beginning of fiscal 1972 will approximate $259.5 billion—about $116.4 billion in social security and other trust funds and $143.1 billion in Federal funds. But some $74.7 billion of the $143.1 billion of Federal funds will have been obligated for programs across the Government but not yet actually paid out. The remaining $68.4 billion, not obligated and not expended, is also in many accounts across the Government.

But of the $259.5 billion total beginning carryover, trust and Federal funds combined, roughly $85.8 billion is projected for expenditure (disbursement, that is) in fiscal 1972. The remainder of the carryovers—some $170.7 billion—($173.7 billion less $3 billion in expiring authority) becomes part of the total unexpended carryover projected into the following year, fiscal 1973.

Roughly then, it can be seen that only about $143.4 billion of the newly projected outlay total for 1972 ($229.2 billion, less the $85.8 billion from carryover) estimated to come from the $249 billion net new budget authority requested or estimated for that same year of 1972. In other words, the 1972 outlay total involves a little more than half of the new budget authority requested for 1972. Funds appropriated in a given year are expended partly in that year and partly in subsequent years because of long leadtimes, construction time, and other factors.

DIMENSIONS OF ANNUAL ACTIONS ON BUDGET

Budget obligational authority (appropriations, essentially) is the traditional basis on which appropriation and authorization bills are stated and voted on regardless of the year or years in which the funds are to be actually disbursed in the form of budget outlays.

Thus the $229.2 billion "outlay" budget for 1972 is not the "action" budget before the Congress. The Congress will not vote on that figure in the various appropriation and other spending and authorization bills relating to fiscal 1972. Congress, in these bills, will be voting on an entirely different basis—the appropriations or new budget (obligational) authority basis. The gross total new budget (obligational) authority proposed or estimated in the January budget for 1972—and this is not as widely known as the more familiar $229.2 billion outlay estimate—is $267,437,000,000, gross.

Of that, about $97,946,000,000 is estimated to become available automatically without action by the Congress this session for such so-called permanent items as interest on the debt and various social insurance trust funds. That leaves roughly $169,491,000,000 subject to congressional action this year. That is the total in the January budget for 1972, and, like all budgets, is subject to amendments and supplements from time to time.

The January budget for 1972 in respect to budget authority totals; budget outlay totals; and what is subject to annual action and what is not is capsuled in the following table (using budget figures):

FISCAL YEAR 1972 BUDGET TOTALS

[In millions]

	New budget authority, 1972 budget requests (estimated)	Budget outlays, 1972 (estimated)
1. Proposed to be available through current actions by the Congress (gross)	$169,491	$122,655
2. To become available without current actions by the Congress (so-called permanent authorizations under laws of earlier years, such as interest on the debt, social security, and other trust funds, etc.)	97,946	39,225
Subtotal	267,437	161,880
3. Outlays from unexpended carryover balances of all kinds (from prior years)		85,824
Gross total	267,437	247,704
4. Deduct offsetting receipts (intrabudgetary transactions to avoid double counting, and "proprietary receipts from the public")	−18,472	−18,472
Net totals in the 1972 budget	248,965	229,232

Note: The details, (but not the net totals) vary from figures in the budget for 1972 because of computer errors, etc.

THE SWING FROM A SURPLUS TO A DEFICIT

There were miscalculations bringing about the switch from being in the black by $1.3 billion to being in the red by $18.6 billion in the unified budget for fiscal 1971, to which I earlier referred.

The largest item that brought about this situation was a short fall in revenues. The Budget estimated a certain amount of revenues, but it now develops that the estimate of revenues that would raise funds for expenditures was on the high side by about $7 billion. Then it was estimated about $18 or $19 billion would be required to pay interest on the national debt.

But then it developed that interest rates went up so rapidly that it took $1.5 billion more to pay the interest on the debt than it was estimated would be required. I shall elaborate in the Record some of those miscalculations. I am not saying that this administration has set a precedent of miscalculation. All administrations have found it impossible to accurately predict what may develop.

Mr. Chairman, I include a table from page 43 of the hearings on the Budget for 1972, held earlier by the committee, in a summary way to bridge from the that in approximate amounts, undertakes originally projected $1.3 billion surplus for 1971 to the revised, as of January 29, deficit of $18.6 billion on the unified budget basis.

I must say that all administrations, including this one, have tended at the beginning of a fiscal year in presenting the state of the budget to present it in a very rosy and optimistic vein, which seldom works out.

This is, generally, the fiscal picture.

SUPPLEMENTAL AMENDMENTS TO THE SENATE

I should say we notified the Budget not to send to the House for our consideration in this bill certain items, but to send them over to the other body so the other body could handle them, because we wanted to get this bill passed and enacted as soon as reasonably possible. For example, the Secretary of Agriculture notified me over the telephone that a budget estimate for $65 million would be sent up for disaster loan funds. We suggested that it be sent to the other body. We are strongly in favor of that amount being included in this bill, but we had to have a cutoff date in order to bring this bill before the House.

THE PENDING SUPPLEMENTAL BILL

What does this bill contain? It is a rather large bill. The request made of us by the administration was for $7.7 billion. We made a reduction of $864 million plus, and we present to the Members a bill of $6.8 billion plus.

Why do we need this money in the closing days of this fiscal year? We need it largely because we have not heretofore financed a lot of the pay raises that have been approved and enacted. So most of it is for pay of personnel.

There is $250 million to continue the Food Stamp program, and $32 million is for payment under the Home Ownership and Rental Housing Assistance programs.

Public assistance, which is constantly with us and which is always underestimated by all administrations, is included. We had to bring in a billion dollar supplemental for that.

For pay costs for Federal workers we have recommended $4.1 billion plus.

There are some major reductions made in the Foreign Operations chapter. That totals about $457 million.

CHANGES IN THE FISCAL YEAR 1971 BUDGET ESTIMATES BETWEEN ORIGINAL 1971 BUDGET AND REVISED 1971 ESTIMATES IN FISCAL YEAR 1972 BUDGET

	Estimated outlay	Estimated receipts	Estimated surplus or deficit
Fiscal year 1971 budget as submitted in February 1970	$200,771,000,000	$202,103,000,000	+$1,331,000,000
Changes in the budget made by the President:			
Budget amendments to appropriation requests	+1,480,657,000		
Pay legislation proposed by the President	+1,600,000,000		
Revised estimates for uncontrollable items:			
Social security, medicare and other social insurance trust funds	+2,000,000,000		
Interest payments (net)	+1,500,000,000		
Farm price supports	−500,000,000		
Sales of financial assets	+1,000,000,000		
Failure to submit revenue sharing proposal	−275,000,000		
Updating of estimates reflected in 1972 budget	−1,102,415,000		
Revenue proposals and revisions by the President:			
Leaded gasoline tax		+1,600,000,000	
Estate and gift tax		+1,500,000,000	
Other proposals and revisions in revenue estimates (net)		−7,844,000,000	
Fiscal year 1971 budget as adjusted by the President	206,474,242,000	197,359,000,000	−9,115,242,000
Changes in the budget made by the Congress:			
Appropriation bills (last session)	−211,242,000		
Disapproval of limitation on public assistance administrative costs	+271,000,000		
Legislation affecting the budget (including inaction):			
Pay and retirement benefits	+$1,445,000,000		
Veterans benefits	+625,402,000		
Delay in postal rate increase	+1,176,000,000		
Welfare reform—family assistance	−500,000,000		
Legislation for sales of stockpile, Alaska Railroad and other actions offsetting expenditures	+720,564,000		
Rejection of other legislative proposals	−170,256,000		
Revenue proposals not enacted or delayed		−$3,266,000,000	
Fiscal year 1971 budget further adjusted to reflect congressional changes	209,830,710,000	194,093,000,000	−$15,737,710,000
Proposals for enactment by 92d Cong.:			
Social security benefits	+1,100,000,000	+100,000,000	
Public assistance grants	+800,000,000		
Veterans benefits	+300,000,000		
Highways	+300,000,000		
Retired pay, Defense	+200,000,000		
Wage board pay increases	+224,000,000		
Food stamp program	+100,000,000		
Other	−100,000,000		
Revised fiscal year 1971 budget as reflected in fiscal year 1972 budget document	212,754,710,000	194,193,000,000	−18,561,710,000

The report is before the Members. It covers every item. We want to get to the amendment stage as soon as reasonably possible. And I shall not burden Members with a more extensive statement. I shall place in the RECORD material which is pertinent and will be of interest.

As I understand it, an amendment will be offered to restore funds for the SST, which was not considered by the committee but is thought by those who will offer the amendment to be such that it should be presented to the House for consideration. Probably there will be other amendments offered. We want to spend the major portion of the time debating those features of this bill which are controversial.

I can see nothing controversial about the large block of money for public assistance, which is mandated by law. I see nothing very controversial about paying the people who are on board the pay we have agreed to pay under the pay-increase legislation.

Mr. Chairman, I include additional explanatory material, summarizing the bill. As I say, the committee report is available. It covers every item:

The grand total of new budget (obligational) authority recommended in the bill is $6,881,152,545, a reduction of $864,925,604 from the $7,746,078,149 requested. These totals include a recommended advance appropriation for fiscal year 1972 of $100,000,000, the amount of the request, to initiate the Conquest of Cancer program. The total of new budget (obligational) authority recommended in the bill for fiscal year 1971 is $6,781,152,545, a reduction of $864,925,604 from the $7,646,078,149 requested.

The committee also recommends transfers of $37,607,900 between appropriations, increases in limitations on administrative and non-administrative expenses of trust funds amounting to $67,012,000, appropriations of $363,520,000 to liquidate contract authority, and limitations on obligations amounting to $10,000,000. Authorizations to transfer between appropriation accounts have the effect of reducing the need for appropriating new budget (obligational) authority; most of these have to do with absorption of pay act costs.

SELECTED MAJOR ITEMS

Second supplemental, 1971

MAJOR MANDATORY-TYPE ITEMS

Pay costs—all of title II (Public Laws 91–231 and 91–656, generally effective January 1970 and January 1971—Not heretofore appropriated for)	$4,131,745,452
Retired military pay	166,400,000
Public assistance	1,047,587,000
Payment to Civil Service Retirement Fund	337,841,000
Payments under homeownership and rental housing assistance contracts	32,900,000
Food stamp program	250,000,000
Subtotal, these items (*87% of bill total*	5,966,473,000

Selected Other Items

Cancer crusade	100,000,000
Investment in Inter-American Development Bank (a cut of $211 million)	275,000,000
And so on.	

MAJOR REDUCTIONS

Title II, pay costs	—292,000,000
Foreign aid chapter	—457,860,000

THE SST

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. VANIK. I should like to ask the distinguished chairman of the Appropriations Committee whether, when we talk about an appropriation for the SST and $15.2 million for the termination of the helium program, there is any certainty that these appropriations will constitute the full terminal cost of either of these programs.

Mr. MAHON. I am convinced that the money in this bill for termination of the SST will not be adequate. We have spent over $800 million. We will have to spend probably about $1 billion if we cancel the program.

This was the issue which was before us not long ago. I am saying that in my judgment—and I am only speaking for myself—the so-called termination cost in this bill will not be all the Congress will eventually be compelled to appropriate as a result of cancellation, if the cancellation is finally and completely not only enacted into law but is kept as the law of the land, so that we cannot go forward with the SST.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the chairman of the Subcommittee on Transportation, the gentleman from California (Mr. McFALL).

Mr. McFALL. There are two items which possibly, one probably and one possibly, would need to be appropriated in order to finish the termination of the SST program. If we appropriate in this bill $85 million for payment to Boeing and General Electric, as outlined in the report, we will probably need to appropriate about $12 million to provide for the additional termination costs associated with closing down the program. In addition to that, there is a request by the airlines for some $58.5 million. This will repay them for their support of the program. Most probably we will have to appropriate $12 million in order to close out the program. There will be a decision by the House and by the Congress later as to whether or not there should be a payment to the airlines of the $58.5 million. We probably have a moral obligation to return that, but I am not sure of the legal obligation. This is a matter that will be decided by the Congress at a later date.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield further to the gentleman from Ohio.

Mr. VANIK. The question I raise is whether or not it would not be more prudent to withhold these payments until we could determine the full cost of settlement. Why make a partial payment on something when this could enter into a final settlement? Once the contractors received these payments, they would be less inclined to work out a settlement, because they would have received this money already and any settlement would start off after this amount is paid. It seems to me a settlement would be a lot more prudent if it were a total settlement of the Government's obligation under the contract either by an agreement or by a determination by the courts.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. McFALL. The contract on the SST sets out the amount of money which is due to Boeing and to General Electric, but in addition to that there are other termination matters which have been estimated to cost $12 million. We do not know whether that will cost $10, $11, $12, or $15 million, but it is an amount which will probably have to be paid in order to complete this job.

Mr. YATES. Mr. Chairman, will the gentleman yield to me on that point?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. YATES. The point is that the money is being made available. It may not be paid in its entirety. All of the items that are there are for termination costs will be audited by the General Accounting Office in order to make sure that no excess money is paid to the contractors.

APPROPRIATIONS TO "REMAIN AVAILABLE UNTIL EXPENDED"

Mr. HALL. Mr. Chairman, will the gentleman yield to me?

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Appropriations yielding to me.

My question is as to procedures. It is well known in the House, the history of revenue versus income to the taxpayers' Treasury, and the appropriations made by the Congress and the constitutional prerogatives of our House, in originating such appropriations, ways and means, and we must originate "taxes, tariffs, and levies." As one who has always been proud of the procedures of the House, I have enjoyed the purse-string control of the Committee on Appropriations. However, in reviewing the bill today I count well over 50 places where it seems we have given up or delegated control of the pursestrings with such phrases as "to remain available until expended" or "without fiscal year limitation."

Have we given up annual line-item review of appropriations of the departments in the executive, legislative, and judicial branches of the Government, I will ask the distinguished gentleman from Texas?

Mr. MAHON. I will say to the distinguished gentleman from Missouri that inclusion of such language in no way relates to line-item consideration of appropriations.

There are a number of places in the bill where, as the gentleman rightly points out, if funds are not obligated and expended during the few remaining weeks of this fiscal year, they can later be obligated and expended. However, most of the money contained in this bill, as the gentleman knows, is for increased pay of personnel on account of the pay bills of last year, and I would say that, generally, this is not the kind of money that is carried over into future years. There is research and development money and some procurement money in defense, of course, which is usually made available "until expended" and is thus carried over into subsequent years.

Mr. HALL. Mr. Chairman, if the distinguished gentleman from Texas will yield further, if most of it is for welfare and the greater part of the rest of it is for preauthorized operations of the Congress, such as pay of employees and those who are "on board," as the distinguished gentleman from Texas phrases it, why is there an average of more than two different items per page which says, "to remain available until expended"?

Is this not a departure from the practice of the Committee on Appropriations?

Mr. MAHON. No, it is not a change in practice of the Committee on Appropriations. It is not an uncommon procedure on this type of general supplemental bill which ranges across the whole Government.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I am glad to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I take this time, because one or two of the items about which the gentleman from Missouri made inquiry were handled by my subcommittee. For instance, the very serious question of corn blight which affects so many areas of our country resulted in tremendous losses to the farmer, made for high prices for all consumers, and wrecked numerous hog producers. In order to move expeditiously in the field, the committee moved some of the money requested for next year, about $1 million forward for the remainder of this fiscal year. This would make the money available by the 1st of July, but we did not want to require that the Department rush in and commit the money before the 1st of July, if it was good business and better fiscal practice to carry it forward to a later date.

Another item is in the amount of $13 million for the Environmental Protection Agency. As the gentleman knows, this agency is in a shakedown period. It was created in December 1971. The $13 million was requested, and, frankly, we have to take a chance at this time, as to how they can spend it. At the same time we see the enormity of problems, and we know it has to be spent. So instead of tying them down and requiring expenditure between now and the 1st of July, we gave them more time, and we shall take that into consideration in recommending funds for the fiscal year beginning July 1.

Those are two instances. There are others. The reasons we extended the time for spending the money; whereas, otherwise, we would require the agency perhaps to rush in and spend it without thorough and careful consideration, because the funds would otherwise lapse.

Mr. HALL. Mr. Chairman, if the distinguished gentleman from Texas will yield further, I appreciate that explanation, and certainly I understand in those instances to which the gentleman from Mississippi has referred.

However, for example, on page 29 there are eight different instances where the statement is made that the money is appropriated and will remain available until expended, but it does come under the Subcommittee on Appropriations. I think that is all right.

Will the distinguished chairman of the Committee on Appropriations advise us if in the different number of instances, at least where such a phrase is used, there is authorizing law by the Congress, inasmuch as I understand that part of the 1972 appropriation has been slipped forward into the supplemental bill and, therefore, this is a supplemental, not only for fiscal years 1971 and 1972, and in no wise a deficiency bill?

Mr. MAHON. Most of the money in the bill is for fiscal year 1971. But there are some items that to some extent will spill over into 1972.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I was just referring to the statement of the distinguished gentleman from Mississippi, the chairman of the Subcommittee on Appropriations for Agriculture.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield further?

Mr. MAHON. I yield further to the gentleman from Mississippi.

Mr. WHITTEN. This is a matter which I failed to cover in my earlier remarks; I am sorry that I overlooked it. But in connection with this type of operation, there are a lot of local actions required, contracts have to be let and performed before funds are actually expended.

So there, again, we think it is good business not to put the Department under the pressure of having to act quickly and then have to increase the amount later.

So we thought we were working in a sound way, so as to get the maximum benefit for the dollar.

Mr. MAHON. For example, on page 29, to which the gentleman made reference, where it says:

Watershed works of improvement, $2,350,000, to remain available until expended.

The committee investigated that requirement for the funds, and agreed that this was where money was needed, and indeed more money would be needed, but certain requirements must be met, and in order not to fix a deadline, and for the most expeditious use of the funds, we said it should remain available until expended. That is true of most of these items.

A number of the items are loan funds, and when they are loan funds it is not always possible to tell when they may be terminated.

Mr. HALL. I thank the gentleman and agree. Now, could the gentleman answer the other part of my two-way question, where they have been set forth are they authorized?

Mr. MAHON. The gentleman makes reference to a very pertinent matter, and that is as to the purposes for which the money has been appropriated, has the Congress authorized the expenditure of these funds not only for this year, but for the next year and succeeding years.

Mr. Chairman, may I add that I neglected to call the attention of the distinguished gentleman from Missouri to section 301 of the pending bill, which reads:

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided therein.

Thus, if the amount in respect to any given appropriation in the bill is predicated on use of the funds beyond June 30, 1971—and that is the case in a number of the items, as the hearings and report show—it is necessary that language, such as "to remain available until—", be included in the individual appropriation language paragraph concerned. The same would be true if the supplemental in this bill is an addition to a regular 1971 appropriation that is "available until expended." The two amounts co-mingle.

I do not of course have at my fingertips the related authorization statutes for every appropriation in the bill which is proposed to be available beyond June 30, 1971, but I believe many of them authorize the extended availability. There are some that do not.

Mr. HALL. Mr. Chairman, I know that, and I thank the gentleman.

Mr. MAHON. Mr. Chairman, I reserve the balance of my time.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

The distinguished chairman of the committee has suggested that this budget is below the President's request, and that we are saving him some money. But, Mr. Chairman, in my judgment the reductions are not savings, they are not anything that will help the American taxpayer very much.

The two largest items of reductions in this bill are those from the Subcommittee on Foreign Operations. One is a $211.7 million reduction in the budget estimate of the Inter-American Development Bank from $486.7 million to $275 million. It is unusual for this to be in a supplemental bill, and it is not a savings, it is a putting over until some other time when the $211 million will be used.

The other is in the World Bank, where we have a request, again not needed, and also unusual to be in a supplemental bill. That is a reduction of $246 million.

So here are two large items of reductions which are not a reduction in spending, and not a savings to the American taxpayer.

Then we go on down the line.

Mr. FRASER. Mr. Chairman, would the gentleman yield?

Mr. BOW. I yield to the gentleman from Minnesota.

Mr. FRASER. Do I understand the distinguished ranking minority Member to say that with respect to the World Bank amount the elimination of that request you regard as a postponement rather than an elimination of the item?

Mr. BOW. I think it is, yes; it is a postponement. We have never had this in a supplemental bill before. It was not fully justified. I did not sit in on those hearings, particularly, but I have heard the discussion of the gentleman from Louisiana (Mr. PASSMAN) and other Members on the item, and I think it is simply a passing over at this time, until further hearings can be held.

Mr. FRASER. I thank the gentleman, because as I understand it this is a commitment to the World Bank representing an international agreement, and I would hope that the United States will not retreat from carrying out its part of the bargain, but I can understand where this might not be the right vehicle.

Mr. BOW. I do not think this is the right vehicle. I also have some feeling at this time about what some of the world bankers said about us being too liberal in the past—maybe this was a pretty good thing to do.

Mr. FRASER. I would just say to the gentleman, I do not think this is the reason we are having a run on the dollar. We have some other problems.

Mr. BOW. Well, this is the fact—it was not justified before the committee.

Then there is another item here of $11 million which is a part of the SST argument. In addition, we did not appropriate all the money that they claimed was necessary for the liquidation of the SST. There is an additional $11,900,000 that is part of the so-called cost savings that will have to be paid.

Then we go on down to the Small Business Administration. They have asked for $80 million in the estimate and we gave them $64 million. That is $16 million and that is not a saving to the taxpayers. It simply was not appropriated in this supplemental at this time.

Then we get down to the other item of $34 million and that is for the subway here in the District of Columbia, which I am sure we will hear much more about before the day is over. But that $34 million is going to have to be paid. The day is going to come when they will probably some day comply with the law and go ahead with the full interstate transit system and then we are going to have to pay it.

The fact is the Congress has authorized it and said we will pay it. If they comply with the law, there is no question but that the subcommittee of the full Committee on Appropriations will pay the money and pay it promptly.

So you take all these items, the so-called reductions, and not any of them are going to mean a thing to the American taxpayer. So we cannot take much credit today for doing anything for the taxpayers.

Mr. Chairman, I shall not take more time because I am sure there is going to be a great deal of debate on some of the items in this bill. I think we should move on to the consideration of amendments, but I am going to yield to several Members who have asked for time.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. VANIK. I note that the armed services have been reduced effective the first of June, by almost 100,000 in personnel. I note in this bill that you are asking for additional expenditures in order to make up for the salary increases.

If we were to estimate the cost of the 100,000 personnel reduction, at about $22,000 a man, it would amount to something like $2¼ billion.

I wonder if the committee has taken into consideration the reduction of troop strength in determining the amount of supplemental appropriations in order to take care of the pay increases.

Mr. BOW. I will say to my friend, that that is a matter, of course, that was considered by the defense subcommittee. I am not a member of that committee although I attended some of the hearings. I would yield to my friend, the gentleman from Texas (Mr. MAHON) to answer the gentlemen.

Mr. MAHON. We had extensive hearings in the Defense Subcommittee and we took into account the reductions in personnel that are taking place in the Defense Department in both military and in civilian personnel. We tailored the appropriations in order to take advantage of savings made possible by the reduced number of personnel.

We are requiring absorptions from prior year and other appropriate funds available for certain pay. So this was all taken into consideration.

Mr. VANIK. I thank the gentleman.

Mr. BOW. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, the first item in this bill has to do with $1 million as heretofore alluded to, for research on the problem of corn blight.

Corn blight last year caused a greater production loss on one crop in 1 year than we have ever experienced before.

The new Race T of this disease was first identified from infected corn plants collected in central Illinois in the fall of 1969. While it caused serious local damage, at that time the widespread damage of the following year could not be predicted.

Race T was identified in Florida in the spring of 1970, and by the end of the growing season it had spread across the commercial corn production areas of the Southern, Northeastern and North-Central States.

It was first thought that simply shifting to blight-resistant varieties of corn would solve the problem. That in itself created problems, of course, because not enough resistant seed is available for this season.

However, an even more serious problem has also come to light. Mounting evidence indicates that other potentially destructive new races of corn blight are already present, raising the question of whether there really are any "safe" varieties of corn in the long run.

This is why we need to initiate an expanded research effort immediately, for this season, and why we have recommended an additional $1 million in this bill. We cannot afford to gamble on this one—the stakes are too high and the risk too great.

While some have felt that the problem last year was partially attributable to unusual climatic conditions, it appears to others that on a national scale, conditions in 1970 were not all that unusual. This, in addition to the probability of a high level of overwintering spores raises some real questions about what we can expect this year.

The nub of the problem is that southern corn leaf blight is much more complex than many first suspected and there is a critical need for an immediate expansion of our research in this area.

About 80 percent of the corn produced in this country is fed to livestock. The rest is used for industrial purposes, human food, seed, and is exported. The 1970 crop will be substantially below market requirements, so that a part of our carryover supply must be used. If we do not produce enough corn and other feed grains in 1971 to meet the market requirements, our carryover stocks could drop to the lowest level of many years.

But, unless we can find some answers now to the Southern corn leaf blight threat, the real crunch could come in the years following. I do not need to go into the details of what effect substantial crop shortages would have on food prices to the consumer.

Research is presently being conducted by a number of the State agricultural experiment stations and several agencies of the U.S. Department of Agriculture. Much of this research, however, has been accomplished by shifting people working on other problems, and has been conducted primarily to answer immediate questions. We need a coordinated program of more depth, and the funds provided in this bill will give us the necessary resources to initiate such a program right away, so we will not run the risk of losing the entire 1971 crop season.

Since the chairman of our subcommittee is on the floor, I would like to engage him in a brief colloquy with respect to the use of the $1 million that first came to us as a budget amendment for the fiscal year 1972. As our good friend (Mr. WHITTEN) has said heretofore today in his colloquy with the chairman of our committee, we saw fit to move it from a budget amendment in the 1972 bill up to this supplemental to point up the urgency of the problem and get something done about it.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Mississippi.

Mr. WHITTEN. As the gentleman knows, since he served on this subcommittee for many years, after the committee had acted in an effort to expedite consideration and work in this area, there was a feeling in the Department that we might need to put it under a different branch of the Department. There is a question of whether it should be in ARS, where it is now, or should be contracted to private enterprise in time. They insist that probably it should not be, that they do have land-grant colleges that are ready to move right now, and the statement was made to the Department that in conference we would consider this matter and work out where we could move the most expeditiously.

So I am glad to state that while we are not offering any amendment at this point, because they could move either way, they intend to work toward the solution which would move the program most expeditiously.

Mr. MICHEL. I wish to make it abundantly clear that I believe the Secretary of Agriculture does have some degree of responsibility here. While he has told us of the severity of the problem, we intend by our action here to see that the best route possible is explored to get this thing moving. We are not the experts in this vital field of research. We do know the need is urgent and I personally hope the Secretary and his immediate subordinates will see to it that this money is put to immediate use to get a remedy for this plant disease by whatever means the best professionals feel it can be done.

Mr. WHITTEN. We certainly are, and in a letter yesterday the Department said they had already held at least three meetings in anticipation of these funds becoming available, and they will go ahead the minute they become available.

Mr. MICHEL. I appreciate the gentleman's contribution. I would like now to turn to the item of $250 million in the supplemental for food stamps, an item which now brings the total for food stamps in this fiscal year to $1,670,000,000. It might be interesting to the House to know that from December 1969 to February 1971, we have had food stamp areas increased from 1,584 to 1,997. Participation in food stamps has increased in that same period, from December 1969 to February 1971, from 3,600,000 persons to 10,200,000 in February of this year. Think of it; 5 percent of our total population. The bonus coupons have increased in value from $24 million to $137 million in that same base period, and there is a very interesting discussion in the hearing record on pages 1459 to 1470 on the new eligibility requirements.

Last year we passed new food stamp legislation containing several provisions to tighten up the program and direct it to those who really need it—the involuntarily poor. Hopefully, the Department's new regulations will fully implement these provisions.

The program has expanded so fast recently, that I know it has been difficult for State, local, and Federal officials to cope with the new workload, but it is essential that elimination of program abuses be given first priority. This is necessary for the long-range effectiveness of the program, for every dollar that goes to someone who does not need it, is a dollar less for someone who does. In the long run, we can judge the value of the program and justify it only on how effectively it channels assistance to those who need it.

I would again like to call my colleagues' attention to the printed hearings on this bill, especially pages 1458 to 1491. We had quite an extensive discussion in our subcommittee on food stamp program abuses, and the record includes details on the number and types of abuses which have occurred.

The Agriculture Department cites eight major types of situations where the lack of proper administration, criminal conspiracy, or fraud can cause the loss of Federal dollars.

Inadequate security for the physical inventory of the coupons from the printing stage to the actual issuance to households has resulted in thefts, burglaries and armed robberies amounting to a loss of about 1 percent of the total coupon volume. This amounted to about $475,000 during calendar year 1970.

The State governments are responsible for the security of the coupons from the time they receive them until they are issued, and the USDA has billed States for losses which occurred at this stage. The Food and Nutrition Service advised us that they conducted a crash security program following theft losses in 1969.

Weaknesses in the systems design of either the State issuance system or certification system can also lead to losses. These weaknesses can include, for example, inadequate checks to make certain that coupons are issued only to a properly authorized household, inadequate computer systems that allow the duplicate issuance of authorization to purchase cards, and improper continuation of households on the rolls after certification periods have expired.

The Food and Nutrition Service recently billed the District of Columbia for $63,861 because their computer system was not being used to weed out duplicate authorizations to purchase to the same household. As a result, many households received more coupons than they were entitled to. Other counties are currently under investigation by the Office of the Inspector General where the same types of problems are suspected.

In San Antonio, Philadelphia, and Chicago, some caseworkers and issuance personnel have been indicted as a result of system weaknesses which allowed illegal conversion of Federal funds to personal use. The Food and Nutrition Service reports it is working to tighten audit procedures and taking other steps to prevent this kind of fraud.

Inadequate certification staff to deal with the food stamp caseload can cause improper certification. The rapid expansion of the program has compounded this problem.

Deliberate disregard by State and local officials of the Food Stamp Act, the regulations, and the procedures issued to implement the act can also result in serious program violations. The FNS is currently conducting some investigations of suspected violations in this area.

Deliberate recipient fraud, of course, is a significant type of program abuse, and misuse of coupons after they are issued—such as purchase of ineligibile items, conversion of coupons into cash, purchase of alcoholic beverages—is another.

Program abuses can also be caused outside the food stamp system, such as counterfeiting or theft of coupons by postal employees. There have been five recent cases of the latter.

Finally, there are apparent abuses in the program which are caused by the technical eligibility of certain classes of households which commonly would not be regarded as economically needy. The new regulations implementing provisions of the bill we passed last year should, hopefully, have some effect in this area.

The Food and Nutrition Service report to us that they are taking various steps to eliminate these abuses. It is imperative that these efforts be continued and intensified if we hope to maintain any semblance of program integrity.

I would like to insert in the RECORD at this point some examples of cooperation between Federal and State enforcement agencies and officials in connection with the food stamp program, and some examples of typical requests for investigation:

FOOD STAMP PROGRAM

EXAMPLES OF COOPERATION

1. San Antonio, Tex.

OIG in cooperation with the San Antonio Police Department and the Texas Department of Public Safety, is investigating a conspiracy involving some employees of the San Antonio Welfare Office who entered fictitious information on certification records and with the help of accomplices, illegally acquired food stamps. The stamps were later discounted to retail grocers. To date, two welfare caseworkers and three others have been indicted. One of the welfare caseworkers has pleaded guilty and has been sentenced to 3 years imprisonment. Investigations are continuing.

2. Shreveport and Lake Charles, La.

OIG began investigation based on information from a confidential source that food stamps were being bought and sold in the Lake Charles area. The investigation was coordinated with the U.S. Attorney who suspected that a hard-core criminal element might be involved.

Based on OIG findings, the Federal Grand Jury at Alexandria, La., on October 30, 1970, returned indictments (totaling 70 counts) against nine defendants charging violations of the Food Stamp Act. Trials are scheduled for April 1971.

3. Philadelphia, Pa.

OIG investigated a conspiracy by a group of individuals in the Philadelphia area, which used over 2,500 spurious ATP's to buy food stamps valued at over $114,000. Based on OIG findings, a Federal grand jury at Philadelphia indicted 12 persons on charges of conspiracy and violations of the Food Stamp Act. Indicted were two welfare office caseworkers, six of their associates, and four bread and dairy route salesmen who dealt in stamps knowing they were illegally obtained.

On March 29, 1971, six of the defendants pleaded guilty to one count each of their indictments. All other counts against these six were dismissed. All counts against two subjects is still pending.

4. Spokane and Seattle, Wash.

Based on information developed in two separate OIG investigations, the Federal grand jury at Spokane, Wash., on March 8, 1971, indicted the manager of United Farm Workers Cooperative, Inc. (a retail grocery in Toppenish), and an operator of an apartment house in Yakima, both on charges of illegally purchasing food stamps for cash.

On March 25 and 26, 1971, nine persons indicted by the Federal grand jury at Seattle on March 23, 1971, were arrested on charges of violating the Food Stamp Act. A tenth person indicted is being sought by Federal authorities. The indictments resulted from OIG investigations which disclosed that the defendants, mostly employees of retail businesses such as cafes, food markets, and gas stations, had illegally purchased stamps at about half their face value.

EXAMPLES OF TYPICAL REQUESTS FOR INVESTIGATION

Requests to OIG for food stamp program investigations fall into four categories: (1) Recipient offenses; (2) retailer-wholesaler offenses; (3) trafficking, and (4) thefts. Typical requests for OIG investigation within these categories include the following:

Recipient offenses

Violations on the part of recipients include:

(1) Misrepresentations or fraud in connection with applications to participate.

(2) Purchase of ineligible items with coupons.

(3) Payment of back grocery bills or other debts with coupons.

(4) Sale of coupons for cash.

(5) Sale or barter of authorizations to purchase (ATP's).

Recipient noncompliance is primarily a State responsibility. Therefore, individual instances of recipient or applicant fraud will normally be investigated by the State agency unless the circumstances involve conspiracy and trafficking operations which will be of concern to the Department of Agriculture.

Retailer-wholesaler offenses

Violations in this category are varied and constitute the major threat to the program's integrity. While recipients may be tempted to convert coupons for unlawful purposes, widespread abuse is possible only with the cooperation of authorized wholesalers and retailers. These business entities apply for participation in the program and are constructively and repeatedly informed on the laws and the regulations. When they violate the regulations knowingly, they do so for profit or to attract customers. The most common violations are:

(1) Sale of ineligible items for coupons.

(2) Purchase of coupons for cash (usually at discount).

(3) Acceptance of coupons in payment of back bills, which usually involve both eligible and ineligible items.

(4) Purchase or bartering for customer's unused ATP's.

(5) Unlawful proxy activity for the purpose of obtaining coupons.

(6) Fraudulent redemption of irregularly acquired coupons.

Trafficking

The key element in trafficking is the bonus value of food coupons issued to recipients for cash. Trafficking is the unlawful acquisition or transfer of coupons. Technically, at least, the sale of one coupon by a recipient for cash is trafficking. However, as used in OIG's enforcement program, it is understood to refer to organized activity by persons authorized to be in the program (wholesalers or retailers), or by those not authorized to participate who acquire and dispose of coupons or ATP's for profit.

OIG, FISCAL YEAR 1970: FOOD STAMP PROGRAM COMPLAINTS (REQUESTS) AND INVESTIGATIONS

State[1]	Complaints[2] (requests)	Completed investigations	Investigative findings[3] Sale of ineligibles	Illegal sale of coupons	Trafficking	Burglary, robbery	Administrative violations	No violations
Connecticut	9	16	13	2			1	2
New Jersey	32	45	30	6	3		1	12
New York	25	26	15	1			3	8
Ohio	48	42	28	1	3		5	9
Pennsylvania	50	74	43	11	4		5	25
Vermont	1	1	1					
Rhode Island	3							
Maryland	8	9	5			2	2	
Virginia	12	8	5	2			3	
West Virginia	69	42	15	4	3	6	5	14
District of Columbia	21	12	1	1		7	3	1
Alabama	33	16	4	1		1	6	5
Georgia	30	16	8	2	1		6	1
Mississippi	111	43	23	3			6	13
North Carolina	20	9	2				5	2
South Carolina	33	29	19		1		6	4
Tennessee	68	50	19	1			6	25
Illinois	127	136	70	12	13		18	34
Indiana	2	8	2				2	4
Kentucky	85	45	12	3			5	27
Michigan	15	28	14	2	2		5	7
Minnesota	14	12	5				2	5
Wisconsin	10	13	5	1			2	5
Survey (Illinois and Minnesota)	16	14	7				7	

OIG, FISCAL YEAR 1970: FOOD STAMP PROGRAM COMPLAINTS (REQUESTS) AND INVESTIGATIONS—Continued

State [1]	Complaints [2] (requests)	Completed investigations	Investigative findings [3]					
			Sale of ineligibles	Illegal sale of coupons	Trafficking	Burglary, robbery	Administrative violations	No violations
Arkansas	30	33	8		3	3	8	17
Lousiana	43	50	17	1	4	3	14	17
New Mexico	19	26	7	1		2	4	13
Texas	8	13	1	1			6	5
Iowa	16	20	6	2	3	1	10	2
Missouri	27	32	9	1			20	3
Nebraska	5	8	1				6	1
North Dakota	3	9	3				5	1
South Dakota	3							
California	35	58	22	3	5		10	20
Colorado	4	14	8					6
Montana	1	7	3					4
Oregon	1	5	1		1		2	1
Utah	2							
Washington	16	10	1			3	2	4
Wyoming	14							
Alaska	1	1						1
National totals	1,070	980	433	62	46	28	188	298

[1] The complaints (requests) were received from all sources, public, FNS, welfare agencies, etc. These complaints fall into the following categories:

Sale of ineligible items	717
Trafficking	53
Administrative and miscellaneous	193
Illegal sale of coupons	75
Thefts, burglaries and robberies of issuance office	32
Total	1,070

[2] Completed investigations include complaints on hand at the beginning of the fiscal year and excludes cases in progress and complaints to be investigated at the end of the fiscal year.

[3] Individual investigations may have multiple findings.

Many of us have been concerned about two special areas of program abuse—food stamps for college students and strikers.

For example, the Food and Nutrition Service has asked the Illinois Department of Public Aid for a review of the food stamp program in De Kalb County because of a Chicago Tribune story disclosing that nearly 75 percent of those using stamps in that county are college students. The resource and income tax deduction provisions in the new law and regulations should help curb student abuse of food stamps.

Also, during our subcommittee hearings I discussed with Assistant Secretary Lyng and Mr. Heckman the cost of food stamps going to strikers—particularly during the General Motors strike, at my request, they provided the following information for our record:

ESTIMATES OF POSSIBLE FOOD STAMP COST OF GENERAL MOTORS STRIKE

Definitive information is not available on the number of GM strikers, and their families, who received food stamp benefits in October and November because participation data is not tabulated by "cause" of eligibility. It is estimated that the value of bonus coupons issued to GM strikers, their families, and others who became unemployed because of the GM strike could have been as high as $6 to $7 million per month in October and November. This estimate was derived by comparing October bonus issuance with September issuance, adjusted for new project openings in October and expected normal month-to-month program growth. States faced with a heavy GM strike impact indicate in their preliminary reports that November issuance rates are at about the October level.

It is not possible to determine the extent to which October costs may have been increased by general changes in unemployment rates, that is, those not associated with the GM strike. Therefore, the 2-month cost is regarded, at an outside estimate, as between $12 and $14 million.

We cannot afford to lose sight of the original objectives of the food stamp program. The hungry must be fed, but those who have the personal and financial resources to provide for themselves have no business asking the taxpayer to help put food on their tables.

The Administration and the Agriculture Department are to be commended for the steps they are taking to eliminate abuses and to effectively administer the food stamp law. We need to help them all we can, and monitor this program just as carefully as possible, and, above all, make changes when it is clear that changes are necessary.

If I might turn now, Mr. Chairman, to several of the items having to do with our other Subcommittee on Health, Education, and Welfare, the labor section——

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my good friend from Iowa who serves on our subcommittee.

Mr. SCHERLE. I thank my colleague for yielding. As was mentioned a moment ago, the Department of Agriculture is asking for a $250 million increase in this supplemental appropriation bill.

Mr. Chairman, one of the reasons for the $250 million increase in this bill for food stamps is that it has gone beyond the original intent of the program.

The purpose of the food stamp program was to increase the nutrition of low-income families by providing extra purchasing power for groceries. Now comes word from Colorado that Mr. Softee, a mobile ice-cream vendor, is accepting food stamps for such items as 25-cent cones and 40-cent sundaes. The Department of Agriculture first denied and later confirmed that Mr. Softee had been authorized to receive stamps. USDA spokesmen promised to look into the matter, but, meanwhile, Mr. Softee continues to rake in the stamps.

At the same time, a Federal court in Missouri ruled that the Department of Agriculture must approve authority for the Colonel Sanders southern fried chicken chain to accept food stamps. Confused Agriculture officials have said that they will appeal the ruling. If this trend continues, however, it will not be long until a whole string of caviar shops, Trader Vics, and even the Playboy clubs will be trading in food stamps. Food stamps may be "finger-lickin' good," but the program is making a Mr. Softee out of the American taxpayer.

The Department of Agriculture has now revoked Mr. Softee's authority to accept food stamps and promised to "pursue" through the appellate court a reversal of the Missouri court ruling allowing Colonel Sanders to accept food stamps.

Mr. Chairman, there is no question in my mind that this program was designed for a specific purpose, and every Member of the House is aware of that fact. However, when the courts go overboard and liberalize the guidelines to this extent—not the fault of the Department of Agriculture, not the fault of the committee, but because of some court ruling—I believe they have gone to far. I compliment the Department of Agriculture for taking the appropriate action. Lets not make a mockery out of this program.

I thank my good friend from Illinois for yielding.

Mr. MICHEL. Mr. Chairman, I shall turn now to several items in the Labor-HEW Subcommittee area.

We have $100 million in this bill for summer jobs. This will provide some 601,400 jobs for our youth in this summer. This increase added to the $165 million already appropriated for fiscal year 1971 brings the total for this item to $265 million. As I said, it will support 601,400 summer jobs. This is substantially higher than last year, when the level, as I recall, was somewhere in the neighborhood of 425,000 jobs.

The Alliance for Businessmen last year was able to employ some 143,000 youngsters, and they tell us this year their goal is 250,000. The State employment security agencies also set a goal of putting another 250,000 young people to work. Last year, they placed nearly 212,000 in summer jobs.

There is $100 million in this bill to implement that portion of the President's message with respect to a stepped up war on cancer. This now brings the total for cancer research up to some $330 million.

Mr. Chairman, the President made a very significant statement on this subject, released just a few hours ago, and I shall extend my remarks at this point to include the full text of this very significant statement:

STATEMENT BY THE PRESIDENT

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional $100 million to support such an effort. I am pleased that in recent days the Appropriations' Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next ten years alone, three and a half million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason for hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past ten years as we have multiplied many times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

MORE MONEY AND BETTER ORGANIZATION

The time has now come for us to put our money where our hopes are. In the first full budget developed by this administration last year, an increase of $20 million was provided for cancer programs. For Fiscal Year 1972, the administration request for cancer programs is slightly over $332 million—an increase of $100 million from the 1971 Fiscal Year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hesitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one things, that a wide variety of research activities in all parts of the country, in many areas of society and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal: the cure of cancer—and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance for the President and for others who lead the Cancer-Cure Program, particularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education, and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

If I might, I should like to make one or two comments with regard to one of the biggest items in this bill, if not the largest. It is $1,047,000,000.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MICHEL. Mr. Chairman, there is over a billion dollars in this bill for public assistance. It might be interesting to the Members to know that in the fiscal year 1971 the total of Federal grants to the States for public assistance will come to $9,699,537,000.

The States normally provide 48 percent to match the 52 percent of the Federal share. The total State portion now is in the neighborhood of $7 billion.

The original estimate of cases numbered 11,210,600, but the supplemental here provides for an additional 1,171,000 cases. So all in all we have total public assistance cases in 1971 in the amount of 12,381,890. We have no control over this item appropriation-wise until we change the law. We're locked into an outmoded formula and until such time as we get welfare reform we have no alternative but to keep coming back to you with bigger and bigger amounts for public assistance. It is a national disgrace.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I regret that the Committee on Appropriations failed to provide the District of Columbia's share, the $34.2 million payment, or contribution for the 1971 budget for the construction of the metropolitan area rapid transit system.

I realize that the Committee on Appropriations is not against this subway system. They are only advocating that the funds be delayed or held up.

There is no question but what this system is essential to the economy of the area. The Congress worked on it and studied it for years, and it authorized and directed its construction. Any delay will be extremely costly. Anyone who knows anything about construction costs knows that they are increasing every year. The District of Columbia portion, by not being appropriated, is costing the District of Columbia government interest at the rate of $5,600 per day, and the District of Columbia's budget or financial condition is such that it just cannot afford to have that additional cost.

Mr. Chairman, I most sincerely appreciate the position of the gentleman from Kentucky (Mr. NATCHER) in insisting upon a balanced transportation system. The Congress has been advised that we must have a balanced system—a freeway and highway and bridge and subway system—and the Congress, with a great deal of reluctance, in the Highway Act of 1968 directed that certain highways, freeways, and bridges be constructed.

There has been too much delay in carrying out that mandate of Congress. Delay in construction of needed highway facilities in the Nation's Capital is a national disgrace. I think the people responsible for this delay should be required to comply with the law.

However, Mr. Chairman, I submit that using the District of Columbia portion of the subway cost as a hostage for requiring compliance with another law is wrong. It is wrong for three reasons.

First of all, it merely causes a delay in the construction of a system that all of us agree must be constructed. It is a costly delay.

Second, it gives the people who are responsible for not constructing the highways, as they have been instructed to, an option to determine whether or not they want a subway system.

That is the net effect of using the subway system as a hostage, telling the people of the District of Columbia government that if you do not want the highway system, we will not give you the subway system, and if you do not want the subway system, you do not have either.

We have determined that we must have both. The Congress has made that choice. You cannot give the District of Columbia government the choice of denying the people of the District of Columbia and the metropolitan area and the people of the country the use of both.

Third, Mr. Chairman, this is a partnership arrangement. We worked for years on an agreement with the other two States and with their communities. The State legislatures of Virginia and Maryland agreed to an interstate compact which was requested by the Congress and ratified by the Congress, and the people of these communities and of the States of Virginia and Maryland have lived up to their agreement. They have already put up $115 million as their share up to this point.

Mr. Chairman, the Congress and the Congress only, has reneged in failing to provide the portion that is the responsibility of the District of Columbia government.

Mr. Chairman, I submit that failure to go forward with the subway system, because someone in the District government has failed to comply with an act of the Congress is totally unfair. I submit that we should not use the subway system as a hostage in making them comply with the law.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to take this opportunity to commend the gentleman from Virginia for his very forceful and concise argument, and I want to join with the gentleman in his statement.

What we are talking about as being held hostage is not only the $34.2 million in the District of Columbia appropriation bill, but we are also talking about $105 million in 1971 and over $100 million in 1972. If that money is not released the Federal Government cannot put up its share because the District of Columbia has not put up its share, we are actually talking about $205 million of construction money.

Mr. BROYHILL of Virginia. The gentleman from Massachusetts is correct. Another subcommittee of the Committee on Appropriations, has already agreed to appropriate the Federal Government's share but it cannot be used until the District of Columbia local share is appropriated. I do hope and urge that further costly delay will be avoided.

Mr. BLACKBURN. Mr. Chairman, I am very troubled by the action taken by the Appropriations Committee in drastically cutting the proposed appropriations for paying our internationally agreed-upon share in the replenishment of the Inter-American Development Bank, and the increase in the capital of the World Bank.

The cuts in the Inter-American Development Bank appropriation in particular, if not restored, would strike a body blow to that Bank at a time when it is struggling to meet only a fraction of the needs for development finance in Latin America. It would be a vote of no confidence, both in the institution and in its new president, Mr. Ortiz Mena. It would be a profound setback to the President's policy of mutual partnership with our Latin American neighbors.

We extensively considered last year the need for these funds, and authorized the appropriation of the sums now under consideration. We must continue to closely scrutinize the need for funds, and the purposes to which they are put. But we should not capriciously cut the meager funds requested for programs of vital importance to our own foreign economic objectives and to the economic well-being of our less developed neighbors. In this particular case, it will have grave consequences to American interests in Latin America and throughout the world.

Mrs. GRASSO. Mr. Chairman, the supplemental appropriations bill under consideration today contains funds for many important domestic programs. One of the most important is the Neighborhood Youth Corps summer jobs program.

The committee has recommended a $100 million supplemental for this project. The money is urgently needed, and I call on all my colleagues to support the committee recommendation.

At present only $164 million is budgeted for the Neighborhood Youth Corps. This is $18.6 million less than last year, though at the present time teenage unemployment is averaging 18.8 percent—about three times the national average.

The supplemental appropriation will go far toward relieving this situation. Although the U.S. Conference of Mayors recommends an appropriation of $308.6 million for the Neighborhood Youth Corps, I think that the $264 million which will be available upon passage of this bill is a good start toward an adequate summer jobs program.

At the $164 million level, the program would provide 414,000 jobs. The supplemental, however, will provide about 200,000 additional vitally needed jobs for our youth during the coming vacation period.

To point up the needs, one has but to look at the situation in my own State of Connecticut. Presently, only 3,814 summer job slots have been allocated to the entire State. A conservative estimate of the need is 10,000 jobs—and this is a bare minimum. If the supplemental appropriation is accepted, Connecticut could receive an additional 1,800 positions, assuming the existing allocation formula is used. There would then be a total of roughly 5,600 jobs for some 10,000 applicants. I am sure the situation is similar in other urban areas.

The magnitude of the problem is clear. Certainly a larger share of the Nation's resources should be used to solve our pressing domestic problems. However, considering existing budgetary constraints, I think the committee has done a commendable job in marking up this bill, and should be fully supported.

Mr. ROSTENKOWSKI. Mr. Chairman, in recent summers, the Federal Government has greatly assisted the youth of America by providing a substantial number of work opportunities through the Neighborhood Youth Corps, as well as providing funds for inner-city recreational and transportation programs. This assistance has been exceptionally helpful to America's cities in developing sorely needed employment, educational, and recreational opportunities for our Nation's disadvantaged youth.

It is my firm belief that the dollar amount requested by the President to fund this program this year was woefully inadequate in light of the urgent summer recreation needs of our Nation's cities.

For this reason, Mr. Chairman, I would like to commend the members of the Appropriations Committee and the members of the Labor, HEW Appropriations Subcommittee in particular, for their decision to increase the appropriation for summer youth programs from a requested $64.3 million to a more meaningful $100 million.

I am quite sure that this action will not go unnoticed by the many Americans who are truly concerned about the welfare of the underprivileged youth in our country.

Mrs. ABZUG. Mr. Chairman, with the end of school this spring, millions of young men and women will be faced with the prospect of a jobless summer. This is a particularly frustrating and agonizing time for the many disadvantaged young men and women who reside in our urban areas—where unemployment for workage youths already stands at almost 20 percent. Among black youths in disadvantaged sections unemployment is as high as 40 percent. And unemployment will get worse as the summer months approach us, because the pressure will be increasing from the adult sector and from youths leaving school for vacation.

It is no wonder many shudder at the thought of summer. Today this Congress has the opportunity to make good its commitment to expanded employment opportunities for disadvantaged youths. We have already appropriated $164 million for the neighborhood youth corps summer jobs program. The President has asked for a supplemental appropriation of $64 million in order to raise the number of jobs for disadvantaged youths to 576,000. Unfortunately the administration's supplemental request falls far short of the $144 million the mayors of the Nation's 50 largest cities say is their minimum need. The Appropriations Committee has evidenced a better grasp of the tremendous nationwide need for an expanded neighborhood youth corps and has recommended an additional $100 million be appropriated. This is a sum which will permit many additional tens of thousands of youths to enjoy the benefits of a summer job and service to their community. I stand today in firm support of this $100 million supplemental appropriation. I urge my colleagues to join me in making the opportunities of summertime a reality for hundreds of thousands of disadvantaged youths.

I rise in support of chapter IV of the Supplemental Appropriations Act, that section which would provide $32.9 million in supplemental appropriations for section 235 and section 236 housing programs for low-income families. This 32.9 million is the bare minimum needed to meet contract commitments already made for fiscal 1971—commitments to subsidize homeownership for low-income families and rental assistance programs for low- and moderate-income families. It involves no new commitment on the part of HUD but gives them the ability to meet commitments on 108,000 units requiring financing so that they might be available to those families in this country most affected by the acute housing shortage in this country. This supplemental appropriation will bring the total appropriation for fiscal year 1971 for both of these programs to just about 50 percent of the original authorization in the Housing and Urban Development Act of 1970.

Both 235 and 236 programs have provided an imaginative way of dealing not only with the acute housing shortage hitting low-and middle-income families, but with the fact of ghettos as a part of the American landscape, by permitting low- and middle-income people to obtain housing, either rental housing or owned, that they might otherwise not be able to afford. The 235 program subsidizes the interest rate so that the low-income home buyer pays only 1-percent interest on his mortgage, making the downpayment and mortgage payments fall within the range of possibility for low-income families. The success stories that have resulted from the 235 program, stories of people achieving the American dream of home owning, a figure numbering in fiscal year 1971 about 225,000 families, are heartwarming. The 236 program operates in essentially the same way: the mortgage on rental property is subsidized so that the owner of the building can afford to charge lower rents, rents that amount to no more than 25 percent of the tenant's rent. As a result some 100,000 families are estimated to live in housing they might otherwise not be able to afford and the housing industry has been protected in some small way against even further recessions since the Government is subsidizing the financing.

These programs need more than 32.9 million dollars—they need an additional $50 million at the very least—they need to be expanded, particularly the 236 program which holds such promise for urban areas like New York City, for nonprofit groups developing cooperative and rental housing at prices which people in this time of economic crisis can afford. And I am happy to point out at this time that the 236 program is modeled after a pioneer program in New York City, the Mitchell-Lama program, which has brought New York such fine examples of apartment living as Penn Central South. We need more Penn Central Souths and I urge the appropriate committees in this House to consider greatly increased appropriations for fiscal year 1972 for both the 235 and 236 programs.

But today I urge the passage of this very modest supplemental appropriations request.

Due to the drop in interest rates, the number of units available for financing has increased to 236,000 units under section 235 and 78,900 under 236; the opportunities for families to move into housing they might otherwise not be able to afford has increased; and the money needed to meet the contractual commitments has increased by the 32.9 million requested here today. I urge its passage for these two very beneficial programs that will help alleviate some part of the housing crises we in both urban and rural areas are faced with.

Mr. BIAGGI. Mr. Chairman, I supported the amendment to provide $10 million in appropriations for the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. This act, when passed last year, was hailed in this body as a significant step forward in the fight against this terrible disease. It is totally inconsistent and, in fact, deceptive to not provide the funds to carry out this far-reaching program.

Like drug addiction, alcoholism has only lately been recognized as a medical problem. Up until recently the alcoholic was tossed in a cell for a period of time only to be returned to the streets to drink more alcohol and then land back in jail.

During my 23 years on the New York police force, I recall many regulars at the stationhouses I worked in whose appearance on drunk charges was as regular as clockwork. This in-and-out pattern does little for the court and criminal justice system and absolutely nothing for the alcoholic.

Alcoholics Anonymous made the first initial strides in rehabilitating the alcoholic, but their resources even today are limited and cannot begin to match the overwhelming proportions of the problem nationally.

Congress has committed itself in word to the cure of alcoholism and the prevention of alcohol abuse; now is the time to translate those words into action. This amendment for $10 million would have been a definite step in that direction and it is disappointing that a majority of my colleagues did not see fit to support it.

Mr. RYAN. Mr. Chairman, the second supplemental appropriations bill for fiscal year 1971, which we are today considering, has some worthy aspects—$250 million for the food stamp program and $100 million in additional funds for summer youth programs, for example. But, in some respects, the bill exhibits the continued misperception of priorities which has perpetuated the Government's failure to meet the needs of the people—for example, the absence of funds for the Lead-Based Paint Poisoning Prevention Act, and for numerous critical housing programs.

SUMMER YOUTH PROGRAMS

The second supplemental appropriations bill provides $100 million for summer youth programs. This amount exceeds by $35,700,000 the administration's request, and I commend the committee for refusing to abide by the inadequate bookkeeping of the administration. However, while this $100 million is urgently needed, it is still not enough. I would hope that the Senate, in its version of the second supplemental appropriations bill, would provide sufficient funds, and that the House conferees, when the conference eventually occurs to iron out the differences between the House and Senat versions of the bill, would abide by the Senate's increased figure, should such figure be provided.

More money is needed because, very simply, more jobs are needed. The national unemployment rate—thanks to administration policies which actually contemplate an unemployment rate of 4.5 percent rate as acceptable—now exceeds 6 percent.

The rate for teenagers is even grimmer. In the last quarter of 1970, the teenage unemployment rate in poor neighborhoods was 27.8 percent—a jump of over 10 percent from the same period in the preceding year. Among white teenagers, the unemployment rate was 18.8 percent. And among disadvantaged black youth, the figure was a staggering 42.4 percent.

The need for jobs for these youths could not be clearer, just on the basis of the unemployment statistics alone. But in addition, the National League of Cities-U.S. Conference of Mayors has conducted a national survey and determined that there is a total need of 641,639 full-time summer opportunities nationwide—330,973 in the 50 largest cities, and 310,666 in rural and other areas.

For each of these job slots, a Federal expenditure of $481 is needed—a total of $308,628,359. Thus far, the Neighborhood Youth Corps, the prime vehicle for providing these slots, has been funded in the amount of $164 million. In terms of job slots, this means, in New York City alone, a short-fall of 46,000 job opportunities—that is, there will be 46,000 fewer slots than are necessary. In fact, at the present funding level, less than half the job opportunities which New York City needs can be provided.

That is why the $100,000,000 provided in the second supplemental appropriations bill before us today is so critical. Of this amount, $12.8 million will be allocated to summer recreation programs for boys and girls aged 8 to 13. These programs, too, are enormously important. The remaining $87.2 million will provide additional job slots within the Neighborhood Youth Corps program, bringing the total funding for this program up to $252,900,000.

While the bill before us today is therefore a major step in abating the devastating effects of the administration's economic policies, and in mitigating the consequences of these policies, it still fails to provide the complete funding necessary to meet the total job opportunities need. For this end, a total funding of $308,628,359 would be necessary. Thus, while the House Appropriations Committee has responded particularly well in the face of the administration's own inadequate request, hopefully the Senate will act to provide still further funds.

FUNDS FOR HOUSING

It is a commonplace to speak of the dire housing shortage afflicting the Nation. Nevertheless, while repetition of a commonplace may reduce the subject matter to a cliche, it in no way alters the truth of the matter. And the fact is that, despite the ringing statements in prior legislation—for example, in the Housing and Urban Development Act of 1968—about producing massive amounts of decent housing in livable environments, the lack of housing continues.

In my communication to the Subcommittee on the Department of Housing and Urban Development and Independent Offices of the House Appropriations Committee, I detailed the lack of funds for numerous key housing programs. This communication which appears on pages 370–373 of the hearings on the second supplemental appropriation bill, 1971, amplified the figures incorporated in the legislation—H.R. 1115—which I introduced on the first day of the 92d Congress—and subsequently with 25 cosponsors as H.R. 4001 and H.R. 4160—to provide full funding for five key programs: the section 236 rental assistance program, the section 235 homeownership assistance program, the urban renewal program, the model cities program, and the rent supplement program.

For each of these five programs, there is a large gap between the amounts which have been authorized by the Congress and the amounts which have been appropriated—in other words, the gap between rhetoric and reality. For the sections 235 and 236 programs, the gap is $25 million for each. For the rent supplement program, the gap is $113 million; for urban renewal, $1,087,500,000; and for model cities, $836,600,000.

Today's bill is a disaster, so far as closing these gaps is concerned. Not one penny is provided for any of them. An appropriation of $32,900,000 is provided for payments under sections 235 and 236 programs. Of this total, $29.5 million is for section 235, and $3.4 million is for section 236. But—and this is the crucial point—this money is for interest subsidy payments, not for the new contract authority authorized under the Housing and Urban Development Act of 1970. No request was made by the administration for the additional $25 million in new contract authority authorized for each program. No money is provided by the bill before us today.

This is not recognition of the problem of insufficient housing. This is blindness to it. Virtually every major housing organization has gone on record in support of these additional funds, yet no action has been the result. The National Association of Home Builders passed a resolution on January 8 of this year providing:

> Now, therefore, be it resolved that NAHB urge there be appropriated as soon as possible all funds authorized for fiscal year 1971 under the Housing Act of 1970 for sections 235 and 236.

The National League of Cities and the U.S. Conference of Mayors have gone on record urging the same. So, too, has the National Association of Housing and Redevelopment Officials. They are all asking that Congress match rhetoric with reality, that it put the money where its figurative mouth has already been.

Fifty to sixty thousand new units could be started, were this money provided. So far as the bill before us today provides, that is 50,000 to 60,000 units down the drain.

Once again, we must depend upon the Senate to act affirmatively. I am confident that the Senate will do so. I am less confident that the outcome of the House-Senate conference will result in retaining the full $25 million for section 235 and for section 236. That is what we must work to insure.

Section 236, particularly, is of the utmost importance to New York City. Even if the full $25 million is eventually provided in this fiscal year, it would in no way meet the city's needs, since, of course, most of those funds would not be allocated to New York City's Housing and Development Administration or to the New York State agencies. Nevertheless, New York City would receive a portion of the total of $19.5 million in section 236 funds which it needs just for the current fiscal year.

The lack of funds for urban renewal, model cities, and the rent supplement program is also particularly severe. Each of these programs is an integral component of the ostensible Federal effort to provide decent housing, at feasible costs, in decent environments, for all Americans. That effort continues to be inadequate, and today's second supplemental appropriations bill further emphasizes that failure.

FOOD STAMPS

Seven years ago the Congress declared it to be the "policy of the United States to eliminate the paradox of poverty in the midst of plenty." Yet today, millions of Americans still suffer from hunger and malnutrition.

That hunger and undernourishment should exist at all in a society as rich as ours is unconscionable. But what is even less justifiable is the failure of Government to adequately respond to the plight of countless Americans who are dependent upon the Government for aid and relief.

Programs for the eradication of malnutrition must be expanded. The $250,000,000 supplemental appropriation in the bill before us today for the Food Stamp Program is a much needed step in that effort.

But it is with the greatest concern that I note that the Department of Agriculture has proposed new regulations which the Department estimates will eliminate over 340,000 persons from the program, reduce benefits for another 1.75 million persons, and exclude 1.5 to 2 million potential beneficiaries.

These regulations run directly counter to President Nixon's statement on May 6, 1969, that:

> The moment [is] at hand to put an end to hunger in America itself for all time.

The proposed regulations will adversely affect hundreds of thousands of disadvantaged people throughout this Nation, including over 500,000 New York City residents.

The Department of Agriculture has prescribed maximum monthly allowable income standards which set an income eligibility ceiling of $4,320 per year for a family of four. In the passage of Public Law 91–671 the intent of Congress was to provide an income floor, under which no State could go. However, the regulations set an arbitrary income ceiling so that in some States, where public assistance payments are higher than the national average, households will either be excluded from the food stamp program or they will have to pay more than they presently do for food stamps.

The proposed definition of household is so restrictive that, it has been estimated, a million households containing one or more unrelated persons would be ineligible. Most of those are children under 18. Also families in which the parents are united by common-law marriage, in States where this is not recognized, will be excluded from the program.

Further, the proposed regulations would create an administrative nightmare by requiring welfare recipients to be recertified regardless of whether or not they have been previously receiving food stamp benefits.

The Department of Agriculture believes that these proposed regulations will make food stamps available to many families who have not participated before. That is highly desirable. But in no way does that justify removing from the rolls thousands of families which are now receiving benefits which they desperately need. As a Washington Post editorial pointed out on May 6:

> It is fine that more of the poor in some states will now get much needed food, but what about the two to four million whose tables will be stripped clean? What have they done to be ignored so suddenly? Is hunger and malnutrition in New York City, for example, easier on the stomach than in Sunflower County, Mississippi?

It is of the highest national concern that the Department of Agriculture delay the promulgation of these regulations and reconsider their effects. To this end I am calling upon the Secretary of Agriculture to extend to June 16 the time for interested persons to make known their views on these restrictive regulations.

The existence of hunger and malnutrition in this the richest country in the world cannot be tolerated.

FUNDS FOR FIGHTING LEAD-BASED PAINT POISONING

A glaring omission in the bill before us today is the total absence of funds for the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, which was signed into law by the President on January 13 of this year. Hopefully, the Senate will provide funds for this law in its version of the second supplemental appropriations bill.

Yet I cannot be so sanguine as to merely leave the matter at that. The fact that the Senate may act to provide funds is fortunate, to say the least. The fact that the administration has resisted all pressures to request such funds, thereby making it that much more difficult to persuade the Congress to act in the face of the administration's very meaningful silence, is unconscionable.

I do not think it unfair to claim some expertise in this field. I first introduced the legislation, which was enacted into law as the Lead-Based Paint Poisoning Prevention Act, in March of 1969. There then ensued an 18-month-long campaign on my part to get this legislation passed. Hundreds of individuals and groups played an enormously important role; it was very largely their efforts which finally produced congressional action late in the 91st Congress. And it was their efforts which persuaded the President to sign the legislation into law, despite the recommendations of the Department of Health, Education, and Welfare and the Office of Management and Budget to veto it.

On the basis of this long effort I think I can claim to know something about the problem of lead-based paint poisoning. And the facts all point to one conclusion—this is a vicious disease which must be treated and eradicated.

The fact that the policymakers within the Department of Health, Education, and Welfare,—which is designated by the new legislation as the implementing agency to undertake the programs of treatment and eradication—are not prepared to implement the law is unacceptable.

Those officials charged with the responsibility of actually implementing the Lead-Based Paint Poisoning Prevention Act within HEW are cognizant of the need, and do support funding of the program. I have in my possession the formal "Implementation Plan To Carry Out the HEW Responsibilities Under the Lead Paint Poisoning Prevention Act of 1971." In yesterday's CONGRESSIONAL RECORD, I inserted portions of this formal plan, prepared by the Bureau of Community Environment Management, the division within HEW charged with implementing the law by virtue of delegation from the Assistant Secretary of Health, Education, and Welfare on March 5, 1971. That plan states:

> Inaction on this problem would be an economic and human disaster. An estimated 16,000 little children are treated for severe lead poisoning each year at a cost of $1,800—a total of $28,800,000 annually. It is believed that many additional children are affected but are not detected or treated because the symptoms are not specific and the effects are very subtle in developing. One fourth of the infants treated continue to suffer from permanent damage such as visual disorders, impaired digestive and kidney functions, convulsive seizures, decrease in learning ability and mental retardation. Each moderate case of brain damage requires approximately 10 years of special instructions, and other care averaging $1,750 per year—a total of $560,000 for the 3,200 children stricken each year. Cases of severe and permanent mental retardation (800 children each year) require lifetime institutionalization at a cost of $4,000 per year each, or $3,200,000 annually. The economic cost to the Nation for one year's damage for this group of children is $32,560,000. Who among us can price the human misery and suffering involved? The cost of treatment falls on that segment of our population least able to bear the expense. The result is an incredible demand for tax dollars. (Pages 2–3.)

This is the conclusion of the formal plan prepared within the Department of Health, Education, and Welfare to implement the Lead-Based Paint Poisoning Prevention Act. To repeat: "Inaction on this problem would be an economic and human disaster."

The plan also points out, as is well known, that "the problem of lead poisoning is completely controllable with existing technology." And as for the ability to use the funds authorized for fiscal year 1971—$10,000,000 total, of which $8.33 million would be allocated to HEW—the Implementation Plan states:

> Based on the extent of the valid need evidenced to date—based on pilot screening programs already undertaken—the Bureau is convinced that the full funding authorized under the law for 1971 can be effectively utilized in the current fiscal year to carry out the tupes of community programs as outlined above . . . (pages 4–5)

The formal plan—which those with final decisionmaking authority have obviously rejected—makes very clear that the Lead-Based Paint Poisoning Prevention Act should be funded, that is should be implemented. Those with the power have spurned this course.

In doing so, they have not only rejected the formally prepared implementation plan for the act. They have also ignored those employees within the department, organized as the Health Employees for Change, who yesterday issued a strong statement criticizing the administration for its inactivity in helping to fight lead poisoning in children. The Health Employees for Change stated:

> In spite of the Administration's opposition, the lead poisoning bill was passed by Congress and signed without comment by the President, against the recommendations of HEW. Since the signing of the bill, nothing has happened. The President did not mention lead poisoning in his health message, nor was a request presented in the 1972 budget . . .
>
> We again repeat our deep concern at the present inactivity. What is called for is effective action now and not simply discussion about the problem.

The Lead-Based Paint Poisoning Prevention Act lies moribund. However, hopefully, the Senate will provide necessary funds for the program. Certainly, my reception, when I testified before the Senate Appropriations Committee's Subcommittee on Health, Education, and Public Welfare on April 21, has encouraged me that affirmative action will be forthcoming.

At this point I include the text of my testimony on April 21, 1971, before the Senate subcommittee:

STATEMENT OF CONGRESSMAN WILLIAM F. RYAN

Mr. Chairman, I want to thank you and the distinguished members of this subcommittee for the opportunity to appear before you today. Virtually every program involving the health and welfare of the public requires additional funds. But my purpose in testifying here is to talk about one specific group of programs with which I have a particular familiarity, and which is currently lying dormant—not for lack of sufficient funds, but because there are no funds at all for its operation.

These programs were created by the enactment, this past January 14, of the Lead-Based Paint Poisoning Prevention Act, P.L.

91-695. This legislation, which I introduced in its initial form as a package of three bills in March of 1969, creates a multiple-program approach aimed at detecting and treating lead-based paint poisoning, and at eradicating the sources of this disease.

It is estimated that 225,000 urban children between the ages of 1 and 6 are its victims; in New York City alone, some 30,000 children suffer from the disease. The effects of the disease are devastating—mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and even death.

Yet the striking aspect of this disease is that it is preventable. Let me quote from an article by Dr. Jane S. Lin-Fu, Pediatric Consultant, Division of Health Services, Department of Health, Educaton and Welfare, entitled "Childhood Lead Poisoning . . . An Eradicable Disease," which appeared in Children Magazine, January–February 1970, at pages 2–9.

"In the history of modern medicine, few childhood diseases occupy position as unique as lead poisoning. It is a preventable disease. The etiology, pathogenesis, epidemiology, and symptomatology have all been well defined. Methods for screening, diagnosis, and treatment have long been available."

Yet, despite the fact that lead poisoning is preventable, this disease, as Dr. Lin Fu writes, "exists in epidemic proportions in many cities."

The problem lies in the congruence of two factors. The first is a disposition in young children to eat foreign materials. This habit of eating such non-food items as clay, plaster, ashes, starch, paint chips, and so forth is called "pica". The second factor is the presence of lead pigment paint on interior surfaces of many dwellings. These two factors combine to result in young children, most—but not all—living in decaying slum housing, eating the lead-tainted paint and plaster chips which fall from the walls and ceilings of their apartments and hallways and developing lead-based paint poisoning.

Today, throughout the nation, lead-based paint poisoning afflicts thousands of small children. The actual number is impossible to know. Detection centers are very few; the symptomatology is confusing. Some indication may be obtained from various surveys which have been conducted in a few localities. In Cleveland, a survey among 549 children aged 12–35 months living in areas of old, poorly maintained housing disclosed that 28 percent had an abnormal urine that might be indicative of increased exposure to lead; 6.4 percent fulfilled the diagnostic criteria for lead poisoning. In Baltimore, among 604 children aged 7–60 months, 333 had clinical evidence or a history suggestive of increased exposure to lead. Of these 333, 148 had high blood lead levels. In Chicago, a survey of 500 patients from a suspected high incidence area disclosed that 7.9 percent had clinical or laboratory evidence compatible with the diagnosis of lead poisoning.

Putting aside consequences such as brain impairment, and looking at deaths only, we find that the incidence of deaths ran at 25 percent between 1959 and 1963 in Chicago. In Cleveland, the mortality rate for lead poisoning from 1952 through 1958 was 30 percent.

Actually the testimony of the witnesses who appeared last year before the authorizing committees was, I believe, far more persuasive, in terms of statistics and figures, than anything I could add. But I would stress now in the strongest terms, that this is a man-made disease, and it is preventable.

It is because the disease is preventable that it was so encouraging that the Lead-Based Paint Poisoning Prevention Act was enacted into law. Finally, there appeared to be a focused, comprehensive attack on lead-based paint poisoning. And only good could come of such an attack.

Let me very briefly outline the Act. First, the Secretary of Health, Education, and Welfare is authorized to make grants to units of local government to develop and carry out local programs to detect and treat lead-based paint poisoning. For Fiscal year 1971, $3,330,000 is authorized, and for fiscal year 1972 $6,660,000.

Second, the Secretary of Health, Education and Welfare is authorized to make grants to units of general local government for programs to identify those areas that present a high risk to the health of residents because of the presence of lead-based paints and then to develop and carry out elimination programs. For fiscal year 1971, $5 million is authorized, and for fiscal year 1972, $10 million.

Third, the Secretary of Housing and Urban Development is to conduct a research and demonstration program to determine the nature and extent of the lead-based paint poisoning problem, and methods of removing lead-based paints from interior surfaces, porches, and exterior surfaces of residential housing with which children might come into contact. For fiscal year 1971, $1,670,000 is authorized, and for fiscal year 1972, $3,340,000.

Finally, the Act directs the Secretary of Health, Education and Welfare to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government, or with federal assistance.

In sum, the Lead-Based Paint Poisoning Prevention Act authorizes $10 million for the current fiscal year and $20 million for fiscal year 1972. Despite Congress' mandate, by virtue of passage of the Act, to get to work and eradicate this devastating, yet preventable, disease, the Administration has made no request for funds, either for fiscal year 1971 or for fiscal year 1972. I cannot accept this, and I urgently hope that this distinguished Subcommittee agrees with me.

We have already wasted three months, and the end of this fiscal year approaches. Yet there is $10 million authorized for Fiscal Year 1971 which can be used—particularly, the $8,330,000 which is authorized for the grant programs. That money can save children's lives, and I am unwilling to settle for bureaucratic slowness, or even recalcitrance. So, too, are the 48 Members of the House who have joined me in introducing H.R. 1748 and companion bills to provide funding for fiscal year 1971.

The failure of the Administration to request funding for the Lead-Based Paint Poisoning Act is very disturbing. Again, and this may sound redundant, but so be it, it is children's lives I am talking about. And $10 million is really a miniscule amount of money. Let me, for the moment, however, address that issue, for those who might think that $10 million is a significant sum.

If the child victimized by lead-based paint poisoning has encephalopathy—the most acute form of lead poisoning, which results in acute swelling of the brain and extensive damage to brain cells—and sustains brain damage severe enough to require lifetime institutionalization, the total estimated cost is in excess of $200,000. If the damage is less severe and just special schooling is required, the costs will be approximately $17,000. If the diagnosis is made prior to the onset of encephalopathy and if no significant brain damage has yet occurred, the cost is still considerable. Of course, these costs do not take into account the intangible factors of grief and of loss of a productive life.

Now, I do not have any brief for talking in terms of dollars and cents about children's lives. But, even in those callous terms, the figures are clear. Fifty severely impaired children this year, requiring permanent institutionalization, will produce total costs of $10 million—the same amount authorized for this fiscal year by the Lead-Based Paint Poisoning Prevention Act.

And I remind you, there are 30,000 children in New York City alone suffering from the disease. How much saner, how much more compassionate, to spend money now, so we can spare children death, or retardation, or blindness, or cerebral palsy.

I urge you to provide the funds for this fiscal year, 1971. I urge you not to delay. Funds appropriated this month, or even in May or June, could still be distributed in grants to local programs so that children may live and thrive.

Mr. KOCH. Mr. Speaker, I rise in support of the Conte amendment to add $10 million to the supplemental appropriations bill for funding of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.

The problem of alcoholism in this Nation is acute. In New York City alone there are an estimated 300,000 alcoholics, yet the existing treatment network, including private agencies, reaches less than 2 percent of these persons.

The cost of this problem is enormous, in personal, social, and economic terms. An estimated 15 percent to 25 percent of the families on public assistance have alcohol problems which contribute to their dependency. Alcoholics account for nearly one third of the patients in New York City's municipal hospitals and for an even larger portion of the patients in mental institutions and tuberculosis institutions. Alcoholism is a major underlying social cause of heroin addiction and is a bar to effective treatment of many addicts. Since an alcoholic is not a reliable jobholder, the economic costs of this disease, measured in lost wages, lost municipal and Federal taxes, and lost productivity amount to hundreds of millions of dollars.

The city of New York through its Bureau of Alcoholism Service has developed a comprehensive plan for combating alcoholism, but, as Deputy Commissioner Robert Horton stated before a Senate Subcommittee two weeks ago:

> The obstacle to rapid implementation of the City's alcoholism treatment program is lack of funds.

Existing treatment facilities are fragmented and cramped by inadequate funding. Most treatment centers can deliver only a single service, such as detoxification or shelter, and only on a temporary basis. To obtain comprehensive treatment, an alcoholic has to travel to a number of centers.

The City Health Services Administration's plan would end this fragmentation. Six hospital-based treatment centers would be established, each providing a comprehensive range of services: Detoxification, food, shelter, family casework, employment counseling, outpatient care, and inpatient rehabilitation. Treatment would be provided both for those who only require temporary care—detoxification and outpatient care—and for those who require longer inpatient care and rehabilitation.

A number of city hospitals have already been contacted about the program, and two have definitely agreed to establish treatment centers if funds can be found. Several others are quite interested. If this supplemental appropriation is approved, the first treatment center in New York City could open during the summer and the others during the fall. If funding is not approved, the opening of these six centers will be delayed until at least 1972.

As with too many congressional programs, the promises have been large, but the performance small. The 1971 authorization for this program was $70 million, yet the President requested no funds for it, and the House included none in the first supplemental bill. The Senate added $30 million to the first supplemental, but this money was deleted in conference on a technicality. In the second supplemental bill, the President again requested no funds, and none were added by the Appropriations Committee. This much needed legislation has thus been nothing more than words on paper for nearly 5 months. Mr. Conte's amendment is our promise to give substance to those words, and I urge our colleagues to give it their full support.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL COMMISSION ON MATERIALS POLICY

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of title II of the Act of October 26, 1970 (84 Stat. 1234–1235), $50,000.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to present here the explanation which we carry on the items in the chapter on the Department of Agriculture and environmental and consumer protection.

Mr. Chairman, our committee recommends an increase of $1,000,000 for a fund to begin additional research on corn blight now. This recommendation is based on the 1972 budget amendment of $2,000,000 requested in House Document 92–93 received on April 20. The $1,000,000 is made available until expended to be used principally for contracts and grants to qualified research organizations. Corn blight struck much of the corn-producing areas last summer and poses a serious threat to our basic feed supply and the cost of food to the consumer. In the opinion of the committee, this matter should not wait for the final enactment of the 1972 Appropriation Act.

CONSUMER AND MARKETING SERVICE

CONSUMER PROTECTIVE, MARKETING, AND REGULATORY PROGRAMS

The committee recommends $3,379,000, the amount of the request, for the consumer protective, marketing, and regulatory programs. This supplemental is required by the rapid expansion of the Federal poultry inspection program and the passage of the Egg Products Inspection Act—Public Law 91–597. The 1971 appropriation was based on inspection of 12.8 billion pounds of poultry. The current estimate is 14.5 billion pounds.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

The committee recommends an additional $250,000,000, proposed by the Office of Management and Budget, for the food stamp program. This supplemental request will provide a total of $1,670,000,000 for fiscal year 1971 for the food stamp program. The growth of this program as a result of the expanded benefits has far exceeded the original budget estimate of $1,250,000,000. The participation in this program in June 1970 was 6.5 million persons. It is currently estimated that the participation on June 30, 1971, will be 11.5 million. Given this estimate, the committee was informed that the actual requirement for 1971 will be for only an additional $215,000,000. The committee is placing the balance of the request in reserve to be released by the Office of Management and Budget to offset the costs of additional counties whose applications for the food stamp program are in hand. The committee determined that these 147 counties, now operating commodity distribution programs, have requested entry into the food stamp program, as provided by existing law, but so far have been denied participation. Equity determines that these counties be designated for the program.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

The committee is recommending $3,500,000, the supplemental request, to establish a fund for indemnification of beekeepers whose livelihood has been, through no fault of their own, impaired as a result of the use of economic poisons registered and approved for use by the Federal Government. This provision was authorized in the Agricultural Act of 1970, which provides reimbursement upon positive proof and then only for the net losses to beekeepers established on the basis of first cost of replacement bees; second, loss of expected income from honey and beeswax; and, third, loss of expected pollination fees. Claims under this act will cover the period from January 1, 1967.

RELATED AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

OPERATIONS, RESEARCH, AND FACILITIES

The committee recommends an additional $13,000,000, the amount requested for the operations, research, and facilities appropriation of the Environmental Protection Agency. The need for these funds results from the Clean Air Act and the Resource Recovery Act. In addition, funds are provided to initiate programs for control of mercury in our waters and the waste discharge permit program under the Rivers and Harbors Act of 1899.

The committee has serious doubts as to whether the full amount of these funds can be properly used in the 2 months remaining of fiscal year 1971, and is, therefore, making the funds available under conditions which will permit the agency to plan for the use of such funds in fiscal year 1972.

NATIONAL COMMISSION ON MATERIALS POLICY

SALARIES AND EXPENSES

The committee recommends a total of $50,000, in lieu of the request of $85,000, to initially fund the National Commission on Materials Policy, established by title II of the Resources Recovery Act of 1970—Public Law 91–512. The reduction was made due to lateness in the fiscal year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense," $166,400,000.

AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 4, after line 11, insert the following:

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL FUNDS

LOANS TO DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For an additional amount for "Loans to the District of Columbia for capital outlay," $34,178,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund.

DISTRICT OF COLUMBIA FUNDS

CAPITAL OUTLAY

For an additional amount for "Capital outlay," $34,178,000, to remain available until expended.

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOW. It is not germane, and it is not appropriate at this point in the reading of the bill.

We have just read the chapter on military personnel. So I do not see how this is germane.

The CHAIRMAN. Does the gentleman from Connecticut wish to be heard?

Mr. GIAIMO. At the end of that chapter, as chapter III of the legislation, I waited until the Clerk had completed reading the section on the Department of Defense, and there were no amendments to that. I, then, entered my amendment to the next section which is chapter III.

Mr. BOW. I would suggest to the Chair that chapter III is Foreign Operations, and I do not believe this is germane to the chapter on Foreign Operations. It is my understanding that chapter III has not been read as yet.

Mr. GIAIMO. It is my understanding that the point at which to put in legislation which had been deleted by the committee is between chapter II, having to do with Defense, and chapter III dealing with Foreign Operations, and then to renumber the chapters accordingly.

Mr. BOW. Which I submit the gentleman has not placed in his amendment.

Mr. GIAIMO. Mr. Chairman, may I say to the gentleman from Ohio that I have taken this up with the clerk of the committee, and I was so advised.

Mr. YATES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The Chair will state that the Chair is ready to rule on the point of order.

Mr. YATES. Mr. Chairman, I understood there was a point of order raised, and I wanted to argue on the point of order.

The CHAIRMAN. The Chair will state that the gentleman from Connecticut (Mr. GIAIMO) is being heard on the point of order. If the gentleman from Connecticut has completed, that is one thing, but if the gentleman from Connecticut has not completed his statement, then the gentleman can yield.

Mr. GIAIMO. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I just wanted to point out that the report of the committee indicates that funds were requested, which are the subject of the amendment offered by the gentleman from Connecticut (Mr. GIAIMO) and the report of the committee on page 13 indicates that those funds were requested and that the committee struck those and refused to appropriate those funds. Therefore I submit it is perfectly proper for the gentleman from Connecticut (Mr. GIAIMO) to offer his amendment.

Mr. BOW. Mr. Chairman, may I be permitted to make one further observation on my point of order?

The CHAIRMAN. The gentleman from Ohio may proceed.

Mr. BOW. Mr. Chairman, unfortunately, the gentleman from Connecticut did not show us the courtesy of submitting the amendment to us, but it just seems to me that the amendment is not proper at this point.

Mr. GIAIMO. Mr. Chairman, may I be heard on the question of courtesy?

The CHAIRMAN (Mr. ASPINALL). The Chair is ready to rule.

Inasmuch as this is a supplemental appropriation bill and two diverse chapters have been read, and debated, the Chair feels that the amendment inserting a new chapter is in order. The Chair overrules the point of order.

Mr. BOW. Mr. Chairman, if I may be permitted to do so I would ask that the Clerk re-read the amendment?

Mr. YATES. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred forty-one Members are present, a quorum.

Without objection, the Clerk will again read the amendment.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 4, after line 11, insert the following:

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL FUNDS

LOANS TO DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For an additional amount for "Loans to the District of Columbia for capital outlay," $34,178,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund.

DISTRICT OF COLUMBIA FUNDS

CAPITAL OUTLAY

For an additional amount for "Capital outlay," $34,178,000, to remain available until expended.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) was recognized for 5 minutes.

Mr. GIAIMO. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. BOW. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. GIAIMO. Mr. Chairman, let me state at the outset that the gentleman from Ohio made reference to the fact that the amendment was not submitted to them. The gentleman from Ohio (Mr. BOW) knows that this is the same amendment which I introduced in the Appropriations Committee last Thursday. This amendment would restore the funds for the Washington subway which were deleted.

How difficult it is to stand on the floor of this House and try to do something for the District of Columbia which we think is right, particularly in view of the fact that the President of the United States, President Nixon, has wholeheartedly supported this program, and the Secretary of Transportation has wholeheartedly supported this program. And here we are being faced with having to ask for help from the administration and the Republicans, to put their money where their mouth is; and further than that, in fact, to support the subway for the metropolitan area, and to give the District of Columbia the $34 million which it must be given if the subway is to continue.

Now, ladies and gentlemen, we know that for years this subway money has been blocked because of the impasse in the struggle over the highway system. My distinguished chairman, the gentleman from Kentucky (Mr. NATCHER) for whom I have the greatest affection, has consistently said that he is not opposed to the subway and that he wants a balanced transportation system—both subways and highways. So do I—so do I. But the fact is that all the local communities which must pay the one-third share into the subway have paid in their money, with the exception of the District of Columbia. Because of the impasse on the highway system, our committee has seen fit to withhold this money for the District of Columbia. I say this is not right. The people who are fighting about the highways—for the highways and against the highways—have their reasons and both have their remedies. They have taken legal remedies and proper remedies. They are in court. The Three Sisters Bridge is being held up by an injunction. There is another ruling against one of the other roads in the freeway system. The fact of the matter is that we, in the Congress—we who hold so much power—should be above maneuvering, forcing, and trying to blackjack the people into compliance. You have the freeway forces, both pro and anti, fighting out their struggle in the courts and through the Congress. But we voted for a subway. In this very fiscal year, this Congress has voted $180 million for the subway in the Department of Transportation budget. That is the Federal share. In the same budget year that the Congress grants $180 million, it then says on the District of Columbia share—the local share, the $34 million share that we are withholding—Congress says "You are not in compliance with the law on highways."

The 1969 Highway Act—our act, the act of the Congress—compels the District of Columbia to comply with the law, and to comply with the law as it relates to the subway. Yet, we do not give them the money to comply with the law. We can work out the highway problem, but let us not hold the subway hostage. We must not hold the subway hostage.

If the Transit Authority does not get these funds, they are going to have to stop construction which is already under way, as well as planning and new commitments. It has been said that they will not be out of money and that they have $116 million which they have invested. True—they have. But these are the moneys that the other municipalities have paid in. These are moneys which are under commitment for work to be done, but not yet ready to be paid for. In the meantime, this money properly has been invested so that it will draw some revenue to help us reduce the cost of the subway. Let us not hold the subway hostage. The people in the District of Columbia and the people in the surrounding towns want the subway. At this late date for Congress to jeopardize the construction of the subway already authorized and approved by the Congress would be improper and unseemly.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Connecticut (Mr. GIAIMO) may be extended for 5 minutes. I will say parenthetically that I have conferred with some of my colleagues and we feel that since others may want some additional time we ought to give both sides an opportunity to be amply heard.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BOW. Mr. Chairman, reserving the right to object, I did object previously to the gentleman from Connecticut having additional time, but at this time I will not object. My blood pressure has gone down just a little bit. The gentleman from Connecticut is making the usual address on this subject and I am delighted to withdraw my reservation of objection.

Mr. GIAIMO. I am delighted to hear that.

Let me say to the gentleman from Ohio that a little later in the afternoon, I will help you to get it down a little more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. MAHON)?

There was no objection.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) is recognized for 5 minutes.

Mr. GIAIMO. The highway people and the people who are opposed to highways have been going round and round for some years, and I agree with my chairman, the gentleman from Kentucky (Mr. NATCHER), that there have been delays. There have been all kinds of maneuvers and maneuvering. But I think that day is over. I think they realize the deadly seriousness of the situation. Even in those cases where there are court suits pending efforts certainly on the part of the administration and the local District government will be made to stimulate and to speed up resolution of those lawsuits.

If we do not give money to the subway, work is going to come to a stop.

Reference has been made to the fact that this subway, which is a 98-mile system, originally designed to cost $2.5 billion, will now exceed that amount. There is no question about it. They speak of a 5-percent-escalation-per-year cost. Actually the cost is much more than that. It is an average of 7-percent escalation because of inflation. In the last year it was even more than that. But on the average it will be a 7-percent escalation of cost.

Reference is made to the fact that it might cost as much as $4 billion. There is no evidence of that at this date. There is administration evidence to the extent that it has escalated and the cost will be approximately $2.9 billion. We also hear it said that this is the largest single public works project ever undertaken in the United States. I do not know whether that is so or not. I am sure it is one of the largest.

The fact of the matter is that when you compare it to some of the other great projects, such as TVA, the Manhattan project, and others, these were undertaken many, many years ago when dollars were not as inflated as they are now—when an aircraft carrier costs in excess of $1 billion and an SST costs somewhere in the neighborhood of $50 billion.

Reference will be made to the fact that there were well over 80 studies on the highway system, and there were many studies on the highway system and on the various concepts of freeways. But this is over a period of 20 years. Some of these studies even go back to the year 1946.

Now, remember when we first passed Federal highway legislation; in those days when you passed a highway act, you could design your highway, send your bulldozers out, and build your highway through the streets of the cities. But something has happened in the last 5 or 6 years—an awareness and a realization that you can no longer build highways in that manner, that you must have concern for the dislocated needs of the people in the way of the highway, that you must have concern for the congestion that a highway brings into the city and, most importantly of all, a new concept which is very much on us, and which was not on us years ago when we designed and authorized highways, a serious concern for the environment. Mind you, I am not opposed to a balanced highway system—but look at the cities of America.

Take a plane from National Airport, and as you leave this city and look at the smoke settling down on it, remember that the same thing applies to every one of our major cities in this Nation. We need the mass transit. We know it. We have been derelict. Here we are with a mass transit system that has already been authorized, already appropriated for, already under construction, already in the works, and now we are going to hold back the money which will allow it to continue.

As I said earlier, let the various forces who are fighting the freeway and the subway fight, using their legal means, and if they use some maneuverings and other unethical means, so be it. But let us in the Congress be men—and I say that generically with the gentlewomen present—let us be men in Congress and let us take the high road and say, "We are for mass transit. We are for the subway system. We are not going to hold it hostage any longer."

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the last word.

I rise in support of the amendment. It is very interesting, when we stop to think about it, that we are not debating here today the desirability of or the need for a subway system here in the Washington area. That question has already been decided. We have agreed that one is needed. We have spent millions of dollars in studies and surveys. The Congress has recognized the need and has authorized and directed the construction of a subway system.

What we are debating here today, Mr. Chairman, is whether or not we will hold up the Washington Metropolitan Area Transit Authority budget for the fiscal year 1971 and cause a delay, a costly delay resulting both in increased construction costs and increased interest.

Why the delay? What is the reason for the delay being advocated? It is because someone downtown has failed to comply with another act of Congress.

Mr. Chairman, I believe they should be required to comply with the law. As I have already said here, and as the gentleman from Connecticut stated, we should have a balanced transportation system in the area. No one is in disagreement with that. We long ago authorized a balanced system of both highways and rapid transit. But if we use the appropriation of funds for the subway system as a hostage to require compliance with another act of Congress, the net effect of it is we are giving a few people here in the area the choice of deciding whether or not they want either one.

I submit, Mr. Chairman, we must have both freeways and a subway. If we feel we do not need both, then let us change the law. Let us not take the approach that we will let anyone downtown make the decision to abandon a system the Congress, after so many years, has decided is needed for the Nation's Capital.

Mr. Chairman, I submit the delay has gone on long enough. It has been a wasteful and costly delay.

We have been working on this for years and years. The transportation compact I spoke of a moment ago took years to work out, because we had to get the agreement ratified or enacted by the two State legislatures.

I also pointed out that the suburbs have passed bond issues and their local governments have made appropriations amounting to more than $115 million as their share of the subway costs.

This year the budget for the entire system is $376 million, including $180 million Federal grant, $55.8 million Maryland and Virginia contribution, $106.3 million proceeds from sale of revenue bonds, and the $34.2 million District of Columbia contribution this amendment would provide for at this time.

As of May 1, the Authority actually had: $112 million Federal grant; $0 District of Columbia contribution; $56 million Maryland and Virginia contribution; $0 proceeds from revenue bonds; a DOT loan of $57 million. Total from all sources $225 million. The $112 million figure for Federal is based on fact that the Authority cannot use Federal money except to the extent of 2 to 1 local contribution, so the only local contribution that can be matched is that from Maryland and Virginia.

At this time all available funds, including those for prior years, have been obligated or committed.

Under terms of the compact the Authority may not enter into commitments or incur obligations until funds are available. So all local participants are required to make cash payments to the Authority in accordance with an agreed-upon schedule. These funds are available to support the commitments of the Authority.

The compact terms also require any jurisdictions who are delinquent with their contributions to pay interest at a rate of 6 percent per annum, and because of our refusal to free the District of Columbia contribution we are incurring indebtedness on the part of the District to the Washington Metropolitan Area Transit Authority at the rate of $5,600 a day, totaling $1,200,000 so far.

Since all funds currently available are committed, the need for these funds is urgent. Appropriation of the $34 million will permit release of the remaining $68 million in Federal funds, and, since projects scheduled for action already exceed the $102 million, commitment of funds would be made immediately.

Even if we are successful in adoption of this amendment, the Authority will still be $49 million short because the legislation to enable them to sell their bonds has yet to be enacted, and this deficit has been only partly offset by the loan of $57 million made to the Authority by the Department of Transportation recently.

Why should we jeopardize the entire project just because of some disagreement or some misunderstanding between the Congress and the District government on another law, on another act, if it has nothing to do with this subway system?

Why should the other communities, the other States, and the people of the Nation, for that matter, be punished by being denied the use of this rapid rail system in the Nation's Capital simply because someone downtown, someone in the executive branch, possibly, has not done as much as we think he should have done in complying with the law?

There are other ways of making them comply with the law. Holding up these subway funds has not been too effective up to this point.

We tried, in the 1969 Revenue Act for the District of Columbia, to hold up the Federal payment to the District until they complied with the law. At that time they did comply with the law.

In the 1970 Revenue Act we made provision that the Federal payment would be held up until they complied with the Highway Act of 1968. I was advised, when the Congress enacted the Highway Act of 1970, that the District of Columbia was in compliance. Therefore, I agreed, and several other members of the Committee on the District of Columbia agreed, to take out the language in the Revenue Act of 1970, which would have required compliance, or would have denied the Federal payment to the District of Columbia.

I hope, Mr. Chairman, that this amendment will be adopted and that we will get on with the construction of this much needed subway system.

Mr. FAUNTROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

First, I wish to salute the gentleman from Virginia (Mr. BROYHILL) for his honor and his courage in defending the interests of the people in the entire metropolitan area. Certainly I wish to commend his eloquent and persuasive argument to our colleagues on the other side of the aisle.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Connecticut. On behalf of the people of the District of Columbia, I thank him for his courage and intelligence in pressing our cause before this Congress and commending to you the reasons why the $34 million requested by the administration and the District of Columbia government should be added to the second supplemental. It makes absolutely no sense to fund the Federal share of the subway system while withholding, with no logical basis, the District's vote. I agree that it is unconscionable to hold the subway hostage to force freeway construction, and I further agree that delaying the Metro funding will result in added cost escalation which we can ill afford in this community.

I wish to focus on the two other aspects of this question, and I speak with some personal knowledge, because, as many of you know, I was among the first chairmen of the Washington Metropolitan Area Transit Authority.

One argument that has been made in favor of denying the District its share is that the District of Columbia government did not follow the requirements of the Highway Act of 1968 with regard to freeway construction. Mr. Chairman, I submit the fact of the matter is that the District of Columbia government is in compliance with the law of the land regarding the construction of local freeways in the District of Columbia.

The construction of the Three Sisters Bridge actually began in accordance with the wishes of the Congress, although even today it is not clear that the necessary connecting roads will be built in Virginia because of citizen opposition there. Work was halted only under the direction of the U.S. District Court for the District of Columbia. The District of Columbia has moved to comply with court directions, and surely the Congress of the United States would not have the District of Columbia Government act in defiance of that order.

With regard to the other aspects of the freeway system mandated by the Congress in the Highway Act of 1968, construction is underway or being planned or being studied in accordance with the Highway Act of 1970. Nothing more can be required of the District of Columbia government which has proceeded diligently to comply with the law, despite widespread and deeply felt citizen opposition to several roadbuilding projects.

Second, Mr. Chairman, the construction of the subway is essential to the economic and environmental life not only of the District of Columbia but, as the gentleman from Virginia indicated, for the entire metropolitan area. Every year more automobiles clog our streets, polluting more air and destroying the peace and safety of our neighborhoods. It can be clearly demonstrated additional freeway construction only worsens highway congestion because of the additional commuters who are lured by new freeways into abandoning bus service and packing the roads.

One alternative which is clearly indicated is that we must have mass transportation. Certainly not only is it important for environmental reasons but also for economic development.

It is vital to the further economic well-being of the entire metropolitan area. The subway provides the means of concentrating commercial and housing development, thereby eliminating the hazards of urban and suburban sprawl. Some of you may not realize that the subway travels through many of the District's economically depressed and riot ravaged neighborhoods. Subway stations located along 14th Street, Seventh Street, and in the Anacostia area will serve as the magnet for hundreds of millions of dollars of new commercial and residential development. Most of this will be provided by the private sector and will not require Government involvement. Thousands of new jobs will be created and opportunities for minority businessmen will evolve. Equally important is the fact that the new subway will provide inner-city residents with the opportunity to have the means to go where the jobs are—both within the city and in the suburbs. Inner-city residents having no automobile now have no way to get to suburban jobs except through very expensive and slow bus service. Very often even that is not available.

In 1966 the Congress gave overwhelming approval to the interstate compact creating the Washington Metropolitan Area Transit Authority.

And, again, in 1969, Congress indicated its commitment to the economic and environmental health of the region by authorizing Federal and District contributions to finance subway construction. Congress has repeated its commitment time after time by approving over $564 million in Federal funds for this project. This Congress knows the value of this project, and must not let it die.

I hope as you approach your vote on this amendment that you will vote not because it is safe, not because it is politic, not because it is popular and good, but because it is right that we move on with the construction of our subway system.

Mr. GUDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in response to the Delegate from the District of Columbia's statement as to whether it was politic to support this amendment, let me say that it is particularly politic, because by supporting this amendment you are going to save some taxpayers money because the amendment to restore the $34 million which have been requested by the President and the Secretary of the Department of Transportation for the Metro area is a money-saving proposition. If we do not, the cost of the Metro system will escalate, and our commitment is going to cost more and more.

Let me say, first, that it is not a bit unusual for the actual cost of public works projects to exceed earlier estimates. In fact, we right here in Congress have had some very unhappy experiences, notably the Rayburn House Office Building.

Mr. Chairman, let us look at the cost of the Interstate Highway System. It doubled in 16 years, but still Congress went ahead and saw to its construction. What is unusual about the increased estimated cost of the Metro system is that the Washington Metropolitan Area Transit Authority had the forthrightness and courage to publicly disclose the increased costs as soon as they were firmed up.

Mr. Chairman, one of the reasons for the rise in cost has been the reluctance of the Congress to appropriate on schedule the District of Columbia share of the cost of the Metro system. The net effect of congressional refusal to appropriate the moneys was to run up the overall cost of the system because while construction was not progressing, the effects of escalation were progressing at an unprecedented rate.

So when we are looking around for somebody to blame for the increased costs of Metro, let us not overlook ourselves and the rather significant role we have played. I suppose it goes without saying that the question before us today is whether we engage in a little more of the same. If we do, let us recognize fully that it will run up the overall costs of the system still more.

Another element that, of course, took a terrific toll on the Metro financial plan was the effect of inflation on their estimates. When the plan was first devised, WMATA took what was then considered to be a very prudent step cranking in an escalation factor of 5 percent per year compounded. In effect, Mr. Chairman, they included over half a billion dollars simply to cover the cost of time.

At the time the Authority took that action it was virtually impossible to foresee the remarkable changes that would take place in the national economy and, specifically, in the construction industry. The costs of labor and materials escalated by unimaginable proportions. WMATA faced up to this. The most recent estimate now takes into account a 7-percent annual escalation factor which amounts to some $850 million solely for the cost of time. That factor alone accounts for a major portion of the increase which has been mentioned.

Still another fact that went into the new estimates was an extraordinary increase in interest rates. Where the Authority had earlier planned on selling revenue bonds at an average interest rate of about 5 percent, they are now allowing for an average interest rate of about 7 percent.

I submit, Mr. Chairman, that all three of these factors—congressional reluctance, skyrocketing escalation costs and interest rates are factors for which the Washington Metropolitan Area Transit Authority is blameless.

They control neither the Congress nor the state of the national economy.

Mr. Chairman, we are in a position today of again helping to raise the cost of the Metro system by refusing to appropriate moneys in accordance with the law which we passed authorizing the 98-mile system.

Or, we can get on with the job of building the Metro system which the National Capital region so sorely needs. I appeal to my colleagues to make the money available to do just that.

Mr. Chairman, I yield back the balance of my time.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Connecticut (Mr. GIAIMO). I do not profess to be an expert on systems of mass transportation, or even to be an expert in the field of subways, but I have lived in the city of Washington, D.C., off and on, for the past 30 years, ever since first coming down here as a congressional secretary, and I believe that this is a great capital. I think this Congress has a responsibility to do all we can to improve it, and to make it literally a model city and to make it an ideal capital.

Especially if you take a look at Washington this spring you know it has got a lot of mileage on practically any other capital in the world. But we do have some major matters that need attention here, and, as has already been pointed out, one of our important needs is mass transportation.

We have been reading a good deal lately about what has happened, in our ping-pong diplomacy. One of the things that we discovered is that even in Peking they have a subway, and a rather modern one, and a rather clean one. They have had one in Moscow for some time. So, if we are going to try to keep up with the Soviets in our Polaris submarines and in building ballistic missiles, I think we ought to at least try to match them by developing a modern, clean, and attractive subway here in the Capital of the free world.

Since Congress has already decided that we are going to have such a subway here, it seems to me we ought to proceed in that direction as quickly as possible, and without all the delays which have attended the financing of this program since Congress first approved it.

Mr. Chairman, I am not an expert in all of the ins and outs of the operations of the great Committee on Appropriations. And I do have a great deal of admiration for the gentleman from Kentucky; but I must say it has disturbed me greatly to read in the press accounts, whether justified or not that one Member of the Congress is holding up the financing of the subway. This is a decision which surely should not be in the hands of one Member of Congress. It ought to be decided by this body, and by the other body, as a Congress. The gentleman from Connecticut (Mr. GIAIMO) has given us that opportunity here this afternoon. If we want the subway, if we believe there ought to be a subway, then this is the opportunity to indicate our desire that it proceed, and that the funds be made available for it.

As I understand it, the argument is that Congress will not move on the subway unless we get more concrete highways built in the District of Columbia. Well, I know enough about my own district in upstate New York—in Albany, the capital of New York State, and in Schenectady—that we have just about come to the end of the road on the amount of concrete that we can successfully put in metropolitan areas. Today, the people in Washington are not the only ones who are objecting to more interstate highways being built in their backyards. They are objecting in Schenectady and in the town of Guilderland, and in Albany, and I am sure they are objecting in many of your districts, too.

So let us not make the Metro the hostage of more concrete here in the District of Columbia, and certainly let us not make it the hostage of the Three Sisters Bridge. I drive down the George Washington Parkway each morning, and I would hate to see that beautiful Potomac vista damaged by the construction of another bridge. It is bad enough to have that temporary stuff that we have standing up there now, but hopefully, at least it shows they are not yet constructing the bridge anyway.

Not only should that great Potomac vista not disappear in an age of intense interest in our environment, as the gentleman from Connecticut has pointed out, but in addition, beautiful Glover Park will also largely be destroyed if the Three Sisters Bridge is built. You just cannot have a bridge without all kinds of abutments to it, and one of the very beautiful park areas of this city, which I have enjoyed off and on for 30 years, in destined to be damaged if not entirely destroyed if that Three Sisters Bridge goes up.

So let us get on with the Metro, and let us worry about the highways later on.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. CONTE. Mr. Chairman, I want to commend the gentleman from New York, however, I do feel that we need a balanced system. But at the same time we must not use the transit system as a hostage for the highway system.

The gentleman made mention of ping-pong diplomacy. Let me tell you that the ping-pong game that they have been playing with this transit system here in Washington, D.C., makes the ping-pong game that they played in Red China look anemic by contrast.

Mr. STRATTON. The gentleman makes a very good point.

Mr. PEYSER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I was not privileged to be in the House of Representatives at the time you originally enacted this legislation. At the time you were doing that I was working in New York City, a city which is now and has been for a good many years struggling with the problems of mass transportation.

I have seen, as many of you have seen who have visited New York and who are aware of what is happening—the cost of delay in developing an adequate mass transit program within New York City and the cost and the delays in developing the commuter railroad that serves the city. Let us not let the people of Washington suffer as the people of New York City are suffering.

I think today we are simply faced with the problem of continuing a mass transit program and showing the country and the cities in this country who are struggling with mass transit that we here in the Congress are not just talking but that we are doing something about it in our own Capital City.

That is my only message—that we should be a pace setter, when we can be, in this country—and here is an opportunity, in the place where we work—and where many of us live, to put in and to continue a decent mass transit program that you have already authorized.

Mr. Chairman, I really want to support this amendment and urge that we now move on and make this mass transit system a reality.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman.

Mr. McKINNEY. Mr. Chairman, I also rise in support of this amendment.

Mr. Chairman, I realize it is often difficult to bring ourselves to the point of being terribly concerned with the internal problems of the Federal City for, after all, we do have our own districts—in many cases, far away from the District of Columbia. Should we not realize, however, that this city is a reflection of all America, that it is a symbol to all Americans of the Government and majesty of this country.

When the Capitol of the United States is bombed we are appalled and rightfully so, for the symbol of this great Government has been attacked and it is as if all Americans had been attacked. This city has withstood the British, innumerable marches, protestors, and natural catastrophes, and we all earnestly demand its right to survive. In fact, we state it should not have home rule for it is the Federal City and far too important to be entrusted to the local citizenry.

It is time we all realize that it is not the protestors or the local citizens that endanger the city. Washington is in danger of strangling to death on the automobile.

Washington has always been a city of malls and parks and reflecting pools. We become incensed over any intrusion on this beauty; we galvanize to protect them from assault. Are we now going to stand by and allow Washington to become the city of the automobile and air pollution?

As we look back on the decade of the 1960's, I am sure it would be safe to say that it was the era of space. As usual this Nation, when called upon, started from scratch but in a short time surpassed even the greatest expectations of the world's scientists. The will, support, and drive for these accomplishments were nurtured here in this very room.

Now, as we begin this new decade, it is the wish of many of us here to make this the era of ecology—to accomplish a cleaner America, a healthier America, an America which prospers with its people. I think it would be safe to say this Congress is considering a record number of bills and resolutions aimed at cleaning up our environment, geared toward a safer and saner America.

Where should this drive begin? It should—and will—begin here but, as with space, not just in this room but in this city. Today we have the opportunity to choose between concrete and green grass, noxious fumes and cleaner air, congested highways and mass transportation.

Approval of the subway system would be a giant step toward cleaner air, greener grass—beyond the Capitol grounds—and a sane existence for those who live and work around us. We have the opportunity to make our Nation's Capital a showcase in the fight against pollution—the focal point of our Nation's challenge to pollution. How appropriate it would be—for the heart of our government to be at the forefront in the saving of the body we know as the United States.

If we simply look at the proposed highway plan for this city we can clearly see that the greatest danger that Washington has ever faced is coming from the Congress itself. We already are in the position where we cannot move. The entire U.S. Government is at the mercy of some of the worst traffic jams in urban America. We have made it virtually impossible to reach downtown Washington with any ease, resulting in business flowing to the suburbs. The ensuing collapse of the downtown area becomes ever more apparent with each year.

If this is truly the Capital of our Nation, should it not also be the pride of our Nation? Should it not have the best transport system that can be devised? For if we cannot move people in this Federal City, how can we ever expect to solve the transportation problems of this country?

Have you taken a bus ride in this city recently? Have you tried to park in the downtown area? Have you ever tried to catch a plane or train at rush hour?

We are high on monuments but low on transportation.

I implore you to pass this amendment so we can continue with the subway. Let us not bury this beautiful city under more and more concrete and further contaminate its already befouled air with more exhaust fumes.

We must give this city a balanced transportation system. We must give it a way of life which will be a symbol to the rest of our troubled cities. If we fail here, we certainly have no right whatsoever to tell the rest of America what to do. If we fail here we are admitting there may not be a solution to the transportation problems of the cities of this country.

Mr. LONG of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

The Congress is being asked to appropriate more money to finance the District of Columbia subway system. Let us look at the financial record.

When this proposal first came before the House, we were told that a 23-mile rapid-transit system would cost us about $400.6 million.

Four years later we were confronted with a much more ambitious program—a 98-mile system, costing $2½ billion, with the Federal Government financing two-thirds of the project.

Now we find that $2½ billion figure has gone up. On the last day of December the transit authority directors reported that construction costs have increased, and the entire system would probably cost well over $3 billion. I believe the chairman now has figures that indicate the total cost of this program is going to run to probably $5 billion, with the Federal Government paying most of it.

Mr. Chairman, this is just the beginning. There are going to be more readjustments on these figures. I think we are going to find that this subway is a disaster.

Already Governor Mandel of my State has balked at releasing suburban Maryland's share of construction costs. The reality is that no city can plan and construct a subway system, unless the Federal Government pays most of the bill. The city of Seattle is dragging its feet. Los Angeles is dragging its feet. San Francisco has had financial problems with its mass transit system.

But let us take a look at the cities that have subways. New York City has a subway. New York is probably more ideally situated for a subway than Washington because it is a long narrow city where people can get to the local subway easily and go long distances. In contrast, Washington, D.C., is more spread out; most of the people in Washington will be living far from any subway station.

The New York City subway system was built a long time ago at very little cost and that original cost of construction is practically written off. That is the main part of the cost of any subway system. Even with a 30-cent subway fare, New York City cannot take in enough revenue to pay its operating expenses. The subway is operating at a $120 million annual deficit.

Last year Chicago, with a 45-cent fare, had a $28 million operating deficit on its 157-mile system.

Because of the high incidence of violent crime on subways people will be afraid to ride Washington's subways in off hours. Once the subway system is built, you will have problems getting people to ride it. The subway will operate at a deficit just as buses operate at a deficit.

New York City depends on a transit police force of 3,200 men to protect the subway riders on its 237-mile system. Since 1965 that city has been forced to have a policeman on every train and one in every subway station between the hours of 8 p.m. and 4 a.m. Chicago has 204 members of its police force permanently assigned to a transit task force.

The answer to Washington's transportation crisis is better traffic management; a ban on cars in the city to force people to ride the buses; a more efficient bus system; and the movement of a large number of Federal installations to office space outside the District and not to move any more Federal activities into the city. We are trying to put too many angels on the head of a pin.

This is a great waste of taxpayers' money at a time when we have fabulous priorities for military construction, family housing, water pollution control, help for the elderly and the mentally retarded.

As some of my colleagues have pointed out, the D.C. subway system is the biggest public works project in history—bigger than the SST and four times the cost of the Aswan Dam.

We are throwing $5 billion away for Washington, D.C., because a lot of Congressmen and their staffs want to have a little extra convenience. They probably will not use the subway, but they think other people will. Traffic will decrease and congressional employees will be able to drive to the capitol more quickly. They are asking the people in my congressional district and yours to pay for this convenience.

It will cost the people in my district $12 million, about $100 for every family.

I ask them back home what they are going to get out of the Washington, D.C. subway system that is going to be worth that kind of money.

This project will yield little or no benefit to the ordinary person around the country. It is as big a waste as the SST. In fact, I would call it an underground SST, or if you like a little better alliteration, a subterranean SST, or we might call it an ST–SST.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BOW. I shall not take the 5 minutes, Mr. Chairman. I merely wish to say that I am opposed to the Giaimo amendment. I support the committee report and the work done by the subcommittee. It has been well explained. This cannot be said to be one man alone who is holding this up. It is the subcommittee and the full committee who have supported the gentleman who is chairman of that subcommittee. I am looking forward to his address to the House this afternoon. I am sure that those who will hear him will agree with him as we will defeat the Giaimo amendment.

Mr. NATCHER. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. NATCHER. Mr. Chairman, for years now our committee has believed that there is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-by-day growth of traffic the highway program must be carried out along with the present rapid rail transit system that is now under construction.

Our committee recommended to the House in the year 1966 that the necessary money requested be appropriated to start the rapid rail transit system underway and again in the year 1969 our committee recommended to the House that construction money be released in order that the rapid rail transit system might go under construction.

You will note on page 13 of the committee report which is now before this committee that our Committee on Appropriations has not approved at this time the request for $34,178,000 to finance and provide the District of Columbia's share of the current costs of the construction of the rapid rail transit system. The estimates submitted in House document numbered 92–73 will be considered at a later date in connection with any future supplemental or along with the $38,308,000 requested in the regular 1972 budget in anticipation that the current highway-subway impasse will be resolved.

The provisions of the Federal-aid Highway Act of 1970 must be complied with by the District officials before our committee can recommend to the House of Representatives that additional amounts be appropriated to continue construction of the rapid rail transit system. These two acts set forth the law and this law must be complied with by the District of Columbia.

In 1955 the Washington metropolitan area transportation study was started by the highway departments of Maryland, Virginia, and the District of Columbia with the cost of the District of Columbia's share being $561,000. Our committee recommended the appropriation of this amount of money and following a 4-year study the mass transportation survey was completed and forwarded to the President of the United States. This survey involved both mass transit and highways and the most up-to-date information and analysis methods were used. The survey recommended a balanced system of transportation consisting of highways, express buses, and rapid rail transit. The need for a freeway concept involved an all-out beltway and inner loop and connecting radials using part of the comprehensive plan for freeways for the District of Columbia and this concept began in the year 1950 and was included in the survey completed in the year 1959.

There were 13 elements composing the freeway program in the District of Columbia and the freeway projects were set forth on page 971 of the hearings which are now before this committee.

Mr. Chairman, no single element composing the freeway program in the District of Columbia was selected by the Public Works Committee, the District of Columbia Committee, or the Appropriations Committee. The location and all of the projects were selected by the District of Columbia officials and detailed plans were worked out by the Department of Highways and Traffic here in the District of Columbia. Neither the location for the Three Sisters Bridge nor the location of any highway project was selected by any committee of this Congress.

On September 15, 1955, the Commissioner of Public Roads pursuant to the Highway Act distributed urban mileage. In this year of 1955 the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with highway legislation. The freeway projects which are set forth on page 971 together with the number of studies for each project are as follows:

First. North east freeway. By the way, they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

Second. The north central freeway, six studies have been made.

Third. Palisades parkway, six studies.

Fourth. Three Sisters bridge, eight studies.

Fifth. Fourteenth Street Bridge, staff studies.

Sixth. Potomac River freeway, eight studies.

Seventh. South leg, seven studies.

Eighth. North leg, west, seven studies.

Ninth. North leg, central, seven studies.

Tenth. Northeast-north central freeway, eight studies.

Eleventh. North leg, east, six studies.

Twelfth. East leg, six studies.

Thirteenth. Intermediate loop, five studies.

Since the adoption of these projects there have been 82 studies made, at a cost of over $20 million.

You will note, Mr. Chairman, that since these projects were selected, there have been 82 studies made at a cost of over $20 million. For instance, on the Three Sisters bridge we have eight studies and on the Potomac River freeway we have eight studies. When the footdragging began the studies began and this in the main was a system used to stall the freeway program. There were some people back in the beginning who believed that this was the only method to be used in order to force the Congress to approve a rapid rail transit system in our Nation's Capital. All down through the years our committee has been for a rapid rail transit system along with a freeway system. Both systems have been approved by our committee and recommended to Congress for years now and both systems must proceed together.

We began appropriating for our freeways in the year 1958. Over $200 million is now available in Federal and District funds for the District of Columbia's freeway system. We would recommend an appropriation to the House and it would be approved and then we would have more studies, more changes, and more footdragging thereby bringing about the accumulation of the $200 million which is now available.

By virtue of delay and failure to comply with the law set forth in the Highway Acts of 1968 and 1970 the cost of the freeway projects are in some instances more than double the original amount estimated.

In the year 1966 our committee recommended to the House that the rapid rail transit money be appropriated following the action of the National Capital Planning Commission. The Commission approved the freeway program and it appeared at that time that both systems would finally be approved and the freeway-rapid transit impasse solved. Shortly after we recommended the release of rapid transit money the National Capital Planning Commission called another meeting and repudiated its action which brought about the release of rapid transit money. A law suit was immediately filed and the freeway system was again stopped and remained in this category until a final judgment was rendered in February 1968. Certain requirements were set forth in this judgment which had to be complied with by the District of Columbia in order to proceed with the freeway system.

For 10 years, beginning with the year 1958 and extending up to the year 1968, when the final order was entered in the district court, the Committee on Public Works in the House made every effort possible to see that the District of Columbia complied with the action taken on September 15, 1955, when the Commissioner of Public Roads distributed the urban mileage. All down through the years the Public Works Committee has assisted the District of Columbia with its highway program and at all times has made every effort to see that the interests of the District of Columbia were fully protected. After it was clear that the District of Columbia did not intend to construct the freeway program which it had requested and approved, the Public Works Committee decided that in all fairness to the States of Maryland and Virginia, who had relied upon the system agreed upon in the District of Columbia and in the States of Maryland and Virginia, brought forth the provision in the Highway Act of 1968 calling upon the District of Columbia to construct certain projects of the freeway system which the District had approved.

The States of Maryland and Virginia had proceeded on the theory and the understanding that the District of Columbia would construct its projects and these two States then perfected their plans to correspond with the exits and entrances to the District of Columbia. Along about this time the Emergency Committee on the Transportation Crisis was formed. Statements were issued by members of this committee that there would be no more exits or entrances into our Capital City. This committee proceeded to make every effort possible to destroy the freeway system which had been approved and to stop construction on each and every project in the system.

Section 23 of the Federal-Aid Highway Act of 1968 required the District of Columbia to commence work no later than 30 days on four projects, namely:

First. The Three Sisters Bridge.

Second. The Potomac River Freeway.

Third. Center leg of the inner loop.

Fourth. East leg of the inner loop.

This section also required the District and the Secretary of Transportation to study the remainder of the Interstate System and report back to Congress no later than 18 months on the results of the studies. A year went by before the District officials made any effort to comply with these mandates of the Congress and then only because the Revenue Act of 1969 from the Committee on the District of Columbia contained a provision that unless they would indicate by letter from the President that they would comply then there would be no Federal payment to the District of Columbia.

The compliance at that time consisted of starting the Three Sisters Bridge under construction, commencing engineering work on the Potomac River Freeway, continuing construction on the center leg of the inner loop, and advertising and receiving bids on the first section of the east leg of the inner loop. The District of Columbia had 60 days to award a contract on this latter program but refused to do so before a suit had been filed in court. The suit however in no way prevented the District from awarding that contract in those 60 days.

The studies submitted to the Congress by the District of Columbia recommended a route for the extension of the east leg of the inner loop which would have extended right through the National Arboretum and forced a change in the upper end of the east leg which had already been directed by the act. The east leg therefore represented a maze of noncompliance with the 1968 act. The suggestion of going through the National Arboretum was premeditated, of course, and brought about hundreds of letters from fine women throughout this country objecting to extending the freeway system through the National Arboretum. Those who had made up their minds to stop the freeway system in the District of Columbia knew this, of course, and decided that, notwithstanding the fact that such a proposal was fraudulent, it might to some extent place them in a position of being able to say that they were complying with the Highway Act of 1968.

When the Department of Transportation study recommendations came to the Congress they were in complete disagreement with the District of Columbia recommendations and neither the District of Columbia nor the Department of Transportation had even discussed their proposals with the States of Maryland or Virginia. In fact the council of governments which must be consulted on these projects had rejected the District's plan in early 1969.

The 1970 Highway Act in section 129 has simply allowed the District of Columbia 12 months from the enactment of the legislation on December 31, 1970 to further study the East Leg, the North Leg, the North Central Freeway, and the Northeast Freeway. Over 4 months of that 12 month period has elapsed and the District has not as yet begun these studies.

It does not appear that there will ever be compliance with the law until both the District Government and the Department of Transportation are first of all in agreement and secondly move forward aggressively in building this highway system.

The Three Sisters Bridge is a most important part of the freeway system and is being held up by action in the courts. President Nixon in his letter to me of August 12, 1769, stated that he had "directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Council of the District of Columbia to vigorously defend any law suits which may be filed to thwart the continuation of the projects called for by the act." It is impossible to ascertain just who is in charge because there are four sets of legal counsels—the Corporation Counsel of the District of Columbia, the Counsel of the Federal Highway Administration, the Counsel of the Department of Transportation, and finally that of the Attorney General. At this time they are apparently at odds with each other as to how to proceed.

The Attorney General and the Corporation Counsel of the District of Columbia recommended that the decision of the court in the 1969 case be appealed. This decision upheld the 1968 Highway Act by providing that a design hearing must be held. Notwithstanding that this appeal was recommended the Department of Transportation and the District officials refused to appeal the case.

Mr. Chairman, at this point I would like to state that President Nixon has carried out every commitment that he has made concerning the freeway-rapid rail transit impasse and if the District officials and the officials of the Department of Transportation had listened to him, we would no longer have the present rapid rail transit-freeway impasse.

A contract was let for construction of the Three Sisters Bridge and construction started in August of 1969. Prior to the letting of the contract a group of people appeared before the city council. At the time that this matter was under discussion, a general disturbance took place with ashtrays thrown at the members of the city council and with a number of arrests made. Mr. Chairman, you will recall that a subpena was issued and served on me following the arrests of a number of people who for years now have violated every law attempting to stop the freeway system from going under construction and according to the newspapers some of those arrested were demanding that I appear at the time they were to be tried to explain just why it was that the Highway Act of 1968 must be complied with.

You will recall, Mr. Chairman, what transpired at the time I presented the subpena to the House. Of course, the House refused to recognize the subpena and the Highway Acts of 1968 and 1970 are still the law and must be complied with by the District of Columbia officials. Both freeways and rapid transit must proceed together.

During the year that the Three Sisters Bridge was under construction from time to time a group of people appeared on the banks of the Potomac River causing trouble and making every effort to stop the contractor from constructing this bridge. On a number of occasions the District of Columbia police had to be called to maintain order and during the disorders a trailer containing valuable tools and equipment was set on fire and destroyed with the damage amounting to nearly $100,000. Other incidents took place on the river at the bridge construction site which caused the contractor difficulty and made it almost impossible to proceed with bridge construction.

The suit instituted in Federal court in 1969 brought forth an order from the court that a design hearing must be held by the District of Columbia on the Three Sisters Bridge project. The question of the Highway Act of 1968 and its legality was no longer an issue, but the court held that a design hearing must be held before construction could proceed, therefore, the order stopped construction on the Three Sisters Bridge project. In November and December of 1970, design hearings were held and were completed finally on December 16, 1970. Now, some 4 months later, the bridge is still not under construction and nothing has resulted from the design hearings held except the fact that someone suggested that an 81-foot model be constructed to back up the position of the District of Columbia and the Department of Transportation. A contract was let for the 81-foot model and according to my information, Mr. Chairman, several days ago the model while under construction broke and it will require several months before the model will be completed and used. Here again we have nothing but deceit and footdragging, Mr. Chairman.

The District of Columbia today is paying the contractor on the Three Sisters Bridge contract, $500 per day damages. The amount is based on a 30-day month and this totals $15,000 per month. This money has been paid consistently since the bridge job was stopped, and will continue on into the future until construction begins on the Three Sisters Bridge. Mr. Chairman, for some reason you have not read about this in the newspapers or heard it discussed on television or radio. This is very similar to a lot of other things that have transpired during this rapid rail transit impasse.

Today, Mr. Chairman, we have heard quite a bit about the importance of releasing the $34,178,000 and just what will transpire unless this takes place. We have heard very little about the fact that the Washington Metropolitan Area Transit Authority has within the last 3 weeks invested more than $106 million in funds not needed immediately.

Mr. Chairman, at this time we should take a look and see just what position the rapid rail transit system is in from the standpoint of the $2½ billion authorized and the 98-mile system now under construction.

In the year 1963 the bill which was brought to the House authorizing construction of a rapid rail transit system for the city of Washington was recommitted due to the fact that the cost of constructing the system and answers concerning where the money would come from were not answered to the satisfaction of the Members of the House of Representatives thereby the bill was sent back to committee.

In the year 1965 another transportation act was brought to the House and here we had a request for a 25-mile system to cost $431 million, to be constructed entirely within the limits of the District of Columbia. Fifty million dollars of the total amount was to come from the District of Columbia, $100 million from the Federal Government and the balance to be obtained through the issuance of bonds.

No construction was started under the authorization of 1965 and it was not until the Transportation Act of 1969 was enacted that we finally had construction beginning on a rapid rail transit system here in our Nation's Capital. The Transportation Act of 1969 provided for 98 miles at a cost of $2.5 billion; $1,147,044,000 would come from the Federal Government in grants and $216,500,000 would come from the District of Columbia. The seven jurisdictions in Maryland and Virginia would pay $357 million for construction of the 98-mile system and the balance of $835 million would be in bonds to be issued and thereby retired out of funds from the fare box.

Beginning several years ago our committee has maintained that the 98-mile system could not be constructed for $2.5 billion. I believed then and I believe now, Mr. Chairman, that this 98-mile system will cost at least $4 billion and may cost $5 billion. Each year when the officials appeared to testify on construction appropriations we inquired as to whether or not they still maintained that the 98 miles could be constructed for $2.5 billion. Each time the answer was yes.

Since then, Mr. Chairman, during the supplemental hearings last fall the officials of the Washington Metropolitan Area Transit Authority upon being questioned concerning the $2.5 billion figure finally admitted that the 98-mile system could not be constructed for $2.5 billion. They said then that it would cost $480 million more than anticipated to construct the 98-mile system.

About 1 year ago the bankers and the brokers in this country indicated that they would not purchase the $835 million in bonds when issued which were to be retired out of the fare box. They stated that some system to guarantee payment of the bonds must be placed into effect. We have maintained on our committee on appropriations for years that rapid rail transit bonds cannot be retired out of the fare box and this has been the experience of all other communities operating a rapid rail transit system.

A bill is now being prepared Mr. Chairman, which must be brought back to the Congress providing for additional authorization for rapid rail transit construction. The total cost according to the officials of the Washington Metropolitan Area Transit Authority will be $2,980,200,000; $1,147,044,000 will be in grants from the Federal Government. The District of Columbia share of the new bill which will be presented will call for $269,700,000 instead of $216 million. The Virginia jurisdictions must pay under the new bill $204,900,000 instead of $150 million. The Maryland jurisdictions will under the new bill pay $248,900,000 instead of $197 million. Now we come to the question of the issuance of the bonds, Mr. Chairman. Instead of $835 million in bonds we will have $900 million in bonds plus $300 million in bonds, with the $300 million converted to a taxable issue. The Federal Government would guarantee payment of the bonds and this is the provision that the bankers and the brokers in this country are insisting upon.

The rapid rail transit system here in our Nation's Capital is the largest single public works project in the history of the United States of America. The Manhattan project during World War II cost $1 billion. No single public works project in the TVA or in any of our space programs cost anywhere near $2.5 billion or $2,980,200,000.

Mr. Chairman, if you will check you will find that this is the largest single public works project in the history of the world. Even the Aswan Dam project only cost $1,200 million.

The Highway Acts of 1968 and 1970 must be complied with by the District of Columbia officials and both rapid rail transit and the freeway system must proceed together. Further delays and foot-dragging will not be accepted and such action can, if continued endanger completion of the rapid rail transit system.

As I have explained, Mr. Chairman, additional amounts are now to be requested for the rapid rail transit system and Congress will be called upon to approve of legislation which places the Federal Government in a position of guaranteeing payment of rapid rail transit bonds.

Notwithstanding the fact that the $34,178,000 comes as a request in a supplemental appropriations bill does not mean that we will not reconsider appropriating this amount during the hearings on the regular bill for the fiscal year of 1972 for the District of Columbia budget wherein we have a request for $38,308,000 for the regular 1972 fiscal year payment. Our committee on appropriations has been in good faith at all times and we intend to remain in this position. We want to be placed in a position where we can recommend to the House that the $34,178,000 along with the $38,308,000 be appropriated together with all additional amounts necessary to complete construction on the rapid rail transit system. Construction work on the Three Sisters bridge must begin and the provisions set forth under the Highway Acts of 1968 and 1970 must be complied with in full by the District of Columbia.

In order that the committee may have a better understanding of the rapid rail—freeway impasse, I incorporate herewith a portion of the hearings on the second supplemental appropriation bill for the fiscal year 1971 beginning on page 970. That portion of the hearings is as follows:

STATEMENT OF CHAIRMAN NATCHER ON HIGHWAY-SUBWAY IMPASSE

Before we proceed with the witnesses, I have a statement I would like to make regarding the current situation as far as the Highway-subway impasse is concerned.

For years now our committee has believed that there is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day by day growth of traffic, the highway program must be carried out along with the present rapid rail transit system that is now under consideration.

HISTORY OF HIGHWAY PROGRAM

In the year 1948 we had the Washington Metropolitan Area Transportation Study which was made at a cost of $505,000 by the highway departments of Maryland, Virginia, and the District of Columbia. In 1950, we had the Comprehensive Plan for the Nation's Capital by the National Capital Park and Planning Commission. In 1952, we had the Highway Improvement Program by the highway departments of Maryland, Virginia, and the District of Columbia.

In 1955, the Washington Metropolitan Area Transportation Study was made by the highway departments of Maryland, Virginia, and the District of Columbia and the cost was $561,000. I recommended to the Subcommittee on the District of Columbia Budget that the District's share for the Mass Transportation Survey be paid. The 4-year study was completed in 1959 and sent to the President of the United States. This study was designated as the Mass Transportation Survey. This survey involved both mass transit and highways and the most up to date information and analysis methods were used. The survey recommended a balanced system of transportation consisting of highways, express buses, and rapid rail transit. The survey recommended that as a first step the regulation of the existing privately owned bus carriers should be unified and centralized on a regional basis. The need for a freeway concept involving an all-out beltway and inner loop and connecting radials was a part of the comprehensive plan of the National Capital Park and Planning Commission in 1950.

NUMBER OF STUDIES OF FREEWAY PROJECTS

On September 15, 1955, the Commissioner of Public Roads pursuant to the Highway Act distributed urban mileage. In the year 1955 the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with highway legislation. The freeway projects adopted for the District of Columbia were:

1. Northeast Freeway.

By the way, they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

No. 2, the North Central Freeway, six studies have been made.

No. 3, Palisades Parkway, six studies.

No. 4, Three Sisters Bridge, eight studies.

No. 5, 14th Street Bridge, staff studies.

No. 6, Potomac River Freeway, eight studies.

No. 7, south leg, seven studies.

No. 8, north leg, west, seven studies.

No. 9, north leg, central, seven studies.

No. 10, Northeast-North Central Freeway, eight studies.

No. 11, north leg, east, six studies.

No. 12, east leg, six studies.

No. 13, Intermediate Loop, five studies.

Since the adoption of these projects there have been 82 studies made, at a cost of over $20 million.

SELECTION OF ELEMENTS COMPOSING FREEWAY PROGRAM

The 13 elements composing the freeway program were not selected by the Public Works Committee, the District of Columbia Committee, or the Appropriations Subcommittee on the District of Columbia Budget. These projects, which compose the freeway system, were selected by the District officials, the Department of Highways and Traffic, and the Bureau of Public Roads.

The highway programs for the State of Virginia and the State of Maryland since 1955 were planned with the understanding that the approved interstate highway projects in the District of Columbia would be constructed.

Of the $20 million invested in plans and specifications over $10 million of this amount was expended for plans which will never be used.

FUNDS APPROPRIATED FOR FREEWAY SYSTEM

Beginning in the year 1958 we started appropriating funds for the freeway system in the District of Columbia. On December 31, 1965, there was a balance available of $172,200,691 composed of $20,927,305 in District of Columbia funds and $151,273.385 in Federal funds. At the present time we have over $200 million available for the freeway projects. Time after time when funds were appropriated for projects the plans were discarded and filed away.

Beginning in the year 1961 we called attention to the fact that by virtue of the delay and the stalling each of the freeway projects would, when completed. cost considerably more than when approved, and a large portion of the increase was not necessary. The freeway projects will, when completed, cost millions of dollars more by virtue of the delay and the impasse that exists at this time.

In our freeway program for fiscal year 1963 we were to expend $47.8 million and instead, only $35.5 million was expended.

For fiscal year 1964 the sum of $45.4 million was to be expended, and only $25.4 million was expended. For fiscal year 1965 the sum of $69.5 million was to be expended and only $18.3 million was expended. For fiscal year 1966 the sum of $82.4 million was to be expended and during the first 6 months only $8.3 million was expended.

STUDIES OF FREEWAY PROJECTS

Eight studies have been made of the Three Sisters Bridge beginning in 1953 and extending through 1965. The Potomac River Freeway has had eight studies. Beginning in 1950 and extending through 1966 studies were made for this project. From 1952 through 1966 seven studies were made of the south leg and the north leg has been studied seven times. The north central has had seven studies beginning in 1955 and extending through 1966. Eight studies costing thousands of dollars have been made of the Northeast—North Central Freeway from 1946 through 1966. Numerous studies have been made of all of the other projects and in most instances studies were inaugurated and used to stall the projects and were not necessary.

RELEASE OF RAPID TRANSIT MONEY IN 1966

In 1966 our committee recommended that the rapid rail transit money be appropriated following the action of the National Capital Planning Commission. The Commission approved the freeway program and it appeared at that time that both systems would finally be approved and the existing impasse solved. Shortly after we recommended the release of rapid transit money the National Capital Planning Commission called another meeting and repudiated its action which brought about the release of rapid transit money. A lawsuit was immediately filed and this suit stopped the freeway system with a judgment rendered in February 1968.

FEDERAL-AID HIGHWAY ACTS OF 1968 AND 1970

At this time the Public Works Committee of the House brought out the Highway Act of 1968. I insert in the record at this point that portion of the Federal-Aid Highway Act of 1968 pertaining to the District of Columbia.

[Excerpt from Public Law 90–495, pp. 13 and 14]

DISTRICT OF COLUMBIA

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction, shall be undertaken as soon as possible after the date of enactment of this act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (section B1 to B2).

(2) Potomac River Freeway, I–266 (section B2 to B4).

(3) Center Leg of the Inner Loop, I–95 (section A6 to C4), terminating at New York Avenue.

(4) East Leg of the Inner Loop, I–295 (section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection(a) of this section.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under section 106 or 117 of title 23, United States Code, the Commissioner of the District of Columbia may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8–115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of the replacement property.

Mr. NATCHER. The portion of the Federal-Aid Highway Act of 1970 pertaining to the District of Columbia is as follows:

[Excerpt from Public Law 91–605, pp. 18 and 19]

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-Aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (secs. C4.1 to C6),

(2) North Central and Northeast Freeways, I–95 (secs. C7 to C13) and I–70S (secs. C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

MERCHANTS IN FAVOR OF BALANCED TRANSPORTATION SYSTEM

Mr. NATCHER. The Board of Trade, the Chamber of Commerce, and the majority of the merchants in our Capital City are in favor of a balanced system of transportation and have offered at every opportunity to help solve the impasse with which we are confronted. On December 11, 1970, appeared an article in one of our local newspapers entitled "Merchants Push City Freeways." This article is as follows:

[From the Washington Post, Dec. 11, 1970]

MERCHANTS PUSH CITY FREEWAYS—CRITICIZE MAYOR, ASK NIXON'S AID

(By Philip A. McCombs)

Washington's business leaders joined together yesterday to give strong new public support for the entire system of proposed freeways for Washington, including the embattled North Central Freeway.

The businessmen called on President Nixon to bring city officials who are opposed to some freeway projects together with congressional freeway advocates to resolve their long-standing differences.

They blamed the Mayor and the city government for stalling on freeway building here and thus threatening congressional funding of subway money and other city revenue. The Mayor's office had no comment yesterday on the charge.

The businessmen, representing hundreds of business leaders in the District, were convened by Miles L. Colean of the Federal City Council. The Board of Trade, Board of Realtors, the District of Columbia Chamber of Commerce, and Washington Savings & Loan League were also among those represented.

They acted yesterday after it had been learned that a compromise may be reached on Capitol Hill that would delay a congressional order to build the North Central Freeway at least another year.

The businessmen predicted that Washington would "die" economically within a decade unless all the freeways are built, and said innercity residents would be the primary victims.

"We would like the President to do what he did a year ago," Colean said. "That is, call together the people downtown and on the Hill and come to an understanding so that roads can be built and subway funds released."

The businessmen said they support the pending House version of the Highway Act of 1970, which would require construction of the freeways, and a rider placed in the District of Columbia revenue bill November 23 that would withhold $15 million in city revenue until it complies fully with present and pending highway legislation.

Sources on Capitol Hill reported yesterday that a possible compromise on the House bill, now in a joint Senate-House conference committee could stall the construction of North Central for another year while additional studies are made.

President Nixon's support for building the controversial Three Sisters Bridge last year forced the Mayor and City Council to go ahead with the bridge despite widespread community opposition. (Construction has now been suspended by a court order.)

That action also freed money that permitted work to get underway on the city's subway system. Representative William H. Natcher, Democrat, of Kentucky, chairman of the District of Columbia Appropriations Subcommittee had been holding up the funds until the roadwork began.

The House Appropriations Committee, at Natcher's request, is now refusing to grant $34.2 million to continue building the subway system until the city complies with present highway legislation.

The businessmen were all members of the Joint Committee on Transportation which has been actively supporting both subways and freeways for Washington since the mid-1950's. It had not made a public plea for more freeways for some time, however, and had never criticized the Mayor.

Present at yesterday's press conference were Yates Cook, executive vice president of the Federal City Council; Richard E. Steen, Knox Banner, and Robert Gray, officers of Downtown Progress; John W. Gill of the Washington Board of Realtors; Thomas P. McLachen, and Charles Coon of the Metropolitan Washington Board of Trade; Theodore R. Hagans, Jr., vice president of the District of Columbia Chamber of Commerce; Thorton W. Owen of the District of Columbia Savings & Loan League; and John D. Thompson of Vijon Realty Co.

Colean said the group could not be considered a highway lobby. Most of the men talked of a "balanced transportation system," a phrase used by President Nixon when he brought pressure on the District of Columbia government to get started on freeways last year.

Thompson, a housing consultant, prepared a recent study saying that 65 families would be displaced by the proposed North Central Freeway.

He said a freeway plan for the city could only go forward in conjunction with preparation of adequate housing for displaced persons. Others present at the conference agreed.

Thompson said interviews with families who would be displaced by the freeway revealed that they don't mind moving if they can live nearby and if adequate housing is ready.

PRESIDENT'S LETTER

Mr. **NATCHER.** The District of Columbia has not been in compliance with the 1968 Highway Act at any time since passage of the act. From August 1968, until August 1969, the District government's position was simply outright refusal to comply with the act. If the District officials had listened to President Nixon and carried out the advice given to them by the President we would have solved this impasse over freeways and rapid transit many months ago. President Nixon has carried out every commitment that he made concerning this matter. On August 12, 1969, President Nixon directed a letter to me concerning the rapid rail transit-freeway impasse. A copy of this letter is inserted in the record at this point.

THE WHITE HOUSE,
Washington, D.C., August 12, 1969.

Hon. WILLIAM H. NATCHER,
U.S. House of Representatives,
Washington, D.C.

DEAR BILL: Your diligent efforts through the years to insure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees, and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.

The District of Columbia government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the act.

A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your subcommittee will be in a position to approve the $18,737,000 deleted from the supplemental appropriation bill together with the $21,586,000 in the regular appropriation bill for the District of Columbia for fiscal year 1970.

With cordial regards.

Sincerely,

RICHARD NIXON.

NEWSPAPER ARTICLES AND EDITORIALS

Mr. **NATCHER.** The two leading newspapers in the District of Columbia have for years now maintained that we must have a balanced system of transportation for the District of Columbia and that both freeways and a rapid transit system must be constructed. On June 20, 1968, an editorial entitled "Freeway Mandate" appeared in the Evening Star. This editorial is inserted in the record at this point.

[From the Evening Star, June 20, 1968]

FREEWAY MANDATE

(Editorial)

The House Public Works Committee had a choice of two legislative approaches in making good its promise to end the unconscionable stalemate over Washington area freeways.

One possible avenue was to direct the completion of the District's long-delayed freeway program in a bill limited to that single purpose. Instead, the committee has chosen to incorporate this necessary congressional mandate as a part of the national interstate highway legislation, which commands a high priority for passage in this session. That decision was the right one.

For it is amply clear by now that the only hope of reviving the District's deadlocked program rests with Congress. The various Federal and city agencies which should have moved District freeways ahead through normal administrative processes have demonstrated their inability to do so. Indeed, the opponents of urban freeways have thwarted this process by keeping freeway decisions in a state of chaos. By including its mandate in the national highway bill, the House committee has assured that this deplorable situation will finally receive from Congress the attention it deserves. That assurance simply would not have existed in the case of a purely local bill.

Fortunately, the legislation also proposes, on a national basis, liberal expansions of financial assistance to families and businesses displaced by freeways. These provisions are urgently needed. If enacted, they should eliminate one of the major points of freeway contention in the District.

There are reports that the committee's strongly worded directive on the District, requiring that a cohesive freeway system be completed, may encounter difficulty when the bill reaches the Senate. If so, that problem will have to be faced when it arises.

It may not arise at all, however, if the real facts of this controversy are fully clarified in the House. The specific projects which the House bill sanctions are vital to the city. They comprise a modest network of roads, designed simply to complement the region's proposed rail transit system. A certain amount of flexibility as to planning details is required, as the committee no doubt will explain in its report. But there should be no compromise whatever in a firm demand by Congress that the freeway program proceed without further delay.

Mr. NATCHER. On June 21, 1968, an editorial appeared in the Washington Post entitled "D.C. Freeway Network." This editorial is inserted in the record at this point.

[From the Washington Post, June 21, 1968]

D.C. FREEWAY NETWORK

The House Public Works Committee has wisely included the long-stalled District of Columbia freeway projects in its omnibus Federal highways bill. If this legislation is passed, the District will have a mandate to go ahead with its controversial freeway network without further wrangling. At this point many objective observers find it impossible to believe that any law will end the dispute. But there is a powerful argument for Congress to go as far as it can in making the policy decision even if it cannot at this time resolve all the controversial details.

In our view the Potomac Expressway to connect with the George Washington Memorial Parkway on the Maryland side of the river, the North Central Freeway, the Three Sisters Bridge and completion of the inner loops are essential to give this city a modern transportation system. They must, of course, be carefully integrated with the new rapid transit system. Even if rapid transit fulfills the great expectations associated with it, however, this rapidly growing city will need these minimal highway projects to reduce congestion and keep heavy traffic off residential streets.

Especially hopeful is the committee's decision to include in its bill a provision for higher relocation payments for families and businesses to be displaced by the highways. It is not enough to pay a family whose home is taken merely "fair market value" if that is not enough to buy a comparable home in a similar neighborhood and to reimburse the family for the expense and inconvenience of moving. Highways are for the benefit of the entire community. Their construction should not impose a special burden on those who have the misfortune to be living where the road must go.

The condemnation of homes for expressways has caused special hardships in the past because many of the new projects have cut through the slums. In some instances that is unavoidable because of the necessity of linking the inner city with beltways and express radials. But a new concept of the "just compensation" that the Government must pay for such property taken under duress is in order. It should be enough to save the dispossessed family from any real loss and perhaps a little more to assuage injured feelings. Congress has been slow in coming to the acceptance of this principle, and the mammoth highways bill that has now been set into motion through the legislative pipeline should not be passed without it.

Mr. NATCHER. An editorial appeared in the Sunday Star on June 30, 1968, entitled "Congress Must Act."

[From the Sunday Star, June 30, 1968]

CONGRESS MUST ACT

The necessity for Congress to end the ridiculous controversy over Washington freeways by compelling the completion of a moderate, rational highway system has been evident for a long, long time. This week. at last, the House of Representatives will have the opportunity to begin that process. Its Members should not hesitate to do so.

Fortunately, the House Public Works Committee has given assurance that the issue will be faced by inserting a District freeway mandate in the high-priority administration bill—scheduled for debate tomorrow—to extend and broaden Federal aid to highway programs throughout the country.

It is hard to think of a more fitting legislative vehicle, for the national bill contains long-needed reforms, especially in terms of expanded Federal assistance to persons displaced by highways, which have a direct pertinence to the District dispute.

A fight on the House floor nevertheless seems assured, since three committee members already have filed a minority report against the District mandate. It seems to us, however, that their arguments have added nothing new to the tired old tirades of those people who seem to believe that the best way to deal with automobiles is to ignore them.

In its excellent report on the District issue, the Public Works Committee makes certain concessions to freeway opponents, including a relinquishment of District control over Glover-Archbold Park. But it insists that "quite obviously the area within the District of Columbia boundaries cannot be left to eventual isolation from the rest of the Washington Metropolitan Area, the national interest simply will not permit that. Absent action by either the local government or the executive branch, the Congress must act."

That is the sum and substance of the case. The House committee's finding that a reasonable freeway program must proceed, as a necessary complement to a proposed rail transit system, was reached after months of study. We are confident that any other unbiased forum apprised of the facts, would reach an identical conclusion.

Mr. NATCHER. On July 5, 1968, an editorial appeared in the Evening Star entitled "Freeways and Parking."

This editorial is inserted in the record at this point.

[From the Evening Star, July 5, 1968]

FREEWAYS AND PARKING

Votes taken this week in the Senate and the House encourage a hope that the District at last may stand on the verge of progress in two vital areas—freeways and parking.

The 10-year effort to alleviate the acute shortage of parking in the downtown area moved ahead when the Senate included in its highway bill a provision for a public parking authority. The parking agency would be authorized to build fringe parking lots and downtown parking garages that would be sold or leased to private operators.

In the past, the House District Committee has served as a burial ground for all efforts to create such an agency. But the legislative situation now is such that the Senate plan will wind up in conference with the House, thus bypassing Mr. McMillan's District Committee. Thus, there is reasonable ground for hope that it will become law.

Meanwhile, the House has refused to yield on language in its own highway bill which requires that work go forward on key elements of the freeway program. Included among these are the Three Sisters Bridge, the North Central Freeway, the Potomac Freeway, and the entire Inner Loop. Failure to comply with this directive would mean the loss to the District of Federal interstate funds. Some influential House members have also threatened to withhold funds for subway construction unless the go-ahead signal on freeways is forthcoming.

Since there is no such mandatory language in the Senate bill, the freeway dispute will also have to be settled in conference. What the outcome will be is uncertain. We hope, however, that the Senate conferees will not be influenced by the attitude of such Senators as Case of New Jersey, who has irresponsibly attacked the House provision as "another effort to destroy the park system" of Washington.

Representative Kluczynski, chairman of the Public Works Subcommittee on Roads, was right on target when he told his colleagues that "Washington as a living, operating city will cease to exist" without freeways. In our opinion, this cannot be successfully disputed, certainly not by rhetoric of the Case variety. A completed freeway pattern is an essential element of the balanced transportation system planned for this community. The Senate approved provisions in its own bill to ease the impact of freeways on residences and businesses that might be affected. We hope this signifies an intent to deal realistically and forthrightly with a problem which will have calamitous consequences for this city if it is not resolved in the immediate future.

Mr. NATCHER. On July 14, 1968, an editorial appeared in the Sunday Star entitled "Freeway Letter." This editorial is inserted in the record at this point.

[From the Sunday Star, Washington, D.C., July 14, 1968]

FREEWAY LETTER

Mayor Washington and City Council Chairman Hechinger have urged the Senate-House conferees to strike from the highway bill language which would require the District to proceed with the construction of a freeway system. We think the mandatory language should be kept in the bill and that it should be approved by Congress.

With such a directive there is little likelihood that work on the freeways will go forward. And lacking an adequate freeway system, combined with rapid transit, the economic life of this city is bound to stagnate. Those who have succeeded in stalling freeway construction for so long are not so much opposed to particular items in the plan; they are against any new freeway facilities. They will kill the whole thing if they can.

The Washington-Hechinger appeal, embodied last week in letters to the chairmen of the House and Senate Public Works Committees, is ambiguous to say the least. And it is possible, reading between the lines, to construe the letter as indicating that they do not want to move ahead on the freeway program, even if authorized to do so. This is why we believe that the directive, the mandatory language, should stay in the bill.

There is one factor which lends certain urgency to this matter. Representative Natcher, exasperated by the prolonged stalling, has threatened to hold up money for a start on the rapid transit system, and he is in a position to do this. We hope matters will not come to such a pass, but the decision on the transit money must be made by the first of the month.

This means that time is crucial. So why should not the Mayor and Council Chairman give Representative Natcher firm assurance of an intent to proceed with whatever freeway program is authorized? If the mandatory language becomes law, as it probably will, they would have to do this in any event. Why accept a delay which might knock the transit program in the head this year?

Mr. NATCHER. On June 27, 1969, an editorial appeared in the Evening Star entitled "The Transit Impasse." This editorial is inserted in the record at this point.

[From the Evening Star, June 27, 1969]

THE TRANSIT IMPASSE

There is a double responsibility for the tragic, imminent loss of a supplemental appropriation that is urgently needed to start building Washington's subway. The fault rests first with District officials who seem determined to isolate this city from the remainder of the metropolitan community. It rests, in a larger sense, with the Nixon administration, which thus far has been unable to shift the irresponsible position of these Presidentially appointed local officials.

Transportation Secretary John A. Volpe, in a number of earlier comments, had accurately assessed the problem. Congress' willingness to appropriate the transit money, he had said, required the District's agreement to build certain freeway projects—chiefly the Three Sisters Bridge across the Potomac. It was his own view, Volpe had said, that the bridge should be built.

Yet, on Wednesday, Secretary Volpe was "pleased to announce" the city government's "intention to proceed immediately" with a list of six freeway projects which not only omitted the bridge project, but actually curtailed some aspects of an inadequate freeway plan endorsed previously by the City Council.

The response of House-Senate conferees in shelving the crucially needed rapid transit appropriation was immediate—and entirely predictable. What led Secretary Volpe to imagine that the result might be otherwise? His Wednesday statement contains two clues to his thinking.

One was an apparent hope that a willingness on the part of the Mayor and the City Council Chairman to endorse any freeway construction might be construed as a significant concession toward a freeway solution ultimately acceptable to Congress. To this, Volpe added his own pledge to continue to work for a complete solution—including, by inference, a satisfactory resolution of the Three Sisters Bridge argument at some indeterminate future date.

But the fact is that nothing in the long history of this absurd impasse offered the slightest nourishment to these hopes. City Council Chairman Hahn, in particular, has taken every available opportunity to espouse the view that modern freeways are inimical to the District's interests. It is a bit too much to take on faith, in view of these assertions, his willingness now to work earnestly in behalf of any substantial freeway construction. The conciliatory Volpe statement had no sooner been issued on Wednesday, furthermore, when Hahn took pains to emphasize that he and Mayor Washington still reject the bridge project which Congress specifically ordered built in the 1968 Highway Act. If the city government cannot be persuaded to yield to that mandate at this point, when the future of the vital transit program is at stake, it is hard to think of anything that might make it yield later.

Excluding the bridge, moreover, there is an element of phoniness in the assertion of the District's "intention to proceed immediately" with the six freeway segments cited by Secretary Volpe.

One of the six, and possibly two, have been proposed as basic responsibilities of the Interior Department, not the District. Any implication that the city government is in a position to "proceed" to build them immediately is simply not valid. Indeed, there is a further legal question as to whether anyone has the legislative authority at this point to build three of the six projects.

On the assumption that anything involving Congress is theoretically possible, there remains a remote chance that the House of Representatives might overrule its conferees and turn loose the subway construction funds when the appropriation bill reaches the floor for a vote. But that chance, no matter how desirable, is extremely remote unless Secretary Volpe—or President Nixon, who expressed his strong personal concern on Tuesday—moves immediately to unravel this mess.

Our guess is that little more would be required than a firm White House decision to proceed with the Three Sisters Bridge. At this moment, however, it is a botched job all around, with the prospects for a truly viable, balanced transportation system for the Capitol left in greater jeopardy than ever.

Mr. NATCHER. On September 24, 1969, our committee recommended that construction funds to be used placing the rapid rail transit system underway be released. Every assurance had been made that both rapid rail transit and the freeway systems would get underway and construction would be completed on both systems.

Shortly after construction funds were released for rapid rail transit another lawsuit was filed and on August 7, 1970, the district court ordered construction which was underway on Three Sisters Bridge be halted. A contract for over a million dollars for bridge piers was underway—the bridge was under construction. An article appeared in the August 8, 1970, issue of the Washington Post entitled "Bridge Project Halted." A copy of this article is inserted in the record at this point.

[The Washington Post, Aug. 8, 1970]

BRIDGE PROJECT HALTED—COURT ORDERS THREE SISTERS DESIGN HEARING

(By Jack Eisen, Washington Post Staff Writer)

Work on the Three Sisters Bridge must be halted within 20 days, U.S. District Judge John J. Sirica ruled yesterday.

The timetable was contained in an injunction carrying out his decision on Monday that the planning of the controversial Georgetown-to-Arlington span violated some Federal laws and regulations.

The District of Columbia Highway Department may resume work, the injunction said, if and when those legal flaws are cured. There was no official estimate of how long this might take.

PUBLIC HEARING

A major requirement of Sirica's finding is that the city must hold a public hearing on the design of the bridge. Foes of the bridge say they plan to use the hearing to press their campaign to kill the controversial project.

At a court hearing yesterday morning on the terms of the injunction, Assistant Corporation Counsel Thomas C. Bell asked Sirica to let the contractor finish the two bridge piers that were begun last fall. As now planned, they would rise about 20 feet above the Potomac River surface.

Roberts B. Owens, attorney for the Federation of Civic Associations and 22 other plaintiffs, objected. He claimed that would violate the U.S. court of appeals mandate last April that work must be halted if Sirica found it to violate any legal provisions.

Sirica replied that he would provide a 20-day delay of the injunction to let the city carry an appeal on finishing the piers to the higher court. The judge said he hoped his decision of Monday also would be appealed.

Bell said city officials were waiting to learn the terms of Sirica's injunction before deciding whether to appeal the stoppage. He said a decision on an appeal is expected next week.

COST RISE SEEN

The contract for the bridge piers exceeds $1 million. Bell estimated that a 6-month delay would add $384,000 to the bridge cost and a year delay would add $650,000.

Thomas F. Airis, District of Columbia highway director, told a reporter later that this would reimburse the contractor for his expenses at the bridge site and provide for scouring the underwater excavation of gravel and silt if the work is resumed. Normally under the interstate highway program, the Federal Government would pay 90 percent of the costs.

Airis also said some saving would be realized if the court would permit partial construction of the piers, keeping their tops out of sight beneath the river surface.

In signing yesterday's order, Sirica exempted from the 20-day limit any work by the contractor to eliminate hazards created by underwater excavations.

Mr. NATCHER. In the Evening Star of August 4, 1970, there appeared an article entitled "D.C. Aides Indicate They'll Appeal Halt to Three Sisters Span." Notwithstanding the fact that the Corporation Counsel's office and the attorneys in the Department of Justice recommended an appeal, the District officials and the Department of Transportation refused to appeal the case. A copy of this article is inserted in the record at this point.

[The Evening Star, Aug. 4, 1970]

D.C. AIDES INDICATE THEY'LL APPEAL HALT TO THREE SISTERS SPAN

(By Stephen Green and Donald Hirzel, Star Staff Writers)

District officials today indicated they would appeal a U.S. District Court ruling that ordered a halt to construction of the Three Sisters Bridge.

Judge John J. Sirica late yesterday ruled the city has failed to hold adequate public hearings on the design of the span which would cross the Potomac River between Key Bridge and Chain Bridge.

Sirica also ruled no Federal highway funds may be used for preliminary construction work until tests determine whether the design is structurally feasible.

Hubert B. Pair, acting corporation counsel, said he probably will meet with Mayor Walter E. Washington later today to determine what course of action to take.

MAY REQUIRE CHALLENGE

"The best interests of the District may require it to challenge the ruling," Pair said.

Other city officials, anticipating Sirica's ruling privately had said they would move fast to hold the required hearings and then proceed with construction.

Freeway foes immediately hailed the court decision as a major victory in their long battle against more expressways in Washington.

The further delay on the bridge may give more ammunition to pro-freeway congressmen seeking to hold up construction of the area subway system until the freeways are built. It also pushes further into the future the time when Virginia commuters will be able to drive directly into Washington on Interstate route 66 via the Roosevelt and Three Sisters bridges.

DELETED IN 1968

City officials had deleted the bridge and other controversial freeway segments from master plans in late 1968. However, Rep. William H. Natcher, D-Ky., chairman of a House District Appropriations Subcommittee, refused to release subway building funds until the city built the roads that had been ordered by Congress.

Nearly a year ago, the city finally gave in, hoping to obtain the release of subway funds, and put the bridge and other roads back into official plans.

As work began on pier supports for the bridge, freeway foes, after several confrontations with police at the construction site, took to litigation. The U.S. Court of Appeals ordered the lower, District court, to determine whether the federal planning procedures had been followed in the case of the bridge.

Sirica's ruling does not question the legality of the bridge itself, ordered by Congress in the 1968 highway act. But the judge said city and federal officials may have acted too quickly in ordering construction to start in order to obtain the subway money.

MONEY AGAIN BLOCKED

Although subway funds subsequently were released, the subway appropriation for the current fiscal year has been blocked by

Natcher on old grounds that freeway work has not proceeded to his satisfaction.

Sirica said a hearing on the bridge was held in 1964 but that it was only in following years that the plan was completed.

"The court finds that the present design on the bridge is so substantially different from that proposed in 1964 that the public should be given an opportunity to present their views on the project as presently planned," he said.

"Last but not least, the cost of the present project is estimated at $20 million as compared with an estimate of $6 million in 1964," Sirica said.

Mr. NATCHER. In November of 1970 hearings began on the design of the Three Sisters Bridge. An article entitled "November Hearing Set on Three Sisters Bridge" appeared in the Evening Star, and a copy of this article is inserted in the record at this point.

[The Evening Star, Aug. 29, 1970]

NOVEMBER HEARING SET ON THREE SISTERS BRIDGE

(By Stephen Green, Star Staff Writer)

A public hearing on the design of the Three Sisters Bridge will be conducted by the District Highway Department.

The city and Federal Governments will not appeal the U.S. District Court ruling that has suspended construction of the controversial Potomac River span because required design hearings never were held.

Secretary of Transportation John A. Volpe and Mayor Walter E. Washington announced the bridge decision last night in a joint statement nearly a month after the court decision was handed down.

They said the highway department hearing has been scheduled tentatively for November 17 with location and time to be announced later.

The Mayor and Volpe described their decision as the "most expeditious" course of action.

Officials said that by going ahead with hearings now, the city and DOT believe they will show Rep. William N. Natcher, D-Ky., that they are attempting to follow his wishes in building the bridge that is opposed by many individuals and civic groups.

Natcher, chairman of the House District Appropriations subcommittee, for the second year in a row has refused to release subway construction funds until freeway construction in the city proceeds to his satisfaction.

The mayor and Volpe went against the advice of city attorneys and Justice Department lawyers who had argued that the U.S. District Court decision should be appealed to the U.S. Court of Appeals.

Before Natcher agreed to release subway construction funds last year, President Nixon promised him than any court challenges to the freeway system would be defended vigorously.

While bridge and freeway location hearings have been conducted in the past by the City Council, Federal regulations require hearings on the design of portions of the interstate highway system to be conducted by the State highway department.

However, city administration officials indicated they would consider having an independent hearing officer run the hearing, rather than a highway department official.

Mr. NATCHER. After Congress refused to appropriate the $34,178,000 to continue construction on the rapid rail transit system in 1970 the Department of Transportation decided to make a $57 million loan to the Washington Metropolitan Area Transit Authority. An article appeared in the October 19, 1970, Washington Post entitled "Volpe Gambles on Metro Loan." A copy of this article is inserted in the record at this point.

[The Washington Post, Oct. 19, 1970]

VOLPE GAMBLES ON METRO LOAN

(By Jack Eisen, Washington Post staff writer)

Secretary of Transportation John A. Volpe's offer of a $57 million loan may get Washington's Metro subway system off its financial hook.

Or it could impale both Volpe and the Metro on an even more painful hook.

Depending upon who is asked, these are the divergent scenarios sketched by officials involved in the rescue mission engineering by Volpe's aides for the beleaguered Washington Metropolitan Area Transit Authority.

The offer of the 6-month loan was announced by Volpe last Wednesday and accepted unanimously the following day by the Metro board of directors.

People on both sides acknowledge that the loan, generally interpreted as an end run around the congressional refusal to appropriate funds directly, represents a calculated risk while buying time to try to settle the nagging freeway-subway impasse.

The negotiations that led to the loan offer were almost as unusual as the offer itself.

Metro Board Chairman Joseph P. Yeldell, a Democratic member of the Washington City Council, dealt directly with Volpe and his staff, keeping the talks secret even from Jackson Graham, the Metro general manager.

Yeldell has explained to his fellow board members and others that Graham's long service as an Army Corps of Engineers general and his continuing ties with key lawmakers imbued him too closely with the congressional view of political wisdom.

Graham, in fact, was prepared to recommend to the board on Thursday that it approach the Volpe offer with caution, but his opinion was not even sought.

The political risks in the loan scheme were not even discussed by the board until a reporter asked a question and Metro director Carlton R. Sickles, a former Maryland congressman, acknowledged that they existed.

The main risk is that Congress, ever jealous of its prerogatives, will respond to Volpe's end run by stiffening its refusal to grant the funds that are now being withheld from the Metro. It could also bedevil some programs in Volpe's Department of Transportation.

Should this occur, the Transit Authority might find itself in the predicament of owing $57 million plus $1.7 million interest to the Department of Transportation next spring but having no money to repay it. Details of the loan, and the prospects for its renewal, have not yet been disclosed, however.

HOPE FOR CONGRESS AID

Yeldell and others voiced hope that the impasse can be resolved this fall and that Representative William H. Natcher, Democrat, of Kentucky, and his colleagues on the House Appropriations Subcommittee on the District will provide the fiscal transfusion to keep the Metro program healthy.

Meantime, Metro officials said the loan should maintain the Metro schedule for the award of contracts until the end of the year instead of chopping them off at the end of this month. Deputy Mayor Graham W. Watt told his fellow Metro directors that this extension should help assure continued suburban contributions to the system and boost prospects for the sale of $135 million in Metro bonds on the open market next year.

Metro's administrative officials have their doubts, but they are not talking about it in public.

Until now, the Metro's problem has centered upon Natcher's insistence that the city expand its controversial freeway program as the price for continuing to get subway money.

CITES NIXON DIRECTION

If the loan broadens the issue into one over the congressional right to say "no" to an appropriation and make its decision stick, some insiders say Natcher stands only to gain allies among his House colleagues.

Volpe, in announcing the loan plan, stressed that he has sought to resolve the Washington impasse "at the personal direction of President Nixon" and not entirely on his own.

The loan idea was cleared, moreover, with Caspar W. Weinberger, Deputy Director of the White House Office of Management and Budget.

Volpe's aides have said they also checked the loan scheme with key Members of Congress.

Natcher, however, was reported to be angry over the arrangement. The chairman of the full House Appropriation Agriculture Subcommittee, but his influence within the Committee will almost surely still be felt on local matters.

And his likely successor, Representative Robert N. Giaimo (Democrat, Connecticut), has given no sign that he would steer a course that is much different.

Changes on the House Public Works Committee, Appropriations Committee, Rep. George H. Mahon (Democrat, Texas), professed to know nothing about it. Mahon added that he depends upon Natcher for advice on the subject.

Natcher is likely to move from the District of Columbia appropriations chairmanship next year to head the more prestigious which authorizes freeways—and in the case of Washington has insisted upon their construction—could prove more significant, some Metro officials believe.

Two of its leading members with whom Natcher has worked closely will not be around next year: Chairman George H. Fallon (Democrat, Maryland), who was defeated for renomination, and Representative William C. Cramer (Republican, Florida), the ranking minority member, who is retiring from the House to run for the Senate.

These changes, sources said, played an important part in the Nixon administration's decision to grant the loan.

Mr. NATCHER. On February 17, 1971, the Department of Transportation pledged funds for the Washington Metropolitan Area Transit Authority, with an article appearing in the Evening Star entitled "Volpe Pledges Metro Funds." A copy of this article is inserted in the record at this point.

[The Evening Star, Feb. 17, 1971]

VOLPE PLEDGES METRO FUNDS—BROAD PLAN FOR AREA

(By Jack Kneece, Star Staff Writer)

Transportation Secretary John Volpe has proposed a sweeping program of Federal funding and planning assistance to help create an integrated transportation system for the metropolitan area—ranging from expanded pedestrian malls to a new air cushion vehicle.

Volpe, in a speech last night to area government leaders, also said he will give the subway agency a needed financial hypodermic by immediately releasing $68 million in Federal matching funds.

Other Volpe proposals include:

Federal study of "alternatives" to the elevated Whitehurst Freeway, possibly by tunneling under Georgetown, to preserve the community's scenic panorama.

Use of the Dulles limited access route for commuter buses—but not automobiles—serving Reston and other nearby communities. The new air-cushion passenger vehicle would occupy the median strip. At present, only Dulles traffic is allowed on the road.

The first Federal proposal for a regional airport authority to ultimately include Friendship Airport as well as Dulles and National.

Free minibus service downtown—subsidized by the Department of Transportation—on condition that the F Street pedestrian mall be expanded.

An all-out Federal effort to help local jurisdictions devise means of meeting their long-term financial burdens in subway construction.

Award of a $137,000 grant to the Metropolitan Washington Council of Governments to study immediate transportation needs in the area.

Use of abandoned rail lines for mass transit.

Volpe said responsibility ultimately rests with the jurisdictions for meeting their subway obligations. But he said DOT stands ready to provide more short-term assistance in the form of loans similar to the $57 million advanced to the Washington Metropolitan Area Transit Authority last year.

He said he spent much of yesterday telephoning key Congressmen, Senators and the Governors of Maryland and Virginia to explain his hopes for area mass transit.

Senator Thomas F. Eagleton, Democrat, of Missouri, chairman of the Senate District Committee, said he was "pleased" by Volpe's decision to make available the $68 million in subway funds.

"This provides temporary relief to the Metro," Eagleton said. "I hope that the administration will continue its worthwhile efforts to devise an effective solution to the long range financing needs of Metro."

The Treasury Department is holding the $68 million now to be released to match on a 2-to-1 ratio the $34 million in District subway funds that have not been released by the House District Appropriations Subcommittee.

The pace of city freeway construction has been criticized as too slow by the subcommittee chairman, Representative William H. Natcher, Democrat, of Kentucky. He has refused to release the funds for this reason, but the administration expects that he will relent.

WILL PUSH SUBWAY

Volpe said he and President Nixon want the subway system to become a reality. He said DOT is studying every alternative and possible solution to WMATA's current financial dilemma.

He noted that the subway agency has experienced difficulty in marketing $900 million in revenue bonds. He said DOT planners are looking into what can be done on the Federal level, including a possible guarantee of the bonds.

"This subway must be built," Volpe said. He said the alternative to the subway is "strangulation" of the inner city or severe restrictions on the use of automobiles.

He said the air cushion vehicle will be constructed with funds under existing Federal programs as a demonstration project. The space age mass transit vehicle would run on a 13½-mile track on the Dulles access right-of-way to Dolley Madison Boulevard near McLean, Va.

He said linear induction motors—drawing power from buried power sources—will be pollution free, fast, and solid. He said the administration's goal is to have the 150-mile-per-hour vehicles in operation by May 1972 to coincide with the International Transportation Exposition.

Volpe said two or three firms are interested and capable of constructing the demonstration vehicles, which ride inches above a rail on a cushion of air supplied by rotor blades inside funneling devices.

He said this demonstration project might be extended into the District if it proves to be a sound means of mass transit.

Sen. William B. Spong, Jr., D–Va., long an advocate of extending rapid rail transit to Dulles, said he was pleased Volpe had selected the airport for a demonstration of the air cushion vehicles.

But Spong added that unless the experimental train project is alternately extended into downtown Washington with commuter stops en route, Dulles might be better served by an extension of the presently planned Metro system.

Through a consultant, the Metro agency is already studying the feasibility of such an extension, Spong noted.

To preserve the special quality of Georgetown, Volpe said the Department is investigating the possibility of tunneling rather than extending the elevated Whitehurst Freeway.

Volpe led a successful effort to tunnel under New Orleans' historic French Quarter, rather than construct an elevated expressway there.

Volpe said the Department also is investigating the possible use of abandoned rail right-of-way as an immediate means of mass transit. Noting that this is not a new idea, he said it seems to merit another look.

Volpe said the Shirley Highway express bus lane service now underway has proven to be a marked success and is expected to replace about 5,000 cars on the busy corridor by spring.

He said his Department is committed to help provide 90 additional buses for the project.

Volpe's mention of a regional airport authority was the first high-level Federal mention of the Nixon administration's proposal to sell National and Dulles since a one-line teaser item appeared in President Nixon's fiscal 1972 budget.

This time Volpe went further: He suggested that a regional authority might eventually include Baltimore's Friendship Airport, which is not federally owned.

Volpe said the Federal Government would be willing to subsidize free minibus service if the F Street mall were expanded. The D.C. Transit Co. recently applied to discontinue the minibus service on grounds that it is not a paying operation and that the smaller buses are more difficult to maintain.

Mr. Natcher. On March 31, 1971, an article appeared in the Evening Star entitled "U.S. Can't Fund Metro Till D.C. Share Is Freed." A copy of this article is inserted in the record at this point.

[The Evening Star, Mar. 31, 1971]

U.S. Can't Fund Metro Till D.C. Share Is Freed

(By Stephen Green, Star Staff Writer)

Secretary of Transportation John A. Volpe has found he cannot produce $68 million in matching funds for Washington's subway system, in spite of his January statement that the money would be released immediately.

Under Secretary of Transportation James M. Beggs said yesterday the $68 million in Federal matching funds won't be released until Congress gives the District its share of rapid transit money.

In January, Volpe said he would release the $68 million in matching Federal funds immediately, even though the District's share of subway costs, totaling $34.2 million, remained frozen in the House Appropriations Committee.

But yesterday Beggs said none of the $68 million has been released by the Department of Transportation. He added that legally the Washington Metropolitan Area Transit Authority may not have the Federal matching funds until the District's share of subway costs is actually appropriated.

Representative William H. Natcher, Democrat, Kentucky, chairman of the House District Appropriations Subcommittee, has balked at agreeing to the District subway money appropriation because of his dissatisfaction over the state of freeway construction in the city.

Beggs made his comments after meeting for more than an hour with Representative Joel T. Broyhill, Republican, Virginia, who had warned President Nixon that the Appropriations Committee would not release the District subway funds until construction of the Three Sisters Bridge resumes and work begins on other road projects, such as the South Leg Freeway, as required by the 1970 Highway Act.

Mr. Natcher. Hearings on the design of the Three Sisters Bridge were concluded on December 16, 1970. An article appeared in the Washington Post on December 17, 1970, entitled "Hearings End on Design for Bridge."

A copy of this article is as follows:

[The Washington Post, December 17, 1970]

Hearings End on Design for Bridge

The next chapter in the decade long saga of the Three Sisters Bridge project will now be written by D.C. Highway Director Thomas F. Airis and Virginia highway officials.

When 3 days of around-the-clock hearings ended at 3:40 p.m. yesterday, it became their task to sift the testimony of about 130 witnesses. Then they must make recommendations to Federal officials on the design of the disputed Potomac River crossing.

A lopsided majority of the witnesses urged instead that the whole project be dropped.

Many called the hearings illegal because, among other reasons, Mayor Walter E. Washington and members of the City Council did not conduct them in person.

Federal rules on such hearings provide for a direct recommendation by highway departments to the U.S. Department of Transportation's Bureau of Public Roads without requiring clearance from such bodies as the Council or from the mayor.

Airis told a reporter, however, that he plans to clear his recommendations with those officials before transmitting them to Charles E. Hall, the road bureau's District of Columbia division engineer.

Hall was an observer at most of the hearing sessions. The rules provide that a public announcement be made of Hall's recommendation after it is sent to his superiors.

Work on the bridge piers began late in 1969 in compliance with a law requiring the span's construction. Activity was suspended by court order in August until after the just-concluded hearings on the design.

Mr. Natcher. In March of this year Representative Joel T. Broyhill directed a letter to the White House concerning the stalling tactics of the District officials pertaining to construction of Three Sisters Bridge. It developed that in order to continue stalling the construction of the bridge an order was issued directing that an 81-foot model of the proposed bridge be constructed. An article appeared in the Evening Star on March 30, 1971, entitled "White House Orders Talk in Three Sisters Rift." This article is inserted in the record at this point.

[The Evening Star, Mar. 30, 1971]

White House Orders Talk in 3 Sisters Rift

(By Jack Kneece, Star Staff Writer)

The White House has ordered Transportation Undersecretary James M. Beggs to meet with Representative Joel T. Broyhill today to discuss congressional threats to cut off District subway funds if construction is not begun on the Three Sisters Bridge.

Broyhill wrote the White House last week, warning members of the House Appropriations Subcommittee would vote against the subway funds unless construction begins on the controversial bridge.

Broyhill, a Virginia Republican, said he was angered by a noncommittal "thank you for your letter" type reply from the White House. So he wrote a second, sterner letter.

"I warned them I would not put up with a brush-off either," said Broyhill, who was to meet with Beggs at 3 p.m. today.

Broyhill said he convinced the White House that Congress is "dead earnest" about the subway fund threat.

Broyhill said a model of the bridge is being used as the current reason for delaying construction of the bridge—a reason he said is spurious.

"I think the White House has been trying to use this deliberately as a test confrontation with the Congress on the powers of the executive branch versus the Congress," he said.

The 81-foot model of the proposed bridge is being constructed in Skokie, Ill., at the request of the Federal Highway Administration.

An engineer at Howard, Needles, Tammen & Bergendoff, the New York consulting firm which designed the single span bridge, said the model was "not absolutely necessary" but added:

"Perhaps in view of the controversy, it's a good thing we are building one."

Fred H. Sterbenz, project engineer, said the model will be completed in July, when testing designed to determine what stress and load factors the span can bear, will start.

Mr. NATCHER. The Governor of Maryland, along with the State Comptroller, issued statements to the effect that the price for constructing the rapid rail transit system will be closer to $4 billion than $2.9 plus billion. On January 24, 1971, an article appeared in the Evening Star entitled "Subway Funds Hit New Snag." This article is inserted in the record at this point.

[The Evening Star, Jan. 24, 1971]

SUBWAY FUNDS HIT NEW SNAG

(By James B. Rowland, Star Staff Writer)

ANNAPOLIS.—Washington subway builders face another delay in obtaining $10 million from Maryland because of the agency's lack of an acceptable long-range financing plan for the $2.9 billion mass transit system.

The Washington Metropolitan Area Transit Authority's revenue and spending program sent to Gov. Marvin Mandel last week is based on the agency's initial and now outdated cost estimate of $2.5 billion for the 98-mile system due for completion in 1980.

The Maryland Board of Public Works, the State's final authority on the disbursement of construction funds, said here January 6 it would release the $10 million for the subway project only after the board had received the agency's updated plans for meeting building costs. The transit agency last month said inflation and other factors have raised the price to $2.9 billion.

Mandel noted that the State law authorizing the $19 million requires that the board know how the total costs are to be met.

INTENDED FOR TWO COUNTIES

The $10 million State authorization was intended to help Montgomery and Prince Georges Counties meet committed payments of $8.91 million and $6.78 million, respectively. The money was due to WMATA on January 2.

WMATA will not be able to decide on a long-range financing plan for another 4 to 6 weeks at least, a spokesman for the agency said yesterday.

Mandel, chairman of the public works board, said through a spokesman yesterday that the State is bound to its commitment to support mass transit, but that he insists on seeing definitive figures so that the State will not be investing its money blindly.

State Comptroller Louis L. Goldstein, another member of the three-man public works board, said the board cannot act until WMATA financing plans are brought up to date.

INFORMATION NEEDED

"We've got to have that information because otherwise our contribution will be a shot in the dark," Goldstein said.

"It's not the spending of the $10 million now we're so concerned about, but the future. What about the Federal contributions? Are the subdivisions going to end up having to pick up the entire burden?" Mandel said.

"Our sources in Washington tell us the price will be closer to $4 billion than $2.9 billion, and this will require a tremendous amount of money from within the State somewhere," the Governor warned.

Goldstein said the WMATA data sent public works board members last week also does not include a written commitment to pay back the $10 million or suggest a repayment plan. The money is to be handled by the Washington Suburban Transit Commission, the Montgomery-Prince Georges County arm of WMATA.

State and WSTC officials agree the law requires repayment of the $10 million as soon as the State sets up a formal schedule or plan for getting the money back. This is to be done by the Governor and his newly created State Department of Transportation which becomes operative July 1.

Mr. NATCHER. An article quoting Governor Mandel appeared in the Sunday Star of January 31, 1971, entitled "A Way Out of Subway Fund Crisis Proposed." A copy of this article is inserted in the record at this point.

[The Sunday Star, Jan. 31, 1971]

A WAY OUT OF SUBWAY FUND CRISIS PROPOSED

(By Jack Kneece, Star Staff Writer)

Subway agency officials said yesterday it is not too late for Washington to bail itself out of financial difficulties caused by tardy payment of subway construction funds.

But they linked success in erasing the $590,000 in penalties assessed by the area subway agency to fast action by Congress—particularly the House Appropriations Committee.

Funds have been held up in the past by Rep. William H. Natcher, D-Ky., chairman of the Appropriations subcommittee for the District. He has held up subway funds due the District because of dissatisfaction with the progress of certain freeways.

Schuyler Lowe, chief fiscal officer for the Washington Metropolitan Area Transit Authority, explained that by paying in advance, the District could erase all of its late penalties.

He said, specifically, that payment of $34 million by early spring and then $38 million—due WMATA from the District for fiscal year 1972—by August would erase the District's penalties.

Although this sounds like a happy way out of the dilemma, chances are that congressional haggling not only will prevent this but will lead to even more penalties.

$2,000 A DAY

The Transit Authority also has assessed Montgomery and Prince Georges counties a total of more than $72,000 since January 2 for not having produced their latest construction commitment to the $2.98 million subway system.

The late assessments continue to spiral at a rate of more than $2,000 a day in the District and to a lesser extent in the counties.

District City Council Chairman Gilbert Hahn Jr., said yesterday he had been concerned from the beginning about the WMATA clause calling for such penalties.

But he said that from a practical standpoint the Transit Authority could not function without such a clause.

Delmar Ison, WMATA Comptroller, Lowe and Carlton Sickles, Chairman of the Transit Authority explained that the clause is necessary only to insure payment on time like payments on a car by consumers.

They said the subway agency had built into its operating expenses a return of 6 percent on investments of idle funds.

"As you know, sometimes we'll have funds for a year or more before we use them," Sickles said, but, by law, the transit authority cannot award a contract without having the money in hand.

RETURN IS EARMARKED

So the return on its investment of idle funds is earmarked for executive and administrative costs. Therefore, those jurisdictions which pay late are in turn assessed the same 6 percent the authority would have realized had it had the funds in hand.

All insisted that the penalty clause is equitable and vital.

Hahn also pointed out that the authority's full faith and credit would be seriously undermined without this clause in contracts.

The assessment was levied against the District for failure to make its $34.2 million payment due last July 1.

Meanwhile, the Maryland counties said they have held up payment of their subway contribution because the State, in turn, has not made its $10 million loan to them.

The counties said the State must make such a contribution before they can produce their $15.7 million contribution.

Transit officials said it would be even easier for Montgomery and Prince Georges to erase their penalties by paying in advance over the next 2 years in an amount of time equal to their tardiness.

A $10 MILLION SQUABBLE

There also is a behind-the-scenes squabble among the counties, the Governor, and the transit authority over whether the $10 million from the State is a loan or a grant.

"We of course take the position that it is a loan—not a grant," said a spokesman for Maryland Gov. Marvin Mandel. But some highly placed transit officials said the wording in the law clearly terms it a grant.

Mandel also has asked for detailed long-range spending proposals from transit officials before releasing any more State funds. He has said the project's real costs are more like $4 billion than $2.98 billion.

WMATA's long-range spending blueprint will be produced within a month, officials there said.

Montgomery owes $8.9 million and Prince Georges $6.8 million for the total $15.7 million due. They have been assessed for tardy payment due January 2. Montgomery's assessment to date is $40,965 and Prince Georges' is $31,276.

HISTORY OF SUBWAY LEGISLATION

Mr. NATCHER. In 1963 the District of Columbia reported a bill to the House of Representatives which provided for the construction of a rapid rail transit system for the city of Washington. The District of Columbia Committee was unable to answer questions concerning the cost of such a system and this bill was recommitted.

In 1965 the District of Columbia Committee reported out a bill providing for construction of a 25-mile system at a total cost of $431 million; $100 million was to be paid by the Federal Government and $50 million by the District of Columbia. The balance of the cost was to be raised through the sale of bonds.

Before the 25-mile system proceeded under construction, authorizing legislation was enacted by Congress in 1969 which provided for a 98-mile system at a total cost of $2.5 billion. The National Capital Transportation Act of 1965 provided for the 25-mile rapid rail transit system and the National Capital Transportation Act of 1969 authorized a regional transit system at a total cost of $2.5

billion, with $1,447,044,000 to be in Federal grants, $216,500,000 to be the District of Columbia's share, and with the suburban jurisdictions paying $357 million. The balance of $835 million would be raised through revenue bonds issued by the Washington Metropolitan Area Transit Authority.

TOTAL COST OF CONSTRUCTING SUBWAY

For several years now our committee has not believed that the 98-mile rapid rail transit system could be constructed for $2.5 billion and each year since the system was authorized has questioned the officials as to whether or not they were still of the opinion that $2.5 billion would construct such a system. In addition, our committee has maintained all down through the years that bonds issued could not be retired out of the fare box. The rapid rail transit systems in this country have never been able to retire bonds out of the fare box.

On November 24, 1970, at the time the supplemental appropriation bill for fiscal year 1971 was before our committee, we questioned the officials of the Washington Metropolitan Area Transit Authority concerning the $2.5 billion cost of the 98-mile system. We pointed out to the officials of the Authority that we had never believed that the 98 miles could be constructed for $2.5 billion and inquired as to whether or not the officials were still of the opinion that the system could be constructed for this amount. The officials stated for the first time that the 98 miles could not be constructed for the $2.5 billion and that the cost would be substantially higher than the $2.5 billion authorized. When the question was raised as to whether or not the figure would be nearer $4 billion than the $2.5 billion authorized the officials stated in part as follows:

General Graham. I do not think anyone has that answer, Mr. Chairman. At the time we put these figures together in late 1967, we were assuming a 5-percent rate of construction escalation compounded per year, and allowed several hundred million dollars for that. We were assuming an interest rate at that time of 5 percent for our revenue bonds.

Putting it all together, it came out to $2.5 billion.

We could not foresee at that time that construction costs would go up in this inflationary spiral, largely due to the wage agreements that were not for just 1 year but extending into the future for 2 or 3 years. We could not foresee the rise in the interest rate.

It appears now that this new capital cost will be some few hundreds of millions of dollars in excess of the $2.5 billion estimate.

The two big things are the inflation of construction costs and the continued high interest rates.

I think we are a long way from being able to say that someday this may cost $4 billion. I hope that the administration and the Congress can get the rate of escalation under control so we never go anywhere near that figure.

That portion of the hearings on the supplemental appropriation bill for fiscal year 1971 pertaining to the cost of the rapid rail transit system is made a part of the record at this point.

EXCERPT FROM HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, ON SUPPLEMENTAL APPROPRIATIONS, 1971, ON NOVEMBER 24, 1970, PAGES 1169–1173

TROUBLE WITH FINANCIAL PLAN

Because of the uncertainties with regard to our funding, the initial sale of revenue bonds next year has been seriously jeopardized. In fact, we may find it impossible to issue bonds without additional Federal support. We are now exploring this matter further with our financial advisers.

So, it is my painful lot to tell you today, Mr. Chairman, that we are in trouble with our financial plan because of the delays which have beset the transit program.

Our construction and financial schedules are stretched to the breaking point. The off-again, on again appropriation experience has not been going unobserved. Consequently, potential contractors are not sharpening their pencils as they develop their bids. We are not able to access the effects upon the ultimate system cost at this time.

We are hopeful that the situation will improve, but we cannot stand any further strain.

Therefore, we are once more before this committee to seek assistance at this most critical milestone along a very rocky road on the way to the transit objective. On each previous occasion when the chips were down, this committee has been there with the encouragement and support essential to continued progress. We ask your help once again.

We recognize that strongly held and divergent positions have prevented timely decisions on certain highway projects. We are hopeful that these positions are on the way of being reconciled. But while they are being reconciled, Mr. Chairman, collapse of many years of transit planning can serve no useful purpose. While the cost of rapid transit for the Nation's Capital is high, and with delays encountered may become higher, the cost of letting the program go down the drain is incalculable.

In our effort to accomplish a program toward which the Congress and four Presidents have joined hands, I plead for a solution to emerge. We all seek a balanced transportation system for the National Capital area. In that common purpose, there is no profit or reason in the sacrifice of one element for the other.

At this point, we are ready to respond to your questions and, if desired, to show the committee a series of maps and exhibits, previously shown, but which may be of assistance in visualizing the program which you have under consideration.

Thank you.

HISTORY OF BALANCED TRANSPORTATION SYSTEM

Mr. Natcher. General Graham, as you know, since 1955 this committee has been considering matters pertaining to a balanced transportation system for the District of Columbia. I recall as a member of this subcommittee I made the recommendations in the year 1955 to pay the District's share of the survey costs which brought about the mass transportation survey that was presented to the President in the year 1959. That survey, General Graham, as you probably know, recommended a balanced system of transportation consisting of freeways, rapid transit, and a change in the bus operation here in the District of Columbia.

Beginning in 1955 and coming on down to the year 1964 when they first brought to the House a bill providing for rapid transit which, as you know, was recommitted due to the fact that the cost and overall program for rapid transit was not explained to the House in such a manner that the House would accept it.

Then we had the bobtailed system that took place in 1965 which provided for a $431 million cost for a 25-mile system, with $100 million to be paid by the Federal Government, $50 million by the District of Columbia, and the balance in bonds.

OVERALL COST OF RAPID TRANSIT SYSTEM

Beginning at that time, General Graham, on this committee a number of us have inquired from time to time as to the overall cost of the rapid transit system. I know as well as you do that the act passed in 1969 provided for a 97-mile system at a cost of $2.5 billion.

I have inquired of you and others each time that you have appeared before our committee and, General Graham, even before you took over as the General Manager of the Authority, as to whether or not you people still maintain that a 97-mile subway system for the District of Columbia and the Metropolitan Area can be constructed for $2.5 billion, not just this year, but last year, the year before, and on back beyond that time. I never have believed that you could build this rapid transit system for $2.5 billion and have said so each year.

General Graham, do you still say to this committee that $2.5 billion will construct the 97-mile rapid transit system that you have in mind and the one authorized in 1969 by the Congress?

OVERALL COST TO EXCEED $2.5 BILLION

General Graham. I think for the first time, Mr. Chairman, I can indicate that it is going to cost more, because for several months we have been engaged in new capital cost studies and new net income analysis studies which will pin down the various components of the cost. We are about to culminate the studies and about to give the results to our board of directors and get their help in putting together a new financial program.

I cannot tell you at this time what the new capital costs will be, but it appears that it will be substantially higher than the $2.5 billion of costs.

Mr. Natcher. General Graham, I consider you one of the best engineers in this country. I do not say that to make you feel good. And I like you personally. I say that to you frankly. I like the way you operate down there. I mean that.

As you well know, just as one member of this subcommittee and certainly a member who has no engineering experience or background, I have maintained from the very beginning that you would never construct the 97-mile system for $2.5 billion. I maintained it long before the act of 1969 was enacted by the Congress.

As you will recall, each year, in all fairness to the Appropriations Committee and to the House and to the other body, I thought we should talk to you about the cost. I have never believed you would do it. That is the reason I have inquired about it.

General, as you well know, my opinion has been mostly a guessing opinion, because I have no experience as far as engineering is concerned.

ESTIMATED OVERALL COST OF SYSTEM

General, in all fairness to this committee and to the Congress and to the District of Columbia, won't this system come nearer $4 billion than it will $2.5 billion?

General Graham. I do not think anyone has that answer, Mr. Chairman. At the time we put these figures together in late 1967, we were assuming a 5-percent rate of construction escalation compounded per year, and allowed several hundred million dollars for that. We were assuming an interest rate at that time of 5 percent for our revenue bonds.

Putting it all together, it came out to $2.5 billion.

We could not foresee at that time that construction costs would go up in this inflationary spiral, largely due to the wage agreements that were not for just 1 year but extending into the future for 2 or 3 years. We could not foresee the rise in the interest rate.

It appears now that this new capital cost will be some few hundreds of millions of dollars in excess of the $2.5 billion estimate.

The two big things are the inflation of construction costs and the continued high interest rates.

I think we are a long ways from being able to say that some day this may cost $4 billion. I hope that the administration and the Congress can get the rate of escalation under control so we never go anywhere near that figure.

Mr. Natcher. Assuming that the costs will exceed $2.5 billion, it would have to be reauthorized. You would have to come back to the Congress.

General **Graham**. We would have to have more legislation.

Mr. **Natcher**. You, of course, have had a lot of experience with the Corps of Engineers, and you have had engineering experience all down through the years. Would it be a fair statement to say that the rapid transit system in the metropolitan area of Washington would be the largest single public works project in the history of the United States of America?

General **Graham**. It is going to be one of the largest, Mr. Chairman. I am not sure.

Mr. **Natcher**. You have had much more experience than I have. On the record, name one that cost more in the history of this country.

General **Graham**. If we are thinking in terms of a program that is also a project—I think in terms of the TVA, for example. Perhaps the Columbia River program of the Corps of Engineers.

Mr. **Natcher**. A little over $800 million as a start, General. Is that not about right?

What about the Manhattan project during World War II? Wasn't that a billion dollars?

General **Graham**. Yes, sir it was a billion dollars.

I suppose that billion dollars today is about $2.5 billion. I have not refreshed myself on that. I am not sure about some of the public works projects for NASA, for example, Cape Kennedy. It may well be that there is a public works project that is in the same ball park as the Metro system here.

Mr. **Natcher**. I am just wondering if a single public works project in the history of this country has cost more. I may be wrong about this. Let me say to you, I cannot name a one.

I am very much concerned about the cost of this rapid transit system. When you come back, after doing a good job of planning a rapid rail transit system, and say to the Congress that it will require $800 million more or $1.2 billion more or $1.4 billion more, and at the time you come back to make that request, the economy in this country will have leveled off, the war in Vietnam will have been brought to a close, it will be a right difficult matter to say to the Congress of the United States, with all of the domestic demands that we will have before the Congress pertaining to housing, education, health, pollution, and other matters, that it will require several billion dollars or hundreds of millions of dollars more to complete this rapid rail transit system.

I believe you will agree with me that from the very start and, as I said a while ago, long before the time that the Washington Metropolitan Area Transit Authority was authorized and put into operation, I have never believed you could do it.

It is not because you are not a fine engineer. If it could be done, you would do it. I believe that. But you cannot do it for $2.5 billion under the circumstances that you have confronting you, considering where you are building it, the location, number of miles, stations and equipment.

I am very much concerned about it.

I want you to know that I am for rapid rail transit and a balanced system of transportation consisting of the freeway program, the rapid rail transit system, and any changes they want to make in the bus operation here in the Capital City.

POSSIBLE REDUCTION IN MILEAGE OF SYSTEM

General, I hope that this matter can be resolved. I know you do, and all of your people and associates do, because when you come back for more money, unless there is a change in the overall situation as I see it today, we may end up with about a 45- or 46-mile rapid transit system, not 97 miles.

If the Congress should simply say with all of the demands that are confronting the American people, we are not going to carry this amount up any more at this time, then we would have to cut it back.

I am hoping that we can resolve this problem and move it on and build this system.

This is a serious matter, and one that it will be right hard to take back to the Congress. I would like to have it all settled. It is a serious mistake for anyone to try to block a balanced transportation system.

I could have blocked it in 1955.

General, is there anything else by way of a general statement concerning the amount requested?

General **Graham**. No, sir.

Mr. **Natcher**. Mr. Giaimo?

Mr. **Giaimo**. No questions.

Mr. **Natcher**. Mr. Patten?

Mr. **Patten**. No questions.

Mr. **Natcher**. Mr. Riegle?

Mr. **Riegele**. No questions.

Mr. **Natcher**. General, thank you very much for appearing before our committee.

Let me say to you again, I am going to travel the road with you. We are going to solve this matter.

General **Graham**. That sounds great.

Mr. **Natcher**. I say that to you frankly.

You gentlemen come back to see us. It is a pleasure to see you any time.

PROPOSED REAUTHORIZATION AND GUARANTEE OF BONDS

Mr. **Natcher**. Several months ago the officials of the Washington Metropolitan Area Transit Authority announced that the bonds could not be sold due to the fact that the bankers and brokers in this country would not buy these bonds unless some guarantee was given that the bonds would be retired when they became due. The bankers and the brokers in this country know that bonds such as the rapid rail transit system bonds cannot be retired out of the fare box; therefore, a proposal is now underway to reauthorize the rapid rail transit system providing for additional costs for the 98-mile system and further providing for a guarantee by the Federal Government of the bonds to be issued. Since the overall cost of the 98-mile system exceeds the original authorization, the rapid rail transit system must now be reauthorized and the question of the additional cost of the system and the guarantee of the bonds by the Federal Government must be approved by the Congress.

MAINTENANCE AND REPAIR OF CITY STREETS

The budget for fiscal year 1971 for the District of Columbia requested $3,495,000 for street improvements and extensions. The overall request for the Department of Highways and Traffic for capital outlay projects totaled $12,149,000. This budget for the 6th consecutive year was out of balance. Our committee could not appropriate the $3,495,000 requested for street improvements and extensions, due to the fact that there was no available money for this purpose. A portion of the report accompanying the District of Columbia Appropriation Bill for fiscal year 1971 is inserted in the record at this point.

HIGHER EDUCATION

Federal City College:		
Improvements to temprorary facilities	$330,000	$330,000
Furniture and equipment for all temporary facilities	2,422,000	1,200,000
Renovations to newly leased facilities	2,948,000	
Total, Federal City College	5,700,000	1,530,000
Washington Technical Institute:		
Improvements Van Ness Campus	1,680,000	1,075,000
Newly leased facilities for oceanographic studies, environmental sciences (Navy Yard)	352,000	352,000
Total, Washington Technical Institute	2,032,000	1,427,000
D.C. Teachers College:		
Attic renovations, Wilson and Miner Buildings	665,500	665,000
Two demountable classroom facilities	82,500	82,500
Classroom air-conditioning various District of Columbia Teachers College facilities	308,000	308,000
Lighting of parking lot and related facilities, District of Columbia Teachers	16,500	16,500
Library and related facility carpeting and sound proofing	57,200	57,200
Temporary gymnasium facility	880,000	
Total, District of Columbia Teachers College	2,009,700	1,129,700
Total, higher education	9,741,700	4,086,700
Washington Metropolitan Area Transit Authority (Subway)	34,178,000	

DEPARTMENT OF HIGHWAYS AND TRAFFIC

Street improvements and extensions	3,495,000	
Highway planning, programming and research	400,000	
Central Potomac River Bridge crossing (the Three Sisters Bridge)	500,000	500,000
Potomac River freeway	3,000,000	
Benning Road pedestrian overpass	25,000	
Cover on Federal aid streets	586,000	
Heater on Federal aid streets	408,000	
Pavement markings, islands, signs and signals	120,000	
Center leg-Inner Loop freeway	720,000	
Chain Bridge	$114,000	
Southern Ave., SE., East Capitol St. to South Capitol St	440,000	
Channelization on Federal aid streets	60,000	
Northbound 14th St. Bridge-deck repair	30,000	
Safety improvements and realignment of intersections	250,000	
Massachusetts Ave., 17th St., NE., to First St., NW	50,000	
Operations control center	95,000	
Highway beautification	50,000	
Traffic operations program to improve capacity and safety	600,000	
Anacostia Freeway-Kenilworth Ave., safety improvements	130,000	
Minnesota Ave., NE, Sheriff Rd to Eastern Ave	70,000	
11th St., NW., Irving St. to Monroe St. and Vermont Ave. to Florida Ave	230,000	
Street lighting and communications extensions	776,000	$776,000
Total, Department of Highways and Traffic	12,149,000	1,276,000

DEPARTMENT OF SANITARY ENGINEERING

General fund:		
Advance of paving and drainage complaints	1,200,000	1,200,000
Permanent improvements to existing buildings	100,000	100,000
Georgetown West relief storm sewer	600,000	600,000
Capitol Hill relief, storm sewer	4,000,000	2,000,000
Northeast boundary relief, storm sewer	3,000,000	1,500,000
Separation of combined system area, separation of sanitary and storm flows	1,500,000	1,500,000
Slash Run relief, storm sewer	300,000	300,000
Georgetown refuse transfer station	100,000	100,000
Total, general fund	10,800,000	7,300,000
Sanitary sewage works fund:		
Water pollution control plant at Blue Plains	40,000,000	
Service sewer extensions	510,000	
Replacement and modernization of electrical and mechanical equipment at pumping stations	300,000	
Sanitary sewers in advance of highways paving and miscellaneous relief and replacement sewers	250,000	
Plan and construct new facilities for yards	400,000	
Total, sanitary sewage works fund	41,460,000	

Mr. NATCHER. Since the budget was out of balance and funds could not be appropriated to maintain and repair the streets, it was naturally assumed that when the supplemental appropriation bill for fiscal year 1971 was sent to the President by the District officials and then to Congress this bill would contain adequate funds for maintaining and repairing the streets in our Nation's Capital. Not a dollar was requested for this purpose. Here again we see the District officials not only making every effort to stall the freeway system from going under construction but at the same time refusing to make recommendations for funds for maintaining and repairing the streets in our Nation's Capital. A portion of the report accompanying the supplemental appropriation bill for fiscal year 1971 setting forth the fact that no funds were requested for maintaining and repairing the streets is made a part of the record at this point.

CHAPTER II.—SUBCOMMITTEE ON DISTRICT OF COLUMBIA

William H. Natcher, Kentucky, Chairman.
Robert N. Giaimo, Connecticut.
Edward J. Patten, New Jersey.
David Pryor, Arkansas.
David R. Obey, Wisconsin.
Glenn R. Davis, Wisconsin.
Donald W. Riegle, Jr., Michigan.
Wendell Wyatt, Oregon.

DISTRICT OF COLUMBIA

The Committee recommends a total of $12,119,000 in new budget (obligational) authority in Federal funds and $54,914,225 in District of Columbia funds. Budget estimates submitted in House Documents Nos. 91-404 and 406 total $52,074,000 in Federal funds and $96,127,225 in District of Columbia funds. The recommendations are $39,955,000 less than requested in Federal funds and $41,213,000 less in District funds.

Included in the total Federal funds recommended is $325,000 for the Commission on the Organization of the Government of the District of Columbia which is an independent agency established by Public Law 91-405, approved September 22, 1970.

FEDERAL FUNDS

FEDERAL PAYMENT

The Committee recommends a Federal payment of $11,794,000 to the General fund, which is $5,777,000 less than requested. This allowance includes $8,000,000 authorized in Public Law 91-297, which increased salaries for D.C. Police, firemen, and teachers, and $3,794,000 of the $5,000,000 authorized in Public Law 91-358, the District of Columbia Court Reform and Criminal Procedure Act of 1970. The request proposed the utilization of the balance of the authorized, but unappropriated Federal payment for 1970 in the amount of $1,834,000. The Committee does not concur in the establishment of such a precedent. The request included $3,887,000 which was contingent on the enactment of pending revenue legislation, which the Committee has denied.

FEDERAL LOAN

The Committee has disapproved the additional loan request of $34,178,000 which was proposed to finance the District's share of the cost of the Washington Metropolitan Area Transit Authority's construction program during fiscal year 1971. A similar reduction has been made in the Capital Outlay request.

DISTRICT OF COLUMBIA FUNDS

A total of $54,914,225 is recommended in the bill, which is $41,213,000 less than requested. Financing of this recommendation will be from (1) the additional Federal payment in the bill which covers in part the costs of the salary increases and court reform, (2) current revenues from various taxes, and (3) the use of current loan authority for capital outlay projects.

OPERATING EXPENSES

The budget requests considered total $49,472,225 for operating expenses. The Committee recommends $44,302,225 which is a reduction of $5,170,000. The following tabulation sets forth the various requests, including additional positions, and the committee allowances:

OPERATING EXPENSES

	Budget request		Recommended		Reduction	
	Positions	Amount	Positions	Amount	Positions	Amount
General operating expenses:						
Executive Office:						
Personnel Office	12	$99,000			−12	−$99,000
Office of Criminal Justice Plans and Analysis	2	20,000			−2	−20,000
Total, Executive Office	14	119,000			−14	−119,000
Office of the Corporation Counsel	34	225,000	34	$225,000		
Department of General Services		551,000		551,000		
Total, General operating expenses	48	895,000	34	776,000	−14	−119,000
Public safety:						
Pay increases (policemen and firemen)		19,745,000		19,745,000		
District of Columbia Court of General Sessions	282	2,329,000	282	2,329,000		
District of Columbia Court of Appeals	13	280,000	13	244,000		−36,000
District of Columbia Bail Agency	31	170,000	31	170,000		
Public Defender Service	48	$275,000	48	$275,000		
Total, public safety	374	22,799,000	374	22,763,000		−$36,000
Education:						
Public schools (pay increases for teachers)		20,197,000		20,197,000		
Federal City College	138	3,397,000			−138	−3,397,000
Washington Technical Institute	53	1,548,000			−53	−1,548,000
Total, education	191	25,142,000		20,197,000	−191	−4,945,000
Highways and traffic: Motor vehicles	4	89,000		56,000	−4	−33,000
Sanitary engineering:						
Department of Sanitary Engineering	24	395,000	24	358,000		−37,000
Washington aqueduct		145,000		145,000		
Total, sanitary engineering	24	540,000	24	503,000		−37,000
Settlements of claims and suits		7,225		7,225		
Total, operating expenses	641	49,472,225	432	44,302,225	−209	−5,170,000

Pay increase.—The major portion of the allowances for General operating expenses ($39,042,000) is to cover the cost of salary increases for policemen, firemen, and teachers. The authorizing legislation provided retroactivity for police and firemen to July 1, 1969 and for teachers to September 1, 1969. From a budgetary standpoint, especially when painful decisions are necessary to make fiscal ends meet, it is not too much to say that the practice of *retroactive* salary increases is less than sound. In addition to tending to limit employee incentives, the practice has, of course, resulted in the deferral of important programs.

Executive office.—The Committee has denied the expansion of the safety management program in the Personnel Office and the additional positions requested for the Office of Criminal Justice Plans and Analysis.

Public safety.—With the exception of a volunteered reduction by the Court of Appeals, the Committee has approved the increases requested by the Courts, the Bail Agency, and the Public Defender Service. A total of $3,018,000 has been included in the bill and will enable those agencies to carry out the requirements of the 1970 Court Reform and Criminal Procedure Act during the remainder of the fiscal year. The amounts requested elsewhere in the budget for the rental of additional space and renovations for the expanded activities authorized by the Act have also been approved. A total of $3,794,000 is attributable and chargeable to the Court reorganization legislation.

Education.—The Committee has deferred action on the requests of the Federal City College and the Washington Technical Institute. The financing of these requests is dependent on the enactment of additional revenue legislation. If additional revenue becomes available every consideration will be given to the inclusion of appropriations to permit these two institutions to proceed with the plans outlined during the hearings.

Sanitary engineering.—The Committee has approved the additional funds and positions requested to improve working conditions and employee-employer relations in the Department of Sanitary Engineering. The slight reduction reflects six-months rather than nine-months funding due to the late passage of the bill. The additional amounts required by the Washington Aqueduct to cover increased costs of electricity and chemicals are also approved.

CAPITAL OUTLAY

A total of $10,612,000 is recommended for 10 capital outlay projects. The supplemental budget proposed $46,655,000 and 12 projects. The following table lists the projects and amounts in comparative form:

SUMMARY OF CAPITAL OUTLAY PROJECTS

	Budget request	Recommended	Reduction
Public schools:			
Specialized learning center, 3d and R Sts. NW	$2,586,000	$2,586,000	
Vehicle and maintenance facility, 10th and Michigan Ave. NE	1,225,000		−$1,225,000
Department of Corrections: Restoration of damaged buildings, correctional complex, Lorton	813,000	813,000	
Social Services Administration: Permanent improvements, juvenile facility, Laurel	836,000	396,000	−440,000
Department of General Services:			
Renovations to the Pension Bldg., 5th and G Sts. NW	2,105,000	1,905,000	−200,000
Emergency power supply, various District-owned buildings	550,000	550,000	
Permanent improvements to various District buildings	550,000	550,000	
Department of Sanitary Engineering:			
Sanitation service centers, various locations	492,000	492,000	
Lunchroom facilitfes, various District-owned properties	80,000	80,000	
Outfall relief, Hains Point to the vicinity of the Anacostia Freeway	2,100,000	2,100,000	
Washington aqueduct: Emergency pumping from the Potomac River estuary	1,140,000	1,140,000	
Washington Metropolitan Area Transit Authority: Regional rapid transit system	34,178,000		−34,178,000
Total, Capital outlay	46,655,000	10,612,000	−36,043,000

The Committee has denied the acquisition of a vehicle and maintenance facility for Public Schools. The request for the District's share of the Washington Metropolitan Area Transportation Authority's 1971 construction program is also denied. District officials volunteered the reduction of $440,000 for permanent improvements at the Juvenile Facility and $200,000 for renovations at the Pension Building.

Mr. NATCHER. When it developed that no request would be made for maintaining and repairing the streets, our committee made an inquiry concerning this matter and we were advised by the District officials that it might be possible to secure rebates from the Department of Transportation on the Federal highway system money which could be used to maintain and repair the streets in our Nation's Capital.

REQUIREMENT FOR BALANCED SYSTEM OF TRANSPORTATION

I want to say to the members of the committee that from the very beginning our Subcommittee on the District of Columbia Appropriations has indicated at every turn that we are for a balanced system of transportation in our Nation's Capital. We are for rapid rail transit, we are for the freeway system, and we are for the bus system which will tie in with the two systems.

COST OF RAPID RAIL TRANSIT SYSTEM

Gentlemen, the rapid rail transit system in the District of Columbia, even at the old cost of $2.5 billion which was authorized in 1969 makes this the largest single public works project in the history of the United States. If you check, you will find that it is probably the largest single public works project in the history of the world. They have never had one compared to the rapid rail transit system here in the District of Columbia at the cost of $2.5 billion.

From the very beginning, as I pointed out, we have said to the officials in the District, to the Washington Metropolitan Area Transit Authority officials, we are for your system, but in all fairness to the Congress, to the taxpayers of this country, to the people in the City of Washington that pay the taxes, can this system be built for $2.5 billion. They have said yes up until last year and finally they said "No", it is going to cost several hundred million dollars more.

I believe the cost is up now to approximately $3 billion. That means gentlemen, it has to come back to the Congress. It has to be reauthorized. The bonds totaling $835 million authorized in 1969 to be issued by the Washington Metropolitan Area Transit Authority, as I pointed out, cannot be sold. The bankers and brokers in this country will not buy them. The bonds cannot be retired out of the fare box.

As to whether or not the Congress will authorize the issuance of these bonds to be guaranteed by the Federal Government, I do not know. With all of our problems in this country, concerning housing, urban renewal, education, health, pollution and the many other problems that we have existing throughout the 50 States, the fact that we are now confronted with this impasse is right serious. It is serious from this standpoint, gentlemen:

We have gone along with you and not a person in this room can say that this subcommittee has not carried out every commitment it has made. Just as soon as we released the money in 1966, within a few weeks they backed up on the National Capital Planning Commission and they changed two votes and a lawsuit was immediately filed. Premeditated, Mr. Myers. I say that to you on the record.

Then in 1969 we released the construction money for rapid rail transit. We met with the President. He carried out every commitment he made.

Mr. Scherle, he has carried out every commitment he made. If they had listened to President Nixon, we would not be in this impasse today, we would not be sitting here discussing it.

Notwithstanding all of that, we do not have a dollar in the budget for fiscal year 1971 to repair the streets in the city of Washington.

CURRENT FREEWAY—RAPID RAIL TRANSIT IMPASSE

We have the impasse now as far as freeways are concerned and rapid rail transit.

The suit was filed, Mr. Stokes, in Federal court, in 1969. The first suit, when filed in Federal court, was dismissed. The court held that the Federal court had no jurisdiction over the matter.

The Federal court in 1969, on the second suit, said the Congress of the United States passed the Highway Act of 1968 and this was the law and it must be complied with, and it is not up to the court to pass on that point. That is the law, it must be complied with.

A design hearing on the bridge was ordered. They started in November holding a design hearing. This is an injunction suit. You lawyers on the committee know what that means. Not months or years—time is of the essence.

Nothing was done about it, and nothing has been done about it up to this time. They are talking in terms of an 81-foot model that, according to my information, was broken by the company with the contract to construct it. More delay and now downtown they say it will be several more months before they can proceed.

We have inquired as to when the bridge and freeway system would start under construction again so we can appropriate the money for rapid rail transit and for our freeway system? We have $200 million for our freeway system. When are you going to solve this impasse?

You new members on the committee can inquire of Mr. Davis, one of the senior members who has been on the committee for years, and he will tell you and the records will show that we have carried out every commitment.

General Graham, you know that is true. Why does this impasse exist and why do they not do something about? The law of 1968 is the law and it must be complied with. The law of 1970 provides for the studies and it must be complied with.

Now, again, I want you to know that we on this committee are for both systems and that is our attitude at this time.

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the distinguished chairman of the subcommittee if it is not a fact that this is the most expensive public works program ever undertaken in the entire history of this Nation?

Mr. NATCHER. Mr. Chairman, will the distinguished gentleman from Alabama yield to me at this point?

Mr. ANDREWS of Alabama. I shall be happy to yield to the gentleman from Kentucky.

Mr. NATCHER. The rapid rail transit system is the largest single public works project in the history of the United States of America. It is the largest single public works project in the history of the world. The Manhattan project, I will say to my good friend from Alabama, during the war cost $1 billion. No project in the Tennessee Valley Authority has exceeded $300 million. Nothing on the west coast has exceeded $600 million, and the Aswan Dam cost $1,200,000,000. The gentleman is entirely correct.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. MAHON. Mr. Chairman, will the gentleman from Alabama yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I want to express opposition to the pending amendment and offer the hope that the amendment will be defeated.

Mr. DAVIS of Wisconsin. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, in this drama of the saints and the sinners here this afternoon I rise to fully support the role of the alleged chief sinner of the piece, the chairman of our subcommittee, the gentleman from Kentucky (Mr. NATCHER).

There have been self-cast here this afternoon in the role of the saints, one subcommittee member who attended neither the hearings nor the markup of this supplemental measure; one who offered an amendment to bring the government of the District of Columbia to a halt by an amendment to the District of Columbia revenue bill to deny all Federal payments until the freeway system was under way; one who voted against the SST after the authorization and the commitments had been made, but who now argues that we should provide this money because it has been authorized, and there have been commitments made; and two who obviously do not want a balanced transportation system, for they patently revealed their opposition to the bridge and to the connecting freeways.

Some of these are a part of some of the same people in and out of the government of the District of Columbia who have even a better plan to keep the pollution of the automobiles off the streets here because in the appropriation for this fiscal year you will not find one single dime for the repair of the streets in order to keep the automobiles running in the District of Columbia. And those people in the Government did not come back in the supplemental which is now before us for one single dime for that purpose, either. That is one way you can avoid the pollution of automobiles.

The alleged sinners are those who are committed to what the President has asked for, and that is a balanced transportation system for the Washington metropolitan area. That balanced transportation system includes the subway, and it also includes the highway program which the government of the District of Columbia developed. This freeway system and the connecting bridges were not rammed down the throats of the people or the government of the District of Columbia, this plan was developed by the government and the people of the District of Columbia. What those of us who have served on this subcommittee the longest are insisting on is that that plan which they developed along with the subway plan should be implemented in a balanced fashion by the funds that are required.

And I can assure you that if I knew of any other way to assure a balanced transportation system for this metropolitan area I would follow the path of that assurance. And to assure you that the subway funds are not necessarily frozen until the next fiscal year, our report opens the door for prompt reconsideration on the day that we receive tangible commitments to a balanced transportation system for the District of Columbia. We have been fooled and we have been disappointed too many times, to give the go-ahead to one segment of a balanced transportation system until we have assurances that the other facets of that balanced transportation system will be implemented also.

And that is the position of the chairman of our subcommittee, and that is the position that I take, and I think that is the position that the President of the United States takes. And that is the position this Congress has taken time and time again. I do not believe we ought to run away from a position that is well grounded, and one that we have consistently taken in the past.

Mr. SCOTT. Mr. Chairman, would the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would like to commend the gentleman from Wisconsin (Mr. DAVIS) for his statement, and I rise in support of the committee.

I would like to especially commend the chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER) because although he does not live in the Washington metropolitan area, yet he is concerned about a balanced transportation system for the people who do live here.

One of the most frustrating things that I face each day is when I drive down Interstate 66, and get to the beltway, and then have to find some side road to come on in to the District of Columbia to work.

It is not only a frustrating problem for me, but it is a frustrating problem to the thousands of other commuters from northern Virginia.

Mr. Chairman, this subway or this rapid rail transit is to go down the median strip of Interstate 66 and until you have the right-of-way for that road, you cannot have the rapid rail transit in Virginia.

I thank the gentleman for yielding.

Mr. DAVIS of Wisconsin. Mr. Chairman, I appreciate the gentleman's commitment to a balanced transportation system for the District of Columbia.

Mr. MAHON. Mr. Chairman, I wonder if we could agree on a limitation of time. We have a number of other amendments, but I shall not ask at the moment for an agreement on time, but I shortly hope to do so.

Mr. KOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise because a reference was made to the city in which I live, New York, and the suggestion was made that the people of New York wish they did not have a subway system.

Mr. Chairman, the truth is the city of New York could not exist without a subway system. We want an even greater subway system. New York desperately needs an expanded subway system and Washington, D.C., needs its first subway system.

Reference was made to the fact that the District of Columbia subway is going to cost more than any other subway system in the world. I must take exception to that. My understanding is that the most expensive subway system on a linear foot basis—that has ever been built is that which connects the Capitol with the House and Senate Office Buildings.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. LONG of Maryland. I agree that per mile this is the most expensive, but fortunately this is only one-seventh of a mile and the proposal here that we have before us is for almost 100 miles.

I did not intend to say that New York City subway system was not a good system. Of course, it is. I have ridden in it. It is an ideal setup for New York because New York is shaped the way it is. I merely want to point this out that never in the history of the New York City system have the people in New York been willing to pay a fare that would even cover its operating expenses; is that not correct?

Mr. KOCH. Let me say to the gentleman that in this country we subsidize everything to some extent, especially municipal services—and rightly so.

The fact is that we do need operating subsidies for subways. Nobody is going to dispute that. You also need construction money.

To talk about this subway for the Washington, D.C. metropolitan area as though it were something for just Congressmen and their staffs, I respectfully submit to you is absurd. This subway will help all of the people in this metropolitan area. All you have to do is take a car into the District any day of the week and you find that traffic is bumper to bumper and you just cannot move. What this area needs is mass transit and I say this not because this is my home—I work here but my permanent home is in the city of New York. But we have an obligation to the District—as we do to every section of the country. To say that this District does not need assistance to build a subway and that Federal funds for the subway system should be shut off until the citizens of the District withdraw their opposition and accept highways they do not want, is just outrageous.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. GIAIMO. Is it not wrong to be debating whether or not we need a system here when the fact is that the Congress has authorized the system and there is a system in existence. The question now is whether or not we are going to hold up on an appropriation which is something we have already approved.

Secondly, at the same time we hold it up, we gave them $180 million this fiscal year as the Federal share of the subway.

Mr. KOCH. The gentleman from Connecticut is absolutely correct. We will find that if we delay the system's construction, we will just be doubling its final cost.

Everybody in this House knows that whenever a construction program is authorized, but not immediately executed, its cost when finally completed is at least twice as much as originally planned.

Those who are fiscally conservative should be supporting the subway's rapid completion.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. It is certainly true that if we authorized the subway, we also authorized the SST and we spent nearly a billion dollars on it, five times as much as we have spent on the subway. If we could scrap the SST with all that it has cost, we can scrap this project, too. I think New York needs a subway, but I do not think that Washington needs one. It is a very different situation.

Mr. KOCH. I say to the gentleman that his is the only voice that I have heard raised in this House in support of terminating the subway—others just suggest that it should be delayed. The gentleman from Maryland maintains that his constituents will not use the subway. I would assure him—and suggest that he need only look at the experience of those in other parts of the country for further assurance—that if a rapid rail system is provided, the people will use it. Anyone prefers to ride in a rapid subway than to struggle each day with mounting traffic as they do today in traveling between the District and Maryland and Virginia, particularly during rush hour.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, it is difficult for me to get a sweat up over a subway system. By nature I would be more concerned with hospitals and schools than I would be with a subway system. But in my judgment the context in which this whole issue has been discussed for the past 2 or 3 years requires that we release this money today. I think there are basically four reasons why we ought to do so.

First, as the gentleman from Connecticut has pointed out twice on this floor, it is absurd and it is contradictory for the Congress to oppose with one hand what it is doing with the other. That is what, in effect, it does when it supports the appropriation of the Federal share of this system and then withholds through another subcommittee of the same committee the money for the District's share of the Metro system.

Second, I do not think we have much business holding the subway system hostage for the alleged actions of the District Government itself, because really the actions which some members of our subcommittee, including the Chairman, are objecting to on the part of the District Government have nothing whatsoever to do with the action of the Metro. The Metro is an entirely different entity, and I think we ought to treat it as such.

The third point I would suggest to you, and I think the most important, is that further withholding of funds for the District's share of this plan will in fact cause the predictions which we have heard on the floor today, about cost increases, about cost escalations, about cost overruns, to become self-fulfilling prophecies.

The gentleman from Alabama, I believe, indicated that this is the most expensive public works project in the history of the world. That is true, and the longer we delay it, the more expensive it will be. If we accept the recommendations of this committee, we will in fact be causing those costs to increase time and time again.

The chairman of the subcommittee, the gentleman from Kentucky, has assured us that if we do not adopt this amendment today that our subcommittee will consider these funds along with the regularly appropriated funds in the regular budget.

I submit to you that we have heard that story for 2 years. We have considered this for 2 years, and in the 2 years I have been on the subcommittee we have considered it and considered it and considered it, and we have not released the money. The time for considering has passed. I do not think anyone in this House wants to be responsible for adding further to the cost of what has already been described as the most costly public works project in the history of the country, in the history of the world, and yet that is what you will be doing if you do not support this amendment.

If you are opposed to the Metro, period; if you do not think it should have been authorized at all, that is one story. If you are opposed to it in that manner, say so. But let us not hold it up as part of a strained argument with the District as hostage for the construction of highways. We should not do it in that way. If you think the system is too expensive, then you ought to say so. But once the program is on the books, we ought to release the money so that the Metro system can get about its business of doing what the Congress told it to do.

I also want to point out one other thing in closing. Much is made over the fact that the District may or may not be in compliance on the highways. I think it is a strange position, indeed, for the Congress to object on the one hand to the District not being in compliance on highways while our own actions on the Metro system force the District into noncompliance on the Metro system construction. That is what we do if we do not adopt this amendment today.

I urge its adoption.

Mr. CONTE. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, at the outset I wish to say I dislike very much to oppose the ideas and the opinions of the gentleman from Kentucky, for whom I have had the greatest respect ever since the day I came to the Congress. I believe he is one of the most able Congressmen in the U.S. Congress.

I sit on the Transportation Subcommittee that handles the Federal funds for this particular project. I feel very strongly and I feel very deeply committed.

Mr. Chairman, I rise in support of the amendment of the gentleman from Connecticut which would provide $34.2 million to the District of Columbia to pay for its legal share of the construction costs of the Metro subway system. As a member of the Subcommittee on Transportation, I have voted for the 1970 Federal share of $82.9 million, the 1971 Federal share of $180 million and the 1972 Federal share of $150 million. These sums have been approved by the full committee; they have been approved by the House; and they have been approved by the Senate. Thus while Congress has consistently approved the Federal share, it is now being asked to deny the District of Columbia share.

We cannot allow this contradictory set of circumstances to continue. As I understand it, the District of Columbia has a legal obligation to pay its fair share of the local contributions to the construction of Metro. This legal obligation is one which was approved by the Congress—approved in 1966, at which time the compact was approved—and again in 1969 when the Congress approved the financial program of the Washington Metropolitan Area Transit Authority.

We, by those actions, required the District of Columbia to pay its full share. In accordance with proper procedures, it comes to us each year to have its annual share approved.

We are being asked to deny the District of Columbia its right and duty to comply with a congressional directive that it pay its agreed share. I suggest that it is improper to force the District of Columbia to flout the will of Congress.

The argument used to deny this appropriation is that the District of Columbia is not in compliance with a congressional mandate to build certain highway projects. Yet by withholding the money, we are forcing the District into noncompliance with another congressional mandate. I cannot in all logic support this type of contradiction.

The necessity for building the transit system for the Washington Metropolitan Region is all too obvious. We need this transit system. We need it desperately. We are told that what we need is balanced transportation, and I have no quarrel with this point.

We do need balanced transportation. But it is a weak argument which declares that highways and mass transit are out of balance when we demand the building of highways and hold up the building of the subway system.

The Congress has repeatedly mandated the building of the subway system. Through the years we have approved legislation requiring its building, and we have said it must be built as quickly as possible in the interest of the Federal Government, the local community, and the Nation.

Since these funds are required so that there can be Federal matching funds as well as matching funds by the other local metro jurisdictions, we could well be forcing subway construction to break down completely. And since we have directed the Washington Metropolitan Area Transit Authority to build the transit system at the earliest possible date and with all prudent speed, we could also be forcing it into noncompliance with a congressional mandate.

I hold that we cannot in good conscience hold up the District's appropriation. I believe that the necessary highways that have been discussed here should be built, but the subway must be relieved from its impossible position as a hostage for these highways. We must also remember that the Transit Authority has no responsibilities for the building of the highways and cannot be held accountable for their status in any of the three States that are signatory to the compact.

In closing, I wish to quote from the message of President Nixon to Congress, dated April 7, 1971:

> Excavations for Metro's subway tunnels and stations already dot the District. When it goes into operation at the beginning of 1974, it will be the nation's most modern mass transit system. It should do much to unify the metropolitan Washington community, to improve the quality of life by reducing congestion and pollution in the area, and to stimulate the metropolitan

economy by the increased labor mobility it will provide. I am confident that disagreements over implementation of the 1968 and 1970 highway acts—now tying up needed metro funds—can be resolved, and I have urged all of the parties involved to give priority to meeting these legislative obligations.

I urge the House to act now to release the District's share of WMATA construction program funds for fiscal year 1971.

I might mention that a lot has been said about the construction of the Three Sisters Bridge. The Three Sisters Bridge has not been stopped by the District of Columbia but by the courts. The court issued an injunction that the Three Sisters Bridge not be constructed, and set down two criteria. One was that a public hearing be held. I understand the design hearing has been completed. The second was in regard to the design of the Three Sisters Bridge. The Bureau of Public Roads must present to the court a certificate by the Secretary of the Department of Transportation that the superstructure is safe.

What happened was that, under the laws or the rules of the District of Columbia, in order to construct a bridge it was necessary to go to the Fine Arts Commission. The Fine Arts Commission did not like the design of the bridge as proposed by the Department of Transportation. It came up with the idea that this would be a single span bridge, spanning across the Potomac River in the vicinity of the Three Sisters area. This, if constructed, would be the longest span in the world.

As I understand it the administrator directs that a scale model of the structure be completed to test the calculated loads and stresses.

The Fine Arts Commission chose this type of bridge because it did not want to obstruct the view of the gorge of the Potomac River or any of the scenic beauty in that area. Therefore, the Highway Administrator has asked the court that they be allowed to contract for a model of the bridge which, mind you, will be the longest span bridge in the world, with no supports.

They want to have a model of this bridge, to bring out all the concrete stresses and strains that the bridge will undergo in the air after it is built.

That is what is holding it up right now. When this goes in then they will be able to begin construction of the Three Sisters Bridge. So we cannot blame this on the District of Columbia.

As I mentioned in debate earlier today, we are not talking about $34.2 million here; we are talking about $105 million in fiscal year 1971, because the Federal Government cannot put up its share, which we have already appropriated. We in the Congress have appropriated $68 million for 1971, and the Federal Government cannot put that up because the District of Columbia has not put up its share, and cannot until we get this amendment through.

Again in 1972 I believe the figure is in the $30 millions. If the District of Columbia sees fit not to appropriate that money then we will have another $100 million tied up.

So all in all, for 1971 and 1972, unless the money is forthcoming for the District of Columbia appropriation, there will be over $205 million that will be tied up for construction of the metro system.

The States of Maryland and Virginia have cooperated 100 percent; the Department of Transportation has cooperated 100 percent. Unfortunately we are in this bind here. I think it behooves us as the Congress of the United States to untangle this mess. I have full confidence in the witnesses we had before our committee, the Department of Transportation officials and Secretary Volpe, and the Highway Administrator. And I am sure that all of the objections can be resolved.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me that there have been two arguments made in favor of this amendment which are fallacious. The first argument is that this subway system is going to cure pollution. What are the facts? Well, I learned some place back in high school that matter can neither be created nor destroyed. If you do not use gasoline as energy, you will use electricity, I presume, for the subway. But where will you get it? You will get it out of the use of coal, and you will have the air around here so full of sulfur fumes and smoke that if you think you have a smog problem now, just wait until you try that. I know what I am talking about, because I have seen it happen in my State of Ohio and in the Ohio Valley where you not only get air pollution but thermal pollution of the water as well. So the subway will not cure any kind of pollution. It may take away one kind of pollution, but it will add another in its place.

Mr. Chairman, it seems to me we are debating not whether Congress authorized a subway or not—I voted for it—but Congress authorized a balanced system, and you have a bunch of faceless people downtown who are saying, "We will take the money you authorized and build what we want to build, and the parts we do not want to build we will not build." That is just what it boils down down to. You have these people saying to Congress, "We will make the decisions; you will not." You cannot have all of those people in this area transported in on a subway system. If you will look at the map, you will see it does not go to where all of the people are. They will have to get in some other way. Now, I do not advocate building only highways and I do not advocate only building freeways. Freeways are part of it. The subway is the other part.

Mr. Chairman, there has been another argument made about all of the money it is costing by delay. How much does it cost by delaying the highways system? That goes up every year, too. So what you are coming down to really is the Congress going to make this decision or are some people downtown going to make it.

You know, we do not have to have this Capitol here. We could have it out in Iowa. If you did, this place would wither away overnight. Why do we have the Passport Division in the city of Washington? For one example, every passport application comes in by mail and every passport goes out by mail. You could just as easily have it in Canton, Ohio. It would work just as well or maybe better. But, no, everything has to be concentrated here. Then you have people coming in for jobs and for welfare and the rest of them coming in to make a buck off the people who are already here.

You know, I am up to my knees in crocodile tears now about the citizens of Washington, D.C. What citizens of Washington, D.C.? Why are they here? They are here because the Capital is here and because it is to their profit and interest to be here and for no other reason. You can just bet your bottom dollar they are trying to hold up the freeway, this bunch downtown, because there is more money in it for somebody to build a subway. Do not forget that part of it, either, because I have been around for a long time and I have seen them work. I say that we ought to say to them, "You build the balanced system we told you to build or you do not build anything. Take it or leave it."

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I thought the debate here today was over the question of whether or not we should fund this particular increment of the Rapid Transit System in the District of Columbia, but some of the discussions here indicated that we were attempting to evaluate whether or not a subway system is needed. I felt that was an issue which was settled a long time ago.

But, Mr. Chairman, I want to address myself particularly to a couple of items or points which were made by the previous gentleman in the well regarding the validity of being concerned over the early construction of this system because of its impact upon pollution.

Mr. Chairman, Washington happens to have one of the highest levels of pollution derived from automobile emissions of any spot in this Nation.

The pollution here is characterized by high carbon monoxide content, high oxides of nitrogen, sulphur dioxide, and other more dangerous types of pollutants.

Mr. Chairman, the Director of the Environmental Protection Agency, Mr. Ruckleshaus, just recently served notice on the District of Columbia that there would probably have to be some suspensions of some of the automobile traffic in the District of Columbia. There have been already antipollution alerts in the District of Columbia, and all of us have experienced the days when the air here is very difficult to breathe and very uncomfortable to the eyes.

Mr. Chairman, it is not going away. It is not going to be very significantly increased by the additional electricity which might be required to operate the subway system. Over 60 percent of the pollution in this country comes from automobiles. You can use low sulphur content product for the generation of the electrical energy or natural gas. I do not see any great concern over the electrical scarcity. The developers in this area can use an unlimited variety of electrical equipment, electric lights, electric heating, air conditioning and other electric devices, they seem to see an abundance of electricity for those purposes.

But, Mr. Chairman, I think there is a further commitment not to hold the Metropolitan Transit Agency for ransom, because of the shortcomings, if there be shortcomings, of the District government I do not believe it is proper. This, in my opinion, represents a moral obligation of this Congress. One can throw in all the highway discussions one wants to, but it still does not remove the fact that we committed ourselves, and as the gentleman from Massachusetts said, we committed ourselves further when we authorized and appropriated funds for the Federal contribution this particular endeavor, this year. Additionally I think the Secretary of the Department of Transportation had to make some temporary funding available. There is a great inconsistency here.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would like to pay particular tribute to my good friend, the chairman of the subcommittee, who is an outstanding Member of this body and he is certainly an honest, honorable, and dedicated public servant in every particular.

However, Mr. Chairman, I think it is time that the House recognize what we have been doing in the District of Columbia in the last few years is entirely wrong. I think it is absolutely indefensible for this Congress to hold up the construction of a subway over a quarrel as to highway construction when the issues are as clear and the need is as great, and the requirements of the District of Columbia are as clear as they are.

Mr. Chairman, comment was made about the advantage of having a balanced transportation system. The city of Washington is almost entirely paved. There is hardly a day which passes when we do not hear complaints from some citizens' groups or from some organizations in the District of Columbia with reference to construction of more highways. The only way to abate this highway construction problem is by increasing the availability of public transit. And highways and individual auto transport of large numbers of people are from an economic, environmental, and social standpoint the most wasteful and irrespsonsible way of moving large numbers of people.

And the only way we can have a proper alternative workable, and adequate public transit is by constructing a subway system. The mechanics of it are very simple. In 1 hour you can move 25,000 people past one point on a mass transit system, and in the same hour by highway you can move 2,500. You can literally pave the whole District of Columbia and yet you cannot satisfy the suburban commuters, but if we do what is clearly needed here, if we do justice, if we do equity, if we do that which is right, we can construct a mass transit system which will meet the needs of the District of Columbia and its people.

I say it is indefensible for the Congress of the United States to continue to hold the District of Columbia hostage for the construction of highways that the people do not want. I say it is absolutely indefensible for the Congress of the United States to increase the cost of the construction of a Metro system of transportation over something as frivolous and as unimportant as the construction of highways which really are not only unnecessary, but are environmentally destructive. I would point out that the major cause of air pollution, as my good friend from California just did, in this country is the automobile. The warning has already been made on occasion after occasion that it is going to be necessary in the immediate future to curtain automotive use inside the District of Columbia in order to abate the pollution of the air by oxides of nitrogen and carbon monoxide. I would also point out that neither of these will come from the electricity which will be required to transport a whole lot of people—a whole lot more people at a whole lot less cost through a subway, and do so more cheaply in the long run, and in a more desirable and beneficial fashion to the people of the District of Columbia.

Mr. Chairman, I say it is time to adopt this amendment to give the District of Columbia the money, and the opportunity to go forward on something absolutely necessary to a great city and to the great and dignified Capital of a great nation, an appropriate mass transit system.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. KLUCZYNSKI) to conclude the debate.

Mr. KLUCZYNSKI. Mr. Chairman, back in 1967 I held hearings on the freeway system in the District of Columbia. My Roads Subcommittee discovered that over 10 years $20 million had been spent studying the system with no tangible results.

We decided to move to complete this important part of the Interstate System. We authorized this construction in the 1968 act. Since then this program has been tied up in procedural and legal snarls. There has been no real implementation of the congressional mandate.

We are concerned. We need highways and mass transit.

There is nobody in the House or in the other body who wants to see the District of Columbia be a model city more than myself. I sincerely mean that. I hope that the District will have rapid transit and mass transit. I repeat we need a balanced transportation system for the District.

We think—I know we will work this out shortly. All of us involved with the problem—the Public Works Committee—the Appropriations Committee. The Department of Transportation—led by that great man, Secretary Volpe, and Frank Turner, the Federal Highway Administrator, will do this.

I predict that shortly we will have both systems fully underway to help make this a better Capital for all citizens.

Mr. RONCALIO. Mr. Chairman, I had every intention of voting against the District of Columbia subway funds because of my determination to say "whoa" once and for all to the construction growth of the Greater Washington area resulting from Government building. This is especially apparent because in the State I represent we continue to attempt economic existence with 3.2 human beings per square mile—in an outmigration—while this area continues to receive the full brunt of Government spending, more buildings and more jobs to add to its 12,442 human beings per square mile. I repeat—12,442 to 3.

But I recognize that if we are to ever return Washington, D.C., to some semblance of a community of life that would justify any Government official working here, some form of mass transportation is inevitable. I, therefore, reluctantly support this amendment, but will also hope that my colleagues will recognize that unless a serious effort is made to disperse and deploy the physical plant of the Nation's Government, this area is doomed and that even a subway will not save it.

As for me, this will be the last vote that I shall cast for any appropriation or authorization that will add to the quagmire of the Greater Washington area. I will also have a special order on May 17 at which time I will point out for my colleagues some of the less visible but abhorrent results of what is happening to the Greater Washington area.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

TELLER VOTE WITH CLERKS

Mr. GIAIMO. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GIAIMO. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. GIAIMO, Mr. NATCHER, Mr. CONTE, and Mr. DAVIS of Wisconsin.

The Committee divided, and the tellers reported that there were—ayes 170, noes 220, not voting 42, as follows:

[Recorded Teller Vote No. 87]

AYES—170

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Aspin
Badillo
Begich
Bergland
Betts
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Broyhill, Va.
Burke, Mass.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Cleveland
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Culver
Daniels, N.J.

Danielson
Dellenback
Dellums
Dent
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Green, Oreg.
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hathaway
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hogan
Horton
Hosmer
Howard
Jacobs
Karth
Kastenmeier
Koch
Kyros
Link
McClory
McCloskey
McCormack
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Nedzi
Obey
Pelly
Peyser
Pike
Podell
Price, Ill.
Quie
Railsback
Rangel
Reid, N.Y.
Reuss
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Smith, N.Y.
Stafford
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wright
Wyman
Yates
Yatron

NOES—220

Abbitt
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Blanton
Blatnik
Boggs
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Eshleman
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frey
Fuqua
Gettys
Goodling
Gray
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Wash.
Hillis
Hull
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mazzoli
Michel
Miller, Ohio
Mills
Minshall
Mizell
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Hara
O'Konski
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Pickle
Pirnie
Poage
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rostenkowski
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Waggonner
Wampler
Ware
Watts
Whitehurst
Whitten
Wiggins
Williams
Winn
Wyatt
Wydler
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—42

Abernethy
Ashley
Barrett
Bell
Bevill
Blackburn
Brooks
Chappell
Conyers
Denholm
Diggs
Edmondson
Edwards, La.
Evans, Colo.
Galifianakis
Green, Pa.
Griffin
Hawkins
Heckler, Mass.
Holifield
Hutchinson
Johnson, Pa.
Jones, Tenn.
Kee
Long, La.
McCulloch
Mayne
Montgomery
Murphy, N.Y.
Nix
Patman
Poff
Purcell
Rees
Roush
Runnels
Skubitz
Staggers
Terry
Tiernan
Whalley
Wilson, Bob
Wylie

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER III

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTION

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For payment by the Secretary of the Treasury of (1) a portion of the first annual installment for the United States subscription to the paid-in capital stock of the Bank; (2) a portion of the first installment for the United States subscription to the callable capital stock of the Bank; and (3) a portion of the installment for the United States share of the increase in the resources of the Fund for Special Operations of the Bank, authorized by the Act of December 30, 1970 (Public Law 91-599), $275,000,000, to remain available until expended.

Mr. PASSMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the trend in foreign aid is to move from bilateral to multilateral with much of it going into so-called international banks. The record is now abundantly clear that the various AID agencies are endeavoring to get foreign aid in a position where the responsible committees lose the right of detailed examination.

On bilateral aid, we examine in great detail many of the projects, whereas, on multilateral the money is turned over to the organization and neither the committee nor the Congress knows when the funds are allocated, to what project, or for what purpose.

Today, you have been asked to consider two supplemental requests, one for the Inter-American Development Bank in the amount of $486,760,000. Your committee recommends $275 million, a reduction of $211,760,000.

Now, may I give you some of the reasons why we made this reduction. First, there was no justification made for any part of the supplemental, and the committee was very reluctant to recommend any funds. Upon examination, we found that in the regular bill for the next fiscal year there is a request for an additional $500 million for the Inter-American Development Bank.

The committee finds that the undisbursed funds in the Inter-American Development Bank amount to $1,852,000,000. We also found that there is to the credit of Latin American nations under all spigots of foreign aid, $5,279,000,000. This is referred to as the pipeline.

This astronomical, undisbursed account was increased by $1 billion during the past 6 months, and according to the present announced plan of expenditures for all programs for Latin America, if we never appropriated another dime for any project, there is a 3-year supply of funds on hand at full steam ahead.

Mr. Chairman, the other request is for the International Bank for Reconstruction and Development, usually referred to as the World Bank, where we considered a request for $246,100,000. This committee denied any funds in the supplemental request, some of the main reasons being that the witnesses testifying before our committee stated that there was approximately $2 billion cash in the Bank, undisbursed. Also, the committee found that the callable capital outstanding was in excess of $20 billion. Again, upon examination, we found that the Bank had $750 million on time deposits.

Mr. Chairman, it is to be regretted that some of the great committees of this House, usually referred to as authorizing committees, seem to take exception to the determination of the Committee on Appropriations to go behind the testimony of the witnesses and point out the hypocrisy, exaggerated claims, and mythical accomplishments of the program. Without intending to reflect upon the authorizing committees, may I point out that in the foreign aid and assistance bill alone during the past 15 years, the committee has reduced the budget requests by an aggregate of $12 billion. Some years we reduced the approved authorization by as much as $1 billion, and still left the program overfunded.

Mr. Chairman, where has the foreign aid and assistance debacle led us? Listen to this, if you will:

First. The net cost of foreign aid since its inception, including the interest on what we have borrowed to give away now exceeds $211 billion.

Second. Our gold reserves have been reduced by $13 billion.

Third. We have increased our Federal public debt since the program started by $141 billion.

Fourth. We have reduced the purchasing power of the dollar since the inception of the foreign giveaway program by 54 percent.

Fifth. We now find that there are 50 billion U.S. dollars floating around the world and the holders are trying to dump these dollars because of the mismanagement so obvious in the way we are running our fiscal affairs.

It is well to call to the attention of the committee that the executive, and by calculation to my way of thinking, misrepresents the total cost of foreign aid. For instance, there are 27 spigots of foreign aid and assistance in the fiscal 1972 budget request. The aggregate is $13,517,000,000. This is $1,400,000,000 above last year's request.

Now, one or two quotes, Mr. Chairman, as it would relate to so-called international or multilateral organizations. In testimony before our committee I asked the specific question:

"If the committee should refuse to recommend even $1 for these international organizations would we violate any legal commitment?"

The answer by the witness, "no."

Another question we asked:

"In entering into these hasty, expensive, unthought-out agreements, do you make it plain to the expected recipient that these commitments are based upon a subsequent appropriation?"

The answer, "yes."

So, it is perfectly obvious that there is nothing sacred about an authorization or some bureaucratic agreement made by the executive branch. Our committee intends to be responsible and we intend to look well and long into the requests for funds for the so-called multilateral organizations, and we would implore the great authorizing committees to support the Committee on Appropriations when they have established facts beyond any doubt whatsoever that the requests for funds in the multilateral organizations are far, far in excess of actual need.

Finally, may I direct to the attention of the committee that according to the testimony given to our committee in the last regular hearings, there were 4,408 projects scattered in 99 nations and five territories of the world, and there is no record that any funds have ever been impounded, curtailed, or suspended for any foreign aid program. On the other hand, similar programs in America are being closed down for lack of funds, and in other instances, the funds are impounded. It is time that we came down out of the clouds, stop being sensitive and give some thought to the welfare of the next generation rather than the outcome of the next election. If those who are so sensitive about these multilateral organizations had read the headlines in the press for the past 3 or 4 days, they, too, would support even larger reductions in the foreign aid appropriations.

Mr. WIDNALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the House has before it today a supplemental appropriation for the Inter-American Development Bank. This appropriation has been cut sharply from the requests made by the administration. In addition, an administration request for an increased contribution to the World Bank was not authorized by the Appropriations Committee and is not in the bill before us.

It has been said that the appropriations contain only those funds that are appropriate to a supplemental request—funds that are needed on an emergency basis. However, I believe that the cuts made by the Appropriations Committee raise a fundamental issue with respect to our participation in multilateral financial institutions.

Multilateral financial institutions make a major contribution to the effort to aid development of the poor countries of the world. They are highly competent, they make their decisions on economic criteria, they have a high degree of expertise, they provide a forum for critical analysis and evaluation of development programs devoid of the complications inherent in bilateral relationships, and, most important to our present financial position, they provide a framework for sharing the burdens of financial contributions.

With these significant benefits go some limitations on the scope of our unilateral control over these institutions. They derive their uniqueness and their character from their multilateral status and we cannot compromise this status without compromising their usefulness. Thus far, both Houses have recognized the usefulness of multilateral institutions and the limitations on the scope of unilateral action. While we have been clear in hearings, committee reports and in legislation on the policy direction which we wish our representatives in these institutions to take, we have not imposed unilateral conditions on the use of our funds. I would say, and I believe this is the general view, that the multilateral institutions have been fully responsive to the concerns of the Congress. Congress was concerned that not enough of World Bank profits were being channeled into the International Development Association.

Instead of making greater contributions from the World Bank to IDA a condition on the use of our funds, we made known our policy views to the U.S. Governor and these policy views have been implemented. We wanted a better audit structure for multinational institutions. Through appropriate legislation directing our Executive Director to negotiate such an arrangement, as well as through action without legislation, we now have such a structure. There are hosts of examples where the concerns of Congress have been heard. We have not been shouting down the well only to hear our own echo; we have been heard and our words have resulted in action. We cannot now shirk our responsibilities and simply cut out the $246,100,000 investment to which we have committed ourselves.

We now have before us a basic invasion of the concept of multilateralism. In the case of the Inter-American Development Bank, the executive branch negotiated a replenishment of the Inter-American Development Bank involving commitments by the United States and by 22 Latin American countries. These were hard-fought negotiations in which the United States sought and obtained major financial commitments from the Latin Americans and major self-help obligations. I know because I was there when these arrangements were negotiated, and I was closely consulted by the administration as were other of my colleagues from the Banking and Currency Committee. The agreed arrangements were subject to congressional approval, and the approval for the funds requested by the executive for payment on June 30 next were approved by the Congress on December 30 of last year. The Congress had both the power and the duty to speak up then on the scope of our commitments to the Inter-American Bank. It did so and approved the sums requested by the administration in this supplemental appropriation now before us in the amount of $486,760,000.

To cut the funds to nearly half that provided for in an agreement with the other members of the Bank and authorized by Congress would constitute a unilateral act of control of multilateral financial institutions which would destroy the foundations of international cooperation on which they rest. Countries will be unwilling to participate in a burden-sharing arrangement if one party insists on a unilateral right to control the programs of that institution. To cut the funds is to decide that we and we alone have the right, after arrangements have been made and approved by Congress, to decide on the scope of the program of the Inter-American Development Bank. I do not believe we should take this step.

The Appropriations Committees are, of course, concerned about their proper role in the provision of funds to these institutions. In this regard, I would make two points. First, there are numerous programs where the government must authorize contractual commitments and the Appropriations Committees must appropriate the funds necessary to fulfill those commitments. For example, this is done in the Federal Highways Act, in the Housing and Urban Development Acts, in the Public Works and Economic Development Act of 1965, and recently in the Airport and Airway Development Act of 1970. In these programs, obligations must be made with contractors and appropriations must be made to cover these contractual obligations. A similar situation arises in the case of multilateral institutions. In order to make burden-sharing arrangements, there must be agreement on each country's contribution and unilateral cuts by one country would destroy the basis on which all countries contribute.

Second, I would point out that the Appropriations Committee can make a contribution to the policy framework in which our funds are used. If they are dissatisfied with the speed of commitment of funds contributed to the Bank, they could request or instruct, either in their committee report or in legislation, our Executive Director to take the necessary action to convince his colleagues to adopt the U.S. view. Working through the policy framework of the Boards of Governors and Boards of Executive Directors is the proper method of influencing the conduct of multilateral financial institutions. Unilateral action will destroy the institutions which we have so carefully nurtured for many years.

I hope and urge that the Congress votes the full amount of the funds requested, either now or when the regular fiscal year 1972 appropriation comes before the House.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. HARVEY. I thank the gentleman.

Mr. Chairman, I would like to correct an erroneous impression left by the committee report concerning the Inter-American Development Bank and the World Bank. The report gives the impression that there is $5.2 billion of funds available for Latin American development. This figure undoubtedly includes money available for promoting U.S. exports through the Export-Import Bank and funds for military programs, and undoubtedly includes funds previously committed for projects over many years past by our own aid program, the World Bank and the Inter-American Bank.

Development is an on-going process. We cannot cite funds committed in previous years as evidence that there is no need to build homes, sewers, factories, and roads to improve a lot of desparately needy people in Latin American. It should also be clear that the funds requested will not leave the Treasury until they are actually needed for expenditure. The major part—$337 million of that requested—is never expected to leave the Treasury. Another portion—$150 million—is committed in the form of letters of credit and will not leave the Treasury until it is actually needed for expenditures for projects. The $5.2 billion figure is erroneous and highly misleading. The House should not be misled by this number.

I would also like to make a technical point that the budget does not contain a request for $500 million for the Inter-American Development Bank for fiscal year 1972. The request is for $50 million of paid-in capital which is presently authorized. There is pending before Congress a request for $450 million of funds for the fund for special operations. Only if this request is enacted will there be an appropriation request for this amount.

The funds for the Inter-American Development Bank are needed now, and I strongly urge that they be restored now or in the regular fiscal year 1972 appropriation.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Wisconsin.

Mr. REUSS. I, too, want to commend the gentleman from New Jersey for his statement. I think he is entirely right. I think these international institutions are a sound and sensible way of concentrating our development aid. I, too, regret the action which has been taken and hope it will be corrected.

Mr. PASSMAN. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, inasmuch as this chapter of the bill falls under the jurisdiction of the Foreign Operations Subcommittee on Appropriations, I think I should make a few very brief observations.

Mr. Chairman, I want to commend the subcommittee, of which it is my privilege to chair, and the full committee, in approving these reductions because we found that some of these organizations have more money than they could reasonably utilize.

Now, Mr. Chairman, what is so sacred about these international organizations? The trend is to take all foreign aid out from under the Appropriations Committee and the House of Representatives and place it in these multilateral institutions where we would not have the right of detailed examination on projects.

Every witness that appeared before our committee stated categorically that we would violate no legal commitment if we did not provide even one dollar for any of these international organizations.

They think that by switching all aid over to multilateral organizations and the international banks that they will be able to bypass Congress and its committees and place it where no Member of this House or, for that matter, the other body can examine on individual projects.

The only mistake that we made in reporting out this bill, in my candid opinion, was not in denying the other $275 million for the Inter-American Development Bank.

You want us to furnish you with the facts, so do not be sensitive because you happen to be on some committee who made these authorizations whether the departments needed the money or not. All I ask you to do is to read the statement that I shall insert in the RECORD, and I shall quote the testimony of these people who appeared before the committee. I think if you will read the hearings objectively the only fault that you will find will be that this committee should not even have allowed the $275 million for the Inter-American Development Bank.

I certainly hope that the Members will read my prior insertions in the RECORD tomorrow morning.

If there are any questions about the accuracy of the statements I have just made I would have them brought out at this time.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from Louisiana for yielding, because although I shall ask later to revise and extend my remarks I think that a few words at this moment would be appropriate.

Since the gentleman has been gracious enough to yield to me, I would like to ask this question, and that is that I notice that the main emphasis of the remarks of the gentleman were with respect to the IADB, and the others, but I am interested in his opinion about the Inter-American Development Bank.

Does this institution fall in the same category that the gentleman feels about these other multilateral institutions that apparently have had a very good record of achievement? What is the opinion of the gentleman on the Inter-American Development Bank at this rather crucial time?

Mr. PASSMAN. I think the Inter-American Development Bank has been loosely operated in the past. In all probability it has been one of the loosest operated multilateral organizations we have had. But I can say to the gentleman from Texas that we do have a new U.S. Director and a new President of this Bank, and we hope that some improvements will be made. Otherwise, the Bank's operations should be suspended and a complete examination made of the total program.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. PASSMAN was allowed to proceed for 3 additional minutes.)

Mr. PASSMAN. Mr. Chairman, I would say to the gentleman from Texas that my sole purpose is not to criticize this Bank as such, but to also point out for the benefit of the Members that this Bank has now built up undisbursed funds of $1,852,000,000. With respect to the World Bank, they have built up a cash balance, or liquid assets, of $2 billion, and they have callable capital available of over $20 billion.

So they are not in need of this money. Therefore, I do not know why we should recommend additional funds for these international organizations, especially since we do not have the right of detailed examination on their projects. We have no knowledge about the projects, their fundings, and we do not know the benefit-cost ratio of any of the projects.

Mr. GONZALEZ. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is a fateful and, I am afraid, a tragic mistake on the part of the members of the Committee on Appropriations, particularly with reference to the Inter-American Development Bank, but not necessarily exclusively related to that.

My judgment is that I think it is an equal mistake with respect to other organizations that are here being cut by this supplemental.

To begin with, I would like to address myself briefly to the charge of the surplusage, or the unexpended funds. I think we have gone through this before. The picture is totally different. I am going to ask unanimous consent to revise and extend my remarks so that I can bring this more fully out in the course of these proceedings.

At the end of fiscal year 1970, liquid assets of the World Bank were $2.092 billion. This amount is measured against undisbursed commitments of $3.905 billion, yielding a ratio of cash assets to obligations of 0.54. This ratio has been declining steadily over the past 5 years, reflecting increasingly efficient use of resources. At the end of the current fiscal year, July 1, cash assets are expected to be about $2.5 billion, as against undisbursed loans of approximately $4.7 billion, again yielding a slightly lower ratio.

In view of the rising rate of loan commitments—from about $850 million per year in the period fiscal years 1966–68, and projected figure of $1.8 billion in fiscal year 1971—the disbursements are expected to increase substantially in the next few years, with the normal lag resulting from time required for project implementation. The higher disbursements will require additional resources through borrowing and equity increases.

Holdings of cash and securities are not expected to increase greatly, consequently the cash-to-commitments ratio will continue to decline.

We who are somewhat familiar with the activities from a practical standpoint of the successful history and role of the Inter-American Development Bank are completely satisfied that this is a tragic mistake. This is false economy. I think history will write what the final tab will be because we are not being realistic at all at this critical time. In fact, it is a coincidence that as we are gathered here taking this action, the Board of Governors of the Inter-American Development Bank and some American observers and Members of Congress are this week congregating in Lima, Peru, discussing very important business of the Inter-American Development Bank.

Also, I want to add one particular statement in view of the allegations that have been made here. It is not true that the history and the role of the Bank as it is written throughout the years is not known. It is known. It is a matter of established record.

Some of us have witnessed the complete success in the business management that has characterized the workings of the Inter-American Development Bank. At this critical time in our relations with the world, it is tragic that we should be so indifferent to the importance of America's leadership at our own front and backdoors. If anything is of critical importance today, it is our relationships with our sister republics in the Western Hemisphere.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield now to the distinguished gentleman and colleague on the International Finance Subcommittee of the Committee on Banking and Currency, the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I commend the gentleman for making clear to this body that this is not an organization which does not have the surveillance of the Congress because he and others who have served on the committee are very well acquainted with and are constantly getting reports on the bank.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. MOORHEAD. Mr. Chairman, I have the honor to serve on the Subcommittee on International Finance chaired by the gentleman in the well, the gentleman from Texas (Mr. GONZALEZ). I want to associate myself with his remarks.

I wonder if the gentleman shares my understanding that this is a supplemental appropriation? It is pointed out on page 16 of the report that this may not have been an emergency situation. But I hope the gentleman will join me in expressing the hope that when the regular foreign appropriation comes before the committee that these cuts will be restored so these very effective international banking institutions in which the American dollar is only one of the dollars expended and where we get a better rate of return on each dollar we spend and which have been very efficiently managed will receive a full appropriation.

Mr. GONZALEZ. Mr. Chairman, I am very happy that the gentleman from Pennsylvania has emphasized the fact that this is a supplemental appropriation because we do not intend to approach the House this way when the time comes for the regular appropriation. This is a matter of vital importance and we trust that the upper body, the Senate, will look even at this supplemental and do something. But, in the meanwhile, we realize that in this stage in the supplemental process that we are not coming in here offering amendments or anything at this time, but by no means do we accept the very strong statements that have been and uttered by responsible Members on the floor of the House this afternoon, because it is my personal opinion that if half of those remarks are right and proven accurate, then there remains nothing for us to do but to liquidate every kind of involvement on the part of our country with these multilateral organizations.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. PASSMAN. Mr. Chairman, a request for foreign aid in a supplemental appropriation bill is indeed unusual. We do not understand yet why these funds were requested, because actually they did not justify any part of it. There is a $500 million request for the Inter-American Development Bank contained in the budget for fiscal year 1972. We are going to consider that request seriously at the proper time, but I am not making any promises that we will recommend the $500 million. It is time to think about America rather than foreign countries, where in many instances, they have dollars in excess of their needs.

Mr. BADILLO. Mr. Chairman, I would not want my colleagues in the Congress or the people of Latin America to interpret the remarks of the gentleman from Louisiana (Mr. PASSMAN) as being typical of congressional attitudes toward the Inter-American Development Bank and the International Bank for Reconstruction and Development. I am confident that this is not the case and I believe my contention will be demonstrated when this body considers appropriations for those two Banks for the new fiscal year.

It is unfortunate in many ways that our preoccupation with the war in Indochina and with the continuing crisis in the Middle East has diverted our attention from the very real and very serious problems of Latin America. This may be one explanation for the sharp, and in my view, unwarranted reductions in the administration's supplemental budget requests for the Inter-American Development Bank and for the International Bank for Reconstruction and Development—the former being subjected to a cut of more than $200 million and the latter being denied a supplemental appropriation, although the administration had requested $246.1 million.

While I feel strongly that the administration has been lax in enunciating and implementing a meaningful foreign policy in Latin America, it should receive credit for these appropriation requests and the Appropriation Committee would have done well to move as aggressively on those requests as it did on requests for the supersonic transport.

It is vital that Congress and the American people realize just how urgent is the situation in Latin America and how serious are the implications of events in those nations for our own future. In many Latin American nations today, one out of five infants dies before the age of 5, and yet the population spirals upward, far outstripping the productive capacity of the people. For those who survive, there is malnutrition—sometimes starvation. More than half the school age children of Latin America are not in school, either because there just are no schools or because they are not free.

There are frightening similarities between conditions in Latin America today and conditions in Indochina prior to the current conflict. If we are to avoid a repetition of that tragic entrapment, we must ally ourselves with the legitimate aspirations of the peoples of Latin America and help them achieve a better life. One means of achieving this is through the economic and social development mechanisms of the Inter-American Development Bank and the International Bank for Reconstruction and Development. I urge my colleagues to pay far greater attention to this area when we consider regular appropriations for fiscal 1972. Much of the future of our hemisphere lies in the decisions we will be making.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MORTGAGE CREDIT

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

For an additional amount for "Homeownership and rental housing assistance", $32,900,000.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOCH: On page 5, line 9, insert immediately before the period ": *Provided*, That the limitation on total payments that may be required in any fiscal year by all contracts entered into under section 235 of the National Housing Act, as amended, is increased by $25,000,000, and the limitation on total payments under those entered into under section 236 of such Act, is increased by $25,000,000".

POINT OF ORDER

Mr. JONAS. Mr. Chairman, I make a point of order against the amendment on the ground it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. JONAS. Mr. Chairman, as I understand the amendment, it seeks to increase contract authority, and the bill under consideration does not contain any contract authority but merely payments that have accrued and have to be paid in order to liquidate contract authority. Therefore, I think the amendment is subject to a point of order and I so make it.

Mr. KOCH. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from New York is recognized on the point of order.

Mr. KOCH. This chapter relates to sections 235 and 236, but provides no new moneys and does not provide the moneys that heretofore have been authorized. I submit to you, Mr. Chairman, that all my amendment will do is to appropriate moneys which heretofore have been authorized for the purpose provided in the amendment.

The CHAIRMAN (Mr. ASPINALL). The Chair is ready to rule. The amendment does constitute legislation in an appropriation bill and violates clause 2 of rule XXI. Therefore, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Page 5, after line 9, insert:

"VETERANS ADMINISTRATION

"MEDICAL CARE

"For an additional amount for 'Medical care', $8,000,0000."

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. BOLAND. Mr. Chairman, the amount of $8 million will, in fiscal year 1971, provide the opportunity for the Veterans' Administration to hire 2,000 new nurses and 565 doctors. It will provide the Veterans' Administration the opportunity to employ in fiscal 1971, before July 1st of this year, 1,300 licensed practical nurses, and 1,135 other hospital employees, and this all in May and June of 1971. It is my understanding that the Subcommittee on Appropriations for the Veterans' Administration has a waiting list of qualified candidates to fill these needed positions.

Mr. Chairman, I would call to the attention of the Members of the Committee that in the original 1971 appropriations bill Congress provided $105 million in excess of the budget request for the medical care appropriation of the Veterans' Administration. The Office of Management and Budget has not permitted this $105 million to be used for the additional positions for the VA hospitals as the Congress had intended. Rather, the OMB directed that about $43 million of these funds be used primarily for items of expense of a nonrecurring nature.

The Veterans' Administration was not permitted to request this $43 million in 1971 needed to fund several public laws and new administration policies. The amounts VA has been forced to absorb are as follows:

1. P.L. 91-231—Federal employee pay raise	$32,324,000
2. P.L. 91-418—Increased Government share of health benefits	4,242,000
3. P.L. 91-500—Additional Veterans hospital benefits	1,000,000
4. Increased rates OMB authorized for Federal hospitals in which Veterans are patients	597,000
5. Increased pay for nursing assistants authorized by the Civil Service Commission	4,850,000
Total amount VA was required to absorb	43,013,000

As I have said, this $43,013,000 was taken from the $105 million provided by the Congress in 1971 for additional personnel, rather than submitting a request for additional funds to provide for these requirements.

Instead of maintaining or increasing the 1970 average daily patient census of 85,547, the estimate for 1971 now proposes an average daily patient census of 83,000, a reduction of 2,547. The 1972 budget proposes a further reduction to 79,000.

My amendment would provide $8 million in fiscal year 1971 specifically for the Veterans' Administration to hire 2,000 new nurses, 565 doctors, 1,300 licensed practical nurses, and 1,135 other hospital employees in June 1971. I understand that the Veterans' Administration has a waiting list of qualified candidates to fill these needed positions.

In addition, there are procedures whereby veterans may be employed by the Federal Government up to grade GS-5 with practically no delay. Since many of our returning Vietnam veterans are in dire need of employment, this is one vehicle which can be directed toward meeting a double objective—that of providing employment for some of these returning veterans and to provide better medical care in VA hospitals for those that require it.

The $8 million will provide adequate ward level personnel to ensure the high level of medical care to which I feel our veterans are entitled, and the average daily patient census can be maintained at a level of 86,000 to meet demonstrated requirements.

Mr. TEAGUE of Texas. Mr. Chairman, for many years, as the result of inflation, and more recently, the Revenue and Expenditure Control Act of 1968, the VA medical staff has not moved up to the levels anticipated by the budgets. For example, fiscal year 1969 actual employment was approximately 4,300 below the original budget submission. Fiscal year 1970 was 5,300 below the budget with a corresponding decrease in fiscal year 1971. For fiscal year 1972, further, the budget presented to us anticipates an apparent increase in hospital staff relative to the size of the patient loads, by proposing a shocking decrease in the capacity of the VA hospital system to treat veteran patients. A second problem has been the inadequate budget requests.

The stringent economies dictated by the less than adequate budget for the past several years have given me great concern over the ability of our VA hospitals to keep pace with standards of health care being provided by other leading institutions of our country. The VA hospital staffs are dedicated and well qualified individuals who are loyal to the VA and to the missions for which they are held accountable; namely, quality health care for the veteran patient. But, the simple facts are that there are insufficient numbers of staff available to do the job that must be done. Some of the hospitals are under-utilized because of the limited staff and the all too frequent necessity to redistribute staff in order to meet new and emergency needs which, not infrequently, leave other crisis areas unprotected.

Advancements in public and professional concepts of patient care and treatment techniques have created the need for additional services of people and equipment. Because of the limitations imposed on budgets and personnel ceilings, VA has not been able to keep pace with these rapidly changing concepts resulting in either curtailment in the range of patient care or in compromising the extent of services offered in comparison with those which are available in the community. While the desired completeness of care has not been met, VA has managed to maintain essential life support functions of medical care.

The range of services, however, is not as complete as it was 3 years ago. This has been reflected in the critical testimony provided to a number of congressional committees concerned with the quality of medical care in the VA. These criticisms have dealt with such critical areas as a decrease in the bedside nursing hours per individual patient day and other supporting services. These have resulted in: increase in medication errors; development of decubiti; patient injuries; delays in reports of laboratory and X-ray; lack of Physical Medicine and Rehabilitation treatments which particularly handicap total rehabilitation efforts of long-term patients; inadequate social work and psychology coverage which hinder the outplacement of patients and subsequent follow-up of the welfare of those discharged patients; backlog of transcription of patients' records; decline of sanitation; maintenance and repair deferral; and lack of funds to purchase needed medical equipment. Equipment and maintenance deficiencies have been the result of directing nonrecurring funds to cover recurring needs. These deficiencies have been rapidly increasing in the past 3 years.

In the meantime, the Veterans' Administration is experiencing an increasing demand for hospitalization. The average daily patient load has been running over the budgeted census of 83,000 during all of 1971; it was 84,647 at the end of April. Applications are running unusually high, recent experience up 8 percent over comparable period last year; admissions to VA hospitals are also up, by 6 percent, even though VA's acceptance rate has declined from 62 percent to 61 percent.

Several reasons for increased demand are apparent. Traditionally, up in periods of high unemployment, new law—Public Law 91–500—relaxes admission policy for certain veterans over age 65, and increasing requirements of Vietnam era veterans which now represent 15 percent of all applications for treatment, up from 11.2 percent in 1969.

The $8 million, annualized for fiscal year 1972, in this supplemental appropriations bill will resolve this chronic understaffing of the VA hospitals.

The VA has thousands of applications for employment on file from nurses, physicians, and other scarce health personnel. Employment of these personnel can be accomplished in the period remaining this fiscal year if funds are made available. If these steps are not taken now, VA will continue its retrenchment and even if funds are added later, it will take 6 months to a year to reverse the process.

Mr. Chairman, many of the veterans' organizations national commanders and their organizations support this amendment and I include in the Record the text of communications received by me from them concerning this important matter at this point:

Veterans of Foreign Wars,
Washington, D.C., May 6, 1971.

Hon. Olin E. Teague,
Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, D.C.

My Dear Mr. Chairman: This is in reference to the Supplemental Appropriation Bill now before the Subcommittee on Housing and Urban Development, Space, Science of the Appropriations Committee which contains additional funds for the VA hospital and medical program.

First, it is our understanding that the VA was prohibited from requesting additional funds needed to meet urgent staffing requirements in VA hospitals. There is no question that the money would have been approved had the VA been permitted to request the money it needs for hospital and medical care in this Supplemental Appropriation.

You will recall that the Veterans of Foreign Wars of the United States helped bring to the attention of the nation the emergent need for additional funds and personnel for VA hospitals during fiscal year 1971. Under your effective leadership and through hearings by your Committee and the Subcommittee on Hospitals, evidence was developed demonstrating beyond any doubt that the VA needs additional personnel to continue to provide quality medical care.

The 91st Congress approved $105 million above and beyond the amount of money requested for medical care by the VA for 1971. The Veterans of Foreign Wars is deeply disturbed that the strong hand of the Office of Management and Budget is the controlling factor regarding the spending of this $105 million which the Congress so wisely added to the 1971 VA hospital and medical care budget. Testimony by VA officials before Congressional Committees during this 92nd Congress indicates that most of the $105 million has been spent on nonrecurring expenditures. The Office of Management and Budget would not permit the VA to use any significant amount of this money for increased staffing, despite the fact it was abundantly clear that the extra $105 million was to be used for personnel and staffing requirements throughout the VA hospital system.

As the VA approaches the final month of fiscal year 1971, evidence reaching the V.F.W. from throughout the nation indicates that there is a desperate need for additional personnel at what we call the ward level. This is where medical care and treatment is provided. We are talking about nurses, paramedical personnel, ward attendants, and the like. This is the area where the quality of medical care is lacking because of the acute need for additional personnel and staff.

This is the reason that the Veterans of Foreign Wars is calling upon the Congress to have addtional funds for VA hospitals added to the Supplemental Appropriation Bill which is scheduled to be reported to and considered by the full House next week. While the 1972 VA budget is also before this same Subcommittee, it now appears that it could be some time next summer or the early fall of this year before the VA budget for 1972 is finally approved.

Further, it is the strong conviction of the V.F.W. that Congress must indicate beyond any doubt that any additional funds for hospital care added to the Supplemental 1971 VA budget must be spent for additional personnel at the ward level in VA hospitals. Otherwise, the money will be spent on nonrecurring, one-shot budget items. We know that the Office of Management and Budget disregarded the intent of Congress with respect to the extra $105 million added to the 1971 VA budget. There is every reason to believe it will do the same thing again should extra money be added to the supplemental VA budget for 1971.

The 1972 budget is predicated on a reduction in VA hospital care on a daily basis from 85,823 to 79,000. The VA is already tooling up to accomplish this decrease of 6,823 patients on a daily basis. This is another reason that it is imperative that money be added to the supplemental budget for 1971. Otherwise, by the time the 1972 budget is approved late this year, the cut in VA hospital daily patient care will have been accomplished. The time to stop this cut is now. The vehicle is the Supplemental Appropriation Bill, which contains money for VA hospitals and medical care.

Lastly, there is an unemployment crisis among Vietnam veterans. At last count there were some 372,000 listed as unemployed. Additional money for VA hospitals should help reduce the list of unemployed Vietnam veterans, since many of them could be immediately hired by the VA to staff VA hospitals at the ward level.

Any favorable action by the House of Representatives in carrying out these recommendations will be deeply appreciated by the more than 1,600,000 members of the Veterans of Foreign Wars of the United States.

With kind personal regards, I am

Sincerely,

H. R. Rainwater,
Commander-in-Chief.

Disabled American Veterans,
Washington, D.C., May 6, 1971.

Hon. Olin E. Teague,
Chairman, House Committee on Veterans' Affairs, Washington, D.C.

Dear Mr. Teague: I am writing with reference to the supplemental appropriations bill presently under consideration by the House Appropriations Committee which contains funding requests for operation of the VA hospital and medical care program.

As you know, the Office of Management and Budget denied the VA's request for a $43.6 million supplemental appropriation for FY 1971, which was required to implement several public laws enacted in the 91st Congress. Moreover, because of fiscal restraints imposed by the Office of Management and Budget, the Veterans Administration is also being forced to reduce the average daily patient census in its hospital system from 84,500 to 79,000 in FY 1972. The hospital Directors have already been ordered to adjust the level of medical services in order to reach the lower patient census by July 1, 1971.

Since FY 1971 will come to a close within a short time following passage of the supplemental appropriations bill, we would not expect that the $43 million could be put to full use in the current fiscal year. However, it is the feeling of the DAV that there is an immediate and urgent need of an $8 to $10 million increase in the supplemental appropriations. These funds could be used in the month of June to recruit the several thousand personnel who are needed to fill existing vacancies and improve the staffing ratios in VA hospitals.

This additional funding would not only help to improve the quality of VA medical care but would also create job opportunities for a large number of the 372,000 unemployed Vietnam veterans.

For the reasons set forth above, I urge that you, as Chairman of the House Committee on Veterans Affairs, use your influence to obtain an increase of at least $8 in the VA supplemental appropriations and to insure that the additional funds will be used exclusively to improve the staffing ratio within the VA hospital system.

Respectfully yours,

Cecil W. Stevenson,
National Commander.

The American Legion,
May 11, 1971.

Hon. Olin E. Teague,
Chairman, House Committee on Veterans Affairs, Washington, D.C.:

The American Legion supports the amendment you propose to offer to H.R. 8190, the Second Supplemental Appropriation bill for Fiscal 1971, to include urgently needed funds for the VA medical program. As you know the Office of Management and Budget prevented VA from requesting $43 million in additional funds for its medical program and the cost of new public laws enacted last year. The OMB also blocked use of funds approved last year for significant staff improvements. We are aware that orders have already gone out to hospital managers to reduce their medical activities to accommodate the lower patient census, effective July 1.

Unless substantial funds for VA are included in H.R. 8190, earmarked specifically for additional hiring this fiscal year of medical personnel at the hospital ward level, VA cannot continue to provide quality medical service for our disabled war veterans. We are grateful to you for your continued efforts in this matter.

Alfred P. Chamie,
National Commander.

AMVETS,
Washington, D.C., May 7, 1971.

Hon. Olin E. Teague,
Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, D.C.

Dear Congressman Teague: I have studied your recommendation that 8 million dollars be added to the Supplemental Appropriations Bill, which is presently before the Subcommittee chaired by the Honorable Edward P. Boland of the Appropriations Committee. Your recommendation includes stipulations that the additional monies be earmarked for the recruitment of personnel, preferably at the ward level, to staff the 165 Veterans' Administration Hospitals. It is my understanding that this request is funding for the balance of FY 1971, ending June 30, 1971.

In my presentation before your Veterans' Affairs Committee, I reported the concern of AMVETS with regard to the problem of recruiting and retaining medical personnel. We asked that funding be provided to maintain a medical program second to none. Your recommendation to Congressman Boland indicates your deep interest in providing care for those who have borne the battle, and we support you in your effort.

I have further noted that the emphasis in this proposed recruitment program is on the hiring of Vietnam veterans. The unemployment problem of the Vietnam Veteran is also of prime concern to AMVETS. Be assured that Congressman Boland and the members of his Subcommittee will be contacted by this office and urged to support your recommendation.

Sincerely yours,

ROBERT W. SHOWALTER,
National Commander.

Mr. ROBERTS. Mr. Chairman, I fully support the amendment which has been offered to increase funding for veterans medical care during the balance of fiscal 1971.

Mr. Chairman, I was highly disturbed to learn that out of the $105 million of additional funding voted by Congress over and above the administration's budget request, practically none of these additional funds were used to significantly increase staffing ratios in VA hospitals.

Mr. Chairman, it was abundantly clear that Congress expected the Veterans' Administration to use a major portion of last year's additional funding for staffing increases. However, from what information I have been able to gather, the Office of Management and Budget prohibited the Veterans' Administration from using these funds for increased staffing needs.

Mr. Chairman, I want the record to be abundantly clear that the amendment adding $8 million to the 1971 supplemental VA medical care budget is to be used to increase ward level staffing in our VA hospitals. The Veterans' Administration can hire these individuals immediately if they concentrate on hiring unemployed Vietnam veterans, particularly those in grades 1 through 5. The Civil Service Commission has provided an expedited procedure to accomplish this purpose without formal Civil Service tests having to be taken, and the veteran does not have to be reached on a particular Civil Service roster if he is a Vietnam veteran willing to accept employment in grade 1 to 5 level.

Mr. Chairman, it seems to me that by voting for this amendment we will be accomplishing two objectives. We will be increasing the quality of care for America's sick and disabled veterans and decreasing the number of unemployed Vietnam veterans.

Mr. DANIELSON. Mr. Chairman, the supplemental appropriations bill before us today contains funds for the Veterans' Administration hospitals and medical program and I fully support the amendment to add an additional $8 million for the balance of fiscal 1971.

Mr. Chairman, I served with my distinguished colleague from California (DON EDWARDS) on the special subcommittee to investigate the San Fernando VA hospital disaster which resulted from the February 9 earthquake. I am very much concerned about the loss of this hospital from the VA system and although the administration has given our subcommittee every assurance that the hospital will be replaced, it takes over 5 years from the time the go ahead is given to build a hospital until you open the doors and start treating patients.

Mr. Chairman, I am very concerned also about the 1972 VA budget for medical care which the administration has sent to the Congress and especially about their plans to close down almost 500 beds in VA hospitals in California. By reducing funding needed to operate the system at present levels, they are trying to take away from California another hospital at a time when the veteran population in our State is increasing in record numbers.

Mr. Chairman, I support the pending amendment because the existing VA hospitals desperately need this money to hire personnel now, and I hope the Veterans' Administration will hire as many Vietnam veterans as possible to help reduce the unemployment problem prevalent among our returning ex-servicemen.

Mr. TEAGUE of California. Mr. Chairman, I rise in support of the gentleman's amendment. The Committee on Appropriations is to be commended for having the foresight to authorize these additional funds which will alleviate the shortage in staffing in Veterans' Administration hospitals. It is my understanding that the additional $8 million authorized by this amendment will permit the Veterans' Administration to hire an additional 6,000 employees. These 6,000 positions will be distributed among the 166 Veterans' Administration hospitals and will consist of personnel at the ward level who are directly engaged in patient care.

This additional funding, Mr. Chairman, is necessary if the Veterans' Administration is to continue providing the high quality medical care that is synonymous with the Veterans' Administration hospital system.

It is my further understanding that should this amendment become law, preference in hiring the additional personnel will be given to the returning Vietnam veteran. As Members are aware, the President has inaugurated a nationwide Jobs for Veterans campaign in an effort to alleviate the unemployment rate among this portion of our labor forces. Thus, the adoption of this amendment will serve a twofold purpose. It will improve the staffing ratio in Veterans' Administration hospitals and it will create additional jobs for the returning Vietnam veteran.

Mr. Chairman, I support the amendment and urge that it be passed.

Mr. CARNEY. Mr. Chairman, the House Veterans' Affairs Committee conducted a comprehensive investigation which pointed up serious funding and staffing deficiencies in the VA hospital system. Congress voted $105 million in additional funding for the VA medical care program to help correct these deficiencies. Mr. Chairman, as usual the Office of Management and Budget thwarted the will of Congress and forced the already starved VA medical care program to absorb many items of increased costs of hospital operation out of the $105 million which we mainly intended for improvement in hospital care for our wounded, sick and disabled veterans.

Mr. Chairman, one large item which the Office of Management and Budget forced the VA medical care program to absorb was approximately $32 million in Federal pay hikes for classified workers, These two items alone have precluded the addition of any significant new medical personnel for our VA hospitals. Needed personnel are available and could be hired immediately if additional funding is made available. This amendment will help the Veterans' Administration to get started now and hire much needed personnel. Mr. Chairman, in voting for this amendment, I hope that the Office of Management and Budget will not once again try to thwart the will of the Congress. These funds are being voted for additional personnel and I believe that every penny can be spent for this purpose during the remaining weeks left in the fiscal year.

Mr. Chairman, I also have been told that the 1972 budget envisions the reduction of almost 400 beds in the Ohio veterans Administration hospitals. I am very much opposed to this reduction and I intend to do everything possible to prevent the closure of these much needed hospital beds.

Mrs. HICKS of Massachusetts. Mr. Chairman, I support the amendment to add $8 million to "Veterans medical care" in the 1971 supplemental appropriations bill. I wonder if it is enough? Quite frankly, I am appalled at what the administration is trying to do to the VA medical program. I have learned that the 1972 budget which the President submitted to Congress calls for a nationwide reduction in VA hospital beds of almost 7,000. In Massachusetts alone they are trying to close almost 400 beds and the hospital directors have all been informally told to slow down the admission rates so this reduction can be put into effect by July 1, 1971, when the 1972 budget year begins.

Mr. Chairman, there is no basis for closing down these beds. The demand is running at record levels and we are adding hundreds of thousands of Vietnam veterans to the list of eligibles each year.

Mr. Chairman, the Office of Management and Budget is making the VA hospital program "absorb" about $42 million of costs which should have been a part of a supplemental budget request. About $32 million is for pay increases and voted by the Congress and the rest is increased cost of legislation voted by the Congress.

Mr. Chairman, I do not believe that Congress subscribes to this philosophy. Therefore, I support the pending amendment to add $8 million to medical care in the 1971 supplemental for the remaining months of fiscal 1971 so that the VA medical program will not have to "suffer" from the funding indignities which the Office of Management and Budget has attempted to impose. This and other restrictive budgetary controls imposed by OMB has prevented the 166 VA hospital directors from recruiting much needed personnel this year.

Mr. Chairman, all of these funds should be used to hire hospital ward personnel which are recruitable right now. And I hope, Mr. Chairman, that the Veterans Administration will endeavor to employ as many unemployed Vietnam veterans as possible in these positions as we will be achieving two goals—better hospital care for our veterans and jobs for veterans who desperately need them.

Mr. FRASER. Mr. Chairman, I support the amendment for VA hospital funds.

Minneapolis area veterans in need of medical care will be faced with higher rejection rates at the admitting office and longer waiting lists if the Nixon ceilings continue. Medical treatment for the 500,000 veterans in the Minneapolis region and the hundreds returning from Vietnam each month will no longer be determined by medical opinion case by case, but by bookkeeping clerks in the Budget Bureau in Washington, D.C., with artificial guidelines intended to make everything look rosy.

The facts are that a million and a half veterans of World War I are in their 70's and 80's and need more hospital care, not less. Hundreds of thousands of the 14 million veterans of World War II, 5 million veterans of the Korean war and 4 million who served during the Vietnam war are eligible for outpatient and hospital care. Their medical problems cannot be swept under the rug.

Yet the President has given his blessing to the Budget Bureau decision to close down 116 beds at the Minneapolis Veterans Administration hospital during the coming months and a total of 6,823 beds nationwide. As Chairman Olin Teague pointed out this is equivalent to closing down 11 500-bed hospitals.

Thus in our area 1,500 fewer veterans will be able to use the Minneapolis Veterans Administration Hospital if these artificial ceilings planned by the Nixon administration for 1972 are put into effect.

I strongly support the amendment for an increase of $8 million for this fiscal year for additional personnel at the ward level in VA hospitals across the country. These are vacant positions on hospital staffs that can be filled immediately by available workers.

And I for one shall do all I can to prevent the administration's apparent plans to weaken the VA hospital system and neglect our responsibility for the pressing medical needs of these veterans.

Mr. DORN. Mr. Chairman, veterans who have served this country deserve the best possible medical care when they become sick or disabled or need treatment for their war wounds. The $8 million called for in this amendment should be earmarked for increased staffing of our VA hospitals. The investigation conducted by the Veterans' Affairs Committee revealed that hospital directors were almost $85 million short in fiscal 1971 to fund recruitable medical personnel.

Mr. Chairman, the Congress voted $105 million in additional 1971 appropriations for the VA medical program, but the Office of Management and Budget refused to let the Veterans' Administration use any significant amount of the additional funding voted by Congress to improve hospital staffing.

Mr. Chairman, this was a heartless act on the part of the Office of Management and Budget. The Veterans' Affairs Committee found during last year's investigation that the staffing ratios of VA hospitals were about half the same ratios in private and community hospitals. This has resulted in lessening of care in VA hospitals, overworked staff, and use of highly trained medical personnel to do menial jobs which could be performed by other personnel, thus freeing the professionals for direct patient care for our veterans.

Mr. Chairman, I support this amendment to add $8 million to veterans medical care in the 1971 supplemental appropriations bill, and I want the Office of Management and Budget and the Veterans' Administration put on notice that the funds we are adding in this amendment are to be used for increased staffing. In addition, I also hope the Veterans' Administration will endeavor to hire as many Vietnam veterans as possible. This group is running a much higher unemployment rate than other segments of those who are unemployed.

Mr. SATTERFIELD. Mr. Chairman, the pending amendment to increase the 1971 supplemental budget for Veterans' Administration medical care by $8 million is clearly intended to make an immediate start on increasing the staffing levels in our Veterans' Administration hospitals. As many of my colleagues will recall, the 91st Congress appropriated $105 million more than the administration's 1970 budget request, because the Committee on Veterans' Affairs, after a comprehensive investigation, verified that our VA hospitals did not have enough funds for proper staffing, general operating funds, and maintenance expenses.

Mr. Chairman, the Office of Management and Budget did not follow the intent of Congress in the utilization of these funds.

I was chagrined to find that VA medical program was forced to absorb $32.3 million which Congress had intended the VA to use to improve their staffing ratio. At best, Mr. Chairman, by making the VA absorb about half the cost of this pay raise, the staffing ratio in the VA hospital system at the end of the year will be status quo with last year. This means already overworked nurses and doctors in the hospital system must many times perform other administrative and sundry duties when they should be performing medical or nursing responsibilities.

Mr. Chairman, there will be those who will argue that it is too late to do anything about this problem during the few remaining weeks of the 1971 fiscal year. This is simply untrue. With these additional funds, the VA could start now and hire badly needed personnel. These funds should be annualized so that hospital directors will not have to wait for fiscal year 1972 to begin recruiting badly needed nursing assistant trainees in grades GS 1 to 5.

Mr. Chairman, in October 1970, the directors of the Veterans' Administration 167 hospitals advised the House Veterans' Affairs Committee of a shortage of 25,659 staff personnel. Of this total, over 7,000 fall in the nursing assistant category.

Mr. Chairman, in view of increased unemployment prevalent throughout the Nation among our returning Vietnam veterans, which is running at a level of 14 percent—it is about 8-percent higher than the nonveteran population. Congress should not hesitate to appropriate this money now. We can accomplish two goals—we can give our wounded, sick, and disabled veterans a far superior level of care which they certainly deserve—and we can decrease unemployment among returning veterans who want jobs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Boland).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF MINES

HELIUM FUND

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act, to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, $15,077,000, in addition to amounts heretofore authorized to be borrowed.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Vanik: Page 6, line 9, after the word "borrowed" strike out the period, insert a comma "provided, however, that none of the funds appropriated by this act will be disbursed to any individual contractor until the claims of that contractor have been determined either by agreement or by litigation."

POINT OF ORDER

Mrs. HANSEN of Washington. Mr. Chairman, on this amendment I make a point of order.

The CHAIRMAN. The gentlewoman will state her point of order.

Mrs. HANSEN of Washington. The wording is "until the claims of that contractor have been determined either by agreement or by litigation."

That is legislation on an appropriation bill and extends the act beyond the intention.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. VANIK. Mr. Chairman, I believe it has been well established in this Chamber that a limitation on expenditures is a perfectly valid amendment to an appropriation bill.

I might say, Mr. Chairman, the amendment should read, "full claims of the contractors have been determined."

I believe it has been well established that this type of amendment is in order on this kind of bill.

The CHAIRMAN (Mr. Aspinall). The Chair is ready to rule.

The language of the amendment does constitute legislation on an appropriation bill, and in this particular situation provides for a condition subsequent.

Therefore, the Chair will have to sustain the point of order.

Mr. VANIK. Mr. Chairman, I move to strike the last word.

Last year I offered an amendment which would have terminated the helium purchase program. I was defeated in my attempt, but on January 26, 1971, the Bureau of Mines of the Department of the Interior notified several companies from whom helium was being purchased that the Government was terminating its contract. The companies have protested and the matter is currently in the courts, but it is my hope that this matter will be resolved favorably for the taxpayer. From the hearings on this bill, it is clear that the program is no longer needed. As the Government witnesses reported:

> We are producing about 630 million cubic feet a year combined from the two plants, and we are selling about 200 million cubic feet. Last year we sold about 230 million cubic feet so at present rates we would be storing 400 million cubic feet. In considering termination, it was concluded that the 28.5 billion feet of helium that is in storage as of the end of March, plus the anticipated production from the gas supplies at those two plants, that that helium would meet the estimated needs of the Federal agencies beyond 1995.

This bill provides for funds for the termination of this program—a program which should have been terminated some time ago.

Today I endeavored to offer an amendment which would prohibit the disbursement of any of the funds appropriated under the provisions of title V of this act for the payment of helium deliveries. The supplemental appropriations provide for $15,077,000 for helium deliveries under contracts through March 28, 1971, when action was taken by the Department of the Interior to terminate the provisions of the four contracts and cease the actual purchase of helium.

In view of the action that is pending in the U.S. District Court for the District of Kansas which issued a preliminary injunction against cancellation of these contracts, and in view of the uncertain amount of the ultimate claim, it occurred to me that it might be far more expedient for the Federal Government to withhold the disbursement of any sums to any individual contractor until the full claims of that contractor have been determined either by agreement or by litigation.

The withheld funds would provide leverage for a full and complete settlement of the issue. A payment on the claim could have a very dangerous effect on the litigation which is currently pending and could result in a constructive assumption of Federal liability.

The contractors are protected, since they would be entitled to interest on any part of their claim that may be unpaid on the due date.

It is my hope that the Federal Government will handle the termination of the helium contract in a manner which will precipitate a full and complete termination of the claims at the earliest practicable date—utilizing any appropriations provided under this act as leverage for total settlement. This is precisely the way in which a corporation would handle the matter. This is a business contract. The Government should use the same principles in negotiation and settlement as would be followed by a private contractor who would find it necessary to terminate a contract.

Fiscal prudence and the best interests of the taxpayer would seem to require this kind of approach.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For an additional amount for the "National Cancer Institute", $100,000,000, to be available from July 1, 1971, through June 30, 1973, to include authority for construction under grants and contracts, as well as direct construction authority.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 8, after line 8 insert the following:

"HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

"MENTAL HEALTH

"For an additional amount for 'Mental Health', $10,000,000, to be used only for formula grants to the States, as authorized by P.L. 91-616."

(By unanimous consent, Mr. CONTE was allowed to proceed for 5 additional minutes.)

Mr. CONTE. Mr. Chairman, I rise to offer an amendment to provide $10 million as a modest start in funding the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91-616.

Public Law 91-616 was passed unanimously in both bodies of the Congress late in 1970 and was signed into law by President Nixon on December 31. After more than a decade of legislative effort, it has been rightly described throughout the country as the first major piece of legislation in the field of alcoholism. The legislation authorizes $300 million over a 3-year period for formula, revenue-sharing grants to the States, in addition to specific project grants for the support of research, training, and public education in the area of alcoholism.

For fiscal 1971, Public Law 91-616 authorizes $70 million, of which $40 million is allocated in formula grants to the States so that they can develop comprehensive plans and support direct services to people suffering from alcoholism.

The formula grant, therefore, is the most important provision in the legislation; it is the key to giving the States the financial capability to provide comprehensive services to alcoholics.

The appropriations history of the legislation strongly supports the position I am taking today. Last December the Senate unanimously included $30 million to fund Public Law 91-616 during fiscal 1971. At that time the authorizing legislation had not cleared the House, but the report of the House Appropriations Committee on the first supplemental indicated clear congressional intent in these words:

> The conferees agreed that if this bill becomes law, the most serious consideration will be given to the proper level of funding in the next session of Congress.

There is no doubt as to the enthusiastic, widespread support for this landmark legislation. On January 11 of this year Secretary of Health, Education, and Welfare Elliot L. Richardson held a press conference on the national problem of alcoholism, and this is what he said about the authorizing legislation:

> The $300,000,000 Alcohol Abuse, Prevention, Treatment, and Rehabilitation Act signed by President Nixon . . . along with the inter-agency collaboration provided in this new agreement gives us for the first time the tools we need to fight alcohol abuse and alcoholism on a nationwide scale. Our recent estimates disclose that some ten million Americans are dependent on alcohol—a shocking figure that yet does not begin to reveal the damage to the nation in the terms of alcohol related disease, broken families, economic ruin and death.

On March 18 of this year Dr. Vernon Wilson, the Administrator of the Health Services and Mental Health Administration, appeared before the Senate Subcommittee on Alcoholism and Narcotics to spell out the administration's plans for the implementation of this legislation. Here is what Dr. Wilson said about the critical nature of the problem of alcoholism:

> There is no question that this is one of the most widespread, destructive, and costly health problems facing our country.
>
> It is now estimated that alcohol problems adversely affect the lives of some 36,000,000 Americans—that is, fully one in every six of our men, women, and children are directly or indirectly harmed by alcoholism or alcohol abuse. Nine million of our citizens are alcoholics or problem drinkers, and each of these persons can and does bring untold suffering to the members of their families. Furthermore, approximately 200,000 new cases of alcoholism are being added to the total in the nation every year.
>
> Alcohol-related problems are the cause of more than 85,000 deaths in the United States annually.
>
> There are nearly two million arrests each year for public drunkenness in this country, accounting for about 40 percent of all non-traffic arrests.
>
> A conservative estimate of the annual economic drain from the Nation is $15 billion per year, including $10 billion in lost work time of employed alcoholics, $2 billion in health and welfare costs incurred by alcoholics and their families, and $3 billion in property damage, wage losses, and other costs associated with traffic accidents.

In response to a request from the Senate subcommittee, Dr. Wilson submitted a document officially approved by the Department of Health, Education, and Welfare, in which the administration projected an expenditure of $1 billion over the next 5 years as the minimum amount necessary to develop a strong nationwide offensive against alcoholism.

Mr. Chairman, it can readily be seen that my amendment for $10 million is exceedingly modest, both in relation to these projections of the administration itself and to the authorizations in the bill. I am proposing that the $10 million be allocated entirely in formula grants to the States, with each State receiving the $200,000 provided as the minimum allocation in the authorizing legislation.

I have reviewed the testimony of officials of the Department of Health, Education, and Welfare both last year and this year, and there is no doubt in my mind that these formula grants can be successfully and responsibly awarded by the end of the present fiscal year. However, if some unforeseen delay develops, it is important to note that the authorizing legislation provides for a 1-year carryover of appropriations for formula grants.

Mr. Chairman, in formal testimony before both House and Senate committees, the $300 million in authorizations for the fight against alocholism was vigorously supported by the American Medical Association, the American Public Health Association, the North American Association of Alcoholism Programs, the

National Council on Alcoholism, the National Association of State Mental Health Program Directors, the Licensed Beverage Industries of America, and many other organizations too numerous to list here. At these hearings witnesses appeared from California, New York, Massachusetts, Pennsylvania, Florida, Colorado, Oklahoma, Illinois, and other States to assure the Congress that the funds authorized in the legislation could not only be put to immediate use but were really insufficient to counteract the raging epidemic of alcoholism in this country.

Mr. Chairman, each day we delay almost 1,000 new cases of alcoholism engulf our pitifully inadequate existing facilities for treatment. The American Psychiatric Association has warned us that if we do not begin a program of prevention and treatment of alcoholism now, we will have 12 million alcoholics to contend with by the end of the present decade. The time for action is now.

I urge the adoption of my amendment.

Let me direct one other thought to this body, and that is that time and time again authorizing committees have worked and labored hard in the vineyard working weeks at a time, and have proposed constructive legislation to the floor of this House, and that legislation passes. But when it comes to putting up the money, we are not there.

I say, it is high time to put up or shut up. It is a hypocritical thing that we are doing in this Congress. Whether it has to do with education or labor or mental health—we pass legislation, it goes to the other body and it is signed by the President, and then not one plugged nickel is put in to carry out the program.

We have a duty and a responsibility to these people who are affected and afflicted with this dangerous disease. We have a duty to put in some money and to get this program off the ground and working immediately.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. GIAIMO. Mr. Chairman, I should like to commend the gentleman on the statement he is making. I know of his deep interest in this problem. I think his point is well taken. I just want to say I rise in support of the amendment.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am very fond of the gentleman from Massachusetts. This is not just one of those formal things that people say in the well of the House—I really am, and I am sure the gentleman knows it. The last closing 2 minutes were pretty good—he did very well. I could not have done better myself—and that is praise from Ceasar.

About 2 months ago my beloved friend from New England came on the Labor-HEW Subcommittee on Appropriations. He had been trying to get on for many years and I have been trying to help him. So this year he made it. There is nothing wrong with the purpose of this amendment—of course not. The subcommittee and the full committee are the first to say so—not as eloquently as he, but this is what the full Committee on Appropriations feels and our subcommittee agrees 100 percent. Except that this is the middle of May, and there are less than 2 months left in the fiscal year in which to use this money.

The trouble with the amendment is this—it reminds me of a pregnant elephant in a rowboat. It is the wrong vehicle. The 1971 supplemental appropriation bill is the wrong vehicle. Alcoholism is a serious problem. Probably, there is no more serious problem in our Nation. We all know this. It affects millions. We know that.

Now the Labor-HEW Appropriation Subcommittee, Mr. Chairman, has labored for years unanimously to urge HEW to fight this thing. We said this was a disease—this committee and this House have long recognized the seriousness of alocholism. We have said it for years—and we treat it that way. It is a disease—God help those who are afflicted with it, and their families.

Let me tell you what we have done. For fiscal year 1970 this House appropriated $29,700,000 to fight this thing. In the 1971 Appropriation Act there is $41,700,000 that you voted for—that this House voted for. Do you know what is in the budget request for 1972—and you will vote for it unanimously? Seventy million dollars—$70 million for programs to combat alcoholism. That is what your committee thinks and that is what you did. This amendment is the wrong thing in the wrong place at the wrong time.

Mr. Chairman, there are many, many programs administered by HEW for which we could easily appropriate additional funds. All of them are meritorious. Their advocates are all dedicated, honest, sincere people that you meet and I meet in our offices by the thousands. You can see it in their faces. They urge us to appropriate more money for heart disease, cancer, stroke, mental retardation, poverty, child health, old age, education, drug addiction, and so on—all of these things are in the Labor-HEW bill appropriation. Everybody wants something more for their thing. I do not blame them. So would you; so would I. These people are not fakers. These are not lobbyists. These are dedicated, honest people who want more, more, full funding for their thing. We are doing our best to do justice to all of them, including programs to combat alcoholism.

I suggest, Mr. Chairman, the amendment be defeated.

Mr. SMITH of Iowa. Mr. Chairman, I supported an appropriation for the program in the committee, but the majority felt that this program, which was authorized recently, should be appropriated for in the regular 1972 bill which will probably be passed next month and be effective in July.

I realize that there are usually good reasons for developing appropriations requests and programs in the usual deliberative manner. However, I think that in this case some money should be appropriated now to get the program started, so they will be able to go forward dovetailing the program with programs which have been underway for several years, and so the commitment can be sealed and the planning for effective use started prior to the availability of funds from the 1972 fiscal year appropriation.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Conte amendment, but before proceeding to the argument, may I say that it is quite natural for the gentleman from Massachusetts to be offering this amendment at this time. He is a very valuable member of our subcommittee, having just come aboard this year. Before he came to the Congress, a good long time ago, he gained a reputation in the Massachusetts State Senate for fighting alcoholism. And, so it follows that he should be in the fray here today.

I must agree with our subcommittee chairman, Mr. FLOOD, however, that Mr. CONTE's amendment comes at the wrong time and at the wrong place.

Heretofore the problem of alcoholism has been handled mainly through our mental health and vocational rehabilitation programs. We have been doing a substantial amount of work in this field through those programs in most recent years. Yes, we did appropriate $29.7 million in fiscal year 1970, and $41.6 million in the current fiscal year, and the budget request for 1972 comes to us with a figure of $69.1 million. We are still in the process of hearing witnesses before our Health and Welfare Subcommittee and hope to have a bill for you to act upon before we break for the July 4 recess.

Now, the Hughes bill, which Mr. CONTE seeks to fund in part with his amendment, authorizes four basic things:

First. It establishes a National Institute of Alcoholism and Alcohol Abuse. The Department of Health, Education, and Welfare is completing its plans for the organization of the institute.

Second. It establishes an Advisory Council and on this, candidates for appointment are being received by the Department.

Third. The legislation authorizes $40 million for project grants and contracts. On this subject no specific funds are identified with the authority in the act, but project grants and contracts are currently being awarded under previous legislation and these funds are being identified with that legislation.

Fourth. The Hughes bill authorizes $60 million for formula grants, and this is the item which the gentleman from Massachusetts would propose to the extent of $10 million in the remainder of this fiscal year. It is true no funds for formula grants are in the works currently, because the administration has taken the position that another categorical formula grant program would undercut the principle of "partnership for health," and they would tend to overlap the bill's program of project grants and contracts.

Finally, Mr. Chairman, I think it should be pointed out that formula grants totaling $33 million can be found in the Social and Rehabilitation Service, and may I say again, as the chairman has indicated to you, in our regular bill for fiscal year 1972, we are going to have funds in the appropriations bill for both project and formula grants.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I demand tellers.

Tellers were refused.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 26, noes 56.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ROONEY OF PENNSYLVANIA

Mr. ROONEY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ROONEY of Pennsylvania: On page 8, after line 15 insert:
>
> "NATIONAL INSTITUTES OF HEALTH
>
> "HEALTH MANPOWER
>
> "For an additional amount for 'Health Manpower', $25,000,000 to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, 91st Congress), of which sums of not less than $25,000 each shall be made immediately available for the planning and/or development of Departments of Family Practice at the Milton S. Hershey Medical Center of the Pennsylvania State University, and at the University of North Carolina at Chapel Hill, and at Harvard University and/or the Children's Hospital Medical Center, and at such other eligible institutions as may apply; funds appropriated by this provision are directed to be expended and shall remain available for obligation and expenditure until expended."

POINT OF ORDER

Mr. MICHEL. Mr. Chairman, I make a point of order against the language of the gentleman's amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICHEL. Mr. Chairman, the language is out of order on the grounds that we have no legislative authority whatsoever. There is nothing in the code, nothing in the statutes, no legislative authority whatsoever; and this is an appropriation bill. We cannot be appropriating for anything that is not authorized, and therefore it is clearly outside our realm of consideration here today.

Mr. Chairman, I simply make a point of order against the language.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my chairman.

Mr. MAHON. Mr. Chairman, the amendment also makes certain legislative requirements directing the funds be expended and so forth.

I would suggest that the gentleman might be willing to reserve a point of order, and let the gentleman speak for 5 minutes.

Mr. MICHEL. Mr. Chairman, I would just as soon insist on my point of order. It is completely outside the realm of possibility here.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to speak on the point of order?

Mr. ROONEY of Pennsylvania. Yes, Mr. Chairman.

I am sure all of us realize what is involved in the amendment I have offered here today.

The point of order has been made that it is out of order and that it is not germane. My contention is that it is germane. On December 1, in the 91st Congress, we passed this bill in the House.

Mr. ROONEY of New York. Mr. Chairman, will my distinguished colleagues yield at this point for a correction?

Mr. ROONEY of Pennsylvania. I am glad to yield to the gentleman from New York.

Mr. ROONEY of New York. I thank my distinguished friend from Pennsylvania for yielding.

I believe the basis of objection is not that it is not germane, but that it is not authorized by law.

Mr. ROONEY of Pennsylvania. I will get to that point of order, if the gentleman from New York will yield back.

The CHAIRMAN. The Chair is willing to listen to the gentleman from Pennsylvania. The gentleman from Illinois has made the point of order that the amendment constitutes legislation on an appropriation bill.

Mr. ROONEY of Pennsylvania. The bill was passed by the House on December 1 by a vote of 346 to 2. Two Members of Congress voted against the bill in the House. The bill passed the Senate 64 to 1.

On December 14, the bill was sent to the White House for the signature of the President. Subsequently, in accordance with a concurrent resolution, the Senate adjourned to a date certain from the close of business on Tuesday, December 22, 1970, until Monday, December 28, 1970.

Mr. GROSS. Mr. Chairman, I must insist that the gentleman is not addressing himself to the point of order.

Mr. ROONEY of Pennsylvania. I am addressing myself to the point of order.

The CHAIRMAN. The Chair would suggest that the gentleman is trying to address himself to the point of order. The Chair is ready to rule, and wants the gentleman from Pennsylvania to be as brief as possible.

Mr. ROONEY of Pennsylvania. Both bodies, the House and the Senate, had given unanimous consent for designated officers to receive messages from the President during the Christmas recess.

The President took advantage of our Christmas recess to veto this legislation by a pocket veto.

Despite the fact that we were still in session, that we had officers from the House and the Senate standing by ready to receive any veto message, he failed and refused to send it over, and instead he pocket vetoed this bill.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I am glad to yield to the gentleman from Ohio.

Mr. BOW. Has the gentleman read the resolution of adjournment of the House? There is nothing in there on the receiving of messages or any papers from the President. It is a straight adjournment.

Mr. ROONEY of Pennsylvania. I believe if the gentleman will look at the record he will find out that both Houses had officers standing by to receive any message from the President, and this is my contention.

Mr. BOW. The adjournment resolution does not contain any such thing.

Mr. ROONEY of Pennsylvania. It is my contention the President's declaration of a pocket veto in this instance represented an inappropriate use of such veto power.

In this session of Congress we are going to have 10 recesses, and the President can take advantage of the same pocket veto abuse of this legislation.

I maintain, Mr. Chairman, that this bill was enacted into law on the 24th day of December, 1970.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Pennsylvania (Mr. ROONEY) has offered an amendment providing $25 million to implement the provisions of the Family Practice of Medicine Act of 1970.

The gentleman from Illinois has raised a point of order against the amendment on the ground that it provides for an expenditure that is not authorized by law.

When the question of authorization is raised against an item in or an amendment to an appropriation bill, it is incumbent upon the committee reporting the bill or the proponent of the amendment to cite the law permitting the appropriation. The proponent of the amendment in this case has referred the Chair to the bill passed by the other body on September 14, 1970, and passed by the House on December 1, 1970. He has also outlined other legislative history concerning the bill, including the fact that the bill was sent to the President who saw fit to "pocket veto" the measure during the Christmas adjournment of the Congress last year.

The Chair is not oblivious to the fact that certain questions have been raised about the legal propriety of this veto. However, the Chair cannot rule on this constitutional question. The Chair may only refer to the statutes at large or the United States Code to find the authorization required to support this appropriation. Since no such statute can be cited, the Chair must sustain the point of order.

The Clerk will read.

The Clerk read as follows:

> LEADERSHIP AUTOMOBILES
>
> **For an additional amount for the maintenance, repair, and operation of an automobile for the Speaker, $500.**
>
> **For an additional amount for the maintenance, repair, and operation of an automobile for the majority leader of the House, $500.**
>
> **For an additional amount for the maintenance, repair, and operation of an automobile for the minority leader of the House, $500.**

Mr. DULSKI. Mr. Chairman, I commend the gentleman from Pennsylvania (Mr. ROONEY) for offering the amendment to H.R. 8190 to appropriate $25 million for carrying out the program of grants to hospitals and medical schools authorized by the Family Practice of Medicine Act of 1970.

As the gentleman has explained, this act, which passed overwhelmingly both the House and the Senate last year, was "pocket vetoed" by the President on Christmas Eve during a holiday weekend recess of Congress.

I am in complete agreement with the gentleman from Pennsylvania and many of our colleagues that there is grave question whether the President acted properly in the handling of this bill. The Congress was simply in holiday weekend recess—it had not adjourned sine die, which is the circumstance that needs to exist in order to utilize the pocket veto right.

Since the President did not send a veto message to the Congress, it is my conviction that the Family Practice of Medicine Act of 1970 is law today. Therefore, the authorization exists, and the current amendment to provide an appropriation is completely in order.

NEED AND DEMAND CLEAR CUT

Notwithstanding the legal tangle created by the President's action—or is it inaction?—the need and certainly the desire of Congress for funding of grants under this program is clear cut.

Anyone who is in communication with our people today—whether they live in the cities, the suburbs, or in the rural areas—is well aware of the appalling shortage of physicians who are capable and willing to serve in general practice.

There are many thousands of specialists and no one questions the fact that we need these specialists to deal with the many ills that require special knowledge and treatment. But these specialists are neither prepared nor willing to tend to the run-of-the-mill ills of the average family.

It was not many years ago that the family physician was in predominance in the medical profession, serving succeeding generations of families from the cradle to the grave.

The need for family physicians is no less today because only a family physician can and will take the time to study and consider the medical and social history of all the individuals in one family. Such background is needed to establish a pattern of weaknesses, family traits, and guides to the treatment of the various members of the family.

Mr. Chairman, I support fully the amendment offered by the gentleman from Pennsylvania, and I hope that my colleagues will support this effort to move forward toward providing the incentive needed to recruit and train family physicians.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, in view of the fact that we had so much discussion earlier this afternoon about the use of polluting automobiles versus allegedly nonpolluting subways, I rise to address a brief inquiry concerning these items for the repair, operation, and maintenance of automobiles for three of the leaders of the House in the amount of $500 each.

I wonder how you maintain, operate, repair, and insure a Cadillac on $500. Is this for a year?

Mr. MAHON. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. MAHON. As the gentleman knows, in dealing with the supplemental appropriation bill, the hearings are held by various subcommittees of the Committee on Appropriations. The chairman of the Subcommittee on Legislative Appropriations of the Committee on Appropriations is the gentleman from Alabama (Mr. ANDREWS). I am sure he would be glad to respond to the question of the gentleman.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I yield to my friend.

Are these Cadillacs or Lincoln-Continentals or both?

Mr. ANDREWS of Alabama. One of the two, the best.

Mr. GROSS. And, the biggest cubic engines you can get so that the pollution emissions are at the top of the scale?

Mr. ANDREWS of Alabama. Well, we are just doing the same thing we have been doing for years and years.

Mr. GROSS. I know, but pollution is getting worse or at least that was the argument made here today.

Mr. ANDREWS of Alabama. Our subcommittee does not have jurisdiction over pollution. We are opposed to it.

Mr. GROSS. So am I. That is the reason for my inquiry. Has the gentleman given attention to providing the leadership with electric buggies or electric gigs?

Mr. ANDREWS of Alabama. I doubt if the leadership creates any more pollution than the average Member.

Mr. GROSS. What is the extra $500 for?

Mr. ANDREWS of Alabama. It is for the increase in the cost of gasoline, tires, and oil. I am sure the gentleman from Iowa knows that those prices have gone up.

Mr. GROSS. And they all use high-octane gasoline, the most expensive, do they not?

Mr. ANDREWS of Alabama. I assume so. But they are good cars.

Mr. GROSS. The highest lead content?

Mr. ANDREWS of Alabama. Well, they do not want to pollute the air any more than necessary.

Mr. GROSS. Of course not. Well, far be it from me to deprive the leadership of any of the nice things of life, and, so, I shall not pursue the inquiry further.

Mr. ANDREWS of Alabama. I am sure the gentleman would not want to do that.

Mr. GROSS. I thank my friend.

Mr. ANDREWS of Alabama. And, I thank my friend, the gentleman from Iowa.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For an amount (to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman and the chairman of the subcommittee) necessary to enable the Subcommittee on Fiscal Policy, under authority of the Employment Act of 1946 (60 Stat. 23, sec. 5), to undertake a study to develop reliable, comprehensive, and factual information concerning welfare programs and needs in the United States, $500,000, to remain available until June 30, 1973.

POINT OF ORDER

Mr. HALL. Mr. Chairman, I make a point of order against this bill, on page 11, the section beginning with line 15 through page 12, line 3.

My point of order is directed, Mr. Chairman, particularly to the last clause which says, "to remain available until June 30, 1973."

The point of order should lie in the fact that this is an appropriation on unauthorized legislation.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. ANDREWS of Alabama. Mr. Chairman, we concede the point of order.

The CHAIRMAN (Mr. ASPINALL). The point of order is sustained.

AMENDMENT OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Alabama: On page 11, line 13, insert the following:

"JOINT ITEMS

"CONTINGENT EXPENSES OF THE SENATE

"JOINT ECONOMIC COMMITTEE

"For an amount (to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or vice Chairman and the Chairman of the subcommittee) necessary to enable the Subcommittee on Fiscal Policy, under authority of the Employment Act of 1946 (60 Stat. 23, sec. 5), to undertake a study to develop reliable, comprehensive, and factual information concerning welfare programs and needs in the United States, $500,000."

Mr. ANDREWS of Alabama. Mr. Chairman, the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS) appeared before our committee and made this request. For some time she has been interested in an in-depth study of the welfare programs in America. She is very knowledgeable on this subject. She made a good case. The committee thought that the study was in order especially in view of the fact that welfare reform legislation is now pending before the Congress. The subcommittee unanimously recommended the sum of $500,000 with which to make a study of welfare conditions in America. The full committee concurred.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. It seems to me that it is a rather sad commentary upon the Congress of the United States that it does not have the in-house capability—and I believe that it has—to do this job with the present staffing and the present expenditures, without the addition of another $500,000.

It seems to me, if the gentleman will yield further, that this is a problem and a proposition that the House Ways and Means Committee, or its counterpart in the Senate, ought to have tackled long ago and done the job with the money already allocated to it.

Mr. Chairman, I am opposed to the amendment. I am opposed to this appropriation on the basis that it is not necessary and should not be necessary to put out another one-half million dollars for this purpose.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I am glad to yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I would like to point out to the gentleman from Iowa that the House Ways and Means Committee does not have control of welfare. We provide for the cash payments, but there are many other committees in this Congress that are handling legislation making welfare payments such as the Committee on Banking and Currency with reference to the construction of housing and the subsidizing of rents.

Agriculture has feeding programs, food programs and commodity programs; Interstate and Foreign Commerce has other programs, Education and Labor have other programs. And in all the history of this Congress there has never been made a study of every piece of legislation relating to welfare. For years we have studied the amounts of money expended by the Defense Department, and we point with horror to the vast amounts of that spending, but the truth of the matter is that the Joint Economic Committee staff believes that more than $100 billion is expended annually on welfare. This body should know exactly what the payments and programs are, where they go, and what the laws are that provide them. The hearings which we will be running will be really a staff study; it will not be a demagogary effort, it will be an effort to bring knowledge.

I appreciate tremendously the confidence of the Committee on Appropriations. I hope that the Members will vote for this amendment because I think we need to know exactly what we are spending.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I would just like to assure the gentleman and the Congress that the members of the Joint Economic Committee on both sides of the aisle are heartily in favor of creating this new study, because it has never been done before, and it seemed that our committee could best correlate the information in that connection.

One of the greatest problems we have to face in this country, and the one with the greatest priority, is the welfare problem. I believe this can well be a very constructive move toward improving the entire problem.

I would also like to compliment the gentlewoman from Michigan (Mrs. GRIFFITHS) for her part in this effort.

Mr. ANDREWS of Alabama. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. ANDREWS).

The amendment was agreed to.

Mr. BOW. Mr. Chairman, if a method of providing private financing cannot be found, those who voted against the continuance of the U.S. supersonic transport will have cost the Nation's economy more than was required to complete the two prototype aircraft. With sunk costs of $864 million as of March 30, 1971, $478 million additional U.S. Government investment was required to complete this on time, on cost program. The total Government investment would have been $1.342 billion by mid-1973. Besides losing any opportunity to recover the sunk costs, the cancellation will result in additional losses to the economy of $507.5 million. The documentation of the costs are included in the appendices to this report. The total loss, including funds spent to date will be $1.372 billion by mid-1972. A summary is as follows:

Total cost of cancellation

[In millions]

Sunk costs as of Mar. 30, 1971	$864.0
Total additional direct loss	344.6
Total additional indirect loss	162.9
Total loss to economy	1,371.5

Total cost at completion

[In millions]

Sunk costs as of Mar. 30, 1971	$864.0
Required to complete	478.0
Total direct Government investment in program	1,342.0

The direct loss to the Government would consist of $97.3 mililon costs of terminating the contracts, the $22.4 million in advance royalties already returned to the airlines and the moral obligation to return $58.5 million to the airlines which the U.S. Government urged them to advance to Boeing. Further direct losses are being incurred as the 12,629 workers—by actual count—who have been or are scheduled for layoffs by midsummer by the major contractors and first tier subcontractors. In 1969 these people each earned an average of $10,451 annually according to BLS data. Although exact statistics are not available, checks with State, county, and city unemployment and welfare offices reveal that these people can expect to be out of work for an average of 1 year. During the course of this year, $132 million in income and Federal, State, and local taxes will be lost to the Nation's economy. In addition the State and Federal Government will be required to supply $34.4 million in unemployment benefits to these workers.

With a conservative multiplier effect of two, an additional 25,258 workers will also be temporarily laid off due to the cancellation of the SST program. The additional loss to the Nation's economy will be $162.9 million in income reduced Federal, State, and local taxes and the required payout unemployment benefits.

Other undesirable "ripple" effects will be felt from the lowering of this high technology manufacturing base. The loss of the SST program will result in higher overhead rates and higher costs which will be passed on to their customers wherever possible or result in further layoffs to reduce costs at the nearly 3,000 companies involved in the program. Already, contractors such as General Electric have been forced to raise the price of all J–79 engines delivered to the U.S. Government. Major contractors have already, and will continue to pull back work awarded to smaller subcontractors in order to maintain their own manufacturing base.

Not included in this analysis are the costs associated with the sharp increase in the USDA food stamp program and the wasted resources—education and experience—when highly skilled aerospace workers are forced to take low paying, unskilled jobs to keep their families intact, clothed, housed, and fed. A byproduct in the high impact areas is the reduction in education levels and facilities made available not only to the children of the unemployed aerospace workers but to all children in the community.

The congressional recognition of these costs is reflected in the several bills that have been introduced to alleviate the severe unemployment problems caused by aerospace industry cutbacks and cancellations. The following bills were introduced specifically to compensate for the SST cancellation:

BRIEF SUMMARY OF PROPOSED LEGISLATION TO EASE UNEMPLOYMENT—PARTICULARLY SST OR AEROSPACE

S. 1382: Would authorize the Secretary of Transportation to carry out a special transportation R&D and demonstration program utilizing the unique experience and manpower of the airframe and defense industries. Purpose of the program is ". . . for the purposes of advancing transportation technology". The projects to be carried out shall give priority to transportation modes which carry goods or people in or between areas of concentrated population and shall include VSTOL and high-speed ground transportation.

Secondary priority to improving technology related to ATC, all-weather and improved navigation systems for aircraft, and air safety. Applicants for contracts under this Act shall have priority if they have had a Federal Government contract cancelled within 12 months of their application, or have reduced their labor force by 10 percent since 1 January 1969, or which are located in areas where unemployment has exceeded the national rate by 150 percent for at least 3 consecutive months of the last 12 months.

Secretary of Commerce is directed to study and report to Congress within 12 months as to future growth potential of the airframe industry, its projected utilization of resources and manpower, and the potential for conversion to alternative uses.

As of now (5–5–71), nothing done or scheduled per Committee on Commerce staff on this bill.

H.R. 6921, 6967, 7243: House Bills providing same as S. 1382 above.

As of now (5–5–71), no action taken by the Committee on Interstate and Foreign Commerce.

H.R. 7017: Same provisions as S. 1382 except that priority is to be given to aircraft or airport noise abatement, including retrofit devices, rather than to VSTOL. Also, this Bill provides more money.

As of now (5–5–71), no action taken by the Committee on Interstate and Foreign Commerce.

H.R. 6835: Same provisions as S. 1382 except that this Bill provides more money and also requires the Secretary of Commerce to include in his report to Congress a recommended level of funding . . . "to assure adequate support in the form of certain grants and loans to firms qualifying for assistance in converting their productive capacity to the alternative uses recommended by the report."

As of now (5–5–71), no action taken by the Committee on Interstate and Foreign Commerce.

H.R. 6445: Would authorize the Secretary of Transportation to make grants to persons in the aerospace industry to enable the transfer of aerospace technology to the problems of ground transportation.

Grants will be made basically upon criteria which will be established by the Secretary.

As of now (5–5–71), no action taken by the Committee on Interstate and Foreign Commerce.

H.R. 7534: Would authorize the Secretary of Transportation to carry out a special R&D transportation program utilizing the unique experience and manpower of the aerospace industries.

Other criteria for applicants are the same as S. 1382 except that the unemployment rate is 130 percent of the national rate as opposed to 150 percent in S. 1382.

Money is higher in this Bill.

As of now (5-5-71), no action taken by the Committee on Interstate and Foreign Commerce.

S. Res. 94: This Sense of the Senate Resolution declares that the Federal Government has a responsibility to those workers affected by the SST cancellation. It says that the legislative and executive branches of Government should immediately consider how future Government contracts and programs such as urban mass transit, housing, waste treatment plants, and other needed public works projects can be allocated to utilize the talents of the SST work force.

It provides, without naming any dollar amounts, that adequate transitional assistance be provided to workers.

As of now (5-5-71), no action taken by the Committee on Government operations.

Other bills were not as SST oriented but are intended to help the aerospace unemployed in a more general way. These are as follows:

Brief Summary of Proposed Legislation To Ease Unemployment—Not Particularly SST or Aerospace

S. 32: Would authorize the National Science Foundation (NSF) to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented R&D activities, and for other purposes.

This Act to be cited as "Conversion Research, Education and Assistance Act of 1971."

NSF would make grants to various academic institutions and non-profit organizations, public agencies, and private business firms for the conduct of basic and applied research to appraise the several needs of the country and recommend means of solution. Also, NSF would make grants to State and local governments in furtherance of the purposes of this Act.

As of now (5-5-71), no action taken by the Committee on Labor and Public Welfare.

S. 31: Would provide programs of public employment to assist States and local communities in providing needed public services during times of high employment.

This Act may be cited as the "Emergency Employment Act of 1971."

Basic thrust appears to be to create jobs by providing transitional employment in the areas of public services during high unemployment periods. Also to provide related training in order to qualify persons for jobs.

Passed the Senate on April 1, 1971.

No action taken or scheduled on House side as of 5-5-71.

S. 732 Would amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to provide additional funds and for other purposes.

The bill is not directly related to the SST problem.

Pending with hearings in Senate scheduled for about May 12, 1971.

H.R. 6124: Would authorize the National Science Foundation (NSF) to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in their conversion from defense to civilian-related R&D and engineering activities.

This Act may be cited as the "Economic Conversion Loan Authorization Act of 1971".

Bill would provide for NSF to guarantee loan of up to $12,000 per year to unemployed scientists and engineers to assist in the career conversions. Also, the interest above 3% per annum would be borne by NSF. Loans would be repayable over 10 years starting with the date when the person resumes a status of full-time employment at an annual salary of not less than two-thirds of the salary level at which he had been employed in the defense related industry.

The NSF loan fund would have appropriated to it—

$100 million for the remainder of FY-71 & FY-72.

$65 million for FY-73.

$35 million for FY-74.

Nothing scheduled as of now (5-5-71), by the Committee on Science and Astronautics.

H.R. 6747: Would provide private sector financing of the prototype phase of the SST program and provide a basis for follow-on production. The prototype phase would be carried on under a U.S. Supersonic Transport Development Authority which would be followed by an SST Corporation for the production phase.

The purpose of the Act is to assure that the SST program goes forward by allowing the Authority to have not more than $800 million of Government guaranteed bonds outstanding at any one time. The Corporation which is to follow the Authority apparently will not have any Government guarantees or investment.

As of now (5-5-71), no action taken by the Committee on Interstate and Foreign Commerce.

PROPOSED LEGISLATION

Bill No.	Date	Sponsors	Responsible agency	Dollars involved	Referred to
S. 32	Jan. 25, 1971	Kennedy, Anderson, Cranston, Gravel, Hollings, Humphrey, Inouye, McGovern, Mondale, Montoya, Moss, Pastore, Randolph, Stevens, Tunney.	NSF	Various	Committee on Labor and Public Welfare.
S. 31	Apr. 5, 1971	Congress	Labor	Fiscal year 1972, $750,000,000; fiscal year 1973, $1,000,000,000.	Committee on Education and Labor.
S. 732	Feb. 10, 1971	Randolph, Montoya, Anderson, Bayh, Burdick, Byrd of West Virginia, Cranston, Eagleton, Eastland, Gravel, Harris, Hart, Hollings, Humphrey, Inouye, Jackson, McGovern, McIntyre, Magnuson, Mondale, Muskie, Nelson, Pastore, Ribicoff, Spong, Tunney.	Labor and Commerce.	$950,000,000	Committee on Public Works.
H.R. 6124	Mar. 16, 1971	Davis of Georgia, Giaimo	NSF	Through fiscal year 1972, $100,000,000; fiscal year 1973, $65,000,000; fiscal year 1964, $35,000,000.	Committee on Science and Astronautics.
S. 1382	Mar. 25, 1971	Muskie, Hart, Humphrey	DOT	$101,000,000	Committee on Commerce.
H.R. 6921	Mar. 30, 1971	Eilberg	DOT	$101,000,000	Do.
H.R. 6967	do	Howard	DOT	$101,000,000	Do.
H.R. 7243	Apr. 6, 1971	Fish	DOT	$101,000,000	Committee on Interstate and Foreign Commerce.
H.R. 7017	Mar. 31, 1971	Bell	DOT	$151,000,000	Do.
H.R. 6835	Mar. 29, 1971	Davis of Georgia	DOT	$290,000,000	Do.
H.R. 6445	Mar. 18, 1971	Symington and Mikva	DOT	Fiscal year 1972, $290,000,000; fiscal year 1973, $310,000,000.	Do.
H.R. 7534	Apr. 20, 1971	Anderson of California	DOT	$135,000,000	Do.
S. Res. 94	Apr. 1, 1971	Bayh, Cranston, Gravel, Harris, Hartke, Humphrey, Metcalf, Mondale, Nelson, Proxmire, Stevenson, Tunney, Williams.	Legislative and executive branches.	Unspecified	Committee on Government Operations.
H.R. 6747	Mar. 25, 1971	Bow	SST Authority	$800,000,000	Do.

Mr. Chairman, there are many uncertainties, at this point in time, involved in resuming the SST development program. The contracts with Boeing and General Electric have been terminated. These companies, in turn, have taken similar action with nearly 3,000 second-tier subcontractors and/or vendors, and so forth. There are well over 10,000 individual termination actions in process with each individual organization currently preparing inventories of material, data, and hardware preparatory to filing final claims for payment. This flow would have to be reversed and disposition of Government property halted.

In addition, the willingness of the prime contractors and major subcontractors to reenter into contracts similar to those that were terminated, in view of the recent attitude of the Government, is an area of uncertainty. The increased risks may now require new Government commitments.

Taking all of this into account, the cost of resuming the program immediately is much less than it will be after the 1st of July, subsequent to which major disposition of program assets is scheduled to begin. The major portion of the laid-off work force are undoubtedly still available since there exists a saturation of the labor market with aerospace personnel and many have yet to find employment.

Some of the hardware would have to be scrapped—mainly work that was in process; that is, partially completed. For example, machined parts that were pulled directly from machines would have to be scrapped due to loss of tolerance control; however, the vast amount of completed hardware is salvageable and can be utilized as planned. Similarly, the bulk of the detailed drawings were completed and are still available—only a small number which were on the boards and partially completed would have to be redone.

There would be some schedule problems in external facilities such as AEDC, where the SST has lost its schedule position; however, this could also be recovered should the Congress decide now to support the program and the SST priority be reestablished.

It is estimated that it would cost an additional $50 to $60 million for the program to regain its March 25, 1971, posture; that is, recover hardware, start up the plants, and rehire personnel. In addition, the schedule time already lost under the continuing resolution and termination will be reflected in an estimated 6 to 9 months slip in first flight date and the anticipated difficulty in renegotiation of prime and major subcontracts will add an estimated $80 to $90 million to the total program costs.

Maximum use should also be made of the startup period to optimize the design in order to improve prototype performance through design changes for which the previous schedule did not provide enough time.

The engine program should be altered to provide physical demonstration of meeting the lower noise requirements of the new Senate bill—previously this would have to have been mainly analytical. Additional tests and test engines will have to be procured and the advanced technical improvements developed and built into the hardware. This will also provide a means to upgrade the engine performance at a low cost when compared to developing a new engine. It is estimated that this approach will cost about $150 million more in engine development, but will provide irrefutable answers to many of the environmental questions concerning the Congress and the country.

It is estimated that a minimum of 60 to 90 days will be required for the Government to accomplish the cost and schedule planning necessary to provide a realistic estimate of the total impact of the termination actions and what new cost, schedule, and airplane performance expectations can be achieved in the prototype program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER X

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT TERMINATION

For expenses, not otherwise provided for, necessary for the termination of development of the civil supersonic aircraft and to refund the contractors' cost shares, $85,330,000, to remain available until expended.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 17, strike out lines 6 through 10 and insert in lieu thereof:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

"For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, $85,330,000."

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill and on the Giaimo and Boland amendments which have been offered to the bill, and that I may include certain tables and excerpts in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RESULT OF IMPOUNDMENT OF FUNDS BY THE ADMINISTRATION

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I rise today to bring to the attention of this body some very specific and heart-rending details about the present impoundment of funds by this administration.

So far we have talked mostly about dollars and programs and what the cutback in funds means to housing and highways and farms. And these have been real statistics, but they did not reveal what this cutback can mean to the average individual in life-and-death matters.

Today, I am here to talk to you about just this, the denial of lifesaving medical care to the citizens of America by those who are perpetrating this impoundment of funds. I have both details and individuals to speak about.

A letter from one of my constituents actually tells the story. The woman who writes this letter is a friend of longtime friends of mine. I will change or exclude the names of the persons concerned. She writes:

DEAR SIR: My name is ———. I live in Huntington, Ind. I am 43 years of age. I'm the mother of three children, ——— a seventh grader, ——— a freshman at Purdue (recipient of several scholarships and grants or she wouldn't be there) and another boy (who graduated with your son, Joel) who had to drop out of pre-law school at the end of his sophomore year because of lack of money.

My doctor here in town tells me there is a bill pending to help people in my situation. I would certainly appreciate anything you can do to get this bill on the floor and passed.

Now my problem—it is so great, I don't know where to begin. I have had ideopathic granular nephritis since February of 1966. I'm in need of a kidney transplant, my doctor at the Mayo Clinic says it will be some time in 1971. After that, if it is successful, I need two retina transplants as I'm going blind from the nephritis.

My husband has a good job and does what he can but we have used up all our money reserves. I cannot do my own work and my RX comes to between $15 and $20 a week. I see the local doctor every 2 or 3 weeks and have to go to Mayo Clinic three times a year. Many times I get so sick I have to have the doctor make a house call. I have insurance, through my husband's company, but it will not near cover everything. As things stand now, when I have my operation we will lose our home (we have owned it for 20 years) and everything else. The price quoted to me for the operations is $35,000 to $40,000.

So, now you know why I'm making this desperate appeal to you concerning this Bill for people who have such catastrophic diseases.

Any suggestions would be appreciated, as I do not want to leave my family with medical expenses that will last their lifetime and ruin my children's chance for education.

And that was the note on which this letter ended. I was struck by this woman's letter. I have received others from individuals suffering from serious kidney disease. There are approximately 8 million people who suffer from kidney related diseases in this country and approximately 50,000 die annually due to kidney illness and its complications. Approximately 8,000 of these 50,000 might be alive today if they had received dialysis treatment or kidney transplants. But the costs of this type of care are prohibitive to the majority of these victims. The approximate cost of a kidney transplant ranges between $15,000 and $20,000 while the cost of maintaining a dialysis machine at home costs approximately $100 per week with hospital treatment of this type running as high as $220 to $300 per dialysis.

Everyone on my staff got involved in this woman's problem and began researching into what funds might be available to her. Catastrophic health insurance legislation was introduced in the last Congress and several of us have introduced the same in this session of Congress, as yet it has not passed. I was again impressed with the need for such legislation.

What we need, however, for such individuals, is not only direct financial assistance, but research into the whole area of kidney transplants and dialysis and ways to make both of these less expensive. There is legislation that would help accomplish this presently on the books and back in January when she first wrote me, an appropriations bill had become law, Public Law 91–667. In conference it was agreed that $2 million would be earmarked for "research, training, and demonstration projects in the field of kidney disease."

That appropriations bill dealt with the regional medical programs—among other items. Public Law 91–667 provided $106,502,000 for funding regional medical programs which are directed at a comprehensive attack on kidney disease, but also on heart attack, cancer, and stroke. In 1969 the latter three killers accounted for over one and a half million deaths in this country.

These programs are set up to improve personal health care for persons threatened with these diseases and are directed "at improving the quality of health care and strengthening the health care system generally throughout the Nation."

You would think that such an important and badly needed program would receive strong support. It has, from the Congress. The Congress appropriated that $106,502,000 for fiscal 1971. But, $34.5 million of that money has not and cannot be spent. It is being held "in reserve," which is a euphemism for frozen funds. That special $2 million for kidney programs has suffered the same fate.

And why? Do not we need this money to fight the major destroyers of our citizens—heart attack, cancer, stroke, kidney disease? Are we so far ahead in the war on these killers that we do not need to spend the moneys the Congress appropriates?

The administration tells us that they are going to "redirect" some of these programs. It turns out that these funds will be "carried over" till the next fiscal year. Accordingly the request for fiscal 1972 for regional medical programs is a trifling $52,771,000. The administration does not think that compares unfavorably with the $106,502,000 figure because they have the 34.5 million to "carry over."

Well, I think it does. What it means is that the American people in fiscal 1971 and fiscal 1972 are not receiving adequate funding, and they are not getting what their representatives in Congress consider to be necessary. This is not the first year a "reserve" has occurred on the regional medical program. It seems to me that this program is being deliberately underfunded and the unused funds are used for other purposes while each year the proposed budget for these programs is made to look substantial and adequate. It is neither.

Just last week I received a letter from the Indiana Hospital Association. Commenting on the reduced appropriations request for regional medical programs, they concluded:

> It is anticipated that at the end of this fiscal year there will be a back log of $30 million worth of approved and unfunded RMP projects. Unless the Congress provides a higher level of funding than that proposed by the Administration, a serious curtailment of RMP's across the country will inevitably occur.

I agree with the Indiana Hospital Association as to the need for more funds, but unless the present funds are released and this practice of blatantly refusing to spend the moneys Congress appropriates, ceases, it will serve no purpose to pass appropriations legislation at all. I think it is time the American people receive the health care the Congress has mandated for them. Those who die from heart attack, cancer, stroke, and kidney disease today and tomorrow and thereafter, will find little use or rationale for "reserved" and "redirected" funds.

CALIFORNIA OEO DIRECTOR UHLER CAMPAIGNS AGAINST CALIFORNIA POOR

(Mr. WALDIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, recently Governor Reagan vetoed the CRLA appropriation for rural legal service to the poor, based on a critical report of that agency's activities compiled by the State OEO director, Mr. Lewis Uhler. CRLA representatives immediately challenged that reports as being a compilation of prejudices of Director Uhler, hearsay, and ideological disagreements with the objective of permitting poor people to have equal access to the courts along with the wealthy and the politically strong.

Mr. Frank Carlucci, Washington OEO Director, was troubled with the accuracy of Mr. Uhler's strange report and appointed a distinguished body of jurists from States other than California to examine the situation involving CRLA and Mr. Uhler's report, and to recommend to him, Mr. Carlucci, whether Mr. Uhler's report was sustained by their independent investigation.

When Mr. Uhler and Governor Reagan learned that this commission of jurists intended to call witnesses and to permit cross-examination of Mr. Uhler by CRLA attorneys in a formal proceeding, the fear of being subjected to such scrutiny caused them—Uhler and Governor Reagan—to announce their refusal to participate in further proceedings. They expressed their outrage that the Uhler report was to be examined under conditions which would require proof of its allegations and simply, and incredibly, walked out of these proceedings.

At the same time, a report on activities of Mr. Uhler's stewardship of OEO activities in California was made by the Federal Office of Economic Opportunity. I have read that report. It is scathing in its denunciation of Mr. Uhler and the Reagan administration. It suggests they have diverted Federal funds allocated to assist and support OEO local programs to a countereffort of investigating and destroying these programs. It is an incredible indictment of a proud State that programs to assist the poor should be turned into programs to "put the poor in their place."

Mr. Uhler's background as an organizer for the John Birch Society would normally not be in issue. But when you compare his vindictiveness as indicated in these two instances, that background takes on more meaning. That he would be defended and supported—even encouraged—by Governor Reagan—is consistent with the Governor's attitude toward the poor.

It would be hopeless to believe that Governor Reagan would do that which he should in light of these disclosures—send Mr. Uhler back to the John Birch Society from whence he came. No—the Governor is too indebted to the right wing of his party to do that which is correct in this instance.

Therefore, I hope Mr. Carlucci will do two things and do them forcefully and promptly:

First. Restore the CRLA grant forthwith.

Second. Withhold Federal funds from the California State Office of Economic Opportunity pending an investigation utilizing judicial procedures of the Federal OEO evaluation report of the California State Office of Economic Opportunity dated March 26, 1971.

During such an investigation Mr. Uhler should be afforded the opportunity to deny under oath the charges of mismanagement and improper diversion of Federal OEO funds and be subject to cross-examination on these issues—or, and preferably, if he does not desire such exposure, to proffer his resignation.

I offer as part of this presentation, a letter I have written this date to the Honorable Frank Carlucci, Director, Office of Economic Opportunity, Washington, D.C.:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 11, 1971.

Hon. FRANK CARLUCCI,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. CARLUCCI: I have received and studied the evaluation report of the California Office of Economic Opportunity conducted by the Federal Office of Economic Opportunity.

It was with deep concern, but approval, that I learned of your agency's recommendation that Federal funds be withheld from the State office after June 30th because of serious legal and technical violations of the State's grants.

The State Economic Opportunity Office (SEOO) failure to use funds appropriated it to assist the Community Action Agencies of California by providing meaningful technical assistance and mobilizing Federal, State and local resources to help poor people to overcome poverty is a serious blow against these people. It is also a serious subversion of the State's obligation as mandated by the Federal Economic Opportunity Act. Harrassment of the Community Action Agencies through the State office's almost sole use of funds to investigate—in effect to hinder and intimidate the CAA's—clearly places in question the SEOO's authority to continue to oversee the anti-poverty effort in California.

Your office recommends that a condition of refunding of the SEOO be the reversal of this negative procedure—the discontinuation of the investigative function and the concentration of SEOO resources "on assisting the CAA's in California by providing meaningful technical assistance, mobilizing Federal, State and local resources, and insuring SEOO personnel are properly trained and have knowledge of grantee needs." I wholeheartedly endorse that recommendation.

The Federal evaluation team found that early operation of the Special Technical Assistance Program as funded by a $114,000 grant was helpful to rural and small urban CAA's, but that dismissal of STAP staff and replacement with personnel either unqualified or serving in other capacities in SEOO had resulted in violation of the grant conditions. The Federal agency recommended that the grant not be renewed.

Since SEOO Director Lewis K. Uhler in disbanding the State Economic Opportunity Advisory Committee proposed an alternative Advisory Commission—and the Federal evaluation team made the establishment of that Commission another condition for refunding—I further propose that the STAP grant be given to the immediately created Commission. Technical assistance staff responsible to a body independent of SEOO would insure that the essential supportive functions necessary to the CAA's will be provided.

Particularly distressing in light of the Governor's veto of the Oakland anti-poverty program is the evaluation team's evidence that SEOO used a $27,000 grant designed to provide technical assistance for improvement of the Oakland program, instead to investigate and find reasons to close the agency. Further evidence that financial irregularities were involved in the use of the funds underlies the obviously political nature of the expenditure of the grant. I join your office in urging an audit of the SEOO use of these funds.

Finally, I commend the Federal Office of Economic Opportunity on the thoroughness of the investigation of the SEOO, and concur in further recommendations that State OEO staff employed be qualified and trained, and representative of the poor, and that the State office seriously perform its duties as advocate of the poor. Only then will the poor of California be adequately served by the agency which is to uproot poverty in the State.

Sincerely yours,

JEROME R. WALDIE,
Member of Congress.

INVESTMENT TAX CREDIT

Mr. McMILLAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McMILLAN. Mr. Speaker, I submit a bill to reinstate the investment tax credit at a rate of 10 percent. Reinstatement of the investment tax credit is necessary at this time in view of first, the continuing depressed and sluggish state of the economy; second, the high rate of unemployment; and third, the continuing inflationary spiral, despite a reduced level of production of goods and services.

Reinstatement of the credit at a 10-percent rate would promote rapid economic growth and improve productivity. It would aid not only basic manufacturing and producing industries, but also business activities, large and small, that provide materials, equipment, supplies, and services required by these manufacturing and producing industries. A natural consequence is an increased level of employment immediately and for the future.

The availability of the investment credit would increase the flow of cash available for replacement of obsolete capital investment, as well as introduction of new investment. This is most important in a period of rising inflation when depreciation accounts fall far short of the amount required for asset replacement. The speed with which industry introduces the newest technological advances depends to a great extent upon the amount of internally generated funds, particularly in view of the high cost of obtaining outside funds to finance expansions and replacements.

The U.S. producers operating inefficient or obsolete plants find themselves at an increasingly competitive disadvantage with producers in other leading industrial nations of the world. Reinstatement of the credit will be a very important step in helping to reverse this situation. Furthermore, it would be an important stimulus in encouraging U.S. companies to locate new capital investment in the United States required to supply export markets. This would improve the weak position of this Nation's international balance of payments.

Furthermore, it is urged that the credit not only be reinstated but be made a permanent part of our tax structure as originally intended when the concept was first adopted in 1962. Turning the credit on and off vitiates its value since it cannot be relied upon in long-range planning. Such action also seriously distorts the tax costs for American business.

I respectfully call this bill to the attention of my distinguished colleague, Mr. MILLS, chairman of the House Ways and Means Committee, knowing his interest in the economy and the necessity to encourage and stimulate business expansion and employment, thus aiding not only established manufacturing industries and related industries, large and small, which supply and service the former, but also encouraging new companies to go into business. All of this will stimulate the economy and increase employment now and in the future. In the event that restoration of the credit at a rate of 10 percent is not acceptable to the chairman and membership of the House Ways and Means Committee, I strongly urge that the credit be restored at a rate of 7 percent.

NATIONAL AGRICULTURAL MARKETING AND BARGAINING ACT OF 1971

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, there is a need to improve the legal foundation upon which farmers can build their own effective marketing and bargaining programs. The Agricultural Fair Practices Act of 1967 (S. 109) established standards of fair practices required of handlers in their dealing in agricultural products. However, it did not deal with the problem of the refusal by handlers to do business with an agricultural bargaining association. It did not include an affirmative duty to bargain. I am today introducing the National Agricultural Marketing and Bargaining Act of 1971 which establishes a mutual duty to bargain in good faith on the part of processors and associations of producers. It also sets up national administrative machinery to clearly get limits—through Board standards and qualification proceedings—those cooperatives to which the statutory duty to bargain extends.

Under the act there would be a three-member National Agricultural Bargaining Board established in the U.S. Department of Agriculture to administer the program. The Board members would be appointed by the President with the advice and consent of the Senate.

An association of producers desiring qualification would file with the Board a petition for qualification and the Board could hold a public hearing on the petition.

The Board shall qualify such association if based upon evidence at the hearing it finds:

First, that under the charter documents or the bylaws of the association, the association, is directly or indirectly producer-owned and controlled;

Second, the association has contracts with its members that are binding under State law;

Third, the association is financially sound and has sufficient resources and management to carry out the purposes for which it was organized;

Fourth, the association represents a sufficient number of producers and/or a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with handlers; and

Fifth, the association has as one of its functions acting as principal or agent for its producer-members in negotiations with handlers for prices and other terms of contracts with respect to the production, sale and marketing of their product.

After the Board qualifies an association of producers it would notify all known handlers that purchase the agricultural commodities the association represents. These handlers would then be obligated to "bargain" with the qualified association.

"Bargaining" is the mutual obligation of a handler and a qualified association to meet at reasonable times and negotiate in good faith with respect to the price, terms of sale, compensation for commodities produced under contract and other contract provisions relative to the commodities that such qualified association represents and the execution of a written contract incorporating any agreement reached if requested by either party.

The obligation to bargain shall extend only to a qualified association that represents producers with whom the handler has had a prior course of dealing. Such obligation does not require either party to agree to a proposal or to make a concession.

A handler is not allowed to negotiate with other producers while negotiating with a qualified bargaining association able to supply all or a substantial portion of the requirements of such handler for such product.

A handler may not purchase a product from other producers under terms more favorable than those terms negotiated with a qualified bargaining association.

The legislation would permit a qualified bargaining association to enter into contracts with handlers to supply their full agricultural production requirements.

A procedure is established whereby the Board may investigate charges that either a handler or a qualified association refuses to bargain.

The act contains a section that would provide for enforcement and judicial review by the appropriate courts.

The legislation also creates an obligation on the part of handlers to pay service fees or dues of producers in qualified association directly to the associations where the producers have voluntarily requested the assignment of such fees or dues.

The bill would amend the Agricultural Marketing Agreement Act so that any agricultural commodity with the exception of canned or frozen products would be eligible for a Federal marketing order.

THE UNITED NATIONS DEVELOPMENT PROGRAM

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, at a time when the Congress is examining proposals to make the U.S. foreign aid effort more efficient, I am pleased to note that the United Nations developments program—UNDP—is taking steps to restructure its operations. We can hope that, under the able leadership of Paul G. Hoffman, the reorganization that went into effect May 3, 1971, will enable the UNDP to deliver a substantially increased volume of development assistance.

The new UNDP system will emphasize the concept of "country programing." In the past different international agencies have sponsored competing or overlapping projects within a country. A bureau of program coordination responsible directly to Mr. Hoffman has been set up to insure coordination of the different programs. Our own Government agencies on occasion have been responsible for the duplication or conflict of effort by their international counterpart agencies. Of late there has been a growing awareness in the Departments of State, Labor, Agriculture, and Health, Education, and Welfare that our Government must not speak with conflicting voices. I am hopeful that these agencies will not only coordinate their development projects and views among themselves, but that they will cooperate fully with the new Bureau of Program Coordination under its head, Mr. Myer Cohen. To improve program analysis through continuous research, analysis and planning, a Bureau for Program Analysis and Policy Planning has also been established, headed by Mr. Stephane Hessel.

In an effort to decentralize some of the review functions that are not handled at U.N. Headquarters, four regional bureaus have been set up.

Mr. Speaker, the following is an excerpt from a United Nations press release announcing the implementation of the UNDP reorganization, together with a list of the men who have been named to the new posts:

RESPONSIBILITIES OF NEW BUREAU

The shift of emphasis toward greater responsibility at the field level has led to a restructuring of UNDP headquarters. The new organization essentially is made up of two main parts: the Administrator's office and the regional bureau.

In the Administrator's office, two bureaus are responsible for the entire co-ordination of the programme to ensure that it maintains consistent and coherent policies, proper financial control, and follow-up on implementation of the programme, and to provide continuous research, analysis and planning.

The Bureau for Programme Co-ordination, headed by Mr. Cohen, is to provide co-ordinated guidance on current policy matters, including guidelines and procedures for the operation of the programme. This Bureau also will be responsible for centralized technical advisory services, investment and followup, financial management services necessary for the effective management of the programme as a whole, and co-ordination of programme and operational relationships with the agencies of the United Nations system.

The Bureau for Programme Analysis and Policy Planning, headed by Mr. Hessel, is part of a new format to provide programme analysis and policy planning. The arrangements for the restructuring of UNDP were approved by the Governing Council in January, after the United Nations General Assembly last December endorsed the basic principles laid down in the Governing Council consensus for a restructured programme capable of delivering effectively a substantially increased volume of development assistance.

The UNDP staff is headed by Mr. Hoffman, and by his Deputy Administrator, C. V. Narasimhan, who is serving concurrently as the Chef de Cabinet of the United Nations Secretary-General.

The appointments announced fill top positions in the Bureau of Programme Co-ordination and the Bureau of Programme Analysis and Policy Planning, both part of the Administrator's office, and the four Regional Bureaus.

The appointments are as follows:

Myer Cohen: Assistant Administrator in charge of the Bureau for Programme Coordination;

Stephane Hessel: Assistant Administrator in charge of the Bureau for Programme Analysis and Policy Planning;

Michel Doo Kingue: Assistant Administrator and Director, Regional Bureau for Africa;

Rajendra Coomaraswamy: Assistant Administrator and Director, Regional Bureau for Asia and the Far East;

Gabriel S. Valdes: Assistant Administrator and Director, Regional Bureau for Latin America;

Sergije Makiedo: Assistant Administrator and Director Regional Bureau for Europe, Mediterranean and the Middle East.

A. Vaidyanathan will continue as Director, Bureau of Administrative Management and Budget.

The Bureau for Program Coordination will gather data and conduct research on the progress of the programme, assess its effectiveness, and provide advice on new directions that it might take.

Regional Bureaux has been established for Africa; Asia and the Far East; Latin America; and Europe, the Mediterranean and the Middle East. They will "provide a direct link between the Administrator and the UNDP Resident Representative in all matters concerning field activities", the consensus stated. The Regional Bureaux will carry out the appraisal of country programmes. They will also be responsible for the formulation, appraisal, implementation, evaluation and follow-up of projects, dealing directly, where appropriate, with Governments and Executing Agencies, with non-governmental organizations and public and private enterprises connected either with projects or their follow-up.

The Bureau of Administrative Management and Budget, headed by Mr. Vaidyanathan, will continue to be responsible for all phases of organization, budget, personnel, general service and administrative management of UNDP personnel at headquarters and in the field.

One further aspect of this new machinery is the Advisory Panel on Programme Policy, an independent group of advisers to the Administrator, composed of internationally known economic and development experts under the leadership of David Morse, former Director-General of the International Labour Organization (ILO).

In announcing appointments, Mr. Hoffman said: "With this restructuring and by carrying out other important steps now planned, hopefully UNDP will help deliver a development assistance programme reaching $1 billion by 1976. This will be financed in large part by the developing countries, with the UNDP contribution drawn not only from voluntary pledges of net donor nations but also from pledges of developing countries to UNDP central resources. By way of contrast, the level of programme approvals in 1959 was just over $100 million. In 1970 the approved programme—again including resources contributed by developing countries—reached almost $500 million."

PROPOSE CHANGE IN TAILLIGHT REGULATIONS

(Mr. MYERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, I am today introducing legislation requiring new automobile lighting regulations designed to prevent rear-end collisions which last year resulted in 2,300 deaths on the Nation's highways.

This legislation, which I am introducing on behalf of myself, Mr. BURKE of Massachusetts, Mr. GIBBONS, Mr. HALPERN, Mr. MORSE, and Mr. CHARLES WILSON, would amend the National Traffic and Motor Vehicles Safety Act.

It would require separate taillights to signal when the automobile is accelerating; when the driver's foot is off the accelerator; when the brakes are applied; and when the driver intends to turn. Under this amendment, automobile manufacturers would be required to install the new lighting system on units built after January 1, 1973. These lights would be in addition to the flashing emergency lights for use when the auto is stopped.

As we approach the completion of the interstate highway system and as more and more Americans make more frequent use of these high-speed highways, it is imperative that we provide drivers with as much warning as possible about the intentions of the automobile they are following.

When you consider at 60 miles per hour that it takes a modern automobile approximately 205 feet to come to a stop and couple this with the increasingly crowded conditions of our high-speed highways, the urgent need for this additional safety device becomes more apparent.

Under this plan a green light on each side of the auto would signal that the driver is accelerating; amber lights would show that the car is moving, but the driver has his foot off the accelerator; separate red lights would warn that the brakes are being applied, and flashing amber lights on either side would signal a turn.

National Safety Council statistics show that there were an estimated 16,300,000 motor vehicle accidents in 1970 and 4 million of these were rear-end collisions. In addition to the 2,300 deaths resulting from these accidents, 275,000 were injured and damages to property totaled $2,250 million. Rear-end collisions have accounted for roughly one-fourth of all automobile accidents since 1960.

The National Highway Traffic Safety Administration estimates that of the total 16.3 million motor vehicle accidents in 1970, more than 8 million or about 49 percent might have been prevented had the drivers had some warning about each others intentions.

It is this statistic we are attempting to improve upon with this legislation. Certainly there are many factors which cause accidents. But with an improved lighting system which gives a clear signal to those following, I believe we can prevent many of the rear-end collisions.

The International Association of Chiefs of Police have endorsed the idea of separation of the taillight system. The National Highway Traffic Safety Administration also has conducted an extensive study into this problem and has indicated its interest in this proposal.

The National Safety Council projects that 100,000 persons will die on America's highways by the year 1985 if the present rate of increase goes unchecked. I urge my colleagues to support this new legislation designed to reverse the trend of accidents which thus far have claimed nearly 2 million Americans since the early 1900's.

The complete text of the bill follows:

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear mounted lighting systems

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof the following:

"(i) The Secretary shall, as soon as practicable after the date of enactment of this section, prescribe such standards under this section as may be necessary to insure that motor vehicles will be equipped with rear mounted lighting systems on each side of the vehicle as follows: (1) with a green light when the motor vehicle is moving forward under power from its engine, (2) with an amber light when the motor vehicle is moving forward but not under power from its engine, (3) with a flashing amber light when the motor vehicle is turning, and (4) with a red light when the motor vehicle is being braked through the use of its braking system, and (5) such other information with respect to such motor vehicle as the Secretary deems necessary." (b) The amendment made by this subsection shall take effect no later than January 1, 1973.

OUR POW'S ARE HOSTAGES FOR MORE THAN U.S. WITHDRAWAL FROM SOUTH VIETNAM

Mr. TALCOTT. Mr. Speaker, many Members of the Congress are permitting themselves to be deceived by the Communists of North Vietnam, and their sympathizers and assisters here and abroad, in many ways, but particularly in the matter of our POW's and a unilateral preannounced withdrawal date for U.S. forces from South Vietnam.

Some Members of the Congress are so misguided or naive regarding the tactics and strategy of the Communists, in international politics, that they have been beguiled into believing that if we would only agree to withdraw our forces on a certain date that the North Vietnamese would promptly release all of our POW's.

The North Vietnamese Communists have kept no agreement, convention, treaty or protocol involving POW's. They have violated every such agreement—and continue to do so, universal world opinion notwithstanding. We have no basis whatsoever to believe, or hope, that our prisoners of war will be released upon our withdrawal or our agreement to withdraw from South Vietnam on a certain date.

The Nazis—who held me prisoner in World War II, and who complied with the Geneva Convention in most respects—did not release prisoners voluntarily. They had to be liberated. The Nazi record of behavior regarding POW's is far superior to the Communists' record.

Some of our citizens are still held in Communist China and North Korea.

The events in Vietnam after the French left, and at Hue, do not encourage reasonable persons to expect prompt or safe repatriation of South Vietnamese, United States or allied prisoners of war.

Even less could be expected if we have no bargaining position.

The North Vietnamese sympathizers or Communist assisters, here and abroad, still advocate withdrawal by the United States, with only "hope" as the means of returning our POW's.

The North Vietnamese, and their foreign and domestic collaborators, have a simple way to prove their sincerity about a certain withdrawal date of U.S. forces from South Vietnam.

The North Vietnamese Communists who presumably control and direct that country's war policy could, with certainty, insure total U.S. withdrawal within 6 months if they so desired—simply as follows:

The North Vietnamese could remove all POW's to a third country—Sweden, Japan, even China—for security and safekeeping; permit full Red Cross inspection and assistance; allow family or next-of-kin full visitation; permit complete medical, physical and psychiatric rehabilitation.

The North Vietnamese could simultaneously announce publicly that if all U.S. troops are not withdrawn from South Vietnam, Laos, and Cambodia within 180 days, the POW's will be remanded to their Hanoi bamboo prison cages indefinitely.

But, they would agree and promise that if our troops are withdrawn within the time prescribed, the POW's would be immediately released for repatriation to their homes.

Study this proposal and its consequences.

There is no way any U.S. President could refuse withdrawal of our troops in compliance with this ultimatum.

If he did not, imagine the specter on worldwide television of our healthy, rehabilitated prisoners being returned to the horrendous Communist prison cages and the barbaric conditions. No President could risk that spectacle. No President could resist the nationwide pressure to withdraw regardless of the other circumstances within South Vietnam.

All of the previous conditions or prerequisites to our withdrawal could be quickly and decisively reduced to one; namely, the safe return of our prisoners of war.

Incidentally, for the "skeptics and cynics," any effort by the United States to use its military might, genius, or technology to thwart the required return of our POW's to North Vietnam—in the event we did not withdraw within the deadline—would be totally unacceptable to the powerful "force of world public opinion" and would certainly cause irreparable damage to our international integrity.

This dramatic tactic could forceably speed the total withdrawal of U.S. troops from Vietnam—simply, certainly. The Communists know this. There are several possible "third countries;" the Red Cross would be willing to cooperate; the POW families would eagerly agree to the implementation of such a plan; appropriate and competent rehabilitation teams could be recruited overnight; the American public would overwhelmingly accept such a development.

The Communists appreciate the power of this proposal. Why then is the proposal not used? The answer is clear. The U.S. prisoners of war are hostages for more than—repeat, more than—U.S. troop withdrawal from South Vietnam.

We can do more than speculate concerning the other reasons for which our prisoners of war are being used as hostages:

First. For reparations after the war is ended. For rebuilding and repairing war damages and for restoring deterioration which has developed during war years. We have hinted that we would consider assisting in the rehabilitation of the North. Our record after World Wars I and II in Germany and Japan indicates that we might repeat our generosity after Vietnam. POW hostages could easily be used to insure such assistance or to "raise the ante" considerably.

Second. To prolong the war. Right now the North Vietnamese are receiving aid from China, Russia, and other Communist nations far in excess of what they are wasting on the war. So long as we are not bombing North Vietnam the war is not hurting them much. Only antiaircraft missile facilities are being attacked. There is no damage to production or civilian facilities, cities, or government officials; there is no danger of invasion or guerrilla infiltration; there is no threat to its lines of communication, roads, or ports. North Vietnam is not "hurting" or being devastated by foreign troops as in Cambodia, Laos, and South Vietnam. Only North Vietnam is permitted to be a sanctuary. Under these comparatively favorable conditions, we cannot expect the North Vietnamese to use a tactic which is certain to end the war.

Third. The prisoner-of-war situation causes us more anguish, by far, than the plight of their prisoners cause them. Their attitudes toward life, freedom, and family are almost antithetical to ours. They know this, too. They relish in our agony—and see no reason for using a tactic which would diminish or obviate this diabolical psychological advantage for them.

There are other reasons, which need no further reiteration by me, for which the North Vietnamese are using our prisoners of war as hostages.

We all ought to understand this. The Communist assisters and sympathizers do not like to have these miserable and barbaric tactics called to public attention.

Those in the Congress and elsewhere should know and understand that a preannounced withdrawal date will not assure the release of our prisoners of war. Unilateral withdrawal, or the promise of unilateral withdrawal, on a preannounced date by us could only lead to another opportunity for Communist blackmail, while depriving us of the only bargaining position still available to us at the negotiation table.

Any preannounced withdrawal date will not assist in the release of any prisoners. It will only extend and aggravate the agony.

Because of the unique circumstances and present conditions of this war, there is no way by which we can guarantee the safe return of our prisoners of war by the initiation of unilateral action. The North Vietnamese, however, can by the initiation of unilateral action guarantee the total withdrawal of our troops within 6 months, if they want to. They can do it by the plan, long known and believed by many to be practically and politically foolproof, which I have just specified.

Of course, I would encourage the Government of North Vietnam to proceed with the proposal forthwith and in good faith.

The earlier they initiate the plan, the more advantage it would be to the North Vietnamese. The South Vietnamese are becoming stronger and more self-sufficient daily.

But the North Vietnamese will not initiate such a plan because the prisoners of war are not hostages for U.S. troop withdrawal from South Vietnam. They are hostages for other purposes. Neither the unilateral withdrawal of all U.S. troops from South Vietnam nor the promise to do so on a date certain will guarantee the release and safe return of all U.S. prisoners of war to their homes and families.

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 1 hour.

Mr. RANGEL. Mr. Speaker, on Wednesday, May 6, 1971, on the steps of the Capitol I witnessed with three other Congressmen a tragic event. I refer of course to the unnecessary and wholesale arrests of American citizens. These citizens had gathered to petition their Government and to be addressed by Members of this House. While many people repeatedly cite the instance of one youth waiving a Vietcong flag and another instance of a bearded protester disrobing, I think many of my colleagues have overlooked the shocking interference by police of the rights of our citizens to peaceably assemble and to petition their Government.

I witnessed the arrest of over 1,100 citizens, many of whom were bystanders, for no other reason than the fact that they were generally young and had long hair. These people were shuttled to several precinct stations and a makeshift detention center not because of any specific criminal acts they had committed, but because of a supposition of intent to commit a crime. These people were not only not advised of the charges against them but were detained for hours under atrocious conditions. Unlike the previous plan of disruption attempted on Monday, May 3, none of the alleged widespread vandalism and danger of mass violence was present on the Capitol steps.

It all started when about 1,000 citizens, exuberant and peaceful in mood, decided to present to the Congress a copy of the People's Peace Treaty, a document calling for a definite date for total withdrawal of American troops from Vietnam, the release of American prisoners of war, an immediate cease fire and a coalition government to organize free elections in Vietnam.

By 2 p.m. well before the marchers arrived some 10 bus loads of the Metropolitan Police Department's civil disturbance unit had gathered on the Capitol Grounds. The Capitol Police began sealing off the 13 Capitol entrances to all but Congressmen and Capitol Hill employees.

At about 2:30 the main body of marchers proceeded in an orderly fashion, three or four abreast, from the Mall to Independence Avenue and then to the Capitol. The marchers shortly thereafter reached the east front steps of the House of Representatives. Soon the steps filled with marchers and onlookers almost down to the street level. Many of those present were tourists or Capitol Hill employees.

Congressmen MITCHELL, DELLUMS, ABZUG, and myself, having been contacted earlier, came to receive the people's peace treaty. My staff had been advised by the march coordinators that the gathering on the steps was to be orderly and peaceful in nature. The coordinators were worried, however, that despite their peaceful intentions, law enforcement officials might summarily initiate mass preventive arrests. When the group arrived, the House was about to adjourn. Barely 20 minutes after the Capitol steps were filled the police began making mass arrests.

We promptly complained that the gathering had not been given a chance to leave peacefully before the arrests began. It was later reported that Capitol Police Chief James Powell had announced over a bullhorn that people would be arrested if they remained on the steps. His announcement was not heard by myself nor by onlookers close to him.

At no time was I able to get a satisfactory explanation as to who ordered the arrests to be made. Nor was I successful in determining what law ordinance or statute was being violated. One high police official offered the incredible explanation that the arrests would have to continue since he had "already arrested a lot of people and it would not be fair to them not to arrest everybody." When faced with that kind of reasoning, how does one respond?

There appeared to be some considerable confusion among law enforcement officials over what laws had been violated. Originally the arrest forms, which were written out in advance, charged the marchers with unlawful entry onto the Capitol grounds. But halfway through the arrest process the charge was changed to a violation of 40 U.S.C. 193F, which makes it unlawful for anyone to engage in conduct disruptive of a session of Congress or to obstruct and impede passage through the Capitol.

Without commenting on the guilt or innocence of any individual, I would only say that it was the police who sealed off the 13 entrances to the Capitol. Furthermore, neither House of Congress was in session at the time the arrests were made.

The right to petition has historically been one of the most important rights of free peoples. It took its rise from the Magna Carta in 1215. Two hundred and fifty years later, the House of Commons resolved that every commoner in England possessed the inherent right to prepare and present petitions to it.

Today, the right of assembly is found in the first amendment of our Constitution. The zealous maintenance of that right is especially important to those of us who counsel today's youth to seek change within the system, to use the means for change that the system provides and in all activity to be peaceful. Our counsel and advice was rebutted on the steps of the Capitol.

CONGRESSMAN MOORHEAD SAYS GENERAL ELECTRIC OPPOSES LOCKHEED BAILOUT

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 30 minutes.

Mr. MOORHEAD. Mr. Speaker, last week I spoke to this body indicating my grave reservations with the administration's request to bail out the Lockheed Corp. on its commercial L–1011 program. In that speech I mentioned that many thoughtful members of the aerospace and other industries were opposed to the measure since the administration's request constitutes a large step toward socializing the airframe industry. In addition, the administration's move will provide Lockheed an unfair advantage over its competitors and would prop up a foreign producer to the detriment of American firms.

In this regard, yesterday the Wall Street Journal reported that both Mr. William Allen, chairman of the board of the Boeing Co., and Mr. Fred Borch, chairman of the board of General Electric Co., have publicly opposed the Lockheed bailout. Both of these gentlemen are powerful men within the industry. Yet even the public statements of these gentlemen do not fully convey the depth of their disagreement with the Treasury Department. Today, I received a copy of what I understand is the attachment of the letter sent from GE to the Treasury Department during the Treasury's consideration of the Lockheed problem.

It is a blunt warning to the administration of the consequences of their request. In it General Electric states, and I quote:

> In presenting these observations on the present Lockheed crisis General Electric Company questions seriously the propriety of the U.S. Government subsidizing one company engaged in commercial competition with other companies not similarly supported. Specifically, it feels that any such specific departure from our competitive enterprise system may by precedent lead to similar departures in other segments of the economy.
>
> General Electric Company opposes U.S. in-

tervention in the private free enterprise competitive arena. Any form of subsidization of Lockheed would necessarily bring additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas.

GE concludes:

However, there may be alternatives not yet explored whereby LAC could continue without the L–1011. We believe McDonnell-Douglas has some ideas along this line which would offer potential full recovery of the airlines' investment in the L–1011.

Mr. Speaker, both Boeing and General Electric constitute hard-nosed business interests thinking of the long-term interests of this country's free enterprise system. They have weighed the potential damage that the administration's request will do against possible retaliation by the Government against them and they have decided to speak out. I have also been informed that GE is willing to testify before Congress on this issue. For this reason, I think that this GE statement is especially worthy of consideration, and I place the entire attachment in the RECORD:

THE LOCKHEED CRISIS

THE SITUATION—ROLLS ROYCE OVERCOMMITS

1968—Rolls Royce of England won a contract to provide the engines for the Lockheed L–1011 Tri-Star commercial airlines. Billed as "Rolls Royce's $2-Billion Hard Sell," the British company won over American engine competition by . . .

Promising superior performance (thrust, fuel consumption, weight, and technical innovation) though it had no experience in developing engines of this size and thrust rating. (Both GE and Pratt & Whitney had military engine development experience on C–5.)

Promising superior delivery schedules and lower prices.

Backed up by British Government subsidies.

THE PROBLEM—ROLLS ROYCE DEFAULTS; BRITISH GOVERNMENT WELCHES; LOCKHEED AND U.S. AIRLINES FACE INSOLVENCY

1971—*Rolls Royce announced itself bankrupt,* unable to continue development and production of the RB211 engine for Lockheed Tri-Star. Both technical and financial troubles caused the Rolls Royce collapse.

British Government refuses to stand behind the commitments undertaken by Rolls Royce in its original contract with Lockheed. Instead, the British Government insists on renegotiating these contractual arrangements with Lockheed and asks the U.S. Government to bail out Rolls Royce by making guaranteed loans to Lockheed.

Lockheed says it will go bankrupt if it cannot complete the Tri-Star program, which will keep it in commercial airliner competition. Lockheed needs U.S. Government guarantees to get the private credit required to complete the Tri-Star program.

TWA, Eastern Airlines and Delta stand to lose over $200 million they have invested in Tri-Star program. The British Government's line of credit to these airlines is conditioned on purchase of Rolls Royce engines.

THREE APPROACHES

Preface

In presenting these observations on the present Lockheed crisis, General Electric Company questions seriously the propriety of the U.S. Government subsidizing one company engaged in commercial competition with other companies not similarly supported. Specifically, it feels that any such specific departure from our competitive enterprise system may by precedent lead to similar departures in other segments of the economy.

General Electric Company opposes U.S. intervention in the private free enterprise competitive arena. Any form of subsidization of Lockheed would necessarily bring additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas.

Option No. 1—The "no U.S. involvement" approach

A. British Government Reverses Position and Stands Behind Rolls Royce.

British Government reverses its present position and stands behind Rolls Royce's original contractual commitments. This alternative would refer the Rolls Royce problem back to the British Government. There would be no need for U.S. loan guarantees to Lockheed for the Tri-Star program.

Advantages

1. Keeps Rolls Royce failure a British problem.
2. No U.S. taxpayer involvement in British Rolls Royce or in commercial airliner competition.
3. The Lockheed L–1011 equipped with Rolls Royce engines would be made available to Lockheed and to affected airlines, all in accordance with the originally negotiated deal—except, of course, for time losses already incurred.

Disadvantages

U.S. companies would be competing with a creature of one of the world's largest industrial countries with essentially unlimited Government resources and which competes without regard to any responsibility to share owners for earnings.

Option No. 2—The "U.S. Rescues Rolls Royce" Approach

U.S. Government guarantees loans for Tri-Star program using Rolls Royce engines. In effect, U.S. saves Rolls Royce via Lockheed.

U.S. airlines use British Government credit to purchase Tri-Stars equipped with Rolls Royce engine.

Advantages

1. Lockheed has new lease on life.
2. TWA, Eastern and Delta do not lose investment in Tri-Star.
3. Rolls Royce survives, providing up to 100,000 [1] jobs for British workers.

Disadvantages

1. U.S. taxpayers save British jobs at Rolls Royce and suppliers. All the engine jobs go to England, not to U.S. where aerospace unemployment has reached crisis proportions.
2. Technological and financial risks of Tri-Star program are continued: Can Rolls Royce deliver?

RB211 engine does not meet original thrust, fuel consumption, or weight specs.

Hyfil fan blades, the great "advanced technology" on which RB211 was sold to airlines, has been abandoned.

Original RB211 development costs estimated $156 million. Today's estimates as high as $408 million.

Delivery delay of production standard RB211 engines now estimated to be 6-12 months behind original quote.

Rolls is proposing to deliver only 38,500 lb. thrust initially, not contractual 42,000 lb.

Can Rolls meet its scaled-down commitments?

Can sufficient orders be obtained from the few remaining uncommitted airlines to provide a totally viable Lockheed/Rolls Royce program?

3. Additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas.

Option No. 3—An American approach to the problem

U.S. Government guarantees loans to Lockheed to complete Tri-Star program conditioned upon American engines powering the aircraft.

Airlines decide, in open competition between the Pratt & Whitney and General Electric engines for the L–1011.

U.S. Government also guarantees loans to affected airlines, to replace the line of credit extended to airlines by the British Government.

Advantages

1. Lockheed gets a new lease on life.
2. TWA, Eastern and Delta come out whole.
3. Engine jobs go to American rather than British workers. Acute aerospace unemployment in U.S. eased.
4. Less technical risk in Tri-Star program. Certified U.S.-manufactured engines are available today that can be adapted without technical risk, to give Tri-Star performance that is competitive with other wide-bodied transports. GE offers the CF–6 engine which powers the competing DC–10 and A300B airplanes. P & W offers the JT–9D which powers the B–747.
5. Tri-Star will cost about the same or less with U.S. engines, with approximately same delivery date.

Original Rolls bid was about $250,000 to $300,000 per aircraft lower than General Electric.

But Rolls negotiated price increase to airlines is about $600,000 higher per aircraft.

Cost of adapting Tri-Star to the GE CF–6 is understood to be about $290,000 per aircraft.

So final cost, with GE or Rolls engines, is about the same or slightly less with GE.

Disadvantages

Additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas.

APPENDIX OF RELATED DATA

Transcript of Minister of Aviation Supply Frederick Corfield, House of Commons, February 8, 1971:

"At the outset, let us have right on the record the actual number of orders for the aircraft. At the latest count, there are 110 firm orders, with a further 68 which are not firm, including the whole of the 50 Air Holdings order, *which is little more than a bookkeeping transaction, and a somewhat bogus one at that.*" Source: Aviation Week and Space Technology, 2/15/71.

London.—Complex financial package set up by Air Holdings, Ltd., with Lockheed Aircraft Corp. to sell 50 L–1011 TriStars outside the United States was under review last week by the Rolls-Royce receiver since it now appears that Air Holdings finance was provided by the engine manufacturer.

When the deal was signed in 1968, Air Holdings' potential liability to Lockheed was $36 million if none of the 50 was sold. Rolls-Royce then indemnified Air Holdings against this loss.

In turn, the then Labor Government agreed to underwrite the risk up to a maximum of $12 million, taking a share of the profits in return.

After Air Holdings sold 11 TriStars—10 to Air Canada and one to Air Jamaica—the liability was reduced to $24 million. Total deposit made to Lockheed on signing the 50-airplane order was $30 million, placed in trust and advanced by Rolls-Royce itself through Air Holdings.

After selling the 11 airplanes, a total of $11 million was returned to Air Holdings and repaid to Rolls-Royce. A further $11 million remains in the trust and another $8 million is on deposit in banks.

The problem for the receiver and the lawyers for all parties is to determine whether the Government still is liable to the $12 million penalty, and whether the trust and deposit money is owned by Rolls, Air Holdings, or Lockheed.

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[1] Source: Parliamentary Proceedings—*Business of the House,* 8 March 71, p. 37.

A. The 1968 competition

The successful selling of the RB211 for the Lockheed L–1011 in 1968 was labeled the biggest sale for export in British history. The headline in Fortune magazine's issue of March, 1969, read "Rolls Royce's $2-Billion Hard Sell" and characterized the British offering as ". . . cheaper, more advanced technologically and more efficient than the engines of the big U.S. manufacturers, Pratt & Whitney and General Electric." And that summarizes the nucleus of the problem.

Rolls Royce offered performance (thrust, fuel consumption, weight and technical innovation) which was on paper superior to U.S. manufactured engines, lower prices, required delivery schedules, and sweeping, contract guarantees, warrantees, etc., along with financing support which taken as a whole was a package too attractive to turn down. The one stumbling block in the Rolls Royce offer was the question of gold flow or balance of payments associated with the purchase of a non-U.S. engine. This factor was dealt with through the Air Holdings "deal" for the purchase of 50 L–1011 aircraft.

B. What is Air Holdings?

Air Holdings has an annual volume of about $90 million and owns about 50 companies, gained through a series of mergers that started in 1961.

The Company ownership includes British and Commonwealth Shipping, Ltd., 45.9%; Furness-Withy, a surface shipping line, 20%; P. & O. Steamship, Ltd., 20%; Broadminster Nominess (Cowdray interests), 8.1%; and Eagle Star Insurance Co., Ltd., 6%.

The largest single group is British United, which owns 128 aircraft, including helicopters, and runs Airwork Services, a wholly owned subsidiary now setting up the Saudi Arabian defense network.

Other principal companies within the Air Holdings structure and British United Airways, (Channel Islands), Airwork International, Airwork Services, Aviation Traders (engineering), British Air Ferries, LeRoy Tours, Lyons Tours, Manx Airlines, Sierra Leone Airways, Norton Air Services, Safe Air of New Zealand and Whitehall Travel Agency.

Rolls Royce/United Kingdom Financing—The Export Credit Guaranty Department (British equivalent of U.S. Export Import Bank) has helped finance U.S. airlines purchase of the engines. Their fiancing pattern has been 90%–10 year financing at an interest rate of approximately 6¼%.[2]

The published figures for these airlines are:

Eastern Airlines, $117M for 37 aircraft.

Delta Air Lines, $42M for 18 aircraft (?).

Trans World Airlines, $73M for 22 aircraft plus 24 spare engines.

To the extent that U.K. subsidization carries with it the added "carrot" that British-owned BOAC and BEA will purchase Tri-Stars only if equipped with Rolls Royce engines, additional questions are raised regarding the transaction. Coupling equipment specifications with purchasing power is clearly illegal in the U.S. It would seem extraordinary for the U.S. Congress to use U.S. taxpayers' money in furtherance of such a scheme.

United Kingdom Launching Aid

Estimated launching cost of the RB211 was originally $156 million; of this, the UK Government agreed to provide 70%. In May 1970, the Government provided an additional $24 million through the Industrial Reorganization Corporation. In November 1970, the Government was told that launching cost had risen to $314 million. An additional $100.8 million was voted *contingent* on a successful review by Government-appointed accountants of the RR financial situation. This was not completed at the time of the collapse.

The UK Government's total share of the RB211 could amount to $361.2 million (based on total development estimate of $408 million); RR share cannot exceed $46.8 million of original development since the company is bankrupt. Thus, UK could be underwriting nearly 80% of the RB211 total development.

Repayment would be under a British levy system when the company shows a profit on the project. Initial gross profits were to be split between the Government and RR on a 75/25 basis in favor of RR until they had recovered their own research and development costs. The formula then reverses until all public funds are recovered. Then profits split 50/50 until the Government makes a 25% profit on outlay. Finally, the formula reverts to 75/25 in favor of RR with the Government keeping a permanent 25% share of profits.

Comparative cost of Tri-Star with RR RB211 and GE CF–6

Lockheed has indicated that the cost of installing an alternate engine such as the General Electric CF–6 is $52 million.

To put this incremental cost in perspective, with $52 million amortized over present L–1011 firm orders and options of 178 aircraft, the cost to the airlines would be about $290,000 per aircraft.

The best indications we have are that Rolls Royce, in order to complete its Tri-Star commitment, is asking the airlines to pay a price increase of at least $200,000 per engine, or $600,000 per aircraft.

It is believed that the original Rolls Royce price was $250,000 to $300,000 per aircraft lower than for the General Electric CF–6. Therefore, the net per-aircraft price effect on the airlines of changing to the CF–6, rather than accepting the new Rolls Royce price, would be a modest price reduction by using the GE engines. Moreover, the important ongoing operational costs should be lower with U.S. engines (spare parts, support, etc.).

Though not privy to costs associated with using Pratt & Whitney engines, we think it a fair assumption that such costs would be approximately the same as with the General Electric engine and the foregoing comment would apply with equal force to Pratt & Whitney engines:

E. Rolls Royce RB211 Status

Rolls Royce heavily overcommitted itself—technically, financially (both development cost and engine price) and timing.

RB211 performance does not meet original thrust, fuel consumption and weight specs.

Hyfil fan blades "advanced technology" on which RB211 was sold to airlines, now abandoned.

Original RB211 development costs estimated $156 million; now estimated as high as $408 million.[3]

Original engine price believed to be $844,000; Lockheed reportedly now asking airline customers to pay additional $200,000 per engine (not believed to cover total "costs" or RB211—estimated to be $244,000 more than contract price.)

Delivery delay of production standard RB211 engines now estimated to be 6–12 months beyond original quote (latest "rumors" say 5–6 months with thrust of 38,500 lbs. thrust vs. contractual 42,000 lbs.) —delaying entire L–1011 certification and airline service schedule.

U.S. AIRLINES L–1011 INVESTMENT TO DATE

[Dollars in millions]

	Lockheed	Rolls Royce	Date
Airline:			
Eastern	$68	$5	Dec. 31, 1971
Trans World	92	7	Feb. 27, 1971
Delta	34	?	[1]
Approximately	200		

[1] Not documented.

These heavy investments by U.S. airlines in the L–1011 would probably be lost should LAC go bankrupt. TWA and EAL are already in shaky financial condition and could ill afford such losses. Thus, from the airlines' viewpoint, it is essential that LAC survive. Since LAC is saying they would be bankrupt if a way cannot be found to continue the L–1011, this forces TWA and EAL to support the L–1011 on almost any basis. However, there may be alternatives not yet explored whereby LAC could continue without the L–1011. We believe McDonald-Douglas has some ideas along this line which would offer potential full recovery of the airlines' investment in the L–1011.

AT THE PINNACLE OF THE NEWSPAPER WORLD

The SPEAKER. Under previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, it is my pleasure at this time to formally announce to my distinguished colleagues that the Winston-Salem, N.C., Journal and Twin City Sentinel have won the 1971 Pulitzer Prize in journalism for outstanding public service.

This honor rests at the pinnacle of the newspaper world, for it goes beyond the relative merits of competitive news reporting to recognize excellence in the use of the printed word to warn, to instruct, to rally the people in a cause of common good.

The Journal and Sentinel's campaign to preserve the beautiful environment of Piedmont, N.C., a portion of which I am honored to represent, well deserves this coveted award.

I am sure my colleagues join me in congratulating the editor and publisher of these newspapers, Mr. Wallace Carroll, as well as the staffs of both papers, who are listed below, for their part in this excellent achievement.

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[2] At the time of the RR order, GE was prepared to offer financing to the airlines of $1.0 M per firm order aircraft. Thus, if the airlines had selected the CF6 over the RB211, they would have had to raise some $2.2M per aircraft from other sources. On the assumption that TWA and EAL could raise long-term money at 10% interest today, and that DAL could raise money at 8% interest, then the cost benefit to the airlines of the RR/UK financing support would be a little more than $400,000 per aircraft. This is another form of British Government subsidy of the RR program.

[3] The British Government share of the $408 million would be over $360 million. In contract, GE will invest substantially more than $200 million of share owners' money in the CF–6 engine development. GE, of course, is benefiting from the military TF39 engine development from which the CF–6 is derived in part.

Pratt and Whitney has substantially developed the JT–9D on their own funds beyond the point of government development support as an original entry in the C–5A engine competition.

At this time, Mr. Speaker, I include in the Record a series of articles chronicling the receipt of this high prize:

[From the Winston-Salem Journal,
May 4, 1971]

Journal-Sentinel Papers Win Pulitzer Public Service Prize

The highest honor of the newspaper world, the Pulitzer Prize for public service, has been won by the Winston-Salem Journal and Sentinel.

President William J. McGill of Columbia University announced the award in New York yesterday together with the other Pulitzer Prizes for 1971.

The Winston-Salem newspapers received the prize in recognition of their efforts throughout 1970 to make readers aware of the threats to their environment and to encourage efforts to preserve and restore the natural resources of Northwest North Carolina and the entire state.

The prize is a gold medal and a citation that says: "For a distinguished example of meritorious public service by a newspaper through the use of its journalistic resources which may include editorials, cartoons and photographs as well as reporting."

Seventy-eight newspapers, including many of the largest in the nation, competed for the public service prize.

The Journal and Sentinel entry was prepared by J. Patrick Kelly, executive news editor. It was identical with the entry that won the community service award of the North Carolina Press Association in January.

From the hundreds of news stories, feature articles, editorials and photographs on the environment that appeared in 1970, Kelly selected a representative sample. The material was divided into two parts:

1. The two papers' successful campaign against a strip-mining project in the mountains of Northwest North Carolina and Southwest Virginia.

2. News coverage and editorial comment on other environmental problems ranging from stream pollution in Forsyth County to the proposed commercial development of Bald Head Island.

The first news report exposing the proposed strip-mining project was written by Arlene Edwards. It was followed up by her and reporters Joe Goodman, Jesse Poindexter and Joe Doster and State Editor Jack Trawick. Their reports were illustrated with photographs by Trawick and Goodman

Editorials warning the people of the mountain counties against the prospective destruction of the area's natural beauty were written by John Eslinger, Hunter James and Fred Hobson.

The second part of the entry containing coverage of other environmental problems included the work of reporters Goodman, Doster, Roy Thompson, Chester Davis, Diane Millikan, Wingate Lassiter, Gene Whitman, Roger Rollman, Brad Rochester, Alan Willis, Rus DeVault and Otis Gossman.

Their stories were illustrated with photographs by Frank Jones, Bill Ray, Jim Keith, Howard Walker, Cookie Snyder and Allie Brown.

Editorials in this part of the presentation were written by Eslinger, Ralph Smith, James and Hobson.

The entry also included letters from readers.

On March 5 and 6, juries composed of editors from all parts of the country met in the World Room of the Columbia Graduate School of Journalism to consider the entries for the 10 journalism awards. The jury on the public service prize reduced the 78 entries to five and submitted these five, with its recommendations, to the Advisory Board on the Pulitzer Prizes.

The board, made up of 12 prominent editors, met in the World Room on April 8 to receive all the juries' recommendations and vote on the prizes in journalism, literature and music.

It is a rule of the board that any member who is connected with any news organization that has been recommended for a prize must leave the room when the entries for that prize are considered.

Wallace Carroll, editor and publisher of the Journal and Sentinel, is a member of the board. He accordingly left the room at the beginning of the board's proceedings when the public service prize came up for consideration.

Fifteen minutes later he was called back into the room and the board's secretary, Prof. John Hohenberg of the Columbia journalism faculty, dictated the following entry in the minutes:

"The board voted to give the Pulitzer Prize for public service to the Winston-Salem Journal and Sentinel. The vote was unanimous."

Yesterday afternoon the trustees of Columbia University, which administers the Pulitzer Prizes, met and ratified the board's decisions.

During the afternoon, Carroll and Donald J. Chipman, president and general manager, visited all departments of the newspapers to announce news of the award. And in a message to the newspapers' 384 full-time employees, they said:

"We send our thanks and congratulations to every employe, for every one had a part in putting out the newspapers that won this national recognition.

"And we are happy and proud that all of you, working together, were able to bring this honor to Winston-Salem and Northwest North Carolina."

The Pulitzer Prizes have been awarded since 1917. They were set up under the will of the late Joseph Pulitzer, publisher of the New York World and St. Louis Post-Dispatch, who left $2,000,000 to Columbia to finance the prizes and establish a school of journalism.

The only other time the Pulitzer Prize for public service has come to North Carolina was in 1953 when the Tabor City Tribune and Whiteville News-Reporter were cited for their campaign against the Ku Klux Klan.

Journal, Sentinel Win Pulitzer—Congratulations Pour In—Newspaper Congratulated

Gov. Bob Scott congratulated the Journal and Sentinel today on winning the 1971 Pulitzer Prize for public service.

The papers won the nation's top journalistic award for making readers aware of the threats to their environment and encouraging efforts to preserve and restore the natural resources of Northwest North Carolina and the entire state.

The work throughout 1970 included extensive coverage of the issues of strip-mining, stream pollution and other threats to the environment. It covered the campaign to preserve Bald Head Island, in which the governor has been particularly interested.

Scott led a long list of public officials and newspaper executives throughout the United States whose congratulatory calls and telegrams poured into the newspaper offices today and yesterday.

His communication to Wallace Carroll, editor and publisher of the papers, said:

"Dear Wallace,

"Congratulations to you and the staff of the Journal and Sentinel on winning the 1971 Pulitzer Prize for public service.

"I am very proud of you.

"Your efforts to preserve a good environment not only brought journalistic honor to North Carolina but will help assure a better state for generations yet to come.

"The Journal and Sentinel has a tradition of good newspapering.

"The Pulitzer Prize proclaims it to the nation."

Carroll said there was no one particular thing which started the Journal and Sentinel newspapers on their course to make good environment a major goal.

"It came partly from spontaneous interest on the part of the staff and the belief of the editors of the paper that this was one of the biggest issues of the day.

"MERITORIOUS PUBLIC SERVICE"

"We're continuing to give very high priority to environmental news—stream pollution, depletion of natural resources and the eradication of junkyards and other eyesores."

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UNANIMOUS VOTE

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"And we are happy and proud that all of you, working together, were able to bring this honor to Winston-Salem and Northwest North Carolina."

MIZELL'S MESSAGE

Members of Congress commended the newspapers.

Fifth District Congressman Wilmer Mizell said:

"I want to extend to you and all your staff my sincerest and most enthusiastic personal congratulations for this outstanding achievement.

"This coveted award is evidence of your excellence, not only in news reporting, but in community service as well.

"On behalf of all the people of the Fifth Congressional District, I say 'well done.' We are all very proud of you."

Rep. Ken Hechler of West Virginia, who is carrying on a fight against strip-mining, said:

"Heartiest congratulations to Winston-Salem newspapers for their Pulitzer Prize-winning series against strip-mining.

"As sponsor of federal legislation to ban strip-mining of coal, I applaud your courageous fight against those large companies attempting to develop for private profit areas which injure the environment through pollution of our streams and devastation of our soil.

"Every industry and every individual should be held accountable for environmental costs of strip-mining, which should not be passed on to be shouldered by future generations."

From the newspaper, academic and business world, the congratulatory messages included:

John E. Leard, executive editor of the Richmond Times-Dispatch and News-Leader: "I think that's wonderful, and my congratulations to you and all your staff."

Marjorie Hunter, former Journal and Sentinel state news reporter now with the Washington Bureau of the New York Times: "My deepest congratulations—and congratulations from all the friends of the Journal and Sentinel in Washington."

J. D. Alexander, former copy editor on the Journal now with the Washington Post: "Congratulations! That's great!"

A. M. Rosenthal, managing editor of the New York Times: "Congratulations! We are all happy for you."

Max Frankel, chief of the Washington Bureau, New York Times: "Hooray! Hooray!"

David Cooper, former capital correspondent for the Journal and Sentinel now state capital bureau chief for the Detroit Free Press.

Russell Brantley, assistant to the president, Wake Forest University.

Kerry Sipe of the News and Observer, Raleigh, a former Journal and Sentinel staff member.

Ed Shanahan of the Detroit Free Press, another former staff member.

Norman Cherniss, Press Enterprise, Riverside, Calif.

Miss Alice Gray of Winston-Salem.

Price Day, editor-in-chief, Baltimore Sun.

James Rankin, assistant managing editor of the Atlanta Constitution.

Howard Simons, assistant managing editor, the Washington Post.

Jim Ellis, public relations director of Hanes Corp.

Bill Woestendiek, editor of the Colorado Springs Sun.

Perry Morgan, editor of the Charlotte News.

C. A. (Pete McKnight, editor of the Charlotte Observer.

The Winston-Salem Board of Aldermen unanimously adopted a resolution last night congratulating the Journal and Sentinel for what Mayor Pro Tem Carl Russell said was "an outstanding accomplishment that we are all very proud of."

New York AP.—The Winston-Salem, N.C. Journal and Sentinel won the 1971 Pulitzer prize for meritorious public service Monday, for its coverage of environmental problems.

54TH YEAR

The Pulitzer Prizes have been awarded since 1917. They were set up under the will of the late Joseph Pulitzer, publisher of the New York World and St. Louis Post-Dispatch, who left $2,000,000 to Columbia to finance the prizes and establish a school of journalism.

Here are the winners of the Pulitzer Prize for public service for the past 20 years:

1950—Chicago Daily News; St. Louis Post-Dispatch
1951—Miami (Fla.) Herald and Brooklyn Eagle
1952—St. Louis Post-Dispatch
1953—Whiteville (N.C.) News Reporter; Tabor City (N.C.) Tribune.
1954—Newsday, Garden City, N.Y.
1955—Columbus (Ga.) Ledger and Sunday Ledger-Enquirer
1956—Watsonville (Calif.) Register-Pajaronian
1957—Chicago Daily News
1958—Arkansas Gazette, Little Rock
1959—Utica (N.Y.) Observer-Dispatch and Utica Daily Press
1960—Los Angeles Times
1961—Amarillo (Tex.) Globe-Times
1962—Panama City (Fla.) News-Herald
1963—Chicago Daily News
1964—St. Petersburg (Fla.) Times
1965—The Hutchinson (Kans.) News
1966—Boston Globe
1967—The Louisville Courier-Journal and The Milwaukee Journal
1968—The Riverside (Calif.) Press-Enterprise
1969—The Los Angeles Times
1970—Newsday (Long Island, N.Y.)

The Pulitzer Prize for Public Service—Highest Honor in Journalism—Awarded to the Winston-Salem Journal and Twin City Sentinel for Coverage of Environmental Problems, by Our 109 News and Editorial Staff Members

Harry Abernathy, Tom Beavers, Sid Bost, Allie Brown, Emily Bruce, Carlton Byrd, Nady Cates, Janice Childress, Velma Jean Clary, Frank Clifford, Bill Connelly, James Cook, Julia Courts, Perry Craven, Dick Creed, Chester Davis, Joan Dawson, Larry Dendy, Russ DeVault, Tom Dillon.

Walter Dorsett, Joe Doster, Sharyn Dowd, David DuBuisson, Bill East, Rick Edmonds, Arlene Edwards, Charles Elkins, John Eslinger, Catharine Fassett, David Fishel, Fred Flagel, Chris Friendenberg, Ed Friedenberg, Mary Garber, Janice Gaston, Gail Gentry, Bill Gilkeson, Fletcher Good, Joe Goodman, Otis Gossman, Jim Gray, Bob Hampton.

George Henne, Fred Hobson, Harry Hondros, Hunter James, Scherer James, Nell Johnson, Frank Jones, Ronald Jordan, Jim Keith, Pat Kelly, Gary Knox, Wingate Lassiter, Jim Laughrun, Linda Lee, Parker Maddrey, Frank McDonald, Georgia Melville, Robert Miller, Diane Millikan, Betty Morrison, Charles Newman, Robert Noell, Peter Norall.

Randy Norton, Beverly Norwood, Jackie Owen, Marie Paull, Jesse Poindexter, Elizabeth Prince, Larry Queen, Bill Ray, David Roberts, Brad Rochester, F. M. Rogers, Marilyn Rollins, Ray Rollins, Roger Rollman, Annie Lee Singletary, Kerry Sipe, Jim Shertzer, Ben Smith, Bill Smith, James Smith, Ralph Smith.

Cookie Snyder, Frank Spencer, Elizabeth Sparks, Jim Stanley, Bill Stracener, Virtie Stroup, Paul Taylor, Lil Thompson, Roy Thompson, Carr Timberlake, Jack Trawick, William Tucker, Howard Walker, Dot Whiteheart, Gene Whitman, Judy Wicker, Bill Williams, Lynn Williams, Alan Willis, Mike Willis, Jon Witherspoon, Beverly Wolter.

And by the 372 men and women in our Production, Advertising, Circulation, Business and Personnel Departments who helped publish and distribute the Journal and Sentinel in 1970.

THE ENTRY

Representing a year's work by the Journal and Sentinel, won the unanimous vote of the Advisory Board on the Pulitzer Prizes . . . because Winston-Salem's newspapers:

Kept a strip-mining operation out of the beautiful mountains of Northwest North Carolina and Southwest Virginia;

Hammered at stream pollution in Winston-Salem and other areas;

Spurred the statewide campaign to save Bald Head Island;

Exposed environmental problems all through the year—from dirty air to fish kills to noise.

The prize-winning entry shows that the first news report on the proposed strip-mining operation in Wilkes, Surry, Alleghany, Ashe, Carroll and Grayson counties was developed and written by Arlene Edwards, and published in the Journal.

She followed this up with other reports as the mining company sought options on land, and Journal and Sentinel editorial writers like John Eslinger, Hunter James and Fred Hobson campaigned against the scalping of North Carolina's mountains.

Veteran reporters like Joe Goodman, Jesse Poindexter and Joe Doster and State Editor Jack Trawick explored all facets of the strip-mining story, and photos by Trawick and Goodman added impact.

As the Pulitzer entry shows, their campaign was successful. The mining company left the field. An environmental disaster had been prevented.

Throughout 1970, the entry shows, Journal and Sentinel reporters covered and the editorial pages attacked environmental problems—many of them here at home, some as far away as Bald Head Island.

The editorials were written by Ralph Smith, Eslinger, James and Hobson. The news coverage came from such reporters as Goodman, Roy Thompson, Chester Davis, Diane Millikan, Doster, Wingate Lassiter, Gene Whitman, Roger Rollman, Brad Rochester, Alan Willis, Russ DeVault and Otis Gossman. Illustrating the problems were pictures by Bill Ray, Frank Jones, Jim Keith, Howard Walker, Cookie Snyder and Allie Brown.

and their readers contributed. The entry included letters to the editor from those concerned about what is happening to their world.

Well Done, Journal-Sentinel

The great honor that came this week to our neighbors and colleagues at the Winston-Salem *Journal-Sentinel* newspapers is one in which friendly rivals may also take pride.

That honor, of course, is the 1971 Pulitzer Prize for meritorious public service—the most coveted award that an American newspaper can win.

The Winston-Salem papers won their prize for a year-long crusade, embracing both news and editorial comment, against depredations to the environment in North Carolina. Their particular focus was on a campaign to warn the mountain counties of Northwestern North Carolina of the consequences of strip-mining.

In December, 1969, a visitor from that part of the state confided to the editors of the *Journal* and *Sentinel* that a big strip-mining outfit, the Gibbsite Corporation of America, was taking out mining leases on thousands of acres. Since North Carolina imposes no real restrictions on strip-mining, the prospect was for what the *Journal* called "a Sahara in our midst." The two papers employing many of their talented staff, took full advantage of the tip. After some months, the would-be ravagers of the mountains backed off.

The issue, as presented, is at once universal, simple and endlessly complex: What price material progress? "The real dilemma," said the *Journal* editorially, "is ours, and it is time we began deciding whether we want to push material progress up to the point where it requires a face mask for its enjoyment."

The Pulitzer jurors noted that the two papers had not faltered or equivocated in their challenge, even when that meant challenging powerful and resourceful economic interests. So the Winston-Salem newspapers have well practiced the admirable creed recently offered by John S. Knight, editorial chairman of the Knight newspapers:

"An editor," Mr. Knight said, "who must or should take vigorous editorial positions on the great issues of the day, is not meant to be loved. If he seeks affection and popularity, he should be in public relations. Newspapermen who formulate policy must base their conclusions on the facts at hand. The unvarnished truth is frequently unpleasant reading, since it often differs from the reader's preconceived notions of what the truth should be."

The *Journal* and *Sentinel* gave the "unvarnished truth" about the dangers of strip-mining in particular and predatory "progress" in general. Our congratultions, and our thanks, as citizens of North Carolina, for a job well done.

BEAUTIFUL WORLD?

The SPEAKER. Under previous order of the House, the gentleman from Georgia (Mr. Blackburn) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, as all Members of this body, I, too, am sensitive to the mood of the people. Therefore, it is my habit to peruse the "Letters to the Editor" in newspapers and periodicals.

Recently I came across one such letter which, I believe, should be brought to the attention of all Members of Congress. Barbara W. Payne of Fairfax, Va., in her letter to the Evening Star, which appeared on May 7, 1971, makes a valid point which many of us may well have overlooked:

Beautiful World

Sir. Everyone hates war, disease, fire, floods and tooth decay.

Let's do away with the military because we hate war. Let's do away with doctors and hospitals because we hate disease. Let's do away with the fire department because we hate fires. Let's do away with rescue teams because we hate floods. Let's do away with dentists because we hate tooth decay. And last but not least, let's do away with mental health doctors and hospitals because we hate mental disease.

Wouldn't it be a beautiful world if we could do all of these things!

Barbara W. Payne.

TAKE PRIDE IN AMERICA

The SPEAKER. Under previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

In 1946 Dr. Alfred Blalock published, with Helen Taussig, the results of the first clinical experience of the surgical joining of the subclavian artery to the pulmonary artery in treating "blue babies," the first attack on an intrinsic heart defect. Later superseded in older children by a complete correction of the defect, it is still used in treating babies.

IMPORTS AND OUR ECONOMY

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, time and again on this floor I have warned of the dangers to the U.S. economy and American employment brought upon us by throwing open our markets to low-cost imports made with cheap foreign labor. For years it has been apparent that while we in this country lower the tariff barriers to imports, foreign countries, it they reciprocate at all, make an end run by setting up new obstacles to the import of American products. What good does it do if foreign tariffs are lowered if at the same time these nations institute quotas, controls, taxes, and other restrictions to importation of American goods?

Shut out of foreign markets in many places the United States even has been losing—at a frighting rate—its own domestic markets to many foreign countries. One of the most aggressive of foreign nations boring in on the American market is Japan. Japan was raised from the ashes of World War II with American aid of all sorts. No one resents Japan's great progress on the road back to economic prosperity. But we do not want that progress to be made at the expense of the American worker—the man who loses his job in the United States because of Japan's deliberate campaign with Japanese Government help, to move in on the American market.

Yes, the quality of Japanese products has improved greatly in recent years. Far from their old reputation for shoddiness, the Japanese now are turning out products accepted for their quality as well as their low price. The American consumer likes many of them—little TV sets radios, tape recorders and even more recently, little automobiles. But let's stop and think a moment. These products are harming beyond recognition many American industries. If American industry is driven to the wall and its workers driven off their jobs, who will be left to be a consumer among us who will be able to buy these low-cost foreign products?

What disturbs American businessmen, feeling the pinch of this competition, is not just the impact of Japan's low-cost products, but the fact that in international trade Japan just does not stick to the rules of the game. As many industrialists contend, the Japanese dump not only TV sets but also steel, textiles, flat glass and radio tuners on the U.S. market. Check the price of a Japanese TV set on the Japanese home market and you will find that the very same set is higher in price there than it is when exported to America. That, gentlemen, is dumping. And that is what Japan has been doing.

Time magazine, in its May 10, 1971, issue points this out. The cover story of this issue goes on to outline how American businessmen also are burning under the collar over the special help their Japanese rivals get from the Tokyo government: approval for cartels formed to win big foreign orders, extensive government-financed studies of which overseas markets might be easiest to crack, low interest loans to exporters from the government-dominated banking system, and the lowest corporate taxes in the industrial world.

Yet, with all this planned penetration of world markets and the American in particular—for fully 30 percent of all Japan's exports go to the U.S.—Japan has slammed the doors of its domestic economy to many types of foreign goods and most foreign capital investment. Supposedly this situation is changing, and the number of quotas and other barriers to imports has been reduced since 1969. But this reduction of quotas is not moving fast enough, and never should have existed in the first place. Much harm already has been done.

U.S. News & World Report in its April 26, 1971, issue, also reports on Japan and its intensive drive to try to replace the United States as the world's top industrial power. Well, I suppose we can't decry ambition and the will to get ahead. But we are justified in complaining if the competition is not fair and square. The average cash wage in industry in Japan, U.S. News & World Report says, is $206 a month. That level would not even meet the minimum wage rate our Government enforces in this country. The average Japanese industrial worker toils at a wage rate that would be illegal in the United States. Compare this Japanese rate to what the average unionized worker in American industry is paid.

At present, Japan's economy is expanding at a rate more than twice as fast as either the United States or the Soviet Union, the No. 2 industrial power of the world. Japan's population is about half that of the United States and about a third that of the Soviets. Obviously, all its production cannot be absorbed in the home market when workers receive the low wages that they do. So the export trade is pushed, and particularly to the United States. There are a couple hitches in Japan's plan to become No. 1 in industry. For one thing, Japan is running out of labor. Also, the country is poor in resources. So far, it has been able to overcome its shortage of natural resources by scattering its ships around the earth to bring home the raw materials for industry. With its concentration on manufacturing and exporting there has been a lack of investment in housing, roads and pollution control. Japan's industrial pollution is said to be perhaps the world's worst.

Maybe the Japanese people are beginning to wonder whether it's worth all the effort. Although historically docile, the Japanese working force conceivably could start asking for more of the benefits of its industry itself—particularly when it learns that Japanese television sets are sold for lower prices in the United States than at home in Japan.

Since it is short on raw materials, Japan is a big and growing consumer of American coal and lumber, but in each of the past 3 years—and I am quoting Time magazine here—its sales to the United States have exceeded its purchases by more than $1 billion. The American shoe, textile, electronics and other industries have not only lost sales and profits to the Japanese but jobs as well.

Just as Japanese labor toils for wages that would be illegal in the United States, so Japanese industry enters into combines, councils and agreements to divide up markets that certainly would not be permitted here. The big prewar cartels of Mitsui, Mitsubishi and Sumitomo were broken up under the United States occupation of Japan and supposedly have come together again only loosely. However, presidents of the various companies forming these combines meet regularly and plan their common strategy. The big borrowers from the Fuji Bank have a council which includes the heads of electrical machinery, automobile, and steel companies. The clubs, as Time so aptly puts it, divide up markets like so much sukiyaki. Communist China announced recently it would not trade with companies doing business with South Korea or Taiwan. The Japanese clubs met the situation very handily. Mitsui and Mitsubishi decided they would concentrate on South Korea and Taiwan, while Sumitomo took China.

As an example of its economic nationalism, Japan's shipping companies regularly swap technological ideas. By helping each other improve technology and service they are able to overwhelm foreign competitors. Such practices, of course, raise the question of whether a monopoly in the long run can lead to more progress than competition. However, the Japanese do have competition—that is, from other nations. Within their own nation, cooperation between companies seemingly has replaced to a large extent competition. That's why we can call it economic nationalism—which Japan is pursuing to the utmost. And the way it proceeds is by a closed-door policy at home and invasion of markets abroad.

Nowhere in the non-Communist world do business and government coexist so closely. Japan's Prime Minister Sato even heads the Trade Conference, which sets national export goals and coordinates business efforts to achieve them.

It is time that our people and our Government became alerted to Japan's economic nationalism, which in its way is just as dangerous to our security as the military attack was on Pearl Harbor.

Mr. Speaker. I include at this point my remarks made at a maritime meeting last week:

Speech by John H. Dent

Everytime I pick up a newspaper there's a story on the U. S. economy. One day it's recovering from a slump. The very next day the government is placing 10 more cities on the list of persistent unemployment areas.

The Administration says the economic indicators are up, and then it issues some new inflation alert. All the verbiage and all the contradictory stories in the press show me that more than ever we are a nation that at best, wants to play the old ostrich, and bury our collective heads in the sand while the economy crashes around us. Or, at worst, we are a nation conscientiously bent on committing economic suicide.

Those may be harsh words, but it's no longer easy for me to be conciliatory about the giveaway of this nation's riches at the expense of people's jobs, people's income and people's well-being.

We are a nation that is suffering depression-level unemployment in many areas of the country. And at the same time we refuse to halt the flow of cheap imported goods into this country. We are a nation of exporters, yet there are those who want our foreign assistance programs to give up a sound policy of purchasing at home, and allow them to purchase our assistance cargoes abroad.

We are currently a nation of haves, but if those economic contradictions are not ironed out—if they run to their logical extension—we soon will be a nation of have-nots.

First of all, the imports situation is one that I have been watching, mostly with sadness, often with anger, since 1962. That is the year I held hearings in Congress on the state of the merchant marine, and from them came to the inescapable conclusion that our policy was just plainly fouled up.

In the nine years since, unfortunately, the picture has grown worse. In the early 1960s we exported 35 percent more than we imported. From 1965 on, the balance of trade graph slid rapidly downhill. In 1968, we had a balance of trade that gave us only a 626 million dollar surplus. And the last two years have been little better.

Oh, yes, the overall value of our exports rose astoundingly, in fact they nearly doubled from 19.5 billion dollars to 37.3 billion. But accompanying that 91 percent rise was a 145 percent increase in the value of foreign imports. And we ended the decade just about one billion dollars ahead in the balance of trade.

Now there's something interesting in that surplus, something that indicates to me the absolute necessity of "tying" foreign aid purchases to industries here in the United States.

Those foreign aid purchases amounted to more than a billion dollars and if they hadn't been tied to U.S. products, instead of having any surplus at all would have come out of the year with a deficit. And that deficit to a nation so blessed by nature, made so productive by its hard working men and women, could be the straw that breaks its economic back.

Those are the numbers. And they are frightening as an abstraction. But there is nothing abstract about a formerly employed man standing in a welfare line, while dollars that should be in a weekly paycheck with his name on it, flow overseas. The end product of all those numbers is people. Out of work, out of money, out of hope people.

We now have 5 million people unemployed in the United States. Three years ago it was three million. Yet we have allowed our markets to become glutted with products produced overseas under sweatshop conditions. And those sweatshop conditions are, in many cases, part of the attempt to undersell the U.S. here and abroad, a maneuver which, if successful, could undermine the economy of the world.

Back home we are seeing the effects of the maneuver right now. Six percent of the work force is out of work. And no matter who is making the rosy predictions about an economic upturn, the fact remains that we will not really have turned the corner on this economic slump until that figure is substantially reduced.

Instead of taking steps to reduce it, some people like the old ostrich, stick their heads in the sands and say that assistance goods should not necessarily be purchased at home.

If the government hadn't spent 9.2 billion dollars for foreign assistance goods in the U.S.—in such industries as machinery, primary and fabricated metals, chemicals, transportation equipment, rubber, petroleum, textiles and a host of others—large numbers of workers would have been added to the rolls of the unemployed.

In fact the unemployment level would be seven percent instead of six percent. And economists tell us there is a multiplying effect in unemployment that costs two jobs in service industries for each one lost in manufacturing. Therefore it is safe to say that 180 thousand people would have been put out of work if foreign aid purchases had been untied in 1960's.

Take the same thought another way. In 1963, one and a half million American workers produced more than 17 billion dollars worth of machinery. Averaged out that means that each worker produced 11,000 dollars worth of goods in that industry.

In the 1960s, the Agency for International Development purchased nearly 2 million dollars worth of that machinery for assistance to foreign lands, a total that equals the output of 16 thousand American workers.

Those are 16 thousand jobs we would not have had, men without work, if we had untied foreign aid purchases 10 years ago. Had we done that, just in the area of machinery manufacture, we would have untied a high percentage of jobs. And those jobs would not have hit just the blue-collar workers, they would have struck across the board room as well.

For the nation as a whole, then, our imports balance and the untying of foreign aid are inevitably tied together. I'm not a protectionist, I'm just a realist. And realistically, we cannot afford to untie foreign aid purchases. And proposals to do it could not have come at a worse time.

Last year we recorded a dip in the nation's Gross National Product for the first time. We actually lost ground in the total value of all goods and services we as a nation have to our credit.

If we untie foreign assistance purchases, we risk a further reduction in the Gross National Product of from 25 to 30 million dollars over the next decade. A drop like that in a nation beset by employment woes and beseiged by imported goods that detract even further from the economy, would lead to catastrophe.

I will hear no arguments from those who propose "untying" foreign aid purchases about the relative saving to the government. That is a false economy of the worst sort. It is that kind of short-range thinking that leads manufacturers to set up shop in foreign lands, then turn around and demand an unfair share of the American wealth.

It is that kind of short-range thinking that leads American shippers to chose the foreign-flag fleets while its own American industry suffers. It is pure and simple, the philosophy of the quick profit. The philosophy of the fast buck.

And it is a pattern becoming too familiar in American economic life. We can and we must bring realism back into the picture through law, through persuasion and through pressure.

Unless we do, I fear, our flights of fancy in concepts like untying foreign aid purchases, and open marketing of imports, will be one way flights to national bankruptcy.

CONTINUE WORK ON SST

The SPEAKER. Under previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 10 minutes.

Mr. STUCKEY. Mr. Speaker, I am in favor of continuing the research, development, and construction of the SST prototype. The United States cannot afford to take the chance of being second or third in the international competition for improved air transport. The Russians will be exhibiting their supersonic transport at the Paris air show next month. Already there are reports that the Russians will use their SST as an instrument of foreign policy by selling around the world to other nations at half price.

The French and British will soon have the Concorde in production and American airlines are already discussing purchase of these aircraft. We have American manufacturers and American workmen, the best in the world, who should have the opportunity to build and sell the American SST to not only Americans, but to other countries of the world. It is clear to me that the question is not whether there will or will not be an SST. We cannot hold up our hand and stop the technological development of the SST anymore than we can hold up our hands and stop the tides. The only question is, "Will it be the United States or will it be Russia, England, and France who benefit from the new transport?"

Within a span of 40 years, Mr. Speaker, we have learned that building and operating commercial aircraft is a very lucrative and most rewarding business.

Today, air transportation is our seventh largest industry and is growing faster than any other segment of our economy.

Likewise, the United States has become the leader in the world's manufacture of commercial jet transports. At present, 90 percent of the free world's long-range jet transports are American made.

Opponents of the SST say that what we have at stake is the environment. They say that the SST is a dangerous threat to our ecological balance. And, yet, Mr. Speaker, there is not one bit of solid evidence to back up these claims. The world is going to have the SST, Mr. Speaker. We should certainly be aware of this fact, and if we are not, we only have to note Mr. Pompidou's recent flight on the British-French Concorde SST.

I say that what is really at stake here is national power, prestige, leadership and billions of dollars in sales of aircraft, ground facilities and support equipment which would be kept in the United States. Keeping these SST sales at home will provide a healthier national economy and provide more jobs to our American workers. I believe, therefore, that we should continue our support of the SST.

If we cannot continue construction of the SST, then I think we are legally and ethically bound to return the $58.5 million advanced by U.S. commercial airlines in good faith to pay the costs of technological development of the SST. Mr. Beggs of the Department of Transportation, has testified before the Appropriations Committee that the United States has no legal duty to repay the money—$1 million per plane for each plane the commercial airlines expected to purchase when the SST went into production. I disagree. This was a typical joint venture between the United States and the commercial airlines. It was the good faith intention of the commercial carriers and the U.S. Government to go ahead with the program. If Congress cancels the program for policy reasons, then there has been a change of circumstances that would legally and equitably justify recission and restitution under basic principles of fairness and common law. If Congress believes in law and order, then it should make the executive branch toe the mark of fair dealing in commercial law as well as criminal law. Law and order, Mr. Speaker, means everyone, including the U.S. Government.

WASHINGTON POLICE CREDIT TO THE UNITED STATES

The SPEAKER. Under previous order of the House, the gentleman from North Carolina (Mr. HENDERSON) is recognized for 5 minutes.

Mr. HENDERSON. Mr. Speaker, on Wednesday, May 5, a group of 20 businessmen from Goldsboro, N.C. made their annual visit to Washington to confer with Senator ERVIN, Senator JORDAN and me as their representatives in the national Congress.

Mr. Eugene Price, editor of the Goldsbore News-Argus was one of the group.

You will recall it was on that day the mass of demonstrators swarmed over Capitol Hill. This operation was observed by Editor Price and others in the group. On Friday, May 7, Mr. Price expressed his reaction in an editorial entitled "Washington Police Are Credit to U.S." Mr. Price began his editorial by saying:

> You would have been proud, as we were, of the Capitol and Metropolitan police forces and the way they handled demonstrations in our Nation's Capitol this week.

I, too, commend our Capitol police as well as Chief Jerry Wilson of the metropolitan force, and deem the editorial worthy of being called to the Nation's attention by inserting it in today's CONGRESSIONAL RECORD.

[From The Goldsboro (N.C.) News-Argus, May 7, 1971]

WASHINGTON POLICE ARE CREDIT TO U.S.

You would have been proud, as we were, of the Capital and Metropolitan police forces and the way they handled demonstrations in our Nation's Capital this week.

We were fortunate enough to have been with a group of 20 area business men in Washington at the time.

Never had any of us seen so many police officers at one time.

When the rag-tag band of demonstrators began assembling, caravans of police officers in cars and buses streamed in from every direction.

The line of police vehicles stretched as far as we could see.

Not only did they come in cars and buses, they came on motorcycles and even on small motor scooters.

But most came on foot. A literal army of them!

They seemed to come on and on forever. Marching two-abreast. Orderly, silent, businesslike.

There seemed to be complete order to the whole operation.

After the demonstrators had assembled on the Capitol steps, literally jamming them, the police vehicles and officers afoot methodically surrounded them.

When they refused to disperse after given a time limit, the police calmly began making arrests and filling the waiting paddy wagons.

We are confident some of the weirdoes arrested will charge "brutality". We certainly saw nothing of the sort. Police were simply firm and methodical despite obscenities shouted at them by the protestors.

It was obvious that the law enforcement officers had the situation firmly under control from the start. It was an excellent demonstration of what law enforcement officers can do when they have enough people, training and discipline, sufficient inside information and are permitted to do their job to keep the peace.

The fact that three members of Congress saw fit to join the most radical, most militant and most scurrilous group of demonstrators in the country, did not make the job of the police easy but it did not make them hesitate to arrest 12,000 people.

A Washington newspaper, predictably, carried a "news" story bemoaning the fact that police in the Nation's Capital had departed from their "outstanding record" of not making mass arrests.

And we are confident there will be cries that many poor, innocent college students who were just watching or who were simply exercising their Constitutional rights to protest were unjustly arrested.

The fact is that this band of people waving communist flags, shouting obscenities and in one case stripping naked in public, had come to Washington with the announced determination to shut down the government.

They had attempted to block traffic by stalling cars and by throwing nails on the main highway arteries.

They failed.

They failed because the law enforcement officers in the Nation's Capital were prepared to do their job and were permitted to do it.

We have never been more proud of a group of men and women in our whole life.

We hope that there are those in our com-

munity who will see fit to write to the Capital and Metropolitan police departments expressing their appreciation and admiration.

COMBATING POLLUTION THROUGH THE USE OF ECONOMIC INCENTIVES

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin (Mr. ASPIN), is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the advent of spring brings sharply back into focus the tremendous environmental problems we as a Nation face. This spring, millions of Americans will be strolling through their favorite parks and along their favorite rivers and streams—inhaling carbon dioxide, sulphur oxides, particulate matter, and gazing at the filthy current. In the past few years, many environmental bills have been passed and signed into law and, yet, our environment becomes more contaminated with the passing of each day. Why have we not been more successful? The answer, I think, is largely because of the approach we have been taking. The time has arrived for new and imaginative solutions. Over the period of the next 2 weeks, I will be introducing a variety of bills dealing with the major facets of environmental pollution. I sincerely hope my colleagues will find these bills worthy of careful study.

The major obstruction to progress in the attack on pollution has resulted from the difficulty of placing the financial liability upon the originator of the polluting activity. In economics we classify pollution as negative externality. By externality we mean that this is something outside of, or external to, the production or consumption process. Prefacing externality with "negative" means simply that we have a harmful spillover. The emission of sulphur oxides from a fossil fuel power plant is a good case in point. In my district, the people who reside in close proximity to the Oak Creek Power Plant in Milwaukee County must paint their homes every year. They, in effect, are subsidizing the users of electricity since they are really bearing part of the costs of producing electricity. People living downstream from paper mills bear part of the cost of producing paper as the value of their riverfront property declines.

The marketplace cannot solve the problem of pollution and never will. Polluters pollute because it is more profitable to do so. Pollution abatement equipment adds to costs but not to revenues, creating a strong disincentive to spend scarce funds on pollution control. It is cheaper to discard your wastes into the air or stream near your plant. Since no one owns the air and the water, the polluter does not have to pay for the use of their services—that of hauling the wastes away from his plant. Who pays under the present system? We all do. People who live near steel mills bear part of the cost of producing steel, the people near the electric power plant bear part of the costs of producing electricity.

The simplest and most effective solution is to go back to the polluter and assess him for the costs he imposes on the society. In economics, we refer to this as internalizing the externalities; taking those external, or social costs, and bringing them within the realm of the firm's decisionmaking process. This, in effect, puts a price on clean air and clean water. The charges would reflect the costs of cleaning up the air and water presently being used as a natural sewer receptacle. Why is this the best solution for most types of polluting activity, and why has it not been tried? Those are two questions I will try to answer today; but first I feel it necessary to outline the presently more popular, and I believe, less effective proposals that are traditionally brought forward as cures.

There are three basic methods of combating pollution. Briefly, these are: Direct regulation, subsidization, and economic incentives. First, I will discuss direct regulation. Direct regulation can best be described in terms of an order, or edict, that requires the polluter to cease or reduce his level of discharge to some environmentally safe degree. Most of our present environmental legislation is of this type. It results from a natural reaction to some undesirable activity. If you do not like what is going on, outlaw it. Many examples of this type of attack can be found. For example, most people would agree there are too many nonreturnable bottles and cans being used and discarded along our roads. What to do? Possibly outlaw nonreturnable bottles and cans. When? Well, not right now; it would be impossible to pass legislation. OK, set a date. June 1, 1975? Good, it has a better chance. So goes the usual debate of this type, with a resulting delay of action often running 5 years or more. Even then, it may be possible for polluters to gain a further extension.

Another problem of direct regulation is that it entails, like all other laws, the necessity for the lawmaking body to set up, and fund, the enforcement procedure. As we all know, many good laws have proved useless because Congress decided not to fund any enforcement. We have had the Refuse Act of 1899 on the books for over 70 years, and as my distinguished colleague and friend from Wisconsin, Congressman REUSS, can tell you, polluters have not been consistently prosecuted for violating the act.

If we choose direct regulation as a solution, under whose jurisdiction should it come, the local municipality, the State, or Federal Government? Local governments are almost powerless in using direct regulation. This results basically from two factors; first, most pollution is not confined to any one jurisdictional boundary. Air pollution tends to follow the prevailing winds. A strong air pollution statute in one town is to little avail if the dirty air comes from a neighboring community. Municipal water pollution edicts are useless if the dirty water comes from upstream. In addition, it is very difficult for local governments to pass strong antipollution regulations when the local industries can always threaten to move their firms where the polluting climate is more agreeable to them.

State governments are inhibited from action for much the same reasons as are local governments. Much of the air pollution in New York City comes from New Jersey. Why should Wisconsin pass strong water pollution standards if Illinois does not? The prevalence of buck-passing from State to State serves only to obfuscate any possible action to solve the problems at hand.

Direct regulation of polluters, if it is to be successful at all, must be undertaken at the Federal level. If a polluter claims that some new law will force him to close his plant and move, we can say, "Where?" But direct regulation, even on a Federal level, has shortcomings and should not be looked upon as the only, or even the major, solution. The problems of granting delays, funding enforcement procedures, and overcoming time lags because of legal prosecution will have considerable effect in negating or delaying success in abatement. On the other hand, this method of pollution control, can, and should be used in cases where the pollutant is of a nature where even small discharges have extremely adverse effects on the environment. Mercury and some pesticides and herbicides would come under this category. Direct regulation would be most successful in preventing new pollutants, but could be much less successful in stopping existing polluters—depending on the effectiveness of the enforcement process. In sum, direct regulation is useful mainly in preventative cases where the pollutant is so hazardous that even very small amounts would wreak large-scale damage to the environment.

The second method of pollution control involves the subsidization of polluters to get them to stop polluting. There are two basic ways of doing this: First, by giving actual grants to manufacturers or municipalities to purchase pollution control equipment; or second, to grant tax credits or other types of special tax deductions to partially or fully offset manufacturers' expenditures on abatement equipment. It is imperative that we do not end up using this method of control in dealing with pollution by private industry. Its adoption would simply mean we are paying a bribe to someone to stop discharging his wastes into our water and air. We do not do this in law enforcement, and we should not do it for pollution control.

Private industry prefers tax credit or deduction treatment over actual grants. We all know the redtape involved with Government payments for anything. Reports must be filed, and the expenditures are necessarily gone over closely by Congressmen and their committees. But tax credits or deductions for pollution abatement equipment would probably never be carefully scrutinized. For example, if granted oil depletion in the form of Federal payments, it might have been eliminated many years ago.

It is true that subsidization would work, but the immense costs would be borne by the wrong people. The only place where subsidization might be equitable to all concerned would be in the form of help to municipalities for waste treatment, which could work much like the Federal help in the interstate highway program. Many small cities and towns are strapped for funds because the Federal Government has preempted the best source of tax revenue, the income tax, and cannot afford the huge sums necessary for efficient waste treatment plants.

On balance I believe that economic incentives are the most efficient and equitable way of attacking pollution because an economic incentive forces the polluter to pay the total costs of producing the product: the private costs such as payments for labor, raw materials, machinery, and so forth, and the social costs; that is, the costs he imposes upon the environment. Clearly, the environment can absorb some level of pollution without significant damage. Rivers can cleanse themselves somewhat, small amounts of some air pollutants can be dispersed over large areas with relatively insignificant damage to life systems. Elimination of all pollution is impossible and too unreasonable to even consider. But once we measure the damage a polluter is doing to the environment, we can simply present him a bill for the social costs. Upon receipt of the bill, he faces three basic choices:

First. He can stop producing and thereby stop polluting. This would only result in a very few cases where the producer is imposing tremendous social costs upon the community, abatement equipment is prohibitively expensive, and the polluter is in an economically marginal position anyway.

Second. He can install pollution abatement equipment. He will do this if the cost of the control equipment amortized over its useful life is less than the tax he would have to pay if he continued to pollute at his current rate.

Third. He can pay the tax. He will do this if the cost of the pollution control equipment is greater than the cost he imposes upon the environment. This would most probably result in cases of water pollution where the cost of waste treatment plants are extremely high and it would be too expensive for one polluter to control his own wastes. The taxes collected would be used to construct a large municipal treatment facility which would treat the wastes of all the polluters on a large scale. There was a case like this a few years ago in Delaware. Seven large chemical companies estimated it would cost them $1 million apiece to effectively treat their wastes. When finally forced to take action, they joined their efforts and built one waste treatment plant to handle the wastes of all seven and did it for less than half of their proposed costs.

Many environmentalists have opposed taxing polluters as they feel it is analogous to granting someone a license to pollute. Not at all. It merely internalizes the costs they are presently imposing upon everyone who lives close to their plant. I am inserting into the Record today an interview with Milton Friedman, a distinguished economist from the University of Chicago, that appeared last year in the Chicago Tribune. This interview is "must" reading for all those interested in pollution control. Professor Friedman discusses quite aptly how economic incentives, through taxation, work.

Many people will argue that if we tax polluters for the damage they impose upon the environment, they will just pass this tax on to the consumers of their products in terms of higher prices. This is quite true and indeed very equitable. Purchasers of steel are now paying an artificially low price for steel because the steel producer is currently not paying the costs he imposes upon the people who live near his plant. They, in painting their homes more often, spending more for cleaning bills, having to go farther away in order to find a clean stretch of beach with water fit for swimming, are paying part of the costs of producing steel. Thus, users of steel are buying steel too cheap. The same is true for electric power generation. How could we consider it equitable when the people living near to the powerplant are bearing a disproportionate part of the costs of producing electricity, which results in making everyone's electric bill less than it would be if the powerplant had to pay for all of its production costs. Clearly, it is only equitable to internalize those social costs in order to require the price of the product to reflect its true production costs.

The bills I will be introducing will incorporate these economic incentives. They will be directed at consumers as well as producers, and will involve such things as nonreturnable bottles and cans, high phosphate detergents, air pollution by both industry and private automobiles, junk cars, water pollution, and so forth. The first bill, which I am introducing today, deals with nonreturnable bottles and cans.

Our roads and highways are littered with bottles and cans. We have strong antilitter laws in all our States, some prescribing fines as large as $200 for littering, and yet these laws have been virtually unenforceable. To enforce them properly, we would have to station policemen almost every 100 yards or so along our highways to catch the people who litter, an impossible task. In addition, there are presently no incentives for the collection of returnable bottles because the deposit is so low. The pollution that results from the discarding of nonreturnable bottles and cans cannot be blamed on producers of these items. They are only responding to the demand for these items by consumers. A large majority of consumers have decided it is much less trouble to purchase nonreturnable bottles and cans and then discard them after use than it is to use returnable bottles and return them to the store. The simple reason for this is that there are no incentives for them to do any differently. Thus, the users of nonreturnable bottles and cans impose a large and unnecessary cost to their communities to pick up and dispose of these items. One answer is to outlaw nonreturnable bottles and cans but a better answer, I believe, is to internalize the externalities; that is, assess the user of nonreturnable bottles and cans for the cost he imposes on the community. My bill does this by placing a 10-cent tax on all nonreturnable bottles and cans for soft drinks and beer. This will provide the necessary stimulus for consumers to use returnables; the price differential between using returnables and nonreturnables will be 60 cents per six-pack of soda or beer. The tax will be levied on the retail level with all taxes collected going to the community in which they are collected on a no-strings-attached basis. It is necessary to point out that the tax revenues will be small. As we all know, we levy two types of taxes: a revenue tax, like the income tax, which is designed to collect large sums of money to run the Government and a regulatory tax, which is designed primarily to cause people to act in certain ways. My proposed tax on nonreturnables is of the second type.

In addition, Mr. Speaker, this bill provides one additional added inducement for people to use, and return, returnable bottles. It increases the deposit on returnables to a minimum of 5 cents per bottle. Thus, even if the bottles are discarded, it will be more profitable for children and others to pick the bottles up and return them to the store to exchange them for money. Also, enactment of this bill would not cost the Government any money. I hope my colleagues will give it careful study.

GRANTING OF TAX-EXEMPT STATUS BY INTERNAL REVENUE SERVICE MUST BE INVESTIGATED

The SPEAKER. Under previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, in recent remarks—see Congressional Record, pages 10459–10466 of April 14, 1971—I pointed out the abuse by certain foundations and other organizations of the privileged tax-exempt status granted them by the Internal Revenue Service.

The misapplication of the tax-exempt moneys is, in effect, an apparent violation of section 501(c)(3) of the Internal Revenue Code which states the qualifications for tax exemption of an organization to be as follows:

> (3) Corporations, and any community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.
>
> The code further provides that an organization will be regarded as trying to influence legislation if it:
>
> (a) Contacts, or urges the public to contact, members of the legislative body for the purpose of proposing, supporting or opposing legislation; or
>
> (b) Advocates the adoption or rejecting of legislation.

Accompanying my remarks, I provided documented facts showing that tax exempt grants ranging in amount from several thousands to several millions were made to various groups for such purposes as promoting leftist speakers on campuses, promoting immorality, conducting voter registration drives, producing pornographic and hate whitey plays, travel and study grants to former aides of a U.S. Senator, printing of civil rights pamphlets, electing a mayor of Cleveland, etc, etc, etc.

Who in IRS makes the rulings?

By telephone conversation, a member of my staff was informed by an official of the IRS that the IRS doesn't concern itself with the question of morality or immorality. With reference to the use of grants for propaganda to attempt to influence legislation or for other political purposes, the IRS official referred to section 501(c)(3), which stipulates that—

> No substantial part of the activities which is carrying on propaganda, or otherwise attempting to influence legislation.

When asked what portion of the funds constituted a substantial part of the activities, the IRS official replied that he wished that legislators on the Hill would make that point clear.

I, therefore, am introducing today legislation to amend section 501(c)(3) of the Internal Revenue Code to provide that tax-exempt organizations shall use none of their funds in activities for carrying on propaganda, or otherwise attempting to influence legislation or support political candidates.

On April 26, 1971, I mailed to the Commissioner of Internal Revenue Service the following letter to which as of this date I have received no reply:

APRIL 26, 1971.

Mr. RANDOLPH W. THROWER,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR COMMISSIONER THROWER: I frequently receive mail from American citizens expressing dissatisfaction with payment of their income taxes when they see foundations misusing the tax-free privilege to encourage and support groups and individuals intent upon destroying the freedoms and heritage bequeathed to us.

While it is meritorious that tax-exempt status be granted to individuals and groups which provide funds for charitable, civic, patriotic, and educational endeavors, nevertheless, it is a privilege and not a right. Such status for projects which promote subversion, immorality, strife, hatred, and revolution cannot be tolerated if we are to expect support of our tax laws by the taxpayer.

In remarks to the House of Representatives on April 14, which I entitled "Tax Free Foundations Lobby Illegally for Socialism, Subversion, and Communism", copy attached, I pointed out some of the abuses practiced by tax-free foundations.

Our national interest is not served by the Treasury Department contriving to tolerate tax-exempt status to foundations that engage in such extreme practices. The same can be said of such organizations as the National Council of Churches, which claim exemption as a religious front, but which abuse their tax-exempt status by engaging in partisan political action.

No nation can long exist which permits enormous concentration of wealth to continue to receive tax-exempt preference for the purpose of controlling American politics to change our whole social fabric in the most extreme patterns.

Enormous sums have been and are being turned over to an irresponsible elite of Leftist change artists and think tank intellectuals who concentrate at maneuvering control of corporate and financial structures from the indifferent hands of the capitalist donors.

Such foundation bureaucracies are now pouring out vast sums to remake American society in its own Leftist image. And, there is little hope that such foundations will alter their profitable ways, unless restricted financially by action of officials responsible for the faithful execution of the laws.

Unless the tax free foundations police their grants recipients' activities or the Treasury Department enforces the tax-free privilege, I fear there will be public clamor to repeal all tax exemptions and a requirement that all pay their fair share of taxes.

I would appreciate an early reply regarding this important matter.

Sincerely,

JOHN R. RARICK,
Member of Congress.

Mr. Speaker, I cannot believe that the Congress ever intended that a tax-exempt status be given to any organization to engage in such questionable activities as I have indicated. It is high time that we reform this unhealthy and unjust situation. It is most unfair to require hardworking Americans to pay taxes to support the Government while allowing capital accumulated by the free enterprise system to be used to undermine the very Government and economic system which made the funds possible.

Additional instances of the misuse of tax-free funds by the Institute of American Democracy, the Institute for Policies Studies, and the National Council of Churches have come to my attention.

I insert at this point in my remarks a letter from an eminent patriot and columnist, Mr. George C. Schnitzer, part II of a series entitled "Tax-Free Dollars for Destruction" from Count Down, and text of H.R. 8298.

HOUSTON, TEX.,
May 5, 1971.

Hon. JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR SIR: I try to read all your speeches and articles in the Congressional Record. Of particular interest was your expose of the Ford Foundation in the issue of April 14, 1971, page 10459, from which I plan to quote in my column in the Houston Tribune. Just recently another organization, sponsored largely by anti-Americans, the Institute for American Democracy, was given exempt status. It has a long list of fronters, led by Roger Baldwin, ex-convict founder of American Civil Liberties Union.

I think we are all concentrating on the wrong target if we hope to secure any reform in the corrupt tax-exempt situation. The foundations have been investigated by Congress for some thirty or more years. Instead of improvement, the condition grows worse, much worse, each year.

Investigation should be directed at the Internal Revenue Service. It is there where an ACLU, a Jerry Rubin, Ford and almost any subversive receives tax-exempt status and an official government license to engage in subversive propaganda and revolution. Who in IRS makes the rulings? Is it the IRS Commissioner? That's where an investigation ought to start.

Cordially yours,

GEORGE C. SCHNITZER.

[From the Count Down, May 1971]

TAX-FREE DOLLARS FOR DESTRUCTION—PART II

RADICAL SUBSIDIES

The heavily supported, tax-exempt Institute for Policy Studies, which lobbies and does research on political policies, concentrates on fostering U.S. disarmament. It was especially active in lobbying against the A.B.M. in the Senate last year. This Institute is described by its own staff as a "new left think tank" whose director, Arthur Waskow, contributed $500 to the Weatherman's bail bond fund after the Weatherman's wild rampage in Chicago in 1969. The Institute receives funds from: the Ford Foundation, Samuel Rubin Foundation, Edwin James Foundation, Field Foundation, Cudahy Fund, Milbank Foundation, Edgar Stern Family Foundation and the Board of Missions of the Presbyterian Church.

Edith Kermit Roosevelt, in her column of August 27, 1967, said:

"A Washington-based 'think factory' helped train Stokely Carmichael and other extremists who incite violence in American cities. This is the pompous-sounding Institute for Policy Studies, a tax-exempt organization of supposed 'scholars'. Educational research thus serves as a cover for intrigue and political agitation."

At a fund-raising party in the home of actor Dean Martin, $200,000 was raised for the Roger Baldwin Foundation to be used for "Police Practice Complaint Centers".

McGeorge Bundy, former foreign policy advisor to Presidents Kennedy and Johnson and a member of the Council on Foreign Relations (CFR), is president of the Ford Foundation. He has stated:

"The first of the nation's social problems is still the struggle for Negro equality."

Henry Ford II must be as personally sympathetic to the radical activities of "black power" groups as Bundy because Mr. Ford even named his yacht "The Black Panther" and the Black Panther Party's symbol is painted on the yacht's prow.

IRS PROBE

The Chicago Tribune, Nov. 29, 1970, reported that the Internal Revenue Service (IRS) had launched an extensive investigation into the tax-exempt funds which are supporting radical, leftist, militant groups. The probe includes an inquiry of at least 65 radicals and known Communists who have been speaking on university campuses promoting revolutionary activity. This is the first time the IRS has shown an interest in the income of these major revolutionary leaders who sometimes receive over $600 in fees. (All fees in excess of $600 must be reported to the Internal Revenue Service.)

Other targets mentioned for this IRS investigation are: 1) the Institute for Political Studies in Washington, 2) the Charles Kettering Foundation which made a grant of $50,000 to the Black P. Stone Nation Gang, and 3) the will of Harry Herman Kaplan, a Brooklyn builder who died in 1966, whose estate totals more than $2 million, and whose executors are: Herbert Aptheker, theoretician of the Communist Party, U.S.A. and Lamont Harris, the Party's specialist on farm problems. These executors were directed to turn foundation funds over to the Communist Party's official newspaper, *The Daily World*.

Though the American Civil Liberties Union (ACLU) obtained a permanent order in Federal Court prohibiting the Government Printing Office from publishing names and fees of the 65 revolutionary speakers compiled by the House Internal Security Committee, the list has been released by other publications. Their fees, during the last two years, have totaled $108,967 ($88,120 from student activity funds, $13,776 from institutional funds, and $7,071 from collections of unknown sources).

NCC DOLLARS FOR POLITICS

The National Council of Churches (NCC) has always been a tax-exempt organization. Since its formation, it has received over $200 million from its member-denominations and enormous sums from the U.S. Government and from other tax-exempt organizations. Its grants from the Federal have been surplus food products, plus direct grants of taxpayers' dollars to pay for the packaging, shipping and distributing of these food products to foreign countries. The NCC lists these gifts as income under "Ocean Freight Refunds", which totaled $23 million from 1957 to 1960.

When Walter Reuther was president of the UAW–CIO and on the NCC's Religion and

Labor Council, he contributed $200,000 to the NCC from the Philip Murray Foundation and union funds from the Sidney Hillman Foundation.

As chairman of the NCC's Department of Evangelism, Dr. Jitsuo Marikawa expressed quite clearly the philosophy which motivates the political and social action of the National Council of Churches:

"God does not deal with each man as an isolated individual—there cannot be individual salvation. Salvation has more to do with the whole community—authentic evangelism deals with the family of people. It is for these reasons that contemporary evangelism is moving away from winning souls one by one, to the evangelization of the structure of society."

This statement completely rejects the essence of Christianity and is the blasphemous reason for NCC's political activity. It explains the churches which have adopted a "modern theology" (Humanism), which are becoming centers for: social and recreational activity, "situation ethics" (Sensitivity Training), slush-funds for revolution, headquarters for socialist and/or communist meetings, and storage-bins for the guns, bombs and ammunition of terrorists.

Leaders of the NCC would have us believe that man must turn to his own ego and intellect to be "saved" and that this must be done by community action based on humanistic, materialistic, rationalistic, political schemes for the re-making of the world! To change the world through dialectical materialism—filling the stomach instead of the empty heart—was also Karl Marx's plan.

It is this secular philosophy which is bringing about the exodus from churches and the drying up of funds. Apostate clergy themselves openly bewail the withdrawal of church memberships and loss of revenue but fail to recognize or refuse to admit that they themselves are the cause—with their theories of Humanism. Church members, who remain in these political-action NCC churches and continue supporting them morally and financially, are prisoners of a hopeless, secular stupidity which is bringing about the moral degeneracy and spiritual sell-out of our nation and the loss of their own souls.

For many years, the National Council of Churches has maintained a ruthless, powerful lobby in Washington, D.C. with a consistent record of fostering legislation and pro-communist activity. Any organization engaged in lobbying is required by law to pay a lobbying fee to the Federal but the NCC has never complied with this law. Nor has the NCC ever been penalized for not doing so! (Count Down wonders: If the NCC had always lobbied in support of constitutional, patriotic activity, would it have been denied its tax-free status a long time ago? Count Down believes so.)

Official political pronouncements and resolutions which have been made by the General Board of the National Council of Churches throughout the years are:

In 1951: protection of conscientious objectors—fostering of more negotiations with the Soviet Union—international control of all armaments, including atomic weapons, and steadfast U.S. loyalty to the United Nations.

In 1952: opposition to universal military training—support of more flexible immigration quota systems—attack on segregation—support of revision of the Bible—more Child Welfare Services and Housing Program by the Federal—support of U.S. appropriations to the U.N. and UNICEF—ratification of the Genocide Convention by the U.S.

In 1953: opposition to the Bricker Amendment which would have safeguarded our Constitution and all American rights from supremacy of treaties.

In 1954: support of U.S. expansion of UN Technical Assistance Programs—support of the Supreme Court's ruling against school segregation.

In 1955: opposition to compulsory military training—opposition to racial discrimination in every area.

In 1956–1957: publication of a recommended "Reading List for Youth," which contained books of questionable moral character (obscene language and authors with Communist affiliations), support of minimum wage laws by Federal, support of more foreign aid to under-developed countries, reaffirmation of support for world disarmament and loyalty to the United Nations.

1958 was the year of the NCC's Fifth World Order Study Conference at which many former political pronouncements were reaffirmed and resolutions issued for: control and limitation of all nuclear tests by international agreement; support of federal control of agricultural workers; more federal aid to schools; promotion of U.S. disarmament; continued negotiations with the Soviet Union; formation of a permanent U.N. police force and an international police system; extension of trade with Red China, the U.S.S.R. and Communist satellite nations; increase of cultural exchange with Iron Curtain countries; more surplus food for under-developed and Red nations; internationalization of Jerusalem according to U.N. recommendation; extension of U.N. authority over all peoples of the world in health, education, food, and economic development; U.S. ratification of the Genocide Treaty; federal laws for control of population; admission of Red China to the United Nations.

FBI counterspy Herbert Philbrick described this NCC World Order Study Conference as "Moscow's Mouthpiece."

In 1959: opposition to loyalty oaths, opposition to an Amendment to the Constitution which would have declared the U.S. to be a Christian nation, more flexible immigration laws, opposition to right-to-work legislation.

In 1960: attack of the U.S. Air Force Manual which had linked the NCC with Communism, defense of "sit-in" demonstrations, in favor of making U.S. citizens subordinate to the United Nations, more federal aid to the needy.

In 1961: more unemployment compensation, pensions, vocational training and urban renewal; government aid in family planning; in favor of birth control; support of Martin Luther King's Southern Christian Leadership Conference (SCLC) and the Congress of Racial Equality (CORE).

In 1962: support of Supreme Court's elimination of voluntary prayer and Bible reading in public schools.

In 1963: attack on the House Committee on Un-American Activities—support of voting right and "civil rights" demonstrations—invitation to Soviet churchmen (?) to come to U.S. and attend NCC meetings—through its "Emergency Commission on Race and Religion," started political action in racial problems for passage of Civil Rights Act of 1963—more federal control of radio and TV networks—formation of "Student Interracial Ministry" to send "exchange preachers" selected by Martin Luther King to pulpits in the South ("exchange preachers" ended up inciting riots and causing property destruction, resulting in many arrests for whom the NCC paid bail and legal fees)—recruitment of 40,000 persons for the radical August 1963 March on Washington, providing 80,000 lunches for demonstrators and $50,000 in bail for some 90 persons arrested.

In 1964: resolved that "resistance to civil authority is a valid course for Christians to take" and that "it is necessary to remove teenagers from parental control and into the streets to parade, 'push' and picket"—organized the "Delta Ministry" to join with the Student Nonviolent Coordinating Committee (SNCC) in racial agitation in Mississippi and furnished $50,000 to train 700 young radicals at Western College for Women, Oxford, Ohio for this operation—apppropriated $250,000 for Delta Ministry, 60% coming from NCC member-churches' funds and 40% from the World Council of Churches—through its "Christian Responsibility in the 1964 Elections", called on NCC member denominations to get involved in politics.

In 1965: recruited for and gave financial support to the disgraceful march in Selma and Montgomery, Alabama staged by Martin Luther King for the Voting Rights Act, which ended up being a sex-orgy accompanied with property damage and violence, after which the NCC's General Board blamed it all on "white masters who have long dominated the ghetto", saying:

"The riots in the cities are the beginning of retribution for another century's bondage. Our enemy is the persistent and pervasive racism of the white majority of the land."

In 1966: urged U.S. support of Red China's membership in the U.N. and U.S. diplomatic relations with Red China—supported economic boycott of anti-Communist pro-Western Rhodesia—opposition to Vietnam War—fostered organization of the "poor."

In 1967: support of conscientious objectors and anti-war demonstrators—support of strikes by workers—support of gun-control legislation.

In 1968: support of more U.S. cooperation with Eastern Europe, Soviet Union and Cuba—more cooperation with U.S.S.R. in scientific endeavors, especially space exploration—support of guaranteed annual income—pronouncement that U.S. "affluence tends to muffle cries of human needs"—attack on free enterprise system.

1969–1970: World Council of Churches (WCC) allocated $200,000 to nationalist groups including terrorist black guerrilla fighters in South Africa; $100,000 added to this grant by United Methodist Board of Missions—grant by WCC of $252,000, for first year of three-year program, for strengthening social services in Poland, a project there controlled and operated by Communists—appeal by WCC for $210,000 to provide, for a three-year period, food, clothing and counseling for American deserters and draft resistors in Canada—Motive, Methodist magazine for youth, appealed for "bread" for "draft exiles" in Sweden and Canada—Methodist Church cut $100,000 from appropriation to American Bible Society to give to the Commission on Religion and Race.

The Wall Street Journal, Feb. 2, 1971, reported the Episcopal Church had written James Roche, chairman of General Motors Corp., requesting that General Motors cease its manufacturing operations in the Republic of South Africa. The letter said reason was: "apartheid policies of the government of South Africa". GM has a $250 million investment in that country. The church, operating under the corporate title, The Domestic and Foreign Missionery Society of the Protestant Episcopal Church, holds 12,574 shares of GM stock, currently valued at about $1 million, and $440,000 of debentures of GM Acceptance Corp., a wholly owned GM subsidiary. But church officials said that, because of SEC regulations, they were not soliciting proxies in support of this resolution because they were "confident" that all Episcopal parishes and stockholders supported their request of GM, which will be presented at stockholders' meeting of General Motors Corp. this month (May).

The National Council of Churches has violated the tax-exemption code which denies them political action. The Federal has never investigated NCC's actions, therefore the NCC has never been penalized. Many clergy and laymen, however, have protested and many individual churches have withdrawn from the NCC because of its political action, its grants to revolution, and its advance of Humanism. The following are examples of individual church protests against the National Council of Churches.

The Board of a Methodist Church in Houston, Texas declared that there were "leftwing members" in the departments of the NCC, saying "there are Communist influences which we feel should be cleaned out" (Houston Post, April 17, 1963).

In 1960, the First Baptist Church of Wichita, Kansas started its protest against the NCC because of its "socialist and political activities". By 1962 this church had withdrawn its membership from the Baptist Convention and the National Council.

An Episcopal Church in Phoenix, Arizona called on the NCC to refrain from taking positions on "topics of controversial political nature", and a resolution by an Episcopal Church in Tempe, Arizona urged the NCC "to cease all political activity". (*The Tablet*, Feb. 4, 1961.)

Episcopal laymen in Dallas, Texas wrote their Bishop that the National Council of Churches "is hastening us on our way toward the Total Welfare State—complete Socialism". (*Dallas Morning News*, Feb. 27, 1961.)

The First Presbyterian Church in Hollywood, California issued a pronouncement that the NCC was "advocating precisely the things sought by the Communist Party". (*Los Angeles Times*, May 9, 1961.)

An Episcopal Church in Shreveport, Louisiana made an official statement that the NCC "is a harmful and dangerous institution". (*Shreveport Times*, April 23, 1961.)

Dr. Charles Poling, prominent Presbyterian clergyman, who withdrew from his church, stated on Feb. 17, 1964: "When my church becomes the captive of the ultra-liberal and apostate National Council of Churches and the World Council, and yields obedience to this socialistic, political hierarchy, my church can no longer claim my support and respect." (*Lutheran News*, Feb. 24, 1964.)

POWER OF TAX-FREE DOLLARS

Financing the destruction of American fundamentals and the very structure of our Republic is treasonous action. The millions of dollars, granted by tax-free organizations toward the operation of subtle Socialism and violent anarchism, indicates a treacherous power—the power to destroy. This kind of power was described as follows by Floyd McKissick, director of the militant Congress on Racial Equality (CORE), in his speech at the National Conference for New Politics, held in Chicago, Aug. 31–Sept. 1, 1967:

". . . he who has the power to destroy has political power. He who has the power to destroy has economic power."

The National Council of Churches and foundations, such as the Ford Foundation, must be investigated and penalized and denied their tax-exemption. They must no longer be permitted to wield this extraordinary political and economic power which they have unlawfully assumed—power directed toward the annihilation of America!

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H.R. 8298

A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which engaged in activities of carrying on propaganda, or otherwise attempting to influence legislation, shall lose their exemption from tax

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) (3) of section 501 of the Internal Revenue Code of 1954 (relating to tax-exempt organizations) is amended by striking out the word "substantial."

THE CONSTITUTION VERSUS LAW ENFORCEMENT

The SPEAKER. Under previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 30 minutes.

Mrs. ABZUG. Mr. Speaker, if I had to choose any amendment which symbolizes the meaning of our country—and its greatness—the first amendment is the one I would choose.

In his essay, "Experience," Emerson said:

> The years teach much which the days never know.

In years to come we may realize that the experience of a few days last week when 10,500 Americans were arrested here in Washington, the largest mass arrest ever conducted in this country, was a low-water mark in the history of constitutional rights in the United States.

And we may see, too, how the erosion of individual rights is a step-by-step process in which one deprivation leads to increasingly larger and more serious deprivations. Thus, in less than a year, we have progressed, or retrogressed, from the preventive detention statute affecting District of Columbia citizens in alleged criminal cases to preventive detention of thousands of individuals who were denied their most elementary rights and due process.

We have seen, too, that these mass arrests were not actions that occurred simply in the heat of emotion, but instead were deliberately decided upon as policy by the Attorney General, the head of the Justice Department, with the full approval of the White House.

We have seen President Nixon and Attorney General Mitchell congratulating themselves and the police for this policy of dragnet arrests, preventive detention, and denial of due process, and just yesterday Mr. Mitchell made a speech in which he advised the police officials in other cities to go and do likewise.

Thus we have the highest law enforcement officials in our country urging other law enforcement officials to ignore the Bill of Rights and to violate the rights of individuals on a vaster scale than has ever been seen before in our country.

It is ironic that Attorney General Mitchell ordered the arrest of Rennie Davis for alleged violation of 42 United States Code, sections 1983 and 1984, which prohibits interference with the constitutional rights of others, when he is doing the very same thing and indeed is declaring it to be Government policy. Mr. Mitchell's outrageous comparison of the demonstrators to brown-shirted Nazis was exactly the kind of perversion of the truth that we have been consistently getting from the Nixon administration. To those of us who remember the mass arrests and concentration camps of the Hitler regime, it is clear that it is Mitchell, not the demonstrators, who is emulating the Nazi tactics.

As always, when rights are taken away, the argument is that it was done to preserve a greater good. In this case, thousands of young people were coming to Washington to protest the continuation of a war which they regard as immoral and illegal. They were coming to address themselves to an administration and to a Congress which they saw as unresponsive to the wishes of the American people for an end to the war. Some of their leaders announced that their goal was to stop the Government by nonviolent acts of civil disobedience, most notably, by tying up traffic on the 14th Street Bridge and elsewhere.

Those who intended to engage in acts of breaking the law were aware of the consequences and were prepared to be arrested. We have no way of knowing however how many of these young people were actually prepared or intended to commit civil disobedience. Instead, the Government decided in advance that mere presence on the streets was grounds for arrest and within a period of 3 days, some 10,500 people were arrested.

Thousands were not informed of the reason for their arrest. They were not told of their legal rights. They were denied access to a lawyer. They were not promptly brought before a magistrate for arraignment. They were denied food, water, decent shelter, and sanitary facilities. In a large number of cases, the police demanded that prisoners forfeit collateral in order to get released, thus eliminating their right to trial.

When I heard that more than 7,000 people had been arrested last Monday, I went to the training field at the Kennedy Stadium where some 1,700 people were being held in what amounted to a concentration camp. It was cold and windy, and this huge throng of American citizens had only the bare ground to sit on. The stadium was completely encircled by police. I was allowed to enter with several members of my staff as hundreds of these people gathered around us eager to tell us what had happened to them. We were told that a 12-year-old boy and two 14-year-olds had been arrested. Dozens of messages for families were thrust at us by people who had been on their way to work when they were picked up.

It appeared that only a handful had been properly arrested. Most were just rounded up, demonstrators and nondemonstrators alike, and herded off to places of detention. They were repeatedly gassed and maced, on the streets and even in detention. One young woman, a former staff employee of mine who was among the first arrested early Monday morning, told me how she had been maced while walking peacefully across the 14th Street Bridge, not in a traffic lane.

She and hundreds of other young women were taken at first to a District jail and jammed into cells where there was barely room to stand. The jail matrons, she reported, were wearing gas masks because the clothing of these imprisoned were so heavily impregnated with the fumes. After being held in the jail without charges for hours, she and the others were transferred to the open air stadium. For a crowd of 1,700 people, only a few portable toilets were provided. The only food they got came from sympathizers outside the stadium who threw food to them over the fence and, she reports, the police then arrested many of these people and tossed them into the training field.

It was not until late Monday evening that the prisoners in the stadium were transferred to a coliseum where some were given the option of forfeiting collateral in order to get released, thus waiving their right to trial.

The young woman who told me her story—and it was typical—decided to pay $10 to win her release, although she had still not been formally charged. She stood on line in the stadium for 7 hours while the police officials processed the prisoners one by one in an obviously delaying tatic. She was fingerprinted, photographed, and now has an arrest record. She finally was released late on Tuesday.

Not only were peaceful demonstrators arrested, but apparently hundreds of people who had nothing to do with the demonstration were also detained.

Reporters and photographers were jailed. A psychiatrist reported that six young people under his care for mental disorders were caught with their attendant in the dragnet near George Washington University.

In Georgetown, a housewife who went out to buy some groceries was arrested.

A department store employee told what happened as he left for work Monday morning from his home near George Washington University. He went inside the Student Union to escape tear gas exploding around him. When he came out, he was grabbed by the police. He said:

> I was not told I was under arrest, and I have not been advised of my rights whatsoever.

This man, a 4-year veteran of the Marine Corp who twice voted for Richard Nixon, said he went into jail a Republican and came out an anarchist.

He said:

> I didn't think this could happen to a D.C. citizen. They deprived me of my personal liberties.

This man takes the Bill of Rights seriously even though the police did not.

Although we have been told that the police were restrained in their actions, there is much evidence to the contrary. A young woman lawyer on my staff saw a motorcycle policeman riding a cycle with license No. M–12 and wearing badge No. 1964 deliberately run his cycle at full speed into a group of unarmed and peaceful demonstrators on the Southwest Freeway, striking one young man and injuring him. The policeman then quickly removed his name plate to avoid being identified. The young lawyer then spent an hour and a half going from police building to building, trying to file a complaint against the policeman, but the officers in charge refused to listen to her.

The police also used provocative tactics in arresting demonstrators who were sitting on the expressway in an attempt to block traffic. Instead of coming up to the demonstrators and announcing that they would have to arrest them and making the arrest in a peaceful, orderly fashion, the police tossed "pepper gas" at the demonstrators, scattered them and ran after them. In this fashion, the police themselves increased the likelihood that there would be violence and injury.

Other witnesses reported seeing young people who were passively submitting to arrest being clubbed by the police.

In still another case, Irving Ruderman, a graduate student in history at Columbia University, who I met in the District of Columbia Superior Courthouse Wednesday night, was arrested while he and a Protestant minister were praying outside Selective Service Headquarters in Washington early Wednesday morning. Mr. Ruderman, a Jewish conscientious objector was planning to go into the building to discuss his draft status with a selective service official, but first joined with several hundred others who had gathered outside the building in a nonviolent peaceful demonstration. He finally did get into the building on Friday morning and discussed his case fully with an official who told him to feel free to come in at any time. Mr. Ruderman explained that he had been on his way in 2 days earlier when he was arrested.

Mr. Ruderman was arrested at 8:45 a.m., on Wednesday and held in a overcrowded jail cell for 18 hours without food or water. The police took away his Yamulka, prayer book, and Phylacteries despite his protests that his religious rights were being interfered with and that he required them for morning prayer services. When the young man continued to protest, the police handcuffed him and moved him to another jail. He was not legally arraigned until Thursday morning and was released in third-party custody at noon on $25 bond. He and 125 others arrested with him were tried on Friday, and the judge has reserved decision.

Also that night I talked with a group of 30 young men who had been in the overcrowded cellblock for at least 35 hours without charges or arraignment. When I called attention to their condition, it was discovered that their papers were lost. The charges against them such as they were, were dismissed and they were released.

I have also been informed that a number of persons held in jail were visited by staff members of the House Internal Security Committee who questioned them. These prisoners were not allowed to see lawyers, but employees of a congressional committee had no trouble in getting in to see them and to threaten them.

It should be also noted that the police continued their mass arrests through the week even after the local courts had already ruled that their actions were illegal. On Monday evening, May 3, an emergency habeas corpus petition filed by the public defender services in behalf of the 1,700 Americans held in Kennedy Stadium resulted in the chief judge of the District of Columbia Superior Court ordering the Government to explain why it was carrying out mass arrests without taking names, photos, or details of the alleged offenses. When the Government failed to explain its actions by the following evening, the judge ordered the immediate release of all persons in custody for whom the Government could not produce evidence of a crime. Chief Judge Harold Greene accused the U.S. Attorney's Office and the Justice Department of deliberately stalling in order to keep these prisoners in detention.

The mass arrests continued on Tuesday, May 4, with some 2,700 people arrested in the vicinity of the Justice Department. Again the police swept up observers and demonstrators alike. Those arrested were crammed into police precinct houses around the city—15 to 20 held in cells meant for one or two people.

Physicians from the District of Columbia Public Health Association filed another writ of habeas corpus, alleging that there was a threat of scarlet fever and hepatitis epidemics. It was not until early Friday morning, May 7, however that a judge in the District of Columbia Superior Court ordered the overcrowding to cease, but as the case of Mr. Ruderman and others indicate, prisoners were still detained under abyssmal and inhumane conditions.

On Wednesday, May 5, 1,200 citizens gathered peacefully on the Capitol steps to present me and Congressman RON DELLUMS, PARREN MITCHELL, and CHARLES RANGEL with the people's peace treaty which calls essentially for a speedy withdrawal of all American forces from Indochina in return for a ceasefire and release of American Prisoners of War.

The Capitol Police at first tried to bar entry of the citizens, but after I and the other Congressmen informed the inspectors of the Capitol Police force that the people had gathered peacefully at our invitation. He said:

> Well, if you're inviting them, they can come on to the Capitol ground.

The steps quickly filled and the crowd was addressed by myself and the other Members of Congress. As we were speaking to the assembly, a motorcade of police buses pulled into Capitol Plaza and hundreds of members of the civil disturbance unit began making arrests.

I asked the police to be allowed to inform the crowd that they were being requested to leave the grounds and that those who stayed would be arrested, but this was denied to me. Meanwhile, as the demonstrators and even some congressional staff personnel were being arrested, Congressman DELLUMS and others were subjected to personal indignities by the police.

That evening, together with my congressional colleagues and attorneys for the American Civil Liberties Union, I went into court to file a writ of habeas corpus, alledging the legality of the entry on to the Capitol Grounds. Judge Alfred Burka dismissed our petition, holding that it was premature until those arrested had been formally charged. And so again hundreds of American citizens were held illegally in jail.

The next day, Superior Court judges in numerous cases in which charges were dismissed found there had been no probable cause for the arrests, no unlawful entry on to the Capitol Grounds. They also found that the crowd had been orderly.

We have heard a great deal about the one young man who stripped off his clothes and stood naked on a pedestal of the Capitol steps. I think most of us would agree that this was a very stupid and exhibitionist act. But it strikes me as an even more strange exhibition that the Congressmen who rose on the floor the next day and denounced what had happened were more exorcised over this one foolish misdeed than over the hundreds of illegal arrests which followed. The naked young man was duly arrested and charged, but was it also necessary to arrest 1,200 people who were peacefully assembled and deprive them of their constitutional rights?

I regard the mass arrests on Wednesday on the Capitol Grounds at a flagrant interference with the rights of the individuals involved and the rights of the Members of Congress who were addressing their constituents and other citizens. As we all know the statute barring demonstrations on the Capitol Grounds that might interfere with the work of Congress is enforced in a highly discriminatory and political way. It is traditional for example for high school bands to perform on the Capitol steps as indeed one did that very day. The sound of their trumpets and trombones can be heard inside the Capitol and the nearby House office buildings. Last year, 1,200 policemen demonstrated on the steps, and there have been many, many other instances in which citizens have gathered there in large numbers.

Nor is their right to do so dependent in any way on permission from the House Speaker. In fact, in the Nicholson case, Judge Greene ruled against the custom of getting approval for such gatherings from the House Speaker, after Police Chief James Powell testified that the Speaker's policy was to approve the noncontroversial gathering and to disapprove the controversial ones.

There is no constitutional authority to limit the number of person who may come to the Capitol to petition for a redress of grievances. This kind of assembly is, in fact, the most classic example of the exercise of the first amendment.

You may recall that in the case of Edwards against South Carolina, the U.S. Supreme Court reversed a State supreme court decision upholding the conviction of 187 black high school and college students who had marched to the statehouse grounds and assembled there to submit a protest to the citizens of the State and to the legislators in regard to discrimination.

The students were at first allowed on the statehouse grounds, then ordered to leave, and then arrested, convicted, and sentenced to fines and jail.

The Supreme Court held that the State of South Carolina had "infringed the petitioners' constitutionally protected rights of free speech, free assembly, and freedom to petition for redress of their grievances."

In an opinion written by Justice Stewart, the Court contended that the facts showed "An exercise of these basic constitutional rights in their most pristine and classic form."

In an earlier case, Terminiello against Chicago, 1949, Justice Douglas affirmed that if changes in our Government or society are to be brought about peacefully, there must be free debate, free exchange of ideas.

He said:

> A function of free speech under our system of Government, is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging.

As the Supreme Court has pointed out, constitutional rights are "present rights; they are not merely hope to some future enjoyment of some formalistic constitutional promise."

The classic case on the rights of demonstrators involved Mayor Frank "I am the law" Hague of Jersey, whose ideas of constitutional law were remarkably similar to those of Mr. Mitchell and Mr. Nixon. A city ordinance prohibited public assembly on the streets or in public buildings without a permit, and the licensing official was authorized to refuse to issue a permit in order to prevent, riots, disturbances, or disorderly assembledge. This is, in effect, was what Mr. Mitchell attempted to do when several weeks ago he denied the veterans the right to use the Capitol Grounds.

In the Hague case, the Supreme Court held in 1939 that the ordinance was unconstitutional because it could be used as an "instrument of arbitrary supression of free expression of views—for the prohibition of all speaking will undoubtedly 'prevent' eventualities. That is, riots, disturbances or disorderly assemblage."

This is the direction in which Mr. Nixon and the Justice Department would now take our country. They would deprive huge numbers of Americans of free speech and free assembly in order to prevent dissent by any American.

The record of the White House in the administration of justice and in carrying out the laws of the land have been marked by a shocking disregard for the rights of the individuals.

One could cite many examples. One, in particular, comes to mind, and that is the failure of the administration to impanel a Federal grand jury to investigate the murders of the four students at Kent State, even as it presses investigation of Catholic pacifists.

Over and over again, this administration has made clear that it will not extend the protection of the law to those who dissent from the policies of the Government. It has made clear that it will use the power of Government to repress dissent and to punish those who speak out.

A great injustice has been done to our country. A great injustice has been done to thousands of American citizens who were illegally arrested, many of whom now face trial for months to come.

I believe the danger to American liberties is so great that it warrants action by the Congress. I will, therefore, introduce a resolution calling on the House Judiciary Committee to investigate the events of last week and to summon before it Mr. Mitchell and representatives from the White House to explain their actions. As a Member of Congress, I will be willing to testify as to the conditions I personally witnessed and I am certain that many others will also be prepared to testify.

The events of last week occurred, of course, as part of the great antiwar movement that is sweeping our country. But to some extent the issues of civil liberties and individual rights transcend even the issue of where America stands on the war in Indochina. This should be a matter of concern to all Americans because without the protection of the Bill of Rights, we will have lost the soul and meaning of the United States of America.

U.S. GEOLOGICAL SURVEY SHOWS DAMAGE TO ENVIRONMENT BY STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, a scientific series of three studies by the U.S. Geological Survey, the last of which has just been released, demonstrate the damaging influences of strip mining of coal. Under unanimous consent, I include the text of the third and most recent study completed by the U.S. Geological Survey, omitting the photographs and graphs. The full documents may be obtained from the Government Printing Office.

This scientific study conclusively shows that the strip mining of coal is one of the most serious threats to the environment.

The study referred to follows:

INFLUENCES OF STRIP MINING ON THE HYDROLOGIC ENVIRONMENT OF PARTS OF BEAVER CREEK BASIN, KENTUCKY, (U.S. GEOLOGICAL SURVEY, 1970)

(Edited by C. R. Collier, R. J. Pickering, and J. J. Musser)

SUMMARY OF RESULTS

(By C. R. Collier, R. J. Pickering, and J. J. Musser)

(NOTE.—Illustrations and maps referred to do not appear in the RECORD.)

Strip mining of coal in the Beaver Creek basin in south-central Kentucky has significantly increased the acidity and mineralization of surface and ground water and increased the sediment content of streams in the mined area. These effects, in turn, have reduced or eliminated aquatic life in the streams. Influences of mining on the hydrologic environment are limited largely to the Cane Branch basin and to Hughes Fork downstream from Cane Branch. Beaver Creek, 3 miles downstream from the mined area, is relatively unaffected.

Mining, which began in 1955, was intermittent, but by the time the last operation ceased in 1959, 44.6 acres, or 10.4 percent, of the Cane Branch study area had been strip mined, and 1.3 acres, or 0.8 percent, of the West Fork Cane Branch study area had been disturbed by prospecting. Some underground mining had been done in one of the stripped areas as well. The basin of Helton Branch remained unaffected by mining and useful as an indicator of natural conditions within the upper Beaver Creek basin.

Gross runoff characteristics in the Cane Branch and Helton Branch basins have been similar throughout the study period. In both basins, approximately 40 percent of the precipitation was removed as runoff, and approximately 60 percent was lost through evapotranspiration. However, some measurable differences weer observed. Cane Branch had greater peak flows per square mile of drainage area and more rapid changes in discharge, but Helton Branch had greater base flows. Lack of data for the Cane Branch basin prior to mining prohibited separation of differences in runoff characteristics between the two basins into those due to strip mining and those caused by natural differences. An examination of the hydrologic data for a progressive change in runoff characteritics of Cane Branch that could be related to the history of mining in the basin failed to indicate any such change.

There have been no significant changes in the occurrence and movement of ground water in bedrock and spoil in the vicinity of the southwest spoil bank since observations began in 1958. Pools formed in the mining cuts adjacent to the spoil bank represent links between ground water in the bedrock and ground water in the spoil bank, and serve as sources of continuous recharge to the spoil bank, from which ground water discharges into drainage ditches. Shallow ground water in bedrock moves from topographically high areas to discharge into the pools and into streams. Ground-water levels in both bedrock and spoil respond to recharge from precipitation within 24 hours. Changes in ground-water levels in the spoil bank during the summer and autumn are the net result of variations in water levels in the pools and variations in direct infiltration of precipitation. Changes in ground-water levels during the winter and spring are due primarily to variations in direct infiltration of precipitation, because the pools are full most of the time.

Although the amount of ground water in the southwest spoil bank and adjacent bedrock areas has changed seasonally, there has been little overall change for the period of record. A small overall loss in storage for the study period is assumed to be due to deficient precipitation in 1963, 1964, and 1966, but it may also be due in part to deepening of gullies in the spoil bank and increased transpiration by vegetation.

Variations in solute concentrations in ground water in the southwest spoil bank are due primarily to changes in the relative amounts of recharge from three chemically different sources—direct infiltration of precipitation, pools formed between the spoil bank and the highwall, and ground water in bedrock of the adjacent ridges. Seepage and runoff from the spoil bank areas and overflow from the adjacent pools are the sources of the acid, highly mineralized water that characterizes Cane Branch.

Cane Branch became an acid, highly mineralized stream in the spring of 1956 as a result of strip mining of coal in the southwestern part of the basin. Following cessation of mining, concentrations of dissolved constituents in the water slowly decreased during 1957 and 1958 as the more easily leached weathering products were transported from the mined area. In 1959, mining in the northwestern part of the basin resulted in an increase in the rate of chemical weathering in the newly mined area and a twofold increase in dissolved-solids concentrations in the stream, as compared with 1958 concentrations. After mining in that area was stopped in 1959, concentrations of dissolved constituents in Cane Branch began to decrease, and by 1962 they had reached the level that occurred in 1957. There was little change in the rate of chemical weathering or in the chemical composition of the water in Cane Branch from 1962 to 1966. Water in Helton Branch, which was not affected by mining, remained relatively unmineralized and had a near-neutral pH throughout the study period.

During the period 1957–62, Cane Branch transported a net dissolved-solids load of approximately 1,370 tons per square mile of drainage area, as compared with about 111 tons per square mile transported by Helton Branch. Thus, the rate of chemical degradation in the Cane Branch study area was about 12 times faster than that in the Helton Branch study area. During the same period, the spoil banks alone contributed a net dissolved-solids load of approximately 14,000 tons per square mile. This represented a rate of chemical degradation of the spoil banks that was about 126 times the rate for the unmined Helton Branch area.

As acid water from the Cane Branch study area moves downstream, it is diluted and neutralized by inflow from streams containing bicarbonate alkalinity. The effects of the mine drainage are almost undetectable in Beaver Creek, 3 miles downstream from the mined area.

Sediment yields from the strip-mined areas have been exceedingly high. Slow, natural revegetation has not been sufficient to reduce the rate of weathering and erosion of the spoil material, and the spoil banks have continued to be the predominant source of sediment in the Cane Branch basin. Both sheet erosion and gully erosion were active on the spoil banks. Large gullies eroded into the steep outer edges of the spoil banks were the source of much of the material removed. From 1958 to 1966, the top of the southwest spoil bank was lowered 0.3 foot by sheet erosion. Part of the spoil bank, whose steep outer slope was rilled and partly terraced, was eroded at an average annual rate of 14.8 cubic yards per acre, while in an area drained by a large gully, the annual rate of erosion was 159 cubic yards per acre. Gully erosion in the spoil banks has increased with time, whereas sheet erosion has decreased with time.

Much of the sediment that was eroded from the spoil banks by surface runoff was transported into Cane Branch and greatly increased the sediment concentrations and sediment discharges of that stream. Sediment concentrations in Cane Branch during the study period commonly exceeded 30,000 ppm (parts per million) during storms, whereas the maximum concentration was only 553 ppm in 2½ years of record at Helton Branch. The annual sediment yield from areas not affected by mining averaged about 25 tons per square mile compared with an average of more than 1,900 tons per square mile for Cane Branch during the 4 years following cessation of mining, 1959–62. The average annual sediment yield from the spoil banks was about 27,000 tons per square mile during this period, more than a thousand times greater than the yield from undisturbed areas. Most of the sediment is transported by Cane Branch during intense storms in the warm months, whereas most of the dissolved-solids load is transported in the winter.

Significant changes occurred in the sediment discharge of Cane Branch as additional parts of the basin were strip mined. In the spring of 1956, sediment concentrations due to direct runoff from summer storms averaged nearly 4,800 ppm. Sediment concentrations in direct runoff remained at that level until shortly after strip mining began on the northeast side of the basin in 1958. This new strip mining caused an increase in the amount of sediment transported by Cane Branch in the summer of 1959, and the mean concentration of direct runoff from summer storms averaged 19,900 ppm. By the summer of 1960, mining had ceased, and average concentrations from summer storms had decreased to about 5,600 ppm. Sediment concentrations remained at that level through 1966. Further reductions in sediment concentrations and loads in Cane Branch are not likely to occur until revegetation of the spoil banks is sufficient to reduce the rate of weathering and to protect the banks from erosion.

Some of the sediment eroded from the spoil banks has been deposited in pools and on the flood plain of Cane Branch. These deposits vary in thickness from a few inches to more than 2 feet. Prior to 1959, they consisted primarily of silt- and clay-size particles, but deposits formed since 1959 contain a somewhat higher percentage of sand-size particles. Sediment deposits resulting from spoil-bank erosion have been observed in Hughes Fork, downstream from the mouth of Cane Branch.

Acid water and heavy sediment loads originating in the strip-mined areas of the Cane Branch basin have caused a decrease in the variety and abundance of invertebrate bottom fauna in Cane Branch and in Hughes Fork downstream from Cane Branch. Both the total population and the number of orders of benthic organisms are markedly less in the two streams than in streams that were unaffected by mining.

Cane Branch supported an average of only 30 benthic organisms per square foot of riffle during the 1959–65 period. Larvae of mayflies and caddis flies, the primary food for most small stream fish, were almost entirely absent. The population of organisms was somewhat higher in Hughes Fork, below Cane Branch, averaging 48 per square foot of riffle In Helton Branch and Little Hurricane Fork, which are unaffected by mining, the populations averaged 178 and 211 organisms per square foot, respectively.

The only change in fauna that indicated a trend toward recovery from the conditions created by the strip mining was a noticeable increase in the number of caddis-fly larvae in Hughes Fork in 1964. This increase was accompanied by greater algal growth on the stream bottom and reestablishment of *Dianthra*, a higher form of aquatic vegetation, along the edges of the stream.

Alternate deposition and erosion of sediment and the killing of aquatic vegetation by acid water have resulted in an unstable stream substrate. Aquatic life will not return to these streams until the stream habitat has been restored. During the 6-year period following cessation of mining, no repopulation of aquatic fauna was observed in Cane Branch, and only limited repopulation was observed in Hughes Fork.

Both the total population and the number of species of fish are less in streams in the Beaver Creek basin that receive acid mine drainage than in streams that do not receive acid mine drainage. There are no fish in Cane Branch and only small seasonal populations in the most downstream portion of Hughes Fork. Fish production in streams that do not receive acid mine drainage ranges from 5 to 370 pounds per acre and consists primarily of creek chubs and darters.

The pH of Cane Branch water, commonly 3 to 4, is lethal to fish. The pH of water in Hughes Fork downstream from Cane Branch ranges from 5 to 6 and should not be toxic to fish. The meager fish population in Hughes Fork may be due to the limited availability of bottom organisms that serve as food for the fish.

Differences in chemical composition between Cane Branch and Helton Branch have produced differences in their microflora. The acid-producing bacterium *Ferrobacillus ferrooxidans* is prominent in Cane Branch but of minor importance in Helton Branch. The reverse is true concerning the saprophytic bacteria. Filamentous fungi are more numerous and diversified in Cane Branch than in Helton Branch, and the yeast *Rhodotorula* and the alga *Bumilleria*, both of which appear to be associated with acid conditions, occur only in Cane Branch.

A study of tree growth suggested the possibility of a detrimental effect of mine drainage on growth rate. Natural reforestation of the southwest spoil bank was much less advanced in 1964 than was natural reforestation of adjacent farmland abandoned just prior to strip mining in the area, possibly because of toxic minerals in the spoil.

INTRODUCTION

Strip mining of coal has altered natural processes and affected natural resources in many places in the Cumberland Mountains of southeastern Kentucky. Strip mining in the previously undisturbed basin of Cane Branch, a small stream in the Beaver Creek basin of McCreary County, Ky., afforded an opportunity to document some of these effects. A study by several Federal and State agencies was begun in the Cane Branch basin in 1955.

The nearby basins of Helton Branch and West Fork Cane Branch were studied also. No mining was done in the Helton Branch area, and only minor prospecting was done in the West Fork Cane Branch area. The natural conditions in these two areas were contrasted with conditions resulting from mining in the Cane Branch study area.

The objective of the investigation was to document the effects of strip mining on the hydrologic environment of the study area. No attempt has been made to judge the effects of mining as either beneficial or detrimental to the environment or man. The data and interpretations resulting from the study pertain only to the specific area studied and do not necessarily apply to all strip-mined areas. However, many of the principles and processes defined in the study are applicable to other areas with a similar environment.

Only summary tables and special tables have been included with the text of this report. Tables of supplemental data are given at the end of the report. Basic data collected in the course of the study are too detailed and voluminous to be reported here. Data on streamflow, precipitation, and chemical and physical quality of water are contained in annual reports of the U.S. Geological Survey. Specific references are given in the body of this report. Unpublished data on other phases of the study are on file in the offices of the agencies responsible for that particular phase. The physical characteristics of the Beaver Creek basin and the results of the study during the period 1955–59 have been described in two earlier reports of this series (Musser, 1963; Collier and others, 1964).

ACKNOWLEDGEMENTS

The study was conceived by Donald E. Whalen, U.S. Forest Service, whose efforts were also instrumental in organizing the investigation. Much of the early planning was done by personnel of the U.S. Forest Service as part of an effort to obtain factual data on which to base a policy in relation to strip mining on National Forest lands. As the broad scope of the problem became evident other agencies were asked to participate in the study, and the interagency Beaver Creek Work Group Committee was formed to direct and coordinate the study. E. L. Hendricks, chief hydrologist, U.S. Geological Survey, served as chairman of the committee.

Agencies that participated in the study include: U.S. Forest Service; U.S. Army Corps of Engineers; U.S. Bureau of Sport Fisheries and Wildlife; U.S. Soil Conservation Service; U.S. Bureau of Mines; U.S. Geological Survey; Ohio River Valley Water Sanitation Commission; Kentucky Department of Commerce; Kentucky Department of Fish and Wildlife Resources; University of Kentucky, Department of Microbiology and Kentucky Geological Survey; Kentucky Strip Mining and Reclamation Commission; Kentucky Division of Water; and Kentucky Water Pollution Control Commission.

The study required the services of many consultants who advised and participated in planning, development, and operations. Consultants for the U.S. Geological Survey, Water Resources Division, during the period 1959–66 included P. C. Benedict, L. M. Brush, Jr., R. W. Carter, and Thomas Maddock, Jr.

In field studies conducted by U.S. Geological Survey personnel during the period 1959–66, G. W. Whetstone, C. R. Collier, J. J. Musser, and R. J. Pickering were responsible for geochemical and sedimentation studies; F. F. Scrader, N. O. Thomas, J. A. McCabe, and C. H. Minehan conducted streamflow and precipitation surveys; R. V. Cushman, H. T. Hopkins, D. S. Mull, and D. V. Whitesides made ground-water studies; and R. S. Sigafoos and R. L. Phipps investigated the effects of mining on tree growth.

For the U.S. Forest Service, R. F. Collins, forest supervisor, Daniel Boone National Forest, was active in organization of the project and provided support and guidance. N. R. Tripp, E. A. Johnson, R. A. Tobiaski, R. F. May, G. L. Varney, and M. J. Williamson assisted in planning and coordinating the investigations. Acknowledgment is also due U.S. Forest Service staffs at Winchester and Berea, Ky., for their contributions to the study, and particularly the district rangers for their continued assistance in the field.

Braden Pillow, M. A. Smith, and J. R. Sheridan, U.S. Bureau of Sport Fisheries and Wildlife, made fish population surveys of streams in the Beaver Creek basin.

J. W. Roehl, A. B. Rogers, L. M. Lackey, J. D. Alexander, and A. S. Johnson, U.S. Soil Conservation Service, conducted the surveys of soils and changes in vegetal cover and served as consultants to the project.

Other Federal agency consultants on the project from 1959 to 1966 included the following: H. J. Blazek, U.S. Army Corps of Engineers; J. J. Dowd, W. T. Boyd, and A. H. Reed, Jr., U.S. Bureau of Mines; H. O. Boles, U.S. Bureau of Sport Fisheries and Wildlife; J. W. Beverage, J. A. Curry, James Smallshaw, A. A. Foster, and E. H. Lesesne, Tennessee Valley Authority.

B. T. Carter and J. P. Henley, Kentucky Department of Fish and Wildlife Resources, conducted studies of bottom fauna in streams in the Beaver Creek basin. H. D. Nash and R. H. Weaver, University of Kentucky, studied the microscopic flora and fauna of the streams.

Consultants for the Commonwealth of Kentucky included W. W. Hagan, Preston McGrain, J. M. Stapleton, Robert Montgomery, E. C. Grimm, R. W. Smith, and W. W. Smither.

Others advising the Work Group Committee on specific studies were J. M. Crowl and C. K. Spurlock, Kentucky Reclamation Association, and S. A. Braley, Mellon Institute.

PRECIPITATION AND RUNOFF

(By J. A. McCabe, U.S. Geological Survey)

Introduction

The objectives of this phase of the study were to determine the runoff characteristics of Cane Branch and Helton Branch basins and to relate any observed differences between the two basins to differences in their exposure to strip mining. The drainage basin of Cane Branch includes strip-mined areas, whereas the drainage basin of Helton Branch has not been disturbed by strip mining.

Instrumentation

Two stream-gaging stations with dependent-type tipping-bucket rain gages, one partial-record station, and four recording precipitation stations were continued in operation from the earlier phase of the investigation. The water-stage recorder at the West Fork Cane Branch station was removed in October 1961, and the two recording precipitation stations in the same basin discontinued in November 1961. A crest-stage indicator was continued in operation at the West Fork Cane Branch station.

Data available

Records of daily mean flow at the gaging stations, Cane Branch near Parkers Lake and Helton Branch at Greenwood, were published by the U.S. Geological Survey in its Water-Supply Paper series (1957–60 and in its series of annual State reports (1961–66) and are not given herein. Monthly values of runoff and precipitation are given in tables 22, 23, and 24 for the water years 1959–66.

Maximum precipitation amounts recorded in Cane and Helton Branch basins since the 1958 water year are listed in table 25. Storms are listed when the storm precipitation exceeded 2 inches at one of the four recording precipitation stations.

Runoff characteristics

The average runoff for the period of record and the distribution of average monthly runoff are shown for the basins of Cane Branch, Helton Branch, and Pitman Creek, which is about 25 miles northwest of the study area and for which a longer streamflow record is available. A comparison of these runoff characteristics for Helton Branch with those for Pitman Creek indicates a gross similarity between the two basins. This gross similarity suggests that the Helton Branch basin is representative of natural runoff conditions in that general region of Kentucky and is thus an acceptable basin for use in detecting the effects of mining on the Cane Branch basin.

A comparison of these same runoff characteristics for the Cane Branch basin with those for the Helton Branch basin indicates a gross similarity between those basins also, and thus implies that mining has produced no detectable gross changes in the runoff characteristics of the Cane Branch basin. The results of more detailed comparisions of the two basins using other runoff characteristics are discussed in the following sections.

Flow duration and variability

The flood flows per square mile of drainage area in Cane Branch exceed the flood flows in Helton Branch for corresponding frequencies. However, during dry weather, Helton Branch has considerably greater flow per square mile than Crane Branch. This relationship is shown by the lesser slope of the duration curve for Helton Branch at low discharges and indicates that the Helton Branch basin has greater ground-water storage. Seepage of this ground water into Helton Branch sustains the flow of the stream during periods of dry weather.

Peak discharges

Peak discharges in excess of specified bases for the period of record are listed for Cane and Helton Branches in tables 26 and 27; and annual maximum discharges for each water year are listed for West Fork Cane Branch, a small tributary to Cane Branch, in table 28.

The annual maximum discharges for the three stations were analyzed by the annual flood method (Dalrymple, 1960). Plotting positions were compiled using the equation $T=\frac{n+1}{m}$, where T is the recurrence interval, in years; n is the number of years of record (10 for this period of record); and m is the magnitude of the flood (the highest was 1 and lowest was 10 for this period of record). The recurrence interval for each flood at each of the three stations was plotted against the discharge of the flood, in cubic feet per second per square mile, and smooth curves were fitted by eye to the plots for each of the stations. For a given recurrence interval and on a square mile basis, floods in Cane Branch are greater than floods in Helton Branch.

Data for West Fork Cane Branch indicate higher floods on a square mile basis than in either Cane or Helton branches. This difference is probably attributable to the large difference in size between the West Fork Cane Branch basin and the other two basins—0.26 square mile as compared with 0.67 and 0.85 square mile for Cane and Helton Branches, respectively.

Time intervals from the beginning of flood rises to the peaks of the floods were determined by Thomas for Cane and Helton Branches for the 1958–59 period. He found that the lag at Cane Branch was about 1 hour and 10 minutes less than at Helton Branch. The additional years of record since the 1959 water year have not changed this average difference. Thus, it appears that the 1959 mining in the northeastern part of the Cane Branch basin had no measurable effect on the rate at which flood peaks moved downstream.

Correlation analyses

Runoff from Cane Branch was correlated with runoff from Helton Branch using (1) mean runoff for each 6-month period ending April 30 for the period of record, (2) means runoff for each 6-month period ending October 31 for the period of record and (3) mean runoff for each water year for the period of record. Also correlated were 7-day annual minimum flows and 30-day annual minimum flows at the two stations for corresponding years.

Coefficients for the first three correlations were above 0.90, but coefficients for the last two correlations, which were not for truly concurrent periods, were considerably less.

In order to examine the accumulated data for evidence of a progressive change with time in the runoff relationship between the two basins, the same correlations were repeated with the addition of a term to allow for a constant change in the characteristics of Cane Branch with time. Introduction of this time factor did not improve the correlations. These results suggest that the runoff relationship between the two basins changed very little during the 11-year study period.

Similar correlations of Cane Branch runoff with precipitation for the 6-month periods ending April 30 and October 31 and for the water years were not improved by adding a time factor either, thus supporting the conclusion that there has been no detectable progressive change in runoff characteristics for Cane Branch basin since 1956, when the first period of mining ended.

Annual summaries of precipitation and runoff

Table 1 contains annual summaries of precipitation, runoff, changes in base-flow storage, and computed evapotranspiration for Cane Branch and Helton Branch basins for the period of record. Annual values of precipitation and runoff were taken from tables 22, 23, and 24. Changes in base-flow storage were chosen from figure 10 in Collier and others (1964) using the daily discharge on the last day of the indicated water year. Thomas developed this relationship between base-flow discharge and storage on the basis of records for the period January 1956 to September 1958. Additional records collected for water years 1959–66 showed no change in the relationship.

Except for the period March to September 1956, the change in storage for each water year is minor. This is to be expected, as the water year ends during the low-water season.

Evapotranspiration was computed from precipitation, runoff, and change in storage. For each basin, runoff is approximately 40 percent of the precipitation, and evapotranspirations is approximately 60 percent of the precipitation. There was slightly more precipitation, runoff, and evapotranspiration for Cane Branch than for Helton Branch.

TABLE 1.—SUMMARY OF ANNUAL PRECIPITATION, RUNOFF, CHANGE IN GROUND-WATER STORAGE CONTRIBUTING TO BASE FLOW, AND EVAPOTRANSPIRATION

[All values are in inches]

	Cane Branch basin				Helton Branch basin			
Water year	Precipitation	Runoff	Change in storage [1]	Evapotranspiration	Precipitation	Runoff	Change in storage [1]	Evapotranspiration
1956 [2]	27.98	10.11	−0.41	18.28	27.18	9.16	−0.77	18.79
1957	56.19	21.57	+.04	34.58	55.75	20.61	+.09	35.05
1958	52.00	23.04	0	28.96	51.92	22.57	+.01	29.34
1959	41.85	10.40	−.05	31.50	38.83	10.85	−.02	28.00
1960	55.18	25.76	0	29.42	52.33	22.67	−.02	29.68
1961	43.14	18.03	−.02	25.13	39.38	17.75	+.02	21.61
1962	56.43	25.80	+.02	30.61	54.44	24.40	−.06	30.10
1963	44.73	14.76	0	29.97	38.81	14.59	0	24.22
1964	37.02	10.54	+.08	26.40	37.48	9.64	+.35	27.49
1965	45.76	15.86	−.10	30.00	40.94	17.60	−.33	23.67
1966	39.54	6.71	+.16	32.67	34.25	7.87	+.12	26.26
Total	499.82	182.58	−.28	317.52	471.31	177.71	−.61	294.21

[1] Change in ground-water storage contributing to base flow.

[2] Period March to September.

Conclusions

A hydrologic analysis of precipitation and stream-flow records for Cane Branch and Helton Branch basins for water years 1956–66 indicated measurable differences in runoff characteristics between the two basins, despite the fact that similar percentages of annual precipitation go to runoff and evapotranspiration in each basin. Application of both flow-duration and annual-flood methods to analysis of stream hydrographs indicated that Cane Branch has greater peak flows per square mile of drainage area and more rapid changes in discharge, but Helton Branch has greater base flows. However, an examination of the hydrologic data for progressive change in runoff characteristics of Cane Branch that could be related to the history of mining in the area failed to indicate any such change.

GROUND WATER

(By H. T. Hopkins and D. S. Mull, U.S. Geological Survey)

Methods of study

Investigation of ground water in the southwest spoil bank and the adjacent bedrock ridge was begun in 1958. The purpose of the investigation was to determine the effects of mining on the occurrence, movement, and quality of ground water in the Cane Branch study area. Ground water in the essentially unmined West Fork Cane Branch study area was also investigated to provide a basis for comparison.

During the period November 1959 through September 1966, water-level measurements were continued in the Cane Branch and West Fork Cane Branch study areas. In the Cane Branch study area, the observation sites included one water well and one coal-test hole in the bedrock and 14 auger holes in the southwest spoil bank. In the West Fork Cane Branch area, five coal-test holes in the bedrock served as observation sites. Water samples were collected periodically at most of these sites for chemical analysis. The observation sites are numbered consecutively from 1 to 21; their locations are shown on plate 1.

Continuous water-level recorders were operated in the Cane Branch area on water well 12, coal-test hole 16, and auger hole 5. All other observation sites were measured monthly by hand tape. Staff gages were installed and read monthly in pools 3, 9, and 11 on the southwest spoil bank. After May 1963, measurements were discontinued at the five coal-test holes in the West Fork Cane Branch area and at auger holes 13 to 15 and pools 9 and 11 in the Cane Branch area. Thus, with one exception, observations were continued through September 1966 at auger holes 1 to 11 and pool 3 on the southwest spoil bank, at coal-test hole 16 on the nearby ridge, and at water well 12. The exception is auger hole 1 which was destroyed in January 1966. Intermittent observations were made on discharge from the spoil bank.

To ascertain the reliability of the hydrologic data, sensitivity tests were conducted in auger holes 1 to 10 in June 1963. Water levels were lowered by withdrawing approximately 20 ounces of water from each well. At auger hole 5, a 6-inch diameter hole, approximately 0.5 gallon was withdrawn. The following table lists the auger holes and the corresponding period of time required for water levels to return to static level. The following data show that only two observation points, auger holes 2 and 4, have a poor hydraulic connection with spoil at the base of the pile, where most of the horizontal movement of water in the spoil bank takes place.

Auger/hole	*Time, in minutes, for water level to return to static level*
1	17
2	1,300+ (0.9 days)
3	92
4	7,000+ (4.8 days)
5	17
6	175
7	226
8	350
9	180
10	150

Ground-water hydrology

No strip mining occurred on the southwest side of Cane Branch during the period 1958–66, and, therefore, the conditions observed were of the change in the ground-water environment following earlier strip mining. Little overall change from the 1958–59 conditions was observed during the 1959–66 period. Apparently, ground water in the spoil bank attained equilibrium with its environment prior to the beginning of the investigation in 1958.

In bedrock areas, the shallow ground water is recharged by precipitation and moves from topographically high areas to streams. Ground water in the southwest spoil bank also is recharged from precipitation, both by direct infiltration and by seepage after collection in pools along the western and southern margins of the spoil bank. A small amount of the recharge is indirect recharge moving from the bedrock of the ridge to the adjacent pools and then into the spoil bank. Pools 3 to 5 (plate 1) are essentially hydrologic links between the spoil bank and the adjacent ridge. These pools receive continuous ground-water runoff from the ridge, as well as overland runoff following precipitation. Ground water moves from the pools toward the center of the spoil pile and discharges to the southeast into tributaries draining the spoil-bank area.

Seasonal variations in recharge were recorded by fluctuations in the water levels in all observation wells. The seasonal trends during 1959–66 generally continued the trends recorded during the early part of the investigation. The hydrograph of the water level in auger hole 5, shown in figure 5, is typical of the hydrographs of most of the wells, although the range in fluctuation of the water level in the spoil bank is much less than the 5- to 29-foot range in the coal-test holes on the ridges. The greater range in fluctuation of the water table in the bedrock ridges is probably due to a combination of (1) more rapid recharge by direct infiltration, as a result of the much higher permeability of the unsaturated jointed bedrock as compared with spoil, and (2) transpiration by heavy forest growth, which contrasts with the widely scattered small pine trees that have become established on the spoil bank in the vicinity of the observation wells.

The generally lower elevation of the water level in auger hole 5 during the period 1963–66 as compared with that during the period 1959–62 reflects (1) the lesser amount of precipitation that fell during the later period, as shown on a water year basis in the following table, and (2) possible deepen-of gullies in the spoil bank and increased transpiration by vegetation as a result of limited natural reforestation in the vicinity of the well. Loss of ground-water storage as a result of this slight lowering of the water table was small.

Precipitations at gage 2, Cane Branch study area, water years 1959–66

Water year:	*Precipitation, in inches*
1959	41.03
1960	55.34
1961	43.08
1962	55.37
1963	44.28
1964	36.65
1965	45.16
1966	39.15

When compared in detail with the record of precipitation, the pattern of fluctuation shows that water levels respond to precipitation on the spoil bank within 24 hours. The response is equally rapid in the coal-test holes in the bedrock ridges.

The two different patterns of water-level fluctuation in auger hole 5 are the result of seasonal differences in the relative amounts of recharge derived from the two major sources of recharge to ground water in the spoil bank. During the winter-spring wet season, variations in recharge (reflected by the three peaks on the graphs in figure 6) are primarily due to direct infiltration of precipitation. Ground-water levels, pool stages, and soil moisture are high at this time of year. The addition of increments of water from precipitation causes rapid rises in ground-water levels but has little effect on pool levels because they are near or at levels of overflow, and their contribution to recharge is fairly constant. The water level in auger hole 5 rises sharply and declines rapidly to near pre-storm levels because it reflects only direct infiltration of precipitation, which ceases soon after precipitation stops.

In contrast, in the drier season of the year, the water level in auger hole 5 rises rapidly during the period of precipitation then continues to rise more slowly owing to increased recharge from pool 3, whose water level has been raised by surface runoff. The water level in auger hole 5 then declines slowly as the water level in pool 3 declines, and recharge from the pool gradually decreases.

Recharge from pools exerts a greater control on variations in water levels in the spoil bank during the dry season than during the wet season. In contrast to flow of water from pools into the spoil bank during the dry season, there is probably flow of ground water from the spoil bank into the pools immediately after winter or spring rains, when the water table in the spoil bank is higher than the level of water in the adjacent pools.

Profiles of the water table across the spoil bank, suggest that there has been no significant change in the configuration of the profile since observations began in the spring of 1958. The water table roughly conforms to the inferred surface of the bedrock. Thus, the lows at wells 3 and 2 and the gentle slope between wells 6 and 4 reflect corresponding elevations of the bedrock surface and the eastward slope of the bedrock channel.

The slope of the water table and the direction of movement of ground water in the southwest spoil bank also are shown. The contours were drawn from readings taken on June 26, 1963. The probable flow pattern is shown by the dashed arrows crossing the water-level contours at right angles and converging in the trough between wells 3 and 2. The main ground-water discharge is along this trough, in a general eastward direction. This flow pattern and ground-water discharge system in the spoil pile had developed prior to the start of water-level studies in the area.

The general shape of the water table in the southwest spoil bank results principally from the local topographic situation and the location of the area of discharge or drainage. The spoil and perimeter pools occupy and fill the U-shaped upper end of a tributary valley. The spoil and pools receive recharge from the bedrock on the north, west, and south sides of the valley in addition to the precipitation directly on the pile. The water moving through this area is discharged at the lower end of the valley near the base of the southeastern part of the spoil. The water surface slopes from all areas of recharge to the area of discharge, giving rise to the U-shaped pattern shown.

Transmissibilities of the spoil, determined by the bailer method of Skibitzke (1958) at three of the auger holes on the southwest spoil bank, ranged from 28 gpd per ft (gallons per day per foot) at auger hole 1 to 64 gpd per ft at auger hole 5. The two wells with the best hydraulic connection with the water in the spoil bank had the highest and the lowest transmissibilities measured. Extremely small transmissibilities, such as those determined at the auger holes, are believed to be representative of most of the southwest spoil bank; exceptions occur where sandy material is present in the spoil or where massive blocks of wallrock were deposited as part of the spoil material in such a way that large voids between the blocks were preserved.

In spite of the small transmissibility of the spoil, water seeping from the spoil bank continuously provides highly mineralized water to Cane Branch. This contribution is particularly significant during periods of low flow, when it constitutes a major part of the flow of Cane Branch and provides the bulk of the dissolved solids and acid loads of that stream. (See "Geochemistry of Water.")

Several seeps occur at relatively high points along the south fork of the surface drainageway that leads into the tributary on which supplemental sampling site M is located. Another seep occurs in the north fork of the drainageway in the vicinity of pool 3. These seeps discharge only as long as groundwater storage is available above the points of seepage and, therefore, are not perennial. All perennial drainage is from near the base of the spoil immediately above the surface of the bedrock into tributaries draining the spoil bank area.

Conclusions

There has been no significant change in the occurrence and movement of ground water in the vicinity of the southwest spoil bank since the beginning of observations in the spring of 1958. Shallow ground water in bedrock is recharged by precipitation and moves from topographically high areas to streams. Ground water in the southwest spoil bank is recharged by direct infiltration of precipitation and seepage from adjacent pools, and it discharges mostly eastward into tributaries draining the spoil bank area.

Fluctuations of the water table in the spoil bank are largely controlled by direct infiltration of precipitation during the winter-spring season, but they are strongly influenced by seepage from pools adjacent to the spoil bank during the summer-autumn season. Recharge from the pools varies with water levels in the pools during the summer-autumn season, but it is fairly constant during the winter-spring season, when the pools are full most of the time.

The shape and slope of the water table in the spoil bank have not changed significantly since observations began in 1958. Although the amount of ground water in storage in bedrock areas and in the southwest spoil bank changes seasonally, there was little overall change for the period of record. However, there was indication of a small overall loss in storage for the study period, mostly the result of deficient precipitation in 1963, 1964, and 1966, but possibly due in part to deepening of gullies in the spoil bank and increased transpiration by vegetation.

GEOCHEMISTRY OF WATER

(By J. J. Musser and R. J. Pickering, U.S. Geological Survey)

Background and scope

One of the environmental factors most obviously influenced by strip mining in the Cane Branch basin is the chemical composition of the water. Cane Branch became an acid stream because of strip mining in the Cane Branch study area. This section of the report describes and evaluates (1) changes in the chemical composition of water in the Cane Branch study area, (2) the chemical composition of water in nearby study areas unaffected by mining, and (3) the general persistence of acid water downstream from the Cane Branch mining area. Although the results of studies conducted during water years 1959–66 are emphasized in this report, the conclusions at the end of this section are based on the period 1955–66 in order to provide a comprehensive picture of the entire 11-year period of investigation. Results obtained during the period 1955–59 were described by John J. Musser and George W. Whetstone and will be reviewed only as needed to relate earlier conditions to those existing during the period 1959–66.

The periods of record and the sampling frequencies at the three established gaging stations are shown. An additional 190 water samples were collected from 40 other sites. The locations of many of these sampling sites are shown. Basic data on the chemical quality of water at scheduled stations during the period 1959–63 were published by the U.S. Geological Survey (1959–63) in its Water-Supply Paper series. Basic data for water years 1964–66 were published in the U.S. Geological Survey's series of annual State reports (U.S. Geological Survey, 1964–66). Only selected data for schedued stations and data for unscheduled sampling points are included in this report.

Because the waters of Helton Branch and West Fork Cane Branch were not affected by mining, they are described first to illustrate the natural chemical quality of water in the upper Beaver Creek basin.

Helton Branch

Concentrations of dissolved constituents in water in Helton Branch remained at low levels during the period 1959–65. The similarity in water quality to that in preceding years of the study reflected the constancy of the environment of the Helton Branch study area over a period of many years and is representative of the "natural" rate of weathering; that is, the rate not greatly affected by man's activities.

The water in Helton Branch is a dilute calcium bicarbonate type in which the sulfate ion is also significant. During the period 1959–65, the dissolved-solids concentration ranged from about 15 ppm to about 50 ppm. The pH of the water ranged from 5.8 to 7.5. The dissolved-solids content included about 25 percent silica by weight, 50 percent calcium and bicarbonate, and 15 percent sulfate; other cations and anions comprised the remaining 10 percent. The water is weakly buffered; consequently, the pH is readily changed by the addition of small amounts of acidic or basic substances. Selected chemical analyses of samples collected from Helton Branch at the gaging station are given in table 2.

TABLE 2.—CHEMICAL ANALYSES OF SELECTED SAMPLES FROM HELTON BRANCH AT GREENWOOD, 1958–65

[Results in parts per million, except as indicated]

Date of collection	Instantaneous discharge (cfs)	Silica (SiO_2)	Aluminum (Al)	Iron[1] (Fe)	Manganese[1] (Mn)	Bicarbonate (HCO_3)	Sulfate (SO_4)	Chloride (Cl)	Dissolved solids (residue at 180° C.)	Hardness (divalent cations as $CaCO_3$)	Specific conductance (microohms at 25° C.)	pH
Oct. 14, 1958	0.18					9	1.4			7	20	6.6
Jan. 2, 1959	1.06						13			26	68	5.8
June 2	9.9					8	7.6			13	36	6.5
Feb. 9, 1960	.92					10	7.2	1.0	31	14	41	6.6
September 12	.20					10	5.0	.5		8	22	7.2
Jan. 17, 1961	1.18	5.0	0.1			10	6.8	2.0	20	15	39	6.4
May 22	.40					11	6.2		26	12	29	6.8
Jan. 30, 1962	2.1	4.0		0.05	0.05	7	7.8	2.5	25	12	39	6.3
July 17	.14	6.1		.26	.02	10	1.6	1.0	22	8	28	6.8
May 26, 1963	.30	5.1		.08	.13	9	2.6	.5	22	8	28	6.5
May 25, 1964	.14	6.0	.1			12	2.8	1.0	20	8	24	6.9
August 5	.13		.1			10	.4			9	19	6.6
June 22, 1965	.16			.15	.05	16	5.6	2.0	33	15	42	6.6
September 26	.12					8	1.6		26	7	19	6.1

[1] In solution when collected.

The estimated annual total yields of dissolved solids from the Helton Branch study area during the period 1959–62 ranged from about 25 tons per square mile in drier years to nearly 60 tons per square mile in wetter years. Measured annual yields for water years 1957–58 were within the same range. On the basis of rainfall and runoff, it can be assumed that the annual yields during the 1963–65 period were in the lower part of the range for the 1959–62 period. The annual total dissolved-solids yields of the Helton Branch area, which is unaffected by mining, are ¼ to ⅛ those of the Cane Branch study area, where yields increased as a result of mining.

In August and September 1965, construction began on a highway relocation near Greenwood in the upper part of the Helton Branch basin. Extensive cut-and-fill operations in the headwaters of Helton Branch resulted not only in disturbance of the shale and sandstone bedrock and overlying soil at the relocation site, but also in the introduction of many tons of limestone fill. This construction altered the chemical and physical characteristics of water in Helton Branch to the extent that data for water year 1966 do not have relevance to this study and therefore are not included in table 2.

West Fork Cane Branch

The water of West Fork Cane Branch is a dilute magnesium and calcium sulfate and bicarbonate type with a mean dissolved-solids concentration of about 20 ppm. It is similar to that of Helton Branch in its low concentration of dissolved constituents. Selected chemical analyses of samples collected from West Fork Cane Branch are given in table 3.

TABLE 3.—CHEMICAL ANALYSES OF SELECTED SAMPLES FROM WEST FORK CANE BRANCH NEAR PARKERS LAKE, 1957–61

[Results in parts per million, except as indicated]

Date of collection	Instantaneous discharge (cfs)	Aluminum (Al)	Iron[1] (Fe)	Manganese[1] (Mn)	Bicarbonate (HCO_3)	Sulfate (SO_4)	Dissolved-solids (residue at 180° C.)	Hardness (divalent cations as $CaCO_3$)	Specific conductance (micromhos at 25° C.)	pH
June 6, 1957					8	5.4		10	33	7.0
Nov. 15, 1958	0.02				9	6.0		13	43	5.3
Mar. 26, 1959	.70				4	4.8		6	22	6.1
June 5					2	5.4		5	22	5.0
July 19	.32				3	4.0		3	16	5.9
Mar. 1, 1960	.70		0.15	0.14	4	13		5	23	6.1
Mar. 22	1.86					5.6	12	5	18	6.7
Mar. 29	1.02					6.8	20	5	19	6.0
Apr. 5	.54	0.1	.21	.05	8	4.4	16	5	23	6.8
Apr. 12	.16					5.6	13	6	22	7.6
Apr. 19	.16					5.6	19	6	26	6.8
May 3	.25	.1	.12	.08	8	6.8	34	6	23	6.8
Jan. 18, 1961	.34				3	4.8	10	7	20	6.1
May 23	.03				6	7.0	28	15	21	6.6

[1] In solution when collected.

During February 1960, a few coal prospect trenches were dug in the West Fork Cane Branch study area by a mining operator, and small quantities of pyrite were exposed to weathering. However, the water in West Fork Cane Branch was not affected by this activity, as shown by a lack of any significant changes in sulfate concentration during the period 1956–61. Such changes are excellent indicators of pyritic weathering products in mine drainage. The median sulfate concentration of West Fork Cane Branch was 5 ppm during the period.

The acidity of West Fork Cane Branch decreased slightly during 1960–61, as shown by a shift in the pH range from 5.0–7.0 in 1956–59 to 6.0–7.6 in 1960–61. Also, the number of samples with pH above 6.5 totaled nine in the 1960–61 period, as compared with two in the more heavily sampled 1956–59 period. Washing into the stream of limestone gravel from a road near the eastern divide of the West Fork study area may have contributed to this slight decrease in acidity, but available data are insufficient to confirm this effect.

Cane Branch study area

Since the spring of 1956, the water in Cane Branch has been acid. This acid water is the result of coal mining in parts of the Cane Branch basin. During strip mining, which took place in 1955–56 and again in 1958–59, large quantities of iron disulfide minerals associated with the Barren Fork coal seam and adjacent rocks were exposed to oxidation and leaching. Surface water running over, and ground water moving through, the spoil banks and highwalls react chemically with these iron disulfide minerals and their oxidized products. Several of these reactions result in the production of acid. Because the surface water and ground water have little neutralizing capacity to counteract the effect of the acid-producing minerals, leaching results in pools and streams of highly mineralized acid water. Water in the strip pits, in the spoil banks, in the Cane Branch tributaries draining the spoil banks, and in Cane Branch itself is affected by this acid mine drainage.

The chemical reactions believed to be involved in the formation of acid mine drainage have been discussed by many authors in recent years, including Temple and Koehler (1954), Hem (1960), Barnes and Clarke (1964), and Clark (1966). The reader is referred to these publications for detailed discussions of the subject.

Pools near spoil banks

Following the completion of mining in the Cane Branch study area, pools of water formed in the abandoned strip pits between the highwalls and spoil banks. Most of these pools now contain acid water. In the winter and spring, the pools overflow into the tributaries of Cane Branch. The water in the pools also slowly infiltrates the adjacent spoil banks. Pool locations are shown on plate 1, and chemical analyses of samples collected during the period 1960–66 are given in table 29.

Pools 1 to 11 are in the area on the southwest side of Cane Branch that was strip mined in 1955–56. With the exception of pool 10, these waters are of the calcium magnesium sulfate type, have significant quantities of aluminum, iron, and manganese, and contain free acid. In 1956–59, sulfate concentrations ranged from 52 to 3,080 ppm; in 1960–66, the range had changed to 21 to 469 ppm. For these same periods, the pH range changed from 2.50–4.10 to 2.95–4.45. Thus, the analyses for 1960–66 indicate a general decrease in the concentrations of dissolved constituents in the pools.

Pools 2, 3, and 9 show definite decreases in mineralization since the end of mining in 1956. After relatively rapid initial decreases, mineralization decreased more slowly, and since 1961 or 1962, little additional decrease has been observed. This is illustrated in figure 10, in which have been plotted the maximum measured conductances for each water year. Slumping of the overlying weathered soil and bedrock into the strip pits since their abandonment has resulted in the restriction of air and water circulation to the sulfide-bearing rocks exposed in the highwall and has probably contributed to the decrease in mineralization of water in the pools.

Pool 10 is south of the area mined during 1956, is surrounded by well-weathered rocks, receives no acid mine drainage, and therefore contains the type of water that would be present if pyrite had not been exposed by mining. In May 1961, this pool contained dilute calcium sulfate water with a pH of 5.3. It is dry during periods of little rainfall.

Low silica concentrations in pools on the southwest spoil bank during the summer and autumn months may be due to the extraction of silica from the water by diatoms. Several of the pools contained less than 1 ppm silica in October 1966.

Pools 12 and 13 are in a small mined area on the northeast side of the Cane Branch basin. After mining, which took place in 1958, the water in pool 12 had a pH of 4.2 and contained free acid. Since early 1960, however, the pH has been about 5 and the sulfate content has decreased. Pool 13, which never was acid, apparently is not in contact with spoil containing abundant iron sulfide minerals.

Pools 14 to 19 on the northeast side of Cane Branch resulted from strip mining during 1959. The water in pools 14 to 18 became acid during and immediately following the 1959 mining. The water is of the calcium magnesium sulfate type and contains significant quantities of aluminum, iron, and manganese. Chemical analyses of samples collected in 1966 indicated little change from earlier conditions. The observed range in sulfate content during the period 1960–66 was 290–1,260 ppm, and the observed range in pH was 2.9–5.1.

Pool 19 did not increase in mineralization or become acid immediately after mining was completed in 1959, as did other nearby pools. Musser and Whetstone (in Collier and others, 1964, p. 32) suggested that "the sulfide-bearing rocks are buried in a part of the spoil bank where the ground water has difficulty in flowing to pool 19," and that "soluble products from the spoil bank may eventually reach the pool and make the water in it acid." Data collected since 1959 have confirmed this prediction. Water in pool 19 became acid in early 1961, and has remained acid since that time. In addition, there has been a progressive increase in the mineralization of the pool water since 1961, as shown in table 29.

Pool 20 formed in a prospect pit on the southwest side of Cane Branch in March 1960. This pool, which contains acid water, contributes overflow to Cane Branch.

Ground water

The chemical quality of ground water in the southwest spoil bank has changed little from that recorded during the earlier part of the investigation. Variations in solute concentrations are due primarily to changes in the relative amounts of recharge from three sources—direct infiltration of precipitation, pools formed between the spoil bank and the highwall, and ground water in the bedrock of adjacent ridges. Ground water in the spoil bank is more highly mineralized than either the water in the adjacent pools or the water in the bedrock. Compared with bedrock water, spoil-bank water is relatively high in sulfate, silica, aluminum, iron, manganese, calcium, and magnesium (table 30).

The concentrations of chemical constituents in ground water in the spoil bank vary from point to point. Minimum concentrations are found in the water from auger holes adjacent to the pools and along the low point in the water table between auger holes 2 and 3. Maximum concentrations are found in the vicinity of auger hole 5.

There are monthly changes in the specific conductance of water in the spoil bank (auger hole 5, pl. 1), in an adjacent pool (pool 3, pl. 1), and in ground water in the bedrock of an adjacent ridge (coal-test hole 16, pl. 1), for a period of nearly 2 years. Although total precipitation for the 2-year period was exceptionally light, the conductance of water in the pool and water in the spoil bank varied in a characteristic manner.

The conductance of the water in pool 3 exhibits the effect of dilution by precipitation. Pool 3 reaches its lowest conductance during the winter-spring period, when direct runoff dilutes the highly mineralized water; the pool reaches its highest conductance during the summer-autumn period, when little direct runoff is available for dilution, and evaporation causes an increase in concentration of dissolved constituents.

The conductance of ground water in auger hole 5 shows an opposite pattern of variation. Conductance declined during the summer and autumn, then increased during the winter. This pattern of variation can be explained on the basis of changes in the source of recharge to ground water in the spoil bank and changes in the elevation of the water table.

During the winter-spring period, direct infiltration of precipitation constitutes a significant part of the recharge to the spoil bank. In moving from the surface into the spoil material, this oxygenated water leaches highly soluble iron sulfate minerals formed through oxidation of pyrite in the zone of aeration during the previous summer and autumn and it also contributes to further oxidation of pyrite in the spoil material. In addition, the winter rise of the water table brings the main body of ground water into contact with previously aerated spoil and its content of iron sulfate minerals, resulting in some leaching below the water table.

During the period of high evaporation in the summer and autumn, the water table declines, and recharge of ground water in the spoil bank is largely by infiltration of water from the adjacent pool 3 and by movement of ground water from the nearby ridge into the spoil bank. Both sources of recharge are much less highly mineralized than the ground water in the spoil bank. Furthermore, this poorly oxygenated recharge water flowing through less oxidized parts of the spoil bank below the water table, picks up less soluble material than does infiltrating precipitation. The net result is less highly mineralized ground water in the spoil bank during the summer and autumn than during the winter and spring.

The preceding observations indicate that the greatest additions to the chemical content of ground water in the spoil bank are derived from the zone of aeration. Nevertheless, the somewhat more dilute summer-autumn recharge water becomes highly mineralized as it passes through the spoil bank, and serves to increase the dry-weather drainage from the spoil and the total contribution of acid water to Cane Branch.

The quality of ground water in coal-test hole 16, which was drilled in bedrock of the adjacent ridge, followed the pattern normally found under natural conditions during most of the study period. It was most dilute (least mineralized and had lowest conductance) during the winter-spring period, when recharge is greatest, and most mineralized during the summer-autumn period, when recharge is slight and evapotranspiration is high. However, the unusually light rainfall in the early part of 1966 caused the mineralization to remain at a higher level than would be expected during a more normal year. The conductance rose progressively during the period May to December 1965, then remained near the November level throughout the succeeding year. Low water levels measured in coal-test hole 16 throughout water year 1966 indicate a general lack of recharge by dilute surface water, thus explaining the abnormally high conductance.

The reason for the generally higher levels of sulfate and conductance in coal-test hole 16 than in coal-test holes 17, 19, 20, and 21, in the nearby West Fork Cane Branch basin, is not known. Perhaps the rocks penetrated by hole 16 contain much more iron sulfide than do those in the West Fork basin. If this is true, then it is possible that oxidation of iron sulfide minerals occurs along the uncased walls of hole 16 during periods when low water levels expose the walls to the atmosphere, and that dissolution of the resulting sulfate minerals, as a result of water level fluctuations in the well, adds to the sulfate content and increases the mineralization of the water.

Well 12, which is just beyond the toe of the south-west spoil bank and penetrates the underlying bedrock, predates the beginning of mining in the basin. Musser and Whetstone (in Collier and others, 1964, p. 36) concluded that, as of June 1959, the quality of water in the underlying bedrock, as observed at well 12, had been only slightly affected by downward movement of mineralized ground water from the spoil bank.

Since 1959, there has been an increase in the mineralization of the bedrock water at well 12. (See table 30.) The increase is relatively minor, however, and is apparent only in the sulfate content of the well water. The relationship between the sulfate content and the level of water in the well is similar to that exhibited in the spoil bank at auger hole 5, thus adding support to the conclusion that increases in the sulfate content of the bedrock water are due to infiltration of water from the spoil bank.

Tributaries of Cane Branch

Tributary streams carry the soluble products of chemical weathering into Cane Branch. Some of these tributaries contain only slightly mineralized water that comes from parts of the Cane Branch area not affected by mining. Other tributaries contain acid mine drainage that comes from pools and spoil banks in the mined areas. Supplemental sampling sites on tributaries to Cane Branch are shown. Analyses of these waters are given in table 31.

The water in the two major tributaries in the southern part of the study area is not influenced by mine drainage. At sites B and C, the dilute waters of the two tributaries vary from calcium bicarbonate to calcium sulfate types. The observed dissolved-solids content ranged from 16 to 34 ppm, the pH ranged from 5.8 to 7.6, and bicarbonate alkalinity was present at all times. Sulfate concentrations did not exceed 13 ppm.

Downstream from sites B and C, acid mine drainage from the southwest spoil bank enters Cane Branch, and, because the receiving water has little buffering capacity, Cane Branch becomes acid. Many seeps from the southwest spoil bank add small quantities of acid water to Cane Branch, but the tributaries at sites P. M, and G contribute the largest quantities.

Sites P, M, and G are in streams which receive acid surface and ground water directly from the southwest spoil bank. During periods of high runoff, pools behind the spoil bank overflow into these three streams. During periods of no rainfall, ground water seeps out of the spoil bank to sustain the flow of the streams. During the period 1959–66, the principal dissolved constituents of the water at these sites were calcium, magnesium, sulfate, silica, aluminum, iron, and manganese. The pH at sites P and M ranged from 2.50 to 3.10. Concentrations of dissolved constituents remained high from 1959 to 1966, and these tributaries continued to transport acid water to Cane Branch. Although the water at site G is somewhat less acid and less mineralized than that at sites M and P, it showed no improvement during the period 1959–66 and continued to contribute to the acidity and dissolved-solids content of water in Cane Branch.

Site O is on a tributary that receives part of its drainage from the small area on the northeast side of Cane Branch mined during 1958. The water passing site O has never contained free acid, even though sources of acid are present on a small spoil bank upstream. Apparently, all acid water entering the drainage system above site O is effectively neutralized by water from other parts of the subbasin. The waters from this and other nearby tributaries of similar chemical quality dilute and partly neutralize the acid waters of Cane Branch.

Until 1966, the water at site O was a calcium sulfate and bicarbonate type with a pH range of about 6 to 7. The maximum observed sulfate concentration during 1959–66 was 40 ppm on October 27, 1966. The dissolved-solids content on that date was the highest observed at site O and may indicate an increasing influence of drainage from pools 12 and 13 on the general quality of water in the tributary.

The drainage area upstream from site N includes much of the area on the northeast side of Cane Branch that was strip mined during 1959. The overflow from pools 15 to 18 passes site N in traveling to Cane Branch. Before the 1959 mining, the water passing the sampling site was a calcium, bicarbonate type, was only slightly mineralized, and had a pH near 7 (Collier and others, 1964, p. B38). During mining, the mineralization of the water increased, the type changed to calcium sulfate, and the pH slowly decreased. From the completion of mining through 1961, water passing site N had a pH range of from 2.25 to 3.60, and a range of sulfate concentrations from 350 to 538 ppm. In October 1966, the streamflow at site N consisted principally of drainage from pools 17 and 18 and had chemical characteristics very similar to those present in 1959–61. The water in the tributary continued to transport significant quantities of acid mine drainage to Cane Branch from 1961 to 1966.

The chemical composition of water in the tributary draining the northeast spoil bank in the vicinity of pool 19 showed little evidence of the presence of acid mine drainage prior to 1961. In October 1966, however, water in this tributary at site H had a considerably higher sulfate content and lower pH than had been observed previously. The increase in mineralization probably began in 1961 as a consequence of the change of pool 19 into an acid pool during that year.

There is a relationship between the pH of Cane Branch water and the pH of water in its tributary streams and in the pools on the spoil piles in October 1966. Conductance and pH values listed in the figure were measured in the field on October 27, 1966.

CANE BRANCH

The effect of acid mine drainage upon the chemical quality of water in Cane Branch is measured at the Cane Branch gaging station, just downstream from the mined areas. Selected chemical analyses of Cane Branch water are presented in table 4 to show the general chemical quality of the stream. As a rule, samples with maximum, minimum, and intermediate conductances for each year have been chosen for tabulation. A more complete tabulation was published by the U.S. Geological Survey in its basic data publication series (U.S. Geological Survey, 1956–66).

The original dilute calcium and magnesium bicarbonate of water of Cane Branch changed during early 1956 to a highly mineralized, acid, calcium and magnesium sulfate water as a result of strip mining of coal on the southwest side of the basin and it remained this type of water throughout the study period, which ended in October 1966. Silica, aluminum, iron, and manganese also were predominant among the constituents dissolved in the water.

An examination of the chemical composition of water in Cane Branch during the years subsequent to the initial mining shows that the mean concentrations of chemical constituents increased in 1959 owing to a resumption of mining, then decreased during the period 1960–65. From 1960 to 1966, no additional mining occurred in the Cane Branch study area. Limited prospecting near pool 20 resulted in the addition of a small amount of acid water to Cane Branch, but the effect of this addition was not measurable.

TABLE 4.—CHEMICAL ANALYSES OF SELECTED SAMPLES FROM CANE BRANCH NEAR PARKERS LAKE, 1956-66

[Results in parts per million, except as indicated]

Date of collection	Instantaneous discharge (cfs)	Aluminum (Al)	Iron[1] (Fe)	Manganese[1] (Mn)	Bicarbonate (HCO₃)	Sulfate (SO₄)	Dissolved solids (residue at 180° C.)	Hardness (divalent cations as CaCO₃)	Acidity to pH7 (H+)	Specific conductance (micro-mhos at 25°C.)	pH
Sept 1, 1955					10	16		18		61	6.7
Jan. 18, 1956		0.3	0.24	0.05	17	3	31	16		44	6.8
May 29	0.09	5.4	1.8	5.3	0	123	195	88		296	4.0
Aug. 14	.56				0	1,220		440		2,220	2.6
Apr. 9, 1957	3.9	1.8	1.9	.07	0	46	76	34	0.4	151	3.8
July 16	.065	85.0			0	1,050	1,420	242	14.0	2,010	2.6
Aug. 15	.065	5.4	1.4	7.7	0	175	298	100	1.6	534	3.2
May 6, 1958	11.8				0	46		31	.3	138	4.2
Sept. 10	.026	3.4	3.0	6.4	0	144		81	1.1	493	3.2
Sept. 17	1.19				0	1,150		234	16.0	2,060	2.6
Feb. 10, 1959	5.3				0	77		53	.6	222	3.8
May 28	.13	8.8	9.3	14	0	282		120	2.6	900	2.9
Aug. 17	1.73	86	15	16	0	970	1,380	170	13	1,940	2.7
Oct. 20	.10				0	359	515		3.8	986	3.0
Feb. 2, 1960	.39	6.4	7.3	8.5	0	199	268	143	1.5	551	3.4
Mar. 29	3.0				0	67	108		.5	215	3.8
May 2, 1961	5.4	1.1	2.6	1.9	0	47	72	36	.4	145	4.0
June 6	.2	6.0	14	12	0	281	408	360	1.9	778	3.2
Sept. 12	.1				0	586	926		7.2	1,270	3.0
Feb. 27, 1962	52				0	43	87		.4	134	3.9
May 1	.4	5.1	.36	9.3	0	207	305	153	1.2	549	3.2
Sept. 4	.1				0	416				955	3.3
Dec. 21	1.2				0	234				696	2.9
Mar. 1, 1963	1.7				0	144				400	3.3
May 26	.3	5.3	4.4	10.0	0	186	287	135	1.6	557	3.3
Jan. 21, 1964	.87				0	104				322	3.6
July 14	.06	6.8	6.3	12.0	0	248	385			736	3.2
Sept. 8	.06		3.1	9.4	0	156	261	118	1.0	479	3.4
Nov. 10	.08				0	245	348	166	1.8	681	3.3
Dec. 30	.70	5.6	4.1	5.3	0	123	199	86	1.3	378	3.6
Mar. 27, 1965	3.8				0	57	95	42	.5	80	4.1
Feb. 8, 1966	.64	17	7.6	13.0	0	317	458	191	2.9	802	3.3
Apr. 10	.14	5.4	.07	7.7	0	166	278	111	1.3	478	3.4
May 1	4.4				0	55	94	36	.5	187	3.8
Oct. 27	.08	6	15	11.0	0	249	400	172	1.8	710	3.6

[1] In solution when collected.

From June 1956 to September 1965, the pH of water in Cane Branch ranged from 2.55 to 4.35. At no time did the water contain bicarbonate ions. In contrast, water in Helton Branch, which was not influenced by mining, had a pH range of 5.7 to 7.5 during the same period and always contained bicarbonate ions.

An assessment of the change in water quality with time at a specific point on a stream, such as at the Cane Branch gaging station, requires an intensive sampling program consisting of (1) continued measurement of an important chemical parameter of the stream quality, and (2) regular sampling and comprehensive analysis of the stream water as a means of relating other constituents in the water to the constituent measured continuously. Probably the most useful parameter to monitor is specific conductance, which reflects the content of ionic solute in the water. Relationships between specific conductance and the content of major constituents in the water can be determined from analyses of the regularly collected samples. With this information, representative concentrations of the major constituents can be calculated for selected time periods; and by combining these concentrations with a continuous record of runoff, loads of chemical constituents transported by the stream past the sampling point can be determined. Assessment of the gross geochemical characteristics of the Cane Branch study area was based on this approach.

Infiltration and storage of precipitation in geologic material vary with the porosity and permeability of the materials. The nature of the spoil in the Cane Branch basin allows entry of precipitation into the spoil. As a result, the spoil becomes a reservoir for ground-water storage and a contributor to base flow of the stream, even during periods of little or no precipitation. In addition, the high content of iron sulfide minerals and their highly soluble weathering products in the spoil provides a continued supply of soluble material to the percolating ground water. Thus, drainage of water from the spoil banks contributes the bulk of the dissolved chemical load passing the Cane Branch gaging station during periods of base flow in the stream. Even direct storm runoff from the spoil banks becomes highly mineralized through dissolution of soluble minerals near the surface of the spoil and through flush-out of pools adjacents to the spoil bank.

Monthly loads of equivalent sulfuric acid, sulfate, and total dissolved solids passing Cane Branch gaging station are listed in table 32 for water years 1959–66. Data for water years 1957 and 1958 were reported by Musser and Wetstone (in Collier and others, 1964, p. B47). The monthly load depends both on the amount of water passing the gaging station and the concentration of the chemical constituent of interest in that water. In an attempt to examine the record of monthly loads transported by Cane Branch for significant changes during the period 1956–66, a cumulative plot of runoff and dissolved-solids load was prepared. The slopes of the lines represent average concentrations of dissolved solids in the water; an increase or decrease in slope means that the average dissolved-solids concentration for that period increased or decreased, respectively, with time. Pronounced differences in concentration between winter-spring (high-flow) and summer-autumn (low-flow) months, represented by the stair-step-like nature of the lineation of points which define the line representing all months, and the lack of data for certain months during water years 1963–65 made it necessary to plot high-flow months (>15 cfs-days) and low-flow months (<15 cfs-days) separately in order to clarify long-term trends. The dashed part of the line for all months is based on an interpolation of these trends. The scale of the drawing does not permit all points on the line for low-flow months to be shown.

The bulk of the dissolved constituents in Cane Branch is contributed by direct runoff and seepage from the spoil banks. Changes in slope of the lines in figure 15 thus represent changes in the quantity of dissolved constituents contributed by these spoil-bank waters to Cane Branch. The average concentration of the dissolved solids during a period of time is defined by the slope of the line drawn through all points for that period. The slope of the line for water years 1956–58 is representative of the period following cessation of strip mining in the southwestern part of the study area. Steepening of the slope during water years 1959 and 1960 is the result of mining activity in the northeastern part of the study area, which caused a substantial increase in the rate of chemical weathering in the mined area and a twofold increase in the effective concentration of dissolved constituents in the streams. The decrease in slope during water year 1961 reflects the lack of further disturbance in the northeastern area following cessation in mining there. However, the slope of the line is greater than that for the period prior to 1959 because of the added increment of dissolved solids contributed to the stream by drainage from spoil banks in the northeastern mined area. Continued decrease of loads contributed by both mined areas during water year 1962 resulted in an average concentration of dissolved solids approaching that observed prior to mining in the northeastern area, as shown by the slope of the curve for all months. Curves for equivalent sulfuric acid and sulfate (not shown) are nearly identical with the curves for dissolved solids shown.

Because of the limited amount of direct runoff from both mined and unmined areas during the summer and autumn months, little dilution of ground water entering Cane Branch from the spoil banks takes place, and concentrations of dissolved solids are high, as shown by the slope of the line representing low-flow months. In spite of the concentrations of dissolved constituents, the contribution to the total annual load during these months is much less than during the high-flow months, when concentrations are less as a result of dilution, but the increased volume of water for leaching results in higher loads.

In figure 15, the upturns at the upper ends of the curve for high-flow months and the curve for all months represent increases in average concentration and are the result of exceptionally light precipitation and decreased direct runoff during the winter and spring months of water year 1966. Normally, the bulk of the annual runoff in the Cane Branch basin occurs during the period November to May, when there is little uptake by vegetation, and the ratio of runoff to precipitation is fairly high. In 1966, 40 percent of the precipitation occurred during July, August, and September, when evapotranspiration was at a maximum. Consequently, runoff was low over much of the basin during most of the water year. On the spoil banks, however, sparseness of vegetation and the spoil's moderate infiltration capacity resulted in a large contribution of spoil-bank runoff to the total runoff of the basin. This higher proportion of spoil-bank runoff in the basin and the smaller amount of less mineralized direct runoff during the winter-spring months resulted in higher average monthly concentrations during the winter-spring months and a higher mean annual concentration for the entire water year.

Analysis of hydrologic data on a water-year basis is commonly useful as a means of eliminating seasonal effects, such as gross during low-flow months as compared with loads transported during high-flow months (table 32). For Cane Branch, annual loads and annual mean concentrations of dissolved solids, sulfate, and equivalent sulfuric acid, calculated from runoff and load data shown in table 32, are listed in table 5 for water years 1957–66. Partial load data for water years 1964 and 1965 were used to calculate an estimated total load for the 2 years, and this total load was apportioned between the 2 years on the basis of annual runoff. The estimated load for water years 1963 was based on annual runoff for 1963 and the dissolved solids load-runoff ratios for 1962 and 1964. The high annual mean concentrations for water year 1966 were the result of the small amount and unusual distribution of rainfall during the year, as described in the preceding paragraph.

TABLE 5.—ANNUAL RUNOFF, AND GROSS ANNUAL LOADS, AND ANNUAL MEAN CONCENTRATIONS OF KEY CHEMICAL CONSTITUENTS, AT GAGING STATION CANE BRANCH NEAR PARKERS LAKE, WATER YEARS 1957–66

		Load discharged (tons per sq. mi.)			Annual mean concentration [1] (parts per million)		
	Runoff (c.f.s.-days per sq. mi.)	Dissolved solids	Sulfate	Acidity (equivalent H_2SO_4)	Dissolved solids	Sulfate	Acidity (equivalent H_2SO_4)
Water years—							
1957	580	227	147	55	145	94	35
1958	619	219	140	51	131	84	31
1959	280	189	121	61	250	160	81
1960	691	414	275	115	222	147	62
1961	485	221	153	62	169	117	47
1962	694	274	178	60	146	95	32
1963	398	[2] [3] 168			156		
1964	284	[4] 172			[3] [5] 166		
1965	427	[3] [4] 191			[3] [5] 166		
1966	180	106	64	26	218	132	53

[1] Calculated from annual runoff and annual load.

[2] Load based on annual runoff for 1963 and dissolved-solids load: runoff ratios for water years 1962 and 1964.

[3] Estimated.

[4] Partial load data for water years 1964 and 1965 used to calculate an estimated total load for the 2 years. Proportioning of the total load between the 2 years was based on annual runoff for the 2 years.

[5] The identical estimated annual mean concentrations for water years 1964 and 1965 are the result of the method by which the annual loads for those 2 years were estimated.

TABLE 6.—RATES OF CHEMICAL DEGRADATION AND RUNOFF IN THE CANE AND HELTON BRANCH STUDY AREAS, WATER YEARS 1957–62

		Dissolved solids (tons per square mile per year)		
Water year	Runoff at gaging station (cubic-feet-per-second days per square mile)	Total discharge at gaging station	In precipitation	Net from degradation of area
Cane Branch:				
1957	580	227	33	194
1958	619	219	30	189
1959	280	189	24	165
1960	691	414	32	382
1961	485	221	25	196
1962	694	274	33	241
Helton Branch:				
1957	554	46	32	13
1958	607	56	30	26
1959	292	[1] e 25	22	3
1960	610	[1] e 54	30	24
1961	478	[1] e 42	23	19
1962	656	[1] e 58	32	26

[1] Dissolved-solids loads for water years 1959–62 are based on annual runoff and assumed constancy of the runoff-concentration relationship during the period 1957–62.

Annual loads per square mile of dissolved constituents transported by Cane Branch are plotted along with data on annual runoff and mining activities. The absence of a direct relationship between annual loads and annual mean concentrations is illustrated by the data for water year 1966. Although the annual mean concentration was the highest calculated for any year since water year 1960, the annual load was the least for any year during the entire 10-year period of record.

There is difficulty of separating natural changes from man-induced changes in environmental studies. Grouping of data on an annual basis can be used to mute seasonal variations and expression of the leaching of soluble materials in terms of concentration can be used to mask the effect of year-to-year changes in precipitation and runoff; but these analytical manipulations do not completely eliminate the effect of natural variations in the hydrologic cycle.

In spite of these difficulties, the general picture obtained from the two illustrations is the same. An increased rate of chemical weathering in Cane Branch basin resulted from strip mining of coal in the southwestern part of the study area in 1955 and 1956. This rate was further increased by additional strip mining in the northeastern part of the study area in 1959. Following cessation of mining in the northeastern area, the rate of chemical weathering gradually decreased until water year 1966 when it was slightly less than that observed in 1957 following the initial mining in the sutdy basin. Nevertheless, it remained much higher than the rate of chemical weathering prior to the initial disruption of bedrock in the basin in 1955.

Comparison of chemical erosion in Cane Branch and Helton Branch study areas

The Helton Branch basin was studied because its hydrologic characteristics were believed to be similar to those of the Cane Branch basin prior to coal-mining activities. It has been assumed that any gross differences between the two basins observed during the study period could be attributed to mining of coal in the Cane Branch basin.

During the study period, a distinct difference was observed between the load of dissolved solids transported by Helton Branch and the load transported by Cane Branch. On a yearly basis, the dissolved-solids loads removed from the Cane Branch study area are four to eight times greater than those removed from the Helton Branch study area, but this difference does not give a correct indication of the relative rates of chemical erosion in the mined Cane Branch area and chemical erosion in the natural Helton Branch area. A better quantitative comparison of rates can be made by considering not only how much dissolved material leaves each area, but also how much dissolved material is received by each area in precipitation.

The dissolved-solids load transported from each area minus the dissolved-solids load received in precipitation equals the net dissolved-solids load removed due to chemical degradation. Data on these three different dissolved-solids loads for the Cane and Helton Branch study areas for the period 1957 to 1962 are given in table 6. The dissolved-solids loads in precipitation were computed by using the annual precipitation records for each area and a mean concentration of 8 ppm dissolved solids, which had been determined by chemical analysis of precipitation samples. In both study areas, the dissolved solids loads in precipitation are about the same per unit area for corresponding years because there was little difference in the amounts and chemical composition of precipitation received by the two areas. Total dissolved-solids yields for Helton Branch for water years 1957 and 1958 are based on weekly to monthly chemical analyses; yields for 1959–62 are estimated and are based on infrequent analyses and on the similarity of the runoff-concentration relationship during the two periods.

During the water years 1957–62, Cane Branch transported a net dissolved-solids load of about 1,370 tons per square mile of drainage area and Helton Branch transported a net load of about 111 tons per square mile of drainage area. Thus, the rate of chemical degradation for the Cane Branch area was about 12 times greater than that for the Helton Branch area during the 6-year period. The more rapid rate of chemical degradation in the Cane Branch area was largely due to strip mining of coal in 1955–56 and again in 1959, which exposed significant quantities of pyrite and other unweathered minerals to agents of weathering and erosion.

A rough estimate of the rate of chemical degradation from the spoil bank areas alone, as compared with that for the total basin, can be obtained if it is assumed that the dissolved-solids load derived from unmined parts of Cane Branch basin is equal to that observed in the unaffected Helton Branch basin. Calculations based on this assumption indicate a net dissolved-solids load of approximately 14,000 tons per square mile of drainage area for the spoil bank areas for the 6-year period, or a rate of chemical degradation for the spoil banks that is 126 times the rate for the unmined Helton Branch area.

Upper Beaver Creek Basin

As the acid water from the Cane Branch study area moves downstream in the Beaver Creek basin, streams with bicarbonate alkalinity mix with, dilute, and neutralize the acid water. By the time the water from Cane Branch reaches Beaver Creek, most of the acid load has been neutralized. Beaver Creek is only slightly acid. Table 7 lists chemical analyses of streams in the upper Beaver Creek basin; sampling sites are indicated in table 8.

TABLE 7.—CHEMICAL ANALYSES OF MAJOR STREAMS IN THE UPPER BEAVER CREEK BASIN

[Results in parts per million, except as indicated]

Date of collection	Sampling site[1]	Instantaneous discharge (cfs)	Aluminum (Al)	Iron[2] (Fe)	Manganese[2] (Mn)	Sodium (Na)	Bicarbonate (HCO_3)	Sulfate (SO_4)	Dissolved solids (residue on evaporation at 180° C.)	Hardness (divalent cations as $CaCO_3$)	Acidity to pH7 (H^+)	Specific conductance (micromhos at 25° C.)	pH
1957: June 6	1						8	6.8		10	.0	33	6.9
	5						4	12.0		14	.0	43	6.4
1958: June 2	1						11	7.4		12	.0	40	6.5
	4						0	139.0		79	.9	376	6.6
1959:													
November 2	1						11	6.4		13		36	7.0
November 3	2	0.14	10	18	14		0	318.0	457	158		907	3.0
November 2	3						0	174.0		91		528	3.3
	4						0	158.0		103		472	3.4
	5						2	40.0		33		116	4.7
November 3	7						0	38.0		32		103	4.6
	8						10	13.0		19		52	6.5
November 2	9						2	34.0		29		99	4.8
November 3	12						16	7.6		18		45	6.9
	13						6	24.0		24		68	6.1
1964:													
August 4	1	.13		.70	.05	1.2	12	3.6	26	13		33	7.0
August 3	2	.03		3.5	3.4	1.5	0	200.0	298	144	1.2	624	3.2
August 4	6	.28		.84	4.	1.8	6	10.0	36	12	.1	40	6.0
	7	.16					1	20.0	40	20	.1	70	5.5
August 5	10	.1		.68	.71	1.9	22	4.8		21		48	7.0
	11	.13	.1			.6	10	.4		9	.0	19	6.6
	12	.76		.54	.0	.6	12	2.4	20	11	.0	28	6.7

[1] See figure 17.

[2] In solution when collected.

TABLE 8.—*Chemical-quality sampling sites on major streams in the upper Beaver Creek basin*

Sampling site	*Location*
1	Hughes Fork above Cane Branch.
2	Cane Branch at gaging station.
3	Cane Branch below West Fork Cane Branch.
4	Cane Branch at mouth.
5	Hughes Fork below Cane Branch.
6	Hughes Fork 1 mile above mouth
7	Hughes Fork at mouth.
8	Freeman Fork at mouth.
9	Beaver Creek above Little Hurricane Fork.
10	Little Hurricane Fork above Helton Branch.
11	Helton Branch at gaging station.
12	Little Hurricane Fork at mouth.
13	Beaver Creek blow Little Hurricane Fork.

As it travels downstream from the Cane Branch gaging station, water in Cane Branch receives relatively unmineralized water containing bicarbonate alkalinity from West Fork Cane Branch. This water neutralizes a small part of the acidity of Cane Branch, but the stream remains acid to its mouth at Hughes Fork.

Hughes Fork above Cane Branch is a relatively unmineralized stream with some bicarbonate alkalinity. During periods of high flow, Hughes Fork effectively dilutes the dissolved constituents and neutralizes the acid it receives from Cane Branch; but during medium and low-flow periods, the water in Hughes Fork does not contain enough alkalinity to neutralize all the acidity from Cane Branch. During these periods, Hughes Fork contains a small amount of acidity and generally some bicarbonate alkalinity at the mouth.

Beaver Creek begins at the confluence of Hughes Fork and Freeman Fork. A few hundred feet below this confluence, Little Hurricane Fork enters Beaver Creek. In 1959, both Freeman[1] and Little Hurricane Forks had relatively unmineralized water with bicarbonate alkalinity and a near-neutral pH. The two streams completed the neutralization of the acid carried by Hughes Fork, and Beaver Creek below the mouth of Little Hurricane Fork had water of good chemical quality and a pH near that of streams unaffected by mans activities. Only sulfate concentrations and hardness values slightly higher than those found in nearby more dilute streams remained as evidence of the acid mine drainage contributed from the Cane Branch mining area.

Conclusions

Cane Branch became a highly mineralized, acid stream during 1956 as a result of strip mining of coal in the basin during the period May 1955 to April 1956. This high level of mineralization and acidity, which prevailed through 1958, increased in 1959 as a result of additional strip mining from December 1958 to August 1959. Exposure of fresh rock during this later period of mining resulted in a renewal of rapid chemical weathering and erosion. Concentrations of dissolved solids, sulfate, and acidity in the water of Cane Branch increased significantly after the mining. These concentrations began to decrease in 1960, and by 1962 had reached the 1957 level. Although fluctuations of annual mean concentrations due to climatic variations have made it difficult to identify a definite trend during the period 1962–66, it appears that there was little change in the rate of chemical weathering or in the chemical composition of the water in Cane Branch during the last 5 years of the study.

During the period 1957–62, Cane Branch transported a net dissolved-solids load of about 1,370 tons per square mile compared with about 111 tons per square mile transported by Helton Branch, which was not affected by mining. Thus, the rate of chemical degradation in the Cane Branch study area was about 12 times faster than that in the Helton Branch study area. During the same period, the spoil banks alone contributed a net dissolved-solids load of approximately 14,000 tons per square mile of drainage area on the spoil banks. This represented a rate of chemical degradation of the spoil banks about 126 times the rate for the unmined Helton Branch area.

As the acid mine drainage from the Cane Branch area moves downstream, it is diluted and neutralized by inflow from streams containing bicarbonate alkalinity. The effects of the mine drainage are almost undetectable at the point where water from Little Hurricane Fork enters Beaver Creek, and Beaver Creek below this point has a slightly acid pH like that of neighboring streams unaffected by acid mine drainage.

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[1] An additional field inspection on May 23, 1961, indicated that Freeman Fork remained largely unaffected by strip mining of coal in the upper part of its basin in 1958; the measured conductance of Freeman Fork water was 100 micromhos at 25° C, and the pH was 7.3.

EROSION AND SEDIMENTATION

(By C. R. Collier, U.S. Geological Survey)

Background and scope

Spoil banks, which result from contour strip mining in mountainous regions, consist of vast quantities of disturbed rock and soil. This material, without the protection of a vegetal cover, is subject to rapid erosion and transportation into the local stream system. In the investigation of the hydrologic environment of parts of the Beaver Creek basin, Musser (1963) described the physical environment and mining history of the study areas, and Collier and Musser (in Collier and others, 1964, p. B48–B64) defined the sedimentation characteristics of the unmined Helton Branch basin and of the small unmined subbasins of the Cane Branch basin. The effects of mining on the sedimentation characteristics of the Cane Branch basin from 1956 through September 1959 were described in considerable detail. The purpose of this paper is to describe and evaluate additional effects of strip mining on the rates of erosion, transportation, and deposition of sediment in the Cane Branch basin. Changes in these rates since the beginning of strip mining in 1955 are discussed with emphasis given to changes from 1959 to 1966.

Since 1959, investigaions of sedimentation in the Cane Branch study area have included measurement of sediment discharges at the Cane Branch gaging station, measurements of gullying in and erosion from parts of the southwest spoil bank, and mapping of sediment deposits in a selected reach of the channel of Cane Branch. Methods used in these studies were, in general, the same as those described by Collier and Musser (in Collier and others, 1964, p. B48–B49).

Sheet erosion in the study areas

Sheet erosion, the removal of sediment particles by overland runoff from precipitation with the formation of channels, is strongly influenced by land use and by the type and density of the vegetal cover. John W. Roehl and A. S. Johnson reported (in Collier and others, 1964, p. B65–B66) that in the Helton and West Fork Cane Branch study areas the estimated rate of sheet erosion was less than 1 ton per acre per year. In contrast, in the Cane Branch study area, a rate of 7.82 tons per acre per year was estimated for 1959.

In the West Fork Cane Branch study area, 82.8 percent of the sediment removed by sheet erosion during 1959 was derived from areas disturbed by prospecting for coal; in the Cane Branch study area, 98.1 percent of such sediment was derived from strip-mined land.

John W. Roehl, U.S. Soil Conservation Service, described (written commun., March 9, 1966) the changes in vegetal cover and rates of sheet erosion in the study areas during the period 1959–64 as follows:

"The relative importance of several sources of sediment in terms of sheet erosion in the three watersheds under study apparently has not changed significantly during the period 1959–64 when compared with the period 1955–59. In general, field observations indicate that the major land use has remained the same but that the protective ground cover has improved to some degree.

"In Helton Branch, the small amount of cultivated land has continued in a rotation of corn and meadow. It is true that during the years corn is grown this cropland is subject to active sheet erosion. However, the average soil loss over the period 1959–64 is of the same magnitude experienced during the previous period. The quality of the erosion-resistant cover of the woodland and idle land has improved but not to the degree that would indicate any great decrease in the amount of sheet erosion to be expected on these areas. The same is true for the pasture lands in this watershed.

"In West Fork Cane Branch there also has been an improvement in the ground cover that would indicate a slight decrease in sheet erosion from woodland and idle land areas. The main locale of sheet erosion, however, remains on the old prospect areas in the West Fork.

"In Cane Branch, the situation is much the same as described for the other two watersheds. There has been no change in the major land uses but the cover conditions have improved to the extent that sheet erosion losses on the woodland and idle land areas are somewhat less for the 1959–64 period than for the 1955–59 period. The areas previously laid bare by the strip-mining activities apparently have not yet grained enough vegetative cover to decrease their effect as a source of sediment by the sheet erosion processes.

"The strip-mined areas of Cane Branch remain as the predominant source of sediment derived from sheet erosion in this watershed, still accounting for about 98 percent of the total. While the improvement of the cover on those lands not affected by the mining operations has decreased the erosion on them, this decrease is not of sufficient magnitude to change the relative importance of these various areas as far as sheet erosion is concerned."

The heterogeneous mixture of sandstone, siltstone, claystone, and soil which forms most of the spoil banks in the Cane Branch study area (Musser, 1963, p. A11) is not resistant to weathering. The fresh, unweathered rock fragments were sharp and angular. The particles on and near the surface of the spoil banks were exposed to the agents of chemical weathering described by Musser and Whetstone and to physical weathering described by Collier and Musser (in Collier and others, 1964, p. B27, B49). After the spoil bank was leveled in 1956, the general surface texture was coarse. Weathering soon softened, rounded, and disintegrated the material, and the general surface texture of the spoil banks became finer grained and smoother. The most noticeable change in texture occurred during the first year or so after the spoil bank was leveled. The finer particles were easily removed from the spoil bank by sheet and gully erosion, and new particles were then exposed. This process of weathering and erosion will continue at a rapid rate until the spoil banks are protected by a vegetal cover.

Natural vegetation on the southwest spoil bank in the Cane Branch study area has changed very little since 1959, according to Robert Tobiaski, U.S. Forest Service. In areas close to seed sources where natural revegetation had begun prior to 1959, growth was still good and seedlings are becoming established. However, vegetal growth remains poor or nonexistent on about 95 percent of the spoil area. Natural revegetation is not sufficient to cause a visible decrease in the rates of weathering and erosion on the spoil banks.

Erosion from a coal haul road

Access roads to the strip mines are areas where accelerated weathering and severe erosion may occur. These roads were cut through the forests, were unsurfaced, and received only minimum maintenance during the period of active mining when they were used by trucks for hauling the coal. After mining, the roads were abandoned and, in total, comprise an appreciable area without vegetal cover and subject to accelerated weathering and erosion.

A small area near the north end of the southwest spoil bank included 0.15 acre of coal haul road and 0.65 acre of woodland and drained onto the spoil bank. From April 26, 1959 to February 17, 1960, all the runoff from the small drainage basin was trapped in a small pool on top of the spoil bank. The amount of sediment eroded from the drainage basin and deposited in the pool was computed from detailed plane table surveys of the pool bottom.

Precipitation measured at rain gage 2 on the spoil bank and near area 13 equaled 42.60 inches during the period April 26, 1959, to February 17, 1960. Thirty-two storms in this period provided more than 0.5 inch of precipitation per storm, nine of these had more than 1.0 inch per day, and one had more than 2 inches per day.

During the nearly 10-month period, 262 cubic feet of sediment was deposited in the pool. With a measured specific weight of 86.4 pounds per cubic foot, this sediment weighed 11.3 tons. Nearly all this material eroded from the road. Roehl and Johnson (in Collier and other, 1964, p. B66) reported an average annual rate of sheet erosion from wooded areas of 0.14 ton per acre in the Cane Branch study area. Deducting the amount of sheet erosion from the woodland area, the average rate of erosion from the road was computed at 90 tons per acre per year, or 57,600 tons per square mile per year.

A sediment yield of this magnitude is more than twice the yield of 27,000 tons per square mile per year from the spoil bank area reported on page C40 of this report. However, a high sediment yield was expected from this section of road because the road was steep and the runoff gathered into channels and caused gullying. This yield should not be considered as representative of all coal haul roads in the study area or in other areas being strip mined. It does show that erosion from roads may be significant in some places and warrants consideration in the planning and construction of road systems so that other resources will not be adversely affected.

Erosion from the southwest spoil bank

Selected areas and gullies on the southwest spoil bank in the Cane Branch area were mapped periodically to determine changes due to erosion and to ascertain the principles of spoil-bank erosion. Detailed maps were made of two small drainage areas on the outer edge of the southwest spoil bank in 1958, 1962, and 1966. Also, longitudinal profiles of four gullies were surveyed in 1959, 1962, and 1966. The locations of these areas and gullies are shown.

The stripping operations left a very rugged and irregular surface on the southwest spoil bank. In June 1955, the bank was leveled by bulldozers. The general topography resulting from this leveling was the primary control on the development of the drainage network on the spoil bank. The surface runoff and accompanying erosion of spoil material formed a drainage network of rills and channels on the top of the spoil bank which drain into gullies at the outer edge of the bank.

The magnitude of gully development in the spoil bank is directly related to the drainage area of the gully and to the amount of runoff passing through it. In general, the larger the drainage area, the larger the gully. Storm runoff causes significant and rapid changes in the size and shape of the large gullies. Conversely, rills and small gullies have small drainage areas and consequently carry only small quantities of storm runoff. Rills that have almost no drainage area on top of the spoil bank have shown little change during the study.

The gullies were well incised into the spoil bank at the time of the first survey in August 1959. Subsequent surveys and observations revealed the changes and erosional processes that lead to enlargement of the gullies. Water flowing in a slightly sinuous gully erodes the channel both vertically and laterally, thereby undercutting the gully walls. Portions of these undercut walls slump into the channel, and some of the slumps are large enough to cause shifting of the channel. The loose and fragmental material that slumped into the channel is transported downslope during subsequent storm events. This sequence of vertical and lateral cutting followed by sediment transport causes the gully to increase in both depth and width.

As the gully widens and deepens, it also increases in length through headward cutting into the top of the spoil bank. The gullies studied now extend more than 60 feet into the spoil bank. Because the difference in elevation between the top and bottom of the spoil bank at a given site remains nearly unchanged, the lengthening of the gully causes a gradual reduction in the channel gradient. The channel gradient of the gullies surveyed in August 1959, August 1962, and October 1966, are given in the following list:

Average gradient	Gully number			
	14	15	16	17
August 1959	0.389	0.251	0.344	0.367
August 1962	.382	.246	.342	.336
October 1966	.368	.240	.313	.302

The gradient of each of these gullies has decreased with time.

The shapes of the longitudinal profiles of the gullies also changed significantly. In the early stage of development, their profiles approximated the profile of the outer edge of the spoil bank. As widening and downcutting progressed, the profiles tended to become concave upward. This is apparent in the profile of gully 14, shown in figure 18. This tendency to reach a concave profile is evident in each of the four gullies surveyed and is in agreement with the characteristic concave channel profile of natural rivers (Leopold and others, 1964). As more spoil material is eroded from the bottoms and sides of the gullies, the profiles are expected to become more and more concave.

In gully 14 and in the others surveyed, there was a general downcutting of the channel throughout the length of the gully. Downcutting occurred where a gentle channel slope was followed by a steep channel slope. In almost all gullies, such riffles and waterfalls either disappeared into a smooth profile or receded during the periods between surveys. At the base of the small waterfalls, where the channel slope became more gentle, temporary deposition often occurred. The greatest downcutting occurred at the outer edge of the top of the spoil bank.

The following tabulation shows the average degradation, in feet, in the surveyed reach of each gully:

Degradation	Gully			
	14	15	16	17
1959–62, average	1.17	1.51	1.88	1.48
Per year	.39	.50	.63	.49
1962–66, average	1.12	2.32	1.02	1.86
Per year	.28	.58	.26	.46

In gullies 14 and 16, the annual rate of downcutting was appreciably less during 1962–66 than during 1959–62. In gullies 15 and 17, the annual rate of downcutting was much the same during the two periods. These differences in rates of degradation may result from differences in the spoil material in the gully and in the size of the gullies drainage areas on the spoil bank, which were not defined in this study. Differences in the number and intensity of storms and amount of precipitation between the periods also would have affected the rate of gully development. For the period between the 1962 and 1966 surveys, which nearly coincided with the 1963–66 water years, precipitation and runoff were generally below normal and considerably less than that which occurred between the 1959 and 1962 surveys. (See "Precipitation and Runoff.")

Selected areas of the southwest spoil bank were surveyed in detail to obtain a measure of the erosion and to record changes in the channels and gullies. Each area was comprised of one or more small drainage basins. Elevation contour maps made in 1958 of two of these areas are shown in figures 19 and 20; the areas are located, a map of area 11, shows a small drainage basin on the spoil bank in which a major gully has developed. The spoil bank is partly terraced, and although the steep slope has a number of well-defined rills, no major gully has formed.

Most of the headwater channels on top of the spoil bank are nothing more than slight linear depressions. These depressions are sometimes obliterated by sheet erosion, and then new depressions form a few feet away. As the rills deepen and become better defined on the gently sloping top of the bank, stream piracy is common. Significant changes in the drainage area of some rills were noted as they both gained and lost sizable areas to other channels. The drainage patterns are still developing and are becoming more stable each year.

On the top of the spoil bank, the divides between the mapped areas and adjoining small drainage basins were very poorly established, and some shifting of the divides was noticed. This shifting of divides resulted in areas being both lost and gained by the mapped basins. Between the surveys of October 1958 and September 1962, for example, net increases of 3 percent in the size of area 11 and 0.7 percent in the size of area 12 were measured. Along the sides of the gully in area 11, drainage area was gained as the gully walls slumped and captured adjoining rills on the steep slope of the bank.

The southwest spoil bank was leveled by a bulldozer and patrol grader in June 1956 (Musser, 1963, p. A23), so more than 2 years elapsed between the leveling of the bank and the first survey of areas 11 and 12. The spoil bank was compacted by the equipment used in the leveling operations, and further settling may have occurred during the following years. It is believed, however, that settling has been insignificant since 1958. Abrupt changes in contours were not observed on top of the spoil bank in areas 11 and 12, and bench marks established on the spoil bank have remained stable.

In area 11, erosion was most noticeable along the main gully, but the gently sloping top of the bank eroded to a significant degree also. The profiles shown in figure 21 illustrate the amount of material removed from the upper surface of the bank in area 11. From 1958 to 1962, the top of the spoil bank was lowered by sheet erosion an average of about 0.2 foot. From 1962 to 1966, loss by sheet erosion averaged only about 0.1 foot for the same period of time. The right side of the profile cuts across the area's main gully, which has advanced into the top of the spoil bank. The gully widened noticeably and downcut about 1.7 feet from 1958 to 1962. From 1962 to 1966, the gully grew even more. It widened from 3 feet to nearly 10 feet and downcut an additional 0.6 foot.

Runoff causes sheet erosion on the top of the bank as particles of spoil material are washed into minor channels for transport to the main gully. As the runoff is collected by the minor channels, the channels are deepened and widened. This concentration of flow causes removal of material by downcutting of the channel beds, undercutting of the channel walls, and slumping of the sides of the channel; and a gully is formed.

Channel development on the spoil bank in area 11 is shown in the photographs in figure 22. The well-defined channel, which is the upstream part of the main gully in the area, appears more incised in 1962 than it was in 1958, but the minor channels have undergone little change. By 1966, the gully has deepened and widened, and the tributary channels have become well established.

The gully has deepened considerably as shown by the increased exposure in the more recent pictures of the tree stump standing vertically near the center of the gully. The gully has also widened by slumping of the walls. Notice the large mass of spoil material that had recently slumped from the right side of the gully wall. By 1962 the slump has been rounded by weathering and erosion. In October 1966 only a small hump in the gully side as evidence of this slump.

The rate of erosion from area 11, which contains a major gully, is significantly greater than from the rilled and partly terraced part of the spoil bank in area 12. Area 11, which contained 0.1743 acre, lost 88.0 cubic yards of material from 1958 to 1962 and 132 cubic yards from 1962 to 1966. This is equal to 126 and 192 cubic yards per acre per year, respectively, or an average annual loss of 159 cubic yards per acre. Area 12 contained 0.2649 acre and lost only 19.8 and 9.8 cubic yards of spoil during each of the 4-year periods, with an average annual loss of 14.8 cubic yards per acre. The drainage area as originally mapped in 1958 was used as the base area for the computations of spoil loss; base elevations were 68 feet for area 11 and 105 feet for area 12.

In "Precipitation and Runoff," McCabe shows that lesser amounts of precipitation and runoff occurred during 1962–66 than in the preceding 4 years. In table 25, he reports 15 storms with precipitation in excess of 2 inches from October 1958 to September 1962, and only nine storms for the period October 1962 to October 1966. Total precipitation for these storms at rain gage 2, which is close to areas 11 and 12, was 38.12 inches for the earlier period and 21.30 inches for the later period. Most erosion and transport of material from the spoil banks probably occurs during intense storms.

The amount of material lost by sheet erosion from areas 11 and 12 has decreased with time. In both areas less material was removed by sheet erosion during the period 1962–66 than during the previous 4 years, as evidenced by the change in the elevation of the top of the spoil bank. (See fig. 21.) This decrease in sheet erosion may be attributed to fewer intense storms and less precipitation and runoff during the later period.

Although sheet erosion decreased during the period 1962–66 in comparison with that during the preceding 4 years, the loss of material by gully erosion increased greatly with time. Although there were fewer storms and less runoff in the 1962–66 period, erosion from area 11, which is drained by a major gully, increased by about 50 percent from the erosion during 1958–62. The removal of material along the major gully accounted for most of this increase.

The data on erosion in areas 11 and 12 illustrate the effect of topography and channel development on rates of erosion. For a unit area, much more material is eroded and transported from the spoil bank from areas drained by major gullies than is removed from rilled or terraced areas. In gullies, large quantities of surface runoff are gathered into a single main channel, where the turbulence and velocities of the water are sufficient to transport large volumes of material from the spoil bank. Also, large quantities of loose material are made available for transport by slumping of the gully walls. In the rilled and terraced sections of the bank runoff is not gathered into one main channel. Material that is eroded during a given storm may be transported only a short distance, or to the next terrace, where it is temporarily deposited. Thus, lesser volumes of material are completely removed from the spoil bank

Sediment transport

Material that is eroded from the spoil bank during a storm may be carried directly into Cane Branch or it may be deposited on the forest floor and in the channels of the tributaries. The deposited sediment is commonly eroded by runoff from succeeding storms and transported further downstream. Even material that reaches Cane Branch immediately after erosion from the spoil bank may pass through numerous cycles of erosion, transportation, and deposition before reaching the gaging station where it is measured. The sediment discharge measured at the gaging station defines the amount of material removed from the study area and is not a measure of the total erosion taking place within the area. The following sections describe the sediment concentration in runoff from mined and forested areas, changes in the rate of sediment discharge, and storage of sediment in the channel of Cane Branch by deposition.

Comparison of sediment transport in mined areas with sediment transport in forested areas

The same processes of weathering, erosion, and sediment transport are active in both the mined and unmined areas, but the quantities of sediment involved are much less in unmined and forested areas. The soil in unmined areas is protected from erosion by vegetation, and there are no large areas of loose material available for transport.

Storm runoff from strip-mined areas has a much higher sediment concentration than does runoff from forested areas. The sediment concentration of Cane Branch exceeded 30,000 ppm during 37 storm events in the more than 10 years of sediment record between February 1956 and September 1966, and has exceeded 20,000 ppm 68 times during that period. For comparison, the maximum sediment concentration measured in the forested Helton Branch basin during the 2½ years of record, February 1956 to September 1958, was only 553 ppm.

The higher sediment concentration and loads carried in storm runoff from strip-mined areas are further illustrated in figure 24, which shows hydrographs of the May 7, 1960, storm. The rainfall accumulation during the storm was about 2.7 inches in each study area, and the rainfall intensities during the 12 hours of precipitation were similar. The basin of West Fork Cane Branch is forested, except for 1.3 acres which were disturbed by prospecting for coal and by construction of an access road to the gaging stations. In the Cane Branch basin, 44.6 acres were disturbed by strip mining. Runoff from the storm on May 7 caused a peak sediment concentration of 1,210 ppm in West Fork Cane Branch and produced a sediment load of 9.6 tons for the drainage basin, or 36.9 tons per square mile. In Cane Branch, the sediment concentration reached 11,500 ppm and 217 tons of sediment, equal to 324 tons per square mile, was discharged from the basin.

Sediment transport at Cane Branch Gaging Station

The annual sediment yield from unmined parts of the study area is probably in the range of 20 to 30 tons per square mile. A yield of this magnitude was established by Collier and Musser (in Collier and others, 1964, p. B53) from measurement of the sediment discharge of Helton Branch and from the similarity of sediment concentrations measured at Helton Branch and at reconnaissance sites in unmined subbasins of Cane Branch. Prior to mining, the Cane Branch basin, which had a hydrologic environment similar to that of Helton Branch (Musser, 1963), probably had a sediment yield of about 25 tons per square mile. During two periods 1955–56 and 1958–59, strip mining disturbed a total of 10.4 percent (44.6 acres) of the Cane Branch basin and provided large quantities of loose material, unprotected by vegetation, for erosion and transport by surface runoff.

Since the 1956 mining, the annual sediment yield of Cane Branch has ranged from 617 to 3,010 tons per square mile (table 9). The highest weighted mean concentration, 1,640 ppm, occurred during the 1959 water year and was due partly to active strip mining on the northeastern side of the basin.

TABLE 9.—SUMMARY OF SEDIMENT DISCHARGE BY WATER YEARS, CANE BRANCH NEAR PARKERS LAKE

Water year	Water discharge (c.f.s./days)	Sediment concentration (p.p.m.)[1]	Sediment discharge (tons)	Sediment yield (tons per sq. mi.)
1956[2]	333.032	437	393.64	588
1957	388.698	537	562.74	840
1958	414.882	1,160	1,294.65	1,930
1959	187,711	1,640	830.84	1,240
1960	464.119	1,380	1,731.00	2,580
1961	324.726	689	603.89	901
1962	464.928	1,600	2,018.42	3,010
1963	265.95			
1964	190.38			
1964[3]	28.28	2,510	191.66	286
1965	285.80	1,550	1,199.76	1,790
1966	120.88	1,270	413.07	617

[1] Weighted with water discharge.
[2] February to September only (part).
[3] October to January and July to September only (part).

The average sediment yield from the Cane Branch study area for 4 water years, 1959–62, was 1,934 tons per square mile. If an average annual sediment yield of 25 tons per square mile is assumed for unmined parts of the Cane Branch study area (Collier and others, 1964, p. B53), the sediment yield from the mined areas was calculated and found to average more than 27,000 tons per square mile per year. The sediment yield computed for the mined area for the 1962 water year exceeded 42,700 tons per square mile.

In table 9, there is no correlation between annual water discharge and annual sediment discharge. The 1960 and 1962 water years, for example, had nearly identical water discharges, but about 288 more tons of sediment was discharged in 1962 than in 1960. The increase in sediment discharged in 1961 as compared with 1957, a year of similar water discharge, is as expected because an additional 17.1 acres of the study area was strip mined in 1958–59 and provided additional loose and unprotected material for erosion and transport by runoff.

Lower sediment yields during the 1965 and 1966 water years resulted from a deficiency in precipitation and runoff and are not indicative of a decrease in the potential erosion of the mined area. The annual sediment yield was lowest during the 1966 water year, the year having lowest streamflow. The high amounts of precipitation and runoff during the summer of 1966 resulted in a proportionately higher weighted mean concentration for those months. The Cane Branch basin averaged 7.34 inches of rainfall in August 1966 (see table 24), and the sediment discharge of Cane Branch was 145 tons (see table 33), more than one-third of the sediment discharge for the year.

Few storms occurred during the period of record in the 1964 water year also, as shown by the extremely low total water discharge for the period. The weighted mean sediment concentration for that period of record was high, however, because 176 of the 192 tons was discharged during three storms in August and September, months when storm runoff causes relatively high sediment concentrations in Cane Branch.

An inspection of the summary of the monthly sediment discharge of Cane Branch, shown in table 33, reveals that during the warm months the weighted mean sediment concentration was highest and was frequently greater than 2,000 ppm. In other words, for a given amount of runoff, considerably more sediment was transported during the warm months than during cold months when the spoil material was frozen and more resistant to erosion. Also, high intensity rainstorms, which generally occur in the warm months, loosen material by the impact of raindrops and produce high rates of runoff to transport the sediment.

The monthly data for the period February 1956 to September 1959 were given by Collier and others (1964, p. B56). The daily sediment discharges, daily mean concentrations, and particle-size analyses for water years 1956–63 were published annually by the U.S. Geological Survey (1956–63) in its water-Supply Paper series. The data for the 1964–66 water years were released in the series of annual State reports of the U.S. Geological Survey (1964–66).

Changes in sediment yield of Cane Branch study area

Although no records of sediment discharge for Cane Branch were obtained previous to mining, Collier and Musser (in Collier and others, 1964, p. B52–B58) showed that the sediment yields of the Helton Branch and Cane Branch basis were probably similar. Therefore, substantial changes in the relationship of sediment discharge to water discharge in Cane Branch must be attributed to mining and associated activities in the Cane Branch basin because these were the only activities that altered the hydrologic environment of the basin.

Changes in the relation between water discharge and sediment discharge of Cane Branch from 1956 to 1959 were described by Collier and Musser (in Collier and others, 1964, p. B60–B61). This relation is extended in figure 25 by including the data for storm runoff during the 1960–62, parts of 1964, and the 1965–66 water years. As in the earlier analysis, only the water and sediment discharged by direct runoff from storms that produced more than 1 cfs per sq mi (cubic feet per second per square mile) were used in the analysis of the period 1960–66. The curves that were developed, therefore, represent 40.8 percent of the total water discharge and 95.6 percent of the total sediment discharge. One curve is for the intense summer-type storms and the other curve is for the longer duration winter-type storms. The points shown are plots of the cumulative totals for each month; if several storms occurred in a given month, they are shown as one point. McCabe (see "Precipitation and Runoff") found no progressive change in runoff characteristics of Cane Branch during the 11-year period of study; changes in the slope of the curves result from a change in the water-sediment relationship.

Each change in slope of the curves can be related to events or changes that took place in the strip-mining activity in the study area. Mining started on the southwest side of Cane Branch in 1955 and was nearly completed when the sediment record was begun in February 1956.

The sediment discharge of Cane Branch probably began to increase shortly after the beginning of mining. The discharge-weighted mean sediment concentration in storm runoff averaged 501 ppm in February 1956. The quantity of sediment transported by winter storms continued to increase during 1956; the weighted mean concentration of the direct runoff averaged 896 ppm from February 1956 until January 1957. During the succeeding two winters, it averaged slightly less, 585 ppm. Few winter storms occurred from February 1957 to January 1959 (see Collier and others, 1964, p. B6, and table 5), and the runoff and sediment concentrations were both less than in the previous years.

The effects of the new mining started on the northeast side of Cane Branch during late 1958 caused an increase in the weighted mean concentration in winter storms. Since January 1959 it has averaged 1,300 ppm, a greater concentration than during any previous period. This new mining caused an even greater increase in the amount of sediment transported by summer-type storms; from 1956 to June 1959, the mean concentration was 4,760 ppm. It increased to 18,600 ppm during the summer of 1959. By the summer of 1960, the immediately available loose material from the northeast spoil bank apparently had been transported past the gaging station and the weighted mean concentration decreased. It remained at an average of 5,650 ppm through September 1966. A comparable decrease was not noted for the winter-type storms.

As vegetation becomes established on the spoil banks, the spoil will gradually become more protected from weathering, erosion will decrease, and the mean concentration of sediment transported by Cane Branch will no doubt decrease. Later extensions of the curves in figure 21 would have a lesser slope. This reduction in sediment transport, however, has not yet occurred in the Cane Branch study area. The heterogeneous material of the spoil banks continues to erode at an excessive rate and may do so until a vegetal cover provides stability for the rocks and soil.

Changes in particle-size distribution of fluvial sediment in cane branch

Sediment concentration increases and the particle-size distribution of the sediment becomes coarser as the water discharge increases in Cane Branch. Collier and Musser (in Collier and others, 1964, p. B61–B62) showed that at low concentrations the material in transport was predominantly clay. At higher concentrations, which resulted from increased direct runoff with greater turbulence and higher velocities, larger particles were picked up by the water, and the percentage of coarser material increased.

The average particle size for a given range in concentration has become coarser since 1959. This is illustrated in figure 26, which shows the average particle-size distribution from analyses of samples with concentrations ranging from 1,040–7,790 ppm for the period 1956–59, and also for the combined periods of 1960–62 and 1964–66. At this concentration range, the average percentage of clay decreased from 67 percent during the earlier period to 59 percent during the later period; silt increased from 32 percent to 34 percent, and sand increased from 1 percent to 7 percent.

This increase in particle size is the result of several factors. The 1959 mining, which was done on the northeast side of the Cane Branch basin, provided a source of loose material closer to the gaging station than the earlier mining; the coarser material, therefore, had a shorter distance to migrate to the gage and reached it relatively soon after erosion. Also, after initial erosion of finer material, the coarser silts and sands from the southwest spoil bank may have had enough time to migrate to the gage in quantities sufficient to contribute to the change in particle-size distribution.

An increase in the particle size also was noted in the sediment deposits along the channel of Cane Branch in area 1, a short distance upstream from the Cane Branch gaging station. In the early years of this investigation, the deposits consisted of mucky, unconsolidated, fine material through which it was difficult to walk. These deposits became coarser during the period 1960–61 and after a severe storm in February 1962. The deposits are now firm and contain a higher percentage of sand. They are discussed further in the following section.

SEDIMENT DEPOSITION IN CANE BRANCH

Large quantities of sediment were deposited in the channels of the streams affected by strip mining in the Cane Branch basin. Along Cane Branch, many pools in the stream were almost completely filled with sediment, and additional deposition occurred on the flood plains along the channel. This deposition is, in many places, temporary and ever changing; the material is alternately eroded, transported, and redeposited as it migrates downstream during storm events.

Selected reaches of the Cane Branch channel and flood plain were mapped repeatedly to define erosional and depositional changes. The locations of these areas are shown.

In April 1958, the rather straight reach of channel in area 1, located a short distance upstream from the Cane Branch gaging station, consisted of a shallow pool containing clay and silt with some sand particles. At the downstream end of area 1, just behind a log and brush dam, there was a large hole more than 1 foot deep in the channel bed.

In March 1960, area 1 was essentially the same as in 1958 except that several inches of sediment had been deposited on the bed of the shallow pool. The log and brush dam had moved 3 feet downstream, but the hole was still present behind the dam.

A severe storm in February 1962 resulted in the highest runoff in Cane Branch for the period of record and caused many of the deposits in the Cane Branch channel from the spoil bank to the gaging station to be flushed downstream. During this storm, extensive scouring along the channel in area 1 removed much of the material that had been deposited on the streambed and on some parts of the channel banks.

By May 1962, the pool in area 1 had again become partly filled with sediment, but in July 1962, entirely new conditions were noted along the channel. The long shallow pool was almost completely filled with sediment, and the stream had a braided pattern through the reach rather than the single channel and pool as before. The sediment deposits contained more sand, whereas clay and silt had predominated in 1958–59. A small tributary draining part of the northeast spoil bank and entering Cane Branch in area 1 had built a delta of about 30 square feet along the side of the channel. This delta was not present during previous observations. Sandbars filled the holes in the stream bed behind the brush dam. Thus, within only 6 months after the February storm, the channel had become refilled with sediment. By October 1966, additional deposition was evident. The delta was still present, but it had enlarged to about 50 square feet, and the pool was nearly filled with sediment.

Changes in the appearance of the channel in area 1 are evident in the comparative photographs in figure 28. Water discharges at the times of these photographs were 0.53 cfs on April 20, 1958, and 0.11 cfs on October 26, 1966. In April 1958 the channel was well defined, although recent deposits of dark gray sediment covered the flood plain along the left bank and partly filled the pool. In October 1966, the channel was nearly filled with sediment. The elevation of the flood plain along the left bank was less than 1 foot above the water surface in the 1966 picture compared with about 2 feet above in 1958.

The longitudinal profile and cross sections of area 1, illustrate the amount and location of sediment deposition in the channel. The longitudinal profile, section *C–C′*, through the deepest part of the channel shows that from 1958 to 1962 net sediment deposition varied from 0.1 foot in the upstream end of the pool to as much as 1.7 feet near the brush dam and averaged about 0.6 foot. From 1962 to 1966, additional deposition averaged about 0.8 foot and extended nearly 30 feet further upstream, with the sediment being more evenly distributed throughout the length of the pool.

Sediment deposition in the channel and on the flood plains in area 1 is shown best in sections *A–A′* and *B–B′* in figure 29. Prior to strip mining in the Cane Branch basin, an overflow channel apparently existed along the west flood plain in the upstream part of the area. In 1958, this channel was nearly filled with sediment, and only shallow depressions remained. From 1958 to 1962, the overflow channel was completely filled with sediment, as shown in section *A–A′*. The maximum thickness of this new deposit was 2.2 feet.

The total thickness of sediments deposited on the west flood plain since the 1956 mining activity ranges from about 0.5 to 2.8 feet, as determined by probing. A considerable amount of deposition also occurred in the swampy area on the east flood plain.

During the period 1956–1959, the flood-plain deposits consisted of about 40 percent sand and 60 percent silt and clay. The sediment deposited since 1959 contains about 60 percent sand. The larger particle sizes in the flood-plain and channel deposits since 1959 resulted from the increased size of sediment transported by Cane Branch.

Considerable change occurred in the downstream part of area 1. From 1958 to 1962, the brush dam just downstream from section *B–B′* was forced downstream approximately 15 feet. During this period, deposition was greater near the dam than in the upstream end of the pool. The deep hole in the channel just above the dam was almost completely filled with 1.8 feet of newly deposited sediment by 1962. Along the east side of the channel (stations 20–25), between the main channel and an overflow channel, rhododendron and other brush trapped nearly a foot of sediment. From 1962 to 1966, the brush dam remained stable, but the overflow channel to the east of the dam was enlarged.

In 1958, the overflow channel at the downstream end of the pool was blocked by roots and debris. In succeeding years, these obstructions were undercut, and by 1966 the overflow channel had eroded headward about 10 feet nearer to the pool in the main channel. If the brush dam continues to block the main channel, the stream will in time move to the present overflow channel.

Sediment deposits similar to those in area 1 are apparent in the other pools in Cane Branch downstrem from the strip mine. Deposition in Hughes Fork was reported to extend 4,000 feet downstream from the mouth of Cane Branch in November 1959 (Collier and others, 1964, p. B64). These deposits were also observed in August 1964 and will probably continue to exist as long as the spoil banks in the Cane Branch basin contribute large volumes of sediment to the stream system.

Conclusions

The sediment characteristics of Cane Branch were greatly affected by strip mining in the headwaters of the stream. The sediment yield from unmined areas averaged about 25 tons per square mile per year, whereas from 1959 to 1962, erosion of the spoil banks in the Cane Branch basin resulted in an average yield of more than 27,000 tons per square mile of spoil bank per year.

Sheet erosion on the gently sloping top of the spoil bank decreased appreciably during the latter part of this study period, whereas loss of material by gully erosion increased with time. The gullies have become well incised into the spoil bank and enlarged by downcutting and slumping of the gully walls.

Erosion of abandoned coal haul roads in the Cane Branch basin was severe in places where the roads had steep grades. Measurements of sediment loss from one short length of steep road indicated an annual sediment yield of 90 tons per acre of road. This is equivalent to an erosion loss of 57,600 tons per square mile.

Since the fall of 1959, when mining ended on the northeast side of Cane Branch, there has been no overall reduction in the amount of sediment discharged by Cane Branch. However, the particle size of the sediment in transport and in the channel and flood-plain deposits of Cane Branch has become coarser since the 1959 mining. Many of the pools in Cane Branch have been nearly filled with sediment deposited since strip mining in the study area. Deposits of fine material were observed in Hughes Fork at the mouth of Cane Branch in August 1964 and were noticeable for several thousand feet downstream from the confluence.

STREAM BOTTOM FAUNA

(By J. P. Henley, Kentucky Department of Fish and Wildlife Resources)

Strip mining of coal in the Cane Branch basin of Beaver Creek affected the invertebrate bottom fauna of both Cane Branch and its receiving stream, Hughes Fork. Effects on the two streams during the period 1956–58 were reported by Bernard T. Carter (in Collier and others, 1964, p. B77–B80). This report summarizes, for the years 1959–65, (1) the changes in the invertebrate bottom fauna composition of Cane Branch and Hughes Fork, (2) the invertebrate bottom fauna composition of the two control streams, Helton Branch and Little Hurricane Fork, and (3) the benthic repopulation of Hughes Fork. However, reported conclusions are based on the entire period of study, 1955–65.

Methods

Bottom fauna collections were taken during the month of June in 1959, 1960, 1961, 1962, and 1965, and in August 1964. During each collection period, sampling was done at sites throughout the entire length of each stream, with the exception of Little Hurricane Fork in 1964. Sampling stations were established on each stream, and bottom fauna collections were taken at these same stations each year when water conditions permitted. Only Cane Branch and Helton Branch were sampled in 1965.

Bottom samples were collected from the riffle areas at each station with a Surber square foot sampler. The large bottom material was washed and sorted for macrobenthos, and the remaining benthic organisms and detritus were preserved in alcohol for later identification. The data are presented on a square-foot basis so the bottom fauna from each stream can be compared directly.

Results

Data for Cane Branch, which is immediately affected by strip-mine drainage, and Helton Branch, which is similar in respect to bottom types and morphology but is unaffected by mining activities, are presented in table 10. On the basis of the six samplings during the period 1959–65, Helton Branch supported a mean of 178 benthic organisms per square foot. In this same 7-year period, Cane Branch supported a mean of 30 benthic organisms per square foot, strongly indicating that adverse environmental factors were still present. Variations in annual production of benthic organisms per square foot of stream bed in Cane and Helton Branches are shown in figure 30.

TABLE 10.—AVERAGE NUMBER OF BOTTOM FAUNA PER SQUARE FOOT IN RIFFLES, CANE BRANCH AND HELTON BRANCH, JUNE 1959, 1960, 1961, 1962, AND 1965, AND AUGUST 1964

[Tr., trace]

Organisms	Cane Branch						Helton Branch					
	1959	1960	1961	1962	1964	1965	1959	1960	1961	1962	1964	1965
Ephemeroptera	Tr.	0	0	0	0	0	45	28	86	20	3	22
Plecoptera	2	0	0	0	0	0	48	44	62	18	16	17
Trichoptera	0	0	0	0	0	0	46	6	18	16	2	15
Megaloptera	1	1	0	3	4	2	2	2	0	Tr.	0	1
Coleoptera	Tr.	1	Tr.	0	0	0	6	7	26	6	8	7
Diptera	36	17	18	85	2	10	39	91	150	82	11	82
Odonata	Tr.	0	0	0	0	0	4	1	4	2	9	1
Oligochaeta	0	0	0	0	0	0	0	1	Tr.	0	0	0
Crustacea	0	0	0	0	0	0	0	0	0	0	6	2
Amphipoda	0	0	0	0	0	0	0	2	Tr.	2	0	0
Totals	39	19	18	88	6	12	190	190	346	146	55	147

Mayflies (*Ephemeroptera*) and caddis flies (*Trichoptera*), insect orders which form the bulk of the diet of most small stream fishes, were almost entirely lacking from Cane Branch. In Helton Branch, these two orders comprised 28 percent of the total samples collected during the 7-year period.

Cane Branch supported six insect orders in 1959, three orders in 1960, and two orders in 1961, 1962, 1964, and 1965. Helton Branch, on the other hand, supported a total of seven insect orders in 1959, 1961, 1962, and 1964, and eight orders in 1960 and 1965.

The paucity of bottom fauna in Cane Branch and Helton Branch in 1964 was due not only to stripmine drainage but also to low streamflow and to sampling later in the year. Low water conditions, which prevailed in both streams in August, made sampling of suitable areas very difficult. Also, samples were taken in August after the emergence of the two-winged midges (*Diptera*). In previous samplings, the *Diptera* group represented 92 percent of the combined total numbers of benthic organisms in Cane Branch and 41 percent in Helton Branch. In 1964, the relative abundance of this group decreased to only 33 percent of the total number in Cane Branch and 20 percent of the total number in Helton Branch.

An analysis of data collected from Hughes Fork below the confluence of Cane Branch and from Little Hurricane Fork, the control stream, further illustrates the adverse effect of Cane Branch effluent on bottom fauna (table 11). Hughes Fork, during the 6-year sampling period, supported a mean of 48 benthic organisms per square foot. In the same 6-year period, Little Hurricane Fork supported a mean of 211 benthic organisms per square foot.

TABLE 11.—AVERAGE NUMBER OF BOTTOM FAUNA PER SQUARE FOOT IN RIFFLES, HUGHES FORK AND LITTLE HURRICANE FORK, JUNE 1959, 1961, AND 1962, AND AUGUST 1964

Organisms	Hughes Fork					Little Hurricane Fork				
	1959	1960	1961	1962	1964	1959	1960	1961	1962	1964
Ephemeroptera	(1)	(1)	(1)	(1)	1	44	102	117	21	20
Plecoptera	63	24	24	18	36	41	70	100	11	25
Trichoptera	(1)	(1)	6	2	4	10	42	53	16	15
Megaloptera	2	3	2	2	3	2	2	3	2	1
Coleoptera	(1)	(1)	1	(1)	1	6	48	55	12	8
Diptera	3	5	26	7	6	10	103	58	14	19
Odonata	(1)	0	(1)	0	1	2	6	5	3	1
Hemiptera	0	0	0	0	0	0	(1)	0	0	1
Oligochaeta	1	(1)	(1)	0	0	0	1	0	(1)	1
Crustacea	(1)	0	0	0	0	4	(1)	(1)	1	(1)
Amphipoda	0	0	(1)	0	0	(1)	(1)	0	(1)	0
Total	69	32	58	29	54	119	374	391	80	91

[1] Trace.

The 6-year trend in bottom fauna production in Hughes Fork did not show a definite upward or downward pattern, indicating that Hughes Fork remained relatively constant in bottom fauna production with only minor year-to-year variations. The stream substrate in Hughes Fork has become very unstable following prolonged acid water drainage. The aquatic vegetation in the stream channel, once a stabilizing factor, has been killed, leaving the stream substrate to shift and be washed out during periods of high water. Because of this unstable condition, the benthic organisms are periodically washed out of the study areas by storm runoff.

Bottom fauna production in Little Hurricane Fork increased from 1959 through 1961, dropped to a low in 1962, and then experienced a slight recovery in 1964. In spite of these variations, it is evident from that data collected that Little Hurricane Fork, which has clear flowing water and a stable substrate, consistently supported a faunal complex greater than that observed in Hughes Fork.

Evidence of an increase in aquatic vegetation in Hughes Fork was noted in 1964. Algal growth on the substrate was noticeably greater than that observed during the period 1959–62, and *Dianthra*, a higher form of aquatic vegetation, was beginning to recur along the shoreline.

Selected water-quality data for the above streams at the time of sample collection for benthic organisms in August 1964 are presented in table 12. It is evident from the data that Cane Branch was still receiving a relatively large amount of acid mine drainage in 1964, as shown by the high concentration of sulfate and the low pH in the stream. The pH of 3.2 in Cane Branch on August 4–5, 1964, is well below the tolerance level for most benthic organisms. However, during the same period, Hughes Fork had a pH of 6.0, only slightly below the low range found in many eastern Kentucky streams not affected by acid mine drainage and well within the tolerance range for most benthic organisms.

TABLE 12.—STREAM WATER TEMPERATURES, WATER DIS CHARGE, ALKALINITY, SULFATE, AND pH FOR CANE BRANCH, HELTON BRANCH, HUGHES FORK, AND LITTLE HURRICANE FORK, AUG. 4–5, 1964[1]

Stream	Temperature (° F)	Water discharge (cfs)	Alkalinity (ppm)	Sulfate (ppm)	pH
Cane Branch	69	0.06	0	242.0	3.2
Helton Branch	67	.13	10	.4	6.6
Hughes Fork	74	.28	6	10.0	6.0
Little Hurricane Fork	70	.76	12	2.4	6.7

[1] Chemical analyses by U.S. Geological Survey.

The mayfly nymph, *Ephemeroptera*, caddis fly larva, *Trichoptera*, and beetle larva, *Coleoptera*, are important insect groups and are indicative of clean natural streams in eastern Kentucky, as observed in Helton Branch and Little Hurricane Fork. These three orders were used as indicator species to test for improvement in stream habitat in Hughes Fork.

No significant increase in abundance occurred in the order *Ephemeroptera* in Hughes Fork during the 6-year sampling period. A very minor increase in abundance occurred in 1964, but this increase was not great enough to be considered a positive indication of improved conditions. A noticeable increase occurred in the order *Trichoptera* in Hughes Fork in 1961, 1962, and 1964; however, the abundance per square foot was still well below those values recorded in Little Hurricane Fork. The order *Coleoptera* did not increase in any significant numbers in Hughes Fork during the 6-year period. In 1961 and again in 1964, only one specimen was taken per square foot.

The above data indicate that a limited amount of repopulation of benthic organisms has occurred in Hughes Fork. If the stream had not been severely affected by extensive silt and sand deposition, repopulation probably would have occurred much faster. The stream channel must become stabilized again and the benthic habitat reestablished before normal repopulation will occur.

Conclusions

These and previous data show conclusively that strip mining of coal and the resulting acid water and sediment that were subsequently transported to the stream from the strip-mined areas have resulted in a loss of invertebrate bottom fauna in Cane Branch and Hughes Fork. In spite of a limited repopulation of benthic fauna observed in Hughes Fork in 1964, this loss can be expected to persist in both streams for many years. Not until the strip-mined area is healed and stream habitat restored will aquatic life return to the two streams in any great numbers.

FISH POPULATION

(By J. R. Sheridan, U.S. Bureau of Sport Fisheries and Wildlife)

Fish life disappeared from Cane Branch when its water became highly acid as a result of strip mining of coal during the period 1955–56. The fish population in Hughes Fork, which received the acid water from Cane Branch, was severely restricted. The results of fish population studies in Cane Branch and other streams in the Beaver Creek basin during the period 1956–58 were reported by Marvin A. Smith (in Collier and others, 1964, p. B80–B83). In this report, data on fish production in the sampled streams during the period 1959–66 are presented, and results for the entire study period are summarized. A more detailed discussion of the 1964 sampling is included to illustrate the distribution of species and individuals at the time of the most recent complete sampling of the basin.

Methods of conducting fish population studies

Fish population sampling was coordinated with bottom fauna sampling and with the collection of related water-quality samples from 1956 to 1965, but only the fish population was sampled in 1966. Generally the same areas in each stream were sampled throughout the study period (fig. 33), but the 1965 and 1966 samplings were confined to Cane Branch and Helton Branch.

Fish population samples were collected by the use of cresol. Streamflow was estimated, and the cresol was applied at the head of the sampling section at the rate of 1 quart of cresol per cubic foot per second of flow. The chemical was mixed with water in order to maintain a sustained flow of cresol. Pick-up of distressed fish began within 5 minutes after application of the cresol. The fish were first sorted according to species and then grouped by length. The groups were weighed and the data recorded. Mortality was negligible, and overall collection was essentially complete, except for the sample at station 2 on Little Hurricane Fork, where turbidity due to road construction made recovery of fish almost impossible in 1964. The water temperatures, pH, and surface areas of the sampling stations were recorded along with fish-population information.

Results of 1964 fish population sampling

The results of fish population sampling during 1964 are presented in table 13 by species for comparison of fish production in streams affected by acid mine drainage with that in unaffected streams. This was the last year that a complete survey of the upper Beaver Creek basin was made.

The interpretation of the data is straightforward because the only fish found in either Cane Branch or Hughes Fork below Cane Branch (the affected streams) were collected at station 1, just above the confluence of Hughes Fork with Freeman Fork. This fish production was less than 9.0 pounds per acre. Production of all species of fish in unaffected streams ranged from 15.9 to 33.6 pounds per acre and averaged 22.0 pounds per acre. The largest creek chubs observed were only 7 inches long.

In addition to difference in the total weight of fish per acre in affected streams as compared with unaffected streams, differences occurred in number of species. Three species were found in the affected streams, as compared with eight species in the unaffected streams (table 13).

TABLE 13.—ABUNDANCE OF FISH IN TRIBUTARIES TO BEAVER CREEK ACCORDING TO SPECIES, AUGUST 1964

[Abundance, in pounds per acre]

		Streams affected by acid mine drainage			Streams unaffected by acid mine drainage		
			Hughes Fork, Cane Branch to Freeman Fork				
Species	Length range (inches)	Cane Branch above West Fork Cane Branch at gage	Station 1	Station 2	Hughes Fork above Cane Branch	Helton Branch at gage	Little Hurricane Fork, station 1[1]
Creek chub	1 to 7	0	8.9	0	30.6	14.7	10.2
Arrow darter	1 to 4	0	([2])	0	0	1.2	.9
Striped darter	1 to 4	0	([2])	0	0	0	1.1
Rainbow darter	1 to 4	0	0	0	0	0	.1
Hogsucker	1 to 6	0	0	0	1.3	0	2.9
Rock bass	3	0	0	0	0	0	([2])
White sucker	1 to 5	0	0	0	1.4	0	1.6
Southern redbelly dace	1 to 2	0	0	0	.3	0	0
Total		0	8.9	0	33.6	15.9	16.8

[1] Data for fish pickup at station 2 incomplete owing to highly turbid water resulting from road construction.

[2] Trace.

TABLE 14.—AVERAGE NUMBER OF FISH PER ACRE OF WATER IN TRIBUTARIES TO BEAVER CREEK, AUGUST 1964

Species	Affected streams		Unaffected streams [1]	
	Number	Percent	Number	Percent
Creek chub (Semotilus atronaculatus)	96	78.6	1,387	77.6
Arrow darter (Etheostoma sagitta)	26	21.4	52	2.9
Striped darter (Etheostoma virgatum)	(2)	0	140	7.8
Rainbow darter (Etheostoma cacruleum)	0	0	39	2.2
Hogsucker (Hypentelium nigricans)	0	0	32	1.8
Rock bass (Ambloplites rupestris)	0	0	11	.6
White sucker (Catastomas commersoni)	0	0	21	1.2
Southern redbelly dace (Chrosomus crythrogoster)	0	0	105	5.9
Totals	122	100.0	1,787	100.0

[1] Does not include Little Hurricane Fork, station 2.
[2] Trace.

A comparison of the average number of individual fish per acre in the two categories of streams (table 14) shows an average of 122 in the affected streams as compared with an average of 1,787 in the unaffected streams. Creek chubs comprised slightly more than 75 percent of the populations in both affected and unaffected streams. This is a reduction in the percentage of chubs as compared with previous samplings, in which they comprised 93.3 percent of the population, and is due to an increase in the abundance of darters in the 1964 sampling.

The chemical and physical properties of the affected and unaffected streams at the time of fish population sampling in 1964 are presented in table 15 for comparison. Streamflows in the several streams were not appreciably different except for the slightly higher discharge of Little Hurricane Fork near its mouth. Water temperatures were similar also.

Differences in pH among the streams are very evident, especially the contrast between Cane Branch and the unaffected streams. The pH of 3.2 measured in Cane Branch is lethal to fish; pH values of 5.5 and 6.0 for the affected part of Hughes Fork (stations 1 and 2, respectively) suggest that the stream is certainly not toxic to all species; yet fish were not present at station 2 and were extremely sparse at station 1. The limited fish population in Hughes Fork may be due to the limited abundance of bottom organisms that provide food for the fish. (See "Stream Bottom Fauna.")

Comparison of accumulated fish sampling data

Fish population samplings in Cane Branch and in Hughes Fork below Cane Branch show that fish have not been present in those streams since June 1956. when Cane Branch became highly acid, except for very limited poundages in 1957, 1959, and 1964 in Hughes Fork (table 16). In 1964, fish were found only at the lower end of Hughes Fork at station 1. Cane Branch continued to be devoid of fish through November 1966, as shown by samplings in the early summer of 1965 and fall of 1966. Its highly acid water (pH of 3.0–3.5) is assumed to have prevented return of fish to the stream.

TABLE 15.—CHEMICAL AND PHYSICAL PROPERTIES OF STREAMS IN THE BEAVER CREEK BASIN, AUG. 4–5, 1964 [1]

	Cane Branch at gage	Hughes Fork from Cane Branch to Freeman Fork		Hughes Fork above West Fork Cane Branch	Helton Branch at gage	Little Hurricane Fork	
		Station 1	Station 2			Station 1	Station 2
Discharge (c.f.s.)	(2)	0.16	0.28	0.13	0.13	0.76	0.10
Temperature (°F)	69	74	74	74	76	70	67
Average width of sampling section (feet)	4.0	9.0	15.0	9.0	11.0	13.0	(2)
pH	3.2	5.5	6.0	7.0	6.6	6.7	7.0
Suspendend sediment (p.p.m.)	(2)	(2)	(2)	(2)	(2)	(2)	17
Conductance (micromhos at 25° C.)	689	70	40	33	19	28	48
Hardness, as $CaCO_3$ (p.p.m.)	178	20	12	13	9	11	21
Noncarbonate hardness as $CaCO_3$ (p.p.m.)	178	19	7	3	1	1	3
Dissolved solids (p.p.m.)	(2)	40	36	26	(2)	20	(2)
Aluminum (p.p.m.)	(2)	(2)	(2)	(2)	.1	(2)	(2)
Iron (p.p.m.)	5.8	.32	.84	.7	(2)	.54	.68
Manganese (p.p.m.)	13	.46	4.2	.05	(2)	.02	.71
Sodium (p.p.m.)	1.5	1.5	1.8	1.2	.6	.6	1.9
Bicarbonate (p.p.m.)	(2)	1.0	6.0	12.0	10.0	12.0	22.0
Sulfate (p.p.m.)	242	20	10	3.6	.4	2.4	4.8

[1] Chemical analyses by U.S. Geological Survey.
[2] Not determined.

TABLE 16.—FISH PRODUCTION IN AFFECTED AND UNAFFECTED STREAMS

Date	Sample area (square feet)	Fish per acre (pound)	pH
AFFECTED STREAMS			
Cane Branch above West Fork Cane Branch (at gage):			
May 16, 1956		(1)	
June 27, 1956	350	0	3.2
Sept. 12, 1956	350	0	3.0
June 5, 1957	350	0	2.7
Oct. 10, 1957	350	0	5.1
June 3, 1958	350	0	3.9
Oct. 22, 1958	350	0	3.2
May 25, 1959	350	0	3.7
Sept. 16, 1959	350	0	3.6
May 24, 1960	350	0	3.6
Aug. 5, 1964	648	0	3.3
June 22, 1965	670	0	3.6
Nov. 3, 1966	670	0	4.4
Median			3.5
Cane Branch below West Fork Cane Branch:			
May 16, 1956		(2)	
June 27, 1956	240	0	3.5
Sept. 12, 1956	240	0	5.1
June 5, 1957	240	0	5.2
Oct. 10 1957	240	0	3.5
June 3, 1958	240	0	4.0
Oct. 22, 1958	240	0	3.4
May 25, 1959	240	0	3.9
May 25. 1960	350	0	
Median			3.9
Hughes Fork between Freeman Fork and Cane Branch:			
Sept. 13, 1956	80	0	6.8
June 5, 1957	2,050	4.0	6.0
Oct. 10, 1957	164–180–320	0	5.0
June 3, 1958	240–790	(3)	4.8
Oct. 22, 1958	164–310	0	4.2
May 25, 1959	835	(6)	5.4
Sept. 15, 1959	1,800	1.6	5.2
May 25, 1960	835	0	5.2
Aug. 4, 1964	[4] 1,656	8.9	5.5
Do	[5] 3,000	0	6.0
Median			5.3
UNAFFECTED STREAMS			
Helton Branch at gaging station:			
June 27, 1956	610	17.0	6.6
Sept. 12, 1956	610	10.0	6.7
June 5, 1957	610	9.3	7.1
Oct. 10, 1957	610	19.3	7.2
June 3, 1958	610	10.7	7.1
Oct. 22, 1958	610	21.4	7.2
May 25, 1959	610	12.1	6.8
Sept. 15, 1959	610	9.9	7.5
May 25, 1960	610	15.1	6.8
May 24, 1961	300	13.6	7.0
Aug. 5, 1964	682	15.9	6.6
June 22, 1965	1,077	31.9	6.8
Nov. 3, 1966	918	26.7	
Average		16.4	
Median			6.9
Hughes Fork above Cane Branch (station 3):			
May 16, 1956		(2)	
Sept. 13, 1956	320	84.4	6.8
June 5, 1957	270	4.8	6.8
Oct. 10, 1957	420	69.5	7.3
June 3, 1958	290	111.0	7.0
Oct. 22, 1958	340	128.0	6.7
May 26, 1959	344	24.1	6.8
Sept. 16, 1959	344	51.7	7.5
May 25, 1960	344	39.0	7.4
Aug. 4, 1964	1,800	33.6	7.0
Average		60.7	
Median			7.0
Little Hurricane Fork (station 1):			
May 26, 1959		(4)	6.8
Aug. 5, 1964	1,664	16.8	6.7
Median			6.8
West Fork Cane Branch:			
Sept. 13, 1956	28	228.0	
June 5, 1957	28	218.0	6.8
Oct. 10, 1957	21	207.0	7.2
June 3, 1958	27	370.0	6.8
Oct. 22, 1958	28	233.0	6.8
May 26, 1959	30	166.0	6.8
Sept. 16, 1959	100	61.5	7.5
May 25, 1960	100	54.2	7.0
Average		192.2	
Median			6.8

[1] One creek chub was observed.
[2] Several unidentified fish were observed.
[3] Fry were observed.
[4] Station 1.
[5] Station 2.
[6] Trace.
[7] Numerous fish were observed.

Throughout the study period, fish populations were present in the unaffected streams. On the basis of individual surveys, fish production in pounds per acre ranged from 4.8 in the upstream part of Hughes Fork at station 3 to 370.0 in West Fork Cane Branch. Average production in pounds per acre, based on all samplings, ranged from 16.4 in Helton Branch to 192.2 in West Fork Cane Branch. The fish population in Helton Branch was low but consistent throughout the study period. Data on total fish production in both affected and unaffected streams for the entire study period are shown in table 16.

The results of sampling in Hughes Fork above Cane Branch (station 3) indicate considerable variation in the poundage of fish present, although the 1960 and 1964 results were about the same. Fish production in the upstream part of Hughes Fork and in West Fork Cane Branch declined after 1958, but results of the 1964 sampling appear to show leveling off in Hughes Fork for the time being. The reason for this decline is not known.

Conclusions

Fish population sampling in the Beaver Creek basin during the period 1956–66 showed that fish could not live in Cane Branch, owing to the acidity of the water and were severely restricted in number and species in Hughes Fork below the entry of the acid Cane Branch water. Some recovery apparently had occurred in 1964 in Hughes Fork just above Freeman Fork, but it certainly did not result in a fishable population.

MICROBIOLOGY OF STREAMS

(By R. H. Weaver and H. D. Nash, Department of Microbiology, University of Kentucky)

Introduction

Microbiological investigations of Cane Branch and Helton Branch were begun in the spring of 1966 and continued through the winter of 1967–68. Although preceding sections of this report pertain only to data collected prior to October 1966, data for the entire 2-year study period are reported here in order to present as complete a picture as possible of the microbiology of the streams during all four seasons of the year.

Both streams are comparatively small and carry low volumes of water except after heavy rains, when the beds are thoroughly scoured out. The Cane Branch basin contains areas in which coal was strip mined between 1955 and 1959; no stripping has been done in Helton Branch basin.

This investigation was supported by grant 14–01–0001–10A5 from the University of Kentucky Water Resources Institute.

Sampling program

Samples were collected seasonally from six sampling stations in the Cane Branch basin (fig. 34) and one station in the Hetlon Branch basin during the 2-year sampling period. Sampling stations 1 and 2 are on tributaries to Cane Branch which receive drainage from the southwest spoil bank. Station 3 is on Cane Branch downstream from these tributaries and at the foot of a 40-foot waterfall. Station 4 is on a tributary which drains the northeast spoil bank. Station 5 is on a tributary which drains the northern part of the southwest spoil bank and a nearby prospect pit. Sation 6 is at the Cane Branch gaging station, downstream from the other five sampling sites. Station 7 is at the Helton Branch gaging station and serves as a control station. Numbers and types of bacteria, fungi, and algae have been determined from the samples in an attempt to gain some insight into changes produced in the microbial ecology of Cane Branch by drainage from the strip-mined areas. Also, changes in the microbiology with distance from the strip-mined area were studied in an attempt to tie the effects of dilution to the partial recovery of microbiota in the stream. Both surface and bottom samples were studied. The temperature and pH of the stream were recorded at the time of sampling.

Temperature and pH

Characteristic pH values for the four sampling seasons are given in table 17. The pH values at stations 3–6 are higher during the winter than during the other seasons. This is probably largely the result of dilution by other contributing drainage, but may also be due in part to reduced biological activity at lower temperatures. Since there appears to be no natural buffering in Cane Branch, changes in pH tend to persist for an appreciable time and distance downstream.

TABLE 17.—CHARACTERISTIC pH AT MICROBIOLOGY SAMPLING STATIONS, BY SEASONS, 1966-68

Station	Summer	Autumn	Winter	Spring
Cane Branch tributary	3.0	3.0	3.2	3.0
Do	3.5	3.0	3.2	3.5
Cane Branch below falls	3.2	3.3	3.6	3.2
Cane Branch tributary	3.3	3.2	3.8	3.3
Do	3.5	3.5	4.1	3.5
Cane Branch at gage	3.3	3.4	3.9	3.3
Helton Branch at gage	6.5	6.7	6.3	6.5

The samples from stations 1 and 2 show less variation in pH than the samples from stations 3–6 because the water at stations 1 and 2 consists of relatively undiluted drainage from the nearby spoil banks. The characteristic pH at station 7 (Helton Branch) is lower in the winter than during the other seasons, possibly because of increased solution of carbon dioxide at the lower winter temperatures.

The water temperatures averaged 19°C (43°F) in the summer, 10°C (38°F) in the autumn, 3°C (34°F) in the winter, and 14°C (40°F) in the spring.

Bacteria

Lowering of pH, increase of sulfate, and almost total elimination of bicarbonate alkalinity in Cane Branch in the area that was strip mined (see "Geochemistry of Water") have resulted in the alteration of the bacterial population of the stream. These conditions have resulted in the establishment of *Ferrobacillus ferrooxidans*, which biologically contributes to the acidity of the stream. *F. ferrooxidans* is a chemisynthetic autotroph which oxidizes ferrous iron to ferric iron. This organism grows at a pH of 3.5 and utilizes ferrous iron as its sole energy source, producing ferric hydroxide and, where ferrous sulfate is present, sulfuric acid. It was isolated from Cane Branch during each of the four seasons and from Helton Branch once during the summer. Its isolation from Helton Branch is not surprising since *F. ferrooxidans* is believed to be indigenous to bituminous coal regions. However, the numbers in Helton Branch are probably small since it was found only once, and no pronounced biological effects were evident.

Standard plate counts were made at 20° and 35°C to determine the number of saprophytic bacteria in both Cane and Helton Branches. As a result of sporadic streamflow and turbidity in both streams, consistent counts were not obtained. However, counts did show a fluctuation between 100 and 2,000 bacteria per milliliter in Cane Branch and between 4,000 and 50,000 bacteria per milliliter in Helton Branch during the four seasons.

Attempts were made to observe periphytic bacteria by suspending slides in the streams. However, distance of the streams from the laboratory made frequent observation impossible, and many slides were lost during flooding. Those saved were covered with such a large amount of precipitate as to have little value.

Fungi

The occurrence of filamentous fungi, yeasts, and true aquatic fungi in Cane and Helton Branches was investigated also. In tables 34–40 are listed the filamentous fungi isolated and identified at each sampling site during the four seasons. Certain genera were more abundant in spring, summer, and autumn than in winter—for example, *Cladosporium, Epicoccum, Mucor*, and *Phoma, Penicillium* was prevalent in all seasons but most abundant during the winter. *Trichoderma* also appeared regardless of the season. Except at station 2, more isolates were obtained from bottom samples during the spring and autumn and from the surface during the winter. Distribution was about equal during the summer.

Table 18 summarizes the filamentous fungi isolated from Cane and Helton Branches. The fungi were more numerous and diversified in Cane Branch; total of 42 genera were identified. Of these, 17 were isolated from both areas, 21 were found only in Cane Branch, and four were found only in Helton Branch. Drainage from the strip-mined area appears to have led to an increased fungal flora in Cane Branch.

TABLE 18.—*Summary of occurrence of genera of fungi in Cane Branch and Helton Branch, 1966–68*

CANE BRANCH AND HELTON BRANCH

Cladosporium
Fusarium
Phoma
Rhizopus
Epicoccum
Penicillium
Mucor
Trichoderma
Alternaria
Cephalosporium
Beauveria
Zygorhynchus
Stemphylium
Pestalotia
Monilia
Gliocladium
Aspergillus

CANE BRANCH

Septonema
Curvularia
Rhinotrichum
Absidia
Thielaviopsis
Phialophora
Botrytis
Geotrichum
Calcarisporium
Oidiodendron
Gongronella
Cunningamella
Thysanophora
Mortierella
Nematogonium
Aureobasidium
Monosporium
Humicola
Chaetomium
Verticillium
Myrothecium

HELTON BRANCH

Chrysosporium
Peyronellaea
Monochaetia
Stachylidium

Representatives of only three genera of true aquatic fungi were found: *Achlya, Aphanomyces*, and *Saprolegnia* were identified from Helton Branch.

Yeast isolates were identified from the spring samples (table 19). Representatives of five genera were found: three only from Cane Branch, one only from Helton Branch, and one from both. The genus *Rhodotorula* was consistently found in Cane Branch but never in Helton Branch. The yeast flora in the two streams appear to be different; however, the only conclusive statement which can be made is that *Rhodotorula* is characteristic of Cane Branch. *Trichosporon* may be expected to be found in cultures not yet identified from Cane Branch.

Both *Rhodotorula* and *Trichosporon* have been associated with streams draining strip-mined areas. *Rhodotorula glutinis* accelerates acid formation by *Thiobacillus ferrooxidans*, whereas the fungus *Penicillium waksmani* retards acid formation by the same organism.

Sufficent information is not available concerning the physiology and biochemistry of the fungi to determine their specific role in recovery of streams from the effects of acid mine drainage.

TABLE 19.—*Yeasts identified from spring samples, Cane Branch and Helton Branch, 1966–67*

STATION AND ISOLATES

1. Cane Branch tributary: *Rhodotorula glutinis, Candida Krusci.*
2. Cane Branch tributary: *Torulopsis candida, Rhodotorula glutinis, Cryptococcus laurentii.*
3. Cane Branch below falls: *Candida parapsilosis.*
4. Cane Branch tributary: *Rhodotorula glutinis, Rhodotorula mucilaginosa, Candida parapsilosis, Torulopsis versatilis.*
5. Cane Branch tributary: *Candida humicola, Candida parapsilosis.*
6. Cane Branch at gage: *Cryptococcus laurentii, Candida humicola, Candida parapsilosis, Rhodetorula glutinis, Candida krusei.*
7. Helton Branch at gage: *Trichosporon cutaneum, Candida parapsilosis.*

Algae

The algae identified during the four seasons in both Cane and Helton Branches are listed in table 41. The algae identified during the winter were found only in the winter of 1967–68. The sampling schedule may have been responsible for the failure to observe any algae during the preceding winter. Representatives of 23 genera (table 20) were found. Of these, four genera were found in both areas, 11 only in Cane Branch, and eight only in Helton Branch.

TABLE 20.—*Summary of occurrence of genera of algae in Cane Branch and Helton Branch, 1966–68*

CANE BRANCH AND HELTON BRANCH

Mougeotia
Microthamnion
Ulothrix
Stauroneis

CANE BRANCH

Rhizoclonium
Bumilleria
Monocila
Cladophora
Euglena
Hormidium
Zygnemopsis
Tribonema
Zygogonium
Zygnema
Eunotia

HELTON BRANCH

Gyrosigma
Fragilaria
Lyngbya
Micrasterias
Oscillatoria
Oedogonium
Meridion
Bulbochaete

In Cane Branch, the amount of algal growth and the diversity of types increased from close to the strip-mined area, where algal growth was essentially confined to *Euglena* in pools with direct sunlight, to station 6, where extensive algal growth occurred. *Bumilleria sicula* was found only in Cane Branch and only at some distance from the strip-mine drainage area. *Bumilleria* was the predominant alga in the main stem of Cane Branch during the winter of 1967–68. During this particular season, it was found in Cane Branch at station 6 and upstream too, but not above the entry of the tributary sampled at station 4. *Bumilleria* was observed in all seasons except autumn, and was the dominant form near station 6 during these seasons. *Tribonema*, an alga belonging to the same order, Heterothrichales, and family, Tribonemataceae, as *Bumilleria*, was also found at the same locations as *Bumilleria* during the summer.

The morphology of *Bumilleria* in Cane Branch suggests a close relationship with acid mine drainage streams. The brown color of the "H-piece," located along the filament, suggests that *Bumilleria* may utilize ferrous compounds or that ferric compounds are precipitated by it in some manner. On the basis of this observation, similar acid-mine-drainage streams other than Cane Branch were investigated to determine if this genus was present. *Bumilleria* was found in one other stream, pH 2.7, which drains an active strip-mine area. It has not been found in any stream examined that does not contain acid mine wastes.

Conclusions

Drainage from strip-mined areas appears to have affected the microflora of Cane Branch. Chemical oxidation of pyritic compounds found extensively in spoil banks has resulted in the formation of ferrous sulfate and sulfuric acid. This appears to have led to the establishment in the mined part of the Cane Branch study area of *Ferrobacillus ferrooxidans*, which contributes to the production of acid entering the stream. The lowering of pH has enabled this organism to exist throughout the stream from the vicinity of the spoil banks downstream to the gaging station. Standard plate counts show a much smaller number of saprophytic bacteria in Cane Branch than in Helton Branch. This, too, can be attributed to the low pH of Cane Branch.

The filamentous fungi are more numerous and diversified in Cane Branch than in Helton Branch. In addition, the yeast, *Rhodotorula*, which is associated with increased acid production by *Thiobacillus ferrooxidans*, and the alga *Bumilleria* were isolated only from Cane Branch. The fact that *Bumilleria* was found some distance from the mining area may tie it in some manner to the natural recovery of the stream. On the basis of observations in the Cane Branch basin, *Bumilleria* appears to be associated with streams containing acid mine drainage.

TREE GROWTH

(By R. S. Sigafoos, U.S. Geological Survey)

Strip mining in forested regions destroys trees in the stripped area and may also destroy trees downslope from the mine through burial by sediment and landslide deposits. Nevertheless, downslope from mines in regions of steep relief, many trees survive and are irrigated by flow from the mine. Elsewhere, tree seedlings become established on bare mine spoil banks. The objectives of this study are to determine the effect of mine drainage on tree growth and to determine the rate of establishment of trees on the mine spoil banks.

An earlier analysis of 10 years of data from 228 trees (Colliers and others, 1964, p. B76) suggested that a significant percentage of trees watered by mine drainage grew faster than trees not irrigated by mine drainage. However, subsequent analysis of 20 years of growth of 143 trees, presented in this report, suggests that for the 10 years following mining, 1955–64, irrigation by mine drainage has not had a beneficial effect upon tree growth. In fact, there is some indication that trees irrigated by mine drainage grew more slowly than did trees not irrigated by mine drainage during the 10 years following mining.

The collection, compilation, and analysis of data for this study differ from those that formed the basis for the earlier study. In the earlier study, one core was collected from each tree, ring widths were measured, and radial growth rates were calculated. In an attempt to obtain a more accurate measure of growth for the present study, four cores were taken from each tree, at least one of which contained the innermost ring. From these cores the diameters of three circles were measured and their cross-sectional areas calculated. These consisted of an inner circle delimited by the 1945 ring, a middle circle delimited by the 1954 ring, and an outer circle delimited by the outer ring that grew in 1964. From these areas it was possible to calculate the cross-sectional areas of the trunk formed in the 10-year period prior to mining (1945–54) and in the 10-year period during and after mining (1955–64). In these calculations, the cross section of a trunk was assumed to be circular as is assumed in other methods of forest measurement, whether by plotless, basal area, or cruising methods. The area of wood formed after mining was then compared with that formed for an equal period prior to mining for trees irrigated by mine drainage and those not irrigated.

The 143 trees sampled for this study grow in 17 areas; 107 trees grow in 13 areas irrigated by mine drainage, and 36 trees grow in four areas not so irrigated. Each tree was identified, its trunk diameter was measured, and its position in the canopy or subcanopy was recorded. Trees at the two crown levels are not separated here because of the small number of subcanopy trees that were sampled and because of similar growth rates within the two groups. Criteria for the selection of areas and trees and a brief summary of the mechanism of tree growth were presented in the earlier report (Collier and others, 1964, p. B68–B69).

The cross-sectional area of wood formed during the 10-year period prior to mining was plotted against the area of wood formed during the period following mining for trees irrigated by mine drainage (fig. 36) and for trees not so irrigated. Growth data for these groups of trees are summarized in table 21. Relative growth is given in the summary as a percentage and was computed as follows:

Cross-sectional area, 1955–64 divided by cross-sectitonal area, 1945–54 times 100 equals percentage.

The graphs show that tree growth, both above and below the mined area, was more rapid during the 10-year period following mining than during the 10-year period preceding mining. The summary indicates that after mining ended, a somewhat higher percentage of trees grew faster above the mine than below the mine, suggesting the possibility of a detrimental effect of mine drainage of tree growth. Thus, the sampling failed to support the previous evidence of a beneficial effect of mine drainage on trees growth in the Cane Branch study area. The reason why these later results contradict those of the earlier study are not known.

A few observations were made in places where sediment from the mines had buried trees. Some of these trees had died, but evidence that burial alone had caused these deaths was lacking.

The numbers of trees in sample plots on the mine spoil banks were not counted because all plots could not be re-located, and trees in one plot had been cut for an electric power line. Although in places the spoil banks support trees that are growing rapidly, large areas of the banks are barren. Near the headwaters of Cane Branch, the fields of a farm that was abandoned sometime between 1950–55 are now almost completely stocked with pine saplings. Superficial comparison of the area of the mine covered by pines with the area of pines in the abandoned fields show that natural reforestation of the mined area is only a fraction of natural reforestation on abandoned farmland in a nearly comparable period of time, possibly because of toxic minerals in the spoil.

The net effect of strip mining upon the forests in the Cane Branch basin is negative. The area mined was cleared of trees at the time of mining, and after a recovery period of 10 years did not support the number of trees that a comparable area of abandoned cultivated land supported. Furthermore, some trees that were not destroyed at the time of mining subsequently died, probably because of burial by sediment, and other trees may have had their growth inhibited as a result of irrigation by mine drainage.

TABLE 21.—SUMMARY OF TREE GROWTH DATA, CANE BRANCH STUDY AREA, 1945-64

Species	Number of trees sampled	Trees having larger growth since 1955		Relative growth (percent)	
		Number	Percent	Range	Average
Above the mine:					
White oak	15	12	80	76–1053	312
Chestnut oak	6	5	83	98–504	245
Pignut hickory	4	4	100	111–467	225
Black oak	2	2	100	166–700	433
Scarlet oak	2	2	100	143–167	155
Virginia pine	2	2	100	101–257	179
Red maple	2	2	100	380–754	567
3 other species	3	2	67	28–264	179
Total	36	31	86		

Species	Number of trees sampled	Trees having larger growth since 1955		Relative growth (percent)	
		Number	Percent	Range	Average
Below the mine:					
White oak	52	42	81	50–1228	353
Red maple	14	8	57	76–245	149
Yellow poplar	10	9	90	60–641	250
Hemlock	8	7	88	85–550	301
Sweet gum	4	3	75	90–222	150
Sweet birch	3	2	67	75–162	115
Red oak	3	1	33	84–107	94
Pignut hickory	3	2	67	49–150	111
Cucumber tree	2	2	100	124–152	138
8 other species	8	5	63	44–345	129
Total	107	81	76		

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Water year	Water-supply paper	Year published
1957	1506	1959
1958	1556	1960
1959	1626	1960
1960	1706	1961

———issued annually, 1961–64, Surface water records of Kentucky.

———issued annually, 1965–66, Water resources data for Kentucky, part 1, Surface water records.

———issued annually through 1963, Quality of surface waters of the United States, Parts 3 and 4, Ohio River basin and St. Lawrence River basin:

Water year	Water-supply paper	Year published
1956	1450	1960
1957	1520	1960
1958	1571	1962
1959	1642	1965
1960	1742	1968
1961	1882	1968
1962	1942	1964
1963	1948	1965

—1964, Water quality records in Kentucky and Tennessee.

—1965, 1966, Water resources data for Kentucky, part 2, Water quality records.

NEEDED: AN HONEST UNION TO REPRESENT COAL MINERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the coal miners of this Nation deserve something better than the present corrupt leadership of the United Mine Workers of America. I agree with those who conclude that the whole train of illegal activities by the present leadership of the UMWA point to the need for an impartial monitorship over the affairs of the union. The case for such a monitorship has been persuasively set forth in a letter dated May 7, 1971, to Secretary of Labor James D. Hodgson from the attorneys for Miners for Democracy, Joseph L. Rauh, Jr., Joseph A. Yablonswi, and Clarice R. Feldman, the text of which follows:

MAY 7, 1971.

Hon. JAMES DAY HODGSON,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: In the name of Miners for Democracy, the internal reform organization seeking to bring integrity and democracy to the United Mine Workers of America, we call upon the Department of Labor to move promptly and forcefully for a monitorship over the affairs of the union until the miners can themselves choose different leadership in a new election. If there was ever any doubt as to the Department's legal and moral obligation to move for such a monitorship over the UMWA, those doubts must long since have been put to rest. And last week's decision by District Judge Gesell is the final proof of the desperate need to remove Tony Boyle from his dictatorial control over the welfare of the miners of the Nation and to place the affairs of the union temporarily in the hands of an honorable and neutral third party.

There is a ready vehicle at hand for an immediate Labor Department move for a monitorship over the affairs of the UMWA. Boyle's "election" on December 9, 1969 was riddled with flagrant illegality and the Labor Department brought suit in March, 1970, to upset the election. Although that suit did not include a request for a monitorship over the union's affairs, Undersecretary Silberman later promised the Senate Committee considering his nomination that he would do "everything in [his] power to see that the lawsuits which the Department has brought against the United Mine Workers are vigorously prosecuted and that such equitable remedies authorized by law as will be necessary to fully remedy violations of the Landrum-Griffin Act [including the appointment by the Court of some form of monitorship or other third party with appropriate supervisory power to preserve the union's assets] are sought." For many reasons this would appear the appropriate time for the Department to move in the election suit for a monitorship over the affairs of the union:

1. Boyle has now been indicted for embezzlement from the union and for corrupt political practices with union funds and has been forced to resign as Director of the National Bank of Washington because of this indictment.

2. Boyle has been removed as a trustee of the United Mine Workers Welfare and Retirement Fund because of his illegal conduct in increasing pensions during the election campaign for the purpose of winning reelection, a breach of his fiduciary duty to the Fund.

3. Boyle and the UMWA have been found guilty of failing to maintain required records for the expenditure of millions of dollars of union funds.

4. Boyle and the UMWA have been found guilty of forcing pensioners to maintain membership in the union involuntarily as the price of receiving the pensions due them; Judge Gesell ruled last week that "There is ample documentary and testimonial evidence that applicants were improperly led by this form [the pension application] and by the locals to believe that Union membership was a prerequisite for eligibility, and were often forced to make substantial payments, sometimes running into hundreds of dollars, as 'back dues' to reinstate their Union membership" and the NLRB has issued a complaint against the UMWA on the same premise.

5. Boyle has continued the flagrant misuse of the UMW Journal of which he was found guilty by the courts during the 1969 election campaign. The April 15, 1971, issue of the Journal, for example, is largely a build-up of General Counsel Carey for Vice President of the UMWA on the Boyle slate and a violent attack on the leaders of Miners for Democracy.

6. A local UMWA president has been indicted for the murder of Jock Yablonski and enough has already been revealed to leave no doubt that the murder was directly related to the UMWA election.

Under all these circumstances, it is a national scandal to leave Boyle as President of the UMWA. He has been removed as a director of the National Bank of Washington because one accused of embezzlement cannot retain a fiduciary position; but under LMRDA a union president acts as a fiduciary with respect to the union's funds. Are the deposits of the well-to-do in a bank more entitled to honest management than the dues of the miners paid into their union? Boyle has been ordered by the District Court to give up his post as a trustee of the UMWA Welfare and Retirement Fund because he irresponsibly used the treasury of the Fund for his own political ends. Is a man who has evidenced such fiscal irresponsibility to pensioned and disabled miners fit to handle the funds and affairs of the working miners? Boyle failed to have the UMWA keep the financial records required by LMRDA. Should a man who directs the expenditure of millions of dollars of funds without legally required records continue to manage the funds of the union? Boyle has forced pensioners into the union involuntarily and illegally in order to maintain his political control over the union. Is such a man fit to continue his office?

Boyle still operates the union as though he owns it, using its personnel, funds, newspaper, etc. as his private domain. The continuation of this situation makes a mockery of what Congress sought to do in LMRDA. Ironically the Teamsters were placed under a monitorship for far less corruption before there ever was an LMRDA. The failure of the Department of Labor to act under a law specifically passed for the purpose of cleaning up the very type of corruption here involved would be a sad inversion of Congressional intention.

The failure of the Labor Department in the past to take certain actions urgently requested by the Yablonski forces inside the UMWA compounds the necessity for a monitorship and the near hopelessness of any rerun election with Boyle in continuing control of the union. The Department's suit to lift the trusteeships in the various districts filed back in December 1964 remains untried after almost 6½ years despite our pleas for action; unless Boyle is neutralized by a monitorship over the union's affairs, he will continue to maintain dictatorial control over the union machinery in 23 of the 27 UMWA districts in the United States through district officials appointed by him. The Department's failure to act against Boyle's continuing misuse of the UMW *Journal* leaves him in control of the major means of reaching miners. The Department's refusal to include in its election suit the misuse by the incumbent officers of "bogus" locals (ones without working miners) leaves Boyle free to continue the practice of voting pensioners as a block for the incumbent officers. And the Department's refusal to include in its complaint Boyle's illegal conduct in increasing pensions for the purpose of winning reelection (for which Judge Gesell removed him as trustee of the pension fund) makes it possible for Boyle to appeal to this block of voters on the very basis of judicially-declared illegal conduct. What makes even worse the failure to outlaw the "bogus" locals and stop Boyle's appeals to the pensioners on his illegal use of their funds is the fact that Boyle's margin in the 1969 election, even on *his* figures, came from pensioner votes. See Statement, Mr. Nagle, *Senate Labor Subcommittee Hearings*, March 20, 1970. Only a monitorship can neutralize Boyle's misuse of his position and make any sort of fair re-election possible.

There can be no question concerning the authority of the Department of Labor to move in the election case for a monitorship over the union. The power of the Court to appoint a monitor over a corrupt union existed even before the LMRDA was enacted. And Section 402(b) of LMRDA expressly provides that "The court shall have power to take such action as it deems proper to preserve the assets of the labor organization." Furthermore, such authority is inherent in the Department's power to insure a fair election; there will never be a fair election in the UMWA as long as Boyle controls the coffers of the union, the personnel of the union, the votes of the pensioners, the district officials in the trusteed areas whom he appoints and directs and the union's newspaper and continues to wield the mighty power of Godfather in a Mafia-like government outside the laws of the land. Indeed the relevant officials of the Justice Department informed counsel for Miners for Democracy long ago that they believed the authority for such a monitorship exists.

In the name of the miners of America, we call upon the Department of Labor to reverse its previous halting course and swing into action. We call upon you, Mr. Secretary to move with new-found determination and zeal to help us remodel the UMWA from an ugly dictatorship into an honest and democratic union.

Respectfully submitted.

MINERS FOR DEMOCRACY,
JOSEPH L. RAUH, Jr.,
JOSEPH A. YABLONSKI,
CLARICE R. FELDMAN,
Attorneys for Miners for Democracy.

IMMEDIATE REVIEW OF NATIONAL GAMBLING POLICY NEEDED

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, for more than half a century it has been well known in law enforcement circles that the primary lifeline of organized crime is the huge illegal gambling operation that it maintains and fosters in every part of the country. In testimony before the House Government Operations Subcommittee on Legal and Monetary Affairs which I chair, the Internal Revenue Service in 1968 stated that persons who place illegal bets provide untaxed profits to the underworld at a rate of more than $600,000 per hour. The IRS also states that its review of the activities of 113 top organized crime figures reveals that 98 of them have proprietary interests in 159 different "legitimate" businesses around the Nation. An ample body of evidence exists that organized crime profits from illegal gambling operations are also used to finance large-scale heroin importation and distribution operations in this country—report of the Senate Committee on Government Operations, "Organized Crime and Illicit Traffic in Narcotics," Report No. 72, 89th Congress, first session.

The harm caused to our Nation's economic, social, and moral wellbeing by illicit drug operations and infiltration of legitimate business by organized crime is of incalculable proportions. It is of such magnitude that an immediate review of the national policy toward gambling is fully warranted. If for no other reason it is warranted because organized crime derives as untaxed profits an estimated $5.2 billion annually which should be recaptured and applied to our Nation's crying social ills.

The initial success of the recently established New York City Off-Track Betting Corp. and the New Jersey State Lottery seem to indicate that if properly structured and managed a Government-operated legalized gambling program can begin to compete with the underworld gambler. While I am not convinced that outright legalization of gambling on a broad scale is a sound course for the Nation to take, it is evident that the Nation has no coherent policy toward gambling and is suffering serious harm from the continuation of massive illegal gambling operations controlled and operated by organized crime.

The Organized Crime Control Act of 1970, enacted on October 15 of last year, took some meaningful first steps toward addressing this problem and filling the void. In addition to the evidence-gathering provisions of the act which will enhance the Government's capability to prosecute organized crime leaders, Title VIII specifically deals with syndicated gambling operations. It makes it unlawful for persons to conspire to obstruct the enforcement of State or local criminal law with the intent to facilitate an illegal gambling business as defined in the act; it prohibits illegal gambling businesses and empowers the Attorney General to seize property and money used in violation of the section. Title VIII also established a Commission to Review National Policy Toward Gambling. However, under the act the Commission will not be established until 2 years after the enactment of the act, or in October 1972, and the final report of its findings and recommendations is not scheduled to be submitted until 4 years after the Commission is established, or October 1976.

I do not believe that we can afford to wait that long for the formulation of a coherent national policy toward gambling. Too much is at stake in monetary and human terms. The problems and issues to be addressed are not suitable to treatment by a committee of Congress. Rather, we need an interdisciplinary approach that will include the moral, tax, operational, and other consequences of an alteration of our presently diverse attitudes of gambling. This is the approach that I believe the Commission can make to this task. However, the task must be commenced now.

Today I am introducing legislation to amend title VIII of the Organized Crime Control Act of 1970 to provide that the Commission to Review National Policy Toward Gambling be established by October 15 of this year and that it submit interim reports containing legislative and administrative proposals by December 1972 and each year thereafter through December 1976.

It is evident to me that little if any review of national gambling policy is currently underway in the executive branch. Indicative of this is the following recent exchange of correspondence between the Legal and Monetary Affairs Subcommittee and the Treasury Department which, in part, deal with the National Council on Organized Crime, which the President established in June 1970:

HOUSE COMMITTEE ON GOVERNMENT
OPERATIONS, SUBCOMMITTEE ON
LEGAL AND MONETARY AFFAIRS,
January 20, 1971.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: On April 22, 1970, the Governor of the State of New York signed into law a series of provisions dealing with off-track pari-mutuel betting and establishing the New York City Off-Track Betting

Corporation. (Chapters 143, 144, and 145, Laws of New York.)

The President and Chairman of the Board of the Off-Track Betting Corporation, Mr. Howard Samuels, has recently initiated efforts to obtain exemption of all off-track winnings from the State income tax. Concurrently, Mr. Samuels proposes that the Federal Internal Revenue Code be amended to exempt off-track winnings from Federal income taxation.

As you know, by far the biggest source of revenue for organized crime is illegal gambling. In recognition of this the recently enacted Organized Crime Control Act of 1970 established a Commission to Review National Policy Toward Gambling. Under the Act the Commission will not come into being until October, 1972, and its final report is not scheduled to be submitted until four years after the establishment of the Commission.

In the interim a number of policy and operational questions require consideration and resolution. In that regard, the Subcommittee would appreciate receiving an explanation of the Department's policy regarding the aforementioned proposal of the President of the New York City Off-Track Betting Corporation.

In addition, the Subcommittee would appreciate receiving a report of the status of gambling enforcement activities including citation of laws and regulations which are still viable in the aftermath of recent Supreme Court decisions.

Finally, please inform the Subcommittee as to whether the National Council on Organized Crime, of which you are a member, has commenced any study or review of the Federal Government's policy toward gambling and the enforcement operations against illegal gambling. If so, please furnish the Subcommittee with copies of the Council's findings and conclusions. If the Council has not initiated such studies please indicate whether you will move to place such items on the agenda of future meetings of the Council.

Sincerely yours,

DANTE B. FASCELL,
Chairman.

THE SECRETARY OF THE TREASURY,
Washington, D.C., April 7, 1971.

Hon. JOHN S. MONAGAN,
Chairman, Subcommittee on Legal and Monetary Affairs, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I refer to the letter of the Subcommittee on Legal and Monetary Affairs from Congressman Dante Fascell dated January 20, 1971, to former Secretary Kennedy requesting information for use of your Subcommittee regarding Government policy toward gambling, enforcement operations against illegal gambling and the exemption of certain gambling receipts from income tax.

That inquiry concerned a proposal, advanced by Mr. Howard Samuels, President and Chairman of the Board of the Off-Track Betting Corporation in New York, to exempt from Federal income tax off-track betting gains. The Treasury Department would be opposed to such a proposal. We are, of course, interested in all proposals relating to the improvement of law enforcement and national policy in relation to gambling, but we believe it would clearly be unwise to exempt from Federal income tax gains from one particular form of gambling to the exclusion of all others.

Concerning the request for a report of the status of gambling enforcement activities, presumably of the Internal Revenue Service, including citation of laws and regulations which are still viable in the aftermath of recent Supreme Court decisions, I wish to advise as follows:

Current Wagering Enforcement—Applicable Statutes

The Internal Revenue Service may continue to conduct criminal investigations directed toward prosecution for the following violations:

Section 2701, IRC—willful attempt to evade or defeat the payment of wagering tax.

Section 2706, (1) IRC—false statements on Form 11–C, Special Tax Return and Application for Registry-Wagering, or Form 730, Tax on Wagering.

Section 1001, Title 18, USC—false statements.

Section 7302, IRC—property used in violation of Internal Revenue laws. (Seizures of coin-operated gaming devices may be effected pursuant to this section.)

In addition to the above statutes, the Internal Revenue Service may, in the course of its investigations, uncover possible criminal violations of laws which are not within its jurisdiction. Frequently, the Department of Justice which has jurisdiction requests that the Service complete the investigations. The Department of Justice has requested such investigations in the wagering area under the following sections of Title 18, United States Code:

1084—Transmission of wagering information.

1952—Interstate transportation or travel in aid of illegal enterprises (gambling).

Current Wagering Enforcement Activities

With respect to wagering, in general, the Internal Revenue Service enforcement effort consists of three major approaches:

1. Through contact with the other law enforcement agencies, and other methods, the Internal Revenue Service continues to gather intelligence on individuals in the business of wagering and on the nature and extent of wagering activity throughout the country. If, as we have requested, the Congress passes the necessary amendments to the wagering tax law, this information will enable immediate resumption of enforcement by the Internal Revenue Service. Absent such legislation, the information is useful for purposes described in (2) and (3) below.

2. The tax affairs of individuals identified as being engaged in the wagering business are carefully examined for possible non-compliance with income tax, employment tax or other tax requirements. Criminal or civil proceedings are instituted, as appropriate.

3. Strike Force representatives are kept informed concerning wagering activities in their area. Indications of wagering activity in violation of Federal laws, other than those enforceable by the Internal Revenue Service, are made available, through channels, to the agencies having jurisdiction.

Concerning the request relative to the National Council on Organized Crime's activities toward gambling and the enforcement operations against illegal gambling, in September, 1970, a Gambling Rackets Committee of the National Council was created. Its members include representatives of the Criminal Division, Department of Justice; the FBI; the Office of the Commissioner of Internal Revenue Service; and the Office of the Assistant Secretary of the Treasury for Enforcement and Operations. This Committee is actively involved in reviewing the gambling enforcement programs of the constituent members. The Committee has not commenced any study or review of the Federal Government's policy toward gambling. As pointed out, the Organized Crime Control Act of 1970 established a Commission to Review National Policy Toward Gambling, and it is expected that we will await the results of that Commission's study.

H.R. 1010, the bill containing the amendments to the wagering tax law sponsored by this Administration and introduced January 22, 1971, by Representative Poff, will cure the constitutional defects found in the existing statute by the Supreme Court of the United States by its *Marchetti* and *Grosso* decisions and make possible once again the strong enforcement contribution in this area by the Internal Revenue Service.

Sincerely yours,

JOHN B. CONNALLY.

OUT OF A JOB—WHAT ONE MAN DID

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, winding down the war in Vietnam, the reduction in force of civilian employees of the Department of Defense, the discharge of servicemen and the reduction of military and space oriented contracts has caused a severe unemployment problem to many highly skilled and trained individuals.

The adjustment to unemployment is particularly traumatic and distressing. It is more than a statistic—it is highly individualistic.

I have always assumed that the overwhelming desire of the great body of U.S. citizens was to wind down the war as rapidly as possible—knowing full well that considerable employment adjustments would be required.

One very interesting and ingenious adjustment to a traumatic unemployment problem of one constituent is told by Wally Trabing, an outstanding reporter and columnist of the Santa Cruz Sentinel, in the April 30, 1971, edition of the Sentinel.

Although Mr. Ed Thompson's case is almost stereotype, his response to his unemployment predicament is unique, admirable, and newsworthy.

I applaud Ed Thompson. The courage, perservenance, effort, and individualism of Mr. Thompson and his family are laudatory.

His agonizing story of adjustment points up the problem of many thousands, most of whom cannot cope with their circumstances so competently. With unanimous consent I insert a copy of Mr. Trabing's column here:

OUT OF JOB—WHAT ONE MAN DID

(By Wally Trabing)

Ed Thompson's case is almost stereotype. Mechanical design engineer, 44, wife and two young children, buying a house, years of working in the aircraft and scientific field—unemployed.

Last August, Thompson, a modest, practical man with thinning hair and glasses, found himself caught in the surge of economic cutbacks that swept a sea of educated, technical men into the roll of the jobless.

How he gutted his way back from Christmas dinner with the Salvation Army to solvency, keeping the family intact, is a satisfying story.

An 11-year resident of Santa Cruz, buying his home at 1111 Morrissey Blvd., he had worked for three years at Lockheed Test Base, three years at the Davenport cement plant developing anti-pollutant equipment, and was employed in August at UCSC with the Lick Observatory group, helping to design instruments associated with research in astronomy.

A graduate of San Diego State's industrial arts department "with distinction," in 1956, he had always found work in the aero-space industry in design development, even though his restless nature saw him often changing firms.

Leaving Lick, he joined the engineer's route for re-employment and sent out 261 resumes, often receiving the discouraging word that he was one of the top considerations among 400 other resumes, but never quite making it.

Savings dwindled. Thompson, in the meantime seeking mechanical type work, experienced the curious phenomenon of being told time and again that he was "over qualified."

"I'll admit that on a couple of these frustrating occasions it brought tears to my eyes."

By November the Thompsons' budget had reached a critical level. Some friends who had won a turkey provided their Thanksgiving dinner.

Depression and fear hung in the pit of his stomach. For a few months they used the surplus food program and over Christmas they received help from the Salvation Army and took a holiday meal at the Seabright Area Service Center.

Something had to be done.

"I realized that I had to keep my spirits up and that work was a good therapy. I was one of eight children and had worked at many jobs. For awhile I tried salesmanship, but I failed at that.

"So I applied at the employment office for anything.

"In the meantime, I started going door to door with a stencil offering to paint house numbers on curbings for $1.50, and soon I was making $20 to $25 a day. It put food on the table."

Through the unemployment office, Thompson was sent to a mobile home to install an outdoor light. Where others felt this might be beneath their dignity, Thompson went willingly. He did such a good job, the man sent him across the way to another party who needed work done. When it was done in a couple of days, he acquired $70. It helped pay rent, for food, for bills.

He mowed lawns, fixed roof gutters, built shelves.

Thompson made out cards by hand, penned "The Handyman Craftsman," and his address and stuck them on bulletin boards in laundromats, at supermarkets, health food stores and got results.

With spare cash he put an ad in the classified section of The Sentinel and his phone began to jingle.

Since then he has been able to stabilize his finances. His wife, a former school teacher and graduate from Utah State, helps out by working as a school yard monitor a few hours a week.

As Thompson went from job to job, cleaning a sink trap here, installing light fixtures there, he began to realize that he liked his work.

"The work is varied, the hours my own, and people thank me for my work. Working for large corporations I was part of the machinery, and the bosses never bother to thank you for your efforts.

"It's like being really appreciated for the first time. I've become humanized. I often chat with people as I work and they sometimes pour out their troubles and I try to give help and advice where I can.

"I guess the upshot of all this is that I feel freer. I find myself working 10 to 12 hours a day and liking it. It's sort of put me back into a proper perspective again," he said.

"We've had to cut corners, sure, but last month I made $700 and I have enough work to keep four men busy. The status of doing menial work doesn't bother me because I take pride in my work and really feel that I am doing something for people.

"We can take time off in the middle of the week to go camping if we want and I'm not tied down to the eight-hour shift," he said.

Will he return to the halter?

"I don't know. Maybe, but I am working on some marketable craft items I've had time to develop and we are doing all right and I'm happy.

"Two weeks ago I received a call offering a chance to return to Lockheed.

"Do you know what I did? I passed it up."

PROTECTION FOR THE MOST IMPORTANT HISTORICAL RUSSIAN STRUCTURE IN ALASKA—THE RUSSIAN MISSION SCHOOL AND ORPHANAGE IN SITKA, ALASKA

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEGICH. Mr. Speaker, it is with a sense of pride and urgency that I introduce a bill today to provide for the protection of a unique and important part of the historical heritage of Alaska and the Nation. The bill provides for an addition to the Sitka National Monument at Sitka, Alaska, which would permit the acquisition and protection of the Russian Mission and Orphanage which was built in Sitka in 1842. I hope to convince this body that such protection is not only merited in the highest sense but also that such protection must be provided very soon if the building is to be saved.

Sitka, besides being one of the most beautiful scenic areas in the world, is a historical site of major importance. It was Sitka where Vitus Bering first came in 1841, and where ships from France, Spain, and England followed in later years to seek the rich resources of Alaska. In 1799, the Russians came to Sitka, led by Alexander Baranof, to establish a fort and a center for fur trading.

This early Russian settlement was contested by the Tlingit Indians of southeastern Alaska, a proud people having a rich and valuable culture for 8,000 years. After a series of battles in which the Russians were at one time driven from the area, a final settlement was established at Sitka in 1805. This was the beginning of a unique period in American history—the period of Russian America.

That period saw the struggle of Russian and Tlingit cultures, the establishment of the Russian Orthodox Church in North America, and finally in 1867, the purchase of Alaska from Russia for $7,200,000. The bargain was closed in Sitka on October 18, 1867, and Sitka was the territorial capital until 1906.

During the period of Russian America, many important buildings and sites were established in Sitka. Among them were the old Sitka townsite, 1799; St. Michael's Cathedral, 1844; the Russian Mission School and Orphanage, 1842; and the Castile Hill area, site of Lord Baranof's castle, which was the headquarters of the Russian American Co. and the site of the transfer of Alaska to the United States.

The Sitka National Monument was established some years ago to preserve the site of the 1804 Battle of Alaska in which the Tlingits fought a last battle to forestall foreign domination of Alaska. Protection of all the other sites I have mentioned has been done by the city of Sitka, the Russian Orthodox Church, the State of Alaska, private citizens, and other individual efforts. Now, the time is at hand where action must be taken immediately just to save what is left of some of these historical sites.

The bill I am introducing today provides for only one part of the area to be added to the Sitka National Monument, and this is the Russian Orphanage and School, which was a part of the old Russian mission in Sitka. Later, I hope additional sites will be provided for, but action cannot wait on the Russian Mission Building.

The Russian Mission School and Orphanage is in need of immediate protection. Built in 1842, it is very likely the most important Russian structure remaining in Alaska. Until recently, members of the Russian Orthodox clergy lived in the mission, but now they are gone, and it is deteriorating rapidly. I am told by the Park Service superintendent in the area that vandalism is occurring, and that the building cannot stand long without protection. In recent conversations with Mayor Les Sheppard, of Sitka, these reports were all confirmed. The people of Sitka have bitter memories of what can happen, because the original St. Michaels Cathedral, built in 1844, was destroyed by fire on January 2, 1966. The same threat exists for the Russian mission if action is not taken.

The proposal made in the bill has been approved by every agency and group which has examined it. It has the warm support of the citizens of Sitka, and the approval of the director of the northwest region, National Park Service.

I want you, my colleagues, to know of this situation, and to ask for your support in providing prompt and necessary protection for this part of our history.

Thank you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BEVILL (at the request of Mr. TAYLOR), for week of May 10, 1971, on account of official business.

Mr. POFF (at the request of Mr. GERALD R. FORD), on account of illness.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Moorhead, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Moorhead, for 30 minutes tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Robinson of Virginia) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Mizell, for 5 minutes, today.

Mr. Chamberlain, for 5 minutes, on May 12.

Mr. Blackburn, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. McKay), to revise and extend their remarks and to include extraneous matter:)

Mr. Matsunaga, today, for 15 minutes.

Mr. Dent, today, for 10 minutes.

Mr. Stuckey, today, for 10 minutes.

Mr. Henderson, today, for 5 minutes.

Mr. Aspin, today, for 30 minutes.

Mr. Rarick, today, for 10 minutes.

Mrs. Abzug, today, for 30 minutes.

Mr. Cotter, on May 12, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Natcher, to revise and extend his remarks and include extraneous matter on second supplemental appropriation bill today.

Mr. Badillo, to revise and extend his remarks after those of Mr. Gonzalez on the IADB and the IBRD.

Mr. Teague of California, to extend his remarks following those of Mr. Boland on Mr. Boland's amendment pertaining to veterans' hospitals.

Mr. Smith of Iowa, to extend his remarks following those of Mr. Flood.

Mr. Mahon and to include certain tables and excerpts.

Mr. Bow, to extend his remarks and include certain tables in the body of the Record immediately preceding the offering of the amendment of the SST.

Mr. Dulski, in the body of the Record following Mr. Rooney of Pennsylvania.

(The following Members (at the request of Mr. Robinson of Virginia) and to include extraneous matter:)

Mr. Zion.

Mr. Talcott in three instances.

Mr. Conte.

Mr. Whalen.

Mr. Railsback.

Mr. Riegle.

Mr. Frelinghuysen.

Mr. Fish.

Mr. Biester.

Mr. Gross in two instances.

Mr. Hillis.

Mr. Scherle in 12 instances.

Mr. Carter in two instances.

Mr. Ruppe.

Mr. Spence.

Mr. Veysey in two instances.

Mrs. Heckler of Massachusetts in two instances.

Mr. Hosmer in two instances.

Mr. Schmitz in two instances.

Mr. Chamberlain in two instances.

Mr. Eshleman.

Mr. Miller of Ohio.

Mr. Reid of New York.

Mr. Don H. Clausen.

Mr. McKinney.

Mr. Terry.

Mr. Derwinski.

Mr. McKevitt.

Mr. Sebelius in two instances.

Mr. Widnall.

Mr. Lujan in two instances.

Mr. Horton.

Mr. Wyman in two instances.

Mr. Baker.

Mr. Blackburn.

Mr. Price of Texas.

Mr. Anderson of Illinois.

Mr. Gerald R. Ford.

(The following Members (at the request of Mr. McKay), and to include extraneous matter:)

Mr. Murphy of New York in two instances.

Mr. Matsunaga in two instances.

Mr. James V. Stanton in four instances.

Mr. Begich in eight instances.

Mr. Pickle in five instances.

Mr. Mitchell.

Mr. Pucinski in six instances.

Mr. Cotter in five instances.

Mr. Rodino in two instances.

Mr. Waldie in five instances.

Mr. Fraser in two instances.

Mr. Dorn in two instances.

Mr. Rarick in five instances.

Mr. Foley.

Mr. Rooney of New York.

Mr. Jacobs in two instances.

Mr. Johnson of California.

Mr. Seiberling.

Mr. Rosenthal.

Mr. Gonzalez in three instances.

Mr. Hagan in five instances.

Mr. Dellums in six instances.

Mr. Mathis of Georgia in three instances.

Mr. Drinan in two instances.

Mr. Evins of Tennessee in five instances.

Mr. Podell in two instances.

Mr. Bennett in three instances.

Mr. Baring in two instances.

Mr. Wolff in five instances.

Mr. Macdonald of Massachusetts in three instances.

Mr. Moorhead in two instances.

Mr. Rangel.

Mr. Donohue in two instances.

Mr. Purcell in two instances.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 12, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

700. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated November 25, 1970, submitting a report, together with accompanying papers and an illustration, on Ouachita and Black Rivers Naviation project, Arkansas and Louisiana, in response to the River and Harbor Act of August 13, 1968 (H. Doc. No. 92–109); to the Committee on Public Works and ordered to be printed with an illustration.

701. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

702. A letter from the Secretary of the Interior, transmitting 54 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms, pursuant to section 200(b) of the Water Resources Research Act of 1964; to the Committee on Interior and Insular Affairs.

703. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

704. A letter from the Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

705. A letter from the Comptroller General of the United States, transmitting a list of the reports of the General Accounting Office made during April 1971, pursuant to section 234 of Public Law 91–510; to the Committee on Government Operations.

706. A letter from the Comptroller General of the United States, transmitting a report that more reliable data is needed as a basis for providing Federal assistance to economically distressed areas by the Departments of Commerce and Labor; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 7964. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities; with amendment (Rept. No. 92–194). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 7614. A bill to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes. (Report No. 92–195). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 3201. A bill for the relief of

Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and, Frederick L. Baston. (Rept. No. 92–196). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK (for himself, Mr. Abbitt, Mr. Baker, Mr. Caffery, Mr. Foley, Mr. Fraser, Mr. Kastenmeier, Mr. Mollohan, Mr. Purcell, Mr. Tiernan, and Mr. Mann):

H.R. 8235. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER:

H.R. 8236. A bill to amend the Internal Revenue Code of 1954 to exempt the American Cancer Society, and its affiliates, from the communications tax; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 8237. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. Addabbo, Mr. O'Konski, Mr. Hawkins, Mr. Eilberg, Mr. Harrington, Mr. Dent, Mr. Mazzoli, Mr. Clark, Mr. Rodino, Mr. Gallagher, Mr. Roybal, Mr. Begich, Mr. Rangel, Mr. Roe, Mr. Forsythe, Mr. Roncalio, Mr. Frey, Mr. Diggs, Mr. Horton, Mr. Collins of Illinois, Mr. Ryan, Mrs. Mink, Mr. Rosenthal, and Mr. Nix):

H.R. 8238. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Metcalfe, Mr. Garmatz, Mrs. Chisholm, Mr. Rees, Mr. Williams, Mr. Kyros, Mr. Drinan, Mrs. Abzug, Mr. O'Neill, Mr. Halpern, and Mr. Mikva):

H.R. 8239. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Wolff, Mr. Hicks of Washington, Mr. Donohue, and Mr. Buchanan:

H.R. 8240. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Wolff, Mr. Hicks of Washington, and Mr. Donohue):

H.R. 8241. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Hicks of Washington, and Mr. Donohue):

H.R. 8242. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (by request):

H.R. 8243. A bill to establish the Department of Health; to the Committee on Government Operations.

By Mr. CARNEY:

H.R. 8244. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 8245. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 8246. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. Begich, Mr. Burke of Massachusetts, Mr. Danielson, Mr. Eilberg, Mr. Halpern, Mr. Matsunaga, Mr. Morse, Mr. Rosenthal, Mr. Schwengel, and Mr. Charles H. Wilson):

H.R. 8247. A bill to encourage and help implement improvements in the judicial machinery of our State and local courts by creating an Institute for Judicial Studies and Assistance, the purpose of which shall be to make grants to State and local courts and nonprofit organizations to carry out the objectives of the act and to serve as a reservoir of up-to-date information on court management and organization; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 8248. A bill to amend the National Housing Act to give priority in the selection of tenants with respect to certain rental housing projects to families who have been displaced as a result of the construction of any such project; to the Committee on Banking and Currency.

H.R. 8249. A bill to amend the National Housing Act to give priority in the selection of tenants with respect to certain rental housing projects to families from the surrounding neighborhood; to the Committee on Banking and Currency.

H.R. 8250. A bill to amend the National Housing Act for the purpose of imposing a ceiling on the rent to be paid by any family living in certain federally aided private housing projects for lower income families, and for other purposes; to the Committee on Banking and Currency.

By Mr. McMILLAN:

H.R. 8251. A bill to restore the investment credit and to increase the amount of such credit to 10 percent of the qualified investment; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 8252. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government; to the Committee on Education and Labor.

By Mr. MEEDS:

H.R. 8253. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 8254. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 8255. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear and walrus for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 8256. A bill to establish a national policy and programs with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8257. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

H.R. 8258. A bill to amend the Endangered Species Conservation Act of 1969 to extend the provisions therein to rare species of fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO (for himself and Mr. Dennis):

H.R. 8259. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROE:

H.R. 8260. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 8261. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed at least 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER (for himself and Mr. Begich):

H.R. 8262. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H.R. 8263. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 8264. A bill to amend the Federal Aviation Act of 1958 with respect to the transportation of Government traffic by civil air carriers of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 8265. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. TEAGUE of Texas (by request):

H.R. 8266. A bill to amend title 38 of the United States Code to provide, in certain cases, for the reimbursement of veterans for cost incurred by them for flight school course work for private pilot licenses; to the Committee on Veterans' Affairs.

By Mr. VEYSEY:

H.R. 8267. A bill to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON (for himself, Mr. Danielson, and Mr. Mikva):

H.R. 8268. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 8269. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 8270. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:

H.R. 8271. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. CEDERBERG (for himself, Mr. Hutchinson, Mr. Brown of Michigan, Mr. Broomfield, Mr. Chamberlain, Mr. Esch, Mr. Harvey, Mr. McDonald of Michigan, Mr. Gerald R. Ford, Mr. Vander Jagt, Mr. Riegle, and Mr. Ruppe):

H.R. 8272. A bill to provide for congressional redistricting; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 8273. A bill to amend section 301(b) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. DANIEL of Virginia:

H.R. 8274. A bill to establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes; to the Committee on Government Operations.

By Mr. DIGGS:

H.R. 8275. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 8276. A bill for the relief of the city of Riverview, Mich.; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 8277. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. FLOWERS:

H.R. 8278. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 8279. A bill to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 8280. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owner or owners of such lands; to the Committee on Interior and Insular Affairs.

By Mr. FULTON of Pennsylvania:

H.R. 8281. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 8282. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. HANSEN of Idaho:

H.R. 8283. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. HAYS (for himself and Mr. Abbitt):

H.R. 8284. A bill to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes; to the Committee on House Administration.

By Mr. KOCH (for himself, Mr. Burke of Massachusetts, Mr. Carney, Mr. Coughlin, Mr. Culver, Mr. Daniels of New Jersey, Mr. Dent, Mr. Evins of Tennessee, Mr. Fish, Mr. Foley, Mr. Gibbons, Mr. Hagan, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Lloyd, Mr. McCloskey, Mr. Miller of California, Mr. Seiberling, Mr. Shriver, and Mr. Charles H. Wilson):

H.R. 8285. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 8286. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and setting penalties for the violation of this act, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 8287. A bill to amend the Sugar Act of 1948 to prescribe minimum wages and conditions of employment for farm workers, and for other purposes; to the Committee on Agriculture.

By Mr. MELCHER:

H.R. 8288. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8289. A bill to amend title 5, United State Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MELCHER (for himself, Mr. Abourezk, Mr. Andrews of North Dakota, Mr. Bergland, Mr. Kastenmeier, Mr. Link, and Mr. Vigorito):

H.R. 8290. A bill to protect produoers' incomes when rebuilding reserve stocks of wheat or feed grains; to the Committee on Agriculture.

By Mr. MILLS:

H.R. 8291. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 8292. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 8293. A bill to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 8294. A bill to amend the Organized Crime Control Act of 1970 to provide for an acceleration of the date on which the Commission to Review National Policy Toward Gambling shall be established and shall submit interim and final reports; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. Burke of Massachusetts, Mr. Halpern, Mr. Gibbons, Mr. Morse, and Mr. Charles H. Wilson):

H.R. 8295. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear mounted lighting systems; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 8296. A bill to amend titles 10 and 32 of the United States Code; to the Committee on Armed Services.

By Mr. PUCINSKI:

H.R. 8297. A bill to amend the Internal Revenue Code of 1954 to permit the value of personal services to be taken into account in determining the amount deductible for charitable contributions; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 8298. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which engage in activities of carrying on propaganda, or otherwise attempting to influence legislation, shall lose their exemption from tax; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 8299. A bill to amend title II of the Social Security Act to provide a 35-percent benefit increase with a $100 minimum and subsequent cost-of-living increases, to improve the computation of benefits and eligibility therefor, to raise the earnings base, to eliminate the actuarial reduction and lower the age of entitlement, to provide optional coverage for Federal employees, and to liberalize the retirement test; to amend title XVII of such act to reduce to 60 the age of entitlement to medicare benefits and make such benefits available to the disabled without regard to age, to provide coverage for certain governmental employees, and to include prescription drugs under the supplementary medical benefits program; and for other purposes; to the Committee on Ways and Means.

By Mr. SCHMITZ:

H.R. 8300. A bill to amend the Export Administration Act of 1969 to require the publication of lists on a quarterly basis of individuals and firms who export any goods or services valued at $1,000 or more in any calendar quarter to any Communist-dominated nation; to the Committee on Banking and Currency.

By Mr. SEBELIUS (for himself, Mr. Abourezk, Mr. Andrews of North Dakota, Mr. Cleveland, Mr. Daniel of Virginia, Mr. Denholm, Mr. Dennis, Mr. Derwinski, Mr. Hansen of Idaho, Mr. King, Mr. Kuykendall, Mr. Mazzoli, Mr. McCloskey, Mr. Runnels, Mr. Shriver, and Mr. Sikes):

H.R. 8301. A bill relating to the conservation and restoration of marginal farmland; to the Committee on Agriculture.

By Mr. SPRINGER:

H.R. 8302. A bill to extend the act of September 30, 1965, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 8303. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

H.R. 8304. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide assistance for the development of nonlethal weapons and police protection equipment, and for other purposes; to the Committee on the Judiciary.

By Mr. VIGORITO (for himself, Mr. Hechler, of West Virginia, Mr. Nix, Mr. Rees, Mr. Harrington, Mrs. Grasso, Mr. Eilberg, Mr. Scheuer, Mr. Edwards of Louisiana, Mr. Hawkins, Mr. Mitchell, Mr. William D. Ford, and Mr. Seiberling):

H.R. 8305. A bill to provide that no department, agency, or instrumentality of the United States shall contract to purchase coal which has been mined by the surface mining method; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 8306. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. FOUNTAIN:

H.J. Res. 628. Joint resolution proposing an amendment to the Constitution of the United States relating to attendance assignments in public schools on the basis of race or color; to the Committee on the Judiciary.

By Mr. HAGAN:

H.J. Res. 629. Joint resolution proposing an amendment to the Constitution of the United States relating to the freedom of choice; to the Committee on the Judiciary.

By Mr. O'HARA:

H.J. Res. 630. Joint resolution providing for the designation of the third week of October of 1971 as "National German Shepherd Dog Week"; to the Committee on the Judiciary.

By Mr. PETTIS:

H.J. Res. 631. Joint resolution proposing an amendment to the Constitution of the United States with respect to the flag of the United States; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.J. Res. 632. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BENNETT (for himself, Mr. Dellenback, and Mr. Halpern):

H. Con. Res. 295. Concurrent resolution: Joint Committee on Impoundment of Funds; to the Committee on Rules.

By Mr. WHITEHURST:

H. Con. Res. 296. Concurrent resolution that it is the sense of Congress that the Federal Government should take appropriate steps to determine if new research methods for its research projects can be developed, where feasible, to complement or eliminate current methods involving the direct or indirect use of animals; to the Committee on Science and Astronautics.

By Mr. ZABLOCKI (for himself, Mr. Nix, Mr. Fraser, Mr. Bingham, Mr. Broomfield, Mr. Morse, Mr. Findley, Mr. Fulton of Pennsylvania, Mr. Thomson of Wisconsin, and Mr. Mailliard):

H. Con. Res. 297. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Res. 435. Resolution calling upon the United Nations to help to eliminate the illegal international traffic in narcotics and other dangerous drugs, and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

167. By the SPEAKER: memorial of the Legislature of the State of Nevada, relative to the recreational values of public lands; to the Committee on Interior and Insular Affairs.

168. By the SPEAKER: memorial of the Legislature of the State of Alabama, relative to designating an "American Creed Week"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 8307. A bill for the relief of Michael A. Korhonen; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 8308. A bill for the relief of John and Libera Chimenti; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 8309. A bill to grant a Federal Charter to the National Association Legions of Honor; to the Committee on the District of Columbia.

By Mr. ROYBAL:

H.R. 8310. A bill for the relief of Kang-Be Chu; to the Committee on the Judiciary.

By Mr. TERRY:

H. Res. 436. Resolution commending the Shriners Hospitals for Crippled Children and Burns Institutes; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

71. The SPEAKER presented a petition of the city council, Brook Park, Ohio; relative to restoring a bulk mail handling station to the greater Cleveland area; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

WHITE HOUSE WORSHIP SERVICE FEATURES GRAFTON, W. VA., HIGH SCHOOL CHOIR AND STIRRING SERMON BY REV. JOHN C. HARPER

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 11, 1971

Mr. RANDOLPH. Mr. President, the White House worship service this past Sunday, was impressive and inspiring. The occasion was of especial significance to Representative Harley Staggers and me, with members of the Grafton, W. Va., High School concert choir were present to sing the moving anthem, "Gloria," by Franz Schubert, and other selections.

President Richard Nixon, in opening remarks, noted that the proclamation designating the second Sunday in May as Mother's Day was signed by President Woodrow Wilson on May 8, 1914.

Mother's Day, which has become a permanent part of American life, is the work of one woman, Miss Anna Jarvis. A native of West Virginia and Taylor County, Miss Jarvis campaigned dauntlessly for a special day of the year on which Americans could honor mothers.

I knew Miss Jarvis personally, and recall our mutual fondness for the words of the poet Henry Van Dyke, in the tribute to his mother:

> I cannot pay my debt
> For all the love that she has given;
> But thou, love's Lord,
> Will not forget
> Her due reward
> Bless her in Earth and Heaven.

The project to create a special day for mothers became the life's work of Miss Jarvis in memory of her own mother. She buttonholed industrialists, businessmen, politicians, and church officials in her ceaseless drive for a national observance.

Fittingly, the first organized Mother's Day observance occurred exactly 63 years ago yesterday in the Andrews Methodist Episcopal Church at Grafton. Today that church is the center of a developing International Mother's Day Shrine.

The Grafton Senior High School choir, under the direction of Kenneth Godwin, Jr., had 25 participating members of the larger choir group in the chorus. They include:

Bob Bryan, Roger McCauley, Fred Smith, Chuck Kelley, Bob Leonard, Pam Stevens, Kathy Davis, Dawn Jenkins, Mike Fawcett, Nancy Ludwick, Janine Manley, Steve Thompson, Bob Weaver, Judy Godwin, Linda McWilliams, Mary Reneau, Pam Sapp, Nancy Warder, Laura Ferrell, Pam Knotts, Ron Wolfe, Dave Phillips, Tom Walls, Joe Radcliff, and Lloyd Spring.

Other participants in the White House visit, in addition to Mr. Godwin, were faculty members and staff, including: Ted Thompson, Mrs. Calvin Morrison, Mrs. Frank Sador and James Havenner, together with Grafton High School Principal Edward A. Whitecarver, teacher Russell Walls, pianist, Mrs. Robert Gough, and Miss Ellen Jane Wiseman, photographer.

The following Grafton High School students were at the White House for the reception when the President and Mrs. Nixon met personally with approximately 300 worshippers:

Patti Weaver, Robin Lucas, Earl Bartlett, Dennis Boliner, Jim Steadman, Bill Knisley, Mike Ellington, Darleen Havenner, Kenny Mick, Connie Sapp, Karen Manley, Kathy Garrett, Debbie Haddix, Luann Funkhauser, Jackie Stevens, Rober Carder, Steve Hauk, Phil Stevens, Larry McWilliams, Tom Poling, Tim Newlon, Linda Floyd, Lisa Smith, Marlene Kalo, Glenda Watkins, Nancy Foley, Carla Sansbury, Tara Taylor, Fred Queen, Steve Lambert, Herb Dodrill, Cathy Brewer, and Steve Ward.

Mr. President, the eager faces of these fine young men and women—60 in all—was in contrast to some of the faces we have been confronted with on Capitol Hill in recent days. They listened, intently and earnestly, to the President's appropriate remarks and to a stirring message by the Reverend Dr. John C. Harper, rector of St. John's Episcopal Church at Lafayette Square. I ask unanimous consent that the sermon be placed in the RECORD, because it is probing and profound spiritual essay on the university of man.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

THE RAGGED EDGE OF FORTITUDE

(A sermon preached at The White House on May 9, 1971, by the Reverend John C. Harper, D.D., Rector of St. John's Church, Lafayette Square in Washington.)

I

I am honored to come here as a neighbor on Lafayette Square. For one hundred and fifty-six years St. John's Church, across what was first called the President's Park, has had close association with this Mansion. The architect Benjamin Henry Latrobe, who before and after the War of 1812 worked on this building as well as the center section of the Capitol itself, designed St. John's Church in 1815 and commented at the time that he had "made many Washingtonians religious who had not been religious before"!

President Lincoln once gently turned down a young office seeker who had nevertheless asked if he might leave his papers at The White House. "Don't do it"! exclaimed the President. "Keep 'em. They might—now mind you I don't say they will, but they might—gain you a membership at St. John's." I am glad to say that the times have changed, although St. John's Church continues to try to be "a beacon of hope in the nation's capital."

This morning I am mindful of our country's and church's strong tradition. Admiral Dewey, at the beginning of the Spanish-American War, said: "My greatest and dearest personal ambition is to conquer Manila and to be allowed to live in order that I may return to pass the plate at St. John's." A few minutes ago when we sang the Doxology, which usually comes at the end of the Offertory, I thought of the good Admiral and of the proud association St. John's has had with our nation and our country's heroes.

II

One of America's wisest historians today is the retired professor at Harvard Samuel Eliot Morison, biographer of two of our indomitable heroes, Christopher Columbus and John Paul Jones, not to mention the author of the fifteen volume history of Naval operations in World War II. At the age of eighty-four, at a time when a lesser breed of men would be winding down, Admiral Morison has just published the first of what he expects will be three volumes about the European discovery of America. He ends the preface to the first volume, which describes all the known voyages across the North Atlantic prior to 1600, with these words:

"I am highly conscious of writing amid 'the tumult of the times disconsolate'—as Longfellow wrote of the 1860's. And to those now whimpering about the state of the world, and especially Americans predicting the collapse of society, I will say, 'Have faith! Hang on! Do something yourself to improve things!' What if England and France had given up trying to establish colonies after the failures . . . and had become ingrown? What if they had written off North America as worthless for want of precious metals? Where then would you be? . . .

"In human affairs there is no snug harbor, no rest short of the grave. We are forever setting forth across new and stormy seas, or into outer space."

Here is a wise voice of hope for us amid "the tumult of the times disconsolate." It is a reminder that there is never a snug harbor, for we must always be a pilgrim people setting forth afresh in behalf of an ideal, sometimes towards an impossible goal, but always moving on into the vast unknown because we are forever dissatisfied with where we have been and yearning for something which lies beyond our present experience.

If I understand it correctly, our Judeo-Christian tradition rests on two assumptions. One is that there is plenty wrong with the world, the result of human failure to answer God's commands; the other is that in spite of our alienation from goodness—what the Bible conveniently calls our sin—there is a way out. God for quite unfathomable reasons does not desert us even at those times when we turn against him. He provides every man with his Bethlehem where new hopes are born and with a Calvary where failures are answered by unswerving love. In short, God offers us that venturing, creative spirit which surmounts our past and scorns the terror of the present, telling us that religious hope is founded on the promise of the future.

"In the face of this," St. Paul wrote, "what is there left to say? If God is for us, who can be against us? Can anything separate us from the love of Christ? Can trouble, pain, or persecution? Can lack of clothes and food, danger to life and limb, the threat of arms? No, in all these things we win an overwhelming victory through him who has proved his love for us."

These truths of the spirit however are not evidenced by acknowledging them or being sentimental about them, but by acting upon them. They are dependent upon what we do, for upon us may depend the reality of God here on earth. Real religion finds its center in a style of life in which we are each called to responsibility and dignity, where hope permits us to be open to the future as it is determined by God who is found in people no better or no worse than ourselves.

If we believe, as did St. Paul, that "neither death nor life, neither what happens today nor what happens tomorrow . . . has any power to separate us from the love of God in Jesus Christ," we can go on and accept with some degree of courage the belief that God is indeed found in history, that he is identified with change—the rapids of life—no less than with the abiding rocks.

III

The religiously oriented person today is called to accountability as he acts out his faith in whatever circumstances are appropriate to his particular life. He is called to try to redeem his society rather than to continue to condemn what is wrong without any possibility or resurrection; he is motivated to act upon his religious hope rather than to live in the ghettos of despair. Hopelessness says, "There is no exit"; the voice of hope says that there is a way out as we continue to pray, "Thy kingdom come . . . through me; thy will be done . . . through me."

"The great tragedies of history," said Albert Camus, "often fascinate men with approaching horror. Paralyzed, they cannot make up their minds to do anything but wait. So they wait, and one day the gorgon devours them. But I should like to convince you that the spell can be broken, that there is only an illusion of impotence, that strength of heart, intelligence, and courage are enough to stop fate and sometimes reverse it."

This is where hope breaks in upon the sheer incongruity between "the world's slow stain" and the promises that God has made. The task of men of faith is always to struggle for freedom against those fatalities that appear to close in upon us, as we recognize that the God of hope calls us to judgment and that the ultimate outcome, while often uncomfortable and unsettling, is in his hands. When we discover "the eternal shining through the temporal" we understand that we are summoned now to respect the realities of man's disorder but also to believe in God's ultimate design in human history, to understand in Stephen Vincent Benet's words that,

Always and always life can be lost without vision
But not lost by death.
Lost by not thinking, willing, caring,
Going beyond the ragged edge of fortitude
To something more—Something no man has seen.

It is in this spirit that we continue a search for eternal greatness incarnate in events and in people, and in so doing go "beyond the ragged edge of fortitude to . . . something no man has seen."

PURSUIT OF WORLD PEACE THROUGH STUDY, RESEARCH AND TEACHING CAN BE STIMULATED BY U.S. PEACE AGENCY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. BENNETT. Mr. Speaker, there is no higher challenge to men of good will than the pursuit of peace for all mankind.

Joseph Conrad wrote:

> What all men are really after is some form, or perhaps only some formula, of peace.

This is true throughout the world today, even as we go about the building of stockpiles of weapons to stop future wars; as we pray for an earlier solution to the Vietnam war; as we continue our efforts at the SALT talks, and as we inch toward accommodation with mainland China.

It is my feeling, as a longtime member of the House Armed Services Committee, that we need an agency in our Government dedicated solely to finding a way to peace.

I have reintroduced in this session of Congress—as I have for more than a decade—a bill—H.R. 585, pending in the House Foreign Affairs Committee—to establish the U.S. Agency for World Peace within the Department of State.

I believe it is necessary to pinpoint in one single agency the role of finding solutions to peace. My bill would accomplish this, by setting up an independent agency within the Department of State which will not deal in policy formulation but will do intensive research on problems related to achieve peace. To study the causes of war and to develop techniques for the elimination and reduction of these causes would be purposes of the peace agency.

Two interesting projects have recently come to my attention in my work and sponsorship of the peace agency research bill.

First, is the news that Manhattan College in New York will offer what is believed to be the first undergraduate major in peace studies in an American college or university. This course will involve history, religion, biology of human behavior, world economic studies, and other studies. I have included in the CONGRESSIONAL RECORD information on this new involvement by Manhattan College and its Peace In Terris Institute, headed by Dr. Tom T. Stonier, director, peace studies major program.

Second, a study of international wars from 1816 to 1965 is being published by researchers at the University of Michigan; and the National Science Foundation is assisting in further programs in this area. An article from the New York Times of May 6, 1971, describes the work of political scientists and historians in their efforts to explain the causation of war.

Mr. Speaker, George Catlett Marshall once said:

> If man does find the solution for world peace it will be the most revolutionary reversal of his record we have ever known.

We know we have a difficult problem to solve, but we can make great gains if we really devote ourselves to finding the ways to peace and the causes of war. I believe that the Manhattan College studies and the University of Michigan paper are strong indications that we can do more in researching peace. We have just scratched the surface. A U.S. Agency for World Peace within the State Department would further stimulate those studies to end wars. I hope that my legislation will be enacted into law at an early date.

The items follow:

[From the New York Times, Apr. 25, 1971]

MAJOR TO BE GIVEN IN PEACE STUDIES; MANHATTAN COLLEGE SAYS UNIT WILL BE FIRST OF KIND

(By M. S. Handler)

Manhattan College, a Roman Catholic School in the Bronx, will offer this fall what it believes will be the country's first undergraduate major in peace studies.

The major, based on interdisciplinary studies, will draw on courses from the history, government, English, economics, philosophy and biology departments. Students will be required to take 30 credits as well as attend weekly peace seminars and undertake a yearlong independent project in the field.

The prime mover in the establishment of the peace major was the Pacem in Terris Institute, an organization of faculty members and friends of Manhattan College who maintain that a peace study major is a valid academic discipline.

A BIOLOGIST IN CHARGE

Dr. Tom T. Stonier, professor of biology, is the director of the new program. Outlining the general scope of the new major, Dr. Stonier said the course offerings would include the biology of human behavior—territoriality, hierachy, aggression, violence of intergroup conflict among primates and among men.

Other subjects to be covered are the social psychology of social problems, international relations and international organizations, world economic geography and economic development, the anatomy of peace-making efforts from ancient times, peace and revolution—the attitudes of Christians, the church and Ghandiism and the literature of peace and war from ancient to contemporary times.

War, according to Dr. Stonier, is a social institution like slavery and as ancient. In dealing with war, he continued, one is dealing with cultural patterns.

"IN A CULTURAL TRAP

"War is culturally determined by people just as there are people who are culturally pacifist," he said. We cannot legislate peace. We are in a cultural trap.

"Society projects an image of group and individual conflicts from the earliest age. There is reason for some optimism because the primary motivation and the source of war—the conquest of resources—has ended. These resources are now being replaced by technological developments which can produce materials cheaper and faster, just as the industrial revolution replaced slavery.

"We are, however, in a dangerous situation because of the rapid development of new weapons systems and the lack of social machinery to control them."

Dr. Stonier said he hoped that the students who enrolled in the peace major next fall would go on to graduate school, obtain graduate degree and organize peace studies in colleges where they might teach.

MANHATTAN TO OFFER MAJOR IN PEACE STUDIES; FIRST IN THE NATION

RIVERDALE, N.Y.—Manhattan College has become the first institution in the nation to establish an undergraduate major in the study of peace.

The new major, which will be available to students beginning in September 1971, will be an interdisciplinary one for undergraduates "interested in the problems of peaceful resolution of conflict and of stability in community and world affairs," according to Brother Francis Bowers, F.S.C., dean of Manhattan's School of Arts and Sciences.

Described as a "major breakthrough" by Dr. Tom T. Stonier, the program's director and a professor of biology, the peace studies major involves a core curriculum of seven courses, totaling twenty-one credits. Typical courses will include: Anatomy of Peace, a history course; Peace and Revolution, to be taught by religious studies faculty; Biology of Human Behavior; and World Economic Geography. In addition to regular course work, students will be required to attend a weekly seminar in peace studies and conduct an independent research or field project with an advisor.

In announcing the new offering, Brother Francis explained that students may elect to pursue peace studies as a separate major in conjunction with a second related major; e.g. social psychology, government, history.

Dr. Stonier calls peace studies a "rapidly developing science that encompasses many traditional disciplines." Students majoring in the field have several career options, he says. Executive careers, especially with internationally-oriented firms, government service and education are some of the areas Dr. Stonier lists as offering opportunities to undergraduate peace studies majors.

"Peace studies majors," says Stonier "will be particularly well-equipped to go into fields like labor-management, with a background in inter-group conflict and management of conflict. The peace major would have a more international education and would be able to relate to other cultures easily," he adds. "His education too, will have been problem-oriented, not the traditional discipline-oriented."

Stonier describes the new major as an example of far-sighted thinking. "As society turns toward the university for help, as it always has during times of stress, the need for peace studies by the late nineteen-seventies will be enormous," he says, "to deal with the outstanding social problem of our time—lethal inter-group conflict."

Dr. Stonier is a founding member and first chairman of Manhattan College's Pacem in Terris Institute, an organization of scholars, diplomats and educators dedicated to the establishment of world peace. The Institute was one of the prime movers behind the formation of the peace, studies major at the College.

THE PEACE STUDIES MAJOR

The students would be required to take seven three-credit courses, plus a "Peace Studies Seminar" and a program of independent research or field projects in the Senior year. The core curriculum for the Peace Studies Major would therefore comprise a total of 30 credits. Each student will be under the direction of an advisor who would be drawn from the active membership of the Pacem in Terris Institute. The advisor would be teaching, or have expertise in the area of the student's interest, e.g. economics, philosophy, science, etc. The specific courses listed in the 1970–71 catalogue, are as follows:

History 431. *The Anatomy of Peace* (Christen): Following an historical review of significant war-limiting and/or peace-maintaining systems empolyed prior to 1919, this course utilizes a case history approach to World War II, and the Cold War, and Vietnam, to establish specific causes for the break-down of peace and to suggest paths to long-term peace-keeping. Three credits.

Religious Studies 433. *Peace and Revolution.* (Fahey): Peace and Revolution. A study of the world in revolution. An investigation in the light of Christian theology into the peaceful means of revolutionary change. The role of foreign policy, various revolutionary ideologies, and the concept of international peace will be considered in the context of Christian ethics and related sciences. Cosponsored by the Pacem in Terris Institute. Three credits.

World Literature 307. *The Literature of Peace and War* (Taylor): A thematic study of peace and war in western literature. Man's evolving response to war, and the human and cultural values underlying this response, will be examined in the major works of writers ranging from Homer and Euripides to Wilfred Owen and Jaroslav Tasek. Three credits beginning 1972 spring.

Government 441. *International Relations.* (Heller): International Relations. Analysis of the political, social, economic and psychological bases and the methods by which states conduct their relations with one another. Three credits.

Government 442. *International Organizations.* (Heller): International Organizations. The development of the League of Nations, the United Nations and the specialized agencies, a study of their structure, functions and operations. Three credits.

Economics 331. *World Economic Geography.* (*Cahill*): World Economic Geography. A study of the continental problems of particular zones and of individual countries, with special attention to landforms, climate natural resources agricultural and industrial production. Three credits.

Psychology 336. *The Social Psychology of Social Problems.* (Goggins): Selected contemporary social problems will be studied from the viewpoint of the social psychologist. Violence, urban and campus disorders, the social psychology of war and peace; social psychological, psychoanalytic, and behavioral approaches to crime and juvenile delinquency; the social psychology of overpopulation. Three credits.

Biology 307. *Biology of Human Behavior.* (Stonier): Biology 307. An interdisciplinary inquiry into human behavior within the context of the evolutionary processes with considerations of biological, psychological, sociological and socio-cultural aspects with special consideration of phenomena such as imprinting, learning, creativity, sexual behavior, altruism, hierarchy, territoriality aggression, violence and war. Three credits.

In addition to these seven existing courses the student would be required to take a Seminar in Peace Studies and spend time in his Senior Year in a research of field project. The Seminar in Peace Studies would consist of one two-hour meeting per week with the entire Peace Studies Institute Faculty. Discussions would center around reports by students, faculty, or outside experts.

[From the New York Times, May 6, 1971]

WARS STUDIED IN EFFORT AT PREVENTION

(By Robert Reinhold)

Almost from the day some prehistoric tribesmen picked up their clubs and spears and started the first war to avenge a stolen wife or the malpractices of a witch doctor, man has had reason to wonder what causes the deadly quarrels that afflict his species.

Unfortunately for the modern-day political scientists who study such matters, warfare and its causes have become vastly more complex in the 20th century. In an attempt to unravel part of this puzzle, a team of researchers at the University of Michigan has undertaken a massive statistical study to discover which characteristics and actions of nations and men tend to lead to international war and which to peace.

The "correlates of war" project, as it is called, is beginning to attract wide attention among scholars and its research team has just been awarded a $149,000 grant from the National Science Foundation to continue the study for four more years.

SCIENCE OF PREVENTION

The study is more than just an academic exercise, according to its director, Dr. J. David Singer, a political scientist at the Ann Arbor campus.

He regards the project as an attempt to help lay the foundation for an "applied science of war prevention," notwithstanding the skepticism of some political theorists that such a science can ever be developed.

"We do research to get rid of sewage, reduce air pollution and build better bridges," he said. "What makes us think we do not need to understand what really causes war—it's clearly something more complicated than the absence of good will."

Dr. Singer concedes, however, that developing an "applied science of war prevention" will be a prolonged and difficult task for social scientists.

WATERSHED DATE

After seven years of work, involving an exhaustive study of the literature on war in many languages, the project identified for study and statistically described 93 international wars fought in the 150 years between the end of that Napoleonic period in 1816 and the very recent past, 1965. Of these 50 were "interstate" wars, involving two or more sovereign nations, and 43 were imperial and colonial wars.

The year 1816 was chosen because most historians regard it as a watershed date between the prior and modern epic in international relations. The modern system of nations began to take shape of that time. Current wars, notably the Vietnam conflict, were excluded because the statistics are not yet complete.

For inclusion in the study, the researchers decided, a war must have had at least 1,000 battle fatalities. An imperial war was defined as one in which a major power was attempting to impose control on another people and a colonial war as one in which a colony was trying to throw off foreign control. Unless they became internationalized, civil wars were excluded to limit the study.

Part of the study involved the drawing of a won-lost table showing national performances in war. England, for example, was found to have won 16 wars and to have been on the losing side in two—the Mahdist war (1882–85) in the Sudan and the Indonesia war of independence (1945–46), in which the British fought on the side of the Dutch.

From these compilations has emerged a computer-generated statistical handbook entitled "The Wages of War," to be published by John Wiley & Sons later this year or next. These are some of the observations on 150 years of war:

War was under way in all but 24 of the 150 years. Altogether 144 nations spent a total of 4,500 "nation months" in combat and suffered 29 million battle deaths, exclusive of civilians. A "nation month" is one month spent in combat by one nation

An interstate war began every 30 years and a colonial or imperial one every 3.5 years. The years 1917, during World War I, and 1943, during World War II, were the most "warlike" in terms of national involvement and intensity.

There were 6.2 wars in the "average" decade, with peaks every 20 years in the volume of war under way at any given time.

Most wars begin in the spring or autumn, generally April or October, but the longest and bloodiest wars start in the summer.

Europe has been the most "war prone" area, having had 68 wars, as compared with the next highest, the Middle East, which had 22. France and Britain fought 19 wars each, followed by Turkey (17), Russia (15), Italy (11) and Spain (9). The United States, which did not become a world power until the 20th century, fought in six wars, excluding the one in Vietnam—the Mexican-American, Spanish-American, second Philippine Insurrection, World War I, World War II and Korea.

For the purpose of the study, these figures merely help to provide a statistical base.

FIVE COLLABORATORS

Dr. Singer and his collaborators hope to use such figures to "test out" statistically the various theories that traditional scholars have advanced to explain the causation of war. This phase, just getting under way now, is based on a hypothesis that to a large extent, war is the outcome of the interaction of many complex variables that can be measured, just in the way that meteorologists attempt to predict weather patterns by measuring such factors as air flows, temperature and pressure.

Collaborating with Dr. Singer are Dr. Melvin Small, a historian at Wayne State University, and three political scientists: Dr. Stuart Bremer of Michigan, Dr. Russell Leng of Middlebury College and Dr. Michael Wallace of the University of British Columbia.

Their effort reflects a growing trend toward the use of mathematics as a tool in social science, a trend stimulated by criticism that much social science research has been fuzzy and lacked scientific rigor. This quantitative approach is still controversial because many doubt that a phenomenon as complex as war and its roots can be reduced to numbers.

Dr. Singer acknowledges that "one loses subtlety and some complexity" with quantitative, or "operational," techniques. But, referring to previous research on the war, he added: "I sit here in my office surrounded by about 942 linear feet of delightful and plausible speculation on the causes and consequences of war—and there's not a damn shred of reproducible evidence."

Traditional scholars have posited a number of theories on war. They have invoked such factors as population pressure, economics, bipolarity, alliance aggregation, political ambition and technological change. Two earlier, but more limited, attempts to examine these theories systematically were made by the late Quincy Wright of the University of Chicago and Lewis Richardson of England.

In continuing the Wright-Richardson quantitative approach, the Singer group at Michigan has sought to reduce all the possible "variables" to numbers so they can be analyzed by computer. The first task was to build a basic descriptive list of wars during the 150-year period. All 93 wars, ranging from the British-Maharattan War of 1817–18 to the second Kashmir War in 1965, were assigned a number.

For each war, a list of statistics was compiled, based on the best available historical evidence. The "magnitude" of each was measured by the number of nations involved and the length of the war. "Severity" was measured by battle deaths and "intensity" by the ratio of deaths to population and size of armed forces.

For example, the Korean War involved 16 nations, lasted 37 months, or 516.5 "nation months," and resulted in 2 million military deaths. With 3,872 battle deaths per nation month, it was less intense than World War II (with 17,084) but more intense than the Spanish-American War (with 1,250).

With this data, a wide variety of analyses were run on the war experience of the entire international system, its subsystems and the individual nations. Hundreds of tables were compiled listing such things as the frequency, seasonal and monthly distribution and ranking of wars by intensity, as well as the ranking of nations by war proneness.

Having thus drawn a statistical picture of war, the Michigan group is now developing a comparable picture of the fluctuation of other social, political and economic conditions and events during these years to learn which "are most regularly associated with periods and places characterized by the highest and lowest incidence" of international violence.

The researchers are looking at two broad groups of variables in the hunt for the correlates of war and peace—"ecological" and "behavioral" variables.

The ecological variables constitute the milieu within which international conflicts develop. These are "physical, structural and cultural" factors such as alliances, international trade, membership in intergovernmental organizations, diplomatic bonds, population, urbanization, iron and steel production and military expenditures.

Statistics for these and many other factors are being compiled for the entire international system, for pairs or small clusters of nations and for individual states. With them, the conditions of the international system, or even the relationship between specific pairs of nations at any given time, can be measured and fluctuations noted.

Some preliminary tests have been run. The researchers say their initial results suggest, for example, that rises in alliances do seem to correspond to rises in war incidents during the 20th century, but not as much during the 19th.

Once the "ecological" correlates are known, the Michigan group will turn to the "behavioral" variables. These are the diplomatic, military and economic moves and countermoves that nations make in the months before a shooting war breaks out. The hypothesis is that certain patterns of behavior may regularly lead to war while others lead to peaceful resolution of disagreements.

These behavioral factors are much harder to reduce to operational terms than the ecological ones and a special system had to be devised. Each kind of act, such as the seizure of a piece of foreign territory or the issuance of an ultimatum, is assigned a code number. Then each time a nation commits such an act it is coded and later all acts in each category are added up.

When this is done for all wars, the Michigan researchers say, it should be possible to scan the figures by computer to detect behavioral patterns associated with war. They point out that one might ask, for example, if a sequence of five threats in a row followed by less than three capitulations is usually followed by war or peace.

Eventually, Dr. Singer hopes to compare the behavioral sequence in 50 conflicts that led to outright war with 50 similar conflicts that did not, to determine if there are some critical behavior patterns that tend to avoid armed conflicts.

While the Vietnam War is not included in the study, Dr. Singer said it could fit into his system despite the war's ill-defined character. He noted that it had evolved from a colonial war against the French (1945 to 1954) into a civil war until 1961, when it finally became an "interstate" war with the entry of North Vietnam and later the United States.

One of the objections that has been raised to the study is that the nature of international relations has been radically changed by the advent of the atomic bomb and that any generalized formula to predict war that is based on the last 150 years would have little meaning in the future.

Dr. Singer acknowledges the problem. He points out that one facet of the study focuses on how and why radical changes in the international system are brought on by new technology, weaponry, economics and other factors.

PERFORMANCES IN INTERNATIONAL WAR, 1816-1965

Nation Name	All Wars won lost	Interstate Wars won lost
England	16—2	6—0
Russia	13—2	8—2
France	14—4	9—2
Italy (Sardinia)	8—3	8—2
United States	5—0	4—0
Brazil	3—0	2—0
Japan	5—2	5—2
Yugoslavia (Serbia)	4—1	4—0
Rumania	4—1	4—1
Austria-Hungary	5—3	3—3
Belgium	2—0	2—0
Chile	2—0	2—0
Germany (Prussia)	4—2	4—2
Greece	4—2	4—2
Holland	3—1	1—0
Israel	2—0	2—0
Mongolia	2—0	2—3
Spain	5—4	2—0
Australia	1—0	1—0
Canada	1—0	1—0
Colombia	1—0	1—0
Czechoslovakia	1—0	1—0
New Zealand	1—0	1—0
Nicaragua	1—0	1—0
Norway	1—0	1—0
Pakistan	1—0	1—0
Paraguay	1—0	1—0
Portugal	1—0	1—0
Poland	1—0	1—0
South Africa	1—0	1—0
Baden	1—1	1—1
Bavaria	1—1	1—1
Ethiopia	1—1	1—1
Guatemala	1—1	1—1
Two Sicilies	1—1	1—1
Wurttemberg	1—1	1—1
Argentina	1—1	0—1
China	3—4	2—4
Bulgaria	1—3	1—3
India	1—2	0—2
Mexico	1—2	1—1
Peru	1—2	1—1
Salvador	1—2	1—2
Ecuador	0—1	0—1
Hanover	0—1	0—1
Hesse Electoral	0—1	0—1
Hesse Grand Ducal	0—1	0—1
Iraq	0—1	0—1
Jordan	0—1	0—1
Lebanon	0—1	0—1
Mecklenburg-Schwerin	0—1	0—1
Persia	0—1	0—1
Saxony	0—1	0—1
Syria	0—1	0—1
Bolivia	0—2	0—2
Denmark	0—2	0—2
Finland	0—2	0—2
Honduras	0—2	0—2
Morocco	0—2	0—2
Papal States	0—2	0—2
U.A.R. (Egypt)	0—2	0—2
Hungary	0—3	0—3
Turkey	5—11	4—6

Source: Dr. J. David Singer and Dr. Melvin Small.

H.R. 585

A bill to establish the United States Agency for World Peace within the Department of State

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "World Peace Agency Act."

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to establish an independent agency within the Department of State which will not establish policy but will do research on problems related to achieving peace, including an examination of the economic, political, and sociological causes of war and the development of techniques for the elimination or reduction of these causes.

CREATION AND FUNCTIONS OF THE UNITED STATES AGENCY FOR WORLD PEACE

SEC. 3. There is hereby established within the Department of State the United States Agency for World Peace (hereinafter in this Act referred to as the "Agency"). The Agency shall, under the direction of the Secretary of State, undertake programs to carry out the purpose of this Act, including, among others, programs—

(1) for development and application of communications and advanced computer techniques for analyzing the economic, political, and sociological problems of nation states as they bear upon world tensions and tensions among states which might possibly result in conflict,

(2) for development of new analytic organizations to—

(A) apply the techniques of operations research to peace problems in the same way that "war gaming" is conducted for the military problems,

(B) conduct studies on alternative methods of achieving world peace,

(3) for support of studies and research on projects such as—

(A) legal aspects of national sovereignty extended to the space domain and freedom of the seas, insofar as they contribute to the possibility of war,

(B) analyses of the effects of world peace upon national economies, and

(C) analyses of economic, political and sociological problems which contribute to the possibility of war,

(D) analyses of the effects of military and economic aid programs on the attainment and retention of world peace.

(4) for research on educational techniques aimed at rendering underdeveloped nations less technologically dependent, insofar as their dependence contributes to the possibility of war,

(5) for research and development on problems of underdeveloped nations, insofar as they contribute to the possibility of war, in such areas as food production, conservation of mineral and water resources (including desalination of sea and brackish water), practical power-generating systems, and medicine and health,

(6) for research in meeting adequately the tensions created by overconcentration of population in some areas and inadequate population in other areas of the world,

(7) for research into the effect of present foreign policies of the United States upon world tensions and alternative courses or policies which might promote peace or tend to diminish the possibility of both long-range and short-range tensions and conflicts, and

(8) for research into long-range goals of United States foreign policy which would promote the interests of the United States and world peace.

LABORATORY FOR PEACE

SEC. 4. The Director of the Agency shall establish in the Agency a Laboratory for Peace through which the Agency shall develop and administer its research and study programs. In carrying on such programs the Agency shall enter into contracts with educational and research institutions within the United States and abroad with a view to obtaining the benefits of scientific and intellectual resources, wherever located in the world.

POLICY FORMULATION

SEC. 5. The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States efforts for peace: *Provided, however,* That this Agency's powers are restricted solely to research and no action shall be taken by this Agency under this or any other law that will obligate the United States to undertake any policy or commitment, except pursuant to the treatymaking power of the President under the Constitution or unless authorized further affirmative legislation by the Congress of the United States.

RELATIONSHIP WITH OTHER AGENCIES

SEC. 6. The Secretary of State shall establish procedures designed to insure that the Agency will carry out its functions in close collaboration with the other agencies of the Federal Government, but without duplicating the efforts of any such agency or other agencies within the Federal Government. Such procedures shall also provide that information available to other agencies will be made available to the Agency, and shall prescribe other means by which other agencies of the Government may support the efforts of the Agency.

DIRECTOR AND DEPUTY DIRECTOR OF THE AGENCY

SEC. 7. (a) The Agency shall be headed by a Director, who shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of $32,000 per annum. Under the supervision and direction of the Secretary of State, the Director shall be responsible for the exercise of all powers and the discharge of all duties of the Agency, and shall have authority and control over all personnel and activities thereof.

(b) There shall be in the Agency a Deputy Director, who shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate of $31,000 per annum, shall perform such duties and exercise such powers as the Director may prescribe. The

Deputy Director shall act for, and exercise the powers of, the Director during his absence or disability.

ADMINISTRATION

SEC. 8. (a) In the performance of its functions, the Agency shall have the following powers:

(1) To make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

(2) To appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with the Classification Act of 1949.

(3) To accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible.

(4) Without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem approrpiate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this Act, such contracts, leases, agreements, and other transactions shall be allocated by the Director in a manner which will enable small business concerns to participate equitably and proportionately in the conduct of the work of the Agency.

(5) To use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Agency in making its services, equipment, personnel, and facilities available to the agency, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Agency, without reimbursement, supplies and equipment other than administrative supplies or equipment.

(6) To appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Agency in the performance of its functions.

(7) To establish within the Agency such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this Act with related activities being carried on by other public and private agencies and organizations.

(8) When determined by the Director to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens.

INFORMATION AND SECURITY

SEC. 9. (a) In order to promote the free flow and exchange of new ideas and concepts in the new technology of peace research and development, the Agency shall, so far as possible, have all research efforts of the Agency performed in subject matter not requiring classification for security purposes. Nothing in this Act shall be deemed to change or modify security procedures or to exempt personnel of the Agency from being required to obtain security clearance before obtaining classified information.

(b) The Director shall establish such security and loyalty requirements, restrictions, and safeguards as he deems necessary in the interest of the national security and to carry out the provisions of this Act. The Director shall arrange with the Civil Service Commission for the conduct of full field background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of advisory boards, contractors, and subcontractors, and their officers and employees, actual or prospective. In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall be turned over to the Federal Bureau of Investigation for a full field investigation. The final results of all such investigations shall be turned over to the Director for final determination. No person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection and the report of such investigations made to the Director, and the Director shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

BISHOPS URGE "MOST RAPID TERMINATION" OF VIETNAM WAR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DRINAN. Mr. Speaker, a most significant document was issued on May 7, 1971, by all of the Catholic Bishops of northern New England.

This unusually forceful statement signed by the 14 Catholic Bishops of Massachusetts, Maine, New Hampshire, and Vermont points out that the policies pursued by the United States in Indochina have caused countless civilian deaths and that as a result "We must sadily but resolutely affirm that they (these policies) violate the principle of civilian immunity from direct and indiscriminate attack and therefore merit the severest moral censure."

The complete text of this pastoral letter follows:

[From the Pilot (Boston, Mass.) May 8, 1971]

BISHOPS URGE "MOST RAPID TERMINATION" OF VIETNAM WAR

(This is the complete text of a pastoral letter issued by the Catholic Bishops of the Boston Province on Friday, May 7.)

Dearly Beloved in Christ: One of the central moral problems facing our Nation today is the war in Vietnam. We share the deep concern of millions of our fellow Americans over this prolonged conflict and the anguishing questions of conscience which it has provoked. With them, we too search for answers as we acknowledge the complexity of the moral and political issues involved in the waging of this war both for individual citizens and for those in public office. Yet we must not allow complexity to deter us from addressing ourselves, as shepherds of the flock, to this grave national crisis nor, in the light of our ethical tradition and teachings, can we be deterred from attempting to provide guidance for the formation of the conscience of our people.

We draw from our tradition two principles for analyzing the morality of the war. The first prohibits the direct killing of non-combatants; the second seeks to evaluate the total effect of a nation's policy even in the pursuit of a just cause. This latter is known as the principle of proportionality in judging the justice of war.

We are painfully aware that peace is threatened in places other than Vietnam. The scourge of war afflicts the Middle East, Pakistan and other areas of the globe. We are vitally concerned about these conflicts and our country's relationship to them because they too threaten or destroy the peace which is a precondition of human development.

Yet Vietnam is our specific concern in this letter because our nation is more directly involved in the Indo-China conflict. To be sure, we are not the only party wreaking devastation in Vietnam. Our adversaries bear substantial responsibility for the death and destruction visited on South-East Asia. If we concentrate on American policy in this letter, it is not because we are oblivious to the well known wanton and immoral disregard for innocent lives and prisoners of war shown by the other side. Obviously, we cannot allow their actions to become tthe norm by which we judge the morality of our own.

Our primary moral concern in the matter at hand, as Bishops, is for the consequences of American policy in Vietnam. We do not question the sincerity of the motives of our elected officials, but if the evidence we see and hear is accurate, we are constrained by conscience to question the wisdom and morality of at least some aspects of our policy.

I. NON-COMBATANT IMMUNITY

It is the means of our policy, its strategy and tactics, which primarily concern us in this letter. These means includes the use of massive conventional air power pursued in conjunction with the declaration of "free zones" which has resulted in the thousands of civilian casualties reported in the press and through the testimony of certain government officials. On the ground, similar tragedies have resulted from practices of search and destroy, and from harassment and interdiction fire, which in spite of laudable intentions to limit civilian casualties have nevertheless brought injury and death to many thousands of innocent victims and untold suffering to millions of refugees in Indo-China.

If these policies have in fact caused the civilian deaths reported, then we must sadly but resolutely affirm that they violate the principle of civilian immunity from direct and indiscriminate attack and therefore merit the severest moral censure.

II. VIETNAMIZATION

We are also extremely apprehensive from a moral viewpoint about the announced policy of Vietnamization. Will it bring peace to Vietnam? Does it mean a decreasing role for American combat forces, but an increasing mechanization of the war through the use of American technology and tactical air support? The policy to continue the speedy withdrawal of our troops we eagerly encourage and commend. But the possibility of increased mechanization of the war is fraught with troubling moral consequences. It is precisely this form of American involvement which has apparently resulted in the already great number of civilian casualties and refugees.

We are, therefore, greatly disturbed by the announced proposal to place no limits on the use of our air power in the Vietnamization program, with the sole exception of the employment of nuclear weapons. The declining number of our American casualties, which will come with withdrawal of our combat forces, may easily dull our moral sensibility to the tragedy of intensified human and material destruction in a far off land. We commend the diligent persistent efforts to save American lives, but we must in conscience criticize the ethical validity of any doctrine, attitude or policy which seems to give American lives an intrinsic superiority over those of other people. Every human life, regardless of nationality, color or ideology is sacred and its defense and protection must be of deep concern to us. For these reasons, therefore, moral responsibility demands from us that we appraise both the goals of Vietnamization and the means we use to achieve them.

III. PROPORTIONALITY

Three years ago, we joined the Bishops of the United States in the publication of a collective pastoral letter, on human life. At that time, we addressed ourselves to the Vietnam War and its justification from the viewpoint of the moral principle of proportionality in the following words:

"In assessing our country's involvement in Vietnam, we must ask: have we already reached, or passed, the point where the principle or proportionality becomes decisive? How much more of our resources of men and money should we commit to this struggle, assuming an acceptable cause and intention? Has the conflict in Vietnam provoked inhuman dimensions of suffering?" (On Human Life, United States Bishops' Statement, 1968).

The passage of three years has given renewed emphasis to this principle of proportionality and deepened our doubts about the justice of further prosecuting this war. In Indo-China, the ravages of the war with its political, economic and strategic consequences have now been expanded into Laos and Cambodia, with continuing incursions into the North through periodic bombing missions. Recent studies of scientists made public within the past year testify to the effect our policies have had on the destruction of crops and the long-term disruption of the ecological balance in Vietnam. The effect of crop destruction again falls most heavily on the civilian population.

The effects of the prolongation of this war at home are also of grave consequence and concern. We speak not only of the tragedy which has come into the lives of those loved ones who have been killed, maimed, or imprisoned, but also of the deep divisions, turmoil and confusion which this war has provoked throughout our land. We speak too of the grave problems of conscience which it presents for sincere men and women and especially for so many of our youth. Americans have turned against Americans to a degree seldom witnessed in our history as a nation. Too many billions of dollars which might have been used to relieve poverty and promote domestic programs of social needs have already been allotted to this war.

We realize the difficulties involved in establishing the conditions for an orderly withdrawal of our military forces and for a peaceful political settlement in Vietnam. We have a moral and political obligation to protect those who have been our friends and allies from savage reprisals. We recognize that the setting of an exact date for the withdrawal of all our forces is a complex diplomatic and strategic issue. Nevertheless, we urge that the most rapid possible termination of the war and the establishment of peace in Vietnam be given the highest priority by our government.

IV. PROBING QUESTIONS

The main theme of this letter has been the moral responsibility we bear as a people in the face of the Vietnam war. We have tried to raise questions, and indicate principles which would help ourselves and others think through our personal responsibility as citizens, soldiers or public officials in this conflict.

A people cannot be responsible for the actions of individual soldiers, but in a democracy the people must ultimately accept political and moral responsibility for the policies and actions of their government.

We cannot disregard the principle of personal responsibility and thereby approve and allow in war actions which we would condemn in peace time.

The moral questions which emerge from the war should also make us conscious of the broader question of the moral climate of our nation. Are not the moral ravages brought to light by our policy in Vietnam traceable in part at least to a disregard of the principles of morality in other areas of our private and public lives? The moral questioning provoked by the war must not be confined to this issue; it must extend to the analysis of the very fabric of our lives as a people.

Are we truly for peace? The building of a peaceful world society is the work of justice and the duty of every man. It begins with ourselves and the acknowledgement that all men are truly brothers, children of a common Father. It grows with the conviction that men can live in peace and that the evil of war is not inevitable. It can be fostered and promoted by education in spiritual and moral values and by group cooperation. Are we ready for the difficult task of personal moral renewal necessary for peace everywhere?

Peace can most confidently be hoped for and won by a people who sincerely strive for it, a people who first are at peace with God. Ultimately, peace is a gift from God to "men of good will". (cf. Luke 2:14) "Peace I bequeath to you, my own peace I give you, a peace the world cannot give, this is my gift to you." (John 14:17)

Our Risen Savior's message of peace is very much before us. In union with Him, and with Mary, the Mother of the Church and Queen of Peace, we ask you to join us in fervent and persevering prayer: "Father, you have told us that peacemakers shall be called your sons; help us, then, to work tirelessly for that justice which alone can bring true and lasting peace."

Most Reverend Humberto S. Medeiros, Archbishop of Boston.

Most Rev. Joseph Tawil, D.D., Melkite Apostolic Exarchate.

Most Reverend Christopher J. Weldon, Bishop of Springfield.

Most Reverend Bernard J. Flanagan, Bishop of Worcester.

Most Reverend Robert F. Joyce, Bishop of Burlington.

Most Reverend Ernest J. Primeau, Bishop of Manchester.

Most Reverend Peter L. Gerety, Bishop of Portland.

Most Reverend Daniel A. Cronin, Bishop of Fall River.

Most Reverend Jeremiah F. Minihan, Auxiliary Bishop of Boston.

Most Reverend James J. Gerrard, Auxiliary Bishop of Fall River.

Most Reverend Thomas J. Riley, Auxiliary Bishop of Boston.

Most Reverend Timothy J. Harrington, Auxiliary Bishop of Worcester.

Most Reverend Edward C. O'Leary, Auxiliary Bishop of Portland.

Most Reverend James L. Connolly, Retired Bishop of Fall River.

SHOULD WE SACRIFICE LAW FOR ORDER?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. ROSENTHAL. Mr. Speaker, compassionate people everywhere were appalled by the tragic illogic of an American military commander in Southeast Asia who ordered his troops to destroy a South Vietnamese village in order to save it.

That myopic thinking has reared its ugly head once more. This time the scene was not Vietnam but Washington, D.C., where administration officials ordered police to violate the constitutional rights of thousands of citizens in order to "save" the orderly operation of Government.

Early last week we witnessed the wholesale arrest and illegal detention of thousands of persons in an effort to remove a tiny handful of actual lawbreakers. On Wednesday, hundreds of persons were arrested on the steps of the U.S. Capitol. Persons were being dragged in—literally—not because they were breaking any laws but because they were an inconvenience and an embarassing reminder of the divisions this war has created among the American people.

It is most disconcerting that the President of the United States and his Attorney General, both experienced lawyers, would show such utter contempt for the principles of law they are sworn to uphold, just so they could effectuate their authoritarian concept of order.

It is impossible to preserve and protect civil liberties for all Americans by suspending them for some Americans. It is a contradiction in terms. These freedoms are too precious, too delicate, too hard won to be so treated.

For the 10,000 or so persons swept off the streets last week, to have been treated like common criminals would have been a considerable improvement.

I personally visited the makeshift stockade and witnessed the conditions of their confinement—they were woefully lacking shelter, sanitary facilities, medical treatment, and food—in fact, I saw one person who tried giving food to those confined actually arrested and thrown inside himself.

This cannot be allowed to happen again. We cannot afford repeat performances of last week's tragic suspension of constitutional law.

Congressman BOB ECKHARDT, of Texas, speaking last week for himself and a group of our colleagues, issued a particularly cogent statement following the mass arrests on the Capitol steps, and I would like to have it printed in the RECORD at this point along with an editorial from the New York Times on "Repression on Capitol Hill":

STATEMENT BY HON. BOB ECKHARDT OF TEXAS

No matter what restraint may be exercised in the process, the deliberate use of strategy or tactics in the exercise of police power which trades off considerations of individual guilt or innocence for efficiency in skimming off a sufficient number of members of an assemblage to make it more controllable can never be condoned in a just and democratic society.

However embattled, our society is not so strained as to justify throwing aside constitutional rights and due process. But if a society may be said to have so alienated a sufficiently large number of its members to make it necessary to abandon or short cut due process, it had better look to the cause of the alienation and ameliorate the conditions which bring it about rather than to alter its fundamental character of justice of democracy.

We believe the Justice Department has directed a strategy and tactic of martial law in response to the demonstrations of this week at a time when civil police action, with its respect for the concept of personal guilt or innocence could have worked and, under our Constitution and laws, must be applied.

Our system envisages some over-stepping of authority by the police and that is the reason for the criminal courts. But there is no justification for a continuing and deliberate shunting past the constitutional rights of the accused—which is what the Attorney General is doing now.

We may understand the conduct of a policeman, harried by the crowd, when he sometimes arrests one who is innocent. But we cannot condone the Attorney General's policy of mass arrest and his keeping more than a thousand persons in custody for more than 18 hours without bringing them before a magistrate, charging them and permitting bail. The innocent and the guilty alike are herded together in a place worse than a common jail and are thus commonly punished for an offense that can be proved against but a small number of them.

We demand that the Attorney General put an end to this condition of *de facto* martial law and restore respect and adherence to due process of law in the Nation's Capital.

[From the New York Times, May 8, 1971]

REPRESSION ON CAPITOL HILL

The arrest of more than a thousand persons on the steps of the Capitol on Wednesday brought the week's antiwar protests to an ominous climax. In a crass display of arbitrary power, the Constitutional rights of these citizens were ignored as they were hauled off to a makeshift detention center. It was a spectacle of lawlessness and repression hardly to be expected in a republic of free men.

The mass arrests earlier in the week were questionable because the Washington police suspended the use of normal arrest forms and simply swept up thousands of citizens in a dragnet operation. Inevitably, innocent persons who were merely walking to work were seized by mistake. But since the demonstrators had publicly avowed that they intended to disrupt traffic, block access to Federal offices and "shut down the Government," the police had a difficult assignment in keeping the streets open and maintaining public order. The police were constantly confronted with the fact that the potential for violence was there.

None of these extenuating circumstances applied to what took place on the Capitol steps on Wednesday afternoon. The protesters were sometimes shouting, singing and gesturing, but their assembly was entirely peaceful. Even larger crowds often gather on the same site without difficulty. It is a Constitutional right of every American to assemble peacefully and to petition members of Congress. Yet the police, after giving a warning to disperse that was inaudible, began arresting these citizens. Both houses had already adjourned for the day and the Capitol building had been closed except to members and employes before the arrests began, while sympathetic Congressmen were actually addressing the crowd when the police moved in.

The most profoundly disturbing part of this entire debacle is the response of most members of Congress. It is no surprise that such reactionaries as Representative Joe Waggonner of Louisiana and John Hunt of New Jersey applaud this police depredation, but even members who can be expected to know better such as Representative Edith Green of Oregon blithely dismiss the matter because they disapprove of the manner and style of those arrested. Is this nation to have one Bill of Rights for the "crazies" and another for the respectable people?

The Justice Department, which has been closely supervising Washington police tactics, shares responsibility for this outrage. But when Congress does not defend constitutional liberty on its own front steps, it cannot shift the ultimate blame to the Executive. Wednesday was a day of shame for this nation's representative institutions.

RUMANIA'S INDEPENDENCE DAY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DULSKI. Mr. Speaker, today, the 10th of May, marks the anniversary of three great events in the history of the Rumanian people.

On May 10, 1866, Charles, Prince of Hohenzollern-Sigmaringen, a scion of the Southern and Catholic branch of the Prussian royal family, was proclaimed in Bucharest as Prince of Rumania, and thus founded the Rumanian dynasty.

This was the successful outcome of the nation's long struggle to acquire the right of electing as its sovereign a member of one of the Western non-neighboring reigning families in order to put an end to the strifes and rivalries among native candidates to the throne.

Eleven years later, on May 10, 1877, the Principality of Rumania proclaimed her independence by severing the old and outdated bonds that linked her with the Ottoman Empire. This came during the turmoil of the Russo-Turkish War. The Principality of Rumania, until that time, was nominally a vassal of the Sultan.

Four years later on May 10, 1881, Charles I was crowned by the will of his people. The country embarked on a prosperous era which lasted over six decades, its apex being attained when national unity within the historic boundaries was reached after World War I. This socially progressive country had become a factor of peace and equilibrium in the southeast of Europe.

Thus, it is clear that there is good reason for Rumanians to cherish and revere the 10th of May as their national holiday, the anniversary of the happy and glorious events in their history. It remains the symbol of their determination and perseverence to reach the ultimate end of freedom and well being.

The ruthless foreign rule which now oppresses the Rumanian nation has not been able to uproot the people's attachment to the traditional celebration of the 10th of May, and I am happy to join with my colleagues in marking this occasion.

ACTION NEEDED NOW

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. JOHNSON of California. Mr. Speaker, as this Nation approaches the summer season, we hear more and more about the potential for "brownouts" during the months ahead.

These, of course, have been and will continue to be caused by an inadequate supply of electrical energy. I was interested to note the indication of progress in meeting this deficiency as is reflected in an excellent editorial published in the three newspapers of the McClatchy press in California.

So that my colleagues could share in the thinking of these excellent newspapers serving much of interior California, I would request leave to insert at this point the editorial published in the Sacramento, Modesto, and Fresno Bees on April 20, 1971, entitled "Nixon Gives Hopeful Signs He Sees Need for Action in Electric Crisis."

The editorial follows:

NIXON GIVES HOPEFUL SIGNS HE SEES NEED FOR ACTION IN ELECTRIC CRISIS

There are hopeful signs the Nixon administration is facing up to the problem that the United States presently has an electric power shortage and that this will continue to get worse unless an all-out effort is made to correct the situation.

The President's concern is evidenced by a full-fledged Cabinet meeting to review the action which may be taken to assure that industries and homes have electricity when it is needed.

Participating in the session were members of the Joint Congressional Committee on Atomic Energy; Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission, and George A. Lincoln, director of the Office of Emergency Preparedness.

Particular stress was placed on the possibility of the use of nuclear power to take care of the sorely needed supply of electricity.

The answer to the electricity shortage is not as some ecologists maintain in cutting back on its use. Industry in an industrial society is too dependent upon its use to keep the wheels turning.

Nor will the American people accept going back literally into the dark ages, turning out the lights and burning candles, abandoning the vacuum cleaner, the electric washing machine, air conditioning and other electrical conveniences which have made life far more pleasant and less burdensome for everyone, especially the housewife.

The answer would seem to be the full development of the remaining hydroelectric power sites as an important step. Such plants cause no pollution.

As these potential plants cannot assure the needed capacity, a program should be pushed vigorously for atomic plants, giving thorough study as to their location and operation so there will be no harmful effects on the environment.

Competent scientists say this can be done.

The need for more electricity has been stressed by John A. Carver Jr., a member of the Federal Power Commission.

Referring to 19 voltage cutbacks from Chicago to New England, Carver said:

"I don't see any respite in our near future. The problem is that demand for electric power doubles every 10 years with the per capita demand growing five times faster than the population—much faster than the utilities capacity to produce it."

The situation calls for action and action now.

UNEMPLOYMENT ASSISTANCE PROBLEMS IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BEGICH. Mr. Speaker, I have followed with great interest the efforts of my distinguished colleague from Rhode Island, the Honorable FERNAND ST GERMAIN, to provide essential Federal aid to the sagging State unemployment assistance programs. His bill, H.R. 6186, is a fine effort to alleviate this problem on an emergency basis.

Recently, I received a letter from Alaska Commissioner of Labor Henry Benson which confirmed my support for this legislation, and pointed out the specific and more serious nature of this same problem in Alaska. The letter suggests alterations in the legislation which I will certainly support, but more importantly, it eloquently sets forth the characteristics of the unemployment problem in Alaska. As I believe you will see, Alaska very likely has the most serious problem in the Nation. I believe the ideas of Commissioner Benson should be of interest here. At the conclusion of the letter, I have included the comparative table relating to unemployment insurance in all States which Mr. Benson mentions in his letter.

The letter and table are as follows:

STATE OF ALASKA,
DEPARTMENT OF LABOR,
Juneau, Alaska, April 22, 1971.

Hon. NICK BEGICH,
Congressman for Alaska, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BEGICH: House Resolution 6186, recently introduced by Rhode Island Representative Fernand J. St Germain and cosponsored by Representative Robert O. Tiernan, providing for 26 weeks of emergency unemployment compensation in addition to the regular and extended compensation, is of considerable importance to Alaska. In light of the following remarks, we request that you review H.R. 6186.

The inherent seasonal nature of the Alaska economy has, for many years, caused Alaska to suffer from the highest unemployment of any state in the nation. In the last decade, as many as *one* out of every *three* unemployment compensation claimants exhausted his benefit entitlement. Since 1966, when the maximum number of weeks a claimant could draw unemployment compensation was increased from 26 to 28, at least *one* out of every *five* claimants exhausted his entitlement. Indeed, when unemployment reaches such levels, as it has nationwide, it becomes a *major* social concern and, likewise, major steps must be taken to alleviate the economic hardships of those affected and to restrengthen the nation's first "line of defense" against a downhill "snowballing" economy.

The Administration and Congress recognized the need for an *immediate* economic front to stifle runaway unemployment through the economically sensitive Federal-State Extended Compensation Program enacted with the "Employment Security Amendments of 1970." However, such a program will not do enough when the level of unemployment is significantly higher than the minimum level at which it is recognized as being severe. It is at this level that one must differentiate the long-term unemployment resulting from local economic conditions from the *extended* long-term unemployment which is caused by nationwide recessional conditions.

Alaska, as many other states, is currently experiencing such severe unemployment. The insured unemployment rate rose from an eighteen year low of 6.8 percent in 1969 to an estimated seven year high of 8.3 percent in 1970 (the highest since 1963). It is not expected to decline below 8.0 percent in 1971 unless oil-related construction begins.

The rural areas of Alaska receive the most crushing blows from the adverse forces which accompany nationwide recessional conditions, as economic stimulation is usually concentrated in urban areas of the state where a recession's momentum is the most destructive to the state's economy as a whole. While Alaska was experiencing its best economic conditions of the decade in 1969, *one* out of every *three* rural claimants exhausted his unemployment compensation entitlement. Of those rural claimants formerly employed in the service industry, almost *one* out of *two* exhausted his entitlement.

Even more disturbing is the low earnings of the rural claimant. One out of every four earns less than $3000.00 Compared to the amount of benefits a rural worker earns, it is clearly evident the regular or extended benefits will not cover his weekly nondeferrable expenses. Related to the large number of rural claimants who exhaust benefits even in good times, it is clearly recognized that an expanded program beyond the scope of the present extended compensation program is seriously needed *now* to reinforce the nation's first line of defense against eroding economic conditions.

Since the emergency compensation would terminate on June 30, 1972, we might suggest amendments to the bill to *provide for an on-going emergency compensation program by striking the termination date.* In addition, we recommend adding a new section which would restrict the on-going emergency compensation to times when the economic conditions reflect the need for such emergency measures. With regard to the triggering "on" and "off" of the emergency program, we would recommend that language similar to that in section 203(d) and (e) of P.L. 91-373 be used with these "minimum" amendments:

(1) The insured unemployment rate of "6 per centum" substituted in place of 4.5 per centum in subparagraphs (1) and (2) of subsection (d);

(2) "160 per centum" substituted in place of 120 per centum in subparagraph 1(A) of subsection (e);

(3) "5.5 per centum" substituted in place of 4 per centum in subparagraph 1(B) of subsection (e).

These amendments would assure that the payment of emergency compensation would be tied to severe unemployment and triggered by national or state economic conditions. We would also recommend that a state program be triggered "on" if *either* the conditions in 1(A) *or* 1(B) of subsection (e) were experienced. This could be provided by deleting the last word in 1(A) which is "AND" and substituting "OR." This would allow a state such as New Hampshire to participate, which experiences relatively low unemployment when compared to other states, but considerably high unemployment within the state, which directly reflects potentially severe statewide economic conditions.

The latter trigger provisions should be incorporated into H.R. 6186 to provide for emergency compensation *only* after the extended duration benefits are exhausted.

As we noted, these would be considered the "minimum" amendments to section 203 of P.L. 91-373. We recommend further amendments be made to make the extended compensation trigger provisions of P.L. 91-373 economically responsive to high unemployment conditions. For example, under the present trigger provisions if *gradually* increasing unemployment is experienced three years in a row, the program would not trigger "on" for any period in the third year; (1) because the trigger "on" is computed based on weeks claimed experience of *120* percent *above* the previous two years and (2) if an extended benefit period were in effect in any one of those two years, the extended benefit claims used in the base for the computation would cause the program not to trigger "on" in the third year unless *worse* economic conditions are experienced. This would mean, in Alaska, if the same high unemployment pattern in 1970 is experienced in 1971 and 1972, weeks claimed in 1972 could be *less than* 120 percent of the previous two years *yet* the 13-week insured unemployment rate in 1972 could be as high or higher than the same 13-week period in the previous two years, causing the program not to be triggered in the year when unemployment is highest and extended compensation is needed most.

These amendments would not jeopardize Alaska's or Rhode Island's participation under the current provisions of H.R. 6186 but would assure an on-going program of extended and emergency compensation reasonably responsive to the severity of the economic conditions.

For reference, we have enclosed the *Alaska Unemployment Insurance Financial Handbook.* The supportive data above was taken from tables 2 and 3 of Part II which contains significant financial comparisons of Alaska and other states and tables 84–96 of Part VII which contain characteristics of claimants exhausting their Alaska unemployment compensation entitlement. In addition, we have enclosed Title II of P.L. 91-373, "Federal-State Extended Unemployment Compensation Program."

I am also sending this letter to Senators Gravel and Stevens. If I can provide further information, I shall be pleased to do so.

Sincerely,
HENRY A. BENSON, *Commission.*

TABLE 2.—HANDBOOK OF UNEMPLOYMENT INSURANCE FINANCIAL DATA 1969

State	Financial data (in thousands)				Employment and wage data			
	Contributions collected	Interest credited to trust fund	Benefit disbursements	Reserve as of December 31	Average monthly covered employment	Wages in covered employment during year (amount in thousands)		Ratio of wages taxable to total
						Total	Taxable	
United States [1]	$2, 545, 021	$536, 202	$2, 127, 877	$12, 637, 530	52, 363, 980	$366, 939, 936	$181, 913, 033	0. 496
Alabama [1]	26, 969	5, 627	19, 630	133, 733	703, 631	4, 163, 762	2, 216, 063	.532
Alaska [1]	13, 990	1, 045	7, 647	28, 652	52, 621	565, 024	409, 486	.725
Arizona	20, 289	4, 434	8, 013	108, 406	370, 052	2, 489, 310	1, 396, 119	.561
Arkansas	15, 541	2, 188	12, 984	52, 744	397, 724	2, 048, 963	1, 246, 007	.608
California	533, 122	54, 070	416, 838	1, 304, 868	5, 266, 907	40, 378, 623	21, 273, 544	.527
Colorado	8, 164	3, 441	6, 933	80, 820	488, 287	3, 204, 739	1, 593, 389	.497
Connecticut	65, 814	13, 143	65, 560	304, 677	966, 006	7, 539, 542	3, 583, 582	.475
Delaware	5, 134	1, 062	6, 485	24, 202	166, 570	1, 231, 715	604, 775	.491
District of Columbia	7, 095	3, 306	8, 447	75, 843	298, 705	2, 156, 208	968, 810	.449
Florida	31, 281	10, 903	20, 659	256, 341	1, 469, 183	9, 364, 162	4, 825, 478	.515
Georgia	39, 682	13, 394	14, 560	321, 210	1, 111, 726	6, 737, 266	3, 566, 021	.529
Hawaii	14, 175	1, 714	7, 232	43, 561	203, 897	1, 311, 654	881, 313	.672
Idaho	8, 409	1, 870	6, 965	44, 812	140, 482	817, 926	503, 591	.616
Illinois	45, 294	22, 317	89, 415	499, 741	3, 246, 492	24, 906, 153	10, 742, 859	.431
Indiana	52, 335	13, 461	25, 058	324, 137	1, 431, 266	10, 279, 616	4, 666, 039	.454
Iowa	13, 395	5, 799	16, 839	133, 909	581, 108	3, 686, 676	1, 775, 085	.481
Kansas	17, 138	4, 227	14, 926	99, 445	440, 227	2, 705, 310	1, 362, 273	.504
Kentucky	27, 036	7, 288	21, 181	172, 934	618, 366	3, 854, 337	1, 986, 623	.515
Louisiana	31, 321	7, 218	41, 597	163, 277	729, 933	4, 795, 558	2, 386, 488	.498
Maine	9, 858	1, 949	11, 962	44, 510	224, 225	1, 275, 321	704, 794	.553
Maryland	21, 554	10, 033	28, 668	229, 528	934, 456	6, 067, 298	2, 927, 529	.483
Massachusetts	117, 694	17, 310	98, 796	412, 531	1, 730, 324	11, 538, 509	6, 333, 044	.549
Michigan	130, 974	26, 882	111, 588	630, 253	2, 418, 931	20, 016, 793	9, 278, 284	.464
Minnesota	45, 779	4, 607	23, 173	120, 334	945, 126	6, 409, 560	3, 966, 751	.619
Mississippi	7, 308	3, 713	8, 361	85, 787	385, 086	2, 051, 248	1, 212, 915	.591
Missouri	35, 498	12, 442	39, 053	286, 736	1, 203, 717	8, 214, 186	3, 821, 001	.465
Montana	6, 242	1, 071	5, 447	25, 657	124, 732	729, 072	396, 052	.543
Nebraska	7, 240	2, 366	6, 033	55, 852	300, 881	1, 798, 486	925, 466	.515
Nevada	12, 194	1, 550	8, 134	38, 196	153, 884	1, 104, 169	652, 924	.591
New Hampshire	6, 689	2, 252	2, 743	53, 811	190, 903	1, 138, 436	602, 332	.529
New Jersey	[1] 170, 848	20, 403	161, 662	482, 698	2, 025, 694	16, 152, 190	7, 565, 653	.468
New Mexico	6, 932	1, 818	6, 122	42, 414	184, 204	1, 085, 254	578, 841	.533
New York	327, 860	77, 219	308, 684	1, 798, 812	5, 507, 236	43, 175, 121	18, 708, 657	.433
North Carolina	51, 125	16, 488	23, 533	394, 861	1, 329, 040	7, 359, 670	4, 180, 006	.568
North Dakota	5, 168	416	3, 796	11, 066	81, 234	451, 548	258, 108	.572
Ohio	84, 976	29, 928	60, 257	702, 599	2, 966, 489	22, 549, 999	9, 721, 772	.431
Oklahoma	10, 808	2, 649	11, 546	60, 984	485, 142	3, 033, 132	1, 547, 263	.510
Oregon	28, 965	5, 904	27, 960	136, 636	516, 941	3, 464, 852	1, 924, 273	.555
Pennsylvania	167, 213	36, 282	118, 700	863, 846	3, 418, 362	23, 291, 597	12, 123, 982	.521
Puerto Rico	28, 850	3, 632	26, 049	85, 984	383, 115	1, 514, 954	1, 081, 878	.714
Rhode Island	19, 334	3, 605	17, 835	84, 770	263, 879	1, 622, 470	944, 250	.582
South Carolina	25, 045	6, 627	13, 960	158, 354	613, 942	3, 379, 463	1, 907, 987	.565
South Dakota	1, 987	835	3, 784	19, 606	93, 533	492, 428	274, 541	.558
Tennessee	45, 490	8, 620	30, 713	207, 205	959, 800	5, 640, 986	3, 222, 222	.571
Texas	27, 147	15, 533	29, 153	357, 543	2, 571, 470	16, 630, 917	8, 330, 451	.501
Utah	11, 761	2, 071	9, 907	49, 054	222, 915	1, 309, 063	812, 577	.621
Vermont	6, 504	1, 082	4, 403	26, 433	102, 491	640, 903	372, 066	.581
Virginia	14, 207	9, 057	9, 077	212, 390	996, 306	5, 903, 893	3, 114, 648	.528
Washington	49, 749	14, 609	52, 040	333, 440	828, 661	6, 178, 555	2, 816, 428	.456
West Virginia	19, 418	4, 189	12, 181	101, 551	357, 047	2, 427, 182	1, 317, 085	.543
Wisconsin	61, 618	13, 808	39, 809	332, 811	1, 088, 615	7, 636, 157	4, 047, 394	.530
Wyoming	2, 802	745	1, 780	17, 964	72, 411	419, 980	254, 314	.606

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[1] Includes contributions and penalties from employers and contributions from employees in States which tax workers.

TABLE 2A.—HANDBOOK OF UNEMPLOYMENT INSURANCE FINANCIAL DATA

[1969 benefit and claims data]

State	Taxable wage base	1st payments issued	Weeks compensated for all unemployment	Claimants exhausting benefits		Average duration (in weeks)			Insured unemployed	
				Number	Percent of 1st payments	Potential	Actual	Actual for exhaustees	Average number	Percent of covered employees
United States		4, 216, 938	47, 970, 160	811, 532	[1] 19. 8	24. 4	11. 4	21. 4	[2] 1, 101, 429	[3] 2. 1
Alabama	$3, 000	47, 189	569, 418	13, 260	25. 6	23. 7	12. 1	21. 3	14, 150	2. 0
Alaska	7, 200	11, 607	172, 382	2, 199	20. 4	27. 3	14. 9	25. 9	3, 558	6. 8
Arizona	3, 600	18, 298	189, 920	3, 813	20. 9	22. 7	10. 4	20. 2	5, 097	1. 4
Arkansas	3, 000	35, 882	384, 899	7, 873	25. 1	22. 4	10. 7	19. 3	10, 047	2. 5
California	3, 800	665, 099	8, 239, 662	148, 050	23. 6	24. 0	12. 4	22. 4	178, 278	3. 4
Colorado	3, 000	15, 041	139, 965	2, 527	17. 3	21. 8	9. 3	19. 3	3, 844	0. 8
Connecticut	3, 600	125, 873	1, 228, 529	15, 771	13. 1	25. 9	9. 8	25. 7	23, 946	2. 5
Delaware	3, 600	18, 915	146, 060	2, 084	11. 6	23. 9	7. 7	22. 3	2, 787	1. 7
District of Columbia	3, 000	12, 604	184, 259	2, 638	21. 6	30. 6	14. 6	27. 9	3, 844	1. 3
Florida	3, 000	57, 655	625, 670	19, 969	35. 0	19. 7	10. 9	16. 0	18, 912	1. 3
Georgia	3, 000	49, 953	406, 484	12, 884	26. 1	19. 9	8. 1	15. 2	10, 723	1. 0
Hawaii	5, 000	12, 276	164, 786	2, 220	18. 8	26. 0	13. 4	26. 0	3, 711	1. 8
Idaho	3, 600	16, 557	168, 463	3, 922	23. 3	18. 7	10. 2	15. 5	4, 285	3. 1
Illinois	3, 000	183, 738	1, 099, 145	35, 918	20. 3	23. 4	10. 9	20. 3	43, 726	1. 3
Indiana	3, 000	82, 945	679, 559	17, 932	21. 9	20. 3	8. 2	14. 8	15, 644	1. 1
Iowa	3, 000	32, 100	303, 413	7, 867	25. 3	22. 4	11. 3	17. 1	8, 253	1. 4
Kansas	3, 000	30, 572	327, 505	6, 283	21. 3	23. 2	10. 7	21. 5	7, 318	1. 7
Kentucky	3, 000	49, 504	525, 742	9, 700	20. 9	23. 1	10. 8	20. 4	13, 471	2. 2
Louisiana	3, 000	69, 699	1, 003, 296	21, 540	32. 0	24. 2	14. 4	21. 1	21, 050	2. 9
Maine	3, 000	32, 706	344, 373	6, 148	21. 6	22. 8	10. 0	18. 1	8, 068	3. 6
Maryland	3, 000	64, 376	665, 415	8, 684	12. 9	26. 0	10. 3	26. 0	14, 119	1. 5
Massachusetts	3, 600	175, 105	2, 224, 565	35, 322	21. 1	26. 9	12. 7	25. 0	48, 647	2. 8
Michigan	3, 600	230, 699	2, 251, 929	39, 939	17. 0	23. 5	9. 8	19. 5	52, 771	2. 2
Minnesota	4, 800	46, 977	549, 203	11, 514	24. 2	23. 0	11. 7	19. 0	12, 691	1. 3
Mississippi	3, 000	25, 099	265, 895	4, 921	21. 1	23. 6	10. 6	21. 0	7, 054	1. 8
Missouri	3, 000	96, 682	943, 372	13, 975	15. 3	23. 6	9. 8	20. 9	25, 331	2. 1
Montana	3, 000	13, 627	159, 083	3, 224	24. 9	22. 6	11. 7	19. 7	3, 571	2. 9
Nebraska	3, 000	13, 751	156, 945	3, 083	21. 4	22. 7	11. 4	18. 2	3, 374	1. 1
Nevada	3, 800	16, 162	189, 482	3, 676	22. 9	22. 6	11. 7	21. 4	4, 178	2. 7
New Hampshire	3, 000	11, 713	75, 535	67	0. 6	26. 0	6. 4	22. 6	2, 059	1. 1
New Jersey	3, 600	236, 146	3, 067, 339	57, 228	24. 3	23. 6	13. 0	21. 3	61, 731	3. 0

See footnotes at end of table.

TABLE 2A.—HANDBOOK OF UNEMPLOYMENT INSURANCE FINANCIAL DATA—Continued

[1969 benefit and claims data]

State	Taxable wage base	1st payments issued	Weeks compensated for all unemployment	Claimants exhausting benefits		Average duration (in weeks)			Insured unemployed	
				Number	Percent of 1st payments	Potential	Actual	Actual for exhaustees	Average number	Percent of covered employees
New Mexico	$3,000	13,316	177,840	2,424	18.3	28.8	13.4	25.9	4,355	2.4
New York	3,000	498,657	6,455,783	70,249	14.2	26.0	12.9	26.0	138,516	2.5
North Carolina	3,000	84,811	817,890	11,795	14.6	26.0	9.6	24.7	19,218	1.4
North Dakota	3,400	6,248	90,275	1,063	15.3	23.7	14.4	21.3	2,278	2.8
Ohio	3,000	137,267	1,314,930	13,760	9.6	25.4	9.6	24.4	32,206	1.1
Oklahoma	3,000	25,010	365,007	8,013	33.5	26.5	14.6	22.6	9,464	2.0
Oregon	3,600	63,204	697,655	7,965	14.4	25.6	11.0	24.8	17,274	3.3
Pennsylvania	3,600	257,910	2,815,925	26,656	10.2	28.6	10.9	26.6	65,410	1.9
Puerto Rico	3,000	79,798	862,947	40,798	51.4	13.4	10.8	13.3	[2] 34,942	[3] 7.0
Rhode Island	3,600	38,874	412,914	7,323	20.1	23.1	10.6	19.8	8,950	3.4
South Carolina	3,000	37,259	395,083	10,115	29.1	22.0	10.6	19.6	9,678	1.6
South Dakota	3,000	4,385	54,169	1,026	24.1	21.8	12.4	18.4	1,411	1.5
Tennessee	3,300	90,128	899,034	18,551	22.2	23.7	10.0	22.4	22,292	2.3
Texas	3,000	73,551	794,618	19,288	27.8	21.9	10.8	14.9	20,437	0.8
Utah	4,200	19,886	247,786	4,863	25.8	25.4	12.5	20.0	6,178	2.8
Vermont	3,600	8,792	101,933	1,066	12.1	26.0	11.6	26.0	2,241	2.2
Virginia	3,000	30,919	260,098	5,879	20.9	21.3	8.4	17.6	6,788	0.7
Washington	3,000	128,607	1,522,042	18,401	17.6	28.1	11.8	25.7	33,412	4.4
West Virginia	3,600	39,574	400,686	5,297	12.0	26.0	10.1	24.8	10,156	2.7
Wisconsin	3,600	76,339	818,383	12,166	16.7	29.4	10.7	22.9	18,998	1.8
Wyoming	3,600	3,853	42,869	603	15.9	23.1	11.1	20.4	988	1.0

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[1] 1st payments for fiscal year 1969; for years previous to 1960, 1st payments for 12 months ending September 30.

[2] Includes employees engaged in agricultural aspects of the sugar industry beginning in 1964.

[3] Insured unemployment as a percent of covered employment excludes employees engaged in agricultural aspects of the sugar industry.

TABLE 2B.—HANDBOOK OF UNEMPLOYMENT INSURANCE FINANCIAL DATA, 1969

	Significant measures (in percents)								Wage data		Average weekly benefit	
	Ratios to total wages				Ratios to taxable wages				Average weekly wages in covered employment			
	Collections	Benefits	Year-end reserve	Average employer tax rates	Collections	Benefits	Year-end reserve	Average employer tax rates	Total	Taxable	Amount	Ratio to average weekly total wages
United States	[1] 0.69	0.58	3.44	0.68	[1] 1.40	1.17	6.95	1.38	$134.76	$66.81	$46.17	0.343
Alabama	[1] .65	.47	3.21	.52	[1] 1.22	.89	6.03	.98	113.80	60.57	35.30	.310
Alaska	[1] 2.48	1.35	5.07	2.11	[1] 3.42	1.87	7.00	2.91	206.49	149.65	[3] 45.55	.221
Arizona	.82	.32	4.35	.83	1.45	.57	7.76	1.49	129.36	72.55	42.72	.330
Arkansas	.76	.63	2.57	.75	1.25	1.04	4.23	1.24	99.07	60.25	34.96	.353
California	1.32	1.03	3.23	1.31	2.51	1.96	6.13	2.49	147.43	77.68	51.87	.352
Colorado	.25	.22	2.52	.23	.51	.44	5.07	.47	126.22	62.75	51.05	.404
Connecticut	.87	.87	4.04	.86	1.84	1.83	8.50	1.81	150.09	71.34	[3] 55.76	.372
Delaware	.42	.53	1.96	.42	.85	1.07	4.00	.86	142.20	69.82	45.79	.322
District of Columbia	.33	.39	3.52	.33	.73	.87	7.83	.73	138.82	62.37	[3] 50.02	.360
Florida	.33	.22	2.74	.34	.65	.43	5.31	.66	122.57	63.16	33.76	.275
Georgia	.59	.22	4.77	.58	1.11	.41	9.01	1.10	116.54	61.69	38.19	.328
Hawaii	1.08	.55	3.32	1.10	1.61	.82	4.94	1.63	123.71	83.12	52.04	.421
Idaho	1.03	.85	5.48	1.04	1.67	1.38	8.90	1.69	111.97	68.94	43.81	.391
Illinois	.18	.36	2.01	.18	.42	.83	4.65	.41	147.53	63.64	[3] 45.91	.311
Indiana	.51	.24	3.15	.49	1.12	.54	6.95	1.08	138.12	62.69	[3] 37.67	.273
Iowa	.36	.46	3.63	.38	.75	.95	7.54	.78	122.00	58.74	48.56	.398
Kansas	.63	.55	3.68	.63	1.26	1.10	7.30	1.25	118.18	59.51	46.57	.394
Kentucky	.70	.55	4.49	.68	1.36	1.07	8.70	1.32	119.87	61.78	40.56	.338
Louisiana	.65	.87	3.40	.66	1.31	1.74	6.84	1.33	126.34	62.87	42.49	.336
Maine	.77	.94	3.49	.77	1.40	1.70	6.32	1.39	109.38	60.45	38.12	.349
Maryland	.36	.47	3.78	.36	.74	.98	7.84	.74	124.86	60.25	[3] 45.15	.362
Massachusetts	1.02	.86	3.58	1.02	1.86	1.56	6.51	1.85	128.24	70.39	[3] 47.81	.373
Michigan	.65	.56	3.15	.65	1.41	1.20	6.79	1.39	159.14	73.76	[3] 50.42	.317
Minnesota	.71	.36	1.88	.70	1.15	.58	3.03	1.13	130.42	80.71	43.77	.336
Mississippi	.36	.41	4.18	.35	.60	.69	7.07	.60	102.44	60.57	32.51	.317
Missouri	.43	.48	3.49	.43	.92	1.02	7.50	.92	131.23	61.05	44.85	.342
Montana	.86	.75	3.52	.86	1.58	1.38	6.48	1.59	112.41	61.06	34.22	.304
Nebraska	.40	.34	3.11	.39	.78	.65	6.03	.75	114.95	59.15	39.38	.343
Nevada	1.10	.74	3.46	1.13	1.87	1.25	5.85	1.91	137.99	81.60	[3] 44.24	.321
New Hampshire	.59	.24	4.73	.57	1.11	.46	8.93	1.08	114.68	60.68	41.64	.363
New Jersey	[1] 1.06	1.00	2.99	.97	[1] 2.26	2.14	6.38	2.06	153.34	71.82	54.88	.358
New Mexico	.64	.56	3.91	.64	1.20	1.06	7.33	1.20	113.30	60.43	35.40	.312
New York	.76	.71	4.17	.76	1.75	1.65	9.61	1.76	150.76	65.33	50.88	.337
North Carolina	.69	.32	5.37	.68	1.22	.56	9.45	1.20	106.49	60.48	30.00	.282
North Dakota	1.14	.84	2.45	1.12	2.00	1.47	4.29	1.96	106.90	61.10	42.61	.399
Ohio	.38	.27	3.12	.37	.87	.62	7.23	.86	146.18	63.02	[3] 46.83	.320
Oklahoma	.36	.38	2.01	.37	.70	.75	3.94	.73	120.23	61.33	32.20	.268
Oregon	.84	.81	3.94	.84	1.51	1.45	7.10	1.52	128.90	71.59	41.42	.321
Pennsylvania	.72	.51	3.71	.73	1.38	.98	7.13	1.39	131.03	68.21	46.20	.353
Puerto Rico [2]	1.90	1.72	5.68	1.94	2.67	2.41	7.95	2.71	76.04	54.31	25.71	.338
Rhode Island	1.19	1.10	5.22	1.21	2.05	1.89	8.98	2.07	118.24	68.81	[3] 46.52	.393
South Carolina	.74	.41	4.69	.73	1.31	.73	8.30	1.29	105.86	59.76	36.24	.342
South Dakota	.40	.77	3.98	.39	.72	1.38	7.14	.70	101.25	56.45	36.76	.363
Tennessee	.81	.54	3.67	.80	1.41	.95	6.43	1.41	113.02	64.56	35.56	.315
Texas	.16	.18	2.15	.15	.33	.35	4.29	.30	124.37	62.30	37.80	.304
Utah	.90	.76	3.75	.91	1.45	1.22	6.04	1.46	112.93	70.10	40.71	.360
Vermont	1.01	.69	4.12	1.00	1.75	1.18	7.10	1.72	120.25	69.81	45.19	.376
Virginia	.24	.15	3.60	.23	.46	.29	6.82	.43	113.96	60.12	36.43	.320
Washington	.81	.84	5.40	.81	1.77	1.85	11.84	1.77	143.39	65.36	34.64	.242
West Virginia	.80	.50	4.18	.81	1.47	.93	7.71	1.48	130.73	70.94	31.65	.242
Wisconsin	.81	.52	4.36	.79	1.52	.98	8.22	1.49	134.90	71.50	51.04	.378
Wyoming	.67	.42	4.28	.64	1.10	.70	7.06	1.06	111.54	67.54	43.28	.388

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[1] Includes contributions and penalties from employers and contributions from employees which tax workers.

[2] Ratios do not include employment and wage data for employees and employers engaged in agricultural aspects of the sugar industry.

[3] Includes dependents' allowances.

QUESTIONNAIRE RESULTS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BROOMFIELD. Mr. Speaker, I recently reported the results of my 1971 Congressional Questionnaire in a newsletter to the residents of the 18th District of Michigan. Included in the report is a letter to the President summarizing the results of the poll. The text of the report follows:

YOUR VIEWS GO TO THE PRESIDENT

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 1, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I thought you would like to know the results of my 1971 Congressional Questionnaire. Nearly 30,000 residents of the 18th Congressional District of Michigan participated—without a doubt, the greatest response ever to this annual program.

As in past years, seniors in high schools throughout the District were invited to participate. Nearly 6,000 young people were involved and, like the adults, their response was the most enthusiastic ever. The enclosed tabulation provides an interesting comparison of their views and the replies of adults.

A majority of the adults—54 percent—indicated their support for gradual withdrawal of U.S. forces from Southeast Asia and Vietnamization of the war, exactly the same percentage of support offered when my poll was conducted a year ago. There was a significant increase, however, in the numbers of people who favored U.S. withdrawal immediately (30 percent) or by a fixed deadline (18 percent). Only five percent favored stepped-up U.S. involvement. Among the young people, 42 percent favored gradual withdrawal, 28 percent immediate withdrawal, 27 percent disengagement by a fixed deadline and only two percent stepped-up fighting.

Both adults and teenagers were opposed to the Supersonic Transport plane. They agreed in their support for an all-volunteer military, better pollution control programs financed by increased taxes, and more flexible penalties for drug users provided sellers are dealt with more harshly.

Three-quarters of the adults who replied supported automatic cost-of-living increases in Social Security as did 55 percent of the young people. A majority of both groups supported welfare reform but rejected a national health insurance program financed by higher Social Security or other Federal taxes.

Twenty-eight percent of the young people said they would favor a reduction in U.S. troops committed to NATO while 52 percent of the adults supported such a reduction. Similarly, a majority of adults said they favor revenue sharing but just 35 percent of the young people backed it. Wage and price controls were approved by a bare majority of adults—51 percent—but by only 41 percent of the young people.

The opinions of people in my District are important to me as I know they are to you. I hope you will find them useful and informative.

Respectfully,
WILLIAM S. BROOMFIELD,
Member of Congress.

QUESTIONNAIRE RESULTS (TABULATED BY DATA MANAGEMENT, INC.)

[In percent]

	Adults	Students
Vietnam: Which do you prefer?		
Withdraw all troops immediately	30	28
Withdraw troops gradually and turn the war over to the South Vietnamese	54	42
Withdraw all troops by a fixed deadline	18	27
Send more troops and step up the fighting	5	2
Which national proposals would you favor?		
1. Social security: Provide for built-in, automatic cost-of-living adjustments	77	55
2. Revenue sharing: Return part of all Federal tax moneys to State and local governments for use as they see fit	54	35
3. Military manpower: Begin building an all-volunteer military by improving benefits for military service	61	69
4. Pollution: User fees and/or taxes on all polluters and users of water to fully finance water pollution control programs	73	79
5. SST: Further Federal financial support for development of a supersonic transport plane	25	13
6. Welfare: The President's plan to place a floor under the incomes on the poor and to emphasize the work incentive	60	52
. Economy: Wage and price controls applied to all segments of the country	51	41
8. NATO: Reduction in U.S. troops committed to North Atlantic Treaty Organization	52	28
9. Drugs: More flexible legal penalties for possession and use of marihuana, provided sellers are subject to more severe penalties	71	59
10. Health care: A national health insurance program for everybody to be financed by increased social security and other Federal taxes	45	34

SIMPLIFYING FEDERAL TAX FORMS

As every taxpayer knows, Federal income tax forms get more confusing and more complicated each year. Last year, more than half of the 75 million people who filed Federal tax returns required the help of a tax expert. As a result, tax preparation services have become a major new industry and in some instances pose new dangers for taxpayers. The raw financial data accumulated and computerized by many of these firms has found a ready market in the form of mutual funds, banks, insurance companies and credit bureaus. Taxpayers have found themselves receiving unsolicited offers of investment counseling, insurance, loans and other financial services tailored to their individual needs. It seems to me this practice seriously compromises every taxpayer's right to privacy. After all we require the Internal Revenue Service to observe the strictest confidentiality with regard to the individual return, yet we allow private firms to sell highly personal information without the taxpayer's consent.

I recently introduced two bills which I hope will provide relief to both problems. One bill would require the client's consent before personal tax data could be disclosed. The other bill is aimed at the heart of the problem—the complicated Federal tax form itself. It calls for the creation of a citizens commission to study ways of making the form simpler to understand and prepare. Hopefully, both of these measures will receive priority consideration from Congress.

BROOMFIELD BILLS—92D CONGRESS

Since the new Congress convened in January, I have introduced nearly 50 pieces of legislation. Some of the 50 measures which may be of special interest to you are summarized below. Additional information and copies of the bills are available on request.

H.J. Res. 557—A proposal for the total withdrawal of U.S. troops from Vietnam within nine months after the release of all U.S. war prisoners to a neutral third party and an immediate ceasefire.

H. Con. Res. 129—To curtail international drug traffic by United Nations action and by cutting off U.S. foreign aid to nations that refuse to cooperate.

H.R. 5223—To regulate the use of water-polluting phosphates in detergents.

H.R. 7176—A bill to make it a Federal crime to commit a felony with a firearm.

H.R. 6262—Legislation to set limits and disclosure requirements in campaigns for Federal office and to provide a tax credit for individual political contributions.

H.R. 3947—to require open-dating of foods sold in supermarkets to insure their freshness.

H.R. 6364—Providing for the mandatory retirement of members of Congress at age 65.

1971 YEARBOOKS AVAILABLE

A limited supply of the 1971 Agricultural Yearbook, *Contours of Change,* is still available through my office. I will be pleased to fill requests for them on a first-come first-served basis as long as they last. Please let me know if you would like a copy by writing me at 2435 Rayburn House Office Building, Washington, D.C. 20515. I also have a supply of pamphlets prepared by the Department of Health, Education, and Welfare containing questions and answers on six kinds of dangerous drugs. These also may be obtained by writing my Washington office.

SAVE THE MUSEUM MONTH

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the dreams of small boys and a significant segment of the Nation's history are two things well worth preserving. Both reside in the Marine Museum in Fall River, Mass., which is now seeking funds to continue and expand its function as their repository.

The museum is relatively new, having opened in 1968, not far from the U.S.S. *Massachusetts,* the Commonwealth's World War II memorial. Its principal impetus came with the acquisition of the mementoes and exhibits of the Seamen's Church Institute of New York.

More memorabilia have been added, and now the museum has one of the world's finest representations of steam shipping. Exact replicas of many of the great steamships of history are in its gleaming glass cases.

They range from 100-year-old steamers to the Liberty ship of World War II. Included are ships of the Fall River Line, which were the height of luxury travel for 90 years between New England and New York; the trans-Atlantic steamer *Empress* of France, which was a favorite of the Prince of Wales; the Danish ship *United States,* donated by King Frederick IX of Denmark; and many other models that have come from Japanese

Emperior Hirohito, Pandit Nehru, Queen Frederika of Greece, President Franklin D. Roosevelt, and Burl Ives.

All of which constitutes a panoramic chronicle of the history and development of an industry, a region, a nation.

Falls Church Mayor Nicholas W. Mitchell has designated May as "Save the Museum Month" to launch an enthusiastic fundraising drive, not only to save the museum, but also to enhance it.

I wholeheartedly endorse both the museum and the effort to improve it. I wish its supporters every success, for they are fighting for the dreams of children.

JAMES D. HITTLE

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 11, 1971

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial published in the Navy Times of April 21, 1971. The editorial is a well-deserved tribute to one of our dear and long-time friends, former Assistant Secretary of Navy for Manpower and Reserve Affairs James D. Hittle, who recently resigned to become vice president in charge of the Washington office of Pan American Airways. General Hittle is known and respected by most of us on both sides of the aisle. His many years of dedicated service to his country led him to the Hill, where he served with distinction and effectiveness, first as special legislative assistant to the Commandant of the Marine Corps and then as special legislative assistant to the Secretary of Defense. I am proud of my friendship with Don Hittle and am pleased to join Senators and General Hittle's many friends in wishing him well in his new career. The editorial is certainly a splendid reflection of the high regard in which all who have been exposed to General Hittle hold him.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Navy Times, Apr. 21, 1971]

JAMES D. HITTLE

The people of the Navy and Marine Corps—and of all the Armed Forces for that matter—have lost the services of the man who, anyway you figure it was the greatest civilian personnel chief they ever had.

James D. (Don) Hittle, Assistant Secretary of the Navy for Manpower and Reserve Affairs, resigned effective March 31 to enter private business.

On the day of his departure, Secretary of the Navy John Chafee—with whom Hittle had a close and warm working relationship—gave Hittle the highest award a civilian can receive: the Distinguished Public Service Award.

Never was such an award more appropriately bestowed. Probably never was a citation so meaningful. Incidentally, one of the almost innumerable actions Hittle took during his two years as personnel chief was to plead for more succinct and down-to-earth language in citations. That the citation accompanying his own decoration was down-to-earth is obvious from an inspection of it.

"Assistant Secretary Hittle's dedication, creative thinking and guidance have significantly improved military and civilian manpower management within the Department of the Navy and have made positive contributions to U.S. government policy in a number of areas."

Just one example of this was the matter of attendance at chapel at the service academies. When several Annapolis and West Point students filed suit against that policy a number of government lawyers felt that the government probably would lose in court. Hittle argued for an all-out defense. "Just because you are going to lose is no reason to roll over and play dead," he said. "We must stand firm on issues pertaining to the flag and God."

The government won the case.

"His deep interest in the welfare of the officers and men of the Navy and Marine Corps has been inspirational and he has been a major factor in a number of significant actions to improve the quality of life for these personnel."

Some of those actions are referred to specifically later in the citation. Let's now look at some which are not.

He pushed the removal of the policy which required men in uniform to show their ID cards in commissaries and exchanges; he pushed for creation of the two retiree committees, one for officers and one for enlisteds, and following the recent second meeting of those committees urged creation of similar committees at local levels; he had a hand in the assignment of the hospital ship Repose to help relieve the overcrowding at Long Beach Naval Hospital.

Rather little things, but important to various people—and Hittle knew that the little things often were more important than major actions.

Not little but of vital concern to thousands was his pushing of recommendations from the Surgeon General and the Vice Chief of Naval Operations for a major revision of physical disability retirement procedures. An office of Naval Disability Evaluation was created. In its first three months of operation the average time to process a physical retirement or discharge was reduced from 89 days to 45 days. The number of initial findings which had to go on to lengthy, formal hearings was reduced from 30 percent of cases to 10.8 percent. This was done without additional processing people, and the benefits to the disabled people involved are well nigh incalculable.

"His personal interest and active participation were instrumental in carrying out the establishment of a temporary lodging program and contributed very substantially to the successful implementation of that program."

We need not dwell on this. The idea was Secretary Chafee's, and he supported it down the line. The selection of sites, the drive which got 900 units at 13 places under contract (and two of them opened) in just a year, and only $500,000 over the initially estimated $10 million cost—that was largely Hittle's doing.

"His actions in supporting a reorganization of the Naval air and surface Reserve programs will contribute materially to the achievement of a single force concept which should enhance the combat readiness of the entire Navy."

Appointed in March 1969, Hittle began showing up at conventions that summer. He told the groups that he regarded the duties of the second part of his title "Reserve Affairs" as important as the first part. His attendance at all these affairs, his willingness to speak at them, his staying to talk with the rank and file delegates—all at great personal sacrifice—established a rapport which had never previously existed.

It was this rapport which helped "sell" the reorganizations referred to, which—let's face it—hurt some long-time reservists.

The NROTC and the Junior ROTC programs were his special concern. He fought to retain necessary military aspects of the college program and to have them receive credits toward a degree, and where he could not obtain this he consented to the phasing out of units—AND PROMOTED ACTIVATION OF NEW ONES—rather than have the usefulness of old units destroyed. He pushed the creation of units at predominantly Negro colleges.

In his last month of office he recommended assigning a TAR officer to the staff of the Commander-in-Chief Naval Forces, Europe, to coordinate Reserve matters in Europe. There is a big Reserve population on that continent, so big that the Reserve Officers Association has long had a vice president for Europe. Hittle's action will strengthen the Reserve participation of former active-duty men now in Europe.

He sponsored the transfer of administrative support and control of the Naval Reserve Policy Board to his office, thus giving the board direct access to the Secretary of the Navy. When the board met in January 1971, it included enlisted members—voting enlisted members, thanks largely to Hittle. (The board had recommended non-voting enlisted advisers.)

"His compassion for the men and women of the Naval service has been evidenced by numerous personnel actions to insure fair and just treatment of personnel problems. His individual effort was responsible for preventing the erosion of overseas cost of living allowances for military personnel."

As new Assistant Secretary, Hittle was made Navy member of the Pentagon, Per Diem, Travel and Transportation Allowance Committee and on Jan. 1, 1970, was named chairman.

In the pre-Hittle era, this committee sat from time to time mostly to act on changes required by new laws or recommended by one of the services. Hittle held more frequent meetings and put the committee to work to seek out ways to improve the lot of service personnel. He directed compilation of comparative benefits of servicemen, of Defense and other government civilians and of industry in the areas in which the committee had jurisdiction, and then set to work to bring military benefits up to at least the level of benefits enjoyed by the other groups.

But first, he stepped into a controversy. The Comptroller General had outlawed the system of determining oversea cost of living and housing allowances, as the citation indicates. The law was on the Comptroller's side. In most such cases in the past, Defense would have conformed to the money watchdog's ruling. But Hittle was not the "roll over and play dead" type.

Largely through his efforts, the Comptroller was induced to hold up conformity to his ruling while Defense sought a change in the law; Congress changed the law, and the system objected to was made legal.

Accomplishments of the Per Diem Committee under Hittle's leadership are too numerous to mention. They include the recent stay of a cost-of-living allowance cut in Naples, and such earlier things as: extending COLA to Oahu; raising the maximum weight allowance of lowest grade enlisteds; providing that personnel will not lose quarters allowance for temporary stay in government lodgings; allowing autos to be moved to and from overseas in advance of actual permanent change of station orders, and increased allowances for Reservists coming to or going home from temporary active duty.

E-4s with two years service and committed for six years get the travel benefits of career men a year earlier, thanks largely to Hittle. Defense approved the move for July 1, 1971, but Hittle was able to show how it could be done a year sooner. In this, as with most of the other accomplishments of his term in office, Hittle stresses that the climate—the active support of the President, the Secretary of Defense and other officials—had to be right to get these things done.

"Through his efforts he helped make the Department of the Navy a leader in programs for labor relations, domestic action and equal opportunity. He also stimulated the development of the U.S. government's policy with respect to finding other employment for Vietnamese civilians as U.S. forces are withdrawn from that country."

The citation thus is an impressive recital of or reference to enough accomplishments to make any individual proud.

But even so, it covers only two years of Don Hittle's life. It does not, of course, mention that Hittle served a full career with the Marine Corps, was in both theaters in World War II, earned the Legion of Merit with Combat V and the Purple Heart. It does not mention his services, first as legislative assistant to the Marine Commandant and then to the Defense Secretary before his retirement as a brigadier general, or his accomplishments in those two key posts.

It does not mention his post-retirement career as a newspaperman, and as director of national security and foreign affairs for the Veterans of Foreign Wars. It was in this post that Navy Times began to have frequent contact with Don Hittle as the two worked to promote many projects for the betterment of servicemen and veterans—projects which, we are bound to admit, frequently originated with Hittle, not with us.

It does not mention his services as consultant to both the House and Senate Armed Services Committees, most notably in connection with the hearings on the deserters in Sweden.

It does not mention the military books he wrote, some of them classics. Nor his interest in archeology and Oriental history.

Even as respects the last two years, the citation does not mention because it is a personal thing, that Don Hittle lost his first wife suddenly the very month he became Assistant Secretary, yet that loss unquestionably had an effect on his accomplishments in office, as he worked even harder and longer to try to forget his grief. Nor, because it is equally personal, does the citation mention his second marriage, just this past summer, and how, with new personal responsibilities, he continued his arduous official duties by the simple expedient of enlisting the second Mrs. Hittle. Don Hittle has always done the work of two men; in the last third of his tour he and Patricia Herring Hittle as a team have done the work of at least three.

Their departure from public life is a great loss to us all. But looking at it from their standpoint, they will deserve relief and the right to pass on personnel work (which Hittle rightly said the other day is never finished anyway) to other hands.

PRAISE FOR THE WASHINGTON D.C. AND CAPITOL POLICE FORCES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. SCHMITZ. Mr. Speaker, at this time I would like to add my voice to those of my colleagues who have congratulated Washington Metropolitan Police Chief Jerry Wilson and Capitol Police Chief James M. Powell on the outstanding job they and their men did in controlling the insurgents who flooded into Washington during the last several weeks.

As a member of the House Committee on Internal Security I am personally aware of the amount of planning and organization which went into the effort to close down our Nation's Capitol. It was no easy thing to assure that this well-organized effort did not succeed.

The police conducted themselves in the highest traditions of intelligent and efficient police work in the face of sometimes quite extreme provocation. No one who has not personally witnessed the amount of abuse taken by police officers from people such as those who came to disrupt the process of orderly government can appreciate the dedication and restraint it takes to perform one's job in the fine manner in which both the Washington and Capitol police did.

The defense of our Nation's Capitol from those who would abridge the rights of all the American people in order to jam their views down the throats of elected representatives was admirably handled.

PETER MacDONALD IS THE NEWLY ELECTED CHAIRMAN OF THE NAVAJO TRIBE

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 11, 1971

Mr. GOLDWATER. Mr. President, a new leader has assumed office on the largest Indian reservation in the country containing nearly 25 percent of all the Indians living in our country.

Peter MacDonald is a young man, but he is dynamic, ambitious, and understands his people well. He will preside over probably the best example of democratic government to be found at any level within our country, and I am certain that working in cooperation of all of his tribe, the Navajos will make great strides forward in the years ahead.

An interesting article published in the National Observer of May 3 will give Senators a better insight into this important new leader. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAVAJO'S NEW CHIEF CALLS FOR NEW SPIRIT—YOUNG INDIANS HEAD FOR RESERVATIONS

(By Nelson Wadsworth)

"Whenever the white man treats the Indian as they treat each other, then we shall have no more wars. We shall be all alike—brothers of one father and one mother, with one sky above and one country around us and one government for all. The Great Spirit Chief who rules above will smile upon this land, and send rain to wash out the bloody spots made by brothers' hands upon the face of the earth."—Chief Joseph, Nez Perce, 1879.

After more than a century of second-class citizenship on isolated reservations, American Indians—or at least some of them—are being swept with a new, militant spirit.

That spirit is manifesting itself these days in both positive and negative ways. Last week, the positive approach held center stage for about 800 Indian youths at a conference here sponsored by the Church of Jesus Christ of Latter-Day Saints (Mormons). All the conferees, from tribes all around the land, Mexico, and Canada, are practicing Mormons.

NO MORE "BACK BURNER"

But the star of the show was not a Mormon but a full-blooded Navajo Indian with the rather surprising name of Peter MacDonald. Mr. MacDonald, 42, is the newly elected chairman of the Navajo Tribe, the largest tribe with the largest reservation in the United States. An electrical engineer, he is the first college-trained chief of the Navajos.

He brought the high-school and college-age Indian delegates a message of hope that a new era of progress, prosperity, and nationalism is dawning at last for the North American Indian.

"It is important," Mr. MacDonald told the youths, "that today we all get together and move in a direction that will give us a place in America that rightfully belongs to us. I see Indians all over the land beginning to move forward toward the front of society. We have been on the back burner far too long."

The great hope of the American Indian, he added, lies with its youth and their struggle to become educated. "I am happy to say that you are beginning to move, and the rest of us are going to move with you."

Mr. MacDonald isn't given to rhetoric. He works hard, moves fast, and is difficult to corner for interviews. But he surfaced at the youth conference, and these facts emerged:

He got his surname from his enthusiastic rendering of *Old MacDonald Had a Farm* as a pupil in a reservation boarding school. He dropped out of school in the sixth grade, enlisted in the Marine Corps at age 15, and earned his high-school diploma and college degrees assisted by the "GI Bill of Rights" after World War II. He was elected tribal chairman in January.

Mr. MacDonald gave up a comfortable-salaried job with Hughes Aircraft in 1963 to return to the reservation and work with frustrating tribal problems. "I felt I was missing out on what was happening on the reservation," he said. "I was lonesome for my own people and wanted to be a part of their progress." As tribal chief for a four-year term, he receives $18,000 a year.

Mr. MacDonald appears to have few illusions about the problems that plague thousands of Indians. "The Indian today suffers three kinds of depredation," he says. "The first is a depredation of the physical needs, which creates hunger, lack of clothing and housing. The second is a depredation of his economy, which keeps him from a good life. And the third is a depredation of his soul, which results in alcoholism, suicide and hopelessness. The promise of youth gives the Indian a new spirit of hope to determine his own destiny."

But pulling the Indian out of poverty on the reservation isn't going to be easy. "Sure, there will be lots of hard work," Mr. MacDonald acknowledges. "But these young people are not afraid of hard work."

The biggest problem facing the Indian, he continues, lies in simple economics. On the Navajo Reservation, for example, 65 per cent of the working force is unemployed. There simply are not enough jobs to go around, and about 2,000 Navajos enter the labor market every year.

"In a lot of ways, the Indian is more deprived than any other minority group," the tribal chairman says. "But at the same time he possesses a unique opportunity not afforded to other minorities. We do have a land base and some natural resources."

Under the old Government ward system, Indians are 95 per cent dependent on Uncle Sam for all of their needs. "But the Indian wants self determination," Mr. MacDonald says. "He wants to take on his own responsibility and reverse that dependency."

On the Navajo Reservation, with its 130,000 population in Utah, Arizona, New Mexico, and Colorado, the tribal organization is now attempting to set up an "ownership economy" whereby the wealth of the Navajo nation will be vested with the people themselves rather than with the tribal government.

Also, a newly formed Navajo Economic Development Authority is seeking to build a tourist industry and to lure labor-seeking industry to the reservation.

And there is a drive under way to get more and better roads on the reservation so the Navajos can do away with the old Government boarding-school system. Navajos, says Mr. MacDonald, want to run their own schools.

Of course, execution of all of these plans will cost money, but the tribal leader says Indians have just as much right to revenue sharing as the states and the cities. "For the young people, the future holds great promise," Mr. MacDonald continues. "The reservation is really virgin territory. It has been left alone too long and development has gone up around the reservation, not on it."

Mr. MacDonald told the youths about a Navajo legend in which two young people saved the Indian nation by sowing the right seeds that would bear fruit. "Now we are asking you to bring back to the reservation those things which will now bear new fruit," he said. "You must bring back experience, knowledge, and service. We need you. The people need you, not just the Navajos, but all other Indian reservations."

The delegates to the conference could hardly be described as "rank-and-file" Indians; indeed, they well may be the Indian elite, for this was an "All Lamanite LDS Youth Conference." Lamanite is a Mormon word applied to all the descendants of the inhabitants of the Western Hemisphere before the arrival of the white man. Mormons believe the Indians, like the Jews, are God's chosen people. Mormon prophets have predicted that the Indians in the last days will "blossom as a rose" and will build a "New Jerusalem" in America before the Second Coming of Christ.

BELL BOTTOMS AND MINISKIRTS

The young Indians Mr. MacDonald spoke to were not wearing Western shirts, denims, cowboy boots, and gaudy colors. Most were dressed like whites, the boys in suits and ties and the girls in prim dresses, skirts, sweaters, and blouses. A few of the boys wore their hair long and sported bell-bottom trousers and other mod clothing. Some girls wore miniskirts. And many were students from Brigham Young University who already have committed themselves to return to their reservations as teachers, social workers, nurses, and even businessmen to help lift their people out of poverty.

There was little talk of "red power" or of "brown power" at the conference. Arturo Dehoyos from Brigham Young University, in a speech at one session, told why: "We are talking about 'gospel power' not 'red power,'" he said. "The power we seek emphasizes the brotherhood of man, not the differences between the races. 'Gospel power' builds up; the other kind destroys."

"I think the Navajo nation is going to rise up and be a great force in this country," says 18-year-old Lorraine Bileen of Teec-Nos-Pos, Ariz., Mr. MacDonald's hometown. "I want to be a teacher and go back and work on the reservation."

Miss Bileen, like most of the youths attending the conference, is receiving her education through the Mormon Church's "Indian Placement Program." Under this plan, some 5,000 Indians leave their reservations every fall and live with Mormon foster parents. They return to their reservations at the end of the school year. This way they receive an elementary and secondary education without cost to their own parents. Yet they do not lose touch with their own culture.

"The boarding-school system on the reservations is stagnant, a failure," says 27-year-old Wilfred Numkena, a Hopi Indian from Tuba City, Ariz. "Under the placement program we are able to gain new experiences. We learn how to interact with the world, how to communicate, how to be a part of it."

SUNTANS IN DRIVER'S SEATS

Mr. Numkena will receive a degree soon in education at Brigham Young. He plans to return to the reservation to work with his own people.

Robert Nakai, a student from Brigham Young and a Navajo from Gallup, N.M., summed up the Mormon point of view the last day of the conference at a meeting in the Tabernacle on Salt Lake City's Temple Square. "I am really happy to look down and see so many black heads and beautiful suntans," he said. "You are in the driver's seat, and you can run your world if you really want to. We have many promises, but if we don't perform, we will lose all of these blessings."

This new Indian militancy, it should be clearly understood, doesn't contemplate any quiet extermination of Indians by assimilation into the white population. Rather, Navajo Chieftain MacDonald and the youthful conferees are charting a course aimed at somehow allowing Indians to thrive in a white man's modern economy while maintaining their Indian identity.

That theme was heard again and again like a refrain during the conference meetings, seminars, and banquet speeches: "We are proud to be Indians," it ran. "A new day for the Indian people is at hand!"

RUMANIANS CELEBRATE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. DERWINSKI. Mr. Speaker, today, the 10th of May, is the traditional national holiday of the people of Rumania.

Historically, the day commemorated is that of May 10, 1866, when Prince Charles was proclaimed Prince of Rumania, establishing the modern Rumanian dynasty and the creation of the modern Rumanian state.

Exactly 11 years later, on May 10, 1877, the principality of Rumania proclaimed her independence from the Ottoman Empire and, in the battles that followed, the Rumanians secured their independence.

In continuation of the significance of the 10th of May, on that day in 1881 the kingdom of Rumania was proclaimed and the Rumanian people and the nation entered into an era of progress that marked the country except for the disruption of World War II.

As a result of President Nixon's visit to Rumania, the interest of our country in developments there has been accentuated. It is important, Mr. Speaker, that we keep in mind not only current events and present day politics on an occasion such as this, but that we also emphasize the traditions, uniqueness, history, and spirit of the nation and its people on the occasion of a national independence day.

Anyone who knows the Rumanian people recognizes their determination to shape their own destiny and to have a truly free government of their own choice.

J. EDGAR HOOVER

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. RAILSBACK. Mr. Speaker, I am pleased to add my remarks in tribute today to the truly unique and great service of J. Edgar Hoover during the last half century. On the anniversary of his becoming the Director of the Federal Bureau of Investigation 47 years ago, I wish to express my thanks and best wishes to J. Edgar Hoover.

Our Nation certainly owes a great debt of gratitude to this man and to the organization which he brought into being and which is now far greater than any one man. It is, however, difficult to discuss the man without at the same time discussing the FBI which he directs. Should my remarks appear to be sometimes directed more toward the FBI and less toward its Director of 47 years, I am willing to give the Director a significant portion of the credit for the agency as well.

In a preface to the annual report on crime in the United States, J. Edgar Hoover makes the following statement:

> The decade of the 1960's has seen many changes in society, both good and bad. Our Nation has experienced a number of significant advancements during recent years; however, unusual increases in crime and criminal behavior as documented in this publication have most certainly detracted from these improvements. Crime increases were not unique to the United States. They have occurred in most of the advanced nations of the world which publicly report crime statistics. The causes—social, human, and material—that contributed to these trends are beyond the immediate control of law enforcement agencies. The effect, however, placed new and increasing demands on the law enforcement profession requiring substantial changes in all phases of its activities.

May I remind detractors of Mr. Hoover that he is well aware of the many and varied causes of crime. As he states, these include social, human, and material aspects. As he also states, they are largely beyond the immediate control of the law enforcement agencies, and as he also states the law enforcement agencies must be constantly changing to remain effective. I might add that the living proof of the adaptability of the man and the Bureau which he has headed for 47 years lies in the mere fact that in a city and government of great change, this man has continually adjusted to a series of Presidents, Congresses, courts, and times. We can point to no greater success story in terms of adjusting to change.

I recently received a letter from a former FBI agent, Harvey G. Foster of Park

Ridge, Ill. This letter is forceful and sincere and I include it at this point in my remarks:

APRIL 16, 1971.

Hon. TOM RAILSBACK,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RAILSBACK: I have become increasingly concerned with the spate of comments from columnists, Congressmen and others asking for J. Edgar Hoover's removal or retirement from the F.B.I. I spent 23 years in the F.B.I., the last 15 years in charge of various offices around the country. I chose to retire and am very happy with a very challenging second career.

I cite my career in the F.B.I. only because I want to comment, I hope authoritatively, about Mr. Hoover and the F.B.I.

I found Mr. Hoover the most dedicated public official I ever met. He lives for the F.B.I. and for the United States—these are his constant unflagging interests. I found him a superb administrator, a tough disciplinarian and something seldom mentioned, even quicker to recognize and reward outstanding service on the part of the F.B.I. employees.

He bent over backwards to assure that the F.B.I. investigations were impartial and objective and that everyone's personal and constitutional rights were to be considered inviolate. I think he personally is very responsible for leading law enforcement to an early recognition of the necessity for this. He is an able and an exceptional man who has chosen to devote all his energies to a governmental agency and who has made it an agency looked up to and respected by the public and by law enforcement around the world.

I see him criticised as being a publicity seeker for himself and his agency. Certainly he has sought to keep the F.B.I. before the American public, but this is because he was long ago astute enough to recognize that the F.B.I. would rise or fall as an investigative body depending on the confidence the public had in it.

A law Enforcement agency is dependent on the public for the information it needs to pursue an investigation. If it were unknown or in discredit, its investigations would quickly reflect this.

I read that he should retire because of his age. I think this should be interpreted in the light of the man. I have seen no lessening of his mental powers and I personally feel that if there were he would be the first to retire. I am interested in efficiency in government as well as economy in government. Mr. Hoover could have retired at full pay some years ago, so actually we are getting his services for nothing. I can't imagine a greater bargain.

I read that he and his organization are suspected of tapping the telephones of some Congressmen. I know from experience that this is absolutely impossible. The F.B.I. scrupulously follows the U.S. Department of Justice regulations on this and there were none made without the express authority, not of Mr. Hoover, but of the Department of Justice for whom the F.B.I. is an investigative arm.

I read that he is not adjusting to the times. How can this be said when both he and his agency have steadily and most successfully adjusted with the times since 1924?

I read that he should have been grooming a successor. Who says he hasn't? But his successor, when that time comes, will be appointed by the President, the Attorney General, and by Congress. Does any one think they would necessarily select a person who had been publicly groomed as a successor? I doubt it.

In summation, I feel that I can attest that Mr. Hoover is an able executive, and administrator with few peers in Government, and I would like to suggest that he is one of the greatest bargains in Government. I would hope that he would be permitted to continue to serve his country with his obvious dedication until such time as he steps down—and that he be supported in this endeavor partially as a reward for long and dedicated service, but more importantly, because in this day of permissiveness that in him we have a dedicated person of integrity in a most responsible position of trust, where permissiveness would be disastrous.

Most sincerely,

H. G. FOSTER.

Mr. Foster's letter is a forceful defense of and testimonial to J. Edgar Hoover. I am sure that many others would echo the same sentiments. I doubt if very many people in this country would ever attack the FBI on its record.

In the May 1, 1971, issue of the FBI Law Enforcement Bulletin, Mr. Hoover speaks out for those innocent victims of crime in this country. There are several who speak forcefully for the rights of the criminals and there are few who speak in behalf of the victims. Mr. Hoover does us all a service in speaking out for the victims. I include his message at this point in my remarks:

MESSAGE FROM THE DIRECTOR TO ALL LAW ENFORCEMENT OFFICIALS

Question: Who speaks for the victims of crime in America?

Answer: Aside from the weak, muffled cries of the victims themselves, practically no one.

Are crime victims in the United States today the forgotten people of our time? Do they receive a full measure of justice? Is public welfare secondary to private privilege? These questions raise some troublesome issues.

Crime rates, based on the number of serious crimes per 100,000 inhabitants, show the incidence of crime to our population. More realistically, a crime rate could be considered a count of victims. During the 1960's, the crime rate increased 120 percent while our population rose 13 percent. Since 1960, each citizen's risk of becoming a victim of crime has more than doubled. Thus, the plight of the crime victim should be of paramount interest to every law-abiding person.

While many victims are specifically picked by their criminal assailants, others are "chance" targets, ill-fated in being at the wrong place at the wrong time. No one is immune. As a rule, when criminal violence strikes, any number of things may happen to the victim. He may be murdered. If not, he may receive serious injuries, sustain a sizable monetary loss, miss time from work, incur costly medical and hospital expenses, and suffer untold mental anguish. To some degree at least, his right to freedom and the pursuit of happiness is violated.

Meanwhile, if his assailant is apprehended and charged, the full power of our judicial processes ensues to protect his constitutional rights. This is well and good.

But, how about the victim? Frequently, the compassion he may receive from the investigating enforcement officers, his family, and friends is the only concern expressed in his behalf. Indeed, in some instances, the crime victim witnesses organized campaigns of propaganda to build sympathy for his guilty assailant, campaigns of lies and innuendoes which charge that the criminal, not the victim or the law-abiding public, is the one who has been "sinned against." The tragedy is that in some instances these false claims are repeated and publicized without question by various means, apparently for no reason other than that those doing so want to believe the accusations. Consequently, the popular cause to legally protect the criminal is crowding his victim from beneath the dome of justice.

It has been said that, "Justice is the insurance we have on our lives and property, and obedience is the premium we pay for it." To my mind, too many Americans, victims of pampered criminals, are paying the premium without collecting the insurance.

JOHN EDGAR HOOVER,
Director.

In addition to calling for and instituting constant change in updating law enforcement and in addition to serving as advocate for the innocent victims of crime, J. Edgar Hoover and the FBI have served as a prime investigator of civil rights cases in this Nation. During the last fiscal year reported, the volume of civil rights cases handled by the FBI under criminal statutes dealing with interference with constitutional rights reached an all time high of 5,933, up 14 percent over the previous year In addition, the FBI handled 810 investigations under the Civil Rights Act of 1964 dealing with discrimination in employment, public schools, public facilities, and places of public accommodation. Also conducted were some 250 investigations of discrimination in housing which is prohibited by the Civil Rights Act of 1968. The FBI was instrumental in the arrest of James Earl Ray for the murder of Martin Luther King, Jr. Civil rights work called for the participation of an average of 1,974 agents each month during fiscal 1969.

In the area of organized crime, the FBI has intensified its drive against the criminal element and a record 319 convictions of hoodlum, gambling, and vice figures resulted for the fiscal year 1969. Another 1,027 individuals were awaiting prosecution as of February 1, 1970.

Fines, savings, and recoveries recorded in FBI-investigated cases increased nearly $43 million during 1969, reaching a new all-time high total of $345,832,583. This averages out to $1.57 for each $1 of FBI appropriated funds in 1969.

And the Bureau continued its preeminent position in providing training for law enforcement officers throughout the Nation. Graduates of the FBI National Academy now number 5,635, including 175 from 40 foreign countries. Some 28 percent of those still active in law enforcement occupy top executive positions in their agencies. Congress recently authorized an increase in the number of trainees at the academy and this will be a significant boon to providing modern and well-trained officers to all levels of law enforcement.

Mr. Speaker, J. Edgar Hoover is unique. There will never be another like him. He has remained above politics in a city in which politics is its own worst enemy. We can never expect any bureau chief to have a tenure nearly as long as the 47 great years of J. Edgar Hoover. Future Directors will find themselves subjected to immense political pressures and they will often ask themselves—"How did J. Edgar Hoover ever do it?" Only he can provide the answer, but we all can add the advice that "It sure wasn't easy."

So I am proud on this anniversary of his great service to salute J. Edgar Hoover for 47 years of service as Director of the FBI and I wish him the very best in the future. The entire Nation should be forever grateful and I am fortunate to have this opportunity to express my respect and gratitude.

RESTORATION OF FULL CITIZENSHIP FOR GEN. ROBERT E. LEE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 11, 1971

Mr. BYRD of Virginia. Mr. President, the National Observer on May 10 published an interesting article by Earle Dunford on the subject of the effort to win full citizenship rights, posthumously, for Gen. Robert E. Lee.

The article correctly points out that President Nixon has taken the position that restoration of full citizenship cannot be restored by Executive action.

This confirms my own view. From the outset, I have maintained that full justice to General Lee can be achieved only by congressional action. Accordingly, I have introduced Senate Joint Resolution 68, which would accomplish this purpose.

Senate Joint Resolution 68 is cosponsored by my colleague from Virginia (Mr. SPONG) and the Senator from Delaware (Mr. BOGGS). I hope that early action will be taken on the proposed legislation.

Mr. Dunford's article is a thorough review of the circumstances surrounding the Lee citizenship issue.

I ask unanimous consent that the text of the article, "Virginians Trying To Rehabilitate Robert E. Lee," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIRGINIANS TRYING TO REHABILITATE ROBERT E. LEE

(By Earle Dunford)

(I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.—R. E. Lee.)

There it lay, a document dated Oct. 2, 1865, under the astonished but discerning eye of a National Archives staffer in Washington, D.C. It was a document no one living had known existed, part of a historical mystery. It seemed to be the Confederate chieftain's oath of amnesty, required by Presidential decree before Southern leaders could be pardoned and restored to citizenship.

But Robert E. Lee was never pardoned. To obtain pardon, Confederate leaders were required to fill out and sign two Government forms; one was an application for pardon and the other was an amnesty oath.

Other records show that Robert E. Lee filled out the pardon application and sent it to U. S. Grant, ignorant until months later of the additionally required amnesty oath. When he learned about that, he quickly appeared before a notary in Lexington, signed it, and sent it to Washington.

Then it disappeared until now. It was long supposed that General Lee wasn't pardoned mainly because he never had signed the amnesty oath. But if the newly discovered document, in mint condition, is genuine, then the mystery deepens about why General Lee was never "rehabilitated." Why the two required forms never got together in Washington is baffling. Could the missing document have been lost casually in some bureaucratic shuffle?

Whatever the true story about the document, its disappearance, and its reappearance after more than a century, Sen. Harry F. Byrd, Jr., of Virginia has introduced a joint resolution to restore General Lee's "full citizenship rights" posthumously. Senator Byrd's father, along with Sen. John F. Kennedy and Sen. Hubert Humphrey, introduced similar resolutions, but these always seemed to get lost in committees.

Rep. Joel Broyhill, a Republican, led the Virginia congressional delegation in a futile attempt to get President Nixon to do something for the general. The White House did some checking and said that the President would like very much to oblige, but that "our research reveals that on Dec. 25, 1868, President Andrew Johnson issued a proclamation which granted full pardon and amnesty unconditionally and without reservation to all persons who participated in the Civil War." The conclusion was that Mr. Nixon couldn't think of any way to go beyond what Andrew Johnson had already done.

Mr. Byrd credited an article by Elmer Oris Parker, assistant director of Old Military Records at the National Archives, with springing the news about the new document. The article appeared in the winter 1970 issue of Prologue, the journal of the National Archives.

Actually, even the pardon application went astray and is missing now. Its existence and the text of it are well known from other records. Mr. Parker states in his Prologue article that "Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and his oath was evidently pigeonholed."

A number of official documents of this period somehow "escaped" Federal custody and are in possession of collectors. Occasionally, some are offered for sale. National Archivists hope that someday Robert E. Lee's pardon application will turn up so that it may at last join the newly found amnesty oath as it should have 100 years ago.

After General Lee's futile effort to obtain pardon, the Fourteenth Amendment was adopted making it necessary that a two-thirds majority of both Houses of Congress approve full citizenship for former Federal officers who had subsequently fought for the South.

A spokesman for Senator Byrd said earlier attempts to get Congress to pardon General Lee failed mainly because of apathy and, once, because some Southern historical groups feared irreverent Northerners and others might say disrespectful things about him during congressional consideration of the measure.

Whether the general's rehabilitation is imminent still isn't clear. But Southerners know why General Lee was never pardoned: "It was that damned Seward!" snaps an unreconstructed Richmond newspaperman.

GENOCIDE BY TURKEY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. CONTE. Mr. Speaker, I was struck recently by the tragic connection between two articles I read concerning the country of Turkey.

The first, which I am sure many Members of this body also read, appeared in the Washington Post, April 24, 1971, and reported the previous day's demonstrations here by Armenians in memory of the more than 600,000 of their countrymen massacred by the Turks in 1915.

The second article, by William Schulz, appears in the May edition of the Reader's Digest and is entitled "Let's Halt Heroin at the Source." It records the attempts the United States has made to halt the heroin traffic into this country by appealing to the source of much of the problem—the Government of Turkey. This article records the obvious disinterest of the Turkish Government in taking any action to halt its production of opium which accounts for 80 percent of the heroin which eventually lands on these shores.

Mr. Speaker, 200,000 American addicts are literally killing themselves, and in many cases innocent others, because of heroin addiction. In addition, they are running up an annual crime bill that probably exceeds $10 billion.

Just as the Turks of 1915 committed genocide on the 600,000 or more Armenians of that day, so too is the Turkish Government of 1971 committing genocide on hundreds of thousands of Americans through its callous refusal to close the opium fields which produce the raw material transported to Marseille, France, for refinement into the heroin that is smuggled into the United States.

The slaughter of the Armenians in Turkey in 1915 reportedly was the first example of genocide in modern times. Much of the cruelty inherent in that act is manifested today by the Turkish Government concerning the opium problem.

I believe this body should study this situation closely and then should reexamine our longstanding acceptance of the theory that Turkey is our ally.

We know Turkey is a component of NATO, and that in a world that increasingly seems hostile to the United States she always carries the label pro-American.

But of what value is an ally on the international level if our Nation itself is eaten away from within? And make no mistake, that is what the drug-related crime problem is doing to our once great cities. When it becomes too dangerous and disagreeable for the public in these cities, the public will desert them and the cities will die.

The tragedy of all this is that so much of it could be halted if the Government of Turkey would cooperate.

It should be emphasized that what we are asking would not be a body blow to the Turkish economy. This Nation's

Cabinet Committee on Heroin, headed by Dr. Henry A. Kissinger, discovered that legal exports of opium amount to less than one-third of 1 percent of Turkey's foreign trade.

This is a damning indictment of the Turkish Government since it indicates that the Government's uncooperativeness results from its desire to protect those who are engaged in the illegal export of opium.

Mr. Speaker, it is time for this body and this Government to reassess our view of Turkey. Unless immediate action is taken by the Turkish Government to halt the cold blooded opium traffic that is debilitating the United States and slaughtering our people, I can see no reason for continuing the charade that Turkey is our friend.

We in this Chamber can no longer afford to simply decry the drug problem. We must, at the very least, identify the opposition and then let that realization be reflected in our daily decisions on aid, trade, and other measures which affect that country.

Mr. Speaker, the depth of this problem and the intransigency of the Turkish Government are spelled out concisely in Mr. Schulz' article in the Reader's Digest. I am submitting it for the RECORD at this time, in the fervent hope that my colleagues will not only read it but also will give serious consideration to my suggestion that we begin to reassess our view of the Turkish Government. I am also submitting the Washington Post article on the Armenian demonstration of last month.

[From the Reader's Digest, May, 1971]

LET'S HALT HEROIN AT THE SOURCE

(By William Schulz)

(NOTE.—Eighty percent of the drug that is poisoning our cities originates in the poppy fields of Turkey. The Turkish government refuses to cut off the flow. Has the time come to re-appraise this ally?)

A 26-year-old Vietnam veteran lies fatally wounded in a New York gutter, the victim of knife-wielding addicts who needed money to buy heroin. Authorities report that half the city's crime is committed by desperate addicts who must finance habits that require as much as $50,000 a year each.

In Philadelphia, the son of well-to-do parents dies of a heroin overdose. Five times as many Philadelphians are dying from drugs as from combat in Vietnam.

In Miami, police arrest a teenage pusher who makes $60,000 a year peddling heroin and other drugs.

In crowded ghettos and affluent suburbs, in college towns and rural hamlets, the talcum-like powder called heroin is taking an awesome toll. Two hundred thousand American addicts are literally killing themselves; in the process, they are running up an annual crime bill that probably exceeds $10 billion.

Behind the ruined lives and the soaring crime is the shocking fact that American addicts are fed by a valued ally: 80 percent of the nation's heroin originates in Turkey, a cornerstone of NATO, a loyal supporter of American foreign policy.

"Cut off the Turkish supply," President Nixon has said privately, "and you've gone a long way toward ending the drug crisis." But the "Turkish problem," as it is known gingerly in official Washington, has proved enormously frustrating. Despite the President's personal attention, despite extraordinary efforts at high-level negotiation, the deadly flow of Turkish heroin continues.

PRETTY POPPIES

For 2000 years the farmers of the desolate Anatolian Highlands of southwestern Turkey have eked out an existence by growing wheat, barley and opium. The seeds of the opium poppy are used in cooking; the stalks are fed to livestock. Adults swallow tiny bits of opium as a pain-killer and cold remedy. But there is no addiction.

The crop is planted in the fall. By spring, fields of beautiful poppies—white, blue and red—bloom throughout the region. A few weeks after the petals fall, the farmer makes an incision in the pod and "milks" the plant. A white substance—opium—seeps out and hardens. A day later, it is scraped off and rolled into sticky, malodorous balls.

Theoretically, the opium is to be sold only to Toprak, a monopoly of the Turkish government which supplies pharmaceutical houses throughout the world. There is little effort to police distribution, however, and much of the crop goes into illicit channels. American and Turkish officials know the names of the major opium brokers, but can do little. The dealers operate through front men and dummy corporations; insulated by aides and bodyguards, they never handle the stuff themselves.

Once collected, the opium is boiled down to an odorless morphine base, which reduces its bulk by 90 percent, and smuggled to Marseille, France. Some of its goes by sea, but in recent years most of it has moved overland by automobile. The cars, with hidden storage panels and false-bottom gas tanks, are generally driven through Bulgaria and Yugoslavia, to exit at the Italian or Austrian border. "It makes it impossible to tail them," says a weary U.S. agent. "The communists let them operate with impunity."

In Marseille, the morphine is delivered to Corsican gangsters, who maintain some dozen laboratories for converting it into heroin. From Marseille it is smuggled into the United States by international traffickers who supply the Cosa Nostra and other crime syndicates.

The profits of the trade are enormous. The kilo (2.2 pounds) of morphine base that sold for $350 in Istanbul is worth ten times that once it is converted into heroin in Marseille. Smuggled into the United States, its wholesale price triples to $10,000. Cut and recut, it will ultimately bring $250,000 in street sales—more than 700 times the original price in Turkey.

DIPLOMATIC DEAD END

From the day he entered the White House, President Nixon declared war on drugs. A tough, onetime Assistant U.S. Attorney, Myles J. Ambrose, was appointed Commissioner of Customs, and the nation's first line of defense against major drug smugglers was beefed up. The budget of the Bureau of Narcotics and Dangerous Drugs was doubled. And for the first time a U.S. President elevated narcotics to the highest foreign-policy level. A Cabinet committee on heroin, headed by Henry A. Kissinger, White House adviser on national-security affairs—and including representatives of the Central Intelligence Agency—was given one order: stop the flow of heroin.

Obviously, Turkey was the key to the problem. While opium can be grown in many areas of the world, an end to Turkish production would force illicit traffickers to spend years developing additional supply sources and setting up new routes to the United States. To their surprise, committee members learned that legal exports of opium amount to less than one third of one percent of Turkey's foreign trade. Turkey, clearly, could get out of the business with almost no economic distress.

President Nixon wrote a personal letter to Turkey's prime minister, Suleyman Demirel, reminding him that it was the United States that came to Turkey's rescue when the communists threatened a takeover after World War II. Every bit as serious, said the President, was the threat now posed to the United States by Turkish heroin. This brought no action from Demirel.

Then the American ambassador at Ankara, William J. Handley, was instructed to approach Demirel with an extraordinary deal. The proposal: Turkey to announce an end to opium production; the spring-1970 crop to be plowed under; Demirel to be given $5 million to compensate the growers.

Again, Demirel demurred. A native of Isparta province, in the heart of the opium country, he argued that his constituents "would call me an American lackey."

Demirel did agree to reduce the number of opium-growing provinces from nine to seven—and then to four in 1972. But American officials found little to cheer about. As the House crime committee noted: "To placate the United States, the Turkish government has merely weeded out the inefficient opium-producing areas." Indeed, Demirel's own government estimated that opium production would increase by 25 percent this year.*

DRASTIC MEASURES

Frustrated by its inability to move the Turks, the United States turned to the United Nations Commission on Narcotic Drugs. There, John E. Ingersoll, director of the U.S. Bureau of Narcotics and Dangerous Drugs, urged a drastic revision of international law to replace current "voluntary" drug controls with tough, enforceable standards. U.N. reaction was disappointing. Communist and neutral nations tend to shrug off drugs as a "U.S. problem," and attempts to amend international drug statutes are likely to take years.

"For the present," says a key Washington official, "it all comes down to Turkey." Thus discussions of the "Turkish problem" continue at the highest levels of government. Among other things, U.S. officials have discussed an economic embargo on Turkey or a cessation of all Turkish aid. Both moves have been rejected, at least for now, for fear they might bring down a seemingly pro-American government without ending opium production.

Turkey cannot afford to miscalculate the mood of the American people much longer. Late last year, the House of Representatives approved legislation giving the President power to cut off aid to any nation "not fully cooperating" with us in ending the international drug traffic. Supporters of the amendment made clear that it was aimed at Turkey.

As the months go by, as heroin continues to flood the nation, even more drastic measures are being considered—including reevaluation of Turkey's very worth as an ally. "It is time to decide," says one government leader, "if the solution to our drug crisis does not outweigh the military and strategic benefits of our Turkish alliance. For, until she acts, Turkey must share the blame for the deaths of thousands of young Americans."

TURKS HERE PICKETED BY ARMENIANS

(By Paul Hodge)

Most of Washington's small community of Armenian-Americans turned out last night to demonstrate near the Turkish Embassy, in memory of the more than 600,000 Armenians massacred by the Turks in 1915.

More than 300 persons, including 2- and 3-year-olds with posters declaring "I am an Armenian," marched at the corner of Massachusetts Avenue and 24th Street NW during the rush-hour start of their four-hour demonstration.

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* On March 12, 1971, Demirel was forced out of office by the Turkish military.

"Hitler asked 'who still talks about the extermination of the Armenians?' We do," said a poster carried by a young girl who speaks Armenian but has never visited the country that was divided between Russia and Turkey in 1920.

"The Turks still refuse to admit anything happened in 1915," said Mark Keshishian, a leading Oriental rug dealer here, who said he lost 35 members of his family and escaped himself only because he was out of the country at the time.

"It was the first genocide of modern time," said Mr. Keshishian, his words echoed in posters and leaflets handed to slowly passing motorists.

"About 1.5 or 2 million Armenians were murdered (historians estimate at least 600,000 died). There are hardly any left in Turkey today, maybe 30,000 in Istanbul and another 30,000 elsewhere. They are not officially persecuted . . . but unofficially, yes."

One of the elders of Washington's community of about 500–600 Armenians, Mr. Keshishian visited Turkey in 1959, following a visit to Russia the year before when he was met by then Premier Anastas Mikoyan, also Armenian-born.

"There about 4.5 million Armenians in Russia today, and they are treated very nicely," says Keshishian.

The closely-knit Armenian families here and around the country—"the whole city of Fresno, Calif., is Armenian . . . there must be 1.5 million Armenians in America," says Anne Atanosian, who carried a black wreath—are calling for Turkish admission of guilt and hopefully someday, to return to historic Armenian territories.

"It's like the Jews resettling in Israel," said one placard bearer, "The United States helped them and maintains their independence, and President Wilson promised us support." President Wilson, to whose house at 2340 S St. NW they also marched on their way past the Turkish Embassy, asked the United States to make Armenia a protected mandate territory.

Thousands of Americans are expected to protest at the United Nations in New York today, the anniversary of the beginning of the massacre in 1915, demanding that Turkey be punished under provisions of the genocide convention.

Here on Sunday, the ancient chants of the Armenian Orthodox liturgy will resound throughout Washington Cathedral at a special service commemorating the 1915 massacre.

Dean of the cathedral, the Very Rev. Francis B. Sayre Jr., and the Right Rev. Papken Varjabedian, pastor of St. Mary's Armenian Apostolic Church here, will conduct a combined commission service at 11 a.m. Bishop Varjabedian in announcing the services, said the cathedral is of special significance to Armenians because President Wilson is buried there.

THE POISONING OF THE WEST—PART II

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 11, 1971

Mr. METCALF. Mr. President, in Vietnam we kill innocent people while conducting saturation bombings. When our Armed Forces defoliate, they use so much defoliant that they turn jungles into mud-holes and maim civilians.

Overzealous destruction of life can also be found in the United States, specifically in the Interior Department's Fish and Wildlife Service predator control program.

Under the guise of protecting sheep and cattle ranches from predators, the Fish and Wildlife Service is wiping out large numbers of coyotes, mountain lions, bobcats, wolves, foxes, badgers, skunks, raccoons, beavers, opossums, and porcupines. I need not tell Senators of the importance of these animals to the balance of nature.

In the second of a series of articles published in Sports Illustrated, Jack Olsen discloses widespread violations of Federal poisoning regulations by Fish and Wildlife personnel. It is this kind of irresponsible action that causes the unwarranted deaths of precious wildlife.

I ask unanimous consent that Mr. Olsen's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POISONING OF THE WEST: PART 2—A LITTLE BIT GOES A LONG WAY

(By Jack Olsen)

If the sincere conservationist is disturbed by the poison saturation of the American West by sheep ranchers, he may take some small comfort from the fact that such freelance poisoning has been made illegal in a few states. Lamentably, the sheepmen's power remains so great, that hardly any of these antipoisoning laws are enforced, but at least they are on the books.

But what of the *public* poisoning Establishment, the official earth polluters, the men of the Wildlife Services division under the U.S. Fish and Wildlife Service, those dedicated public servants who preach about the wonders of wildlife and the wisdom of nature? To cite just one year—1963—these professional poisoners and trappers killed 90,000 coyotes, 300 mountain lions, 21,000 bobcats and lynx, 2,800 "red wolves," 800 bears, 24,000 foxes, 7,000 badgers, 19,000 skunks, 10,000 raccoons, 1,200 beavers, 7,600 opossums, 6,700 porcupines and 600 others. (These figures, no longer readily available to the general public, do not include many other animals that dined at poison stations and staggered away to die untabulated.) Were all these deaths necessary? Were they ecologically justified? Or were they part of a runaway killing program that years ago lost its scientific justification and now rushes on like an unbraked train? Dr. Alfred Etter, a distinguished naturalist, has studied the federal poisoning program more closely than anyone, and his conclusions are not very encouraging.

One wintery night Etter lost his dog to poison, probably the supertoxic 1080. The angered biologist immediately set about a one-man investigation of U.S. Fish and Wildlife Service poisoning policies in his own neighborhood, Pitkin County, Colo., which includes within its borders the popular resort of Aspen. His research turned up wholesale violations of almost every rule in the service's own book. "The infractions," Etter wrote later, "included placement of compound 1080 poison baits and cyanide guns on Bureau of Land Management and Forest Service lands without authorization, placement of guns on prime recreational land without notifying the owner, leaving of baits out over the summer season, failure to post warning signs, failure to keep accurate records and other equally serious offenses." Etter found that there was complete confusion within the Fish and Wildlife Service as to where its own poisons were located, and while his disclosures were being published in *Defenders of Wildlife News,* a hiker named Martin Carswell accidentally pulled a cyanide gun on Burnt Mountain near Aspen and escaped death by a fraction of an inch. Evidence indicated the gun had been set by a Government trapper. The gun had not been authorized by the U.S. Forest Service, which controlled the land in the area.

Etter was also angered by the desultory Fish and Wildlife investigation into his dog's death, an investigation which only accidentally turned up the fact that Etter's own township was studded with 1080 stations and poisonous gadgetry despite its proximity to Aspen. One result had been the drastic reduction of the area's coyote population (not to mention the area's pet dog population) and, as a result, the proliferation of malnourished and stunted deer, some 600 of them on 3½ miles of overgrazed winter range. Coyote getters, with the dye markings of the Fish and Wildlife Service, seemed to be as common as mushrooms in the township, and strychnine drop baits were being sown like seed. Etter wrote, "In a single county, one or more infractions of 10 different Wildlife Services ground rules were identified. These infractions related to both summer and winter operations and involved two different poisoners, a subdistrict supervisor, a state supervisor and, indirectly, a regional inspector."

But far more significant than the individual infractions was the pattern unearthed in Etter's own backyard by a man who was himself a field representative of the Defenders of Wildlife and a longtime thorn in the side of poisoners. "If there is one area of the United States where we might expect Wildlife Services to be on its good behavior, it should be in Pitkin County, Colo.," Etter wrote. "There are two reasons: first, because it is one of the most important recreational areas of the entire nation, and second, because I make my office there, and one of my projects is to study the federal predator-control program. Wildlife Services is well aware of this fact. If the agency cannot control what happens in this county, then the chances are excellent that it cannot control any part of its western killing campaign."

Anyone who makes the most cursory study of the toxification of the American West soon becomes accustomed to the sight of the U.S. Fish and Wildlife Service's district field assistants (DFAs) sallying out on the attack every morning without the slightest regard for their own rules and regulations. But one also learns quickly that the rules and regulations of the service do not seem to have been intended seriously in the first place, that they exist largely for the purpose of camouflage and that DFAs and their supervisors honor them almost entirely in the breach.

Take, for example, the broadcasting of strychnine drop baits. Although strychnine kills less discriminantly than the fearsome 1080, the drop baits in which it is used are highly perishable in warm weather, making it a safer outdoor poison. But as though to counteract this safety factor, Government poisoners distribute strychnine drop baits everywhere. According to official records, over six million of the sugar-and-lard-coated pellets have been sown by Government trappers in the last 10 years. The baits are distributed by hand, by snowmobile, by pickup truck, by trail bike and by airplane. Along with the other millions of poison pills put out by private stockmen, they are annihilating animals and birds that were protected by natural conditions for thousands of decades. "When you spread strychnine across all that area in the winter, you might just as well forget wildlife," says a retired Government predator trapper, Charles Orlosky. "The only thing that'll survive is a few rodents in hibernation."

Characteristically, the U.S. Fish and Wildlife Service has elaborate rules about the use of strychnine baits, and it displays them at the drop of a complaint so that the public may see how carefully such lethal agents are controlled. "Strychnine alkaloid tablets . . . must *not* be dropped from aircraft without the Regional Director's approval," the rules state. "Care must be taken to prevent exposure of perishable baits to domestic animals, pets, and *beneficial wildlife*. All perishable bait placements must be covered with cow chips, flat stones, or similar loose material, or placed in such a manner as to reduce hazards to nontarget species."

But Government trappers would go into paroxysms of laughter if they were asked when they last positioned a drop bait under a cow chip or a flat stone. "They ain't enough cow flops in the whole West to cover all the baits," says a retired DFA.

One of the reasons Charles Orlosky resigned from his job as Government trapper in western Colorado was the aerial seeding of strychnine. "One day they called me up and told me to make 5,000 drop baits," Orlasky recalls. "They said they were gonna drop 'em from an airplane on national forest land. So I told 'em to go to hell. I said it's against regulations and I'm not gonna do it. They said not to worry, there was nothing but coyotes where they were gonna make the drop. I had to laugh. I asked if they ever heard of birds? Why, the second that one of those paper sacks of baits hits the ground it opens up and throws the strychnine balls all over, and the birds pick 'em up and finish the job of scattering. They call this selective poisoning. I call it extermination."

Lately, the Fish and Wildlife Service has been carrying out its extensive drop baiting on a sub-rosa basis to avoid public criticism. There hasn't been a significant embarrassment since a predator-control agent named Vern Tuttle was loading 1,500 drop baits into an airplane and one fell on the ground. Before Tuttle could intervene, his own dog gulped the bait down and died. The story was later printed in a Colorado newspaper, to the chagrin of the Fish and Wildlife Service.

The accidental misplacement of baits could be tragedy enough, but even more serious is the attitude reflected all too clearly by the poisoning methods, namely that neither Government nor private poisoners have the slightest intention of following the rules.

A Montana state senator named Arnold Rieder decided to test this theory. He introduced legislation that superficially seemed absurd, for it simply required the U.S. Fish and Wildlife Service to obey its own regulations as a matter of state law. Immediately a bulletin went out from the Montana Wool Growers Association to all members: "Senator Rieder of Jefferson County has introduced Senate Bill 196, which places an unnecessary restriction on the use of poison for the control of predatory animals. We were unable to kill the bill in committee, and it has been reported out with a due pass label. Passage of this bill would greatly restrict the use of poison for coyote control and would prohibit it in some cases. The senate will vote on the bill soon, and we need the support of your senator to kill the bill. Would you please wire him immediately. . . ." Said an amazed Rieder when his bill lost: "It would only have required them to follow their own rules!" With the Wool Growers Association working against him, he was defeated in the next election.

Says Alfred Etter: "The average Government poisoner may start out obeying the rules but soon he is spending all his time with sheepmen, and hearing their gory tales, and he changes from a predator-control agent into a plain old-fashioned hunter. The hunting instinct takes over completely, and from then on all he wants to do is exterminate."

One irony is that DFAs and their supervisors talk of being overworked, but press their attentions with supreme dedication on even the most reluctant ranchers, ones who insist predators have a place and who encourage their survival. Some poisoners do not hesitate to establish 1080 stations where they have neither sought nor received authorization, nor are they reluctant to lay out deadly baits in areas where sheep populations are nonexistent or negligible and predation all but unknown.

Every control meeting between poisoners and sheepmen begins and ends with the same admonition: "Be sure to keep the forest ranger and the public-land manager informed of your predator loss." Each time a district field assistant calls on a stockman, he reminds him of the need for statistics. The result of this monotonous reiteration is not surprising. The figures come in by the mile. Sheepmen, eager to publicize their troubles to the world, compile horrifying lists of losses, anticipated losses and possible losses. The U.S. Fish and Wildlife Service feeds the statistics into its computers and works up its programs accordingly. The result is a galloping Parkinsonism that would drive a privately financed organization out of business within months. Every year the reported stock losses rise, the Wildlife Services budget climbs proportionately and the population of larger wild animals sinks to a new low. With each drop in the populations, there is an increase in the efficiency of the poisoners and of the devices they employ.

The researcher who attempts a study of predator-control statistics is asking for a massive headache. If ever figures seemed to be manipulated to produce predetermined results, it is the figures of the Wildlife Services. For years the statisticians of the poisoning Establishment furnished summary reports on the total numbers of "predators" killed annually, but a few years ago they abandoned this practice as poor public relations and began emphasizing their reports on "resource losses"—as compiled from figures provided by those old reliable, the stockmen and trappers. Says Small Game Supervisor Robert Tully of the Colorado Department of Game, Fish and Parks: "I never did like the federal reporting system in the first place. They used to report that they took so many bears, so many coyotes, so many foxes, and then they'd report 'others.' Well, we wanted to know what 'others' were. Were they pine martens? Fishers? Where were they killed, and under what circumstances? Now they've switched to nothing but livestock losses. There are political implications in this. They don't want the public to know how many bears and lions they are taking. I think this should be a standard part of their reporting, and part of the public record. People contact us and want to know how many coyotes and bears and lions Fish and Wildlife killed, and Fish and Wildlife won't tell us. We have to put pressure on them and demand the figures. But how good are the figures when we get them? Some of the Government trappers do additional trapping after hours. They are paid by private landowners to take additional animals. These aren't reported in any manner, either on their reports to their agency or to us. And I'm talking about animals like bears and lions that under the law *must* be reported to us. So you have to conclude that Fish and Wildlife statistics don't mean a whole lot."

Under the system of reporting resource losses, new heights of statistical comedy have been scaled. In Arizona, stockmen listed $62,000 damage by predators in 1966 and $63,000 in 1967. In response to fervent appeals for more and better statistics, they doubled these figures in 1968, turning in loss reports of $126,000. In 1969 they more than doubled this new figure—to $271,000. The state supervisor of Wildlife Services reacted predictably to this news of horrifying loss. Extreme problems call for extreme measures, and the supervisor took one: he authorized the springtime use of 1080–baited carcasses for the first time in Arizona's history. Numerous studies of 1080 have warned against the use of this poison on summer ranges for predator control, because it fells many animals that would be hibernating in the winter. But apparently something had to be done about the stockmen's rising losses, and the supervisor sprang into action.

The situation brought to mind a statement by Charles Orlosky a few years earlier. "When I was trapping for the Government," Orlosky had said, "a lot of sportsman pressure built up over the trapping of bears. The sportsmen said we were taking too many, and so the service decided to show them how many bears were taking sheep. They sent out instructions to take out the stomach of every bear we trapped, tie it up, soak it in formaldehyde and send it into headquarters. My own boss, when he told me about this, said that I should be sure and put some wool in the stomach before I sealed it up. In that way there wouldn't be any doubt about what bears ate. They told trappers to do the same thing with coyotes. I couldn't go for that, so I never sent in any stomach at all. But it wasn't surprising that all the reports came out showing that a high percentage of bears and coyotes were killers. The fellows that were honest wouldn't send the stomachs in, and those stomachs that were sent in mostly had wool in them. They're still quoting those old figures today."

Armed with such deliberate distortions, spokesmen for the federal poisoning program seek larger budgets from a misled Congress, and the end result is fiscal irresponsibility on an imposing scale. In Colorado, the annual Wildlife Services kill dropped 20%, from 10,200 wild animals in 1967 to 8,200 wild animals in 1970, while the budget was rising by $30,000. In 18 national forests in California, the value of sheep lost in 1962 was $3,500 and the cost of federal predator-control programs a walloping $90,000.

But the Wildlife Services does not deal exclusively in the extermination of predators; it also puts out tons of 1080-treated grain and other poisons to kill off the rodents that seem to be gaining the upper paw in the West. It is difficult to imagine a more fertile area for bureaucratitis than the rodent-predator cycle. As Constance Helmericks wrote in *Defenders of Wildlife News:* "The coyote-rodent cycle is perhaps the real mainstay of the extermination business. When properly exploited, this cycle can be exceedingly productive for a self-perpetuating bureaucracy. If you poison a great many coyotes this year, you sow your own harvest of lovely rodent and rabbit colonies for the next year, or soon thereafter."

U.S. Representative John Dingell of Michigan told a witness at a congressional inquiry: "You folks in the Interior Department have had some instances where you cleaned out the coyotes very thoroughly in the area and followed up the next year by being overrun with rodents and then had to conduct a fairly extensive rodent program to bring the population back into balance." By no means could instances cited by Dingell be considered exceptional. The West abounds in rangelands where rodents have moved into the ecological vacuum left by the annihilation of predators, and the Government poisoners are thus kept busy exterminating the rodents and thereby accidentally poisoning any furbearers that might wander back into the area. Nor is there anything new about this peculiar procedure. Seven years ago a committee of distinguished wildlife scientists appointed by Secretary of the Interior Stewart Udall to examine the predator-control program observed, "It is curious that [Wildlife Services] will distribute great quantities of 1080-treated grain . . . in exactly the same areas where they take elaborate precautions in their predator-control program to protect carnivores other than the target species. . . . In many regions of the Western United States where there are no sheep and where coyote damage is negligible, the coyote nevertheless has been essentially extirpated from treated areas as a secondary result of rodent-control programs. In addition to coyotes and badgers, uncounted numbers of bears, foxes, raccoons, skunks, opossums, eagles, hawks, owls and vultures are exposed to possible secondary poisoning in these programs."

Carried away by the vigorous poisoning operations, DFAs and their programmers seem to lose their perspective about the delicate checks and balances of nature and they settle down to the single-minded task of killing predators, *any* predators, all predators, all predators, without the slightest regard for the total biological picture.

"Not long ago," Dr. Etter recently wrote, "I found a line of coyote guns along a fence line drifted with sand blown from an adjacent field of watermelons. In these drifts the kangaroo rats had found the habitat they desired. The coyotes thrived on the rats, and the poisoners thrived on the coyotes while justifying their scheme by claiming to protect the watermelons from the coyotes. Meanwhile the watermelons lay rotting in the field, being largely unharvested because of their small size. The official report of this campaign would no doubt read: 'Coyotes are attacking melons and causing serious losses.'" Etter also wrote: "One of the most distressing evidences of Wildlife Services' lack of sensitivity to the environment is its continued operation in areas where land has been heavily overgrazed and eroded. Countless observations have been made throughout the Western states of this unfortunate practice. These lands should not have livestock on them, much less poison. For example, foxes are killed in large numbers on ruined sandy lands in West Texas and New Mexico where rodents abound and where livestock search vainly for feed. While the federal control program spends money to perpetuate a ruinous agriculture, ranching losses are used as a tax deduction from vast income from oil and gas derived from the same property." Sometimes, it seems, only the taxpayer loses, only the environment suffers.

To perpetuate such programs and justify their high budgets and sprawling hierarchy of personnel, Wildlife Services spends some of its annual $7 million budget on public relations, on newsletters and on publications aimed at exposing the predator menace. But the best public-relations agent in the poisoning business—as in almost any business—is the man in the field, the DFA who meets the public and solves problems and gets the midnight telephone calls from customers. These Government poisoners have a product to sell, and a large proportion of their working and nonworking hours are spent selling it, to the dismay of conservationists.

"There is no justification for promotion of predator control by federal employees, least of all those who depend upon this activity for their support," Alfred Etter testified before a U.S. Congressional hearing in 1966. "The demands already exceed the needs."

The five scientists of the U.S. Department of the Interior's study committee came to the same conclusion.

"Too often [Wildlife Services] support and encourage control decisions without critical appraisal," their report noted. "At times they are known to solicit requests for control and to propagandize against predators as a basis for such solicitation."

Former Government Trapper Paul Maxwell put it forcefully: "Every damn one of those trappers is a Fuller Brush man selling poison. The whole predator-control operation is nothing but a sales pitch by the Federal Government to keep that bunch off the breadlines, to keep them out in the sunshine hunting and shooting and poisoning and enjoying themselves at the public expense."

Some would agree with Maxwell, but it is an oversimplification to indict the federal trappers personally. In many ways, their reactions are very human—and very American. They have thrown themselves into their work, and they have come to look on it as the most important task in the world. For the most part they are uncomplicated, outdoors-loving men. They are not conversant with ecological principles. They suffer from the same insecurities as the rest of us. They have mortgage payments to meet, children to put through school, old age to anticipate. Like many other Americans, they are struggling to get even, to get ahead, and then to stay ahead for good, and such an existence leaves little time for the study of subtle biological processes. There are too many coyotes to be killed, too many sheepmen to be placated and too many stockmen clear on the other side of the state who need to be sold on the program.

Thus the problem of the overmotivated poisoning proselytizer is not so much that he is intentionally engaged in a giant confidence game but that he has fallen for his own propaganda and is striving with the zeal of a missionary to bring others under his spell. Nonetheless, his missionary zeal and his enthusiastic drive are having deleterious effects on the environment. His insecurities are endangering future generations, both wild animal and human.

How long will the poisoners be permitted to rush blindly ahead? Until all the wild animals are gone? Or 75% of them? One recalls the comment of a Colorado Wildlife Conservation officer, Louis Vidakovich, who is watching the tragic performance from his front-row center seat: "There will be a day of reckoning. All that they are doing will collapse on them. I just hope there is some game left for us to manage."

ZANZIBAR: RACIAL SOLUTIONS PROVOKE COUNTERREVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. RARICK. Mr. Speaker, last November I had commented on the bizarre attempts of Sheik Karume, the leading commissar of Zanzibar, to abolish racial differences in his multiracial colony by forcing the daughters of Arabs to marry his black party chiefs. See CONGRESSIONAL RECORD, volume 116, part 28, page 38589, "Racial Solutions in Zanzibar."

Today we learn that the same Communist boss waved his ceremonial stick over 19 accused counterrevolutionaries on public exhibition at a May-day rally and ordered them to be shot for treason.

Apparently the Arab fathers of the kidnapped young women objected to their daughters being forced into white slavery.

Objection to forced race mixing is considered counterrevolutionary by Communists.

I insert a news clipping:

[From the Washington (D.C.) Post, May 10, 1971]

ZANZIBAR'S LEADER ANNOUNCES PLANS TO EXECUTE 19 ARRESTED IN COUP PLOT

ZANZIBAR.—Sheikh Abeid Karume told a cheering crowd of several thousand yesterday that 19 men who plotted to overthrow his revolutionary government would be shot for treason.

"There will be no pardon," he declared, brandishing his ceremonial stick over the 19 accused counter-revolutionaries who were paraded before the rally.

It was not immediately announced when the executions would be carried out.

At one stage armed troops had to force back part of the crowd, which surged toward the handcuffed group.

The crowd was told that the five ringleaders, all of Arab descent, left Zanzibar in 1964 when the centuries-old Arab Sultanate was overthrown in a bloody revolution which brought Sheikh Karume and his left-wing revolutionary council to power. An army officer told the rally that the 19 men—all Zanzibaris—were seized last September.

Sheikh Karume, who is also first vice president of Tanzania, earlier told a May-day rally that the plotters had been caught smuggling arms and ammunition into Zanzibar.

"THROUGH THE MEDIUM OF PRIVATE INSTITUTIONAL FINANCIAL GRANTS, THE FEDERAL GOVERNMENT CAN STIMULATE ACADEMIC EXCELLENCE, INNOVATION, REFORM, AND DIVERSITY"

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. DONOHUE. Mr. Speaker, one of our most urgent national challenges is to determine how the Federal Government can most prudently and effectively act to sustain the diverse elements of higher education.

Recently, on April 22, last, Dr. Glenn W. Ferguson, the distinguished president of Clark University in Worcester, Mass., addressed himself to the solution of this challenge in testifying before the Educational Subcommittee of the U.S. Senate Committee on Labor and Public Welfare. At this point I wish to include the very timely and thought-provoking statement Dr. Ferguson presented to the subcommittee:

STATEMENT BY GLENN W. FERGUSON

President Nixon has suggested that the United States must provide "post secondary education for all who aspire to it". This is a commendable objective. The American people are supporting a higher level of education for more people than any society in history, and the projected requirement to place twelve million "aspiring" students in college by 1980, has become one of our basic national goals.

At the same time, twelve million Americans will not desire the same kind or level of higher education. The hallmark of American higher education has been diversity. As we realize the quantitative goal, we must nurture the qualitative attributes which are produced by pluralism and diversity.

Today, approximately one-third of our 2,200 colleges and universities are public institutions. They enroll more than sixty percent of the college students, and in another decade, they will enroll more than seventy percent. Each of seventy universities in America, predominantly public institutions, enrolls in excess of 20,000 students. Clearly, the trend is toward the large, public university, and current financial realities enhance the growth potential of the large and public combination.

While public universities are increasing enrollments, the multi-versity is under attack. Many contemporary students are "turned off" by the relatively de-humanized large university, and some are "searching for relevance" in smaller colleges or outside of the educational system. Of equal importance, a significant percentage of faculty members are beginning to recognize that the multi-versity has failed generally to produce the cross-fertilization of ideas, the inner-disciplinary programs, and the academic innovation and reform which were anticipated.

The Secretary of Health, Education and Welfare, Mr. Richardson, has stated that colleges and universities are "among the most inefficient institutions in the country". As a student of business and public administration, I challenge that statement. At the same time, I recognize that a degree of inefficiency, poor communication, and lack of relevance, which are associated with the multi-versity, has been made more acute by the nature of existing Federal aid programs.

In prior years, Federal funding of higher education has tended to endorse projects rather than institutions, fields of study rather than educational approaches, individual professors rather than outstanding institutional leadership, research rather than operating needs, and the growth of academic specialties rather than integrated academic programs.

When Federal funds were available to launch a new institute or academic unit, the multi-versity was prepared to add another academic feather. The results are manifest: academic excellence in narrow substantive fields, faculty withdrawal from student contact, and high-cost individual programs which cannot be maintained without extensive public subsidy.

To meet these criticisms, including the inefficiency which results from isolation, the multi-versity is attempting to decantralize without losing administrative control. In virtually every state, branches of the public universities are being established. In many cases, the branch units incorporate the alleged anachronisms of the multi-versity. There is only limited opportunity for innovation, curricular reform or close interaction between students and faculty. With low tuition levels and excessive enrollment pressures, the purposes of decentralization are being diffused.

As a nation, we are moving in the direction of endorsing the idea that financial circumstances should not be the pivotal factor in determining whether a student can pursue his education beyond high school. To make that concept a viable reality for our young people, we must also endorse the philosophy that higher education, in a variety of forms, will be available to each of them. The public university is prepared to cope with part of the problem, but the private university must also fulfill its responsibilities.

We are aware of the pressures placed on State legislatures to fund public higher education. We respect their efforts to respond, and we realize that because of financial realities, it is extremely difficult for state governments to allocate resources to private institutions. I suggest that the Federal Government review *its* priorities in an effort to sustain diverse elements of higher education. The small, private university needs help. It needs help now to meet the current demands for change. As qualified students have the opportunity, through financial support, to broaden their choice of schools, the private institution must be able to respond.

Traditionally, it has been the responsibility of the private school to innovate and to offer a broad range of academic programs. In recent years, both public and private colleges and universities have shared Federal dollars. Given current pressures, I am concerned that the Federal Government may minimize its commitment to the private institution.

If minimal diversity is to be maintained; if education, in its broadest sense is to be encouraged; if a significant percentage of the projected twelve million college students are to be educated, as well as trained, and if academic standards of excellence are to be supported, the Federal Government must assume the leadership.

If Federal financial support continues, in the traditional format, the heterogeneity of American higher education will be in jeopardy. If the Federal Government does not provide a larger percentage of financial assistance to private institutions, rather than treating public and private colleges and universities in parity, the number and diversity of colleges will decline, the large will grow larger, and the remaining private colleges will become havens for the socially and financially elite.

Currently, most private colleges reflect curious mixtures of students from very affluent or from very impoverished circumstances. Unless institutional grants are awarded by the Federal Government, tuition will continue to rise, and students from middle-income families will disappear from private colleges. As costs increase, the private colleges will be unable to maintain the requisite student financial assistance levels for minority and other low income students. If this occurs, the private sphere will no longer offer the wide range of sizes, fields, standards, philosophies and reforms which must be preserved.

Given financial strictures, the Federal Government must consider a combination of institutional grants and direct loans and grants to the individual student; however, unless national higher educational priorities are established, the status quo will be unaffected. A recommended priority incorporates Federal support for private rather than public institutions. If aid were still based on total enrollment, the large private colleges would grow larger and the smaller private colleges would atrophy.

To obviate this development, the Federal Government might consider awarding a basic institutional grant to each accredited private college or university coupled with variable monetary increments reflecting national priorities. In the United States, all colleges and universities were not created equal, even though the Federal Government has treated them equally. At the national level, we should exercise judgment and attempt to assign financial values to stipulated educational objectives. For example, if we feel that the Ph.D. recipient will continue to experience placement difficulties, we may wish to award a financial bonus to those private institutions which introduce innovational professional programs, doctorates in more "relevant" fields, or unique terminal degrees stressing the teaching dimension. Several variables exist, and in each case, hard decisions would have to be made concerning the future objectives of higher education. Historically, the Federal Government has been reluctant to discharge this function.

Through the medium of private institutional financial grants, the Federal Government can stimulate academic excellence, innovation, reform, and diversity. In addition to reflecting present values, American higher education should continue to prepare some students for an unknown future.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing.

Major James Sheppard Morgan, U.S. Air Force, FV3026413, El Dorado, Arkansas. Married and the father of four children. The son of Mrs. Harriett P. Morgan and the late David A. Morgan, El Dorado, Arkansas. Officially listed as missing November 10, 1967. As of today, Maj. Morgan has been missing in action in Southeast Asia for 1,277 days.

DENTON, TEX.

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. PURCELL. Mr. Speaker, outstanding examples of community spirit and diligence are often found wanting in these days of troubled cities. Many urban areas, once the hope of solid investments, are now merely bedroom communities—stagnant havens for Americans wearied by unimaginative jobs and surroundings.

I have come to recognize a city in my district, however, as an exception to that blighted picture. I firmly believe Denton, Tex., is one of those outstanding examples of community spirit and diligence.

Today Denton is a progressive north Texas economic and cultural center. The home of two fine universities, one of them the alma mater of Miss America—a Denton girl herself, this city has consistently shown the way in civic and economic development. Now 50 percent larger than in 1960, Denton is not looking upon the increase as a burden. Rather, the city now has greater capabilities.

An example of the spirit which is the backbone of this truly unusual Texas city is the development of its business sector. The Denton Chamber of Commerce is no store front operation. Like the citizens of Denton, it is an aggressive and dynamic institution.

Glancing through the Denton Record Chronicle of April 25, I came across an article which suggests that spirit. As well as boasting of companies such as Loadcraft, Inc., Victor Equipment Co., and several strong banks such as the 1st State Bank, Denton is the home of an insurance company.

I am inserting the article in the Record in an effort to share the pride which I have personally developed in Denton and her business community.

[From the Denton Record Chronicle,
Apr. 25, 1971]

Lifetime Security Continues Growth

Charles "Boe" Adams, president of Lifetime Security Life Insurance Company, reports that the company continues to grow beyond expectations. Through April 15, Lifetime Security had over $250,000,000 of insurance in force.

Lifetime Security, which has been operating only in Texas, has current plans to expand their operations into more than 20 states. Contracts to purchase two additional companies have been signed.

Adams said he believed Lifetime Security to be one of the most dynamic, progressive organizations in the insurance industry today.

"Lifetime Security Life Insurance Company's record of rapid growth is evidence enough of the reliable insurance service offered to the general public. Lifetime Security has clearly lived up to its philosophy of providing quality insurance protection at a reasonable cost with prompt efficient handling of all claims," he said.

PULITZER PRIZE TO BILL CALDWELL

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. WIDNALL. Mr. Speaker, on May 3, the leadership of the journalism profession noted what Bergen County has known all along. Bill Caldwell is a kind of genius journalist.

> William A. Caldwell, associate editor of the Record has won the 1971 Pulitzer Prize in the commentary category for the daily column he has written for more than 40 years.

That is how his newspaper, the Record of Hackensack, N.J., called it in a lead story last week. One of his colleagues calculated that Bill has written 40,000 columns and described each as typed precisely 85 inches long on a single sheet of paper, free of erasures, strikeouts or strikeovers.

This exacting approach to composition typifies the carefulness and accuracy Bill always brings to his columns.

Bill Caldwell is known for extracting general applications from local stories, and for that reason his columns have attracted wide readership. His writing style employs an extraordinary range of words and phrases, of which his colleagues note:

> When any of us writes he's writing for Bill, with Bill in mind, with Bill's standards right there.

I would add that during my years in the New Jersey Assembly and the U.S. Congress, I have weighed problems with Bill Caldwell's standards in mind.

Assembled here are a few stories, Mr. Speaker, that illustrate the life of this fine man and offer a view of his enormous talent:

A PULITZER TO CALDWELL

[From the Record, May 4, 1971]

(By George James)

William A. Caldwell, associate editor of The Record, has won the 1971 Pulitzer Prize in the commentary category for the daily column he has written for more than 40 years.

Although the 64-year-old writer-editor and The Record have won many state and national awards, it is the first time any staff member has won the most prestigious honor in journalism.

"It's the verdict of the profession. Since I respect the profession, I can't think of anything more I could want. It's like a certificate you exist," Caldwell said yesterday when reached by telephone at his summer cottage in Martha's Vineyard, Mass., where he is vacationing.

"It's just as well I'm not there," said Caldwell, a white-haired, barrel-chested six-footer who has often claimed he becomes uneasy when asked to make a speech. "I'd just burst out into tears."

Donald G. Borg, chairman and editor of The Record and Caldwell's friend through the years, said he couldn't be happier.

"I'm delighted that the Pulitzer Prize Committee and trustees have recognized what I knew a long time ago from working with him. We're all finally in agreement.

"Bill has been influencing New Jersey public opinion for more than 40 years. His style is fluent and persuasive. He can be indignant, jocular, appreciative, solemn, or funny. The end product is a column or editorial that will be helpful to the reader, and at the same time invite him to form his opinion."

Malcolm A. Borg, president of The Record, said the award is the highest accolade Caldwell could receive.

"It is certainly fitting for a man of Bill Caldwell's competence and intelligence to receive a tremendous award just eight months before reaching Age 65, an age he might consider his time to retire but which I and members of the staff hope he does not."

At the moment he received notice of the award from a fellow editor, Caldwell was painting a fireplace as part of a week-long effort to ready his vacation home for the summer season.

Asked if on winning the Pulitzer Prize he intended to suspend his housework and have some fun, he said: Don't separate the two. Work around the house is fun."

This concept of work and fun pervades his day at The Record.

Caldwell arrives for work each morning at 6:30 and leaves 11 hours later at 5:30 p.m.

Besides writing his column of general interest which appears six days a week, Caldwell supervises the editorial page staff, edits their editorials as well as writing his own, edits wire and local copy for the page opposite the editorial page, writes the headlines, and designates the art to illustrate the material.

He also finds time to chat with reporters who wander into his office to take issue with an editorial, gripe, or seek advice.

The 55th annual Pulitzer Prize comes at the zenith of a career at The Record that began in 1924, when at the age of 17, he worked for the paper as a sports stringer.

As in 1970, when the award for criticism or commentary was first established, the trustees gave two separate and coequal $1,000 prizes in each category.

The criticism award was won by Harold C. Schonberg of The New York Times for his music criticism during 1970.

Caldwell's column, "Simeon Stylites," takes its name from a fifth century Syrian hermit who spent 35 years in meditation atop a pillar in the desert.

In a nominating letter Executive Editor Don Carter wrote that the column deals with local but universal topics for an audience that has come to appreciate good writing, sharp thinking, and provocative commentary.

"This modern Simeon . . . finds it difficult to dismiss anything as irrelevant," Carter wrote.

"(He) finds fallacy in our demands for more roads and schools and waste disposal plants, but not in 'our' backyards. He spots humor in the misery of being born a December child, music in the sunrise over Katama Bay, event merit in the left-footed attempts of broadminded gents to agree with women's liberation."

Carter said, "He feels the thorns in a racist argument, deciphers what makes a vice-presidential speech divisive, pleads guilty, like most of us, to the gambling urge, and rediscovers the meaning and the message of the boy's first foul cigar."

Caldwell was born in Butler, Pa., Dec. 5, 1906. He grew up in Titusville, Pa., where his father was managing editor of the local paper.

His father moved the family to New Jersey and was Associated Press foreign news editor when he died at 44.

He left his widow with five minor children. Young Caldwell, a 14-year-old sophomore at Hasbrouck Heights High School, continued at high school and took odd jobs. One was pumping the organ at a local church, where he eventually worked his way up to be organist.

He was never to get to college but he is considered by his colleagues a learned man, widely read, philosophical, and sensitive to issues and language.

He is a trustee and former board chairman of William Paterson College, Wayne. He was awarded an honorary LL.D. by Rutgers last June.

Organizations for which he has given his time include the American Cancer Society, the Bergen County Grand Jurors Association, the New Jersey Press Association, the Tuberculosis and Health Association, the Bergen County Medical Society, Americans for Democratic Action (he was a founding member of the New Jersey Branch, and the American Civil Liberties Union.

HOBBIES

He was elected to the Board of Directors of the Bergen Evening Record Corporation Jan. 27, the same day Malcolm Borg became president of the corporation. Caldwell is secretary of the corporation.

For the record, he lists his hobbies as "piano, writing, drawing, boats, fishing if it's fishing, conversation if it's conversation, cooking, Martha's Vineyard."

His younger brother, Robert, assistant editor of The Record, has written of him, "When Bill came to The Record he was the youngest man on the staff. He still is."

He and his wife live in Ridgewood. They have two daughters and a son.

Caldwell, in discussing editorial and column writing, once wrote:

"As a poet's struggle with his rhyme scheme shapes his thought and compels him to reconsider it and reshape it, so any writer's evolution of a sentence across the face of the page refines his language, dictates the flow of the sentence next emerging, and leads sometimes to the happy accident that is a sentence he knows no man could very much improve.

"You write an editorial the way you write a poem or an epitaph or a novel or a love letter, so that when it is done you know in your gut you did the best you can and can settle for that.

"As for a column, the same principle applies, I guess, although there are so many kinds of columns that nothing anybody says could be true of them all.

"My own theory, born I suspect of desperation, is that if the subject interests me it'll be interesting to someone else—plus the somewhat arrogant assumption that my opinion, within the limited framework of my intellectual competence, may be sufficiently bizarre or vehement or sympathetic to justify the use of the newsprint and the reader's time. I guess it should be added that any effective humor depends on the writer's deadly seriousness.

"I hope it is understood that all this has to do with the way I work. It is not a formula for success, because I don't know what success in writing is."

He also has written that he tries never to end a piece of writing with a quote.

[From the Record, May 4, 1971]

DECEMBER'S CASTAWAYS

NOTE.—This is one of the columns for which William A. Caldwell was awarded the Pulitzer Prize this week. Several other award-winning columns will be reprinted.

(By William A. Caldwell)

I have no clear recollection of the event, but the first of many unforeseen calamities in my life occurred Dec. 5, 1906, in Butler, Pa. I was born.

The pickle into which a December baby gets by letting that happen to him is peculiar and, I have been persuaded, embittering. Except for a relatively few persons who appear to have been generated in the form of mildew on the walls of damp cellars, everyone gets born. But only 8.333 . . . per cent of us have our birthday so close to Christmas that, instead of being a revenue-producing asset, it is a bleak embarrassment.

For the other 91.666 . . . per cent a birthday is when the family forgathers from miles around to indulge in drink and gluttony and insane laughter. The table is festive. Best clothes are worn. In the living room the birthday celebrant presides over the submission of the loot, piece by glittering piece.

"Oh dear, this is much too much," says the child of March or August or November—correctly, by the way.

"Oh, but birthdays come but once a year," oozes Aunt Molly. "Come over here and let your auntie kiss you."

The December child stands in the doorway examining this repellent scene and understanding how oppressed minorities feel. He knows what will happen on his birthday. Everybody will be too much fatigued by the holiday gadding to come to his party, or will be preparing to be all fagged out, and besides there won't be any party. Since everyone is watching his diet at this time of year, cake is an indulgence that should be resisted, and one does grow so tired of turkey!

The small remembrance is in a small, flat, square box. The other kids get Maseratis and Winchester .22s and motorboats and hip boots. December's child will never run out of handkerchiefs.

As a December child named Love was complaining not long ago in one of the Washington papers, this, like any other discrimination based on the accident of birth, is especially hard to bear. Mr. Love worked himself into a fine lather of indignation. I found myself reading the piece with a curious sense of detachment.

A little while before my birthday the bride had been crayoning holiday engagements into the squares on the kitchen calendar.

"You have a birthday coming up," she said. "Or would you just as soon forget it? For two bits I won't tell anyone."

For it? What else, I snarled, have people been doing all my life? I do a passable imitation of my aunt with the adenoids.

"Your birthday does come so close to Christmas, William," I said, "that your uncle and I thought you'd rather we saved a real surprise for you until then."

"I wish to peace I'd known you feel so deeply about it," she said. "But now that I know, we're going to do something about it. What would you like for your birthday?"

"Nothing," I said. "If you must know, I'm down to my last three dozen handkerchiefs."

She handles children sympathetically.

"If you had to wish for something or be sentenced to another year as chairman of the board of trustees," she said, "what would you wish for?"

There have been Decembers when I'd have known what to say: a sled with steel runners, an electric train, a BB gun, a pair of football shoes, a deerskin jacket, counterpoint lessons of all things, ice skates, a basset hound, a sailfish, a bicycle, a little printing press and a font of 12-point italic type . . .

She was waiting.

Abruptly, on the eve of my birthday, I had run out of things to want. The goods and gadgets I had yearned for as a kid and had begrudged not getting were irrelevant. I have clothes enough to last me a lifetime though I live to be 200, and as for things to do there's a piano that could keep me busy practicing cheerfully four hours a day at least, plus, although it is old and its lowercase characters are clogged, a typewriter that works quite well enough to keep pace with my brain.

This is not to imply that my cup runneth over. The world is a mess, a dangerous mess, and the air is fouled and there is all around us and anxiety—a combination of tension and envy and smoldering anger and hate—that is becoming diagnosable illness.

But nobody can knit you or run down to the store and buy in a package the cure for things like these, and no kinfolk can chip in and present to a man that whose name he dares scarcely to say even to himself: that, knowing what he does now, he could go back and be again a kid of 25 or 30 or maybe 45. He would like to be wiser, leaner, more patient, less lazy, better read, braver, more honest and at the same time more lenient toward the people around him . . .

She was waiting.

"Look," I said, "My birthday comes so close to Christmas, why don't you save a real surprise for me till then?"

[From the Record, May 4, 1971]

WE KNEW IT ALL THE TIME

In any other first week of May in the past 42 years Bill Caldwell would have been at his typewriter in the office here beating out his Simeon Stylites with the conscientious care he's made a habit. Yesterday when word came of his Pulitzer Prize he was away on his first springtime vacation, and there was something wonderfully appropriate about it. A wave of applause broke across the office, and newspapermen who thought they were case-hardened found themselves congratulating each other as if each had himself been the winner. Bill wasn't here, except he was—as he always is.

Because when any of us writes well he's writing for Bill, with Bill in mind, with Bill's standards right there. That means that the writer demands the best he can do on this particular writing assignment; the right message, of course, but the right word scrupulously chosen, the right organization of the material, the right cadence. He's taught us how one must sit at the typewriter and bleed; someone may do you the honor to read this, and you'd better be up to that reader's standards.

A famous prize like the Pulitzer is simply an affirmation. It is not to minimize the prize to note that a significant public in The Record's circulation area has known about William A. Caldwell for a long time. He had to go to work early when his father died young; he never got to college; there's some doubt that he even got his diploma from high school. He came to The Record first in 1924 as a sports reporter, and he decided way back then to make his ignorance an asset. He knew how much he didn't know, and he has spent his adult life trying to fill in the holes. That accounts for the breadth of his columns, the multiplicity of subjects he treats, and the warm sympathy with which he perceives the world and the world's people.

And for a purely professional aside, his column is only one aspect of his excellence. He's out of town and can't edit or write the editorials as he usually does; so we can say that he selects, illustrates, headlines, and edits the material on this page and the one opposite. He does more work than any of us, he does it better than any of us could have imagined until he showed us how easy it was. Only it wasn't.

It's a privilege working with him.

[From the Record, May 4, 1971]

A LEGEND TO ALL

(By Mark A. Stuart)

(NOTE.—Mark A. Stuart works for Bill Caldwell as an editorial writer. He's been a newspaperman for 25 years.)

Bill Caldwell is the most complete reporter and self-effacing legend I know. When I tell reporters who've never worked with him only half the truth I know about this man, they don't believe me.

The sheer amount of work of which he is capable is staggering. Every morning, six days a week, he writes three or more editorials. Every afternoon, six days a week, he turns out a column.

That's 12,000 columns in the past 40 years, give or take a dozen. Each is faultlessly typed on a long sheet of paper. Each is exactly 85 lines long—not 86, not 84. There are no erasures, no overtyping to x-out a word.

The prose is as clean, as logical, as vivid, as biting, as mind-expanding as if he had spent a week honing each essay.

Every day Bill Caldwell sits at his desk in the corner office on the fourth floor. Before him are a container of sharpened pencils, a huge penknife, several pipes, tobacco, matches, and a few neatly placed sheets of information.

He looks out the window at the courthouse dome in the distance, at the parking lot below, bends to his machine, and starts typing. The words stream out, line after steady line; and the world intrudes on 150 River St., Hackensack.

Bill Caldwell, his brother Bob is fond of saying, was a sage at 17. It was easy.

"All he had to do," said Bob, "was learn to write beautifully by the time he was 15, and along with it learn that you'll never write as well as you ought to, and at the same time learn to be a crack player in football and baseball, be a pianist, an organist."

Bill Caldwell is a great editor who would rather be a reporter than anything else he knows. Out in Chicago at the Democratic party convention in 1968 he had two men with him, each less than half his age.

He left them panting. As they were ready to drop, he was off and running to see for himself what was happening. His copy flowed into the office crisp, complete, colorful, and on time—always on time.

He's tuned in. At 64 he is a companion the young would rather be with than some of their contemporaries. He appreciates. He encourages. He always has time for others. After those three editorials—or more—and the column and the editing and the copyreading, there's always time for a chat, for a story, for advice to a young colleague.

They like to say all this was self-taught. He taught himself to play the piano and the organ, to read music, to cook like Escoffier, to play a major league brand of baseball and football.

Bill Caldwell was forced to leave school at 14 when his father, a newspaperman, died. But he never stopped devouring an education. He's read everything including Dr. Eliot's five-foot shelf. He leads a group of homegrown philosophers calling themselves "The Wranglers" whose diet is the Great Books, or Ovid, or the Mets, or anything anyone that week has decided he'd like to be a nut on.

[From the Herald-News, May 4, 1971]

BILL CALDWELL WRITES WAY TO PULITZER PRIZE

HACKENSACK.—Bill Caldwell was vacationing at Martha's Vineyard when he got the news that his columns had won him a Pulitzer Prize. For the first time in his career, he used a platitude.

"It's just short of a state of shock," he said.

For 47 years, William Anthony Caldwell has been putting his thoughts on paper for The Record of Hackensack. He's worked in the sports department, the women's page, the city desk, and most of all on the editorial page, which he still comes to work at 6:30 a.m. to edit.

For the past 41 years, he also put his thoughts and a plethora of words nobody else knew existed to work for "Simeon Stylites" a column of observations on anything from the war in Vietnam to the financial problems of the high school newspaper in his home town of Ridgewood.

His knowledge comes from reading, and reading, and more reading; and was developed without the college education that his family couldn't afford after his father died while Bill was still in high school.

"The first law," says Bill Caldwell, "is that you're interested. There isn't anything that isn't interesting. Indifference is the cruelest thing that can happen to a writer."

The end product is usually written at the tag end—"two or 2:30 p.m.—of a day that includes editing, editorial writing and general supervising.

"If it's good," he says of the column, "it takes me a little over an hour. If I have to drag it out, it's two or two and a half."

The result usually mixes a personal philosophy with some of history's better minds.

He's won one other major award, a Silurian. "I just sat down and got rid of all my feeling about Barry Goldwater."

His unique writing style—"I guess they'd be able to find me pretty easily if I ever wrote a ransom note."—is, according to Caldwell, "just one of those things that happens." As a boy, he was constantly exposed to words from his father, an Associated Press editor, and his mother, a teacher. His younger brother, Bob, is now an assistant editor of The Record.

Caldwell grew up in Hasbrouck Heights and lives now in Ridgewood with his wife, his daughters, Alix and Toni, and a son, William Alexander Caldwell. "His middle name is Alexander, so he won't even stand for a junior, or 'the second' or anything like that," says William Anthony Caldwell.

Every so often, Bill Caldwell finds himself apologizing for his lack of a college degree, particularly with one of his outside activities. "Yes," he says. "It's one of the things that embarrasses me about being on the board of William Paterson College."

SOVIET JEWS RELIEF ACT OF 1971

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. FISH. Mr. Speaker, today I am joining in cosponsoring a bill introduced by my colleague, EDWARD L. KOCH, which I consider to be a highly important, humanitarian piece of legislation.

This legislation, entitled the Soviet Jews Relief Act of 1971, would authorize 30,000 special visas outside the regular immigration quota system for Soviet Jews who are permitted to leave the Soviet Union and who may wish to come to this country. I not only entirely support the humane philosophy of this bill, but congratulate Mr. KOCH on its introduction.

This legislation is in the great tradition of this Nation as a haven of refuge for the oppressed from many lands. The proposed bill is a direct linear descendant of special legislation passed by Congress which permitted over 30,000 Hungarian refugees to settle here after the suppression of their 1956 revolt. Similarly since 1968, over 10,000 Czechoslovakian refugees have been assisted in coming to the United States, while over the past decade more than 565,000 Cubans have made the United States their new home through exemptions in the immigration laws. This bill would extend the same consideration to Russian Jews.

Even though I am fully aware that Soviet Jews may be prevented by Soviet restrictions on emigration from availing themselves of these 30,000 special visas, I believe enactment of this bill would serve the dual purpose of letting the leaders of the Soviet Union know the American people disapprove of their repressive tactics toward their proud Jewish minority. Its passage will also proclaim not only to the Jews of Russia, but to the oppressed of all Nations, that America and the freedoms which have made this Nation great, still exist.

In a very real sense, passage of this legislation would serve as a challenge to the Soviet Union to throw wide their doors to allow those Soviet Jews who wish to leave to do so. Of course, many of these people, should they be permitted to go, would immigrate to Israel, the very existence of which has fired their imaginations and stimulated in large part the present drive to leave the Soviet Union. But this consideration should not be used as an argument against this proposed legislation.

Through positive action on the Soviet Relief Act of 1971, Congress could influence, I believe, France, Great Britain, Italy, and Austria, as well as other nations outside the Soviet bloc to enact similar legislation. We know from experience that the Soviet Union is sensitive to charges of mistreatment of their Jewish minority, and such a worldwide movement would have particular value in imposing yet another pressure on them to allow free emigration of those Jews wishing to leave that country. Such pressure is clearly needed if the U.S.S.R. is to be encouraged through world opinion to live up to the United Nations Universal Declaration of Human Rights, article XIII, which confirms the concept of emigration as a basic human right, and which is supported in principle by Russia.

I do not need to outline to this body the long history of U.S.S.R.'s efforts to blend its 3.5 million Jews into the general culture of the various Russian states. But 50 years after the Russian revolution, and 35 years after the last period when Jewish education and study was permitted, it seemed quite logical that Jewish youth, without access to synagogues, reading no Jewish books, and having no Jewish cultural life would become less and less Jewish and gradually would be assimilated into Russian society.

Surprisingly, quite the reverse has happened. Instead of losing their identity as Jews, many of the young people proclaim it proudly. Probably the most important single factor in the development of this proud racial and national identity has been the development of a free Israel since 1948. For there was a state and a people with which they could identify. A state where their religion was practiced, their books read, their traditions preserved, the richness of their cultural heritage known. This knowledge has led to the mounting drive by Soviet Jews to emigrate.

How large this Jewish drive to emigrate may be, no one knows, as requests for emigration visas have increasingly become the cause of prosecution and persecution by Soviet governmental agencies. In addition to job loss, demotion or other subtle forms of persecution, some Jews who have asked to leave Russia have gone not to Israel, but to Soviet prisons. Yet in spite of this, the wave of emigration requests by Jews to leave the U.S.S.R. continues and increases. To date, only a minute trickle has been granted permission to join families in Israel or other countries, among the tens of thousands of applications which have been refused.

Given the steady growth of militant Judaism and militant Zionism in the Soviet Union, and the tensions they cause, and given the increasing pressures to emigrate, it would seem reasonable to believe that with enough pressure from world opinion, the Soviet Government could in the foreseeable future decide to allow an ever-increasing number of Jews to emigrate. Should this occur, this Nation must be ready to receive those who wish to come to this country. For now is the time for us to make such plans, in contrast to the neglect of the Jews by mankind 30 years ago, when so many countries, including the United States refused sanctuary to many of those Jews who escaped or would have been permitted to leave Nazi Germany through negotiations had such special visas been available.

This is particularly important at this point in history as the special refugee quota of 10,200 visas available under present law for refugees from the Eastern Hemisphere has been oversubscribed for the past 2 years, and would not meet the need if the Soviet Union were to open her doors to emigration even on a modest scale.

Mr. Speaker, for all these reasons, I am proud to become a cosponsor of the Soviet Jews Relief Act of 1971, and urge its speedy enactment into law.

DIAMOND ANNIVERSARY

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. RUPPE. Mr. Speaker, I have the honor of acknowledging the "Diamond Anniversary" of the Michigan Optometric Association. The State convention meeting May 30–June 3 on Mackinac Island in my district, is to commemorate 75 years as a professional association and as a principal provider of professional services.

The evolution of the Michigan Optometric Association since 1896 clearly illustrates the high degree of initiative, foresight, and professionalism of the optometric practice itself.

The Michigan Association was founded on September 10, 1896, in the city of Grand Rapids. Dr. A. J. Shellman was elected the first president and Dr. Ernest Eimer, secretary-treasurer. Founding of the organization preceded the first Michigan optometric State licensing law by 13 years.

The first decade of the 20th century was truly a remarkable one for optometry. In 1909, passage of the State's first optometry law required 1 year's attendance at a recognized optometric school or 2 year's apprenticeship under a registered optometrist. Today, all optometric colleges require 4 years of professional study after 2 years of pre-optomtry.

Later that same year, the first Board of Examiners in Optometry was established, consisting of Drs. Eimer, B. W. Hardy, A. Altenberg, A. Kludt, and P. Scholler. This board proved to be the precursor of present-day registration, certification, and regulation of practitioners.

As technology advanced and the profession evolved, the organization's name was changed in 1904 to the Michigan Society of Optometrists, and on September 23, 1945, to the Michigan Optometric Association which it has remained to the present time.

Subsequent decades saw research and development in such areas of optometry as examinations for pathological diseases and other specialized services including child care, vision care for the aging, aid to the partially sighted, vision and highway safety, and occupational vision. These advancements led to a vastly improved and highly efficient program of vision care to the extent that, as is true in my own district of 415,000 people, over 70 percent of all vision care in the United States today is provided by the optometric professional.

I am delighted to have the opportunity to honor the association's diamond anniversary, the men who steered its development, and the dedicated vision care professionals who serve the public. The association is not only a tribute to the optometric profession, but also to the State of Michigan.

EMOTIONAL JOURNALISM

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. DON CLAUSEN. Mr. Speaker, several months ago an article appeared in the San Francisco Chronicle written by Mr. Arthur Hoppe entitled "To Root Against Your Country." In my judgment, the article was an irrational appeal to emotionalism and, regrettably, it seemed to hit its target. However, recently an answer to Mr. Hoppe was brought to my attention, written by the Honorable Charles J. Conrad, assemblyman, State of California, and in my opinion, it points out the fallability of the emotionalistic and unreasoned basis on which Mr. Hoppe roots against his country.

At this point, I insert in the RECORD Assemblyman Conrad's reply to Mr. Hoppe's appeal to "root against your country."

APRIL 15, 1971.

Mr. ART HOPPE,
San Francisco Chronicle,
San Francisco, Calif.

DEAR ART: I note that your article of March 1, in which you say, "Now I root against my own country" is being given wide circulation and, apparently, has met with general approval.

You've done a clever job, Art . . . you always do. You excuse your present attitude by laying down a smoke-screen over the past.

You figure to avoid criticism when you "root against your country" by recalling how you loved and supported it during World War II. You would have the public believe it was America that changed.

So you write:

"We licked Hitler and Tojo and Mussolini. Those were our shining hours . . . they were evil; we were good. They told lies; *we spoke the truth.*"

Do you really believe that, Art?

Did Franklin Delano Roosevelt tell the American people the truth following Pearl Harbor? Undoubtedly, it was desirable to lie about our casualties, but does not that same reasoning apply to Cambodia and Laos?

At the courtmartial of the two commanders at Pearl Harbor, Kimmel and Short, were the higher-ups in Washington ever brought to account? What is the difference between the Kimmel-Short trials and the Calley trial, except that in the former, only Americans had died?

What about the Nuremberg trials you have referred to on so many occasions? Was America told of the charges by the Polish leaders in exile that *communists,* not Nazi's, were responsible for the Katyn Forest massacre of Polish officers?

In fact, from Nuremberg to this day, has *any* individual ever been held responsible for a war crime *except* a Nazi or an American?

Have you forgotten the propaganda of those years, much of which was produced in the district I represent and by the industry in which I have been employed? Have you forgotten "Mission to Moscow" with kindly, old Joe Stalin portrayed as a loving and devoted father? Or have you never bothered to read his daughter's articles?

Were the American people during those "shining hours" told of the American flyers who crashed and died attempting to reach their home bases because the Russians, even when fighting for their existence, would not permit our planes to land on their soil?

The truth is, Art, many years ago you and others like you who dominate our avenues of communication . . . the writers, broadcasters, teachers, etc., decided that fascism was evil, to which almost everyone would agree. But you and your associates went further. You also decided that fascism had to be destroyed. Any falsehood was permissible if it achieved that desirable end.

However, for some reason, which has baffled me for over forty years, you have never considered it necessary, or even desirable, to take up arms against *communist* aggression. Thus, in your article of March 1, you say of the enemy, "I doubt that they are *any better* than we."

And so you dramatize every shortcoming and every evil deed of our allies, our leaders, and even our own men in the field.

Yet, Diem and Ky, at their worst, have never approached the bloody tyranny of a Stalin or a Khrushchev, whom we embraced, even though they had, only a short while before, signed a non-aggression pact with Hitler.

But let us return to those "shining hours" when "we spoke the truth." When you and your associates decided that America must join the war against fascism, but it had to be done without alarming the American people.

And so the script writers of that day wrote speeches for Franklin Delano Roosevelt, such as:

"I have said it before but I shall say it again and again and again. Your boys are *not* going to be sent to foreign battlefields."

I wonder what you and your associates would have written if some of us had refused to go overseas on the grounds that our Commander in Chief had assured us "again and again and again" that we were not going to be sent to foreign battelfields.

Thirty years ago, there also were sincere individuals who were opposed to our involvement in World War II just as there are sincere individuals today who oppose our involvement in Southeast Asia.

However, there are a couple of differences.

Thirty years ago, those who opposed our becoming involved in a foreign war were were never described by the news media as "idealistic." Remember what was said about Charles A. Lindberg and his supporters?

The other difference: I cannot recall a single leader of America First who ever "rooted against his country." Certainly, none were ever guilty of treason or sabotage. I can't even remember a leader of the America First movement who was a conscientious objector. With the onset of hostilities, those who opposed Roosevelt's policy joined with the rest of the country in a determination to bring about victory. Many of them served in the armed forces.

If you and those like you are right, then the isolationists of the thirties and forties also were right. Perhaps our country would have been better off (and the world no worse off) if we had not become involved in Vietnam *or* Korea *or* World War II.

But America decided otherwise. It *was* a "shining hour" when we fought fascism, asking nothing in return for our expenditures of lives and wealth. When we were willing to assist even our enemies after the conflict was over.

And so was our willingness to combat communist aggression a "shining hour" but that "shining hour" has been tarnished by those like yourself who have depicted it as evil and now, I fear, our "shining hour" is over. You and your associates forced our armed forces to fight communism with one hand tied behind their backs.

The reception accorded your article of March 1 seems to indicate that your side has won and future dictators are likely to have a free hand, provided of course, they are left wing dictators acceptable to those who control the American news media.

That is the burden *you* are going to have to carry the rest of your life.

Very truly yours,

CHARLES J. CONRAD.

RUMANIAN INDEPENDENCE DAY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. JAMES V. STANTON. Mr. Speaker, each year on May 10 Americans of Rumanian descent join with the people of Rumania to celebrate their national independence day.

For these people trapped behind the Iron Curtain the struggle for freedom is a very real conflict. Rumanians in Cleveland and elsewhere throughout this Nation look forward to the day when Rumania will emerge as a free and independent nation.

This holiday marks the three great events that occurred on May 10 which led to the brief independence of this proud nation from 1881 until World War II.

On May 10, 1866, the Rumanian dynasty was established and its people won the right to elect their own sovereign leader. Rumania proclaimed her independence from the Ottoman Empire on May 10, 1877.

Charles I was crowned King of Rumania on May 10, 1881, marking the beginning of a prosperous era that lasted six decades.

During all those years this holiday has remained a symbol of Rumania's perseverance and determination to continue the fight for freedom until all oppressors have been overcome. Even the Communists have not been able to uproot the peoples attachment to the traditional May 10 celebration.

When it was decreed that the official celebration be shifted to May 8 in honor of the Soviet victory, the flags were hoisted. But in their hearts the people celebrated on May 10, awaiting with faith and courage the dawn of better times when freedom and independence would be theirs.

FAR FROM A STEREOTYPE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BEGICH. Mr. Speaker, on Saturday, May 1, 1971, the Nation was saddened by the news of the death of one of its great journalists, Laurence E. Davies, longtime journalist for the New York Times. Mr. Davies, while enjoying the reputation of being a fine newspaper reporter, was also a true and dedicated friend of Alaska. Larry Davies was one of the most noted journalists to regularly cover Alaska's growth from territory to statehood.

Mr. Davies' zest for news carried him to Alaska to cover the earthquake in 1967. His many friends in Alaska as well as his keen journalistic abilities made his reports the most accurate description from the Alaskan disaster.

After Mr. Davies retired from the New York Times, he accepted the position as director of news services for the University of Alaska in College. There he earned continued admiration and respect from the people of Alaska as he had during his 44 years as one of America's great writers.

I would like to include for the RECORD a story the New York Times wrote about Lawrence Davies, one of the great journalists of our time, and one of Alaska's most devoted friends.

The article follows:

FAR FROM A STEREOTYPE

The antithesis of the rowdy Hollywood reporter stereotype in appearance and demeanor, Laurence Ellsworth Davies surpassed the image in professional prowess.

As the Times bureau chief in San Francisco from 1941 to 1970, he ranged from the Rocky Mountains to Alaska and Hawaii, covering news of politics, industry, agriculture, science and sports—"everything," he once remarked whimsically, referring to an old file label, "from Dams to Disasters."

His many reportorial coups included a "beat" of more than an hour on the shelling of the California coast by a Japanese submarine in 1942, and an exclusive inside story of the Alcatraz prison riot in San Francisco Bay in 1946.

He learned of the Japanese attack from a San Francisco telegraph operator chatting on the wire with a colleague 300 miles away, and quickly confirmed details by telephone.

While scores of other reporters were vainly circling the smouldering Alcatraz in boats, Mr. Davies observed the island through field glasses atop Telegraph Hill, then telephoned the warden and got a play-by-play account of events in the prison.

Noted for his quiet modesty, Mr. Davies was given to neat, gray sartorial ensembles that blended wtih his hair in a sort of self-effacing camouflage. His most distinctive features were piercing blue eyes that missed nothing.

An unofficial but celebrated part of his operation often was his wife, who helped gather information, hold open telephone lines, and drove the family sedan at up to 80 miles an hour while Mr. Davies typed in the back seat.

ZEST FOR HIS WORK

His outstanding trait was his zest and conscientiousness about the article he was working on, however small. His byline files at The Times contain more than 4,000 articles, and there probably were an equal number of unsigned ones.

Called by the National Geographic Society a few years ago a San Francisco landmark along with the Golden Gate Bridge, Mr. Davies had a vast acquaintance among people in all walks of life throughout the West.

"When we landed in Alaska to cover the earthquake," a colleague recalled, "there was nothing but devastation in sight—no transportation, no people. Within five minutes there was a crowd of 20 or more people clustered around us, all anxious to help Larry."

Mr. Davies's zest for news came early. He was born in Girard, Kan., on Feb. 5, 1900, the son of William H. Davies, a wheat farmer. As a boy he saved pennies to subscribe to The Kansas City Star, from which he methodically clipped stories that interested him.

When his family moved to St. Helen's, Ore., he edited the high school paper. He was graduated from nearby Willamette University in 1926. He worked three years for the Portland (Ore.) Telegram, then followed the Hemingway trail to Paris, where he was sports editor of The Paris Herald, at $20 a week.

After 18 months, Mr. Davies returned to New York, joined The Times and headed its Philadelphia bureau for 15 years before going to San Francisco. Among the other major stories he covered were the evacuation of the West Coast Japanese-Americans in 1942; the trial of Harry Bridges, the longshore leader; the 1948 Oregon flood and the development of the Grand Coulee and other Northwestern power projects.

AT U.N. FOUNDING

Mr. Davies made the arrangements for The Times coverage of the 1945 United Nations founding conference in San Francisco, the 1951 Japanese peace conference there, the 1955 United Nations anniversary meeting and the 1956 Republican National Convention. He coordinated the publication of the first West Coast facsimile edition of The Times, in 1945.

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. GERALD R. FORD. Mr. Speaker, while a great majority of the American people want to bring the American involvement in the Vietnam war to an end as soon as possible—as President Nixon does—an even larger majority do not favor withdrawal by the end of this year if it threatens the lives or safety of American prisoners of war and a substantial majority would not choose this course if it meant a Communist takeover of South Vietnam. This is the finding of a recent national poll taken concurrently with the May Day peace demonstrations here in Washington by the highly respected Opinion Research Corp., of Princeton, N.J. I include the findings of the poll in the RECORD for the information of my colleagues:

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

PRINCETON, N.J.—The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but *not* if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year *if it means a Communist take over of South Vietnam*, 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 *if it threatened the lives or safety of the United States POW's held by North Vietnam.*

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes	68
No	20
No opinion	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes	29
No	55
No opinion	16

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes	11
No	75
No opinion	14

SOME NEEDED WORDS FROM SENATOR HUGHES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. UDALL. Mr. Speaker, Senator HAROLD E. HUGHES came to Tucson, Ariz., the other day and said some things which badly needed saying.

He sharply criticized the way in which the Nixon administration has conducted its business and the resultant erosion of public confidence.

In his speech to the Arizona AFL–CIO he reminded us that not only has the President failed to deliver on major promises but questions whether the people in the administration really can feel the problems as they are felt by the average American.

I commend to my colleagues the Senator's speech of April 30:

SPEECH BY SENATOR HAROLD E. HUGHES

On March 1, 1971, President Richard M. Nixon, who had carried Iowa big in 1960 and big again in 1968, visited Des Moines to talk to the Iowa State Legislature about his revenue sharing proposals.

It was obviously a hand-picked spot from which to launch the selling of the Nixon Domestic Program, 1971—a safe Nixon state with a conservative state legislature that had already endorsed the Administration's revenue-sharing program. What more could you ask?

Approaching Iowa, the Chief was ready to be hailed.

But the reception was the exact opposite of what had been expected.

Instead of a cheering crowd, Mr. Nixon was met by some 3,000 demonstrators carrying angry, critical signs.

This was news in itself.

But the mix of the crowd was even more notable.

There were about 1,500 young people, waving signs that said "end the War."

Side by side with the young people were 750 hard-hat construction workers, protesting the Administration's discriminatory attack on their segment of the economy. "We're going broke under Nixon economy," the placards read.

Then alongside the young people and the hard-hats were 750 farmers. "You promised farmers 74 percent parity, then turned your back when we got only 67 percent" . . . Thus read the banners in this contingent.

And so, on a March day in Iowa, it was clearly exhibited that a turning point had been reached in the political course of the country.

The people had caught up with Mr. Nixon.

It is not just that the President failed to deliver on his major promises—to end the war, to straighten out the economy, to bring us together, and to raise the quality of living.

It is more the *way* in which this Administration has conducted its business that has destroyed the public confidence:

The unwillingness to level with the people about the war, the economy, and other areas of national concern.

The lack of feeling in the White House for the problems that rank and file people have,

The favoritism toward moneyed interests and the adoption of economic and tax policies that place an unfair burden on the average citizen in a period of simultaneous recession and inflation,

The preoccupation with statistics and the unconcern about human beings,

The veto of critically needed human-value legislation passed by the Congress in such areas as employment, education, and manpower training, and the cut-back of existing programs,

The stacking of sensitive government regulatory agencies—such as mine safety—with unqualified political hacks.

The unprecedented centralization of executive power in a White House super-cabinet, which carries on its powerful activities behind a curtain of secrecy.

These are the kinds of characteristics of the Nixon Administration that have brought the President's popularity to its present low point and his credibility to an even lower level.

I am aware that the condition of the economy in the Tucson area is well above the average.

Yet I am sure the continuing rise in prices eats up your wages, and while prime interest rates have eased the situation for large banks, the average citizen still must pay sky-high interest on what he borrows at the bank or buys on the installment plan.

However an individual may feel about the war, there is no longer any doubt about who is bearing the brunt of paying for it.

You and I and the other middle Americans are paying the tab. We are paying for it when milk costs a dime a quart more than it did five years ago and when gasoline is a nickel more a gallon. We are paying for it when the cost of living rises over 25 percent since the war started.

In passing, I might note that for what this war has cost the nation on the average, each year, we could have given annual scholarships of $2,400 to each of the 8.8 million college-age children of American workers.

Mr. Nixon has laid the blame for the present state of our economy on what he terms a "do-nothing" Congress.

Let's examine the record.

What did the President do in 1970 when, in the face of dire national need, the Congress passed a vitally needed manpower bill?

He vetoed it.

What did the President do after the Congress took the initiative to pass an historic Occupational Health and Safety bill?

This time, he didn't veto the bill, but he waited more than half a year to appoint an Administrator of the program—this despite the fact that 14,500 workers were killed by accidents and that 250 million working man-days were lost to accidents in 1969 alone.

And where has the leadership come from for tax reform, adequate national health insurance, consumer class actions, no-fault auto insurance, and other measures of benefit to the working people?

It has come from the Congress.

Admittedly, the Democratic party has not deserved an Academy Award for every phase of its performance in our lifetime.

Yet, the fact remains that every major social reform that benefits the working man today—from Social Security to Medicare—was gained under a Democratic Administration.

And through the years, under administrations of both parties, the Democratic members of Congress have lead the fight for the working people and for the Middle Americans in general.

Obviously we can't expect to coast into office in 1972 on past achievements or on Mr. Nixon's failures.

We need to come up with new, innovative programs, and we need to present to the electorate a party that is both responsive and responsible.

With regard to the latter, it is worth noting that during the past two and a half years, while the Republican party was perfecting its Southern Strategy, the Democratic Party was subjecting itself to the first major political party reform the country has seen in generations.

Party reform is a difficult and unglamorous undertaking, and there has been considerable confusion about exactly why it was needed.

Specifically, what stake does labor have in reform?

In the first place, working people were severely under-represented in the 1968 Democratic Convention.

Only about three percent of the delegates at the Convention were members of labor unions.

One reason for this was that, under the old system, the average annual income of delegates to the '68 Convention was almost $19,000.

While reform is not a notably popular cause with most of us, the fact is that the opening up of the Democratic Party processes will give you a better shot at adequate representation at the 1972 Convention than ever before.

With regard to new programs of special interest to labor, here are a few of the directions in which I think a new Democratic administration should go.

First, we should recognize that jobs are our top domestic priority.

We need to provide a guaranteed job for every employable American. Obviously, this means creating new jobs, as would have been done under the 1970 manpower bill that the President vetoed. I believe the course laid out in that legislation was sound—namely public service employment that would carry out needed public services that are not now being furnished.

It is obvious that we need to come to the immediate aid of laid-off defense workers with emergency employment legislation. An emergency employment bill, of which I am a co-sponsor, is in the Senate at the present time, reportedly viewed with disfavor by the Administration.

I think that in the future we need to give a great deal more consideration to *long-range* labor policy. For example, job training should be available not only for persons who are unemployed, but also for employed workers who want to upgrade their skills.

Certainly the minimum wage rate should be raised, as the AFL–CIO has recommended.

Veterans' benefits should be upgraded and extended to be consistent with those allowed after World War II—particularly in housing and education.

I need not tell you that tax policies need to be changed to enable lower and middle income people to get by in an era of constantly rising prices. A tax deduction for sending youngsters to college is necessary, or a lot of working people won't be able to give their children this opportunity. Additional tax breaks are needed for the elderly who are trying to survive on fixed incomes.

Certainly a basic objective of the post-

Nixon period must be to counter inflation by creating wage and price stability, rather than by monetary policy. We need an economic environment that gives incentives to stability, in place of the discriminatory, let-them-sweat-it-out policies we are experiencing under Nixon.

The shift from war to peace that is coming requires more than a conversion of our technology. Retooling our machines to produce high-speed trains instead of high-powered tanks is only the first adjustment we must make to peace.

We are going to have to completely readjust our vision—to focus, for the first time in our country's history, on the individuals who constitute this nation and on the quality of the lives they are living.

The questions will not be "How big?" or "How much?" But "How good?". Not "How fast?" or "How powerful?" But "How fulfilling?"

If we get the right kind of direction, the decade of the '70's should turn out to be one of the most exciting and progressive periods in American history.

It is true that Mr. Nixon hasn't done much toward fulfilling his promise to "raise the quality of living for all Americans."

But there was nothing wrong with the idea.

LETTER TO THE PRESIDENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. JACOBS. Mr. Speaker, I place in the Record the following letter from the Baptist Ministerial Foresight Alliance of Indianapolis without further comment:

April 13, 1971.

Hon. Richard M. Nixon,
President, United States of America, The White House, Washington, D.C.

Dear Mr. President: We understand you are going to review the case of Lieutenant William Calley, and there are some vital issues we feel are being overlooked. We feel morally compelled to call them to your attention.

Such issues as: Is America committed to remaining in the humane, civilized and advanced Family of Nations? Is America still committed to the principles of humanitarian conduct of war, as set forth in the Geneva Agreements? Are not the alleged atrocities of My Lai and all similar incidents an outrage against the decency of mankind? Were we not, a few months ago, crying about the atrocities of Biafra? Have we not been shocked and horrified by atrocities of the enemy in World Wars I, II and every other war in which we have been engaged?

Mr. President, we feel it is more important at this hour that you act as a statesman in the defense of the honor and integrity of this country than as a politician attempting to satisfy the emotional bias of the bigots blinded by hate and prejudice. For we are in danger, as a nation, of taking the same road to national ruin and disgrace as Nazi Germany. We hope, Mr. President, that you will not go down in history as the national head who started America down that road.

As men of God, we heartily support any act of mercy you might extend to Lt. Calley. Forgiveness is always in order. All we are saying is let us unequivocally affirm that barbaric and inhuman acts, even in war, constitute behavior contrary to international law to which we as a nation subscribe, and make any nation that so behaves unworthy of membership in the Family of Nations. If this is not the case, then on what basis are we denying membership in the United Nations to Communist China?

Mr. President, please remember when you review the case of Lt. Calley that you will not be just reviewing the case of a soldier in Vietnam: You will be deciding the place America will assume in the world at this hour, and whether America will continue much longer in history. Mr. President, please decide wisely. Be not like Pilate, who washed his hands of Jesus and set free Barrabas to satisfy the bigots of his day.

Respectfully submitted,
Rev. William A. Dennis,
Pleasant Union Baptist Church.
Rev. S. Williams, Jr.,
Greater Galilee Baptist Church.

RUMANIAN INDEPENDENCE DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BIAGGI. Mr. Speaker, in many towns and cities along the Danube in southeastern Europe, countless thousands of Rumanians quietly celebrated their most important national holiday, the 10th of May.

It was on the 10th of May in 1866 that the geographic area became recognized as Rumania under the rule of Prince Charles of Hohenzollern-Sigmaringen, thus founding the Rumanian dynasty.

A little more than a decade later, on the 10th of May 1877, the principality of Rumania declared itself free and independent of the oppressive rule of the Ottoman Empire. A bloody battle ensued, but in 1878 the Congress of Berlin confirmed Rumania's independence and conferred on the state Europe's official recognition of it as a nation.

Today, however, proud Rumanians still living in their homeland must celebrate their glorious national holiday in quiet and fear. The Soviet Union has dominated their country since World War II. Its leaders bending to the wishes of the colossus to the east have changed the day of national celebration to the 9th of May—the anniversary of Soviet victory.

These quiet voices of peace and freedom within are joined by many not so quiet voices in the free world calling for the liberation of the captive states of Eastern Europe. The people cannot speak for themselves in the councils of world governments. So then it is important that we who enjoy the freedoms of speech and assembly speak out in support of the cause of freedom and independence in Rumania.

The will of the people of Rumania is strong still and I know that the continued efforts of freedom-loving people throughout the world is helping build the courage needed to one day throw off the yoke of oppression now on the shoulders of these valiant people.

EMPIRE STATE COLLEGE (NEW YORK)

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, May 11, 1971

Mr. JAVITS. Mr. President, a new approach to undergraduate education has been instituted by the State University of New York with the aid of a $1,000,000 grant awarded jointly by the Ford Foundation and the Carnegie Corporation. Empire State College is, in effect, a college without a campus, emphasizing individual study under the guidance of master teachers. Students will utilize correspondence courses, books, television, and occasional classes and seminars with the emphasis upon flexibility of format, curriculum, and patterns of study.

I ask unanimous consent to have printed in the Record material recently published by the State University of New York describing Empire State College.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the State University of New York News, Mar. 8, 1971]

Nonresidential College Plans 1971–72 Opening—University Establishes Empire State College

The announcement of the establishment of the new Empire State College within the State University of New York heralds an entirely new approach to undergraduate education within the University.

Plans for the new college, accelerated through grants of $500,000 each from the Carnegie Corporation and the Ford Foundation, have been conceived, according to Chancellor Ernest L. Boyer, in response to many current questions and developments which "sharply challenge the conventional wisdom of educational planners.

"Institutions of higher learning are everywhere being forced to re-examine their traditional assumptions about who should go to college and what the length and nature of the college experience ought to be," the chancellor said.

Large numbers of inquiries about the nonresidential college have resulted from its formal announcement February 16. In the interest of disseminating all available information, the NEWS presents answers to several frequently asked questions:

Q. What is Empire State College?

A. The Empire State College is a "college without a campus." It is built on the assumption that learning is an individual experience and that the highly motivated student can pursue degree study without spending full time at a campus. Students using books, correspondence courses, television and occasional classes and seminars will study largely on their own. Emphasis will be on individual study under the guidance of master teachers.

Q. Why is the new College being established?

A. Empire State College reflects the determination of the University's Board of Trustees to extend the opportunities for increasing the effectiveness of higher education. It is a bold attempt to adjust the college to the student by adjusting the place, the content and the length of study. The aim is to add to the network of State University colleges an institution that will be able to draw upon the resources of the existing colleges and serve especially the student who cannot or should not reside full time on a conventional campus.

Q. Who can apply for admission to the new College?

A. Generally, enrollment will be limited to high school graduates wishing to study at the undergraduate level. The College will serve people of all ages who wish to study according to their own needs and interests:

1. Those students who wish more flexibility in educational environment and modes of learning.
2. Persons who may wish to pursue a degree at home for personal reasons.
3. Persons who wish to pursue an individual educational objective or to complete a degree program.
4. Employed persons wishing to pursue education part-time for career objectives.
5. Selected secondary school students.

Q. How will Empire State College operate?

A. The College will have its own president, faculty and advisory council. Its administrative staff will be located in the Capital District area at a site to be determined and separate from existing campuses.

Regional learning centers, located in various parts of the state, will provide facilities for individual advisement, counseling and tutoring.

The academic program of the College will be developed by a distinguished faculty who will ensure the quality of the programs and determine the degree eligibility of the student.

Q. What degrees will be conferred?

A. At the outset, the following programs will be offered: Associate in Arts, Bachelor of Arts, Bachelor of Arts in an interdisciplinary area and Bachelor of Arts in an academic major.

The degrees will be conferred by the State University of New York upon recommendation of the faculty of the College.

A. How will the student accumulate credits toward a degree?

A. A student may complete degree requirements by any combination of a number of learning processes:

Independent study designed by the student under guidance of faculty advisers.

Satisfactory completion of studies prepared by the college faculty and offered through various combinations of the newer educational techniques and technologies.

Satisfactory completion of studies at one or more of the 70 existing campuses of State University or, when approved by faculty advisors, at other colleges.

Proficiency examinations.

Earned credits as the result of competencies gained through employment research or special community service which are approved by the faculty.

(Full-time students could expect to complete the degree requirements in no longer than the traditional time period. Normally, this is two years for an Associate Degree and four years for a Bachelor's Degree.)

Q. What would be a possible program of study for a student entering the College as a freshman?

A. The student and his mentor will design a program of studies which will lead to the associate degree over a two-period, or to the baccalaureate degree over a three- or four-year period. During his first year, for example, the student might pursue a program of guided study including tutoring in such specific areas as language and literature, scientific and technological studies, and social, historical and philosophic studies. In the following years, the study pattern could include community service, such as experience in a laboratory, museum, or social service agency, study at one or more campuses of the University, correspondence study by mail, or study in an urban setting with a recognized writer or artist. Working closely with his mentor, a student in his final year could complete his degree through preparation of a concluding paper or project or through an oral examination given by a panel of mentors.

Q. When will the College accept its first students and what is the anticipated first year enrollment?

A. Empire State College will accept its first students as soon as possible during the 1971–72 academic year. Initial enrollment will be no less than 500.

Q. What are the tuition costs?

A. Full-time students will be assessed the standard $550 tuition paid by all undergraduates at the state campuses. Tuition for part-time students will be pro-rated according to the courses taken. Scholarship aid programs for which a student may be eligible will be determined at enrollment.

An opening date and initial study programs will be announced in the near future. Interested persons can write to the address below. They will be placed on a list to receive further information and an application blank by the end of the spring.

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IN PRAISE OF FBI DIRECTOR HOOVER

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. TERRY. Mr. Speaker, I am pleased and proud to join with my colleagues this week in praise of FBI Director J.

Edgar Hoover, who now has embarked upon his 48th year in that position. The mark of his success, I sincerely feel, has been the vicious attacks he has been subject to, both by extremists of the left and the right. Most recently the attacks have been originating from the extremists of the left and this is nothing new in Mr. Hoover's career. However, it should be noted that the charges leveled against Mr. Hoover have always been just that—allegations. Over the years, the Bureau has demonstrated an unmatched record of integrity and performance.

The charge is often made that the FBI just arrests and prosecutes small-time criminals while organized crime flourishes. This simply is not so. Several of the largest raids in our history were made on organized crime during 1970. Between June and September 1970, more than 50 organized crime personnel were arrested in 70 raids in the Philadelphia area alone. More than 50 members of a syndicate-controlled bookmaking ring, allegedly handling over $35 million in bets annually in New Jersey, New York, and Connecticut were arrested last year. And this is only part of the story.

As I mentioned before, it is not just a coincidence that the New Left dislikes Mr. Hoover. They are learning what the Soviet secret police and others have known for a long time. The counterintelligence activities of the FBI are outstanding. The so-called Weatherman group of the SDS is only too well aware of Mr. Hoover's efficiency. It is alleged by some that while Mr. Hoover and the FBI may be efficient, they are leading us toward a "police" or "Fascist" type state. In rebuttal to this, one only needs to note that during the early days right after Pearl Harbor, hysteria had gripped this Nation and a decision was made to carry out a mass evacuation of all Japanese Americans on the west coast. Director Hoover opposed the action on the basis that very few of them were disloyal and he knew and could pick up the few that were. He was correct and the decision was tragic. He was overruled. I think this fact says much about the man and I wish him well for as long as he serves.

NEW BRITAIN, CONN., JUNIOR WOMEN'S CLUB DEDICATES MEMORIAL TO VIETNAM WAR DEAD

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mrs. GRASSO. Mr. Speaker, on Monday morning, May 10, it was my honor and privilege to join the members of the New Britain Junior Women's Club in the dedication of a living memorial to the 11 young men from this city who had given their lives in the Vietnam war.

We gathered beneath dark skies, the families of the dead, friends, club members, veterans representatives, government officials, and a sprinkling of students in simple, but majestic tribute to the memory of these gallant men.

The setting, in this proud city where memorials to the dead in every war are silent sentinels of the affection and dedication of the citizenry, was particularly appropriate. Eleven flowering trees, in memory of 11 valiant men, form the perimeters of a grassy square that has for focus a tablet on which are enriched the names of the honored dead.

A stone path and benches complete the design in the corner of Willow Brook Park, where men, who once were boys had cheered their teams to victories and where other schoolchildren will pause now for quiet memory of their courage and their responsibility.

These are the names of the honored servicemen:

Pedro Cancel, private first class.

John Grasso, Jr., lance corporal.

Richard E. Chabot, lance corporal.

Robert L. Mlynarski, second lieutenant.

Richard W. Roy, specialist, fourth class.

Thomas S. Richards, lance corporal.

Michael Smith, lance corporal.

Richard R. Stolarun, private.

Paul Thorik, Jr., corporal.

Daniel Varela, private first class.

Stanley J. Ciesielski, specialist, fourth class.

The final blessing included a prayer for peace, that this may be the last memorial of the last war and that the roster of the dead may not expand. As I made my way back to the car, I prayed too, that "they shall beat their swords into plowshares, and their spears into pruning hooks: Nation shall not lift up sword against nation, neither shall they learn war anymore."

A NEW KIND OF CONFRONTATION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. HOGAN. Mr. Speaker, under the headline, "A New Kind of Confrontation," the Evening Star today carried a photograph of two students at the University of Maryland in my congressional district who stood guard over the American flag while a group of demonstrators attempted to lower the flag on the campus so that it could be flown upside down.

Mr. Speaker, I would like to take this opportunity to commend these two young men, David Simpson and Charles Blocker, for their courage and dedication. It has always been my opinion that one of the most trying problems of youth is the difficulty of disagreeing with one's peers. It is always easier to go along with the crowd rather than to stand up for individual beliefs.

Those who saw this photograph in the Star realize that these two young men were indeed taunted by their protesting colleagues and that they were outnumbered during the confrontation.

But, the most important point to remember is that these two students may have been in the minority in this particular photograph, but their point of view is definitely that of the majority of students on the University of Maryland campus. For example, during the first day of disruption on the campus after the spring offensive here in Washington, the majority of the protesters arrested by police were nonstudents.

The news media does tend to give an undue amount of coverage to the acts of protesting crowds so it is sometimes difficult to remember that the great majority of young people on college campuses really are there to learn and not to burn.

Mr. Speaker, I commend David Simpson and Charles Blocker and the many other young people like them who so rarely receive praise for standing up for their beliefs.

REMARKS OF COMMISSIONER GEORGE H. HEARN, FEDERAL MARITIME COMMISSION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. MURPHY of New York. Mr. Speaker, this year I had the honor of being a guest speaker at the annual meeting of the Freight Forwarders Institute at the Mayflower Hotel on April 28. George H. Hearn, Commissioner, Federal Maritime Commission, was also a speaker at this event. Commissioner Hearn's counsel to the maritime industry has been influential through three administrations and his expertise in both private and Government practice has been valuable to all concerned. I insert at this point in the RECORD the remarks made by Mr. Hearn at the Freight Forwarders Institute on April 28:

REMARKS OF COMMISSIONER GEORGE H. HEARN

It is a great pleasure for me to be meeting with you again at your annual meeting. This is especially true as this year my Congressman, John Murphy, is also participating in this event.

When I last spoke before your annual meeting two years ago, I brought to your attention certain freight rate increases in our foreign waterborne commerce. Certain carriers, especially in our North Atlantic Trades, had imposed rate increase in our outbound, but not in our inbound, trades, creating disparities weighted against our export commerce. I expressed the concern of the Federal Maritime Commission over such actions and stated our determination to halt activity apparently detrimental to the foreign commerce of the United States.

Since then the Commission has proceeded by formal action against a number of carriers maintaining those disparities with some favorable results. One carrier has already announced its intention to reduce the outbound rates; and several other carriers have indicated that they may follow a similar course.

The Federal Maritime Commission has succeeded in other areas as well in its obligations toward the commerce of the United States. In the area of intermodalism, the Commission has promulgated rules to facilitate the utilization of intermodal rates and systems which include ocean transportation. We have also been instrumental in bringing about some intermodal rates in the United States/United Kingdom trades as a result of the favorable settlement of the long simmering dispute between Container Marine Lines and the North Atlantic Westbound Conference.

In addition we are actively pursuing other ways to promote progress in intermodalism, and we are always open to suggestions from members of the maritime industry, such as yourselves, who participate in the workings of ocean commerce. But today there is another matter I think requires the immediate attention of all members of the maritime community.

Both protection and promotion are important aspects of the merchant marine policy of most maritime nations. In the United States it is expressed through congressional action, and while for us the two functions are procedurally separated, they are everywhere mutually dependent and equally important.

Promotion, as you know, is the responsibility mainly of the Maritime Administration; and the Federal Maritime Commission has primarily regultory functions. In this framework the basic United States maritime policy is to advance the wellbeing of our merchant marine through some preferential treatment, but at the same time to seek to secure the viability of our merchant marine against debilitative actions directed against our carriers and against the foreign commerce of the United States. The role of the Federal Maritime Commission in this effort is to ensure not that our merchant marine always prevails, but that it never is the victim of any unfair dealing detrimental to our commerce.

This policy that a strong and modern merchant marine is vital to our country was confirmed by Congress and the President as recently as last year in the Merchant Marine Act of 1970. That Act completely revised our ship subsidy program, and set as one of its main goals the revitalization of our merchant marine through a long-range merchant shipbuilding program of 300 ships in the next ten years.

As laudable as are the purposes of the 1970 Act, efforts to achieve them will be in vain if the one crucial criterion is not met: enough cargo to support the modern fleet which is contemplated.

Cargo is the key to the future of our merchant marine.

There must be sufficient potential cargo to warrant investment by our opertors in new ship construction.

But the percentage of cargo in our foreign ocean commerce being carried by American ships has dwindled to about 5%. And the supply of potential cargo is slowly being reduced by various means. These vary from widespread government cargo control laws and other economic schemes which reduce the supply of commercial cargo for open competition, to carrier mergers and other joint ventures which restrict competition. Compounding these difficulties is the fact that American carriers are generally not cross-traders and do not participate in the commerce between other nations. Thus both cargo controls and arrangements to restrict competition are serious matters and deserve our immediate attention.

The matter of cargo controls is one with which the United States ought to be able to contend. This country was one of the originators of overt cargo preferences, and other countries which have begun to implement their own cargo controls in many cases claim to be following our lead.

Long ago Congress determined that 100% of our military cargo and 50% of all other government impelled cargo must be carried on American ships. We have thus succeeded in preserving a valuable segment of our ocean commerce for our own carriers. If we can accomplish this by statute, we ought to be able to accomplish the same ends for other types of cargo. And steps should be taken toward considering means of doing so without delay.

One approach might be tax benefits to American importers and exporters who use American ships. Legislation could create economic incentives through such tax relief or other similar devices.

The desired result is to create conditions which would encourage our commercial cargoes to be directed to United States-flag vessels.

Our shipping services must be of the highest quality to compete successfully in the world market. For this we must create and maintain a modern and efficient merchant fleet. But before we build such a fleet we must know that the cargo will be there for our carriers to lift and be able to test their competitiveness.

But even if we achieve these goals, there must be markets open to American carriers. It will avail us little if we attain a modern fleet and provide sufficient cargo if we find our foreign competitors have closed out our own markets to us while we were still building our ships. Not being cross-traders, our carriers must be able to retain a larger share of the cargo in our own trades for themselves.

What I have in mind is the recent trend in ocean shipping toward consolidations of various kinds among foreign steamship operators. New technologies are producing new types of ships and new shipping systems requiring large capital outlays. And carriers often find it more feasible to undertake new endeavors on a joint basis.

We at the Commission cannot, of course, impose our judgment over the carriers' managerial discretion. But we are obligated to ensure that the intent of our shipping laws is not nullified by devices which circumvent the requirements of our statutes. Certain recent events underscore this development in international ocean shipping. The Federal Maritime Commission recently approved an agreement between Hapag-Lloyd steamship company and Holland-America Line dealing with those carriers' operations in the United States South Atlantic and Gulf Coast trades with Europe. The agreement is called a joint service, but I consider it a merger of the carriers' service in those trades; and I dissented from the Commission's approval of the agreement without a thorough analysis of the type of agreement and its effects.

The first significant feature of the agreement is that the two parties will establish a LASH service in the trades on a joint basis. The LASH ship is a relatively new type of vessel and a large capital investment is required to establish a LASH service. Consequently, Hapag-Lloyd and Holland-America Line concluded it would be managerially and economically sound to enter into the venture jointly. Such a decision should not be rejected by the Federal Maritime Commission as a basis for agreements. And in fact we have approved a number of agreements of various types between carriers accomplishing similar purposes. As a result there are about ten carriers in our trades which are the product of joint efforts of other carriers desirous of establishing new and technologically advanced services. With the high cost of developing such services not likely to abate, we can probably expect even more joint arrangements or consortia of carriers.

From the point of view of the American merchant marine and the United States foreign commerce, these joint arrangements are notable for the absence of participation by American carriers. As a result, while American carriers are waging the competitive battle on an individual basis, the foreign carriers are consolidating and strengthening their competitive position.

But even if the Federal Maritime Commission found it necessary or possible, within the framework of our shipping laws, to disapprove the joint arrangements, we probably could not do so. When foreign carriers are involved, they can achieve the same result in their own countries and under their own laws, thereby circumventing the need to obtain Federal Maritime Commission approval of their agreements.

I should make very clear at this point that I am not advocating the disapproval of these joint arrangements or suggesting that they are undesirable or unnecessary. My purpose is rather to illuminate one aspect of the competitive conditions in our foreign waterborne commerce and the position of our own flag carriers.

But agreements which go only so far as to establish a new service through a joint venture are only the beginning.

There is another significant aspect of the Hapag-Lloyd/Holland-America Line agreement which goes a step further in consolidating the operations of the parties. Hapag-Lloyd and Holland-America Line have also merged their entire existing and potential service in our South Atlantic and Gulf Coast trades. Where there were two steamship lines before, there is now one. It was on this basis that I dissented from the Commission's approval of the agreement.

There was not exhibited to my satisfaction sufficient justification for so far reaching restrictions on competition. This is especially true when the only stated reason for the arrangement was the economic and managerial need for a joint venture into LASH operations.

I do not say that the agreement is bad or should be disapproved. I say only that when the competition in our foreign trades is being steadily reduced, and an agreement is submitted which is more restrictive than previous similar ones, and which seems on its face to be more anti-competitive than necessary to achieve its purpose—then the Federal Maritime Commission is obligated, on its own initiative, to ensure the approvability of that agreement.

It may well be, however, that the solution to this problem of competitive restrictions is not within the ambit of the Commission's powers. Perhaps we may be compelled to approve such agreements without more than a cursory examination despite present law, or else leave them to be accomplished abroad.

United States anti-trust policy frowns on monopolicies and other restrictions on competition. It is only through exceptions to that policy that the Federal Maritime Commission and the other transportation agencies are able to approve admittedly anti-competitive activity. Other maritime countries take a different view of competition permitting a greater tolerance for restrictions on competition. Thus Congress should determine whether American carriers may thereby be at a disadvantage in seeking to improve their competitive position, because the national anti-trust policy, even in the maritime field, weighs the balance against restrictions on competition while foreign carriers are more easily able to strengthen their competitive posture.

If that is true, it may be time to re-examine our shipping laws to determine if any statutory changes are required in view of recent developments in ocean transportation. The radical changes occurring in technology and types of service indicate to me a need to scrutinize our shipping laws to see if they are suited to today's shipping world.

In cases such as that involving the Hapag-Lloyd/Holland-America Line agreement, the measure of approvability should be clarified in light of current conditions. This would accomplish two important purposes. First, it would nullify the need for extended regulatory wrangling; and, second, it would prevent the taking of regulatory actions of dubious foundation based on a desire to accommodate modern needs.

If current shipping laws do not permit the Federal Maritime Commission to act in accordance with the exigencies of modern transportation those laws should be amended as soon as possible. But now is a particularly propitious moment to begin because the Senate Commerce Committee is about to begin Oversight Hearings on Ocean Transportation and Regulation and the Federal Maritime Commission. The House Merchant and Fisheries Committee may also wish to look into the matter.

While on the subject of re-examining our shipping laws, I wish to mention one more matter of great importance. There is a case now pending at the Federal Maritime Commission and in the federal courts which points to another area of cloudiness in the shipping statutes. That case involves the proposed merger of United States Lines and Sea-Land Service, Inc., two of our country's largest steamship companies.

In 1968 the United States Court of Appeals for the 9th Circuit decided that the Federal Maritime Commission has jurisdiction over merger agreements between carriers subject to the Commission's authority. In the U.S. Lines/Sea-Land case the Justice Department is contesting that conclusion; and a preliminary decision by a federal district court judge in New Jersey upheld the Justice Department. The judge concluded that the Commission has no jurisdiction over mergers but that they are within the ambit of the anti-trust jurisdiction of the Justice Department.

I believe the Federal Maritime Commission does have jurisdiction over mergers. And ever since the enactment of the Shipping Act of 1916 it has been assumed that the Commission is vested with such jurisdiction. Accordingly all maritime merger agreements have been filed with the Commission for approval.

At the very least, therefore, it is appropriate for Congress to clarify the situation as soon as possible, one way or the other. The Interstate Commerce Commission and the Civil Aeronautics Board have explicit statutory authority over mergers and the matter ought to be similarly legislated with respect to the Federal Maritime Commission.

The best solution would be for Congress to confirm the jurisdiction of the Commission over mergers. Only the Federal Maritime Commission is highly knowledgeable about mergers of foreign-flag shipping lines and the competition they offer American-flag carriers fully within our jurisdiction. And as I said earlier, those foreign mergers can be accomplished abroad free of our shipping laws. But they are not free of our special awareness of the effect foreign mergers have on the competitive conditions in our ocean commerce. With this expertise it is appropriate that the Federal Maritime Commission should possess the same merger jurisdiction as the ICC and CAB, especially at a time when intermodalism is so important an aspect of international transportation.

The guardians of our anti-trust policy have traditionally taken a view of transportation industry mergers far more restrictive than the view adopted by the transportation agencies which possess a special expertise in the field. And this restrictive view carries with it a lack of consideration of the international aspects of ocean commerce and the competitive conditions with which American carriers must contend.

In conclusion, I believe there are three areas in which new legislation is needed to bolster the foreign waterborne commerce of the United States.

First, our importers and exporters should be given economic incentives—such as tax benefits—to encourage the carriage of our commerce on American ships.

Second, the legislative criteria for Federal Maritime Commission approval of restrictive and monopolistic agreements should be examined by the Congress to determine whether the national policy towards such agreements should be updated, considering the conditions of modern international ocean transportation.

And, third, the Commission's jurisdiction over mergers should be codified to erase existing uncertainty and to place jurisdiction over maritime mergers in the agency best suited to deal with them.

Laws should not be permitted to become outdated; and when they no longer are suited to the changing conditions in a regulated industry, it is time to update the laws so that progress will be unimpeded.

CHAIRMAN WAGNER OF TENNESSEE VALLEY AUTHORITY EMPHASIZES IMPORTANCE OF WATER RESOURCES DEVELOPMENT—ANSWERING CRITICISMS OF ENVIRONMENTALISTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Chairman Aubrey J. Wagner of the Board of Directors of the Tennessee Valley Authority, in a recent address in Knoxville, provided a most perceptive insight and overview of the necessity for water management.

Chairman Wagner pointed out that the system of dams and reservoirs built by TVA over the past 38 years has been a powerful force for the revitalization of the Tennessee Valley in terms of economic prosperity and human growth and development.

Chairman Wagner said further that to attempt to rewrite history and to say now that these dams and their benefits have not been the keystone of progress in the Tennessee Valley could be compared to reverting to the lonely drudgery of the scrub board, the wood burning stove, and oil lamps and—the awful devastation and terror from disastrous floods. He answered many criticisms of environmentalists who oppose progress.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith the following address by Chairman Wagner:

SOME FACTS AND SOME MYTHS ABOUT WATER CONSERVATION

(By TVA Chairman A. J. Wagner)

TVA is honored that you have come to the Tennessee Valley for this week-long symposium on man-made lakes. I am sure that you have been thoroughly and formally welcomed both to the University of Tennessee and to TVA, but I am glad for this opportunity to be among you and add my personal greetings.

The Tennessee Valley Authority has broad responsibilities in the development of all resources—the land, water, forests, and minerals. It also has responsibilities for weaving together these resources in patterns of agricultural, industrial, commercial, and social growth that will bring about improved quality of life for nearly seven million people in the region. In all our efforts, water is the unifying thread that ties the whole fabric of growth together. Each water feature of our earth, in the Tennessee Valley and elsewhere, should be used in ways that best serve man's long-term needs.

We have tried to do this in the Tennessee Valley. And even in a day when some voices are being raised against more man-made lakes, the evidence of their beneficial results is overwhelmingly in their favor. As time goes on, operating changes may become necessary to accommodate to the changing needs of the people. In some cases, new structures and new impoundments may have to be created to meet long-term needs, but in other instances the preserving of a natural river will be just as important.

But whatever the accommodation necessary in the future, the system of dams and reservoirs built by TVA over the past 38 years has been a powerful force for accomplishing the regeneration of a great region. It has contributed immeasurably and undeniably to human welfare. It will continue to do so for future generations.

You may be interested to know that since TVA was created, more than 50,000 people have come to us from foreign countries to see our dams, reservoirs, fertilizer research laboratories, forest nurseries, and other installations, and to talk with TVA people about them. They have included monarchs and chiefs of state from every part of the globe—plus engineers, economists, biologists, administrators, and many others. Only a few weeks ago we had with us for a week the representatives from all four countries on the Committee for Coordination of Investigations of the Lower Mekong Basin in southeast Asia.

TVA is pleased if its experience proves useful to these many other nations as they move toward fuller and better managed use of their water and other resources to serve their peoples. In many instances, their planned developments dwarf the achievements of TVA. And so we in TVA stand back and admire the great dams and reservoirs on other great rivers—the Akosombo on the Volta, the Kariba on the Zambezi, the Pahlavi on the Dez in Iran, and many others. All are monumental in size—larger than anything we have in this Valley—and monumental in their contribution to the people of the countries in which they are located.

It is appropriate therefore that we gather together as a family, as we are doing in this symposium, to share our experience and learn from each other. Our enterprises must be made to work in the widest variety of climate, geography, and soil conditions. They will have varying impacts on our different cultures, economies, and ecologies. By comparing our experience, we can better anticipate the problems of the future and better cope with them.

I well recall the high school student who, assigned to do a brief essay on Socrates, wrote: "Socrates was a Greek. He was a philosopher. He went about giving people advice. They poisoned him."

Now I don't want to fall into Socrates' error, nor to submit to his fate.

Nevertheless, I want to say —philosophically—that river development in the pattern that you have been discussing this week must be regarded as an historic turning point in man's relationship to his environment.

Of necessity, man has always built his civilizations on the banks of rivers. Primitive societies found there a food supply, water for personal needs, the rudiments of sanitation, and the earliest means for heavy transportation. Ancient civilizations learned to pipe and channel their rivers and to harness their immense mechanical power. In later centuries, industries gathered at the shorelines to make use of this power as well as the river's water supplies and low-cost transport.

But all this was done at the mercy of the all-powerful rain god. Torrents from the skies turned into cataclysms on the river banks. Time after time the river claimed and reclaimed its flood plain and swept away in disaster the flimsy structures of man. It was the taming of these disastrous floods that made not only the waters but the shores of our great streams safe and usable.

Now, in the twentieth century, with modern techniques of multipurpose river development, cities with their homes and industries can use the shorelines in relative security. Mechanical power has been replaced by electrical power, many times more useful. And many extra values have been built into these river control systems.

In the Tennessee Valley, for example, we have eliminated malaria primarily by fluctuating the levels of certain lakes. During the time when malaria-carrying mosquitoes are breeding we lower the level of these lakes about a foot, then raise them back again in a cycle that takes about a week. This simple operation serves to strand the mosquito larvae, which disposes of many of them, and then refloats them to become food for fishes. In the Tennessee Valley tens of thousands—perhaps hundreds of thousands—are well and working today because this by-product of dam construction has freed them from malaria's scourge. Around the world, the figure is in the millions.

Adaptations for recreation are highly varied on TVA lakes. Not only are these waters used for the customary sports such as fishing, swimming, and all kinds of boating. In addition, in the spring, when water temperatures are right for fish spawning, the levels of the lakes are held stable to cradle safely the new offspring of the year. We have found that species of fish previously unknown in the lakes of this area now thrive and grow. Striped bass have been successfully transplanted from the Atlantic Ocean. The muskellunge, a fighting sport fish, was formerly found in the area only occasionally in some Cumberland Mountain streams. It has now been restocked as a lake fish and is rather commonly caught in some of our colder reservoirs in sizes exceeding 25 pounds.

One of the exciting new sports gaining in popularity is white water canoeing, riding down a swift mountain stream, splashing between the rocks, to the quiet waters below. TVA has found it feasible to schedule its power generation at certain mountain dams, releasing enough water to provide a sufficient flow for such canoe races. The next day the stream may be smooth and sparkling, with trout fishermen casting into the quiet pools.

On the other end of the spectrum is the significant role to be played by our reservoirs in the generation of electricity from nuclear fuels. Because nuclear power plants use the heat content of their fuels less completely than fossil-fueled plants, the use of water for cooling assumes much greater importance. It also poses considerable difficulties in managing the heated water so that it causes no harm to aquatic life.

TVA is proceeding with great caution in designing its nuclear plants for this reason. We are determined that no installation of ours will degrade the usefulness of the Tennessee River. We and the people of this region have spent more than a generation repairing the damage done to our resources by those who lived before us. We do not intend to impose a similar burden on those who follow us. In association with other Federal agencies, TVA is building a research center at our Browns Ferry Nuclear Plant which will simulate some of the aspects of the aquatic habitat under a variety of temperature conditions and enable us to determine far more accurately than we now know the effects of warm water on fish, mussels and their food organisms.

But we will go further and set up a testing station to find ways of using warm water beneficially. Warm water from the plant will be used to determine whether vine-ripened tomatoes, cucumbers, and lettuce can be grown more profitably under simulated conditions. Pipes buried beneath the soil will carry warm water to croplands to see whether a combination of heat and irrigation can lengthen the growing season and increase crop production.

A livestock feedlot and poultry house will be heated and cooled by warm water from the plant to find out whether production is improved when the animals and poultry live under controlled temperatures. We even plan to recycle waste from these facilities. By mixing these wastes with warm water we may be able to speed the production of algae and other aquatic plants which then can be harvested and processed into livestock feeds.

Whatever may come of these lines of research, it is already abundantly clear that our man-made lakes are vital sources of cooling water in thermal power generation as we meet man's ever-rising needs for electricity. This is true whether the heat is dissipated by returning water to the reservoirs or by discharge directly into the atmosphere through cooling towers.

This has been a rather sketchy and bobtailed review of man's use of his rivers from the stone age to the atomic age, but I had a purpose in doing it. It demonstrates a simple fact which is too often forgotten in this age of environmental consciousness. That fact is that man must *always* manage his water supplies—from now to eternity. We have all the water there is or ever will be. The ever lasting cycle of rainfall cannot be increased or diminished in any significant degree. The water supply we have today must serve forever, no matter how our society changes or how society changes its use of water.

The corollary of this principle is found in the methods of modern science and engineering which have enabled us to build huge structures, manage stream-flows of immense volume, generate large amounts of electricity, stimulate new arteries of waterborne commerce, irrigate vast areas of arid land, offer boundless outlets for recreation. Few accomplishments of man can match this mastery of our river systems. Man-made lakes have stored the excesses of flood periods and used them to fill in the gaps in water needs during drought seasons. There is no other way to change this kind of disaster into a blessing.

Yet we find people whispering suggestions—perhaps out of mistaken nostalgia for a past they never knew—perhaps forgetful of devastation that comes from floods or the lonely drudgery of the scrub board and the wood burning stove—we hear suggestions that things might have been just as well if the dams hadn't been built. But the overwhelming proof is to the contrary. Multipurpose river development has proved its value beyond question.

In the light of these self-evident facts, it has surprised me that we now find some even advocating a total moratorium on dam building. Their contention is that the construction of dams in the past has been done primarily for political reasons with decisions as to what to build and where to build made on the basis of legislative logrolling. The politically desirable dams now have been built, the argument goes, so why build more? Moreover, all regions of the country are now fully settled. Rural areas are giving up their populations to the cities. Consequently, any remaining dams would have only local and therefore limited benefit. And in any case, we are told, the big push for more dams is being conducted by "vested interests" in the form of large government agencies trying to perpetuate themselves with unneeded construction projects.

These are comfortable prefarbricated myths if you are building a dream castle, but they are a flimsy framework for constructing a sound public water supply policy.

The overriding fact is that most of our rivers will deteriorate in quality and usefulness unless they are managed! America's struggle to save its major rivers is widely known. What is not so widely known is the unhappy parallel on some of our remote streams. The visual evidence in many parts of Appalachia today is that too many mountain streams, once sparkling clear and abounding in fish life, have become carriers of waste and litter from those who live and play carelessly on their banks. The pressures of a changing, mobile, growing society extend from the sources of the stream to its mouth.

True, by the same token, stream development and use today is far more complex than ever before. Attention must be given not only to the needs of cities and industries for water supply and waste disposal and in some instances to electric power and irrigation, but also to the guardianship of many aspects of cultural value.

A valley may have assets of archaeological or historical importance or an appealing natural beauty. It may provide the habitat for fish and game. It may have sections possessing qualities of remoteness with the appeal of the wilderness or with unique recreation possibilities. All these and more must be taken into consideration. Obviously, it would be as absurd to build a dam at every dam site or to bottle up every creek and branch as it would be to stop building dams altogether. Each situation must be appraised in the light of its own merits and of the needs of the most people.

In the management of water resources, the techniques available are limited. We can channel water, and pipe it, and pump it, to widen its availability. And we can impound it so that when nature's abundant rainstorms fall, the water does not rush to the sea unused. Or we can preserve it in something approaching its natural state. That is about all. But these techniques can still be extremely useful in carrying out both national and regional objectives.

Let me use as an example a small tributary of the Tennessee called the Duck River, a stream most of you never heard of. Along its valley a farm-to-city migration is under way as employment in agriculture declines. The result is mounting pressures of many kinds on the small cities of this area. These towns now obtain their water supplies from the river, which has poorly sustained flows, or from springs and wells which are becoming increasingly unsatisfactory both in the quality and the quantity of the water they yield. Modest industrial growth has occurred and resulted in a more diversified manufacturing economy. But the growth prospects of existing and future new industry are limited by the present water supply.

Paradoxically, an area receiving abundant annual rainfall cannot meet the future needs of its commerce and industry for lack of water! It faces a future of economic stagnation and underemployment which then can only swell the tide of migration to America's central cities with their immense social and economic problems. Meanwhile, the demands on the Duck increase and its beauty and utility decline.

TVA proposes to build two dams on the upper segment of the Duck—small dams in comparison with those many of you have seen in the Knoxville vicinity. The dams are so located and their reservoirs so designed as to preserve by far the greater share of the stream's historical and ecological features as well as its characteristics as a float stream with its canyons, caves, and other beauty spots. In addition, the impoundments will create a whole new opportunity for water-oriented recreation, including a new wildlife refuge.

But most of all, these two dams will enable us to manage the river to protect its own waters for future generations. They will provide a base for commerce and industry that will furnish needed employment for local people. And in so doing, they will contribute materially to one of our important national objectives—to stem the tide of migration to our metropolitan areas by creating centers of prosperity and beauty in sections now considered rural.

There are other similar situations in the Tennessee Valley in which water is the key to a satisfactory human environment. In these areas further water management techniques, including dam construction, are on our drawing boards for the future—because they are necessary.

And so it must always be. Neither the needs for river development nor the techniques of its execution are static. As long as man procreates, as long as man invents and produces goods, as long as he has desires for better things and a better way of life, he will make new demands on his rivers and waters. Each generation must respond with better ways of meeting those demands.

To those of you who come from the banks of the Danube, the Rhine, and the Thames, this is not a new story. To TVA and to the United States it is an evolving story with many of the answers yet to come. To you who are entrusted with the management of the Zambezi, the Nile, and the Mekong, this story will have its greatest meaning as your economies and social systems grow and change.

We will be watching you with interest and learning from your experience. And we want you to know that we in TVA will always welcome you back to reflect upon our mistakes as well as our progress. And I expect that whenever you return you will find, as you now do, that water is the unifying thread in this multiple-purpose, multiple-resource development effort. And man-made lakes will still be the keystone in our water-use plans.

THE VOICE THAT CANNOT BE STILLED

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BRASCO. Mr. Speaker, it is well for us to bear in mind the fact that while we enjoy a vast spread of individual freedoms, numbers of others do not possess such privileges. One of the most continually oppressed groups of this kind is the Jewish population of the Soviet Union, groaning under a tyranny that toys with them as a cat does with a trapped mouse.

Most of the time, these people are given solely the right to die and pay taxes. More often than not, they are discriminated against in the most blatant way. They are the only minority so treated today in Russia.

Those who have courage to speak out are either banished, heaved into asylums or persecuted outright in a thousand ulgy ways. Yet their courage is unflagging. Their determination to live life freely as Jews is a fire no Soviet freeze can put out. And its warmth is felt across the miles in the hearts of those who seek to feel it.

That in turn has generated a response all across America. One of its strongest echos was felt this last Sunday in Canarsie—in my own area of Brooklyn, N.Y. There a group of compassionate, sympathetic and determined people came together last Sunday to pledge their faith to the cause of freedom for all Soviet Jews.

Those Canarsie citizens came together in the kind of meeting the Russians cannot ignore. Such gatherings, held in hundreds and thousands by innumerable ordinary Americans, raise a cry the Soviets have grudgingly heeded. Public outcries against their treatment of Soviet Jews embarrasses the Russians. They do not like it. Sunlight is our best disinfectant. Legitimate protest against these actions is the best weapon to use against such modern-day despots. And American citizens in my area of the Nation are utilizing it effectively.

Such efforts will not cease until the Jews of Russia are allowed to go free. I shall support these endeavors until that time comes, as it eventually must.

IKE FULFILLED MISSION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. CARTER. Mr. Speaker, I remember with much satisfaction the time when Gen. Dwight D. Eisenhower was our President. He inherited a nation weighted with doubt and suspicion, and he so successfully calmed the diverse troubles that critics actually reproached him for running such a quiet ship—their reward to him for getting the job done selflessly and without fanfare.

I commend the attention of the Members of this body to the article by Henry J. Taylor:

IKE FULFILLED MISSION

(By Henry J. Taylor)

On May 7, 1945, Gen. Dwight D. Eisenhower tersely cabled the combined Chiefs of Staff in Washington: "The mission of the Allied force was fulfilled at 0241, local time." On Nov. 4, 1952, he was elected President of the United States and then reelected by the largest majority ever given. On March 28, 1969, age 78, he passed into America's history—to live there forever.

"Great men die twice," philosopher Paul Valery said, "once as men and once as great." Our nation bid Dwight D. Eisenhower a sorrowful farewell on both counts.

It was impossible not to like him. On a visit to his Abilene, Kan. boyhood home, he said one day: "I suppose we were poor, but the glory of it was that we never knew it." And even during the war, with five stars on his shoulder, he was certainly a lot more thoughtful and easier to talk with than many a second lieutenant I met one place and another.

"NO VANITY"

He had all the qualities, large and small, that induce loyalty. He had no unkindness at all; his whole nature was charitable; he had no malice in him whatever. This man, one of the most-honored men in all history, was Kipling's "If" personified. He had many occasions to walk with kings and had no illusions of grandeur; no egotism, no jealousy, no vanity.

Gen. Eisenhower lived his life. It didn't live him—and never, never in respect to honors. But a thought also occurs to me that is a wonderful thing to be able to say about anybody in any walk of life. I have never seen, nor do I believe anybody ever saw, President Eisenhower make a decision with the slightest consideration of how he himself would come out of it.

"SHEER DUTY"

Cervantes wrote that the ambition of every Spanish general is to save his country by becoming its ruler. There is none of this among our nation's top military people as a whole and in Gen. Eisenhower's case the White House was literally thrust upon him.

Is there another case in modern politics where a feeling of sheer duty alone gave a truly reluctant "yes"?

Political life was doubly hard for President Eisenhower because he encountered so much self-serving image-making in it. He was the first TV president and, privately, he was profoundly worried about this mesmerizing tube's political potential.

It was politically advantageous for the Kennedy Administration to belittle Gen. Eisenhower as President and create a fantasy that smoke-screened the truth. This deliberately ignored, among President Eisenhower's contributions, his wise conservation of presidential authority which was so immensely valuable.

He inherited a nation loaded with doubt and suspicion. But he so successfully calmed the diverse ferment that critics actually reproached him for running such a quiet ship—their reward to him for getting the job done selflessly and without trumpets.

DEFUSED FEAR

He inherited the Cold War and achieved stability in handling it. He inherited a nation fearful of atomic holocaust and defused all that, only to leave office to a successor who cried for more missiles and for shock troops to fight guerrilla wars by helicopters.

When President Eisenhower moved he made sure he had everything in hand or he did not move at all: For example, the Army, Navy, Air Force and Marines to Lebanon—more than 14,000 men. His successor staged the incredible Bay of Pigs, and persisted in walking noisily while carrying little sticks.

As if President Eisenhower and his resolute lack of romanticism were obsolete, and to register his own image, President Kennedy stated: "We have been granted the role of defending freedom in its hour of maximum danger. I welcome that role!" And then when President Kennedy orated that "now the trumpets summon us again," he literally did not know what he was asking for or the fatal, irrevocable step he was taking by defying former President Eisenhower's advice and sending the first American troops into the ghastly quicksand of Vietnam.

French President Charles de Gaulle once said of aged Marshal Petain: "Old age is a shipwreck." President Eisenhower's ending was the absolute antithesis of this. Until the very last day of his life the years that had passed over his head, God bless him, left only their springtimes behind.

RUMANIAN INDEPENDENCE DAY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. WHALEN. Mr. Speaker, it is entirely appropriate that we in this body and in this Nation pause today to observe Rumania's Independence Day.

May 10 is to the Rumanians as July 4 is to us—the day on which a nation's freedom is commemorated and celebrated. Unfortunately, the real meaning of freedom is known only to those Rumanians residing outside of their mother country. Therefore, in joining our Rumanian brother in the observance of their Independence Day, we, in reality, are uniting with them in the hope and trust that future such occasions will find all Rumanians a free people.

SCHLITZ FOUNDATION OFFERS NATURE TRACT TO AUDUBON SOCIETY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. REUSS. Mr. Speaker, stories which tell of the pollution of our air, the fouling of our waters, the death of entire species, are commonplace these days, but good news on the environmental front is rare. Therefore it particularly pleases me to be able to call attention to the public-spirited action of the Schlitz Foundation and Mr. Robert A. Uihlein, Jr., in offering an unspoiled 185-acre tract just north of Milwaukee to the National Audubon Society for use as a nature center. While such a multimillion-dollar gift is difficult to duplicate quantitatively, I hope that it may set an example for environmentally conscious actions by others. The following article, which appeared in the Milwaukee Journal on May 2, describes the Schlitz Foundation gift offer:

NINE-MILE FARM OFFERED TO AUDUBON SOCIETY

(By Robert W. Wells)

The Nine Mile Farm in Bayside has been offered to the National Audubon Society for creation of what is predicted to be the nation's finest nature education center. A gift of $1.3 million will be made to finance preparation of the site and operation of the center.

Robert A. Uihlein Jr., president of the Schlitz Foundation, announced Saturday that the foundation directors had voted to present the 185 acre tract to the society for what would be called the Schlitz-Audubon Nature Center.

Members of the Uihlein family are providing $1.2 million of the $1.3 million grant that goes with the foundation's gift, with the rest from another contributor. All of the individuals involved made the gifts anonymously.

The tract, at 8566 N. Lake Dr., has an estimated value of over $1.5 million. It is the largest area of undeveloped land on Lake Michigan in the Milwaukee area.

"The foundation feels such a nature center would put this unspoiled tract to the best possible use, maintaining its natural beauty and wildlife population for common enjoyment," Uihlein said.

"Hundreds of thousands of people, young and old, would derive pleasure from it. In the hands of the Audubon group, we think, the Nine Mile Farm could become one of America's leading nature centers, bringing national attention to the area."

A spokesman for the Audubon Society said Saturday that a nature center there would be more diverse ecologically than any similar center elsewhere. with the added advantage of being close to a major city.

"It has wonderful possibilities," said Charles H. Callison, executive vice-president of the national society. "If the offer is accepted by the directors, we intend to make this the very best such center in the country.

"It will be unique from the standpoint of the opportunities it will provide for education because of its convenient location and its ecological diversity."

Although the society's board has indicated it is receptive to the offer, Callison said, formal action cannot be taken until the next meeting of the 30 directors. This will be held at the society's national convention May 20–24 at the Sheraton-Schroeder Hotel here.

The society now has a 400 acre nature center at Greenwich, Conn., one of 300 acres at Sharon, Conn., and a center of less than 100 acres at Dayton, Ohio, and has assisted in the development of about 100 others operated by various public and private agencies.

PUPILS WOULD BENEFIT

A society publication has defined a nature center as "a part of wild America set aside and interpreted for the enjoyment and edification of the people of a community."

Callison explained that such a center was used principally by school classes and other groups interested in learning about the natural environment as well as enjoying it.

Access to such centers is controlled. Provision is made for the individual who wants to walk the trails, but the number of visitors is limited to avoid the over-use that could ruin the center's natural advantages.

Callison said a private, nonprofit organization like the society was in a better position to limit public access than a governmental agency would be.

PARKS' ASSETS DISAPPEAR

"In the national parks, the number of visitors is sometimes so great that they wear away the natural assets the parks were created to protect," he said. "A public agency finds it very hard to control the number because every visitor represents a vote."

Assuming that the society board accepts the gifts, Callison said, the nature center here could be opened by the summer of 1972 and operate the year around.

A visitors' center, including a meeting room or auditorium, would be built, along with parking facilities, nature trails and other facilities needed to make Nine Mile Farm into an open air laboratory for nature study.

STUDY MATERIAL PROVIDED

The staff would be headed by a director-naturalist, Callison said, and would include several other full time naturalists. Educational exhibits would be provided to serve as a kind of nature museum.

A group visiting such a center, Callison said, is met by a staff naturalist who suggests what the visitors should look for on the trails. He accompanies the group during its hike, but children are encouraged to make their own discoveries rather than simply looking where the naturalist points.

Study material is provided to teachers to prepare classes for the visit, Callison said, and additional written information is distributed for later discussion.

Special workshop sessions for teachers are held at the center to show them how to use the natural environment as a laboratory in their own communities.

The center is also designed for use by other groups, including garden clubs, Boy Scouts, Girl Scouts and a variety of organizations composed of either adults or children, Callison added.

NO MASS RECREATION

"But visitation is by appointment," he said. "The center will never be operated as a mass recreation area."

Last January, a general appraisal of the Nine Mile Farm's possibilities as a nature center was made by three Audubon officials, Joseph J. Shomon, director of the nature centers division, Duryea Morton, director of educational services, and Edward M. Brigham III, director of the northern midwest region.

"It is our considered judgment that the 185 acre farm . . . has very great potential as an Audubon center," they reported.

"No fewer than five habitats merge here: Lake Michigan, the lakeshore, midglacier flood plain, hardwood forest on the bluffs and upper lakeshore plain. These give the area attrative physical and biological diversity.

CALL LOCATION IDEAL

"The location is ideal from an educational standpoint. There are well over 180,000 students within an hour's bus ride, as well as thousands of teachers for whom workshops could be conducted. The Co-operative Educational Service Agency is a regional, locally oriented educational service ready to cooperate with the society in co-ordinating children's visits, teachers' workshops and adult education.

"None of us is aware of any existing nature center or environmental education center in a city with property located on a major lakeshore.

"This in itself makes the Nine Mile Farm unique and would give it national and even international significance."

The report indicated that an existing farmhouse could be improved and used as a caretaker's residence. Lumber salvaged in tearing down a barn and garage could be used in building a smaller replica of the existing barn to preserve the farm atmosphere, the report added.

It suggested that extra beams from the barn be used in the "interpretive building"—the visitors' center, which is expected to be built near the top of the bluff, overlooking the lake, east of the present terminus of Brown Deer Rd.

BOUGHT IN 1880'S

Nine Mile Farm—so named because it was a nine mile buggy ride from the Jos. Schlitz Brewing Co.—was purchased in the 1880's by members of the Uihlein family.

In the early years, it was used mainly for family picnics. Brewery horses were sometimes pastured there, the meadows providing relief to hooves accustomed to cobblestone streets.

Sons of several of the six Uihlein brothers who took over operations of the brewery after the death of Joseph Schlitz planted many of the trees on the property. Those seedlings have grown into trees that are now 60 or more years old.

No Uihlein ever lived there, but many family memories are associated with the property. Robert Jr., recalled Saturday that he had heard stories from his father of how as a boy Robert Sr., camped on the bluff there.

USED FOR CAMPING

"Several kids and the family tutor, Gerhard Hubert Balg, who taught them German and other languages, drove out there from the city in a pony cart," Uihlein said. "They took tents and camped for several days. That was in 1893 when my father was 10."

The property has not been farmed for many years. Most of it is entirely as nature made it.

Included in the gift are such hidden assets as a resident deer herd—one family member, who has counted them, said there are 14—along with opossums, foxes, a variety of birds and other wildlife, such wild flowers as ladyslippers, rugged glacial ravines and both woods and open meadows.

In the early 1950s, when the brewery was owned entirely by Uihlein family members, Schlitz gave the farm to the foundation. The foundation, a charitable philanthropic organization, has given to hospital, welfare, recreational and cultural causes.

VALUE HAS SOARED

In recent years, with the Nine Mile Farm growing increasingly valuable, a variety of suggestions were made on what should be done with it.

There was a division of opinion among foundation directors as to whether the acreage should be donated to some appropriate group or sold, with the money used for other charitable purposes.

The decision was reached last week after Elvis J. Stahr, president of the National Audubon Society, and Morton presented an outline of their proposal to operate the farm as a nature center at a meeting of the foundation directors.

One requirement was that enough money be available to develop and operate the center according to the high standards desired by both the society and the foundation. Part of the $1.3 million contribution will provide an endowment fund for an annual operating budget of about $100,000.

OFFER IS CONDITIONAL

The offer is conditional on the society's operating the farm as a nature center in accord with "standards deemed appropriate by the Schlitz Foundation." If at any time during the next 20 years such standards are not met, the property reverts to the foundation.

Detailed plans for the center have not yet been worked out, but foundation spokesmen said it was expected that the trails would include pathways that could be used by persons in wheelchairs and that a nature trail for the blind would be constructed.

Assuming Audubon board approval of the offer, representatives of the society and the foundation will probably seek a zoning variance from the Bayside Village Board to permit construction of the necessary buildings and use of the site as a nature center. The farm is now zoned for one family dwellings, according to Atty. Edwin P. Wiley, representing several of the family members.

TAXES TOTAL $33,500

Wiley said that to obtain a tax exemption for the property, it would be necessary to get permission of the Milwaukee County Board. Last year, he said, the taxes totaled about $33,500, including $19,486 for schools, $11,442 to the state, county and metropolitan sewerage district, $1,297 for Milwaukee Area Technical College and $1,273 to Bayside.

More than a year ago, Kurt W. Bauer, executive director of the Southeastern Wisconsin Regional Planning Commission, indicated that the commission staff hoped the farm would be preserved as an outdoor educational laboratory.

"The loss of this high quality site in one of the primary environmental corridors of the region through development for intensive urban use would be tragic indeed, not only to the people of Milwaukee County but to all of southeastern Wisconsin," he added.

Rene Dubos, internationally known bacteriologist and a Pulitzer Prize author who is serving as an ecological consultant to the Schlitz brewery, is a member of a committee representing the Schlitz Foundation in planning for the center.

SAYS LITTLE IS LEFT

"It is important to save what little is left of the beautiful lakefront," he said Saturday. "That is almost too obvious to mention.

"But it has been my observation that when land like this is released to the public but not managed, not much has been done with it. So it was necessary not only to deed over the property but to do something to make it more meaningful to people.

"Enough management is needed to make people feel at ease but, on the other hand, not so much as to lose the special quality."

Dubos said that so much of America's beautiful land had been lost that "to save some of it is very timely."

"We have to help people recapture an interest in the land," he said. "They need to see what this country used to be like and what it could be like.

"We must re-establish samples of each type of land and manage them in a way that they will retain their original natural characteristics."

GEORGIA STATE SENATE PASSES A RESOLUTION PERTAINING TO THE VIETNAM WAR

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. MATHIS of Georgia. Mr. Speaker, we are now in the second decade of involvement in Vietnam, and the American public very strongly desires an end to the longest war in our Nation's history.

Recognizing that almost 1,500 Georgians have lost their lives, thousands have been wounded, and at least 67 Georgia families have fathers or sons listed as prisoners of war or missing in action as a result of the war, the Georgia State Senate has adopted a resolution which I would like to call to the attention of my colleagues.

The resolution follows:

RESOLUTION, GEORGIA STATE SENATE

Supporting negotiations to obtain a further withdrawal of American land forces from Vietnam in exchange for a battlefield cease-fire and return of our prisoners of war; and for other purposes.

Whereas, the war in Vietnam has affected every county, city and community in Georgia; and

Whereas, almost 1,500 Georgians have lost their lives in the war; and

Whereas, thousands of Georgians have been wounded, and at least 67 Georgia families have fathers or sons listed as prisoners of war or missing in action; and

Whereas, the United States is beginning its second decade of involvement in the longest war in our history; and

Whereas, the Vietnam War is exceeded only by World War II as the most expensive in our history; and

Whereas, the Vietnam war is exceeded only by the two world wars and the Civil War in casualties; and

Whereas, the President of the United States has stated that we do not seek a military victory in this war and has committed us to a policy of military withdrawal; and

Whereas, American men are still being killed and maimed, and Americans are still being held as prisoners of war.

Now, therefore, be it resolved by the Senate that this body hereby supports negotiations to obtain a further withdrawal of American land forces from Vietnam and, if necessary, to set a date certain for such withdrawal, in exchange for a battlefield cease-fire and return of our prisoners of war.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States, and to each member of the United States Senate and House of Representatives from the State of Georgia.

Adopted in Senate February 23, 1971.

LESTER MADDOX,
President of the Senate.

Attest:

HAMILTON MCWHORTER,
Secretary of the Senate.

OUR CROWDED HOUSEHOLD

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. HALPERN. Mr. Speaker, it is a privilege for me to call the attention of my colleagues in the House to the work of a remarkable man from my district in Queens, N.Y.—Mr. Robert I. Queen of Flushing. An article written by him, titled "Our Crowded Household," has been accepted for publication in the highly prestigious Page One Awards Yearbook of the Newspaper Guild of New York, published in this 37th anniversary year of 1971. This is the 20th time that material by Mr. Queen has been so honored, truly an unusual distinction for one of the most talented writers I know.

Author, writer, public relations consultant, Bob Queen's richly varied background is a prime factor in the character and quality of his work. Many here will remember him as assistant to Congressman Alfred E. Santangelo from 1960 to 1963. He has an enviable reputation in the field of public relations, having written many books, including one, "Creative PR for Your Special Events," which has become a standard reference text at many universities. Having served the cause of broadcasting for over 30 years, he is a life member of Broadcast Pioneers. He has written for such productions as "Suspense," "The Green Hornet," "The Web," and "The Shadow," and also for the Greater New York Fund panel shows and interviews.

In addition, he has served as public relations counsel to New York State Senator John R. Dunne and has engaged in PR activities for innumerable organizations, public and private. He has also served as a volunteer placement coordinator for various press and journalism associations.

Bob Queen represents the highest type of American, and embodies those ideals of service to the community which we so badly need in these trouble times. I am glad to share with you this sample of his creative ability, marking, as it does, yet another milestone in his distinguished career:

OUR CROWDED HOUSEHOLD—CHAPTER II

(By Robert I. Queen)

Three years have gone by and by some kind of domestic inverted Parkinson's Law the space in the apartment has expanded to accommodate things. Nothing in our home can be thrown out unless accompanied by kicking and screaming—my wife screaming and our older son kicking.

The stuffed animals have not left us—they have merely moved from bed to toy chest. The beds, instead are loaded with rockets and models of lunar modules on one side of the boys' room and assorted miniature cars on the other. Every once in a while, in sheer frustration, my wife gives one of the bed spreads a yank without first unloading the objects, and artifacts fall as the gentle rain from heaven upon the floor beneath. Only our daughter keeps her bed as a place to sleep—shared only by Raggedy Ann, Raggedy Andy, (known until recently as "Boy" Raggedy Ann), and a Teddy Bear.

We are also knee deep in paper back books, the school and the Scholastic Magazine company being busily engaged in fostering the love of reading by selling low priced paper back books to children who purchase their assorted weekly magazines.

For four years now we have been accumulating See-Saw Books, Arrow Books, Weekly Reader Books, and Junior Scholastic Books at a geometrically increasing rate. Every few months the private book shelves get overloaded and the books are moved along to the next child in line, leaving the youngest, Ann Claire, the uninterested possessor of untold books about steamshovels, pickup trucks and bulldozers, when what she really likes are Cinderella and Sleeping Beauty.

When she reached three, Ann Claire had had enough. Women's Lib to the contrary, she was a girl and glad of it. Equal was okay, but the same was definitely not!

Her declaration of independence came when my wife was fitting her with the next size in raincoats that were lined up in the closet. Ann Claire took one look and announced that she did not want boy's raincoats—she wanted a girl's raincoat with flowers on it. She also demanded petticoats with lace, dresses with ruffles, and her brothers Alan and Joseph can keep their old trucks. She wants a doll with a wedding dress!

The middle child, Joseph, has now added a preoccupation with baseball to a preoccupation with words. Having announced to his mother at the age of four that from now on he was going to read to her instead of the other way around, be became a reading group of one in first grade, while his teacher worked hard to bring the other children far enough along so that he could have some buddies. After failing to challenge him with a fifth grade reader, she gave up and pretty much let him read what he wanted. Now in second grade at P.S. 21 Queens, he has just been appointed chairman of his first "community" and spent a busy afternoon on the phone assigning jobs to his fellow members, after which he could begin to think of his own contributions.

The ten year old, Alan, has his sights firmly set on science and outdoing the Collier brothers. Nothing is ever pitched at the waste paper basket in his room, only at his desk. A birthday card, carefully hidden away for his mother's birthday in December was not unearthed until the following June. To legitimate collections such as coins, stamps and baseball cards, are added old magazines, TV listings of the week from 1969, the stamp pages from the Sunday editions of the New York Times, hand drawn stamps of his own design, sculptures in various materials, articles on space, empty film boxes, the tags holding together his last three new pairs of socks, pictures he takes with his camera, slides for his microscope; ("Wait," he yelled when his mother cut herself, "let me make a slide."); a replica of the Goodyear Tire Ride at the last World's Fair in Flushing; the wheels of his Big Bruiser Truck, which he got at the age of two—but why go on . . . If he becomes a surgeon, as he now plans, he'll probably keep every appendix he ever removes and set up a museum similar to that of his ideal, Dr. Milton Helpern, the Chief Medical Examiner of New York City.

CONGRESSMAN BARING SPELLS OUT VA HOSPITAL NEEDS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. DULSKI. Mr. Speaker, the Subcommittee on Hospitals of the Committee on Veterans' Affairs, of which I am a member, began a series of hearings today on pending proposals for improvements in medical care for our Nation's veterans.

I am a cosponsor of a key measure, H.R. 6568, which would give our committee a direct say in any proposed construction, addition to or closing of VA hospitals. The bill was introduced by the full committee chairman, the Honorable Olin E. Teague of Texas.

Another measure being considered is H.R. 2157, which I introduced in January, to provide pay differentials for nurses in VA hospitals. I sponsored similar legislation in the 91st Congress and the need for action increases by the days.

At the opening session of the subcommittee today, the gentleman from Nevada (Mr. Baring), who is next in seniority ahead of me on the committee, made a very forceful presentation regarding the situation in our VA hospitals.

He pinpointed the problems with which he is most familiar, those in Nevada, but he emphasized that similar situations exist throughout the VA hospital system.

Mr. Baring—Nevada's lone Representative in Congress—is well versed in veterans' affairs, having served with distinction and dedication for many years on the committee.

Mr. Speaker, I am including with my remarks the text of the prepared statement by our colleague to the subcommittee:

Statement by Congressman Walter S. Baring, Nevada, Before the Veterans' Affairs Subcommittee on Hospitals, May 11, 1971

Mr. Chairman, I have just returned from a visit to my home State of Nevada which I serve in the U.S. Congress at-large. It is timely that these hearings today on the Veterans Administration budget should come so soon because a major part of my time spent in Nevada involved the critical problem of hospital care and treatment for Nevada veterans.

The needs of Nevada veterans very likely exemplify the overall nation-wide needs of veterans in every community and state. The question is just how are these veterans to receive the aid, the comfort and benefits due them when the Veterans Administration budget for fiscal year 1972 shows only a very slight increase over fiscal year 1971 and when there are large monthly increases in the number of servicemen returning to private life as veterans who need medical care.

I do not believe that the full impact of the returning Vietnam veterans alone can be adequately estimated as to what their full needs will be today or in the future.

I do believe that the fiscal year 1972 budget must be increased and that veterans hospitals, staffs, and rehabilitation facilities along with veterans homes must find relief through an increased Veterans Administration appropriation.

HOSPITAL EXPANSION NEEDED

There are other areas of concern that this House Committee on Veterans Affairs must take into serious consideration.

But the driving and initial problem, in my opinion, is the urgent and humane necessity to provide increased medical treatment by increasing the number of veterans hospitals, enlarging those currently in operation and increasing the medical staffs for all hospitals.

Mr. Chairman, today we have the era of the returning Vietnam veteran and he is increasing the rolls of the number of overall veterans. Many will need hospital and rehabilitative treatment and that fact is going to enlarge a problem which we already face without sufficient funds.

I will use the Reno, Nevada, veterans center as an example. This year the Reno facility is experiencing a rejection of veterans seeking admission for medical aid at a rate of over 40 percent. The center does not have the room to take these people, who I am informed, all were eligible for assistance.

These wanting veterans have to turn to other facilities today which means an airplane or lengthy and tiring road trip to another facility where again the veteran may have to apply and be placed on a waiting list.

DEMAND UP, BEDS FEWER

The number of beds at the Reno facility are decreasing. In fact, an announcement in August of last year indicated that $70,000 would be put into the Reno veterans center for more beds. That contract was cancelled sometime within the last few months. These beds were for the Nursing Home Care Unit.

Now, effective April first of this year the Nursing Home Care Unit beds have been reduced from 45 to 27.

What happened to the $70,000? I am informed by the Reno Veterans Center Hospital Director, Merle Allen, that the money was used to just "fix up" the rooms.

So, already the veterans hospitals of this country are over-flowing and now we are facing the high volume of the returning Vietnam veterans. What will we do with him if he needs lengthy medical attention?

In fact, the Vietnam veteran is returning to a country which is experiencing a deplorable unemployment rate . . . six percent at last count.

In Nevada, as a matter of fact, the unemployment rate is at a high, with 5.5 percent out of work. We can barely find jobs for those veterans who are able to work. This is a part of the overall problem.

DISABLED GO MILES FOR HELP

Meanwhile, that medically disabled Nevada veteran who was turned away from the Reno veterans center for lack of room has to leave the State for help. He has to go 300 miles or more for help only after he has been forced to wait due to overflows in other veterans hospitals.

Mr. Chairman, this brings me to another key issue which Nevada veterans are actively involved with today. That is the drive to establish a veterans hospital in Clark County, Nevada, for 400 beds. I have introduced a bill in Congress every year for the past several years calling for this much-needed facility.

There are 67,000 veterans who reside in Nevada and almost half of them, some 32,000, live in southern Nevada in Clark County. So, there is a veterans population concentration in Clark.

I have argued this need for several years with the various Veterans Administrators, the Bureau of the Budget, now called the Bureau of Management and Budget.

I will not relent in my efforts, and I feel that this hospital and others around the nation must be established to handle the veterans medical needs which are becoming more critical every day and every time another shipment of men comes home from Vietnam and they return to civilian life.

There is plenty of publicly owned land in Clark County which could be turned over to the Veterans Administration for a site for a hospital.

URGENT NEED FOR NEW HOSPITAL

The demand for the hospital is there, and I will have very soon, thousands of signatures I expect, from Nevadans who are petitioning for such a hospital. Right now, I am speaking in behalf of those signatures which include a majority of veterans.

Another primary factor I understand the Veterans Administration must consider is the ability to recruit professional staff. I see no problem here whatsoever that cannot be overcome with a recruitment program which I feel certain the citizens of Clark County would possibly sponsor themselves to some, or even to a large, degree along with some assistance and direction from the Veterans Administration.

The virtues and advantages of living in state-income-tax-free Nevada along with the numerous services, recreational aspects and ideal climate of southern Nevada, need not be listed at length in order to attract medical staffs. In fact, the climate would have much bearing on the easy and comfortable recuperation veterans hospital patients would experience.

LACK MEDICAL SCHOOL

However, Clark County does not have a medical school but there is certainly the potential for one to be established with the University of Nevada at Reno well launched on this project now and the fact that there are two major hospitals in Clark County now which could be utilized along with the cooperation of the University of Nevada, Las Vegas campus. The two universities are sister campuses and are fully cooperative so that one can assist the other's needs.

I would like to take note of the fact that the above priorities which I feel meet the call for a veterans hospital in Clark County, would also go hand-in-hand with a bill I support which was sponsored by the Chairman of this Veterans Affairs Committee, Rep. Olin Teague.

That bill would permit the establishment on a pilot basis of five new medical schools to be started in conjunction with the Veterans Administration. I feel Clark County should certainly qualify for one of these pilot school projects.

I feel the potential is there for a medical school and I know the need is there for a veterans hospital.

SOME VITAL STATISTICS

Mr. Chairman, I would like to add these vital statistics. Clark County (Las Vegas) Nevada is the seventh fastest growing county in the United States. Las Vegas itself is ranked 112th in population size of all American cities which are considered major. The State of Nevada is the fastest growing state in the United States. Nevada has experienced a growth of 68 percent during the past ten years prior to the 1970 census.

The population of Clark County is 270,000; 32,000 veterans are included in that figure which I believe should rate Clark County high on the Veterans Administration list of those cities, counties, and areas at the top to qualify for a veterans hospital.

Clark County area veterans who need medical help have to drive over 350 miles to Los Angeles for treatment, 500 miles to Salt Lake City for help, 465 miles to Reno's over-flowing veterans center for aid, or 800 miles to Arizona.

I urge that the Veterans Administration appropriation for fiscal year 1972 be substantially increased so that veterans hospital centers around the nation, such as the one in Reno, Nevada, can be enlarged throughout and that a 400-bed veterans hospital be located in Clark County, Nevada near Las Vegas.

I thank the Committee for this opportunity to discuss the veterans' needs today.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

MAJOR STATEMENTS AND MESSAGES GIVEN AT FREEDOM DAY RALLY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. DERWINSKI. Mr. Speaker, a great deal of speculation has obviously developed over United States and Chinese relations as a result of the now famous ping-pong diplomatic move by Red China.

My concern is that we do not jump to premature judgments or wishful thinking concerning the motivation of Red China's foreign policy, and that we keep in mind the years of cooperation and effective diplomatic, economic, as well as military relations that we have enjoyed with the Nationalist Chinese Government.

Therefore, Mr. Speaker, I insert into the RECORD major statements and messages on the occasion of the January 23, 1971, Freedom Day rally in Taipei, Republic of China. One of the main participants in this program was former Congressman Donald E. Lukens of Ohio.

The following items are inserted as a continuation of my remarks:

CABLE MESSAGE FROM HIS EXCELLENCY PARK CHUNG HEE, PRESIDENT OF THE REPUBLIC OF KOREA

On the occasion of the World Freedom Day, I would like to express personally and on behalf of the Government and people of the Republic of Korea warmest congratulations and best wishes to the people of the Republic of China and the free peoples of the world.

Seventeen years ago today, 22,000 Korean and Chinese prisoners of war so valiantly chose freedom in open defiance of Communism and at the risk of their lives, and demonstrated to the world how great their yearning was for freedom day by initiative of the people of the Republic of China.

Seventeen years later today, it is most heartening to witness that not only the Koreans and the Chinese but the peoples of 71 national and associated member units of the world anti-Communist league participated in the observance of this historic day.

This single fact speaks for itself how responsive humanity is towards the upsurge of freedom, which is spreading like a wildfire and is finding its path even into the Iron Curtain.

However, this is not a time for us to rest in self-complacency or to relax our guard as tendencies to appease Communists are also gaining influence.

We have already fought a long and hard war. The longer and the harder war we will have to wage in the years ahead.

However, sure victory will ultimately be ours as we continue to stand close together in unity and solidarity against our common enemy, an enemy in differing masks but with the same old intention of conquering the world.

Thus on this day, as we pay tribute to those who have so courageously fought for freedom we should renew our resolution to carry fourth our common cause of freedom.

MESSAGE FROM HIS EXCELLENCY NGUYEN VAN THIEU, PRESIDENT OF THE REPUBLIC OF VIETNAM

On January 23rd, people everywhere remember the day when, at the end of the Korean war, 22,000 communist POWs decided not to return to their homelands in order to escape communist rule.

In its war of aggression against the Republic of Korea the Peiping Communist regime sent its troops into Korea to fight united nations forces under the guise of "Volunteers", and yet these men when given an opportunity, did not hesitate to choose freedom. This significant event sheds full light on the real meaning of the so-called "Liberation forces" organized by the Communists to camouflage their aggression, and the so-called "wars of national liberation" they wage against their neighbors.

The choice of freedom made by the 22,000 communist POWs in the Korean War, as well as the historical exodus of nearly one million North Vietnamese who chose to abandon their ancestral homes in the part of the country placed under communist domination, testifies to the irrepressible aspirations for freedom and the great sacrifices which people are willing to accept in order to obtain and maintain freedom.

On this occasion, I send my best wishes and warm greetings to all the people and civic organizations attending world freedom week and world freedom mass rally, and to freedom loving people everywhere.

MESSAGE FROM HIS EXCELLENCY THANOM KITTIKACHORN, PRIME MINISTER OF THAILAND

The Thai nation has enjoyed a long tradition of freedom and independence. Through the centuries of nationhood our abiding faith in the eternal values of freedom for men and women have been manifested and proven, and it is for this reason that the World Freedom Day holds a special significance for us. We are therefore ready to join with other like-minded nations in observing the occasion and in reaffirming our dedicated resolution to uphold the rights of peoples to pursue their destinies and ways of life free from outside interference and coercion.

For their part, the Thai Government and people have endeavoured to show by deeds their earnest desire to contribute constructively to regional stability, progress and prosperity, and to live in peace and harmony with their neighbours. It is all the more unfortunate, therefore, that certain authoritarian Marxist regimes in Asia show no signs of relinquishing their negative policies of denying their own people the right to live as free and normal human beings and of seeking to extend their hegemony by force of arms and subversion over other peoples. It is patently clear that these ruthless regimes have been hostile to Thailand and other small nations of Southeast Asia rather than the opposite. It is indeed the other side which is trying to undermine peace, reduce human dignity and destroy good understanding between nations and peoples. As long as they continue to cling to such outmoded policies and practices, the free world has no choice but to persist in its rightful and worthy cause.

On this auspicious occasion, the Thai Government and people extend their cordial good wishes to the Government and people of the Republic of China, as well as to all the nations here represented, for their continued success in their struggles to restore peace and maintain freedom with justice and dignity in this part of the world.

CABLE MESSAGE FROM HIS EXCELLENCY KYU HAH CHOI, MINISTER OF FOREIGN AFFAIRS OF REPUBLIC OF KOREA

On behalf of the Government and people of the Republic of Korea, I wish to extend our heartfelt felicitations to you and to the great people of the Republic of China on the occasion of your Freedom Day. It is my fervent hope that the heroic struggle of the people of the Republic of China for defending freedom will be continued with great success.

Message From His Excellency Walter P. McConaughy, Ambassador of the United States

The struggle for human freedom expresses one of the highest aspirations of mankind. January 23 commemorates a notable chapter in the history of this struggle. Seventeen years ago, on January 23, 1954, twenty-two thousand Chinese and Korean prisoners of war chose to seek freedom abroad under the auspices of the United Nations voluntary repatriation program rather than to return to the harsh regimen of life in their native lands under Communism.

Those who were so fortunate as to choose liberty and who subsequently came to Taiwan were not disappointed. During their seventeen years of freedom they have witnessed the remarkable growth achieved by the Republic of China under the inspired leadership of President Chiang Kai-shek. They can also take great pride in the Republic of China's generous efforts to assist many younger nations throughout the Free World in the never-ending struggle to raise the level of human dignity and peoples' livelihood.

There is no greater challenge than mankind's eternal and instinctive search for freedom, justice, and equality of opportunity. The United States Government is pleased to be associated again with the commemoration of this significant event in the quest for a better world.

Message From Mr. Pritam Singh, Member of WACL and APACL India Chapter

Let us resolve & dedicate ourselves this auspicious Day of Freedom where about 14,000 oppressed peace-loving soldiers betrayed & misled by Mao's tyrannical rule were liberated from the clutches of this blood hungry & war ravaged inflicted innocent soldiers of the Korean-war in 1953 & warmly welcomed by their compatriots in Keelung harbour last.

Today the freedom-loving people of the world should awake from the poisoning appeasement spread by the Peiping regime to show their deadly arrows & stab-back afterwards to them as they have shown & demonstrated all around the world during the intensive period of 21-days war between India itself in the later part of 1962.

All the peace-loving people of the world should determine and should form a collective security in Asia first to defend their sovereign rights against this treacherous appeasement campaign spread by the Mao's elements recently.

Asians should be urged to get rid of all traces of self-confinement neutralist line & non-alignment policy, then bring forth all of their strength in a joint endeavour for self and mutual salvation.

President Chiang Kai-shek's Message to the World Freedom Day Mass Rally in the Republic of China, January 23, 1971

The Freedom Day Movement was initiated on January 23, 1954, by people and organizations of the Republic of China. Since then, Freedom Day has become a momentous occasion for recalling the heroism with which more than 22,000 anti-Communist fighters rejected Communism and embraced freedom. This occasion also provides proof that freedom will win the final victory over enslavement. The Freedom Day Movement has dealt heavy blows to Communist tyranny and provided immense encouragement to the free world in its struggle to maintain international justice and human dignity. The designation of the occasion as World Freedom Day by the World Anti-Communist League is further assurance that the solidarity and strength of freedom will destroy tyrannical enslavement. This has extraordinary significance for our times.

Freedom Day of this year coincides with the 60th year of the Republic of China. I have pointed out that the Republic of China's decade of the 60s (the 1970s) will be an epoch for the realization of justice, freedom and peace. Our National Revolution calls for struggle in the cause of international justice, human freedom and world peace. Goals of the World Freedom Day Movement are identical with those of the National Revolution.

The oligarch Mao Tse-tung, who incarnates all that is evil and brutal, has been trying to "revolt against the whole world" and stir up endless troubles. He wants to turn the world into a gigantic prison resembling that on the Chinese mainland. International appeasers have nearsightedly ignored crime and barbarism and have been too bewildered to uphold justice and peace. This has helped the Chinese Communists to expand their aggressions and has brought the appeasers to the brink of self-destruction. Not only have the appeasers harmed themselves; they also have permitted the mounting of a serious threat to the security of the free world. This is the moment of darkness just before the dawn. It is a time to be firm in our convictions and not to be depressed by any difficulty or reverse, to abide by our principles so as not to be swayed by any change in the situation and to continue our struggle so as not to be intimidated by any setback. In following this course, we are certain that the morality of mankind and the legality of justice will finally prevail, that evil and tyranny ultimately will be annihilated and that humankind can surely be saved from holocaust. Freedom-seeking and anti-enslavement tides of workers, peasants, intellectuals, youths and students now suffering persecution on the mainland eventually will achieve confluence with our big army of counterattack. The huge prison of the outlaw Mao will be destroyed.

The principal task of our Movement to Safeguard the Freedom of Mankind is the further consolidation and exercise of the free world's anti-Communist strength. We shall endeavor to transform people-to-people solidarity into solidarity among governments, turn regional union into worldwide union and expand economic, cultural and political cooperation into a system of total cooperation. With our common will and the united strength of the free world, we can go on to call peoples enslaved behind the Iron Curtain to unite in their struggle against Communism and tyranny. Attacking from within and without, we shall terminate Communist rule.

In this great struggle compatriots of the Republic of China at home and abroad should close ranks with mainland compatriots who now are shut behind the enemy's lines on the mainland and suffering Mao's persecutions and violations. Thus we shall do away with the outlaw Mao, who is the source of all the evil's in Asia and a totalitarian dictator who harasses the world. We shall open up a new and promising prospect for the Republic of China's decade of the 60s and for the security of Asia, the peace of the world and the freedom of humankind.

Address by World Freedom Day Mass Rally Chairman Ku Cheng-kang

Vice President Yen, Distinguished Guests, Freedom-Fighters and Representatives:

This is the 60th year of the Republic of China. For this reason, the World Freedom Day this year obviously should be regarded as possessing a far greater and more profound historical significance than those of other years. For 60 years the Republic of China has endeavored toward modernization on the basis of Dr. Sun Yat-sen's Three Principles of the People. Important achievements have been made in the fight for the freedom of the nation and the people. In the fight against Communist aggression and threats of enslavement, the Republic of China stands today in the Western Pacific as a mainstay for Asia's freedom and security. At the same time, it is regarded unanimously by the 700 million Chinese mainland people as the source of hope for regaining freedom.

As all of us are fully aware, the brilliant, heroic event of the Freedom Day in 1954 has taught us that freedom can be gained only through firm and gallant struggles calling for sacrifice and that joint determination and strong unity are needed if freedom is to be preserved forever. Unfortunately the mistaken words and deeds of international appeasers today are in complete contradiction to the way of victory for freedom. Faced with the serious challenges and threats of evil international Communist forces, these appeasers are stooping for monetary tranquility that they mockingly call "peace" and are willing to shrink and retreat for what they deceptively name "coexistence." Some of them have been frightened by the appalling outlook of Communists. Some others have been misguided by the Communists' smiling-face offensive. The worst type are the united front elements and fellow travellers of international Communists. Under various guises, all of them are befriending and flirting the Communists, plunging the world further into turmoil and confusion.

The international appeasers have gone to all troubles acting as helpers to the Communists of Peiping. The regime still is plagued by serious contradictions, difficulties and dangers and is headed for fiercer power struggles. But the appeasers maintain that the Peiping regime is now firm and stable. The Chinese Communists, riding high above the 700 million mainland inhabitants, have enslaved, oppressed and slaughtered a countless number of people. Their recent attempt to revise their so-called constitution has completely bared their intention to strip the people of all their rights and to commit further atrocities by means of terror, tyranny and totalitarianism. And yet, the rulers represent the wishes and interests of the Chinese people. Externally the Chinese Communists are sticking firmly to their belligerent, aggressive line under the "three-anti" and "nine-support" slogans. They want worldwide revolts and have been fanning up armed rebellions and political subversion in Asian countries. Even so, the appeasers want to establish so-called diplomatic relations with the Peiping regime and to admit it into the United Nations. They think that once the Chinese Communists are let into international society, they will turn meek and abandon their aggressive expansionist line.

By presenting this confused maze before us, history is subjecting us to a severe test. But no matter how complicated and changeable the world situation may be, history is certain to develop toward victory for freedom as the true wish and choice of mankind are inevitably for attainment of freedom. Standing now at this important crossroads of history, we all have to rise gallantly, bring forth our courage, give full play to the power of justice and overcome all the obstacles on the road to freedom. By clearing away all the barriers, we shall together strive to create a truly free era for all of mankind.

For all these reasons, we sincerely make the following calls:

First, all the free nations must fully understand that there can be no peace without freedom, that prosperity is lost if security is gone and that victory is not possible where there is no unity. In particular, it must be understood that no matter what smiling faces and peace offensive the evil international Communist forces may choose to use, their ambition to conquer the world and intention to enslave mankind will never change. The Chinese Communists pose the greatest danger to the well-being of the world. Free nations have no reason whatsoever to help the Chinese Communists spread their evil flames, add strength and elevate their status. Instead, powerful counterblows must be delivered. Peiping's threats and dangers must be checked and nullified. Therefore, we call upon the governments and peoples of the free world to brush aside all the indulgent thoughts, wipe out appeaser views and abandon capitulationist policies. As the free world leader, the United States above all must never entertain any fallacious appeaser view toward the Communists in general and those of Peiping in particular. In view of the present world situation, the United States must even more firmly uphold its national spirit, fully bring forth its moral courage, gallantly continue to shoulder its responsibility for international justice and human freedom, positively promote the unity of world freedom forces and jointly struggle for man's freedom. With regard to Asia as a whole and Southeast Asia in particular, the United States must fully play up the positive and constructive aspects of the new Asian policy under the Nixon doctrine and work toward an early establishment of an Asian and Pacific regional security organization so that the countries in this part of the world can swiftly reach the stage of joint opposition against the Communists. At the same time, the United States must take effective steps of assistance for the anti-Communist and anti-tyranny forces behind the Iron Curtain so that all can join hands and strive for freedom. Asia belongs not only to the Asians but to the world as well. Asia's safety or danger inevitably affects the rest of the world. Asian nations should as a matter of course bring forth the spirit of self-salvation and mutual salvation as they pool their strength and act in unison for the protection of Asian freedom. At the same time, they should endeavor jointly with all the other nations of the world to protect the freedom of all human beings and the peace of the entire world.

Secondly, the masses behind the Iron Curtain must rise strongly against tyranny. Communist regimes of various countries are now shaky because of political and economic setbacks. This is therefore the right time to fight for freedom and shake off the shackles of enslavement. The anti-tyranny riots in Poland late last year caused the resignation of Wladyslaw Gomulka as the Polish Communist Party boss and forced the Red regime of that country to make concessions. This was a successful example of fight against Communist tyranny. But true freedom for Iron Curtain people does not come unless the Communist regimes are thoroughly destroyed through continuously stepped-up struggles.

The darkness and cruelty of Chinese Communist tyranny are unprecedented. But because of its stepped-up attempts at perpetrating fanatic schemes, the Peiping regime is facing a true danger of complete downfall before angry masses. For this reason, we call upon the people of Chinese mainland to oppose the convocation of a National People's Congress, object the so-called constitutional amendment, launch heroic struggles against Mao Tse-tung's totalitarian one-man autocracy and bring the anti-Communist and anti-Mao tide on the mainland to a new height. Under the banner of Anti-Mao and National Salvation United Front, the people of the mainland will then join with military and civilian forces from this national recovery bastion and together wipe out the Peiping regime through people's anti-Communist revolutionary struggles. Freedom and happiness will then be regained for all of our countrymen.

Thirdly, the free Chinese, military and civilian alike, must unite together ever more strongly in this 60th year of the Republic and, under the great leadership of President Chiang, continue our fight on the forefront of man's struggle to safeguard freedom. With the greatest determination and utmost endeavors, we shall recover the Chinese mainland at an early date and bring about a turning point in the whole world situation. Our firm stand must be kept. Our national policy separating the evil from the just must be upheld. All the schemes to introduce Peiping into the United Nations and all the mistaken views about two Chinas must be smashed. President Chiang has said that "survival is assured when we ourselves are in control of the situation but death is certain to follow when the control is lost to others."

In line with this instruction, we must step up our overall renovation efforts in the political, economic, cultural and social fields. With our revolutionary spirits calling for self-support, self-advancement and self-salvation, we shall build our base of national revival into a strong anti-Communist bastion and swiftly complete all the necessary preparations for our mainland recovery mission. More importantly, we must positively carry out activities behind the enemy lines on the mainland and strengthen our Anti-Mao and National Salvation United Front in accordance with the President's instruction that 70 per cent of our anti-Communist efforts must be in the political field and carried out right behind the enemy. This way we shall touch off a mainland-wide anti-Communist revolution of the people and defeat the enemy from within its camp. The Peiping regime will come to its end and the decade of the 60s in the history of our Republic will be recorded as an era of victory for our mainland recovery and national reconstruction mission. After attaining our goal of freedom for the nation and the people, we shall continue our fight to bring freedom to all of mankind.

All of us must proceed in the direction I have just mentioned, for this also is the direction of our time. The iron rule of history is that tyranny is destined to fall and freedom will ultimately triumph. We must have a clear-cut view of the course of history and know how to take advantage of the turns of events. We all must step up our struggles for individual, national and worldwide freedom. Victory for freedom will then be ours and we shall be creators of a long-lasting era of freedom for mankind.

VICE PRESIDENT C. K. YEN'S ADDRESS AT THE WORLD FREEDOM DAY MASS RALLY IN THE REPUBLIC OF CHINA, JANUARY 23, 1971

Mr. Chairman, Distinguished Guests, Dear Freedom Fighters and Friends from Behind the Iron Curtain, Ladies and Gentlemen:

We come together today at this World Freedom Day mass rally to promote a movement which will safeguard the freedom of man and eradicate the Maoists' totalitarian tyranny. This is indeed a gathering of immense significance.

By nature, men treasure freedom and hate tyranny. All through the centuries, most of the world's wars have been fought for the defense of freedom as against tyranny and of justice as against abuse of power.

Because of rampant Communist scourges, man's freedom has been subjected to the most serious of challenges during the last half century. After World War II, the Communists grabbed Eastern Europe and usurped the Chinese mainland, thereby erecting huge Iron Curtains both in the West and the East, and plunging nearly half of the world's population into the dark rule of Communist tyranny. This tragic situation constitutes an unprecedented disaster in man's history.

But the more virulent the violence, the stronger the resistance to it. As the Chinese Communists become more violent, people enslaved behind the Iron Curtain steadily increase their determination to survive, to regain freedom and to oppose slavery and oppression. During the Korean war two decades ago, 22,000 anti-Communist Chinese and Korean prisoners-of-war courageously elected freedom and wrote a brilliant page in the history of man's struggle for liberty. This was followed by the thousands upon thousands of enslaved people who broke through the Iron Curtain by air, sea and land. Such a continuous outflow of refugees fully reflects the turmoil and chaos behind the Iron Curtain in both the East and the West. There has been a surging tide of uprisings against Communism and tyranny on the Chinese mainland. In Eastern Europe we have seen angry fires of protest kindled by the people of Hungary, Czechoslovakia and Poland in their fearless fight against tyranny. These heartening developments show the earnest desire of the oppressed people for freedom and democracy and also testify that Communist tyranny is on the verge of total collapse in its confrontation with the enraged masses.

The overwhelming majority of the enslaved people behind the Iron Curtain is strongly opposing Communist tyranny as a result of hunger, terror and slave labor. Heroic anti-Communist wars also are being fought by the brave people in such countries as Vietnam and Khmer on the periphery of the Iron Curtain. These people would rather die than become Communist salves. Many trusted friends and relatives of the Communist chieftains have awakened to the dictates of human nature and, stimulated by conscience, have made wise decisions. A few years ago the eldest daughter of the late Soviet dictator, Josef Stalin, became disillusioned with Communist tyranny. She courageously rejected Communism and came over to freedom. Miss Juanita Castro of Cuba learned to hate her brother Fidel's dictatorial savagery in his role as Communist boss of her island country. Now she has hoisted the banner of freedom and taken a position on the forefront in the battle against Communism. These and many other moving stories bear witness to the fact that the Communist regimes are being deserted by their own people and that their days are numbered.

We Chinese have a saying to the effect that when we see other people drowning or starving we feel the same agony ourselves. This compassionate and brotherly feeling for one's fellow men on the part of our people strengthens our confidence and enhances our determination to liberate our enslaved compatriots behind the Iron Curtain. We uphold this noble ideal. We will continue to urge the freedom-loving people of the world to give encouragement and support to those entrapped behind the Iron Curtain. And, at the same time, we will build up our own combat readiness for national recovery in which we shall tear down the Iron Curtain and get rid of the Peiping puppet regime. Unfortunately, just as our endeavor begins to be fruitful, Peiping's infiltration and "United Front" tactics have brought about an unfavorable current of international appeasement which only benefits the forces of evil. Unless this situation is effectively checked, the flames of aggression will spread farther, the enslaved people will suffer more, the free world's anti-Communist strength will be divided and international peace will be jeopardized.

Our experience from the anti-Communist struggle of recent years has emphasized the teaching that the division of the free countries poses a far greater menace to world peace than the expansion of Communist influence. Based on this understanding, I want to take this opportunity to present the following two suggestions with regard to our anti-Communist mission.

First, the expansionist ambition to conquer the world on the part of the Communists will remain unchanged no matter what guises it may take. If the free world neglects this simple truth, tries to substitute negotiation for confrontation and attempts to justify appeasement under the pretext of seeking peace, we fear that the greatest tragedy in history will overtake us in the next decade. The most urgent issue facing the free world, therefore, is how to arouse anti-Communist vigilance and effect spiritual rearmament for dissipation of the heavy fog of appeasement, intensification of democratic unity and the launching of a fearless fight against the Communist bloc with the totality of forces available to uphold freedom and world peace.

Second, we must point out once again that Chinese Communist internal suppression and external aggression of the last 20 years have created an unprecedented hell on the Chinese mainland and turned the Peiping regime into a source of scourges for Asia and all the world. The so-called "Constitution" recently revised and adopted by the Chinese Communist Party emphasizes anew the regime's despotic cruelty. This is why Mao Tse-tung and his followers are attempting to feign a look of amiability so as to confuse the free world and tide over internal difficulties. Political leaders of the free world must not be misled into thinking that this violent gang has abandoned its policy of aggressive expansion. No one should dream of achieving peaceful coexistence with the Maoist Communists by means of pacification and enticement. If any mistaken view of the Maoists is allowed to persist and their puppet regime is permitted to grow even stronger, the 700 million people on the Chinese mainland will never be freed from their imprisonment and neither Asia nor the world will know security and peace.

Eradication of the Chinese Communists and liberation of our mainland compatriots are among our inalienable and sacred rights. At the same time, we earnestly hope that as we struggle for national unification and uphold the freedom and peace of mankind, the rest of the free world will defend justice and, as a matter of conscience, will not appease the Chinese Communists or become accomplices in their wrongdoing. We trust, rather, that the free countries will provide us with moral and spiritual support so that our revolutionary mission against the Communists and in defense of freedom will be crowned with victory in the near future.

Since history began, all struggles of the just and benevolent against evil and tyranny have been finally victorious. No matter how noisy international appeasers may be in airing their views and no matter how fiercely the Mao group may struggle to perpetrate its evil schemes, we are confident of victory. So long as all of our countrymen continue the decisive struggle with one heart and one soul, we shall ultimately accomplish our crucial mission of turning the world tide and rebuilding justice, peace and civilization.

DECLARATION OF 1971 WORLD FREEDOM DAY RALLY, TAIPEI, TAIWAN, REPUBLIC OF CHINA, JANUARY 23, 1971

In this historically momentous 60th year of the Republic of China, we people from various circles of the nation are with great joy and high spirits gathered here at this rally to mark another World Freedom Day.

The World Freedom Day has now become a bright banner leading man's struggle to gain and safeguard freedom. It has provided the revelation that victory for freedom must be based on bolstered moral courage, strengthened struggles and a full play of the power of unity. In this revelation is the major historical significance of Freedom Day. In it also is the fundamental spirit of our time as mankind keeps marching onward for freedom.

With their indomitable spirits and heroic actions, 22,000 Chinese and Korean anti-Communist prisoners of war 17 years ago achieved honor and success under the United Nations' firmly-maintained principle of voluntary repatriation. The examples set by them must be acutely recognized, earnestly studied and positively glorified by all the people now struggling to gain and protect freedom. By doing so, we who are now facing Communist threats of aggression and enslavement can be sure of victory for freedom.

We must bring forth our anti-Communist moral courage. Instead of shrinking in fear, we must heroically rise and fight. Instead of stooping for momentary self-preservation, we must join forces and return blows. Instead of appeasing and tolerating the wicked, we must expose and conquer them. Never shall we act as helpers to evil persons, nor shall we flirst our enemy. More importantly, we must not leave the Iron Curtain people to a miserable fate of enslavement. Furthermore, we must be fully aware of the serious contradictions, difficulties and dangers that now exist behind the Iron Curtain under Communist rule. Never shall we permit ourselves to be frightened by the Communists' false display of power.

We must strengthen our anti-Communist struggles. Now that the Communist movement is decidedly doomed, we must take advantage of the steady downfall of Communist rule and launch strong counterattacks on the ideological, political, religious, cultural, economic and social battlefronts. Peoples of all the nations must be aroused and united. We must counter the Communist organization, propaganda and actions with our own strong organization, propaganda and actions. The reverse current of appeasement must be suppressed. The evil flames of Communism must be put out completely. All the Communist acts of aggression and expansion as well as their schemes of infiltration and subversion must be checked and smashed.

We must give full play to our strength of unity against the Communists. Instead of fighting alone, we must take joint actions. Instead of individual opposition, we must effect collective defense. In view of the scourges created in Asia by the Chinese Communists, a regional security organization must be established immediately in this area. Furthermore, steps must be taken for the formation of a world anti-Communist united front. This way, we shall attain the highest strategic goal of defeating the divided Communist camp with the power of a united free world.

Let us repeat once again. If only we can fully bring forth our anti-Communist moral courage, strengthen our anti-Communist struggles and give full play to our power of unity against the Communists, we can be sure of victory over our enemy and of ultimately accomplishing our timely mission of struggle for lasting freedom. The enemy is not to be afraid of. Rather, we must beware of those free nations that are not adequately determined, not acting quite positively and not united firmly enough in their fight against the Communists. But we believe that bitter experiences and practical lessons will one day make these nations wake up, brace themselves up, abandon their mistaken paths and start marching in the correct direction of time.

For 60 years the Republic of China has not only continued its tireless struggle for the fredom of China and the Chinese but also contributed importantly to the gaining and protection of freedom for all of mankind. We stood on the forefront of struggle against international Fascist forces that threatened to enslave mankind in the past. We are now standing firmly on the forefront of battle against the international Communists' attempt to enslave mankind. Today the Peiping regime is not just the source of scourges for all of Asia. It has subjected our 700 million brethren on the mainland to slave labor and oppression. We should with greater self-awareness shoulder our epochal responsibility against Communism and enslavement.

The light of freedom shining forth from our anti-Communist bastion for national recovery—Taiwan, Penghu, Kinmen and Matsu—not only will provide the revolutionary force for the destruction of the Maoist tyranny, salvation of our mainland compatriots and completion of our national recovery and reconstruction mission but furthermore will furnish the spiritual drive for a turn of the whole world situation toward a global victory in the fight for freedom. Under the great leadership of President Chiang Kai-shek, we shall with our courage, unity and struggle set an example for the rest of the world. Through extending our Anti-Mao and National Salvation United Front, we will join with the anti-Communist and anti-tyranny forces on the mainland, bring a high tide of anti-Communist struggle, create a new phase of our fight against the Communists and totalitarian tyranny. We shall then build up a new China of modern age based on the Three Principles of the People and accomplish our historical mission regarding world peace and man's freedom.

MESSAGE TO HIS EXCELLENCY U THANT, U.N. SECRETARY GENERAL AND ALL MISSIONS TO THE UNITED NATIONS—JANUARY 23, 1971

YOUR EXCELLENCY AND DISTINGUISHED MISSIONS:

The Freedom Day on January 23 to commemorate the heroic struggle for human freedom of the 22,000-odd Chinese and Korean Communist prisoners of the Korean War, who returned to freedom under the U.N. voluntary repatriation program, has been adopted at the World Anti-Communist League General Conference as the World Freedom Day. Many countries throughout the world hold celebrations today to mark the great occasion. In the Republic of China, a week-long celebration program is being warmly carried out in all cities throughout the country, including a mass rally in Taipei participated by representatives of various civic organizations, with the special objective to further promote our "Safeguarding Human Freedom and Destroying the Maoist Regime" movement. It is unanimously resolved at our mass rally to send to Your Excellency our message for your continued efforts in upholding the spirit of the U.N. Charter and maintaining a firm stand against admitting the Chinese Communist regime to an international organization the principal cause of which is to protect human rights. The Chinese Communist regime is the very source of all threats to human freedom and world peace and has been condemned by the U.N. as an aggressor, and to introduce it into the U.N. would certainly destroy the world organization. Your Excellency is also requested to step up positive support for all the people behind the Iron Curtain in struggle for freedom and against slavery, in order to accomplish at an early date the U.N.'s supreme aim of safeguarding human rights and further glorify the spirit of the U.N. Charter.

Respectfully yours,

KU CHENG-KANG,
General Chairman, World Freedom Day Mass Rally of the Republic of China.

MESSAGE TO HIS EXCELLENCY RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES OF AMERICA—JANUARY 23, 1971

YOUR EXCELLENCY: Today, as we people from various circles of the Republic of China are gathered in Taipei and elsewhere throughout the nation for enthusiastic mass rallies to mark the World Freedom Day in an expanded way and to promote measures to safeguard freedom of mankind and destroy the Maoist Communists' totalitarian tyranny, we wish jointly to express our highest gratitude and respect for your and the American public's tremendous endeavors for and contributions to the protection of Asian nations' independence and freedom and the safeguarding of world peace and security.

As Your Excellency is positively working for the implementation of a new Asian policy, we note stepped-up activities of North Vietnamese Communists and the stalemate of Paris peace talks. Mao Tse-tung and his Communist followers are now attempting to strip thoroughly the Chinese mainland people's basic human rights through a constitutional amendment. As they continue to shout openly and madly their strong anti-American slogans, the Communists of Peiping are now more positively attempting to perpetrate their schemes along their so-called "three-anti" and "nine-support" lines, thereby dooming the 700 million Chinese mainland people forever to a dark administration and hoping to take radical steps toward their goal of world conquest. The Chinese Communists also have been pushing their smiling-face offensive in an attempt to break up the free world, isolate the United States, fan up the air of appeasement and steal into the United Nations so as to save themselves from their internal and external distress that threatens to cause their downfall once and for all.

We earnestly hope that Your Excellency will, in view of the unchanging dark scheme of the Communists in Peiping and elsewhere, uphold the American spirit for the protection of man's freedom and promotion of international justice, quickly retract all the passive and unconstructive policies toward the Communists, positively strengthen the global struggle for freedom, work for an early establishment of an Asian and Pacific regional security organization, prevent all attempts to introduce Peiping into the United Nations and foil the Communist bloc's scheme to bury the world body. At the same time, we hope that in in view of the long-standing Sino-American friendly relations, the United States will continue to work with us for the protection of Asia's peace and security and provide support to the Republic of China's all-out effort to free the 700 million Chinese mainland people and let them regain their freedom and happiness.

With our sincere wishes for victory,

Very truly yours,

KU CHENG-KANG,
General Chairman, World Freedom Day Mass Rally of the Republic of China.

MESSAGE TO GENERAL CREIGHTON W. ABRAMS, COMMANDER IN CHIEF OF ALLIED FORCES IN VIETNAM, AND TO ALL OFFICERS AND ENLISTED MEN OF ALLIED COMBAT TROOPS IN VIETNAM, JANUARY 23, 1971

GENERAL ABRAMS AND ALL OFFICERS AND ENLISTED MEN OF ALLIED COMBAT TROOPS IN VIETNAM:

We, representatives of all walks of life in the Republic of China, meet today in Taipei for celebrating the World Freedom Day and promoting the movement for human freedom and against the Maoist totalitarian tyranny. We salute your gallant fight in Vietnam which has written down a brilliant page in the history of free peoples' struggle against Communist aggression.

As Allied Forces are modifying their strategical array in Vietnam, it gives to the North Vietnamese Communists a good opportunity to exploit for further gains. We, therefore, unanimously resolved at our meeting to convey to you and all officers and enlisted men under your command our highest respects for your continued efforts in punishing the Communists for their aggressive crimes and laying a firm foundation for the independence and freedom of the Republic of Vietnam and for the peace and security of Asia and the whole world.

Respectfully yours,

KU CHENG-KANG,
General Chairman, World Freedom Day Mass Rally of the Republic of China.

TWO VETS WITH MEDALS, ONE WITH SILVER SPOON AND SPEECHWRITERS AND THE PRESS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. TALCOTT. Mr. Speaker, concurrent with the "veterans lobby" to end the war, the Senate Foreign Relations Committee held hearings on antiwar legislation.

These hearings generated a great deal of public exposure for an antiwar Navy lieutenant from Massachusetts, one John F. Kerry.

Not widely noted was the testimony of another Navy lieutenant from my congressional district in California, one Melville L. Stephens.

Both of these young men experienced somewhat similar service in Vietnam.

One is prompted to wonder, therefore, why their views were not given equal treatment by those covering these hearings.

An article in the Detroit News sheds some light on the subject. More members and citizens should be aware of the techniques of this committee, the background of the witnesses, and their connections with those who manage the reports and develop the news.

Mr. Speaker, in fairness to Lieutenant Stephens, whom I have the honor to represent in the Congress, I include the article, "Two Vets With Medals, One With Silver Spoon" in the RECORD. I wish to compliment Mr. J. F. ter Horst, Washington Bureau Chief of the Detroit News for his perceptive article.

The article follows:

TWO VETS WITH MEDALS, ONE WITH SILVER SPOON

(By J. F. Ter Horst)

WASHINGTON.—This is the tale of two Vietnam veterans who came to Washington to lobby for an end to the war.

One is John F. Kerry, 27, of Waltham, Mass. The other is Melville L. Stephens, 26, of Hanford, Calif.

Both are former Navy lieutenants and saw combat as river patrol boat commanders in Vietnam. Both hold the Silver Star, the Bronze Star and the Purple Heart.

Both wear their hair long. Both profess a kinship with all the other war-weary young men who came here with their medals of valor and peace symbols. But the resemblance stops there.

Kerry is wealthy, a product of the best Eastern schools. Stephens grew up in Akron, Ohio and is out of work.

Kerry had the help of a well-known Kennedy speech writer in preparing those phrases which rang so eloquently over television when he testified before Senator J. William Fulbright.

Stephens wrote his own statement for the Senate Foreign Relations Committee—and never made TV.

Kerry emerged as the recognized leader of the Vietnam Veterans Against the War (VVAW), a very dramatic figure by day during the demonstrations. But, after dark, Kerry did the Washington social scene and slept in a clean bed at one of Georgetown's most fashionable addresses.

Stephens spent every night on the damp ground of the Mall, risking arrest along with the other Vietnam brothers who came to protest the war.

Hardly anybody has heard of Stephens, but Kerry has become one of the hottest young political prospects on the anti-war scene. His oratorical flair, good looks and Kennedyesque manners have marked him as a man to keep an eye on.

Indeed, he already is considering running for public office in Massachusetts, according to word passed to friends by his wife, the former Julia Stimson Thorne, daughter of a socially prominent Long Island family.

Kerry is not so upright about Vietnam as to be militant or radical. He calls himself "an angry young man" but he neither tossed his medals over the Capitol fence nor stayed around for the disruptive demonstrations of recent days.

A week ago Saturday night, when the big Capitol demonstration of 200,000 dwindled to a folk-rock concert at the Washington Monument, Kerry chose another scene.

Clad in guerilla togs, he attended a posh black-tie dinner party at the "Federal City Club put on by the "Five-ers," a quintet of Washington's top socialites.

One of them was Mrs. Robert Charles, better known as Oatsie Leiter, at whose home the Kerrys stayed during the Vietnam veterans' encampment on the Mall.

The high point of Kerry's week in Washington took place before the Senate Foreign Relations Committee On April 22, when he delivered an impassioned plea for ending the war.

As the TV cameras zeroed in on him, the thrice-wounded Vietnam veteran asked the senators: "How do you ask a man to be the last to die in Vietnam? How do you ask a man to be the last to die for a mistake?"

Reached in New York, where he is now dividing his time between law practice and speech-writing, former Robert F. Kennedy staffer Adam Walinsky acknowledged he had helped Kerry put together his eloquent presentation.

Walinsky said Kerry, the 1966 Yale class orator, was "pretty darn good" with words all by himself but added that he had a hand in drafting those parts of the Kerry address "which were on TV."

That kind of expert wordsmithing was not available to Stephens, who made his pitch to the same committee a few days ago.

Speaking just after a group of radicals had berated the senators, Stephens conceded his views "are not very popular these days." But drawing on more than 30 months experience in the Vietnam theater—many times that of Kerry—Stephens argued that the United States could not morally pull out so fast as to endanger the lives of those thousands of South Vietnamese who had trusted the American promise to deliverance from the Communist enemy.

Stephens made no defense of the allegedly corrupt members of the Thieu-Ky regime ("frankly, I am sure that they will take care of themselves"). Nor did he buy President Nixon's argument that the United States should not be made to look like a "pitiful helpless giant."

Rather, argued Stephens, a wounded veteran and former aide to Adm. Elmo Zumwalt, Naval operations chief, the U.S. should arrange to quit the war so that peace will help the loyal South Vietnamese.

"Peace for us must not come at the cost of their lives," Stephens said.

Stephens' testimony might have escaped public attention altogether had not Senator Hugh Scott, of Pennsylvania, Republican floor leader, complained that the TV networks had ignored it.

Kerry quit Vietnam in March, 1968, as was his right as a three-time wounded serviceman. He also became an admiral's aide—in New York. Then he left the Navy to run for Congress but withdrew from the race in favor of the Rev. Robert F. Drinan, a Catholic antiwar priest who was elected last November.

Friends who talked to Kerry said he was not visibly upset about Vietnam when he first began thinking of running for office.

"I thought of him as a rather normal vet," one said, "glad to be out but not terribly uptight over the war."

Another to whom Kerry talked about running for office described him as "a very charismatic fellow looking for a good issue."

Kerry, with his connections, financial resources and a set of initials that read JFK, may be one of the brighest young political properties to emerge from New England in a long time.

One of those who'll be watching will be Stephens, who is slated to enter Cornell University Law School this fall.

VALUE OF PERSONAL SERVICES TO BE TREATED AS A CHARITABLE CONTRIBUTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. PUCINSKI. Mr. Speaker, I have today introduced an amendment to the Internal Revenue Code of 1954 which would permit the value of personal services to be taken into account in determining the amount deductible for charitable contributions.

The main thrust of my proposal is to permit people who offer their talent for charitable purposes to place a fair market value on their contributions and treat it as a charitable deduction in determining their Federal income tax obligation.

My proposal is designed to encourage "volunteerism" in America. It will encourage people with special talents to contribute their services to worthy causes and treat such a contribution as a valid tax deduction.

This proposal seems perfectly logical to me. We see members of the performing arts giving their time and talent to charitable fundraising activities with no remuneration while those who make a cash contribution to view the performance can deduct such a contribution from their gross annual income as a charitable contribution.

I believe my proposal would encourage people to participate more in charitable work. Let me give you just a few examples:

We are faced with the problem of getting more doctors to offer their services to the needy. I believe if a doctor could treat his contribution of time and talent to a not-for-profit neighborhood health clinic as a charitable contribution and place a fair value on such a contribution for tax purposes, we would see the doctor shortage among the needy substantially abated.

Lawyers could offer their services to a neighborhood legal clinic and if indeed the Internal Revenue Service found the clinic to qualify as a not-for-profit institution, the lawyer could likewise place a fair market value on his services and treat them as a charitable contribution.

Teachers could offer their services as tutors to needy students and treat the fair market value of such services as a charitable contribution.

Mr. Speaker, the entire concept of treating contributions of personal services to charitable causes as charitable contributions for fixing purposes was suggested by Mr. Irv Kupcinet, well-known columnist for the Chicago Sun-Times during a meeting with Harry Belafonte; Danny Thomas; Miss Phyllis Diller; Connie Francis; Jack Carter, and a host of others.

I am pleased to introduce this amendment today because I believe it will encourage talented Americans to offer their service to charity.

The record will shown that America's artists have been extremely generous in giving their time and talent to worthwhile causes. I believe the time has come when we should permit them to treat their contribution of time and talent in the same manner that those who make cash contributions treat them for fixing purposes.

I am confident the IRS can work out adequate safeguards against abuses and place the same limitations that now exist an all charitable contributions. The amendment clearly provides that the IRS must verify the validity of the charitable cause and the fair market value of the contribution.

I further believe the loss of revenue would be more than offset by the growth of "voluntarism" in America. We will never be able to buy the services we need to solve so many of our social problems and needs. I believe the proposal I have offered here today could provide the stimulus for more people becoming voluntarily involved in charitable work.

I do hope this proposal will receive favorable consideration.

The amendment follows:

A bill to amend the Internal Revenue Code of 1954 to permit the value of personal services to be taken into account in determining the amount deductible for charitable contributions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170(a) of the Internal Revenue Code of 1954 (allowance of deduction for charitable, etc., contributions and gifts) is amended by adding at the end thereof the following new paragraph:

"(4) VALUE OF PERSONAL SERVICES.—For purposes of this section, in the case of an individual the contribution of his personal service to an organization shall be treated as a contribution of money to the organization in an amount equal to the fair value (as determined and verified under regulations prescribed by the Secretary or his delegate) of the contributed service."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to taxable years beginning after the date of the enactment of this Act.

EUROPEAN GOVERNMENTS PLEDGE HELP FOR AMERICAN POW'S

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. HILLIS. Mr. Speaker, Congressman ROGER ZION has just returned from Europe where he met with parliamentary leaders of four nations in an effort to gain assistance from those nations in obtaining humanitarian treatment for American prisoners of war. The Congressman's trip, financed at his own expense, may produce real dividends for our young men, rotting in the prison camps of Southeast Asia.

Congressman ZION has reported the results of his trip to his district and I commend this report to my colleagues as an example of what positive initiative by one Member of this body can accomplish:

EUROPEAN GOVERNMENTS PLEDGE HELP FOR AMERICAN POW'S

WASHINGTON, D.C.—Members of the parliaments of four European countries are developing plans to assist in easing the plight of American POW's in Southeast Asia, it was reported today by Indiana Congressman Roger Zion upon his return from Europe. Zion had spent the past week conferring with legislators in West Germany, The Netherlands, Belgium and Great Britain. He remarked that he "could not have been more pleased" with the response he received in the European community.

"In each of the four countries, legislators gave their pledges of unqualified support to my request for help in putting pressure on the North Vietnamese, the Viet Cong and the Pathet Lao to comply with the Geneva Convention," Zion reported. Each group of parliamentarians has organized a committee to draft resolutions or letters and are studying the best approach to the Communist leaders. Each has expressed a willingness to send personal delegations to Paris.

Zion said that one group of five members of Parliament, in Great Britain, is making application for visas to North Vietnam so they can carry the appeal directly to Hanoi.

"This is the only way we can convince the Communists that they do not enjoy worldwide support for their barbaric treatment of prisoners," Zion stated.

Zion said that his "best selling point" in approaching the legislators of the four European countries was a quote from the Swiss jurist, Jan Pictet, who is a recognized authority on the Geneva accords.

The Pictet Commentary reads ". . . in the event of a Power failing to fulfill its obligations, each of the other Contracting Parties (neutral, allied or enemy) should endeavor to bring it back to an attitude of respect for the Convention. . . ."the application of the Convention does not depend on whether the conflict is just or unjust. Whether or not it is a war of aggression, prisoners of war belonging to either party are entitled to the protection afforded by the Convention."

These European statesmen are accepting this obligation and will keep him informed of their progress, Zion reported.

INTERNATIONAL RED CROSS INEFFECTIVENESS

Zion said that he had met last Friday in Geneva, Switzerland, with officials of the International Red Cross, including their Asian representative who had recently returned from Cambodia. Zion reported that "it is apparent that to date they have been unable to help. Red Cross packages which are sent for POWs are returned," he said. North Vietnamese Red Cross people say they only care for civilians and have no contact at all with the military of either side.

It was also pointed out to him in Geneva, Zion said, that Communist countries traditionally ignore treaties and commitments. In this respect, Red Cross officials cited Russia, North Korea, and North Vietnam as examples of countries, in war, that have refused to permit inspection of POW camps or comply with any other internationally accepted standards of conduct.

FALSE HOPES FEARED

Zion said that recent statements by Communist sympathizers and would-be Presidential candidates have been either deliberately misleading or the results of wishful thinking.

"Statements attributed to Ambassador Bruce and Vietnam representatives in Paris to the effect that POWs will be released if we set a date for withdrawal are patently false, Zion said. He added that he had transcripts of these discussions and that "in no instance is this statement made."

"To imply this," he said, "in order to discredit the President's Vietnamization program is the epitome of reckless and irresponsible conduct. . . . The only purpose served by these statements is to give Hanoi more fuel for its propaganda machine. Our prisoners are given daily broadcasts of statements by American protestors. Nothing could bring them more discouragement, nor could be more helpful in urging the enemy to hang on until American public opinion forces us to surrender in Southeast Asia."

Zion continued: "Wives of men who are prisoners and missing in Southeast Asia have asked me if capitulation in Southeast Asia would guarantee the return of their husbands. I must answer in all honesty that nothing could be further from the truth."

WORLD OPINION ONLY WEAPON

Shortly after Zion delivered a strong letter of protest from the American Congress to the North Vietnamese in Paris last August, the amount of mail from POWs increased significantly. After the "National Week of Concern for POWs/MIA" last March, the flow of mail increased again and letters contained more information. In some instances the letters indicated that better treatment was being given, Zion said.

The Indiana congressman also pointed out that Communist propaganda recently indicates concern over the POW question, pointing out that "quotes" have been broadcast from the men indicating they are being treated well. He said that they have sent out a few pictures showing prisoners in good health. "It is apparent," Zion said, "that there is concern in Hanoi over world opinion."

Zion said that discussions about whether or not we should bomb, whether we should invade Communist sanctuaries, whether we should set a date for withdrawal are of questionable value at best, and when pursued by demonstrators are counterproductive. "They serve only Hanoi," he said.

The only issue in which there should be no disagreement is that concerning our prisoners of war and men missing in action, Zion pointed out.

"If all of the civilized people of the world continue to insist on the provisions of the Geneva Convention and press the Communists to accept them, perhaps we can take the most important step that will lead to peace."

J. EDGAR HOOVER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. PICKLE. Mr. Speaker, it takes little investigation to become aware of the incredible record of J. Edgar Hoover. In this country, we have had such efficient, yet cautious and considerate service by the FBI for so long that most Americans have taken it for granted. We ought to consider the possible types of burreaus and conduct we could have had in the area of intelligence. Mr. Hoover was faced with the task of providing security in this country—a gargantuan task in itself. But in a democracy, he was charged with protecting citizen's rights as well. Many techniques could have been applied. We need only look at national police forces in Germany and Russia to see the potential power and threat of a "protective" organization.

Mr. Speaker, not only has Mr. Hoover made the FBI an organization which has continually thwarted attacks against our Nation, but he has initiated an ideal for all law enforcement agencies to follow. In the 47 years of Mr. Hoover's direction, not one agent has been charged with a crime. The FBI force is itself a monument to the talents and decency of J. Edgar Hoover. No other man in the history of this Nation has served America so effectively, so conscientiously, so constantly, and with such a minimum of criticism. It has been an honor for Presidents of both political parties, conservative and liberal, from all parts of the country to ask Mr. Hoover to serve as director of the FBI. He has been recognized—and more importantly trusted and revered—not only by officials, but by the grassroots citizens of our Nation. Such widespread, continuous applause is not token. It is a sign of the deep appreciation which Americans have held and will continue to hold for the legendary gentleman, J. Edgar Hoover.

HOUSE OF REPRESENTATIVES—*Wednesday, May 12, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Send out Thy light and Thy truth: Let them lead me—Psalm 43: 3.

Eternal Spirit of Life, in the glowing beauty of springtime and the blossoming glory of an awakening earth, we turn to Thee praying that the beauty of Thy presence may be upon us as we pause in prayer before Thee. Thou hast called us to live our lives and to play our part in these frustrating yet fruitful years. Amid all the tumult of these troubled times grant unto us the calm of those whose minds are stayed on Thee.

At this altar of prayer steady us with the truth that back of all the tensions that try us and the disturbances that distress us there is an abiding good in which we can believe and to which we must be loyal if we are to walk with steady feet leading our Nation in the paths of peace at home and abroad.

In all the experiences of this day grant us the healing of Thy hand, the peace of Thy presence, and the security of Thy love. In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested.

S. 932. An act to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates;

S. 1131. An act to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State;

S. 1806. An act to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating and other type loans, and for other purposes; and

S.J. Res. 92. Joint resolution to direct the National Railroad Passenger Corporation to make a study with respect to expanding the basic national rail passenger system.

ADMINISTRATION HARD ON CAPITALISM

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, after careful investigation I have concluded that the current administration has not been soft on communism. However, it has been hard on capitalism.

PERSONAL ANNOUNCEMENT

Mr. HANLEY. Mr. Speaker, May 10 I unavoidably missed a rollcall vote on the District of Columbia firemen's bill because I was attending a meeting away from the Hill on official committee business.

H.R. 5638 is an excellent bill and I most certainly would have voted for it if I had been able to be present. The bill would provide a penalty of $5,000 fine or 5 years in jail, or both, for interfering with or assaulting a District of Columbia fireman in the course of his duties.

This is becoming an increasing problem in this era of civil unrest and I emphatically believe that our firemen, who do so much to protect our lives and property, must themselves be protected from unwarranted assaults.

VA TO AID NEW MEDICAL SCHOOLS

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, today I have joined my distinguished chairman, "TIGER" TEAGUE, in introducing legislation that would authorize the Veterans' Administration to help pay for the establishment of as many as five new State medical schools. The new medical schools would be established in proximity to VA hospitals, and would be in geographically dispersed States.

Mr. Speaker, the VA presently operates the largest medical-care system in the world. Furthermore, the VA Department of Medicine and Surgery has an active and close affiliation with more than 80 medical schools.

The Veterans' Administration is thus unique in its capacity to assist in the establishment of new medical schools, the new schools so desperately needed to alleviate the current national shortage of 50,000 doctors of medicine.

Establishment of new medical schools in conjunction with the VA, in addition to alleviating the national shortage of medical personnel, would also mean that the VA hospitals could deliver even better medical care to our sick and wounded veterans. The VA now has a wise policy of locating VA hospitals near to centers of medical and academic research, and we know of several existing VA hospital locations that would be excellent sites for new medical schools.

The more than 80 VA hospitals which are currently affiliated with medical schools have demonstrated positively that these affiliations are beneficial for the veterans' medical program, for the medical schools involved, and for the general public.

The bill would authorize $15 million this year and the same amount for each of the next 6 years in grants to States to pay for faculty salaries at the new schools. It would also authorize an additional $15 million per year in matching grants to help improve existing medical schools affiliated with the VA.

ADMINISTRATION'S RHETORIC DOES NOT MATCH REALITY

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, yesterday I addressed this body regarding the administration's impoundment of $34.5 million appropriated for regional medical programs. These programs are intended to make a massive attack on heart attack, cancer, stroke, and kidney disease.

My point of emphasis yesterday was the badly needed kidney program, but I also mentioned the fact that these four diseases account for millions of deaths yearly in the United States and all efforts to eradicate them should be pursued; certainly funds appropriated should be used.

It was, then, a pleasure to note yesterday that the President also recognizes the high number of fatalities resulting from at least one of these—namely, cancer—for he made a major statement yesterday promising special efforts and funds for combating that disease.

I find this all amazing. Clearly the words do not match the reality. If we cannot spend, in 1971, $34.5 million out of an appropriation of $106,502,000 for the whole regional medical program, aimed at four major killer diseases, how can we hope to provide extra and special funds for one of these and to spend them? Why not support the program that we already have, that Congress has passed on and appropriated for, that is already functioning?

I think this is simply another example of this administration's failure to match its rhetoric to its reality. Some time ago we were advised by the administration itself not to go by what this administration said, but to observe what it did. This is exactly what I have been doing. And what this administration has done is to deliberately withhold funds intended to fight cancer this year and to make promises for the future. I cannot take too seriously, then, those vague hopes.

GENERAL REVENUE SHARING

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, if the press reports this morning are correct, the Democratic National Committee policy council, apparently the highest policymaking body in the Democratic Party, is going to issue a searing indictment of the Nixon administration's welfare reform and revenue-sharing program, attacking the latter on the grounds that it is dangerous and would destroy the major domestic achievements of the Kennedy and Johnson administrations.

Mr. Speaker, there may be a legitimate difference of opinion on these Nixon administration initiatives, but I think it will come as a shock even to the Democratic mayors of the hard-pressed cities across the country to know that this kind of demagoguery is being used to attack a program like revenue sharing that ought to be seriously considered and debated in this Congress. Surely we are responsible here for trying to find solutions to our Nation's problems. The domestic programs of the Kennedy and Johnson years may evoke a warm feeling in the hearts of many of our colleagues, but the problems remain. Constructive attempts to meet them should not be dismissed out of nostalgia for earlier legislative accomplishments.

Let us debate these new domestic initiatives on their merits. These are new times, and they call for new answers.

CALL OF THE HOUSE

Mr. BUCHANAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Abourezk
Alexander
Ashley
Baring
Bevill
Byrnes, Wis.
Clark
Clay
Collier
Conyers
Corman
Dent
Edmondson
Edwards, Calif.
Edwards, La.
Fisher
Foley
Ford, William D.
Fraser
Green, Pa.
Griffin
Gubser
Harsha
Hébert
Howard
Johnson, Pa.
Jones, Tenn.
Kee
Long, La.
Lujan
McCulloch
McEwen
Mathis
Mayne
Mikva
Miller, Ohio
Moorhead
Murphy, Ill.
Murphy, N.Y.
O'Hara
Poff
Rees
Runnels
Scheuer
Schneebeli
Smith, N.Y.
Steiger, Ariz.
Stephens
Teague, Tex.
Waggonner
Wilson, Bob

The SPEAKER. On this rollcall 381 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

ANNUAL REPORT OF THE OFFICE OF ECONOMIC OPPORTUNITY FOR FISCAL YEARS 1969 AND 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–111)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations.

To the Congress of the United States:

Pursuant to the Economic Opportunity Act of 1964, as amended, I have the honor to transmit herewith the Annual Report of the Office of Economic Opportunity for Fiscal Years 1969 and 1970.

RICHARD NIXON.

THE WHITE HOUSE, *May 12, 1971.*

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a certain privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8190, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday, the Clerk had read through page 17, line 10, of the bill, and an amendment offered by the gentleman from Massachusetts (Mr. BOLAND) had been offered and read.

Without objection, the Clerk will again report the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. BOLAND: On page 17, strike out lines 6 through 10 and insert in lieu thereof:
>
> "CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT
>
> "For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, $85,330,000."

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I know that the members of the Committee of the Whole House on the State of the Union will say that we have been here before—and so we have. This is an important issue. In my opinion, the action that the House will take today on this matter has some very deeply significant meaning for this Nation of ours. Because of this, the Members of this House ought to have an opportunity to vote again on this program.

This issue was fully debated last March 17 and March 18. When the recorded-teller vote was taken on March 18, on the motion of the gentleman from Illinois to strike funds for the continuation of the supersonic transport program, 217 voted in favor of his amendment and 203 opposed—a difference of 14 votes. Just a matter of a switch of seven votes would have defeated the amendment of the gentleman from Illinois. When the Committee of the Whole reported the bill back to the House, the amendment was considered by the House, that amendment was carried by rollcall vote of 215 to 204 or 11 votes.

So, Mr. Chairman, it is my judgment that the Members of this Congress ought to have the chance to vote again on this matter. The closeness of the vote on March 18th warrants the chance.

The gentleman from Illinois, I am sure, is disturbed because this motion was not made in the subcommittee of which I am a member and was not made in the full committee. That argument is an empty one. I think a Member who is interested in this program, whether it is the Member now speaking in the well of the House or whether it is a Member from any part of the United States, has the right to do what he thinks is right when he comes to this floor. That is why I am doing it.

I could have offered the amendment in the subcommittee and it would have carried. We have the votes in the subcommittee to continue this program.

I could have offered the amendment in the full committee and it would have carried. We had the votes in the full committee to continue with the SST program. But I felt then and I feel now that this is a matter that ought to be resolved by the full membership of this House—by the Congress itself—and so that is the reason I have offered the amendment.

Mr. Chairman, I think the program is too important to our Nation to permit it to end without further opportunity to review the past action of the House. Now we are some weeks removed from the heat, passion, and pressures of March 17 and March 18. Members have had an opportunity to stand back in a rather calm, cool, and collected atmosphere to examine for themselves whether or not the vote that they cast on March 18 to stop the SST was a vote which was in the best interest of this Nation.

I think on the basis of the cost alone—the cost alone—we should continue this program. To date, as of March 30, 1971, we have spent $864 million on this program. The closeout cost—and there is $85,300,000 carried in this bill for costs share refunds of $85.3 million—plus $11.9 million that the committee did not approve but which are legitimate costs and which will have to be paid.

There also is an item of $58.5 million, the airline risk money payback. This is certainly a moral obligation. I think this Government is obligated to pay. That $85 million, plus the $58 million, plus the $11.9 million, comes to $155,800,000 and that, added to the $864 million that has already been spent, amounts to $1,020,000,000. To continue the research and development program, the construction of the two prototypes and the 100 hours of test flying will cost $1,342,000,000. This figure could be higher, because slowdowns and stoppages necessarily increase cost.

So I think the Members ought to look closely at this. We have a lot of chips on the table—and this is no time to throw in our hand. Just think of it—we have already spent $1,020,000,000 on the program. To finish the research and development and test fly the two prototypes will require another $342 million.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. Mr. Chairman, that is the real issue here. Think of the money we have spent on this program.

I think we ought to understand what we are doing here. This argument has been made before, but I make it again because it is an important argument, 76 percent to 80 percent of all the commercial aircraft flown throughout the free world is built here in America by American manufacturers, by citizens of the United States. And, mark this, the aeronautical exports are the second largest item in U.S. exports—$2.7 billion in aeronautical exports in 1970. Think of it! That $2.7 billion was equal to the entire trade surplus!

Is there any danger of losing this? Oh, you bet there is. In the debate on March 17—and I quote from that debate—the House's attention was called to a meeting that was called by the executives of the British and French companies building the Concorde. The speaker said:

> They will meet, and they will meet in order to decide whether or not to continue the production of the Concorde.

Well, they met. They met on April 22d, and it was their unanimous opinion that they would continue the authorization of that program. I quote from Mr. Jeffrey Knight, the Chairman of the B.A.C. commercial aircraft group, which is responsible for the British part of the Concorde program, wherein he said—

> This is great news and encouraging, based as it was on the fact that the Concorde does what we said it would do. We now have both the essential continuity that we need for our highly skilled work force, and a vital impetus to the big program going on to secure airline contracts throughout the world.

What happened last Friday? The President of the Republic of France, President Pompidou, took a ride in the Concorde. He rode in it for 77 minutes and, as I recall, 17 minutes at supersonic speed. When the plane had landed, he was questioned by the reporters and he said, "It is one of the finest crafts I have ever flown in." So you bet there is a danger of losing our lead in the field of commercial aircraft. We are going to lose it, and we are going to lose it to England and to France, and we are going to lose it to Germany if we do not continue the research and development on our own SST.

Some mention has been made in the press about this being unbridled technology. Poppycock. Nonsense. No program has been more bridled, and none with a tighter rein. Noise abatement, air pollution, sonic boom—all of these have been considered, and this program has been reined by the considerations that have been given to these matters—and properly so. This program has been bridled and reined like no other research and development program in the history of the United States. The Department of Transportation has been auditing the program closer and more stringently than any program that I am aware of.

The oversight that the Office of Supersonic Transport has kept upon Boeing and General Electric is an oversight that all of us ought to be proud of and this oversight, let me say, that has been demanded by the subcommittee.

The Subcommittee on Appropriations for the Department of Housing and Urban Development, Science, and Space completed hearings recently. One of the agencies under consideration was the National Science Foundation.

This morning the subcommittee sat all morning listening to outside witnesses with respect to that budget.

I have received a great number of letters from colleges throughout the United States; from scientists, engineers, physicists, and mathematicians. You name it and I have got it.

A great number of those letters have been directed to the technological progress that our Nation has enjoyed in the past, and the real danger of losing it in the future.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. I thank the gentleman from Illinois.

Let me quote from one of the letters that comes from a physicist, from one of our great colleges. He says:

> Our nation is now a technological society and as such its progress and prosperity depend on the generation of new knowledge—new knowledge and the opening of new technical areas of endeavor.

That is precisely what we are talking about in the research and development program on the SST. That is all it is; it is a research and development, test and evaluation program, and that is all. Our commitment to this program ends with the research and development, the building of two prototypes, and 100 hours of test flying.

Mr. Chairman, I am not going to burden the House with all the arguments that have been made here in the past. There have been a lot of them. The subcommittee had 4 or 5 days of hearings, with 709 pages of testimony this year. It was one of the finest hearings ever conducted by any committee on any proposal the Congress has had to deal with.

Many opinions have been expressed by both sides on this question.

Economists have been on both sides of the question. I believe someone some time ago said that if one took all of the economists of the world and laid them end to end, they would not come to a conclusion. I do know that if one took all their conclusions, these would fill volumes.

We have to make our own judgment here on whether this program is good for America, whether it is the kind of program we ought to continue, and what the costs have been so far. These are the judgments Members ought to make today.

In my judgment, it would be a mistake to kill this program. It would be wrong because it would harm the technological progress this Nation needs to move ahead as it has moved ahead so many times in the history of the world.

Someone has talked of priorities. I look at the distinguished gentlemen from New York, who sit here, who probably know more about priorities and problems which beset our cities than most Members of Congress. Anyone who comes from a large city knows what the problems are.

How do we pay for the programs? How do we pay for health, education, welfare, crime control, housing, medical care? How do we pay for control of pollution? How do we pay for these programs and a host of others unless we have the economic viability to pay for them?

This program—the advance in aeronautical knowhow and technology will help pay for these much needed programs—programs I vote for and support.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. I want to say that the gentleman from Massachusetts, when he was chairman of the subcommittee handling transportation, did an excellent job in that capacity. He is a real legislative expert on this program. I believe he ought to be heard, and what he has said ought to be heeded. I want to associate myself with the remarks he has made.

The gentleman has now moved to the chairmanship of another important subcommittee, but he still serves on the subcommittee which deals with the Department of Transportation. The gentleman from California (Mr. MCFALL) is now working in this field. He has been all along, of course, but he is now chairman of the transportation subcommittee. And he is also an expert in this matter.

I hope that today the House will grasp the significance of what this amendment undertakes to do and that we may provide the necessary support for the amendment which the gentleman from Massachusetts has offered.

I thank the gentleman.

Mr. BOLAND. I thank the gentleman from Texas.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

As I pointed out in March when funding for the SST was considered and rejected by this body, if the SST is an economically viable program, it should be nurtured and supported by private industry—not by the Federal Government.

What we are being asked to do here today is to open up a Pandora's box and come to the aid of the financially troubled air industry. Today, we are being requested to bail out the Boeing Co. Sometime in the near future, we will be requested to bail out the Lockheed Aircraft Corp. Should we succumb to these requests, more and more private industries will seek the easy way out of their financial difficulties and come running to the Federal Government for help, with their hats in their hands.

If you vote for this, be ready to vote for a whole line of industries also seeking that help, and if you give it to this industry, then in all equity you must give it to the other industries that are in financial difficulties in this country.

Unless we resist this attempt to unleash the floodgates of governmental largesse, the very basis of our free enterprise system will be engulfed and swept away. We must resist the temptation to establish such a dangerous precedent.

You may recall that my objections to the SST, and the reasons I voted against it, were not based on any argument that the prototype would injure the environment. I would quickly like to summarize them now. My opposition was based on the following points: First, whenever private industry stands ready to reap the benefits of a project, it should be willing to sow the financial seeds needed to bring it to a successful harvest. So, in keeping with my long stand against Government subsidies, I repeat, "If the supersonic transport is the economic marvel that its advocates claim it to be, let it stand the test of the marketplace."

Second, the fact that not a single U.S. airline has made a contract to purchase a foreign SST belies the claim that Government subsidy is needed in this instance to meet the test of foreign competition.

Third, only one-half of 1 percent of the country's population travels internationally on a regular basis. Only one-half of 1 percent. I fail to see how we can justify a governmental outlay of more than $1.3 billion for a program that will serve such a small segment of the public, especially in light of the serious deficiencies in adequate funding for domestic health, education, welfare programs.

Fourth, the past history of the SST program indicates that the Federal Government may have to finance not only the prototype phase, but also the production phase. I ask you to look at the last hearings we had on the SST when I propounded these questions.

Finally, I am not at all convinced that the Government will regain its investment in the program, despite claims to the contrary.

I elaborated more fully on these reasons during debate on the SST proposal in March. The House wisely saw fit to reject the program then. Since that time, absolutely nothing has happened nor has any new evidence been disclosed which would refute any of these arguments.

Mr. Chairman, I would like to make one further point. I find it incredible that some of my colleagues who yesterday voted to deny the release of the District of Columbia's $34.2 million share of the Metro's fiscal 1971 construction program today are supporting an $85 million effort to reinstate and reinvigorate and bring back to life funding for the SST prototypes.

I find it shocking that the fancies of a tiny elite of jet-setters are being catered to while the legitimate needs of the millions of District of Columbia area residents are being flouted and ignored. On no scale of values can the whim of arriving overseas 2 or 3 hours faster outweigh the just desire to reach one's job or residence without suffering the anger and frustration of being suffocated in an endless stream of bumper-to-bumper traffic.

It would be nothing short of hypocritical for this body to turn around and fund the SST project today in the name of technological progress after so cruelly rejecting the subway project yesterday. We face a mass transit crisis in this country of alarming proportions. To bury our head in the sand, to ignore this situation and casually vote Government funds for a program that will benefit only a few—a select coterie of bon vivants—is justly to invite upon us derision and scorn. I, for one, will have no part of such a contemptuous and irresponsible action.

I, therefore, call upon you, my colleagues, to defeat this attempt to secure Federal funding for the prototypes. It is especially important that we refuse to fund the program in this supplemental appropriations bill, which should be reserved for funding mandatory projects and those vitally needed programs that were overlooked in the basic appropriations process.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Washington.

Mr. PELLY. I thank the gentleman for yielding.

May I ask the gentleman did I hear him say that this amendment is designed to bail out the Boeing Co.?

Mr. CONTE. The Boeing Co. is in some financial condition. The gentleman from Washington knows that better than I and better than anyone else in this body. The SST program will mean a great deal to keep the Boeing Co. going and in a healthy condition.

Mr. PELLY. For the information of the gentleman, if this amendment does not pass, the Boeing Co. would be far ahead. They are getting their money back and are paying off their debts. They are in a strong financial condition. If they proceed they will have to encounter the risks that this program covers.

Mr. CONTE. What risks?

Mr. PELLY. These risks under this whole program, because they have money in this program. So I hope the gentleman will correct the record when he says that this amendment would bail out Boeing. It is not designed to bail out the Boeing Co.

Mr. CONTE. I shall be glad to do so, if I find that the Boeing Co. is in good shape. If they are in good financial condition it gives me another reason as to why I should vote against this amendment.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we witness here today the culmination of a carefully organized effort to restore the SST funding, a carefully organized effort.

The gentleman from Massachusetts, my good friend (Mr. BOLAND), did not offer his amendment in the subcommittee. He did not offer it in the full committee as he said he did not. He wanted it to come to the floor. As a matter of fact, Mr. Chairman, at the time the committee considered this bill on last Thursday I am sure that those who are a part of this carefully organized effort knew that the amendment was going to be offered although it is customary for such amendments to be offered in the committee.

Mr. Chairman, as the matter now stands, as I tried to bring out in my colloquy with the gentleman from Texas (Mr. MAHON), this amendment which has been offered by the gentleman from Massachusetts does not have the committee's approval but, rather, the bill as it now stands has the committee's approval.

Frankly, I am shocked that the chairman of the committee would not stand by the committee's own position, and ask that the amendment be upheld.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Texas.

Mr. MAHON. I think the gentleman from Illinois knows that in a supplemental bill of this nature, the various subcommittees work out their recommendations and present them to the full committee. We had a full committee meeting when we met, all members of the Committee on Appropriations knew of the previous action by the House in rejecting the continuation of the SST program. So it was decided, insofar as I know, subsequent to the full committee meeting and full committee action approving this bill, that an amendment would be offered to restore the funds for the SST. As the gentleman from Illinois knows, the members of the Committee on Appropriations are more or less overwhelmingly in favor of the SST program, as shown by the funds which have been recommended over the years.

Mr. YATES. But as of right now the committee is on record as being in favor of the provision for the termination of the SST program. Is that right?

Mr. MAHON. The Committee on Appropriation is, in this bill, on record as favoring termination cost payments for the SST in accordance with provisions of the prototype development contracts.

If, of course——

Mr. YATES. There is no "if."

Mr. MAHON. If, of course, the funds are restored——

Mr. YATES. There is no "if" to the provision in the bill that the Committee on Appropriations voted on.

Mr. MAHON. If the gentleman will yield further, at the time the committee acted on this bill the SST program had not been restored, and in view of the previous action in respect to termination it was necessary to provide a part of the termination costs.

Mr. YATES. As the matter now stands, the Committee on Appropriations of the House is in favor of the provision that stands in the bill, and the full committee voted for the provision that is in the bill.

The gentleman from Mississippi (Mr. WHITTEN) made the motion to report the bill, and that provision was in the bill.

Mr. MAHON. If the gentleman will yield further, the members of the Committee on Appropriations favor providing termination costs unless the SST development program is resumed.

Mr. YATES. But that is not in the bill, as it now stands.

Mr. MAHON. Will the gentleman yield further?

Mr. YATES. Yes, I yield further; yes.

Mr. MAHON. As the gentleman from Illinois knows, the Committee on Appropriations has voted consistently to approve funds for the SST.

Mr. YATES. I am saying what the committee's position is right now.

Mr. MAHON. And there has been no indication that they have changed their minds from their previous votes to continue the development program.

Mr. YATES. I am saying, Mr. Chairman, and I will not yield further, that the position of the committee is in favor of the provision that is in the bill. There is no other provision in the bill, and the committee approved the bill in its present form.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. YATES. I will not yield further at this time.

Mr. Chairman, I think the reason that the amendment was not offered in the committee was part of the carefully organized attempt to restore the funds, because there was to be no movement that would arouse or excite the anti-SST forces to enable them to work over the weekend before this bill came up.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I will yield later.

Mr. Chairman, I saw the movie, "Patton," over the weekend, and one of the most dramatic parts of that movie is the race by Patton to get to the place where our troops were surrounded during the Battle of the Bulge. You will recall the Germans were hidden in the silence of the Ardene Forest to obtain maximum surprise. So, too, have the pro-SST people been most secretive in order to avoid arousing the country. There is no doubt the country is opposed to the SST.

There is more involved in this bill today than merely the $85 million that is in this amendment. The question that is involved is whether or not we will restore the entire SST program, which is now dead. The $85 million is only the bait, the bait of the huge amounts which will be requested in the future. It is only a part of the $290 million which was originally asked for.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. ADAMS. Mr. Chairman, reserving the right to object, will the gentleman from Illinois yield for responses if the gentleman is granted this additional time?

Mr. YATES. I will yield for responses as soon as I may finish my own statement.

Mr. ADAMS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, this is only the first step in the requests that are still to follow. $290 million for this fiscal year. $230 million in the next fiscal year, until a total of $1,300,000,000 is reached and perhaps more will be necessary as a result of this delay. But that is not all. Where is Boeing going to go to finance the additional $3 billion to $4 billion that will be necessary to turn out the first commercial SST? Who is going to finance the $3 billion to $4 billion which will be necessary to obtain the repayment of the Government's investment? Where will funds be obtained to finance the $3 billion to $4 billion that will be necessary in order to turn out the first commercial airplane? Obviously, it is the taxpayer. Make no mistake about it.

This vote is going to be watched all over the country. The American people do not want the SST. If the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) carries, it will be accounted a tragedy—a real tragedy.

When the House voted 6 weeks ago to kill the SST program, there was exhilaration and satisfaction throughout the country. But the mail that flowed into my office clearly showed that the people believed that at last the Congress was responding to the wishes of the people and not voting for aerospace.

But today we have an attempt to restore this. For whom? Yesterday my appropriation subcommittee presented statistics as to how many people would be using planes like the SST's. Only 10 percent of the Americans fly internationally. Only 3 percent pay first-class fare.

The SST when it flies would require a fare that is higher than first-class fare. So how many people are going to use it? Obviously, only those who are privileged or those who charge it off as a business expense.

Apparently the aerospace industry has become the darling of the White House. Millions of dollars for Boeing and the SST and millions of dollars to bail out Lockheed. Last year in the defense bill Lockheed received $200 million as a bonus. This year it is expected Lockheed will receive another $200 million as a bonus on the C5–A settlement. The White House has recently indicated it will request the Congress to approve a loan of $250 million.

There are other businesses in the country that are hard pressed. There is the transformer business in the Massachusetts district of Mr. CONTE. It receives no subsidies. Why should the aerospace industry be given this very privileged position?

The arguments have not changed since the House voted to kill the program 6 weeks ago. The arguments are as firm and sound today as they were before. Only one thing has changed. Only one thing has changed and that is the position of the Government of Canada. Listen to this.

The Government of Canada on March 23, 1971, and I am reading from the record of the House of Commons debate for that day an interchange between a member of the House of Commons and the Minister of Transport. The member, Mr. John L. Skoberg, is questioning the Honorable Donald C. Jamison, the Minister of Transport, and the record is as follows:

> Mr. JOHN L. SKOBERG (Moose Jaw). Mr. Speaker, I have a question for the Minister of Transport. In view of concern being expressed throughout the world about the results caused by supersonic planes flying over and landing in countries, will the minister say whether Canada has made clear to all other countries its position on the use of our air space and landing at Canadian airports?
>
> Hon. DONALD C. JAMIESON (Minister of Transport). Mr. Speaker, I think it is generally known—certainly I have repeated it often enough—that at the moment there is a prohibition against the flight of any aircraft at supersonic speed over Canadian territory. I have certainly made that known, for example, to the United States. As to other countries I am not sure; I have not done so personally.

How is the SST plane going to fly over the arctic regions and Canada? There is a prohibition against it. How are they going to maintain their schedule? That fact was not brought up the last time.

Mr. Chairman, the gentleman from Massachusetts (Mr. BOLAND) referred to the Concorde and the fact that the President of France has flown the Concorde and had expressed great satisfaction.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. KUYKENDALL. Mr. Chairman, I object.

Mr. CEDERBERG. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CEDERBERG. Mr. Chairman, I think the time has come to try to be a little rational and practical in this argument on the SST. I recognize that we have been down this road before, but I think a little history ought to be recalled here. It was back, I believe, in the late days of the Kennedy administration or the early days of the Johnson administration that a decision was made. This decision was that it was in the best interests of the United States to enter the supersonic transport field. As far as I am personally concerned. I am not much interested nor do I care whether I fly that fast, and if we could have had an international agreement that nobody would build the SST this would be fine.

However, we are faced with a very practical fact that unless the United States becomes a part of the endeavor to build a supersonic transport, we are going to lose the largest balance-of-payments earner that we have, and we are going to lose an investment of over $1 billion.

It just seems to me that sound economics would dictate that we go ahead in this area, because it is in the best interest of our country to do so. The jobs that are involved are not unimportant. We are going to vote probably next week to spend $2 billion for manpower training, and the cost for job training will be more per-job-trainee than it would cost to keep these people on the payroll.

Another interesting thing is—and I support it—we pass every year a maritime program of about $400 million so that we can have a strong merchant marine, which is absolutely essential and necessary. We have a ship construction subsidy program and an operating subsidy program. Here is a program that we know we have to support because we cannot compete economically with other nations of the world.

Now we have this program where we know we can compete. We have a history of having competed. Over 80 percent, as you know, of the airframes used around the world today are United States made. As I said, it is our greatest balance-of-payments earner.

It would seem to me that it would be in the best interest of the taxpayers of this country, rather than to send down the drain over $1 billion. Some of those who are now in opposition to the SST have been supporting it over the years, because we have had appropriation after appropriation after appropriation. It was only recently that we got into the real problem of the SST when the question of ecology was raised, and I am not saying that that is not a legitimate question, but I believe that practically all the answers have been given on that question now, and the facts are that there will be an SST. The question is whether the United States is going to be the manufacturer and prime seller in this field.

So all of the emotional arguments aside, it seems to me, from the taxpayers' point of view, that the best thing we could do is to go ahead and produce these two prototypes with 100 hours of test flying on each one, with a recapture clause, containing the possibility of getting back $1 billion and maybe $2 billion in the meantime. If we scrap it, we get nothing back, and I think that is absolutely wrong.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. YATES. How does the gentleman propose that we get the $1 billion to $2 billion back?

Mr. CEDERBERG. Because that is a part of the contract with Boeing on the SST.

Mr. YATES. Only if Boeing is able to sell 400 or 500 SST's, and before that it will have to raise $4 to $5 billion to produce the plane.

Mr. CEDERBERG. I have enough confidence that the aircraft industry will be competitive enough so that they can do that.

Mr. YATES. Mr. Withington, the president of Boeing, has said that Boeing does not have enough supersonic resources to do that.

Mr. CEDERBERG. I am sure the entire aircraft industry, when the prototypes are available, will be able to do it. I have confidence in their ability to do it.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. YATES. The entire industry is now in a very bad financial condition. The entire industry will not be in a position to help finance production.

Mr. CEDERBERG. This is one of the principal reasons why we do not want to bring them down further.

Mr. YATES. On the contrary, the industry is on its heels because it has been buying too many types of planes. It has not been building the 747 in the numbers it was anticipated they would be purchased.

Mr. CEDERBERG. I might say an interesting aspect about the argument of the gentleman from Illinois is that he has abandoned his ecology argument. I did not hear him say a word today about the ecological problems.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. CEDERBERG was allowed to proceed for 5 additional minutes.)

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I am delighted to yield to the gentleman from Illinois.

Mr. YATES. The gentleman is aware of the fact that I was cut short in my argument. I was prepared to argue about the ecological damage of this program as well.

Mr. CEDERBERG. The gentleman had 10 minutes, and that usually has been a priority thing. If those issues had not been raised, we would have gone along, as we did in the past, and voted for the SST.

Mr. YATES. If the gentleman will examine the record, he will find that I have filed dissenting views in the past 3 years.

Mr. CEDERBERG. What about the years before?

Mr. YATES. Before then I was not in the Congress, for the first year and the year after that, the SST was in transition from a swept-wing to a fixed-wing version.

Mr. CEDERBERG. I do not want to downgrade the gentleman's position, because I believe the gentleman has been quite consistent in a position of opposition to the SST.

The facts are that we will have $1.2 billion or so involved in this, which the taxpayer is going to lose, and there is an opportunity to recover it. It is just an economical matter to me.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. CEDERBERG. I yield further.

Mr. YATES. If there were that much money involved, the request would have been made by the Government, by the Appropriations Committee, for the funds. The only request made was for $85 million for the contract and $12 million for the purpose of housekeeping.

Mr. CEDERBERG. I believe the gentleman will have to recognize that the vote in the House was very narrow, eight votes or so difference on the amendment to strike funds which were agreed to by the Appropriations Committee.

As a matter of fact, this opposition was generated throughout the country by those who felt they had a legitimate interest. I believe they did not have all of the facts.

Mr. YATES. The people did speak, and that is the reason this affair was conducted in such secrecy.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. The gentleman from Illinois asked a question about who is going to buy an American SST when it is on the market.

The fact is, even if we proceed in an orderly fashion now, the American SST will not be on the market until 1978. By that time the economic circumstances in this country will be greatly different from what they are now.

In the second place, we will have the Russian SST and the British-French Concorde regularly flying around the world for about 4 years by then. But we will have a better mousetrap, and we will see the world beating a path to our door for our better version of a proven product.

Mr. CEDERBERG. I want to conclude with this statement: As far as I am personally concerned, I recognize that the most politically expedient thing for me to do would be to oppose the SST, because I have few if any in my district who are interested in the SST.

It seems to me from the facts I have heard over the years, the testimony taken and the evidence all indicates it is in the best interests of the taxpayers whom I represent to support the SST and to get it on the way, so that the United States will maintain its technological leadership in this very fundamental and basically important industry to the economy, and certainly to our balance-of-payments position in the world.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Washington.

Mr. ADAMS. The gentleman from Illinois made several comments about the fact of this either being in secrecy or that it had not come before the Appropriations Committee, and so on.

I want to state to the gentleman from Illinois that we who favor this program contacted other people who were in favor of it. Those of us in Congress did this last week, because the British-French model flew over this weekend.

This is not any big "bailout" for Boeing, because, as the gentleman from Washington said, the termination costs are involved. We knew they would be argued in the committee, and the gentleman from Illinois argued against paying termination costs.

We are ending up with this slated to be more expensive to terminate than to continue. The gentleman knows he opposed the $12 million for DOT, and he opposed payment to the airlines of $58.5 million, so the bill eventually came out of the committee and would not even pay the termination cost.

Mr. CEDERBERG. I am perfectly willing to admit that this is a last minute desperate effort to save the taxpayers $1.25 billion, plus the hope of saving an industry which has several thousand jobs that are involved, and maintaining our technological position as an exporter of aircraft rather than an importer.

I believe this is a rather vital question, and quite important.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The whole idea here is that we are being asked to guarantee a quarter of a billion dollars for Lockheed. Will we be asked a few years from now, when the SST is having difficulty being sold, to guarantee SST several billion dollars additional to make sure these planes are sold?

Mr. CEDERBERG. I think you have to weigh each problem on its merits. We have a lot of problems that can have a very serious impact on the economy. Lockheed may be one, and I believe we should look at it.

Mr. LONG of Maryland. I think we should decide now whether in several years from now we will not be putting out billions of dollars more to buy these planes.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is great doubt in my mind, even if this amendment passes today, whether the SST forces will let it end there. I think you can bet that if this amendment passes, after the prototypes are developed you will have the same people back in here a few years from now asking that we invest in the $3 to $5 billion no man's land that exists beyond the prototype stage.

I base my statement on a meeting which took place last December in New York. That was a meeting between a number of top airline presidents and after that meeting a spokesman made the following remarks. He said, "Will we be able to pay for our own part of the program?" And he answered his own question by saying, "We believe the Government and the aerospace industry and the airlines will be able to arrange for each to pay its part in the time period 1976 to 1980."

Mr. Chairman, that sounds to me like a flat out expectation that the taxpayer will be footing the bill long after the prototype stage has passed.

As the gentleman from Illinois indicated, what we really have today is a back door attempt to subsidize this plane for two reasons: No. 1, because the spotlight of public opinion is off, temporarily, and, No. 2, despite all assurances to the contrary, when Mr. Magruder tried to explore the possibility of private financing he was told by several sources that it was too risky. Only one thing has happened since we turned down the SST a few weeks ago. Mr. Pompidou took a ride. But I doubt very much if Mr. Pompidou paid full fare, and I doubt very much that the ride which Mr. Pompidou took proved in any way the economic viability of that airplane. I do not think it did at all.

Mr. YATES. Mr. Chairman, will the gentleman yield to me?

Mr. OBEY. I am glad to yield to the gentleman from Illinois.

Mr. YATES. I am sure that Mr. Pompidou did not want to take the ride in the Concorde but he had to do it in an effort to instill some confidence among his countrymen in the plane, and that was the only reason he took the ride in the plane.

Mr. OBEY. I am sure that is true.

We have a peculiar situation here as it involves the aircraft industry. If today we provide funds for the SST and tomorrow we provide funds for Lockheed, gentlemen, what we might as well do is nationalize the entire aircraft industry and recognize the fact that when it comes to the aircraft industry the Congress does not give two hoots about private enterprise. I do not think the people in this House want to do that, but the demands and the pressures will be there and we will be facing that kind of alternative if you adopt this amendment today.

Mr. YATES. Will the gentleman yield further?

Mr. OBEY. I yield to the gentleman.

Mr. YATES. I should like to correct what the gentleman from Washington said a few moments ago.

He indicated that I had opposed the termination costs. That is not correct. I voted for termination costs originally, and then I voted "present" to give me a chance to check the costs further.

Secondly, with respect to the question of the $58 million that the airlines had been seeking from the committee, I took no position on that nor did any member of the committee.

The chairman of the committee (Mr. McFall)—and I should like his attention—told the members of our subcommittee that there was no need for us to take up for consideration the $58 million which the airlines had requested because the White House had made no request for those funds; the subcommittee took no action. Therefore the committee took no action. Is that not correct?

Mr. McFALL. That is correct.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Would the gentleman not agree that the private financial sector has answered the question why we should cancel the SST perhaps better than anyone on this floor and did so the day after we shot down the SST in this House. A syndicate of financers in New York looked at the project and estimated that it would be a bad investment for private capital even with $1 billion of research. The president of the Chase Manhattan Bank in New York, the day after we took action on this floor on the SST, said that there is no foreseeable market for the SST and that it was totally inconceivable to expect private investors to invest any money in this project, even though we are willing to give them the $1 billion that has already been spent on earlier research. The reason for this is because everyone knows that, before we can get 1 penny out of any sale of the SST, they have got to sell 300 SST's at a price in excess of $70 million each. There is no foreseeable market for that kind of a sale.

Mr. OBEY. I agree with the gentleman; because industry would not underwrite a lemon we are being asked to do it.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. ADAMS. I think the gentleman misunderstands the present position, vis-a-vis of Boeing as to this contract.

The Boeing Co. gets not one dime. In fact it must invest in the next 2 years $200 million of its own capital. This is a joint program. They do not get any money from it. They have to spend money for it. What we are talking about are the jobs involved for the men who were working on this.

Mr. OBEY. I understand that. What it amounts to is that we are being asked to approve socialism for risks but private enterprise for profits.

Mr. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, first of all, to make the statement that I, too, have always opposed the SST since I came to this body, because it seems to me this is not the rightful responsibility for our Government to undertake to finance. However, I do recognize the fact that we have been into it for quite some time and spent nearly $1 billion.

I wish to ask the chairman of the Appropriation Committee the gentleman from Texas (Mr. Mahon), a question or two, questions which have not been answered.

I will yield to the chairman and ask the distinguished gentleman if he could explain to this body why we have to pay this termination cost. I yield to the gentleman for that purpose.

Mr. MAHON. The contract that was entered into for the development of the prototypes included termination costs. They are usually required in these types of contracts. So this is a matter of contractual responsibility. That is the reason there are funds for termination of the contracts contained in the bill.

Mr. MYERS. Who entered into the contract? The Department of Transportation?

Mr. MAHON. The Federal Aviation Administration.

Mr. MYERS. It is my understanding that the $85 million under consideration today will not fully pay the termination cost?

Mr. MAHON. That is correct.

Mr. MYERS. The Concorde has now been flown and in the gentleman's judgment will the SST coming to the airlines of this country and be flying into the United States and, if not, will they be flying into some other country?

Mr. MAHON. I do not know what will develop with respect to the Concorde flying to the United States. I feel we have spent $800 million-plus, and the termination cost would run it into a billion dollars. It seems to me that we should go forward and maintain our technology and expertise in this field. In my opinion this matter is almost past the point of ignoring. It was all right to oppose the SST many months ago before we had made such a heavy investment in it, but to stop the prototype development now would not make sense.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. In response to the question asked by the gentleman from Indiana, will the Concorde fly to U.S. airports, I can answer it in this way. American airlines have options on the Concorde. In other words, they are going to buy the Concorde. I am sure that American airlines flying the Concorde will be landing at U.S. airports.

Mr. MYERS. Would I be correct in assuming today that if we vote to continue to terminate the SST, we are not excluding the SST from flying into the United States?

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield further?

Mr. MYERS. I yield further to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, the gentleman is correct. American airlines are buying the Concordes and they intend to fly them from the United States to other places around the world, and as long as they meet the noise requirements of any airport, I believe they will be able to fly in and out of the U.S. airports.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think that the answer to the gentleman's question is not as the gentleman from Michigan (Mr. Gerald R. Ford) has indicated. It is true that American Airlines do have options to buy the Concorde. That option, however, is not a firm commitment to buy that airplane. And, as a matter of fact, the American Airlines requested the manufacturers of the Concorde to extend the option so that they did not have to buy the airplane.

Now, with respect to the viability of the Concorde, you need look no further than the president of Continental Airlines, Mr. Six, who in testimony before our committee said that the run between Hawaii and the mainland of the United States would not be an economical run for the Concorde. He indicated that he was not one of those who was going to use the Concorde on that run.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from California (Mr. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman from Indiana (Mr. Myers) for yielding.

Mr. Chairman, I would like to say that in reference to the option by American Airlines I submit that if American Airlines did not pick up the option to buy the Concorde, then certainly they would pick up an option on the Boeing SST, particularly since it would be an American-built plane. That is the purpose of an option rather than outright commitment to purchase. They will maintain their flexibility up to the last moment and then make the decision on the best available air transportation unit.

As far as the question on entry or access into the United States, I would suggest that if the Concorde is built, and it does not meet our standards, that it certainly would be able to fly into Montreal to and from France, Britain and other countries, or the Japanese might well use it to fly from Japan to Vancouver, British Columbia, on the west coast, or an airport in Mexico and then the passengers would transfer to subsonic aircraft for flight to various parts of our country. They can, in this way meet the demand of people requiring this type of service.

Mr. MYERS. I wonder if the gentleman would care to make a comment as to the comparison with respect to the threat to our ecology between the Russian- or French-built supersonic planes, and our own SST? Can the gentleman make any comparison between theirs and our SST?

Mr. DON H. CLAUSEN. Mr. Chairman, in reply to the gentleman from Indiana, in the first place if there is a threat to our environment on an international scale, it will be the same with all SST's, whether the Concorde, or the Russian-built planes.

Mr. MYERS. Then our SST is not significantly better?

Mr. DON H. CLAUSEN. Based on the research information we have, it will be significantly better.

In further response to the gentleman's question, I will comment briefly on the matter of SST pollution of the atmosphere, the sonic boom, and the noise problem.

It is my understanding that Dr. William Kellogg of the National Center for Atmospheric Research testified there is no environmental basis for delaying the development of the prototype SST's.

There are theories that the SST might alter the weather or disrupt the stratospheric ozone layer which shields us from solar ultraviolet. However, the weight of scientific opinion refutes such theories.

Preliminary studies regarding climatic impact of large-scale SST operations indicate a negligible influence on the heat balance of global atmosphere and a negative increase in carbon dioxide.

The ozone in the atmosphere could decrease by 1 or 2 percent but this would have trivial effect on ultraviolet radiation reaching the ground. This testimony contrasts sharply from the expressed views of Dr. James McDonald who has been publicized as having observed unidentified flying objects.

Also, the median ozone layer is at 80,000 feet of altitude above the earth's surface and it decreases proportionately above and below this level. The aircraft will fly at 60,000 feet, 20,000 feet below the altitude where concern has been expressed.

At present, it cannot be proved conclusively that there will be any noticeable effect and most of the questions being asked are hypothetical or speculative, at best.

The SST Community Noise Advisory Committee members have testified there does not appear to be any technical reasons why commercial SST cannot be built which will meet the noise standards as set out in Federal regulations.

Sonic booms should be no problem because the Department of Transportation has stated categorically that no flights are planned or would be permitted over the land areas of the United States at supersonic speeds. The takeoff, climbout, approaches, and flights over land will be at subsonic speeds.

The noise problems are categorized as "community noise" during takeoffs and landings. SST noise is less than half as noisy as current jets because with additional thrust capability, the aircraft can approach or leave an airport at a steeper angle of climb.

"Sideline noise" is confined to the immediate airport proper. The FAA standard is 108 EPN db—the "equivalent perceived noise decibels"—the psychoacoustical annoyance level of noise. This is about as noisy as a loud truck on the highway.

The anticipated SST EPNdb is 112 and this will decline appreciatively during the steep climbout. I might add that projected SST airport sites are planned to be located far from communities or population centers.

I hope this has been helpful. Suffice it to say that intensive research will continue, in all of these potential problem areas, from this day forward. All of us have the responsibility to seek further answers before permitting production models to fly in and out of U.S. airports.

Mr. FLYNT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the years that the SST program has been receiving appropriations for its research and development and the production of two prototype planes, I have had misgivings from time to time about it. I have been one of the doubters—and I will admit that I have. I had some doubts as to the economic viability and feasibility of it, but during the past 6 months, and especially during the past 60 days, I have tried to do a good deal of individual, personal research and study on this.

As a result of that research and study, I have resolved every question that I have had in favor of the continued production of the two Boeing-General Electric prototypes, and the 100 hours of test flying to see what those prototypes can do.

Last month, in company with four of my colleagues, I went to France. One of the main purposes behind my going was to spend some time at the aircraft plant in Toulouse, France, where we spent the better part of 2 days, April 15 and 16.

We saw one of the Concordes immediately after it had landed. The following day we went on board this aircraft. We went through it. We saw the instrumentation inside it, which was being studied even at that moment, to evaluate the results and the effectiveness of the flight which that particular aircraft, designated "001," had made on the 15th of April. We were there on both the 15th and the 16th.

At that time the director general of the plant told us that they had plans for President Pompidou of France to fly in that aircraft on the 7th of May. Quite frankly, some of us—although we did not doubt their word—doubted the optimism of their estimates. But I am sure everyone here today either saw on television or heard over the radio or read in the press that the President of France flew in the prototype Concorde on last Friday, the 7th of May, and he was reported to have flown at approximately twice the speed of sound. The President of France reported a magnificent flight. I hope that the President of the United States will someday fly in an American built supersonic transport.

Now if anybody had any doubts about the technical viability of an SST aircraft, I think those doubts should have been resolved when the President of the Republic of France flew for over an hour in the Concorde at a supersonic speed.

Now while we were there we also saw some of the merchandising literature that the Soviet Union is putting out on the TU-144 which is the Russian version of the SST. The Soviets are already flying that aircraft. I am informed that they have flown it for over 450 hours on test flights. I do not know how much they have flown it, but that is what has been reported. They are saying that they are going to be the first country to put a supersonic transport on an international commercial airline. They also say—and we may or may not doubt the accuracy of this—that in either September or October of 1971, they are going to fly a regular scheduled commercial TU-144 supersonic flight from Moscow to New Delhi, India.

Now let us see the status of the Concorde that the Anglo-French consortium has developed up to this point. They have two models flying. There are the two prototypes. One of them is No. 001 and the other one is No. 002. They are in flight now and they are flying at supersonic speeds.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(Mr. FLYNT asked and was given permission to proceed for an additional 5 minutes.)

Mr. FLYNT. Mr. Chairman, the two preproduction models, the 01 and 02, are models on which they plan to train the crews of the international airline companies that are going to fly the Concorde, and those two are almost completed. They are not in the state of completion of the two prototypes, but they are nearing completion right now, because we saw them.

In addition to the prototypes and to the two preproduction models, there are six other SST's on the production line. Each of them bears a specific production model number and it is designated for a specific airline. One of them is designed and being tailored to the specifications of the Pan American World Airways, an American international airline. They tell me that one of the next ones that is going to be put on the production line is going to be for another international carrier that flies the U.S. flag.

As I said in the beginning, I did have some doubts about this thing and I have had them for a good many years. But those doubts which I formerly had have been resolved in favor of the continued production and the 100 hours of test flying of these two Boeing-General Electric aircraft.

Supersonic commercial aircraft are going to fly through the international airways within the next 2 to 2½ years. I think that one of them, at least, will be flying during this calendar year, 1971. When the time comes that the international airlines carrying the flags of many different nations may be flying the supersonic transport, I want American-produced supersonic transports to be in the sky at the same time that ones made by Russia, France, and England are there.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Chairman, I realize that there are two sides to this argument, but in view of the state of the art, the development of the supersonic aircraft, the investment that we have made, and the potentials in other nations, it seems to me that it would be foolish not to go on and produce two prototype airplanes.

Mr. FLYNT. I thank the Speaker and I concur with what he said.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Wisconsin.

Mr. OBEY. I am puzzled by the gentleman's emphasis given to the ability of the Concorde to fly last week. No one has ever suggested that the Concorde could not fly. The question has always been whether it could fly profitably. Could the gentleman tell me if he saw anything at all in that flight which would indicate that the airplane can fly at a profit?

Mr. FLYNT. I think I can. Let me give the gentleman a comparison. Many of my friends and some members of my family consider me somewhat old fashioned. In the 1950's I had some of the reservations about the switch and transition from propeller-driven aircraft to the 707's that many people have about the transition from the 707 and the DC-8 jets and to the supersonic transport. I think that the development of the state of the art will be such that when these aircraft are able to fly through the skies, there will be enough people who will wish to ride them and pay whatever premium fare may be charged.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding. I was one of those who were with the gentleman on the trip, which he described. I believe we can answer in part the last question by stating the fact that six copies of the airplane, the Concorde, that has not even yet been completely proven are already in production after being ordered by various airlines all over the world.

The thing that worries me most, Mr. Chairman, is the fact that we are giving up our predominance in the aircraft industry and thereby furthering our unfavorable balance of payments position. The gentleman in the well and I were standing on the apron at the airport in Nice, France, and within a period of about 20 minutes we witnessed the landing of six airplanes belonging to six foreign airlines. One of those airplanes was a 747, two of those airplanes were 727's, and three were 707's. We are talking about balance of payments. If our technology did not put us in the lead in this field, we would not be selling our airplanes all over this world, and it is a darn shame that we are going to give that position of leadership as far as supersonic technology and aircraft are concerned.

Mr. FLYNT. I thank my friend from Texas for his observations and his contribution to this debate.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. FLYNT was allowed to proceed for 3 additional minutes.)

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to my friend, the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman very much for yielding to me. I appreciate the gentleman's point that we wish America could be first in airplane production, and continue to be first in airplane production. I think it would be nice if America could be first in everything; but it costs money. Very regretfully, I think we all have to concede that we are not first in the world in the care of our older people and in the development of a good health program. We are told we cannot be first in those fields because we do not have the money.

Frankly, I think it would be better—and I wonder if the gentleman would not agree with me—to be first in those areas which would really affect the welfare of millions of our people.

Mr. FLYNT. I take issue with the gentleman from Maryland. I do not agree with him. I think we are first in taking care of our elderly people. I think we are first in providing health facilities. I think we are first among nations in many humanitarian fields.

Mr. LONG of Maryland. I am sorry to say that we are not.

Mr. FLYNT. I am proud of everything that America is first in. But I say to the gentleman from Maryland that if we cease to be first industrially, we surely will not be first in taking care of our elderly people and the health of our citizens, and cities and people of the United States of America.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I gladly yield to the gentleman from Illinois.

Mr. YATES. I am sure the gentleman from Georgia would want the House to know that the costs of the Concorde have risen from $400 million to over $2 billion and, second, that the operating costs of the Concorde are twice those of the 747, and that a BOAC official stated in the press a few weeks ago that he was not sure they would be flying them because of the operating costs.

Mr. FLYNT. Of course the costs are higher than the first estimates. This is true in the case of every major breakthrough of this kind. Bear in mind that included in the $2 billion figure, quoted by my friend from Illinois, all the costs to date of not two—but 10—aircraft: The two prototypes, the two preproduction models, and the six production models already started.

I will further say to the gentleman from Illinois, that in my opinion when the Concorde comes off the production line in commercial models, BOAC, British Overseas Aircraft Corp., will be flying them, and so will every other airline which can buy one of them. It will be the same development in the state of the aircraft art that the 707 and the DC-8 were.

I believe supersonic aircraft are going to fly commercially. I believe it is going to be economically feasible and that they will be economically viable. When they do, I want an American-produced supersonic aircraft flying through the skies.

Mr. BOLAND. Mr. Chairman, will the gentleman yield.

Mr. FLYNT. I gladly yield to the gentleman from Massachusetts.

Mr. BOLAND. Apropos of what the gentleman from Illinois said about the rising cost of the Concorde, this is true, but I want to remind the Members that these are total Government programs. In France and England the $2 billion is being put up by the taxpayers of France and England. In Russia the entire production is by the government itself.

I do not see how one can justify opposition to this program on the basis that the Government is putting up some money that it will get back—every dime back—with the sale of the aircraft.

Mr. FLYNT. I agree with my friend from Massachusetts and I, too, believe that the eventual sales of aircraft will make possible most or all of the public money appropriated by Congress.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I again yield to my friend, the gentleman from Illinois.

Mr. YATES. I was under the impression that our system was different from the Russian system and different from the French and British systems.

Mr. PELLY. Mr. Chairman, I rise in support of the Boland amendment.

Mr. Chairman, I will not reiterate the arguments of the gentleman from Massachusetts (Mr. BOLAND) who like myself feels it is in the National interest to continue research on the American SST.

Instead, let me emphasize certain changes that have occurred since March when the House by 14 votes eliminated the funds for two SST prototypes.

First, Mr. Chairman, those who opposed an American SST in the House last March inferred that the British-French Concorde was in trouble and from a competitive standpoint need not be considered.

That argument was refuted last Friday when via Satellite one of our networks carried a live broadcast showing President Pompidou of France speaking to the French people from the Concorde in flight and expressing his pride in its progress and achievement.

And speaking of Foreign SST's the Russians, of course, now have announced theirs is scheduled for domestic service next year and international flights in 1973.

As for the sonic boom fears that were causing such concern in March, let me point out that according to the May issue of the National Aeronautic Association News between our own Air Force and Navy, more than 26,000 supersonic flights were flown over the United States last year alone with few Americans being aware of them, and no one has found these flights damaging to the environment. These are not necessarily small planes, either, Mr. Chairman. One is designed to cruise at more than 2,300 miles an hour.

What I deeply hope is that reason will prevail here today and that prototype development of the SST will be permitted to continue so that our knowledge will be advanced, not hampered. If experimental research prototypes meet the standards that their designers say can be met then private investment, I am sure, will finance the production of the SST in future years.

To throw in the sponge now, Mr. Chairman, is not the American way. Let us keep SST research alive.

With the U.S. dollar faltering in value abroad, America needs to develop products for export and heretofore the United States has sold 80 percent of the world's civilian transport planes. It is the major export item in which the

United States has not priced itself out of the world market.

Mr. Chairman, I urge adoption of the Boland amendment.

Mr. McFALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been a very fine debate today. I believe we are now coming to the point where the Members have had an opportunity to express themselves, and the Members now know how they are going to vote on this issue.

I want to express my appreciation to my colleague from Massachusetts (Mr. BOLAND) for allowing the House to have another opportunity to vote on the SST project, at a time when the emotions are not as high as they were last time, because, I believe, of the misunderstanding perhaps in the House and certainly throughout the country about the effect on the environment of the SST.

I think the Members recognize now and the country is beginning to recognize that there is no environmental reason for not constructing the SST. The issue then before the country was that here was technological progress destroying the environment and none of us wanted to do this. I think it is abundantly clear that this is no longer the question. Rather, I would say to you, the question is the other way now. It is whether or not technological progress may be permitted to solve the problems of poverty and the other problems that we face in our country. The question then becomes, when we get away from the emotional issue of our environment and its destruction, an economic question, as has been the debate today.

This is an important problem, but it is the same class as the usual important economic problems which we have to decide every day in this House, namely, how we will spend the taxpayers' money in order to develop the resources of our country.

You have heard people discuss the question of priorities. Let me give you another little slant on priorities. The amount of money is small, really, that is involved here. This is not a question of priorities. The net amount is only $300 million. That is all we are talking about, because that is the difference between the cancellation of the project and going ahead with the project. After we have paid back General Electric and Boeing and the airlines we will have over $1 billion in this project. We can go ahead with it with something like a total expenditure of $1,342,000,000. The Federal investment in just one—just one—mass transit project in the District of Columbia will equal that amount.

You have heard the problems of economic leadership in the aerospace industry being discussed. I will not go into that because it has been adequately touched on.

There is the matter of the debate being held last time about whether the airlines needed this plane. They do not need it today, but the plane will not be available for use for 8 years. Certainly by that time there will be a use for this plane in the 1980's.

Some say that we are committing ourselves to the construction of the airplane itself and to the sale of the airplane. I point out to you that is not involved in what we are doing here today. Future Congresses will decide that in a separate vote.

I certainly would ask you, to rely on the wisdom of future Congresses to determine the matter.

The really important question is the use of our resources to improve our environment. I have great faith in the inventive genius of man to use those resources for the benefit of man. I am confident that this project will help produce a better life for everyone in America and I ask your support of the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, two points have been raised to which I should like to address myself and include some facts, if at this point of the debate anyone is interested in facts. Let me give them to you.

The question was raised as to who is going to buy the SST that will be available for sale about 1978 if we continue this program to completion. The answer is that Boeing and General Electric and the SST subcontractors have already invested $85 million in this project. The airlines have invested another $59 million for a total of $144 million. And another $132 million has been invested in facilities and other costs by these prime and subcontractors and potential investors.

What about that airline money? What airlines are interested in buying the SST? I happen to have a list of those who have put up $200,000 per copy in options on what they would like to have in the way of an American SST, and I will read it so that we know to whom this money will have to be refunded should we terminate the project.

The list is as follows:

American Airlines, six planes at $200,000 a copy. Braniff two, Continental, three; Delta, three; Eastern, five; Northwest, six; Pan American, 15; TWA, 12; Trans Air Corp., two; United, six; World Airways, three; Airlift International, one; Air Canada, six; Air France, six; Air India, two; Al Italia, six; BOAC, six; Canadian Pacific, three; El Al Israel, two; Iberia, three; Irish Air Line, two; JAL, five; KLM, six; Lufhansa, three; Pakistan, two; Quantas, six.

Mr. Chairman, it seems to me that this list represents a pretty good number of airlines throughout the world which are interested in the American SST. In addition a total of 26 U.S. airlines having indicated their support of it.

I would say to the gentlemen who oppose the continuation of the project that we would suffer a sure $1 billion loss as against a profit of many, many billions of dollars in favorable trade balances when America sells its SST's.

Mr. Chairman, the question was raised as to who will fly in the SST's. Let us ask the question as to who will ride the already subsidized methods of transportation in this country. We have recently seen the formation of Railpax. I noticed that last night one of its trains came into Cleveland with the blaring of a 6-piece band and a lot of people at the depot to greet the train. Unfortunately, there were more people in the band than there were riding on the train.

So, Mr. Chairman, if the gentleman is worried about who will ride subsidized transportation, let us look at Railpax.

Mr. Chairman, we have the bargelines into which we have put many millions of dollars and yet no one rides on them. We have a $400 million annual subsidy to our merchant marine, merchant ships which haul very few passengers. What percentage of Americans ride the interurban mass transit Metroliner?

If people do not want to get to Europe faster, why are we not still using the *Queen Mary* which at one time plied back and forth to Europe but which is now sitting in drydock in California waiting for someone to take it over for use as a hotel or for restaurant purposes.

If only 6 million Americans fly abroad today, 25 million transoceanic air passengers will be flying abroad in 1985. Of transatlantic passengers today 26 percent are business and 50 percent transpacific passengers are on business—selling American products. These are not jet set socialites. These are people helping our trade balances.

Mr. Chairman, the question is whether or not we are willing to spend, as the distinguished gentleman from Texas (Mr. MAHON) said so effectively, the very minimum amount of money that we need to complete this project, by comparison to what is already invested in it and which would represent an already assured billion-dollar loss if we end it now.

In order to get the return that we can anticipate from this project we must have planes to sell in 1978, and to that point I would add in a factual way, but not as eloquently as did the gentleman from Georgia (Mr. FLYNT), that this bears directly on the preservation of our favorable balance of trade in future years.

In recent testimony Maurice Stans stated:

> It is to such technology-intensive industries that America must look in future years for a preservation of our balance of trade.

This was a statement contained in recent testimony by Commerce Secretary Stans before the Joint Economic Committee on which I serve:

> In 1970 our trade balances were negative by $6.1 billion in non-technology-intensive manufacture products and by $2.3 billion in raw material. We were only enjoying a $1.5 billion favorable trade balance in agricultural products. But in the technology-intensive industries, our favorable trade balance in 1970 was $9.6 billion—enough to offset the other categories by $2.7 billion.

Mr. Chairman, that $2.7 billion could go into the paying for the social needs that this country will face in the future about which all of us—not just those who oppose the SST—are concerned.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND). I think it comes before us here at a very logical time, and under very understandable circumstances, because the bill as presented to the House contains money for the termination costs resulting from our earlier decision to terminate the SST.

When we were discussing this matter originally we were told that it would cost $1.1 billion for us to terminate the SST contract, and eventually have nothing to show for it, and only $1.3 billion to complete the contract, and have two prototypes to test.

People argued at that time for $200 million would it not be worth it to complete the contract and at least have a look at what the prototypes would offer us? However, in the months that have elapsed since that discussion we have found out that the termination costs will actually be greater than the costs of completing the SST project, because of the more than $200 million that will have to be paid in unemployment compensation to the 16,000 workers who are being laid off as a result of our decision.

The actual figures which the head of the FAA presented publicly just the other day are $1.37 billion to close this program out, with nothing to show for all our expenditures, and $1.34 billion to get two prototypes produced.

So this is an economy move, and quite properly comes out of the economy-minded Committee on Appropriations.

In other words, to complete the development of the SST will actually save us $30 million, and that is certainly not hay.

So it seems to me that when we are talking about money, it makes a great deal of sense to save money by completing this SST program, getting a look at what the prototypes will offer us, and then deciding whether to go ahead with the commercial production of these new modern aircraft.

At the time that the original debate occurred a few months ago, although the people back home were primarily against the SST on account of environmental reasons, there was general agreement here that there was no real environmental problem involved in building these two prototypes. But the one argument that did appear to be persuasive then was the argument of how could we possibly spend $290 million today on the SST when we have all of these other unmet needs? And therefore, it was argued, we ought to put the money into something else that was more urgently needed.

But today we find that that argument has collapsed, because it is going to cost us more than $290 million to terminate the SST program. So we are really saving money by going through with this project.

Second——

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. If the gentleman will wait until I have completed my thought, then I will gladly yield to the gentleman.

Second, Mr. Chairman, this question of environment, I think, has had some real rethinking in the last couple of months. It has been pointed out that, whether we get an American SST flying or not, a Russian SST is soon going to be flying regularly or an Anglo-French SST will be flying, and if we are going to get skin cancer from an SST we can get it just as easily from a Soviet SST flying over Siberia as we can from an American SST flying over this country.

But the interesting point is that we will not get any of the answers to these very important environmental questions unless we complete the environmental research that has been going on in connection with the SST. And I might point out that this vital research on environmental questions has been performed by the research and development center of the General Electric Co. located in my district in Schenectady. And if we are really worried as we claim to be, about the environmental impact of the SST, and if we really want to know the answers to these questions, then we obviously have to complete that research so we can find out just what will happen to us, if anything, when an SST flies, whether it is a Soviet, a French, or an American SST that is in the air.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman from New York for yielding. I am inclined to agree with the gentleman on the environmental aspect. I think this has been very much overemphasized. To me the real objection to the SST has been on economic grounds. The gentleman talks about money. While we are talking about money do we not have to take into account one additional cost factor in the SST program, and that is that there have been a lot of rumors of a package deal in connection with Lockheed? So do we not have to add $250 million to the cost of the SST to bail out Lockheed?

Mr. STRATTON. As a matter of fact, I am against bailing out Lockheed. I opposed the bail-out funds in our Committee on the Armed Services, and I oppose the proposed $250 million loan to enable Lockheed to purchase Rolls Royce engines for their Tri-Star, rather than good American jet engines, built by American workmen. But this is a completely separate matter, and it ought to be handled separately.

I am glad that the gentleman from Maryland agrees with me that there is no environmental problem and that we will be saving money by completing the two SST prototypes.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. DELLUMS. Mr. Chairman, I asked the gentleman to yield for the purpose of asking this question. Is it not true that every single airline in this country today is strangling to death because of competition and the only reason why there are any airlines in the country that are even talking about taking options on the SST plane is because of competition—and if we, in fact, implement the SST several airlines in this country are going to go totally bankrupt. They did not even want the 747—why would they want the SST?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on March 18 when we had this matter before this body the last time, there were many, many speeches made, where there had to be speculation. There had to be speculation about whether the cancellation of the SST would result in substantial unemployment. There had to be speculation about the possibility of the termination cost.

On March 18 there had to be speculation about the impact on the balance of payments. Speculation on whether or not the United States' problem as to the balance of payments would be acute and whether we were going to have an outflow of gold.

In March of this year there was some question raised and some speculation about whether or not the British-French Concorde would fly and whether the Russians were serious about their TU-144.

Let me say now that the moment of truth has arrived on most of these questions. A Member earlier today raised the question: Has anything changed between March 18 and today? The facts are that the circumstances have changed. No longer are we talking about speculative unemployment because of the cancellation of contracts—we are talking about the reality of 12,629 people who have been terminated from employment because of the action of the House of Representatives. That is pretty real.

Now in the second tier—because of the vote on March 18 in the House an additional 25,258 people also have lost their jobs. That is not speculation—that is totally serious to some 37,000 people.

As I said a moment ago, we were speculating about termination costs. Now in the bill before you today we have a down payment on termination costs—that $85 million is a down payment. It is not the full amount. We are being asked at this stage of the consideration to vote $85,330,000 to pay in part the termination costs. The net result is, if we continue to be adamant against the SST, that the added termination costs are going to be on our doorsteps—or more money out of the U.S. Treasury for absolutely nothing.

Now, let us talk about where we are. You have an opportunity this afternoon to put $85,330,000 back in the program, to continue the program. Now let us compare how much it will cost to terminate it and how much it will cost to continue. The figures balance out this way.

To cancel the program—to pay off all the bills and to end up with nothing—nothing—it will cost $1,371,500,000.

On the other hand, you can put in a total of $85,330,000 today to continue and to complete the whole project, which will cost $1,342,000. In fact, it will cost $29½ million less to complete it and end up with two aircraft than if you let the thing go down the drain.

So from an economy point of view is it not better to spend less money to complete the program and end up with two aircraft than to spend more money and have nothing to show for it? It is just that simple.

Now, let us talk about balance of payments. We have gone through a financial crisis overseas. We have gone through that crisis because America has not been selling enough of its products to people overseas, and there is some question about whether we will be able to do that in the future.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, one of the biggest earners for the United States in the balance of payments has been our aircraft—the 707, the DC–8, et cetera. It has produced a big plus in our U.S. exports. Now, if we cancel this program, we are cutting off our noses to spite our faces, because this version of a U.S. aircraft will dominate the market in the future just exactly as our present versions have dominated the commercial aviation market.

The Concorde, the TU–144 cannot compete with our SST. We will dominate the market, and we will continue to have a plus in our sales efforts in the balance-of-payments struggle.

I cannot comprehend us at this stage complicating our gold flow problems next year and for the next 10 years by continuing an adamant attitude against the SST.

In the past there has been some speculation as to the flyability, the salability of the Concorde. I think the gentleman from Georgia (Mr. FLYNT) made a most persuasive argument, and I will not seek to add to it. But it is real. That plane is flying, people have options on it, it will be sold, and it will fly commercially.

News announcements last week indicate that the Soviet TU–144 is in production and for sale. They are going to demonstrate it at the Paris Air Show in the latter part of this month. The facts are that they are going to sell it, it will be flown, and we will be the loser.

One final observation: To complete this whole program this fiscal year, the next fiscal year, and the following fiscal year, the revised figures show that it will cost us $392 million.

Next week we are going to be asked to approve an authorization bill for a 5-year period, for $4,900,000,000, to train people for jobs that do not exist. They are jobs we hope will materialize. We hope they will be available. For $392 million in a 3-year period we can provide 37,000 jobs that have been lost since we canceled the SST contracts. It just makes sense that you put $392 million into a program where you end up with 37,000 highly skilled jobs rather than a program of almost $5 billion to train people where there is no certainty that jobs are going to exist.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Washington.

Mr. ADAMS. I just want to make a personal observation with reference to my district regarding the employment which the gentleman mentioned. Seven thousand people were laid off after March 18. We are spending $500,000 a week in unemployment benefits for nothing. Those people want to work. They would otherwise be paying income taxes. When you have that kind of situation, those employees cannot be retrained. They are 40 or 50 years of age. They are aeronautical engineers, tool and die makers, and other skilled people. It is unfair to say that we will train those people for jobs that do not exist.

I thank the gentleman for yielding.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. YATES. In respect to the point the gentleman made on unemployment and on the balance of payments, Prof. Milton Friedman, who seems to be the sage on economics for the Republican Party, said this:

> The arguments made that the SST program will give jobs or that it will add to the balance of payments surplus and the like are all red herrings and have no economic validity whatsoever.

Mr. GERALD R. FORD. Let me answer that. I will be glad to do so.

Does Dr. Friedman deny that since we took the unwise action on March 18, people have lost jobs? Some 12,000-plus have lost their jobs in the first tier, and another 25,000 in the second tier have lost their jobs. So I am not convinced at all about Dr. Friedman's speculation.

I am talking about jobs people had that they no longer have because the gentleman led the fight to cancel the program.

Mr. YATES. Yes, but that was not the only place they lost jobs.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. GROSS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. GROSS. Mr. Chairman, I was in hopes I would find a bill from the Appropriations Committee that I could support. Since I am opposed to this bill, with or without the SST, I have no compunction about offering a motion to strike the enacting clause.

This is a $7 billion supplemental appropriation bill for this fiscal year, which has only 5 or 6 weeks to run. Now there is the request to add the publicly unwanted and costly SST. That is beyond comprehension.

I wondered as I listened to the debate today, and the previous debate on this subject, whether the SST represents a welfare program or whether it has some economic value. Are we voting here today for welfare and employment or to produce an airplane of dubious value? I do not know.

There has been much talk about priorities, leadership, and preeminence in the field of aviation. I will tell you where we are preeminent. I will tell you where we are first. That is in debt—d-e-b-t, debt. We lead the world in debt. We have more debt than all of the rest of the nations combined.

If they want to demonstrate that they can produce a supersonic commercial airliner and make it pay, God bless them. Let them be first once in a while. We are first in debt and until we stop mortgaging ourselves and the generations to come, with billions of dollars of debt let them experiment with white elephants. Yes, it is long past time that we stopped the business of plunging the country deeper and deeper in debt.

I have been here too long, I guess. I went through the F–111 debate. I heard the Members as they stood in the well of the House, one after another, to tell us how they were going to sell F–111's around the world. This was to be the last word in a supersonic fighter-bomber. The governments of the world, we were told, would fall over themselves to buy this aircraft.

Well, where are the F–111's today, on which we have spent billions of dollars? These Edsels of the air are again, and I do not know for how many times, grounded because of defects.

The British were going to buy a number of F–111's. They canceled their agreement or their contract, whichever it was.

The Australians took a few copies of it.

We cannot sell this supersonic plane because the cost is at least $8 million a copy and the French Mirage can be purchased for about $2 million. Who is going to buy an unairworthy F–111 when the French have an acceptable $2 million plane?

We have been licked in the fighter-bomber business because of the manipulations that went on under Robert Strange McNamara.

Mr. Chairman, I am tired of being duped by people who say we have got to be first and then come up with an almost unmitigated failure. These other nations demonstrate the feasibility of a supersonic commercial airliner. Let them spend their money to do it. But do not ask the taxpayers I have the honor to represent to finance something that is completely unproven—to buy a pig-in-a-poke.

Mr. MAHON. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, there are no funds in this bill for the procurement of the F–111.

Mr. Chairman, the funds in this bill are principally funds which are mandated by the actions of this Congress in raising the pay of Federal workers both in 1970 and in 1971; for public assistance benefits; plus various other items. Funds for increased pay costs and public assistance payments in the bill total over $5 billion. We have to meet these requirements.

Mr. Chairman, I ask for a vote on the motion.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa (Mr. GROSS).

The preferential motion was rejected.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. THOMPSON of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON of Georgia. Will

those standing who have already spoken be given additional time over those who have not spoken?

The CHAIRMAN. If the request made by the gentleman from Texas is granted, they will be given an opportunity to take part in the debate within the required time.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. Mr. Chairman, I think the environmental issue is more or less a dead issue, but if there are any questions on the environment that do still exist in the mind of any people certainly the production of the two prototypes can clear up those questions by actual test flights.

Mr. Chairman, I am particularly impressed by the statement of our distinguished minority leader concerning jobs and job loss.

We are going to be asked to vote shortly in this House on a public service employment bill involving about $2 billion to create 200,000 jobs. That would represent a figure of about $10,000 per job.

If you take the 12,600 people who have already been laid off and divide that into the $85 million, we are talking about a figure of $6,750 per job. And, if you expand it to cover the estimated 37,000 who will be laid off if this program is not carried forward, that would represent on the basis of this request of $85 million, $2,200 per job.

Mr. Chairman, if we are concerned about jobs, let us vote for this amendment because by this we can keep people employed at a lower cost per job than we can create new public service jobs, such as raking leaves, by appropriating $2 billion.

Additionally, the money provided by this amendment will be repaid when 300 airplanes are sold and we will never get any money back, directly, from public service employment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Gray).

Mr. GRAY. Mr. Chairman, I rise in support of the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, can my time be deferred until later in the debate? I ask unanimous consent that my time be deferred until later.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Obey).

(By unanimous consent, Mr. Obey yielded his time to Mr. Yates.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Koch).

Mr. KOCH. Mr. Chairman, rarely have I agreed with our colleague from Iowa (Mr. Gross) but I do today, and I would just like to recall another instance when this House should have heeded his warning. Last year when the House was considering the International Coffee Agreement Act, the gentleman from Iowa opposed it and warned us that its passage would mean an increase in coffee prices. The act's proponents assured us that it would not affect coffee prices. The act was passed and coffee prices have increased by at least 15 percent.

Today the gentleman from Iowa urges us not to proceed with the further development of the SST and warns us not to be lulled by the same rhetoric that was employed by the proponents of the F-111 when they persuaded the Congress to appropriate funds for that misbegotten plane.

I agree with him and with the many cogent arguments given by the gentleman from Illinois (Mr. Yates) who has led the opposition to the SST. I will vote against the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I should like to quote a very distinguished Senator from Wisconsin of April 13, 1965, in which he said the figures which he used were conservative since recent forecasts indicate a market requirement for 400 to 600 SST's.

He noted the effect of such a transport on the gold flow and said surveys indicate that 150 American-built supersonic transports would be sold overseas, resulting in a favorable gold flow of $5.4 billion.

Conversely, he said, if U.S. aircraft were not built, American carriers would be expected to buy more than 250 British-French Concordes, resulting in an unfavorable gold flow of $4.3 billion.

This is the gentleman who has opposed the SST recently, but in 1965—and this is in the Congressional Record—he cited these figures with reference for the need for a balance of payments.

The CHAIRMAN. The Chair recognizes the gentleman from California, Mr. Don H. Clausen.

Mr. DON H. CLAUSEN. Mr. Chairman, I think everything has been said, and that we do not have much time in which to develop a point in the short amount of time we have available to us in this limitation of debate.

Mr. Chairman, with your kind indulgence, I should like to comment briefly on some of the environmental aspects of the SST controversy which have been raised and which have caused a great deal of understandable concern in this body and throughout the Nation.

As we are all well aware, many charges and countercharges have been made as to whether or not the SST will pollute the atmosphere. As a professional pilot and one who has spent my entire lifetime in the general field of aviation, with particular emphasis on aviation-aerospace education, I have tried to follow the controversy in this area very closely.

Amid all the so-called findings and theories that abound on both sides of this environmental question, one fact emerges rather clearly—there is no valid evidence that SST operations would be environmentally offensive. Nevertheless, so long as questions remain unanswered, it is absolutely essential that this concern be settled conclusively before the first commercial SST takes to the air. And, Mr. Chairman, I believe it can and will. We have had absolute assurances at the highest level of Government that this is, indeed, a condition for proceeding with the SST at this point in time.

One who certainly shares these views is Dr. William Kellogg who directed the MIT "Study on Critical Environmental Problems" who has stated forthrightly that nothing in the studies he has conducted to date would suggest that we would cancel or even hold up present plans for the development of a prototype SST. While I am well aware that other distinguished scientists and environmentalists disagree, I have full faith and confidence in Dr. Kellogg who has been deeply involved in these particular studies.

As has been pointed out already, all the commercial jet aircraft in the world could stop flying right now, today, and the instruments that measure pollution would not be able to detect any change in the atmosphere. I believe a point worth making is that of occasional volcanic action which puts hundreds of times more dust in the stratosphere than is potentially possible from an entire world fleet of SST's. In fact, three such eruptions alone have placed more particulate matter in the atmosphere than all of man's pollutant activities since time began.

Yes, I too am very concerned about the unanswered questions; especially as they relate to the ozone and atmospheric heat. But, quite frankly, Mr. Chairman, I hold the view that it would be worth the investment and all that has already been spent on the SST, to get these answers—even if it means never building an ultimate commercial SST.

Some nation's supersonic aircraft are going to be flying very soon and very possibly into Canada and Mexico. In my judgment, from what we already know about the atmosphere, that is close enough to this country to cause us all problems if, in fact, there is a serious environmental finding to come out of our research.

The point is, Mr. Chairman, the world needs the answers to these environmental questions and, at this point in time, only the United States appears to be genuinely concerned about the problem or finding the answers. This could be our only opportunity to control the environmental quality of SST operating aircraft.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Chairman, I rise in support of this amendment which, in effect, would continue the funding of the SST program.

Even though the continuance of the SST program means very little to my district in Pennsylvania, or to Pennsylvania, in the way of jobs, I strongly favor the continuance of this SST program.

The fact is that the opposition to the SST program is based on emotion and comparatively small groups of people have conducted a vigorous campaign to generate opposition to the continuance of the SST program. Most of the arguments used by these groups have been based on the great harm that will be done to people, animals, and to our ecology. They have said that the SST will cause skin cancer, will destroy the polar icecaps, and many other fallacious reasons.

The fact is that none of these arguments has any merit and all have been completely disproven.

However, they have had an emotional appeal to people and many Congressmen have been deluged with letters opposing the continuance of the SST program.

We all know that our economy is in a slump and unemployment is rising. I have also heard the argument used that the SST program is nothing but a modern WPA program and nothing can be further from the truth.

By passing the amendment and continuing the funding of the SST program, we will give our economy the stimulant it needs. We will provide immediate employment for 15,000 people and ultimately over 50,000 people in a genuinely productive capacity.

By adopting this amendment, we will be assuring that the United States will continue to be the leader in the aerospace industry. The aerospace industry has paid many billions of dollars in taxes into the United States Treasury.

If the SST program is successful, the United States Government will be repaid every dollar it has put into this program. Further, when did anyone ever hear of the WPA paying any taxes or returning its appropriated funds to the Federal Government?

By continuing the SST program, we will be also helping our critical, unfavorable balance of payments which has resulted in the present dollar crisis abroad.

While I know that many Members of this House have been answering letters from their constituents by stating that they will vote against the SST program, I urge these Members to reconsider their position and I urge all Members of the House to vote for this amendment: thereby, stimulating our economy, reducing our unemployment and helping to obtain a favorable balance of payments.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, it seems that as much time as we have spent in debate on the question of the SST, that there should be no questions left unanswered, but to me the questions relating to economics of the SST are still left dangling, and the ecology problem is still confusing. From the debate and discussion this afternoon, it appears that we are going to get an SST flying into our country. It is either going to be ours, or theirs. I have just about come to the conclusion that if we are going to get an SST we might as well have our own, so we can have some control over it, and so that we can make sure that it conforms to our standards on the environment and will be no threat to our ecology. I am certain this question of the SST will be argued here in this Chamber until we finally get it.

We still would not have some of the questions answered: Will it violate our environment? Can they be sold? For this reason, it seems we should proceed with the building of the two prototypes in question here. Then if they do not meet our minimum standards of noise level, air pollution, and so forth, that we have set, I hope that there will be a decision by this body to not continue with the financing of the supersonic transports.

I still have many questions about this program. I hope the questions can be settled and answered once and for always by the completion of the prototypes.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I have spoken on this at great length. I think we have aired this both on March 17 and March 18 of this year, and that we have aired it again today.

I think every one of the Members here had made up their minds, even before we started on the debate today. The outlook does not look too bright. A lot has been said that if we do not do this, then the French and the British will go ahead with the Concorde, and the Russians will go ahead with their Soviet version.

This is reminescent of the same arguments that we heard months ago when the British were developing the Concorde, exactly the same arguments. We said, "My goodness, if we are not going to get into this thing the British will take over the aircraft industry in the United States, and throughout the world."

What happened? The Comet was not successful and the United States developed the 707.

I suggest that if we do not adopt this amendment today that the Concorde and the Soviet TU 144 also may be flops.

Private industry then can develop an American SST without coming in here and having the American taxpayer pick up the tab.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, the Foreign Operations Subcommittee of Appropriations has been having hearings on military assistance. The Director of the military assistance program is General Warren. He is very knowledgeable, and supplied full information on his program.

I asked General Warren during those hearings, after our last debate on the supersonic transport, certain questions relating to supersonic planes.

I asked how many supersonic planes—military—we have sold to other countries.

His answer:

> Since the early 1960's, the U.S. Government has sold approximately 1,100 supersonic tactical aircraft.

These are of various kinds: F–104's, which is a mach 2, twice the speed of sound aircraft. There were RF–101's; F–100's; F–102's. Some now obsolete—others growing obsolete.

When the report is released, a table will show that under our grant aid—this is a giveaway—we have given away 1,433 supersonic aircraft under our military assistance program. This, according to the information before our committee, started in fiscal year 1950—and through September 30, 1970.

So since 1950 we as a government have been giving away supersonic planes.

It is certainly not new.

Supersonics have been around a long, long time.

Over the past 2 years, military planes have flown approximately 200,000 hours of supersonic flight time over the United States. Such aircraft have been flying supersonically in large numbers over the oceans for more than 20 years, without any evidence of damage to ships or marine life.

And it should be pointed out that the sonic booms produced by the generally lower altitude, maneuvering military aircraft are often significantly greater than would be produced by the Boeing SST, which would fly at an altitude of 60,000 feet.

We do need further research—on sound, on noise, on problems relating to the environment.

That is what is involved here.

Today, Mr. Chairman, we are asked to appropriate over $85 million to terminate the SST program. And you add to that the $864 million already invested by the Federal Government in the prototype program, and we still have nothing to show the American taxpayers for their investment.

The failure of the Congress to approve continued funding for this program earlier this year has resulted in increased unemployment in the United States and generated new excitement in France, Great Britain, and the Soviet Union over the prospects of their respective supersonic aircraft.

The Boeing Co. in Wichita, in my congressional district, terminated an additional 1,200 employees shortly after the congressional decision in March. Most of those involved in the SST prototype program are still in the Wichita area and could be recalled should the Congress redirect the use of the $85 million supplemental appropriation requested here for continued work on the prototype program.

I urge that this action be taken so that in the 1980's the United States can be a seller rather than just a buyer of supersonic passenger aircraft from foreign countries.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I oppose this amendment. I think it is an outrage. The people of this country need jobs—of course they do. But it is a calculated lie on the part of the SST lobby to pretend that we cannot have jobs without building a useless white elephant like the SST.

The simple economic truth is that anytime the U.S. Government spends a billion dollars, it can create a billion dollars worth of jobs. The question is not whether to spend the money—but how to spend it. Are we going to create those jobs by building an airplane to save a few wealthy people 3 hours of trans-Atlantic flight time, or are we going to create them by repairing slum housing, feeding hungry children, improving the Nation's health care, providing mass transit, or cleaning up the environment?

I think it is an outrage that after voting down this boondoggle once before, we should be compelled to vote on it a second time, because the SST boys, and the administration lobby behind them, would not take no for an answer. This is the kind of thinking that has allowed the Pentagon, in a similar fashion, to spend billions of dollars on useless armaments.

Our earlier vote on the SST several weeks ago was the first House vote in a long time which was truly responsive to the people. The issue has been reopened again today only because of the special interest lobbies of the private corporation. It is regrettable that in permitting a second vote today, the House leadership has allowed itself so openly to serve big business interests rather than the interests of the people of this country. I urge everyone today to vote against the SST.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, first I want to comment briefly on the statement of my friend, the gentleman from Massachusetts.

If the Boeing Co. had not proceeded with the DASH 80—later known as the 707 and which was developed from the KC–135—then the British Comet would have taken over the world's jet airplane market.

Second, with regard to priorities and jobs. What many people are saying is before you start to change priorities you had better see that the new jobs are available. Right now we have 7,000 people who have just been laid off and there are going to be more who are going to be laid off. There is no place for them to go.

The gentleman now addressing you has been in the well of this House trying to help some of the other transportation industries maintain their jobs, and I will say to you that those of us on the transportation committee of this House know that we have a problem with many industries. For example, the railroads have 26,000 jobs involved, coming up in October on the Penn Central problem, and, yes, there is a possibility of a problem with Lockheed which has 30,000 more jobs involved. In this SST program you have 25,000 jobs involved. When you finally put all of these people out of work, then who is going to be working so that we can produce enough money in this country to carry out the change in priorities?

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I heard a lot of arguments today. They are all very lawyerlike and expert—but nothing new has been brought out that was not brought out before. So why are we here debating the same issue that we debated 6 weeks ago?

Well, there has been, so far as the people are concerned, one new matter that has come out in the press that I read in yesterday's Wall Street Journal. It says:

> Certain lawmakers who voted against continuing SST financing in March are thought to favor aid to Lockheed because of that company's importance in their States. The message being passed by some SST advocates to these lawmakers: "If you want support for Lockheed aid, you had better switch your vote in favor of the SST."

Mr. Chairman, I am not saying that there is anything to this and I am not saying whether the Lockheed matter has any bearing on this. So far as I am concerned, there may be a good case for aid to Lockheed—but that is a separate issue.

The people of this country are watching us. According to a preliminary analysis of the over 30,000 responses received to a questionnaire mailed in April to all members of the 14th Congressional District of Ohio, 73 percent of the people in the district are opposed to continuing a Federal subsidy for the SST. Only 23 percent favor it, and the other 4 percent are undecided. It will be a major scandal if we in this Congress, on this record, now reverse ourselves and vote for the SST appropriation.

I would also like to point out that the $85 million being sought to continue the SST is not the end of it. I quote again from yesterdays Wall Street Journal:

> The effort to switch the $85.3 million to development work, if successful, would be the forerunner of a new drive for much larger appropriations for the building of SST prototypes. Further funds to continue SST development throughout the fiscal year beginning July 1 would be sought when Congress considers the regular appropriations bill for the Department of Transportation. In the budget it submitted in January for the coming fiscal year, the Nixon administration asked $281 million for SST work.

By emphasizing the financial aspects of the SST issue, I do not mean to imply, as has been stated by some, that the environmental issue is dead. The environmental issue is still a very serious issue. Nothing has changed. There is a deep division within the scientific community as to the ecological effects of a fleet of SSTs. This will apply to any SST's, whether American or foreign.

So serious and far-reaching are the possible adverse implications of these questions that I do not believe we in this House should proceed on the basis of assumptions and speculations as to what other countries will do.

We heard much talk about preserving American leadership. Is it too much to ask that America take the leadership in bringing the nations of the world to some sort of international consensus on this question before they rush pellmell into possible economic and ecological disaster? Certainly it is not too late to try.

With this thought in mind, I am, this day introducing a resolution authorizing the President to call an international conference to study the technical, economic, and environmental problems of the development and use of supersonic commercial aircraft. The resolution contemplates that pending the completion of studies by an international commission all participating nations would agree to prohibit supersonic commercial aircraft landings in and flights over their territory.

Mr. Chairman, I recognize the serious dilemma that many Members have faced on this SST issue. It is my belief that this resolution offers a way out of this dilemma. I urge my colleagues to give it their consideration and support.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, I am sure that when Columbus started out that there was someone on the shore shaking his head and saying, "He is going to fall off the edge of the earth."

When the Wright brothers flew their 200 feet, someone said, "No one but rich men will ever use that kind of a contraption."

When the old Ford Tri-motor made its first cross-country commercial flight back in the early 1920's, everybody said, "It is just a stunt and no one will ever use it."

When they developed the jet for war purposes, they said it would be too expensive to use commercially, and we should stick with the props because though they are slower, they are cheaper.

Now we have people shaking their heads saying that nobody will ever use the SST's. Others are saying to let someone else be first.

Mr. Chairman, I, for one, want us to maintain first position and I, for one, am not willing to depend on the fact that the Concorde is going to fall flat on its face, or that the Russian SST will not be picked up by other nations of the free world.

We underestimated the ability of the Russians in the space field, and it took a lot of "catch-up" and billions of dollars to get the United States out in front.

I will say to those who have been critical of our SST program that they can take pride and credit in forcing developers of this aircraft to consider the ecological impact. They have made the engineers aim for a better designed motor, which will have less noise, and hopefully, less emission.

Their sincere opposition, in my opinion, will see that we do have a better designed supersonic that any other nation in the world if we are allowed to complete the building of this aircraft.

Mr. Chairman, all my colleagues who have preceded me very ably pointed out the economics of this program, and it goes without saying that killing it now is somewhat fiscally irresponsible.

I repeat, I want our country to be first. I have the utmost confidence in the ability of American engineers and in the ability of American businessmen to see that our SST will not only pay for itself, but will earn for us in the long run.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I know of no one in the House for whom I have greater respect and affection than the gentleman from Iowa (Mr. GROSS) or the gentleman from Massachusetts (Mr. CONTE) even though they are rarely in the agreement they find today. But when they talk about the F–111 and the Comet, I think it should be pointed out that the 707 came from a military plane, the KC–135. If we had left the field to the Comet, we would not have the 707 being sold around the world today, sales which give us the $2 billion-plus balance of payments which help pay off with foreign trade dollars that immense debt the gentleman from Iowa is so properly concerned about.

We have seen something new in politics today. We have all heard about the politically demagoguery of offering something for nothing. The gentlemen who have opposed the SST are offering us a new political gimmick: "nothing for something." Apparently they want us to pay $85 million to terminate this program and to have nothing left at all. Better said, they want us to finish spending $1 billion and not have anything to show for it—no opportunity to get that billion back in improved trade balances. I think it is wrong-headed politics just as it is wrong-headed economics.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I rise in support of this amendment. The best solution for unemployment is a job. Funding of the supersonic transport will supply over 150,000 jobs. I support it for that reason. I support this amendment because of the technology and the advancement of technology that have helped to solve many of the problems in our cities, our homes, and across the country. I support this amendment because of the balance of payments, a subject which has been spelled out on the floor today. I support this amendment because of the prestige of this great Nation. I support this amendment because of the economics which we have talked about and which justify creation of the supersonic plane. The orders for the planes are in. Americans want the supersonic transport. Americans will fly the supersonic transports, and I support the amendment because I want to see Americans flying on American-made supersonic transports flying the American flag.

If this Nation retreats from the SST program it will not merely be retreating from world leadership in aviation—one of the few industrial leadership positions we still retain—but it will be retreating in major degree from technological leadership as well. It will also be taking an enormous step backward in terms of the Nation's future economic health. For us to take such a step on totally false premises, however innocently or not-so-innocently derived, raises grave question as to our national capacity for sound decisionmaking.

One of the most puzzling things about the opposition to the development of a U.S. supersonic transport aircraft is that emotional charges against the program to develop just two prototypes are made over and over and over, but the facts that prove those charges to be false generally are ignored by opponents. Suddenly the medicine man spiel is more credible than the diagnosis of a trained doctor.

First of all, the SST exists. Two commerical prototypes are flying now—the British/Franch Concorde and the Russian TU-144. The only question before the Nation—and Congress—is whether the United States, in competition with other nations, will build one or two prototype supersonic transport aircraft to determine the feasibility of such an advance in transportation, or whether a handful of legislators, apparently exploiting emotion for reasons of their own, will put a stop to inexorable technical progress for the time being.

If the British/French Concorde is successful, as there is every reason to believe it will be, U.S. airlines alone, flying aircraft they now plan to purchase abroad, probably will accumulate some 100,000 hours of supersonic flight experience against which to assess the so-called problems before the first U.S. SST takes off on its first commercial flight. The United States is building the second generation SST which will not be flying until at least 1978. Because of its advanced technology it will be far more productive than the British/French and the Russian SST's which are being rushed toward production using today's state of the art in metals and fabrication technologies.

U.S. military aircraft have logged half a million hours at supersonic speeds during the last 20 years. So what is so wrong with trying to adapt this advance to civilian travel, as we did with the subsonic jets that are commonplace today?

In this critical period of recession; of billions for health, education, and welfare; billions to fight poverty; it is ironical that our Nation falters over a decision which would produce more jobs and wealth, generally strengthen the U.S. economy, stimulate advance of titanium technology, and maintain U.S. world preeminence in commercial air transportation.

The Government's investment of $1.3 billion, to be repaid through royalties on the sale of production airplanes, will be returned approximately by the 300th airplane, and an additional $1 billion will be paid by the 500th airplane. The potential tax return benefits to the Government through nationwide production of 500 SST's will be some $7.2 billion for an original $1.3 billion investment.

The recent level of employment on the SST prototype program is estimated at approximately 4,500 with an additional 5,000 to be added as the supplying and subcontract network is expanded. More significant is the long-range employment picture. At its peak the program will employ directly more than 50,000 persons in more than 6,000 plants across the country and will create employment for more than 100,000 people in the supplemental labor force who will have generated a combined income probably in excess of $33 billion by 1990.

Maintaining this capability at this time has another special importance. Cutbacks in defense and space programs, and a decline in commercial aircraft sales have forced a reduction of more than 263,000 people in the aerospace labor force over the past 2 years. Of this total 50,000 are scientists and engineers. It is in this category that the major immediate impact of a termination of the SST program would be felt, producing a loss in the research and development capabilities available to this industry and the Nation.

Leadership in aviation is the proven ability to use American ingenuity, employ American labor, and develop American technology to make an American product that will generate American dollars at home and attract foreign currency to America.

Leadership in aviation is a national asset we have enjoyed since World War II. It was not earned easily or cheaply; but it can be easily lost and cheaply sold.

Leadership in aviation helps secure solidarity of our Nation. As for "spirit," I am not sure how strong the spirit of a country can be in the face of diminishing employment, technological inertia, and waning opportunities in a field where American and leadership have been synonomous for years.

Much of our Nation's defense strength resides in the technical capabilities of our aviation industry, and in a broadly applicable, readily available technological data base obtained from an aggressive research and development program. There are clear national advantages to the research and development in titanium, propulsion, operational techniques, and so forth, inherent in supersonic cruise vehicles such as the SST. Once such a national resource—the aviation industry—is allowed to weaken and become diffused, it is exceedingly difficult and costly to reestablish.

The potential economic impact of the SST program can be measured by many yardsticks—potential sales, return on investment, generation of tax revenues, employment, balance of trade, and profitability to the user. In each category potential benefits to be derived from the SST are impressive.

The SST could become another extraordinary American product, making a long-time contribution to U.S. progress and the world economy, and providing the improved mobility required by our changing times.

It is imperative to national growth in its broadest sense that the United States move promptly and forcefully to carry forward a viable SST program.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, we are confronted here today with a very unique situation. We are being asked to appropriate $85.3 million for accrued costs in terminating the SST contracts. It is admitted by all that these costs are obligations of the Federal Government and must be paid. The gentleman from Massachusetts (Mr. BOLAND) has offered an amendment which would gain us two prototype planes for the termination costs. Hence, the question simply put is, Do the taxpayers get something or nothing for their money? Under such circumstances, I find myself compelled to vote in favor of getting something for all of this money and will accordingly vote for Mr. BOLAND's amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, is it not strange how the SST cancellation costs have suddenly grown so great, much greater than the presentation to our Appropriations Committee? The costs which were presented to our Appropriations Committee were but $85 million for the contractors, $12 million for taking care of the properties during a period of disposition. Now we are told that they exceed a billion dollars. Truly, this is an unwarranted exaggeration.

Would not one expect, Mr. Chairman, that the Government witnesses who appeared before our committee to present the costs accrued on this program would have given us all the costs if they really were valid?

It has been argued that the cancellation costs are more to the amount that is sought to be appropriated in this bill to revive the program. That is only the first step. The real truth is that the $85 million in the amendment is just a drop in the bucket of costs which will come later.

My good friend from Ohio (Mr. BROWN) talked about balance of payments and about unemployment. The fact is that the balance of payments and the full employment he envisions cannot possibly come into being until Boeing is first able to raise $4 billion to $5 billion in order to produce the commercial version of the plane.

Where is Boeing going to get that money? The only place they will be able to get that money is from the taxpayers. So the $85 million the gentleman from Massachusetts is requesting is only a first step. The SST program right now is dead. The contracts have been terminated. They were terminated as of March 25 of this year. If those contracts are to be revitalized and renewed, and if the plants are going to be restarted again, the startup costs will exceed the estimates by a very great margin.

I urge that the gentleman's amendment be voted down.

(By unanimous consent, Mr. MAHON yielded his time to Mr. STAGGER.)

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. I thank the gentleman from Texas.

Mr. Chairman, this bill originally came out of the Interstate and Foreign Commerce Comittee. I was for it then and I am for it now. I heard one of the officials of one of our large airlines say that if America does not produce the plane, the airlines industry will be forced to purchase planes from Russia. Now, if you want them to do that, you vote against the amendment today.

History has recorded that many people have been against developments which have proven to be beneficial. Billy Mitchell was castigated when he proposed an air force for America. Future events proved he was right.

They said he was so wrong, that he was not keeping up with the times. It goes without saying, history has proven his wisdom.

At a time when there seems to be decline in America's prestige around the world we must not and should not retreat. America's slogan has been, is, and always should be "press on."

I say we should build this. We may meet some human error, but God help us if we do not try to do something to keep our land going forward. This is the time. We must not slip backward.

As mentioned, there were those who, during the time of Columbus, when he wanted to come across the sea, said "No." If they had listened to those who said, "No, do not go," none of us would be in America today, but the Queen believed enough to pawn her jewels to send Columbus to America, thank God.

When Admiral Rickover tried to produce a nuclear submarine, it was said that he was "nuts" and that he was crazy, but thank God, we have one today, and that he persisted. The nuclear submarines we have now are the chief defense of our land.

If we want to kill the hopes and the dreams of a lot of people, yes, we can go ahead and vote against this amendment, but I say we ought to vote for it for the best interest of our Nation and carry and be proud and carry forward the progress we have made.

I do not despair for the future. I think we have a bright future. We must look and plan and work for the future. Look forward and not backward. America was built that way. It was built by those who say we will work and do good and progress. I sincerely believe we will continue to succeed.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND) to close debate on the amendment.

Mr. BOLAND. Mr. Chairman, I believe the Members are ready to vote. I am satisfied we have made a good case here today. It is a very simple matter of cost, as to whether we want to close this program out.

The cost of this program has been over a billion dollars, and there is $155 million as a termination cost. That is the whole really solid issue.

If we go ahead to spend $342 million, we can complete the program. There will be some additional costs. I said this in the general debate. The gentleman from Illinois knows I realize there will be some additional cost because of the slowdown and stoppage of the program.

What about new facts? Of course, there are new facts. The gentleman from Ohio referred to the fact that nothing new has been added by this side. Well, they are going ahead with the Concorde. On March 17 and 18 they were saying on this floor that they were going to stop the Concorde that the British and French were not going ahead with it. The fact is they are going ahead. They will build it. President Pompidou of France flew in it and says he is proud of it.

We ought to be proud to go ahead with ours.

Mr. CLANCY. Mr. Chairman, I rise in support of the amendment to H.R. 8190.

This amendment would enable limited development to continue on the prototype supersonic transport. It would convert the $85 million, which would be spent to shut down SST production, into funds to continue final work on this unique and most desirable aircraft.

Barely 2 months ago, I stood here and made a similar appeal which, as it turned out, was futile. Several things have happened since then which I believe my colleagues must consider before they vote again. It is not often that we are given the advantage of hindsight to prevent an error in foresight. But that is precisely what has happened in the case of the American SST.

First of all, we can already see and feel the effects in our home communities. There are new names on the unemployed rolls back home. Plants which were geared up for production are cutting back, thus holding money out of our supermarkets, our retail stores, and our department stores. Seattle, where the airframe for the SST was being constructed, certainly has borne the greatest hurt.

In my hometown of Cincinnati, where the SST engines were being built, the first of 2,100 people are being laid off. Businessmen there are tightening their economic belts for less spending which has been estimated at $100 million in only 2 years.

The impact has already rippled beyond Cincinnati. Components for the SST engines production were coming from suppliers in three States. Likewise, some of the SST workers came from Kentucky and Indiana. Curtailing the SST at this late stage is injurious to citizens of Ohio, Kentucky, and Indiana in this one instance alone.

The most dramatic illustration of our failure, however, occurred only last week in France. President Georges Pompidou flew over his country at nearly twice the speed of sound in France's new Concorde supersonic transport. There was justified triumph in his voice as he broadcast over radio from the plane to his countrymen. They were told that France had gambled on the SST and was nearly ready to rake in the winning chips. They anticipate the sale of hundreds of Concordes to airlines and other countries—all to the glory and profit of France.

There was not salt rubbing. President Pompidou made no mention that America had dropped out of the SST race. He did not point out that the United States would have gotten back all of its investment, about $1 billion, upon sale of the first fleet of SST's. I should not have to tell you that the American SST would be—can be—better than the Concorde and therefore, more salable.

All other arguments have been rebutted. Scientists have assured us that the SST presents no real pollution problem. All persuasion for the SST accrues to the benefit of the United States and its people. We could retain our prestige as the foremost nation in aviation. Sales of SST planes would greatly benefit our balance of payments with other nations. Production of them would keep our people employed. The goods which our people could then buy would further the prosperity and vigor which has always been a part of the United States of America.

We first voted approval of the SST nearly 10 years ago. We should vote now to complete it.

Mr. KEATING. Mr. Chairman, today, we have before us in the supplemental appropriations bill an opportunity to reinstate and complete a job started by previous Congresses—that is the full development of two prototype SST aircraft.

The interval between the vote in March and today has only reenforced arguments of the proponents in support of the development of this aircraft.

One of the areas that is of extreme importance is the balance of payments. At a time when the value of the dollar has again declined, the balance of payment is jeopardized, we should maintain an area in which we are No. 1, and that is the continued development of the aircraft industry.

Today, we are asked to approve an allocation of $85.3 million to terminate the SST program. It will also require another $11 to $12 million, plus another $58 million to repay the airlines, or approximately $155 million to terminate this program.

Would it not make more sense to preserve the investment of $864 million by going forward with the SST?

It will take approximately $1,342,000,000, including all previous investments to complete it.

In order to terminate, it will take almost the same amount of money when you take into consideration the direct and indirect costs in addition to the sum already invested. The indirect costs are composed of sums lost by reason of lost taxes, lost revenue to local and Federal Governments, as well as an increase in unemployment compensation paid by reason of terminations of employment.

A few weeks ago, this Congress voted, and I voted, for a public works bill, to provide more jobs.

Soon, we will vote on an Emergency Employment Act to provide approximately 200,000 jobs.

Why not keep the people already employed in the SST program in addition to the efforts in the other jobless areas? I do not recommend the SST on a make-job basis. It is a viable program and one that can be logically supported on an economic basis.

It was said in previous debates that the British-French Concorde would fail, and the Russian TU-144 would not be salable in the West.

The other day, Mr. Pompidou, of France, flew in the British-French Concorde—it is in operation—it has been built—it will be sold, not only in Britain and France, but to airlines in the United States and the TU-144 will fly.

All of these things I have said before and will continue to say in support of this program.

It is essential that the United States continue to maintain 80 percent of the world market in the aircraft industry as opposed to forfeiting it to the British, French, and Russians.

The question that was raised in debate: Why do we have to be first in everything?

We should be first in many areas—in eliminating poverty, disease, unemployment, and so on.

The economic strength which will be promoted by the development of the SST will also help to eliminate many of these problems.

The environmental questions raised in previous arguments have been pretty well disposed of and really do not need any attention here. We all know that there have been military aircraft flying supersonically and at high altitudes for years without the problems being attributed to the SST.

I respectfully urge each and every Member of this House to support the SST today so that we can get on with its completion and let it play its role in building the economic strength of this country.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the amendment, which would have the effect of refunding the already defeated supersonic transport.

Apparently the pro-SST lobby does not give up easily. It even chooses, when it so desires, to ignore the votes of the Congress of the United States.

Both the House and the Senate have made decisive statements on this issue within the last several months. In both bodies, attendance on the SST votes was unusually high. In the House, for instance, only 12 of 435 Members were not present—a remarkable record for a late Thursday afternoon.

I would suggest that if the House today reverses its decision on the SST, it will be primarily because of absences—and the short notice given prior to this critical vote—not because of any new factors introduced in the debate.

I have not heard any new arguments for the SST since we last voted on the issue. I have not seen any new evidence which would prove, for instance, that the SST would not pollute the stratosphere and the troposphere, or the economic sense is in any way related to the SST. Indeed, President Pompidou's comments appear concerned with national prestige—not the environmental or fiscal questions. And aside even from these questions, efforts in many states continue to attempt to deny landing rights to SST's. Our Government would do well to advise other nations of this concern, and of the implications thereof.

I urge my colleagues to join me in opposing funds to further the development of the SST, and instead, to support only the funds to terminate the Government's contract obligations to the companies and the people involved, consistent with our responsibility. These costs now or at an appropriate time should compensate the airlines for having advanced $58 million at the urging of the Department of Transportation to Boeing to be credited against future purchases. Also, we owe a clear debt to Boeing workers and Seattle for transition and training costs for those affected by the termination of the SST.

Mr. FRENZEL. Mr. Chairman, on March 18, I was among those voting to terminate Federal appropriations for the SST. In my judgment no compelling new information has been presented that would induce me to change my vote on the SST. Federal funding of the SST still represents an unwarranted incursion by our Government into the private sector.

This amendment proposes to spend $85 million which would otherwise be used for termination costs. In addition, nearly $500 million more would be necessary to complete the project and produce the two prototypes. I do not believe that our Government should spend this money nor do I believe that the people of this country favor such an expenditure.

Proponents of Federal SST funding have indicated that the pressure on the dollar in Western Europe would be assisted by a vote for the SST now. In fact, we are a long way from producing the prototypes, much less selling a production model internationally. At best, we are many years away from lessening our deficit trade balance through sales of SST airframes.

It might be more appropriate to suggest that an immediate remedy for the dollar pressure would be a reduction of our military troop strength in Western Europe. In Germany where the mark drives the dollar down, we still have hundreds of thousands of troops at a cost of billions of dollars annually. A reduction in this force would ease international monetary pressures very rapidly.

In the meantime, it is not a good argument in my judgment to maintain that the SST will have any affect on the international money crises in the near or intermediate term. On the contrary, needless expenditures of any kind by our Government will continue to contribute to the international monetary crisis.

The SST is no more attractive today than it was last month or will be next month. I urge a vote against Federal funding of the SST.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the Boland amendment which would revive the SST program. The SST project, which began in 1963, has thus far cost the Federal Government $864 million.

Now, to finish this project—to complete the construction of two SST prototypes—the Government will be required to appropriate an additional $478 million. Thus, total Government expenditures would be $1.342 billion, and the Government would own 90 percent of two SST prototypes.

On the other hand, the Government can terminate the SST program. To cancel the Government's participation in the construction of two SST prototypes, the Government will be required to pay a minimum of $97 million. As a result, the Government would pay a total of $961 million and have absolutely nothing to show for its efforts.

The question is "which way should we go—spend $478 million and own 90 percent of two SST's, and collect royalties if the SST goes into production, or spend no less than $97 million and wipe our hands of the matter?

Mr. Chairman, I favor a continuation of the SST prototype project, but only after much study, and only after much soul searching.

First, Mr. Chairman, I have tried to look on this project in terms of the Nation—not simply what is good for my district. This has not been easy, for my district has been especially hard hit by the economy, and we presently have a 7.7 percent unemployment rate in the Los Angeles area. The SST program means direct employment for 1,800 persons in southern California. Nine hundred people are working on the SST at North American Rockwell, and Northrop has 500 employed on the SST project.

However, Mr. Chairman, the environment must take precedence over economic considerations. What good are jobs if life is unbearable because of air pollution, airport noise, and constant sonic booms?

But will the SST degrade our environment? This is the basic question. I have read the reports from MIT. I have read the reports from the National Center for Atmospheric Research, the report of the chairman of the American Geographic Union's Committee on Environmental Quality, the testimony in congressional hearings on this topic. Finally, I requested an unbiased, scientifically accurate report from the Congressional Research Service—a part of the Library of Congress—evaluating the effects an SST might have on the environment.

No one has alleged that two SST prototypes would harm the environment. In fact, Mr. Gary A. Soucie, conservation director of the Friends of the Earth, stated on March 3, 1971:

> From all the evidence that we have been able to get there is no indication whatsoever that the flight of two (SST) aircraft for a limited number of times will have any significant effect on the stratosphere.

First, critics have contended that the sonic boom would decimate our country. This charge is extremely valid. However, the FAA has forbidden sonic booms over land. Yet, the threat to aquatic life on transoceanic flights is a pertinent issue. According to the Congressional Research Service, the SST would create a "boom having a nominal overpressure on the ocean of 2 to 2½ pounds per square foot. Fish or the hull of surface vessels in the ocean experience pressure of this magnitude from the passage of a ripple about one-half inch in height. This is an insignificant pressure charge."

Critics have charged that noise levels would greatly irritate those living near airports. Again, this is a valid charge and action must be taken to produce engines which emit less sound. Industry has assured us that the earliest commercial models will produce less noise than today's subsonic jets, and later models will be even quieter.

However, I want more than verbal assurances. I want it written into the law that no SST would fly if it produced a higher noise level than current subsonic jets. Therefore, I have introduced H.R. 3228, which would meet this requirement.

Greater air pollution by the SST is certainly a consideration that must be answered and I strongly believe that the SST must be demonstrated to be acceptable under the terms of the Nation's commitment to higher environmental standards. However, the available data indicates that pollutants will not be significant. In fact, according to the Congressional Research Service:

> Jet aircraft emits the lowest quantity of pollutants in relation to the weight of fuel used of any vehicle. . . . The aircraft turbine, as compared with the automobile engine, produces less than 3% the toxic effluents for the same amount of fuel consumed.

Mr. Chairman, two SST prototypes will have very little effect on our environment; yet, there are questions which remain regarding the effect of a fleet of SST's on the environment.

For $381 million more than it would cost to terminate the project, we can build two SST's. We can test these planes and see if they will meet the noise standards; we can determine what effect their flights in the stratosphere might have on the environment; we can establish the level of engine emissions and their effect on the air we breathe.

Mr. Chairman, the economics of the issue are extremely important. The Russian version of the SST, the TU-144, is currently in the flight stages of testing; the French-British Concorde is flying. If we do not build an SST, our airlines and foreign airlines will purchase foreign SST's. Currently, we hold 84 percent of the world aviation market, but to continue to hold this lead and to continue to export aircraft, we must enter the market for the estimated $100 billion worth of SST's which will be purchased in the coming years.

The Congressional Research Service has determined that 60 Concordes would be purchased by U.S. airlines and that 270 Boeing SST's would be exported, yielding a net $10.1 billion in exports. If the Boeing SST were not built, it is estimated that U.S. airlines would acquire 300 Concordes, yielding a net $7 billion in imports.

In addition, Mr. Chairman, the Government will realize a return on its investment if the SST finally goes into production and if Boeing can sell more than 300 SST's. If 500 SST's were sold, then the U.S. Treasury would realize a profit of $1 billion.

Finally, Mr. Chairman, with an investment of $1.3 billion, we have a tangible object which may prove to be a polluter of great magnitude; it may prove to be an economic flop; it may not be marketable. On the other hand, it may prove to be a tremendous technological achievement, and it may prove to be the least polluting of all modes of transportation. But, these questions remain to be seen, and we should answer them by producing two SST's.

However, if we take the other route; if we invest $961 million, we have nothing. We have closed the door on these questions and we will look to Europe to provide the answers and, possibly, the leadership in aerospace development.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BOLAND, CONTE, YATES, and CEDERBERG.

The Committee divided.

The CHAIRMAN. The Chair votes "aye" and sends his ballot to the tellers to be counted.

The Committee divided, and the tellers reported that there were—ayes 201, noes 195, answered "present" 2, not voting 35, as follows:

[Recorded Teller Vote No. 89]

AYES—201

Abbitt
Abernethy
Adams
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Betts
Blackburn
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brown, Ohio
Buchanan
Burleson, Tex.
Byron
Cabell
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Corman
Cotter
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Delaney
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Edwards, Ala.
Eilberg
Erlenborn
Fascell
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frey
Fulton, Pa.
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Gray
Grover
Gubser
Hagan
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hays
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Hull
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keating
Keith
Kemp
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Leggett
Lennon
Lloyd
McClory
McClure
McCormack
McDade
McEwen
McFall
McKay
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Meeds
Miller, Calif.
Mills
Mizell
Mollohan
Montgomery
Morgan
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Powell
Price, Ill.
Price, Tex.
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Roberts
Robinson, Va.
Roe
Rooney, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Schmitz
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Snyder
Spence
Springer
Staggers
Steed
Stephens
Stratton
Stuckey
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Ullman
Van Deerlin
Veysey
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOES—195

Abourezk
Abzug
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Aspin
Badillo
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey, N.Y.
Celler
Chisholm
Clay
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Crane
Culver
Danielson
de la Garza
Dellenback
Dellums
Denholm
Dennis
Diggs
Donohue
Dow
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gibbons
Goodling
Grasso
Green, Oreg.
Griffiths
Gross
Gude
Haley
Hamilton
Hanley
Harrington
Harvey
Hastings

Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Horton
Howard
Hungate
Hutchinson
Jacobs
Karth
Kastenmeier
Koch
Kyl
Kyros
Lent
Link
Long, Md.
McCloskey
McCollister
McDonald, Mich.
McKevitt
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Melcher
Metcalfe
Mikva
Miller, Ohio
Minish
Mink
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pike
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Quie
Railsback
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Schwengel
Seiberling
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stubblefield
Sullivan
Symington
Talcott
Taylor
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Widnall
Wolff
Wylie
Yates
Yatron
Zwach

ANSWERED "PRESENT"—2

Davis, Wis.
Michel

NOT VOTING—35

Ashley
Barrett
Bevill
Collier
Dent
Dingell
Edmondson
Edwards, La.
Fisher
Frelinghuysen
Green, Pa.
Griffin

Halpern
Hébert
Hunt
Johnson, Pa.
Jones, Tenn.
Kee
King
Long, La.
Lujan
McCulloch
Mayne
Minshall
Murphy, N.Y.
Poff
Rees
Runnels
Schneebeli
Shoup
Steiger, Ariz.
Waggonner
Watts
Wilson, Bob
Wydler

So the amendment was agreed to.

Mr. MICHEL and Mr. DAVIS of Wisconsin voted "present."

Mr. GREEN of Pennsylvania. Mr. Chairman, I vote "no."

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that his vote comes too late. The Chair has announced the vote by tellers with clerks.

Mr. GREEN of Pennsylvania. Mr. Chairman, I was here before, and I had my hand up before the Chair announced the vote. I was trying to be recognized.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that the gentleman cannot be recorded as voting "no." The gentleman can vote "present."

The Clerk will read.

The Clerk proceeded to read the bill.

Mr. MAHON (during the reading). Mr. Chairman, I would ask if there are any amendments at the desk to title II, starting at page 23, which ends on page 55.

The CHAIRMAN. There are no amendments at the desk.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that title II be considered as read and open to amendment and subject to points of order.

Mr. GROSS. Mr. Chairman, reserving the right to object, where does this title end?

The CHAIRMAN. It ends at page 55, line 17.

Mr. MAHON. Mr. Chairman, all of this has to do with pay for employees.

Mr. GROSS. Title II ends on page 55, and all in between from page 23 to 55 has to do with pay?

Mr. MAHON. Yes.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any points of order to be made against any provision under title II?

Are there any amendments to title II? If not, the Clerk will read.

The Clerk concluded the reading of the bill.

AMENDMENT OFFERED BY MR. RONCALIO

Mr. RONCALIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Roncalio: Page 56, line 18, after the period insert new paragraph:
>
> "Sec. 305. No part of any appropriation contained in this Act shall be used for plans or studies for the construction of any public building within the District of Columbia or a 75-mile radius therefrom."

Mr. RONCALIO. Mr. Chairman and my colleagues, the greatest failure of our times is the failure of the central cities. They have become the conspicuous failures in American life. The greatest failure of all is the Washington-Northern Virginia-Maryland area, where every day we read of tragedy in this congested, sprawling, abyss; of yet another national shrine, now Antietam, soon to be leveled by the bulldozer. Washington, where the growth rate is exceeded only by Greater Los Angeles, where the air we breathe is befouled by the exhaust of smoking buses, a million cars, and 32 tons of fuel ash being spewed out from airplanes each day as they take off and land at our busy airports, National, Dulles, and Friendship—imagine that, 32 tons of fuel ash that you and I and our families must breathe. Washington, where we now have a new vista from the hill, a new superhighway, all 14 lanes of it running in the very shadow of the U.S. Capitol.

It is Congress that ought to rebel against Washington becoming a choked mass of office buildings, of congested highways, acres of pavement and concrete, and this horrid environment for carrying on Government, replacing the parks and landscape of a civilized community once envisioned by L'Enfant.

Although five consecutive Presidents have received from Congress a plan for reorganizing the executive department, decentralization or dispersal has never received consideration. The Congress must now take the lead in doing this if Washington is to be protected from itself.

Last week my colleague from Iowa, Mr. Smith, stressed this point in referring to the disturbances that bothered all of us right here on Capitol Hill. Henry Reuss, the eminent Congressman from Wisconsin, pushed legislation 10 years ago calling for an orderly program of decentralization and said it was needed then If it was needed then, it is a crying tragedy now.

John Blatnik, Bob Jones, Ed Garmatz, and John Moss, to name just a few, have labored long and fruitlessly in this field for many years.

Because of runaway centralization of Government facilities in the Greater Washington area, the physical and social environment of the National Capital is being destroyed, and with it, the capacity for good government.

We need dispersal of physical plant and redistribution of government employees to safeguard the environment of Washington, make agencies more responsive to the people and contribute to the revitalization of small- and middle-sized communities in areas which have suffered from outmigration.

The wrong approach is locating the FBI building smack on Pennsylvania Avenue. The proposal to locate the Secret Service Academy in Beltsville, Md.

The right approach—the U.S. Air Force Academy located in Colorado Springs, Colo.

Beginning in 1937, with the Browlow Commission's report, the Federal Government has been continually studying reorganization proposals. Despite this concern, no coherent policy on dispersal of Government facilities has ever been produced.

I will have a special order Monday next to ask for:

First. Resolution expressing sentiment of Congress that any reorganization plan must include dispersal and decentralization.

Second. Creation of a Special Joint Committee to formulate criteria to govern selection of sites for new installations.

Third. Ask for refusal to support any authorization or appropriation which carries with it the construction of additional Government offices or private buildings to be leased to GSA in the Greater Washington area.

Fourth. Ask that you prepare for the onslaught of the Washington Post, the Evening Star, the Board of Trade, and local institutions who will wrongfully conclude that the plan will do them economic damage.

I ask my fellow Members to give some consideration to this simple amendment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I support the gentleman's amendment.

This metropolitan area is filled with agencies which do not need to be here and which could just as well be somewhere else in the United States. They communicate by air and by telephone and would be better off somewhere else rather than here.

As long as we leave it to the discretion of the agencies, they will continue to pile office upon office upon office in this area. It is time we started doing something about keeping this from becoming the most densely populated and most polluted area of the United States.

I support the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from Iowa.

Mr. GROSS. I, too, want to support the gentleman's amendment.

There was a time when a movement was started in Congress to halt the construction of Federal buildings in the District of Columbia for reasons of national security, in other words that the functions of Government ought to be dispersed because of what could happen in the event of a nuclear attack upon this country.

The gentleman's amendment is timely, and I support it.

Mr. RONCALIO. I thank the gentleman very much.

I have a special order on this same subject, but I urge the adoption of the amendment, Mr. Chairman.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, and members of the Committee, I reluctantly oppose this amendment, because I know the dedication and the sincerity of my distinguished friend from Wyoming in offering the amendment. But this is the Nation's Capital. We have many safeguards provided in our laws in the District of Columbia against the fears of the gentleman from Wyoming.

The National Capital Planning Commission must approve any new building in the Nation's Capital. The agency that will use the building must make what is known as a space needs survey. The General Services Administration then must determine whether they believe the building is needed. It goes from there to the Office of Budget and Management. It is put into the President's overall program. Then it is submitted to the Congress, from the Speaker down to the Committee on Public Works and to the subcommittee I have the honor of chairing, the Subcommittee on Public Buildings and Grounds.

The gentleman serves with great distinction on the Committee on Public Works. I know I can say without fear of contradiction that he, myself, and other members of the committee will scrutinize very carefully any request made by any agency to further put concrete and congestion here in the great Nation's Capital.

But to forgo the opportunity of building additional facilities which are needed, such as for the Federal Bureau of Investigation, now under construction at 8th and Pennsylvania Avenue, or for any other agency that is going to serve the needs of the 205 million people in this country would be to provide a disservice to the American people.

This is a dangerous amendment. It says simply that no new buildings can be built within the environs of the Nation's Capital, for a radius of 75 miles. Are we going to ask Federal workers to go out 75 or 100 miles in order to serve the needs of our constituents? I think not.

I know the gentleman is well intentioned, but this is a dangerous amendment. As chairman of the subcommittee, I would be derelict in my duty if I did not call this to the attention of Members and ask for a no vote on the amendment.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I am delighted to yield to the gentleman from Wyoming.

Mr. RONCALIO. With respect to the FBI building, I know of 50 sites in the United States of America, in any one of the 50 States, where the FBI building, as a laboratory for those experts to work in to fight crime, would be more advantageous to the fulfillment of fighting crime, than it would to have it on Pennsylvania Avenue in this town. That is the least acceptable place to put that laboratory.

The job of these agents is to help the district attorneys of all the 50 States to effectively prosecute, to return indictments and get convictions. They do that by working with the FBI people whose efforts utilize the laboratory.

They do not have to be in the shadow of the Capitol or one-half mile from the White House to do it. In fact, that is largely what is wrong with the Capitol today. Too many people want to be around the White House and the Capitol, where they are simply not needed.

Mr. GRAY. Let me say that the Federal Bureau of Investigation is across the street from the Department of Justice. The Attorney General is in administrative control of the Federal Bureau of Investigation.

The Attorney General and the FBI both testified before our committee that the present location is where they wanted it and where it should be, so I do not think we ought to be legislating the needs of the departments on the floor with this kind of an amendment which has not been considered by either the subcommittee or the full committee.

Mr. Chairman, I ask my colleagues for a no vote on the amendment.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I realize the utter sincerity of the gentleman from Wyoming in offering this amendment. He has talked to me, and I expressed some sympathy for his amendment, but I think it would be most unwise to write this legislation on an appropriation bill at this time without any hearings and without any regard for the appropriate legislative committee which handles the matters involved here. The provision is potentially far reaching in its effects.

The amendment provides that no part of any appropriation contained in this act shall be used for plans or studies for the construction of any public building within the District of Columbia or a 75-mile radius therefrom. Of course, there could be leasing of buildings. I do think we may have too much concentration of Government in Washington. I think the gentleman has presented a very provocative idea which has been considered in the past, but I believe might well be reconsidered. As a basis for reconsideration, perhaps this amendment should be presented to the appropriate committee as a major policy question.

So, with a great deal of regret, I am compelled to say I do not believe the House will want to adopt the amendment offered by the distinguished gentleman from Wyoming.

Mr. HOGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I feel the gentleman from Wyoming, while well meaning, is reacting from an emotional posture rather than a factual one.

There are a number of States which have far more Federal employees than the States of Maryland and Virginia or the District of Columbia. I will insert in the RECORD a list of them at this point if I receive permission later from the Speaker.

The material follows:

TABLE 13.—PAID CIVILIAN EMPLOYMENT OF THE FEDERAL GOVERNMENT BY AREA, STATE, AND SELECTED AGENCY, JUNE 1970

State	Total employment [1]	Legislative branch	Judicial branch	Executive branch	Selected agencies			
					Department of Defense	Post Office [1]	Veterans' Administration	Other [1]
Total [2]	2,921,909	30,715	6,887	2,884,307	1,193,784	726,472	168,719	795,332
Outside United States	21,758	122	60	211,576	149,132	2,524	1,364	58,556
United States	2,710,151	30,593	6,827	2,672,731	1,044,652	723,948	167,355	736,776
Washington, D.C., metropolitan area	320,970	28,639	963	291,368	91,737	19,443	5,728	174,460
50 States	2,389,181	1,954	5,864	2,381,363	952,915	704,505	161,627	562,316
Alabama	55,672	9	162	55,501	23,947	7,977	3,745	19,832
Alaska	14,808	2	27	14,779	6,346	903	34	7,496
Arizona	27,504		75	27,429	9,281	4,842	1,586	11,720
Arkansas	16,908		54	16,854	4,845	4,974	2,642	4,393
California	308,395	255	623	307,517	160,794	78,177	15,654	52,892
Colorado	42,359	207	83	42,069	17,021	7,699	2,024	15,325
Connecticut	19,688	4	67	19,617	4,592	10,665	1,887	2,473
Delaware	4,732		36	4,696	1,888	1,622	501	685
Florida	69,486	6	177	69,303	30,001	19,162	4,655	15,485
Georgia	76,467	106	167	76,194	40,104	14,061	3,522	18,507
Hawaii	26,974	42	24	26,908	22,070	1,959	79	2,800
Idaho	8,582		24	8,558	1,071	1,950	377	5,160
Illinois	112,320	188	308	111,824	29,380	50,166	9,871	22,407
Indiana	42,539	48	108	42,383	17,197	15,037	2,914	7,235
Iowa	18,264		58	18,206	1,377	9,611	2,600	4,618

Footnotes at end of table.

State	Total employment[1]	Legislative branch	Judicial branch	Executive branch	Selected agencies			
					Department of Defense	Post Office[1]	Veterans' Administration	Other[1]
Kansas	22,625		74	22,551	5,981	8,370	2,602	5,598
Kentucky	35,863		97	35,766	15,982	8,614	1,936	9,234
Louisiana	28,597	59	175	28,363	7,808	8,783	2,520	9,252
Maine	15,926		31	15,895	9,468	3,845	956	1,626
Maryland[3]	63,958		71	63,887	27,924	8,887	2,403	24,673
Massachusetts	65,662	98	96	65,468	20,688	25,893	6,159	12,728
Michigan	53,329	70	188	53,071	12,539	26,270	4,623	9,639
Minnesota	29,818	24	77	29,717	3,079	14,689	3,914	8,035
Mississippi	21,100		79	21,021	8,287	4,780	2,130	5,824
Missouri	66,182	115	133	65,934	22,285	20,235	3,606	19,808
Montana	10,668		38	10,630	1,415	2,240	463	6,512
Nebraska	15,093		39	15,054	3,597	6,085	1,443	3,929
Nevada	8,521		38	8,483	2,898	1,536	337	3,712
New Hampshire	5,226		14	5,212	1,224	2,265	364	1,359
New Jersey	67,384		109	67,275	28,839	26,212	3,748	8,476
New Mexico	25,717	4	37	25,676	10,544	2,526	1,027	11,579
New York	178,647	122	700	177,825	27,883	96,045	15,715	38,182
North Carolina	37,866		132	37,734	13,537	11,613	3,622	8,962
North Dakota	8,055		31	8,024	1,747	2,615	443	3,216
Ohio	99,146	134	240	98,772	37,670	35,862	7,139	18,101
Oklahoma	55,293	18	103	55,172	33,216	8,566	1,716	11,674
Oregon	24,868	34	65	24,769	3,781	6,191	1,788	13,009
Pennsylvania	139,837	145	318	139,374	65,592	42,713	9,443	21,626
Rhode Island	14,626		28	14,598	9,716	3,202	753	227
South Carolina	29,345		69	29,276	18,664	5,590	1,456	3,566
South Dakota	9,614		16	9,598	1,282	2,646	1,380	4,290
Tennessee	41,923	2	142	41,779	7,598	10,985	2,913	20,283
Texas	149,743	106	264	149,373	72,314	32,709	10,062	34,288
Utah	39,992	9	39	39,944	27,033	2,849	1,130	8,932
Vermont	3,720		23	3,697	483	1,807	392	1,015
Virginia[3]	76,710	63	141	76,506	49,762	10,153	3,839	12,752
Washington	54,640	84	104	54,452	24,388	11,175	2,777	16,112
West Virginia	13,287		60	13,227	1,506	5,080	2,074	4,567
Wisconsin	26,150		78	26,072	3,402	13,619	3,916	5,135
Wyoming	5,352		22	5,330	869	1,050	747	2,664

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[1] Distribution by State is partially estimated.

[2] Excludes summer youth program employees; includes decennial census enumerators.

[3] Excludes Maryland and Virginia portions of the Washington, D.C., metropolitan area, which consists of the District of Columbia; Alexandria, Fairfax, and Falls Church cities, Arlington, Fairfax, Loudoun and Prince William counties, Va.; and Montgomery and Prince Georges counties, Md.

Mr. HOGAN. Mr. Chairman, I do believe there is another factor that ought to be considered. Every organization in the world strives to make itself more efficient by bringing its various divisions together rather than dispersing them.

The gentleman from Iowa alluded to a prior tendency to separate Government agencies from Washington for the purposes of security. That is no longer a factor. We cannot now really escape the kind of nuclear bombs that have been devised by dispersing Federal agencies.

We need to have the efficiency which having supervisory activities of all Government agencies in one locale gives us.

Another factor which I think is germane to this discussion is that at this point in time a number of Government agencies are discharging personnel because of a cut-back in military expenditures. The fact that there are a number of Government agencies in this locale frequently enables these people to find jobs in other agencies in the Washington area without disrupting their family lives.

Mr. Chairman, I rise in vigorous opposition to the amendment offered by the gentleman and hope it is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was rejected.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it needs to be brought to the attention of this House the very inadequate drug abuse treatment program that has been initiated by the Veterans' Administration. I am not going to introduce an amendment to this bill as I had originally planned because I have talked to the distinguished chairman of the Subcommittee on Appropriations who was kind enough to hear me before his subcommittee this morning. They indicated, and I would like to get assurances on the floor in just a minute, that they will give adequate consideration to proper funding of an effective program.

Mr. Chairman, let me just capsule this by saying it is estimated that we have 250,000 heroin addicts in this Nation, one-fourth of whom it is estimated are veterans or about 50,000.

We have just had our own colleagues come back and make a report from Vietnam saying it is estimated that there is another 30,000 potential addicts there.

Do you know what our existing VA treatment program consists of—five small clinics and they were started only in January of this year?

The entire program is funded at $330,000. Five little clinics, with a total of 130 beds. And, do you know what the budget is for this coming year? Two million dollars to permit them to open an additional 12 clinics.

Mr. Chairman, I have talked to those who run the program and they tell me that with $10 million, which is a very small sum, considering the problem involved, that they could open a total of 30 clinics by the end of 1971 that would treat 6,000 addicts, and that is only a beginning. They envision a need for 60 clinics costing a total of $30 million.

But, Mr. Chairman, if we provide no treatment of addicts in this country in the veteran population or continue at our present level and make no adequate arrangements so that the young men who are coming back from Vietnam and are released in this Nation to communities all over it, you will see an epidemic of addictions that none of us can conceive of now.

I have already talked to the Chairman of the Armed Services Committee. He is receptive to legislation which I am going to introduce in order to see that these young men who are addicts in the service must be identified, treated and rehabilitated before they are discharged.

Now, I would like to ask the distinguished chairman of the Appropriations Subcommittee if he would give me some assurance that he does feel this situation warrants the committees looking into it and taking positive action?

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the distinguished gentleman from Massachusetts.

Mr. BOLAND. First of all, I would like to commend the gentleman for the part he is playing in this very important program and which he has played for many years. He has been a very stanch advocate for additional facilities in the carrying out of the drug abuse program. I do not think anyone would quarrel with the gentleman on that.

As the gentleman has indicated, the program now being handled by the Veterans' Administration must be expanded extensively. I cannot, of course, commit the subcommittee and the other Members to this program, but as I indicated to the gentleman from Florida when he appeared before our subcommittee this morning, our subcommittee will give a good look at it and this Member is concerned about the problem and I would hope we could build more than just 12 centers during fiscal year 1972. The gentleman has indicated that the Veterans' Administration could go ahead with 30 by the end of this calendar year. So far as I am concerned I will give the gentleman every assurance that we will try to do this but, of course, I cannot commit the other members of the committee; however, I know they are interested in it.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I would like to congratulate the distinguished gentleman from Florida and the distinguished gentleman from Massachusetts. This is a very real problem. Of course, it is a problem where a veteran does not receive a dishonorable discharge, but that has to be considered under this program.

This matter is receiving serious study in the Congress and I think something can be worked out.

Mr. Chairman, I congratulate both the gentleman from Florida (Mr. ROGERS) and the gentleman from Massachusetts (Mr. BOLAND).

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I wish to congratulate my colleague for his deep interest and thoughtful concern in this area. If we do not take massive action to assure treatment for everyone of these servicemen-addicts, we are not only going to have an explosion of addiction but we are going to have an explosion of addict-related crime.

The Department of Defense is experiencing an increase in drug abuse which appears to parallel, if not exceed, the current epidemic now experienced by civilian society throughout the Nation.

While accurate, scientific studies do not appear to be available, we do have some indication of the magnitude of the problem. In 1969, 3,766 men received some form of discharge for drug abuse from all four branches of the Armed Forces. In 1970, the number increased to 5,621. These figures do not reflect discharges of men who were drug abusers before entering military service and were subsequently discovered and discharged. Thus, the figures reflect only those men who became addicted while serving in the military.

Until comparatively recently, the VA was not called upon to deal with drug abuse. VA benefits are available as a matter of right only to veterans who meet certain conditions and who receive certain types of discharges. Many of the men discharged from the armed services from drug abuse related reasons were given the type of discharge which may have made them ineligible for VA benefits. For example, of the 5,621 men discharged for drug abuse related reasons in 1970, 2,218 or nearly half, received less than honorable discharges.

As a result of this policy, many men severed from the armed services for drug abuse were discharged into a life of crime or into already overburdened and inadequate civilian treatment programs. Thus, about 25 percent of the estimated 10,000 addicts in Washington, D.C. are believed to be veterans and about 25 percent of the patients admitted to the Lexington and Fort Worth hospitals in 1970 were veterans.

Mr. Chairman, this situation is now in the process of changing. On October 23, 1970, the Department of Defense announced a change in policy for drug abuse separations. The regulations on drug related discharges have been liberalized so that few drug abusers in the military will receive dishonorable or undesirable discharges solely for drug abuse. Thus, it can be expected that more discharged servicemen will seek help in VA drug treatment programs.

Moreover, bills have been introduced to authorize treatment by the VA of personnel administratively separated from the Armed Forces for drug abuse, including those separated under less than honorable conditions. Should these bills be enacted, the number of veterans seeking treatment from the VA will increase over and above the increase which can be expected from the change in DOD regulations.

While the Department of Defense is also taking steps to increase its drug abuse prevention programs and to treat addicted servicemen while they remain in the armed services, it is fair to expect an enormous increase in the demand placed upon the VA.

To date, the VA response to the current situation and the problems that can be expected in the future has been grossly inadequate.

The VA currently operates five drug treatment units in New York, Washington, D.C., Houston, Battle Creek, and Los Angeles—Sepulveda. These units consist of an average of 15 beds each. In addition to these five units, only four of which are currently authorized by the Food and Drug Administration to use methadone—Battle Creek is not—six other VA hospitals have been authorized to use methadone for some form of treatment. Reportedly, the VA plans to expand the number of drug treatment units by 13 in fiscal year 1972 and 12 in fiscal year 1973.

Mr. Chairman, at a time when changes are occurring in the Department of Defense and changes are being proposed in Congress, at a time when, according to one study, 17.4 percent of the soldiers leaving Vietnam reported having used opium—5.8 percent of these referred to themselves as heavy users—it is clear that the VA must prepare to deal with the problem of tens of thousands of hard drug addicts efficiently and effectively—even if this means a great increase in the number of treatment facilities.

Perhaps more important than the number of treatment facilities is the quality of treatment. The VA's own preliminary studies indicate that the most marked increase in drug abuse among veterans seeking hospitalization is showing up in the 34 and younger age groups.

Clearly, this fact, plus everyday news broadcasts, tells us that the VA will be dealing with a new generation of veterans—far different from the veterans of the Korean war. These men not only are addicted to drugs rather than alcohol, but also they possess entirely different perceptions, beliefs, goals, and needs. They are men who have come to age in a new world, who have fought in a new kind of war, who have received a different kind of reception upon their return home.

The VA will be required to change its methods in order to deal in a relevant, responsive way with these new facts of life about the new breed of returning veterans. New ways of reaching veterans to inform them of the benefits to which they are entitled—and, in some cases, of even persuading them to take advantage of these benefits—will be required.

The VA should develop new drug-abuse treatment models similar to those now used by civilian rehabilitation centers. Such procedures will no doubt involve, at a minimum, a number of residential therapy centers which utilize little or no drug therapy for veterans without a long history of addiction, and for other addicts who are amenable to this form of treatment.

For other long-term addicts or for those not amenable to drug-free treatment, methadone maintenance may very well be the only form of treatment which will prevent addicted veterans from destroying themselves and from turning to a life of crime. Effective VA methadone treatment will involve procedures which will no doubt be very much different from anything the VA has experienced before.

First, methadone maintenance treatment should be nonresidential in nature. Dr. Joyce Lowinson, the director of the methadone maintenance program conducted by Albert Einstein College of Medicine through the Bronx State Hospital, has found that addicts treated with methadone do very much better if they are allowed to remain in society at large rather than if they are confined in a particular institution often located in a geographical area far from the place they call home. This nonresidential form of treatment permits the patient to find employment and to attempt a normal life in surroundings to which he is accustomed.

Second, many of today's veterans, particularly those who are susceptible to drug abuse, exhibit an aversion to anything connected with the military and they view the VA as a military type of institution. Thus, an effective methadone treatment program will involve the use of community facilities—including storefront centers where appropriate.

Third, an effective treatment program will no doubt involve extensive use of paraprofessionals, including ex-drug addicts. As one study noted:

> Addicts are more apt to trust and confide in the ex-addicts because he can readily identify with them. As one patient remarked, "An ex-addict knows where I'm coming from because, after all, he's been there too."
>
> At any point of contact between an addict and a drug program, the ex-addict is able to minimize the emotional and communicative barriers between addicts and non-addicts in a program. Thus the ex-addict plays a *crucial* role in client-staff therapeutic relationships.

The essence of what I have attempted to say today can be summed up in the word "change." The Veterans' Administration is today faced with a new problem and a new type of veteran. The Veterans' Administration must be prepared to respond with new and innovative methods of treatment and adequate funding to do the job. Any other course of action, would be a disaster for the Nation and a disservice to the men who have fought in a difficult and dirty war.

My able colleague from Florida (Mr. ROGERS) has done us and the Nation service by his leadership in bringing the problem of the GI addict so effectively to our attention.

Mr. FASCELL. Mr. Chairman, in the consideration of the second supplemental appropriations bill, there is no more important single item than the moneys appropriated for summer youth jobs.

The Appropriations Committee is to be commended for including $100 million for summer youth programs, an increase of $37,700,000 over the budget request. Together with the funds already appropriated for fiscal year 1971, the recommended amount will provide $252,900,000 for support of 601,400 summer job opportunities for high school age youth.

The importance of this appropriation is emphasized by the recent National Urban Coalition report which stated that our cities are as tense as during the riot era of 1966–68. More specifically, the report said:

> There is continuing, all-year-around, frightening evidence that the conditions which precipitated the death and destruction in American cities in 1967 and 1968 have been exacerbated and become even more dangerously explosive.

I would like to call the attention of our colleagues to a program in the Miami, Fla., area, the success of which should encourage us in making these funds available. The program is called Teen Kleen and its objective is to provide summer work for youngsters, who, under normal employment circumstances, cannot get jobs because of their age. The program was aimed at 14- and 15-year-olds, and it operated in metropolitan Dade County, Fla., during last summer.

The young people were organized in teams of 12 with older youth serving as supervisors. Every morning teams assembled at prearranged locations and then were bused to a cleanup site. After they finished cleaning an area, city and county waste disposal crews removed the refuse.

Teen Kleen provided 807 jobs for young people last summer. Many areas benefited from the cleanup work, and we had a productive summer throughout the metropolitan Dade, Fla., area.

Also encouraging was the input of the private sector into the funding and operation of the program; $45,000 was raised by local businessmen and that amount was matched by the U.S. Department of Labor. In addition, $200,000 for the operation of the program in the model city area was provided by the U.S. Department of Housing and Urban Development.

Four community organizations joined forces in an operational structure: The Greater Miami Progress Foundation, the Model City Division of Housing and Urban Development of Dade County, the Neighborhood Youth Corps, and the Opportunities Industrialization Center.

Other cooperating agencies included: the Greater Miami Chamber of Commerce, the Greater Miami Coalition, the National Alliance of Businessmen, Youth Opportunity, the Urban Corps, the Dade County School Administration, the Florida State Unemployment Service, the City of Miami Sanitation Department, the Dade County Waste Division, and the Equal Opportunity Programs, Incorporated.

The volunteer in charge of the project and representing the National Alliance of Businessmen was Ted Hanes, an executive of the Chase Federal Savings and Loan Association of Miami and Miami Beach. Sam Moncur of the Opportunities Industrialization Center was in charge of field operations; and Jane Chapman headed the Neighborhood Youth Corps sector, which furnished counseling, personnel services, and payroll administration.

An advisory board to oversee the project included Msgr. Bryan O. Walsh, Mrs. Athalie Range—former Miami City Commissioner and now Florida's Secretary of Community Affairs—Will Wynn, A. D. Moore, C. B. Potter, Dr. William Stokes, Peter Pere, Steve Hudson, Steve Waters, Gaddy Rawls, Essie Silva, and Lester Freeman, executive vice president of the Greater Miami Chamber of Commerce. These civic-minded citizens met every week throughout the summer, and much of the credit for the success of the program must go to them.

Mr. Chairman, I hope that this example of what can be done by concerned people by their own initiative and with the help of their Government will serve as a model for similar programs throughout the country this summer. By joining in support of the recommended appropriation for summer youth programs, we can increase the chances for a peaceful and purposeful summer for the youth in our troubled cities.

And more importantly, we can provide a worthwhile experience for these young people. The important elements of leadership training, a sense of involvement, and the feeling of accomplishment, are all present in this program. The youth of our cities will be involved in making their environment cleaner and better, and this is the kind of experience which benefits them and their Nation.

Mr. SISK. Mr. Chairman, the city of Caruthers in my district in California is facing the same problem in the health care crisis as many other small, rural communities in this country. Caruthers is without a doctor and has been for some time.

The problem is not unique to our area. One thousand midwestern towns reported recently they are without resident physicians.

Public-spirited citizens in Caruthers have gone to some lengths to locate a doctor who is willing to settle in their town. They have written to various agencies, so far to little avail. They are offering an established medical practice and facilities, a practice which grossed, I am told, some $100,000 the last year.

I am sure that the labors of Caruthers citizens will pay off and they will locate a doctor willing to live and serve the people in their delightful little community. But whether or not they do, the same problem, but in a greater scale, faces the country. Many small communities will be without doctors in the future as older physicians retire or die. Medical schools, I am informed, are graduating only some 7,400 doctors a year, too few to make up the existing shortage. And with increased specialization, medical education takes longer, further heightening the problem.

Last year the Congress passed the Family Practice of Medicine Act of 1970. It was then pocket-vetoed by the President. While this act would have been of little immediate help to small communities throughout the country, such as Caruthers, it would have provided a start toward the eventual solution to the problem of too few physicians.

Therefore, Mr. Chairman, I would have cast my vote for the supplemental appropriation amendment of $25 million offered by my distinguished colleague, the Honorable FRED B. ROONEY, and would have urged other Members of Congress to do the same had it not been knocked out on a point of order.

I also support Mr. ROONEY's amendment because, as he says, by requiring the money to be spent it would provide a court test on this particular pocket veto.

Mrs. HANSEN of Washington. Mr. Chairman, exception has been taken to an item in this bill which would provide $15,077,000 to pay for helium deliveries to the Federal Government through March 28, 1971. I would like to explain the committee's position in this connection.

The budget estimate which was presented for the consideration of the committee included a total request of $57,200,000. Of this amount, $42,000,000 was the estimated amount for making closeout payments under the termination provisions of the four contracts under which the United States purchases helium for conservation. The remaining $15.2 million was for helium delivered under the contracts to the date of termination. This amount included accrued interest through June 30, 1971.

The committee held extensive hearings on this request and gave the matter its thorough consideration.

The last two paragraphs on page 21 of House report 92–187 in connection with this appropriation item describe the action recommended by the committee. They provide the following:

> In view of the foregoing, the Committee is recommending an appropriation of $15,077,000, which is the amount required to pay for helium delivered through March 28, 1971, with attendant interest charges that have accrued through that same date.
>
> Until action by the Department of the Interior to terminate the helium purchase contracts has been legally resolved, the Committee is of the opinion that no appropriation request related to termination of the contracts is proper for consideration.

The committee has recommended that payment be made for helium purchases which were delivered under the contracts through March 28, 1971, and the interest that has accrued in connection therewith through the same date. Regardless of the outcome of the termination proceeding on the contracts, this amount represents a legitimate debt of the U.S. Government. It makes sense to pay it at this time and thus avoid additional interest costs.

The bill includes no funds whatsoever in connection with any costs that might be incurred in connection with the proposed termination of the contracts. As the report states, the committee is holding this item in abeyance until a legal decision is rendered.

Mr. FASCELL. Mr. Chairman, I strongly support continued funding for existing nutritional programs for the elderly for another year.

I have joined 117 of our colleagues in sponsoring legislation to establish a broad, permanent program which would give every senior citizen an opportunity to enjoy a low-cost, nourishing, and well-balanced meal in a setting that provides social contacts as well.

Such a program, administered by the Department of Agriculture with 90-percent Federal funds and 10-percent State funds, gets to the heart of the needs of our senior citizens by providing the two things they most commonly lack: proper nutrition and social contacts.

I am hopeful that favorable action on the legislation to establish this national nutritional program will be taken in the near future. In the meantime, I am hopeful that provisions will be made to keep 22 demonstration projects, which now serve 16,900 meals per week, alive for an additional year while the broader national program is being considered by the Congress. One of the demonstration projects which has been most successful has been carried out in Dade County, Fla. My firsthand knowledge of the beneficial aspects of the program for senior citizens make my commitment to its continuation and extension even stronger.

Mr. HARRINGTON. Mr. Chairman, much valuable time has been lost since Congress unanimously approved the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 because of our failure to appropriate the necessary funds.

As our vote indicated last December, we have recognized the need for immediate Federal assistance in fighting this disease. Alcoholism is a more significant problem than all the other forms of drug abuse combined. Affecting more than 18 million Americans, this disease ranks as our fourth major killing illness. Now is the time that we take the necessary action to formalize our commitment.

The allocation of money to the States as provided by this amendment is necessary in order to combat the rise in deaths and crimes which are directly attributable to the use of alcohol. More than 50 percent of the highway fatalities each year involve problem drinkers. Fifty percent of the people in our prisons today on charges of burglary, rape, and murder committed those crimes after an excessive consumption of alcohol. This appropriation is an investment in the future well-being of our entire Nation.

The need is clear. I hope that today appropriate support is given to insure that the fight against alcoholism is begun. I urge my colleagues to vote for Mr. Conte's amendment to appropriate $10 million to fund the act so that the States can develop comprehensive plans and support direct services to people suffering from alcoholism. Each State will receive $200,000 provided as the minimum allocation in the authorizing legislation.

It is imperative that the States be given the financial capability of providing comprehensive services to alcoholism. Our job today is to appropriate the first funds for these services.

Mrs. HECKLER of Massachusetts. Mr. Chairman, in considering this bill, H.R. 8190, we are discussing the needs of the Department of Transportation, among other agencies. That is quite appropriate because of a situation which is developing almost hourly off the coast of Massachusetts which certainly requires stringent actions, some of them from the Coast Guard.

Mr. Chairman, the House is aware of the flagrant activities of Soviet vessels in the fishing waters off Nantucket which has resulted in damage to the equipment of American lobster boats plying their trade in the area.

There have been a number of incidents, the latest one today in which the Soviet vessels cut across American lines and nets, rendering them useless and disrupting the normal, peaceful functions of the U.S. ships. The *Wiley Fox,* the lobster vessel owned by Prelude Corp. of Westport, in my congressional district, estimated the damage to its equipment at $40,000.

Mr. Chairman, this is intolerable and, if it continues, amounts to a criminal act upon the high seas. This same *Wiley Fox,* in another incident some weeks ago was nearly rammed by a Russian ship. And that, Mr. Chairman, could amount to a great deal more than criminal harassment and vandalism.

This cannot be allowed to continue. We have protested to the State Department which is on the verge of taking steps to relieve the situation. But that may be only a temporary solution. I think we need to take more positive action to insure that it never happens again.

And the way to do that, Mr. Chairman, is, in effect, to see that there is a watchman of the seas all the time. After past incidents, Coast Guard cutters have been sent to the scene for several days and their presence has put a halt to the Russian actions. But then the cutters have been called to other duties, leaving the lobster boats prey to the Russian harassment.

I would like to urge this body, Mr. Chairman, to consider adding funds to the regular Department of Transportation appropriation for the Coast Guard for fiscal 1972 which would insure the constant presence of cutters in the international fishing waters of the east coast to put a final halt to this business.

Only round-the-clock surveillance by American cutters is going to guarantee our fishing boats free and untroubled use of the waters for their legitimate business.

In this case, I think showing the flag in this way is going to be more effective than diplomatic protests. I exhort this body to provide the funds.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. MAHON. Mr. Chairman, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. YATES. Mr. Speaker, I demand a separate vote on the so-called Boland amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 17, strike out lines 6 through 10 and insert in lieu thereof:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

"For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, $85,330,000."

The SPEAKER. The question is on the amendment.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 197, answered "present" 6, not voting 28, as follows:

[Roll No. 90]

YEAS—201

Abbitt
Abernethy
Adams
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Betts
Blackburn
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brown, Ohio
Buchanan
Burleson, Tex.
Byrne, Pa.
Byron
Cabell
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Corman
Cotter
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Delaney
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Edwards, Ala.
Eilberg
Erlenborn
Fascell
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frey
Fulton, Pa.
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Gray
Grover
Gubser
Hagan
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hays
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Hull
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keating
Keith

Kemp
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Leggett
Lennon
Lloyd
McClory
McClure
McCormack
McDade
McEwen
McFall
McKay
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Meeds
Miller, Calif.
Mills
Mizell
Mollohan
Montgomery
Morgan
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Passman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Powell
Price, Ill.
Price, Tex.
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Roberts
Robinson, Va.
Roe
Rooney, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Schmitz
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Snyder
Spence
Springer
Staggers
Steed
Stephens
Stratton
Stuckey
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Ullman
Van Deerlin
Veysey
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—197

Abourezk
Abzug
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Aspin
Badillo
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Caffery
Carey, N.Y.
Celler
Chisholm
Clay
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Culver
Danielson
de la Garza
Dellenback
Dellums
Denholm
Dennis
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gibbons
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gude
Haley
Halpern
Hamilton
Hanley
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Horton
Howard
Hungate
Hunt
Hutchinson
Jacobs
Karth
Kastenmeier
Koch
Kyl
Kyros
Lent
Link
Long, Md.
McCloskey
McCollister
McDonald, Mich.
McKevitt
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Melcher
Metcalfe
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Neill
Patman
Patten
Pike
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Quie
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Schwengel
Seiberling
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stubblefield
Sullivan
Symington
Talcott
Taylor
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Widnall
Wolff
Wydler
Wylie
Yates
Yatron
Zwach

ANSWERED "PRESENT"—6

Crane
Davis, Wis.
Frelinghuysen
King
Michel
Railsback

NOT VOTING—28

Ashley
Barrett
Bevill
Collier
Dent
Edmondson
Edwards, La.
Fisher
Griffin
Hébert
Johnson, Pa.
Jones, Tenn.
Kee
Long, La.
Lujan
McCulloch
Mayne
Murphy, N.Y.
Poff
Rees
Runnels
Schneebeli
Shoup
Steiger, Ariz.
Stokes
Waggonner
Watts
Wilson, Bob

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. King against.

Mr. Waggonner for, with Mr. Michel against.

Mr. Long of Louisiana for, with Mr. Frelinghuysen against.

Mr. Griffin for, with Mr. Davis of Wisconsin against.

Mr. Lujan for, with Mr. Railsback against.

Mr. McCulloch for, with Mr. Crane against.

Mr. Edmondson for, with Mr. Stokes against.

Mr. Fisher for, with Mr. Dent against.

Mr. Edwards of Louisiana for, with Mr. Runnels against.

Mr. Murphy of New York for, with Mr. Reese against.

Mr. Kee for, with Mr. Jones of Tennessee against.

Mr. Bob Wilson for, with Mr. Collier against.

Mr. Johnson of Pennsylvania for, with Mr. Steiger of Arizona against.

Mr. Barrett for, with Mr. Bevill against.

Mr. Watts for, with Mr. Ashley against.

Until further notice:

Mr. Poff with Mr. Schneebeli.

Mr. Shoup with Mr. Mayne.

Mr. NIX changed his vote from "nay" to "yea."

Mr. QUIE and Mr. MILLER of Ohio changed their votes from "yea" to "nay."

Mr. KING. Mr. Speaker, I have a live pair with the gentleman from Louisiana, Mr. Hébert. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. FRELINGHUYSEN. Mr. Speaker, I have a live pair with the gentleman from Louisiana, Mr. Long. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. DAVIS of Wisconsin. Mr. Speaker, I have a live pair with the gentleman from Mississippi, Mr. Griffin. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. Speaker, I would like to further state that my vote of "present" on the teller vote is also explained by my live pair with the gentleman from Mississippi, Mr. Griffin.

Mr. MICHEL. Mr. Speaker, I have a live pair with the gentleman from Louisiana, Mr. Waggonner. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. Speaker, I further state that the same applies to my vote on the teller vote.

Mr. RAILSBACK. Mr. Speaker, I have a live pair with the gentleman from New Mexico, Mr. Lujan. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. CRANE. Mr. Speaker, I have a live pair with the gentleman from Ohio, Mr. McCulloch. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CONTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CONTE. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conte moves to recommit the bill, H.R. 8190, to the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, on behalf of the Committee on Appropriations, I offer a joint resolution (House Joint Resolution 633) making further continuing appropriations for the fiscal year 1971, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I assume that the distinguished chairman will take some time to explain the necessity for and the purport of the joint resolution?

Mr. MAHON. Yes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 633

Resolved by the Senate and House of Representatives of the United States of America *in Congress assembled,* That there are hereby appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds for the several departments, agencies, corporations, and other organizational units of the Government such amounts as (1) may be necessary to cover salaries, compensation, and pay (including pensions and retired pay) or for other programs and activities (including the food stamp program, fees and expenses of witnesses, and other programs) apportioned on a deficiency basis under authority of the Anti-Deficiency Act (31 U.S.C. 665(e)), and for which provision would be made in the Second Supplemental Appropriation Act, 1971, as passed by the House of Representatives, and (2) may be necessary for the activities for which disbursements are made by the Secretary of the Senate, and by the Architect of the Capitol for Senate items, to the extent and in the manner which would be provided for in the supplemental estimates therefor submitted to the first session of the Ninety-second Congress (House Document Numbered 92–73).

SEC. 2. Except as otherwise provided in clause (2) of section 1 of this joint resolution, appropriations made by this joint resolution shall be available to the extent and in the manner which would be provided by the Second Supplemental Appropriations Act, 1971, as passed by the House of Representatives, and all expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever such Act is enacted into law.

Mr. MAHON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas is recognized.

Mr. MAHON. Mr. Speaker, when the Committee on Appropriations last week reported out the second supplemental appropriations bill, 1971, it also approved a resolution authorizing the chairman of the committee to present a continuing resolution to the House, if it should become necessary, in order to prevent payless pay days in the Government or to prevent disruption to certain programs that have been running on a deficiency basis under authority of the Antideficiency Act and for which provision is made in the second supplemental bill just passed.

As a contingency move, I have submitted this joint resolution. It is not known at this moment whether the resolution will need to be enacted into law. I hope it will not need to be enacted. But whether it needs to be enacted will depend upon how rapidly we dispose of the second supplemental bill which has just passed the House, and which now goes to the other body. That bill is scheduled for very early consideration in the other body. We are not certain about just how quickly it can clear the other body, clear conference, and be signed into law.

This resolution does not provide any additional appropriations beyond what are provided in the second supplemental. It merely authorizes departments and agencies of the Government, if necessary, and only within the limits of the second supplemental, to pay personnel and meet other expenditures provided they have been operating on an authorized deficiency basis.

For example, we are advised that the Post Office Department will lack authority to obligate sometime during this week. The Post Office Department, we are advised, would have a payless payday on the 20th of May unless additional funds are available by then.

The food stamp program will be out of funds on the 21st of May, we are advised.

There are various other agencies which are nearing the end of the rope, so to speak, because of the pay raises which were approved by Congress.

As a contingency, I offer this resolution. It can be passed by the other body if it should appear clear that the second supplemental bill will not be finalized in a timely enough fashion.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Mississippi.

Mr. WHITTEN. There is one other point I believe the distinguished gentleman would want to call attention to, and that is that should the continuing resolution become effective, any money spent thereunder will be charged back to the second supplemental just passed. So it will not be in addition to, but can be used instead of, if circumstances so require.

Mr. MAHON. The gentleman is absolutely correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Reference was just made to a question I wanted to establish for the record. I appreciate the gentleman from Mississippi asking the question.

This resolution does go beyond pay and compensation for employees; it goes to retirement pay as well; does it not?

Mr. MAHON. Yes; it does.

Mr. GROSS. It goes also to the food stamp program, to meet expenses of witnesses, and other programs, so it is rather broad. Or, is it limited exclusively to pay with those exceptions?

Mr. MAHON. The gentleman is correct, it is rather broad.

This is a resolution which is almost identical to the resolution we passed about this time last year and quite similar to the one passed the prior year when we found ourselves near the end of the fiscal year and the supplemental bill was not enacted in a timely enough fashion.

What we have done is to insist that the departments and agencies absorb as much of the pay increase as possible in order that the new appropriations can be held to the lowest possible figure. The longer we hold the bill the more we can usually hold down the new appropriations.

We are approaching the end of the fiscal year and have delayed as long as we can. Perhaps we should have passed the second supplemental a couple or 3 weeks before this. We have been trying to hold it down as much as possible. That is the reason why we find ourselves in this position today.

Mr. GROSS. It is limited strictly to the second supplemental appropriation bill and expenditures; it does not extend to the regular oncoming appropriations?

Mr. MAHON. The gentleman is correct. It is limited exclusively to the second supplemental passed today, and only to those items in it which have been apportioned by the executive branch under authority of the antideficiency law.

Mr. GROSS. Does the gentleman anticipate a day when we will not get stupendous supplemental appropriation bills such as the one just passed by the House, to augment the expenditures of the fiscal year, and does he anticipate the day when we will not have to go to continuing resolutions such as this?

Mr. MAHON. It would be very desirable if we could eliminate these heavy supplementals, but we cannot eliminate them until we quit passing legislation which requires the expenditure of these additional funds. For example, there is over $4 billion in the second supplemental for pay increases authorized by laws in the last session.

The SPEAKER. The time of the gentleman from Texas has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. MAHON was allowed to proceed for 1 additional minute.)

Mr. GROSS. I am wondering if the Expenditures Control Act has any meaning these days. Is it a dead letter? If so, why do we not repeal it and quit winking at it?

Mr. MAHON. The funds in this bill are within the overall budget requests for fiscal 1971. The expenditure limitation accommodated for items within the budget, so I would say the expenditure limitation is not too pertinent to this resolution or to the bill which we have just passed.

I would say, of course, that the current overall expenditure limitation expires on June 30, next month.

I yield to the gentleman from Ohio.

Mr. BOW. I thank the gentleman for yielding.

I simply rise to say we on the minority side agree with this resolution. I am quite sure that after the action taken by the House today we will not have any quick conference on the supplemental bill that we just passed, for a while at least. I think it is necessary to pass this joint resolution in order that we do not have any payless paydays for the various branches of Government.

Again I reiterate what has been said by my distinguished chairman that any funds paid out under this bill will be paid out of the second supplemental. It is not new money. No additional appropriation is here approved. It will be paid from the bill we just passed. I suggest, therefore, it should be passed at this time.

Mr. MAHON. Mr. Speaker, I ask for a vote on the joint resolution.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the second supplemental appropriation bill and on the Boland amendment and to include pertinent extraneous excerpts.

I ask for the same privilege, that all Members may have permission to revise and extend their remarks in connection with the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATION TO SUSPEND FURTHER OPERATIONS OF SST'S

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, in the debate which just took place on the SST many of us were on the horns of a very serious dilemma. We recognized the implications attacking the environment on both sides. I feel it is time that our country took the leadership in trying to get out of this dilemma, particularly the one presented by the threat of competition from foreign SST's. Accordingly, I am introducing a bill today that would authorize the President of the United States to call an international conference to consider these questions and in the meantime to work out an international agreement to suspend further operation of SST's until these questions can be resolved and a consensus obtained.

I urge all of my colleagues to give serious consideration to this resolution and give it their support.

Thank you.

INVESTIGATION OF INTERNATIONAL MONETARY SPECULATION

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the entire Nation has been deeply concerned by the reports of international monetary speculation and the effects of this activity on the American dollar.

These international manipulations have raised many questions and we have had a series of conflicting statements about the cause and effects behind these unsettled conditions in the European money markets. The Congress does not have sufficient information on these problems and I think this situation should be corrected immediately.

Therefore, I am calling for a full-scale investigation and study by the Banking and Currency Committee of international monetary affairs as they affect the American dollar and the domestic economy. It is my intention to have the committee undertake this just as soon as a schedule can be arranged.

Just such an investigation was endorsed by the executive council of the AFL–CIO meeting in Atlanta, Ga., this morning. The executive council stated:

> We call for an early and thorough Congressional investigation of the recent international speculation against the American dollar, including the activities of American-owned international companies and banks, and the profits they made from undercutting their nation's currency.

In calling for this investigation, the AFL–CIO warned against a further increase of interest rates as a solution to unsettled world monetary conditions. The AFL–CIO urged that:

> The administration and the Congress reject without equivocation the advice of bankers—American and foreign—to raise interest rates and adopt restrictive policies.

The AFL–CIO's statement on the international monetary problems was contained in a detailed analysis of the national economy. The executive council stated:

> Most of the American economy is in a state of stagnation, as a result of the administration's engineered recession. Decisive government stimulus is needed to lift sales production and employment.

Mr. Speaker, I place in the RECORD a copy of the statement released in Atlanta, Ga., by the AFL–CIO this morning:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON THE NATIONAL ECONOMY

ATLANTA, GA.,
May 12, 1971.

Most of the American economy is in a state of stagnation, as a result of the Administration's engineered recession. Decisive government stimulus is needed to lift sales production and employment.

This is the dismal economic record:

Unemployment moved up to 5.1 million in April after accounting for seasonal changes—up 1.2 million in the past year and 2.4 million from January 1969, when the Administration took office.

Substantial unemployment has increased from 6 major industrial areas in January 1969 to 52 today and to 687 smaller areas.

Unemployment rates, in April, were 17.2% for teenagers, 10% for Negroes and 9.6% for construction workers. Among young men 20 to 24 years old—including GIs returning from Vietnam—joblessness has shot up to 10.5%, more than double the level of two years ago.

Inflation continues to wipe out much of the buying power of wage gains. The cost-of-living in the January-March quarter was 4.9% above a year ago.

In early 1971, buying power of weekly after-tax earnings of the average nonsupervisory worker in private employment—over half the total labor force—is only fractionally greater than a year ago, less than in the same period of 1969 and even below 1965.

Except for the rebound of auto production in January-March and the accumulation of steel inventories, the only parts of the economy moving up at a significant rate in recent months are home-building and state and local government activities. Other parts of the economy are increasing slowly, like consumer goods, or are declining, like machinery and business equipment.

Despite the Administration's glowing talk of a substantial pick-up, industrial production is still below the levels of last summer and about 5% less than at the peak reached in July 1969. Industry's operating rate is down to only 73% of productive capacity, the lowest since 1958, which was definitely a recession year.

In the face of these conditions, profits of non-financial corporations, in the first quarter, moved up 8% from a year ago, according to estimates of the First National City Bank of New York. Dividend payments increased. Bank profits continued to skyrocket—up 61% for J.P. Morgan, 60% for Cleveland Trust, 48% for First National City and 46% for Crocker National.

Poverty increased in 1970, according to the Census Bureau report. The 10-year trend of a continuing decline in the number of poor was reversed—up 1.2 million to 25.5 million.

Immediate government action is needed to create jobs and boost economic activities—to turn the economy around from stagnation to full employment.

We urge the Administration and the Congress to reject, without equivocation, the advice of bankers—American and foreign—to raise interest rates and adopt restrictive policies, which would increase unemployment to even more disastrous heights.

In fact, interest rates should be further reduced and maintained at a stable level well below that now prevailing.

We call for an early and thorough Congressional investigation of the recent international speculation against the American dollar, including the activities of American-owned international companies and banks, and the profits they made from undercutting their nation's currency.

THE COTTER HEALTH PLAN: A PUBLIC AND PRIVATE PARTNERSHIP TO INCREASE THE QUALITY AND LESSEN THE COSTS OF HEALTH CARE

(Mr. COTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COTTER. Mr. Speaker, during my campaign and after the election, I made the problem of health care one of my primary interests.

Today I am introducing legislation that reflects my considered judgement on how best to handle what has been called the "health care crisis."

These facts are well known but bear repeating. The costs of health care are astronomical. During the last 10 years, the costs of health care have increased 17 percent per year. It is reasonably estimated that the cost of health care will be $200 billion by the 1980's. The total cost in 1960 was $26 billion.

Current insurance plans do not cover out-patient care, much less dental and vision care.

Medical manpower is a constant source of concern. By 1980, there will be a shortage of 26,000 doctors, 56,000 dentists, 210,000 nurses, and 432,000 paramedical personnel.

I do not have to recite before this House the areas of the country that have little or no medical capability. The problems are especially acute in our inner cities and in our rural areas.

Before I outline my proposals, I want to inform my colleagues about my general assumption and values.

First, I represent the city of Hartford, the insurance capital of the Nation. It is estimated that thousands of my constituents are involved in health insurance. I am not willing to see those jobs shipped to Baltimore, the home of the

Social Security Administration, until such time as it is shown that the insurance industry—scrupulously controlled as I will recommend—is unable to do the job.

Second, from my position as the Insurance Commissioner for the State of Connecticut for 6 years, I have become familiar with the problems of both quality health care and public-private health insurance coverage. Thus, I have studied in detail the strength and weakness of our health delivery system.

The proposal I am placing before the House today reflects this experienced study. I believe that there must be a partnership between private industry and government to assure the highest quality health care at the most reasonable cost.

The Cotter health plan is not cheap—medical care is not cheap, but my plan represents a distinct departure from the "business as usual" attitude that permeates the medical industry and the Government in the face of overwhelming evidence that this Nation now faces a health crisis. This crisis will worsen unless there is a new direction charted—and charted soon. That is what I am proposing today.

Briefly, my plan would establish minimal benefits that, when fully phased in, will provide better health coverage than is presently available. Under the terms of my bill all citizens will be covered.

Medical and dental insurance coverage for all citizens provided by expansion and upgrading of medicare, required employee health plans, individual health plans for the self-employed and State health plan pools for the poor and near poor.

Creation of Federal and State health planning councils which will control allocation of health resources, set hospital rates and doctors fees, control profits of health insurance carriers, set uniform medical and paramedical licensing standards and continually review the state of health care in the Nation.

Increase the supply of medical manpower by creating three new medical-dental schools associated with existing Army, Navy, and Air Force hospitals and by expanding student loans for budding doctors, nurses and paramedicals. Graduates of military medical schools and recipients of loans could serve several years in medically disadvantaged areas of the country to repay their obligations.

The bill is complicated because the subject matter is complicated. Complex problems do not yield to simple answers. Therefore, I want to take this opportunity to explain my proposal in detail.

HOW TO INCREASE COVERAGE

There are many suggestions about how to secure adequate health insurance coverage. One plan suggests that the best way to assure complete coverage is for the Federal Government to assume full and complete control of the health care of all citizens. Cost estimates for a fully Federal program of health care are between $50 and $80 billion. Other plans leave many citizens with inadequate coverage or coverage at high costs. I know from my experience as insurance commissioner of the State of Connecticut for 6 years that health care is increasingly expensive and the health care system is plagued by inadequate planning and lack of resources. However, I do not believe that a complete Federal takeover is feasible or is, in the long run, cost-effective.

There remains the very practical need to provide adequate health coverage at a reasonable cost. Yet, such a basic health plan must be understood by the layman so that he can choose intelligently the type of coverage he requires. The best means to accomplish these goals is to establish a set of minimal, yet adequate, Federal standards for health care benefits that will be required of both governmental and private health insurance programs. This is what I am suggesting.

COTTER HEALTH PLAN

Under the Cotter plan, these minimal health standards will be increased in three phases and, when fully effective, December 31, 1978, each basic health insurance plan will be required to have these features:

COTTER HEALTH PLAN: MINIMAL BENEFITS

Cotter plan has minimal benefits phased in at three separate time periods so that the medical infrastructure can be "beefed up" to handle them. These minimal benefits will be fully phased in by December 31, 1978; however, the State health plan for the poor and near poor will be fully phased in by December 31, 1976.

The requirement of minimal benefits, which exceed most health insurance coverage today, allows the individual citizen to know exactly what coverage he is getting. Currently it takes a very skilled legal technician to understand the various insurance plans.

Other major provisions of the minimal benefits:

(*a*) Tax relief—There is a straight Federal tax deduction of up to $700 for health insurance premiums.

(*b*) Catastrophic coverage—There is a limitation on the amount of copayments, coinsurance and deductibles, if any, an insured citizen will have to pay. The total cost of these payments will be a small percentage of his income.

Examples of benefits and copayments when minimal benefits are fully phased in by December 31, 1978. N.B.—All yearly copayments and deductibles, if any, are limited to a small percentage of yearly income.

NONCONSTITUTIONAL CARE

Each doctor's visit—insured pays $2—for mental illness, insured pays 50 percent for all visits after initial six visits.

Home visits—insured pay $5.

Diagnostic tests, X-rays, laboratory analysis, electrocardiograms—insured pays nothing.

Family planning services and supplies—insured pays nothing.

Health checkups—

For babies: 15 visits up to 6 years old—insured pays nothing;

For citizens 6–39: complete examination every 5 years—insured pays nothing;

For citizens 39 on: one complete examination every 2 years—insured pays nothing.

Dental care—

Annual oral examination including X-rays and cleaning—insured pays nothing;

Amalgam fillings, extractions, dentures—insured pays 20 percent.

Drugs approved by Secretary of HEW as life-sustaining—insured pays $1 per prescription.

Rehabilitation—prosthetic devices, physical therapy, speech therapy—insured pays 20 percent.

Vision care—

Children under 19—annual examination and one set of glasses—insured pays nothing;

Citizens over 19—annual examination and one set of glasses—insured pays 50 percent.

INSTITUTIONAL CARE

Semiprivate or psychiatric care—per illness—insured pays $10 the first day and $5 per day thereafter—300 days maximum;

Skilled nursing home—insured pays $2.50 per day—100 days maximum;

Approved home care—insured pays $2 per day—270 days maximum;

Physician's services when institutionalized—insured pays $2 per visit;

Maternity care, including prenatal and post-natal care—insured pays 20 percent.

CATASTROPHIC COVERAGE

In my bill, I specifically provide for catastrophic coverage by placing a limitation on the amount of copayments and deductibles. The aggregate amount of payments above the premium could not exceed $800 for a family whose adjusted gross income is $10,000, even though he may require treatment costing up to $50,000.

The formula which is applied to all minimal benefits insurance is a limitation of 4 percent of adjusted gross income for all persons with an adjusted gross income of $5,000, a limitation of 6 percent for persons with an adjusted gross income of from $5,000 to $7,500, and a limitation of 8 percent for those with an adjusted gross income of $7,500 or more.

This is a major feature of the Cotter health plan. For the first time all citizens will have adequate medical coverage without courting bankruptcy.

WHO WILL BE COVERED?

Under my plan the minimal benefits will be included for medicare, all private health insurance plans, and all Federal and State health plans. Let me discuss each in turn.

THE ELDERLY

The coverage for medicare will be upgraded until it meets these minimal benefits. Where medicare exceeds this coverage, the higher medicare benefits will still be in effect.

In addition, my bill would open medicare to all persons not currently eligible for part A by requiring a $27 per month payment. I have been informed that there are approximately 300,000 citizens over 65 who can take advantage of such a provision. In addition, I would extend medicare coverage to include widows and/or widowers with or without dependent children, the blind, and disabled, and early retirees who are now receiving social security benefits. Other programs of medical insurance for citizens over 65 will have to provide these upgraded benefits as well as retirement health insurance provisions. The cost estimate for medicare is approximately $7 billion over current medicare costs. The costs, while heavy, do extend and provide more comprehensive coverage to our elderly citizens. This is a just and necessary cost.

Since I have studied the problems of the aged, I realize that even small payments strike very deeply into the fixed incomes of our elderly citizens. Thus, under my plan, elderly citizens who cannot afford to meet their payments will be covered by the State insurance pool which I will describe shortly.

PRIVATE INSURANCE PLANS

Private health insurance plans cover most citizens under 65. Of the approximately 164,000,000 citizens under age 65, 103,000,000 are covered by some form of health insurance. Benefits and costs vary widely. Most citizens do not understand the nature of their medical coverage. Under the Cotter plan all the minimal benefits will be clearly defined by law. All supplemental benefits packages cannot have features already in the minimal package. Therefore, no double payments for the same benefits.

The establishment of minimal benefits will be accomplished by several means: First by tax deduction of $700 to all citizens securing insurance with minimal benefits; second, insurance packages containing minimal benefits will be eligible for employers to use as tax deductions; third, and most important, requiring that each provider of health insurance meet these minimal standards as a condition for being licensed in each State.

Further, under my plan the employer as a condition for continuing employee health insurance as a tax break must not only provide the minimal benefits, but must pay 65 percent of cost immediately and 75 percent by 1975. Of course, collective bargaining can be used to increase the percentage or extend coverage.

I want to return to one point for a minute. Under my plan there would be a straight deduction with a $700 maximum for each family's Federal income tax. The estimated revenue loss is $3 billion. In doing this, my plan not only gives better coverage but allows higher tax deductions for the individual taxpayer while producing increased health coverage.

POOR OR NEAR POOR

One major problem with any comprehensive proposal is how to care for the poor and near poor. By applying the minimal benefits fully phased in by 1976, a State health care plan can meet the needs of our less fortunate citizens.

The State health care plan will be a State pool funded by State and Federal subsidies and by private insurors. It would have all the minimal benefits by 1976. These benefits stress preventive care and are, therefore, able to replace the discredited medicaid program. Each citizen would be required to pay according to his financial ability, but he would receive better and more comprehensive health care. For example, a family of four with an income of $4,000 or less would contribute nothing to the premiums. A family of four with an income of $5,000 would contribute $15 monthly which would be a deduction from their Federal taxes.

In addition, the State health pool would be available to the "uninsurable" person although he would be required to pay the full premium charged by the State for covering a single individual. If the uninsurable person were a member of a family, the other members could secure whatever coverage they desired at the most reasonable cost.

Those poor citizens eligible for medicare under the old law or under the new provisions of this bill can have the State health care plan pay their premiums to medicare.

NEW ORGANIZATION FOR HEALTH CARE

Many of our current problems in health care are directly attributable to inadequate planning and a lack of effective and responsible administration.

The time is long past when we can afford to have people who have vested material interest in the health delivery system dominate and control that system. The State and Federal Governments must act constructively and forcefully in this area. Therefore, I am proposing to create in each State, a State health care planning council—SHPC.

STATE HEALTH PLANNING COUNCIL

Under my plan, each State will be required, within 1 year of enactment, to create a State health planning council. If it does not do this, it will not receive any Federal assistance related to health, including medicare, Hill-Burton, or any other Federal medical funds.

This SHPC will be composed of 15 members. It will be dominated by nine consumer-oriented members who have not had any prior connection for 5 years preceding their appointment with any organization which deals with any aspect of the medical delivery system. These nine members will be joined by two doctors, two hospital representatives, and two private insurors. They will be given great authority to determine the course of the health system within their State.

For example, the SHPC will be required, within the first 2 years, to establish a comprehensive State health plan that will serve as a guide to all State health efforts. And they will be given the power to implement this plan. They will, for example, be required to approve, or disapprove, the use of all Federal or State funds for any construction or any service related to health care. Secondly, they will be required on a periodic basis, to certify all health care facilities. Those health care facilities that are not certified cannot receive State or Federal funds and cannot be utilized in fulfillment of the minimal health benefits that I have already described.

This power will give the council the ability to rationalize the health delivery system. No longer will there be four or five acute cardiac wings within one city that go unused. No longer will there be duplication of costly equipment: For example, three cobalt treatment facilities within close proximity. "Prestige" items will be subordinated to items of demonstrable and immediate long term value.

This State council will establish rates of reimbursement to hospitals and doctors. They will arrive at the figures for hospitals and health care costs by requiring each institution to submit a detailed budget which the council must approve. This approved budget will be the basis for allowable charges.

The council, as I have mentioned, will also set rates for doctor's fees that can be paid under the State health plan and the minimum benefits under approved employees' programs and qualified individual health care insurance plans.

Furthermore, this State council will have the power and the responsibility for overseeing the private health insurance industry. It is required to establish that all initial insurance packages by each insuror meet the minimal benefits as a condition for licensing with the State. Furthermore, the State planning council is to require that all supplemental insurance policies, those over the minimal benefits, do not include any element covered in the minimal benefits plan.

In addition, the council is required to secure from licensed health insurors, detailed audits based on the audit form prepared by the executive council of health advisers which I will describe below.

These audits are to be studied by the State policy council to insure that the profits are within the parameters established by the executive council; if the profits exceed this parameter, the State council is required to have the insurors reduce their premiums as a condition for the retention of their licenses.

The State council is further allowed to enter into intra- or inter-State health agreements to further the attainment of quality health care and is required to provide a yearly report to the executive council within the guidelines established by the executive council on the conditions of health care within the State.

The State health planning council will also have the authority to establish regional groups to meet the local problems although the council must retain the final authority over these local decisions.

THE EXECUTIVE COUNCIL OF HEALTH ADVISERS

To assure nationwide coordination of the various means to attack the problems in our health care system, I am recommending the establishment of an Executive Council of Health Advisers.

This 12-member council will be comprised of six consumer representatives who have not had any connection with the health industry for 5 years preceding their appointment. In addition, the Secretary of Health, Education, and Welfare will be a member of this Council.

The Executive Council is to report annually to the President and the Congress on the nationwide aspect of the health delivery system after detailed study of the annual reports of each State health planning council. The Executive Council then is required to make an early evaluation of this information and report directly to the relevant bureaucracy and legislative branch with recommendations for either regulations or legislation, whichever is appropriate. It is necessary to have the Council report directly to the responsible agency or legislature because in all too many instances, commission reports, panels, and other similar recommendations are not effectively translated into bureaucratic regulations or legislative proposals.

As I mentioned before, the Executive Council is required to create uniform audit forms for private and public insurers that will be given to the State planning council. This uniform audit is to include costs and profits and the definition of profit will be exacting, so that no excess profits will be made by either public or private insurers. Excess profits must be used to reduce premiums.

The Executive Council is also required to produce, within 5 years, national certification and license procedures for all medical personnel, from doctors to paramedical personnel. These procedures will be enforced through the mechanisms established by the State planning council. It is necessary to define what each person is allowed to do within his sphere of competence. This problem has been graphically brought home by the sight of many qualified paramedicals returning from Vietnam and not being allowed to perform even the most elementary functions in a hospital or outpatient care center. There must be professional licensing of these people so that all critical manpower needs in the health care area can be alleviated.

Finally, the Executive Council is required to prepare legislation to establish what will be an "FDIC" for all public and private health insurers within 2 years. This legislation must be mandatory for all private insurers.

HEALTH MANPOWER

The problems of the health delivery system will not be solved by new effective administration alone, although that is a crucial component of the Cotter plan.

We need more personnel and better distribution of resources and personnel.

First the personnel: This Nation needs more qualified personnel in health. Existing programs, while beneficial, must be supplemented, expanded and even, in places, radically changed.

I believe that loan programs should be expanded, not only in the size of the loan, but in what the loan can be used for. Medical students, nurses, and allied health personnel should be allowed to secure loans to cover tuition fees, and in addition, reasonable amounts for room and board, and supplies and other relater costs. These will be long-term, low-interest loans, and there is a forgiveness feature that allows the loan to be significantly reduced if the individual serves in an area determined by the Secretary of Health, Education, and Welfare and the State health planning council to be in need of these skills—the inner city and rural areas.

My bill also provides for the Secretary of Health, Education, and Welfare to contract with individuals or teams of health professionals to serve in areas of critical need. Thus, the bill provides the capability to channel more than adequate medical resources into areas that now have little or no health capability.

My bill authorizes over $300 million for these programs.

Federal health manpower programs will come under the purview of both the executive health planning council and the State health planning councils. They will study and determine both curriculum and certification of institutions and licensing of medical personnel. They could investigate the intriguing idea of "Capitation" whereby schools receive funds based on the number of qualified graduates they produce.

AMBULATORY HEALTH CARE CENTERS

During my recent campaign, I stressed the need to concentrate on more outpatient diagnosis and treatment. As I have already explained, the minimal health benefits specifically include and encourage outpatient care.

In title IV of my bill, I establish a new Federal governmental program to create ambulatory health care centers. The goals of these ambulatory centers are not solely restricted to diagnosis and treatment, but as well, to the detection and prevention of illness before it becomes serious.

High quality medical care must be available to all our citizens. This is one means to achieve this goal.

The exact nature of ambulatory health care centers should be determined by medical experts. Therefore, I have left the specifications for the contents of ambulatory health care centers to the experts. However, I have specified in my bill that the highest priority is to be given to those areas that are medically deficient.

This novel approach should be tested. Over-crowded, high-cost hospitals are not the place to perform routine examinations or tests and treatment. They should be used only by those who really need them. With this new outpatient capability, I believe we can have more effective utilization of our hospitals.

Incidentally, ambulatory health care centers can be attached to existing medical institutions or can be mobile units. A new medical delivery system should be aggressive in searching out disease and illness—not passive.

The ambulatory health care center concept, I submit, is a reasonable and necessary means to achieve this goal.

THE NEW MEDICAL-DENTAL MILITARY ACADEMIES

As I contemplated the lack of medical manpower, I was struck by the underutilization of military hospitals for teaching purposes. Since the end of World War II, there have been only six new fully operating medical schools and 10 new fully operating dental schools. I believe that we can supplement our doctor and dentist manpower needs in a very cost-effective way by establishing combination medical and dental academies for the Army, Air Force, and Navy.

Therefore, I have proposed in my bill that these medical-dental academies for each service be established. To save costs, these academies will utilize existing U.S. military hospitals.

The appointment procedure will be similar to those now used for the Service Academies, although the Secretary of Defense will work with the Secretary of Health, Education, and Welfare to establish the criteria for admittance. After completion of his academy training, the doctor or dentist must serve 3 years in the Armed Forces or in an alternative 3-year service approved by the Secretary of Defense in consultation with the Secretary of Health, Education, and Welfare.

I believe that this novel idea, coupled with the manpower programs I have suggested, will lessen the projected medical manpower shortage.

THE COTTER HEALTH PLAN—A BOONDOGGLE TO THE PRIVATE INSURANCE COMPANIES?

I specifically want to raise the question whether my plan is a large and costly gift to the private insurance industry? Given the nature of my constituency, this is a legitimate question.

Admittedly, my plan does continue the role of private health insurance. But more importantly, for the first time, it establishes control and direction over the entire health insurance industry.

How is this accomplished?

First, health insurance companies will have to provide minimal benefits so that each individual purchaser understands what he is getting.

Second, all supplemental benefits, those over and above the minimal benefits, cannot include parts of the minimal benefits package. Therefore, no double payment for the same benefit.

Third, again for the first time, public and private insurors will have limits set on profits. Excess profits must be returned to the consumer in the form of lower premium payments. I have carefully drawn the section on profits required in the universal audit so that there will be no leeway given to companies to hide profits.

Fourth, the State health planning council and the executive health planning council are dominated by consumer representatives. These members can have no prior connection with the health industries including insurance for 5 years preceding their appointment. This means that the regulations of the insurance industry will be under the jurisdiction of people who are most concerned about the effect of health insurance on the consumer.

Finally, I have required that all private health insurors join an FDIC-type of institution so that citizens will not be faced with companies going out of business and having no coverage.

These steps I feel will insure the highest professional competency of both public and private health insurors and still retain those incentives that are directly related to the retention of the private nature.

It should be noted in conclusion that the executive health planning council and the State health planning council will retain jurisdiction over the health industry and any loopholes in the bill can be rectified by either regulation or, if necesary, submission of stronger Federal legislation.

For the benefit of my colleagues and the readers of this RECORD, I am enclosing five appendixes that will give an overview of the Cotter health plan:

APPENDIX A

COTTER HEALTH PLAN: COVERAGE OF ALL CITIZENS

1. Aged—Aged and all citizens on Social Security except AFDC (welfare). Cotter plan expands and extends service of Medicare. Over 300,000 older citizens are not eligible for Medicare "A" and my plan allows them to join for $27 per month. If Medicare or any other retirement health plan has benefits that exceed the minimum benefits, the better benefits are to remain in force. The elderly poor will have their Medicare premiums paid for by the State Health Plan: Part A, if necessary, and Part B, the supplementary benefits that are currently available to all elderly citizens.

2. Employee Health Plans—Most citizens will be covered under these plans. All employers must provide health insurance that meets the minimal benefits or not receive any tax breaks for providing health insurance. Furthermore, to receive this tax break, employers must pay for 65% of the plan and 75% by July 1, 1974.

3. Individual Health Plans—Covers self-employed or those not wishing to utilize one of the other plans. All insurors must provide an initial insurance policy that meets the minimal benefits. Any supplementary insurance must be clearly identified and not have the features included in the basic minimal benefits policy.

4. State Health Plans—Poor and near poor can join a state health insurance plan. It is funded by a combination of state, Federal and private insurance funds and stresses preventative care. Cost for purchase of this coverage is pro-rated on the ability to pay basis.

APPENDIX B

COTTER HEALTH PLAN: MINIMAL BENEFITS

Cotter Plan has minimal benefits phased in at three separate time periods so that the medical infrastructure can be "beefed up" to handle them. These minimal benefits will be fully phased in by December 31, 1978; however the State Health Plan for the poor and near poor will be fully phased in by December 31, 1976.

The requirement of minimal benefits, which exceed most health insurance coverage today, allows the individual citizen to know exactly what coverage he is getting. Currently it takes a very skilled legal technician to understand the various insurance plans.

Other major provisions of the Minimal Benefits:

(a) *Tax Relief*—There is a straight federal tax deduction of up to $700 for health insurance premiums.

(b) *Catastrophic Coverage*—There is a limitation on the amount of co-payments, co-insurance and deductibles, if any, an insured citizen will have to pay. The total cost of these payments will be a small percentage of his income.

Examples of benefits and co-payments when minimal benefits are fully phased in by December 31, 1978 (*N.B.* All yearly co-payments and deductibles, if any, are limited to a small percentage of yearly income.):

NON-INSTITUTIONAL CARE

Each doctors visit—insured pays $2. For mental illness, insured pays 50% for all visits after initial six visits.

Home visits—insured pays $5.

Diagnostic tests, x-rays, laboratory analysis, electrocardiograms—insured pays nothing.

Family planning services and supplies—insured pays nothing.

Health check-up:

For babies: 15 visits up to 3 years old—insured pays nothing.

For citizens 6–39: complete examination every 5 years—insured pays nothing.

For citizens 39 on: one complete examination every 2 years—insured pays nothing.

Dental care:

Annual oral examination including x-rays and cleaning—insured pays nothing.

Amalgum fillings, extractions, dentures—insured pays 20 percent.

Drugs approved by Secretary of HEW as life-sustaining—insured pays $1 per prescription.

Rehabilitation—prosthetic devices, physical therapy, speech therapy—insured pays 20 percent.

Vision care:

Children under 19—annual examination and one set of glasses—insured pays nothing.

Citizens over 19—annual examination and one set of glasses—insured pays 50 percent.

INSTITUTIONAL CARE

Semi-private or psychiatric care—per illness—insured pays $10 the first day and $5 per day thereafter—300 days maximum.

Skilled nursing home—insured pays $2.50 per day—100 days maximum.

Approved home care—insured pays $2 per day—270 days maximum.

Physician's services when institutionalized—insured pays $2 per visit.

Maternity care, including prenatal and post-natal care—insured pays 20 percent.

APPENDIX C

COTTER HEALTH PLAN: NEW HEALTH DELIVERY SYSTEM

STATE HEALTH PLANNING COUNCILS

Each State is required to have a 15 member council (9 of whom are consumer representatives).

State Councils the required to:

Develop a comprehensive State Health Plan within two years which eliminates medically deprived areas within the State.

Approve the use of all federal and state medical funds to avoid duplication and to proceed according to the comprehensive State Health Plan.

Certify all health institutions including hospitals, outpatient clinics, nursing homes, etc.

Establish rates for health care institutions by prior approval of the health care institutions' budgets.

Establish rates for medical services including doctors' fees.

Control public and private insurors by requiring stringent audit procedures, regulating the rate of profit, requiring excess profits be used for the reduction of premiums, and by requiring all insurors to have minimal benefits in order to be licensed in the State.

EXECUTIVE HEALTH PLANNING COUNCIL

White House Agency composed of 12 advisors (6 of whom are consumer representatives).

Executive Council is required to:

Conduct a continuing review of the national health delivery system, and to submit regulations and legislation to eliminate the deficiencies as identified.

Prepare a detailed audit to be used by the State Health Planning Councils to determine profits of insurors and require that excessive profits be used to reduce premiums.

Set uniform medical licensing standards for all medical personnel from doctors to paramedicals, thus allowing paramedicals to perform certain functions for which they qualify.

Submit legislation to the Congress within 2 years to establish an FDIC-type of government agency that would guarantee the financial solvency of insurors so, should they fail, the customers would be protected.

APPENDIX D

COTTER HEALTH PLAN: NEW CHANGES IN THE MEDICAL INFRASTRUCTURE

New Army, Navy, Air Force Medical-Dental Academies:

Use the existing major military hospitals e.g., Walter Reed-Army, Bethesda-Navy, Wilford Hall, Texas-Air Force, to train new doctors and dentists.

Require these doctors and dentists to serve either in the Armed Services for three years or for this same period of time in medically-deprived areas determined by the Secretary of Health, Education and Welfare.

More Medical Manpower:

Expanded the size of student loans to aspiring doctors, dentists, nurses and paramedicals and allow the loans to include living expenses. Do this by providing almost $300 million additional loan capacity. Encourage service in medically-deprived areas by forgiving loans at the rate of ⅓ a year for service in these areas.

The Executive Council is required to establish certification and license standards so that paramedicals can perform services for which they are qualified, thus relieving the doctors from many routine chores.

The Secretary of HEW is allowed to contract directly with medical personnel to serve in medically-deprived areas.

Discourage the over-utilization of hospitals by the provision of new ambulatory Health Care Centers to encourage out-patient care. My plan provides over $200 million per year for this necessary program.

Discourage the construction of "prestige" items that are duplicated within the same region. The State Health Planning Council will have to approve all construction within its established Comprehensive state-wide health plan.

Require strict control over medical costs. All health institutions, including hospitals, outpatient clinics, and nursing homes, in the state must submit a budget to the State Health Planning Council. The budget, as approved by the State Council, will be the basis for fees that the institutions will charge.

In addition, the State Health Planning Council is to set up a schedule for fees for all services prescribed under minimal benefits, including medical services.

APPENDIX E

COTTER HEALTH PLAN: IS IT A BOONDOGGLE FOR THE PRIVATE INSUROR?

Cotter Plan does continue a role for the private health insurance industry but the industry must submit to new and more stringent controls.

1. The insuror will be required to report his profits. I have carefully drawn the section on profits to include various funds that are conveniently described as operating expenses but, in effect, produce profits. Excessive profits must be turned into lower premiums.

2. Each insuror in the state must provide minimal benefits. The customers then have the capacity to shop around for the least costly program.

3. All supplementary benefits will have to be identified as such and cannot have coverage identical to minimal benefits. Therefore, citizens will not pay double for the same coverage.

4. The State Health Planning Council and Executive Health Planning Council responsible for controlling the insurance industry, both public and private, are dominated by consumer representatives—9 of the 15 members of the State Health Planning Council and 6 of the 12 members of the Executive

Council are to be consumer representatives who have had no prior connection with the health industry for the preceeding 5 years.

5. Finally, the consumer is protected by the requirement that the public and private insuror must join a FDIC type of agency that will protect the consumer from an insuror blandly announcing he is going out of business.

WRIGHT PATMAN, A LEGISLATURE'S LEGISLATOR

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOGGS. Mr. Speaker, I take this opportunity to make a few remarks about a Member of this body who, in my opinion, is one of the greatest public servants this country has ever known, the Honorable WRIGHT PATMAN, from the First District of Texas, Chairman, of the House Committee on Banking and Currency. WRIGHT PATMAN has not only passed many milestones in his congressional career, but, to my mind, from my own personal experience of having served on the Banking and Currency Committee with him, and having worked with him over the years, he is one of the most unselfish Members of Congress I have ever met, and one who is consummately dedicated to legislating in the public interest. He is, in my opinion, a legislature's legislator. I take this opportunity, Mr. Speaker, to observe that on May 4, a statement appeared in the CONGRESSIONAL RECORD announcing the resignation of the Honorable WRIGHT PATMAN as the ranking majority member of the permanent Select Committee on Small Business. Mr. Speaker, few people know the reason why Mr. PATMAN resigned from this committee, which he originally chaired and which was created as a result of a resolution passed in this body, which he introduced in 1941. I do not think that it would be violating a confidence to indicate that WRIGHT PATMAN resigned from the committee at the request of the Speaker in order to provide another position on a major committee to which a more junior Member could be appointed. This one instance, out of many more I could mention, is a superb indication of the unselfishness of this great man.

Mr. Speaker, I could talk for hours about the great accomplishments of the Congressman from the First District of Texas, but at this point I will limit my remarks to just some of his accomplishments within the area of small business since the Committee on Small Business was created in 1941.

The Select Committee on Small Business was first created in 1941 as a result of House approval of a resolution which was introduced by the Honorable WRIGHT PATMAN, Democrat of Texas. Mr. PATMAN was appointed by Speaker Rayburn to head this committee and did so from 1941 to 1963—with two exceptions when the minority party was in control of the Congress. In 1963, upon assuming the chairmanship of the House Banking and Currency Committee, Mr. PATMAN resigned as chairman of the Select Committee on Small Business.

Among some of the important earlier acts which emanated from the studies and planning of the Select Committee on Small Business was the action taken on May 11, 1942, when President Roosevelt signed into law a bill which Chairman PATMAN introduced for the relief of dealers in rationed articles. This law provided relief to dealers in automobiles, tires, and gasoline.

Also, during this time, Chairman PATMAN introduced a bill in 1942 which became law that mobilized the productive facilities of small businesses for World War II. This act—the Smaller War Plants Corporation Act of 1942—provided for the creation of a Smaller War Plants Corporation, under the War Production Board, to handle procurement for small businesses, authorized a revolving fund of $100 million for loans to finance conversion to war production or essential civilian production, and authorized purchases of production facilities for lease to small business. President Roosevelt signed the bill on June 11, 1942.

In 1951, legislation introduced by Chairman PATMAN was enacted into law by President Truman providing for the creation of a Small Defense Plants Corporation to take prime contracts and subdivide them among small business enterprises. A small Defense Plants Administration was set up as a seperate agency as an amendment to the Defense Production Act of 1950 and this law was signed by President Truman on July 31, 1951.

Among some of the more important and extensive hearings conducted by the House Select Committee on Small Business were those conducted under the chairmanship of Mr. PATMAN in 1952 which inquired into the problems of small business at the time. This was one of the most extensive hearings conducted by any committee of Congress. The committee traveled to 43 different States and held days of hearings to hear from representatives of small business on their pressing problems and needs of the day.

In 1958, again as the result of findings of the House Select Committee on Small Business, Public Law 85–866 was enacted, which repealed sections of the Internal Revenue Code of 1954 which had imposed unnecessary hardships on small business concerns. Also in the 85th Congress, as a result of the work of this committee, amendments were enacted into law to the Packers and Stockyards Act, which closed a loophole being used by national chains to claim exemption from antitrust enforcement. In addition, in this same Congress, Public Law 85–800 was enacted which revised the law governing Federal procurement and contracting methods, which, among other things, eliminated the redtape and expense of the competitive bid procedure with regard to contracts which small business concerns might be expected to fulfill.

In the 85th Congress, legislation was enacted assisting small business which repealed the 3-percent tax on freight shipped by common carrier, thereby removing a competitive advantage enjoyed by large corporations having company-owned trucking systems.

Finally in the 85th Congress, the Small Business Investment Company Act, introduced by Chairman PATMAN, was enacted into law which set up small business investment companies and authorized investment financing through appropriated funds, rather than through public debt transactions. This law, as we all know, is most important because it provided for the first time for the greatest needs of small business—equity capital and long-term capital.

In the 87th Congress, legislation emanating, again from studies done within the Select Committee on Small Business, was enacted to amend the Small Business Investment Act to facilitate the formation and growth of small business investment companies by increasing the amount of investment company debentures that could be purchased by SBA.

Most recently, in the last Congress, 91st, legislation was enacted from studies done by the Foundations Subcommittee of the Select Committee on Small Business to provide necessary controls over private foundations. This was much-needed legislation and will go a long way toward correcting many of the abuses which private nontaxpaying foundations have engaged in over the years.

Mr. Speaker, I applaud Congressman PATMAN, the chairman of the House Banking and Currency Committee.

A MISSION TO PARIS

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, on March 23, 1971, I was privileged to participate in a special order on American POW/MIA servicemen. At that time, I informed my distinguished colleagues of a campaign underway in Rochester, N.Y., to acquire expressions of support in the form of letters and signatures on petitions, to be sent to the North Vietnamese delegation in Paris.

In late April, a delegation chosen by the Rochester POW/MIA Committee departed for Paris with over 117,000 expressions of support. Upon their arrival, these determined individuals immediately sought to arrange a meeting with the North Vietnamese. The situation was certainly discouraging. They were private citizens, on their own, in a foreign land. They had no assistance from our Embassy, nor did they seek such assistance. They were on their own. The North Vietnamese refused to see them, despite the delegation's persistent theme that it was a group of private citizens, on a mission of love. Heaped upon these depressing factors was the knowledge that only a handful of the 281 groups which preceded them had been able to see the North Vietnamese. It would have been easy to throw in the towel and return home unsuccessful. But they did not; they started making telephone calls to the North Vietnamese delegation. Call back later, they were told. And they did. Call back tomorrow, said the North Vietnamese and they did. It took over 70 telephone calls, but the North Vietnamese finally agreed to see them.

It is with a deep sense of pride that I point out the diligence, the commitment, and the stick-to-it-iveness of these

Rochesterians. But their impressive performance did not end there. During their meeting, with the North Vietnamese, they handled themselves very well indeed. Because of their professional approach to discussions with the North Vietnamese representatives, the meeting was a long one—lasting over an hour—and a detailed one, characterized by a frank exchange of views on many aspects of the POW question.

Their account of the meeting, entitled "A Mission to Paris," is fascinating reading, and I include it for the benefit of my distinguished colleagues:

A Mission to Paris

Report on a meeting on April 28, 1971 between North Vietnamese delegates to the Paris Peace Talks and five members of the Rochester, N.Y., POW/MIA delegation: Mr. Warren Doremus, Mrs. Carol Bushart, Mrs. Josephine Christiano, Mrs. Florence DeWispelaere, Mr. Michael Demma.

On Wednesday afternoon, April 21, 1971, a five-member delegation of citizens from the Rochester, New York, area left the Monroe County airport on a flight to Paris, France, in behalf of American prisoners of war and men missing in action in Indochina. This mission climaxed a three month campaign to secure signatures on petitions and letters calling upon the Vietnamese Communists to live up to the articles of the Geneva Convention and provide humane treatment for the war prisoners they hold.

The delegation consisted of Mrs. Carol Bushart, housewife and mother from Greece, Mr. Michael Demma, Eastman Kodak chemist, from Chili, Mrs. Josephine Christiano, mother and housewife, from Irondequoit, Mrs. Florence DeWispelaere, housewife, mother, private secretary, from Penfield, and Mr. Warren Doremus, husband, father, and television newsman, from East Rochester.

Mrs. Christiano's husband, Lt. Colonel Joseph Christiano, was shot down over South Vietnam December 24, 1965, while flying with the U.S. Air Force. He has been missing ever since. Mrs. Bushart's brother-in-law, Major Lawrence Perrine, U.S.A.F., was shot down over Hanoi in May of 1967, and is MIA. Mrs. DeWispelaere's oldest son, M/Sgt. Rexford DeWispelaere, U.S.A.F., disappeared after his plane was knocked out of the skies over Laos, November 24, 1969, and he, too, is MIA. Mr. Doremus's youngest brother, Commander Robert B. Doremus, was shot down while flying over Thanh Hoa, North Vietnam, August 24, 1965, and is acknowledged by the North Vietnamese to be a prisoner of war. Mr. Demma is not, as far as he knows, related to anyone on the POW or MIA lists, but is a much concerned citizen who interested himself in the campaign through his association with the Rochester Jaycees (Junior Chamber of Commerce), which organization helped launch the campaign. Mr. Demma and Mrs. Bushart were co-chairmen of the campaign which used the title, Remember our POW's-MIA's.

More than one hundred seventeen thousand people in the Rochester area contributed their names to expressions of concern about the welfare of American war prisoners. Many took pains to write their own letters, some of which touchingly told of deep concern for the lives of men who had long been separated from their families, and possibly would never see freedom again. These one hundred seventeen thousand letters and petition signatures were bundled into three large canvass sacks for transport to France, and accompanied the Rochester delegation on their mission to Paris.

Many others participated in the campaign which led up to the journey of April 21st, including relatives of the other local men who are either POW or MIA in Indochina: Spec/5 Frances George Graziose, Army man lost in action in Northern South Vietnam, near Da Nang, January 10, 1970; Lt. Commander James R. Dennison, shot down over the South China Sea, January 1, 1968, while flying with the U.S. Navy; and Captain Bruce R. Archer, U.S.M.C., shot down over the Au Shau Valley, South Vietnam, March 29, 1968, and known to be a prisoner.

Our farewell to loved ones and friends at the airport terminal followed many wishes of good luck given us by those who came to say goodbye, and by countless others who helped in the long campaign, including those many generous fund contributors without whom the journey would not have been possible.

We were about twenty thousand feet over the Southern tier of New York when the next good luck wish was expressed to us. The public address system of our American airliner snapped on and the ship's captain acknowledged the presence of the delegation, saying a couple of the men flying this aircraft were former military pilots, and that their hearts went out to us.

That evening, in Pan American's Clipper Club room at New York's Kennedy International Airport, we were interviewed by reporters from the Associated Press and Agence France Press, both of whom no doubt were rather skeptical of the prospects for a successful trip, but who wished us the best. We would need all these good wishes, because there was to be nothing easy about this mission to Paris.

At nine-thirty, A.M., Paris time, our 747 jet had landed at Orly field. Less than thirty minutes later, we made our first contact with the Vietnamese Communist delegation to the Peace Talks. Nearly a hundred calls later, on Tuesday, April 27, the North Vietnamese agreed to give us an audience.

The six days intervening were filled with frustration and worry over the possibility of an unsuccessful mission. We had been prepared to use alternate means of getting the attention of the Vietnamese Communists, realising these would not have nearly the impact of a face-to-face meeting.

One of the major reasons for our success was the tireless effort of a young Frenchman who we will identify here as Jean, and of his friend, Christian. He and she, both fluent in English as in their native tongue, made all the contacts with the Vietnamese Communists, whose official language in Paris is French. Without the help of these very special people—who worked with and for us without pay—we probably would not have arrived at our goal. Their's was a labor of love.

And that is what really describes this mission to Paris. We had said, in cablegrams the week before to the Vietnamese Communist Peace Talk delegates, that we were coming to France not to carry on the war, but to deal with part of the tragedy of war. Our purpose was to ease the plight of Americans who had become prisoners of that war, and, hopefully, to end the anxiety experienced by so many of their families. We went on this mission, we said, in a spirit of goodwill. And, we had something new to propose that might be acceptable to the Vietnamese Communists, something which would give them a chance to prove their claim that P-O-W's are being treated humanely.

At exactly eleven o'clock, Paris time, Wednesday, April 28, we met with representatives of the government of North Vietnam.

THE MEETING

Number 2, rue Le Verrier, is the address of the Delegation General of North Vietnam. It is a typical large and old French home in the Montparnesse section of Paris. It is three stories tall, and is made of a reddish-brown stone. The structure is located on a corner, and all around it are security forces of the French government. We saw several uniformed police officers, and at least one grey-suited detective who winced as we told him he was rather obvious.

A woman we presumed to be French answered our ring at the door. "Cinq personnes?", she asked "Oui", said our interpreter, as he identified the Rochester delegation. In this case, he was referring to four of the upstate New Yorkers and himself. In those dozens of calls earlier he had been talking about the full Rochester group, of course. What had happened was that, in agreeing to the audience, the North Vietnamese, for reasons best known to them, said they would allow just five people, and our interpreter had to be one of them.

Mrs. DeWispelaere volunteered to relinquish her opportunity to be a participant, and later was to say that it didn't really matter, "as long as we were represented". Her unselfish act earned her the gratitude and admiration of all concerned. Each of us was deeply sorry she could not be present, and our hearts were heavy as we walked through the large wood door to the entranceway of this usually inaccessible place, and she had to remain outside.

We were ushered into a first-floor room about fifteen-by-twenty feet. It had a drawing room character. The walls were painted in light grey, there was a brown plush scatter rug on the floor, and U-shaped green velvet chairs were placed on either side in the center of the room toward the fireplace end. A couch of the same material and color was backed toward the hearth above which was a large mirror, framed in gold. There was a vase of artificial red roses by the mirror, and a grouping of white and grey marbletop cocktail tables between the chairs and couch. A big picture of Ho Chi Minh, founder of the Democratic Republic of Vietnam, as North Vietnam is officially called, looked down upon us. Sunlight came through a large curtained window.

Our group was introduced to two North Vietnamese men, the first and second secretaries of the Delegation General, Mr. Vo Van Sung. They were asked for their names, but they did not give them. These men were small in stature, one about forty, the other perhaps forty-five-ish, both dressed in dark grey or charcoal colored suits. They were diplomatically cordial, and business-like. They never once raised their voices for emphasis, nor did we. One of the North Vietnamese did virtually all the talking for his side. The other took some notes. Although Mr. Doremus sat next to this man, he was not able to ascertain what the notes were about.

The First Secretary, the man who was to do all the talking for the North Vietnamese, launched into a diatribe on the policies of President Nixon regarding the war, emphasizing the necessity of having these policies changed. He went on to say that nothing could be done about prisoners of war until all U-S troops are withdrawn from Indochina. He indicated prisoners would be released when such withdrawal takes place. We said that if this were true, Vietnamese Communist policy had not been made altogether clear in the United States, and we pursued the subject by asking the First Secretary if he meant by what he said that American prisoners would automatically gain their freedom upon total U-S troop withdrawal, or whether he meant that only discussion of prisoner release would follow such withdrawal. The First Secretary said Vietnamese Communist policy had been made public last year, apparently referring to the points contained in Madame Nguyen Thi Binh's statement of last fall. He thus confirmed our suspicion that what he meant by what he said was that only discussion was guaranteed by a full withdrawal of U-S forces.

The First Secretary said that, traditionally, the question of prisoners of war is settled only after a war has been concluded. He went to criticize the President again, declaring that Mr. Nixon has misled the American people and tried to deceive the Vietnamese Communists by insisting that he won't pull out all U-S troops until every American P-O-W has been released, "knowing he can always say there are still some prisoners being held."

The Rochester delegation asked about the treatment of prisoners of war, and the First Secretary responded by saying our men are being treated well. He produced printed folders showing pictures of some U-S servicemen captured, and containing other pictures and copy designed to show that while Americans are being treated well the reminders of American bombing and devastation from the air are all about North Vietnam. The folders were contained in a white envelope, and each of us received the package.

We questioned the First Secretary further about U–S prisoner of War conditions, mentioning, among other things, the availability of mail privileges. We were told that communication does exist, that packages and letters from P–O–W families are being received by the prisoners, and that they are allowed to write.

The First Secretary produced a book in which was outlined the dimensions of the infamous "Tiger cage" of South Vietnam, examined by some persistent U–S Congressmen last year on a trip to South Vietnam. He used this to illustrate his contention that there is reason for worry on the part of South Vietnamese Communists about the ways their prisoners are being treated. We suggested we were very much concerned about any inhumane treatment prisoners might receive at the hands of our allies, but that we thought except in rare cases—the "Tiger cages" being such an exception—treatment was in accordance with international standards. We pointed to the fact that we allow inspection of our camps for prisoners, and we asked why, if such worry exists on the part of his people, would this not be a commanding reason for prisoner exchange, thus relieving both sides of mutual anxiety?

The answer was evasive. We heard a repitition of the stand that only when the war had concluded could there be a release of prisoners.

Letters and petitions, such as the one hundred-seventeen thousand we had brought to Paris with us were unacceptable, said the First Secretary, because they were inspired by President Nixon. In other words, it was the President who was responsible for all this mail not the people who wrote.

We advised the North Vietnamese we were here not as representatives of President Nixon's policies, nor of those opposed to the President, but as free citizens concerned about the treatment of helpless prisoners of war, and concerned, too, about the families of these men. We did not come to discuss the politics of the war, but rather the humanity of Americans taken prisoner. The First Secretary said the issues are inseparable, that one depends upon the other.

Our delegation brought up the question of men missing in action. The First Secretary reached to the cocktail table in front of him for a printed list of the men the North Vietnamese claim to hold prisoners. He said the list is complete, these men whose names are written on it are all they know anything about. Was it possible, we asked, that men are being held prisoner in the jungles of South Vietnam but that poor communications and record keeping made the list less than complete? The answer was "No".

Couldn't there be published a list of the U.S. servicemen the Vietnamese Communists know to be dead? The First Secretary said that when planes go down in thick jungle or into deep bodies of water there is no trace of personnel. How about pilots and other crewmen who crash in urban or suburban areas, easily accessible? The answer was evasive, something about the fact, as the First Secretary put it, that this rarely happened and when it did explosion and fire made identification impossible. Even to the extent that dog tags were lost? Well, we don't have any such information. "Ask President Nixon about these men", said the First Secretary, "He sent them on their missions. He should know where they are."

Would these two, we inquired, accept a list of the five Rochester area men missing in action, to make one more check with their records in Hanoi, to be sure? The First Secretary said the list is complete, there was no reason to accept our list.

We asked if we might be permitted to leave with the North Vietnamese three sample letters from the thousands we brought to Paris. They said no, but we could, if we wished, have our interpreter quote from them. (The letters quoted were written by 12 year old Ronald Doescher, a sixth grade student at Klem Road School, Webster; Mrs. Malcolm D. Strong, wife of of a farmer on Benson Road in Victor, and William Nichthauser, a postal worker who lives on South Goodman Street in Rochester.) The reaction was no more than acknowledgment by the First and Second Secretaries that they understood what had been read to them.

The Rochester delegation asked about reports from some of the nine servicemen released by the North Vietnamese that U.S. prisoners of war are mistreated, abused, sometimes tortured, placed in solitary confinement. The First Secretary replied by alleging that these former prisoners who made such statements were told by our government to make them—for propaganda purposes. He said it "would be stupid for us to have released men who had been tortured or mistreated when their stories would reflect adversely on their captors." The First Secretary admitted there may have been some minor cases of mistreatment, but he said that in times of war such things are unavoidable. Inferring that at least some former P–O–W's were grateful for the treatment received, he tried to tell us that a released prisoner had visited the North Vietnamese delegation in Paris. Pressed on this point by several of us, the First Secretary guessed the man's name was Douglas. We were not able to secure any more information on this.

We asked why the nine men released by North Vietnam had been chosen. The answer was they were selected at random as a goodwill gesture, and there was no special reason for having picked those particular individuals.

Were the prisoners living in scattered sites or in a central location? The First and Second Secretaries said they didn't know. (Since this information was top secret, we of course would never be told about it even if these officials knew the answer. The question was not planned in advance, by the way.)

Would there likely be more goodwill prisoner releases before the war ends? "It is entirely up to President Nixon, and his policy on the war", was the reply.

We could sense that the time allocated by the North Vietnamese for this conference was about up, so we made our proposal for a new approach to relieving some of the anxiety of American families of P-O-W's. We proposed that, as a gesture of goodwill, and, more importantly, as a means of reassuring Americans, especially families of prisoners, that what the Vietnamese Communists say is true, that P-O-W's are being humanely treated, that a picture of each man they hold be taken and sent to their families in the United States. We would supply a camera and all the film necessary for that purpose.

The First Secretary said that there was no need for us to supply photo equipment, they had these things. But, he said, the proposal will be taken under consideration. He gave us reason to believe the idea would be communicated to his government for study.

The meeting concluded with mutual expressions of hope that the war would soon end, and that all prisoners could be returned to their homes. The First Secretary said he hoped the people of North Vietnam and Rochester could one day be friends.

Exactly one hour had passed. We had been offered cups of oriental tea, jasmin, we thought, and copies of the Vietnam Courier, a newspaper printed in English, and the little pamphlets mentioned earlier in this report.

Those with coats took them from an old fashioned rack on the stairway and we departed as we had come, through the front door. The sun was shining brightly for the first time in four days in Paris, and we somehow felt as we stood outside the Delegate General's quarters that this meeting, this whole campaign, just might have done some good.

We had done our best.

Mr. Speaker, the five members of this delegation—Mr. Warren Doremus, Mrs. Carol Bushart, Mrs. Josephine Christiano, Mrs. Florence DeWispelaere, and Mr. Mike Demma—will be in Washington on May 13, to discuss their experiences in closed session with interested Representatives and Senators, at 9:30 a.m., in room EF 100 of the Capitol. They will also hold a press conference at 11 a.m. in room 135 of the Cannon Building. I urge all interested Members to attend, as the group will discuss not only the meeting with the North Vietnamese but also the tedious process of arranging it.

AMERICAN PRISONERS OF WAR

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, as of today American men have been held as prisoners of war in Southeast Asia for 7 years and 40 days. Since Capt. Floyd Thompson was captured in South Vietnam on March 26, 1964, to become the first POW in Southeast Asia, more than 1,550 other American servicemen have joined the ranks of those listed as prisoners or missing in action.

During this time the North Vietnamese have consistently failed, or refused as the case may be, to abide by the Geneva Convention agreements signed by their Government, South Vietnam, the United States, and 123 other nations. The Convention requires participating nations to: First, permit inspections of prison facilities by impartial bodies like the Red Cross; second, immediately identify all prisoners; third, release the sick and wounded; fourth, provide adequate diet and medical care; fifth, refrain from subjugating prisoners to mental and physical duress or torture; and, sixth, allow free flow of mail between the prisoners and their families. None of these have been adhered to by the enemy in spite of repeated efforts by official and unofficial groups.

This charge of noncompliance was confirmed by Dr. Dang Tan, a former Communist Party official in North Vietnam, who defected 20 months ago and who was quoted in the May 11 edition of the Washington Post as saying the Communists usually put the prisoners on parade through the streets of Hanoi and other cities. In the same article Dr. Tan said:

> American POWs are subjected to all brutal interrogation methods which the North Vietnamese skillfully employ to extract information from them. This includes brainwashing and political indoctrination. It is the objective of the Central Committee policies to win over the minds of the American POWs.

Dr. Dang Tan further charged that:

> The Central Committee of North Vietnam considers that American POW's must be intensively exploited, both for strategic, intelligence, and propaganda purposes. The Ministry of Public Security and the Ministry of National Defense of North Vietnam compete with each other for the exploitation of American POW's.
>
> North Vietnam—

According to this defector—

> blatantly violates the International Geneva Convention of 1949 for the humane treatment of POW's by permitting other communist bloc countries, including the Soviet Union, Communist China, Cuba and others, to exploit the American POW's. This includes trying to take advantage of the families and friends of these POW's in the United States.

The President has announced, and rightly so, that there can be no total withdrawal from Vietnam until the release of these American POW's is assured. He has agreed to cooperate in an effort to enlist a neutral country to supervise the repatriation of the prisoners, but the Communists have rejected such a plan. A similar arrangement was made in World War II with Sweden.

Those who believe that North Vietnam would immediately release all POW's once the United States accomplishes total withdrawal should read and reread the words of Dr. Dang Tan, referred to previously, who said in Saigon that Hanoi will not release all the American prisoners "now or in the future" because:

> The Communists believe the POW's are very competent and will be useful to them in the future. They are trying to use their talents now . . . Those POW's will not have a chance to go home.

As I have said previously, the Congress must do everything within its power to assist the families of our prisoners of war and men missing in action as well as continue to explore every route to obtain just treatment and release for the servicemen themselves.

If those who demonstrated here in recent days want an honorable cause, let them call on Hanoi—since they seem to be on such intimate terms as evidenced by the Vietcong and North Vietnamese flags they carried—to release their fellow-countrymen who have languished in prison for 7 years and 40 days to guarantee and perpetuate human freedom and dignity around the world. But so long as those men remain enslaved, no one knows total freedom.

PRESIDENT NIXON'S NEW PROPOSALS TO BRING FISCAL RELIEF TO OUR STATES AND CITIES

The SPEAKER. Under a previous order of the House the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, in his state of the Union message more than 3 months ago, President Nixon outlined his new proposals to bring fiscal relief to our States and cities. Included in that message was the recommendation for a program of $5 billion in general revenue sharing with the States, a proposal which has evoked much discussion both here in the Congress and across the land.

Along with many of my colleagues, I have had certain reservations about this innovative legislation, and, for that matter, I am still not completely satisfied with this proposal. But after giving considerable thought to this problem, including numerous discussions with governors, mayors, and other municipal and local officials, I am satisfied that we have a very real fiscal crisis in our States and municipalities that is sweeping across this Nation—and that we must face up to it.

And while we here in the Congress grope about for solutions and alternatives, the financial crunch of the States grows progressively worse. I am convinced we cannot afford much further delay, and am, therefore, today joining as a cosponsor of the administration's revenue sharing bill because something must be done, and because I believe this to be a sound and workable approach.

We here in Washington have for years been compounding the burdens and responsibilities of our States and municipalities—now it is time for us to act and make accessible to those levels of government the resources commensurate with their responsibilities. I believe the President's revenue sharing proposal to be the best alternative available to achieve that urgent goal.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

In 1846 Elias Howe received a patent for the sewing machine that he had invented. At first he could not interest American manufacturers, but his machine eventually revolutionized the clothing industry in the United States.

MEET ARCHIE DAVIS

The SPEAKER. Under a previous order of the House the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, it is my privilege at this time to formally announce to my distinguished colleagues the election of Mr. Archie K. Davis, chairman of the board of the Wachovia Bank & Trust Co., in Winston-Salem, N.C., to the office of president of the Chamber of Commerce of the United States.

This is, of course, a very great honor for Mr. Davis, and it is also an honor for the people of the Fifth District of North Carolina, which Mr. Davis calls home.

As chairman of the board of the largest bank in the South Mr. Davis has ample experience and expertise to lead the national chamber of commerce through what promises to be one of its most exciting and progressive years.

In his new office as president of the chamber of commerce, Mr. Davis will come into increasingly greater contact with the Members of this House, giving them the benefit of the business community's position on the great issues facing the Nation, and also adding his own wisdom and leadership to those efforts.

To afford my colleagues the opportunity of getting better acquainted with Mr. Davis, I ask at this time permission to enter into today's RECORD an article entitled "Meet Archie Davis," which appeared in the May 3, 1971, edition of the U.S. Chamber of Commerce's Washington Report.

MEET ARCHIE DAVIS, 44TH PRESIDENT OF THE NATIONAL CHAMBER

The 44th President of the National Chamber is a Southern gentleman of the old school. But underneath his courtly demeanor there lies an imaginative, aggressive executive fully attuned to today's world.

As chairman of the board of the South's largest bank, Wachovia Bank and Trust in Winston-Salem, N. C., he is one of the prime movers of the New South . . . the modern, industrial, Twentieth Century South.

He joined Wachovia as a management trainee in 1932, after graduation from the University of North Carolina. At the time the bank had assets of about $47 million. Today, the parent company, Wachovia Corp., has assets of $2.3 billion. It is known throughout the United States for its innovative, competitive marketing techniques.

Mr. Davis is well equipped by experience to assume the heavy responsibilities of Chamber leadership.

He has been president of the American Bankers Association, has served two terms in the North Carolina Senate, has been a director of the Charlotte Branch of the Federal Reserve Bank of Richmond, and has been a vice president and member of the board of directors of both the National and Winston-Salem Chambers.

Mr. Davis also finds time to serve as president of the foundation which established the fabulous Research Triangle, connecting three of North Carolina's great universities, as chairman of the North Carolina Foundation of Church Related Colleges, and as a director of American Telephone and Telegraph Co., Southern Railway Co., Chatham Manufacturing Co., Sellers Dyeing Co., Jordan Spinning Co. and Royal Cotton Mills.

In addition to his banking prowess, Mr. Davis is known as one of the country's leading amateur experts on the Civil War. The walls of his office in the gleaming Wachovia tower are lined with mementoes of that conflict—many of them relating to banking and finance. There is a fascinating story connected with most of them, which Mr. Davis gladly relates with the hypnotic style of a born raconteur.

He is a dedicated member of the Moravian Church, and plays a baritone horn for the church band—a hobby he took up at the tender age of 45. He is also one of the best par-3 golfers in the country.

Mr. Davis traces his ancestry to a hardy band of Moravian pioneers, who originated in the area of present-day Czechoslovakia and in 1600 were driven from their homeland, eventually settling the Winston-Salem area in 1753.

Mr. Davis considers inflation the Number

One problem faced by the United States. He also strongly feels that "there needs to be more leadership at the local level. And there must be a rather dramatic step-up of activity in terms of our responsibility to the community we live in."

He intends to carry that message from one end of the country to the other in an extensive series of meetings, probably next fall. They will focus attention on the problems of the nation and how the business community believes they can be attacked.

Mr. Davis and his wife, Mary Louise, have four children:

Archie H. Davis is a vice president of rival Citizens and Southern National Bank in Savannah, Ga.

Haywood Davis is a reserve officer in the U.S. Marine Corps, now in graduate school at Columbia.

Thomas W. Davis IV is a junior at the University of North Carolina at Chapel Hill.

Louise Bahnson (Bonnie) Davis is also a graduate of North Carolina and lives in Atlanta.

PERTINENT OBSERVATIONS BY ED WIMMER

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, I will not take all the time I requested, but I do want to make available for the Members some very pertinent observations by Ed Wimmer of the National Federation of Independent Businesses, Inc., relative to our trade position and other areas of importance.

PERTINENT OBSERVATIONS BY ED WIMMER

This week, ladies and gentlemen, we are going to discuss the winning of World War II presently being won by our former military antagonists, and how, by winning, the entire world could suffer the worst ideological and economic disaster in the history of modern civilizations.

We make such a contention on the grounds that Japan dropped bombs on China in 1937 in order to more quickly expand her bulging need for markets; causing me to call for an embargo on U.S. shipment of war materials to Japan, and a boycott of Japanese goods, in a broadcast the following week. The appeal fell on deaf ears until the Roosevelt Administration halted the movement of war materiels in 1939, bringing on a hue and cry from those commercial interests who were affected, that F.D.R. was a "warmonger".

Madame Chiang Kaishek addressed Congress urging embargoes, and her appeals for aid to China met with widespread public favor, as Chinese girls stood on the corners with tin cups seeking money for medicine and bandages to care for the victims of our scrap iron being dropped from planes operating on U.S. high test gasoline.

We brought this out in broadcast after broadcast, and from platforms all over the nation, and we pointed to the trade expansionist programs of Hitler and Mussolini, in Europe, believing what we felt at the time was a dangerous program oriented to capturing markets through a frenzied support of ideologies which could lead only to a world-wide catastrophe.

The emblems of the Axis countries were buried by the Allies in World War II, but a new emblem—"FREE TRADE"—has emerged in their place, challenging American leadership and free enterprise wherever men and markets meet in open conflict, and we are not winning this TRADE WAR.

Let me read you what I said in a broadcast in March 1948 devoted to the early rise of Adolph Hitler, and I urge that you think of everything discussed at that time in relation to what is happening in the United States today:

Depression created the soil in which Nazism was spawned, for it had reduced more than 6,000,000 Germans, most of the middle class sector of German society, to abject poverty and hunger. Hitler made their condition his own, and he was able to appeal to the rich and to those who still clung to livelihood, convincing them they too would be the victims of even greater suffering if they failed to follow him, and he pointed to the economic breakdown that was taking place all over the world.

To succeed, the Nazis brought to the surface every means of terror, suspicion and racial prejudice that insecurity breeds, and which can be brought to bear on the disintegration of a whole society, while those who look on convince themselves such means would never succeed.

It did succeed because Hitler, like others before him, knew how to use the defects in a failing system, belaboring his cause by blasting capitalists and communists alike, each day consolidating his power through mass hysteria unparalleled in recorded history. He made the worker a serf, and the capitalist owner a manager ready to carry out whatever orders he might receive.

At this point let us depart from the ideological backdrop of Nazism to its planned takeover of markets by whatever methods found expedient, and, I repeat, Germany, Italy, and Japan in particular, are now capturing the markets they lost without firing a shot, and often with our own money.

The last line of that broadcast in 1948, read: The Nazis had to sell what they produced, and on their own terms, and their terms were domination. On no other basis could Nazism survive.

My friends, what will happen in this country if we breed enough insecurity through inability to consume and sell what we produce? If unemployment, inflation, taxes and welfare rolls swell to the bursting point because we have a domestic and foreign trade policy as ideologically unsound, and as economically and politically devoid of fundamentals as Japan's was in 1937? As Mussolini's was when he invaded Ethiopia? As Hitler's when he drove his tanks into Poland?

Japan had to have new markets for the goods her giant industrial combines were producing, and she refused to wait for peaceful development. She flooded our dime stores with junk that provided needed dollars to buy our scrap iron, which she poured on China. After that it was Pearl Harbor—matching the holocausts of Europe, and now they use different weapons as do the Germans and Italians to overcome us, as do the British, French and some 40 other peoples. Yet the only goods we can sell them are goods they cannot produce, or goods we subsidize . . . as we increase our unemployment rolls, close our factories, destroy hundreds of thousands of family farms, and as we watch one American company after another move from our shores to foreign shores, there to hire child labor (which we have outlawed), and operate under tax burdens and wage overheads so far below our own—against which corporations located in America cannot compete.

Congressman John Dent (Pa.), with head bloody from butting it against the iron walls of a tariff policy stacked against every man, woman, and child in this nation, recently reiterated his charge that the real war going on today is a trade war containing the most dire consequences. The fiery advocate of trade that is both fair and free to all, told his colleagues:

"I was in a foreign country a few weeks ago where baseballs were being made to sell in America for about $3.75. I could buy them in a shop in that country for 26¢. The workers in the factory received $1 a day for men, 75¢ for women. These people were the descendents of the slaves bought from Southern plantations in America and shipped to that country, which they have populated. In other words, we finally abolished slavery in America, but now we support it in slave-wage countries.

"More than 140,000 steel workers in the U.S. have lost their jobs, and for every job lost, three others in other fields are lost. I know of three more prominent steel companies that will be forced to close their doors if tariff relief isn't forthcoming in the steel industry. In 1958, 3/10 of 1% of steel consumption in the U.S. was imported. In 1970 it had jumped to 70%. In Japan, steel is a joint effort of huge Japanese industries and the government, which industry we subsidized and are still paying taxes to cover those subsidies.

"Specialty steel products represented 1.1% of American consumption in 1969, jumping to nearly 71% this year."

He blasted a policy that has allowed "36 out of 41 glass plants in the U.S. to close" before the Tariff Commission recognized the need of relief for both. He told about his experience in New Hampshire where a ball bearing plant was closed, letting out a hundred workers permanently. He said:

"The day is coming when this nation will be incapable of having any kind of prosperity industrially, and in time of war, we would have no way of staving off defeat."

Congressman Joseph Gaydos, a fellow Pennsylvanian, interrupted Mr. Dent to interject figures showing indisputable loss of 50,000 jobs in the specialty tool industry, and like many of his fellow members of the House, and a number on the Senate side, he backed the continuous flow of arguments we have made over this microphone, that American dollars pouring into low wage countries are not raising the living standards of the people, are not providing them with enough purchasing power to buy any of our high-cost production, agricultural products—nothing, unless they are subsidized by American tax dollars.

When I was in New Hampshire recently, I found the state broke, and I reminded audiences of what their Congressman, James Cleveland, had told them in 1966, that shoes, textiles—every kind of business New Hampshire depended upon—would go to foreign countries. He had agreed with our position, as Mr. Dent has sounded off so often; that the State Department and not the President or the Congress or the Tariff Commission, is in control of the foreign trade policy of this country, and that it is a policy of disaster.

In 1967, I quoted Charles Jonas, Congressman from North Carolina, who predicted "bankruptcy for textile mills whatever their size, on a wholesale scale," and it has happened. Close-downs of dish, plastic, machine tool, toy, camera, watch, plyboard, shoe and other companies, are necessitating a vast relief program which is all we are now hearing about as an answer to our staggering unemployment and welfare problems.

During the debate on the floor of the House from which I have been quoting, Congressman James Burke (Mass.) recited a fruitless search for an American made baseball glove. He spoke of six-year-old children standing on boxes packing transistors for 6¢ an hour. I had listened earlier to Senator Edward Kennedy (Mass.) plead for $200 million to retrain some of the 110,000 scientists and engineers who are out of work, and I read in a Boston paper that the city has something like 13% of its population drawing some kind of welfare.

This story could go on and on, but re-

> maining time this week permits me to add only this from Mr. Dent:
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> "The worker who makes $5.20 an hour, and who wants to buy a shirt made in Hong Kong by a worker paid 17¢, is dishonest, because the shirt worker in this country, making $2.40 an hour, is entitled to his living. When Herbert Hoover was President, I nailed him to the cross, but now I apologize to Mr. Hoover. He didn't have 13 million drawing relief, 11 million being fed through military services, 26 million drawing social security, and 10 million fully secured in various governments. He was a great manager in comparison to what we are getting today. . . . Maybe my father was right when he told me that too much free education gives you people who are pretty darn dumb."
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> The charge was made in the beginning of this broadcast that the people who were our military enemies in World War II are now their worst enemies, and our enemies today in a death struggle of what could be a life struggle for a free and fair exchange of goods and services between all nations, on a fair wage, fair price, fair profit basis, which is the only basis upon which domestic prosperity with freedom can exist anywhere in the world.
>
> No country can pay farmers 67% of parity and keep families on the farm, but this we are trying to do. We can't buy 30 million pairs of shoes from low wage foreign factories and not put American shoe workers and factory owners on relief, but this we are doing, and doing ourselves in in the process. The story is the same whatever the product, whatever the state.
>
> It is such a big subject that the surface cannot be scratched in such limited time as that at my disposal, but if you haven't thought about depression and trade expansion as basic to World War II, or how both Allies and former Axis powers are dependent upon a healthy U.S. market, maybe what has been said will make you see that no trade is good trade that isn't fair trade.

At this time, Mr. Speaker, I would like to quote from a letter sent to me from R. S. Ahlbrandt, president, Allegheny Ludlum:

> While Japanese specialty steel imports keep pouring in, in violation of the limitation arrangement, American industry erodes—in profit, jobs, and planning for the future. You and your colleagues in the Pennsylvania delegation and those from other steel community centers throughout the nation are urged to organize in support of ebbing the flow of specialty steel imports, which are seriously damaging your constituencies—as we have discussed.

According to the Wall Street Journal, Allegheny Ludlum's earnings dropped, in the first quarter of this year, to 38 percent less than the corresponding quarter last year. The same article points out Allegheny Ludlum's profit was $3.9 million as compared to a profit of $6.4 million a year earlier. Mr. Ahlbrant attributed this loss to a decline in sales resulting from the slow recovery of the general economy, as well as:

> The continued adverse effect caused by excessive foreign imports of specialty steel.

Latrobe Steel, Latrobe, Pa., reported a first quarter loss, also. Their sales were down to $9,957,000 from $12,855,000 for a like period in 1970. The firm had a first quarter loss of $542,000, compared to earnings of $48,000 for the initial quarter last year. Marcus W. Saxman III, president of Latrobe Steel, told the shareholders meeting the disappointing earnings were the result of continued influx of specialty steel imports.

Mr. Speaker, I thought the Members of Congress would be interested in the following excerpts from a letter Mr. Ahlbrandt sent to the President, a copy of which was sent to me:

> I refer, Mr. President, to the rapidly rising imports of stainless and tool steels which accounted for approximately 22% of apparent U.S. consumption in 1970, and which continue to increase in 1971 from 1970 levels. Our industry is in the unenviable position of having experienced the worst raw materials cost inflation in two decades, while at the same time losing almost one quarter of our domestic market to foreign specialty steel producers. In certain of our most important product lines, imports now account for a disastrous share of our domestic market, i.e., 34% in stainless cold rolled sheets; 60% to 65% in stainless wire rod and cold drawn wire; and 16% in tool steel. Because of their labor cost advantages and government incentives to export, foreign producers are selling these products in our markets at discounts of 18% to more than 50% of our published prices.
>
> As a result, Mr. President, the stainless and tool steel producers of this country are currently operating many of their most important plant facilities at a loss. If relief from current levels of import penetration are not forthcoming almost immediately, some of these plans may be closed. The consequent loss of jobs in areas where these plants are located will severely impair economic recovery in those areas, already adversely impacted by imports.
>
> The combined impact of excessive imports of specialty steels and government policies affecting certain critical materials vital to our industry already has placed the security and defense of the United States in a precarious position.
>
> We very much appreciate the decision you made, Mr. President, to press for the extension and improvement of the export restraints announced in January 1969 by European and Japanese steel producers. Through the efforts of our Government, a Voluntary Limitation Arrangement was negotiated with the Japanese and Western European Steel Community and became effective in January 1969. This Arrangement included a rollback of the 1968 rate of steel imports from those nations amounting to a 22% reduction as a base for the year 1969. It further provided for a 5% growth factor for the subsequent two years, through 1971.
>
> "Resarch conducted by specialty steel companies and paid for out of company funds, not by Government grants, has been responsible for the development of materials for the jet engine and gas turbine; for hardware for the aerospace industry; commercial wrought uranium and zirconium for the nuclear age; titanium; exotic electronic materials and many other lightweight, high strength, corrosion resistant materials.
>
> "Unless we can hold our ability to maintain up-to-date production and research facilities, we believe irreparable damage will occur to the specialty steel industry, essential as it is to our economy, national defense, and security. Our nation must maintain an adequate level of self-sufficiency in specialty metals, not only in production and supply capability, but also in a contemporary reserve of research technology, skilled management, and a skilled and experienced labor force.
>
> "Accordingly, Mr. President, we urgently request an opportunity to meet with you to discuss steps which may be taken to effect an improvement in the specialty steel import situation. We are most grateful to the highly competent officials of the Department of State for their appreciation of this problem and for the considerable efforts they have undertaken to obtain improvement in the specialty steel situation while negotiating for an extension of the arrangement.
>
> "We are concerned, however, that unless foreign steel producers know that this Administration at the highest level expects a successful outcome of these negotiations, only token measures of improvement will occur.

I respectfully request, Mr. Speaker, that serious consideration be given to my proposal to protect the base of minimum wage and hour laws, when it appears on the floor by giving the President and Secretary of Labor direct action on any import product that eliminates American jobs. This could be accomplished by using as a base for wage equality the minimum wage standards of the United States.

PERSONAL FINANCIAL DISCLOSURE

The SPEAKER. Under a previous order of the House the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, today, I am placing in the RECORD a statement of my personal financial condition covering calendar year 1970. This follows a practice I first adopted in 1963 and repeated in each succeeding year. In doing this, I would like to reiterate briefly the comments I made in the past to the House and in reports to constituents of Wisconsin's Second Congressional District which I represent.

Members of Congress and holders of high elective office in general should make periodic public disclosures of personal finances as a matter of course. Such reports of outside income and interests are needed to provide the public with information that will enable them to assess whether their elected representatives' personal holdings have affected, in any way, the performance of their public trust.

Presently, House Members are required to make a limited financial disclosure report. While part of the report is made available for public inspection, a more detailed section remains confidential in a sealed envelope to be held from public scrutiny and can be opened only by a majority vote of the House Committee on Standards of Official Conduct.

If conflicts of interest by elected officials are to be avoided, however, and the integrity of Congress upheld, both Houses of the Congress must adopt a standing rule providing for a public disclosure, made periodically, of all outside financial interests and income for all Members. Thus, I introduced, today, legislation requiring a complete public disclosure annually of all sources of income for Members of Congress. In addition, this measure would require the same of members of the federal judiciary and certain employees of the executive branch of the Government.

Mr. Speaker, a report of my personal financial condition follows:

STATEMENT OF FINANCIAL CONDITION,
DEC. 31, 1970

Cash on account with the Sergeant at Arms Bank, House of Representatives	$1,502.40
Riggs National Bank, Washington, D.C. checking account	7.10
Securities:	
Cash proceeds	4,711.81
Banister Continental—100 shares, $8\frac{3}{8}$	837.50
Solitron Devices—100 shares	1,237.50
Residential real estate:	
House, Arlington, Va. (assessed value)	69,650.00
Less mortgage	44,134.29
Equity	25,515.71
Household goods and miscellaneous personality	4,800.00
Miscellaneous assets: Deposits with U.S. civil service retirement fund through Dec. 31, 1971, available only in accordance with applicable laws and regulations	26,543.40
Cash surrender value of life insurance policies:	
On the life of Robert W. Kastenmeir	None
On the life of Dorothy C. Kastenmeier	544.00
Automobiles:	
1963 Oldsmobile	550.00
1965 Chevrolet	550.00
Total assets	66,799.42
Liabilities	None
Net	66,799.42
Income for calendar year 1970, excluding congressional salary and expenses:	
Gain, sale of stocks (2)	350.68
Reynolds Metals	(199.32)
Horizon Corp	550.00
Speaking honorariums	160.00
Stock dividends (2):	
Reynolds Metals	55.00
Solitron Devices	6.00
	571.68
Gain, on sale of old residence—deferred—applied to new residence	(8,260.20)

THE ARMY'S RACIST PROGRAM TO COMBAT RACISM

The SPEAKER. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the U.S. Army is now committed to a mission of self-destruction by shadowboxing against nature—the elimination of racism—as a military objective. Obviously trying to adhere to liberal directives which are already responsible for the breakdown in discipline, the Army is now a training arm to attain its "goal of equality" instead of fulfilling its mission to constitute a fighting force.

The same potential soldiers who are forbidden to have the enemy identified, and who are refused the right of being taught the horrors of communism—many former military men will recall the action taken to forbid the Operation Pro-Blue program of Gen. Edwin Walker, U.S. Army, resigned—are now to be indoctrinated in brotherhood and race relations. In fact, one of the Army's training films; that is, MF 16–5608, is entitled "Brotherhood of Man."

A review of the Army's race relations program as contained in "Commanders Call—Support Materials," DA PAM 360–805, for the fourth quarter of fiscal year 1971, indicates that the thrust of the program is not equality or to better race relations but rather to promote white inferiority. For example, the concept outlined for the Army film, "The Black Soldier" contains these seven points:

> ### CONCEPTS
>
> 1. Black soldiers have been fighting in defense of their country from the Revolutionary War to the present day.
> 2. Nearly one-sixth of the total colonial army was black.
> 3. The Civil War concerned itself with slavery, and many black men—186,000 according to some authorities—fought on the side of the Union Army.
> 4. When the Civil War ended, nearly 12,000 black veterans went to the western frontiers to fight the Indians and to advance the settlement of the West.
> 5. One of the outstanding regiments of World War I was the all-black 369th Regiment of the 93d Division.
> 6. In Vietnam there are many thousands of black fighting men.
> 7. While the black man as a soldier is given little space in the history books of our country, his valor is well documented.

Many experienced military men will immediately recognize that this hardsell is black supremacy since the trainee soldier is not told the truth about the Revolutionary War nor even about all Negro military units from previous wars which were retired from the frontlines in disgrace.

If the Army were committed to equality, it should be as interested in informing our fighting men of the failures as well as the achievements of black soldiers.

Further, from the "Commanders Call" under the race relations program structure is found a list of subjects to be most often discussed in race relations seminars. Judging from the context, it is easy to see that the white soldier will be brainwashed to think that he is of an inferior group. The ultimate effect on the white soldier will be to destroy his aggressiveness and initiative as an individual soldier.

The "Commanders Call" contains this passage in its preface:

> The Command Information Program is based on the plan that a soldier performs best when he understands why he is required to serve and believes firmly in the importance of the cause.

From the same preface is the remarks of a former chief of information who said that he would "rather lead into battle 10 men who knew why they were fighting than 10,000 who did not."

While the preface to the "Commanders Call" sets forth a basic code for any competent military commander, it contradicts the race relations myth which at best lurks as a subterfuge to hamper the training and discipline of an effective fighting force or an excuse to cover up the shortcoming of the new breed of military commanders.

Apparently the new Army will not be training fighting men because the officers will be too committed to solving race problems to train troops for the mission to defend the United States.

In striving to overcome man's natural differences through programs which emphasize the black man, the Army in actuality is promoting racism.

> ### BETTER COMMUNICATIONS—BETTER RACE RELATIONS
>
> #### COMMUNICATIONS AND RACE RELATIONS
>
> Many commanders are concerned with finding ways to improve race relations in their commands. Many innovations are being tried, some successfully and others not so successfully, as commanders seek to fulfill their responsibilities in insuring that all soldiers receive equal treatment.
>
> Those programs that have most successfully eased racial tensions in various commands have had one common feature: each sought first to improve communications between black and white soldiers.
>
> Communication is the first step toward establishing understanding between soldiers of different races—and it must be a continuing process.
>
> The purpose of this Officers' Call is to discuss several race relations programs that have been effective. The examples may serve as a basis for evaluating your programs and may furnish ideas for improvement.
>
> #### RACE RELATIONS AND YOUR MISSION
>
> As an Army leader, your primary concern must be to prepare your unit to carry out its combat mission.
>
> A key ingredient of combat effectiveness is a spirit of unity and trust among men of a unit. Racially induced friction and tensions are factors which can adversely affect the unity and trust and thus the combat effectiveness of your unit.
>
> There is a racial problem within the Army. To some extent it is a reflection of the racial problems which confront our society. You as a leader must come to grips with this problem just as you must deal with other leadership problems which might detract from the combat effectiveness of your unit. To meet this responsibility, you must understand the nature of the racial problem, its causes and effects and how to deal with it.
>
> #### THE CHIEF OF STAFF ON RACE RELATIONS
>
> The following remarks are excerpted from an address delivered by General William C. Westmoreland, Chief of Staff, US Army, at the Army-wide Race Relations Conference at Fort Monroe, Virginia, 17–20 November 1970. His remarks define the Army's race relations problem, outline responsibilities and suggest actions that may be taken to improve communications and race relations.
>
> The Army can ill afford to be complacent—we cannot rest on past accomplishments no matter how good our record is.
>
> In a message to all Army personnel in October of 1969, I reaffirmed the Army's commitment to the goal of equality and outlined the leadership aspects of good race relations. Additionally, necessary steps were taken to put new life into the equal opportunity program with specific and practical plans of action. One of the major projects was the equal opportunity seminar program conducted by CONARC. This was conducted during the period December 1969 to February 1970.
>
> I was impressed with the results of this project and pleased to see that commanders throughout the Army at their own initiative had conducted similar seminars.
>
> In a seminar atmosphere much can be learned of the rights, beliefs and aspirations of others. These seminars have served as an effective tool to provide us a feedback on what the pulse of race relations really is. . . . Our goal is to eliminate every vestige

of discrimination that affects the American soldier and his dependents.

Acts of discrimination or discourtesy to men whom we ask to accept the full burden and risk of military service are a tragedy. They cannot and they will not be tolerated.

I am convinced that problems of this nature can only be solved through sustained interest and action at all levels within the chain of command.

All commanders have a continuing responsibility to foster equal treatment for all soldiers. All soldiers have a responsibility to conduct themselves in accordance with accepted military standards. Special treatment is not sought but equal treatment without prejudice is mandatory.

My review of reports and my own personal observations indicate that problems often result not so much from what the stated policies are but what the soldiers believe them to be. The simple truth is that no two people see things exactly alike. If a person believes that discrimination exists, then the consequences are of concern to us.

Communications between commanders and their soldiers must be improved—and this most certainly is a command responsibility. Commanders must take advantage of conferences, seminars, councils, Command Information, personal contact and every other means at their disposal.

In this regard, an announced open door policy is worthless if some insensitive subordinate never allows the soldier to get to the door much less in the door.

I firmly believe that the best open door policy is one where the commander walks through the barracks, visits the place frequented by the troops off-duty and sees for himself firsthand what is going on among his troops and talks to them informally.

Commanders must become more sensitive to the many forms that prejudice takes to become aware of those things that are offensive to soldiers. A commander who boasts that prejudice does not exist in his unit may be ignoring the problem or unaware of reality—and recognizing the problem is a forward step toward its solution.

It is difficult to solve a problem if you do not clearly understand what it is.

In addition to removing discriminatory practices within the command, I expect commanders to use all of their resources to promote equal treatment of military personnel and their dependents. Attitudes of citizens in the local community have significant impact on racial tensions on the military reservation. When discrimination is directed against minority group soldiers, bitter resentment is likely to be magnified and this resentment can adversely affect morale and discipline.

Every soldier must know and believe that Army leadership is dedicated to insuring that all personnel are treated without bias.

Leaders, especially at lower levels, must not attempt to hide the presence of racial problems. Instead they should be encouraged to surface their problems and seek assistance in preventing disorders before they occur. The old adage, "An ounce of prevention is worth a pound of cure," is most appropriate in their regard.

We must prevent overt disorders and the only way I know to do this is to correct any policies or procedures that may lead to unnecessary friction between elements within our ranks.

Everyone in the Army in a position of leadership must work harder, address his energies and his wisdom and his intelligence to recognition of the problem and toward building the soldier's dignity and self-esteem.

At the same time, the soldier must be developed as a member of the team—as a member of an efficient military unit.

The Army's traditional standards of discipline and performance cannot and will not be compromised.

I am confident that the leadership of the Army is up to the challenge but awareness and fairness are required as never before: With the attitude of the youths who are our soldiers, the burden of proof that the Army is aware and that the Army is fair is on the backs of the leadership.

How well we solve the problems . . . will in large measure determine the quality of our Army in the foreseeable future.

HOW SOME COMMANDS HAVE IMPROVED RACE RELATIONS

Seminars are an effective tool for learning what soldiers think about race relations in their units. Most commanders who have an active race relations program have used the seminar or a variation of it. One such commander is Major General Orwin Talbott, Commanding General, US Army Infantry Center, Fort Benning, Georgia.

THE FORT BENNING RACE RELATIONS PROGRAM

Secretary of the Army Stanley R. Resor referred to the Fort Benning race relations program in a recent address at the Infantry School:

"To deal with one of the problems [race relations] I mentioned, in the past year General Talbott set up a Race Relations Coordinating Group with a full-time staff, and an 18-member Race Relations Advisory Council. Young officers and enlisted men have very responsible roles in these programs. Racial seminars have been established on a continuing basis for all units, and monitored to make sure they are given full attention and support."

The Fort Benning program encompasses not only all of the on-post units and activities but groups and activities in nearby civilian communities as well. The program is organized around two basic groups—the Race Relations Council and the Race Relations Coordinating Group.

RACE RELATIONS ADVISORY COUNCIL

This group of 18 persons was appointed by the commanding general to review the command's race relations effort and to suggest ways to increase its effectiveness. Each unit on-post is represented by members ranging from private (draftee) to colonel. The race relations council meets at least once quarterly and is chaired by the Fort Benning Director of Personnel. The commanding general often attends council meetings.

The Advisory Council evaluates ideas and concepts that have been recommended and judges the effectiveness of existing race relations projects. Because members represent a cross section of the post population, the commander can listen to what his troops have to say about race relations at Fort Benning. It also serves as a check and balance for the Race Relations Coordinating Group.

RACE RELATIONS COORDINATING GROUP (RRCG)

This 5-member group is the only full-time working unit of the Fort Benning program, and is supervised by the installation Equal Opportunity Officer.

There are several prerequisites to appointment to the RRCG. Each member must have had training or professional experience in dealing with human relations problems. He also must demonstrate a sensitivity to race relations problems, be compatible with the other members of the RRCG and he must volunteer for membership. Of the five members of the RRCG, all are college graduates, one has a master's degree in race relations, three were in civil rights activist groups as students, three are commissioned officers and two enlisted. Three of the members are black and two are white.

The purpose of the RRCG is to help plan and conduct race relations seminars. This includes training unit moderators, recommending films, slides or other audio-visual aids and arranging the appearances of seminar speakers. The RRCG also conducts special studies and surveys of race relations problems. For instance, the RRCG determined by survey which additional black oriented items black soldiers wanted stocked in PXs and commissaries and reported on black soldiers' perceptions of military justice at Fort Benning.

The RRCG works under the supervision of the Equal Opportunity Officer in the Office of the Director of Personnel and Community Activities, but has direct access to the commanding general. It meets with the commanding general on an average of once a month to discuss the racial situation at Fort Benning.

The RRCG members range in grade from PFC to captain and each member is stabilized in the assignment for up to 18 months.

The Fort Benning commanding general knows personally each member of the RRCG. He regards each of them as his personal representative and listens to them.

The primary focus of the Fort Benning race relations program is the seminar, the purposes of which are to: establish and improve communications between soldiers of different races; identify causes of racial tension; and elicit recommendations for improving race relations.

There is no way of forecasting whether or not a seminar will be productive; however, it was found at Fort Benning and at other installations that they are the best means of airing complaints and encouraging discussions between black and white soldiers. Seminars are not considered to be the answer to problems, but rather as the first step in improving relations.

Race relations seminars must be integrated into an overall plan if they are to be productive. It may be harmful to the command to deliberately exacerbate fears, myths and frustrations if no action follows to make changes where necessary and explain the reasons for policies and practices that cannot be changed.

The follow-up phase, during which action is taken in response to the knowledge and understanding gained in the seminars, is the key step toward reducing tensions.

RACE RELATIONS AND PROGRAM STRUCTURE

Fort Benning units down to but not including companies are required to conduct periodic race relations seminars. Although not mandatory, several companies also conduct seminars. Brigades are required to conduct at least one seminar each quarter and battalions must conduct two each month. Generally, at least 20 persons participate in each large unit seminar. This is considered the minimum number for a valid cross section of views and attitudes within the unit and for the greatest benefits from the exchange of ideas.

RACE RELATIONS SEMINARS

Race relations seminars are conducted at three command levels at Fort Benning:

Small unit seminars

These seminars, conducted by company or smaller units, usually are attended by from 15 to 60 persons. A RRCG member attends most small unit seminars to assist the moderator and answer questions on the installation's race relations policy and programs.

Battalion seminars

The entire battalion may attend battalion seminars. They usually are conducted by battalion commanders. Discussion is started by a panel of 4–6 persons making introductory comments on the situation in the Army, at Fort Benning, and in society in general, or by special material such as films, slides, or recordings. Then the audience is invited to enter the discussion. Questions may be directed to the battalion commander, or opinions and beliefs may be voiced. If a seminar is productive it may be continued during an afternoon or evening session. Better feedback has resulted from battalion seminars than from those at any other level.

Command and staff seminar

This third type of seminar was started as a means of insuring that all commanders understand race relations policies. It is attended by battalion and brigade commanders and either the commanding general or his staff representative. Discussions at command and staff seminars cover the same topics as those discussed at unit seminars. The important difference, however, is that those commanders attending the command and staff seminar can establish or make changes in policies as recommended at unit seminars. Others who regularly attend these seminars are RRCG members, the Equal Opportunity Officer, and selected persons from the Office of the Director of Personnel and Community Activities (DPCA) and the Mental Health Clinic. Command and Staff Seminars have been highly successful in sensitizing commanders to racial issues and sharpening their perceptions of the racial situation in the Army.

THE RRCG AND COMMUNITY RELATIONS

The Race Relations Coordinating Group also serves as contact for civilian groups in the Fort Benning area that are devoted to improving race relations. The RRCG cooperated with the National Conference of Christians and Jews and the National Alliance of Businessmen to organize and conduct an equal opportunity seminar for more than 100 local businessmen.

A human relations board, organized by a local church, worked closely with the RRCG to investigate and seek solutions to race relations problems in adjoining areas. Members of the RRCG, along with persons from the on-post Mental Health Clinic, do volunteer work at the Open Door Community Service, a social service facility in the local community.

THE POINT IS—COMMUNICATE

The Fort Benning Race Relations Program is described here because it is well organized, flexible and imaginative—and it works. It was deliberately structured to be highly visible in the hope that soldiers will believe that their commander is committed to improving race relations at Fort Benning and in surrounding communities.

It is not, however, the only on-going race relations program. For example, the US Army Materiel Command, Europe has "Sound Off," through which soldiers, civilians, employees and dependents may communicate with the commanding general via preaddressed forms that are available throughout the command. All correspondence is answered by the commanding general.

Other commands, such as US Army Europe and Seventh Army, provide broad guidance and permit local commanders to choose the method best suited to their needs.

SUBJECTS MOST OFTEN DISCUSSED IN RACE RELATIONS SEMINARS

The following is a list of situations, problems and beliefs that have been discussed frequently during Army race relations seminars.

Young black soldiers are angry, impatient, sensitive to discrimination, frustrated and proud of being black. They see the afro haircut and clenched fist black power salute as symbols of racial solidarity and pride, while white soldiers see them as symbols of revolt and militancy.

Minority group soldiers question the fairness of the promotion system and the administration of non-judicial punishment (Article 15). They feel that they are discriminated against in that white soldiers get better assignments and preference in promotion. They also believe that they receive more severe punishment under Article 15 than do white soldiers for similar offenses.

Discriminatory practices in off-post bars and entertainment centers foster polarization and contribute to racial tension.

Some PXs do not stock a complete line of black cosmetics and grooming aids. White barbers and beauticians at some installations claim not to know how to cut or style Negro hair. Black entertainers and soul music are almost never featured in some military clubs. Many black soldiers view these situations as proof that the Army condones racism and prejudice.

Racial epithets directed to minority group soldiers are fighting words. The term "boy," when used by a white, makes most blacks bristle. "Colored" will cause resentment more often than not. Such terms as "nigger," "spade," "shine," and "coon" will almost always trigger extreme reactions by young black soldiers. Most black people may not resent the term "Negro" except when it is slurred to "Nigra." However, "black" is the "in" term and is preferred by almost all young black soldiers. In the same way, persons of other races and nationalities usually resent such derogatory terms as "honky," "dago," "kike," "polack," and "greaser."

Senior officers and NCOs seldom believe that racial problems exist in their units. Junior officers and NCOs who are close to the problem find it difficult to communicate a sense of urgency about racial unrest and discontent to senior personnel in the chain of command. Many senior officers do not get out among the troops and talk to them and therefore lack sensitivity.

Leadership shortcomings (immaturity and inexperience) of junior officers and NCOs contribute to racial tension within units.

Many black soldiers express the opinion that white leaders lack understanding and sensitivity about the background and aspirations of black soldiers. In this respect, white leaders interpret some of the black soldiers' attitudes as disrespectful or insubordinate; black literature is considered subversive and finding this type of literature in wall lockers immediately labels the owner as a militant.

Prescribed ways of seeking redress of grievances are considered to be bureaucratic and outdated. The "Inspector General" and "Open Door Policy" are consistently criticized

"Abstentee-landlord syndrome" concerns the fact that NCOs in charge of barracks invariably live outside the unit area. Living arrangements in the barracks sometimes result in black and white privates letting off steam by provoking racial incidents.

Black soldiers seldom are depicted in training films, posters, Army newspapers or in military heritage presentations.

There are too few Negro officers at all levels. Young black soldiers view this as proof that the Army deliberately holds down Negroes.

Because many Spanish-speaking men have only limited knowledge of the English language, they often are accused of shirking and deliberately not carrying out orders when in fact they may not have understood what was required of them.

SOMETHING ABOUT COMMUNICATING

It has been said that listening is a lost art and most of us remain silent while the other person talks only because we are planning what to say next. Such intellectual jousting is a roadblock to real communication. It is doubtful that any communication results when the ostensible reason for conducting seminars is to advise, criticize, moralize, sympathize or accuse. Commanders must practice *active listening* if seminars, rap sessions, discussion groups or individual counseling sessions are to be productive. Active listening means hearing not only the words but the feelings behind them and feeding back responses that are both intellectually on target and emotionally in tune. Regardless of which method is used, its success or failure should not be judged too hastily. Depending on the makeups of persons in a unit, current conditions and other factors, establishing good communication can be a most elusive goal.

CONDUCTING SEMINARS

Commanders and discussion leaders must enter each seminar prepared to encounter extremes of emotions, complaints, allegations and recommendations. The experiences of many commanders who have conducted successful seminars point to several guidelines for increasing the likelihood of their being productive.

Commanders must be knowledgeable. Not only must they be knowledgeable on the topic being discussed, commanders must also know their men. Personnel records, day-to-day contact, consulting supervisors—all will yield valuable information on the makeup of individual soldiers. Commanders should be familiar with: the backgrounds of slavery, segregation and discrimination in the United States, the history of black Americans, and our Nation's progress toward eliminating inequality of treatment because of race. They should be particularly familiar with the role of the military in eliminating segregation and discrimination. In addition to historical references, commanders should read those books that are popular with young minority group soldiers. For example, the books "Autobiography of Malcolm X" and "Soul on Ice" are familiar to most young black soldiers, and express many of their feelings and attitudes. All Army libraries have lists of contemporary books by and about black Americans.

Commanders must be sincere. Soldiers generally are reluctant to talk freely on race relations unless they believe their commander wishes to communicate rather than merely go through the motions. Soldiers will quickly detect any commander's lack of sincerity. Commanders must be familiar with and committed to implementing equal opportunity policies and communicate this to their soldiers. Soldiers must believe that the commander is trying to empathize rather than manipulate.

Seminar participants must feel free to express themselves. Ideas will be expressed freely only in atmospheres of mutual trust and candor. All points of view must be aired but no group should be allowed to monopolize discussions or "mount the soapbox."

Seminars must be planned and controlled. Commanders, moderators or discussion leaders must be able to guide the exchange of ideas subtly and unobtrusively. They must project the image of knowledgeable, fair, neutral and calm but firm mediators. They must avoid projecting arbitrary or dictatorial attitudes. The aim should be to encourage maximum expression and guide discussions toward consensus, conclusions or understandings. Seminars must not be allowed to deteriorate into open ended gripe sessions. Participants should be encouraged to recommend solutions to the problems they raise.

All participants must have the opportunity to be heard. An articulate few will dominate seminars unless other soldiers who are less willing to speak out are skillfully drawn into discussions. Leaders should always have several prepared questions for this purpose.

Keep the purpose in mind. There is an ever present danger that participants in race relations seminars may become so emotionally involved that the net effect is negative. This probability will be greatly reduced, however, if discussion leaders continuously guide the discussions toward establishing facts and solving problems.

Unit personnel assigned to plan and conduct seminars should be supported with funds, facilities and the full and visible cooperation of commanders. They should be permitted to prepare for seminars during duty hours.

Two New Race Relations Films: AFIF-203, Black and White—Uptight, AFIF-204, the Black Soldier

Preview these films and study the discussion questions before showing them to troop audiences. Instructors should use black history references to prepare for discussion periods that should follow showings. A basic reference, available in Army libraries, is "The Employment of Negro Troops" by Ulysses Lee, one of a series of special studies of the United States Army in World War II. Three other references, issued as texts for United States Armed Forces Institute courses, are useful sources of background material: "Eyewitness: The Negro in American History," by William L. Katz, is the text for USAFI course A210. Two texts are issued with USAFI course A462: "From Slavery to Freedom: A History of Negro Americans," by John Hope Franklin, and "The Black American: A Documentary History," by Leslie H. Fishel, Jr., and Benjamin Quarles. Check your local library for additional reference materials.

INSTRUCTOR'S GUIDE

AFIF-203, black and white—Uptight

Synopsis: The myths that perpetuate prejudice against black people in our society and the subtle ways that hate is learned are explored in this film. The social and economic differences that exist between blacks and whites are caused by historical inequities in education and economic opportunity—and are in some cases even perpetuated by laws. The riots that have erupted in the cities throughout the United States have forced basic issues of injustice to the surface for all Americans to face. There are no easy ways to solve the problems caused by prejudice, but examples are given of areas in which government, business, and black and white people are working together to wipe out the hatred and misunderstanding between the races. This film acquaints the viewer with the subtle and sometimes unconscious manifestations of prejudice as well as the more obvious. It will also encourage the viewer to look more closely at his own attitudes. People often ask today, "What can I do to help?" This film provides some answers.

QUESTIONS FOR DISCUSSION

There has been much sociological and psychological research on the nature of prejudice. It would be helpful to have such resource materials available for students reference during class discussion. The following questions will help students gain an understanding of what prejudice is and encourage them to look more closely at their attitudes and to speak out against the injustice of discrimination in their areas.

1. Define prejudice and discrimination. How are they different? Is prejudice always negative? Is discrimination always unjust? Is it possible to be prejudiced without discriminating? Is it possible for someone who is not prejudiced to discriminate against a group because of the mores of the area in which he lives?

2. How important is early training in developing prejudice?

3. Why do you think it is difficult for a prejudiced person to recognize that he is prejudiced?

4. Prejudice is not a problem unique to our country nor is it found only between black and white men. What other kinds of prejudice can you identify?

5. Do you believe it is possible for humans to be without prejudice? Explain your answer.

6. What is a ghetto?

7. What are some of the social handicaps of children growing up in a ghetto?

8. What are some of the economic problems of the people living in a ghetto?

9. What is meant by "Black Power"?

10. Discuss the following: There are many ways to manifest prejudice—by criticizing, avoiding contact, discriminating, threatening physical harm, and actually doing physical harm. While most people would do no more than demonstrate their hostility through words, by so doing, they make it easier for others to express their hostility through physical violence, i.e., lynchings, pogroms, genocide.

11. What has the Army done to eliminate prejudice and promote equal opportunity for all soldiers? What additional things should the Army do in this area? What is the impact of the Army's integration policy on American Society?

AFIF-204, THE BLACK SOLDIER

Synopsis

"The Black Soldier" surveys the history of the black American's participation in the Armed Forces of the United States, from the Revolutionary War to the war in Vietnam. Bill Cosby narrates, using prints, drawings, cartoons, and etchings of famous battles as well as films of wars in this century. The film clips include some rare silent footage of World War I. "The Black Soldier" puts into proper perspective the roles played by many black Americans in the defense of their country.

Concepts

1. Black soldiers have been fighting in defense of their country from the Revolutionary War to the present day.

2. Nearly one-sixth of the total colonial army was black.

3. The Civil War concerned itself with slavery, and many black men—186,000 according to some authorities—fought on the side of the Union Army.

4. When the Civil War ended, nearly 12,000 black veterans went to the western frontiers to fight the Indians and to advance the settlement of the West.

5. One of the outstanding regiments of World War I was the all-black 369th Regiment of the 93d Division.

6. In Vietnam there are many thousands of black fighting men.

7. While the black man as a soldier is given little space in the history books of our country, his valor is well documented.

Questions for discussion

1. This film asserts that the history of the black man in the military is not generally known or taught. What evidence does the film present to support this point of view?

2. What changes in attitude and policy affect the present-day black American military man?

3. What parallels or differences would you expect to find on the subject of racial discrimination in civilian life and military life?

4. Have any concrete steps been taken to erase discriminatory practices from the military? When was the military desegregated?

5. Discuss the possible findings—both positive and negative—of a black soldier as he goes into battle, carrying with him the memories of the discrimination he has experienced in civilian life.

6. Discuss the possible feelings of that same man when he is discharged from the military. What is he likely to find in the way of discrimination? In the way of help?

7. Review the efforts and contributions of black Americans in the military service to their nation, as presented in the film.

ADDITIONAL FILM REFERENCES

The folowing training films on race relations will be available at AVSCs on or about 1 April 1971. Each of them dramatizes some aspect of racial conflict and reconciliation.

MF 16-5607, Let The Rain Settle It.

MF 16-5608, Brotherhood of Man.

MF 16-5611, Some Talk About Poolrooms and Gin Mills.

MF 16-5593, Charlie, You Made the Night Too Long.

MF 16-5597, Consider the Zebra.

MF 16-5610, Man in the Middle.

MF 16-5609, Patterns of Prejudice.

MF 16-5618, Joshua.

Army Equal Opportunity in Off-Post Housing

(Initially issued as Command Information Fact Sheet No. 170, 27 August 1970.)

This Fact Sheet describes the Army program to insure Equal Opportunity in Off-Post Housing and how it can benefit soldiers who encounter discriminatory practices when seeking housing off-post. Two-thirds of all military families presently reside off-post in privately owned dwellings.

In 1967, the Department of Defense adopted an all Services program to insure equal treatment regardless of race, color, creed or national origin for all military personnel who must live off-post. Surveys were conducted of owners/managers of all types of housing and trailer parks within reasonable commuting distance of each installation to determine their policies with regard to renting or leasing to minority group personnel. Each owner/manager was informed that service personnel would be prohibited from renting or leasing housing from any whose rental or lease properties were not available to all servicemen on an equal basis. Since then, more than 98% of landlords surveyed have pledged to adhere to an open housing policy with regard to military personnel. However, the problems encountered by members of minority groups (particularly Negroes) in seeking to rent adequate housing are not as close to solution as the high percentage of pledges indicates.

Some housing developments and apartment buildings for which pledges were signed never have rented to minority group personnel. Others will accept only a token number of minority group occupants.

In a few instances, the open housing pledges were not made in good faith in that the signatories apparently had no intention of changing their discriminatory practices. Sometimes, however, the absence of minority group occupants in a housing development, apartment building or trailer court is explainable by the fact that none have ever applied for accommodatons there.

Some minority group servicemen assume that they still are barred from living in those areas which traditionally have been closed to them.

The result is that members of minority groups continue to experience more difficulty in renting or leasing off-post accommodations than do other personnel.

The Department of the Army Equal Housing Opportunity Program is designed to identify and solve the problems faced by minority group soldiers seeking permanent off-post accommodations. These questions and answers discuss the details of the program and how you can get help when you believe you have been unlawfully discriminated against:

Q. What is the Equal Opportunity in Off-Post Housing Program?

A. The program is a means of providing a recourse for you whenever you encounter discrimination while looking for off-post housing. It will work for you but only if *you initiate the action.*

Q. How does the program operate?

A. The Equal Opportunity in Housing Program operates in conjunction with the Off-Post Housing Referral Service. The overall program is governed by the policy that all Army activities will be conducted without discrimination and in a manner which insure equal opportunity and treatment for all eligible persons regardless of their race, color, sex, religion or national origin.

The commander of each installation in the United States is required to either establish a Housing Referral Office (HRO) or secure this service for his personnel through an established HRO. Each HRO is responsible for the following:

Compiling and maintaining an up-to-date listing of suitable housing units within the commuting area that are available to all military personnel without segregation or discrimination because of race, color, sex, religion or national origin. Each HRO, as applicable, maintains listings of housing that may not be rented or occupied by military personnel because of discriminatory practices by landlords.

Staying abreast of the housing situation in local communities and providing this information to interested personnel.

Counseling military personnel on the availability of assistance in resolving complaints between tenant and landlord.

Acting as point of contact for military personnel who encounter discrimination when seeking off-post housing.

Advising commanders on imposing sanctions against rental properties that are not made available to all personnel without discrimination.

Q. Are soldiers required to check with the HRO upon arrival at an installation?

A. Yes. Every soldier who is authorized to occupy and who requires off-post housing is requested to check with the HRO before renting private housing. All PCS orders include a paragraph or reference to this effect.

Q. Does the housing referral service advise prospective tenants on all aspects of the housing situation?

A. Yes. It advises on the types and costs of available private rental housing, schools, shopping facilities and other community services.

Q. What specific restrictions may be imposed by commanders regarding where military families may reside off-post?

A. Each military person retains his or her freedom of choice in the selection of private accommodations except that no member of the military may reside in any facility against which sanctions have been applied because of discriminatory practices.

Q. What action will be taken by the Army commander when a member of his command complains of being unlawfully discriminated against with regard to housing?

A. All Army installation commanders are required to conduct preliminary inquiries and attempt to secure appropriate relief for the complainant if the inquiry supports the charge of unlawful housing discrimination.

If the local commander cannot resolve the complaint locally, he will conduct a more detailed inquiry and forward the case to Department of the Army for further action. In all cases the complainant will be advised of the actions taken in his behalf.

Q. What other actions may military persons take when they believe they have been unlawfully discriminated against while trying to rent or lease housing?

A. The right of individuals to pursue remedies through civilian channels is unchanged. Each person alleging unlawful discrimination may:

Make a complaint direct to the Department of Housing and Urban Development (HUD). (Complaints to HUD must be submitted on HUD Form 903 which is available from the nearest regional office of HUD or by writing: Fair Housing, Housing and Urban Development, Washington, D.C. 20410.)

Address the complaint to the U.S. Department of Justice.

Bring a private civil action in the appropriate local, State or Federal court.

In every instance, complainants may seek military legal assistance in preparing and filing complaints from the local military legal assistance officer.

The policy of the United States is to provide, within constitutional limitations, for fair housing practices throughout the United States. Rights and remedies are provided military personnel and civilian employees of the Department of the Army by 42 U.S.C. 1982 and by Titles VIII and IX of the Civil Rights Act of 1968.

Any soldier who believes that he or she has been unlawfully discriminated against in seeking to rent, lease or purchase housing can air such complaints and seek redress in several ways. But the action *must* be initiated by you. The first step, regardless of what you choose to do, should be to report suspected discriminatory housing practices to the local Housing Referral Office.

TRIBUTE TO SECRETARY OF TRANSPORTATION, THE HONORABLE JOHN A. VOLPE

The SPEAKER. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I include in the RECORD a recent honor paid to our efficient Secretary of Transportation, the Honorable John A. Volpe. On Loyalty Day, May 1, just passed, Secretary Volpe received the District of Columbia Department of the VFW Loyalty Day Award "in recognition of his unexcelled experience and creativity in illustrious constructive enterprises benefiting the people of our Nation." Anyone who has known the Secretary knows that the citation is deserved and that it describes a man who has been tireless in service to his Commonwealth and his country for many years. A man who could have been content to rest on his laurels and hard-earned income, he has instead been willing to devote his skills of administration and leadership to public service. I would like to include the writeup which appeared in the program in the Loyalty Day exercises of the VFW's District of Columbia Department:

Born on December 8, 1908 in Wakefield, Massachusetts, as one of six children of Italian immigrant parents, John Volpe's personal history reflects the Horatio Alger success story of the self-made man. At the age of 12, Volpe went to work for his father as a hod carrier and then as a plasterer's apprentice. After graduating from high school, he worked for his father full-time and attended Boston's Wentworth Institute evenings. Two years later, he gave up his work as a plasterer, returned to the Wentworth Institute full-time, and graduated in 1930. He majored in architectural construction. In 1933, he cashed a $300 insurance policy, borrowed an additional $200, and started his own construction business in Massachusetts. Secretary Volpe is married to the former Jennie Benedetto. They have a son, a daughter, and four grandchildren. During World War II, Volpe closed his construction firm and volunteered for duty with the Navy's Civil Engineer Corps (Seabees). He left the Navy with the rank of Lieutenant Commander and returned to building schools, hospitals and office buildings. The Volpe firm soon established a national reputation for construction excellence.

Volpe was elected Governor of Massachusetts in 1960 for a two-year term. Losing by a narrow margin in 1962, Volpe came back and was returned to office in 1964. In 1966, he was re-elected Governor for the first four-year term in the State's history by the largest margin ever accorded a Massachusetts gubernatorial candidate—over a half million votes.

John Anthony Volpe was appointed the Nation's second Secretary of Transportation by President Nixon and was sworn in on January 20, 1969. He was serving his third term as Governor of Massachusetts when the President asked him to be a member of his Cabinet.

Since Secretary Volpe took office, new channels of communication and cooperation between the operating administrations have been created in response to his call for an overall balanced transportation system, which is essential to the basic fabric of the American economy.

Secretary Volpe is also an outspoken advocate of highway safety and personally revised the reporting procedures of the National Highway Safety Bureau to bring it under the direct supervision of the Office of the Secretary. He has also instituted a new alcohol countermeasures program; is establishing new safety standards for motor vehicles to protect the millions of Americans on our Nation's highway; and has demanded adequate replacement housing for those displaced in road construction.

Throughout his career, Secretary Volpe has been the recipient of many honors. He has received 21 honorary degrees from colleges and universities across the nation. He is a past chairman of the National Governors' Conference and past president of the Council of State Governments. Volpe is a past president of the Associated General Contractors of America and the Society of American Military Engineers and the Greater Boston Chamber of Commerce.

The Secretary is the recipient of the highest honor of the Order of Merit of the Italian Republic—the Knight of the Great Cross. He has been Knighted by the Vatican both as a Knight of Malta and as a Knight Commander in the Order of the Holy Sepulcher.

It is with extreme pride that the District of Columbia Department of the Veterans of Foreign Wars of the United States presents the 1971 Loyalty Day Award Plaque to The Honorable John Anthony Volpe "In recognition of his unexcelled experience and creativity in illustrious constructive enterprises benefitting the people of our nation."

I also include at this time the acceptance speech of Under Secretary Beggs of the Department of Transportation:

REMARKS OF UNDER SECRETARY JAMES M. BEGGS

It's an honor for me to appear here today in place of Secretary Volpe. Of course, any substitute has an instant disadvantage. And any man trying to speak for Secretary Volpe already has two and a half strikes against him. You know his fervent feelings about America and what it stands for.

But I am honored to be here. And I just wish he could convey in person his deep appreciation for your loyalty award. I bring you his thanks and best wishes.

He's helping this morning to inaugurate Amtrak—the new rail passenger service. Right now he's probably having lunch aboard the Metroliner somewhere between here and New York.

Speaking before this audience, I can't help but compare the Metroliners with the long and tiresome troop trains that most of us can remember. Today opens a new era in rail passenger service, and I know that only such an historic occasion could keep the Secretary from accepting your loyalty award here today.

This is a particularly appropriate time to renew one's loyalty—to pause and reflect on the virtues and strengths of our American heritage. Especially since there appears to be so much dissent and unrest throughout the land—much of it quite visible to us here in Washington.

In the last two weeks this city has seen an outpouring of concern about the war and the fate of this nation. Some of it has been responsible and legitimate—some not.

For example, there are some who have served their country who reject the honors their country has bestowed—but these are not the majority.

There are some who reject their responsibility to serve at all—

But the vast majority—the young men and women who conduct their lives without the turmoil of protests and marches—study hard and work hard, and accept the responsibilities—and benefits—of being Americans.

We have watched all of these elements in our society—and have become concerned about what seems to be happening in America.

It is little wonder that many Americans—in the process of sorting out right from wrong, good motives from bad—have lost their sense of purpose. Too many of us have let the winds of vast impersonal forces weaken our sense of devotion, our sense of patriotism and loyalty.

President Nixon said in a speech two years ago, "Those great principles and those great desires and those great dreams that unite men are infinitely stronger than those that divide them."

And I submit that today—Loyalty Day 1971—is the time when we must renew those principles, those desires, those dreams that unite all Americans.

We have spent too much time on those elements that divide us. The lawless will be dealt with by the law. The deserters will suffer the agony of the deserted. And the unconscionable will forever wrestle with their conscience.

It is not our duty to condemn any of these groups. Rather we should reaffirm our belief in those elements of society that demonstrate greatness, and conviction, and loyalty. Let's underscore America's strengths. Lets raise our voice for liberty and freedom and justice.

These are the principles that allow protesters to protest. And these are the principles for which they are ostensibly shouting. Let me say only that these are also the principles for which we are fighting. These are the principles which can unite us—the Administration, the VFW, students, soldiers, businessmen, and all other Americans. We must not desert them—even temporarily.

The war in Viet Nam has exacted a tragic toll of the American people. It has weakened our confidence in ourselves. It has distracted our thinking from the larger goals and accomplishments and problems in this country.

But President Nixon is winding this war down on a regular schedule—and he is doing it in a way that will protect our fighting men, our freedom and our principles. And more than that he has given us a vision of what this nation must become—and how it must get there.

He has proposed a top-to-bottom reform of the federal government structure to make it functionally effective in modern conditions. He wants to share federal revenues with state and local governments to restore their viability as instruments of the popular will.

President Nixon has developed a fundamental reform of welfare that would guarantee opportunity for work and self-reliance.

He is pressing for basic adjustments in social security. He has asked Congress to upgrade the quality of medical care so that every family would get the treatment it needs at reasonable costs. And the President has sent to Congress a revolutionary package of environmental proposals that is aimed at bringing us—once again—clean air and water.

Some of these proposals may seem to be too sweeping or even untimely. But government must look to the future and plan boldly. Abe Lincoln saw this clearly.

In his second annual message to Congress in 1862, he said, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must think anew and act anew."

That is what the President is doing. And he is doing it with absolute loyalty to the American heritage—the heritage that says we can solve our problems, and we're not afraid to try.

I ask those demonstrators in Washington this week—and everyone in this country—to take a close look at these proposals. Too often we fail to see the democratic solutions that are right before our eyes.

Let me quote the words of Janina Atkins, a recent emigrant to this country from Poland. She wrote the following in a *New York Times* article entitled, "God Bless America."

"Among some of our American-born friends," she writes, "it is not fashionable to be enthusiastic about America. There is Vietnam, drugs, urban and racial conflicts, poverty and pollution. Undoubtedly, this country faces urgent and serious problems. But what we, the newcomers, see are not only the problems, but also democratic solutions being sought and applied."

Each of us should take a look at America through her eyes. There is a lot here to be proud of—a lot to which we can give our loyalty. America needs it and we as a people need it.

Thank you.

INTRODUCTION OF THE STATE COURT ASSISTANCE ACT

The SPEAKER. Under a previous order of the House the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, during March 11 through 17, 1971, a National Conference on the Judiciary was held in Williamsburg, Va. This meeting brought together 600 State and Federal judges, lawyers, attorneys general, prosecutors, legislators, court administrators, law professors, and civic leaders. The theme of the conference was established by Chief Justice Warren Burger who criticized delays and backlogs in State courts, and urged conferees to concentrate on achieving speedy trials, effective settlement procedures, and better use of improved management techniques. He especially referred to the administration of civil courts:

> This unhappily is becoming the stepchild of the law as criminal justice once was. . . . Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claim. . . . The court must be enabled to take care of both the civil and criminal litigants without prejudice or neglect of either. This is why we are here today.

Indeed the problem of lagging justice severely plagues our civil courts and because many more of our citizens are involved in civil than in criminal actions, the courts' management deficiencies are especially critical and in need of tremendous attention with an eye toward comprehensive rehabilitation.

The average waiting period for personal injury suits in the civil courts of our major metropolitan areas is about 21 months. In counties with populations over 750,000 the average wait is 22 months. In Boston, the average time between the filing of such cases and actual trial is for 44 months, and in the Circuit Court of Chicago the figure is 59.6 months.

As recently as 1969, the time from service of answer to trial in civil cases was 64.6 months in the Supreme Court of Rockland County, N.Y., 60.7 months in the Circuit Court of Cook County, Ill., 47.7 months in the Court of Common Pleas in Philadelphia, Pa., and 34.4 months in the Circuit Court of Wayne County, Mich. In fiscal year 1970 the backlog of civil cases in the Los Angeles County Superior Court was 62,000. The actual time from filing to trial averages about 2 years.

These figures are alarming but impersonal. I would like to quote from John Frank's book, "American Law: The Case for Radical Reform." In this book Mr. Frank describes the havoc that this situation can create for an average family.

> Let me put the problem in terms of a routine human experience. In December, 1967, John and Mary Jones drive downtown together to do a little Christmas shopping. John has taken the afternoon off from his position as an associate professor at the local university, where he earns about $12,000. The family car is four years old. John and Mary have the group health insurance program of the university, and, in this respect a little abnormally, they also have collision insurance on their car. At the corner of Vine and Elm, they stop for a red light. As they are stopped, the light itself goes completely out and a moment later, before they can decide what to do, they are rear-ended by a truck whose driver, seeing no light, failed to stop in time. There is something to be said for the driver because the light was out, but on the other hand, he probably should have been able to stop in time to avoid a standing car. Perhaps John, who was driving, should have been a little more alert in getting out of the way when the light went out.
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> Mary has had some real discomfort, but is out of the hospital by Christmas. John has had a somewhat rougher time, having some injury both to the muscles of his back and neck and to two of the neck vertebrae. He will have some stiffness and discomfort from it. Their health insurance has covered the hospital and doctor bills, and their collision insurance has enabled them to get the car back on the road. But they have a legitimate claim for real damages to themselves. The trucking company will pay nothing, and John and Mary would like that traditional American right, a jury trial, to determine their recovery of damages.
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> The Christmas in question was in 1967, and they were ready to bring their suit by late summer, 1968. To determine when they can expect results, we look to one of the excellent publications of the Institute of Judicial Administration, which tells us the condition of court calendars in various parts of the country. If John and Mary live in Detroit, their case on their 1967 accident will probably come to trial in early 1971. If they are at the University of Hawaii, they can wait until the middle of 1971. If they live in New York, on the Manhattan side of the East River, they will wait until the end of 1971, whereas if they live in the Bronx or Brooklyn, they can look forward to a trial in the middle of 1972. If the university is Pennsylvania, they will have a date with the judge for early 1973. If the medical report for which their lawyer was waiting comes in so that he files the action on September 1, 1968, in Chicago, and if the other side answers with reasonable promptness, the case of John and Mary against the trucker will be heard just in time for Christmas, 1973; although if the case is in the Chicago Municipal Court it will come up well into 1974.
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> This, of course, assumes that conditions get no worse between 1967 and 1974. This would be an overly optimistic prediction. In Chicago between 1966 and 1967, because of good work in the circuit court, time was cut by five months, but it rose seven months in the municipal court at the same time. Philadelphia slid about three and a half months farther behind between 1966 and 1967. Manhattan tobogganed a full ten months farther in arrears in that one year, and lost three months more in the year following. Last year

in Los Angeles, lawsuit time got four months worse than the year before. If both John and Mary are sixty at the time of the accident, the chance that two of them will be alive to attend that trial in 1974 is 79 per cent. Should it turn out that their nice little accident happens to involve a nice little law point, so that the case is appealed by one side or the other, and if there should then have to be a new trial, the course of the matter will take five to ten years in any of these cities; if it lasts ten years, the couple's survival chance is 57 per cent. (Computed by A. W. Saffert, Actuary, National Producers Life Insurance Company, from 1958 Commissioner's Standard Ordinary Table of Mortality.) But, to be hideously callous, John and Mary might as well die so far as this litigation is concerned. A good recovery before fees and costs would only be $6,000 or $7,000.

The worst of the delay is the strain on people. The John and Mary case is deliberately chosen as one in which the world won't come to an end whether they get the money or not; the car and the doctor bills were taken care of by their own insurance. The worst feature of the accident is that the pig has been put in their parlor. If they are the tough-fibered type, they may be able to shove the whole episode to the rear shelf of the mind and forget it; but person after person cannot forget and for them, the matter is a constant source of worry and concern. If John and Mary are the ones sued, and if their insurance is on the thin side, they will spend all those years worrying about the impact of the lawsuit on their retirement plans. All too often, John may fail to recover as rapidly as otherwise he might because of a kind of lawsuit morbidity.

If a savage tormentor were attempting to devise an instrument for mental cruelty, he could scarcely improve on the device of leaving simple human beings in severe doubt, for years on end, as to the practical consequences of the normal affairs of life.

From this tale we can see that the problem is not confined to one area or limited section of the country. It is truly a national problem demanding national attention and the need for positive action is immediate.

The bill I introduced yesterday, H.R. 8247, The State Court Assistance Act, addresses itself to the problems of our civil courts. It is designed to stimulate criminal and civil judicial reform at the local level by encouraging State and local courts: First, to reevaluate the procedural methods of dealing with the judicial problems and second, to find and implement up to date solutions to these problems.

The State Court Assistance Act has two main features: First, it establishes a grant-in-aid program to encourage and financially assist the modernization of judicial machinery in our State and local courts. Second, it serves to create a national reservoir of up-to-date information about court management and organization. To direct these activities the proposal creates an Institute for Judicial Studies and Assistance.

Under the grant-in-aid program, our State and local courts could obtain financial aid to study and evaluate their judicial systems in order to determine the organizational and administrative changes necessary to maximize utilization of existing manpower and minimize expenditures of time and money. Part of this process of self evaluation can be achieved through the use of management-consultants and other experts. Judges and other personnel rarely have administrative training, but our courts have been hesitant to make use of outside expertise in meeting problems of judicial administration. Federal funding would help overcome this hesitancy. Grants would be made to help implement the recommendations of these studies and evaluations.

The bill which I have introduced is identical to a proposal introduced by Senator Tydings in the 91st Congress. Extensive hearings on similar bills introduced by Senator Tydings were held in April, June, and July of 1967, and February 27 and March 11, 1970. The bill has never even been introduced in the House.

Since the initial conception of the bill by Senator Tydings, a complex of public and private groups have entered the field of State judicial reform. In introducing a bill identical to the last Tyding's proposal my hope is not merely to call attention to the crisis in our civil courts. It is my further hope that these hearings will provide a forum for those who have new recommendations in this area. For this reason I recognize that hearings in the House may establish the need to amend this legislation in order to take account of continuing developments in the efforts to reform the State judiciary.

Such developments include the passage of the Omnibus Crime and Safe Street Act and the establishment of the Law Enforcement Assistance Agency. The LEAA has funded constructive projects in the area of criminal court reform, but is prohibited by law from performing in depth analyses of courts which are primarily civil in nature.

Another development has been the establishment, by the Williamsburg Conference, of an ad hoc committee to assist in the planning of a National Center for State Courts. The exact function and funding mechanism of this center has not yet been established, but surely this ad hoc committee should be given the opportunity to make an assessment of the State Court Assistance Act to determine how this act's efforts to solve the State court crisis compare to its own.

Yet another development is the establishment in 1968 of the Federal Judicial Center. This Center conducts research studies for the purpose of improving the administration of Federal courts. It is possible that it might be mutually advantageous for the Center to share its facilities, in a limited manner, with the proposed Institute. Testimony on this point could be most helpful.

Finally it should be noted that many studies have already been performed by the States themselves, as well as by a number of private and public judicially oriented organizations.

Again, it is not my intent in introducing this bill to establish another institute which might duplicate the functions of other Federal agencies and unnecessarily duplicate the work already accomplished by the States and private legal groups.

It is my intent to encourage House hearings to determine the limitations which should be placed on the use of funds for further studies; to determine where jurisdiction overlaps with the LEAA, the planned Center for State Courts, and private groups; and more importantly to determine the areas of court reform—particularly civil court reform—not covered by these organizations.

In short I look to House hearings as an opportunity for those involved in legal reform organizations to assess the concept and operation of an Institute for Judicial Studies in light of the developments of the last 4 years. Toward this end I feel the bill I introduced yesterday is an excellent vehicle and I urge prompt action by the Judiciary Committee.

AMENDMENTS TO NATIONAL LABOR RELATIONS ACT

The SPEAKER. Under a previous order of the House the gentleman from North Carolina (Mr. HENDERSON) is recognized for 30 minutes.

Mr. HENDERSON. Mr. Speaker, I present for appropriate reference two bills to amend the National Labor Relations Act.

The first bill would clarify the findings and policies as set out in section 1 of the act. The second bill would amend section 10 to provide much needed improvements in the enforcement procedures of the National Labor Relations Board, in the quasi-judicial procedures invoked by the Board, as well as improvements in the judicial procedures involved in court review of NLRB decisions.

Mr. Speaker, Congress wrote the original Wagner Labor Relations Act in 1935. Major amendments were made when the Taft-Hartley Act was passed in 1947 and when the Landrum-Griffin Act was enacted in 1959. The preamble to this law—its statement of findings and policies—has through all these years made it clear that employees shall have the right to join unions and bargain collectively. To most of us, Mr. Speaker, when Congress says employees shall have the right to join unions, we would assume there is a choice involved—and that the same employees have the concomitant right not to join a labor union, if they choose not to do so. Unfortunately, the law has not impressed the National Labor Relations Board in that fashion. NLRB decisions for decades have espoused a much narrower view. The result has been an erosion of the employee's free choice. This has come about through the Board's apparent conviction that the central purpose of these laws has been to foster union organization at the expense of the employee's right to make a choice in the matter.

My amendment, Mr. Speaker, would expand the language of the preamble to make it absolutely clear that part of the free choice in joining a union is the equally free choice not to join; and that the right to engage in concerted activity includes the right not to engage in it if that be the choice of the employee.

The second bill, Mr. Speaker, touches, as I indicated above, on five very significant areas of enforcement and judicial review. The bill would amend section 10 of the National Labor Relations Act: first, to prevent the NLRB from issuing punitive and abusive orders not authorized by the law; second, to clarify replacement rights of employees guilty of flagrant misconduct while on strike; third, to restrict parties to labor disputes in the extent to which they may now whipsaw one another by going to various judicial forums for adjudication of the same complaint; fourth, to clarify jurisdiction for court review by limiting that review to the judicial circuit in which the unfair labor practice was committed, and fifth, to require a preponderance of evidence test for appellate review of NLRB findings.

I will comment briefly on each of these five provisions.

Section 10(c) of the National Labor Relations Act empowers the NLRB to take such action as will effectuate the policies of the law in unfair labor practice cases. Normally, this has meant that when an employer is found to have committed an unfair labor practice, he will be ordered to stop the prohibited conduct and to post a notice at a conspicuous place in his plant. This notice would tell his employees the NLRB had found that an unfair labor practice had been committed, and that the employer will no longer engage in the prohibited conduct. In recent years the NLRB has broadened its remedial order by requiring that an employer found to have committed an unfair labor practice must then make a public confession of that fact to his employees. Happily, Mr. Speaker, courts of appeal have not seen fit to enforce these expanded orders in precisely the form the NLRB issued them. See *J. P. Stevens* v. *NLRB*, 380 F. 2d 202; *NLRB* v. *Laney and Duke Company*, 369 F. 2d 859. Obviously, Mr. Spaker, if Congress had intended that any such punitive and abusive order was within the power of the NLRB, it would have said so. Since the NLRB first began to require that notices be posted at conspicuous places where employees could see them. Congress has had two opportunities to amend the law. It made such amendments in 1947 and 1959, but in neither case did it include any legislative language or any legislative history which would have given the NLRB the kind of authority it proposes to take in cases such as those I have cited. It is pretty clear to me, Mr. Speaker, that had Congress intended to broaden the authority of the NLRB in this regard it could have done so when it passed the Taft-Hartley amendments in 1947, or again when it passed the Landrum-Griffin amendments in 1959. Accordingly, the amendment I propose here today would make it clear that in issuing remedial orders where unfair labor practices have been committed, the Board would be limited to those purposes now set out in the statute—the requirement that certain employees be reinstated, the requirement that there be bargaining in good faith upon the request of the union, and the requirement that suitable notices be posted stating that the prohibited conduct will not be repeated.

The next amendment would prevent the reinstatement of strikers who engage in flagrant misconduct during the course of a strike. Beginning about 10 years ago, and notably in the *Kohler* case (300 F.2d 699; 345 F.2d 748) the NLRB began the process of reversing standards which had prevailed for more than 30 years. These were enunciated in the *Fansteel* case (306 U.S. 240) and provided that a striker would not be entitled to reinstatement with pay if he engaged in violence or coercion during the strike. This was so even though the employer might have committed unfair labor practices in that strike. Since Kohler, the Board compares the type of employee misconduct with the kind unfair labor practice committed by the employer. It then decides on the basis of this comparison whether such employee should be reinstated with pay. The result has been reinstatement for people who have engaged in various forms of violence during strikes. See *Montgomery Ward and Company*, 155 NLRB 999; *W. J. Ruscoe Company*, 166 NLRB 75; *Beaver Bros. Baking Company*, 171 NLRB 98; and *Trailmobile*, 168 NLRB 31.

As with the novel remedies referred to in the first amendment of this bill, Mr. Speaker, the courts have happily shown very little disposition to go along with the NLRB in its recent effort to favor those strikers who have engaged in flagrant misconduct. Nevertheless, there is sufficient precedent to require that Congress issue a new set of directives for the NLRB in this area as well. This is what my second amendment will do, Mr. Speaker. It will make certain that the offending party who is guilty of violent misconduct, or threats thereof, cannot justify that behavior or be rewarded for it by any claim before the NLRB that the other party to the dispute had been guilty of an unfair labor practice.

The third amendment in this bill, Mr. Speaker, is designed to prevent one party to a labor dispute from whipsawing the other by moving to one judicial forum after another for a redress of the grievance involved. As the situation now stands, one party may choose to take his case to the NLRB, and if he doesn't like the outcome there he may go to the courts, or bring the matter before an arbitrator. My amendment, Mr. Speaker, would not deny a complaining party his right to bring his case before the forum of his choice. However, it would require that once he had made that choice, he could not change it unless his case were dismissed solely on jurisdictional grounds. A number of recent cases underscore the confusion which can beset unions and management as a result of this uncertainty about a final decision in any dispute. However, I would like to comment briefly about just one of these cases. I have in mind the *United Aircraft Corporation* case, 337 F. 2d 5. In that case there was an agreement to arbitrate the grievances of strikers who were denied reinstatement because of alleged misconduct during the strike. The arbitrator ruled against the reinstatement proposal and then the union filed an unfair labor practice charge with the NLRB. The employer tried to enjoin the proceeding but the Court of Appeals held that the Labor Board could take jurisdiction of the case even though there had been the earlier ruling by the arbitrator. This amendment will bring a much needed measure of clarity to this very confused situation.

The fourth amendment in this bill, Mr. Speaker, will limit appellate review of NLRB orders in unfair labor practice cases to United States Courts of Appeals in the circuit where the unfair labor practice occurred. This will correct a practice known as forum shopping which has grown up in recent years. The law now permits review of Board orders in the United States Court of Appeals for the District of Columbia Circuit, as well as in the circuit where the unfair labor practice actually occurred. This has given rise to a situation where lawyers, each trying to get into a circuit court they believe most favorable to their side of the case, have literally been racing against the clock to have jurisdiction asserted either by the District of Columbia court or by one of the other circuits. Again, I would cite the Kohler case to illustrate the need for this particular amendment. The NLRB found that an unfair labor practice had been committed in Wisconsin. The employer filed his notice of appeal with the Seventh Circuit, but the union was able to file a notice 1 hour earlier with the Court of Appeals for the District of Columbia Circuit. A motion to have the case reviewed in the Seventh Circuit did not prevail, even though it was in that circuit that the unfair labor practice had been committed. This amendment, as I indicated, Mr. Speaker, will limit review to the circuit in which the unfair labor practice actually occurred.

The last amendment deals with standards for court review of NLRB orders. The law now provides that Labor Board findings of fact are conclusive if they are supported by substantial evidence on the record considered as a whole. This language was written into the law in 1947 in order to broaden the scope of court review beyond that accorded under the 1935 Wagner Act where Board findings were deemed conclusive if supported by evidence.

In a long series of cases, beginning with the 1951 *Universal Camera* case (340 U.S. 474), the courts have turned back to the standard which Congress set aside in the 1947 amendments. It has been held that the Board's interpretations and its application of the law in doubtful situations will prevail even though the preponderance of evidence does not support them. See *NLRB* v. *Denver Building Trades* (341 U.S. 665); and *NLRB* v. *Interboro Contractors* (388 F. 2d 495). The courts will not draw different inferences from those of the Board, even if it seems more reasonable to do so. See *NLRB* v. *H & H Plastics* (389 F. 2d 678).

Of the great complaints advanced by students of labor-management affairs, Mr. Speaker, is that the courts have given entirely too much credence to what is called the expertise of the National Labor Relations Board. Because of this deference to the NLRB, too many outrageous Board decisions have been allowed to go unchallenged by the courts. When Congress expanded the test for court review in 1947, it obviously intended that the courts broaden the scope of the review they had exercised prior to that time. This, however, has not developed as Congress intended. Accordingly, Mr. Speaker, my amendment would now replace the test of substantial evidence on the record considered as a whole. It provides that on review by court of appeals, findings of fact by the NLRB would be conclusive only if they are supported by the preponderance of evidence.

Mr. Speaker, I commend the amendments encompassed in these two bills to the early attention of the House.

TRUTH IN SAVINGS ACT

The SPEAKER. Under a previous order of the House the gentleman from Kansas (Mr. ROY) is recognized for 30 minutes.

Mr. ROY. Mr. Speaker, I am introducing legislation today which would provide for the full disclosure of the terms and conditions under which earnings on savings deposits are payable. This bill is identical to one which Senator HARTKE is introducing in the Senate. The objective of this bill is to establish uniform definitions of savings terms for the benefit and education of the consumer.

Today the multiplicity of differences in interest rates, the methods of computing these rates, and the complex of penalties and terms involved in those computations, present a confusing choice to the depositor. He is confronted with such savings systems as "low balances," "first-in-first-out," "last-in-first-out," "day of deposit to day of withdrawal," just to mention a few. Combined with this plethora of systems are the infinite possibilities by which a savings institution may compound the interest or earnings which accrue to the depositor.

My bill would require that a savings institution disclose to potential and existing depositors its annual and periodic percentage rates, the minimum length of time a deposit must remain on deposit for earnngs to be payable at that percentage rate, the annual percentage yield, the number of times per year that earnings are compounded, and the dates on which earnings are payable. These disclosure requirements involve basic information which must be available if money is going to be invested wisely. This bill will make it possible for an individual to compare various savings methods and choose, in an intelligent way, that method which is most beneficial to him.

In addition to these requirements, the bill provides for the prominent disclosure of this information in advertisements relating to savings accounts. All advertisements must clearly state the annual percentage rate and the annual percentage yield, and if that rate or yield is payable only if a deposit meets certain minimum time or amount specfications. These requirements would not, it seems to me, place an undue hardship on the advertising programs of financial institutions, since they would be disclosing information already at hand. On the contrary, I believe that the economic stability of this country would be improved by the competition among savings institutions that these provisions would generate.

Perhaps the bill's most meaningful contribution to the consumer, however, is its establishment of a common savings language. Although the lexicon of savings terminology does not intentionally mislead the depositor, it may, too often, have that effect. This common language has three basic terms which will enable the prudent consumer to make informed choices about where he will invest his savings. The first term, "annual percentage rate," means the nominal annual percentage rate used to compute earnings. "Earnings" is used in this bill rather than "interest" because it is more precise for the purposes of the bill; for example, banks pay "interest," but savings and loan associations pay "dividends." The second term "periodic percentage rate," is really the most important because it is critical for determining the annual percentage rate, and the annual percentage yield, as well as any earnings. The annual percentage rate is determined by multiplying the periodic percentage rate by the number of periods in a year. The third term, "annual percentage yield," expresses the rate obtained by applying the periodic percentage rate each period to the principal balance plus any accrued earnings. Furthermore, this act directs the Federal Reserve Board to strive to coordinate the terminology used in both credit and savings transactions. It confers on the Board the authority to issue appropriate regulations, including regulations which provide for clear, concise, and uniform disclosures regarding such classifications, adjustments, and exceptions as the Board determines are necessary.

Any savings institution which fails to comply with the provisions of this act would be liable for a minimum amount of $100 and a maximum amount of $1,000; and, in the case of a successful action to enforce the foregoing liability, court costs and reasonable attorney's fees. However, if a savings institution can show that any error was unintentional or notifies a depositor of an error within 15 days of its discovery, the liability can be avoided. The bill does, nevertheless, provide for a maximum fine of $5,000 for willful and knowing violation of the requirements of this act. Compliance with this act would be administered by those agencies that now have responsibility for savings institutions. The Federal Reserve System is charged with prescribing regulations for implementing the act. The Federal Trade Commission is charged with enforcing the act where no other agency has jurisdiction.

Mr. Speaker, there is a need for clear and meaningful savings disclosure and a need to develop a national concern for the problems of consumer depositors. I think the bill that Senator HARTKE and I have introduced answers those needs. The American public deserves to have all the facts needed to make a prudent investment decision, not merely to be protected from misleading practices. This bill sets disclosure standards which all consumers, and indeed all saving institutions, should welcome. It, in no way, tells financial institutions what they should pay or how they should pay it. They are free to compete. It merely directs these institutions to present, in a clear and direct manner, what they are actually doing, and what they intend to do, for the depositor. I invite my colleagues to read this bill, the text of which is included below:

H.R. 8365

A bill to provide for uniform and full disclosure of information with respect to the computation and payment of interest on certain savings deposits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Truth in Savings Act."

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that economic stability would be enhanced and competition among savings institutions would be improved by the full disclosure of the terms and conditions under which earnings on savings deposits is payable. It is the purpose of this Act to require a meaningful disclosure of the terms and conditions of the payment of earnings on individual savings deposits so that the individual will be able to compare the various savings programs available to him.

DEFINITIONS; APPLICABILITY

SEC. 3. (a) For the purpose of this Act—

(1) "Board" means the Board of Governors of the Federal Reserve System;

(2) "individual" means a natural person;

(3) "individual savings deposit" means any deposit or account which consists of funds (A) deposited to the credit of one or more individuals, or (B) in which the entire beneficial interest is held by one or more individuals, and upon which earnings is payable, and such term includes regular, notice, or time deposits or share accounts and any other such deposit or account whether or not evidenced by a negotiable or nonnegotiable instrument;

(4) "earnings" means any amount payable to or for the account of any individual as compensation for the use of funds constituting an individual savings deposit and such term includes dividends and interest on any individual savings deposit;

(5) "payable", when used with respect to a certain date or period of time, means the date on which or the period of time after which an absolute right to earnings exists;

(6) "savings institution" means any person who in the regular course of his business receives, holds, and pays earnings on individual savings deposits; and

(7) any reference to this Act, to any requirement imposed under this Act, or to any provision thereof includes reference to the regulations of the Board under this Act or the provision thereof in question.

(b) Nothing in this Act applies to any transaction involving—

(1) a deposit of funds if the principle purpose of that deposit is to secure or guarantee the performance of a contract or the conditions of a contract for the sale or us of goods, services, or property;

(2) interest payable on premiums, accumulated dividends, or amounts left on deposit under an insurance contract;

(3) a deposit of funds of a principle amount in excess of $25,000; or

(4) any obligation issued by any Federal, State, or local government, or any agency, instrumentality, or authority thereof, except that the Board may prescribe rules and regulations to require disclosures by any agency, instrumentality, or authority of the Federal Government.

DETERMINATION OF ANNUAL PERCENTAGE RATE, PERIODIC PERCENTAGE RATE, AND ANNUAL PERCENTAGE YIELD

SEC. 4. (a) The annual percentage rate applicable to any individual savings deposit is that nominal annual percentage rate which will yield a sum equal to the amount of earnings payable in 1 year when that rate is applied to the principal amount (excluding any earnings theretofore paid or credited in that year) of an individual savings deposit.

(b) The periodic percentage rate is the annual percentage rate divided by the number of compounding periods in one year.

(c) The annual percentage yield applicable to any individual savings deposit is that nominal annual percentage rate which will yield a sum equal to the amount of earnings payable in 1 year when that rate is applied to a sum equal to the principal amount of an individual savings deposit plus any earnings theretofore paid or credited to that deposit in that year and not withdrawn during that year.

REGULATIONS

SEC. 5. (a) The Board shall prescribe regulations to carry out the purposes of this Act. Those regulations shall provide for clear, concise, and uniform disclosures of information required by this Act, and may contain such classifications, adjustments, and exceptions as the Board determines are necessary or proper to effectuate the purposes of this Act. All disclosures required by this Act shall be made only in terms as defined or used in this Act, as defined or used in the Truth in Lending Act or in regulations prescribed under that Act, or as such terms are further defined by the regulations of the Board. The Board may authorize the use of tables or charts for the disclosure of information required by this Act.

(b) The Board may prescribe such other rules and regulations as it determines to be necessary or appropriate to carry out the purposes of this Act.

GENERAL REQUIREMENTS OF DISCLOSURE

SEC. 6. (a) Each savings institution shall disclose in writing to any individual at a time before he initially places funds in an individual savings deposit in such savings institution the following information with respect to individual savngs deposits:

(1) The annual percentage rate;

(2) the minimum length of time a deposit must remain on deposit so that earnings are payable at that percentage rate;

(3) the annual percentage yield;

(4) the periodic percentage rate and the method used to compute the balance to which this rate will be applied;

(5) the number of times each year earnings are compounded;

(6) the dates on which earnings are payable;

(7) any terms or conditions which increase or reduce the rate of earnings payable above or below items (1) or (3);

(8) any charges initially or periodically made against any deposit; and

(9) any restrictions and the amount or method of determining the amount of penalties or charges imposed on the use of funds in any deposit.

(b) Each savings institution shall disclose annually and at the time any earnings payment or report is made to an individual with respect to his individual savings deposit—

(1) the amount of earnings payable;

(2) the annual percentage rate;

(3) the periodic percentage rate;

(4) the principal balance to which the annual percentage rate was applied, and the method by which that balance was computed;

(5) a detailed explanation of the difference, if any, between the amount of earnings payable and the maximum amount of earnings that would have been payable if the terms and conditions for such maximum payment had been met; and

(6) any charges made against the principal of the deposit during the period covered for purposes of computing the payment of earnings or making the report.

(c) The Board may, by regulation, authorize or require the disclosure of periodic percentage rates, tables of periodic factors which reflect compounding, and such other information as it determines to be necessary or appropriate in order to facilitate the individual's ability to verify the computation of earnings payable on any individual savings deposit.

(d) Not less than 10 days before a savings institution adopts any change in policy or procedure with respect to any item of information required to be disclosed under this section, that institution shall notify each individual depositor of each such change.

DISCLOSURES IN ADVERTISING

SEC. 7. (a) Every advertisement relating to the earnings payable on an individual savings deposit shall state with equal prominence (1) the annual percentage rate, and (2) the annual percentage yield, with respect to such deposit. If that rate or yield is payable only on a deposit which meets certain minimum time or amount requirements, those requirements shall be clearly and conspicuously stated.

(b) No such advertisement, announcement, or solicitation shall—

(1) include any indication of any percentage rate or percentage yield based on a period in excess of one year or on the effect of any grace period; or

(2) make use of the term "profit" in referring to earnings payable on such deposits.

ADMINISTRATIVE ENFORCEMENT

SEC. 8. (a) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal Credit Union.

(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of the law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(c) Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this Act shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(d) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

RIGHT OF RECISSION ON TIME DEPOSITS

SEC. 9. In the case of any individual savings deposit subject to a time requirement, the individual shall have the right to a full return of his deposit with earnings therein at the advertised annual percentage rate until midnight of the thirtieth day following the making of that deposit or the delivery of the disclosure required under this section and section 6(a) of this Act, whichever is later. The savings institution shall clearly and conspicuously disclose to any individual subject to this section his rights under this section.

CIVIL LIABILITY

SEC. 10. (a) Except as otherwise provided in this section, any savings institution which fails in connection with any transaction subject to this Act to disclose to any individual any information required under this Act to be disclosed to that individual is liable to that individual in an amount equal to the sum of—

(1) twice the amount of the interest in connection with the transaction, except that the liability under this paragraph shall not be less than $100 nor greater than $1,000; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An institution has no liability under this section if within 15 days after discovering an error, and prior to the bringing of an action under this section or the receipt of written notice of the error, the institution notifies the individual concerned of the error and makes whatever adjustments in the appropriate deposit are necessary.

(c) An institution may not be held liable in any action brought under this section for a violation of this Act if the institution shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(d) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

CRIMINAL LIABILITY FOR WILLFUL AND KNOWING VIOLATION

SEC. 11. Whoever willfully and knowingly (1) gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this Act, or (2) otherwise fails to comply with any requirement imposed under this Act shall be fined not more than $5,000.

VIEWS OF OTHER AGENCIES

SEC. 12. In the exercise of its functions under this Act, the Board may obtain upon request the views of any other Federal or State agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of savings institutions subject to this Act.

EFFECT ON OTHER LAWS

SEC. 13. (a) This Act does not annul, alter, or affect, or exempt any savings institution from complying with, the laws of any State relating to the disclosure of information in connection with individual savings deposits, accept to the extent that those laws are inconsistent with the provisions of this Act or regulations promulgated under this Act, and then only to the extent of the inconsistency.

(b) This Act does not otherwise annul, alter, or affect in any manner the meaning, scope or applicability of the laws of any State, including, but not limited to, laws relating to the types, amounts or rates of earnings, or any element or elements of earnings, permissible under such laws in connection with individual savings deposits, nor does this Act extend the applicability of those laws to any class of persons or transactions to which they would not otherwise apply.

(c) Except as specified in section 9, this Act and the regulations promulgated under this Act do not affect the validity or enforceability of any contract or obligation under State or Federal law.

REPORT TO CONGRESS

Sec. 14. The Board shall report to the Congress each year concerning the administration of its functions under this Act, and shall include in its report an assessment of the extent to which compliance with the requirements under this Act is being achieved and such recommendations as it deems necessary or appropriate.

SEPARABILITY

Sec. 15. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

THE 80TH ANNIVERSARY OF LOCAL 9, INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record.)

Mr. HANLEY. Mr. Speaker, May 10 was the 80th anniversary of the founding of Local 9 of the International Alliance of Theatrical Stage Employees. It was one of the original 11 locals organized in 1891 as the Theatrical Protective Union of Syracuse, N.Y.

The members of local 9, although they seldom share the spotlight, are the ones who provide the spotlight. Without their dedicated services, hardly a public program of note would take place in the central New York area. I personally am much indebted to them for their activities and the whole of our community owe them a debt of gratitude.

I want to take this opportunity to offer a special note of congratulations to Mr. James E. Foley and to each of the members of local 9.

NEWSMEN'S PRIVILEGE ACT OF 1971

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, last week the Supreme Court agreed to hear three cases dealing with the rights of newsmen under our Constitution to protect their sources and the information they gather from official scrutiny. The cases will be heard next winter. While the Supreme Court deals with the constitutional dimensions of this important issue, I believe the Congress should act to preserve our important tradition of a free press. To this end I have introduced the Newsmen's Privilege Act of 1971.

This bill would prohibit any court, grand jury, or governmental agency—including the Congress and its committees—from requiring any journalist to disclose confidential information disclosed to him in his capacity as a newsman or the source of any of his published information. This bill would protect radio and television, as well as newspapers and magazines.

The news media in America today are powerful. But for all their power they are uniquely vulnerable to intimidation. Their very power to reach and influence millions makes them an object of envy, anger, fear, and distrust.

All of us in public life have had occasions to feel that we were unfairly treated by a news program. Yet I think it is clear that no institution in our democracy is more vital to its preservation than a vigorous press.

The recent CBS program "The Selling of the Pentagon" is a vivid case in point. One can argue about the points of view expressed and even the accuracy of the story told. But one thing is beyond dispute—the program was an articulate critique of an important public issue. The response by those who disagree with its message should be to present their case to the public, not to intimidate CBS.

It is cheap politics to attack a newspaper, a television program, or a reporter. And it is dangerous politics. As government gets larger and is able to spread its control and influence over more people and resources it becomes more essential than ever to control governmental power. We have seen this problem vividly in the area of surveillance and the proliferation of official recordkeeping. In that area I believe we have in the United States today a growing consensus that legislation is required to safeguard basic freedom.

The area of preserving freedom of the press is no less pressing than that of insuring privacy. We must enact effective legislation now to protect newsmen from governmental intimidation and interference.

The only exceptions to this basic principle are cases of immediate threats to life or the national security, and my bill provides exceptions where a judicial determination is made that such a threat exists.

I would urge every citizen, when he reads his morning paper or watches an evening newscast, to remember that in totalitarian societies there is only one official "truth" and one official news service. We must not allow ourselves to be pushed, even slightly, in that direction. As the power of government to invade personal privacy and to intimidate the independent minded individual increases, we must all fight that much harder to preserve our traditional liberties. For this reason I urge the Congress to take action on the Newsmen's Privilege Act of 1971.

SUPPORT FOR BLOOD DONATION TAX DEDUCTION BILL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on January 21 I introduced H.R. 853, a bill allowing a $25 tax deduction for blood donations given to nonprofit blood collecting organizations. Twenty-two of our colleagues are cosponsoring this legislation with me.

H.R. 853 is designed to increase both the quantity and quality of the supply of tranfusable blood. It responds to the critical problems now besetting most hospitals because of the increased quantity of hepatitis-contaminated blood getting into their blood banks.

I have received a letter of endorsement for H.R. 853 from John V. Connorton, executive vice president of the Greater New York Hospital Association. I would at this time like to insert in the Congressional Record Mr. Connorton's statement:

Statement of John V. Connorton

One of the most constructive and possibly most effective steps to have been taken in recent years to reduce the risk of transfusion-induced serum hepatitis is embodied in H.R. 853, introduced by Rep. Edward I. Koch (D., N.Y.) This bill would establish a $25 tax credit to be applied for each voluntary contribution of blood.

As you may know, experts estimate that an American patient receiving commercially purchased blood runs 12 times as high a risk of contacting serum hepatitis as another patient who receives blood donated by a volunteer.

The tax-break incentive envisioned in Mr. Koch's bill would encourage proportionately more numerous voluntary blood donations by responsible taxpaying citizens and correspondingly there would be less frequent need to obtain blood from commercial sources. The result is likely to be a reduced incidence of transfusion-related hepatitis and, with it, a reduced toll in disability and death from this disease, which reportedly attacks 50,000 to 60,000 Americans every year.

For these reasons, I hope you will do everything you can to support the passage into law of H.R. 853.

CAMP JOHN F. KENNEDY OF THE ORDER OF BROTHERLY LOVE PAYS HOMAGE TO PRESIDENT KENNEDY

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the Order of Brotherly Love in Philadelphia has an outstanding record of public service and community involvement. The Camp John F. Kennedy of the Order recently visited the grave of the late President Kennedy to pay homage. That visit was accurately reported in the South Philadelphia American, a local newspaper. Under unanimous consent I include the article at this point in the Record:

Dr. Frank DiDio Leads OBL Camp to President John F. Kennedy's Grave

Two bus loads of members and friends of Camp John F. Kennedy of the Order of Brotherly Love travelled to Washington, D.C. and to Arlington National Cemetery to pay homage to our martyr, President John F. Kennedy.

Let by its new master, Leonard Talarico, Esq., and its founder, Dr. Frank P. DiDio, the entourage consisted of past Master, Michael Carbone, and Carmen Saulingo, many members of the Grand Executive Council, officers and members of the Camp and friends. A wreath was placed on President Kennedy's

grave by the Master, Leonard Talarico, Michael Carbone, John LoCastro, and Carmen Saulino.

During the ceremony, Dr. Frank P. DiDio, its founder, conducted the following ritual which was written for the occasion:

"In the Name of the Father, of the Son, and of the Holy Spirit:

Let us gather together around this national shrine which contains the mortal remains of our martyred President John F. Kennedy and let us in silent prayer and meditation review the events of his life and his greatness as a dedicated American, his deeds as a war hero, and his greatness as a President. His quotes exemplifying the greatness of America will live with us forever.

Today the members of the Camp of the Order of Brotherly Love are fulfilling one of the pledges of incorporation, namely, to help perpetuate the memory of this great President and to pay homage to this shrine by this pilgrimage. And now, let us bow in reverence and again let us reflect for a brief moment upon the fraility, brevity, and the uncertainty of human life and then let us raise our heads toward the heavens above and ask Almighty God for forgiveness of our transgressions and to grant us love and peace among all peoples and may the souls of the faithful departed through the mercy of God rest in peace."

The ceremony was most impressive and visitors paused to observe the fine Order of Brotherly Love's presentment.

The trip also featured a luncheon at the famous Cedar Knoll Inn, a visit to the famous shrines, Lincoln Memorial, Washington Monument, Iwo Jima Memorial, and the Roman Catholic Cathedral.

Upon returning, dinner was served at Capriotti's, Mt. Ephraim, on the Black Horse Pike. A fine time was had by all on this most memorable of occasions in the brief history of Camp John F. Kennedy.

THE DEMONSTRATIONS PRODUCED ITS CRY BABIES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the outstanding work of the Washington police in maintaining law and order during Washington's recent serious problems with demonstrators is very widely recognized and soundly applauded. Strong work by a determined and dedicated force prevented a collapse of the processes of government in the Nation's Capital city. Now it is over, but the shrill protests of frustrated May Day leaders against police procedures are still to be heard. This is no more than is to be expected. They conspired to break the law and their actions endangered the lives and safety of the people. They failed and they are unhappy about it. They are not even good revolutionaries. They are cry babies.

It is most unfortunate that their cause has been championed by a few judges whose rulings indicate that they think they are in fact dealing with children at play who must be protected rather than punished for wrongdoing. These judges are not a credit to their profession or their calling.

Then there are the broadcasters and the columnists who, since the Washington disorders, have filled the news media with whining accusations against the police. This spectacle is nauseating. They ignore in its entirety the magnificent job done by the police to preserve order in spite of the overwhelming influx of troublemakers. These same police whom they now criticize literally saved the broadcasters' heads, their jobs, and their livelihood, for these would have gone down the drain had the revolutionarists accomplished their goal of a takeover of the Government. The broadcasters even ignore the fact that their vaunted freedom of the press also would have been gone; a freedom which they count so highly and which they abuse nearly every day of their lives.

The police have a responsibility to protect the public and this they did in exemplary fashion during the Washington demonstrations. They deserve full credit—not abuse—and I am confident they are receiving this in the minds and hearts of a grateful American public.

THE DOLLAR PROBLEM IS SIMPLE; THERE ARE TOO MANY OF THEM IN EUROPE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is an old political adage that states: When you get hit in the face with lemons, you make lemonade. But lemonade without sweetening is not very palatable.

That is the unhappy situation in which the United States finds itself as it seeks to work its way out of the throes of the monetary crisis abroad which struck so savagely last week. The dollar problem is simple. There are too many of them in Europe.

For many years, the United States has sent dollars, dwindling in value but plentiful in number, to foreign capitals in the form of loans, grants, and contracts. This is the foreign aid program in all its aspects. In addition, American business has been spending more abroad than at any time in history. The American consumer has placed increasing demands on foreign manufacturers and importers of foreign goods. U.S. Armed Forces abroad, plus the various supporting programs, plus families of servicemen abroad, also have contributed billions to the supply of dollars in foreign countries.

The hard cold truth is that dollars are so plentiful abroad that people are taking a second look at them. Many are deciding they prefer to have their own currency.

During this heavy flow of American dollars overseas from various sources, dollar transactions took place at a rate of exchange agreed upon by the International Monetary Fund members.

Finally, last week, several governments decided they did not like the rate of exchange. They said, in effect, that the deal they made to exchange their currency for ours no longer was a good deal and they wanted out. They stated they would set the rate of exchange themselves and, in substance, allow their own currency to float to an acceptable level based on the law of supply and demand.

Thus, after years of siphoning American dollars into their economies, we have discovered that our own economy can no longer stand the strain in relationship to those of foreign governments.

The value of the American dollar declined. The value of foreign currency increased.

Our economy has been hit in the face with lemons. There is not any sweetening—or maybe just the least little bit. There is another side. The net result, if no reassessment takes place, will be that foreign goods now will cost more American dollars to purchase. This can have a good effect for our industries at a time when American workers are being threatened at every turn by low-priced foreign imports.

OKLAHOMA LEADS NATION

(Mr. ALBERT (at the request of Mr. BOGGS) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, I have just learned that Oklahoma led the Nation during February in the number of students graduated from medical self-help training courses and had the greatest number of graduates based on population.

Dr. R. LeRoy Carpenter, commissioner of health in Oklahoma, was notified of the recognition by Dr. Henry C. Huntley, Director of the Division of Emergency Health Services, Public Health Service, Department of Health, Education, and Welfare, Rockville, Md.

Medical self-help courses, taught in high schools, colleges, Government agencies, industry, and civic clubs have as their primary purpose the preparation of the individual to provide emergency medical assistance in any circumstance where professional medical care is not available.

Oklahoma's goal is to train one member of every family in this lifesaving program. Since its inception in 1963, Oklahomans, under program direction of the State department of health, have taught approximately 300,000 persons.

Dr. Carpenter tells me that the Department has confirmed evidence that one person's life was saved just last month by a graduate of a medical self-help course in Oklahoma. This is ample reward in itself for the time, effort, and cost of conducing this program.

I am proud of the many people across Oklahoma who have taught these training courses in their various organizations. They are exhibiting a true Oklahoma spirit of being prepared to aid their fellow man in time of disaster and personal need.

I congratulate and commend Commissioner Carpenter and his staff and all who have contributed to the success of this worthwhile program.

SUPPORT FOR AGRICULTURE

(Mr. SISK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SISK. Mr. Speaker, I request not more than a few minutes to speak on a matter of great importance to farmers, agriculture, and rural America.

In these days of urgent and overwhelming urban problems, many articulate spokesmen have come forward to raise their voices. Urban problems are indeed grave and they must be heeded. At the same time rural America and agriculture must not be displaced from the mainstream of American life, culture, and economy.

Therefore, it gives me a great deal of pleasure to speak up today for agriculture. One of the farmer's perennial complaints is that he is at the mercy of businesses which, because of size and centralization, can bargain more efficiently with him than he with them.

I have introduced legislation which would redress that complaint. It is the national agricultural marketing and bargaining bill of 1971. It has been strongly supported by organizations representing the farmer.

The 1967 Agricultural Fair Practices Act, which I also sponsored, established standards of fair practices required of handlers in their dealings in agricultural products. However, it did not include an affirmative duty to bargain thus not dealing with the refusal of handlers to negotiate with a producer bargaining association.

The new bill requires bargaining in good faith on the part of processors and associations of producers. It does not require agreement.

The bill sets up administrative machinery to administer the program and sets qualifications for farmer bargaining organizations. Only organizations meeting these qualifications can bargain with handlers or processors. Five provisions must be met before an organization can be defined as a bargaining association.

The requirement to bargain imposes negotiation on price and terms of sale, other contract provisions, and a written contract if either side wants it.

Handlers would not be permitted to negotiate with other producers while bargaining with a qualified producer association and could not purchase from other producers at terms more favorable to the handler than those set by a qualified bargaining association.

The legislation also sets up procedures for investigation of charges of refusal to bargain, enforcement of the bargaining procedures, and judicial review of alleged violations.

This legislation does not compel farmers to join in a bargaining association or compel handlers and producers associations to reach an agreement or establish Government-managed marketing boards.

It does meet the need of improving the legal foundations on which the farmers can build their own effective marketing and bargaining programs.

I, at this time, urge other Congressmen to support this legislation. I am reintroducing H.R. 7597 tomorrow. Please call my office to be listed as a sponsor on this bill.

THE STATE OF THE PUERTO RICAN ECONOMY—UNEMPLOYMENT

(Mr. BADILLO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BADILLO. Mr. Speaker, when I took the floor of the House last week to discuss the many problems confronting the Commonwealth of Puerto Rico and the plight of Puerto Ricans, both on the mainland and the island, I urged the establishment of a national employment bank aimed at providing job training for unskilled and semiskilled Puerto Ricans who are forced to seek employment on the mainland.

In my speech I stated that the labor market in Puerto Rico is simply unable to cope with the large and growing labor force and that Puerto Ricans are increasing their migration to the United States in search of better economic conditions and employment opportunities. One of the primary factors compelling Puerto Ricans to migrate to the mainland is the lack of jobs and the soaring unemployment rate. Our colleagues will recall that I mentioned that unemployment is currently at 12.2 percent, according to Labor Department figures. However, unemployment actually approaches 25 to 30 percent when you take into account those who have been discouraged and rejected and are not actively seeking employment.

My contention has been supported in recent testimony before the House General Labor Subcommittee by Mr. H. C. Barton, Jr., president of the Puerto Rico Development Group, Inc. Last Friday and Saturday, the General Labor Subcommittee held hearings in San Juan, Puerto Rico in connection with the pending minimum wage legislation and, particularly, the application of the Federal minimum wage to Puerto Rico. In discussing this issue, Mr. Barton presented some pertinent and informative statistics which describe the full extent of the unemployment crisis in Puerto Rico. Particularly noteworthy is the valid distinction which he makes between official surveys and actual unemployment conditions. Also, he cites the important issue of the quality of the work force.

Mr. Speaker, I believe our colleagues will be interested in reviewing this important data. Accordingly, I include herewith, for inclusion in the RECORD, some of the statistics which Mr. Barton presented to the General Labor Subcommittee last week as well as pertinent excerpts from his testimony:

STATEMENT

The magnitude of Puerto Rico's deficiency in jobs is estimated in the accompanying table. The significant figures appear in the columns headed "calculated employment deficiency." For both sexes there was an estimated deficiency of 362 thousand jobs in February of this year. This amounts to an unemployment rate for our potential labor force of 33%—one third of our manpower resources are idle.

The estimates presented in this table require explanation because they differ from our official figures on the size of the labor force and on the amount of unemployment. Please note first that the figures in the second column for "civilian, non-institutional population" are taken directly from the official survey of our Department of Labor on "Employment and Unemployment in Puerto Rico." So also are the figures for "reported employment" shown in column five. The difference in these estimates from the official figures is introduced in the third column which is headed "% in the U.S. labor force."

These estimates are based on a different definition of labor force from that used in the official statistics. In the official survey only those individuals who are at work or who are actively seeking work are included in the labor force. In Puerto Rico there are many individuals who do not actively look for work because they know that there is no job available for which they are qualified. But they are able and willing to work whenever a suitable job does become available. The estimates presented here include in the labor force those who are able and willing to work, even though they are not actively job hunting at the moment.

Thus the "calculated labor force" shown in column six is based on the assumption that, if job apportunities here in Puerto Rico were comparable to those in the States, Puerto Ricans in each age and sex group would actively look for work and have labor force participation rates equal to those prevailing in the States. This, I believe, is a conservative assumption. U.S. labor force participation rates are not high by international standards. High school and college enrollment in Puerto Rico is considerably below U.S. levels. Many more women in Puerto Rico are heads of families for which they must try to provide and few heads of families can afford early retirement. It is thus conservatively estimated that, if the jobs were available, the Puerto Rican labor force would currently total 1,106,000.

Subtracting the number actually working from this calculated or "standardized" labor force leaves a deficiency of 362,000 jobs. This job deficiency is highly concentrated among the young people of both sexes. Nearly half the jobs we need are for workers under 25 years of age. Most of these young people are under-educated, unskilled and without previous work experience. It is precisely these beginning level jobs for which training time is relatively short that are most sharply affected by the application of minimum wage legislation.

The pressing need of Puerto Rico for unskilled jobs and the corresponding need to upgrade the quality of our labor force is shown by the comparisons made in the accompanying table on the occupational distribution of the labor force in the United States and in Puerto Rico. As the table shows, the occupational distribution of employed workers in Puerto Rico is not markedly different from the distribution of employed workers in the States. We still have a higher proportion of blue collar and farm workers and a comparative lack of better paying white collar jobs but the differences have been diminishing over the years and will probably disappear before many more years have passed.

The differences in the composition of the unemployed, however, are very great. In the United States, there is considerable resemblance between previous occupations of the unemployed and the occupational distribution of those who have jobs and only about 12% of the unemployed are without previous work experience. In Puerto Rico, the great bulk of the unemployed have never had a paid job or, at best, have worked in unskilled, blue collar jobs. In addition to the young people who have never had a chance at a meaningful job, there are many women, especially in rural areas, for whom job opportunities simply do not exist. Unemployed young men can and do migrate in large numbers but for single girls, migration is possible only if close family members are already established in the States.

CALCULATED EMPLOYMENT DEFICIENCY IN PUERTO RICO, FEBRUARY 1971

[In thousands]

Age and sex	Civ. noninstitut. population[1]	Percent in U.S. labor force[2]	Calculated potential labor force[3]	Reported employment[1]	Calculated employment deficiency	
					Number	Percent
Both sexes:						
14 to 19	362		148	44	104	70
20 to 24	263		186	123	63	34
25 to 34	378		270	215	55	20
35 to 44	271		195	154	41	21
45 to 54	229		168	116	52	31
55 to 64	168		107	67	40	37
65+	174		32	25	7	22
Total	1,845		1,106	744	362	33
Males:						
14 to 19	184	47.0	86	34	52	60
20 to 24	133	83.3	111	79	32	29
25 to 34	176	95.8	169	144	25	15
35 to 44	123	96.9	119	102	17	14
45 to 54	109	94.2	103	86	17	16
55 to 64	85	83.0	71	56	15	21
65+	85	26.8	23	22	1	4
Total	895		682	523	159	23
Females:						
14 to 19	178	34.9	62	10	52	84
20 to 24	130	57.7	75	44	31	41
25 to 34	202	50.1	101	71	30	30
35 to 44	148	51.1	76	52	24	32
45 to 54	120	54.4	65	30	35	54
55 to 64	83	43.0	36	11	25	69
65+	89	9.7	9	3	6	67
Total	950		424	221	203	48

[1] Employment and unemployment in Puerto Rico, February 1971, Commonwealth Department of Labor.

[2] 1970 average civilian labor force participation rates in the United States.

[3] U.S. participation rates applied to corresponding age-sex groups in the Puerto Rican population.

OCCUPATIONAL DISTRIBUTION OF THE LABOR FORCE

[In percent]

	Employed		Unemployed	
	United States[1]	Puerto Rico[2]	United States[1]	Puerto Rico[2]
Total	100.0	100.0	100.0	100.0
White collar[3]	48.3	38.2	27.2	3.4
Blue collar[4]	35.3	40.5	45.2	17.9
Service[5]	12.4	12.6	13.2	2.5
Farm[6]	4.0	8.7	2.0	3.0
No work experience			12.4	73.2

[1] 1970 monthly average.

[2] Data for February 1971.

[3] Professional and semiprofessional; managers, officials, and proprietors, except farms; clerical, sales, and kindred workers.

[4] Craftsmen, and foremen; operatives and kindred workers; nonfarm laborers.

[5] Private household workers; protective services; and other services: personal, commercial, maintenance, etc.

[6] Farmers and farm managers; farm laborers and foremen.

Note: Unemployed in Puerto Rico include 97,000 reporting previous occupation, 7,000 reporting no previous work experience, plus 258,000 "potential" workers assumed to have had no previous work experience.

FAMILY PRACTICE OF MEDICINE

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, during debate in the House on Tuesday on the pending supplemental appropriation bill for 1971—H.R. 8190—the gentleman from Pennsylvania (Mr. ROONEY) offered an amendment to fund under the Family Practice of Medicine Act of 1970.

The gentleman from Illinois (Mr. MICHEL) made a point of order against the language of the amendment and the chairman sustained the point of order.

I recognize the basis for the Chair's ruling and regret that the point of order was made and insisted upon. This barred discussion as to the merits of the amendment and the extremely questionable validity of the President's action in his so-called pocket veto last Christmas Eve.

Mr. Speaker, in light of the action in the House yesterday, ruling out consideration of the amendment by the gentleman from Pennsylvania, I am today introducing the Family Practice of Medicine Act as it was finally approved by the House and the Senate and sent to the President for action last December.

I am extremely hopeful that the Committee on Interstate and Foreign Commerce will take early action on this measure and start it through the legislative process once again.

NEED INCREASES DAILY

The need for increasing the number of family physicians is growing day by day.

If the committee were to accept the bill as passed by both Houses after hearings and floor consideration last fall, action could be very quick and conceivably could provide assistance to the medical schools and hospitals for the school year next September.

The shortage of physicians is a national disgrace, and it is essential that the Federal Government act to encourage and assist medical students in engaging in the practice of family medicine.

There are many thousands of specialists today, and only a very small percentage of all physicians are practicing family medicine. This is in direct contrast to the percentage engaging in family practice as recently as 10 or 15 years ago.

Families today need to have access to a physician who is willing and capable of treating all members of the family and thereby being able to take into account the many soul and hereditary factors which very often can be extremely important.

BILL TO CLARIFY VETO POWER

Mr. Speaker, the brief discussion yesterday referred to the extremely questionable action of the Chief Executive last Christmas Eve in exercising what he described as the "pocket veto" of the family practice of medicine bill.

In this regard, I am today also introducing legislation to clarify the intent of the Constitution with regard to the Presidential veto authority.

My bill would make it clear that the right of the Chief Executive to exercise the "pocket veto" provision of the Constitution would exist only after a sine die resolution of the Congress.

CONGRESS IN CONSTANT JEOPARDY

Unless this clarification is made in law, the Congress will be in constant jeopardy of a usurpation of its rights by the Chief Executive during brief adjournments for holidays—or even for long weekends.

The necessity for this clarification is based on the President's action with regard to the family practice of medicine bill last Christmas Eve when the House and Senate were in holiday recess.

When the Senate adopted its adjournment resolution for that weekend, it provided specifically that an officer of the Senate could receive messages from the Chief Executive during the adjournment period.

Thus, the Senate made specific provision for receiving a veto message from the President, and there was no necessity for him to utilize the pocket-veto procedure.

Indeed, I feel personally that his use of the pocket-veto procedure was illegal. Of course, however, that is a matter for the final determination of the courts.

REINSTATING THE INVESTMENT TAX CREDIT

(Mr. NELSEN asked and was given permission to extend his remarks at this point in the RECORD and to include statements of two constituents.)

Mr. NELSEN. Mr. Speaker, in 1962 Congress adopted an investment tax credit for the purpose of providing an incentive to business to modernize and expand the Nation's productive plant and equipment in order to raise productivity, increase employment, accelerate economic growth, and strengthen our competitive position in world markets. This tax credit was continued—except for a brief suspension period—until 1969. During that period the Nation enjoyed a rising level of economic prosperity, though we all recognize that the unwanted war in Vietnam was also accountable.

The economy once again needs a stimulus such as was initially provided in 1962. Thus, I have introduced today a bill to reinstate the 7-percent investment tax credit to give a needed boost to small businessmen and farmers in rural America and to stimulate the general economy to faster recovery.

My measure is uniquely different from the 1962 law, however, in that it restricts the availability of the credit to U.S. produced equipment. Accordingly, the credit would be denied for acquisition of property containing more than a small amount of foreign manufactured components or materials or involving more than a minimal amount of manufacturing, production, or assembly overseas. The purpose of this restriction is, of course, to assure that the benefits to be gained by the credit are enjoyed by American management and labor instead of workers and companies abroad. Today's date would be the effective date after which credit would apply to investments.

When the credit was initially proposed in 1961, the economy had been caught in the doldrums beginning in 1957. A few major economic indicators will demonstrate the extent of stagnation during that period and the extent to which the economy responded so favorably to stimuli beginning with the investment tax credit in 1962.

Industrial productivity stood at a level of 63.2 in 1956 and advanced to only 69.4 by 1961—1967 equals 100. During the period 1962–69—the years for which the investment tax credit was in effect—the productivity index increased from 74.8 to 109.3.

In the 5-year period 1957–61 the gross national product increased from a level of $441 billion in 1957 to $520 billion in 1961. In contrast, during the 8-year period 1962–69 the national product expanded from $560 to $931 billion. Although some of the increase of the production in the latter period—as well as in the earlier period—was accounted for by increased prices, the real growth was substantial for each of the years during the period.

A similar resurgence occurred in expenditures for plant and equipment following the adoption of the investment credit. During the 5-year period 1957–61, expenditures for plant and equipment amounted to $176 billion. During the period 1962–69 these expenditures aggregated to a total of $453 billion.

I certainly do not wish to imply that the investment tax credit was solely responsible for this substantial increase in productivity, economic growth, and investment in productive facilities during 1962–69. The war was a major factor along with excessively inflationary Federal spending policies. However, I do maintain that the data is evidence that the credit constituted a significant contribution to an overall Government fiscal program that promoted highly successful results.

The economic data I presented for the period 1957–61 should alert the Congress to the danger that our economy could be kept down to an unhealthy level for some duration. This is important to realize at the present time when our economy is lagging, with only partial indication of significant recovery in the near future. Unless the Congress immediately takes proper fiscal action, we could subject ourselves to a slower recovery than is necessary during the present transitional shift from a wartime to a peacetime economy. Thus, to bolster the present gradual recovery, it is imperative to take positive fiscal action by restoring the investment tax credit now.

At this time, I would like to review various major economic indicators to characterize generally the present state of our economy. These indicators reflect directly President Nixon's successful winding down of the war along with attendant reductions in defense-related activities. However painful, they are necessitated by the present transition from a wartime to a peacetime economy and by the President's courageous attempt to reorder our national priorities. Industrial production declined from a level of 109.3 in 1969 to a level of 106 in 1970. While the productivitiy index showed some increase in the months of December 1970 and January 1971 over the low of November 1970, largely due to the settlement of the General Motors strike, the index showed another decline in February. Gross national product, measured in real terms—that is, adjusted for price inflation—showed a decline in the period 1969 to 1970. Early reports for the national product thus far this year indicate much ground remains to be made, even though we have passed the trillion dollar mark for the first time in history. Expectations for plant and equipment expenditures in 1971 are not as encouraging as we would like.

As a result of a survey in January and February of this year by the Commerce Department and the Securities and Exchange Commission, expenditures for new plant and expenditures are expected to increase by 4.3 percent. Other indicators show an excessive rate of unemployment and inhibited corporate profits. Personal incomes which showed signs of strength in January showed a sluggish gain for February.

In January of this year, President Nixon announced liberalization of depreciation allowances by business and took other broad steps to revive the economy. One of the major purposes of the depreciation allowance action is to promote additional investment by business and to help business through tax reductions to accumulate capital required for investment. The administration is hopeful that, as a result, new and modernized equipment in American business will increase productivity, strengthen our position in world markets, and provide additional job openings. There is new evidence that this is occurring. The most recent OBE–SEC survey shows an expected strengthening of manufacturing outlays during the course of 1971. From the first half of this year to the second, manufacturers' outlays in the aggregate are expected to rise 6 percent on the expectation of sharply accelerated sales growth.

Similar action was taken by the administration in 1962 to liberalize depreciation. Thus, in that year, the investment tax credit and liberalized depreciation fiscal measures which proved to be extremely beneficial to the economy. Similarly, supplementing the already announced liberalized depreciation with reinstatement of the investment tax credit could go a long way toward injecting the necessary stimulus in our economy at this time.

Actually, the investment tax credit is a more potent stimulus to investment than liberalized depreciation. It goes much further than depreciation in raising the rate of return on investment—even though the revenue loss is the same. The investment tax credit results in an immediate and outright tax reduction in addition to normal depreciation allowed for the asset. Liberalized depreciation merely speeds up the depreciation deduction; the overall tax reduction over the life of the asset is the same under either normal or accelerated depreciation.

Certain currently existing favorable factors would help to assure the success of reinstating the investment tax credit to stimulate additional investment and—as a consequence—a high level of economic activity. As you are aware, the Tax Reform Act of 1969, strongly pushed by the Nixon administration, provided substantial individual income tax rate reductions which will become effective over a period of several years. Thus, during the intervening years until the reductions become fully effective, personal disposable incomes can be expected to increase. This additional spendable income along with already high levels of incomes and accumulated savings create a potential for significantly increased levels of effective demand. As a consequence, business should more readily respond with increased levels of investment in productive facilities. This will induce even further demand for the products of industry and once again return the economy to the high level of economic activity that we all desire.

I wish to comment on one other segment of the economy. This involves housing. We know from experience that housing often suffers when the demand for funds for capital investment is high. Funds for housing often dry up as interest rates soar. I am happy to report, however, that our mortgage market and interest rate market have shown a remarkably favorable turn in recent months. Reports on housing starts are good. Funds available for mortgages have increased substantially, and mortgage rates have declined. Thus, the risk that the reinstatement of investment tax credit would have a seriously adverse effect on the housing market at this time is not imminent.

I would like to mention that leading authorities support my views on reinstating the investment tax credit. While some expressions toward the investment tax credit have been stated modestly, there is a growing feeling of urgency for this type of economic stimulus.

I wish to introduce into the RECORD at this point an explanation of some of the more technical aspects of this measure prepared at my request by the staff of the Joint Committee on Internal Revenue Taxation:

The bill provides—in section 2(a)—that the investment credit is to be available for property qualifying for the credit which is placed in service in the future, except in two cases. First, the credit would not be available if the property was either acquired or ordered before the introduction of the bill. Second, in the case of property being constructed by the taxpayer, the credit would not be available for that part of the cost of the property attributable to costs incurred prior to the introduction of the bill. These limitations on the availability of the credit are based on the principal that acquisitions, orders, and construction prior to the introduction of the bill were not stimulated by the credit—that is, they were undertaken without regard to the investment credit—and, thus, it would not be appropriate to extend the credit in these cases.

Any property eligible for the credit under existing law because of the application of the transition rules contained in the 1969 repeal of the credit would continue to be eligible for the credit under the bill.

Under existing law, the amount of investment credits which a taxpayer may claim in a year—including carrybacks and carryovers to the year of credits which were not usable in other years—is subject to two limitations. First, the credits claimed generally may not exceed 50 percent of the taxpayer's tax liability for the year. Second, carrybacks and carryovers to the year may be claimed only to the extent of 20 percent of the total amount of carrybacks and carryovers to the year. This limitation was adopted at the time of the repeal of the credit because of the substantial amount of unused credits which taxpayers had at that time. Since taxpayers would not be generating current credits after the repeal which would fill up, so to speak, the generally applicable 50 percent of tax liability limitation, they could have, in the absence of the 20-percent limitation, rather quickly claimed their unused credits. This would have produced quite a significant revenue loss.

Once the credit has been restored and in operation for a period of time, this problem will no longer exist since taxpayers will be currently generating new investment credits. Accordingly, the bill would continue the application of the 20 percent limitation for a short period of time—through taxable years ending before 1972—and then would terminate its applicability.

Finally, the bill would deal with the situation where property for which a credit has been claimed is disposed of by casualty or theft before the end of the period taken into account in determining the amount of the credit originally allowed.

The amount of the cost of property eligible for the credit would be determined, if the credit was restored and the rules of prior law reinstated, with reference to the period of time it would be used by the taxpayer: The amount qualifying would be one-third if the period was 4 to 6 years, two-thirds if it was 6 to 8 years, and 100 percent if it was more than 8 years. In addition, there generally would be a recapture of the credit where there was an early disposition of the property. Prior to the repeal of the credit, the law contained a complex set of rules to deal with the situation where investment credit property was disposed of by casualty or theft and then replaced with new property. The application of these rules, which generally resulted in an adjustment to the amount of the credit recaptured or the amount of the credit allowed on the replacement property, was terminated when the credit was repealed.

Although it does not seem appropriate to reinstate these rules because of their complexity, some provision is needed, if the credit is restored, to prevent taxpayers from obtaining undue benefits in the situation where investment credit property is disposed of by casualty or theft and then replaced. For example, in the absence of a provision to deal with this situation, a taxpayer, who had property with a life of 8 years destroyed after 1 year of use and who replaced that property, would have received a full credit on the destroyed property, even though it was only used 1 year, and also would receive a full credit on the replacement property. Accordingly, the bill—in section 2(c)—would provide that where investment credit property which is disposed of by casualty or theft is replaced, the otherwise allowable credit on the replacement property would be reduced by the amount of the credit which would have been recaptured with respect to the property disposed of under the generally applicable rules.

I would like to note that my thinking with regard to the investment tax credit has certainly been influenced by a provocative, well-reasoned statement submitted to me by Mr. Richard Horner, president of the E. F. Johnson Co., of Waseca, Minn. I include Mr. Horner's presentation at this point in my remarks:

The Case for the Investment Tax Credit

The current status of the United States economy has been the subject of extensive discussion by economists, politicians, and lay Americans. There are a few characteristics concerning which there seems to be general agreement, and which in their composite constitute an unsatisfactory economic posture. Unemployment is at an unacceptably high level and has continued to grow in a time period when the cost of labor has simultaneously continued to increase. Further growth in labor costs at a rate that is disproportionate to prospective improvement in productivity appears to be likely. In addition to labor rate inflation, the cost of renting capital has been high and although there has been a recent reduction in some borrowing rates, the difficulties of putting capital to work continue to frustrate the American industrial manager. For example, most purchases of capital goods that are needed for the improvement of productivity to counter the inflation in wages require long term investment and the availability/price characteristic of long term capital is a deterrent to such investment. Thus, the increase in supply of products lags while the potential demand, as measured by personal savings accounts, is at an all-time high. The cost of living continues upward while unemployment grows; and the gap between potential and actual Gross National Product increases as we price ourselves out of the world markets and even give up substantial fractions of domestic markets to foreign competition as our international balance of trade deteriorates. Something must be done to break the dam which is holding back productivity.

Although there is substantial agreement on the general nature of the disease, there is great debate on the specifics of the symptoms and the treatment indicated by each to effect a therapeutic cure. The economic philosophers are enjoying a heydey in the mass media and the government can receive a large variety of professional advice by simply selecting a variety of professional sources. Who is to say which advisor has merit and which is promoting a thesis that is not fitting the needs of the moment. There is probably insufficient time to try even the most promising theories in sequential practice to measure results, but to the practitioner of industrial economics, that seems to be the course we are following. To this individual, there seems to be one major oversight. He steers his course with two primary sources of economic information . . . the balance sheet and the profit and loss statement. If he has found the time to review these pages from his annual report for the last ten years, there is revealed a solution to our current dilemma with startling clarity. The industrial investment in capital goods turned up sharply early in the decade with the passage of the investment tax credit statute and turned down sharply with its withdrawal in early 1969. Since this was the intended effect of this legislation, there is no reason for surprise, but the occurrence that should be noted was the unpredicted government budget surplus that came as an immediate consequence of the industrial stimulation and resultant expansion in the tax base. For the decade of the '70's, a new version of the investment tax credit offers a mechanic for attaining the best performance of the capitalistic, free enterprise, competitive system of industrial economics, and in the great competition between world social orders, improved performance is vitally necessary. The advantages to be expected can be discussed under four headings:

I. THE GENERATION OF FULL EMPLOYMENT ECONOMY

The Executive Office of the President has announced the reduction of unemployment and the stimulation of a growth economy as a national goal with the short term objective of 4% unemployment by the middle of 1972. The attainment of that objective by the simple institution of a more plentiful money supply and increased government spending is highly problematical and fraught with the severe risk of inflation. If the lower cost of capital afforded by increased money supplies are immediately balanced by increased costs of labor as enforced by wage inflation, the industrial manager cannot afford to make the long term risk investment in capital goods which will ultimately reduce labor costs by making it more efficient through the use of better tools which will in turn permit price competition, lower product prices, and increased consumption. The important feature of the investment tax credit is the incentive that it provides to the industrial manager to make the necessary long term capital investments since that is the only way he can realize the proffered, effective reduction in capital costs.

This is not to say that some increase in money supply will not be necessary. It is simply not a sufficient condition to generate the needed increase in productivity. It is a recorded fact that the composite capital goods budget for the American manufacturing and service industries is set at an all-time high in 1971. The statement of this fact is usually in the context of proving that revitalization of our economy is at hand. It should be simultaneously stated, however, that next year's capital budget is a projection of what industry would like to have happen, and it is almost always at an all-time high when it is next year's budget. It is an equally certain fact that that budget will not be spent unless the business conditions reflected on current balance sheets and profit and loss statements support the wisdom of the investment. The reinstitution of the investment tax credit can be the key log in the jam. The economy is poised for action. The consumer has the savings accounts and the current income. Industry has identified product and service needs and has made their plans for investment in capital goods. The capability to start that investment with their tax credits would inevitably start the chain of increased manufacturing activity in the capital goods industry and then increased productivity in all manufacturing and service organizations with the consequence of increased employment and higher government revenues. The result was effectively proven in the 1962 experience.

II. INFLATION CONTROL WHILE EXPERIENCING ECONOMIC GROWTH

It is now generally accepted that the combination of the investment tax credit, large increases in government spending with high government deficits, and a contingent relaxation of the control of the money supply produced the out-of-control inflation of the late '60's. With the usual hostility of individuals toward large organizations and what is usually called "big business", the democratic processes repealed the investment tax credit in 1969 while slowing down the rate of growth of government expenditure. There was also a cycle of tightening and then loosening the control on the supply of money. One can only conclude that this sequence of events took place because these were the controls that were politically possible when the constituency didn't recognize that by removing the investment tax credit they were taking away business management's capability to match increased wages with increased productivity. They were in effect "biting the hand that feeds them" and de-escalating the whole industrial process. Having accomplished this de-escalation and noting dissatisfaction with the resultant employment levels, the most popular solution seems to be a resumption of the high rate of increased government spending with further relaxation of money control through a combination of deficit spending and a responsive Federal Reserve system.

In recognition of the fact that these actions produced unacceptable inflation in the '60's, the companion suggestion has been the institution of some type of wage and price control, either through mandate or coercion. This procedure will not produce the best results in our free enterprise, capitalistic, competitive system. In fact, it is a subversion of the system and we will be trying to do a centralized planning and direction of our economy without the benefits of the characteristics of a dictatorship, which makes the system used by our chief competitor in world affairs effective. By far the best prospect for inflation control is the one that has always worked, the increase of the supply of products and services at reduced costs through the improvement in productivity. This is especially true if the resultant tax revenues produce government surpluses, as was the case in the previous experience of introducing investment tax credits.

III. THE IMPROVEMENT OF THE COMPETITIVE POSITION OF THE U.S. IN WORLD MARKETS

Historically, the production of U.S. industry has always had to compete in the world market in the presence of a relatively high tax burden and high labor rates. If we are to continue to support and enlarge social programs of government sponsorship while current labor laws and government policy permit and encourage the growth of labor rates, then some compensation must be found to enable the maintenance of an acceptable balance of trade between exports and imports. In recent months, the textile and shoe industry have received a great deal of attention and an attempt at remedial legislation to provide import barriers to protect our domestic higher cost products. There has also been some attention given to more sophisticated manufactured products, such as electronic components and equipments, but the prospect of imposed import duties always brings a clamor from free trade objectors with the dire predictions of retaliatory trade barriers that usually use the export of American farm products as the area which is most likely to suffer if an international trade war develops. These objections seem a little ridiculous in view of the world's food shortage and especially inasmuch as ours is not basically an agrarian economy, but there is no question that the isolationism of import tariffs would ultimately work to our disadvantage in terms of our international monetary and military relationships, if not our trade balances. Therefore, a way must be found to maintain satisfactory trade balances without the direct imposition of duties and this means more competitive products in the world market. The investment tax credit provides a facility for attaining that objective in at least two ways.

As mentioned above, it will improve the productivity of American industry and therefore improve the competitive posture of American products wherever they are needed. In addition, by providing the condition that the investment tax credit will pertain only to the purchase of capital goods manufactured in the U.S., we will automatically provide an effective counter to the national tax and regulatory provisions that are currently used by many potential markets to inhibit the sale of American products. It is now common practice in the European markets to use the selective imposition and exclusion of value added taxes to aid and abet national exporters. The use in the U.S. of an investment tax credit for the purchase of those capital goods manufactured in the U.S. would serve as an equivalent to the discriminatory use of the value added tax while it was simultaneously motivating American industry to improve productivity.

It is thus a procedure which should be completely acceptable to advocates of free trade and would have an adequate and immediate therapeutic effect on our balance of trade. For example, in the case of the ailing textile industry, a new surge of automation to improve the competitive posture of the product could be undertaken without the investment of non-existent profits, whereas simple import tariffs will only have the effect of raising the consumer price for the product of a less efficient industry.

IV. THE USE OF TAX INCENTIVES AS A POLITICALLY FEASIBLE SOLUTION

As an immediate aftermath of the 1968 election with inflation and the Viet Nam War as the two overwhelming problems of government, it was entirely understandable that the campaign promises concerning the use of tax incentives to attain desirable social and economic objectives, fell by the wayside. In the eyes of the lay American, inflation and industrial activity were very closely linked together and even though it was a counterproductive move, it is understandable that repeal of the investment tax credit to reduce industrial activity was taken as a mechanic for slowing the inflation. In the period after the 1970 election, however, there is wide acceptance of the need for industrial stimulation. High unemployment, a record number of business failures, low market values of industrial equities, and sharply reduced industrial output all serve to make up an environment in which the voting public is looking for government leadership to increase the tempo of economic activity.

There is even an increasing awareness that most American voters participate in ownership of American industry, either through the direct purchase of equities, or through retirement and insurance programs, all of which have suffered a decrease in valuation from their ownership. Under these circumstances, politicians of both parties can well afford a statesman-like approach to the reconsideration of the investment tax credit. Everyone now holding office will be rewarded with an improved image in the eyes of their constituency if they support a bipartisan measure which results in increased employment, a more stable economy and a favorable balance of international trade. With our present government, the enactment of any tax bill must of necessity receive bipartisan support.

In summary, the economy is poised for action. The stringent testing of the past two years in solving the problem of inflation has had therapeutic results in refining management procedures, improving training and establishing the basis in plans in American industry for a marked improvement in productivity. The major deficiency is the confidence and motivation to make the long term risk investment in capital goods to put the plans, training and organization to work for realization of the potential improvements in productivity. We are at the crossroads and investment tax credit for the purchase of capital goods manufactured in the U.S. would provide the direction and the impetus. It would not only result in immediate orders for capital goods, but it would provide the confidence in industrial management that the government understood the workings of our free enterprise system and was not going to be satisfied with yet another round of wage and price increases with short term prosperity induced by government deficit spending. On the domestic and international economic scene, nothing could enhance our posture so much as a balanced budget, reduced unemployment, increased industrial growth, and international trade balances. All of these results are possible in the next two years if the move is made now.

Finally, as a further indication of the importance that should be attached to this measure, I include for the RECORD at this point a letter I have received from Mr. William M. James, president of Scherr-Tumico, Inc., of St. James, Minn. Mr. James' comments concerning the machine tool industry should not under any circumstances be brushed aside lightly, because this industry is basic to industrial expansion and to a vigorously operating economy. The letter follows:

Hon. ANCHER NELSEN,
U.S. Representative,
Rayburn Office Building,
Washington, D.C.

DEAR ANCHER: As an executive of a business engaged in the manufacture of precision measuring tools, I have been vitally concerned over the past few years with the continued domestic deterioration of the machine tool industry. Our firm, as a member of this once vibrant industry, has suffered currently with the decline of this particular industry and over the past two years have experienced a reduction of approximately 50% in our work force. In addition, a reduction in the manufacturing work week, from 45 and 50 hours in 1967 and 1968 to our present 32 hour work week, has been in effect here at Scherr-Tumico for approximately the last six months, as well as during the summer months of calendar 1970. As one of the two major industries in the community of St. James, Minnesota, this reduction in payroll has had serious adverse effects in our local community of 4,100 people and has in turn effected many of the local retail businesses within our community.

Needless to say, our own reduced level of business activity is being shared by other American manufacturers in the precision tool industry as well as other industries within the broad frame of the machine tool industry. Last year the machine tool industry experienced in the neighborhood of roughly a 40% drop in economic activities and some metalworking magazines have even quoted this reduction as high as 47½%.

The cause of the decline in the machine tool industry can be traced to a number of significant factors. However, one of the most important factors is the retraction of the investment credit in April of 1969, and we ourselves experienced an approximate 60% drop in activity in the capital goods portion of our business as a result of this retraction. An additional significant factor has been the constantly increasing influx of foreign imports of machine tools into the American marketplace and it has been these foreign imports that have forced American manufacturers of perishable tools—such as drills, taps, and reamers—to cut their profit margins through lower selling prices and increased discounts in an effort to more effectively compete with these foreign imports.

I have read with interest in many financial magazines the supposed end to our current recession and the recent upturn in corporate earnings for many types of industry, especially the automotive industry. I would like to call to your attention an article in the April 29, 1971, edition of The Wall Street Journal and I quote—"Profit Turnabout—Firms' Earnings Rose in the First Quarter after a Lengthy Slump—Executives in most industries are confident that the profit gain is more than a passing phenomenon. There are exceptions with special problems, of course—like machine tool makers and the aircraft industry—but most industries are counting on a broad strengthening of the economy to help make the next several months increasingly profitable ones."

As you can see from this article, the machine tool industry's problems are far greater than the problems of most industries and a further stimulus by the present administration and Congress will be necessary in order to return the machine tool industry to a more healthy state. In my opinion, one of the single greatest stimuli would be the reinstatement of the investment credit. I think this step is absolutely necessary if we are to see a turnaround yet this calendar year in the machine tool industry. For many years, the industry has been recognized as a significant barometer of over-all economic activity and portrays the confidence of business in the future growth of our economy. It is also an industry which has played a vital role in the defense of our country. In an effort to keep American industry competitive in today's world market, it is essential that American industry be provided incentives to keep it technologically abreast of other foreign economic powers. Technological advancement is a "must" in a country which has the distinct disadvantage of finding itself with the highest "labor costs" in the world market today. We ourselves are in an industry where the cost of labor averages approximately 65% of the total unit cost of an item being manufactured. We are trying to compete in a world market where other countries have labor costs of approximately one-fourth to one-fifth that of ours, with import duties on precision hand tools that are presently ranging in the area of from 10% to 20%. Because of these conditions, must we sacrifice our machine tool industry in the cause of the promotion of world trade? I think that it is important that we take a second look at this ailing industry and provide the necessary steps to bring about its recovery.

I would sincerely appreciate your immediate consideration to the problems as expressed in this letter.

Very truly yours,

WILLIAM M. JAMES,
President, Scherr-Tumico, Inc.

THE 23D ANNIVERSARY OF THE STATE OF ISRAEL

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MITCHELL. Mr. Speaker, I wish to add my voice to those of my distinguished colleagues who have lauded the great and courageous State of Israel on this, its 23d anniversary. I wish to submit for the record my statement presented to a rally for Israel in Baltimore on Thursday evening, April 29, 1971.

Please accept my regrets for being unable to be with you tonight, but a prior commitment at the Hillel Foundation of the University of Pennsylvania requires me to be away. I shall be speaking about similar concerns at the University of Pennsylvania. The concerns that bring you together tonight. At a time when the people of Israel are forced to continue their struggle for a lasting peace, I believe it is important, and somewhat comforting, to look upon her achievements. Twenty-three years is a relatively short time, yet when three wars are fought in that time, 23 years can be an eternity.

There is much to be admired in Israel. The will to preserve the homeland has inspired accomplishments far beyond those of military might. What was once tired land has been made arable. Israel can provide for its hungry as well as the hungry of other nations. There are modern cities and villages. A fine university, a symphony orchestra, and all the arts flourish. Israel's economy has progressed so as to allow her to make a contribution to other young nations. All of these growing upon a set of truly democratic institutions make her an example for other developing nations.

Yes, on this 23d anniversary of the State of Israel, it is clear to all of us, Israel does live, it must live.

STATUE OF BOB BARTLETT NOW STANDS IN THE ROTUNDA OF THE CAPITOL

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BEGICH. Mr. Speaker, in the rotunda of the Capitol there now stands a statue of a most important figure in the achievement of Alaska's statehood—Bob Bartlett.

Last week, on April 27, 1971, the people of Alaska made their first contribution to Statuary Hall in the form of a bronze statue of Bob Bartlett, Territorial Delegate to Congress and Alaska's first senior Senator.

The statue is the work of Felix G. W. deWeldon who spent many hours with Mrs. Bartlett while working on the statue. Mr. deWeldon said:

> It was she who helped me to show her husband's sensitivity.

Mrs. Bartlett came from Alaska to attend the ceremony in the rotunda and to unveil the statue of her husband. Also present for the unveiling were the two Bartlett daughters.

Bob Bartlett spent so much of his productive life in Washington that it is fitting that his likeness will remain here always. He first came to the Congress in 1945 as a nonvoting delegate from the territory of Alaska. Many of you were his colleagues until 1959 when he became Alaska's first senior Senator. He remained in the Senate until his death on December 11, 1968.

It is with pride that Alaskans have honored their first citizen to be commemorated in Statuary Hall. The son of Klondike pioneers, Bob Bartlett seemed to embody the best qualities of a new land: pride, energy, and an ability to dream of things yet to come.

I hope that the millions of people who will visit the Bartlett statue will take the time to look at his face because it is one of warmth and compassion. We all would do well to remember that a capacity for friendship is the greatest of gifts and Bob Bartlett had that in abundance. His statue is a lasting reminder of his many friends and of their appreciation and love.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. STEIGER of Arizona (at the request of Mr. GERALD R. FORD), on account of illness.

Mr. SCHNEEBELI (at the request of Mr. GERALD R. FORD), through May 23, on account of official business.

Mr. WYATT (at the request of Mr. GERALD R. FORD), through May 21, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 1 hour, tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ROBINSON of Virginia) and to revise and extend their remarks and include extraneous matter:)

Mr. BRAY, for 15 minutes, on May 13.

Mr. HARVEY, for 30 minutes, on May 13.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. MIZELL, for 5 minutes, today.

(The following Members (at the request of Mrs. GRASSO) and to revise and extend their remarks and include therein extraneous matter:)

Mr. DENT, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. HARRINGTON, for 10 minutes, today.

Mr. HENDERSON, for 30 minutes, today.

Mr. ROY, for 30 minutes, today.

Mr. CHAPPELL, for 60 minutes, on May 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FASCELL for today during general debate on the supplemental appropriation bill in two instances, and to include extraneous matter.

Mr. MADDEN and to include extraneous material.

Mr. BROWN of Ohio, to revise and extend his remarks in the debate today.

Mr. Hogan to insert a chart during debate on second supplemental appropriation bill.

(The following Members (at the request of Mr. Robinson of Virginia), and to include extraneous matter:)

Mr. Brown of Ohio.
Mr. Springer in two instances.
Mr. Pettis.
Mr. Gubser.
Mr. Derwinski in two instances.
Mr. Steiger of Wisconsin.
Mr. Hunt in two instances.
Mr. Bray in two instances.
Mr. Edwards of Alabama.
Mr. Landgrebe.
Mr. Schmitz in two instances.
Mr. Wyman in two instances.
Mr. Hosmer in two instances.
Mr. Keating.
Mr. McCloskey.
Mr. Brotzman.
Mr. Miller of Ohio in two instances.
Mr. Mizell in three instances.
Mr. Goldwater in three instances.
Mr. Frenzel.
Mr. Price of Texas in two instances.
Mr. Morse.
Mr. Ashbrook in two instances.
Mr. Rousselot.
Mr. Gude.

The following Members (at the request of Mrs. Grasso) and to include extraneous matter:)

Mrs. Chisholm in two instances.
Mr. Fraser in two instances.
Mr. James V. Stanton in three instances.
Mr. Edwards of California.
Mr. Hamilton.
Mr. Montgomery in three instances.
Mr. Kastenmeier in two instances.
Mr. Dow.
Mr. Long of Maryland in two instances.
Mr. Gallagher in two instances.
Mr. Hungate.
Mr. Leggett in five instances.
Mr. Rodino in five instances.
Mr. Gonzalez in three instances.
Mr. Helstoski in two instances.
Mr. Sisk in two instances.
Mr. Hawkins in two instances.
Mr. Chappell.
Mr. Hagan in three instances.
Mr. Rarick in three instances.
Mr. Annunzio.
Mr. Shipley.
Mr. Brasco in two instances.
Mr. Scheuer in five instances.
Mr. Minish in two instances.
Mr. Jacobs.
Mr. Zablocki in two instances.
Mr. Harrington in three instances.
Mr. Rooney of Pennsylvania.
Mr. Brinkley.
Mr. Fascell.
Mr. Eckhardt.
Mr. Dingell in two instances.
Mr. Mazzoli.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 932. An act to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates; to the Committee on the Post Office and Civil Service.

S. 1131. An act to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State; to the Committee on Agriculture.

S. 1806. An act to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating and other type loans, and for other purposes; to the Committee on Agriculture.

S.J. Res. 92. Joint resolution to direct the National Railroad Passenger Corporation to make a study with respect to expanding the basic national rail passenger system; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mrs. GRASSO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, May 13, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

707. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, as of March 31, 1971, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

708. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 32, United States Code, relating to National Guard technicians; to the Committee on Armed Services.

709. A letter from the Librarian of Congress, transmitting his annual report for fiscal year 1970, the annual report of the Library of Congress Trust Fund Board for the same period, and copies of the issues of the Quarterly Journal of the Library of Congress published that year; to the Committee on House Administration.

710. A letter from the Secretary of the Interior, transmitting a copy of a proposed concession contract for the provision of lodging, food, and maritime accommodations, facilities, and services for the public at the Echo Bay Site of Lake Mead National Recreation Area, Nevada, for the 20-year period ending December 31, 1989, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

711. A letter from the Chairman, Federal Power Commission, transmitting copies of two publications entitled "Typical Electric Bills, 1970" and "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1969"; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 6359, a bill to amend the Water Resources Planning Act to authorize increased appropriations; with an amendment (Rept. No. 92–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 5257, a bill to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children; with an amendment (Rept. No. 92–198). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules, House Resolution 437. Resolution providing for the consideration of H.R. 3613, a bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; (Rept. No. 92–199). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 438. Resolution providing for the consideration of H.R. 7109, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; (Rept. No. 92–200). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 8311. A bill to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, and to provide that the Court of Claims shall have jursidiction of renegotiation cases; to the Committee on Ways and Means.

H.R. 8312. A bill to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

H.R. 8313. A bill to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad; to the Committee on Ways and Means.

By Mr. ABERNETHY:

H.R. 8314. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRON:

H.R. 8315. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER:

H.R. 8316. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

H.R. 8317. A bill to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 8318. A bill to restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Hicks of Washington, Mr. Riegel, and Mr. Roe):

H.R. 8319. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. DORN:

H.R. 8320. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 8321. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition; to the Committee on Interstate and Foreign Commerce.

H.R. 8322. A bill to insure the separation of Federal powers by amending title I of the United States Code, to provide for the implementation of article I, section 7, of the Constitution; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 8323. A bill to amend the Housing Amendments of 1955 to extend certain financial assistance for construction of water works and sewer facilities to private corporations; to the Committee on Banking and Currency.

By Mr. GOLDWATER:

H.R. 8324. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 8325. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas; to the committee on Interior and Insular Affairs.

H.R. 8326. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 8327. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 8328. A bill to amend chapter 55 of title 10 of the United States Code to provide medical and maternity care in service facilities for certain members of the uniformed service and their dependents after such members are separated from active duty; to the Committee on Armed Services.

By Mr. JACOBS:

H.R. 8329. A bill to amend the Public Health Service Act to provide that a part of any State's grant for comprehensive public health services shall be available only for the conduct of programs designed to determine, and meet, the need of the State for health care personnel; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS (for himself, Mrs. Grasso, and Mr. Begich):

H.R. 8330. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. KARTH (for himself and Mr. Dingell):

H.R. 8331. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. KOCH (for himself, Mrs. Grasso, Mr. Mikva, and Mr. Moss):

H.R. 8332. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 8333. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NELSEN:

H.R 8334. A bill to amend the Internal Revenue Code of 1954 to restore the investment tax credit; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 8335. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. PIRNIE:

H.R. 8336. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 8337. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8338. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 8339. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Hosmer, Mr. Don H. Clausen, Mr. Lujan, Mr. Sebelius, Mr. McKevitt, and Mr. Terry):

H.R. 8340. A bill to establish within the Department of the Interior the Indian business development program to stimulate Indian entrepreneurship and employment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SEBELIUS (for himself, Mr. Abourezk, Mr. Andrews of North Dakota, Mr. Cleveland, Mr. Daniel of Virginia, Mr. Denholm, Mr. Dennis, Mr. Derwinski, Mr. Hansen of Idaho, Mr. King, Mr. Kuykendall, Mr. Mazzoli, Mr. McCloskey, Mr. Runnels, Mr. Shriver, and Mr. Sikes):

H.R. 8341. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

By Mr. STAFFORD:

H.R. 8342. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualifications of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 8343. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON:

H.R. 8344. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas:

H.R. 8345. A bill to amend section 554 of title 37, United States Code, in order to authorize additional transportation for the dependents and household goods of members of the Armed Forces who are in missing status and have been in such status for prolonged periods of time; to the Committee on Armed Services.

By Mr. THONE:

H.R. 8346. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5 million to $10 million; to the Committee on Ways and Means.

By Mr. VANIK (for himself and Mr. Carney):

H.R. 8347. A bill to provide for the establishment of the Ohio Canal Cuyahoga Valley National Historical Park and Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:

H.R. 8348. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROTZMAN:

H.R. 8349. A bill to amend title 5, United States Code, to make it clear that civil service survivor annuities are exempt from State inheritance taxes; to the Committee on Post Office and Civil Service.

By Mr. CORMAN (for himself, Mr. Pettis, Mr. Roybal, Mr. Bell, and Mr. Goldwater):

H.R. 8350. A bill to amend the Tariff Act of 1930 with respect to the licensing of customs brokers; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 8351. A bill to improve the quality, and lessen the cost, of health care services provided to citizens of the United States under both public and private programs, and for other purposes; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 8352. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. DENHOLM:

H.R. 8353. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. GALLAGHER:

H.R. 8354. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself and Mr. Koch):

H.R. 8355. A bill to amend section 16 of the act of March 3, 1899 (30 Stat. 1121, 1153, ch. 425; 33 U.S.C. 411 and 412); to the Committee on Public Works.

By Mr. HÉBERT (for himself and Mr. ARENDS):

H.R. 8356. A bill to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation; to the Committee on Armed Services.

By Mr. HENDERSON:

H.R. 8357. A bill concerning legal counsel of recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

H.R. 8358. A bill to amend the National Labor Relations Act with respect to its findings and policies, and for other purposes; to the Committee on Education and Labor.

H.R. 8359. A bill to amend the National Labor Relations Act to clarify judicial procedures standards, and for other purposes; to the Committee on Education and Labor.

By Mr. KASTENMEIER:

H.R. 8360. A bill requiring personal financial disclosure, and promoting public confidence in the legislative, executive, and judicial branches of the Government of the United States; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 8361. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works.

By Mr. MATHIS of Georgia:

H.R. 8362. A bill to provide a penalty for the manufacture, sale, or display of the Vietcong flag; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 8363. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 8364. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY:

H.R. 8365. A bill to provide for uniform and full disclosure of information with respect to the computation and payment of interest on certain savings deposits; to the Committee on Banking and Currency.

By Mr. CHARLES H. WILSON (for himself and Mr. GUDE):

H.R. 8366. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.R. 8367. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

H.R. 8368. A bill to amend the Internal Revenue Code of 1954 to continue the investment tax credit for the first $20,000 of investment in each taxable year in a farming business; to the Committee on Ways and Means.

By Mr. YATRON (for himself, Mr. EILBERG, and Mr. HALPERN):

H.R. 8369. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who hire unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. DORN:

H.J. Res. 634. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. FULTON of Tennessee:

H.J. Res. 635. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LENNON:

H.J. Res. 636. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 637. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.J. Res. 638. Joint resolution authorizing the President to call an international conference to study the problems with respect to the development and use of supersonic aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. WIGGINS:

H.J. Res. 639. Joint resolution to authorize the President to issue a proclamation designating the week of October 18, 1971, through October 24, 1971, as "National Indian Week"; to the Committee on the Judiciary.

By Mr. ANDERSON of Tennessee:

H. Con. Res. 298. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HECHLER of West Virginia:

H. Con. Res. 299. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. REUSS:

H. Con. Res. 300. Concurrent resolution for an International Economic Conference; to the Committee on Banking and Currency.

By Mr. WOLFF:

H. Con. Res. 301. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself and Mrs. ABZUG):

H. Res. 439. Resolution to express the sense of the House on relationship between legislative and executive branches of the Government; to the Committee on Appropriations.

By Mr. HUNGATE (for himself, Mr. COLMER, Mr. FLOWERS, and Mr. HAYS):

H. Res. 440. Resolution to express the sense of the House on relationship between legislative and executive branches of the Govment; to the Committee on Appropriations.

By Mr. VANIK:

H. Res. 441. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of certain freight rates for the purpose of determining the feasibility of equalizing freight rates for certain primary and secondary production materials as an aid in the alleviation of the solid waste disposal problem; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

169. By Mr. BARING: Memorial of the Senate and Assembly of the State of Nevada, jointly: That the Congress of the United States and the National Railroad Passenger Corp are hereby memorialized to reevaluate the decision to omit rail passenger service to Las Vegas, Nev., and to include that city in the proposed rail passenger network; to the Committee on Interstate and Foreign Commerce.

170. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to a claim by the State of Washington against the United States for the effective control of outdoor advertising along interstate highways; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

72. By the SPEAKER: Petition of Edward J. Chwalek, Brunswick, Ga., relative to American prisoners of war in Southeast Asia; to the Committee on Foreign Affairs.

73. Petition of the Student Congress, California State College, California, Pa., relative to the war in Indochina; to the Committee on Foreign Affairs.

74. Also, petition of Lillian D. Yates, Los Angeles, Calif., relative to the Great Seal of the United States; to the Committee on the Judiciary.

SENATE—*Wednesday, May 12, 1971*

The Senate met at 10 a.m. and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our God, our help in ages past, our hope for years to come, as we struggle with the vexing problems of our day, teach us the lessons of history. Show us what the past has to say to the present about the future. Make known to us Thy plan and program for peace and justice in the world.

In this reverent moment once more we dedicate ourselves to Thy service. When Thy guidance shows us the right, give us the courage to do it. In private prayer and thought, as well as in public speech and action, make us instruments of peace and righteousness. And to Thee we ascribe all thanksgiving and praise. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the

Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 12, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Lawton Chiles, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. CHILES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 11, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The assistant legislative clerk read the nomination of Norman Vickers Watson, of Florida, to be an Assistant Secretary of Housing and Urban Development.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE AMERICAN DOLLAR ABROAD

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an editorial published in the Washington Daily News on Tuesday, May 11, 1971, entitled "Money Tangle in Europe," and also two editorials published in the Christian Science Monitor on the same date, one entitled "The Dollar: Actions Abroad," and the other "And Corrections at Home."

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Daily News, May 11, 1971]

Money Tangle in Europe

It now appears the money "crisis" in Western Europe has passed its boil—altho confusion and uncertainty are still in the picture.

The long-run effect of the maneuvers which had the general effect of lowering the value of the dollar in the area may be beneficial in the end. Some economists, at least, think the pegged value of the dollar in relation to some European currencies was unnatural and eventually had to be adjusted.

By permitting the West German mark and the Dutch guilder to "float"—that is, take their chances in a free market—a more equitable relationship to the dollar may develop. This could have a generally stabilizing effect eventually.

But uncertainty and confusion in any market are unsettling and can affect current business and planning for the future. International commerce runs best when currencies are stable over long periods of time.

The U.S. Treasury has decided, for the present at least, to keep its cool, despite the threat to the dollar's value. Central banks in Europe appear to be following a similar policy—which bodes well for the ultimate outcome.

Leading bankers seem to think the "emergency" is over, but agree the "basic questions" are unchanged.

The "crisis" was provoked by huge speculations in which dollars were unloaded for other currencies, principally marks, on the gamble that the mark would be revalued upward. Instead, the Germans decided to let it loose to find its own level—which was upward in relation to the dollar.

The speculation was incited by an excess of American dollars in Europe. This excess, estimated at some $50 billion, was possible because the United States consistently has been spending more dollars overseas than it earns outside the country.

Expansion of U.S. businesses abroad, the Vietnam War, U.S. troops stationed in Europe, foreign aid, rising import of foreign-made goods and other factors have brought this about.

Where the cause is usually lies the cure. A much more vigorous effort to balance our international payments is urgent, plus a continued crackdown on inflation at home. The last week has provided ample warning.

[From the Christian Science Monitor, May 11, 1971]

The Dollar: Actions Abroad

By revaluing upward the Swiss franc and Austrian schilling, and by setting afloat the value of the West German mark and Dutch guilder, Europe has done for the American dollar what Washington has been unwilling to do.

The Europeans, at cost of considerable strain on their own delicate international relationships, have in effect devalued the dollar.

Henceforth it will cost Americans more to buy European goods. Conversely, it will cost Europeans less to import American goods. This will help the United States right its imbalance of payments on the trade end, but not on the overseas investment and military spending ends—which is where the dollar outflow really occurs.

This is a messy way to seek a more realistic equilibrium between the dollar, which is the Western international key currency, and other Western European currencies. It has caused severe strains not only between Europe and the United States, but between France and West Germany and other members of the Common Market, at a time when they are trying to work out a common monetary union alongside their trading union.

Some adjustment was inevitable. In the last couple of years United States liquid reserves have gone down to about $14.3 billion against European credits estimated as high as $60 billion. West Germany, which alone holds more credits against the dollar than there are U.S. reserves available, just happened to be the nation that got hit by the "hot" dollar speculative rush last week. But the weekend decision by the Swiss, Austrians, and Dutch to revalue or set afloat their currencies was proof that the stabilizing mechanism set up by the Bretton Woods Agreement after World War II was not working.

The fault in last week's debacle was not Washington's alone. West Germany had failed to stem the speculative inflow of dollars which were attracted by higher interest rates and the expectation of a revaluation. This resulted in an expansion of the money supply by a staggering 22 percent this year.

This said, the dollar continues to be the key currency. And the United States continues to be the world's leading industrialized nation. It therefore falls to the United States to demonstrate exemplary posture in its custodial role as keeper of the international standard currency. This starts but does not end with two key responsibilities: curbing inflation at home, and stanching the outflow of dollars in the national balance of payments.

The responsibility is not one-sided. Europeans must demonstrate their own willingness to cooperate and coordinate in a process of continual readjustment that recognizes the internal stresses as well as the external responsibilities of each country. The goodwill and good sense manifested more than two decades ago at Bretton Woods must prevail again. There may have to be changes of tactics—such as allowing for more flexibility in the rather narrow margin within which currencies have been allowed to fluctuate.

But self-discipline at home and responsible use of credit abroad will continue to be the soundest basis for a workable international monetary system.

[From the Christian Science Monitor, May 11, 1971]

And Corrections at Home

There may be many other contributing reasons behind the drop in the value of the dollar, but only one is really important. The political leadership in Washington has for six years tried to run a very expensive war "on the cuff" like the family that lives beyond its means.

The fault has been bipartisan. It was committed in the first case by Lyndon Johnson. In 1965 his economic and congressional leaders advised him to raise taxes and pay for the war as he went along. He refused, on the comforting theory that the overwhelming might of the American military machine would win the war before the cost began to hurt.

Richard Nixon promised his backers of 1968 that if elected he could cut taxes. Unlike some presidents who have put embarrassing campaign promises aside on getting to the White House, Mr. Nixon insisted on dropping the income surtax.

It is merely coincidental that Washington's European creditors chose to close down on easy credit (buying more dollars than they want or need at the old official rate) at the same time that Congress begins debate on extension of the so-called "selective service" system, and an Army staff sergeant goes on trial for making a fortune out of Army PXs. But there is a connection among all these things.

Corrupt staff sergeants are just another surface manifestation of living beyond one's means.

The American Army is the most overstuffed in history. Thanks to the draft, it has become accustomed to more manpower that it ever needed. It lives extravagantly, in every way. Its greatest single extravagance has been to keep long-term volunteers largely in safe occupations while sending the drafted men into combat. Roughly nine out of ten combat riflemen in Vietnam have been draftees.

The Vietnam war was itself a luxury possible only because the draft existed.

The Army has been living high, on unlimited manpower. The Government has been living high, on fighting faraway frontier wars without enough taxation to carry them. And it all comes together in a day of reckoning. It's always like this sooner or later, for those who live beyond their means. The time comes when creditors cut off credit. That is precisely what the European bankers have done to Uncle Sam.

One way to prevent a recurrence will be to make sure that no president ever again commits half a million Americans to a faraway war as easily as President Johnson was allowed to do it.

And one way for Congress to do that will be to take a very careful look at the draft. Perhaps it has to be extended for another year or two; but it need not be extended indefinitely, nor need a president be able to use it at his discretion for wars beyond the country's resources.

THE MILITARY SELECTIVE SERVICE ACT

Mr. MANSFIELD. Mr. President, so that the Senate will be informed of the position of the Senator from Montana on the amendment which he offered and all amendments thereto, I am prepared to vote on any and all of them as expeditiously as possible—10 minutes after the morning hour is concluded, or 1 hour, 2 hours, or late in the day.

I do not intend to do anything to stall the consideration of the bill now under discussion, which is quite important and has a termination date. I want the RECORD to show that, so far as the Senator from Montana is concerned, on this and other amendments, he is prepared to vote as expeditiously as possible and is willing to enter into any kind of time agreements and will do all that he can as majority leader to bring the bill to a head before it expires on June 30 of this year.

May I say that today would be a good day to start voting on the Mansfield amendment, the Mathias amendment as a substitute, and other substitutes, and amendments thereto, because so far as the Democrats are concerned, and I think it applies to the Republicans as well, we have an extraordinary number of our Members present today.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. CHILES). The Chair would inquire of the Senator from Oregon (Mr. PACKWOOD), is he the acting minority leader today?

Mr. PACKWOOD. That is correct, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Iowa (Mr. HUGHES) is now recognized for not to exceed 15 minutes.

(The remarks of Mr. HUGHES when he introduced S. 1835 and S. 1836 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. CHILES). Pursuant to the previous order the Senator from Tennessee (Mr. BROCK) is recognized.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time allotted to the Senator from Tennessee be vacated without prejudice to the able Senator from Oklahoma (Mr. BELLMON).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma is recognized for not to exceed 15 minutes.

(The remarks of Mr. BELLMON when he introduced S. 1837 appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order previously entered recognizing the able Senator from Michigan (Mr. GRIFFIN) at this time for 15 minutes be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized for 15 minutes.

(The remarks of Mr. JAVITS when he submitted Senate Concurrent Resolution 25 appear in the section of the RECORD devoted to the transaction of routine morning business under the heading Senate Concurrent Resolution 25—Submission of a concurrent resolution to call for an international monetary conference.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Chair recognizes the Senator from Connecticut (Mr. WEICKER) for a period not to exceed 15 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the able Senator from Connecticut (Mr. WEICKER) at this time be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Alaska (Mr. GRAVEL) is recognized for a period not to exceed 15 minutes.

THE WELFARE PROBLEM

Mr. GRAVEL. Mr. President, today I should like to discuss an article written by Mr. Carl T. Rowan that appeared in the newspapers not too long ago, less than 2 weeks ago. It is an interesting article because it addresses itself to a subject which has been very much in the news of late. The subject of the article is the problems of welfare that this Nation faces.

Welfare is a subject that has been discussed at great length, in very strong political terms, by the Governor of California and the President of the United States.

I should like to read this article, because I think it would be difficult to enlarge upon the points that are made:

> A few weeks ago I wrote a column debunking some of the myths about welfare.
>
> I got nice letters of thanks from a couple of high-level federal officials who see these myths as preventing public and congressional acceptance of President Nixon's welfare reform plan.
>
> But who turns up on the political stump breathing new life into the worst of myths? Richard M. Nixon himself.
>
> With California's Ronald Reagan beaming proudly, Mr. Nixon gave welfare reform "No. 1 priority" in his speech to Republican governors, but he was back accentuating the negatives with which he drove away liberal support last year.
>
> "I do not think we can tolerate a system under which working people can be made to feel like fools by those who will not work, he said.
>
> He put new lyrics to the same tune by asserting that he wants a plan that helps "those who need it" but not "those who are able to help themselves and refuse to do so."
>
> Perhaps this was just rhetoric reaching for the support of conservatives who oppose Mr. Nixon's Family Assistance Plan. But it is futile, because most of these conservatives don't want *any* welfare plan.
>
> And this rhetoric is alienating responsible groups like the League of Women Voters, and liberal congressmen, all of them disturbed by the antiwelfare tenor of the White House approach.

I want to underscore this antiwelfare aspect, because if you take examples and overexaggerate your effort with respect to these examples, obviously those who listen to you will come away only with these extreme examples and not with a very well adjusted view as to what the total problem is. Unfortunately, this is being done by the present administration.

I continue reading the article:

> This self-defeating strategy raises the question of whether Mr. Nixon really wants welfare reform that puts a floor of decency under every family, or whether he is building a case to make the welfare burden a major campaign issue in 1972.
>
> There is no denying that welfare costs are stupendous and still growing. But the welfare burden reflects a variety of ills in this society, from high unemployment, poor education of the poor, racial discrimination, to greater sexual permissiveness with accompanying illegitimacy. To solve the welfare dilemma requires meeting these challenges,

and not just the passage of repressive laws that say welfare recipients must scrub floors and empty bed pans for $1.20 an hour because the President says those jobs are just as dignified as his.

North Carolina's State Department of Social Services recently issued an enlightening report about some myths and facts regarding welfare in that state. Ponder these excerpts:

Myth. "They're getting rich on welfare."

Fact. The average monthly benefit under the Aid to Families with Dependent Children is $116.53. The non-farm poverty level for a family of four is $312 a month.

Myth. Most AFDC families contain men who don't work.

Fact. Of the nearly 145,000 AFDC recipients in North Carolina in December 1970, there were no able-bodied men. About 6,300, or 4 percent, were incapacitated fathers. The remaining recipients were women with children.

Myth. Practically all welfare recipients are black.

Fact. 46.8 percent of the welfare cases in December 1970 were white, 51.8 percent were black, and 1.4 were other races.

Myth. AFDC mothers keep having children to get more benefits.

If I have heard that myth once, I have heard it a thousand times.

Continuing to read:

Fact. The number of children per AFDC family has declined from 3.1 in December 1961 to 2.8 in December 1970. The latest social services department statistics indicate that about 3.4 percent of children in AFDC families were born after the mother went on the rolls.

Myth. Welfare recipients are lazy and do not want to work.

Fact. 26.4 percent of AFDC mothers are employed or actively seeking work, 19.8 percent are unemployed because of a physical or mental handicap, 12.5 percent are unemployed because they have no marketable skill, 20.8 percent are unemployed because they must stay at home as a homemaker.

Now this is what is so interesting, Mr. President:

The picture is about the same in other states. Can't someone get the facts to the President and get him off this Horatio Alger ethic that feeds on myths?

He says the picture is about the same in every other State as has just been described in North Carolina, that is, that we are faced with more myths than we are with facts.

Let me interject there, Mr. President, that Horatio Alger ethics are myths, in my mind, reminiscent of our society at the turn of the century when we had child labor, 8- and 9-year-old children working in the mines. It is a myth that, in fact, does not elevate the dignity of individuals, but projects a society based upon a dog-eat-cat, laissez faire economic theory, with the survival of the fittest.

Let me restate that last paragraph of this very fine article:

The picture is about the same in other states. Can't someone get the facts to the President and get him off this Horatio Alger ethic that feeds on myths?

Only when they do will we have a chance at meaningful welfare reform.

Mr. President, how much time remains to me?

The PRESIDING OFFICER (Mr. Stevenson). Six minutes remain to the Senator from Alaska.

Mr. GRAVEL. I thank the Chair.

THE MILITARY SELECTIVE ACT— THE MANSFIELD AMENDMENT

Mr. GRAVEL. Mr. President, I should like to take a few moments to bring to the attention of the Senate a short article published in the Wall Street Journal of today with reference to the amendment of the Senator from Montana (Mr. Mansfield) to the Military Selective Service Act of 1967.

In the third paragraph, it states:

The Nixon administration strongly opposes Senator Mansfield's amendment, and some of the President's Senate allies are suggesting the whole draft-extension bill may be vetoed if the amendment passes the Senate and House.

Mr. President, may I convey my view that if that is going to be the strategy of the administration, then, of course, what would be done is that the President would be vetoing an extension of the draft itself. If that is going to be the case, then I certainly welcome him to our ranks in his feeling that the draft should not be extended, since he campaigned strongly on that in 1968, stating that he would, if elected, drop the draft. He now has an opportunity, some 2½ years later, to make that promise good.

In fact, earlier this year, he praised the Gates Commission—which is, of course, one of the finest commissions which made a most definitive study of this problem, and recommended that we could have an all-volunteer army. I would hope we could now dispense with the rhetoric and get to the action. I hope that the President, one, will keep the promise he made during the last campaign and, two, will stand by the statement he made earlier this year, when he stated that the recommendations of the Gates Commission were fine. Those recommendations indicate that we could have an all-volunteer army, that we need not extend the draft, and that we could permit the draft to expire on June 30.

Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Stevenson). Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with a limitation of 3 minutes for each Senator being recognized.

ORDER FOR RECOGNITION OF SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Alaska (Mr. Gravel) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, upon the completion of the orders recognizing Senators, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes; upon the conclusion of which the unfinished business, H.R. 6531, be laid before the Senate.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Chiles) laid before the Senate the following letters, which were referred as indicated:

Officers Detailed to Army General Staff

A letter from the Secretary of the Army transmitting, pursuant to law, reports of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on March 31, 1971 (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation Relating to National Guard Technicians

A letter from the General Counsel of the Department of Defense, submitting a draft of proposed legislation to amend title 32, United States Code, relating to National Guard technicians (with accompanying papers); to the Committee on Armed Services.

Proposed Concession Contract With United Subsidiary, Inc.

A letter from the Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which United Subsidiary, Inc., will be authorized to provide lodging, food, and marine accommodations, facilities, and services for the public at Echo Bay site of Lake Mead National Recreation Area, Nevada, for a term of approximately 20 years from the execution date of the contract through December 31, 1989, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Government Comptroller for Guam

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the second annual report of the Government

Comptroller for Guam for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON THE LIBRARY OF CONGRESS AND COPYRIGHT OFFICE

A letter from the Librarian of Congress transmitting, pursuant to law, a report on the Library of Congress, including the Copyright Office, for the fiscal year ending June 30, 1970 (with accompanying papers); to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, with an amendment:

S. 1681. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities (Rept. No. 92–103).

By Mr. ALLOTT, for Mr. DOMINICK, from the Committee on Labor and Public Welfare, without amendment:

S. 390. A bill to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service scholarship program (Rept. No. 92–104). Referred to the Committee on Foreign Relations.

Mr. ALLOTT. Mr. President, on behalf of Senator DOMINICK, I submit a report from the Committee on Labor and Public Welfare concerning the U.S. Foreign Service Scholarship Program Act, and ask that it be printed.

Further, I ask unanimous consent that the bill, S. 390, be referred to the Committee on Foreign Relations for a time certain period of 42 calendar days, at the conclusion of which the bill is to be reported to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PACKWOOD:

S. 1834. A bill to provide for payment to the State of Oregon of amounts equal to the Federal taxes and customs duties which had been paid on certain alcoholic beverages destroyed on account of fire. Referred to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. WILLIAMS, and Mr. JAVITS):

S. 1835. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence. Referred to the Committee on Labor and Public Welfare.

S. 1836. A bill to provide a comprehensive Federal program for the treatment of rehabilitation of drug dependent Federal offenders. Referred to the Committee on Labor and Public Welfare; and, when reported, to be referred to the Committee on the Judiciary, if so desired by that committee.

By Mr. BELLMON:

S. 1837. A bill to provide for the establishment of a work experience and training program in the several States, and for other purposes. Referred to the Committee on Finance (by unanimous consent).

By Mr. TALMADGE (by request):

S. 1838. A bill to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities. Referred to the Committee on Agriculture and Forestry.

By Mr. CANNON (for himself, Mr. FANNIN, and Mr. BAYH):

S. 1839. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; and

S. 1840. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials. Referred to the Committee on Government Operations.

By Mr. SCOTT (for himself and Mr. SCHWEIKER):

S. 1841. A bill to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes. Referred to the Committee on Commerce.

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 1842. A bill to reimburse the city of Frederick, Md., for money paid, saving harmless valuable military and hospital supplies owned by the U.S. Government. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 1843. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals, and to impose a countervailing duty on imported minerals. Referred to the Committee on Finance.

By Mr. GOLDWATER:

S. 1844. A bill to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees. Referred to the Committee on Labor and Public Welfare.

By Mr. EASTLAND:

S. 1845. A bill for the relief of Capt. Claire E. Brou. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. MOSS):

S. 1846. A bill to establish a Coal Gasification Development Corporation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 1847. A bill to amend title XVIII of the Social Security Act to provide for the coverage of certain drugs under the insurance program established by part A of such title. Referred to the Committee on Finance.

By Mr. HARTKE:

S. 1848. A bill to provide for uniform and full disclosures of information with respect to the computation and payment of interest on certain savings deposits. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1849. A bill to designate certain lands in the Gallatin and Beaverhead National Forests, in Montana, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 1850. A bill for the relief of Giuseppe Di Leonardo. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1851. A bill to amend the Internal Revenue Code of 1954 to prohibit the deduction of illegal bribes and kickbacks. Referred to the Committee on Finance.

By Mr. ALLOTT (for himself, Mr. JACKSON, Mr. CASE, and Mr. WILLIAMS) (by request):

S. 1852. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ALLOTT (for himself, Mr. BENNETT, Mr. JAVITS, and Mr. STEVENS):

S. 1853. A bill to terminate and to direct the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve No. 4, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK:

S. 1854. A bill to increase the Government's contribution to the costs of health benefits insurance for Federal employees. Referred to the Committee on Post Office and Civil Service.

By Mr. HOLLINGS:

S.J. Res. 96. A joint resolution expressing the support of the Congress that a Conference of Experts be convened in early 1972 to make recommendations on ocean dumping to the 1972 United Nations Conference on the Human Environment. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD:

S. 1834. A bill to provide for payment to the State of Oregon of amounts equal to the Federal taxes and customs duties which had been paid on certain alcoholic beverages destroyed on account of fire. Referred to the Committee on the Judiciary.

Mr. PACKWOOD. Mr. President, the State of Oregon is one of many States which limits the sale of alcoholic beverages to State-owned and operated facilities. On three occasions in the last 10 years, fires have occurred in its warehousing facilities where liquor in bottles was condemned by the Food and Drug Administration because contaminated water soaked through the cartons containing the bottles.

The tax on this bottled liquor had been paid by the State of Oregon.

The State of Oregon also operates on a self-insurance program on State property. Therefore, the tax on the bottled liquor which has been destroyed at the instance of the Food and Drug Administration is in effect forfeited.

A quirk in the Internal Revenue Code precludes the refund of taxes paid on this unconsumed liquor. Had the liquor been destroyed as a result of a natural disaster such as flood or wind storm, the taxes paid would have been automatically refunded. However the Internal Revenue Code does not provide for a refund in the event of a fire.

I believe that this is one of those peculiarities which now and then creep into the law. Whereas fire may not be classified as a "natural disaster," it is a disaster nonetheless, and the people of the State of Oregon collectively should not be penalized for the taxes and duties paid on this unconsumed liquor.

Therefore, I am today introducing a bill to provide for payment to the State of Oregon of amounts equal to the Federal taxes and customs duties which had been paid on these alcoholic beverages destroyed at the direction of the Federal Food and Drug Administration, because the cartons containing the bottles had been contaminated by water which had soaked through the cartons.

The intent of the Congress in assessing a Federal tax on alcoholic beverage is that it be paid by the consumer. Because of the specific fires and subsequent contamination, this liquor was not consumed, and it seems to me that whether the cause of contamination was a natural disaster or a fire is moot. The fact is that the liquor was not consumed, and accordingly the tax should not be collected.

Mr. President, I request unanimous consent to include as part of this record a letter dated February 15, 1971, from Robert G. Davis, executive assistant to the Governor of Oregon and a copy of a letter dated March 17, 1971, from the Internal Revenue Service. Both of these letters indicate that because of the manner in which Internal Revenue Code is written, Congress is the only source of redress.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
Salem, Oreg., February 15, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR BOB: The State of Oregon, Department of General Services, operates a self-insurance program on state property known as the Restoration Fund. On three occasions, the Oregon Liquor Control Commission has had fire losses where liquor in bottles was condemned because contaminated water had soaked through the cartons containing the bottles. The Fund has reimbursed the OLCC in full for their cost, including taxes and duties.

The Oregon Liquor Control Commission and the Department of General Services have been unable to secure a refund from the United States Government for taxes and duties paid on the alcoholic contents which were destroyed at the request of the Federal Food and Drug Administration inspector.

The reason given is that none of the fires are qualified under the refund code of the U.S. Internal Revenue Service. In case of a natural disaster, we have been refunded in full for taxes and duties on liquor involved in floods as the President of the United States declared the areas eligible for federal aid under certain public laws.

This Department, as administrator of the State Restoration Fund, feels that the State of Oregon should be refunded taxes and duties paid to the United States Government on unconsumed alcoholic beverages which were destroyed on order of the Federal Food and Drug Administration.

Three fire losses are involved:

	Taxes and duties only
August 28, 1962, Eugene, Oreg	$22,863.48
September 18, 1965, The Dalles, Oreg	26,111.97
November 6, 1969, Rockaway, Oreg	5,267.72
Total	54,243.17

A spokesman for the Internal Revenue Service suggested that a member of the Oregon Congressional delegation could possibly initiate action which would result in payment to the state. We would certainly appreciate any help you can give in this matter.

Sincerely,

ROBERT G. DAVIS,
Executive Assistant.

INTERNAL REVENUE SERVICE,
Washington, D.C., March 17, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: We have reviewed the letter from the office of the Governor of the State of Oregon which you forwarded with your letter of March 8, 1971.

We can readily appreciate that to the Governor and his staff it well might seem that the Federal Government is bound in equity to reimburse the State for the tax on the destroyed liquors mentioned in the Governors' letter, since it was an agency of the Federal Government (the Food and Drug Administration) which insisted that the liquors be destroyed. We feel it is worth mentioning, however, that the actual loss in the marketable value of the liquors was caused by the fire damage which preceded the FDA action, and that the FDA request for physical destruction of such liquors was merely the final result of the fire damage. It seems probable that the State's own health authorities would have ordered the liquors destroyed if the FDA had not already initiated action toward that end.

The granting of a refund of taxes is a privilege which can be extended only by the Congress, and although the Congress has provided authority for the Internal Revenue Service to refund taxes on liquors under certain other circumstances (such as for losses caused by major disasters) it has not so provided in respect of circumstances such as those described in the Governor's letter to you.

We sincerely regret that we cannot give you a more favorable reply but, as you can see from the foregoing discussion, we are without authority to grant a refund in this case.

The copy of the Governor's letter which you sent us is returned for your file.

Sincerely yours,

REX D. DAVIS,
Acting Director,
Alcohol, Tobacco and Firearms Division.

Mr. PACKWOOD. Mr. President, although the amount involved is relatively small, the principle involved is significant. The taxpayers of the State of Oregon, collectively, should be reimbursed in the amount of $54,243.17, which sum represents the amount of Federal taxes and custom duties which had been paid by the Oregon Liquor Control Commission on bottled liquor destroyed by order of the Federal Food and Drug Administration as a result of water contamination subsequent to a fire in a storage facility.

By Mr. HUGHES (for himself, Mr. WILLIAMS, and Mr. JAVITS):

S. 1835. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence. Referred to the Committee on Labor and Public Welfare.

S. 1836. A bill to provide a comprehensive Federal program for the treatment and rehabilitation of drug dependent Federal offenders. Referred to the Committee on Labor and Public Welfare; and when reported, to be referred to the Committee on the Judiciary, if so desired by that committee.

FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1971 AND DRUG DEPENDENT OFFENDERS TREATMENT AND REHABILITATION ACT OF 1971

Mr. HUGHES. Mr. President, we have reached the stage where it is no longer necessary to discuss at length the magnitude of the drug abuse problem in the United States. It now infects all social levels, regional categories, and age groups of our society. It is continuing to grow rapidly and seemingly uncontrollably, particularly among the young people of America and in our Armed Forces.

Everywhere in America, parents are sick and scared about the exposure of their sons and daughters to the illicit use of drugs. Witness after witness, appearing before the Subcommittee on Alcoholism and Narcotics, which I chair, has verified that what we have on our hands is a public health tragedy of epidemic proportions.

My subcommittee, during the past 2 years, has found that the number of drug abusers and experimenters is increasing at a rate that seems to be one of almost geometric progression; that drug use is spreading to ever younger children—especially in the elementary grades in our large cities; that hard narcotics have invaded the suburbs and the small towns of virtually every part of the country; that the entire range of drugs—including, again, hard narcotics—are being abused by large numbers of our servicemen; that a dramatically increasing number of substances are being used to induce kicks; and that drugs are being employed in more and more weird and increasingly dangerous combinations. It is, in short, a national nightmare.

But the strangest and most frustrating phenomenon of all is that while our private fears about the drug problem reach a fever pitch, our action to meet the problem on the governmental level has been and continues to be token. It should be self-evident that what we require now is not tokenism or continued wrangling over what is needed, but a massive, across-the-board attack on the source of the problem—the addiction itself. The legislation which I am introducing today can provide the necessary framework for that action.

I would like to introduce two pieces of legislation for myself, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS). The first is a bill entitled the "Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1971;" the second is a bill entitled the "Drug Dependent Offenders Treatment and Rehabilitation Act of 1971." I send these two bills to the desk, and ask unanimous consent that they be referred to the Committee on Labor and Public Welfare, with the understanding that the second bill, the "Drug Dependent Offenders Treatment and Rehabilitation Act of 1971," will be rereferred to the Judiciary Committee, should that be the desire of that committee.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I also ask unanimous consent that a section-by-section analysis of each of these bills, along with the bills themselves, be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibits 1, 2, 3, and 4.)

Mr. HUGHES. Mr. President, the first piece of legislation which we are introducing, the "Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1971," is similar to the comprehensive drug bill which I introduced last year. That legislation was successfully attached, in the Senate, as a substitute title to another bill. Its provisions were, to a great extent, lost in conference, however. It was then passed by the Senate as a separate piece of legislation by a vote of 86–0. No further action was taken on the bill by the House.

The legislation is also similar to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (S. 3835), which was cosponsored by 52 Senators last year and which the President signed into law on December 31, 1970.

Briefly, the bill:

Establishes a National Institute of Drug Abuse and Drug Dependence in the Public Health Service, and spells out the range of responsibilities of the Institute;

Authorizes an emergency supplemental State assistance program totaling $100 million over the next 3 years to provide temporary aid to States in planning, establishing, maintaining, coordinating and evaluating prevention, treatment, and rehabilitation projects. The annual authorizations are: $15 million for fiscal 1972, $35 million for fiscal 1973, and $50 million for fiscal 1974.

Authorizes a model and experimental treatment and rehabilitation grant program totaling $150 million over the next 3 years, to allow the Secretary to establish, conduct, and evaluate model and experimental treatment and rehabilitation programs. The annual authorizations for this purpose are: $25 million for fiscal 1972, $50 million for fiscal 1973, and $75 milion for fiscal 1974.

Requires that the U.S. Civil Service Commission establish drug abuse and drug dependence prevention, treatment, and rehabilitation programs for Federal civilian employees, and guarantee employees with drug dependence the same employment conditions and benefits as persons who are ill from other causes;

Requires an annual report by the Secretary of HEW, which will, first, contain a detailed, comprehensive Federal plan for utilizing all available prevention and treatment resources to combat the drug problem from the prevention and treatment point of view; second, describe the various existent model and experimental methods of treatment and rehabilitation, their advantages and disadvantages, and make recommendations for communities as to their implementation; and third, set forth the Federal programs conducted, expenditures made, results achieved, plans developed and problems discovered in the operation and coordination of the various Federal prevention, treatment and rehabilitation programs; and

Finally, the bill establishes an independent National Advisory Council on Drug Abuse and Drug Dependence, to insure outside evaluation of Federal efforts in this area.

The second piece of legislation which we are introducing, the "Drug Dependent Offenders Treatment and Rehabilitation Act of 1971," would replace present legislation—certain provisions of the Narcotic Addict Rehabilitation Act of 1966—providing treatment and rehabilitation services to drug dependent persons charged with or convicted of violating Federal criminal laws with updated and stronger legislative provisions. The bill would continue the same basic policy of treatment and rehabilitation contained in existing law, but it would greatly expand the number of persons eligible for such treatment and rehabilitation and would make the Federal Government's obligations to carry out that policy more definite. More specifically, the bill would:

Broaden the number of offenders eligible for treatment, to include all drug dependent persons who are Federal offenders;

It would make more definite the Federal Government's obligations to carry out treatment of such persons by limiting the area within which the Government can exercise its discretion to not allow treatment;

It would authorize a State and local development program totaling $150 million over the next 3 years, to assist State and local governments in developing, expanding, or evaluating programs providing treatment and rehabilitation services to State and local offenders charged with or convicted of drug related crimes; and

It would repeal provisions authorizing civil commitment of nonoffenders, placing the responsibility of providing such services on State and local governments.

Mr. President, I do not claim by any means that these two pieces of legislation are the "magic bullets" that will cut down the drug problem in America; nor do I claim that they cannot be improved upon as we go into hearings and mark up on the bills. In fact, there are certain sections of the bill dealing with Federal offenders which I myself want to review carefully again. So I am hopeful that we will have healthy comment and criticism from all sides as we move. I do claim, however, that it is time that the Federal Government got moving on a scale never seriously envisioned before. This legislation constitutes a move to provide the kind of framework essential to get that movement underway.

Let me explain what I mean.

It is beyond contention that in dealing with the abuse and illicit distribution of narcotics and dangerous drugs, stern laws and strict enforcement are essential. But the most efficient system of enforcement and punishment cannot do the job alone.

A civilized society in the late 20th century recognizes that narcotics addicts and people who abuse drugs—including the most widely abused drug of all, alcohol—are sick people and not necessarily criminals.

It is also well known that a great many addicts resort to criminal acts simply to support the considerable financial burden of their addiction.

It would seem logical that if we recognize the seriousness of the drug problem in the United States and its contribution to crime and if we realize that drug addiction is a sickness, we would be determined to make a maximum public effort to prevent, cure, or control this sickness.

After all, if we send a narcotics addict to jail, he will eventually be released—the only question is when—only to return to society and to his addiction—and usually to a life of crime to support the costly habit he has incurred.

The truth of the matter is, however, that despite some scattered highly dedicated work at National, State, and local levels, we have made only token inroads toward getting at this urgent health problem at its source.

It seems that we are willing to spend almost any amount of public funds to punish the addict, but a pitifully small amount to provide the professional services he needs to kick the habit, or preventive programs that might have enabled him to avoid becoming addicted in the first place.

The two bills I am introducing today place the emphasis on this realistic approach.

The "Federal Drug Abuse and Drug Dependence Treatment and Rehabilitation Act" establishes a National Institute on Drug Abuse. The reasons such an institute is necessary are numerous. An commensurate with the magnitude of this health problem—and it is a tremendous problem—command the funding which is necessary in this field; establish the visability necessary to provide a strong program of public education and to develop public attention and concern about this important health area; serve as a coordination vehicle for the mixed prevention and treatment and rehabilitation programs presently in existence and for the programs created by this act; provide the administrative structure necessary to attract a broad cross section of individuals of varied expertise who are able to assist in solving drug problems; and will have a permanent statutory status which will assist the development of the most qualified staff possible in the Federal Government in this area.

The Treatment and Rehabilitation Act also authorizes an Emergency Supplemental State Assistance program, totaling $100 million over the next 3 years and a Model and Experimental Treatment and Rehabilitation grant program totaling $150 million over the next 3 years to plan, develop, conduct and evaluate prevention, treatment, and rehabilitation programs.

There is absolutely no question about the dire need for these funds. Time after time—in personal conversations without constituents, in correspondence, and in our hearings, we have heard eloquent testimony of the need for assistance. Just last week my own subcommittee heard testimony from a panel of six mayors, representing the Legislative Action Committee of the U.S. Conference of Mayors, tell of the tragic lack of assistance and of their resultant incapability to act in these areas of national tragedy.

The story among our States is similar—and certainly it is here where planning and coordination of programs is most critical.

But the loudest and most persuasive cry is from individual citizens who are trapped by this problem, want out, and have no place to go but to the streets and to a tortured life of crime committed to support the deadly craving of their addiction.

The Treatment and Rehabilitation Act also requires that the U.S. Civil Service Commission establish drug abuse and drug dependence prevention, treatment, and rehabilitation programs for Federal civilian employees. Here, as in the area of alcoholism programs for our Federal employees, we have sadly failed to exercise Federal leadership in furnishing a way out to our own employees—while asking that private industry do this for their employees.

The legislation also requires an annual report by the Secretary, which requires a detailed, comprehensive report on how the activities of various branches of Government which have drug programs—HUD, OEO, Office of Education, NIMH, the Veterans' Administration, the Office of Transportation, and so on—are being coordinated in a single plan of attack on the drug epidemic; what each such program is spending; the results achieved; and recommendations made. The fact is that these activities are overlapping, often in conflict, and are sadly uncoordinated. There is not even a document available for distribution to interested States, cities, and citizens which spells out where our drug and drug-related programs are in the Government, who is in charge of them, what Federal assistance or direct programs they administer, and so on. No wonder our local and State officials are frustrated and angry about this area. They have every right to be.

The annual report also requires that the Secretary describe the various existant model and experimental methods of treatment and rehabilitation, their advantages and disadvantages, and make recommendations for communities as to their implementation. If the Federal Government is to be a clearinghouse for this type of information—and it already claims to be—then it is time that we got busy and disseminated it to our communities. This provision would insure that that necessary service is finally carried out.

The "Drug Dependent Offenders Treatment and Rehabilitation Act of 1971" would serve to greatly increase the number of persons eligible for treatment and rehabilitation services among those charged with Federal crimes. It would also make more definite the Federal Government's obligations to provide such treatment and rehabilitation services.

If there ever was an area where we have remained shortsighted, and let our emotions dictate our actions, it is here. The price we have been paying as a society for essentially ignoring the drug priorities in our prisons is almost beyond comprehension. HEW officials testifying before our subcommittee last week doubled their estimates of persons addicted to narcotics. They said 250,000 people in this country are addicted to heroin. The figure is, I am convinced, a country mile short of the mark, and far short of reality. There are probably that many addicts and more in New York City, if we could find them and register them—probably in Harlem alone. But even assuming that figure and a $40 a day habit, a minimal figure, there is a cost of $10 million a day.

If it takes three times that amount in stolen property to obtain money—and it actually takes three to five times the value of the stolen property—then we are talking about $30 million worth of crime a day—every day of the week, every week of the month, every month of the year. As I say, the real number of addicts is many times higher, and so is the cost we are actually paying.

But the cost in terms of crime is only the beginning, the quantifiable factors associated with narcotic abuse include costs for law enforcement, lost productivity, and welfare costs associated with broken families and unemployed abusers. Government authorities have estimated that the total of involuntary social costs of narcotic drug abuse alone amounts to $541 million per year. The figure is far higher than that.

But the greatest price of all is the price we are paying in terms of human life—the lives of the many hundreds of thousands of narcotics addicts and other drug abusers who lead a terrified existence in the shadows of society; half alive and bereft of hope.

We have placed our hopes in our prison system and we have continued to increase our emphasis on law enforcement efforts to put our drug offenders there. We have deluded ourselves into thinking that when that was done, we had somehow taken a step toward solving the drug problem. Nothing could be further from the truth.

Our prisons are a national scandal. Nineteen out of every 20 persons who are sent to prison eventually return to society. Obviously what happens to these persons while they are there is critical. In many instances, they return to society in far worse shape than when they left. In nearly all instances there are no treatment and rehabilitation programs available for the addict. In New York City, a recent survey revealed that 70 percent of the inmates of the city jail were addicts and that approximately 95 percent of these individuals will return to heroin use upon their release. The New York situation is far from uncommon.

It has been estimated that between 50 and 60 percent of the inmates in our big city jails are narcotics addicts and that once they are released that there is a 70–90 percent chance that they will return within 1 year.

Time after time in our subcommittee hearings we have heard testimony that drugs of virtually every type were available within our prisons. In some instances, it was stated, they were more readily available there than on the outside. We had testimony from a young man who, as a boy, first got hooked on heroin in a boys' detention home.

Rehabilitation efforts may, to some extent, conflict with the deterrent and punishment goals that are a fact in our criminal justice system, and rehabilitation has been opposed by some people in the past for these reasons. But the issue here is not simply whether new correctional methods amount to "coddling." The ultimate goal of corrections under any theory is to make the community safer by reducing the incidence of crime. Rehabilitation of offenders to prevent their return to crime is, in blunt terms, the only realistic and economically plausible way to achieve this end.

The task force on corrections of the President's Commission on Law Enforcement and Administration of Justice has stated:

> A major role for Federal corrections should be the initiation of innovative programs to serve as proving grounds and as models for State and local corrections. This role as innovator would not, of course, be the exclusive domain of the Federal Government. Such programs should be primarily a stimulus to change at the local level. Much that is new and promising will continue to be generated locally. But the prestige and visibility of the Federal service and its national character give it unique advantages.

The "Drug Dependent Offenders Treatment and Rehabilitation Act of 1971" would provide the kind of leadership and innovative program to which the Commission refers by providing a way out of crime for our Federal offenders. It would also authorize a State and local development program of $150 million over the next 3 years to begin a Federal effort to assist State and local governments to develop, expand, and evaluate programs providing treatment and rehabilitation to State and local offenders charged with or convicted of drug related crimes.

Realistically, Mr. President, without faulting the valiant efforts that dedicated individuals and groups have made in a difficult field, treatment for drug abuse in America is scarcely a scratch on the surface of the problem.

The same statement can be made with reference to rehabilitation facilities and research and prevention programs.

It stems from the fact that we are working almost entirely from a prosecution, rather than a public health, approach.

We are concerned with punishing people, not educating them or healing them.

We cannot wish narcotics and mind-altering drugs out of existence; we cannot legislate them away; we cannot enforce them into oblivion.

But we can do something about healing sick people and about preventing others from incurring the illness.

We are properly concerned about protecting society from crime induced by drugs.

But the protection is a delusion, unless we get at the problem of addiction itself.

Somehow public programs and policies get diverted from the central point, the need for salvaging human beings—both for the protection of society and for simple humanity.

Armed with this understanding, I am convinced that we can meet the drug problem sensibly and be a stronger and better society for so doing.

The legislation I am introducing today is a substantial step in that direction.

EXHIBIT 1

S. 1835

A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1971".

TITLE I—NATIONAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT AND REHABILITATION PROGRAM

PART A—FINDINGS AND STATEMENT OF PURPOSE; DEFINITIONS

FINDINGS AND STATEMENT OF PURPOSE

SEC. 101. Drug abuse and drug dependence are rapidly increasing throughout the country. National and international organizations and experts representative of those most knowledgeable and most experienced in the treatment of drug abuse and drug dependence have found that drug abuse can seriously impair health and lead to drug dependence and that drug dependence is an illness or disease which requires treatment through health and rehabilitation services.

A national effort to reduce the public health problem of drug abuse and drug dependence should be made and should be directed toward developing community-based prevention, treatment, and rehabilitation services. Such a program should be staffed by and represent a broad cross section of individuals who have the creativity and initiative to develop the widest possible range of activities; to foster and encourage Federal, State, and local initiatives; and to dramatize the extraordinarily serious nature of the drug abuse and drug dependence problems in this country.

An immediate, major commitment of health and social resources and Government funds is required to develop and implement such a national program. It is the purpose of this Act to mandate such a commitment.

DEFINITIONS

SEC. 102. As used in this Act:

(1) "Drug abuser" means any person who uses any controlled substance under circumstances that constitute a violation of law.

(2) "Drug dependent person" means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) and who is in a state of psychic or physical dependence, or both, arising from administration of that substance on a continuing basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort caused by its absence.

(3) "Prevention and treatment" includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, and outpatient services), vocational rehabilitation, job training and referral, and other rehabilitation programs or services; but does not include law enforcement activities.

(4) "Secretary" means the Secretary of Health, Education, and Welfare.

PART B—NATIONAL INSTITUTE ON DRUG ABUSE AND DRUG DEPENDENCE

ESTABLISHMENT OF INSTITUTE

SEC. 111. (a) There is hereby established within the Public Health Service of the Department of Health, Education, and Welfare a National Institute on Drug Abuse and Drug Dependence (hereinafter referred to as the "Institute") to administer or coordinate drug abuse and drug dependence prevention and treatment authorities assigned to the Secretary under this Act and other Federal law. The Secretary, acting through the Institute, shall develop and conduct a comprehensive health, education, research, and rehabilitation program for the prevention and treatment of drug abuse and drug dependence.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary. Acting through the Institute, the Secretary shall take any action consistent with the intent and purpose of this Act, including but not limited to the functions stated in this part.

SEC. 112. The Secretary shall—

(1) develop yearly a detailed and comprehensive Federal drug abuse and drug dependence prevention and treatment plan to implement the objectives and policies of this Act. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under all relevant existing Federal legislation, should be utilized;

(2) develop and encourage the enactment of model drug abuse and drug dependence prevention and treatment plans and legislation for State and local governments, utilizing the concepts incorporated in the comprehensive Federal plan and specifying how all types of community resources and existing Federal legislation may be utilized;

(3) encourage and promote the adoption, throughout the country, of public health procedures for the handling of drug abuse and drug dependence as alternatives to present criminal procedures; and

(4) review and provide in writing an evaluation of the adequacy and appropriateness of any provisions relating to the prevention and treatment of drug abuse and drug dependence contained in the comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902a (a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

COORDINATION FUNCTIONS

SEC. 113. The Secretary shall—

(1) insure that all Federal programs and all Federal assistance to State and local programs under this chapter is carried out in a coordinated manner. In order to meet this responsibility he is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Secretary deems necessary to carry out his functions under this Act. Each such department or agency is authorized to cooperate with the Secretary and, to the extent permitted by law, to furnish such materials to the Secretary. Any Federal department or agency engaged in administering programs dealing with the prevention or treatment of drug abuse and drug dependence shall, to the maximum extent practicable, consult with and seek advice from the Secretary to insure fully coordinated efforts, and the Secretary shall undertake to coordinate such efforts;

(2) assist and serve in a consulting capacity to Federal courts, departments, and agencies in the development, maintenance, and coordination of a full range of programs, facilities, and services for education, diagnosis, planning, counseling, treatment, and rehabilitation with respect to the drug abuse and drug dependence problems they encounter among their employees and among the public they serve;

(3) encourage and assist State and local government programs and services and programs and services of other public and of private agencies, institutions, and organizations for the prevention and treatment of drug abuse and drug dependence; and

(4) serve as a clearinghouse and information center for the collection, preparation and dissemination of all information relating drug abuse and drug dependence including State and local drug abuse and drug dependence treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information.

RESEARCH FUNCTIONS

SEC. 114. The Secretary shall—

(1) conduct, encourage, and coordinate all forms of research relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, treatment, toxicology, pharmacology, chemistry, and effects on the health of drug abuse and drug dependence;

(2) make research facilities and resources of the Secretary available to appropriate authorities, health officials, and individuals engaged in special studies related to the purposes of this Act, and establish and maintain research fellowships in the Institute and elsewhere;

(3) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by an individual and effects which individuals are likely to experience from such use;

(4) evaluate existing and proposed new programs and services for the prevention and treatment of drug abuse and drug dependence; and

(5) gather and publish statistics pertaining to drug abuse and drug dependence, and promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse and drug dependence; and

TRAINING FUNCTIONS

SEC. 115. The Secretary shall—

(1) establish and encourage the establishment of training programs for professional and paraprofessional personnel, including recovered drug dependents, with respect to drug abuse and drug dependence; and

(2) establish and maintain training fellowships in the Institute and elsewhere.

EDUCATION FUNCTIONS

SEC. 116. The Secretary shall—

(1) develop and encourage the development of a broad variety of educational materials and techniques for use by schools (including elementary, secondary, adult education, professional and graduate schools) public and private agencies, organizations and individuals and others concerning the use and abuse of drugs; and

(2) evaluate and encourage the evaluation of educational materials and techniques.

REPORTING FUNCTIONS

SEC. 117. The Secretary shall—

(1) within ninety days of the end of each fiscal year, submit to the President and to the Congress an Annual Report on Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation, which shall:

(a) contain the comprehensive Federal drug abuse and drug dependence plan required by section 112(1) of this Act;

(b) contain the Federal Report on Model and Experimental Methods for the Treatment and Rehabilitation of Drug Abusers and Drug Dependent Persons required by section 131 (3) of this Act; and

(c) set forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal drug abuse and drug dependence prevention, treatment, and rehabilitation programs.

(2) present to the President of the United States and to the Congress such other reports or recommendations as may be requested or be necessary.

PART C—DEVELOPMENT OF STATE AND LOCAL PROGRAMS

Subpart I—Emergency Supplemental State Assistance Program

PROGRAM AND AUTHORIZATION

SEC. 121. (a) An emergency supplemental State assistance program is hereby established to temporarily aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with drug abuse and drug dependence.

(b) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972; $35,000,000 for the fiscal year ending June 30, 1973; and $50,000,000 for the fiscal year ending June 30, 1974, for grants to carry out the purposes of this part.

(c) For the purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 122. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 121 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of drug abuse and drug dependence; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be realloted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 123. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to carry out such plan in conformity with this part;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Act;

(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(7) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(8) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (7);

(9) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

(10) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(11) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

Subpart II—Model and Experimental Treatment and Rehabilitation Programs

PROGRAM AND AUTHORIZATION

SEC. 131. (a) The Secretary, utilizing the authority of this subpart as well as other existing legislative authorities and acting through the Institute, shall establish, conduct, and evaluate model and experimental drug abuse and drug dependence treatment and rehabilitation programs. In carrying out this responsibility, the Secretary shall—

(1) obtain data, information, and evaluations from the broadest possible reliable cross section of public and private agencies, organizations, institutions, and individuals interested and active in the field of drug abuse and drug dependence treatment and rehabilitation;

(2) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals; and

(3) include in his annual report to Congress under section 117 of this Act, a separate section describing the various existent model and experimental methods for the treatment and rehabilitation of drug abusers and drug dependent persons and the advantages of each; describing their indications of success or failure or both; making recommendations for future development of these areas; making such recommendations for community implementation of the treatment and rehabilitation methods as may be appropriate; and making such recommendations for legis-

lation and administrative action in these areas as he may deem appropriate.

(b) There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972; $50,000,000 for the fiscal year ending June 30, 1973; and $75,000,000 for the fiscal year ending June 30, 1974, to carry out the purposes of this part. Any appropriated funds shall remain available until expended.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 132. In administering section 131(2) of this part:

(a) The Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of the drug abuse problem, shall not give precedence to public agencies over private nonprofit agencies, institutions, and organizations, or to State agencies over local agencies.

(b) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 123, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse and drug dependence under such section 123. The State shall furnish the applicant a copy of any such evaluation. A State, if it so desires, may, in writing, waive its rights under this section.

(c) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

(1) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

Subpart III—Admission of Drug Abusers and Drug Dependent Persons to Hospitals

ADMISSION TO HOSPITALS

SEC. 141. Drug abusers and drug dependent persons who are voluntary patients shall be admitted to and treated in private and public hospitals on the basis of medical need and shall not be discriminated against because of their drug abuse or drug dependence. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

PART D—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES

DRUG ABUSE AND DRUG DEPENDENCE AMONG FEDERAL GOVERNMENT EMPLOYEES

SEC. 151. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and other Federal agencies and departments, appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among Federal civilian employees, consistent with the purposes and intent of this Act. Such policies and services shall make optimal use of existing governmental facilities, services, and skills. Federal civilian employees who are drug abusers or who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not lose, solely because they are drug abusers or drug dependent persons, pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate work within the Government which does not involve the national security during the employee's rehabilitative treatment, rather than placing him on sick leave.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar drug abuse prevention, treatment, and rehabilitation services in State and local governments and in private industry.

(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior drug abuse or prior drug dependence, except with regard to positions involving national security as specified in regulations promulgated by the department or agency in which he is employed

CONFIDENTIALITY OF RECORDS

SEC. 152. (a) All patient records prepared or obtained pursuant to section 131 of this title, and all information contained therein, shall remain confidential and may be disclosed, with the patient's consent, only to medical personnel and only for purposes of diagnosis and treatment of the patient, or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug dependence or, for research purposes, to public or private research organizations, agencies, institutions, or individuals whose competence and research programs have been approved by the Secretary. Disclosure may be made for purposes unrelated to such treatment, benefits, or research upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate criminal charges against a patient under any circumstances.

(b) All patient records and all information contained therein relating to drug abuse or drug dependence prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug dependence.

HEALTH AND DISABILITY INSURANCE PLANS FOR FEDERAL EMPLOYEES

SEC. 153. All health and disability insurance policies and plans for Federal employees shall cover drug dependence in the same way as other health problems and illnesses.

PART E—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

ESTABLISHMENT OF COUNCIL

SEC. 161. (a) Section 217(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by inserting "the National Advisory Council on Drug Abuse and Drug Dependence," immediately after "the National Advisory Mental Health Council,";

(2) in the second sentence thereof, by (A) inserting "the National Advisory Council on Drug Abuse and Drug Dependence," immediately after "the National Advisory Mental Health Council," and (B) inserting "drug abuse and drug dependence" immediately after "psychiatric disorders," and

(3) in the fourth sentence, (A) by inserting "and the members of the National Advisory Council on Drug Abuse and Drug Dependence" after "(other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism"; (B) by striking out "and" before "(3)"; and (C) by striking out the period at the end and inserting a semicolon and "and (4) the terms of the members of the National Council on Drug Abuse and Drug Dependence first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment.".

(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting "drug abuse and drug dependence," immediately after "mental health,".

(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The National Advisory Council on Drug Abuse and Drug Dependence shall advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Secretary in the field of drug abuse and drug dependence. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of drug abuse and drug dependence and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of drug abuse and drug dependence, and (2) to collect information as to studies being carried on in the field of drug abuse and drug dependence and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of drug abuse and drug dependence; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council."

APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER PART D OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 162. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "and part D" immediately after "(other than part C", and (2) by adding at the end thereof the following new sentence, "Grants under part D of this title for such costs may be made only upon recommendation of the National Advisory Council on

Drug Abuse and Drug Dependence established by such section."

PART F—GENERAL

LEASING OF FACILITIES

SEC. 171. (a) Section 251(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, outpatient services, or" immediately before "post-hospitalization treatment facilities".

(b) Section 251(b) of the Community Mental Health Centers Act is amended by inserting "or leasing" after "construction".

TITLE II—GENERAL

SAVING PROVISION

SEC. 201. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

RECORDS

SEC. 202. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

SEC. 203. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

EXHIBIT 2

FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1971

SECTION-BY-SECTION ANALYSIS—TITLE I

Part A—Findings and statement of purpose; definitions

Findings and statement of purpose

SEC. 101. Sets out the findings and statement of purpose.

Definitions

SEC. 102. Sets out definitions which apply throughout the bill.

"Prevention and treatment" is defined to include all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency medical care, inpatient, intermediate care, and outpatient), vocational rehabilitation, job training and referral, and other rehabilitation programs or services.

Other definitions include those for the terms "drug abuser," and "drug dependent person."

The remaining definitions are routine.

Part B—National institute for the prevention and treatment of drug abuse and drug dependence

Establishment of Institute

SEC. 111. Establishes a National Institute of Drug Abuse and Drug Dependence within the Public Health Service. Remaining sections of this part prescribe the responsibilities of the Institute and the method for appointing its Director.

Planning Functions

SEC. 112. Sets out the planning functions of the Institute which include development of a comprehensive Federal drug abuse and drug dependence prevention and treatment plan; development of model State and local drug abuse and drug dependence prevention and treatment plans; providing assistance and consultation to all interested agencies and persons with respect to the prevention and treatment of drug abuse and drug dependence; and carrying out evaluations of drug abuse and drug dependence provisions in various health plans required to be submitted to the Federal Government pursuant to Federal law.

Coordination Functions

SEC. 113. Sets out the coordination functions of the Institute, which include assisting all Federal departments and agencies in the development and maintenance of drug abuse and drug dependence prevention, treatment, and rehabilitation programs; serving as consultants to Federal courts, departments, and agencies; coordinating all Federal health and rehabilitation efforts to deal with drug abuse and drug dependence; encouraging State and local public and private programs and services and stimulating more effective and coordinated use of all existing resources and services; and serving as an information clearing house.

Research Functions

SEC. 114. Sets out the research functions of the Institute, which include conducting research of all kinds relating to drug abuse and drug dependence; encouraging and assisting others in conducting such research; making research facilities of the Institute available to other researchers; maintaining a research fellowship program; investigating methods for measuring drug consumption; and gathering and publishing statistics pertaining to drug abuse and drug dependence.

Training Functions

SEC. 115. Sets out the training functions of the Institute, which include establishment of training programs for professionals and paraprofessionals, and establishment of training fellowships.

Educational Functions

SEC. 116. Sets out the educational functions of the Institute, which include the development of a broad variety of educational materials and techniques, and the evaluation of such materials and techniques.

Reporting Functions

SEC. 117. Sets out the reporting functions of the Institute, which include the development of an Annual Report on Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation, containing specified information; and the presenting of such other reports or recommendations as the President or the Congress may require.

Part C—Development of State and local programs

SUBPART I—EMERGENCY SUPPLEMENTAL STATE ASSISTANCE PROGRAM

Program and authorization

SEC. 121. Establishes an emergency supplemental State asistance program to temporarily aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse and drug dependence prevention, treatment, and rehabilitation programs. The following amounts are authorized to be appropriated for this purpose: $15 million for fiscal 1972; $35 million for fiscal 1973; and $50 million for fiscal 1974.

State Allotment

SEC. 122. Provides for the allotment of grants to all States regardless of their size, such allotment to be made on the basis of relative population, financial need, and need for more effective prevention, treatment, and rehabilitation programs, except that no State shall be allotted less than $200,000. The allotment procedure is that generally followed for formula grants.

State Plans

SEC. 123. Requires States wishing to participate in the formula grant program to develop State plans meeting certain basic requirements. The plans must designate a single State agency to administer the plan; provide for a State advisory council to oversee the plan; specify the needs of the State and its existing health facilities; supplement, broaden, and complement State health plans; meet certain standards of administration; provide required reports and information; and assure that Federal funds will be used to supplement rather than supplant non-Federal funds. The Secretary must approve any State plan meeting the statutory requirements.

SUBPART II—MODEL AND EXPERIMENTAL TREATMENT OF REHABILITATION PROGRAMS

Program and Authorization

SEC. 131. Establishes a program under which the Secretary, utilizing the authority of this subpart, as well as other existing legislative authorities, will establish, conduct, and evaluate model and experimental drug abuse and drug dependence treatment and rehabilitation programs. The following amounts are authorized to be appropriated for this purpose: $25 million for fiscal 1972; $50 million for fiscal 1973; and $75 million for fiscal 1974.

Administration of Grants and Contracts

SEC. 132. Requires the Secretary to assure coordination of all grant applications for programs in a State, and not to give precedence to public agencies over private agencies or to State agencies over local agencies. It also establishes the administrative and budgetary crieria which must be met by those seeking funds under this subpart.

SUBPART III—ADMISSION OF DRUG ABUSERS AND DRUG-DEPENDENT PERSONS TO HOSPITALS

Admission to Hospitals

SEC. 141. Provides that no private or public general hospital which discriminates against drug abusers or drug dependent persons who are voluntary patients because of their drug abuse or drug dependence will receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. Termination of aid will occur only after the Secretary gives notice of the failure to comply with this section and provides an opportunity for correction or hearing.

Part D—Prevention and treatment of drug abuse and drug dependence for Federal employees

Drug Abuse and Drug Dependence Among Federal Employees

SEC. 151. Sets out procedures for prevention and treatment of drug abuse and drug dependence among all Federal Government employees. It provides that the Civil Service Commission, in cooperation with other Federal agencies, shall be responsible for developing and maintaining appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among all Federal civilian employees. The Institute will be responsible for encouraging similar drug abuse and drug dependence prevention, treatment and rehabilitation services in State and local governments and private industry. Other rights and responsibilities are also set out.

Confidentiality of Records

SEC. 152. Provides that all patient records prepared or obtained pursuant to this Part shall remain confidential, and may be disclosed with the patient's consent only to proper persons for purposes of medical treatment, research, or the obtaining of benefits relating to the patient's drug dependence. Similar provisions apply to private medical records.

Health and Disability Plans

SEC. 153. Provides that all health and disability insurance policies and plans for Federal employees shall cover drug dependence in the same way as other health problems and illnesses.

Part E—The National Advisory Council on Drug Abuse and Drug Dependence

Establishment of Council

SEC. 161. Provides for the establishment of a 15-member council, to advise and consult with, and make recommendations to the Secretary on matters relating to his activities and functions in the field of drug abuse and drug dependence.

Approval of Certain Grants Under Community Mental Health Centers Act

SEC. 162. Transfers to the new National Advisory Council the functions of the National Advisory Council on Mental Health with respect to certain grants under part D of the Community Mental Centers Act.

Part F—General

Leasing of Facilities

SEC. 171. Expands certain provisions of the Community Mental Health Centers Act to allow funding for the leasing of facilities used in treating and rehabilitating drug abusers and drug dependent persons.

TITLE II—GENERAL

Saving Provision

SEC. 201. Is a severability provision.

Records

SEC. 202. Requires recipients of grants to make whatever reports are required by the Secretary.

Payments

SEC. 203. Provides that payments under this title may be made in advance or by way of reimbursements, and in such manner as the Secretary may determine.

EXHIBIT 3

S. 1836

A bill to provide a comprehensive Federal program for the treatment and rehabilitation of drug dependent Federal offenders

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act many be cited as "The Drug Dependent Offenders Treatment and Rehabiltation Act of 1971".

TITLE I—FINDINGS, STATEMENT OF PURPOSE, AND DEFINITIONS

FINDINGS AND STATEMENT OF PURPOSE

SEC. 101. (a) Drug dependent persons commit a high percentage of the serious crime in our cities in order to secure funds with which to supply their drug habits. Criminal incarceration without appropriate treatment has proved ineffective to deter drug related crime and to meet the human needs of such drug dependent persons. Effective and successful treatment and rehabilitation services offer the best possibility of meeting such human needs and of avoiding a high rate of recidivism.

(b) It is the purpose of this Act to implement a policy under which drug dependent persons charged with or convicted of drug related offenses should receive treatment and rehabilitation services designed to effect their restoration to health and their return to society as useful members.

DEFINITIONS

SEC. 102. As used in this Act:

(1) "Courts" includes all Federal courts, including any United States magistrate.

(2) "Department" means the Department of Health, Education, and Welfare.

(3) "Drug abuser" means any person who uses any controlled dangerous substance under circumstances that constitute a violation of law.

(4) "Drug dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled dangerous substance on a continuing basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

(5) "Drug related offense" means any Federal criminal offense committed by a drug dependent person (1) to satisfy his drug dependence or to obtain funds to satisfy his drug dependence or (2) while under and as a result of the influence of a controlled dangerous substance.

(6) "Emergency medical services" includes all appropriate short-term services for the acute effects of drug abuse and drug dependence, which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, (3) are affiliated with, and constitute an integral (but not necessarily physical) part of, the general medical services of a general hospital, and (4) provide drug withdrawal and other appropriate medical care and treatment, professional examination, diagnosis, and classification with respect to possible drug dependence, and referral for other treatment and rehabilitation.

(7) "Government attorney" means an attorney authorized to represent the United States with respect to this Act.

(8) "Inpatient services" includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends full time in a treatment institution.

(9) "Intermediate care services" includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends part time in a treatment institution (including but not limited to a halfway house, hostel, or foster home) which is community based and located so as to be quickly and easily accessible to patients.

(10) "Medical officer" means the physician responsible under this title for the examination, diagnosis, treatment, or making of recommendations with respect to treatment of any person subject to the provisions of this title.

(11) "Outpatient services" includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare centers, and job referral services) for drug abuse and drug dependence provided while the patient is not a resident of a treatment institution, which are community based and located so as to be quickly and easily accessible to patients.

(12) "Secretary" means the Secretary of Health, Education, and Welfare.

TITLE II—TREATMENT AND REHABILITATION OF FEDERAL OFFENDERS

TREATMENT AND REHABILITATION SERVICES

SEC. 201. (a) The Secretary shall provide at least the following treatment and rehabilitation services for male and female juveniles and adults who are charged with, convicted of, or serving a criminal sentence for, any criminal offense under Federal law and are eligible for treatment under this Act:

(1) Emergency medical services.

(2) Inpatient services, which shall not be a part of or at the same location as a correctional institution.

(3) Intermediate care and outpatient services. (A) The Secretary shall give priority to developing these community based treatment services. (B) Reasonable surveillance techniques such as urine analysis may be used for treatment purposes but the results thereof shall remain confidential and may not be used against any patient in any criminal proceeding. Because of the nature and seriousness of the disease a drug dependent person can be expected to relapse into drug abuse one or more times after the onset of therapy. The decision whether to continue or to modify or to discontinue intermediate care or outpatient treatment after one or more such relapses shall be made on the basis of sound clinical judgment. All reasonable methods of treatment shall be used to prevent their recurrence. (C) Supportive medical care, services, and residential facilities shall be provided for drug dependent persons for whom treatment has repeatedly failed and recovery is unlikely so that they may live in a decent and productive manner.

(b) The treatment and rehabilitation service authorized by this Act may be provided at any available facility, including but not limited to Public Health Service hospitals, Veterans' Administration hospitals, public and private general hospitals, community mental health centers, and public and private drug dependence and drug abuse treatment and rehabilitation centers. Care and treatment for veterans shall be provided where possible in Veterans' Administration hospitals. The Secretary may contract with any appropriate public or private agency, organization, or institution that has proper and adequate facilities and personnel in order to carry out the purposes of this Act.

(c) There shall be in each city or region a central office open twenty-four hours a day to coordinate and provide information concerning the availability of all such services. The Secretary may determine, in his discretion, the area to be served by any such office.

(d) Any person assisted under this Act may be required to contribute toward the cost of his subsistence, care, or treatment, to the extent that he is financially able to do so, under regulations promulgated by the Secretary. Such regulations shall specify how funds available to any person as a result of his drug abuse or drug dependence under Federal or State Government programs such as social security, welfare, medicare, medicaid, veterans benefits, and employee health insurance plans and policies, shall be used to contribute to the costs of such treatment so far as practicable without imposing undue hardship on him or his family. No person may be discriminated against on the basis of indigence.

EMERGENCY MEDICAL SERVICES

SEC. 202. (a) (1) Any person charged with a misdemeanor under Federal law and who appears to be a drug abuser, or who is taken into custody for what appears to be a drug related misdemeanor under Federal law, shall, after preliminary police processing and an opportunity to consult with counsel, promptly be taken for emergency medical services, where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis. Upon admission as a patient, such person shall immediately be examined to determine whether (A) it is probable that he is not a drug abuser and has not committed a drug related misdemeanor, or (B) it is probable that he is not in need of emergency medical services although he may be a drug abuser, or (C) it is probable that he is a drug abuser or a drug dependent person who is in need of emergency medical services. Such screening shall be completed within twenty-four hours of such person's admission to emergency medical services. Any person determined to fall within subparagraph 202(a)(1)(C) shall be detained there as long as is necessary to complete emergency medical treatment, to conduct a diagnosis for possible drug dependence, and to institute any civil commitment proceeding pursuant to section 203 or 204, but in no event longer than five days after his admission.

(2) Any person determined to fall within subparagraph 202(a)(1)(A) or 202(a)(1)(B) shall be released from emergency medical services immediately upon completion of the initial screening process, and in no event shall he be detained there longer than twenty-four hours. Upon his release from emergency medical services, he shall be handled as in any other criminal case.

(3) If a person determined to fall within subparagraph 202(a)(1)(C) is diagnosed as not a drug dependent person and prior to trial on the offense he requests voluntary treatment in lieu of criminal prosecution, the medical officer in charge of the patient or services shall, after a review of the patient's record, advise the Government attorney in writing whether for the treatment and rehabilitation of the person it would be preferable for the criminal charges to be held in abeyance or withdrawn in order to institute voluntary treatment for his drug abuse, or for the criminal charges to be prosecuted. The Government attorney shall exercise his discretion whether to accept the medical officer's advice, but in the event that he does not accept the medical officer's advice he shall state in writing the reasons for his decision.

(4) If a person determined to fall within subparagraph 202(a)(1)(C) is diagnosed as a drug dependent person and prior to trial on the offense he requests voluntary treatment or civil commitment for treatment in lieu of criminal prosecution, the medical officer in charge of the patient or services shall, after a review of his record, advise the Government attorney and the court in writing whether for the treatment and rehabilitation of the person it would be preferable for the criminal charges to be held in abeyance or withdrawn in order to institute either voluntary treatment for his drug dependence or treatment for his drug dependence under civil commitment, or for the criminal charges to be prosecuted. The Government attorney shall exercise his discretion whether to accept the medical officer's advice, but in the event that he does not accept the medical officer's advice he shall state in writing the reasons for his decision.

(5) If the criminal charges are prosecuted and such person is convicted, and at the time of conviction he requests probation with treatment or civil commitment for treatment in lieu of criminal punishment, the medical officer in charge of the patient or services shall advise the court in writing whether for the treatment and rehabilitation of the person it would be preferable for him to receive a suspended sentence and probation on the condition that he undergo education and treatment for drug abuse and drug dependence, or to be civilly committed pursuant to section 204 for treatment in lieu of criminal punishment, or to receive criminal incarceration. The court shall exercise its discretion whether to accept the medical officer's advice.

(6) Any person determined to fall within subparagraph 202(a)(1)(C) shall immediately be informed of his right to request any of the procedures for treatment in lieu of criminal prosecution or punishment which are available to him under subsection 202(a)(3), 202(a)(4), or 202(a)(5) as a result of his diagnosis. If such person is, as a result of his drug abuse or drug dependence, unable at the time of diagnosis either to understand or to make a rational decision concerning his right to request treatment under such subsections, he shall again be informed of such right as soon as he is able to understand the choices available to him and to make a rational decision concerning them.

(7) A criminal charge may be held in abeyance pursuant to subsection 202(a)(3) or 202(4) for no longer than one year, after which it is automatically dismissed. A person civilly committed pursuant to section 204 may be returned to stand trial pursuant to section 204(e)(3) within that year.

(b)(1) Any person charged with a felony under Federal law and who appears to be a drug abuser, or who is taken into custody for what appears to be a drug related felony under Federal law, shall, after preliminary police processing and an opportunity to consult with counsel, promptly be taken for emergency medical care services, where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis. Upon admission as a patient, such person shall immediately be examined to determine whether (A) it is probable that he is not a drug abuser and has not committed a drug related felony, or (B) it is probable that he is not in need of emergency medical services although he may be a drug abuser, or (C) it is probable that he is a drug abuser or a drug dependent person who is in need of emergency medical services. Such screening shall be completed within twenty-four hours of such person's admission to emergency medical services. Any person determined to fall within subparagraph 202(b)(1)(C) shall be detained there as long as is necessary to complete emergency medical treatment, to conduct a diagnosis for possible drug dependence, and to institute any civil commitment proceeding pursuant to section 203 or 204, but in no event longer than ten days after his admission.

(2) Any person determined to fall within subparagraph 202(b)(1)(A) or 202(b)(1)(B) shall be released from emergency medical services immediately upon completion of the initial screening process, and in no event shall he be detained there longer than twenty-four hours. Upon his release from emergency medical services, he shall be handled as in any other criminal case.

(3) If a person determined to fall within subparagraph 202(b)(1)(C) is diagnosed as not a drug dependent person, he shall be handled as in any other criminal case.

(4) If a person determined to fall within subparagraph 202(b)(1)(C) is diagnosed as a drug dependent person and he pleads nolo contendere or guilty, or he is found guilty after trial, and at that time he requests probation with treatment or civil commitment for treatment in lieu of criminal punishment, the medical officer in charge of the patient or services shall advise the court in writing whether it would be preferable for the treatment and rehabilitation of the person for him to receive a suspended sentence and probation on the condition that he undergo education and treatment for drug abuse and drug dependence, or to be civilly committed pursuant to section 204 for treatment in lieu of criminal punishment, or to receive criminal incarceration. The court shall exercise its discretion whether to accept the medical officer's advice.

(5) Any person diagnosed as a drug dependent person pursuant to subsection 202(b)(4) shall immediately be informed of his right to request probation with treatment or civil commitment for treatment in lieu of criminal punishment. If such person is, as a result of his drug dependence, unable at the time of diagnosis either to understand or to make a rational decision concerning his right to make such a request, he shall again be informed of such right as soon as he is able to understand the choices available to him and to make a rational decision concerning them.

(c) Whenever the medical officer in charge of the patient or services believes that any patient requires additional short-term involuntary emergency medical treatment and care, and that the findings required by section 203(a) can be substantiated, he shall recommend in writing to the Government attorney that a civil commitment proceeding be instituted pursuant to section 203. The Government attorney shall institute such a proceeding unless he believes that the findings required by section 203(a) cannot be substantiated or that there is other good cause for denying the recommendation.

(d) Whenever the medical officer in charge of the patient or services believes that any patient taken into custody for or charged with any violation of the Controlled Substances Act is a drug dependent person who is charged with a drug related offense, he shall recommend in writing that a civil commitment proceeding be instituted pursuant to section 204.

(1) The Government attorney shall institute such a proceeding unless he believes that the violation was not a drug related offense or that the findings required by section 204 cannot be substantiated. If the medical officer and the Government attorney disagree on the applicability of this subsection, the Government attorney may proceed with a criminal prosecution and shall state in writing the reasons for his decision. If the criminal charges are prosecuted under these circumstances against the recommendation of the medical officer, the medical officer shall make a report in writing to the court setting out his conclusions and recommendations, and the court shall take any appropriate action.

(2) If criminal charges are prosecuted and the court finds that the person is a drug dependent person and that violation was a drug related offense, he shall be handled only pursuant to sections 202, 203, and 204 of this Act. In any trial, the burden of showing the applicability of this subsection shall be on the defendant.

(3) This subsection shall be inapplicable to any drug dependent person who is charged with distribution of a large quantity of a controlled substance or distribution of any controlled substance as part of a continuing criminal enterprise. The Secretary may issue regulations defining, for any controlled substance, the quanity that constitutes a large quantity of that substance for purposes of this provision.

(e) Any Federal officer, Government attorney, court, or Federal probation or parole officer shall refer any person to the Secretary for handling pursuant to subsection (a) or (b) whenever it appears that such person is a drug abuser or that an offense with which he is charged may be drug related.

(f) The medical officer in charge of the patient or services shall be given all pertinent records and information with respect to any person handled pursuant to subsection (a) or (b) by any Federal department, agency, officer, Government attorney, court, or Federal probation or parole officer who has such records or information.

SHORT TERM CIVIL COMMITMENT FOR EMERGENCY MEDICAL TREATMENT

SEC. 203. (a) A court may, on a petition of a Government attorney filed before the period of detention for emergency medical treatment and diagnosis expires, and after a hearing without a jury, order any person receiving emergency medical services pursuant to section 202 to be temporarily committed to the Secretary for emergency medical treatment and care for a period not to exceed thirty days from the date of commitment if he determines that the person is a drug dependent person, and as a result of his drug dependence (1) is in imminent danger of sustaining substantial physical harm unless he receives medical treatment for a period longer than permitted by section 202, and (2) is unable to make a rational decision about accepting assistance. The court shall make any determination pursuant to this subsection, and shall impose any order of commitment, within five days after the filing of the petition, and the person who is the subject of the petition may be detained during that five-day period regardless of any time limit for detention imposed by section 202(a)(1) or 202(b)(1).

(b) The hearing shall be held within four days after the filing of the petition, unless the person or his attorney requests a delay of the hearing. The court shall notify the person and his attorney of the time and place of the hearing. If the person is without funds to provide for the assistance of counsel for the hearing, the court shall appoint counsel to represent the person at the expense of the Government.

(c) In conducting a hearing under this section, the court shall receive and consider all relevant evidence and testimony which may be offered. The person shall have the right to present evidence, and to present and cross-examine witnesses. The testimony of the person at this hearing may not be used against him in any other judicial proceeding, nor shall the person waive his privilege against self-incrimination in any future judicial proceeding by testifying at this hearing. The court shall make any determination pursuant to this subsection, and shall impose any order of commitment, within forty-eight hours after the conclusion of the hearing.

(d) Any person committed shall have the right to appeal: *Provided,* That any appeal arising pursuant to this subsection shall be disposed of within ten days of the entry of the order appealed from.

(e) Any court which conducts the hearing provided for in this section, or which reviews the outcome of said hearing, shall not sit in any trial of the person for an offense which was the basis for or pending at the time of said hearing, or any related appeal.

(f) As soon as a patient committed under this section is once again able to make a rational decision about accepting assistance, he shall be civilly committed for treatment pursuant to section 204 or be handled as in any other criminal case.

CIVIL COMMITMENT FOR TREATMENT OF DRUG DEPENDENCE

SEC. 204. (a)(1) The courts may commit to the Secretary for treatment and care for drug dependence in lieu of criminal prosecution or punishment for up to a specified period of time a drug dependent person who—

(A) is charged with a misdemeanor and who, prior to trial on the offense, requests such treatment in lieu of criminal prosecution; or

(B) is charged with a misdemeanor or felony and who, after having pled nolo contendere or guilty, to, or having been found guilty of, the offense charged, at the time sentence is imposed requests such treatment in lieu of serving the sentence imposed; or

(C) is serving a criminal sentence and petitions the court for such treatment in lieu of serving the remainder of his sentence.

(2) No term of commitment shall be ordered for a period longer than the maximum sentence that could have been imposed for the offense with which the person was charged with respect to subsection (a)(1)(A), or for a period longer than the sentence actually imposed with respect to subsections (a)(1)(B) and (a)(1)(C), unless he is found at the end of that time to constitute an immediate and continuing danger to the safety of another person or of property pursuant to subsection (c)(2). A patient may voluntarily remain in treatment for as long as the medical officer in charge of the patient or services believes warranted.

(b) (1) The courts may commit to the Secretary for treatment and care for drug dependence for up to a specified period of time a drug dependent person who—

(A) is charged with a drug related offense and is acquitted on the ground of drug dependence; or

(B) is charged with an offense under the Comprehensive Drug Abuse Prevention and Control Act of 1970 and is found, before or after trial, to fall within the provisions of section 202(d).

(2) No term of commitment shall be ordered for a period longer than the maximum sentence that could have been imposed for the offense of which he was acquitted with respect to subsection (b)(1)(A), or for a period longer than the maximum sentence that could have been imposed for the offense for which he was taken into custody or charged with respect to subsection (b)(1)(B), unless he is found at the end of that time to constitute an immediate and continuing danger to the safety of another person or of property pursuant to subsection (c)(2). A patient may voluntarily remain in treatment for as long as the medical officer in charge of the patient or services believes warranted.

(c) (1) Prior to the commitment of any person pursuant to subsection (a) or (b) the court shall hold a civil hearing without a jury and must find that (A) he is a drug dependent person; and (B) appropriate treatment is available for him.

(2) To support a finding that a person constitutes an immediate and continuing danger to the safety of another person or of property, a court must conclude from clear and convincing factual evidence, based upon recent behavior during intermediate care or outpatient treatment, that as a result of his drug dependence he will engage in illegal distribution of any controlled drug or will commit grave felonious conduct that is drug related.

(d) Pending the court's decision on civil commitment, the person shall be detained for appropriate care and treatment pursuant to sections 202 and 203: *Provided,* That such commitment cases shall be expedited and that such interim detention shall not exceed ten days from the date the proceeding is instituted. The order of the court shall prevail unless and until overturned on appeal: *Provided,* That any appeal shall also be expedited.

(e) The Secretary shall immediately inform the court whenever in his opinion any one of the findings made pursuant to subsection (c) is no longer applicable, or for any reason the person should be unconditionally released.

(1) The Secretary shall, after a review of the patient's record, recommend to the court whether the commitment order should be continued, or whether the patient should be unconditionally released, or whether the patient should be returned to stand trial if he was committed under subsection (a)(1)(A) or to serve the remainder of his sentence if he was committed under subsection (a)(1)(B) or (a)(1)(C)) or whether some other appropriate action should be taken. The court shall hold a civil hearing and shall enter an appropriate order.

(2) Time spent under civil commitment shall be counted toward any sentence for a person returned to stand trial or to serve the remainder of his sentence.

(3) A person committed under this section may be returned to stand trial or to serve the remainder of his sentence if he does not cooperate with an appropriate treatment or care program, or if appropriate treatment or care is ineffective: *Provided,* That the decision whether to return the person to stand trial or to serve the remainder of his sentence after failure to conform to a schedule for rehabilitation shall be made on the basis of what is most consistent with the rehabilitation of the individual and the safety of the community.

(4) Except as provided in subsection 204 (h), no person shall remain committed for treatment or care pursuant to this section after a court determines that any one of the findings made under subsection 204(c) is no longer applicable.

(f) A committed person may, upon the expiration of six months following the commitment order, and not more frequently than every six months thereafter, request the Secretary in writing to conduct a review of the current applicability of the required findings, and if the request is timely it shall be granted. The patient may, at his own expense, have one or more qualified physicians participate in the review or conduct an independent review. The Secretary shall, upon the written request of an indigent patient, assist him in obtaining a qualified physician to participate in the review, and such a physician shall be compensated for his services by the Secretary in an amount determined by the Secretary to be fair and reasonable. The Secretary shall report the result of the review to the patient. If the patient is not released as a result of this review he may petition the court for an order directing his release. The court may hold a hearing and shall consider all pertinent evidence and enter an appropriate order. The burden of proof in such a proceeding shall remain on the Secretary.

(g) In addition to the right of review upon a patient's written request, the Secretary shall as often as practicable, but not less often than every six months, review a patient's status under the required findings. Any right available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus, shall also be retained, and the burden of proof in such a proceeding of the continuing existence of the findings upon which the commitment is based shall remain on the Secretary.

(h) If the Secretary continues to make a good faith attempt to provide appropriate treatment pursuant to subsection (c)(1), a drug dependent person who has been adjudged an immediate and continuing danger to the safety of other persons or of property pursuant to subsection (c)(2) shall not fail to be committed pursuant to subsection (a) or (b), or be released from commitment under subsection (e), (f), or (g), until the finding under subsection (c)(2) is no longer applicable.

(i) A committed person or a person detained for treatment may initially be placed in inpatient, intermediate care, or outpatient treatment, on the basis of sound clinical judgment, except that a person charged with or subject to a prison sentence for a felony shall initially be placed in inpatient treatment unless the court orders otherwise. The Secretary may transfer a committed person or a person detained for treatment between inpatient, intermediate care, and outpatient services without court permission on the basis of sound clinical judgment, except that a court order must be obtained for the transfer from inpatient status of any person charged with or subject to a prison sentence for a felony. No committed person may be unconditionally released without a court order. A committed or detained person has a right to intermediate care and outpatient status, and to unconditional release, as quickly as is consisent with sound clinical judgment and with the safety of other persons and of property.

(j) If the respondent in any proceeding under this Act does not have an attorney and cannot afford one, the court shall appoint one to represent him. Counsel so appointed shall be compensated for his services by the Secretary in an amount determined by the court to be fair and reasonable.

(k) Neither mail nor other communications to or from a person committed pursuant to this section may be read by others or censored except when ordered by a physician for treatment reasons: *Provided,* That reasonable regulations regarding visiting hours and the use of telephone and telegraph facilities may be adopted, and reasonable precautions may be used to prevent persons from illegally obtaining controlled substances.

(l) Upon the institution of proceedings for the commitment of a person pursuant to section 203 or 204, the Secretary shall give such person and his nearest known adult relative a written statement and explanation outlining in simple nontechnical language the procedures and rights set out in this section. If such person is committed, the Secretary shall give him and his nearest known adult relative a further written statement and explanation outlining all release procedures and other rights provided by this section, as well as by other statutes and general legal principles.

(m) A specific treatment plan, adapted to each individual, shall be prepared and maintained by the Secretary on a current basis for every patient committed pursuant to section 204. It shall show the treatment planned, and the treatment provided, in sufficient detail to permit an evaluation of the adequacy of the program for that individual. The plan shall be reviewed by the court in considering the findings required by subsections 204(c) (1) and (c)(2).

(n) Each individual treatment plan prepared pursuant to subsection 204(m) may utilize inpatient, intermediate care, and outpatient services, in accordance with principles of medical care and treatment accepted by a responsible segment of the medical profession. All public and private community efforts, including but not limited to welfare services, vocational rehabilitation, and job replacement, shall be utilized as part of outpatient treatment programs to integrate drug dependent persons back into society as productive citizens.

(o) Any hearing held pursuant to subsections 204 (c), (e), or (f) shall be conducted according to the provisions of subsections 203 (b) through (e) of this Act. Any such hearing shall be taken down by a court reporter or recorded by suitable sound recording equipment. A transcript of the record of such hearing shall be made available, at the expense of the Government, to a person who was the subject of the hearing and who makes affidavit that he is unable to pay or give security therefor.

FEDERAL YOUTH CORRECTIONS ACT

SEC. 205. Any person committed to or eligible for commitment to the custody of the Attorney General pursuant to the provisions of the Federal Youth Corrections Act (chapter 402 of title 18 of the United States Code) who is eligible for civil commitment under this title shall be handled pursuant to this title: *Provided,* That any person who was a youthful offender within the meaning of section 5006 of title 18 of the United States Code or who was eligible for sentencing under the Federal Youth Corrections Act pursuant to section 4209 of title 18 of the United States Code at the time of his commitment hearing under this title shall remain eligible for sentencing under the Federal Youth Corrections Act (1) if he should fail to be committed for treatment under this title or (2) if, having been committed, he is at any time returned to stand trial or to serve the remainder of his sentence under section 204(e) (3).

DRUG ABUSE SERVICES IN CORRECTIONAL INSTITUTIONS AND ON PROBATION AND PAROLE

SEC. 206. (a) The services established by this Act shall be used by the Bureau of Prisons and the Board of Parole for drug abuser or drug dependent offenders (including persons sentenced under the Federal Youth Corrections Act, chapter 402 of title 18 of the United States Code) placed on work release, probation, parole, or other conditional release. The Secretary and the Bureau of Prisons shall cooperate in establishing and encouraging the establishment of community based drug abuse treatment services and of drug abuse treatment services in Federal correction institutions.

(b) The conditional release of any drug abuser or drug dependent person convicted of any Federal offense may be conditioned on the person's agreement to periodic urine analyses or other means of detecting narcotic drugs within the body.

(c) The Bureau of Prisons and the Board of Parole may transfer an offender placed on conditional release from one treatment service to another depending upon his response to treatment. The decision whether to retain or to restrict or to revoke probation or parole or other conditional release after failure to conform to a schedule for rehabilitation shall be made on the basis of what is most consistent with both the rehabilitation of the individual and the safety of the community. All reasonable methods of treatment shall be used to prevent relapses and to promote rehabilitation. The Secretary shall provide periodic reports and recommendations to the Bureau of Prisons and the Board of Parole on persons being treated pursuant to this section.

AVAILABILITY OF CRIMINAL RECORDS

SEC. 207. (a) In order to facilitate the treatment and rehabilitation of drug abusers and drug dependent persons, any arrest for a criminal offense under the Controlled Substances Act or under the provisions of Federal law previously governing narcotics and dangerous drugs shall no longer be available as part of the person's public arrest and other public criminal records when the charges are withdrawn or dismissed or the person is acquitted of the charges.

(b) Any arrest or trial or conviction for a criminal offense under the Comprehensive Drug Abuse Prevention and Control Act of 1970 or under the provisions of Federal law previously governing narcotics and dangerous drugs may be made unavailable as part of a person's public criminal records by a court upon the filing of a petition supported by substantial evidence of good conduct since the petitioner's conviction. Copies of the petition shall be served on the United States attorney, who shall be responsible for consulting other appropriate public agencies and departments. If a Government attorney files a motion to dismiss the petition within sixty days, the court, without a jury, shall hold a hearing before ruling on the issue. The petitioner shall have the right to cross-examine any adverse witness or rebut any adverse evidence. The proceeding shall be closed to the public. The petition shall be granted if supported by substantial evidence of good conduct since the petitioner's conviction unless the court finds, on the basis of evidence of record, good cause not to accept the petitioner's allegations of good conduct. The petition may be filed and heard only after the following time lapses:

(1) For a Federal conviction involving any controlled substance in Schedule I or II which is a narcotic drug, or any Federal offense under prior law involving any such controlled substance after five years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(2) For a Federal conviction involving any controlled substance in Schedule I or II which is not a narcotic drug, or any controlled substance in Schedule II, or any Federal offense under prior law involving any such controlled substance after three years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(3) For a Federal conviction involving any controlled substance in schedule IV or V, or any offense under prior law involving any such controlled substance, after two years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(4) For a conviction for any Federal offense under prior law governing narcotics and dangerous drugs that would not now come within any of these provisions, after three years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(c) An arrest or trial or conviction that has been made unavailable to the public pursuant to this section shall not thereafter be regarded as an arrest or trial or conviction for the purpose of any statute or regulation or license or questionnaire or any other public or private purpose: *Provided,* That such a conviction shall continue to constitute an offense for purposes of any criminal statute under which the existence of a prior conviction is relevant to the penalty to be imposed. No Government employee shall divulge, nor shall any Government record available to the public reflect such arrest or trial or conviction, or a proceeding conducted pursuant to this section: *Provided,* That the judiciary, court personnel, and Government attorneys may be informed of such arrest or, trial or conviction, and of such proceeding, where it becomes relevant to a penalty to be imposed in a subsequent case. Any Government employee who divulges such information in violation of this subsection shall be punished by a prison sentence of not more than ninety days, or a fine of not more than $1,000, or both.

RETENTION OF CIVIL RIGHTS AND LIBERTIES

SEC. 208. A person receiving care or treatment under the provisions of this Act shall retain his civil rights and liberties except as herein otherwise explicitly provided.

CONFIDENTIALITY OF RECORDS

SEC. 209. (a) A complete medical, social, occupational, and family history shall be obtained as part of the diagnosis, classification, and treatment of a patient pursuant to this title. Copies of all pertinent records from other agencies, practitioners, institutions, and medical facilities shall be obtained in order to develop a complete and permanent confidential personal history for purposes of the patient's treatment.

(b) All patient records (including all records relating to any commitment proceeding) prepared or obtained pursuant to this Act, and all information contained therein, shall remain confidential, and may be disclosed with the patient's consent only to medical personnel and only for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate charges against a patient under any circumstances.

(c) All patient records and all information contained therein relating to drug abuse or drug dependence prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence.

TITLE III—DEVELOPMENT OF STATE AND LOCAL PROGRAMS FOR OFFENDERS

ESTABLISHMENT OF DEVELOPMENT PROGRAM

SEC. 301. The Secretary, utilizing and being guided by the concepts incorporated in this Act, shall encourage, assist, and upon request, evaluate State and local programs and procedures for the treatment and rehabilitation of male and female juveniles and adults who are charged with, convicted of, or serving a criminal sentence under State or local laws for drug related offenses. In carrying out this responsibility, the Secretary shall—

(1) serve as a clearinghouse and information center for the collection, preparation, and dissemination of all information relating to such programs and procedures;

(2) make grants to State and local governments for the development, expansion, or evaluation of such programs and procedures; and

(3) develop and encourage the enactment of model legislation for the use of State and local governments desiring to establish such programs and procedures.

ADMINISTRATION OF GRANTS

SEC. 302. Approval of any application for a grant under section 301(2), including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

(1) provide that the activities and services for which assistance is sought under that section will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

AUTHORIZATIONS

SEC. 303. There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972; $50,000,000 for the fiscal year ending June 30, 1973; and $75,000,000 for the fiscal year ending June 30, 1974, to carry out the purposes of this title. Any appropriated funds shall remain available until expended.

TITLE IV—GENERAL

SAVING PROVISION

SEC. 401. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

RECORDS

SEC. 402. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

SEC. 403. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

REPEALER

SEC. 404. (a) (1) Chapter 175 of title 28, United States Code, chapter 314 of title 18, United States Code, and title III of the Narcotic Addict Rehabilitation Act of 1966 (80 Stat. 1438), are repealed.

(2) In any case involving an individual committed pursuant to such chapter 175, chapter 314, or title III, on or before the date immediately preceding the effective date of the repeal of such chapters and title, such individual shall continue to be subject to the provisions thereof in the same manner and to the same extent as if they had not been repealed.

(b) Sections 341, 342, 343, 344, and 345 of the Public Health Service Act, and the provisions of the Act entitled "An Act to amend title 18 of the United States Code to enable the courts to deal more effectively with the problem of narcotic addiction, and for other purposes", approved November 8, 1966 (80 Stat. 1438) are repealed.

EXHIBIT 4

THE DRUG DEPENDENT OFFENDERS TREATMENT AND REHABILITATION ACT OF 1971—SECTION-BY-SECTION ANALYSIS

TITLE I—FINDINGS, STATEMENT OF PURPOSE, AND DEFINITIONS

Findings and statement of purpose

SECTION 1.—Sets out the findings and Statement of Purpose.

Definitions

SEC. 102.—Sets out definitions which apply throughout the bill. Definitions include those for the terms "drug abuser," "drug dependent person," "drug related offense," "emergency medical services," "inpatient services," "intermediate care services," "medical officer," and "outpatient services." The remaining definitions are routine.

TITLE II—TREATMENT AND REHABILITATION OF FEDERAL OFFENDERS

Treatment and rehabilitation services

SEC. 201.—Sets out the types of treatment and rehabilitation services which shall be provided to persons charged with, convicted of or serving a criminal sentence for any criminal offense under Federal law. Such services include emergency medical care services, inpatient services and intermediate care and outpatient services. Persons receiving such assistance may be required to contribute toward the cost of treatment. Regulations shall specify how Government funds available to any person for treatment under Federal-State programs shall be used to pay for such treatment.

Emergency medical care services

SEC. 202(a)—provides that the persons charged with a misdemeanor who either appear to be drug abusers or are taken into custody for what appears to be a drug related offense shall be taken for emergency medical services. After an initial screening, those persons determined not to be in need of medical attention will be handled as in any other criminal case. The remaining individuals will be detained for medical care during withdrawal, possible diagnosis for drug dependence, and initiation of any civil commitment proceedings under section 203 or 204. Such detention may not exceed five days.

If the person is not diagnosed as drug dependent, the government attorney, with the recommendation of the medical officer, will decide whether he should be prosecuted, or permitted to follow voluntary education and treatment for drug abuse. If the person is diagnosed as drug dependent, the government attorney will decide, with the recommendation of the medical officer, whether the person should be prosecuted, civilly committed, or permitted to follow voluntary treatment. If he is prosecuted and convicted, he may still receive a suspended sentence and probation conditional on treatment, or be civilly committed for treatment, rather than being criminally sentenced.

The bill provides that the medical officer shall make his recommendations to the government attorney at every stage of the decision-making process with respect to such an individual. In all instances, however, the government attorney has the ultimate decision, and can either accept or reject the medical officer's recommendation. Similarly, the judge is free to accept or reject the recommendations made by the medical officer.

SEC. 202(b)—contains similar provisions relating to a person taken into custody by the police for a felony who either appears to be a drug abuser or is charged with a drug-related felony. Initial screening will single out those persons not in need of medical attention. The remaining persons, after any necessary withdrawal, may be detained for up to ten days for diagnosis of possible drug dependence. If such a person is not diagnosed as drug dependent, the criminal charges are prosecuted. If he is diagnosed as drug dependent, the criminal charges are prosecuted, but after conviction the court, with the recommendations of the medical officer, must decide whether to impose a suspended sentence, to institute civil commitment proceedings under section 204 or to impose a criminal charge. If he is convicted, he may also receive treatment through civil commitment.

SEC. 202(c)—provides that the government attorney shall institute involuntary civil commitment proceedings for additional short-term emergency medical treatment pursuant to Section 203 whenever any patient requires such care and the findings required by section 203(a) can be substantiated.

SEC. 202(d)—provides that civil commitment proceedings for treatment for drug dependence shall be instituted by the government attorney pursuant to section 204 whenever there is a finding that a person taken into custody for a violation of the Controlled Substances Act as (1) a drug dependent person who (2) is charged with a drug related offense.

Short term civil commitment for emergency medical treatment

SEC. 203—permits a court to order up to 30 additional days of emergency medical care services for a drug dependent person who, even after the initial detention period authorized by section 202 is in imminent danger of sustaining substantial physical harm and is not in a position to exercise a rational judgment about accepting assistance. Such a person, when once again able to make a rational judgment about accepting assistance, shall be committed for treatment pursuant to section 204, or handled as in any other criminal case.

Civil commitment for treatment of drug dependence

Sec. 204—sets out the conditions under which drug dependent persons who are federal offenders may be civilly committed for treatment for drug dependence.

Under section 204(a), the following persons may be committed for treatment: drug dependent persons charged with a misdemeanor and who, prior to trial, requests treatment in lieu of criminal prosecution; drug dependent persons charged with a felony who, have pled guilty or been found guilty of the offense charged, at the time of sentence request such treatment in lieu of the sentence; or drug dependent persons serving criminal sentences who petition the court for such treatment in lieu of serving the remainder of the sentence.

Under section 204(b), commitment is provided for drug dependent persons charged with a drug related offense and acquitted on the ground of drug dependence; or drug dependent persons charged with an offense under the Controlled Substances Act and found, before or after trial, to fall within the provisions of section 202(d).

For all such persons, no initial commitment shall be ordered for a period longer than the sentence that could have been imposed or was imposed. Prior to any commitment, the court must conduct a full and fair hearing and must find that the person is a drug dependent person and that appropriate treatment is available for him.

With the objective of protecting the public, the bill provides that no civilly committed person shall be released who is found by a court to represent an immediate and continuing danger to the safety of another person or of property. Such persons are retained in custody until there is no longer good reason to believe that they represent such a danger. However, every individual is entitled to intermediate care or outpatient status as soon as possible, consistent with sound clinical judgment.

This section contains procedural safeguards with respect to committed persons. Such a person must be released immediately when he is shown to be rehabilitated. He is, moreover, entitled to a court review of his status every six months. He is entitled to appointed counsel, and retains all of his civil rights and liberties.

Federal Youth Corrections Act

Sec. 205—provides that persons committed to or eligible for commitment to the custody of the Attorney General pursuant to the provisions of the Federal Youth Corrections Act who are eligible for civil commitment under this title shall be handled pursuant to this title, except that such a person shall remain eligible for sentencing under the Federal Youth Corrections Act after failure to be committed pursuant to this title, or if he is returned to stand trial or to serve the remainder of his sentence.

Drug abuse services in correctional institutions and on probation and parole

Sec. 206—provides that services provided by this act shall be used by the Bureau of Prisons and the Board of Parole for drug abusers or drug dependent offenders placed on work release, probation, or parole status, including persons sentenced under the Federal Youth Corrections Act, and that the Secretary and the Bureau of Prisons shall cooperate in establishing and encouraging the establishment of community based drug abuse treatment services and of drug abuse treatment services in Federal correctional institutions.

Availability of criminal records

Sec. 207—in order to facilitate the treatment and rehabilitation of drug abusers and drug dependent persons, this section sets out a method whereby the records of arrests and convictions under Federal laws relating to dangerous drugs may, under certain conditions, not be available at a matter of public record.

Retention of civil rights and liberties

Sec. 208—provides that a person treated under the provisions of this Act retains his civil rights and liberties.

Confidentiality of records

Sec. 209—deals with the confidentiality of records. It requires that a complete medical, social, occupational, and family history of a patient be obtained as part of the diagnosis and classification of a patient pursuant to this title, and it provides that a person treated under the bill is entitled to the confidentiality of the physician-patient relationship, and that no such records may be disclosed without a court order or may be used against him.

TITLE III—DEVELOPMENT OF STATE AND LOCAL PROGRAMS FOR OFFENDERS

Establishment of development program

Sec. 301—Establishes a State and Local Development Program to assist state and local governments in developing, expanding, or evaluating programs providing treatment and rehabilitation services to state and local offenders charged with or convicted of drug related crimes.

Administrations of grants

Sec. 302—Establishes the administrative and budgetary criteria which must be met by those seeking funds under this title.

Authorizations

Sec. 303—authorizes the following amounts to carry out the purposes of this title: $25 million for fiscal 1972; $50 million for fiscal 1973; and $75 million for fiscal 1974.

TITLE IV—GENERAL

Saving provision

Sec. 401—Severability provision.

Records

Sec. 402—Requires recipients of grants to make whatever reports are required by the Secretary.

Payments

Sec. 403—Provides that payments under this title may be made in advance or by way of reimbursements, and in such manner as the Secretary may determine.

Repealer

Sec. 404—Repeals certain existing, obsolete Federal statutory provisions which are replaced by the broader or more modern provisions of this Act.

Mr. JAVITS. Mr. President, I join with Senator Hughes in the legislation introduced today with respect to Federal programs dealing with the tragic narcotics addiction and drug abuse epidemic afflicting America's young people.

Mr. President, I live in the city and represent the State which contains that city, the largest in the country, which has the greatest problem; and I affirm that if we are to make measurable progress, it will come on two fronts: First, law enforcement, which includes limitation of the incursion of drugs into the United States, especially heroin; and, second, the procedures of education, treatment, and research, which are called for in these two very important, comprehensive bills.

The Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1971, is similar to the comprehensive drug bill which Senator Hughes and I introduced last year with the cosponsorship of 28 Senators. That legislation was successfully attached in the Senate as a substitute title to another bill. Unfortunately, in an effort to assure speedy enactment of a comprehensive penalty-oriented drug bill, its comprehensive prevention, treatment and rehabilitation provisions were, to a great extent, lost in conference. However, it was then later passed by the Senate as a separate bill by a vote of 86 to 0. No further action was taken on the bill by the House in the 91st Congress.

The legislation is also substantially similar to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (S. 3835), which was cosponsored by 52 Senators last year and which the President signed into law on January 1, 1971, Public Law 91-616.

In essence the bill provides:

A National Institute on Drug Abuse and Drug Dependence in the Public Health Service, with a detailed range of responsibilities;

A $100 million emergency supplemental State assistance program over 3 years to aid States in planning, establishing, maintaining, coordinating and evaluating prevention, treatment, and rehabilitation projects;

A $150 million model and experimental treatment and rehabilitation grant program over 3 years, to allow the Secretary to establish, conduct, and evaluate model and experimental treatment and rehabilitation programs;

Drug abuse and drug dependence prevention, treatment, and rehabilitation programs for Federal civilian employees;

An annual report by the Secretary of Health, Education, and Welfare, which will contain a comprehensive Federal plan for utilizing all available prevention and treatment resources to combat the drug problem, describe existing treatment and rehabilitation and rehabilitation modalities with communities for their implementation; and set forth the Federal programs conducted, expenditures made, results achieved, plans developed and problems discovered in the operations and coordination of the various Federal prevention, treatment, and rehabilitation programs;

An independent National Advisory Council on Drug Abuse and Drug Dependence, to insure outside evaluation of Federal efforts in this area.

The Drug Dependent Offenders Treatment and Rehabilitation Act of 1971 would amend present provisions of the Narcotic Addict Rehabilitation Act of 1966 regarding treatment and rehabilitation services to drug dependent persons charged with or convicted of violating Federal criminal laws with updated and stronger legislative provisions. The same basic policy of treatment and rehabilitation contained in existing law would continue, but greatly expand the number of persons eligible and make the Federal Government's obligations to carry out that policy more definite.

In essence the bill:

Widens the definition of offenders eligible for treatment to all drug dependent persons who are Federal offenders;

Defines the Federal Government's obligations to carry out treatment of such persons by limiting the area within which the Government can exercise its discretion to not allow treatment;

Provides a $150 million State and local development program over 3 years, to assist State and local governments in developing, expanding, or evaluating programs providing treatment and rehabilitation services to State and local offenders charged with, or convicted of, drug-related crimes; and,

Of nonoffenders, place responsibility of providing civil commitment services on State and local governments.

Recently Dr. Bertram S. Brown, the Director of the National Institutes of Mental Health, the Government agency charged with responsibility for the development of research, treatment, education, and training programs dealing with narcotics addiction and drug abuse, appeared before the Alcoholism and Narcotics Subcommittee of the Committee on Labor and Public Welfare, of which I am ranking minority member, and testified:

> It is our opinion that approximately 250,000 persons are addicted illicitly to narcotics. This estimate is approximately twice as large as the estimate we presented last year to this subcommittee.
>
> The use of hallucinogens nationally appears to be leveling off although experimentation by young drug abusers continues to flourish. Barbituates continue to confound the drug scene, an estimated 2 million people take this drug regularly without medical needs."

And further, that—

> The statistics on the use of marihuana are becoming more accurate with the use of broader surveys. We estimate 10–12 million Americans have used the drug at least one time.

This critical problem is not a secret to the communities plagued by it. Last year Congress enacted the Drug Abuse Education Act, Public Law 91–527, and despite community knowledge of limited available Federal funding for programs, more than 540 communities in every State of the Nation submitted program proposals requiring $55,101,740 in funding. But only an $8 million budget request is submitted by the Office of Education. The depth and breadth of the commitment to establish programs to combat this dread narcotics addiction and drug abuse epidemic is perhaps best reflected by proposals by the youth of our Nation. When the Office of Education indicated it would set aside approximately $700,000 to assist college-oriented programs, and urged applicants to substantially limit their funding requests—309 colleges across the country responded with programs requiring $14,734,843 in funding.

Mr. President, many of our people complain that people in public office do a lot of talking about this, but there is no appreciable action. I believe much is being done both publicly and privately, with a tremendous emphasis on the vast extent of the private efforts as well as the public efforts—exemplified by the above-mentioned efforts—but we simply do not have the enabling legislation and the implementing appropriations to do what needs to be done. For example, New York State, whose $65 million budget for drug abuse community efforts last year exceeded the total national commitment has regrettably, because of its fiscal constraints, cut back its funding and a valuable bilingual program by the Hispanic Association to provide urgently needed bilingual services for education and rehabilitation in addiction—an ideal program for funding under the legislation introduced today—will be lost to the young people in need.

I do not believe any one method of treating narcotics addicts is "the answer" and it is urgent that we evaluate a variety of treatment modalities—traditional institutional treatment, therapeutic communities, psychiatric outpatient model—aftercare—probation-parole, behavior modification, crisis centers, halfway houses, methadone maintenance—called by the NIMH Director, and with which I agree, "the most effective modality in engaging large numbers of addicts in treatment in a brief period of time"—as that is provided for by the legislation we introduce today.

Only by finding out what causes narcotics addiction and drug abuse and by curing it, even if we just have to dam the flow, as we do with methadone, will we get on top of the problem.

I hope the public will not assume that because we advocate the medical approach, the preventive approach, the research approach, it means that we are oblivious to and will not support and will not be in the forefront of urging strict enforcement of the law and the penalties for the pushers and sellers, who are the worst enemies of the youth of America.

By Mr. BELLMON:

S. 1837. A bill to provide for the establishment of a work experience and training program in the several states, and for other purposes. Referred to the Committee on Finance (by unanimous consent).

WORK EXPERIENCE AND TRAINING ACT OF 1971

Mr. BELLMON. Mr. President, probably no effort by any government at any time was ever undertaken with a higher, more humanitarian or more noble purpose than this country's welfare program. It grew out of the great depression and was intended as a means of sustaining individuals and families which, through no fault of their own, were unable to provide for their basic needs. In keeping of the noble designs of its founders the welfare program has generally served to accomplish its purpose. Three of the four components which make up the present welfare program are operating without serious criticism from either recipients or taxpayers. Little adverse comment is heard regarding aid to the aged—old age pensions—aid to the blind or aid to the totally and permanently disabled.

The costs of these programs seems to have stabilized in recent years and may go down as social security provides for the needs of a larger percentage of the aged. However, there is serious and justified, criticism of the remaining element of the welfare program. Both recipients and taxpayers are highly critical of ADC now called AFDC, aid to families with dependent children.

Recipients complain that the level of benefits is not adequate to provide for the necessities of family life, that the program forces families to break up, that it encourages and subsidizes immorality, and that it has produced many generations of welfare families since it offers no escape for its client families. Taxpayers are critical because of the serious social shortcomings of the program, because its cost is skyrocketing without compensating benefits and because there seems to be no hope for a reduction or even stability unless fundamental changes are made.

It is easy to see why taxpayers are incensed. In 1950 there were 2.2 million ADC cases and the cost was 520 million. In 1960 there were 3.8 million cases and the cost was 1.02 billion. In 1965 there were 4.40 million cases and the cost was $1.7 billion. In 1970 there were 8.4 million ADC cases and the cost was more than $4 billion. The program doubled in cost and nearly in number of recipients during the last 5 years. If the trend continues by 1980 nearly 32 million persons will be receiving aid at a cost of $16 billion.

Great as the financial drain has become this is not the greatest deficiency. The cost in human resource waste is much greater and more damaging to the social fabric of our Nation.

Mr. President, obviously a dramatic change in the basic concept of the aid to families with dependent children program is desperately needed. Experience has proved that such a change is possible and I am today introducing legislation to put this change in effect nationally.

Mr. President, this bill will establish, in each State, a work experience and training program for needy persons.

This bill embodies the principle that any physically able adult welfare recipient, under age 65, should accept offered work, as determined by the State agency.

The program is to be funded totally by the Federal Government, through the Secretary of Health, Education, and Welfare. Administration of the funds would be left to a single agency within each State. The ideal State agency would be the State public welfare agency which coordinates and provides needed service aspects of the welfare program.

Throughout the country, the Departments of Public Welfare have offices in every county, that are staffed, already in operation, and know the majority of individuals and case situations which are covered by this bill. The legislation in H.R. 1 which this bill supplants will, if enacted, of necessity take a period of time to fully implement, necessitating services to recipients during the interim as well as services to these people during the period of training or during the time they are accepting work and becoming oriented in the labor market in full or in part.

After training is obtained, employment must be found for the trainees. It has been publicly announced that legislation will be introduced on the service aspects, but to me the establishment of another set of offices throughout this country sets up another bureaucracy and causes additional expenses. In my judgment the service aspect cannot be separated from the training and job placement aspects of this program.

The determination of eligibility and delivery of services to these unfortunate people should be provided by a single agency. My bill makes provisions for the referrals of individuals to the employment security offices and labor programs throughout the country; and it also assures the full complement of services for those making applications.

I introduce this bill because my experiences as Governor of Oklahoma have shown me the majority of people on aid to families with dependent children are desirous of working, that the social work profession and related professions throughout the country are honest, capable, and sincere. They have a burning desire to assist these people in breaking the chain of doing nothing but sitting and waiting to receive a check. I submit to you, Mr. President, we have learned over the years that, beneficial as the aid to families with dependent children program has been, the restraints need to be taken off of both the recipient and the dedicated personnel.

This is one of the goals which my bill establishes and attempts to accomplish.

Mr. President, such a program will bring into our productive society thousands of potential producers who are presently burdens on our social and economic system. Oklahoma's experience in programs of work training for welfare recipients substantiates that such a program can work nationally with highly desirable results.

The Oklahoma Department of Public Welfare operated a pilot work incentive program under title V of the Economic Opportunity Act, from June 15, 1965, to June 30, 1969. During this period, 5,201 persons were referred to the program. Of this number, 2,669 either were not eligible or dropped out.

A total of 2,482 completed their training, and of that number, 2,119 were employed at an average monthly starting salary of $291. This amounted to $7,399,548 a year in new income earned from the private sector.

Because of these earnings, the department was able to close 1,274 AFDC cases for a savings to the government of $2,476,656 a year in money payments alone, not considering medicare or other benefits. The social benefits which will accrue over the years as a result in this break in the welfare cycle are impossible to overemphasize.

Also, it is impossible to emphasize the importance of the national impact of such a program, and for this reason I am extremely optimistic as to what this legislation would do for social conditions, particularly in the urban centers, and also in reducing the cost of the welfare program.

Oklahoma officials generally recognized that the title V program was a realistic approach to providing marketable skills and restoring dignity to hundreds of persons who had been unable to provide a decent standard of living to their families, because of a lack of effective job training, which made it impossible for them to break the unemployment and underemployment barriers.

The results of the Oklahoma program also showed that many AFDC mothers became better homemakers and better mothers to their children, because of the interest they took in home management courses, conducted in conjunction with their job training. Other adults in the program learned the value and dignity of work by being placed in work experience situations that represented a realistic job setting. Still others were sufficiently stimulated by their participation in adult basic education that they planned to further their education at the college or trade school in order to be better prepared for jobs, more consistent with their interests.

Mr. President, under the bill which I am introducing, any employable recipient of assistance in a given State would be required, unless excepted for cause, to register with the State employment agency. They would then be referred for participation in the work experience and training projects developed by the State agency in cooperation with private industry and public or private nonprofit agencies.

The bill provides that to the extent possible the State shall expand the opportunity for work experience and needed training in the State and shall encourage the development of local work experience and training programs of a constructive nature designed to conserve existing work skills and develop new skills of participants.

It also provides that such work is performed on projects which serve a useful public purpose, including work performed on public work projects of State and local governments, and do not result either in displacement of regular workers or in the performance by participants of work that would be otherwise performed by employees of public or private agencies, institutions, or organizations, and—except in the cases of projects which involve emergencies or which are generally of a nonrecurring nature—are of a type which has not normally been undertaken in the past by the State or local government, as the case may be.

Such a program of intensive job training and employment is needed and needed at once so that the third and fourth generations of welfare recipients we now have will not become the parents of fifth and sixth poverty generations of tomorrow. The vicious poverty cycle must be stopped. That will be accomplished only if we make a concerted effort through a soundly planned program to help the povertystricken discover and develop their own potential for self-support.

Experiences in Oklahoma prove that this can be accomplished. It is a national tragedy as well as a personal tragedy for millions of Americans that the concepts embodied in this legislation were not a part of our Nation's welfare program when it was first conceived. Its passage now will, in a short time, remedy most of the deficiencies in the existing welfare program by providing the means for millions of now helpless Americans to become self-supporting and self-respecting.

I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1837

A bill to provide for the establishment of a work experience and training program in the several States, and for other purposes

Be it enacted by the Senate and House of Representatives of the Unitea States of America in Congress assembled, That this Act may be cited as the "Work Experience and Training Act of 1971".

Sec. 2. (a) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare is authorized to enter into an agreement with any State for the establishment and operation in such State of a work experience and training program for needy persons who require work experience or special family and supportive services, as well as training, in order that they may be assisted to conserve existing skills and develop new skills, and to the extent possible develop their employment potentials so that they may be assisted to secure and hold regular employment in a competitive labor market, with the costs of such work experience and training program to be met entirely from Federal funds.

(b) If any State is unable or unwilling to enter into an agreement to establish and operate a work experience and training program as provided in this Act, the Secretary is authorized to arrange for direct Federal administration of such program in such State as provided in section 4.

Sec. 3. The agreement between the Secretary, and the State authorized under section 2(a) must—

(1) provide for the establishment or designation of a single State agency to administer or supervise the program;

(2) provide that the program shall be in effect in all political subdivisions of the State;

(3) provide—

(A) that every individual found eligible for aid or assistance under the provisions of this Act, except an individual specified in section 3(3)(B), will register with the State agency and be referred for participation, when an opening becomes available, in the work experience and training projects established under this program, and any individual so referred must accept work or training, unless he has good cause for refusal as determined by the State agency; and

(B) that an individual found eligible for aid or assistance under the provisions of this Act shall not be required to register pursuant to section 3(3)(A) if under regulations issued by the Secretary it is determined by the State agency such individual is—

(i) unable to engage in work or training by reason of illness, incapacity, or advanced age;

(ii) a mother or other relative of a child under the age of six who is caring for such child;

(iii) the mother or other female caretaker of a child, if the father or another adult male relative is in the home, and not excluded by subparagraph (i), (ii), (iv), or (v) of this subsection, and otherwise eligible for work experience training;

(iv) a child who is under the age of sixteen or who is under the age of twenty-two and (as determined by the State agency under regulations issued by the Secretary) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to train him for gainful employment;

(v) one whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household;

(4) provide that in developing work experience and training projects attention will be given to the employment potentials of older needy persons;

(5) provide that the Secretary shall by regulation define which groups of needy persons, other than those who have been found eligible for aid or assistance under the provisions of this Act, may participate in the work experience and training projects;

(6) provide that notwithstanding any other provisions of this Act, expenditures for aid or assistance under section 5 of this Act may be paid in the form of payments for work performed by eligible beneficiaries;

(7) provide that to the extent possible the State shall expand the opportunity for work experience and needed training in the State and encourage the development of local work experience and training programs of a constructive nature designed to conserve existing work skills and develop new skills of participants;

(8) include provisions, which, with respect to work experience and training projects, will give reasonable assurance in regard to eligible individuals participating in such projects that—

(A) appropriate standards for health, safety, and other conditions applicable to the performance of such work by participants are established and maintained;

(B) payments for such work are at rates not less than the minimum rate (if any) provided by or under State law for the same type work and not less than the rates prevailing on similar work in the community;

(C) such work is performed on projects which serve a useful public purpose, including work performed on public work projects of State and local governments, and do not result either in displacement of regular workers or in the performance by participants of work that would be otherwise performed by employees of public or private agencies, institutions, or organizations, and (except in the cases of projects which involve emergencies or which are generally of a nonrecurring nature) are of a type which has not normally been undertaken in the past by the State or local government, as the case may be;

(D) in determining the needs of any such individual, any additional expenses reasonably attributable to such work will be considered;

(E) any such individual shall have reasonable opportunities to seek regular employment and to secure any appropriate training or retraining which may be available;

(F) any such individual will, with respect to the work so performed, be covered under the State workmen's compensation law or be provided comparable protection; and

(G) aid or assistance under section 5 of this Act will not be denied with respect to any such individual (or the dependent child) for refusal by such individual to perform any such work if he has good cause for such refusal as determined by the State agency;

(9) include pretraining services and basic maintenance, health, family and day care, counseling, and similar social services, and basic education, as provided under regulations issued by the Secretary;

(10) include a provision for entering into cooperative arrangements with the system of public employment offices in the State looking toward employment of any such individuals performing work under such program, including appropriate provision for registration and periodic reregistration of such individuals and for maximum utilization of the job placement services and other services and facilities of such offices;

(11) include a provision for entering into cooperative arrangements with the State agency or agencies responsible for administering or supervising the administration of vocational rehabilitation, vocational education, and adult education in the State, looking toward maximum utilization of available public vocational rehabilitation, vocational or adult education services and facilities in the State in order to encourage the training or retraining of any such individuals performing work under such program and otherwise assist them in preparing for regular employment;

(12) include a provision for assuring appropriate arrangements for the care and protection of the child during the absence from the home of any relative of such child when such relative is performing work under such program in order to assure that such absence and work will not be inimical to the welfare of the child;

(13) include a provision that there will be no adjustment or recovery by the State or any political subdivision thereof on account of any payments which are correctly made for such work;

(14) include such other provisions as the Secretary finds necessary to assure that the operation of such program will not interfere with achievement of the objectives set forth in this Act;

(15) provide that work experience and training project proposals shall be reviewed and evaluated by the State agency and submitted for approval to the appropriate regional office of the Department of Health, Education, and Welfare, and that such regional office shall have the responsibility of conducting evaluative reviews of approved projects, including Federal onsite inspections of projects, and the administration of a work experience and training project by the State agency. The State shall also be responsible for planning and directing reviews and evaluations, including onsite reviews and special studies of approved work experience and training projects, and analyzing the results thereof;

(16) provide that the State agency may enter into agreements with private industry, and with appropriate public or private nonprofit agencies, including State manpower and educational agencies, to provide work experience to the extent required to assist participants in the program in developing necessary work attitudes or to prepare them for work or training involving the acquisition of needed skills;

(7) provide that the State agency may make arrangements through appropriate agencies to provide testing, counseling, training either on or off the job (including classroom instruction where needed), to assist participants to develop their occupational potential, improve their occupational level, and secure promotion or advancement;

(18) provide that the State through use of Federal funds shall provide a training allowance in a specified sum to individual trainees, and shall make arrangements for necessary transportation to training sites; and

(19) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assume the correctness and verification of such reports.

SEC. 4. If any State is unable or unwilling to enter an agreement with the Secretary for the establishment and operation of a work experience and training program in such State, the Secretary is authorized to make provision for direct Federal administration of such program in such State, the costs of such program to be met entirely from Federal funds.

SEC. 5. For the purpose of carrying out agreements between the Secretary and the States for the establishment and operation of work experience and work experience programs, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this Act. The sums made available under this section shall be used for making payments to States in the form either of advance payment or reimbursement. In addition, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to pay for direct Federal administration of the program in any State where that becomes necessary as provided in section 4 of this Act.

SEC. 6. As used in this Act, the term—

(a) "Secretary" means the Secretary of Health, Education, and Welfare; and

(b) "fiscal year" means a period beginning with any July 1 and ending with the close of the following June 30.

By Mr. CANNON (for himself, Mr. FANNIN, and Mr. BAYH):

S. 1839. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; and

S. 1840. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials. Referred to the Committee on Government Operations.

Mr. CANNON. Mr. President, I am extremely pleased to submit for the scrutiny of the Senate legislation calling for the Federal Government to take the lead in encouraging the use of recycled papers and other materials.

Although we as a nation are only 5.7 percent of the world's population, we consume 40 percent of the earth's natural resources, including nonrenewable minerals and timber. A crisis in natural resources is growing, because man is spending his mineral capital faster than any other resource.

Our Nation of 200 million persons uses 30 million tons of paper yearly, or about 285 pounds of paper for each man, woman, and child. Since 1 ton of paper requires the cutting of 17 trees; it is not difficult to see that 510 million trees must be cut each year to satisfy our need for paper.

To meet our skyrocketing demand for timber in 1969 we imported 1.2 billion more board feet than we did in 1967, and America's future demand for this precious resource will double in 30 years. At present rates of growing and cutting the United States will fall 2.5 billion cubic feet farther behind in 10 years.

The United States cannot depend indefinitely on imports to meet our needs. We must place emphasis on recycling. As the National Wildlife Federation points out, if the paper from the New York Times alone were recycled for 1 year, 36 square miles of Canadian forest could be saved. We presently burn most of this paper after only one use—destroying a valuable resource, and adding to our air pollution.

But the Federal Government uses far more paper than the Times does, and it has an obligation to stop using up these resources at an ever accelerating rate.

The Federal Government can and must take the lead in finding ways to recycle and use recycled products. It has taken some steps. For example, in Madison, Wis., a joint USDA-Department of the Interior-Health, Education, and Welfare research project aimed at recycling urban solid wastes has shown that it can be done. I understand the State of Wisconsin makes the use of recycled paper a State government policy. Some segments of private industry are becoming involved in recycling programs, and much of the paper used by the Federal Government goes back into circulation after it has been discarded.

As the Nation's largest single purchaser and user of paper and paper products, the Federal Government could do more by actually making a policy of using recycled materials for its own specifications.

To this end, Senator FANNIN, Mr. BAYH, and I are introducing legislation which would direct all Federal agencies and purchasing departments to require the maximum use of all recycled paper. We have also introduced a bill to require the agencies to study the use of all recycled materials for procurement. This legislation is designed to look into potentially greater use of recycled materials and to bring the Congress and the American public into the policymaking process. The Congressional Joint Committee on Printing, which has control over printing paper purchased throughout the Federal Government, already is moving ahead in restudying specifications for paper requirements.

But many questions are left unanswered and these must be addressed in order to come up with a realistic and positive Federal policy on recycled paper procurement. What is the state of the art? How far has it progressed since national awareness arose over the depletion of our natural resources? What are the physical problems, such as collection? How far can the recycling process be carried? How many times can fibers be recycled? What is the total potential market for recycled fine papers? Coarse papers? Board? What are the potential savings, in terms of natural resources. What are the economics of recycled papers, sorting and collecting.

These are some of the questions this legislation would have the Federal agencies answer.

The first bill authorizes and directs the General Services Administration and Defense Supply Agency to insure the procurement and use by the Federal Government of products manufactured from recycled materials. It would require both agencies to jointly conduct a full study of which products and materials procured or used by the departments, agencies, or instrumentalities of the Federal Government could be required to have, as part of their composition, recycled material while meeting the use specifications of such organizations.

The second bill authorizes and directs the GSA to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia. Such regulations shall specify that the contents of such paper shall consist of as great an amount of recycled material as possible consistent with the purpose for which such paper was procured.

It also provides for the GSA to coordinate the efforts, requirements, policies, and authority of the Joint Committee on Printing.

Similar bills have been introduced in the House by Congressman DOW of New York; I hope hearings can be held as quickly as possible, so that the Government will show its commitment to the cause of saving our natural resources.

Unfortunately, the present state of the art and limited demands for recycled paper; have not made it possible to lower prices below that of virgin paper; however a declared policy by the Government to use recycled materials can exert tremendous consumer power toward research and development activities for cheap, reusable products.

Mr. President, at this point I ask unanimous consent to have the text of the two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1839

A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds that—

(1) There are many products which, after having been used or damaged, are discarded as waste matter;

(2) Many products so discarded could be recovered and reused as the raw material for new products and new materials;

(3) The failure to so recover and reuse this waste matter causes an unnecessary drain upon the Nation's natural resources; and

(4) The Federal Government has the responsibility to lead in the effort to promote recycling of materials by procuring and using, to the greatest extent possible, only those products and materials which have, as part of their composition, recycled material.

(b) Section 201 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(f)(1) Except as provided in subparagraph (2), the Administrator shall prescribe regulations establishing standards with respect to the contents of any paper procured or used by any Federal agency or the District of Columbia. Such regulations shall specify that the contents of such paper shall consist of as great an amount of recycled material as is possible consistent with the purpose for which such paper was procured.

"(2) In carrying out the provisions of this subsection, the Administrator shall coordinate his efforts with the requirements, policies, and authority of the Joint Committee on Printing as indicated under section 313 of chapter 3, and chapter 5 of Title 44 of the United States Code (relating to standards of quality of paper).

"(3) Except for the provisions of subparagraphs (4) and (7) of section 602(d) of the Federal Property and Administrative Services Act of 1949, the regulations prescribed by the Administrator under this subsection shall apply (in as uniform a manner as is practicable) to all paper procured or used in the United States by an Federal agency or the District of Columbia.

"(4) For the purposes of regulations prescribed by the Administrator under this subsection, the term 'recycled material' means any paper which:

"(1) has served the purpose for which it was originally manufactured;

"(2) has been scrapped or otherwise discarded as an element of solid waste; and

"(3) has been recovered in whole or in part and reprocessed into a new raw material used in the manufacturing process of new paper; except that such term shall not mean those materials generated by the paper manufacturing process and reused within a plant as part of such process.

"(5) For the purposes of this subsection, the term 'United States' means the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 2. Section 602(d) of the Federal Property and Administrative Services Act of 1949 is amended by striking out at the beginning of such section "Nothing" and inserting in lieu thereof "Except as provided in section 201(f), nothing".

S. 1840

A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds that—

(1) there are many products and materials which, after they have been used or damaged, are discarded or scrapped as waste matter;

(2) the accumulation of this waste matter presents a danger to the health and welfare of the citizens of the United States;

(3) many products and materials (otherwise discarded as waste matter) could be recovered and reused as the raw material for new products and materials;

(4) such recovery and reuse of such waste matter will abate the noxious and dangerous accumulation of such waste matter and will aid in the effort to conserve our scarce natural resources; and

(5) the Federal Government has the responsibility to lead in the effort to utilize recycled material by procuring and using, to the greatest extent possible, those products and materials which have, as part of their composition, recycled material.

(b) It is the purpose of this Act to authorize and direct the Secretary of Defense (hereinafter referred to as the "Secretary") and the Administrator of the General Services Administration (hereinafter referred to as the "Administrator") to take the necessary and proper actions to insure the procurement and use (to the greatest extent possible) by the Federal Government of products and materials which have, as part of their composition, recycled material, and to jointly conduct a full and complete study of the feasibility of the procurement and use by the Federal Government of such products and materials.

SEC. 2. (a) The Secretary and the Administrator are authorized and directed to take the necessary and proper actions, including the promulgation of standards and regulations to ensure the procurement and use (to the greatest extent possible) by the departments, agencies, and instrumentalities of the Federal Government of products and materials which have, as part of their composition, recycled material. Such standards and regulations promulgated by the Secretary, or by the Administrator, shall be promulgated in the same manner as those standards and regulations promulgated under the provisions of the Federal Property and Administrative Services Act of 1949 relating to procurement and use by the Federal Government of personal property.

(b) The Secretary, through the Defense Supply Agency, and the Administrator are authorized and directed to jointly conduct a full and complete study of which products and materials procured or used by the departments, agencies, or instrumentalities of the Federal Government could be required to have, as part of their composition, recycled material while meeting the use specifications of such departments, agencies, or instrumentalities.

Sec. 3. (a) The Secretary and the Administrator, in carrying out the joint study under this Act, are authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics for the purposes of this Act, and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Secretary and the Administrator, upon their joint request.

(b) For the purposes of securing the necessary scientific data and information the Secretary and the Administrator may jointly make contracts with universities, research institutions, foundations, laboratories, and other competent public or private agencies to conduct research into the various aspects of the problem of using products and materials which have, as part of their composition, recycled material. For such purposes, the Secretary and the Administrator are authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code.

Sec. 4. The Secretary and the Administrator shall report to the Congress, from time to time, the findings and results of the study conducted under this Act and the final report shall be made no later than the one hundred and eightieth day after the date of enactment of this Act. Such final report shall include the findings and results of the study, and specifically—

(1) recommendation as to the necessary and proper legislative, administrative, or other actions that should be taken in order to ensure that the departments, agencies, and instrumentalities of the Federal Government procure and use (whenever possible) products and materials which have, as part of their composition, recycled material; and

(2) what actions the Secretary and Administrator have already taken, either jointly or separately, to promote and ensure the procurement and use by such departments, agencies, and instrumentalities of such products and materials.

Sec. 5. The Secretary and the Administrator shall make a joint annual report to the Congress with respect to the progress that they are making in providing for the procurement and use by the departments, agencies, and instrumentalities of the Federal Government of products and materials which have, as part of their composition, recycled materials. The report submitted under this shall be submitted to the Congress within sixty days after the end of the calendar year for which such report is submitted. The first such report shall be due within sixty days after the end of the first calendar year ending after the date of enactment of this Act.

Sec. 6. For the purposes of this Act the term "recycled Material" means any product or material completed for sale or use which has been—

(1) scrapped, used, damaged, or otherwise discarded; and

(2) recovered in whole or in part and reused as all or part of the contents of any new material or product; or

(3) the salvageable wastes or byproducts of which are recovered and reused as all or part of the contents of any new material or product.

Mr. FANNIN. Mr. President, as a major consumer of paper products and other goods, the Federal Government should take the lead to encourage the recycling of used materials that are partially to blame for our environmental problems.

It has been pointed out that the General Services Administration buys more than 400,000 tons of paper each year. If a part of this $140 million market were guaranteed for recycled paper, it would give a tremendous boost to efforts to reprocess waste paper. This also should spur the use of recycled paper by making more available to individuals and private industry as well.

Our Government also uses many other products that could conceivably come from recycled or remanufactured materials.

In addition to helping solve the problem of what to do with much of our trash, recycling also can help us preserve some of our precious natural resources such as timber and minerals.

In response to the growing concern over waste disposal and depletion of our resources, various industries have come up with processes to reuse basic materials such as paper, plastics and metals. Unfortunately, there has proven to be a very disappointing market for these products.

I am pleased to join my distinguished colleague from Nevada in introducing two bills to help correct this situation.

By passing these bills, the Congress would declare that:

First. There are many products and materials which, after they have been used or damaged, are discarded or scrapped as waste matter;

Second. The accumulation of this waste matter presents a danger to the health and welfare of the citizens of the United States;

Third. Many products and materials—otherwise discarded as waste matter—could be recovered and reused as the raw material for new products and materials;

Fourth. Such recovery and reuse of such waste matter will abate the noxious and dangerous accumulation of such waste matter and will aid in the effort to conserve our scarce natural resources; and

Fifth. The Federal Government has the responsibility to lead in the effort to utilize recycled material by procuring and using, to the greatest extent possible, those products and materials which have, as part of their composition, recycled material.

The two bills being introduced provide two practical steps aimed at helping implement solutions to these problems.

One bill directs the General Services Administration to prescribe regulations which would require the purchasing of certain amounts of recycled paper where practical for Federal agencies. There are many day-to-day operations of Government where such paper can be used.

The other bill directs the Secretary of Defense and GSA to order the use of other recycled or remanufactured goods to the maximum extent that is feasible. This bill also provides for studies to determine just where recycled items can be used and still meet necessary specifications.

The Nixon administration already has indicated its interest in encouraging programs and processes that would ease the pollution problem. The bills being introduced would help in this regard and put Congress on record as solidly favoring efforts to reuse that which is reusable.

Mr. BAYH. Mr. President, we are all painfully aware of the terrible waste which takes place in this country because we persist in using new materials in everything we use and build, and because we pay too little attention to reusing valuable materials.

Today I cosponsor two bills to make us use our raw materials more efficiently, by requiring that the Federal Government purchase recycled materials—and products made with recycled materials—wherever possible.

I am pleased to join with the senior Senator from Arizona and the junior Senator from Nevada in this bipartisan effort. These bills have already been introduced in the House by Congressman Dow of New York, one of the most sincere and respected spokesman for the ecology movement in the other body. We hope that both Houses of Congress will give serious and prompt consideration to these proposals, thus recognizing the need for leadership by the Federal Government in the drive to increase the supply and use of recycled goods.

The magnitude of the waste is staggering. To take only one example, we produce about 58 million tons of paper each year, but less than 20 percent of that total is saved and recycled for future use. Increasing that percentage to 50 percent would save a total of 500 million trees a year. We cannot afford to ignore such a tragic and unnecessary waste of our natural resources any longer.

In the past years, public interest and environmental groups have been able to generate a widespread and forceful concern about waste of our resources and pollution of the environment. Public concern has been aroused. Now we in the Senate no longer have the excuse of "public apathy" to justify our continued inaction. We must recognize the validity of this concern and finally take action.

There have been attempts to deal with this problem in the past. It might be of historical interest to note that groups were formed to advocate the recycling of used materials as early as 1913. During World War II many of us participated in collection drives; no reusable material was considered too insignificant to save. The national interest of a war-time economy inspired tremendous sacrifice then. I believe that the national interest of each American in a decent environment still calls for sacrifice and effort to save our resources. Unfortunately, we have forgotten the lessons we learned during World War II. Since that time we have too often taken the easy way out, using disposable packages and materials whenever possible. While this has been convenient, it has stood as a symbol of conspicuous consumption in an affluent country. It is long past the time to return to the policy of reclamation which stood as a strong, positive symbol of our national dedication to preserving our heritage, including our national resources.

In the past few years there have been countless newspaper, can, and bottle collection drives. Industry has sponsored many of them and the public response has been gratifying.

Even though they get little or no financial reward for their actions, many families motivated by a sense of public concern have been taking their reusable refuse to the small number of collection centers, scattered around some of our cities. With the upsurge of public interest in preserving our resources, these collection centers have often been swamped with such "donations." In many cases they have had to refuse to accept any more waste materials because we have yet to design and build adequately large recycling facilities.

If we do not take action to increase our capacity for recycling, these collection centers will have to close down because they will be unable to get rid of the newspapers, bottles, and scrap metals on hand to make room for the new supplies that are being delivered daily. But as long as the demand for recycled materials is less than the supply of waste, the incentive to save and recycle waste materials will be weak.

I believe that, since it is one of the largest—if not the largest—purchasers in the country, the Federal Government can—and should—take the lead in creating this increased demand. We in government must govern by example, by leadership, as well as law. The two bills I am introducing today would require the Federal Government to purchase recycled materials wherever possible.

The first bill recognizes that many products are discarded or scrapped as waste material after being used only once, that the accumulation of this waste matter can pose a danger to health, that many materials could be recovered and reused as raw materials for new products, thus conserving our scarce natural resources. For these reasons, the bill acknowledges that the Federal Government "has the responsibilty to lead in the effort to utilize recycle material by procuring and using to the greatest extent possible, those products and materials which have, as part of their composition, recycled material." To remedy this situation, the bill directs the Secretary of Defense and the Administrator of the General Services Administration to establish new procurement standards, which standards shall require the procurement and use of recycled materials to the greatest extent possible.

The Secretary and Administrator are further required to conduct a joint study of materials used by the various agencies within their respective jurisdictions in order to make sure that the maximum feasible use is being made of recycled material. The Secretary and the Administrator are required to report the findings and results of this study within 6 months of the bill's passage. Furthermore, they must also make a joint annual report in each succeeding year, detailing their progress to date and their recommendations for future action.

The second bill deals with the reuse of waste paper. While the Government is presently undertaking various studies to determine the feasibility of using recycled paper, I believe that the progress to date has been too slow. Therefore, this bill would require the immediate establishment of regulations for the future procurement of paper to be used by any Federal agency or by the District of Columbia. These regulations would not be half-way measures. The bill specifies that the regulations require the purchase of paper which consists "of as great an amount of recycled material as is possible consistent with the purpose for which such paper was procured." The bill also requires that these regulations shall be promulgated in coordination with the "requirement, policies, and authority of the Joint Committee on Printing."

The Federal Government is only too well known for the amount of paper it uses; the least the Government can do is insure that its paper does not unnecessarily pollute the environment. Current statistics are astonishing. As a nation, we produce approximately 58 million tons of paper a year. The great bulk of that amount, 40 million tons, is permanently lost and becomes solid waste. Seven million tons are saved as permanent records. Only 11 million tons—about 20 percent of the total—are recycled.

In other words, two-thirds of the amount of paper produced each year is being thrown away and incinerated. According to recent estimates, the Government Printing Office buys at least 78,000 tons of paper a year for the Federal Government. In addition, the General Services Administration buys about $450,000 worth of paper a year for Federal agencies in the District of Columbia. If the Federal Government were to buy recycled paper wherever possible, and if State and local governments were to establish similar policies, a substantial proportion of these 40 million tons could be saved by users for profitable reselling. And this increased demand for recycled paper would make it profitable for industry to increase their recycling capacity and to set up more convenient collection centers. A law which makes recycling profitable will accomplish two desirable goals at once. It will save trees and other natural resources, and it will also decrease the solid waste pollution and the added pollution caused by incineration or other destruction of used materials.

These bills are not intended to—and will not—disrupt industry. But they will encourage industry to make a rapid transition toward a more efficient use of our resources. The time for such a change is long overdue.

By Mr. SCOTT (for himself and Mr. Schweiker):

S. 1841. A bill to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes. Referred to the Committee on Commerce.

TINICUM ENVIRONMENTAL CENTER

Mr. SCOTT. Mr. President, I introduce legislation to establish a Tinicum Environmental Center to preserve from imminent destruction the last remaining true tidal marshland in Pennsylvania. I am pleased that Pennsylvania's distinguished junior Senator (Mr. Schweiker) joins me as a cosponsor in this effort to preserve this area as a prime habitat for many species of wildlife and as a feeding and resting place for migratory wildfowl.

Identical legislation has been introduced on the House side by Congressman Lawrence G. Williams, of Pennsylvania's Seventh District. The House version is cosponsored by 23 members of the Pennsylvania congressional delegation as well as Representative John Hunt, of New Jersey.

Under this bill, the Secretary of Interior would be authorized and directed to establish and administer a Tinicum Environmental Center. To accomplish this, the legislation authorizes an appropriation of $4 million to enable the Secretary to acquire such lands in Philadelphia and Delaware counties as he may deem necessary in order to preserve, restore, and develop the natural area known as Tinicum Marsh.

The Tinicum Environmental Center would be bound on the west by Wanamaker Avenue and on the east by the easterly edge of the Tinicum Wildlife Preserve and the Department of Interior land in Philadephia. It would be bound on the south by Interstate Highway 95 and on the northerly edge by the developed areas and parks of Darby Township, Folcroft, Norwood and Prospect Park.

Senator Schweiker, Congressman Williams, and I have been active for several years in the effort to preserve Tinicum Marsh.

In the fall of 1970, I worked closely with then-Secretary of the Interior Walter Hickel to arrange his tour of the marsh. That tour led to a pledge by the Department to help preserve the ecological balance of this area. On December 4 of 1970, after extensive negotiations, I announced the transfer to the Department of the Interior of 60 acres formerly under the jurisdiction of the Department of Army. The 60 acres transferred by the Army Corps of Engineers have been combined with another 87 acres already owned by the Department of Interior.

My bill would provide for the additional purchases necessary to maintain the ecological balance of the marsh. I believe this is sound and timely environmental legislation, and I urge early and favorable consideration.

By Mr. MATHIAS (for himself and Mr. Beall):

S. 1842. A bill to reimburse the city of Frederick, Md., for money paid, saving harmless valuable military and hospital supplies owned by the U.S. Government. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President. Most of us are aware of the Civil War's Battle of the Monocacy outside the city of Frederick, Md., where Federal troops spoiled Confederate attempts to overrun Washington, D.C. Few of us, however, know of the valiant efforts of the city and citizens of Frederick.

Frederick functioned as one of the key command headquarters for Union forces during the Civil War. It was a strategic point for supply and reinforcements for the east coast. In the city was located a sizable Government supply depot and hospital. Federal troops were stationed in the city for deployment along the Maryland shores of the Potomac. Here troops were used as a defense against invasion by Confederate troops across the Potomac and from attack upon Washington.

July 9, 1864, the day of the Battle of the Monocacy, was an eventful day for Frederick. On the morning of that day, the city officials received a message from Lt. Gen. Jubal Early, Commanding General of the Confederate Armed Forces, who was on his way to Monocacy and the expected battle. The message demanded of Frederick and its citizens $200,000 or in the alternative medical, commissary, ordnance and quartermaster supplies valued at $50,000 each and equal in value to $200,000. The general surrounded the city with his approximately 20,000 troops and there were rumored threats that all property in the city would be destroyed unless the demand was met.

If the city officials gave the Confederates the Government supplies, it would strengthen their forces for the ensuing battle. And, if they were able to delay and negotiate its terms, it would give Federal troops additional time to prepare for battle and thus contribute to a possible Union victory. These were the considerations—all of them waived and balanced under the imminent threat of total destruction to their city.

The best to be expected was accomplished: the city officials delayed payment for 24 hours and collected $200,000 from local banks under the promise that the citizens of Frederick would be taxed over the years to reimburse the banks. This debt was finally liquidated in 1951 through a series of bond issues.

The stubborn resistance of the city of Frederick cost the Confederate armed forces a day in the march upon Washington, thus giving the Union Army additional time to successfully defend the Capital City. In addition, their efforts saved the destruction of Government property.

Mr. President, today, along with my colleague Senator Beall, I introduce legislation which would finally, after all these years, repay the citizens of Frederick for their expenditure of $200,000 which during economically harsh days was a particular sacrifice.

The bill authorizes and directs the Treasury to pay to the city of Frederick the sum of $200,000 with interest at the rate of 4 percent per year from July 9, 1864, until the date of payment of such sum or within 30 days after the date of enactment of this act, whichever occurs first.

As a proud son of Frederick, I am particularly honored to introduce this legislation.

This is not a ransom bill, but a bill to reimburse the city of Frederick for its out-of-pocket loss. The citizens of Frederick for 87 years have been paying the insurance premiums on the benefits incurred by the Federal Government. It is time to repay that debt. Not 1 cent for ransom, but what is due in payment for value required by the Union.

Mr. President, we have seen recently, as in the case of the Indians and Mexicans of America, that if appropriate steps are taken, people can redeem from their Government land and money rightfully theirs.

The city of Frederick has been patient. They have waited over 100 years. It is important to show those who are also disenfranchised that the Government can be responsive to valid claims when taken through established channels.

Mr. BEALL. Mr. President, one of the great strengths of our governmental system is its ability to rectify grievances, even grievances of long duration. I would call to your attention one such century old situation which I believe the Congress has a moral obligation to assume.

In early July 1864, Lt. Gen. Jubal A. Early crossed into Maryland in an effort to relieve pressure on the main Confederate forces defending Richmond. By July 9, the Confederates had surrounded the small western Maryland city of Frederick. From this position, General Early was able to disrupt the lines of communication through western Maryland, as well as pose a serious threat to Baltimore and Washington. Units from the Army of the Potomac were sent to reinforce the garrisons protecting both Baltimore and Washington.

Union forces under the command of Lew Wallace—author of Ben Hur—moved West from Baltimore in an effort to dislodge the Confederates. The southern forces carried the day, however, in the Battle of the Monocacy—July 9, 1864. With his position consolidated, General Early demanded that the city of Frederick pay $200,000 to spare the U.S. military and medical supplies that were stored there. The city delayed the negotiations as long as possible but finally met the invaders' demands.

Emboldened by his earlier successes, General Early moved East toward Baltimore and then South to threaten Washington. General Grant sent sizable reinforcements North to bolster the administrative troops and civilian volunteers who were hastily organized to defend the Capital. So great was the threat that President Lincoln even suggested that General Grant return to Washington to direct its defenses. On July 11 and 12 the Confederate forces probed the defenses around the Capital. The arrival of reinforcements convinced General Early that he could not successfully attack Fort Stevens—President Lincoln, personally surveying the city's defenses, came under fire in that area.

The Confederate forces withdrew during the night of July 12 and recrossed the Potomac on the 14th. Thus ended one of the last major Southern thrusts into the North.

The citizens of Frederick not only saved a large supply of medical and military supplies that were vital to the Union cause, but they also delayed the Confederate Army just long enough to allow the reinforcements to reach Washington, D.C.

The city of Frederick bore this burden willingly so that our Union could be preserved. Frederick did not completely liquidate this indebtedness until 1951. The time has come for us to recognize and assume this debt. It is a pleasure for me to join with Senator Mathias in introducing legislation that will reimburse the city of Frederick for this payment.

By Mr. METCALF:

S. 1843. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals, and to impose a countervailing duty on imported minerals. Referred to the Committee on Finance.

IMPOSITION OF SEVERANCE TAX ON MINERALS TO ASSIST STATES IN RAISING REVENUES

Mr. METCALF. Mr. President, in the last Congress and in the 90th Congress, I offered legislation to authorize the imposition of a severance tax on minerals to assist the States in raising revenues. I am pleased to introduce today an amended version of the bills. This is a better variety of revenue sharing and it would actually increase revenues at all levels.

Mr. President, the States and local governments are hard pressed for cash and at the same time reluctant to further increase income, property or sales taxes. Mining industry States are reluctant to impose a severance tax and thus give an advantage to a neighboring State that imposes no such tax. My bill provides for a uniform tax of 5 percent on minerals extracted domestically or from deposits in the Outer Continental Shelf and on imported minerals. The revenue raised would be paid into the Federal Treasury but full credit will be allowed for any State or local severance tax.

My previous bills, S. 2934 and S. 910, would have imposed the tax on domestic extractions only. I believe, however, that equity requires the extension of the same tax to imported minerals and the current legislation has been drafted accordingly.

Mr. President, there has been much discussion of revenue sharing and the need for "new revenue." Here is a proposal that could generate new revenue. A 5-percent tax on minerals extracted from the Outer Continental Shelf would bring in $20 million annually to the Federal Government; a countervailing duty on imported minerals would yield $410 million annually. After deduction for State collections, another $669,690,000 on domestic minerals would be raised until conforming State and local severance tax laws are written. Based on fiscal year 1970 State collection figures, the Federal Government could realize in excess of nearly $700 million in the year following enactment of my bill. Following enactment of State laws, however, the entire sum would go to the States and the Federal Government would still be richer by $430 million annually, based on 1969 levels of value.

Mr. President, I am greatly indebted to the staff of the Joint Committee on Internal Revenue Taxation for their preparation of an analysis of my bill compared to its predecessor, S. 910, and for data showing the value of mineral production by State and State collections of severance taxes in fiscal 1970. I ask unanimous consent that these valuable studies be printed in the CONGRESSIONAL RECORD at the close of my remarks.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. METCALF. Mr. President, the bill would impose a severance tax on minerals extracted from deposits in the Outer Continental Shelf. Thus, oil and sulfur extracted from the Gulf of Mexico under leases granted by the Federal Government would be subject to the severance tax.

A countervailing duty is imposed by section 2 of the bill on imported minerals in an amount approximately equal to the severance tax which would have been imposed if the minerals had been extracted and processed in the United States at the time of importation.

S. 910 would have applied to severance of minerals after December 31, 1968. The new bill would apply to the severance of minerals, and the importation of minerals, on and after the first day of the first month which begins more than 60 days after the date of enactment of the bill.

The provision for the countervailing duty is something of an innovation. There is no precedent in the tariff laws for this provision which requires the Secretary of the Treasury to apply to imported minerals a countervailing duty equal to the burden of a domestic tax, but we believe it is workable.

Under the new bill the Secretary is permitted from time to time to estimate the average amount of severance taxes paid with respect to each domestic mineral, and to apply the estimated figure to imports. Thus, if the Secretary finds that the average severance tax paid for oil in the United States is 15 cents a barrel—5 percent of an average field price of $3 a barrel—oil imported from Saudi Arabia would pay a duty of 15 cents a barrel even though the market price of oil in Saudi Arabia is only $2 per barrel.

Under this proposal, if a mineral has been processed so that it has become a manufactured product having more than three times the value of the mineral before the manufacturing processes were applied, the countervailing duty will not apply. Thus, if an automobile is imported, the duty would not apply to the metals contained in the automobile since manufacturing added more than threefold the value of the minerals contained in the car. However, the duty would apply—even though the case of alumina, brick, tile, cement, or metals in the various shapes and forms described in part 2 of schedule 6 of the Tariff Schedules of the United States. This schedule includes such items as blister copper, copper wire bars, pig iron, steel bars and beams. Accordingly, if a ton of pig iron is imported the countervailing duty would be the average amount of severance taxes imposed domestically on the amount of iron ore used to produce a ton of pig iron.

The bill provides that if the Tariff Commission finds that a mineral—such as tin—is not directly competitive with any mineral produced in the United States, the President can proclaim that the mineral shall be exempt from the countervailing duty, but either House of Congress by resolution may veto such exemption.

EXHIBIT 1

DATA FOR 1969 ON VALUE OF MINERAL PRODUCTION BY STATES, AND STATE COLLECTIONS OF SEVERANCE TAXES ON MINERALS, FISCAL YEAR 1970

[In thousands of dollars]

	1969 value of mineral production (1)	Proposed 5-percent tax (2)	Fiscal 1970 State collections of severance taxes on minerals (3)	Proposed 5-percent tax minus State collections (4)
Alabama	$284, 736	$14, 237	$1, 362	$12, 875
Alaska	257, 776	12, 889	8, 254	4, 635
Arizona	859, 303	42, 965	----------	42, 965
Arkansas	208, 126	10, 406	3, 376	7, 030
California	1, 850, 517	92, 526	1, 246	91, 280
Colorado	368, 494	18, 425	1, 058	17, 367
Connecticut	27, 767	1, 388	----------	1, 388
Delaware	2, 086	104	----------	104
Florida	295, 376	14, 769	248	14, 521
Georgia	190, 902	9, 545	----------	9, 545
Hawaii	29, 539	1, 477	----------	1, 477
Idaho	118, 309	5, 915	264	5, 651
Illinois	659, 815	32, 991	----------	32, 991
Indiana	241, 871	12, 094	322	11, 772
Iowa	119, 930	5, 997	----------	5, 997
Kansas	577, 816	28, 891	605	28, 286
Kentucky	591, 048	29, 552	191	29, 361
Louisiana	4, 685, 326	234, 266	249, 590	−15, 324
Maine	20, 188	1, 009	----------	1, 009
Maryland	83, 483	4, 174	----------	4, 174
Massachusetts	49, 843	2, 492	----------	2, 492
Michigan	668, 247	33, 412	965	32, 447
Minnesota	635, 636	31, 782	18, 976	12, 806
Mississippi	243, 184	12, 159	13, 343	−1, 184
Missouri	367, 232	18, 362	----------	18, 362
Montana	282, 631	14, 132	4, 730	9, 402
Nebraska	78, 030	3, 902	766	3, 136
Nevada	$168, 295	$8, 415	$50	$8, 365
New Hampshire	8, 120	406	----------	406
New Jersey	83, 107	4, 155	----------	4, 155
New Mexico	935, 746	46, 787	35, 398	11, 389
New York	302, 339	15, 117	----------	15, 117
North Carolina	90, 455	4, 523	----------	4, 523
North Dakota	91, 048	4, 552	3, 198	1, 354
Ohio	580, 667	29, 033	----------	29, 033
Oklahoma	1, 090, 809	54, 540	50, 539	4, 001
Oregon	60, 164	3, 008	----------	3, 008
Pennsylvania	967, 367	48, 368	----------	48, 368
Rhode Island	4, 433	222	----------	222
South Carolina	55, 865	2, 793	----------	2, 793
South Dakota	54, 921	2, 746	16	2, 730
Tennessee	205, 451	10, 273	----------	10, 273
Texas	5, 769, 970	288, 498	273, 213	15, 285
Utah	543, 282	27, 164	4, 272	22, 892
Vermont	27, 759	1, 388	----------	1, 388
Virginia	317, 527	15, 876	----------	15, 876
Washington	88, 626	4, 431	----------	4, 431
West Virginia	948, 430	47, 422	----------	47, 422
Wisconsin	79, 792	3, 990	----------	3, 990
Wyoming	647, 442	32, 372	4, 268	28, 104
Total	26, 928, 000	1, 345, 940	676, 250	669, 690

Sources:
Column (1) from preprint from the 1969 Bureau of Mines Mineral Yearbook, Statistical Summary, table 4.
Column (2) computed from Column (1).
Column (3) from "State Tax Collections in 1970," table 9, U.S. Department of Commerce, Bureau of the Census.

STATE COLLECTIONS ON SEVERANCE TAXES ON MINERALS, FISCAL YEAR 1970

[In thousands of dollars]

	Total	Petroleum and gas	Other minerals
Alabama	1,362	1,325	37
Alaska	8,254	8,254	
Arizona			
Arkansas	3,376	[1] 3,000	[1] 376
California	1,246	1,246	
Colorado	1,058	1,019	39
Connecticut			
Delaware			
Florida	248	248	
Georgia			
Hawaii			
Idaho	264		264
Illinois			
Indiana	322	322	
Iowa			
Kansas	605	605	
Kentucky	191	191	
Louisiana	249,590	243,798	5,792
Maine			
Maryland			
Massachusetts			
Michigan	965	965	
Minnesota	18,976		18,976
Mississippi	13,343	13,199	144
Missouri			
Montana	4,730	3,231	1,499
Nebraska	766	766	
Nevada	50		50
New Hampshire			
New Jersey			
New Mexico	35,398	34,330	1,068
New York			
North Carolina			
North Dakota	3,198	3,198	
Ohio			
Oklahoma	50,539	[1] 48,200	[1] 2,339
Oregon			
Pennsylvania			
Rhode Island			
South Carolina			
South Dakota	16		16
Tennessee			
Texas	273,213	268,978	4,235
Utah	4,272	1,264	3,008
Vermont			
Virginia			
Washington			
West Virginia			
Wisconsin			
Wyoming	4,268	4,268	
Total	676,250	638,407	37,843

[1] Estimated from production figures.

Source: "State Tax Collections in 1970," table 9, U.S. Department of Commerce, Bureau of the Census. (Government (Finances/GF 70 No. 1).

EXHIBIT 3

VALUE OF MINERAL PRODUCTION AND SERVERANCE TAX COLLECTIONS: AMOUNTS AND DISTRIBUTIONS

	Value of mineral production in United States, 1969		Severance taxes collected from minerals, fiscal year 1970	
	Amounts in millions	Percent of total	Amounts in millions	Percent of total
Total	$26,928	100.0	$676.2	100.0
Petroleum and natural gas	13,882	51.6	638.4	94.4
Other minerals	13,046	48.4	37.8	5.6

Note: Staff of the Joint Committee on Internal Revenue Taxation Mar. 5, 1971.

By Mr. GOLDWATER:

S. 1844. A bill to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees. Referred to the Committee on Labor and Public Welfare.

LABOR-MANAGEMENT RELATIONS FREEDOM OF SPEECH ACT

Mr. GOLDWATER. Mr. President, I offer today a bill designed to correct a flagrant example of bureaucratic lawmaking in the field of labor disputes. By virtue of its irregular decisions, mixed with a large dose of prounion bias, the National Labor Relations Board has succeeded in rendering a line of cases which seriously threaten the constitutionally guaranteed right of free speech held by employers. Not only do these cases deny and abridge the protection afforded by the first amendment, but they are gross distortions of the will of Congress as laid down in section 8(c) of the Taft-Hartley Act. Let me explain what I mean.

Mr. President, the Supreme Court long ago has announced the rule that the first amendment protects the right of each employer to express his full and unfettered opinions on labor matters to his employees. And the lower courts have consistently followed suit.

The genesis for most of these opinions can be found in the broad declaration made by the Supreme Court in Thornhill against State of Alabama that—

> The dissemination of information concerning facts of a labor dispute must be regarded as within that area of free discussion that is guaranteed by the Constitution. (310 U.S. 88 (1940).)

This ruling was promptly construed by the Federal Circuit Court in the Sixth Circuit as securing for employers the same unmuzzled right of free speech guaranteed to every other citizen. In Midland Steel Products Co. against NLRB, the court upheld the right of an employer to notify his employees by letter of his views on labor matters to the same full extent normally granted to any full-fledged citizen. The court reasoned employers are no less citizens than any other person saying:

> Unless the right of free speech is enjoyed by employers as well as by employees, the guaranty of the First Amendment is futile, for it is fundamental that the basic rights guaranteed by the Constitution belong equally to every person. 113 F. 2d 800, 804 (1940, C.C. 6th Cir.).

Shortly thereafter, the same court confirmed the right of a manufacturer to express his labor views by giving pamphlets to workingmen at the factory gate. In holding that the employer is entitled to distribute literature conveying his views to his employees, the court explained:

> The right to form opinion is of little value if such opinion may not be expressed, and the right to express it is of little value if it may not be communicated to those immediately concerned. *N.L.R.B.* v. *Ford Motor Co.*, 114 F. 2d 905, 913 (1940, C.C. 6th Cir.).

The decision was subsequently cited with approval by the Supreme Court.

One year later the Supreme Court again took up the issue by squarely ruling that Federal labor law does not and cannot forbid or penalize expression by an employer to his employees of his views of labor policies and problems. Speaking of an employer's action in mailing a bulletin and authorizing speeches to its employees opposing a union's effort to organize the company, the Court held—

> The employer in this case is as free now as ever to take any side it may choose on this controversial issue. *Labor Board* v. *Virginia Power Co.*, 314 U.S. 469, 477 (1941).

Significantly the Court made a direct determination that expressions by an employer which are critical of unions or which advocate the formation of unaffiliated unions are not automatically to be considered as intimidating or pressuring employees. The Court stated:

> If the utterances are thus to be separated from their background, we find it difficult to sustain a finding of coercion with respect to them alone. (314 U.S. 479.)

Thus, the rule is clearly established that the simple fact a view is expressed by an employer does not, ipso facto, make it coercive. The opinion that every communication from an employer inherently holds a quality of compulsion has been soundly rejected by the Nation's highest court.

The 1941 Supreme Court ruling was applied shortly thereafter by the Second Circuit Court in a noteworthy case sustaining the practice of a company which sent a letter to its employees signed by its president and whose president directly addressed the employees on the premises. Though the employer did not conceal its preference for no union whatsoever and warned that the continued prosperity of the company depended on going on as they had been, the court found the Board had erred in objecting to these expressions because they in no way amounted to coercion or conveyed a hint of reprisal against those who thought otherwise. *N.L.R.B.* v. *American Tube Bending Co.*, 134 F. 2d 993 (1943, C.C. 2d Cir.)

Then in 1945, the Supreme Court reaffirmed its position of the right held by employers by stating:

> Decision here has recognized that employers' attempts to persuade to action with respect to joining or not joining unions are within the First Amendment's guaranty. *Thomas* v. *Collins*, 323 U.S. 516, 537.

Taking note of a uniform line of judicial rulings which were overturning the persistent efforts of the NLRB to stifle employers' free speech rights, Congress added an express provision securing this constitutional guaranty when it enacted the Taft-Hartley Act of 1947. In short, this provision, which is designated section 8(c), provides that an employer can express his views about union matters so long as these views contain no threat of reprisal or force and no promise of benefit. Furthermore, no such protected views could be used as evidence of an unfair labor practice.

Mr. President, with such a clear judicial and legislative history, the matter should have been settled beyond any doubt. The ability to exercise the free expression of his views unhampered by the Board would seem to be a firmly cemented right of each employer, in the absence of coercion.

Nevertheless, I must state the Board has continued to twist and deform congressional intent and the Constitution so severely it has managed to seriously abridge this fundamenal right. Through a succession of prejudiced decisions founded on tortured reasoning and a blind obliviousness of the true congressional mandate expressed in section 8(c), the Board has chopped, whittled, and butchered the free speech provision beyond recognition.

Starting with the mechanistic attitude Congress had referred only to unfair labor practices, and feinting ignorance of a legislative history that definitely reads otherwise, the Board set aside an election a union lost because the Board considered the employer's speech "excessive." That the speech was admittedly noncoercive did not matter. The Board had found a legal technicality through which it could resume its statutory redrafting habits and it dove through the gap with abandon. *General Shote Corp.*, 77 NLRB 124 (1948).

Then in utter contradiction to the plain rule decided in the Virginia Power Co. case, the Board thumbed its nose at both the Supreme Court and Congress by holding that if an employer had the audacity to say that union representation would not benefit employees, a representation election would be set aside. *H. W. Trane*, 137 NLRB 1506 (1962); and *Thomas Products Co.*, 167 NLRB 106 (1967). To infer that employees might be better off by refraining from joining a union is nigh well blasphemy to the NLRB, and it lost no time in seeking to show that no one can dare say such a thing while it is around, regardless of principles like free speech and the will of Congress.

Another way in which the Board has run roughshod over the obvious intent of Congress is by issuing orders requiring that on each occasion an employer makes a speech or distributes literature disclosing his views on labor issues, he must grant the union equal time during working hours, and on his own facilities, to make a reply. In other words, whenever the employer chooses to exercise his admittedly protected right to communicate with his employees, he will be discouraged from doing so by the knowledge the Board will direct him to make his facilities and his paid time available to the union for a prompt reply. What the Board cannot stop by direct action it thereby attempts to halt by shackling the employer's right of free speech with unreasonable burdens.

For example, in 1956, the Supreme Court overturned an effort by the Board to force an employer to permit distributors of union literature onto company-owned parking lots. The Court made the commonsense observation that there existed many alternative channels of communication which were freely open to the union and it, therefore, decided the Board had overstepped itself by adding the company premises to these means. *N.L.R.B.* v. *Babcock & Wilcox Co.*, 351 U.S. 105 (1956).

Not restrained in the least, the Board found itself overruled by the Supreme Court in a similar situation only 2 years later. Here the employer had solicited employees while they were on company premises not to join the union, but refused to allow the union access for solicitation of its own.

The Court solidly reaffirmed the broad right of an employer to openly express his personal views and at the same time sounded wonderment why the Board had not pressed the union to make use of the normal, usual routes of communications available to it. Thus, once again the Board's end run around the statute was rejected by the High Court. *Labor Board* v. *Steelworkers*, 357 U.S. 357 (1958).

Still not convinced, the Board sought to resurrect the same policy in the early 1960's. And once more, the judiciary just as promptly repudiated the Board's effort. In the May Department Stores case, the Board moved to upset an election which had resulted in an emphatic rejection of union representation. In the election, 891 employees had balloted for the union and 1,959 had voted against it. Never ready to accept such a democratically achieved mandate at its face value, the Board attempted to circumvent the election results by finding the company had improperly influenced the balloting.

Its error was alleged to have occurred in addressing employees on company time and on company premises. Even though the meetings were held strictly on a voluntary basis and were conducted in a manner which the Board conceded to be noncoercive, the Board held the employer was guilty of an unfair labor practice because he refused to grant the union equal time for making a reply.

In these circumstances, the circuit court swiftly bounced the matter back to the Board, reminding it the union has no assumed overriding authority giving it access to company premises and facilities against the wishes of the employer. *May Department Stores Co.* v. *N.L.R.B.*, 316 F. 2d 797 (1963, C.C. 6th Cir.).

It seems no matter how many times the Board is rebuked by the courts, it will persist in invading the lawmaking prerogatives of Congress. But to require as the Board does that as a condition of expressing his own views, the employer must grant equal access to his premises, bulletin boards, and time to the union, clearly constitutes an unreasonable and unfair burden on the exercise of the employer's first amendment right of free speech. Accordingly, it is to better preserve and protect this right that I am introducing legislation today.

Mr. President, it must be emphasized nothing in my bill will deny the union access to its normal channels of communication. It may use telephone contacts, off-premises handbilling, meetings at the union hall, home visits, and usual media of publicizing messages such as television and radio time and newspaper space. But to compel the employer to make his personal facilities open and available for use by the union is an unmitigated injustice. No one is clamoring to make the union halls open to employers and the same sensibility that argues for the sanctity of the union's facilities should argue against the invasion of the employer's property.

Mr. President, there is a third way in which the Board is conducting its campaign against the guaranty of free speech. The Board has now begun to use as evidence of a failure to bargain in good faith the noncoercive statements of employers which publicize or explain their offers to employees.

Perhaps the most notorious incident of this technique is the Board's decision against the General Electric Co. in 1964. Again while the Board concluded the employer's publicity of its arguments was not coercive, the Board found the expression was objectionable—primarily I think because it was actually effective in persuading employees that the company's contract proposals should be accepted. In any event, the Board ruled General Electric had refused to bargain in good faith because it publicized its own position, and on this ground, the company was found to be guilty of an unfair labor practice. *General Electric Co.*, 150 NLRB 192 (1964).

Mr. President, I might add, in the same case, the Board ignored the scandalous and highly inflammatory propaganda of the union aimed at discrediting the company's arguments.

In the General Electric case, the Board tells us the employer had mounted a "campaign" to explain its position, for whatever difference there may be in the Board's collective mind between the guaranty of a lot of free speech—as in a campaign—and the guaranty of a little free speech—as in isolated utterances. But to indicate the extent to which the Board is prepared to go in directly attacking the unencumbered right of free speech, I should mention the earlier case of Fitzgerald Mills Corp. in which the Board made an unfair labor case out of an employer's action in merely posting on its bulletin boards summaries of its wage offers. *Fitzgerald Mills Corp.*, 133 NLRB 877 (1961).

Mr. President, with the present law so clearly specifying that the expression of views shall not constitute or be evidence of an unfair labor practice, it requires quite an exercise in legal gymnastics to contravene the statute's intent. But it is obvious this is what the Board is doing; and it is equally obvious Congress must tighten up the protection avowedly secured by the law.

Finally, the Bcard has instituted a new rule directing that in nearly all representation elections, the employer must file with the regional director a list of the names and addresses of each employee who is eligible to vote in that election. Thereupon the Board makes the list available to all unions interested in the election. If the employer fails to do so and a union loses the election, the Board will set aside the election and conduct a new one. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *Wyman-Gordon Co.* v. *N.L.R.B.*, 397 F. 2d 494 (1st Cir. 1968); 394 U.S. 759 (1969).

Mr. President, there are at least three things wrong with this approach. First, it sloughs over the very important personal right of privacy held both by the employer and his employees. The Board may not think much of it, but there are many employees who do not like harassment by unions any more than they do badgering from any other source. These are people who simply do not want to become a target for solicitations from labor union representatives calling by telephone, ringing their doorbells and stuffing their mailboxes any more than they want other saleshawkers at their homes.

In other words, each individual has a right to be let alone. And just because a union wants to gain a huge advantage in its representation campaign by getting hold of the employer's list does not justify invading that privacy. If the employee wants the union to have his name and home address, let him volunteer it. But let us stop this outrageous disregard of individual rights simply to promote the preconceived notions of the Board as to what is good for each employee.

Second, the Board's ruling may well violate the personal opinions of the employer. Thereby it puts him in the position of being forced to aid the cause of the union in its campaign at the same time his beliefs may oppose the union. It requires him to communicate to the union, through the Board, information which is extremely helpful to the union, though he may wish to remain silent. To be forced to speak when one wishes to remain silent is, in my opinion, equally bad as not being allowed to speak at all.

So long as there is no compelling reason why the freedoms of speech and privacy must be invaded, I fail to see how the Board can trample on these rights. Needless to say, the mere aim of increasing the chances for a union victory in the election is not, to my mind, a surpassing, necessary purpose which excuses the encroachment on these twin personal rights.

Third, it simply offends my sense of elementary justice to compel one party to an election to aid the other side by providing access to its own facilities, whether the facilities are one's own premises or his information. To demand that an employer serve as a voting registrar for the union just does not seem like traditional American fair play to me.

Mr. President, in order to reassert and reestablish the original meaning intended by Congress when it enacted section 8(c) of the Labor-Management Relations Act, I am offering a bill which will nail down the specific breadth of protection of free speech secured by that provision.

The bill will expand section 8(c) by expressly declaring that noncoercive views shall not "constitute grounds for, or evidence justifying, setting aside the results of any election conducted under" the Act. This will prevent the Board from continuing to bypass the statute by the gambit of saying the protection applies only to unfair labor practice charges.

Further, my bill will amend section 8(c) so it specifically tells the Board to stop requiring employers, as a condition of expressing their views, to furnish, provide access or make available to the union, information, time, meeting places, premises, bulletin boards or other of its facilities. This should once and for all prevent the Board from diluting the fundamental right of free speech by encumbering it with so many conditions it cannot be exercised without penalizing its user.

Finally, the bill which I am offering will expand the scope of the free speech provision by pointedly including noncoercive views and statements which are intended to or which may actually influence the outcome of any organizing campaign, bargaining controversy, strike, lockout, or other labor dispute. This addition should prevent the Board from arbitrarily evading the intent of the statute by labeling the employer's properly expressed speech at a failure to bargain in good faith.

Mr. President, I should like to remind Senators that my bill will only protect speech which is not coercive. The bill, the same as existing law, distinctly excludes speech, arguments, pamphlets, and statements of any kind if they contain a threat of reprisal, a threat of force, or a promise of benefit. None of this truly coercive and intimidating speech is granted an immunity under my bill. In fact, it is, as I say, specifically omitted from the benefits of the legislation.

In addition, I should say the bill applies both to employers and to labor organizations. The right secured under the measure is as fully protected for employees and labor unions as it is for employers. Neither the Constitution nor the bill exclude any concerned party from the right preserved under free speech.

Mr. President, in summary, I feel this legislation is a major and important supplement to the constitutional guaranty of free speech in labor matters. It is aimed at implementing the first amendment in areas where that document's pledges have been abused or trampled upon by an agency of the Federal Government.

Mr. President, I have an abiding faith in the good sense and good judgment of America's working men and women. I am confident if we allow them to have the full facts they will make the right and wise decisions.

For this reason, I see no excuse whatsoever for denying them the opportunity to hear the views of their employer, as well as those of the union, during a labor dispute. It is utterly and wholly counter to all precepts of American decency and fairness to deny our working men and women access to information they need in making decisions which have such a profound impact upon their economic well-being.

Regrettably, this violation of American ethics is exactly what will happen, however, unless we restate the labor law and restate it in clearer terms than ever before.

Mr. President, the essence of my proposal is simple—it merely seeks to let employees hear both sides. What could be more fair than that?

Mr. President, I ask unanimous consent that a copy of the bill which I am introducing be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1844

A bill to amend the National Labor Relations Act to further secure and protect the Constitutional guarantee of free speech belonging to employers and employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Labor-Management Relations Freedom of Speech Act."

SEC. 2. Section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended to read as follows:

"(c) The expressing of any views, argument, opinion or the making of any statement (including, but not limited to, any expression intended to influence the outcome of an organizing campaign, a bargaining controversy, a strike, lock-out, or other labor dispute), or the dissemination thereof, whether in written, printed, graphic, visual or auditory form, if such expression or statement contains no threat of reprisal or force or promise of benefit, shall not (A) constitute or be evidence of an unfair labor practice under any of the provisions of this Act, or (B) constitute grounds for, or evidence justifying, setting aside the results of any election conducted under any of the provisions of this Act.

"No labor organization or employer shall be required to furnish, provide access or make available, directly or indirectly, to the employer, in the case of a labor organization, or to the labor organiaztion, in the case of an employer, materials, information (including, but not limited to names and addresses of employees), time, premises, meeting places, bulletin boards or other facilities to enable such other party to communicate with or reply to any communication with employees of the employer, or members of the labor organization, its supporters or adherents."

By Mr. JACKSON (for himself and Mr. Moss):

S. 1846. A bill to establish a Coal Gasification Development Corporation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

COAL GASIFICATION ACT

Mr. JACKSON. Mr. President, on behalf of the junior Senator from the State of Utah (Mr. Moss) and myself, I introduce, for appropriate reference, the Coal Gasification Development Corporation Act of 1971. This measure is intended to provide a framework for Government and industry to cooperate in the vital task of bringing the technology of coal gasification to commercial realization.

Concern about natural gas supplies being able to meet demand was first expressed in 1969. It became obvious that demand for gas might be even greater than had been anticipated, because of its environmentally desirable features compared to other fuels. At the same time it became apparent that the consumption of gas would be greater than the amount of new gas found in 1969. A deficit had occurred in 1968 for the first time since records were kept—1945—with consumption being over 5.5 trillion cubic feet higher than new reserves. In 1969 this deficit increased sharply to over 12.2 trillion cubic feet. Consumption continued to rise, and in 1970 over 22 trillion cubic feet were marketed. Reserves, exclusive of Alaska, declined by 10.3 billion cubic feet in 1970.

Projections of future gas requirements,

when compared to the supplies that may be available from conventional sources, have led to an unprecedented agreement among those who are knowledgeable about the gas industry that action must be taken now. University economists, industry spokesmen, private research foundations, and Government officials concur that a deficiency in supply will start to occur in the early part of the 1970's and will continue to grow to a very large extent by 1980. A typical forecast recently made by the Department of Interior projected a demand for gas in 1980 of 31 trillion cubic feet if growth in the uses of natural gas slowed to the rate of other energy sources rather than growing 50 percent more rapidly as it has over the past two decades. Even with this conservative growth rate it will be necessary to find average annual new reserves of 26½ trillion cubic feet per year. This is 50 percent more than the average rate of reserve additions from drilling in the past 5 years and 1½ trillion cubic feet greater than the most reserves ever found in 1 year.

Mr. President, I have compiled a number of recent papers all expressing the need for supplemental gas supplies. I ask unanimous consent that this material be included in the RECORD at the conclusion of my statement. These articles clearly show that the additional gas will be needed regardless of what assumptions are made with respect to the growth of other fuel resources. Gas has unique values for domestic heating and industrial processing. It is essential that the United States be assured of a continuing and ample supply of fuel gas. There is abundant evidence that discovery and production from natural sources will not suffice.

In addition to developing incentives that will reverse the downward trend of the past 3 years in gas domestic reserves and, in fact, increase the finding rate of recent years, other supplemental sources of supply will be needed. These include overland imports from Canada, LNG—liquefied natural gas—imports from North Africa or Venezuela, use of Alaskan gas, and production of synthetic pipeline gas from coal.

There have been a number of incentives to seek new gas which have been suggested. These include deregulation of natural gas field prices, increasing gas prices substantially, relaxing controls on gas transmission industry, returning to a higher gas depletion allowance, and retaining some limitation on oil imports.

No matter what is done with these alternatives, synthetic gas from coal also will be needed in commercial quantities by 1980. If we are to meet this timetable, immediate action is required, because under the best of circumstances it is anticipated that from 6 to 10 years will be required to bring such a development into commercial operation.

THE NEED FOR FEDERAL FUNDS

The development of a technology for coal gasification presents a financing problem that is becoming increasingly common in the energy field. Stated simply, research and development must be carried on at such large scale and at such enormous costs that it is impossible for any single company, even large energy or utility companies, to assume the risks involved within the limitations upon management practices and financial capabilities.

Another serious problem with such highly complex and expensive research and development is that it is becoming more difficult for those who invest in the research to reap its benefits. This is because of antitrust laws, nonpatentability of processes, and the difficulty of maintaining exclusive positions and proprietary knowledge. Yet there can be no doubt that there is a need to develop some, if not all of the technological opportunities that are on the horizon. Examples in the energy field are coal gasification, oil from oil shale, MHD, breeder reactors, and fusion energy. Clearly, the options presented by such technologies are essential if we are to maintain economic growth while attempting to minimize adverse environmental factors. To meet this goal, research must move forward. The question is what means can be found when research projects, needed in the public interest, will not move forward in the normal workings of our competitive society.

PROPOSED ACTION PROGRAM

The legislation I am introducing today has the following purposes:

First. It would create a Government-industry, jointly supported and operated corporation with the objective of demonstrating on a commercial scale at least two alternative methods for the production of gas from coal.

Second. The corporation would have a life limited to this single objective and would be abolished when the objective was attained.

Third. Financing would be shared by Government and industry thus assuring a deep commitment by industry to the successful outcome of the effort.

Fourth. The corporation would be managed by an entity responsible to a Board of Directors made up of representatives of industry and Government. The ratio of industry to Government financial support could be used as the basis for division of membership on the board.

RATIONALE FOR ABOVE PROPOSALS

The conventional recommendation of placing this new program in an existing department has been deliberately rejected. Existing Government organizations would be unable to carry out this new project, because they are simply not equipped, either organizationally or by traditional attitudes, to translate a research project into a commercial demonstration plant. Moreover, this type of program should be staffed with personnel who have been trained to recognize when to move on to the next step in order to minimize development time and reach the point where a return can be realized on the research investment. A separate entity with one mission would be more apt to succeed in this regard.

There are other very practical reasons for establishing a separate organization. It will have statutory authority to manage a joint Government-industry program unencumbered by the myriad of administrative difficulties that arise in an established department when this type of cooperation is attempted. These problems are related to patents, regulations about expenditure of funds, administrative restrictions on the nature and type of purchases, and other bureaucratic procedures thoroughly reasonable for a normal Government departmental program but inapplicable when the objective is to bring a new technology to commercial scale plants. The corporation will need new authorities to carry out its unique assignment and the act would create them.

The corporation would be unencumbered by the type of budgetary problems endemic to Government bureaus. In any given department each bureau must struggle for its share of the budget assigned to the department by the President. Inevitably this leads to compromise between bureaus and very rarely permits a large new program to develop at an optimum rate. The budget requests therefore are stretched out, usually greatly reducing overall efficiency. In view of the importance of time in achieving the goals of this new program such a stretchout would be most unfortunate. A new corporation would be competing against no other intradepartmental projects for its budget request and would be able to avoid the normal budget pitfalls.

Placing this large new program in an existing agency would have an adverse effect on the on-going bureau. If funds are made available at the needed rates for this program the other normal missions of the agency will inevitably be distorted. Likewise a traumatic readjustment would be necessary when the programs were concluded. There would be continual attempts to retain the large budgets that the organization had grown accustomed to having and to avoid the reductions-in-force in personnel that their loss would cause.

The single mission concept would provide the necessary incentive to get the program moving. There would be no competition from other programs for either funds or the attention of the administrators. Recognizing from its creation that its life was limited would avoid the establishment of permanent additional Government overhead organization and would tend to attract personnel who would be ready to move on to the further commercialization of coal gasification when the mission was accomplished.

Joint financing of a program this size is a necessary prerequisite for its success. If it is wholly supported by Federal funds there would be no justification for industry to lend its expertise to the planning of the program—including the very difficult problem of which processes to select for large scale plants—and in administering the program. Not only would the industry funding provide a rationale for their active participation but it would assure incentive to bring the program to a quick end as soon as possible. Efficient management would reduce research costs of all participants and bring in a new process more quickly from which they would get a return.

When hearings are held on this legislation, it will be possible to determine whether any reasonable possibility exists for industry to undertake this development alone. It is my present belief, however, that a corporation of the type that this bill proposes will be a very practical and reliable way to accomplish this very vital program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks together with the articles which I mentioned earlier.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1846

A bill to establish a Coal Gasification Development Corporation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress recognizes that—

(1) natural gas is the least polluting of the fossil fuels in that it causes no pollution from sulphur oxides and particulate and emits the least amount of nitrogen oxides per heat unit supplied;

(2) natural gas can be produced and transported with less environmental degradation than the other fuels and at costs that compare favorably with the competitive fuels for uses where the various fuels are interchangeable;

(3) for three consecutive years the amount of gas consumed in the United States exceeded new supplies found in the contiguous forty-eight States;

(4) projections of future gas demand are such that every new supply source must be developed, including natural gas by pipeline importation of liquefied natural gas from overseas sources, and the gasification of coal;

(5) gasification of coal has been tested on a small scale in a variety of processes by a number of investigators, but to achieve commercial status for any of these methods will require the construction and operation of a large demonstration plant followed by the construction and operation of a commercial sized plant;

(6) it is important to provide the cleanest fuel to the American consumer using resources that can be produced by American miners and which are secure from the vagaries of foreign supplies; and

(7) the research and development effort is too large for any single company to risk undertaking and a consortium of companies would be difficult to assemble without Federal leadership.

(b) It is therefore the policy of Federal Government to bring this technology to commercial development as quickly as possible by establishing a government-industry program jointly managed and funded to demonstrate commercial scale methods of producing substitute for natural gas.

SEC. 2. (a) There is hereby established the Coal Gasification Development Corporation (hereinafter referred to as the "Corporation"). The corporation shall have a board of nine directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Five members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and four members of the board shall be appointed by the President on the basis of recommendations received by him from any private entity or entities entering into contractual arrangements pursuant to subsection (d) of this section. Pending the appointment of such directors on the basis of the aforementioned recommendations, three members shall constitute a quorum for the purpose of conducting the business of the board. The President of the United States shall call the first meeting of the board of directors. Each director of the board not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expenses incurred in attending the meetings of the board.

(b) The board of directors is empowered to adopt and amend bylaws, consistent with the provisions of this Act, governing the operation of the corporation.

(c) The corporation shall have a president and such other officers and employees as may be named and appointed by the board. The rates of compensation of all officers and employees shall be fixed by the board. No individual other than a citizen of the United States may be an officer of the corporation.

(d) In order to assemble and organize industrial participation in the carrying out of the purposes and functions of the Corporation, the Administrator of General Services is authorized to enter into contractual arrangements with any private entity or entities under which such entity or entities agree to participate in the carrying out of such purposes and functions, including the furnishing of financial assistance in connection therewith. Such contract or contracts shall include such terms and conditions, consistent with this Act, as the Administrator of General Services may prescribe.

SEC. 3. (a) It shall be the function of the corporation to select, on the basis of the best engineering information available the two most technically and economically feasible methods for manufacturing substitute natural gas from coal. After selection of such methods, the corporation is authorized to design, construct operate and maintain a demonstration type facility for each such method selected in order to determine the technical and economical feasibility thereof. If on the basis of the operation of each such demonstration facility the corporation determines that the method so demonstrated is a technically and economically feasible method for manufacturing substitute natural gas from coal on a commercial scale, the corporation is authorized to design, construct, operate, and maintain, for each such method demonstrated, a full scale, commercial size facility to manufacture substitute natural gas from coal by such method.

(b) Substitute natural gas produced by such commercial facilities shall be disposed of in such manner and under such terms and conditions as the corporation shall prescribe. The Corporation shall arrange to deliver any substitute natural gas so manufactured to such buyer as may be authorized, by contract or otherwise, by the Corporation. All revenues received by the Corporation from the sale of such gas shall be available to the Corporation for use by it in defraying expenses incurred in connection with carrying out its functions under this Act.

(c) The Corporation shall make available, by license or otherwise, on a non-exclusive royalty free basis without territorial limitation the use of any patent obtained by the Corporation under any law of the United States or any foreign country for or with respect to any invention made in the performance of any activity conducted pursuant to this Act. On and after the dissolution of the Corporation and the transfer of its patent rights in accordance with section 6, the Administrator of General Services shall administer such patents rights in accordance with the provisions of this subsection.

SEC. 4. In carrying out its functions under this Act, the Corporation is authorized to enter into contracts, leases, or other arrangements; to own, manage, operate or contract for the operation of facilities authorized by this Act; to conduct research and development related to its mission; and to acquire by construction or purchase, or to contract for the use of, physical facilities, equipment, and devices which it determines necessary in carrying out such functions. To carry out its functions, the Corporation shall have, in addition to the powers conferred by this Act, the usual powers conferred upon corporations by the District of Columbia Business Corporation Act. Leases, contracts, and other arrangements entered into by the Corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

SEC. 5. The corporation shall transmit to the President of the United States and the Congress, annually, commencing one year from the date of the enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, the corporation shall submit such legislative recommendations as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived. Such reports shall be available to the public.

(b) All reports, plans, specifications, cost and operating data of the corporation acquired by it in connection with the carrying out of its duties under this Act shall be made available by the corporation in accordance with the provisions of section 552 of title 5 of the United States Code.

(c) The corporation shall make annual reports available to interested parties on the progress of its operations. Such reports shall be in sufficient detail so that independent engineering and economic judgments can be made based on such reports. Detailed drawings and other information of value to those who might be interested in commercial development shall be placed on open file by the corporation on a continuing basis for examination by interested parties.

SEC. 6. On or before the expiration of six years following the date of the enactment of this Act, the board of directors shall take such action as may be necessary to dissolve the corporation. In carrying out such dissolution, the board of directors is authorized to dispose of all physical facilities of the corporation in such manner and subject to such terms and conditions as the board determines are in the public interest. All assets of the corporation, including the proceeds from the disposition of such facilities, on the date of its dissolution, after satisfaction of all its legal obligations, shall be made available to the United States and deposited in the United States Treasury as miscellaneous receipts. All patent rights of the corporation shall, on such date of dissolution, be vested in the Administrator of General Services.

SEC. 7. (a) Each department, agency and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the corporation, upon its request, any information or other data which the corporation deems necessary to carry out its duties under this Act.

(b) The corporation is authorized to utilize, on a reimbursable basis, the services of any personnel made available by any department, agency or instrumentality, including any independent agency, of the Government.

(c) The corporation may procure the services of experts and consultants without regard to the provisions of title 5, United

States Code, governing appointments in the competitive service, and may compensate such experts and consultants without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, in accordance with section 3109 of that title.

SEC. 8. There are authorized to be appropriated to the corporation, for the fiscal year beginning July 1, 1971, the sum of $5,000,000, and for each of the next five succeeding fiscal years, such sums as may be necessary. All funds appropriated pursuant to this section shall remain available until expended. Notwithstanding any other provisions of this Act, in no case shall funds appropriated pursuant to this section for any fiscal year be expended in an amount in excess of sixty per centum of the costs to the corporation in connection with the carrying out of its duties under this Act for that fiscal year.

COAL GASIFICATION—HISTORICAL BACKGROUND

GAS INDUSTRY

Although considerable natural gas had been marketed in the U.S. prior to World War II, its use was mostly confined to geographic areas near the large gas deposits of the Southwestern U.S. because of the difficulty of long distance transport to more densely settled parts. Some natural gas was produced in many other States in small quantities and was also marketed locally.

The U.S. gas industry predates the discovery of petroleum and natural gas by many years. The first gas company was licensed in Baltimore in 1817. Gas was used originally for lighting city streets but later markets were found in public buildings and in residences. Gas lighting remained the principal use until displaced in the latter part of the 19th century by electricity, a more convenient lighting source.

Until this time, all gas that was sold was produced from coal in several different ways. In producing coke from coal, a gas with a relatively high heating value is recovered. This gas, along with gas distilled from coal and that produced by several other coal-based processes, remained the major source until early in the century.

The maximum production of manufactured gas was reached in 1947 although increasing quantities of natural gas had started to enter other than local markets as early as 1930. This was made possible by the discovery of ways to produce large diameter steel pipe at low costs that would be able to withstand the high pressure required to transport natural gas over long distances.

The two oil carrying pipelines known as the "little inch" and the "big inch" used in World War II to carry oil from the Southwest to the East coast (to reduce losses due to destruction of oil tankers by German submarines) were converted after the war to natural gas pipelines. This represented the first step in the dynamic growth of the natural gas industry. Natural gas consumption in 1947 was 4.6 trillion cubic feet per year and reserves were estimated at 165 trillion cubic feet. By 1967 reserves had increased to 293 trillion cubic feet, a 75% increase, but consumption had risen even more sharply. In 1967 over 18.2 trillion cubic feet were used—a four-fold increase over 1947.

As a result the widespread introduction of natural gas with its higher heating value and lower cost, the production of manufactured gas declined steadily until now it represents less than 0.1% of total gas consumption.

SYNTHETIC LIQUID FUELS AND COAL GASIFICATION

During the 1920's and 1930's, the Germans developed two methods for converting coal into liquid fuels. Without indigenous oil supplies and with a large coal industry, this development provided a security of supply of liquid fuels in the event of war. During World War II, German aircraft were frequently fueled with gasoline made from coal and, at the end of the war, the U.S. and other allied powers made a systematic attempt to study and understand this new technology.

At about this time (1948) the U.S. became a net importer of liquid fuels. This provided a practical reason for wanting to transfer the German technology. Although the U.S. still had large reserves of oil, these were much smaller than coal reserves. Thus, if the German processes could compete with the cost of finding new crude oil, an alternative liquid fuel supply would be available.

In one process used to make liquid fuels, coal is mixed with oil (produced earlier in the process) and is reacted at very high hydrogen pressure (10,000 pounds per sq. inch) and high temperatures in the presence of a catalyst (which speeds up the reaction but is not consumed during the process).

The second method of making liquid fuels converts all of the coal into a gas called "synthesis gas" (a mixture of carbon monoxide and hydrogen) and then passes this gas over a catalyst which helps the carbon monoxide and hydrogen to combine, forming liquid fuels.

Since both processes require a gas—in one hydrogen and in the other synthesis gas—an important requirement for attaining satisfactory economics would be better ways of producing these gases from coal than had been used to make manufactured gas.

Between 1944 and 1955 the Bureau of Mines in the Department of Interior conducted extensive investigations of both processes under the authority of the Synthetic Liquid Fuels Act. During this period approximately 60 million dollars was spent on coal conversion and 25 million dollars on producing a satisfactory liquid fuel oil shale.

In 1955 a decision was made to drop the program since by that time very large reserves of very low cost Middle East oil had been discovered with which a coal-to-oil process could not hope to compete.

Since 1955 the Bureau of Mines has continued to work on the production of both synthetic liquid and gaseous fuels from coal but on a much smaller scale. By the mid-1950's a decline in coal production led the coal industry to seek greatly increased federal research funds in order to develop new uses for coal and to restore its markets. The industry argued for and justified a much larger government investment by comparing the government research expenditures on atomic energy—coal's competitor—with the very much smaller federal investment in coal research activities. After extensive hearings the Congress created in 1960 the Office of Coal Research located in the Department of Interior. As a result of the creation of this new research organization there has been a gradual step-up in the pace of coal research. However, the necessary scale of testing has been sufficiently large that only a relatively few projects have been pursued with the funds available.

Because of the importance of coal gasification in both liquid and gaseous fuels made synthetically OCR supported 4 research projects involving gasification. One project has been dropped but the other three are still under active investigation. The HYGAS project, supported jointly by OCR and the American Gas Association, broke ground for a 3 ton per hour plant in 1969 which was completed in the fall of 1970. Operation of the plant on a continuous basis is expected in the late spring of 1971. Construction of a small demonstration plant is still underway on one of the other gasification processes and the third is still being tested in a pilot plant operation.

REMARKS OF THE HONORABLE HOLLIS M. DOLE, ASSISTANT SECRETARY FOR MINERAL RESOURCES, DEPARTMENT OF THE INTERIOR, STANFORD UNIVERSITY, PALO ALTO, CALIF., JAN. 12, 1971—AMERICA'S ENERGY NEEDS AND RESOURCES

NATURAL GAS

Over the past two decades, gas demand has grown strongly, at an average annual rate of about six percent. This was half again as fast as total energy consumption grew, which meant that gas displaced other fuels in the market during this period. By 1969, gas was contributing a third of our energy supply, and accounted for half of the energy used for household heating, nearly half of that used for industrial heat and power, and supplied a fourth of the energy consumed to generate electricity.

This long period of differential growth is now at an end, and the outlook is for gas to lose market position steadily over the coming years. It is not in the realm of reality to suppose that gas supply can expand at even the 3.4 percent annual rate projected for energy as a whole over the coming 15 years; this would mean an increase from the current annual rate of 22 trillion cubic feet to 31 trillion cubic feet in 1980. The *average* yearly supply implied by this calculation would be 26½ trillion cubic feet. This is half again the average rate of additions to proved reserves in the past five years. In the best year of our entire experience we added somewhat less than 25 trillion cubic feet to our reserves.

The hard truth of the matter is, in fact, that the finding rate for gas in 1968 and 1969 was the worst in our experience of which there is any record, and the 1970 results will continue this discouraging pattern. Since 1967 we have used up 18 trillion cubic feet more gas than we have found. This is nearly a year's supply. Even if a strong revival in gas exploration began this year, it would be several years before the results showed in increased availability to the consumer.

Beyond these disappointing figures in a long a long term decline in both exploratory activity and in returns per unit of effort expending in looking for oil and gas in the lower 48 States. For whatever reason, the fact is simply that a foot of exploratory hole finds far less oil and gas than it found prior to 1950. This is the more discouraging in view of steady advances that have been made in the technology of discovery and the discipline imposed by austere drilling budgets.

Paralleling this decline in discovery success is a decline in exploratory drilling that is now in its fourteenth year. This combination of these two trends has resulted in a steady erosion of the ratio between the amount of oil and gas found and the amount withdrawn for production. In the next chart, which shows five-year moving averages of additions to proved reserves measured against production, this decline is readily apparent in the case of both oil and gas.

FIGURE 6

In the early 1950's, well over a barrel and a half of oil was found for each barrel taken out of the ground. In the case of gas, about two cubic feet were proved up for each foot withdrawn. Now, the ratio has dropped below unity for both. We are using up our reserves of both oil and gas faster than we are replacing them.

Meanwhile, gas demand continues to rise by roughly 1 trillion cubic feet a year—somewhat more than that over the past two or three years. This means that once the effective delivery capacity of domestic gas fields has been reached—and I make this to be 1973 or before—we shall have to find additional energy sources—foreign or domestic; gaseous, liquid, or solid—to the equivalent of least one trillion cubic feet of gas *each year*. The interplay of economic factors will of course determine the balance among these competitive sources for us even if we do not supply any direction from government. To the extent this is accomplished within acceptable criteria of national security, this is all to the good. But I submit that we ought to know what is happening, and be ready to apply such direction as may be indicated by the concerns of our national interest.

To a far greater degree than we could wish, however, policy must make the best bargain it can with the realities of where and when that govern the availability of certain important alternate energy sources. Gas from Alaska will not be available before 1975. Gas from Canada is available now, but only in limited amounts; larger volume imports from that source await discovery and development—at least another six years away even granting the success of current exploration efforts. Liquefied natural gas is already an item in world trade, and will begin to enter our own supply channels in 1974. But most of it will come from the Eastern Hemisphere. Let me elaborate a bit.

Currently, about 700 billion cubic feet of gas a year are imported from Canada by pipeline. This comprises about 3 percent of our total supply. The Canadian National Energy Board has indicated that this figure might be no more than double its present volume, say 1.4 trillion cubic feet annually, by 1985, if no new producing areas are found outside the Western Canadian Basin. If, on the other hand, discoveries of gas comparable to those on the North Slope of Alaska are made in the Canadian Arctic, gas imports from Canada might reach 3.7 trillion cubic feet annually by 1985—equal to the required annual increments of about three years.

Gas from Alaskan North Slope could begin as early as 1975 with an initial flow of, let us say, 700 billion cubic feet a year—approximately the volume we are now receiving from Canada. This could triple by the end of the period we are considering, which assumes that something on the order of 40 trillion cubic feet of non-associated reserves will be proved up on the North Slope.

Applications were filed recently with the Federal Power Commission to import 1 billion cubic feet a day of liquefied natural gas from Algeria and another 425 million cubic feet a day from Venezuela into the East Coast, with deliveries to begin in the 1974–75 period. Negotiations are under way for an additional 2 billion cubic feet a day for the East Coast, with initial delivery dates unannounced. Thus, on a yearly basis, we might expect at a minimum, some 1¼ trillion cubic feet of imported LNG to enter gas mains of the Northeastern states during the latter half of this decade. I am sure that further increments will follow. Since the total consumption of this region was just under 2 trillion cubic feet in 1969, it is easy to conclude that in the absence of any countervailing influence, the Northeast could become dependent on foreign natural gas as much as half its supply by the end of this decade.

If this should happen, another step will have been taken in the isolation of the East Coast from the energy economy of the rest of the United States. I spoke of our concern about the national security implications of the East Coast's heavy reliance upon outside sources for residual fuel. Now we see the process starting all over again in the case of gas, which carries forty percent of the residential heating load and provides one-fourth of all energy for industrial heat and power in that region. It therefore becomes pertinent to raise the question as to whether the East Coast is to become as dependent on foreign sources for gas as it now is for residual fuel oil.

The outlook for gas is accordingly for a gap to open between demand and supply from domestic sources. Whether this gap is filled in part by foreign LNG or subsumed as an added requirement in the demand for oil matters little: the essential truth remains that increased consumption of natural gas means greater reliance upon foreign sources, just as increased consumption of oil means greater reliance upon foreign sources.

Natural Gas Proved Reserves Climb With Inclusion of New Alaska Field; Production in 1970 at All-Time High

WASHINGTON, D.C., March 31.—Proved reserves of natural gas in the United States rose in 1970 with the addition of extensive new Alaskan reserves, but declined in the "lower 48" states, the American Gas Association reported today. Total proved reserves as of December 31, 1970 were estimated at 290.7 trillion cubic feet, up from 275.1 trillion at the end of 1969.

The association's Committee on Natural Gas Reserves' estimates show that the rise in the total figures was due to the inclusion of 26 trillion cubic feet of new reserves in Alaska. The new reserves in Alaska are for the Prudhoe Bay reservoir on the North Slope, which were not included in prior years because sufficient data was then unavailable.

Proved reserves of natural gas in the lower 48 United States amounted to 259.6 trillion cubic feet, down by 10.3 trillion cubic feet compared with 1969—a decline of 3.7 percent.

Reserves in other areas of Alaska remained virtually unchanged from the 5.2 trillion cubic feet reported in 1969. Proved reserves for the whole of Alaska total 31.1 trillion cubic feet.

Production of gas during 1970 was up by nearly six percent, reaching an all-time high of 22 trillion cubic feet.

The A.G.A. Committee on Natural Gas Reserves has made annual reports of proved reserves since 1946. The current chairman of the group is John C. Jacobs, senior vice president of Texas Eastern Transmission Corporation, Houston.

Rising demand for natural gas and a continuing decline in the rate of exploration for new gas have combined to create situations in some parts of the country where new requests for gas service cannot be filled.

"The reserves report points up the urgent need for construction of pipelines to transport Alaska's vast energy resources to the rest of the United States," said A.G.A. President G. J. Tankersley. "At present no Alaskan gas reaches the U.S. markets where it is most needed.

"The figures also emphasize the importance of encouraging exploration in the major gas producing areas of the country. In the lower 48 states, which supply 95 percent of our natural gas, proved reserves have now been falling for three straight years."

The two major gas producing states in the country both experienced declines in proved reserves during 1970. Texas reserves were down from 112.4 trillion cubic feet to 106.4 trillion, and Louisiana's proved reserves fell from 85.1 to 83.0 trillion cubic feet.

"Even with Alaska, total proved reserves are still about 2 trillion cubic feet less than the record 1967 high of 292.9 trillion cubic feet," said Mr. Tankersley, who is also president of The East Ohio Gas Company, Cleveland. "But production to meet expanding demand has climbed 20 percent since then.

"The gas industry's ability to meet all demands for this clean-burning efficient fuel will certainly be impaired if this trend continues."

For two years the American Gas Association has been urging the Federal government to take steps to encourage new exploration and development of the nation's gas reserves. A.G.A. favors regular sales of leases to permit producers to explore for gas in Federally-controlled offshore areas; higher wellhead prices for gas to provide economic incentives for further exploration; and legislation to ensure that once a contract for sale of gas at a given price has been approved by the Federal Power Commission, it will not be reversed by the Commission.

Canadian proved gas reserves, as reported by the Canadian Petroleum Association, climbed by 1.4 trillion cubic feet to a record high of 53.4 trillion cubic feet at the end of 1970. Canadian gas production during the year was 1.8 trillion cubic feet.

In addition to proved reserves, the gas industry cooperates in making separate estimates of "potential" reserves, which are reserves believed to exist but which have not yet been directly proven by exploratory drilling. Latest estimates have put these substantial potential reserves at 1,227 trillion cubic feet, including 432 trillion in Alaska.

The Potential Gas Committee, which estimates potential gas reserves in cooperation with the Colorado School of Mines, plans to have a new report on the nation's potential gas reserves available later this year.

In a concurrent report on petroleum reserves, the American Petroleum Institute published figures today showing that proved reserves of oil had followed the same pattern as have gas figures. Petroleum reserves in Alaska rose sharply with the inclusion of the Prudhoe Bay area, while proved oil reserves for the rest of the country fell.

American Gas Association Committee on Natural Gas Reserves

SUMMARY: NATURAL GAS RESERVES

[Millions of cubic feet—14.73 psia, at 60° F.]

Total proved reserves as of Dec. 31, 1969	275,108,835
Extensions and revisions of previous estimate during 1970	6,058,447
New reserves discovered in 1970	31,137,912
Net changes in underground storage during 1970	402,018
Total proved reserves added and net changes in underground storage during 1970	37,598,377
Total proved reserves as of Dec. 31, 1969, and additions during 1970	312,707,212
Deduct productions during 1970	21,960,804
Total proved reserves of natural gas as of Dec. 31, 1970	290,746,408

NATURAL GAS LIQUIDS RESERVES

[Thousands of barrels of 42 U.S. gallons]

Total proved reserves as of Dec. 31, 1969	8,143,174
Extensions and revisions of previous estimate during 1970	139,186
New reserves discovered in 1970	168,393
Total proved reserves added in 1970	307,579
Total proved reserves as of Dec. 31, 1969, and new proved reserves added in 1970	8,450,753
Deduct production during 1970	747,812
Total proved reserves of natural gas liquids as of Dec. 31, 1970	7,702,941

TABLE I.—ESTIMATED TOTAL PROVED RESERVES OF NATURAL GAS IN THE UNITED STATES

[Millions of cubic feet—14.73 p.s.i.a., at 60° F]

		Changes in reserves during 1970						Reserves as of Dec. 31, 1970			
State	Reserves as of Dec. 31, 1969	Revisions	Extensions	New field discoveries	New reservoir discoveries in old fields	Net change in underground storage [1]	Production [2]	Total gas	Non-associated	Associated dissolved	Underground storage [3]
Alabama	56,724	47,911	32,600	25,498	0	0	724	162,009	152,521	9,488	0
Alaska	5,202,143	56,308	12,500	[4] 26,000,000	5,000	0	145,200	31,130,751	4,740,760	26,389,991	0
Arkansas	2,632,773	(44,844)	87,541	44,781	45,211	(1,020)	183,768	2,580,674	2,413,572	130,905	36,197
California [5]	6,870,946	(27,278)	65,163	0	11,250	13,314	633,636	6,299,759	2,553,760	3,545,431	200,568
San Joaquin Basin	5,119,824	(82,098)	58,900	0	10,050	15,088	442,698	4,679,066	2,380,122	2,193,111	105,833
Coastal region [5]	986,460	82,348	3,350	0	700	(725)	105,911	966,222	165,980	756,570	43,672
Los Angeles Basin [5]	764,662	(27,528)	2,913	0	500	(1,049)	85,027	654,471	7,658	595,750	51,063
Colorado	1,596,286	44,215	31,575	56,262	0	5,007	104,499	1,628,846	1,473,138	131,390	24,318
Illinois	337,812	(1,308)	83	51	1	81,490	2,715	415,414	911	12,509	401,994
Indiana	77,561	(174)	68	5	1	6,287	1,074	82,674	1,580	4,233	76,861
Kansas	14,125,125	25,405	64,848	5,084	246	4,904	900,521	13,325,091	12,905,008	323,421	96,662
Kentucky	920,520	18,907	27,759	1,074	3,179	73,706	67,303	977,842	803,708	50,428	123,706
Louisiana [5]	85,056,639	1,102,469	1,962,801	193,083	2,407,798	24,351	7,790,453	82,956,688	67,761,928	5,057,199	137,561
North	4,287,202	(47,144)	34,075	9,462	19,941	24,351	464,408	3,863,479	2,571,526	1,154,392	137,561
South [5]	80,769,437	1,149,613	1,928,726	183,621	2,387,857	0	7,326,045	79,093,209	65,190,402	13,902,807	0
Michigan	750,964	45,255	1,034	108,955	52,991	20,497	40,025	939,671	211,134	112,530	616,007
Mississippi	1,410,898	(74,815)	67,837	61,722	20,985	3,706	156,428	1,333,905	1,101,209	223,653	9,043
Montana	1,110,208	12,329	7,605	5,957	143	2,275	38,594	1,099,923	793,283	141,854	164,786
Nebraska	56,594	5,594	948	2,177	20	(835)	6,330	58,168	23,887	18,660	15,621
New Mexico	14,281,503	(75,757)	121,684	56,028	13,450	(4,894)	1,101,991	13,290,023	10,670,444	2,615,209	4,370
Northwest	9,074,565	59,724	47,689	816	0	0	532,791	8,650,003	8,574,944	75,059	0
Southeast	5,206,938	(135,481)	73,995	55,212	13,450	(4,894)	569,200	4,640,020	2,095,500	2,540,150	4,370
New York	120,540	200	2,000	0	1,400	5,179	3,358	125,961	22,635	129	103,197
North Dakota	648,564	(44,463)	1,479	857	0	0	39,083	567,354	5,593	561,761	0
Ohio	809,293	0	212,835	26,000	0	19,089	73,759	993,458	420,234	137,221	436,003
Oklahoma	17,593,197	59,030	751,592	255,880	30,647	14,502	1,750,581	16,954,267	13,469,170	3,263,649	221,448
Pennsylvania	1,303,907	0	61,840	500	2,400	86,390	77,535	1,377,502	779,409	13,134	584,959
Texas [5]	112,392,622	(1,372,393)	1,952,582	844,932	756,443	(1,235)	8,219,958	106,352,993	77,717,675	28,541,957	93,361
District 1	2,127,201	(56,155)	1,558	1,326	16,534	64	135,961	1,954,567	1,686,003	268,039	525
District 2 [5]	10,445,403	98,362	35,707	42,966	72,827	(387)	634,848	10,060,030	7,665,908	2,392,443	1,679
District 3 [5]	23,751,987	86,768	49,438	366,778	204,466	0	1,645,710	22,813,727	16,858,573	5,943,154	12,000
District 4 [5]	31,215,625	(802,104)	17,438	91,154	395,682	0	1,630,564	29,287,231	21,939,886	7,347,345	0
District 5	1,428,567	22,061	1,840	28,951	19,087	(253)	106,769	1,393,484	1,182,266	179,492	31,726
District 6	5,997,201	220,452	584	8,390	7,760	0	403,647	5,830,740	3,720,654	2,110,086	0
District 7B	786,257	1,673	42,993	3,808	4,277	(187)	86,690	752,131	281,482	436,526	34,123
District 7C	3,766,150	(74,224)	115,350	22,905	19,866	69	247,150	3,602,966	2,477,350	1,123,500	2,116
District 8	17,217,339	(1,093,026)	1,408,008	187,832	12,235	0	1,628,185	16,104,203	10,756,449	5,347,754	0
District 8A	3,001,185	(176,265)	4,111	881	65	0	233,356	2,596,621	70,839	2,525,782	0
District 9	1,925,141	104,193	19,644	3,480	671	(742)	187,940	1,864,447	1,425,961	427,495	10,991
District 10	10,730,566	295,872	255,911	86,461	2,973	201	1,279,138	10,092,846	9,652,304	440,341	201
Utah	1,090,768	9,013	7,080	2,754	178	108	44,741	1,065,160	625,153	438,587	1,420
Virginia	31,438	0	4,000	0	0	0	2,927	32,511	32,511	0	0
West Virginia	2,447,324	0	168,147	10,600	4,300	37,717	231,710	2,436,378	2,002,320	57,978	376,080
Wyoming	3,937,045	110,402	510,287	12,716	12,046	1,667	340,832	4,243,331	3,399,271	800,288	43,772
Miscellaneous [6]	247,441	4,273	2,280	55,307	0	9,813	3,059	316,055	17,738	62,324	235,993
Total United States	275,108,835	(99,721)	6,158,168	27,770,223	3,367,689	402,018	21,960,804	290,746,408	204,098,552	82,643,929	4,003,927

[1] The net difference between gas stored in and gas withdrawn from underground storage reservoirs, inclusive of adjustments and native gas transferred from other reserve categories.

[2] Preliminary net production.

[3] Gas held in underground reservoirs (including native and net-injected gas) for storage purposes.

[4] This number represents the estimate of natural gas reserves in the Prudhoe Bay, Permo-Triassic Reservoir, discovered in 1968 and not previously included in this report.

[5] Includes offshore reserves. The remaining proved natural gas reserves in the Gulf of Mexico are estimated to be 37,781,044 mmcf; of which 32,093,379 mmcf are nonassociated, and 5,687,665 mmcf are associated-dissolved. As of this date the ultimate recoverable natural gas reserves in the Gulf of Mexico are estimated to be 54,519,911 mmcf; of which 45,430,264 mmcf are nonassociated, and 9,089,647 mmcf are associated-dissolved.

[6] Includes Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee, and Washington.

Note: () Denotes negative volume.

TABLE II.—ESTIMATED PROVED RESERVES OF NATURAL GAS LIQUIDS IN THE UNITED STATES

[Thousands of barrels of 42 U.S. gallons]

		Changes in reserves during 1970					Reserves as of Dec. 31, 1970		
State	Reserves as of Dec. 31, 1969	Revisions	Extensions	New field discoveries	New reservoir discoveries in our fields	Production [1]	Total natural gas liquids	Non-associated	Associated-dissolved
Alabama	7,133	5,597	3,912	5,000	0	182	21,460	20,844	616
Alaska [2]	398	0	0	0	0	63	335	0	335
Arkansas	13,161	1,460	0	0	104	2,453	12,272	7,587	4,685
California [3]	185,932	2,812	100	0	0	18,660	170,184	6,306	163,878
San Joaquin Basin	88,505	1,531	0	0	0	8,521	81,515	562	80,953
Coastal Region [3]	44,602	1,055	0	0	0	4,935	40,822	5,744	35,078
Los Angeles Basin [3]	52,825	226	0	0	0	5,204	47,847	0	47,847
Colorado	19,925	213	21	238	0	1,601	18,796	6,588	12,208
Illinois	1,472	(118)	7	5	0	231	1,135	3	1,132
Indiana	40	0	0	0	0	6	34	8	26
Kansas	269,261	43,304	1,363	109	6	19,970	294,073	286,792	7,281
Kentucky	48,983	130	196	704	1,408	3,413	48,008	48,008	0
Louisiana [3]	2,570,298	86,231	41,188	1,446	118,246	250,429	2,566,980	2,136,591	430,389
North	119,787	10,948	1,377	267	803	18,034	115,148	54,988	60,160
South [3]	2,450,511	75,283	39,811	1,179	117,443	232,395	2,451,832	2,081,603	370,229
Michigan	4,056	2,585	27	3,011	1,385	1,161	9,903	5,437	4,466
Mississippi	20,045	(2,386)	0	6,800	240	2,048	22,651	12,068	10,583
Montana	9,881	(13)	0	0	0	1,249	8,619	1,401	7,218
Nebraska	2,268	0	0	80	0	484	1,864	945	919
New Mexico	599,675	3,064	2,641	1,809	0	48,613	558,576	357,019	201,557
Northwest	315,631	372	0	0	0	14,712	301,291	300,018	1,273
Southeast	284,044	2,692	2,641	1,809	0	33,901	257,285	57,001	200,284
North Dakota	51,604	0	0	0	0	2,347	49,257	0	49,257
Ohio	0	0	0	0	0	0	0	0	0
Oklahoma	465,694	(84,795)	11,977	4,915	562	39,750	358,603	233,464	125,139
Pennsylvania	974	0	0	0	0	78	896	896	0

Footnotes at end of table.

TABLE II.—ESTIMATED PROVED RESERVES OF NATURAL GAS LIQUIDS IN THE UNITED STATES—Continued

[Thousands of barrels of 42 U.S. gallons]

State	Reserves as of Dec. 31, 1969	Changes in reserves during 1970					Reserves as of Dec. 31, 1970		
		Revisions	Extensions	New field discoveries	New reservoir discoveries in our fields	Production [1]	Total natural gas liquids	Non-associated	Associated-dissolved
Texas [3]	3,651,939	(42,432)	34,904	10,002	11,518	335,772	3,330,159	1,859,513	1,470,646
District 1	31,928	(105)	0	5	191	3,039	28,980	23,442	5,538
District 2 [3]	147,625	(3,255)	345	1,040	1,119	13,913	132,961	106,508	26,453
District 3 [3]	742,818	2,658	555	1,732	877	62,794	685,846	499,253	186,593
District 4 [3]	678,451	(26,538)	283	1,602	7,995	64,110	597,683	468,523	129,160
District 5	87,813	104	552	928	17	5,499	83,915	74,504	9,411
District 6	453,951	(3,407)	20	77	373	27,135	423,879	119,304	304,575
District 7B	52,181	11,200	2,629	119	295	7,634	58,790	4,988	53,802
District 7C	154,537	28,589	6,336	483	312	16,763	173,494	85,632	87,862
District 8	565,936	(21,417)	15,452	1,254	162	61,422	499,965	161,929	338,036
District 8A	322,707	(26,504)	0	0	0	24,006	272,197	298	271,899
District 9	69,700	6,544	1,122	239	70	9,371	68,304	30,330	37,974
District 10	344,292	(10,301)	7,610	2,523	107	40,086	304,145	284,802	19,343
Utah	38,789	(170)	2	0	0	2,331	36,290	1,123	35,167
West Virginia	81,234	140	6,875	0	0	6,742	81,507	81,507	0
Wyoming	100,412	19,824	527	115	690	10,229	111,339	44,839	66,500
Total United States	8,143,174	35,446	103,740	34,234	134,159	747,812	7,702,941	5,110,939	3,592,002

[1] Preliminary net production.

[2] Natural gas liquids reserves for the Prudhoe Bay-Triassic Reservoir are not included because the A.G.A. reserves committee did not have sufficient data upon which it could base an estimate of such reserves as of Dec. 31, 1970.

[3] Includes offshore reserves.

The remaining proved natural gas liquids reserves in the Gulf of Mexico are estimated to be 921,569,000 barrels; of which 801,886,000 barrels are nonassociated and 119,683,000 barrels are associated-dissolved.

Note: Parentheses denote negative volume.

DOLE SAYS GAS PRICING LED TO INFERIOR USES

Government-administered pricing of natural gas has distorted regular fuel market patterns and led to inferior uses of "an untold amount of our most scarce major fuel," Assistant Secretary of the Interior Hollis M. Dole said this week.

Mr. Dole told the Midwest Gas Association in Milwaukee that "in many industrial markets where costs and prices are the determining factors, the price advantage of gas—artificially created by wellhead regulation—took markets that under free, competitive conditions would have been supplied by coal or heavy fuel oil."

Industrial markets absorb two-thirds of all gas sold, he said. The price of gas was set so low, he added, that trillions of cubic feet of it went for boiler use that coal could have supplied, "and increasingly consumers are unable to get gas at any price."

Mr. Dole said the imposition of environmental safeguards before the affected industries could adequately respond puts an additional impact on the fuel supply-demand balance. "The sulfur content restrictions on industrial fuels has forced coal out of many of its former markets," he said.

"Because gas is already in short supply, the unsatisfied demand is referred to residual fuel oil which domestic refiners are in no position to meet," he said. "So the demand is again transferred this time to foreign oil on which we are progressively increasing our dependence because of our declining supply base."

Mr. Dole urged the Midwest gas group to support President Nixon's proposal for a new Department of Natural Resources, to bring order and direction to federal resource management. He said the new department would provide a complete, integrated federal energy policy instead of the fragmented situation that exists today.

Dr. Charles F. Jones, vice chairman of Humble Oil & Refining Co., told the Midwest group that a shortage of natural gas in the next few years is unavoidable, but its impact can be softened if the producing industry is given additional economic incentives.

The gap between potential demand and total supplies of all types of gas will be 11 trillion cubic feet per year by 1985, or the equivalent of half the gas now produced, he said. He added that some studies indicate potential gas reserves are almost double the gas discovered to date, but he said that the future availability of this potential depends "primarily on the economic attractiveness of exploration opportunities to find gas."

SYNTHETIC GAS SEEN COMPETITIVE

Synthetic gas can be competitive in selected areas for future supplemental gas markets, Larry Shoemaker, a consultant with Cameron Engineers, Inc., of Denver, said this week. He told the annual meeting of the Midwest Gas Association in Milwaukee that the Institute of Gas Technology has indicated synthetic gas will be in competitive range of Arctic pipeline gas and tanker-hauled liquefield natural gas.

IGT is operating a pilot plant in Chicago for hydrogasification of coal. The HY-GAS project is supported by the Office of Coal Research and the American Gas Association.

Mr. Shoemaker said that synthetic gas should have a selling price of 60 to 90 cents per thousand cubic feet at the production site. Arctic pipeline gas will cost 74 to 82 cents delivered to various points, and LNG 47 to 79 cents delivered, he said.

A 500 million cubic feet per day synthetic gas plant based on the advanced processes under development will cost about $250 million, he said. He added, "Considering that it will be necessary to operate a prototype subcommercial plant, before building large-scale production facilities, I agree with those who see 1980 as a realistic goal for probable significant commercial syngas production by these new process approaches."

Since conventional oil and gas producers face problems of their own in providing for future oil needs, and capital is limited even for the largest companies, Mr. Shoemaker said, the gas utility and transmission companies are left with the responsibility for financing and perhaps actually operating the synthetic gas plants.

FPC STUDY SHOWS NO GAS HOLDBACK

The Federal Power Commission this week released a staff study showing that 75 large natural gas producers have made contractual commitments to sell more than 98 per cent of their proved reserves.

The gas producers' answers to an FPC questionnaire on the amount of their reserves and the amount of gas available for sale contradicts charges by some consumer groups that natural gas shortages are artificial and that producers are withholding large amounts of gas from the market to prop up prices.

The industry has blamed the FPC for gas shortages, saying the prices set by the Commission on gas for the interstate market are too low to encourage exploration for new gas.

The figures supplied the FPC show that at the end of 1969 the producers had proved gas reserves of 269.9 trillion cubic feet, of which all but 4.58 trillion cubic feet was committed to sale under contracts. By October, 1970, the amount of uncommitted gas had declined to 4.37 trillion cubic feet.

The FPC staff collected the figures in proceeding to examine the reliability of electric and gas service and to decide whether the Commission should adopt rationing procedures for the industries.

[From the Washington Star, Dec. 30, 1970]

FPC ALLOWS FIRST SERVICE CUTOFFS IN GAS SHORTAGE

(By Stephen M. Aug)

The Federal Power Commission—in the first ruling of its kind—today authorized a gas pipeline company to begin curtailing sales of natural gas because of a shortage of supplies.

The commission approved unanimously a proposed settlement between United Gas Pipeline Co. of Shreveport, La., and its customers under which United would begin shutting off gas if it cannot obtain sufficient supplies for the winter heating season.

An FPC spokesman said the decision marks the first time the commission has ruled on a curtailment proposal during the current natural gas shortage. It could, observers say, be only the first of a number of such orders.

UNANIMOUS DECISION

It is understood that although the decision was unanimous the four commissioners were seriously concerned over the manner in which the company will seek to avoid curtailment by finding gas supplies through apparently unorthodox channels.

Under the settlement, United will try to increase its available gas supply by 30 to 50 million cubic feet a day to meet the needs of its customers—individuals and industrial users in Alabama, Florida, Louisiana, Mississippi and Texas.

TO DIVERT SUPPLIES

It will attempt to obtain additional gas by diverting some of its gas destined solely for intrastate operations within Texas to its interstate pipelines. It will also try to obtain very short term emergency supplies from producers under agreements which would specify that the producers would not be bound to continue supplying gas to United after the heating season is over.

If United cannot obtain the necessary supplies shortly after the first of the new year, it will begin curtailing service. The plan calls for curtailment first of gas supplies to industrial users. Next, gas used for production of electricity would be cut off. Gas used by domestic consumers would be cut off only after total curtailment of both industrial users and for electric generation.

United applied to the FPC this past October seeking an order which would approve its program for cutbacks under certain emergency conditions because of inadequate supplies.

Today's order provides that United may curtail gas service through March 31 if supplies are not available. But the commission will continue with hearings starting Jan. 12 to settle the issue of whether United has, under present tariffs, the legal right to cut off gas.

ALREADY CURTAILING

A spokesman for United said the company has been curtailing some gas service since the end of October. But he added it was to industrial users only and to other pipeline companies which buy gas from United for industrial users.

"We are doing and have done everything possible to acquire gas and to minimize the shortage problem," he said.

The commission itself earlier this fall asked the natural gas industry for its proposals setting up priorities in the event natural gas shortages became sufficiently acute that supplies would have to be cut off.

The nation's natural gas reserves have been declining since 1968 in response to both sharply increased demand and a downturn in drilling and exploration activity that gas industry officials say began in 1956. The industry has been pressing the FPC for rate increases on the grounds additional revenue would provide the incentive for more exploration and drilling.

[From the New York Times, Feb. 16, 1971]

NEW USERS CURBED BY GAS COMPANIES—CUSTOMERS WITH BIG NEEDS ARE REFUSED BY BROOKLYN AND THREE UPSTATE UTILITIES

(By Peter Kihss)

Problems of supplying natural gas have brought restrictions against new customers by the Brooklyn Union Gas Company and three upstate gas utilities and a priority system by a fifth, the State Public Service Commission said yesterday.

The moves seek to assure service to present residential customers, the state agency said.

Brooklyn Union, serving four million people in Brooklyn, Staten Island and half of Queens, will not accept new customers, starting this month, if the prospective customer's equipment capacity exceeds two million British thermal units an hour. The company also will not provide more service to existing customers who wish to add equipment that would bring their total use above this amount.

THIRTY-UNIT APARTMENT HOUSE

Robb Quinby, a senior vice president of the utility, said this standard was equivalent to 2,000 cubic feet an hour, about the amount needed to provide heat and hot water for an apartment house with 30 families.

"We will continue to supply all existing customers, and continue to take care of one- and two-family houses who want to use gas for heating, and small commercial and industrial plants," Mr. Quinby said.

The new restriction, he said, will affect bigger plants and housing developments. Brooklyn Union is also no longer accepting new applications from large industrial users on certain kinds of contracts for interruptible service.

Joseph C. Swidler, chairman of the Public Service Commission, began warning of tight gas supplies last spring and calling for a slowdown in the growth rate of gas use. The natural gas industry has been attacking Federal price regulations as discouraging to new exploration for gas, causing a decline in reserves while use has kept going up.

A formal investigation by the state agency has been under way since last July, with Commissioner John T. Ryan presiding, on steps to insure that the use of future gas supplies is in the public interest.

RATES RAISED UPSTATE

The commission said that, effective this month, the Central Hudson Gas & Electric Corporation had increased rates for use of more than 1.5 million cubic feet of gas and refused new nonresidential customers whose maximum use would exceed this amount.

Also this month, the Pennsylvania & Southern Gas Company, serving a Tioga County area, set a preferred status for residential and hospital use of gas.

[From the Wall Street Journal, Nov. 25, 1970]

SOUTHERN NATURAL TO BUY $3.3 BILLION OF GAS THAT EL PASO PLANS TO BRING FROM ALGERIA

SAVANNAH, GA.—Southern Natural Gas Co. has agreed to buy about $3.3 billion of liquefied natural gas over a 25-year period from El Paso Natural Gas Co., which is seeking to import the gas from Algeria.

Southern Natural becomes the third major U.S. utility to sign up for Algerian gas from El Paso. The agreement brings El Paso's sales to one billion cubic feet a day of the 1.5 billion cubic feet it is seeking to import daily from Algeria. The plans are subject to approval of the Algerian government and the Federal Power Commission.

Southern Natural plans to buy 500 million cubic feet of the frozen gas daily beginning in 1975. This is the largest liquefied natural gas transaction ever.

Southern Natural said it will pay El Paso a price of 65 cents for each one million British Thermal Units heat value of the gas, subject to contractual adjustment. At the average value of 1,125 BTU to the cubic foot for Algerian gas, this would indicate a price of about 73 cents for each 1,000 cubic feet. That compared with El Paso's price of 65.8 cents a 1,000 cubic feet, delivered in Maryland. Southern Natural said the higher price reflects a longer haul to Savannah.

Columbia Gas System Inc. previously agreed to buy 300 million cubic feet a day from El Paso, and Consolidated Natural Gas Co. has signed up for 200 million cubic feet daily. Other companies already are exporting 150 million cubic feet a day from Algeria to Britain and 140 million cubic feet a day from Alaska to Japan. A project has been completed, but not permitted to operate, which is capable of exporting 345 million cubic feet a day from Libya to Italy and Spain. At least five other projects are under way or proposed.

El Paso's liquefied natural gas would be delivered to a multimillion-dollar terminal Southern Natural plans to build in Savannah. Columbia Gas has announced plans for a one-billion-cubic-feet-a-day terminal at Cove Point, Md., which will cost about $90 million.

El Paso plans to buy the gas from Algeria's state-owned oil and gas agency, Sonatrach, and intends to transport it to the U.S. in cryogenic (super-cold) tankers. Natural gas becomes a liquid at 260 degrees below zero Fahrenheit.

Southern Natural said it doesn't anticipate any environmental problems for Savannah harbor and the surrounding area from the planned terminal, but it will make further studies and will seek guidance from experts associated with the university system of Georgia.

Southern Natural is a diversified pipeline company that sells gas chiefly at wholesale to distribution utilities in seven states. It also sells directly to industrial concerns. El Paso is also a diversified pipeline company serving 11 Western states.

[From the Washington News Digest, Mar. 15, 1971]

VENEZUELA TO RESERVE LNG EXPORT AS GOVERNMENT MONOPOLY

As expected, Venezuela's president, Rafael Caldera, announced that Venezuela will reserve its liquefied natural gas export industry as a government monopoly. President Caldera used the word "nationalization" in his address to congress, but he also said the government will continue "to respect the existing legal rights of the concessionaires." Oil industry sources said they didn't yet know whether this means Venezuela plans to pay oil companies for their natural gas. The nationalization announcement, however, did make it clear the state-owned Corporacion Venezolana del Petroleo, or CVP, will own two natural gas liquefaction plants that Venezuela hopes to have in operation by 1974.

Venezuela doesn't currently export any natural gas. But both CVP and Creole Petroleum Corp., a 95.4%-owned affiliate of Standard Oil Co. (New Jersey), have previously announced proposals for major liquefied natural gas plants. Natural gas becomes a liquid at 260 degrees below zero Fahrenheit, which would then be exported in special cryogenic vessels to U.S. East Coast utilities. President Caldera hinted that private companies may be invited to participate in development of the liquefied natural gas industry, although this again wasn't clear. He said Venezuela's two plants would have the capacity to export 1.3 billion cubic feet of gas daily. A number of U.S. utilities have previously expressed interest in buying Venezuelan gas.

[From the Wall Street Journal, Jan. 21, 1971]

SYNTHETIC PIPELINE GAS MADE FROM NAPHTHA PROPOSED BY UNITED KINGDOM FIRM—PRODUCT IS COMPETITIVE IN PRICE WITH IMPORTS OF LIQUEFIED NATURAL GAS, CONCERN CLAIMS

NEW YORK.—Synthetic gas of pipeline quality can be manufactured from imported naphtha at prices competitive with imported, liquefied natural gas, an American subsidiary of Britain's largest engineering and construction concern said at a press conference here.

Power-Gas Corp. of America, a unit of the Davy-Ashmore Group, said it is prepared to build, at a cost of between $10 million and $20 million each, plants capable of making 100 million cubic feet to 250 million cubic feet of manufactured gas a day at a cost of 64 cents to 69 cents per 1,000 cubic feet. This is in the same cost range as proposed massive imports of liquefied natural gas from Algeria.

The British group said it has outlined its process to a number of U.S. utilities, pipeline companies and oil concerns in the last two weeks and is actively negotiating for such plants with two companies. The plants would use a process developed by the British Gas Council, the state-owned gas monopoly, and licensed to Power-Gas.

Crude oil contains about 20% naphtha. In the U.S., most of this goes into gasoline or is sold to chemical plants as a basic raw material. But in foreign refineries, heating oil rather than gasoline is the major product, resulting in a surplus of naphtha available at low cost. Power-Gas estimates that imported naphtha from the Middle East and Africa would be available at a delivered cost of about six cents a gallon in the U.S.

The Power-Gas process produces about 1,000 cubic feet of pipeline quality gas from about nine gallons of naphtha. The company estimates capital and operating costs of the plants at about 10 cents to 15 cents per 1,000 cubic feet of output.

Power-Gas said it has outlined the process to the Federal Power Commission and to other government officials. Importing naphtha would require either import quotas or special exemptions from oil import restrictions. The company said it doesn't foresee any problem in this area because of the growing shortage in the U.S. of conventional natural gas.

The company explained that the low capital cost of its proposed plants varies sharply with the $400 million to $500 million cost of building facilities in foreign lands to liquefy natural gas. And it said naphtha can be transported in small, conventional tankers, in contrast with the costly special cryogenic vessels required for liquefied natural gas.

U.S. refineries could even find it economic to add facilities to convert domestic naphtha into synthetic pipeline gas, the company said.

Power-Gas' parent has built 86 plants in Britain that make low-quality "town gas" from naphtha by the same basic process it would use to make the high heat-content pipeline gas. The new plants would produce a gas of about twice the heat content per cubic foot of the town gas.

Power-Gas added that its process can be used to make pipeline gas from raw materials other than naphtha. These include liquefied petroleum gas, heating oil and methanol, a liquid that can be made from foreign natural gas at much lower cost than liquefied natural gas.

[From the Oil and Gas Journal, Jan. 25, 1971]

Synthetic-Gas Processes Pushed in United States

(Substitute gas processes licensed for U.S. to Power Gas Corp. by British Gas Council have been in use for years—in gas-poor areas. Prices for gas claimed competition with LNG. Feeds can be naphtha, LP-gas, or methanol.)

The U.S. natural-gas shortage has prompted Power Gas Corp. to bring a portfolio of processes to the U.S. that would have had little if any chance of acceptance here only 5 years ago. Power Gas thinks they do now.

They are processes to make substitute natural gas (SNG) from naphtha, LP-gas, and even methanol. And to make current supplies stretch further, another process is being offered for the derichment of high-heating value natural gas. All are based on technology developed by the British Gas Council and used in gas-poor areas for years.

The Gas Council has licensed Power Gas to offer the processes in the U.S. The company has been describing them and their application since early January to invited groups of executives and engineers from utilities, transmission firms, and petrochemical companies. "A couple of refiners have even asked to sit in," a spokesman for the contractor says.

Raymond J. Kenard, Jr., president of Power Gas said last week that "by 1975 we expect a daily shortage of perhaps 10 billion cu ft of gas.

Recent interviews with pipeline companies have disclosed that they already have a baseload need of from 5 to 10% of pipeline capacity for the Eastern Seaboard, Kenard declared.

"At that time," he said, "LNG will not be able to fill more than a fraction of the estimated gap." Synthetic natural gas, he said, would be competitive in price with LNG.

Although Power Gas could find no agreement among possible suppliers on the quantities of naphtha that might be available, they expect the trend to low-lead and no-lead gasoline to lower the 9¢/gal. refinery-use value now assigned naphtha. Feed and fuel estimates of 6–7¢/gal. are based on the projected price of naptha delivered from Venezuela, for example, to the East Coast of the U.S. Substitute natural gas would then cost from 66¢ to 76¢/MMBTU.

Methanol gas. Power Gas has added one new twist to the basic process schemes—make methanol overseas, ship it to the U.S. and then convert it into natural gas (Power Gas also sells a methanol process).

This route puts foreign natural gas into an easily transportable form. Compared to moving foreign natural gas in an LNG chain, it does away with liquefaction, cryogenic transportation, cryogenic storage, and revaporization facilities. However, a methanol plant would have to be built overseas to accomplish this.

Despite this, Power Gas says the system is competitive with LNG (in fact all the Gas Council processes are, it says) and gets around the bottleneck of cryogenic tanker bottoms. The company says the product obtained from methanol is virtually indistinguishable from natural gas.

The conversion of methanol is based, as are the naphtha and LP-gas based processes, on the Gas Council's Catalytic Rich Gas (CRG) process. The flow scheme is shown in Fig. 1.

Cost using naphtha *

	¢/MMBTU
Feed and fuel at 6c/gal	54. 30
Boiler feedwater at 20c/1,000 gal	0. 15
Catalyst	† 1. 60
Electricity at 1.0c/kw-hr	0. 05
Operating	3. 20
Capital	‡6.55
	§ 65. 85

*125 MMscfd of MBTU gas at 100% load factor.

† Based on 205° F. endpoint naphtha. For 365° F. endpoint naphtha add 1.40c.

‡ Total capital of $15.5 million including process plant, tankage, dock, land, and working capital.

§ With feed and fuel at 7c/gal. gas cost is 75.05c/MMBTU. Source: Power Gas Corp.

Overall cost of production of synthetic natural gas from a foreign gas via methanol synthesis/reforming as taken at $4.50/ton from North Africa to the U.S. Production cost is based on 106.2 lb of methanol/million BTU. The production cost of synthetic natural gas is estimated to be 6c/Mscf exclusive of feedstock cost but including capitalization of feedstock storage.

LP-gas. To make SNG from LP-gas, feedstock is vaporized and desulfurized in a zinc oxide bed. The desulfurized vapor is mixed with steam, superheated, and passed to the CRG reactor where reforming at about 900° F. produces a gas containing about 70% methane. After heat recovery and CO_2 removal to 2%, the methane content is 83.5%. On mixing with bypassed LP-gas, a gas of 1,017 BTU/scf is obtained, Power Gas says.

Naphtha. To make 1 MMscf of gas from naphtha, Power Gas says the following important materials, utilities, and consumables are used: naphtha feedstocks, 47,700 lb; naphtha fuel, 4,370 lb; makeup feedwater, 60,700 lb; power, 66 Kwhr (net); CRG catalyst, 3-8 lb depending on sulfur level in feed. The overall thermal efficiency is 93 to 94%.

Hydrogen for desulfurization would be obtained either by reforming a small portion of the gas from the exit of the unit's hydrogasifier in a conventional tubular reformer or by recycling a much larger fraction of the gas from the exit of the CRG reactor.

Derichment. The derichment process, also based on CRG, would have application, Power Gas says, in areas where a distributor is delivering gas on a volume basis that has a heating value considerably higher than the 1,000 to 1,025 BTU/scf commonly specified. Process converts such natural gas to the lower BTU level.

By Mr. HUMPHREY:

S. 1847. A bill to amend title XVIII of the Social Security Act to provide for the coverage of certain drugs under the insurance program established by part A of such title. Referred to the Committee on Finance.

PRESCRIPTION DRUGS FOR HOME PATIENTS UNDER MEDICARE

Mr. HUMPHREY. Mr. President, I introduce a bill today to fill one of the major gaps in medicare coverage for the elderly—prescription drugs for home patients.

We have seen the studies and recommendations of professional and governmental bodies. And we have seen the urgent medical needs of the patients.

This proposal is financially feasible, administratively workable and humanely desirable.

As an early proponent of medicare, I take great pride in the fact that this program is furnishing benefits to 20 million of our older citizens. It is a godsend to them—and to their children, who are receiving help in meeting the burden of growing medical expenses of their parents as well as their own.

But that does not mean it cannot be improved. In fact, that is just what will be done by the bill I am introducing today—expand medicare from nursing home and hospital coverage to include more out-patient, or what I prefer to call all-patient care.

My bill covers all categories of prescription drugs deemed necessary by the individual patient's physician.

Coverage will be under part A of medicare to permit the individual to pay for his drug insurance during his working years, rather than later when his income is sharply reduced due to retirement. It will assure that nearly everyone over 65 will benefit, without having to pay monthly premiums, keep records or file claims.

The patient will pay $1 for each prescription filled and refilled, and the Federal Government will meet the remaining expense based on the cost of the drug and the pharmacy's cost of filling that prescription.

Reimbursement will be on the basis of actual acquisition cost plus a dispensing allowance to cover such elements as cost of overhead, professional services, and a fair profit. Dispensing allowances would tend to vary among pharmacies, depending on operational costs and professional services provided.

The only exceptions to the coverage are those particular drugs whose cost substantially exceeds the average cost of other drugs of the identical chemical composition and quality available from other sources.

The Secretary of Health, Education, and Welfare will be responsible for determining qualified drugs and establishing detailed reimbursement provisions, but only after consulting with representatives of those most directly involved—the physician who writes the prescription, the pharmacist who fills it, and the patient who pays for it and uses the medicine. They, along with two representatives of the Department of Health, Education, and Welfare, will constitute an Advisory Council on Drug Coverage.

The patient is probably the most important member of the Council. It is time—in fact we should have started long ago—to give the consumer, the taxpayer, a bigger direct voice in public programs most directly affecting him. In my particular bill, I provide for the appointment of consumer representatives who are entitled to medicare benefits and who are not physicians or pharmacists and who have no financial interest in the manufacture or sale of drugs.

My bill also provides new protection for the private merchant, in this case the pharmacist, doing business with the Federal Government. If the pharmacy is not reimbursed by the Government within 60 days after filing its claim, the pharmacy will be entitled to interest on the debt, at an annual rate of 6 percent, starting on the 60th day. This is the same interest rate the Government would charge if the situation were reversed and the pharmacy were late paying its bill—such as taxes—to the Government.

Prescription drugs represent the largest single personal health expenditure that the aged must meet almost entirely from their own resources.

About 20 percent of all private health care expenditures for the aged are for prescription drugs, and most of this drug expenditure is paid directly out-of-pocket by the aged. Annual per capita expenditures for drugs on the part of the elderly are more than three times those of people under age 65.

The need for this bill is readily apparent when we realize that drug therapy is carrying more and more of the burden of restoring people to health and usefulness. With the advent of the "miracle drugs" in the late 1940's, we became cognizant of just what a difference effective drug therapy could make in treating disease and illness. The trend toward better, more effective and more specific drug therapy has continued throughout the ensuing decades and there are no signs that the trend will abate at any time in the near fuure as we approach cures for cancer and other dread and usually fatal diseases.

A medicare recipient is furnished an array of health care services but not drugs unless that recipient is institutionalized in a hospital or extended care facility. In the usual case of a patient with some sickness requiring medical attention but not hospitalization, we provide every basic health care service but then leave him to fend for himself in finding the last and perhaps most essential service—drug therapy.

It seems to me that we are wasting millions of dollars on diagnostic work, physicians' services, and other of the essential health care services provided social security recipients, when the objective of much of the effort is to determine what drug therapy is indicated and then fail to provide the drug therapy thereby discovered to be necessary.

We have established, as a national policy, that health care, and an adequate level of health care, is the right of every citizen. For the social security beneficiary, we attempted to define that right by the enactment of medicare. Yet without also providing the essential ingredient of drug therapy coverage, can we claim to have anything less than an inadequate job? That is why I seek to remedy this defect in health care coverage under the Social Security Act.

Right now, a medicare beneficiary can go to his physician, to a hospital, or other facility, and find that he has protection and coverage. But when it comes to drugs, he has four choices: do without, use his own funds, if any, rely on friends and family to purchase the drugs, or qualify under the medicaid or some other public assistance program.

If this provision that I propose today had been written into the law originally, we probably would not have hospital costs going so high or medicare premiums increasing so much.

But because of this gap in coverage, we have witnessed elderly persons hospitalized simply because that is the only way they could get the medication they need.

This means loading on the taxpayer the extra cost of hospital care instead of going to the neighborhood drugstore.

The negative aftereffects are many. Costs to the Government go up—and are reflected in medicare premium increases—because of this needless overutilization of hospital facilities.

A person in the hospital, simply to get a prescription filled, is taking up a bed that may be sorely needed for someone who is very ill.

The costs are more than financial. They are very human.

A hospital stay—for most of us, but especially the elderly—is a depressing experience. For too many elderly persons hospitals are not temples of healing but places to go and die.

This psychological burden is totally unnecessary, and my bill would eliminate it.

There is no need for an elderly person on medicare to spend several days in a hospital simply because he doesn't have the money to go to his neighborhood druggist and have a prescription filled.

The need is clear. There can be no question about it. There is an urgent necessity for medicare home drug legislation. The subject has been studied, restudied and overstudied—always with the same conclusion: do it now.

I urge the Congress to act promptly in the interest of the health and well-being of 20 million older Americans.

By Mr. HARTKE:

S. 1848. A bill to provide for uniform and full disclosures of information with respect to the computation and payment of interest on certain savings deposits. Referred to the Committee on Banking, Housing, and Urban Affairs.

TRUTH-IN-SAVINGS ACT

Mr. HARTKE. Mr. President, today I introduce legislation which would establish a simple and fair method of disclosing vital information on consumer deposits in savings institutions. Americans place more than $40 billion of disposable income into savings each year. This is money saved for emergencies, for children's education, for a new home, and for many other purposes. Yet, few Americans realize the importance of the decision to place their money into a savings institution. Just as an individual shops for the best buy when purchasing a new car or a washing machine, so must he shop when opening a savings account.

Unfortunately, at the present time, the consumer does not have adequate information at his disposal before he opens an account. He is confronted by confusing claims in newspaper advertisements and a variety of technical information which is difficult to understand. According to a recent study of the American Banking Association, there may be more than 100 different methods of earnings computation in use today. They include LIFO, FIFO, low balances, day-of-deposit to day-of-withdrawal accounts, daily interest and grace days combined with the infinite possibilities of compounding which include semiannually, quarterly, daily, and continuously. While I do not suggest that the Federal Government impose uniformity in earnings calculation methods, I urge that the Congress enact legislation which will make it possible for the consumer to compare and choose the most advantageous opportunity for investing his money consistent with his needs and preferences.

Differences in earnings rates and methods of calculation are important to the average consumer. Mere differences in the method of calculating earnings can result in a monetary difference of as much as 180 percent over a 6-month period. In light of this, the consumer must have information at his command which makes it possible for him to make a rational judgment on the best institution with which to place his funds.

One of the major sources for consumer confusion can be found in the use of such terms as "annual percentage rate" and "annual percentage yield."

The term "annual percentage rate" means the nominal annual percentage rate used to compute earnings. Use of this term assists the consumer to understand the concept of rates as applied both to savings and credit. Credit and savings are mirror images of each other. The credit consumer borrows from the savings institution; the savings institution borrows from the consumer. The use of common terminology is, therefore, logical and desirable.

"Annual percentage yield," on the other hand, includes the resulting effect of the compounding of earnings. Whether earnings are compounded on a daily, monthly, quarterly, or semiannual basis will affect this annual percentage yield measurably.

My bill, therefore, makes it a requirement that each savings institution disclose to potential depositors its annual percentage rate, its annual percentage yield, the minimum length of time a deposit must remain on deposit to earn interest at the annual interest rate, the periodic percentage rate and the method used to compute the balance to which this rate will be applied, the number of times within a year that interest is earned, and the dates on which earnings are payable. Each of these disclosures involves basic information which must be made available in order for the consumer to invest his money wisely.

The bill also requires the institutions

to disclose their periodic percentage rate. It is this figure which is critical if a consumer is to understand the true potential earnings for his money. If the savings institution compounds earnings daily, then the periodic percentage rate will be a daily rate; if it compounds quarterly, the periodic rate will be a quarterly rate; and so on. Armed with this information, and with the knowledge of what earnings calculation method a savings institution uses, the consumer can make an informed choice from among several savings alternatives.

Some savings institutions make provision for grace days. Under this option, a consumer may place a deposit in the institution after the first of the month and yet that deposit will accumulate earnings as if it had been deposited on the first of the month. Other institutions impose a charge on excessive withdrawals from an account. My bill requires that this type of information must also be disclosed to the potential depositor.

In addition to making such basic information available to the consumer who has yet to open an account, my bill also requires that disclosures be made to existing depositors. At the present time, the consumer has very little information at his disposal to verify bank earnings calculations. He may send in his passbook to have earnings credited to his account, but how does he know that a mechanical or human error has not been made by the savings institution?

To minimize the possibility for error and misunderstanding, my bill requires that savings institutions make annual disclosures to their depositors of the amount of earnings payable, the annual percentage rate, and the method used to calculate the amount of interest payable.

Most depositors are unaware of which method their bank is using and are, therefore, unable to verify the amount of earnings credited to their accounts.

At this point in my statement, Mr. President. I ask unanimous consent to have printed in the RECORD two exhibits to illustrate the importance of knowing by which method a savings institution calculates earnings. The information contained in the two exhibits comes from a master's thesis done by Miss Jackie M. Pinson of the Department of Family Economics of Kansas State University. Working under the supervision of the head of her department, Prof. Richard L. D. Morse, Miss Pinson was able to highlight the confusion confronting consumers. She developed her comparisons using the hypothetical account in exhibit A and a 6-percent annual interest rate.

There being no objection, the exhibits were ordered to be printed in the RECORD, as follows:

EXHIBIT A

Date	Withdrawal	Deposit	Balance (without interest)
Jan. 1, 1970			$1,000
Jan. 10, 1970		$2,000	3,000
Feb. 6, 1970		1,000	4,000
Mar. 5, 1970	$1,000		3,000
Mar. 20, 1970	500		2,500
Mar. 30, 1970	500		2,000
Apr. 1, 1970			2,000
July 1, 1970			2,000

Although Miss Pinson applied forty different methods of interest calculation to this hypothetical account, Exhibit B makes use of only seven of these.

EXHIBIT B

System	Yield
Low Balance: Compounded and credited semiannually	$29.75
Low Balance: Compounded quarterly and credited semiannually	29.97
Low Balance: Compounded and credited quarterly	44.93
First in-first out applied to beginning balance: Compounded and credited quarterly	52.44
First in-first out applied to first deposits: Compounded and credited quarterly	53.93
Last in-first out: Compounded and credited quarterly	58.44
Day of deposit to day of withdrawal: Compounded and credited quarterly	75.30

Using these seven examples, there is a 150% difference in earnings over a six-month period. While a different pattern of deposits and withdrawals could alter these findings, these two exhibits make it clear that the policies of savings institutions do differ and that these differences are quite important to the consumer.

Mr. HARTKE. Mr. President, to supplement the disclosure requirements of my bill, basic requirements are also established for advertising. All advertisements relating to earnings payable on an individual savings deposit must state with equal prominence the annual percentage rate and the annual percentage yield as well as any minimum amount and time requirements. No advertisement will be permitted to include any indication of percentage rate or percentage yield which is based on a period in excess of 1 year or on the effect of any grace period. These requirements are in accord with existing Federal Reserve regulations.

Mr. President, the American public deserves to have all the facts needed to make a prudent choice among savings institutions. This bill puts such information at their disposal. It is based on the premise that the best-protected consumer is the best-informed consumer. In no way does it tell financial institutions what they should pay or how they should pay it. They are free to compete. It merely provides that financial institutions tell in clear and meaningful language what they are doing for the consumer.

I have been pleased to have the assistance of the banking industry in drafting this legislation. They have been anxious to eliminate any sources of misunderstanding for depositors. In the coming days, I look forward to working with a variety of organizations representing savings institutions in a common effort to strengthen my bill. What is most important is that we develop a national concern for the problems of consumer depositors, and then translate that concern into positive legislative action.

I ask unanimous consent that a section analysis of the bill and the text of the bill be printed in the RECORD at this point.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1848

A bill to provide for uniform and full disclosures of information with respect to the computation and payment of interest on certain savings deposits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Truth in Savings Act."

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that economic stability would be enhanced and competition among savings institutions would be improved by the full disclosure of the terms and conditions under which earnings on savings deposits are payable. It is the purpose of this Act to require a meaningful disclosure of the terms and conditions of the payment of earnings on individual savings deposits so that the individual will be able to compare the various savings programs available to him.

DEFINITIONS; APPLICABILITY

SEC. 3. (a) For the purpose of this Act—

(1) "Board" means the Board of Governors of the Federal Reserve System;

(2) "individual" means a natural person;

(3) "individual savings deposit" means any deposit or account which consists of funds (A) deposited to the credit of one or more individuals, or (B) in which the entire beneficial interest is held by one or more individuals, and upon which earnings is payable, and such term includes regular, notice, or time deposits or share accounts and any other such deposit or account whether or not evidenced by a negotiable or nonnegotiable instrument;

(4) "earnings" means any amount payable to or for the account of any individual as compensation for the use of funds constituting an individual savings deposit and such term includes dividends and interest on any individual savings deposit;

(5) "payable", when used with respect to a certain date or period of time, means the date on which or the period of time after which an absolute right to earnings exists;

(6) "savings institution" means any person who in the regular course of his business receives, holds, and pays earnings on individual savings deposits; and

(7) any reference to this Act, to any requirement imposed under this Act, or to any provision thereof includes reference to the regulations of the Board under this Act or the provision thereof in question.

(b) Nothing in this Act applies to any transaction involving—

(1) a deposit of funds if the principal purpose of that deposit is to secure or guarantee the performance of a contract or the conditions of a contract for the sale or use of goods, services, or property;

(2) interest payable on premiums, accumulated dividends, or amounts left on deposits under an insurance contract;

(3) a deposit of funds of a principal amount in excess of $25,000; or

(4) any obligation issued by any Federal, State, or local government, or any agency, instrumentality, or authority thereof, except that the Board may prescribe rules and regulations to require disclosures by any agency, instrumentality, or authority of the Federal Government.

DETERMINATION OF ANNUAL PERCENTAGE RATE, PERIODIC PERCENTAGE RATE, AND ANNUAL PERCENTAGE YIELD

SEC. 4. (a) The annual percentage rate applicable to any individual savings deposit is that nominal annual percentage rate which will yield a sum equal to the amount of earnings payable in 1 year when that rate is applied to the principal amount (excluding any earnings theretofore paid or credited in that year) of an individual savings deposit.

(b) The periodic percentage rate is the annual percentage rate divided by the number of compounding periods in one year.

(c) The annual percentage yield applicable to any individual savings deposit is that nominal annual percentage rate which will yield a sum equal to the amount of earnings payable in 1 year when that rate is applied to a sum equal to the principal amount of an individual savings deposit plus any earnings theretofore paid or credited to that deposit in that year and not withdrawn during that year.

REGULATIONS

SEC. 5. (a) The Board shall prescribe regulations to carry out the purposes of this Act. These regulations shall provide for clear, concise, and uniform disclosures of information required by this Act, and may contain such classification, adjustments, and exceptions as the Board determines are necessary or proper to effectuate the purposes of this Act. All disclosures required by this Act shall be made only in terms as defined or used in this Act, as defined or used in the Truth in Lending Act or in regulations prescribed under that Act, or as such terms are further defined by the regulations of the Board. The Board may authorize the use of tables or charts for the disclosure of information required by this Act.

(b) The Board may prescribe such other rules and regulations as it determines to be necessary or appropriate to carry out the purposes of this Act.

GENERAL REQUIREMENTS OF DISCLOSURE

SEC. 6. (a) Each savings institution shall disclose in writing to any individual at a time before he initially places funds in an individual savings deposit in such savings institution the following information with respect to individual savings deposits:

(1) the annual percentage rate;

(2) the minimum length of time a deposit must remain on deposit so that earnings are payable at that percentage rate;

(3) the annual percentage yield;

(4) the periodic percentage rate and the method used to compute the balance to which this rate will be applied;

(5) the number of times each year earnings are compounded;

(6) the dates on which earnings are payable;

(7) any terms or conditions which increase or reduce the rate of earnings payable above or below items (1) or (3);

(8) any charges initially or periodically made against any deposit; and

(9) any restrictions and the amount or method of determining the amount of penalties or charges imposed on the use of funds in any deposit.

(b) Each savings institution shall disclose annually and at the time any earnings payment or report is made to an individual with respect to his individual savings deposit—

(1) the amount of earnings payable;

(2) the annual percentage rate;

(3) the periodic percentage rate;

(4) the principal balance to which the annual percentage rate was applied, and the method by which that balance was computed;

(5) a detailed explanation of the difference, if any, between the amount of earnings payable and the maximum amount of earnings that would have been payable if the terms and conditions for such maximum payment had been met; and

(6) any charges made against the principal of the deposit during the period covered for purposes of computing the payment of earnings or making the report.

(c) The Board may, by regulation, authorize or require the disclosure of periodic percentage rates, tables of periodic factors which reflect compounding, and such other information as it determines to be necessary or appropriate in order to facilitate the individual's ability to verify the computation of earnings payable on any individual savings deposit.

(d) Not less than 10 days before a savings institution adopts any change in policy or procedure with respect to any item of information required to be disclosed under this section, that institution shall notify each individual depositor of each such change.

DISCLOSURES IN ADVERTISING

SEC. 7. (a) Every advertisement relating to the earnings payable on an individual savings deposit shall state with equal prominence (1) the annual percentage rate, and (2) the annual percentage yield, with respect to such deposit. If that rate or yield is payable only on a deposit which meets certain minimum time or amount requirements, those requirements shall be clearly and conspicuously stated.

(b) No such advertisement, announcement, or solicitation shall—

(1) include any indication of any percentage rate or percentage yield based on a period in excess of one year or on the effect of any grace period; or

(2) make use of the term "profit" in referring to earnings payable on such deposits.

ADMINISTRATIVE ENFORCEMENT

SEC. 8. (a) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal Credit Union.

(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of the law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(c) Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this Act shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(d) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

RIGHT OF RECISSION ON TIME DEPOSITS

SEC. 9. In the case of any individual savings deposit subject to a time requirement, the individual shall have the right to a full return of his deposit with earnings therein at the advertised annual percentage rate until midnight of the thirtieth day following the making of that deposit or the delivery of the disclosure required under this section and section 6(a) of this Act, whichever is later. The savings institution shall clearly and conspicuously disclose to any individual subject to this section his rights under this section.

CIVIL LIABILITY

SEC. 10. (a) Except as otherwise provided in this section, any savings institution which fails in connection with any transaction subject to this Act to disclose to any individual any information required under this Act to be disclosed to that individual is liable to that individual in an amount equal to the sum of—

(1) twice the amount of the interest in connection with the transaction, except that the liability under this paragraph shall not be less than $100 nor greater than $1,000; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An institution has no liability under this section if within 15 days after discovering an error, and prior to the bringing of an action under this section or the receipt of written notice of the error, the institution notifies the individual concerned of the error and makes whatever adjustments in the appropriate deposit are necessary.

(c) An institution may not be held liable in any action brought under this section for a violation of this Act if the instittuion shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(d) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

CRIMINAL LIABILITY FOR WILLFUL AND KNOWING VIOLATION

SEC. 11. Whoever willfully and knowingly (1) gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this Act, or (2) otherwise fails to comply with any requirement imposed under this Act shall be fined not more than $5,000.

VIEWS OF OTHER AGENCIES

SEC. 12. In the exercise of its functions under this Act, the Board may obtain upon request the views of any other Federal or State agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of savings institutions subject to this Act.

EFFECT ON OTHER LAWS

SEC. 13. (a) This Act does not annul, alter, or affect or exempt any savings institution from complying with, the laws of any State relating to the disclosure of information in connection with individual savings deposits, except to the extent that those laws are inconsistent with the provisions of this Act or regulations promulgated under this Act, and then only to the extent of the inconsistency.

(b) This Act does not otherwise annul, alter, or affect in any manner the meaning, scope or applicability of the laws of any State, including, but not limited to, laws relating to the types, amounts or rates of earnings, or any element or elements of earnings, permissible under such laws in connection with individual savings deposits, nor does this Act extend the applicability of those laws to any class of persons or transactions to which they would not otherwise apply.

(c) Except as specified in section 9, this Act and the regulations promulgated under this Act do not affect the validity or enforceability of any contract or obligation under State or Federal law.

REPORT TO CONGRESS

Sec. 14. The Board shall report to the Congress each year concerning the administration of its functions under this Act, and shall include in its report an assessment of the extent to which compliance with the requirements under this Act is being achieved and such recommendations as it deems necessary or appropriate.

SEPARABILITY

Sec. 15. If any provision of this Act, or the applicaton of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section by Section Analysis of a Bill To Provide for Uniform and Full Disclosures of Information With Respect to the Computation and Payment of Interest on Certain Savings Deposits

SHORT TITLE

Section 1. This Act may be cited as the "Truth in Savings Act."

FINDINGS AND PURPOSE

Sec. 2. Declares that economic stability would be enhanced and competition among savings institutions improved by full disclosure of the terms and conditions under which earnings on savings deposits are payable. Declares purpose of Act to be meaningful disclosure of terms and conditions of the payment of earnings on individual savings deposits.

DEFINITIONS; APPLICABILITY

Sec. 3. Establishes definitions for such pertinent terms as "Board", "individual", "individual savings deposit", "earnings", "payable", and "savings institution" so as to make the Act applicable to consumer deposits in savings institutions. Specifically excludes deposits of funds in excess of $25,000 and funds placed with concerns which are not in normal usage considered to be savings institutions. Specifically excludes any obligation issued by any Federal, State or local government, or any agency, instrumentality, or authority thereof, except that the Federal Reserve Board may issue regulations to require disclosures by any agency, instrumentality, or authority of the Federal Government.

DETERMINATION OF ANNUAL PERCENTAGE RATE, PERIODIC PERCENTAGE RATE, AND ANNUAL PERCENTAGE YIELD

Sec. 4. Establishes the method to determine annual percentage rate, periodic percentage rate, and annual percentage yield.

REGULATIONS

Sec. 5. Confers on the Federal Reserve Board authority to issue appropriate regulations which provide for clear, concise and uniform disclosures and regulations which provide for such classifications, adjustments, and exceptions as the Board determines are necessary.

GENERAL REQUIREMENTS OF DISCLOSURE

Sec. 6 (a) Establishes disclosure requirements to be applied to any individual at a time before he initially places funds in an individual savings deposit in a savings institution. The information which must be disclosed includes—

(1) the annual percentage rate;

(2) the minimum length of time a deposit must remain on deposit so that earnings are payable at that percentage rate;

(3) the annual percentage yield;

(4) the periodic percentage rate and the method used to compute the balance to which this rate will be applied;

(5) the number of times each year earnings are compounded;

(6) the dates on which earnings are payable;

(7) other terms and conditions and restrictions pertinent to the account.

(b) Establishes disclosure requirements to be applied to the current depositors of a savings institution. The information which must be disclosed includes—

(1) the amount of earnings payable;

(2) the annual percentage rate;

(3) the periodic percentage rate;

(4) the principal balance to which the annual percentage rate was applied, and the method by which that balance was computed;

(5) other pertinent information

(c) Authorizes Federal Reserve Board to establish additional disclosure requirements.

(d) Requires a savings institution to notify its depositors 10 days in advance of any change in policy or procedure with respect to any item of information required to be disclosed.

DISCLOSURES IN ADVERTISING

Sec. 7. Requires advertisements relating to the earnings payable on an individual savings deposit to state with equal prominence the annual percentage rate and the annual percentage yield. Prohibits any indication of any percentage rate or percentage yield based on a period in excess of one year or based on the effect of any grace period.

ADMINISTRATIVE ENFORCEMENT

Sec. 8. Establishes the governmental agencies which have responsibility for enforcing compliance with the requirements of the Act.

RIGHT OF RECISSION

Sec. 9. Confers on individual depositor the right to a full return of his deposit with earnings therein at the advertised annual percentage rate until midnight of the thirtieth day following the making of that deposit or the delivery of the disclosure requirements of the Act, whichever is later.

CIVIL LIABILITY

Sec. 10. Establishes civil liability of a savings institution which fails to comply with this Act to be twice the amount of the interest in connection with the transaction (with a minimum liability of $100 and a maximum liability of $1,000) and, in the case of any successful action to enforce the foregoing liability, court costs and attorney's fee. Permits savings institution to avoid liability if it notifies individual of error within 15 days of discovery or if preponderance of evidence shows that error was unintentional and resulted from a bona fide error.

CRIMINAL LIABILITY FOR WILLFUL AND KNOWING VIOLATION

Sec. 11. Provides maximum of $5,000 fine for willful and knowing violation with the requirements of the Act.

VIEWS OF OTHER AGENCIES

Sec. 12. Authorizes Board to obtain the views of any other Federal or State agency exercising regulatory or supervisory functions with respect to any class of savings institutions subject to this Act.

EFFECT ON OTHER LAWS

Sec. 13. Limits effect of the Act on pertinent State laws and on the validity and enforceability of any contract or obligation under State or Federal law.

REPORT TO CONGRESS

Sec. 14. Requires Board to make an annual report to Congress concerning the administration of its functions under this Act.

SEPARABILITY

Sec. 15. Provides for the continued validity of the remainder of this Act should any provision be held invalid.

By Mr. TOWER:

S. 1851. A bill to amend the Internal Revenue Code of 1954 to prohibit the deduction of illegal bribes and kickbacks. Referred to the Committee on Finance.

Mr. TOWER. Mr. President, I introduce today for appropriate reference a measure which is designed to correct what must be one of the most glaring oversights in the present Internal Revenue Code: Section 162(c). This section allows a deduction from income for tax purposes of bribes and illegal kickbacks incurred in the course of business. This section puts the Government of the United States on record as encouraging this type of practice by, in effect, subsidizing such bribes and illegal kickbacks which are in contravention of State and Federal law on the subject.

Mr. President, regulations of this sort have become a laughing matter in the press recently, but it is truly not funny in the least bit. It is a matter of great concern to me, and I am sure to every American, that the public tax collections suffer at the expense of these illegal bribes. Those who work hard and long for their money simply cannot understand why those engaged in illegal activities are given a special tax break at their expense.

I am certain that my colleagues in this body agree with me that this change is necessary and should be considered as quickly as possible. I would hope that we would be able to put a stop to this unbelievable practice at the earliest possible date.

By Mr. ALLOTT (for himself, Mr. Jackson, Mr. Case, and Mr. Williams) (by request):

S. 1852. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

GATEWAY NATIONAL RECREATION AREA

Mr. ALLOTT. Mr. President, on behalf of the chairman of the Committee on Interior and Insular Affairs (Mr. Jackson) and both of the Senators from New Jersey (Mr. Case and Mr. Williams), I send to the desk for appropriate reference a bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey.

This draft proposal was submitted and recommended by the Department of the Interior and I ask unanimous consent that the letter from the Secretary of the Interior accompanying the bill be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 10, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration, and that it be enacted.

This Department believes that the quality of urban life is one of the most pressing problems facing our Nation today. It is our policy to foster the creation of open space areas with recreational opportunities in and near large metropolitan areas. Meeting the recreation needs of our urban populations is an undertaking that must involve government at all levels. While primary responsibility for local, community, and district parks should be in municipal governments, there are special instances where the direct involvement of the Federal Government is necessary to provide adequate protection of resources and to assure that the recreation potential of these resources is developed in such a manner that the areas are accessible to all income groups.

As the President noted in his Message on the environment of February 8, "the acquistion and development of open space, recreation lands and natural areas accessible to urban centers is often thwarted by escalating land values and development pressures." In that same message, President Nixon announced a "comprehensive effort to preserve our natural environment and to provide more open spaces and parks in urban areas where today they are often so scarce."

Nowhere are the needs for open space and recreation opportunities more pressing than in the New York Metropolitan Area. In May of 1969, this Department undertook a study of the New York Harbor area to identify how best to heighten the quality of urban recreation by use of available resources, which includes key units of undeveloped land and water having a variety of unique natural values.

The enclosed draft bill is based on a thorough review of the findings of that study.

The Gateway National Recreation Area concept which we recommend envisions the use of Federal resources and management to create a wide variety of year-round recreational, educational, and other cultural opportunities in a natural environment, by joining three geographically dispersed units in a single park serving a metropolitan area of more than 14 million people. Administered as a national recreation area with the access facilities we propose, visitation to the area is expected to be about 225,000 people per day when it is fully developed. A ferry shuttle system linked with existing land mass-transit systems would provide access to its facilities for millions of area residents and others who, because they do not own automobiles, are unable to enjoy this Nation's large regional and national parks.

The State of New Jersey and New York City have indicated that they will not be able to realize fully the recreation potential that these areas possess, even with Federal grants and subsidies. Further, we feel strongly that management economies can best be achieved by a single coordinated effort in planning, development and use of the existing units.

The major elements of this proposal are: (1) suitability of the available land and water resources; (2) access to the three units which would comprise the National Recreation Area; (3) acquisition of property; (4) development and management of the resources; and (5) costs. A discussion of these elements follows:

RESOURCES

About 7,000 acres of land and 16,000 acres of marsh and submerged land would be included in the National Recreation Area. It would contain ten miles of ocean beach and natural and historic features of great significance. The three units are geographically separated, but they are all accessible by the waters of New York Harbor.

The *Jamaica Bay Unit* contains 14,000 acres of land and water. Despite the inroads of civilization, Jamaica Bay remains an ecological treasure. Except for several dredged channels, its waters are shallow and there are no beaches now suitable for intensive recreation use. The chief significance of this unit is its relatively natural character. Jamaica Bay offers the fisherman a chance to land bluefish, striped bass, porgies, and other varieties of gamefish. Twenty-nine species of waterfowl and 70 species of wading, shore, and marsh birds depend upon the marsh water habitat. Within this unit is the 9,170-acre Jamaica Bay Wildlife Preserve, which is administered by the City of New York, and the 1,200-acre Floyd Bennett Field, presently under the jurisdiction of the Department of the Navy.

The *Breezy Point Unit* contains about 4,250 acres, of which about 2,900 acres are water area. It includes four miles of ocean beach, and sufficient space for both recreation development and retention of undeveloped open space. The acreage consists now of City parks, the Department of the Army's Fort Tilden, and a residential community, the Breezy Point Cooperative. Breezy Point will be the most heavily developed of the three units comprising Gateway.

Sandy Hook, the third unit of the proposed National Recreation Area, contains about 4,650 acres, of which about 2,930 acres are water area. It includes about six miles of broad, sandy ocean beach and more than two miles of sandy beach on Sandy Hook Bay. On Sandy Hook is the Nation's oldest operating lighthouse and a 460-acre New Jersey State park. Developments will permit the widest possible range of recreational uses, from hiking along the dunes to bathing, fishing, and surfing. Particularly significant is the relatively unspoiled natural character of the resources of this unit, which offers visitors opportunities for nature study and other types of leisure enjoyment.

A map which depicts the relative location of each unit is attached for ready reference.

ACCESS

Presently, access to all three units is either limited or inconvenient due to traffic congestion. Except for Broad Channel Island, which can be reached by automobile, bus, or subway, the marshes and islands in Jamaica Bay are accessible chiefly by private boat. Principal access to Sandy Hook is over State Route 36 and the Garden State Parkway, both of which are severely overtaxed on peak summer weekends. Access to Breezy Point and Floyd Bennett Field is by automobile via the Marine Parkway Bridge, also inadequate to carry peak summer traffic.

Our studies indicate that more than half of the people in the area to be served by this proposal do not own automobiles. Accordingly, reliance on road access would deny full recreation opportunities to a substantial number, including the inner-city population to which a recreation experience is so important.

All three units of the proposed National Recreation Area are water oriented. The great majority of people in the region live near the Hudson River or its tributaries. Miles of waterfront are devoted to piers and ferry terminals. A boat trip is in itself a very pleasant recreation experience. Moreover, except for docking and terminal facilities (some of which are already in existence and can be leased), and for the necessary boats, transportation by boat requires moderate capital outlay in comparison to air, ground, or underground transportation.

For these reasons, we propose a ferry shuttle system to provide visitor access to the Gateway National Recreation Area. Shuttle docking areas would be located initially near the existing mass transportation terminal at Coney Island and at Belford on the south shore of Raritan Bay, New Jersey. The Department plans to develop appropriate schedules of admission, user, parking, and ferry fees.

PROPERTY ACQUISITION

Section 2(a) of the enclosed draft bill authorizes the Secretary to acquire lands and waters or interests therein by donated or appropriated funds, or exchange. Federal property may be transferred to the Secretary with the concurrence of the administering agency. Of the land within the proposed national recreation area, all but 443 acres is publicly owned, either by the Federal Government (3,245), the State of New Jersey (12), or the City of New York (3,000). Most of these publicly owned lands will be acquired by transfer or donation. Floyd Bennett Field, the Department of Commerce and Coast Guard lands on Sandy Hook, and the Nike sites and related areas in Fort Tilden and Fort Hancock would not be transferred until they are no longer needed for Coast Guard or Defense purposes.

The 403 acres of private land within the area are owned by a single corporate owner, the Breezy Point Cooperative. This property contains about 2,800 summer or year-round residences, 25 commercial establishments, and beach and recreational land in the heart of the Breezy Point Unit. Under the terms of the bill, no property owned by the cooperative, except the recreational beach area and adjacent lands which the Secretary feels are needed to assure public access along the beach, will be acquired without the owner's consent.

DEVELOPMENT AND MANAGEMENT

Development of the proposed Gateway National Recreation Area will take place in two phases: In the initial phase, we will concentrate on providing water-oriented mass recreation facilities on the publicly owned lands that will be transferred soon after the area is authorized, and access for their use by the public; in the second phase, we will develop related facilities for environmental education, outdoor theaters, and land-based recreation. Breezy Point will be the most intensively developed unit in the proposal. Here there will be a central activity area, with overnight accommodations, outdoor theater, concession-operated facilities and organized sports areas. Beach centers, linked to each other and to the central activity area by a boardwalk and shuttle system, will be spaced along the ocean. All of these will contain bath houses, refreshment pavilions, first-aid stations, and sundecks. Fishing piers will be constructed, and some beach areas will be set aside for surf fishing. Open, natural areas, with trails and toilets, will be located away for the beach activity.

Jamaica Bay will be lightly developed to retain its natural character, with facilities for environmental education. Development will be concentrated on Broad Channel Island and at Floyd Bennett Field, when it becomes available, leaving the other islands and marshes in their natural state. Fishing, hiking, and nature study will be encouraged. The north shore of Jamaica Bay is included within the boundaries of the national recreation area to assure protection of the Bay resources.

At Sandy Hook, beaches will be developed for surfing, swimming, and fishing. Facilities will be provided for the sale and rental of fishing equipment. Particular care will be taken to preserve the unspoiled natural character of this unit. Inland from the beach, hiking, trails, picnic shelters, and an environmental study area will be provided. Samples of officers' housing built in 1900 on Fort Hancock, together with the tree-lined walks and parade grounds, will be preserved and interpreted.

COSTS

Development of the proposed National Recreation Area would be undertaken over a 20-year period. We anticipate that land purchases will be limited to the Breezy Point beach and a small acreage in the vicinity of Belford, New Jersey, to provide a ferry terminal, entrance road and parking facilities. All the other property to be acquired is in public ownership. Total development costs are estimated to be $98.148 million. During the first 5 years, development costs are estimated at $71.211 million. During the fifth year, annual operating costs are estimated to be $4,384,400.

The land acquisition cost of $39.1 million is proposed to be obligated early in the program in order to preclude price escalation. Additionally, normal increases or decreases in future construction costs will be taken into account in appropriation requests by virtue of the reference in section 6 of the draft bill to applicable engineering construction cost indices. In this manner a flexible ceiling, reflecting current costs at the time funds are requested, will be assured for the necessary developments. The man-year and cost data statement (based on current assumptions and estimates) required by 5 U.S.C. 2953 when annual expenditures exceed $1 million, is enclosed.

While the foregoing costs do not include the cost of pollution control and abatement, cleaning these waters is not impossible, and development and use of the Gateway National Recreation Area is not solely dependent on total pollution abatement. Action has already begun to raise the water quality to acceptable standards. The waters of some areas in the proposal are presently either unsafe or only marginally safe for swimming. This Department proposes to continue a coordinated and concentrated effort to bring about the creation of recreation facilities in the Gateway area which can actually be enjoyed to their full potential. To do this will require action not only on recreation development, but vigorous pollution abatement efforts at the same time. We anticipate close cooperation with the Environmental Protection Agency in attaining these mutual objectives.

As outlined above, our proposal for the establishment and development of a Gateway National Recreation Area affords a unique opportunity to preserve open space while providing water-oriented recreation for all residents of the Nation's most densely populated metropolitan area. No program so comprehensive in scope can be undertaken without a significant expenditure of Federal funds. We strongly believe that the investment herein proposed will provide immeasurable benefit to present and future generations of Americans.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. ALLOTT (for himself, Mr. BENNETT, Mr. JAVITS, and Mr. STEVENS):

S. 1853. A bill to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve No. 4, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. ALLOTT. Mr. President, on behalf of the senior Senator from Utah (Mr. BENNETT), the senior Senator from New York (Mr. JAVITS), the senior Senator from Alaska (Mr. STEVENS), and myself, I introduce for appropriate reference a bill to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve No. 4, and for other purposes.

Mr. President, this legislation was submitted and recommended by the Department of the Interior. I ask unanimous consent that the Executive Communication from the Secretary of the Interior accompanying this draft proposal be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 20, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve Numbered 4, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

The oil blowout which occurred in January 1969 on one of the Federal leases in the Santa Barbara Channel brought into focus the vulnerability of the Marine environment to oil pollution, and the problem of extracting this needed natural resource while at the same time preserving the beauty and quality of our environment in this area.

When it was realized that the lands beneath the Santa Barbara Channel contained rich oil deposits, concern for the environment led the State of California, in 1955, to declare 16 miles of scenic coastline a sanctuary, closed to all oil exploration and development. The State waters on either side were open to petroleum development.

About a decade later, the Federal government opened the Federal waters seaward of the State Sanctuary to leasing for petroleum development, leaving a two-mile buffer zone between the leased area and the State Sanctuary. A total of 72 Federal leases had been issued when the blowout occurred in January 1969. Following that environmental misfortune, the Interior Department, with concurrence by the President and the Department of Justice, ordered all wells closed and drilling halted by all the companies operating under Federal jurisdiction in the Santa Barbara Channel.

The Secretary immediately initiated a broad safety review of all Outer Continental Shelf regulations. Department engineers began studying drilling procedures and revising the rules and regulations which were in effect in the Santa Barbara Channel at the time of the blowout. Oil companies were invited to look at a draft of the Departmental proposals to see if the industry itself could suggest ways of improving the regulations—and they did in fact propose some tougher guidelines and rules. The State of California likewise commented.

The Secretary ordered a moratorium on all scheduled oil leasing on the Outer Continental Shelf, and a review of the criteria upon which decisions to lease offshore land are made.

At the same time, a second major action was taken. An order was signed which converted the existing two-mile buffer opposite the Santa Barbara State Oil Sanctuary into a permanent ecological preserve. Until this order was signed, the area which covers 21,000 acres, had no special legal status.

The enclosed bill proposes a more permanent solution to the problem. It would terminate 35 of the Federal leases and place the area covered by them, as well as certain other adjacent areas, into a National Energy Reserve. The reserve shall be available for lease only as determined by the President.

The Act authorizes the Secretary to unitize three producing oil leases in the same area when he finds that such unitization is necessary or desirable in the interest of good conservation and to prevent or minimize oil spillage, leaks, or other pollution.

The bill provides a method for payment of compensation to the holders of the leases terminated by this Act. The amount of compensation will be determined by the United States District Court for the Central District of California in suits initiated by the lessees. To pay the judgments, upon certification of the Department of Justice, a Petroleum Reserve account will be created and funded with proceeds from the sale of oil extracted from the Naval Petroleum Reserve Numbered 1, California. In the event the Petroleum Reserve account is insufficient to satisfy outstanding judgment and compromise settlements, the bill authorizes an appropriation to enable the Secretary of the Treasury to advance funds to satisfy such judgment and compromise settlements, with the Petroleum Reserve account subsequently reimbursing the Treasury for such advances.

The bill authorizes the Secretary of the Navy to sell sufficient oil from Naval Petroleum Reserve Numbered 1, California, to provide funds to pay the claims arising from the terminated leases as well as certain related expenses. Also, as a means of exploring the potential oil deposits on Naval Petroleum Reserve Numbered 4, the bill further authorizes the Secretary of the Navy to sell sufficient oil from Naval Petroleum Reserve Numbered 1 to provide funds to pay for such exploration.

We believe that the proposed bill offers an equitable solution to the problem created by the "blowout" in the Santa Barbara Channel area of the Outer Continental Shelf. It recognizes and protects the important environmental values of the Santa Barbara Channel, offers a mechanism for determining and paying just compensation to the lessees and preserves the resources.

In support of a similar Departmental proposal introduced in the 91st Congress, President Nixon stated:

"This proposal for Santa Barbara illustrates our strong commitment of use of offshore lands in a balanced and responsible manner . . . This recommendation is based on the belief that immediate economic gains are not the only, or even the major, way of measuring the value of a geographic area. The ability of that area to sustain wildlife and its capacity to delight and inspire those who visit it for recreation can be far more important characteristics. This proposal recognizes that technology alone cannot bring national greatness, and that we must never pursue prosperity in a way that mortgages that nation's prosperity."

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

STATEMENT ON ENVIRONMENTAL IMPACT

The following statement supplements the Department of the Interior's proposal "To terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve Numbered 4, and for other purposes," and is submitted in conformance with section 102(2) (C) of the National Environmental Policy Act of 1969. The proposal, prior to its being submitted to Congress, was transmitted to the interested Federal agencies for their review. No adverse comments relating to the impact of the proposal on the environment were received. Our findings as to the impact of the proposal may be stated as follows:

1. *Impact on the Environment*—The proposed termination of the 35 Federal leases and the creation of the National Energy Reserve would enhance the environment in the area of Santa Barbara, especially that 16-mile area bordering the State Sanctuary extending from that Sanctuary across Santa Barbara Channel to the vicinity of Santa Cruz Island, California. A group of leases in the vicinity of San Miguel Island would also be terminated. The principal environmental impact would result from the stopping of all oil and gas exploration and drilling activities within that area, except for those leases which the Secretary is authorized to utilize. The creation of the National Energy Reserve would prohibit oil exploration and development activities, but at the same time assure the availability of oil and gas to meet a National emergency.

2. *Adverse Environmental Effects* — We know of no adverse environmental effects that would result from the enactment of this legislation.

3. *Alternatives to Proposed Action*—One alternative would be no proposal at all. This could have serious adverse environmental effect in that at some point in the future there would be oil exploration and drilling activity on most of the 35 leases terminated by this proposal. If oil discoveries were made, this activity would cause the erection of additional drilling platforms which would adversely affect the scenic qualities of the area. The exploration and drilling activity could have an adverse effect on the marine life in the area.

Another alternative is to terminate the three producing leases as well as the other 35 leases. We are certain that this alternative, involving the termination of activity on the damaged geological structure would assure continued and increased oil seepage from the structure, thereby causing pollution of the water and beach in the area and endangering the marine life.

A third alternative is to terminate all 72 leases in the Santa Barbara Channel. We believe that this alternative besides being very expensive is not necessary. We believe that the proposal honors the commitment to the State people of California by extending the State created Sanctuary across the Federal portion of the Santa Barbara Channel while at the same time allowing the development of the petroleum resources in other portions of the Santa Barbara Channel.

4. *Relationship of Short-term Uses vs. Long-term Needs*—The objective of the proposal is to provide both a short-term and long-term solution to the possibility of environment pollution caused by the leasing of this areas of the Santa Barbara Channel for oil exploration and development. The short-term use is that the Government agrees with the State of California in the need for a Sanctuary free of oil operation in the Santa Barbara Channel off California. The long-term needs are that the Sanctuary will be kept development-free except for the leases on which production must be maintained by the creation of the National Energy Reserve. At the same time the need of the Nation to develop its petroleum resources in the event of a National emergency requiring such development will be met through the provision that the President may, in the event of an emergency, open this area for leasing. In the absence of exploratory drilling at this time needed information will not be available in case of emergency.

5. *Irreversible Commitment of Resources*—Commitment of this area as a Sanctuary free of oil operation is an illustration of a commitment by this Government toward a balanced use of our offshore land. This bill extends the earlier decision of the people of California to set aside part of our coastline as a Sanctuary by extending that Sanctuary across the Santa Barbara Channel to Santa Cruz Island, at the same time allowing an efficient method of relieving the pressure in the damaged structure to prevent further oil leaks that will pollute the area. The bill also provides a method for allowing the exploitation of petroleum resources in the area in the event of a National emergency requiring such exploitation.

By Mr. HOLLINGS:

S.J. Res. 96. A joint resolution expressing the support of the Congress that a Conference of Experts be convened in early 1972 to make recommendations on ocean dumping to the 1972 United Nations Conference on the Human Environment. Referred to the Committee on Foreign Relations.

Mr. HOLLINGS. Mr. President, the recent hearings held by the Subcommittee on Oceans and Atmosphere regarding ocean dumping convinced me that much stronger measures must be taken internationally to regulate ocean dumping. Important steps can be taken by the United States alone to regulate, and in some cases prohibit, the dumping of the wastes of our society. But it is not sufficient that the United States act alone. We can only control our own vessels. We can only control those wastes which originate in the United States. We can only control those wastes which might be dumped in the narrow band of territorial sea and contiguous zone around our country.

There are similar steps that can be taken by other countries, if they will. There are steps that can be taken by international agreement to regulate dumping; to develop criteria for the banning of dangerous or toxic substances from ocean dumping; to establish criteria to permit selective dumping of material which will not unreasonably degrade or unreasonably endanger human health or the world's oceanic environment; to develop programs of scientific research on ocean pollutants; and to select alternative locations and methods of waste disposal.

The 1972 U.N. Conference on the Human Environment should have firm recommendations before it for national and international measures that can be taken to regulate ocean dumping. Therefore, today I am introducing a resolution calling for a conference of experts to be convened early in 1972 to make recommendations on ocean dumping to the 1972 U.N. Conference. The time is adequate if we act immediately. We must act now to halt indiscriminate dumping of man's wastes into the global oceans.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 434

At the request of Mr. PROUTY, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 434, the National Institute of Education Act.

S. 988

At the request of Mr. PROXMIRE, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 988, the Truth in Dairy Products Bill.

S. 1123

At the request of Mr. PROUTY, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 1123, the Higher Education Opportunity Act of 1971.

S. 1243

At the request of Mr. PROUTY, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1243, the Manpower Revenue Sharing Act of 1971.

S. 1326

At the request of Mr. SCHWEIKER, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1326 relating to the retirement of civilian members of the teaching staff of the U.S. Naval Academy.

S. 1385

At the request of Mr. PACKWOOD for Mr. DOMINICK, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1385, designating the first Monday after the first Sunday of November as Election Day and providing for a uniform closing time for polling places in Federal Elections.

S. 1437

At the request of Mr. CANNON, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970.

S. 1669

At the request of Mr. PROUTY, the Senator from Maryland (Mr. BEALL) and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1669, the Education Revenue Sharing Act of 1971.

S. 1729

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from Texas (Mr. TOWER), the Senator from Utah (Mr. BENNETT), and the Senator from Wyoming (Mr. HANSEN) be added as cosponsors of S. 1729, the Fast Freight Systems Transportation Act of 1971.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

S. 1828

At the request of Mr. PACKWOOD, for Mr. DOMINICK, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 1828, the "Act To Conquer Cancer."

SENATE JOINT RESOLUTION

At the request of Mr. MANSFIELD, his name was as a cosponsor of Senate Joint Resolution 95, a joint resolution relating to the authority of the President to use the Armed Forces of the United States in armed conflicts.

SENATE CONCURRENT RESOLUTION 25—SUBMISSION OF A CONCURRENT RESOLUTION TO CALL FOR AN INTERNATIONAL MONETARY CONFERENCE

Mr. JAVITS. Mr. President, I am planning to speak about the monetary crisis which is affecting the world, and this follows a precedent of 2 years ago when I, on this floor, suggested the idea of a two-tier gold system which removed the official U.S. gold stock from the need to back up private speculation in gold.

I believe now that we must begin thinking in very broad terms about the future of the monetary system of the world which is built around the dollar. I must say I am not particularly happy about the fact that the United States so far does not seem to have reacted positively to the monetary crisis abroad and almost appears to have the attitude that "This is not our crisis; it is theirs." Unfortunately, it is not theirs alone; it is also ours, and in a very big way. This will become evident when we buy from foreign sources, the products which are essential for the operation of the American economy.

In addition, our whole stance in the world has been made on the basis of an open trading world, with free exchange of goods, capital, and ideas; and the present crisis is hardly compatible with that.

Finally, and very importantly, it has a very grave impact on the foreign relations and security policies of the United States. We are now facing, right in this Chamber, a move to very materially revise the relationships of the United States with the other NATO countries in terms of U.S. troops on the Rhine—a move which is precisely related to the balance-of-payments position of the United States.

So we are very, very deeply involved, and we have to begin to think about what this crisis means to us, because, in an important sense, it is a vote of "no confidence" in the economic and financial leadership of the United States.

My own opinion is that the Europeans have jumped at that conclusion much too fast, but there is enough to their judgement to require very, very thoughtful consideration on our part.

And so today, to get that consideration underway, and only to get it underway, without any feeling that this is by any means the last word, I am going to make a few suggestions, and I am also going to submit a concurrent resolution on behalf of myself, the Senator from Illinois (Mr. PERCY), and the Senator from Iowa (Mr. MILLER). Representative REUSS will introduce this resolution in the House today. This resolution is designed to focus attention on the need for a new Bretton Woods Conference to revise the Articles of Agreement of the International Monetary Fund, or to otherwise deal with this crisis. The concept of this concurrent resolution is that it will be a new focal point for debate and discussion as to what the United States ought to do about this particular matter.

I send the resolution to the desk for appropriate reference.

The ACTING PRESIDENT pro tempore (Mr. CHILES). The resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 25) was referred to the Committee on Foreign Relations.

Mr. JAVITS. Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON RES. 25

Whereas the United States has had a deficit in its international balance of payments almost every year since 1950; and

Whereas, largely as a result of these deficits, United States short-term dollar liabilities to foreigners totaled $43,743,000,000 of which official foreign dollar holdings totaled $21,059,000,000 at the end of January, 1971; and

Whereas these liabilities constitute a potential claim against the United States gold stock whose value as of March 31, 1971 was only $10,963,000,000; and

Whereas massive unregulated international currency flows such as the Eurodollar threaten the very stability of the world's international monetary system as well as the domestic economic policies of sovereign governments; and

Whereas the viability of the SDR creation is threatened by the structural deficit of the United States which is running at $3 to $4 billion annually; and

Whereas the liberal trading system of the free world faces unprecedented challenges in the form of new tariff and non-tariff barriers and the principle of Most Favored Nation treatment among the countries of the free world is being eroded through proliferating preferential regional arrangements; and

Whereas the continued health of our domestic economy and the strength of the dollar and its ability to serve as a key international reserve currency depends upon the early elimination of the balance of payments deficit and the establishment of improved arrangements to serve the liquidity needs of an expanding international trade and payments system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that achievement of balance-of-payments equilibrium in a manner consistent with the dollar's role as a key international reserve currency should receive higher priority in the formation of national economic policy; and be it further

Resolved, That the maintenance of equilibrium in its international accounts should be a continuing and major goal of United States international economic policy; and be it further

Resolved, That the President be requested to consider calling for an International Monetary Conference to review the long-term international monetary arrangements among nations including:

Parity relationships between currencies;

The international liquidity system including the present role of gold in this system;

The functioning of international financial institutions; and

The effect of these systems and institutions on international trade;

The establishment of new mechanisms or institutions to deal with problems such as Eurodollar flows and the activities of multinational corporations;

The increased sharing of economic aid for development; and

Other relevant international economic problems placed before it by a pre-preparatory committee for such a Conference; and

That foreign exchange markets be closed during the duration of this conference.

Mr. JAVITS. Now, Mr. President, a few observations about the situation.

As the world emerges from its fifth monetary crisis in the last 3½ years—a crisis that has been characterized as the worst monetary crisis since World War II—the underlying factors causing this periodic instability are being permitted to remain unaffected. As in the past, the actions that now have been taken will allow the international monetary system again to hobble along for a limited period of time and as the crisis recedes from immediate public attention, the feeling will again spread that all is well since the patient lives.

But the world's economic stability demands an answer to the question whether the nations of the world again are just taking interim actions to prop up a basically rotten monetary system and whether this existing system will be able to survive the next crisis.

For, while the next crisis may again take the form of monetary difficulties, it could take the form of a trade war between the major industrialized countries of the world or of the splitting of the world into protectionist-oriented regional trading blocs.

In my view, the makeshift remedies that have now been agreed to in Europe do not come to grips with the basic problem—namely that the world is on a dollar standard and not a gold standard; and that the gold standard is a fiction and regressive and, indeed, impossible to maintain. It is the growth of dollars, not of gold which has financed the dramatic and beneficial growth of world trade and investment since World War II. The inevitable result of this export of dollars to finance the growing liquidity needs of the world has been that our dollar liabilities to foreign official institutions now substantially exceed the value of our gold reserves.

In this setting the solemn U.S. pledge to exchange dollars presented by foreign central banks for gold is obsolete. We ought to recognize this fact and work with our trading partners to develop public acceptance of this obvious fact; and confidence in an ability to live better with it. Since the U.S. gold window has been closed for all practical purposes since 1968—that is to say the U.S. gold stock has existed at the sufferance of foreign governments—it would not be a drastic step to close officially the gold window. Alternatively, to lend credance to these obvious facts, the U.S. could declare that it was willing to see its gold stock at existing prices dealt with in the context of the International Monetary Fund or other international means. I do not suggest that the U.S. act unilaterally—in fact, I would be opposed to such unilateral action—nor is this suggestion necessarily my last word on the subject, but I put these suggestions forward as deserving serious consideration of the international community.

I would then look to a world conference along the lines of the Bretton Woods Conference of 1944 to make the necessary decisions concerning the establishment of a new international reserve system, and the role of gold, if any, in this system. This conference could also address itself to the future disposition of U.S. gold holdings which could include the folding of U.S. gold into a new International Reserve System as a reserve component of a new international reserve currency.

Again, I put this suggestion forward as a possible focal point of present and future discussions which would involve the full Congress and its appropriate committees.

Only the establishment of an International Reserve System empowered adequately to finance the world's growing liquidity needs would be able to confront, over time, the need to separate the dollar from its reserve currency function or conversely to bring an acceptable level of international management and public confidence and acceptability to the dollar standard.

This proposal that I am today floating as a trial balloon to alter the functioning of the gold window, may appear to some as being radical. However, an earlier proposal I made in 1968 to establish a two-tier gold system was also severely criticized by some policymakers and academics as being injurious to the international monetary structure. Nevertheless the events of the past years have provided ample justification for the establishment of the two-tier gold system. The establishment of this two-tier system also cleared the way for the proposal I am now making—namely to disestablish the presently existing link between the dollar and gold.

It must also be recognized that the SDR creation was a major step in the direction of providing an internationally acceptable reserve unit not tied to any national currency. However, it is also true that under the present rules of the game, future SDR creation is increasingly threatened by the recurring U.S. balance-of-payments deficits and the resultant heavy export of dollars. It would indeed be unfortunate if SDR creation was the principal casualty of the 1971 monetary crisis.

To move toward the implementation of my recommendations, I am today introducing the following resolution:

> That the President be requested to consider calling for an International Monetary Conference to review the long-term international monetary arrangements among nations including parity relations between currencies; the international liquidity system including the role of gold in this system; the functioning of international financial institutions; the establishment of new mechanisms or institutions to deal with problems such as Eurodollar flows and the activities of multinational corporations; the effect of these systems and institutions on international trade; the increased sharing of economic aid for development; and other pressing international economic problems placed before it by a pre-preparatory committee for such a conference.

I reiterate that I view this resolution as a possible focal point for subsequent discussions in the Congress and elsewhere.

The submission of such a concurrent resolution does imply a vote of no confidence in existing institutions. The most recent currency crisis does raise fundamental questions about the functioning of the International Monetary Fund. It must be remembered that the IMF was established in 1944 to protect the freedom of trade and capital movements. Both these freedoms are increasingly threatened by the present workings of the International Monetary System. The actions governments are taking to deal with currency crises increasingly take on the appearance of slapping makeshift patches on a leaky tube—rather than furthering the basic objectives of freedom of trade and freedom of capital movements.

In turn, the General Agreement on Tariff and Trade—GATT—shows increasing difficulties in confronting such obstacles to trade as nontariff trade barriers. Also the principle of MFN is being eroded progressively as the countries of the Common Market go down the road of negotiating proliferating trading agreements with neighboring states in the Mediterranean and Africa.

In addition to the erosion of the efficacy of these institutions, other problems that have emerged since Bretton Woods that are difficult to deal with through existing institutional mechanisms include the Eurodollar problem and the lack of an institutional framework to deal with private foreign investment. These problems are exacerbating increasingly the relationships between nations.

Another important reform of the International Monetary System which is long overdue is increased liberalization of exchange rates. Although the drafters of the Bretton Woods Agreement placed prime reliance on a system of fixed par values and slightly fluctuating exchange rates, they never contemplated the present system wherein par values are changed only when utter disaster threatens.

It is this ossified structure of exchange rates which led directly to the long-existing structural deficit in the U.S. balance of payments which is running to $3 to $4 billion annually, and which has created a Eurodollar market in excess of $50 billion. It has undermined the competitive position of many U.S. goods and services in the international marketplace. It leads directly to the growing strength of the trade protectionist forces in the United States and the increased difficulties the administration is encountering in the Congress in adequately funding our bilateral and multilateral aid programs.

Several proposals have been advanced to improve the system but suffice it to say that if currencies had been able to fluctuate against each other over a wider range—wider bands—over the past year, many of our present problems would not have come about. Most of our dollar outflows of the past few months have been short-term funds whose international movement is sensitive to differences in interest rates determined by the monetary and fiscal policies of sovereign governments. But with bands of, say 3 percent on each side of par, money managers in one nation seeking a greater return on their investment through the export of capital to another nation having higher interest rates would be deterred. They would have to weigh the advantages of the greater return against the possibility that the exchange rate of the dollar vis-a-vis another currency could vary as much as 6 percent.

The report of the IMF last autumn on exchange rate flexibility concluded that wider bands was a form of exchange rate flexibility which deserved further study. I believe we must now bite the bullet and take further, concrete steps to impart increased flexibility to the system of exchange rates. Otherwise we again may find events going beyond our capability to deal with them.

My proposals look to the long run. Pending their adoption, there are short-run problems which the latest monetary crisis has aggravated and which deserve priority attention.

First. The United States should regard this latest crisis as a dire warning that the international competitiveness of the American economy is being severely challenged. Over the past decade, our international competitive position has deteriorated and our economy faces increasing difficulties in attracting sufficient funds from abroad in the form of export sales, private foreign capital investment in this country, tourism, and so forth, to balance our outpayments.

The crisis brings into better focus fundamental questions as to the efficacy of the American productive plant relative to the productive plant of other nations. Increasingly our policymakers and lawmakers will have to take steps to improve the credit worthiness of the United States and to place greater emphasis on improving the productivity in competitive terms of the U.S. economy. In turn, a successful national effort to improve our productivity must command the attention of all Americans—workers, farmers, managers, service employees, in addition to our elected leaders and officals in our National, State, and local governments.

The urgency of the task before us requires that the long delayed plans for a Presidential Conference on Productivity be expedited and finalized. In turn, measures aimed at improving the competitive position of our corporations and economy—such as the administration's proposal to put revised depreciation schedules into effect—should be implemented.

And as we contemplate the weakness of the dollar in 1971, let us keep foremost in our minds the fact that military expenditures overseas constitute the single, largest adverse contribution that the Government makes to our continuing balance-of-payments deficit. It is worth noting that the amount of our military expenditures in 1969 and 1970—about $4.8 billion annually—closely approximates the structural deficit in the U.S. balance of payments. The Vietnam war, has been an important factor in burgeoning U.S. military expenditures abroad and in turn the war has contributed directly to the weakening of the U.S. dollar. In addition, in this year's report of the Joint Economic Committee, the majority and the minority agreed that "the United States can reduce its military expenditures by withdrawing troops stationed abroad, by consolidating headquarters, and by curtailing military aid." Such actions should be implemented.

Second. We immediately need a formal device for resolving incompatibilities in central bank policies. Here the analogy with our open market committee is a useful one: I believe that confidence in the international monetary system would be significantly strengthened if the group of 10 central bank presidents and finance ministers were to agree monthly—in a communique to be published 90 days thereafter—on the proper thrust of their monetary policies. Should we fail to take such a step as this, we shall soon find ourselves trying to cope again with an attack on the international monetary system of massive, very interest sensitive, flows of funds with weapons which were developed long before such flows were ever a part of the international monetary scene.

Third. This action by West Germany and other European governments will focus increased attention on the Japanese yen which increasingly gives the appearance of being overvalued. As considerations regarding the eventual appreciation of the yen go forward, Japan must carefully consider the short- and long-term implications its decision will have on its trade relations with the United States which are already deteriorating.

I recognize that Japan faces legitimate grievances concerning the import restrictions maintained on Japanese goods by West European nations and am also cognizant of Japan's concern regarding the soaring costs of raw materials needed to sustain the Japanese economy. It must also be recognized that Japan is concerned about the effect that a U.S. withdrawal from Vietnam will have on dollar flows to Japan and what it means in terms of increased Japanese burden sharing in Asia including defense expenditures. However, I would contend that Japan may be underestimating its present and future economic strength and that an unrealistic feeling of economic insecurity and the concomitant cautious approach this may foster holds clear and present dangers to Japan's relations with the United States and other industrialized countries.

To be blunt the most recent West European action in aligning their currencies, aggravates the serious problems already being caused by the present parity value of the yen in relation to other currencies. Failure to realine the value of the yen could have serious tradeoff effects in terms of the market access of Japanese products to other markets.

Fourth. As is widely recognized, the monetary turmoil of the past week by straining past agreements on agricultural farm price supports and currency relationships, could affect unfavorably the negotiations that the world hopes will lead to the expansion of the Common Market to include the United Kingdom. Such a development would indeed be unfortunate and not in the broader interests of the free world, let alone in the long-term interests of France, West Germany, or the United Kingdom. If the United Kingdom's bid does not succeed, the present members of the European economic community should contemplate the possible future ramifications of Chancellor Brandt's Ostpolitik and the possible long-term implications of the Ostpolitik on Intra-EEC relations. These contemplations must also consider possible future moves of a Soviet Union confronted by the changing relationships between the United States and the Peoples' Republic of China and perhaps by a volatile and rapidly changing scene in the Middle East. Failure of the United Kingdom bid would also open the possibility of a new trade alinement in an Atlantic Free Trade area of the United States, Canada, the United Kingdom and perhaps others.

Taking a more optimistic view of the effects of this latest crisis on the negotiations going forward toward the expansion of the Common Market, the currency realinement will strengthen the United Kingdom's export base and, in turn, its long-term balance-of-payments position. Also, an agreed to currency realinement may make more viable the formula for moving toward a closer tying of the currencies of the Common Market which was scheduled to take effect later this year.

Finally, Mr. President, it is man's propensity to select short-term stopgap measures over sweeping reform proposals. In the case of our international monetary structure and in the light of the recent history of recurring monetary crises which have now contributed to the crises facing the structure of international trade, stopgap short-term measures are no longer adequate. The latest adjustments have bought us precious but little time to restructure the existing monetary system to meet the needs of the 1970's. These changes must take account of the changed circumstances that the government leaders could not have foreseen in the Bretton Woods conference of 1944. We must act now to revise and modernize the Bretton Woods agreements.

The purpose of my concurrent resolution, joined in by Senators MILLER and PERCY, and of my statement today is to get the United States thinking about this situation, and our congressional committees to hold hearings about this situation, as active participants and not just as interested lookers-on, which is the impression we have given the world up to now.

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT—AMENDMENT

AMENDMENT NO. 89

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. BENTSEN. Mr. President, today I am submitting amendments to S. 976, the Motor Vehicle Information and Cost Savings Act.

I am in substantial agreement with many provisions of the bill introduced by the distinguished senior Senator from Michigan (Mr. HART). Auto safety has long been a concern of his, and his contributions in the field have been considerable.

There are, however, certain sections of S. 976 which, in my view, require strengthening if the final bill is to reflect a major advance in our effort to encourage the development of a safe automobile.

In particular, I am distressed that section 125(c) of the present bill sets a dangeability standard for automobile bumpers which is unnecessarily weak. Indeed, Ralph Nader, in his testimony before the Commerce Committee Monday called the standard "virtually obsolete."

Mr. President, S. 976 provides that the Secretary of Transportation shall promulgate standards which require that no later than January 1, 1975, automobiles be manufactured which will withstand 5-mile-per-hour impacts with a fixed barrier "with a minimum amount of damage as may be determined by the Secretary."

The standard is weak for a number of reasons. In the first place, the speed level is too low. Dr. William Haddon, director of the Insurance Institute for Highway Safety, said in testimony before the Commerce Committee on March 10 of this year that—

> There is no question that bumpers able to manage energy without damage to vehicle structures at barrier crash speeds up to and above ten (10) miles per hour are now and for some time have been well within the state of the art.

Indeed, Mr. President, at least two manufacturing firms, Energy Absorption Systems in Chicago and Menasco Manufacturing in California are presently developing bumpers that could take crashes at well above 10 miles per hour without property damage. In view of recent technological developments, I see no reason to be satisfied with the bumper standards presently in S. 976. I believe we can and should do better.

In the second place, the last phrase in section 125(c) opens the door to administrative discretion in an area in which the record of discretionary administrative authority is not at all promising. Mr. Nader's testimony Monday documented a long list of administrative delays on auto safety standards that do not bode well for giving additional discretionary enforcement authority to the Secretary of Transportation. I am suggesting that the standards be set down in black and white in the legislation to prevent this kind of administrative delay which has proved to be so costly in the past.

Mr. President, on February 24 of this year, prior to the introduction of the Hart bill, I introduced S. 949 setting a 10 mile per hour damageability standard for auto bumpers with a deadline of January 1, 1973, allowing for a 1-year extension if the Secretary of Transportation finds the deadline to "unfeasible." In my opinion, that leaves sufficient discretion to the Secretary. Moreover, my bill is not vague about the bumper standards to be enforced. It says quite plainly that the auto must withstand an impact with a fixed barrier "without property damage or injury to the occupants of such vehicles."

Mr. President, I have had S. 949 modified and redrafted as amendments to S. 976. I believe it is sensible and necessary legislation. In view of the January 1, 1975, deadline in the Hart bill, I have extended the deadline in my bill to January 1, 1974, with a possible 1-year extension granted to the Secretary.

Witnesses before the Hart committee have testified to the billions of dollars in unnecessary repair costs being borne by the car-driving public. In addition, they have pointed to the close relation between bumper durability and safety for the occupants of the automobile.

I believe that S. 976 in its final form should incorporate these amendments, and I have notified the Commerce Committee of my desire to have the amendments considered during the committee markup sessions.

I ask unanimous consent that my amendments to S. 976 be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT No. 89

On page 5, strike out lines 14 through 24.

On page 5, line 25, strike out "(d)" and insert in lieu thereof "(c)".

On page 7, line 23, strike out "125(d)" and insert in lieu thereof "125(c)".

On page 14, between lines 13 and 14, insert the following:

"FEDERAL SAFETY COLLISION STANDARDS

"Sec. 15. The Act is amended by adding at the end thereof the following new title:

" 'TITLE V—FEDERAL SAFETY COLLISION STANDARDS

" 'Sec. 501. (a) The Secretary shall establish by order appropriate Federal motor vehicle safety collision standards dealing with the capability of motor vehicles to collide without property damage or injury to the occupants of such vehicles in accordance with the provisions of this title. Not later than January 1, 1974, the Secretary shall establish such standards for collision of both the front and rear of a motor vehicle with a fixed impact barrier at a speed of ten miles per hour.

" '(b) If, prior to January 1, 1974, the Secretary determines that compliance with the requirements of subsection (a) of this section is unfeasible, he may extend the date for establishing such standards, but such extension shall be no later than January 1, 1975.

" '(c) Standards established under this title shall be based upon findings of the Society of Automotive Engineers.

" 'Sec. 502. Except as provided in section 108(b) of this Act, no person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States any motor vehicle manufactured on or after one hundred and twenty days from the date an order under this title is issued unless it is in conformity with such standards.

" 'Sec. 503. Unless inconsistent with the objectives of this title, a standard shall be prescribed and an order shall be enforced in the same manner and to the same extent as a Federal motor vehicle safety standard established under title I of this Act and all the provisions of that title shall apply to orders under this title.

" 'Sec. 504. There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this title such sums as may be necessary'."

On page 14, line 14, strike out "TITLE V."

On page 14, line 17, strike out "Sec. 501" and insert in lieu thereof "Sec. 16".

On page 16, line 11, strike out "Sec. 502" and insert in lieu thereof "Sec. 17."

On page 17, line 8, strike out "section 501" and insert in lieu thereof "section 16."

On page 17, line 20, strike out "section 501 of this title" and insert in lieu thereof "section 16 of this Act."

On page 17, line 23, strike out "section 501" and insert in lieu thereof "section 16."

On page 19, line 13, strike out "Sec. 503" and insert in lieu thereof "Sec. 18."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 76

At the request of Mr. Schweiker, the Senator from Rhode Island (Mr. Pell) and the Senator from New Jersey (Mr. Williams) were added as cosponsors of Amendment No. 76, intended to be proposed to H.R. 6531, the Military Selective Service Act.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UTILIZATION OF FACILITIES AT FORT DETRICK FOR THE CONQUEST OF CANCER

Mr. MATHIAS. Mr. President, I noted with a great deal of satisfaction that the President of the United States yesterday issued a very significant statement on the program of this administration for the conquest of cancer. I am heartened by the President's personal attention to this aspect of one of his six great goals—the goal of improving the standards of health care in America. However, I would like to call particular attention to one line that the President used in his message.

That line is that he hopes and that he feels—quoting directly—"It is important that this program be identified as one of our highest priorities and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape."

Mr. President, I would like to call to the attention of the Senate that there is an institution which belongs to the Federal Government, operated by the Army, called Fort Detrick.

The people of America have invested one-quarter of a billion dollars in real estate and scientific equipment at Fort Detrick for the purpose of developing the awesome science of biological warfare.

The President on the advice of the National Security Council has renounced biological warfare. I support President Nixon's decision in so doing. However, let me say that that decision was taken in November of 1969, and the facilities at Fort Detrick have, except for some defensive studies, been without a mission for 18 months.

I am told reliably that, of the $185 million worth of scientific equipment, $100 million worth of that equipment could be used today to start on this cancer program.

For some reason, however, which the President, I think, has adequately identified as bureaucracy and redtape, no decision has been made to do it; $100 million worth of scientific equipment is available to culture viruses, which is one of the first ingredients necessary for a national cancer program.

More than that, we have a team of scientists and trained personnel who, for 18 months, have been without a job, without a mission. All they need is a phone call today saying, "Go to work and help find a cure for cancer."

I hope that phone call will be made today.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I yield my 3 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for an additional 3 minutes.

Mr. MATHIAS. Mr. President, I am very grateful to the distinguished Senator from West Virginia for giving me his time to pursue this subject a little further.

Mr. President, I am disturbed that there has been a delay. I am disturbed because I think it reflects on the efficiency of the Government when we can have a large institution like Fort Detrick drift along for 18 months without a mission.

I say that I take some responsibility for it, because, when the original decision was made in November of 1969 to renounce biological warfare, I went to the Defense Department and said, "Don't fire those people. This is an important national defense problem. This is a question of high policy. Do not let the whole burden of this fall on the shoulders of a little group of people employed there. We can spread this burden over the whole American society by keeping the people on the payroll until a decision has been made to put Fort Detrick to work at some other goal or purpose."

At that time I was hopeful that the program would be the national cancer program. So I said, "Don't fire them until we have made a policy decision on what we will do with the fort." I little thought that it would be for a period of 18 months.

I do not know what the total costs have been to the American people for this delay in making an important decision. I have been told that the payroll, prior to the beginning of this year, had run up to more than $10 million. So, a rough estimate, I would suppose, is that we have spent $15 million in payroll for people who really have not had an assigned job.

Mr. President, think of it. If that $15 million worth of highly skilled effort, highly professional effort, had been directed toward this goal of finding a cure for cancer, we might have been well down the road that the President started us on yesterday.

So, I think that the President should not only be praised for his very timely statement on the subject of finding a cure for cancer, but that we should also give weight to his caution against the delay which can occur because of what he says is the familiar danger of bureaucracy and red tape. We have had an example already, an expensive and frustrating example. I hope that under the impetus of the President's warning yesterday this example will be promptly removed and that we can put Fort Detrick to work because if we do not we will have to build another installation like it at a further cost of hundreds of millions of dollars to the American people.

THE MILITARY SELECTIVE SERVICE ACT—PROPOSALS REGARDING U.S. MILITARY PERSONNEL IN WESTERN EUROPE

Mr. MANSFIELD. Mr. President, will the Senator from Maryland yield to me on another matter?

Mr. MATHIAS. I am very happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Would the Senator be willing to discuss with the chairman of the Committee on Armed Services, the distinguished Senator from Mississippi (Mr. STENNIS), and the equally distinguished Senator from Maine, the ranking minority member of that committee (Mrs. SMITH), the possibility of voting on the Mathias substitute sometime very shortly so that we can get this matter of troops in Europe resolved?

I am saying this because I have no desire to delay or stall the administration's draft extension proposal which, as the Senator knows, has a termination date of June 30. I would like to do what I can, with the Senator's approval and the approval of the other Senators just mentioned, to face up to this amendment and other amendments as expeditiously as possible and bring them to a vote and the consideration of the bill, hopefully, to a conclusion.

Mr. MATHIAS. I would be very happy to talk with the chairman of the Committee on Armed Services and the ranking minority member of that committee immediately. The Senator and I have been studying this problem over a long period of time, and as we discussed yesterday, the issue is very clearly defined.

Mr. MANSFIELD. It is very clear.

Mr. MATHIAS. There is very little shade of meaning one can add to it. It is a stark decision that has to be made.

I am willing to discuss the matter with the Senator from Mississippi and the Senator from Maine at any time and report back to the majority leader at the earliest possible time.

Mr. MANSFIELD. I appreciate the comments of the distinguished Senator from Maryland, who is always most helpful, accommodating, and understanding.

I wish to express my hope that we can expedite consideration of the pending measure, which is an administration proposal, as rapidly as possible, because we have other measures coming up which will take some time. If the House acts, as it might, in restoring the SST funds for the continuation of that program, that issue will take some time in this body. The question of a loan to Lockheed will take some time in this body. We will have other appropriation bills coming in. As the Senator knows we will be in recess from August 6 to September 8.

Therefore, it would behoove us to get on with the business of the moment and to do so without undue delay. I know the Senator is in accord with my views. I just wanted to make it possible for us to indicate our desire to go ahead with other amendments.

Mr. MATHIAS. I join with the majority leader in this hope. I am entirely ready to act today. I hope this will be more than a pious hope.

Mr. MANSFIELD. Yes, because the matter is clearcut and it should not take too much more deliberation on the part of Senators, and I hope not too much deliberation on the part of the administration downtown either.

Mr. SCOTT. Well——

Mr. MATHIAS. If I may interject one further thought, I must say there is a note of pessimism in a bill I have introduced today.

Mr. MANSFIELD. I think the Senator has a good idea in making use of a present facility to do what the President said he intends to do.

Mr. MATHIAS. The bill to which I have referred is on another subject and it leads to my pessimism in expediting these matters. The bill I have introduced, which leads to my pessimism is a bill to reimburse the city of Frederick, Md., for money paid, saving harmless and valuable military and hospital supplies owned by the U.S. Government, which grew out of an incident during the Civil War. These matters do drag on.

Mr. MANSFIELD. I do not believe in looking too much to the past. We have too much confronting us today and tomorrow. There are exceptions which prove the validity of the rule.

Mr. SCOTT. Mr. President, who has the floor?

Mr. MANSFIELD. The Senator from Maryland.

Mr. BYRD of West Virginia. Mr. President, who has the floor and how much time is remaining? Are we proceeding under the 3-minute agreement?

The PRESIDING OFFICER. The Senator from Montana had the floor for 3 minutes and his time has expired.

Mr. MANSFIELD. I must apologize. I did not realize we were still in the morning hour.

Mr. SCOTT. Mr. President, may I be recognized for 3 minutes?

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, my hope is that we can consider, in addition to the Mansfield amendment, any amendments or substitutes thereto. There is a good deal of discussion going on as to possible sense-of-the-Senate declarations, or possible amendments which might enable us to avoid what some of us already fear would be a disastrous course here.

We recognize the concern and the deep sincerity of the distinguished majority leader. We know that there is a great weariness with the commitments of the United States in different parts of the world. On the other hand, we are negotiating, it is well known, on mutual and balanced reduction of forces with the other side.

Passage of this amendment, in my judgment, could well jeopardize these negotiations, because I think it would be misread as to the genuine intent of the measure. It would be misread by those who wish to misread it.

I think our undertaking with our allies would be thrown into some disarray if they felt we were proceeding unilaterally after we gave them various assurances that we are proceeding within the framework of NATO.

I would like to see a time when the Warsaw Pact countries and the NATO countries withdraw down to a lower level for the purpose of the reduction of tension, but I am afraid interpretation abroad would be that the United States is withdrawing to the ancient isolationism which some of us lived through in the 1930's and the early 1940's. I would hate to see that sort of thing develop again.

In this country we go from highs to lows and from heavy involvement to a move toward noninvolvement; and every time we get to noninvolvement, we are confronted with a new crisis and we have to make sudden movements toward expensive and massive rearmaments.

It happened in NATO. I was at Orly Field when they were closed; and within a month it was reopened, because of the Korean war. We close installations and reopen them and at 10 and 20 times the original cost.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. The Senator mentioned Orly Field. He recognizes the fact that since that time General de Gaulle, after giving his country 3 years' notice, and this country not taking notice of the notice, abruptly withdrew from NATO, in a certain sense, at least to the extent of telling us we could no longer maintain our troops, equipment, and logistical support, including a very expensive pipeline running through France up through the vicinity of the Rhine and beyond.

The Senator is also aware of the fact that Canada, under Prime Minister Trudeau, one of the great statesmen of this hemisphere, if not the world, is also in the process of reducing the Canadian contingent to NATO by approximately half.

Certainly the Senator does not envision that we should remain in Europe for an undetermined period of time. We have been there more than a quarter of a century after the end of the Second World War.

As far as mutual withdrawal is concerned, why can we not withdraw and let the European powers take up the slack? They have the manpower and the money.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Mr. President, I yield 1 minute of my time to the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator from New York.

Mr. President, in the minute I have, I would like to say the action of the French Government, in my opinion, was largely influenced by De Gaulle's thinking that the American people were volatile, therefore our foreign policy is undetermined; it cannot always be determined; that the Congress frequently frustrates the President, and vice versa. I think partly the actions of the United States may explain the otherwise inexplicable action of the French.

I do think we have been in Europe a long time, and I do think we should move toward getting out, but I think we should not move toward getting out in circumstances which upset the delicate negotiations with the other side and which would definitely work to create, again, the impression upon our allies that we are not to be relied on, not to be trusted; and when, what is most unfortunate, as any Senators who have served as members of the NATO delegations are well aware, reduction-in-force problems have been and are being discussed, and the ways in which it should be achieved. I want them reduced, but I want them reduced in such a way that we do not disrupt and cause a 180-degree turn in the foreign policy of the United States on an amendment on which we have not had hearings.

I thank the Senator from New York.

Mr. JAVITS. I thank my colleague. I, too, have not taken an active part in this debate, but I think I shall have to now, because I have been in the "NATO business" for 15 years in a very active way.

I am not afraid of withdrawing troops from NATO, and I am sure we have to do it, and I am sure a quarter of a century is enough time; but the European nations are facing a monetary crisis and a crisis in the European Economic Community. If we hit them with this one, we are likely to collapse the whole structure created into the Atlantic Community, with respect to security and cooperation. I think that is dangerous; and if it is done, we should do it in an intelligent way.

The thing that worries me about the provision proposed by the Senator from Montana (Mr. MANSFIELD)—and I know he is very thoughtful, and we have debated it before—is the cut-off date of December 31, 1971. I believe the concept of mutual reduction is also a concept that can be extended to our European allies, but we have to give them an opportunity not to discount the United States as much as they have in money, which they are doing right now.

We can shake them up, and I am inclined to think it is high time we did, but it is one thing to shake them up and another thing to dismantle the whole structure, because if we dismantle it, it is likely to stay dismantled and we are likely to upset our security and that of the whole world in an irremedial way. I do not like to sound alarming, but it is a situation which can shake up the whole world.

For my part, I wish to devote myself, in a prayerful way, to the thesis of the Senator from Montana, and be sympathetic to it, in the hope that we may find a way to bring about his goal through legitimate observations and suggestions, and not dismantle the structure of what I think is essential to mankind's future.

Mr. MANSFIELD. Mr. President, I appreciate the comments of the distinguished minority leader and the distinguished senior Senator from New York and the tone in which they were expressed; but there are others in this Chamber who have had experience with NATO down through the years, who have been members of delegations to the NATO conference.

I would point out that every time this question is raised, there is always a "crisis." It could be a German election a year and a half away, but it is still a crisis.

Now the Senator from New York talks about the financial situation as it affects the nations of Europe. I am talking about the financial situation as it affects this country, and I would point out again that $14 billion out of the defense budget is spent on the maintenance of forces, dependents, and installations in Europe today, that the balance of payments there is most unfavorable to us, that the dollar has been suffering considerably in the past several years. They made it very plain that this is only a corollary factor. The basic tenet, as far as I am concerned, is one of principle—325,000 troops, 200,000 dependents, 525,000 altogether, a quarter of a century after the end of the Second World War still being maintained in Europe today. The only country which is approximating the maintenance of its full obligation I should say is the United States of America.

When are we going to stop these adventures of ours? We have only about 200 million people in this country. Our resources are not unlimited. We ought to be realistic. And I was not surprised to hear the word "isolationist" raised for the first time today, because I expect to hear it more in the days ahead. Nobody can be an isolationist any more. However, I would hope we will be realists and recognize that we are limited as far as people are concerned. I would hope we could recognize that our resources, I repeat, are not unlimited, that we cannot patrol all the parts of the world, that we are not the world's policeman, to repeat a phrase which has been used time and time again.

It is my belief that if we would reduce our forces in Europe by one-half, they would be twice as effective combatwise. We have headquarters on headquarters on headquarters. We have useless headquarters. We have superfluous headquarters. We have 128 general or flag officers, or one general or one flag officer for every 2,343 men in Europe. Think of it. That is the way they describe the Mexican Army of the last century. That is the way they describe the Spanish Army of the last century.

This is something which I think we have to face up to, and as far as I am concerned, I am willing to vote at any time—win, lose, or draw. I do not intend to be a party to any stalling as far as any amendment to this bill, an administration bill, is concerned, nor to the bill itself; but I do think we ought to face up to the realities of today and tomorrow, and update policies which may have been good 20 or 25 years ago, and recognize that the world changes and that as it changes, we too must change—contrary to the old French proverb that the more the world changes, the more it remains the same.

I would say, in addition, that the Army is now carrying on a $10 million publicity campaign to entice recruits into the U.S. Army. The Army does not want to join these people that they are appealing to; it wants these youngsters to join it. And what is the Army promising them? That following basic training their first 16 months of service will be spent in West Germany and other parts of Western Europe. There must be a reason behind it. Of course, after 16 months, if we are still in Vietnam—heaven forbid—that is where they will end up.

So I am ready, willing, and able at any time to vote on the Mathias amendment or any other amendment to the Mansfield amendment, on the Mansfield amendment itself, on any other amendment outside of that area, or on the bill—I say on the bill; I do not intend to vote for it. I only seek to bring matters to a head, because we have other important business to attend to.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENSON). The time for the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION SETS GOAL FOR FULL EDUCATIONAL OPPORTUNITY FOR HANDICAPPED CHILDREN

Mr. PROUTY. Mr. President, the administration has taken a most significant initiative which is especially pleasing to me as the ranking minority member of the Education Subcommittee and as one who has long been very much concerned with the education of handicapped children. Commissioner of Education Sidney P. Marland recently announced that he has designated education of the handicapped as one of the five major priorities of the U.S. Office of Education for the next fiscal year. For the first time, a U.S. Commissioner of Education has formally accepted the role of providing leadership to the Nation in bringing about full educational opportunity for the handicapped. Dr. Marland merits the approbation of all for the historic step forward.

There are now some 6 million schoolchildren and 1 million preschool children who are handicapped. Three out of every five of these youngsters receives no special education at all. Yet, they have the potential of developing into productive citizens, useful to themselves and to their communities, rather than burdens upon their families and upon society.

I endorse Dr. Marland's initiative on behalf of the handicapped child. He will long be remembered for this effort. I trust that he will receive from the Congress and from the American people the support the administration requires in carrying forward this important new effort.

I ask unanimous consent that there be printed in the Record as part of my remarks the Office of Education statement on Commissioner Marland's announcement and the address before the convention of the Council for Exceptional Children by Dr. Edwin W. Martin, Associate Commissioner, Bureau of Education for the Handicapped, detailing the administration's new goals for education of the handicapped.

There being no objection, the statement and the address were ordered to be printed in the Record, as follows:

Sidney P. Marland, Jr., U.S. Commissioner of Education, Today Urged the Adoption of a National Goal To Provide Full Educational Opportunity for Every Handicapped Child in the Nation by 1980

"The right of a handicapped child to the special education he needs is as basic to him as is the right of any other young citizen to an appropriate education in the public schools," Dr. Marland said. "It is unjust for our society to provide handicapped children with anything less than the full and equal educational opportunity they need to reach their maximum potential and attain rewarding, satisfying lives."

Dr. Marland pointed out that he has designated education of the handicapped as one of the five major priorities of the Office of Education for fiscal 1972.

He also announced that he has assigned to Dr. Terrell H. Bell, Deputy Commissioner for School Systems, and Dr. Edwin W. Martin, Associate Commissioner for Education of the Handicapped, responsibility for planning toward the 1980 goal.

Today there are an estimated 6 million school-age and one million preschool age children who are handicapped. Only 40 percent of these children receive any special education at all. As many as half of them, the Bureau of Education for the Handicapped estimates, could develop in regular educational classrooms if they had the support of part-time special education services.

Dr. Marland has already established target objectives for the education of the handicapped in fiscal 1972. They are:

To provide appropriate special educational programs to an additional 250,000 school-age children, raising the total number to nearly 3 million.

To provide 250,000 teen-age handicapped students already receiving special education with appropriate career education programs, including placement and employment services.

To produce in 1972 through Office of Education-supported college and university training programs the 17,000 trained teachers, teacher trainers and leadership personnel needed to support the additional special education programs.

Efforts will also be made to train 12,000 teachers to work with handicapped children in their regular classrooms, Dr. Marland stated.

Along with the education of the handicapped, Dr. Marland has given Office of Education priority to the following areas for fiscal 1972:

1. Career education for all who can benefit.
2. Quality education and equality of educational opportunity for disadvantaged children.
3. Elimination of racial and cultural isolation.
4. Innovation and renewal wherever they can strengthen education.

Full Educational Opportunity for Every Handicapped Child: A National Goal

(By Edwin W. Martin)

The other night we went to see "Hair" which opened recently in Washington, and is now assured of a long and highly successful run. It's a little disconcerting to reflect on the fact that "Hair" is just now arriving in Washington. It does not seem to advance our reputation as being an avant-garde community. In any event, "The Age of Aquarius" is dawning in the nation's Capitol and, in a very real sense, I think a new era is beginning with respect to the role of the Federal government in education for the handicapped.

In reviewing the history of the national government's interest in education of the handicapped there are a number of eras, beginning over a hundred years ago with Federal support for Gallaudet College and the American Printing House for the Blind. The second step was a long time coming, finally arriving in the late 1950's in the form of support for training leadership personnel in the area of mental retardation, initiation of the Captioned Films for the Deaf program, and support of research in education of the handicapped under the Cooperative Research Act. In the middle 60's we moved for the first time into assistance to the States for the providing of increased educational programming for handicapped children, and these various patterns of support have been expanded and diversified over the years.

In the past, there have been numbers of spokesmen representing increased education for handicapped children in the various levels of the Office of Education and the administrative structures they represented may be seen in terms of various stages of development. We have had educational specialists, sections chiefs, Branch Chiefs, Division Directors, and Bureau Chiefs playing the role of advocate for the handicapped. This year, for the first time, we will have the United States Commissioner of Education formally accepting the role of providing leadership to the nation's schools and to the national community at large in bringing about full educational opportunity for handicapped children. In a release to the press in Washington today, in conjunction with this opening session of the Council for Exceptional Children's 49th Convention, Sidney P. Marland, Jr., United States Commissioner of Education calls for "the development of a national goal to provide full educational opportunity for every handicapped child in this country by 1980".

Dr. Marland also says:

"The right of a handicapped child to the special education he needs is as basic to him as is the right of any other young citizen to an appropriate education in the public schools. It is unjust for our society to provide handicapped children with anything less than a full and equal educational opportunity they need to reach their maximum potential and attain rewarding, satisfying lives."

Dr. Marland has designated education of the handicapped as one of the five major priorities of the Office of Education for the Fiscal Year which will begin July 1st and has assigned to Dr. Terrel H. Bell, Deputy Commissioner for School Systems, and to me, as Associate Commissioner for Education of the Handicapped, the responsibility of planning toward the 1980 goal. To bring this message to you concerning our 1972 objectives he has prepared a special film message which I would like to share with you. But first, I want to tell those of you who may not know the Commissioner a little bit more about him.

Sidney P. Marland is the 19th Commissioner in the 103-year history of the Office of Education. For more than 20 years, he has been an educational planner, a consultant, and an administrator of public school systems. He has been Superintendent of schools in Darien, Connecticut, and Winnetka, Illinois, and in Pittsburgh, Pennsylvania. He has been a visiting Professor and lecturer at Harvard, Northwestern, and New York Universities, and at the national college of education. He holds a B.A. and M.A. degree from the University of Connecticut and his Ph.D. from New York University. In 1967, he was awarded an honorary LL.D. degree by the University of Pittsburgh. His reputation as an administrator, as an educational innovator is widely known. As I have known him in the past months, I see a rare blend of decision-maker, of activist, and of the greatest importance to us, today, as a humanist, he is the first Commissioner of Education to declare that the education of handicapped children is a major priority of the United States. (Show Film)

Now that we have seen the Commissioner's film I would like to review with you some of the factors leading to this new objective and to discuss with you some of what I believe it can mean for those of us interested in education of handicapped children. I would also like to share with you some of our plans and hopes for the future.

The development of Federal efforts to support education for the handicapped has made it possible for us to watch more closely the growth in State and local efforts to provide special education for handicapped children. We have been able to develop an awareness of the national patterns in the provision of these services, to assess the need for trained manpower in the rural areas and inner cities, including such aspects as the availability of resources to teachers in terms of materials and methods of instruction. In essence, the development of a national perspective has made certain truths more clear.

First, the States report that approximately 6 million school-age children need special education. They report further that only 2.6 million of these children are now receiving special education services. These estimates are generally based on the estimate that approximately 10 percent of school-age children are handicapped, although in some instances they reflect more detailed analyses of State and local populations. Furthermore, the 10 percent figure, once felt to be a generous estimate, is increasingly being seen as a conservative measure of the numbers of children who actually will require adaptation of the educational system if they are to succeed.

As one example, in discussing these figures with me, Commissioner Marland has said on several occasions that his experiences as a school superintendent has made him confident that there are seven or eight percent of school-age children who show behavioral and emotional problems sufficient to require additional special education or related services. This figure coincides well with the analyses of the Joint Commission on Mental Health and contrasts with the 2 percent we include as seriously emotionally disturbed in our 10 percent estimate. Similarly, increasing emphasis on identifying the learning characteristics of children who are seen as having specific learning disabilities suggests larger numbers of these children than the 1–2 percent of the 10 percent overall estimate allows. I recognize that in discussing these needs we are not talking about special class programming for all of this broad range of youngsters, any more than modern thinking holds that special class programming is essential for all handicapped children under our older estimates. What is increasingly apparent, however, is that we have offered far too few children the supplementary services that are necessary; there has been too little modification of the system to many many children's learning needs.

As a second index of need, we commissioned a survey of school districts as part of the development of our computerized information center and had responses from more than 15,000 school districts. Of these, about 7,500 offered special education programming. And in those instances the largest majority offered only classes for the educable retarded and/or speech and hearing therapy—by no means a full range of services for other handicapped children. Another 10–15 percent of the districts made similar arrangements with nearby school districts or State schools.

Another pattern is apparent—the range of children being served in terms of percentage of the need met varies widely across the country, with some States reporting less than 20 percent of their handicapped children in special education programming. At the maximum level, one State reports about 75 percent of handicapped children enrolled in special education programs. This inequity of service suggests a national problem—if a child lives in one State he is four times more likely to receive assistance than if he lives in another.

We have also become increasingly aware of the burden on parents of children who are multiply handicapped or who have serious emotional problems. These children are frequently excluded from *all* educational opportunity. There has been a growing sensitivity to this intolerable burden which has been placed on parents whose children have been excluded from the educational system. Two weeks ago I was in Seattle and was interested and encouraged by legislation stimulated by parents and concerned citizens called the Education for All Bill. It was then pending in the Washington legislature and expected to be approved; and I have learned today it has passed all but the fund step. The bill has the support of State officials and will clarify the mandate that the State of Washington has for educating all of its handicapped children. Although Washington has a well-developed special education program, in fact, it is the State reporting 75 percent of children served, a survey of school districts to identify children who were not enrolled by the schools quickly came up with approximately 4,000 children now receiving no educational assistance.

And so each year since 1967, when BEH was organized we have reviewed our Federal efforts to stimulate increased educational opportunity for handicapped children against these needs, that is, at least 3 million school-age children requiring additional services; approximately one million preschool age children who should receive special attention to prevent or reduce later handicapping conditions; and the requirement for perhaps 200,000 teachers and aides to help provide increased educational opportunity.

To capsulize this review, let's look at the growth in Federal support efforts as it has increased from the $50 million level in 1967 to over $220 million in this Fiscal Year [overhead]. As you can see, the basic education for the handicapped appropriations has been growing in small but steady increments. This includes grants-to-the States under the Education of the Handicapped Act, the Teacher Training support funds, and our Research and Demonstration and Media activities. Growth of a similar magnitude has come from Title I funds for institutionalized children, from Title III funds in innovation and from Vocational Education funds. Each one of these larger programs has had a legislative specific set-aside for handicapped programming. On a voluntary basis, the Bureau of Educational Personnel Development has put a share of its funding into increasing the ability of regular educators to deal with handicapped children. While this growth has been encouraging, $200 million for 7 million handicapped children represents approximately $30.00 per child. Clearly that level of support called for a catalytic rather than a basic support strategy for the expenditure of Federal funds, and we developed a catalytic or multiplier strategy.

As we reviewed this year these national needs and the combined Federal State and local efforts our conclusion is that the nation is making progress, the catalyst is working, the State and local efforts are growing, but our progress across the country is not fast enough—our services do not reach enough children—the quality of our efforts is not all it should be. Nationally, there is no profound and fundamental commitment to full educational opportunity for handicapped children. There seems to be, instead, a pattern of "let's do a little bit more as we can see our way clear to do so". And so in recent months, we have added to our strategy by emphasizing the intrinsic right of all children to an education by declaring that education of handicapped children can no longer be a charity activity, a magnanimous gift bestowed upon the "have-nots" by the "haves".

Rather, providing educational opportunity to every handicapped child, assuming the burden of this responsibility with the family, has to be seen as a basic American tenet, even if it has not been a tenet that we have lived out successfully.

In the first generation of the Bureau of Education for the Handicapped management by objectives developed a little over a year ago, we decided to give special attention to this question of the attitudes of society toward the rights of handicapped children and to attempt to help develop acceptance of equal opportunity programming. We felt that appropriate public attitudes were critical for the success of any large scale effort to educate handicapped children.

Robert Louis Shayon, the television critic of the Saturday Review labeled one set of obstacles facing us as "Funds, Fatalism, and Fear." Essentially, our problem with lack of funding is a problem of insufficient priority, not insufficient dollars. This week, it came to my attention that a decrease in the education budget in a near-by county had resulted in the cut-back of transportation services for orthopedically handicapped children. Incredibly, this cut-back in transportation preceded similar cut-backs for non-handicapped children. Such a cut could only be based on the underlying presumption that programming for handicapped children was an extra, perhaps a desirable extra if funds were available, but not a fundamental commitment by the schools. I believe this failure to recognize the intrinsic rights of handicapped children to an education is based in part on the other two F's—fatalism and fear. First, I think that many people have failed to understand that educational programming for handicapped children works, that deaf children, that blind children, that retarded children, can in fact learn, can in fact receive education and training that will allow them to become productive members in society. I think, perhaps, that many members of the general public see handicapped children only in terms of stereotypes, the most severely retarded child, the most manifestly emotionally disturbed child, the most critically physically handicapped child, and while those of us in special education realize that what they are picturing represents only the extreme 5 or 10% of the population, these assumptions make it seem as though special education is a nice thing to do, a type of kindly busy-work or baby sitting. Because of our historical pattern of isolation of handicapped children and adults, many handicapped persons represent an unknown commodity to the general public and so they are to be feared as are blacks, foreigners, and people of different religions. The very fact that children may be overtly handicapped and that enormous burdens may be placed on them and on their families also is anxiety producing. This problem may become something which is too painful to be held in consciousness and so better repressed and avoided.

The interactions of these various factors, the recognition of need for additional services, the awareness of the burden on parents, the recognition that the positive public attitudes were critical for the development of additional programming and the general awareness of a need for a more flexible education system which is accountable to the child have combined to produce a call for more insistent and powerful leadership. It seemed necessary to establish a broader conceptual goal, to develop a statement of a proper course of action. To provide a moral climate in which development of full educational opportunity for handicapped children will become possible. In making education for handicapped children a major priority of the Office of Education and in urging the development of a national goal of full educational opportunity for handicapped children, by 1980, Commissioner Marland is attempting to provide a concept which can bring unity to State, local, and Federal efforts. We recognize as you do that the United States Commissioner of Education cannot mandate the activities of State and local schools but he can offer a statement of national purposes of moral and educational leadership. He can focus attention on a critical national need, can create a policy which guides the development of future Office of Education efforts. For those of us in the Bureau, our objectives year-by-year can now be plotted as steps toward the goal of full education opportunity. Our strategies may be developed in terms of the role that we can play in supporting State and local efforts toward their specific goals for handicapped children. There must be specific objectives developed in every State which bring together special educators, regular educators, parent groups, and other segment of the public who may not have been specifically concerned with handicapped children, but who believe in the principle of full educational opportunity for every child. As educators and as CEC members you should play a key role in the development of State goals.

In some States new legislation will be required, in others current legislative provisions may be adequate, but there may be various barriers to implementation. In each instance cooperative efforts will be necessary to specify the objectives in a given State and to enlist the support of citizens and policy makers toward the fulfillment of those objectives. Communication system must be developed so that we can share in the progress State-by-State, and so that the successes of one State will add to the momentum of the total movement toward the national goal. Successes in one State will strengthen and reinforce activities in other States.

This unification of purpose and target at the State level by various groups must be marked in our national efforts as well. In addition to the objectives within the Bureaus of Education for the Handicapped, the Commissioner's new objectives will have Office of Education wide implications. We can expect complimentary objectives in Education Personnel Development, in Vocational Education, in Elementary and Secondary Education, in the development of Educational Technology and Communication Systems, and so on. We also will be concerned with developing more effective programming for handicapped children in other HEW organizations. We already have begun joint activities with the National Institutes of Mental Health, and will in the next few weeks make grants for a number of model child advocacy projects designed to help children secure whatever services are necessary for their full development so that they may maximize their potential. Next year, the Rehabilitation Services Administration will join us in funding a second round of child advocacy projects and our efforts are also underway toward cooperative planning with the Rehabilitation Services Administration on State-wide activities.

Development of fuller participation of handicapped children in all of HEW supported day care and preschool activities is another objective. Ed Zigler, Director of the Office of Child Development, who will be speaking to us later this week has already promised to work with us toward this end. The Department of Health, Education, and Welfare Secretary—Elliot Richardson has been particularly interested in developing a disposition among HEW agencies toward planning for the provision of full and comprehensive patterns for the delivery of service at local levels. We are recommending the review of all HEW programs assisting handicapped children to achieve this end: improved strengthened and coordinated services available when and where they are needed.

The day has passed when we as educators can be concerned only with education and when our colleagues in mental health can be concerned only with mental health clinics and our physicians with medical care. We can no longer have unassigned responsibility for the integration of services, no one responsible to the parents for assisting the child with the whole range of his needs.

In the months remaining of this fiscal year which ends in June, and in the early months of 1972 we will be actively planning for the implementation of the 1972 objectives. We hope to involve many people in thinking and planning with us, so that these objectives, true national objectives, will grow out of mutuality of planning and are not solely Federal efforts. Similar efforts at the State level must be established or expanded.

The National Advisory Committee on Handicapped Children met several weeks ago and strongly endorsed the development of this national goal. They will provide general counsel and over-sight to the Bureau and to the Office of Education in the pursuit of the goal. The Committee has elected Jack Matthews, of the University of Pittsburgh as its Chairman, and Dr. Matthews has agreed to spend extra time with us in developing and implementing our future plans.

Our CEC president, Sam Ashcroft, has also agreed to work with us and to help us think about the role that professional organizations should play. John Melcher from Wisconsin has agreed to think with us about the role of State Education Agencies, and Ernie Willenburg of Los Angeles, has agreed to work with us on the specific needs of the cities. Jim Gallagher will work with us toward the development of increased services for preschool children, and Elizabeth Boggs of the National Association for Retarded Children will help us with our planning for cooperative activities with parent groups. And, of course, many more people will be involved as we progress toward the goal.

In addition, we hope to be able to meet with hundreds of people interested in special education, handicapped persons, educators, parents, legislators, and the general public, in a series of regional meetings in which the Bureau of Education for the Handicapped personnel and our advisors will discuss this new initiative with people across the country gathering their advice, and requesting their support, and hopefully providing some assistance to the development of local efforts.

As I close, I want to express particular appreciation to the Council for Exceptional Children for the great leadership that you have given in developing educational programming for handicapped children. Your services in the schools have been inspirational, your support of legislative activities at the State and Federal levels have made possible the climate in which a national goal might be articulated. Your call for a national commitment to handicapped children joined our Bureaus' similar call to become a major recommendation of President Nixon's Task Force for the Physically Handicapped.

In the months and years ahead, we all recognize there will be no easy victories. The mere articulation of the national goal will not make it occur. Without concerted work in every State and in many communities, there is little hope for this realization of full educational opportunity. We have a new rallying point.

This last week, as I have thought of the great lessons that mankind has learned, over thousands of years which are expressed in our religious traditions of Passover and Easter, I realized that we have a great need for, and that there is great joy in new beginnings and new arisings of the spirit, in new starts toward promised lands. I have said on many occasions that I believe the work we do in struggling to provide education for handicapped children is an important work. Victor Frankl, in his writings, pointed out the importance of having goals to give meaning to our lives. He recognized that the importance of having purposeful work which brings dignity to our existence. Helping assure the intrinsic right of children to an education in the United States is a noble work. It is a work which reflects the best in the American spirit. It is a work which strives toward unity rather than division, toward light rather than darkness, toward hope rather than fatalism. If even one child is excluded from school we are all excluded; if one child is denied his rights, all of our rights are lessened, I believe that our goal of full educational opportunity is a just goal and a realistic one. I ask you to join me in accomplishing it.

The PRESIDING OFFICER. Is there further morning business?

ADDITIONAL STATEMENTS

STAGGERING BUILDUP OF SOVIET STRATEGIC POWER

Mr. GOLDWATER. Mr. President, many of us who take a special interest in the military establishments of our country have become increasingly alarmed in recent weeks over the staggering buildup of the Soviet Union's strategic power.

Many of us also have been accused by critics of the military-industrial complex, and of the Defense Establishment, of engaging in scare tactics. The argument which comes at us from the liberal side of this Senate contends that the advocates of a strong military system are attempting to frighten the Congress into approving the defense spending recommendations of the Nixon administration.

In fact, Mr. President, to hear some of the scoffers talk, you would begin to suspect that the enormous buildup of Soviet ICBM's and in expanding Soviet naval capabilities are strictly figments of our imagination.

Mr. President, we have reason to use scare tactics at this point in history. The proven advances which the Soviet Union has made in strategic capabilities are frightening in their very essence. They contain a genuine cause for alarm, despite the pooh-poohing of our liberal defense critics.

This brings me to a document entitled "Supplemental Statement to the Report of the Blue Ribbon Defense Panel on the Shifting Balance of Military Powers." This statement, Mr. President, was submitted by the blue ribbon panel to President Nixon and Secretary of Defense Melvin Laird. It contains in its summary the following startling conclusion:

> If observable trends continue the U.S. will become a second rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

Mr. President, I submit that this is a startling conclusion when we consider that it was reached, not in some office at the White House, or by some committee of generals and Pentagon officials, but rather by a blue ribbon panel made up of distinguished American leaders.

Because of the overriding importance of this document and the alarming message which it contains for the American people, I ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The Shifting Balance of Military Power

(Supplemental statement to report of Blue Ribbon Defense Panel, submitted to the President and the Secretary of Defense, September 30, 1970)

The Blue Ribbon Defense Panel, appointed by the President in July 1969, submitted its Report on July 1, 1970. At that time, members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's Report.

This Supplemental Statement dated September 30, 1970, and signed by the seven members of the Panel listed below, was not released by the Defense Department until March 12, 1971. It is not known why release of the Statement was delayed so long.

The central thrust of this Statement is as relevant and significant today as it was on September 30. It identifies and discusses trends which, if continued, will result in the United States becoming a second-rate power incapable of assuring the future security and freedom of its people.

The Panel members who joined in the Supplemental Statement are as follows:

William Blackie, Chairman of the Board,

Caterpillar Tractor Company, Peoria, Illinois.

George Champion, President, Economic Development Board of New York; New York, New York.

William P. Clements, Jr., President, Southeastern Drilling, Inc., Dallas, Texas.

John M. Fluke, President, John Fluke Mfg. Co., Inc., Seattle, Washington.

Hobart D. Lewis, President, Reader's Digest Assn. Inc., Pleasantville, New York.

Admiral Wilfred J. McNeil, Director and Advisor, Fairchild-Hiller Corp., New York, New York.

Lewis F. Powell, Jr., Lawyer, Richmond, Virginia.

PREFACE

The Blue Ribbon Defense Panel, appointed by the President and the Secretary of Defense in July 1969, submitted its Report on July 1, 1970. Members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's Report. This is submitted, pursuant to that reservation, by the Panel members named below.

The statement which follows deals with the balance of strategic military power at a time when the convergence of a number of trends indicates a shifting of this balance against the United States. In the course of the Panel's study during the past year, it became increasingly clear to the undersigned that if these observable trends continue the United States will become a second-rate power incapable of assuring the future security and freedom of its people.

The President and the Secretary of Defense are fully aware of the trends which cause deep concern, and have brought these to the attention to the Congress and the public in formal reports and addresses. Yet much of the public remains uninformed and apathetic. This supplemental statement is submitted with the hope that it will contribute to public discussion and in the end to the informed public understanding which is essential in a democracy.

Now a word about the scope of this statement: It does not purport to be an exhaustive assessment of the comparative military capabilities of the U.S. and the Communist superpowers, as this can best be done by intelligence experts. Nor does it address directly the specific defense and foreign policy issues which must be resolved by the Administration and the Congress. Rather, the statement deals generally with the disquieting trends which affect adversely the strategic posture and influence of this country. with the continuing buildup of Soviet and Red Chinese nuclear capabilities, including an apparent Soviet preemptive strike capability; with the vital issue of technological supremacy; and with attitudes on the domestic front which tend to inhibit the needed public debate and thoughtful reexamination of defense policies and priorities.

It is hoped that this statement will help stimulate this debate and reexamination, with a resulting wider public understanding that the balance of military power is shifting against the United States, and that the first duty of the national government is to "provide for the common defense" of our country (* Preamble to U.S. Constitution).

SUMMARY

The principal points in the accompanying Statement may be summarized as follows: [1]

The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union.[2] These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

A Second-Rate Power. If these observable trends continue the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

A Soviet World Order. Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives.

The End of U.S. Superiority. In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age. The U.S. retains, for the time being, a substantial edge in the smaller, short-range SLBM's launched from Polaris submarines. Yet, the Soviet Union has a major submarine construction program which by 1973–74 could nullify this advantage. The U.S. subsonic B–52 bomber force still out numbers the Soviet strategic bombers by a three to one margin, but both nations recognize the relatively obsolete character of this weapons system.

There are, of course, other elements in the equation of strategic military power. In some of these—such as MIRV and Poseidon—the U.S. is ahead of the Soviet Union. In others—such as strategic defense against missiles (ABM's) and against bomber attack—the Soviets are significantly ahead.

But however one may view the balancing, no informed person now denies that the period of clear U.S. superiority has ended. The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's.

A Soviet First-Strike Capability. Our planners in the 60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability. This evidence includes: (i) the continued Soviet production and deployment of ICBM's *after* having attained a clear numerical and megatonnage advantage; (ii) the emphasis on SS-9's designed as counter-force weapons capable of destroying U.S. hardened missile silos; (iii) the development of MRV with warheads also designed as counter-force weapons, and of MIRV by 1971–72; (iv) the development of a fractional orbital missile which significantly minimizes warning time; (v) the construction of a Y-class atomic powered submarine SLBM launching fleet capable, with no effective warning, of destroying our national command centers and much of our B–52 bomber force; and (vi) the continued Soviet emphasis on strategic defense systems against both missiles and bombers—an emphasis without parallel in this country.

The characteristics of these offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capability. Such a weapon mix and volume are not required for effective retaliation.

A Challenging Soviet Navy. The Soviet navy, modern and rapidly expanding, is now challenging U.S. naval superiority in every category except aircraft carriers. This Soviet naval buildup is a major element in the shifting balance of military power.

Retreat from the Threat of the 70's. The situation which our country faces is without precedent. As we enter the 70's, the strategy of American superiority has given way to the concept of deterrence by maintaining an assured retaliatory capability. But there is no longer any certainty that our nuclear deterrent will remain credible to a Soviet Union which apparently seeks a preemptive strike capability, and which is moving rapidly into the role of the world's dominant military power. Red China, bitterly hostile to the U.S., also is acquiring a significant ICBM capability. It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

Cutback in Defense Spending. Although the President has submitted for FY 1971 a "bare bones" defense budget, reflecting the largest single cutback since the Korean War, public and political pressures are mounting for even more drastic reductions. As the U.S. defense spending goes down, the trend of spending by the Soviet Union continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product is barely half that of this country. The mix of Soviet spending is especially meaningful. Without the drain of a Vietnam War or public pressures to curtail defense funding, the Soviet expenditures in dollar equivalents on strategic offensive and defensive weapons significantly exceed those of the U.S.

Threat to Technological Superiority. U.S. qualitative superiority in weapons, due to its advanced technology, has afforded a decisive advantage over the past years. This advantage is now being eroded away, as the U.S. falls behind the Soviet Union in the support of R&D and in the training of scientists and engineers. There is an ever present risk of disastrous technological surprise in major weaponry where an open society is in competition with a closed Communist society. We are neglecting, by inadequate support and planning, to minimize this risk.

Negotiations—Trap or Opportunity? Since the end of World War II repeated attempts have been made by the U.S. to negotiate limitations on the "arms race." Negotiations for sound enforceable limitations should be continued and hopes are now high for the success of the current SALT talks. But the total experience of negotiating with Communist nations suggests the utmost caution and the need for the most critical analysis of the possible consequences of any proposed terms. Not only is the security of this country at stake, but it is possible that a limitations agreement as to strategic weapons could have the effect of neutralizing the U.S. as a strategic power, leaving the Soviet Union and Red China relatively free to employ their superior tactical capabilities wherever this seems advantageous.

Hostility Towards the Military. At this critical time, when the balance of military

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[1] This Summary is necessarily incomplete and reference should be made to the full Statement for the views of the authors.

[2] The principal threat to U.S. security for the 70's is the Soviet Union, and this paper is addressed primarily to that threat. By the late 70's and beyond, the most menacing country in the world may be Red China.

power is shifting, it is uniquely unfortunate that public hostility toward national defense and the military is at an unprecedented level. This attitude reflects a broad spectrum of opinion from honest pacifists and dissenters over Southeast Asia to New Leftist revolutionaries. But the base is sufficiently broad, and the voices supporting various aspects of it sufficiently powerful, to have a profoundly adverse effect upon almost every aspect of national defense. In a democracy, national defense suffers when there is inadequate public understanding and support. It may be fatally undermined when a significant segment of public opinion is not merely negative but irresponsibly hostile.

A Viable National Strategy. Unless the American people wish to accept irrevocably the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The Consequences of Second-Rate Status. Basic Communist dogma contemplates the employment—over such time spans as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis upon crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World.

It is irrational to think, with the balance of military power shifting in its favor, that the policies of the Soviet Union will be less hostile, disruptive and imperialistic.

The consequences of being second rate, even if national survival is not threatened, could be seriously detrimental to the most vital diplomatic and economic interests of this country.

Weakness—The Gravest Threat to Peace. The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world.

THE SHIFTING BALANCE OF MILITARY POWER

The Blue Ribbon Defense Panel's assigned mission, though broadly defined, was related primarily to the organization and functioning of the Department of Defense and the Armed Services. The Panel was not requested to consider matters of national policy such as strategic posture, force levels, weapons systems and defense spending.

But one cannot spend a year studying the defense structure of this country without considering the vital questions of national defense policy. In the course of this study, it became increasingly clear that the balance of strategic military power is continuing to shift against the U.S.

In his Foreign Policy Report, President Nixon said:

"The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as a Soviet conventional attack on Europe." [1]

If observable trends continue—in this country and abroad—there is grave doubt whether this purpose can be attained for the 1970's and beyond. The warning by Secretary Laird that the U.S. could be "in a second-rate strategic position . . . by the mid-1970's" appears to be fully justified.[2] Indeed, if these trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people.

TRENDS WHICH ENDANGER U.S. SECURITY

The trends which are combining to shift the strategic balance of power in favor of the Soviet Union include:

1. The Soviet deployment of types and numbers of offensive and defensive nuclear strategic weapons which threaten the security of this country.
2. The Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons and weapons systems.
3. The Soviet commitment of greater manpower and resources than the U.S. to military-related research and development (R&D), thus threatening to end U.S. technological superiority.
4. The evidence that the Soviet Union seeks a preemptive first-strike capability.
5. The Soviet deployment of a fleet capable of challenging the U.S. fleet.
6. The abandonment by the U.S. of its former policy of maintaining strategic superiority.
7. The state of mind of much of the U.S. public which tends to inhibit necessary defense measures and even the full and rational discussion of the need for such measures.
8. The tendency of many to attack and criticize, whether justified or not, the military, the defense establishment, and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken—at a critical time in history—the only forces which provide security for the U.S. and the free world.

It is appreciated, of course, that opinions differ as to the extent and significance of these trends. Some will think these views do not appropriately weigh such counter trends as may exist. But national defense policies in the nuclear age should be formulated conservatively, based on the most realistic assessment of potential enemy capabilities.[3] It is imprudent, indeed even reckless, to formulate such policies on the basis of subjective judgments as to Soviet and Red Chinese intentions rather than their known military and technological capabilities.[4]

Where the issues are the security of our country, the preservation of the values of a free society, and possibly the life or death of tens of millions of our people, responsible government cannot afford to run the risk of miscalculation on the optimistic side. The lessons of history abundantly teach that nations do not survive by trusting other nations to be rational or by setting examples of unilateral restraint in self defense.

THE GENERAL WORLD POSTURE

Genuine peace, the professed goal of all mankind, is as remote today as at any time since World War II.

The Asian Continent

On the Asian continent, the war in Southeast Asia drags on. Communist aggression continues in South Vietnam and Laos, and now threatens the national existence of Cambodia. With Red China building a military road across northern Laos directed toward Thailand, apprehension mounts in that ancient kingdom.

North Korea, reckless and arrogant, attacked an American ship and plane with impunity and constitutes a threat so serious that some 60,000 American troops remain in South Korea 17 years after the tenuous armistic there.[5]

Despite internal convulsions, Red China maintains the world's largest ground forces and is acquiring a significant nuclear capability. Its despotic regime harbors and promotes the most virulent hatred of America.[6] Its ambitions within Asia—beyond Taiwan—remain obscure, although already it has conquered Tibet, conducted border incursions against India, and indicated a continuing covetousness toward Southeast Asia.

Some think the greatest threat to peace in Asia lies along the Soviet-Chinese border where ancient hostilities have been exacerbated. However this may be, Asia is a continent of discord and unrest with military strength mounting in the four Communist powers. There is no peace or prospect of it.

The Middle East

The situation in the Middle East, in terms of possible escalation into major confrontation, appears to be even more serious. A state of undeclared but active war existed between Israel and its Arab neighbors until the August 1970 cease fire. Although the Arab states have an implacable hatred of Israel they are incapable of waging modern war without the weapons, technicians and economic support provided by the Soviet Union.

The strategic significance of the Middle East is profound. The petroleum resources there are vital to the economic well being of much of the Free World. Effective control of these resources—at least to the extent of being able to deny them to the Free World—is an obvious Soviet strategic objective. Perhaps a less obvious objective is the reopening and control of the Suez Canal. This waterway, as important to the Soviet Union as the Panama Canal has been to the U.S., would provide the cheapest and most effective transportation route between the Soviet heartland in Europe and the Soviet far east. The critical importance of this sea link is evident in relation to a possible U.S.S.R. confrontation with Red China.[7] These strategic considerations explain the willingness of the Soviet Union to incur the gravest risks of escalation. In addition to building up United Arab Republic and Syrian capabilities, the Soviet Union has deployed in the UAR some 100 Mig 21–J's and a substantial number of SAM–3 sites, all operated by Soviet personnel.[8]

The cease-fire plan appeared initially to afford an opportunity for negotiations. But this hope was dashed, perhaps irretrievably, by Soviet and UAR duplicity in deploying SAM's within the agreed truce zones.[9]

In view of Israeli-Arab hostility and Soviet ambitions in the Middle East, including its desire to out-flank NATO in the Mediterranean, there is no prospect of genuine peace in this explosive area.

Western Europe

The situation in Western Europe, the area of our most vital interest, remains relatively precarious beneath the superficial aura of peace. The Berlin Wall and the Iron Curtain still stand. NATO forces, including some 300,000 Americans, are confronted by a larger and better equipped Soviet force. This cold-war type confrontation, without precedent in history in terms of duration and scale, has lasted more than two decades with no end foreseeable.[10] One has to visit Allied bases in West Germany to comprehend even dimly the tenseness and tragedy of hundreds of thousands of armed men facing each other

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Footnotes at end of article.

night and day, with air crews alert, ground units in position, command posts staffed, and the flight of every aircraft monitored.

Berlin, that indefensible symbol of freedom which we nevertheless are committed to defend, remains surrounded by Communist forces which periodically block or harass access routes by land and air. Berlin has assumed crisis proportions a number of times in the past. No one can be sure that the future will be different.

Other areas

The foregoing are the more visible and active danger areas in a troubled world, but ruptures of peace could come anywhere. A war was concluded in Africa earlier this year with heavy loss of life and infinite human suffering. There are few stable governments in either Africa or South America, where plots and revolutions and terroristic activities are commonplace. Cuba, now an armed and erratic Communist power, is a major base for subversion, the export of revolution, and possibly for Soviet naval operations.

Communist have common objective

It is true that the solidarity of the international Communist movement has been fractured. The friendship between the Soviet Union and Red China has dissolved. Even the boasted unity of the Warsaw Pact members depends nakedly upon the military might of the Soviet Union and its openly avowed "right" to employ this might against any recalcitrant member.[11]

But this disunity among Communist powers does not necessarily enhance the chances of peace for the Free World. The hate propaganda of both the Soviet Union and Red China against the United States exceeds that leveled against each other. Each has always proclaimed that the principal enemy is "imperialistic America." The Marxist dream of unity among Communist countries may have faded, but the Marxist purpose of communizing the world remains the goal of every Communist party.

This, is briefest summary, is the disordered state of the world at the beginning of the 1970's. Rational persons, familiar with the lessons of history, would hardly choose this time to undermine our own military forces either by irresponsible criticism or unilateral reductions in defense capabilities.

World order maintained by U.S.

Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic military strength. But for this strength and our will to assert it to preserve freedom, few doubt that the Soviet Union would have imposed Communist regimes on a number of other countries. It had the ambition to subjugate Greece and much of Western Europe just as it did the Eastern European satellites. But for American military strength there also would have been Communist incursions and aggressions—beyond those we have experienced—in Asia, Africa and even in this hemisphere.[12]

This world order which we have attempted to preserve has been precarious and far from effective in many instances. But at least the principal objectives have been attained. The freedom and independence of Western Europe and the opportunity of the countries there to restructure themselves economically were assured. Many nations around the world, including the emerging new nations in Africa, were encouraged to pursue courses of nonalignment. The prospect of worldwide Communist domination—a likely one in the absence of American deterrence—was not a realizable goal. But most important of all, a fragile peace was preserved between the great powers and there was no employment of nuclear weapons.

A new era—Communist world order?

This American preserved world order is now disintegrating. We no longer have the power to preserve it. Nor do we appear to have the will, as a new neo-isolationist fever dims the perception of our people. The Communists everywhere applaud this end of an era, and even many in our country seem to welcome it.[13]

Whatever one's views on this point may be, the critical question now is what sort of world order will exist in the years ahead. There is every reason to believe that the Soviet Union envisions the new era as one which it will dominate, employing its military power and the threat of its use to promote and attain its own imperialistic objectives.

Second best in troubled world

Thus, as we enter the 1970's America is confronted with an inherently unstable world situation in which "little wars and revolutions" can escalate and major wars develop on short notice. We face a world in which the military balance of power is shifting from the West to the East, and the world order sustained by dominant American power is fading away. In the most optimistic view, a precarious order will continue as the two superpowers maintain an uncertain balance of deterrence. A less optimistic view, and one supported by the weight of the evidence, is that the United States will become a "second rate" power subordinate to manifest Soviet military superiority. In that case, the world order of the future will bear a Soviet trademark, with all peoples upon whom it is imprinted suffering Communist repressions.[14]

THE END OF U.S. MILITARY SUPERIORITY

The facts set forth in the Reports of the President and the Secretary of Defense, mentioned above, clearly foreshadow the end of U.S. military superiority.[15] This was predetermined by decisions made in the 1960's, which resulted in the reduction, postponement and abandonment of strategic defense measures and weapons systems. These decisions reflected the budgetary priorities of the Vietnamese war as well as a desire to deescalate the strategic arms race by an example of self-imposed restraint.

In an event, the U.S. is now face-to-face with the fruits of this unilateral strategic arms slowdown.

Soviet missile superiority

The Soviet Union has attained for the first time a superior strategic capability—where it counts the most—in ICBM's. The U.S. froze its ICBM's at 1,054 in the mid-60's when the Soviets had less than 250 ICBM's. While we imposed a limitation on additional strategic weapons, the Soviets pressed forward to overtake and pass us. Intelligence estimates indicate that they now have over 1,250 operational ICBM's, and will have about 1,300 by the end of 1970.[16]

More than 275 of the operational Soviet ICBM's are SS–9's, each capable of delivering 25 megatons as compared to the one megaton payload of the U.S. Minuteman missile.[17] The major portion of the remainder of the Soviet ICBM's are SS–11's and SS–13's, each capable of a payload as large as that of Minuteman.[18]

More serious than the numerical superiority is the substantial megatonnage advantage enjoyed by the Soviet Union. The enormous payloads of the SS–9's have a destructive capacity incomparably greater than any U.S. missile; they have a wider margin of error; they are effective against hardened missile silos as well as population and industrial centers; and their launch vehicle is capable of far more extensive MIRV systems than any U.S. missile.

Although the U.S. has frozen the number of its ICBM's at 1,054, we have commenced to deploy Minuteman III with MIRV warheads. This is a significant qualitative advance in missile technology. The Soviets are believed already to have deployed MRV's in some SS–9's,[19] and they have recently tested what appears to be a MIRV system for the SS–11 missile, indicating an early capability comparable to Minuteman III.[20]

The qualitative lead of the U.S. in MIRV's and guidance systems may prove to be short lived in view of Soviet success and the scale of its efforts. The Soviet Union's advantage in numbers and megatonnage of missiles also seems certain to increase, as it continues to construct and deploy ICBM's at a rate that could result in a force more than double that of the U.S. by the Mid-70's.[21] At that level of superiority, the Soviet Union would have the capability of effectively destroying both the U.S. ICBM and bomber forces as well as our cities.[22]

Polaris—A vital but limited response

The U.S. is fortunate to have its Polaris force, consisting of 41 atomic powered submarines capable of launching a total of 656 missiles (SLBM's). As in the case of ICBM's, we froze the number of Polaris submarines in the mid-60's and no new ones are authorized.

We have commenced the conversion from Polaris to the Poseidon configuration, increasing the size and range of the SLBM warheads. The Defense Department projects the ultimate conversion of 31 submarines, although only eight have been authorized by the Congress.

The U.S. superiority in this category of strategic weapons is also being challenged. The Soviet Union is now engaged in a priority construction program for its Y-class atomic powered submarine which is superior in some respects to Polaris. Ten of these submarines are believed to be operational, each with 16 SLBM's, and the Soviet Union is producing as many as eight to ten new vessels per year in two shipyards. By 1974–75, if this program continues, the Soviet Union will have some 50 Y-class subs with a missile capability greater than our present Polaris force.

Y-class submarines are already patroling the U.S. coast. Their deployment constitutes an ever-present threat to the survivability of our national command headquarters, to most of our major cities, and increasingly to the bomber element of our deterrent.[23]

Balancing the two SLBM forces against each other is not meaningful without considering the relationship of other strategic weapons systems and their survivability following a preemptive strike. If, as indicated above, the Soviet ICBM force attains the capability of destroying or neutralizing our ICBM and bomber forces, the only remaining retaliatory strategic weapon system would be Polaris.

But is it prudent, by tolerating an increasing Soviet ICBM superiority together with a rapidly expanding SLBM capability, to risk the security of the U.S. on a single retaliatory system which we do not plan to enlarge (except qualitatively) and which has definite limitations? Of our 41 Polaris submarines, a significant number are always in port and nonoperational. This means that at any given time our Polaris "assured retaliation" is considerably less than the specified total capability. Soviet strategists may conclude, as their ABM system is extended and improved, that—following a massive preemptive first strike—the damage potential of our SLBM response would be an acceptable risk.

Moreover, there can be no assurance that the presently assumed invulnerability of Polaris will continue.[24] As the Senate Armed Services Committee has said: "We cannot assume that our Polaris system will be the first weapon in history to remain invulnerable."

STRATEGIC BOMBERS

The third element of the U.S. strategic force consists of about 550 B–52 bombers,

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as compared with some 200 Soviet strategic bombers. Although a vital weapons system for many years, the subsonic and obsolescing B–52's are approaching the end of their effectiveness as a major strategic system. Both the U.S. and the Soviet Union are gradually minimizing their reliance upon existing strategic balance of power for the 70's, one must discount the role and significance of these aircraft.[25]

The misleading "numbers game"

There is a pervasive public misunderstanding as to the comparative strategic capabilities of the U.S. and the Soviet Union. This may well result in major part from the widespread practice—among some of the media and among others who minimize the need for national defense measures—of treating nuclear warheads as if they were fungible. This has sometimes been referred to as the "numbers game," namely, the mere counting of warheads without analysis of megatonnage, range, accuracy, survivability and reliability of delivery.

The typical presentation of comparative strength simply totals "the number of warheads deliverable by the U.S. and Soviet strategic systems." An example, which made first-page news, was a tabulation taken from The Strategic Survey showing the U.S. capable of delivering 4,235 nuclear warheads as against only 1,880 by the Soviet Union.[26] The tabulation apparently added together all ICBM's, SLBM's and each warhead which U.S. and Soviet bombers are capable of carrying. Thus, a single bomb or one air-to-ground missile on a B–52 was equated with a Soviet 25-megaton ICBM.[27] This simplistic type of comparison creates the illusion of abundant security, if not U.S. over-kill capability.

It would be difficult to conceive of a better way to mislead the public than to present—without precise definition and analysis—comparative figures of this kind. Those who present such distortions contribute to the confusion rather than enlightenment of our people.

If one wished to make a dramatic comparison indicating precisely the opposite result, the basis could be deliverable megatonnage rather than numbers of warheads. The 300 Soviet SS–9's, expected to be operational by the end of this year, will be capable of delivering 7,500 megatons with a destructive capability several times greater than the total warhead capacity of our entire ICBM and SLBM forces. While such a comparison would be far more meaningful than the "numbers game," it also would be an over-simplified presentation of vastly complex relationships and components of strategic military power.

Other weapons systems

There are, of course, aircraft carriers and other tactical means (by fighter bomber aircraft and short-range missiles) of delivering nuclear warheads. This is not the place to discuss or balance these out in details.[28] But analysis of the comparative numbers, types and probable employability of these weapons in a time of national or international peril is not reassuring.

The available tactical means of delivery do significantly augment the U.S. strategic forces. It must be remembered, however, that the Soviet and Warsaw Pact tactical forces deployed against NATO possess overall capabilities superior to those of NATO.[29]

This tactical superiority is fortified by the rarely mentioned Soviet intermediate range ballistic missile force (IRBM), a type of weapons system we no longer possess. The Soviet Union has deployed more than 700 IRBM's targeted against Allied and U.S. military forces and the cities of Western Europe. Following a preemptive first strike, with these and shorter range missiles, there would be little American or Allied retaliatory capability remaining there. Indeed, in view of the threat of certain destruction of much of Western Europe posed by Soviet IRBM's, one may question whether NATO would be willing to employ tactical nuclear weapons even against a Soviet attempt to overrun Western Europe with conventional forces.

In short, if the U.S. no longer possess the strategic superiority which has been the ultimate "shield" protecting the European democracies, the tactical imbalance against the West could result in profound new military and political problems.

A Soviet first-strike capability

Our planners in the 60's assumed that if both super-powers had an adequate survivable retaliatory capability neither would risk a first strike. They further assumed that the Soviet leadership would be content with this "balance of deterrence," especially if—by freezing our own program—we permitted the Soviet Union to attain a rough parity of strength. Little consideration appears to have been given to the possibility that the Soviets would not "buy" such a rational program, but rather would seek a capability to neutralize the effectiveness of our retaliatory response.

It now appears that the Soviet Union is developing just such a capability. It is producing and deploying offensive nuclear weapons with the capability, when sufficient are deployed, to destroy the ICBM and bomber elements of our retaliatory forces. At the same time, the Soviet Union is pressing ahead with an anti-ballistic missile system designed to provide a strategic defense against such U.S. retaliatory missiles as might survive a first strike.

It is to be remembered that, with the possible exception of our obsolete B–52 force, our strategic weapons are designed primarily for retaliation against enemy centers of population. They are not designed as counter-force weapons and with their limited warheads are not an effective weapon for destroying Soviet ICBM's in hardened silos. This is in accord with America's irreversible commitment never to make a first strike, and to rely—as a deterrent—on having enough operational missiles *after* an enemy strike to destroy its population centers.

This entire theory becomes untenable if the enemy develops (i) an offensive first-strike capability against our means of delivering retaliatory missiles and (ii) a defensive capability of protecting much of its heartland from such U.S. missiles (e.g. Polaris) as survive the preemptive strike.

The evidence is reasonably conclusive that the Soviet Union is planning precisely these capabilities. This is not to say that a preemptive first strike is intended, but rather that weapons systems which are needed *only* for such a purpose are being deployed:

SS–9 missiles. These missiles, with 25-megaton warheads capable of destroying American ICBM's in hardened silos, are designed as a counter-force, preemptive strike weapon. Warheads of this size are not needed for retaliation against even the largest city. The Soviets are continuing to produce and deploy these monster missiles.

SS–9 with MRV. This multiple reentry vehicle contains a cluster of three warheads each capable of delivering five megatons. Our MIRV warheads for Minuteman III are pigmies by comparison, delivering only 200 kilotons, and are designed—not as counter-force weapons—but to penetrate ABM defenses of enemy cities.[30]

SS–11's buildup. The Soviets also are continuing to produce and deploy SS–11's, despite having attained missile superiority over the static U.S. force. They have now tested what appears to be a MIRV system for their SS–11's, which—when deployed—will escalate the ratio of superiority.

Soviet ABM deployment. The Soviet Union is committing large resources to strategic defense systems, both against missiles and bombers.[31] The Moscow population and industrial area are already protected by the Galosh system, with 67 launchers for multistage missiles with megaton warheads.[32] The Soviets are also deploying at about half-a-dozen points around the Soviet Union giant "Henhouse" radars for ballistic missile defense acquisition and tracking. As the radar installation is the long lead time component, it is possible that the Soviets are extending their Galosh ABM system to protect many other areas. They are some five years ahead of the United States in this vital element of strategic power.[33] To the extent that Soviet cities and industrial areas are protected (while ours remain unprotected), the credibility of our retaliatory threat diminishes.

FOBS. The Soviets are developing a fractional orbital nuclear weapons system designed to minimize warning time.[34] This weapon is consistent with a first-strike strategy, as it virtually precludes the possibility of enough warning to fire our missiles or get our bombers off the ground.

Soviet SLBM's. The Y-class submarines described above will have the capability of eliminating most of our B–52 bomber force.[35] Also these SLBM's will constitute a grave threat to Washington, D.C., and to our national command centers.

It is clear from the foregoing and other evidence that the Soviets never have accepted the assumption upon which American strategic planning has been based. The structure of both their offensive and defensive forces strongly indicates that they have planned—and are moving to achieve—a first-strike capability of destroying our urban centers *and* neutralizing our retaliatory weapons except such Polaris submarines as happen to be on station.[36]

In contemplating what risks responsible officials and members of Congress are willing to assume on behalf of the American people, it is well to remember that we have no defense whatever against Soviet ICBM's and SLBM's which now have the capability of killing perhaps half of our population—more than 100 million people—by a surprise first strike.

Soviet "blue water" navy

The weapons described above relate to the Soviet Union's strategic nuclear capability. The growing Soviet Navy is a threat of a different kind, and yet it confirms Soviet intentions to be the world's dominant military power.

For centuries, both under the Czars and more recently under Communist rule, Russia was a land power with limited capability at sea. Virtually landlocked, it was not a maritime power in a "blue water" sense. This has changed strikingly in recent years, as the Soviet Union has now achieved a challenging naval capability. It has the largest conventional submarine fleet; it is moving rapidly to overtake the U.S. in ballistic missile submarines; it has by far the strongest force of surface-to-surface missile-launching ships; and it leads the U.S. in numbers of cruisers, destroyer escorts and patrol boats. Only in aircraft carriers—presumably considered by the Soviets to be vulnerable to missile-launching vessels and aircraft—has the Soviet navy failed to challenge the U.S.

More important than numbers is the quality of the vessels. Although our carrier force is formidable indeed, the U.S. has failed to maintain a balanced navy of modern surface ships. The majority of our fleet vessels are more than 20 years old, many with obsolescing weapons and equipment. By contrast, most of the Soviet fleet is relatively new and modern,[37] often with vessels of greater speed, fire power and more advanced electronics than comparable vessels in the U.S. fleet.[38]

The Soviet naval buildup, like its strategic missile deployment, is a major element in

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the shifting balance of military power. Although not itself a direct threat to the continental United States except the submarines), the new and growing Soviet naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, namely, freedom of the seas.

The U.S., traditionally a sea power, has extensive worldwide commitments. These range from the defense of U.S. states (Hawaii and Alaska), and its territories and bases, to the protection of American citizens and investments in scores of countries. These commitments also include treaty obligations to our allies, and the supplying of U.S. Armed Forces abroad. Our extensive international trade is essential to the continued prosperity of our people. U.S. commitments in all of these respects can be fulfilled only by maintaining control of the seas, now being increasingly challenged by Soviet naval power.

For some three centuries the British navy preserved freedom of the seas and fostered international trade. There were also other naval powers, including the U.S., Japan, Germany, France and Italy. All of this has changed beyond recognition in a dramatic shift of sea power. All of these navies (except that of the U.S.) have ceased to exist as blue water fleets. England has dismantled its great bases around the world, and the vacuum thus created is being filled by the Soviet Union. The Indian Ocean and the Mediterranean east of Malta are already dominated by Soviet naval power. There are no limits to the seas in which the Soviet navy now operates, as demonstrated by its naval maneuvers.[39]

In the new era—in which a Soviet world order is envisioned by its Communist rulers—this navy will increasingly endanger the most vital diplomatic, military and economic interests of the U.S.

Retreat from the threat

The situation which our country faces is without precedent. For a few years following World War II our national security was complete and unchallenged. In the early 50's the Soviet Union became a nuclear power and, with gradual but increasing momentum, it undertook to challenge American superiority. But we enjoyed marked advantages in our industrial base, our technology, and in the sheer number and quality of strategic weapons. In the 60's our complacency in this respect became so great, and our preoccupation with the Vietnam war so distracting, that we neglected our strategic posture.

As a result, we enter the 70's confronted by (i) a superior Soviet offensive missile capability, (ii) a marked Soviet advantage in defensive missile capability, (iii) a menacing Soviet fleet, and (iv) with respect to all of these, a Soviet commitment and momentum which is quite unmatched in this country. We are also confronted, as Red China orbits its first satellite, with the certainty of a new and growing ICBM capability from that irrationally hostile nation.

Within a span of less than two decades we have moved from complete security to perilous insecurity.

Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interests. The state of public opinion is such that some responsible leaders, fully familiar with the threat, believe it is futile to seek adequate defense funding. Thus, we respond as a nation—not by appropriate measures to strengthen our defenses, but by significant curtailments which widen the gap.

In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country.

THE CUTBACK IN DEFENSE SPENDING

It is in this mixed climate of euphoria and retreat that a major retrenchment in America's defense effort has been deemed necessary. The defense budget proposed for FY 1971, totaling $71.8 billion in proposed expenditures, reflects the largest single cutback in defense spending since the Korean War.[40] Yet a significant portion of our political and intellectual leadership is demanding even more drastic reduction.

Difficult budgetary decisions

In addition to the public malasie, it must be recognized that the Administration and the Congress are confronted with extremely difficult budgetary decisions. The problems include (i) pressing and escalating domestic needs, (ii) inflationary costs, (iii) the continuous drain of the Vietnamese war, and (iv) the imperative necessity of a budget more nearly in balance after years of deficits.

Quite apart from public and political pressures, there is an obvious need for some restructuring of national priorities as well as the effecting of all possible economies. The impact of all of these pressures centered on the defense budget, which the Secretary of Defense describes as a "bare bones" one. It is also recognized as "transitional," pending to some extent the outcome of the SALT talks and affording time for a more penetrating analysis by the new administration of defense needs, options and priorities.

Inadequate funding

As understandable as the resulting budget may be, it entails the assumption of defense risks which seem unjustified.[41] The $71.8 billion dollars proposed for FY 1971 is $9.8 billion below the Johnson administration budget proposal for FY 1970, and constitutes 7% of estimated gross national product—the lowest percentage since FY 1951. This proposed funding would constitute 34.6% of the total federal budget, the lowest commitment to defense since FY 1950.[42]

Greater Soviet effort

There has been no comparable restraint exercised by the Soviet Union either with respect to overall defense spending or the funding of its strategic programs. On the contrary, the trend of Soviet defense spending continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product (GNP) is barely half that of this country. If expenditures on the Vietnam war are excluded, the total Soviet effort substantially exceeds that of the U.S. But the mix of the spending is especially meaningful in view of its effect upon the strategic balance of power. The Soviet Union is spending significantly more than the U.S. in the buildup of its strategic offensive and defensive weapons.[43]

The results of this greater Soviet effort are now reflected in their dramatic gains in ICBM's, SLBM's and other advanced weapons systems. If we continue to permit the Soviet Union to outdistance the U.S. in defense effort, it is inevitable that the security of this country will be endangered. As Secretary Laird has warned:

"Time and again in our past history our nation has paid a heavy price for allowing its armed forces to dwindle to levels that proved to be too low to discourage or to counter aggression." [44]

In view of the crescendo of demands for further reductions in defense spending, we may be well along the road to reliving this past history.

THE THREAT TO TECHNOLOGICAL SUPERIORITY

There are three disturbing trends in defense funding: (i) the magnitude of the overall reduction, (ii) the unfavorable balance between Soviet spending on strategic forces as compared to our effort, and (iii) a similar unfavorable balance in the critical area of research and development (R&D). Of these, perhaps the last is the cause for greatest concern.

Soviet challenge to U.S. technology

The U.S. has enjoyed a clear technological superiority over the Soviet Union and all other countries until recently. It has been this qualitative superiority, rather than the size of forces or numbers of weapons, which has enabled America to deter major war and protect the Free World during the past quarter of a century. This superiority is today being successfully challenged by the Soviet Union.[45]

In addition to talented leadership and the necessary industrial base, the essential ingredients of a vital and competitive technology are skilled manpower and adequate R&D funding.[46] The U.S. is falling behind the Soviet Union in both of these respects.

More graduate engineers

As of 1969, the Soviet Union was believed to have about 550,000 full-time R&D scientists and engineers, as compared with about 540,000 in the U.S. But the Soviet Union is graduating annually a substantially greater number of engineers than the U.S., and its technically trained manpower base is projected steadily to outdistance that of the U.S.[47]

Greater funding of R. & D.

Comparative funding data for military-related R&D (including space/atomic energy) in the Soviet Union and the U.S. reflects a similar disparity. Soviet annual funding for this purpose is now estimated at about $16 to $17 billion as compared with U.S. funding of about $13 to $15 billion. Again, the trend is also adverse as the Soviet military R&D effort during the 1960's increased by about 60% while that of the U.S. increased 30%.[48]

Secretary Laird has pointed out that "the Soviet Union is devoting more effort to military-related R&D than is the U.S.," with its rate of such expenditures increasing "about 10–13% annually" while comparable U.S. expenditures "remain relatively constant." [49]

Threat to Minuteman

In relating our need for the most advanced technology to the Soviet threat, Dr. Foster has testified that by early 1974 the Soviet Union, if it continues its ICBM production and deployment, will be able "completely to overwhelm the present Minuteman portion of our deterrent." [50] He stated that the Safeguard program (ABM) should improve the survivability of a significant fraction of the U.S. land-based missiles. But the long-range survivability of an adequate number of our ICBM's cannot be assured without a more extensive and effective ABM system than has been proposed. The critical necessity of providing alternative measures is now a priority task of R&D.[51] Dr. Foster cited this problem as one example of the frightening way in which advancing technology obsolesces both offensive and defensive weapons and even entire weapons systems. Indeed, he states a "major restructuring of our strategic forces may be necessary to insure survivability." [52]

Lead Time—A free society handicap

The problem of "lead time" in weapons development is particularly acute in competition between an open and a closed society. The time span between initial R&D and deployment may range from five to fifteen years, depending upon complexity and rapidity of new developments requiring changes or re-

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designing. In a Communist state, where secrecy is both an obsession and a way of life, the development of a new weapon may be concealed—even from our most intensive intelligence efforts—until testing begins or often until the completed weapon is displayed in Red Square. This gives the Soviet Union and Red China at least a five-year time advantage in developing new weapons systems. If a major technological breakthrough should catch us by surprise the results could be catastrophic.[53]

Hope of survival—Technological superiority

There is no way completely to guard against the possibility of some dramatic and concealed technological advance in weaponry. But this risk is minimized directly in proportion to the extent we maintain an overall superior technological base and a more effective R&D effort than any other nation.

It is precisely here that recent trends create serious doubts as to the future security of this country. The United States can never match its potential enemies in land armies or in numbers of tactical weapons. Our only hope of survival is to maintain clear weapons superiority. This simply cannot be achieved by permitting our industrial and technological manpower bases to erode and by inadequate emphasis on R&D.

No subject in the entire spectrum of defense problems deserves a higher priority of thought and urgent attention.[54]

NEGOTIATIONS—TRAP OR OPPORTUNITY

One of the reasons assigned for the "transitional" budget proposed for FY 1971 is the hope that the present Strategic Arms Limitation Talks (SALT) will be fruitful. Some political leaders have urged even greater restraint than that reflected in the reduced budget, arguing—despite all experience to the contrary—that the Soviets might be influenced favorably by our example.

The object of SALT

There are obvious reasons for seeking to halt the escalation of nuclear weapons. The logic of the situation—at least on the surface—calls for a "freeze," which seems such a facile and popular solution. In simplest terms, the object of SALT is to agree upon a limitation—and perhaps a gradual reduction—of strategic nuclear weapons. An effective agreement to this end which does not leave either side at the mercy of the other, which does not in itself alter the balance of power, and with procedures to assure compliance, would be welcomed by most of the world. SALT therefore deserves the most careful attention, as all avenues toward a more peaceful world must be explored.

Disarmament talks—Record of failure

But whatever the hopes and opportunities of SALT may be, there is no precedent in history of effective disarmament being accomplished by agreement between major powers with divergent national interests. Nor has U.S. experience been reassuring. There is nothing new about our seeking disarmament through negotiation. This has been the most consistent element in American foreign policy since the beginning of the nuclear age. Few seem now to remember the U.S. offer to prevent an atomic arms race by delivering its stockpile to the United Nations—an offer rejected by the USSR. Periodically since then various efforts to slow or halt the arms race by negotiation have been frustrated in every instance by the intransigency of the Soviet Union.

It is true that three negotiations have been successful in the sense that limited agreements were reached on important issues. Yet none of these agreements has slowed the pace of the Soviet armaments or its manifest quest for superiority. Indeed, we may have magnified and perhaps even misconstrued the significance of such agreements.[55]

Communist concept of negotiation

All Americans would like to think—despite the absence of convincing evidence—that the Cold War is over and that we have indeed entered a new era of negotiation. Our desire for peace is so strong and our national inclination to assume reciprocal friendliness and rationality so genuine, there is danger that we may assume without justification a similar spirit on the part of the Soviet leaders.[56]

But it is prudent to remember that the Communist concept of negotiation is radically different from ours. They view it as a component of conflict, with the objective of gaining an advantage without conceding anything. The classic description of the Soviet approach is as follows:

"Soviet officials do not converse with foreigners: they compete. There is no searching for understanding in conversation as we understand it in the West, no effort at accommodation of the mind, not even the slightest hint or suggestion that the Soviet Union has ever done anything that was in anyway wrong or even unwise, imprudent or intolerable. Their idea of give and take in a talk is simple: You give, they take." [57]

Few American diplomats have had greater experience in attempting to negotiate with Communists than Dean Acheson. Writing his autobiography with the sober perspective of time, he said:

"What one must learn (from our experiences) is that the Soviet authorities are not moved to agreement by negotiation—that is, by a series of mutual concessions calculated to move parties desiring an agreement closer to an acceptable one." [58]

Humiliation and futility

The dreary and frustrating record of negotiating with Communists abundantly documents the foregoing views.[59] One need not go back to the disillusionments of Yalta and Potsdam, to the exasperating negotiations over Berlin, or to the recurrent disarmament talks which have foundered on the Soviet determination to take all and give nothing. The past failures are legion and recent experience affords little basis to expect anything different. Seventeen years of humiliating effort have failed to produce a negotiated settlement of the Korean War, and the mockery in Paris has now continued for nearly two and one-half years. It will be said that the Soviet Union has not been a direct party to the Panmunjon and Paris talks. Yet no one familiar with the realities of world power and politics doubts that the Soviets could make these discussions meaningful whenever they so desire.[60] Rather, they continue to support the aggression in Southeast Asia and the threat of aggression in Korea, while the "peace" talks are exploited for Communist propaganda.

The most recent example of the unwisdom of relying upon USSR assurances is its role in sabotaging the Middle East cease fire by supporting, if not participating in, the violation thereof by the UAR.[61]

Trap for the unwary?

This is the historical framework in which all negotiations with Communist powers should be viewed. We must continue to hope and to strive for a genuine change of attitude and for some constructive results. In the nuclear age, every opportunity to negotiate and to improve channels of communications must be pursued. But there is always the danger of fatal concessions or even of a deliberate trap.

The Soviet Union has been an unpredictable and aggressive power, certainly for the past 30 years.[62] It has acted with stealth, surprise and ruthlessness—when it attacked Poland in concert with Nazi Germany; when it subjugated its allies, Hungary and Czechoslovakia; and when it moved to deploy missiles in Cuba.

The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequaled since Hitler—determined upon conquest—structured his Wehrmacht for World War II. The Soviet Union has shown an almost paranoiac hostility toward America and "capitalist imperialism," as evidenced by its consistently hostile conduct in every arena of international affairs and by its pervasive anti-American propaganda for a quarter of a century.

Only the reckless or the naive would negotiate with such an adversary except with the greatest caution and skepticism. Likewise, we would indeed risk the security of our country if defense planning and funding are predicated on assumptions or hopes as to the willingness of the Soviet Union to agree to mutually fair and enforceable disarmament.

As President Nixon well said, "we cannot trust our future to the self restraint of countries that have not hesitated to use their power even against their allies." [63]

Strategic implications of a "freeze"

It is possible that the Soviet Union sees SALT as an opportunity to assure indefinitely for itself, by agreement, a position of military superiority. This would be accomplished if we were foolhardy enough to agree to an arms limitation which left the U.S. vulnerable to a Soviet first-strike capability or which otherwise undermines the credibility of our capacity effectively to retaliate. But one may assume that U.S. negotiators will not commit such egregious folly.

There may be a less visible danger. The Soviet Union could strengthen its overall military and political position by an agreement which freezes strategic capabilities at some level of specified parity. Even if it be assumed that the result would be genuine strategic parity [64]—rather than the freezing of the present Soviet advantages—the consequences could still be profound in terms of total military power and diplomatic influence.

The Soviet Union is appreciably stronger than the U.S. in tactical forces and weapons. Moreover, the Soviet Union has some 700 IRBM's deployed within convenient range of defenseless Western European cities and NATO forces. The Soviet tactical forces—capable of overrunning much of the land mass of Europe, Asia, and Asia Minor—have been restrained for the past quarter century by the "shield" of the U.S. superior strategic nuclear forces. If this shield is neutralized by agreement, what restraints will then exist against Communist non-nuclear aggressions?

If such a neutralization occurs, the implications are disturbing and far reaching. Will the Soviet Union be emboldened to employ its superior tactical capabilities, secure in the knowledge of an agreed strategic standoff? Will the posture of NATO forces thereby become so untenable that the countries of Western Europe deem it prudent to move into the orbit of Soviet influence? Or, to forestall such an unwelcome move, will the U.S. find it necessary substantially to augment our NATO tactical forces? What will be the effect upon U.S. influence and interests in other friendly countries around the world?

These and related questions bring the SALT negotiations into sobering perspective. One may doubt, without in any way denegrating the importance of SALT, whether such questions have received the public discussion and scrutiny which they so manifestly deserve.

Footnotes at end of article.

THE HOSTILITY TOWARD THE MILITARY

One of the trends in this country—perhaps the most fundamental one—which causes concern is the increasing public hostility toward "the military." This is not the place for a full discussion of this gravely disquieting problem. Some aspects of it are alluded to in the body of the Panel Report, and a brief reference is made above to the effect on defense funding. But the consequences of a largely hostile or even an apathetic public are not limited to reduced military spending. The entire structure of our defense edifice suffers when there is inadequate public understanding and support. It may be fatally undermined where public opinion is not merely negative but aggressively hostile.

Revolution on the campus

Already this level of hostility exists on the college campus and the virus is spreading. There is a widespread revulsion to the Vietnamese war and resentment of the draft, with its disruption of life plans. It is understandable, and in accord with our best traditions, that the young people who are asked to serve in the miltiary forces should be concerned and skeptical. They have every right to ask why, to debate the assumptions and judgments with respect to defense needs, and to disagree with them. This right is acknowledged and should be jealously defended.

But there are militant and revolutionary minorities on many campuses who abuse this and other rights in their desire to destroy American institutions. A favorite tactic is forcibly to deny free speech to all who entertain different views, relying not on reason and rational discussion but on coercion and violence. Examples of this fascist-minded conduct are legion. They have demeaned the life and quality of education on some of most prestigious campuses of this country.[65]

The hostility gains support

The greatest cause for concern is not that a few thousand New Leftist revolutionaries are on the move. Rather, it is that they—and their lawless conduct—are tolerated and often supported by a broad base of otherwise responsible students, faculty and even college administrators and trustees.[66] Many of the tactical "causes" of the New Left have acquired a broad appeal. Foremost among these is a crusade against the Armed Services, the Defense Department and—the favorits whipping boy of all—the "military-industrial complex." [67]

We have witnessed all too frequently the disheartening spectacle of avowed revolutionaries being accorded respectability by many fellow students and faculty members as well as by the national publicity so generously provided by the media. Among the most popular campus speakers are these leftists whose goal—in accord with Communist objectives—is to disarm America.

A movement of this magnitude does not remain confined to the campus. It has widened rapidly to engulf a significant segment of opinion makers in this country. Most of those who now participate in the criticism certainly do not go as far as the leftist extremists. Many remain well within the limits of legitimate comment and criticism. But the outcry against "the military" is now orchestrated with frightening unanimity—not only on the campus but by much of the media, in the theater and arts, and widely among some politicians. We may have reached what amounts to a subtle form of censorship by consensus. Few are willing to speak out in defense of the military, and even fewer in support of increased defense funding. The public figures who have the courage to present a "different" viewpoint are predictably assailed as "warmongers" and "jingoists."

One has to go back to the days of McCarthyism to find such intolerance and repression of rational discussion of issues of the gravest national import.[68]

The consequences

The short-range consequences already are becoming apparent. Marked success has been attained in slandering the ROTC, in driving military recruiters from the campus, in denying recruiting opportunities to defense-related industries, and in some curtailment of university-based military-related research and development. The number of draft dodgers and deserters, encouraged not merely by revolutionaries but by many who consider themselves respectable citizens, is a cause for increasing concern.[69]

Other predictable consequences of this hostility include the adverse effect (i) on the general recruiting and retention of military personnel; (ii) the number and quality of applicants for the service academies; and (iii) on the morale and espirit of the Armed Services of our country, both at home and abroad.

There also will be an inevitable weakening of the American concept of civilian orientation of the military. Some of the institutions and practices which are prime targets of the New Leftists tend significantly to perpetuate educated civilian influence on our military affairs and establishment. One would have thought that those who distrust "the military" would be zealous to strengthen—rather than undermine—this wholesome influence.

In its broadest scope, the result of the widening public alienation from the military will be the weakening of the defense of our country and freedom everywhere. This is precisely the end desired by the revolutionaries.

The role of responsible dissent

It should be made clear at this point that no thoughtful person suggests that the military, or any aspect of national defense, is above criticism. The role of responsible criticism and dissent is vital to the health of a democracy, and for the reasons pointed out by President Eisenhowever there must ever be a vigilant public overseeing of the defense establishment. This is necessary to assure the civilian control prescribed by law. It is also necessary because, in a troubled world with nuclear weapons and huge defense requirements, national security is too important to leave to the military, to Congress, to the Executive Branch or indeed to any single segment of our society. An appropriate national defense posture, adequate but not excessive, is a matter of the most urgent national concern, and every aspect of it should be subjected to the widest and most thoughtful scrutiny and inquiry.

But it is one thing to exercise responsibly these attributes of democracy. It is quite something else—by resort to irrational abuse and indiscriminate criticism—to destroy the effectiveness of the only instrumentality which protects from foreign aggression the freedoms we all cherish.

A VIABLE NATIONAL STRATEGY

Unless the American people wish to accept the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The requisite resources

It will be said that domestic needs should have priority and that we cannot afford to continue an "arms race" with the Soviet Union. The truth is that this country can and must meet both its domestic and defense requirements. If we fail in either, there is little future for America as we know it or for our cherished freedoms.[70]

The U.S. has all of the requisite resources, except perhaps the will. The Soviet Union has a gross national product only half that of this country. It lacks a comparable industrial and technological base, and it has a backlog of domestic demands which—suppressed as they may be—vastly exceed those of this country. Indeed, in terms of consumer goods and standard of living the Soviet Union is at least a half century behind the U.S. In any contest to establish and maintain a superior military capability, we have an overwhelming advantage in the necessary resources.

Need for public understanding

But in our free democracy, as contrasted with a totalitarian regime, the ultimate defense posture is determined by the will of the people. It is here we suffer a serious disadvantage, especially at a time of disillusionment with international responsibilities and a greater concern with pressing domestic needs. The only hope of minimizing this disadvantage is to assure a wider public knowledge of the facts and an understanding of the probable consequences of second-rate military status.

THE CONSEQUENCES OF SECOND-RATE STATUS

The American people must be reminded that basic Communist dogma contemplates the employment—over such time span as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis after crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World. Throughout this time it waged, as did Red China, massive political warfare against the United States, including subversion and propaganda as well as economic and diplomatic pressures. Nor did the Soviet Union hesitate to employ techniques of military blackmail.

It is irrational to think, with the balance of military power now shifting dramatically in its favor, that the policies of the Soviet hierarchy will be less hostile, disruptive and imperialistic.

A recent study of Kremlin policy noted the Soviet effort to achieve nuclear superiority, and commented:

> "Presenting the world with a clear cut superiority in numbers of nuclear weapons may appear to some leaders in the Kremlin a feasible political means for consolidating its own alliances and disintegrating the opposing forces. Such a major shift in the worldwide balance of power may also heighten the risk of confrontation, with vast costs in the present and unforeseeable dangers in the future." [71]

As our country ponders its future course, drifting as we are into a position of inferiority or possibly even freezing that status by agreement, our people—as well as responsible officials—should consider the capability of the U.S. to respond in the types of situations which are likely to arise in the 70's and beyond, and which may include: (1) a Soviet-inspired and supported war against

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Footnotes at end of article.

Israel; (ii) some other form of Soviet takeover of the Middle East, with its coveted oil reserves; (iii) a new confrontation over the status of Berlin; (iv) extension of the Brezhnev doctrine to selected non-Communist countries; (v) another Cuban-type crisis, perhaps in Latin or South America if not again in Cuba; (vi) nuclear blackmail over issues affecting our vital interests; (vii) the disruption, by force or other sanctions, of the international trade upon which the economic well being of our people depend; (viii) intensified levels of subversion to the point of threatening our internal security; and (ix) outright aggression against allies—in Western Europe or elsewhere—whom we are committed to defend.

It is difficult to believe that the proud and responsible people of this country would knowingly tolerate a national strategy which could invite these types of situations, leaving us virtually helpless to respond effectively. Certainly there would be no conscious toleration by a majority of our people of defense weakness which threatens national security and freedom itself.

WEAKNESS—THE GRAVEST THREAT TO PEACE

The most ominous danger of being second rate in the nuclear age is that it multiplies the chances—not of peace—but of nuclear war. Soviet or Red Chinese overconfidence or miscalculation in the employment of, or threat to use, their power may trigger such a war inadvertently or place the United States in a posture from which there could be no retreat.

The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.

Weakness of the U.S.—of its military capability and its will—would be the gravest threat to the peace of the world.

FOOTNOTES

[1] **U.S. Foreign Policy for the 1970's, Report** to the Congress by President Nixon, Feb. 18, 1970, p. 122. (Referred to herein as the President's Report.)

[2] Defense Report for Fiscal Year 1971, by Secretary Laird before the House Subcommittee on Defense Appropriations, Feb. 25, 1970, p. 1. (Referred to herein as the Laird Report.)

[3] It should be remembered here that in recent years intelligence projections frequently have understated these capabilities. Laird Report, *supra*, pp. 34, 101.

[4] The folly of relying on assumptions as to intentions, rather than upon known capabilities, is documented by countless military surprises down through history. Pearl Harbor is a classic example. More recent examples involving the Soviet Union include the Cuban Missile Crisis and Czechoslovakia. See Senator Henry M. Jackson, Senate Speech, July 9, 1969.

[5] Plans to withdraw 20,000 American troops are opposed by the South Korean government. As indicated in a recent on the scene report "there is no real peace in Korea today." N.Y. Times, article by Philip Shabecoff, June 24, 1970.

[6] Mao Tse-tung recently issued a fresh indictment against the U.S., calling for a "protracted peoples' war" against American "imperialism," and concluding: "People of the world, unite and defeat the U.S. aggressors and all of their running dogs!", N.Y. Times, May 21, 1970.

[7] The Suez Canal has other strategic significance. The Soviet Union continues to supply North Vietnam by sea. Soviet ships from Black Sea ports now require nearly 40 days to reach Vietnam by sailing around Africa.

[8] See The Military Balance 1970–71, The Institute for Strategic Studies, London, p. 45.

[9] See editorial comment, The New York Times, September 20, 1970. The Soviet Union also shared responsibility for Syria's brief but dangerous intervention in Jordan's September 1970 civil war.

[10] The recent Soviet-West German nonaggression pact may result in some surface lessening of tension, but as long as Soviet ground, air and missile forces are maintained in Eastern Europe, with the capability of overrunning and destroying Western Europe, there can be no assurance of peace and freedom.

[11] The Brezhnev doctrine, announced as justification of the invasion of Czechoslovakia. In commenting on this proclaimed right of aggression, the New York Times said: "This reliance on force and contempt for law must raise fears that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted" in a way which justifies Soviet intervention. New York Times editorial, Sept. 28, 1968.

[12] Only U.S. superior military strength frustrated the Soviet plan to install strategic missiles in Cuba, although history may record that U.S. concessions assured an unmolested Communist regime and base in Cuba.

[13] C. L. Sulzberger, foreign correspondent of The New York Times, recently commented on the "neo-isolationism" in this country, and noted that "U.S. influence is being slowly squeezed out" of Western Europe, the Middle East and Southeast Asia. New York Times Service, Richmond Times-Dispatch, July 24, 1970.

[14] This paper addresses primarily the Soviet threat which is clearly paramount for the 1970's. There is no thought of minimizing the threat of Red China, the leadership of which is so implacably hostile to the U.S. and to a lesser extent the Soviet Union. It is possible that in the long run Red China is more likely to rupture peace than any other nation.

[15] See also Mr. Laird's address of April 20, 1970, at the Annual Luncheon of the Associated Press, N.Y. Times, April 21, 1970; and data reported in *The Military Balance* 1970–1971, published by The Institute for Strategic Studies, London, 1970.

[16] President's Report, p. 120 and Secretary Laird's Report, p. 35. See *The Military Balance, supra*, p. 6, which reports about 1300 operational ICBM's in July 1970. Intelligence estimates of the number of ICBM's actually deployed are extremely accurate. But estimates of production rates (and hence future operational strength) have consistently erred on the low side. See Laird Report, p. 34.

[17] Secretary Laird's Report, p. 35. The Soviets are continuing to produce SS–9's at a rate of about 50 per year, and will have some 300 by the end of this year. See Laird, Address of April 20, 1970, *supra*. The Institute for Strategic Studies, based in London, publishes annually *The Military Balance* (cited *supra*) and a complementary publication entitled *The Strategic Survey*. Although there are variations in detail as to types and numbers of weapons, the data published by The Institute for Strategic Studies generally corroborates the unclassified information of the U.S. Defense Department.

[18] See *The Military Balance, supra*, p. 6, which credits the Soviet Union with 800 SS–11's, with deployment continuing.

[19] The distinction between MRV and MIRV is that in the former the multiple separate warheads are not independently guided to targets.

[20] Secretary Laird estimated last February that if the Soviets follow a "High Force-High Technology" approach they will probably have their first "MIRV's by mid-1971 and a very formidable hard target kill capability (by MIRV's) by the mid-1970's." Laird Report, p. 104. The recent Pacific testing of multiple reentry vehicles on improved SS–11 missiles indicates the Soviets are significantly ahead of this schedule.

[21] See Laird Report, p. 103. Secretary Laird recognized that this cannot be a firm estimate at this time.

[22] See Dr. John S. Foster, Director of Defense Research and Engineering, Statement before Subcommittee of House Armed Services Committee, March 9, 1970, p. 9 *et seq.;* Laird Report, pp. 48, 49, 103, 104. See also The Strategic Survey of 1969, *supra*, pp. 30, 31 where the "new and more accurate guidance systems" are discussed, and the conclusion reached: "The whole future of land-based ICBM's has been called into question (by this improved accuracy), since it begins to seem possible that no amount of protection for ICBM silos can compensate for the improvements in accuracy now in prospect." This judgment by The Strategic Survey applies primarily to the vulnerability of U.S. missiles.

[23] See Secretary Laird's Report, pp. 39, 40 and 50.

[24] A technological breakthrough in the underwater detection and tracking of submarines could give the first nation to achieve it a decisive advantage. See Interview with Dr. John S. Foster, Jr., Air Force/Space Digest, July 1970, pp. 31, 35. It has been suggested that such a technological breakthrough may be achieved by "sensing devices that could reveal every submarine in the oceans to detection." See news report on a Pre-Pugwash Conference on New Technology and the Arms Race, Racine, Wisconsin. The Washington Post, Sept. 9, 1970, p. A–3.

[25] The U.S. has plans for a test model of a new supersonic bomber (B–1). A force of such bombers capable of long distance air-to-ground launches would add flexibility and diversity to our deterrent capability, and also would be useful in limited, non-nuclear confrontations. Such bombers must be designed, however, to operate from numerous smaller and dispersed airfields to minimize vulnerability from ICBM's and SLBM's.

[26] The Strategic Survey of 1969, *supra*, p. 28. It is not suggested that the Survey itself was misleading. The tabulation which received the wide press publicity was *only one* of many tables in the Survey, which also included a great deal of relevant data on megatonnage, accuracy and survivability.

[27] Of the total warheads assigned to the U.S. 1,853 represent the optimum load of our B–52 force, while 450 were assigned to Soviet strategic bombers. A similar distortion of SLBM's apparently was included in the tabulation, assigning 1,328 warheads to Polaris submarines.

[28] This Statement addresses broadly the strategic balance of power and does not discuss comparative tactical or general force capabilities. Secretary Laird's Report, and especially the appendices, indicate the superiority of the Communist powers in non-nuclear military power. See also the publications of The Institute of Strategic Studies, *supra*.

[29] Gen. Andrew J. Goodpaster, Supreme Allied Commander in Europe, has warned that "the balance of security there is shifting in favor of the Soviet bloc." He stated that the Warsaw Pact forces "form a concentration of military power that exceeds anything the world has previously seen. These Soviet forces far exceed anything that is required solely for defense." Richmond Times-Dispatch, September 16, 1970.

[30] William Beecher, writing in the N.Y. Times, Oct. 28, 1969, assumes a 100 kiloton warhead on our MIRV, and states that the Soviet MRV warhead is *50 times* more powerful than our MIRV. The Strategic Survey for 1969, *supra*, p. 29, assumes a 200 kiloton warhead on MIRV's. See also Laird Report, p. 102, as to Soviet MIRV.

[31] As a part of this protection, the USSR

has deployed the most elaborate radar warning and counter-measure systems. It also has devoted a greater effort than the U.S. to advanced fighter interceptor aircraft (the Foxbat, for example) and to ground-to-air missiles, with larger defense forces in these categories than the U.S.

[32] *The Military Balance* 1970–71, *supra*, p. 7.

[33] Although critics in this country doubt the feasibility of an ABM system, one must assume the Soviets would not be spending billions on such a system unless they had full confidence in its effectiveness. Dr. John S. Foster, Jr., and many qualified U.S. scientists, have no doubt that an effective ABM system is within the competency of existing technology. See interview with Dr. Foster, published in Air Force/Space Digest, July 1970, p. 31 *et seq*. See evidence marshalled by Sen. Henry M. Jackson in his ABM debate speeches to the Senate on Aug. 6 and 11, 1970. A major component of the ABM system, the Spartan missile, successfuly intercepted an ICBM over the Pacific in a test on August 28, 1970.

[34] President Nixon's Report, *supra*, p. 125.

[35] Secretary Laird has stated that by the mid-70's the Soviets will probably have "a submarine force capable of destroying most of our alert bomber and tanker force before it can be airborne." Secretary Laird's Statement, pp. 50, 105. The Defense Department confirmed for the first time on April 23, 1970 that Y-class Soviet submarines, with 16 nuclear missiles are patroling our Atlantic Seaboard. N.Y. Times, April 24, 1970. Secretary Laird reports that as of April 1970 the Soviets had over 200 operational launchers on nuclear submarines for submerged launch SLBM's, plus 70 launchers on diesel submarines. Laird's address, *supra* p. 11.

[36] Senator Jackson recently informed the Senate that "there is no doubt that their (the Soviet's) program, if continued, will produce a first-strike capability unless the U.S. takes appropriate counter measures." Senate Speech, Aug. 5, 1970.

[37] The Soviets have been more innovative than the U.S., having pioneered in gas turbine propulsion, in developing a variety of surface-to-surface missile-launching ships, and possibly in new techniques of ASW.

[38] Nor have the Soviets neglected the support elements for world-wide naval operations. They have tankers, supply and maintenance vessels, supported by an impressive merchant marine fleet. They also have emphasized, more than any other nation, oceanographic studies and surveys. Their trawlers—used extensively for intelligence purposes—regularly patrol our coasts.

[39] In April 1970 Soviet maneuvers, described by U.S. Navy spokesmen as the "biggest in history," involved some 200 warships. Associated Press story, April 23, 1970.

[40] Laird Report, *supra*, p. 21.

[41] Secretary Laird warned that in defense funding and in the deferral of decisions on vital defense measures "we are literally at the edge of prudent risk." Address of April 20, *supra*, p. 5.

[42] Laird Report, *supra*, p. 22. The detailed facts and figures are set forth in the Reports of the President and the Secretary of Defense mentioned above. These include a comparison which indicates the neglect of strategic funding (after adjusting for inflation) since the beginning of the Vietnamese war. The FY 1971 defense funding is only $3.8 billion, or 7% above the 1964 level of defense spending *prior* to the Vietnamese war. As the cost of that war has been running at more than $25 billion per annum, it is evident that strategic spending—for the defense of the country—has been curtailed sharply.

[43] It is difficult to know exactly what the Soviet Union is spending on defense. The statements above reflect estimates published by various sources. See Department of Defense Posture Statements, Jan. 15, 1969; Library of Congress studies; and Stanford Research Institute Studies. Mr. Laird has said that "the Soviet Union, as far as offensive strategic weapons systems, is outspending the U.S. in the ratio of three to two converted to dollars." Press conference, Feb. 18, 1969. See also address of Sen. Henry Jackson, U.S. Senate, Aug. 6, 1970.

[44] Laird Report, *supra*, p. 33.

[45] Testimony of Dr. John S. Foster, Jr., Director of Defense Research and Engineering, before a subcommittee of the House Armed Services Committee, 91st Congress, March 9, 1970. See also the Reports of the President and the Secretary of Defense, *supra*.

[46] Other essentials to the development and deployment of advanced weapons systems relate to procurement and defense planning, contracting and testing. These and related matters are discussed in the body of the Panel's Report.

[47] See Foster, *supra*, p. 28.

[48] See Foster, *supra*, p. 30 *et seq*. Dr. Foster points out that total R&D spending, both civilian and military, is still greater in the United States, but the trend is unfavorable even with the addition of our non-military, related effort.

[49] See Laird's Report, *supra*, p. 66.

[50] Foster, *supra*, pp. 9, 10.

[51] Alternative systems under consideration include (i) the mobile basing of Minuteman-type missiles, and (ii) an undersea long-range missile system (ULMS's) with submarines capable of launching missiles of ICBM range. Dr. Foster, *supra*, p. 12. Secretary Laird's Statement, pp. 48, 49. The Soviets may already be well ahead of the U.S. in developing a mobile ICBM. The Strategic Survey for 1969, *supra*, at p. 29, states: "A mobile ICBM has certainly been under development for some time, and the Soviet Union has claimed that it is already operational."

[52] Foster, *supra*, p. 14; Laird Report, *supra*, p. 49.

[53] Science and Technology, Tools for Progress, report of the President's Task Force on Science Policy, April 1970, p. 38: "Technology will not stand still; on the contrary it will likely move more rapidly. The penalty for technological surprise can be enormous."

[54] Other problems related to technology and R&D have been identified in the main body of the Panel's Report.

[55] The first of these, the Test Ban Treaty of 1963, halted nuclear testing in the atmosphere. The Soviets only agreed to this at a time when their test program, involving high-yield weapons with both offensive and defensive (ABM) capabilities, was well ahead of America's. We had previously been duped during the late 50's into the cessation of testing similar weapons on the specious theory that the Soviets might follow a good example. The second agreement was the United Nations' ban on the use of outer space for military purposes, an agreement which the Soviet Union appears already to have violated in spirit. The third of these limited agreements is the Nonproliferation Treaty, recently approved, which leaves a number of non-signing nations free to develop nuclear weapons.

[56] One may recall the disillusionment after the hopes engendered by the "spirit of Geneva" and "the spirit of Camp David" were dashed by Soviet duplicity.

[57] James Reston, New York Times, Dec. 8, 1960, p. 46.

[58] Acheson, *Present at the Creation*, W. W. Norton & Co., N.Y., 1969, p. 729.

[59] Past negotiations have occurred when the overwhelming weight of bargaining power lay on our side of the table. Now, when the U.S. is relatively weaker, and when the issue is the future security of our country, it is prudent to be skeptical as to the genuine mutuability of any agreement acceptable to the Soviet Union.

[60] The competition between the Soviet Union and Red China for dominant influence in smaller Communist countries does complicate the situation, making it less likely that either will take the lead in exercising an ameliorating influence.

[61] Although the full extent of Soviet participation in this violation may not yet be known, press reports and commentators indicate that "the Kremlin broke its word, lied to the United States and double crossed the developing peace." See, for example, Roscoe and Geoffrey Drummond, Richmond Times-Dispatch, Sept. 10, 1970; Joseph Alsop, The Washington Post, Sept. 21, 1970; and Evans and Novak, The Washington Post, Sept. 21, 1970.

[62] In addressing the Senate on July 9, 1969, Sen. Henry M. Jackson said that "an increasing number of informed western analysts assess the Soviet Union (today) as a dangerous and unpredictable opponent."

[63] The President's Report, p. 111.

[64] "Parity" is inherently a theoretical—not a realistic—concept, as there are too many variables both as to the quality and characteristics of various weapons and the circumstances under which they might be employed.

[65] The New York Times described the New Leftist revolutionaries as "the new Fascists of our generation." Editorial, Dec. 17, 1969. See also New York Times editorial of June 10, 1970. Stewart Alsop has observed that the campus "is in danger of becoming intellectually a closed society." Newsweek, May 18, 1970.

[66] Alexander M. Bickel, *The Toleration of Violence on the Campus*, The New Republic, June 13, 1970, p. 15 *et seq*. Fred M. Hechinger, Education Editor of the New York Times has stated that: "The politicizing of the campus . . . has moved the universities to the brink of disaster." N.Y. Times, July 19, 1970. See also Dr. Nathan Pusey, *infra*.

[67] As indicated in the Panel's Report, corporations which depend in major part on defense contracts are among the least profitable of all corporations. Indeed, many corporations deliberately refuse or avoid defense business. See George E. Brekley, *The Myth of War Profiteering*, The New Republic, Dec. 20, 1969.

[68] President Nathan Pusey, Baccalaureate address at Harvard University, New York Times, June 10, 1970. See also Dr. Pusey's Annual Report for 1968–69.

[69] It is estimated that some 25,000 to 30,000 draft dodgers have sanctuary in Canada, with an elaborate organization for getting them there. Stewart Alsop, Newsweek, July 20, 1970. Already some politicians and advocates of "peace at any price" are urging amnesty for these draft dodgers.

[70] President Nixon has said: "If we are less strong than necessary . . . there will be no domestic society to look after." The President's Report, Feb. 18, 1970, p. 10.

[71] *New Trends in Kremlin Policy*, Center for Strategic and International Studies, Georgetown University, Aug. 1970, p. vi.

THE ROGER WILLIAMS AWARD TO CHIEF JUDGE ROBERT E. QUINN, U.S. COURT OF MILITARY APPEALS

Mr. PELL. Mr. President, last night in the caucus room of the Old Senate Office Building, I had the honor to be present at the Rhode Island State Society's annual Roger Williams Award Ceremony which is given to a Rhode Islander for outstanding service to the State and Nation. It was with great pleasure that I participated in the award ceremony, for I shared with the assemblage both admiration and huge respect and regard for the recipient of the Roger Williams Award, the Honorable Robert E. Quinn, Chief Judge of the U.S. Court of Military Appeals. Formerly Governor of our State and with a record of many years of active leadership and participation in the affairs of our State Chief Judge Quinn is particularly worthy and deserving of the honor accorded him.

Although there were several speakers on the program who extolled the many virtues of Chief Judge Quinn, I think the remarks that were most exemplary of the occasion were those given by his long time friend, Judge Michael DeCiantis of the Rhode Island family court.

I ask unanimous consent to have printed in the Record Judge DeCiantis' remarks upon his presentation of the Roger Williams Award.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS OF JUDGE DECIANTIS

It is a distinct honor to present this award to an associate of twenty-five years or more, and a lifetime friend. Our friendship has endured for fifty years, and during all that time we have never had one personal disagreement to this very day. When men experience such a relationship, they learn a great deal about one another. I know many of his characteristics. He has always been a happy person, a man constantly looking at the bright side of life. In a gathering, this trait was contagious. He injected good fellowship and gaiety wherever he went. He has a long and distinguished career in government, the military, in law and he is an orator without an equal. He is a distinguished Rhode Islander—truly the man of the year. Of the many characteristics which he possesses, one is very little known and stands out in my mind. It is a rare one. It is, foresightedness. In my humble opinion, he is an individual with a keen prophetic mind. The matters with which he concerned himself thirty-five years ago are of immediate concern today.

Bob has always been a compassionate man who long ago saw a need for the poor to be assisted: But, at the same time, cautioned that the unworthy should not dip their fingers into the State's resources. In 1937, he said:

> No decent Rhode Island citizen wants charity. He wants an opportunity to earn a decent living. That opportunity must be provided. We have no time or sympathy for the chiselers.

His ability to see ahead extended to the judiciary and the problems we are faced with today. Thirty-five years ago, he proposed a remedy which is now being implemented throughout the country. Let me read you his views:

> Our judicial system should be revised from top to bottom. The whole system of judicature should be changed at one time. . . . There should be an administrative head, who should have the power to assign, supervise and require judges to do a day's work. Litigants and lawyers are entitled to have their cases heard and decided with reasonable expedition.

I have always felt that one of the most outstanding qualities a man can have is vision. To achieve great things, a man must first dream and he must diligently work: But without vision there is no attainment. I quote him, to present you with the evidence, that this man had such vision.

The present Congress is now engaged in legislation which will increase social security benefits. When this idea was born years ago, Bob said:

> An old-age pension is not merely a sentimental gesture: It is an absolute necessity in our modern method of life.

A controversial statement, then, now simplistic and obvious.

With just a few of many examples, I have demonstrated to you his foresight. I have only barely mentioned his achievements because they speak for themselves, and there is nothing I can say that could add to their distinction.

However, nourishing, cultivating, and prudently shaping them from time to time is a man's own basic philosophy and integrity that contain his stature. I personally know of his integrity and his strong feelings regarding public trust. Historically, public trust is violated from time to time by men who seize position for their own gain, men whose philosophy is "the public be damned." Because of this, it becomes necessary for decent men to remind themselves and others of what should be the rule, and where the focus shall be. In his own words, this is what Bob felt about men in power:

> Unless you are willing to let the fierce light of public opinion beat down upon your actions, then those actions should not be taken.
>
> Every measure should be tested in the light of this question. The test should not be: Is it good for me or some particular group or organization or individual. The test should be: Is it good for the state. . . .

Any man with a sense of prose could have made these statements, but it takes a lifetime to live up to them.

His career has been an inspiration to many, but nothing is complete or perfect in this world and as he reminded us 35 years ago: "The whole glorious shining future lies before us. Let us make the most of it." If a man makes this his life's work, he deserves any plaudits that may come to him.

I am grateful to be included in this demonstration of recognition: but most of all, I am proud to be his friend.

BELL AND HISTORY DAYS IN FREDERICK, MD.

Mr. MATHIAS. Mr. President, I am very pleased to report that once again this year the historic city of Frederick, Md., will be celebrating its traditional "Bell and History Days."

On May 15 and 16, all of Frederick's impressive historical treasures will be on display. Bus tours will be available and costumed guides and hostesses at all locations will assist visitors and acquaint everyone with Frederick's past.

Frederick's bells will play an outstanding role in the festivities. Maryland's only complete carillon is located adjacent to the downtown area, and its carillonneur will alternate with the master of the Trinity Chapel chimes in afternoon recitals. In addition, a local costumed handbell choir will perform.

History buffs will welcome a chance to view where history was made. Court House Square with its many old homes and quaint buildings will be a focal point of the tour. Nearby are several old churches which will be open, with hostesses. The Frederick County Historical Society home, the gardens of the nearby Visitation Convent, and special displays of Negro history and early city maps and documents in City Hall will all be open. There will be an opportunity to visit Rose Hill Manor, which is currently undergoing renovation; the ever popular Barbara Fritchie home and Roger Brooke Taney home; both recently restored; and the lovely Steiner House. Buses will take visitors to the grave of Francis Scott Key, and to the Hessian Barracks on the property of the Maryland School for the Deaf.

Added features will be craft displays at several of the locations. These will be manned by hobbyists and professionals in fields repersentative of craft work done in Frederick's early days.

Frederick annually opens its historic locations to visitors to acquaint them with the rich store of history in the area. Under the direction of Chairman Michael Croghan, almost all of the work for Bell and History Days is performed by volunteers.

I urge Senators and people everywhere to join me in Frederick on May 15 and 16 for a highly enjoyable and interesting weekend. Frederick is a city which has managed to preserve much of its fascinating past, and Bell and History Days are the perfect occasion for all of us to explore a place where so much history was made.

GOVERNMENT REORGANIZATION BILLS

Mr. TALMADGE. Mr. President, I was asked by the distinguished chairman of the Senate Committee on Government Operations, the Senator from Arkansas (Mr. McCLELLAN), to express my views on proposed Government reorganization bills—S. 1430–1433—now pending before the Senate, particularly as they affect the Department of Agriculture. I am grateful to my friend and colleague for affording me this opportunity to present my views on this matter to his committee. I bring to the attention of the Senate my letter responding to Chairman McCLELLAN's request, and ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MAY 10, 1971.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR JOHN: I appreciate very much your letter asking for my comments on the four reorganization bills (S. 1430–33), as they affect the Department of Agriculture.

As you know, the Department of Agriculture was established in 1862. The original Act provided that the general designs and duties of the Department were to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of the word.

Since then, of course, the Congress has assigned many additional functions to the Department, most of which are aimed at furthering the interests of agriculture, of rural areas, and of all of the people of the country.

The Department is now involved in establishing standards for agricultural products, agricultural market news, warehousing, consumer protection, including meat and poultry inspection, comprehensive agricultural production and marketing research, economic analyses pertaining to agriculture and rural development, new uses for agricultural products, conservation of resources, management of national forests, watershed protection and flood prevention, environmental protection, food distribution, rural development, agricultural and rural credit, including electric and telephone, service to cooperatives, price support programs, and Federal-State cooperative ventures as they concern agriculture and the people, to name a few.

Many of these functions were placed in the Department in order to assure that agriculture and rural areas would receive the attention they deserve in a primary sense, rather than as an appendage to legislation designed to benefit cities and metropolitan areas. Two recent examples come to mind. First, in 1965, Congress authorized and the President approved a bill providing for loans and grants for sewer and water facilities in rural areas to be funded and administered by the Farmers Home Administration. Previous legislation had authorized such Federal assistance to urban political bodies for these same purposes but had ignored rural areas. And second, in the mid-1960's, the Congress authorized and the President approved an expanded rural housing program. Here again, as a Montana State Experiment Station study showed, a real need existed but was largely ignored until the Farmers Home Administration was authorized to make and insure such loans. It has been my experience that only in the Department of Agriculture is there real sympathy and helpfulness in providing farmers and other rural residents with specific services adapted to meet their special needs.

Further, no other Department or agency in the Federal government is as close to the people whom they are to serve as is the Department of Agriculture. In the case of price support and related programs, there have been established 2,830 county offices and 87 sub-offices, 50 State offices, as well as area offices to supervise and direct such programs.

The county ASCS office, generally located at the county seat, is the farmer's local point of contact. All county offices are administered by farmer county committees elected by farmers themselves. These offices assist farmers in the preparation of price support documents; check his eligibility for price support—adequacy of farm storage facilities, compliance with farm acreage allotments or base acreage diversion, keep him informed of program details, and generally help him in his dealings with government.

The Farmers Home Administration, a credit agency under the direction of the Department, the Federal Crop Insurance program, and the Soil Conservation Service are also closely allied with the people whom they serve and have district and county offices in the areas where the people live.

And, of course, there is the Federal-State relationship now existing as between the Department and all states in the gathering and disseminating of knowledge gained through agricultural production and marketing research, market news, and economic factors affecting crop and livestock production and marketing.

For more than 100 years the Department of Agriculture has maintained a close working relationship with land grant colleges and research and experiment stations in each state.

Since 1914, when the Smith-Lever Extension Act was approved, farmers and other rural residents have been enabled to maintain a direct communication through county offices of the Cooperative Federal-State Extension Service of the Land Grant colleges and the United States Department of Agriculture.

All of these agencies within the Department of Agriculture and associated with the Department were designed by Congress to bring together the people and their government in the pursuit of a goal of enhancement of human life and quality of living in rural America.

The Department of Agriculture was organized with purposes and goals in mind and till this day, notwithstanding the innumerable changes in technology, economic factors, and other developments that have occurred in our country and in the world, our Department of Agriculture still serves the people, all of the people, in this country with the primary goal of promoting the general welfare.

Today anyone, whether it be a Committee of Congress, a business, an individual, or a farmer, desiring help or information relating to the programs administered by the Department of Agriculture knows precisely where such aid can be obtained and the point of contact closest to the individual concerned. And long experience indicates that such appeals for help will be sympathetically forthcoming.

As you know, there are now only 2.9 million farms, a farm population of only 9.7 million persons amounting to only 4.7 percent of the total population, and a rural population of only about 54 million persons, the same now as there were about 40 years ago. Yet some of the major problems in this country originate and exist in our rural areas. Some of these problems are now being treated. Additional intensive treatment will be forthcoming through comprehensive planning and development proposals of the new Subcommittee on Rural Development of the Committee on Agriculture and Forestry. In this I know you have an intense interest. But, unless we have a Department designed specifically to serve these areas, I feel our efforts will be for naught.

It seems incomprehensible to me that over 100 years of solid building, block by block, be torn down, that the achievements of over 100 years of progress be ignored, and that the confidence of the people secured by over 100 years of service be cast to the winds, solely to make changes for the sake of change. Nor can I understand how any reorganization, whatever the nature, can result in a closer relationship between the Federal government and the people, than now exists between the Department of Agriculture and the people whom they serve. To abolish the Department of Agriculture and transfer its functions among four new, untried, generalized, and purposeless Departments would be the greatest mistake this government could ever make.

It is my intention as Chairman of the Committee on Agriculture and Forestry, over time, to expend more and more effort on oversight activities so as to assure that the Department of Agriculture will continue to pursue its primary purposes and goals of serving America in order to enhance human life in this country, but we will be successful only if there is a Department of Agriculture to supervise.

With every good wish, I am

Sincerely,

HERMAN E. TALMADGE, *Chairman*.

SNAKE RIVER REACHES LETHAL STAGE

Mr. PACKWOOD. Mr. President, the nitrogen content in the Snake River has reached the lethal stage. We all knew this was coming. The problems now burdening the wild and valued Snake can only be compared to the Biblical passage:

The thing I greatly feared is come upon me.

The dams are taking their toll. And it appears that even with the concentrated efforts of both the National Marine Fisheries Service and the Corps of Engineers the loss to the spring fish runs—the young salmon and the steelhead—will be devastating. Last month, in fact the last day of April, the National Marine Fisheries Service submitted a status report on the nitrogen supersaturation problem; and I ask unanimous consent that that report be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

STATUS REPORT ON NITROGEN SUPERSATURATION PROBLEM—COLUMBIA RIVER AND TRIBUTARIES

Considerable effort is being made to prevent excessive losses of downstream migrating salmon caused by nitrogen supersaturation. During a few days prior to April 27, about 40 million juvenile chinook salmon were released from hatcheries along the lower Columbia River. These releases are being coordinated among the fishery agencies and with the owners and operators of Columbia River reservoirs to avoid, insofar as possible, the effects of nitrogen supersaturation on juvenile fish.

A special task force has been formed by all agencies concerned to accomplish the extensive coordination required. Represented on this task force are the following: National Marine Fisheries Service, Bureau of Sport Fisheries and Wildlife, Oregon Fish Commission, Oregon Game Commission, Washington Department of Fisheries, Washington Department of Game, Idaho Fish and Game Department, Environmental Protection Agency, Bonneville Power Administration, Bureau of Reclamation, Corps of Engineers, and Grant County, Chelan County and Douglas County Public Utility Districts.

One of the functions of this task force is to coordinate the hatchery releases with regulation of the reservoirs so as to avoid heavy spill and resultant high nitrogen supersaturation levels at the times the releases are made. The 40-million plus juvenile salmon released this week constitute the major part of the estimated 60-million hatchery-raised fall chinook in the Columbia River drainage.

Originally these fish were scheduled to be released one week earlier. However, exceptionally high flows of the Columbia River for this time of year have made a one-week postponement desirable. Also, as a result of the continued below-normal river temperatures, the growth of the juvenile fish has been less than normal and the week's delay will be beneficial to fish development and size.

The task force has previously arranged for redistribution of power loadings among Federal generating stations. This redistribution was made to keep the Corps of Engineers' projects on the lower Columbia and Snake Rivers heavily loaded and thereby avoid spill during periods when steelhead, spring chinook and coho salmon were being released from hatcheries.

The special efforts of the task force to avoid heavy spilling at the dams at the time of hatchery releases are being complicated by the exceptionally high river flows this spring.

As of late April, some 60,000 downstream migrating chinook salmon have been captured and marked at Little Goose Dam and transported below Bonneville Dam. Some equipment difficulties have occurred with operating the three traveling screens at one turbine intake. As of April 30, two of the screens are operating and the other will be placed in operation within a few days. The efficiency of the screens in bypassing migrants into the gatewells has been excellent. Tests show that up to 90 percent of the fish are diverted.

There has been some reluctance of fish shunted into the gatewells to enter gatewell orifices for transport to holding ponds below Little Goose Dam. A herding device is being built and other techniques are being explored to facilitate the entry of fish into the orifices. Although difficulties have occurred in collecting migrants this first year, the general scheme of collecting and transporting migrants has great merit.

The nitrogen supersaturation problem on the Snake River is severe at this time. At Ice Harbor Dam our biologists report that from 15 to 30 percent of the migrants suffer from "gas bubble disease." Migrants captured at Ice Harbor also are transported below Bonneville Dam.

Mr. PACKWOOD. Mr. President, on May 8, I had word from the Northwest Steelheaders, Council of Trout Unlimited, that the nitrogen problem was now critical and would continue for several weeks. Mr. President, I ask unanimous consent that the telegram I received from the Steelheaders be printed at this point in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Spokane, Wash.,
May 8, 1971.

Senator Robert Packwood,
Senate Office Building,
Washington, D.C.

Dear Sir: Request support for public hearings investigating destruction of anadromous fish runs Columbia and Snake Rivers by Army Corps of Engineers. National Marine Fisheries Report May 4, 1971, reveals rising river and lethal amounts of supersaturated nitrogen. Heavy spill and high nitrogen will continue for weeks during juvenile salmonid migration. High fish mortality now occurring. Experimental transportation program Bay 2 Little Goose Dam mechanically inoperable most time. Slotted gatewells Bay 6 Little Goose not on line May 7th. Nitrogen now extends 400 miles to Pacific. Corps talking fish runs to death. Federal and State biologists concerned. Continued construction Lower Granite Dam before problem solved unthinkable. Corps environmental integrity not dependable.

Arthur Solomon, Jr.,
Northwest Steelheaders Council of Trout Unlimited.

Mr. PACKWOOD. Mr. President, my office has spent much time in telephone consultation with the National Marine Fisheries Service and the Pacific Northwest Corps of Engineers this week. From the information obtained from those sources, both agencies appear to be working frantically, and with good cooperation, to cope with the problem. The National Marine Fisheries Biological Laboratory in Seattle is under contract with the Corps of Engineers for the transportation program—screening and then trucking the fish around the dams. National Marine Fisheries states they have had difficulties, mostly mechanical, in this operation which has hampered them some, but generally they feel it is working as well as can be expected. National Marine Fisheries personnel reportedly are working around the clock to keep this in operation.

Mr. President, we are at the high runoff season and the river is rising. Under the circumstances and the admitted badly designed spillways at the dams, we will experience a heavy loss in fish. No amount of effort or cooperation at this point, no amount of time and energy expended will reduce this loss significantly.

The Corps of Engineers reported that as of 6 p.m., May 10, test installation of the slotted bulkheads at Little Goose Dam were in operation, were open and water passing through. This work was proposed at the meeting called by Governor McCall in March, and attended by representatives of all concerned Federal and State agencies, by Governor Andrus and a representative of Governor Evans. As a result of the expressed concern about the nitrogen problem at that meeting, money was made available to make a test installation. At this point is is difficult to predict just what the test results will show, we can only hope and pray for the best.

Both National Marine Fisheries and corps representatives have verified this week the lethal nitrogen content in the Snake. They report that 230,000 young salmon and steelhead were collected last week; and 140,000 transported below Bonneville Dam. This is evidence that both agencies are on the job and trying.

National Marine Fisheries stated that last Tuesday—a week ago—the nitrogen saturation level below Little Goose Dam was 138 percent; below Bonneville Dam around 130 percent; and only Monday of this week at Prescott, Oreg.—some 70 miles downstream from Bonneville Dam, 126 percent. NMF reported that checks at Ice Harbor showed that 40 percent of the fish had symptoms of gas bubbles.

Mr. President, if this whole tragic experience demonstrates one thing for us, it is that perhaps the time has come to more closely evaluate our technological endeavors to meet our short-range needs as to the effect they will have on a long-range basis on our natural resources. The time has come for us to consider diverting some of the Corps of Engineers' considerable capabilities to meeting our environmental needs, such as designing better spillways, and researching the many problems caused by dams that are now existing on our waterways. We don't need to build more dams on the magnificent Snake River. We do need to find solutions to problems caused by dams already there.

Many are joining up to cope with the existing problems on the Snake. Some, indeed a great many, are intent on preserving the Middle Snake. But it will take a real commitment on the part of this Congress and this administration to solve the existing problems and move to preserve the Hells Canyon area. I believe we will see that commitment made.

POISONING OF THE WEST—PART III

Mr. METCALF. Mr. President, humans are the most destructive of all animals. In order to meet our needs, we have polluted air and water, ruined the soil, scarred the countryside, and killed our fellow animals. Not only are we destructive, but we are ingenious in our way of destruction.

In his third and final Sports Illustrated article, Jack Olsen writes about widespread animal death that has been caused as a result of the U.S. Fish and Wildlife Service's Predator Control program. He says that unless we curb the present rash of animal poisoning, we will be responsible for the total destruction of the coyote.

Mr. President, the California condor, the weasel, the prairie dog, the passenger pigeon, and many other species are extinct or near extinction. Within the next few decades the mountain lion, bear, and bobcat will also face extinction—unless present policies and attitudes are changed.

Mr. President, I ask unanimous consent that the third article by Mr. Jack Olsen be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Home on the Range for Everyone

(By Jack Olsen)

What is to be done about the drenching of the West with poison? How can an enlightened citizenry overturn a deeply rooted poisoning hierarchy that has only grown stronger in the face of scientific criticism, that has steadfastly ignored a growing ecological awareness and that is already turning the tortured rangelands of the West into a reeking abattoir of dead and dying wildlife and contaminated watersheds?

Those closest to the problem, men like the crusading naturalist Alfred Etter and the politician-conservationist Arnold Rieder, agree that a first step must be the elimination of certain persistent myths and legends, some of them central to the poisoning Establishment's rationale. There is, for example, the popular idea that predators, like the coyote, will outlive us all, that no amount of killing will make a dent in the hardy creatures' populations. Most sheepmen stubbornly insist that there are more coyotes now than there were 30 or 40 years ago, despite the poisoning. The U.S. Census Bureau does not count coyotes, nor do many state game and fish commissions. How do you count an animal that has had a millennium of millennia to learn the fine art of roaming the land without being seen? One expert is as expert as another, and the propaganda mills take advantage of the lack of genuine knowledge. Even a devout protectionist like Etter is not entirely convinced that the coyote is playing his last hour upon the stage. "It'll be a long time before coyotes are extinct," Etter says, "but it is possible. We used to say the wolf and the grizzly would never be wiped out in the United States, but we've almost managed to do it."

The elimination of a whole species seems so unpleasantly final—and so thoroughly remote—that most people simply refuse to admit the possibility. Then, subconsciously convinced that it cannot happen, they permit it to happen. While sheepmen and members of the poisoning Establishment talk in wildly exaggerated terms about the multimillions of coyotes on the land, less partisan observers have begun to notice that some areas have been cleared completely of the little wolves, and other areas seem to be headed in the same direction. The great bulk of people will remain unconcerned, of course, so long as a few coyotes are seen crossing highways at night or are heard occasionally from a distant hilltop in the moonlight. Modern man, despite the unfathomable wonders he has seen, still suffers from lack of imagination, still seems incapable of looking at a steadily dwindling supply of specimen animals and realizing that the end result of such a negative progression must be annihilation.

Similar thought processes—or lack of them—cause certain people to wonder what causes the concern about endangered species like the California condor. After all, they say, there must be 50 or 60 of the big birds; how can they be in danger? It will be time enough to get excited when there are five or six left. In the early 1900s Ernest Thompson Seton estimated that more than five billion prairie dogs lived in the U.S.; today the species has been nearly wiped out, and only a small number of prairie-dog towns remain. In 1810 Alexander Wilson saw a flight of passenger pigeons that he estimated to be 240 miles long and from horizon to horizon, containing some two billion birds. Today there are none.

Mere numbers are no protection to a species, especially in an era when habitats are sharply dwindling and the earth is being saturated with toxics. It is no consolation that the coyote has been spotted in Los Angeles County when he is no longer seen in thousands of square miles of Western rangelands that once were his normal residence. Random coyotes have been sighted in every continental state except Delaware, but they are seldom seen in their old habitats on the prairies of eastern New Mexico, and Arnold Rieder reports that there are lots of people in Montana who haven't seen a coyote in 10 years. As long ago as the 1940s a Government trapper named John W. Crook was telling his colleagues that poisoning had whipped the coyote in southern Colorado. During the winter of 1946–47 Crook saw one specimen where he used to see hundreds. But the poisoning continued unabated in Colorado. In West Texas a former Government trapper, Charlie Stone, misses the days when "you could go just about anywhere around here and see 15 or 20 coyotes. I'm in the field trapping all the time since my retirement from the Fish and Wildlife, and I've seen one loose coyote in the last year." Supreme Court Justice William O. Douglas returned from a trip to Wyoming and told fellow conservationists that he was shocked by the disappearance of coyotes from that state.

In the race toward the final finish line, many another animal of the American West is providing the coyote with severe competition—propaganda to the contrary. The black bear, which ranges in similar habitat and has similar carnivorous eating habits, almost certainly will die out before the coyote. Charles Orlosky, who worked as a Government trapper in western Colorado, says, "I learned quick that any bear that sets foot on sheep range is a dead bear. Maybe one out of every 25 bears will kill a lamb. Most bears will eat on a dead carcass, but there's damned few of them that will actually kill sheep." Orlosky remembers a case in the San Juan Mountains where a trapper caught 16 or 17 bears and still hadn't caught the sheep killer.

The fox, another animal with eating habits similar to the coyote's, is also disappearing fast in large sections of the country. "They're smart," says Paul Gilbert, an area supervisor for Colorado's Department of Game, Fish and Parks, "but smartness isn't enough anymore. I've seen foxes and coyotes that'll move onto a ridge with a 1080 bait and won't be able to get off because of the deep snow around them. As long as they can, they'll circle away from that bait, but sooner or later starvation drives 'em to it. Animals like that don't have a chance against things like coyote getters and 1080." Even people from the Wildlife Services admit the danger to foxes. "Because the habits of the coyote and the red fox are similar," a bulletin says, "there is no practicable method of controlling coyotes in the midst of foxes on the high mountain sheep ranges in the summer or winter without killing some of these smaller canines." So the smaller canines are killed.

"The kit fox is almost gone in Wyoming," says Game Warden Darwin Creek, "and the 1080 that's killed him off has also killed off the black-footed ferret. Only two or three black-footed ferrets and kit foxes have been seen in the last 10 years by all the wardens and all the biologists and all the wildlife people in the state." According to Creek, the situation is almost the same with other Wyoming furbearers. "Pine marten used to be thick till they started putting this poison out," the warden says. "Now there's practically none left."

The populations of carrion-eating animals—and carrion-eating birds like eagles and hawks and vultures—are all trending downward, partly because of 1080 stations and partly because of the drop baits of tallow-covered strychnine. And if a species is included on the poison Establishment's "most wanted" list, the fact that the animal eschews carrion or tallow is no protection. The hunters and their modern gadgetry will prevail. In the last few years there has been a sharp decline in the numbers of bobcats, despite the fact that *Lynx rufus* is like trout or bass—he wants to catch his food on the hoof and seldom will touch anything that he has not killed himself. To destroy this "predator" that annually does no more damage to livestock than domestic dogs, Government trappers revert to the art that once was their pride: steel trapping. It is not difficult to trap bobcats; they are creatures of habit, remaining in the same areas and usually working in a single hunting runway over and over. Until recently, when the supply of bobcats began to diminish, Government trappers caught them in droves. Why? A primary reason is that the Fish and Wildlife Service is in several businesses simultaneously, and one of them is the sale of pelts. The bobcat's fur is valuable; hence the concentration on trapping them and the long hours spent in Wildlife Services seminars studying the proper preparation of bobcat skins for market. In Colorado, Government trappers took thousands of bobcats in the years before 1965, but even though the price of bobcat fur continued rising, the kill began to drop, and today the animal is becoming rare.

The question is not when it will be discovered that these populations of native American species are diminishing. Some of the downtrends were known decades ago, and more are being noted each year. Most Westerners are aware that there are fewer and fewer animals, and still they watch inertly, like mice before cobras. Influenced by the soothing pronouncements of the poisoning Establishment, they accept the propaganda that endangered species are not truly endangered, and that coyotes, lions and bears, with their big teeth and sharp claws, can hold their own forever against men. The illogic is basic. Predators are not fighting against men but against technology.

Some of the scientists who are opposed to the toxification of the West go so far as to clam that the broadside attacks on wild animals have served only to magnify the problem of predator loss. Not surprisingly, Alfred Etter is an outspoken advocate of the theory that there would be far less destructive predation if wildlife were left to nature's own systems of checks and balances. His reasoning runs exactly opposite to that of the poisoners, who view the matter in simple arithmetical terms. Says an official of the U.S. Fish and Wildlife Service: "Look, we know what the stock loss was before we began poisoning. If we eliminated poisons like 1080, the loss would be more than 20% of the herd, maybe 35% or 50%. It would put sheepmen out of business. The coyotes would simply take over."

To ecologically oriented scientists like Etter, this is the grandest fallacy of all, the "big lie" that undergirds the entire poisoning philosophy. The trappers preach that predator control controls predators: Etter insists that it makes the problem worse, and that the poisoners are keeping themselves in business by aggravating the very problems they are hired to solve.

Etter was on the way to this conclusion when he testified before public hearings on predatory animals in 1966. "Where we have starved the coyote," he said, "where we have abused the land, where we have poisoned indiscriminately, killing the coyote's food supply, there we have uniformly encountered increasing reports of predation." Back in Colorado, he pursued the deeper implications of his own statement and began checking records on sheep kills and coyote control. He recalls, "I found that the sheepmen who had used the most control in the past were invariably the ones who complained the loudest about ever-increasing losses. The ratio was direct and almost constant."

The most perfunctory investigation of sheep-country losses seems to substantiate Etter's conclusion. Consider, for example, the two northwesternmost Colorado counties, Rio Blanco and Moffat, where it is likely that more poison has been leached into the soil and more predators put to death than in any area of similar size in the world. What has been the result? A sheepman named Hugh Seely speaks at a public meeting: "The thing that disturbs me about this control program is that our losses the last couple of years are greater than they were previously. There used to be winters down on our range when I can't remember losing a single ewe to coyotes. Now this last winter the boys claim they lost about 120 ewes. That's quite a loss out of 3,000 head of sheep. In the summertime we used to lose maybe 75 or 100 lambs a year. Last year we were out over 300 lambs before we shipped in the fall."

Typically, Seely argues that the reason for the increased loss is that there is *not enough* control, not enough poison is being put on the land. The figures do not bear him out; both public and private poisoning programs are barreling ahead at full speed, and still the losses mount. "We have problems," admits a sheepman named Andy Peroulis. "Since the 1st of June we've lost over 40 lambs in one place. They were killing three and four a night. I don't know whether the coyotes are congregated in that one area or not, but they're thick all over."

But if the coyotes are "'thick all over," and the sheep losses higher than ever, what has been the point of the wholesale poisoning of the area? "Well, we've kept the losses from being even higher," an official explains. Says District Field Assistant Gary Rowley, in charge of the local operation in northwest Colorado, "We just keep plugging, and the coyotes just keep on moving in and killing. All we can do is try to keep the losses down to where the stockmen and our cooperators can live with it."

The local situation, in a word, is chaotic. "The first thing that's needed is a fundamental understanding of the coyote," says Alfred Etter, "and very few trappers have this. They're too busy convincing themselves that their poisoning and hunting is in a good cause and their jobs are worthwhile. They insert themselves between the coyote and his natural ways, and their efforts often turn him to killing stock. Then they blame him for being a 'harmful' species and go out and intrude themselves some more. The coyote is normally a territorial animal with a highly developed territorial imperative. By keeping the coyote population harassed and in a constant state of flux, the trapper disrupts his territorial habits and makes him, in effect, into a different animal. This different animal may become a sheep killer, but if he had been left undisturbed in the first place, we would probably never have heard from him."

Etter's theory is based on the hunting habits of the coyote. In *The Clever Coyote,* Government Biologist Stanley Young wrote that "generally, coyotes follow a runway or circuit, often referred to as a hunting route. It may be a combination of trails of game, cattle, sheep, old wood roads, dry washes, swamps, marshes, or ditch banks. . . . The coyote runway may cover no more than 10 miles, and be used throughout its life-span, providing sufficient food is always available. What causes the animal to forsake old established and localized runways is usually the food factor, or continued persecution." Young did not add the obvious: that a hungry coyote in unfamiliar country might well turn to an easy dinner of lamb.

Etter's own observation led him to go a step farther than Young and other naturalists and to evolve a preliminary theory of coyote territoriality. "It takes a while to establish a territory," Etter wrote in *Defenders of Wildlife News*. "It involves becoming intimately acquainted with an area, patrolling it, depending on it, investing in it. In the case of coyotes, foxes and bobcats, it means learning the location of quail, pheasant, grouse or turkey roosts, deer yards, prairie-dog towns, pack-rat apartments, kangeroo-rat runs and rabbit forms. It involves seasonal and diurnal knowledge, and familiarity with stalking and escape cover. It involves buried stores, watering places, scent posts and warm south slopes. It may even involve relationships with other animals, as when the coyote tags along with the badger to take advantage of spare rodents flushed from excavated burrows, or with the elk to harvest the mice that are disturbed by grazing. This kind of knowledge makes the difference between the successful 'well-adjusted' predator and the desperate itinerant. . . ." Poisoning of coyotes, Etter argued, "merely creates a 'vacuum' into which drifting coyotes from other areas may be attracted. Traveling coyotes are probably hungry coyotes. . . .

"Young animals deprived of their parents through control might be equally desperate. It only seems logical that the one thing to avoid in any livestock protection program would be the creation of desperate, opportunistic individuals or populations. So far as I know, this has never been given a thought in the federal program."

Acel Rowley, former Government trapper in Utah and Colorado, described a case in point that seems to bear Etter out. "Right south of Vernal, Utah, in a place called Kennedy Basin," he relates, "there was a pair of coyotes that I killed their pups every year for nine years. Both the adults were whistle-wise and trap-wise and poison-wise, and the only thing I could do was keep killing their pups. All that time there were sheep on every side of those two adult coyotes, and they never touched a one. They kept right to their own hunting runway and lived on rodents and rabbits. They got so they knew that countryside by the inch, and they'd walk around anything new, like a 1080 station or a cyanide gun. I shot the old bitch coming out of her hole, and a year or so later I got the dog the same way. Well, what do you think happened? With those two out of three after nine or 10 years, I started having coyote trouble with sheep. Right after I killed those two, coyotes went in and killed 25 or 30 head of sheep about two miles north, just before shearing. One day I went out with two of my sons and started calling coyotes with my whistle, and all of a sudden there were three new coyotes in plain sight not 30 feet away. I shot one and the other two got away. Before I'd killed all the new coyotes in that territory, they'd eaten more sheep and driven us all crazy."

"Why did you kill the first pair?" Rowley was asked. "Apparently they weren't doing any harm."

"I had to," the old trapper said apologetically. "That was my job—killing coyotes."

What would happen if all "control" were abandoned and coyotes left to the ways of nature? "They would overpopulate and run the country," says a Government trapper. "There'd be so many coyotes you couldn't see over their heads. It'd be like the old alligator joke—you'd be up to your armpits in coyotes!" The remark was only slightly in jest; the philosophies of most Government poisoners rely heavily on similar overstatements. Asked to explain why coyotes did not "run the country" in all the centuries before the invention of cyanide guns and 1080 and other such control devices, the trapper said, "Things was different then."

But things were not that different. Predators preyed on young coyotes, then as now, and every year pups were carried away and consumed by eagles, great horned owls and even badgers. They still are. The few wolves that remain are not loth to attack full-grown coyotes, and neither are eagles, bears and mountain lions. There have been substantiated cases of gentler species such as antelopes and deer turning on coyotes and attacking them with their sharp hooves. Still other factors limit the coyote population. Bad weather and forest fire can kill a coyote as fast as any other animal, and in years of deep, loosely packed snow the coyote has difficulty getting around and sometimes dies of starvation. Naturalists estimate that in any given year a large percentage of the total coyote population would die off without the assistance of the Wildlife Services but the process would be a natural one—healthy animals would not be removed from their hunting runways in the prime of life, and normal yearlings would have time to develop enough hunting acumen to enable them to make a living off wild prey. Death would come only to the weak, the infirm and aged, instead of to the handsome young specimens that are now falling by the tens of thousands to the mass-poisoning program.

"Through history," Alfred Etter says, "the coyote was respected, and in some cases almost deified. At the least, he was ignored, and there is no indication that he caused serious trouble. We are the only society which has harassed him on a large scale, and we are the only society which ever had to spend millions of dollars a year to keep him in check. I suggest that there might well be a connnection, and that we should take steps to find out. Nobody knows what would happen if we cut out control overnight, but I think we can make some reasonable speculations.

"First, I think there'd be an abnormal increase of coyotes in some spots, at least until the old territorial feeling was reestablished and the stronger coyotes started eliminating some of the weaker ones, some of the strangers. This wouldn't happen quickly, not with the mess that's been created by the poisoners. But before things got out of hand the coyote populations would settle down in a normal way, and after that the Government trapper could go in and get the specific coyotes doing specific damage."

Etter's theory of the coyote's territorial imperative can be applied to all predators, and it has been around for a few years. There is hardly a Fish and Wildlife Service official who is not aware of it. Mostly, they laugh. "It just doesn't work that way," a district supervisor said. "That Etter may be college smart, but he just doesn't know the ways of coyotes. They're killers, and that's all there is to it. The only thing that keeps 'em from killing off all the stock is our own program, and I'm proud to be a part of it. We don't need any Alfred Etters or any other little old ladies in tennis shoes telling us what to do."

Frustrated by their inability to bring scientific rhyme and reason into the predator-control programs, a few Westerners have declared war. Certain game wardens and park rangers and private citizens are starting to lash out in legal and extralegal ways. There have been a number of confrontations between Government poisoners and private citizens in the last few years, and more than once there has been minor violence. Says Bill Miles, a hunting guide: "Two winters ago I was hunting with my dog, and I saw this Government trapper running along on a snowmobile throwing out strychnine baits. I quickly called in my dogs and put them in my pickup and then drove crossways on the road and stopped him. We had a big argument. He said he was gonna keep on with the poisoning, and I said I was gonna fight him. He said he was gonna poison the hell out of that whole area, and I said if he did I'd pour fuel oil on his baits and burn 'em up. We had a terrific fight." Did Miles burn the baits later? "That's my business," he insists.

U.S. Park Ranger Barry Ashworth, who narrowly escaped death when he accidentally set off a coyote getter outside Dinosaur National Monument, is one of many federal rangers who have sworn to pull every cyanide gun they see. "And if I ever catch anybody putting one on park property," Ashworth says, "he'll be placed under arrest." Paul Gilbert says he has known several public officials who set off coyote guns intentionally, and some who dig them up and destroy them.

Individuals are joining in the informal battle against the poisoning Establishment. "Down in Oklahoma they were having a war about coyote getters, says Ray Hall, who manages the Humane Coyote Getters, Inc. operation in Pueblo, Colo. "One of my customers wrote me about it. Some rancher wanted to use 'em real bad, and the people didn't want 'em, because they had expensive dogs. They were sabotaging his tractors and burning his fences just like the old days." In Santa Clara, Calif., there are signposts warning that "Anyone from Predator Animal Control Department of Department of Interior caught trespassing will be arrested and prosecuted." In the Jackson Hole country of Wyoming the little war takes a slightly different form, with the Government trappers fighting back. Thousands of elk are fed by the Game and Fish Commission during the winter, and the eager hunters of the Fish and Wildlife Service have been warned repeatedly to stay out of Jackson Hole and away from the predators that live in the elk herd. "But every now and then they'll fly in and fire away," says Warden Darwin Creek, "and then we have to raise hell. They can't seem to get it through their heads: coyotes clean up the dead, kill off the dying and the disabled and keep the herd healthy. I guess the only way we're gonna get our message across is with anti-aircraft guns." There are some few district field assistants who deplore their own agency's programs and fight as a fifth column. Says one trapper: "I know some guys who dump their 1080. Throw it down a mine shaft or burn it up.

If the little wars of such men seem to be accomplishing next to nothing, then what can be done? Concerned Westerners are pessimistic. "We're in a stranglehold out here," says Paul Maxwell, president of the National Council of Public Land Users. "If we talk a legislator into speaking out, the stockmen's lobbies climb all over him in the next election and get him out of there. If we try to push through some kind of action, we get clobbered by the millions of dollars they can throw against us. If we take a complaint to a governor or a commissioner of agriculture, we find him trembling in his socks about the sheepmen, and then he yesses us to death and does nothing. It's a peculiar situation. The public officials who try to help us almost invariably come from the East. Men like Congressmen John Saylor of Pennsylvania and John Dingell of Michigan. The politicians out West are owned by the stockmen. Help will have to come from the East, or nothing will ever change."

If there is a logical point of attack, it would seem to be at the poisoning programs on Government land. American land in the public domain is more than four times the size of the state of Texas, and every acre of it belongs as much to each citizen as it does to the stockman who runs his thousands of close-cropping sheep on them. If these lands are not to be transformed into American Saharas, they must be grazed far less and detoxified once and forever. But hardly anything is being done. The stockmen remain at the helm.

Only the tainted Western legislatures would put up with such a situation, and only devitalized Westerners would sit by idly and watch it happen. One has only to look at the state poison laws—or lack of them—to see the extent to which stockmen have the general public by the throat. There is hardly a state west of the Mississippi in which one cannot buy strychnine or cyanide or even thallium simply by signing for it. Says Mike Simmons, secretary of the Colorado State Board of Pharmacy, "The last poison laws were passed in most Western states around the turn of the century, when the rural areas controlled the legislatures even more than they do now. And almost every state poison law has the same proviso in it. Here, I'll read you Colorado's: 'Nothing in this article shall interfere with the business of those merchants who keep or sell such poisons, acids, or chemicals as are regularly used in agriculture, mining and the arts. . . .' In other words, you can always use it, so long as you're using it in your business. I don't believe one of these laws has been updated in 30 years." There have been a few new laws restricting sale of poisons in pharmacies, Simmons says. "So if you want to poison somebody, just go straight to the feedstore and they'll give you what you need."

Cyanide guns are similarly available through the West, and even in those states where their use is specifically illegal, one can usually make a purchase at the nearest hardware store, or by mail ordering from Pueblo. Kansas has banned the use of the deadly apparatus since a game warden there almost lost his life to one, but waivers can be issued by public officials. Coyote getters are illegal in Oregon, but enforcement of the state law is almost nonexistent. Washington has a law that "It shall be unlawful for any person to lay, set or use any poisonous or deleterious substances at any place or manner so as to endanger, injure or kill any game animals, furbearing animals, game birds or nongame girds," and Colorado has a game law flatly banning the private use of any poison in the open. Good laws, to be sure, but there have been no prosecutions under either. The poison baiting of carcasses remains legal in Arizona, Utah, Nevada, Nebraska, Oklahoma, Idaho, Arkansas, California, Texas, Oregon, New Mexico, Montana and Wyoming, and it is overlooked in most of the states where it is illegal. So long as stockmen remain in control of the advisory boards that administer the outdoors affairs of most Western states, the poison laws will continue to be a tattered patchwork of ineffectiveness.

Meanwhile, the basic questions are all but ignored. Does an industry that depends on the wholesale contamination of millions of acres of our nation deserve to exist in the first place? Is it in the national interest to bring whole species of animal life to the brink of extinction? *Is the sheep industry as presently organized worth it?* Or it there a way to retain both sheep and sanity?

Within a few decades the last mountain lion will be gone. Bears and bobcats will probably hold out a little longer, because there are many more of them, and the wise and canny coyotes will outlast all the other large predators. But unless there are massive changes, unless the livestock lobbies of the West and the federal poisoners release their strangleholds and give up their myths and prejudices, the day must come when the last weak and sickened coyote will drag himself to his feet and lift his voice to the skies, and there will be no answer. We animals of the earth are a single family, and the death of one only hurries the others toward the final patch of darkness.

CARRY-IN CARRY-OUT: NATIONAL FORESTS INVOLVEMENT CAMPAIGN

Mr. McINTYRE. Mr. President, I commend Forest Service staff of the White Mountain National Forest for another in a series of truly significant innovations. Under the leadership of Robert Tyrrel, forest supervisor, and his staff, the national forest will be the site of another large-scale cleanup campaign involving large numbers of conservation organizations and park users.

The campaign is scheduled for the weekend of June 26–27 and will involve the Sierra Club, the Appalachian Mountain, and interested citizens. I cannot emphasize how very important this weekend will be.

The White Mountain National Forest is one of the most heavily used in the Nation. Through the efforts of the Forest Service staff it is also one of the cleanest. Yet heavy utilization brings along with it the problems of litter and waste accumulation. Means of controlling these problems must be developed to the point that the environmental integrity of the park and forest can be assured.

Recognizing this, Bob Tyrrel and his staff set out last year to do something about it. They began by sponsoring citizens cleanup campaigns last summer and fall. The success was demonstrated by the hundreds of citizens who gave a day of their time to the effort and the tons of litter that they accumulated.

This, of course, does not imply a permanent solution that so many seek. Bob Tyrrel, however, saw that the means for such a solution were there. Appreciation comes from involvement and he saw that involving the users of the national forest in its maintenance, on a first-hand basis, was a means of educating them and the public to the potential damage caused by user disregard. It is working.

I believe that this cleanup weekend will involve many more than the last. And it is entirely significant that the Forest Service can announce that winter users carried out what they brought into the forest. This is progress. I am hopeful that this coming summer's experience will show that users are increasingly heeding the national forests, new slogan: Carry-In Carry-Out.

The Forest Service staff of the White Mountain National Forest deserves our commendation and praise for their innovation and concern. The Appalachian Mountain Club and the New England chapter of the Sierra Club deserve our notice of their dedicated assumption of citizen leadership.

Mr. President, I ask unanimous consent that a news release by the U.S. Forest Service office in Laconia, N.H., be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

U.S. Forest Service, White Mountain National Forest

"'Carry In—Carry Out' will be the theme of the second annual back-country cleanup weekend, June 26 and 27, in the White Mountain National Forest," according to Robert R. Tyrrel, Forest Supervisor. This year's effort, sponsored jointly by the Appalachian Mountain Club and the U.S. Forest Service, will be based at the AMC Hut in Pinkham Notch.

This year's "Carry In—Carry Out" project will work in Tuckerman Ravine, the Great Gulf Wilderness, Carter Notch, and other nearby spots. "We are holding it late this year because some of these spots hold snow until June," explained Tyrrel.

The New England Chapter of the Sierra Club is planning a trip that weekend to help on the clean-up project. Several other groups are planning to hold their own clean-up projects earlier in the spring on other sections of the White Mountain National Forest.

"Last year, along the Wilderness Trail off the Kancamagus Highway, over 350 people braved pouring rain to collect two tons of trash. It was amazing to see the enthusiasm and fun people had that weekend," Tyrrel said.

"'Carry In—Carry Out' is a campaign to keep the trails in the White Mountain National Forest and other forest areas free of litter," Tyrrel went on to say. "Visitors come here to enjoy a clean environment and we need their help in providing it. The campaign lasted all summer and through the winter, and most people did carry out everything they carried in. We had numerous reports that the Forest trails looked cleaner than they had for years. We want to keep the momentum going."

People interested in participating should contact Rick Goodrich, District Ranger, U.S. Forest Service, Gorham, New Hampshire; Steve Harper, U.S. Forest Service, Laconia, New Hampshire; or Tom Deans, AMC at Pinkham Notch, New Hampshire.

RETIREMENT OF HARRY MONTGOMERY, ARIZONA JOURNALIST

Mr. FANNIN. Mr. President, Arizona is blessed with excellent newspapers and a number of fine journalists.

Two of these newspapers are the Arizona Republic, which has the largest circulation in the State, and the Phoenix Gazette.

And one of the finest of journalists, not only in Arizona but in the Nation, is Harry Montgomery, who is associate publisher of these two newspapers. As well as helping guide the Republic and Gazette during the past 24 years of amazing growth, Mr. Montgomery as so has been a civic leader in Phoenix and the State.

Last Sunday, the Republic published an article announcing that Mr. Montgomery would retire. I ask unanimous consent that the article and an editorial paying tribute to Mr. Montgomery for his many accomplishments, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Montgomery to Retire as Associate Publisher

Harry Montgomery, associate publisher of The Arizona Republic and The Phoenix Gazette and one of the Southwest's most widely known newspapermen, announced yesterday that he will retire July 1.

Montgomery, 68, has been associated with the newspapers 24 years, having come here July 1, 1947, after 16 years as an Associated Press executive. He has served both newspapers as an executive editor, assistant to the publisher, assistant publisher, and the past five years as associate publisher.

"One-half of my life, counting 10 years as AP chief of bureau for Arizona, has been spent in close association with The Republic and Gazette, and the decision to step aside has not been an easy one," Montgomery said.

"My health has never been better. I am sure my productive capacity was never greater. My interest in Phoenix and Arizona are unparalleled, but I want more time to travel and read and write. I even want to get out and chop up a golf course again. And I am looking forward to spending more time with Pauline (Mrs. Montgomery)."

Montgomery's contributions to newspapers and the wire services in Arizona have been recognized by the State's three universities, through special awards.

"Having been associated with Gene Pulliam in the development of two of the country's leading newspapers has been a source of great pride to me," Montgomery addded. "I know that I shall miss the hustle and bustle and drive that are necessary to make newspapers fully effective."

Commenting on Montgomery's retirement, Eugene C. Pulliam, publisher of The Republic and Gazette said:

"Harry Montgomery is one of the two or three best known newspapermen in Arizona. I doubt if any newspaperman knows more newspaper people and has more friends among the newspaper fraternity than Harry does. And through his newspaper friends he knows the whole state. I'm always amazed when asking him a question about somebody to find out that he knows all about them and has for a long time. I've never heard an unkind word about Harry Montgomery. He has that same sweet quality that Charley Stauffer had. People love him and never knock him. He's an expert newspaper technician but his great value to The Republic and Gazette, as well as to the State of Arizona, is his knowledge of this state and his very firm convictions regarding the social and civic and business patterns the state must follow if it is to emerge as one of the greatest states in the nation.

"Of course we're not going to let Harry Montgomery off the hook. When we need his advice or knowledge or help, we're going to yell and I know that he'll be happy to give us a lift. But all of us recognize that he has earned a kind of semi-retirement which he has looked forward to. He has the very best wishes of all of us here at The Republic and Gazette and there isn't anything any of us wouldn't do to make his retirement the happiest it could possibly be."

Long active in civic affairs, Montgomery currently is president of the Arizona Historical Society and vice president of the Industry-Education Councils of America, Inc., and the Arizona Institute. He is chairman of the executive advisory board of the Arizona Business-Industry-Education Council and serves on advisory boards of the Phoenix Salvation Army, Arizona National Livestock Show, the National Association of Journalism School Administrators, and other organizations.

He is past president of the Phoenix Art Museum, Phoenix Rotary Club 100, and Arizona Newspapers Association, and still serves on boards of the art museum, Arizona Academy, and Camelback Mountain Foundation.

AN UNSURPASSED RECORD

Harry Montgomery could have made his mark in a dozen different fields, but newspapering was the one he chose. From his first job editing the weekly Memphis (Texas) Democrat, to his present position as associate publisher of The Arizona Republic and The Phoenix Gazette, he spent his life in journalism.

Harry will retire July 1, completing 24 years on the two Phoenix newspapers. Few editors or publishers ever had a hand in a more fantastic growth than he helped to direct.

Born in Indian Territory, within the boundaries of the Choctaw Nation, he spent his boyhood in Oklahoma and Texas. From Memphis he went to Texas Tech, where he founded the campus newspaper and published a campus magazine. He worked for the Associated Press in Amarillo (which he chose over Houston and Dallas), in Phoenix (after turning down an offer to go to New York), and in Minneapolis (where he had charge of the AP bureaus and correspondents in Minnesota and the Dakotas).

When the northern winters lost their appeal, Harry went to Albuquerque with his lovely wife Pauline to head the bureau there. No other AP employee ever headed every bureau to which he was assigned.

He covered the first atomic explosion at Alamagordo, and before that he watched the development of rockets that led to the eventual landing of an American on the moon. But it was on the Phoenix newspapers which he joined shortly after Eugene Pulliam purchased them in 1946, that he made his lasting mark. He was executive editor, later assistant to the publisher, then assistant publisher, and finally associate publisher.

When Harry Montgomery came to Phoenix, The Republic didn't even have a city editor. The head of the copy desk made assignments to the handful of reporters who turned their stories in to him. Today, The Republic has 100 reporters, copy readers and editors, many of them hired by Harry Montgomery.

Harry Montgomery knows nearly every one of importance in Arizona, and at one time or another has worked with most of them on one civic enterprise or another. The City of Hope made him its Man of the Year in 1967, and he received a Salvation Army Sally Award in 1968. A capstone of his humanitarian work was the raising of $1,350,000 in a capital fund drive for the Salvation Army last year.

He has received awards from each of the three state universities.

He served as president of the Phoenix Art Museum and currently is president of the Arizona Historical Society, the official state agency for the collection and preservation of Arizona history. He was treasurer of the committee that raised the money to keep the top of Camelback Mountain free from the developers' bulldozers. He has been president of the Phoenix Rotary Club.

Harry plans to remain in Phoenix, where his executive ability will undoubtedly be used by various public and semipublic organizations. A little later he and Pauline will travel, filling out the spots left unvisited on previous trips to Europe and the South Pacific.

Whenever he returns there will be warm friendships to be renewed, at the R & G, on dozens of civic boards, and in the social clubs to which he has belonged.

Harry Montgomery has helped to build two great newspapers, and has served his state to a degree that has few if any equals. We wish him all the best as he turns to new and exciting opportunities in his retirement.

ST. MICHAELS, MD.: CHARMING COLONIAL HISTORY ON THE CHESAPEAKE

Mr. MATHIAS. Mr. President, St. Michaels, Md., is a living piece of colonial history which holds particular delights for boating enthusiasts.

Now the site of several museums and other places of interest, St. Michaels figured prominently during colonial and later times as a center of shipbuilding for craft which sailed the Chesapeake. Today, whether one chooses to go by water or by land, St. Michaels' proximity to Washington and its pleasant atmosphere make it the perfect place to spend a relaxing and fascinating day or weekend.

In order to detail further the charms of this historic town, I ask unanimous consent to have printed in the RECORD an article published in the Washington Post of May 2, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EAST COAST: ONCE A SHIPBUILDING CENTER, NOW A BOAT FANCIER'S PARADISE

(By Barbara Guinn)

Have you ever taken the family aboard an oyster boat, visited an old lighthouse or roamed about a lightship that's been stationed in the Atlantic?

You can do all this and much more when you visit St. Michaels, Md., and the Chesapeake Bay Maritime Museum, which has both floating and dry-land exhibits. The drive takes an hour and a half from Washington's Beltway and includes crossing the Chesapeake Bay Bridge.

When you enter this small, quiet Eastern Shore village, it's hard to believe that from the late 17th century to the mid 19th century, the major industry was shipbuilding. In fact, it was because of the St. Michaels-built, swift-sailing privateers preying on the British Merchant Marine that the British attacked the town in August, 1813.

Forewarned of the attack, the 300 citizens stretched a chain across the harbor from Parrott's Point to Mill Pond, blacked out their lights and hung lanterns in the trees behind the town—tricking the British into overshooting. Only one house was hit, and it still stands proudly today. One of the cannons used in the attack is mounted in St. Mary's Square.

After the War of 1812, the building of privateers gave way to the construction of log canoes, skipjacks, bugeyes and other indigenous craft used on the Chesapeake. The Clipper Brig "John Gilpin," launched in St. Michaels in 1830, held the trans-Pacific record from Peru to China from 1832 to 1845.

Today, much of the town's activity revolves around the museum on Navy Point overlooking the Miles River. Among the floating exhibits you will find the "J. T. Leonard," last of the round-bottomed oyster sloops under original rig, built in 1882; "Old Barney," a typical U.S. lightship of the first half of the 20th century (which is not only an exhibit but is also used for training Sea Explorers and Girl Mariners); and the "Edna Lockwood," the last log-built bugeye under sail, built in 1889.

Among the dry-land exhibits you can visit is the Hooper's Strait Lighthouse, one of the last of the bay cottage-types, which was moved here by barge. It has been restored and has typical lighthouse furnishings and a lantern with Fresnel lenses. The view from the top is particularly fine.

The aquarium is an eye-level slice of underwater Chesapeake marine life. The boat shed has displays of log canoes showing their development through the years and the craftsmanship of early builders who worked within the limitations of hand tools. The waterman's exhibit includes equipment used by bay oystermen, crabbers, fishermen and boat builders.

Dodson House and Eagle House contain

exhibits of ship models (particularly Chesapeake Bay sailboats), old marine engines, navigating instruments, photographs, Feuchter watercolors, china imported during the days of spice trading, hand-carved decoys and other Chesapeake Bay memorabilia.

The museum operates a gift shop featuring craft items of unusual quality and indigenous to the area. Among the many items are watercolors of local scenes; paintings on driftwood by an artist who makes his main income as a waterman; ships in bottles; ship plans suitable for framing, and a wide variety of books on the Chesapeake area and its history.

The museum is open from 10 a.m. to 5 p.m. every day except Monday, unless a holiday falls on Monday. Admission is $1 for adults, 25 cents for children 12 to 18, and no charge for children under 12 when accompanied by an adult. There are restroom facilities and slips to provide tie-ups for visiting yachtmen.

For those wishing to explore the Miles River, the excursion boat "Patriot" offers an hour and a half's scenic and historic trip, leaving from the museum's dock at 1 p.m. and 3 p.m. Rates are $3 for adults, $1 for children under 12, and a family rate of $8. The boat operates on weekends in May and every day except Monday from May 30 through Labor Day.

You'll surely work up an appetite in this pleasant outdoor setting. Picnic tables are available on the museum grounds. Also at the museum is the Crab Claw, a restaurant on the water that features "crabs all ways" and a variety of seafood. The owners, Ed Higgins and Bill Jones, were watermen and operated the Eastern Shore Clam Company prior to the museum's opening in 1965.

When tourists came to watch the crabs, clams or oysters being unloaded, they invariably asked where they might find a good restaurant. Encouraged, Higgins and Jones built a restaurant on top of their dock, which they operate from March to November every day except Mondays.

The seafood couldn't be fresher—you can watch while any one of the 50 "catchers" who supply the Crab Claw pulls up to unload his boat. Prices are moderate. They serve at tables on the dock when weather permits offer "room service" to boats docked in their slips and provide a ferry when these slip are filled or yachtmen prefer to dock in the open river and be picked up. Raw seafood can be purchased to take home.

Another restaurant, the Harbor View Inn, across the Miles River opposite the museum provides free ferry service back and forth from the museum dock. Open every day starting May 1, they also have a fine view and feature a seafood smorgasbord on Saturdays and Sundays. Nearby, on the town dock, the Quarter Deck Restaurant is open all day.

Don't be surprised if you find a waiting line at these restaurants, even though there's space in the parking lot. As you might imagine, during boating season many of the customers arrive by water.

Before you leave St. Michaels, be sure to visit St. Mary's Square, laid out by James Braddock in 1778. A bell cast in 1842 and known as the "Ships Carpenters' Bell" is rung at 7 a.m., noon, 1 p.m. and 5 p.m.—just as it once tolled the working hours of the men in the shipyards. The Cannonball House, a three-story brick residence built in 1805 at the north gate of the square, was the one house hit when the British attacked the darkened town in 1813. If you plan to visit St. Michaels during the weekend of May 15-16, the Cannonball House will be among the homes and gardens open for the Maryland House and Garden Pilgrimage (fee charged).

To reach St. Michaels, take Exit 31 from the Washington Beltway and follow Route 50 (John Hanson Highway) past Annapolis and over the Chesapeake Bay Bridge. (Toll $1 each way for car including all passengers. You'll see a new twin bridge under construction.) Stay on Route 50 toward Easton. A short distance after you pass the Easton Airport on your right, turn off on Route 35, which by-passes Easton and takes you directly to St. Michaels. Once in the town, drive slowly and you will see a sign for the Maritime Museum on your right.

HEALTH INSURANCE

Mr. EAGLETON. Mr. President, the distinguished senior Senator from California (Mr. Cranston) recently gave an excellent address to a symposium in Los Angeles jointly sponsored by the American Public Health Association and the University of Southern California. Senator Cranston's speech was aptly entitled "The Road to National Health Insurance," for he discussed the problems which await us if we try to move too rapidly into the "mammoth undertaking" which the adoption of a system of National Health Insurance entails.

In Senator Cranston's words:

> Our experience with Medicare and Medicaid warns us to beware of untried national health care programs. And we must avoid building a demand for care that far outstrips the capacity of our medical personnel and institutions.

I should make clear that these are the counsels of prudence—not defeatism. Senator Cranston is one of the original cosponsors of S. 3, the national health insurance bill, and at this symposium he reiterated his support for the bill. Unlike many critics in this area, his role is a constructive one. In his speech, he suggests some changes in S. 3 and outlines a seven-point legislative program that he will propose to make health services more available to more people in the interim period before any national program of comprehensive health care is enacted.

Mr. President, I commend Senator Cranston's speech to all who are interested in providing Americans with better health care. His perceptive analysis is particularly timely in view of the current hearings on health manpower legislation being conducted by the able chairman of the Senate Health Subcommittee, Senator Kennedy. Witnesses at these hearings—as well as witnesses testifying as part of the excellent series of hearings Senator Kennedy has also been conducting on the Nation's health crisis—echo Senator Cranston's observation that no national program of comprehensive health care can be successful unless we have adequate numbers of well-trained health professions personnel.

In my view, the fate of a national health insurance program, if one should be enacted, will be determined in great part by the action Congress takes this year on legislation to provide Federal assistance for education and training in the health professions. If we fail to enact and fund greatly expanded programs to support the institutions that train our doctors, dentists, nurses, and other health personnel, then we can expect to have continued manpower shortages in these critical areas and national health insurance will be just another empty promise, for the most ingenious financing and organizational schemes cannot provide better health care unless there is an adequate supply of health professionals to render the services.

Mr. President, I ask unanimous consent that Senator Cranston's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Road to National Health Insurance

(Speech by Senator Alan Cranston, to symposium on "National Health Insurance Proposals: Alternatives and Issues," April 30, 1971)

It is a great privilege for me to address you this morning. I thank the American Public Health Association and University of Southern California School of Medicine for inviting me.

I have been intimately involved with health matters ever since I entered the Senate. I have been a member of the Health Subcommittee of the Labor and Public Welfare Committee for more than two years. I was chairman of the former Subcommittee on Veterans Affairs, which focused primarily on medical care for veterans in VA hospitals, and I am now chaiman of the new Health and Hospitals Subcommittee of the Senate Veterans Affairs Committee.

None of this, of course, makes me a professional in the field in which so many of you are professionals. As one who happens to be where laws are written in this—and in so many other areas—I'm doing my best to learn all I can about health, however.

I will speak to you primarily on S. 3, the proposed Health Security Act of 1971. I was an original sponsor of the bill in the last Congress when Senator Kennedy first introduced it. But I will focus most of my remarks more broadly on "The Road to National Health Insurance".

This is going to be, perhaps, an unusual health care speech. I am not going to use, even once, that six letter word starting with "c" and ending with "s" which Webster's defines as "The decisive moment; turning point." Well, I'll use it just once for explanatory purposes: "crisis." Nor will I recite the normal litany of alarming statistics about how far America is behind in this death rate or that morbidity rate or health statistic. I will use only once, now, in order to single it out and banish it, that cold, inhuman—in its current usage—eight-letter word beginning with "d" and ending with "y": "delivery."

You professionals well know the severity of the challenge that confronts us in the health care field today. So let me start by briefly outlining the major features of S. 3.

Eligibility—Every individual in the United States will be eligible for benefits. Individual contributions such as in Social Security will not be required, nor will a means test, as in Medicaid.

Benefits—With certain modest limitations, benefits will cover the entire range of personal health care services, including prevention and early detection, the care and treatment, and medical rehabilitation. There are no cutoff dates, no coinsurance, no deductibles, and no waiting periods. The principal limitations are:

Dental care is restricted to children through age 15 at the outset, with the covered age group increasing thereafter until persons through age 25 are covered. Once a person is covered, he is always covered.

Skilled nursing home care is limited to 120 days per benefit period. The limit is waived for nursing homes owned or managed by a hospital which provides for nursing care in its budget.

Psychiatric care—Hospitalization is limited to 45 consecutive days of active treatment during a benefit period; and psychiatric consultations are limited to 20 visits during a benefit period.

Prescribed medicines are covered only when provided through a hospital or organized patient care program, or when required for chronic or long-term illness.

In other respects, the program provides full coverage for physicians' services, inpatient and outpatient hospital and home health services, and coverage for optometry, podiatry, devices and appliances, and certain other services under specified conditions.

Compensation—Doctors and hospitals will be paid directly by the program; patients will not be charged for covered services.

Financing—A Health Security Trust Fund will be financed as follows:

50% from general tax revenues.

36% from a tax of 3.5% on employer's payrolls.

12% from a tax of 1.0% on employee's wages and unearned individual income up to $15,000 a year.

2% from a 2.5% tax on self-employment income up to $15,000 a year.

Cost—Estimates for FY 1974 run from $57 to $77 billion. In theory—though not necessarily in practice—none of this is "new" money; it is simply what would be spent anyway by individuals, employers and governments for health care.

Under the program, however, the money should provide more health services for more people by revitalizing the present system and reducing inflated costs. In addition, the new program is a direct form of revenue sharing. The relative contribution of employers and of the Federal Government will increase while individual State and local governments contributions will decrease. This will relieve State and local governments of $2.5 billion a year in costs for health care, freeing that amount of money for other essential purposes.

Administration—A five-member Health Security Board in the Department of Health, Education and Welfare will establish policy, standards and regulations.

Resources Development Fund—An essential feature is the Resources Development Fund, which will go into operation two years before benefits begin on July 1, 1973. In the first year of this "tooling up" period, $200 million will be appropriated; in the second year, $400 million. Once the benefits begin up to 5% of the Trust Fund—about $2 billion a year—will be set aside for innovative health programs, particularly in areas like manpower, education, training and group practice development.

Incentives—Financial and professional incentives are built into the program to move the health care system toward group arrangements for patient care and to encourage preventive care and early diagnosis. There are also incentives to guarantee quality health care in rural areas.

I have been intimately involved with health matters ever since I entered the Senate. I have been a member of the Health Subcommittee of the Labor and Public Welfare Committee for more than two years. I was chairman of the new Health and Hospitals Subcommittee.

I have co-sponsored S. 3 because I believe it is the most far reaching, comprehensive initiative yet proposed which still allows significant freedom of choice for providers. I also co-sponsored the bill to add momentum to a national dialogue on the need to drastically reform our health care system. Nevertheless, I have a number of reservations about it—both generally and specifically—particularly about the level of Federal expenditures this bill would entail. Of course, the rising costs of medical care are fantastic. The Social Security Administration estimates that total health expenditures will run $111 to $120 billion annually by 1975, and $156 to $189 billion by 1980. Compare those figures with the $8 billion being spent annually when President Truman first proposed National Health Insurance in 1946.

Improvements can and must be made in the bill. The Health Resources Fund should be expanded—especially during the "tooling up" period. I would want to provide even greater financial incentives for pre-paid practice and health maintenance organizations. And I favor expanding the tooling up period to at least three years.

The bill, as drafted, would have the effect of dismantling the health insurance industry, which employs 350,000 people. I question the feasibility of doing this. In any event, the bill should be more specific about phasing such employees into government service if private insurers are supplanted in the bill's final formulation. I also feel that greater thought also should be given the role of Veterans Administration, Department of Defense and Public Health Service hospitals.

Thus, while I believe we must move toward a comprehensive national health insurance program to improve the organization, rendering and financing of health services through public and private cooperation, I also believe that realistically the effective date of any such program is at least four years and probably five years away.

I think the delay is good. I don't believe we are ready for this mammoth undertaking right now.

Our experience with Medicare and Medicaid warns us to beware of untried national health care programs. And we must avoid building a demand for care that far outstrips the capacity of our medical personnel and institutions. I fear that 5.3 would seem to many, to promise far more medical care than can be provided.

In the next four to five years, I predict that major strides will be taken to expand the supply of health care professionals—especially nurses, allied health and paraprofessionals. We will also make headway, I believe, in redistributing physicians, dentists, and other health personnel into scarcity areas. Some of this can also be accomplished through already developed technology in transportation, communications, telecommunications and sensory fields. For example, we can make greater use of specially adapted helicopters—with finely trained emergency care specialists with the sophisticated life saving and life sustaining equipment—especially in rural areas. We've already demonstrated how to do this in Vietnam.

We must also drastically expand efforts to bring minority group and other disadvantaged persons into the health field and to motivate health care practices in poverty communities. The Health Professions Assistance Amendments Act of 1971, a bill I first introduced in the 91st Congress and re-introduced this Congress as S. 372, would accomplish much of this with respect to physicians and all other health professionals. Other pending measures would do the same for nurses, allied health professionals and paraprofessionals.

We must substantially increase federal support of medical education at the same time that we ask medical schools to be more responsive to overall community health needs and to accept new training methods. In his February 18, 1971, Health Message President Nixon took an important step forward by encouraging these objectives along with Health Maintenance Organization and Emergency Health Personnel Act funding.

Biomedical research also must receive substantially more funding. A distinguished panel of health specialists, called the "Coalition for Health Funding," has recommended that the National Institutes of Health research budget be increased $232 million above what the President requested for NIH and for additional cancer research in FY 1972. This would constitute more than a twenty percent rise in NIH funding. I strongly support that rise.

We also must facilitate the establishment of prepaid group practices and community-based comprehensive health centers with strong emphasis on health maintenance, preventive medicine, and quality controls, and we should promote patient-consumer education and involvement in decisionmaking.

I believe all of these legislative and appropriations initiatives will be accomplished—at least to the degree necessary to get them off to a good start—in the next year or so.

I fully endorse the nine principles endorsed by the American Public Health Association which I would restate as follows:

1. Increasing the availability and accessibility of quality medical and health care services. This means changing the rendering of services and expanding the systems' capacity to provide for the millions who now have no access to services. Among other things, this means new state licensing approaches.

2. Encouraging high quality, comprehensive, universally available care—which should be the birthright of every American—and emphasizing health education and prevention, not merely diagnosis and treatment.

3. Distributing costs so that there is one system that will provide care for everyone, regardless of income.

4. Providing better cost controls. The Finance Committee recently has begun to establish effective cost control mechanisms in Medicare.

The role of physicians is crucial in this, as in so many other of our goals. I don't believe we can impose a plan on the medical community if the medical community is hostile to it. There must be more than a reasonable degree of support among providers if a national program is going to work.

The Health Security Act meets most of the goals I have discussed. With modification, and revision and improvement, I believe it is the plan we should enact—after careful, thoughtful study and hearings, with ample opportunity for all who should be heard to be heard.

But what should we do about financing health care costs *today?*

Private health insurance coverage has spread rapidly during the past twenty years. By 1968 about 159 million people, out of the 179 million under age 65, were covered in one way or another. Yet 65 million Americans still do not have any form of major medical insurance. About 100 million are not covered for physician services and only 30 million people have either Medicare or Medicaid coverage or receive services directly through publicly-supported programs, such as the Veterans Administration.

Present programs also fail to meet many of the costs of medical care. Health insurance paid for only about 36% of the total national health expenditures in 1968. Even the aged, with Medicare coverage must pay 55 percent of their health care expenditures.

In the next fiscal year, Americans who are 65 or over will collectively pay as much for medical care as they paid before the advent of Medicare: That's primarily because medical costs for the aged have risen from $7.9 billion in fiscal 1966 to an estimated $20 billion in fiscal 1972. Medicare will pay for $9 billion of this, and other Government aid will provide $4.9 billion. But $6.1 billion must still be paid out of the pockets of the aged and the poor.

Although health insurance and the government pay 85 percent of hospital costs, they pay only about half of physicians' services, and almost nothing for prescription drugs and dental services.

That is not an enviable record. I believe there is much we can do now to improve coverage while we are traveling "the road to National Health Insurance."

I want to propose seven specific interim programs to help mark the route and pave the way ahead of us. All, in my judgment, can win Congressional approval and, with one possible exception, go into effect January 1, 1972.

First: I have decided to cosponsor the Catastrophic Health Insurance Program (S. 1376) proposed by Senator Russell Long, Chairman of the Finance Committee. The program would supplement existing private health insurance and Medicaid for people under 65. Medicare would continue for those over 65. Medicaid would also continue basic health insurance for the poor.

The Catastrophic Program would offer the same benefits as Medicare, but there would be no upper limits on hospital days. There would be substantial deductibles of 60 days hospitalization and $2,000 in medical expenses, but the majority of working people either have or can obtain private insurance to cover these deductibles. In most states Medicaid would meet much of the deductible for the poor. Medical expenses would also be subject to a 20 percent co-insurance requirement.

The program would be administered by Social Security in the same fashion as Medicare. All payments to patients, providers and practitioners would be subject to the same reimbursement controls as are applied in Medicare. Similarly, the quality, health and safety standards and utilization controls in the Medicare program would also apply to the Catastrophic Program.

The plan would be financed through payroll contributions from employees, employers and the self-employed on a $9,000 wage base. The estimated cost is $2.5 billion for the first full year of operation.

The program would cover about eight million Californians. About 100,000 California families a year can be expected to incur expenses that would qualify them for some $250 million in payments.

In his presentation to the Finance Committee, Senator Kennedy cited a number of examples his field investigations had uncovered to demonstrate the need for the Health Security Act. Half of the cases he cited were catastrophic cases and all of those would have obtained substantial relief under the Long bill.

I believe the bill can be further improved and I presently expect to offer amendments to Senator Long's bill that would:

1. Eliminate the 20 percent co-insurance feature for medical expenses. I believe this poses unreasonable burdens on persons truly facing catastrophic expenses.

2. Reduce the deductible for medical expenses according to individual incomes, to a floor of $1,000.

3. Cover expenses beyond Medicare entitlements for people over 65.

4. Cover prescription drugs, with no deductible.

5. Cover skilled nursing home care. That is clearly needed for full catastrophic illness protection, but it is not covered either in the bill or by Medicare, the model for the catastrophic program.

6. Enable certain government employees and people covered by the Railroad Retirement Act who are not covered by Social Security, to "buy into" the program.

Senator Long is already seriously considering many of these improvements. Most, perhaps all, can be enacted this year.

Second: I expect to propose that all recipients of Social Security disability benefits be covered by Medicare—about 3 million disabled workers, dependents and disabled children. They include 275,000 disabled Californians. The new coverage would have the effect of lowering the cost of the Catastrophic Program and it would be easily administered: eligibility having already been determined.

Third: I expect to propose coverage under Medicare and Medicaid of all prescription drugs furnished outside the hospital. A one dollar co-payment would be required for Medicare recipients and for Medicaid's medically needy. This would cost about $2.335 billion nationwide. It would provide about 650,000 prescriptions, at a cost of about $250 million, for aged and impoverished Californians.

Fourth: I expect to propose that the Medicaid program for aged, blind and disabled welfare recipients be placed under Federal administration and funding with a national benefit structure. This change would ensure adequate Medicaid benefits in all states to meet both deductibles under the Catastrophic Health Insurance Program. When the whole welfare program is federalized, which I strongly advocate, A. F. D. C. welfare recipients should also be brought under the federal wing. Full Federal funding of Medicaid would save states and localities about $3.3 billion in FY 1972 alone which they now pay in state and local Medicaid shares. About $600 million in state funds, and $150 million in county funds, would be saved in California.

This proposal would take away from Governors like Ronald Reagan the power and the temptation to slash Medicaid budgets at the expense of the aged, infirm and the sickly poor. These recent moves by Governor Reagan may well force people off Medicaid and onto publicly-supported local institutions, thus throwing a still greater burden on the already revenue-squeezed county taxpayer.

Fifth. I expect to propose that Part A, Hospital Care, and B. Outpatient Services, under Medicare be consolidated, much in the manner recommended by President Nixon in his February 18 Health Message. This would mean that the cost of the monthly premium for Medicare Part B paid by the elderly recipient would be replaced by a small increase in the Social Security wage base. This would save Medicare beneficiaries approximately $1.3 billion annually, based on the $5.60 monthly premium set to begin this July 1. This will mean a savings of $117 million for 1.8 million California elderly now covered under Part B of Medicare. The purpose of the premium, to assure visibility of the program for cost control leverage, no longer seems valid. Through diligent efforts, the Finance Committee has recently improved cost control over Medicare expenditures.

Sixth. I expect to support comprehensive regulation of the health insurance industry, including benefit levels, profit and overhead (some companies take 50 percent of their receipts for this purpose) and provide quality care control standards enforced by the carrier.

Seventh. I expect to propose that H.E.W. be directed to carry out a half dozen major regional experiments in financing and rendering health care, including prepaid plans designed locally to utilize all resources within a region. The areas chosen should cover a diversity of population, medical availability and need.

This 7-point interim program is, I believe, both badly needed and workable. It is badly needed, now. I do not believe it should be held "hostage" over the next four or five years so as to build demand for National Health Insurance. On the contrary, I think the steps I suggest will make it far easier to complete the journey to National Health Insurance and to make it more effective by what we learn along the way.

CONQUEST OF CANCER

Mr. PACKWOOD. Mr. President, I commend President Nixon for his forthright statement on the conquest of cancer and for reiterating his personal commitment to an intensified Federal research effort to eliminate this dread disease from the American scene. Not one of us here today has escaped the profound sorrow of losing a loved one from some form of cancer. In Oregon alone, cancer last year claimed 3,300 lives, and will take another 3,400 lives during 1971. It haunts us all, and will continue to do so until the causes, prevention, and cure or cures are discovered.

This year's state of the Union message gave us a clear indication that President Nixon is dedicated to a stepped-up cancer research effort. He has requested a special impact appropriation of $100 million over and above the regular budget of $232 million for the National Cancer Institute, bringing the total to $332 million for 1972. In addition, he has asked Congress to make the additional $100 million available on July 1, so that this initiative can begin without waiting for the long delays inherent in the congressional funding process. Knowing that all Senators share the President's desire to get this urgent research program underway, I am optimistically hopeful that the money will, indeed, be made available immediately.

The distinguished Senator from Massachusetts has shared our serious concern over cancer research and has introduced legislation to remove cancer research from the National Institutes of Health by establishing a separate cancer authority. I have shared President Nixon's grave misgivings about this new administrative arrangement which would separate cancer research from the other biomedical research underway at NIH. My misgivings stem primarily from the fact that this would fragment the overall biomedical research effort, it would disrupt on-going research in a number of disciplines, it would retard rather than speed up our cancer research effort and it would, in short, waste too much of the time, effort, and money available for cancer research, without providing any counter-balancing benefits for cancer research. In fact, many experts in the scientific and academic communities feel that separating cancer research from the other biomedial research at NIH would have long range, as well as short range, detrimental effects on the objective we all share, conquering cancer.

With this background, Mr. President, you can understand my deep appreciation for President Nixon's renewed—or more appropriately continued—efforts to channel the expanded cancer research budget into the most effective and efficient administrative framework. The President's proposal, which was introduced yesterday by the distinguished Senator from Colorado (Mr. DOMINICK), would pull together all the benefits of other proposals which have been offered, without risking the fragmentation and delay which many of us have feared would result if we were to separate cancer research into a separate agency, as suggested by the Senator from Massachusetts.

So once again, for myself, for the 6,500 new cases of cancer which will be diagnosed in Oregon alone before this year is out, and for all Americans, I commend President Nixon for his most constructive proposal and for providing such excellent leadership in this area which has touched each and every heart in this Nation. I ask unanimous consent that the President's cancer message be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional $100 million to support such an effort. I am pleased that in recent days the Appropriations' Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next ten years alone, three and a half million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason for hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past ten years as we have multiplied many times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

MORE MONEY AND BETTER ORGANIZATIONS

The time has now come for us to put our money where our hopes are. In the first full budget developed by this administration last year, an increase of $20 million was provided for cancer programs. For fiscal year 1972, the administration request for cancer programs is slightly over $332 million—an increase of $100 million from the 1971 fiscal year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hesitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one thing, that a wide variety of research activities in all parts of the country, in many areas of society and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal: the cure of cancer—and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance for the President and for others who lead the Cancer-Cure Program, particularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterpirse. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

CLOSING OF FORT WORTH NARCOTICS TREATMENT CENTER PROTESTED

Mr. BENTSEN. Mr. President, practically every day we see a headline or a television special emphasizing the epidemic proportion of drug addiction.

Just this week, we heard one of the Federal Government's leading experts on drug addiction testify that his previous estimate of 125,000 addicts should be doubled to a quarter million.

I visited Vietnam recently and I was told drugs have become a major problem. Recently, Congressmen returned to report on the horrible situation there, of thousands—one estimate of more than 30,000—of our servicemen now fully addicted to hard drugs.

And what does the administration propose in the face of this frightening explosion of drug addiction? They close one of the two medical treatment facilities in the Nation, the Fort Worth Narcotics Treatment Center.

Mr. President, I submit that whatever the reason for the closing, certainly it is not for lack of need. Certainly, the young cynics who contend that Government is not responsive, that bureaucrats fail to understand, that Government is blind to the human problems, can make a firm case in this instance.

The rising protests concerning the closing of the Fort Worth facility has brought a thoughtful editorial comment by the Fort Worth Star-Telegram. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The Fort Worth Star-Telegram,
May 6, 1971]

CENTER PHASEOUT MAKES NO SENSE

The future of Fort Worth's U.S. Clinical Research Center has been clouded for more than two years. Last January the long struggle to keep its doors open produced what appeared to be at least a partial victory: The center would continue to operate but would be transferred this summer from the National Institute of Mental Health (HEW) to the Bureau of Prisons.

The full meaning of this switch now has been brought to public attention. The facility will cease to operate as a federal hospital and research center for the treatment of narcotics addiction and will become, instead, a regular unit of the prison system. Under the new arrangement, some addicts might be admitted for treatment, but the center's primary role—which it has fulfilled for some 33 years—would be practically abolished. This would leave only one federal treatment center for drug addicts, the facility at Lexington, Ky., which already is seriously overcrowded.

Expressions of dismay have been voiced by political and medical spokesmen alike. Lt. Gov. Ben Barnes said it is "most untimely" to end activities of the Fort Worth facility as a narcotics treatment center when the incidence of addiction is increasing so rapidly. Dr. Dominick J. Lacovara, chief of the center, said he was disturbed by the decision in view of the existing shortage of narcotics treatment centers.

Rep. Paul Rogers of Florida, chairman of the public health and environment subcommittee of the House Interstate and Foreign Commerce Committee, said he was "upset, alarmed and concerned" by the proposed change in role. "I do not agree," he said, "that the government can afford to reduce its meager resources by turning over this hospital to the prison system."

Sen. Lloyd M. Bentsen Jr., noting that the drug problem daily grows more acute, said Fort Worth's rehabilitation center should be expanded, not done away with.

And Rep. Jim Wright, dealing with the concept of drug treatment at the community clinic level, asserted in a House speech this week that of the 14 proposed community clinics in Texas, only two of them are now prepared to accept in-patient adult narcotics cases. While admitting the validity of such community-based centers, Representative Wright pleaded that they need to be operational before the federal government cuts in half its own treatment facilities.

"Let's build the lifeboats before we sink the ocean liner," Mr. Wright pointedly suggested.

We cannot see the wisdom, at a time when drug abuse is spreading like wildfire, of closing or converting to a prison a well-staffed, well-equipped facility such as the Fort Worth center, with all of its research capabilities.

To add a note of poignancy to our plea, we quote from a newspaper article written this week by a Staten Island, N.Y., woman whose son became an addict:

"My son is in prison now," the mother wrote in her story distributed by Newhouse News Service. "He really was sentenced to a rehabilitation center. The centers are overcrowded. There aren't enough beds. He must wait his turn to be helped. I can only pray that he will overcome his illness. There are no guarantees. . . .

". . . There has to be a way to solve this enormous problem. I know it is too late for my son to have that advantage. But I want so to help you—won't you try to help?"

It is to be hoped that the protests now being voiced will have the desired affect, and that the administration will not proceed with a plan which appears to be shortsighted and illogical.

RUMANIA'S NATIONAL HOLIDAY

Mr. TAFT. Mr. President, May 10 has been revered and cherished by Rumania as their national holiday. It is the anniversary of great events in the history of that nation.

On May 10, 1877, the Rumanian people proclaimed their independence from the old Ottoman Empire. Four years later on May 10, 1881, Charles the First was crowned King of Rumania. He had served as Prince of Rumania since May 10, 1866 when the Rumanian dynasty was established.

I think it is particularly appropriate to recognize the people of Rumania at this time in light of the increasing signs of better relations between our two countries. I applaud the efforts here, as well as there, to expand trade between our nations and promote better understanding between our people.

I am pleased to take this opportunity to salute the Rumanian people on their national holiday and recognize the courage, ability, and determination which they have demonstrated through many difficult years.

OCEANOGRAPHY FOR THE NAVY AND THE NATION

Mr. HOLLINGS. Mr. President, the importance of the oceans to the national security of the United States is highlighted by the increased emphasis that our Navy will receive in the 1970's. Our global strategy calls for mobility as a major deterrent to aggression. The oceans provide space for mobility and characteristics for secrecy—both for us and for other nations. An understanding of the characteristics of the oceans and the basic technology to work in them are essential to the effectiveness of our deployed naval forces.

In this context, the speech given by Rear Adm. W. W. Behrens, Jr., Oceanographer of the Navy, to the American Oceanic Organization on April 27 gives important insight into the Navy's efforts to understand the oceans. His speech deals with the unclassified work of the Navy in this area, and, importantly, shows a strong awareness of the need for cooperation and participation of the Navy in the overall national oceanic program.

I ask unanimous consent that Admiral Behrens' speech, "Oceanography, for the Navy and the Nation," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

OCEANOGRAPHY, FOR THE NAVY AND THE NATION

(Address by Rear Adm. W. W. Behrens, Jr., the Oceanographer of the Navy)

It gives me great pleasure to be here with you today, and to have this opportunity to talk with you about the naval and national program in oceanography.

If I had a board of directors, many of you gentlemen here today . . . in the important marine and environmental committees of the Congress, and in the American Oceanic Organization . . . would be considered as serving on that board of directors. I am therefore especially pleased to be able to give you this report of recent actions and to tell you some of what we look forward to in the immediate future.

First, I would point out that I have now been the Navy's Oceanographer for a half a year. This is an appreciable period of time . . . certainly long enough for me to begin making an impact, and long enough for me to be held responsible for any shortcomings you may see in our program today.

This has been a most satisfying seven months for me personally. Oceanography, as some of you know, has long been an avocation of mine . . . as it is for many naval officers, and most naval officers are oceanographers at heart anyway. You can hardly live with the sea, and depend on it for your life or death . . . navigating in it, on it, and over it . . . without being something of an Oceanographer.

Sometimes in the past I have been a "Political Oceanographer." As Navy's Director of Politico Military Policy, I had responsibilities in developing Department of Defense positions in "Law of the Sea" matters. At another time, while a Member of the State Department Policy Planning Council, I helped with aquaculture and fish protein concentrate projects, as well as with our national Merchant Marine and Fisheries programs generally. (And I might say here, as an aside, it gave me a deep and special pleasure to participate with Senator Magnuson and others recently at the formal opening of the new FPC pilot plant at Aberdeen, Washington. As a partial drafter five years ago of the enabling legislation and the FDA compromise which brought that FPC plant into existence, I was very proud to be at Aberdeen ten days ago).

Also, I've long supported the principle that the deep oceans are the common hertiage of all mankind. It was my privilege to draft such words for President Johnson in 1966, at the commissioning of the ESSA ship "OCEANOGRAPHER", and I felt it right that the same principle should be again affirmed by President Nixon in his statement of May 1970.

So my previous work, including service as a committee chairman for the Marine Council, has . . . I believe . . . fitted me to be your Oceanographer of the Navy. I am glad to have this background of experience because these are significant, particularly vital times for oceanography . . . in the Navy, in the Nation, and internationally. Never before, as we all here well realize, has Man taken such an interest in his natural resources, in his environment. And the greatest of Man's resources . . . the storehouse of his future, the modifier and manufacturer of his weather, his environment, and his very life cycle . . . is the ocean.

For us here . . . members and guests of the American Oceanic Organization . . . though our immediate objectives and approaches may be quite different, there is a common purpose in our efforts to understand the sea and its behavior.

Our mission in Navy Oceanography has been, and continues to be, one of providing specific knowledge about the oceans of the world to the operating Fleet. The Navy pursued that knowledge somewhat by itself for years, pioneering many methods and technical accomplishments that have helped to establish widespread interest in realizing the benefits available from the sea.

Now, we in the Navy must look forward to our Fleet of the future. It will, in many respects, be different from the Fleets of the past. And it will have new requirements in oceanography; in mapping, charting and geodesy; and it will require better refinements, greater accuracies in charting, in underwater acoustics, and in environmental prediction. Our Fleet of the 1980's and of the year 2000, will be one of fewer carriers; more helicopters, hydrofoils and ASW craft; nuclear power; and a greater dependency on missiles, both tactical and strategic. With every ASW destroyer having its embarked "lamps" helo, accurate weather forecasting will be needed more urgently than ever. And equally necessary will be underwater acoustic predictions for the high performance sonar. Precise geodetics will be required for ULMS, the mammoth multi-warhead strategic missile submarine . . . requiring much more detailed and accurate hydrographic information than its Polaris-Poseidon predecessors. Also, we will no doubt be placing increased reliance on our developing ocean surveillance system.

These challenges for Navy oceanography mean that more than ever our program must provide valid, maximum return for the funds invested. At the same time, new developments in civil oceanography . . . in federal structure . . . offer new, cost-effective opportunities for the Navy to cooperate and, by means of a profitable two-way street, capitalize on the sound oceanographic work of other federal and private scientific organizations.

The establishment of NOAA, the National Oceanic and Atmospheric Administration, last October is perhaps the single most important thing that has happened in the American environmental sciences in many years . . . and you have heard Dr. White's report to this group. As an individual interested in marine science, I strongly supported the formation of NOAA, and I have always believed that a new NOAA and an old Navy would advantageously cooperate in oceanography.

To accomplish as much as possible in our common interests, to eliminate any redundancies between our respective programs, and to couple effectively Navy's and NOAA's ocean efforts, we in the two departments are now completing our plans for a closely integrated sharing of our civil oceanography. For maximum effectiveness, we are working toward an agreement whereby the Oceanographer of the Navy will serve in NOAA as a Special Assistant for oceanography coordination. Similarly, an exchange of some three or four key professionals between Navy and NOAA will be undertaken. These steps, with other ongoing coordination with the National Science Foundation, Coast Guard and other federal marine agencies, will help to insure that Americans are getting the maximum for each dollar of national oceanography . . . and that those of us responsible are doing the most efficient job possible in oceanography. I might point out here that, for example, the Navy is right now . . . today . . . using a NOAA National Ocean Survey ship on a partly reimbursible basis to conduct a survey of joint interest. This typifies the kind of coordination we need . . . with both NOAA and Navy doing important coastal charting, with Navy's major ocean area requirements rising, with NOAA properly pursuing an expanding SEAMAP program, and with the demands on the federal expenditures getting tighter every day.

So from the Navy's point of view, while the Administrator of NOAA desires our support, we also need NOAA. One of my primary goals as Oceanographer is to work as smoothly and as efficiently as possible with our sister organizations. Similar to our cooperation with NOAA, for coordination of our ship facilities and research programs at civilian institutions . . . vital to both our agencies . . . I am pleased to represent Navy in a new coordinating committee with NSF, wherein the Assistant Director, Dr. Owen, represents the National Science Foundation. And for parallel reasons, I have asked Coast Guard, with their important oceanographic interests, to provide an exchange of officers with my Staff.

To profit from cooperation in the significant oceanographic work being done by several of our foreign allies, I am strongly promoting an international exchange of oceanographic personnel between my Staff and key NATO and SEATO countries. To date, we are negotiating with Canada (particularly because of our common Arctic interests) and have made a proposal to Australia because of mutual interests in the Indian Ocean. Also, last Fall we leased an oceanographic survey ship to New Zealand (which will provide us with survey data), and we are considering other bilateral oceanographic assistance and exchanges with a few other friendly countries. With our world-wide oceanography program, it is practical for the Navy to participate in international cooperative oceanographic ventures without mounting new efforts unrelated to our mission requirements.

The Navy Oceanography Program continues to represent a great concentration of national skills and hardware resources for getting to know the marine environment. But antisubmarine warfare remains the single most urgent military problem supported by naval oceanography. This program, devoted in large part to exploiting underwater sound, continues to involve physical and chemical oceanography, air-sea interaction studies, marine biology, marine geology and geophysics. Quieter enemy submarines pose a particularly potent threat! Therefore, the largest share of our acoustic effort is devoted to the study of the environmental constraints on our systems, and upon the new concepts that will potentially meet this threat. Over 96 million dollars, or 47% of the Navy Oceanographic Program supports ASW. Of that total, much will be used for RDT&E, mostly in Ocean Science.

Our Ocean Science Program is now funded at 70 million dollars, which includes about 10 million dollars in major new facilities. Although this total will be essentially the same in FY 72, there is slightly more money in research and advanced development at the expense of major capital investment. Thus we will be able to accelerate important programs already in being and upgrade our research-ship facilities. Two geographic areas of special interest . . . the Arctic Ocean and the Mediterranean Sea . . . will receive primary attention. Because of their obvious strategic importance, the Navy's need to operate effectively in these regions will spur increased science effort.

The great bulk of our support for civilian institutions falls within the area of Ocean Science. Next fiscal year university oceanographic research in pursuit of Navy objectives will account for some 34 million dollars, or close to 16% of all Navy oceanographic funding. That's an increase of 3 million dollars over this year's support.

To turn next to Ocean Engineering, we have a great variety of projects. In exploratory development, over 50 projects totaling 9 million dollars are underway . . . including work on diver equipments, hydrographic survey equipment and techniques, deep ocean construction equipment, and materials for underwater use, such as high strength steel, titanium and acrylics.

In advanced development, we are funding some dozen significant projects at 17 million dollars. These efforts represent both independent systems development, as well as the progression and integration of successful exploratory development achievements into major systems. Projects include the Deep Submergence Rescue Vehicle System, Large Object Salvage System, two Hydrographic Survey Systems, Deep Submergence Bio-Medicine, Deep Ocean Technology and others.

Although our Ocean Engineering funds have decreased somewhat when compared with recent years, the decrease reflects more the virtual completion of the Deep Submergence Rescue Vehicle rather than any program de-emphasis. On the contrary, we have been able to maintain strength in our major technology programs, which are a better indicator of emphasis than individual systems projects.

We have had to make some hard decisions because we could not afford the luxury of parallel approaches in meeting objectives. I am talking decisions such as to go the unmanned—, vice the manned—, vehicle route to gain a 20,000 foot depth capability. We also had to forego habitats in favor of personnel transfer capsules in our deep diver efforts. But we are on track toward meeting our objectives, and this is what counts.

One of our objectives in the Ocean Engineering Program is to move our divers from a work depth of 350 feet down to their physiological limits. We are already at 850 feet . . . and sinking. In support of this, and of deep ocean operations generally, we are holding our deep submergence bio-medical program at a healthy level of about three million dollars annually.

Another objective in engineering is to move the effective working depth of our undersea vehicles and equipment on down to 20,000 feet, and at the same time improve our capabilities for accomplishing work at all depths. For example, the Alvin submersible is being provided with a titanium hull to increase its operating depth for research projects from 6,000 feet to 12,000 feet.

Work is underway, as a part of our Deep Ocean Technology, on a remote unmanned work system which will operate to a depth of 20,000 feet and be controlled by way of a cable from a surface platform. This work system is actually an adaptation and improvement of the "CURV", now capable of operations to 7,000 feet.

We are seeing project completions in ocean engineering such as ASWEPS (Anti-Submarine Warfare Environmental Prediction Service). We will continue to make improvements in ASWEPS as advancing technology permits, but the ASWEPS system is presently operational at sea.

In the Operations portion of our Program, the geodetic satellite project is unique. The Navy doppler satellite technique has been designated the DOD geodetic satellite system for the 70's, and it is being adopted by Army and the Air Force. From it come improvements in the important world geodetic system. The development (by Navy) of the lightweight, highly portable goeceiver to read out the satellite data signaled a major advance in geodesy operations.

The Navy's ocean Environmental Prediction Service efforts, too, have led the nation. This work, carried out through the Naval Weather Service Command, represents an almost ten million dollars annual investment. The highly favorable response from the Fleet insures that this program will continue to be emphasized.

In direct support of strategic program efforts, we are conducting deep ocean surveys with four ships that operate the year around to meet requirements. A fifth ship will join them next year. These surveys include collection of bathymetric and gravity data, and . . . with data reduction and the production of charts and other products . . . funding this year amounts to over 11 million dollars. The work of these ships is absolutely vital to our capability to meet the increasing survey requirements for Strategic Program support.

In direct response to fleet requirements for nautical, combat and special naval charts, the Naval Oceanographic Program will support a 9-million-dollar coastal hydrographic survey and charting effort in FY–72. Two new, large, civilian-manned ships . . . *Chauvenet* and *Harkness* . . . have now been added and after their shakedowns will operate in the Pacific and the Mediterranean, respectively. One other coastal survey ship, the *Kellar*, has just completed a port visit to the Siberian port of Nakhodka, the first Navy ship to visit the Soviet Union in 8 years. It is now commencing another season of charting the coasts of South Korea, in concert with that nation's Navy.

An airborne capability is an important component of both our operational and R&D programs. This capability is scheduled for major upgrading in FY–72. The old C–121 (Constellation) airborne magnetic survey aircraft, required to support ASW operations, will be replaced by a P–3 aircraft on July 1. The new aircraft, with its special instruments will provide greater range capability for surveys . . . making remote areas accessible for the first time, as well as affording greater speed. It will also reduce substantially the logistic problems associated with the current aircraft. Our two C–121's concerned with ice reconnaissance and ocean environmental surveys are also to be soon replaced by P–3 aircraft.

The 7-million-dollar construction of two small (300 gross ton) oceanographic research ships, designated AGOR (Utility) continues the Navy's oceanographic ship-building program. The two new ships are designated one for the University of Hawaii and one for Texas A&M. We are pressing to get additional AGORs of this class, with the Navy Post Graduate School, in Monterey, high on the user priority list.

It always seems that financial constraints help to stir the imagination of managers to find new ways to do things. Since arriving in the job of Oceanographer, I have found it desirable to respond to several elements of change within the Navy's expanding requirements for oceanographic support . . . in spite of rather static financial resources. To identify problems and their solutions, I have within the structure of my own staff organization re-aligned personnel and responsibilities so that we have a more vertical flow of activity.

My concern is that fleet components with oceanographic requirements must be accommodated, insofar as possible, with prompt actions in one division. By our staff reorganization, requirements now can be staffed, validated, assigned for accomplishment, funds programmed, and results supplied to the Fleet in a more nearly vertical progression.

Also I have reorganized within my staff to provide timely interpretation of events in the world's oceanographic communities, as well as in naval operations which vitally affect our own oceanographic efforts. The Soviet Navy is demonstrating increased activity and sophistication in their oceanography program, as well as in their build-up of operational capabilities. Even though the Navy Oceanographic Program, specifically is not aimed at gathering intelligence information, we need to keep ourselves aware of the advances others are making. To illustrate, at an international oceanographic symposium in Bordeaux, France recently, where we had sent our excellent Navy survey ship KANE, we not only had the opportunity of visiting the oceanographic ships of several western nations, we also were able to tour the large modern soviet ship ACADEMAK VERNADSKI. In all, we were able to compare five oceanographic ships representing various nations.

In addition, the Navy is equipped to offer valuable expertise in operational problems concerning methods and technology to understand the effects and the controls of environmental pollution. For example, we have extensive information concerning water circulation in the oceans of the world . . . the action of waves, bottom currents, vertical mixing, and bottom topography. Therefore, I have established within my headquarters organization a new division that will function as a point of contact for all such matters. This Environmental Quality Division will be equipped to respond to information requests, and to monitor the progress of our own efforts within the Navy Oceanographic Program to keep abreast of developments in pollution controls.

It is evident that the Navy's role in national security must remain strong, and our naval capabilities must be appreciably enhanced in order to meet the requirements of our nation's foreign policy. As we lessen our involvements overseas, more than ever our strength must move to the sea. In doing so, our knowledge of the sea and of our total marine environment must be vastly enhanced if we are to improve and employ our capabilities most effectively. For the Navy, oceanography is a prime source of such knowledge.

Although we have had cuts which took us from 247 million dollars in fiscal year 70 down to 205 million in 71, with the help of people in this room I predict we will go back up to about 218 million dollars in next year's budget. Overall, I believe our Oceanography Program is in good shape. With your support, I have confidence that we will be able to provide the nation and our changing Fleet with the oceanographic knowledge necessary to meet our rapidly increasing demands.

In summary, then, probably I should say that we feel our oceanography program is progressing well. Our projects are coming along satisfactorily. We are developing a useful liaison with NOAA, and are maintaining our coordination with the other important Federal agencies and private institutions. My staff is being strengthened, both by reorganization and by some new people. We're taking a new and careful look at our international cooperation opportunities, and a fresh and more efficient approach to our ocean ecology responsibilities and potential. In short, I feel we're capitalizing on the past and are awake to the tremendous future of oceanography . . . still to be fully recognized.

We are receptive to your ideas, and you as individuals or oceanography representatives always will be welcome in my headquarters.

Thank you all for having me today.

THE FBI—FIRST LINE OF DEFENSE AGAINST SUBVERSION

Mr. HRUSKA. Mr. President, it has been a favorite pastime of a few people to belittle and tear down the traditional institutions and ideals of this country.

A few days ago, during one of the protest demonstrations in this Capital, the shout was heard far and wide:

> Down with this country. Up with Ho Chi Minh.

The American flag was carried upside down in open procession. Vietcong flags were in evidence in many areas of the city. Obscene words were scrawled on the streets and the walls of public buildings. The Nation's respected leaders were reviled, taunted, and jeered.

Extremists such as these would like nothing more than to destroy the institutions of free government. There is nothing constructive in their objectives. They look upon themselves as having a mission to destroy.

It is no wonder the FBI is one of the institutions which are under constant attack by this minority. The FBI is the agency which has been most responsible for maintaining our freedom from the attacks of internal subversive enemies. The FBI has been—and remains today—the first line of defense against the spy, the saboteur, and the subversive, whether he be left or right wing in orientation.

Nothing would please the Nation's handful of radical extremists more than to have the FBI completely eliminated or so crippled that it would no longer have the tools to gather the information which is so vital to the survival of America.

I make these comments, Mr. President, because May 10 was Mr. Hoover's 47th anniversary as Director of the FBI. It marked 47 years in which he and the FBI have stood steadfast as a focal point in the Nation's fight against communism and subversion. Few have done more to make America aware of the intrinsic tyranny of communism and the peril it presents to free nations. Whatever his many other accomplishments, this fact alone entitles Mr. Hoover to the accolades of a grateful Nation.

Our resident radicals know, as do all students of communism, that institutions in a democratic society can be undermined and subverted. They also know one of the most effective ways is to encourage citizen distrust and lack of confidence in those institutions. In the FBI's case, this subversive technique is being attempted through allegations that the FBI is a "national police agency," that it is the enemy of individual rights.

One might think from these accusations that the FBI has thousands of agents tapping phone lines and trailing millions of law-abiding citizens, ready to pounce on them for the slightest triviality.

This minority wants citizens to distrust the FBI and refuse to furnish information. This, of course, would render the agency ineffective.

This is not the first time Mr. Hoover and the FBI have been under attack. Nor will it be the last.

I am confident Mr. Hoover and the FBI will continue to function effectively and properly to protect our Government and our people. On the occasion of his 47th anniversary, I salute Mr. Hoover and his associates for a job well done.

GOVERNMENT-GUARANTEED LOAN TO LOCKHEED CORP.

Mr. CRANSTON. Mr. President, I ask unanimous consent that a statement and a program I have made concerning the administration's request for a $250 million Government-guaranteed loan to aid Lockheed Corp. be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

According to the Treasury Department, legislation will be introduced tomorrow to empower the federal government to extend a $250 million loan guarantee for the Lockheed Aircraft Corporation. The announced purpose of the loan guarantee is to keep Lockheed from going bankrupt.

As a general rule, I do not believe the government should get involved when a private corporation runs into financial trouble. It is economically unwise, in my judgment, for government to frustrate the normal workings of the free enterprise system.

But there are extraordinary times when, I believe, the government should step in as a banker of last resort. The plight of Lockheed appears to call for such action.

According to the Treasury Department, some 24,000 people would be thrown out of work if Lockheed were to go under: 10,000 Lockheed employees and another 14,000 who work for Lockheed's principal suppliers.

More than 13,000 of these people work in California, a state that already has 130,000 aerospace people out of work and an overall unemployment rate of 7.4 percent—one of the highest in a nation that is already suffering from a higher unemployment rate than at any time in the past nine years.

Lockheed's bankruptcy could also hurt a number of small businessmen across the country. Lockheed has 35,000 subcontractors. The vast majority—25,000—are small operators employing 500 or less people. Many of them might be in serious economic jeopardy if they were suddenly to lose Lockheed's business.

This development would be especially deplorable at a time when the government is spending millions of dollars to retain jobless aerospace workers, and a time when we should be encouraging aerospace and defense industries to become less reliant on NASA and DOD by diversifying into civilian projects like the Tri-Star which can provide their workers with continuing employment.

But if the government is going to be a banker of last resort, it must be a responsible banker; it must take every reasonable step to assure that the taxpayers' money it is about to risk in a loan guarantee is safeguarded to the maximum extent possible.

One such indispensible step is to look at the management of the distressed company. When a large corporation is in critical financial straits, it is reasonable to assume that the management is at fault. Once again, Lockheed appears to be such a case in point. And to an astonishing degree.

Over the past several years, Lockheed has suffered an almost unprecedented series of financial setbacks of disastrous proportions. These disasters could not conceivably have occurred without corporate mismanagement.

The loss record speaks for itself: The Electra, Lockheed's last commercial aircraft before the Tri-Star, was a $60 million loss.

Its F-104 fighter has been grounded by the German government, the pricary purchaser, and the U.S. Air Force declines to use it—causing an undisclosed loss to the company.

Last February—just three months ago—Lockheed agreed to a settlement with the Defense Department under which it will lose $200 million on the C–5A transport, $120 million on the Cheyenne helicopter, $130 million on warship contracts and $30 million on SRAM missiles—a $480 million loss all told. Incredibly, Lockheed managed—or mismanaged—to suffer major losses simultaneously on four major programs.

And now Lockheed faces the loss of still another $700 million on the Tri-Star project—and more than a billion dollar loss if it goes into bankruptcy.

Not all of Lockheed's projects have been failures, as witness the AX fighter, the Poseidon and the Polaris. But in balance, its record raises inescapable doubts about the quality of the present management team.

This is not my opinion alone. President Nixon, while in San Clemente earlier this month, talked about helping Lockheed "toward better management". And aerospace and other industrial and business leaders with whom I have talked over the past several days agree that Lockheed has been mismanaged.

As the president of one corporation told me in California last week:

"Why reward bad management? If we bail out Lockheed, it will cost the government vast sums because the signal will be out: Be wasteful. Be careless. It doesn't matter; Uncle Sam will come to the rescue!"

Under present management, Lockheed runs the risk of still further failures, and of eventual bankruptcy with thousands thrown out of work even with government aid. For the U.S. government to risk $250 million of the taxpayers' money to continue the present management in office would be unfair to Lockheed's employees, to the aerospace industry, and especially to the American taxpayer.

I have studied a draft of the Administration bill and I have discussed it fully with Administration spokesmen. It contains no provision for a change in Lockheed management. I believe that such a change should be an absolute condition for a government loan guarantee.

Therefore, I will introduce an amendment early next week that will require that the Lockheed Corporation meet the following set of conditions in order to be eligible for a loan guarantee:

1. All 14 of the present members of the board of directors must resign, permitting the stockholders to elect a new board.

2. No member of the present board may be elected to the new board.

3. No present employee of the company may be elected to the new board.

4. The new chief executive officer, who will be elected by the new board, must be a member of the new board.

My amendment will require that these conditions must remain in effect throughout the period that any portion of the federally-guaranteed loan is outstanding.

These may be tough conditions, but I have deliberately made them tough so as to improve the chances of Lockheed getting help.

The Administration bill is in serious trouble in its present form—and so, therefore, is Lockheed. The Business Council of the nation's top business leaders expressed overwhelming opposition to the government loan guarantee at a meeting in Hot Springs last week. Majority Leader Mike Mansfield has announced his opposition. So has the Minority Whip, Robert Griffin. Senator Proxmire has vowed to lead a fight against it. Discussions I have had with a cross section of Senators indicate that the bill raises too many doubts and misgivings for it to have much chance of success.

I have outlined my amendment to several Senators who presently oppose the Administration bill. Some told me they will support the bill if my amendment is adopted. Others have agreed to rethink their position.

My approach would give maximum protection to the taxpayer by bringing about a change in company management while still preserving full stockholder control of the company. It would protect Lockheed's lenders, creditors and employees, and save the firm from the disruptions and stigma of court proceedings. It would, in a word, produce the best elements of receivership without the trauma of bankruptcy.

COMMON CAUSE

Mr. ALLOTT. Mr. President, in the continuing saga of Common Cause—or how to be more nonpartisan toward one side than toward the other—there is no end to fascinating episodes.

Mrs. Jo Anne Gray, Republican national committeewoman from Colorado, recently had an interesting telephone call from, and subsequent exchange of letters with, Common Cause. The episode is well explained by the two letters. I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

I am reluctant to impute bad motives to Common Cause. I am convinced that the charitable explanation is the correct one: incompetence, not malevolence, is the reason Common Cause keeps blundering into these embarrassments. But that fact does raise a question. If Common Cause makes such deplorable hash of its own relations with the public, can we really take seriously its claims to know exactly how to run the Nation?

There being no objection, the letters was ordered to be printed in the RECORD, as follows:

REPUBLICAN NATIONAL COMMITTEE,
April 16, 1971.

MR. CHARLES COBB,
Common Cause,
Washington, D.C.

DEAR MR. COBB: Yesterday I received your telephone call in good faith when you identified yourself as an aide in the White House calling for the purpose of determining the status of the 18-year-old vote in our Colorado Legislature.

It was only because I followed through by checking the status as of today and tried to reach you back in the White House that I learned that you were not there but were with Common Cause.

Naturally I was surprised and shocked. Why the deceit? I would have told you or any other group what I knew of the situation. Incidentally, it isn't just the Democrats and Common Cause who support the 18-year-old vote. President Nixon does and so does our Republican Legislative Leadership here in Colorado.

Common Cause calls itself a new "independent, non-partisan organization for Americans who want to help rebuild this nation", but in every instance they espouse the Democratic party's left-wing philosophy and are unremitting critics of the Nixon Administration. You even allowed the Democratic National Committee to use part of your membership list to raise funds.

Non-partisan? When are you going to start calling a spade a spade? I'd suggest you begin by properly identifying yourself and by telling the truth about yourself and your group.

Sincerely,

JO ANNE GRAY,
Republican National
Committeewoman for Colorado.

April 21, 1971.

MRS. JO ANNE GRAY,
Republican National Committee,
2850 East Flora Place,
Denver, Colo.

DEAR MRS. GRAY: I would like to apologize for the misinformation directed to you from Mr. Charles Cobb, a volunteer with the 18 Year Old Vote Project at Common Cause.

As Director of this program, I was at fault for not checking into his references alleging he had worked with the Republican Committee for the District of Columbia. I took him at face value as an individual interested in the project and capable of valuable assistance. His method of operating was not in the best interests of Common Cause, and he is no longer a volunteer for this organization.

Again, I apologize for the confusion and I thank you for calling the situation to our attention.

Sincerely,

IAN MACGOWAN.

RESOLUTIONS OF MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, recently the Municipal Association of South Carolina at its 31st annual convention adopted two resolutions concerning legislative efforts now pending in Congress. The first resolution deals with the issue of revenue sharing, which is, of course, a controversial issue. A revenue sharing proposal was one of the first pieces of legislation I introduced when I came to Congress, and I have again introduced such a bill in this session of Congress. Although there is much disagreement on this issue, I believe everyone is in accord with the feeling that the metropolitan areas of our Nation are facing financial disaster and that some affirmative steps must be taken to alleviate this condition.

The second resolution is concerned with the tragic textile import problem, which is, of course, extremely important in South Carolina, but is a problem which faces our entire Nation. As we continue to lose textile jobs and plants continue to close, we cannot permit this issue to be wrapped in domestic and international politics, but face the problem.

I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the local governments of the State of South Carolina and also, those of other states, are in serious financial trouble, primarily due to increased demands for services, and

Whereas, these increased demands for services and facilities have come about as a result of a mandate from those who are governed by local units, that they be provided with more and better services, and

Whereas, this demand of government was not prevalent in years past, and

Whereas, those units of local government are required to provide these services and facilities on a tax base which has not kept up with the increased demands and expectations of the constituents of local government, and

Whereas, the tremendous flow of financial resources into the nation's capital indicates that the Federal government is best in a position to provide a return of local money to the local units through revenue sharing of the personal income tax, and

Whereas, the State of South Carolina, in its wisdom, has been practicing the principles of revenue sharing with its local governments in the form of state shared revenues for many years,

Now, Therefore, be it resolved, That the Municipal Association of South Carolina in 31st Annual Convention assembled, request the members of the South Carolina Congressional Delegation to support and work vigorously for the passage of general revenue sharing on the federal level,

Be it further resolved, That the Executive Vice President of the Municipal Association forward a copy of this Resolution to each member of the South Carolina Congressional Delegation, and to also send a copy to Chairman Wilbur Mills, House Ways and Means Committee, and a copy to Congressman Burns, Ranking Minority Leader, House Ways and Means Committee.

RESOLUTION

Whereas, the textile import problem throughout the United States continue to threaten jobs of textile employees, and

Whereas, the Japanese imports increased some 47% in 1969 and continued to increase in 1970, and

Whereas, some 7,000 jobs were lost in textile in the year 1970, directly or indirectly due to textile imports, and

Whereas, the economy of each municipality in South Carolina is directly or indirectly dependent upon the prosperity of its textile mills, and

Whereas, the municipalities of South Carolina are wholeheartedly in support of a textile import quota system,

Now, therefore, be it resolved, That the Municipal Association of South Carolina in 31st annual convention assembled pledge its support to a textile import quota bill that will prevent foreign textile imports from competing with domestic and textile plants to the extent that it results in the loss of jobs,

Be it further resolved, That copies of this Resolution be forwarded to each member of the South Carolina Congressional Delegation.

GENOCIDE CONVENTION CONSISTENT WITH TREATY-MAKING POWER

Mr. PROXMIRE. Mr. President, one question often raised in connection with the Genocide Convention is whether we can make such a treaty under the Constitution. It has been suggested that the treaty power is not unlimited, and the Genocide Convention does not fall entirely within those limits. This argument is usually based on the Supreme Court decision in the case of Geofroy V. Riggs, where it was stated:

> The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. . . . But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiations with a foreign country.

These limitations are not extensive, and may have been reduced further in the case of Asakura against Seattle, when the Court held:

> The treaty-making power of the United States is not limited by any express provision of the Constitution, and, though it does not extend so far as to authorize what the Constitution forbids, it does extend to all proper subjects of negotiations between our Government and other nations.

The only question, then, is whether genocide is a proper subject of negotiation between our Government and foreign powers. In this regard former Soliciter General Philip B. Perlman has said:

> That genocide is a subject appropriate for action under the treaty-making power seems to us an inescapable conclusion. The historical background of the Genocide Convention indicates the view of the representatives in international affairs of practically all the governments of the world on the appropriateness and desirability of an international agreement to outlaw the world-shocking crime of genocide. This Government has shared in this view.

Mr. President, there appears to be no basis for doubt that the convention would be consistent with the treaty-making power. I urge the Senate to act without further delay to verify the Genocide Convention.

REOPENING THE SUEZ CANAL

Mr. ALLOTT. Mr. President, judging from press reports during the last week, the U.S. Government has put heavy pressure on Israel to cooperate in reopening the Suez Canal as a part of what is described—with more enthusiasm than clarity—as an "interim solution" to the problem of achieving peace in the Middle East.

I have three questions about this, questions to which the Secretary of State could usefully address himself in the very near future.

First, why are we in such a hurry to get the canal open? There is ample evidence that the nation that would benefit most from reopening the canal would be the Soviet Union. A usable canal would enhance the Soviet Union's strategic position in the Middle East and in the Indian Ocean, and it would further whet those Soviet appetites for expansion which are the real source of continuing and increasing dangers in the Middle East.

Second, if such an agreement is advertised as an "interim" agreement, those advertising it as such must have a more or less clear conception of what the ultimate solution will look like. Thus, we need an answer to this question: What kind of ultimate solution will be served by reopening the Suez Canal at this time?

This question suggests a third question. What are we willing to advocate in the way of Soviet-United Arab Republic expansion into the Sinai as part of an agreement opening the canal? This, of course, returns us to the first question. If it is likely that the reopening of the canal chiefly serves the Soviet interests—even more than it serves United Arab Republic interests—why should Israel be pushed into making concessions? Most important, why should the opening of the canal be contingent upon the placing of Egyptian troops in the Sinai? I am speaking here of troops rather than civilian personnel necessary for the operation of the canal. Any such placement of troops, however small, will have a large symbolic significance, and may become a major stumbling block to any future demilitarization of the Sinai. This is no small concern. The Sinai is of little significance other than as a staging ground for three recent wars against Israel.

COMMERCIAL TIES TO RED CHINA

Mr. INOUYE. Mr. President, in this period following the opening of new contacts with the People's Republic of China, we must begin to give more consideration to commercial ties to Red China.

Within the past few weeks, several interesting and important articles have appeared in major newspapers about the prospects for trade with Communist China. All the writers who have reviewed the problems are cautiously hopeful that this important continental market will open up for American trade.

I ask unanimous consent that the article relating to trade with the People's Republic of China be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 1971]

CHINA TRADE: WARY HOPE

(By Brendan Jones)

Aircraft, wheat, tractors, fertilizers: These are among items prominent in a new vision of China trade that opened last week for American business.

The vision, raised with President Nixon's announcement of a major relaxation of the 20-year-old embargo on United States trade with Communist China, was one to fire business enthusiasm and imagination.

The President's action, clearly a response to Peking's table tennis diplomacy, won general approval from business leaders.

But in welcoming the easing of the trade ban was long overdue, business leaders were restrained in speculation on how much the Chinese might respond and how much exports and particularly imports could develop.

Apart from wondering whether a new era of peaceful relations between the United States and Communist China is really about to begin, businessmen viewed the new trade prospects as uncertain and, certainly, a long-term possibility.

The embargo relaxation essentially is only a tentative step toward normal trading relations. It means that American companies will soon be able to obtain licenses for direct export to China of goods considered non-strategic.

If, as expected, the list of goods that may be shipped to China is as broad as that now permitted in trade with the East European Communist countries, there may be a good scope for business.

Subject to licensing approval, it will become possible to sell the Chinese almost anything other than the obvious war-potential items—light machinery, transportation equipment, food, consumer goods, even passenger planes.

There are, however, many obstacles to a rapid or large-volume growth of trade, summed up in a basic question: What will the Chinese use for money?

Although potentially a tremendous market of 700 to 800 million people, China's needs far outweigh its means. A gross national product of some $80-billion and per capita income of $125 (both estimates) put the vast Asian land near the bottom of any list of economic indexes for underdeveloped countries.

In sum, a basic question is: How can China finance any great increase of imports until it can begin to earn enough foreign exchange by increasing its own exports?

In part at least, the answer is for China to do just what is in prospect: Open trade with the United States, potential source of all the technological products needed, and concentrate on steady economic development.

While recognizing the limitations of a new growth of trade and especially China's shortage of foreign exchange, many American business executives are optimistic about the possibilities. At the same time, a general reaction is to let the "dust" of the embargo relaxation settle and see what happens.

President Nixon's action was seen by Donald M. Kendall, president and chief executive officer of PepsiCo, Inc., as "a good start toward long term trade growth."

"If we start with a small thread to China," he said, "we can turn it into a cable."

Because of the long break in trade dealings with Communist China, it is recognized also that Americans will have to go through a process of opening contacts with Peking's state trading corporations.

According to Samuel Pisar, an expert in East-West trade and author of Coexistence and Commerce (a how-to-do-it guide for such dealings, initial contacts with the Chinese could best develop through American subsidiaries in Europe.

"China," he said, "is where Russia was 25 years ago. A main Chinese need is integrated plants for making chemical fertilizers, synthetic fibers, motor vehicles, chemicals and all the rest."

Mr. Pisar, a Paris-based American lawyer, noted also that in business the Chinese are "very correct" and "dignity is important" for them.

Americans, however, have heard many tales of how Chinese state traders like to play one supplier against another and also quote passages from the works of Chairman Mao before getting down to business.

On this point, C. W. Robinson, president of the Marcona Corporation, a major mining and ocean-shipping concern with a large volume of Far East business, had this to say:

"We have been working through our Japanese friends in exploring the Chinese market and from what they tell us doing business with the Chinese is like playing golf in a heavy fog."

"In new trade with China," Mr. Robinson noted, "we may have to learn to crawl before we can walk—and we may have to do a lot of crawling.

Communist China's world trade currently is small, in relation to the nation's size and potential. Annual Chinese exports are estimated at some $2.1-billion, with imports of about $1.9-billion.

Exports are chiefly agricultural and food products, metals, textiles and such items as hog bristles, feathers and peanuts. Imports are mainly wheat, chemical fertilizers, iron and steel, transport equipment, machinery and raw materials such as rubber.

As late-comers to China trade, the Americans will face competition from such established traders as the Japanese, Germans, British, French and, more recently, the Canadians.

Until a few years ago, Canada, like the United States, had no dealings with Communist China. The trade that has developed is still relatively small, but it is regarded as something of a pattern of what may materialize initially for the United States.

Canada's exports to Communist China, mainly wheat and metal products, are about $125-million a year, while her imports from China, chiefly textiles, amount to only some $25-million.

Such an export-import ratio of 5 to 1 appears likely to prevail for some time in any new American trade with China. The question of China's ability to export anything that the United States wants or needs is clearly a basic obstacle to a large or rapid growth of trade.

Earlier last week, before the President's announcement, there were signs of strong American business interest in trade with Mainland China.

James M. Roche, chairman of the General Motors Corporation, disclosed in Tokyo that some of his company's overseas dealers recently had sold earth-moving equipment to Communist China.

Since early last year, under an initial modification of the China-trade embargo, foreign subsidiaries of American companies have been free to do business with Peking. However, Department of Commerce export licenses have been required if the goods shipped contained American-made components.

Mr. Roche, who was in Japan in connection with G.M.'s interest in acquiring a 35 per cent stock ownership in Isuzu Motor, a leading Japanese automobile maker, commented that Communist China was "a tremendous and potentially big market."

In a speech last Tuesday, the day before the White House embargo action, Najeeb E. Halaby, president of Pan American Airways was sharply critical of official delay in easing China-trade restrictions.

Terming Communist China currently "one of the biggest untapped markets in the world for commercial aircraft," Mr. Halaby asserted:

"Selling used 707's and DC-8's to Peking would, of course, ease the surplus capacity in this country, but it would no doubt raise some serious objections as well. Meanwhile, the Chinese are looking at the British VC-10, the French are offering the Caravelle and a team from Hawker-Siddeley is hard at work in Peking.

"By the time Boeing or Douglas or Lockheed can get around to making a deal, the Chinese may have all the aircraft they need."

[From the Wall Street Journal, April 28, 1971]

CHINA TRADE: A NEW U.S. POLICY

(By George Melloan)

When President Nixon a few days ago eased the embargo on direct U.S. trade with Red China he took another hesitant step away from a policy, central to American foreign relations since World War II, of restricting U.S. trade with Communist nations.

Direct trade wtih Red China had been banned since 1950. Commerce with all Communist countries has been under varying degrees of restriction for roughly the same period. America's Cold War allies have applied restrictions too, although with somewhat less diligence.

As the United States ponders how far to retreat from the use of trade restriction as a Cold War weapon, it is worthwhile to examine the philosophy that supported the policy in the first place. Even when it was widely accepted, it had some serious flaws. It is less accepted now, but despite the flaws it still has its staunch defenders.

The case for limiting commerce with the Communists can be set out in fairly simple terms. By trading with the Communist nations, so the argument goes, the United States is doing very little for itself and a great deal for the Communists, since they are badly in need of Western technology and consumer products. Why should we hasten the economic development of nations that have declared themselves our enemy, with the ultimate aim of overwhelming us?

This view, which has a certain logic, led the U.S. to make use after World War II of what were originally wartime controls. There were three main ones. The Export Control Act, first aimed at trade with the Axis powers in 1940, was rewritten in 1949, giving the President continued power to bar or limit exports to "further the foreign policy or national security interests of the United States," among other things.

SOME OBVIOUS FLAWS

There was also the Trading With the Enemy Act, first passed in 1917, invoked against Red China and North Korea in 1950 and later used against North Vietnam. And then there was the Mutual Defense Assistance Control Act of 1951, better known as the Battle Act, which prohibits U.S. aid to any country shipping arms or strategic goods to Communist nations.

While these laws initially were aimed at keeping "strategic" goods out of Communist hands, they later came to apply to any goods that might enhance the economic potential of such countries.

There have been some fairly obvious flaws in the practical workings of the laws from the beginning. First of all, they don't really stop Communist countries from laying hands on any items, such as computers or machine tools, that can be sold in the West. Scores of resourceful traders in key spots such as Vienna, Brussels, London and Hong Kong have made a tidy business of obtaining such items and trans-shipping them to Communist consignees. Very often they are not violating any local laws. The U.S. Commerce Department tries manfully to punish such activities by blacklisting offenders but with little norteworthy effect.

The second flaw falls in the area of long-range political strategy. What this country mainly opposes and regards as a threat are imperialistic tendencies of the regimes of two very large nations, the Soviet Union and Red China. The U.S. is justified in this view, certainly in the case of the Soviet Union, which commits imperialistic acts, and to a lesser degree toward Red China, which so far has mainly talked imperialism.

But does the denial of trade and commerce to these nations really hurt such regimes and hold in check their imperialistic tendencies? A good case could be made that it does just the opposite. There are few things more unifying to a nation than attempts by outside nations to apply pressures, either economic or military. And a nation unified by such pressures is far easier for authoritarian regimes to control than a nation that feels little pressure from outside. Imperialistic tendencies are strengthened by the instinct to take counter measures against the economic sanctions.

This leads to still a third dimension to the argument, the philosophical questions. One of the most eloquent spokesmen on this subject is Samuel Pisar, author of "Coexistence and Commerce," an exhaustive study of

East-West trade questions which McGraw-Hill will soon reissue in paperback form.

Mr. Pisar says one of his many objections to U.S. restrictions on trade with Communist nations "has to do with our image as a nation." The U.S., he says, has forced itself into a tortured posture through an artificially restricted system that is no longer effective and that interferes with business.

"If this country has any strength, it lies in the strength of its business community," Mr. Pisar says. "Trade restrictions almost interfere with human nature as we understand it."

Furthermore, Mr. Pisar notes that if we don't sell to the Communists, our closest allies do. Japan, for example, does some $500 million in business with Red China annually.

"Such a cleavage of policy between ourselves and our closest allies is unhealthy," Mr. Pisar says. "They are going their own way, selling to the Russians and China. We have been so far apart it is placing us in an unhealthy contradiction with Western Europe and Japan. We are losing our leverage with them."

With regard to the impact on the Communist countries themselves, Mr. Pisar has some further views. "It is tempting to say that they are having economic troubles so let them stew in their own juices. We hope that their people will explode. But that is not what will happen. When they really have trouble, their leaders don't stop at anything to impose their version of law and order. We've seen it with the Russians over the last 20 years each time things got rocky. Their leaders will go to the brink of a hot war to protect themselves."

Mr. Pisar, an international lawyer and participant in an early 1960s presidential task force study of foreign economic policy, has become something of a missionary for liberalized East-West trade since his book first appeared last fall. Sitting in a friend's Park Avenue apartment last week, he explained that he takes a very large view of the importance of improved commercial relations between the socialist and capitalist nations. He feels that world peace may well be in the balance.

"What is in our interest is to play with the reform minded people (in Communist countries) who want to be part of the world, so their own generals can't tell them that 'every time you try to deal with the West they kick you in the teeth.' If they can help their countries to sell to the West, it will take the fuse out of the ideological questions.

"By bringing those nations back into the world market, by helping them with the know-how to build cars, refrigerators, washing machines, we make their society more complex," Mr. Pisar adds. "The force of their prosperity pushes them in the right direction, toward stability."

Mr. Pisar sees some special opportunities in trade with Red China, although he cautions that the sudden euphoria in the West over China's new Ping-Pong diplomacy is "silly and dangerous."

"The Russians are softening because they are confused," Mr. Pisar contends. "The Chinese are not confused; they think they are going to change the world and they have no doubts, so they might kick us in the teeth."

A RUSSIAN PARALLEL

But he nevertheless feels that trade with the Chinese could become significant in a couple of years or so. "The Chinese now are where the Russians were in 1925," Mr. Pisar says. "The first flush of revolution is over. They have the problem of industrialization. They cannot do it by themselves. They tried in a romantic and unscientific way and it didn't work."

"The Russians were starting to help them industrialize but the Russians pulled out. I don't think the Chinese will ever trust the Russians again, but I do believe they will trust us. They want plants to make fertilizers, chemicals and synthetics. The basic telecommunications and transportation systems in China are American. They lack spare parts that we could supply. They also need jet transport and ground support equipment. In return, they have some mercury, some silver, furs, silks, tapestries and even supplies for Chinese restaurants."

He sees possibilities that despite the ideological fervor in China, the Chinese might be easier to deal with than Russia. "I think of China as a nation of shopkeepers. Shanghai still is Shanghai. The Canton Trade Fair still is the Canton Trade Fair. The isolation of China is not as deep as many think."

"Ideology is no real obstacle to trade," Mr. Pisar goes on. "There always are realists who can make deals."

Mr. Pisar sees no reason why the U.S. should have great fears about possible military benefits to the Chinese of some Western products that are fundamentally civilian items. "If anyone should be worried about that it should be the Russians," he says. "If we built a truck-tire factory that would make tires that would go 10,000 miles instead of 2,000 Chinese trucks could go to Siberia more easily but still not to New York state. Of course, they also could go down the Ho Chi Minh trail, but the war is winding down in Vietnam."

The arguments of Mr. Pisar and others who see tight trade restriction as an outdated policy are getting to be very persuasive, as they should be. The U.S. should always keep in mind that there are something like one billion people in the Soviet Union and China. They are not going to go away. Thermonuclear war is unthinkable, and conventional war with either of them is equally so.

That leaves peaceful coexistence as the only viable policy. The Russians and Chinese will have to be encouraged to do their share toward peaceful coexistence. The best policy will be to try to draw them out into the world in hopes of softening their intense ideological passions and their fears born of isolation. Increased commerce, with its mutual benefits, is one very good way to pursue that effort.

WILL REQUIRE THE REMOVAL OF A FEW OBSTACLES

(By Stanley B. Lubman)

President Nixon's announcement that the embargo on trade with Communist China will be partly lifted and that a committee will prepare a list of "non-strategic" goods for export under general licenses may augur the initiation of valuable Sino-American contacts. But trade will not enhance Sino-American relations meaningfully unless a number of potential obstacles are identified and, wherever possible, removed. They exist both on the Chinese side and on ours.

American businessmen uninformed about Chinese negotiating and dispute-settlement practices are sure to experience frustrations in the China trade. Traders from other Western nations have discovered, for instance, that they cannot engage in market development, apart from sending technical literature and samples to China and waiting for an answer that may never come.

Chinese planning and its bureaucratic consequences frequently make negotiations protracted and Chinese negotiators inflexible. American exporters will deal with state trading corporations without ever knowing the identity and special problems of the ultimate end-user of their product, and will find that the resulting poor communication between seller and end-user may give rise to claims that could have been prevented.

Once contracts have been signed, claims arising out of them may also prove to be exasperating. Chinese contracts normally provide that all goods, imports or exports, are to be inspected by commodity inspection bureaus in China's major ports. The decision of these bureaus in disputes is supposed to be final, and the Chinese are reluctant not only to litigate disputes, but even to arbitrate them before their own foreign trade arbitration boards. Disputes are often settled through tedious negotiations in the course of subsequent transactions.

These and other problems have not prevented the Chinese from acquiring a justly deserved world-wide reputation as honest and reliable traders. Moreover, many Western traders have learned to live with problems created by unique Chinese practices and attitudes, as they have in dealing with other Communist countries. Some fortunate traders have managed to create relationships based on genuine trust and profit with their Chinese counterparts.

Whether American business can reap similar benefits depends heavily on American policies and problems. American restrictions on trade with Communist nations, the Pentagon's excessive influence on policy affecting that trade, and some widely held public and business attitudes must all be changed if Sino-American trade is to develop healthily. These problems should command the close attention of American business now.

American policy toward trade with all Communist nations clamors for thorough overhaul, which it has not received. In the Chinese case, it is not yet clear how much President Nixon's committee will allow American exporters to sell under general licenses. The Chinese may well want to buy farm machinery and pharmaceuticals, which will probably be on the new list. It seems doubtful, however, that they will be interested in American consumer goods. The inclusion of some capital goods is important and desirable, not only to stimulate trade but to make the change in American policy an effective political gesture.

The President's announcement, however, suggests that products licensed for general export to China will not now be even as numerous as those which can be exported to the Soviet Union. If they were, no committee would be necessary to prepare a separate and presumably smaller "China list." The administration should move more dramatically, to impress the Chinese with the sincerity of the American desire to trade. The administration's reluctance to go faster may stem from a number of causes that deserve scrutiny.

The Nixon administration's changes in China policy, and the Chinese responses, are like two men trading pieces of tasty salami in thin slices, slice for slice. One danger of this approach is that one man may slice the salami too thin too often, causing the other to regard him as insincere. Moreover, using trade in this way is a particularly blatant example of tying it to politics, which Americans are often quick to accuse the Communists of doing.

A separate and perhaps more serious problem is the Defense Department's consistent opposition to expanding East-West trade. The Pentagon has consistently tried to characterize goods as "strategic" and therefore not to be licensed for export to the Soviet Union and Eastern Europe; and it can be expected to work hard to restrict the list which the President's committee will prepare.

In accord with this attitude, the Pentagon can be expected to oppose sales to the Chinese of many items for which special licenses will still be required. Also, since even unsuccessful Pentagon opposition delays the granting of licenses, the prospect of time-consuming bureaucratic haggling can deter other exporters from seeking to sell such goods. The Pentagon delayed for months the issuance of a license for the export of General Motors Corp. engines for dump trucks sold to the Chinese by the Italian firm Robert Perlini Co. By forcing such decisions to ascend the bureaucratic hierarchy up to the National Security Council and the President, the Defense Department thus exerts a powerful restraining influence on the China trade.

Yet another factor, intangible but important, is the climate of American public opinion. Conservatives are often extremely hostile to expanding East-West trade, assuming that it builds up Communist military strength and that denying the Communists American goods is a sound strategic gambit.

Generally, these arguments are thin, but they persist and many American companies are reluctant to trade with Communist countries for fear of adverse reaction from the public at large and from labor unions.

If President Nixon means to signal to the Chinese a genuine and sincere change of policy, his "China list" should include products that the Chinese can really put to good use in furthering their economic development. He might, for instance, go as far as loosening restrictions on China trade so that they are no more onerous than those on Soviet trade. His new policy would be much aided by curbing the Pentagon's zeal for denying the Chinese goods that they need and that have no real strategic significance.

Welcome, too, would be presidential concern to increase the sophistication of American public opinion on trade with China and with Communist nations generally. By following up his announcement in this manner, he can best use the resumption of Sino-American trade to help stimulate a new dialogue between the U.S. and China whose mutual antagonisms may now be muted, if not changed, by greater understanding.

[From the Washington Post, Apr. 25, 1971]

LITTLE ECONOMIC IMPACT SEEN IN UNITED STATES–CHINA TRADE

(By Frank C. Porter)

President Nixon's cautious liberalization of trade with mainland China is unlikely to touch off any economic bonanza for either side.

Compared to America's total export-import trade of some $82 billion a year, in fact, the flow of goods between the two nations is expected to be little more than a slowly widening trickle for some years to come.

More important but less measurable however, is the catalytic effect this trade will have in political and psychological terms—restoring communications, enlarging cultural and scientific contacts, prompting understanding.

In a few words, there is very little the Chinese produce in large quantities that fits the American market. And there is little the United States can offer that the People's Republic of China can afford or is not already buying from other nations, usually at lower prices than the Americans would charge.

This does not prevent some potential exporters from drooling at the prospect of opening up a mass market that includes over a fifth of the earth's population.

But government trade experts move quickly to puncture what they consider a myth

"We're not going to move in there and start selling aspirin and toothpaste to 800 million Chinese," one points out. Clearly, this could not be the case in a poor country that lacks any semblance of a market economy, where the state is the trading agency, where annual per capita income is a scant $125 and where gross national income is a 12th that of the United States, despite nearly four times the population.

Yet, it would be equally unwise to dismiss U.S.-Chinese trade as lacking any significant potential, counsels Ernest Rubin of the Commerce Department.

Rubin, director of the Eastern European Division (which also encompasses mainland China) of the Bureau of International Commerce, believes that it is impossible to put numbers on this potential. The volume of two-way trade will begin at a few million dollars a year and rise very gradually, he expects.

Rubin said he is agreeably surprised by the support and enthusiasm Mr. Nixon's decision has generated. Of the hundreds of queries his office has received since it was announced April 14, none has been critical of the move, he observes.

Actually, the Nixon administration had already cracked the Bamboo Curtain in December of 1969 when it permitted foreign subsidiaries of U.S. corporations to deal with Peking in certain commodities. The government estimates that this limited trade amounted to $35 million last year.

Monsanto Co. has sold $700,000 worth of chemicals to the Chinese. General Motors has sold components for Italian trucks imported by Peking and two earth movers for a Chinese construction project in Zambia.

Despite the reluctance of government officials to hazard an estimate of the trade potential, others have made a stab at it.

No one as this juncture can know how much the 22-year-old trade embargo will be relaxed until the government compiles the list of non-strategic commodities it will license for import and export. (Presumably it will be more restrictive than the lists applying to the Soviet Union and Eastern Europe; otherwise the letter could have been applied in toto to China, officials point out.)

In "China Trade Prospects and U.S. Policy" published earlier this year, Robert F. Dernberger, comes up with a range of estimates for the volume of trade with Peking in 1980, assuming the complete removal of the embargo on direct and indirect trade in non-strategic goods and extension of short-term commercial credit to finance that trade.

His projections range from a "most pessimistic" estimate of zero for both imports and exports from China (which he quickly discards) to an optimistic estimate of $250 million in Chinese exports to the United States and $650 million in Chinese imports from the United States.

Thus, Dernberger's favorable projection would leave the United States with an export surplus of $400 million, which squares with the opinion of most trade experts that in any commerce with Peking the United States would enjoy a favorable trade balance.

This would appear to be a boon for the U.S. trade balance, which was only $2.7 billion on the plus side last year (although it had gone as high as $7 billion in the mid-1960s.

But in terms of overall commerce, this trade would be very minor—less than 1 per cent of the more than $100 billion in total U.S. imports and exports anticipated in 1980.

It must be borne in mind that these are Dernberger's most optimistic estimates. On the Chinese import side, he presupposes virorous efforts by the American business community to sell to the Chinese. There are those who contend that U.S. corporations in general are singularly unaggressive in export markets compared to, say, the Japanese, Western Europeans or Scandinavians.

His survey indicates, Dernberger writes, "that gaining access to the Chinese import market will depend much more on aggressive U.S. selling than on any Chinese initiative caused by pressure on the demand side."

He concludes that all of Peking's present and anticipated needs can be met by its present suppliers—notably Japan and Western Europe—with the possible exception of chemical fertilizers (an area where the United States is strong).

Futhermore, Dernberger notes that these suppliers will fight hard to protect their exports to China against any American incursion. There is little doubt that Japan and the Western European nations can sell most goods to China at cheaper prices.

One trade expert raises the possibility that China might switch part of its import business of higher-priced American goods merely for political reasons. But he doubts that any political motivation would be strong enough to induce Peking to make such inefficient use of its hard-won foreign exchange.

(A glance at the trade tables suggests why China tolerates such a symbol of capitalistic imperalism as Hong Kong on its doorsteps: In 1969 China exported $328 million worth of goods to Hong Kong, including half the colony's food supply, while importing a scant $1.1 million from there.)

The best bet for American exporters appears to be chemical fertilizers and Dernberger estimates that the United States could sell as much as $100 million worth by 1980 because of an anticipated shortage in European production.

Two important areas Dernberger fails to mention that are seen by others as potentially ripe for American business are aircraft and construction.

On Friday, Secretary of Commerce Maurice H. Stans said in Athens that the United States is prepared to sell commercial planes to China, which has little aircraft industry of its own.

But Peking is already being wooed by British and French aircraft manufacturers. "By the time Boeing or Douglas or Lockheed can get around to making a deal, the Chinese may have all the aircraft they need." Najeeb E. Halaby, president of Pan American Airways, said recently.

The founder and patriach of one of the United States largest construction firms recently told associates that he expects his firm to be in mainland China within two years. This remains to be seen but there is little doubt that there is a large demand there for construction of factories, highways, fertilizer plants and the like. The question is—if the Chinese cannot build themselves, can they afford to pay foreigners to do it?

The most frequently mentioned American export possibilities are products with a high technological content. But the day when the United States can sell China computers and other complex electronic gear is way in the future, only trade export believes.

And another speculates that this market will fall to the Japanese, whose technological expertise is fast approaching that of the Americans. (Japan, in fact, is Peking's largest trading partner with 1969 exports to China of roughly $400 million and imports of about $230 million.)

On the other side of the trade ledger, there is very little of consequence China can offer that the United States does not produce itself.

Of Peking's 1969 total exports of $2.1 billion, the major commodities shipped to the non-Communist world were cotton fabrics ($118 million), fruit and vegetables ($118 million), rice ($76 million), live animals ($64 million), meat ($64 million), clothing ($54 million), soya beans ($55 million) and fish ($49 million). Not much there to lure the American importer, although silk is a possibility.

Some trade experts feel that the bulk of any American shipping list in China would be made up largely of specialty or exotic items: tungsten, yak hair for Santa Claus masks, human hair for wigs, pig bristles for brushes, Chinese foods such as water chestnuts and bamboo shoots, art objects and the like.

Whatever the potential market demand might be on either side, there is an impressive list of impediments to any major flow of trade:

One trade official doubts there will be any appreciable American demand for Chinese products until the Vietnam war ends.

Peking's goods would be at a competitive disadvantage because U.S. law forbids China receiving "most favored nation" treatment. This means that China would not receive the same tariff cuts or other trade concessions the United States has extended to its regular trading partners.

The Dirksen-Fino amendment prohibits any trade financing by the Export-Import Bank for commerce with a nation that supports Hanoi.

Both countries would have to rebuild the trade infrastructure—commercial contacts, shipping arrangements, and the like—that disappeared when the embargo was imposed 22 years ago.

In this respect, trade would also be hampered by the absence of American diplomatic recognition of Peking, by China's exclusion from the United Nations and its lack of membership in such international economic organizations as the General Agreement on Tariffs and Trade (GATT).

The distance between the two countries would add to shipping costs. China has little ocean shipping of her own.

There are little-known inhibitions in the law such as a punitive statute introduced by the late Sen. Joseph McCarthy (R-Wis.) a generation ago that forbids the importation of six kinds of animal fur from the Soviet Union and China. (China currently exports about $13 million of furs a year to the free world.)

To be competitive, China might have to resort to price-cutting tactics such as dumping (selling exports at lower prices than in the home or third country markets), as indeed Peking has been accused of doing in some European countries. This could lead to retaliatory action by the United States.

The problems facing two major export commodities, one from each nation, are illustrative.

Cotton fabrics, clothing and cotton thread and yarn combined represent by far mainland China's largest export category. Yet their shipment into the United States is politically explosive and here is doubt that President Nixon would even consider putting them on the import list.

Domestic textile manufacturers and unions loudly complain that the United States is being flooded with low-wage imports from Japan, Hong Kong, Taiwan and a variety of other nations. Last year their pressure very nearly resulted in the most protectionist legislation enacted since the 1930s.

Among textiles, cotton is the only one subject to import limitations, under the 29-nation Long Term Arrangement. If China were allowed to export cotton textiles to the United States, would it not have to join LTA? If so, could import quotas be shifted to it without angering this country's non-Communist suppliers? In other words, the prospect for textile imports from China—except silk—extremely dubious.

Among Chinese imports, wheat is the second largest (behind iron and steel), the great bulk of it coming from Canada and Australia.

Since the United States ordinarily has a robust wheat surplus, this would appear to be a made-to-order export to Peking. But it's unlikely any American wheat will be shipped to China except in the case of an acute world shortage.

The reason is easily discernible from the painful experience of 1964, when the United States sold Russia more than $100 million of wheat after massive Soviet crop failures. Some sources say the Russians were prepared to buy $300 million worth if the price were right. But it wasn't.

U.S. law provides that 50 per cent of such grain shipments must be carried in American-flag ships. Since rates for these ships are far in excess of world shipping costs, the wheat was far more expensive than it would have been from other sources. One Russian official reportedly vowed that the Soviet Union would never buy Yankee wheat again. And so far it hasn't.

If such difficulties were not enough, the United States is expected to have a tough time breaking through the competition offered by Peking's present non-Communist trading partners.

The first 10, with total 1969 exports and imports in parentheses, are Japan ($625 million), Hong Kong ($327 million), West Germany ($235 million), United Kingdom ($215 million), Singapore ($199 million), Australia ($157 million), Canada ($139 million), Italy ($120 million), France ($114 million), Ceylon ($88 million), the Netherlands ($52 milion) and Pakistan, ($52 million).

In its early years, the People's Republic was almost totally oriented toward other Communist states in its trade, with the Soviet Union funneling as much as $2 billion in trade and aid into China in a year.

The situation has dramatically reversed. Chinese trade with the rest of the Communist community has steadily declined and now 80 per cent of its imports and exports are with the non-Communist world.

RETIREMENT OF JOHN W. JARRELL, OF THE OMAHA WORLD-HERALD

Mr. HRUSKA. Mr. President, for 25 years the Omaha World-Herald, Nebraska's largest daily newspaper, was faithfully represented in Washington by John W. Jarrell, a most distinguished practitioner of the reporting profession.

Jack retired last month at the age of 63, and he and his wife are now in Santa Fe, N. Mex. Thus he has written "30" to a colorful and successful newspaper career which spanned 47 years, encompassing assignments on Midwest newspapers and the old International News Service, coverage of World War II, five Presidents and many Congresses.

He has been a friend and confidant of the great and near great. Throughout his travels, he has been a keen observer of his fellow man and his Nation, and he has for the past quarter century been a most astute student of politics and government.

Jack has also been a close student of his own profession. The World-Herald has a distinctive philosophy of government, one which Jack wholeheartedly shared. But he never let his own convictions or his paper's views interfere with his profession, which was reporting the facts. He was an expressive writer, steeped in the history of Government and the people who have served the Nation, but most of all he was fair and honest in his coverage of those people.

He had chosen long ago to be a reporter rather than a partisan in the battle for men's minds, and he believed fiercely that having made such a choice, he was bound to restrict his activities to reporting. He felt very strongly that he could not have it both ways. He believed the tradition of a free press and a free society demanded adherence to such a distinction.

Unfortunately, reporters with such convictions are diminishing in number. A reporting position today seems so often to be viewed as a soapbox for a writer with a cause. This is not good for the newspaper industry. It is not good for the Nation.

I say that, whether the reporter's bias agrees with my own views or not. When a writer or a newspaper loses its reputation for being an objective reporter of the facts, society has also lost.

There has been a great deal of discussion about the objectivity and credibility of the Nation's news media. I note that more and more our Nation's largest and most influential newspapers are taking steps to deal with this charge. Their actions indicate they are concerned with the attitude of the public toward the news media.

It is well that they should be concerned, in my opinion. None of us is perfect and the press, like all manmade institutions, has its share of failings.

In its search for means of narrowing its own credibility gap, the press might begin with some consideration of Jack Jarrell's philosophy that the function of reporters is to report the news and—as he puts it so well—avoid "the tendency to play God."

It is pleasing to note that Jack is being succeeded by a man who shares his philosophy of reporting, Darwin Olofson, who has worked closely with Jack in the World-Herald's Washington bureau for the past 20 years.

I attended a farewell luncheon for Jack last week, sponsored by the Omaha Press Club. He received the club's "Honored Prophet" Award. A more deserving prophet would be difficult to find.

Jack's philosophy was well enunciated at that final appearance with his Omaha colleagues. I ask unanimous consent that the Omaha World-Herald account of his remarks and their farewell editorial be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

JARRELL: SOME JABS AT PRESS ARE JUSTIFIED

John W. Jarrell, a newspaperman for 47 years, said Monday that some of the current attacks on the press are being made "with justification."

Jarrell, retiring after 25 years as chief of the Washington Bureau of The World-Herald, said "there is much we can be proud of" in the record of the press.

"There is no doubt that reporters and editors—for newspapers, radio, television, magazines—have done much to keep the nation strong. They have exposed corruption. They have helped bring about some changes beneficial to mankind.

"They have kept people informed. They have deflated fat egos and humbled the arrogant.

"So perhaps there is a tendency to play God. But so far as I know, our profession, or vocation, or whatever you choose to call it, hasn't been deified yet," he said.

Speaking to more than 300 at a luncheon at which he received the Honored Prophet Award of the Omaha Press Club, Jarrell said: "Sometimes we seem to glory in deciding an issue without understanding it; sometimes we fail to let the other fellow air his side.

BOUGHT ADS

"Some say it is the duty of a reporter to get involved personally in the causes about which he is writing. Not long ago 99 reporters from two Chicago papers bought ads opposing the re-election of Mayor Daley.

"Recently a well-known correspondent told a college anti-war rally: 'We got one president out and perhaps we can do it again.'

"Newsmen assigned to cover stories of demonstrations have been seen participating in them.

"How can a reporter carrying a banner in the street write objectively about the demonstration?"

The veteran correspondent said he believes in the practice of labeling an article to indicate that it expresses the author's opinion so that the writer's views "don't masquerade as news."

He said it is good for reporters "to be suspicious, to be skeptical. But we should stick to the facts and skip the opinion in our news coverage and avoid the slant in what is supposed to be objective reporting."

Said Jarrell:

"What I deplore is the growing number of reporters wearing their personal view proudly on their sleeves, like a Boy Scout showing off his merit badges. In Washington, for example, there seems to be an attitude on the part of many reporters that venality, or boobery, or practiced deception, or bad faith, or perhaps a combination of them, is somehow built into the makeup of every president.

"History, when the dust settles, sometimes tells us different. When I went to Washington Harry Truman had not completed his first year as president. In recent years we have seen Truman raised to a pedestal far higher than we reporters perched him on when we were covering him every day.

"It has been interesting of late to see the switch by a number of reporters who were among the most unkind to Dwight D. Eisenhower. Fifteen years ago they were snickering at his syntax. Some bracketed him with Warren G. Harding.

"Suddenly, some of those reporters find the Eisenhower years weren't so bad after all and may, in fact, have been very good ones considering the state of the world."

Lyndon Johnson, said Jarrell, "took a terrific buffeting from the press" and Richard Nixon "is now getting much the same treatment as Johnson did.

"He shares with Johnson one weakness that seems so important in these image-conscious days—he doesn't come over as well on the tube as Rock Hudson or Gregory Peck."

Jarrell said that "while what some reporters may write about Nixon now could determine whether or not he is a one-term president, and he may well be, their views won't necessarily designate his niche in history."

The award, a large plaque shaped as a shepherd's crook, was presented by Frank Scott, club president. Jarrell is the third recipient of the award.

JACK JARRELL'S RETIREMENT

"By John Jarrell" is a byline which has appeared several thousand times in this newspaper the past quarter century. It is known and respected in the Midlands and in Washington, where, as chief of the World-Herald's bureau, the man behind the byline has been reporting and interpreting the news during the terms of five presidents and a dozen Congresses.

To his colleagues and to public figures from presidents on down, he is Jack Jarrell, a fine reporter who represented The World-Herald with distinction and who kept its readers informed.

It is the good fortune of the paper and its readers that he is being succeeded by a man of similar stripe, Darwin Olofson, who has been his coworker for 20 years in the World-Herald Washington Bureau.

At 63, Jack has chosen early retirement and he and his wife, Lois, are on their way to their new home in Santa Fe. Today in Omaha Jack Jarrell is addressing the Omaha Press Club as its "Honored Prophet." We of The World-Herald join in the applause and wish the Jarrells many happy years.

ADDRESS BY SENATOR TUNNEY

Mr. HOLLINGS. Mr. President, recently it was my privilege to hear a distinguished address by the distinguished junior Senator from California (Mr. TUNNEY), who spoke on April 5 at the South Carolina College Leadership Conference. What he said was pertinent not only to the concerns of America's youth, but to all concerned Americans. What he had to say was pertinent not only to South Carolina, not only to the South, but the entire Nation.

As a member of the audience I was moved by Senator TUNNEY's thoughtful remarks, and I could see that those around me also were inspired. The speech is not only an exhortation to leadership, but also a summons to greatness. By working within the system on the social problems discussed in the address, Americans will open the door on a better future while at the same time they vindicate the hopes of those who gave rise to this Nation.

Mr. President, I ask unanimous consent that the text of Senator TUNNEY's thoughtful remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF SPEECH BY SENATOR JOHN V. TUNNEY

I have come to South Carolina tonight . . . as a new Senator to a State that represents the New South.

I have come to speak to you as representatives of a new generation of Southerners.

In the recent past, we have heard the voices of illogic and prejudice echoing throughout the South. We have seen the campaigns that have been waged on fear and prejudice. We have seen the results of what hatred and violence can do . . . We saw it as three young civil rights workers from the North ended up dead in a swamp in the backwaters of Mississippi . . . we saw it in Selma, Alabama as police dogs snipped and cut at a group of blacks marching for their rights . . . we saw it in a bombed out church in Philadelphia, Mississippi where children who came to pray lie dead; . . . we saw it on a Motel patio in Memphis; . . . on a backroad in Georgia.

And hatred and prejudice, unfortunately, is not restrictive either by way of geography or of politics. Prejudice and fear seem to know no political party; . . . they seem to appear in each section of our land whether it be in Carolina or in California.

These fears cut across neighborhood lines when it appears that a black man would buy a home. They pervade the factory lunch rooms when it appears that a black man wants a job. They have impact at the precinct level when it appears a black man wants to vote.

I sometimes fear that we are destined to live in an age of hatred and recrimination. I sometimes fear that people do not want to listen . . . that people will not change. But that is a foolish fear and I am wrong.

I know I am wrong when I see Senator Hollings stand up and fight for the oppressed . . . black and white . . . when I see Senator Hollings count himself among those who stand for justice and equality for all Americans.

I know I am wrong when I hear your Governor tell the people of this State that the time has come for an end to discrimination and hatred . . . . that the time has come for the South to recognize that an end to prejudice means a beginning to a better climate of commerce and of Civilization.

And I know I am wrong when I stand here and address the youth of the New South.

For it is going to be your vision and your strength that the New South will grow and prosper on; . . . and as the South grows and prospers . . . so too does America.

I ask you to reject those counselors of fear and prejudice who have so polluted our thoughts and our politics. I urge you to stand against the politics of racism; . . . to stand against a George Wallace.

I urge you to reject those advocates of violence and repression that would use a gun to try and preserve an outmoded way of life. I urge you to stand with your fellow man in fighting for equality and justice not only in the South but throughout this land.

I urge you to speak out against repression whether it comes from the Department of Justice in Washington or a store clerk in Lamar.

I urge you to speak out for each man's right to vote . . . to work . . . to go to school.

I urge you to stand and fight for the family of mankind, and I urge you to stand in defense of dissent.

Plato said, "A life without criticism is not worth living." Criticism and dissent are the underlying strength of the American system. They are what formed the basis for this country. The Bills of Rights and the Declaration of Independence are documents born in the blood of patriots who stood in dissent from prejudice. They were nurtured by those who maintained that freedom and justice were tenets of American life that would not be changed. They were defended in World Wars; . . . men died for these beliefs.

They are simple documents . . . easily understood. They mean justice and freedom. They mean an end to violence. They mean brotherhood. They mean America.

Today, from this edge of the land to the Pacific, there is a need for dissent. You people are the hope of this Nation . . . and if you are to fulfill that hope, . . . then you must recognize the need for peaceful dissent, . . . for there is much to dissent from. We must dissent from a war that has killed 53,000 American youths. We must insist that this war be ended . . . now.

As you sit here today, I would ask that you think of these men who have given their lives in the jungles of Asia.

I would ask that you think . . . how many of them had the chance to sit in a college and learn; . . . how many of them had the chance to learn a trade; . . . how many of them were merely too poor to go on in life and instead became cannon fodder in a war that nobody seems to know who started and none seems able to end; . . . which one of these men; . . . white or black . . . might not have become a doctor and saved a baby in rural South Carolina; . . . which one of these men might not have become a lawyer and defended the indigent in Chicago; . . . which one of these men might not have written a play; . . . sang a song; . . . thrilled a football crowd.

They were deprived of the one thing; . . . the most important thing; . . . that you people have been given; . . . a chance to live; an opportunity to use your lives to better the human spirit.

But, to do this . . . to rekindle the hope of America and the spirit of equality and justice; . . . we must stop the killing in Southeast Asia. We must dissent from the fact that our government's policies in that battle scarred corner of the globe has caused the deaths of millions of civilians . . . Innocent civilians; . . . I say millions, . . . but who really knows . . . and who has really cared.

We must dissent from the policies of a government that spends more on guns and useless military hardware than it does on housing. We must dissent from the policies of a Government that uses Federal files and Federal personnel to snoop and pry into the lives of its citizens.

We must dissent from the policies of a Government that would rather build SST's than schools; . . . that places more emphasis on cutting medical budgets than it does in cutting discrimination.

We must dissent from the fact that our environment is being taken from us; . . . prostituted by private interests in the name of growth and expansion.

These are but a few of the things which deserve to be the attention of a thinking man's dissent. These should be but a few objects for your attention in the future.

You people are just beginning. You are beginning a journey that can be both frustrating and rewarding. You can go in many directions. You will have many options.

You can stay here in the South and build a great future from a great heritage. You can go to seek your fortune in the North . . . or the West. You can farm the land or mold the mind. You have a future. Some of you might even envision the world of politics as a future. I ask you not to reject public life . . . public service; . . . for, I feel that it is one area where your talents and your energies are needed more than ever. There is a need for new blood and fresh ideas in the City Halls and in the State Houses of our land. There is a need for fresh talent in the Congress.

But whatever your choice is you must remember that your life and the life of this country depends on how you can turn the tide against racism and repression and violence.

Surely, we do not want to mortgage the future of our children on a bank of hatred and unreason.

We can see that a "Southern strategy" is merely verbal arson: . . . burning a bridge of human decency and communion of interest behind it. We can see that such sectional and ethnic politics mean a short future for justice and decency for all men.

Whether violence comes in the form of a gun, . . . from a sniper on a rooftop . . . whether violence comes in verbal form . . . whether we have to deal with assassins we find in school depositaries . . . flop houses . . . or kitchens . . . whether we have to ferret out the mental assassins who kill more slowly . . . more deftly by killing the human spirit; . . . we have to find them . . . and stop them . . . for they are destroying America.

We have to end the violence of war abroad and the violence that has plagued our streets in the recent past. We have to end the violence of the gun and the bomb . . . and we have to end the violence of institutions that do not respond to the human needs of our brothers. We have to do this . . . because it is right.

We must reject the counsel of those who advocate violence or repression as an answer for they are wrong. We must reject those who sit silently in our public forums refusing to answer because it is not politically expedient, for they are fools. We must reject those who speak of the past as an answer . . . for they are blind.

Our task is to offer leadership: . . . whether it be on the school board in Boston or Beverly Hills; . . . whether it be in the Halls of Congress in Washington or a Head Start Project in Watts; . . . we must offer the kind of leadership that speaks out before a problem becomes a crisis . . . before one tests the shifting sands of public sentiment . . . leadership that stands and speaks for what is right.

And so, I would ask you to think of these things as you go about the business of deciding your future . . . and I would ask you to remember that the eyes of the world rest upon you today . . . for as representatives of the youth of America . . . you are also representatives of America's future.

I would ask that you weigh your future carefully for it means much . . . both to you . . . to your State and your country.

I would ask that you seize opportunity and challenge the future.

I would ask merely . . . that you stand as decent and just people . . . for that is where your future really lies . . . and, more importantly . . . the future of mankind.

CANYONLANDS NATIONAL PARK

Mr. MOSS. Mr. President, it has become almost a standard event for a person from elsewhere in the United States to "discover" Canyonlands National Park in Utah. Last Sunday the Washington Post published an article by Mr. Richard Joseph. Mr. Joseph marvels at the spectacular beauty of Canyonlands comparing it with Grand Canyon, the Grand Tetons, Yosemite, and Yellowstone. He also comments on Arches National Monument.

As the Senate well knows, I have a bill now pending to expand the boundaries of Canyonlands because of areas which were left out when this great park was first established, and a second bill which would convert Arches National Monument into a national park. Consequently, Mr. Joseph's article is of considerable interest to me and to the Senate which must pass on these bills sometime during this session of the Congress.

I therefore ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CANYONLANDS: BEAUTY NOBODY KNOWS ABOUT

(By Richard Joseph)

MOAB, UTAH.—Careful, chappies, here come the superlatives!

For more than three months now, I've been sticking to my New Year's resolutions to lay off the exclamation points.

Then I fell upon Canyonlands National Park near here, and I must say that it is the greatest, biggest, most colossal, most colorful, most sensational . . .

I've done most of the Western oldtimers, like Yellowstone, Yosemite, the Grand Canyon and the Grand Tetons, but this one I'd barely heard of though it was established in 1964. It has all the grandeur of the Grand Canyon, plus many attractions of its own—and without the crowds.

Crowds? There is nobody here, yet; like myself, few people seem to have heard of Canyonlands, and within its 275,640 acres are great spaces as yet unsullied by crowds.

Flying over it is easy, but to open up some of the more remote canyons you have to be part human-fly. But the Indians seem to have made it; every time somebody does succeed in pushing through to a new area he finds Indian ruins scattered around and petroglyphs painted on rocks.

Some of this area was Zane Grey's Robbers' Roost, the land of Butch Cassidy and the Sundance Kid, and they shot a good deal of the film hereabouts.

It's fruitless to try to describe scenery anywhere, and here the scenery is indescribable—so I'll try to describe it. Back a few eons ago, this whole area was covered by an inland sea, and the weight of the water pressed the sandy soil into soft red sandstone.

Then rivers cut great canyons, and wind erosion—aided by extreme temperatures—cut the stone into fantastic shapes.

Some of the forms look like the red sandstone fortresses of Fatehpur Sikri in India, others like medieval castles and cathedrals. Still others resemble the ruined Mayan temples of Yucatan; other strange forms look like pregnant elephants lying on their backs and Renaissance saints carved by impressionist sculptors; and if you half-close your eyes while flying over some areas you get the illusion of passing over the skyscrapers of a modern city.

The colors lie in the time of the beholding: at dawn deep purple, then orange red, brightening to sandy yellow by midday, then in later afternoon back to fiery red—and to dark purple just before the sun lets go of the scene.

Much of Canyonlands National Park has the look of the Grand Canyon, which isn't surprising, since the Grand Canyon is formed by the same twisting Colorado River a few hundred miles downstream.

But the park is far from being the whole of the Canyonlands scene. Utah very cagily has reserved one of the very best lookout sports for itself at Dead Horse Point State Park, right next to the park, from which you peer down into the Colorado River below, then out over the buttes and mesas of Canyon lands to the distant Blue Mountains.

All this up to the southwest of Moab, gateway to the whole area. Five miles on the other side of Moab, to the northwest, is the Arches National Monument.

Some monument! Fifty-three square miles of some of the strangest shapes seen anywhere since Minsky got out of the burlesque business. The 88 arches were formed by great holes cut into the rock by the winds after the soft sandstones had been weakened by ice formations.

A few years ago I might have described all this as a lunar landscape, but after watching the movements of Armstrong, Aldrin, Conrad, Bean, Shepard and Mitchell on TV, I know that the moon is pale in comparison.

Recently my 11year-old namesake (on school vacation) and I at the Moab airport met a local character by the name of Ole Tex McClatchy. "Ole," Tex must be all of 35, but he hides his comparative youth behind a bushy black beard, and he enhances his character role by wearing yachting and Bulgarian army forage caps.

Behind the bushy facade, we found a sharp knowledgeable and enthusiastic tour operator. Ole Tex is the triple-threat man of the Colorado River country: he'll explore the river with you by boat, jeep or plane.

We took off from the Moab airport about mid-morning in a Volkswagen Microbus that Ole Tex had fitted out with fat dune buggy tires on the rear wheels.

We lunched around a campfire on the flat rocks near Dead Horse Point, overlooking a bend in the Colorado, almost half a mile straight down, then drove down to the canyon floor along the narrow, twisting Shafer Trail—the scariest expedition available since they closed the giant skyride at Luna Park in Coney Island.

We did the Arches in the purpling dusk to end a day that must rank with a trip through the white marble Taroko Gorge in Taiwan as our most memorable single piece of sightseeing.

The next morning we flew over all of the park with Dick Smith, a young giant who looks like the other one of the black-bearded Smith Bros. and operates Canyonlands Aviation out of Monticello Airport, a few miles south of here.

Letters addressed to Ole Tex at Moab or Dick Smith at Monticello will get you more information, but if you're in the neighborhood, maybe they'll be in touch with you.

You see, the highway police have a cute stunt around here. When things get too quiet, they'll stop a passing car—preferably with out-of-state license plates and packed with kids—and scare the driver by telling him he'll have to come with them. Then they invite him to be the guests of the Moab TraveLodge overnight and of Ole Tex for next day on the river. Everything on the cuff.

PARABLE OF THE PARKING LOTS

Mr. ALLOTT. Mr. President, I invite the attention of the Senate to a parable.

For reasons which this parable makes clear, much of what this and other august and busy Government bodies do, should not be done. Thus it is especially important for our reordered priorities to sanction the reading of this parable, which appears in the spring 1971, issue of the Public Interest, one of the most consistently stimulating and useful public affairs journals published in the United States.

The author is Henry G. Manne, Kenan professor of law and political science at Rochester University. I ask unanimous consent that Professor Manne's essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE PARABLE OF THE PARKING LOTS

(By Henry G. Manne)

In a city not far away there was a large football stadium. It was used from time to time for various events, but the principal use was for football games played Saturday afternoons by the local college team. The games were tremendously popular and people drove hundreds of miles to watch them. Parking was done in the usual way. People who arrived early were able to park free on the streets, and latecomers had to pay to park in regular and improvised lots.

There were, at distances ranging from 5 to 12 blocks from the stadium, approximately 25 commercial parking lots all of which received some business from Saturday afternoon football games. The lots closer to the stadium naturally received more football business than those farther away, and some of the very close lots actually raised their price on Saturday afternoons. But they did not raise the price much, and most did not change prices at all. The reason was not hard to find.

For something else happened on football afternoons. A lot of people who during the week were students, lawyers, school teachers, plumbers, factory workers, and even stock brokers went into the parking lot business. It was not a difficult thing to do. Typically a young boy would put up a crude, homemade sign saying "Parking $3." He would direct a couple of cars into his parents' driveway, tell the driver to take the key, and collect the three dollars. If the driveway was larger or there was yard space to park in, an older brother, an uncle, or the head of the household would direct the operation, sometimes asking drivers to leave their keys so that shifts could be made if necessary.

Some part-time parking lot operators who lived very close to the stadium charged as much as $5.00 to park in their driveways. But as the residences-turned-parkings-lots were located further from the stadium (and incidentally closer to the commercial parking lots), the price charged at game time declined. In fact houses at some distance from the stadium charged less than the adjacent commercial lots. The whole system seemed to work fairly smoothly, and though traffic just after a big game was terrible, there were no significant delays parking cars or retrieving parked cars.

But one day the owner of a chain of parking lots called a meeting of all the commercial parking lot owners in the general vicinity of the stadium. They formed an organization known as the Association of Professional Parking Lot Employers, or APPLE. And they were very concerned about the Saturday parking business. One man who owned four parking lots pointed out that honest parking lot owners had heavy capital investments in their businesses, that they paid taxes, and that they employed individuals who supported families. There was no reason, he alleged, why these lots should not handle all the cars coming into the area for special events like football games. "It is unethical," he said, "to engage in cutthroat competition with irresponsible fender benders. After all, parking cars is a profession, not a business." This last remark drew loud applause.

Thus emboldened he continued, stating that commercial parking lot owners recognize their responsibility to serve the public's needs. Ethical car parkers, he said, understand their obligations not to dent fenders, to employ only trustworthy car parkers, to pay decent wages, and generally to care for their customers' automobiles as they would the corpus of a trust. His statement was hailed by others attending the meeting as being very statesmanlike.

Others at the meeting related various tales of horror about nonprofessional car parkers. One homeowner, it was said, actually allowed his fifteen-year-old son to move other peoples' cars around. Another said that he had seen an $8,000 Cadillac parked on a dirt lawn where it would have become mired in mud had it rained that day. Still another pointed out that a great deal of the problem came on the side of the stadium with the lower-priced houses, where there were more driveways per block than on the wealthier side of the stadium. He pointed out that these poor people would rarely be able to afford to pay for damage to other peoples' automobiles or to pay insurance premiums to cover such losses. He felt that a professional group such as APPLE had a duty to protect the public from their folly in using those parking spaces.

Finally another speaker reminded the audience that these "marginal, fly-by-night" parking lot operators generally parked a string of cars in their driveways so that a driver had to wait until all cars behind his had been removed before he could get his out. This, he pointed out, was quite unlike the situation in commercial lots where, during a normal business day, people had to be assured of ready access to their automobiles at any time. The commercial parking lots either had to hire more attendants to shift cars around, or they had to park them so that any car was always accessible, even though this meant that fewer cars could park than the total space would actually hold. "Clearly," he said, "driveway parking constitutes unfair competition."

Emotions ran high at this meeting, and every member of APPLE pledged $1 per parking space for something mysteriously called a "slush fund." It was never made clear exactly whose slush would be bought with these funds, but several months later a resolution was adopted by the city council requiring licensing for anyone in the parking lot business.

The preamble to the new ordinance read like the speeches at the earlier meeting. It said that this measure was designed to protect the public against unscrupulous, unprofessional and under-capitalized parking lot operators. It required, *inter alia,* that anyone parking cars for a fee must have a minimum capital devoted to the parking lot business of $25,000, liability insurance in an amount not less than $500,000, bonding for each car parker, and a special driving test for these parkers (which incidentally would be designed and administered by APPLE). The ordinance also required, again in the public's interest, that every lot charge a single posted price for parking and that any change in the posted price be approved in advance by the city council. Incidentally, most members were able to raise their fees by about 20 per cent before the first posting.

Then a funny thing happened to drivers on their way to the stadium for the next big game. They discovered city police in unusually large numbers informing them that it was illegal to pay a non-licensed parking lot operator for the right to park a car. These policemen also reminded parents that if their children were found in violation of this ordinance it could result in a misdemeanor charge being brought against the parents and possible juvenile court proceedings for the children. There were no driveway parking lots that day.

Back at the commercial parking lots, another funny thing occurred. Proceeding from the entrance of each of these parking lots within twelve blocks of the stadium were long lines of cars waiting to park. The line got larger as the lot was closer to the stadium. Many drivers had to wait so long or walk so far that they missed the entire first quarter of the big game.

At the end of the game it was even worse. The confusion was massive. The lot attendants could not cope with the jam up, and some cars were actually not retrieved until the next day. It was even rumored about town that some automobiles had been lost forever and that considerable liabilities might result for some operators. Industry spokesmen denied this, however.

Naturally there was a lot of grumbling, but there was no agreement on what had caused the difficulty. At first everyone said there were merely some "bugs" in the new system that would have to be ironed out. But the only "bug" ironed out was a Volkswagen which was flattened by a careless lot attendant in a Cadillac Eldorado.

The situation did not improve at subsequent games. The members of APPLE did not hire additional employees to park cars, and operators near the stadium were not careful to follow their previous practice of parking cars in such a way as to have them immediately accessible. Employees seemed to become more surly, and the number of dented-fender claims mounted rapidly.

Little by little, too, cars began appearing in residential driveways again. For instance, one enterprising youth regularly went into the car wash business on football afternoons, promising that his wash job would take at least two hours. He charged five dollars, and got it—even on rainy days—in fact, especially on rainy days. Another homeowner offered to take cars on consignment for three hours to sell them at prices fixed by the owner. He charged $4.00 for this "service," but his subterfuge was quickly squelched by the authorities. The parking situation remained "critical."

Political pressures on the city council began to mount to "do something" about the inordinate delays in parking and retrieving cars on football afternoons. The city council sent a stern note of warning to APPLE, and APPLE appointed a special study group recruited from the local university's computer science department to look into the matter. This group reported that the managerial and administrative machinery in the parking lot business was archaic. What was needed, the study group said, was less goose quills and stand-up desks and more computers and conveyor belts. It was also suggested that all members of APPLE be hooked into one computer so that cars could really be shifted to the most accessible spaces.

Spokesmen for the industry took up the cry of administrative modernization. Subtle warnings appeared in the local papers suggesting that if the industry did not get its own house in order, heavy-handed regulation could be anticipated. The city council asked for reports on failures to deliver cars and decreed that this would include any failure to put a driver in his car within five minutes of demand without a new dent.

Some of the professional operators actually installed computer equipment to handle their ticketing and parking logistics problems. And some added second stories to their parking lots. Others bought up additional space, thereby raising the value of vacant lots in the area. But many simply added a few additional car parkers and hoped that the problem would go away without a substantial investment of capital.

The commercial operators also began arguing that they needed higher parking fees because of their higher operating costs. Everyone agreed that costs for operating a parking lot were certainly higher than before the licensing ordinance. So the city council granted a request for an across-the-board ten per cent hike in fees. The local newspaper editorially hoped that this would ease the problem without still higher fees being necessary. In a way, it did. A lot of people stopped driving. They began using city buses, or they chartered private buses for the game. Some stayed home and watched the game on TV. A new study group on fees was appointed.

Just about then several other blows fell on the parking lot business. Bus transportation to the area near the stadium was improved with a federal subsidy to the municipal bus company. And several new suburban shopping centers caused a loss of automobile traffic in the older areas of town. But most dramatic of all, the local university, under severe pressure from its students and faculty, dropped intercollegiate football altogether and converted the stadium into a park for underprivileged children.

The impact of these events on the commercial parking lots was swift. Income declined drastically. The companies that had borrowed money to finance the expansion everyone wanted earlier were hardest hit. Two declared bankruptcy, and many had to be absorbed by financially stronger companies. Layoffs among car parkers were enormous, and APPLE actually petitioned the city council to guarantee the premiums on their liability insurance policies so that people would not be afraid to park commercially. This idea was suggested by APPLE by recent Congressional legislation creating an insurance program for stock brokers.

A spokesman for APPLE made the following public statement: "New organizations or arrangements may be necessary to straighten out this problem. There has been a failure in both the structure of the industry and the regulatory scheme. New and better regulation is clearly demanded. A sound parking lot business is necessary for a healthy urban economy." The statement was hailed by the industry as being very statesmanlike, though everyone speculated about what he really meant.

Others in the industry demanded that the city bus service be curtailed during the emergency. The city council granted every rate increase the lots requested. There were no requests for rate decreases, but the weaker lots began offering prizes and other subtle or covert rebates to private bus companies who would park with them. In fact, this problem became so serious and uncontrollable that one owner of a large chain proclaimed that old-fashioned price competition for this business would be desirable. This again was hailed as statesmanlike, but everyone assumed that he really meant something else. No one proposed repeal of the licensing ordinance.

One other thing happened. Under pressure from APPLE, the city council decreed that henceforth no parking would be allowed on any streets in the downtown area of town. The local merchants were extremely unhappy with this, however, and the council rescinded the ordinance at the next meeting, citing a computer error as the basis for the earlier restriction.

The ultimate resolution of the "new" parking problem is not in sight. The parking lot industry in this town not very far from here is now said to be a depressed business, even a sick one. Everyone looks to the city council for a solution, but things will probably limp along as they are for quite a while, picking up with an occasional professional football game and dropping low with bad weather.

* * * * *

MORAL. If you risk your lot under an apple tree, you may get hit in the head.

HENRY L. SLATER APPRECIATION DAY

Mr. HATFIELD. Mr. President, May 1, 1971, was declared Henry L. Slater Appreciation Day by the citizens of Burns, Oreg. Because of my deep respect and great regard for Henry Slater, I ask unanimous consent that an account of the proceedings of that festive day be printed in the RECORD, as an indication of the esteem and affection in which we hold Henry L. Slater, and in recognition of his superior service and dedication to the education process, to his community of Burns, and to his State of Oregon.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HENRY L. SLATER APPRECIATION DAY

In a resolution signed April 28, 1971, the Harney County Court, the Honorable Newton Hotchkiss, Judge, and the City of Burns, the Honorable W. A. Sawyer, Mayor, jointly proclaimed May 1, 1971, as Henry L. Slater Appreciation Day to be celebrated by all of the common citizens in recognition of Mr. Slater's 27 years as Superintendent of the Burns Grade School system, to specifically honor his professional dedication, long dedicated years of youth activity, outstanding accomplishments in the area of patriotism, and his strong moral life.

On May 1 a public banquet was held at the Elks Temple, B.P.O.E. 1680, Burns, Oregon, so that all of Henry's long time friends, of over 2½ decades, could pay tribute to Mr. Slater, his wife, Gen; daughter, Mrs. Robert (Peggy) Sitz and her husband; his son, William (Bill) and his wife, Lu; and Mr. Slater's five grandchildren. The toastmaster of the banquet was the Honorable Robert F. Smith, Speaker, House of Representatives, State of Oregon, and the principal speaker was the Honorable Dale Parnell, Superintendent of Public Instruction in the State of Oregon.

The highlight of the evening was the public announcement by Dr. Robert J. Raleigh, Chairman, Burns Grade School, that from that day forward the Burns Grade School will henceforth be known as the Henry L. Slater Grade School.

The following speech is a public tribute to Mr. Slater made during the banquet by Dr. John H. Weare, M.D., a long time personal friend of Mr. Slater's and a member of the Burns Grade School Board for 17 years, Chairman on a rotating basis for five years.

STATEMENT BY JOHN H. WEARE, M.D.

I first came to know Mr. Slater through my associations with the Burns Grade School. In the 1944–45 schoolyear I served on the Budget Board, and that spring the school board members were Cecil Bennett, Rudy Reinertson, and Pluribus Tiller. Mr. Tiller was retiring from the board and they asked me to run in his place. I was selected and served for seventeen years as a member of the board. During this time I had plenty of opportunity to see Mr. Slater as a teacher and administrator and to learn a lot about his methods and philosophy of what a school should do. I came to respect and admire him both as an educator and as a man. For a few years before Mr. Slater came to Burns the grade school district was torn with dissension over matters that need not be recounted now. I remember that there were lots of people blaming the board for hiring Mr. Slater even before he got here. They felt he wasn't the right man for the job and he wouldn't last—that he would be forced out like his predecessors had been. Tonight and the past twenty-seven years prove how wrong they were. Because of the problems that the school district was having at that time I really was not at all anxious to be a member of the board and expose myself to the problems of the district and the criticism of the people that I had heard so much of before becoming a member of the board. My fears turned out to be groundless, as Mr. Slater made my duties as a school board member quite easy. Any problems that the school board had were not of his making. When it came to the educational program of the school he could present it so logically and sincerely that he seldom had any problem in convincing the board to allow him to follow his desires.

He runs his school in the way that there is never any question as to who the boss is, yet he has never lost sight of the fact that he is responsible to the board and his constituents. He never forgets the fact that the taxpayer is paying the bill and he always asks for the basic programs without a lot of frills. As a result of this and as evidence of their confidence in him and their approval of his handling of the school, the people of his district have never voted down one of his budgets. I consider this all the more remarkable when you consider that several of our own high school budgets have been voted down during this time. He would stand up for what he considered a fair salary schedule for his teachers, but I never heard him ask for a raise in salary for himself. In fact more than once he refused or talked the board into a lesser raise than the board offered him. Truly education of the Burns Grade School children has been more important to him than the amount of his salary.

For the first few years Mr. Slater would teach a class or so in English. He is a strong teacher and enjoys teaching in the classroom. Soon the State Department of Education began saying that he shouldn't be teaching. He resisted them for a time saying that it gave him an opportunity to be a better administrator by having first-hand knowledge of classroom problems in teaching—both from the teacher's and pupil's standpoint. It also helped him maintain a personal touch with the students and they with him. Eventually the pressure from the State Department forced him to give up teaching. I seem to have read in the newspapers and seen on T.V. that during this school year our present Superintendent of Public Instruction, Dr. Dale Parnell, who will be speaking to you next on the program, spent some time teaching in the classroom and said he learned something from having done so. Even after being forced out of the classroom Mr. Slater found a way to get additional contact with and exposure to his students. He assigned himself as lunchroom monitor in order to maintain this contact.

Mr. Slater strongly feels that the first ingredient to learning is discipline. Granted that discipline can be accomplished by different people by different methods, yet if there is not discipline in the classroom the efficiency of learning is greatly reduced. He does his best at the start of each year and during each year to get this fact across to his new teacher.

I don't believe there is anyone who would not agree that he has always had a disciplined classroom. The school is one place where a firm, fair authoritarian is a great asset. I think that you will find that even after growing up a lot of his former students remember and respect the discipline and fairness of his administration. There is a sort of awe they hold. He is still Mr. Slater to them.

Mr. Slater has seen numerous teaching fads and methods come and so. I know of some that he felt were poorly conceived and wrong and either resisted using them or discontinued using them as soon as possible. Time has proved him right. He feels that every child capable of learning them should have an opportunity to learn and be well grounded in the basics of reading and arithmetic and he has always aimed toward the strongest programs possible to equip every child with these basic skills because a weakness in them handicaps the child in all his other courses and in life. He has always resented the crowding of the curriculum with—to him and me—some programs of lesser importance when it cuts into the teaching time of the basic subjects. He has had an especially strong interest in reading programs and has done everything he could to maintain a strong reading program in his school. This includes the early instituting of special reading classes taught by teachers specially trained to help children with reading problems. It involved the use of what he feels to be the best reading curriculum method available to help children become good readers.

Mr. Slater has taught many things to his students that are not taught in the regular classrooms. He teaches love and respect of God and country. He does this by his own example and through teaching programs. Now, of course, religion can't be taught in our public schools in Oregon, but he never has hesitated to tell his students to attend the church of their choice regularly and he sets the example by doing so himself. The clean—if you overlook his cigars—moral life that he lives in this small fishbowl community speaks stronger than words of his belief. He tries to hire teachers who have the same standards.

He strongly believes that patriotism should and must be taught to our students in school. In 1951 he had a small Lincoln's Day program put on by the 7th and 8th grade students. This program has been repeated and grown so that now each year it plays to standing room only audiences.

Each year at graduation exercises, there is present in the audience, nervous parents of graduates on the platform, who will be giving speeches during the course of the program. Each such parent is afraid their child is going to have some sort of a catastrophe while giving his speech, but it never happens. Instead, the child goes far beyond the expectations of their parents, in what may well have been their first exposure to public speaking. Why? Because Mr. Slater has spent hours in the evenings training these children and giving them their first lessons in public speaking. Many a person has been thankful then and later in life for the training Mr. Slater gave them. His scrapbook has letters to attest to this. I have had former students personally tell me so.

The Burns Grade School under Mr. Slater's direction has twice won a Freedom Foundation award for its outstanding program in teaching the fundamental freedoms of the American way of life. In addition to this Mr. Slater has personally received eleven separate awards from the Freedom Foundation at Valley Forge for original essays. No one else in the United States has received as many awards from the Freedom Foundation. The following list of winning essays very well shows his feelings and convictions about his country. His first winning essay was in 1951 and was entitled "My Country". In 1953 the essay was entitled "Freedom's Holy Light".

1955—"Youth, Americanism Citadel."
1957—"Let's Teach Americanism."
1958—"Let's Stand Up and Be Counted."
1959—"This is our Record."
1960—"We Have Reached the Crossroads."
1961—"Our Heritage."
1962—"Long May it Wave."
1963—"The Truths are Self Evident."
1967—"The Whites of Their Eyes."

In these days when we see so much evidence of lack of respect of our flag, our country, and of any form of authority we see more than ever the need for clear thinking far-sighted educators as Mr. Slater.

I consider myself especially fortunate that over the years I have had the privilege of being one of the hosts of Mr. Slater's friends. I have spent many hours with him under a variety of circumstances and know what a wonderful man he really is. We have had numerous confidential discussions and I have never heard him say a bad word about or run down the character of any individual no matter what the provocation might be. Anyone who has been around Mr. Slater knows how well he appreciates good humor and who has not been made to feel better as they have listened to his hilarious, highly individual laughing.

In spite of the fact that he is a recognized leader in our community, he is humble, available to all and is quick to recognize anything good or helpful done by others. Numerous are the letters of thank you and congratulations that he has written to many of us in this community. He is the author of many thank you letters in the local paper to people for helping in special projects. He has been generous of his time and talents in supporting worthy projects by letters in the paper and talks over the radio and to group meetings.

His is a well rounded life. Besides being an active leader in his profession, his off duty hours are filled with a variety of activities. He is a good husband, father of two, and proud grandfather of five. He is an avid fisherman and has spent many hours in the fields of Harney County, hunting birds. Only in the past few years has he given his faithful double barreled shotgun that he called Black Mariah. He is interested in a wide variety of sports. His midwest background and loyalties sometimes warp his judgment in the nicking of winners of contests between the Big Ten and the West Coast. He is a frequent winner of bridge tournaments and has earned a national ranking of a National Master. He is widely read in many fields and takes an active interest in politics from the local to the national level.

His accomplishments of course have not gone unnoticed. In January, 1961, he was chosen as Senior Citizen of the year for Harney County for the year 1960. I had the privilege of presenting him for that award. On August 12, 1969, President Nixon directed James E. Allen, Jr., Assistant Secretary for Education, to write a letter of appreciation to Mr. Slater for his outstanding contributions to American Education and preservation of our country's heritage. On August 16, 1969, Governor Tom McCall issued a special proclamation honoring Mr. Slater for his outstanding contributions to good citizenship in Oregon. Mr. Slater has received many letters from students and parents thanking him for the influence he has had on their life or the life of their children. I am sure that all of these recognitions have warmed his heart and helped to repay him for the many hours over and above the requirements of his position that he has willingly given over the years, but I am sure that none of these recognitions will mean as much to him as the one made possible by his admirers in the community, the renaming of Burns Grade School, officially known as Henry L. Slater Grade School.

In closing, I want to thank you, Hank, from the bottom of my heart for all that you have done for this community and more personally for all the help and guidance you have given me and my family for allowing me to benefit by your true friendship.

UP, UP, UP FOR SHOE IMPORTS—DOWN, DOWN, DOWN FOR JOBS FOR SHOE WORKERS

Mr. McINTYRE. Mr. President, the figures on shoe imports for the first quarter of 1971 are now available.

They show once again the dismal picture of shoe imports up, up, up. There has been a 27.4-percent increase over the first quarter of last year.

This means, of course, that the American shoe workers are suffering further. They are losing more jobs to foreign workers. They face an increasingly uncertain future.

The administration still does not act. They have provided some job retraining assistance. But this is just a band-aid on the severe injury suffered by the shoe industry. Congress must act.

Mr. President, I ask unanimous consent that the figures on shoe imports compiled by the American Footwear Manufacturers Association for January, February and March of this year, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

American Footwear
Manufacturers Association,
May 7, 1971.

Imports, March 1971—First Quarter 27 Percent Above Last Year

In March, 31,517,000 pairs of Leather and Vinyl footwear were dropped on American shores, bringing the total for the first quarter to 87,531,000 pairs—a 27.4% increase over the same period last year.

However one compares the statistics for imports, the results are always the same—they continue to grow, and *at the expense of domestic production*. In 1970 imports represented 42% of domestic production. Compare that with 4% in 1960, 14% in 1965, and the dramatic growth of imports is quickly revealed. *The growth continues in 1971 at a lighting speed.* For the first quarter imports represented 65% of domestic production—a devastating statistic for domestic manufacturers, to say the least.

Coupled with the increase in pairs is the greater increase in the dollar value of imports. In 1970 the value of imports totaled $549,248,000 at the f.o.b. level—a 28% increase over 1969. No longer are we getting *only* cheap footwear from abroad. Leather footwear in 1970 totaled 120,395,000—*78%* of the value for all imported footwear. Thus far this year, the f.o.b. value of leather footwear accounts for 80% of the total f.o.b. value.

With the first three months' data in, we can readily see that as long as imports are allowed to enter the American Market freely, they will continue to stabilize their growth performance of the past few years.

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[Thousands of pairs; thousands of dollars]

Type of footwear	March 1971, pairs	Percent change, 1971/1970	3 months, 1971			Percent change, 3 months, 1971/1970	
			Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value
Leather and vinyl, total	30,737.2	+25.9	85,251.7	176,668.5	2.07	+28.2	+31.1
Leather exclusive, slippers	17,319.8	+18.2	45,521.7	141,205.6	3.10	+27.6	+27.0
Men's, youths', boys'	4,412.8	+25.0	11,540.7	47,361.7	4.10	+34.8	+36.3
Women's, misses'	11,600.6	+17.0	30,146.4	86,610.2	2.87	+25.2	+22.1
Children's, infants'	991.5	+15.9	2,952.9	4,069.4	1.38	+36.8	+38.1
Moccasins	46.4	−79.6	133.3	175.0	1.31	−31.6	+15.3
Other leather (including work and athletic)	268.5	+17.8	748.4	2,989.3	3.99	+10.6	+22.5
Slippers	21.4	+22.3	44.5	127.4	2.86	+16.8	+42.3
Vinyl supported uppers	13,396.0	+37.6	39,685.5	35,335.5	.89	+28.9	+50.8
Men's and boys'	2,580.0	+96.0	6,844.7	7,544.0	1.10	+84.9	+82.5
Women's and misses'	9,702.3	+30.8	29,478.4	25,522.9	.87	+22.3	+46.8
Children's and infants'	989.5	+25.3	2,963.4	1,986.0	.67	+16.3	+20.3
Soft soles	124.2	−41.4	399.0	282.6	.71	−11.6	+5.7
Other nonrubber types, total	780.4	+3.3	2,279.4	2,273.4	1.00	+4.7	−13.5
Wood	155.4	−45.6	411.7	1,055.5	2.56	−43.9	−39.5
Fabric uppers	453.1	+28.5	1,361.6	818.7	.60	+11.0	+23.7
Other, n.e.s	171.9	+46.3	506.1	399.2	.79	+134.5	+81.5
Nonrubber footwear, total	31,517.6	+25.3	87,531.1	178,941.9	2.04	+27.4	+30.3
Rubber soled fabric uppers	5,419.4	+44.3	14,917.9	14,483.2	.97	+31.9	+68.8
Grand total, all types	36,937.0	+27.7	102,449.0	193,425.1	1.89	+28.1	+32.5

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the association, Room 302, 342 Madison Ave., New York, N.Y. 10017.

SPEEDY TRIALS—NOT PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, on February 22, 1971, I introduced S. 895, a bill to give vitality and meaning to the speedy trial guarantee of the sixth amendment of our Constitution. At that time 24 Senators joined me in this effort to minister to the needs of our troubled criminal justice system. Today, I am pleased to announce that 17 more Members of the Senate have found sufficient merit in this bill to cosponsor it. I look forward to their active support as we work toward our common goal of speedy trials for all criminal suspects, and I ask unanimous consent that at the next printing of S. 895 the following Senators be shown as cosponsors: Birch Bayh, Wallace F. Bennett, Lloyd M. Bentsen, Jr., Alan Bible, Quentin N. Burdick, Howard W. Cannon, Clifford P. Case, Lawton Chiles, Alan Cranston, Carl T. Curtis, Robert Dole, Thomas F. Eagleton, Hiram L. Fong, David H. Gambrell, Edward J. Gurney, Philip A. Hart, Vance Hartke, Ernest F. Hollings, Roman L. Hruska, Harold E. Hughes, Hubert H. Humphrey, Daniel K. Inouye, Henry M. Jackson, Jacob K. Javits, Edward M. Kennedy, Charles McC. Mathias, Jr., John L. McClellan, Gale W. McGee, George McGovern, Thomas J. McIntyre, Walter F. Mondale, Frank E. Moss, Edmund S. Muskie, Robert W. Packwood, Claiborne Pell, Jennings Randolph, Ted Stevens, Herman E. Talmadge, Strom Thurmond, John G. Tower, and Harrison A. Williams.

This means that in the short space of time since S. 895 was brought to the Senate a total of 42 Members have rallied behind this effort to solve one of the most urgent problems of our day. Mr. President, this indicates to me that the Senate and the people of this Nation want legislative action to enforce the Constitution and not just an empty slogan which perverts it.

S. 895 has been referred to the Constitutional Rights Subcommittee, and I hope we can soon begin our hearings so that the bill can be refined, if necessary, and brought to the Senate floor. With the strong show of support already manifested in the Senate, I fully expect this body to pass a speedy trial bill within the very near future.

A few weeks ago at the National Conference on the Judiciary, an assemblage of prominent judges, lawyers, and educators, the President made plain his own commitment to speedy trial. On that occasion he said:

> The founders of this Nation wrote these words into the Bill of Rights: "the accused shall enjoy the right to a speedy and public trial." The word "speedy" was nowhere modified or watered down. We have to assume they meant exactly what they said—a speedy trial.
>
> It is not an impossible goal. In criminal cases in Great Britain today, most accused persons are brought to trial within 60 days after arrest. Most appeals are decided within three months after they are filed.

I am delighted to know that the President is firmly dedicated to both the principle and practice of speedy trial. His dedication will enhance our efforts to achieve a viable legislative solution to the problem.

In addition to the strong backing for speedy trial already displayed by the Senate and by the President of the United States, it is heartening to know that we also have the Chief Justice of the United States Supreme Court with us in the battle. In his address to the American Bar Association on the state of the Federal judiciary in August of last year, Chief Justice Burger said:

> If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.
>
> Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

In declaring that criminal trials within 60 days would sharply reduce the crime rate and that both the accused and the public have a fundamental right to speedy trial, the Chief Justice plainly enunciated two consummate truths which neither the legislature, nor the judiciary, nor the executive can ignore any longer.

Recently, Mr. President, we have seen some encouraging signs emerge from within the judiciary both at Federal and State levels. On January 5, 1971, the Judicial Council of the Second Circuit Court of Appeals promulgated a series of new speedy trial rules for the Federal courts of the Second Circuit. This action assumes great significance when we consider the fact that the Second Circuit contains the Southern District of New York which is one of the busiest Federal district courts in the land.

The new rules require that the U.S. attorney must be ready for trial of an unconvicted, detained defendant within 90 days of detention. If not, the defendant is to be released, unless exceptional circumstances appear. The rules also require the Government to be ready for trial in all cases within 6 months from the date of arrest, service of summons, detention, or filing of a complaint or a formal charge, whichever is earliest. Otherwise, the case shall be dismissed upon motion of the defendant or the district court. The rules also give a clear priority generally to criminal cases and particularly to detained defendants and detained defendants believed to present unusual risks. In announcing the rules, the Circuit Judicial Council stated:

> The deterrence of crime by prompt prosecution of charges is frustrated whenever there is a delay in the disposition of a case which is not required for some good reason. The general observance of law rests largely upon a respect for the process of law enforcement. When the process is slowed down by repeated delays in the disposition of charges for which there is no good reason, public confidence is seriously eroded.

At the State level the New York Court of Appeals, the highest court in that State, has sought to set its own house in order by boldly following the pattern set by the Second Circuit. It announced new rules just 2 weeks ago which will require release on bail of nearly all defendants whose trials have not begun within 90 days of their arrest and the outright dismissal of defendants who have not been brought to trial, through no fault of their own, within 6 months of their arrest. In recognition of the immediate administrative and financial burden the rules would impose, the effective date for the new court rules is May of 1972.

The kind of initiative displayed by the second circuit court of appeals and by the New York Court of Appeals will serve as a useful adjunct to the legislative efforts of the Congress and of State legislatures throughout the country who tackle the problem of trial delay.

In addition, Mr. President, many of our courts already have exemplary records in this field. For them, neither legislation nor court rules need be imposed. In a recent letter from Chief Judge Albert Stephens, Jr., of the U.S. District Court for the Central District of California, which includes part of Los Angeles, I learned that for the first 7 months of fiscal year 1970–71, the average number of days elapsing from the date of arraignment to disposition was only 34.8 days. That commendable record shows that speedy trial can be a reality even in the busiest of districts.

Mr. President, our courts are beginning to pay heed to defendants' assertions that their constitutional right to speedy trial has been denied. For example, in the recent case of *United States* v. *Wahrer*, 319 F. Supp. 585 (1970), the court granted the defendant's motion for dismissal where the alleged offense occurred on January 28, 1970; an indictment was returned on September 17, 1970; and the defendant was taken into custody on September 28, 1970. Holding that the defendant's right to a speedy trial had been denied, the Court dismissed the case and recognized a fundamental truth when it said:

> The greater the period between the date of the alleged offense and arrest or indictment the more difficult it will be for the defendant to put forth his defense. With the passage of time he will be less able to remember the circumstances and happenings on the day of the alleged crime.

I ask unanimous consent that the case of United States against Wahrer be printed in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

Moreover, Mr. President, I am encouraged by the increasing support from private citizens and newspapers across the country for S. 895. This response shows that our people have long been counting the cost to society of unreasonable delay. It demonstrates that they recognize the need for a major overhaul of our judicial machinery and that they are looking to Congress for the imaginative leadership necessary to achieve the task. Perhaps most important of all, it shows that they share our commitment to attain the goal of speedy trial. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks several recent newspaper editorials in support of S. 895, the speedy trial bill.

(See exhibit 2.)

Mr. President, with the support of the President of the United States, a major portion of the Senate, the Chief Justice of the U.S. Supreme Court, significant segments of the Federal and State judiciary and citizens and newspapers across the land, I am optimistic about enactment of a speedy trial bill this year. I do believe that the time has arrived when we shall overcome the obstacle of trial delay which has been exacting an unduly high price from accused and society alike.

Depite this wide-ranging support for speedy trial, I am still very much aware that more must be done before S. 895 is ready to be enacted. As the President said recently:

> "Reform" as an abstraction is something that everybody is for, but "reform" as a specific is something that a lot of people are against.
>
> A good example of this can be found in the law: Everyone is for a "speedy trial" as a constitutional principle, but there is a good deal of resistance to a speedy trial in practice.

It is far simpler, indeed, to call for reform than it is to achieve it.

Nowhere is that more true than in respect to this specific proposal, for while the press, the Senate, the people, and the President all support speedy trial, the Justice Department has so far maintained a stolid silence. I remember last year's unrelenting efforts by the Justice Department in behalf of its preventive detention bill despite the existence of a speedy trial proposal which offered a clearly constitutional alternative to preventive detention.

I hope the Department's silence does not mean that we should expect more proposals to imprison persons without trial for suspected criminal tendencies. I should like to think that all such devices have been forever laid to rest.

We do not need another divisive fight over an effort by the Department to enact preventive detention legislation which would place allegedly "dangerous" defendants in prison without trial by denying them their constitutional right to reasonable bail. I hope all of us can instead unite and focus our attention and energy on the viable alternative to preventive detention—speedy trial.

I hope my lingering doubt that Justice Department preventive detention proposals are not yet dead will quickly be calmed. And yet I wonder why nearly a year has elapsed since introduction of S. 3936, predecessor to S. 895, with no statement from the Department about speedy trial. I fear that the Justice Department is still enamored for the sloganeering approach to law and order while the rest of the country has come to realize that only hard work can bring safety to our streets and justice to our courts.

Mr. President, the Department's silence is particularly strange. On September 17, 1970, I first wrote to the Attorney General to solicit the Department's views on S. 3936 and to invite suggestions for any changes it thought advisable. I requested a response by December 1, 1970, if possible.

On October 8, 1970, I received a reply from Deputy Attorney General Kleindienst which informed me that the Department was then making a careful study and evaluation of the bill and that it would make every effort to send comments to me by December 1, 1970.

Having received no reply by January 25, 1971, I wrote to Mr. Kleindienst to tell him of my intention to reintroduce S. 3936 this session and to ask again for the Department's comments. In addition, as an aid to scheduling the Constitutional Rights Subcommittee's activities for this year, I asked whether the Justice Department planned to reintroduce S. 2600, its preventive detention bill, or other proposals to amend the Bail Reform Act of 1966. To date I have had no response from Mr. Kleindienst.

I hope the failure of the Justice Department to respond can be read as a mere oversight, even if it is oversight of a serious proposal to enforce the Constitution. Or perhaps it can be attributed to an honest and continuing effort to suggest improvements in the bill, although I do not believe my bill can be so bad that it requires 8 month's worth of suggested changes. I certainly hope it does not signal a continuing desire to pursue the vain and false panacea of preventive detention.

For the life of me, I cannot understand why any Department of Justice would rather have preventive detention, which holds vital provisions of the Constitution in utter contempt than speedy trial, which seeks to enforce fundamental constitutional rights. I wish I were endowed with the rhetorical ability to persuade the Justice Department that preventive detention ought to be confined forever in some special branch of the Smithsonian Institution designed to house legal curiosities.

In 1789, the year in which the United

States began under the new Constitution, Congress passed the Judiciary Act of 1789 and thereby established a practice which has prevailed throughout the intervening 182 years; namely, that all persons charged with noncapital crimes have an absolute right to be released on bail pending their trial and conviction. That principle is incorporated in Federal statute, Federal rules of criminal procedure, and in the constitutions and laws of some 40 States.

Notwithstanding these facts, the Justice Department submitted a proposal to Congress last session asking that this 182-year tradition be abrogated. Inherent in any such proposal is the authorization for judges to imprison persons charged with crime prior to trial and conviction if they are charged with crime designated as either "dangerous crimes" or "crimes of violence," and if the judge predicts that they may commit some crime if freed on bail.

That clearly means imprisonment and punishment of persons for crimes which they have not yet committed and may never commit. Preventive detention is manifestly repugnant to our traditions. It will undermine one of the keystones of American liberty—the right to reasonable bail. It will handicap an accused and his lawyer in preparing his case for trial. It will result in the incarceration of many innocent persons.

I have long believed that if America is to remain a free society, it will have to take certain risks. One is the risk that a person admitted to bail may flee before trial. Another is the risk that a person admitted to bail may commit crime while free on bail.

In my judgment, it is better for our country to take these risks and remain a free society than it is for it to adopt a tyrannical practice of imprisoning men for crimes which they have not committed and may never commit merely because some court may peer into the future and surmise that they may commit crimes if allowed freedom prior to trial. I have always felt that the risks of freedom are greatly to be preferred over the certainties of tyranny.

The Department of Justice has failed to see the many constitutional difficulties which countless others perceived in preventive detention. If it still adheres to that view, it would seem that the practical problems alone would by now have provided reason enough to abandon this nostrum.

For example, the need for preventive detention legislation concededly rests on the inability to provide speedy trials for criminal suspects. It is an attempt to compensate for a progressive breakdown in our law enforcement structure and especially our over-burdened courts. Yet, preventive detention, the Justice Department's solution, would impose heavy additional administrative burdens on the already heavily backlogged courts.

A full adversary hearing and the need to make informed decisions on predictability would, in many instances, take as much time as would actual trial of the principal case. Court congestion would get worse. Delays in criminal trials would increase. If preventive detention were ever used to the extent sufficient to provide community protection, it would so burden the courts that all hope would be lost for providing speedy trials for all criminal suspects.

Furthermore, before the Justice Department digs out the preventive detention stratagem again, it should think of the effect on the personal freedom and livelihood of detained individuals, at least some of whom would be innocent. Obviously 60 days of preventive detention would cost the detained individual his job. Loss of employment plus physical absence from his home would unquestionably have a detrimental effect upon his family. The taxpayers would probably be required to contribute to the financial support of his family and would certainly pay the costs of his detention.

Testimony during the Constitutional Rights Subcommittee bail reform hearings a few years ago estimated that the public cost of pretrial detention before the Bail Reform Act was $2 million. How much more sensible and effective it would be to use money to provide speedy trials than to detain preventively mere suspects who are presumed innocent.

Nor should the Department forget the impact on the individual of subjection to the physical and psychological deprivations and degradations of prison life. Prisons all across the land are engulfed with problems of assault, narcotics, and homosexual rape, as well as general turmoil and unrest, all of which result primarily from overcrowding and inadequate supervision. The jails and prisons of our country are a disgrace. Yet preventive detention would inject untold additional individuals, many of them innocent, into this problem-ridden, overcrowded prison system.

Needless to say, a period of 60 days of preventive detention in such a system is not likely to improve an individual's reputation. It makes securing employment difficult. In all probability, it increases rather than reduces any existing criminal tendencies. And it sharply detracts from the defendant's ability to secure a fair trial or a probationary or suspended sentence in the event of conviction.

Mr. President, I do not question the motives of those persons in the Justice Department who still advocate preventive detention. They mean well. They view preventive detention as a means of controlling crime, and their objective is an honorable one. In this case, however, I fear that they fail to see the forest of liberty for the trees of convictions.

I want to make it abundantly clear that I too am deeply concerned about the crime problem in this country, and about the safety of our law-abiding citizens. The existence of a crime problem, however, should not prompt Congress to enact deceptive legislation which is unconstitutional and unwise. Rather, it should provide us with the opportunity to make those difficult legislative decisions which are essential if our court and corrective systems are to cope with the demands of modern society.

Perhaps, Mr. President, I should subdue any prolonged suspicion I might have that the Justice Department intends to attempt a revival of its preventive detention bill. Yet the lack of any response to my inquiries gives me pause.

Perhaps another reason my suspicion lingers is that I have not yet forgotten the manner in which the Department circumvented normal legislative process in order to thrust its nationwide preventive detention plan onto the District of Columbia. Knowing full well that its preventive detention scheme would not survive a test on its merits before the House and Senate Judiciary Committees, nor a full debate on the floor, the Department had its plan attached to the House version of the District of Columbia court reorganization legislation.

It was literally hidden away under false colors in the deepest recesses of the House rendition of the District of Columbia crime bill. The effect of this tactic was to foreclose a full and free debate on the constitutional and practical issues raised by the Department's preventive detention proposal.

The Justice Department's preventive detention bill received only a few minutes of discussion on the last day of the House District Committee hearings and the only witness called to testify was from the Justice Department. Not a single judge or law professor testified. Nor did the committee have the benefit of the nearly finished Justice Department statistical study prepared by the National Bureau of Standards.

That statistical study, which severely undercut the Department's arguments for preventive detention, was released just a few weeks after the device had been secreted in the District of Columbia crime bill. Needless to say, the Department made no effort then to have preventive detention removed from the bill. It ignored the study and pushed its bill.

The time for serious hearings on the Department's preventive detention bill arrived only after the National Bureau of Standards study was completed because no reliable statistics had been available until then. When that study was released, the Constitutional Rights Subcommittee began extensive hearings on the Department's national preventive detention bill. The witnesses who appeared were almost unanimous in their opposition to the proposal.

In the meantime, however, the District of Columbia crime bill, containing the Department's preventive detention measure, went to a conference committee of House and Senate District Committee for the resolution of some 170 major differences. Interestingly enough, a vanguard of four or more Department of Justice attorneys constantly remained, like faithful servants, by the conference committee door to aid the House conferees.

The end result was a massive, unamendable conference report. The Senate was forced to vote for preventive detention or risk having no District of Columbia crime bill at all. That bill contained many wise and constitutional provisions along with some very unwise and unconstitutional provisions like preventive detention. The Justice Department was thus able to put itself in the position of the apple seller who buried his rotten apples at the bottom of the barrel and put his good apples on top so he could sell all of his apples, both good and bad.

That sort of activity by the Justice Department frustrated any consideration of the issues and was a cynical perversion of acceptable legislative principles. I strongly oppose any effort to seek enactment of such controversial legislation by such sly and furtive procedures.

Mr. President, I have always been taught that the cunning of the fox is as murderous to a shepherd's lambs as the violence of the wolf and that therefore we ought to guard equally against both. Having seen important constitutional safeguards of citizens of the District of Columbia fall victim once to the cunning of the Justice Department, I am wary of extended periods of silence from that quarter. I hope that in the days ahead I can look back and find that I have been unduly and unjustifiably cautious. Though I must confess that little in that Department's recent record gives me much cause for optimism.

Preventive detention, which the Department so vigorously sought last year, became available to prosecutors and courts in the District of Columbia more than 3 months ago when the infamous District of Columbia crime bill took effect on February 1, 1971. Out of the first nine defendants against whom the Justice Department sought to use preventive detention only one was being preventively detained as of April 2, 1971. In all other cases some intervening factor precluded preventive detention notwithstanding the Justice Department efforts to use that provision.

Initially, the preventive detention hearings were open proceedings. It was then possible to begin an indispensable and thorough study of the Department's efforts to implement preventive detention. It has become progressively more difficult to conduct any such study, however, because of the tightened cloak of secrecy being imposed on preventive detention proceedings.

From the open public proceeding which prevailed at the first, and which may be required under the Sixth Amendment, the procedure has shifted to a secret hearing with information available only about the alleged crime and the result of the hearings. Thereafter, a Superior Court judge drew the curtain even tighter when he forbade the Government prosecutors, defense attorneys and court personnel from revealing any aspect of the hearing including the alleged crimes, names of defendants or the results of the hearing.

Mr. President, it was reprehensible, indeed, ever to begin this experiment with the civil liberties of District of Columbia citizens. It is unpardonable to carry out the experimentation in secret. For now we have not only preventive detention but a return to the star chamber as well. This is not an enviable record for a government agency which contains the word "justice" in its name.

Notwithstanding the apparent decision of the District of Columbia Superior Court, the secrecy issue seems far from settled. In the only case thus far to get from the U.S. magistrate level or the District of Columbia Superior Court level up to the U.S. District Court for the District of Columbia, the judge there expressed some views showing considerable disagreement with the clandestine approach being used.

In that case a defendant had been ordered into preventive detention at a secret hearing. Two weeks later when the grand jury got the case it did not even find sufficient evidence to return an indictment. The defendant's counsel then sought release for his client by bringing a petition for a writ of habeas corpus to the Federal District Court.

At the hearing on that petition, the judge spoke out against the secret preventive detention hearings and said he feared they would grow and spread like a cancer. The judge doubted that a secret preventive detention hearing would comport with the sixth amendment guarantee of a public trial.

His criticism also reached several other practices apparently fostered by the U.S. Attorney's office and sanctioned by the lower courts. In addition to the cloak of secrecy, he specifically objected to the citation of prior criminal records without proof or documentation in the court; the reliance on hearsay evidence by the Government in trying to show prior conduct for detention; and the failure to give a defendant explicit instructions on whether any testimony he gives at the detention hearing may later be used against him.

What a shame it is, Mr. President, that the unlimited time, effort, and money spent by the Justice Department in pushing preventive detention for the District of Columbia through the Congress and the untold manpower and resources already expended by the U.S. Attorney's office and the courts could not have been devoted to providing speedy trials for all criminal suspects in the District of Columbia. What a shame it is that the same attitude expressed by the Justice Department in having its bill enacted is being followed in applying the law in the courts. The Department has no more faith in the merits of the bill now than it had last year. Secrecy and cynicism have become the Department's main weapons.

To many people it is a strange paradox that the untried, unconvicted suspects, presumed innocent, often seem to have the most difficult time of all those enmeshed in our criminal justice system. Life magazine recently told the story of a defendant who had been in jail for 10 months while awaiting trial. In a conversation with his lawyer, he was told that if he entered a guilty plea, the likely sentence was 1 year. With credit for his good behavior, the defendant could plead guilty and, having already served his sentence, walk out a free man. If, on the other hand, he maintained his innocence and insisted on trial, he would spend more time in jail prior to trial and would probably get a stiffer sentence if he should be found guilty. The baffled defendant could not believe his predicament. Life quoted him as saying:

> You mean if I'm guilty, I get out, but if I'm innocent, I stay in jail?

That is the strange paradox that often arises when a defendant is not allowed or cannot afford bail. It is like the discussion between two characters in a scene from "The Duchess of Padua" by Oscar Wilde:

> FIRST CITIZEN. They will try him first, and sentence him afterwards, will they not, neighbor Anthony?
>
> SECOND CITIZEN. Nay, for he might 'scape his punishment then; but they will condemn him first so that he gets his desserts, and give him trial afterwards so that no injustice is done.

Michael Gartner, an editor of the Wall Street Journal, who also happens to be a lawyer, wrote an interesting article about this bizarre turn of events in the April 7, 1971, Journal. In that article he contrasted the release of Lt. William Calley after his conviction for murder and the preventive detention of Sylvester Vick who is being held in the District of Columbia Jail without bail even though he has not been tried or convicted of his alleged offense of selling narcotics.

Mr. Gartner finds that situation to be an "alarming paradox." He points out that despite a murder conviction Lieutenant Calley is comfortably situated in his own apartment with frequent visits from his financee and other persons, including high State officials. His freedom results from a special executive dispensation.

Mr. Gartner finds a stark contrast when he looks at Sylvester Vick. Vick has not been convicted, and yet he sits in a cell of the D.C. Jail and undergoes all the physical and psychological deprivations and degradations which accompany detention there. He is a victim of the Justice Department's preventive detention bill. The author calls our attention to the fact that the same administration which freed Lieutenant Calley also pushed a bill through Congress last summer which made preventive detention a part of the law of the District of Columbia. To Mr. Gartner, those situations are glaringly inconsistent.

He believes that if preventive detention could ever pass constitutional muster it could do so only when surrounded with so many procedural safeguards as to make it impractical. As he states it:

> Preventive detention as a practical matter is simply unconscionable, unconstitutional and unworkable.

He believes, as I do, that the enormous resources which must be poured into a preventive detention program to make it work should instead be devoted to the task of speeding up the time between arrest and trial. Preventive detention, with all its practical and constitutional problems, would then be unnecessary.

In calling upon the Justice Department to alter its position in favor of preventive detention, Mr. Gartner says:

> The President and his associates are busy men. But if they take the time to release from the stockade a convicted murderer, maybe they can take a few moments to consider the consequences of jailing men who haven't been convicted of anything.

Mr. President, I ask unanimous consent that the article by Mr. Gartner be included in the Record at the conclusion of my remarks.

(See exhibit 3.)

Mr. President, one of the most troublesome problems with preventive detention is that it rests on the theory that a judicial officer can pick with precision those suspects who will commit crime if released on bail. That theory of predictability is fraught with serious practical difficulties which, in turn, raise issues of constitutional dimension.

The National Bureau of Standards study, commissioned by the Department of Justice, was the very first reliable statistical study to tackle the predictability problem in a scientific manner. To a significant degree the National Bureau of Standards study undercut the primary Justice Department arguments in support of preventive detention.

For one thing, it showed that the amount of pretrial crimes was extremely low. The rearrest rate was 17 percent when both felony and misdemeanor arrests were considered. That figure for rearrests dropped to 5 percent when "dangerous" or "violent" crimes were considered. The study thus showed that there is not a high rate of serious crimes by persons free on bail between arrest and trial. When we consider the fact that the study is talking about rearrests only and not convictions, we can see that the actual rate would be even lower.

The National Bureau of Standards study also showed that there was no correlation between the type of crime for which the first arrest was made and the severity of the second alleged offense. Those initially charged with a felony who were rearrested were more often than not rearrested for misdemeanors and not felonies. Thus preventive detention of "dangerous" or "violent" offenders would not give any assurance that serious bail offenses could be significantly reduced, let alone be eliminated.

In addition the study showed that most bail recidivism does not occur in the immediate post-arrest period. Yet, the Justice Department bill would detain for the first 60 days—the very time when defendants are not likely to commit crimes. Thus, preventive detention would have no effect of any consequence on bail recidivism.

Finally, the National Bureau of Standards study took a preliminary look at the predictive mechanism employed by the Justice Department bill for determining which of the persons falling in the class susceptible to detention could be expected to commit a future offense. The Bureau tried to correlate each of the indicators, mentioned in the Justice Department plan, to bail recidivism and found that none of them, considered singly, showed any promise of being a reliable predictor. The Bureau did not test all the factors together and so its work in this respect was not complete. It did, however, survey briefly parole and probation which also involve attempts to predict future criminal conduct. It concluded that prediction in criminal law is a chancy process at best. Moreover, the study saw virtually no likelihood of development in the near future of a reliable preventive detention prediction system.

Mr. President, I am pleased to report that another study has just been released which also discusses the theory of predictability that must underlie all preventive detention schemes and devices. The new study is titled "Preventive Detention: An Empirical Analysis," and it appears in volume 6 of the Harvard Civil Rights—Civil Liberties Law Review at page 300.

The study was done by a research team of four law students who viewed the District of Columbia preventive detention law as if it applied in Boston. Arrest records for a 6-month period in 1968 were used and each defendant who would have been subject to preventive detention under the District of Columbia law was examined. The results of the Harvard study confirm the conclusions of the National Bureau of Standards work of last year.

Moreover, the Harvard study goes beyond the National Bureau of Standards analysis to consider in detail the predictive mechanism of the preventive detention law. The Harvard researchers applied the 10 factors mentioned in the Justice Department's preventive detention bill in an effort to measure their reliability. They constructed two point systems modeled after experiments used in the bail reform studies of a few years ago.

In the first test, they assign weights to the 10 factors on a "hunch" basis—that is, they use a system which is very much like that which judges and magistrates use in implementing the law by relying on their experience with criminal types and their characteristics. While this is a rather unscientific approach, it is the one heavily relied upon by preventive detention advocates and the one which is actually used when preventive detention is applied in the courtroom.

As a former trial judge and a former appellate judge, I am convinced that mortal men are invested with no such divine prophetic power to make predictions about future criminal conduct when they don their black robes and take up the gavel. The Harvard study bears out my belief that the hunch system is an unreliable prediction method. At its best, it appears that the hunch system will be accurate about 30 percent of the time—that is, for every three actual recidivists detained, seven persons who would not have been convicted of an offense would also be wrongly jailed. The 30 percent accuracy figure, however, is not limited in time, and thus recidivism would in some cases be occurring months after the initial arrest and release. When a 60-day period—the actual period of preventive detention—is used, the 30 percent rate falls to an effective rate of only 5 percent.

The second system employed in the Harvard study is one of statistical analysis which should show the preventive detention plan's predictive system at its theoretical best. The researchers measured nine of the 10 factors set out in the bill to determine the actual correlation of each to recidivism and then gave each factor a weight which corresponded to the relationship it had to further crime. This statistical analysis system produced a 40 percent accuracy rate—that is, four out of every 10 detained were actually recidivists. Again, considering the number of crimes prevented during the 60-day detention compared with the total number of persons detained, the score falls to about 15 percent.

The Harvard study also discusses the two major constitutional defects of the preventive detention law which are particularly susceptible to empirical analysis—the related questions of reasonable classifications under equal protection and the rational relationship test of substantive due process. The conclusions are apparent. A scheme which tried to classify arrestees for the purpose of detention and at its best achieves little more accuracy than the imprecise method of random selection, is purely arbitrary and violates due process. It is obvious from the study that the factors upon which detention is to be based bear no rational relationship to the conclusion that persons with these characteristics will commit crimes if released.

Mr. President, the Harvard study constitutes a valuable addition to the present state of our knowledge about the theory of predictability of future crime. I especially commend it to those who put their faith in the alleged prophetic power of judges to single out accurately those persons who will in the future commit crimes.

The study is lengthy, and, therefore, I ask unanimous consent to have excerpts from it placed in the RECORD at the conclusion of my remarks.

(See exhibit 4.)

Mr. President, Prof. Alan M. Dershowitz, of the Harvard Law School, counts himself among the many who believe that judicial prediction that a citizen will commit crime in the future is virtually impossible. He has argued that proposition most persuasively in hearings before my Constitutional Rights Subcommittee. He restates his theme in brief but convincing form in the New York Times of Sunday, April 25, 1971.

There, he makes plain the basic fact that preventive detention necessarily rests on the assumption that some expert is able to predict which individuals will go out and commit violent crimes.

He says:

> Throughout history, there has been no paucity of crystal ball gazers claiming an ability to glimpse the future. They have ranged from Cesare Lombroso, a 19th Century Italian who spotted future criminals by the bumps on their heads to Dr. Arnold Hutschnecker, a friend of President Nixon's, who recently proposed that all six-year-olds be subjected to psychological testing as a means of spotting delinquent tendencies.

Professor Dershowitz believes that no truly systematic experimentations have ever been carried out to determine whether predictions of violence are accurate. To do that, it would, in his judgment, be necessary first for an expert to predict that a given individual will be violent or dangerous. Then it would be necessary to allow the individual his freedom notwithstanding the predicted violence or danger. Once such a prediction is made, the natural community response is to confine rather than release the person, and thus, says Dershowitz, "it will be impossible to determine whether the prediction was correct."

On the basis of the few followup studies that have been undertaken of escaped or judicially released inmates, he finds increasing evidence that the vast majority of predictions of danger or violence are inaccurate.

According to Professor Dershowitz, one recent effort to secure reliable information has been thwarted by the Justice Department. In his article he says:

> The Justice Department was recently asked to cooperate in an experiment under which a small number (say 10%) of defendants judicially predicted to engage in nonviolent crimes would be released at random; they would then be followed up in order to determine the accuracy of the predictions.

The Department of Justice refused the proposal claiming that "it did not want to experiment with the safety of its citizens." In his article the professor quite properly reminds the Department "that a confinement of people on the basis of untested predictions is also an experiment—an experiment with liberty."

Mr. President, I ask unanimous consent that the article by Professor Dershowitz be printed in the RECORD at the conclusion of my remarks.

(See exhibit 5.)

Mr. President, all available evidence points to the utter impracticality of preventive detention. Laying aside all the constitutional imperfections and looking only to the practical problems, is it not abundantly clear to all that preventive detention is as useless as last year's almanac?

The only way preventive detention could ever possibly become an effective tool to reduce future crime would be to put all potential offenders, including those of us here, in jail. It is theoretically possible to place so many of our citizens behind bars that there would be no more street crime. But then there would be no more freedom either. With freedom we at least all have the chance to be better; the deprivation of liberty by preventive detention destroys that chance and brings virtual certainty of the worse. These truths are so evident, Mr. President that I believe they can pierce even those heavy steel portals of the Justice Department.

We all know that a doctor does not seek to cure a patient suffering pain and anguish by merely silencing his cries. Neither can we solve our crime problems with a dose, no matter how strong, of preventive detention. We must instead clearly focus on the many difficult tasks that lie along the road to our ultimate objective of improving the quality of criminal justice in America.

In his address to the National Conference on the Judiciary, President Nixon stated the problem forthrightly when he said:

> Justice delayed is not only justice denied—it is also justice circumvented, justice mocked, and the system of justice undermined.

On that same occasion he pointed to some of the avenues we must travel as we approach our problem. He said:

> We must make it possible for judges to spend more time judging, by giving them professional help for administrative tasks. We must change the criminal court system, and provide the manpower—in terms of court staffs, prosecutors, and defense counsel—to bring about speedier trials and appeals.

Mr. President, 42 of us in this body are now backing S. 895 because we believe that speedy trials and active pretrial services agencies offer a realistic, effective and constitutional approach to the problems before us. We are no longer willing to stand idly by while the critics say it cannot be done, for we know that it must be done. The bill provides the way for each Federal district to chart its own course for speedy trials and to communicate with Congress if it requires special assistance to carry out the bill's provisions. It is a vehicle through which we can bring the long overdue improvements into our system of criminal justice.

Mr. President, the great Learned Hand once said:

> If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.

I fear that we have come perilously close to rationing justice in this country. Unless we bring quick and effective improvements to our criminal justice system, I am certain that we shall soon see that commandment tragically broken.

I am convinced that there is one effective path immediately available which provides the opportunity for Congress to combat crime and at the same time to display our fundamental concern for the individual rights guaranteed to all by the Constitution. Our unique opportunity lies in a return to the course set for us by the Founding Fathers who wrote the sixth amendment.

We must act to insure the sixth amendment right to speedy trial for accused and society alike. I believe that all of us can unite with force and common purpose behind a carefully drawn proposal to give renewed vitality to that right. Together, we can change a laudable but unattained ideal into a living, practical reality.

There being no objection, the exhibits were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

UNITED STATES OF AMERICA, PLAINTIFF, *v.* JAMES W. WAHRER, JR., DEFENDANT.

(No. A-66-70 Cr. United Sates District Court, D. Alaska. Nov. 18, 1970)

Proceedings on motion to dismiss indictment. The District Court, von der Heydt, J., held that where alleged unlawful possession of firearm by convicted felon occurred on January 28, 1970, indictment was not returned until September 17, 1970 and defendant was taken into custody on September 28, 1970, and government failed to present any explanation for delay, defendant's right to speedy determination of charges was prejudiced.

Motion granted.

1. CRIMINAL LAW—573

Right to speedy determination of defendant's guilt or innocence should not be lost merely because delay occurs before arrest or indictment, rather than after. U.S.C.A. Const. Amends. 5, 6.

2. CRIMINAL LAW—573

Rights guaranteed under Sixth Amendment provision relating to speedy trial do not necessarily coincide with limits set by applicable statute of limitations. U.S.C.A. Const. Amend. 6.

3. CRIMINAL LAW—573

Where alleged unlawful possession of firearm by convicted felon occurred on January 28, 1970, indictment was not returned until September 17, 1970, defendant was taken into custody on September 28, 1970 and government failed to present any explanation for delay, defendant's right to speedy determination of charges was prejudiced. 18 U.S.C.A. App. § 1202(a); U.S.C.A. Const. Amend. 6.

Douglas B. Baily, U.S. Atty., Anchorage, Alaska, for plaintiff.

Charles R. Tunley, Ross & Tunley, Anchorage, Alaska, for defendant.

MEMORANDUM AND ORDER

Von Der Heydt, District Judge.

Defendant, James Wahrer, Jr., has filed his motion before this Court requesting that the indictment returned against him be dismissed. As grounds for this dismissal he asserts the claim that delay from the day of the alleged violation to the day of his arrest deprived him of due process, contrary to the Fifth Amendment, and of his right to a speedy trial, contrary to the Sixth Amendment. Briefs were presented by counsel and oral argument was heard by the Court.

The indictment charges the defendant with unlawful possession of a firearm by a convicted felon[1] in violation of 18 U.S.C. App. § 1202(a). The violation is alleged to have occurred on January 28, 1970. The indictment was returned on September 17, 1970, and on the same date a warrant was issued for the defendant's arrest. Defendant was taken into custody on September 28, 1970.

The crux of defendant's argument is that the unjustifiable relay of the United States caused serious prejudice to defendant's case. The period of time which elapsed between the alleged violation and defendant's arrest was two hundred forty-seven days or eight months. Two hundred thirty-three days elapsed between the time of the alleged violation and the return of the indictment.

The first question to be considered by this Court is whether the right to a speedy trial arises before a formal complaint is lodged against the defendant. The government reasons that the language of the Sixth Amendment precludes its application until after arrest or indictment. The government cites as authority for this proposition and as Ninth Circuit law Benson v. United States, 402 F.2d 576, 580 (9th Cir. 1968). See Venus v. United States 287 F.2d 304, 307 (9th Cir. 1960), rev'd on other grounds, 368 U.S. 345, 82 S.Ct. 384, 7 L.Ed.2d 341 (1961). The defendant, however, urges the Court follow Mr. Justice Brennan's directive in his concurring opinion in Dickey v. Florida, 398 U.S. 30, 39–57, 90 S. Ct. 1564, 26 L.Ed.2d 26 (1970), which decision antedates *Benson* and *Venus*.

[1] Indeed, the advancing concept is that the entire period between the date of the offense and the sentencing must be considered. The right to a speedy determination of the defendant's guilt or innocence should not be lost merely because the delay occurs before the arrest or indictment, rather than after.[2]

The greater the period between the date of the alleged offense and arrest or indictment the more difficult it will be for the defendant to put forth his defense. With the passage of time he will be less able to remember the circumstances and happenings on the day of the alleged crime. Furthermore, without notice that criminal charges are to be brought against him, he will have no reason to fix such events in his mind. Witnesses also may disappear or die and evidence may be lost. All of these things tend to prejudice the defendant's defense, especially when the government utilizes the delay to strengthen

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Footnotes at end of article.

and document its case. As Justice Brennan, concurring in the result in *Dickey* observed: "Thus, it may be that for the purposes of the (speedy Trial) [C]lause to be fully realized, it must apply to any delay in the criminal process that occurs after the government decides to prosecute and has sufficient evidence for arrest or indictment." [3]

[2] Some courts have held that an indictment can be returned at any time within the period prescribed by the statute of limitations. See *e. g.*, Benson v. United States, 402 F.2d 576, 580 (9th Cir. 1968); United States v. Panczko, 367 F.2d 737, 739 (7th Cir. 1966), cert. denied, 385 U.S. 1009, 87 S.Ct. 716, 17 L.Ed.2d 546 (1967); United States v. Kaye, 251 F.2d 87, 90 (2d Cir. 1958). The applicable statute of limitations may be considered the primary guarantee against bringing overly stale criminal charges,[4] but it does not have to be the only guarantee. There is no statute of limitations for some crimes; when there are such statutes their limits are subject to change at the will of the Congress, and the rights guaranteed under the Sixth Amendment, Speedy Trial Clause, do not necessarily coincide with the limits set by the applicable statute of limitations.[5]

The defendant further asserts that he has been denied due process of law in violation of the Fifth Amendment. For this proposition he relies most heavily on a line of cases arising in the District of Columbia Circuit.[6] In Ross v. United States, 121 U.S.App.D.C. 233, 349 F.2d 210 (1965), a conviction for a narcotics violation was reversed on the ground of denial of due process. The court stated that the defendant was unduly prejudiced by the seven month delay between the alleged offense and the sworn complaint.

In the case at bar, the defendant is charged with unlawful possession of a firearm by a convicted felon. This is not a complicated or involved accusation; either the defendant had a .30 calibre carbine in his possession on or about the day alleged or he did not. The government required no long period of time to produce evidence and make certain that it had a case against the defendant. An indictment could have been returned forthwith, and an arrest made promptly. The government has made no showing that it required eight months in which to determine whether or not to indict and subsequently arrest the defendant. When queried by the Court at time of oral argument as to why the government did not present the cause to a Grand Jury prior to September, 1970, when the crime alleged took place on January 28, 1970, the government counsel stated that he did not know. No valid reason for the delay was suggested. Rather, the government urged that the net result was that there was no entitlement to dismiss, as defendant had shown no prejudice. This is not entirely true. The defendant, in his memorandum in support of motion to dismiss, asserts that he now is unable adequately to prepare his case because of the long delay, that his memory has grown stale, and that he will experience great difficulty in locating witnesses if any remain in the area. The government does not refute these claims.

The Court stated in *Ross* that the defendant's "failure of memory and his inability to reconstruct what he did not remember virtually precluded his showing in what respects his defense might have been more successful if the delay had been shorter * * *[7] The specific showing of prejudice can be a difficult task. In what manner can a defendant show that he would have been able to find a particular witness, or piece together a certain bit of evidence if the government had carried through the indictment and arrest judiciously.

Furthermore, it has been held that "a showing of prejudice is not required when a criminal defendant is asserting a constitutional right under the Sixth Amendment," United States v. Lustman, 258 F.2d 475, 477–478 (2d Cir. 1958), cert. denied, 358 U.S. 880, 79 S.Ct. 118, 3L.Ed.2d 109 (1958). Also, it has been proposed that after lengthy delay one may assume prejudice, *e.g.*, Hedgepeth v. United States, 124 U.S.App.D.C. 291, 364, F.2d 684, 687 (1966); Taylor v. United States, 99 U.S.App.D.C., 183, 238 F.2d 259, 262 (1956); Petition of Provoo, 17 F.R.D. 183, 203 (D.Md.), aff'd mem., 350 U.S. 857, 76 SCt. 101, 100 L. Ed. 761 (1955). As Justice Brennan stated in *Dickey*, "Thus, it may be that an accused makes out a prima facie case of denial of speedy trial by showing that his prosecution was delayed beyond the point at which a probability of prejudice arose and that he was not responsible for the delay, and by alleging that the government might reasonably have avoided it." [8]

[3] Under the special facts and circumstances peculiar only to this case and considering that the government has failed to present any explanation for the delay of eight months, the defendant's right to a speedy determination of the charges was prejudiced.

Therefore, it is ordered:

That defendant's motion to dismiss be granted.

FOOTNOTES

[1] In 1966 defendant was convicted of a felony, burglary not in a dwelling, by a state court of the State of Alaska.

[2] Nickens v. United States, 323 F.2d 808, 812–15 (1963) (Wright, J., concurring).

[3] Dickey v. Florida, 398 U.S. 30, 46, 90 S.Ct. 1564, 1573 (1970) (Brennan, J., concurring).

[4] United States v. Ewell, 383 U.S. 116, 122, 86 S.Ct. 773, 15 L.Ed.2d 627 (1966).

[5] Dickey v. Florida, 398 U.S. 30, 47, 90 S.Ct. 1564 (1970) (Brennan, J., concurring).

[6] Woody v. United States, 125 U.S. app. D.C. 192, 370 F.2d 214 (1966); Ross v. United States, 121 U.S.App.D.C. 233, 349 F.2d 210 (1965); Nickens v. United States, 116 U.S. App.D.C. 338, 323 F.2d 808 (1963) (Wright, J., concurring).

[7] Ross v. United States, 121 U.S.App.D.C. 233, 349 F.2d 210, 215 (1965).

[8] Dickey v. Florida, 398 U.S. 30, 56, 90 S.Ct. 1564 (1970) (Brennan, J., concurring).

EXHIBIT 2

DISORDER IN THE COURTS

Appraisals of what's wrong with the nation's courts were offered last week by Chief Justice Warren E. Burger of the U.S. Supreme Court and FBI Director J. Edgar Hoover.

Justice Burger, in a memo to federal judges, said the public is rapidly losing patience with a court system that takes two or three years or more to dispose of criminal cases.

In a message to police officers, Mr. Hoover complained that:

"A witness or victim involved in court proceedings in some jurisdictions may be subjected to such callous, indifferent or belittling treatment that he comes away bewildered and thoroly disgusted with our judicial machinery."

Mr. Hoover said citizens are tired of showing up for trials and not being called to testify; or being browbeaten in court as tho they were the defendant.

Delays and snafus have become so common that some people will do anything to stay out of court—even if it means ignoring a neighbor attacked on the street or refusing to "get involved" in an auto accident 20 feet away.

This is a sad situation in any society, but particularly in a society that claims to be based on the majesty of the law and the dignity of the individual.

Fortunately, the federal government—prodded by Justice Burger—seems determined to do something about it.

Not only did Congress create 61 new federal judgeships last year, but it also authorized each of the 11 federal circuit courts to hire a highly paid (up to $36,000 a year) administrator to expedite cases and screen appeals.

Another promising reform is being tried in the Federal District Court in Minnesota, where juries in most civil cases will be cut from 12 members to six this year in an effort to save money and speed the judicial process.

One way to make some sense out of the current disorder would be to require that all persons accused of serious crimes be tried within a fixed time.

This would force the courts to clear up their backlogs. And it would prevent prosecutors and defense lawyers from dilly-dallying while the accused (in some cases) languish in jail. The Federal Appeals Court in New York just this week laid down a rule that criminal cases must be tried within six months or the charges will be dismissed.

A 60-day limit in federal cases was proposed last June by Sen. Sam J. Ervin Jr., D-N.C., as part of his speedy-trial bill. Since then, the senator has been surveying judges and lawyers and hopes to conduct public hearings on the bill early this year.

The Ervin bill may not be a complete solution to the problem. No bill is. But it's an attempt to do what needs to be done if the courts are to recapture the confidence of the American people.

LANGUISHING IN JAIL

More than half of the inmates in city and county jails all over the United States are imprisoned without having been convicted of a crime. This lugubrious statistic is culled from a speech made on Monday by Senator Sam Ervin when he introduced a bill (on behalf of himself and a splendidly diverse roster of co-sponsors ranging from Birch Bayh to Strom Thurmond) to require trials of criminal suspects within 60 days. As almost everybody knows, no more than a very minor fraction of criminal suspects are in federal custody; most of those accused of crimes are in markedly inferior state or local facilities. So the Senate bill cannot be said to go directly to the heart of the problem. It does, however, offer, as Senator Ervin pointed out, "a concrete and viable proposal for breathing life into the Sixth Amendment speedy trial guarantee" and "an exemplary pattern for states to consider."

Just a few days ago Attorney General Mitchell had something to say along the same lines about jail conditions in the states and about delays in bringing accused persons to trial. Speaking at the dedication of a new courthouse in Pasadena, Calif., he remarked that "one state reports that the number of days per year that courts are in session ranges as low as 72 . . . another state, 76." And he added: "State after state reports that most of its prisons and jails have no program to rehabilitate the offender. On the contrary, conditions prevail which can make a criminal where none existed before. One state reported that about half of those in jail in its largest municipalities had not been convicted, but were held because they could not raise bail under the existing or nonexisting bail system. In many localities no effort is made to separate first offender from hardened criminals, or juveniles from adults."

The main point of Mr. Mitchell's speech appeared to be that the federal Law Enforcement Assistance Administration—which he called "the forerunner of revenue sharing"—is providing national leadership in improving the criminal justice system by "opening the eyes of the states and localities to their own faults through critical self-examination." Well, maybe so. But we were rendered slightly skeptical by the recent news from Alabama that a grand jury is now looking into scandalous misapplications of LEAA funds. One of the matters reportedly under investigation, for example, according to John

Herbers in the New York Times, is a $200,000 officer education program, abruptly canceled this week, allegedly used largely to send the sons of high-ranking Public Safety Department officials to college, with scholarships and pay of up to $6,000 a year.

But the need for reform is by no means limited to the deep South. A report on the Montgomery County Detention Center just released by the Montgomery County Civil Liberties Union discloses that about 80 per cent of the prisoner population is awaiting trial or sentencing. "In the past few weeks," according to the report, "there have been savage beatings and homosexual attacks reported in the dormitories at night." It is worth pondering what involvement in such an attack must mean to a youth whether he is innocent of the crime for which he has been arrested or, if guilty, hopeful of rehabilitation and reform.

There are two overwhelming considerations which cry out in support of Senator Ervin's bill. One is that the effectiveness of punishment as a deterrent to crime is in direct ratio to the speed with which it is administered; delays in trial and sentencing are a signal to criminals that they can get away with crime, while speedy justice affords a stern warning of the law's inexorability. The other compelling consideration is the simple truth that punishment without trial is the very essence of injustice; it breeds contempt for the law. And jails which are nothing more than places of detention frustrate the main purpose of punishment: to return convicts to life as decent citizens.

Senator Ervin's bill embodies a practical plan for speedy trials. It seems to us the best possible beginning for a reform of the criminal justice process in America.

[From the Detroit Free Press, Feb. 28, 1971]

Our Courts Don't Work

The farther along in years he gets, the greater Sen. Sam Ervin seems to serve the public good. His unrelenting fight to protect the individual and to assure justice in our bureaucratic society has earned him the gratitude of all who love liberty, even those who find his earlier racist excursions unforgiveable.

Sen. Ervin is an adherent of that unusual viewpoint that the Free Press has been advancing: That law and order and justice are not ideas in conflict, but essentially two sides of the same idea.

The trouble with America's courts, federal as well as state, is not that they coddle criminals or that they deal harshly with them. Quite simply, the trouble with the courts is that they don't work, that they are unable to cope with the job they are asked to do.

Thus, as Sen. Ervin says, the nation itself "commits a disgraceful crime" when it permits people to languish in overcrowded jails awaiting trial. And while it is true that correcting the situation will take money, "If the nation truly wants law and order, and not merely a panacea, it will pay that cost."

So Sen. Ervin and 24 other senators, including Sen. Phil Hart, have introduced a bill requiring the federal courts to try a criminal suspect within 60 days of arraignment. The bill would require the courts and the Justice Department to put a price tag on such a system. Then Congress would have to make the allocation.

It is a matter of deep conviction with us that the nation, the state of Michigan and the city of Detroit must move swiftly to make the courts work. No one need be squeamish about confining the guilty in prison. We ought to recoil in shame and horror, however, from our failure to sort out quickly the innocent from the guilty.

Perhaps, if Sam Ervin's health holds out on a national level and we can press the Supreme Court and Legislature on the state level, there can be again a system of justice worthy of the great American democracy.

[From the Muskegon Chronicle, Mar. 18, 1971]

A Welcome Alternative

The Eighth Amendment, a part of the Bill of Rights, the essential guarantor of our liberties, says flat out that "excessive bail shall not be required . . ." However, the concept of preventive detention—holding an accused person in jail without bail on ground that if he were released, he might commit crimes while awaiting trial—has gained considerable support.

It cannot be maintained that no problems exist in letting some arrested persons out on bail. Experience shows that in some cities, especially in ghetto areas, there has been **a high incidence of crime committed by accused persons out on bail. And so there is a temptation to say, in effect, slap them in jail, keep them there without bond, and the rate of crime from this source will decrease.**

Preventive detention doubtless would help to reduce crime—but at the questionable cost of flouting a basic constitutional right.

Something must be done about the problem, however, and Sen. Sam J. Ervin, Jr., of North Carolina, a leading constitutionalist in Congress, has come up with an approach that makes sense.

The senator proposes a law requiring that federal criminal suspects be tried within 60 days. Besides getting at the problem of preventive detention, the idea has the added advantage of implementing another constitutional provision; that of the Sixth Amendment, which provides for "a speedy and public trial."

Sen. Ervin's proposal is a welcome suggestion for all who cherish our constitutional liberties, but recognize the danger in many cases of turning suspects back into the streets on bail.

[From the Kane (Pa.) Republican, Mar. 5, 1971]

A Better Alternative

The poisonous concept of so-called preventive detention has gained some popular headway over the past year or so. This does not alter the fact that the idea of holding people in prison without bail in the name of protecting society against crime runs counter to an important constitutional guarantee.

The Eighth Amendment—a part of the Bill of Rights, which is central to our liberties—says flatly that "excessive bail shall not be required." The question arises: What could be more "excessive" than no bail at all—than holding an accused man behind bars without bail on grounds that if he were released he might commit crimes while awaiting trial?

It cannot be maintained that no problem exists. In urban ghetto areas, notably, there has been a high incidence of crime committed by accused persons out on bail. It is a temptation to say, in effect: clap them in jail, and keep them there without bond, and your rate of crime by those accused of crime will drop.

Doubtless the rate would decline, all right. But is it wise to gain this advantage at cost of flaunting a basic constitutional right? Categorically not, in our judgment. Still, something must be done about the problem.

Sen. Sam J. Ervin Jr. of North Carolina, a leading constitutionalist in Congress, offers an approach that makes sense. He proposes a law requiring that federal criminal suspects be tried within 60 days. This idea, besides getting at the problem of "preventive detention," has the added advantage of implementing another constitutional provision—the one in the Sixth Amendment providing for "a speedy and public trial."

Such a requirement would go far toward solving the problem within the framework of revered constitutional liberties.

[From the Grand Forks (N. Dak.) Herald, Mar. 5, 1971]

Slowpoke Justice

Sen. Sam Ervin, D, N.C., has introduced a bill which would require trials of criminal suspects within 60 days. If statistics he recites are correct, it's about time. According to Ervin, more than half of the inmates in city and county jails all over the United States have not been convicted of a crime. They are awaiting trial and either cannot raise the necessary bond or are not permitted it.

Meanwhile, Attorney General John Mitchell has reported on conditions in jails across the country, saying that most have no program to attempt to rehabilitate prisoners and, in fact, that "conditions prevail which can make a criminal where none existed before." In many localities, Mitchell says, no effort is made to separate first offenders from hardened criminals, or juveniles from adults.

If Ervin and Mitchell are both right, it is a national scandal that so few suspects are able to get the "speedy trial" which they are guaranteed under the constitution.

Exhibit 3

[From the Wall Street Journal, Apr. 7, 1971]

William Calley and Sylvester Vick

(By Michael Gartner)

Lt. William Calley has been convicted of murdering at least 22 persons and has been sentenced to life at hard labor.

Sylvester Vick has been arrested and charged with selling narcotics in Washington, D.C., but he has not yet been tried.

Since Americans are thought to be innocent until proven guilty, it stands to reason that one of these men is in jail and one is not. But which is in jail? As the world knows, not Lt. Calley. Rather, the man in jail is Mr. Vick, a man who, in theory, is presumed to be innocent.

This alarming paradox has come about because of the unusual views on law and order and justice that seem to prevail in the White House. Despite his conviction, Lt. Calley has been taken out of the stockade at the personal intervention of President Nixon, who over the weekend added (perhaps prejudicially to future proceedings) that he alone would decide the fate of the convicted murderer after all appeals had been exhausted.

As for Mr. Vick, he is in jail because of an anticrime bill that the administration pushed and Congress passed last summer. Among other things, it calls for preventive detention before trial of a suspect who might commit crimes if he were released. Mr. Vick is such a suspect.

And so today Lt. Calley is comfortably ensconced in his apartment in Fort Benning, Ga., chatting with his fiancee, receiving such noted visitors as Gov. George Wallace of Alabama and traveling to an officer's dining hall for fine meals. And Mr. Vick is in a cell in the jailhouse in Washington.

Besides pointing up once again that the President, a lawyer, seems to have preconceived notions of justice (last summer he declared that Charles Manson was guilty of eight murders long before a jury convicted him), this glaring conflict in the treatment of two Americans should again raise questions about the District of Columbia "anticrime" bill and, particularly, about the concept of preventive detention.

A CONCERN OF ALL

The preventive-detention plan, which went into effect only on Feb. 1, has so far affected only two persons, according to a source in Washington. (The second person has escaped.) But all Americans should be concerned. "Preventive detention cannot be imposed on a person with normal capacity to control his behavior without threatening the liberty and security of all free citizens," Lionel H. Frankel, a professor of law at the University of Utah, wrote in the December 1968 issue of the Yale Law Journal.

Americans should be especially concerned because the administration would like to see the concept expanded to jurisdictions all across the country.

Though fraught with legal perils, preventive detention is, in theory, an acceptable concept. If a person is arrested, if a hearing is held that definitely determines his propensity to commit crime, if at that hearing he has a lawyer and can cross-examine witnesses and enter and examine evidence, and if while he is detained he is treated not like a prisoner but rather as Lt. Calley is being treated, with the loss of as few rights and as little dignity as possible—then preventive detention is probably a constitutional concept.

Indeed, it could be a fine thing. "If we use it sparingly, like the Europeans, we will empty our jails by 50%," asserts Gerhard O. W. Mueller, director of the Criminal Law Education and Research Center at New York University and a professor of criminal law at the university's law school. He says that far too many persons are in jail now awaiting trials because they can't raise bail money. If preventive detention, with all the safeguards, replaced bail, then far fewer people would be held, he reasons.

To detain a person before trial, Prof. Mueller says, there should be more than probable cause that the defendant committed the crime in question, and it should be proven that he is dangerous to himself and others or is likely to kill witnesses or somehow obstruct justice.

A NOBLE THEORY, BUT . . .

That is a noble theory, but noble theories can somehow become ignoble practices. Nobody has said that a U.S. system would replace bail or would be used sparingly. What's more, preventive detention is deemed necessary because of the jam in the courts that makes increasingly long the time between arrest and trial. Yet a proper hearing on whether a person should be detained would simply add to the court jam. And if the hearing is improper or if the detention is more restrictive than Lt. Calley's (who, it must be remembered, has been convicted), all sorts of rights are being violated.

"If the restrictive conditions under which detainees are held constitute punishment, subjecting detainees to those conditions violates the due process of law guaranteed by the fifth and 14th amendments and the proscription against cruel and unusual punishment of the eighth amendment," says a "note" in the April 1970 issue of the Yale Law Journal.

Therefore, new types of apartment house-jails would have to be built to house the detainees, a proposal that is ridiculous when weighed against the fact that New York City's jails are so short of cash that prisoners at the Tombs must go without clean underwear, soap and hot food.

If persons being preventively detained are just thrown into regular jails, as Washington's Mr. Vick has been, then this not only violates the Constitution but also adds to the already crowded conditions in jails. Of course, those who are casual about constitutional rights may also be casual about crowded jails.

The American Bar Association is concerned about both, however. When the District of Columbia anticrime bill was proposed, the ABA took a stand against preventive detention. Jerome Shestack, then chairman of an ABA committee that studied preventive detention, said that among other things it would be difficult to determine if harmless persons were among those being jailed. "Detention would involve a self-fulfilling prophecy," he said, "No detained defendant would commit crimes while detained." The ABA remains opposed to preventive detention.

SENATOR ERVIN'S VIEW

Conservative Sen. Sam Ervin of North Carolina, an authority on the Constitution, called the bill embodying the provision "a garbage pail of some of the most repressive, near-sighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented.

Advocates of preventive detention say it is in the best interests of the commonwealth. "The test is one of reasonableness, which involves a weighing of the individual's interest in freedom against society's just claims for protection against dangerous defendants," Richard Kleindienst, deputy U.S. attorney general, wrote in a letter to the editor of this newspaper nearly two years ago.

Others point out that the concept is nothing new. The mentally ill, the sexually deviant and juveniles have long been incarcerated without benefit of trial, they say. The practice of setting high bail for indigent defendants is in effect the same thing as preventive detention, they add. And the wartime detention of Japanese on the West Coast was preventive detention on a grand scale.

But it is easier to argue that the retarded or the deviant will harm someone than it is to argue that a suspected criminal will rape or murder before he comes to trial. (If there's a 60% chance a suspect will commit a crime, then four out of 10 suspects are jailed needlessly. Where do you draw the line?) The setting of high bail is itself a deplorable practice and should not be used as an excuse for preventive detention. And the rounding up of the Japanese is not even comparable to the matter at issue here.

Preventive detention as a practical matter is simply unconscionable, unconstitutional and unworkable. "A constitutional program of preventive detention will be unworkable in the real world unless enormous resourses are devoted to its operation," the Yale Law Journal "note" says. But if enormous resources are available, why not use them to hire more judges and to speed up the time between arrest and trial? Then preventive detention wouldn't be needed.

The President and his associates are busy men. But if they take the time to release from the stockade a convicted murderer, maybe they can take a few moments to consider the consequences of jailing men who haven't been convicted of anything.

EXHIBIT IV

[From the Harvard Civil Liberties-Civil Rights Law Review, vol. 6, March 1971]

PREVENTION DETENTION: AN EMPIRICAL ANALYSIS

FOREWORD

(By Sam J. Ervin, Jr.)

The passage of the 1970 District of Columbia crime bill marks the symbolic, if not the actual end of an extraordinary decade of criminal law reform. Perhaps in no other single period of our history have the American people taken such a hard look at criminal law, found so much wrong, and made so many radical changes as a result. Looking back over those ten years, it may be difficult to recall the low regard in which criminal law was held in the 1950's. There was almost no visible public interest in criminal law, and compared with today, relatively little concern with crime as a social problem. "Crime in the streets," "law and order," and the other issues which take up so much of our political and personal attention today were largely absent from the public scene ten years ago.

Similarly, it is difficult to recall that, as recently as a few years ago, what are now accepted as essential prerequisites of a just system of law were not required. In the matter of legal assistance alone, we have come far in this short period. At the start of the decade, the right to counsel existed only for defendants who could afford one, and even then, the obligation to admit the lawyer's participation came relatively late in the criminal process. An absolute right to counsel at trial existed only in capital cases. In the 1960's, the right to counsel was extended to all serious criminal cases. Private and public groups of lawyers now provide free counsel to all who need one, and the federal government and some states have established full-scale, publicly financed defender offices. The public obligation to defend an accused has now been accepted almost to the same extent as the public obligation to prosecute. The requirement of legal assistance has advanced to the very threshold of the citizen's encounter with the law. If lawyers are not yet required to ride in police cars in order to be present at the moment of arrest, certainly the participation of counsel is required immediately thereafter.

The most visible symbol of the reform movement of the past decade has been the court system, most prominently the Supreme Court. Whether the Court warrants the full credit and blame which it has received for its role in criminal justice reform is a matter of individual judgment. But the fact remains that revolutionary change in criminal law was not the exclusive province of nine or five men on the Court. Criminal law reform has been very much the concern of Congress, the Executive branch, the legal profession, and private citizens. In many instances, the Executive branch, particularly the Justice Department, has taken a leading role in experimenting, encouraging, and developing many of the changes that were later expressed in legislation or in judicial decisions. Quite a number of reforms of the last decade did not and probably could not have come from even the most activist Supreme Court.

One of the landmark reforms of the 1960's, and one in which the courts did not play a significant role, was the bail reform movement which culminated in the passage of the model Bail Reform Act of 1966. The history of the Bail Reform Act is a fascinating and instructive one because it demonstrates how successfully the legal profession, the Executive branch, and private citizens can work together with the Congress to institute a needed, careful, practical solution to a legal and social problem. The legislative effort involved over five years' work by all these parties. The end result is still regarded as a good, if only partial solution to the complex problem of pretrial release of persons accused of crime.

By way of contrast, the passage of the preventive detention legislation in last year's District of Columbia crime bill is an illustration of what happens when politics, public fear, and creative hysteria join together to find a simple solution to a complex problem. The preventive detention bill is an example of all that can go wrong when the wrong things happen in Congress. The legislative history extends barely eighteen months. In contrast to the effort undertaken to achieve bail reform only minimal attention was directed toward solving the problem of bail crime. The Bail Reform Act went through numerous legislative revisions over five years. Every word was carefully studied, revised, and revised again. With two or three minor exceptions, the preventive detention legislation for the District of Columbia that passed in July, 1970, was word for word the same as that which was introduced by the Justice Department in July, 1969. The House Committee on the District of Columbia held exactly five minutes of hearings on the bill. They heard from one witness, the bill's drafter. No effort was made to analyze how the problem of bail recidivism might be met, to devise a system for discriminating between recidivists and good risks, to construct a procedural process which struck a fair balance between justice and emotion, or to search out other remedies with less drastic effect on personal liberty or the criminal process.

The House took one hour to debate preventive detention in the context of an omnibus 400-page bill revising the entire court system of the District of Columbia. The Senate's sole opportunity to consider it came in a parliamentary situation which permitted no division and no amendments, but only an up or down vote on the entire complex package. If the Bail Reform Act is an example of the legislative process at its best, preventive detention is an example of Congress at its worst. If the Bail Reform Act is a legislative milestone in the criminal justice reform effort of the 1960's, the preventive detention law marks the end of this movement and perhaps the beginning of an era in which fear and politics control our approach to criminal justice.

Empirical analysis of preventive detention—The National Bureau of Standards Study

The Harvard study reported in the following pages is an attempt to provide the kind of hard, reliable, factual information and objective analysis which should form the basis for all legislation, and certainly for all legislation dealing with so critical an issue as public safety and personal liberty. Its publication follows the passage of the law by half a year, and the effective date of the law by a few weeks. While the findings of this study will no doubt be useful in court tests of the law and in further legislative consideration of preventive detention, it obviously comes too late to influence the District of Columbia legislation. This is not to say that had it been available earlier, the study would have affected the result. In the law and order mood of the past few years facts, like reason and temperance, have not been influential factors.

In the last stages of the preventive detention debate, Congress did have the benefit of a study on preventive detention and bail recidivism which had been conducted by the National Bureau of Standards. This study was commissioned by the Department of Justice in August, 1969, some weeks after the Department's bill had been drafted and introduced. The Bureau's report was released in draft form in March, 1970, and its major findings had been available to both sides some months before. Available, also were literally thousands of pages of hearings by the House and Senate Judiciary Committees discussing the practical, legal, and constitutional problems which preventive detention entails. None of this material influenced the Justice Department, and none of it restrained the Congress in its desire to "do something about crime."

The National Bureau of Standards study undercut the arguments for preventive detention on a number of critical counts. First, it showed that the amount of pretrial crime was extremely low, running about 17% if both felony and misdemeanor arrests were considered, but only five percent when successive arrests for serious felonies were counted. This finding goes to the heart of the major assumption underlying preventive detention—that there is a high rate of serious crime by persons free on bail between arrest and trial.

The second conclusion of the Bureau's study was that there was no correlation between the type of crime for which the first arrest was made, and the severity of the second offense. Persons arrested for felonies and then rearrested were charged with misdemeanors the second time more often than with felonies. This finding also strikes at the heart of preventive detention because the bill is predicated on the assumption that the detention of serious offenders is the means to control serious bail recidivist offenses. The Bureau's study shows that detention of dangerous and violent offenders does not provide adequate assurance that serious bail offenses can be eliminated, or even significantly reduced.

The third finding, perhaps most ignored by preventive detention supporters, was that most bail recidivism does not occur in the immediate post-arrest period. Since preventive detention under any of the suggested forms is not indefinite but is limited to a sixty or ninety-day period following arrest, for detention to be effective it must occur in the time period during which bail recidivism occurs. It makes no sense to detain defendants when they are not likely to commit crimes. The Bureau's study showed a relatively low rate of recidivism during the first period following arrest and a similarly low rate in the period immeidately preceding trial. The incidence of rearrests bunched in the middle period and peaked between 120 and 240 days following the first arrest. Under the Department of Justice analysis of its bill, preventive detention orders are not renewable. Presumably, detainees are to be released under normal Bail Reform Act standards if their trial does not occur within that initial sixty-day detention period. Furthermore, the bill enunciates a policy of accelerated trials for detainees. They are to be tried within sixty days of detention—"to the extent possible" in the bill's terms. This means that preventive detention will have no effect of any consequence on bail recidivism if the detention, as advertised, is limited to the first two months following arrest.

The last major finding of the Bureau's study related to the predictive mechanism employed by the bill for determining which of the persons falling in the class susceptible to detention could be expected to commit a future offense and so should properly be detained. The bill sets out some ten characteristics upon which this finding must be based. The Bureau tried to correlate each of these indicators to bail recidivism and found that none of them, considered singly, showed any promise of being a reliable predictor. The Bureau did not test all the factors together and so its work in this respect was not complete. But it did survey briefly other attempts at predicting future criminal conduct, such as in parole and probation, and concluded that prediction in criminal law is a chancy process at best. It indicated very little faith in the early development of a reliable system of prediction for preventive detention.

While the Bureau's analysis of the prediction mechanism was not complete, it suggests strongly that there is little reason for confidence in the bill's accuracy. This suspicion is enforced by the fact that the criteria listed in the bill were for the most part lifted whole from the Bail Reform Act. The Bail Reform Act lists nine factors which had been developed from empirical studies of bail by the Vera Foundation and other bail studies. They are factors which are significant in evaluating the likelihood of flight from prosecution. They were not designed to show a predilection to bail recidivism. Their usefulness in predicting future crime, at least so far as could be known, might only be as great as the color of hair, the height and weight, and the age of the defendant. To these factors, the preventive detention legislation added a tenth—"past conduct"—the meaning of which is obscure. It does not refer to the crime the defendant is accused of, nor his past convictions. If it means anything, past conduct refers to arrest records or other unverified accounts of the individual's social behavior or misbehavior. Undoubtedly, the factor is a shorthand means of encouraging the detention of "bad apples" without going through the tedious necessity of proving wrongdoing. It is a way of giving a taste of jail to those whom judges in their discretion think deserve it.

Empirical Analysis of Preventive Detention—The Harvard Study

The study presented here is a valuable addition to the present state of knowledge on at least two accounts. First, it confirms the findings of the Bureau's study on such questions as the incidence of bail crime, the relationship of first offense to second offense, and the time frame of bail recidivism. While the precise findings vary somewhat from the earlier study, they are close enough to show that both studies are reliable measures of these important points.

The Harvard study goes beyond the National Bureau of Standards analysis, however, to consider in detail the predictive mechanism of the preventive detention law. The Harvard researchers have applied the ten factors of the preventive detention bill in an effort to measure their reliability. They have constructed two point systems modeled after the experiments used in the bail reform studies of a few years ago. In the first test, they assign weights to the factors on a "hunch" basis—that is, they use a system which is very much like that which judges and magistrates will use in implementing the law, relying on their experience with criminal types and their characteristics. Needless to say, this is a very "unscientific" approach, but it is the one which actually will be used when preventive detention is applied in the courtroom. Further, it is the system which the proponents rely upon to give the process its validity. As they said time and time again, they place their trust in the "good faith" of the magistrates and judges who apply the law.

It should not be too surprising to discover from the following pages that the first system, the hunch system, fails as a reliable prediction method. Charting the persons labeled dangerous and violent and thus subject to possible detention, the Harvard project discloses that at no point on the scale does the point system include more actual recidivists than nonrecidivists. Wrong answers, improper detentions, occur more often than right answers wherever the cut-off point is placed. What is worse, the ratio of wrong to right answers is never less than about five to two. By the same token, the first system at its best point leaves out more recidivists than it includes, both in numbers and in the severity of the crimes committed. At its best, it appears that the hunch system will be accurate about 30% of the time—that is, for every three actual recidivists detained, seven persons who would not have been convicted of an offense would also be wrongly jailed. At its best, it fails to capture about 60% of the recidivists.

The 30% accuracy figure is considerably higher than one might expect considering past estimates. But this is not an actual measure of what will happen when preventive detention is applied in the courtroom. First, the accurate and detailed information used in the study will not be available to the judicial officer. The detention hearing is to be held following the arraignment, when bail is set, or if continuances are permitted, within three to five days. While the bail agency information which can be gathered within this short time is accurate enough for estimating the risk of flight, it is nonetheless incomplete and unconfirmed. It is this same unverified, incomplete information, supplemented perhaps by inaccurate and incomplete information from police records, which will be used in the preventive detention hearing.

Second, it must be remembered that the recidivism defined by the Harvard project is not limited in time. The right answers in this analysis relate to arrests and convictions for offenses occuring perhaps months following the initial arrests and release. Preventive detention is limited to a sixty-day period after which presumably the individual is to be tried or subject to relase on bail. Under the first system most persons who would be detained would not commit crimes during that period. An accurate measure of the effectiveness of preventive detention must consider the number of persons detained who would have committed crimes during the detention period only. Under this measure the 30% accuracy figure falls to about 5%.

The second, or statistical analysis employed in the study shows the bill's predictive system at its theoretical best. The researchers measured nine of the ten factors to determine the actual correlation of each to recidivism, and then gave each factor a weight which corresponded to the relationship it had to further crime. By this means, they obtained the most accurate measure of the predictive value of the bill's mechanism. Of course, they were restricted to the factors set forth in the legislation and thus even this statistical analysis was doomed to failure because of the arbitrary manner in which the factors were originally selected.

Under the second system, the optimum point on the scale produces 40% accuracy. That is, four out of every ten detained were actually recidivists. The breakoff point included almost 60% of the recidivists and most of the serious crimes committed. Again, considering the number of crimes prevented during the sixty-day detention compared with the total number of persons detained, the score falls to about 15%.

Constitutional defects of preventive detention

The constitutional arguments against preventive detention are so numerous that their recitation looks like the model answer to an issue-spotting question on a law school examination. The preventive detention law is unconstitutionally defective on at least the following grounds:

It violates the eighth amendment right of reasonable bail in noncapital cases.

It imprisons for unproved, anticipated crime, rather than actual criminal conduct.

The offense of "dangerousness" is unconstitutionally vague.

It violates the presumption of innocence.

It convicts on the basis of "substantial probability" rather than "beyond reasonable doubt."

Preventive detention severely prejudices the defendant in the trial of the actual offense.

The bill does not afford procedural due process in the detention hearing.

Detention prejudices the right to access to counsel.

The detention hearing forces the defendant to waive his privilege against self-incrimination.

The hearing forces the defendant to disclose his defense to the prosecution prior to trial.

It imprisons on the basis of hearsay and other forms of "evidence" not admissable at trial under the rules of evidence.

The Harvard study discusses two other major constitutional defects in the law which are particularly susceptible to empirical analysis—the related questions of reasonable classifications under equal protection and the rational relationship test of substantive due process. The conclusions are obvious, even from the brief summary of the study I have given. Quite clearly, a bill which tries to classify arrestees for the purpose of detention, and at its most ideal achieves little more accuracy than random selection, is purely arbitrary and violates due process. It is obvious from the study that the factors upon which detention is to be based bear no rational relationship to the conclusion that persons with these characteristics will commit additional crimes if released.

Speedy trials—the constitutional alternative

A law with as many defects as preventive detention cannot survive a constitutional test. Preventive detention is clearly a waste of time, and a cruel hoax on the American people. It promises what it cannot deliver—safety and a reduction of crime—at a cost to its victims and the public which we can ill afford. The problems of crime are overwhelming, and the inadequacies of law enforcement are staggering. Yet for two years, Congress and the present Administration have been preoccupied with a law and order slogan which has served only to delay the effort to achieve the kind of reform which promises to make a significant impact on bail crime and law enforcement. One such reform is easy to state, if admittedly difficult to achieve. First and simply, we must have speedy trials. The statistical evidence shows a small amount of bail recidivism in the first sixty-day period following arrest and larger amounts as trial is further delayed. Bail recidivism could be effectively eliminated if trials were held within two months after arrest. The impact of speedy trials would be even greater than the statistics indicate because swift and certain judgment will have a profound impact on any inclination to lawlessness that released defendants may have. The imminence of judgment for wrongdoing is probably society's greatest deterrent to potential crime activity.

Speedy trials will also have a beneficial impact on the state of mind of all potential law breakers. Criminals may or may not read *Law Week* to see whether the Supreme Court is soft on crime and whether a new technicality now puts a further premium on crime. But the criminal class is well aware that in America justice is neither swift nor certain, and that there are many opportunities between arrest and jail to slip through the net and avoid justice. If arrest led inexorably and quickly to trial, and trial to conviction and punishment of the guilty, the potential criminal would no longer be confident that he could beat the rap. Speedy trial must be the first goal of any serious effort to deal with crime.

Speedy trial is a forgotten guarantee of the Constitution. One looks in vain for court decisions applying this principle just as one looks in vain for statutes and court rules which would give it teeth. Now, in the face of jail riots, unconscionable court backlogs, and despotic measures such as preventive detention, there is finally appearing some renewed interest in this sixth amendment right. Recently, the U.S. Court of Appeals in the Second Circuit has taken a first, important, but still tentative step towards imposing and enforcing time limits on the traditional lethargy of the criminal court process. A number of bills have been introduced in Congress to bring the right to speedy trial somewhat closer to reality in the federal system. Hopefully, as false panaceas such as preventive detention are acknowledged as worthless, more and more attention will be directed at the fundamental deficiencies of our criminal justice process. If these are faced squarely and if legislatures, courts, lawyers, and the public show a willingness to make the substantial effort required to put the criminal justice system in order, there is hope of achieving a real measure of law and order in the future.

PREVENTIVE DETENTION: AN EMPIRICAL ANALYSIS

Interest in preventive detention is the result of two developments of the past decade: bail reform, which has resulted in the pretrial release of more accused criminals than ever before; and fear that crime is increasing dramatically, eliciting calls for strong crime prevention measures.

Under the traditional monetary bail system, poor defendants without property to post as security or cash to pay bondsmen's fees often awaited trial behind bars, while wealthier defendants went free. In the late 1960's, application of equal protection and due process principles expanded the rights of the poor in all phases of criminal procedure and focused increasing attention on the bail system and its inadequacies. As a result, Congress and several state legislatures enacted bail reform acts, which authorized judges to "release on their own recognizance" (without requiring monetary security) defendants whom they believed would appear for trial. Many defendants were released before trial who would otherwise have been detained because of their inability to meet money bail. But at the same time, mounting concern over reports of increasing crime made "law and order" a major public issue, politicizing the debate over the appropriate scope of protection for the criminally accused.

Part of the Congressional response was the passage of the District of Columbia Court Reform and Criminal Procedure Act, which was described as a model for other jurisdictions. One section of the act provides for the "preventive" pretrial detention of arrested persons felt to pose a threat to the safety of the community.

Preventive detention raises fundamental questions about basic principles of the criminal justice system. All involve how individual freedoms are to be accommodated with the needs of the State. Although the constitutionality and practical effects of preventive detention have been debated vehemently, both advocates and opponents agree that the empirical basis for an informed evaluation has not been developed. The purpose of this Note is to report and evaluate the results of an empirical study designed to supply that basis by testing the probable operation of the District of Columbia preventive detention act.

In order to assess the act's impact on the overall crime picture, the study first measures the amount of pretrial crime that can be attributed with certainty to defendants charged with serious crimes. Then, after identifying the defendants convicted of crimes committed while free awaiting trial (referred to as recidivists), the study evaluates how effectively the preventive detention act's criteria for assessing "dangerousness" identify which defendants commit subsequent crimes. Based on this empirical data, the study measures the likely operation of the act against constitutional standards. The likely costs and benefits of preventive detention are analyzed, and some alternative means of reducing bail crime are suggested.

PART I. THE EMPIRICAL STUDY

A. Methodology and findings

I. Methodology. Under the District of Columbia preventive detention law, any defendant charged with a "dangerous" crime, with obstructing justice, or with a "violent" crime if certain conditions are met, may be held for a pretrial detention hearing, at which a judicial officer is to determine whether any form of release can satisfactorily protect the community. If the judicial officer decides that "no condition or combination of conditions . . . will reasonably assure the safety of the community . . ." he may order the defendant detained for up to sixty days.

With this act as a framework, a research team of four Harvard Law School students studied pretrial crime committed by defendants arrested in Boston, Massachusetts during six months of 1968 to assess the number and seriousness of criminal offenses the act might have thwarted had it been in effect. Initially the researchers combed the Boston Police Department's computer printout of 1968 arrests to identify defendants arrested for violent or dangerous crimes during the six sample months. All juvenile defendants were eliminated from the pool of potential subjects, as were 179 defendants tried the day of their arraignment and 213 defendants never released before trial because of their failure to raise the bail set. This left for detailed study 657 defendants, charged with crimes defined in the preventive detention act as violent or dangerous, who had been free pending trial. Two hundred thirty (230) of these defendants were charged with violent crimes, but did not trigger any of the three subqualifications of the act and would not have been eligible for preventive detention.

Although they were studied separately from those eligible for preventive detention, full data were collected and analyzed for them. The chief focus of the study became the 427 remaining defendants, referred to as the "sample," who would have been subject to preventive detention had the District of Columbia law been in effect in Boston in 1968.

2. *The Sample.* A clear profile of the sample population to which the preventive detention act would have applied emerges from the data on the 427 defendants. Most were poor and marginally employed, with little education. Nine of ten earned less than $6,000 in 1967, 75% lacked a high school diploma and 90% held jobs in low-status occupations, but many were not fully employed during the year prior to their arrest. A high percentage were young, male, black, unmarried or separated from their spouse. Most had extensive criminal records; all but 16% had been arrested previously, and four of every ten had been imprisoned before.

The sample defendants were charged with every crime defined as "dangerous" by the preventive detention act. Burglary and robbery charges accounted for more than half the offenses, and crimes involving personal violence constituted just over 20%. In the incident which precipitated the sample arrest, one-third of the defendants were armed or used violence, and almost half operated with an accomplice. At arraignment, nearly half the sample were charged with more than one offense. Of the sample, 19% were released on personal recognizance, 36% posted moderate bond (less than $1,500), 36% posted bond of $1,500–10,000, and 9% were released on bail of $10,000 or more.

3. *Recorded Recidivism.* By tracing the sample defendants through court papers, probation department records, and the statewide probation files of all criminal court appearances in Massachusetts, it was determined that 62 of the 427 (14.5%) were arrested for crimes committed during the pretrial period. Forty-one (41) of these (64% of those arrested—9.6% of the 427 released) were convicted of these crimes. Twenty-two (22) of the convictions were for the crimes defined as dangerous or violent in the preventive detention act (5.2% of the sample committed such crimes). The other 19 were misdemeanors, sumptuary offenses, or crimes that did not involve serious bodily harm to the victim.

B. The ability of the Preventive Detention Act criteria to predict dangerousness

This section evaluates the extent to which defendants who are convicted for serious bail crimes can be distinguished in advance from defendants who are not. The District of Columbia preventive detention act directs judicial officers, in deciding which criminal defendants pose so great a danger to the community that they will be detained without bail, to "take into account such matters as [1] the nature and circumstances of the offense charged, [2] the weight of the evidence against such person, [3] his family ties, [4] employment, [5] financial resources, [6] character and mental conditions, [7] past conduct, [8] length of residence in the community, [9] record of convictions, and [10] any record of appearances at court proceedings, flight to avoid prosecution, or failure to appear at court proceedings."

The act does not indicate the relative importance, singly or in combination, or the precise meaning, of the criteria. The research team therefore compiled twenty-six items of personal data for each defendant which were chosen to give substance to all the general criteria of the act except "weight of the evidence." The measure of "circumstances of the offense," for example, was whether the defendant had been armed during the initial offense, whether violence had been employed against persons or property, whether the defendant had acted alone or with accomplices, and the number of charges lodged against him.

The study assesses the relation of each of the twenty-six variables to recidivism. Then, the overall dangerousness of each defendant in the sample is measured by two numerical dangerousness scales, each of which combines in one index the defendant's scores on all of the variables. The first dangerousness scale, DS–1, was formed by assigning weights to the variables composing it on the basis of a subjective assessment of their importance. A second dangerousness scale, DS–2, was constructed using a statistical technique, readjusting the weights of the variables on the basis of their actual correlations to recidivism in the sample, in order to provide the best possible predictor of recidivism for this sample. The ability of the nine criteria, alone or combined, to distinguish recidivists from nonrecidivists is reported below.

1. *Individual Criteria.* Among the four data items used to measure the "nature and circumstances of the offense charged," the initial charge, often considered one of the most important factors in setting bail, proves to be little better than a random indicator of recidivism. Although it might be expected that defendants initially charged with drug offenses would have a higher recidivist rate, the data does not confirm this hypothesis. Similarly, defendants charged with robbery, the most likely to recidivate according to several other studies, have a recidivism rate barely 2% higher than that of the whole sample. Although the data suggest that the "circumstances of the initial offense"—whether the defendant was armed, violent, or with accomplices—do identify subsequent recidivism to some extent, the accuracy is not substantial. Family ties, as measured by marital status, number of dependents, and living arrangements, exhibit a similar small predictive ability, as does length of residence in the community. There does not seem to be any substantial relationship between the defendant's economic situation—his income level and employment record—and recidivism. The variable "occupational status" suggests that housewives and students are less likely to be recidivists, but does not otherwise identify those likely to be.

The criteria of "character and mental condition" and "past conduct" were evaluated by variables such as number of arrests for drunkenness, indications of drug use, and indications of mental illness, as well as military service and years of education completed. The usefulness of these factors in distinguishing recidivists from nonrecidivists is limited to some extent because so many defendants, recidivists and nonrecidivists alike, shared the same characteristics. For example, high school graduates were found to be better risks than those who only finished junior high school, but 75% of the sample, including 90% of the recidivists, had left school before receiving their diplomas. Likewise, 70% of the sample, including 86% of the recidivists, had never served in the armed forces. The items measuring drug use and mental illness correlated with recidivism to a fairly substantial extent, but only a small percentage of the recidivists exhibited these characteristics.

Several aspects of each defendant's record of convictions were also analyzed in an attempt to establish a correlation with recidivism. Data was gathered on age at first known encounter with the law, age at first incarceration, all known juvenile arrests and commitments, and all adult arrests, convictions, and incarcerations. Defendants who had any juvenile arrests, those who had been previously incarcerated, those who had been convicted of a violent or dangerous crime within the past ten years, or convicted of four or more "misdemeanors," all had recidivism rates substantially higher than those who did not, in several instances almost twice as high as the rate for the overall sample.

"Record of appearance at court proceedings, flight to avoid prosecution, or failure to appear at court proceedings, was measured by the number of prior defaults on a defendant's record. Defendants with more than two prior defaults had a relatively high recidivism rate of 21.3% (20 of 94 compared with 4.6% (12 of 262) for those with no prior defaults.

2. *Intuitive Multivariable Analysis (DS–1).* This section assesses whether combination of the data items discussed above provides a more reliable indicator of "dangerousness." A numerical index of dangerousness was formed by assigning points to each of the twenty-six data items based upon knowledge of what variables had been identified in previous research as relevant to predicting recidivism and weighted according to the researchers' perceptions of their significance in predicting recidivism. "High risk" factors were assigned more points so that, for example, defendants who had two prior defaults on their records received two points, while defendants who had never defaulted received none. Similarly, defendants who had been sporadically employed received 1.5 points; those unemployed, 3.0 points. Each defendant's scores on the twenty-six variables were totalled to produce the defendant's first "dangerousness score" (DS–1). Possible scores ranged from zero to seventy, with higher scores presumed to be indicative of a greater likelihood that the defendant would commit a crime if released before trial. The purpose was to determine whether recidivists shared certain characteristics which distinguished them from nonrecidivists, and whether they would obtain the highest dangerousness (DS–1) scores. Most importantly, DS–1 made possible an evaluation of how successfully a combination of the preventive detention act's criteria predicted recidivism when translated into quantifiable variables.

Figure 1 depicts graphically the DS–1 scores of the sample defendants, which ranged from 1 to 45. A majority were bunched between 14 and 28. If DS–1 were used as an index of dangerousness to determine who should be detained, some "dangerousness" cutoff point would be chosen such that everyone with a higher (more dangerous) DS–1 would be detained, while those with a lower score would be released. The cutoff point presumably would be chosen to detain the maximum number of recidivists while attempting to minimize the number of nonrecidivists detained. The distribution of DS–1 scores for the sample reveals that the seventy lowest DS–1 scores (11.0 and below) were obtained by nonrecidivists, while the 70 highest scores (30.0 and above) included 18 recidivists (25.7%). Whatever score is chosen as the cutoff, however, more nonrecidivists than recidivists would be detained. To detain every recidivist and prevent all 41 offenses would require the detention of all defendants with a DS–1 greater than 11 (357), an eight to one (316/41) ratio of nonrecidivists to recidivists. If the cutoff point were halfway through the DS–1 scores (22.5 or higher), 186 defendants would be detained, 33 of whom actually recidivated, a ratio of 4.6 nonrecidivists to every recidivist (153 to 33).

A DS–1 cutoff point which yields a comparatively low ratio of nonrecidivist-recidivist detentions, while still identifying many of the recidivists, is at 30.0. For scores below this point the nonrecidivist-recidivist ratio becomes very high. At points above this, ratios are lower, but fewer recidivists are caught. With 30.0 as the cutoff point, 70 of the 427 sample defendants (16.4%) would be detained, of whom 18 recidivated, and 52 did not. Those crimes that would have been prevented, however, do not include many of the more serious offenses which were committed by defendants with a DS–1 below 30.0.

3. Statistical Multivariable Analysis (DS–2). Although DS–1 was constructed with a subjective assignment of weights to the data items which measure the criteria enumerated in the act, the availability of full data and actual knowledge of which defendants recidivated made possible the construction of a more objective scale to test the soundness of the combined criteria. A linear discriminant analysis was performed with the aid of a computer to provide the maximum linear predictor for the data. This was accomplished by measuring the correlations among the individual variables and recidivism, and adjusting the weights of the variables in the overall dangerousness scale accordingly. Using these recomputed weights, a revised dangerousness score (DS–2) was computed for each defendant. This analysis established the maximum degree of correct linear prediction possible for this set of data, under the act's criteria as measured by these variables. DS–2 is not a *pre*dictor, but a *post*dictor constructed with weights readjusted to correlate with prior recidivist acts.

DS–2 scores ranged from 13.5 to 52.13. They indicated recidivists by high "dangerousness" scores and nonrecidivists by low scores more often than DS–1 scores did. One hundred sixty-one (161) nonrecidivist defendants had a DS–2 lower than the lowest recidivist. As with DS–1, however, no point on the DS–2 scale would detain more recidivists than nonrecidivists. To detain all recidivists, for example, the DS–2 cutoff score would be at 24.0. Of the 266 defendants who scored above 24.0, 225 nonrecidivists would be included along with the 41 recidivists. A DS–2 cutoff point at which the nonrecidivist-recidivist ratio was relatively low and the percent of total recidivists caught high, was at 35.0. Sixty-three defendants had a DS–2 above this point (14% of the sample); 26 (63% of all the recidivists) were recidivists.

DS–2 also identified more of the perpetrators of serious crimes than did DS–1, even though the seriousness of the second charge was not included in the weight adjustments used to refine DS–1 to DS–2. Nevertheless, the five highest DS–2 scores (presumably indicating the five most dangerous defendants) were nonrecidivists, and the recidivists with the four highest DS–2's were two who committed larcenies and two who committed drug offenses.

PART II. AN ASSESSMENT OF THE EMPIRICAL FINDINGS

A. Implications of the data

Advocates of preventive detention have claimed that its enactment would significantly affect overall crime levels and reduce the incidence of the crimes which people fear most—offenses involving physical danger to the victim. This section attempts to assess what impact preventive detention might have on the rising tide of serious street crimes.

1. The Amount of Bail Crime. The 427 sample defendants were free on pretrial release an average of 112 days, during which 62 (14.5%) were rearrested for crimes committed while on bail. Forty-one (41) of these (64%–9.6% of the total sample) were subsequently convicted for these offenses. Thus, had preventive detention been applied to all of the defendants studied, 10% would have been prevented from committing crimes for which they were later convicted. These 41 *convicted* bail offenders represent approximately 0.75% of the total number of persons arrested for violent or dangerous crimes in Boston during 1968, and 2.5% of those convicted for these offenses. Nineteen (19) of the 427 sample defendants (4.4%) were on pretrial release for a previous crime at the time of the arrest that first brought them into the sample. The figures reported by the National Bureau of Standards reflect a similar rate.

The most accurate measure of the amount of pretrial crime is a matter of considerable dispute. Most previous studies have measured the incidence of bail crime by the number of defendants *rearrested* for *any* offense during pretrial release, whether or not a conviction resulted.

This measure has been criticized as an inflated figure, because as many as half of all arrests do not result in convictions. One reason for using the rearrest measure is that some arrested defendants go free on legal technicalities rather than because they are innocent; another is that it compensates, in part, for unreported, undetected, and unsolved crimes committed by defendants on pretrial release. While it is undeniable that these categories include some bail crime which is not measured by reconviction figures, several considerations suggest limits on the amount of the serious uncounted bail crime, which is the focus of preventive detention.

The amount of *unreported* crime, for example, is estimated to be several times the reported amount. But there is some evidence that serious street crimes, the major concern of preventive detention, are reported most frequently. Tentative indications are that the ratio of unreported to actual crime decreases when the offense is serious and the victim is unacquainted with the criminal. One study estimates that although only one-tenth of all consumer frauds and one-third of all burglaries are reported, half of the aggravated assaults and larcenies, and two-thirds of all robberies, the principal source of violence between strangers, are reported to the police. The relatively low reporting rates for aggravated assaults and rapes (only 2/7 of which are reported) can be partially discounted, however, because a large proportion of these offenses (50% for rape; 66% for aggravated assault) are ones where the criminal and victim are acquainted, or related. These crimes, though at times serious, are not generally part of the pattern of hardened criminality at which preventive detention is aimed.

Undetected bail crime is defined here to mean subsequent crime, which is committed in jurisdictions other than the one in which the initial arrest occurred, and is unknown in the first jurisdiction. The National Bureau of Standards study of Washington bail crime estimated that District of Columbia rearrest rates failed to count 30% of the bail offenses because they occurred outside the District. However, Washington's urban pattern, encompassing two adjacent states and the District, involves atypical problems of imperfect interdistrict communication. Interdistrict underinclusion was not a significant factor in the Boston study because of the availability of statewide arrest records and nationwide FBI reports included in some superior court probation files, which indicated very little extrajurisdictional crime committed by Boston defendants. Another indication that the Washington estimate of 30% is atypical is the report of a Seattle study which found a 13.2% out-of-district rate and a lower rate for out-of-state offenses. The amount of undetected crime not measured by the Boston data therefore appears insignificant.

Unsolved crimes represent another category of bail offenses not measured by rearrest or reconviction figures. The clearance rate (the percentage of reported crimes solved) varies with the type of crime and the quality of law enforcement. Outside estimates place the ratio at eight or ten crimes for each charge which reaches the courtroom. More moderate estimates of the violent and dangerous crimes with which preventive detention is concerned place the amount at a ratio of approximately two to one. According to the Uniform Crime Report for 1968, the clearance rate for Index crimes of violence (46%) was almost three times that for crimes against property (16%). In 1968, "police were successful in solving 86% of the murder offenses, 55% of the reported forcible rapes, 66% of the aggravated assaults and 27% of the robberies." In short, the serious crimes which trigger preventive detention are the ones most often solved.

It is also unlikely that the clearance ratio is uniform throughout the criminal population. The full ratio cannot necessarily be attributed to recidivists for the purpose of estimating bail crime. Some individuals who commit crimes are more likely than others to be caught; if the sample defendants (initially arrested for a serious crime) represent criminals who are more likely to be caught, their bail crimes are also more likely to be detected. Defendants released on bail are also more likely to be apprehended for subsequent offenses because they are more likely to be watched, more likely to be identified with particular methods of operation, more likely to be questioned on suspicion and more likely to be apprehended if sought. Finally, certain identifiable groups, including youth, ghetto residents, and racial and ethnic minorities, are more likely to be arrested whether or not they have committed a crime. The Boston sample was predominantly young (median age 26), and 40 percent were black. They were thus members of groups more likely to be arrested for a higher percentage of the crimes they commit, and more likely to be arrested erroneously.

Considered together, bail crimes which are unreported, undetected, and unsolved undoubtedly represent an omission from a measure of bail crime based on the number of convictions for these crimes. The difficulty lies in assessing the number omitted. While the use of arrest rather than conviction figures might compensate for the omission, many factors suggest that bailed defendants are more susceptible than the average citizen to arrest and conviction. Also, balancing two uncertain quantities—the number who committed bail crimes but were not apprehended and the number who were arrested but not convicted—against one another is highly questionable. It adds known statistical error to the measure rather than making it more exact, and creates the false impression of arithmetical certainty where there is really indeterminacy.

It is unclear which standard is the most appropriate basis for policy making. Farmers of social policy should take into account what is likely, as well as what can be definitively established. Perhaps all that can be stated with certainty is that some criminal act committed while on bail can be traced with certainty to 10% of the defendants eligible for a preventive detention hearing under the current act.

Other studies confirm these findings. Six studies, some directed at assessing the effect of bail reform acts, in cities as diverse as Washington, New York, St. Louis and Des Moines reported rearrest rates of 7–10% for persons on bail awaiting trial, 4–6% for serious offenses. Only two studies, both conducted in the District of Columbia, both dealing with robbery defendants only, and both criticized for methodological shortcomings, have reported results which vary significantly from these findings. The only other systematic investigation of bail crime geared specifically to the preventive detention act was conducted in Washington, D.C. in 1969 by the National Bureau of Standards. It reported an overall rearrest rate of 11%.

2. The Seriousness of Bail Crime. A complete evaluation of preventive detention must examine the heinousness, as well as the amount, of bail crime. Although "any crime is a matter of seriousness to the community in time of pretrial release," society is of course more concerned with crimes for which it imposes higher degrees of moral opprobrium and punishment. The preventive detention act likewise distinguishes among crimes by creating a hierarchy of offenses, defining some as violent or dangerous, and providing that only persons arrested for these offenses shall be subject to its provisions. As noted above, barely one half (22 of 41) of the bail crime convictions were for violent or dangerous offenses which, if they had constituted the initial sample offense, would have qualified the defendant for a preventive detention hearing. Several of them were sumptuary or involved no threat of serious bodily harm. More than half involved no weapons, one-quarter, no violence. In short, the data indicate that only 5.2% of those to whom the preventive detention act would apply were apprehended, tried and convicted for violent or dangerous pretrial crimes. These findings corroborate the report of the National Bureau of Standards that only 7% of those initially charged with a felony were rearrested for a second felony, and only 5% of those initially charged with violent or dangerous crimes were rearrested for violent or dangerous crime.

Because of the way in which the act is drawn, however, many of the identifiable pretrial crimes might not have been prevented even had preventive detention been in effect. The act allows only 60 days of preventive detention after arraignment, but only four of the serious pretrial offenses occurred during that period. This means that barely 30% of the definite identifiable bail crimes occurred during the time period for which the preventive detention act provides protection. Very significantly for policy considerations, the act did not protect against the murder or any of the rapes or robberies.

Little crime, by absolute or relative measure, can be attributed with certainty to defendants awaiting trial, and half of the attributed crimes are petty rather than heinous offenses. Preventive detention, even if absolutely effective, would have little impact on overall crime levels. The extent of the asserted need for preventive detention—protection of the community from crimes committed by defendants on pretrial release—is small.

B. The ability of the Preventive Detention Act criteria to predict dangerousness

As the previous section explained, 15% of the sample were rearrested at some time during pretrial release, while two-thirds of those rearrested (10% of the sample) were actually convicted of the second offense and can be identified with certainty as perpetrators of bail crime. Half of these persons (5% of the sample) can be assigned definite responsibility for serious bail offenses.

A perfect preventive detention system would identify and incarcerate only those few defendants who would commit serious crimes if released. At the other extreme, a system whose predictive capacity was so low that it required the detention of many defendants, most of them innocent, to thwart the few serious offenses could hardly be considered successful. This section evaluates, on the basis of the empirical results of the study, the likely accuracy and impact of the preventive detention act.

1. Individual Criteria. The ten criteria of the District of Columbia act are virtually the same as those provided under the 1966 Bail Reform Act. This study is the first attempt to investigate systematically the extent to which bail criteria used to predict the probability of flight correlate with bail crime. The data suggest that variables used for predicting default are of little value in predicting recidivism. None of the variables investigated had a correlation with conviction of bail crime higher than .229. For most, it was considerably lower. The unweighted criteria, absent a standard with which to evaluate their significance, are not nearly as accurate predictors as a combined variable analysis might become if refined over time by studying the nature of pretrial recidivism.

Insofar as the unweighted criteria lead judges to rely on intuitive notions of the significance of individual criteria in determining detention, prediction is unlikely to be accurate. For example, the initial offense charged, often considered the most important factor in setting bail, provides little indication of future recidivism. Nor do drug and armed robbery charges, the traditional high bail offenses, indicate significantly high rates of recidivism. Length of residence in the community, and employment records are also unreliable in identifying significant rates.

Defendants with indications of hard drug *use,* however recidivate nearly twice as often as defendants with no indication, confirming to a limited extent the expected higher recidivism rate of those who support expensive drug habits. Although preventive detention has been offered as a means of protecting the community from the addict, addiction is a disease and should be treated medically rather than criminally. Moreover, the predictability of addict recidivism does not lessen the difficulty of predicting non-addict recidivism where the complexities of voluntary motivation enter in.

One criterion, weight of the evidence, was not studied. Since weight of the evidence only indicates the probability that an accused committed the offense charged, it is relevant to the prediction of a second crime only if defendants substantially likely to have *committed* a crime are more dangerous than defendants merely *arrested* for the same offense. No available information supports this proposition. Nor do the data show significant differences in recidivist rates for defendants charged with different offenses, instead they indicate the minor relevance of other variables related to the initial offense. Only variables that measure the overall pattern and history of defendants' behavior show any significance.

Over two-thirds of the recidivist convictions were for offenses different in kind and seriousness from the initial charge. This absence of any discernible pattern plus the similar recidivism rates of defendants charged with violent and dangerous crimes, suggest that the act's distinction between triggering qualifications for these two classes of charges has little relevance to the likely commission of bail crime. The high recidivism rate for defendants with multiple prior convictions for misdemeanors also casts doubt on the act's apparent assumption that serious criminal conduct isolates serious bail offenders. Persons arrested for violent and dangerous crimes are not the only significant groups of recidivists. Rather the actual pattern of repetitive crime in Boston is an unpredictable combination of minor and serious offenses.

Analysis of the recidivism rates by subclassifications within each variable confirms the findings of pretrial release projects that certain characteristics may provide a basis for identifying defendants who represent good risks, but not for identifying bad risks accurately. Only 1 of 39 housewives and students, for example, were convicted of a bail crime (2.6%), an indication that they are good risks, but recidivism rates for the other subclassifications of "occupational status" do not identify bad risks. Although certain subclassifications within different variables have a recidivist rate higher than the sample as a whole, all contain at least three times as many nonrecidivists as recidivists.

2. Multivariable Analysis. The two dangerousness scales are attempts to predict individual bail recidivism systematically at the time decisions about pretrial release are made. As statistical indices of dangerousness, they provide a method of weighting and combining personal characteristics and calculating numerical scores for individual defendants.

The best measure of the accuracy of a preventive detention dangerousness scale is gauged by the ratio of defendants detained to recidivist crimes prevented. Figure 3 illustrates the number of defendants who must be detained to prevent a given number of recidivist crimes, comparing the accuracy of a random predictor, a perfect predictor and DS–1 and DS–2. It also illustrates the relative accuracy of their predictions. A perfect dangerousness predictor would assign the 41 highest dangerousness scores to the 41 sample recidivists, but the accuracy of both DS–1 and DS–2 is roughly half-way between a random guess and a perfect prediction. DS–2 is somewhat more accurate. Eighteen (18) and of the 41 recidivists are among the 70 highest DS–1 scores, and 26 are among the 63 highest DS–2's. The lowest 67 DS–1 scores and the lowest 161 DS–2 scores belong to nonrecidivists, but nonrecidivists are distributed all along both curves: the four highest scores in each scale were nonrecidivists. Both scales indicate again that it is not as difficult to identify good risks as it is bad ones, but that only a relatively small fraction of the sample are obviously good risks.

The accuracy of DS–1 and DS–2 may also be evaluated in relation to other statistical and clinical efforts to predict infrequent human conduct. DS–1 represents an attempt at controlled intuitive prediction more systematic than that which judges are likely to attain when deciding criminal cases. There is also some evidence that the kind of clinical (*i.e.,* case-by-case) prediction judges make is generally inferior to statistical prediction (like dangerousness scales). The accuracy of DS–2 is greater than a number of previous statistical attempts at prediction, yet the attempt in DS–2 to formulate a statistical measure must be considered only a tentative step beyond intuitive prediction. Before the DS–2 analysis could be used as a predictive tool for other arrest populations, further study and refinement is necessary.

Several factors unique to pretrial judicial decisionmaking suggest that hearing officers under the District of Columbia act are unlikely to attain in actual application even the limited accuracy of DS–1. First, it is unlikely that judges will readily substitute a numerical scale for their own personal intuition developed over years on the bench. Intuition based on bail experience is often inaccurate, and the tendency to rely on single criteria compounds the inaccuracy. Second, as the criminal process presently operates, much of the information necessary for accurate prediction is unavailable immediately following arrest. Gathering and evaluating this extensive information will require the commitment of significant resources. Without this commitment, less accurate prediction is inevitable. The flow of information necessary to refine clinical judgments in practice is limited further both by the fact of incarceration and by the isolation of the hearing officer from adequate post-prediction feedback.

3. The Comparison Group. Projections of bail crime based only on defendants currently released may be distorted if significant numbers of defendants are being detained for dangerousness *sub rosa* by the setting of high money bail. Bail is intended to be used only to ensure that the accused will appear for trial, "[Y]et it is no secret that many judges, when faced with a defendant whom they fear will commit 'additional crimes' if released, feel compelled to set bail beyond his reach."

As a result, the study investigated a group of 213 defendants, charged with the violent and dangerous offenses enumerated in the preventive detention act, but who had not been released because of failure to meet the bail amount set. The objective was to determine whether the detained defendants appeared to be more dangerous than the released defendants, either because of lower scores on the individual personal data variables which measured the criteria for bail and preventive detention determinations, or higher scores on the multivariable dangerousness scales (DS–1, DS–2). The study also attempted to estimate how the rate of bail crime would have been affected had these defendants been released. Because limited resources prevented full study of all 213 defendants, 102 of the defendants never bailed were selected as a comparison group on the basis of high bail, eventual trial in superior court, and maximum representation of the serious crime categories.

On virtually all personal data variables, defendants who did not meet bail scored more poorly than those released. A higher percentage had broken marriages, had received less formal education, were living alone, working in blue collar and unskilled labor jobs, were not steadily employed, and had indications of mental illness. For variables measuring criminal record, the comparison group also had poorer scores. A higher percentage had previously committed dangerous crimes or crimes of violence, had prior juvenile records, misdemeanor convictions, arrests for drunkenness, arrests for drug use, and imprisonments. More of the detained defendants had been armed or used violence in committing the crime which brought them into the sample than those released.

The dangerousness scale scores (DS–1 and DS–2) calculated for the 102 defendants in the comparison group were significantly higher than those of the sample. A different form of DS–2 score represented each defendant's likelihood of recidivism as a decimal fraction between 0 (a nonrecidivist) and 1 (a recidivist). Only four of the 102 comparison defendants scored higher than a .500 likelihood of recidivism, one chance out of two. By adding all the individual fractional probabilities of recidivism, the likely number of defendants who would have been convicted of a bail crime, if released, was calculated to be 24 of the 102 (23.5%). If the 102 comparison defendants had been released in the same manner as the other 657 defendants, the projected conviction rate for all defendants on pretrial release would have increased from 8.2 to approximately 10.3%.

The comparison group defendants thus appear to be more dangerous than those released, but they all passed through three "dangerousness" filters—arrest for serious crimes, detention for failure to meet bail, and a selection process designed to include the most dangerous. Nonetheless almost no individual defendants had a better than 50% likelihood of recidivism. Adding 102 poor risks to the population released before trial (an increment of almost 16%) would have increased the rate of bail convictions by slightly more than 2%.

C. Constitutional Standards and Empirical Considerations

Constitutional debate over preventive detention has centered on fifth amendment due process and the application of the eighth amendment prohibition against excessive bail. The crux of the eighth amendment debate is the limit of congressional authority to deny bail to certain classes of offenders, and whether preventive detention violates the presumption of innocence. The due process argument has debated whether preventive detention punishes a person on the basis of status alone—for "being dangerous"—without conviction for an illegal act.

Advocates of preventive detention defend the system by balancing the government's interest in reducing bail crime against the individual's right to be free until judged guilty. Drawing analogies to other deprivations of individual liberty which occur without an adjudication of criminal guilt, *e.g.*, detention by high money bail, discretionary detention in capital cases, detention pending appeal, and civil commitments for the mentally ill, they conclude that the test for confinement is "reasonableness," and that preventive detention, on balance, meets this criterion. Critics of preventive detention reply that analogies to other forms of commitment are inapposite because some presuppose the subject's lack of personal responsibility, while others are premised solely on preventing flight to avoid trial in order to protect the integrity of the judicial system. Critics also object to the lack of a clear standard of proof for "dangerousness," and guidelines as to which personal characteristics will precipitate detention.

This section does not reexamine these constitutional issues. Rather it analyzes a new aspect of the debate over preventive detention: whether the probable operation of the act is likely to satisfy the equal protection test of reasonable classification and the due process test of rational relation. Statistical data generated by this empirical study, particularly as to cumulative predictive capacity, form the basis of the analysis.

1. The Standard for Active Judicial Review

The threshold question in a constitutional challenge to preventive detention is whether it shall be subject to an active or passive standard of judicial review. In suits challenging legislative classifications, those which do not involve suspect racial classifications or severe deprivations of fundamental rights generally receive passive judicial scrutiny. Under this standard, courts give the legislative body "wide scope of discretion" and uphold the legislation if it is not purely arbitrary. However, classifications which effect a severe deprivation of fundamental rights must demonstrate a rational relation between their purpose and the classes upon which the burdens and benefits are placed.

Under this "fundamental interest" doctrine the Court has actively reviewed limitations on voting rights, travel, procreation, education, and certain criminal procedural rights. These cases all rest on an analysis of the *severity* of the restraint imposed upon the *fundamental right*. Whether preventive detention must satisfy the more stringent requirements of active review may depend, therefore, on whether it constitutes a sufficiently severe deprivation of a fundamental right.

Detention entails virtually a complete loss of personal liberty, an interest the Court has described as being of "transcending value," without a determination of guilt or personal responsibility. Labeling the detention "preventive" does not make it any less penal or a punishment to the defendant. The injury to the accused may be severe and carry beyond the sixty day detention period, prejudicing his chances for acquittal or a nonjail disposition at trial. Unlike detention for failure to meet financial conditions imposed as a condition for release, these effects are beyond the power of the defendant to neutralize by raising bail money.

Even under the restricted view of "fundamental interest" to which *Dandridge* v. *Williams* indicates the Court may be retreating, preventive detention should be subject to active judicial review because it places severe limits on rights specifically singled out for protection in the Constitution, namely the eighth amendment right to bail. Although the *scope* of the amendment may not guarantee the right to bail in all noncapital cases, the mere fact that bail is mentioned in the Bill of Rights suggests under the *Dandridge* test that it is sufficiently fundamental to justify careful scrutiny of legislative attempts to limit it.

2. Acceptable Classifications and Standards: The Concept of Preventive Detention

Once the threshold question of the standard of judicial review has been resolved preventive detention must face the equal protection test of reasonable classification and the due process test of rational relation. If the purpose of preventive detention is to reduce pretrial crime, a perfect correlation between purpose and practice would be achieved by a classification that detains all persons who would commit crimes if released pending trial, and none who would not.

The following analysis uses Venn diagrams, overlapping circles drawn to scale to represent groups (sets) of defendants, to illustrate the extent to which the preventive detention criteria correlate purpose and application by identifying perpetrators of pretrial crime. Using Figure A to represent recidivists (i.e., defendants *convicted* of pretrial crime) and Figure B to represent defendants detained under preventive detention, a perfect correlation between recidivists and detained defendants would be represented by Figure C. This would be an unchallengeable classification, *qua* classification, "rational" under *any* standard of review. In contrast, a classification which detained no recidivists, but instead detained all nonrecidivists, would be represented by Figure D. This classification has zero correlation between the purpose of the law, reduction of pretrial crime, and the persons affected by it. No recidivists are detained, and all who are detained would not have recidivated. It is completely arbitrary and could not withstand constitutional challenge even under a passive standard of review.

Preventive detention falls somewhere between these two extremes. The classification it makes could be represented by something like Figure E. Some persons who are detained are recidivists (the shaded portion), but other detainees are not, and some recidivists remain free. Preventive detention thus combines an underinclusive classification (failing to detain some recidivists) and an overinclusive classification (detaining some nonrecidivists).

In suits challenging the constitutionality of classifications, underinclusion has been tolerated because of the legislature's need (perhaps duty) to strike at evils only partially amenable to regulation, to experiment by treating part of a larger problem, and in order to conform to the needs of legislative and administrative convenience. Legislative schemes which overinclusively subject innocent persons or bystanders to restraints have received less judicial deference. The dragnet is a typical example. Only under exigent circumstances, or when the burden imposed by the classification is extremely mild, will an overinclusive classification be upheld. In overinclusive situations, the experimentation rationale, recognized in underinclusive situations, is weakened, and administrative flexibility, used to sustain underinclusive schemes, is allowed to be enhanced only by narrowing the burden imposed by the classification.

Courts have been reluctant to uphold classifications which are both under- and overinclusive. *Rinaldi* v. *Yeager* invalidated a statute which required unsuccessful imprisoned appellants who received free trial transcripts to pay for them, while exempting those who received suspended sentences, probations, or fines. The Court, applying a test of "some rationality in the nature of the class singled out" examined the plausible purposes of the law and held that the sentence received was an inappropriate basis for forced reimbursement. It found that the invidiousness of the distinction was not overcome by the administrative convenience in collecting only from imprisoned appellants. Rather than discouraging frivolous appeals, the classification, by imposing the cost of appeal only upon inmates, burdened many whose appeals, while unsuccessful, were not frivolous (overinclusion) and left unburdened many whose appeals were frivolous but who received non-jail sentences (underinclusion). Similarly, in *Carrington* v. *Rash* the Court found the possible purposes of a Texas provision which excluded military personnel from local elections to be the protection of local interests from being overwhelmed and preservation of the integrity of the electorate from transients. The Court struck it down however, because, by singling out servicemen, Texas failed to consider other groups equally transient and overwhelming to local interests (underinclusion). By preventing servicemen from showing that they were bona fide residents who should be given the right to vote, Texas created a conclusive presumption against all servicemen (overinclusion), which constituted an invidious discrimination.

Rinaldi and Carrington are examples of cases striking down legislation which entails a severe deprivation of a fundamental right, and which sweeps both the deserving and undeserving within its net, while permitting many "deserving" to escape. Since preventive detention imposes at least as severe a burden on the interests of affected individuals, it will be liable to the same exacting scrutiny to determine if its classifications are sufficiently rationally correlated with its purpose.

Correlation of purpose and effect are especially important in the criminal law. The conviction of innocent persons, and improper imposition of criminal sanctions, are extremely severe and invidious forms of overinclusion. The protections developed to insure that this rarely happens comprise the highest expression of the doctrine of rational correlation in our society. Two recent decisions of the Supreme Court demonstrate the concern with rationality and reliability in the fact-finding process which is at the core of these protections. In *Leary* v. *United States* the Court reaffirmed the "rational connection" test for criminal presumptions in ruling unconstitutional part of the Narcotic Drugs Import and Export Act. That test requires a rational connection between the basic fact proved and the presumed fact, if the presumption is to satisfy the requirements of due process. The Court in *Leary*, for the first time, indicated that the standard to be used to determine if that connection exists is if it can "at least be said with substantial assurance that the presumed fact is *more likely than not* to flow from the proved fact." The Court emphasized the importance of this standard by undertaking an independent examination of the factual data on the importation and possession of drugs. In *In re Winship* the Court held that the due process clause requires proof beyond a reasonable doubt of every fact necessary to constitute the crime with which a defendant is charged, and that this standard must be applied to the adjudicatory stage of delinquency proceedings.

Although some tensions exist between *Leary* and *Winship*, they are two pillars of the same temple, both supporting the requirement of rationality and accuracy when severe sanctions are applied. Each recognizes that when criminal penalties threaten an individual's interest in liberty and reputation, any device which increases the probability of an inaccurate determination is highly suspect and possibly a violation of due process of law. The device in *Leary* was an irrational presumption; in *Winship*, a lower standard of proof.

Winship is especially significant for preventive detention because the Court looked beyond New York's civil label on the proceedings to the interests which invoke the concern for accuracy in criminal prosecutions. The Court singled out stigmatization and institutional confinement as the two components of a criminal sanction that require the higher standard of proof, and found them present in the civil delinquency proceeding.

Clearly, the preventive detention stamp of "dangerous" stigmatizes the accused as much as New York's "delinquent" label. The Court's concern for accuracy where stigma and confinement are involved may compel it to require a high degree of accuracy in preventive detention determinations. Whether the level of accuracy must equal that apparently required of presumptions by *Leary*—fifty percent or more—or by *Winship*—subjective certainty (an undetermined amount higher than fifty percent)—is speculative. "[M]ore likely than not," however, it should be the lowest acceptable tolerance of its predictive capacity.

3. Unacceptable Classifications and Irrational Standards: The Application of Preventive Detention

Even under the "more likely than not" test, preventive detention's classifications fail. Despite the most sophisticated controls, they impose the burden of detention on more persons who do not recidivate than on those who do. Use of either DS–1 or DS–2 as criteria for predicting dangerousness and predicating detention results in the incarceration of more nonrecidivists than recidivists (and the release of many recidivists). Detention on the basis of DS–2's maximization of correlations yields a simultaneously under- and overinclusive result, as represented in Figure F, which shows the effect of detaining the 63 most likely recidivists. Only the 26 defendants in the double cross-hatched portion of the diagram are detained correctly, while 37 are incorrectly detained (overinclusion) and 15 recidivists go free (underinclusion). Moreover, in all likelihood the results of an actual application of the DS–2 scale by a judicial officer would be even less accurate. As the nondetained recidivists return to court for their bail crimes, the temptation to dip lower on the detention scale to the next most likely group of recidivists in the hope of correcting these mistakes will be great, possibly irresistible. As more defendants are detained, however, the overinclusion becomes greater.

Figure G illustrates the result if 100, rather than 63, defendants are detained by judicial officers hoping to reduce the number of recidivists mistakenly released. Seventy-two percent of all detainees would be overinclusions, yet underinclusion would still be substantial—13 persons. Thwarting two additional recidivist offenses would require the detention of 35 additional nonrecidivists, increasing the overinclusion further. Figure H represents the result if pressure continued to mount because of the visibility and publicity of the remaining 13 "mistaken" releasees, forcing judicial officers to descend on the DS–2 scale until all recidivist offenses were eliminated. Finally, underinclusion and visible errors would be eliminated, but only at the cost of the "invisible" overinclusive detention of 225 persons who were not convicted of crimes during release. And there is potential for still further overinclusion because the judicial officer can never know precisely how low he must descend on the DS–2 scale to prevent the crime of the lowest scoring recidivist.

Predictions of this sort may not be amenable to computerized techniques and actuarial tables, however. "After a while," it has been suggested, "a judge and a prosecutor kind of get the hang of these things," and will be able to make accurate intuitive predictions of recidivism. DS–1 was constructed to test the accuracy of intuitive predictions, but as Figures I, J, and K show, it is even less accurate than DS–2. At each cutoff point on the scale the subjective determination of DS–1 singles out a smaller percentage of recidivists than does DS–2. To eliminate all recidivism by detaining all who are convicted of pretrial crime requires, under either scale, the detention of a huge number of nonrecidivists. Under DS–1, however, the number of incarcerated nonrecidivists amounts to little less than a dragnet.

Besides being less accurate, and therefore inherently less desirable than DS–2, the use of broad judicial discretion in detention raises serious constitutional questions. The possibility exists that some judges, absent rigid restrictions on their discretion, will detain the poor, the politically unpopular, and members of minority groups by labelling them "dangerous." The motives of judicial officers do not have to be called into question, however, to refute the desirability of broad judicial discretion. Judges motivated to detain only the truly dangerous need rigorous, empirically tested standards in order to achieve the precise predictions demanded by preventive detention.

4. Violations of Due Process

Preventive detention's reliance on status and personality as determinants of commitment is reminiscent of other devices used to control recidivism, vagrancy and loitering statutes for example, that have been struck down regularly as violations of due process. The concerns expressed by the Court in voiding statutes found intolerably vague are present in the District of Columbia detention law, even though those cases involved the imposition of criminal liability. Lack of warning to citizens as to what will justify incarceration, lack of causal connection between incarceration and actual social harm, and open invitation to unrestrained administration all inhere in the preventive detention law. A defendant trying to prove himself "non-dangerous" will not find his task any easier than that of a citizen trying to prove he is not a suspicious person to a policeman on the beat.

As the Court of Appeals for the District of Columbia stated:

> We do not gainsay the importance of crime prevention or the need for effective measures to combat transgression of the criminal law. But as desirable as these goals are, they cannot be achieved through techniques that trample on constitutional rights. Many years ago this court held that a citizen cannot be punished merely for being "a suspicious person." Statistical likelihood that a particular societal segment will engage in criminality is not permissible as an all-out substitute for proof of individual guilt. And not even past violation of the criminal law authorizes one's subjection to innately vague statutory specifications of crime.

The problems raised by the operation of the preventive detention law are familiar to the courts. Its irrational classifications deprive individuals of their most basic judicial protection—a reasoned adjudication of their individual rights and responsibilities. It will be difficult for courts to avoid invalidating preventive detention as a violation of the due process and equal protection guarantees.

* * * * *

CONCLUSION

This study is an empirical assessment of the likely operation of the District of Columbia preventive detention system based on an analysis of bail crime in Boston in 1968. The data indicate that the percentage of serious offenders who can be said with certainty to have committed pretrial crime is low (9.6%), and lower still for serious offenses (5.2%). The District of Columbia law's criteria for identifying defendants likely to commit bail offenses provide little hint of which defendants will become double offenders. At no time do the criteria individually or collectively provide a means of isolating even a small group of defendants, more of whom are recidivists than are not. And because 70% of recorded bail crime occurs after the first sixty days of pretrial release, the District of Columbia's model scheme seems unlikely to thwart much serious bail crime. Locking up defendants before trial may prejudice the outcome of their cases and make them more rather than less likely to become habitual criminals. Making justice swifter and surer by bringing criminals to trial promptly is a more effective means of reducing bail crime.

Empirical analysis of legal and governmental policy is still a relatively rare phenomenon. Where empirical analysis is employed to test the fairness of existing programs, it may illuminate inequities and provide guidance for reform. But many difficult issues concerning the use of empirical data remain unsettled. Is empirical justification necessary when a program is enacted in response to a public outcry for action? If technology and actuarial tables are able to create classifications circumscribing individual responsibility, will preventive law enforcement become a tool of repression? Can use of the scientific method, which tends to subordinate individual interests to empiricism, classification, and quantification, resolve the tension between the need for classifications necessary to implement social policies, and the uniqueness of individual citizens? With the enactment of preventive detention, these questions are becoming more immediate than theoretical.

There are other potential abuses of preventive detention. The District of Columbia statute includes no limit to the concept of "danger to the community," the standard which precipitates incarceration. The preventive detention hearing officer's interpretation of "past conduct"—defined in this study as relating to prior incarceration and proven criminal conduct, but neither defined nor limited in the act or legislative history—could encompass unpopular or inflammatory political activity or mere allegations of inchoate criminal intent, eroding the distinction between constitutionally-protected conduct and conduct regulated by criminal law. And criteria related to economic or social status, even narrowly construed, open the door to invidious class and racial distinctions perpetuated under the guise of principled adjudication of the characteristics of dangerousness. The assertion that preventive detention will rationalize the archaic bail system by bringing into the open improprieties which have smoldered sub rosa, is not supported by a corresponding inclination of its proponents to narrow the scope of detention. Rather, the measure forbodes the likely denial of bail to as many groups as are presently detained.

The findings and analysis of this report do not answer all the questions preventive detention raises, however. Hard-to-measure factors prevent an exact quantification of the incidence of bail crime. Nor can the value of a complex predictive mechanism be judged conclusively on the basis of a single application in one locale at a given time. Nonetheless, it is hoped that the results of this empirical study can become the starting point for a dispassionate evaluation of preventive detention based on concrete data rather than on rhetoric or fear. Whatever shortcomings exist in the methodology or analysis will hopefully provide an impetus to, and a framework for, more precise study. When fundamental liberties are at stake, no less will suffice.

EXHIBIT 5

[From the New York Times, Apr. 25, 1971]

PREVENTION: "WHEN IN DOUBT, DON'T LET THEM OUT"

(By Alan M. Dershowitz)

We live in a nation that prides itself on championing the principle that a man is innocent, and free to pursue his normal life, until his guilt is proven. As Justice Robert Jackson once put it: "Imprisonment to protect society from predicted but unconsummated offenses is . . . unprecedented in this country and . . . fraught with danger of excess and injustice. . . ."

Yet today in America, more than twice as many citizens are confined on the basis of a *prediction* that they may commit a crime in the future than on the basis of a *conviction* for having committed a crime in the past. More than half a million such persons are being held in institutions ranging from mental hospitals to reformatories—and there are indications that this number may be on the increase.

ILLUSTRATIVE CASES

Some recent examples:

John Hamrick was charged with raping two women. His defense was that they had consented. Both cases were set for trial, and the first jury unanimously acquitted him. Rather than risk a second acquittal, the District Attorney invoked the sex psychopath statute which authorizes life imprisonment for defendants who possess "criminal propensities to the commission of sex offenses." Following a psychiatric prediction that he might commit future rapes, Mr. Hamrick was committed to the county jail; the Supreme Court denied review.

Antonio Garcia witnessed a killing one night in Springfield, Mass. Although he had nothing to do with the crime, he was jailed for six months as a "material witness" because the judge predicted that he might violate a court order not to leave the state.

Bong Yol Yang, a 41-year-old United States citizen, approached the White House asking to see the President. He appeared disoriented and was taken to a mental hospital where he vigorously protested his confinement. A psychiatrist diagnosed him as paranoid schizophrenic and concluded that although he had never been violent in the past, "he may potentially attack somebody." Under the District of Columbia statute, a mentally ill person can be committed if found "likely to injure himself or others. . . ." Accordingly, Mr. Yang was ordered to join the thousands of mentally ill people confined on the basis of psychiatric predictions.

Psychiatrists are not the only experts whose predictions are relied on for preventive confinement. A social worker's prediction that a youngster is "in danger of becoming morally depraved" may result in his institutionalization as a juvenile delinquent. And a judge's prediction that the release of a defendant awaiting trial would not "reasonably assure . . . the safety of other persons or the community" would, under a recently enacted Federal statute, justify 60 days of detention.

HARMLESS ACTS

Some traditional "crimes" focus on acts which are themselves harmless, but which are viewed as the smoke of possible future fires. Vagrancy laws were recently described by an appellate court as a predictive device to "suppress crime in the future." And conspiracy—the law under which the Berrigan indictment was brought—is commonly used to head off anticipated harms (in that case, an alleged kidnapping and bombing).

Preventive imprisonment is widely employed during wars and emergencies—witness the mass internment of Japanese-Americans during World War II on the basis of a prediction that some of them might help the enemy, witness the preventive detention provisions of the McCarran Act which authorizes preventive detention of persons who would "probably" engage in espionage or sabotage during an "internal security emergency."

It is not surprising, therefore, that we have seen—and may continue to see—an increased reliance on preventive imprisonment during these times of burgeoning violence and growing dissatisfaction over the criminal laws perceived inability to deter crime.

The preventive devices catalogued above—and other like them—rest on the assumption that experts are indeed able to predict which individuals will commit violent crimes. Throughout history, there has been no paucity of crystal ball gazers claiming an ability to glimpse the future. They have ranged from Cesare Lombroso, a 19th century Italian who spotted future criminals by the bumps on their head to Dr. Arnold Hutschnecker, a friend of President Nixon's, who recently proposed that all six-year-olds be subjected to psychological testing as a means of spotting delinquent tendencies.

But systematic experimentation designed to determine whether predictions of violence are accurate has never been carried out—and for understandable reasons. When an expert predicts that a given individual will engage in violence if allowed to remain free, the natural community response is to confine him and take no chances. But if he is confined, it will be impossible to determine whether the prediction was correct: whether he would, in fact, have engaged in the predicted conduct had he remained at liberty.

UNWILLING TO EXPERIMENT

This understandable unwillingness to experiment with violence has characterized virtually every technique of preventive confinement. For example, few psychiatrists are willing to say: "I predict that this man will be homicidal, but I am going to release him in order to test the correctness of my prediction." Psychiatrists rarely learn, therefore, about their erroneous prediction of violence. But they frequently do learn about their erroneous predictions of nonviolence—from newspaper headlines announcing the released inmate.

This same phenomenon—the higher visibility of erroneous predictions of non-violence—is likely to plague judicial efforts to predict violence among defendants awaiting trial. And it will probably incline judges—as it has psychiatrists—to err on the side of confining rather than releasing. ("When in doubt, don't let 'em out.")

EVIDENCE OF INACCURACY

There is growing evidence (based upon follow-up studies of escaped and judicially released inmates) that psychiatric and judicial predictions of violence are extremely inaccurate—that the vast majority of persons confined on the basis of these predictions would not, in fact, engage in violence if released. This evidence is not conclusive; nor could it be until society is prepared to incur the risks of releasing at least some detainees under controlled conditions. The Justice Department was recently asked to cooperate in an experiment under which a small number (say 10 per cent) of defendants judicially predicted to engage in nonviolent crimes would be released at random; they would then be followed up in order to determine the accuracy of the predictions. The Department turned down the proposal, saying that it did not want to experiment with the safety of its citizens. But the confinement of people on the basis of untested predictions is also an experiment—an experiment with liberty.

ORDER FOR RECOGNITION OF SENATOR GRAVEL ON A NON-GERMANE MATTER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the expiration of the period for the operation of the rule of germaneness today and at such time thereafter as the floor is yielded, the Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 30 minutes to speak on a non-germane subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time has expired for the transaction of morning business.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Massachusetts (Mr. KENNEDY), I ask unanimous consent that during the remainder of the debate on H.R. 6531, Mr. Mark Snyder may be allowed the privilege of the floor, except during rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the Mathias amendment in the nature of a substitute for the Mansfield amendment to H.R. 6531.

Mr. GRAVEL. The Dominick amendment was not called up yesterday?

The PRESIDING OFFICER. It was not called up.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President I suggest the absence of a quorum. It will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 59 Leg.]

Aiken
Allen
Anderson
Baker
Bentsen
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cooper
Cotton
Cranston
Curtis
Eagleton
Ervin
Fulbright
Goldwater
Gravel
Gurney
Mansfield
McClellan
McIntyre
Metcalf
Montoya
Packwood
Pearson
Prouty
Schweiker
Scott
Smith
Sparkman
Stennis
Stevens
Stevenson
Taft
Talmadge
Young

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL) is absent by leave of the Senate because of illness.

The Senator from South Dakota (Mr. MUNDT) is also absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. JORDAN), and the Senator from Delaware (Mr. ROTH) are absent on official business.

The Senator from Illinois (Mr. PERCY) is necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott
Bayh
Bellmon
Bible
Brock
Brooke
Buckley
Case
Chiles
Cook
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Gambrell
Griffin
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McGee
Miller
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Saxbe
Spong
Symington
Thurmond
Tower
Tunney
Weicker
Williams

The PRESIDING OFFICER. A quorum is present.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE OFFICE OF ECONOMIC OPPORTUNITY FOR 1969 AND 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-111)

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Pursuant to the Economic Opportunity Act of 1964, as amended, I have the honor to transmit herewith the Annual Report of the Office of Economic Opportunity for Fiscal Years 1969 and 1970.

RICHARD NIXON.

THE WHITE HOUSE, *May 12, 1971.*

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the Mathias substitute.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on my amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING QUESTION

Mr. GRIFFIN. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Maryland (Mr. MATHIAS) to the amendment offered by the Senator from Montana (Mr. MANSFIELD) to H.R. 6531. On this question, the yeas and nays have been ordered.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. The yeas and nays having been ordered on the Mathias amendment, it would not be possible now for the Senator from Maryland (Mr. MATHIAS) to modify his amendment without unanimous consent; is that correct?

The PRESIDING OFFICER. No, it would not be possible, except by unanimous consent.

Mr. GRIFFIN. I ask unanimous consent, Mr. President, that despite the fact that the yeas and nays have been ordered, the sponsor of the pending amendment, the Senator from Maryland, be permitted to modify his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—it was at the behest of the majority leader that the yeas and nays were ordered on the pending amendment, and it was at his request that it be in order to order the yeas and nays on his own amendment.

Subsequent to that time, I have discussed the matter with him, and I have reason to believe that he would not object to the unanimous-consent request of the distinguished minority whip; therefore, I interpose no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered. The Senator from Maryland is accorded the privilege of modifying his amendment.

QUORUM CALLS

Mr. GRIFFIN. I thank the distinguished majority whip. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment——

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Maryland (Mr. MATHIAS).

Mr. THURMOND. Mr. President, I rise in support of the amendment of the distinguished Senator from Maryland (Mr. MATHIAS) to H.R. 6531, as amended. My remarks at this time, however, will be chiefly in opposition to the main amendment by the distinguished majority leader.

I oppose the amendment of the distinguished majority leader to H.R. 6531 which would deny funds after December 31, 1971, for the maintenance or support in Europe of any military personnel of the United States in excess of 150,000.

The Mansfield amendment, while well intended, would throw into disarray the strongest and most successful military alliance our Nation has had during this century.

With U.S. forces in Europe at around the 280,000 strength level, the effect of this amendment would be to cut our military personnel strengths in half. This meat-ax approach in dealing with U.S. military commitments is another example of a rapidly growing rush toward isolationism.

This is not to say, Mr. President, that I oppose troop reductions in Europe. The international monetary situation concerns me as much as anyone, and I favor strong steps to meet this crisis. One such step would be troop reductions in Europe, but such cutbacks should take an orderly and phased course.

The Nixon administration has been giving this matter high priority. Just last year, efforts to obtain larger NATO support from our allies there resulted in a 5-year $1 billion plan for force improvements by them. This was an important and significant first step on the part of our NATO partners toward a long-needed readjustment in United States-European relations.

The wording of the amendment by the distinguished majority leader implies that the present monetary crisis results from the lengthy time that U.S. military forces have been deployed in Europe. This is incorrect. The U.S. balance-of-payments deficit of $10 billion in 1970 resulted from the flow of U.S. capital to Europe in search of a higher return. It had nothing to do with our military commitment there; and, in fact, there was a payments surplus of $2.7 and $1.6 billion in 1969 and 1968, respectively.

In 1968 and 1969 the United States had approximately the same troop strength in Europe as was there in 1970.

Mr. President, in addressing myself to this amendment by the Senator from Montana, I would like to divide my remarks into three sections. First, I wish to address the importance of NATO and how this country has reduced its manpower there in the last decade. Second, I would like to comment on the balance-of-payments issue which appears to have precipitated this drastic amendment. Third, I would like to point out the numerous adverse effects of the drastic congressional action entailed in this amendment.

NATO COMMITMENT

First, our NATO commitment. As my colleagues know, the United States established NATO after World War II to counter the expansionistic policies of the Soviet Union. In the early 1950's our Nation had to provide all the major elements of the NATO structure—money, talent, equipment, and significant personnel.

Since that time, however, our 14 NATO allies have steadily built up their forces and the equipment of these forces. Vast amounts of this equipment has been bought from U.S. manufacturers.

Today, U.S. forces constitute only around 10 percent of the ground manpower in NATO Europe. From a total manpower commitment of 417,000 in 1961 the United States dropped to 366,000 in 1966 and to around 280,000 today.

Thus, it is clear the U.S. commitment is being reduced although not as fast as we might desire. However, it would be reckless and very damaging to NATO if our remaining forces in Europe were slashed in half by the end of this year.

The value of NATO to this country rests on the vital fact that our security is firmly tied to the security of Western Europe. If the resources of Western Europe fall into hostile hands, through either military conquest or political subversion, then the balance of world power would tip against us.

In view of the history of the two world wars, and of today's rising military power in the Soviet Union, it is very clear that a U.S. military presence is needed in Europe to preserve the balance of power between the East and West.

The NATO alliance would be seriously damaged by such a deep cut as proposed by the Mansfield amendment. Since the majority of U.S. troops are in West Germany the impact of our sudden withdrawals would be especially harsh on this valued ally.

Further, such large and sudden troop withdrawals would necessitate greater dependence on the U.S. nuclear weapons in Europe. Presently there is a balance between nuclear and conventional power. It would be unwise to throw our hopes mainly on the use of nuclear weapons.

NATO stands as the first line of allied defense against the numerically superior Warsaw Pact forces behind the Iron Curtain. It is better to have our first line of defense in Europe rather than on our own shores.

BALANCE OF PAYMENTS

Second, Mr. President, I wish to address myself to the balance-of-payments problem because the author of amendment No. 86, now pending before the Senate, appears to propose this drastic action because of the current monetary crisis.

Last year, the U.S. balance-of-payments deficit in Europe hit $10 billion. I would be the first to agree this is an extremely serious problem and undoubtedly predicated the attack on the dollar last week.

However, to propose to the Senate that our NATO commitment is causing these monetary upheavals is nonsense.

In 1966, 1968, and 1969 this country had a surplus in our balance-of-payments account. From 1961 to 1965 and in 1967 there were deficits varying from $1.3 billion to $3.4 billion.

The current problem is related to the tremendous outflow of U.S. investment capital that left this country in 1970 seeking a higher return in Europe. This resulted from the decline of interest rates in the United States at the same time these rates were rising in Europe.

Furthermore, other factors figure into this problem. U.S. industry, seeking cheaper labor sources, had poured billions into plants abroad. Also, Americans are buying Volkswagens and other European products in greater quantities.

It is true military expenditures have an impact on our balance-of-payments problem. However, U.S. tourists spend as much in Europe as the military does. No one has proposed we shut off the flow of tourists to Europe.

Also, the Senate should remember much of current U.S. military expenditures in Europe are offset or neutralized through cash receipts from arms purchases by our allies. Our friends in Europe also undertake bond purchases for the express purpose of relieving the U.S. balance of payments on the military account.

Mr. President, a drastic reduction in U.S. military expenditures in Europe would also undoubtedly result in a substantial drop in the purchases of U.S. military equipment and U.S. securities by our allies there. Thus, the net savings in our balance-of-payments account might be small.

Finally, it should be emphasized that West Germany, where the majority of U.S. forces are deployed, has worked closely with us in covering the balance-of-payments deficit by commercial military purchases and bond purchases.

DRASTIC RESULTS OF CUT

Third, I would like to point out the numerous and adverse results which would flow from approval of the Mansfield amendment. These would include:

First. Throws the balance of power in Europe to the advantage of the Warsaw Pact nations.

Second. Denies our allies in NATO sufficient time to fill the manpower gaps which would result from sudden U.S. withdrawals.

Third. Requires costly prepositioning of equipment and supplies for use in any redeployment of American forces in the event of a NATO military alert or crisis.

Fourth. Leaves remaining U.S. forces in positions which would quickly be overrun by any would-be aggressor.

Fifth. Places greater reliance on U.S. nuclear weapons, thereby increasing chances of escalation into nuclear exchange between major powers.

Sixth. Delivers greatest blow to NATO's strongest ally, Germany, where most of U.S. troops are stationed.

Seventh. Would undermine the confidence of all our NATO allies in this Nation's mutual defense assurances.

Eighth. Troop cuts of this size would be seen as a move toward isolationism as the remaining commitment would be viewed as only a token force.

Ninth. Returning such sizable forces to the United States in such a short time would entail one-time costs of billions not currently in the budget.

Tenth. There would be small, if any, savings between having these forces stationed in the United States against allowing them to remain in Europe.

Mr. President, approval of amendment No. 86 would be an action destructive of our own security. It would throw the military balance of power in Europe clearly to the side of the Soviets. The political stability of our NATO allies will be threatened.

If the Senate wishes to take upon itself the determination of how many forces we should have in Europe, we should at least have hearings on the subject. The President and the Defense Department should be heard. The facts should be considered in the calm of the committee room, not in the heat of the Senate arena.

One might ask of the proponents of this amendment, why place the ceiling at 150,000? Why not 100,000 or 200,000? What is magic about 150,000? Many questions will hang in the air if we start the tried and true legislative processes in matters of such importance as this one.

Also, let me say again I would be favorably inclined toward some troop reductions in our NATO forces. But first I would like to know exactly how much risk we take in proportion to the reductions. I would probably favor a higher ceiling than that proposed by the authors of the Mansfield amendment, but without testimony and the probing of committee work it is impossible to find the magic figure.

Finally, Mr. President, I understand and share the desire for an alleviation of the long continued strain on our finances, manpower, and other resources, but let us not go overboard and act in haste. Adoption of this amendment is not the way to go about it. In my judgment it will do more harm than good to both our immediate and long term national security interests. I hope the Mansfield amendment will be defeated.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, yesterday I submitted amendment No. 88, in the nature of a substitute for the Mansfield amendment, which I understand is the pending business, except for the fact that the Mathias amendment has been offered as a substitute for that amendment. Am I correct procedurally?

The PRESIDING OFFICER. The pending question is on agreeing to the Mathias amendment in the nature of a substitute for the Mansfield amendment.

Mr. DOMINICK. I thank the Chair.

Mr. President, as I believe most Senators know, when the distinguished majority leader some years ago offered a sense-of-the-Senate resolution that a substantial reduction of forces should be made in the European theater—and after all, at that point some 22 or 23 years after World War II we were maintaining extensive forces in Europe—I was in the Chamber and I immediately cosponsored his resolution. I am not a bit sure we did it for the same reason.

To start with, I might say I am concerned over the Soviet threat along the borders of Western Europe. I am aware of the growth of their power structure, and the growth of the size of the conventional forces they have there. The distinguished Presiding Officer (Mr. HUGHES), who serves on the Committee on Armed Services, also has knowledge of that. I am concerned about it.

Nevertheless, it seems to me to be somewhat ironic, to say the very least, for us to have over 300,000 troops, and a total of over 525,000 American uniformed personnel and civilian dependents, in the European theater some 25 years after World War II, particularly at a time when we are hoping to reach agreement on the SALT talks and the nuclear weaponry which the Soviets have been developing so rapidly.

Therefore, I am in sympathy with his efforts to try to get a reduction in force. I have brought up that problem in our committee meetings of the Committee on Armed Services on a number of separate occasions.

Despite my feelings in this matter, however, I think the Mansfield amendment, as presently drawn, is the wrong way to go about it. What he is doing is putting a limit on appropriations to determine how many troops we can have there. Under our Constitution, as I understand it, the President, as Commander in Chief, has the major responsibility to determine where troops ought to be positioned for the defense, not only of our country, but also for the defense of our allies, with whom we have made commitments which have been endorsed on almost all occasions by the Committee on Foreign Relations, and of which the distinguished majority leader is a member.

For us to take the position that we in Congress can determine what the tactical maneuvers should be for the defense of this country seems to me to be a very bad mistake.

It was for that reason that yesterday I sent to the desk for printing amendment No. 88, which is now printed and on the desk of every Senator.

Mr. President, I ask unanimous consent that the amendment may be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

In lieu of the matter proposed by amendment numbered 86 (the Mansfield amendment), insert the following:

At the end of the bill add a new title as follows:

"TITLE IV—REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

"SEC. 401. The Congress hereby finds that the amount of funds expended by the United States to support and maintain military forces of the United States and their dependents in Europe materially contributes to the unfavorable balance of payments problem of the United States which, in turn, results in periodic international monetary crises involving the dollar. It is therefore the sense of the Congress that the President should take immediate action to withdraw from Europe a substantial portion of the military personnel of the United States and their dependents at the earliest practicable date, without in any way denigrating our commitment to the NATO alliance."

Mr. DOMINICK. Mr. President, what this amendment would do would be to find that the amount of money expended by the United States to support and maintain our forces and their dependents in Europe materially contributes to the unfavorable balance-of-payments problem of the United States which, in turn, results in periodic international monetary crises involving the dollar.

We are involved in such a crisis at this time. Part of the reason, I have ascertained from sources downtown, is the defense cost we are incurring overseas in a number of different areas, and particularly in Europe.

The proposed substitute goes on to state:

It is therefore the sense of the Congress that the President should take immediate action to withdraw from Europe a substantial portion of the military personnel of the United States and their dependents at the earliest practicable date, without in any way denigrating our commitment to the NATO alliance.

Mr. President, this is based on two theories. First of all, it seems to me apparent that we should withdraw a substantial portion of our personnel from that area, as we are now expending between 7- and 8-percent of our gross national product on defense around the world, in general. Perhaps our major expense is in Vietnam but we have cut that by over 50 percent since this President took office, and we have more people in uniform in the European Theater now than we do in any other area of the world.

Our allies, on the other hand, are spending, in the case of Germany, about 3 percent of their gross national product. If we look at the Asian theater, recognizing they have constitutional limits on what they can do with their internal forces, they are spending about one-half of 1 percent of their gross national product on defense.

Meanwhile, we have placed an umbrella over our allies with our nuclear power and conventional forces and we have put our own people in front lines where I think they do not belong.

The substitute I have sent to the desk, therefore, is not mandatory on the President. It simply recites the sense of Congress—which the President, as Commander in Chief, if he feels the defense of this country is in any way endangered by a reduction of forces is entitled to ignore—and does indicate a feeling of many of us that we have been going too long down this same road in Europe and that we should be making reductions there just as we are in other areas of the world.

Furthermore, it does not specify any exact number of troops. It seems to me by giving an exact number of troops we are going to maintain in the European theater we do nothing except give away our intentions to a potential enemy without having any assurance that our allies are going to take up the slack.

The substitute amendment as I have proposed it would permit the administration to take such action as it deems necessary to try to get our allies to build up their own forces in the meanwhile in order to provide the necessary defense for their own borders against the very people they have asked us to defend against.

I think frankly that this is a far more reasonable method of going about the objective that we have before us than is the Mansfield amendment.

Now, I shall comment on the Mathias amendment.

Mr. COTTON. Mr. President, will the Senator yield at that point?

Mr. DOMINICK. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, first I wish to commend the distinguished Senator from Colorado for his statement, his position, and for the amendment that he has sent to the desk.

I find myself precisely in his position. I, too, joined the distinguished majority leader several years ago and again more recently in cosponsoring a sense of Senate resolution, or perhaps it was a sense of Congress measure, calling for a reduction of our forces in Europe.

I, too, feel we have too many troops there. We have assumed too heavy a burden and it is having a highly unjustified effect on the balance of payments that is so important to the fiscal situation of this country at this time.

I agree wholeheartedly with the Senator from Colorado that his amendment would be the proper approach, and I want to support that amendment. It is highly possible that if Congress, having control of the purse strings, in its wisdom saw fit to put a limitation of some kind in an appropriation bill that could be spent in a certain quarter, that would be constitutional and would be a proper exercise of the authority of the Congress. But I feel that a bill that directs the President to have so many men at any given point is a distinct invasion of the authority of the President as Commander in Chief of the forces, with the generally recognized authority to deal with the deployment of forces. In other words, a limitation of dollars might well be a proper exercise of the authority of the Congress, but a limitation of men I believe to be a clear invasion of the constitutional powers of the President. Therefore, I am anxious to be able to vote for the Senator's amendment.

I want to register, by my vote, my protest at the number of forces we have in Europe, and the size of the burden that we are assuming. At this point I am afraid I could not support the measure presented by the majority leader in its present form with its distinct limitation of numbers.

I thank the Senator.

Mr. DOMINICK. I certainly appreciate the support of my very good friend from New Hampshire, who has had long experience in this field. I think his comments add greatly to the situation that we are facing here. Suppose, for example, a threat should emerge in the Mediterranean area to a greater degree than it now is, with Soviet forces pushing down farther and farther into that very vital Middle East area. I wonder whether we would then be asked to say "No," that the President is not entitled to do anything about defending our interests in that area, because we are not going to appropriate any funds for that purpose. I think perhaps we would do it. On the other hand, if it is going to violate our commitment to our allies by taking such action, or if it would endanger the security of the United States or its territories, I think we would be outside the bounds of our constitutional rights that we have within this great body.

I wanted to make one or two other comments which I think are of some significance. Because of other committee business, I must of necessity be away all day tomorrow and all day on Friday and then all day on Monday, so I shall not be here until Tuesday. These are commitments that have already been made. I think this is unfortunate in case we had any votes prior to that time, as I would like to be able to support either my own amendment or the Mathias amendment if that should pass.

The Mathias amendment has a number of good features in it, because it refers specifically to the negotiations undertaken by the members of the North Atlantic Treaty Organization, trying to relax tensions in Europe and improving East-West relations. I think that is well said, and I think it is something that ought to be continued and encouraged.

The Presiding Officer may remember that on a number of occasions we have advocated a mutual withdrawal of troops, a mutual withdrawal whereby the Soviets would withdraw troops in the eastern section of Europe and we would in turn reduce NATO forces. On almost every occasion, with few significant changes, which they have done in order to bolster their forces along the Chinese border, the Soviets have totally ignored suggestions of this nature. So we might as well go ahead and try, anyhow. That is why I think the language the Senator has provided there is good.

Then he goes on to say that "In support of such negotiations, the Congress endorses the declared intention of the President to maintain the necessary level of U.S. Armed Forces in Europe," without saying what that level will be. Again, I think that is proper. The level might be 50,000 or it might be 100,000, depending on what the threat might be from time to time.

If the Congress reaffirms its support of the President's program to consult on a regular basis with American European allies, that is also good, because that is part of the whole problem of the question of how much of the burden of this defense is going to be taken by our NATO allies within that particular area of the world. I feel this is good.

I think the last portion of the amendment creates some problems. I noted that earlier today the distinguished majority leader obtained the yeas and nays on the Mathias amendment. I do not believe the author of that amendment was present when that happened. Under our procedure, as I understand it, in order to modify an amendment after the yeas and nays have been ordered on it, unanimous consent must be obtained. I pointed this out to the majority leader and said that I thought the distinguished Senator from Maryland might make some changes in that last phrase in order to have it read that no increase in the level of the U.S. forces in Europe shall be made without prior notice to Congress. That would be different from the way it is now worded.

The majority leader indicated to me, when I talked to him about it, that he would not object to a request for such modification. It would be my hope that no other Senator would object, either, because I think it gives us what we wanted; namely, the opportunity of reducing forces, but if we are going to increase them, at least Congress should be informed.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. The distinguished minority whip already has asked unanimous consent that it be in order for the Senator from Maryland to modify his amendment notwithstanding the fact that the yeas and nays had been ordered thereon, and that unanimous-consent request was not objected to.

Mr. DOMINICK. I thank the distinguished majority whip. It is going to be a great help along that line. I really appreciate it.

I made a speech on this very subject before the International Rotary Association in Denver, Colo. where a great number of our Commonwealth friends were present. I did that in 1965, if I recall correctly. A number of people from England, Australia, New Zealand, islands which were not then totally independent, and a number of people from other NATO countries were there, even though it was a Commonwealth type of organizational meeting.

I am happy to tell my colleagues that, to use the vernacular, I turned the blast a little bit on our friends in Great Britain for their failure to meet their commitment under the NATO Alliance. They did not like it very much, but I am also very happy to report that the ones from our own country who were there thought it was time somebody said this and thought it had gone over quite well.

Since that time I have been in England once as a member of the Ditchley congressional delegation in the year that Mr. Churchill died, and second, a Ditchley congregation when I chaired the meeting at which we talked about some of these problems, at least informally, if not formally.

They were willing to admit at that time that they could not see, under their own economic situation, how they could possibly meet the force levels and the defense expenditures which were required under the NATO Alliance, and further negotiations were carried on to see what should be done about that.

Secondly, I received the rather disquieting news, in a current English publication which I read just today, that there are problems in the German armed services in connection with their fiber, their morale, their whole concept of whether or not they are performing their function properly in trying to assess and offset the threats which they see on their borders. This is indeed disquieting, because if the army officers themselves—and this is what the report was about; the army officers had protested publicly to their own defense minister—then it means that we have some problems there insofar as recognition of the threat is concerned.

Why is this so? Largely, I would suggest, it is because almost everyone has felt that, either by trade negotiations or by talks with the Soviets, we would be able to get them to reduce the size of their forces and the threat which any power level of that kind must necessarily have against any country.

What has happened? I was quite surprised the other day to read in the newspaper that our former roving Ambassador, Mr. Harriman, has suggested that the United States should try out a unilateral type of stoppage of arms defense within this country. I say it was a surprise because that is exactly what we did during the entire decade of the 1960's. It was based, as I understand it, at least—and as I was told over and over again in committee by the then Secretary of Defense, Mr. McNamara—on the premise that as soon as the Soviets had achieved parity with the United States in the nuclear situation, we would then have an offset, and they would then stop.

The fact of the matter is, as every bit of evidence has indicated, that they not only have not stopped, they are increasing their efforts. They are increasing the size of their forces. They are at least increasing their adventurism in a whole variety of areas; and by 1974 at the latest, and perhaps even now, the United States may find itself subject to an enormous number of pressures from a very great nation, with technical superiority in almost every area of weaponry there is.

Let me state some of the problems we face. Let us hope, and let us as a premise suggest, that there will be no nuclear war, but that there may be a confrontation with conventional forces, which would require us to do something about our commitments to our allies in a variety of areas throughout the world.

Surrounded as we are by two great oceans, there are only two ways that we can provide that support and do it rapidly. We can do it either by an extended and heavy airlift capability, such as would be supplied not only by the C–5A but also by our reserve air transport fleet, or we can do it by ship, and our shipping, as Senators know, has gone down and down and down.

As an example of what I am talking about, prior to World War II, Germany entered the war with—I am not sure of this figure, and would want to correct it for the RECORD later if it is incorrect—either 67 or 97 U-boats. Those boats almost cut off our ability to supply with the necessary petroleum reserves and equipment our allies who were on our side in that tremendous war.

We all remember the Murmansk run, and the dangers that were created there. We all remember the Liberty ships that were built with such great rapidity in order to provide the necessary transport capability. And we also all must remember that oil and gasoline were two of the most important items of supplies that had to be made available for our reinvasion of Europe, in order to overcome the German takeover.

Those 67 or 97 U-boats almost totally cut off our supply. At the present time, the Soviet Union has a fleet six times bigger than that, all of which have been built since World War II; and if you look at the sizes of the tankers which constitute the present-day mode of transportation of petroleum, you will find that each tanker that might be sent now would carry the equivalent of what 26 tankers were carrying in World War II. So you have got to multiply that 26 tanker figure by six in order to determine the damage that could be done if that Soviet underwater fleet were actually in operation in conventional warfare, trying to cut off our ability to supply our allies.

In other words, the threat is there, and every narrow waterway in the world at the present time is now either flanked by Soviet forces or has Soviet ships, both surface and underwater, patrolling the area. This is true whether we are talking about Gibraltar, whether we are talking about the Suez, whether we are talking about the Panama Canal, or whether we are talking about the Bering Straits; and at this point, the Soviets having injected their power into the Indian Ocean, it is also obvious that the Malacca Straits are in trouble.

I would say, therefore, that in order to be able to determine how to dispose of the overall forces which we will have in our own service, we must leave the tactical decisions to the Joint Chiefs of Staff, to the Department of Defense, and to the President as Commander in Chief, and that we should not undertake here in the Senate, as the Mansfield amendment attempts to do, to determine where those troops should be stationed and where those forces should be located.

We can and should, however, express our opinion on the fact that we believe we have had too many forces in Europe too long, and that is what both the Mathias amendment and my amendment would do.

Mr. President, I regret having taken as much time as I have on this matter, but I think it is worthwhile for colloquy to indicate, first of all, the problems that we face in the world today and those that we may face in 5 or 6 years, and at least to raise the very serious question as to whether Congress is qualified to be able to take over the tactical role of our military forces; and second, even assuming we are so qualified—which I do not think we are; I do not consider myself to be so qualified, and I do not think most Members are, at least not without very extensive briefing and training, which most of us do not have—I do not believe we have that power under the Constitution.

For those reasons, I would strongly urge that either the Mathias amendment or my amendment be adopted as a substitute for the Mansfield proposal as it has been submitted.

I have not asked and will not ask for the yeas and nays, because I may want to make some modifications in my own amendment in the event the Mathias amendment is not successful, and I hope nobody else will, because I want to take a look at it and see if the wording is exactly the way I want it. The problem is that I wrote it in quite a hurry yesterday, in the process of also trying to do something about one of the subcommittees of the Committee on Labor and Public Welfare on which I serve.

So it is my hope that I will have a chance to modify this amendment in the event it comes up after the Mathias amendment. I do intend, with the modifications which I hope the Senator from Maryland will make, to support his amendment if I am here. But if it is called up prior to Tuesday, I will not be able to be here, unfortunately, because of committee business.

The PRESIDING OFFICER. The question is on agreeing to the pending amendment to the Mansfield amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, at this time, I will have only short remarks to make, but I do wish to point out with reference to the amendment offered by the distinguished majority leader, that the amendment was not before our committee when we wrote up the bill on the renewal of the Selective Service Act. That is a matter primarily for our committee in connection with a bill that has always been handled by the Armed Services Committee and, of course, the bill was referred to it.

We are prepared to debate that bill and any phase of it, but the amendment offered by the Senator from Montana—and I speak with the greatest deference to him, and he is of course within his rights to offer it—is another field, the activity of another committee, the Committee on Foreign Relations.

There have been no recent hearings on this matter and no indication, until I saw the Senator's statement in the press 2 or 3 days ago that he might offer the amendment; thus, the NATO Alliance, being out of our field although related to manpower, being primarily a matter of international policy and primarily a matter of post-World War II policy, frankly, we are not ready with the facts.

Since the amendment was offered, and since the Senator told me he was going to offer it early yesterday morning, I believe, I have been trying to get the facts, as have others.

For instance, the distinguished Senator from Kentucky (Mr. COOPER), a member of the Committee on Foreign Relations, is diligently preparing a speech in opposition to the amendment. He hopes to get to the Chamber this afternoon and deliver some of those points. Also, the distinguished Senator from Washington (Mr. JACKSON) is doing the same thing and will get here just as soon as he can.

I say this with emphasis: The Senate is blamed for delay, for filibustering, and all those things that go with those implications, but there is no intention to delay here on this amendment—not any—not one bit. There is no foot dragging or anything like that.

Everyone realizes the far-reaching impact of the amendment and the way it will unravel, to a degree, without any prior notice, major parts of our post-World War policy—foreign policy, as I said on yesterday, which has been outstanding in its success.

But, Mr. President, I am not running from anything or dodging anything. We are getting ready as fast as we can.

I am totally opposed to the amendment in its present form and the method it would employ. I want to expose that part of the amendment the very best I can.

Mr. President, I ask the Senator from Montana, now, as I have some additional remarks to make with reference to figures, does the Senator want me to give them right now, or I will be glad to yield to the Senator from Montana for any remarks he may care to make.

Mr. MANSFIELD. Will the distinguished Senator from Mississippi allow me to proceed for a few minutes?

Mr. STENNIS. Yes, of course.

ADDITIONAL COSPONSOR OF SENATE JOINT RESOLUTION 95

Mr. MANSFIELD. I was interested in the remarks of the distinguished chairman of the Armed Services Committee. Incidentally, may I ask most respectfully to be listed as a cosponsor of Senate Joint Resolution 95, I believe it is, the joint resolution which the Senator introduced on yesterday.

Mr. STENNIS. I am very glad and delighted to do so. I am happy that the Senator would join in cosponsorship of the joint resolution. I appreciate very much his action.

Mr. MANSFIELD. Mr. President, I make that unanimous consent request, that I be listed as cosponsor of Senate Resolution No. 95.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is true that the Mansfield amendment—if I may be so modest—was not considered by the Senate Armed Services Committee but I would point out that 3 years ago the Senate established a subcommittee composed of the members of the Foreign Relations and Armed Services Committees to go into the matter. A number of hearings were held. I happened to be the chairman of the combined subcommittee and the distinguished Senator from Mississippi (Mr. STENNIS) happened to be the vice chairman of that combined subcommittee.

We did issue a report as a result of the hearings but did not take any action at that time.

For the information of the Senate, I have been interested in this particular proposal as a matter of principle. I want to emphasize that, because politicians have principles, as well as those in other walks of life.

I have been interested in this matter for over a decade, long before this most recent happening. What has occurred over the past several days, relative to the decrease in value of the American dollar, is only incidental to the basic tenet as it affects my feelings and my approach to this matter.

So, to repeat, there were hearings in 1969 and in 1970, I believe. There was a report issued and the membership of that combined subcommittee was—I repeat—made up of Senators from the Senate Armed Services Committee and the Senate Foreign Relations Committee.

May I say that there will be other amendments offered to the pending bill—the McGovern-Hatfield amendment, for example—which, like it or not, have had consideration by the Armed Services Committee.

It also happens that a few days ago I dispatched a letter to the Secretary of Defense, Melvin Laird, reminding him of my letter of last August 5, in which I raised certain pertinent questions. I have not received an answer to that letter, as yet, but I find no fault in this, because I understand the situation completely. I ask unanimous consent that I be permitted to have some letters containing those questions printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 29, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense, Department of Defense,
Washington, D.C.

DEAR MEL: On August 6, 1970, I addressed a letter to you in which I raised a number of questions. I am enclosing a copy of the covering personal letter dated August sixth as well as the letter dated August fifth which contained the questions I had in mind.

I would appreciate it now if you would furnish me with answers to these questions at your earliest convenience.

Must close now, but with best personal wishes, I am.

AUGUST 6, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MEL: I have recently had occasion to talk to a number of retired Army officers who have served with our forces in Europe. In the course of these discussions, they raise many questions about the need for maintaining large ground forces in Europe in the light of current NATO defense plans, the necessity of maintaining the present number of military commands and headquarters, and the disadvantages arising from the fact that large numbers of dependents accompany our forces in Europe. I had asked them to summarize their criticisms in a series of questions which I then included in a letter to you which I intended to send you.

On reflection, it seems to me that by sending the letter to the Department of Defense I would be causing a lot of unnecessary work. I, therefore, decided, instead, simply to send you the letter, unsigned, for your information. It indicates the kinds of questions that do concern me and other Members of the Senate. I thought that is might be helpful for you to see it.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., May 3, 1971.

HON. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Since Secretary Laird is still convalescing from his recent operation, I am acknowledging receipt of your letter of April 29 enclosing correspondence concerning the presence of military forces in Europe.

Your letter is receiving attention and you will be advised further as soon as possible.

Sincerely,

J. F. LAWRENCE,
Brigadier General, USMC, Deputy Assistant to the Secretary for Legislative Affairs.

AUGUST 5, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR SECRETARY LAIRD: I rcently noticed an Associated Press report stating that all facilities at the U.S. Army supply port of Leghorn, Italy will be returned to the Italian authorities this summer. This seems to me to be a welcome and appropriate first step in reducing our large and costly military presence in Western Europe.

This first step should now be followed by others that are equally appropriate. As you know, I continue to be concerned by the size and purpose of our large troop commitment to NATO. I am particularly doubtful of the value to our security of the numerous noncombatant administrative headquarters, support and housekeeping units that are maintained in Europe. Considering the number of our forces there that are not functioning in a combat or even combat support role I cannot help but wonder if current force levels are for defense of our national security, or if they are not more directed to maintaining themselves comfortably in Europe. Also, I am increasingly doubtful of the ability of our large conventional forces to offer any effective non-nuclear flexible response to Soviet conventional attack. If our conventional forces must in fact depend on early use of even low-yield nuclear weapons to carry out their mission and survive, I fail to see how this provides for any form of flexibility in the manner of our response to aggression. Such early use of even tactical nuclear weapons would clearly open a nuclear war which could quickly escalate. Under these conditions our conventional forces would have performed no other function than to serve as a very large "tripwire" which would deny us any option other than resorting to nuclear war to protect U.S. troops.

To assist me in better evaluating the purpose and disposition of our forces in Europe, I would appreciate your answers to the following questions:

Do our European defense plans contemplate the early first use of tactical nuclear weapons by our forces?

Do U.S. Seventh Army conventional war plans envision the need for early first use of low-yield nuclear weapons as important to the successful accomplishment of their defensive mission?

If so, how many weapons do they contemplate using and how soon after they begin combat operations?

Is the use of tactical, low-yield nuclear weapons and CBW agents simulated in Seventh Army defense exercises?

How long is it estimated the Seventh Army can conduct a conventional non-nuclear defense east of the Rhine River?

Why is it necessary to maintain the U.S. European Command Element in Stuttgart, Germany, the U.S. Army Europe/Seventh Army in Heidelberg, Germany, the VII U.S. Army Corps in a suburb of Stuttgart and the V U.S. Army Corps in Frankfurt, Germany to command the equivalent of five reduced-strength Army divisions that are the heart of our force in Western Europe?

Is it not possible to eliminate some of these headquarters? I am told that Army doctrine indicates that a corps headquarters normally commands two or more divisions, why is it not possible to apply this doctrine in Europe and at least eliminate one of the corps headquarters?

Why must the U.S. element of the unified European Command continue to be located in Stuttgart? Why couldn't this element be stationed in the U.S., to be returned by air when needed to join the element stationed in Belgium?

How many Army troops stationed in the Federal Republic of Germany are combat troops in the sense of placing what I believe the military term is killing fire on the enemy?

How many are employed in combat support duties? How many are engaged in noncombatant administrative, support or housekeeping duties?

How many soldiers in the Army Infantry Division actually assigned the primary responsibility to fire at the enemy in combat? How many are employed in combat support and are not assigned primary responsibility normally to fire at the enemy? How many perform administrative and support duties which are chiefly noncombatant?

How many Army, Navy, and Air Force general/flag officers are on duty in Europe? How many of these are commanding combat elements? How many are serving in staff assignments? How many are serving in duties as commanders of noncombatant administrative or support elements? How many are serving in special assignments without command functions?

How many Colonels and Lt. Colonels are on duty with Army and Air Force forces in Europe? How many command with combat elements? How many serve on staff assignments? How many are assigned to administrative, advisory, support or noncombat housekeeping duties?

How many non-commissioned officers in grades E-5 through E-9 are assigned to Army forces in Europe? How many serve in combat command assignments? How many serve in combat support duties? How many serve in administrative or noncombat type support and housekeeping assignments?

Are U.S. divisions stationed in the most desirable locations to accomplish their combat missions or must they be moved before opening battle under existing plans?

What experience did the Seventh Army have in regard to difficulties in rapidly moving divisions from their 1950-garrison positions to possible battle positions during the Berlin Crisis of 1961-62?

What are the plans with respect to U.S. military dependents in the event of sudden war in Europe?

What is the justification for continuing to retain the Southern European Task Force in position in northern Italy?

What prevents U.S. Navy Europe headquarters from being withdrawn from central London and their responsibilities and activities assigned to a U.S. headquarters like the Atlantic Fleet commander, or an afloat command ship that would serve periodic tours in European waters?

How much time do European Command war plans envision will elapse from the issuance of the order for a reinforced alert and the actual opening of hostilities?

Where are nuclear weapons assigned to the U.S. Army Special Weapons Command stored? Are they stored in hardened sites? How many military and civilian personnel are assigned to this command?

How many foreign nationals are currently employed by U.S. forces stationed in Europe? What are the cost levels for retaining this work force?

Do our current military plans envision that the Air Force will initially have tactical air superiority over the battlefront in the event of war in Western Europe? If not, when do these plans envision that we will have tactical air superiority?

What is the justification for retaining the Sixteenth Air Force headquarters in Spain? How many military and civilian personnel are stationed on the U.S. portion of the base at Torrejon? How many combat operational aircraft does this command supervise or maintain on a monthly basis?

What is the need for the proliferation of U.S. Air Force headquarters and support commands that exist for example in the Wiesbaden, Prum, Spangdahlem, Rhine/Main, Bitburg complex, as well as the additional headquarters in Holland, England, Spain and Turkey? Is it not possible to consolidate or withdraw some of these administrative and support elements for later return by air when needed for wartime emergency?

What percentage of the time of these headquarters is devoted to supervision of combat operational aircraft and their crews?

What percentage is devoted to administration, support and internal housekeeping duties?

How many combat operational aircraft does U.S. Air Force Europe headquarters have under its command? How many base support aircraft? How many transport aircraft?

What percentage of our regular Army and Air Force commissioned and non-commissioned officer corps is normally stationed in Western Europe for periods of more than six months?

What is the justification for continuing to maintain the numerous military assistance advisory groups that we have stationed in Europe and the Middle East? Specifically why are these groups still required in the Federal Republic of Germany, Spain, Portugal, Italy, Greece, Turkey and Iran? How long have these groups been stationed in each of these countries? When is it anticipated their advisory duties will end?

How much of the time of these advisors is spent actively advising local military personnel?

On what type of equipment do they principally advise? Do they advise on any World War II vintage equipment?

How much of their time is devoted to internal administration and housekeeping duties?

How many U.S. military and civilian personnel are currently serving on advisory assignments in Europe, the Middle East Africa, and South America? How many of these personnel are rated at least "good" in their fluency in the local language?

Do any of our European Command war or contingency plans contemplate the first use of CBW agents in a defensive or offensive role in Western Europe?

What is the primary mission of the Army area and sub-area commands located throughout the Federal Republic of Germany where U.S. forces are stationed? How many military and U.S. civilian personnel are assigned to duty with these commands? What combat mission do these commands perform? How many German nationals do they employ? What are the cost levels for these German employees?

How many U.S. military and civilian personnel are assigned to duty with the European Exchange Service? How many local nationals are employed by this service? What are the cost levels for these local national employees?

How many U.S. military and civilian personnel are assigned to duty with the dependent school system? How many with Special Services facilities and activities? What are the cost levels for these personnel?

How many U.S. military and civilian personnel are currently serving on duty with NATO commands? What are their principal duties, i.e., how many serve as commanders, how many in multinational staff assignments, how many in administrative or logistical support duties? What are the cost levels for these personnel?

Your answer to these questions will be most beneficial in enabling me to further study our continuing force structure in Europe. I want these answers in an unclassified form to the extent possible. If further elaboration of any answer must be given with a classification, it should be done in a separate document. Reasons for classification should be indicated when any answer cannot be given in an unclassified way.

With warm personal best wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

Mr. MANSFIELD. Mr. President, may I say that I find no fault with the fact that, as of yet, I have received no answer. I know how busy they are in the Department of Defense. And I have an idea how much time it will take in research and how much it will cost, I happen to believe, incidentally, that it will be worth it in future savings to the Government to come up with the answers. I only say, for the RECORD, that I did send the same questions to the Secretary of Defense a year or so ago. But at that time I requested no specific answers.

The purpose of sending the letter at that time and on that basis was to give the Department of Defense enough time to look into the questions, to carry on research and investigation and be aware of what was in the offing as far as U.S. troops in Europe were concerned.

May I say again—and I cannot repeat this too often—that this is not a Johnny-come-lately proposition as far as the Senator from Montana is concerned. I have been interested in this situation and in trying to do something about it for the last decade. I have tried through a sense of the Senate resolution, which would not be binding, to strengthen the hands of Presidents, both Democrats and Republican, so that they would be able to bring about a greater participation of others under the promises made by our NATO allies.

That sense of the Senate resolution would in effect have strengthened the hand of the President and, as far as "substantial reduction" of U.S. forces in Europe would be concerned, he would be the one who would make the definition of just how much a substantial reduction would entail.

There was no success under the preceding Democratic administration. There has been no success under the present administration. However, in the first year and a half of this administration's tenure in office and on the basis of statements made, it appeared to me that there would be a deadline of June 30, 1970, at which time a determination might be made by this administration which would bring about a substantial reduction of U.S. forces in Europe. Since that time in the state of the Union message and in various other Presidential speeches, it has been indicated that we will not only maintain our present strength, which amounts to 325,000 soldiers, sailors, airmen, and marines, but that if necessary, we would increase it.

The quid pro quo was, "We will reduce if you will reduce," meaning the satellite states and the Soviet Union.

That, in effect, in a limited way is part of a quid pro quo in Vietnam and in Southeast Asia today.

Mr. President, may I say that, according to a report as of a year ago last January, there are over 2,000 American bases scattered throughout the world, bases in every continent, 25 years after the end of Second World War.

Since that time, to my personal knowledge, we have put into, or are putting into, operation at least one new base and maybe more. On the basis of that report, 1,750,000 military personnel, military dependents, and indigenous workers are located on these 2,000-odd bases; some of them, incidentally, are being used or have been used until recently, I believe, as golf courses in Japan. They are scattered in 30 countries, if my memory serves me correctly. The figure could be 40. The cost, as I remember it, is about $4.5 billion a year. It appears to me that we look upon ourselves still as the world's policeman and that, in my opinion, goes contrary to the Nixon doctrine as it was enunciated in the declaration on Guam.

We are not the world's policemen. It is my belief that no Member of this body wishes to see us as the world's policemen. And it is my strong belief that the American people do not want us to presume to be so, either. Yes, I can hear the cry already, "isolationism" and "isolationist."

May I say to my colleagues that the days of isolationism are gone and gone forever, because the world is too small and is still shrinking. Means of communication and transportation are speeding up day by day, week by week, month by month, and year by year.

We are going to live with our neighbors on this globe whether we like it or not because we have no other choice. And even if one wanted to become an isolationist—and I do not—one could not do so.

So, I hope that the cry of isolationist, which has already been raised, neoisolationist, and the like, will be put in the trash bin where it belongs because that is not a part of the present debate.

That appellation has no meaning whatsoever. But this situation which confronts this country not only in Western Europe, but also in Vietnam and Southeast Asia and elsewhere, does. I would hope that we would keep our eyes on the basic question and not be diverted by slogans or by appellations.

I would hope that we would not remain ensnared by policies which were good a decade or two decades ago, but have little of the same relevance today.

While I cast no aspersions on any Member of this body—I never have and never will—I only wish to say that, speaking as a Senator from the State of Montana, as far as I am concerned there may exist a chronological gap with the upcoming generation; however, so far as I can help it there will be no credibility gap.

I am not living in the past. I want to do what has to be done today. I want to look forward to tomorrow. And I want to carry out my responsibilities in that fashion as a Senator from the State of Montana.

There are at the present time, as I have indicated, over 300,000 military personnel in Western Europe and 225,000 military dependents.

I want to repeat a statement I made earlier today. According to my information, of this number 128 are generals or flag officers; or to break it down, one general or flag officer for every 2,343 men.

When I was in the Army about 3,000 men comprised a regiment and a regiment was commanded by a colonel. I do not know how many colonels there are in Western Europe, or how many Navy captains or their equivalent there may be, but evidently if we have this many generals and flag officers we must have more colonels.

About 250,000 of the 325,000 troops in Western Europe are assigned to the triservice U.S. European Command. The Department of Defense indicated that one-half of these assigned forces are combat personnel and the rest are support. Over 170,000 of the EUCOM total are U.S. Army troops.

The major U.S. EUCOM combat elements are 4⅓ Army divisions deployed in West Germany.

According to Army Tables of Organization and Equipment, the aggregate full strength of each of these divisions would be about 16,300 men, at a cost of approximately $185 million to maintain one Army division on overseas peacetime active duty for a year.

There are about 113,500 Army and Air Force personnel stationed in the continental United States committed to NATO; that is, in this country committed to NATO. In Europe about 2,000 American personnel are engaged in maintaining and servicing prestocked equipment to be used by these committed forces.

There are now approximately 7,000 U.S. nuclear warheads stored in Europe.

During fiscal year 1971 it cost approximately $14 billion for the support of U.S. general forces in Europe and the forces in the United States committed to NATO. This is a figure which has been mentioned time and time again on the floor of the Senate, specifically by the distinguished Senator from Illinois (Mr. PERCY), and as yet that figure has not been controverted.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. I am sorry, but I am compelled to leave the Chamber temporarily, if the Senator from Montana will excuse me.

Mr. MANSFIELD. Surely.

Mr. STENNIS. I will respond in part to the Senator's statement later.

Technically I had the floor. Mr. President, I yield the floor.

Mr. MANSFIELD. That is understandable. I appreciate the courtesy of the Senator from Mississippi.

Mr. President, the annual operating cost to maintain U.S. forces in Western Europe is approximately $2.9 billion.

United States defense expenditures entering the international balance of payments in NATO countries, including Canada, in fiscal year 1970, are estimated at approximately $2 billion, with about $1.1 billion being spent in the Federal Republic of Germany.

For every soldier removed from Germany, an approximate saving of $1,650 in individual dollar expenditures in the European economy can be realized.

The withdrawal and deactivation of two mechanized divisions now stationed in Europe would result in an annual savings of about $1 billion.

United States forces in Europe have over 79 real property locations in seven countries that represent a total U.S. investment in excess of $204.5 million. Payment of land taxes in Great Britain and Western Germany, land taxes which we pay, amount to $2.9 million annually. In other words, we are paying them to stay there to defend them.

Approximately one-half of the European Command transportation needs must be accomplished by European commercial sources at a cost of $29 million in 1969. Expenditures for employment of European local nationals by U.S. forces amounted to $265 million from appropriated funds in calendar year 1969.

Until March 1971, a little over a month ago, U.S. citizens were, in most cases, excluded from filling local hire vacancies. Since that time the curtain has been lifted and now certain U.S. dependents are allowed to do KP work—kitchen police—in the areas in which Americans are stationed.

Total operating costs of U.S. Army, Navy and Air Force European Commands in fiscal year 1970 were approximately $87.33 million. During the same year, U.S. operating costs of NATO headquarters were $10,623,033. These operating costs represent only a fraction of the total cost of each command. For example, the headquarters operating cost for U.S. Army, Europe, was only 2.30 percent of the total fund it was provided of $1.761 billion.

In addition to these operating costs, the 9th U.S. Army Command headquarters, for example, contained 26 generals, 1,286 other officers, and 1,908 enlisted men, all drawing higher salaries while performing command or staff duties.

While the percentage of the U.S. gross national product going to defense has increased over the past 20 years, that of our NATO allies has declined.

Major NATO ground forces presently available in the center region of Europe consist of 22 division equivalents. This total includes the 4⅓ U.S. divisions, but does not include two French divisions not committed to NATO but present in West Germany.

The Lisbon Conference of 1950 called for a total NATO force of between 90 and 95 divisions.

Few, if any, of the 22 NATO divisions are at full combat strength in men or equipment. For example, there are shortages of trained NCO's and junior officers in some of the West German divisions. If my memory serves me correctly, and a number of changes have been made recently, none of these divisions are anywhere near full strength.

Now, Mr. President, for at least 6 years I have been introducing sense-of-the-Senate resolutions, trying to be helpful to the administration in power, whether it be Democratic or Republican, trying to give the President, whoever he may have happened to be at the time, a degree of flexibility, trying to give the President the right to determine how he should define the words "substantial reduction" of U.S. forces in Europe.

But every time this resolution was introduced, the reply was that it was not the right time. There was a crisis coming up, they said. There was an election in West Germany, or Italy, or France, or Britain, and this would tend to hamper those elections, they said.

Well, I have never heard so many arguments against doing something which I think is long overdue as I have in relation to the sense of the Senate resolutions which have been introduced year after year, and held back deliberately to give the administrations downtown a chance to act or to react. But it was always the same old story—"We can't touch these forces. It means breaking faith with NATO."

Well, Mr. President, it does not mean breaking faith with NATO. I believe in NATO. I believe that it is necessary to our security. But, by the same token, I believe that a primary responsibility for the defense of Western Europe rests with the Western Europeans themselves. They have a greater population than we have. They are better off financially and economically than we are.

We have an unemployment rate in this country, according to the latest figures, of 6.1 percent, but in Germany, I understand, they have little unemployment and they have in fact imported 2,700,000 workers from other countries to keep the wheels of German industry going.

Oh, yes, our NATO partners are going to help us over the next 5 years by coming up with something in excess of $900 million, spread over that period, roughly $200 million a year.

But, because of the expenditures of this country abroad, in part in Europe, what happens when we come up against a crunch, when our economy is suffering, when we have problems of great import at home? The dollar is no longer as sound and, like the Canadian dollar a few years ago, it is decreasing in value. The mark and the guilder and the shilling and the Swiss franc are revalued upward. Some, of course, are revalued on a strict percentage basis. Others, like the guilder and the mark, are moving up on a floating basis.

Well, they can float their money. They can give us a run on the dollar. They can make it difficult for us by increasing prices on Americans products exported to Europe. They can increase the cost, for an American tourist taking a long planned vacation in Europe. But they cannot do anything about living up to their pledges as far as NATO is concerned.

Only two countries, to my knowledge, have lived up to their obligations in full, or almost in full, and they are Canada and the United States. Canada now is in the process of withdrawing half of its air complement and half of its brigade.

France has already withdrawn from NATO, although it still maintains its two divisions in southern Germany.

Luxembourg, I think, furnishes an armed complement of 800 men.

I do not know what Portugal has to offer to NATO, because most of its armed forces, in the tens of thousands, are now present in Guinea, Mozambique, and Angola.

Britain has done away with conscription. The low countries and Denmark have reduced their conscription periods.

That is the picture. But the United States is still paying the full bill. The United States is still paying the price of beneficence, because without the Marshall plan it would have taken years and years and years for Western Europe to be rehabilitated and reconstructed.

It is my understanding that Germany today has far more in the way of dollars than we have in gold in Fort Knox; the American dollar is vulnerable, and the reports indicate that is the case. This weakness in the dollar is predicated in part, on the expenditures which this Government has made in Western Europe for the defense of Western Europe.

I would hope that the Senate, this Congress, and the American people would be cognizant of the facts as they exist today and have existed for some time. I would hope that the administration would recognize, as I had hoped the previous Democratic administration would have recognized, the mood and the intent of the Congress and the people, relative to keeping American troops and their dependents in Western Europe a quarter of a century after the end of World War II. I would have hoped something could have been done about it. But it is hard for them, evidently, to understand and lend a helping hand. Perhaps because it was offered by a Democrat, it was viewed with suspicion. But let me say it was no different in the previous Democratic administration.

So the time has come, in my opinion, to face up to the situation and try to do something about it in the Senate. It is not in my hands to decide. All I can do is propose the amendment, but the judgment lies with my colleagues here in this body as to what they think should be done.

I have made my position clear. I am afraid I am repeating too many of the arguments which I made yesterday and early today, but to me the issue is clear. If the Mathias amendment is approved, we are going to be in a worse posture than we are in now. If the Mansfield amendment is approved, the Senate will have a clear-cut choice, after all these years, to decide, in its collective judgment, that it wants reduced by half the number of U.S. troops in Western Europe at the present time.

I think that every Senator understands the issue. I see no need for hearings, because hearings have been held. The issue has been with us for years and years. It is a simple, celar-cut proposition: Do you want to continue, at a cost of $14 billion each year out of the defense budget, to maintain in Europe 325,000 military personnel and 200,000 military dependents, or a total of 525,000 Americans? Do you want to continue to keep that number of military personnel in Europe into the indefinite future?

If I correctly recall some of the past arguments on this floor, it seems to me that some of my colleagues in this body do want to keep an American force in Europe of that size. Let me state once again that we have neither the manpower nor the resources to stay on the course which we have pursued so assiduously since the end of the Second World War. It is about time that we awaken to the realities of today. It is long past the time when we should have loosened the shackles of the past.

So far as the Senator from Montana is concerned, he is prepared to vote at any time, in 10 minutes, in an hour, in 2 hours, or tomorrow, not only on the Mathias substitute, not only on the amendment which I understand the distinguished Senator from Colorado (Mr. DOMINICK) will offer, but on my own amendment and other amendments as well. And what I say in relation to the pending business applies not only to this substitute, and other amendments to the amendment or the substitute, but to all amendments which may be offered, because I want to see the legislation now before us disposed of one way or the other in an orderly fashion. I do not want it to go down to its termination date of June 30, 1971, because we have failed to act in that fashion. I do not believe in filibusters, but I do believe in expeditious handling. It is my hope, therefore, that it may be possible—though I doubt it—that we will come to a vote today on an amendment to the substitute, or the substitute, or the Mansfield amendment; and it is my hope that the Senate will act expeditiously on all amendments relative to the pending legislation, because I think that is the way to face up to our responsibilities I want to make it absolutely clear that I am prepared at any time to vote on any amendment, any substitute, or any amendment to a substitute or an amendment.

Mr. DOMINICK. Mr. President, I wish to take just a few moments at this point. I am sorry the majority leader was not here when I made a fairly long statement just prior to his, to which I have listened with great interest. As he well knows, I have supported his position on the need for withdrawal of troops from Europe for a long time.

Mr. MANSFIELD. The Senator is absolutely correct. He has been a consistent supporter.

Mr. DOMINICK. I thank the Senator. I still support that position.

My problem is, however, that I do not think that we can, as a body here, determine the tactical position of what troops we have in defense of our commitments to our allies, and also in defense of our own country. I think that must be left in the hands of the people who are properly in charge of it, and I pointed out these problems in my previous speech.

I also wish to point out to the Senator from Montana, for whom I have great affection as well as respect, that the Armed Services Committee, in the process of marking up this bill, has reduced the overall force level of our Armed Forces by 56,000 personnel.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. DOMINICK. I yield.

Mr. MANSFIELD. May I say that I am aware of the ceiling placed on the Armed Forces of this country by the Armed Services Committee, and I approve of it. May I say further that I had originally contemplated an amendment which would have reduced that recommended ceiling by 150,000, but after considering the matter and being aware of the fine work done by the Armed Services Committee, I decided, and I think justifiably, not to interfere with the ceiling, but, there again, to permit more flexibility.

Mr. DOMINICK. I thank the Senator for those comments. We did have the promise from the Chairman of the Armed Services Committee that he would hold personnel hearings at some length later on when we get through with the procurement bill, so that we can determine what other elements or support forces, at least, might be disposed of, so that we can get to a volunteer army just as soon as possible.

I do not want to take any more time at this point, because I know there are others who wish to speak. But at this time, Mr. President, I send to the desk a modification of my original substitute with the request that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. DOMINICK's amendment (No. 88, as modified) is as follows:

In lieu of the matter proposed by amendment numbered 86 (the Mansfield amendment), insert the following:

At the end of the bill add a new title as follows:

"TITLE IV—REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

"SEC. 401. The Congress hereby finds that the amount of funds expended by the United States to support and maintain military forces of the United States and their dependents in Europe materially contributes to our unfavorable balance of payments, and has from time to time contributed to international monetary crises adversely affecting the value of the dollar and other currencies. It is therefore the sense of Congress that the President should continue consultations with our allies in the North Atlantic Treaty Organization relative to the organization and force levels required for the defense of Western Europe and in conjunction therewith to take action to withdraw from Europe a substantial portion of the military personnel of the United States and their dependents without denigrating our ultimate commitment to the NATO alliance."

Mr. DOMINICK. I must say to the distinguished Senator from Montana that unfortunately I have to leave today on official committee business, and will not be back until Tuesday. So far as I am concerned, I would be unable to carry my own amendment, or even offer it, until that time. I am not trying to filibuster. I am the last person in the world who would want to do that on this bill. I would like to get it to a vote as soon as possible. But unfortunately, because of official business, there is no way I can avoid it.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I appreciate his statement. I can understand the predicament in which he finds himself. I did hope that it might be possible to agree to vote on the substitute and the amendment to the substitute, and all amendments thereto at a time certain, and if that could be done, then it might be possible to take up other amendments in the meantime, serving ample notice on the Senate as to when the votes will take place.

Mr. DOMINICK. I would have no objection if we could have the vote next Tuesday or Wednesday, or whatever the Senator wants, but I just cannot do it in the next couple of days.

Mr. MANSFIELD. I appreciate the Senator's statement. I wish it could come today, tomorrow, or Friday at the latest, but the Senator from Montana will be guided in large degree by the wishes of the distinguished Senator from Maine (Mrs. SMITH), the ranking minority member of the committee, and the distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the committee.

Mr. President, if I may be heard briefly further, the following news was reported over the wire:

Increasing demand for gold amid general monetary uncertainty drove the price of the metal to its highest level in 18 months today in European free bullion markets.

The price jump came as the Belgian National Bank announced it had cashed in $30 million for Ft. Knox gold. The bank said its internal policy barred taking in more dollars to add to its already swollen reserves of American money.

The Belgian move coming on the heels of last week's dollar crisis, could embarrass the U.S. Government. Any concerned move by other European National Banks to follow Belgium in cashing in dollars for gold could undermine the world monetary system.

The U.S. gold reserves stood at $10.9 billion at the end of March, $1 billion less than a year before. The United States has enough gold in stock to redeem less than one-third of the dollars held by foreign central banks.

I think that is interesting.

Mr. GURNEY. Mr. President, the distinguished majority leader has introduced an amendment which if enacted, would require the President forthwith to reduce by more than one-half—or 150,000 men—our current troop level in Europe. While I esteem our distinguished colleague from Montana (Mr. MANSFIELD) the majority leader, as all of us do, and I think I understand his sincere motivation, having listened to his most eloquent explanation of his amendment, it is my hope that his resolution will not carry. It is my intention to oppose it.

Last February, it was my privilege to be in Munich to attend a conference of military and political leaders from the NATO countries. The distinguished senior Senator from Texas (Mr. TOWER) was also in attendance. At that time, in private discussions with NATO country leaders—particularly with German leaders of both the Christian Democrat and the ruling Socialist parties—I stressed that, while I felt that American troop levels should remain at current levels, I also felt that a greater contribution to their maintenance should be made by the NATO countries, particularly by West Germany, where great numbers of American troops are now stationed. That continues to be my position.

I also stated that I thought it was the feeling of a majority of the Members of the Senate and in the House that the contribution of the NATO countries—at least the monetary contribution, as well as the troop level contribution—ought to be greater.

I, of course, recognize the validity of the assumption underlying the Mansfield resolution. We are experiencing a very serious balance of payments deficit. The deficit is large; it is continuing and it is threatening the stability of the dollar. We can agree on those facts. As the distinguished senior Senator from Mississippi (Mr. STENNIS) pointed out on the floor yesterday, there is some dispute as to the size of the balance of payments deficit caused by our NATO commitment; but whatever method we use in computing it, we can agree that it is large—too large.

The question is: How shall we address this problem? We can, I think, all agree on the long-run need to bring our international balance of payments to or at least close to equilibrium. This, as former Federal Reserve Board Chairman, William McChesney Martin said yesterday, is a "national and international responsibility of critical priority." There is no dispute about that. The question is: How and what means shall we use to achieve this necessary goal?

Mr. President, I do not think that a congressionally mandated troop withdrawal from Europe at this time is the route we should take.

This is a matter of great consequence. It is no small thing to cause a hasty withdrawal of 150,000 American troops from Europe. We have to consider the effect of such a move on our allies at this juncture in history. As a nation, we have an enormous responsibility in the world today. To a certain extent, we have not sought that responsibility; it has been thrust upon us. But it is ours, nonetheless. It is not a responsibility we can will away. Here, as in all our foreign policy concerns, we must proceed with caution and deliberation. Surface appraisals simply will not do. By hasty action, we can set off a chain of events which will have consequences for years to come. Let us not, in seeking the solution to one problem—the balance-of-payments deficit—precipitate a new or possibly greater crisis.

Congress most assuredly has an important role to play in seeking a solution to this problem. I think it entirely healthy and desirable that Congress is reasserting its historic role in the conduct of foreign relations—a role which we must candidly admit we have sometimes neglected in the past—neglected, I might add, to the detriment of the Republic.

I think we took a healthy step forward last year during the Cambodian affair, when we discussed the Presidential powers, the constitutional powers of the President, as well as those of Congress, in warmaking and what we ought to do about it. I think it is healthy that we are discussing the balance-of-payments problem and the troop force leveling in Europe. That is a healthy thing, too, because we need, as Congress, to inject ourselves in foreign affairs.

But it seems to me that it is far more important to coordinate our actions in this vital area with the Chief Executive. It has been said in the recent past—with some justification—that the Chief Executive has plunged into situations and steered courses while disregarding Congress, without a proper concern for the will of Congress—and, on occasion, without even the courtesy of prior consultation. If that is so, let us not follow that mistaken lead. Let us not do what the Executive has been accused of doing—ignoring the coequal branch of Government, going off on excursions of our own. This, as I suggested before, is too important a matter to treat precipitately or in a hasty fashion.

Let us consider fully the consequences of our action. It has been suggested that enactment of the Mansfield resolution and immediate implementation thereof will cure our balance-of-payments difficulties. This is by no means certain. The distinguished chairman of the Armed Services Committee, the Senator from Mississippi, yesterday estimated that it would cost $1.2 billion extra for the transportation of those troops home and for the extra equipment and housing that would be necessary for the troops in the United States.

But, assuming, for the sake of argument, that if adopted the Mansfield resolution would relieve in part the balance-of-payments deficit, we still have to consider the effect that such a move at this time would have on our allies.

In my view, such a move would have very unfortunate consequences. We have been told that cold war is over and that this is an era of detente; we have been assured that the Russian bear is becoming domesticated, housebroken. Candidly, I do not find much satisfaction in those statements or arguments. I do not think the Czechs would find much consolation in those assurances—it was less than 3 years ago that their first brief flirtation with liberty was snuffed out by Russian tanks. I do not think the great mass of the Cuban people would agree—weighted down as they are with what amounts to a foreign military occupation.

I do not think the Israelis, looking down the barrels of Russian missiles on the Suez, would be much impressed by assurances of the peaceful intentions of the Soviet Union. The Soviets have in the last 3 years, it seems to me, embarked on a new offensive. They have set out systematically to woo the Arabs with guns and missiles and support against Israel—and regrettably, to a great extent, they have succeeded. They have set out to colonize the Mediterranean—to station substantial portions of their first-rate new fleet there. And they have done so with impunity. They now hope, with a reopening of the Suez Canal, to make the Indian Ocean into a Russian lake. Even with the Canal closed, the Russians' presence in the Indian Ocean is a reality. The Russians, operating out of their staging ground in Cuba, are, as we know, peddling their wares in Latin America, again with marked success.

While protesting their peaceful intentions, while making polite noises about disarmament at the SALT talks in Vienna and Helsinki, the Russians have been, as we know, perfecting their ICBM arsenal. What they apparently are working on is a new generation of missiles, updating the extremely powerful SS-9 class. In the last year, they have increased their submarine-launched ballistic missiles from 240 to 350.

It is abundantly clear that the Soviet Union is not ceasing its strategic deployment of ICBM's. The saber rattling of Kosygin at the recent party congress in Moscow makes that abundantly clear.

I suggest—and the comments about the Soviets is by way of preface—that NATO is a stumbling block to Soviet ambitions in Western Europe; more particularly, the presence of substantial numbers of American troops in Europe is the stumbling block. In my judgment, the new Soviet offensive is aimed at excluding the United States from Europe. That is, in my judgment, the real thrust behind the Soviet-West Germany draft nonaggression treaty. It is a calculated effort to destroy the alliance and to exclude the United States from Europe. We cannot and should not let that happen. It would be madness to help that scheme along by a congressionally mandated American troop withdrawal at this time. Our allies are already restive, publicly confessing that they are not sure of American intentions. If we now, at this critical juncture, decree a massive troop withdrawal, we will be making a tense situation that much worse. Even a minor withdrawal of our troops from Berlin at this time could be disastrous. The psychological consequences could be immense.

Mr. President, let us have full-fledged debate on this matter before acting. Let us hear from the Chief Executive, from the National Security Council, and from the Secretaries of State and Defense. Congress must play a role in the ultimate decision—we must be directly involved, there is no dispute about that. But the Mansfield resolution is, in my judgment, not the correct approach. It is, as the distinguished Senator from Mississippi (Mr. STENNIS) characterized it in yesterday's debate, a "hobbling amendment." It goes to essence of our foreign policy, our commitment to our allies. In matters of this consequence, we owe it to the Nation to act carefully and circumspectly. Haste now will come back to haunt us. Let us deliberate and consider every aspect of this very thorny question. It is not an "either-or" situation—either we pull back our troops or we destroy the dollar by continued balance-of-payments deficits. We can work on the balance of payments and improve it, and at the same time live up to our NATO responsibilities. Indeed we have to do both. As a start, I think it would be correct and desirable for the President immediately to open discussions with our allies with a view toward increasing the contributions of our NATO allies toward the support of our forces in Europe.

I agree with the distinguished majority leader that for too long the United States has borne too much of the financial burden of supporting NATO. It is time for our allies to assume a greater—and a fairer—share of the burden. I have spoken about our responsibilities—on more than one occasion. I would point out that our allies, too, have responsibilities—responsibilities which in many instances, we have not stressed or underscored enough. So let us explain the matter to our allies. As a matter of fact, I think this debate may do a lot to explain it.

I think—I hope—we would receive a sympathetic hearing. I agree that we have to reassess our relationship with NATO and our allies. But, by that, I do not mean mandating a major policy change by legislative enactment, with scanty debate without consultation with the executive branch, without consultation with our allies and, as I understand it, without even hearings, at least this year, before the Armed Services Committee or, for that matter, in the Committee on Foreign Relations. Thus, I think, after taking a close, hard look at this business, and considering it as a matter of foreign policy, I would hope we would vote down the Mansfield amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, in dealing with the Mansfield amendment, which the Senator from Montana (Mr. MANSFIELD) correctly stated has been here for a very long time, his main issue which has now been raised—is the issue of the balance of payments. The allegation was made that we are in a chronic imbalance of $3 billion to $4 billion a year. However, that imbalance was contributed to, according to the analysis of the Senator from Montana, to the extent of $2 billion by the stationing of our troops in Europe under NATO.

The Senator said that if we were to withdraw two mechanized divisions that would save us $1 billion. Even if the entire amount came out of the balance of payments, it would still leave attributable to European troop strength $1 billion in the balance of payments. Mr. President, the withdrawal according to the Mansfield amendment, would be made on December 31, 1971.

I respectfully submit that it would take some time to make any withdrawal and an even longer time to have it reflected in the balance of payments. So, even if we grant his figures, it would have no effect whatever upon the current crises respecting the balance of payments. Moreover, the figures used by Senator MANSFIELD are not accepted by all.

The current question is not that we have to take this emergency action to deal with the balance of payments, because it will not do any good in that respect. The question is whether it is an appreciable and a proper element which we have to deal with in order to deal with the current balance-of-payments situation in the United States.

I respectfully submit that, if the consideration of this matter in terms of military expenditure is an improvident course, then it is not worth doing. But, if the consideration is not improvident, it is worth doing.

I believe it is a completely improvident course because, while the figures that have been used on the floor, such as $14 billion, which allegedly is the cost of the NATO to us, have to be compared with what our military preparation would cost us if the NATO structure were to unravel as a result of this precipitate withdrawal of half our troops.

Are we going to get rid of the fact that Europe is the security threshold of the United States or are we not? We cannot change geography and we cannot change the Soviet Union and its ambitions in Europe, and the Mediterranean and Mideast, the Russian fleet, the Russian missiles, and so forth.

So we have a choice not of simply withdrawing two divisions. Our choice is whether or not to dismantle NATO, which is what the Mansfield measure would do. It would bring the entire structure down around our ears. Then we will discover what it will cost us in additional military preparations, and the best estimate is 3 to 1. We say the cost now in NATO is $14 billion. It will cost us $42 billion in the absence of NATO.

This is how we have always looked at NATO: That it represented the most inexpensive way in which we could get greater assurances for our security and the world than we otherwise would have. That is why we went into NATO. Just when Europe is getting more prosperous and more unified, just when we have a partner who is reaching a position to help us bear the load in a material way, we should not break up the partnership. That would be the effect of the Mansfield amendment.

The Mansfield amendment is not going to affect our balance-of-payments situation. That should not be used as an excuse for a policy decision which could be so damaging.

What we should do is to put greater pressure on the President to put more pressure on our NATO partners to increase their troop commitments and do more in burden sharing.

The German Federal Republic says it is paying 80 percent of the cost. Perhaps they should pay 90 percent, 95 percent, or 98 percent. There is no law about it. That would be a more immediate way to get action than with the Mansfield proposal, in relieving pressure on the dollar.

If we signal to Europe that we are going to pull out, it may have to seek the best terms it can get from Moscow. Then, our bill would not be $14 billion. We would be lucky if it is not $42 billion or double.

That is the stake here, and whether the Senate, which wants its share in shaping the foreign policy of our country and establishing our foreign policy position, and sharing in the war policies, has the statesmanship, the longsightedness, and the understanding of the American situation to be entrusted with this power. We are going to know now whether we are longsighted or shortsighted in this particular vote.

It is for those reasons that I oppose the Mansfield amendment, and not because I do not want to put the arm on Europe to do more in the alliance. The Mansfield amendment is not the best way to accomplish the result we need to accomplish. All the Mansfield amendment will do will be to dismantle the entire NATO structure and change the entire security situation in the world. For what? For a theoretical savings of $1 billion in our balance of payments, which would be so long deferred we could get it by a new Bretton Woods or a revision of the gold situation, or 20 other ways, without running the perils that this measure would compel us to run.

The Senator from Montana was right the first time when he sought a sense of the Senate resolution respecting this matter, but now that his provision is one of mandatory fund cutoff, I think it would be inimical to our country.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRAVEL. It should be noted that the Senator from Montana (Mr. MANSFIELD) made that point and made it very clear. It was my interpretation that the Senator was expressing frustration; that six times he had introduced the resolution to act in an advisory capacity to both democratic and republican administrations.

I can certainly agree with the majority leader that after introducing it six times and nothing happening, that this amendment may serve, to use a word of the majority leader, as a "vessel" to carry forth this policy. It would seem the majority leader or anyone else in this body could introduce 1,000 sense of the Senate resolutions and nothing would budge.

Does my colleague share that view?

Mr. JAVITS. I do not share that view, for this reason. There is a big chasm between introducing a sense of the Senate resolution, and getting it passed. The important thing is that the Senator never got his resolution passed. He is a very distinguished Senator and a peer among peers. But he is still an equal to the rest of us and he still has to have his resolution voted on and have it carried, as much as I respect him. But it did not carry. In this matter we are talking about what we pass and not what we introduce.

If we are talking about some directive from the Senate to the President I would take a very different attitude. I would want to work on the terms, but I would take a different attitude. However, we are not talking about that now. We are talking about a mandatory provision of law.

The Senator from Montana is not only giving us a quick-death proposition but he is naming the figure.

However, what would any of these European countries do if the Senate decides to pull out one-half of our troops in Europe? I have been there. The logical outcome would be they would say, "The linchpin of NATO is gone. Let us find a European solution." The European solution the last time was something called a Western European pact, which failed because the Europeans, without American glue, could not agree among themselves. I think that is likely to be the next gambit, and it will fail again. What is left?

The specter haunting Europe—particularly Germany—is one of being left prematurely naked, in a military sense, before the awesome military might of the Soviet Union as a result of the swift and deep U.S. troop withdrawals. The fear is that in such an event there would be a swift unraveling of NATO; and that into this power vacuum the Soviet Union would move—not in the crude sense of military attack and occupation—but of intervening in the negotiations now going on regarding Europe's future shape and relationship with the United States.

It is feared that the Soviet Union would use suspicion, threats, pressures, and inducements to divide the nations of Europe before their own new institutions have taken effective shape and by stages to impose a Finland-type of dependent neutrality on Western Europe.

I believe that the fears I have just described in Europe are justified and present an equal danger to the security and future of the United States; and I believe that these very concerns are—or should be—shared at the highest levels of the administration—the White House, the State Department, and the Pentagon. Perhaps they are too little understood and considered in the country, but this is understandable too, for we have heard the cry of "wolf" too many times before to respond automatically.

While I feel there must be a greater American understanding of legitimate European concerns on the question of troop levels there and security, I feel strongly that a greater European understanding of American misgivings and concerns is needed also.

Mr. GRAVEL. I think my colleague paints an awful picture by speaking of the glue. The Senator from Montana made a very telling point when he spoke of glue. We should have some coming from Western Europe. Presently our Nation has economic difficulties. It has an unemployment rate of 6.1 percent. As the distinguished majority leader stated, West Germany, where we put many of our troops, where most of the economic benefits accrue, imports workers to the tune of 2.7 million. I say this ironically, but maybe they would be kind enough to import some Americans who are unemployed. We could send them over there for jobs.

I underscore what the majority leader said with respect to NATO. I am for NATO. I think NATO has a proper place, but I think our commitment can be decreased without losing all of Western Europe to the Warsaw Pact.

I think what we will have is an interesting test, the same kind of test we should have all around the world, because the underlying threat the Senator speaks of is that if we pull out, that means we have to have those forces met by somebody else. Presumably, they should be met by West Germany.

I for one think Western Europe would be entirely secure with a decrease of 150,000 troops. My position is that if we now withdraw 150,000 troops, it will have very little effect on Europe; but the argument made is that if we withdraw our troops, obviously those troops will have to be replaced, and obviously by West Germany. I do not think that will be the case. I do not think West Germany will do that, because they know where the threat is better than we do, and they understand it better than we do. But even if that were the case, if West Germany had to meet that troop commitment, the implication would seem to be that we do not trust the German Government; that, obviously, these Germans must have some hereditary characteristic that would push them into a totally militaristic society, which would place society back on the track which led to the start of the Second World War.

I have been to Europe, not as frequently as my colleague, and not as frequently as the majority leader, but I am prepared to say I have more faith in the Government of West Germany, a government that has prospered through our generosity. I would hope it would acquit itself a good deal better than what it is being accused of, or what the innuendos seem to indicate would occur.

Mr. JAVITS. Mr. President, the Senator has attributed to me arguments which I have not made and which he has proceeded to knock down. I think it is completely irrelevant to the question whether or not, if the United States withdraws 150,000 troops, or half its strength there now, the Germans or somebody else will fill that in. I have no idea whether they will or not. I am not arguing that. Nor am I arguing that 150,000 is the tipping point for the security of the United States or Western Europe. I am not arguing that point.

Mr. GRAVEL. I did not say——

Mr. JAVITS. If the Senator will let me finish—I have been very patient—neither of those points is my argument at all. So, as far as I am concerned, the Senator has knocked down something that I have not argued.

My argument is—and if the Senator wishes to answer this, that is another matter—if we adopt a resolution cutting our forces in half by unilateral action, without consultation with the Europeans, we are giving them word which, in my judgment, will induce them to believe that the United States is no longer going to be the force in Europe which it has been for 25 years, but that, on the contrary, the United States is pulling out as the backup for the security of the Atlantic Alliance, and that they will have to look elsewhere. In my judgment, if they looked elsewhere—and in my judgment, it would be necessary for them to look elsewhere—they would have to look to the East. I see this written large on the wall. That is why, for myself, I could not support this particular amendment.

I am not arguing that 150,000 or 118,000 is the tipping point, or whether the Germans would put in 150,000 troops, or put in 400,000 troops, for that matter, to replace our troops if we withdrew them. I am not arguing that. I am arguing that, based on my very considerable experience in Europe, it will be notice to Europe that the United States is relinquishing its position in Europe, and we could certainly expect that Europe would then have less concern for U.S. trade investments and monetary interests.

It means there will no longer exist the balance, precisely because the NATO Alliance, which has allowed the peace which has enabled everybody to draw a secure breath and be prosperous, will be set aside. If it is going to be set aside, the balance of power will be with the Soviet Union. It is this that I fear for the future of the United States.

The Senator talks about solvency, but if we begin to think of the costs of garrisoning this country and what the defense cost for the security of this country will then be, even if it is defective and deficient, the cost will be greatly multiplied.

That is what the issue is all about. Surely, it is a matter of judgment, but when the Senator from Alaska says he does not think any such thing will happen, that is his judgment. I do not agree with him. Based on my experience, conscience, and expertise, I believe that is precisely what would happen. So we differ.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRAVEL. With respect to the point made on consultation, what would stop this Government from consulting in the next 6 months, as this amendment would provide? Those troops would not be withdrawn until 6 months hence. The officials in Europe could consult very adequately with this Government over that 6-month period. That, to my mind, satisfies any thought in that regard.

With reference to the second point the Senator from New York made, I still do not understand why he assumes that Western Europe, which is one of the healthiest economic areas of the world, and one of the wealthiest economic areas of the world, would look East.

Mr. JAVITS. Mr. President, I think I answered both arguments.

On the issue of negotiation, no nation—these European nations are all independent, strong nations, like our own—will negotiate under conditions where we have unilaterally made decisions before we negotiated. No administration could assure them, if a new ceiling were arrived at, that they could secure it. So they would not agree to it. Therefore, it would pull the rug right out from under the negotiations.

On the second point, why would Europe look east, Europe would look east because it could not match the Soviet Union. Europe knows there is only one Nation which can counterbalance the Soviet Union, and that is the United States of America.

I wish to tell my colleague that I deeply and sincerely feel this, and just as long as the Senator from Montana, for whom I have the most complete respect, has advocated this proposition, I have made this very same argument. We have been at it exactly the same length of time. I think that is very important, because I think the good faith element of deep conviction which is involved is critically important.

Mr. GRAVEL and Mr. GRIFFIN addressed the Chair.

Mr. JAVITS. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I commend the distinguished Senator from New York. I had the opportunity to serve in the NATO Council of Parliamentarians on one occasion, and I know of the leadership that the distinguished Senator from New York has provided in that NATO alliance. I became familiar with the work he has done.

Indeed, he was chosen to the chairman of the Political Committee, as I recall, in this last session which was held at The Hague. I know of the brilliant advocacy which he displayed and used to try to convince—and he was successful, in some respects—our NATO allies that they should be assuming a greater burden in order that we might withdraw some of our troops from Europe. With his excellent statement, I think the Senator from New York has put this entire debate into very clear perspective.

It is one thing, of course, to reach an agreement within the NATO Council to do this. It is another thing to do it unilaterally, to do it without hearings, and without the opportunity for the Secretary of State to indicate what effect it might have on our negotiations with respect to SALT the talks or our situation with respect to the Middle East.

We must move in this direction, but we must do it as a nation and in concert with our NATO allies. It would be extremely unfortunate if the Senate and Congress were to take this responsibility without the benefit of up-to-date testimony by the administration and others as to the consequences.

Even though I realize that, politically speaking, it may be difficult to oppose this amendment, I am convinced it is the responsible thing to do—I associate myself with the remarks of the distinguished Senator from New York.

Mr. JAVITS. I am very grateful.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I have been following the discussions of the Senator from New York for the last few minutes with a great deal of interest, and I must say that, although quite often he and I disagree on matters of the policies of this Government, he is so absolutely correct in this respect that his position simply does not even, in my judgment, brook an argument.

I would suggest to those who would be prone to support the main amendment now pending that a little study of the history of Europe would be very enlightening, particularly the history of this century.

The Senator from New York has expressed himself so well that I would merely like to point to one thing: Many of us have been interested and have participated in many conferences in Europe in the last few years, and some of us have many close friends in Europe from whom we get a sense of the feeling of the people there that it is impossible to get from the news media. And one thing that occurs to me—and after I make my statement I would like to ask the Senator from New York to comment on it—is that at least while I have been present, one feature of this matter has not been discussed, and that is what happens to the satellite countries.

For example, what happens to West Germany vis-a-vis the so-called German Democratic Republic? What happens to Czechoslovakia, and what happens to Rumania? Those of us who have been to Yugoslavia have seen the benefits that have flowed to this country from what I think was an enlightened policy toward that country, while I have personally been taken to task many times by some constituents for the support that we have given Yugoslavia in the past, nevertheless, though it is not a democracy or a republic at all, it has shown a nationalistic form of communism which, to a great extent, has separated it from the dominance and influence of Russia. By the same token, I am sure the Senator will agree that in the last 10 years, he has seen the influence of Yugoslavia upon Rumania, and this is particularly useful where we are trying to develop a sort of insulation around those countries, and between them and Russia.

Thus we must consider the very fragile situation in the satellite states of Eastern Europe, and delicate relations between them and Russia. All this is of tremendous significance to this country and to every Western European country.

If, for example, we suddenly do a pullout in this situation, we may see Yugoslavia, Rumania, and what is left of Czechoslovakia and other satellite countries lose all of their heart, they will do exactly what the Senator warns about. They will enter into deeper accommodations with Russia than they have even now. Then the value of those states to us as buffer states—and they are of value to us, though not of as great value as they are to Russia, certainly—will suffer. And if we do this sort of pullout, we are signaling to the world that we think we can live in an armed garrison between the Atlantic and Pacific, when in fact no such life is possible.

I wonder if the Senator does not agree with me that, with regard the influence upon the buffer states—and particularly I am thinking of Yugoslavia and Rumania—the latter of which has not gone as far, as far as independent thought is concerned, as Yugoslavia, but the Yugoslavians say they have done a lot to bring Rumania along—then we would lose a great deal of strength in Europe as a result of a pullout.

Mr. JAVITS. There is no question about that. I point out, as I have pointed out before, that Europe could begin to lean in the Russian direction, and obviously, if it began to lean in the Russian direction, what hope is there for the satellites that have shown a little bit of independence? They are gone geese. That is the only possible thing in the world that they have to hope for, is that the pull of Western Europe, backed by the United States, represents some assurance to them that the Russians cannot go too far.

In that connection, another idea appeals to me which I think we should discuss in the Senate.

Many of our young people—I have young children—say, "What about all this tommyrot the oldsters talk about in regard to the Communist threat? What's so terrible about it? Suppose people live in a Communist society. That's all right, as long as they live in peace and don't try to tell you, Dad, the way you ought to run your show or the way we ought to live."

Well, that is true. But what is omitted in that argument is that we are not permitted to live in peace.

Look at the example of Czechoslovakia, when they dared to so much as pick up their heads a little. Were they permitted to live in peace, or did they get cracked by the Russian army?

So what will be expected of the 200 million people of the United States if the Warsaw pact extends to the shores of Britain and the shores of France? Are we going to assume that we will be permitted to live as we choose to live, whatever that may be? Of course not.

There is a great deal more at stake in what we are discussing than cutting troop strength to 150,000. If that is all there is to it, I would be with Senator MANSFIELD. But it is not all. It is the whole structure of security which the West has so painstakingly erected, which at this moment is in danger of collapsing around our ears.

Mr. ALLOTT. May I say to the Senator that I appreciate his words and I appreciate his permitting me to intervene in this matter. I agree with him.

I should like to point out that if anyone were to take the time to read the hearings of the Defense Subcommittee on Appropriations for the last 10 or 11 years, he would find that the subject of withdrawal has been raised repeatedly. It was violently opposed by the administration under President Kennedy, and was opposed by President Johnson.

We proposed many times to start a small withdrawal. I think the Senator agrees with my point of view that a modest withdrawal of troops or a withdrawal of troops after consultation with the Europeans might well be in order. But what we would do with this proposal under discussion would be to take a precipitate act which would jar the confidence of the Europeans and the European community. It would affect their own safekeeping in a way that would harm us forever. I cannot see any other result.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I notice that the distinguished Senator from Colorado mentioned President Johnson and President Kennedy, but he forgot to mention President Eisenhower, probably the greatest general of our generation. If I recall correctly, President Eisenhower thought that two divisions of U.S. troops in Western Europe would be sufficient—in fact, more than sufficient. I think we ought to go back just a little further.

Mr. ALLOTT. I am happy to go back that far. I did not mention that because at that time I was not a member of that committee, and I do not know what the testimony on that subject was.

But I can assure the Senator that he will find the testimony before that committee replete with discussions of this subject.

I might add this: It really has not been until the last 3 years—and I will give my friend, the majority leader, the consolation of including 1 year of President Johnson's administration in that—that any clear effort, any hard effort, has been put into increasing the European contributions by way of manpower and increased quality of training. Only in the last 3 years has there been a substantial increase in the contribution by the Europeans.

I agree wholeheartedly with this. I do not think we ought to support NATO singlehandedly, particularly when at least half a dozen countries in Europe are doing very well so far as their own economies are concerned—in spite of the present money situation, which leaves them perturbed a little. The fact is that they are coming along and they are doing more. What this proposal would say to them is, "Regardless of what you say or do, we are coming out."

I respect the Senator from Montana, the majority leader, very highly—although I will say that many other people are students of this subject, also.

The problem is that if we accept this proposal, we are saying to our allies is that, without a resolution having been offered and referred to a committee, without taking any testimony on it, today or tomorrow or the next day, whenever we get to voting on this, we are suddenly deciding to pull out all our troops except for 150,000. They would see this as a complete subverting of the NATO structure, and in my opinion they would be right.

People may think that the Senator from New York is overstating his case. But I can assure the Senate that, from my personal contacts in Europe, I know that he is not overstating the case; that if we were to do such a thing, the psychological impact upon Europe and NATO would undoubtedly start, in the long run, the turn of Europe in the wrong direction.

We have seen two World Wars in this century, and many of the problems which created each war would be reestablished by this action. Then what would we pay? I would say that if we had a situation such as that, the ultimate price we would pay might be a third world war, and it would be a cost in money and men that I do not want to see this country pay.

I am sure the Senator feels as I do. The psychological impact on Europe would be horrible, and the long-term impact would be very great.

I thank the Senator for permitting me to intervene. I congratulate him, because he has expressed my own thoughts, and my own reasoning about this matter very well. He is entirely right. I hope the Senate will not take this precipitate action.

Mr. JAVITS. I devoutly hope that the Senate will not. The Senator certainly has buttressed the arguments I have sought to make here today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, for years, we have urged Europeans to do more in their own defense. We have pointed to the need for stronger defenses in NATO, for a better conventional capability so that we can have a better choice than nuclear holocaust or abject defeat. Now at long last the Europeans have clearly shown a new attitude toward this vital problem of a balanced defense posture in Western Europe. Last December they agreed on a special European defense improvement program designed specifically to correct some of the deficiencies we have seen in NATO's armed forces. This is a beginning—and an important beginning—of what we all must hope will be a more effective partnership between our European allies and ourselves. I might add that this partnership extends well beyond the military arena and that developments on the military side can have important effects on our political and economic interests in Europe.

Now, what would be the effect of the abrupt and dramatic reduction of the U.S. military presence in Europe? I think there is no room for doubt that the impact on the Europeans would be little short of disastrous. They would see this, inevitably, as an indication of diminishing U.S. interest in maintaining its commitments overseas. They would read this as an indication that they may increasingly have to go it alone and that NATO may no longer offer the balancing element against Soviet military and hence political power.

At this point, I think we must all recognize that when we speak of "Europe," we are not speaking of a unified national state. We are speaking of a series of individual countries which are bound together militarily only by NATO. If we remove the pivotal factor in the Alliance, which is essentially European confidence in the solidity of the American engagement, the result can only be a disintegration of the defense teamwork which has been built up with so much labor over the years since General Eisenhower took over as supreme commander of the Alliance.

I fear that European governments, who are under pressure to reduce defense spending just as we are, would find it more difficult not to yield to the temptation to call it a day so far as doing more for the common defense is concerned.

I ask whether this is what we want at this stage in history? I think not. The promise of an "era of negotiation" will not be realized if we and our Allies negotiate from weakness. The hope for a more mature and balanced partnership between Europe and America in all our interconnecting relationships will be dashed.

Let us rather show the world that we are a steadfast people, that we intend to build a peaceful order for generations to come, and that we intend to do this by keeping our commitments to our friends and not by tearing down the trust they have in us.

I ask unanimous consent to have printed in the Record the President's statement of December 3, 1970.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the President Delivered to the North Atlantic Council by Secretary Rogers, December 3, 1970

The meeting of the North Atlantic Alliance will be one of the most important conferences in the history of the Alliance. This past year has witnessed the completion of a comprehensive review of Alliance defense that can serve as the basis for a common effort throughout this decade. This review testifies to the continuing value of candid consultations based on mutual respect and to the common recognition that the prospects for peace rest primarily on our ability and willingness to maintain an Alliance sufficiently strong to deter those who might threaten war.

After the most searching consultations, together we have arrived at several fundamental conclusions which will help us maintain NATO's strength while the Alliance seeks to translate the promise of detente into the reality of a just and lasting peace.

We have reaffirmed flexibility of response as the proper strategy for a defensive Alliance confronted by a formidable mix of potentially hostile force, which is constantly improving.

We have agreed that NATO's conventional forces must not only be maintained, but in certain key areas strengthened. Given a similar approach by our Allies, the United States will maintain and improve its own forces in Europe and will not reduce them unless there is reciprocal action from our adversaries. We will continue to talk with our NATO Allies with regard to how we can meet our responsibilities together.

The Allies have agreed to move to transform the recommendations of the study into fact. This should provide NATO with an enhanced capability sufficient to make the strategy of flexible response a more credible factor in the equation of deterrence.

In the process of this review we were heartened by the efforts of several of the Alliance's members to create a new and more equitable sharing of the burdens of the Alliance through a greater effort by our Allies to meet the challenges of NATO defense in the decade of the Seventies. This European initiative gives concrete testimony to the vitality and spirit of the European Allies. NATO has strong support among the American people. Successful efforts to improve European forces and absorb a greater share of the burden will insure continued support.

I welcome the achievements of the Alliance. I am certain we can move from agreed goals to practical action with the same seriousness of purpose.

WITHDRAWAL FROM EUROPE: A REBUTTAL

Mr. TOWER. Mr. President, earlier on the floor, remarks were presented regarding the maintenance of 525,000 military personnel and their dependents in Western Europe. It was stated that $14 billion of the defense budget were required to support these forces. An amendment was introduced which proposes to force the drawdown of our Armed Forces in Europe as a primary means to improve our balance-of-payments situation. Based on previous remarks, I believe this amendment is also aimed at reducing our defense costs, and to forcing our European allies to increase their support to NATO forces.

Mr. President, I believe there is a substantial misinterpretation of the costs of maintaining our forces in Europe, forces which protect our vital security interests. I consider it of the greatest importance to set the record straight so that the decision taken by the Senate will be based upon reasoned consideration of all aspects of this subject.

It must be clearly understood—even at the expense of being redundant—that the $14 billion in question provides for: First, the support of U.S. general purpose forces located in Europe; second, U.S. general purpose forces not in Europe but oriented toward use in Europe; third, forces located within the continental United States but dedicated to the support of our men in the European theater; and, fourth, those dependents accompanying personnel located in Europe.

The largest portion of this money is associated with the maintenance of additional forces in the United States, ready to support and reinforce those deployed in Europe.

This $14 billion represents the Defense Department's best estimate of those operating, procurement and construction costs which might be saved only if all these forces did not exist. These costs include about $200 million for the military assistance programs for Greece and Turkey and the NATO infrastructure program combined; the remaining $13.8 billion is divided relatively equally between our forces in or near Europe—$6.3 billion—or oriented toward Europe—$7.5 billion. Included in the $6.3 billion figure are the costs of all military and civilian personnel located in Western Europe and related areas—including the 6th Fleet—and the cost of operating and maintaining facilities in those locations.

Logically, the question is whether substantial savings can be effected by withdrawing all or part of these forces. It does not appear so. Because the German Government provides the facilities for these forces, the cost of their deployment in Europe is minimal. In the short term, to return these troops to the United States would generate extra expenditures, we would be forced to improve and expand facilities here, if not actually develop entirely new facilities, to provide adequate housing, training, and administrative support for these forces. We would also be required to increase airlift and sealift capability, which would mean additional expenditures.

Let us take a look specifically at that portion of the President's budget related only to the Army: $2.5 billion is allocated for direct support of the Army forces deployed in Europe. The major portion, $1.18 billion, goes for military pay and allowances; $701 million for operations and maintenance costs; $606 million for procurement of equipment and missiles; and $33 million for military construction.

To redeploy these forces would not result in substantial savings, for it would still cost us close to $2.5 billion to station these same forces in the United States. A more precise estimate furnished by the Army during previous hearings reflects an estimated $52 million savings. But this excludes the substantial increase in sea and airlift capacity that would be required to use these forces in support of NATO. It also should be noted that this cost comparison assumes complete withdrawal of Army forces from Europe. It does not consider the realistic fact that some NATO facilities would be maintained to allow for deployment of our forces to Europe if reinforcement were needed.

Whatever the nature of the forces withdrawn, I am certain that cost estimates will reveal no real savings. Very little of the $14 billion could be cut from the defense budget unless those forces withdrawn to the United States were inactivated and personnel assigned to those units released. I reject this step as an imprudent, unacceptable risk to our Nation's security. To maintain the present balance in miiltary capability between the NATO Alliance and the Warsaw pact, we cannot reasonably consider inactivating any forces wtihdrawn from Europe. They must be maintained in active status and in a poised, ready posture to reinforce our NATO allies in times of crisis.

I am not in favor of a decision to return to the United States a substantial number of our forces from Europe without a commensurate reduction in Soviet forces. It is my firm conviction that we can rely only to a limited extent on strategic movement of our land forces from this country to Europe to meet an initial enemy attack. In times of political tension but in the absence of actual hostilities, we undoubtedly would be reluctant to increase tension by the movement of large reinforcements. On the other hand, should the situation escalate into overt hostilities, the time required to prepare our U.S.-based forces for deployment, to transport them to Europe, and to move them to their combat positions would preclude their being available to NATO in the critical first days of combat.

The Secretary of Defense has made an important point regarding unilateral withdrawal of our forces from Europe which is very material to the consideration of the present amendments. The Secretary stated that it would be destabilizing to make unilateral reductions in our forces in Europe at a time when our adversaries continue to maintain and improve their forces, and when we are seriously seeking mutual reductions with the Warsaw pact. To protect our mutual security objectives, we must mainain the strongest possible ties with our NATO allies and continue to cooperate on a regional basis.

I support the President's efforts to achieve mutual and balanced force reductions with the Warsaw pact. The Soviet Union is unlikely to seriously negotiate if they believe that by simply delaying, U.S. force levels and NATO capabilities will erode. The objective of mutual and balanced force reduction—to achieve a more stable balance at lower levels of forces and costs—is congruous with congressional interest in reducing U.S. defense costs and our equally important interest in stabilizing the military and political balance in Europe. To reduce our NATO forces unilaterally would be inconsistent with these goals.

I would make one last comment, Mr. President, it has been and continues to be in our best interest to deter aggression in Europe. The deployment of our conventional and nuclear forces in the European theater will contribute to that deterrence. By unilateral reduction of our forces in Europe, it might be inferred that we have weakened in our resolve to defend our allies. This would weaken deterrence and increase the likelihood of a European war, which we have avoided for a quarter of a century. To withdraw from NATO might force escalation of even minor hostilities to the nuclear level. I find this possibility totally unacceptable and, therefore, urge that we maintain the capability of a flexible response by maintaining our troop commitments in Europe.

Mr. President, I should like to quote from a statement made by President John F. Kennedy in his state of the Union address to a joint session of Congress in 1963.

He stated:

> Nuclear defense is not enough . . . the agreed NATO levels of conventional strength must be met. . . . The alliance cannot afford to be in a position of having to answer every threat with nuclear weapons or nothing.

Mr. President, I submit there is no psychological or political substitute for the American presence in Europe. The maintenance of any degree of American influence in Western Europe depends upon that threat.

AMENDMENT NO. 90

Mr. TAFT. Mr. President, I take this time today to submit an amendment and ask that it be printed, and to comment briefly on the amendment.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. TAFT. Mr. President, America has had an historic antipathy to peacetime miiltary conscription. With the phasing out of Vietnam manpower requirements, this is no less true today. Since 1963, I have voiced the belief that we could and should abandon the draft, that we should be willing to pay for it and that it can be done effectively if we are willing to pay for it.

Although we have not experienced any draft riots such as swept through New York City during the Civil War, our country has been torn internally by the use of the military service to undertake foreign military commitments and the war in Vietnam.

In peacetime, the whole concept of choosing from a very large manpower pool the comparatively small number of men required to fill out the Armed Forces in itself implies that there is going to be discrimination and unfairness, unfairness such as mentioned in the Gates Commission report with respect to those called upon to serve, unfairness also in the actual selection of the men. Inevitably there will be adverse selection, no matter how much we do to eliminate the particular methods of deferment.

I think also that as we have a problem of American commitments worldwide, we have to recognize that the draft has really been a detriment rather than an asset insofar as readiness and the actual meeting of the American commitments are concerned.

In the words of Walter Lippmann in an article published last year in the Columbia Journalism Review which I would like to read, set this out very clearly, Mr. Lippmann was quoted in that article as having said:

> Now drafting men to fight a war ten thousand miles away is something that no sensible great power has ever attempted . . .
>
> The British, in all their period of imperial rule in the Nineteenth Century, never conscripted Englishmen to fight in Asia. They always relied on volunteers, professional soldiers, and on mercenaries. . . .

Then Lipmann went on to comment on President Johnson. I might say the comments are his and not mine. He said:

> Johnson, who knows no history, didn't realize what a thing he was doing when he began to conscript an army to fight a war that nobody believed in particularly anyway—nobody had ever had it explained to them, nobody could explain the reason for it—ten thousand miles away. . . .

I would comment further that it seems to me that this makes very clearly the point that a volunteer armed force, a professional armed force, is a far better system by which to meet the needs we have around the world from time to time.

I hope we never find ourselves in another land war such as we find ourselves today in Vietnam. But to eliminate the possibility that we could find ourselves involved in such a war, since it seems to me that it would be detrimental to world peace rather than helpful in view of our Vietnam experience and our historic opposition to the draft, I enthusiastically support the Gates Commission Report.

In my judgment it means we can achieve the goal of an all volunteer army. I do not believe, however, that it is advisable to abolish the Selective Service System at this time until the recommendations of the Gates Commission have been implemented in an orderly way and the Reserves have been strengthened.

The best approach, it seems to me, is to phase out the draft during the next 2-year period and to require a rapid phaseout of conscription. Therefore, I believe we should impose meaningful limitations upon the number of men who can be inducted during the next 2 years. I do not believe the 150,000 limitation included in the committee bill is meaningful. Consequently, the amendment I have submitted today provides that not more than 100,000 persons could be inducted during the fiscal year ending June 30, 1972, and that not more than 60,000 persons could be inducted during the fiscal year ending June 30, 1973.

These figures compare with the 162,746 men who were inducted during 1970.

The amendment is aimed purely at the matter of bringing about a volunteer army in an orderly way with some assurance that it will be carried out and that we will not, 2 years hence, face the same situation we face at this time.

I cannot go along with agreeing to a number of amendments offered on the floor today, including the one pending before us. We should be debating our overall policy of manpower. I do not believe it is sound to make that decision dependent upon what we may think of the particular aspect of the American military or the foreign policy or independent bases around the world based upon the requirements of NATO or the matter of the presence of troops in Europe or the adverse balance-of-payments aspect or the presence of troops in Europe or on the Vietnam war, whether we approve of the Vietnam war or not.

It seems to me these are not questions which ought to determine whether or not we extend the draft and whether or not the current method of approaching the matter of providing military manpower is incorrect.

On the other side of the issue, I do not believe we should confuse the situation. I believe that we should consider this Nation's manpower problems in their own context and commit ourselves at this time to the orderly attainment of the all-volunteer army.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant clerk called the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—ORDER TO CONVENE AT 10 A.M. ON WEDNESDAY, MAY 19, 1971

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request which, hopefully, may meet with the approval of the Senate.

Mr. President, I ask unanimous consent that on Wednesday morning next, the Senate convene at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The order was subsequently modified to provide that the Senate convene at 10 a.m., on Wednesday next.]

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Wednesday next, after the prayer and the disposition of the reading of the Journal, there be a period of not to exceed one-half hour for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the transaction of routine morning business on Wednesday next there be a time limitation of 1 hour on the Mathias amendment in the nature of a substitute, the time to be equally divided between the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished chairman of the committee (Mr. STENNIS); that there be 1 hour each on amendments offered by the distinguished Senator from Colorado (Mr. DOMINICK), or other Senators, the time to be equally divided between the sponsors of the amendment and the manager of the bill; that there be 3 hours on the Mansfield amendment, if it is still intact and in the clear; that at the conclusion of the time used up to 3 hours there be a vote on the Mansfield amendment as it exists at that time, as amended, if amended; that immediately following the disposal of the pending amendment and all amendments thereto the Schweiker amendment, which was laid aside temporarily, be laid before the Senate and made the pending business; and that amendments not germane not be considered in relation to this request—and not received either.

Mr. GRAVEL. Mr. President, reserving the right to object—and I shall not object—I want to make abundantly clear that this time limit, I think, is fairly adequate. It is 1 week in length to touch upon such a subject.

I think, as do many other Members of this body, that determining the foreign policy trajectory of this Nation in Europe is a subject that could bring about deliberation in this body in excess of 1 month, but because we have constraints on time it can be done in 1 week. But this time limitation goes only to this subject area.

I reserve my right to object to any time limitation on any future amendment that may be put forward. I do not want it to be construed by my colleagues that this is an acquiescence on my part to other time limitations because matters may come forward which need longer time, perhaps 2 or 3 weeks.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not, the majority leader referred to the Dominick amendment and the 1 hour allotted thereto.

I know the Senator from New York (Mr. JAVITS) may have an amendment, and I understood the request referred to the possibility there could be other amendments to the Mansfield amendment, in which event there would be 1 hour for each one.

Mr. MANSFIELD. Yes.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. One hour on the Dominick amendment and any other amendment to the amendment.

Mr. STENNIS. Mr. President, reserving the right to object, the Senator from Colorado (Mr. ALLOTT) had reserved the right to object and had addressed the Chair before I did.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLOTT. Mr. President, I was trying to get recognition from the Chair. I realize there is no time for any situation which will accommodate every Senator. I had hoped that, somehow, we could work out an arrangement in which perhaps we would not have to vote on this matter until the latter part of the afternoon on Wednesday. I have to be in Colorado on that day for an official matter in the morning, and will therefore not be able to be back here for this matter should it come to a vote early in the afternoon.

I have talked about this with the distinguished majority leader and the distinguished Senator from Mississippi (Mr. STENNIS), and the assistant minority leader is aware of my situation. I would hope to get back not too late in the afternoon. Could we perhaps have the vote late in the afternoon?

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. ALLOTT. I yield.

Mr. GRIFFIN. Mr. President, I wonder if the distinguished majority leader might consider incorporating in his request a provision that the final vote on the Mansfield amendment, as it may or may not be amended, would not come earlier than 5 o'clock. I suspect, depending on how many other amendments may be offered, it may very well be 5 o'clock before we could get to a vote on it on Wednesday, or conceivably it might be on Thursday, although not likely.

Mr. MANSFIELD. Mr. President, that is a not unreasonable request. Suppose we say that the vote come not later than 5 o'clock.

Mr. GRIFFIN. Not earlier than that.

Mr. MANSFIELD. Not earlier than 5 o'clock, and I would change my request for the time for convening on that day from 9 to 10 o'clock.

Mr. ALLOTT. I think that is wholly reasonable, and I do appreciate the consideration given me. I had in mind that the vote probably would not come before 5 o'clock, anyway.

Mr. GRIFFIN. And there is a likelihood that we would not be able to do much on any other matter.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I want to be certain I understand correctly, and that the record is clear, that as a part of that agreement the Schweiker amendment, even though now withdrawn, will be reoffered in the form in which it was when it was withdrawn, and that immediately after the disposition of the Mansfield amendment, the Schweiker amendment will become the pending order of business.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. The question is, Is that a correct understanding of the agreement?

The PRESIDING OFFICER. The Chair understands that that is now a part of the agreement.

Mr. STENNIS. I did not hear the Chair.

The PRESIDING OFFICER. The Chair understands that that is now a part of the agreement.

Mr. STENNIS. Mr. President, further reserving the right to object—and I shall not object—let me thank those Senators who have made these concessions and arrangements. I thank them as floor manager.

I want to say, further, that there are many major amendments pending to this highly important bill, and with all the other duties Senators have, and with as much travel as is involved for some of them, it is going to be very difficult to dispose of this legislation or any other legislation that has many amendments unless we can reach these agreements, which bring into focus the issues so the membership will know what to expect.

So I express the hope, and say it is almost necessary, under present, modern conditions, to have these agreements worked out.

Incidentally, we have been in conference a greater part of the day, and for the last 2 hours or more, and are in a position to propose further agreements, but I understand there would be some objections made.

I understand that, even though we could not get a unanimous consent agreement to a limitation of time now on the Schweiker amendment, it is agreeable to the Senator from Pennsylvania, as it is agreeable to me, and that there may be an opportunity later to get that one, too, into focus and get an agreement on a limitation of time.

Mr. STEVENS. Mr. President, reserving the right to object, am I to understand there is no agreement that comes into effect before next Wednesday pertaining to a limitation of time?

Mr. MANSFIELD. That is correct.

Mr. GRIFFIN. Mr. President, further reserving the right to object, may it be understood—though I do not contemplate any Senator is going to try to table the amendment or any of the amendments to it—that motions to table and other procedural motions and the right to make them are preserved, provided there is no additional time for debate?

Mr. MANSFIELD. Mr. President, I worded the unanimous consent request so that there would be no tabling motions made. That was the understanding—at least, that is the way I interpret it—and I would hope that understanding would be honored.

Mr. ALLOTT. Mr. President, reserving the right to object, if I may propose a parliamentary inquiry, can a unanimous consent forfeit the right—and I have no intention of making such a motion—of offering a motion to table? Can a unanimous consent shut off the right to make a motion to table an amendment?

The PRESIDING OFFICER. It can, provided the Senate agrees unanimously to the agreement.

Mr. ALLOTT. I cannot hear the Chair.

The PRESIDING OFFICER. If the Senate, by unanimous consent, agrees to have a vote on a given amendment, a motion to table may be foreclosed.

Mr. ALLOTT. I cannot hear the Chair, but the answer is that a unanimous consent would foreclose the right to make a motion to table?

The PRESIDING OFFICER. That is correct.

Mr. ALLOTT. Mr. President, that can be a very dangerous precedent.

Mr. MANSFIELD. Mr. President, if the Senator will yield, this is not an unusual precedent. It has been done before, many, many times, and the purpose is, after a reasonable amount of debate, arranged for ahead of time, to allow an up or down vote on the amendment offered.

As a matter of fact, it is applicable only to the Mansfield amendment, but I would be glad to make the same application to all amendments to the Mansfield amendment.

Mr. ALLOTT. I should not have used the word "precedent." I should have used the word "practice," because there are 12 or 13 Senators present at the moment, and what we are doing, in effect, is determining the right of the remainder of the membership.

Since I have no personal interest in making such a motion to table any of the pending amendments, I do not object, but I wanted to call the attention of the Senate to it. I think, if we are going to do this as a practice, perhaps a quorum call and notice to the offices of Senators might be in order, so that if they had in mind filing or making motions to table, they would be informed.

This is not in any sense critical of the majority leader. He is entirely right. I know it has been done, but it is also considered a matter of procedure as far as Senate practice is concerned.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, may I ask the majority leader what provision he would like to make in the unanimous-consent agreement for any time remaining before 5 o'clock if all time on all amendments has previously expired.

Mr. MANSFIELD. I am glad that the deputy majority leader has raised that question. I ask unaimous consent that any unexpended time prior to 5 o'clock be equally divided between the distinguished Senator from Mississippi, the manager of the bill, and the Senator from Montana, and applied to the so-called Mansfield amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, may I inquire of the majority leader, is my understanding correct that now the Senator has included all the other amendments in the concept that there will be no motion to lay on the table, and that those amendments were under this unanimous consent agreement?

Mr. MANSFIELD. That is correct.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous consent agreement was subsequently reduced to writing, as follows:

Ordered, That, at the conclusion of routine morning business on Wednesday, May 19, 1971, during the further consideration of the bill H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, debate on the amendment of the Senator from Maryland (Mr. Mathias), Numbered 87, shall be limited to one hour to be equally divided and controlled respectively by the Senator from Maryland and the Senator from Mississippi (Mr. Stennis).

Provided further, That, debate on any other amendment to the amendment of the Senator from Montana (Mr. Mansfield), Numbered 86, be limited to one hour to be equally divided and controlled respectively by the mover of such amendment and the Senator from Montana or his designee.

Ordered further, That, the vote on the amendment of the Senator from Montana (Mr. Mansfield) shall occur not earlier than 5 o'clock p.m. on Wednesday next, and that all time for debate on that amendment not utilized on any other amendment, be equally divided and controlled respectively by the Senator from Montana (Mr. Mansfield) and the Senator from Mississippi (Mr. Stennis).

Ordered further, That, no motion to table any amendments considered under this agreement shall be in order, and all amendments offered under this agreement must be germane.

Provided further, That, following the vote on the amendment of the Senator from Montana (Mr. Mansfield), Numbered 86, the amendment of the Senator from Pennsylvania (Mr. Schweiker), Numbered 76, shall be made the pending business of the Senate.

Mr. STENNIS. Mr. President, I just want to make an observation, and if the Senator from West Virginia wishes me to yield to him first, I will do it. I do not intend to hold the floor.

Mr. BYRD of West Virginia. No, Mr. President. I thank the Senator for yielding. I just wanted to make sure that all Senators understood that the unanimous-consent request, as finally agreed to, would not allow a motion to table any of the amendments, including the Mansfield amendment.

Mr. MANSFIELD. That is right. The question was raised by the distinguished Senator from Alaska, and the answer was in the affirmative.

Mr. STENNIS. Mr. President, my observation is merely this: This gives time to debate the Mansfield amendment, and those who are interested in debating it will have ample opportunity to do so. It is the pending matter.

But there can be debate on other matters also, and there are many other amendments here. As manager of the bill, and as a member of the committee, I would like the freedom, during this time, to discuss some of these other amendments on their merits, even though they were not pending, and I give notice to the authors to that effect. I would always notify the author of the amendment before I did so, but I think some phases of them ought to be discussed.

Mr. SYMINGTON. Mr. President——

Mr. GRIFFIN. Mr. President, would the Senator from Missouri yield to me to ask a question of the majority leader concerning the program?

Mr. SYMINGTON. Of course.

Mr. GRIFFIN. I wonder if I might inquire of the distinguished majority leader, although it was not specified in the unanimous-consent agreement, whether or not Senators can expect that there will be no rollcall votes between now and next Wednesday.

Mr. MANSFIELD. Mr. President, I would be unable to give that assurance, though I think it is highly unlikely. The acting minority leader is aware of the fact that the Senate Appropriations Committee will very likely report the supplemental appropriation tomorrow, and that could be taken up on Friday or Monday or Tuesday; but the action of the House of Representatives in reinserting funds for the SST has raised an issue which is fraught with questions, and it is not the intention of the joint leadership to take up matters which will take up too much time or engender too much debate, because the important factor is the pending legislation.

I am sure that the acting minority leader, who has discussed this matter with me in some detail, is aware of the situation which confronts us at this time; and regardless of our personal feelings on the matter of the SST, it does appear, at the moment—that is subject to change—that a good debate might be engendered by the supplemental appropriation bill.

There is also the matter of the girl pages; I hope we can bring that up and dispose of it favorably. There is not much legislation on the calendar, but there is a good deal of subject matter to discuss relative to the pending business.

Mr. GRIFFIN. I appreciate that advice, because I think that if it had not been stated, many Senators might just assume that there would be no other business unrelated to this between now and next Wednesday, and I take it that there is at least a possibility that we will take up other measures and there could be votes.

Mr. MANSFIELD. If any are available and would not cause too much controversy, we will.

Frankly, I deplore the delay, because I think we could have spent the time in better fashion. This is a most important bill, and there is a termination date to it. But, as the Senator knows in his capacity, we are confronted with these situations now and again, and we just have to make the best of the circumstances as they develop.

Mr. GRIFFIN. I thank the Senator from Missouri for yielding.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Missouri yield briefly to me?

Mr. SYMINGTON. I yield.

Mr. BYRD of West Virginia. Mr. President, as I understand the unanimous-consent agreement, no Senators are precluded from offering amendments between now and next Wednesday. The unanimous-consent agreement deals only with the Mansfield amendment, amendments thereto, et cetera, and the Schweiker amendment. Other Senators may wish to offer other amendments in the meantime, am I correct, and tabling motions could be made at any time and votes thereon would be had?

Mr. MANSFIELD. The Senator is correct. All I can say is that I do not know at the moment of any amendments which might be offered.

Mr. GRIFFIN. Is it not a fact, however, that the Mathias amendment is the pending business when this bill is before the Senate, and it would have to be displaced by unanimous consent before another amendment could be taken up?

Mr. MANSFIELD. That is right.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. SYMINGTON. I address myself to the Mansfield amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SYMINGTON. With respect to the current Mansfield amendment to reduce substantially U.S. military forces in Europe, which I fully support, it would appear to be increasingly clear that politically we are following the often criticized military policy of victorious countries in the past; namely, we are following tradition as against modernity.

One of the reasons I support wholeheartedly this amendment is that we do not seem yet to recognize in any practical fashion the growing obvious difference between the former concept of "balance of power" and the present actuality of a "balance of terror."

It has been reliably reported that today over 50,000 megatons are stored for the possible ultimate destruction of civilization. That is over 10 tons of TNT for every man, woman, and child on earth.

As the result of this quantum growth in destructive power, it would appear that military alliances may no longer add to a nation's security; in fact, in this nuclear age such alliances may decrease our security.

This is also becoming more apparent in the defense procurement field. New weapons, new ships, new planes, may end up by decreasing instead of increasing the security of a nation confronted with another nuclear superpower.

The above thinking is basic to those of us who oppose what would appear to be an incredibly wasteful utilization of our increasingly limited resources—the Safeguard antiballistic missile system.

This system would create a false sense of security among our people, and that false sense of security could in turn lead to reactions which could bring on a full nuclear exchange.

With respect to sense of the Senate resolutions, may I say with respect but sincerity that they remind me of the man who said to his lawyer, "When I die I leave my wife $500,000"; to which his lawyer replied, "Don't be silly, you haven't got $500,000." "I know," he said, "but it will look great in the papers."

In any case, it would seem these resolutions are having little or no effect on the executive branch. What would have a significant effect, however, and would be of great benefit to the already overburdened American taxpayer, are amendments similar to that just introduced by the distinguished majority leader so as to reduce the continuing and often inadvisable gigantic amount of money based on false premises about what is actually needed for our national security.

Let us have a better political relationship with our friends, and a better economic relationship with our friends; and of course maintain what we need militarily for our security. But let us eliminate all the unnecessary waste that is breaking the back of the American taxpayer. That is the thrust of this amendment.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following joint resolution in which it requested the concurrence of the Senate:

H.J. Res. 633. A joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED

The following joint resolution was read twice by its title and referred to the Committee on Appropriations:

H.J. Res. 633. A joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

LEAVE OF ABSENCE

Mr. METCALF. Mr. President, I am going to be with a group of Representatives and Senators attending an interparliamentary conference of Japanese parliamentarians in Tokyo. I am leaving tomorrow. I therefore ask unanimous consent that I be excused from attendance on the Senate from tomorrow until the end of the Memorial Day recess on account of official business.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

RESCISSION OF ORDER FOR SENATOR GRAVEL TO SPEAK AT EXPIRATION OF TIME UNDER THE RULE OF GERMANENESS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order, recognizing the distinguished Senator from Alaska (Mr. GRAVEL) to speak at the expiration of the running of the Pastore rule of germaneness today, be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I want to speak briefly about some of the issues raised by the distinguished Senator from Montana when he proposed his amendment to the Selective Service Act requiring that we cut in half the number of troops stationed in Europe. The Senator from Montana has relied heavily on arguments about the current financial crisis, which now—fortunately—seems to be abating. It is important that we not let ourselves be bolted by this crisis into unwise and precipitate military policies which could split our most important and useful alliance.

In the first place, the current flurry over interest rates has very little to do with our troops in Europe. It is primarily a problem of money invested by speculators for a short time—what is called hot money in the monetary community—seeking higher interest rates in Europe as our interest rates go down in this country. In the long run, I might add, it is a problem which is highly influenced by the confidence the Europeans have in us—a confidence which will not be increased by our shattering the NATO alliance.

Mr. President, it is true that keeping our troops in Europe does add something to our balance-of-payments deficit. But the figure is not even close to the $14 billion which has been mentioned. In fact it is less than $1 billion a year—about one-fifteenth of the grand total of $14 billion. Mr. President, some members I know will not want to follow me into an intricate discussion of high finance, and I do not plan to attempt to try to lead them there. But this simple fact is very important. The portion of the balance-of-payments deficit resulting from our military expenses in Europe is less than $1 billion annually, not $14 billion.

Confusion has been caused on this point by a very loose use of figures without even an elementary understanding of their meaning and importance. I am reminded, Mr. President, that it was once said of the late flamboyant British Prime Minister David Lloyd George "He uses figures as adjectives." That is what is being done in this debate over our balance of payments and military expenditures.

Here are the facts. U.S. forces which might be used to support NATO in one or another type of contingency cost about $14 billion a year. Many of these forces are in the United States and on the high seas. In fact, about 80 to 90 percent of this $14 billion is spent in the United States. The forces which we have stationed in Europe cost about $3 billion annually, but only about $1.7 billion of this is spent in Europe. Under agreements our allies make certain offsetting payments to us and purchases from us which bring this deficit down to less than $1 billion. The bulk of our deficit is caused by oversea investment, tourism, and short-term capital flows—not by the military.

As I said yesterday, I believe the appropriate way to reduce the military portion of the deficit is to get our allies to increase their offsetting payments or to begin to trim some of the support personnel in Europe, as our committee has recommended. It would be rash and extremely unwise to make drastic cuts in NATO's combat capabilities in order to solve a relatively small portion of our balance-of-payments problems.

Many will agree that the balance of payments is not so important—that they are chiefly interested in cutting Defense Department expenditures. By withdrawing troops from Europe they will, I am afraid, only succeed in increasing them.

Here is why. Although our troops stationed in Europe cost about $3 billion per year, only about 10 percent of this cost—roughly $300 million—is an added expense because the forces are in Europe. Most of this small added expense is in transportation costs.

Now, if we brought half of these men back from Europe and kept them in the United States as the Senator from Montana proposes, it might appear to some that we could save half of this $300 million per year, or about $150 million. But not even this small saving would actualy be possible. The reason is simple. There are significant one-time costs which we will have to pay to return these men to the United States and equip them. It is obvious, Mr. President, that if we bring these men back we will have to leave their heavy equipment, such as tanks and trucks, in Europe as stockpiles, so that it would be there if the troops needed to be returned to Europe in a crisis. So some additional equipment would have to be purchased for the units to train with in the United States. These one-time costs have been estimated to be about $1.2 billion to return one-half of our men in Europe, and this does not include any of the costs of new facilities, barracks, and so forth. But let me emphasize, Mr. President, that even if we did something very unwise and did not leave the heavy equipment stockpiled for these troops in Europe, we are still only talking about savings of—at most—$150 million annually in bringing these men home.

The distinguished Senator from Montana suggested yesterday that we should perhaps not only withdraw these 150,000 men from Europe but also cut them out of the Armed Forces altogether. Mr. President, I would regard that as being an extremely unwise and dangerous step which could seriously endanger our national security. I do not use that phrase lightly. Our committee has begun a thorough study of manpower requirements and this year, for the first time, the Congress is required to authorize specific manpower levels. In our initial review we were able to recommend a reduction of 56,000 men below what the President recommended. This reduction of 56,000 in average strength will result in a total cut in the Armed Forces of about 100,000 men in end strength, for reasons I have described, several times. But these reductions should be carefully made. We should not consider ourselves to be generals sitting here in this Chamber. The only responsible path to take is one of study and assessment which fixes overall manpower levels and leaves to the President the discretion, as Commander in Chief, to deploy them to best defend our national security.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, for the benefit of the cloak rooms, I now suggest the final quorum for today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock tomorrow morning. Immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Alaska (Mr. GRAVEL) will be recognized for not to exceed 15 minutes, upon the conclusion of which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the close of the period for the transaction of routine morning business, the unfinished business, H.R. 6531, will be laid before the Senate.

Under the previous order the rule of germaneness, paragraph 3 of rule 8 of the Standing Rules of the Senate, will extend for a period of 5 hours, beginning with the laying before the Senate of the unfinished business.

Of course, unanimous consent would have to be obtained in order to lay aside the pending amendment. But that is not beyond the realm of possibility. I hope that other amendments might be offered and votes had thereon, in the interim between now and Wednesday next, at which time the consent agreement entered this afternoon will become effective.

So, I trust that Senators would not interpret the unanimous-consent agreement for next Wednesday as precluding rollcall votes in the meantime. I think it would be a discouraging matter if the Senate were to delay making progress and doing business for a full week on such an important bill as the one pending before the Senate. But unless we can lay aside the pending amendment to take up other amendments, or lay aside the pending business to take up other business, that is just what it would amount to.

Mr. President, if the distinguished assistant minority leader does not wish to say anything at this time, I will proceed to move that the Senate adjourn.

ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, if there be no further business to come before the Senate, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 13, 1971, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 12, 1971:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Norman Vickers Watson, of Florida, to be an Assistant Secretary of Housing and Urban Development.

EXTENSIONS OF REMARKS

A TRIBUTE TO J. EDGAR HOOVER

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. MURPHY of New York. Mr. Speaker, just 47 years ago a young man, fired with zeal for America, its liberties and its responsibilities, took direction of the old Bureau of Investigation. In the space of less than five decades he has refashioned that agency into what is today one of the world's truly elite law enforcement bodies; the Federal Bureau of Investigation, under Mr. Hoover's leadership, has become a symbol of our national heritage and of our determination to preserve our liberties.

As we celebrate this anniversary year of Mr. Hoover's becoming Director in 1925, we share in the just tribute due one who has identified his life and work with America, an identification conceived in selfless service and crowned with impressive achievement. He has won the gratitude of all and the respect of even his enemies.

The record of the FBI under J. Edgar Hoover is one of ceaseless battles against lawlessness, crime, and sabotage. In the early days the famous "public enemies" of organized crime were gradually eliminated from American life; the names of Dillinger, Karpis, "Machine Gun" Kelly, Lepke, and the like come vividly to mind. The era of the "gangbusters" has become a part of our tradition.

The work of the FBI during the 1930's, 1940's, and 1950's in opposing Communist penetration resulted in the effective neutralization of Soviet-inspired subversion in America. The name of Colonel Abel is enough in itself to recall those grim days of international intrigue. The capture of the Nazi U-boat saboteurs during World War II was a dramatic example of the skill and vigilance of the new FBI.

The country has changed in recent years, however, and we have encouraged Communist subversion in America with our foolish philosophy of total tolerance.

But one brillantly organized unit has given central direction to coping with the forces that would destroy America—the FBI.

From the earliest days of Communist subversion in the United States, J. Edgar Hoover has perceived it for exactly what it was, an attempt to destroy the free institutions of this country, to wipe out our system of philosophy and religion and morality, and to subject us to the rule of an alien despotism, making us a nation of slaves.

While others have had their illusions and disillusionments about communism over the past half century, J. Edgar Hoover zeroed in on it from the very beginning and has never deviated from his opposition to it, nor shrunk from his responsibility in informing the American people of its dangers.

Naturally, he has been the target, perhaps the prime target, of the domestic Communist conspiracy. But so impeccable has been his performance, so correct has been his position, so steadfast has been his refusal to be drawn either into anti-Communist extremism or pro-Communist vacillation, that all attempts to discredit him have uniformly failed. Within the means at his disposal—and these means are limited, he has actively countered the Communist conspiracy in America. But he has done so without sacrificing or compromising the integrity of our system of civil liberties.

This is Mr. Hoover's greatest achievement. His contributions to developing and perfecting the science of law enforcement will live on in the organizations and mechanisms through which we combat crime and subversion; but his elevation of civil liberties and his steadfast defense of them in times of great national upheaval and potential panic will live in the hearts of the people and will strengthen the very fiber of freedom in America.

And so, honor to J. Edgar Hoover on this 47th anniversary.

He is the architect of the present stature and greatness of the Federal Bureau of Investigation.

He has drawn the blueprints and set the standards.

He has limited the membership of the FBI to the best men the Nation has to offer.

He has protected these men from any outside interference which would have hindered their effectiveness or lessened their dedication.

He has encouraged them by a system of advancement based on merit.

He has toughened them by a rigorous discipline.

He has perfected them by a rigid insistence on complete mastery of detail.

He has inspired them with his example and with his insistence on integrity, patriotism, and devotion to duty which pervades the entire Bureau.

He has shunned involvement in party politics.

He is one of those few men who, because of personal ability and force of character, leave an indelible mark on the history of their country.

At present, the FBI investigates some 800,000 matters each year, processes some 2 million computerized records at the National Crime Information Center, and holds some 90 million sets of fingerprints in the academy at Quantico. The magnitude of the FBI's program today is further tribute to the organizational ability of its Director and his concern for efficiency in operations. A standard has been set for crime detection which can hardly be equaled and will never be surpassed.

There have been many ingredients in this development, but basic to all is the legendary incorruptibility of the FBI and of its Director. He set himself like stone against the easy graft and corrosive "influence" which have too often sapped the initiative of lesser men. His own fierce sense of integrity has become the spirit of the FBI itself. In this way, he was able to play a major role in public affairs under every administration since President Harding.

At the present time there is a good deal of criticism being directed at Mr. Hoover and at the FBI from various quarters. Most of it is highly irresponsible; nearly all of it is too often distorted by lack of perspective. As Members of this House, we have the obligation to speak responsibly in such matters and to encourage similar responsibility in others. Dialog, in the spirit of the "public philosophy," is always a healthy phenomenon. Abuse or innuendo is not.

And J. Edgar Hoover deserves well of America.

Just 9 years ago, Mr. Hoover wrote these words:

> A free society depends for its vitality and strength upon the vigor and patriotism of its individual citizens.

He added:

> Knowledge of and love for our American heritage will enable us to discipline ourselves for the hard decisions, the responsible judgments, the dedication, and the sacrifices which will have to be made to insure the continued existence of our nation and the perpetuation of freedom itself.

These words sound a clarion call for all Americans. Moreover, they define the character of J. Edgar Hoover himself, a character which he has stamped upon the FBI during the critical years of his leadership.

In a noted speech delivered by Benjamin Disraeli in 1849 on the floor of the House of Commons, he spoke of: "The legacy of heroes—the memory of a great name, and the inheritance of a great example.

As J. Edgar Hoover contemplates the changing face of our country in these challenging days, he, too, must be sustained by that twin legacy of heroism, a great name, won by hard work and dedication to duty, and a great inheritance.

I am honored today to join a grateful Nation in paying tribute to him.

EAST HARTFORD GIRL CITED FOR BRAVERY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. COTTER. Mr. Speaker, I wish to call to the attention of this great body an act of heroism that deserves the admiration and respect of all. It is impossible to know in advance how each of us would react to the situation that confronted 13-year-old Lynn Therese Gould, of East Hartford, Conn. But if we could emulate the cool and presence of mind of this young lady many accidental deaths could be averted. The story of her rescue efforts and its recognition, printed in the Hartford Courant of May 11, follows:

East Hartford Girl Cited for Bravery

(By Gerald J. Demeusy)

A 13-year-old East Hartford girl who pulled a 3-year-old boy from icy waters of the Park River two years ago, was singled out Monday as recipient of the highest award for bravery given by state police to non-uniformed heroes.

Lynn Therese Gould accepted the award from State Police Commissioner Cleveland B. Fuessenich who was impressed most by her shyness.

There was nothing shy about Lynn the day she saved the life of Bryan Guiliano of Hartford, however. He had ventured out on thin ice of the river to retrieve his hat, blown off by the wind. Luckily, his older sister, Laura, was watching when the ice gave way under his weight. She ran to Lynn who was sliding on a nearby hill.

Without hesitation, Lynn ran over the ice and grabbed the terrified youngster's coat collar. As she pulled, her leg went through the ice and she lost her grip on Bryan. His head was underwater as she grabbed him a second time but she managed to lift him out and push him to shore.

Lynn is as modest as she is cool-headed. She discusses her heroic feat reluctantly, but does smile as she recalls how Bryan wanted her to go back and get his hat after he was safely ashore.

"I told him the water was too cold," she said.

Fuessenich gave Lynn a $25 savings bond and certificate proclaiming her "Honorary Trooper of the Year." She promised to save both. The award, ninth of its kind given by state police, was established in memory of the late Trooper James W. Lambert, killed in the line of duty Oct. 29, 1960.

Lynn also received a certificate of valor from the Hartford Chapter of the American Red Cross after saving Bryan on March 7, 1969.

Lynn is second youngest of the eight children of Mrs. Theresa Gould of 191 High St., East Hartford, a telephone operator. She is a seventh grader at the Hockanum School, plays kickball with the neighborhood boys, takes dancing lessons and baby-sits to earn spending money.

And, what does the young heroine want to be when she grows up?

"A telephone operator," she said.

AMERICAN POLONIA AND POLAND

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. ROONEY of New York. Mr. Speaker, Casimir I. Lenard, executive director of the Polish American Congress, recently gave an extremely informative talk at a National Press Club luncheon on the role of Polish Americans in the East European crisis. During his talk, Mr. Lenard also explained some of the functions of the Polish American Congress and presented a pocket history of the Poles in the United States. He noted for instance that the first Poles arrived here at Jamestown in 1608, 12 years before the *Mayflower* touched down in New England. He notes too that:

> Until recently, it was not fully realized by the Americans, not even by some in the American-Polish element itself, that Poles also had played a significant part among the earlier immigration of liberty-loving spirits from among Europe's soldiers, politicians, intellectuals, and artists—and they were not behind other nationalities in contributing their quota of creative effort to the colorful pattern of modern America.
>
> The names of a few personalities such as General Casimir Pulaski, General Thaddeus Kosciuszko, both of whom fought in the American Revolutionary War, Madame Helena Modrzejewska (Modjeska) or Ignacy Jan Paderewski are popular all over the world. But the names of hundreds and thousands of others are usually forgotten: Dr. Alexander Curtius, the founder of the first high school in New York in 1659; the oldest and largest Polish family on the American continent, Zaborowski (Zabriskie), settled in the Dutch colony of New Amsterdam first mentioned in 1662; the family of John Anthony Sadowski—pioneers of Virginia, Pennsylvania, Kentucky and Ohio, known today as the Sandusky family, first noted in 1735; P. Sobolewski, journalist, editor of the first Polish-American magazine printed in the United States, in 1841; J. Tyssawski, statesman; Dr. Felix P. Wierzbicki, pioneer of California; A. Debinski, civil leader; Conrad Norwid, poet; Count Adam Gurowski, author; Sir C. S. Gzowski and C. Bielawski, engineers, are among those not usually remembered.

He goes on then to recount the heroic and important role of Poles in the American Civil War, World War I, and World War II. He then outlines the guidelines of life in the Polish American community and the coming about of the founding of the Polish American Congress:

> The Poles in America formed their community life around the Church and their fraternal organizations—many of these organizations have been in existence for over 90 years and have helped to sustain the Poles as a homogeneous group. Successive waves of immigrants served to maintain a link between the mother country and Poland. However, changes in the political arena in Poland and Europe after World War II had their effect on the Polonia, and it became apparent that a central organization which would adjust its program to the needs and purposes of the American Polonia was required. Such an organization came into existence in 1944 when 5,000 delegates representing all Polish American fraternal, civic, educational, business and professional organizations, together with eminent prelates from the Roman Catholic and the Polish National Catholic churches, agreed on a unified action in behalf of a free and independent Poland and for the betterment of Americans of Polish ancestry. And thus was born the Polish American Congress—the organization I represent here today— and whose President, Mr. Aloysius A. Mazewski, is here with us. It was the first large body of Americans that strenuously opposed many of the unjustified concessions that the Western Alliance granted the Soviet Union in particular and communism in general during World War II and its aftermath.
>
> Subsequent developments on the international scene that culminated in the outbreak of the Cold War in 1948, proved the PAC position and forewarning to be correct. This opposition, however, to the unwarranted coddling of the Kremlin tyrants and their design for world domination, has been only one aspect of the multifaceted activities that were planned for the PAC twenty-seven years ago.
>
> In parallel pursuits, the Polish American Congress strove to serve Americans of Polish ancestry, known collectively as American Polonia, in many and diverse ways—in politics on local, state, and federal levels; in education; in civic undertakings; in the study of sociological problems and a search for their solution; in supporting cultural institutions and subsidizing studies in the Polish American history: in supporting the Polish American press; and others too numerous to mention here.
>
> In the first phase of its history, the PAC devoted the major part of its resources and energy in acquainting the American public opinion with the right of the Polish nation to full freedom and independence with a fully recognized and accepted western boundary along the Odra-Nysa (Oder-Neisse) rivers.
>
> Toward this end, PAC representatives conferred with the war-time President Franklin Delano Roosevelt and with every Chief Executive of the nation in post-war eras—Truman, Eisenhower, Kennedy, Johnson and now President Nixon. Comprehensive memoranda have been presented to the Secretaries of State—Byrnes, Stettinius, Acheson, Dulles, Rusk and Rogers.
>
> The case for a free and independent Poland within the framework of America's enlightened self-interest, has been presented to the United States Senate and the House of Representatives, as well as to mass communications media in numerous papers and publications.
>
> The PAC had articulate delegations at the constituent assembly of the United Nations in San Francisco in 1945 and at the first Peace Conference in Paris in 1948. The PAC supported the United States economic assistance to Poland and strongly favors cultural exchanges between the American and Polish people.

Mr. Lenard then detailed the struggle for freedom that has continued in Poland since the end of World War II and which goes today. With regard to political activity by American Polonia, Mr. Lenard states, "we clearly distinguish between the Polish nation and the alien government imposed upon it by force." The ultimate goal for Poland is of course, he says "political independence and internal freedom together with the country's Western frontier being the Oder and Neisse. It is in the true interest of the United States that Poland should be free and independent. Poland is the axis of the Eastern European system. As long as Europe is deprived of its Eastern half it cannot be united and strong or possess the necessary balance." He calls for continued aid and trade and cultural exchanges between the United States and Poland as these programs will contribute to the material and spiritual strength of the Polish nation thus hastening the day of freedom. In conclusion referring to Poles in the United States Mr. Lenard states:

> Polonia is willing and able to assist the people of Poland and Eastern Europe in its difficult period—and obviously has used a great deal of restraint and mature judgment in its actions and public pronouncements. We could only hope, that the new leaders of Poland will recognize this and act accordingly.

ANNIVERSARY OF THE FIRST WLOSZCZOWER SOCIETY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. PODELL. Mr. Speaker, this year marks the 50th anniversary of a society that has dedicated itself to the service of its fellow man. I am referring to the First Wloszczower Society of New York which was formed a half century ago to provide friendship and aid to individuals coming from other countries to settle in America.

Our country has grown because millions of people from all parts of the globe have come here in search of freedom and a new life for themselves and their families. It meant leaving all that was familiar—friends, jobs—and coming to a strange land with different language and customs. It means for many beginning life anew, finding a place to live, finding a job, making friends, and learning a new language.

In the early 1900's, millions of people came to America from Eastern Europe. These were the people to whom the First Wloszczower Society extended a helping hand in that extraordinary period. For this wonderful service, thousands of Americans today say a heartfelt "thank you."

In recent years, the First Wloszczower has expanded its outlook even further. It has turned its efforts toward improving the welfare of the general community surrounding it through donations to operating charities in New York City.

I want to add my name to the long list of people who are paying tribute to the members of the First Wloszczower Society for their dedicated work and extend my best wishes for another successful 50 years.

A LETTER WRITTEN BY AN AMERICAN FAMILY EVACUATED FROM EAST PAKISTAN

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. McKEVITT. Mr. Speaker, among the Americans who were evacuated from East Pakistan were Mr. and Mrs. Edward Sammel, of Denver. The Sammels and their five children arrived in Dacca, East Pakistan, last November where Mr. Sammel was with the U.S. AID Mission.

I would like to share with the House a letter written by Mrs. Sammel which was published in the Denver Post on April 18:

To The Denver Post:

You've no doubt heard the news that Americans were evacuated from East Pakistan . . . and we were among them.

Most of us have a deep concern and sympathy for the people of East Pakistan—the Bengalis—and for Bangla Desh—their country.

We are also concerned that the United States hasn't issued a statement condemning the slaughter of unarmed civilians and the suppression of a democratically elected majority.

We have been witness to what amounts to genocide. The West Pakistan army used tanks, heavy artillery and machine guns on unarmed civilians, killed 1,600 police while sleeping in their barracks (thus eliminating the only source of armed resistance), demolished the student dormitories at Dacca University and excavated a mass grave for the thousands of students; they've systematically eliminated the intelligentsia of the country, wiped out entire villages—I could go on and on. It's hard to believe it happened.

The only way I can draw an analogy is to ask you to imagine that after the last election—after Nixon was elected—Johnson postponed the inauguration, went out for "talks" with Nixon in California, then during the next three weeks moved almost the entire army out there. Then in a lightning move arrested Nixon, outlawed the Republican party and eliminated the Republican party leaders. Then went on a killing and burning spree.

I'm spending my first days in Tehran in a frenzy of letter writing, asking people to write, wire or phone President Nixon and congressmen asking that the United States issue a statement.

Russia has, and although this seems hypocritical, they at least acknowledged it was happening. The United States has not. Perhaps our reluctance stems from our embarrassment at My Lai and Lieutenant Calley. . . .

MRS. EDWARD "PAT" SAMMEL.

TEHRAN, IRAN.

ARTICLES ON SOUTH AFRICA BY JIM HOAGLAND WIN PULITZER PRIZE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. FRASER. Mr. Speaker, on Tuesday, May 4, 1971, the Pulitzer Prize for international reporting was awarded to Jim Hoagland of the Washington Post. His June–July 1970 series on life in South Africa is a matchless description of how that racist police state functions and the daily violence visited upon South Africa's oppressed majority.

These articles were published almost 1 year ago. Little has changed in the South African apartheid system in that year. What change there has been has certainly not been for the better. Hoagland's articles remain, therefore, timely. They make an overwhelming case against apartheid. I include the complete series at the conclusion of this statement along with a news report of the award and a brief biography of Hoagland printed in the New York Times on May 4:

[From the New York Times, May 4, 1971]

JIMMIE LEE HOAGLAND

A 31-year-old South Carolinian, he has been Washington Post correspondent in Africa since 1969 . . . His prize articles on apartheid in South Africa were based on six-week visit he made there in April and May, 1970 . . . Born in Rock Hill, S.C., Jan. 22, 1940 . . . Graduated from University of South Carolina and served three years in Air Force as first lieutenant . . . First newspaper job was on The Rock Hill Evening Herald . . . From 1964 to 1966 was deskman and occasional jazz critic for international edition of The New York Times in Paris . . . Joined Washington Post in 1966 and covered urban problems in Washington . . . Received 12-stitch wound in head while covering racial trouble in Orangeburg, S.C., in 1968 . . . Was Ford Foundation Fellow in international reporting at Columbia University in 1968–69 . . . Lives in Nairobi, Kenya, when not roaming Africa.

POST'S JIM HOAGLAND WINS PULITZER PRIZE

NEW YORK, May 3.—The Pulitzer Prize for international reporting was awarded today to Jim Hoagland of The Washington Post for a series of articles describing the struggle against apartheid in South Africa.

Hoagland's stories reported how the system of rigid racial segregation operates, the economic and political pressures it produces, and its effects on South Africa and that country's foreign relations.

Hoagland's articles in The Washington Post explained South Africa's system of apartheid in close detail. One described what the government calls "closer settlement areas"—rural reservations bearing such names as "Stinkwater" and "A Place For Weeping" where blacks are segregated from white areas.

"The blacks are supposed to find their freedoms in these reservations," Hoagland wrote. "There is mounting evidence that many of them find nothing but wretched poverty, disease and isolation."

Another article described the plight of some two million South Africans of mixed racial parentage, known as "coloreds."

"They are, in fact, the whiteman's children, but he is trying to disown them as speedily as he can," Hoagland reported.

Hoagland, 31, became The Washington Post's African correspondent in July, 1969. He had been a reporter covering metropolitan affairs and had attended a special Columbia University program in international affairs reporting.

[From the Washington Post, June 7, 1970]

AFRICA'S "TEUTONIC TRIBE" HOLDS FAST

(By Jim Hoagland)

JOHANNESBURG.—"The most important event of the 20th century for Africa will be the revolution that did not happen."

Unhappily paraphrasing Chesterton on 19th century England, a liberal white South Africa educator recently gave that analysis of his country's fate.

Firmly entrenched here at the southern corner of the African continent, white power has hailed the winds of change that were supposed to sweep four million whites back into the sea.

Instead, the white men and women who form Africa's strongest and most domineering tribe have prospered, and have developed new ways to squeeze even harder the 16 million nonwhites they rule.

They have tightened their harsh system of segregation without triggering the violent explosion that many predicted would raze Africa's richest and most developed country.

This has frozen much of the rest of the continent in time and psychology, as it fitfully and insecurely waits for change, for an ending to what U.S. Secretary of State William Rogers recently called "the unfinished business of the emergence of Africa."

Rogers' statement contains important historical, moral and political assumptions that are angrily disputed by South Africa's white leaders.

They deny that African nationalism is an irresistible historical force with an overriding moral claim. They also deny that America's interests are served by supporting black nationalism in Africa. They point to the protection they give the billion dollars worth of American investment in South Africa.

Drawing the color line more sharply than anyone has since the time of slavery, Africa's Teutonic tribe has provoked a flood of emotional rhetoric from critics and supporters that tends to obscure more than to illuminate such questions as:

What forces are working for change, and what forces hold it back?

Are South African whites the unyielding remnants of exploitation and colonialism (as they are often painted), or are they radicals, seeking new, progressive solutions for a racial problem that plagues the whole world and threatens to destroy them (as they claim)?

Why do the country's blacks acquiesce as walls of silence and frustration are built higher around them?

FARMERS IN POWER

The search for answers in this nation, rich in scenic beauty, resources and cultures, inevitably begins with the people who have forged white power into the most enduring political force in Africa over the past two decades—the Afrikaners.

Any change short of the dreaded explosion that could spark a much wider race war must come from within the ranks of Afrikanerdom, most South Africans say.

In his 22-year rule, the Afrikaner has come off his farm to preside over the world's second most phenomenal economic growth (Japan's is first) and to construct political and security apparatus that rival Stalin's Soviet Union in single-mindedness and ruthlessness toward dissidents.

The Afrikaner is South Africa's legislator, farmer, policeman, censor, soldier and preacher. More and more, he is also the country's banker, mine official, intellectual and shopkeeper.

Intensely loyal to his own, vindictive toward others, he clings fiercely to religious principles that have changed little during the three centuries of his isolation in this land. He usually regards change with suspicion, if not hostility.

But speculation that change is overtaking him has never been more acute in South Africa than at this moment. Events that are ripples elsewhere can take on the proportions of tidal waters in this static society.

A month ago, his political machine, the National Party, suffered eight parliamentary defeats in national elections. Minor in number, they are also the first for the party since it came to power.

Take these events of last month which involved Afrikaners:

Businessmen openly disputed the government on how widespread, and how harsh, segregation has to be. A cabinet member was forced to resign because of a suspicious bank loan he received. A high-ranking policeman was prosecuted for breaking the Immorality Act (banning white-black sexual intercourse) he is supposed to enforce. Other policemen were investigated for taking bribes.

Superficial things? Yes. But it does seem evident that Afrikanerdom is inching toward a crossroads which no one has yet clearly sighted but which will involve an interplay of economic, political and religious forces that alarm Afrikaner leaders.

DETRIBALIZED WHITES

Two important historical currents are producing these forces, and provide essential keys to understanding contemporary South Africa.

First, the Afrikaners, once a sternly puritanical, agrarian and classless society, are in transition toward a more rootless, money-oriented and urbanized community.

In effect, they face the schizophrenic detribalization that is occurring in other African countries.

Here, the process could be even more traumatic, because of the Afrikaner's systematic use of government as a tribal instrument, and as a foundation for an ideology to channel the extremes of his loves and hates.

Second, having achieved one of the most remarkable ascents to power of any minority in history, he still carries with him the scars of desperate poverty and weakness that he has conquered. He also carries the fear that the now powerless black man who outnumbers him can do the same, and will wield power as harshly as he has done.

The second force seems to be locked in a deadly struggle with the first. As a result, change in South Africa is slow—agonizingly slow for the millions who suffer because of the system.

The uncertain outcome of the struggle also means that change in the Afrikaner world will not necessarily mean a better deal for nonwhites.

Descendants of Teutonic settlers who began the first true colonization of Africa 318 years ago, the Afrikaners make up 60 per cent of the white population. Until 1848, they were popularly known as the Boers, or farmers, and had to take a distant second place to their more sophisticated, richer and better educated white English-speaking countrymen.

Their farms devastated by English armies during the Boer War, the Afrikaners were forced into the English cities and mining camps during the first two decades of this century, and were treated like unskilled immigrants in their own country.

They watched as English capitalists gave jobs they sought to black men who spoke better English or worked for lower wages than the Afrikaner. To the Afrikaner, however, the Africans were descendants of people they had either had as slaves or defeated in a long series of wars over cattle and land.

"The Afrikaner never forgave either the English or the Africans," says an English speaker. Economist J. L. Sadie, himself an Afrikaner, puts it this way: They were "people who felt themselves kicked around, trampled upon and humiliated."

THE PROFIT MOTIVE

Banding together around their Calvinistic church, which taught them they were a chosen people, and around their common language and poverty, the Afrikaners methodically set out to regain South Africa.

AFRICA'S "TEUTONIC TRIBE" IS STANDING FAST

"These were people who came of sound basic stock, from the Continent, and there was no reason why they should not be as economically important as anybody else," said Tom Muller, now one of South Africa's most important mining directors and a key figure in the financial bodies Afrikaners formed to promote their community.

"The English-speaking South African controlled the wealth, and the Afrikaner wanted to wipe out that disparity. His ambition to do so has been the biggest driving factor in his rise," said Muller in words that one might expect to hear today from a black South African talking about the white man.

In short, the Afrikaner had discovered the profit motive later than most other white people.

In the solitude of his farms, "the Afrikaner missed the lessons of the 19th century about liberalism and equality," according to Prof. Julius Lewin. "He emerged into the 20th century as a modern man, and wears that label because he knows how to make money."

Today, the economic gap has dwindled to insignificance, and modern Afrikaner businessmen are discarding the sentimental appeal of Afrikanerdom. They rely on better business techniques to bring them a larger share of a standard of living that has doubled within the last 20 years.

"You cannot classify business as Afrikaner and English any more. We've moved beyond that," Jan Marais, head of South Africa's growing Trust Bank, said in a recent interview in Cape Town. "Both groups no longer look inward."

The Trust Bank is an offshoot of the Afrikaner financial combine, but the hard driving, efficiency-conscious Marais has turned it into South Afrika's first one-stop service bank and given it modern methods and a heavy public relations approach admired by American bankers.

Marais is considered a model of the new Afrikaner entrepreneur, seeking to broaden the horizons of the Afrikaner community and the country. He proudly points out that there are no segregated waiting lines in his Cape Town banks, and, while agreeing with the general aims of his government's strong segregation policies, he presses for more skilled jobs for nonwhites.

His ideas resemble those of Anton Ruppert, who has built his Rothman's of Pall Mall cigarette company into an empire stretching across 16 countries and 250 factories.

Ruppert's desire to expand into the African markets to the north has been one of the main forces behind the government's stated "outward policy" of seeking more economic ties to the rest of the continent.

THE ENLIGHTENMENT

The softer approach to race by businessmen like Marais and Ruppert, and a few leading Afrikaner editors and academicians, has been dubbed the *verligte* (enlightened) policy. It is pointed to by those who argue that new business interests are reforming Afrikanerdom.

Others, however, think that the economic pull can be a double-edged knife.

"You cannot run the country from boardrooms in Cape Town," said a young Afrikaner editor who supports the verligtes but who doubts their strength. "You have to run it from Pretoria," the administrative capital.

"Politics or the church, or both, have been the home of the bright young Afrikaners," he continued pessimistically. "Now they go into business, and all they influence are dividends for shareholders. The government meantime is composed of party hacks who make the decisions that count."

Piet Cillie, the editor of the Afrikaans newspaper Die Burger and considered to be one of the architects of the verligte policy, recently conceded that "any power the verligtes have is highly ephemeral.

"The party machinery could turn on us and crush us at any moment. The important thing about the (April) elections was that the conservative establishment protected us" from the ultra-rightist Afrikaner group that wanted to jettison the verligtes and go back into Afrikaner isolationism.

Others say even more strongly that the new, embourgeoised and less dogmatic Afrikaner society has made minor inroads into the real seats of South African white power—the National Party and the secret society that influences it, the Brotherhood.

Because of their numbers, the farmers in the interior and the white working class in the cities still are the backbone of the party. The party can and does satisfy both with its apartheid policy of keeping blacks out of jobs reserved for white men, and thus keeping a pool of cheap black labor available fot the farms.

The flavor of a recent National Party campaign meeting gives some indications that the homespun, traditional values of Afrikanerdom still exert a strong pull.

Schoolgirls wearing the hoop skirts of pioneer women who went on the Boer treks line Prime Minister John Vorster's path as he enters the hall. Overhead flutter orange pennants bearing the names of past Afrikaner prime ministers, and on the walls are the curved powderhorns the trekkers depended on for ammunition.

On stage, Vorster's minister for information, Connie Mulder, who resembles a young, handsome Minnesota butter and egg salesman, is leading the crowd in singing hymns and Afrikaans folk songs that tell of their battles with the British and Africans.

The meeting begins with a lengthy prayer. The nationalist politicians on stage do not close their eyes in tribute to God, but clench them tightly shut, contorting their features.

Beside them stand their wives. Like the men, they are middle-aged but, unlike many of the men, whose features have gone soft and puffy, they seem to have retained the pinched leanness one expects of frontier folk.

Ben Schoeman, a sleepy-eyed but vitriolic tribal elder, speaks before Vorster. He is minister for transport, and second only to the prime minister in prestige. Schoeman, who is talking about "the long-haired scum" that want to tear down South Africa, has been in the cabinet since 1948. It is something akin to having James Byrnes making policy for the United States today.

In the audience, people stir restlessly, waiting for Vorster. They are, of course, all white, and most of them are there as a family. About one-third of the capacity crowd is well below the 18-year-old voting age. The children are enthusiastic.

Vorster begins quietly, clasping his hands piously in front of his rotund body. Even in delivering some of the jokes that have brought him criticism from the humorless ultrarightists, he looks stern.

In the campaign, he has appealed to English-speaking voters, and now he tries to erase any worries this may cause the Afrikaners. He says they will never give up their Afrikaner culture and language to the English. Anyone who asks him to give up his traditions, he says fiercely, "can go to a place that is not cool."

Later, he glares through his bifocals at an antagonistic questioner who wants to know why Vorster has ordered investigations into the affairs of the ultrarightists. Vorster says the inquiries should not bother his opponents.

"You ever heard of a man who tells the truth being embarrassed?" Vorster asks. In a few words, he has encapsulated much of the Afrikaner's character, and much of the reason for the gulf between the Afrikaner and the rest of the world.

"To the Afrikaner, the state is the creation of Providence, ordained and blessed by the Supreme Being to run the country," says N. J. J. Oliveer, an Afrikaner professor at Stellenbosch University, which is Vorster's alma mater.

"The Anglo-Saxon mind fears that if you give a man power, he will be tempted to abuse it. There must be checks. The English world asks, 'Why trust anybody with power?' The Afrikaner asks, 'Why do you distrust the man?' With his rural background, where he knew and trusted all his neighbors, and with his belief that only good men obtain power, he assumes that there will be no abuse."

And so the Afrikaner parliament has given the Afrikaner police force power to arrest anyone, anytime, without giving any reason, and to hold the detainee as long as he likes.

The power is most often used against black men.

The government also can ban anyone from his work, from living in his own house, from talking to other people, from anything but breathing, as one critic has said, "and they are working on that."

"The Afrikaner, in good faith, has substituted his conscience for the rule of law," said Oliveer, whose dissent to some of the government's policies has made him unpopular with the Nationalists.

"And since he knows that the white man in parliament will treat the black man fairly, then why does the black man need to be on parliament?" Oliveer concluded.

Many Afrikaners I met on a six-week trip across South Africa do seem genuinely puzzled that the outside world criticizes them for having drawn up the grand design of apartheid, which intends to resettle perhaps 10 million Africans from where they now live without letting the Africans have any say.

It is not surprising that National Party politicians retain a rural, devout outlook. Most of the members of parliament either grew up or still live on farms, and almost all of them are regular church-going members of the Dutch Reform Church, which forbids going to movies or playing golf on Sunday, and frowns on racially mixed worship services.

The church supplied the Afrikaners with their first Nationalist prime minister when D. F. Malan left the pulpit to lead the party to eventual victory in 1948.

The church's influence is also felt through the powerful Masonic-like organization called the Brotherhood (Broederbond in Afrikaans), to which 7,000 to 8,000 of the most important Afrikaners belong.

The Rev. C. F. Beyers Naude, a former Dutch Reformed minister who had to resign his post when he began working with groups opposing apartheid, estimates that there are at least 500 Dutch Reformed ministers in the Brotherhood.

Because of its oath of secrecy, the only sources that will talk about the Brotherhood are dissidents, and it's not clear just how much influence the organization does exert over the government.

It seems to have structures paralleling both the government and party, and to tie together the many Afrikaner religious, cultural and economic groups in a strong monolith. It also seems to be dominated by more conservative Afrikaners, and dedicated to the status quo.

But younger Afrikaners think its influence is slowly withering, as is that of the church—at least in the cities. The increasing conflict between secular and religious demands in the urban setting is creating much of the confusion that outsiders often mistake for change.

Even Vorster's easier political style contributes to a disorientation. He plays golf, which upsets the tribal elders. Moreover, he lunches with black diplomats, which confuses young Afrikaners who know they are forbidden by law to have such contacts with black men. And he tells them not to use familiar derogatory racial terms such as "kaffir."

THE NEED TO CONFORM

But if there is confusion, it still seems to stop short of doubt. In the harsh world in which he has been formed, the Afrikaner has not had much opportunity for what he sees as the luxury of self-doubt.

The pressures on him to conform have been, and continue to be, severe.

Afrikaner society completely excludes anyone who does not subscribe to its beliefs. To ostracize in Afrikaans means literally to cast out into the wilderness, where the disident will not weaken the frontier fort, and where he will perish.

When Mr. Naude began to disagree with apartheid, not only did he have to give up his job, but Afrikaners also cut off all social contact with him. "They view me as heretic," he said sadly.

D. W. J. Van Heerden, a prominent member of the antiapartheid Progressive Party and an Afrikaner, got the same treatment. "Disagreeing with apartheid is worse than murder to some Afrikaners," he noted.

This organized casting out is one of the most tribalistic features of Afrikaner society. There are many others which bear resemblance to attitudes and practices of groups like the Zulus or Kikuyu.

There is, for instance, ancestor worship. (During a recent half-hour conversation, a high-ranking government official invoked the name of Hendrick Verwoerd, Vorster's predecessor, no less than eight times.) "Ours" and "we" run through all conversations.

There is also the feeling of superiority over all other groups, a feeling that is based not on color alone. When asked why the large majority of South Africa's colored (mulatto) population has Afrikaner ancestors, the Afrikaner will often reply: "Why, no sensible Zulu woman is going to bed with a bloody Englishman, is she?"

To call the Afrikaners a tribe is, in some ways, to make a judgment that helps them in their historical argument. Their case, as one civil servant puts it, is, "We are a permanent feature of the African scene. We have nothing in common with the European colonialists who left the Continent in the last decade."

On the other hand, to deny that they are something of an African tribe is to refuse to face the really serious problem they face in this sun-filled, opulent land.

They have crisscrossed the plains for several centuries, and like all other tribes, have fought their neighbors for cattle and land. There is no other country they can go to where the majority of them could have anything approaching the standard of living they have achieved here.

Their leaders are convinced that they will, eventually, have to give up their hard-gained cattle and land, and their gold mines and skyscrapers, if they make any concessions to the 16 million nonwhites who outnumber them.

By any standards, the concessions they have made so far have been precious few, and mostly for the sake of their own economy. It is not in the Afrikaner's nature, nor, he is convinced, in his interest, to make concessions.

"Look around the monuments and you will see the Afrikaner's past, and his future," said a young white English speaker as he took a visitor around the massive Voortrekker Monument that stands on a hill outside Pretoria.

The monument, a masoleum-like structure, is adorned by friezes depicting the Boer trekkers battling and defeating the Zulus at Blood River in 1836. Outside, standing guard with muskets, are 10-foot-tall statutes. In the center of Pretoria, stone riflemen encircle a monument to Paul Kruger.

There hardly seems to be an Afrikaner monument without guns.

"His history is violence, and strength, and they are the only things he respects," said the English speaker, who by his own admission is highly critical of Afrikaners.

"The Africans understand him (the Afrikaner) better than other white men do. They know that anything they get from the Afrikaner will have to be paid for in blood—mostly theirs, but also his.

"I don't know when it will come. Probably not any time soon, probably not in this century. But I'm not going to be around to see it. I'm getting out."

THE AFRIKANERS' UNFINISHED TREK

JOHANNESBURG.--Precisely, methodically, in the manner of their revered ancestors, Afrikaners tell visitors that the lookout on Jan Van Riebeeck's trading ship sighted the crest of Cape Town's Table Mountain at 2:30 p.m. on April 5, 1652.

Van Riebeeck, a Dutch East India Company captain, was searching for a permanent station to supply food and water to the company's ships sailing for Java.

His decision to settle a handful of Dutch farmers at the tip of the African continent set in motion the uneasy and often violent confrontation between two civilizations which, many fear, has not yet run its course.

The settlement on Cape Town's tranquil shores became a magnet for French Huguenots, chased from France to Holland by Louis XIV's repression of Protestants, and to a stream of German farmers.

United by a belief in John Calvin's puritanical theology of having been chosen by God for salvation and leadership, the farmers (or Boers, in Dutch) spread out across the rolling, fertile countryside, occasionally killing, or being killed by, the small groups of Africans they encountered.

A century passed before the British took over the colonization of the Cape. Their attempts to dominate the Afrikaners (as the Boers had begun to call themselves) and to halt slavery in the area pushed many of the Afrikaners farther north beyond British control.

Thus began a process that was to continue until early in this century—the Afrikaners trekking north away from the British, colliding with and fighting African tribes moving toward the south, and resolutely shutting themselves off from the outside world.

The "Cape Dutch," who remained behind, were viewed by many Boers as traitors and dangerous because of their willingness to associate with the British and their softness on nonwhites. The split persists today, to some extent.

The trekking Boers had only themselves to rely upon in their isolation. As they moved into the interior, away from the British-controlled coastlines, they formed "laagers," or small, movable forts to guard against African raiders.

They set up their own churches, schools and even independent republics on the land they controlled.

Gold and diamonds were discovered in these areas at about the same time that the British cut off the Boer trek routes by taking control of Rhodesia to the north. This added up to disaster for the Afrikaners, as their crusty, granite-like president, Paul Kruger, rightly foresaw:

"Do not talk to me of gold . . . Pray to God that the curse connected with its coming may not again overshadow our dear land. Every ounce of gold taken from the bowels of our soil will yet have to be weighed against rivers of tears and the life blood of thousands of our comrades in the defense of that same soil from the lust of others," he told his countrymen.

A foreign enclave sprang up around the small mining camp called Johannesburg, and eventually disputes between the British and the Boers over the rights of the miners exploded into war in 1899.

It took the better equipped, better trained and more numerous British two years to defeat the Boers, who operated as mounted guerrilla units.

To the outside world, this conflict is known as the Boer War. To the Afrikaners, this and a smaller rebellion they staged in 1914 are known as the "Wars of South African Independence," and form the basis for the Afrikaner claim that his was the first tribe to fight British colonialism.

The British scorched earth policy forced many of the Afrikaners off their devastated farms and into the heathen English cities.

By the beginning of the 1920s, the Depression was under way in South Africa and there were 200,000 unskilled Afrikaner laborers in the cities, forming perhaps the only large poor white community that has ever existed in Africa.

They were ridiculed by the British for their poverty, their country ways and their language, an archaic mixture of Dutch, German and Flemish and some African words. The Boers called it Afrikaans, and the British scorned it as "Kitchen Dutch."

It was around their language, and their religion, as embodied in the Dutch Reformed Church, that they united.

They began to insist that clerks in British shops speak to them in Afrikaans, or they would buy elsewhere. They brought out their own Bible in Afrikaans.

As they accumulated a little cash, they sank it into their own shops, which they patronized exclusively. Then came their own insurance firms and banks, which spun off money for other enterprises, and most significantly, their own newspapers.

As other African tribes have in the last decade, they set out to redress the imbalance by acquiring education.

A major turning point, says economist J. L. Sadie, who is one of the leading experts on Afrikanerdom, came when Afrikaans, once spoken by the farmer and the poor white, began to be spoken by university graduates, professional men and wealthy citizens.

But by the beginning of the Second World War, the Afrikaners, who were about half white population, controlled less than 10 per cent of the country's trade and commerce, 1 per cent of the vital mining industry and 21 per cent of the government jobs.

They had two advantages, however—a higher birth rate than the English speakers, and 80 per cent of the country's farms, which were overrepresented in the national parliament.

Deserting a coalition Afrikaner-English party that led them into World War II against a German nation with which many Afrikaners sympathized, the Afrikaners united behind their own political machine.

The 1948 victory of their National Party, which promised to protect the Afrikaners from the black peril, is sometimes called by Afrikaners their "Third War of Independence."

They purged the English speakers from armed forces, police and government jobs. Moreover, the Afrikaner government provided a solid base for the Afrikaner economic takeoff, and passed laws to protect jobs held by whites.

The Afrikaner now holds about half the jobs in the huge government establishment that regulates almost every phase of life in South Africa, and has raised his share of the national income from about 15 per cent 40 years ago to 45 per cent today.

Prof. Sadie's figures show that by the year 2000, the Afrikaner will control about half the country's trade and commerce, 20 per cent of the mines, and will still hold about 80 per cent of the farms.

—JIM HOAGLAND.

[From the Washington Post, June 3, 1970]

SOUTH AFRICA'S ENGLISH ARE HUMBLED BEFORE AFRIKANER TIDE

(By Jim Hoagland)

CAPE TOWN, SOUTH AFRICA.—Lord Charles Somerset gazes down suspiciously at outsiders as they are conducted to the guest register near the club's entrance. The aristocrat's somber portrait stands out in the studied bareness of a world where English gentlemen gather without ladies.

The club (one is not told its name, and it seems impudent to ask) is one of the shrinking cultural enclaves the British empire maintains in South Africa. Cheese follows dessert. Punch lies on the reading room table.

At the luncheon table, the conversation turns to the relations between Somerset's heirs and their more numerous, more powerful Afrikaans-speaking white countrymen. It is not a subject that brings joy to these precincts.

"A lot of us retreated into clubs like this in the past nine years, trying to pretend that things were the same," says a wealthy English-speaking businessman.

NEW IDENTITY

"But, of course, things have changed. People keep talking about us finding a new identity as South Africans. There's something to it, but the really basic thing that is happening is that we are losing our identity just like we lost the country."

Nearly a decade after the Afrikaners forced them to cut the political umbilical cord linking them to the British empire, South Africa's English-speaking are beginning to show signs of despondency and doubt about their role in the country.

Their political effectiveness has been reduced to zero. Their economic dominance is declining rapidly as the Afrikaners consolidate their rise to wealth and the brightest of their sons and daughters are choosing, or being forced, to live abroad.

In fact, the English speakers are being written off as a meaningful force for change by just about every other group in this divided nation, at a time when change of some sort may be within grasp.

"All we have to do to the English is call them," a powerful member of the Afrikaners political machine, the National Party, said recently, making a beckoning motion with his hand, "and they come running."

CLOUT THEM

"And when they get close enough," he continued with a smile and making his hand into a fist, "we clout them on the chops. And they take it, because Corporal Van der Merwe is the only thing that protects them from the black man."

Van der Merwe is the equivalent of Smith or Jones among Afrikaners, the teutonic white group that makes up 60 percent of the four million whites and most of the country's South Africa police force.

Like the nationalist politician, many here attribute the ability of these four million to keep 16 million nonwhites under their heel—politically and socially—to the Afrikaners strength, and tenacity.

Some students of South African affairs demur saying that the predicament of South Africa today is as much failure by the English speakers as a success by the Afrikaners.

The Afrikaners originally settled South Africa, beginning in 1652. The British led by Lord Somerset, arrived 150 years later to set up a self governing colony within the empire.

COMPLETE CONTROL

It took them another 100 years, a large army and the costly Boer War to gain what they thought was complete control of South Africa.

English speaking whites of British origin did fasten a stranglehold on the country's rich gold and diamond mines, and devoted themselves to commerce and trade while the Afrikaners spent their time on politics.

The Afrikaners came to power with the 1948 election victory of the National Party, rooted the English speakers out of important posts, and in 1961, realized their dream of pulling South Africa out of the British Commonwealth.

Since then, they have ignored more than opposed their English speaking countrymen. Most of the government's energy has been exerted to uphold its harsh segregationist policies, and to break African nationalist demands for rights.

"The English speakers have failed because they failed to understand either the white nationalism of the Afrikaner, or the black nationalism of the African," says Prof. Julius Lewin, himself a South African English speaker, now living in London.

"They were embarrassed by nationalism, because it is so emotional and un-English. They devoted themselves to the business of business, while the Afrikaner was taking over the country."

HOLD FEW SEATS

The political organization most English speakers back, the United Party, holds less than a quarter of the seats in parliament.

Moreover, the party's policies have become a fuzzy shadow of the Nation Party's program for keeping white domination, enforced perhaps less harshly.

Afrikaners delight in, and firmly believe, this analysis of the English speaker: "They talk progressive Party [a small, relatively liberal group that favors some rights for Africans], vote United Party, and thank God every night for the National Party."

Perhaps it is more significant that many nonwhites repeat the same story.

This is especially true among the coloreds (mulattoes) and Indians, who have had more contact with the English than have Africans. Blacks tend to blame most of their present misery on "the Dutchman," or Afrikaner.

"The English speaker hasn't had the nerve, nor the foresight, to develop his prejudice into an ideology," says Fatima Meer, a sociologist who is a member of Durban's Indian community. "That has been the trump card of the Afrikaner."

IN "TOUGH SPOT"

"The Afrikaner ideology makes it possible for him to say, 'I'm discriminating and it's all right because it is in God's name.' The English speaker says, 'I'm discriminating and it's bad, but I'm in a tough spot, what else can I do?' "

Mrs. Meer pointed out that the United Party introduced the first legislation in 1946 forcing Indians into segregated living areas. The Nationalists took over the idea for their Group Areas Act, which is widely despised by the nonwhites who are forced into racial ghettoes by it.

A colored leader in Cape Town put it this way: "We used to think the English speakers were more fair minded. Now we see that they are not aye damn bit better. The hell with the whole bunch of white men."

At the same time, it is generally recognized that the limited opposition raised in South Africa to apartheid has, for the most part, been raised by English speakers.

"We may not be a real political threat to the Afrikaner," says Progressive Party leader, Colin Eglin, "but we can still be the activator of the South African conscience. There must be somebody to stand up and say, this is wrong."

DISTURBING CHANGE

The increasing loss of this tempering influence is, to many liberals, the most disturbing change that is taking place in South Africa today. It is a change that could raise the chances for a violent confrontation between Afrikaner, and African, nationalism.

The English speakers have been unable to develop anything to interpose between the two. While South Africans like to talk today of the two white groups coming together, a six week visit to the country makes it clear that most of the concessions toward "a broad South African nationalism" are being made by the English speakers, not the Afrikaners.

Afrikaner economist J. I. Sadie says: "From being an appendage of the British nation, they have changed into South Africans . . . This has greatly accelerated during the past few years in which [most of] the English speaking section formed the impression that Britain was selling the white man in Africa down the river." Guy Butler, poet and author, has written that English speakers "feel a lack of purpose, of direction: they want to feel they belong and they are afraid of belonging."

LEAVING COUNTRY

"Yes, I'm leaving the country," says Ken Costa, president of the students representative council at the English language University of Witwatersrand in Johannesberg. "They wear you down, they reduce you to making snide gestures, and there is no point in staying."

For some young English speakers, the sense of powerlessness that afflicts their community is terrifying.

"I talk to Afrikaners and they say they want to get rid of all the black men, however they have to do it," says Lee Haiden a senior coed at the same university, "and I talk to the few Africans I know as friends, and they say they've given up, all they want to do is cut the white man's head off and throw it back into the ocean. God. Do I feel trapped."

JEWS FEEL "VULNERABLE" IN SOUTH AFRICA

(By Jim Hoagland)

JOHANNESBURG.—"As individuals, some of us do what we can, because we know too well what institutionalized prejudiced and violence can do to a society.

"But as a group, we're too vulnerable. We can't afford to shed our protective coloration."

The speaker was a member of the South African Jewish Board of Deputies, the most representative body of South Africa's 120,000 Jews. He asked not to be identified by name.

Screened by their position as a minority within the English-speaking white minority, South African Jews generally report that they suffer no persecution here.

But many, like the board member feel that there is a dangerous current of anti-Semitism running beneath the surface. They nervously cite the support Afrikaner leaders gave Nazi Germany before and during World War II.

DENIES ANTI-SEMITISM

But the government strongly denies any charges of discrimination against Jews.

"Look, we can't afford anti-Semitism," brusquely says Piet Cillie, an Afrikaner editor and confidant of National Party leaders. "It would be the cherry on the cake. It would be all the world would need to brand us.

"And most of us wouldn't stand for it. It isn't right."

Many of South Africa's Jews are descendents of 19th-century immigrants who sought to escape persecution in Eastern Europe and Russia. They found good livelihoods in and around the gold and diamond mines then opening up.

IDENTIFY WITH ENGLISH

Culturally and politically, the Jews have always identified with the English speakers. The Board of Deputies openly supported the United Party in the 1948 elections.

But after his victory, Nationalist Prime Minister D. F. Malan publicly declared that his party was not anti-Semitic and promised to keep the issue out of politics. The board replied by becoming a non-political body, and has never issued a statement on the National Party's apartheid policies.

Malan later became the first foreign prime minister to visit Israel, the National Party notes proudly. In one of the strange ironies of history, Afrikaners are decidedly pro-Israel. Like the Israelis, they see themselves as a vigorous people, fighting for their homeland against superior numbers of an antagonistic culture.

Some younger Jews deplore the refusal of South African Jewry to join as a body and fight discrimination against Africans. They cite the public criticism of apartheid by Christian churches.

"The Jewish establishment doesn't see that as soon as the nationalists don't need white unity, we'll be next on the list," said a university student.

Individual Jews, on the other hand, have been at the forefront of the political battle against apartheid. The government has not let this go unnoticed.

"The South African police make a special point of letting us know that [Prime Minister John] Vorster doesn't like what our young people are doing," said the Board of Deputies member. He asserts that his organization, like most others in South Africa, is riddled with police informants.

Much of the campaign work done for Mrs. Suzman's Progressive Party which advocates some rights for Africans, was done by young Jews. They also play leading roles in the mild student protests that occur spasmodically.

Several years ago, the protest activity brought a warning from then minister of police, S. I. Mulder, that "a whole group of people with Jewish surnames "were being watched by the government.

"For most of us, this is our home now and we feel loyal to South Africa," said a well-to-do Jewish businessman. "Maybe not to the government, or its policies, but to the country. And we will not endanger it."

[From the Washington Post, June 20, 1970]

SOUTH AFRICA'S "SILENCED MAJORITY"

(By Jim Hoagland)

JOHANNESBURG.—It is 7 a.m. and the city has belonged exclusively to the whites for nine hours.

Dawn slides softly up the ridges that break around Johannesburg and probes the quiet canyons between the deserted skyscrapers. A breeze stirs puffs of dust from the giant yellow heaps of dirt brought to the surface 50 years ago, dumped and left as men dug deeper for more gold.

The hum begins a few minutes after 7 o'clock, far away, but moving toward town. It grows, and suddenly becomes a roar of hurtling steel and iron as the trains from Soweto arrive, and Johannesburg goes back to the uneasy black-white division of the day.

A swirling mass of black men and women explodes out of its separate trains, up its separate stairways and out of its separate station. In a few hours, 200,000 persons will have arrived on the red, 11-car trains.

The streets that the white government bars them from after 10 p.m. are suddenly filled with the rush of feet and a buzzing of tongues. The clicking sounds of the Xhosa tribal language flows into guttural noises of Afrikaans, the white man's language.

But, there are no whites here, except for the few policemen moving through the station to check passbooks all blacks are required to carry.

"It would be a trauma for white South Africans," says an African journalist with a sardonic smile as he surveys the scene from a nearby railway bridge. "They do everything they can to make us invisible, to get us out of sight and out of mind. This marching river of people would frighten most whites silly."

South Africa's 13.6 million blacks are among the most scrutinized, yet least known, peoples of this continent.

The United Nations spends much of its time fretting about them. Some American Congressmen have taken up their cause, and the rest of the world wonders how much longer before they overthrow their white masters.

But inside the country, the prospect of an immediate black revolution seems to grow dimmer all the time.

"We have law and order here," says a white professor. "Our Africans live in peace. The only trouble is that it is the peace of a cemetery."

There is no voice that can claim to speak for what Helen Suzman, a member of Parliament, calls "the great silenced majority." All who tried have finished up "in jail, in exile, or in deep lonely despair," in the words of another white liberal.

LEADERLESS MASS

This has left the mass of South Africa's blacks seemingly leaderless, frightened and highly frustrated. Moreover, they are vulnerable to numerous pressures, a factor that those who expect an uprising sometimes overlook.

"Ten years ago, we were united, and thought we were going to change the country," says one. "Now we are afraid even to talk to each other. Those who talk are taken away in the middle of the night, and we don't see them again."

The white government cleverly exploits the considerable weaknesses of the divided and often isolated Africans by waving both an extremely heavy stick and an elusive carrot.

Drawn by the lure of money making opportunities in the "white" cities and mines, a third of the country's black population has moved into residential compounds built and tightly controlled by the whites, and riddled with well paid police spies.

Another third—mostly women, children and old men—have been left behind on remote, inaccessible tribal reservations where they are watched over by chiefs appointed and paid by the white government, which is doing its best to keep tribalism alive in South Africa.

And a third live and work on white farms, often cut off and surrounded by a semi-feudal existence. They are perhaps most invisible of all.

With a prison system that keeps him supplied with cheap black labor, a farmer in the interior might have 15 workers, pay each $6 a month and, if he desires, refuse to let their children go to school.

EDUCATION FOR HOODLUMS

"Education would just make hoodlums out of them," explained one such farmer recently to a visiting journalist.

Underlying these divisions is an even more fundamental one—the tribe. There are eight major tribal groupings in South Africa, including warrior tribes like Zulus and Xhosas, who have fought each other, and among themselves, more than against the white man.

Many of the original Hottentot and Bushmen inhabitants were killed off when they were caught between the expanding Zulu empire, moving down from the north, and white settlers coming from southern shores.

Because of their argument that their 300-year-history in South Africa makes them a permanent part of the African scene with a claim to 87 per cent of the land, the country's 4 million whites have quite calling their black counterparts "Africans."

They have adopted "Bantu," an African word that in most tribal languages simply means "people." "You are a Bantu, too," an African chauffeur will tell a white foreigner, with seeming good nature.

Much later, after he has come to know the foreigner, the chauffeur's pretense of good humor disappears when the word comes up again.

SILLY WORD

"The word sounds silly to us. But it is like everything else. The white man says we should be called Bantu, and so we are called Bantu. I have a name, too, but he doesn't learn it.

"The white man decides everything for us—that we should live in Soweto, that no matter how many people there are in the family we should have a four-room house, that we are too ignorant to have politics."

The African did not recognize the word "paternalism," but he seemed to know the symptoms well. He grasps the other side of the coin, too.

He is a hard-working, middle-class man who has never been in trouble with the law. Most of his money goes toward school fees of his four children, and he occasionally treats himself to a boxing match.

Yet he knows that on any day the government bureaucracy that regulates every phase of his life could order him to leave his home, his job, his family, and go to a distant village where there is no work, or hope, for him. He lives in constant fear this will happen. But, like Joseph K in Kafka's "The Trial," he is unsure just what action will provoke the unseen bureacracy.

Until World War II, direct contact between blacks and whites was limited to the sharply defined master-servant relationship found on farms where Africans worked, and in mining enclaves where they did menial jobs for pay low by white standards, but a small fortune to tribal men.

The war brought industrial boom to South Africa, and Africans began to find jobs in cities. From 244,000 in 1939, the African population of Johannesburg climbed to 400,000 in 1946.

Moreover, where the population had once been almost entirely single males who would work in the city for a few years, in 1946 nearly half was women and children. A permanent black urban population was being born.

The Africans built shanty towns, sprawling and squalid, with colorful names like Sophiatown, Maroko and Pimville. Books such as Alan Paton's "Cry the Beloved Country" and Anthony Sampson's "Drumn" have been written around the strange mixture of despair and joy that pervaded these townships.

White South Africa never recovered from the shock of seeing 11 shanty towns go up almost overnight. "The rule of law was openly flouted," asserts a recent government publication explaining why they have been mostly destroyed. "Disease was rife, and sanitary and other services were non-existent."

ANTISEPTIC TOWNSHIP

A nicely antiseptic compound, called Soweto, was erected 15 miles southwest of Johannesburg, and Africans who work in the city must return there at night and on weekends.

"Soweto had nothing to do with urban renewal as Americans know it," insisted one white government employer. "First, we had to provide some quick and cheap housing. Later, it became a method of control."

In the wake of the war-time shock, the white government has spent the last 25 years building and perfecting a giant bureaucracy and security apparatus to do the following:

Keep Africans from coming into urban areas.

Remove as many as possible of those already in urban areas, and send them back to the rural tribal lands where they, or their parents, originally came from. This especially applies to "non-productive Bantus" who can no longer work in the white economy, according to a recent government circular that says "the aged, unfit, widows, women with dependent children" are primary targets.

Keep complete control over those allowed to live near white cities "temporarily, for as long as they offer their labor there."

The first two aims have been largely thwarted by the white economy's expanding needs for labor. Despite Herculean efforts by the government, 80,000 more Africans pour into white areas every year.

But the third goal has been accomplished with awesome mechanical exactitude.

THE AFRICAN'S BURDEN

"They tie you down to one house, one job, one employer. If you lose any of those, you go to jail, or back to the reserves, where you starve to death," says an African lawyer.

An African has to prove he was born in Johannesburg, or has worked for the same employer for a decade, to get permission to live here. He has to have a lodger's permit to show he has a house. He has to carry at all times tax receipts, including a poll tax that voteless Africans have to pay, but which whites do not have to pay.

These all form part of the "passbook"—the central device of governmental control of blacks "temporarily" introduced 100 years ago.

A white lawyer, Joel Carlson, recently called the pass laws "the greatest single cause of disruption of race relations in our society, creating more hatred and fear, sowing more suspicion and causing more insecurity" than any other factor.

Every African over 16 has to carry a passbook, which contains his photograph, tribe, an identity number, a monthly signature from his employer to show he is employed, and tax stamps.

"If you're unlucky, you're opening the bloody book all day long," said G. T., an African laborer. "Then other times you can go weeks without police checking it. The police wait for us near the stations, and if you're slow in getting out the book, they say you are cheeky and arrest you anyway."

G. T., who asked not to be identified by name because he fears reprisal, carries his passbook in a frayed leather case. The case also carries a photograph of his wife, who has lived in Soweto as a fugitive for nearly a year since she was ordered to leave within 72 hours.

Two years ago, G. T. fell in love with a girl visiting Soweto from her village, 40 miles away. They live with his parents; but after a child was born last year, he applied for a house in Soweto.

The authorities ruled that his wife had no right to be in the urban area, and "endorsed her out"—that is, ordered her to return to the village, where there is no work for G. T. He and the child, since they both were born in Johannesburg, are allowed to stay.

"I thought you got married so you can die together," 29-year-old G. T. said quizzically. But we got married, and they say we can't stay together."

CITY MARRIAGE

C. M. is a widow—one of the unproductive Bantus. When her husband died, she was told she would have to go back to a rural area she left when she was four years old. She quickly remarried, primarily, she says, so she would not be endorsed out. But the government claims her new husband was not born in Johannesburg, (his passbook indicates he was) and they both have been told to leave.

"We are not wanted here," the new husband says angrily. "It is because we have black skin."

These two cases are only the tip of an iceberg. Police arrest an average of 2,500 black South Africans every day for pass law infractions.

In a year, a number greater than the entire population of the District of Columbia goes to jail in South Africa.

Their cases are handled in the crowded, dirty Bantu Commissioners Courts, where white magistrates devote an average of two minutes to a case before sentencing the guilty to as much as six months.

Most prisoners are given the choice of serving their time working for white farmers, but many who do and are rearrested take prison the next go-round. "They thrash you in prison, but on the farms, they may shoot you," says one African who has been through the process.

Three weeks ago, a white farmer named Johannes Pretorius was convicted of assaulting an African woman prisoner with a hosepipe. The woman died as a result of the beating.

Pretorius—who paid a $500 fine and was set free—was quoted by the local press as saying that he would never again use prison labor. "I wouldn't have had this trouble," he said.

It is generally accepted that at least 250,000 persons are in white areas illegally—that is, without passes. They form a floating population, on the run from police, who cannot obtain legitimacy.

Soweto residents assert that these people form the nucleus of the violent criminals who terrorize the township at night. Police rarely check passes within Soweto itself.

The pass laws served as focal point for the most serious attempt Africans have made to protest against the severe segregationist system. Beginning in 1948, and culminating in a massive nationwide protest in 1960, the African National Congress political party organized demonstrations against the laws.

But the 1960 protest included a demonstration at a small township called Sharpeville. White police opened fire on a black crowd, and killed 69 Africans. A five-month state of emergency was declared, the Congress party was banned and the government began a ruthless campaign to stamp out any vestige of black political leadership.

It seems to have succeeded. Any surviving political leadership has been driven so far underground it makes no ripples on the surface, leaving behind a largely unpolitical mass scrambling to keep its privileged economic position by going along with the system.

"The average man in Soweto is more worried about next month's payments on his radio set than about something called 'freedom,'" says a white liberal with good contacts in the black community. He ruefully concedes that a fairly average factory worker living in Soweto making $600 a year is one of the richest black men on this continent, in cash terms.

HOME SWEET HOME

By material standards, they live fairly well in the 50,000 neat brick houses that stretch toward the horizon in monotonous row after monotonous row in Soweto. But no matter how rich they are, they cannot buy the land on which their houses stand, and they know they can lose the house at a white administrator's whim.

The Johannesburg City council is so proud of Soweto that it runs regular guided tours through it. The guides forget to mention often that the majority of houses do not have electricity, or that the roofs do not fit.

In all, more than 600,000 people live in Soweto—not an African word, but an alphabetical coupling of letters from the official English name of the area—South Western Townships.

There are some sporting stadiums, more than 100 schools (most of which operate double sessions and some of which have teacher pupil ratios of 100 to 1) and there is even a large building called "Uncle Tom's Meeting Hall", (named, the white guides who take visitors around say, after a former white superintendent who was affectionately known by his black charges as Uncle Tom.) But since public assemblies are, for all practical purposes, banned, it is usually empty.

The closest thing Soweto residents have to a legitimate political forum is the Urban Bantu Council, a group of elected African advisers to the white government who seem to be considered by many Africans as stooges.

In what may have been an effort to shake that label, the council asked the government a few weeks ago to lift some restrictions that make the council "important and ineffective."

The request was turned down by Piet Koornhof, deputy minister of Bantu Administration, whose reply said he wished "that the Bantu would be happy and contented," and that Koornhof and his department "are doing everything in their power to solve any problems that come to their notice."

COMMUNICATION CUT

White South Africans say that the myriad of restrictions apartheid has placed on contact across the color line has left them with almost no idea of what is going on inside the black community.

A white psychologist who works extensively with Africans reports that he sees signs of rising frustration, but is unprepared to make any guesses about what it will lead to. He thinks much of the violence that plagues Soweto is "displaced aggression against the white system."

The pressures in Soweto are among the most intense in the world, he thinks. "People are coming out of the tribal life and trying to cope with the already high pressures of a transition to urban living," he says. "The government's policy of making them live in tribal groups inside Soweto, and continually saying that they are only here temporarily and will have to go back into the tribal system, has a frightening effect on these people, as does the breaking up of families."

His conversations with patients indicates that, from the black man's point of view, there is still a good chance for a peaceful transition to a multi-racial society. "I'm surprised at how low anti-white feeling on racial grounds seems to be. Many Africans still say, 'I be angry for you if you do something to me, but I not be angry for you if you do nothing.'"

"But the chances seem to be going down all the time. The government is taking an all or nothing bet that will give them one of the world's richest countries, or a devastated and blood-soaked nation."

[From the Washington Post, June 21, 1970]

"Black Is Beautiful" Catching On in South Africa

(By Jim Hoagland)

Soweto.—In South Africa, black is bitter. "Any white man, no matter how stupid or vicious, is better off than any black man, no matter how well educated and behaved," says an African teacher. "All of us in Soweto would change the color of our skin tomorrow if we could."

The brutalizing and often violent life that surrounds the people of Soweto gives them little time for cheeriness. But they have developed their own eclectic life style, which mingles the urbanized western world with rural customs, and now includes a few hints of the "Black Is Beautiful" idea.

Three strikingly attractive African women, dressed in smart mini-skirts and boots, strolled past Johannesburg's posh President Hotel a few weeks ago. White and black passers-by stopped in their tracks to stare.

They were not intrigued so much by the clothing, for almost all black South Africans in urban areas dress in Western fashions. But the women were wearing something rarely seen in Africa—Afro hairdos.

Since they were hesitantly introduced a few months ago, Afro wigs have been selling well, according to surprised hair stylists. They say that the hair of most African women does not lead itself to what is called the "natural" look in the United States, but that the wigs are high fashion right now.

The style has also recently been splashed in magazines and newspapers that are directed at Africans. The most important of these in Drum, a glossy and breezy twice-monthly Lifesize publication that is perhaps the single most accurate barometer of the aspirations and interests of the voiceless African mass.

"If we want to perk up sales, all we have to do is put Cassius Clay or Sammie Davis Jr. on the cover," said one Drum staff member. "Our customers will read everything we can print about them. But even when he was alive, if we put Martin Luther King on the cover, we couldn't get rid of the issue."

Figures like Clay and Davis "offer a little glamor for people who, God knows, have none in their own lives," observed white psychologist.

The most popular local hero with Drum readers seems to be Anthony Morodi, a hard-punching lightweight boxer. Sports figures are, in fact, virtually the only kind of heroes South African blacks have been able to develop.

The white government has relentlessly stamped out potential black leadership here and tightly controls the ideas Africans have access to.

From Algeria's Frantz Fanon to Uganda's Ali Mazrui, important African writers are banned. So are black South African writers like Lewis Nkosi. Even Dr. King's work has been censored in South Africa.

"He was a wily old bird," said South Africa's chief censor, J. J. Kruger, when asked about this. "He sometimes preached insurrection subtly, and we had to control it."

Kruger's Publications Control Board also screens all films shown to white or black audiences, and sets age limits, clips any sequence from a film, or bans it altogether. The Board also can, and does, rule films suitable for whites off limits to Africans.

These are usually films that "show violence that might upset the Bantu, such as these Italian-made westerns," or films that certain "objectionable social mixing of the races," said Kruger.

An African workman claims: "Any time I see that a film is limited to above age 12 for the whites. I figure we won't get to see it. They treat us like children."

With little political news to report, publications aimed at Africans are loaded with sex and violence. It does not seem to hamper circulation a bit.

After the Publications Board had banned a recent issue of Drum, which carried very explicit ideas on "Sex Guide: How to Arouse Desire." Kruger had a chat with Drum's editor, who, like the magazine's owner, is white. "He told me that they get more letters about sexual problems and frustrations than anything else," Kruger said. "Apparently the Bantu is very interested in this."

Two competing English language newspapers, the Post and The World, both privately owned by whites, cater to the African market. The Post is the livelier of the two, with three editions and selling nearly 250,000 copies a day throughout the country.

Photos of bathing beauties are a common feature in the Post, with one uncommon aspect.

Editions printed for areas with large Colored (mulatto) populations often carry white, or light skinned, pin-ups. When those editions are made over for the primary African circulation area, the white pinups disappear and African girls take their place.

This is not, as outsiders might think, because of government pressure. It is just a matter of selling newspapers. "Africans don't like white pinups," said an African staffer. "Sales would drop to nothing if we kept them in the later editions."

The daily fare of the tabloid-sized papers may run from the grim:

"Nude Girl Found in Grave," or perhaps "Hanged Nurse Tells Lover, 'Don't Weep Over Me,'" or even "The Sunny Day That Turned Red With Blood," an account of a couple hacked to death; to whimsy, as when a Chinese man's effort to be reclassified as white failed. The story was headed: "Wong Can't Make a White."

In concentrating on mayhem, the papers do little more than reflect the reality of the lives of many of their readers.

Soweto is one of the most violent and dangerous spots on Earth.

Government statistics suggest that in this fenced in enclave of 600,000 black people in a "White area," there were more than 300 murders, 1,800 rapes, 4,500 muggings and perhaps 50,000 assaults last year.

The massive Baragwanath Hospital, stretches across 150 acres near the entrance of Soweto and has 227 doctors and 2,080 nurses. It handles more than 1,200 operations a month. On a recent Friday night, the emergency ward was jammed with bleeding, crying people, sometimes with a knife or other weapon still imbedded in their bodies.

Friday is also a bad day to ride the trains from town. It is pay day and the tsotsis, as thugs are called, are prowling. A man who has seen it happen often enough to start taking taxis home on Fridays describes one mode of operation:

"Three of them move through one of those packed cars and stop in front of a man. They demand his pay envelope. If he won't give it up, two grab him and bend him forward. The other one takes out a short, sharpened bicycle spoke and inserts it precisely into the man's spinal cord and wiggles it. It's over. It's neat, the man may not even bleed. But he'll never walk again. And the three move on, and nobody stops them."

Many Africans complain bitterly that the poor street lighting in Soweto and lack of policemen encourage.

"You never see any police out on the streets," says one Soweto resident. "Not unless there is a robbery down in Johannesburg, and then they bring the vans out here and round people up. They couldn't give a damn about us."

But life inside Soweto's gates is not all tears. Most laughter comes inside the Shabeen, the low key African version of an American speakeasy.

The white government has a legal monopoly over the brewing and sale of beer, and the sale of whisky, to Africans. Out of Soweto alone last year, these sales brought in $10 million.

In all, Soweto residents consumed more than 30 million gallons last year of the soupy, 3.2 per cent alcohol beer the government brews and markets.

But the outlets are beer halls, where women are not permitted and men are greeted at the gate by a uniformed policeman, or a few scattered lounges that close shortly after most of the workers get home from their long trainride from Johannesburg.

Conditions like these have created a wide market for the flourishing shabeen trade. Unlike beer halls, shabeens are open day and night, and there is one going on every street on Sunday, when the government's lounges close.

Information on shabeens is scanty, because it is illegal to go to one, and, in fact, it is illegal for a white to be in Soweto after dark. But if an outsider were to gain the confidence of a shabeen devotee and be invited along, this is probably what he would see:

The house is one of the "deluxe" models in Soweto, meaning that it has five rooms instead of four. In the living room two men and a woman sit on comfortable but slightly frayed couches. It is early, and the men are listening to the 7 p.m. news on the radio as they sip beer.

Standing at a cabinet on one side of the room is the shabeen, "queen," the women who runs this living room bar. Shabeens are always run by women.

This "queen," is the wife of a fairly successful salesman, who is not home from work yet. She had a good job in a white store until about a year ago, and her command of English indicates that she is well-educated:

"I got tired of working for peanuts. I was working harder than those white girls and getting less. And I had to say good morning to those girls, who were younger than me, just because they were white. They should say good morning to an older woman.

"I quit. We wanted a new car. If we can go six months without the police raiding us, then we'll have enough for the car."

In the cabinet were two bottles of gin, two brandy and one of Scotch. There and cooling in the tiny refrigerator in her tiny kitchen is a total of about four dozen bottles of beer, since few houses in Soweto have refrigerators, this is another lure of the shabeen.

The news is finished, a small record player is spinning away with scratchy, quiet jazz. Over the next few hours men who are doctors, businessmen and teachers wander in, join in animated conversation and occasionally flirt with the few women there. Their status seems to be ambiguous.

Conversation is mostly light. A man gulping down gin, at a dollar a nip, explains: "We know we drink this stuff too fast, but what can we do? When we brewed our own beer at home, it was always in big open pots, and it wouldn't keep. So we had to finish it all. And here, we know the police could come in at any time, and we don't want to be found with anything. So we try to drink it quick."

Even in the confines of this smoke-filled illegal place, no one discusses anything approaching politics. "There are informers everywhere," says an African later.

Serving Scotch marks this shabeen at the top of the Soweto social ladder, according to a man who knows the community well.

Beneath it he ranks three other general categories, ranging from the "tribal" shabeen, where only men gather and drink home brewed beer, to the "clerk" shabeen, usually run by a teacher with a husband who wants the high life. Africans in white collar jobs, but still below the professional rank, gather there.

[From the Washington Post, June 27, 1970]

South Africa: White Skin Better Than Gold

(By Jim Hoagland)

Doornfontein, South Africa.—While, the white miner, signaled with his hand and the black miner started the drill. The Africa's body shook violently as the sharp, short bursts caromed around the four-foot high pit that had been blasted here 3,500 feet beneath the earth's surface.

Willie makes about 300 rand ($420) a month. The black miner, who is known to the company not by name but by an identity number, makes 20 rand ($28) a month. They do about the same work, the white mining supervisor conceded. "Why the difference in pay?" asked Lee Hayden, one of the half dozen visitors the supervisor was guiding around the gold mine.

"Because Willie's skin is white," the guide replied matter-of-factly. "It is the most valuable commodity you can have in South Africa. It is more valuable than this yellow stuff we blast out of the earth."

This reasoning does not, of course, follow standard laws of economics, like supply and demand. The white men who own the mine would love to get rid of Willie, and give the black miner a little—but not too much—of Willie's inflated salary.

They cannot. The law will not let them. A professor at Witswatersrand University in Johannesburg, where Miss Hayden is a student, explained it this way later:

"The mine owners don't need Willie. They don't need the white miners at all. But the government does."

Men like Willie have shaped much of South Africa's history during this century. They have forced the government to solve "the poor white problem" perhaps more successfully than any other industrialized country has by bending those laws of economics to meet the laws of politics.

In the process, they have laid one of the cornerstones of apartheid—the color bar, which prohibits employers from giving "traditionally white" and skilled jobs to Africans.

This has produced the bizarre spectacle of South African big business, retrained by law from cutting costs, lashing out occasionally at the government for being too conservative on race, and too liberal in its readiness to intervene in the country's "free enterprise" system.

Rumblings from big business that have convinced many South Africa watchers that economic forces will eventually erode apartheid and that they offer the only chance for peaceful change.

They cite an ever-increasing dependency by the expanding economy on black labor and predict that this can be translated into gradual and political advances for the 16 million non-whites who are now powerless.

Many who make that argument are outside South Africa, especially the American businessmen who have invested $1 billion in South Africa.

But from the inside, the situation looks quite different. There are few concrete signs that the economic advances non-whites have made in recent years add up to anything more than material gains—and even those are not as much as is often claimed.

Publicly, leaders of the ruling National Party have increasingly made it clear that they will, if necessary, sacrifice economic progress to keep complete control over the Africans.

Privately, they say exactly the same thing. "It would be nice to believe that economic forces will predominate," says one National Party leader who is slightly disillusioned with the course apartheid is taking at the moment. "But they won't. The whites will say, 'They (the Africans) must go. We want them out.' And they will go."

History would seem to back his argument that the politicized economy of South Africa adapts well to apartheid and the few handicaps it offers.

"More economic progress means the government can buy more guns, bigger tanks and pay its spies among the Africans a lot better," says one economist who opposes apartheid. "Over the past decade, as the Africans' economic position has improved, the few rights they had have disappeared."

While it is brutally repressive toward Africans, South Africa's governmental machinery has an extraordinary sensitivity to the demands of the white working class. It is a white proletarian's dream.

A few months ago, for example, the South African parliament went to the trouble of passing a law that in effect does nothing more than protect one white laboratory assistant in the town of Port Elizabeth from ever being replaced by an African.

This trend began in 1922. Faced with a depression and a fixed price for gold, mine owners began to replace white miners with cheaper black labor.

White workers (influenced, ironically, by Communist organizers) went on strike, attacked the Africans and tried to shut the mines. The government called out troops, and 250 persons were killed.

Two years later, that government was voted out of office and a coalition regime took over. The coalition, forerunner of the present National Party, had campaigned on one issue. Voters had to choose whether "South Africa should be one huge black compound for the benefit of the capitalists, or a prosperous white man's country."

The voters gave their answer, and two years later the color bar was firmly installed in mines and industry. It still functions—although prosperity has reshaped it.

Since 1947, the South African gross national product has increased 150 per cent in real terms, and the standard of living has doubled as the result of a remarkable industrial surge that seems to be peaking now.

The spirit upward has dragged the color bar along with it. As more and more skilled jobs have developed, an intense labor shortage has pulled more and more Africans into the economy.

The government has had to resort to granting wholesale exemptions from race restrictions to employers who cannot find white workers. Firms that cannot get the exemption, or do not want to bother with the unwieldy government bureaucracy, find ways around it.

They hire African clerks and call them messengers. They fragment jobs held by whites, write new descriptions and hire three Africans for less than a white.

But the government refuses to jettison the color bar, which, for one thing, insures that whites will never work for Africans. The regime is willing to put up with mountains of paperwork for that "protection."

"This crazy country has half its population employed issuing permits to the other half so they can go to work," complains Parliament member Helen Suzman.

Few would dispute that Africans have made important gains in recent years.

Government figures tend to be over-optimistic because one of the regime's principal claims is that "our Africans" are more prosperous than any in independent black countries.

It does seem likely, however, that the per capita income of the African population is about $120 a year, high by this continent's standards. Black workers in industry do much better, probably averaging close to $500 a year, or more, per worker.

This is not, however, the whole story. A recent official survey shows that in the segregated township of Soweto, outside Johannesburg, where many of those industrial workers live, more than 60 per cent of the families had incomes below the estimated minimum living costs for that area, also high by African standards.

Thus far, increased prosperity has not brought any social gains. "They could make an African general manager of this company, and he would still have to live in Soweto," said one disgruntled white executive. "It doesn't change a damn thing."

Moreover, whites are taking an ever increasing share of the prosperity. The government's Department of Statistics says white wages in industry and mining rose $18 a man last year, while African wages rose only $1.40.

The average white worker's earnings were ten times as great as the African's. Whites control more than 80 per cent of the nation's personal cash income, while non-whites have more than 80 per cent of the population.

As the case of Willie and his black companion demonstrated, the gap is perhaps greatest in mining, where white workers make 20 times as much as black ones—and where the color bar has remained most firmly entrenched.

Mining is the last stronghold of the poor white, and he does not want to give up any jobs. When mine owners tried recently to get the strong Mineworkers Union to let black men do the menial job of picking up rock samples, the union balked. Whites said "samplers" were white jobs in 1911, and should remain white jobs.

This attitude has raised mining costs, and put mineowners at the forefront of those calling for changes in the color bar.

"Apartheid can give white capitalists and black workers a common cause sometimes," Francis Wilson, economist at the University of Cape Town, says with a hint of a chuckle.

"All the mines are asking for is the same kind of flexibility that industry has. If they get it, the change will be heralded by many as the end of apartheid. It won't be, of course. It will just be another shifting of the color bar."

Wilson notes that while many businessmen and mine owners "make a fuss about how unjust it is for a black man not to be able to work because of race restrictions, hardly any ever say anything about the justice of making Africans live in Soweto, or not letting them have unions, or about voting."

African trade unions are not legal, and the government negotiates for African workers if they ask it to.

Surprisingly, some white trade unions have now begun to attack the color bar as well. J. A. Grobbelaar, head of the moderate Trade Union Council of South Africa, thinks the barrier harms the entire labor movement by artificially inflating wages that encourage employers to replace men with machines and to fragment jobs.

"The whites are in danger of pricing themselves out of the market," says Grobbelaar. "It is not only immoral, but completely unrealistic."

Grobbelaar is one who subscribes to the theory that Africans will take a more and more important role in the economy, and will be so essential to it they will be able to extract concessions from the white rulers.

He noted there are already 4 million non-whites in the 5.5 million strong workforce in the so-called white economy. At its present 5.8 percent a year growth rate, the economy will be short 500,000 skilled workers in ten years.

"The whites will choose growth. I don't think they will ever choose to be segregated and poor. They will choose to be integrated and rich. They're on the bloody merry go round, and can't get off now, man."

But the leaders of the Nationalist Party, which represents the ruling Africaners, have already begun to say the country needs to slow its growth anyway, to fight inflation.

[From the Washington Post, June 28, 1970]

APARTHEID COMES IN HIGH AND LOW VERSIONS

(By Jim Hoagland)

PRETORIA.—There are two apartheids. One is oppressively real and mundane. The other is intellectual, a vague theory undertaken in the name of freedom.

The first kind of apartheid confronts the arriving traveler at South Africa's main airport, named for war hero Jan Smuts.

No matter how well the traveler feels prepared by the countless books, films and articles that have dissected this country and its distinctive practices, there is a sharp jolt as he steps out of the impersonally efficient customs hall and into the cavern-like, noise-filled waiting room.

The jumbo jets will soon be landing here, but for a moment the visitor is wrenched back two decades, perhaps into the rural Southern United States.

APARTHEID SIGNS

Discrimination is not whispered or done subtly in this country. "Blanke"—white in Afrikaans, the language of 60 per cent of the whites—shout the big signs over the restaurants, restrooms and even the observation platform. "Nie Blanke" read those on the fewer, smaller and dirtier counterparts for nonwhites.

Written across the nation's park benches, elevators, liquor stores, unwritten but still present on many church entrances, these signs are for much of the outside world "apartheid."

But officially, they aren't. "Apartheid" is the name given to a lofty social and strategic plan to create a white fortress spanning 87 per cent of the country.

Africans will be encouraged, or coerced, into "finding their own freedoms" in eight separate homelands where they can theoretically run their own affairs without interference from the white man—and, more importantly, without interfering in white South Africa.

Much of the outside world dismisses the theory of apartheid as unworkable, or undesirable because the leaders of four million whites have made all the decisions affecting 16 million non-whites.

But this grand design has now acquired its own momentum. It has become a powerful dynamic for change in the situation it is supposed to resolve.

HAS SPLIT PARTY

Political lives have been staked on it, millions of dollars spent in its name, people crushed to further its goals. Its implementation has even provoked the first significant split in the ranks of the National Party since the Nationalists gained control of the country in 1948 and introduced the word "apartheid" to the rest of the world.

The Afrikaans word is usually translated to mean "separateness," or "apartness."

But because the world has fastened a bitter stigma on the visible, everyday segregation of the races, the government has almost entirely dropped apartheid, opting instead to call their blueprint of separate nations "separate development." Segregation in facilities is labeled "petty," or little apartheid here.

But these practices do not loom small in the minds of whites, or blacks, in South Africa.

"For most of the whites, keeping Africans off park benches and out of coffee shops is apartheid," said one outspoken white government employee recently.

"They don't have the foggiest notion what the big ideological plan is all about. But as long as they read in the paper that the government has passed a new law, and something is being done to the African, they think, 'Apartheid is being implemented.'"

ELECTION WHITEWASH

These comments seemed to take on some validity in the recent national election, when government officials practically fell over each other in rushing to tell white voters that they were "proud to announce" that thousands of Africans would lose white-collar jobs (none has, nor are they likely to) and pledge to build expensive pedestrian bridges so Africans could get to work without walking through "white" streets.

Besides whatever political purposes petty apartheid serves, it is also a powerful force for maintaining the master-servant relationship that has traditionally existed between whites and blacks here.

The desire to completely separate the races in South Africa can be traced back to the Dutch sea captain Jan Van Riebeeck and his small party of farmers who landed at the Cape of Good Hope in 1752.

Van Riebeeck's answer was to erect a bitter-almond hedge around his settlement to keep Africans out, and to keep his own men from pilfering goods and taking them out to trade to the Africans. Understanding neither the whites who were to become the Boers, nor the Africans who were called Hottentots, Van Riebeeck failed.

Three centuries later, Van Riebeeck's decedants do not seem to be doing much better with the giant metamorphical hedge they are trying to erect around their cities.

FEARS FOR SURVIVAL

Despite the hostility apartheid has created for them, and the holes it shows, South Africa's white leaders insist it will work. It has to, they add, because they are convinced that their survival depends on it.

Critics suggest that big apartheid, launched with much fanfare seven years ago is getting nowhere.

For one thing, the desolate homelands—which still exist almost entirely on paper—cannot even support the 4.5 million people who live there now, much less absorb more.

The division of the land not only reserves 87 per cent of it for the whites, but gives them all the cities, most of the good farms, and almost all of the country's tremendous wealth.

Despite a vast bureaucracy designed to keep Africans out of the white areas, 80,000 new black workers pour into the expanding white economy every year.

Informed economists say that even if the government can complete its ambitious development programs for the homelands, the annual flow of new black workers ten years from now will still be 50,000.

"The government is giving us freedom," said one African who, like most of his colleagues, seemed unimpressed by apartheid's promises. "We have the freedom to stay in the white areas and eat, or go back to the homelands, and starve."

Politically, the government's reluctance to release key powers to the Transkei, the only homeland that has a functioning self-governing legislature, has raised doubts about the white regime's intentions to live up to its pledges of eventual sovereignty for the homelands.

The growing perception of these weaknesses in the development of apartheid has provoked the widely publicized, but often misinterpreted, Verligte-Verkrampte split within the National party and within Afrikanerdom in general.

Verligte is an Afrikaans word meaning "enlightened." Because they are ranged against the ultrarightist Verkramptes ("enclosed"), the Verligtes have often been portrayed to the outside world as a liberal force. They view themselves in that light.

APARTHEID IDEALS

But whether one considers them liberal on race depends to a large extent on whether one considers apartheid to be the answer for South Africa's tricky racial situation. For the Verligtes say that apartheid is a good idea, and its only problem is that the government won't get on with it.

Young Afrikaners "have come to separate development out of the highest ideals. Now they want those ideals implemented," Leon Coetzee, a Afrikaner philosophy teacher, wrote nearly two years ago in the South African magazine Newscheck.

Newscheck, modeled after Time magazine, is one of the leading organs of the Verligtes. Its editor is Otto Krause, an exuberant young Afrikaner who acquired a taste for rep ties during a year at Yale.

Krause calls the Verligte approach to apartheid "a radical solution," so liberal that it may be beyond the grasp of European-oriented minds with their outmoded guilt concepts and fetishes for traditional answers which fail anyway."

He argues that providing different homelands for entirely separate nationalities that have conflicting interests will head off the kind of nationalistic wars Europe has experienced in the past two centuries.

He compares the present social disruption—which he admits is being inflicted almost entirely on blacks—with Stalin's collectivization of the peasants in the Soviet Union, and says the results apartheid will bring will justify its methods.

MANY MOLDS

Another leading Verligte intellectual, Piet Cillie, editor of the National Party-controlled Die Burger newspaper also accused outsiders of trying to fit South Africa's many different people into one mold and demanding that they stay inside that structure.

"If I could believe in the one-nation concept, I could go around with a clear conscience like the liberals who live in rich villas in rich suburbs do," said Cillie. "But it won't work here.

"Apartheid is just a way to get the white man to behave decently. One can only be liberal from a position of strength, and we can only feel strong on the basis of separate freedoms and separate areas.

The Afrikaner Nationalists insist that separate development will work because its building vertical, not horizontal apartheid.

On the surface, at least, their theories resemble some of the arguments advanced by black power advocates in the United States.

Vertical apartheid means that the Africans can develop their own cultures and nationalism in their own areas, and attain the highest economic level possible in their own communities.

Horizontal segregation would result in whites always dominating the top positions in a theoretically integrated society, creating resentment that would eventually tear the entire structure apart.

Some of the country's best economists contend that apartheid will just convert the majority of the black population into a vast pool of migratory labor.

The pattern is clearly established in the country's mines, where nearly 400,000 men work for six to 18 months at a stretch, living without families in crowded dormitories.

IMAGINARY LINES

The apartheid machinery has already streamlined the four million black work force in white industrial areas by pushing as many of the elderly, children and nonworking women as possible back in the homelands.

Unlike the India-Pakistan division, apartheid does not call for complete partition. There will always be a large but unspecified number of Africans (probably a minimum of six million) who will remain in white South Africa, as long as the whites need their labor. Others will live in pocket homelands near white industrial areas, crossing imaginary borders each day to work in the plants, and then returning to the "homelands" to exercise their political and social rights.

As Editor Cillie indicated, one of the favorite Verligte arguments is that as big apartheid makes progress, the whites will feel more secure and let up on petty aparthied.

But the seven years since the Transkei was set on the road to independence, which is promised at some vague point this side of eternity, have produced an intensification of discrimination against blacks.

Thousands of laws and regulations, ranging from the puzzling to the insulting to the ludicrous, govern human relations in South Africa.

A white can invite a black into his house but he must not offer him a drink of whisky. The African has to bring his own—and in most towns, leave at the stroke of 10 p.m.

ASIAN ROULETTE

In Durban recently, a teenage Chinese girl was barred from completing a tennis tournment she had entered, because a white complained.

If the girl had been of Japanese origin, however, she could have played tennis with as many whites as she liked. Japanese are "honorary" whites, according to the government, which is trying to boost its trade with Japan.

Prime Minister John Vorster was asked about this dichotomy at a public meeting in April. Vorster patiently explained that Japanese are in South Africa on a nonpermanent basis, usually on business trips, and therefore are not fortunate enough to have the government set aside separate group areas and facilities for them. Thus, they had to share white facilities.

But the descendants of Chinese, who have been in the country for generations, "have areas of their own," Vorster noted, "and there are a large number of Chinese."

The question of numbers, in fact, seems to underlie both brands of apartheid, big and little. This may account for outsiders' confusion about apartheid. Surprisingly, some of South Africa's most important people seem to share some of the confusion.

DIOR AND WATERMELON

Jan Marais is the energetic widely traveled president of the important Trust Bank Organization in Capetown. He wears Dior silk ties and smokes only the most expensive and longest cigars available.

During a recent interview, he was asked about the implications of apartheid and its philosophy. He replied with an anecdote:

"I was visited by an important American some time ago, a man who was an adviser to Kennedy and Johnson, and he couldn't understand apartheid. So I took him to my beach, which is quiet and well kept, and then we went over to a nonwhite beach. And after he saw those crowds of people washing their faces with watermelon, he understood at once. Apartheid helps me keep my beach uncrowded."

Mrs. J. M. De Wet, wife of the president of Fort Hare University which is located in the small, remote town of Alice, recently told a visitor that the need for apartheid was underscored for her on a visit to Capetown, in which she saw crowds of nonwhites getting on their buses. "If they got on our buses, we would be crushed. We would never find a seat."

[From the Washington Post, June 29, 1970]

U.S. FIRMS PROFIT IN SOUTH AFRICA

(By Jim Hoagland)

"General Motors South African has made a major contribution to the growth and development of the Republic"—a recent G.M. handout to the South African press.

JOHANNESBURG.—The list begins with Abbot Laboratories and ends, nearly 300 entries later, with Westinghouse Electric. The firms on it range from the J. I. Case Company of Racine, Wis., to world-wide giants Esso Standard and Colgate Palmolive.

These American firms have an estimated $1 billion stake in the flourishing South African economy. Most of them have reaped handsome rewards from their investments.

Eagerly seeking new ways to place money here, American businessmen do not seem to share the fears of the State Department that South Africa's "firm repression of African nationalism can lead only to disaster for all its people," as a recent Department publication predicted.

Nor do they seem to believe—or, perhaps, they are not affected by—the criticism of some American liberals that their presence in South Africa helps maintain an oppressive white minority regime ruling over 16 million nonwhites.

CONCERN FOR IMAGE

They are becoming concerned, however, about the increasing tempo and volume of such criticism. They fear that it could damage their images, and profits, back home.

In the last few weeks, they have seen dissident General Motors stockholders criticize the company's involvement in South Africa, and have seen the United States officially discourage American investment in the South African-controlled territory of South West Africa.

Before that, anti-apartheid groups had launched picketing campaigns against three large New York banks and other firms that operate in South Africa.

The protestors, joined by some members of Congress, are trying to pressure American business to disengage from South Africa. Withdrawing investment and shutting off trade would weaken the economy and force the National Party government to alter its severe racial discrimination, apartheid foes contend.

At the least, they argue, such moves would add substance to the strong disapproval of apartheid voiced by American businessmen who are doing quite well from the present system.

TEST CASE

Because of the high American business profile here, and the volatile nature of civil rights at home, South Africa might be the perfect test case for the use of economic pressure in international politics. Often discussed in cases like Greece, Spain and Cuba, it has rarely been used—Cuba being the exception.

Some of the American firms under attack at home reply that their presence in South Africa is actually helping chip away at apartheid. They are here primarily to make money, they admit, but they also argue that American investment constitutes a powerful force for change in South Africa.

Thus far, the gradually growing debate on disengagement seems to have done nothing to reduce the tremendous impact American investment and trade have had on the country that is at once Africa's economic giant and diplomatic pariah.

At the moment, American oil companies are taking a leading role in the search for the one natural resource South Africa does not have, but desperately needs to stave off any move at sanctions or blockade—petroleum.

Many of South Africa's four million whites admire, and copy as much as possible, the American way of life. "From barbeques to supermarkets, we're American all the way," says Jan Marias, who has made a fortune by importing American banking methods into the South African scene.

AMERICAN FLAVOR

Johannesburg is a bustling city of one million people with well-designed sky scrapers and modern stores that would fit nicely into any large American city.

Young South African executives rent their Chrysler Valiant compacts from Avis or Hertz, drink Carling's Black Label beer with lunch, and pay the bills with American Express or Diners Club. At home, their wives vacuum with Hoover, keep food in Frigidaires and make up with Max Factor.

Book value of American direct investment in South Africa is estimated at $750 million. Experts here say that the actual value is probably double that figure, and growing steadily.

Most companies get a phenomenal 15 to 20 per cent a year return on their investments, and they point out that while investment in South Africa represents only 1.2 per cent of American capital overseas, it produces 2 per cent of American earnings abroad.

This has encouraged American business to put more money into South Africa than it has invested in all other African countries south of the Sahara combined.

NEED TO JUSTIFY

The investment-hungry, market-poor black countries to the north may resent the pattern, but they are hardly in a position to stop it.

But American concerns beginning to react to pressure from civil rights organizations at home, now feel compelled to justify what until a short time ago was a simple and highly profitable business operation.

One of the first noticeable shifts came in a March, 1967, speech by David Rockefeller, president of the Chase Manhattan Bank. Chase operates in South Africa through the Standards Bank organization.

"We are convinced that over a period of time, the Standard bank can exert a constructive influence on racial conditions in South Africa," Rockefeller told his stockholders. Since then, many other American firms have echoed this idea.

But it is difficult to find any tangible evidence that American investment has affected the deeply entrenched apartheid system which excludes blacks from most skilled jobs.

NOTHING CONCRETE

Stephen Pryke, a Chase vice president and top man in South Africa, said in a recent interview that "there is no way you can point to something concrete and say that our preence is having a positive effect on the racial problem.

"Like all American companies here we have to operate within the requirements of the law, which restricts how much we can do," Pryke said.

"But I do think international investment has helped speed economic growth in the country, and that has meant a better standard of living for both whites and blacks."

For their part, many South Africans reject the suggestion that American investment will help change racial attitudes here in any way.

"People outside are bluffing themselves if they think they have any effect on this country," says Helen Suzman, a member of Parliament, perhaps the most forceful liberal critic of the government, and a former university lecturer in economics. Adds Piet Cillie, a strongly pro-government newspaper editor: "The idea is laughable. Those who want to influence us from abroad will have to send in a few army corps to do it."

"NEUTRAL FACTOR"

An American diplomat here terms U.S. investment at best "a neutral factor," a view also held by Fred van Wyck, head of South Africa's nonpartisan Institute for Race Relations and a recognized expert on the subject.

"Any effect American companies are having is neglible, and seemingly incidental to their money-making interests," says Van Wyck.

He says that his organization has been unable to get financial help from American firms. Van Wyck also asserts that studies indicate that most American-controlled businesses do not pay their nonwhite employees more, or provide better working conditions, than do South African employers.

American business has, however, played a key role in enabling South Africans to double their standard of living over the past two decades.

At first, U.S. investors concentrated in the lucrative mining industries, freeing local capital for manufacturing and commercial enterprises.

FLOOD OF U.S. MONEY

As the manufacturing boom developed, the trickle of American money turned into a flood, and U.S. manufacturers rushed in to build their own factories, or to license local firms to make their products.

In just about every category, the United States ranks second only to Great Britain as a financial partner for South Africa.

The most recent South African government figures show that American business has a 15 per cent share of all foreign investment in South Africa. United Kingdom countries have about half the entire total, but their investment share has been declining. British investment tends to be in well-established areas, while American interests have helped spark new industries here.

The United States also holds a 17 per cent share of South Africa's $2.7 billion import market. Britain's 24 per cent share of trade has also been declining. In 1968, the United States bought more than $150 million of South Africa's exports, and sold it $500 million in goods.

Considering Britain's often shaky financial position, the United States is the only country in the world that can translate its official disapproval of apartheid into meaningful economic action, the advocates of disengagement contend, and wrench concessions out of the white government.

ONLY TEMPORARY EFFECT

But almost nobody here seems to think that disengagement would accomplish anything, except perhaps a temporary dislocation and possible slowdown in the economy—a price white South Africans seems willing to pay to maintain absolute domination over black South Africans.

Tom Muller, head of South Africa's powerful General Mining Group, says that "South Africa is becoming increasingly independent from foreign investment. We can generate our capital. We still need American technology and know-how, but these needs are not vital."

Perhaps more important is the market interest other countries are showing in South Africa. A total of 23 foreign trade missions visited the country last year.

West Germany flew the mayor of Dusseldorf to this year's South African trade fair to open a popular beer garden exhibit and explore new possibilities for trade. Like Japan, West Germany now accounts for about 13 per cent of South Africa's foreign trade.

"The prospect of the American government pressuring us to disengage just has these chaps salivating," said one of the 6,000 American businessmen who live in South Africa.

EVEN NONWHITES

Even the people disengagement is supposed to help—the nonwhites—don't seem too keen on the idea.

"My people need economic growth to get ahead," says David Curry, deputy leader of the Labor Party, a colored organization that is highly critical of the government. "I can't talk about politics to them if they don't have bread in their stomachs.

"No, General Motors should put more money in here," Curry said, noting that many Coloreds (mulattoes) have found jobs with the three big American auto manufacturers, who produce about 60 per cent of the cars sold in South America.

"But they should put more of the money in the hands of nonwhites," he continued. "I know the law keeps them from giving us better jobs, just like South African firms. But there is nothing to stop them from paying a better wage."

G.M.'S "DELICATE POSITION"

A visit to General Motors' giant manufacturing and assembly plant in the coastal town of Port Elizabeth failed to shed any light on the justice of Curry's complaint about wages.

Ernest Cuming, public relations officer for General Motors, said he could not divulge how many of the plant's 6,500 employes are nonwhites (about half are) or what their average wages are. He also said the company, which is run directly from the New York headquarters, does not disclose how much profit it makes from its South African operations, or what its annual sales are.

"Any questions about race have tremendous political implications in South Africa," Cuming said. His comments reflected much of the dilemma American business in South Africa seems to find itself in these days.

"With the hue and cry that is being raised in America these days, we would just as soon not be mentioned in connection with our South African operation. Our position, you see, is rather delicate."

[From the Washington Post, July 2, 1970]

SOUTH AFRICA TIGHTENING RESTRICTIONS ON COLOREDS

(By Jim Hoagland)

STELLENBOSCH, SOUTH AFRICA.—David Curry thumbed rapidly through his bulging notebook and read out the names of his customers.

"Vorster, Burton. De Klerk. Flandorp. Le Roux. See all good English and Afrikaner names, nothing else."

Curry is a successful young insurance salesman here in this sleepy university village fitted into the rolling vineyards around Capetown. A few miles away, the brightest children of the white Afrikaners who run South Africa were walking to classes on their leafy, quiet campus.

"See that road out there? Curry asked as he glanced absentmindedly out the window of his distinctly middle class living room, which was filled with pastels of Christ and other religious symbols. "It's been unpaved for 60 years. If I were white, it would be paved."

NOT QUITE WHITE

David Curry, and all his customers with the good white names, are not white. Not quite. A tall man with a lumpy figure, Curry has a slight brownish tinge to his complexion that outweighs his white name, his white religion, his white middle class habits.

It determines where he lives, where he works, where he will be buried. It, as much as he, decides whom he marries, what cabs he rides in, what toilets he uses.

Curry is one of the two million people officially branded by the white South African elite as the product of apartheid's greatest sin—sex across the color line.

According to the theory of apartheid (which says that whites and blacks are so different that they should not and cannot mix peacefully) these two million should not exist at all. But they do, and they form the most perplexing racial problem in a country filled to the brim with racial problems.

GOD'S STEPCHILDREN

In the Afrikaner language, the brand on them reads "kleuring," the English call them "coloreds." Sometimes, in their growing anguish and despair, they call themselves "God's stepchildren."

They are, in fact the white man's children, but he is trying to disown them as speedily as he can. Ask a colored when his "race" began, and he replies with some bitterness:

"Nine months after the first Dutch settler put ashore and saw an African woman."

According to long time residents of this area, where the majority of the coloreds live, the voice telling the story would have contained a hint of pride or perhaps amusement a decade ago. Bitterness is a recent development.

Frustration has replaced their once legendary lassitude as the coloreds have been relentlessly counted out of the white world by apartheid, and forced into an uneasy psychological alliance with the country's 13 million Africans, the primary target of segregation here.

NEW RESTRICTIONS

A whole array of new social restrictions are being imposed upon the coloreds just as they are making rapid strides up the economic ladder, and are beginning to develop a representative political organization.

The convergence of these, some observers here think, could push the coloreds into the thin end of a big nonwhite wedge intent on breaking apartheid. Even the government has indicated recently that it fears this is happening.

"The African became attuned a long time ago to the insult of segregation," says D. W. J. M. Van Heerden, a white man who was a legislative representative for coloreds.

"But the coloreds are the most exposed people in South Africa. Each time he cannot go to the beach, or ride on a bus, or is told he has to move, the insult is still fresh. It still stings.

"The coloreds realize their effort to move 'white' has failed. In time, they have to move toward the blacks. This bloody government is just increasing the odds against itself."

Even more than any physical threat they may ever represent (and at the moment, such a threat is nil) it is the philosophical damage the coloreds do apartheid that confounds the white supremacist National Party government.

South Africa's 4 million whites justify their plan to take 87 percent of the country's land, and give 13 per cent to 13 million Africans, by saying that the African tribes should live in their traditional homelands, where they can practice their traditional cultures and have their own political and social rights.

For the majority of the coloreds, their only culture is the white man's (the majority speak Afrikaans). Their traditional homeland is on the white farms and in the white cities where they have been bred and raised, here around Cape Town, the loveliest spot in South Africa and one of the loveliest in the world.

Even the problem of defining the coloreds as a race has been troublesome for the government.

What is a colored?

He is a person who is not white, and who is not African.

AVOIDS PROBLEM

It may sound to an outsider like a grim version of a knock knock joke, but this is precisely the legal formula the government has fastened upon to define coloreds.

Like much of the official jargon the South African government uses in discussing its segregation policies, the answer avoids a lot of the real problem which is the fact that coloreds are both white and black.

There is a broad spectrum of coloreds, ranging from swarthy, illiterate farm bands who are just short of being classified as Africians, to doctors and college professors, who are virtually indistinguishable from whites in color, speech, manner—in everything but the identity card they must carry which says they are colored.

This span is one of the major problems the whites face in any effort to assimilate the coloreds. "It's all right for the city people to have tea with colored school teachers, but they ought to try it with some of my workers," sneers an Afrikaner farmer.

Last year, the government acknowledged some of this diversity by subdividing the colored group into seven categories. They range from Malays, the thousands of descendants of imported Malay slaves who have retained a tightly knit community, to Chinese, Indian, and something called "other colored."

But whatever they are called, they are all classified as non-whites under South African law, which means that they face most (but not all) of the restrictions placed on Africans.

The coloreds at the whiter end of the scale, who have seen a color line that they could once easily drift across suddenly tightened, deny vigorously that there is a colored race. They badly want to assimilate into white society.

PLAYING BALL

"The tragedy is that the colored wanted to play ball with the whites. But they've got nothing for their good behavior," says Van Heerden.

"Until recently, the Cape Town province has had comparatively tolerant race relations. With relatively few Africans around Cape Town (perhaps 100,000) coloreds rode on the same buses, lived in their own district in the middle of town and could aspire to go to white universities.

But the government's general tightening of the apartheid screws has begun to pinch the coloreds in the past three years.

A score of lovely beaches around Cape Town are now restricted to whites, while the more numerous coloreds have been given two inaccessible strands. More jobs have been reserved for whites. Coloreds are now barred from white universities.

Most importantly, the government has begun to move coloreds out of their center city "District Six" homes which will become white, and is resettling them on the windswept, barren Cape Flats, 20 miles away.

This, more than anything else, has produced the smouldering resentment that coloreds are beginning to bear their former idol, the white man.

The restrictions are even more paradoxical to many coloreds because they come as coloreds have begun to make spectacular economic advances out of general and wretched poverty.

"Before they were a Cannery Row kind of people, always sitting around on doorsteps with bottles of wine in their hands," says Harvey Tyson, assistant editor of The Cape Argus newspaper. "Now they have taken off economically. It's amazing."

Even in a hard drinking country like South Africa, coloreds have always had a phenomenal rate of alcoholism. Figures suggest that in the past, Africans have had a rate of four confirmed alcoholics per thousands, whites 5 per thousand, and coloreds 35 per thousand.

DEMANDING MORE

Such problems remain. But more and more colored parents are demanding better education for their children, and more and more of them are moving into semi-skilled jobs vacated by whites, as labor-scarce white employers wink at the job reservations.

And, to the government's dismay they have taken up the white regime's promises of a political role in South Africa, and organized the only potentially effective nonwhite opposition to apartheid that exists here.

M. D. Arendse a fiftyish, squat man who runs a variety of ill-defined business enterprises, had been one of the main forces in the party. But he now has become one of the first casualties of the new rumblings of brown power.

YOUTH IN A HURRY

Sitting in his cluttered office, located above a radio repair shop on one of Cape Town's less distinguished streets, Arendse recently explained why the party ousted him as leader a few months ago:

"These young people, they say 'M. D. Arendse is a good chap, he knows his onions. But he is too slow.' This younger element wants things done. They don't want to negotiate slowly for what's due them now."

David Curry, the Stellenbosch insurance salesman, is one of the "younger elements." At 39, he is now deputy leader of the party.

Curry, a seemingly prudent man who is well aware of how far the government will let nonwhites go in making public statements before tossing them in jail, emphasizes to visitors that he and other Labor Party leaders are not militant, or radical, as the terms are understood elsewhere.

"Please remember that we are against violence in any form, that we believe any change must come legally and peacefully."

But his style is more direct, and aggressive than Arendse, who came under heavy criticism in the party for agreeing to meet with Prime Minister Vorster after he had effectively overturned the Labor Party's victory in colored elections last year.

"Our weapon against apartheid is first the economy," says Curry. "We will push people up, organize our labor and buying power, and then be in a position to make our political demands.

COLORED COUNCIL

Until last year, coloreds elected four white men to represent them in the National Assembly. The government eliminated this, and set up an elected Colored Persons Representative Council that has only advisory powers on colored affairs.

The Labor Party campaigning against apartheid and backing equal rights for all South Africans, won 26 of 40 selected seats. Four parties that supported the government won a total of 14 seats.

Vorster's government then erased that working majority by appointing 20 colored apartheid supporters to the council.

One of the 20 was Tom Swartz, one of Vorster's most vocal supporters. Defeated in his own constituency by a five-to-one margin, head of a Federal Party that could win only 11 seats, Swartz became the head of the council, or, as he likes to put it, "the colored prime minister."

Even Swartz does not try to square Vorster's promises of rights for colored in their own area with the disregard for the voting totals.

"You say that it is undemocratic? I concede that it is undemocratic," Swartz said recently in his modern, well furnished office in the colored wing of a government building. "But I didn't do it. Any questions about it will have to be directed to Mr. Vorster.

THE GOVERNMENT'S MAN

"Surely no one expects the government to put its enemies in power," he continued. "They had to turn to reasonable men, and that is why we were appointed."

But even as the government's man, Swartz does not wax too enthusiastic about apartheid. He admits that right now, most coloreds oppose it.

"But this is the policy of South Africa and we have to live with it. For me, the positive aspects outweigh the negative ones right now. There are more hurts for us than goods, but in the long run, my people will develop more rapidly than they would have under so-called integration, which never did anything for us."

Swartz is a 65-year-old retired linotypist who has done well in the real estate field since the government began uprooting the colored community and resettling it out of town.

His opponents charge that government loans to coloreds are often awarded on the basis of supporting Swartz, and maintain that whites helped finance his campaign.

"The white farmers told their colored laborers that they could look for another job if they didn't vote for Swartz. And the laborers said 'yes baas,'" said M. D. Arendse, noting that almost all of Swartz's support came from rural areas. The Labor Party also charges that Swartz tried to frighten colored into voting for him by telling them they will be swamped by Africans if apartheid is ever lifted. Swartz was vague on this point when asked about it.

Coloreds do have an ambivalent attitude toward the black mass that stands below them on the social, economic and political scale. Many have reluctantly concluded that their only hope lies in identifying with the blacks, but are not terribly happy about it.

"Here around Cape Town, African is largely a word. We don't see that many of them," says a colored educator, "and the ones we do see are garbage men or farm laborers. It is a little difficult to identify your aspirations with that."

But, he continued, "we soon will have little choice left, unless, as more and more are doing, we choose to leave the country and go live in Canada or Australia. The whites here could probably still buy us off, with a better deal. But they don't seem interested." Of about 30 leaders interviewed, the majority felt that if the Africans staged a violent uprising that appeared to have any chance of success, most coloreds would join them.

Arendse was one who disagreed. "They would stay neutral. Coloreds will think a long time again before fighting for the white man. We did it in the last war, and what the hell did we get? Apartheid, and lower pensions," he said, referring to a recent case in which the government cut a wounded veteran's meager pension in half because he was reclassified from white to colored.

But few coloreds seem to think it will come to that. They view their role in any coming struggle as the nagging reminder that apartheid is incompatible with the country's desires and needs, and as an economic pressure group able to extract concessions.

John Vorster told his all white parliament last year that "our children after us will have to find a solution" to the colored problem.

"Mr. Vorster may not think so, but my children, and millions of black children will also decide the future of this country," snapped one colored leader in recent private discussion.

[From the Washington Post, July 4, 1970]

"A Place for Weeping"—Home for South Africa's Displaced Blacks

(By Jim Hoagland)

Pretoria.—Their names are Stinkwater, Limehill, and "A Place For Weeping."

In the euphemistic jargon of South African bureaucrats, they are "closer settlement areas." People who live there call them "tent towns."

In fact, they are apartheid's artifacts, barren rural slums as bad as any on this continent. A Catholic priest who has spent a year investigating them, calls these settlements "dumping grounds for Africans unneeded by the white economy."

They result from the government's increased effort to squeeze black South Africans out of "white" areas and into the "homeland" tribal reservations that have been set aside for Africans.

The blacks are supposed to find their freedoms in these reservations. There is mounting evidence that many of them find nothing but wretched poverty, disease and isolation.

The importance of these resettlement camps extends far beyond the misery of many of their residents. While the white theorists and politicans continue to argue the why of apartheid, the blacks forced into Stinkwater and Limehill have already begun to experience the how.

Tens, if not hundreds of thousands have been uprooted from their homes in urban areas, or on "black spots," and told to go build themselves new homes in remote, desolate places. South Africa has created a refugee population of its own, largely for ideological reasons.

The settlement camps that have sprung up as apartheid's compartmentalizing of races and land gains speed are often little more than collections of tents, mud huts, and shacks made out of rusted corrugated tin or planks and cardboard.

An exact number of the settlements, which are dotted around the tribal areas, is difficult to obtain. Government officials are reluctant to talk about these camps.

But they do say that the government has "helped" 80,000 Africans to move into the camps, and thousands more have found their own way.

These officials dispute assertions by government critics that perhaps 900,000 Africans have been driven from their homes by apartheid's demands.

Those pouring into the camps include a steady stream of "nonproductive" Africans ordered out of urban areas by the government. The aged, ill, widows, and women with dependent children are officially classified as "nonproductive" labor units.

The biggest proportion of Africans being resettled are people "cleared" from "black spots"—African farms, or villages, surrounded by white-owned land.

Black spots are a hangover from the 1913 and 1936 land apportionment laws which gave 87 per cent of the land to writes. The laws carved the land into a checkerboard pattern, but today apartheid demands one continuous, consolidated white nation with black tribal reservations on its flanks.

This means the pockets of African land are expropriated and the people living on them ordered into the homeland resettlement camps.

Large communities, numbering hundreds of families, have been packed into trucks and hauled away from areas they had occupied for decades, and deposited in the middle of an open field, given tents they did not know how to erect, and told to dig their own pit latrines.

This happened to 1200 people from the village of Meran in Natal province in 1968. Father Cosmas Desmond, a 34-year-old Franciscan priest who had done mission work at Meran, was there the day they were moved to the camp called Limehill.

The first arrivals sat in a bare field surrounded by their belongings, looking bewildered and utterly lost.

"That night there was a heavy rain and the tents they had been given were swamped," Father Desmond recalled.

The experience was the beginning of Father Desmond's year-long study of resettlement townships throughout South Africa. Clergymen are free to enter the black areas without having to obtain government permission.

He has just published his findings in a graphic and compelling book entitled "The Discarded People," which is strongly critical of the government.

Expecting his book to be banned. Father Desmond personally distributed the first thousand copies by driving 3,000 miles in four days.

Thus far, however, the government has ignored the book, which focuses on places like Stinkwater, where the Africans complain of a poor water supply.

The priest found about 250 families there. They had lived 10 miles from the large town of Pretoria before being shifted to Stinkwater a year before.

They had no sanitation facilities in Stinkwater. The children attended school under a tree. Most importantly, the men who had been 10 miles from work were now 35 to 40 miles away. Many could not afford the daily bus fare, and had been forced to begin living in "hostels" in Pretoria during the week and seeing their families only on weekends.

Father Desmond reports that in most resettlement areas he visited, there are no opportunities for work and the workers are being turned into migrant laborers rarely seeing their families.

In Weenan, which means "a place for weeping," he found 800 people living in makeshift shacks. An old man came up and asked him why the white man wanted to "kill" him and his children by sending them to "this place where we suffer."

Government supporters contend that this social disruption is an unfortunate but necessary consequence of a policy that will eventually help both black and white.

But thus far it appears that little is being done to provide even minimal facilities and, perhaps more important, economic opportunities for blacks in the "homelands."

Exceptions are apparent only in the more permanent townships that have been built on the border of some homeland areas.

White firms site their industries just inside the white area, and the black workers commute daily across an imaginary frontier to work. They return home at night and theoretically will enjoy rights there they can't demand in the white areas.

But economists here say the border townships are still essentially a part of the white economy, and will do little to alleviate the extreme poverty of the rural homelands which are getting poorer, not richer as the government said they would.

Because of inefficient farming methods, soil erosion has always been a serious problem in the tribal reservations. In many areas crop yields are falling while population is rocketing upwards, both from natural increases and the influx of people expelled from black spots and the cities.

Moreover, white farmers have begun to use more machinery, and it is expected that several hundred thousand Africans now living on white farms will lose their jobs over the next decade. Since they are banned from the cities, they too will have to be accommodated in the reserves.

The convergence of these forces, and the failure of the government thus far to deal with them (although it has stepped up its soil-erosion control efforts) are causing some observers in South Africa to take a new look at the desolate homelands.

"People are always watching the urban townships for signs that Africans are becoming more frustrated, ready to explode, or whatever," says a white liberal. "But their situation isn't nearly as desperate as those people living in the hopeless homelands.

"It is hard for us to imagine any trouble starting. But if it does, I think it will come off those naked, hard plains where the government insists these people must try to scratch out a living. Even peasants sometimes say, 'enough.' "

[From the Washington Post, July 5, 1970]

Black South African Leader Charts Tribe Land's Independence

(By Jim Hoagland)

Umtata, South Africa.—The enigmatic tribal chief who rules over ravine pocked plains stretching around this remote trading town relishes his role as the key figure in South Africa's advertised answer to its explosive racial problems.

"Independence must come to us," Kaizer Matanzima said with emphasis during a recent interview. "I cannot tell you when, but we have our constitution, and we have the word of the government that this is to be our nation."

Matanzima is the chief executive of the Transkei, one of South Africa's eight black nations-in-waiting. A towering man with ramrod posture and a cultivated air of regal aloofness, the chief has also made himself one of the most controversial figures in the controversy-shrouded land.

Because of his outspoken support for the white regimes apartheid policies of separate development, Matanzima has been written off by many as a government stooge.

But recent events in the Transkei have caused other observers to reappraise his role. They think Matanzima may be maneuvering to hoist the white leaders on their own petard of repeated pledges of independence and freedom for the two million Africans who live in the Transkei.

Thus far, Matanzima has been able to survive by trimming his political sails just enough to keep both sides guessing.

Matanzima has gained international importance because of the theory of separate development, which is supposed to carve out eight new black "sovereign nations" for the millions of Africans unwanted and unneeded in the future white fortress of South Africa.

These homelands, which are called Bantustans, are presently scattered across 250 separate pieces of land, which are small, and poor, with one exception. The Transkei is large and poor.

Centuries of gusting winds and heavy rains have washed deep gullies across the face of the 15,000 square miles of sparsely populated farmland here in the southeastern corner of South Africa.

Dust swirling about them, tall, lean Xhosa tribesmen ride into the quiet streets of Umtata, the "capital" of the Transkei, and hitch their horses to no parking signs. Around their shoulders, the men wear blankets decorated with symbols that bear a striking resemblance to the designs of the Navajo Indians of America's southwest.

There are only about 14,000 white residents in this area, making the "creative self-withdrawal" the white government has promised relatively painless. The idea is that the whites will move out of this "black" area, and millions of blacks will move out of the "white" area.

The low number of whites, plus the fact that the Transkei is "vaguely viable," in the words of one white apartheid supporter, has made this area the proving ground of separate development.

BARGAINING POWER

Set up in 1964, the Transkei does have governmental machinery of its own in operation, and elections have been held here. The other seven Bantustans exist only on paper, most informed South Africans concede, although the government says otherwise.

The effect of this is to give Matanzima more bargaining power with the white rulers than any other black man in South Africa. This power is extremely limited, and amounts in fact to nothing more than the power to embarrass the whites.

But it is one of the few pressure points that South Africa's disenfranchised blacks have.

"What would happen if the Transkei demanded complete independence now?" amused one white South African recently. "The government would say no, of course. But then it would have to face some of the realities about race that separate development obscures."

Labeled recently by a South African magazine as "A nationalist in no hurry to win freedom," Matanzima is a paramount chief of the Xhosa tribe, as well as leader of the Transkei's ruling political party.

Black African political parties are banned elsewhere in South Africa.

The whites, who get 87 per cent of the country under the present configuration of separate development, have delineated eight major tribes and allotted each a Bantustan. The Xhosas will theoretically develop their own social and political systems in the Transkei homeland, and will therefore have no right to complain about the system the whites have chosen.

Many observers scoff at the assertion that whites will ever turn over important powers. They assert that separate development is a placebo for world opinion, designed to give the appearance of change without changing anything.

The white administration in Pretoria refuses, for example, to give even a hint of a timetable for the promised granting of independence and retains the key powers of government.

The white South African state president is by law the Supreme Chief of all Africans, and can rule the Bantustans by decree.

"Even here, all the amenities are reserved primarily for the whites," complains Knowledge Guzana, an articulate Transkei lawyer who leads the political opposition to Matanzima. Guzana's party opposes separate development and the establishment of the Transkei.

The grandiose claims the white government makes about setting up the Bantustans so Africans can develop their own societies suffer badly from the discrimination practiced by whites in Umtata.

The mayor of Umtata, the capital of the future black republic, is white. Around the tiny city hall are parking places, toilets, a post office and restaurants reserved for whites only.

Until recently, members of Transkei's legislative assembly had no place to stay overnight, as Umtata's hotels were for whites only. The government has now built a showpiece hotel and restaurant for blacks.

SHABBY "BLACK ZONE"

There is only one cinema in town. Blacks are theoretically permitted to sit in the balcony, but few bother to go.

As the government often points out, there are more African shop owners than ever before in Umtata. What it doesn't point out is that their shops are confined to the shabby "black zone" of the town, while stores in the main street are owned and staffed by whites.

The Africans "don't complain about this," says J. H. T. Mills, whose title is Secretary to Matanzima. In fact, he is the white civil servant who runs the Transkei.

"They have complained about unequal facilities, but not about separate ones. Their legislature could change this if they wanted to," Mills said.

Matanzima considers talking about such discrimination "a waste of time. We cannot have a multiracial policy," he says without elaborating.

In theory, apartheid calls for each of the eight Bantustans to contain one of the country's eight major tribes. The ninth tribe, the whites, keep 87 per cent of the land, the cities, and most of the wealth.

The 13 per cent of the country "granted" to Africans for the Bantustans is supposed to support six to 18 million Africans by the end of the century, according to various estimates.

Because each tribe is "a nation," where Africans can vote and presumably be free from discrimination, they have no claim on rights in South Africa, the theory goes.

The Xhosas do look upon themselves as something of a nation. A traditionally proud people, they fought 14 wars against the whites before being subdued.

DESOLATE POVERTY

The Transkei is in some ways quite similar to American Indian reservations, although the white South African officials who still run much of the area's affairs do not like the comparison.

There is much desolate poverty, and little sign of real economic development that would provide jobs. And the people here seem to feel they have been shunted out of the mainstream of the country's life.

South Africa still controls the purse strings of the Transkei, since only about $8.4 million of the $33.6 million budget can be raised from local revenues.

But Mills is insistent that the Transkei is making rapid strides toward self-government. The South African government has let the Transkei set up its own departments of education, agriculture, finance, interior, and roads—"the majority of things that are of interest to the ordinary citizen."

WHITE POLICE CHIEF

The white government has refused to surrender any control of the police, defense, transportation and communications, health and, of course, foreign affairs.

The commander of the Transkei police force is a white South African police colonel named A. C. Gerardy. Beneath him are four other white officers who supervise 111 African policemen.

Gerardy was unable to give an estimate of how many of the African policemen carried arms. Apparently, almost none do. He did admit that the Transkei police force has no jurisdiction over the whites who live here, and can arrest only blacks.

There are also about 500 regular South African policemen in the Transkei, most of them white.

In another move that may be related to security, South Africa sliced out of the Transkei its natural harbor, Port St. Johns, which was declared a white area.

Mills heads a staff of about 330 white civil servants working "on loan" from the government to Matanzima. In theory, they are training Africans to take over all government jobs.

INTEGRATED PARTIES

In this respect, the Transkei experiment is doing more to damage apartheid than to further its aims. This is the only place in South Africa where there is white-black contact on anything approaching an equal level, and Mills and some members of his staff have discovered that Africans aren't all that different after all.

They discuss their African counterparts, very much as do British or French civil servants who have trained Africans to take over the colonial structures.

The Xhosa "are an up-and-coming people," says Mills. "We have very good relations with them. I'm amazed at how well the Bantu (African) civil servants can take responsibility at such early ages and do the job."

The contact extends even to a social level, which apartheid tries to restrict most of all. Mills says that the white and black government employees sometimes go to each other's Christmas parties, and he would think nothing of "dropping by" Matanzima's house "for a drink."

The Transkei experiment is falling apartheid in a much more important and fundamental way, however. In its sixth year, economic development is still almost nil.

The region cannot support the 2 million Xhosa who live there now, much less absorb the 1.5 million Xhosa that white South Africa wants to send back. More than 100,000 Transkei men have to go hundreds of miles to work in gold mines, and return home to see their families only periodically.

POPULATION GROWTH

Even with their salaries added in, the per-capita income in the Transkei is only about $30 a year. And the government's efforts to encourage farming, building of industries and commerce do not appear to be even keeping pace with the rapid population growth among the Xhosa, who are expected to number 7 million by the end of the century.

Some critics say that the whites are not really interested in developing the economy in the Bantustans.

"The Transkei experiment is nothing but a sop for world opinion," says Knowledge Guzana. "The whites honestly believe they can silence criticism by setting up these fictitious states."

Matanzima's party, which has apparently received indirect help from the white government, has beaten Guzana's party in the two elections for the Transkei's legislative assembly, composed of 64 chiefs and 45 elected members.

As a chief, Matanzima is one of those who benefits most from the system. The white government encourages tribalism, appointing and paying chiefs, letting them establish their own courts and prisons (a full prison is often a status symbol in village life) and giving them complete and dictatorial powers over their subjects.

The chief also benefits in other ways. Matanzania is a member of a private corporation that has been set up to run hotels and liquor stores that are to be taken over from whites.

But there is still a lingering suspicion among some observers here that this haughty man, who is said by some to harbor an intense but unspoken hatred of whites, may be playing a larger game.

Some of his actions clearly take the white government by surprise. Several years ago, when the whites pressed him to drop English as an official language in the schools, he refused, pointing out that Xhosa was hardly a world language a sovereign state could use. (The X represents a clicking sound on which the Xhosa language is based.)

A few months ago, Matanzima juggled his cabinet so he could name 50-year-old Curnick Ndamse education minister. Just five years ago, Ndamse, who was educated in the United States, was put under severe political and personal restrictions for criticizing the white government's education policies.

There are a few people in the cabinet, including Ndamse, who apparently want Matanzima to press the white government to give the Transkei more powers, and soon. It is still unclear how much influence they have.

One of these privately admits that they may accomplish nothing more than forcing the white leaders "to prove that separate development is a sham. But even if that is the way it works out, it will be worth doing."

[From the Washington Post, July 10, 1970]

WHITE SOUTH AFRICA'S SECURITY NETWORK TERRORIZES FOES

(By Jim Hoagland)

DURBAN, SOUTH AFRICA.—Despite the softer image South Africa is trying to project to the outside world, this country's ponderous security machine continues to terrorize dissidents and crush potential revoluntionaries.

Its armed forces, equipped with the most sophisticated weapons and expecting to be able soon to purchase more from Great Britain will be more than a match for any threat black Africa can pose for a long time to come.

Internally, a vast security network operates against blacks and whites, liberals and ultraconservatives, and even ensnares American diplomats stationed here.

With a vast array of vaguely worded laws at their disposal, the police do not have to jail all dissidents. They can force some into exile. They harrass and intimidate others into silence. The system is both blatant and subtle. Most of all, it is feared.

Because the government can detain anyone indefinitely, without giving a reason or letting the prisoner see a lawyer, no one can be certain how widely the security net has been cast.

But it does seem clear that thousands of people have been arrested under the security laws over the past decade, including some who have been convicted and sentenced to life for sabotage.

A CAUSE CELEBRE

Among those in jail are 19 African men and women who become something of a cause celebre, even though this society is accustomed to arbitrary detention.

There were originally 22 involved in this case, but after widespread protests by white university students, the government released three of the Africans on June 18 and promised to bring the others to trial in August after holding them for months without charges.

They were brought to trial in February, eight months after they were first charged with belonging to an outlawed African political party and plotting sabotage, then the government said in court it was dropping all charges. The Supreme Court justice hearing the case acquitted the 22.

Before the surprised prisoners could leave the courtroom they were rearrested "for further investigation" of unspecified charges. This was done under the Terrorism Act, which gives a ranking police officer power to arrest and hold a suspected terrorist indefinitely, without going before a magistrate.

"It was unbelievable," said one man who was in the court. "The police have never been so openly arrogant and contemptuous of the law."

"They came right into the Supreme Court with police dogs. They were going to demonstrate to everybody who was boss," he added.

"Before, in South Africa, acquittal meant acquittal," snapped a white lawyer. "Now nobody can be sure what it means."

Lawyers for the 22 have placed in the court records sworn statements from their clients that describe how they were allegedly beaten and tortured by police during the past year, most of which has been spent in solitary confinement.

The police reject these allegations.

In any event, Africans held under security laws do seem to develop some strange, and often fatal, habits in prison.

FATAL BAR OF SOAP

They slip on bars of soap, as Solomon Modipane did just before he died of "natural causes" last year. Nicodimus Kgoathe also slipped in the shower room during a bathing break his interrogators gave him. He died too.

Others take to falling down stairs, or hanging themselves with belts. James Lencoe did so last year, even though his wife said he owned only one belt, and he left that behind when police dragged him from his house in the middle of the night.

Her lawyer, Joel Carlson, arranged a postmortem of the body that produced strong evidence that Lencoe received an electric shock on the day he died.

The government recently furnished a partial list of those who had died while being detained without trial. It included the statement that "an unknown man died on an unknown date of cause unknown."

"Some day, some society will erect a monument to that unknown man," says Carlson, liberal white lawyer who has undertaken many cases involving Africans accused of breaching security. Carlson knows of 14 cases in which people being held without trial have died.

NO POLICE STATE

More grisly details could be added. Yet, in some very important respects, South Africa does not fit the popular image of a police state.

This is much more true for the 14 million whites, dominated by the Teutonic Afrikaans-speaking group, than for the 16 million nonwhites.

It is unthinkable, for example, that South Africa would react as Nigeria reportedly did recently in jailing four radio network officials and a Ministry of Information employee because of a radio play that displeased the government.

What makes it unthinkable is that these officials would be white in South Africa. If a group of blacks put on dramas that displeased officialdom, it is not only thinkable but almost certain that they would be jailed, dissidents here say.

There is a parliamentary opposition in South Africa, and the English-language press consistently and vigorously attacks the government.

The government replies to both with scorn. Some supporters of the opposition press and parties think that they are allowed to function because they are so ineffectual and help give an appearance of dissent.

Moreover, the Afrikaner legislators have a passion for "legitimizing" things by writing them down. They want laws on the books to justify what they are doing.

Since they completely control parliament they can write any laws they want. In 1967, they passed a law that enabled the police to arrest 37 people for acts committed in 1962.

Robert Sobukwe, head of the banned Pan African Congress, was due to get out of jail in 1963 after serving a three-year sentence for leading passive resistance campaigns. But just before his sentence expired, Parliament passed a law which did nothing more than keep Sobukwe in prison for another year.

Parliament enacted the same law every year for five consecutive years, until Sobukwe was finally released last year.

A 46-year-old former university lecturer, tennis singles champion and brother of an Anglican bishop, Sobukwe is the closest thing to a black South African leader that exists today.

The government placed a whole new set of restrictions on him after his release, including a 12-hour daily house arrest, and exile from the urban area around Johannesburg.

The government has also refused to allow Sobukwe to leave the country to accept a fellowship at the University of Wisconsin. He was willing to sign away his rights to reenter South Africa, but the government continues to view his as a serious threat, even living outside South Africa.

Sobukwe was at the forefront of the passive resistance campaign that African nationalists undertook in the 1950s.

Their hopes for changes in the government's harsh segregation practices were erased at Sharpeville in 1960, when panicky South African policemen shot down 60 Africans protesting apartheid.

"Oddly, the Africans then lost faith in eloquence, and in the supposed sweet reason of the white man," says a white South African university professor named Julius Lewin.

Working with white sympathizers—including a few members of the Communist Party—some African nationalists turned to sabotage.

Their efforts were ineffectual, and clumsy. One man tested his homemade bombs by setting them off in his backyard on quiet Sunday afternoons. He was arrested before he planted one.

But a few bomb attempts gave the police enough leverage to initiate wholesale arrests of political dissidents, and provided the impetus for the security apparatus that seems to intrude into the life of all South Africans a little more each year.

"We have two informers in every organization in South Africa," said a Special Branch policeman proudly. "One is paid for his information. The other is a patriot. And they don't know each other." The very existence of this widespread intelligence gathering system is one of the strongest weapons the police have in silencing dissenters. The Security Branch reinforces the impression of omnipresence by boasting a little about how much it does know.

In 1967, the security police discreetly let the U.S. Embassy know that they were displeased with a young American diplomat who had established contacts with liberal student organizations.

At a hurriedly called conference in the Embassy, three senior American officials agreed that the young diplomat should be pulled out of the country immediately.

Within two hours of the conference, the security police dismayed the Embassy anew, signaling that it approved of the decision—which was still a secret within the Embassy itself. American officials are now very careful what they say, even in their own offices.

Dr. Albert Hertzog, former Minister of Post and Telegraph who led an ultra-rightist faction in this year's election, now says that his phones are tapped. This brings a wry smile from those liberals who are convinced Dr. Hertzog was involved in the tapping of their phones.

One security police lieutenant, P. J. Rudolph, said he quit the force and joined Hertzog's movement because "there were more investigations into people to the right of the government than into Communists."

If the government is unable, with all its resources, to collect enough information to jail apartheid foes, it can make life miserable for them in a number of other ways.

A cab driver who has antagonized the government finds himself restricted for five years to one small area around his home. This puts him out of business. Another man was placed under 24-hour house arrest. Passports are refused to dissidents, including the country's greatest writer, Alan Paton.

Perhaps most importantly, teachers suddenly find that they are banned from entering schools. "The government has done very well in eliminating teachers who endorse the 'dangerous position' that all men are equal," says Professor Lewin, who has moved to London. It is illegal for whites to teach Africans without a permit, as Lewin discovered when he was visited by police after volunteering to teach some black youths to read.

POLICE VISITS

The police do not even have to resort to this whole panopoly of loosely written laws, and the devices like "bannings," "listings" and "banishments." Often a visit will accomplish what seems to be their primary purpose—enforcement not of laws, but of the government's political code.

The Security Branch also visit Africans who are seen in the company of whites. "You can invite Africans to your house," says one white liberal. "It is legal. But I don't do it any more. It just gets them in trouble."

Behind the cutting edge of the police force stands a formidable military machine that has completely rebuffed spasmodic attempts by poorly organized and equipped guerrilla forces to the north to penetrate South African territory.

The decision by Britain's new Conservative government to reconsider the Labor regime's ban on arms sales to South Africa is a considerable morale booster for the South Africans.

But even if the Tories rescind the 1964 ban, it will not greatly change the current situation. The French, and other suppliers, have eagerly sold their latest jets, helicopters and other equipment to the South Africans, who are rapidly developing their own armaments industries.

Presently, its 14,000-man armed forces possess more than 100 heavy tanks, another 100 medium tanks, two destroyers, 124 jet bombers and perhaps 100 jet fighters.

HEAVY FIST

If the puny thrusts that black nationalism has made thus far produces this kind of heavy-fist treatment from the police and army, what would a really serious attempt to rebel bring?

Many South African blacks think they know the answer.

Soweto, the sprawling housing compound 15 miles outside Johannesburg, is home for 600,000 Africans. It is located on an open plain.

On one side sits a South African air force base. Two other military installations are within minutes of Soweto.

"People on the outside ask why we don't revolt," says David Curry, a political leader of the Colored population that is placed on the "nonwhite" side of the color line.

"The white man has all the tanks, the jets, the guns. We don't have anything. In a revolt the blood that would be shed would be the blood of the nonwhites. It is that simple."

[From the Washington Post, July 12, 1970]

South Africa's Censor: "Sex Wave Not for Us"

(By Jim Hoagland)

Cape Town.—"The sweet moan" is the biggest threat facing South Africa, according to J. J. Kruger. The permissive society, not black revolt, worries the country's censor.

"This sex wave that is engulfing the rest of Western civilization is not for us," Kruger said during an interview recently. "We are a religious people, and conservative. The people don't want the sweet moan of pornography."

Kruger talks and looks more like a close friend's grandfather than the censor for one of the world's most ostracized regimes. At 62, he is cordial, even charming in discussion with a visitor, and his frequent anecdotes reveal his extensive education and travel.

Shrewd rather than stern, Kruger occupies a position of real power in South Africa, where morale and the will to dominate must be sustained if the four million whites are to keep control over the country's 16 million nonwhites.

IMMORALITY AND ATHEISM

Prime Minister John Vorster in his first speech after the recent national elections singled out "the permissive society" for special condemnation, and warned that immorality and atheism would destroy Western civilization.

Kruger, who heads South Africa's Publications Control Board, is the government's spearhead in the drive to keep South Africa white by keeping it clean. From one chair, he has to guard all the ideological, religious and political boundaries that his countrymen must not cross.

Last year, Kruger and the nine other board members decided that South Africans could not read 622 books, magazines and pamphlets (ranging from Playboy to Karl Marx), nor see 46 films, nor listen to phonograph records like the cast album for "Hair."

The board also banned black South Africans from seeing more than 100 films that were passed for whites. The censors cleared expensive hardback editions of some books on sex or politics, but banned the cheap paperback editions that might have been within the price range of Africans.

"DELUGE OF FILTH"

These figures are sizable increases over past years. Although South Africa's standards seem to have become more sophisticated, Kruger is kept busier than ever by what he calls "the deluge of filth from other countries."

Disturbing internal trends also confront Kruger, who, like every other important official here, is a member of the Afrikaners, the white group that runs the country.

Some young writers belonging to this closely knit, conformist group have begun to offend their puritanical elders with books that deal more frankly with sex and race, and hint at political disenchantment with apartheid.

No Afrikaner author has ever had his work included in the more than 10,000 publications that have been banned in South Africa. Kruger is obviously reluctant to cast out one of his own, but there is an artistic revolt brewing that eventually may force him to act.

Kruger is testily defensive about his role in thought control here. "This is not censorship," he said. "It is control. Censorship is arbitrary and final, while everything we do is subject to appeal."

"It is poppycock to say we are stifling things or isolating ourselves by keeping this stuff out . . . On films, for example, we go to a lot of trouble to view them, and then re-edit them to make it possible for them to be shown."

Frequently relighting a pipe that kept going out, Kruger cheerfully abandoned screening a copy of a French magazine that had just arrived to talk to a visitor in his office. From the wall stared a framed picture of Gen. Christiaan de Wet, a Boer war hero to whom Kruger is related. The censor also modestly admits to "a humble relationship" to Paul Kruger, the Afrikaners' George Washington.

Set up in 1963 Kruger's Publications Control Board has the right to ban any publication (except newspapers, which exercise self censorship) phonograph record or "object," if anyone complains to the board.

The board must also view every film that is to be shown in the country, and either clear or reject it. With the increasing frankness of movies—and sexy movies appear to be popular with the South African public as the rest of the world—this is becoming the board's toughest job.

It took seven sessions for example, for the board to clear "The Wild Bunch", after chopping out major chunks of the violent western.

"Bonnie and Clyde," another film of stylized bloodiness, has been banned completely. So has "Easy Rider," although Kruger is not sure why. And "Belle de Jour," (two-thirds of that takes place in a brothel," Kruger sniffed. We weren't about to pass it."

Sex is the number one problem with films that need cuts or banishment, Kruger said, with violence a close second. The other main taboo is "objectionable intermingling of the races."

NO "SOCIAL INTEGRATION"

"Social integration is not allowed here, and it cannot be allowed in films," said Kruger, who has banned Sidney Poitier's "Guess Who's Coming to Dinner" and "In the Heat of the Night."

The board can restrict films to certain kinds of audiences. "Helga," a Scandinavian film which presents a clinical view of sex, is restricted to white females over 21. "Medium Cool," which was cut heavily, can be see only by whites over 18.

"The Graduate" made it into South Africa after two years of rejection, but it has been subjected to many cuts. In the version that is now drawing record crowds to South African cinemas, Dustin Hoffman is not even allowed his incredulous, "Mrs. Robinson, you're trying to seduce me."

Entire categories of films are put off limits for Africans, who are called Bantu in South Africa. "Some films of violence, like these Italian westerns, would be dangerous to show to the Bantu," Kruger said. He didn't say dangerous to whom.

"Why don't they make more films like "True Grit" Kruger wanted to know. "That was a splendid film, and we could pass it right away. Rolling Grass, and a good fellow like John Wayne.

THOUGHT CONTROL

Using race as a criterion is one of the distinctive aspects of South African censorship. In other ways, thought control as it is attempted here resembles the practices of independent black countries to the north, which are also worried about alien influences.

But, perhaps because it lacks the resources, black Africa has not mounted anything approaching the systematic, sweeping purge of nonconformist literature and films that South Africans have undertaken.

Books mentioning revolt, socialism or black in their titles are not likely to make it here. Virtually every important African thinker has been banned. So has Steinbeck's "The Wayward Bus"; Roth's "Portnoy's Complaint"; Sartre's "Age of Reason"; a book called "Gene Autry and Champion"; and thousands of others.

NO NABOKOV OR SHOLOKHOV

Mona de Beer, a South African who researched censorship of books here, figures that any author whose name ends in "ov" is in trouble. She counted twelve authors banned, including Alivmov, Nabokov, Sholokhov, and the government's spelling of "Khrushcheov".

Despite Kruger's assertion that the right of appeal keeps the board from operating as a censor, few of the board's decisions are appealed. For publications, time-consuming and expensive appeals must go through the Supreme Court. For films, the only avenue of appeal is to the Minister of the Interior—who appoints the board's members. Kruger himself estimates that 99 per cent of the board's decisions are upheld.

Kruger has tried to add some sophistication to the board's often Pavlovian banning. "Candide," for example, was rescued from the banned list, after somebody looked behind the title, as was Anna Sewell's "Black Beauty."

Some titles are not so lucky, however. When the board discovered that the banned "Bed Bait," by Robert Devlin was actually entitled "Red Bait," it decided the ban applied anyway. Or perhaps more so.

The slightly madcap air to some of South Africa's censorship does not obscure the severely inhibiting impact it has on South African society.

Serious writers like Nadine Gordiner and Athol Fugard two white South Africans, see their work banned in their own country. Young writers find publishers reluctant to take chances on anything that may be controversial, and printers, fearing prosecution, often refuse to produce books that are critical of the government's race policies.

"THE SIXTIES"

Andre Brink, a novelist and professor of literature, asserts that one of his books was accepted by a publisher on literary merit, and then returned after the publisher's lawyers read the manuscript.

Brink is a young Afrikaner who belongs to "Die Sestigers." The Afrikaans term means "The Sixtiers," and applies to writers who tried to write realistically about the last decade and its impact on Afrikaners, who are descendants of the Teutonic settlers who came to South Africa three centuries ago.

Afrikaners make un 60 per cent of the white population and completely run the country.

"The work of the Sixtiers may be tame by outside standards, but it is a remarkable departure for Afrikaans literature," says Tertius Mybergh, an Afrikaner editor who has followed the movement closely. "From a superpatriotic, Russian-like glorifying of the past and Calvinistic virtues, we have come now to books where the characters copulate and use four letter words."

Brink, however, terms the Sixtiers movement "a safe revolt. It knows how far it can go. It attacks religious and moral taboos because they are not so vital to the Afrikaner mind as political taboos . . ."

Kruger was perhaps the inevitable man to become South Africa's chief censor. Born in Bloomfontein, the spiritual home of Afrikanerdom, he succeeded Hendrik Verwoerd as editor of Die Transvaler newspaper when Verwoerd became South Africa's Prime Minister.

His religious credentials are as solid and orthodox as his political ones. He is a devout member of the Dutch Reformed Church.

But he is not upset by some of the surface trends of young people in South Africa, especially among young English-speaking whites. He sees miniskirts, longer hair for boys, and some use of marijuana as passing fads.

"Only about 3 per cent of our youth is affected by such things," he said confidently. "But 97 per cent is as sound as gold. Inwardly, there is nothing wrong with them, and we know we can count on them in the future.

"But I don't know about the rest of the world. I wish they would remember that sex is as old as Adam and stop all this dirty stuff."

[From the Washington Post, July 12, 1970]

SOME UNFILTERED VOICES OF SOUTH AFRICA

(By Jim Hoagland)

JOHANNESBURG.—Despite, or perhaps because of, the abnormal pressures under which they live, South Africans often lavish hospitality and good company on visitors.

Conversation is one of their most developed arts. Caught in the vortex of the world's most heated argument over race relations and ideology, white South Africans are accustomed to speaking out forcefully, and often.

Their black countrymen speak much more softly and more carefully, but with a desperate irony that captures the imagination of those who listen.

There are also technological and intellectual stimuli at work. South Africa is the only industrialized country in the world to refuse to have television. Movies and literature are hamstrung by censorship. And South Africans seem to have an instinctive love for language and sounds.

In short, South Africa is in some ways an ideal workshop for a journalist. The people turn pithy and colorful phrases that make good quotes. At the same time, however, there is much that is tiresome in all the talking.

The political and social battlefronts have long since crystallized and remain static. There is little communication in all the verbiage, and automatic answers have been sorted out for the automatic questions that visitors bring.

"And then you will ask, 'When does the revolution come?,'" said one liberal South African white at the beginning of a discussion. I had not intended to ask him that, since if he knew (he didn't), he most assuredly was not going to tell a complete stranger.

This kind of programing, plus the complete refusal of important government officials to be interviewed by visiting journalists who are not certified as sympathetic, provides a one-color backdrop against which the moments of conversational truth sparkle and blaze. When they come, there is often a perceptible pause in the conversation as host and visitor circle around a patch of light in the shadows of rhetoric and theory.

The following is a six-week sampling of some of the voices of South Africa:

"We live in a dissatisfied country, an unhappy country, a violent and tragically splintered country. But basically we all belong here, and nowhere else."—Andre P. Brink, a white author.

"It's a good thing he didn't make love to her. He could have got seven years in jail for that."—A journalist, musing over a report of a seven-day jail sentence for a white man who brutally assaulted a mulatto woman. Interracial sex is outlawed in South Africa.

"What has happened to the detainees?"—A young man asked Prime Minister John Vorster at a political rally about 22 Africans being held in prison without charges.

"I take it they are being detained. Next question," said the Prime Minister.

"What is our houseboy's name? Why, his name is James. We always call our houseboys James."—A white South African housewife to a visiting Catholic priest.

"If I could have some kind of guarantee that my job and position here would be safe, then I wouldn't mind giving Africans political rights. But nobody's been able to come up with a guarantee, and that is why we don't fight too hard for change."—A white South African professional man, considered by his associates as quite liberal on race.

"Remember one thing. The harder you bounce a ball, the higher it bounces."—An African.

'We think it would be highly irresponsible to work toward an integrated society after what we've seen happen in the United States. Is that an example of an integrated society? . . . Anyway, if segregation doesn't work, then we can always try integration. But if integration doesn't work, then you can't go back to segregation. It's impossible."—The Rev. Willem Landman, chief spokesman for the Dutch Reform Church of South Africa.

"You know what we do when we want a new car and need some money to pay for it? It's easy. We pick out two friends and sell them to the police."—An African, cynically discussing the effectiveness of the police informer system in African townships.

"The relationship between the government and my newspaper is summed up by the answer an Irish woman gave to a judge who asked her if she had ever thought of divorcing her husband, who had been arrested for beating her. 'Divorce, never. Murder, quite often.'"—Piet Cillie, editor of Die Burger, which supports and is dependent on the government, but occasionally acts as a gadfly to ultraconservative policies.

"Do you want to stay in Johannesburg?"—Question put to an African who has been ordered to go to his tribal "homeland," which he has never seen and where there is no work for him.

"I can't stay here."

"But if you could stay here, would you want to?"

"I can't stay here. The government says I can't. If the white man says this is this, then that is that."

"Isn't it overburdening this little country to expect it to solve a racial problem that has stymied the rest of the world?"—Tertius Mybergh, assistant editor of the Durban Daily News.

"Change will come to South Africa. I know it has to. Now, you take my house boy, Jackson. Three years ago, Jackson had just come out of the bush. Now he speaks English, wants to buy things and get ahead. Jackson will never go back to the bush. That's how Africans will get change here."—An American diplomat in South Africa.

South African whites "are a wholesome people, scared, proud and wanting to be good. If only a catalyst can be found to bring mutual trust into this country, it would be a marvelous place."—Ashley Lazarus, white South African film maker.

"I'm not sure if they bar whites from going into African townships at night because they don't want us to see what's going on, or because they're afraid we'll get killed."—A white journalist.

"So I asked him what he would do if he were a white liberal like myself. And he just smiled and said, 'Get out of the country. You'll be caught in the middle.'"—A white, describing a conversation with a responsible black South African.

"The sports boycott really hurts South Africans. We love to be able to say, 'You can vote against us all you want at the United Nations, and say we're terrible. But Gary Player still brings home the check from Augusta."—Colin Eglin, a leader of the liberal Progressive Party.

"They just locked us up and wouldn't let us have a lawyer. They must let us have a

lawyer."—One of the 357 white students arrested in May for protesting against the continued detention without charges of 22 Africans.

"No, they must not. That is part of what you are protesting. They can do anything they want to you."—Father Cosmas Desmond, a Catholic priest arrested for marching with the students.

"If you're not interested in making an issue out of this [a projected visit to an African township outside Johannesburg], we can probably help you. But I do hope you won't make an issue of it."—An official of The South Africa Foundation, formed to present the positive side of the country's story to visitors.

"We can help your client, possibly as long as you do not make an issue out of this case."—Government letter to a lawyer fighting the expulsion of an African from the Johannesburg area.

"Be kind to us, boy. Maybe we haven't got all the answers, but we've got one hell of a problem that nobody else has got. Be kind to us, boy."—A white South African civil servant, late at night at a party. His comment is voiced again and again by whites throughout the country.

"I went to see a documentary film yesterday about a big dam they will build on the Orange River to bring new industries to that area. They showed a white shoemaker working beside an African. The narrator said,

'Pretty soon, old Peter here won't be doing this kind of work.' He didn't mention the African. And then they showed a beautiful horse, being led by an African groom. And the narrator talked and talked about the horse, but never mentioned the groom.

"And throughout the picture, you see Africans, because they couldn't shut them out of the pictures. But there is not one mention of an African or a nonwhite in that film. We don't exist for them. This evokes an emotional reaction, where you do not see yourself as part of the country. You feel like you are always a stranger, even though you were born right here in Durban. They will keep you from belonging."—Fatima Meer, a South African sociologist of Indian descent. Indians are classified as nonwhites in South Africa.

"An African woman we knew was arrested five times during two years because she didn't have her passbook. She couldn't get it because the government claimed she wasn't born here, although she swore she was. Finally, after two years, she was able to prove she had a right to live in the city, and they gave her a passbook. And do you know what the first thing this 'dangerous agitator against white society' did? She went down to the magistrate and her jailers to show them with pride that she had her passbook. She had been approved by the bureaucracy that almost crushed her."—A white businessman.

A white university student group "resolved that contact should not be established with Colored [mulatto] people themselves, but with the [government's] Department of Colored Affairs. Otherwise, a precedent would be established that could be exploited by 'liberal elements.' Through the department, and books, members could gain all the knowledge they needed about the Colored people, it was stated."—South African Institute of Race Relations survey.

"It was not the fact of black rule, but of too sudden black rule, that caused collapses such as in the Congo. The greatest danger facing South Africa is that by failing to plan for integration, we are storing up for the future a day when it will come too suddenly, with too little preparation and too much racial bitterness."—Allister Sparks, foreign editor of The Rand Daily Mail.

"I want you to know that we laughed because we thought we ought to. If we'd started to cry, we wouldn't have been able to stop." A mulatto woman to white playwright Athol Fugard after seeing his "Boesman and Lena," a caustic satire on South African race relations.

[From the Washington Post, July 13, 1970]

"DANGEROUS LUXURY" HAS BENEFITS FOR REGIME: SOUTH AFRICA MOVES TOWARD TELEVISION, BUT FEARS ITS MORAL AND RACIAL IMPACT

(By Jim Hoagland)

JOHANNESBURG.—How does it feel to be a television tycoon in the only industrialized country in the world without television?

"Great," saws bushily bearded Keith Watson as he stands beneath the huge "Budget TV" sign that crowns his shop in downtown Johannesburg. "I'm getting in on the ground floor and going up with the market."

The confident Watson is one of many who are betting their bankrolls that South Africa will soon accept television. For a decade, the tube has been banned here because of its potential impact on the morals and politics of this white supremacist country.

The government, which is awaiting a report from an official 12-man commission on television, is expected to give a reluctant go-ahead to TV within the next few months.

Financing a television system has never been a real problem for Africa's richest country, where the ruling four million whites enjoy a standard of living second perhaps only to the United States. Manufacturers are gearing up to produce sets here, and retailers like Watson are jockeying for position.

Public demand has grown steadily, as poorer black countries to the north have installed their own systems and been able to enjoy or hiss Lucy, Maxwell Smart, the Forsythe Saga, and other American and English retreads.

But for a government suspicious of outside influences that could intensify the deep division of South African society, television has been viewed as a dangerous luxury. The problems the commission is wrestling with include:

Religion. Leaders of the powerful and quasi-puritanical Dutch Reformed Church fear the "corrupting" influence of television and other artifacts of the "permissive society."

As a concession to the church, the government which is composed almost entirely of Dutch Reformed members, may keep television off the air on Sundays, just as films and all other entertainment are banned on the sabbath.

Language. The Afrikaners, who make up 60 per cent of the white population and completely control the government, worry that television will dilute their closely knit culture, which they see as providing the strength that enables the white minority to dominate 16 million nonwhites.

Descendents of Dutch, German, and French Huguenot settlers who came to South Africa 300 years ago, the Afrikaners insist that half the programs will be in their language, Afrikaans, or there will be no television at all, although most Afrikaners speak English. Duplicate productions and dubbing American and English programs will add greatly to the cost of television here.

Race relations and politics. Although these factors are not mentioned in the commission's extensive terms of reference, they are perhaps the crucial ones for South Africa's white leaders.

"It will give the African ideas," says one white laborer. "He will see how the white man lives, and he will want that. It is dangerous."

Not all the concern comes from the right, however. Citing the heavy doses of propaganda the government-controlled radio network already dishes out, a white liberal said recently:

"It is going to be much worse with television. People just won't hear the sneer in the announcer's voice as he says 'liberal' or 'African.' They'll see his expression, too."

The government does seem to be realizing that a state-controlled television system may be more of an advantage than it had thought.

"Television would be a tremendous media to drive home to our people what we are accomplishing for South Africa," said one of the more conservative members of the cabinet in a recent interview. He insisted on not being named.

"Right now, only a few people know how well separate development is working. It is not a story that can be told, even by our (the government's) press. But pictures could do it," he added.

In any event, television would be subjected to the same rigorous censorship now applied to films, books and magazines.

Even with immediate approval, it will take about two years for a television system to be operational here.

But Keith Watson, and other businessmen aren't waiting. Watson already has plans to convert the basement of his store, which now stocks hi-fi equipment and other appliances, into a viewing lounge for customers.

"Television is just going to explode here," says Watson, an Englishman who helped introduce television retailing in Kenya in the mid 1960s. "I made a lot of money there in two years, and I'm going to do the same thing here."

He thinks the first sets to go on the market will be 17- to 19-inch, black and white models that will sell for $200 to $250. He has tried to interest American firms in manufacturing sets here, or shipping them in.

"But they just fall down laughing when I talk about an order of 500 sets. Sure, that's a small market by American standards, but it's going to be a lucrative one."

[From the Washington Post, July 14, 1970]

SOUTH AFRICA'S CRUSHING BURDEN

(By Jim Hoagland)

"The problem of the Twentieth Century is the problem of the color line."—W. E. B. Du Bois, 1900.

STELLENBOSCH, SOUTH AFRICA.—The co-ed smoothed her skirt, which hovered a modest inch above the knee, and smiled confidently when asked if there was student unrest here.

"No. We know that we cannot afford to be irresponsible. If we want to continue to survive, we must have discipline and authority."

In many ways, the youth of South Africa is moving into tomorrow occupying the positions their parents have staked out for today. Peaceful change may be as elusive for the next generation as it has proven for the one now in power.

And, as one of the keenest students of South African affairs, Prof. Julius Lewin has noted, "there is no revolution around the corner.

"In South Africa today, most people do still behave as if they felt that, with all its weaknesses, the country were a going concern. Only a small minority think otherwise, and even their actions commonly belie their fears."

In short, it appears that for the immediate future, white South Africans will continue to prove that an unjust society can be a workable one. But there is also the long-term chance that this white minority is constructing a grim, self-fulfilling prophecy of a bloody and chaotic black takeover that will devastate this rich country.

STILL TIME

Neither prospect is as immutable as outsiders often proclaim. Revolt is usually unforeseen. More importantly, there is still time to turn the central proposition around—to make the workable society a just one. But there may not be the creative leadership, and national will, required to bring this about.

White South Africans are among the most judged people in the world. They invite judgment by their hostile insistence to outsiders that they have the answer to the racial problem, and that nobody else—especially America—does.

But the judgments, whether from friend or enemy of apartheid, are too often colored by the outsiders' own reason and problems, and too often show too little understanding of the complex South African situation.

Defining the problem is the first, and perhaps crucial consideration.

WHITE DOMINATION

The actions, if not always the words, of the autocratic white rules make it clear that they consider the problem to be preserving white domination and protecting the interests of the 4 million-member white minority group that has its roots here and has done much to develop the country. They are willing to use efficient, ruthless and degrading methods to accomplish this.

For many others, it boils down to turning the country over to the 16 million Africans and other non-whites. As a black majority on a black continent, they must dominate the whites, this view holds, by violence if necessary.

Between the two extremes lies the largely neglected and much more difficult, question of offering an equitable sharing of economic, political and social rights to whites and blacks without doing serious damage to either group.

Perhaps, as the white leaders intimate, it is not possible because of the vast disparities between the two groups. Perhaps, as blacks often contend, it would perpetuate much of the injustice that now exists.

But the distressing thing about South Africa today is that too few people seem willing even to address this center position realistically and grapple with the hard choices it presents.

JUSTIFICATION OF APARTHEID

The white regime justifies its apartheid solution of taking 87 per cent of the land and shutting out Africans not ony as necessary for white survival, but also as just and in the interest of the powerless Africans, who have nothing to say about the arrangement. This contention is fantasy, as white author Alan Paton has labeled it.

If South Africa's leaders persist in using this fiction to ignore their country's staggering problems, they can hardly expect the rest of the world to look realistically at their largely justifiable claims that there is much in white South African society worth preserving.

By continuing to ignore or to distort cases like that of independent Kenya, where the rights of whites have been scrupulously protected, and by pretending that the Congo of 1970 is the same as it was in 1960, the white leaders of South Africa and their foreign allies will block one of the most powerful forces for peaceful changes in South Africa.

DU BOIS' PREDICTION

This is not to say that black Africa to the north is, or will shortly be, free from upset and chaos. And it is not to minimize the major problems and potential disruption that will arise from trying to bring a largely uneducated black mass into sophisticated economic and political systems.

It is to say that South African whites cannot have it both ways. They cannot boast of the more than 2,000 college-educated Africans in the country, and then say that Africans are not qualified to be a part of the nation's mainstream. They cannot continue to ignore the fact that W. E. B. DuBois' prediction has, for better or worse, largely come true, and refuse to accept the dangerous implications of their actions.

"Tyrannies based on race" may or may not be more evil than other tyrannies," former British Foreign Secretary Michael Stewart once observed, but "at the present time in the history of the world, they are infinitely more dangerous."

Many white South Africans will undoubtedly find such conclusions coming from an outsider presumptuous. Many of us probably would, if we were in their place.

Generalizations are always unsatisfactory, and dangerous. But they do seem to be a little more justified here in the land of racial stereotyping and neat compartmentalization than perhaps in other places.

The people are a strange mixture of paternal generosity and empathy, smugness and insecurity. This beautiful land is Eden after the fall, but before the expulsion.

The overwhelming impression left on this visitor is melancholy, despite the exuberance of the people. There is in both black and white a Faulknerian sense of despair at being saddled with this crushing burden in an otherwise Eysian setting.

For all they have done to him personally, and more importantly to his ideas, the white rulers have been unable to erase these words written by the country's greatest author, Alan Paton, and spoken by a black character to a white in his play "Sponono":

"You are, whether you like it or not, your brother's keeper . . . We are bound together, for better or for worse."

WALK FOR DEVELOPMENT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, last week we witnessed great numbers of young people flowing through Washington like a river that had leaped its banks. Their course was directionless and destructive.

This past weekend we saw quite a different outpouring of youngsters all over the country, coursing down streets and roads and fields and paths. They had a purpose and a goal and it was just the opposite of destruction.

Thousands of them turned out for something called "Walk for Development" which was sponsored by the American Freedom From Hunger Foundation for the purpose of arousing "public awareness of the causes and extent of hunger, malnutrition, and poverty within the Nation and the world, and—encouraging—the American people to become personally involved in solving those problems."

Each youngster obtained a sponsor or sponsors who agreed to pay so much a mile for each mile walked. So the further the marchers went, the more money they raised for hunger programs.

This gave outlet to the natural energy of the young people and it also allowed them to become constructively involved in meeting and solving a nagging world and national problem.

Several such marches took place in the congressional district which I have the honor to represent, and they were enormous successes.

I salute and commend these Massachusetts youngsters and the young marchers throughout the Nation. They have done credit to themselves and to the country.

They marched to a very different drummer.

McGOVERN FOR PRESIDENT

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. ABOUREZK. Mr. Speaker, I am pleased to be able to share with my colleagues the following article which appeared recently in the New York Times Magazine. It follows:

[From the New York Times Magazine, May 2, 1971]

IS HE REALLY SERIOUS ABOUT BECOMING PRESIDENT? YES.

(By L. Clayton DuBois)

(NOTE.—L. Clayton DuBois, a former contributing editor of Time magazine, is a freelance writer based in Washington).

WASHINGTON.—His hamburger is getting cold, his glass of milk warm and his time short. George McGovern is strolling around Mavis's Sunnyside Cafe, an old diner on the road from the Milwaukee airport, introducing himself to all the people who hadn't recognized him a few minutes before: "Hello, I'm George McGovern . . . Hello, I'm . . ." He seems genuinely content talking plain talk with plain people. Nice guy.

After lunch, McGovern leads his tiny entourage—a secretary, a 25-year-old advance man and two reporters—out to their two rented cars. It seems unreal that anything like this could ever turn into the Presidency, and one of the reporters, accustomed to Birch Bayh's private jet and Ed Muskie's motorcades and police escorts, complains about what a drag this is. That's McGovern's problem, the reporter observes. He's not exciting. Is he really serious about winning?

The answer to that most frequently asked question about George McGovern is "yes." With the Presidential polls showing him at 5 percent (up from 2 percent since he announced his candidacy), with his reputation as a mild-mannered liberal idealist pure in his policy stands and gentle with people, there is some feeling that he must be in the race merely as a self-appointed "conscience of the party" or as a "stalking horse" for Ted Kennedy.

Both notions are nonsense. George McGovern is a very ambitious politician; he wants power, and he wants it badly. "Richard Nixon himself never wanted to be President any worse than George does," says a former staffer who doesn't mean that as a compliment. Similar remarks—without the comparison to Nixon—are frequently made by McGovern staff members who wish people could understand his determination to beat Muskie and all the others.

McGovern has come to Wisconsin this weekend in early March to begin putting together the organization he needs to convince skeptical pros and a skeptical press that he can win. Though he has a year before the state's primary, his schedule of meetings, receptions and speeches reads like the last booking five days before the election.

At Marquette University, in Milwaukee, he tells 1,200 students jammed into the biggest available hall that his campaign is based on the ideals of "bringing the military monster under control," then getting on with "the redemption of this deeply troubled society." He receives a long standing ovation.

After Marquette, there is a private meeting with newspaper editors, then a drive to the University of Wisconsin in Madison—Berkeley in the heartland, only worse. A few years ago disruptions prevented Ted Kennedy himself from delivering a speech there, and only hours before McGovern's arrival a crowd of 1,000 sat by passively and let a few dozen radicals tear Birch Bayh apart in a bitter dialogue about whether the "system" is worth saving.

McGovern has dinner with Gov. Patrick J. Lucey, also an outspoken dove, then makes the short ride to the Stock Pavilion, where cattle shows are held and where tonight about 5,000 people are waiting. The radicals who took after Bayh are seated right behind the podium doing their Ho Chi Minh chant when McGovern enters, but the entire audience rises and drowns them out with an emotional ovation. "The last guy to get a reception like that was Gene McCarthy," says a surprised local reporter.

McGovern calmly goes through his usual attacks on the war and its hypocrisies with frequent interruptions for applause. Later, his car is surrounded by students reaching to touch him, to tell him they're with him. It is almost as exciting as some of Robert Kennedy's departures.

Fair enough. On a liberal campus what else could be expected for the Senate's leading dove? But he gets enthusiastic responses all weekend from audiences of party workers, farm leaders and old McCarthy people who must be convinced that McGovern isn't a "lost cause," that he isn't going to take a powder on them before the convention.

Everywhere he goes, he stresses the "credibility gap." He doesn't expect people to agree with him on all his strong stands, he says, but at least they know they can trust him to be truthful. After nearly a decade of Johnson and Nixon and promises about the war, that is an extremely sensitive nerve, and no one in American politics is more effective than McGovern at touching it.

On the small private plane that carries him around the state, there isn't much idle conversation. The aide has the black book out, and he and McGovern are going over it methodically: names, precincts, voter registrations, this guy has money, that guy helped McCarthy, this area is Polish and we're going to have to work like hell to beat Muskie out of it. For the aide it is a luxury, after working for McCarthy in 1968, to have a candidate who throws himself into the details of a campaign.

At an airport news conference in Wausau, a local student mentions that a McGovern petition has already got 150 signatures. McGovern quietly tells his aide to get the list, and the aide will have those 150 at work, count on it. McGovern is one of the most conscientious list-keepers in the business, and it pays off: when he announced his candidacy, he sent nearly 300,000 letters to the names on those lists, and got back $250,000 in small contributions.

The Wisconsin weekend is a success. It includes a breakfast with labor chiefs, meetings with party officials and black leaders and—naturally—a visit to one of Milwaukee's Polish sections. After this trip, McGovern is more convinced than ever. You've seen what happened here, he says to a reporter. What's behind the idea that I can't generate excitement?

The problem, it seems, is that by conventional political measures McGovern is not a glamorous figure. He is tall enough—about 6 feet 1—and trim from regular workouts in the Senate gym. And he has learned that there are some ways a man can improve his image without sacrificing his principles. In 1968, he showed up in New York for a TV talk show looking pale and wearing a baggy old suit and socks that would have exposed his shins to a national audience. His friend Gloria Steinem, the writer, brought him long socks and a sunlamp, and apparently taught him a lesson. Now he dresses in modish, well-tailored suits and wears colorful shirts and wide ties. He slips off to Florida frequently, in the fashion of Richard Nixon, to keep some bronze on his face. At 48, he is growing bald but remains handsome, leading women meeting him for the first time to say (with a little surprise, for he is anything but bewitching on television) things like: "Why, he's a fine-looking man."

The rub is that he doesn't seem aggressive. He radiates pleasantness, not power; there is no swagger about him as he moves through his days at the emotional pitch of Gary Cooper ambling down the street waiting for "High Noon." (The matter is so serious that, when McGovern asked some friends recently how to improve his image, Frank Mankiewicz, Robert Kennedy's press secretary in 1968, replied: "Well, George, the first thing you ought to do is to get the rumor spread that someone at a cocktail party made a remark that you didn't like, and you gave him a quick karate chop that broke his arm.")

McGovern's legendary air of calm has led some aides to explain, almost defensively, that there *is* variance in his behavior, he *is* human. Once, they recall, when no one notified him of a terribly important Senate vote a couple of years ago, he even got angry, yelled at people and everything!

His fans say McGovern's unflappable temperament is an important quality for a President; his critics say he's just boring, and in one sense, that's true. McGovern—without ebullience, not given to displays of great warmth, lacking in mirth—just isn't much fun. He has a kind of twinkle about him and an easy smile that leads one to believe he has a firm grip on the absurdity in politics, but he offers little of the wit or irony of a Kennedy or a McCarthy.

There is no aloofness, though—he is never anything but straightforward, always patient, always polite. It is almost impossible not to like him. And what he lacks in entertainment value he makes up for in other ways. He has a keen intellect, curiosity, and is clearly a "dreamer" about what could be. He talks longingly, for instance, of what such men as Ralph Nader, Ramsey Clark and Gen. James Gavin could accomplish in the top levels of Government, backed by a bold President. He is one of the few politicians who saw—and liked—"Easy Rider" and "Joe," and he is even candid enough to admit that he read "The Greening of America" and liked most of that too.

One of the ironies of the 1972 campaign is that this supposedly boring man is the most challenging candidate in sight. He may come closer than any competitor to achieving the "fundamental re-ordering of priorities" that has become a liberal cliché. His first press release on hunger, an issue kept in the news by his crusading, was headlined: "McGovern proposes to make hunger illegal in America after June 30, 1972." He has introduced "economic conversion planning" legislation designed to ease the shock of a drop in defense orders. It would require that companies bidding for defense contracts file with their bids workable plans for a conversion to civilian production as defense spending is reduced.

In the first major foreign-policy speech of his campaign, McGovern called for the recognition of Communist China, an attempt to open trade relations and a drive to get her admitted to the U.N. Next, he called for a cutback of at least $20-billion (or 27 per cent) in the 1971 Pentagon budget request. The real goal, he says in his speeches, should be about 50 per cent. "George's greatest strength," says a friend, "is that when the Joint Chiefs came in with all their brass and charts and slides, he'd be tough enough to not cave in to them. I couldn't do that."

He has re-introduced in the Senate the McGovern-Hatfield amendment, which would pull all U.S. troops out of Southeast Asia by the end of 1971, a move, he points out in responding to "extremist" charges, that polls say is now supported by a majority of Americans.

McGovern's perseverance with that amendment gives rise to one of the regular criticisms of him—that he is emotionally riding one issue, Vietnam. As a statesman, the critics say, he is lacking, for his view of the world begins and ends in Indochina. McGovern insists that his record proves that he considers Vietnam only the most immediate problem, one that fits into his much broader and systematic analysis of foreign policy. A prime reason he is running for President, he says, is that he still isn't convinced that some of his opponents who have lately become dovish comprehend that the war is a logical extension of conventional American assumptions about the military and the world, not simply an isolated accident. "To be opposed to our senseless support of a corrupt and unrepresentative regime in Saigon," he says, "does not mean that I see no essential American interests abroad."

Generally, McGovern supports Nixon Administration policy in the Middle East, and he is baffled that some critics see an inconsistency between that stand and his call for immediate, total withdrawal from Vietnam. Israel, he reasons, is a democracy with the support of its people, not a propped-up dictatorship, and it is in the interests of the United States to see Israel survive, whereas Washington doesn't suffer if the Saigon regime falls.

A Ph.D. in history from Northwestern and a college debate champion, McGovern is a formidable advocate for his views. "Probably no one in the Senate has studied Vietnam more than George," says a friend.

His analysis starts with China, and he calls "pure myth" the assumption that China "seeks to, or can, conquer . . . her Asian neighbors." Chinese military operations in Tibet and India, he argues, were taken "to claim disputed territory, not to elevate new ideology." China's support for "wars of national liberation" demonstrates that she, not unlike the Soviet Union, desires "to be the ideological center of the world revolution, but she seems to cherish with equal fervor her role as noncombatant." With a defense budget one-twelfth that of the United States, a population 85 per cent agricultural and enormous internal problems, he says, "she has neither the military nor the industrial capacity to seriously threaten our safety at levels beyond the protection we can readily supply."

The war in Vietnam, to McGovern, has always been a battle between a nationalist, antidemocratic dictatorship in the North and successive, anti-democratic dictatorships in the South, not a fight between Chinese-backed international Communism and the free world.

The "Nixon doctrine," he says, "hopes in vain that [our objectives] can be achieved with fewer American lives and more American money. . . . It confirms that we still cling to outmoded assessments of our real national interests." In his laconic way, he is just as abrupt about "Vietnamization." "I don't care much about the future of General Thieu," he says. "If you're in a business that is bankrupt, you liquidate the firm instead of prolonging the agony."

A sufficient deterrent is necessary, McGovern says, but a sharp cutback in American defense spending would help persuade the Russians to start a reduction, too: "At present, we have enough overkill that, without reference to what the Soviets are doing, at least $20-billion could come out of our budget, as well as what we save by leaving Vietnam."

As a rule, McGovern's speeches, which he writes himself, are cerebral and often as eloquent as those of his hero, Adlai Stevenson. When he starts talking about the barbarity of the war, though, there is nothing cerebral in his language. On that issue, one friend says: "George has a real fire in his belly."

Moments before the Senate voted, 55-39, against his withdrawal amendment last fall, McGovern gave dramatic testimony to his feelings. "We have foolishly assumed," he said, "that war was too complicated to be trusted to the people's forum—the Congress of the United States. The result has been the cruelest, the most barbaric and the most stupid war in our national history. And every Senator in this chamber is partly responsible for sending 50,000 young Americans to an early grave. This chamber reeks of blood! Every Senator here is partly responsible for that human wreckage at Walter Reed and Bethesda Naval and all across our land—young boys without legs or arms or genitals or faces or hopes. There aren't very many of these blasted and broken boys who think this war is a glorious venture. Don't talk to them about bugging out or national honor or courage. It doesn't take any courage at all for a Congressman or a Senator or a President to wrap himself in the flag and say we're staying in Vietnam. Because it isn't our blood that is being shed."

Already, McGovern is being applauded by supporters for his courage in staying so far on the left when the conventional wisdom is that the country has moved to the right; and he is being accused by others of allowing himself to be pushed into this risky stance because the center is occupied by Muskie, Humphrey *et al.* The truth, I think, is that he is both temperamentally unable to say anything he doesn't believe and convinced that a blunt "something-is-terribly-wrong-here" approach is most likely to sweep him to victory.

And he is consistent. Almost without exception, he hasn't been anywhere in his campaign that he hasn't been for years—a demonstration, perhaps, of what one reporter calls his "near genius" for seeing what is coming many years before most people and speaking out about it without destroying himself.

Take the China policy, for instance. The idea of relations with Peking is gradually entering the "mainstream" of political dialogue, but McGovern hasn't moved an inch on it in 20 years. As a liberal young history professor at Dakota Wesleyan in the early fifties, he advocated recognition. ("I caught a lot of hell for that," he says casually.) He has been arguing for drastic "conversion legislation," the bill requiring that defense contractors provide for an orderly shift to civilian production, since 1964. And in 1963, a couple of years before dissent became popular on campuses, he was the first to speak on the floor of the Senate against the war. McGovern's admirers liked to recall that speech as the first of the loud protests, but while it was prescient, it wasn't really loud and McGovern wasn't persistent.

In 1964, while Wayne Morse and Ernest Gruening alone bitterly attacked the war, McGovern backed off, supported Lyndon Johnson (that year's "peace candidate") and voted for the Gulf of Tonkin resolution; he was "deceived," he says, into believing that it represented no change in policy. (This tactical withdrawal from the dove ranks—which lasted until the Senate convened in January, 1965, and McGovern made a major speech against the war—is a bit of history that is glossed over in his speeches, which refer to his having "spoken out against the war for the last eight years.") In July, 1965, he began arguing for an "enclave" strategy, which, he wrote later, "seemed the most sensible alternative to withdrawal." Not long after that, McGovern moved to his present position, calling the war "madness [and] the most tragic diplomatic failure in our national experience."

The usual analysis of McGovern's political philosophy is that he is an old-fashioned isolationist, prairie radical with all the appropriate suspicions about big business and wicked foreign entanglements.

Asking McGovern what influenced him doesn't elicit much more than a dutiful acknowledgement of his Depression experiences in Mitchell, S.D. He talks a bit of his father, a Methodist minister who brought his son up with the ideal of helping his fellow man. But what he seems to regard as more important in his politics are Adlai Stevenson, book learning and World War II. Listening to Stevenson speeches on the radio persuaded him to leave his comfortable teaching job for politics. His experiences in World War II permanently shaped his convictions on war and hunger.

As a B-24 bomber pilot flying over Germany, Austria and Italy, he saw many of his friends killed. On the 30th of his 35 missions, his plane was hit by flak and he managed to crash-land on an island in the Adriatic (he thereby won the Distinguished Flying Cross, making him perhaps the highest-decorated dove in the Senate), but the navigator died of his wounds. "I vowed," he says, "that if I got out of that alive I would dedicate my life to peace."

He was appalled at the war's brutalizing effect, and the story he tells most often is about overhearing two fighter pilots joking about the Italian peasants they had shot off a bridge that afternoon, just for the hell of it. He also remembers Italian kids risking their lives to swim out to the troop ships in the Naples harbor for a chance at a chocolate bar thrown overboard. He concluded that that, too, was intolerable.

McGovern considers himself as "deeply read" as any politician, and he says his study of American history left him determined "to play a part in the history of my own time." It also provided him what can only be described as a monumental sense of confidence in his own capacity to govern. From him you will hear none of the usual talk about how humbling it is to contemplate the Presidency. To McGovern, it's the biggest classroom in the world, and he is the ablest professor. "I'm . . . just . . . convinced," he says, with what passes for heavy emphasis, "I could lead the country in a way that would win broad popular acceptance. I've got great faith in my capacity to lead that kind of change."

As a rule, it is taken pretty much for granted in American politics, which has compromise as its only truly firm principle, that there is a contradiction between the idealist and the seeker of power, and McGovern's admirers and critics are still analyzing him in those terms when they praise him as courageous or put him down as naive for being unwilling to "trim" on controversial issues. Politics, to McGovern, is something different, not a struggle to maintain one's principles but a crusade to thrust them forward. In an essay published in 1968, he wrote: "If I have learned anything worth passing on to others in 15 years of active political life, it is the importance of saying what one really believes rather than trying to tell the other fellow what he may want to hear at the moment. I have kept silent or modified my views a time or two because I feared public reaction, but I was wrong in doing so from the standpoint of my peace of mind; furthermore, it is bad politics. The people prefer straight talk to the 'credibility gap.'"

A former staff member who is critical of McGovern for "sliding off conflict" in making difficult administrative decisions nonetheless believes every word of the essay: "Whatever he lacked personally, he made up for ideologically. Once he got something doped out and knew what it was about, he couldn't be budged. In March, 1969, Kennedy, Fulbright, Mansfield—all those guys—really gave him a lot of heat for speaking out so soon against Nixon's Vietnamization. George just said, 'Sorry, that's the way I think.' He nailed Nixon on what Vietnamization really meant, even back then, and that's something because everyone told him he was making a fool of himself. He's that way on all issues, like iron. It's impossible to bully him."

Now, while Muskie develops the reputation for holding back, looking for the consensus on the touchy issues and hitting hard on the easy ones like the environment, McGovern figures to establish his own brand of "charisma," the soft-spoken idealist of such frank honesty as to be, above all, trustworthy—no mean quality at a time of so little faith in the word of politicians.

This aura of absolute honesty took McGovern straight up in South Dakota politics. It is an interesting success story, comparable to Muskie's in Maine. South Dakota was so Republican in the early fifties, Democrats say with some hyperbole, that it was an act of courage for a small businessman to admit to being a Democrat. There were counties that lacked a Democratic chairman, let alone an organization, and of the 110 members of the State Legislature, only two were Democrats.

In 1953, after everyone else had turned it down, McGovern was offered the job as Democratic party secretary, and—despite the advice of all his friends—took it as a way to break into politics. With his usual earnestness he toured the state talking to Republican groups, Rotary clubs, anyone who would listen. By 1956, the state had both a rudimentary Democratic organization and its first Democratic Congressman in 20 years, George McGovern—despite the advice of all his friends, who told him that it was too soon to run.

In 1958, the Republicans ran a Congressional Medal of Honor winner, but McGovern won again. Two years later, he ran for Karl Mundt's Senate seat—again against the advice of his friends. This time they were right, but McGovern's unwillingness to be "pragmatic" didn't help. Jack Kennedy was a cinch to lose the state, and the smartest strategy for McGovern was to dissociate himself from the national ticket. Instead, McGovern went all over the state with the Kennedy brothers, leading Jack to quip as they were leaving: "Bob, we just cost that fellow a seat in the Senate." Kennedy lost by 50,000 votes, McGovern by 15,000.

In that campaign, though, McGovern earned the high regard of the Kennedy brothers—Robert later called him "the most decent man in the U.S. Senate"—and John appointed him director of the Food for Peace program, where he remained until he ran again for the Senate in 1962 and won by 597 votes. In 1968, notwithstanding the ruptures in the Democratic party and his own 18-day campaign for the Presidency, which dropped him for a while in state polls, McGovern boosted that margin to 38,000 votes, or nearly 57 per cent.

The flurry of national publicity made McGovern famous and if not rich at least more comfortable (his 1969 speaking fees, second in the Senate only to those of Muskie, exceeded $60,000). And perhaps his re-election with more than half the vote produced a new sense of security, for after years in the Maryland suburbs he bought a $115,000 Japanese-style home in Northwest Washington (he no longer maintains a residence in South Dakota, a fact that has given rise to some criticism there).

The Senator's private life is as low-key as one might expect—a pretty blonde wife, Eleanor, whom he met at a school debating contest; occasional weekends at their Maryland country house; movies, less frequently now that the campaign is under way, and lots of writing and reading. A teen-age daughter and son (he's a guitar nut) are at home, and three older daughters have left; one is married to a hip writer and lives in Taos, N.M.

Back in South Dakota, McGovern has never really established a "machine." He relies on what he calls the coalition of "farmers, workers, teachers and preachers." "There's been a lot of misreading of George's popularity here," says a Republican foe. "It's mostly personal, not ideological. He's done a lot for the farmers, and the people see him as a fine man with high moral standards." A reporter who has covered him for years says: "George has an incredible hold on the farmers. They'll forgive him his statesmanship because he knows his farming A to Z."

McGovern likes being a spokesman for the farmers; food production and distribution are matters close to that favorite topic, hunger, and he is smart enough to know that for every environmentalist who would vote for Muskie, there is a farmer who would vote for McGovern.

He has consistently opposed attempts to reduce farm price supports, and he puts the blame for inflation in food prices on the war, on middlemen and retailers and on the increasing power of Big Agriculture ("corporate farming") which can manipulate food prices while the small farmer's position deteriorates. Asked how urban voters might feel about that, McGovern becomes positively eloquent in defense of the small farmer as a protection against price fixing, about the human values represented by small independent entrepreneurs and about the disastrous effects on the cities of heavy migration from rural areas.

The McGovern scenario for winning the nomination is simple enough. Muskie is his chief rival, and starts way ahead—not, McGovern insists, because of any real support but because of some good breaks that could have come as easily to someone else. As the campaign goes on, McGovern says, the record will show that he is better qualified to lead the country, rather than find the consensus and follow it. Take Vietnam, for instance. Even if Muskie is now a dove, and even if the war is not much of an isue by 1972, McGovern says, Vietnam demonstrates Muskie's failing as a leader: "I like Ed, but the first time I remember Ed saying anything at all about Vietnam was at Chicago, where he was the leader in the floor fight against the peace plank. Everybody's against the war now, and it requires neither courage nor intelligence to speak out. The question is whether we can afford that excessive caution when we'll be facing other problems where we can't wait 10 years to decide what the right course is." By the time the primaries roll around, McGovern says, the race will be narrowed to himself, Muskie and maybe Humphrey. The choice then will be clear, between "vision and imagination" (McGovern) and "caution and convention" (Muskie).

Muskie will win in New Hampshire, according to the scenario, but McGovern will take him in Wisconsin, with its large peace vote and farm vote, and thus become a "serious contender" with strong followings in other key primary states.

In the scenario, the convention will be more open than ever, thanks mainly to the party commission to reform delegate-selection procedures, formed after the 1968 fiasco and, happily, chaired by McGovern. "It's a political revolution that has gone unnoticed by the press," he says. It isn't really a revolution, but there is general agreement that the commission's guidelines will help an "insurgent" candidate like McGovern.

"McGovern was the happiest surprise in the world to me," says one commission staff member. "I thought he'd use party reform to show the regulars, 'O.K., I'm a nut on hunger and on Vietnam, but, on party reform, I'll put my arm around you and be a regular guy.' Not at all. He didn't go out of his way to annoy anyone, but he certainly was firm with people on the issues."

The commission produced a set of guidelines for the '72 convention, providing, for instance, that all delegates are to be selected in the year of the convention (previously, nearly a third had been chosen as long as two years in advance), that no delegate could be required to pay an "honorarium" (they'd ranged up to $500), that each state must have a set of rules for delegate selection and make them available for inspection (15 states had lacked rules) and that a delegation must bear some reasonable resemblance to the state's population in age, sex and race.

Though McGovern's optimism is real, his scenario is tenuous. If Ted Kennedy decides to submit to a "draft," which McGovern considers highly unlikely, or John Lindsay changes parties and makes a run, McGovern can forget about being sole owner of the old Kennedy-McCarthy forces. Hubert Humphrey is showing surprising strength in the polls. And even if Muskie remains the prime competition, in politics as in everything else, momentum builds its own momentum, and Muskie seems to have it all.

Many party regulars are suspicious of McGovern. "They like Ed," says a party official. "They feel comfortable with him. They don't see any risk with him, and they do with McGovern." Except for isolated pockets, McGovern is the weakest of the candidates with big labor. "George Meany and his boys get emotional about McGovern," says a union official. The A.F.L.-C.I.O. conspicuously boycotted the "McGovern Commission" hearings; there is resentment at his dovishness and his attempt to stop Humphrey at the 1968 convention, but there is more resentment at a classic blunder McGovern made in 1965. He voted against cloture of a conservative filibuster aimed at preventing the repeal of Section 14-B of the Taft-Hartley Act—the "right to work" law allowing states to outlaw the union shop. Afraid of adverse reaction in South Dakota, McGovern voted with the conservatives. "People thought it was opportunistic," he says, "which it was. I was afraid it would defeat me, but it just put one blemish on my record of always voting what I thought right." He shakes his head. "The best thing in politics is to stick with your conscience."

Some of McGovern's critics say that his image as a "soft," overly gentle man is justified, and that he is weak as an administrator and a legislator. "Beyond introducing bills and speaking about them, which anyone can do," says one critic, "McGovern gets bored and doesn't like to push. I have to say that isn't true on Vietnam and hunger, and it may not be entirely to his discredit. How good was J.F.K. as a legislator? But for a President with some radical ideas, you have to have the stuff that was glorified in Johnson's early years as President, that tough one-on-one that counts so much more than people understand." The Senator's defenders reply that he is more effective with his "gentle persuasion" than he would be stirring animosity.

There is specific criticism of McGovern's "softness" as chairman of the Interior Subcommittee on Indian Affairs. He wanted the subcommittee to take an activist role; the Interior Committee chairman, Henry (Scoop) Jackson, didn't. McGovern, the critics say, was never able to wrench control of the staff and the subcommittee from Jackson, and the subcommittee remained nearly dormant, prompting Ted Kennedy's Labor and Education Committee to run away with Indian affairs.

McGovern's defenders say the subcommittee's complicated problems were impossible to deal with without making it a full-time job. McGovern concedes: "I feel guilty about not having done more for the Indians, and I don't mind being quoted on that." That will change, he adds, but he is defiant, still in his polite way, about the charge of softness: "They say I'm too soft, not tough enough. Somehow, people have the notion that unless you're an obvious tough guy you can't solve the country's problems. The obvious answer is that you just can't get elected in a tough Republican state like South Dakota without toughness of mind and tenacity."

McGovern's admirers see him as potentially a great President—honest, intelligent, idealistic, visionary, compassionate, learned and soothing. There's no question he has those qualities. The question for his staff, which is small and without celebrity but efficient and determined, is whether the country is ready for George McGovern, with his refusal to bend toward the so-called middle of the road, where most of the voting traffic generally passes. "If McGovern has a problem," says his campaign manager, Gary Hart, a 33-year-old Denver lawyer who worked for Robert Kennedy in 1968, "it's that he's right on the issues too soon."

The ultimate irony of McGovern's campaign may be that with his reputation for being ahead of things, his candidacy comes precisely four years too late. It is one of history's dramatic but most easily forgotten little details that George McGovern missed his chance to be in 1968 "the *real* McCarthy," as a campaign button for him later joked. After Allard Lowenstein, the organizer and leader of the "Dump Johnson" movement, was turned down by Robert Kennedy in his search for a candidate, he went to McGovern. McGovern thought Lowenstein's idea was sound, but with a tough race coming up in South Dakota suggested that Lowenstein seek a candidate who was not facing a re-election campaign. Lowenstein then went to McCarthy. Says one party pro: "George's assets, courage and foresight, gave him his moment, but he didn't take it, and now time has caught up with him.... It was a clear-cut call to conscience, and no Democrat could have mistaken it for anything else. How much courage will they see in a challenge to a Republican President? McGovern is as smart as McCarthy and with the same unflamboyant style, but in 1968, McCarthy developed charisma-by-event. Now, there's not that event. If he had taken his chance when it came, there's good reason to believe he'd be President today."

By the time McGovern entered the 1968 race in July, he could offer little but a safe harbor for Kennedy delegates who hated the idea of voting for McCarthy or Humphrey. He says that Robert Kennedy's delegates, at least 32 of them in the California delegation alone, had begun to drop out, and he entered to keep them in. Others say he was hoping for a deadlock and a miraculous victory.

If McGovern had any questions about whether to run in 1972, it was answered for him, say his friends, before he left Chicago in 1968, when he was the victor, by unanimous verdict, in the nationally televised California caucus debate with Humphrey and McCarthy. By the end of the year, McGovern was interviewing people for jobs on his campaign staff, and before Chappaquiddick he had told Ted Kennedy that he was running.

McGovern doesn't talk much about that missed opportunity in 1968, but his friends say it has never stopped bothering him. If only he had gotten in first. If only his close friend, Robert Kennedy, had backed him instead of running. If only the peace movement had been thus unified. "He's still trying to get it back," says one of McGovern's old friends. "But he isn't going to, without some enormous crisis in the country or some enormous stupidity by all the others in the race."

Maybe so, and that certainly is the conventional wisdom. But McGovern is no conventional politician, and his staff is quick to point out some recent historical parallels where convention was wrong. Where was Gene McCarthy in the polls before New Hampshire, they ask? What about all the predictions immediately after Chicago that Ed Muskie would be ineffectual? Wait until Wisconsin, they say. That's when 1972's surprises begin.

AN HONEST-TO-GOODNESS, TRUE-LIFE SUCCESS STORY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. CARTER. Mr. Speaker, the life story of Adron Doran, president of Morehead State University, Morehead, Ky., is a true story of a struggle from poverty to preeminence in the educational field.

This history has been compiled by Joe Creason of the Louisville Courier Journal. It recounts such sustained struggle for success that I include it in the Record for perusal of the Members:

Joe Creason's Kentucky: An Honest-to-Goodness, True-Life Success Story

So you're interested in developing a plot for a latter-day Horatio Alger sink-or-swim, do-or-die, rags-to-riches success story?

How about starting this way? Take a boy born under the least likely circumstances, say, in a two-room tenant farm house in a rural region you might call Graves County. Give him an unusual first name, Adron, and have him attend a one-room country school. Even have him fire the school stove to earn pennies to buy school supplies.

Let the boy grow up with a love for God, a fine voice and a desire to learn. But, in the Alger tradition, make the going tough for him.

Send him to live with aunts and have him walk five miles in order to attend a high school you might call Cuba. Make him a star athlete.

Let the boy dream of college, only put that so far out of reach it seems an impossible dream. Then give him a chance. Let him work as a butch on passenger trains selling something as insignificant as peanuts to get money to enroll in a small junior college. A name for the college? How about Freed-Hardeman?

Next, let his love for God and his voice send him to a senior college you might call Murray. Get him a job with a gospel singing quartet working at rural church revival meetings.

Now really hoke up the plot. Have the boy pressed into pulpit service one night when the revivalist fails to appear. From that night on let the boy never forget that at heart he's a minister of the Lord.

Don't bring on success too quickly. That's an Alger no-no.

Let the boy meet and marry a beautiful girl. Mignon is a likely name for her. Make them an inseparable team from that point on in the story.

SIDE-BY-SIDE CAREERS

Let them graduate and go into teaching. Let him teach at one small town school and she at another, and have them live in a third small town—would you believed named Benton?—where he preaches on Sundays. Have the couple live next door to a family by the unlikely name of Creason and have the two boys in that family firmly drawn to the young couple.

Meanwhile, have him complete work on his master's degree. And why not give him a bent for politics? Elect him a state representative, re-elect him three times, make him Speaker of the House.

Don't let his education end. Have his wife teach while he studies for his doctor's degree. Let him continue preaching.

Pick a date—1954—and have him named president of a college. Morehead is a good school name. Point out that the school has lost its accreditation, enrollment is 600, its budget only $300,000 a year. Create critics who make fun of the preacher who thinks he's a college president.

Let him never forget his humble beginning and his compassion for underprivileged. Let his become the first state-supported all-white college in his state to admit Negroes and let this be done without fanfare. Have him start 30 precedent-shattering programs dealing with minority groups. Let the college attain university status with 6,000 students, $60 million in new buildings and a $15 million budget.

Too cornball, you say, even for an Alger plot? It probably is.

But it isn't a plot at all. It's the true-life story of Adron Doran, president of Morehead State University. And it really isn't a rags-to-riches story in the Alger mold since college presidents seldom become rich except in satisfaction.

Nevertheless, on May 12 Adron Doran will be in New York to receive a high national award from the American Schools and Colleges Association for his work. Appropriately, the honor is called the Horatio Alger Award.

The award is deserved. I know. I grew up living next door to him.

PROPOSAL TO ESTABLISH A NATIONAL PARK IN CUYAHOGA RIVER VALLEY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. JAMES V. STANTON. Mr. Speaker, I was very pleased to receive recently from the Cleveland chapter of the American Institute of Architects a letter endorsing the proposal to establish a national park in the Cuyahoga River Valley of northern Ohio. On April 22 I joined with 19 of my colleagues in introducing legislation for this purpose. As these concerned architects pointed out, the recreational, educational, and historical value of areas such as the Cuyahoga Valley is very great, and we must act now to set them aside, lest we never again have the opportunity to do so.

I would now like to commend to my colleagues the text of their letter:

Cleveland Chapter,
The American Institute of Architects,
Cleveland, Ohio, April 30, 1971.

Statement Regarding the Plan for a National Park in the Cuyahoga River Valley.

Congressman James V. Stanton,
Longworth House Office Building,
Washington, D.C.

The architects of this region of Ohio have long viewed the Cuyahoga River Valley as a golden opportunity to achieve a blend of historic preservation, natural area conservation, outdoor recreation and esthetic delight in a manner which, surrounded by urban areas, could become an example to the nation.

We urge the development of the Valley as the priceless feature in our environment that it can be and we support all programs and policies to place the Ohio Canal and key Valley areas between Cleveland and Akron under public control so that its future can be sensitively and comprehensively develop and protected from vicarious private exploitation.

This is an eleventh-hour appeal to preserve the best in our natural and man-made environment. We must demonstrate the foresight and judgment to achieve these great opportunities.

Robert C. Gaede, A.I.A.
State Preservation Coordinator.

CHAIRMAN WILBUR MILLS DELIVERS OUTSTANDING ADDRESS CONCERNING REVENUE SHARING BEFORE GENERAL ASSEMBLY OF TENNESSEE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished chairman of the House Committee on Ways and Means, the gentleman from Arkansas (Mr. Mills), delivered an outstanding address before the General Assembly of Tennessee on Monday last which was well received.

Because of its importance I place in the Record herewith the entire text of his speech.

The address follows:

Remarks of Congressman Wilbur D. Mills, Joint Session, Tennessee General Assembly, Nashville, May 10, 1971

It is a high honor and singular privilege for me to appear before this distinguished legislative body today, and to be here among the lawmakers of a friendly neighbor, a neighbor with which we in Arkansas share such close bonds of heritage and tradition.

We are separated only by a geographical phenomenon—the mighty Mississippi—but Tennessee and Arkansas are joined together by the much more powerful bonds of history, heritage, tradition, and economics. Our two States and others in the South and the Southwest share these things in common and equally or perhaps more important, our basic beliefs and attitudes respecting our system of government in this country and its proper role in our lives are basically the same.

On many occasions over the years I have been privileged to visit in various cities and sections of your beautiful State. In the earlier days of my Congressional service, before air travel became so common, I well recall the many trips I made driving through Tennessee on my way to and from Washington from my home District, and each time, I must frankly confess to you, I marveled at the distance between one end of the State of Tennessee to the other. The big advantage for me, of course, was that I was able to enjoy the wonderful scenery and to learn a great deal about Tennessee.

You are indeed blessed with a land rich in natural resources and stimulating in beauty. From the great Smoky Mountains in the east through the Cumberland Plateau and the green rolling hills of middle Tennessee to the deltas of the west, the natural resources of Tennessee afford a variety of scenery and a diversity of economic activity excelled perhaps by no State in the Union. This geographic and economic diversity is eptomized by the three grand divisions of the State—represented by the three stars in your beautiful State flag. All the divergent areas and economic sectors from these three grand divisions are well represented today in this great legislative body.

But rich as Tennessee is in natural resources, and as strong as it is economically, its people still constitute its greatest resource.

Your history is studded with names which have become synonymous with courage, self-reliance, and rugged individualism—Andrew Jackson, Sam Houston, Davy Crockett, Alvin York—are household names familiar to every American. Indeed, your State nickname, the Volunteer State, sums up in terse and expressive fashion the valor and courage of your people. No State in this great Nation excels you in this regard; in no State is there a greater readiness on the part of its people to place their lives on the line in defense of liberty and freedom.

Tennessee has produced some of our most distinguished statesmen and dedicated public servants at all levels of government—Federal, State, and local. I am perhaps most familiar with those Tennesseans with whom I have served at one time or another for over three decades in the national House of Representatives. You have consistently provided one of the most able, articulate, effective and powerful delegations in the House. Many great Committees in the House have been chaired by Members from Tennessee, including the one over which I now have the honor of presiding. Your legislators have been men of high integrity and forthright character. For this reason I am additionally honored to appear before this body, which has produced so many of my esteemed Tennessee colleagues in the Congress.

Today I want to speak to you rather briefly on two quite important subjects, one of which will be voted on very soon in the House of Representatives and the other which I predict will not be voted on in the House.

WELFARE REFORM

The first of these subjects, and one on which the Committee on Ways and Means will soon report a bill, is comprehensive reform of the public welfare system, in which the Federal Government and the States over the years since its inception have assumed the role of partners.

Now clearly, everybody seems to agree that we need welfare reform; but agreement on just how welfare should be reformed is quite another matter. One of the reasons for the lack of agreement on how to do it is because we must reform not one, but 50 separate State welfare programs, involving large segments of our population and substantial resources of our State governments.

These separate State programs are very different in their characteristics and in the manner in which they are operated. This is one reason we find such a variety of complaints about the present program—particularly the Aid to Families with Dependent Children, or AFDC as it is called. Certainly, we find a growing lack of confidence on the part of the taxpaying public that assistance goes to those who need it and not to those who are indolent or ineligible. Moreover, there is understandable bitterness from those who in some areas must depend for help upon a system that in too many cases extracts self-respect as a price for even its temporary benefits. In other areas we find hopelessness on the part of those who have been trapped in a life on the dole from which the possibility of escape seems remote. In still other areas, we find contempt from those who all too easily obtain undeserved benefits from an antiquated, unstable, and lax welfare bureaucracy.

When we look at all the separate programs, there is a crazy guilt pattern of benefits and eligibility requirements that makes little sense in a highly industrialized and mobile society.

And, additionally, the economic incentives under the present programs seem to lead to more and more welfare, less and less work and to family disintegration.

But the overriding characteristic of AFDC is its out-of-control growth. From January 1970 to January 1971 there was a 30-percent increase in the number of recipients, rising to a total of 9.8-million people. Total money paid out increased by more than 40 percent in that same year rising to a total rate of about $½-billion a month. This is not a phenomenon of just the big States and the big cities. My own State of Arkansas had an increase of 38 percent in the number of recipients in that same year. Tennessee also is above the national average at 34 percent.

The Committee on Ways and Means is just completing the most through-going, extensive and intensive review and analysis which has ever been made of this program. We have worked very closely and harmoniously with representatives of the Administration and have improved and tightened up the President's basic proposal. The bill which the Committee is about to recommend to the House of Representatives will contain provision after provision designed to meet the myriad of problems which we have identified during our consideration of the subject. I cannot take your time now to go into all the details of the bill, for it is an extensive and complex subject, but I believe that it is legislation which will deserve the active support of every Member of the Congress and the support of State legislators like yourselves, who have had to deal with these difficult problems at the State or local level.

Our general approach to this problem has been to devise a program which is fair to the taxpaying public and to the people who will benefit from it. One general theme has marked the Committee's deliberations throughout in this matter. We wanted a system of welfare where it is *hard to get on* and *easy to get off*. We have spent much time and effort to insure that we would have an effective, efficient administrative mechanism which has both the confidence of the taxpayer and the respect and cooperation of those who must apply for the benefits. We will establish a system of incentives and requirements for *work* and *training*—both sticks and carrots—which we believe will lead to many more people working themselves off welfare.

We have developed systems and safeguards designed to avoid cheating and fraud, and stiff penalties for those who are caught trying. We include provisions for requiring deserting fathers to either support their children or find that they owe Uncle Sam for whatever is paid to those children. The bill makes it a crime for a person to cross a State line to avoid supporting his family. It includes a requirement that every welfare mother be offered family planning services, and the government will pay for the services if she takes it.

In line with the basic emphasis on work and training, families in which at least one person is employable would be enrolled in what we call the "Opportunities for Families" program that would be administered *not* by the Department of Health, Education, and Welfare, but by the Department of Labor. Only those families without employable persons would be enrolled in the Family Assistance Plan, the part that would be administered by HEW.

All adult family assistance recipients, except those specifically exempted by the bill, would be required to register for work or training. The exemptions from the registration requirements for work or training are very limited.

In order to accomplish these objectives we intend to "federalize" welfare, both administratively and to a large extent financially. This will enable us to provide a set of uniform national standards, uniformly applied and effectively administered. The beneficial financial effects of these provisions on the States will be quite substantial.

Federalization in this particular area, that is, public welfare, is the proper course to achieve greater fairness and equity, desirable uniformity and better control, economy, and enforcement of the program, and it will provide very significant savings to the States amounting to hundreds of millions of dollars. This is the way to improve the Federal-State partnership. We plan to continue to seek these specific areas on a program-by-program basis and determine in a logical, rational, objective manner whether a particular program would lend itself to full Federal responsibility.

REVENUE SHARING

To be contrasted with this program-by-program, area by area, approach, which I am convinced will strengthen the Federal-State relationship, is the blunderbuss, general revenue sharing, "cure-all-ills" proposal currently being ballyhooed across the country. I hear you may have heard something about it just recently.

Now I have made no secret of my opposition to "no-strings-attached" general revenue sharing. *It is very bad in principle. It would be capricious in its results. It assumes the existence of a non-existent surplus of revenues. It has the dangerous potential—indeed, probability—in my judgment, for destroying rather than strengthening our Federal system* and the independence of State and local governments. I predict it will not be approved by the Ways and Means Committee or the Congress. I surely hope it will not.

Now why do I say these things about a program which seems to be so popular? Let me enumerate just a few particulars, and I ask your most thoughtful consideration of these points.

It is extremely bad in principle because it separates the spending function from the revenue-raising responsibility. Throughout my entire period of public service, both as a county judge in Arkansas in the depression years and nearly three decades on the House Committee on Ways and Means, I have known first-hand the difficulties and political hazards of raising revenues. I remain convinced that this is a necessary discipline on any governmental authority, and I am not yet ready for a new American revolution that would remove this discipline from those who spend the revenues. I am not prepared to become a party to any revolutionary scheme that would encourage State and local governments to reduce and relegate themselves to an insipid and innocuous function of "representation without taxation". While this would be undoubtedly an incredibly delightful and utopian condition for politicians, I doubt that our Federal system of government could long survive this kind of new American revolution.

Second, the proposal assumes the existence of a surplus of revenues which is non-existent. For about 40 years, save for only a couple of years, we have had only deficits at the Federal level. Our Federal debt subject to the debt ceiling is now about $400-billion, while some States and localities have very little, if any, debt. We just raised the ceiling, at the request of this Administration, by an unprecedented 35-billion dollars. For the Federal Government to be granting largesse to State and local governments when we have to borrow to finance our own responsibilities simply adds more flames to inflation. This year our deficit is estimated at $25.5-billion and for fiscal 1972 it is estimated to be $23.1-billion. From 1961 to 1968 the Federal Government ran a string of deficits totalling over $78-billion, with the record-breaking $28-billion in 1968, $5.5-billion in 1969, $13.1-billion in 1970, and as I have said, $25.5-billion in 1971. How can anyone question that this string of deficits has not been a principal contributor to the rampant inflation which we have suffered? So what we would "share" would *not* be *revenues*, but *borrowed money*.

Now why do I say that this proposal carries with it the potential, if not the probability, that it would in time destroy the Federal system? Let us look down the road a little way. Let us assume that forces might be enough politically to bring about the passage of a program calling for no-strings-attached revenue sharing of 5 billion dollars now. Are any of us in this chamber today so naive as to believe that those same forces in time cannot have that 5 billion dollars swelled to 20 billion, 30 billion, or even 40 billion?

Then let us look at the question of turning power over to the local governments. What is there to prevent a future Congress or an Administration—either Democratic or Republican—somewhere down the road, when the Federal part of the total expenditures of the States grows to represent a sizable amount of their total spending, telling the States that they are rather backward? There are certain things that we would like for you to do—with respect to your judiciary, with respect to your legislature, with respect to your local governments, with respect to any State program you want to name—in order for us to justify continuing giving you this largesse out of the Federal Treasury. In fact, there is already one revenue-sharing proposal which would tie revenue sharing to increased efficiency in local government—efficiency determined *not* by you, but by someone else.

Now, to me, that is just the reverse of what the proponents say it is. It may give the illusion of temporary vitality to the State governments, but, in the long run, it makes them dependent entirely on the Federal Treasury and on whatever controls Congress or the President subsequently wants to impose.

Whenever the Federal Government gives out money, there is always the possibility of entrapment. And those who advocate revenue sharing today, in my opinion, are creating that old trap for their successors in the future, who are going to regret that their predecessors ever fell for any such scheme. It could become a massive weapon against the independence of State and local governments.

I also observed that the proposal would be capricious and inequitable in its results. It would have the unfortunate result of distributing aid in a haphazard manner without regard to the financial ability of State and local governments or their need for assistance. The formula would distribute the funds among the States primarily on the basis of their population, with a small adjustment for tax effort, but we all know that population in itself cannot be an adequate measure of the need for assistance since it does not take into consideration the fact that some States are wealthier than others and have larger tax resources or that some States have greater welfare and other costs than other States.

The revenue-sharing funds would also be distributed to the local governments in an unfair manner. The basic formula would allocate these funds on the basis of the respective amount of taxes collected by each governmental unit. It is true that each State and its local governments would have the option to adopt alternative methods of sharing the funds—but it is questionable whether these alternative formulas would produce very much different results from the tax collection basis. I want to stress that the amount of taxes collected by a particular local government is not a good measure of its need for assistance. This gives the greatest amount of aid to local governments which can raise substantial tax revenue because they have wealthy residents or a large industrial or commercial tax base. In contrast, the poorer communities with large unmet needs would get less revenue because they cannot raise substantial amounts of tax revenue.

Nowhere are the capricious results of revenue sharing more evident than in your own State of Tennessee. The metropolitan area of Nashville-Davidson City, with a population of 448,000, would get $5.7 million under revenue sharing, while Memphis with a larger population of almost 624,000 people would receive only $5.4-million in revenue sharing funds. And both Memphis and the metropolitan area of Nashville-Davidson City would receive substantially less from revenue sharing than prosperous cities in other States. For example, Cincinnati, Ohio, would get $13.5-million under revenue sharing or nearly two and one-half times the aid received by either of these two Tennessee cities, despite the fact that its population of 453,000 is only slightly larger than that of Nashville-Davidson City and is substantially smaller than that of Memphis.

Let me give you some other examples. Chattanooga would receive about $1.8-million in revenue sharing funds as compared with about $1.6-million for Knoxville, although as you know, Chattanooga's population of 119,000 is substantially smaller than Knoxville's population of 175,000. And I want to remind you that figures of this nature, which are hard to justify, are not confined to cities in Tennessee. Hartford City, Connecticut, for example, with a population of 158,000—less than that of Knoxville—would get $2.3-million in revenue sharing funds or 43 percent more than Knoxville. And Flint City, Michigan, whose population of 193,000 is only slightly higher than that of Knoxville, would get $4.2-million in revenue sharing or more than two and one-half times as much as Knoxville.

These are merely a few illustrative examples. Numerous other examples could be given for other States. They show clearly how haphazard and misdirected the aid under revenue sharing would be.

I could go on at great length on such technical deficiencies, flagrant inequities, capriciousness, and fundamental flaws, both in principle and in implementation, of this very bad and very dangerous proposal. I cannot do so here, since I have already trespassed unduly upon your valuable time. Suffice it to say that the public hearings which the Committee on Ways and Means will have in due course on this subject will disclose these and many other fallacies, because I can assure you that we have many, many questions to ask about it.

I know it seems to be a popular proposal among State and local officials, because it spells MONEY. But I have not and I will not support any measure just because it is popular if I think it is wrong in principle. I do not believe, when you really think about it, you will fall for any such dangerous proposal. I sincerely hope and predict that it will not be enacted by the Congress, but I also will assure you that this Congress *does* intend to provide relief to both State and local governments before we complete our endeavors. We will do it, however, in the right way.

I thank you.

A TRIBUTE TO LOCAL POLICE OF AMERICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. RARICK. Mr. Speaker, May 10–15, being observed as National Police Officer's Week, is an especially appropriate time for a grateful people to pay tribute to the valiant and dedicated group of men who guard the ramparts of freedom on the homefront and to memorialize their deceased comrades who have given their lives in the line of duty.

The police officer's duty to society requires service day and night in fair and inclement weather and under all types of adversity.

Our local police have earned and are deserving of the support of the citizenry, just as law-abiding citizens need the protection and services rendered by police officers. The preservation of liberty on the domestic scene is a responsibility of all Americans worthy of the name.

Local police forces constitute the surest deterrent to the establishment of a collectivist police state. Local police are the protectors of law-abiding citizens from the criminal, mischievous, subversive, and anarchist.

Society's surest safeguard against crime, subversion, and anarchy is the trained and impartial police officer responsible to the people of the local community whom he serves and protects. The police officer bears arms so that law-abiding citizens do not have to do so.

Frequently throughout the year, but especially during this National Police Officer's Week, I hope our citizens will take a few minutes out of their busy routine to express to police officers of the area in which they live, gratitude for the protection and services police have rendered.

If nothing more, simply say "thanks."

PRESIDENT BEHIND STRONG AND EFFECTIVE ACTION DURING DEMONSTRATIONS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BENNETT. Mr. Speaker, thousands of young and old Americans have been in the Nation's Capital over the last several weeks. A majority were avowedly bent on shutting down the U.S. Government. That is what they announced they would do. That is why they came to Washington, D.C.

These demonstrators did not succeed in closing down the functions of government, nor did they make their point as did the Vietnam war veterans who preceded them.

Well disciplined law enforcement controlled the avowed disrupters of government and the people who work and trade in the city. Effective leadership made the city safe for the commuters, with little criticism of the police and other law enforcement officers.

The conscientious work of District of Columbia Police Chief Jerry Wilson, Attorney General John Mitchell, the military authorities, the Capitol Hill police force, and other officials and policemen on the beat deserve our highest tribute. Behind the careful planning and strong direction was the President, who did not waiver in the difficult choices to contain those who came to Washington to stop government, threatening all the people's rights "peaceably to assemble, and to petition the government for a redress of grievances."

Had they carried out Article I of our U.S. Constitution they would have better made their case.

MSGR. JOHN P. WODARSKI

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mrs. GRASSO. Mr. Speaker, the tribute of parishoners and friends from New Britain and across the State on Sunday, May 15, will mark the 40th anniversary of ordination to the priesthood of Msgr. John P. Wodarski, one of Connecticut's outstanding citizens and religious leaders.

The following account of his exemplary career from the New Britain Herald emphasizes the many and varied contributions he has made to the mainstream of Connecticut living. An Army chaplain, Monsignor Wodarski was awarded the Bronze Star for heroic action at Nuremberg, Germany, in 1945 when he assisted a wounded man to safety while under fire. He has been an officer and director of the Connecticut Reformatory in Cheshire as well as undertaking his myriad priestly duties in the Connecticut archdiocese.

Recipient of numerous awards including the coveted Polonia Restituta by the Polish Government in Exile, Monsignor Wodarski has earned the admiration, respect and affection of a host of friends who join in good wishes to him on this auspicious occasion with the fervent hope that he will be blessed with long years of service in the vineyards of the Lord.

The article follows:

HOLY CROSS PASTOR TO NOTE ANNIVERSARY OF HIS ORDINATION

The Rt. Rev. Msgr. John P. Wodarski, pastor of the Holy Cross Church, will commemorate the 40th anniversary of his ordination into the priesthood on May 16. A concelebrated Mass will be held at 4 p.m. at Holy Cross Church.

The parish is planning a testimonial and reception in his honor to be held after the Mass at the School auditorium.

Henry Z. Gwiazda is general chairman of the reception and dinner arrangements. Mrs. William Klos, 150 Miller St., is ticket chairman.

Msgr. Wodarski studied for the priesthood at St. Thomas Seminary, Hartford; SS. Cyril & Methodius Seminary, Orchard Lake, Mich., and the University of Fribourg, Switzerland. He was ordained in St. Charles Chapel, Fribourg, July 12, 1931, by Bishop Marius Besson.

Following his ordination, Msgr. Wodarski was appointed as assistant at St. Stanislaus Church, Bristol. Later he served at St. Joseph Church, Willimantic, and at St. Mary Church, Putnam.

BRONZE STAR HOLDER

In 1944, he entered the U.S. Army Chaplain Corps, and was assigned to the 29th Armored Division at Camp Campbell, Tenn. In January 1945 he went overseas, serving in France, Belgium, Holland, Germany and Austria.

Msgr. Wodarski was awarded the Bronze Star for his actions at Nuremberg, Germany, on April 29 and 30, 1945, when he aided in evacuating the wounded and under direct fire removed a wounded man to safety.

He was appointed Diocesan Director of the CYO and CCD on Sept. 3, 1946, and served as Diocesan Scout Chaplain. He received the Silver Beaver Award in 1952, and in 1954 he was elected chairman of the Chaplains' Committee of the National Catholic Committee on Scouting.

On Feb. 13, 1954, he was appointed a papal chamberlain with the title Very Reverend Monsignor by Pope Pius XII. On Jan. 3, 1957, he was made a domestic prelate with the title Right Reverend Monsignor.

CITIZENSHIP AWARD

A director of the Connecticut Reformatory, Cheshire, since 1947, he has been its president for a period of time since 1955 and formerly was its secretary.

The Citizenship Award, State Employees Post, VFW, was presented to Msgr. Wodarski in 1954.

He is a past director of Radio and Television activities for the Archdiocese.

On Oct. 23, 1969, he was awarded the Polonia Restituta by the Polish Government in exile.

He is currently serving as dean of the New Britain Deanery of Catholic Churches, president of the Assn. of Polish Priests in Connecticut, and is a member of the Personnel Board, Archdiocese of Hartford. He also served as the first president of the New Britain Clergy Assn.

FOREIGN AID AT A CROSSROADS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, on April 21 of this year, President Nixon sent to the Congress his second message on American foreign development assistance. As with his first message of September 15, 1970, the President has called for a greater stress on multilateral assistance and partnership for self-reliance, a divorce of the military and economic assistance components, and the creation of new mechanisms for implementing our foreign assistance policies in the decade of the seventies.

In this year's message the President has further elaborated upon his earlier message and has proposed two legislative measures designed to implement the objectives of those messages. Specifically, the President has proposed an International Security Assistance Act and an International Development and Humanitarian Assistance Act. Under the former, the various U.S. security assistance components would be brought together under the policy direction of the Department of State, to be administered by a Coordinator for Security Assistance. Under the latter, the Agency for International Development would be replaced by a U.S. International Development Corporation to administer our bilateral foreign assistance loan program, and a U.S. International Development Institute to lend technical support in the development process. In addition, responsibility for humanitarian assistance would be lodged with a new Assistant Secretary of State who would provide high level attention for our programs of disaster relief and rehabilitation, refugee and migration relief and assistance, and famine assistance.

Finally, there would be a single Coordinator of Development Assistance responsible directly to the President, who would serve as Chairman of the Boards of the Development Corporation, Development Institute and the Overseas Private Investment Corporation. He would also chair an executive committee comprised of the above institutions as well as the Inter-American Social Development Institute, the Secretary of State, the new Council on International Economic Policy, and the National Security Council.

Mr. Speaker, with this message we have what amounts to a full commitment to the recommendations of the President's Task Force on International Development which was chaired by Rudolph Peterson. This is a forward-looking program tailored to the conditions of the world of the seventies and the needs of the developing nations. I think the enactment of the President's reform proposals would indicate our firm and continuing commitment to third world development. We cannot shrink from this responsibility simply because we have met with some disillusionment abroad. If anything, our experiences in the sixties should impress upon us the need to help build healthy and self-reliant nations, and strengthen those international institutions which are seeking to do so through the peaceful development process.

Mr. Speaker, at this point in the RECORD I would like to include an excellent article from last Sunday's Washington Post written by Mr. Henry Owen of the Brookings Institution. In this article Mr. Owen discusses the President's foreign assistance reform proposals, and the problems and prospects which surround them. The article follows:

FOREIGN AFFAIRS—AID CHANGE NEEDED; WON'T BE PAINLESS

(By Henry Owen)

The President's message to the Congress on foreign aid marks the end of an era: The present U.S. aid program is done for; of that there can be little doubt. But there is a real question as to whether anything useful will take its place. The outcome will tell us a good deal about the prospects not only for aid but for U.S. foreign policy generally.

In the 1950's and early 1960's the U.S. played an outsized role in aid—as in other areas of foreign policy. Since most industrial countries lagged in aid giving, the U.S. dominated the scene—providing more than half of total world aid, and giving most of it bilaterally. Since receiving countries had trouble coordinating the various types of aid which they were getting, the U.S. did it for them—by an elaborate system of country programming, backed up by large U.S. field missions.

In its day, the system worked well. High rates of growth were attained in Korea and Taiwan; Pakistan and India benefited greatly. But the system involved too large a U.S. role—at both the giving and receiving ends—to be politically viable over the long run. As other industrial countries increased their giving, and as receiving countries became better able to manage their own affairs, the need for change became evident.

When President Nixon took office he tried to meet that need. He hoped, by moving toward a lower profile in aid—as in foreign policy generally—to lay the basis for a new U.S. role abroad. Accepting recommendations of his aid task force, led by California banker Rudolph Peterson, he proposed a basic shift in aid philosophy; International institutions rather than the U.S. would make key decisions at the giving end; receiving countries rather than the U.S. would coordinate aid at the receiving end; and security assistance plus short-term political assistance would be clearly separated from long term development aid. This basic shift involved a series of more specific changes: an increasing part of our aid was to be provided through multilateral institutions; our bilateral aid would be keyed to these international institutions' decisions; U.S. field missions would be greatly reduced; and AID would be replaced by separate agencies geared to the specialized tasks of providing technical aid and development financing, while security assistance would be handled by the State and Defense departments.

Similar suggestions had been made often on the Hill, beginning with the report of the Senate Special Committee on Foreign Aid in 1957. Nonetheless, the President's proposals ran into immediate Congressional flak. Congressmen did not want—understandably enough—to be rushed in reviewing proposals which the administration had taken over a year to formulate; and there were objections to fragmentation of aid.

As in foreign policy generally, Congressmen—like the rest of us—are weary of the past outsized U.S. role, but worried about the subordination of U.S. to international decisions which will be required to create a viable alternative. The issue is not waste; good auditing procedures are available under multilateral, as under bilateral, programs. Nor is the Congress being asked to provide funds automatically; the administration evidently wants the program to be judged by results, with future appropriations going up or down according to these results. The real problem is that there is a deep and understandable reluctance among some members of the Congress, as among a fair number of Americans, to give up either tight legislative control over the U.S. aid program or tight U.S. national control over the receiving countries' use of that aid.

The result could well be a decision to defer Congressional action on the President's proposals until next year. This would probably mean a delay of two years; election years are a bad time for major changes in foreign aid. The present aid program could easily flounder and fade away during these two years.

The present opportunity is a fleeting one: A Republican President has proposed drastic aid reform, which leading Democrats on the Hill have long favored. Here are the makings of a bipartisan coalition such as sustained aid during the Eisenhower years. Whether this success can be repeated depends on two things: Whether the President gives as high priority to aid reform as to other ventures on which he sets great store, and acts to ensure an effective presentation of his proposals to the Congress. And whether Democratic Congressmen who want to see the U.S. move away from an outsized U.S. role abroad without reverting to isolation are willing to join the President in making needed changes to this end.

If the answer to either of these questions is no, we have seen the end of an effective U.S. aid role for the next few years—with a corresponding adverse impact on the aid efforts of other industrial countries. If this happens, the new phase of multilateral aid foreshadowed by the President's message and by the World Bank's role will peter out like a rocket that someone forgot to fuel. Millions of human beings around the world whose children's prospects for a better life hinge on more rapid economic growth will be the losers.

In this event, too, an ominous answer will have been suggested to the question of whether we can devise an effective new foreign policy to meet the needs of the 1970's. Phasing out a unilateral U.S. role is easy; creating an effective multilateral role to take its place is a lot harder. If we can't do it in aid, what reason is there to think that we can do it in other areas of foreign policy? Should the effort founder, instead of a low profile we may well wind up with no profile at all. How aid goes may tell the story.

BLACK HESSIANS IN A WHITE MAN'S ARMY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. RANGEL. Mr. Speaker, recently I wrote an article for the New York Times' Op Ed Section regarding the volunteer Army concept. The article appeared in the New York Times of Saturday, April 17. Since that time my office has received many inquiries concerning the article and the positions and points raised therein.

I would like at this time to bring this article to the attention of my colleagues here in the House. Though I do not hold myself out as having all the answers or solutions to the dilemma posed by the all-volunteer Army concept, I do, however, think the points raised in the following article are basic questions which must be answered:

BLACK HESSIANS IN A WHITE MAN'S ARMY

WASHINGTON—I "volunteered" to serve Uncle Sam. In 1947 I quit a predominantly white high school because I couldn't compete academically. I was soon faced with the black drop-out's classic choice—hustle on the streets or join the Army.

Eventually, I was sent to Korea where one day I "volunteered" to lead a mission behind enemy lines. It wasn't glory or love of country that prompted me. I was motivated by the same reasons so many blacks join the paratroopers—for the extra money and the chance of promotion that such dangerous duty assignments provide. After the mission, a colonel pinned some medals on my chest and told my unit with John Wayne fervor: "Keep kickin' hell out of those gooks."

I left Korea with some money, some rank and an ingrained prejudice against a people called "gooks" who lived in a country I never knew existed before. In fact, it wasn't until I noticed some Chinese bodies on a battlefield one day that I learned Korea bordered China.

I mention all this because there were thousands of blacks like me on the front lines of Korea, as today there are thousands like me in Vietnam and in American military outposts all over the world. Patriotism has nothing to do with the reasons why they're there, as it will have absolutely nothing to do with the reasons why the proposed volunteer Army will be largely black, Puerto Rican and Mexican.

President Nixon's proposal to create a volunteer Army is mainly induced by his desire to get the articulate young whites off his back and to make America's belligerence in Asia more palatable to their parents. This plan is characteristic of how America solves its problems—it will buy its way out by offering handsome pay increases and other attractive benefits to those who join up. This rationale recalls the Civil War days when rich men paid poor men to perform their military obligations for them. Nixon's proposed $3,000 bonus for combat duty accomplishes exactly that.

Who will take Nixon up on his offer? Senator Kennedy reports that in several talks to college groups, almost all students raised their hands when asked how many favored a volunteer army. Yet, there were almost none who kept their hands up when he asked if they would volunteer.

Middle- and upper-class whites will not be enticed to join by financial inducements. But disadvantaged blacks, Mexicans and Puerto Ricans must volunteer since there are no other economic options open to them. Of course, there will still be white soldiers. Except for a sprinkling of poor Southern white enlisted men, they will largely form the officer class.

It would be a lie to label this a volunteer army. It would be a mercenary army composed of men soldiering for a pay check. Thus America's oppressed races would be fighting and dying so that affluent whites can continue to enjoy the fruits of imperialism. White Americans could then sip cocktails and watch the black Hessians make war on their color television sets, just like the plantation owners who sipped mint juleps on their verandas and watched the darkies toiling in their fields. This is not too much of an exaggeration. Blacks and other minorities would once again be doing the white man's dirty work.

During the cold Korean winters, the Chinese repeatedly flashed a large photograph at my black unit showing white people lounging around a Florida swimming pool. Their loudspeaker would bark: "You're over here doing their killing for them and you're not even allowed to sit at that pool."

At present, America is in a crucial dilemma. It needs millions of bodies in uniform to maintain its international police force. It is having trouble getting these bodies because many of its young do not wish to be engaged in the merciless obliteration of Southeast Asia. So, characteristically again, America has decided to follow the precedents set by the Roman and British Empires. It will hire mercenaries to prop up its foreign hirelings around the world.

There is only one way this country can get its young to loyally perform military service. It must begin to institute morally just foreign and domestic policies. A random selection draft system would then be all that would be needed since such policies would permit a substantial reduction in the size of America's permanent forces. Only an empire needs an Army of three million men.

What staggers me about the President's plan is its lack of farsightedness. Doesn't he realize that a large number of blacks will become incensed when they realize they are doing the white man's killing? Armies are, by nature, great instruments of power. A mercenary Army would mean that blacks and Spanish-Americans finally had some real power. The Russian revolution began when its oppressed army and navy revolted.

VEYSEY INTRODUCES BILL TO TRAIN FAMILY PHYSICIANS FOR RURAL AMERICA

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. VEYSEY. Mr. Speaker, today I introduce the Family Physicians Scholarship Act—a measure designed to help fill the glaring shortage of 50,000 physicians in our minority community and rural areas throughout the country.

Last year the American Medical Association reported that 134 counties in this country had no physicians at all. The situation is deteriorating at a rapid rate as more and more rural minority areas lose young people, and as doctors age and retire. The problem is most severe in our rural areas, minority areas, and poverty pockets.

The bill which I am introducing seeks to encourage more doctors to enter general practice, to help correct the maldistribution of physicians, and, at the same time, increase the number of lower income and minority young people entering our medical schools. Ultimately it seeks to encourage rural and minority young people to become physicians and to return to their home communities to practice.

It must be acknowledged that no person is better equipped to understand the people in a community than is one who grew up among them. I see this bill as offering widespread social benefits, other than the original intent of supplying doctors where they are so desperately needed.

WIMMER-DENT INTERVIEW HITS U.S. TRADE POLICY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. GAYDOS. Mr. Speaker, there are encouraging signs the administration now has realized it has been walking the wrong road in matters of foreign trade policy. The road has led, or is leading, many of our Nation's industries and their employees to ruin. Hopefully, any change made by the administration in this field will not be too little and too late.

I often have wished the White House had listened to my esteemed friend and colleague from Westmoreland County in Pennsylvania, Mr. JOHN DENT. This gentleman knows well the pitfalls of our past and present trade policy and for many years he has sought to change our direction along this trade route. Recently, he discussed this critical issue with Mr. Ed Wimmer, vice president of the National Federation of Independent Business, in a radio interview. I found his outspoken and frank comments most interesting and informative. I insert a transcript of this interview in the RECORD and call it to the attention of my colleagues:

WIMMER-DENT INTERVIEW HITS U.S. TRADE POLICY

Thank you and greetings, everyone. Ladies and gentlemen, I have sitting across the desk from me, in Washington, D.C., a man whose colleagues on both sides of the political aisle, and people all over the United States, have recognized as one of America's greatest authorities on foreign trade, on tariffs, protectionism, and mostly protectionism as it is related to preserving American businesses and American jobs.

The man I am speaking of is Congressman John Dent, (Pa.), and I am going to ask him this first question, what do you think of the foreign trade bill now pending in Congress?

Congressman DENT. Mr. Wimmer, the tariff bill before Congress is a fraud on the people of this country. The Japanese Ministry, and the other foreign countries that have enjoyed an open market in the United States, while closing their markets to American made goods, have denounced the bill as a "protectionist act" because they don't want a bill of any kind, but really, it offers no real "protection" of any kind.

It is a sellout of American industry simply because it sets a quota for textiles, for example, that is based on a three-year average which already has destroyed 300,000 jobs in the American textile industry. In other words, this bill is going to freeze the loss of 300,000 jobs as well as giving the importers a percentage of the same percentage they enjoy now in America out of every yearly growth in American consumption.

The second tragedy is the shoe industry, for when they get through, by averaging their quota on the last three years of the basic quota for shoes, they will be higher than the so-called 15% of American shoe production—so the foreign producer can come in and claim 15% of the market at any time.

In this bill we are freezing the highest penetration ever made by foreign manufacturers, and we are guaranteed they can have it forever.

Whether we are dealing in shoes, mink, or textiles, the most important thing is, we must set a quota that is at that point of productivity and consumption in America where production does not cease and growth is not stopped in any particular industry. This would be in an orderly trade bill. We simply let the foreigners have all this market that we can't supply, and that's all, and that's all any country is going to do for us.

Mr. WIMMER. Right; there isn't a single country in the world that I know of, that will even consider one of their factories or one of their jobs expendable in the interest of the United States. Secondly, the thing I would like to have you make a comment on: my feelings have been very strong that the State Department should not be involved in establishing or promoting foreign trade policies. It has been argued for a long time that the Commerce Department and the Congress would have acted in defense of American industries and jobs a long time ago were it not for the State Department.

Congressman DENT. You are absolutely right. The reciprocal trades agreement was conceived as a just trade measure, and it has been defeated simply because the State Department has not listened to the warnings of Franklin D. Roosevelt when he said we must never allow the welfare of this nation to be cut up and meshed into a will-o'-the-wisp foreign diplomacy. That we must never allow the exact science of trade, the exact economics of trade to become part of a will-o'-the-wisp of foreign diplomacy . . . foreign trade policy.

Mr. WIMMER. You remember how we bore down also on the fact that foreign trade should never be a partisan issue, but always an American issue.

Congressman DENT. That is right, but what is happening, we are forgetting completely the history of United States trade. Not only that we have the greatest market in the world, but we welcome foreign competition at one time—somewhat fair competition. But now it's any kind of competition. America developed mass production. By mass production we made it possible to have mass consumption. This came about because we were the first to realize that if we were to have mass consumption we had to pay an automobile worker enough money to buy shirts from the shirtmaker, and the shirtmaker enough money to buy the products of the automobile maker, but what are we doing today?

We allow the shirts to come in from Hong Kong made by a 15-cent-an-hour worker. From Cairo, 12-cent-an-hour. An American automobile worker who gets around $4 an hour, plus fringe benefits, wants to buy the shirt made by a Hong Kong Chinaman, and doesn't realize that there isn't a Hong Kong Chinaman in the whole world who can buy an automobile made by his high priced car manufacturer.

I say to the textile workers, to the independent business people in America, I say very bluntly to you, Ed Wimmer, and to your National Federation of Independent Business, America has lost its senses and doesn't realize that it has its greatest stake in the production of American jobs. In saving small business and the American family farm. Independent business people, the workers, the waitresses and the restaurant industry, and the small stores, the independent store, have got to realize that they are going to be the real victims, because, Ed Wimmer, I want to ask any merchant in the United States that has any kind of business that produces a service, how many foreigners come in their store every day and ask to be waited on? How many come into an American restaurant to get some beer, a barber shop to get a shave, and a shoemaker's shop to get shoes fixed?

How many go to an American lawyer, doctor or accountant, or an economist, for that matter? I doubt very much if any of these people realize that their jobs aren't in direct jeopardy. They are protected by an embargo. An embargo that says only so many people can come into the United States under the immigration laws.

Now if it is right for them why isn't it right for the worker who has stopped the worker from overseas from coming into this country and taking his job? Why then are we allowing that worker to make the product overseas and taking the job of the American worker by sending us his product? It is just a question of simple arithmetic, but it isn't understood.

Mr. WIMMER. I come from the center of the machine tool industry, Greater Cincinnati and surrounding towns, and this program originates in Middletown, Ohio, before it goes out to other stations. Middletown is the center of a great expansion in steel operations, and at lunch you mentioned to me that you had a letter in this morning's mail from a steel company, complaining about the conditions we have discussed.

Congressman DENT. Well, yes, my good friend who is District Sales Manager of a company owned by Crucible Steel Company, writes:

"I am deeply alarmed over the continuing flood of specialized steel. High speed tool steel, rod and body, steel imports, etc., into the United States."

High speed tool steel products are basic to our economy, and defense posture, and I ask you and your listeners, friends and your members to listen to what he says:

"All actual increase of high speed steel imports the first 6 months of 1970 equals the normal production output of one year by this company."

Just think of it. Six months imports equal to one year's production by this great mill, at which rate they could shut down Crucible Steel for two years.

U.S. markets are being penetrated at the rate of 2% of its market per month. You just keep adding 2%, and pretty soon the whole market becomes exactly what has happened in radio. I told you a long time ago that 95% of all table radios would be imports, and recently, a public relations man of General Electric told me at a convention, that by next year (April) they are shutting down the only plant in New York that is still making American table radios—which makes a hundred percent.

Does anybody think the consumer is being protected? Let me just tell them that an American made radio bought in Japan and duplicated and purchased right here in the United States—purchased by myself just to see what is going on with the consumer—cost me $56. In Japan, $11, so who is being protected? Is it American industry that moves overseas to get out from under the minimum wage and taxes in this country, and who doesn't want to pay out money to help clean our streams? Who shuts down his plant here and goes overseas and produces and ships it back in under his U.S. brand?

You know I worried about automobiles 10 years ago, and look what is happening. Including those made by American companies overseas, auto workers in this country have lost 20% of American industry.

Mr. WIMMER. Did you see the article in the newspaper, originating in Denver, on a Mr. King who tried to straighten out a big mutual fund across the ocean with something like $8 or $10 million? The paper reported a speech he made to a Denver audience in which he called himself a traitor for taking all this American money to build up and bail out industries across the water. He said he thinks we are all becoming traitors: those of us who move across the water and then ship in all this low cost goods we are getting. If we can get a few more businessmen talking like this it is going to change a lot of thinking.

Another worry to me is the talk about coaxing smaller industries into rural areas by giving them a tax advantage so they can employ our poor farmers who are being knocked out a hundred thousand families a year. My thinking is, suppose a small chair factory in North Dakota, let's say, where foreign imports haven't knocked it out, is forced to compete with one of the newly subsidized chair manufacturers, while at the same time we subsidize importers with our high wages and taxes, just what are we trying to do?

Congressman DENT. I'll tell you what we will do, we will set up an agency to sell and they'll make the goods overseas, and we'll be the financing agency over here to sell foreign-made goods. Do you realize that twice within recent months the community of Syracuse (that I just mentioned on Crucible Steel) has been in serious trouble? The city lost both its fine china manufacturers. These were old, established concerns, one being the Iroquois China Company. Lost all because 87% of our fine china used in this country is imports.

Mr. WIMMER. So now I suppose they will put a china company in South Carolina, perhaps, to make up for the textile people who are gone, and subsidize this fellow to go down there, and when he is out of business maybe they can train him to make china cups in the Virgin Islands.

Congressman DENT. Well, of course. You will remember the story about my glass people. They just shut down a plant in my District that hired 650 workers, after me preaching and trying to get some sense into this trade bill for a year, along with the glass workers trying with me, and now 650 are out of work. They are being paid $85 a week by the federal government for a whole year, as a sort of sop for not screaming too loud because they lost a job, and last week they announced they are going to pay the company for the loss of its plant, and they are going to help them rebuild, re-do something, reshuffle, and have the men re-trained. I suppose they are going to send them up to Syracuse to teach the china makers to make glass, and the glass workers to make china, and when they are all done, they'll have two trades, no factories and no jobs. . . . We also are promoting child labor abroad, and putting American fathers on a dole, and there's a price on this kind of conduct and it isn't cheap.

TRIBUTE TO J. EDGAR HOOVER

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. PRICE of Texas. Mr. Speaker, on May 10, 1924, J. Edgar Hoover was made Director of the Federal Bureau of Investigation. Under his outstanding leadership, the Bureau has become a cornerstone in the criminal justice system of the United States.

J. Edgar Hoover, however, has become much more than a crime stopper in the minds of millions of Americans. J. Edgar Hoover represents the law. He represents justice. His life is a monument to accomplishment. His deeds are an inspiration to us all.

It is through the tireless efforts of J. Edgar Hoover and the efforts of the agents and administrative machinery at his disposal that this Nation has been so well protected from enemies from within and without. This, Mr. Speaker, is why it is so unfortunate that this great man and his great achievements in service to our country have had to endure of late the barbs of partisan politics; the sly innuendoes cast by those who would destroy J. Edgar Hoover and the FBI for the sake of political and personal gain.

I am confident J. Edgar Hoover will withstand the vicious and unfounded attacks that have been made upon him and the workings of his organization. And I know I speak for the overwhelming majority of people in the 18th Congressional District of Texas and the great State of Texas when I thank J. Edgar Hoover for his years of loyal service to the Nation and wish him all continued success in the years ahead.

RETHINKING VIETNAM

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. ABOUREZK. Mr. Speaker, if there were ever any doubts in my mind that the overwhelming majority of my constituents in South Dakota now favor a more rapid policy of disengagement from Vietnam than the Nixon administration is presently following, all such doubts have been removed by two editorials which were recently featured in the South Dakota press.

The Sioux Falls Argus-Leader is the largest newspaper in terms of circulation in South Dakota. The Watertown Public Opinion is fourth largest in the State. Within 1 week, both of these fine journals reversed their previous editorial positions on the war, and both are now calling for an end to American involvement in Vietnam.

Mr. Speaker, I was most pleased to see these two recent editorials. They show, I believe, that more and more people are recognizing the fact that this tragic war should be ended, and the sooner the better. I am proud to have these editorials read into the RECORD:

[From the Sioux Falls Argus-Leader, May 2, 1971]

LEAVE VIETNAM AND LEAVE IT NOW

The American situation in respect to Vietnam has become intolerable. No longer does the United States have any choice but to get out. And get out we should—fast, fast, fast.

Nothing is to be gained by delay. South Vietnam isn't qualified now to stand on its own two legs and never will be while American might is at hand. Neighboring nations are content to let us do the work as long as we are willing—and stupid—enough to do so.

The assumption that we couldn't withdraw quickly without a threat of massacre of our own troops is ridiculous. Hanoi readily would agree to our security in this respect and also the release of the American prisoners it holds if we offered to withdraw.

And Hanoi is also smart enough to know that, if it didn't respect such an agreement, we have enough power to blow it off the face of the earth in minutes.

THE REALISM OF IT

The Vietnam story has been a sorry one almost from the beginning. Our military commanders have been virtually handcuffed and shackled since the no-win policy was forced upon them. And the pathetic fear about widening or escalating the war has imposed an impossible restriction.

While Hanoi operated without restriction, our forces have been so hemmed in and so restrained that their operations have been an exercise in utility and frustration.

Nothing is to be gained by dwelling upon what we should have done in prior years. One blunder has been imposed upon another.

The fact now is that the American people are opposed to the venture and unhappy about it. And no democratic nation can wage a war, declared or undeclared, unless it has the strong and emphatic support of much more than a majority of the people. The Vietnam venture doesn't have that type of support either in Congress or in the nation.

A LESSON FOR OTHERS

Concern about losing face is neither valid nor worthy. Furthermore, we won't lose face. Informed people of the world know full well that we have the capacity to blast our way to victory in Vietnam in days. We could eliminate North Vietnam. We could erase Hanoi. We could smash the Haiphong harbor. We could obliterate the power of mainland China.

President Nixon has no reason for not doing what common sense now suggests. He didn't start the war. He inherited an impossible situation. His mistake has been his reluctance to accept certain realities. He has done much more than his two immediate predecessors in the White House to get out of Vietnam. There's no purpose any longer to try to solve a problem—a problem not of his making—because it can't be solved.

And our quick departure from Vietnam might be a dramatic handwriting on the wall for the leaders of all other nations to read. Too many of them have been assuming that they could depend upon us for their defense and need not be equipped to defend themselves. If we move out of Vietnam, they may be made to realize that they are on their own, subject to limited aid from us in a justifiable emergency.

WHAT WE CAN AND CAN'T DO

Our venture into South Vietnam was noble in purpose. We sought to utilize our abundant resources to safeguard the rights of the South Vietnamese and to protect them against aggression. We need apologize to no one for that type of mission. And there are many nations, in truth, that can be glad that we have been imbued in other years by that spirit.

But we can't—and shouldn't—police the world alone. We can't be the guardian angel of the teeming millions, even billions, of people elsewhere. We can and should do what we can to develop their ability to govern themselves, to defend themselves and to induce them to become self-supporting. We should not, however, make welfare states out of them as, unfortunately, we have been doing in some instances.

F. C. CHRISTOPHERSON.

[From the Watertown (S. Dak.) Public Opinion, Apr. 28, 1971]

GET OUT OF VIETNAM

It has become more and more evident in recent days that a very large segment of the American people, perhaps a majority, want the war in Vietnam to end now—or by a definite date in the near future, no more than a few months away. We think the Nixon administration and Congress should accede to this demand with the single stipulation that American prisoners of war be released at once.

The Vietnam war now has dragged on for more than a decade with direct American involvement for nearly that long. In that time more than 50,000 Americans have died, many more have been listed as missing, thousands have been wounded and this nation has paid a war bill in terms of dollars which beggars the imagination.

It became obvious long ago that, short of resorting to nuclear weapons, America was not going to win this one. Our strategy appeared to be one of defense and position, thrusting back the attacking enemy, making only such offensive moves as necessary to secure strategic areas, regaining lost ground and buying time for South Vietnam to get into shape to defend itself. The price for all this has been both ghastly and excessive.

Long ago Dwight Eisenhower, then a general, warned against America's involving itself in an Asian land war. Korea provided a grim and bloody lesson in the futility of military operations thousands of miles away, without enthusiastic allies, against a numerically superior enemy, and without widespread popular support here at home. It ended in an inconclusive stalemate nearly two decades ago and it is still costing us.

The United States was bled badly in Korea. It has been bled even worse in Vietnam. In a very real sense, we have nothing to show for the lives and money . . . and the years . . . that Vietnam has cost us, certainly nothing even remotely commensurate with the price we have paid.

It is true, as is often contended, that withdrawal will damage this country's reputation and standing among the other nations. We will lose face, lots of it, in the eyes of people to whom face is everything. But we have already lost a good deal of face and we cannot regain it by continuing to fight a war which, as has been said, "we cannot win and dare not lose."

As long as we keep fighting in Vietnam, there is a very real possibility that unforeseen events will combine to generate a far greater holocaust, one in which we will be fighting for our very lives and here at home—this despite the new and still not wholly explained conciliatory gestures by Red China.

The mistakes of the past in Vietnam cannot be undone. The cost cannot be retrieved. But we can stop now from compounding those mistakes and from continuing to pay such a hideous price for them.

We can get out now. Whatever the cost, it can hardly compare with the penalty for staying.

POSTAL SUPERVISORS PRAISE REPRESENTATIVE ROBERT J. CORBETT

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. CLARK. Mr. Speaker, the membership of the Pennsylvania State branch of the National Association of Postal Supervisors have paid the following tribute to the late Representative Robert J. Corbett:

Pennsylvania Postal Supervisors were greatly grieved and saddened at the sudden death of Representative Robert J. Corbett on Sunday, April 25, 1971. Congressman Corbett faithfully served on the House Post Office and Civil Service Committee for 25 years and shall always be remembered by postal supervisors for his undaunted perseverance in legislation both beneficial to the Post Office Department and the postal employee. We will long remember him for the good he did and hope that the United States Postal Service in the future will continue to follow some of the well laid plans be helped to formulate. The Pennsylvania Postal Supervisors extend their most sincere condolences and sympathy to his bereaved family and we will ever cherish his friendship and memory.

May the angels accompany him to Paradise. At his arrival may the martyrs receive and lead him into the Holy City of Jerusalem. May the choir of angels receive him and may he find eternal rest.

COMMUNIST NAVAL BUILDUP IN AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. RARICK. Mr. Speaker, while the American people are barraged with news reminding them of the Communist arms buildup in the Mediterranean, little or nothing is reported of the Communist naval power being amassed elsewhere in Africa.

The latest Red naval show of presence occurred in the Indian Ocean off the coast of Mozambique. A news report revealed that a Red Chinese submarine had captured a Portuguese supply ship and kidnaped the crew of 24.

The Communist regime of Red China is every bit as active in the black tribal states of the newly emerging Africa as the Soviet Communists are said to be active in the Middle East. The Red Chinese advantage over the Soviets elsewhere in Africa is due to the Russians being white skinned. As white men, their brand of communism suffers from the hate whitey racism encouraged by Ho's "dear American friends."

Radio Peking has exploited this piracy on the high seas by announcing that her submarines are now patroling off the coast of Africa and in the Mozambique Channel. Apparently the island of Zanzibar as well as Tanzania are to be defended as colonies of Red China.

The reluctance of U.S. information services to announce this latest Red naval escalation may be attributed to the fear of loss of credibility for denial of submarines and other military aid to the civilized governments in South Africa on the flimsy rationalization that the white leaders might use submarines and naval vessels to suppress blacks. Now the American people must not learn that the civilized portion of South Africa is under naval blockade and surveillance not only by the Soviets but also by the Red Chinese navy.

A newsclipping from the London Express Services of May 10, 1971 follows:

[From the Washington (D.C.) Daily News, May 10, 1971]

CHINESE SUB TAKES SHIP—24 CREWMEN KIDNAPED

JOHANNESBURG.—Red China, ignoring the Russian naval buildup in the Indian Ocean, has revealed a sinister new presence off the coast of Africa.

Radio Peking is boasting that it was one of her submarines that attacked the Portuguese supply ship Angoche and hijacked its crew of 24.

The Pueblo style incident, which apparently took place in Portuguese territorial waters off the coast of Mozambique, has spurred the Portuguese into threatening a military invasion of Tanzania if the kidnaped crewmen turned up there.

The Angoche was found deserted except for the ship's cat and dog drifting off the Mozambique coast last week. It was listing heavily and altho its cargo of ammunition and explosives was intact it had been badly damaged by a heavy explosion.

Yesterday the ship, still in danger of sinking, was being quickly unloaded in Lorenco Marques harbor.

Portugal is convinced that the crewmen who survived the attack are now being held in the Tanzanian port of Dar-es-Salaam. It is expected that the Tanzanian-based Mozambique terrorist organization Frelimo will offer to exchange the crew for terrorist leaders captured by the Portuguese.

Red China is backing Frelimo and supplying the terrorists with advisers and weapons. Red China also has established a powerful foothold in Tanzania after virtually taking over the offshore island of Zanzibar.

White southern Africa is alarmed by the Chinese activities.

Despite the claims by radio Peking, the Portuguese are working on several theories about the attack of the Angoche.

Most likely is that the unarmed ship was attacked by a fast Chinese-built patrol boat manned by Tanzanian aid Frelimo forces. The raiders then took off the crew, including nine white Portuguese sailors, removed all papers and then set an explosive charge to sink the ship.

The charge failed to sink the ship or explode the cargo of ammunition.

It is also possible, the Portuguese believe, that Frelimo agents among the crew took over the ship at night and then took off the white crewmen in a waiting boat.

BRITISH BLOCKADE

Whatever the fate of the crew the Portuguese are angered as seldom before and are unlikely to take kindly to the continued British blockade of Beira with Royal Navy ships watching for Rhodesia sanctions busters.

If Radio Peking is to be believed and Chinese submarines are operating off the coast of Africa and in the Mozambique channel, Britain could find herself in the middle of South African, Portuguese, Tanzanian, Russian and Chinese naval activities.

Although Tanzania remains in the commonwealth, Britain also is tied to South Africa and Portugal by treaty and certainly will be keeping an eye on Chinese and Russian activity in the area.

THE 50TH ANNIVERSARY OF SHRINER HOSPITALS FOR CHILDREN AND BURNS INSTITUTES

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. TERRY. Mr. Speaker, this marks the 50th anniversary of the Shriner Hospitals for Crippled Children and Burns Institutes. This tremendous service organization had its beginning in Syracuse in 1921. Since that time over 160,000 patients have been treated without regard to race or creed. Hope for the future was restored to these families through a strictly voluntary group which did not seek tax dollars from the Government.

The labor of love, and dedication by the Shriners has earned them a worldwide reputation of respect and honor. Their work is, indeed, the "world's most rewarding philanthrophy."

Their work is a noble task; a project I am honored to salute. In recognition of the contributions of the Shriner Hospitals, I am introducing a resolution commemorating this anniversary for consideration by the House. There are few groups in the United States or anywhere in the world who deserve the recognition more than the Shriners, in my view.

LA FUERZA INTERVIEWS FATHER FRED UNDERWOOD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. PICKLE. Mr. Speaker, a remarkable man resides in my district, a man to whom I would like to pay a special tribute today.

He is Father Fred Underwood.

Father Fred has given new life to the people he lives with, the people of the Country Club Gardens housing development in the Montopolis area of the city of Austin.

I know of few men who would try to tackle the job of providing adequate housing to this area of town. Fewer still would have the success that Father Fred created with an unusual combination of compassion and brains and imagination.

I could give you the full story, but it is better told by the newspaper that serves the area. La Fuerza is a strong community paper designed, written, and edited for the Mexican-American residents of the area.

The tribute that La Fuerza pays Father Fred speaks for itself, and I insert the article in the RECORD, as follows:

LA FUERZA INTERVIEWS FATHER FRED UNDERWOOD

(By Enrique Breceda)

We met Father Fred Underwood last December when we wrote an article about the Country Club Gardens Housing Development in Montopolis. Father Underwood initiated the project and is currently the Supervisor.

He is a slim, thin man with extremely clear eyes, that manage to look without staring. He was born in Evansville, Indiana in 1923. He was vice-president of a contracting firm in Evansville; he worked as job estimator, superintendent, foreman, operating engineer of all types of heavy construction equipment, maintenance supervisor, purchasing supervisor, expeditor, personnel manager and other similar work associated with construction.

All this experience has helped greatly in building and organizing the present projects which he has undertaken at Montopolis. He is currently, besides his duties as pastor of Dolores Catholic Church, executive director of the Montopolis Community Center, project director for The Austin Neighborhood Youth Corps, supervisor for the Montopolis Day Care Center, project director for the Montopolis Bus Line, chairman of the Sub Committee on Housing for the City of Austin, and last but not least, supervisor of the Montopolis Housing Program.

He is a graduate of Notre Dame University and has four years of Theology at Holy Cross College in Washington, D.C. He served three years as a B–29 pilot during World War II.

He is, in other words, a well rounded man. He has been in Austin since 1962 and plans to stay here until the job is done.

"I am here to help people help themselves," said Father Underwood. "The Holy Cross Order usually lets a priest stay until he has finished all the projects he initiated. It just would not be fair if I were to leave now and let the man that comes after me take care of the $700,000 debt that we've accumulated here."

We once knew a man back in Mexico who ran one of the largest Diocese in the state of Michoacan. He had big muscles, which he was fond of showing off, and he used to say mass every Sunday at all the different small chapels around the country-side. He played the guitar and ate mole y arroz with the relatives of the deceased and danced a lively jig at all the weddings. He was so busy being human that we never thought of him as a priest. Father Underwood reminds us of that man.

We asked him how he had become a priest, and he said:

"When I was in the Pacific in World War II, I saw the needs of the people there. You might say that, like Uncle Sam, the Holy Spirit tapped me on the shoulder and said, 'I need you.'

"I joined the Holy Cross congregation because they offered missionary work, not only in other countries, but also in needy areas in this country.

"The priesthood is a definite calling. I think that the job calls for a man that not only feels the need to serve God but also the need to serve man."

Father Underwood has done both well. Montopolis has gone from one of the worst areas of the city to one of the most advanced in social work. The area, which consists mainly of Mexican-Americans and Blacks, has seen extreme poverty, discrimination, illiteracy, lack of public facilities, a high crime rate, etc.

Located south of the Colorado River in the southeast corner of the city limits, Montopolis has always been isolated and withdrawn from Austin; a back-water, ignored by politicians and by the people themselves.

Under the direction of Father Underwood, Montopolis has changed, for the better. He founded the Montopolis Community Center (MCC) to provide area residents with athletic, social, cultural and educational facilities.

In an effort to help the people help themselves, the MCC sponsored the following programs: Adult Vocational and Educational Programs, the Dolores-Cristo Rey Credit Union, the Montopolis Furniture Co-op, a used Clothing and Furniture store, Consumer Education Classes, and Country Club Gardens, a low-cost housing development.

Also sponsored by the center and funded by the OEO and Labor Department are the Montopolis Day Care Center and the Montopolis Neighborhood Youth Corps.

As a result of all this, Montopolis now has the lowest crime rate in the city (before it was the highest); the number of people receiving welfare has decreased from 75% to about 10%.

All of this is not the works of one man. Father Underwood considers himself as the catalyst that pulled the people together to work together for the betterment of their community.

HOW BEST TO PROVIDE EQUALITY BEFORE THE COURTS FOR THE POOR: TWO APPROACHES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. WALDIE. Mr. Speaker, the issue as to how best provide equality before the courts for the poor of our Nation continues to be debated. A worthwhile analysis of two approaches to this vexing problem was made by David H. Dugan III, chairman, Poverty Lawyers for Effective Advocacy—PLEA—at a public hearing on bill S. 1305, to create a National Legal Services Corporation, conducted by the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare.

I include his remarks for the RECORD:

TESTIMONY OF DAVID H. DUGAN III

On May 5, 1971 President Nixon sent his long-awaited proposal for a new national legal services corporation to Congress. It contrasts sharply with the proposal introduced last March by more than 100 Republican and Democratic sponsors, particularly with respect to control of the corporation and limits on program attorneys' activities.

A careful analysis of the two bills shows that the bipartisan bill (which might be referred to as the Mondale-Steiger bill because they are its principal sponsors) is a serious and impressive attempt to minimize federal control and maximize the program's effectiveness in dealing with the underlying needs of the client community. By comparison, the Nixon bill would perpetuate White House control and severely restrict the activities of program attorneys, substantially undercutting the program's effectiveness.

Ultimately, the differences between the two bills turn on the issue of justice for the poor: the Mondale-Steiger bill is committed to making that a reality; the Nixon bill is not.

The first and primary part of my testimony will be devoted to an analysis of the Nixon bill. The concluding portion will include a brief description of some of the defects (quite minor) which should be corrected in the Mondale-Steiger bill.

ANALYSIS OF THE NIXON BILL

Control of the Corporation

Nixon's bill would create an inscrutable, irresponsible monster, open and accountable to no one.

All eleven members of the corporate board would be appointed by the President, subject to the advice and consent of the Senate. The President would have no obligation to appoint client representatives, poverty lawyers and representatives of organized bar groups. His only limitations would be that a majority must be lawyers and not more than six may be from the same political party. (902(a)).

The executive director (referred to as President in Nixon's bill) would be weak. He would have no vote during Board meetings and any category or contract or grant would be made subject to Board review and approval. (903(a), 905(e)).

There would be an Advisory council, but it would be chosen by the Board, would not necessarily include program attorneys or lawyers representing the client community, and it could only be called into session by the President of the corporation (902(f)).

There would be no prohibition against political tests or qualifications for the selection of officers, attorneys and other employees of the corporation. (Mondale-Steiger has such a prohibition).

There would be no requirement that the records of the corporation's grants and contracts be available for public inspection or that all its affairs be subject to the Freedom of Information Act. There is no prescription concerning the items to be covered in the corporation's annual report to Congress. (Mondale-Steiger has such requirements).

The corporation would be authorized to "represent the collective interests" of the poor before Federal agencies and try to work with agency officials to eliminate the need for "multiple litigation". (904(b)). Having no clients to whom it must ethically remain loyal, the corporation could easily under-cut the effectiveness of program attorneys litigating the same issues from the field.

Contracts and grants would have to be submitted to state governors for comment at least 30 days prior to approval by the corporation. (905(f)). While not creating a governor veto power, this provision could also undercut program effectiveness if the Board chooses to prefer peaceful political relations over effective advocacy.

Limitations on services and other requirements

The Nixon bill contains a long list of limitations on the services corporate grantees and contractees may provide to the poor and restrictions on the outside activities of their lawyers. The bill also changes the funding emphasis from programs concerned with the root problems of poverty and discrimination which affect the whole client community, to programs concerned with more superficial problems of individual clients. In short, the bill seeks to drive the poor and their lawyers out of the political arena. They are not to strive for social and economic reforms but must be content with "band-aid" solutions. The chief aim is to eliminate the kind of controversy which has rocked Legal Services the past few years, not by establishing once and for all that the poor have a right to effective representation but by simply eliminating all but the most superficial of services.

1. *Criminal representation* The Nixon bill eliminates criminal representation in every form, including services which the Constitution does not require of the states, such as habeas corpus petitions and other efforts designed to challenge a criminal proceeding. (905(b)(1). Thus, reform of the criminal system is foreclosed, even though it is probably the uppermost concern of the poor.

2. *"Public Interest" law firms.* It also prohibits the funding of so-called public interest law firms, defined in the bill, in part, as programs which devote 75% or more of their resources and time litigating issues in the collective interests of the poor. (905)(b)(3)). There is probably no clearer proof anywhere in the bill that it has been designed to prevent the poor from becoming sufficiently strong to command a full measure of justice in our society.

3. *Clinical and minority education programs.* The bill fails to provide for the funding of clinical programs and minority legal education programs. (Such provisions are included in the Mondale-Steiger bill). Again, the Nixon bill seems determined to curtail the availability of well-trained advocates for the poor, particularly minority advocates, who might make the poor too powerful in asserting their legal rights.

4. *Client eligibility standards.* The bill places strict requirements on the eligibility of clients, to "ensure" that those least able to afford a lawyer get preference and that "adequate" legal representation is furnished to rural as well as urban residents. (905 (a)(2) and (4)). In the hands of a conservative board, this requirement could easily be construed to eliminate representation of groups, which by definition are not as indigent as individuals, and to mandate the creation of judicare programs, particularly in rural areas. While the poorest of the poor should, of course, get preference generally (and Mondale-Steiger recognizes this), the Nixon bill is worded so as to make the preference an inflexible rule. Instead, the preference should be a flexible guide so that, at times, other factors can be considered, such as the impact of a case upon the broader issues of poverty and discrimination, which affect all of the poor as a group. If the corporation had unlimited funds, there would be no need for priorities. But having an inadequate budget, the corporation and its grantees and contractees must be free, at times, to allocate time and resources to activities which will have strategic impact in favor of the poor as a whole.

5. *User fees.* The bill gives priority to the most indigent, with funding at the incredibly low level of $68.9 milion the first year, and with a requirement that the rural poor have a full share (presumably by means of costly judicare programs), but on top of this the bill mandates that clients must pay at least a part of the cost, if able, pursuant to a graduated schedule of fees. (905(a)(3)). A schedule of fees might be suitable if services were to be rendered to people in lower-middle income levels, but this program's funding would never permit that. The inescapable conclusion is that President Nixon intends to charge fees even from those living below the federal poverty level.

6. *Client representation on local boards.* It has already been noted that the President is not required to appoint representatives of the poor to the corporate board. The same is true of the boards of local grantees and contractees. (Mondale-Steiger, however, requires that at least one-third of the members of local boards be client representatives).

7. *Prior review of appeals.* The bill also requires that the corporation establish guidelines to ensure a systematic review by local boards of all appeals, to prevent "frivolous and duplicative" appeals. (905 (a) (8)). This would be disastrous to many local programs, where conservative boards would use this provision to curb effective program attorneys. It also violates the attorney-client privilege, which may include local project directors but clearly does not include boards.

8. *Judicare.* The bill gives the corporation authority to make grants to "individuals", "partnerships", "firms", and "organizations" as well as corporations and other entities. (904(b)(2)). This, coupled with the duty to provide adequate representation to the rural poor, makes it clear that the President contemplates the establishment of judicare-type programs. Judicare is unwise for many reasons: it is more costly than the traditional Legal Services approach; private attorneys tend not to have sufficient expertise, either in poverty law or in relating to poor clients, particularly minority group members; judicare leaves the poor without opportunity for a policy-making role; private attorneys frequently face conflicts-of-interest when representing the poor; and, private attorneys are much less inclined than full-time Legal Services lawyers to handle class actions, law reform suits, group projects and other controversial or time-consuming matters.

9. *Lobbying and "pro-bonum" activities.* Finally, the Nixon bill imposes several arbitrary and unreasonable restrictions on the activities of program attorneys, both while employed and, in the case of full-time attorneys, while enjoying off-duty time. Such attorneys may not lobby in any way for the passage or defeat of legislation, unless requested by a legislative body to testify. (904(a)(6)). Nor may they engage in any partisan political activity associated with candidates or partisan issues, or help get voters registered or to the polls. (905(a)(7)). Full-time attorneys may not become involved in any outside law practice. (905(a)(5)). These provisions are far more restrictive than is necessary of a 501 (c)(3) corporation. All other groups in society have their paid legislative lobbyists. But again, the bill reflects a fear that the poor might become so strong that they succeed in their quest for justice. The prohibition against outside practice of law, even "pro-bonum" service, means that poverty lawyers, unlike their friends in private practice, may not use their "free" time to volunteer for projects unless the clients are "eligible" and the services conform to corporate policy—no draft counseling, no representation of hippies, no criminal work, etc. Not all poverty lawyers relish these other legal activities, but some do and they should be free to do so provided it does not interfere with their poverty law work.

SOME DEFECTS IN THE MONDALE-STEIGER BILL

1. *Process of incorporation.* The six Board members who serve by virtue of their office in other bar-related organizations constitute an incorporating trusteeship. Within 60 days following the passage of the act, the trusteeship must create two "initial" advisory councils—(1) a Clients' Council, selected "from among" individuals recommended by the governing boards of local projects, and (2) a Project Attorneys' Council, selected "by" project attorneys. Within 90 days following passage of the act, these councils must each select three members for the "initial" board of directors, who take office on the 91st day. (903).

Why are these councils merely "initial" rather than permanent? Who selects the client representatives? Why not have them selected by representatives of the poor on local boards? Better yet, why not simply use the existing Client's Council and PLEA?

2. *The Board.* Like the two sets of councils, there are both "initial" and "subsequent" boards of directors. Any "subsequent" board, but not the "initial" one, shall provide rules concerning meetings of the councils and the procedures by which they shall select their respective members (three each) to the board. (904).

The board is required to "consult with" the councils in doing this, but why should the board do it at all? In any event, why is it the task of a "subsequent" board and not the "initial" one?

3. *Advisory Councils.* Members of both councils "subsequent" to the "initial" councils are selected "from among" project attorneys and clients, presumably by the board. They are to be available to advise on general policy. The same section also provides that if the board creates an executive committee, its composition must include one member of either of the councils.

Why can't clients and project attorneys select their own councils? Why can't the bill provide that the councils "shall advise" rather than that they shall merely be "available"? And why can't representatives of both clients and project attorneys be on the executive committee?

4. *Open Meetings.* There should be a provision requiring that all meetings of the board, the executive committee and the two councils be open to the public, at least for part of each such meeting, to give outsiders an opportunity to be heard.

U.S. WATER CARRIERS PIONEERED NEW CARGO-HANDLING METHODS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. FOLEY. Mr. Speaker, I insert in the RECORD the following article from the April 26 Journal of Commerce on the U.S. water carriers' role in providing major cost-saving innovation in the service of international trade.

I think this article deserves wide dissemination and I commend it to the attention of my colleagues:

PACED WORLDWIDE PROGRESS: U.S. WATER CARRIERS PIONEERED NEW CARGO-HANDLING METHODS

(By John A. Creedy, President, Water Transport Association)

If one were to ask which transport mode had provided the most significant leverage in cost reductions to sharpen the cutting edge of United States competition in foreign markets over the past 10 years and which mode is likely to do the most in the future to maintain and improve that cutting edge, the answer would surprise most experts on international trade.

And yet without question, everyone would have to agree that it would be the influence of the relatively little-known domestic water carriers and the domestic waterways.

There has been more innovation, more solid improvement in productivity, more cost-saving systems, more efficiency-stimulating competition stemming from domestic water transportation than from all the other modes put together.

WILLING TO TAKE RISKS

All this has come about not because of highly sophisticated government or even private studies, not because of overwhelming scientific breakthroughs, not through vast government subsidies, not from large corporations, but almost solely out of the initiative of a handful of old-style business entrepreneurs who were willing to take the available technology and risk capital in new systems of operations. These systems far outdistanced their domestic and foreign rivals. Looking back, it looks easy. At the time, however, these entrepreneurs were faced with the standard ancient criticism: it'll never work.

But it did. And if the U.S. is more competitive in foreign trade for its industrial and agricultural products today it is, to an important degree, because of the influence of these domestic operators and the domestic waterways.

The simplest example and yet, in many ways, the least understood even now, is the explosion of containerization. No one knows the extent of the savings achieved by exporters as the result of the reliable international container system designed by a man who was not a steamship operator at all and certainly not in international trade, but a domestic trucker, Malcolm McLean of Sea-Land Service, Inc.

PUERTO RICAN TRADE TEST

The system was tested in the Puerto Rican trades, in the coastwise service between the Northeast and Florida, Louisiana and Texas and is, today, the sole independent steamship survivor of a once flourishing intercoastal service. He was the pioneer of year-round service to Anchorage, Alaska which required the ballasting of a containership so that the propeller was four feet under the surface and so cleared the ice in Cook Inlet. Year-round service to Anchorage was thought to be impossible until Sea-Land did it.

Out of this experience grew an international system on the North Atlantic, to the Mediterranean and to the Far East which is widely conceded to be a better mousetrap Why? Because enough capital was invested to provide a truly intermodal land-sea-land system and not a miscellaneous uncoordinated collection of ships and boxes. The difference is quite subtle.

Its success may be inferred from a response recorded by George Stafford, chairman of the Interstate Commerce Commission, to a visiting delegation of foreign container hopefuls. In answer to the question: how do you deal with the problem of rate coordination between domestic and foreign movements?, Mr. Stafford, who under the skill of the companies who have achieved voluntary coordination of truck, rail, and ocean service, answered quite correctly: "What problem?"

Far inland in St. Louis in 1955 were four men who thought alike. Herman Pott, owner, and A. C. Ingersoll, Jr., president of Federal Barge Lines and G. C. Taylor, president of the Mississippi Valley Barge Line and Wesley Barta, executive vice president.

The issue: how best to use the developing technology of larger and more powerful towboats and much larger flotillas of barges or whether to stick with the small boats and more frequent service they could provide.

FARM PRODUCTS BENEFITED

It was a fateful decision which, when it turned out to be favorable to the vastly more productive 6,000 to 9,000 horsepower towboats built by Dravo in Pittsburgh and St. Louis Ship in St. Louis, helped make the vast corn and soybean fields in Illinois, Iowa, Minnesota, Missouri, Indiana, Kansas, Tennessee and Kentucky a resource for changing European and Japanese economies. Corn, in these highly developed economies, is used for animal feed. Ever-higher standards of living demand more and more animal proteins in the human diet. And most of the corn for export went down the river to ships at New Orleans.

Agriculture of course was only one beneficiary of improved river technology. Export steel and export coal became heavy users of the river.

But the prod of river and the St. Lawrence Seaway commerce had a multiple effect on the efficiencies of railroads serving ports. Unit trains began to compete with the Seaway at Atlantic ports and with the river at Gulf ports.

A future dimension in money-saving competition on foreign exports was recently identified in Senate testimony by Senator Robert A. Taft of Ohio who called for an end to the discriminatory rail rate structure which has prevented the most efficient use of the St. Lawrence Seaway for export of Midwest products.

Senator Taft pointed out that it costs more to ship some products 298 miles to Toledo by rail than 834 miles to the Atlantic ports. This discrimination denies to Midwest manufacturers the efficiencies of ocean transportation reaching directly to the Great Lakes ports. Radical change in this structure could lift the greatest extra-cost burden placed on Midwest manufacturers competing in international trade.

In San Francisco lives a businessman of the nonbureacratic school. He holds in his own mind complete details of performance of different diesel engines, the complications of his financing options, every line of his labor contracts, and the profit alternatives of a variety of business opportunities; in short, Tom Crowley of Crowley Launch & Tug is a business man's business man.

He is a pioneer of ocean barging.

ALASKAN VENTURE CITED

While the railroads in the East and Midwest were properly pleased with the results of 100-car unit trains, Mr. Crowley's Alaska Hydro-Train was pulling two barges on a line loaded with a total of 112 freight cars all the way from Seattle to Whittier, Alaska. His operation now connects almost every railroad in the nation with the Alaska Railroad. With his associates in the Pacific Alaska Columbia Co., he designed systems to deliver 187,000 tons of supplies for the North Slope of Alaska in 1970, assembling tugs and barges over months to be delivered and unloaded in a matter of weeks at Prudhoe Bay. Across the Pacific to Vietnam, through the Panama Canal with lumber and new services to Puerto Rico are all present and future operations for ocean barging.

And now prestigious studies for the Maritime Administration explore the future of ocean barging which, from the studies, appears virtually unlimited.

And then there is Eric Johnson, not a domestic operator but a big user of domestic water services, president of Central Gulf Steamship Lines of New Orleans who helped the International Paper Company, with the economies of his LASH barges, to undersell the Finns on paper products in Germany.

Today his barges range all over the Mississippi System and along the Gulf Intracoastal Canal to Houston and beyond delivering and gathering cargoes for his huge mother ships. The Mississippi barge lines are pleased to report no problems with the 400-ton barges and, so far, 100 per cent on-time delivery to the mother ships.

Again a water carrier and his barge line connections have provided a major cost saving innovation in the service of international trade. More are on the way—Yykes SEABEE, the Prudential Grace System and the Holland-America Line will soon be using the U.S. waterways to enable U.S. products to compete abroad at far lower transport costs than was ever before possible.

WILL GREATER EEOC POWERS EXPAND MINORITY EMPLOYMENT?

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. ESHLEMAN. Mr. Speaker, I have had an opportunity to read an address by Herbert R. Northrup, professor of industry, and director, industrial research unit of the Wharton School of Finance and Commerce, at the spring 1971 meeting of the Industrial Relations Research Association, held on May 8, 1971, in Cincinnati, Ohio. I am delighted to be able to share its contents with my colleagues and I insert it at this point in the RECORD:

WILL GREATER EEOC POWERS EXPAND MINORITY EMPLOYMENT?

(By Herbert R. Northrup)

INTRODUCTION

During the past decade more progress has been made in achieving equal employment opportunity than in any similar previous period. Yet, equality is far from a reality. In particular, high unemployment continues to exist in the black populated areas of the cities, and change in many industries, although evident, seems to occur slowly.

Pride in progress is thus coupled with disappointment and frustration at the lack of more. It is perhaps therefore not surprising that instant solutions are so easily peddled and that the consequences of their creating more frustrations as well as more problems thereby are so lightly ignored. Nevertheless, it seems important to me to raise one small voice against the current wisdom (perhaps I should say religion, so fervently and emotionally is it held) that greater powers for the Equal Employment Opportunity Commission would automatically mean greater job equality; and to emphasize that one can hold such views while firmly supporting equal employment opportunity and continuing efforts of government to insist on such opportunity. In making these remarks, I shall rely heavily on the research now being conducted at the Wharton School under my direction, and my thirty year interest in seeking to make equal employment opportunity a reality.

GREATER POWER FOR EEOC?

Current legislation before Congress would give the Equal Employment Opportunity Commission power to issue cease and desist orders on the model of the National Labor Relations Board. An alternate bill opposed by the Democrat majority and its civil rights and labor allies, would instead give EEOC the right to seek court enforcement on its own. Now it has neither power, but it can and does file *amicus*, or supporting briefs, when individuals file cases, and can refer cases to the Department of Justice for action where a "pattern of discrimination" is alleged to exist.

Similar bills have been introduced in each Congress since the Civil Rights Act of 1964 was passed. Title VII, which establishes the EEOC and deals with employment, was charged with being inadequate before it went into effect. Uncritically, this charge became part of the wisdom of our times and agreement thereto the *sine qua non* of minority leadership political support. In the last Congress only a dispute between civil rights leaders and the AFL–CIO over the role of the Office of Federal Contract Compliance, the civil rights coordinating agency for executive branch procurement, seemingly prevented its passage.

It would appear logical to assume that the only rationale for giving government bureaucracy more authority over the decisions of private citizens is that present authority has failed to achieve the results desired by Congress through existing legislation. Yet such a change is difficult to sustain, and most emphatically ignores (1) voluntary compliance; (2) cases brought by individuals; and (3) "pattern of discrimination" cases initiated by the Department of Justice generally at EEOC recommendation. Certainly, the great changes in employment patterns wrought since 1965 must be attributed in part to the average citizen's desire to comport with the law. Fortuitously the law became effective at the height of the greatest boom in our industrial history, and the combination of the two contributed to the great change; but the policy of the law certainly played a major role.

In court enforcement matters, the most significant is probably the pattern cases, but individual cases have achieved key decisional victories. For example, the "rightful place" doctrine, preventing the impact of past discrimination from continuing unabated, was won in an individually brought case, supported by EEOC, as was the testing decision involving Duke Power Company. The former doctrine was enhanced and expanded in a pattern of discrimination case; the pattern type cases have been used with effectiveness in several building trades cases and successfully to upset the discriminatory seniority system in a major trucking situation—the first break in the invidious union-management policies found in the key over-the-road trucking industry. Numerous other key cases and litigation could be cited to support the position that EEOC initiated or supported litigation has been far more potent than the supporters of bureaucratically enhanced power would lead one to believe. Indeed, I suggest that the case can be far more easily made that EEOC as now constituted has had significant enforcement success rather than the other way around.

The 1970 Civil Rights Commission Report

Of course, despite the successful litigation involving EEOC and despite the great progress made in the past several years, it has been charged that more progress (and presumably more litigation) would have occurred if the EEOC had greater powers. The most important document which attempts to relate civil rights enforcement insufficiency as a direct cause of continuing job inequality is the 1970 study of the United States Commission on Civil Rights entitled, *Federal Civil Rights Enforcement Effort.* This bulky 1,115 page report, about which many have commented, but which few have read, delves into all aspects of civil rights interest and concludes uniformly that laws and enforcement procedures are not working well. The reasoning is charmingly simplistic: if any inequality exists, enforcement of rights is a failure.

Approximately 350 pages of the *Report* are devoted to employment. Some quite reasonable suggestions are made, for example, concerning the need for better coordination among enforcement agencies and between such agencies and procurement bodies. In addition, the *Report* acknowledges the effective litigation record of EEOC, noting that the latter "has had noteworthy success in its *amicus* activity in persuading the courts to adopt its position, particularly in the areas of formulating adequate remedies, determining issues of 'standing to sue' and in developing procedures designed to benefit the charging party." The *Report,* however, is primarily concerned with demonstrating EEOC inadequacy. Thus it concludes that "while there have been some overall minority employment gains in the general private labor market, discrimination continues largely unabated six years after Congress ordered equal employment opportunity as organic law."

This conclusion, of course, is not only factually incorrect; it also assumes that job inequality is *per se* the result of continued discrimination, whereas the *Report* authors surely must know such relationships are far more complicated. Of course effective government support is an absolute necessity if we are to achieve equal employment. This has been documented innumerable times. In the Racial Policies of American Industry studies, which now cover experience in 27 industries, this has been repeatedly pointed out. Equally well documented is that such support is insufficient in itself to achieve equality. It cannot overcome inadequate training and education; its effectiveness is limited when employment is declining; it cannot immediately offset a history of discrimination; it cannot move people from one location to jobs in another; and it cannot reorder the job structure of an industry to a marked degree, although it can, and has, recast discriminatory upgrading policies and seniority systems.

Consider, for example, the situation in the aerospace industry. In 1966, I obtained data from 21 of the largest companies in this industry, which then employed 788,022 persons in 127 establishments, or about two-thirds of the industry's total. These companies employed 179,436 professionals in 1966, of whom only 0.8 percent, or 1,435, were black. On the face, this looks like a highly discriminatory pattern of employment. Moreover, in 1968, these same companies had, if conventional ratings are utilized, improved little. Their total professional employment declined a bit to 179,041, their black professional complement increased slightly to 1,598, but the Negro percentage was still only 0.9 percent. On such a basis, a company with a considerably better than average record in these matters than the industry, McDonnell Douglas, was publicly excoriated by the Civil Rights Commission as unfit to receive a key government contract because of its low percentage of black personnel in professional and other top salaried positions.

But if one looks at the total picture, a different situation emerges. In 1966, when 21 companies in the aerospace industry had a professional black ratio of only 0.8 percent, they employed approximately 40 percent of all Negro professionals in manufacturing industry reporting to the EEOC. Data for 1968 on all manufacturing are not available, but I judge, from the 1969 all industry data, that the proportion of Negro professionals had expanded more rapidly in industry generally than in aerospace, but still aerospace had a large share of those available.

There is still more to the total picture. Professor Robert Kiehl of the Newark College of Engineering has been keeping a careful record of the demand and supply of Negro engineering talent since the mid 1950's. In his most recent study, released in October 1970, he concludes:

1. Only about 2 percent of engineering students are black, but that percentage is not increasing, and did not increase between 1962 and 1970.

2. Government fair employment practice legislation has greatly aided black engineers in finding jobs, but apparently has not increased the supply.

3. "There seems to be no question but that there are widespread education and employment opportunities for blacks in engineering . . .

4. "The relative lack of information on engineering coupled with employment discrimination of the past seem to be the chief reasons for the apparent lack of interest of blacks in the profession today."

Studies of other professions would undoubtedly yield similar results: opportunities available, but going begging, and slow accertion at best at the supply level. Obviously, giving cease and desist powers to the EEOC would not solve this problem.

Moreover, since 1969, aerospace employment has declined dramatically. Engineers have been especially hard hit by unemployment, and further cuts are likely in view of the liberal-led onslaught on defense and space spending. Wiped out are the jobs for which many Negroes were trained by this industry, which without doubt has developed the outstanding training capacity in the land. Especially to be lamented is the disappearance of high talent positions in the Southeast where aerospace concerns led in breaking the color line, opening up housing to black professionals, and upgrading the indigenous labor force. The almost unanimous support of civil rights leaders to cuts in defense and space spending has cost their race considerable in quality jobs. Advocating more power for the EEOC will not restore what is lost.

If space permitted, analyses could be made of several other industries to show that the problem of inequality could not be cured by greater EEOC enforcement powers where the need is for trained personnel, or where employment is declining, or turnover low, or location (for nonracial reasons) has altered from cities to areas where few minorities dwell. Far from being a failure, existing civil rights legislation has done wonders in the face of the structural and labor market obstacles which it has faced, and will continue to face whether a greater powers bill is enacted, until all aspects of past discrimination in education, motivation, and other socio-economic factors are eliminated through the efforts of all of us.

To return to the Civil Rights Commission *Report*, its conclusions are not only simplistic, its facts are questionable. The *Report* makes no effort to provide a systematic analysis. Rather, it leapfrogs from industry to industry, area to area, and year to year, to present a grab bag of information designed to support a pre-arrived-at conclusion. Its facts pertain to a five-year period and many probably have changed before published. Using as it does isolated examples, the reader must assume that they are typical. They are not necessarily so. By overwhelming the reader with quantity without qualitative analysis or orientation, the desired effect is obtained.

Moreover, many of the so called facts are gleaned from Commission hearings. These are highly structured affairs, in which witnesses are arranged for beforehand, companies or unions are damned publicly without right of witness cross examination, and information is accepted from highly partisan sources without appropriate rebuttal. Thus the Commission made great headlines castigating McDonnell Douglas (and probably rescued itself from going out of existence) in St. Louis last year. A principal witness was an individual who had been discharged from the company for chaining people in offices and blocking traffic. The Commission listened sympathetically to his special pleading a short time before a federal judge, noting that violating the law and endangering human lives are not protected activities under the Civil Rights Act, dismissed with prejudice his case for reemployment.

The NLRB Model and the EEOC

A secondary argument adduced by those who argue for more power for EEOC is procedural. They point out quite correctly that complaint procedure under EEOC is clumsy and time consuming, requiring as it does, first, reference to a local or state body if available, then conciliation, and finally seeking redress in courts. Moreover, where cases are referred to the Department of Justice for possible pattern of discrimination charges, the latter has found it necessary to reinvestigate because of the failure of EEOC to supply sufficient evidence.

The procedural problems are compounded by EEOC's inability to handle its case load expeditiously. This is usually blamed on inadequate staffing, but the Civil Rights Commission's Report also charged various administrative laxities, a high turnover of personnel, and inexperienced management.

Proponents of more power for EEOC argue that it would be able to settle cases more quickly, that it would be able to handle cases more expeditiously and that it would litigate more successfully if it had more powers. The arguments are neither consistent nor persuasive. To be sure, the procedure is time consuming. But it has not been demonstrated that giving EEOC more authority would speed up the process. Certainly the administrative defects in the agency are not caused by lack of authority. Administrative shortcomings, turnover, and inexperience can be corrected over time, but not by cease and desist orders.

Moreover, consider the NLRB upon which the liberal coalition would model EEOC. Professor Philip Ross, an ardent proponent of enhancing administrative power, found some years ago that nearly two and one-half years elapsed between the filing of an unfair labor practice charge and the issuance of a judicial decree. The current chairman of the NLRB regards the extensive period required to conclude a case under NLRB procedure as his major administrative problem. He and other NLRB members conutinue to be concerned about long drawn out procedures which in fact seem to be about equal to those of the EEOC in terms of time.

It is possible that if EEOC had enforcement powers more litigants would agree to its proposed conciliation terms. Many do not now, however, because the basis proposed for settlement by EEOC conciliations is unreasonable. Cease and desist orders might increase litigation in such instances, but would not necessarily effectuate the purposes of the Civil Rights Act. Moreover, to be successful in litigation, either under cease and desist orders, or with direct EEOC court filings, EEOC investigators would have to improve their investigatory techniques and fact gathering, and learn more about industry structure, intraplant mobility, bargaining relationships, and a host of other factors involved in evaluating personnel policies. Otherwise, their cases will be lost or justice will miscarry.

The fact of the matter is that no demonstration has been made that increased powers will improve EEOC procedure or results. Certainly, it will do nothing about the agency's alleged shortage of funds. The claims that it will improve its capacity to dispose of cases rapidly is belied by the NLRB experience. And the assertion that more powers will in itself dispose of cases more satisfactorily or more rapidly is at best a pious hope unsupported by evidence.

From the beginning, the proponents of enhanced bureaucratic power have been unhappy with the EEOC enforcement procedure. Thus when the agency was just beginning operation the current Dean of the Columbia University Law School referred to EEOC as "a poor enfeebled thing . . . [having] the power to conciliate but not to compel." This alleged lack of authority would certainly come as a great surprise to such companies as Philip Morris, Crown Zellerbach, Duke Power, such unions as the United Papermakers, the International Brotherhood of Electrical Workers, the Asbestos Workers, and many other companies and unions. It should also be equally startling to the thousands of black persons now enjoying good jobs because of EEOC's existence. A look at the record instead of one's preconceptions tells a different story.

Actually, the real EEOC enforcement problem is not too little, but too late. There is no reason why its procedures cannot be improved within the current model. The current chairman, Mr. William H. Brown III, has already addressed himself to this problem and is making good progress. President Nixon has proposed an increased budget for next fiscal year. Better training of personnel, improved administrative procedures, better development, and better coordination with other agencies can and will substantially shorten case disposition time and reduce case loads.

The scope of EEOC authority

Another reason why I believe that it would be unwise to extend the powers of EEOC is that such extension would give the agency great authority over the selection of corporate management, executives, and even directors. Again, of course, this does not imply either that there are enough black or minority persons in such positions of authority, not that persons of minority heritage are not capable of performing these functions. Nevertheless, one may question whether agencies which are primarily interested in improving the economic status of minorities should be in a position to exercise great authority over each and every promotion and appointment to executive positions in industry. Such review is too likely to be narrowly based. I doubt whether it is in the public interest—including that of minorities—to pressure industry to staff its top ranks with persons who are primarily representative of groups instead of primarily capable of performing functional duties. At the same time, it can clearly be demonstrated that current civil rights pressures are increasing the upward mobility of minorities in a reasonably orderly fashion. One, again, can sympathize with impatience at slow progress, but neither reverse discrimination, quota application, nor favoritism of those not qualified will aid in keeping American industry competitive or in improving its capacities to provide jobs for blacks or whites.

EEOC powers

In addition of EEOC enforcement, the government maintains a potent weapon within its procurement function to enforce equal opportunity. Despite again the comments of the Civil Rights Commission *Report*, this has been a significant factor in inducing change since the Eisenhower Administration. The threat of contract debarment has moved many a company to alter policies and to give opportunities to minorities beyond mere nondiscrimination. Critics who point out that debarment has never occurred fail to envision both the magnitude or the success of the threat in achieving the objectives not only of equal opportunity, but of affirmative action as well.

THE NEED FOR NEW FORMS

Instead of considering the problem of EEOC powers within the narrow confines of civil rights problems, it should be discussed within the broad picture of administrative reform. Rather than give this agency further powers, should we not seek to end the conflicting and overlapping, costly and inefficient current bureaucratic regulatory scramble in the labor and employment fields and substitute more workable forms for accomplishing our social objectives? The multitude of agencies concerned with employment now place employer and employee in a jungle maze of a choice of jurisdiction, with potentially contradictory rulings on the same subject, innumerable opportunities for multiple filings on one issue, and litigation that never seems to end. Complex occupational health and safety legislation has recently been added to the legislative supermarket that now includes laws pertaining to civil rights, union relations, minimum wages, and other aspects of the employment relationship. Each of these laws has its own administrative forms and agencies; each is administered without sufficient interest to the total regulatory picture; and each tends to build up a vested interest in the maintenance of the regulatory status quo. Often when new legislation has been enacted, inadequate consideration has been given to the impact on existing laws and the administrative function has not been carefully correlated with established forms and actions.

Actually, the primary *raison d'etre* for the administrative form to exist has not proved valid. It was supposed to provide quicker justice than did the courts. The record demonstrates that this has not occurred. It was supposed to be staffed with personnel highly expert in their fields.

My thinking has not reached the stage where I am ready to present a detailed program of reorganization of existing agencies. Such a beginning, however, has been made along these lines by Professor Charles J. Morris of the Southern Methodist University Law School, is a recent issue of the *Journal of Air Law and Commerce*. Just as my experience in industry has provided me with insights and concerns regarding the impact and efficacy of current administrative forms, so has Professor Morris's prior service as a union counsel caused him to evaluate realistically the current administrative scene. Moreover, Professor Morris has gained additional insights as editor-in-chief of the comprehensive study of NLRB policy and practice recently issued by the American Bar Association Section of Labor Relations. Regardless of whether his or my suggestions are acceptable, it certainly seems that whatever is done, it would be ill-advised to rush ahead adding to an outworn and inadequate model on the basis of such profoundly misleading information as that generated by the Civil Rights Commission.

FINAL COMMENT

At the first meeting of the Industrial Relations Research Association, held in Cleveland in 1948, I read a paper detailing how the Railway Labor Act was working in practice, and pointing out that, far from being a "model law" as conventional wisdom then ordained, it was an extraordinary legal and administrative failure which had destroyed the collective bargaining process without substituting therefor an effective method of dispute settlement. Although no one could challenge my facts, I was virtually booed off the stage as if I was blaspheming the current religion. Time has been kind to me on this issue. But would not the country have been better served if industrial relations students had grappled realistically a quarter of a century ago with the issues presented by the breakdown of that then cherished legislation?

Today my views here are undoubtedly equally repugnant to the reigning liberal-academic establishment. Yet I believe that they are also grounded on a firm factual basis, and it is possible—although by no means certain—that they may prove as correct in terms of equal employment opportunity as were the earlier ones in terms of free collective bargaining.

Let me emphasize that the goal which we all seek is the one that I have always sought—equal opportunity for all. But as Professor Charles C. Killingsworth has noted, despite the heritage of slavery and years of discrimination "and despite the continuing necessity for efforts to eliminate racial discrimination there appears to be a reasonable basis for doubting that this factor is the principal *present* source of economic disadvantage for the Negro. If it is not, then continuing insistence that it is may well divert attention and effort from other more important sources and remedial measures."

CALL IT REAP—THEY'VE CHANGED THE NAME BUT THE GAME'S THE SAME

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SEBELIUS. Mr. Speaker, when Secretary of Agriculture Clifford M. Hardin announced last January that the rural environmental assistance program—REAP—would replace the agricultural conservation program—ACP—for 1971, there was understandable concern.

The announcement of REAP prompted the farmer's anxieties regarding Federal farm policy, particularly since ACP had been so successful in providing the incentive for over 1 million Americans to invest annually their time and money in conservation. I should point out that I shared this concern and was most apprehensive about changing conservation horses in midstream.

Now, there is some basis for judgment regarding REAP. State and county conservation committees, dedicated stewards of our limited soil and water resources, have restructured this program to implement true conservation and pollution abatement practices.

It is evident that REAP will provide additional thrust to our efforts to conserve and restore eroding land, land that scientists say is the biggest contributor to pollution of surface waters in the United States.

In 1970, under ACP, the national program had one pollution abatement practice. In 1971, the REAP program includes 10 such practices.

This program must be funded at a level that will encourage financially depressed farmers to establish plans for implementing conservation and pollution abatement practices of benefit to both rural and urban America.

Mr. Speaker, an outstanding young reporter with the Salina Journal in Salina, Kans., Mr. Ed Gray, recently wrote a thoughtful, in-depth article which explained the county and farm level operation of REAP. This article clearly outlines how the implementation of the rural environmental assistance program will mean agriculture of the future will be commensurate with efforts to conserve and improve our environment. I commend the article to the attention of my colleagues.

[From The Salina (Kan.) Journal, Apr. 20, 1971]

CALL IT REAP—THEY'VE CHANGED THE NAME BUT THE GAME'S THE SAME

(By Ed Gray)

The Saline county Agricultural Stabilization and Conservation Service (ASCS) is making a change from the Agricultural Conservation Program (ACP) to the Rural Environmental Assistance Program (REAP).

Dick McChesney, director of the Saline county ASCS office, said the name change explains the program change. "The new REAP program is aimed at long-range preservation of the environment and more public benefits are being emphasized," he said.

REAP is to focus efforts on community-sponsored projects for flood prevention and small watershed protection, pollution abatement and safeguarding lakes and streams.

President Nixon says the program "will return greater public benefits at less public cost". That means farmers and others participating in REAP projects will pay equal or more than equal shares of the cost.

E. R. Patton, chairman of the state ASC committee, said the major consideration in cost-sharing will be the resulting public benefits such as pollution abatement, enduring soil and water conservation, recreation, wildlife habitat and open space as well as the degree of permanancy achieved.

The major thrust will be to reduce water pollution. Water retaining and retarding measures on farms such as dams, ponds, permanent grass cover, waterways, terraces and diversions, buffer strips and tree plantings will be encouraged. They will be aimed at reducing silt in streams, rivers and lakes and reducing pollution from animal wastes, fertilizers and pesticides.

FUNDS CUT

Congress appropriated $195.5 million for the new REAP program. That was cut to $150 million by the Bureau of the Budget for 1971, so Kansas will receive $4,887,000 this year compared to $6.7 million yast year.

That means Saline county will get a cut from an ACP authorization in 1970 of $56,000 to the REAP sum of $37,800 for 1971.

The county committee hopes to receive some additional money through special authorizations. Reserve money also is available on special projects of a community effort, such as several farmers joining to build a flood control dam to protect land on several farms.

The new program is to be implemented by the ASCS. County development groups, consisting of local USDA agencies met in February to set program guidelines tailored to local needs based on programs suggested by the state development group.

Chairman of the Saline county ASC committee is Herman Will. Other members are D. E. Winslow and Merlin J. Banker.

"Environmental problems are caused by all of us, both town and country people, and solutions must come from all of us working together," Will said.

"For instance, pollution of our streams and lakes comes from varied sources, including industrial wastes, city sewage and farmland drainage. Pollution is caused by the same people who want clean water and unspoiled countryside.

"We consulted as fully as possible in the time we had with interested agencies and groups before the 1971 provisions of the program were established for Saline county."

"Purpose of the state development group getting together is to review the national program and practices and determine which are applicate in the state of Kansas. The same thing is practiced at the county level," McChesney said.

CONSIDER APPLICABILITY

He explained that the county development group tries to keep in mind the national goals of true soil conservation practices and their applicability to Saline county land and farm owners.

After county development groups meet and decide upon a program, it is submitted to the state development group for approval.

The Salina county program was approved in late February and sign-up began March 1 at the Saline county ASC office.

It is a continuous sign-up program, and the local office can accept sign-up and approve applications as long as funds are available. McChesney said farmers should be conscious that an early sign-up is necessary to be sure of cost-sharing, since funds were reduced by about 30 percent.

Guidelines of approved practices in the 1971 program that county committees could choose from included contour strip-cropping; field strip-cropping; planting forestry trees or shrubs; artificial reseeding; springs or seeps; water impoundment reservoirs; pipelines for livestock water; improving stands of forest trees; establishing sod waterways; constructing terraces; diversions; erosion control or detention dams; outlet structures; stubble mulching; contour farming; wildlife food plots, habitat and cover; shallow water areas; reservoirs for wildlife; installing buried irrigation pipe; unvegetated waterway channels; and pollution abatement and conservation rates for low-income farmers.

In 1970 under ACP, the national program had one pollution abatement practice, while in 1971, the REAP program includes 10 such practices.

OTHERS ADDED

One pollution abatement practice and 2 recreational practices were added to the Saline county program this year. Programs for animal waste storage facilities is the pollution abatement practice to be added this year. The existing program was lagoons for animal wastes. The state office also told the local office that diversions for management of animal wastes could be approved through the existing practice of diversion terraces.

Recreational practices in the new Saline county program include shallow water areas for wildlife and ponds or dams for wildlife. Saline county had recreational practices several years ago, but participation was not good and they were removed from the program.

The ASC county committees consult with other agencies in formulating the program, but the committee makes final decisions on what to include in the program. The committee this year decided fencing of cropland seeded back to grass had little conservation benefit, so this practice was removed from the Saline county program for 1971.

The new program gives lower priorities to conservation practices which are production-oriented or which provide only temporary benefits.

"The reason the ACP program was criticized by President Nixon and others in the present administration, is they felt that it was assisting or contributing to over-production. Fortunately, in Kansas we had fewer production-type practices than some other states," McChesney said.

He cited the practice of using agricultural limestone, a practice included under the ACP program. Purpose of adding the limestone was to neutralize the soil in order to increase production of legumes and cool season grasses. McChesney said farmers would follow some of these practices, anyway, without the cost-sharing on fertilizer and lime.

Other examples are land leveling followed by flood irrigation, and drainage ditches.

"What the new program does is emphasize the true conservation and pollution abatement practices," McChesney said.

Saline county has had land leveling and drainage ditches in past programs, and for 1971 it was left to the discrimination of county committees if production-type practices were left in the 1971 program. "If county committees felt they needed identical practices for 1971 in order to have a well-balanced conservation program, they could include some production-type practices. These are no longer included in the national program, but counties can request them as special practices.

"Their addition to the program this year is to bridge the gap from ACP to REAP, then the practices can be dropped entirely for 1972."

Saline county requested drainage ditches and land leveling for 1971, but cost share rates are much lower on these practices than on the true conservation practices.

STATE DEPARTMENT BUREAUCRATS STILL RIDE ROUGHSHOD

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SCHERLE. Mr. Speaker, the widely read national news weekly, Human Events, printed an article in its May 15, 1971, issue by Pulitzer Prize winning reporter Clark R. Mollenhoff, to which I call the attention of the House.

Secretary of State William P. Rogers should provide the public with an explanation of the issues raised in this tragic story.

STATE DEPARTMENT BUREAUCRATS STILL RIDE ROUGHSHOD—CHARLES THOMAS CASE FOLLOWS ON HEELS OF OTEPKA AND HEMENWAY OUSTERS

(By Clark Mollenhoff)

The personnel file of Charles W. Thomas bulks large with tributes to his brilliance as a hard-working Foreign Service officer who worked "within the system" and in the end he demonstrated that he knew how to beat the brutal, mediocre bureaucrats and petty politicians who run the Foreign Service System.

At 4 p.m. on April 12, 1971, Thomas shot himself.

Within the system, Charles Thomas, dead, was worth a pension of $5,500 a year to support his wife Cynthia and their two children. As a 48-year-old Class 4 Foreign Service officer, Thomas had 12 more years before he could have started to collect on the annuity that did not mature until age 60.

Alive, Thomas could withdraw only the accumulated $10,000 in the Foreign Service annuity fund and he had already borrowed far in excess of that in his two-year effort to shift from the Foreign Service to another career.

An hour before he took his life, he told his wife he had decided to withdraw the money for another try at making the transition to private life. He felt it would take three years to establish a law practice. But, sometime between 3 and 4 p.m., Thomas had concluded that drawing the $10,000 out of the annuity fund would leave his family without protection.

He was another victim of the "select out system" in the Foreign Service that is weeding out many of the most capable officers while permitting some of the deadwood to remain on top in a structure that demands conformity.

Thomas' background made him too well qualified for most jobs and in those jobs where his qualifications were desired there was apparently a lingering question about why he was being dropped.

There had been some moments of discouragement in writing hundreds of letters of application for jobs up to and including that of executive secretary to the secretary of state, a job that those who knew him said he was well qualified to do. In his last week of struggling as public defender of the indigent at $7.50 when employed, he had considered taking a night waiter job. Two nights before his death, his wife had tried her hand at cooking for a party.

The morning of the day Thomas shot himself, he had received three rejection letters to add to the nearly 2,000 he had accumulated in less than three years. The last rejection came from a Capitol Hill staff job where a decision had been made to hire a "younger man."

He had been counting on Congress, but, "I've exhausted my contacts in Congress," he told his wife shortly before noon. He did not say it despondently, for that was not his way, but he was simply accepting the fact he would have to turn elsewhere for a job.

Thomas had known adversity in his earlier years. He was born to poor parents in Orange, Tex., and by age four was an orphan living in the home of a sister in Fort Wayne, Ind. But he also had the success which comes through hard work, careful planning and education.

For 46 of his 48 years Thomas was another Horatio Alger. A member of the National Honor Society, he stood fourth in academic standing and was president of his class at North Side High School in Fort Wayne. He was selected an alternate for appointment to the military academy at West Point.

Instead, he graduated with a B.S. in economics and government from Northwestern University in Evanston, supplementing a scholarship by working as a busboy, janitor and farm worker.

After serving as a Navy fighter pilot in World War II, Thomas returned to Northwestern University Law School in Chicago again on a scholarship and received an LLB degree. Later he earned a doctorate in international law and international relations from the University of Paris.

He was fluent in French and Spanish and had an elementary working knowledge of German, Italian and Portuguese. He had been admitted to the practice of law before the bar in Illinois, the District of Columbia and the United States Supreme Court.

From the time he entered the Foreign Service in 1951, Thomas had a brilliant record that had brought high praise from all of the ambassadors he served. An inspector general's report, by Ambassador Robert McClintock, had recommended in 1966 that he receive an immediate promotion to Grade 3 and assignment to the National War College.

The McClintock report was misfiled in the personnel office of the State Department in the file of another Charles W. Thomas, then consul general in Antwerp and he missed consideration by the selection board in session that year.

A special plea from American Ambassador Fulton Freeman, who had headed the embassy, failed to prod the Foreign Service into corrective action. Ambassador Freeman wrote an unusual four-page letter of his "surprise and disappointment" that Thomas was not included in the 1968 promotion list, and stated that the comments by rating officer Joseph Montllor that Thomas was "not ready for promotion to Class 3 this year" and had been "needlessly and unfairly prejudicial and was directly contrary to my own judgment."

On May 6, 1968, Ambassador Freeman wrote to John M. Steeves, then director general of the Foreign Service, to express his great concern about the Thomas case and what appeared to be a "miscarriage of justice" in the failure to promote Thomas to Class 3.

"But I feel even more strongly that the Foreign Service stands to lose an able, effective, competent, dedicated and sincerely respected team if the Thomases are forced to resign because of a time in grade—a loss which at this critical juncture of the Foreign Service can ill be afforded," Ambassador Freeman wrote from Mexico City.

Director General Steeves took no special action to see that the Thomas matter received appropriate attention and did not even confirm whether an investigation was made regarding comments that Charles G. Stefan, a later rating officer in the U.S. Embassy in Mexico City, had been forced by the political counselor, Wallace W. Stuart, to hold back high praise of Mr. Thomas in two subsequent yearly reports because such praise would appear inconsistent with previous unfavorable reports by Montllor.

In spite of Freeman's letter on May 6, 1968, the State Department refused to review the record by Joseph Montllor, or to examine the action of the political counselor who had insisted the high praise of Thomas be withheld because it would seem inconsistent with the earlier report.

The refusal of the Foreign Service to correct the record or to try to be fair and just in the handling of this case is a sorry reflection upon everyone in the system. Deputy Under Secretary of State William Macomber Jr., Director General of the Foreign Service John H. Burns and Deputy Director General Howard P. Mace have full knowledge of this case and have had correspondence dealing with it.

Norbert Wyss, an attorney of Fort Wayne, Ind., and a high school friend of Thomas, had followed his career with satisfaction and considered him a success as a Foreign Service officer. He found unbelievable the background of the misplaced inspector general report and the futility of the ambassador's letter trying to correct the record.

Appreciating the need for a bipartisan push, he contacted Sen. Birch Bayh (D.-Ind.) and Rep. Ross Adair (R.-Ind.) to try to right the wrong. The more he investigated the more enraged he became at the system. The same was true of Larry Cummings, a special assistant to Bayh, who found the correspondence with Deputy Under Secretary of State William Macomber Jr. totally unsatisfactory.

"I am unsatisfied with the letter and remain disturbed by Mr. Thomas' case because of what it reveals about the administration of the Department of State," Sen. Bayh wrote to Macomber after having received a letter signed by a new assistant secretary of state, David Abshire.

"Even if Mr. Thomas had been the mediocrity that Mr. Abshire alleges him to be, equity would dictate that he be promoted so that he could retire thereafter with a pension. I find it shocking that a man with 21 years toward retirement is forced to retire at age 47, after dedicating his life to the career principle."

"I understand that Wallace Stuart did all he could to discredit Mr. Thomas throughout his tour in Mexico City in order to justify that first unfavorable report and perhaps out of jealousy of Mr. Thomas' outstanding work and impressive contacts," Bayh wrote, "I am told that Stuart was later selected out for substandard performance."

In other ways the revised time schedule worked against Thomas. Bayh wrote. "Although Ambassador Freeman considered Mr. Thomas his most outstanding officer, optimum praise had to be directed to those officers whose careers were placed in immediate jeopardy by the new time-in-class rules." (A Class 4 Foreign Service officer was forced out if he was not promoted in eight years.) Bayh commented on "the chaos" that resulted from changing the rules in the middle of the game.

Support for Thomas came from liberal Democrat Bayh as well as Ross Adair, Republican conservative. It came from Sen. John Pastore (D.-R.I.) and Sen. John Sherman Cooper (R.-Ky.) and others.

The injustice is not the fault of one administration. It started in the Johnson Administration and carried over into the Nixon Administration. It is doubtful if Secretary of State Dean Rusk or Secretary of State William P. Rogers had direct knowledge of the details of this case, but in the broad sense it was their responsibility to find out.

Direct responsibility has fallen on Deputy Under Secretary of State for Administration William Macomber Jr. who consistently gives Congress bureaucratic reasons why nothing can be done to correct injustices in the Foreign Service system.

The State Department did not admit the misfiling of crucial reports in the Thomas case could cause an injustice and did not bother to investigate charges of malicious rigging of records in the Thomas case. That would have opened up a whole range of nasty problems Macomber and Mace did not want to face.

No records are kept on reasons for the actions by the selection boards. Consequently, no one is able to go back and question these at a later stage. It makes arbitrary personnel decisions for friends and political favorites easier.

If State never admits that the system could be wrong, and never permits investigation, the system then cannot be proven wrong. It is bad business to look back to determine right or wrong on policy matters. It is bad business to prove high State Department officials will lie and frame subordinates who dissent.

John Hemenway, 44, another Foreign Service 4, was severed by State in the same time frame as Thomas. Hemenway, a Naval Academy graduate and Rhodes Scholar, simply had not been promoted in eight years. He was dropped following sharp policy differences with a superior on German affairs It is his contention those superiors have lied and distorted the record and that those lies had a direct bearing on his failure to win promotion. He is now seeking a forum in which he can prove those charges.

Hemenway's efforts to work within the system failed, so he challenged the system in a grievance procedure. Fortunately, after leaving the State Department he took a higher post in the Defense Department and has been able to carry on a legal challenge.

The State Department has fought his every effort to get a hearing and to subpoena witnesses to prove his personnel record has been marred by lies and distortions. He says he simply wants to "put all the facts on the line," and Macomber and Mace have put barriers in the way even to the point of violating a State Department rule to fire two grievance panel members in the middle of a hearing now in progress.

Stephen Koczak, another former Foreign Service officer, has been conducting a four-year fight for the right to examine his personnel record at State and to cross-examine superior officers who, he contends, conspired to rig the record against him.

Two points were involved. One was a policy difference, upon which events have since proved Koczak right. The other involved a decision Koczak made to report a serious security violation involving a superior. Koczak contends that instead of being commended for taking proper action, the ambassador did not follow up the violation but permitted the man whom Koczak had reported to write Koczak's fitness report.

Although Koczak fought this battle, and won an assurance his fitness report written by the security violator would not be used against him, he learned that it was not removed from the file and was in fact used later as grounds for selecting him out.

Macomber and Mace continue to stand in the way of Koczak's effort to examine the record and to prove that "lies" have been used in selecting him out, and that those same "lies" have been used to prejudice employers when he has sought employment.

Koczak continues to fight his battle from a job at the American Federal Government Employee's Union office, where he is now employed as a researcher.

A more celebrated case involves Otto Otepka, a former chief security evaluator at State and now a member of the Subversive Activities Control Board.

The Otepka case is now established as permeated with illegal wiretapping and eavesdropping. It is a record filled with proven falsehoods of superiors who denied the electronics surveillance and then later admitted they had testified false when caught. Again this took place under the jurisdiction of Howard P. Mace and in the jurisdiction for which Macomber is now responsible.

Both Macomber and Mace have continued to fight reinstatement of Otepka and to defend the State Department support of the liars and the illegal eavesdroppers. They have placed every conceivable barrier in the way of getting to the truth for corrective action, and have been responsible for the continued circulation of erroneous letters on the Otepka case.

Secretary of State Rogers may not have direct responsibility for the handling of the Thomas case, but he nevertheless bears responsibility for what is taking place in his department and for permitting Macomber to continue practices which result in such injustices as the Thomas case.

The secretary of state expressed high-minded goals for the department when he took office in January 1969. His stated objective was to establish a spirit which in the Nixon Administration would lead to "a receptive and open establishment where divergent views are fully and promptly passed on for decision."

"We must tap all the creative ideas and energies of this department in the formulation of a foreign policy responsive to the needs of the future," Rogers said. "Only if we do so can we systematically delineate meaningful alternatives from which the President can determine a considered policy course."

It was, Rogers said, a follow-up of the observation that candidate Nixon had made in September 1968, about the need to "bring dissenters into policy discussions, not freeze them out." "We should invite constructive criticism, not only because the critics have a right to be heard, but also because they have something worth hearing." Nixon had said.

Aside from pompous statements, Rogers and Macomber have done little to change the personnel policies that caused the tragedy of Charles Thomas.

In the days after Thomas died, Sen. Cooper wrote a note of condolence expressing "regret" there was nothing any combination of senators or congressmen seemed to be able to do about the injustices in the Foreign Service system.

A few days before his death, Charles Thomas had discussed a book on "Reform in America" with a publisher. He had completed an outline and one chapter. In the process, he quipped to his wife that an awful funny book could be written about his own struggles to correct the record. He reasoned that few would believe a serious book about the raw injustices of the Foreign Service system.

There is wry humor in the fact that his death might correct obvious injustices that have seldom received the attention they merit.

RED STAR OVER THE INDIAN OCEAN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SPENCE. Mr. Speaker, one of our foremost writers on the subject of national security is Mr. Anthony Harrigan, former associate editor of the Charleston News and Courier and present executive vice president of the Southern States Industrial Council.

Last year, Mr. Harrigan wrote an extremely perceptive series on Soviet naval presence in the Mediterranean and the critical need for modernization of our own fleet there. Now he has performed a similar service by exposing the serious threat of Soviet imperialism in the area of the Indian Ocean.

In an excellent article entitled "Red Star over the Indian Ocean," Harrigan describes the intense Soviet naval buildup in the Indian Ocean, as well as its meaning to the free world. So that my colleagues can study this exceptionally well-written discussion of the situation we face in this strategic area of the world, I ask that it be reprinted in the CONGRESSIONAL RECORD at the conclusion of my comments.

[From National Review, Apr. 20, 1971]

RED STAR OVER THE INDIAN OCEAN

(By Anthony Harrigan)

If Prime Minister Edward Heath's warning that "the frontiers of Soviet ambition are not bound by the Mediterranean" failed to alert the Free World to the threat inherent in the USSR's naval buildup in the Indian Ocean, the sudden appearance of Soviet cruiser *Aleksandr Suvorov* off Singapore during the recent Commonwealth conference should have wakened many leaders to the reality of Soviet power in the great southern ocean.

At long last, Soviet imperialism in the Indian Ocean is a matter of at least limited concern in Washington. This is indicated by the decision of U.S. and British authorities to construct a communications facility on Diego Garcia, an atoll in the middle of the Indian Ocean. Awareness of the strategic importance of this 28 million square mile oceanic region is late in coming, however. More than a decade ago, Admirals Arleigh Burke and John S. McCain Jr. warned of the inevitable Soviet effort to fill the Indian Ocean power vacuum. Rear Admiral M. W. Cagle spoke of the "Forgotten Ocean." Because such leaders weren't heeded, the United States today is without naval forces or bases in the Indian Ocean. The American admiral who commands the token Middle East force in the Persian Gulf flies his flag from an antiquated seaplane tender. Meanwhile, powerful, rocket-armed Soviet frigates show the Red flag from Bombay to Mombassa and Mauritius to Singapore.

The full meaning of the Soviet naval buildup in the Indian Ocean—the overall strategic objective—still isn't fully appreciated in the United States, judging by low-key official comments and press reaction. This was the situation when Soviet naval vessels first appeared in the Mediterranean in the 1960s. The USSR was dismissed as a "land animal." Today, its naval forces in the Mediterranean are more modern and powerful than the U.S. Sixth Fleet, except for carrier aircraft. The Med is well on its way to being a Soviet lake. The same process is under way in the Indian Ocean.

The astonishing power shift in the Indian Ocean was recently described by Paul Dodd, *Christian Science Monitor* correspondent, writing from Cape Town, South Africa:

"Three years ago the Indian Ocean was almost exclusively a British area of influence with the Soviets rarely if ever seen. Today the Russian Indian Ocean fleet consists of fifteen warships including guided-missile vessels, destroyers and submarines. The numbers fluctuate with reports indicating that it has been as high as thirty."

This costly commitment of ships and manpower to a remote oceanic region reflects Russia's enduring goal of world conquest. Seventeen countries occupy the rimland of the Indian Ocean. Each of them is vulnerable to Soviet power projected across blue water.

In part, the current Soviet move into the Indian Ocean is realization of the dream of czarist Russia. After the Peace of Tilsit in 1807, Czar Alexander contemplated an invasion of India through Persia. Throughout the nineteenth century, Great Britain feared and guarded against a Russian attack on the rich subcontinent of India. Prince Ukhtomsky, traveling with the czar in Asia in 1890–91, wrote of Russia and its oceanic frontiers, saying: "There are no and there cannot be any frontiers for us in Asia with the exception of limitless seas." He saw the Indian Ocean as a frontier of opportunity, not as a barrier. In our time, the Soviet regime clearly aims at domination of the Southern Hemisphere. The development and deployment of Soviet naval power are shaped to that end. First, rocket-armed warships were designed and built to give the USSR a naval capability beyond the range of landbased Soviet aircraft. Then the new naval forces were moved into the vital inner sea—the Mediterranean. Next came the consolidation of military power in the land-sea zone between Alexandria and Aden. That militarized corridor between the Mediterranean and Arabian Seas is comparable to the Panama Canal Zone—a major strategic point of control and supply. Now, in the 1970s, the Soviet naval forces are secure in their rear area and in position vastly to extend their operations in the Indian Ocean.

No strong naval force serves as a deterrent to the Soviet push into the Indian Ocean world. British naval forces East of Suez consist of a handful of ships—none equipped with ship-to-ship missiles. American naval forces are limited to an occasional vessel from the Seventh Fleet in the Pacific—usually a destroyer built during World War II and no match for a modern Soviet warship. The Australian and South African navies are modern, efficient but small. Pakistan's naval forces are insignificant. The Indian navy doesn't count, for India is increasingly cooperative with the USSR. Foreign Minister Swaran Singh, India's delegate to the recent Commonwealth conference, told the meeting that countries bordering the Indian Ocean were much more concerned over the growth of South African military power than any hypothetical Soviet threat. India actually seems pleased at the arrival of the Soviets in the Indian Ocean, viewing the naval activity as fresh humiliation for the Western powers. Dev Muraka, writing in the *Indian Express*, has said that the "arrival of the Soviet navy means that for the first time since Vasco da Gama, Western naval supremacy is faced with a serious challenge."

THE PRIZE

The important question is: Where are the Soviets going? What is their primary objective in the Indian Ocean?

Their initial goal would seem to be psychological. The rimland countries are keenly aware of the Soviet naval presence. Revolutionary regimes look on the supremacy of Soviet seapower as another and perhaps final blow to the authority and prestige of the West in the Afro-Asian world. They hope that Soviet naval might will be used to humble remaining Europeanized nations bordering the Indian Ocean. Those Indian Ocean countries that aren't anti-Western are fearful of the Soviet fleet and the capability for pressure that it represents. Finally, the two strong Western countries in the Indian Ocean world—Australia and South Africa—are aware of the possibility of a direct confrontation with Soviet might sometime in the 1970s. And Japan, a Pacific Ocean country, also is cognizant of the fact that the Soviets have the naval means to halt the oil, iron and coal shipments on which Japanese industry depends. The Japanese Maritime Self-Defense Force, while gaining in strength, is not in a position to defend Japan's lifeline across the Indian Ocean.

Britain is the major power that is most concerned and articulate about security for shipping in the Indian Ocean. Britain could not survive economically if her merchant vessels were denied access to Indian Ocean ports as a result of Soviet naval harassment. Prime Minister Heath stated the situation with complete accuracy when he said that the Cape route around southern Africa is "vital to our lives." Even the previous Labor government understood this fact and permitted ship visits to Cape Town. An average of one hundred Royal Navy vessels have called at South African ports each year since the closing of the Suez Canal in 1967. The initial concern of the British is for the safety of shipping in the Indian Ocean in an era of Soviet naval supremacy. A tremendous volume of ocean commerce moves around the Cape of Good Hope at the southern tip of Africa—approximately fourteen thousand vessels a year.

The Socialist government of Britain set a dangerous precedent when it established a naval patrol in the Mozambique Channel and halted vessels entering Portuguese seaports with oil and other materials bound for Rhodesia. The Soviets may cite this precedent if they should attempt to establish closed sea zones at various points along the rim of the Indian Ocean. At present the Western nations lack the naval forces East of Suez necessary to maintain open sea lanes in the Indian Ocean. Many nations have to be mindful of this danger. Japan, for example, does a large volume of business with South Africa and is counting on vastly expanding its trans-Indian Ocean trade—even to the point of planning a highway across Africa from Mombassa in Kenya to Lagos in Nigeria.

Looking beyond the shipping problem, the West has to calculate the ultimate Soviet targets in the Indian Ocean and estimate the means likely to be employed to attain the objectives—in order to institute the proper countermeasures. Two nations—Australia and the Republic of South Africa—must be regarded as the ultimate Soviet targets because they are rich, capitalist states and, as such, strong points in the Western world that the USSR is ideologically committed to liquidate. In point of time, the threat to Australia is more remote because it is an island continent, vast in size and free of revolutionary elements within. In all likelihood, the Soviet threat to Australia will materialize only if and when the USSR makes its major move in the western half of the Indian Ocean.

South Africa undoubtedly stands out as the principal prize of a Soviet Indian Ocean strategy because of the Republic's immense mineral wealth and huge industrial plant. If the Soviets were to seize control of South Africa, the world power balance would be decisively tipped in favor of the Communist system. The West most probably couldn't recover from loss of the African subcontinent—potentially the world's richest region because of colossal mineral resources. A Soviet-inspired assault from the land side isn't likely because of the weakness of African nations and increasing recognition in some of those states that peaceful cooperation with the Republic is desirable. The Soviets, however, can directly project their power from the Indian Ocean. They can use their growing naval might to threaten not only South Africa but also Portuguese Mozambique and the Malagasy Republic on the island of Madagascar. Tanzania, oriented toward Peking, also is likely to feel the psychological impact of Soviet warships offshore. The Soviets learned the lessons of sea power in the Cuban crisis of 1962 and clearly intend to apply their new understanding along the entire east coast of Africa.

A NEW "STANDING FORCE"

The Soviets already have their forces based on the island of Socotra off the Horn of Africa—an excellent point for control of the Arabian Sea. The island that bears watching is Mauritius, an independent state comprising 720 square miles and located some five hundred miles to the east of Madagascar. Soviet naval vessels have made a number of visits to the island. Mauritius has an international airfield capable of handling multi-engine military jets. The harbor at Port Louis is dredged to 32 feet. From the Soviet standpoint, the opportunities are excellent because the economy is weak and the political situation is extremely unstable—a situation the Soviets are in a position to exploit.

Mauritius is the key to Madagascar. And the Soviets undoubtedly believe that Madagascar could be turned into the Cuba of the Indian Ocean. The government of the Malagasy Republic has a defense agreement with France. But France isn't likely to deploy major naval forces to the Indian Ocean to guard against Soviet action involving Madagascar. From the Soviet standpoint, the old French naval base at Diego Suarez would be the ideal base of operations against South Africa, Mozambique and other areas of the subcontinent. If the Malagasy Republic fell under Soviet domination, strategic rockets could be placed on the island to intimidate Western governments in southern Africa.

If this projection of events seems far-fetched, one has only to think back to the mid-1950s when a Soviet military and naval presence in the Caribbean or the Mediterranean was unthinkable. Today, we have the benefit of bitter experience with bold Soviet expansionism into areas where Russia never had ventured in the past. We can discern the pattern of Soviet imperialism and comprehend the Kremlin's effective use of sea power. The Soviet Union's buildup in the Indian Ocean is as purposeful as its campaign for control of Cuba and the Mediterranean littoral.

Against the background of this developing threat, the establishment of a joint U.S.-British communications facility 1,300 miles south of India must be viewed as a small step indeed, albeit in the right direction. A more significant move would be a direct linking of the South African maritime information center at Cape Town with the Atlantic Fleet operational control center. The immediate need is for improved surveillance of the Soviet Indian Ocean force. More than 5,500 Soviet or Eastern bloc ships pass the Cape of Good Hope in a year. There should be a complete sharing of data on these vessels and their movements among Britain, the United States and South Africa. The naval attaché post at the U.S. Embassy in Cape Town should be upgraded to a flag rank position for stepped-up liaison on a high level basis.

The absurd policy—ordered by the Johnson Administration—of denying U.S. naval vessels authority to enter South African ports for routine calls or repairs should be junked. At the same time, the U.S. Government should begin negotiating with the Malagasy Republic for permission to conduct reconnaissance flights from airfields on Madagascar. The CAPEX naval exercises, which the U.S. participated in during the Eisenhower Administration (involving British, American, Portuguese and South African warships), should be resumed at an early date, with addition of French and Australian vessels if possible. Formation of a permanent, multinational composite naval force in the Indian Ocean—similar to the NATO Standing Force approved in 1967—would be a comparatively inexpensive way of providing at least a partial counter to the Soviet fleet in the Indian Ocean. Ideally, it would operate out of Diego Suarez—with air cover from that point—and would be controlled by the new computerized Cape Communications Center planned near Simonstown, South Africa. Eventually, major American fleet units must be deployed in the Indian Ocean.

NEEDED: A VISION

No doubt the U.S. public is ill-prepared for such bold measures, involving scrapping of outmoded political inhibitions acquired in the 1960s. Failure to take bold military and diplomatic action has cost the U.S. and its Western friends dearly in recent years, in the Western Hemisphere and in the Mediterranean world. A bold move in the late 1950s would have denied the USSR control of Cuba. Another bold move would have kept Libya out of the revolutionary orbit. Inadequate vision or weakness of national will with respect to the mounting danger in the Indian Ocean could result in a disaster of infinitely greater scope. The history of this planet for half a millennium was decided in the Indian Ocean in the late 1400s. Early in that century, Admiral Cheng Ho of China sent ships as far as Aden and southern Africa. The Chinese ships were larger than the Portuguese vessels. They could have sailed to Europe or South America. But court officials didn't understand sea power. New voyages were forbidden. Records of the voyages were destroyed. Thus the Portuguese swept into the Indian Ocean and set the stage for five centuries of European domination of Asia. Today, the Soviet Union is preparing to sweep into the Indian Ocean world and dominate the region for generations to come. The future of the Western countries depends in large measure on their understanding of the importance of sea power and its ability to influence history in the late twentieth century. The Western nations must match the Soviet oceanic vision. They must deploy superior naval forces in the crucial area of the Indian Ocean—the middle ocean between East and West.

ZEROING IN ON DRUNK DRIVERS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BAKER. Mr. Speaker, it is obvious the Nation is coming to recognize the drunk driving problem for what it is—the No. 1 highway threat.

An article which puts this threat in its proper perspective with a summary of what is being done and emphasis upon what needs to be done has just appeared in May-June issue of the Journal of American Insurance.

Under the title, "Zeroing In on Drunk Drivers" this article offers a ray of hope that we are finally moving in the right direction when we start with the premise the drunk drivers "deserve our sympathy, care, concern, but not the freedom of our highways."

I commend this article to the attention of my colleagues:

ZEROING IN ON DRUNK DRIVERS

They deserve our sympathy, care, concern, but not the freedom of our highways.

The problems associated with drunk driving may be as old as the discovery of the grape and invention of the wheel. English laws against drunk drivers date back to the 18th century, when some carriage drivers became the menace of cobblestone streets. Old as the problem may be, it now earns new concern, for it has become increasingly clear that the number one highway threat is the drunk.

Transportation Secretary John A. Volpe zeroed in on the difficulty early this year while announcing a new federal effort to curb drunk drivers: The Traffic Safety Administration estimates that some 50 percent of all traffic fatalities are causally related to alcohol overuse," he said. "And it appears that problem drinkers, not social drinkers, are most to blame."

With annual highway deaths exceeding 55,000, and losses running into billions of dollars, the magnitude of the problem becomes truly immense. Experts now know that alcohol figures in at least one-half of fatal accidents, and in an estimated one-fourth of minor accidents. Between 60 and 70 percent of accidents at speeds above 60 miles an hour involve alcohol, but only 30 to 40 percent of accidents below 60 miles an hour involve drink, although some are serious. For every wrong way accidents, 8 to 9 involve drunk drivers.

For these reasons the federal government has authorized a massive alcohol abuse program in which the Department of Transportation and the Department of Health, Education, and Welfare will coordinate preventive and treatment efforts.

"Basically, this is a new effort," says Dr. Robert B. Voas, chief of the National Highway Traffic Safety Administration's program and plans division. He backs up that assertion by pointing to the new funds pouring into the alcohol abuse program. In fiscal 1970, the effort was funded only $1.5 million. That figure jumps to $7.5 million for the current fiscal year, then leaps to $35 million for 1972, and by 1973 should reach $70 million.

The funds will be devoted to research, community action programs, and public education. The goal will be to identify the problem drinker, get him off the road, and finally cure him.

Getting drunks off the road has been difficult because most people do not understand the problem. At least three-fourths of licensed drivers drink, and many tend to sympathize with those caught while driving under the influence. What they don't realize, says Voas, is that problem drinkers typically have blood alcohol concentrations two to three times higher than normal drinkers.

"If you wandered through a cocktail party with a breath analyzer, you would find most people with a blood alcohol level of .05," says Voas. This is just half the commonly accepted legal intoxication level of .10. "Many problem drinkers register .20," says Voas. "Some even approach the lethal level of between .40 and .50. People simply don't realize that abusive drinkers consume alcohol on a staggering scale."

The new federal program will focus on four key areas: development of new techniques; public education; traditional safety programs; and federally funded community programs.

New techniques will focus on mechanical devices to inhibit drunk drivers. Auto companies are working on a number of systems to stop intoxicated drivers before they start their cars. One is a flashing number system in which the driver must repeat a sequence of numbers flashed on a display unit before his car will start. Another is the quick key system, which in effect tests the driver's reflexes before he can start his car. A buzzer sounds and the driver then has a measured amount of time to start his car.

Perhaps more important are new devices to aid police in detection of drunk drivers. One is a highly sensitive sniffing device, currently under development and possibly shaped like a flashlight, which an officer could direct at a suspect while asking for his license. A positive reading here could lead to arrest and a more formal and accurate breath analyzer test. Thus, the sensitive question of pre-arrest breath tests could be side-stepped.

Traffic safety expert Voas stresses the need for accurate measuring devices. Police used to rely on behavior to detect drunks, but the problem is that excessive drinkers quickly learn to control their behavior. Also, the anxiety associated with accidents and police tends to stir adrenalin and reinforce the appearance of sobriety. There have been cases where arrested drunks collapsed after passing a station house sobriety test conducted by a physician—"drunkenness" rushing back with the release of tension. Accurate tests will end this kind of confusion, says Voas.

In the area of public education DOT and HEW will coordinate an advertising campaign to be kicked off this fall to explain clearly the difference between excessive and moderate drinking. "One drink per hour is the key," says Voas, explaining that at that rate the blood can handle the alcohol and the drinker will stay sober.

There are obvious exceptions. Young persons who may be learning both to drink and drive should be more cautious about alcohol intake. So too should older individuals whose reflexes may not be as sharp as they once were. Other variables include weight, food intake, experience and related factors.

Dr. Morris E. Chafetz, acting director of HEW's National Institute of Mental Health's division of alcohol abuse, insists that the advertising campaign will not be based on fear. "We're not interested in a scare campaign," he says. "You don't get anything done that way." Instead, the theme will stress the many different uses of alcohol, and suggest alternative approaches to drinking.

Chafetz points out that there is a great deal of misunderstanding about alcoholics—now numbering about seven million in the U.S. "We're trying to get away from the idea that they are criminals," he says. Once that has been accomplished, they will more readily be treated as the sick individuals they in fact are. The point is to get them off the road while undergoing medical treatment, for although the alcoholic is no criminal, the drunk driver is a law-breaker.

One Mental Health Institute program underscores the prevalent lack of understanding of alcoholics. The Institute provided special alcohol abuse training for 13 small town family physicians, who then became involved in the treatment of 150 alcoholics in their respective communities. These physicians soon found themselves experts in the field, and were called upon to address medical societies and publish papers. The Institute hopes to encourage more physicians to treat alcoholism as a medical rather than a moral problem.

The third target area concerns traditional safety programs. Here the federal government will provide matching grants to states supporting improvements in police enforcement, court procedures, licensing activities and the like. To qualify for these grants the states will emphasize programs designed to remove drunk drivers from the road. These include new court procedures to bring prior arrest records into consideration. About 58 percent of drunk drivers have previous arrests involving alcohol abuse.

The final area is a completely federally funded program for specific communities with anti-drunk driving plans. Nine were funded last year (See "A Call for Community Action," *Journal of American Insurance*, September–October, 1970), and an additional 20 are presently under consideration. Chafetz says these programs are not following a federally devised model, but are individualized plans reflecting the community's specific problems and approaches to alcohol abuse. This effort has been named the Alcohol Safety Action Program (ASAP).

This new effort is built on the breakdown of an older one. Howard Pyle, National Safety Council president, points out, "For years the Council urged: 'If you drink, don't drive.' However, trying to convince Americans that they should never drive after drinking was not successful. Both driving and drinking are too much a part of today's life style."

For that reason, the Safety Council now urges those who do drink and drive to do so in a manner which will not place them "under the influence" when they finally get behind the wheel.

HEW Secretary Elliot L. Richardson also sees hope in the new approach to problem drinkers: "Our collaborative effort with the Department of Transportation, coupled with the new legislation signed by President Nixon on January 2, 1971—The Comprehensive Alcohol Abuse, Prevention, Treatment and Rehabilitation Act—give us for the first time the tools we need to fight alcohol abuse and alcoholism on a nationwide scale."

TRIBUTE TO BILL DUNNAM FOR 50 YEARS OF SERVICE TO VETERANS AND THEIR DEPENDENTS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. LUJAN. Mr. Speaker, today I have the honor of commending Bill Dunnam of Artesia, N. Mex. for 50 years of service to veterans and their dependents. His remarkable career began in October, 1920 and took him through a life dedicated to others. It was climaxed by his work in Artesia as a volunteer veterans' service officer for the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans. His retirement at the end of April of this year has brought to a close an enriching career for a distinguished gentleman. We can all be proud of Bill Dunnam.

I would now like to enter an article from the Artesia Daily Press of Tuesday, April 27, 1971 that more fully describes his life and work:

W. A. (Bill) Dunnam, who states he has been servicing claims for veterans and their dependents since 1920 and in Artesia since 1942, is announcing his retirement as veterans service officer as of April 30 with more than 50 years in this field.

Before moving to Artesia on Labor Day, 1941, Dunnam serviced claims in Carlsbad, moving there from Denver, Colo. The Dunnams resided in Roswell from 1927–1929, when they returned to Colorado due to illness of his brother, E. C., who died in April 1933.

Dunnam states he may be nearing a record as a service officer. He began this work with the Modern Woodmen Sanitarium, northwest of Colorado Springs, Colo. in October, 1920, while a patient there. He notes approximately 35 years of his service work has been at personal expense.

Dunnam says when he began assisting veterans, no Veterans' Administration existed, nor a Veterans Bureau, predecessor of the VA.

"In those days we had to deal with three separate federal agencies. As I remember, they were the U.S. Public Health Service, Bureau of War Risk Insurance and a Federal Vocational Board, the latter supervising education and vocational training for veterans with service connected disabilities," he says. "Having to deal with these three agencies was most difficult and frustrating.

"The American Legion, organized shortly after World War I, grew by leaps and bounds, and soon became strong enough to bring pressure in official Washington in behalf of sick and disabled veterans," he said.

Shortly after the inauguration of Warren G. Harding as president, with his support, Congress created the Veterans Bureau and the other agencies were sidetracked. The first director of the Veterans Bureau was Charles Forbes.

Until this time, veterans who were ill or disabled were hospitalized in army or navy hospitals or "farmed out" to hospitals and sanitariums owned by organizations and individuals. Almost instantly there was a boom in building hospitals for veterans, with Forbes in charge. He later served a prison term for allegedly mishandling hospital building funds.

"Despite that tragedy, I loved Forbes," Dunnam maintains. "In those days we could take a case up directly with the administrator, if the service officer felt the veteran had not received a fair shake. In every case I took up with Forbes, the veteran won. After dealing with the other outfits, how could a service officer keep from loving this man?"

Dunnam says he began servicing claims in Artesia in 1942 when Frank Smith, post service officer for Clarence Kepple Post 41, American Legion, requested his help, as it was interfering with Smith's employment.

The work gradually increased, he notes, after World War II began Dec. 6, 1941.

"I had considerable difficulty in convincing post officials we needed a downtown office," he said. In 1943 Fred Brainard, active and influential in the American Legion and civic affairs, was appointed reemployment committeeman for the Selective Service System. He took one look at the "Veterans Assistance Record Form" and immediately called a meeting of Legion members, which was held in the basement of the old city hall, Fifth and Main.

"The meeting resulted in setting up a downtown office in the basement, where the meeting was held. I was appointed for 90 days as Mr. Brainard's secretary, and a lady secretary was hired for me, since I was too ill to work more than three hours a day. The office was financed mainly by the businessmen of the town," according to Dunnam.

When Ed Mechem, now a Federal district judge, was elected governor in 1951, Dunnam states he served as Mechem's campaign manager in North Eddy County. In 1951 Dunnam, with support of local units of the American Legion, Disabled American Veterans and Veterans of Foreign Wars, prevailed upon Governor Mechem to place a field service officer of the New Mexico Veterans Service Commission in Artesia.

"Harold Naylor was the first field service officer," Dunnam said. "He resigned in August, 1952 and I served part-time until November, 1964, when I was fired by the commission. Maxwell E. Johnson has been field service officer since.

"After I was fired by the Commission, at the request of numerous veterans and dependents, I opened an office in the rear of my home and continued as service officer for the American Legion, Disabled American Veterans and Veterans of World War I," he states.

While Dunnam's records on benefits he has obtained for veterans and their dependents are incomplete for his more than 50 years in the activity, he expresses opinion that cumulative benefits probably run into the millions of dollars. However, he says he considers more important that doctors at VA hospitals, through the years, have credited him with saving or prolonging the lives of more than a score of veterans by getting them into the hospital in time. Some still live in the Artesia area.

Dunnam has received numerous awards, citations, plaques and trophies from various organizations and individuals. About 1952, he was given a life membership in Clarence Kepple Post 41, American Legion. He was named Legionnaire of New Mexico in 1960 and in 1964, state top membership-getter. He signed up over 340 members out of his post of 363.

In 1951 he received a national citation from the Disabled American Veterans. Other citations and awards include one from the Daughters of the American Revolution, U.S. Department of Labor as reemployment rights adviser for several years and Lloyd Walker Evans Post 8145, VFW. Although not eligible for membership in the VFW, he states he helped organize the local post and served as its service officer from organization in 1946 until 1964.

"A representative of the Artesia Historical Society," Dunnam says, "has requested that he place his awards, trophies, and other honors in that institution."

Asked if he had any regrets about his avocation for the past 50 years, Dunnam replied: "Yes, if I had it to do over, I would try to be a better service officer."

TRIBUTE TO MILTON PEARL, A PUBLIC LANDS EXPERT

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. BARING. Mr. Speaker, Milton Pearl died this past week following a fine career as a highly regarded counsel on the proper utilization of the public lands of the United States and their resources.

Mr. Pearl called New York his home State but it soon became apparent during his career that his interests were largely with the western lands of this Nation where such a vast amount of the federally owned land is located.

I first met Milton Pearl when he came to work for the House Interior Committee in February of 1961 as a consultant on mines, mining, and public lands, where I served as a Member of Congress from the State of Nevada.

Obviously, with his yearning knowledge of such matters, he began a journey of exploring America via legislation in the Congress as it pertained to the management of our vast public lands and its resources and as often as not, by his first-hand inspection of public land, mining and mineral, and recreational matters during field survey trips for the House Interior Committee alongside of myself and my colleagues on the committee.

Mr. Pearl had obtained some of his initial experience regarding America's interior affairs when he was employed by the Army Corps of Engineers as a branch chief.

His expertise developed further as a member of the staff of the House Interior Committee until he was named Director of the vital Public Land Law Review Commission. This Commission embarked in a lengthy study in 1965 of the problems occurring in the management and utilization of the public lands, mines and mining, recreation and water development issues, timbering and the numerous related affairs affecting the Interior Department and the Committee on Interior and Insular Affairs of both the House and Senate.

Milton Pearl, as Director of the Public Land Law Review Commission, on which I served with other Members of Congress, was a man with the dedicated convictions to produce a report of most beneficial use to the Congress for the future of needed changes in laws affecting the Nation's lands and resources. That report, "One Third The Nation's Lands," was only printed after Milton Pearl and the Members of Congress on the Public Land Law Review Commission felt that the diligent study had considered and recommended on every aspect of the comprehensive subject matter for the report.

That report is concise, complete, accurate and full of vital information and recommendations which today is guiding the House and Senate Interior and Insular Affairs Committees in the task of revamping the laws affecting the Nation's public lands.

Each man is remembered for something. In my estimation, Milton Pearl will be remembered for his dedicated work on the Public Land Law Review Commission and its final report to the President and the Congress.

The Commission completed the study in 1970 and in December of that year, Mr. Pearl rejoined his friends in the House Interior and Insular Affairs Committee and was assigned as my special counsel on public lands in my capacity as chairman of the House Interior Committee's Public Lands Subcommittee.

I was pleased to have his guidance on matters in the field of public lands over the previous years and now, just recently, we were embarking on formulating legislation regarding the recommendations from the Public Land Law Review Commission report, along with the chairman of the House Interior and Insular Affairs Committee, Representative WAYNE ASPINALL of Colorado, and the House Committee on Interior and Insular Affairs.

Mr. Speaker, I regret that that association has come to an end before Mr. Pearl and I, and the members of the House Interior Committee, could put the comprehensive report to work for the benefit of this Nation. The job will be done because the stage has been set, and the Congress and this Nation owe Milton Pearl a debt of gratitude for his devotion in properly directing the efforts of the Public Land Law Review Commission.

THE IMPORTANCE OF SALVAGING THE FAMILY FARM OPERATION IN RURAL AMERICA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SEBELIUS. Mr. Speaker, in this Nation's economic development, the family farm operation has been the backbone of America. In spite of a long standing farm income crisis, the family farmer through dedication, hard work, and a personal commitment to our natural resources, has actully subsidized America's economic growth and industrial development.

Today, one farmworker produces food, fiber, and other farm commodities for himself and 44 others thereby releasing manpower and resources to satisfy our affluent society's demands for goods and services. The efficiency and productivity provides the American consumer the highest quality diet for the lowest percentage of disposable income of any country in the history of the world.

Because of the farmer's technical revolution and productivity, corporations viewed farming as possibly a highly profitable investment. However, today the same harsh economic facts in American agriculture that plague the farmer are becoming increasingly apparent to disillusioned boards of directors as they review corporate financial statements. Numerous corporation reports dramatize the fact that farm income is grossly inadequate relative to the income of the nonfarmers.

This great disparity between agriculture and the rest of our affluent society must be eliminated if we expect our younger generation to make the same economic and social sacrifices that American farmers have made in the past.

I am hopeful that this distinguished body will respond to the rural crisis. Legislation is necessary to perpetuate healthy and prosperous family farming units throughout America. Without the efficiency and productivity of the family farm operation our whole economy will suffer. Any alternative to the family farm in the production of food and fiber sacrifices efficiency and productivity and creates social and economic problems.

Mr. Speaker, recently, several articles have appeared in leading farm publications discussing in some detail the brief and costly involvement in farming by corporations. I would like to commend these articles to the attention of my colleagues to dramatize the importance of improving farm income and salvaging the family farm operation in rural America.

The articles follow:

[From the Wichita Eagle, Apr. 24, 1971]

CORPORATE FARM VENTURE ENDED—PROS AND CONS AIRED

(By Jerry Fetterolf)

JOES, COLO.—Gates Rubber Co., Denver, halted a three-year irrigation farming effort here last month.

Rumors were irate stockholders in the Gates corporation forced a stop because the 10,400-acre farm venture was losing money.

Some farm organizations and those whose philosophy uphold sancity of the "family farm" used this to further their moves to obtain legal prohibition of corporate farming in the United States.

There was evidence management practices at Big Creek Farms (Gates name for the enterprise) did not yield complete efficiency and rapidly changed goals made for some losses.

Yet, reasonable minds in this northeast Colorado area, believe the Gates' farming incursion into the area brought a net result on the plus side for economic welfare of the whole area.

Jerry Carlson, managing editor of the Farm Journal, wrote in that magazine's April edition, Gates' experience, along with those of four other major corporations whose farming efforts are faltering or finished, fizzled because of three things:

Financially oriented top industrial brass doesn't really understand farming, thus hindering the front line manager.

Financing expensive farming enterprises through public stock issues is uncertain as farm prices and the weather and just as complicating.

They tried to grow too fast, and expenses of legal advisers, advisory farming experts and extra travel ruined any possible profit margins.

The Farm Journal story reported not only Gates, but CBK Agronomics of Kansas City; Multiponics Inc. of Louisiana area; Black Watch Farms, formerly the world's largest breeder of registered Angus cattle; and Great Western Ranches Inc., all corporate farm interests, but quit or were in bankruptcy.

A Gates spokesman—after new owners took over Big Creek Farms March 1—said the company sold the operation because current national economy and business recession required the firm to use its capital in its basic enterprise—making rubber products.

Vern R. (Dick) Woods, Eaton, Colo., sheep and cattle rancher and irrigation farmer, along with A. H. Trautwein, president of the National Bank of Cheyenne in Cheyenne, Wyo., were the new owners.

By April 1, the new owners had leased, or leased with option to purchase, all but seven of the 65 quarter sections of land held by the Gates subsidiary. The new owners also kept the feedlot, but they had sold at auction most of the machinery acquired from Gates.

Woods said the seven quarters they kept are pasture land with sprinkler irrigation systems already installed. They bought 1,000 head of beef in the feedlot at the time of sale, and since have brought 1,200 young, light-weight Mexican cattle into the lot.

These new cattle, Woods said, are going onto pasture for growing on a supplemented pasture program, then into the feedlot. The 4,000 head capacity feedlot even may be expanded at a later time, Woods said, but he noted no such plans have been implemented to date.

Although most of the financial affairs remain confidential, one landowner who sold to Gates said he received $20,000 a quarter section (160 acres) for his land, with improvements paid for in addition to the land itself.

The Woods-Trautwein combine, paid $33,000 a quarter section with irrigation improvements included, an observer said. Sale price to those buying back the land now is $55,000 a quarter with irrigation equipment included, they said. (Prices quoted are unofficial.)

Bill Beckman, who came to Joes, in 1928 while he still was in high school to farm a couple of years before completing school, sums up the whole aspect this way:

"I sold my three quarter-sections of land, with a Valley sprinkler on one of them. They paid me $20,000 a quarter and paid for the sprinkler on top of that.

"I could have my money in cash, or any way I wanted—so, I took it in 10 equal payments. After they sold out, they put my remaining money in certificates of deposit so I am getting the interest that way.

"There weren't any secrets when they bought the land. Most of the land already was in the soil bank and the owners already were gone from town.

"This really woke up the farmers here a little. They wouldn't have put in irrigation wells here until someone showed them how.

"There were very few farmers who left town. Some of them who stayed are doing all right—Jack Meade bought a quarter of irrigated alfalfa, and Earl Rehor bought another quarter. They both lived around here a long while.

"I think what Gates did has been good for the area, really."

Lee Mansfield, who operates a service station in Joes, was reared in the area. He said he believes business actually will decline again after the Gates people all are moved away. But . . . he believes the Gates operation's push was all for the good as far as smaller merchants in the Joes area are concerned.

He said Gates employes and the extra farmworkers who came in for heavy employment periods all bought groceries and smaller items in local stores.

Gates at first bought considerable material in Joes—but in later days, Mansfield said the firm bought wholesale lots from areas other than Joes.

Jim Ziebell, a Nebraskan who came to Big Creek Farms as assistant foreman last June, had eight months to size up the operation before it was sold.

Ziebell stayed on as foreman for Trautwein and Woods after the sale. Woods commented he thought "Ziebell is a pretty good man."

The young foreman said he, of course, couldn't comment about earlier operations, but after his arrival at least there was "no eight-hour farming" that he noticed. Some stories had circulated that "Gates went broke because you just can't farm in eight-hour days."

Ziebell said 140-bushel corn to the acre is a pretty good yield for the area. This was the Gates record for irrigated corn on 6,000 acres of the land last year.

Employment on the 10,400-acre operation was 23 in slack periods and as high as 37 including an office worker and two foremen. All were housed in modern frame or mobile homes.

They had latest kinds of equipment including a helicopter to facilitate quick inspection of irrigation pipe and to do other farm errands across country.

Some area residents laughed a bit at Gates' effort in the cucumber business, however. Doing the thing in "big" style, they planted 30 quarter sections of cucumbers. A $28,000 cucumber harvester was purchased.

The crop had weed trouble, irrigation trouble, and scrambled harvest conditions were such that the fruitage of their labors was rejected by the cannery to which the cucumbers were assigned.

The irrigated sugar beet effort came the year that rainfall and freezing weather caused one of the poorest crops on record.

After those two, the outfit concentrated on corn, hay and feedlot cattle.

Adam Lofing and his son-in-law, Leslie Lewis, formerly of Wheatland, Wyo., are among newcomers to the area since the sale by Gates. They are the L & L Land Corporation and believe that Gates, along with new owners Trautwein and Woods, may have done them a great favor.

The L & L operation in Wyoming was 560 acres, pasture and irrigated area. They sold out and now have leased 12 quarters, with an option to buy five of the 12.

Lease contracts call for a 50–50 arrangement for irrigated corn with L & L furnishing labor and tillage equipment. Trautwein and Woods furnish the irrigation equipment and water. For beets a one third-two third arrangement will be used, Lofing said.

Lofing said Woods had offered to buy roughage and corn grain on a contract basis for the feedlot, too.

Roger Chance, former Phillipsburg, Kan., resident who publishes the weekly newspaper, Yuma, Colo., Pioneer, summarized the Gates farming effort by saying: "Gates tried to live up to their promises. They were cooperative—fine people."

As the newsman who both wrote the original story of the operation and reported the final stages, he believes it was an interesting attempt, and admits he doesn't know whether they were good or bad—went broke or not. But he does figure they were losing money in the three-year operation.

As a threat to the farming way of life, he did offer an opinion that Series Land & Cattle Co., a feedlot and farming firm which several months ago established a large feedlot near Yuma, may be a greater threat and is a much larger, apparently well capitalized farming operation holding several feedlot and farming operations in the Midwest.

When the sale of Gates' equipment came along, about 5,000 persons were on hand. More than 1,500 signed as prospective bidders—and many went away with bargains. One farmer chortled about buying a $12,000 tractor for $2,100.

Paul Emrie, Yuma Farmers Milling and Marketing Cooperative, said he knew only a few of the Big Creek Farm employees, but that those he knew seemed knowledgeable and hard-working.

He said he heard that upper level management in Gates and on-the-land managers of the farm were sometimes at odds as to best procedures.

"It still takes devoted people to do a farming job, though, and we can see from this experience that you can have all the money you need and still not get the farming job done.

[From the Farmland, Mar. 15, 1971]

CORPORATE FARM VENTURE ENDS IN FAILURE

(By Frank Whitsitt)

A venture into corporation farming has been abandoned by the Gates Rubber Company of Denver, Colo.

Its Big Creek Farms operation near Joes in Yuma County, Colorado, has been sold, both the land and the equipment, after nearly a 4-year effort to grow corn, sugar beets, hay and feed cattle on 10,000 irrigated acres.

A spokesman for Gates told Farmland that final papers for the sale of the land were to be signed the week of March 1. He said the land was being bought by a group headed by A. H. Trautwein of Cheyenne, Wyo., and Vern Woods of Eaton, Colo.

The Gates spokesman conceded the farming operation "had not come up to our expectations" and that the Gates management, faced with other commitments, had decided the Eastern Colorado farming venture "was the one to get out of."

"In view of the tight money and general economic outlook," the spokesman added "we felt it best to put our funds into the rubber company itself and also our Lear Jet business."

The economic outlook was different, he noted, when Gates announced the farm venture in the fall of 1967. "If the economic situation had not been adverse," he added, "we feel we would have made a go of it."

Gates had gone into farming with high hopes.

L. E. Dequine, Jr., manager of the Gates agricultural division, had said at the outset: "We are in this to make a profit—it isn't a tax gimmick. We must diversify if we are going to stay alive." He added at the time that three years of research on irrigated crops, methods and economic potentials had convinced Gates officials that a good return on investment could be made in large-scale farming.

To make the attempt, however, Gates had to buy out individual farmers and the venture dramatized the threat of corporation farming taking over the role of the family farmer.

In the last year or so of the corporation, Gates went into the cattle business. A 4,000-head feed-lot was built near Joes and several quarters of land planted to alfalfa and corn.

Among Gates' farming neighbors was an 85-year-old widow, Mrs. Ed A. Beckman, who is still active in farming with a bachelor son. Mrs. Beckman has lived there since 1929 and has "seen a lot of good and bad years." So it was with keen interest she watched the Gates venture.

According to Mrs. Beckman, Big Creek Farms employed a "full staff of specialists, with a farm manager, assistant manager, agronomist, economist and agricultural engineer." There were, she added, about 30 full-time workers and about 15 part-time employees, mostly high school and college students working through the summer.

The farm operation has been put together quietly as side-by-side neighbors for decades sold homeplaces in secret and quick transactions. Holdings eventually consisted of 60 to 70 quarters of land to be developed for irrigation and streamlined production.

"Emphasis," said an editorial in the Yuma Pioneer that commented on the demise of the experiment, "was on 'business suit farming,' with imported specialists, 8 to 5 working hours, test tube crop experiments and mechanization—complete with a helicopter for daily inspection of irrigation pipe."

Missing, the editorial added, was the "human element—a baby sitter in the beet field when the weather turned dry and irrigation schedules critical."

Diversified crop farming was discarded after about two bad seasons and a switch made to cattle since beef prices at the time were attractive. New experts were installed.

During the cropping experiment—Gates had envisaged turning the area into the "garden spot of the west"—there was some production of cucumbers. But this reportedly didn't pay as the cucumbers were rejected at the pickling plant. They also tried raising potatoes and for a time farmers in the area got truckloads of culls for feed. There reportedly were plans for a potato chip plant.

One observer attributed Gates' farm failure largely to "poor supervision . . . the stockholders could put up with it only for so long."

"It still takes people to do a job," noted Paul Emrie, manager of the Yuma Farmers Milling and Mercantile cooperative. "You can have all the money and still not get it done."

The last farm equipment was disposed of at an auction Feb. 15. One estimated 5,000 persons turned out.

On the block were eight IHC 1256 Diesels, 17 trucks of varying sizes, a 1960 Volkswagen car, two Jeeps, several horse trailers, five 8-row corn planters, three 8-row rolling cultivators, three 20 x 28 dbl. disc grain and grass drills, a 16-foot roller harrow mulcher, two 21-foot tandem wheel discs, three heavy duty offset discs, 32-foot springtooth harrow, 40-foot land plane, two 17-foot chisel plows, three 15-foot flail choppers, two 45-foot springtime harrows, 180 metal cattle feed bunks, five saddlehorses, 15 mineral feeders, two 12-foot stock tanks, field sprayer with 500-gallon tank, and considerable other field and feed equipment.

The Yuma Pioneer said those attending the sale agreed they had never seen anything like it. It added:

"Prospective bidders stood endlessly in a long line to get registered and receive their number card. Many dropped out, but those remaining ran consecutive numbers well past 1,500—outnumbered by 'tire kickers' by three or four-to-one, conservatively placing the crowd estimate over 5,000.

"A grumbling 2-block long line was left standing when food ran out at noon. Within minutes, bologna, bread and potato chips were exhausted at nearby grocery stores . . ."

The new owners reportedly have started subdividing the land for sale or leasing and perhaps most or all of it will revert back to family farm hands again.

"The Gates venture wasn't the first in the area—only the most conspicuous," the Yuma editor added. "And everyone knows its finish isn't the end of corporate farming. One wonders of its effects on tomorrow's agricultural horizon. It remains conjecture, to be unravelled by time."

[From the Farm Journal, Apr. 1971]

BIG CORPORATIONS BACK OUT OF FARMING

(By Jerry Carlson)

Pity the big industrialist who turned corporate farmer two or three years ago. He poured millions into land and equipment for high-technology farming, expecting fabulous profits from feeding the world.

Today he's disillusioned, or limping from the field bankrupt. And all around him, his smaller, tougher neighbors hee-haw a chorus of "I told you so." Remember back in '67 and '68, when these giants were ballyhooed as a threat to family farming?

Gates Rubber Co. assembled 10,400 acres in eastern Colorado to test the concept of a really big irrigated farm. They sold it all early this month, smaller operators will eventually farm most of the parcels.

CBK Agronomics of Kansas City, which got out of textiles, film and other businesses to concentrate on farming some 50,000 acres, is getting out of farming and into coal mining.

Multiponics, Inc. (formerly Ivanhoe Associates, Inc.), a 35,000-acre cropping venture in four Southern states, has laid off workers and petitioned the court for protection from creditors under the Bankruptcy Act.

Smaller farmers and ranchers now manage most of the cattle once handled by Black Watch Farms, which broke up last fall as the world's largest breeder of registered Angus (FJ, Nov. 1970). And out West, Great Western Ranches, Inc. is in Chapter 10 bankruptcy.

Was it tight money and the sour stock market that cut down these giants? A fluke of the moment because agribusiness was so "hot" in 1967 and 1968? Lack of farming know-how? Or do their troubles tell us something about the staying power of big "outsiders" who wedge into farming? Here's a look at each case.

In 1967, Gates Rubber Co. quietly assembled 60 quarter-sections of land in a 15-mile radius near the town of Joes, 130 miles east of Denver. One neighbor after another sold to Gates in quick transactions. A nearby farm banker recalls: "They ran their new subsidiary, Big Creek Farms Co., first class all the way, installed sprinkler irrigation equipment, nine homes for employees. You can't imagine all the experts they had running around out there."

In rolled a shiny new fleet of equipment (the 15-wheel tractors auctioned off Feb. 15 were all 1968 models), and the new crew tested its modern formulas for raising sugar beets, corn and hay. An editor at the nearby Yuma, Colo., newspaper observed that "Emphasis was on business-suit farming, with 8-to-5 working hours, test tube crop experiments and mechanization, complete with a helicopter for daily inspection of irrigation pipe.

"If the blueprint looked feasible in theory, reality seemed to expose flaws almost immediately. Missing was the human element—such as a baby-sitter in the beet field when the weather turned dry and irrigation was critical."

After two discouraging seasons with weedy beets, high costs and low returns, the management debated a shift to fewer row crops, more grass and cattle. They installed a 4000-head feedlot and a new raft of experts.

Late last year, rumors arose that Big Creek Farms was being sold. On Feb. 1, accountants inventoried all equipment, feed and livestock, and the new management took over: sheep farmer Vern R. (Dick) Woods of Eaton, Colo., and A. H. Trautwein, president of the Cheyenne, Wyo., First National Bank.

On Feb. 15, two weeks before final settlement of the deal, the new owners auctioned off virtually all equipment except the irrigation gear. More than 5000 people jammed the sale. "Only 1500 registered for bidding; the rest just watched, kicked tires and grinned about the big showplace going belly-up," says Neil Ross, a Brighton, Colo., reporter who covered the sale for Farm Journal.

It seemed like every farmer in eastern Colorado was hooting. "I'm so damned happy Gates went under I could holler," said one farmer, loading out a like-new 2020 John Deere he'd bought for $2100. Another farmer who'd gotten a mower-conditioner said, "Maybe this'll show big business you have to give the land tender, loving care."

But one widely respected Colorado banker calmly analyzes, "The problem was all in the management involved—and doesn't disprove what Gates had hoped to do."

"With the economic picture being what it is, we simply need our funds for expansion in our bread-and-butter activities such as the rubber company," say Gates' men.

CBK turned to farming in 1967. Historically a coal mining firm, it tried a 10-year stint in wearing apparel and other manufacturing, but ran into labor problems.

The firm laid plans to acquire or lease 80,000 acres within six years. Each 10,000-acre block would operate under a four-man team and one supervisor. Diversified crops in California, Texas, Missouri and other locations would hedge weather and price uncertainty.

Their plans also called for a $20-million stock issue to finance ravenous demands for start-up capital. That didn't materialize as the stock market wilted. Neither did a proposed merger with another farming firm, Scientific Farm Systems, Inc. "So we began beating an orderly retreat out of farming." says CBK Vice President Ralph Cunningham.

As he sees it, "We tried to grow into farming too quickly. We had bad management, which blamed bad whether and all the usual excuses you can think of. But what hurt us most was the heavy capital investment required."

After large losses on cotton, vegetables and feed grains, the company disposed of all 50,000 acres it had accumulated, except for two farms in Texas and one in Missouri. The firm has agreed in principle to acquire most of a coal firm's stock. Says Cunningham: "Maybe we weren't very good farmers. I hope we'll do a better job as coal miners."

Struggling for life in the South is 35,000-acre Multiponics, Inc., which began in 1968 as Ivanhoe Associates Inc.

Several business people joined the venture originated by A. J. Moran, who operates the biggest printing plant in Louisiana along with other enterprises.

With seed money from a debenture offering, the firm acquired mortgage loans for about 40,000 acres of raw land in Florida, Arkansas, Mississippi and Louisiana. They drained and cleared 35,000 acres and produced their first crop last year—soybeans, cotton, sweet corn and other crops. "It was a beautiful plan," sighs a Multiponics stockholder.

The whole effort was geared to a public stock offering timed to mid-1970. But expenses soared while the Dow-Jones average plunged. The stock issue hung up for lack of an underwriter and Securities Exchange Commission approval. Cash-starved, the management laid off workers early this year, attempted to lease out the land and sell the farm equipment, and petitioned a New Orleans district court for protection from creditors under Chapter 10 of the Bankruptcy Act. But the two court trustees now managing the operation believe the farm can at least service its primary debt.

The outfit "overfarmed," say sources close to the operation. They poured on chemicals and fertilizer until the place looked like a garden. "But as far as the basic farm manager on location, hell, he didn't know what to do because the entomologist came along and said 'do this' and the drainage man said 'drop everything and do that.' The real farmer was overloaded with high-priced bosses."

Great Western Ranches, Inc., Salt Lake City, planned to acquire orchards, farms, ranches, timber and recreation properties. It would pay with company stock, so a rancher could merge with Great Western in a tax-free exchange, then benefit from GW's professional management or gradually sell the stock. But GW ran short of cash and entered a Chapter 10 bankruptcy reorganization. Now former owners are fighting to get their property back. Biggest potential loser looks like the ironically-named Double-X Ranch of Colorado, with a reported $1 million in the deal.

These colossal crashes have several common elements which economists often overlook when they praise the efficiency of super-big, publicly owned farms. Such elements, however, are often hotly debated matters of opinion. For our editorial comment, see page 4.

JACKSONVILLE COMMUNITY TELEVISION, WJCT, ONE OF NATION'S OUTSTANDING PUBLIC TV STATIONS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BENNETT. Mr. Speaker, public broadcasting is one of the most exciting and productive human advances to be developed over the last several years. I have been pleased to support Federal funds for this worthwhile endeavor, which has spread to over 200 cities across America.

One of the cities substantially involved in this public network programing is Jacksonville, Fla., in the Third Congressional District of Florida. The public television station in Jacksonville is WJCT, one of the outstanding stations in this field in the Nation.

One of the programs on WJCT, which has a strong and able leadership among its top officials and throughout the station, is "Feedback," a nightly interview-type show featuring audience participation. Viewers are invited to question the program's guests and to also make statements on pressing needs of the community.

An interesting article recently appeared in the magazine city on "Community Uses of Public Television," in the March–April 1971 issue, which explains the wholesome thrust of public broadcasting and outlines the contribution of WJCT to the Nation and to Jacksonville citizens. I insert it in the RECORD at this point:

COMMUNITY USES OF PUBLIC TELEVISION

(By John W. Macy, Jr.)

Imagine the reaction if one morning your city were to wake to find itself the recipient of a new cultural center, new additions to each of its schools, and a new civic auditorium capable of holding the entire population of the town. Doubtless there would be elation, and probably, too, there would be predictions of a "new era" for Jonestown.

But don't imagine: for if your city is one of 202 in America that have public television stations, it has already been so endowed. And if you think this is an exaggeration—that only new buildings can contribute to a civic rebirth—then think again. For you're one of the many people who have been grossly underestimating the ability of this public medium to enrich minds and advance the public good.

"Television," says FCC commissioner Nicholas Johnson, "is one of the most powerful forces man has ever unleashed upon himself."

Glenn Seaborg, who as chairman of the Atomic Energy Commission helps control the world's largest source of physical energy, recognizes that the media are as powerful in their own way. "One of the great tragedies of this age," he said, "is that we are not using well enough—and in many ways we are misusing—the tremendous communications media at our command."

For holders or would-be holders of public office, the power of television is not abstract. Indeed, the ongoing debate on how television time can equitably be made available to office seekers often seems to pivot on the momentous premise that while one may not be elected if he uses television he *surely* will not win without the use of the medium. If this premise is accurate, or even only partly so, it leads to inescapable, equally momentous questions.

If television can help elect officials, one is forced to ask why it can't help educate our kids . . . can't help knit the divisions between our people . . . and can't help lead the way to the solution to the problems of urban blight, unemployment, environmental destruction, and so on. The answer, of course, is obvious: it can.

Predictions of what a salutary social force television would be were common when the medium was in its infancy. Since then, the dream has largely faded, with some even claiming it has become a nightmare. Public television, however, has begun in the last two years to revive that dream and to suggest that the hope was not illusory.

Public television has yet to reach fruition, and the gap between what it is and what it can be, given the proper resources, is wide. Still, officials with public responsibilities are missing an important opportunity if they fail to examine fully how the goals of public television match theirs.

The commonality begins with the word *public*. PTV stations have been incorporated and are funded by various means: public universities, municipal or state authorities, school boards, state boards of education, and nonprofit community corporations. Nationally, PTV stations last year received most of their operating funds (totaling $84 million) from local and state government bodies. Other sources of funds included the federal government, the Corporation for Public Broadcasting, foundations, business and industry, and subscribers and individual contributors. Public television thus relies heavily on public money and the taxpayer for its noncommercial character.

A proper question is, What does it do to justify this investment?

Simply put, the function of public television closely resembles that of any good educational institution. It teaches, informs, stimulates, and assists the process of citizenship. Indeed, until recently public television was called educational television, a change that was effected not because of any lessening of educational content but because of the widespread, if erroneous, view of education as a narrow process confined to school.

Last year public television undertook a new educational role. It attempted to teach a sorely neglected minority in our society, the nation's children between the ages of 3 and 5, particularly those who live in the ghetto. It did so through a precedent-shattering series called "Sesame Street." The results of that experience were researched carefully, and by every yardstick "Sesame Street" proved successful. Every week the daily series drew the attention of some 6 million youngsters. It not only succeeded in entertaining them, but at the same time, it taught them some of the basic building blocks of learning. And it did so at a cost of less than a penny a child per hour of programming. A price tag cannot easily be placed on this accomplishment, but clearly the cost of "Sesame Street" would be prohibitive if measured in terms of additional teachers and school plant and equipment.

Next fall, the Children's Television Workshop, producer of "Sesame Street," will launch a second series—as yet untitled—designed to improve the reading skills of some 20 million children aged 7 to 10. Educators will be watching this new series closely, and if they determine it is achieving its goals, the use of television to teach would seem limitless.

CAMERAS ON THE COMMUNITY

But education is obviously not a process confined to the walls of a school or certain ages. It is a continuing process that is concerned not just with facts but with appreciation and understanding as well. And so public television stretches beyond the mere instructional.

And growing more important in public television every day is the need to foster a sense of community, to bring men together in understanding at the place where it all must begin, at the local level.

Toward this end, the cameras of public television have become increasingly mobile, covering all manner of community activity from state fairs and local parades to governmental meetings of all kinds. In Connecticut, for example, the state public network provides regular coverage of the Connecticut State Legislature. KRMA, Denver, has mounted a vigorous campaign to preserve the beauty of its area, and WQED, Pittsburgh, conducted a month-long effort to reduce the drug problem in its city. The South Carolina network has helped reduce unemployment in its state through a mobile "Job Man Caravan." In San Francisco, KQED took time out of its regular schedule to conduct a "Day of Concern" to determine what matters were foremost in the minds of San Franciscans. And WMPB, Baltimore, provided coverage last August of the three days of hearings of the U.S. Commission on Civil Rights in that city, its broadcast running 28 hours.

But perhaps most significant is the increasing coverage by stations of city council and school board meetings, bringing local government directly into the home. Such broadcasts currently take place in Atlanta, Cleveland, Madison, Wis., Memphis, Philadelphia, Richmond, Roanoke, Washington, D.C., and Jacksonville, Fla., and their number is increasing. The town meeting concept in American government keeps diminishing under the pressure of enlarging population and complicated issues. But public television can help keep that ideal alive and provide, in the face of increasing impersonality between people and institutions, an essential means of communication.

Along these lines, there is a growing awareness in public television that it is not enough for the medium to provide one-way communication. And increasingly, attempts are being made to involve viewers in the solution of problems, instead of simply informing them of the facts and leaving them to worry helplessly.

The experience of WJCT, the public TV station in Jacksonville, Fla., illustrates the potential. That station broadcasts a nightly program, "Feedback," which reports through film, videotape, and live interviews on issues in the news that day. After the reports, the station's switchboard is thrown open to calls from viewers. The callers not only express their views, but often have an opportunity to question guest officials. The program has launched a clean-up campaign, forced the closing of a ramshackle junior high school, and prompted a mosquito-control campaign.

According to Richard V. Brown, the program's director and an executive producer at WJCT, "Feedback" is based on the belief that "the citizens of Jacksonville, and every other community in the nation, are the real newsmakers as well as those most affected by major political and social developments. As such, they have every right to contribute to the body of opinion and analysis surrounding these issues. . . . Through many months of talking to callers, we have learned that there is a highly creative resource 'out there' that has remained virtually untapped until now."

To illustrate, he points to a caller who noted that a city bridge had been closed to repair the guy wires. Why, the caller asked, doesn't the city repair the road surface at the same time? The answer was red tape, and as a result of the program, the tape was cut and the bridge fully repaired.

WJCT's community involvement goes beyond "Feedback." The station also covers city council meetings, school board hearings, and other public meetings of value. Its telecast of a special meeting of the Community Relations Commission, to cite one instance, was credited with bringing reason into a troublesome situation involving a new school in a recently integrated neighborhood. And, at the suggestion of a viewer, the area's delegation to the state legislature held its official, four-hour hearing in WJCT studios, with the home audience contributing comments by phone.

WJCT was also one of 12 PTV stations invited by the Corporation for Public Broadcasting to produce televised town meetings responding to the activity of the White House Conference on Food, Nutrition, and Health. Not content with these activities, it has engaged in "turnabout" television, a unique way for individuals and organizations to get their message through to the power structure. The method operates simply: When the "little man" has a valid point to get through to an official body, the public affairs staff of the station will make a film or videotape presentation illustrating it. The presentations go through official channels and make their way onto the agenda. When the presentation is made to the official body, TV sets are turned around in the meeting chamber so the officials can see the "evidence" at the same time as the home audience. Recently the station presented views in this manner on exceptional children to the school board at a fully televised meeting.

Do these methods work? Yes, says Richard Brown. "Community television has become institutionalized in Jacksonville. It goes right along with the water supply." Significantly, such programs attract viewers in numbers comparable to the audiences drawn to pure entertainment.

Without doubt, public television will continue to quench the public thirst for participation in the affairs of government. Two major efforts now receiving the support of the Corporation for Public Broadcasting should help this process. The first is a three-part project, which began in February, aimed at curbing drug abuse. As part of the project, stations will be granted funds to probe the problem at the local level and mobilize citizen action. The second is a major education effort on the environment. Through the Public Broadcasting Environment Center, local stations will be encouraged to supplement national programming.

DREAMS ON A SHOESTRING

Where the future of public television lies at this juncture is anyone's guess. Certainly it will continue. Inevitably it will continue to improve as well. But whether it will reach its full potential and fulfill the expectations of the visionaries remains to be seen. Compared to commercial television, public TV operates on a shoestring, and it is extremely doubtful whether dreams can be tied together with that.

Fully as important is the question of cooperation by other public bodies and institutions. That communication must be two-way as well. In some quarters, for example, there is reluctance to let the television camera take part in public proceedings. For whatever "risk" this may entail. I hold that the balancing risk—the risk of silence between government and public—is far greater.

Further, there is the impact of the new communications, technologies to be considered. Cable TV, in particular, promises to work profound changes in urban communications [see page 19—Ed]. The Corporation for Public Broadcasting is greatly concerned that this evolving system give first priority to public uses of this technology, and it looks to municipal authorities to provide the leadership to make this possible.

Research indicates that 33 million Americans watch public television every week. How well they are served depends on public broadcasters. But it also depends on public officials. To them I say, Look into it more. Support it. And attempt where possible to use it to serve a valid public need.

THE SELLING OF A RESPONSIBLE PRESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. WALDIE. Mr. Speaker, I am greatly alarmed at the prospect of the Columbia Broadcasting System being forced to supply materials used in the preparation of the documentary, "The Selling of the Pentagon."

While I do not suspect the motives of the members of the Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce in this matter, I do believe that compliance by CBS would be a dangerous precedent, and one that would ultimately lead to the drastic erosion of the free press of America as guaranteed by the first amendment of the Constitution.

I have been sent a telegram on this matter by Mr. Neil E. Derrough, vice president of CBS Radio and general manager of Station KCBS in San Francisco.

I hold Mr. Derrough in highest regard as a newsman and as a concerned American.

I would like to quote from his telegram to me:

> I enlist your voice in calling attention to the basic danger contained in this current demand. We do not ask you to defend the program in question. We consider that to be a separate issue. The central focus must be on the calculated attempt to nullify the traditional protection of information sources.
>
> The First Amendment Rights of America broadcast journalism are being placed in serious jeopardy. This action, in our view, could well be applied to other forms of journalism in the future.
>
> Newspaper publishers, editors, professional journalists, scholars, statesmen and other concerned citizens join CBS in calling attention to the implications of this subpoena.

Mr. Speaker, I join the above concerned Americans in voicing my own grave reservations about the action of the subcommittee.

Mr. Speaker, I would hope that the subcommittee, and its respected chairman, would give deep consideration to reviewing its request from CBS.

SPECIAL MILK PROGRAM FOR SCHOOLCHILDREN SHOULD BE CONTINUED

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. MATHIS of Georgia. Mr. Speaker, the special milk program, available to all schoolchildren, is a popular and beneficial program in my State.

The administration's recommendation that the program be discontinued at the end of the current fiscal year has caused a great deal of concern among my fellow Georgians.

I would like to share with my colleagues and all of those who read the RECORD a resolution adopted recently by the Georgia State Senate which urges the appropriation of adequate funds to continue the special milk program.

RESOLUTION, GEORGIA STATE SENATE

Urging the appropriation of funds for the continuation of the milk program in the Child Nutritional Act; and for other purposes.

Whereas, the Congress of the United States established in 1967 an Act known as the "Child Nutritional Act" authorizing the expenditure of one hundred twenty-five million dollars ($125,000,000) per year, or more, for the Special School Milk Program for all school children; and

Whereas, the nutritional value to school children of all ages is involved in the teaching of better nutritional habits, not only to the underprivileged but also to all children, to develop better habits not established in the home; and

Whereas, the dairy industry, as an important economic factor, both to the nation and to the State of Georgia, contributes greatly to the economy by financial returns, financial investments, taxes and sales.

Now, therefore, be it resolved by the Senate of the 1971 General Assembly of the State of Georgia that this body hereby urges the President, the Congress, and the United States Department of Agriculture to appropriate adequate funds for 1971 for the continuation of the milk program in the Child Nutritional Act.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit appropriate copies of this Resolution to the Honorable Richard M. Nixon, President of the United States; the Honorable Clifford Hardin, United States Secretary of Agriculture; the Honorable Phil Campbell, United States Undersecretary of Agriculture; and to each member of the United States Senate and House of Representatives from the State of Georgia.

Adopted in Senate March 11, 1971.

LESTER M. MADDOX,
President of the Senate.

Attest:

HAMILTON MCWHARTON, Jr.,
Secretary of the Senate.

VEYSEY CALLS FOR FULL FUNDING FOR FOSTER GRANDPARENTS PROGRAM

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. VEYSEY. Mr. Speaker, to the young and handicapped living in a hospital away from their parents is a frightening experience. A feeling of being processed and institutionalized is almost unavoidable at a time when love and nurturing are desperately needed.

Therefore, I have been particularly pleased to see the foster grandparent program reach out and let dedicated senior citizens help these young people and benefit themselves in the process.

The program enables senior citizens to spend part of their day away from their homes playing with individual children. They take their grandchildren out for walks, play ball, fly kites, push swings, and in general do all the wonderful things that make children feel prized and loved. The result is a personal relationship that enriches both lives.

The apathy and withdrawal many of the children evince is replaced by an open happiness as the one-to-one contact continues. The grandparent usually benefits physically and emotionally almost as much as the child. They are needed and know it and the exercise they get has been found to improve their health noticeably.

One of the most successful foster grandparent programs has been at the Pacific State Hospital in Pomona, Calif. Fifty-nine senior citizens are working with 130 young patients in 19 wards of the hospital. The program has become one of the most popular attractions for visitors to the hospital.

Mr. Speaker, I am pleased that the administration has agreed to withdraw the $3.5 million cut in this program that had been planned for fiscal year 1972. I urge my colleagues to support full funding for the foster grandparent program when it comes before them.

A PAT ON THE BACK FOR THE POST OFFICE DEPARTMENT FOR A JOB WELL DONE

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. LUJAN. Mr. Speaker, when Members of this body single out a Federal department or agency for comments on its operation, it is usually to criticize its operations and to suggest improvements.

This is as it should be. The Congress must ride herd on the agencies we create and fund. But just as criticism is often earned by the executive departments, so is praise occasionally in order. It is for this purpose that I rise today.

I call the attention of my colleagues to the recent 24-hour airmail service inaugurated by the Post Office Department and ask them to join me in giving Postmaster General Winton M. Blount and the Post Office Department personnel a sincere pat on the back for a job well done.

From all reports, the 24-hour airmail system has been a resounding success. This was made possible only by very careful advance planning and through painstaking coordination of all airline and Post Office Department facilities.

I would also point out that this is the second major improvement made by this administration in the Post Office Department. It is a matter of pride for all of us on the Republican side of the aisle that the Nixon administration will go down in the history of the Post Office as the administration that finally took the post offices out of the hands of politicians and opened the way for efficient reforms.

One of the Nation's major newspapers, the San Francisco Chronicle, performed a sizable public service by testing the new 24-hour airmail service shortly after it was inaugurated by Postmaster Blount. That newspaper's distinguished reporter and editorial writer, Mr. Drew McKillips, detailed the results of that test in a newsstory on April 24, 1971, and commented editorially on the new service on April 27.

I insert herewith Mr. McKillips' newsstory and editorial and commend both the San Francisco Chronicle for its words of praise for the new service and Postmaster General Blount and his employees for earning them:

NEW AIRMAIL SERVICE IS TESTED—IT'S NOT BAD

(By Drew McKillips)

Give the San Francisco Post Office Department a strong "A" for its new guaranteed delivery one-day air-mail service.

In a test-survey by The Chronicle, 100 letters were mailed out Thursday afternoon to newspaper offices in the West. Ten letters were mailed from each of ten special airmail-only boxes located around San Francisco.

One letter was sent to each paper from each of the ten mail box locations.

A check by The Chronicle yesterday showed that at least 90 letters had been delivered to the addressee in all ten cities in less than 24 hours.

All the letters were received in eight of the cities.

The Salt Lake City Deseret News, reported it had received only three of the ten letters by 3:30 p.m. yesterday. These came from the Mission Annex, 1600 Bryant Street; Sansome and Bush streets mail box, and the West Portal post office.

But Salt Lake City is the farthest point away for which the Post Office claims it can make guaranteed next day delivery.

The Boise (Idaho) Statesman reported it had received seven letters by 11:10 a.m. yesterday, Boise is the second farthest point guaranteed by the service.

In announcing the service two weeks ago, the post office department said it was installing 43 white-topped airmail only boxes through San Francisco.

Any letter dropped in the airmail box before 4 p.m. would be delivered to anyone of 23 other California cities no later than the next day.

A 600-mile radius was set up as a maximum service area.

The other eight newspapers reported they received all of the letters. They are the Fresno Bee, Portland (Oregon) Journal, San Luis Obispo Telegram-Tribune, Sacramento Bee, Los Angeles Times, San Diego Evening Tribune, Reno Gazette, and Las Vegas Review-Journal.

In a slightly less controlled test, The Chronicle asked each of the ten papers to try the system in reverse and mail a letter to the Chronicle city desk.

All but two of the ten letters were received at The Chronicle well within the 24-hour guarantee. It was not certain that the two missing ones were properly mailed.

The Chronicle mailed its letters from the following locations:

Mission Annex, 1600 Bryant; Sansome and Bush Streets; Chinatown station at 753 Clay Streets; 1 Battery Street; Rincon Annex; 1198 South Van Ness Avenue; 405 Montgomery; West Portal Station at 317 West Portal avenue, 2111 Lane street, Bayview; and Diamond Heights, 5262 Diamond Heights boulevard.

A number of cities received them well in advance of the promised 24 hours.

The Las Vegas Review-Journal, for example, said all of its letters were in the office by 8 a.m. yesterday, only 16 hours after they were picked up on the street in San Francisco.

The Fresno Bee said all the letters were there by 6:30 a.m.

The Sacramento Bee said nine letters came in at 7 a.m. and one more at 1 p.m. The straggler was mailed from the Mission Annex, 1600 Bryant street.

THE 24-HOUR MAIL

(An editorial)

When you can mail a letter late Thursday afternoon in San Francisco and have it delivered in Washington, D.C., Boise, Salt Lake City and Portland, Ore. Friday evening, the embryo U.S. Postal Service must be doing something right.

Traditionally a whipping boy for disgruntled and sometimes ill-used citizens, the old post office department grudgingly gave way last August to the new government-chartered, nonprofit postal service. The service's first nationwide goal was one-day guaranteed airmail delivery to cities in a 600-mile radius of a letter's place of origin. Two-day delivery on coast-to-coast service was pledged.

In a test mail run last week, The Chronicle found its letters were delivered in less than 24 hours to cities as distant as Boise, Idaho; Salt Lake City, Utah; Las Vegas, Nevada; and Portland, Oregon. Washington, D.C. was reached in 28 hours.

KENAI NATIONAL MOOSE RANGE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BEGICH. Mr. Speaker, the Wilderness Act of September 3, 1964, required that the Secretary of the Interior review every roadless area of 5,000 contiguous acres or more and every roadless island, regardless of size, in the National Wildlife Refuge System within 10 years of the effective date of the act, and report to the President of the United States his recommendation as to the suitability or nonsuitability of each such area of island for preservation as wilderness. A recommendation of the President for designation as wilderness does not become effective unless provided for by an act of Congress.

Next month, hearings will be held in Alaska that will determine the future of the Kenai Moose Range. I am including in the RECORD a report that I believe deserved the hearing committee's consideration:

THE KENAI NATIONAL MOOSE RANGE—MANAGEMENT AND DEVELOPMENT

Action needed to insure—protection of the environment and wildlife, optimum outdoor recreation benefits and economic returns consistent with primary purposes.

BACKGROUND

The 1,730,000 acre National Moose Range was created by a 1941 executive order ". . . for the purpose of protecting the natural breeding and feeding range of the giant Kenai moose—a unique wildlife feature—for the study in its natural environment of the practical management of a big game species . . .". Congress expressed its intent that National Wildlife Refuges be available for outdoor recreation uses, provided that the primary purpose of the refuge was not compromised. (Refuge Recreation Act, PL 87–714.) The 1964 Bureau of Sports Fisheries and Wildlife "Recreational Policy on National Wildlife Refuges" states with respect to recreation activities that: "These uses will be authorized where there is a significant local or national recreational need which can be met without conflict or interference with primary objectives."

The pressure for people use was not severe between 1941 and the Swanson River oil discovery in the Range in 1957. The Anchorage-Peninsula unpaved road was opened in 1951; rebuilding and repaving was completed in 1965. It is 120 miles from Anchorage into the heart of the Range.

Use of the Range increased gradually until after the Swanson River oil discovery. Between then and now the people pressure has far exceeded the management capability and user facilities and services.

SUMMARY

The Moose Range is an irreplaceable national asset. Its potential for the perpetual enjoyment of the people is enormous.

The pressure of people threatens irreversible deterioration of the natural environment and diminishing wildlife. The damage is already underway.

The Moose Range establishment lacks the financial means to cope with the situation. It is neither necessary nor would it be in the public interest to deny the people the social benefits of outdoor recreation use by harsh application of "no trespassing" regulations as a means of preservation.

A sum not exceeding $1,500,000 for FY 1972 for buildings and facilities will enable the

Range organization to move effectively toward meeting the urgent need to protect and improve the Range and at the same time serve the social needs of people. There should be an addition of several persons to the permanent Range staff of six, and provision for more temporary seasonal workers. (Refer to Kenai National Moose Range Master Plan 1970).

DISCUSSION

The wealth of the land in beauty and variety of its cover, and the richness in wildlife is probably not exceeded in any similar sized area anywhere. The appeal of the Range to people seeking the simple outdoor recreation of enjoying nature is enormous.

Outdoor recreation use has averaged about 500,000 "participation days" a year for the past three years. Before 1980 the volume is expected to exceed 1,000,000 days a year and continue to increase until the tolerable maximum is reached.

A glimpse of the future is in the following:

Volume of outdoor recreation—Entire State

Resident participation days:	
1967	46,268,000
1980	73,750,000
Nonresident participation days:	
1967	2,159,000
1980	6,595,000

The Range management is not equipped to cope with the people pressure now. The involuntary depredations from overuse in relation to facilities, services and enforcement are already serious; they will be devastating before 1980 in the absence of prompt action to increase capability to meet this problem.

The tragic 1969 fire that swept through 85,000 acres of the Range may have been due to lack of management personnel, information for the people coming into the Range and facilities. The incursions of snowmachines are already adversely affecting and diminishing wildlife. Summer all-terrain "big toy" vehicles are now on the market and being advertised extensively. The cumulative effects of year-round, go-anywhere vehicles will be devastating unless there is the capability to contain them.

A significant measure of the difficulty of application of rational controls and regulations to protect the Range is the more than 300 mile long external boundary; 280 miles need posting.

The permanent Range staff is four professionals plus one clerk and one maintenance man. For seasonal help on campground maintenance two more are employed. For lack of staff the professionals help collect the garbage.

The Moose Range management occupies makeshift quarters. The office is in a pacific hut (quonset-like) occupied since 1948; with two additions on skids tacked on. There is another "temporary" occupancy building, (it was built in 1937) plus sheds for urgent needs.

There is no space at the headquarters to accommodate urgently needed additional staff for research and other essential purposes.

The headquarters is outside the Range, 15 miles distant from a desirable location on the Range accessible to the mainstream of visitor traffic on the Peninsula and with a float plane base on the site.

A major deficiency in facilities is the lack of any visitor information and education centers on the Range. An ignorant public is a more careless and destructive public.

Upgrading the Moose Reserve establishment capability in management, education and research activities, and in facilities and services for users, can ensure the perpetuation of this superb national resource and asset at its optimum value to the people. Otherwise, in less than 10 years it will be substantially despoiled and depleted to low quality status in appearance, condition of habitat and depletion of wildlife.

The social value of the Moose Range to the people of the Nation is ample justification for improved financial input. In a total evaluation, however, economic effects should not be left out.

At the current rate of use of the Range for all outdoor recreation activities, the expenditures *locally in the vicinity* is estimated at $2,500,000 annually; this will increase to more than $5,000,000 by 1980. This is at the conservative figure of $5.00 a day per person. Probably another $5.00 is spent in Anchorage or elsewhere—but mostly in Alaska—for equipment, gear and special supplies and services.

Expenditures by non-resident visitors to Alaska are pertinent. It is estimated that the visitors who come by highway (nearly 50%), and most of whom are visiting Alaskan families sometime during their stay, spend an average of $9.00 a person per day here. At this rate the number expected in 1980 will spend $60,000,000 here. Taking into account that (1) those who come by most other means than highways spend a little more (2) rising prices (3) increasing leisure time, the total expenditures may reach $90,000,000 by 1980.

Figures are not available showing separately the non-resident visitors to the Moose Range. A rational assumption is: There will be 4,500,000 more non-resident visitor days throughout Alaska in 1980 than in 1967. More and better facilities on the Range, including visitor centers, for example, will become available; there will be upgraded management and outdoor recreation services. There will also be increased dissemination of information encouraging visitors to come to the Peninsula. These things could bring to the Moose Range five percent *more* of the increase of 4,500,000 visitor days to the State in 1980 over 1967, than would otherwise visit the Range. Expenditures will exceed $12.00 a day per person by 1980. The total annual increase in local expenditures in the vicinity will be $2,700,000, and this will of course, increase until the visitor use capacity of the Range is reached.

Ninety percent of the non-resident visitor days are spent in the enjoyment of being in and seeing the beauties and attractions of the country—such as picnicking, camping, sightseeing, hiking, photography, wildlife observation. About seventy percent of resident recreation days are spent in these activities. The difference is largely in the higher percentage of time spent in fishing, hunting, boating, snowmobiling and other active sports.

Economic benefits on the Kenai Peninsula from outdoor recreation activities are most significant to the future stability of the area. The petroleum resources already discovered are being depleted and production from the several oil fields will terminate, starting about 1985, with all the known reserves exhausted by about 1995. The economic benefits that come from outdoor recreation will loom large in support of the local economy.

CONCLUSION

With Moose Reserve operations at the current level there are two hard choices:

Restrict current use of the Range for outdoor recreation purposes and virtually prohibit increased future use or—face a progressive deterioration of the value of the Range for both its primary and secondary purposes.

Neither of these choices is tolerable. The Range has a capitalized value of a minimum of $500,000,000 when the intangible values of outdoor recreation experiences, value of salmon spawned on the Range and other returns that can be measured in dollars (exclusive of petroleum products) are added to the economic returns already referred to.

The value of this asset merits the support necessary to protect and to enhance its productivity in social values and the economic returns—either one of which makes the investments and input required a very profitable expenditure indeed.

HAROLD E. POMEROY.

JANUARY 1971.

REFERENCES

Alaska Outdoor Recreation Plan, 1970; (a study financed through a planning grant from the Federal Bureau of Outdoor Recreation.)

Values of Wildlife and Related Recreation on the Kenai National Moose Range, 1969; (a study under the auspices of the Alaska Wildlife Research Unit, University of Alaska.)

Travelers' Profiles, December 1964; (a State of Alaska study, aided with a federal grant.)

Kenai National Moose Range Master Plan, 1970.

Conferences and interviews with public officials and competent observers of the Moose Range.

A POEM BY LT. JOHN STULETT, U.S.A.

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. WALDIE. Mr. Speaker, I would like to call attention to a brief poem written by Lt. John Stulett. The poem was sent to me by a friend of Lieutenant Stulett, J. Chester Johnson. The message of this poem, hopefully, will escape no one.

The poem follows:

DICK NIXON, I AM LT. JOHN STULETT, U.S. ARMY, 1ST CAV. DIV., AN KHE, SOUTH VIET NAM

(Written Feb. 15, 1971)

The bullet rivets an eyeball and the eyes stay blind, don't they, Dick?
Hands and eyeballs still fly off in all directions forever from the unmercy of Viet Nam.
While interpreter Suan Hue translated the long Viet Nam secrets, he held us like a good father holds his wildest sons with good stories—the hand blood gurgles now, but his fingers keep twitching to touch something, anything, nothing and that one severed hand dies in elephant grass at the front door to America's conscience. What does it mean?
We could suffer for your eyes too, Dick. But would you trade them for dead eyes in a second? You ask us over here to do it for you over there for nothing.
What does it mean?
We'll end the war with honor, you say, Dick?
Dying while we stand in line to leave is just like dying for no reason at all.
How much longer? Every life's worth more than the death of the second it takes to die! What does it mean?
We have nothing new to tell you, Dick?
What new way is there to save lives but to stop the killing?
A soldier dies in the puddle as I write this line, a hiding child convulses as you read it. The Killing is our wound-up clock!! tick tick, tick tick, trickling away blood, beautiful arms, my drunk buddies and beautiful slant eyes.
What does it mean? Stop and give you time, Dick?
If bullets catch up with that time we give, we've murdered lives that die in the time. We can't let go of the bullets until they fall short!

Go after death-seekers and men who blow
out eyes by being slow!
On this wet hot rainy afternoon, slant eyes
melt on elephant grass and a wrinkled
man scratches his back up and down
on a shrivelled hut—he doesn't have
any arms left. What does it mean?
I'm afraid I know.

(John Stulett died April 12, 1971.)

SUPPORT FOR AMERICAN FLUE-CURED TOBACCO GROWERS

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. MATHIS of Georgia. Mr. Speaker, the International Development Association—World Bank—last year approved a $9 million credit to Tanzania for the purpose of increasing the production of Flue-cured tobacco for export.

Since there already exists a worldwide surplus of Flue-cured tobacco and Tanzania enjoys preferential treatment in the United Kingdom Market and the European Common Market, our domestic growers were not overjoyed by the World Bank's action. The fact that the U.S. Government supplies more than one-fourth of the funds used by IDA, added insult to injury.

The Georgia State Senate has expressed its strong support for the American Flue-cured tobacco growers who have taken tremendous reductions in their acreage and poundage marketed in an effort to bring supply in line with demand. At the same time, the Georgia Senate has gone on record as opposing future loans by the World Bank to foreign countries for the purpose of increasing the production of Flue-cured tobacco.

A resolution on the subject follows:

A RESOLUTION

Opposing the lending of funds by the World Bank or the International Development Association to foreign countries for the purpose of increasing the production of flue-cured tobacco; and for other purposes.

Whereas, a surplus of flue-cured tobacco exists in our own country and in several other countries around the world; and

Whereas, increases in production of flue-cured tobacco in developing countries will definitely lead to increased export competition with United States-grown tobacco; and

Whereas, United States tobacco growers have taken tremendous reductions in their acreage and poundage marketed in an effort to bring supply in line with demand; and

Whereas, granting loans for the purpose of increasing foreign production of a commodity already in world surplus and especially in surplus in our own country is economically unsound and constitutes a flagrant violation or misuse of tax funds.

Now, therefore, be it resolved by the General Assembly of Georgia, That this body does hereby oppose the granting of loans by the World Bank or the International Development Association to any foreign country for the purpose of increasing their production of flue-cured tobacco.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to forward an appropriate copy of this Resolution to the Secretary of Agriculture, Clifford M. Hardin; Undersecretary of Agriculture, J. Phil Campbell; all members of the United States Senate; all members of the United States House of Representatives; the Chairman of the National Senate and House Agriculture Committees and the Georgia Commissioner of Agriculture, Thomas T. Irvin.

J. EDGAR HOOVER

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. BAKER. Mr. Speaker, May 10 is a most significant day in the history of law enforcement in the United States. This date marks the anniversary of the day, 47 years ago when J. Edgar Hoover became Director of the Federal Bureau of Investigation.

I am pleased to join with my colleagues in paying tribute to this dedicated public servant on this anniversary date. All of us know what an institution he has become in America. We are also aware that like other institutions, he is under attack.

The attacks of the politically motivated individuals who seek gain for themselves cannot detract from the career of leadership and inspiration which Mr. Hoover has given the position he now holds.

That career started in 1917, when he first joined the Department of Justice. In 1919, he was appointed special assistant to the Attorney General. Beginning in 1921, he was appointed special assistant director of the Bureau of Investigation. On May 10, 1924, Mr. Hoover was named Director of the FBI and has served with distinction since that date. In 3 more years, J. Edgar Hoover could achieve a record of a half-century of service to the people of the United States and their Government. Whether he remains at the top spot in the FBI for an additional 3 years is not important. I am sure he wants to continue to serve as long as he can still make a contribution to his Government and the agency to which he has administered so effectively. He has already established a record, and despite those who would tarnish the FBI by innuendo and attacks upon the integrity of the Director, the FBI will stand as the principal law enforcement agency of the Government. What is more, the very fact that he has molded this agency to his own high ideals and his own regard for integrity in official conduct means the FBI will continue as a bastion against the activities of those who break the law.

The criticism directed at Mr. Hoover is deplorable. If the FBI suffers from these attacks against its Director, then all law enforcement in America suffers. The Nation can ill-afford this since our police and FBI are responsible for maintaining order and preserving our institutions from those who wish not only to tear down our institutions of government but wreck our society and weaken our national security as well.

The internal security of this country is stronger because of the watchfulness of the FBI under J. Edgar Hoover. We owe this man a great deal. I commend the gentleman from Illinois (Mr. COLLIER) and my colleagues who have joined in this tribute to the Director of the FBI on this anniversary date.

Earlier this year, the Tennessee General Assembly adopted a joint resolution honoring J. Edgar Hoover and his service to the country. On this day of special tribute to Mr. Hoover, it is appropriate that this language be included as a part of the proceedings today. The resolution follows:

HOUSE JOINT RESOLUTION NO. 64

A resolution to honor J. Edgar Hoover

Whereas, J. Edgar Hoover has served this country well in law enforcement and fighting subversion; and

Whereas, There are all too few men today willing to stand up and be counted as loyal Americans dedicated to the principles of freedom; and

Whereas, Mr. Hoover as director of the Federal Bureau of Investigation has been a bulwark of solidity for the United States of America; and

Whereas, Mr. Hoover has always answered the call of duty immediately; and

Whereas, The forces of the radical left have sought to discredit Mr. Hoover with false and misleading statements; now, therefore,

Be it resolved by the House of Representatives of the Eighty-Seventh General Assembly of the State of Tennessee, the Senate concurring, That the General Assembly expresses its deep appreciation for the years of untiring service J. Edgar Hoover has rendered to the United States and wish him well and Godspeed in the days ahead.

Be it further resolved, That we express our full confidence in his ability, integrity and leadership.

Be it further resolved, That copies of this Resolution be sent Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation; President Richard M. Nixon; Attorney General John Mitchell; and all eleven members of the Tennessee Congressional delegation.

Adopted: March 10, 1971.

JAMES R. MCKINNEY,
Speaker of the House of Representatives.

JOHN S. WILDER,
Speaker of the Senate.

Approved March 12, 1971.

WINFIELD DUNN,
Governor.

TRIBUTE TO DAVID WISNIA

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BIESTER. Mr. Speaker, may I take this opportunity to commend to my colleagues the fine work done by one of my constituents, David Wisnia.

Mr. Wisnia is the cantor at Temple Shalom, the Reformed Jewish Center of Bucks County, Pa. He was a founder of Temple Shalom in 1952 and has been unselfishly volunteering his services to the temple for over 18 years. Even though he has a demanding job in New York and travels extensively, David Wisnia still finds time to return to Temple Shalom to chant the Hebraic passages during the weekly religious services and at the traditional holidays and special services.

On May 16, the congregation at Temple Shalom will honor their cantor for his devotion and dedication to the temple and the Reform Jewish movement. I want to join them in expressing my personal admiration for all Mr. Wisnia's efforts.

AN INSPIRING MESSAGE BY THE REVEREND JAMES S. THOMAS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SCHERLE. Mr. Speaker, the resident bishop of the Iowa area Methodist Church, the Reverend James S. Thomas, recently delivered an excellent speech at the Friends of 4-H banquet in Washington, D.C. His inspiring message, which I am inserting in the RECORD, will be of interest to all my colleagues:

FRIENDS OF 4-H BANQUET

Miss Oberbroeckling; Dr. Kirby, distinguished guests; members and leaders of 4-H Clubs; ladies and gentlemen:

The honor of addressing you this evening grows out of two major facts. First, I recognize that you represent some of the finest development of American youth that this nation can provide. Your presence here indicates something of your leadership ability and your devotion to the sound ideals of the 4-H Club movement. You are a representative group coming from all over the nation and literally standing in for hundreds of your fellow 4-H members who could not be present with you.

Second, I am pleased to accept this honor because of the rich memories it stirs within me. Twenty-seven years ago, I left graduate school to return to my native state of South Carolina. I began residence on the campus of a land grant college but spent my week days and nights traveling over the state with county extension workers. It was there and then that I began what has become a deep and abiding interest in the growth and development of farm, rural non-farm, and urban youth. I learned to have a profound respect for young people who developed the skills and powers of leadership in the 4-H Club.

Since that time—in 1944—many things have changed. Our national population has grown steadily. Farm labor has become much more productive. New methods of dealing with community problems have evolved. And technology has fairly exploded. Raymond Mack[1] has reminded us that:

One farmer's labor fed 7 people in 1900.

One farmer's labor fed 16 people in 1950.

This was more than a doubling of average productivity in a half century. But in the fifteen years between 1950 and 1965, the labor of one farmer fed 33 people. In a word, we more than doubled our average productivity in one-third of the time it took between 1900 and 1950.

However, it is not my purpose to speak to you about these dramatic changes within our agricultural and technological life. Since so many of you are very young, you were born in the midst of vast changes and are not likely to be as impressed with them as a person of my age group. I wish, rather, to speak to you about the future—your future—a certain type of future. And I want to do this against the background of who you are as 4-H leaders and what you are committed to.

Let us begin with who you are. Beginning as an enterprise of rural youth in early twentieth century, the 4-H Club movement now embraces young people who are rural farm, rural non-farm, and urban. Representing a total of over 3,500,000 young people, you are a great resource in America's leadership, both of the present and of the future.

In each of the 100,000 4-H clubs and groups there is a great opportunity for leadership development. We need to remind ourselves that the 4-H movement represents a large and wholesome group including 500,000 volunteer local leaders, 4,000 professional Extension staff members, and 30,000,000 alumni.[2] As impressive as these statistics are, they do not form the heart of the 4-H movement. Since purpose comes before numbers, we will need to look at the purposes and commitments of 4-H to see why it is your influence has spread so far. All of you know these points well but it is always important to review the reason for our being.

When one reads the major emphases of 4-H, he is struck by the essential wholesomeness of them.

1. The development of citizenship was once a desirable ideal. It is now an imperative practicality. If this nation is to survive as a free society, it must have leaders and supporters who will be citizens of intelligence, justice, and broad-spirited devotion.

2. The development of leadership and the intelligent ability to cooperate. As desirable as national survival is, it is not a sufficient goal to drive the nation forward. In the deepest places of our spirits, all of us want to do much more than survive. We want to attain the highest possible development of ourselves and others; and this requires both intelligent and cooperative leadership.

3. Improvement and protection of health ranks high among our national priorities. The emphasis here is not so much upon the great killers of mankind. They are deadly but thanks to the advancement of medical science, they are few; cancer, heart disease, and strokes are outstanding examples.

The emphasis is upon those diseases which are easily within our control if man develops a higher moral standard, more discipline, and a deeper level of spiritual satisfaction.

4. Rendering services to the home and local community is one of the most overlooked ways of improving our entire society. We have no national ills which are not, in the final analysis, the accumulation of unsolved problems in the thousands of local communities in our country. Anyone makes a substantial contribution to the national interest when he solves one problem or keeps one from developing in the local community.

With these purposes, it makes a great deal of sense to pledge the head to clear thinking, the heart to greater loyalty, the hands to larger service, and the health to better living.

This afternoon (April 23, 1971) it was my privilege to sit through the final session when the members of the 41st National 4-H Conference were making reports on the work of this week. What I wish to talk about tonight is not the content of those reports. There are aspects of the 4-H program that you know much better than I. It is rather my purpose to talk about the overall mood with which you will approach the future.

At the end of such a conference as this, you are forced to ask: Where do we go from here? How will you keep your ideals from growing cold and unbelievable once you leave here and return home? What can you do to translate your dreams—with which youth is blessed—into hope? How can you keep believing in yourselves, in your God, in your community? These are questions of the highest importance for all people, but particularly for the young people whom it is my privilege to address at this time.

There are vast differences among men but all of us perceive time in terms of the past, the present, and the future. There is a sense in which the past no longer belongs to us. It is the school in which our experiences should have taught us something but we cannot go back and change what has taken place. If we will, we can improve the present by remembering and correcting the mistakes of the past but few men do this as well as they should.

The past cannot be changed; it can instruct us how to improve life in the present.

The moving finger writes, and having writ
moves on,
Nor all your piety nor wit shall lure it back
to cancel half a line;
Nor all your tears wash out a word of it.

The present is important because it is, in a sense, the only time we really have. Both the past and the present are facts, the past as history and the present as working opportunity. They are real in the sense that we either know what experience has been or what it can be. It is possible for a person to ruin either the past or the present by bringing the wrong attitude to them. He can live so much in the past that he misses his present opportunity. Or he can allow the habits of the past to make the present a carbon copy of what he is or has been.

For young people, though, the greatest time is the future. Since you have not lived very long, your future will very likely be much longer than your past has been. What can we say of the future?

First, we must insist that man still has some alternatives. He can select, within reasonable limits, the kind of future he will envision. The details may change from time to time—college may have to be deferred—but the broad outline of a certain type of future can be projected.

Now, it is the thesis of this address that you are admirably equipped to choose a future that is open to hope. There are those who hold that man is so hedged about with packaged decisions and bureaucracies that he has no choice left. I strongly disagree. It is true that many areas of our lives are no longer open to free choice. When a person lives alone he has many free choices that must be given up when he lives in a crowded community of men. For the safety of the total community, the wise man is willing to give up his freedom to drive at any speed that hits his fancy.

The other sides of the picture are the many new areas of freedom that are open to mankind today. In that remarkable book, *Future Shock*, Alvin Toffler has pointed out that advances in technology and science have provided more areas of choice than we have ever had. If a person chooses to live a provincial and isolated life at a time when he can know, live with and learn from all kinds of people, he has deliberately cut down his area of freedom. In a word, the most important business before us today is that of envisioning a future that will allow us to make the best possible use of our present.

I

The first alternative before us is to think of the future in largely negative terms. This is certainly the easiest thing to do in a society where many people have lost faith in themselves and their ability to dream. They have been disappointed so many times that they no longer want to take a chance on being let down. They read so much of war and violence and injustice that they will not see the other realities. To be sure there is the great tragedy of war but there is also the most peace-conscious generation of young people I have ever known. There certainly is too much violence but Dr. Menninger, a distinguished psychiatrist, reminds us that our past history has really been more violent than the present is now. If we think of the future only in negative terms, we will be overwhelmed because there is so much of wrong to see, so much of cruelty, so much of social decay.

The point is, of course, that a person can choose this kind of future. It will be real for him. He will find a great deal of evidence to support it. But he should never say that this is THE future. It is a future; it is his future;

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[1] Raymond Mack—*Transforming America.*

[2] See 4-H in the 70's A Projection, Progress Report to State Extension Directors, November 1970, page 4.

but it is not THE future. The future belongs to no man; each of us sees it from a particular point of view that becomes real for us. To a frightening degree, we can make our future almost what we will.

On May 29, 1787, William Grayson of Virginia gave an evaluation of the Constitutional Convention in Philadelphia. Noting that Congress was already very thin, he observed that it may be sitting for another three months. Then he went on to say:

> What will be the result of their meeting, I cannot with any certainty determine but I hardly think much good can come of it; the people of America don't appear to me to be ripe for any great innovations. (*Miracle at Philadelphia,* p. 12)

Mr. Grayson spoke from evidence close at hand. I am sure many others came to the same conclusion. The future was negative and closed. There was no great hope to be seen.

Another observer, William Blount of North Carolina, declared himself not in favor of Convention plans as he saw them. He went on to say:

> I still think we shall ultimately and not many years hence just be separate and distinct governments perfectly independent of each other. (Ibid)

These were not irresponsible men; they envisioned the future as they saw it. They were realistic but they were not speaking of THE future so much as they spoke of a future. It was the only future they could see.

Today you and I know how wrong they were. There were some men who did not think of a negative future. They persisted in their view of a different life for men in these United States. And so, on February 7, 1788, George Washington wrote to his friend, Lafayette, saying:

> It appears to me, then little short of a miracle, that the delegates from so many different states (which states you know are also different from each other, in their manners, circumstances, and prejudices) should unite in forming a system of national government, so little liable to well founded objections. (Ibid)

A negative view of the future may be realistic but it is only one view.

II

Since it is not within the nature of youth to choose negatively, this is not the greatest danger. It is a great danger to lose the idealism and imagination which are at full flower in youth. There is the danger of seeing things as they are so much that we cannot see them as they can become. In a word, you can choose a future that will settle for "well-enough." You can choose a future that will take only the safe chances. You can become ashamed of your idealism and decide to be "realistic."

Now, I would not be understood (or misunderstood) to be saying that authentic realism is wrong. The point is that millions of people have lost so much faith in the high minded capabilities of man, that their "realism" is simply a euphemism for cynicism. They can see no good in themselves, in their church, in their country.

I insist that hope is a rugged quality of persistence of belief. It is no vague belief that "things will work out all right." It is the rugged quality which came to us from the best of the Judeo-Christian faith and the greatest of democratic thinkers.

What frightens me about so many realists is the narrowness of their realism. They are calculating, but not generous. They are efficient, but not kind. They are successful, but not happy. They are shrewd, but not wise.

If you take this approach to the future, you may become a success, but you will never know the joy of a full life. Some of our greatest lessons are learned from people whom we call handicapped. When you see how they live and what they say, you often wonder who is handicapped—we or they. Helen Keller once wrote:

> I have walked with people whose eyes are full of light but who see nothing in sky or sea, nothing in city streets, nothing in books. It were far better to sail forever in the night of blindness with sense, and feeling, and mind, than to be content with the mere act of seeing. The only lightless dark is the night of darkness in ignorance and insensibility. (*The Treasure Chest,* p. 25)

I am aware of the fact that we have lost our faith in inspirational addresses. It is my purpose simply to call you to a vision of your future which is based on the best of your past. This is an appeal to the youthful gifts of imagination and creativity, of risk of adventure, of trust.

A "realistic future" is not as bad as a negative future, but it is not much better. In one you look for the worst and are rarely disappointed. In the other you play it safe but lose your gift of adventure in the process.

III

Finally, there is a third alternative: you can envision a future that is open to hope. This certainly does not mean the empty dreaming that "everything will come out all right." That is not hope; it is empty dreaming. Nor does it mean overlooking the realities of the world in which we live. Hope means to look squarely at life as it is and still envision life as it ought to be. To hope is to be let down by many men without losing faith in man. It is to know yourself—both your weakness and your strength—and still believe in your highest and your best.

It is becoming increasingly difficult to hold this kind of hope today because young people are facing the heavy responsibilities of living long before graduation from college. It is no accident that so many people think of life as a rat race that finally leads nowhere. Neither is it an accident that life today is full of things but also full of meaninglessness, boredom, futility, and suicide. The hard and clear thinker does not spend much of his time talking about hope. How, then, can we believe that this is more than an empty dream?

For one thing, hope is mysterious. It is a spiritual quality that runs through our life but is seldom seen. And because it is mysterious, many people think it is unreal. Those who do should listen to the words of Albert Einstein. Said he:

> The most beautiful thing we can experience is the mysterious. It is the source of all true art and science. He to whom this emotion is a stranger, who can no longer pause to wonder and stand rapt in awe, is as good as dead; his eyes are closed. (*The Treasure Chest*)

If you have a low tolerance for mystery, your future will not be very much open to hope.

In the second place, hope is the force that makes the reality. If we do not hope for peace, we will be open to war. And if we do not hope for justice, we will tolerate injustice. To a very large extent men get out of life what they hope for and work for. One without the other is empty.

If you will envision a future open to hope, you will have history on your side. For years there were those who had no hope men would ever fly. But there were those who worked as they hoped and now forty years of aviation history proved that they were right.

Let me conclude as I began: by saying that you represent a great resource of hopeful leadership for this nation. You have youth, a background of experience in leadership, and the clearest idealism and imagination you will ever have. You may develop these qualities but if you lose faith in them, they can never be developed properly.

There are many kinds of futures as there are many kinds of persons. There is a negative future in which things will not happen. In this kind of future we are not the actors so much as we are the acted upon. Things happen to us. Then, there is the realistic future. If we choose this vision, we will see things as they are, but rarely as they ought to be. The future to which we are called in our day is a future that is open to hope. This is a future in which our highest powers can come to their best expression. It is also a future in which head, hands, health, and heart can do their best work and produce the kind of leader that will be more than equal to the problems of this age.

SECRETARY GENERAL U THANT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SEIBERLING. Mr. Speaker, in a recent address before the Council for Foreign Relations in Chicago, U.N. Secretary General U Thant called for a high-level conference of the five great powers—the United States, the Soviet Union, the United Kingdom, France, and the People's Republic of China—with nuclear disarmament as the top item on the agenda.

When the Secretary-General first made this proposal in October 1964, such a meeting seemed little more than a fantasy. Now the international situation has changed, and the time may be ripe for the Secretary-General's proposal.

Many would object to such a conference without first settling a series of complex questions.

But as Thant points out, "if these questions are solved, the meeting would hardly be necessary."

I recommend the Secretary-General's thoughtful speech to my colleagues, and include it in the Record:

Text of Address by Secretary-General, U Thant, to Council for Foreign Relations

I feel a special sense of responsibility whenever I am asked to appear before an audience to speak about the United Nations. The courtesy, the kindness and the understanding with which I am received do not hide from me the severe and often silent questions which are on the minds and in the hearts of the listeners: Why is there still so much horrid killing going on in this world? Why is there war in Indo-China and why does it last so long? Why is there no peaceful and just settlement in the Middle East? Why does the world spend 200 billion dollars a year on armaments? Why are there still colonized people? Why are there divided countries? Why are not all countries participating in the United Nations? Why is there so much poverty, hunger and illiteracy persisting on the same planet side by side with wealth, abundance and waste? Why is there racism and apartheid? Why are there so many violations of human rights? Why are our common heritages, the oceans, the atmosphere, our rivers and the beauty of our world suddenly in danger? Why are there still atomic tests? What will the future of mankind be? Where is materialism going to lead us? And so on . . .

In each hemisphere, on each continent, in each country, these questions are given different weight and urgency. A man dying of hunger or of a bullet in Asia is asking "why" more dramatically than his fellow man who may feel strangled by over-urbanization in Europe or in North America. But each one requests an answer to his interrogations and turns to the institutions and to the leaders of this world who proclaim that they are working for peace, justice and progress. And each year many millions of people die without having received a satisfactory answer to their question.

The United Nations sees, year after year, more people turn to it and ask this question: Why is not the United Nations doing something about it?

The question is a good one and the United Nations, at any rate, cannot avoid giving an answer. In many instances, of course, the short answer is that the United Nations is indeed doing something about it but, perhaps, not enough. In other cases, the United Nations may have a good reasons for not being able to attempt to do something. To begin with, we must understand that the United Nations is but a reflection of the international community, and in effect its success or failure is the success or failure of the international community. The attitudes and tendencies of its components have a profound effect on the functioning of the United Nations; and while it is difficult, if not impossible, to answer the "whys" comprehensively in the brief space of an after-dinner speech, I will try to highlight two fundamental tendencies of our time: the consciousness that the world we live in has become a very small space, where humans and nations have become very dependent on one another; and the increasing feeling that some of the main features of present international relations have become fundamentally wrong and no longer correspond to the aspirations of the people. Both these tendencies have a direct bearing on the functioning of the United Nations. This evening I will attempt to develop my theme with a reiteration of some of my past observations on basic issues.

In October 1964, in the course of a press conference at United Nations headquarters, in support of a statement made in Columbus, Ohio, by Governor Landon, who, you will recall, was the Republican candidate for President in 1936, I said, "I feel that it could be very worth while if attempts were made to have a dialogue between the United States, the Soviet Union, the United Kingdom, France and the People's Republic of China". I received no official reaction from any quarter to the expression of that idea.

In June of last year, in two speeches I made at the World Food Congress in the Hague and in San Francisco on the occasion of the twenty-fifth anniversary of the signing of the United Nations charter, I asked the following question: "would it not be possible for the heads of state of the great powers, including the People's Republic of China, or their foreign ministers, to meet from time to time at one of the offices of the United Nations located in a neutral country to initiate a change from confrontation and division to a building of a safe and peaceful world?" I have repeated this question several times and most recently less than a month ago at the first general Assembly of the Organization of American States in San Jose, Costa Rica.

When I first formulated it, we seemed to be far from any possibility, let us say, of seeing the United States and the People's Republic of China sit at the same table. However, many things have changed since last year. First, you will recall Mr. Brezhnev's report to the twenty-fourth Congress of the Soviet Communist Party in which he reiterated that the Soviet Union stands "for the nuclear disarmament of all states in possession of nuclear weapons and for the convocation for this purpose of a conference of the five nuclear powers—the USSR, the United States, the People's Republic of China, France and Britain". I understand that this conforms to the policy which France has upheld for a number of years. General De Gaulle himself had said in a press conference in 1965 that it was necessary "for Washington, Moscow, London and Peking to agree to return to the starting point as they had agreed before founding the United Nations. France, for its part, is ready to contribute to such an agreement of the five and considers that Geneva would be the most appropriate place . . ." Just a few days ago, on 29 April, we heard President Nixon say in his press conference that he hoped and, as a matter of fact, expected to visit China some time and in some capacity and wished he could contribute to a policy in which the United States can have some relationship with mainland China.

All this leads me to believe that the time may be ripe for me to reactivate the idea I first expressed in October 1964. I think that the five nuclear powers should take advantage of the present thaw in the international situation to undertake a decisive step forward and agree to meet. Some people will object that many questions should be solved before such a gathering takes place. I would answer that if these questions are solved the meeting would hardly be necessary. Moreover, the problems of our world are of such magnitude that we need some audacity in our search for solutions. Indeed, it is the lack of even a beginning of understanding among all the great powers which is at the source of most of the world's present and seemingly intractable problems.

In my view, as I have previously stated, a five-power conference should be held at a very high level, preferably at the level of heads of state or heads of government, or at least Foreign Ministers if advance preparation should be necessary. The United Nations and its Secretary-General stand ready for assistance to help such a meeting turn a new page of human history. In that connexion, let me say that, in my opinion, Geneva, for many reasons, would technically and politically be the most convenient place for holding such a conference.

Nuclear disarmament could probably be the most urgent theme on which to base a first meeting of the five nuclear powers since the People's Republic of China itself has expressed interest in the question, and this would constitute the most important element occurring in that field for many years. However, it is in the nature of things that discussions at such meetings would be far-ranging and would go much beyond strict adherence to a limited agenda. I strongly believe that a gathering of the Heads of State or Heads of Government or Foreign Ministers of the People's Republic of China, France, the Soviet Union, the United States and the United Kingdom would have a great impact on such painfully unresolved questions as the conflict in Indo-China.

I must explain that, in making this proposal, it was far from my intention to encourage the Big Five to form themselves into a club or a consortium to direct the affairs of the world. Such an idea would be in contradiction to the principles of the United Nations Charter which recognize the sovereign equality of all States. However, in certain areas of activity like nuclear disarmament and peace keeping, a large measure of agreement or consensus among the big powers is essential. Personally speaking, the final objective of the internationl community should not be confined to the limitation of the arms race, but directed towards the total prohibition and destruction of all nuclear weapons. Only the nuclear powers can initiate such a discussion, in response to the overriding moral pressure on the part of the non-nuclear nations.

France and the People's Republic of China do not participate in the disarmament discussions in Geneva. It would seem to be self-evident that far-reaching progress cannot be made in either nuclear disarmament or general disarmament without the active participation of these two nuclear powers.

Despite the achievements of the last few years and the hopes for further progress in the near future, the world finds itself in the somewhat paradoxical situation that military expenditures have been escalating at an unconscionable rate. Between 1948 and 1968, world military expenditures have trebled at constant prices. The world is now spending some $200 billion a year for armaments. In addition to the military threats posed to humanity by the spiraling arms race, the diversion of the tremendous economic and human resources from fruitful economic and social purposes to unproductive and wasteful armaments exacts an appalling toll on the living conditions of all people, in the developed as well as in the developing countries. It is highly doubtful whether mankind can successfully deal with the staggering economic and social problems it faces, unless some of the huge sums now being devoted to military expenditures can be re-directed to the solution of these problems. I need only mention the problems of poverty in the rich as well as in the poor countries and the widening gap in economic development between them; the increasingly complex problems of the population explosion and of the pollution of the environment; the racial problems on both the national and the international level, which are not unrelated to the questions of poverty and economic development; the problems of health, education and welfare; the problems of the cities, of inadequate housing, of crime and of drugs. All of us can readily add to this list.

The massive sums devoted to armaments do not increase international or national or human security or happiness. On the contrary, they serve to feed the escalating arms race, to increase insecurity and to multiply the risks to human survival. The general assembly has asked me to prepare a report, with the assistance of consultant-experts, on the economic and social consequences of the arms race and of military expenditures. I have appointed a group of experts from 14 different countries who are presently engaged in studying this question. I am hopeful that the outcome of this study and my report to the next session of the General Assembly will delineate the dimensions and ramifications of the problem and indicate basic guidelines for its solution.

The growing arms race not only puts human survival in jeopardy but, granted that humanity does manage to survive, it is also a cancerous threat to human welfare. The time has certainly arrived when intelligent human beings must at least make a beginning in re-ordering their national and international priorities so that their wealth and energies can be concentrated on the betterment rather than the possible destruction of life and society on this planet.

Disarmament continues to be one of the top priority subjects on the international agenda and it is under consideration in several forums in addition to the general assembly. For one and a half years the two nuclear super powers, the United States and the Soviet Union, have been holding bilateral arms limitation talks, known as SALT, in Helsinki and Vienna. The General Assembly has twice called for a moratorium or a complete cessation of the testing and deployment of offensive and defensive nuclear weapon systems such as the MIRV's and ABM's. It has also repeatedly called for the ending of all nuclear weapon tests including those underground. All of us most devoutly hope for the success of the negotiations at SALT. But, increasingly, concern is being voiced that SALT might achieve some quantitative limitation of nuclear weaponry but permit a qualitative nuclear arms race to continue without hindrance. No official information has been made public concerning the progress of the discussions at SALT. The time has come, I think, to ask whether these talks might not be better promoted by greater public discussion of at least the issues involved, if not of the details of the day-to-day negotiations.

A number of countries have expressed fears that unless vertical proliferation—i.e., the further development, accumulation and deployment of nuclear weapons by the nuclear powers—is stopped, an aim which the nuclear powers have themselves pledged in the non-proliferation treaty to pursue, this important treaty might fail and with it the hopes of preventing horizontal proliferation—i.e., the spread of nuclear weapons to non-nuclear countries. I am sure that it is not necessary to explain to this audience the very grave dangers that might threaten the world if that should happen.

Let me now turn to the tragic situation in Indo-China which is one of the basic issues which have marked my 10 years as Secretary-General. You will no doubt recall that the Laotian crisis of 1961–1962 occurred when I was still acting Secretary-General. Since then, little by little, we have witnessed the extension of the fighting and the gradual involvement of foreign countries in Viet-Nam, in Laos and more recently in Cambodia.

In the course of this period, I made use of my position to express the concern of the international community. I also made certain proposals to the parties involved and took certain initiatives—some of which were made public—which I felt might contribute to a solution of the conflict. After the cessation of the bombing of North Viet-Nam and the beginning of the Paris conversations—two steps which had been the object of concrete suggestions on my part—I emphasized the necessity on the part of both sides for a certain flexibility if they wanted to progress on the difficult road towards peace. I deplore the fact that these talks have been considered as a contest of wills rather than an opportunity rapidly to terminate the sufferings of the peoples of the area. I also regret that, more than two years after a step which was hailed at that time as a harbinger of peace, the conflict has been extended to more areas and that, in spite of measures presented as a de-escalation, there are more refugees and more devastation.

At a time when the United Nations and the peoples and governments of its member states are increasingly preoccupied with what we now call ecology and the protection of the environment, we are helpless spectators of the systematic destruction in Indo-China not only of innocent men, women and children but in some cases of all animal and vegetal life and of the remnants of some of the most brilliant civilizations which have ever flourished in Asia.

While the United Nations organization has set up a vertiable shield of texts and mechanisms aimed at protecting human rights, we hear every day of the violation by all sides of the most basic of these rights, the respect of human life and human dignity. As United Nations Secretary-General, I deplore the fact that, despite my various appeals, such elementary rights as access by humanitarian organizations to prisoners of war has not been granted. My heart goes out to wives, parents and children of those detainees just pining away, thousands of miles from their beloved ones. Nor can I condone the use of some terrifying techniques which have left millions of innocent and defenceless people disabled, displaced and homeless. In fact the Indo-China war is the most inhuman war in all history.

The war is waged in the name of certain principles which, as I have repeated many times, the combatants themselves violate every day. The peninsula has become a place of confrontation for the East and the West, in total disregard of the cultural values and traditional ethics of the people of the area.

During my 10 years as Secretary-General, I have seen many conflicts, even many armed ones, involving member states. In many cases, the United Nations has been able to help find a peaceful solution, as for example in the Congo, the dispute between the Netherlands and Indonesia over West Irian, the Cuban missile crisis, the Indo-Pakistani war of 1965, etc. Even when a definite settlement could not be reached, the United Nations has helped in reducing the duration and intensity of the fighting and in organizing or supervising those truces or cease-fires which, however precarious, maintain calm in Kashmir, in Cyprus and even in the Middle East. These activities of the United Nations save every day a great number of human lives and hopefully lay the ground for more durable settlements. The organization has also been, and is still, often used as a channel for negotiations. This leads me to believe that the fact that most parties to the Viet-Nam conflict are not represented at the United Nations makes it more difficult to find a solution. I think that if such countries as, for example, the People's Republic of China, had belonged to the world organization, negotiations on Indo-China—even informal ones—might have taken place much earlier and might have produced more fruitful results. Perhaps some of the confrontation on the battlefield would have occurred across the conference table instead.

I sincerely hope that some new and encouraging developments will take place soon which will help end this tragic conflict in Indo-China. In any case, I believe that when the People's Republic of China participates in the United Nations, as well as perhaps other countries so far excluded from the world organization, the countries of Indo-China will benefit from the instruments which this organization has developed to help solve or prevent crisis.

It is also my hope that if the organization has not been able for various reasons to play a role in the settlement of the conflict, it will at least be able to contribute to the tremendous effort of reconstruction which will be needed after this devastating conflict has ended.

In the course of this address, I have tried to deal with some of the most important political issues that we face today. I am convinced that, if these problems are to be satisfactorily resolved, the United Nations must be enabled to play a part in their solution. This, in its turn, requires the enlightened support of distinguished bodies such as your Council and the other bodies represented here, with whom I have been privileged to share a few thoughts this evening.

ARCTIC HEALTH RESEARCH FUNDS CUT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. BEGICH. Mr. Speaker, for the past 23 years the Arctic Health Research Center has contributed immeasurably to the health and welfare of Alaskans and to people in other cold weather regions around the world. This is the only such research center of its kind in the entire world and for the President to cut the Arctic Health Research Center budget by $347,000, thus eliminating 25 percent of its professional staff, raises the question as to the future of the cold weather research center.

The Alaska State Legislature is greatly concerned about this matter, and has passed the following resolution, which I submit for the RECORD:

SENATE JOINT RESOLUTION NO. 45

Relating to the Arctic Health Research Center

Be it resolved by the legislature of the State of Alaska:

Whereas the Arctic Health Research Center was established in 1948 to conduct activities necessary in the investigation, prevention, treatment, and control of diseases; and

Whereas since that time the center has gained a world-renowned reputation for its work in cold-adaptive processes, cold as a factor in human stress, the life cycles of parasites and host-parasite relationships peculiar to the arctic, and more recently for its work related to the biomedical and environmental engineering needs of concerns planning arctic activities, and for its efforts related to a host of other projects too numerous to list; and

Whereas, during the past three years, the center has descended from a line-item position in the budget of the Public Health Service to the level of a subdivision in a bureau that is lost in the limbo of reorganization; and

Whereas current proposals would allow only 47 positions (down from 83 authorized in 1968), a level which could be expected to cripple or extinguish most of the programs in progress at the center; and

Whereas there is national recognition of Alaskan resources, human needs and problems, all dictating continued research into the biomedical and environmental fields in connection with the Arctic; and

Whereas the Arctic Health Research Center is the only institution of its kind in the United States;

Be is resolved by the Alaska Legislature that the proposed reduced funding for the Arctic Health Research Center is deplored and it urgently requests the United States Congress to adequately fund the center so it may remain in viable entity; and be it

Further resolved that every consideration be given to the transfer of the center to a more active federal agency or in the alternative to permit the transfer of the center to the University of Alaska.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Elliot Richardson, Secretary, Department of Health, Education and Welfare; the Honorable Allen J. Ellender, U.S. Senator and Chairman of the Senate Appropriations Committee; the Honorable George H. Mahon, U.S. Representative and Chairman of the House Appropriations Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

THE OWENS VALLEY TRANSFORMATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. WALDIE. Mr. Speaker, in California the Owens Valley has become a symbol of the helplessness of areas of origin in battles with the powerful water developers in the southern part of the State.

The Owens Valley has had most of its water diverted to Los Angeles, its farmlands have shrunk, its once-bright future dimmed to an uncertain and certainly unhappy prospect.

The story of the Owens Valley is embedded on the minds of those persons in California concerned with the survival of its free-flowing rivers, the great San Francisco Bay-Sacramento delta system and of southern California itself.

Recently, I was sent a copy of an article written by Mr. Aubrey R. Lyon of the Concerned Citizens of Owens Valley Organization.

Mr. Speaker, I believe that every Member of Congress should read this story and give consideration to the points it raises.

The article follows:

THE OWENS VALLEY TRANSFORMATION

(By Aubrey R. Lyon)

Any discussion of prevailing political and economic conditions in the Owens Valley seems naturally to revert to a review of its past history covering a period of sixty years, or since the time when the City of Los Angeles began its campaign to acquire water from the Owens River Basin and export it to their incorporated area.

It is not the purpose of this article to recount in detail the events of the past, which has already been so well done by competent writers and historians in publications such as "The Story of Inyo" by W. A. Chalfant and the "The Waterseekers" by Remi Nadeau. Action now, should pertain to the future.

About the year 1910 a group of influential and ambitious people in the City of Los Angeles concluded that the limited amount of water available in their own jurisdiction definitely limited the potential for population, industrial, and commercial growth. They advanced the theory that surplus water was flowing down the Owens River and being wasted into the saline water of Owens Lake; that this surplus water could be captured and put to beneficial use by construction of an aqueduct from a point downstream from most of the Owens Valley irrigated lands; that the water would flow entirely by gravity to the City of Los Angeles, and in addition, provide power drops for hydro-electric generation.

On the representation that only surplus water, to be measured at Charlie's Butte would be appropriated, the Federal government was induced to cooperate with the plan by making sales and grants of federal lands for right of way, and land use for both water and power purposes.

Meanwhile, the citizens of Owens Valley were alarmed at the many rumors circulated about this development. They were unorganized, isolated, with no funds for organized resistance, and very limited means for communications with Sacramento and Washington. Inyo county comprised about 10,000 square miles in area, with a population of less than one person per square mile. The topography was mostly mountainous, foothills or desert, with an average annual rainfall of less than six inches. Nearly all of the agricultural production was in the Owens Valley and dependent upon irrigation by runoff water from the eastern slope of the Sierra range.

About 1913 the aqueduct was completed and Owens River water poured into a prepared reservoir at the north end of San Fernando Valley. Vast areas of inhabited land was annexed to the City of Los Angeles and a great land and population boom was born.

Competition developed between the citizens of the Owens Valley and the City of Los Angeles for the available surface water. Extreme fluctuations in the amount of precipitation and runoff on the eastern slope of the Sierra range, coupled with increasing demands for water in Los Angeles, resulted in the adoption of a land purchase program financed by bonds to buy out the Owens Valley irrigating landowners and then retire the land from production, thereby increasing the amount of surplus water available for export. This policy expanded by stages until practically all of the irrigable and habitable land in the Owens River basin in Inyo county was under the ownership of the City of Los Angeles. Deep wells were drilled and when the surface flow was inadequate, water was pumped from the underground basin for export.

Political and financial power grew in proportion to the population increase, and the imported water provided the basis for industrial and commercial expansion. Public laws were enacted withdrawing Federal lands from public entry, together with Executive withdrawal orders which gave the City of Los Angeles effective control over any development of Federal lands located between their lands on the valley floor and the boundaries of the National Forest. These withdrawals were allegedly for the protection of the water supply of the City of Los Angeles.

The demand for this high quality and comparatively cheap water continued ever to grow. In 1937 a project was under way to acquire and appropriate water rights in the Mono Lake basin. An aqueduct was constructed to capture and divert this water to the headwaters of the Owens River for export. In 1966 plans were announced for the construction of a second barrel to the Owens River aqueduct which would increase the export capacity by approximately fifty percent from an existing capacity of 320,000 acre feet per annum. It was planned to substantially reduce any irrigated acreage in the Owens Valley, and to pump from the underground basin to supply the demand for increased water export. This, very briefly, is the history of Owens-Mono water development to date.

The result of this water management program by the City of Los Angeles, has been the gradual deterioration of environment. Land resources have reverted to desert type plants, barren and sterile areas, and the deterioration or destruction of habitat for the once abundant fish and wildlife populations.

The monopoly of land ownership in the Owens Valley has resulted in the creation of a virtual Colonial Empire, where it no longer seems possible to elect qualified citizens to public office who can function objectively in the public interest, because of the necessity for land leases from the City of Los Angeles. Many of the churches, two golf clubs, the KIBS radio station—even the Safeway Store in Bishop are built on City of Los Angeles land. Other leases are too numerous to mention here. Leases are short term and restrictive. Under these circumstances, tenants are subject to coercion, intimidation, or economic reprisals by a landlord who controls the economic future of the entire valley.

This land monopoly has interfered with the free play of the law of supply and demand; has restricted trade and commerce, and caused extreme inflation in the value of what little land is available for individual or private ownership. The condition is completely Un-American and illegal.

After ten years of surveys, inventories and studies, the California legislature in 1957 adopted a Master Water Plan known as Bulletin #3. There was much suspicion and controversy between Northern California, the area of surplus water, and Southern California, the area of deficiency. Some legislators referred to the Owens Valley as a horrible example of injustice and inequity which should never again occur in the State. Policies and principles were clearly expressed in the introduction, synopsis and conclusions of Bulletin #3 before its acceptance and adoption. Its express guidelines, and quoted from the State Constitution and Water Code emphasizing that "all water both surface and underground belongs to the people of the state", that the plan applies to every area and every watershed within the boundaries of the State that no water may be exported from an area of surplus to an area of deficiency unless it be classified as surplus to the needs of the area of origin; that areas of origin have a prior right to all water that can be put to beneficial use. It further declared that the intent and purpose of the plan was that the State thru this plan would provide all future water needs for Southern California.

Conservationists who had pled and argued with governmental officials including city, county, state and federal—for the preservation of fish and game habitat, recreational opportunities and a good quality of living environment for humans—were without success after more than twenty years of continuous effort. They were inspired with new hope when the Master Water plan was adopted. While they realized that such a Plan is not retroactive, it was felt that the resources of land and water were so abundant, that when the plan would be implemented, it would provide a good future.

Fourteen years have passed since the adoption of this beautiful plan, but it has not been implemented and operative in the Owens River basin. Is it possible that we have so far strayed from the policies and principles of democracy, a republic form of government with local jurisdiction over local affairs and the day to day life of its citizens—that there is no orderly, peaceful recourse to injustices and inequities? Is it possible for a municipality thru sheer political and financial power to go beyond their political boundaries to appropriate basic resources from their weaker neighbors? Are municipalities exempt from the provisions of anti-trust and anti-monopoly laws which declare such operations to be against public interest? It is obvious that individuals or sparsely populated low tax base governmental agencies dare not try to engage in long and costly litigation.

If we are to preserve our political freedom and independence someone better come up with the answer—and soon. How can we discover and elect public leadership who will base their actions and decisions upon what is in the best public interest in the long view, and thereby reverse the philosophy of personal gain, special privilege, and political power which seems so prevalent today in many areas throughout our Nation.

Current events should warn us that the generation now in High School and College are not happy with what will soon be their political heritage. When we send our armed forces beyond the boundaries of our own country to protect political freedom and the integrity of political boundaries, and to prevent the aggression of the Strong and weak nations—and at the same time permit the establishment of a Colonial Empire in the heart of our own country, they cannot understand how this can be consistent with our oft repeated standard of "Equal justice and equal opportunity for the individual". They have a word for it. They call it hypocrisy.

Can we of the older generation change the course of events before they become completely unmanageable and lead to violence and strife?

Our society is too sophisticated to submit meekly to conditions motivated by greed and ignorance.

AFRICAN-AMERICAN RELATIONS IN THE SEVENTIES: PROSPECTS AND PROBLEMS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. REID of New York. Mr. Speaker, for the third time in 4 years, 40 African and American leaders met recently to discuss the major issues in African-American relations. These meetings, known as the African-American dialogs, took place this year in Lagos, Nigeria. The first of these dialogs was in Nairobi in 1968 and the second, which I was privileged to attend, was in Tunis in 1969.

At this year's session, the opening address was given by Sir Seretse Khama, President of the Republic of Botswana. Sir Seretse is among the most prominent leaders of black Africa and his speech offers incisive views into the nature of the relationship between this country and the nations of the African continent. I believe that his address will be of interest to Members and I include it in the RECORD at this point.

AFRICAN-AMERICAN RELATIONS IN THE SEVENTIES: PROSPECTS AND PROBLEMS—AN AFRICAN VIEW

(Address by H. E. Sir Seretse Khama, President of the Republic of Botswana)

OPENING SESSION

1. I should like to pay tribute to His Excellency Major-General Yakubu Gowon for his opening address and thank him for the hospitality he, his Government and People have extended to us. Thanks are due as well to the Organizers of this Conference, the African-American Institute and the Nigerian Institute of International Affairs, and to the Ford Foundation for providing us with this opportunity for free and uninhibited debate. Such opportunities are becoming increasingly rare in a world where prepared positions and set speeches are more common than informal face-to-face discussion.

2. We are gathered here as individual Africans and Americans in Africa's most populous state, and one of her most prosperous, whose progress is of vital importance for the progress of the Continent as a whole. So, quite apart from the warmth of the Nigerian welcome, Lagos is an appropriate setting for a review of the relations between Africa and America during this decade. We are about to engage in a dialogue, a word which, through no fault of the organizers of this conference, has achieved a certain currency of late—some might even say notoriety. But this will not be a dialogue between two interlocutors with fixed and agreed positions.

3. I should be very surprised if our American friends spoke with one voice. There are few constraints on them to do so. Africa is far from being the most pressing problem facing the United States today. The United States is engaged in a major internal debate on the extent to which it should involve itself in areas which in the last quarter of a century have been of immediate concern to it. The great power confrontations which are currently pre-occupying the world are in South East Asia and the Middle East. In addition the United States is today facing in acute form what many of us fear will face other developed industrial, urbanized societies—an internal problem of considerable dimensions which, in the U.S. case, is complicated by the issue of race. Indeed there are cynics who say that it is only the racial factor which makes it necessary for America, in its present mood of introspection, to have an African policy at all—rather than a set of bilateral relationships with individual African states. Certainly the enthusiasm for African independence which was a hallmark of the "new frontier" has been replaced by a new mood which some might call disillusion but which might more neutrally and accurately be described as an absence of illusion. As President Nixon put it in his Foreign Policy Statement: "the excitement and enthusiasm of national birth have phased into the more sober period of growth." Perhaps this transition has not been without its moments of postnatal depression. I suspect much the same mood guides African attitudes to the United States and to other Great Powers. This is far from being a bad thing. Relations between states, like relations between people, prosper best when there is an absence of illusion. But an absence of illusion should not be indifference or mistrust. I take it that one of the objectives of this meeting is to prevent this from happening.

4. But whatever differences of opinion merge from among our American friends, the African participants are in no better position to put forward a unanimous viewpoint. We in Africa, for all our talk of unity, are a long way from achieving it. And when I speak of unity I do not mean the United States of Africa which was the dream of an earlier generation of Panafricanists, I mean the more modest concept of unity in diversity, a unity which seeks to take into account the differing circumstances of individual African states and the limitations on the freedom of action which almost all of us face. This was the unity of which the President of Tanzania spoke in his important statement, "A new look at the conditions of Unity", in Cairo in April 1967. We are not united on issues involving the relations of outside powers with those areas of our continent which have still to achieve self-determination. On the one hand the vast majority of Commonwealth countries have condemned all arms sales to South Africa from whatever source, and have sought to dissuade the new United Kingdom Government from departing from its predecessor's policies. On the other, President Pompidou has recently toured a number of French-speaking states, and the issue of the very considerable French arms supplies, not only to South Africa but also to Portugal, does not seem to have figured largely in his discussions with his hosts. Similarly, while all African states put their name to the Lusaka Manifesto on Southern Africa, the interpretation of its call for dialogue on the basis of self-determination has become a potential source of division within the OAU.

5. Nor have we always been able to agree on a common reaction to events within independent African states as was demonstrated most recently by reactions to the change of Government in Uganda. There is, I fear, a new danger that Africa may once again divide itself into "moderate" and "radical" groupings. The old "Casablanca" and "Monrovia" groups could, unless care is taken to prevent this development, emerge in new forms and new combinations. Africa cannot but be weakened by such divisions. Equally we must avoid the bogus unity which seeks to base itself on unanimously adopted resolutions which all too few, not even many of those who subscribe to them, take seriously. I mention these differences and the dangers to which they might lead, not only because they are a current source of anxiety to me, but also in order to warn our American friends that our side of the dialogue may also speak with more than one voice.

6. I do not feel myself competent from my vantagepoint in the deep South of our continent to review the full sweep of past and future developments in U.S.-African relations. I do not under-estimate the importance of such issues as commodity prices, terms of trade, and the transfer of resources, both public and private. I consider that these issues have been realistically and sensibly dealt with in President Nixon's recent statement and in the statement by Secretary Rogers, which he made on his return from Africa last year. We in Africa recognize the other pressing demands on U.S. resources, and, above all, the unfavorable domestic climate towards foreign aid to which U.S. legislators are not unnaturally sensitive. I approved particularly the emphasis on encouraging greater assistance to Africa by international lending and development agencies, and I recognize that the U.S. contribution to these multilateral agencies is considerable. I am glad too that President Nixon's statement did not overlook the importance of technical assistance. Improved technical assistance policies will be necessary if these increased flows are to be successfully absorbed. I should like in this context to suggest that the U.S. Government take a lead from the policies of American private foundations and places greater emphasis on making possible the training of personnel from African countries in other African countries. In the same way third country finance can facilitate the movement of skilled and competent personnel from countries which can spare them to countries which badly need them. This process need not be confined to Africa. To help the developing countries to help each other in this way would be entirely consistent with the Nixon doctrine's encouragement of self-reliance.

7. Current U.S. priorities in bilateral aid are welcome, especially in their emphasis on rural development and population problems. The attitudes of African countries may differ somewhat in their approach to private investment. We in Botswana certainly seek to encourage U.S. investment, especially when it comes in the spirit of partnership set out as a desirable end by Secretary Rogers. But I do not think that I shall be alone in questioning whether the recipients of private investment, however blessed with resources and wise leadership, will find that it plays "a far more significant role than public aid in speeding their progress." Development in Africa must mean more than the pursuit of an expanding G.N.P., important though that is, African countries cannot afford to share the disdain of Professor Galbraith for growth, but we do face the twin problem of generating employment and correcting the dramatic urban-rural imbalance which is in many cases at the root of African instability. Unless private investment can be integrated into these broader objectives, balanced development will not take place and the stability, on which successful partnership between foreign investor and African government depends, will not be achieved. There is certainly a need for many of us to generate revenue. Botswana, which still, though we hope not for long, depends on external aid to balance its budget, feels this most keenly. But foreign private sources alone cannot provide directly or indirectly all the inputs of capital and skill which are needed, if rural transformation is to keep pace with urban growth.

8. But there are others more qualified than I to analyze such problems. I hope I shall be forgiven if for the remainder of my address I concentrate on the areas of our continent and those aspects of U.S. policy with which I am most familiar. I mean, of course, Southern Africa. I do not think my concern will be regarded as parochial, since the problems of my area take up a large part, some would say a disproportionate part, of the deliberations of international bodies.

9. We have reached the stage where we must question the effectiveness of the great expenditure of words devoted in the United Nations and elsewhere to the problems of Southern Africa. This is not, I want to make clear, because I do not share the objectives of those who draft, sponsor and speak to the manifold resolutions on Southern Africa which are endlessly debated at so many international gatherings. I recognize only too clearly that my country's prospects of fully independent development are inextricably bound up with the emancipation of all the minority-ruled populations of Southern Africa. Because of this I regret the situation in which we find ourselves. I see few signs that the peoples and governments of Asia and Latin America, much less the Great Powers and their allies, are more committed to our cause than they were ten years ago, even though more is now known about conditions in Southern Africa. Indeed it may be the case that greater knowledge has led to pessimism about the prospects of change. Behind the screen of words, international activity has been directed towards areas where the dangers of great power confrontation and the risks of starting a Third World War are much more immediate. I find this understandable. Although I and my countrymen have first-hand experience of the inhumanities and indignities of apartheid and white supremacy, I cannot, regard Africa, as some of my colleagues do, as the world's unhappiest continent. I was recently in Asia, and it was sobering to reflect that parts of that continent had been in a state of war for thirty years. The tragedies of Hiroshima and Nagasaki, the long blood-letting in Indo-China serve to put Africa's problems in some kind of perspective. They serve also to illustrate the kind of risks the world will have to run, if a more or less peaceful solution is not found to the problems of Southern Africa.

10. Similarly the events which overtook Europe in the "thirties" and "forties", the culmination of nearly two thousand years of white christian civilization (to borrow a phrase much used in certain quarters in Southern Africa) which involved the extermination of six million Jews and the deaths of millions of others, reminds one that other parts of the world has seen their share of human tragedy and mass destruction. Africa is not unique in its suffering. Neither has it any special claim to be regarded as the "dark continent".

11. Yet when we are drawing up the long and dreary catalogue of man's inhumanity to man, the situation in Southern Africa does warrant a special entry. I should like to underline the unique character of the moral issue with which Southern Africa confronts the world. Its problems remain a matter for international concern because of the peculiar nature of the oppression and injustice involved which is, to a greater or lesser extent, based on race. Above all, South Africa is unique among sovereign states in its nationwide institutionalization of racial injustice. It is precisely these elements of racial oppression and racial confrontation in the Southern African situation which make it a matter for world concern. In an increasingly interdependent world the problem of race is not only affecting situations within states but relations between them. Neither the U.S.A. nor the U.S.S.R. is racially homogeneous, though it is the problems of the former that have attracted more international attention. Britain, since the War has become a multiracial and is striving to become a non-racial country. Everywhere in the world the destinies of different racial groups are too interlinked to enable any single ethnic unit, however clearly it sees its own identity, to stand aloof. Even China, which at times in its history has opted for autarky and isolation is looking outward, and may involve itself, with as yet incalculable effect, in problems far from its borders.

12. But let us bring the matter closer to our respective homes. Africa is watching with fascination and sympathy the efforts of Black Americans to assert their identity and to win themselves their rightful place in U.S. society. The cross fertilization of political concepts and cultural values between Africa and Black America over the last half-century or so has been fascinating and complex. Its current cultural implications are not without irony. An African drummer in a band in Botswana wears an "Afro-wig", a fashion which has reached Africa from the United States. And in Cape Town whites blacked their faces in order to be admitted to concerts given by one Percy Sledge, a soul-singer better known in Southern Africa than in the United States, who, at that state in his South African tour was only before "non-white" audiences.

13. More seriously we in Africa are watching with interest the growing influence of Black Americans in U.S. politics and I am happy that some of them are with us here in Lagos. Our interest in this, and not least in the developing black representation in Congress is not motivated by the hope that this as yet small group will press the United States to solve our problems for us. We recognize that the first duty of Charles Diggs, John Conyers, Louis Stokes and their colleagues is first to their constituents of all colors and to the Black American community. But we are not unaware of the past and present influence of ethnic pressure groups in U.S. policy-making. And the presence and increasing power of this group of legislators underlines what I was saying earlier about the essential indivisibility of the racial situation throughout the world.

14. It is this indivisibility which means that the problem of Southern Africa is at the core of U.S.-Africa relations. Questions of aid and investment are important, as they are in U.S. relations with other parts of the developing world. And they are not separate from the issue of freedom and human dignity in the South. But the guts of the relationship between Africa and America is race, and hence Southern Africa.

15. And just as the problem of violence has always been part of the problem of race within the United States from slavery to the ghetto, it is impossible to discuss the problem of Southern Africa without discussing the issue of violence. Botswana's policy is to work for peaceful solutions to the problems of our area and to minimize violence, but we cannot ignore its existence or bury its origins in a conspiracy of silence. I believe it is possible still to work for peaceful change, but there are no easy and wholly painless solutions to the dilemmas of Southern Africa—and violence already exists. Violence exists in the Portguese territories where the African nationalists have resorted to armed struggle because peaceful means of achieving self-determination where denied them. Violence exists. albeit sporadically and on a smaller scale, in Rhodesia where the Republican constitution, which specifically excludes the possibility of majority rule presents an obstacle to peaceful progress quite as unyielding as Portugal's insistence that its boundaries extend to Africa. Violence of a kind, exists in South Africa. In that country, as we have been forcibly reminded in recent weeks, the machinery of oppression is all pervasive, and resistance, whether violent or non-violent, from whatever quarter, receives short shrift.

16. Western leaders in tones of varying severity have deplored the resort to violence by the oppressed throughout Southern Africa, and not all have been as forthcoming as President Nixon in recognizing the violence of apartheid. We can no more condemn those who resort to violence to gain freedom in such situations than we could condemn the violence of European resistance movements against German occupation or the violence of the Hungarians against the Russians in 1956. The United States of America was born in an act of violence against a colonial power, which would not respond to pleas for representative government. It is possible, of course, to be more or less skeptical about the success of violent tactics in different situations, but that is essentially a matter of political and military judgment, and not of morals.

17. And this is one reason why we should not overlook the need to examine separately the component parts of the Southern African situation. I am opposed to a general escalation and extension of violence in Southern Africa because, in President Nixon's phrase, it would "hurt the very people it would purport to serve." I base my view on an assessment of the balance of forces in Southern Africa. Wholesale violence, particularly if accompanied by greater external involvement, would assist not the independence movements nor the African governments who share their aspirations, but the minority regimes. I want to make it quite clear that this viewpoint is not based on special pleading, influenced by the peculiar vulnerability of my own country. Nor are my statements on the use of force in Southern Africa designed to please any particular audience. My concern is for the future of Africa. We should not overlook the essentially defensive position of independent Africa in the face of South African economic, political and military power.

18. But if we turn from the general situation to the particular, and look at Portugal's colonies, it becomes immediately clear that violence is not a negative element in the special circumstances of Angola, Guinea (Bissau) and Mozambique. Even such a subtle American apologist for the *status quo* in Southern Africa as George Kennan observed of Portugal, "Members of the Portuguese administration in these territories make no bones of the fact that the armed challenge with which they have been confronted in recent years has stirred them, and, more importantly has stirred the Lisbon authorities, to reforms and improvements that might otherwise have taken decades to complete". Violence has therefore achieved change in the Portuguese territories. One is bound to question whether the change would continue if the stimulus of violence was removed. As the Prime Minister of Ghana, Dr. Busia, has said in a different context "Dialogue and armed pressures are not necessarily incompatible".

19. The offer of dialogue on the basis of a commitment to human dignity and self-determination has been made in the Lusaka Manifesto. Implicit also in the manifesto is a set of practical priorities which we must not lose sight of. We must not let our sense of outrage and moral concern about apartheid blind us to those points at which pressure can be most effectively applied. One of those points is Portugal. Nowhere is the West offered greater opportunity for promoting change by communication and pressure. But the West has not taken advantage of their defense and economic links with Portugal to press its rulers to take up the offer contained in the Manifesto. Instead, having been singled out for approval because it does not share South Africa's form of institutionalized racialism, Portugal has been encouraged in its present course. This may turn out to have been an opportunity tragically lost. To be sure Dr. Caetano has instituted new reforms which grant greater autonomy to the overseas provinces, but I fear that the effect of these reforms may be to push Angola and Mozambique closer to Rhodesia and South Africa. Their European minorities, if they feel threatened by African advancement within the official framework of *assimilado*

multiracialism, may opt for the overtly racist pattern of their Southern African allies.

20. Again, concerned as we were with the arms sales issue at the recent Commonwealth Conference, Rhodesia was given only a perfunctory mention. I am glad that the option of communication which the American administration has chosen specifically excludes Rhodesia. I hope that United States influence will be exerted at the United Nations and elsewhere to ensure that sanctions are maintained until a settlement can be achieved which guarantees unimpeded progress to majority rule.

21. There is, of course, widespread skepticism about sanctions, and, because they are flouted by South Africa and Portugal, their effects are often lightly dismissed. But these are far from negligible, and are weakening the regime in a number of ways, which we can discuss in more detail later in our meeting. These weaknesses give rise from time to time to doubts about the long-term viability of Rhodesia as a white-ruled country. Some South Africans, including the *verligte* elements in the ruling Nationalist party are irritated by what they regard as an obstacle in the way of the outward-looking policy and in addition fear an open-ended financial and security commitment. A settlement between Britain and Rhodesia on any terms acceptable to the men who enunciated the five principles is far from sight. Sanctions are having a distinct economic, social and political effect. There are continuing indications of South African ambivalence to a white-ruled Rhodesia (an ambivalence, which, incidentally, I suspect extends to Angola and Mozambique). This is therefore not the moment for any relaxation of sanctions.

22. But an important part of establishing our priorities for Southern Africa is the analysis of South Africa itself, its internal situation and its external ambitions. I have already stressed the reality of South African power, which affects the situations I have just mentioned. South Africa has attracted world attention, by its outward-looking policy, especially its overtures to African states and the sharp focus which this outward movement has placed its domestic anomalies and injustices. South Africa has left the *laager* and is pursuing its interests in a continental, indeed an international arena. It has the power, the resources and the will to do so. At times it has come close to proclaiming a Monroe Doctrine for Southern Africa. Its ambitions may grow with increasing confidence. Both the U.S. and Britain have tacitly welcomed the outward-looking policy, primarily because they have sought to work for accommodation between majority-ruled and minority-ruled Africa in order to relieve the pressure on themselves. If Africa can live with *apartheid*, no one can expect Western countries to do otherwise. Western observers and some Africans have also claimed that the outward-looking policy will, by ending South Africa's isolation, bring change within its borders. But we must be clear about the motives behind South Africa's strategies. The outward-looking policy is for export only—it has nothing to do with internal liberalization. The condition for dialogue with South Africa is acceptance of the *status quo*. Its rulers have made it quite clear that the dialogue with black Africa can be about many things, but it cannot at this stage be about political change or self-determination.

23. And yet white politics in South Africa are in an interesting condition. It remains to be seen whether any new policies will be born of the present uncertainty and confusion among white South Africa's leaders. But any significant change which does take place will not result from contacts with African states, though South Africa does mind desperately about western attitudes. The decisive forces for change, however, are internal. The nature of Afrikanerdom is changing following the new trek from the platteland to the cities. White opinion is becoming increasingly aware of the contradictions within South African society—the most notable of which is the contradiction between economic growth and straightforward white supremacy.

24. Black politics are changing too, although the limitations on self-expression make these changes hard to interpret. There are leaders emerging, some of whom are genuine and who, while working for their people within the framework of separate development, have lost no opportunity of pointing out the vast credibility gap between theory and practice. I reject sovereign political units based on ethnic criteria, but the potential significance of the Bantustan experiment should not be overlooked. Its consequences are feared by the white public, but increasingly politicians from the largely English-speaking United Party and the more liberal "Progressives" are accepting that the consolidation of the Bantustans and the development of quasi-democratic institutions in them is a policy which would be difficult to reverse completely. Much remains to be done, however, before these fragmented and over-populated areas could begin to look like even remotely credible mini-states. Botswana, Lesotho and Swaziland are a constant challenge to their credibility. Bantustan development cannot be condoned, but its implications deserve careful analysis.

25. It is developments such as these which I imagine prompted David Newsom's statement in his interesting address at Northwestern University, "Communication does not mean acceptance. It means, in a sense, a greater challenge than isolation." The United States and Britain have expressed their abhorrence of apartheid. They seek to change the system in America's case by communication and moral pressure and in Britain's by contact and trade. Initial results of these new policies have not been encouraging. President Nixon's statement was greeted in South African Government circles as "realistic" and a visa was promptly refused to Arthur Ashe. Britain's announcement on Wasp helicopters came in the midst of an unprecedented campaign against the churches, which has involved the harassment and expulsion of both British and American clergy. The question is, given this unpromising beginning, how is the West going to pursue Mr. Newsom's challenge. If communication does not mean acceptance, where do we go from here?

26. These developments in US and UN policy have been interpreted as a triumph for South Africa's outward diplomacy. The contact has been accepted, the pressure for change brushed aside as rhetoric. But Botswana is the last country to call for the total isolation of South Africa. Can anything be achieved by a policy of communication on the part of Western countries whose friendship South Africa clearly values? Only, I suggest, if the West does not behave as if it needs South Africa more than South Africa needs the West, when, in fact, the reverse is the case. The advocates of contact and communication must spell out what they hope to achieve by these means. Perhaps this meeting can consider some possibilities. The case of the Polaroid Corporation and some of Carl Rowan's statements before the Diggs Committee might make a starting point.

27. Moreover, if South Africa is to be pressed to make concessions in return for a measure of respectability, which is the only way communication could differ significantly from acceptance, then concessions abroad might come more easily than concessions at home. The attitude of South Africa is clearly critical in determining the future of Rhodesia and the Portuguese territories.

28. Progress could be made towards common objectives if we were to recognize a mutual interest in limiting violence and working for peaceful change. Peaceful change will not be secured if existing minority-ruled situations are allowed to harden and South Africa's outward-movement encouraged. Separate solutions must be sought for the problems of Portugal, Rhodesia, South-West Africa and eventually South Africa itself. This involves restraining South Africa's outward expansion, eroding the outer edges of the white bastion developing in Southern Africa, driving wedges between its constituent parts, preventing its further consolidation, and maintaining contact and communication with all the forces for change throughout the region. Unless a positive overall strategy is developed along these lines, then communication will slip into acceptance and moral pressure will be reduced to mere rhetoric.

GOOD GUYS, BAD GUYS AND THE ABM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SCHMITZ. Mr. Speaker, in an attempt, probably hopeless, to inject a little reason into this years attempt to slash the Department of Defense budget request I would like to insert in the RECORD a portion of the testimony given last year by Dr. Albert Wohlstetter before the Senate Armed Services Committee.

Dr. Wohlstetter is an outstanding physicist who has in the past made substantial contributions to our national thinking on matters concerning defense strategy. In 1958 Dr. Wohlstetter was the first person to draw attention to the fact that deterrence was not synonomous with the mere existence of nuclear weapons. He argued, quite reasonably, that in order to deter with a second strike strategy one's weapons had to be deliverable after an enemy strike. They had to have the capability to do such things as survive the first strike, get off the ground, penetrate enemy defense, and be able to destroy the target. Dr. Wohlstetter made the point that deterrence was not static, but rather dynamic and the product of sustained intelligent effort.

This was a very important contribution to strategic thought at the time since the intellectual field was dominated by a group which felt that the United States and the Soviet Union were like "two scorpions in a bottle," that nuclear war would be the end of all mankind, and that, therefore, it was not necessary to upgrade, modernize, and continually replenish and improve our strategic forces. This school of thought was known as "minimum deterrence."

Fortunately most serious analysts have discarded the minimum deterrence approach. There are, however, still a few advocates of this and similar partially thought through force postures, who seem to receive more than their fair share of space in the popular press.

In the article which follows entitled, "Good Guys, Bad Guys and the ABM", Dr. Wohlstetter mentions that besides the "action-reaction arms race cycle" there is also something which might be referred to as the "inaction-reaction cycle." This is an appropriate point to make since we seem to be in the midst of just such a cycle. Secretary of Defense Laird recently pointed out that the United States has been in a state of "near moratorium" since 1967 as far as strategic weapons deployment goes. During that period the Soviets have increased their land and sea based nuclear missile force, among other forces, several fold. Hence, an "inaction-reaction cycle."

Although our arms race buffs tend to imply a terminal state of war following from continued competition in the construction of strategic nuclear forces it seems more likely that a state of war would arise from prolonged refusal to compete in this critical area of national security. This follows from the assumption that the Soviets are more likely to initiate a nuclear conflict should they think they are able to win one as a result of a prolonged "inaction-reaction" cycle resulting in Soviet superiority, as opposed to the arms race assumption that the Soviets are more likely to initiate a conflict which they cannot win because the United States has remained militarily prepared by competing in the field of strategic nuclear weapons.

Dr. Wohlstetter goes into some of the non sequiturs which arise when certain individuals and organizations are arguing for different things:

> The critics of defense in general hold that there is no need to worry about reducing the damage that would be done in case deterrence fails, because, they say, it is extremely unlikely that it will fail. But they are really of two quite different minds about the possibility of the failure of deterrence, depending on what they are advocating. When they want to forego any attempt to reduce the catastrophe, they are extremely reassuring about the low probability of nuclear war. They say deterrence is stable now and will be in the face of technological change. When they are urging drastic early steps towards disarmament and perhaps risky ones they say the very opposite. Far from being stable, deterrence is certain to fail. The critics may then even give precise odds on how soon it will fail. The odds are high. The apocalypse, it seems, may be soon.

Dr. Wohlstetter points out the inconsistency usually resorted to by the defense critics when arguing against the ABM in relation to the Soviet and Chinese threat.

> Critics of ABM are strikingly inconsistent in their treatment of the Russians and the Chinese. In saying we don't need to defend Minuteman against Russian attack in the mid or late 1970s, they presume that, 20 years after Sputnik, Russian missiles would not be able to achieve accuracies and other performance characteristics of the Minuteman III and Poseidon missiles that we ourselves are now in the process of deploying. In opposing an area defense of population against Chinese attack, they assume that the Chinese in their first generation ICBMs will be able to deploy penetration aids that took us billions of dollars and many trials and failures, and a dozen years to develop. These are extraordinarily backward Russians and most advanced Chinese.

He also gives a brief history of some of the amazing shifts in thought taken by a group known as the American Federation of Scientists.

> Indeed, many of these same scientists have turned 180 degrees at least twice since Hiroshima in their slogans about defense. Immediately after the war the American Federation of Scientists printed its "Creed" with the second point in bold face: There is no defense. It was, they said, One World or None. After the Russians turned down the Baruch plan for international control of atomic energy, and it soon became clear that we were not about to have one world, a majority of these articulate scientists looked a bit more closely at whether the alternative really was no world at all. Then it was announced (e.g., by Ralph Lapp) that the scientists were "rebelling against the military dictum that there is no defense." The rebels lobbied for civil defense and continental air defense; opposed the H-bomb on the grounds that it was infeasible; or if feasible, undeliverable; and in any case, usable only against cities rather than legitimate military targets; and finally clashed bitterly with a minority that favored going ahead with the H-bomb. I myself believe that the opposing factions of scientists tended to caricature each other. It was not really that one side wanted to depend exclusively on offense and the other solely on defense. The genuine differences concerned emphasis and allocation. But the ironic next 180 degree turn at the end of the 1950s saw the majority faction turn once more and adopt almost the caricature of the position it had been most recently opposing. It now calls for a nearly exclusive reliance on offense and the total rejection of defense of population against ballistic missiles. Cities, it seems, are now the only "legitimate" targets and defending cities is a provocation.

Dr. Wohlstetter's article is well worth reading by all those interested in a calm, intelligent, and logically forceful treatment of some of the more important aspects of our strategic force posture.

The article follows:

GOOD GUYS, BAD GUYS, AND THE ABM*

(By Albert Wohlstetter, University of Chicago)

Choices about bombers or missiles or defenses against them are, in the most literal sense, vital. They can mean life or death. Yet making such choices carefully has never been easy. And least so now when the closing agonies of Vietnam drive us to wish away all problems of national defense. Even thinking about such questions is unpleasant and can make your head hurt. Answers don't come in black and white and mustering vast public sentiments about precise shades of grey is particularly hard. It is much easier then to make believe that the issues are simpler than they are, that the answers are plain to any man of good will, that the issues are in fact between the concerned men of good will and a reckless entrenched malevolent authority. The good guys are against nuclear war, against taking reckless chances on nuclear accidents, against wasting money that might be used to solve our urgent domestic problems, against the "ever accelerating arms race," against the generals and munitions makers, for peace abroad and redressing the inequities at home. The bad guys . . .

The impassioned ABM debate, as the news media tend to picture it, does array the good guys on one side and on the other, the bad. The forces of virtue at last aroused against the forces of evil. ABM, as many of its opponents have said, is a SYMBOL. One trouble with symbols, however, is that they often have little to do with reality. Any close look at the realities of the ABM and the way the debate has developed, blurs this simple picture. In fact, erases it entirely.

Intense controversy blew up suddenly last fall with an alarm sounded by some Argonne physicists about placing Sentinel defense missiles only a few miles outside Chicago's city limits. It was not hard to arouse public interest groups on this subject. It seems that very few Republicans or Democrats favor nuclear accidents. By spring, however, distinguished opponents of ABM like Hans Bethe indicated that the nuclear safety of Sentinel was not really troubling. And by late spring various opponents of ABM were themselves recommending that, rather than use Safeguard ABM to protect our bombers and missiles, we should undertake (a) an emergency dispersal of armed bombers—which would mean landings and takeoffs with nuclear bombs in commercial airports of large cities; (b) an armed air alert—that on a continuing basis might mean an average of a dozen accidents per year involving nuclear weapons; and finally, (c) most amazing, that we try to empty our silos before enemy bombs get to them by immediately launching our Minuteman at Russian cities on the basis of radar indications—which would increase the nightmare possibility not only of a nuclear accident, but of an accidentally started worldwide nuclear holocaust.

Senator Symington asked, "After PAR finds the incoming missiles, why then couldn't you fire the Minuteman on target instead of the Spartan?" And Senator Fulbright engaged in this dialogue, ". . . if the objective is deterrence . . . then . . . this would really concern the Russians to know what you would really do if they sent over a massive attack."

Senator Gore, "Or a light attack."

Senator Fulbright, "Or even a light attack, one that could be detected . . . I would think that is the greatest deterrent you could have, and you are going to release ours before they are destroyed, and you could do it."

Indeed you could. But such a mode of decision risks delegating to a computer the most terrible decision that would ever have been made, the decision for World War III Recognizing that, our government decided years ago to try to preserve our political decision centers and to protect our forces so that they could ride out an attack and in that way leave time for responsible political decision. A recommendation by the good guys to launch missiles on radar warning hardly fits the simple picture. Who *are* the prudent reflective, good guys and who are the bad guys?

Even given the deserved unpopularity of nuclear accidents, the ease with which indignation was aroused about the local defense of urban population has in it a good many paradoxes. At the very least it knocks down one widespread argument that was being made as recently as last year against an attempt to defend some cities. That, the argument used to run, can only lead to an arms race, since it was certain that the undefended cities would demand defense. Doesn't this vociferous demand not to be defended at the least suggest some flaws in the older theory?

Trying to fit the pieces of the ABM debate about arms race and military budgets and domestic needs into the simple picture yields many insoluble puzzles. Major critics of ABM (for example, Professors Wiesner, Weinberg, Panofsky and Senators Fulbright and Symington) run on about arms races; nonetheless suggest increasing, even doubling the Minuteman force rather than defending it with ABM. But a doubled Minuteman force

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could annihilate the projected large number of Soviet ICBMs: it would seriously endanger Russian ability to retaliate. If the Russians, following the policy suggested by the vociferous ABM critics, responded by increasing their force, an accelerating race in strategic budgets and numbers of weapons would then be on in earnest. It has not been on in the past, despite the stereotypes. In the last 10 years our strategic budget did not "accelerate"; it declined by half and precisely because in the 1960s we did not merely multiply strategic vehicles but increased their protection by methods such as blast resistant silos appropriate to the 1960s threat. In the mid and late 1970s improved offense accuracies will make blast protection inadequate and will make ABM an appropriate method for preserving a fixed offensive force. Moreover such active defense of the offense would not provoke a spiral any more than our silos did. It frustrates an adversary's ability to strike first effectively, without removing his ability to strike second, that is, his ability to strike back after attack. Protecting Minuteman doesn't add to our first-strike capacity. Doubling Minuteman does. Just who is thinking prudently about avoiding arms races?

Or about excessive military costs? Doubling the Minuteman force and keeping B-52s steadily aloft in numbers equal to our ground alert would cost several times more than protecting Minuteman and B-52s with ABM; over 20 billion dollars on a 5-year basis, even neglecting the implicit "spiral"! Hardly the way to free resources for urgent domestic needs. Moreover, unlike Safeguard, doubled Minuteman and air alert B-52s would do nothing to protect our national command or to shield our population against even small attacks.

This neglect of the expense of alternatives to ABM is only one example of the casual handling of costs by the critics of ABM. And treating costs in an offhand way turns out to be crucial for their substantive criticism. Today it is plain that these critics were extremely hasty in presenting calculations that purported to show that Minuteman would be safe without extra protection in the mid and late 1970s. And many of them have retreated on this point: they now say Minuteman will be so unsafe as to be obsolete and not worth defending. It is not yet as plain that their treatment of the costs and effectiveness of a Safeguard defense of Minuteman and its alternatives is as faulty as their earlier proofs that Minuteman would be safe. Perhaps I can make it plain. It is an important matter. Central questions that seem unrelated turn on these matters of cost, for example, the questions below.

(1) CAN SAFEGUARD BE "EASILY" OVERCOME?

Opponents of ABM support their claim that overcoming Safeguard is easy by referring to a mysterious secret chart showing how the Russians can overwhelm the defenses of Minuteman by adding more of their SS-9 missiles. Such a chart hardly proves their point. Any fixed amount of defense can, of course, be overcome by adding enough to the offense. This is obviously true. It is equally true that any fixed amount of offense can be smothered by adding enough defense. Both these truths are nearly tautological. For adversaries with roughly the same resources, the practical question has to do with how much extra the offense must pay to overcome a given amount of defense and how this compares with the cost of that defense itself. The answer in the case of *Safeguard defense of Minuteman is that it would cost the Russians more than twice as much to add offense as it would cost us to add an offsetting number of Sprint missiles with their fair share of the missile site radar expense.*

That is why starting to deploy Safeguard is a good way to discourage an adversary from persisting in any attempt to remove our second-strike capability. On the other hand, if we do nothing to protect so large a part of our retaliatory force, we make it relatively cheap and fruitful to get a capability to destroy it. The stereotypes about the arms race talk always of "action-reaction cycles." There are inaction-reaction cycles too. And some positive acts inhibit response by making it fruitless.

How we have the critics of ABM missed the point on costs? First, they rarely mention the adversary's costs and never measure the extra cost to the offense to overcome an increment in Safefuard defense. In fact, one distinguished Senator opposing ABM has suggested that the large costs of SS-9s do not concern the Russians since they are not capitalists. Another opposition Senator holds that the Russians are so limited in resources that they will not buy enough SS-9s to destroy Minuteman even if there is no Safeguard to make their resource cost higher. A more reasonable suggestion than either of these two is that expanding the SS-9 involves a serious resource expenditure for the Russians: perhaps worth it if we indicate we have no intention of protecting Minuteman: and not worth it if we can add protection much more cheaply than they can overcome it.

Not only are SS-9 missiles with three 5-MT reentry vehicles expensive, but so are the lower-yield less accurate SS-11s, which have recently been proposed by critics as "cheap defense radar killers." In fact, on a per warhead basis they are more expensive than the SS-9s and much more expensive than the defense missiles that would counter them. Nor would SS-9s with 20-30 low-yield reentry vehicles be cheap radar killers, as recently suggested by Professors Wiesner, Weinberg and Rathjens. They are much more advanced than the SS-9 with three accurate 5 megaton MIRVs. Yet these same critics doubt that the Russians can get the latter. Most important, if one includes the several billion dollars for research and development, getting two dozen missiles especially to kill radar would involve extremely high unit costs, even neglecting the expense of procurement and operation.

The critics not only neglect adversary costs, they inflate the costs of the Safeguard defense of Minuteman. They attribute the entire costs of the Safeguard program to the protection of Minuteman. They include research, development, testing and evaluation costs which both opponents and advocates of Safeguard agree should continue whether or not we start deployment now; these are not properly an extra cost of the decision to deploy Safeguard at the minuteman sites or anywhere else. Furthermore, they include costs, all or part of which are required for other functions of Safeguard than the defense of Minuteman.

Safeguard is intended also to protect the National Command authority, to defend manned bombers and to provide a thin shield for population. When the critics of Safeguard want to question the value of the area defense of the bombers and of our population, they may estimate that most of the cost is for area defense and attribute only $730 million of the entire Safeguard program to the defense of Minuteman. (See Chayes and Wiesner, Eds., ABM: An Evaluation.) On the other hand, when they are attacking the use of Safeguard to defend Minuteman, they pile on this function the entire costs of the program, including not only research and development, but also expenditures for the purpose of defending national command, bombers and population. (See Rathjens, Wiesner and Weinberg, "Commentary on Secretary Laird's May 22 Defense of Safeguard.")

In estimating the cost of a defense interception, they neglect a major feature of the Safeguard system, that will permit immediate replacement of defense missiles that fail during or shortly after launch. Since most failures occur within this time period, a reserve of some 15% or 20% assures an extremely high probability of interception. Critics of ABM, by ignoring this, have assumed that some three times more defense missiles are required than the probable number.

This neglect is related to the critics' misunderstanding about the "softness" of the defense radars (MSRs and PARs) and the role of blast resistance in the defense. It is well known that the radars have less than one tenth the blast resistance of the Minuteman silos. They are, however, protected primarily by interceptor missiles, and they are made just blast resistant enough to force an offense warhead to come close and so permit the defense to fire several times at it. If the first or even second Sprint fails, there is time enough for a third to destroy an incoming warhead.

A final major defect in the critics' estimate of the cost of a defense interception comes from ignoring the important strategy for defending an offense force known as "preferential defense." Defending missiles is a very different thing from defending population. If only half the population survived, this would be a catastrophe of unimaginable dimensions. But the survival of fewer than half our missiles may be more than enough to assure retaliation. The defense then can decide which Minuteman silo, or if there is more than one radar, which radar to defend and can decide this at the last minute. The offense cannot know this and therefore must attack all targets as if they were all defended. When the defense doubles the number of interceptors and radars, the offense must multiply its warheads four times.

(2) WILL SAFEGUARD WORK?

The answer to this question may not seem directly related to the matters of cost we have been discussing. But it is related both to our costs and to those of an adversary. When a critic says Safeguard won't work, it sounds as he were claiming that when a switch is thrown, there will be a fizzing sound and then merely some smoke coming out of the computers. A closer look at his argument, however, will reveal that he means Safeguard will not work because in an actual war the adversary wouldn't let it work; the adversary will think of all sorts of effective counter-measures.

For the apparent (or smoking computer) meaning, the fact that Safeguard is complicated seems to be crucial. Bell Laboratories, which have technical charge of the Safeguard system design, are most experienced, cautious and successful in enigneering complex systems. They are used to making very complicated things work with very high reliability. But if the trouble lies in what an enemy can do to counter Safeguard or its alternatives, complexity is not the issue at all. Many simple things won't work when a modern adversary won't let it: slingshots, catapults, moderately hardened silos, and even the "cheap" small defense radars and missiles proposed by some of the ABM critics—which unfortunately are very vulnerable to inexpensive counter-measures. The cost of the defense and the cost of offense counter-measures are at the heart of the matter, and it is here that the critics have been weakest.

The components of Safeguard and their interactions have undergone and will undergo very extensive testing. Sometimes the argument is made that this is not enough, that the only realistic test would be an actual nuclear war. This is one test we all want to forego. However, the critics appear unaware of the fact that this is a limitation affecting our certainty as to the performance of our offense also. It applies equally to Russian and American offense and defense. But this limitation does not show that defense is worse off than offense, or that we are worse off than our adversaries.

Finally, the history of the last 25 years suggests that it is hard to take claims about whether a system will work or not work on their face value, especially when there are strong passions involved. When something new is proposed for our side, scientists who oppose it tend to say not only that it would be bad, but that it won't work at all. If they are for it, not only would it be nice, but it works like a dream. So when they were against an emphasis on the offense, the H-bomb wouldn't work. In the late 1940s, when they opposed continental defense as a poor substitute for international control, no defense was possible. In the early and mid-1950s when international control was out of the picture and continental defense seemed essential, then an adequate defense was possible. Then in the 1960s, judgments about feasibility were once more reversed to match views on the value of defense.

(3) IN CASE DETERRENCE FAILS, IS IT WORTH ATTEMPTING EVEN A LIMITED POPULATION DEFENSE—ONE THAT WORKS AT LEAST AGAINST IRRATIONAL SMALL ATTACKS?

The critics of defense in general hold that there is no need to worry about reducing the damage that would be done in case deterrence fails, because, they say, it is extremely unlikely that it will fail. But they are really of two quite different minds about the possibility of the failure of deterrence, depending on what they are advocating. When they want to forego any attempt to reduce the catastrophe, they are extremely reassuring about the low probability of nuclear war. They say deterrence is stable now and will be in the face of technological change. When they are urging drastic early steps towards disarmament and perhaps risky ones, they say the very opposite. Far from being stable, deterrence is certain to fail. The critics may then even give precise odds on how soon it will fail. The odds are high. The apocalypse, it seems, may be soon.

Take Professor Wiesner. Against the Chinese as against the Russians, he says, ". . . we must rely on the offensive deterrent . . . on our known ability to retaliate devastatingly in case of a nuclear attack. Ten percent of our SAC bomber force could kill 200 million Chinese." (*Look*, November 28, 1967.) This is evidently all right, for he also says, "The fantastic power of nuclear weapons provides a high degree of stability. Consequently a few bombs, certain to be delivered, will constitute a powerful deterrent." (*Washington Post*, January 22, 1967.) On the other hand in his apocalyptic mood, Dr. Wiesner has said, "There is an ever-increasing likelihood of war so disastrous that civilization, if not man himself, will be eradicated." (*Daedalus*, Fall 1960.) The probability is not only rising, but apparently it is already high. "The odds," he estimated recently, "are in favor of a major war within the next two decades." (*Washington Post*, January 22, 1967.)

Similarly, Senator Fulbright expressed astonishment at recent Hearings that the Department of Defense has sponsored a system for protection against the Chinese, since a Chinese attack would be irrational, suicidal in fact. A system for such a purpose is so far-fetched he suspects an ulterior motive. On the other hand, in an article entitled. "Now is the Time to Take Great Risks," in which he urges drastic and evidently chancy steps towards disarmament, he explains, "Sooner or later the law of averages will turn against us; an extremist or incompetent will come to power in one major country or another, or a misjudgment will be made by some perfectly competent official, or things will just get out of hand without anyone being precisely responsible as happened in 1914." Under present deterrent arrangements, in short, this suicidal act is in the cards; the apocalypse is certain.

My own view is that the probability of nuclear war, if we are careful, can be kept small. But this requires continuing attention to the protection of strategic forces in the face of technical change. And even then there is always a significant possibility of breakdown and therefore the need for some insurance in the form of defense.

Critics of ABM are strikingly inconsistent in their treatment of the Russians and the Chinese. In saying we don't need to defend Minuteman against Russian attack in the mid or late 1970s, they presume that, 20 years after Sputnik, Russian missiles would not be able to achieve accuracies and other performance characteristics of the Minuteman III and Poseidon missiles that we ourselves are now in the process of deploying. In opposing an area defense of population against Chinese attack, they assume that the Chinese in their first generation ICBMs will be able to deploy penetration aids that took us billions of dollars and many trials and failures, and a dozen years to develop. These are extraordinarily backward Russians and most advanced Chinese.

At a modest extra cost over and above that of defending our offense force, we can manage a very effective defense of our population against a small attack, a defense that can keep us free of substantial damage from the Chinese without our initiating a nuclear attack upon them. Moreover, given the general technological levels in the two societies, we can stay ahead of them for the foreseeable future. Even if Chinese offense technology were at a much higher level, the difference in the resources of the two societies would be decisive. I said earlier that for adversaries with roughly the same resources the practical question has to do with how much extra the offense must pay to overcome a given amount of defense and how this compares with the cost of that defense itself. A relative cost disadvantage to the offense will bear down much harder on an advesary with much smaller resources, as is the case for China whose gross national product is less than a tenth and whose per capita income is about 2% of ours.

Those who reject even a thin shield for population manage simultaneously to hold that (1) the shield would have no substantial effect even against a small first generation Chinese attack, but (2) it would be so effective against the massive sophisticated Russian force that the latter could not inflict enough damage on us to deter us, even though (3) it takes only the prospect of a few bombs delievered to deter the Russians. These and other absurdities stem, I believe, from an extreme strategic dogma whose origins go back many years to the French General Staff and to a few members of operational research staffs like the Weapons Systems Evaluation Group of the Joint Chiefs of Staff. I refer to a doctrine known as "Minimum Deterrence" that holds that any attempt to protect our own civilians will make nuclear war more likely, that we must depend exclusively on a threat to bomb enemy civilians. Not an obviously humane or liberal doctrine. It defies common sense as well as rigorous analysis.

Of course very few of the public interest groups who oppose defense of population are at all aware of the origin of their views. Indeed, they abhor "Think Tanks" like the Weapons Systems Evaluation Group (associated with IDA, a famous target for the SDS). Yet just as Keynes remarked that the practical man who scoffs at theory is frequently the slave of theorists long defunct, so the ladies in the Women's International League for Peace and Freedom and other similar organizations may say unkind things about Think Tanks, and wear Stop ABM buttons. But the theory behind the button originates from individuals in some of these same Think Tanks.

I would not myself have thought a few years ago that one could organize widespread popular indignation among church groups and mothers on the basis of so extreme and farfetched a dogma, one that suggests that it is all right to threaten to launch missiles at enemy civilians, but peculiarly heinous to prepare to knock a missile down on its way to destroy millions of our civilians. Clergymen for Bombing Civilians only? Mothers for the Offense? I'd have thought it would never fly. I was quite wrong. The massive lobbying activity of the last year or two has mustered a plenitude of organizations with names like "Another Mother for Peace," "Womanpower in Action," "The United Methodist Board of Christian Social Concerns." When men and women of good will take it as so obviously right to depend solely on a threat to launch nuclear weapons against cities, we've come a long way from the Spanish Civil War and the world's shocked reaction to the bombing of several thousand civilians at Guernica.

And a long way from the position taken throughout most of the 1950s by the same scientists who now refer to any use of defense as "Maginot Line mentality." "History," quotes the epigraph to the Wiesner-Chayes book on ABM, "is littered with Maginot Lines." The Final Report of the Lincoln Summer Study, in which Drs. Wiesner, Killian, Kaysen and others were prominent, had a whole section on Maginot, replying to the offense enthusiasts of that time. Putting "all our eggs in one basket," they said, is the essence of "Maginot psychology," and it is exemplified by the "great emphasis placed in recent years on the development of an effective 'retaliatory force'." Liberals have forgotten that the key substantive issue that was obscured by the tragic outcome of the Oppenheimer hearings had to do with whether a large enough part of our effort was being devoted to continental air defense. In fact, history tells us less about the relevance of Maginot (a dead Frenchman whose name is too often used to settle deep and complex issues) than it does about the pitiful inadequacy of all slogans about offense and defense. ("Maginot!" "There is a counter to every weapon!" "The offense always gets through!" Etc., etc.)

Indeed, many of these same scientists have turned 180 degrees at least twice since Hiroshima in their slogans about defense. Immediately after the war the American Federation of Scientists printed its "Creed" with the second point in bold face: There is no defense. It was, they said, One World or None. After the Russians turned down the Baruch plan for international control of control of atomic energy, and it soon became clear that we were not about to have one world, a majority of these articulate scientists looked a bit more closely at whether the alternative really was no world at all. Then it was announced (e.g., by Ralph Lapp) that the scientists were "rebelling against the military dictum that there is no defense." The rebels lobbied for civil defense and continental air defense; opposed the H-bomb on the grounds that it was infeasible; or if feasible, undeliverable; and in any case, usable only against cities rather than legitimate military targets; and finally clashed bitterly with a minority that favored going ahead with the H-bomb. I myself believe that the opposing factions of scientists tended to caricature each other. It was not really that one side wanted to depend exclusively on offense and the other solely on defense. The genuine differences concerned emphasis and allocation. But the ironic next 180 degree turn at the end of the 1950s saw the majority faction turn once more and adopt almost the caricature of the position it had been most recently opposing. It now calls for a nearly exclusive reliance on offense and the total rejection of defense of population against ballistic missiles. Cities, it seems, are now the only "legitimate" targets and defending cities is a provocation.

But even minimum deterrers who oppose defending population normally believe that we should protect our retaliatory force by concealment, shelter or active defense. The Safeguard ABM which aims to protect bombers and missiles is precisely the kind of thing that Minimum Deterrers would normally support. And in fact, many of them did, at least through March 6 of this year. In testimony before the Senate, Hans Bethe, for example, said quite unequivocally that while he was opposed to the Sentinel defense of cities, there was another kind of ballistic missile defense, namely the defense of retaliatory hard points, and that was different; he favored that.

A completely different concept of ABM is to deploy it around Minuteman silos, and at command and control centers. This application has gone in and out of Defense Department planning. I am in favor of such a scheme.*

In fact, he said, the Sprint and MSR are good components for the purpose.

Then on March 14 the President announced the Safeguard program which was primarily directed at the defenes of missiles, bombers and the national command authority. This apparently posed something of a dilemma. A tremendous effort had gone into lobbying against ABM when it had been intended mainly to provide a shield for population against light ballistic missile attack. Hundreds of scientists had signed indignant petitions; public interest groups had been mobilized; speeches had been written for now indignant senators; ABM had become a SYMBOL. The push against it gained enormous momentum; Senate hearings were rolling; and, it seems, if you push hard enough against a symbol, you may find you are being pulled. At any rate, a good many of these scientists then said that, nonetheless, even with the change, they were still against it; and some offered extremely hasty calculations to suggest that the missiles and the bombers really required no protection, that Sprints and MSRs wouldn't do it anyway, that it would be better simply to multiply offense forces, or launch them on warning or do almost anything other than defend them.

This sequence of events suggests the folly of transforming a complex substantive issue into a symbol in black and white. I would not turn the simple picture upside down, with the good guys supporting ABM and the bad guys in opposition. I do not represent the Safeguard issue as one that divides the forces of light from those of dark. And neither do temperate opponents of starting deployment this year, like Senator Brooke. Senator Brooke has not been pushed to the rash extreme of calling for launching Minuteman at Russian cities on radar warning or doubling the offense or doing almost anything rather than support the scoundrels advocating ABM. He rejects the first as lunacy and deplores the second.

Simply for the symbolism of taking Safeguard out of the country, some Senators propose to build on distant Pacific atolls PAR and MSR radars that could if located in Montana and Dakota protect Minuteman. This would waste billions of dollars just to defeat the bad guys in the Administration. It is such bitter symbolic struggle with shadows that makes reflective choice hard to manage and delays the sober and rigorous examination required both for our defense and domestic needs.

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*Mimeographed statement submitted on March 6. The printed version, published at the end of the month, added the phrase "at the appropriate time" to the last sentence.

JOE McCAFFREY LOOKS AT CRITICISM OF THE PRESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. WALDIE. Mr. Speaker, few members of the fourth estate have the universal esteem of their colleagues as Joe McCaffrey of ABC and WMAL.

When Joe praises, it is deserved. When Joe criticizes, he does not do it out of hurt or caprice.

If there is anything in this town that can be agreed upon, it is that Joe McCaffrey means what he says.

He recently said some meaningful things at the annual Writing Awards Luncheon of the Virginia Press Women.

His comments concern the criticism of the press being directed at newspapers, networks, and individual newsmen and management personnel by members of the administration.

Mr. Speaker, it gives me honor and pleasure to place Joe McCaffrey's comments in the CONGRESSIONAL RECORD:

REMARKS BY JOSEPH McCAFFREY

I'd like to talk today about what appears to be a concentrated campaign of intimidation against reporters, not just in the media I work in, television, but against all men and women who are reporting news.

When the criticism is directed by the second highest ranking elected official in the nation's government there is a fine, if not indiscernible line between criticism and censorship.

It is no happenstance that this official criticism comes at a time when reporters, and especially those who work in Washington, are dealing in a land of make believe. The people of the country are either not being told all that is going on, or they are told that what they read is really not so.

It is a sleight of hand routine which boils down to this: "things-are-not-what-they-appear,-but-what-we-tell-you-they-are."

The cost of living goes up again, but we are told this is a good sign because it didn't go up as far as it did the month before, yet we are denied briefings by the Bureau of Labor Statistics experts who can, if they are allowed to, honestly interpret what the latest figures mean.

The current criticism, taken along with this "its-not-what-it-is-but-what-we-say-it-is," adds up to an attempt to shake the belief of the people in what they read in the press, and in their weeklies, and what they hear on radio and television.

The criticism is aimed at smudging over the real differences between the facts as they are available and what those in positions of power seek to claim those facts mean or do not mean.

There is grave doubt that the present criticism of the media is spontaneous. It may be recalled a key member of the present administration once accused the press corps of unfairly trying to get him, and told reporters they would not have him to "kick around any more."

Even the former White House resident intellectual, Daniel Moynihan has joined the hounds. He is disturbed not only by reporters but by the bureaucrats who leak stories to them. However, he fails to explain why it is that the release of information about the government poses such a threat to the welfare of the Republic.

To categorize the bureaucrats and the reporters to whom they gave information as anti-Nixon malcontents is to foster an incorrect and even dangerous view of what this country is all about. The government, even that part of it known as the Executive Branch, does not belong to any sitting President. It belongs to the people. And news about pending changes in its composition should be disseminated widely and well. Our government functions best only in the bright glare of public discussion, however, painful it may be to string pullers in the executive offices.

The role of men in government is to defend themselves against too great a glare. They are, quite naturally protective of themselves and what they are doing. The men responsible for presenting the President's image for example, are basically not free information people but propagandists. They are drawn from advertising and the editorial page side of newspapers, and in the case of the present administration, these are conservative newspapers. Therefore, these men think of the media as devices for selling something—whether its soap or ideas, and their concern, of course, is with ideas or perhaps, even non-ideas. Combine this with a President who is convinced that reporters are not his friends but his enemies as he indicated in his "last press conference" back in 1962 and we set today's stage.

Despite lip service to the contrary, in Washington today you sense no faith on the part of the government in the free-wheeling public discourse which has built this country. Instead you have:

Army Intelligence agents maintaining dossiers on ordinary citizens and political leaders . . .

The Attorney General asserting his right to tap almost anyone's telephone in the cause of national security . . .

Presidential policy advisers refusing to testify before Congressional committees . . .

The FBI punishing its own agents for daring to suggest that J. Edgar Hoover may possess human flaws . . .

A Congressional committee issuing a subpoena for the materials not even used in producing a television documentary . . .

This is a grim mosaic . . . one that hardly contributes to a robust discussion of public issues. And I think the current attacks on the media must be seen as a part of this general environment.

Putting the press on the defensive is a political ploy. And it is the natural, logical ploy if you have convinced yourself of three things:

1. That political considerations are ultimate considerations.
2. That large segments of the press are against you . . .
3. That the country will be well-served by an un-critical, un-questioning acceptance of government policies.

Washington seems well on the way to accepting all three.

All presidents have fought their battles with the news media and expressed concern over its "balance" or lack of same. George Washington was the first president and the first president to feel that way. Lyndon Johnson is still press shy, and John Kennedy, who probably got the best treatment of any recent President, told his aides not to trust reporters.

But never has an Administration mustered such a frontal assault as we see today. This may be because the art of merchandizing and image making has developed so much more during recent years, and the present Administration has become wrapped up in its image and the effect that image will have on public opinion.

Public policy is constantly being approached in terms of its impact on this or that voting bloc, how it will be treated in the press, and what, in turn, the result will be in the opinion polls.

The image has become more important than the substance, and so, perhaps, it is only natural that the "image presenters" are held responsible when all is not going well. South Vietnamese defeats aren't the fault of the South Vietnamese or the Americans who planned the battles, they are the fault of the Saigon press corps and the columnists and commentators in the United States. If we exalt government by public relations, this is only a natural conclusion.

Individual stories, individual newspapers, broadcast stations and networks may have presented unfair reports, even erroneous reports. But that is not the point. The point was best made by Walter Lippmann: "The theory of a free press is that the truth will emerge from free reporting and free discussions, not that it will be presented perfectly and instantly in any one account."

Does anyone really believe that there can be a free and unrestricted flow of information if radio and television broadcasters can be hailed before Congressional committees every time they touch a sensitive nerve with their news programs?

The integrity and courage of radio and television are fragile commodities . . . the men who run the industry know they face government licensing inquiries every three years. The mechanics of this has become more difficult each year.

The possibility that broadcasters will be required to come to Washington and explain their actions in producing specific programs will drive off the air the small amount of investigative reporting that is now being done.

Vice President Agnew is demanding that the free press enter the political arena, that it behave as a third political party or as a lobby group. He even proposes that network correspondents be put on a panel and interrogated, with himself as one of the interogators, a kind of "Beat the press" idea.

What kind of a free press is it that must appear before a panel of politicians and explain and apologize for its reporting? How much freedom is there in such an idea?

Why does the Executive branch, which spends millions of dollars on public relations men to spread the party line (and the government is loaded with public relations men), need such extraordinary measures to answer its critics?

How can reporters, who spend their professional lives striving for objectivity be expected to survive in the political arena, where only the skilled polemicists survive?

Once you have made the news media just another branch of politics you have destroyed its value. It is easy to destroy because it is a fragile institution.

Its power is held in check by public acceptance in the market place.

As I read the First Amendment that is the only test which may be applied.

It is the only test which I, as a free American, am ready to accept.

There are troublesome problems facing this country, at home and abroad. Men in government are not going to solve them by carping about the way reporters report or do not report. The job ahead of them, and this country is much more important than that. We have to face up to the problems honestly and not try to confuse and diffuse them by the use of mirrors.

I have observed the workings of Washington, and of reporters, for more than a quarter of a century. I have found during that time that reporters are not infallible, nor are men in public life infallible. However, I have found more men in public life who claimed infallibility than reporters.

It is reporters who best serve to keep the game honest regardless of who is in power or who is out of power in Washington, and that goes, too, for Richmond, and on down to a county seat such as Culpeper.

During my years as a Washington correspondent I have found that despite the razzle-dazzle of the Executive department or of the committees of Congress, or of individuals from either federal branch, the truth, by a process of osmosis, seeps through, sometimes only drop by drop, and sometimes a little late, but almost always, I would point out, because of the curiosity, the insistence, and the dedication of some reporter or many reporters.

This is a time in our history when we need, more than anything else, faith; faith in ourselves, faith in each other, and above all else, faith in this great country of ours.

ANOTHER TRAGEDY IN FOGGY BOTTOM

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. GROSS. Mr. Speaker, the State Department can be a rich field when it comes to the subject of bureaucratic insensitivity and bumbling, if not downright viciousness.

The affair of Otto Otepka was a case in point and now another tragedy has turned up as a result of the Foggy Bottom morass.

I refer to the suicide last month of Charles W. Thomas.

Thomas' story has been set down in a recent article by Clark Mollenhoff which appears in the May 15, 1971, issue of Human Events. I include the article for insertion in the RECORD at this point:

STATE DEPARTMENT BUREAUCRATS STILL RIDE ROUGHSHOD—CHARLES THOMAS CASE FOLLOWS ON HEELS OF OTEPKA AND HEMENWAY OUSTERS

(By Clark Mollenhoff)

The personnel file of Charles W. Thomas bulks large with tributes to his brilliance as a hard-working Foreign Service officer who worked "within the system" and in the end he demonstrated that he knew how to beat the brutal, mediocre bureaucrats and petty politicians who run the Foreign Service System.

At 4 p.m. on April 12, 1971, Thomas shot himself.

Within the system, Charles Thomas, dead, was worth a pension of $5,500 a year to support his wife Cynthia and their two children. As a 48-year Class 4 Foreign Service officer, Thomas had 12 more years before he could have started to collect on the annuity that did not mature until age 60.

Alive, Thomas could withdraw only the accumulated $10,000 in the Foreign Service annuity fund and he had already borrowed far in excess of that in his two-year effort to shift from the Foreign Service to another career.

An hour before he took his life, he told his wife he had decided to withdraw the money for another try at making the transition to private life. He felt it would take three years to establish a law practice. But, sometime between 3 and 4 p.m., Thomas had concluded that drawing the $10,000 out of the annuity fund would leave his family without protection.

He was another victim of the "select out system" in the Foreign Service that is weeding out many of the most capable officers while permitting some of the deadwood to remain on top in a structure that demands conformity.

Thomas' background made him too well qualified for most jobs and in those jobs where his qualifications were desired there was apparently a lingering question about why he was being dropped.

There had been some moments of discouragement in writing hundreds of letters of application for jobs up to and including that of executive secretary to the secretary of state, a job that those who knew him said he was well qualified to do. In his last week of struggling as public defender of the indigent at $7.50 when employed, he had considered taking a night waiter job. Two nights before his death, his wife had tried her hand at cooking for a party.

The morning of the day Thomas shot himself, he had received three rejection letters to add to the nearly 2,000 he had accumulated in less than three years. The last rejection came from a Capitol Hill staff job where a decision had been made to hire a "younger man."

He had been counting on Congress, but, "I've exhausted my contacts in Congress," he told his wife shortly before noon. He did not say it despondently, for that was not his way, but he was simply accepting the fact he would have to turn elsewhere for a job.

Thomas had known adversity in his earlier years. He was born to poor parents in Orange, Tex., and by age four was an orphan living in the home of a sister in Fort Wayne, Ind. But he also had the success which comes through hard work, careful planning and education.

For 46 years of his 48 years Thomas was another Horatio Alger. A member of the National Honor Society, he stood fourth in academic standing and was president of his class at North Side High School in Fort Wayne. He was selected an alternate for appointment to the military academy at West Point.

Instead, he graduated with a B.S. in economics and government from Northwestern University in Evanston, supplementing a scholarship by working as a busboy, janitor and farm worker.

After serving as a Navy fighter pilot in World War II, Thomas returned to Northwestern University Law School in Chicago again on a scholarship and received an LLB degree. Later he earned a doctorate in international law and international relations from the University of Paris.

He was fluent in French and Spanish and had an elementary working knowledge of German, Italian and Portuguese. He had been admitted to the practice of law before the bar in Illinois, the District of Columbia and the United States Supreme Court.

From the time he entered the Foreign Service in 1951, Thomas had a brilliant record that had brought high praise from all of the ambassadors he served. An inspector general's report, by Ambassador Robert McClintock, had recommended in 1966 that he receive an immediate promotion to Class 3 and assignment to the National War College.

The McClintock report was misfiled in the personnel office of the State Department in the file of another Charles W. Thomas, then consul general in Antwerp and he missed consideration by the selection board in session that year.

A special plea from American Ambassador Fulton Freeman, who had headed the embassy, failed to prod the Foreign Service into corrective action. Ambassador Freeman wrote an unusual four-page letter of his "surprise and disappointment" that Thomas was not included on the 1968 promotion list, and stated that the comments by rating officer Joseph Montllor that Thomas was not "ready for promotion to Class 3 this year" and had been "needlessly and unfairly prejudicial and was directly contrary to my own judgment."

On May 6, 1968, Ambassador Freeman wrote to John M. Steeves, then director general of the Foreign Service, to express his great concern about the Thomas case and what appeared to be a "miscarriage of justice" in the failure to promote Thomas to Class 3.

"But I feel even more strongly that the Foreign Service stands to lose an able, effective, competent, dedicated and sincerely respected team if the Thomases are forced to resign because of a time in grade—a loss which at this critical juncture of the Foreign Service can ill be afforded," Ambassador Freeman wrote from Mexico City.

Director General Steeves, took no special action to see that the Thomas matter received appropriate attention and did not even confirm whether an investigation was made regarding comments that Charles G. Stefan, a later rating officer in the U.S. Embassy in Mexico City, had been forced by the political counselor, Wallace W. Stuart, to hold back high praise of Mr. Thomas in two subsequent yearly reports because such praise would appear inconsistent with previous unfavorable reports by Montllor.

In spite of Freeman's letter on May 6, 1968, the State Department refused to review the record by Joseph Montllor, or to examine the action of the political counselor who had insisted the high praise of Thomas be withheld because it would seem inconsistent with the earlier report.

The refusal of the Foreign Service to correct the record or try to be fair and just in the handling of this case is a sorry reflection upon everyone in the system. Deputy Under Secretary of State William Macomber Jr., Director General of the Foreign Service John H. Burns and Deputy Director General Howard P. Mace have full knowledge of this case and have had correspondence dealing with it.

Norbert Wyss, an attorney of Fort Wayne, Ind., and a high school friend of Thomas, had followed his career with satisfaction and considered him a success as a Foreign Service officer. He found unbelievable the background of the misplaced inspector general report and the futility of the ambassador's letter trying to correct the record.

Appreciating the need for a bipartisan push, he contacted Sen. Birch Bayh (D.-Ind.) and Rep. Ross Adair (R.-Ind.) to try to right the wrong. The more he investigated the more enraged he became at the system. The same was true of Larry Cummings, a special assistant to Bayh, who found the correspondence with Deputy Under Secretary of State William Macomber Jr. totally unsatisfactory.

"I am unsatisfied with the letter and remain disturbed by Mr. Thomas' case because of what it reveals about the administration of the Department of State," Sen. Bayh wrote to Macomber after having received a letter signed by a new assistant secretary of state, David Abshire.

"Even if Mr. Thomas had been the mediocrity that Mr. Abshire alleges him to be, equity would dictate that he be promoted so that he could retire thereafter with a pension. I find it shocking that a man with 21 years toward retirement is forced to retire at age 47, after dedicating his life to the career principle."

"I understand that Wallace Stuart did all he could to discredit Mr. Thomas throughout his tour in Mexico City in order to justify that first unfavorable report and perhaps out of jealousy of Mr. Thomas' outstanding work and impressive contacts," Bayh wrote. "I am told that Stuart was later selected out for substandard performance."

In other ways the revised time schedule worked against Thomas, Bayh wrote. "Although Ambassador Freeman considered Mr. Thomas his most outstanding officer, optimum praise had to be directed to those officers whose careers were placed in immediate jeopardy by the new time-in-class rules," (A Class 4 Foreign Service officer was forced out if he was not promoted in eight years.) Bayh commented on "the chaos" that resulted from changing the rules in the middle of the game.

Support for Thomas came from liberal Democrat Bayh as well as Ross Adair, Republican conservative. It came from Sen. John Pastore (D.R.I.) and Sen. John Sherman Cooper (R.-Ky.) and others.

The injustice is not the fault of one administration. It started in the Johnson Administration and carried over into the Nixon Administration. It is doubtful if Secretary of State Dean Rusk or Secretary of State William P. Rogers had direct knowledge of the details of this case, but in the broad sense it was their responsibility to find out.

Direct responsibility has fallen on Deputy Under Secretary of State for Administration William Macomber Jr. who consistently gives Congress bureaucratic reasons why nothing can be done to correct injustices in the Foreign Service system.

The State Department did not admit the misfiling of crucial reports in the Thomas case could cause an injustice and did not bother to investigate charges of malicious rigging of records in the Thomas case. That would have opened up a whole range of nasty problems Macomber and Mace did not want to face.

No records are kept on reasons for the actions by the selection boards. Consequently, no one is able to go back and question these at a later stage. It makes arbitrary personnel decisions for friends and political favorites easier.

If State never admits that the system could be wrong, and never permits investigation, the system then cannot be proven wrong. It is bad business to look back to determine right or wrong on policy matters. It is bad business to prove high State Department officials will lie and frame subordinates who dissent.

John Hemenway, 44, another Foreign Service 4, was severed by State in the same time frame as Thomas. Hemenway, a Naval Academy graduate and Rhodes Scholar, simply had not been promoted in eight years. He was dropped following sharp policy differences with a superior on German affairs. It is his contention those superiors have lied and distorted the record and that those lies had a direct bearing on his failure to win promotion. He is now seeking a forum in which he can prove those charges.

Hemenway's efforts to work within the system failed, so he challenged the system in a grievance procedure. Fortunately, after leaving the State Department he took a higher post in the Defense Department and has been able to carry on a legal challenge.

The State Department has fought his every effort to get a hearing and to subpoena witnesses to prove his personnel record has been marred by lies and distortions. He says he simply wants to "put all the facts on the line," and Macomber and Mace have put barriers in the way even to the point of violating a State Department rule to fire two grievance panel members in the middle of a hearing now in progress.

Stephen Koczak, another former Foreign Service officer, has been conducting a four-year fight for the right to examine his personnel record at State and to cross-examine superior officers who, he contends, conspired to rig the record against him.

Two points were involved. One was a policy difference, upon which events have since proved Koczak right. The other involved a decision Koczak made to report a serious security violation involving a superior. Koczak contends that instead of being commended for taking proper action, the ambassador did not follow up the violation but permitted the man whom Koczak had reported to write Koczak's fitness report.

Although Koczak fought this battle, and won an assurance his fitness report written by the security violator would not be used against him, he learned that it was not removed from the file and was in fact used later as grounds for selecting him out.

Macomber and Mace continue to stand in the way of Koczak's effort to examine the record and to prove that "lies" have been used in selecting him out, and that those same "lies" have been used to prejudice employers when he has sought employment.

Koczak continues to fight his battle from a job at the American Federal Government Employee's Union office, where he is now employed as a researcher.

A more celebrated case involves Otto Otepka, a former chief security evaluator at State and now a member of the Subversive Activities Control Board.

The Otepka case is now established as permeated with illegal wiretapping and eavesdropping. It is a record filled with proven falsehoods of superiors who denied the electronics surveillance and then later admitted they had testified falsely when caught. Again this took place under the jurisdiction of Howard P. Mace and in the jurisdiction for which Macomber is now responsible.

Both Macomber and Mace have continued to fight reinstatement of Otepka and to defend the State Department support of the liars and the illegal eavesdroppers. They have placed every conceivable barrier in the way of getting to the truth for corrective action, and have been responsible for the continued circulation of erroneous letters on the Otepka case.

Secretary of State Rogers may not have direct responsibility for the handling of the Thomas case, but he nevertheless bears responsibility for what is taking place in his department and for permitting Macomber to continue practices which result in such injustices as the Thomas case.

The secretary of state expressed high-minded goals for the department when he took office in January 1969. His stated objective was to establish a spirit which in the Nixon Administration would lead to " a receptive and open establishment where divergent views are fully and promptly passed on for decision."

"We must tap all the creative ideas and energies of this department in the formulation of a foreign policy responsive to the needs of the future," Rogers said. "Only if we do so can we systematically delineate meaningful alternatives from which the President can determine a considered policy course."

It was, Rogers said, a follow-up of the observation that candidate Nixon had made in September 1968, about the need to "bring dissenters into policy discussions, not freeze them out." "We should invite constructive criticism, not only because the critics have a right to be heard, but also because they have something worth hearing," Nixon had said.

Aside from pompous statements, Rogers and Macomber have done little to change the personnel policies that caused the tragedy of Charles Thomas.

In the days after Thomas died, Sen. Cooper wrote a note of condolence expressing "regret" there was nothing any combination of senators or congressmen seemed to be able to do about the injustice in the Foreign Service system.

A few days before his death, Charles Thomas had discussed a book on "Reform in America" with a publisher. He had completed an outline and one chapter. In the process, he quipped to his wife that an awfully funny book could be written about his own struggles to correct the record. He reasoned that few would believe a serious book about the raw injustices of the Foreign Service system.

There is wry humor in the fact that his death might correct obvious injustices that have seldom received the attention they merit.

FANCIFUL THINKING ON POW RELEASE

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. TALCOTT. Mr. Speaker, earlier I tried to demonstrate that the North Vietnamese Communists are holding our POW's as hostages for more than the withdrawal of our troops from South Vietnam.

I tried to show that our unilateral withdrawal from South Vietnam or Southeast Asia would not insure the release or the safe return of our prisoners of war.

I tried to show that a promise to withdraw by a certain date would not insure the release or safe return of our POW's.

We have no guarantee that our withdrawal, or promise of withdrawal, will induce the North Vietnamese Communists to release, or discuss the release, of our POW's.

Even those who rely on some "fanciful hope" or "wishful thinking" that the Communists will discuss the safe return of our POW's if we totally withdraw from Southeast Asia are being deceived and are very seriously jeopardizing the safe return of our POW's.

We have very serious obligations to our POW's which cannot be lightly dismissed.

I did not know when I spoke earlier that such timely coordination would appear in today's Washington newspapers.

Mr. Speaker, insert herewith two news releases—one from the Washington Daily News and one from the Star.

Even after a war is ended, the troops withdrawn, the armistice signed, provisions for the repatriation of prisoners completed, Hanoi apparently still holds French prisoners captured in the French Indochina war.

The wire service stories reported on an interview with Dr. Dang Tan, a former Communist party official who defected to the South.

Mr. Speaker, these accusations of North Vietnamese activities, even if they were only partially true, should give all Americans, whether supporters or critics of present policy, reason to pause and reflect on the consequences of an immediate withdrawal of our forces from Southeast Asia, unless and until foolproof safeguards are developed that will assure the safe withdrawal of all allied servicemen held prisoner by the North Vietnamese.

Mr. Speaker, some Members of the Congress and several persons from my congressional district have based their judgments favoring a unilateral withdrawal without safeguarding our prisoners upon a recent national opinion poll, which purported to show 73 percent of all Americans favoring the withdrawal of all U.S. troops from Vietnam by December 31, 1971, regardless of the consequences.

This interpretation of this poll was false and misleading—according to Opinion Research Corp., a highly reputable group.

The belief that the U.S. citizen wants out of Vietnam regardless of the consequences is a myth. Nevertheless, this view has been purposefully or inadvertently highly publicized as factual. The publicity has been used by the Communists and their collaborators, here and abroad.

The myth has fed the reports and the reports feed the myth until the truth is highly distorted, and the true attitude of the American people is misrepresented.

I also insert in the RECORD a copy of Opinion Research Corp.'s explanation of their survey.

The professional interpretation is quite different from that of the Communist press and the collaborators of the North Vietnamese.

The material follows:

[From the Washington Evening Star, May 11, 1971]

TELLS OF BRUTALITY: POW'S EXPLOITED, RED DEFECTOR SAYS

SAIGON.—A defector from North Vietnam said today that Hanoi subjects American prisoners of war to "brutal interrogation" and exploits them intensively for strategic and propaganda purposes.

Dr. Dang Tan, a former Communist party official in the North, said the Communists "usually put the prisoners on parade through the streets of Hanoi and other cities."

Tan, who came to South Vietnam four years ago and defected 20 months ago, said in a prepared statement read to a news conference:

"American POWs are subjected to all brutal interrogation methods which the North Vietnamese skillfully employ to extract information from them. This includes brainwashing and political indoctrination. It is the objective of the Central Committee policies to win over the minds of the American POWs.

VIOLATES GENEVA PACT

"The Central Committee of North Vietnam considers that American POWs must be intensively exploited, both for strategic, intelligence and for propaganda purposes. The Ministry of Public Security and the Ministry of National Defense of North Vietnam compete with each other for the exploitation of the American POWs. North Vietnam blatantly violates the International Geneva Convention of 1949 for the humane treatment of POWs by permitting other Communist bloc countries, including the Soviet Union, Communist China, Cuba and others, to exploit the American POWs. This includes trying to take advantage of the families and friends of these POWs in the United States."

Tan said Hanoi will not release all of the American prisoners "now or in the future" because "the Communists believe the POWs are very competent and will be useful to them in the future. They are trying to use their talents now . . . Those POWs will not have a chance to go home.

"The government of North Vietnam and the Communist countries like the Soviet Union, Communist China, Cuba and others consider American POWs to be qualified experts in many fields including scientific, industrials, technical and others. This is why these American POWs must be detained by the Communists for intensive exploitation."

Tan, a slight, bespectacled man of 42, defected in late September 1969 in Pleiku Province in South Vietnam's central highlands. He said he joined the Communist party in 1948 and after holding a series of party administrative posts in North Vietnam, he was sent to South Vietnam in 1967. He said he set up a hospital in the central highlands "where for two years I treated the wounded and trained medical cadres in the face of bombings and hardships."

"According to Communist plans," he said in his statement, "the Vietnamese war will never end until Laos and Cambodia are Communized."

The Communists have decided to wage a "protracted war" in South Vietnam rather than engage in a large military offensive, he continued, "mainly because of the heavy losses which the Communists have suffered since Tet 1968."

He also said the Communists "hope to gain the upper hand legally in the future coalition government" in South Vietnam. He asserted: "Communist political cadres have penetrated the overt and legal organizations of the government of South Vietnam to undermine these organizations and to agitate the people within these organizations to join the political struggle which only serves Communist objectives."

SAYS REDS ADVISE

In an interview earlier with Associated Press correspondent Holger Jense, Tan claimed that Soviet, Chinese, Cuban, North Korean and French "military strategists" were advising the North Vietnamese and Viet Cong forces fighting in South Vietnam.

He said he saw these foreign advisers at rest stations on the Ho Chi Minh trail when he traveled south in 1967 and in the next two years in Pleiku he saw "four or five groups of foreign military strategists, each numbering three to five men." They always carried arms, usually wore black pajamas and were accompanied by "large security forces" of North Vietnamese soldiers, he said.

The French were soldiers who had been captured in the 1946–54 Indochina war, he said.

[From the Washington Daily News, May 15, 1971]

PRISONERS FOR MANY YEARS: HANOI HOLDING FRENCH

SAIGON.—Dr. Dan Tan, 42, a North Vietnamese medical doctor who defected to the South, said today North Vietnam was using war prisoners as bargaining tools and that all of the captured Americans may never return home and that they were still holding 300 French prisoners captured in the French Indochina war.

He said he had seen them working on road and maintenance projects in North Vietnam as late as 1965. The French Indochina war ended in 1954.

Dr. Tan was born in central South Vietnam and began his career first as a guerrilla fighter against the Japanese and then against the French as a member of the Viet Minh as the Hanoi troops were called then.

Speaking at a news conference called by the South Vietnamese government, he said "instead of according these POWs even a modicum of humane treatment and of attempting to sincerely solve this problem in a civilized manner, North Vietnam considers these POWs as bargaining tools, as commodities to be used to help achieve North Vietnam's political objectives.

"North Vietnam has steadfastly refused to solve the problem related to POWs. The reason North Vietnam has refused even to receive the disabled POWs who were returned to the North by the South, is because North Vietnam wishes to deny its own aggression in South Vietnam."

"I am concerned that the people and the government of the United States will be completely misled by their hopes that the American POWs will be permitted to return to their homeland," Dr. Tan said "Evidence of this is that not all of the French POWs have been released even to the present day. The reason for this is that North Vietnam wished to keep secret the inhumane treatment it had accorded to some of these French POWs and because others died at the hands of their North Vietnamese interrogators."

Tan's remarks about French POWs was a surprise since it is generally not known that French have been held there since the 1950s. The last French troops left South Vietnam in 1956.

[From Opinion Research Corp., Princeton, N.J., May 11, 1971]

PULL-OUT POLL MISLEADING

The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1–2.

Here are some of the results of that survey:

1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a communist take-over.

3. *Well over half* the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.

4. *By almost seven to one*, Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.

5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support *almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.*

[From Opinion Research Corp., Princeton, N.J., May 8, 1971]

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

PRINCETON, N.J.—The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but *not* if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year *if it meant a Communist take over of South Vietnam*, 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 *if it threatened the lives or safety of the United States POW's held by North Vietnam.* 11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nationwide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes	68
No	20
No opinion	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes	29
No	55
No opinion	16

4. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes	11
No	75
No opinion	14

STATE COMPROMISING SALT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. SCHMITZ. Mr. Speaker, a recent column by Chicago Tribune Reporter Willard Edwards brought out the fact that the Department of State is refusing to release the essential document in a former Foreign Service officers grievance hearing.

Mr. John D. Hemenway is attempting to have what he considers to be false accusations removed from his Foreign Service record. The Department of State refuses to release the one document which is the key to the whole case.

Only portions of the findings of a two man special panel appointed by former Secretary of State Dean Rusk to investigate the charges made by Hemenway have been released. The Department of State obstinately, and, according to the chairman of the Grievance Committee, "arbitrarily," refuses to turn over the full report of the two Ambassadors former Secretary Rusk entrusted with reviewing Hemenways' case.

This would hardly seem to coincide with the best interests of justice and, in this case, may well be inconsistent with U.S. security needs. One of the men who authored this report which the Department of State continues to withhold, for various changing reasons, from both the official grievance committee panel and Mr. Hemenway is presently assigned to our negotiating team at SALT. Ambassador J. Graham Parsons, Deputy to the U.S. representative at the strategic arms limitation talks, is the coauthor of the report which the State Department refuses to release.

If the Department of State wishes to cast doubt on the talks currently underway with the Soviets concerning the limitation of strategic armaments this is a fine way to do it. Here we have a case where they have entrusted Ambassador Parsons with a mission which could have the greatest bearing on the future of our Nation while on the other hand they proceed to cast grave doubts on his objectivity and judgment, by attempting to bury, for no good reason whatsoever, a document which he coauthored.

The future of our Nation is too important to be compromised by hanky-panky from the Department of State. They have no business sending a representative to the SALT talks and then, through what may well be simply administrative arrogance, compromising the reputation of this Ambassador.

I insert at this point in the RECORD the column by Willard Edwards as it appeared in the Chicago Tribune of April 29, 1971:

HEMENWAY FIGHTS TO CLEAR RECORD

(By Willard Edwards)

WASHINGTON, April 28.—What is the State Department hiding in the case of John D. Hemenway, the distinguished Foreign Service officer fired by Secretary of State Dean Rusk only three days before Rusk left office in 1969?

That question hovers like a cloud over hearings, five in number thus far over a six-week period, conducted in virtual secrecy by a quasi-judicial State Department grievance board.

The three-member board has been repeatedly repulsed in efforts to gain access to State Department records vital to its inquiry.

The board headed by Paul A. Touissant, was set up to consider Hemenway's charges that he was dismissed on the basis of false and malicious accusations. The real reason for discharge, he said, was that he differed with some of his superiors on policy issues related to dealing with Communist nations.

Although Hemenway, an acknowledged authority on Russian and German affairs, was given another post by the Nixon administration in the Pentagon's Office of International Security, he demanded his right, under Foreign Service regulations, to seek removal from his State Department file of the falsehoods he said were placed there to justify his dismissal.

He named Alfred Puhan, the present ambassador to Hungary, and Alexander Johnpoll, the consul general at Hamburg, Germany, as authors of "lies and distortions" in the record.

The key document, essential to the board's inquiry, is the report of two ambassadors, appointed by Rusk to investigate Hemenway's claim that he had been treated unjustly. After a speedy scrutiny of the evidence, based mainly on questioning of Puhan and Johnpoll, the two diplomats reported to Rusk that they could find no impropriety in Hemenway's discharge. Their report reached this extraordinary conclusion:

"While we are not qualified to evaluate the charges [raised by Hemenway] or the rebuttal [by Puhan and Johnpoll], we find the latter prima facie persuasive."

The grievance board, including Touissant and Philip N. Burris, State Department veterans, and Gen. Richard C. Hagan, former judge advocate general of the Air Force, unanimously agreed that examination of this report was imperative.

They were flabbergasted by the State Department's refusal to surrender the document.

"They keep telling me it is an internal document and the property of Mr. Rusk," Touissant reported. "The department's refusal is arbitrary. I don't see how we can rule without seeing it."

Hemenway's attorney, William R. Joyce, asserted the State Department had no legal justification to withhold the report.

The Supreme Court in 1957, he recalled, had, in a case involving Communist Party members under examination by the Subversive Activities Control Board, directed the Federal Bureau of Investigation to hand over all its classified memoranda to the defendants.

"If a member of the Communist Party is entitled to see FBI reports, certainly a Foreign Service officer is entitled to see what the secretary of state has received against him," he argued.

The board agreed. It was obviously angry and disturbed. Hagan told the chairman that, "as men of justice and honor," the board could not long tolerate the State Department's attitude.

THE CASE AGAINST JUDGE TEHAN

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. GROSS. Mr. Speaker, on previous occasions I have called attention to the unseemly record of U.S. District Judge Robert T. Tehan.

Mr. George Anthan of the Des Moines Register has written an article which ably pulls together the various facets of the case against Judge Tehan, and I include it for insertion in the RECORD at this point:

[From the Des Moines Register, Apr. 18, 1971]

CONDUCT OF SENIOR JUDGE QUESTIONED—FAILED TO FILE TAX RETURNS 1936–44

(By George Anthan)

MILWAUKEE, WIS.—For U.S. District Court Judge Robert T. Tehan of Milwaukee, the plaudits have been many.

He has been hailed as an outstanding jurist by local legal officials, and the press has congratulated him for his "dedication" during 22 years on the federal bench.

John Goldberg, a past president of the Wisconsin State Bar Association and a former member of the Board of Governors of the American Bar Association, said Judge Tehan "is respected by the entire bar and held in high esteem. He is an excellent judge."

MANY QUESTIONS

But beneath the honors there is an undercurrent of questions concerning Judge Tehan.

It has been revealed that for eight years before he became a judge he did not file income tax returns.

A number of his associates have been indicted on income tax charges.

There have been charges printed in the Congressional Record of "misconduct" on the part of Tehan in connection with an Indiana bankruptcy case.

A Milwaukee doctor has charged that he was unfairly treated by Tehan and that a hospital he founded was "stolen" from him under federal bankruptcy procedures.

Judge Tehan sat in judgment in one major federal-state antitrust case, even though his son's law firm was representing one of the defendants.

Questions over judicial conduct have taken on added significance in recent years, the result largely of such well-publicized cases as those involving Abe Fortas, Clement Haynsworth and G. Harrold Carswell.

There have been inquiries into the affairs of Supreme Court Justice William O. Douglas, and scandals involving Illinois and Oklahoma judges have been revealed in recent years. Also, much more attention has been focused on the question of equality of justice.

The canons of judicial ethics state that "a judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of the law, and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his private life, should be beyond reproach."

Judge Tehan, 66, was appointed to the federal bench in 1949 by President Harry Truman. The judge retired recently as chief judge in Milwaukee and now continues to sit on the bench as "senior" judge in reserve status. He was on vacation recently and his secretary said he was not available for an interview.

At the time of his appointment, Tehan was state and county Democratic chairman and a Wisconsin state senator. He had rebuilt the Democratic Party in Wisconsin and helped win the state for Truman in 1948. His appointment, therefore, generally was regarded as political patronage, and was somewhat controversial

In the intervening years, there have been periodic reports that Tehan has continued some involvement in Democratic politics, especially in the area of appointment of judges.

It was revealed after his appointment that Tehan had not filed income tax returns from 1936 to 1944, but that he had settled later with the government. He has explained his delinquencies by saying he did not have the money to pay his taxes.

An acquaintance of Tehan's, a former Justice Department official, recalls that the judge once told him the appointment to the bench "came just in time. I was broke."

RAISED ISSUE

Senator John Williams (Rep., Del.) has raised the issue on the Senate floor of whether a judge who had not paid his taxes on time should be sitting in judgment on other persons charged with nonpayment of taxes.

Questions concerning Judge Tehan stem largely from his involvement in the Woodmar Realty Co., bankruptcy case in Hammond, Ind.

As a result of this case, there is on file with the U.S. House Judiciary Committee an official petition requesting an investigation into, and impeachment of, Judge Tehan.

Also, several Hammond residents, including Woodmar officials and Mayor Joseph E. Klen, have asked the Justice Department to conduct an inquiry of Tehan's actions.

Neither Congress nor the Justice Department has taken action.

The machinery for investigating federal judges is cumbersome at best, and Congress has only rarely moved to institute impeachment proceedings.

Congress has little time for such matters, and many legal officials believe it is not the proper tribunal for such inquiries since politics often play a major role.

VISIT WRATH

But efforts to set up a special commission to investigate complaints against judges have floundered. And lawyers rarely will speak out against a judge. The late Jerome Frank, a U.S. Circuit Court of Appeals judge, once explained why:

"If some lawyers try to cause the removal of a judge they suspect of corruption and if they fail, the judge will, in roundabout ways, visit his wrath on their clients."

In Judge Tehan's case, James D. Ghiardi, president of the Wisconsin State Bar Association and a law professor at Marquette University, said he is aware some charges have been made, but he emphasized, "Whether these charges have merit or not, I don't know. We certainly were surprised at these things. We have found Judge Tehan to be a very effective judge."

The petition to the House Judiciary Committee is signed by Mrs. Helen Woods, 81, widow of the founder of Woodmar Realty, which has been in the hands of the federal courts under bankruptcy procedures since 1941. Judge Tehan presided over the case from 1957 to 1969.

When Woodmar went into bankruptcy, the result of cash troubles during the economic depression, it had assets of $2.3 million, including downtown Hammond property now valued at $25 million.

But Mrs. Woods has received nothing from the multi-million-dollar estate of her husband, who died on the witness stand in 1951 during a court proceeding in the case.

Neither have hundreds of Woodmar stockholders and creditors, many of whom now are dead, received any money.

But legal fees of court-appointed lawyers involved in the bankruptcy proceedings have drained many of the firm's assets.

Some of these lawyers, over the years, have been indicted, convicted and disbarred over fraud charges in connection with the Woodmar property and other property. In some cases, the federal courts permitted these lawyers to retain control over the Woodmar property for a time, even after their indictments.

CLAIMS APPROVED

Hundreds of thousands of dollars in legal fees and other claims were approved by federal judges, including Judge Tehan, over the objections of Woodmar and officials of the city of Hammond, who are involved in the case because some city bonds are at issue.

Serious questions have been raised about the authenticity of some of the claims that were paid, but the petition to the House Judiciary Committee charges that Judge Tehan refused to permit inquiries to determine if they should be paid.

The petition charges that Judge Tehan's handling of the Woodmar case facilitated "illegal distribution of substantial funds" from the company's assets.

Judge Cordell Pinkerton of Lake County Superior Court in Hammond has been familiar with the Woodmar case for many years, both as a judge and as a former city attorney.

He said of Judge Tehan:

"I don't believe he conducted himself as a judge should and gave the respective litigants their day in court.

"There certainly seemed to be, or could be, some kind of personal interest in his part in this case."

In the early 1960s Judge Tehan presided over an antitrust case in which the states of Illinois, Wisconsin, Michigan and Minnesota sought some $4.8 million from several manufacturers of bleacher seats.

According to court records, one of the defendants was represented by Floyd Kops, a Milwaukee lawyer who was a member of the same law firm as the judge's son, Robert Tehan, Jr.

IT WAS WRONG

One of the lawyers who represented the states recalls privately: "I didn't like this at all. It was wrong; it was just not right. But I would not express that view at that time."

He called Tehan "an injudicious judge."

"We had absolutely fantastic documentation on a conspiracy by the companies," the lawyer said in an interview in Chicago, Ill., "and he (Tehan) wanted us to settle for $150,000." Tehan finally entered a consent judgment under which the states received some $2 million.

Another lawyer who formerly was with the Justice Department in this area said of Tehan: "He did indiscreet things, some things that put him in a bad light."

The case of Dr. Milton Margoles of Milwaukee provides another serious source of the questions concerning Judge Tehan.

In 1960, Tehan sentenced Margoles, then director of a small community hospital he had founded, to a year in prison after the doctor had pleaded "no contest" to charges of income tax evasion. The doctor had planned to fight the charges but changed his mind after his lawyers told him he could expect leniency.

Then came a series of bizarre events that resulted in an additional prison sentence and financial ruin for Margoles. The doctor discussed his income tax sentence with Earl Villmow, a local politician and city fireman, who was a friend of Robert Tehan, Jr.

STORY DIFFERS

The story differs. Margoles' version is that the local politician initiated the interviews, hinting the best way to get the one-year sentence suspended was to hire young Tehan's law firm. The other version is that Margoles asked the local politician to influence the judge.

There also is a conflict over who initiated the idea of paying a fee to the politician for transfer to the judge's son. But Margoles did give Villmow $5,000, and the doctor was arrested and charged with bribery and attempting to influence a federal officer.

Following Margoles' arrest, local newspapers were filled with details of the alleged bribery, supplied by "federal officials who could not be quoted."

And although it was obvious Villmow would be the chief prosecution witness against Margoles in the bribery case, Judge Tehan before the trial released to the press a letter he had sent to the fire chief, in which he had praised Villmow for "an outstanding example of good citizenship" in reporting the matter.

It developed at the trial that Villmow had acted under instructions from the FBI, and he testified that he had repeatedly lied to the doctor.

Margoles said he had been trapped by the authorities and he was acquitted on the bribery charge, but convicted on the lesser offense of attempting to influence a federal officer. He was sentenced to two additional years.

Was the judge's highly publicized letter a mere indiscretion? Or was it an indication the judge was convinced before the trial that Margoles was guilty?

Margoles later filed suit in U.S. District Court in Milwaukee charging that his bribery case was prejudiced by pretrial publicity initiated by Judge Tehan. The judge's colleague on the bench, Judge John W. Reynolds, a former Democratic Wisconsin governor and attorney general, ruled that Tehan had not stepped beyond the bounds of propriety.

Margoles appealed the decision to the U.S. Circuit Court of Appeals. The three-judge panel included Thomas Fairchild, a friend of Judge Tehan's and a former member of the same law firm with which Robert Tehan, Jr., is associated. The appeals court also turned Margoles down.

Earlier, as a State Supreme Court justice, Fairchild had ruled against Margoles in a case involving reinstatement of his medical license by the Wisconsin State Medical Board.

In his petition on the pre-trial publicity case, Margoles included a published quotation from a U.S. attorney in Milwaukee in February, 1967, conceding indiscretions in the doctor's case and adding, "We could never get away with anything like that today."

One of the most questionable aspects of the Margoles case involves actions by both state and federal officials concerning the hospital.

While Margoles was serving his prison term, control of the small hospital he had founded and directed was seized by a politically connected union, the American Federation of State, County and Municipal Employes. The union stated plan was to turn it into a union medical center.

Through a series of maneuvers, union officials led by Executive Director John Zinos were able to gain control of the hospital board.

But the Wisconsin attorney general's office quickly announced it was investigating the union takeover to determine if it was in the best interests of the community.

Then, the state's investigation suddenly was dropped and a spokesman for the attorney general's office was quoted in a local newspaper as saying the decision was made personally by John Reynolds, then the attorney general.

Zinos installed 1,575 union members as new members of the hospital corporation, increased board membership from five to 15 and voted himself into control.

The new board then fired the hospital's attorney, Benjamin Galin, who had vigorously fought the union takeover.

In Galin's place, the union-dominated board named Max Raskin, a lawyer who in 1960 was co-chairman of the statewide committee backing the candidacy of Attorney General Reynolds for re-election.

Reynolds was elected governor, and he named Raskin a state circuit court judge. Reynolds legal counsel in the governors's office was a former law partner of Raskin's.

Reynolds, a Democrat, was defeated for re-election as governor in 1964, even though that was a Democratic landslide year. He later was named U.S. district judge, again amidst charges of political patronage.

On the very day Margoles was released from prison, the union put the hospital up for sale. When the doctor's family sued to regain control, the hospital was declared bankrupt and put into the hands of bankruptcy referee James McCarty, a close friend and former law partner of Judge Tehan.

Tehan had appointed McCarty to the post. McCarty's son, William E. McCarty, is a member of the same law firm as Tehan's son.

In the Margoles case, McCarty ruled that the state courts, in which the Margoles family had filed suit, could not halt the bankruptcy proceedings, and he declared also that the union takeover had been legal.

Bankruptcy court records indicate the hospital at that time had liabilities of $353,000 and assets of $177,000.

But Margoles contends that when he went to prison, the hospital owned its buildings free and clear, that it had about $100,000 in cash and some $100,000 in accounts considered readily collectible. He placed its value at more than $750,000. There are no records available to show what happened to the hospital's assets during the union takeover.

Margoles has regained control of the hospital buildings and uses the rent to help pay off an estimated $100,000 he still owes the government. He said he already has paid some $225,000. The original tax bill was about $55,000, but interest and penalties over the years steadily increased the amount.

NAMED TRUSTEES

Some members of the law firm of William F. McCarty and Robert Tehan, Jr., have been named federal bankruptcy trustees and trustees' attorneys.

In one case recently, referee McCarty named Sherman Abrahamson, a member of the firm, to be trustee and trustee's attorney in a bankruptcy case.

Some of the questions concerning the federal court system in Milwaukee center on income tax cases involving prominent individuals.

When Judge Tehan was sworn into office in 1949, the man who presented him to the presiding judge was Gerald P. Hayes, then president-elect of the Wisconsin State Bar Association.

Hayes had been in Washington, D.C., earlier to strongly argue for Tehan's appointment.

A decade later, Hayes was indicted on charges of failing to file income tax returns on time, and he was placed on three- to five-years' probation by U.S. District Court Judge Luther Swygert of Hammond. Tehan had disqualified himself in the case.

Judge Swygert, again sitting in Milwaukee in 1961, convicted an Appleton, Wis., lawyer and his wife of evading $19,000 in income taxes and sentenced them each to a year in jail. It was said to be the first time in Wisconsin that a woman had gone to jail on income tax charges.

But a prominent Democrat, Edward Mesheski, who was indicted in 1958 on 20 counts of income tax evasion was convicted and placed on five-years' probation. Mesheski had taken over from Tehan as county Democratic chairman and he was a former postmaster and county treasurer.

The federal attorney who has prosecuted Margoles' income tax case himself was later indicted on two counts of failure to file income tax returns, the former federal official, Mathew Corry, pleaded guilty and was sentenced to 20 days in jail.

GIVE THEM A CHANCE AT FREEDOM

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. BRASCO. Mr. Speaker, many are talking about the 3 million Jews presently trapped inside Russia. We are all aware of what the real situation is in this case. Only the world looks the other way and makes believe they don't exist.

Their desperate efforts to be heard are the best evidence of what is happening to them. We cannot call ourselves a compassionate, humanitarian-inspired nation if we continue to ignore their attempts to free themselves.

It is vital that some practical method be found to ease the way to freedom for some of these brave souls. Further, such an attempt should call the bluff of the leaders of Soviet Russia, who persist in pretending that all is well. Their Jewish citizens are happy, thank you, say they, clapping a heavy hand of repression over their attempt to speak out.

So I support the measure originally introduced by my colleague from New York (Mr. KOCH) that would allow some of them to escape with our help. All we would have to do is provide 30,000 special refugee entry visas for Soviet Jews who would be permitted to leave and who evinced a desire to come here. We would challenge Russia to let them go. We would show them and the world there is a place for them to come for refuge.

Presently they cannot be admitted, because the entire annual refugee quota for the Eastern Hemisphere stands at 10,200, and it is continually oversubscribed.

There is much past precedent for such action. In the past we have passed unique legislation allowing groups of refugees to enter under special quotas such as are provided for in this measure. After the 1956 Hungarian uprising, 30,000 Hungarian refugees entered the United States under such a dispensation. In 1968, 10,000 Czechoslovakian refugees immigrated to America under another such piece of unique legislation.

Up to today, a minimum of 565,000 Cubans have come to live in the United States under special dispensation by our Government.

The 30,000 such visas would allow persecuted Jews to leave a nightmare of Soviet discrimination and bigotry. After all, who knows such treatment for a longer time and in so many places than do the Jews? Shall this Nation, founded as a refuge for the oppressed, turn its back upon these heartrending pleas from innocent people? Have we come so far down the road from our heritage and national memories? I pray not.

Mr. Speaker, America can do no less.

POLICE OFFICERS MEMORIAL WEEK

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. GOLDWATER. Mr. Speaker, I would respectfully request that the Congress take time today to observe and honor Police Officers' Memorial Week, which runs from May 9 through 15. During this time, police officers throughout America are honoring their brothers who have fallen in the line of duty, protecting Americans against violence and crime.

This is a hard time for the policeman in America. No matter what he does, it is wrong. During past weeks here in Washington, we have seen a masterly restraint in the face of an overt attempt to shut down the city. There was very little violence, no serious injury, no shutdown of the city. Yet all we hear are outcries against "illegal arrest procedures" and "fascist tactics." Since when are quiet arrests of people breaking the law fascist tactics?

Policemen are overworked. They are underpaid. They live in constant fear for their lives. Their families never know whether Daddy will be home or not. And their reward? Scorn, abuse, ostracism. They are called "pigs," and receive almost no cooperation from any segment of society.

I think we should pause this week and consider the great debt we owe these men. In spite of inadequate resources and manpower, they are fighting valiantly to stem an increasing tide of crime. They hold fast to the values of our society, and contribute strongly to its stability. They give of their time and energy to a multitude of charitable causes—Police Athletic League, Boys Clubs, and so forth.

Some of these men have made the ultimate sacrifice for society—their lives. I would like to call the Members' attention to the following men who have lost their lives in the line of duty. These names were graciously supplied me by Mr. Virgil D. Penn, Jr., recording secretary of the Fraternal Order of Police, Philadelphia Lodge No. 5:

Name	Date	Location
Don Beckstead	Feb. 7, 1971	Arizona.
James Keeton	do	Do.
Harold Hamilton	Oct. 19, 1970	California.
Brian McDonnell	Feb. 16, 1970	Do.
Richard P. Radetich	June 19, 1970	Do.
Eric A. Zelms	Jan. 1, 1970	Do.
George Alleyn	Apr. 6, 1970	Do.
Raymond Carpenter	Feb. 17, 1970	Do.
William R. Court	Feb. 13, 1970	Do.
Walter Frago	Apr. 6, 1970	Do.
Roger Gore	do	Do.
James Pence, Jr	do	Do.
Nathan Seidenberg	Oct. 23, 1970	Do.
Joseph Brodnick	May 1, 1969	Do.
Charles Lagasa	Feb. 11, 1971	Do.
Leonard Christiansen	Apr. 3, 1971	Do.
Paul C. Teel	do	Do.
Richard Morris	Mar. 13, 1969	Do.
David H. Rose	Feb. 20, 1971	Washington, D.C.
Glen Fisher	Mar. 11, 1971	Do.
Victor Butler	Feb. 19, 1971	Florida
Roland Lane II	May 23, 1970	Do.
Raymond Espinoza	May 26, 1970	Illinois.
Edgar Bronson	Feb. 2, 1971	Do.
Melvin Galloway	Mar. 21, 1971	Do.
Richard Gillmore	Mar. 20, 1971	Do.
Marshall J. Larimer	Feb. 21, 1971	Indiana
John J. Streu	do	Do.
Walter Schroedur		Massachusetts
Paul Begin	Oct. 25, 1969	Do.
Butch Crampton	Jan. 15, 1970	Michigan
Robert Gonser	Aug. 8, 1968	Do.
Michael Czapski	Mar. 29, 1969	Do.
Chief William Lewis	Apr. 29, 1970	Do.
Carl Lindbergh	May 26, 1969	Do.
William Slappey	Mar. 11, 1970	Do.
Joseph Soulliere	Dec. 3, 1970	Do.
Robert Stevens	Apr. 29, 1970	Do.
Carter Wells	May 23, 1969	Do.
Stanley Rapaski	Jan. 10, 1969	Do.
Sgt. Edward Wolski	Aug. 5, 1968	Do.
Richard Woyshner	Jan. 24, 1970	Do.
Omer Reygert	Sept. 22, 1969	Do.
Daniel Ellis	Feb. 3, 1971	Do.
Ben Walker	Apr. 6, 1971	Do.
Roger Rosengren	?	Minnesota.
George Heim	Jan. 16, 1970	Maryland.
Henry Mickey	Mar. 24, 1970	Do.
Donald Sager	Apr. 24, 1970	Do.
Larry Minard, Sr	Aug. 17, 1970	Nebraska.
Joseph Brameyer	June 21, 1970	New Jersey.
John Burke	Sept. 30, 1970	Do.
Robert Perry	July 1, 1970	Do.
George Rennie	Oct. 5, 1970	Do.
Joseph O'Neill	Oct. 7, 1970	New York.
Horace Lord	Feb. 19, 1971	Do.
Joseph Picciano	Feb. 15, 1971	Do.
Robert Bolden	Jan. 22, 1971	Do.
Patrick Canavan	Sept. 7, 1970	Do.
Maurice Erbin	Oct. 13, 1970	Do.
George Murphy	Oct. 22, 1970	Do.
Michael Paolillo	Sept. 23, 1970	Do.
Miguel Sirvent	May 25, 1970	Do.
Lawrence Stefane	May 28, 1970	Do.
Henry Tustin	Nov. 9, 1970	Do.
George Frees	Apr. 6, 1971	Do.
Wilbert Downey	Dec. 1, 1969	Missouri.
Ronald McGraw	May 4, 1970	North Carolina.
Lewis Robinson	do	Do.
Det. James Boevingloh	Jan. 23, 1970	Missouri.
W. F. Chasteen	Feb. 21, 1971	South Carolina.
Thomas Hakaim	Apr. 9, 1971	Ohio.
Bill Walker	Feb. 18, 1971	Oklahoma.
Leo Newton	do	Do.
Gary Rosenberger	1970	Pennsylvania.
Ross F. Brackett	July 15, 1968	Do.
William Lackman	Oct. 17, 1968	Do.
David Ellerbee	Nov. 1, 1968	Do.
Charles Reynolds	Oct. 26, 1969	Do.
Frederic Cione	Jan. 30, 1970	Do.
Harry Davis	Apr. 6, 1970	Do.
Frank Von Colln	Aug. 29, 1970	Do.
John McEntee	Feb. 20, 1971	Do.
Joseph Kelly	Feb. 21, 1971	Do.
William Otis	Mar. 4, 1971	Do.
George Sutman	July 5, 1969	New Jersey.
George Schultz	do	Do.
Joseph Manteparro	Apr. 23, 1971	Do.
Milligan Ray Burke	?	Texas.
Leon Griggs	Jan. 21, 1970	Do.
Robert Wayne Lee	Jan. 31, 1971	Do.
Bobby Mayo	Feb. 28, 1971	Do.
Sam Infante	Feb. 15, 1971	Do.
William Reese	do	Do.
A. J. Robertson	do	Do.
Don Arnold	Dec. 23, 1969	Do.
Guy Meyers	July 24, 1970	Do.
Robert Shipp	Jan. 13, 1970	Do.
Hugh Schwartz	Oct. 5, 1970	West Virginia.
Wilbur Hayes	May 4, 1971	Kentucky.
John Schafer	do	Do.

This is but a partial list of American policemen who have lost their lives over the last 2 years. Many more have died, unsung heroes of a war that is no less deadly than the one in Vietnam. Let us pause a moment in tribute to these men, and to their brave families.

REGULATORY BUNGLING BY THE ICC

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, May 12, 1971

Mr. TAFT. Mr. President, I have recently been reading a book entitled "The Regulators," written by Louis M. Kohlmeier, Jr., which takes a long, hard look at our regulatory process. In Chapter 7 Mr. Kohlmeier relates the famous yak fat case, which is a classic example of regulatory bungling on the part of the ICC. For those who are not familiar with that landmark episode, I ask unanimous consent that an excerpt from Mr. Kohlmeier's book be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

REGULATORY BUNGLING BY THE ICC

One day in March of 1965, Hilt, who had studied transportation in and graduated from college, was home in Nebraska, working with his dad, who owned Hilt Truck Line. He had spent most of the day in the office, performing the onerous chore of typing a new rate schedule on frozen potatoes, meat and grain products. The document had to be mailed off to the Interstate Commerce Commission in Washington.

Any ICC tariff is a bore, except possibly for the few "tariff experts" who study the ICC's minutely detailed tariff regulations as a lifetime occupation. Once, when Hilt had to type a tariff covering rates for almost everything carried by Hilt Truck Line—a company of respectable size operating in nineteen midwestern states—the job covered ninety pages and took nearly a month. On this day, he had particular reason to be annoyed. Some weeks earlier Hilt Truck Line had sought to cut some rates on frozen potatoes, meat and grain products, but after that tariff had been typed and sent to Washington, a number of big railroads had protested to the ICC that Hilt's rates were too low. As a result, the ICC's Board of Suspension had suspended the rate cuts, telling Hilt Truck Line it could not put them into effect unless it proved they were legal.

Tom Hilt was angry. The railroads had claimed Hilt Truck Line's new, low rates were lower than the company's costs, and therefore illegal. Hilt felt he was in a better position than the railroads or the ICC to know what his costs were and he knew the company could make money hauling frozen potatoes or almost anything else at a rate of about 33 cents a hundred pounds. Hilt Truck Line had wanted to cut the frozen potato rate only to about 42 cents, from 50 cents. "The ICC is a railroad lover," he grumbled.

Rather than going through all the cost and trouble of fighting the railroads, Hilt Truck Line had decided to abandon the rate cut. So Tom was typing out the new tariff, putting the rates on frozen potatoes, meat and grain products back up where they had been. After he had typed the last line, raising the frozen potato rate back up to 50 cents, he added something new:

YAK FAT, Omaha to Chicago. Rate: 45 cents per hundred pounds, to become effective April 11, 1965. The yak fat, he continued, had to be shipped in minimum quantities of eighty thousand pounds (two truckloads). But Hilt Truck Line would accept yak fat in glass or metal containers, in barrels, boxes, pails or tubs.

Then he mailed the new tariff off to Washington, seven pages all legal and official-looking. Tom Hilt's yak fat rate was duly clocked in at the ICC as "Hilt Truck Line, Inc., Tariff MF–ICC 7, third revised page 62, Item 1810," and sent on its way from the mail room through the hushed, government-green corridors to the sixth floor Public Tariff File Room where the "tariff watchers" spy to make sure that nobody undersells anybody. A sharp-eyed railroad man quickly spotted "yak fat" and dispatched a communique to the Western Trunk Line Committee, a large rate-fixing office maintained by railroads, including railroads with tracks between Omaha and Chicago that compete with Hilt's trucks.

Before March was out, the Western Trunk Line Committee's formal, fully documented complaint was in, requesting the ICC to suspend the yak fat rate because it was patently below cost and therefore illegal. The railroads cited the commission's own decision in a case titled "Paper Articles from Atlanta to Cincinnati, 314 ICC 715 (716)." Exhibit A, attached, purported to show in some detail that Hilt's yak fat hauling costs added up to 63 cents a hundred pounds and therefore the 45 cent rate would mean an 18 cent loss. Exhibit B compared a railroad rate of 63 cents, not on yak fat, but on comparable traffic.

On April 7, the Board of Suspension—five experienced employees to whom the Commission had delegated the power to block rate cuts and increases—voted to suspend yak fat. In the Board's defense, it is only fair to note that it was a particularly busy day, with thirty suspension applications to be acted upon.

"It appearing," the board's order said in what now became a federal case, Docket M–19432, the yak fat rate may be "unjust and unreasonable in violation of the Interstate Commerce Act . . . it is ordered that an investigation be, and it is hereby, instituted . . ." Two days later Commissioner Howard Freas issued a full-fledged order in M–19432, getting the investigation under way and giving Hilt thirty days to make an opening defense of yak fat. By mid-April the growing file on M–19432 included a letter with which the railroads informed the ICC they'd formed a yak fat arguing committee, on which were represented some of the biggest names in western railroading: the Burlington, the Rock Island, Chicago Great Western, the North Western, Milwaukee Road and the Illinois Central.

They never had the chance to swing into action. The thirty days Commissioner Freas had given Hilt to begin its defense passed and of course the opening statement never arrived. The ICC and the railroads by now suspected they were being hoaxed. Apparently not sure, but anxious to be done with yak fat, the commission issued an order stating that Hilt had been "afforded ample opportunity" but had failed to sustain the burden of proving its rate legal. M–19432 was closed.

Hilt Truck Line never had hauled any yak fat, and never intended to. Tom Hilt never heard of a truck line or a railroad that had. But he had heard of a yak. There was one in the Pioneer Park Zoo in Lincoln, Nebraska, a rather skinny specimen of the wild ox native to Tibet, although he, or she, the zoo keeper was not sure, was not for rendering.

Tom Hilt wanted only to prove that "the railroads will protest anything and the ICC will go along." He did, at perhaps greater personal risk than he realized. The victimized ICC dusted off Title 18 of the U.S. Code which states quite clearly that the filing of false or fraudulent representations with any department or agency of the government shall be punishable by a $10,000 fine or five years in jail, or both. But young Tom was saved by the ICC's acute embarrassment, which prosecution could only have made worse.

The sooner forgotten, the better. Yak fat was but a ripple upon the bureaucratic sea. The railroads were as anxious to forget it as the commission. The trucking industry wasn't laughing very hard because it plays the rate game too, even if its tariff spies aren't quite as well organized as the railroad's watchers. And, except for a few barge lines that also play, a few trade-paper reporters and an occasional associate professor of economics from some midwestern university, nobody else pays much attention to what the ICC says and does. Forgotten it was!

LEGISLATION TO PROHIBIT THE STATES FROM IMPOSING INHERITANCE TAXES ON CIVIL SERVICE SURVIVOR ANNUITIES

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. BROTZMAN. Mr. Speaker, in their eagerness to find new sources of revenue, a number of States have sought to impose their inheritance tax on civil service survivor annuities. A number of State courts have ruled that such benefits cannot be made subject to inheritance taxes because the deceased Federal employee, who receives a reduced benefit to provide his survivor with an annuity, does not own, control, or possess the survivor's benefit at the time of his death. Instead, the benefits pass directly to the survivor from the Federal Government.

Today I am introducing legislation which would prohibit the States from imposing inheritance taxes on civil service survivor annuities. I am doing so for two reasons.

First, I agree with the Supreme Court of Colorado and the courts of other States which have held that the survivor annuity cannot properly be called a part of the decedent's estate.

Second, the imposition of the inheritance tax in this instance operates in an unusually harsh fashion. Typically, the tax works this way. The monthly amount of annuities is multiplied by 12 and the result is multiplied by the life expectancy of the deceased civil servant's survivor. That amount is then included in the inheritance and the tax must be paid immediately.

In the case of a survivor who is 65 years of age with a life expectancy of about 14 years, it often will be impossible to pay the tax without having to obtain a loan. The result is tragic. Persons for whom provision has been made suddenly become indebted. The annuity, for which they are eligible as a result of the decedent's having taken reduced benefits during his lifetime, becomes an albatross rather than the basis for a dignified retirement.

Mr. Speaker, I believe the laws of the United States should encourage individuals in taking the initiative toward providing for their own retirement. Those who do so should not be penalized. These are the individuals who will not become public charges in their retirement because of the fact that they deferred a portion of their incomes during their working years. Their efforts should not be dashed in the unending search for additional public funds.

My bill will end the uncertainty surrounding the liability of survivor annuities for inheritance taxes. It will establish uniform treatment for all civil service survivors without their having to utilize their limited resources in State-by-State litigation, and I urge its favorable consideration.

WHAT IS AMERICA? ONE CITIZEN'S VIEW

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12 1971

Mr. LANDGREBE. Mr. Speaker, America, the land we love, means many different things to each of its citizens. Recently, Mrs. Bernice Harness Ezra, of Lafayette, Ind., expressed beautifully what this land means to her in her column, "Confidentially Yours," which appears in Covenant Courier, the monthly parish publication of Covenant Presbyterian Church in West Lafayette.

Mrs. Ezra's article is such a thing of beauty that it deserves far wider circulation beyond the confines of her own church community. For this reason, I would like to share her thoughts with my colleagues and with all America.

The article follows:

CONFIDENTIALLY YOURS

(By Bernice Harness Ezra)

What then, is America?

To the peoples of the world, America is a mecca, but to Americans it is Texas, Florida and the rugged coast of Maine. It is the rich flat lands of Indiana, Illinois and Iowa, and the bareness of Arizona desert lands; the sequoias of the Rockies, the fir trees of the frozen northland, and the plains that sweep out against the East and cross the mighty Mississippi; the Great Lakes, the Grand Canyon, Niagara Falls and Yellowstone. It is Williamsburg and the Blue Ridge Mountains of Virginia; the Statue of Liberty and the Golden Gate. And the whispering of a lonesome pine.

America is science fairs, great universities and also little one-room schools in the backwoods hills of Kentucky and of Tennessee; fraternities and sororities, football games and scantily-clad majorettes prancing in a freezing rain; Picasso and Grandma Moses; the singing of Christmas carols and also the echo of Indian women wailing on the hilltops for their dead.

America is the double-shovel plow and the McCormick binder in museums, and it is the cornpicker, the combine and 10,000 dairy herds in modern scrubbed and lighted stanchion rows. It is a million acres of ripened wheat and great spans of green hybrid corn "laid by" at the end of June. It is little towns and villages which never seem to grow and never die, and it is cities that reach out like crabgrass and eat up the fields and meadows all around. It is limousines and compacts, and a jet plane whisking you across the sea; a capsule orbiting the earth and the sudden crash of the sound barrier being broken above your head; a lone eagle perched on a mountain peak and an antelope leaping there from crag to crag. It is the circus, the beauty contest, race riots, and baseball all the summer through; Patrick Henry, Paul Revere, the Declaration of Independence and a Fourth of July parade. It is Labor Day with its speeches; Thanksgiving Day with its feasts and it is the voice of Lincoln saying, "Four score and seven years ago, our fathers brought forth—" burned into the memory of every boy and girl.

America is the boat show, the automobile show; your Congressman; the President of these United States and Old Glory with 50 blazing stars upon a field of blue. It is spotless hospitals everywhere, but it is also disease and poverty and dirt; the bounteous cuisine of the rich and insufficient food on the tables of the poor. It is Disneyland, television, World Fairs and a trip to the zoo. It is hidden trails hugging close down to our rivers, and it is 5,000 miles of milk-white highway stretching out from sea to sea. It is memory of the Gay Nineties with a Puritan meeting-house dimly outlined in the background, and though our country's cradle gently rocked on the northeast corner of the map, the rocking soon became the covered wagon, the bucking broncho, Diamond Jim Brady, Buffalo Bill and the horned steer of the old "wild and woolly" west.

America is an old box in the attic with the cancelled check for a lad's tuition, his army induction certificate clipped to the government telegram which read: We regret to inform you—and though the earth spun round and round you, you kept on breathing. So you wrapped it all in the queer souvenir he sent you from the far South Seas. And you wonder if war will ever end. This is somehow mixed up with the hearts that beat at the Boston Tea Party and the men who died at Valley Forge. You feel so helpless about it all. And you are.

Today, America is the strong arm of pity reaching out to succor all the world, but it is also thousands of church steeples reaching high to God in our own weakness and our need.

All this and so many things more beyond the counting, make up for us, America the Beautiful, land that we love.

RUMANIAN INDEPENDENCE DAY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. GALLAGHER. Mr. Speaker, on May 10 the national holiday of the Rumanian people was observed. It is a day marked by three historic events.

On May 10, 1866, after a long struggle to acquire the right of electing their own sovereign, the Rumanian peoples founded the Rumanian monarchy.

Then on May 10, 1877, the principality of Rumania declared its independence from the Turkish Ottoman Empire.

Finally on May 10, 1881, the Rumanian peoples raised their nation to the rank of a kingdom opening a prosperous era which lasted for more than six decades.

During all the following years, Rumanians have cherished May 10 as their national holiday, have continued it as a sacred tradition and now as a protest against Rumania's enslavement and an expression of hope in its liberation.

It is our hope that the Rumanian people in their captive homeland and those of Rumanian ancestry in this country will continue to await with faith and courage the time when freedom shall be restored to them.

SEX DISCRIMINATION AND EQUAL PROTECTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HUNGATE. Mr. Speaker, I would like to bring to the attention of my colleagues the conclusion of an article entitled "Sex Discrimination and Equal Protection: Do we need a Constitutional Amendment?" from the Harvard Law Review of April 1971. This is the second of two articles.

The article follows:

SEX DISCRIMINATION AND EQUAL PROTECTION: DO WE NEED A CONSTITUTIONAL AMENDMENT—PART 2

II. CONGRESSIONAL ACTION—SPECIFIC LEGISLATION VERSUS CONSTITUTIONAL AMENDMENT

If judicial action to remedy the evils of sex discrimination seems unlikely in the near future, Congress should either enact legislation or initiate the constitutional amendment process. In choosing between these alternatives, Congress must carefully evaluate the advantages and disadvantages of each; the choice between them undoubtedly will influence the scope of substantive reform.

A. Legislation

If reformers want to sweep away the legal roadblocks to sexual equality, congressional legislation will have to reach deep into the well of state law, where most legal discrimination lies. Such areas as property, criminal, and family law are traditionally regarded as reserved to the states. Hence the question is one of congressional power to legislate in these areas; Congress has two buckets with which it might plumb the well: the commerce clause and section five of the fourteenth amendment.

While the Congress has successfully exercised the commerce power to provide some remedy for sexual discrimination in employment, and while recent judicial decisions have imposed few limits on the scope of the commerce power, there is serious question whether Congress can reach the remaining problems through the commerce clause. Inheritance, marriage, and divorce are so tenuously related to interstate commerce that the validation of congressional attempts to control them under the commerce clause would effectively remove all limits on the power of the federal legislature. The courts might well refuse to go so far; Congress too might hesitate to exercise such power.

The other possible source of congressional power is section five of the fourteenth amendment. Until recently, a number of commentators felt that under this clause Congress could go beyond judicially determined violations of equal protection and itself perceive and remedy discriminations in state law. Under this theory, for example, Congress could determine that state inheritance laws discriminate against women and could provide a corrective mechanism. This Term, however, in *Oregon v. Mitchell*, the Supreme Court struck down a congressional statute enacted under this theory which lowered the voting age to eighteen in all state and local elections. One of the opinions in *Mitchell*, relying on an analysis of the legislative history of the fourteenth amendment, indicated that Congress' power to invade areas reserved to the states is greater when the evil legislated against is race discrimination than when it seeks to remedy any other equal protection problem. Another opinion suggested that congressional power is limited to legislating in areas where there is a preexisting (*i.e.*, court-determined) violation of equal protection. While these opinions expressing a restrictive view of congressional power to pass remedial section five legislation in an area like sex discrimination represented the views of only four justices, the opposite and expansive interpretation of congressional power under section five also failed to persuade a majority of the Court. It is probable, however, that the "swing" justice, Justice Harlan, leans toward a restrictive view. The Court's decision in *Mitchell* has made section five of the fourteenth amendment at best a tenuous basis for expansive congressional action.

If the problems of congressional power can be overcome, however, the advantages of a legislative approach must be recognized. First, and most important, legislation can resolve particular problems without any obligation to resolve the next problem in precisely the same way. Second, legislation is able to reconcile the principle of no sex discrimination with competing values such as privacy and claimed benefits of distinction. For example, all women are not in favor of invalidating laws which they feel give them special protection against exploitation by employers. The legislative process leaves open the possibility of eliminating some discriminatory laws without affecting these. Finally, legislation can easily be modified in the light of experience.

The extent to which these advantages will be realized, of course, will depend on the type of statute Congress chooses to enact. If it uses a broad, generally worded statute, much of the specificity which is the peculiar advantage of the statutory approach will be left to the courts. If Congress chooses to utilize more detailed statutes, however, the specificity of the statutory approach will be preserved, but the burden on a busy Congress will be great and many discriminations which affect only small numbers of people will inevitably escape remedy.

B. Constitutional amendment

The most compelling argument for a constitutional amendment is that, unlike a statute, its ability to reach deep into the well of state law is unquestioned. Potentially, it can sweep away every vestige of legal sex discrimination.

An amendment has other advantages as well. It is permanent, highly symbolic, and guarantees a hearing in the courts for everyone who claims to be oppressed by even the most obscure and seemingly trivial legal sexual distinctions. A properly worded enabling clause could also serve to increase the scope of congressional power to legislate in areas otherwise reserved to the states.

In the amendment's very sweep and power, however, lie its most serious weaknesses. Unlike a statute, it cannot distinguish as easily between those laws we wish to eliminate and the few we may wish to keep. An amendment delegates to a single individual the power, through the courts, to work out the details of its governing principle, even if his views conflict with the desires of a majority of those affected. The majority of women may, for example, favor retaining sex-distinguishing laws which restrict their working conditions or protect their privacy. A single dissenting member of the class would, under an amendment, have the potential power to invalidate such laws. In causes of action brought by black plaintiffs under the fourteenth amendment, there has been the tenable presumption that the results achieved were acceptable to the vast numbers of people similarly situated. In the area of protective labor legislation, at least, no such presumption can exist for women. A broadly worded statute, of course, would also delegate to a single disaffected individual the power to achieve results out of proportion to his political power. If the results of such private litigation are displeasing, however, Congress can amend the statute. Correcting the results of individual litigation under an amendment is far more difficult.

Some have claimed that ratification of a new amendment dealing solely with sex discrimination might discourage the Court from expanding the equal protection doctrine of "suspect classifications" to new areas. Their argument seems to be that if Congress takes positive action to make sex a suspect classification, the Court will conclude that it need not expand the equal protection clause on its own initiative: whenever expansion becomes desirable, political pressures will force Congress to expand constitutional protection through the amendment process. There does not, however, seem to be any justification for the judiciary to restrict its development of constitutional doctrine merely because the legislature has taken steps toward similar ends. Just as the other branches of government should not view judicial action as abrogating their responsibility for constitutional interpretation, the Court should not view the actions of other branches as abrogating its primary responsibility in the field. Furthermore, Congress could minimize the risks of a restrictive view governing in this particular case by specifying in the amendment's legislative history, or perhaps in the amendment itself, that ratification should not be interpreted as restricting the articulation of further "suspect classifications."

A possible compromise blending the benefits of constitutional amendment and the benefits of legislation can be suggested. Assuming that Congress does not want to burden an amendment with specific exceptions, yet wants to retain the power to exempt certain laws from the operation of the amendment, a proposal can be developed encompassing both goals. A modified constitutional amendment might give Congress the power to exempt by statute specific state and federal laws from the force of the amendment. The advantage of such a modified amendment is that, like the more generally proposed versions, it would reach every aspect of discrimination. And while it would permit exceptions, it would require each exception to be publicly debated and affirmatively enacted. Unlike a piecemeal legislative approach, it would begin with the presumption that all discriminatory laws are invalid and place the burden of justification on those who wish to keep them. Furthermore, such a proposal would not sacrifice the virtues, symbolic and otherwise, of an amendment.

The details of such a proposal could vary. The power to exempt could be exercised before or after the Court acts; could extend to classes of laws (*e.g.*, those promoting privacy) or to specific statutes only; could be effectuated by a majority or some higher vote of both houses of Congress; and might or might not require the approval of the President. The procedural roadblocks to exemption could be varied in difficulty to conform to congressional perceptions of the danger of wholesale exemptions which would gut the amendment's basic principle.

III. PROBLEMS OF WORDING

Assuming that the necessary majorities of both houses of Congress determine that neither the no-further-action route nor specific legislation is likely to be sufficiently responsive to the problem of sex discrimination, they will face the problem of drafting a satisfactory amendment. In the course of debate surrounding the amendments proposed in the 91st Congress, three general issues arose: the wording of the congressional enabling clause; the desirability of exempting certain classes of laws in the language of the amendment itself; and the exact wording of the governing principle.

As previously noted, recent judicial developments may portend severe limitations on Congress' power to reach sex discriminations in state law under section five of the fourteenth amendment. Assuming that Congress wants power to remedy sex discrimination analogous to its power under the fourteenth amendment to remedy racial discrimination, it is essential to include a properly worded enabling clause in any new amendment. As presently written, the enabling clause of the proposed equal rights amendment reads: "Congress *and the several states* shall have power, *within their respective jurisdictions,* to enforce this article by appropriate legislation."

A restrictive interpretation of the word "jurisdiction" might require the Court to find justification for Congressional legislation against the evils of sex discrimination in some other clause of the Constitution, like the commerce clause, rather than establish the new amendment as an independent source of power. Under this proposed version, Congress, through the commerce power, might not be able to legislate on sexual matters generally considered to be solely of state concern. While such a narrow interpretation may not be compelled, any uncertainty could be avoided by substituting the language of the fourteenth amendment's enabling clause, which has already undergone substantial judicial interpretation. Incorporation of the fourteenth amendment language in a new amendment would obviate—Justice Black's contention in *Mitchell* that Congress has greater power to legislate in areas reserved to the states when the evil sought to be remedied is the evil which motivated the amendment's framers. Such an enabling clause would also avoid the difficulties inherent in Justice Stewart's suggestion in *Mitchell* that Congress can only legislate in areas judicially predetermined to violate equal protection. Obviously, sex would become such an area by the words of the amendment's governing principle.

The second wording problem involves the desirability of including specific exceptions to the governing principle in the body of the amendment itself. Various exceptions have been proposed to exclude, for example, laws promoting privacy and the health or safety of women, and statutes involving service in the armed forces. There is little to be said for such proposals. In the first place, the governing principle of the amendment would spin briefly and disappear in the swirling whirlpool of broadly worded exceptions. Secondly, courts would face the difficult threshold problem of determining the applicability of the exceptions, which would detract from analysis of the question of discrimination. Finally, statutes falling under the specific exceptions written into the Constitution would be immune to future judicial scrutiny in light of changing knowledge and attitudes.

Finally, Congress must determine the wording of the governing principle itself. Two alternatives have emerged. The first says that "equality of rights" shall not be denied. The second is patterned after the last phrase of the first section of the fourteenth amendment: "Neither the United States nor any State shall on account of sex deny to any person within its jurisdiction the equal protection of laws." Proponents of the equal rights language are divided as to whether "equality of rights" is equivalent to "equal protection" or is something different.

The divisions among proponents and the vagueness of the concept of "equality of rights" have led to fears that courts would intepret the new amendment, not as a requirement for active review, but as a mandate to sweep away all statutory sex distinctions per se, with no exceptions. Such a per se rule would be undesirably rigid because it would leave no room to retain statutes which may properly reflect inherent differences between the sexes or statutes which promote personal bodily privacy. Even if the "equality of rights" language were adopted, however, the fear of a per se interpretation seems unfounded. The equal protection language of the fourteenth amendment might have been subject to a per se approach, but, despite judicial hints to the contrary, it has never authoritatively received such an interpretation. Since the cultural stigma of slavery is greater than that of womanhood, and since the empirical differences between the sexes appear far greater than those between the races, it is difficult to imagine the Court extrapolating from the phrase "equality of rights" to require that every sex distinction fall.

While the chance of a per se interpretation of the "equality of rights" language being adopted is slight, the proponents of the equal protection alternative argue persuasively that the equal rights terminology introduces an unnecessary element of uncertainty into the situation, as the concept of equal rights has no history, and the concept of equal protection seems sufficient to the task. To a large extent, however, the debate may be much ado about nothing, since a constitutional amendment using either phrase will compel the Supreme Court to adopt a standard of active review in evaluating classifications based on sex.

SPEAKER JOHN McCORMACK

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. GERALD R. FORD. I am deeply gratified that the distinguished majority leader has yielded to me.

First, I wish to reiterate and reemphasize everything the gentleman from Louisiana has said concerning Lew Deschler.

Second, I believe this is one of the most appropriate times for all of us to say the things that so many of us feel about our previous Speaker, the Honorable John McCormack. John McCormack has been a friend of mine for a great many years, and he was a particularly close friend of mine during the 6 years that I was minority leader and he was the Speaker. No one could have been more helpful, no one could have been more understanding, no one in this body, in my judgment, was a closer friend to me and a more understanding person than the distinguished former Speaker, the gentleman from Massachusetts, Mr. McCormack.

This country owes a great deal of gratitude to John McCormack, not only for the days when he was Speaker, but also for the days when he held other offices in this body. In so many, many ways I happen to think this country owes a great debt of gratitude to him today. I am delighted to see him back in the Chamber, and I am delighted that he is in good health.

All of us, in my humble judgment, should look upon John McCormack as one of the great statesmen in this era, a man devoted to his God, his country, and his family.

LATEST SCHOOL DECREES ADD UP TO NONSENSE

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, columnist James J. Kilpatrick, writing in the May 11, 1971, edition of the Washington Evening Star, hit the nail squarely on the head in commenting on his views regarding the recent Supreme Court ruling on school desegregation. It is an excellently worded editorial observation and I urge all Members of Congress to read it:

LATEST SCHOOL DECREES ADD UP TO NONSENSE

(By James J. Kilpatrick)

Three weeks have passed since the U.S. Supreme Court delivered itself of opinions in the school desegregation cases, and I ask your forgiveness for arriving late at the story. The press of Portugal, with deference to its editors, was not of great help in determining what the court had said.

But neither are the opinions themselves. These turgid pronouncements, combining bad law with wretched style, add up to the poorest performance thus far from the Burger court. The chief justice, principal author of this lamentable mush, has many good qualities, but none can be discerned in the murk. The pen of Mr. Burger, sad to say, is filled not with ink, but with library paste.

The several Southern school cases that were combined for argument in October had this much in common: They were intended to provide the Supreme Court an opportunity for fashioning clear guidelines to lower federal courts in deciding upon desegregation remedies. No such clear guidelines emerge.

At first reading, the opinions seem to say that anything goes—busing, pairing, clustering, gerrymandering, you name it; on closer inspection, this is yes and no, as may be, depending upon circumstances, unh-hunh and provided that. "Words are poor instruments," sighs the chief, "to convey the sense of basic fairness inherent in equity." True. But his words are poorer than most.

The difficulty here is that the court has lost its way. The longer it stumbles about in the thickets of equity, the farther it gets from the benchmark of the 14th Amendment. That is what the famous Brown case, 17 years ago, was all about. The holding then was that the defendant states, by assigning children to school by reason of their race, were denying them the equal protection of the laws. What was generally understood was that the court, in ordering an end to state-imposed segregation, was ordering an end to racism.

What was generally understood then, alas, cannot be generally understood now. The Brown decision of 1954 said, in effect, that pupils could not be assigned to schools by reason of their race; the opinions of April 20 lay down precisely the opposite rule: Pupils must be assigned to schools by reason of their race. The teaching of Brown was that all children must be treated equally; the teachings of April 20 are that some are more equal than others.

Thus the court affirms, for example, a scheme of racist lunacy solemnly compounded for Charlotte and Mecklenburg County in North Carolina. As one minor facet of this gem, 300 black students must be daily transported away from the high school they normally would attend, in order that the racial mix may be improved in Independence High School some miles away. This the Supreme Court approves.

Yet such an objective is absolutely inconsistent with the court's own avowed objective, which is "To see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race." Unless words have lost all meaning, it is plain that the 300 black pupils, members of the racial minority, have indeed been excluded from a particular school "on account of race."

So it is back to racism. That is about what the opinions of April 20 amount to.

We can forget about the court's statement a couple of years ago that it wants neither black schools nor white schools, but "just schools." It is not possible to maintain "just schools" when the sole criterion underlying every decision is the criterion of—race.

So far as the attainted Southern states are concerned, race must remain the be-all and end-all. In the selection of school sites, in the hiring and assignment of faculty. In the fixing of attendance zones, the local school boards are to be regarded as guilty until proved innocent. Lower courts are to assume that the boards are seeking deviously to maintain segregation, and it is up to the trial judges to outwit them.

It is a sad business all around—for the courts, for the children condemned to insistent race-consciousness, for the public school systems that inevitably will suffer through the loss of public support. The old follies and evils of segregation cannot be eradicated by these decrees; they can only be exchanged for new follies and new evils. This is not equity; this is nonsense.

RESULTS OF POLL

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the results of my first annual poll of citizens in Ohio's 20th Congressional District are now complete.

More than 5,000 citizens responded, including 700 high school seniors. I felt it was important to poll these students since their vote in Federal elections gives them a voice in how Congress decides these issues. Many constituents took time to write letters to detail their views.

The results of this poll will be an important factor in my consideration of legislation before the House of Representatives. I bring this poll to the attention of my colleagues in the House because I believe the results emphasize the significant role public opinion has played in helping Congress decide such issues as continued SST funding, social security increases, and Vietnam troop withdrawal.

By a 3 to 1 margin adults and students called for a definite date for total withdrawal of all troops from Vietnam. Students favored a volunteer army by the same margin and the adults agreed, with slightly less enthusiasm.

A breakdown of results showed adults and students agreed on every question but the social security increase. Students favored 10 percent while their elders supported 15 percent. There was no evidence of a generation gap.

The Stanton poll showed strong support for Federal revenue sharing, welfare reform, wage and price controls, and a social security cost-of-living increase. The results are:

RESULTS OF CONGRESSMAN STANTON'S FIRST ANNUAL 20TH DISTRICT POLL[1]

[In percent]

	Adults			Students		
	Yes	No	Undecided	Yes	No	Undecided
1. Should the Federal Government continue total funding for development of the supersonic transport (SST)?	19	71	8	29	55	15
2. Should the Social Security bill now before Congress raise benefits:						
5 percent	9			24		
10 percent	33			37		
15 percent	43			25		
3. Should the Federal Government provide funds to build a Cleveland jet port in Lake Erie?	35	52	11	40	46	14
4. Do you favor an automatic increase in our Social Security laws each time living costs go up 3 percent?	79	16	4	63	24	12
5. Do you believe the President should impose wage and price controls at this time to curb inflation?	68	23	7	69	20	11
6. Do you favor proposed revenue sharing which would return a portion of Federal income tax revenues to State and local governments?	73	17	7	53	27	16
7. To reform the welfare system should the Federal Government:						
(a) establish a minimum annual family income?	9			11		
(b) require recipients to accept jobs if they are physically able to work?	65			62		
(c) take over the welfare program from the States?	8			7		
8. Should the Federal Government subsidize passenger rail service (Amtrak)?	44	39	13	36	35	37
9. Should the establishment of an all-volunteer army be a national goal?	61	28	8	72	20	7
10. Should the United States set a definite date for total withdrawl of all troops from Vietnam?	63	27	9	72	20	7

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[1] Figures rounded to nearest percent and do not necessarily add up to 100.

A SENSE OF NATIONAL PURPOSE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. BROWN of Ohio. Mr. Speaker, during recent years while many Americans have questioned the economic goals and priorities of this Nation, the citizens of most other nations have kept at the top of their priority lists the goals of technological development, increases in productivity, and the economic growth necessary to bring their standards of living up to the levels our own Nation has already achieved. Probably nowhere has this been more true than in Japan, where industrial output during the past 20 years has risen an average of 15-percent per year, compared with only 4 percent in the U.S. The Japanese people undertake their nation's economic growth and development with a national sense of purpose. They hope to accomplish this national purpose through cooperative competition at home and single-minded salesmanship in the world trading markets. The result has been the creation of an economic giant from the rubble of World War II. This growing economic giant has already displaced American trading predominance in a number of areas and threatens many others.

A new book detailing the Japanese economic growth, "The Emerging Japanese Superstate" by Herman Kahn was reviewed in the April 25 edition of the Washington Star. I believe the book will be of great interest to many of my colleagues, and therefore submit the review for inclusion in the RECORD at this point for their attention:

JAPANESE UNITE TO GROW

(By J. A. Livingston)

In "The Emerging Japanese Superstate" (Prentice-Hall, $7.95), Herman Kahn suggests, by indirection, what the United States has lost.

Kahn, director of the Hudson Institute for research on public policy, expects Japan to become, within this decade, the No. 3 world power, behind the U.S. and the Soviet Union.

In the last 20 years, industrial production in Japan's rebuilt economy has risen 1400 percent versus 124 percent for the U.S. In terms of annual growth, the respective rates are 15 percent versus 4 percent (chart).

How remarkable, considering that Japan is a crowded island—with limited agricultural and mineral resources and a population density of 706 persons per square mile versus 54 for the U.S. and 35 for the Soviet Union. But it possesses that greatest of all natural resources—an energetic, purposeful, and organized people.

REQUIEM FOR THE PAST

Writes Kahn: "Japan is probably the only large country in the world in which almost everybody concerned—management, labor, consumers, family, the general public—tends to identify the success of a business firm with the success of the nation and with his own individual success.

"Not only is this true of those closely associated with a firm, but it also somewhat resembles the situation in a homogenous and closely knit community where one may root for one's relative to win a race, but if the boy next door wins, one has a sense of sharing in his triumph."

These words seem like a requiem for the American that was—a sense of destiny which once welded people together in competitive cooperation.

After visiting the U.S. in the 1830's, Alexis de Tocqueville wrote that Americans "had a lively faith in the perfectability of man; they all consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be permanent, and they admit that what appears to them to be good today may be superseded by something better tomorrow."

Americans then were goaded by materialistic necessity. Getting enough to eat, buying adequate clothing and filling coal bins against harsh winters were primary concerns before the affluences which followed World War II.

In the 1920s, a graduate of high school or college never had any doubt about purpose: To make a living. Earning a weekly pay check was a reward in itself. It certified achievement—the production or distribution of goods and services needed by others. Work was the acceptable life style—whether in business, the professions, or labor.

Not so today, Why be a cog in a treadmill? "The Graduate," which portrayed the alienation and indecision of Ben, just out of college with all the honors, would never have made it with moviegoers of 30 years ago. The film reflects modern youth's social disillusionment.

Nothing seems right: automobiles, air, water, government, police, FBI, Vietnam, corporations, business ethics, civil rights, the educational system, cities, the President, and parental life style—work, cocktails, bridge, and golf.

In "The Economic Basis of American Civilization," Professors Shepard B. Clough and Theodore F. Marburg say: "There is a realization that man can be satisfied with humdrum material things, but that he can never have enough of justice, order, happiness, beauty, reverence, and understanding—the real stuff of civilization. The realization of this great truth is one of the most encouraging signs in the America of today."

But this realization can be all engulfing. When people had a simple goal—to make a living—whatever contributed to that purpose was, per se, good. But now we're interested in social perfection and can't agree on what it is.

HABITS HOLD US

We pull apart in many directions all at once. Yet, miraculously—as if held together by inertia—the system functions. Farmers produce crops. Corporations manufacture goods. Merchants distribute what consumers want to buy. State and local governments raise money to provide services. Habits hold us together even as we pull apart. If only it gives us time to pull ourselves together!

We don't have to learn from Japan. We do have to recapture what once we had: That which is so lacking in today's turbulence and discord—a sense of national purpose.

OUR SUMMER CRISIS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HAWKINS. Mr. Speaker, the administration has exhibited a growing insensitivity to the needs of minorities, the poor, and the returning servicemen. Nowhere has this been made clearer than in the Presidential vetoes, and the arbitrary withholding of funds voted by the Congress for programs vital to these groups. These actions, which have resulted in increased unemployment and the swelling of welfare rolls, have been followed by efforts to dismantle the Office of Economic Opportunity and cutbacks in the antipoverty program. All of this has generated fears and uncertainties that are not without cause.

In recognition of these critical unsolved problems facing the Nation today, the House Committee on Education and Labor has created a Special Subcommittee on Poverty and Manpower Oversight to conduct field hearings into the administration and needs of some of the programs intended for the poor as authorized under the Economic Opportunity Act of 1964 as amended.

As chairman of the special subcommittee, I have given special attention to the approaching summer youth crisis—the crisis within a crisis, the search for summer jobs.

Despite creative efforts, summer jobs for youth will be fewer, but the needs will be just as great if not greater than last year. My subcommittee held hearings in Los Angeles and San Francisco, Calif., during the month of April, and is planning to hold hearings in New York and other cities of the Nation as we seek to find ways of planning and bringing about meaningful change to assist our youth in their growing struggle to improve themselves and their community through summer employment.

In speaking of their needs, I would like at this time to state the factual situation for the Nation.

The Bureau of Labor Statistics has indicated that there were 10.4 million young Americans between the ages of 16 and 21 in the labor force as of March 1971, of which 1.6 million were unemployed. At the present, for the black youth in poverty neighborhoods, the unemployment rate is 44.9 percent.

With the closing of schools for the summer will come an additional 3.3 million youths entering the labor force seeking jobs. Many of these will be disadvantaged and some will be unable to return to school in the fall without having obtained summer employment.

The U.S. Conference of Mayors and the League of Cities have conducted a survey of the Nation's 50 largest cities, seeking to discover how many Neighborhood Youth Corps job opportunities they could effectively use this summer, meaning jobs for which they could provide supervision.

As a result of the survey, the mayors reported a need for 641,639 job opportunities. This is by no means the actual number needed for disadvantaged youth. The mayors requested this number of jobs for a 10-week period.

Last year the Federal Government provided 414,000 Neighborhood Youth Corps job opportunities. This year with the President's supplemental appropriation of $64.3 million, 51.5 million of which will go for 100,000 additional jobs, the total Federal effort will be 514,000 job opportunities.

In taking a closer look, we find that these jobs are being provided for a 9-week period instead of last year's 10. If the program for this year was for a 10-week period, there would be only 463,000 Neighborhood Youth Corps jobs instead of the 514,000 which is in reality a reduction in the earning power of those youths involved. The program as it now stands then only reflects a negligible increase of 49,000 jobs over last year's 414,000.

In truth, a supplemental appropriation of $144,628,359 would be necessary to provide the 641,639 jobs, a conservative figure of the number presently needed.

It is time to expose the illusions of job availability in the private sector which in reality is almost nonexistent. This has been used for too long to justify the present low input into the program. This year, in addition to competing with each other, our youth must compete with the increasing number of unemployed adults, many of whom are heads of households. The overall unemployment rate has increased from 4.5 percent, last year's level, to the present 6 percent. Surely this indicates that this is not the time for reductions in so vital an area.

I take this opportunity to remind the Members of this body that when you look at figures like 10.4 million and 13.3 million, you are looking not just at statistics, but at the number of young Americans seeking a chance to work and earn an honest dollar.

When you think of the hundreds of thousands in these numbers who are disadvantaged, our best efforts at bringing funding at least to the 641,639 level being sought amounts to only a few drops in a bucket. Surely we cannot afford to do less.

I urge you to look at this problem in your cities as I am sure it exists just as in mine, and I urge you after taking that look to do all in your power, just as I shall, to support a meaningful supplemental appropriation for this program.

MASS TRANSPORTATION ENDS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. CHAPPELL. Mr. Speaker, last year the Congress authorized $600 million to carry out programs of transportation needs in the country.

We have entered a critical period of need for mass transit systems in the United States—more and more automobiles clog the highways, adding to the highway death toll and the pollution problem; cities find themselves without funds to operate public transit systems, leaving the elderly and poor no mode of transportation; and those areas that have studied to develop new and innovative systems that might help alleviate the crisis we face in transportation find themselves unable to get these badly needed funds.

Mr. Speaker, the mass transit funds which Congress allowed amounted to only $600 million. This amount is little enough in itself, but it is shameful that the administration has seen fit to withhold some $200 million of these funds which are so sorely needed. It should be the goal of each Member of Congress to let the President know that these funds are needed and should, therefore, be released.

"COURTESY AND DEATH—A DIFFERENCE OF 2 WEEKS"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MAZZOLI. Mr. Speaker, on April 16, I was a passenger in an automobile that became stalled on a Louisville street. With the assistance of Officers Schaffner and McKinney of the Louisville Police Department in car 525, we were able to push the stalled vehicle to the curb. The officers then drove us to my home where I telephoned a towing service. I expressed publicly my appreciation to the officers and the Louisville Police Department through a letter to the editor of the Louisville Courier-Journal.

On May 2, I was shocked to learn that two Louisville policemen, Wilbur Hayes and John Schaefer, Jr., had been killed while investigating a burglary. This news proved doubly tragic to me when I learned that the two slain officers were using the above-mentioned vehicle—car 525—in the performance of their duties.

Station WAVE-TV in Louisville issued an editorial on May 4 in regard to the slaying of these two gallant officers. I ask that the text of that commentary be placed in the RECORD at this point.

WAVE-TV EDITORIAL

Two young Louisville policemen, Wilbur Hayes and John Schaefer, Jr., were murdered last weekend. They were on duty at the time, apparently investigating a burglary. Somebody shot them. The evidence indicates they had no chance to defend themselves.

We at WAVE extend our deepest sympathies to the families of Officers Hayes and Schaefer. We hope their killers are soon brought to justice.

The shootings occurred late Sunday night. Several residents of the area say they heard the gunshots. But nobody called police headquarters. One resident was quoted as saying that he was afraid to, even though he sensed that something was wrong.

This is another instance where the fear of retaliation, or just not wanting to get involved, may have given the killers what they needed—time to get away. Even one call to the police department might have meant the difference in capturing the criminals quickly.

If we are going to fight crime, if we really mean what we say when we talk of law and order, then we're going to have to have the guts to do it. Because that is sometimes what it takes. Just as it took guts for Officers Hayes and Schaefer to risk certain dangers every day.

Fighting crime isn't only the business of law enforcement officers. The police can't do the whole job alone. They must have our cooperation.

A BLUE RIBBON PANEL REPORT—UNCERTAIN FUTURE FOR THE AMERICAN PEOPLE (II)

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. SCHMITZ. Mr. Speaker, vast increases in Soviet strategic military forces have not been confined solely to the area of land-based ICBM's. The Soviet submarine force, already three times as large as ours, will contain 20 Y-class ballistic nuclear submarines—similar to our Polaris—by June of this year and will surpass the United States in total numbers of Polaris type missile carrying submarines sometime in 1974.

These Soviet ballistic submarines already pose a dire threat to our strategic bomber force; the increment of our strategic forces which accounts for 36 percent of all U.S. megatonnage on day-to-day alert and 55 percent of the total megatonnage assigned to all our strategic systems. Because of the extremely short warning times associated with missiles launched from these submarines, currently on station off both our east and west coasts, we are moving our B-52's further inland in the hope that this will give them the time necessary to get off the ground in the event of an attack.

Even with this inland relocation program, the prelaunch survivability of our bombers is becoming increasingly open to question.

Hand in hand with the deployment of weapons geared to destroy the U.S. strategic forces on our own soil, the Soviets are pressing ahead on antiballistic missile defense. These strategic systems are designed to intercept and destroy our missiles, including our Polaris-Poseidon submarine launched missiles which represent 8 percent of the total U.S. alert megatonnage, which might survive a first strike.

Secretary of Defense Laird recently announced that construction of four new ABM complexes around Moscow had been observed. Construction of the first four complexes of the Moscow area ABM, known as the Galosh system, was completed in 1968. Further construction was delayed pending development of a new improved missile interceptor which was being tested. This new ABM interceptor is apparently now ready for deployment.

Many military analysts feel that as soon as the Soviets finish construction of six radar sites, known as "Hen House Radars," and integrate these radars with already deployed SA-5 surface-to-air missiles, these missiles will have the ability to knock down incoming ballistic missiles. Dr. John S. Foster, director of Defense Research and Engineering, has confirmed that should this internetting occur, the SA-5 would have considerable capability to do just that. This would in effect increase the number of Soviet ABM interceptors by approximately 1,200—all at one blow.

Meanwhile the United States is plodding along in construction of our Safeguard ABM, the first site of which will not even be operational until late 1974. Even now it is recognized that should Soviet momentum in strategic military preparations continue, the Safeguard system by itself will not provide adequate protection for our Minuteman force and a new "hard site" system will have to be installed to augment it.

These facts underline another trend which the Blue Ribbon Defense Panel members identified as contributing to our rapid decline to the status of a second rate power. The United States has voluntarily abandoned the posture of nuclear superiority in favor of a rough parity which is fast becoming marked inferiority. As the Panel put it:

> The U.S. is now face-to-face with the fruits of this unilateral strategic arms slowdown.

Secretary of Defense Laird recently confirmed this panel finding in no uncertain terms at a press conference 2 weeks ago:

> We have been in a period of almost moratorium since 1967 on new strategic weapons deployment. That was the time that the last Polaris went forward; that was the time that the last of the Minutemen deployments were approved. We have not come forward with any new bombers. I think you can characterize the Soviet activity as momentum; our activity has been almost moratorium.

This failure to engage in necessary strategic force construction is known in laymen's terms as unilateral disarmament.

Many otherwise intelligent people, dazzled by the simplified notion of overkill, do not see the point in regaining and maintaining strategic superiority. They determine to their own satisfaction that the Soviets will not attack by counting the number of nuclear warheads we possess and distributing them, in their mind, across the Soviet Union and then totaling the damage. They tend to ignore the fact that the purpose behind a Soviet first strike, a purpose clearly revealed by the type and quantity of weapons the Soviets are deploying, it to prevent us from actually being able to deliver these warheads.

A good analogy which illustrates the fallacy behind the overkill myth was drawn by Drs. Possony and Pournelle in their new book "The Strategy of Technology":

> Mere possession of thermonuclear weapons is not enough to deter war; nor will the "just possessed weapon" win a war if deterrence fails. Any high school biology teacher can manufacture and store in a refrigerator of medium size enough botulism toxin to kill every vertebrate creature on the globe a thousand times over, but he has not thereby stopped war, avoided defeat, or ensured victory. Deterrence weapons must be deliverable after an enemy strike—they must get off the ground, penetrate the enemy defense, and destroy the target. If technology brings forth ways to negate the defender's arsenal before it can be delivered, only one nation will be destroyed in war.

THE UNITED STATES AND THE WORLD'S REFUGEES: AN ADDRESS BY THE HONORABLE FRANCIS L. KELLOGG

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HALPERN. Mr. Speaker, a couple of weeks ago, the Honorable Francis L. Kellogg, special assistant to the Secretary of State for Refugee and Migration Affairs, addressed the annual conference of the American Immigration and Citizenship Conference in New York. In his remarks on the United States and the world's refugees, Mr. Kellogg ably discusses how the U.S. Government seeks to alleviate the plight of refugees all over the world. The program is somewhat unique in that it relies heavily on the cooperation and coordinated efforts of private volunteer agencies in the United States. This kind of activity points up not only the effectiveness of a joint endeavor of this nature, but also the humanitarian spirit which remains a strong expression of the American character.

I would like to read into the RECORD this most enlightening speech delivered by Mr. Kellogg on April 23, "The United States and the World's Refugees."

I commend to my colleagues these significant remarks which I am certain will be of interest to them:

THE UNITED STATES AND THE WORLD'S REFUGEES

(Remarks by Francis L. Kellogg)

Mr. Chairman, Congressman Rodino, the Honorable Bernard Ostry—Under Secretary of State of Canada, Distinguished Guests, Members and Friends of the American Immigration and Citizenship Conference:

Although I am no stranger to this group, this is the first time I have had the honor to come before you as an appointed representative of the United States Government. Since I am among friends, I shall waste none of your time attempting to solicit your support for the government's activities on behalf of refugees—you have amply demonstrated it through years of moral and material effort.

What I propose to do instead is to summarize for you my concept of the government's and my job, as I see it today.

Under delegated authority from the Secretary of State, I perform the functions vested in him under the Migration and Refugee Assistance Act of 1962 and I act on his behalf in all refugee and migration matters. This position is thus the focal point within the United States Government for all matters affecting it or affected by it in the areas of refugees and migration. Moving outward to your own realm of interest, I am responsible for our government's liaison in this field with intergovernmental bodies, voluntary agencies, other organizations and, importantly, the public.

What does this role really encompass? This is the question I have asked myself and will continue to ponder if I am to fulfill a useful function on behalf of our government. Primarily, our government must do everything in its power to continue its tradition of providing a refuge, a home, a future to persons fleeing persecution in their own lands, to sufferers from war or disaster who are displaced in this world. We must support actively those countries, multi-national groups, private organizations and citizens who carry the burden of assisting refugees.

American concern over the plight of refugees everywhere in the world has its origin in our people at large and is voiced in the most purposeful manner by their spokesmen in the Congress. Their interest is clear and has been set down for the record in the form of legislation creating broad relief programs for refugees in many countries, as well as liberal provisions for the admission of refugees into the United States. Effective as present legislation is, these concerned lawmakers are constantly searching for new ways to meet the challenge of refugee problems. I am especially pleased to note your recognition today of the key role of the Honorable Peter Rodino, whose devotion to the cause of refugees and of providing a new homeland for them in our country is outstanding.

I wish to say a word at least about the close collaboration of all concerned agencies in the United States Government in the work of planning for and dealing with refugee problems. As an outstanding example, the monumental task performed by the Immigration and Naturalization Service, under the capable direction of its Commissioner, has been instrumental in clearing the way into the United States for refugees of all descriptions. Especially effective is the INS-administered "conditional entry program", which facilitates an annual influx of more than 10,000 refugees from oppression in Europe, the Middle East and Hong Kong.

I wish also to emphasize a few points about the role of American voluntary agencies in humanitarian assistance. For many years, but especially since the beginning of World War II, the generosity of the American people has found its outlet through a large number of private voluntary agencies whose purpose is to alleviate human needs abroad. These services include interim care and maintenance and resettlement assistance to refugees from persecution, war, or natural disaster, as well as maternal and child care, education, family planning, agriculture, health, nutrition, community development, and many other services intended to improve the quality of life. In the past year, the U.S. voluntary agencies registered with the Advisory Committee of Voluntary Foreign Aid have provided these services in over 100 countries, representing a cost approaching half a billion dollars of their own funds. Some contribute to the economic and social development of countries abroad and some serve U.S. foreign policy and security concerns, but the basic motivation of all is to assist less fortunate people around the world. The voluntary agencies work in close cooperation with the U.S. Government, host governments, and international organizations. Frequently, they obtain subventions and financial support from countries or international organizations under grants, loans, or contractual arrangements.

At times questions are raised as to why the private voluntary agencies are necessary and why could they not be dispensed with in favor of government operations or those of specialized international organizations. My answer is that the voluntary agencies perform unique and effective services overseas, among which are the following:

1. The private agencies represent varied and special interests of groups of the American people, and what they do arises spontaneously from American generosity and humanitarian instincts. Their variety, geographic distribution and purposes are as broad and diverse as the complex groups and interests they represent. Their services reflect the natural, honest humanitarianism of Americans whatever their political persuasions, and they relieve the government of many functions which it would otherwise have to carry out alone.

2. Voluntary agency services are humane and people-to-people in nature. They are the point of contact with those in distress. They provide counseling and services in a warm, human manner and establish rapport with the individual. No amount of government or international organization assistance can provide this personal approach. Voluntary agency services fill in the gaps where bureaucracy cannot operate effectively. In this country, in the United Kingdom, in Scandinavia, or other nations where vast funds are spent on highly developed social welfare programs by the government, there are still many people who are not reached by officialdom or, if reached, not in a warm, human way. It is for this reason that we still have the complex of relief agencies working through the "community chest" and other private campaigns. There are of course government drug or alcoholic centers, but it is the Salvation Army which picks up and aids the addict or the drunk on the street. This pattern is duplicated by the voluntary agencies working overseas.

3. Governments and international organizations, with their large and complex structures and, shall I say, "specialized" personnel, can never—by their nature—operate as efficiently, effectively, or economically as the voluntary agencies. These organizations do a prodigious amount of work with a small number of modestly paid personnel, both American and local. They also have the benefit of many volunteer unpaid workers. They contribute a large amount of cash, medicine, food, clothing and other supplies, and they perform a wide variety of specialized services, including vocational and language training, immunization programs, refugee processing and the like. With their individual religious, ethnic, or special interest backers, they can focus on those groups of refugees or other distressed persons in a way that government cannot.

4. In the refugee field, a solid pattern of cooperation between governments and voluntary agencies has developed over the years, and the pattern is being extended rapidly to other fields. From the time of its first efforts after World War II, the U.S. Government, both independently and as a participant in international organizations, has utilized the voluntary agencies for refugee assistance. The agencies handle "initial reception" where the refugee can be greeted by a person who speaks his own language or is of his own faith or national origin. They provide emergency housing, food, clothing, medical assistance. They advise the refugee as to whether he should emigrate from or stay in the country of asylum. He is counseled on the best resettlement and visa opportunity to suit his own skills and interests. The agencies help fill out the complex immigration forms and follow through with United States or foreign consular authorities. They provide health examinations and treatment for the refugees to enable them to meet immigration requirements. The agencies help obtain loans or free transportation to the new homes and arrange for their air or sea transportation. In the meantime, in the countries of resettlement, in the U.S. or elsewhere, the agencies have been busy using their local contacts to find sponsors among relatives, friends, or churches. They locate employers who will guarantee jobs and as necessary provide initial housing. In some cases, the refugees are welcomed with fully equipped apartments, new clothes, and a stocked refrigerator!

5. Such services are beyond the capacity of the United States or other governments to provide. How, for example, could the U.S. Government duplicate the incredible network maintained by Catholic groups which have churches, priests, and parishioners in most of the countries where the refugees seek asylum and in most of the countries in which they eventually resettle? The cost to the U.S. Government of duplicating this network with government personnel would be prohibitive.

In summary, the benign phenomenon of voluntary agency assistance abroad as well as at home has become an indispensable part of the social fabric of our nation, indispensable for many reasons but primarily because the agencies represent humanitarianism. They provide the essential element of compassionate human concern without which the services could not and would not be provided.

The Government of the United States directly administers the "U.S. Refugee Program" and the "Far East Refugee Program" and participates actively in the Intergovernmental Committee for European Migration. In addition, we are strong supporters of special programs in troubled areas such as the UN Relief and Works Agency in the Middle East and virtually all emergency efforts which provide shorter-term assistance, such as those under the aegis of the International Committee of the Red Cross.

As a signatory of the "Protocol Relating to the Status of Refugees", we have a special responsibility to carry out its provisions as the law of the land. In this context, we work closely with the United Nations High Commissioner for Refugees. It is my observation, based on personal experience, that no more benevolent and constructive influence exists in the world today in the refugee field than that of the UNHCR.

The United States has made a very special effort to alleviate the suffering of persons displaced by war and disaster in South Vietnam. "Vietnamization" has been making vital strides in this particularly constructive field, as well as in the prosecution of the war, and the South Vietnamese Government has demonstrated its ability to cope successfully with its internal refugee problem.

A life of oppression in nearby Cuba has caused a voluntary refugee movement of unparalleled proportions. As a result, large numbers of Cubans in other Latin American countries, in Spain, and especially in the United States have grown enormously. The Cubans who have come to our country have already made material contributions. Because of this special situation, these Cubans are the single group of refugees who receive U.S. Government assistance to settle into their new life here. Spain and the other countries of asylum for Cuba have fulfilled an important function in extending hospitality to Cuban refugees. We are not able to predict how long the Cuban Government will permit the departure of refugees or how it intends to regulate the flow to different geographic areas. We do not consider that the doors of the United States are closed to Cubans in Spain wishing to come here. They are all eligible for consideration for immigrant visas, and those who have immediate relatives in the United States are eligible for "priority visas" or "pre-parole documentation". The United States is a substantial contributor to those international agencies which are assisting the Government of Spain in dealing with its growing Cuban refugee population, already amounting to some 15,000 persons. ICEM, for example, is engaged in identifying those who possess special skills and wish to lead a new life in a third country. The UNHCR provides short-term, immediate resettlement assistance to needy Cubans upon their arrival in Spain.

The continent of Africa has provided the world with an unprecedented birth of nations, an incalculable heritage of ancient cultures, notable contributions to world statesmanship and, perhaps inevitably, human tragedy as well. Independence brought states whose boundaries were drawn, arbitrarily in many cases, by colonial powers long ago, without sufficient regard to cultural and ethnic groupings, languages, and economic potential. Enmities originating thus sometimes result in internecine strife of the most tragic variety and, with it, refugees. Civil wars in Sudan and Nigeria are only the most obvious examples. Whereas the Government of Nigeria has done all in its power to achieve reconciliation and has met with signal success, in Sudan the tragedy goes on.

International and private agencies have made generous contributions toward relief and resettlement, in other countries, of Africans displaced by conflict and natural disasters. The United States Government, while urging African and international solutions as vastly preferable to taking a direct hand, has for years been in the forefront of these humanitarian efforts.

Our government has long been concerned over the plight of Jews in the Soviet Union. We have made it clear on numerous occasions that we would do everything possible to facilitate their resettlement in the United States and elsewhere. We have supported, directly and indirectly, the efforts of international organizations and various voluntary groups to assist this group of people.

World changes, the labor pains of independence and development, inevitably bring new contingencies, new strife, new tragedy. We were able swiftly to provide real and necessary assistance to refugees after the initial shock of the 1956 Hungarian revolt and the events of August 1968 in Czechoslovakia. We will attempt to anticipate where potential trouble spots may be in the future. Thus, we must keep abreast of world events—and a bit ahead of them, where possible. Though we do not have it in our power benignly to influence coming events, we can do our very best to avert or alleviate resultant suffering and dislocation.

It is quite apparent, from the press, our mail, and widely expressed public interest, that there is a growing awareness of the whole spectrum of refugee problems. The voluntary agencies have played a vital role in bringing this about. Our government's interest in refugee matters is significant only insofar as it reflects the will of Americans, and it can succeed only with their sympathy and support.

"LEST WE FORGET"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an out-of-sight, out-of-mind attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing.

Col. Norman M. Green, U.S. Air Force, [redacted], Colorado Springs, Colo. Married and the father of three children. Graduate of George Washington University. Officially listed as missing January 9, 1968. As of today, Colonel Green has been missing in action in Southeast Asia for 1,218 days.

COMPANY SPENDS $100,000 TO PURIFY INDUSTRIAL WASTE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MIZELL. Mr. Speaker, at this time when the Nation is so concerned about the quality of our environment, when private industry has come under attack from some quarters for not doing its share in the fight against pollution, it is good to read of an industry which takes pollution, and its own responsibility to its community, seriously.

Proctor Silex, Inc., has spent more than $100,000 recently in Mount Airy, N.C., a city within my congressional district, in an effort to clean up industrial waste and provide an environment of higher quality for all the people of the community.

This is indeed a commendable action, and one which I am pleased to share with my distinguished colleagues.

Further details of this admirable effort are included in a page 1 story published in the April 30, 1971, edition of the Mount Airy News.

I submit for inclusion the text of this article in today's RECORD, and I hope that the example that Proctor-Silex has set will be followed by other industries in other parts of the country:

COMPANY SPENDS $100,000 TO PURIFY INDUSTRIAL WASTE; JOINS BATTLE ON POLLUTION

Pollution of the land, air, and water is a controversial subject these days—one which some individuals and businesses totally ignore while others attempt to prevent or curtail.

Proctor-Silex, Inc., one of Mount Airy's larger industries, is making a huge stride in the direction of anti-pollution. Thousands of gallons of water used daily in the manufacture of toasters and toaster ovens during the chrome plating process. This water contains soap, acids, and alkali which, when discharged into the sewer or a stream, would add greatly to contaminations and pollutants.

The plant has had a manual system of improving to some extent the water used, termed by plant manager Charles Dugger as "inadequate". Approximately two and a half years ago, officials inaugurated a project to improve that system.

More than $100,000 has been spent on consultant's fees, special monitoring equipment tanks, and a building to house the system. Hal Brintle, a chemical engineer who has been with Proctor-Silex nearly 14 years, explained, "The system is capable of treating 18,000 gallons of water per hour and, while it is not perfect, the water is as clean as that in the river."

Rinse water containing oils and chemicals is diverted into a tank where floating oil and debris is separated, stored in containers and eventually removed to the city dump. The remaining chrome bearing water is treated to change the chrome to hydroxide, which is heavier than water, and is then pumped into a 60,000 gallon settling tank 60 feet long, 14 feet wide and 10 feet deep. The tank slopes at the bottom to let solids settle. These solids are transferred to equipment similar to a cream separator where centrifugal force separates heavier parts from water. The solids are hauled to a landfill, the water is sent to the creek.

Automatic, except for the addition of chemicals in the treatment tank, the system is supervised during the day shift by Larry Brannock while a plating foreman checks during the night shift to see that pumps are working.

Brannock keeps a check on the various meters and recorders which keep a constant reading on the Ph (acid or alkali) condition of the water. A reading of 7.5 is neutral and effort is made to keep it between seven and eight. This results in a discharge of waste water not too acid, not too alkaline.

THE FIGHT TO BLOCK CONSTRUCTION OF A BULK MAIL FACILITY IN THE FORT SNELLING STATE PARK AREA

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. FRENZEL. Mr. Speaker, I would like to call to the attention of the House certain additional heartening developments in the fight to block construction of a bulk mail facility on 68 acres of land in the historic Fort Snelling State Park area of the Twin Cities.

I have received first, a letter from Secretary of the Interior Rogers Morton, and second, the text of a resolution adopted by the Minnesota Legislature, both of which urge that the Fort Snelling polo grounds be made available for inclusion in the Fort Snelling State Park.

The General Services Administration and the Postal Service have indicated to me that they are actively looking for a suitable alternate site for this facility. As the Secretary of the Interior indicates in his letter, the Fort Snelling parade grounds should be returned to surplus status and made available for inclusion in the adjacent State park. This action should be taken without further delay.

The letter from Interior Secretary Rogers Morton and the resolution adopted by the Minnesota Legislature are inserted at this point in the RECORD:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 6, 1971.

Hon. BILL FRENZEL,
House of Representatives,
Washington, D.C.

DEAR BILL: I appreciate your bringing to my attention your concern about reports that the General Services Administration is about to transfer 68 acres of the Fort Snelling polo field and parade grounds to the Postal Service for the purpose of constructing a bulk mail facility.

Since I was not familiar with the situation to which you refer, I asked the Bureau of Outdoor Recreation, which has administrative responsibility for surplus real property conveyances for public park, recreation and historic monument purposes, to brief me.

The Bureau's files substantiate that the State and local governments have had a vital interest in acquiring the polo field and parade grounds for a number of years. The Bureau's records also indicate that the General Services Administration advised the Department on March 25, 1968, that as a result of a study, it ". . . came to the conclusion that (1) approximately 140 acres of the surplus land lying south and west of the freeway was in excess of that acreage which would qualify within the meaning of the law for conveyance to the State for use as a historic monument, (2) that such acreage should more appropriately be utilized for park and recreation purposes, and (3) that 21.5 acres of land lying north and east of the freeway appeared to qualify properly as being necessary to the preservation of the historic values of the old Fort."

The General Services Administration advised further that: "Accordingly, it is our view that the 140-acre parcel be conveyed to the State at 50 percent of fair market value for park and recreation purposes consistent with the provisions and intent of the law, which would assure that the State would be free to fully develop the property for such purposes, unhampered by the perpetual limitations inherent in conveyances for historic monument uses. This portion of the property is ideally suited for park and recreation uses and would make an important contribution to the efforts of the Administration to improve and expand park and recreational opportunities throughout the country."

On March 1, 1971, the State applied for the other 141 acres of the Fort Snelling tract for public park and recreation purposes. This was pursuant to Public Law 91–485, which provides for conveyances of surplus Federal properties at public benefit allowances of up to 100 percent.

Unbeknown to the State, the General Services Administration had taken the 141 acres off the surplus list on December 28, 1970. The General Services Administration asserts that several Federal agencies want the entire property.

You may be aware that the fair market value for the property in 1968 was $2,100,000. If the State had acquired the property at that time, it would have had to pay 50 percent of that value.

You also know that the Administrator, General Services Administration, has final disposal authority for determinations of highest and best use, for determining when a property is to be declared excess or surplus, and for determining to whom the final disposition will be made. However, in the light of the Administration's intense interest in expanding park and recreation opportunities for people, I am writing the Administrator, General Services Administration, to suggest that his agency reconsider its action in returning the property to excess status after it had been declared surplus.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

MAY 7, 1971.

Hon. WILLIAM FRENZEL,
Washington, D.C.

DEAR CONGRESSMAN FRENZEL: I have the honor to transmit a copy of S.F. No. 1339, Resolution No. 4, as adopted by the Legislature of this State.

Sincerely,
ARLEN I. ERDAHL,
Secretary of State.

RESOLUTION NO. 4

A resolution memorializing the President and Congress not to use the historic area of Fort Snelling for a new office building

Whereas, the 141 acres of the Fort Snelling Polo Grounds and Parade Grounds Area are part of one of Minnesota's foremost historic sites; and

Whereas, the historic importance of the area has been recognized by designation as a National Historic Place; and

Whereas, the area is most appropriate for inclusion in the Fort Snelling State Historical Park at the junction of the Minnesota and Mississippi Rivers; and

Whereas, construction of an office building on the site would be a visual intrusion that would seriously impair the environmental values of the area; and

Whereas, numerous other excellent sites in the metropolitan area are available for the welcome new post office; now, therefore,

Be it resolved, by the Legislature of the State of Minnesota, That the United States should leave the Fort Snelling area intact.

Be it further resolved, That the Secretary of State transmit copies of this resolution to the President of the United States, the Administrator of the General Services Administration, The Chairman of the Public Works Committees of the United States House of Representatives and Senate and to the other Minnesota Senators and Representatives in Congress.

PUBLIC WRANGLING DROWNS CHEERS; VALOR OF THOUSANDS UNHERALDED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HUNT. Mr. Speaker, a thought-provoking truism about all but a handful of our American fighting men who have seen service in Vietnam was recently captured in an editorial from The San Diego Union under the title: "Public Wrangling Drowns Cheers; Valor of Thousands Unheralded."

Just a few short weeks ago, among the many other spectacles that have visited this city, a minuscule fraction of the veterans who served in Vietnam dramatized their own bitterness over the issues of the war by discarding their medals in an inglorious manner. Most emphatically, however, the publicity that was afforded this action in a manner intended to invoke sympathy should not be so construed as to discredit the service of the more than 2.5 million other veterans who are proud of the sacrifices they have made for their country regardless of the deeply troubled public conscience over the issues of the war itself.

The editorial aptly concludes:

> It will be tragic if uncertainties and misunderstanding over the issues of policy that took our troops to Vietnam should blind the American people to the pages of heroism written there. It would compound that tragedy if the exhibitionism of a few veterans throwing medals over a fence in Washington should detract in any way from the dignity, the respect and the honor that hundreds of thousands of fine Americans have earned by their service in Vietnam.

The full text of the editorial following is something upon which we should all reflect soberly:

Public Wrangling Drowns Cheers—Valor of Thousands Unheralded

As the withdrawal of U.S. combat troops from Vietnam proceeds, we find a troubled chapter in our history coming to a close with a notable void. Few can identify the heroes of the Vietnam War.

Was this truly a "war without heroes," as an author has called it? Or have we simply failed to recognize and applaud those men whose behavior in Vietnam has measured up in every way to the standards of American fighting men in the past?

Certainly this has not been a war without heroic conduct. It has been detailed in the citations for some 170 Medals of Honor awarded since 1964 and it lies behind countless other decorations for gallantry under fire. It is demonstrated as well in the fact that all but a miniscule few of the 2.5 million men who have served in Vietnam have done so with skill, steadiness and pride. We cannot speak of a war without heroes when 45,000 men have given their lives in its cause, and tens of thousands more will bear the scars of its combat for the rest of their days.

Yet the names of our most decorated heroes fade quickly from mind. The Vietnam veteran hangs up his uniform and slips back into civilian life with little demonstration of gratitude or welcome. He comes home to find a populace more interested in withdrawal dates than in the fact that his own service and sacrifice are what have made our honorable withdrawal from that conflict possible. He finds the air filled not with cheers but with public wrangling over whether the struggle to which he gave a significant portion of his life is really worthwhile.

It is not enough to regret that our men were not followed to Vietnam by many like Ernie Pyle, who during World War II gave the American people a vivid appreciation of the day-to-day duress of frontline duty. It is fair to ask whether the reporting of the Vietnam War, which so often has seemed to focus in the wrong direction, was not simply a reflection of the preoccupation of the American people themselves with the political implication of that struggle, both at home and abroad.

The result may be that we have failed as a nation to identify ourselves with the human commitment which our men have fulfilled so unselfishly in Vietnam—the same commitment that carried our fighting men through every war the United States of America has fought in this century, producing a galaxy of national heroes.

It will be tragic if uncertainties and misunderstanding over the issues of policy that took our troops to Vietnam should blind the American people to the pages of heroism written there. It would compound that tragedy if the exhibitionism of a few veterans throwing medals over a fence in Washington should detract in any way from the dignity, the respect and the honor that hundreds of thousands of fine Americans have earned by their service in Vietnam.

THE FAMILY PRACTICE OF MEDICINE ACT OF 1970

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. ROONEY of Pennsylvania. Mr. Speaker, while commenting yesterday on a point of order raised against an amendment to the supplemental appropriations bill which would have appropriated funds to implement the Family Practice of Medicine Act of 1970, I stated that the House had authorized its appropriate officers to receive messages from the President.

The Senate—not the House—had authorized its officers to receive messages from the President. Since the Family Practice of Medicine Act of 1970 was sent to the White House from the Senate, the bill, if vetoed, had to be returned to the Senate with a veto message.

Not only did the Senate specifically act on December 22, 1970, to authorize its officers to receive messages from the President but it did so twice—first at the request of Senator Mansfield in the Congressional Record, volume 116, part 32, page 43221, and again at the request of Senator Muskie in the Congressional Record, volume 116, part 32, page 43243.

Whether or not the House took such action is of no consequence, since the bill at issue originated in the Senate and would have had to be returned to the Senate where officers were available to receive messages from the President during the brief Christmas adjournment to a date certain.

And if, perchance, the Senate had reconvened on December 28, 1 day earlier than the House, and acted to override the President's veto of the Family Practice of Medicine Act of 1970, then this Chamber was prepared to receive from the Senate a message relating to its action.

In the Congressional Record, volume 116, part 32, page 43348, you will find noted that Mr. Albert, then majority leader, asked and received unanimous consent authorizing the Clerk to receive messages from the Senate during the period of adjournment.

My view that the Family Practice of Medicine Act of 1970 became law when the President failed to return it to the Senate with a veto message is unchanged.

The items follow:

[From Congressional Record, Dec. 22, 1970]

Page 43221

Messages From the President—Approval of Bills

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 19, 1970, the President had approved and signed the following acts:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act;

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually;

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation; and

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

[From Congressional Record, Dec. 22, 1970]

Page 43243

Authority for the Secretary of the Senate the President Pro Tempore and the Vice President to Take Certain Action During the Adjournment

Mr. Muskie. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business today, December 22, until Monday, December 28, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives, and that the President pro tempore or Acting President pro tempore of the Senate be authorized to sign duly enrolled bills.

The ACTING PRESIDENT pro tempore. Does the Senator wish to include the Vice President in his request?

Mr. MUSKIE. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

[From CONGRESSIONAL RECORD, Dec. 22, 1970]

PAGE 43348

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED BY THE TWO HOUSES AND FOUND TRULY ENROLLED, NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Tuesday, December 29, 1970, the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

POVERTY A WOMAN'S PROBLEM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. FRASER. Mr. Speaker, I want to point out that more and more statistical studies are showing that women in this country bear the brunt of the poverty problem. They cannot find jobs that pay enough to keep them and their families above the poverty level and thus off welfare.

Two Government reports recently issued bear on this problem. The first from the Census Bureau, was reported in the New York Times of May 8, 1971, in a story entitled: "Poor in Nation Rise by 5 Percent, Reversing 10-Year Trend." This story indicated that:

> Families headed by women accounted for only 14% of the population but 44% of the poverty population. It also pointed out that inflation has added to the ranks of the poor a number of families on fixed incomes. These included those on pensions and those on welfare. . . . Those most heavily affected, the new census report showed, were families headed by women.

The second report is a study done by the Women's Bureau of the U.S. Department of Labor entitled "Fact Sheet on the Earnings Gap" which points out that women receive considerably less than men when they work at full-time jobs. A study of this report gives one a better idea of why so many women with families simply cannot make it even when they hold full-time jobs.

The report concludes:

> Federal legislation guaranteeing equal pay or prohibiting sex discrimination in private employment or on government contracts, has not been enough to date to close the gap between the earnings of women and men. In addition to enforcement of these laws, it is also imperative for employers to review their recruitment, on-the-job-training, and promotion policies to give well-qualified women the opportunity to move into more of the better paying jobs than they now hold.

Mr. Speaker, I submit the two studies for the RECORD:

POOR IN NATION RISE BY 5 PERCENT, REVERSING 10-YEAR TREND

(By Jack Rosenthal)

WASHINGTON.—The number of the poor in the nation increased sharply last year, reversing a 10-year trend, the Census Bureau reported today.

There were 25.5 million poor persons in 1970, a rise of 1.2 million over 1969, the bureau found in its annual population survey.

"This is the first time that there has been a significant increase in the poverty population" since it began keeping such statistics, the bureau said.

The increase, of 5 per cent in one year, follows a period of 10 years in which the poverty population decreased by an average of 5 per cent a year.

The Federal Government defines poverty by a sliding dollar threshold. It was $2,973 in 1959, $3,743 in 1969 and $3,968 in 1970.

The dominant reasons for the increase in the number of the poor are unemployment and inflation, Government analysts said.

Unemployment, which averaged 3.5 per cent in 1969, jumped to 4.9 per cent in 1970 and was undoubtedly a major factor, according to John O. Wilson, research chief of the Office of Economic Opportunity, the Federal antipoverty agency.

Census experts said they also saw signs of increasing underemployment among men who are willing and able to work but cannot find enough work to earn even the poverty minimum.

Inflation has added to the ranks of the poor a number of families on fixed incomes, the experts said. These include those on pensions and those on welfare in states, like California, where welfare payments have not kept up with price increases.

Those most heavily affected, the new census report showed, were families headed by women. Of the 1.2 million more poor people, half were members of such families.

More than a third of the total, 432,000 were members of black families headed only by mothers. This number accounted for virtually all the increase in poverty among Negroes.

For all races, families headed by women accounted for only 14 per cent of the population but 44 per cent of the poverty population.

Over-all, the rates of increase were about the same for both whites and blacks. One in 10 white persons lives in poverty, compared with one in three Negroes.

MORE POOR WHITES

But there still are far more poor whites than poor blacks. The white poverty population is now 17.5 million, 67 per cent of the total. For Negroes the figure is 7.7 million.

Despite the increase in poverty between 1969 and 1970, there are still far fewer poor people, according to the Federal definition, than there were in 1959 when statistics were first compiled. The poverty population then totaled nearly 40 million.

But, as the total has decreased, the proportion of the poverty population that is Negro has increased. The present figure is about 33 per cent. In 1959 it was about 28 per cent.

In 1970, black families were not only far more likely than whites to be poor, but also to be poorer than whites. The average poor white family's income was about $1,000 below the poverty line. The average Negro family's income was about $1,300 below.

To increase the income of all poor families up to the poverty minimum, the Census Bureau estimated, would cost $11.4-billion. In 1969, the amount was $10.1-billion.

RISE IN URBAN POOR

Poverty is almost evenly divided between rural and urban areas. But nearly all of the increase from 1969 to 1970 came in the latter.

There were about 5.2 million poor families in 1970, an increase of 264,000, the report showed. Of this increase, 90 per cent was accounted for by families in metropolitan areas.

The report also offered a statistical picture of the near-poor. Thus, if the poverty minimum were increased one-fourth, to $4,960, for an urban family of four, poverty among Negroes, would jump from 33 to 43 per cent, among whites from 10 to 14 per cent.

Copies of the new report, "Consumer Income, P-60, No. 77," are available for 10 cents from the U.S. Government Printing Office, Washington, D.C. 20402.

[From the New York Times, May 8, 1971]

YEAR-BY-YEAR TOTALS OF PERSONS IN POVERTY

WASHINGTON.—The following table, based on Census Bureau figures, shows the number of Americans below the poverty level, and their percentage of the total population, for the years 1966–70. For a family of four, the poverty level was $2,973 in 1959 and $3,968 in 1970.

Year	Number (millions)	Percent of population
1966	28.5	14.7
1967	27.7	14.2
1968	25.3	12.8
1969	24.2	12.2
1970	25.5	12.6

FACT SHEET ON THE EARNINGS GAP

U.S. DEPARTMENT OF LABOR,
WOMEN'S BUREAU,
Washington, D.C.

A comparison of the median wage or salary incomes of women and men who work at full-time jobs the year round reveals that while those of women are considerably less than those of men, the difference was less in 1969 than it had been in recent years. The gap, however, was wider than it was 10 to 15 years ago. For example, in 1955 women's median wage or salary income of $2,719 was 64 percent of the $4,252 received by men. By 1966 the proportion had dropped to 58 percent where it remained through 1968. But in 1969 women's median earnings of $4,977 were 60 percent of the $8,227 received by men.

WAGE OR SALARY INCOME OF FULL-TIME YEAR-ROUND WORKERS, BY SEX, 1955–69

Year	Median wage or salary income		Women's median wage or salary income as percent of men's
	Women	Men	
1955	$2,719	$4,252	63.9
1956	2,827	4,466	63.3
1957	3,008	4,713	63.8
1958	3,102	4,927	63.0
1959	3,193	5,209	61.3
1960	3,293	5,417	60.8
1961	3,351	5,644	59.4
1962	3,446	5,794	59.5
1963	3,561	5,978	59.6
1964	3,690	6,195	59.6
1965	3,823	6,375	60.0
1966	3,973	6,848	58.0
1967[2]	4,150	7,182	57.8
1968[2]	4,457	7,664	58.2
1969[2]	4,977	8,227	60.5

[1] Worked 35 hours or more a week for 50 to 52 weeks.

[2] Data are not strictly comparable with prior years, since they include earnings of self-employed persons.

Source: U.S. Department of Commerce, Bureau of the Census: Current Populations Reports, P-60.

The gap in earnings varies by major occupation group. It is largest for sales workers (women earn only 41 percent of what men earn) and smallest for clerical workers and professional and technical workers (women earn 65 percent of what men earn). Women's wage or salary incomes showed almost the same relationship to those of men in 1969 as in 1968 for all occupation groups except service workers outside the home, where the percentage increased from 55 to 59 percent.

MEDIAN WAGE OR SALARY INCOME OF FULL-TIME YEAR-ROUND WORKERS, BY SEX AND SELECTED MAJOR OCCUPATION GROUP, 1969

Major occupation group	Median wage or salary income		Women's median wage or salary income as percent of men's
	Women	Men	
Professional and technical workers	$7,309	$11,266	64.9
Nonfarm managers, officials, and proprietors	6,091	11,467	53.1
Clerical workers	5,187	7,966	65.1
Salesworkers	3,704	9,135	40.5
Operatives	4,317	7,307	59.1
Service workers (except private household)	3,755	6,373	58.9

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P-60, No. 75.

Another measure of the gap in the earnings of women and men full-time year-round workers is a distribution of these workers by earnings levels. For example, 14 percent of the women but only 6 percent of the men earned less than $3,000 in 1969. Moreover, 51 percent of the women but only 16 percent of the men earned less than $5,000. At the upper end of the scale, only 5 percent of the women but 35 percent of the men had earnings of $10,000 or more.

EARNINGS OF FULL-TIME YEAR-ROUND WORKERS, BY SEX, 1969

Earnings	Women	Men
Total	100.0	100.0
Less than $3,000	14.4	5.7
$3,000 to $4,999	36.2	9.8
$5,000 to $6,999	29.7	18.2
$7,000 to $9,999	14.9	31.2
$10,000 to $14,999	4.2	23.9
$15,000 and over	.7	11.1

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P-60, No. 75.

The educational background of a worker often determines not only the type of work but also the level of job within an occupation for which he or she can qualify. However, a comparison of the incomes of fully employed women and men workers by educational attainment reveals that women earn substantially less than men who have the same amount of education. Among workers who had completed grade school or 1 to 3 years of high school, women's incomes in 1969 were only 56 percent of men's. Among those who had 5 years or more of college, the proportion was 67 percent.

MEDIAN INCOME IN 1969 OF FULL-TIME YEAR-ROUND WORKERS, BY YEARS OF SCHOOL COMPLETED

[Persons 25 years of age and over]

Years of school completed	Women	Men	Women's income as percent of men's
Elementary school:			
Less than 8 years	$3,603	$5,769	62.5
8 years	3,971	7,147	55.6
High school:			
1 to 3 years	$4,427	$7,958	55.6
4 years	5,280	9,100	58.0
College:			
1 to 3 years	6,137	10,311	59.5
4 years	7,396	12,960	57.1
5 years or more	9,262	13,788	67.2

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P-60, No. 75.

The previous figures do not necessarily indicate that women are receiving unequal pay for equal work. For the most part, they reflect the fact that women are more likely than men to be employed in low-skilled, low-paying jobs. For example:

In institutions of higher education, women are much less likely than men to be associate or full professors.

In the technical field, women are usually in the lowest category of draftsman or engineering technician.

Among managers and proprietors, women frequently operate a small retail establishment, while the men may manage a manufacturing plant or a wholesale outlet.

In the clerical field, women are usually the class B and men the higher paid class A accounting clerks. Among tabulating machine operators also, women are concentrated at the lower level.

In cotton textile manufacturing, women are usually the battery hands, spinners, and yarn winders (the lowest paying jobs), while men are loom fixers, maintenance machinists, and card grinders.

Nevertheless, within some of these detailed occupations, men usually are better paid. Bureau of Labor Statistics surveys of earnings in major office occupations showed that during the period July 1969 to June 1970 men's average weekly earnings were substantially higher than those of women among class A and class B accounting and payroll clerks. For example, the weekly salary differential between the earnings of women and men class A accounting clerks ranged from $6.50 to $42.50 in 60 of the important centers of business and industry surveyed regularly.

The pattern of earnings in institutions of higher education provides a second illustration. In these institutions in 1965–66 (the latest data available), women full professors had a median salary of only $11,649 as compared with $12,768 for men. Comparable differences were found between the salaries of women and men associate professors, assistant professors, and instructors.

Median salaries of women scientists in 1968 were from $1,700 to $4,500 less than those of all scientists in their respective fields. The greatest gap was in the field of chemistry, where the median annual salary of women was $9,000 as compared with $13,500 for all chemists. Additional details are given in the following table.

MEDIAN ANNUAL SALARIES OF FULL-TIME EMPLOYED CIVILIAN SCIENTISTS BY FIELD, 1968

Field	Median annual salary	
	All scientists	Women scientists
All fields	$13,200	$10,000
Chemistry	13,500	9,000
Earth and marine sciences	12,900	9,500
Atmospheric and space sciences	13,400	11,300
Physicis	14,000	10,200
Mathematics	13,000	9,400
Computer sciences	14,100	11,800
Agricultural sciences	11,000	(1)
Biological sciences	13,000	9,900
Psychology	13,200	11,500
Statistics	$14,900	$12,000
Economics	15,000	12,000
Sociology	12,000	10,000
Anthropology	12,700	11,000
Political science	12,000	9,700
Linguistics	11,500	9,600

[1] Median not computed for groups with fewer than 25 registrants reporting salary.

Source: National Science Foundation: "National Register of Scientific and Technical Personnel," 1968.

The jobs and salaries expected to be offered by 191 companies to June 1971 college graduates were reported in a survey conducted in November 1970. Salaries to be offered to women were consistently below those to be offered to men with the same college major. A comparison with 1970, however, shows a marked reduction in the spread between salaries for women and men. In 1970 the gap in monthly salaries ranged from $86 down to $18; in 1971 the gap ranges from $68 down to only $1 per month difference in engineering.

These figures do not indicate that different salaries are being offered to women and men hired by the same company for the same job, but are averages of offers by all companies planning to employ graduates in that field.

EXPECTED SALARIES FOR JUNE 1970 AND 1971 COLLEGE GRADUATES, BY SEX AND SELECTED FIELD

Field	Average monthly salary			
	1970		1971	
	Women	Men	Women	Men
Accounting	$746	$832	$793	$845
Chemistry	765	806	812	826
Economics, finance	700	718	[1] 700	768
Engineering	844	872	884	885
Liberal arts	631	688	688	690
Mathematics, statistics	746	773	776	806

[1] Average based on only 6 companies planning to employ women.

Source: Endicott, Frank S., Dr.: "Trends in Employment of College and University Graduates in Business and Industry," Northwestern University. 24th annual report, December 1969; 25th annual report, December 1970.

Federal legislation guaranteeing equal pay or prohibiting sex discrimination in private employment or on Government contracts has not been enough to date to close the gap between the earnings of women and men. In addition to enforcement of these laws, it is also imperative for employers to review their recruitment, on-the-job training, and promotion policies to give well-qualified women the opportunity to move into more of the better paying jobs than they now hold.

AIR CHARTER TOURISM

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 12, 1971

Mr. SCOTT. Mr. President, recently the National Air Carrier Association, the organization representing 10 major U.S. supplemental air carriers, announced the opening of a European office to coordinate efforts to ease restrictions on foreign charter travel. These efforts will seek to improve travel opportunities for Americans wishing to fly abroad by attempting to reverse a trend toward increasing restrictions on charter flights originating in this country.

Mr. Edward J. Driscoll, president of NACA, was in Europe to launch this campaign. From Frankfurt, Germany, he announced the appointment of Dr. Nicolas Detiere to act as liaison between NACA and the aviation ministries and airlines of Europe. Dr. Detiere, who will have headquarters in Paris, served for 12 years as executive secretary of the 29-Nation European Civil Aviation Conference and is well known in the field of international civil aviation.

Mr. Driscoll declared in his remarks launching this campaign:

> Freedom of trade and freedom of travel are indivisible. It is in the interests of all people, their governments, and the civil aviation industry to encourage tourism.

Mr. President, I believe this attempt to improve relations and solve mutual problems affecting travel between the United States and foreign countries warrants the attention of all Members of Congress and the constituents they serve. Therefore, I ask unanimous consent that there be printed at this point in the Record Mr. Driscoll's formal opening remarks as well as two additional statements providing further background.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by Edward J. Driscoll, President, National Air Carrier Association of the United States, Press Conference, Frankfurt, Germany, March 17, 1971

The nations of Europe have made remarkable progress in lowering trade barriers on the Continent. These long overdue relaxations of the movement of goods and people between countries are already improving the quality of life of all Europeans.

In the United States, free trade between nations still remains a basic philosophy of our government, under both Democratic and Republican administrations. Though Europe was properly concerned about the attempts that were made in the U.S. Congress last year to reverse our historic trade policy, it should be noted that this drive did not succeed.

In the light of these parallel policies on both sides of the Atlantic, recently imposed roadblocks to transatlantic trade by European nations are of concern to those Americans who have fought so hard against the drive to impose restrictive import quotas in the U.S.

It is in this context that the U.S. supplemental airline industry—the low-cost charter travel specialists—have come to Europe. Freedom of trade and freedom of travel are indivisible. Yet we note a disturbing trend throughout Europe, including Germany, to inhibit charter travel by turning back the clock to the protectionism of a bygone era.

That is why the National Air Carrier Association is here today to announce the opening of its European office, and to introduce the man who will work throughout Europe to help develop mass tourism through the elimination of the present barriers to charter travel.

CHARTER TRAVEL PROMOTES TOURISM

Tourism is one of the most important items of trade to most of the nations of the world. Ministers of Finance as well as Ministers of Tourism are well versed in the direct benefits derived by tourist related industries, as well as the indirect benefits that flow from exports generated when people of another land are introduced to the products of the country being visited.

Equally important, in a time when we all put the highest priority on international understanding, are the benefits of the people-to-people relationships developed as a result of foreign travel. In the United States there has been a great upsurge of what we call "purposeful travel." People interested in solving our housing problems are taking charter flights to visit the "new towns" of Europe. Planeloads of labor union members come to learn about developments here in worker movements. Members of cooperatives come to study your cooperatives. Your progress in health care, solving the problems of the aged, and race relations—to mention but a few—have all contributed to the demand for inexpensive charter tours by the people of America. And I need not mention the most obvious, the tremendous multiplication of student charters by our universities, many of whom now make European study a part of their curricula.

The citizens of the German Federal Republic and the United States are the world's leading international travelers. Together, they spent about $5.4 billion in foreign travel in 1969—more than one-third of the estimated world total of $15 billion.

Tourism and air travel have become synonomous. There is no longer a question of air vs. surface when we talk about bridging oceans. The concern of the consumer today is the type and cost of air travel to his destination.

There can be little doubt that charter transportation has promoted tourism beyond the most optimistic forecasts. In a brief span of six years, transatlantic charter passengers have increased from 180,000 in 1963 to 1,800,000 in 1970—a tenfold increase. At the same time, during the same period, scheduled transatlantic air transport traffic has tripled.

Unfortunately, however, notwithstanding the dynamic growth of charter travel in response to this public demand, notwithstanding the tripling of scheduled carrier traffic, notwithstanding the fact that the scheduled carriers have benefited, both directly and indirectly, the scheduled airlines of Europe have initiated an anti-charter campaign which has now resulted in government decisions that promise to reverse the entire trend of tourism between Europe and America.

As we are holding this press conference in Germany, let me present some facts about the restrictions on transatlantic tourism that have been imposed here—restrictions that will surely curb the growth of travel between our countries.

We have been advised that a quota of 30 transatlantic Inclusive Tour Charter flights has been set for the entire 1971 year. Further, it is our understanding that affinity charters have not been approved beyond June 30, 1971.

The implications of this protectionist policy are presented in the economic study "The Case for Freedom of Charter Travel Between the U.S. and Germany," which has been distributed. This report presents statistical evidence that the new German policy with regard to U.S. charter flights is clearly not in keeping with the best interests of the German traveling public, or the German nation as a whole. For, not only does this policy frustrate the desires of increasing numbers of German citizens who are attracted to low-cost charters, it also materially reduces the opportunity to help correct a chronic deficit in Germany's balance of payments for travel. Germany spends twice the amount abroad than is spent by Foreign tourists in Germany. It would therefore seem to be the wiser policy for Germany to encourage visits from the U.S. rather than discourage these visits by restricting charter flights.

Let me assure you that similar restrictive practices have now spread throughout Europe and England.

It is in the interests of all people, their governments, and the civil aviation industry to encourage tourism. Protectionist measures designed in the self-interest of government controlled airlines neither serves the airlines nor the public. Putting roadblocks in the progress of tourism by restricting charters is an ostrich-like response to a problem—not a solution.

CHARTER SERVICES STIMULATE SCHEDULED TRAFFIC

Last month, the U.S. scheduled airline industry had an opportunity to present its case against the charter airlines in open hearings conducted by the United States Senate.

Following the hearing, the Chairman of the Senate Aviation subcommittee made the following public statement:

"We heard a parade of witnesses from the scheduled airline industry tell of the diversion of traffic by the charter operators and the impairment of scheduled service which was the result.

"I have tried to remain completely objective in viewing this dispute, however, I must say that the evidence placed before the Committee indicates that, rather than retard the growth of scheduled traffic, charter operations appear to have *stimulated* the growth of scheduled traffic. Not one witness, including the CAB and the Department of Transportation presented data or evidence that charter operations had in any way adversely affected the operations or profitability of the scheduled airlines."

We firmly believe that an objective analysis of the myths about charter travel that have been spread worldwide by the scheduled airlines needs to be made by every government. We urge that this be done, and are confident that European governments after weighing all the evidence, will arrive at the same conclusions that were voiced by Senator Cannon.

It is interesting to note that the spokesman for the U.S. scheduled airlines, Mr. Tipton, president of the Air Transport Association, was forced to admit under questioning at the Senate hearing that "the reason for the operation of charters is because that is the desire of some people to ride with charters rather than go in groups on regularly scheduled airlines."

Let us examine the claims of the scheduled carriers. In your kit are NACA's Air Transport Fact Sheets No. 3 and No. 4. These delineate in a very clear and concise fashion, the industry myths on impairment of scheduled service and airline profitability. The main findings on the analysis conducted by a noted group of economists on the issue of impairment are that:

1. Charter services *have not impaired* the viability of scheduled air services.

2. Scheduled air services have grown wherever charter business has provided a marketing incentive.

3. Uneconomic discount fares of international scheduled carriers diverted their passengers from regular fare travel and contributed to their declining profits.

4. Adoption of simplified charter rules would create a broader market, benefiting *both* supplemental and scheduled carriers.

5. Simplified charter rules *will not impair* scheduled services.

6. Charter services *are being impaired* by the perpetuation of restrictive charter rules.

Airline profitability has not been affected by the development of low-cost charter services. The economic report reveals that the airline profitability picture is unaffected by charters and finds that:

1. Vanishing profits in the scheduled airline industry are unrelated to the development of low-cost charter carrier services.

2. The scheduled carriers have prospered in those areas where the supplementals are most active. Specifically, the transatlantic routes.

3. The scheduled carriers have suffered

their greatest losses in those areas where competition from supplementals is not a factor. Specifically, the domestic routes.

4. The chief causes of the air carriers' recession are escalating costs, over-expansion of fleets, excessive fare dilution, and the national economic slowdown.

While most of the figures contained in this analysis were related to United States flag carriers, as these were the only figures readily available, airline economists assure us that the findings are equally applicable to the air transport industries of most other countries of the world.

An examination of the two documents that I have cited leaves no doubt in an objective reader's mind as to the need to foster co-existence between charter services and scheduled services in a much more realistic manner than exists today.

UNITED STATES POLICY SUPPORTS LOW-COST CHARTER TRAVEL

The United States Government has taken the lead in enunciating a clear policy in the field of air transport. The President of the United States approved this policy on 22 June 1970. While it recognizes scheduled air transport as a vital system, it also recognizes charter service as a very valuable component of our overall air transport system, and it called for the development of policies to assure that both systems of air transport were nurtured and developed in order to satisfy consumer needs.

The President's declaration was very specific in stating that the charter services "offer opportunities to exploit the inherent efficiency of planeload movement and the elasticity of demand for international air transport. They can provide low-cost transportation of a sort fitted to the needs of a significant portion of the traveling public."

On the specific issue which brings us here today, the President's statement said that "the foreign landing rights for charter services should be regularized, as free as possible from substantial restrictions. To accomplish this, intergovernmental agreements covering the operation of charter services should be vigorously sought, distinct, however, from agreements covering scheduled services."

The Department of State has announced that it has "firmly supported the efforts of the United States supplemental carriers to expand the availability of international charter flights. We have done so because we believe that our passengers are entitled to access to all types of air services authorized by United States law. . . . However, restrictions imposed by foreign governments, especially on the operation of inclusive tour charters, and indications that additional restrictions might be contemplated, are of great concern to us."

Our Civil Aeronautics Board concurs with these policy statements. CAB Chairman Secor Browne told the U.S. Senate that "I think charter operations, whether they be supplemental or scheduled, do a great deal to stimulate new traffic . . . the whole prospect of charter travel is that of encouraging travel and bringing people into airplanes who have never traveled before and might otherwise not travel."

And Senator Cannon, who heads the committee responsible for aviation legislation, has voiced his concern about "the wide variety of restrictions many foreign countries impose on charter flights originating in the United States."

"It is bad enough," he says, "that in many cases these restrictions are imposed by nations whose airlines enjoy almost unlimited freedom of entry into the U.S. . . . But what I find particularly disturbing is that Americans who fly overseas on charter flights are relegated to second-class citizenship. . . . The American consumer is the one who suffers most . . . a long-dreamed-of overseas vacation can go down the drain simply because some foreign government agency decides to crack its bureaucratic whip and show the U.S. who's boss."

Though the Senator called on the President and the State Department to take "appropriate action," I would hope that we do not get to the point where nations begin to retaliate against one another by imposing more restrictions on air transportation. There is no need for tensions to develop between those of us who have so much in common.

After all, the proponents of charter travel in the United States have taken note of the European experience by encouraging our government to adopt policies similar to those in effect here on intra-Europe inclusive tour charters.

I am sure that the consumers must wonder at times why the same type of travel is not available to them to the United States. They can go anyplace in Europe or Africa at extremely low fares, but the availability of a European-originated ITC to the United States is almost nonexistent.

Finally, on U.S. policy, you are aware that, in following the Presidentially-approved air transport policy, the CAB has proposed the adoption of new charter rules and regulations which would broaden the field of air transport and make charter transportation available to non-affinity groups of travelers. We view this proposal as a major step by the United States in fostering mass tourism and we would hope that European capitals would follow with the adoption of similar rules and regulations to encourage travel across the Atlantic in the same manner that they have encouraged travel intra-Europe.

ECAC RESTRICTIONISM IS SELF DEFEATING

Some countries in Europe are liberal with regard to the flow of charter traffic to and from their borders. However, most are restrictive and the restrictions vary by country. Even those that we would label as "liberal" on charter travel impose rules and regulations which do not apply to scheduled service. And in many cases, these are ad hoc rules imposed by aviation ministries and are not the results of national legislation. In fact, a whole structure of regulation by whim rather than international law has come into being as a result of the protectionist attitude of the European Civil Aviation Conference (ECAC).

Among these restrictions on the freedom of travel are:

Limitations on landing rights.

Minimum charges for Inclusive Tour Charters.

First refusal doctrine by home carrier.

No split charters.

Prior approval on landing rights.

None of these restrictions apply to scheduled airline flights.

Many countries endorse the IATA regulation which was designed many years ago as a device to protect scheduled air transport services. This has not protected the scheduled carriers as much as it has impeded their development along with the development of the total air transport system. It is in need of immediate revision. Along with various restrictive conditions imposed country by country, ECAC has adopted certain agreements where countries have committed themselves to approach transatlantic charters on a common basis. Thus the most restrictive conditions of one country appear to have been endorsed by all European countries who are members of ECAC. The ban on inexpensive inclusive tour charters, is the first manifestation of this common front. Next, we are told, will be restrictions on affinity charters.

It must be recognized that restrictions beget restrictions. This is not the way to create favorable conditions governing trade.

We would hope that ECAC in the near future would develop policies which would improve rather than restrict, the free flow of traffic between countries. Unless the base of air traffic is broadened, our scheduled carrier system will suffer along with our charter system of air travel. The traffic will not be there to fill the capacity being placed in the marketplace.

A BALANCED AIR TRANSPORTATION SYSTEM WILL EXPAND TRAVEL

What we need throughout the world is:

A balanced air transportation system. A system composed of scheduled service as well as charter service. The balanced system can be defined more concisely as that composed of individually-ticketed services and bulk service.

Such a system will certainly expand the air travel market. An expanded air travel market can only be achieved by encouraging a mass transportation system.

Charter services have expanded the air travel market. Inclusive tour programs in Europe have demonstrated what can be done in expanding the market. The large capacity airlines and the development of bulk transport services, free of restrictions, will develop an entirely new market.

In America we have 50 million people over the age of 18 who have never flown. Another 42 million who haven't flown in the past year. Our experience is not unlike that of Europe although many Europeans are much more air-minded than Americans because of the Intra-European inclusive tour programs. But the Europeans are still unfamiliar with the Americans and they should have the opportunity to take advantage of low-cost programs from Europe across the Atlantic.

INTERNATIONAL COOPERATION IN BEHALF OF TRAVEL AND TOURISM

It seems to us that the problems I have outlined are not insurmountable. It is in our common interests—industry, government, and consumers—to find solutions.

On an immediate basis, I urge the aviation ministries of European governments to lift the restrictions on landing and uplift rights, the price criteria on ITC's which result in higher prices than the tourist should pay, and other charter criteria. At the same time, I urge each government to consider how tourism can be encouraged by its own actions and, through ECAC, to think more about promoting rather than restricting air travel.

On a longer term basis, I make the following suggestions:

1. The development of international agreements between countries on the exchange of air charter rights to enhance the air travel market and provide services that are needed by the consumers of the countries involved. Today scheduled services are covered by international agreements, but charter services are not. Why?

2. The formation of an international association of charter carriers, to provide a voice in world assemblies for that portion of the air industry which specializes in bulk transportation. The scheduled lines have an IATA, the independents of Europe and the supplementals of the U.S. have no such instrument.

3. The organization of a World Conference on charter travel, in which governments, consumer interests, and carriers, would band together to ensure the orderly development of a worldwide mass air transportation system that truly responds to the needs of the public.

It is to work for both these short and long term goals that the National Air Carrier Association has appointed Dr. Detiere as its Vice President-International with headquarters in Paris.

NACA PRESIDENT TAKES CAMPAIGN AGAINST CHARTER RESTRICTIONS TO EUROPE

FRANKFURT, GERMANY, March 17.—The U.S. supplemental airline industry carried the campaign against charter restrictions into Europe today.

Edward J. Driscoll, President of the National Air Carrier Association, held a press conference here to launch an all-out effort to reverse the trend toward increased restrictions on U.S.-originating charter flights.

He said that NACA's new Vice-President International, Dr. Nicolas Detiere, will act as liaison between NACA and the aviation ministries and airlines of Europe in an effort to improve relations and solve mutual problems.

Mr. Driscoll invited European nations to join in promoting the free flow of tourists between Europe and the United States by lifting what he termed "self-defeating restrictions" on transatlantic charter traffic.

He said such restrictions "are of concern to those Americans who have fought so hard against the drive to impose restrictive quotas in the U.S."

"Freedom of trade and freedom of travel are indivisible," he said. "Yet we note a disturbing trend throughout Europe, including Germany, to inhibit travel by turning back the clock to the protectionism of a bygone era."

"It must be recognized that restrictions beget restrictions," said the NACA President, adding that he hoped that "we do not get to the point where nations begin to retaliate against one another."

Citing statistics to show that charter travel benefits rather than impedes scheduled services, Mr. Driscoll said, "it is in the interests of all people, their governments, and the civil aviation industry to encourage tourism. Protectionist measures designed in the alleged self-interest of government-controlled airlines neither serve the airline nor the public. Putting road-blocks in the progress of tourism by restricting charters is an ostrich-like response to a problem—not a solution."

He introduced a study showing that Germany's restrictions on U.S. originating charters is contributing to a large deficit in that country's balance of payments for travel.

Germany has announced that a quota of 30 transatlantic Inclusive Tour Charter flights has been set for all of 1971. In addition, Driscoll said, Germany has not approved any affinity charter flights after June 30, 1971.

Calling for an immediate end to such restrictions in all European nations, Mr. Driscoll said, "I urge the aviation ministries of European governments to lift the restrictions on landing and uplift rights, and the price criteria on Inclusive Tour Charters, which result in higher prices than the tourist should or need pay."

He also called for:

The development of international agreements between countries on the exchange of air charter rights to enhance the air travel market. These agreements would be similar to those covering scheduled services.

The formation of an international association of charter carriers, to give European independent and U.S. supplemental airlines an international voice similar to that of the scheduled carriers' International Air Transport Association.

The organization of a World Conference on charter travel, in which governments, consumer interests, and the airlines, would band together to ensure the orderly development of a worldwide mass air transportation system "that truly responds to the needs of the public."

In his remarks, Dr. Detiere said, "I do not subscribe to the philosophy of restrictionism—I do not believe there should be any senseless roadblocks to the movement of goods, ideas, and people between nations. It is with this philosophy in mind that I believe that the encouragement of mass transportation among peoples of all nations will serve international understanding, the needs of the public, and the airline industry itself."

INTERNATIONAL COOPERATION ESSENTIAL TO BROADEN BASE OF TRAVEL

FRANKFURT, GERMANY, March 17.—The chief spokesman of the American charter airlines today invited European nations to join in promoting the free flow of tourists between Europe and the United States by lifting what he termed "self-defeating restrictions" on transatlantic charter traffic.

Mr. Edward J. Driscoll, President of the National Air Carrier Association (NACA) Washington, which represents the ten major supplemental air carriers in the U.S., formerly Executive Director of the U.S. Civil Aeronautics Board (CAB), was speaking at a press conference to mark the opening of NACA's first European office.

He announced the appointment of Dr. Nicolas Detiere as Vice President-International, who, from headquarters in Paris, will act as liaison between NACA and the aviation ministries and airlines of Europe in an effort to improve relations and solve mutual problems. Dr. Detiere, an internationally-known civil aviation authority, served twelve years as Executive Secretary of the 29-nation European Civil Aviation Conference (ECAC) Paris.

In his opening remarks, Mr. Driscoll said that European restrictions on charters originating in the U.S. "are of concern to those Americans who have fought so hard against the drive to impose restrictive quotas in the U.S."

"Freedom of trade and freedom of travel are indivisable," he said. "Yet we note a disturbing trend throughout Europe, including Germany, to inhibit travel by turning back the clock to the protectionism of a bygone era."

"It must be recognized that restrictions beget restrictions," said the NACA President, adding that he hoped "that we do not get to the point where nations begin to retaliate against one another."

Citing statistics to show that charter travel benefits rather than impede scheduled services, Mr. Driscoll said, "it is in the interests of all people, their governments, and the civil aviation industry to encourage tourism. Protectionist measures designed in the alleged self-interest of government-controlled airlines neither serve the airline nor the public. Putting roadblocks in the progress of tourism by restricting charters is an ostrich-like response to a problem—not a solution."

He called attention to the recent speech by U.S. Senator Cannon who headed last months Congressional hearings on charter operations. "Rather than retard the growth of scheduled traffic," the Senator concluded, "charter operations appear to have stimulated the growth of scheduled traffic. Not one witness . . . presented data or evidence that charter operations had in any way adversely affected the operations or profitability of the scheduled airlines."

He introduced a study showing that Germany's restrictions on U.S.-originating charters is contributing to a large deficit in that country's balance of payments for travel.

Calling for an immediate end to such restrictions in all European nations, Mr. Driscoll said, "I urge the aviation ministries of European governments to lift the restrictions on landing and uplift rights, and the price criteria on Inclusive Tour Charters, which result in higher prices than the tourist should or need to pay."

He also called for:

The development of international agreements between countries on the exchange of air charter rights to enhance the air travel market. These agreements would be similar to those covering scheduled services.

The formation of an international association of charter carriers, to give European independent and U.S. supplemental airlines an international voice similar to that of the scheduled carriers' International Air Transport Association.

The organization of a World Conference on charter travel, in which governments, consumer interests, and airlines, would band together to ensure the orderly development of a worldwide mass air transportation system "that truly responds to the needs of the public."

In his remarks, Dr. Detiere said, "I do not subscribe to the philosophy of restrictionism—I do not believe there should be any senseless roadblocks to the movement of goods, ideas and people between nations. It is with this philosophy in mind that I believe that the encouragement of mass transportation among peoples of all nations will serve international understanding, the needs of the public, and the airline industry itself."

JUSTICE FOR DISMISSED AIR TRAFFIC CONTROLLERS

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. ECKHARDT. Mr. Speaker, I am in receipt of a copy of a letter to President Nixon from the son of one of the air traffic controllers who was dismissed following their sick-out in spring of 1970. The controller is Thomas G. Hill of Houston. As many of you know, I have been active in the House to win justice for all those controllers who were dismissed by the Federal Aviation Administration. But the case of Mr. Hill is a very special and shocking one to me.

I hope you will read his son's letter, which I am including at the conclusion of my remarks, because it says so well what the U.S. Government is doing to many of these controllers who did nothing more than attempt to bring attention to the grave inadequacies of the Nation's air-traffic control system.

Tom Hill has been an outstanding civil servant in every sense of the word. He served 4 years in the U.S. Marine Corps, including 1 year as a combat rifleman in the Korean war. There he won two battle stars, and his outfit received a Presidential unit citation.

Mr. Hill, following his military service, went to work for the FAA as a controller. In that job he served 13 years, attaining the grade of GS–12. He has received three letters of commendation from his superiors, and there is not one blemish on his entire record—until last July when he was formally dismissed by the FAA for allegedly participating in last spring's sick-out.

This Saturday, May 15, Thomas G. Hill, a native Texan, is leaving Houston with his family. In order to follow his chosen profession of air traffic controller, he is going to Toronto, Canada, to accept employement with the Canadian Government as an air traffic controller. As for me, I feel heartsick and helpless that he is being forced by an agency of his own Government to take such a drastic step. And I am further disheartened to learn that many of the other dismissed air traffic controllers may be following in his footsteps. The Canadian Department of Transportation has offered jobs to several of these controllers. Because of the shocking slowness of both the FAA and Civil Service Commission to decide on the cases of these dismissed controllers, many of which have been dragged out for almost a year, I am afraid that many controllers will follow

Mr. Hill to Canada and eventually be asked to give up their citizenship.

Mr. Speaker, it costs the American taxpayer from $30,000 to $40,000 to train just one fully qualified controller. All of the 71 controllers dismissed by the FAA had superior to excellent ratings and were among the finest in their profession. The political caprice that brought about dismissal like that of Thomas Hill has not only brought hardship and pain to these men and their families; it has cost the Government skilled men in a unique profession who are badly needed to keep the Nation's airways safe for the traveling public. And it has cost the American taxpayer dearly.

I think the case of Mr. Thomas G. Hill of Houston is not an isolated one. No doubt other dismissed controllers, from Boston to Oakland and Los Angeles, are in a similar position. All they are asking is for equal justice under law, but thus far the agencies of Government dealing with the matter have not seen fit to listen.

Mr. Speaker, I call upon the Federal Aviation Administration and the Department of Transportation to reconsider their actions in the case of these controllers. They have already suffered much. To continue in the callous course that has been followed is not only inimical to the cause of aviation safety; it is a denial of justice and fair play for fine public servants, who may have made an honest mistake, but do not deserve to be deprived of the right to follow their chosen profession because of it. I hope every Member will take the time to read the letter that follows my remarks:

HOUSTON, TEX.,
April 27, 1971.

Hon. RICHARD M. NIXON,
President, the United States of America, Washington, D.C.

DEAR PRESIDENT NIXON: I am a 19 year old American male, number 172 in this year's draft; and I write this letter to register a protest. Not to protest the war in Southeast Asia as you might suppose (although I am opposed to it), but rather I must protest a grave injustice that is closer to my home.

My father taught me from a small boy that I should proudly serve my country if it became necessary as he had done when called upon during the Korean conflict and his father had done in World War I. And, until very recently I really believed that this country was a place of equal justice for all. It's tough to wake up and realize that this is not necessarily true. At least, not for my father, Thomas C. Hill, one of the Air Traffic Controllers dismissed during the so-called "sick out". The injustice is that he was actually sick and supplied all of the medical proof requested of him.

Unfortunately, this so-called "strike" happened just eight days after my dad was elected to the office of PATCO Area Chairman! When my dad was elected to this office he was very proud. He is a brilliant man but reserved—not a big talker or speech maker. I remember he was so afraid he would have to make a speech that he bought a tape recorder. He would talk or read into it and then play it back. After several days he said, "It's no use. I sound just like a hay seed, and I guess I always will."

Poor dad needn't have worried. He never had a chance to make any speeches. In fact, he never got to call a meeting to order—never got to bang the little gavel. All that 17 years of Government service went down the drain, and he was fired without a hearing—presumed guilty and then asked to prove his innocence!!! Seventeen years wiped out in spite of the fact that Houston didn't participate in the "sick-out". Our local papers announced daily that there was no slowdown of air traffic here. More men were absent during that flu epidemic than during this "strike".

A number of attorneys told us, "They can't do that". But they did. I pinned one attorney down and asked how this could possibly happen. He said, "Son, it's all political. Nixon is against Government unions. He is cutting out PATCO's leadership to make the men afraid to take office in an effort to break the union."

I watched my dad die a little when he was out looking for a job. Seventeen years is a big chunk of your life when you are 42. And, at 42 it's not easy to find a job, especially at a time when everyone is cutting back. One day he came home awfully discouraged and said he believed all those grey hairs he got controlling air traffic made him look older and hurt his chances when he was interviewed for a job. I believe most firms would not hire him because they believed he would be reinstated. But some of them undoubtedly believed the charges against him and may have believed he was a pretty subversive character. At one point I thought his spirit was broken. I thought surely he was beaten. At last he took all the money he had put into the retirement fund and bought "Big Red", a big red dump truck. This is the way he has managed to feed the family since. Of course, I cannot carry a full load of subjects at college because it is necessary for me to work and pay my own tuition, books and so forth.

My dad was always a sharp dresser—always the dress shirt, tie and blazer. Now he comes in powdered grey with dust and greasy from working on his truck. It's a hard job with long hours. Some days he is behind the wheel for more than 12 hours. But he works just as hard at being the best dump truck driver in the line as he did at being the best controller in the Houston tower. I'm proud to say he is that kind of man.

Now Canada wants him as an Air Traffic Controller, and he is preparing to go there. Oh, he will have his day in Court and will continue the fight, but what a shame that my father has to leave the country he loves and fought for in order to follow his chosen profession.

I have to report for my physical examination on May 3rd. I am sure to be classified 1–A. But before I go to shoot and be shot at I would like to have a few answers. Tell me, please, is there equal justice for all; or is that just a pretty dream? If my dad had been a striker (which he was not) why were the postal employees granted amnesty and the controllers fired? Why should it be illegal to strike if the safety of the flying public is in jeopardy? Why were only 55 of the controllers fired when 3,500 are classified as "strikers"? Why was our privacy invaded? (Dad was accused of receiving a brown envelope from PATCO and of receiving telephone calls from PATCO Headquarters). Was our mail watched and our phone bugged?

Please don't tell me that my dad had a fair hearing when there were things taken out of context and used against him and no court reporter was present recording the proceedings. The Hearing Officer who heard the case is an employee of the Federal Aviation Agency. Thirty-eight men signed affidavits saying that my dad never encouraged them to strike. Not one man said he did.

Please help me understand what kind of liberty and justice I am soon going to be asked to defend.

Very sincerely,

THOMAS G. HILL, Jr.

DRIVE UNDERWAY TO DESTROY TRANSPORT UNIONS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. DELLUMS. Mr. Speaker, in this time of increasing repression, of absurd "conspiracy" charges against priests and nuns, of verbal and legal assaults on a peace movement opposed to the widening of the Indochina war; in this time of Army surveillance of elected officials, and increased wiretapping; just as labor militants were harassed, imprisoned, and shot down a generation ago—it appears that now organized labor is also target for attack.

While west coast longshoremen are in negotiations for a new contract and the rest of the industry is preparing for contract talks, the administration has reintroduced its "Emergency Public Interest Protection Act," aimed at banning rank-and-file democracy and the right to strike in the transportation industry. Further, legislation has been introduced and investigations promised allegedly to "combat cargo theft" and to circumvent Supreme Court decisions which stopped political screening on the waterfront. All of these measures would harass and impede working people in the pursuit of a decent livelihood and protection against the ravages of technological change.

It is not surprising that the thrust toward destroying free collective bargaining in America has been scored by the International Longshoremen's and Warehousemen's Union. That union has survived attacks by Government, employers, and other unions ever since it won the right to rank-and-file democracy and determination of policy in the bloody 1934 San Francisco general strike. The ILWU has remained in the forefront of the fight against repression, and for peace and social justice. It would seem to be no accident that these proposals to cripple transport unions come at a time when the ILWU is in negotiations. It would seem also to be no accident that these measures come at a time when increasing numbers of unions—representing some 6 million members—are taking their place in the struggle for an end to the war.

Under unanimous consent I place an article from the ILWU newspaper, the Dispatcher, titled "Drive To Destroy Transport Unions," and an editorial, titled "The Right To Strike," in the RECORD at this point:

DRIVE TO DESTROY TRANSPORT UNIONS—COMPULSORY ARBITRATION THREAT

(By Albert Lannon)

WASHINGTON, D.C.—As the 92nd Congress organizes itself, there is a growing barrage of legislation and regulation aimed at harassing and crippling the bargaining power of workers in the transportation industry.

On February 3 President Richard Nixon re-submitted his Emergency Public Interest Transportation Act, declaring that "emergency has followed emergency, at incalculable cost to millions to innocent bystanders and to the nation itself."

Nixon's proposal provides for compulsory settlement, without rank-and-file ratification, of strikes in the longshore, trucking, railroad, maritime and airline industries.

EXTENDS "COOLING-OFF"

Unanimously opposed by all of labor, the Emergency Public Interest Protection Act (S. 560 in the Senate; H.R. 3596 in the House of Representatives) would expand the Taft-Hartley and Railway Labor Acts to allow the president to extend an 80-day "cooling-off period" for 30 more days, to require partial operation of a struck industry for up to six months, or to appoint a panel to select "the most reasonable" of either the employer's or the union's final offer as a binding contract settlement.

Taking advantage of congressional concern about the March 1 expiration of a ban on rail strikes, there is a strong push for early hearings before the House Interstate and Foreign Commerce Committee and the Senate Labor Committee.

Another, even more far-reaching proposal comes from liberal Republican Senator Jacob Javits. His bill, S. 594, would empower the president in a "national or regional emergency strike" to "issue an Executive Order, prescribing the procedures to be followed by the parties thereafter, and any other actions which he determines to be necessary or appropriate."

BLANK CHECK

In other words, a blank check which could—in Javits' words—impose "extension of the status quo, seizure and partial operation, mediation to finality, arbitration, and the 'final offer selection'." These are only examples of the virtually unlimited powers which could be handed to the President. Javits accuses those who favor free collective bargaining over compulsory settlements of "playing Russian roulette."

When first unveiled a year ago, the Emergency Public Interest Protection Act was termed by the ILWU International Executive Board "a major attack on organized labor, free collective bargaining, and rank and file democracy."

The ILWU Board also pointed out that the measure was proposed at a time when railroad shopcraft unions were at a make or break bargaining point, and when the Teamsters were negotiating a national contract.

The reintroduction comes now when the ILWU is bargaining for a new contract and the rest of the longshore industry is preparing for negotiations. Clearly, this is not an accident. It is government once again taking sides with the employers.

WHAT'S AN "EMERGENCY?"

"National emergency strikes" are what the various proposals would ban, but just what a "national emergency" might be is never made clear. Certainly to some employers, an extra minute's coffee break is cause for alarm. To Congress—which screwed up the railroad collective bargaining process by passing legislation in the first place—a railroad strike would be intolerable.

To the President, trucking, longshore and maritime strikes must be added to the list. Yet, January, 1970, the Labor Department released a study of longshore strikes which concluded: "The national economic impact of a prolonged strike appears to have been minimal." An inconvenience. Former Secretary of Labor George Shultz called it an inconvenience then, but not a national emergency.

Also asked about a possible national trucking strike, Shultz said this "was not likely" to become a national emergency. While repeating that it is committed to free collective bargaining, the Administration is preparing to shackle workers in the transportation industry, and the time for legislators to hear from working people is right now.

OTHER SHACKLES

Destroying rank-and-file democracy and free collective bargaining are not the only items on the legislative agenda aimed at the transportation unions. Expected to be re-introduced shortly, to take advantage of the rail situation, is Senator Alan Bible's bill to establish a Commission on Cargo Theft.

This commission, with labor having one out of nine seats, would have broad powers to harass workers and unions in the transportation industry—all in the name of combating cargo theft. The commission would also be mandated to evaluate and recommend to congress a national licensing and/or identification system for all employees handling cargo—about five million people.

The bill does not specify its preference for tattoos or yellow stars.

On a smaller scale the Customs Bureau has regulations "still under review" which would license workers handling cargo under Customs jurisdiction, with probably unconstitutional questions and requirements and with no appeals or review procedures.

The labor movement opposes the Bible bill and the Customs regulations. Obviously some congressmen would like to pin a tag of "pro-thief" on trade unions.

An effort was made recently to neutralize that labor opposition. Ernest Evans, staff member of Senator Bible's Small Business Committee, tried to make a deal, offering labor expanded membership on the commission, a re-write of the licensing/ID provision, and an indefinite holding up of Customs Bureau regulations in exchange for dropping opposition to the bill.

Needless to say, no deal was made and the unions continue to oppose this legislation. This is legislation which could be yet another tool of the employers and the Administration to interfere in contract talks and to badmouth the labor movement.

"BILL OF HORRORS"

At this writing there are labor court and other anti-union proposals in the hopper. One bill of keen interest to the ILWU is the re-introduction of the Internal Security Committee's Defense Facilities and Industrial Security Act, H.R. 819.

This proposal, termed a "bill of horrors" by hundreds of concerned scientists, would establish widespread screening of various groups of workers, including the revival of political screening on the waterfront. The bill seeks to legalize those provisions which the Supreme Court has rejected as unconstitutional.

In the last Congress, while the AFL–CIO was on record in opposition to this legislation, the ILWU was virtually alone in working to defeat it. Consequently it passed the House easily, but was bottled up in the Senate Judiciary Committee. Administration support for this and other "security" legislation could make passage of the measure a real danger in the months ahead, especially with the anti-union climate growing in congress.

The Administration's moves to break the strength of workers in the transportation industry alone was a fairly clever maneuver, given the lack of coordination among the various unions, including even those "united" within the AFL–CIO who are publicly feuding.

If the power of the transport workers can be smashed, the rest of labor will be sitting ducks, and free collective bargaining will have been ended in America.

The five modes of transportation spelled out by the president—trucking, air, railroads, maritime and longshore—might be compared to the five fingers of a hand. Each alone might be bent or broken. But together—with top to bottom solidarity for a common defense of our right to bargain and to strike, of our right to rank-and-file democracy—together the fingers could close into a powerful fist which can fight back, and which can defeat this most dangerous attack on workers' rights in over a decade.

THE RIGHT TO STRIKE

The Nixon Administration is starting to show its fangs as far as the labor movement is concerned. Now it comes along with legislation directly aimed at the transportation industry—and that means us. It is aimed at forcibly trying to prevent labor from bargaining from a position of strength.

It would deny the union's rank-and-file the right to vote to accept or reject a settlement.

It's called the "Emergency Public Interest Protection Act" and it names specifically the longshore, maritime, trucking, airline and railroad industries. It's all being handled in the name of protecting the public interest in "emergencies." It would extend the so-called "cooling off" periods (which almost always works to benefit employers who seldom feel they have to bargain in good faith during such periods) and it arms the President with enormous power to invoke "emergency" action in a potential transportation strike.

The President could extend the Taft-Hartley 80-day "cooling off" for another 30 days. He could set up a special board to accept the "most reasonable" final offers of both the employers and the union and force the parties to accept these offers as a final and binding contract.

All this would be enforced without giving the rank-and-file an opportunity to ratify the settlement. Little wonder that when this proposal was first suggested last year the ILWU International Executive Board branded it "a major attack on organized labor, free collective bargaining, and rank-and-file democracy." And small wonder that AFL–CIO head George Meany called it a "a novel form of compulsory arbitration which labor considers incompatible with principles of democracy."

This is the crassest form of legislative interference with collective bargaining—something that has worked mighty well without the government's sticky hands messing things up.

Though it seems at first blush, aimed at stopping an expected railroad strike on March 1, the possibility of getting such a law passed in such a short time is remote. Therefore the first really important target appears to be the longshore industry—both West and East Coasts—which have contracts expiring this summer. We are in negotiations right now.

What about the ILWU's view of compulsory arbitration which attempts to prevent strikes and force settlements without a rank-and-file vote?

The foundation on which our union was built has always provided that all final decisions—whether to strike or settle—must be made by the rank-and-file. The rank-and-file is not going to give up its hard-won right to strike. If the ranks voted by secret ballot to accept arbitration, so be it. But if they vote not to work—that's what it will be! What about fines and leaders being thrown into jail? Well, it's happened before—and the labor movement survived, and grew stronger.

During the last coast-wide longshore strike in 1948. when the employers tried to hassle us out of existence by using the Taft-Hartley Act, the ranks expressed their opinion of government interference by refusing to a man to vote on management's final offer—and won their strike!

What if the government outlaws referendum votes? You can't force a man to work. That's called involuntary servitude—"slavery" is a better word—and that's unconstitutional, barred by the 14th Amendment.

Also, keep in mind that the law doesn't extend beyond the water's edge. ILWU has friends in ports around the world and we have built up a mighty backlog of international solidarity. Besides, in a showdown strike, we will have the complete support of the American labor movement. Remember this too: Not since the 1934 general strike, has anyone attempted to operate on the waterfront with scabs!

The purpose of laws such as the one Nixon presented to Congress is to deny the working class the one weapon that no one else has—the right to withhold one's labor—the ability to strike. We don't intend to have that taken away from us!

HANOI'S CANDID ADMISSION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HUNT. Mr. Speaker, much to the consternation, I am sure, of those who subscribe to the Vietnam policies of peace at any price and an unconditional, fixed withdrawal deadline, there are occasional and heartening glimpses in the news media of what seem to be signs of progress and success in the President's policy of Vietnamization and his overriding objective of a just and lasting peace. Cautious optimism is indeed a glaring contrast to the doom already proclaimed by antiwar propagandists, but it is a trait that I am confident will prevail as the President steadfastly rejects the reckless and irresponsible demands of those who would not have to shoulder the responsibility for the consequences of those demands.

The Evans and Novak column in the May 6, 1971, issue of the Washington Post is a refreshing observation to the success of President Nixon's Vietnamization policy by virtue of a reading of Hanoi's own admissions. Although cautiously optimistic, the interpretation is entirely plausible and I commend the column to your attention.

The column follows:

SUCCESS OF PRESIDENT NIXON'S VIETNAMIZATION POLICY

Evidence of declining morale among Communist troops in South Vietnam, coupled with new shortages of food and war supplies, is now under study here by cautious officials who regard it as the most significant indication yet seen of Hanoi's problems.

If these new signs of trouble for the Communists are as accurate as indicated by their source—the top political general in the Communist command inside South Vietnam—they suggest this conclusion: That President Nixon's Vietnamization policy, now at an extremely delicate stage, is working.

The fresh evidence of trouble for the Communists is a remarkably candid clandestine broadcast by Cuu Long, a North Vietnamese general whose real name is Tran Do—the long-time political chief of all Communist armed forces in South Vietnam. The broadcast, routinely intercepted on April 29, came from the so-called COSVN high command, a floating headquarters along the South Vietnamese-Cambodian border. Gen. Tran Do flatly stated that "every unit, locality and individual" engaged in the South have been infected by "rightist phenomena" in one form or another.

Although filled with doctrinaire exhortations, the broadcast warns that the war has become "increasingly critical, difficult and fierce," despite the fact that U.S. forces are down from 543,000 to less than 248,000. Reading between the lines, the political chief of COSVN reveals his deepest concern: that the political side of the "people's war" is deteriorating.

Thus, he repeatedly refers to "rightist phenomena" afflicting Vietcong sympathizers and the underground Communist political organization in the South on which the invading armies of North Vietnam, and the Vietcong are dependent. He warns that "deep vestiges of the old regime and the old society and the reactionary, bad thinking of the U.S. imperialists and the rotten social regime in the South are still influencing our people."

"Our people" include cadres, military and political, who run the war in the battle zones. Some have now become infected with "counterrevolutionary, negative, and nonprogressive thoughts and acts." No harsher indictment could be made against Communist leaders.

The supply problem was referred to in bleak terms as "a shortage of everything." As for treating the wounded, the general paints this stark portrait: "Many surgical units, although they do not have a fixed area of operation, have succeeded in taking care of the sick and wounded combatants along with fighting and trying to find food for these combatants."

As translated here, that means food sources in hamlets and villages sympathetic to the Vietcong are no longer dependable. Coupled with that hopeful interpretation are the results of the two major U.S.-backed incursions into Cambodia and against the Ho Chi Minh Trail. Despite controversy over their success or failure, the heavy emphasis that Gen. Tran Do placed in the supply problems strongly indicates that they had a harmful impact on the enemy.

The importance of these Communist difficulties is further heightened by the manner in which Gen. Tran Do chose to reveal them. Under normal circumstances such frank talk would have been sent to cadres in the field by sealed pouch, not transmitted over Hanoi's easily monitored "Liberation Radio." The deviation from normal practice indicates new Comunist difficulties in moving agents through territory in South Vietnam that is now pacified, or at least far less hospitable than it used to be.

It would, of course, be folly to claim too much for this April 29 clandestine broadcast. Nevertheless, it fits neatly with other clues, most importantly the abysmal failure of the Communists to mount an offensive during the past two years as severe as they have repeatedly and provably planned.

Accordingy, whatever President Nixon's political problems at home in dealing with growing antiwar sentiment, Hanoi is facing a condition that as of today looks even worse.

SUPPORT FOR ADDITIONAL VA FUNDS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MONTGOMERY. Mr. Speaker, because of a longstanding commitment in my district on yesterday, I was unable to be present when the House considered the second supplemental appropriations bill for fiscal year 1971. Had I been present I would have voiced strong support for the amendment to add $8 million to the VA medical care supplemental appropriations for fiscal 1971. These desperately needed funds should be used to immediately employ personnel so that better medical care can be delivered to our hospitalized veterans. I believe that particular emphasis should be placed on using this money to hire Vietnam veterans who are out of work.

Recent information which I have obtained indicates that applications for hospitalization in VA hospitals during the month of April 1971, were well over 121,000. This is a record high number for any single month. Present indications project that by the end of fiscal 1971 well over 1.3 million applications will have been received for VA hospitalization. This represents a sharp increase over fiscal year 1969 when the applications totaled 1,120,437 and in 1970 they totaled 1,175,041.

Mr. Speaker, is it obvious that the demand for hospital care in VA hospitals is rising sharply. Many veterans who have been using medicare in lieu of using VA facilities are now finding it necessary to come back to the VA for treatment, and every barometer indicates that a greater strain is being placed on the VA hospital system. Investigations last year by the Congress disclosed that the VA medical program was grossly underfunded and understaffed. While Congress voted $105 million more VA medical care than was requested by the administration, from the information I have been able to obtain, hardly any of these funds were used to materially increase VA hospital staffing.

I support the amendment and want to make it clear to the Office of Management and Budget and the Veterans' Administration that these funds should be used to increase staffing and they should be annualized in fiscal 1972, thus providing in fiscal 1972 the Veterans' Administration hospital system with the equivalent of $96 million in increased funding for increased staffing.

PUBLIC SERVICE EMPLOYMENT

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mrs. CHISHOLM. Mr. Speaker, right now, in this Congress, a great many of our Members are rushing to cosponsor a bill to save the wild mustangs that roam in the Rockies. A few years ago one of the most popular bills was a piece of anti-petnaping legislation on which Members received more mail than any issue except the Vietnam war.

I wish that legislators and administrators could get as enthusiastic about legislation for people as they can about legislation to protect dogs and horses.

We have had a national unemployment rate of 6 percent for 3 months now; 5,400,000 people are unemployed. Unfortunately, most of the time we do not really realize what those figures mean.

I become upset at the callousness with which unemployment statistics are used. We throw around figures, a percentage point here—a percentage point there. There seems to be no real understanding of the fact that we are talking about human beings—human lives.

We hear talk from economists, administrators, Members of Congress, and even the President, that we can "afford" an unemployment rate of 3, 4 or 5 percent: that we can allow unemployment to increase a bit to curb inflation. We cannot "afford" any such thing. Acceptance of that idea means we are saying to those people, "I don't care about you. You are of no consequence. You are relegated to society's trash heap."

The jobs are there—worthwhile important jobs. What needs to be done is to connect people with jobs through a variety of programs and approaches. One of these will have to be through public service employment.

When Charles Killingsworth of the labor and industrialization department at Michigan State University testified before this committee, he made a very perceptive comment about the reason for President Nixon's veto of last year's manpower bill. He said that the administration suffers from a "private sector bias."

In his veto message, the President said:

> The conference bill provides that as much as 44 percent of the total funding in the bill goes for dead end jobs in the public sector.

In point of fact the jobs to be provided under this legislation are not make-work jobs at all. They are jobs that need to be done but are not being done because local governments do not have the funds to pay people.

Robert Fitzpatrick, chairman of the Wayne County, Mich., Board of Commissioners said:

> The City of Detroit has had to lay off some 600 employees within the last year, in spite of the fact that 2,000 city positions are vacant because of the city's dire financial crisis. We have the jobs. They are not dead-end jobs. We could fill hundreds of vacancies in practically any job category tomorrow from hospital attendants and recreation leaders to sheriff's deputies, drug counselors, computer programmers, draftsmen, lawyers, social workers and public health officers.

Doris Dealaman, freeholder, Somerset County, N.J., said that they would like to provide additional county services such as increased "police, and fire protection, water and sewer facilities, recreation, welfare, health care, education, or transportation."

Every witness whether from Norwalk, Conn. or Mobile, Ala., has testified to the same thing. Jobs that need to be done are not being done because our cities and towns and counties do not have the financial resources to pay the additional people. This is also the reason that every mayor and county executive who has testified has urged the Congress to abandon the 20/80 percent matching formula and provide full Federal funding. They have also consistently urged Congress to expand the modest public employment program of 150,000 to 200,000. The highest suggestion was I think 1 million, the figure endorsed by the U.S. Conference of Mayors back in 1968 when unemployment was not nearly as critical as it is today.

I would like to mention at this juncture that I am a supporter of the concept of revenue sharing, but I would make the money available over and above what is being offered in categorical aid programs not as a substitute. I also support the federalization of welfare payments. We are going to need all of this and public service employment if we are going to be able to make our communities livable.

In response to the President's derisive comments about public sector jobs, I would like to point out that the President's job, the Secretary of Labor's job and my job are in the public sector and I am sure the President does not consider his job "make work." Furthermore, a good number of jobs in the private sector such as washroom attendants, waitresses, and janitors can hardly be described as doorways to a great and glorious future. A rotten job is a rotten job no matter whether your paycheck comes from the Government or a private employer.

The administration's private sector bias has led to initiatives which are not responsive to our employment and job development needs.

I think business can and should play a bigger role in manpower training and job development, but I also know that businessmen are not going to train and hire the really hard core. They are not going to initiate programs for ex-felons and ex-drug addicts or other people with serious problems.

Because of its private sector bias, this administration has cut back and asked Congress to eliminate the Job Corps, Neighborhood Youth Corps, Operation Mainstream, and the new careers programs. They have placed their emphasis on the jobs program and asked for the elimination of all special category programs.

Well, jobs program is not faring too well. Because of the general unhealthy state of our economy, businessmen are having to default on their jobs contracts.

We must have a variety of manpower programs to fit a variety of needs. A single broad approach may make a nicer looking and clearer chart but it does not meet our manpower and job development needs.

The unemployment problem is not new. It is only that middle America did not recognize it as an issue until it hit the suburbs. In this way it parallels the pattern of concern about drugs in this country. When the junkies were nodding on Fulton Street in the center of Bedford-Stuyvesant drugs were not an issue but when we have to worry about them on Meadow Lane, suddenly drugs are a matter of national concern.

Not only is black unemployment higher nationally, 10.3 percent—Labor Department fourth quarter 1970—but it has been higher longer. Back in 1967 when our national unemployment rate was 3.2 percent we had an unemployment rate of 9.3 percent among black males.

And among black teenagers in poverty neighborhoods, the group that whites are so afraid will explode during the long hot summers, the unemployment rate is a staggering 42.2 percent, up over 50 percent from the comparable 1969 rate.

The young black GI has an equally bleak future. The unemployment rate for all returning veterans is 6.8 percent but if you are a typical black veteran without a high school diploma, the unemployment rate is 18.5 percent. While the unemployment rates have risen to 12.4 percent in Seattle, 13.5 percent in Detroit, and 11.6 percent in Bridgeport, inner city unemployment has doubled, tripled, and even quadrupled. In Detroit the unemployment rate for several inner-city neighborhoods is put at 25 percent. Similar areas in Cleveland are estimated at 20 percent; sectors of Baltimore at close to 40 percent.

What is more, the unemployed are always under counted, especially in poverty areas, because the statistics only indicate those who are actively looking for jobs. They do not register the number of people who are unemployed and want jobs but have given up in discouragement and disgust.

For example, in 1969, the Labor Department study of the poverty areas of New York City—that is Bedford-Stuyvesant, central Harlem, east Harlem, and south Bronx, there were 5,600 unemployed men who were actively seeking work and therefore registered a rate of 5.1 percent unemployment. But there were an additional 19,000 adult males in the prime years of working life 20 to 64 who were neither working nor seeking work and who were therefore not counted. Nearly three times as many more were not counted as were counted.

Another whole area which has not been discussed with regard to the public services jobs is that many of these jobs will have to be for women. Everyone screams from the roof-tops about the spiraling cost of welfare. Well, when you talk about welfare you are talking about women and children. There are some 2,400,000 AFDC families in the country today. These women are the heads of their households.

Survey after survey has shown that these women want to work but cannot unless they have adequate day care, good manpower training; substantive job development. The family assistance program will fall flat on its face no matter what level of income is provided if these components are not there.

Let me illustrate the magnitude of the problem. New York City has approximately—July 1967 estimated—240,000 children under 5 on public assistance but in the entire city there are only 1,099 day-care centers serving 55,470 children. Now that is only the AFDC children. In addition, within the population as a whole, there are 825,000 children under 6—1970 Census.

New York is a city made up of the very poor, the working poor, and the rich. Our middle class, in what was the avant garde of a trend now experienced by all cities, left for the suburbs long ago. Consequently, many of those 825,000 children under 6 belong to working families where momma already works or would if day care were available.

As always the situation is more accute for the minorities; 46 percent of all AFDC families are black. Over one-fourth of all black families are headed by women. They need day care, job training and jobs where they can earn a living wage for their families. The current average income of women, $4,143 for whites and $2,934 for blacks, is not adequate. Public service employment jobs must at least be at the minimum wage.

All of it, family assistance plan, day care, public service employment, and other manpower programs are part of a package. We must all work equally hard for all parts of the package.

VOLUNTEER FORCE WILL ENHANCE DEFENSE POSTURE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, by ending the draft, we will be returning our Nation to its historic position of maximizing the freedom of the individual. At the same time, we will be taking the steps needed to develop a more effective system of defense.

No system can operate with a reenlistment rate of 7 percent, the figure for today's draftees. The lower turnover rate that will accompany the volunteer force will allow our young men to remain in service long enough to become proficient at operating the technical equipment of a modern Defense Establishment.

In a volunteer force, we will also be eliminating the wasteful practices brought on by conscription. By freeing the recruit from KP, sanitation patrol, grass cutting, and make-work projects, we will allow more time for him to receive military training.

Mr. Speaker, it should be noted that the volunteer force has received the enthusiastic support of a number of top military leaders. The chief Army spokesman for Project VOLAR is Lt. Gen. George I. Forsythe, the tough former infantry school commander from Ft. Benning. General Forsythe knows the training requirements for a modern Army—and he knows that in a volunteer situation, with improvements in military personnel practices, he will have a more effective force.

Recently General Forsythe issued a rationale for the volunteer force. I commend this item to your attention, along with an interview from Government Executive magazine:

UNITED STATES ARMY'S APPROACH TO THE DEVELOPMENT OF A MODERN VOLUNTEER ARMY

1. The leadership of the United States Army is committed to building a better Army. In the future, as the nation's involvement in the war in Vietnam lessens, it can be expected that the United States Army will become somewhat smaller than it was at the peak of the Vietnam War. Yet the Army's role in the defense of our nation is undiminished. This means that the Army in the months and years ahead must, with diminished human and material resources, increase its capabilities as a fighting force. That is why the Army is embarked on a program to build a better Army, one based on improved professional competence, willing self-discipline, individual pride, and dedication.

2. These ingredients are absolutely essential to the Modern Volunteer Army. As they are achieved the quality and character of the Army will be such that good men will voluntarily wish to join and remain, and thus the Army can move toward decreased reliance on the draft, hopefully—over a period of two years—to draft calls of zero. The basic thrust of the Army's involvement in this developmental program is to improve the quality of the leadership, the service, the life, and the respect for the American soldier. It involves a three pronged movement: to develop a more professional environment for our work; to provide for a better life for our soldiers; and to generate increased public esteem for th emen who serve America in her Army.

3. *Increased professionalism* The key to a better Army lies in developing highly skilled small units. This involves freeing the soldier from duties that are unrelated to or detract from his military work. For example, soldiers must be freed from base support activities such at kitchen police, grass cutting, garbage hauling, furnace firing, and the like so that they may be returned to their sergeants who can sharpen their individual military skills and weld them into highly effective small unit teams. Training measures must be improved so that a man can develop his skills as rapidly as his individual capabilities will permit. "Lock step" training is to be eliminated. Challenging, interesting, and realistic training must be conducted by the small unit leader and the small unit leader must be given the freedom and the means to develop his unit to achieve high standards of professional performance. This involves greater freedom and responsibility for the unit leader and a concomitant increase in the measure of trust placed in him. He in turn must treat his subordinates as mature and dedicated members of the team worthy of this mutual trust. The elimination of such measures as unnecessary formations, sign in and sign out restrictions, and intrusions on soldiers off-duty time, are measures by which leaders can demonstrate the reality of their trust for their subordinates. Our various efforts to get soldiers back to the basics of soldiering must be supported by a level of resources sufficient to keep line units well equipped, fully manned, and fully involved in the basics of soldiering.

4. *Army life.* Today's young man, more than ever before, is more sensitive to human values than to material values. He attaches profound importance to the fundamental principles of human dignity, individual worth, freedom, responsibility and involvement. He is willing and eager to become personally engaged in worthwhile work and wishes to participate in, and contribute to, activities which give him an opportunity for group and individual growth. Recognizing this great value asset, we must open better lines of communications with our soldiers. We will listen to him as well as talk to him. The chain of command is to be revitalized to provide this two way flow of productive dialogue. We will be more sensitive to, and build on, the soldiers desire to individuality and involvement. This can be done in such a way as to improve rather than diminish discipline. We seek in the Modern Army a discipline which grows from within each soldier, a self-discipline which springs from a soldiers conviction that he really counts, and that we really care about him as a person. This develops as we show our trust and confidence in all men who prove themselves worthy of it. We will attempt to improve the soldiers living conditions both in barracks and in quarters. We seek to provide him with more privacy in barracks and more decency in the way in which he may serve his country and yet live as a citizen and the head of a family. Modest improvements in barracks furniture are envisioned. Major improvements in the reception, processing, and personnel administration of our soldiers and their dependents have been directed. Reasonable reforms in compensation, targeted at the junior enlisted man and focused on building much greater pride in service in the combat arms have been proposed. These and many other measures when taken together should give our soldiers a better opportunity to serve their country and to do so without paying an unreasonable price in the reduction in the standards by which they must live.

5. *Self respect and public esteem.* To reinforce our internal efforts, we must have the support of the people we serve. We need the moral, spiritual, and some modest dollar support in order to accomplish this purpose. No matter how successful we are in improving the professional climate within the Army and bettering service life, we cannot be successful without public support. This is especially true if we are to achieve appreciably reduced lower draft calls. The people of this country cannot engage in the practice of degrading the man in uniform for we cannot expect young men to volunteer to serve their country if their sacrifice is thought to be unimportant or is not openly appreciated. The Army cannot be portrayed and believed to be a service to be avoided at all costs, a service in which only those with the least qualifications need to be recruited, a service with questionable standards of efficiency, and a service which is an unimportant element of our national security. The country cannot have it both ways. The Army must and will improve its performance. Our deeds not our words are what really count and our self respect will grow. But the American people and their leaders in government, business, industry, the church, education, and particularly the enormous influential news media must contribute by fair and objective evaluation of our internal efforts.

6. In short, the Army's program is aimed at building a proud, disciplined, competent, respected Army in which its people have the challenge and the opportunity to work hard for our national defense, where they have the opportunity to live in decency and dignity, and where they have the opportunity to earn and enjoy the respect of their countrymen.

ARMY'S LT. GEN. GEORGE I. FORSYTHE: "RETURN—TO SOLDIERING"

Lt. Gen. George I. Forsythe doesn't share the fears of Rep. F. Edward Hebert (D-La.) and many veterans that the Army is being softened up by a trend toward permissiveness as it tries to attain the Administration's announced goal of zero draft calls by mid-1973.

Forsythe, who entered the Army through the Reserve Officer Training Corps (ROTC) at the University of Montana, is Special Assistant for the Modern Volunteer Army (SAMVA) to Gen. William C. Westmoreland, Chief of Staff, and Secretary Stanley R. Resor of the Army.

His job is to coordinate, expedite and provide an idea bank for the Volunteer Army program. He has a staff of bright young men to help him—12 officers and six enlisted men—including Maj. Peter M. Dawkins, All-American football star and Rhodes scholar, and Sgt. 1st Class Edward G. McGinnis, recently honored as the Army's drill sergeant of the year. In his Pentagon office a curious plaque that looks like this (+) expresses his motto: "Accent the positive!"

NOT A GIVEAWAY PROGRAM

"I have no apprehension at all and I'd like to tell you why," Forsythe said when *Government Executive* asked about fears that discipline and effectiveness will suffer.

"First of all, we're going to have a smaller Army: There's no doubt about it, as the Vietnam War winds down, the Army will be smaller. The job of work for the Army to do is no less; I haven't seen any diminution of the threat or any marked change in the world situation. Unmistakably, then, that smaller Army must be an awful lot better. So the benchmark of Gen. Westmoreland's program is to build a better Army, where every man counts.

"Now, in the process of doing that, we think we can also respond to our leadership's desire to reduce our reliance on the draft. We think a better Army—a proud, well-disciplined, confident Army—will attract and hold its men. Gen. Westmoreland has said we're running a developmental program, not a giveaway program. I'd like to put some meat on those bones.

"We have said that we'll no longer have reveille where reveille doesn't contribute to mission performance.

"We've said that, on an experimental basis, we'll allow soldiers to have a can of beer in their dayroom in their barracks, and a can of beer with their evening meal.

"We have said that we want to free the soldier of kitchen police duties, firing furnaces, cutting grass, hauling garbage.

"REALLY AN IRRITANT"

"Now, without looking beneath the surface of this, I can see how some people would think that this is permissiveness. But, as an example, let me take each of these items and explain the way we feel.

"First, reveille. What's really important is that a soldier be present when the work day begins, that he be there ready to go to work, in the proper uniform and with the proper equipment. It is not necessary to get him out of bed two hours early in order to do that; he's a mature young man, he has a sense of responsibility and a sense of self-discipline. We think we don't have to get him up before sunup and count his nose to insure that two hours later he's ready to perform his duties. We trust him to see, himself, that he is there, and we have found, as a matter of fact, that he responds extremely well to this sort of treatment.

"In addition, many of our soldiers are married and live off post. If one is to hold a reveille formation, he should have all the soldiers present. It is really an irritant to the man who lives 10 to 15 miles away from the post to have to get up at 4 o'clock in the morning, get his wife up to drive him out to the post, so he can stand in the formation and be counted.

"We will have a reveille formation, particularly when a unit is on an alert status and when it's important for them to be mustered. Gen. Westmoreland says when that occurs everyone in the unit will be present, from the colonel on down.

"As to beer, which has been widely viewed as a terribly permissive act, when one thinks about it, here again we are trusting the maturity and judgment of our soldiers."

NOT A SINGLE ABUSE

The young soldier who lives in barracks was already authorized to buy 3.2 beer at the post exchange, Forsythe said, but he had nowhere to drink it. So he drank it in the parking lot or drove up and down the street and drank it in his car.

"In the past we haven't recognized that his living room is the dayroom in his barracks.

"We trust him enough for him to have his can of beer in front of his television set in his living room in his barracks.

"The married soldier can buy his beer at the post exchange, take it home and drink it in his living room. We think the soldier who lives in barracks should have a similar privilege. This keeps our men off the streets and keeps them at home. It's just a convenience for the soldier and, incidentally, this experiment has been going on for a month now and we haven't had a single abuse of the privilege."

Basic trainees are still not allowed to have beer in their barracks except at Fort Ord, Calif., where the Army is experimenting with some new training methods and approaches.

"Now," Forsythe continued, "as to the so-called menial tasks—KP, grass-cutting, garbage hauling and the like. In a small Army, and with our goal being a better Army, we will have to have highly skilled small units. They'll have to devote their time not only to the blocking and tackling but to scrimmaging and running the plays. With all of these base support tasks that are now being performed by soldiers, it is very difficult for the platoon sergeant and the squad leader to turn out a team every day. It would be like Vince Lombardi turning out for a hard practice with one tackle, two guards and one end today, two ends and a center tomorrow, and two different guards and three tackles the next day. It's terribly difficult to run the plays and conduct a scrimmage that way . . . so the purpose of relieving the soldier is not to be permissive but to return the soldier to soldiering."

ECOLOGY BEGINS AT HOME

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. GUBSER. Mr. Speaker, many citizens are asking what they can do to assist in overcoming deterioration of our environment. Everyone seems to want to help but the difficulty sometimes is finding how to help.

The Palo Alto, Calif., branch of the American Association of University Women is to be commended for compiling and publishing an environmental handbook entitled "If You Want to Save Your Environment—Start at Home."

It is described in the following article from the Christian Science Monitor. I am confident this excellent booklet will prove helpful in the fight to save our environment and am pleased to call it to the attention of my colleagues:

ECOLOGY BEGINS AT HOME

(By Josephine Ripley)

A group of civic-minded women in Palo Alto, Calif., were wondering what they and their families could do to help save the environment—the diminishing forests, polluted streams, and the air around them.

So they consulted authorities in these various areas and finally wrote a primer, entitled, "If You Want to Save Your Environment . . . Start at Home!"

The first timid printing of 3,000 copies last November sold out in two weeks. There have been four printings since then, for a total of nearly 100,000 copies.

Now a book publisher has snapped it up (Hawthorne Books, a subsidiary of Prentice-Hall) and it will come out with a hard-cover edition.

The current booklet of 52 pages, which sells for 75 cents a copy, postpaid, is a snappy, homemade publication, printed on what looks like high-grade wrapping paper. It is striking in its simplicity, has New Yorker-like illustrations, and short, pithy sentences that tell what can be done in the home, the garden, the community, and by the government, to reverse the tide of pollution.

As the women put it: "We must start now to reevaluate priorities. Do we want a landscape littered with throw-away conveniences, or are we willing to change many of our habits of ease and comfort to preserve the beauty of clear air, clean water, and a green forest?"

The ideas and suggestions put forward are "comparatively easy to do—and some of them will even save your dollars," according to the authors who are members of the Palo Alto branch of the American Association of University Women.

But they quickly add that "pollution control will cost money."

Some of the suggestions in the book may seem a bit drastic to a generation of housewives accustomed to convenience foods.

"Learn to cook from scratch," says the book. "It tastes better, is less expensive, and you avoid those chemical additives."

To get away from detergents with phosphates that are rapidly polluting the water system, readers are urged, "Go back to soap." A combination of washing soda and laundry soap will do the job—and the book gives directions.

As for presoaking, who wants enzymes? "For best results," readers are told, "pre-soak laundry for three hours in warm water and 4 tablespoons of washing soda."

There is strong emphasis on the recycling of products which are becoming scarce and are being thrown away. Products such as glass bottles, aluminum cans, and newspapers can be reconstituted and re-used.

"Every year, Americans junk 20 million tons of paper. Wouldn't you rather have it stay trees?" The book puts the question to readers.

There is a timely section on noise pollution about which little has been done so far. It cites some of the common, everyday noises that bombard the eardrums—power mowers, construction equipment, jet planes, and sirens. All these break the "sound barrier" for the ears in sound decibels.

"Ask your city government to make and enforce antinoise ordinances," is the book's challenge.

The importance of teaching children is emphasized. One piece of advice: "Stop the ferry service. Encourage your children to walk or ride a bike. It's better for them and the air we breathe."

Many books have been written on the threat to our environment from present practices and products. But few, if any, have approached the subject in such simple, practical terms in ways that are adaptable to the home and family.

It repeats many familiar warnings, to be sure, but it brings them all together in a kind of recipe, as it were, that the housewife can adapt to her own situation.

The book may be ordered from Mrs. Howard W. Harrington, Palo Alto, Calif., 94303. Single copies are 75 cents which include postage and tax. Mrs. Harrington has the information on bulk rates.

Women's clubs and communities all over the country have similar projects.

The General Federation of Women's Clubs, with its 7 million members, is waging war, coast to coast, for "A Better Environment."

BANKING REFORM LEGISLATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. PRICE of Texas. Mr. Speaker, the House Banking and Currency Committee has concluded hearings on the Banking Reform Act of 1971 and related measures. These hearings were held to explore ways of strengthening our banking system and thereby our economy.

In my judgment, if certain of the legislative proposals under consideration by the committee were enacted, they would significantly impair the ability of our Nation's banks and other financial institutions to function as effectively as they are at present, especially in smaller cities and towns and in rural areas of the country.

I have conveyed my views regarding the proposals to which I particularly object to the House Banking and Currency Committee. I am today inserting my complete statement in the RECORD so my colleagues can have ready access to a nontechnical analysis of some of the major provisions of the Banking and Reform Act of 1971.

I urge all those who are interested in fostering and maintaining the vitality of our banking system to familiarize themselves with this complex piece of legislation and its implications.

The statement follows:

I greatly appreciate being afforded the opportunity to participate in these hearings being held by the Committee, hearings which are being conducted to seek ways to strengthen our banking system and thereby strengthening our economy. And I commend the members of the Committee on their interest in these vital areas.

The banking system of this nation is a cornerstone of the capitalist system. It is thanks to it that domestic capital can be mobilized and distributed through a great variety of financial services at costs that are among the lowest, if not in fact the lowest, in the world.

The development of our banking system, like the development of our free enterprise system, has depended greatly upon competition. Bearing this thought in mind, I would point out what we as legislators are often apt to forget; namely, that legislation cannot prevent failures in any competitive system, much less in the banking system. Legislation can only provide a system of commands and prohibitions within which a competitive system can be regulated in accordance with the public interest. In banking this is accomplished through an interrelated system of state and federal laws coupled with federal deposit insurance which ameliorates competitive failures when they do occur.

Under this set of circumstances, new legislation should be confined to areas in which present laws are nonexistent or unenforceable and where demonstrable evidence of unallowable abuse exists.

Mr. Chairman, it is within this context that I would like to share with the members of the Committee my strong opposition to several features of H.R. 5700, the Banking Reform Act of 1971. Specifically, I oppose those provisions pertaining to interlocks among banks, trust departments of insured commercial banks, and equity participation loans. I will discuss each of these areas in turn.

As regards the provision on interlocking relations, I cannot find in published commercial records or in conversations with members of the banking community here on the East Coast and in my home state of Texas sufficient evidence to lead me to conclude that present laws governing interlocks are inadequate for their purpose. Even more fundamentally, I do not find that the occasional and, I might add, well publicized abuses of interlocking relationships even begin to outweigh their salutary benefits.

Generally speaking, the cross fertilization of talent and commercial acumen which has resulted from individuals holding interlocking directorships has greatly strengthened the free enterprise system and hence the nation. More particularly, in rural areas such as the 18th Congressional District of Texas and in other relatively sparsely populated regions of the country, the willingness and legal ability of talented individuals to hold interlocking directorships has provided irreplaceable underpinning to our regional economies. In this regard, the opinion of the bankers in my area of the country is that their operations would be quite detrimentally affected if the interlock provisions of H.R. 5700 were enacted. Thus, in addition to the fact that the proposed bill is written in such general language that the sections on interlocking relationships and related matters contain no references to competitors and market areas or to exceptions based on need, the application of the bill as written would not be consistent with the best interests of the banking community and the economy as a whole.

Another section of H.R. 5700 prohibits a bank trust department from holding more than 10 percent of any class of stock registered under federal securities laws. I believe the theory behind this particular section, that restricting bank fiduciary holdings eliminates the possibility that insured banking institutions could exercise "undue influence or control" over non-banking business, is aimed at slaying largely imaginary dragons. By this I mean that in the ordinary course of business a bank does not make a management policy decision on its holding a certain amount of a particular stock; the bank's Trust and Investment Department invests in what its officers think to be attractive securities from a fiduciary point of view. Thus holdings reflect financial judgments rather than management policy influences. Moreover, from a regulatory point of view, the SEC's Institutional Investor Study Report states, "the existence of potential power on the part of institutions to influence corporate decisions by reason of their substantial shareholdings does not demonstrate that such influence is in fact exercised."

Finally, if this section were enacted, it could well create more problems than it purports to solve. For one thing it would deny individuals holding substantial stock holdings from seeking the services of a bank trust department if they so desired, and in effect would curtail their freedom of choice by forcing them to rely on individual fiduciaries. Secondly, it could create serious and continuing problems for individuals and families who prefer dealing with a bank trust department which has an ongoing existence, rather than with an individual who by the very nature of things offers a much more impermanent relationship. Thirdly, any time a bank's trust department exceeded the magic 10 percent limit, whether by design or as a result of a third party bequest, the trust department would be forced to sell enough of its holdings to regain its 10 percent status, even at the detriment of the beneficiary of the bequeathed estate.

I am also opposed to the provisions in H.R. 5700 which would prohibit banks, other thrift institutions, and insurance companies from accepting any equity participation in consideration of making a loan. This is a practice that was not commonplace a few years ago; this is a practice that has been a by-product of tight money markets and our highly inflationary economy.

Despite this somewhat inauspicious beginning, however, experience has shown this practice has enabled bankers to make some worthwhile loans they otherwise would have not been able to make. Moreover, when the equity participation is linked to a right to any payment which is derived from income on property or enterprise, the practice constitutes a flexible means of adjusting credit charges to changing economic conditions. This means that relatively new firms and land developers can obtain new lines of credit rather than being forced to rely on the leavings of the so-called "safer accounts" as they have in the past. To the extent this practice is judiciously utilized, the economy in general benefits as well as the parties involved.

Mr. Chairman, the three areas I have discussed; interlocks, trust limitations, and equity participation loans, constitute the main objectionable features I have to H.R. 5700. Other areas of the bill, such as the new disclosure requirements and the prohibitions on banks using giveaways to attract depositors, concern me deeply as well.

In summary, I would say as regards the bill itself, I am strongly opposed to this Congress or any other Congress for that matter enacting sweeping prohibitions that would interfere with the ability of our nation's banking system to conduct its managerial, commercial, and fiduciary affairs. My strong opposition stems from my deep conviction that the need for the changes as proposed in H.R. 5700 are not supported by necessity and that existing state and federal laws are adequate to remedy the occasional wrongs that occur.

As for the field of banking, there always will be need for reform, just as there will always be need for reform in other areas of man's endeavors. But change that creates more problems than it cures is not reform. And change for the sake of change leads not to reform but to ruin.

WHO CARES ABOUT MIGRANT LABORERS' HEALTH?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. LEGGETT. Mr. Speaker, for many years my district has been one of the most progressive in the Nation in terms of its treatment of migrant farmworkers. What is a source of shame in many parts of the country has been to us, not a cause for complacency, but a cause for considerable satisfaction.

In Yolo County we have had for the past 2 years a demonstration migrant health program. It is a 3-year federally supported program designed to develop and demonstrate techniques of migrant laborer health program delivery. It is administered jointly by the Yolo County Health Department and the UC Davis Medical School.

I have just been informed that HEW does not intend to fund this program for its third, final, and most productive year.

As I understand it, three reasons are given for the cancellation. First, that "the Government's priority is no longer migrant agricultural workers in rural areas, but the permanent residents in a urban ghetto." This is absurd; certainly the ghettos need more money, but the migrants are no less needy than they were 2 years ago. Second, that the program does not render direct clinical services. This is simply untrue. Third, that the population density of the area is not high. To apply this criterion to a migrant labor program is ridiculous.

This decision is shocking and inexcusable, and I shall do everything in my power to see that it is reversed. In my view, the Yolo County health director, Dr. Herbert Bauer, was dead right when he described the action as a "reflection on the perniciousness of a system which is increasingly unable to satisfy basic domestic needs while continuing to spend untold billions on the insanities of war."

The public health director of Yolo County has articulated his protest as follows:

COUNTY OF YOLO,
Woodland, Calif., May 5, 1971.

HON. ROBERT L. LEGGETT,
House Office Building,
Washington, D.C.

DEAR BOB: This is the way Federal policies work out on local level. I presume that there is nothing that can be done about it. Or can it?

With all good wishes,

Sincerely,

HERBERT BAUER, M.D.,
Public Health Director and Director of Mental Health.

COUNTY OF YOLO,
Woodland, Calif., May 5, 1971.

WILLIAM M. SMITH, M.D.,
Regional Medical Director, District IX, Department of Health, Education, and Welfare, San Francisco, Calif.

DEAR DR. SMITH: Word has just reached us that funds for our entire Migrant Health Program are to be cut off abruptly at the end of the current fiscal year, June 30, 1971. In concrete terms, this means prompt dismissal of four of our staff members, namely two public health nurses, one sanitarian, and one clerk. It means the end of public health services which we have rendered to our migrant population throughout the year, and the proportionately increased services which we have rendered during the peak season. It means the end of our cooperative venture with the Department of Community Health of the Medical School at Davis which has often been mentioned as model for rural areas and whose funds we understand were likewise discontinued.

All this after numerous meetings with Federal and State representatives, applications, re-applications, audits, progress reports, evaluations, and tons of paper which at times made us feel as though we were supplicants rather than applicants.

The reasons for discontinuation of our grant, as we were given to understand, are mainly two: The fact that we don't render direct clinical services, and that we do not qualify as "densely populated area". The first reason, if stated correctly, admittedly appears somewhat absurd: We have emphasized on innumerable occasions that in our county the Health Department assumes responsibility for traditional year-round public health services while the Medical School supplements the program by providing direct individual clinical services at least during the peak season. During some of the meetings we have had with Federal representatives, various suggestions have been made such as leaving the service as it is under a joint Executive Committee which we have and with close coordination between the two departments involved which we have achieved. Other suggestions were to unify the services by either the University or the Health Department accepting responsibility for the entire program, which would at least be debatable. At no time was there any intimation of abrupt discontinuation at such short notice.

The concept of population density as criterion for selection has never been mentioned before, has never been defined, and appears rather meaningless in a county of our size and our population with sharp seasonal increases as we experience every year during the crop season.

What makes the decision almost catastrophic is the timing: Our budgets have long been submitted, there is no possibility to ask the County government to replace staff members previously maintained by a Federal grant for the coming fiscal year. If such drastic decisions had indeed to be made, it is difficult to see that they could not have been made in time to allow for a period of adjustment on local level. In other words, the damage to our program, the potential damage to the health of migrant workers, is irreparable, and so is the deep mistrust of Federal commitments which has begun to pervade our communities, our local governments, our people.

I would not like you to consider this letter written in haste or anger. It is a cold and sober reflection on the perniciousness of a system which is increasingly unable to satisfy basic domestic needs while continuing to spend untold billions on the insanities of war. Beyond that I have no comment, and I expect none from you.

Sincerely,

HERBERT BAUER, M.D.,
Public Health Director and Director of Mental Health.

PSORIASIS RESEARCH ASSOCIATION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. McCLOSKEY. Mr. Speaker, I want to commend to my colleagues' attention the fact that the first national Psoriasis Research Association was organized in my district, San Mateo County, in 1955 by Mrs. Diane Mullins. This association was the first in the world to grant funds to any medical facility to support psoriasis research.

The Psoriasis Research Association has participated in the many and varied psoriasis projects conducted at the University of California in the last 10 years. It was a $400 gift to the University of California Medical Center in December 1958 by the PRA that made possible the opening of the psoriasis treatment clinic at the university. Most of the patient-volunteers seen by the clinic in the last 10 years have been referred by the PRA.

Psoriasis is said by skin specialists to be a "dermatological mystery." While it is the second most common skin ailment, science still does not know what causes it, why it may disappear and recur or why it occurs in certain families. It is a particularly disabling and personally difficult disease since it involves a person's appearance as well as his or her physical fitness.

The Psoriasis Research Foundation has a three-point program for the 1970's:

First. Stimulate and support laboratory research.

Second. Help patients by referrals to medical schools and physicians most active in research and familiar with the most recent treatments of this chronic, incurable illness.

Third. Raise $1 million to finance the association.

I would like to insert at this point an article from Mrs. Mullins' local newspaper, describing her initiative and efforts in the organization of the Psoriasis Research Association:

SC WOMEN ARE ACHIEVERS IN MANY FIELDS—CRUSADES FOR RESEARCH

Mrs. Diane Mullins of San Carlos . . . a crusader for Psoriasis Research was officially recognized, Nov. 18, at a champagne luncheon in her honor for "significant effort and loyal support of dermatology programs at University of California, San Francisco." These words were inscribed on the plaque she was awarded by Dr. Howard Maibach, vice chairman of the department, who commented he had known of her dedication to the cause of Psoriasis Research for 10 years. Present at the awards luncheon were Mrs. Elza Bradley, Diane's mother, and Mrs. Jean Orr Perry, Psoriasis Research Assn. public information chairman. Both reside in San Carlos. Mrs. Mullins has worked closely with Dr. William Epstein, chairman of the medical school's department of dermatology. She has assisted in studies, referred patients and volunteers for studies. Diane Mullins, at first wondered "why me," then did something about this heartbreaking affliction known as Psoriasis. In 1953 she formed the Psoriasis Research Foundation which had an auspicious beginning as a result of an article, written in The San Mateo Times by Jack Russell, now city editor. The Foundation dissolved two years later. The Association was started in a second effort in 1955. In December of 1958 with $700 in the treasury, some earmarked for operating costs, a $400 grant was established for the first Psoriasis Fund. Two years later, the nation's first Psoriasis Clinic was opened at UC Medical School under Dr. Epstein. Illustrating the exorbitant cost of Psoriasis, in a recent questionnaire Diane composed, 54 people in the study in a span from six months to 6 years had already spent a total of $500,000. In 30 years or more, she herself admitted spending "$141,000." Estimates are that 5,000 people in the Bay area are afflicted with this "dermatological mystery" and more than 500,000 in the State of California. "If each one would contribute $1, the national research goal of $1,500,000 would be met. Research could be conducted in multi-phases such as virology, chemotherapy, genetics, immunology and bacteriology," Diane declares. Those wishing to join this fight against "Psoriasis," can contact Diane Mullins (593–1394) 1 to 5 p.m., daily. Kenneth Kidwell, president of Eureka Federal Savings and Loan Assn. has been appointed fund-raising director. Contributions in any amount should be sent directly to: Eureka Federal Savings and Loan Assn., 4610 Mission St., San Francisco, Cal. 94112. Fred Boler, San Mateo, retired Standard Oil executive, is chairman of the board of directors. Diane, lives with her parents, Mr. and Mrs. George Freeman Bradley (of Bradley's Pharmacy) on Vista Del Grande. Divorced many years, she is the mother of Pam, 22, CSM Nursing graduate, and now an RN at the same UC, School of Medicine and Terri, 21, who works at the post office.

U.C. dermatologists now estimate there are 800,000 psoriatics in California. The enclosed pamphlet from U.S. Government Printing Office tells something about psoriasis and the Eureka newsletter outlines the association program and goal.

IMPROVEMENTS TO THE NUCLEAR POWER REACTOR LICENSING PROCEDURES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HOSMER. Mr. Speaker, last evening I was privileged to address the New York Metropolitan Section of the American Nuclear Society on the subject of improvements in nuclear power reactor licensing procedures. The following are portions of my remarks which may be of interest to the nuclear and the electric utility communities:

REMARKS BY REPRESENTATIVE CRAIG HOSMER

On the subject of nuclear power reactor licensing—the AEC's basic job is to protect adequately the public health and safety (a) with the help of the Advisory Committee on Reactor Safeguards, (b) without running afoul of the utility antitrust laws, (c) while giving some nebulous preferences to high cost power areas and public power bodies, and (d) while also paying attention to recently imposed environmental requirements.

All of this seems relatively straightforward, but reactor licensing turns out to be neither easy nor uncomplicated. Currently it is in a mess and, in general, things are likely to get worse before they start to get better.

We are still reeling under the ambiguous impact of several new environmental laws and the establishment of Mr. Ruckelshaus' Environmental Protection Agency. Licensing difficulties have been compounded by rapid escalation in size and sophistication of nuclear power units and by their increasing numbers.

Design integrity and quality control problems plague us. The proliferation of new architect-engineer firms and non-standardized preparation of license applications also serve to throw more monkey-wrenches on the huge pile of them we have come to know as the AEC's Division of Licensing and Regulation.

But to give the devil his due, the AEC has been working hard to get money and enterprisingly to devise schemes to unplug the constipated licensing machinery:

Procedures are in effect to help assure proper initial preparation of license applications;

Improvements in scheduling and examining license applications constantly are being made;

More help is being added—with the next budget the Division will have over 600 souls aboard; and,

Real progress is being made in developing general design criteria, specific safety guides and similar tools to replace case-by-case examination techniques figuratively with a licensing assembly line.

But more of these details I need not reiterate. Already they steadily impinge upon your subconsciousness by reason of the gentle, enveloping, never-ending, ubiquitous flow of self-serving Commission press releases.

I like the new early notice procedures to give more time to prepare for construction and operating license hearings;

I approve the 10 CFR Part 2 amendment giving immediate effectiveness to operating decisions;

I applaud tightening up of the subpoena procedures; and,

I hail the AEC's upcoming Part 2 amendments to bring a modicum of order into the jungle of the contested hearing room.

Not only that, I'll vote for the Commission's amendments to the Atomic Energy Act to make ACRS reviews discretionary and early site hearings mandatory.

And I won't be doing it because Seaborg & Co. has me brainwashed. Not at all. As a matter of fact, I don't think they are going far enough fast enough in lubricating the creaky, rusty licensing machinery.

I especially do not think the Commission plans to crack down nearly hard enough on intervenors bent on making a mockery of the licensing process. The fundamental defect in the existing procedural rules and in the proposed amendments to the Statement of General Policy is that they do not require either an early precise identification of matters which are properly in dispute or some minimum showing for a matter to be deemed in dispute. This defect is of transcending importance because:

The purpose of a contested hearing is to resolve, on the basis of the hearing record, the matters which are properly in dispute.

Every step in the hearing process should be in the direction of contributing to the hearing record on the matters which are properly in dispute.

This defect is aggravated because the notices of hearing specify very broad general issues on which licensing boards must make findings of fact. This is done, mind you, even *before* it is known whether the hearing will be contested and therefore what, if any, matters are properly in dispute! In a contested hearing, the very broad general issues may well end up being the matters which a presiding licensing board deem to be in dispute.

Examination of just one of the six such issues which is usually included in the notice of hearing for an operating license will illustrate what could happen if that broad general issue is considered to be the matter in dispute—

"Whether the facility will operate in conformity with the applications as amended, the provisions of the Act, and the rules and regulations of the Commission."

If the issue is defined that comprehensively, then everything associated with the application from Day One is fair game, including the examination of documents, people and endless testimony and cross-examination. In short, a rehash of the entire substance and procedure of any application can be the result, a result which is totally inconsistent with the purpose of the contested hearing, which is to decide specific matters properly in dispute.

The inadequacies in AEC's procedures are a red-carpet invitation to intervenors, in particular those wily ones whose goal is to prolong the proceeding or completely obstruct the licensing process by utilizing every litigation technique in the hope of eventually uncovering trivia. Experience has shown that self-restraint on the part of certain types of intervenors cannot be opted for as a solution and that these inadequacies will not be overcome by all presiding boards through the exercise of the authority which they clearly have to regulate the course of the hearing and the conduct of the participants.

To await an overall AEC or JCAE review and recommendations which define the role of intervenors in contested hearings could be disastrous in view of the consequences of prolonged delays in bringing the plants on the line. We are faced with a problem which threatens this Nation's electrical energy supply. There must be an urgent, if indeed only an interim, solution; and, it is my view that further postponement of a solution is not in the public interest.

I have a proposal which meets the test of procedural efficiency without abandoning fundamentals. It can be put into effect promptly by AEC through the use of its existing rule making authority. If promptly implemented by AEC, it could avoid the profusion of contested hearings which loom on the horizon and the threatened prolonged roadblocks to the construction, and especially the operation, of reactors.

In my view, the inadequacies in AEC's rules for the conduct of contested cases would be substantially eliminated by the following straightforward and minor changes:

The rules should provide that, in order for a contention of an intervenor to be deemed a matter properly in dispute, he must identify specifically the matters which are in controversy and demonstrate to the presiding licensing board by a sufficient showing that each such matter presents a substantial and unresolved question significantly affecting the health and safety of the public. Factual affidavits in support of this showing should be required.

The rules should require the presiding board to rule at the outset—before any examination of documents or other "fishing expedition" is allowed—on whether intervenors have made the necessary sufficient showing and, if so, what specific matters are properly in dispute. This order would expedite and control the subsequent course of the proceeding, including the documents which can be examined by intervenors prior to the actual hearing, and all of the matters properly in dispute which are to be the subject of the hearing itself.

The Notices of Hearing which AEC now use should be revised so they will be compatible with the here recommended procedures for arriving at the specific matters which are properly in dispute.

These recommendations recognize the basic distinction between being allowed to intervene in a proceeding and what can be done after the intervention is granted. As far as allowing interventions, I recognize that the trend of applicable law encourages public participation through interventions. But this doesn't mean that the door should be held wide open for all or even that we might not reexamine the proposition as I will indicate later.

The specific procedural changes which I have recommended are limited to what an intervenor can do after intervention is granted, particularly with regard to his role in having a specific matter deemed to be properly in dispute. I think the AEC rules should also be strengthened regarding the "interest" which has to be shown to support an intervention, and also in regard to the denial of interventions which are untimely.

Providing people the manifold benefits of peaceful uses of atomic energy has been our national goal for nearly two decades. Billions of private and public dollars have been spent toward reaching it. If this substantive objective is not to be thwarted by procedural snarls, and if we are to meet this Nation's ever-growing electrical energy needs, then much more yet must be done to make certain that responsible reactor license applicants are no longer irresponsibly abused, harassed, blackmailed and stopped in their tracks.

Tossing aside the antitrust and power preference hanky-panky, and forgetting the newly imposed environmental determinations for the moment, there remains just one ultimate question the licensing procedure has to answer and that is: Is there reasonable assurance that this reactor is designed and will be constructed and operated so as to prevent accidents from happening and to mitigate their consequences if they do? YES or NO.

It is the AEC's responsibility to make that decision—not the applicant's, not the public's, not the intervenors'—It is the AEC's responsibility. That is the law.

By statute the Advisory Committee on Reactor Safeguards is around to help. And, with an abundance of caution, the Commission has further surrounded itself with staff, Atomic Safety and Licensing Boards, the Appeal Board and elaborate rules, procedures and policy statements which generously invite one and all to come stick their fingers into the pie.

As a result, almost anybody for almost any reason can hold up almost any reactor license application for almost any length of time. They are doing so and I do not believe that even the latest Part 2 amendments announced by the Commission on May 5th will be adequate to curb wily intervenors whose purpose is not to assure public health and safety but, for whatever reasons, simply to delay, obstruct and endlessly condition the bringing of nuclear power plants on the line. I submit that this prostitution of the licensing process can be stopped and ought to be stopped.

Careful amendments to the Commission's Rules of Practice can force intervenors during prehearing stages to identify specific matters legitimately and properly in dispute. Suitable affidavits can be required of intervenors which must pinpoint and identify to the licensing board any specific components, processes, parts, pieces, nuts, bolts, pumps, cladding or what-have-you of the proposed reactor which are alleged to present substantial and unresolved questions significantly affecting the health and safety of the public.

If an intervenor cannot make such showings during the issue definition phase of prehearings, then he cannot take further part in the proceedings. If he makes one, two or even a hundred showings, then he is entitled to examine pertinent documents, subpoena appropriate witnesses and be heard on the specifically identified issues and upon them only. Fishing expeditions into files and records will be barred and dilatory tactics overruled. Examination and cross-examination during the hearing will be confined strictly to relevant matters.

All this makes sense. It is fair, just and equitable. It does not require an amendment to the Atomic Energy Act. It does not violate due process. Safety is retained as licensing's indispensable ingredient and proper public participation is preserved.

The move I here suggest will forward the public interest and restore vitality and balance to the licensing process. It will serve to clarify environmental, antitrust and power preference issues at the same time and in the same manner that it serves to pinpoint health and safety issues and to expedite their resolution.

I sincerely hope the Commission will make a priority effort to further tighten up on its Rules of Practice in order to eliminate the yet lingering opportunities for obstructive techniques and procedural mischief which still boobytrap the difficult pathway to electrical energy sufficiency in the United States.

The regulatory hearings which the Joint Committee will probably hold during this session of Congress can provide a forum for consideration of other and larger aspects of the licensing process than those discussed tonight. They can provide a base for further detailed studies, which will probably be needed before major changes in the licensing process can be given serious legislative consideration. All these matters are important and will be given careful study.

One further matter to which I would like to see considerable study given is the nitty-gritty of whether or not the adversary process we have been using is really appropriate for resolving complex technical questions of nuclear safety and health. In my mind there is real doubt whether lay intervenors and their querulous counsel can contribute much to the answers to technical health and safety questions they raise.

Maybe we ought to change the law and provide that after an intervenor has managed to raise some unresolved question which actually is deemed significant that he then should go home. Thereafter it would be the AEC's responsibility to resolve it utilizing its staff, consultants, outside experts and other vast scientific and engineering resources. I am not really sure that the presence of a lot of environmental dilettantes and their hovering legal eagles has ever contributed much to nuclear safety or ever will.

C. DOUGLAS CARTER NAMED OUTSTANDING SPECIAL EDUCATOR FOR 1971

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to inform my colleagues that Mr. C. Douglas Carter, director of curriculum planning for the Winston-Salem and Forsyth County school system, has been named North Carolina's outstanding special educator for 1971.

Mr. Carter's many accomplishments in the field of special education, encompassing both exceptionally gifted students and those mentally and physically handicapped, have been of great service to the people of my district and to people throughout North Carolina.

I am sure my colleagues join me, Mr. Speaker, in extending to Mr. Carter our expression of profound appreciation for the good he has done for so many people, and our congratulations for this great honor.

At this time, I would like to include a newspaper article from the May 1, 1971, edition of the Winston-Salem Twin City Sentinel, announcing the award and listing in some detail Mr. Carter's outstanding contributions.

The article follows:

Curriculum Chief Gets N.C. Award

C. Dougals Carter, director of curriculum planning for the city-county school system, today was named North Carolina's outstanding special educator of the year.

Carter received the Felix S. Barker Award at a state Council for Exceptional Children meeting in Greensboro.

The presentation was made by Barker, first director of the division of exceptional children of the State Department of Public Instruction. He is now retired.

Carter is the second educator to receive the statewide award. He was nominated after receiving a local award from the Forsyth County Chapter of the Council in March.

Carter, a Winston-Salem native, has been working with special education programs since joining the city school system in 1951.

Special education refers to children who are academically gifted and to those who are handicapped.

NUMEROUS PROGRAMS

After teaching at several schools, Carter was appointed director of special services of the city school system in 1957. He was named director of special education for the merged city-county system in 1963.

He has set up and, in some cases, supervised numerous programs for gifted and handicapped children in the regular school term, in summer sessions and at the Children's Center for the Physically Handicapped.

He helped establish the North Carolina Governor's School here and served as its superintendent for several years.

He also has conducted numerous workshops and has worked with state agencies in special education programs.

About 500 people attended the two-day meeting of the council, which ended at noon today. The featured speaker was Dr. Burton Blatt, director of special education of the University of Syracuse.

SENATE—*Thursday, May 13, 1971*

The Senate met at 11 a.m. and was called to order by Hon. Adlai E. Stevenson III, a Senator from the State of Illinois.

Rabbi Chaim Seiger, Baron Hirsch Congregation, Memphis, Tenn., offered the following prayer:

"Where there is no earthly justice, the L-rd's justice will prevail."—Midrash on Deuteronomy.

O L-rd, Creator and Judge of all mankind:

Into our hands have You given the maintenance of our earth to be guided by Your revealed laws of justice. For You are the Creator and we are the instruments of Your will. May we then ever understand that our choice is either life upon this earth with justice, or death and chaos—Your retribution.

In humility, we are aware that for many who love freedom and justice, we are the last, best hope. May we be worthy of the mantle which destiny has placed upon us as free men, and as Americans. May we be guided to create selflessly the better world for which You created us.

ה׳ עז לעם זה יתן, ה׳ יברך את עם זה בשלום.

"The L-rd will give strength to this people. The L-rd will bless this people with peace." Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 13, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Adlai E. Stevenson III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that the House had passed the bill (H.R. 8190), an act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8190), an act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 12, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the prayer, the disposition of the journal, and the recognition of the joint leadership, the distinguished Senator from Utah (Mr. Moss) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE RULE OF GERMANENESS

Mr. MANSFIELD. Mr. President, do I correctly understand that the Pastore rule of germaneness, under the agreement entered into last week, does not begin to apply until the unfinished business is laid before the Senate?

The ACTING PRESIDENT pro tempore. That is the understanding of the Chair.

Mr. MANSFIELD. I thank the Chair.

PURCHASE OF U.S. OBLIGATIONS BY FEDERAL RESERVE BANKS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 103, S. 1700.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

(S. 1700) to amend section 14(a) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1973" and by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

PURPOSE OF THE LEGISLATION

The bill would extend for a 2-year period, from June 30, 1971, to June 30, 1973, the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The present authority for Federal Reserve banks to make direct purchase of U.S. obligations was enacted in World War II and has been extended temporarily from time to time since enactment. The last extension was authorized in 1970 when the authority was extended to June 30, 1971.

There follows a letter from the Secretary of the Treasury requesting and justifying this authority be continued.

THE SECRETARY OF THE TREASURY,
Washington, April 19, 1970.

Hon. SPIRO T. AGNEW,
The President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The proposed legislation would extend for an additional 2 years, from June 30, 1971, to June 30, 1973, the temporary authority under which Federal Reserve banks may purchase public debt obligations directly from the Treasury in an amount not to exceed $5 billion outstanding at any one time. The present direct purchase authority was enacted during World War II and has since been extended from time to time on a temporary basis. The last extension was in 1970 and the authority will expire on June 30 of this year.

The authority has been used in recent years only in periods just prior to tax payment dates. Its existence permits the Department to operate with considerably lower cash balances than would otherwise be required. The authority was not utilized in 1970 and was utilized for only short periods in September and December 1968 and in April and September 1969. The availability of the direct purchase authority is also important as a standby means of providing a ready source of funds in the event of a disruption in the private financial markets due to a serious national emergency or a nuclear attack on the United States. The attached table demonstrates that the authority has been sparingly used in the past.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed legislation.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the administration's program to the presentation of this proposed legislation to the Congress.

Sincerely yours,

JOHN B. CONNALLY.

DIRECT BORROWING FROM FEDERAL RESERVE BANKS 1942 THROUGH 1970

	Days used	Maximum amount at any time (millions)	Number of separate times used	Maximum number of days used at any one time
Calendar year:				
1942	19	$422	4	6
1943	48	1, 320	4	28
1944	None			
1945	9	484	2	7
1946	None			
1947	None			
1948	None			
1949	2	220	1	2
1950	2	180	2	1
1951	4	320	2	2
1952	30	811	4	9
1953	29	1, 172	2	20
1954	15	424	2	13
1955	None			
1956	None			
1957	None			
1958	2	207	1	2
1959	None			
1960	None			
1961	None			
1962	None			
1963	None			
1964	None			
1965	None			
1966	3	169	1	3
1967	7	153	3	3
1968	8	596	3	6
1969	21	1, 102	2	12
1970	None			

The committee believes that the temporary authority granted to the Federal Reserve Banks to purchase directly U.S. obligations is important as a standby means of providing a ready source of funds to the Federal Government, and recommends favorable action by the Senate.

THE MILITARY SELECTIVE SERVICE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the St. Louis Post-Dispatch during the period November 30–December 6, 1970, entitled "NATO's Lost Contact With Reality," an editorial published in the New York Times on May 5, 1971, entitled "Monetary Flap," and an article published in the Le Monde Weekly under date of March 25–31, 1971, entitled "1966, A Vintage Year for Diplomacy: Why De Gaulle Said 'No' To NATO."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Nov. 30–Dec. 6, 1970]

NATO'S LOST CONTACT WITH REALITY

The rituals of NATO for a long time have shown a growing tendency to lose contact with reality. At these annual, semi-annual and quarterly ceremonies, such as the one just concluded at Brussels, diplomats and generals throw out their chests, proclaim flexible strategies, pass firm resolutions and applaud a stock message from the President of the United States avowing his unshakable determination to strengthen the alliance.

It all has the flavor of a quaint anachronism, a minute-like survival from the past having little bearing on the actual condition of Europe today. Because NATO has gone on striking these postures for more than 20 years, following the low of inertia it goes on striking them. If postures alone were involved they might be tolerated as an amusing tribal rite, but in addition they cost money, they divert resources badly needed everywhere for constructive ends, they foster illusions and inflict a certain amount of self-deception.

In the world of reality an announcement that the European members intended to increase their contributions to NATO would be taken as a welcome indication that the United States could taper down its own. Wasn't it the purpose of the American reoccupation to hold the line until Europe could take over its own defense, and isn't Europe today quite as prosperous, if not more so, than the U.S.? But in the Wonderland of NATO ordinary logic does not apply. From Brussels comes the glad and ritualistic word that, because the Europeans are going to spend more on NATO, the U.S. will be able *not* to spend less.

Secretarys Laird and Rogers assure NATO that the more or less 300,000 American troops stationed there, who with their 200,000 dependents constitute a major dollar drain that contributes heavily to our balance of payments deficit, will stay through 1972 and maybe beyond, as a token of appreciation for the magnificent European decision to spend more on arms and military equipment.

There is a bit of fakery here. The Europeans say they will increase NATO contributions by a billion dollars over five years. That is 200 million a year, and *that* is less than 1 per cent of their present military outlays. The touted increase is not even enough to keep pace with inflation, and not all of it is to be in cash, either. In a word, the Europeans offer no real increase in their NATO contribution, but we trade them the maintenance of our forces anyway, thereby accomplishing the familiar feat of winning nothing for something.

Behind the elaborate pretense of the NATO rituals the reality is that our troops in Europe are not enough to stop an invasion should one ever occur, and yet they are more than are needed to serve as hostages for guaranteed U.S. intervention in any European war. President Eisenhower saw that long ago. One division would do as well as six, he said, if the purpose was to lay a tripwire that would bring major American power into play in event of attack. The size of the European garrison is dictated not by military considerations but by the crude and inglorious fact that everybody there has got used to enjoying the payrolls incidental to the U.S. presence.

The traditional evasion to cope with this fact is to say, as Secretary Rogers did in Brussels, that the U.S. will not reduce its forces except as part of a mutual reduction in which the Soviet Union participates. This sounds fine, but is meaningless. The size of the U.S. garrison is not now and never has been determined by the number of Soviet troops in Europe. If it were, we would need many hundreds of thousands more there than we have.

Our garrison is a symbol, and that's all. The symbol is bigger than it has to be and bigger than we can afford. Congress, without waiting on any Soviet decisions, ought to assert its authority to reduce the occupation force. And who knows? Unilateral action by us might just possibly generate unilateral and very satisfactory action by the other side.

[From the New York Times, May 5, 1971]

MONETARY FLAP

Waves of speculation in European money markets have driven up the price of gold, knocked the dollar down to its lowest pegged rate, and forced the German mark up to its ceiling rate of nearly 28 cents against the dollar.

The immediate cause of the rush of more than a billion dollars into Germany and other European money centers yesterday was the betting that there would be another upward revaluation of the mark—or that the dollar would be devalued in relation to gold.

This latest flooding of hot dollars into Europe was brought on by increasingly open debate in Germany that an upvaluation of the mark was essential to check rising inflation. Five German economic institutes have recommended that the mark should be permitted to float upward to find a new parity against the dollar.

But the German central bank and the Economics Ministry are still expressing determination to keep the mark at its present value. German agriculture and industry are afraid of being hurt by a dearer mark and are leaning harder on the Brandt government. The Germans are also being pressed to hold firm by their European Common Market partners, who are trying to achieve monetary union and are opposed to exchange rate flexibility.

As much as the Germans may dislike the idea of another revaluation, they detest inflation even more—and the German economists have warned the Government that if nothing is done to stem the huge dollar inflows by a revaluation, the inflation—which has been running at 4.5 per cent—would speed up to 5.5 or 6 per cent.

The best means of stemming the flow of hot dollars to Europe—once immediate speculation over the mark dies down—is to eliminate the interest rate differential between the United States and Europe. That differential has been narrowed in recent months but is far from closed. But the United States, eager to regain full employment, is unwilling to see interest rates climb too fast and abort the recovery. On their side, the Europeans, worried about inflation, are unwilling to drive interest rates down.

Yet it is essential that the gap be closed or neither party will achieve its objective. On both sides of the Atlantic, efforts to close the gap will require a new mix of monetary and fiscal policy. The Nixon Administration must stop pushing for faster monetary growth—and rely more upon fiscal policy to stimulate economic recovery. Similarly, the Europeans must reduce their reliance on tight money as the chosen weapon against inflation, and raise taxes instead.

Beyond this immediate crisis lie major tasks if monetary balance is to be restored among the major Western industrial nations and Japan. This will require an overhaul of existing exchange rates, military burdens and trade policies. Neglect of the underlying causes of the present monetary flap would poison Western economic relations.

[From Le Monde Weekly, Mar. 25–31, 1971]

1966, A VINTAGE YEAR FOR DIPLOMACY: WHY DE GAULLE SAID "NO" TO NATO

Just five years ago, on March 10 and 11, 1966, the French government informed the fourteen other members of the Atlantic Alliance of its intention to withdraw all its forces and other personnel from the interallied command in Europe.

At the same time the French asked Nato headquarters as well as all foreign troops stationed in Franch to leave, and placed all French forces stationed in Germany under French command. General de Gaulle had announced his intentions to the principal partner in the alliance in a letter to President Johnson on March 7.

He had also publicly indicated his intentions when he declared in a press conference on February 21 that he was determined to reestablish "normal conditions of sovereignty under which whatever was French, its soil, air space, coastal waters and armed forces, as well as any foreign troops in France, would henceforth be exclusively under French control."

Although the decision made headlines at the time, the break with the Atlantic Pact military organization did not come as a surprise to France's allies. Since 1958, when President Eisenhower rebuffed De Gaulle's proposal for a Big Three alliance of worldwide rather than merely Atlantic scope, the French president had been using the cold response to his idea as an excuse for his own cool attitude towards the alliance.

The following year, he announced that the French Mediterranean Fleet would be pulled out of the unified command if war occurred. Meeting with President Kennedy in 1961 De Gaulle indicated that sooner or later he would withdraw France from Nato.

In his New Year's address in December 1964, the French leader made the distinction for the first time in public between the North Atlantic Alliance, which still served a function, and the military pact, "which had no future." Why did he wait for eight years before acting? The former head of state gave his reasons in *Mémoires d'Espoir*.

France first had to become a nuclear power and end the Algerian war. In addition, Soviet threats, in particular the uncertainty created by Mr. Khrushchev over the future of Berlin, had to be dispelled. M. Pompidou, who was prime minister at the time, gave a further reason when he told the National Assembly, on April 20, 1966, that French policy required a "durability guarantee" which in fact had been provided by General de Gaulle's reelection for a seven-year term in December 1965.

The decision was, of course, based on the Gaullist desire for national independence, but the numerous explanations given at the time allowed Gaullist "doctrine" to be more closely defined in terms of strategy, European policy and East-West relations. It was no accident that 1966 was the "big year" for the Gaullists in foreign affairs. In addition to the Nato decision, General de Gaulle visited Moscow and delivered his famous speech in Phnom Penh, Cambodia.

FOLDING UMBRELLA

The first assumption of Gaullist policy was that the Soviet threat in Europe had disappeared, or at least it had considerably decreased since the signing of the North Atlantic Treaty in 1949. At the same time the value of the American "nuclear umbrella" had decreased. The threat to American territory posed by the Soviet nuclear arsenal made Washington wary of using what was still called "the Bomb" against its principal enemy.

This was reflected by Defense Secretary Robert McNamara's policy of "graduated retaliation," which was adopted by Nato, although not officially, until 1967.

As M. Pompidou remarked, this strategy allowed the United States to limit the first phase of operations to territories outside those of the principal aggressor. In other words, in order to pull its chestnuts from the fire, Washington was ready to spare Moscow, leaving Europe, from France to Poland's Bug River, to suffer the consequences. Another compelling reason was the growing American involvement in Vietnam—France did not want to risk being dragged into somebody else's war.

Some observers occasionally wondered whether De Gaulle planned to withdraw from the Alliance itself as well as from the military organization to which it had given birth. But, in fact, all the Gaullist leaders took pains to distinguish between the two, and the General himself promised President Johnson that France would remain in the Alliance when the treaty came up for renewal in 1969—"unless events in the next three years change the basic elements of East-West relations."

Since De Gaulle believed that changes—not fundamental, but real nonetheless—were occurring in Europe and the world, there remained a certain degree of uncertainty.

In any case, M. Pompidou expected, as he stated in a speech in April 1966, that "discussions concerning the future of the Alliance" would be held before the treaty was renewed. By invading Czechoslovakia eight months before, the Soviets and their allies had closed the ranks of the Western allies.

HURRY ON BACK

The reaction of France's allies to the 1966 decision was bitter, but they did not dramatize the situation. President Johnson affected the conviction that the French would not stay out of the Alliance for long, and let it be known that their place would always be waiting for them.

He fought a series of rearguard actions over the costs and deadlines for the evacuation of American forces from France, using a Franco-American agreement of December 1958—signed by the De Gaulle government—to argue that two years' notice was required to repudiate the accord.

Chancellor Erhard's German government was even more of a stickler for legal niceties, and in a note dated May 3, 1966 tried to bring the French back into the Nato fold by invoking the discussions about the stationing of French forces on German territory.

Since the reply from Paris was that the French were prepared to recall all of their troops before July 1, 1967, the conversations took on a more serious tone, and an agreement was reached in December 1966.

The allies bowed to the inevitable. The 26,000 American soldiers and 1,300 civilians, who along with some 16,000 French civilian employees had operated the 29 U.S. bases and depots in France, left before the spring of 1967, well within the deadlines set by Paris. SHAPE (Supreme Headquarters Allied Powers Europe) relocated in Belgium and the Central European Command, based in Fontainebleau, moved to Holland.

Later, in October 1966, the Fourteen decided to transfer the Atlantic Council, civilian headquarters of the Alliance, to Revere, a suburb of Brussels, even though the French had not requested the transfer and were in fact still sitting on the Council.

BALM OF TIME

What remains five years later of the frequently impassioned reactions which General de Gaulle's decision provoked both in France and abroad? Two facts stand out—first, the two principals in the debate in the National Asssembly which followed the decision were M. Pompidou and René Pleven, at the time a leader of the opposition. Today, the latter is a member of the cabinet over whose sessions the former presides.

And second, even if France asked them, it is very doubtful that the Americans would agree to send their forces back to France or pay the $200 million a year for their upkeep. NATO, at least in part thanks to De Gaulle's prompting, has become a forum where economic problems are examined at least as preparations for war, and, despite an occasionally hardened attitude, detente is discussed more than the Soviet threat.

Criticism of the "morality" of the French decision has not altogether evaporated, however. The strongest of these arguments is that General de Gaulle chose to confront his allies with a fait accompli rather than to enter into discussions with them on reforming the structures of the Alliance, discussions which he himself considered would be of no avail.

In fact, Paris was much more interested in 1966 in recovering complete sovereignty than in reforming an alliance to which it had no particular objection once France had left it. On the contrary, the French government has undertaken a kind of selective cooperation with the Alliance, retaining what it considers useful and rejecting the rest.

CORDIAL CONTACTS

Contacts, which are frequent and increasingly cordial, between the French General Staff and NATO Headquarters began officially as early as December 1966 with a meeting between the late General Ailleret and General Lyman Lemnitzer. In March 1966 the French had announced their intention of remaining in the NATO early-warning and riposte system, in the technical research centre in The Hague, and several other organizations.

To go from this to say that France is taking advantage of NATO without carrying its share of the burden is an easy step, but not one entirely justified since France makes disproportionately high defence expenditures compared with most of her allies. The French also participate in periodic NATO military exercises, particularly naval maneuvers.

Like so many other major decisions, France's withdrawal from NATO seems finally to have been accepted, and appears to be irreversible. It seems reasonable to ask whether anyone other than the General would have had the courage to take such an agonizing decision. As Socialist leader Guy Mollet remarked to M. Pompidou in 1966, "De Gaulle knew he could trust us never to take such a decision, but he did not trust you enough to believe that you would dare to do it if he were no longer around."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania (Mr. Scott) desire to be recognized at this time under the standing order?

Mr. SCOTT. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Alaska (Mr. Gravel) for a period not to exceed 15 minutes.

(The remarks of Mr. Gravel when he introduced S. 1855 appear in the Routine Morning Business section of the Record under Statements on Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. Stevenson). Under the previous order there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE MUST TAKE TIME TO GET ANSWERS ON SST

Mr. PROXMIRE. Mr. President, before the Senate proceeds to affirm the House action of yesterday in reviving the supersonic transport we should find out some hard facts. In the cold, grey light of the morning-after this SST revival looks entirely different.

Members of the House, the public and much of the press assumed yesterday that the House simply changed payments to close up and end the program into payment to continue the SST.

They assumed the cost of going ahead with the SST would be no more than it would have been if the House and Senate had voted for the program last March.

They were wrong.

In addition to the arguments against the program made when it was killed in the House and Senate there is a new one, a clincher.

Those who opposed the SST last March have the same reasons to oppose it now: It still is a trivial waste of money compared to the urgent need for funds for housing, education, poverty, health, pollution control, or just plain tax relief. And the SST represents as much of a threat to the environment now—in May—as it did in March.

But there is now a new element. It was contributed by the statements issued by both Boeing and General Electric after the House acted.

Boeing said that a new contract would have to be negotiated with the Government before work could start again on the SST.

And then they added this:

> This will take considerable study, effort and agreement among the contractors, the Government and the Airlines. This new contract must fully recognize the rights of the parties under the terminated contract and the large cost which will be incurred in reestablishing and carrying out the new program through not only the prototype stage, but the production of construction aircraft as well.

Now, Mr. President, this means we are in an entirely new ball game. And Boeing is exactly right. This will take time. Time to negotiate the rights of the airlines, the contractors, and the Government; time to determine the distribution of the large costs which Boeing cites to carry the program not only through the prototype stage, but the production of construction aircraft as well. What does this mean to Government costs: Additional hundreds of millions—almost certainly, additional billions—this is quite possible, at any rate we should find out—and if it takes weeks or months to find out, this Senator intends to do all in his power as a Senator to prevent the Senate from appropriating funds to continue this program until we know just exactly how deeply the Federal taxpayer is going to be asked to get in. We must have answers and full answers.

And when we get the answers there must be time to let the costs sink in—with the American people as well as with the Congress.

Now Mr. President, listen to what the General Electric Co. said about the House action that would attempt to simply complete the program without any more cost than was contemplated when we ended the program in March.

Here is the General Electric statement:

> The Government is contractually obligated to reimburse Boeing and GE their share of the money invested in the program up to the time it was terminated for the convenience of the Government. Any proposal to go forward with the program would necessarily involve very substantial financial commitments beyond $85 million and would involve very substantial restarting charges and redirection of the program.
>
> Should the administration receive full congressional approval and reinstate the SST program, it would be necessary to renegotiate with the contractors.

Furthermore Mr. Borch—chairman of the board of General Electric said that the Government would have to assume the entire—not 90 percent as the old contract provided of the SST development cost.

Now Mr. President what does this all mean? It means that in addition to all the other arguments against the SST you now have a program that will cost far more than was contemplated when the Congress in both houses killed the program last March.

It means that we do not know—we have no idea how much more that cost will be and it means we should certainly find out before we act on any appropriation measure that contains funds to continue the SST. It will take time much time and we must insist that we take that time—and know just what we are doing with hundreds of millions of the taxpayer's money.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Stevenson) laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriation for the Commission on Railroad Retirement for 1971 (S. Doc. No. 92–18)

A letter from the President of the United States transmitting proposed supplemental appropriation for the fiscal year 1971 for the Commission on Railroad Retirement (with accompanying paper); to the Committee on Appropriations.

PROPOSED EMERGENCY LOAN GUARANTEE ACT OF 1971

A letter from the Secretary of the Treasury, submitting a draft of proposed legislation to authorize emergency loan guarantees to major business enterprises (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Commerce, without amendment:

H.R. 5352. An act to amend the Act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce (Rept. No. 92–106).

By Mr. MANSFIELD (for Mr. FULBRIGHT), from the Committee on Foreign Relations, with amendments:

S. Con. Res. 21. A concurrent resolution calling for the suspension of military assistance to Pakistan (Rept. No. 92–105)

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 8190. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 92–107).

By Mr. ELLENDER, from the Committee on Appropriations, without amendments:

H.J. Res. 633. A joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. McINTYRE, from the Committee on Armed Services:

Hadlai Austin Hull, of Minnesota, to be an Assistant Secretary of the Army.

REGULAR AIR FORCE

Gen. Joseph J. Nazzaro, when retired, for appointment to the grade of general;

Lt. Gen. Theodore R. Milton and Lt. Gen. John D. Lavelle to positions of importance and responsibility designated by the President to the grade of general, while so serving;

U.S. ARMY

Chaplain (Brig. Gen.) Gerhardt Wilfred Hyatt for appointment as Chief of Chaplains, U.S. Army, and as major general;

Chaplain (Col.) Aloysius Joseph McElwee to be brigadier general;

Maj. Gen. Walter James Woolwine and Maj. Gen. George Philip Seneff, Jr., to be assigned to a position of importance and responsibility designated by the President to the grade of lieutenant general;

U.S. NAVY

Rear. Adm. Worth H. Bagley, designated for commands and other duties, to the grade of vice admiral, while so serving;

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral:

William J. Kotsch
Eugene H. Farrall
Rowland G. Freeman III
Rupert S. Miller
Carl J. Seiberlich
Joseph E. Snyder, Jr.
Forrest S. Petersen
Bernard B. Forbes, Jr.
Doniphan B. Shelton
Dewitt L. Freeman
Arthur W. Price, Jr.
Charles H. Griffiths
Charles D. Grojean
John M. Tierney
Isham W. Linder
Charles P. Tesh
William Thompson
Frank D. McMullen, Jr.
Leonard A. Snead
Tyler F. Dedman
Samuel L. Gravely, Jr.
Charles F. Rauch, Jr.
Stanley T. Counts
Harry D. Train II
William A. Myers III
Robert G. Mills
James O. Mayo
David A. Webster
Raymond W. Burk
Lloyd W. Moffit
Samuel M. Cooley, Jr.
Merton D. Van Orden
Wayne S. Nelson
Alan B. Shepard, Jr.
Henry S. Morgan, Jr.
Edward W. Cooke
Denis J. J. Downey
Chester G. Phillips
Alfred J. Whittle, Jr.
James H. Doyle, Jr.
Harry E. Gerhard, Jr.
James B. Wilson
Donald B. Whitmire
William H. Rogers
Wesley L. McDonald
Earl F. Rectanus
William F. Clifford, Jr.
Edward C. Waller III
James D. Watkins

Mr. McINTYRE. Mr. President, from the Committee on Armed Services I report favorably the nominations of 57 flag and general officers in the Army, Navy, and Marine Corps. I ask that these names be placed on the Executive Calendar.

In addition, I report favorably 1,740 promotions to captain in the Army, 930 promotions in the Navy in the grade of chief warrant officer, 709 appointments in the Marine Corps in grade of first lieutenant and below, and 1,931 promotions in the Air Force in grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings of April 19. 1971, April 23, 1971, and May 5, 1971.)

Mr. McINTYRE. Mr. President, without in any way minimizing the merits of the other candidates for promotion, I feel impelled to point out to my colleagues the name of captain—soon to be rear admiral—Alan B. Shepard, Jr.

Mr. President, on behalf of my State, I want to express my admiration for the dedication and determination which has been shown by this native son of Derry, N.H., during the past decade in our space program. The Granite State takes intense pride in the accomplishments of Alan Shepard and great satisfaction in his promotion to flag rank.

By Mr. THURMOND, from the Committee on Armed Services:

James E. Johnson, of California, to be an Assistant Secretary of the Navy.

Mr. THURMOND. Mr. President, I send to the desk the nomination of James E. Johnson as Assistant Secretary of the Navy for Manpower and Reserve Affairs. This nomination received the unanimous approval this morning of the Senate Armed Services Committee. I urge the Senate to give it prompt and favorable action.

Mr. Johnson is presently Vice Chairman of the Civil Service Commission. It has been my pleasure to know him in this capacity and I am confident he will render the same high caliber of service to the Navy that has marked his career with the Civil Service Commission.

Mr. President, in presenting this nomination, I ask unanimous consent that Mr. Johnson's biographical sketch be printed in the RECORD at the conclusion of my remarks.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

JAMES E. JOHNSON

Present address: 2816 Blue Spruce Lane, Wheaton, Maryland.

Born: March 3, 1926, Madison, Illinois.

Married: Juanita V. Butler.

Children: Three sons—21, 11, 4, and one daughter—16.

Education: Lincoln High, Forrest City, Ark., 1939–43; DuSaba High, Chicago, Ill., 1943–44, Grad w/G.E.D.; Maryland University, Overseas and U.S. Ext., 1960–62; Chapman College, Orange, Calif., 1961–68; Orange Univ. College of Law, Santa Ana, Calif.; Santa Ana College, Santa Ana, Calif., 1962–69, Assoc. of Arts; and George Washington Univ., Washington, D.C., and Extension Courses, 1958–70, B.S.

Military service: U.S. Marine Corps, 1944–1965.

Employment: January 1969—Present Commissioner and Vice Chairman, U.S. Civil Service Commission; 1967–1969—Director, California State Department of Veterans Affairs; 1965–1967—Insurance Executive, Prudential Life Insurance Company, Anaheim, California; 1944–1965—U.S. Marine Corps. Held positions of Squadron, Adjutant, Supply Fiscal Officer, and Legal Officer, Naval Law School graduating as Legal Counsel, Personnel Administrators School, Military, Administrator in Accounting; Marine Corps Supply, School, Fiscal Supply Officer; Instructor Training School, Military Instructor; Public Information School, Public Relations Officer for liaison between foreign countries and the United States military bases in the Far East.

Affiliations: Member, District of Columbia Health and Welfare Council; member, Board of Directors, United Givers Fund; member, Advisory Board, National Capital Area Council, Boy Scouts of America; member, Board of Directors, Golden Empire Council of Boy Scouts; former member, Board of Directors, Sacramento Safety Council; member, Board of Directors, United Christian Centers; past president of Orange County Chapter, Children's Asthma Research Institute and Hospital; former director, Youth Leadership Program; former finance chairman, Planned Parenthood Association; area governor of Toastmasters International; and member, Board of Governors, Anaheim YMCA.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GRAVEL:

S. 1855. A bill to amend the Atomic Energy Act of 1954 to require licensees and contractors to assume greater financial responsibilities. Referred to the Joint Committee on Atomic Energy.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. DOMINICK, Mr. KENNEDY, Mr. PROUTY, Mr. RANDOLPH, Mr. TAFT, Mr. SCHWEIKER):

S. 1856. A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BROOKE:

S. 1857. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 1858. A bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System. Referred to the Committee on Commerce.

By Mr. JAVITS:

S. 1859. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONTOYA:

S. 1860. A bill for the relief of Loreta Valido Balbas. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAVEL:

S. 1855. A bill to amend the Atomic Energy Act of 1954 to require licensees and contractors to assume greater financial responsibilities. Referred to the Joint Committee on Atomic Energy.

LIABILITY FOR NUCLEAR ACCIDENTS

Mr. GRAVEL. Mr. President, I am introducing a bill which would repeal the main provisions of the Price-Anderson Act—Public Law 85-256—for I believe anyone who uses nuclear material should accept the financial liability for damage which that nuclear activity may cause to the public. My belief is based on the simple observation that, in our economic system, public liability is the principal restraint on reckless activity. I fundamentally question the wisdom of the Price-Anderson Act, which, "in order—to encourage the development of the Atomic Energy industry" stipulates that—

> The United States may make funds available for a portion of the damages suffered by the public from nuclear incidents, and may limit the liability of those persons liable for such losses.

The word "incident" replaces the word accident, but a single manmade nuclear accident causing more than $500 million worth of damage is an accident in anyone's language. It is a manmade catastrophe.

One important provision of the Price-Anderson Act, which added section 170 to the Atomic Energy Act of 1954, sets the limit for public liability at $560 million per nuclear accident, regardless of the real size of the damage, which could exceed $7 billion per accident according to the Atomic Energy Commission—July 1970.

The other most important provision of the Price-Anderson Act—see AEC regulation 10 CFR 140.11 which implements it—is that about 80 percent of the $560 million must be paid to the injured parties by the American taxpayers, not by the AEC licenseholder.

My bill addresses both of those key provisions: the proposed section 170a removes the limit on the liability, and it removes all of the taxpayer's liability for the nuclear hazards created by licenseholders such as electric utilities and universities. As proposed, it stipulates that whosoever chooses to put the public at risk with his nuclear activity must demonstrate, as a condition of receiving and retaining his license, that he has and mantains financial protection to cover public liability claims.

The proposed sections 170a and 170i retain the sound concepts presently embodied in section 170 that licenseholders and contractors waive the issue of charitable or governmental immunity and waive any immunity from public liability conferred by Federal or State law, waive the issue of fault, and waive the statute of limitations if suit is instituted within 3 years from the date on which the injured person could first have known of his injury—for example, radiation-induced cancer, which may not become apparent for 10 to 30 years.

In fact, these very provisions in the present version of section 170 reflect one of the reasons that Price-Anderson should not simply be repealed. Complete repeal might leave no one at all liable even for powerplant accidents, since a publicly regulated utility might claim Government immunity for performing a public service, or might be protected against suits by the inability of the public to prove negligence or fault from the radioactive and unapproachable debris of the former powerplant. Furthermore, simple repeal would undo the progress embodied in the sections of 170 which apply to Government-sponsored nuclear activities—such as underground nuclear bomb tests. Namely, in section 170, the AEC circumvents the principle of "sovereign immunity" by agreeing to indemnify its contractors for public damages up to $500 million. My proposed bill would retain the principle of AEC financial responsibility for what it causes to be done, but would simply remove the artificial limit on the amount of its liability.

Perhaps because of some of the provisions described above, the Price-Anderson Act claimed in its opening paragraph not only to encourage the atomic energy industry, but also to protect the public. By some illogic, it was construed to be public protection when the public both suffers an extraordinary manmade disaster and then has to pay for most of the damage.

Nevertheless, Congress did endorse this kind of reasoning when it passed the Price-Anderson Act by voice vote in 1957. The act, which amended the Atomic Energy Act of 1954, was due for renewal in 1967 and was actually renewed by Congress in 1965, and amended in several other years. Sections 2i and 170 of the Atomic Energy Act contain the essence of the original Price-Anderson Act and subsequent amendments. In order to make it easy to compare my bill with sections 2i and 170, as they now stand in law, I ask unanimous consent that their texts be printed as one section of my remarks today.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

ATOMIC ENERGY ACT OF 1954, CHAPTER 1, SECTION 2

i. In order to protect the public and to encourage the development of the atomic energy industry, in the interest of the general welfare and of the common defense and security, the United States may make funds available for a portion of the damages suffered by the public from nuclear incidents, and may limit the liability of those persons liable for such losses.

ATOMIC ENERGY ACT OF 1954, CHAPTER 14

SEC. 170. INDEMNIFICATION AND LIMITATION OF LIABILITY.—

a. Each license issued under section 103 or 104 and each construction permit issued under section 185 shall, and each license issued under section 53, 63, or 81 may, have as a condition of the license a requirement that the license have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with subsection 170 b. to cover public liability claims. Whenever such financial protection is required, it shall be a further condition of the license that the licensee execute and maintain an indemnification agreement in accordance with subsection 170 c. The Commission may require, as a further condition of issuing a license, that an applicant waive any immunity from public liability conferred by Federal or State law.

b. The amount of financial protection required shall be the amount of liability insurance available from private sources, except that the Commission may establish a lesser amount on the basis of criteria set forth in writing, which it may revise from time to time, taking into consideration such factors as the following: (1) the cost and terms of private insurance, (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard, and (3) the nature and purpose of the licensed activity: *Provided,* That for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of financial protection required shall be the maximum amount available from private sources. Such financial protection may include private insurance, private contractual indemnities, self insurance, other proof of financial responsibility, or a combination of such measures.

c. The Commission shall, with respect to licenses issued between August 30, 1954, and August 1, 1977, for which it requires financial protection, agree to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability arising from nuclear incidents which is in excess of the level of financial protection required of the licensee. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed $500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage: *Provided, however,* That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed $60,000,000. Such a contract of indemnification shall cover public liability arising out of or in connection with the licensed activity. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1977, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1977.

d. In addition to any other authority the Commission may have, the Commission is authorized until August 1, 1977, to enter into agreements of indemnification with its contractors for the construction or operation of production or utilization facilities or other activities under contracts for the benefit of the United States involving activities under the risk of public liability for a substantial nuclear incident. In such agreements of indemnification the Commission may require its contractor to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $500,000,000, including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with such contract and for each nuclear incident: *Provided*, That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed $60,000,000: *Provided further*, That in the case of nuclear incidents occurring outside the United States, the amount of the indemnity provided by the Commission shall not exceed $100,000,000. The provisions of this subsection may be applicable to lump sum as well as cost type contracts and to contracts and projects financed in whole or in part by the Commission. A contractor with whom an agreement of indemnification has been executed and who is engaged in activities connected with the underground detonation of a nuclear explosive device shall be liable, to the extent so indemnified under this section, for injuries or damage sustained as a result of such detonation in the same manner and to the same extent as would a private person acting as principal, and no immunity or defense founded in the Federal, State, or municipal character of the contractor or of the work to be performed under the contract shall be effective to bar such liability.

e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed the sum of $500,000,000 together with the amount of financial protection required of the license or contractor: *Provided, however*, That such aggregate liability shall in no event exceed the sum of $560,000,000: *Provided further*, That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170 d. is applicable, such aggregate liability shall not exceed the amount of $100,000,000 together with the amount of financial protection required of the contractor.

f. The Commission is authorized to collect a fee from all persons with whom an indemnification agreement is executed under this section. This fee shall be $30 per year per thousand kilowatts of thermal energy capacity for facilities licensed under section 103. For facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce the fee set forth above. The Commission shall establish criteria in writing for determination of the fee for facilities licensed under section 104, taking into consideration such factors as (1) the type, size, and location of facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility. For other licenses, the Commission shall collect such nominal fees as it deems appropriate. No fee under this subsection shall be less than $100 per year.

g. In administering the provisions of this section, the Commission shall use, to the maximum extent practicable, the facilities and services of private insurance organizations, and the compensation for such services. Any contract made under the provisions of this subsection may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon a showing by the Commission that advertising is not reasonably practicable and advance payments may be made.

h. The agreement of indemnification may contain such terms as the Commission deems appropriate to carry out the purposes of this section. Such agreement shall provide that, when the Commission makes a determination that the United States will probably be required to make indemnity payments under this section, the Commission shall collaborate with any person indemnified and may approve the payment of any claim under the agreement of indemnification, appear through the Attorney General on behalf of the person indemnified, take charge of such action, and settle or defend any such action. The Commission shall have final authority on behalf of the United States to settle or approve the settlement of any such claim on a fair and reasonable basis with due regard for the purposes of this Act. Such settlement may include reasonable expenses in connection with the claim incurred by the person indemnified.

i. After any nuclear incident which will probably require payments by the United States under this section, the Commission shall make a survey of the causes and extent of damage which shall forthwith be reported to the Joint Committee, and, except as forbidden by the provisions of chapter 12 of this Act or any other law or Executive order, all final findings shall be made available to the public, to the parties involved and to the courts. The Commission shall report to the Joint Committee by April 1, 1958, and every year thereafter on the operations under this section.

j. In administering the provisions of this section, the Commission may make contracts in advance of appropriations and incur obligations without regard to section 3679 of the Revised Statutes, as amended.

k. With respect to any license issued pursuant to section 53, 63, 81, 104a., or 104c. for the conduct of educational activities to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection 170a. With respect to licenses issued between August 30, 1954, and August 1, 1977, for which the Commission grants such exemption:

(1) the Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability in excess of $250,000 arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed $500,000,000, including the reasonable cost of investigating and settling claims and defending suits for damage;

(2) such contracts of indemnification shall cover public liability arising cut of or in connection with the licensed activity; and shall include damage to property of persons indemnified, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs; and

(3) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

Any licensee may waive an exemption to which it is entitled under this subsection. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1977, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1977.

l. The Commission is authorized until August 1, 1977, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the nuclear ship Savannah. In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the amount of $500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with each nuclear incident: *Provided*, That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed $60,000,000.

m. The Commission is authorized to enter into agreements with other indemnitors to establish coordinated procedures for the prompt handling, investigation, and settlement of claims for public liability. The Commission and other indemnitors may make payments to, or for the aid of, claimants for the purpose of providing immediate assistance following a nuclear incident. Any funds appropriated to the Commission shall be available for such payments. Such payments may be made without securing releases, shall not constitute an admission of the liability of any person indemnified or of any indemnitor, and shall operate as a satisfaction to the extent thereof of any final settlement or judgment.

n. (1) With respect to any extraordinary nuclear occurrence to which an insurance policy or contract furnished as proof of financial protection or an indemnity agreement applies and which—

(a) arises out of or results from or occurs in the course of the construction, possession, or operation of a production or utilization facility, or

(b) arises out of or results from or occurs in the course of transportation of source material, byproduct material, or special nuclear material to or from a production or utilization facility, or

(c) during the course of the contract activity arises out of or results from the possession, operation, or use by a Commission contractor or subcontractor of a device utilizing special nuclear material or byproduct material,

the Commission may incorporate provisions in indemnity agreements with licensees and contractors under this section, and may require provisions to be incorporated in insurance policies or contracts furnished as proof of financial protection, which waive (1) any issue or defense as to conduct of the claimant or fault of persons indemnified, (ii) any issue or defense as to charitable or governmental immunity, and (iii) any issue or defense based on any statute of limitations if suit is instituted within three years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than ten years after the date of the nuclear incident. The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. When so incorporated, such waivers shall be judicially enforcible in accordance with their terms by the claimant against the person indemnified. Such waivers shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages, nor shall such waivers apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant. The waivers authorized in this subsection shall, as to indemnitors, be effective only with respect to those obligations set forth in the insurance policies or the contracts furnished as proof of financial protection and in the indemnity agreements. Such waivers shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (i) the terms of insurance policies or contracts furnished as proof of financial protection, or indemnity agreements, and (ii) the limit of liability provisions of subsection 170e.

(2) With respect to any public liability action arising out of or resulting from an extraordinary nuclear occurrence, the United States district court in the district where the extraordinary nuclear occurrence takes place, or in the case of an extraordinary nuclear occurrence taking place outside the United States, the United States District Court for the District of Columbia, shall have original jurisdiction without regard to the citizenship of any party or the amount in controversy. Upon motion of the defendant or of the Commission, any such action pending in any State court or United States district court shall be removed or transferred to the United States district court having venue under this subsection. Process of such district court shall be effective throughout the United States.

o. Whenever the United States district court in the district where a nuclear incident occurs, or the United States District Court for the District of Columbia in case of a nuclear incident occurring outside the United States, determines upon the petition of any indemnitor or other interested person that public liability from a single nuclear incident may exceed the limit of liability under subsection 170e.:

(1) Total payments made by or for all indemnitors as a result of such nuclear incident shall not exceed 15 per centum of such limit of liability without the prior approval of such court;

(2) The court shall not authorize payments in excess of 15 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subparagraph (3) of this subsection (o); and

(3) The Commission shall, and any other indemnitor or other interested person may, submit to such district court a plan for the disposition of pending claims and for the distribution of remaining funds available. Such a plan shall include an allocation of appropriate amounts for personal injury claims, property damage claims, and possible latent injury claims which may not be discovered until a later time. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the proportionate share of funds available for each claimant. The Commission, any other indemnitor, and any person indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this section, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States.

Mr. GRAVEL. Mr. President, I know of at least one provision which is missing from the bill I am introducing today. It is missing because hearings are required to work out specifics. I wish to state the principle of the missing provision: Repeal of the Price-Anderson Act—in particular, section 170c of the present Atomic Energy Act—will obviously require the Government to offer relief measures for present license holders who prefer to terminate nuclear operations rather than accept the financial responsibility.

There may be additional provisions which are now missing from the bill I am introducing. I welcome all suggestions.

The Price-Anderson Act, which was passed explicitly "to encourage the development of the atomic energy industry," may simply be obsolete in 1971. Do we really need to stimulate the atomic energy industry, in particular, nuclear electricity? We now know, for instance, that solar energy techniques can make it possible to power civilization with sunlight instead of with nuclear fuel. A "sunshine economy" appears as feasible as a "radioactive economy," and far less dangerous.

Nevertheless, the major nuclear activity in this country today is the construction and operation of nuclear powerplants which generate electricity. A single 1,000-megawatt powerplant produces enough radioactive plutonium in a single year to give about 500 billion—500,000,000,000—people the maximum permissible "body burden" of plutonium-239. I have mentioned only plutonium, whose most common isotope remains radioactive for 24,000 years. In addition, such a powerplant produces an annual inventory of long-lived radioactive fission-products—like strontium-90 and cesium-137—about equal to the amount created in the explosion of 1,000 Hiroshima bombs. That is the radioactive legacy of one plant operating for just 1 year.

Presently, this country has in operation the equivalent of about nine 1,000-megawatt nuclear powerplants, producing fission products equivalent to about 9,000 Hiroshima bombs per year, plus enough plutonium to give about 4 trillion people their maximum permissible amount. In addition, there are about 100 nuclear powerplants in various stages of construction and planning.

The AEC expects to license about 1,000 nuclear powerplants in the next 29 years.

Since their nondisposable radioactive byproducts clearly have the power to poison the entire planet permanently and completely, the AEC is forced to presume that man will be able to confine the radioactive poison he is creating with 99.999 percent success for hundreds—no, thousands—of years to come.

The AEC has to count on virtual perfection in this giant human industrial gamble called nuclear electricity—right through powerplant design, manufacture, construction, operation, waste transport, waste handling and processing, perpetual waste storage, plus additional steps too numerous to mention.

All that stands between nuclear electricity and irrevocable radioactive poisoning of the planet earth is near-infallibility in the nuclear electricity industry.

Therefore, it is disconcerting in the extreme to realize that the nuclear electricity industry is rapidly expanding under a law—the Price-Anderson Act—which not only acknowledges that giant nuclear accidents can happen, but then proceeds to remove the very restraint which normally operates to prevent reckless activities, namely full liability for public damages.

When Price-Anderson was first passed and then renewed, utility representatives testified that they would build no nuclear plants if they had to stand fully liable for accidents.

As millions of magazine readers know, the electric utilities now vigorously deny the basic premise of the Price-Anderson Act—that giant nuclear accidents can happen. In a two-page advertisement called, Go play in the nuclear power park, which appeared in Newsweek September 21, 1970, and in Look on October 6, 1970, about 70 investor-owned power companies made the following claim:

> Before the go-ahead is ever given to build a nuclear power plant, the Atomic Energy Commission requires that the potential owner adhere to safety standards that will withstand every conceivable emergency . . ."

The utilities sound very sure indeed now. Let us briefly consider the safety claims of Portland General Electric, which recently received a construction permit for its Trojan nuclear powerplant.

With reference to the Trojan approval letter written by the AEC's Advisory Committee on Reactor Safeguards, PGE claimed in writing just a few weeks ago that—

> The best technical minds in the Nation the (ACRS) can not hypothesize any accident or operating condition where the (Trojan) plant would be unsafe except these few areas which have been suggested by this committee.

PGE was indicating that, after it made the design changes in these few areas requested by the advisory committee, a public hazard from the Trojan nuclear plant would be inconceivable, even to the best technical minds in the country.

Surely a company so confident that giant accidents are inconceivable does not need the Price-Anderson Act to protect it from public liability suits.

Explicitly, PGE has stated that even if

its proposed Trojan plan were to have an accident, at the worst it would kill no one, possibly injure six people, and require the evacuation of 67 people. This claim was based on "the continuous operation of the emergency core cooling system after the initial fission-product release" inside the building, and based on no rupture of the containment.

Asking people to bet their lives on the "emergency core cooling system" is like asking the public to test-fly a new airplane. The reason I say that is because no emergency core cooling system has ever been fully tested to see if it will really work when the chips are down. The AEC plans the first large-scale tests in 1975, a year after the Trojan plant and many, many others are due to go into operation.

Mini-scale tests of the emergency core cooling system have recently cast new doubt on the effectiveness of that vital safety system—Nucleonics Week, May 6, 1971.

Do the directors of PGE continue to stand behind their company's super-safety claims? If so, then we can certainly expect those men to demonstrate their sincerity by supporting my bill. After all, this bill merely makes their company liable for accidents they have claimed will never happen.

Likewise, I see every reason for the directors of all the investor-owned power companies which sponsored the advertisement in Newsweek and Look actively to support my bill, preferably in new coast-to-coast advertisements.

My point is very simple; they have claimed that their nuclear powerplants can withstand every conceivable emergency, and it is time for them to put their money where their mouths are. If they would not even risk their dollars on nuclear electricity, why should Americans be forced to risk their lives?

If it is no longer conceivable for nuclear powerplants to have the disastrous radioactive releases which prompted the Price-Anderson Act in the first place, then the utilities no longer need the protection of that act.

If it is possible for catastrophic nuclear accidents to happen, then the public is entitled to hear that message, too, in double-page nationwide advertisements.

The public is entitled to know how great the public injury might be from the worst possible accident in terms of extra cancers, defective babies, and contaminated property: $20 billion? $10 billion? $2 billion? $100 million? Or zero, as PGE claims? As of July 1970, the AEC was standing by its 1957 estimate—$7 billion or worse for the maximum credible accident. The utilities deny it.

Some people have warned me that my bill would kill nuclear electricity simply because no single utility has sufficient assets to cover the possible public liability from a nuclear accident. To consider such a warning, first we must determine how large the possible public injury would really be. Zero, or colossal? My bill would clearly require an inquiry into that very question—one for which the public deserves an unbiased and believable answer instead of totally contradictory claims.

The utilities have everything to gain by such an inquiry, providing their safety claims are true. However, if such an inquiry determines that possible public injury from nuclear powerplants is great enough to exceed the assets of licensed utilties, then it is surely time to reevaluate the wisdom and morality of licensing such machines at all, especially in view of the safe alternatives.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. DOMINICK, Mr. KENNEDY, Mr. PROUTY, Mr. RANDOLPH, Mr. TAFT, and Mr. SCHWEIKER):

S. 1856. A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OCCUPATIONAL EDUCATION ACT OF 1971

Mr. JAVITS. Mr. President, I send to the desk for an appropriate reference, and introduce for myself and Senators BEALL, DOMINICK, KENNEDY, PROUTY, RANDOLPH, TAFT, and SCHWEIKER, the Occupational Education Act of 1971. The cosponsors of this bill are a bipartisan group of members of the Senate Subcommittee on Education. This measure is a companion bill to H.R. 7429, introduced in the House last month by Representative QUIE of Minnesota and cosponsored by a bipartisan group of members of the House Committee on Education and Labor, including such senior members as Representatives GREEN, REID, PUCINSKI, DELLENBACK, BRADEMAS, and ESCH.

This legislation has two objectives:

First. Establishment and expansion of postsecondary occupational programs which prepare for job entry rather than a baccalaureate degree; and

Second. Occupational counseling and preparation in elementary and secondary schools on an equal footing with academic preparation.

The bill authorizes $100 million for fiscal 1972, $250 million for fiscal 1973, $500 million for fiscal 1974, and such sums as may be necessary for each fiscal year thereafter. Eighty percent of the first year's funds and 85 percent of the funds for the succeeding years are allocated on a formula basis directly to the States for the purposes of the legislation, with the remainder reserved to the Commissioner of Education to provide technical assistance to the States and to establish model or demonstration programs in occupational education.

This legislation was first developed in consultation with representatives of the American Vocational Association, the American Association of Junior Colleges, the American Association of State Colleges and Universities, and the United Business Schools, Inc.—organizations preeminent in the area of postsecondary occupational education.

A significant number of our young people do not seek to pursue their education after high school in purely academic fields. They seek occupational, or career, training. Some 2 million Americans are now enrolled full time in postsecondary vocational or technical training courses. There were only 150,000 such students in this category as recently as 1964—this phenomenal growth is perhaps one of the most significant developments in American education today.

Half of all jobs opening up in the 1970's will require training beyond high school but less than a 4-year degree.

The U.S. Office of Education has estimated that as many as 25 million Americans now need some form of occupational training. Less than half this number are now receiving such training—5 million in high schools, 2 million in full-time, postsecondary vocational-technical programs, and the remainder as short-term and part-time adult students who wish to improve or update their skills. And this still falls far short of the need.

Yet, despite persistent national requirements in the occupational field, the Federal Government spends $4 in remedial manpower programs for every $1 it invests in vocational education as a source of prevention of unemployment and welfare, and invests only $1 in vocational-technical education for every $14 spent on the Nation's colleges and universities.

The United States is being competitively tested in much of the world, and this is a way in which to remedy that situation. I consider this a major bill in terms of the social and economic condition of the United States, and we shall do our utmost to get action on it here in the Senate, as they will in the other body. I think it will make a very major change in the outlook and opportunity for young Americans.

Perhaps one of the things that is disturbing young Americans today is the complete concentration on academic pursuits and professional pursuits toward the level of higher education, without the recognition that for millions upon millions of Americans some higher education in the vocations will give dignity as well as competence to these callings which are so essential to the future well-being of our country.

We must overcome the shortsightedness which encourages a young American to complete 4 years of college to become a teacher at $8,000 yearly but does not give similar encouragement to his becoming a medical technician after 2 years of college for a similar salary. Both serve our society, and both are needed.

Our community colleges, for example, are quite properly expanding their horizons to include occupational education. In my own State of New York, for instance, new curriculums at community colleges have included aircraft-operations technology, correction administration, physical and occupational therapy, and environmental health technology.

American education must not be strangled by "degrees"—there is an expanding and unfulfilled need for occupational education at less than the baccalaureate level and there is work to be done by those who receive such training, as technicians and at the subprofessional level. Occupational education must now come into its own, and this bill attempts to achieve that advance.

So that Members of the Senate may have an opportunity to really study what we propose, I ask unanimous consent that the text of the bill may be printed in the Record as a part of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1856

A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Occupational Education Act of 1971".

FINDINGS AND STATEMENT OF PURPOSES

Sec. 2. The Congress finds and declares that—

(a) our educational system should be responsible for assuring that every young person leaving secondary school is prepared for and assisted in placement either in productive employment or in further education at the postsecondary level;

(b) the opportunity for postsecondary occupational education in programs which do not directly lead to a baccalaureate or advanced academic degree is severely limited in many parts of the Nation and is everywhere inadequate to meet existing needs, and that this situation adversely affects vital national economic and social goals;

(c) high-quality programs of postsecondary occupational education can be found in a wide variety of institutions, including public and private junior and community colleges, area vocational schools, technical institutes, private proprietary schools, college and university branches, and colleges and universities, and Federal support should encourage the utilization of all such facilities to meet the enormous needs in this field;

(d) the goals and purposes of the Congress in enacting the Vocational Education Act of 1963 and the amendments to that Act of 1968 cannot be realized until there is a widespread understanding of and support for occupational preparation in the general academic community which in turn is reflected in changed attitudes, curriculums, and practices in elementary and secondary schools; and

(e) the foregoing purposes and those of the Vocational Education Act Amendments of 1968 and related Acts cannot be realized without strong leadership and exemplary administration at the Federal level.

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 3. For the purpose of carrying out title I of this Act, there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972, $250,000,000 for the year ending June 30, 1973, $500,000,000 for the year ending June 30, 1974, and for each fiscal year thereafter such sums as may be necessary to assure that the purposes of this Act are realized. From the sums appropriated for the fiscal year ending June 30, 1972, 80 per centum shall be available for the purposes of establishing a plan for administration under section 110, making planning grants under section 122, and for initiating programs under title I in those States which have complied with the planning requirements of section 122, and 20 per centum shall be available only for technical assistance under section 125(a). From the amount appropriated for each succeeding fiscal year 85 per centum shall be available for grants to the States for carrying out title I of this Act, and 15 per centum shall be reserved to the Commissioner of Education (hereinafter referred to as the Commissioner) for grants and contracts pursuant to section 125.

ALLOTMENTS AND REALLOTMENTS AMONG STATES

Sec. 4. (a) From the sums available in the fiscal year ending June 30, 1972, for allotment to the States under section 3 the Commissioner shall first allot such sums as they may require (but not to exceed $50,000 each) to Guam, American Samoa, and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all States, except that the amount apportioned to any State shall not be less than $100,000.

(b) From the sums available in any fiscal year beginning after June 30, 1972, for allotment to the States under section 3 the Commissioner shall first allot such sums as they may require (but not to exceed $500,000 each) to Guam, American Samoa, and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount apportioned to any State shall not be less than $100,000.

(c) The portion of any State's allotment under subsection (a) or (b) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such periods as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) or (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) or (b) for such year.

TITLE I—OCCUPATIONAL EDUCATION PROGRAMS

Part A—Federal Administration

GENERAL RESPONSIBILITIES OF THE SECRETARY

Sec. 101. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary) shall develop and carry out a program designed to promote and encourage occupational education, which program shall—

(1) provide for the administration by the Commissioner of Education of grants to the States authorized by this title;

(2) assure that manpower needs in subprofessional occupations in education, health, rehabilitation, and community and welfare services are adequately considered in the development of programs under this Act;

(3) promote and encourage the coordination of programs developed under this Act with those supported under the Vocational Education Act, the Manpower Development and Training Act, title I of the Economic Opportunity Act, the Public Health Service Act and related activities administered by various departments and agencies of the Federal Government; and

(4) provide for the continuous assessment of needs in occupational education and for the continuous evaluation of programs supported under the authority of this Act and of related Acts.

(b) The Secretary shall establish (or designate) a special unit within the Office of the Secretary which—

(1) shall have the sole function of assisting the Secretary in the discharge of his responsibilities under this Act; and

(2) shall be headed by a person appointed or designated by the Secretary who shall be paid at a rate not less than that for level 5 of the Executive Schedule (title V, section 5316. United States Code).

GENERAL RESPONSIBILITIES OF THE COMMISSIONER OF EDUCATION

Sec. 102. The Commissioner of Education shall, in addition to the specific responsibilities imposed by this Act develop and carry out a program of occupational education that will—

(1) coordinate all programs administered by the Commissioner which relate to or have an effect upon occupational education so as to provide the maximum practicable support for the objectives of this Act;

(2) promote and encourage the infusion into our system of elementary and secondary education of occupational preparation, counseling and guidance, and job placement or placement in postsecondary-occupational education programs as a responsibility of the schools;

(3) utilize research and demonstration programs administered by him to assist in the development of new and improved instructional methods and technology for occupational education and in the design and testing of models of schools or school systems which place occupational education on an equal footing with academic education;

(4) assure that the Education Professions Development Act and similar programs of general application will be so administered as to provide a degree of support for vocational, technical, and occupational education commensurate with national needs and more nearly representative of the relative size of the population to be served; and

(5) develop and disseminate accurate information on the status of occupational education in all parts of the Nation, at all levels of education, and in all types of institutions, together with information on occupational opportunities available to persons of all ages.

ESTABLISHMENT OF BUREAU OF OCCUPATIONAL EDUCATION

Sec. 103. (a) There is hereby established in the United States Office of Education a Bureau of Occupational Education which shall be the principal agency within the Office of Education for the administration of this Act, the Vocational Education Act of 1963, the Adult Education Act of 1966, and functions of the Office of Education relating to manpower training and development.

(b) (1) The Bureau shall be headed by a person (appointed or designated by the Commissioner) who is highly qualified in the fields of vocational-technical and occupational education, who is accorded the rank of Deputy Commissioner, and who is compensated at the rate specified for GS–18 of the General Schedule (5 U.S.C. 5332).

(2) Additional positions shall be assigned to the Bureau as follows—

(A) not less than three positions compensated at the rate specified for GS–17 of the General Schedule (5 U.S.C. 5332), one of which shall be filled by a person with broad experience in the field of junior and community college education;

(B) not less than seven positions compensated at the rate specified for GS–16 of the General Schedule (5 U.S.C. 5332), at least two of which shall be filled by persons with broad experience in the field of post-secondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling; and

(C) not less than three positions compensated at the rate specified for GS–15 of the General Schedule (5 U.S.C. 5332) which shall be filled by persons at least one of whom is a skilled worker in a recognized occupation, another is a subprofessional technician in one of the branches of engineering, and the other is a subprofessional worker in one of the branches of social or medical services, who shall serve as senior advisers in the implementation of this Act.

PART B—STATE ADMINISTRATION

DESIGNATION BY GOVERNOR

SEC. 110. (a) The Governor of any State desiring to participate in the programs authorized by this Act shall in accordance with State law designate or establish a State agency which will have sole responsibility for fiscal management and administration of the program, and which will provide assurances satisfactory to the Commissioner that—

(1) such State agency shall submit to the Commissioner a plan of administration which makes adequate provision for effective participation in the planning, design, administration, and evaluation of the programs authorized by this Act of persons with broad experience in the fields of—

(A) public and private junior and community college education,

(B) post-secondary vocational-technical education,

(C) occupational education in private, proprietary institutions,

(D) economic and industrial development,

(E) manpower development and training,

(F) academic education at the college and university level,

(G) secondary vocational-technical education,

(H) elementary and secondary education,

(I) elementary and secondary counseling and guidance, and

(J) industry, commerce, and labor.

(2) the State advisory council for vocational education will be charged with the same responsibilities with respect to programs authorized by this Act as it has with respect to programs authorized under the Vocational Education Act of 1963;

(3) there is an administrative device which provides reasonable promise for resolving differences between vocational educators, junior and community college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of programs authorized under this Act; and

(4) there is adequate provision for individual institutions or groups of institutions to appeal and obtain a hearing from the State administrative agency with respect to policies, procedures, programs, or allocation of resources under this Act with which such institution or institutions disagree.

(b) The Commissioner shall approve any plan of administration which meets the requirements of subsection (a), and shall not finally disapprove any plan without affording the State administrative agency a reasonable opportunity for a hearing. Upon the final disapproval of any plan, the provisions for judicial review set forth in section 124(b) shall be applicable.

PART C—STATE OCCUPATIONAL EDUCATION PROGRAMS

AUTHORIZATION OF GRANTS

SEC. 121. From the sums made available for grants under this part pursuant to sections 3 and 4, the Commissioner is authorized to make grants to the States to assist them in planning and administering high-quality programs of post-secondary-occupational education which will be available to all persons in all parts of the State who desire and need such education, and to promote occupational orientation and education in the regular elementary and secondary school programs.

PLANNING GRANTS

SEC. 122. (a) Upon the application of a State under section 110, the Commissioner shall make available to the State the amount of its allocation under section 4 for the following purposes—

(1) to assist the State administrative agency established or designated by the Governor in meeting the requirements of section 110;

(2) to strengthen the State Advisory Council on Vocational Education in order that it may effectively carry out the additional functions imposed by this Act; and

(3) to enable the agency designated by the Governor under section 110 to initiate and conduct a comprehensive program of planning for the establishment and carrying out of programs authorized by this Act.

(b) (1) Planning activities initiated under clause (3) of subsection (a) shall include—

(A) an assessment of the existing capabilities and facilities for the provision of post-secondary-occupational education, together with existing needs and projected needs for such education in all parts of the State;

(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs funded under this Act, including (but not limited to) both private and public junior and community colleges, area vocational schools, accredited private proprietary institutions, technical institutes, manpower skill centers, branch institutions of State colleges or universities, and public and private colleges and universities;

(C) the design of high-quality instructional programs to meet the needs for post-secondary-occupational education and the development of an order of priorities for placing these programs in operation;

(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance, and placement either in a job or in post-secondary-educational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional education at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

(B) the development of procedures to insure continuous planning and evaluation, including the regular collection of data which would be readily available to the State administrative agency, the State advisory council on vocational education, individual educational institutions, and other interested parties (including concerned private citizens).

(2) Planning activities carried out under this section shall involve the active participation of—

(A) the State board for vocational education;

(B) the State agency having responsibility for junior and community colleges;

(C) the State agency having responsibility for higher education institutions or programs;

(D) the State agency responsible for administering public elementary and secondary education;

(E) the State agency responsible for programs of adult basic education;

(F) representatives of all types of institutions in the State which are conducting or which have the capability and desire to conduct programs of postsecondary occupational education;

(G) representatives of private, nonprofit elementary and secondary schools;

(H) the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

(I) the State agency responsible for economic and industrial development; and

(J) representatives of business, industry, organized labor, and the general public.

(c) The Commissioner shall not approve any application for a grant under section 123 of this Act unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out.

PROGRAM GRANTS

SEC. 123. (a) From the allotments available to the States under section 4(b) (upon application by the State administrative agency designated under section 110), the Commissioner shall make grants to any State which has satisfied the requirements of section 124. Such grants may be used for the following purposes—

(1) the design, establishment, and conduct of programs of post-secondary-occupational education (or the expansion and improvement of existing programs) as defined by section 127 of this Act;

(2) the design, establishment, and conduct of programs to carry out the long-range strategy developed pursuant to section 122(b)(1)(D) for infusing into elementary and secondary education occupational preparation, which shall include methods of involving secondary schools in occupational placement and methods of providing followup services and career counseling and guidance for persons of all ages as a regular function of the educational system;

(3) special training and preparation of persons to equip them to teach, administer, or otherwise assist in carrying out programs authorized under this Act (such as programs to prepare journeymen in the skilled trades or occupations for teaching positions);

(4) planning and evaluation activities designed pursuant to section 122(b)(1)(E); and

(5) the leasing, renting, or remodeling of facilities required to carry out programs authorized by this Act.

(b) Programs authorized by this Act may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this Act by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this Act which would not otherwise be available.

ASSURANCES FROM THE STATES; PROVISIONS FOR JUDICIAL REVIEW

SEC. 124. (a) Before making any program grant under this Act the Commissioner shall receive from the State administrative agency assurances satisfactory to him that—

(1) the planning requirements of section 122 have been met;

(2) the State advisory council on vocational education has had a reasonable opportunity to review and make recommendations concerning the design of the programs for which the grant is requested;

(3) Federal funds made available under

this Act will result in improved postsecondary occupational education programs, and in no case supplant State, local, or private funds;

(4) provision has been made for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this Act;

(5) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served by an elementary or secondary school program funded under this Act, provision has been made for the effective participation of such students; and

(6) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this Act.

(b) (1) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State administrative agency, finds that any of the assurances required by subsection (a) are unsatisfactory, or that in the administration of the program there is a failure to comply with such assurances or with other requirements of the Act, the Commisssioner shall notify the administrative agency that no further payments will be made to the State under this Act until he is satisfied that there has been or will be compliance with the requirements of the Act.

(2) A State administrative agency which is dissatisfied with a final action of the Commissioner under this section or under section 110 (respecting approval of a State plan for administration) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

TECHNICAL ASSISTANCE AND MODEL PROGRAMS

Sec. 125. (a) The Commissioner shall make available (to the extent practicable) technical assistance to the States in planning, designing, and carrying out programs authorized by this Act upon the request of any Governor or State administrative agency, and the Commissioner shall take affirmative steps to acquaint all interested organizations, agencies, and institutions with the provisions of this Act and to enlist broad public understanding of its purposes.

(b) From the sums reserved to the Commissioner under section 3, he shall by grant or contract provide assistance—

(1) for the establishment and conduct of model or demonstration programs which in his judgment will promote the achievement of one or more purposes of this Act and which might otherwise not be carried out (or be carried out soon enough or in such a way as to have the desirable impact upon the purposes of the Act);

(2) as an incentive or supplemental grant to any State administrative agency which makes a proposal for advancing the purposes of this Act which he feels holds special promise for meeting occupational education needs of particular groups or classes of persons who are disadvantaged or who have special needs, when such proposal could not reasonably be expected to be carried out under the regular State program; and

(3) for particular programs or projects eligible for support under this Act which he believes to have a special potential for helping to find solutions to problems on a regional or national basis.

(c) In providing support under subsection (b) the Commissioner may as appropriate make grants to or contracts with public or private agencies, organizations, and institutions, but he shall give first preference to applications for projects or programs which are administered by or approved by State administrative agencies, and he shall in no case make a grant or contract within any State without first having afforded the State administrative agency reasonable notice and opportunity for comment and for making recommendations.

PAYMENTS

Sec. 126. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

DEFINITIONS

Sec. 127. For the purpose of this Act—

(1) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and (except for the purposes of subsections (a) and (b) of section (4) Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(2) the term "post-secondary-occupational education" means education, training, or retraining for persons sixteen years of age or older who have graduated from or left elementary or secondary school, conducted by an institution legally authorized to provide postsecondary education within a State, which is designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations (including new and emerging occupations) or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which requires a baccalaureate or advanced degree;

(3) the term "Governor" means the Governor of a State or the chief executive officer (however described) or any jurisdiction treated as a State under this Act.

TITLE II—CONFORMING AND SUPPORTING AMENDMENTS TO OTHER ACTS

Sec. 201. (a) Section 203(a)(3) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" at the end of clause (B), striking out the semicolon at the end of clause (C) and inserting in lieu thereof ", and", and by inserting a new clause as follows:

"(D) provide assurance that equitable consideration shall be given to the needs of elementary and secondary schools for library resources, textbooks, and other printed and published materials utilized for instruction, orientation, or guidance and counseling in occupational education."

(b) Section 303(b)(3) of such Act is amended by redesignating clauses (C), (D), (E), (F), (G), (H), (I), and (J), respectively, as clauses (D), (E), (F), (G), (H), (I), (J), and (K), and by inserting a new clause as follows:

"(C) programs designed to encourage the development in elementary and secondary schools of occupational information and counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education;".

(c) Section 503(4) of such Act is amended by redesignating clauses (A), (B), and (C), respectively, as clauses (B), (C), and (D), and by inserting a new clause as follows:

"(A) the development in elementary and secondary schools of programs of occupational information, counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education,".

Sec. 202. (a)(1) Section 104(a)(2) of the Vocational Education Act of 1963 (relating to the duties of the National Advisory Council on Vocational Education) is amended by inserting after "under this title" each time it appears ", and under title I of the Occupational Education Act of 1971,".

(2) Section 104 of such Act is further amended by redesignating subsection (c) as subsection (d) and by inserting a new subsection as follows:

"(c) State advisory councils also shall perform with respect to the programs carried out under title I of the Occupational Education Act of 1971 functions identical with or analogous to those assigned under this title, and the Commissioner shall assure that adequate funds are made available to such Councils from funds appropriated to carry out title I of that Act (without regard to whether such funds have been allotted to States) to enable them to perform such functions."

By Mr. HART:

S. 1858. A bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System. Referred to the Committee on Commerce.

NATIONAL ENVIRONMENTAL DATA SYSTEM ACT

Mr. HART. Mr. President, I introduce for appropriate reference a bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System. The Committee on Commerce considered this legislation last year, but due to the press of business at the close of the session was unable to report out a bill. It is my hope that the committee will move expeditiously this year to give its approval to an institution which is without doubt sorely needed.

In reintroducing this bill, I would like again to express my admiration and appreciation for the Congressman from Michigan, Mr. Dingell, who originally developed the data system concept in his Fisheries and Wildlife Subcommittee of the House Committee on Merchant Marine and Fisheries. Largely through his efforts, legislation similar to that introduced today passed the House in the last session. It is my understanding that this year the subcommittee again has reported the bill favorably.

What is proposed essentially is the establishment of a central system capable of housing all data relating to the environment. By allowing the regulatory agencies and the public ready access to this information, it is hoped that we can diminish to some degree an understandable, but nonetheless persistent, cause of our environmental problems—ignorance.

Too many of our environmental crises can be traced to a lack of timely knowledge as to the seriousness of a given pollutant. In testimony before the Senate Subcommittee on the Environmental repeatedly we have heard witnesses bemoan the absence of any clearinghouse for environmental information which could, in specific instances, have provided such knowledge. In our hearings on the effects of mercury on man and the environment it was claimed by both those responsible for the mercury pollution and those directly affected by it that the existence of such a clearinghouse might have prevented much of the damage that occurred. Although for several years literature was available which suggested that inorganic mercury could be converted to the deadly poison known as methyl mercury, neither the chemical companies discharging the pollutant nor the regulatory agencies of Government were aware of it until last year. Had there been a source to which they might have turned to learn all that was known about the behavior and effects of mercury, discharges of the chemical could have been stopped much sooner.

In a similar vein, when our subcommittee examined the problems associated with the use of the herbicide 2,4,5-T and related chemicals we again found that lack of knowledge was a central problem. In the case of 2,4,5-T itself, although alarming information relating to the fetus-deforming effects of the herbicide in test animals was available as early as June of 1966, neither the Department of Agriculture nor the Food and Drug Administration knew of it until years later. Moreover, even the producers of the chemical were denied access to the information which might have led them to restrict their production voluntarily.

It is, therefore, the major purpose of this bill to insure that when information of this sort is known by anyone anywhere in the world that every effort is made to bring it to the attention of as many people, both within and outside the Government, as possible. Considerable thought will have to be given to the precise mechanism by which the accumulation and dissemination of this material is handled, but would anyone deny the desirability of increasing the free flow of such vital information? It is my hope that Congress will move quickly to accomplish that objective.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1858

A bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Policy Act of 1969 (Public Law 91–190) is amended by adding at the end thereof the following new title:

"TITLE III

"NATIONAL ENVIRONMENTAL DATA SYSTEM

"Sec. 301. This title may be cited as the 'National Environmental Data System Act'.

"Sec. 302. For the purpose of this title—

"(1) The term 'Data System' means the National Environmental Data System established by this title. The system shall include an appropriate network of new and existing information processing or computer facilities, both private and public, in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation.

"(2) The term 'Council' means the Council on Environmental Quality established in title II of this Act.

"(3) The term 'environmental quality indicators' means quantifiable descriptors of environmental characteristics which will measure the quality of the environment.

"(4) The term 'information, knowledge, and data' shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decision-making in environmental affairs.

"Sec. 303. (a) There is hereby established a National Environmental Data System.

"(b) The purpose of the Data System is to serve as the central national coordinating facility for the selection, storage, analysis, retrievel, and dissemination of information, knowledge, and data relating to the environment so as to provide information needed to support environmental decisions in a timely manner and in a usable form. Such information as shall be deemed appropriate and useful for the achievement of the purpose of the system shall be made available by all Federal agencies and shall be collected and received, where available, from all Federal agencies, private institutions, universities and colleges, State and local governments, individuals, and any other source of reliable information.

"(c) Information and data shall also be sought from international sources such as foreign governments, the United Nations' and other international institutions; and the President is encouraged to enter into such agreements as may be necessary to accomplish this purpose.

"Sec. 304. (a) The information, knowledge, and data in the Data System and the analysis thereof shall be made available on request without charge—

"(1) to the Congress and all the agencies of the legislative and executive branches of the Federal Government, and their bona-fide contractors and grantees; and

"(2) to all States and political subdivisions thereof, except that, in any case where it is determined that the service requested is substantial, the payment of such fees and charges may be required as may be necessary to recover all, or any part, of the cost of providing such retrieval service.

"(b) The information, knowledge, and data in the Data System and the analysis thereof shall be made available to private persons and entities—

"(1) upon payment of reasonable fees and charges as may be established as necessary to recover the cost of providing such retrieval service; and

"(2) subject to such terms and conditions as is deemed necessary to protect the interests of the United States.

"(c) In all instances the Data System shall perform its functions so as to protect secret and national security information from unauthorized dissemination and application.

"Sec. 305. (a) There is hereby created the position of National Environmental Data System Director, who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The Director shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental data of all kinds and to appreciate its significance in the management of natural resources as required for the purpose of this Act. He shall serve full time and be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5313).

"(b) It shall be the function of the Director to—

"(1) administer and manage, under the guidance of the Council, the operations of the Data System in all of its ramifications,

"(2) institute a study to evaluate and monitor the state of the art of information technology and utilize to best advantage new and improved techniques for accomplishing the purposes of this Act,

"(3) utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data as to scope, scientific validity, quantity, and quality, to be incorporated into the National Environmental Data System network, including the development of predictive ecological models,

"(4) develop and implement a plan to establish and maintain the environmental information network anticipated to accomplish the purposes of this Act,

"(5) develop, establish, and maintain, as necessary, general standards which will permit and facilitate the compatability and integration of existing and new information systems bearing on the environment to make them consonant and cooperative with the central facility established by this Act, and

"(6) develop and publish from time to time environmental quality indicators for all regions of the United States, including its coastal and contiguous zones, and for internationally significant environments such as the atmosphere and the oceans.

"(c) In carrying out his functions under this Act, the Director shall, to the fullest extent possible, provide the Council with statistical data and other information necessary for the preparation of the annual report of the Council required under section 201 of this Act, and in the development of long-range programs for the enhancement of the environment.

"Sec. 306. (a) The Director may employ such other officers and employees as may be necessary (1) for the efficient administration, operation, and maintenance of the Data System, and (2) to carry out his functions under this title.

"(b) The Director is authorized to provide such lawful incentives as may be required to achieve the purposes of this Act. These incentives may include, but shall not be limited to, grants of money, exchanges of information, sharing of facilities, specialized advice, programs and formats, and other like incentives. The Director shall also be authorized to enter into contracts with universities, individuals, and State and local governments when needed, and to purchase information, data, and personal services as required to fulfill its purposes. He is also authorized to employ consultants as required.

"Sec. 307. (a) The head of each department, agency, or instrumentality in the executive branch of the United States Government shall make available to the Data System such information, knowledge, and data on the environment which such department, agency, or instrumentality may have as a result of its operations. Such information, knowledge, and data shall be made available for incorporation into the Data System, as the Director deems appropriate as soon as possible after it becomes known to such department, agency, or instrumentality.

"(b) In the administration of all Federal programs resulting in financial assistance to any cooperative international study or to any State, political subdivision, or other public or private entity, and in all contracts in which the United States is a party, the head of the department, agency, or instrumentality administering such program, on entering into such contract, shall take such action as may be necessary to insure that information, knowledge, and data on the environment which either directly or indirectly results from such Federal financial assistance or contract will be made available to the Data System as soon as possible after it becomes known. In respect to federally assisted environmental programs conducted by foreign nations, it shall be the policy of the United States Government to encourage, to the fullest extent possible, the availability to the Data System of such information, knowledge, and data arising from these programs which is appropriate to the purposes of the system.

"(c) The head of each department, agency, and instrumentality in the executive branch of the United States Government shall, to the fullest extent possible, permit the Data System Director to use, on a mutually agreeable basis, including the payment of compensation, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this title; and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Data System.

"Sec. 309. There is authorized to be appropriated to carry out the provisions of this title the sum not to exceed $1,000,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, and $5,000,000 for each fiscal year thereafter."

By Mr. JAVITS:

S. 1859. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL INSTITUTE ON BUILDING SCIENCES

Mr. JAVITS. Mr. President, I send to the desk and introduce for appropriate reference a bill to establish a National Institute of Building Sciences. A companion bill has been introduced today in the House by Representative Moorhead of Pennsylvania.

The absence of an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally acceptable standards for local building codes has proven to be a great obstacle to efforts to meet the national housing goals set forth in the Housing and Urban Development Act of 1968. Moreover, the lack of a system of uniform building code standards increases the cost of construction and inhibits innovation in building techniques. The resulting fragmentation in the housing industry is clearly not in the public interest.

This bill seeks to meet the problems in the housing area by establishing a nongovernmental nonprofit corporation which would develop and publish standards affecting building materials and local building codes; would promote and coordinate tests and studies of new building products and construction techniques, would provide research and technical services with respect to such materials and techniques; and would assemble and coordinate, to the extent practicable, all present activities in this area.

The bill carries authorization for appropriations for 5 years starting at $5 million a year, and scaling down to $2 million a year at the end of the 5-year period. After that time the Institute is expected to be self-supporting.

This bill is similar to S. 2368 which I introduced in the last Congress except that Federal agencies would be required to make use of the standards, techniques, and developments which have been certified as acceptable by the Institute and the same requirements would apply to all programs and projects which are dependent upon Federal financial or other assistance.

I believe that this bill meets a very important need and should have the support of all groups who are involved in the housing and construction industry. I would hope that this legislation will receive prompt and favorable consideration in the Senate.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1859

A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, ensure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following new title:

"TITLE X—NATIONAL INSTITUTE OF BUILDING SCIENCES

"SHORT TITLE

"Section 1001. This title may be cited as 'the Building Sciences Act of 1971'.

"FINDINGS AND DECLARATION OF POLICY

"Sec. 1002. (a) The Congress finds (1) that the lack of an authoritative national source to make findings and to advise both the public and private sectors of the economy with respect to the use of building science and technology in achieving nationally acceptable standards and other technical provision for use in Federal, State, and local housing and building regulations is an obstacle to efforts by and imposes severe burdens upon all those who procure, design, construct, use, operate, maintain, and retire physical facilities, and frequently results in the failure to take full advantage of new and useful developments in technology which could improve our living environment; (2) that the establishment of model building codes or of a single national building code will not completely resolve the problem because of the difficulty at all levels of government in updating their housing and building regulations to reflect new developments in technology, as well as the irregularities and inconsistencies which arise in applying such requirements to particular localities or special local conditions; (3) that the lack of uniform housing and building regulatory provisions increases the costs of construction and thereby reduces the amount of housing, and other community facilities which can be provided; and (4) that the existence of a single authoritative nationally recognized institution to provide for the evaluation of new technology for the purpose of updating housing and building regulatory provisions could facilitate introduction of such innovations and their acceptance at the Federal, State and local levels.

"(b) The Congress further finds, however, that while an authoritative source of technical findings is needed, various private organizations and institutions, private industry, labor, and Federal and other governmental agencies and entities are presently engaged in building research, technology development, testing and evaluation, standards and model code development and promulgation, and information dissemination. These existing activities should be encouraged and these capabilities effectively utilized wherever possible and appropriate to the purposes of this Act.

"(c) The Congress declares that an authoritative nongovernmental instrument needs to be created to address the problems and issues described in subsection (a), that the creation of such an instrument should be initiated by the Government, with the advice and assistance of the National Academy of Sciences—National Academy of Engineering-National Research Council (hereinafter referred to as the "Academies-Research Council") and with the greatest practicable participation of representatives of the various sectors of the building community, including labor and management, technical experts in building science and technology, and the various levels of government.

"ESTABLISHMENT OF INSTITUTE

"Sec. 1003. (a) There is authorized to be established, for the purposes described in section 1002(c), an appropriate nonprofit, nongovernmental instrument to be known as the 'National Institute of Building Sciences' (hereinafter referred to as the 'Institute'), which shall not be an agency or establishment of the United States Government. The Institute shall be subject to the provisions of this title and, to the extent consistent with this title, to a charter of the Congress if such a charter is requested and issued or to the District of Columbia Nonprofit Corporation Act if that is deemed preferable.

"(b) The Academies-Research Council shall advise and assist in (1) the establishment of the Institute and its operation during its first five years of existence; (2) the development of an organizational framework to encourage and provide for the maximum participation feasible of public and private scientific, technical, and financial organizations, institutions, and agencies now engaged in activities pertinent to the development, promulgation, and maintenance of performance criteria, standards, and other technical provisions for building codes and other regulations; and (3) the promulgation of appropriate organizational rules and procedures including those for the selection and operation of a technical staff, such rules and procedures to be based upon the primary object of promoting the public interest and insuring that the widest possible variety of interests and experience essential to the functions of the Institute are represented in the Institute's operations. Recommendations of the academies Research Council, shall be based upon consultations with and recommendations from various private organizations and institutions, labor, private industry, and governmental agencies and entities operating in the field, and the Consultative Council as provided for under section 1004(h).

"(c) Nothing in this title shall be construed as expressing the intent of the Congress that the Academies-Research Council itself be required to assume any function or operation vested in the Institute by or under this title, nor is its continuing advice and assistance precluded should the Institute and the Academies-Research Council wish to provide therefor beyond the initial five years of operation.

"ADMINISTRATION OF THE INSTITUTE

"SEC. 1004. (a) The Institute shall have a Board of Directors (hereinafter referred to as the 'Board') consisting of not less than 15 nor more than 21 members, appointed during its first five years of operation by the President of the United States by and with the advice and consent of the Senate, and thereafter as provided for by its charter. In selecting persons to serve on the initial Board, the President shall appoint members from lists of highly qualified persons recommended to him by the Academies-Research Council. Insofar as is practicable, the Board shall be reasonably representative of the various regions of the country, of the various segments of the building community including private industry and labor, of all levels of Government, of consumer interests, and of the various types of experience which are appropriate to the functions and responsibilities of the Institute.

"(b) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute as provided for under section 1002(a).

"(c) The term of office of each member of the initial and succeeding Boards shall be three years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. No member shall be eligible to serve in excess of three consecutive terms of three years each. Notwithstanding the preceding provisions of this subsection, a member whose term has expired may serve until his successor has qualified.

"(d) Any vacancy in the initial and succeeding Boards shall not affect its power, but shall be filled in the manner in which the original appointments were made, or, after the first five years of operation, as provided for by the organizational rules and procedures of the Institute.

"(e) The President shall designate one of the members appointed to the initial Board as Chairman; thereafter, the members of the initial and succeeding Boards shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of their number as Vice Chairman. Terms of the Chairman and Vice Chairman shall be for one year and no individual shall serve as Chairman or Vice Chairman for more than two consecutive terms.

"(f) The members of the initial or succeeding Boards shall not, by reason of such membership, be deemed to be employees of the United States Government. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this title, be entitled to receive compensation at the rate of $100 per day including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized by law (section 5703 of title 5, United States Code) for persons in the Government service employed intermittently.

"(g) The Institute shall have a President and such other executive officers and employees as may be appointed by the Board at rates of compensation fixed by the Board. No such executive officer or employee may receive any salary or other compensation from any source other than the Institute during the period of his employment by the Institute

"(h) The Institute shall establish, with the advice and assistance of the Academic-Research Council, a Consultative Council, membership in which shall be available to a representative of all appropriate private trade, professional, and labor organizations, private and public standards, code, and testing bodies, public regulatory agencies, and consumer groups, so as to ensure a direct line of communication between such groups and the Institute and a vehicle for representative hearings on matters before the Institute.

"NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

"SEC. 1005. (a) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Institute shall inure to the benefit of any Director, officer, employee, or any other individual except as salary or reasonable compensation for services.

"(c) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

"FUNCTIONS OF THE INSTITUTE

"SEC. 1006. (a) The Institute shall exercise its functions and responsibilities in four general areas relating to building regulation, as follows:

"(1) Development, promulgation, and maintenance of nationally recognized performance criteria, standards, and other technical provisions for maintenance of life, safety, health and public welfare suitable for adoption by building regulating jurisdictions and agencies, including test methods and other evaluative techniques relating to building systems, subsystems, components, products, and materials.

"(2) Evaluation and prequalification of existing and new building technology in accordance with paragraph (1).

"(3) Conduct of needed investigations in direct support of paragraphs (1) and (2).

"(4) Assembly, storage, and dissemination of technical data and other information directly related to paragraphs (1), (2), and (3).

"(b) The Institute in exercising its functions and responsibilities described in subsection (a) shall assign and delegate, to the maximum extent possible, responsibility for conducting each of the needed activities described in subsection (a) to one or more of the private organizations, institutions, agencies, and Federal and other governmental entities with a capacity to exercise or contribute to the exercise of such responsibility, monitor the performance achieved through assignment and delegation, and, when deemed necessary, reassign and delegate such responsibility.

"(c) The Institute in exercising its functions and responsibilities under subsections (a) and (b) shall (1) give particular attention to the development of methods for encouraging all sectors of the economy to cooperate with the Institute and to accept and use its technical findings, and to accept and use the nationally recognized performance criteria, standards, and other technical provisions developed for use in Federal, State, and local building codes and other regulations which result from the program of the Institute; (2) seek to assure that its actions are coordinated with related requirements which are imposed in connection with community and environmental development generally; and (3) consult with the Department of Justice and other agencies of government to the extent necessary to ensure that the national interest is protected and promoted in the exercise of its functions and responsibilities.

"FINANCING OF THE INSTITUTE'S ACTIVITIES

"SEC. 1007. (a) The Institute is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants and donations from private organizations, institutions, and individuals.

"(b) The Institute may, in accordance with rates and schedules established with guidance provided by the Academies-Research Council under section 1003(b), establish fees and other charges for services provided by the Institute or under its authorization.

"(c) Amounts received by the Institute under this section shall be in addition to any amounts which may be appropriated to provide its initial operating capital under section 1009.

"COOPERATION BY FEDERAL GOVERNMENT AGENCIES AND STATE AND LOCAL AGENCIES

"SEC. 1008. (a) Every department, agency, and establishment of the Federal government, in carrying out any building or construction, or any building-or construction-related program, which involves direct expenditures, and in developing technical requirements for any such building or construction, shall be required to accept the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute, which may be applicable.

"(b) All projects and programs involving Federal assistance in the form of loans, grants, guarantees, insurance, or technical aid, or in any other form, shall, as a condition of the assistance, accept, use, and comply with any of the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building codes and other regulations brought about by the Institute, which may be applicable to the purposes for which the assistance is to be used.

"(c) Every department, agency, and establishment of the Federal Government having responsibility for building or construction, or for building- or construction-related programs, is authorized and encouraged to request authorization and appropriations for grants to the Institute for its general support, and is authorized to contract with and accept contracts from the Institute for specific services where deemed appropriate by the responsible Federal official involved.

"(d) The Institute shall establish and carry on a specific and continuing program of cooperation with the States and their political subdivisions designed to encourage their acceptance and its technical findings and of nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute. Such program shall include (1) efforts to encourage any changes in existing State and local law to utilize or embody such findings and regulatory provisions; and (2) assistance to States in the development of inservice training programs for building officials, and in the establishment of fully staffed and qualified State technical agencies to advise local officials on questions of technical interpretation.

"APPROPRIATIONS FOR INITIAL CAPITAL

"SEC. 1009. There is authorized to be appropriated to the Institute over the first five fiscal years which end after the date of the enactment of this title, the sum of $5,000,000 for each of the first two such fiscal years, the sum of $3,000,000 for each of the next two such fiscal years, and the sum of $2,000,000 for the last such fiscal year (with each appropriation to be available until expended or until six years shall have passed), to provide the Institute with initial capital adequate for the exercise of its functions and responsibilities during such years (and to assist the Academies-Research Council with funds under contract which the Board may deem necessary to allow the Council to provide the necessary advice and assistance in organizing and establishing the Institute); and thereafter the Institute shall be financially self-sustaining through the means described in section 1007.

"REPORT TO CONGRESS

"SEC. 1010. The Institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within 60 days of its receipt. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as the Institute deems appropriate. Each such report shall include a separate report from the Academies Research Council.

By Mr. WILLIAMS:

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes. Referred to the Committee on Labor and Public Welfare.

AMENDMENT OF THE FAIR LABOR STANDARDS ACT

Mr. WILLIAMS. Mr. President, the Fair Labor Standards Act was enacted in 1938.

It is clear both from its legislative history and the purposes that are set forth in its declaration of policy that Congress intended the act to have broad coverage. Congress declared that the policy of the act was "To correct and as rapidly as possible to eliminate the conditions" which are: "detrimental to the maintenance of the minimum standards of living necessary for health, efficiency, and general well-being of workers."

The law as it now stands fails to cover many millions of needy working men and women. Those workers that it does cover are not protected adequately in today's economy. Clearly, the failure to extend coverage and increase the minimum wage to a living wage has tended to subvert the high purposes of the Fair Labor Standards Act.

The Fair Labor Standards Act has been amended by Congress only four times in its history to increase the minimum wage and only twice has Congress extended coverage.

Let me take a moment to emphasize the urgent need for an increase in the current $1.60 an hour minimum wage.

URGENT NEED FOR INCREASE IN MINIMUM WAGE

A man or woman working full-time at the current $1.60 per hour minimum will earn only $3,200 per year. This is far below the Federal Government's defined poverty level of $3,944 for a family of four. And even if our current rate of inflation should slow, this worker poverty gap will still increase in the years to come, absent action by the Congress to adequately increase the minimum wage and its coverage. And we must note the fact that for the first time in a decade the Census Bureau has announced an increase rather than a decrease in the number of Americans living in poverty.

In addition, I would like to point out the impact that inflation has had on today's minimum wage of $1.60 an hour which was established by the 1966 amendments. The increase to $1.60 an hour will be almost completely negated by the middle of this year. As measured in 1966 dollars, the current $1.60 buys less than the $1.25 bought in 1966. And it will buy even less by next year.

The bill that I offer today will help restore dignity to the working poor by increasing the minimum wage to a level that will allow working men and women to provide their families with the basic necessities of life. By extending the coverage of the minimum wage protections we can also give additional hope to over 13 million Americans who labor for even less than the current inadequate minimum wage.

MINIMUM WAGE AS A MEANS OF REDUCING WELFARE COSTS AND STIMULATING THE ECONOMY

We often hear today of the rising costs of welfare in our Nation. There is no doubt that such costs are rising greatly and that they impose a heavy burden especially on State and local governments. These costs must be reduced, while at the same time we must develop a means for eliminating the cycle of poverty which grips approximately 25 million Americans.

By providing the means for obtaining the basic necessities of life, and also a semblance of dignity, for the working poor, an increase in the minimum wage will also thereby reduce the cost of welfare to the taxpayers. It is still too early to predict accurately the specific impact of an increase in the minimum wage on welfare costs since the welfare reform legislation is still in its drafting stage. However, it is clear that my bill will provide a means for substantial reductions in the welfare rolls of our country.

Since most of the wefare reform measures now being considered by Congress will provide supplemental payments for the working poor, an increase in the minimum wage will reduce the supplemental payments to be made by the government. Current welfare costs will also be reduced by enabling heads of households to support their families, rather than leave home, thus forcing mothers, who are unable to work, and their children to be dependent on welfare.

There is also little doubt that an increase in wages will help stimulate our lagging economy since workers will be earning more and spending more on goods and services. Such an economic stimulus will also increase job opportunities for the poor and thus should also reduce welfare costs.

Yet another benefit from the increased economic activity, which will be generated by an increase in the minimum wage, will be an increase in tax revenues to help pay for the many other necessary domestic programs.

COVERAGE

Currently the Fair Labor Standards Act treats many workers as second-class citizens. For example, farmworkers who labor long and hard receive $1.30 an hour—not $1.60 an hour as do most other workers now covered by the Fair Labor Standards Act. Furthermore, many are not even covered by the act, and receive even less than $1.30 per hour for their labors.

In addition, many workers are not given the basic protection afforded by the overtime provisions of the act. My bill would eliminate many of these inequities.

In general, over 13 million workers that are not now covered by Federal minimum wage law and many of whom have no State or local minimum wage protection, will be brought under the Fair Labor Standards Act by my proposal. The workers in this category represent some of the most needy in our society.

EXTENSION OF PROTECTIONS OF EQUAL PAY ACT

In 1963 when Congress enacted the long overdue Equal Pay Act amendment to the Fair Labor Standards Act, it neglected to extend the valuable protections of that Act to those women employed as administrators, professionals or executives. In order to correct this inequity, the Senator from Michigan (Mr. HART) has offered an amendment in each of these last two Congresses—S. 3612, 91st Congress and S. 1529, 92d Congress. I am grateful to the distinguished Senator from Michigan for his amendment which I have incorporated in my bill to amend the Fair Labor Standards Act to make the Equal Pay Act provisions applicable to administrative, professional, and executive employees.

GENERAL PROVISIONS OF THE WILLIAMS MINIMUM WAGE BILL

Thus far, I have discussed in very general terms the basis for and some of the provisions of my minimum wage bill. I would like to briefly summarize some of the key provisions of my proposal.

MINIMUM WAGE

The bill would increase the minimum wage in steps. For those workers who were covered by the Fair Labor Standards Act prior to the 1966 amendments the current rate of $1.60 an hour would be increased to $2 an hour on the effective date of the amendments. This rate would increase to $2.25 an hour beginning 1 year from the effective date.

Workers who were brought under the protections of the FLSA by the 1966 amendments, including agricultural workers, and those newly covered by these amendments would receive increases in the following steps:

First, $1.70 an hour on the effective date of these amendments;

Second, $2 an hour effective a year later; and

Third, $2.25 an hour, effective 2 years later.

COVERAGE AND EXEMPTION

In addition to increasing the minimum wage, it would extend coverage to over 13 million workers who are excluded from the protections afforded by the minimum wage.

Among the categories of workers who would be newly covered are Federal, State, and local government workers, employees of small retail and service establishments, and domestics—except babysitters. Certain exemptions which are now applicable to the following groups of workers would also be repealed: retail and service establishments, seasonal amusement and recreational; motion picture; logging; farm; railroad; pipeline and air carrier workers; fish processors; and motel, restaurant, and nursing home workers; motor vehicle salesmen and partsmen; cotton gin workers; taxi drivers; catering employees; and bowling establishment workers.

My proposal would also require the payment of overtime after 8 hours of work in a day or 40 hours in a week, while at the same time bring most workers covered by the FLSA under these overtime protections. It would also eliminate maximum-hour exemptions for agricultural processing and hospital workers.

Some of the other changes this legislation would make relate to improvements in the child labor protections as such provisions apply to agricultural workers; increases in the wages paid to workers in Puerto Rico and the Virgin Islands—and effective January 1, 1975, such workers would be provided with the same minimum wage and overtime protection as mainland workers; applying Equal Pay Act provisions to professional, administrative, and executive personnel; elimination of the dollar amount limits for the purpose of enterprise coverage; repeal of the provisions which permit tips to be offset against the minimum wage; reduction of the 500 man-day coverage requirement for agriculture to 100-man days; and the elimination of clauses excluding employees of linen supply houses from full coverage.

Finally my proposal would amend the enforcement provisions of the FLSA to broaden the authority of the Secretary of Labor, when suing for unpaid minimum wages or overtime compensation, to collect liquidated damages as well.

The proposal that I am offering today is one whose time has come. We simply cannot afford from the standpoint of basic human justice, or from the standpoint of the costs to the economy, to allow any more time to pass without increasing the minimum wage and the coverage provisions of the Fair Labor Standards Act.

There is a need for action and that need is a most urgent one.

Several exemptions provided under the Fair Labor Standards Act are not repealed by this bill. However, the justification for most of these has not been considered seriously in many years. In light of the economic realities, Congress should and the Labor Committee will give careful consideration to the wisdom or necessity of continuing those exemptions.

The Senate Labor Subcommittee will begin hearings on this legislation on May 18, 1971, with the testimony of Secretary of Labor Hodgson. All those who wish to testify or submit statements should contact Gerald M. Feder, counsel to Labor Subcommittee, room G–237, New Senate Office Building, 225–3674.

I ask unanimous consent that the bill, a section-by-section analysis and a comparative chart be printed in the RECORD at this point.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1861

A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an eight-hour workday, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Amendments of 1971".

DEFINITIONS AND APPLICABILITY TO PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 2. (a) Section 3(d) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee, including the United States and any State or political subdivision of a State, but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

(b) Section 3(e) of such Act is amended by inserting after the word "employer" the first time it appears in such section a comma and the words "including any individual employed in domestic service (other than a babysitter)".

(c) Section 3(h) of such Act is amended to read as follows:

"(h) 'Industry' means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.".

(d) Section 3(m) of such Act is amended by striking out the last sentence thereof.

(e) Section 3(r) of such Act is amended to read as follows:

"'Enterprise' means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities, whether public or private or conducted for profit or not for profit, or whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor. For purposes of this subsection the activities performed by any person or persons in connection with activities of the Government of the United States or any State or political subdivision shall be deemed to be activities performed for a business purpose."

(f) Section 3(s) of such Act is amended to read as follows:

"'Enterprise engaged in commerce or in the production of goods for commerce' means an enterprise (whether public or private or operated for profit or not for profit and including activities of the Government of the United States or of any State or political subdivision) which has employees engaged in commerce, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person. Any establishment which has as its only regular employee the owner thereof or the parent, spouse, child, or other member of the immediate family of such owner shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise."

(g)(1) Section 3 of such Act is further amended by striking out paragraph (t) thereof, and by redesignating paragraphs (u), (v), and (w) as paragraphs (t), (u), and (v), respectively.

(2) Section 3(e) of such Act is further amended by striking out "3(u)" and inserting in lieu thereof "3(t)".

(h) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by an establishment which is a hotel, motel, or restaurant, or (2) by any other retail or service establishment if such employee is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined in accordance with sections 6(a), 13 and 14 of this Act."

MINIMUM WAGES

SEC. 3. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(1)(A) not less than $2.00 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1971, and

"(B) not less than $2.25 an hour thereafter."

(b) Section 6(a) of such Act is amended by striking out the semicolon and the word "or" at the end of paragraph (4) and inserting in lieu thereof a period, and by striking out paragraph (5) thereof.

(c) Section 6(b) of such Act is amended—

(1) by striking out the parenthetical clause reading "(other than an employee to whom subsection (a)(5) applies)";

(2) by inserting after the words "Fair Labor Standards Amendments of 1966,", the words "or the Fair Labor Standards Amendments of 1971,";

(3) by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

"(1) not less than $1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1971;

"(2) not less than $2.00 an hour during the second year from such date;

"(3) not less than $2.25 an hour thereafter;"

(d)(1) Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) In the case of any such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (a) would otherwise apply, the following rates shall apply:

"(A) During the first year from the effective date of the Fair Labor Standards Amendments of 1971, the highest rate or rates in effect on or before such date, under any wage order covering such employee, increased by $0.40.

"(B) During the second year from the effective date of the Fair Labor Standards

Amendments of 1971, the highest rate or rates (including any increase prescribed by subparagraph (A)) in effect on or before such date, under any wage order covering such employee, increased by $0.25."

(e) Section 6(e) is amended to read as follows:

"(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in such subsection."

MAXIMUM HOURS

Sec. 4. (a) Section 7 of the Fair Labor Standards Act of 1938, as amended, is amended by striking out subsections (a), (b), (c), and (d) and inserting in lieu thereof the following new subsections (a) and (b):

"(a) No employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

"(b) No employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce for a workday longer than eight hours, unless such employee receives compensation for his employment in excess of such hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."

(b)(1) Subsections (e), (f), (g), (h), and (i) of section 7 of such Act, are redesignated as subsections (c), (d), (e), (f), and (g), respectively.

(2) Subsection (d) (as redesignated by the preceding paragraph) of section 7 of such Act is amended (A) by striking out "subsection (a)" the first and second time it appears in such subsection (d) and inserting in lieu thereof "subsection (a) or (b)" each such time, and (B) by inserting "or workday" immediately after the word "workweek" each time such word appears in such subsection "(d)".

(3) Subsection (e) (as redesignated by paragraph (1)) of section 7 of such Act is amended (A) by striking out "(e)" in such subsection (e) and inserting in lieu thereof "(c)", (B) by striking out "subsection (a)" the first time it appears in such subsection (e) and by inserting in lieu thereof "subsection (a) or (b)", (C) by inserting the words "or workday" immediately after the word "workweek" the first three times it appears in such subsection (e), and (D), by striking out the word "subsection" the first four times it appears in such subsection (e) and inserting in lieu thereof "subsections".

(4) Subsection (f) (as redesignated by paragraph (1)) of section 7 of such Act is amended: (1) by striking out "(e)" and inserting in lieu thereof "(c)".

(c) Subsection (j) of section 7 of such Act is hereby repealed.

EXEMPTIONS

Sec. 5. (a)(1) Section 13(a) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting after "section 6" the following "(other than section 6(d) in the case of paragraph (1) of this subsection)".

(2) Section 13(a)(1) of such Act is amended by striking out everything after the words "Administrative Procedure Act".

(3) Sections 13(a)(2), 13(a)(4), and 13(a)(11) of such Act, relating to employees employed by retail and service establishments, are hereby repealed.

(4) Section 13(a)(3) of such Act, relating to employees employed by seasonal amusement or recreational establishments, is hereby repealed.

(5) Section 13(a)(6) of such Act, relating to employees employed in agriculture, is amended by striking out the words "five hundred man-days" and inserting in lieu thereof the words "one hundred man-days".

(6) Section 13(a)(9) of such Act, relating to employees employed by motion picture theater establishments, is hereby repealed.

(7) Section 13(a)(13) of such Act, relating to employees of logging and sawmill operations, is hereby repealed.

(8) Section 13(a)(14) of such Act, relating to agricultural employees, engaged in the harvesting and processing of shade-grown tobacco, is hereby repealed.

(9) Sections 13(a)(5), 13(a)(6), 13(a)(7), 13(a)(8), 13(a)(10), and 13(a)(12) are redesignated as sections 13(a)(2), 13(a)(3), 13(a)(4), 13(a)(5), 13(a)(6), and 13(a)(7), respectively.

(10) Section 13(a)(7) (as redesignated by the preceding paragraph) is amended by striking out the semicolon and the word "or" and inserting in lieu thereof a period.

(b)(1) Sections 13(b) (2) and (3) of such Act, relating to railroad, pipeline, and air carrier employees, are hereby repealed.

(2) Section 13(b)(4) of such Act, relating to fish and seafood processing employees, is hereby repealed.

(3) Section 13(b)(7) of such Act, relating to employees of street, suburban or interurban electric railways, or local trolley or motorbus carriers, is hereby repealed.

(4) Section 13(b)(8) of such Act, relating to employees employed by hotels, motels, restaurants, or nursing homes, is hereby repealed.

(5) Section 13(b)(10) of such Act, relating to employees employed as salesmen, partsmen or mechanics by motor vehicle, farm implement or aircraft dealers, is hereby repealed.

(6) Section 13(b)(12) of such Act, relating to employees employed in agriculture, is hereby repealed.

(7) Section 13(b)(15) of such Act, relating to employees engaged in ginning of cotton for market or the processing of sugar beets, sugar beet molasses, sugarcane, or maple sap into sugar or sirup, is hereby repealed.

(8) Section 13(b)(17) of such Act, relating to drivers employed in the business of operating taxicabs, is hereby repealed.

(9) Section 13(b)(18) of such Act, relating to employees of catering establishments, is hereby repealed.

(10) Section 13(b)(19) of such Act, relating to employees of bowling establishments, is hereby repealed.

(11) Sections 13(b)(5), 13(b)(6), 13(b)(9), 13(b)(11), 13(b)(13), 13(b(14), and 13(b)(16), are redesignated as sections 13(b)(2), 13(b)(3), 13(b)(4), 13(b)(5), 13(b)(6), 13(b)(7), and 13(b)(8), respectively.

(12) Section 13(b)(8) (as redesignated by the preceding paragraph) is amended by striking out the semicolon and the word "or" and inserting in lieu thereof a period.

(c) Section 13(c)(1) of such Act is amended to read as follows:

"(c)(1) except as provided in paragraph (2) the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

"(B) is fourteen years of age or older, or

"(C) is twelve years of age or older and is employed on a farm to which he commutes daily within twenty-five miles of his permanent residence, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or person standing in place of his parent is employed on the same farm."

LEARNERS, APPRENTICES, STUDENTS AND HANDICAPPED WORKERS

Sec. 6. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting following the words "Fair Labor Standards Amendments of 1966,", the words "and the Fair Labor Standards Amendments of 1971", and by inserting, following the words "prior to such", the word "applicable".

PENALTIES

Sec. 7. The first two sentences of section 16(c) of the Fair Labor Standards Act of 1938, as amended, are amended to read as follows:

"The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages."

RELATION TO OTHER LAWS

Sec. 8. Section 18(b) of the Fair Labor Standards Act of 1938, as amended, is amended (1) by striking out "6(a)(1)" and inserting in lieu thereof "6(a)", (2) by striking out "7(a)(1)" and inserting in lieu thereof "7 (a) and (b)", and (3) by striking out the parenthetical clause reading "(except that the wage rate provided for in section 6(b) shall apply to any employee who performed services during the workweek in a workplace in the Canal Zone)".

CONFORMING AMENDMENTS TO OTHER LAWS

Sec. 9. (a) Section 5341(a) of title 5 of the United States Code is amended by striking out "206(a)(1)" and inserting in lieu thereof "206(a)".

(b) Section 303(a)(2) of the Consumer Credit Protection Act (15 U.S.C. 1673(a)(2)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

(c) Section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

(d) Section 610–1(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2951(a)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

REPEALERS WITH RESPECT TO PUERTO RICO AND THE VIRGIN ISLANDS

Sec. 10. (a) Section 8(a) is amended by inserting in the first sentence thereof after the word "employment" a comma and the words "but in no event later than January 1, 1975".

(b) Effective January 1, 1975, sections 5, 6(a)(2), 6(c), 8, and 10 of the Fair Labor Standards Act of 1938, as amended, are repealed.

(c) (1) Section 6(a) (3) of the Fair Labor Standards Act of 1938, as amended, is amended by striking out "as amended from time to time" and inserting in lieu thereof "prior to the enactment of the Fair Labor Standards Amendments of 1971".

(2) Section 6(a) (3) of such Act is further amended by inserting after "section 5" the following: "prior to the enactment of the Fair Labor Standards Amendments of 1971".

EFFECTIVE DATE

SEC. 11. This Act shall become effective upon the expiration of sixty days after the date of its enactment.

Brief Section-by-Section Analysis of Proposed Fair Labor Standards Amendments of 1971

SEC. 2. Amends section 3(d) of the Fair Labor Standards Act of 1938, as amended, to include under the definition of "employer" the United States and any State or political subdivision of a State. This will expand the coverage of the existing law, to include *all* agencies and activities of the United States, the States and their political subdivisions, not just hospitals, nursing homes, schools, and local transit as at present. This amendment would add to coverage an estimated 4.8 million workers (1.7 million Federal, 3.1 million State and local government).

Amends section 3(e) to include under the definition of "employee" any individual employed in domestic service except babysitters. This amendment would add to coverage an estimated 2.1 million workers.

Amends section 3(h) to add the words "or other activity" to the definition of the word "Industry."

Amends section 3(m) to eliminate the allowance for tips as part of wages for employees in normally tipped occupations. At present employers may include the value of tips in determining wages to be paid, up to half the statutory minimum rate.

Amends section 3(r) to include under "enterprise" the activities of the United States Government or any State or political subdivision thereof. This amendment will have the effect of retaining the current coverage for schools and hospitals, whether operated for profit or not for profit and for regulated public and private local transit whether operated for profit or not for profit. It will, however, delete language from the Act which is no longer necessary by virtue of the elimination of the sales test in section 3(s).

Amends section 3(s) to eliminate sales test as part of the definition of "enterprise," thus bringing under coverage all enterprises engaged in commerce. However, this amendment retains coverage of enterprises which are engaged in: laundering, cleaning or repair of clothing or fabrics; construction or reconstruction or both; the occupation of hospitals and schools, whether operated for profit or not for profit. Present law covers only retail and service enterprises with annual gross sales volume of $250,000 or more. This amendment would add to coverage an estimated 6.7 million workers (4.2 million in retail trade, and 2.5 million in services, excluding domestic service).

Amends section 5 and 8 by bringing under the mainland minimum wage the employees of hotels, motels, and restaurants in Puerto Rico and the Virgin Islands. At present these workers are covered by wage rates determined by specially convened industry committees.

SEC. 3. Amends section 6(a) to establish, for employees in activities covered by the Act prior to the 1966 amendments, an hourly minimum of $2.00 during the first year from the effective date of the 1971 amendments and $2.25 thereafter.

Amends section 6 to establish, for employees newly covered by the 1966 amendments (including agricultural workers) and by the 1971 amendments, an hourly minimum of $1.70 during the first year from the effective date of the 1971 amendments, $2.00 during the second year from the effective date of the 1971 amendments, and $2.25 thereafter.

Amends section 6(c) to require, in the case of any employee in Puerto Rico or the Virgin Islands covered by a wage order pursuant to the Act, an hourly increase over the highest rate under the wage order covering such employee of 40 cents during the first year and an additional 25 cents during the second year from the effective date of the 1971 amendments.

Amends section 6(e) to eliminate clauses excluding certain linen supply establishments from full coverage.

SEC. 4. Amends section 7 to require compensation for hours in excess of 8 in a day or 40 in a week at a rate not less than one and one-half times the regular rate for most employees covered by the Act. Eliminates certain provisions which provide partial overtime exemptions and makes other conforming amendments.

SEC. 5(a). Amends section 13(a) to bring executive, administrative, or professional employees under the equal pay provision (section 6(d)) of the law. Section 6(d) was added to the Fair Labor Standards Act by the Equal Pay Act of 1963, 77 Stat. 56.

SEC. 5(b). Retains minimum wage and overtime exemptions permitted by section 13(a) as follows:

13(a) (1) which describes any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman;

13(a) (5) employees engaged in seafood processing.

13(a) (6) employees in agriculture if employer uses 100 or fewer man days of hired labor during a peak quarter (instead of present 500 man-day test);

13(a) (7) handicapped workers;

13(a) (8) employees of small newspapers;

13(a) (10) switchboard employees of small telephone companies; and

13(a) (12) seamen on other than American vessel.

Repeals minimum wage and overtime exemptions permitted by section 13(a) as follows:

13(a) (2), (4), and (11) employees in retailing and service establishments;

13(a) (9) employees of motion picture theaters;

13(a) (13) logging employees;

13(a) (14) agriculture employees engaged in growing and harvesting shade-grown tobacco.

SEC. 5(b). Retains overtime exemptions permitted by section 13(b) as follows:

13(b) (1) employees for whom the Interstate Commerce Commission may establish qualifications and maximum hours of service;

13(b) (5) outside buyers of dairy products;

13(b) (6) seamen;

13(b) (9) employees of small radio or television stations;

13(b) (11) local drivers and drivers' helpers;

13(b) (13) employees engaged in livestock auction operations;

13(b) (14) employees of country elevators; and

13(b) (16) employees engaged in transportation of fruits and vegetables.

Repeals overtime exemptions permitted by section 13(b) as follows:

13(b) (2) and (3) employees of railroad, pipeline and air carriers;

13(b) (4) employees of fish and food processors;

13(b) (7) employees of street, suburban or interurban electric railways, or local trolley or motor bus carriers;

13(b) (8) employees of hotels, motels, restaurants, or nursing homes;

13(b) (10) employees employed as salesmen, partsmen or mechanics by motor vehicle, farm implement or aircraft dealers;

13(b) (12) certain agricultural employees;

13(b) (15) employees engaged in ginning of cotton, sugar beet, sugar cane or maple syrup processing;

13(b) (17) taxicab drivers;

13(b) (18) employees of catering establishments;

13(b) (19) employees of bowling establishments.

SEC. 5(c). Amends the provisions relating to child labor in agriculture to restrict certain employment outside of school hours.

SEC. 6. Amends section 14(b) to prevent unwarranted displacement of full-time employees by student workers in retail and service establishments that are brought within the coverage of the FLSA by these amendments.

SEC. 7. Amends section 16(c) to allow the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring a written request from an employee. In addition, this amendment would allow the Secretary to bring such actions even though the suit might involve issues of law that have not been finally settled by the courts.

SEC. 8. Amends section 18(b) to delete the special exception provided for work in the Canal Zone.

SEC. 9. Provides conforming amendments to other laws.

SEC. 10. Amends the FLSA to bring all employees in Puerto Rico and the Virgin Islands under the same minimum wage and overtime protections afforded mainland workers by January 1, 1975.

SEC. 11. Provides that the Fair Labor Standards Amendments of 1971 become effective 60 days after date of enactment.

COMPARISON WITH THE FAIR LABOR STANDARDS ACT, AS AMENDED, OF 3 LEGISLATIVE PROPOSALS IN 92D CONG. TO AMEND THE ACT—S. 1861 (WILLIAMS BILL), H.R. 7130 (DENT BILL), AND H.R. 7512 (MILLS BILL)

I. MINIMUM HOURLY WAGE FOR MAINLAND EMPLOYEES

Present law	Williams bill	Dent bill	Mills bill
For nonagricultural workers, $1.60		$1.80 during calendar 1972, $2 thereafter	$2 effective Feb. 1, 1972.
Covered before 1966 amendments	$2 1st year, and $2.25 thereafter.		
Covered by 1966 and 1971 amendments	$1.70 1st year, $2 2d year, and $2.25 thereafter.		
Agricultural workers, $1.30	$1.70 1st year, $2 2d year, and $2.25 thereafter.	$1.50 effective Aug. 1, 1971; $1.60 during calendar 1972; $1.80 during calendar 1973; and $2 thereafter.	$1.50, effective Feb. 1, 1972.

COMPARISON WITH THE FAIR LABOR STANDARDS ACT, AS AMENDED, OF 3 LEGISLATIVE PROPOSALS IN 92D CONG. TO AMEND THE ACT—S. 1861 (WILLIAMS BILL), H.R. 7130 (DENT BILL), AND H.R. 7512 (MILLS BILL)—Continued

II. OVERTIME PAY REQUIREMENTS

1½ times the regular rate for hours over 40 in any workweek.	1½ times the regular rate for hours over 40 in any workweek or over 8 in any workday.	No change from present law	No change from present law.

III. MINIMUM HOURLY WAGE FOR EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

Determined by special industry committees, but not over $1.60.	40 cents above current wage order rate during first year. 25 cents additional during 2d year. Thereafter, determined by special industry committees, but not over $2.25, until 1975 when the provisions of the FLSA regarding workers in Puerto Rico and the Virgin Islands will be repealed and such workers will be brought under the same minimum wage and overtime protections as are applicable to the mainland. Certain hotel, motel and restaurant workers are brought up to mainland minimum on the effective date of the amendments.	20 cents above current wage order rate, during calendar 1972. 20 cents additional beginning Jan. 1, 1973. Thereafter, determined by special industry committees, but not over $2. Certain hotel, motel and restaurant workers are brought up to mainland minimum on the effective date of the amendments.	25 percent above current wage-order rate, unless superseded by wage order recommended by review committee. Thereafter, determined by special industry committees, but not over $2.

IV. EQUAL PAY FOR EQUAL WORK

Covers only employees covered by and not exempt from minimum wage provisions of the law.	Equal pay provision applied to executive, administrative, or professional employees, and outside salesmen.	Equal pay provision applied to executive, administrative, or professional employees, and outside salesmen.	No change from present law.

V. EXTENSION OF COVERAGE

	A. Employees of U.S. Government and of any State or political subdivision thereof. B. Domestic service employees, except babysitters. C. Retail and service enterprises with annual gross sales volume below $250,000. D. Agricultural employers using 101 to 500 man-days of agricultural labor during peak quarter.	Employees of U.S. Government and of any State or political subdivision thereof.	Do.

VI. REPEAL OF PRESENT EXEMPTIONS

Present law	Williams bill	Dent bill	Mills bill
	A. Repeals both minimum wage and overtime exemptions for employees in retailing and services; employees of seasonal amusement or recreational establishments; employees of motion picture theaters; logging and sawmill employees; agricultural employees engaged in growing and harvesting shadegrown tobacco. B. Repeals overtime exemptions for agricultural processing workers; railroad, pipeline, and air carrier employees; local transit employees; employees of hotels, motels, restaurants, or nursing homes; salesmen, partsmen, or mechanics employed by motor vehicle, farm implement, or aircraft dealers; agricultural employees; employees in cotton ginning or sugarcane or sugar beet processing; taxicab drivers; employees of catering establishments; employees of bowling alleys.	Repeals overtime exemptions for agricultural processing workers; fish processing workers; local transit employees; nursing home employees (exemption narrowed to that for hospital employees); employees in sugarcane or sugar beet processing; employees of bowling alleys.	No change from present law.

VII. MISCELLANEOUS PROVISIONS

A. Value of tips may be included in determining wages, up to half the minimum rate. B. No provision for relief from import injury, or for compliance by foreign suppliers with the Fair Labor Standards Act.	A. Eliminates allowance for tips as part of minimum wage. B. Amends provisions relating to child labor in agriculture. C. Authorizes Secretary to collect liquidated damages when suing for unpaid minimum wages or overtime compensation.	A. Establishes procedures for relief for domestic institutions and employees injured by increased imports from low-wage areas. B. Requires compliance with the Fair Labor Standards Act by foreign manufacturers and suppliers on domestic public contracts.	

VIII. EFFECTIVE DATE

	60 days after date of enactment	Jan. 1, 1972, except minimum-wage increase for agricultural workers effective Aug. 1, 1971.	Feb. 1, 1972.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 373

At the request of Mr. CRANSTON, the Senator from South Dakota (Mr. McGOVERN) and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 373, the Santa Barbara Channel Moratorium and Ecological Preserve Act.

S. 936

At the request of Mr. MONTOYA, the Senators from California (Mr. CRANSTON and Mr. TUNNEY) were added as cosponsors of S. 936, a bill to amend the Social Security Act to include prescription drugs under medicare.

S. 1156

At the request of Mr. HART, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1156, a bill to establish a Great Lakes Basin conservation program.

S. 1664

At the request of Mr. GRIFFIN, for Mr. SCOTT, the Senator from Nebraska (Mr. HRUSKA) as added as a cosponsor of S. 1664, a bill to authorize appropriations for the Commission on Civil Rights.

SENATE JOINT RESOLUTION 94

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Minnesota (Mr. Humphrey), I ask unanimous consent that my distinguished colleague from West Virginia (Mr. Randolph), be added as a cosponsor of Senate Joint Resolution 94, providing for a White House Conference on Environment and International Law.

SENATE RESOLUTION 123—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE PRINTING OF "INTERNATIONAL COOPERATION IN OUTER SPACE: A SYMPOSIUM" AS A SENATE DOCUMENT

Mr. ANDERSON. Mr. President, today I am submitting a resolution to publish a report, "International Cooperation in Outer Space: A Symposium," as a Senate document. Four Presidents of the United States—Presidents Eisenhower, Kennedy, Johnson, and Nixon—have favored international space cooperation for peaceful purposes and under their guidance the Government has promoted a U.S. policy for cooperative space activities among nations since the beginning of the space age in 1957.

This policy was written into the National Aeronautics and Space Act passed by the Congress in 1958 to provide that—

> The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

The Senate Committee on Aeronautical and Space Sciences was given jurisdiction to survey and review, and to prepare studies and reports upon, aeronautical and space activities of all agencies of the United States and in this connection the committee has continuously monitored and examined all space programs with international implications. Hardly a hearing or a meeting of the committee is held without committee members asking about or discussing the status of our international space efforts. Staff studies have been published by the committee on international aspects of the exploration and use of outer space, on space treaties and agreements, on the legal problems of space, on Soviet space programs, on NASA's international space activities, and on the work of the United Nations, its specialized agencies and the Committee on the Peaceful Uses of Outer Space.

Mr. President, the applications of space technology and exploration provide natural opportunities for nations to cooperate in peaceful projects of benefit to all mankind. To international undertakings such as space science projects, improved communications, weather prediction and navigation, we can now add the exciting prospects opening up from the space shuttle transportation system and earth resources survey satellites. At this time when we are increasingly conscious of the earth's resources and especially of the harmful influences affecting our environment, space technology is in the forefront of developing new tools with which to monitor and evaluate the earth's environment and protect its resources. For example, global measurements of the earth's surface by satellites will yield data to use in protecting agricultural crops against disease, spotting forest fires so that preventive measures can be taken, and locating sites for new commercial ventures.

Members of Congress, both in the Senate and the House, through the years have expressed great interest in international cooperation in space activities of NASA and other agencies. We know this from the demand for committee publications and from the frequent speeches concerning international space cooperation made on the floor of the House and Senate. Another indication of concern is seen in the recent establishment by the chairman of the House Committee on Science and Astronautics of a Subcommittee on International Cooperation in Science and Space to be chaired by the Honorable Don Fuqua, Representative from the Second District of Florida.

Recognizing that exploration and use of space is a task for all mankind, the United States wants to bring the people of other nations into an international program, achieving thereby a maximum of cooperation and a minimum of unnecessary duplication. Hopefully, the cost of exploration can be reduced as nations are increasingly brought together in joint ventures.

It goes without saying that an effective international space program depends upon a strong national program. Nevertheless, I wish to emphasize this point: We cannot be for international cooperation only in theory with nothing specific to cooperate about. Since each country pays its share of any cooperative space program—and that is U.S. policy—it is up to us to continue to have the same effective national space projects in the future as we have had since the beginning of the space age. The beneficial and peaceful purposes to be accomplished can help but also bring about greater understanding and good will among nations and the peoples of the world.

The PRESIDING OFFICER (Mr. Chiles). The resolution will be received and appropriately referred.

The resolution (S. Res. 123), which was referred to the Committee on Rules and Administration, reads as follows:

S. Res. 123

Resolved, That the study entitled, "International Cooperation in Outer Space: A Symposium" prepared for the use of the Committee on Aeronautical and Space Sciences, United States Senate, under the direction of the staff of the Committee, shall be printed with illustrations as a Senate document. There shall be printed three thousand additional copies of such Senate document which shall be for the use of the Senate Committee on Aeronautical and Space Sciences.

SENATE RESOLUTION 124—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE PRINTING OF "SOVIET SPACE PROGRAMS, 1966–70" AS A SENATE DOCUMENT

Mr. ANDERSON. Mr. President, today I am submitting a resolution requesting the printing of a study on the Soviet space program prepared by the Congressional Research Service of the Library of Congress.

Over the years, the Senate and the Committee on Aeronautical and Space Sciences, of which I am chairman, have been particularly mindful of the international implications of space research, development, and application, both for civilian and military purposes. In 1962, the committee published a study on Soviet space plans, covering the first 5 years of Soviet activity. In 1966, we published a second report of the same title covering the years 1962–65 inclusive. Last year, I asked the Library for a follow-up report for the years 1966–70, and this is now virtually complete, together with an addendum to cover further developments in 1971.

Let me say in all candor that this report, written by recognized scholars in the field, and dispassionate and objective in style, will bring this body small comfort. The study has been prepared from open and unclassified sources, but it represents probably the most thorough and detailed public report in the world in its tracing and analyzing of past Soviet space accomplishments. It also undertakes the difficult task of gaging Soviet intentions with regard to the use of space in the years ahead. It was not intended to be alarmist in nature, but the portent of the Soviet program is far reaching in its implications for the United States. With its careful documentation, I believe it would be extremely difficult to challenge its main conclusions which are developed with logic and careful qualification.

Mr. President, there is a strong public interest in authentic information on the status and the meaning of the Soviet space program but authoritative analyses are not common in the public domain. Our experience in 1962 and 1966 was that the predecessor reports were snatched up by interested individuals within a few days of the initial release, and the documents then were out of print.

Accordingly in my instructions to the Congressional Research Service, I asked that this study not only emphasize the recent past, but be self-contained in providing a summary history of the program from its beginning. The Library of Congress has a unique capability to write authoritatively on the subject of the Soviet space program. The project director on the study, Dr. Charles Sheldon, is frequently identified as the Nation's principal public spokesman on the subject because of the reputation he has built for objective and accurate appraisals of the Soviet space program. Inquiries are directed to him from all parts of the Nation and the world on this subject, although it of necessity remains a largely extracurricular activity in light of his many official responsibilities.

I think it is especially timely that the Senate make available a thorough study of the Soviet space program. On May 5, NASA's 10th anniversary of manned space flight, I spoke on the floor emphasizing the critical point we have reached, where by our legislative actions we must decide whether America will move ahead to apply the knowledge gained at such great cost by building a reusable and economical space transportation system, or whether it will abandon this huge investment in advanced technology, and watch other nations, most immediately the Soviet Union, continue to move ahead to exploit the benefits of space.

We are just at the stage in our space program where the most obvious further returns from space can be defined and clearly foreseen. These relate to earth resources management. From both automated craft and from manned stations in orbit, it will be possible to increase the efficiency of water management, crop management, forestry management, fisheries management. It will be possible to trace sources of pollution and to give prompt warning to permit immediate correctives. Much of the world including our own country is not accurately mapped, and detailed surveys are necessary to managing economic growth of our cities. Space observation permits the location of new oil and gas fields, and beds of ore. In an age when crop, animal and human diseases can sweep the world at greater speed because of modern transportation, space observation can provide timely data faster and cheaper over the whole of the earth than can any other means to manage and offset some of these hazards. For example, a corn blight or a wheat rust, or ravages of disease in our forests can be pinpointed quickly from space.

The reusable space shuttle which is now in the planning stage at NASA represents a promising approach to reducing today's high costs of space operation. Some Members question whether the Nation should make the capital investment in the 1970's to achieve these new technologies. The world will not wait for us to make up our minds. The skill and the people and most of the facilities are available right now. We have already shut down the production lines on building the dependable but expensive and expendable rockets of the Saturn family. I would agree with some critics of the space program that were we to reopen the production lines with the idea of continuing 1962 technology indefinitely, any space program of reasonable objectives would threaten us with steadily rising costs. I think we must make the decision to build a system which will reduce the cost of getting into space. On this occasion I will not try to make the complete technical case for the space shuttle. But I will mention that the shuttle not only cuts the operating cost of lifting payloads to orbit; it makes even greater savings possible by permitting a great reduction in the cost of the payloads whether these are manned or unmanned, because of the more gentle flight environment of reaching orbit, and the opportunities it will provide to make repairs, replacements, and retrievals.

Soviet authorities have said the expendable rocket is obsolescent, and I agree with them. Increasingly, they are pointing to the complete logic of saving and reusing expensive space hardware. This is precisely what our shuttle program is all about.

We would surely mark ourselves as blind to the ability of new technology to enhance the quality of life on earth, to solve the problems of pollution, to save the ecology, if we were to turn our backs on the space program, and to write off the skills and facilities which we have developed as a Nation with such effort and success in the last decade.

I will not expect every Member of the Senate to support every space proposal, or to assign space a higher priority than all our other unmet needs on this lovely, but increasingly crowded and polluted earth. However, I do suggest that the ultimate consequences of our decisions on space are so profound that the issues should be decided only after thorough and careful study.

The report referred to in the resolution I am offering is a significant contribution to careful study and understanding of space issues. It helps to put into clear perspective the scope and commitment of the Soviets to a vigorous space program, and this is a fact of life which we cannot ignore as we move toward consideration of America's future in space.

Mr. President, I hope every Senator will support the printing and distribution of this important study.

The PRESIDING OFFICER (Mr. CHILES). The resolution will be received and appropriately referred.

The resolution (S. Res. 124) which was referred to the Committee on Rules and Administration, reads as follows:

RESOLUTION

Resolved, That the study entitled "Soviet Space Programs, 1966–70" prepared for the use of the Committee on Aeronautical and Space Sciences, United States Senate, by the Congressional Research Service with the cooperation of the Law Library, Library of Congress, shall be printed with illustrations as a Senate document. There shall be printed three thousand additional copies of such Senate document which shall be for the use of the Senate Committee on Aeronautical and Space Sciences.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 24

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Minnesota (Mr. HUMPHREY), I ask unanimous consent that the distinguished Senator from South Dakota (Mr. McGOVERN) be added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution pertaining to parity prices.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF OTTO F. OTEPKA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 19, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Otto F. Otepka, of Maryland, to be a Member of the Subversive Activities Control Board for the term expiring August 9, 1975. (Reappointment.)

At the indicated time and place, persons interested in the hearing may make such representations as may be pertinent, provided that each witness shall have filed with the committee a written statement of his proposed testimony not later than 10:30 a.m., Tuesday, May 18, 1971.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN); the Senator from Nebraska (Mr. HRUSKA); and myself as chairman.

NOTICE OF HEARINGS ON PROBLEMS RELATING TO DIVERSIFICATION INTO NONDEFENSE WORK BY DEFENSE CONTRACTORS

Mr. CRANSTON. Mr. President, I wish to announce that on May 18, 1971, the Subcommittee on Production and Stabilization of the Committee on Banking, Housing and Urban Affairs will hold hearings on the problems facing defense contractors in their efforts to diversify into nondefense work.

These are the first of a series of hearings on this subject. The first phase of these hearings will be concerned with the policies and plans of the administration to deal with these problems. We will hear only administration witnesses on these 2 days.

The hearings will begin at 10 a.m. in room 5302, New Senate Office Building, on May 18, 1971.

ADDITIONAL STATEMENTS

SENATOR RANDOLPH COSPONSORS SENATOR HUMPHREY'S RESOLUTION FOR CONFERENCE ON ENVIRONMENT AND INTERNATIONAL LAW

Mr. RANDOLPH. Mr. President, on May 11 the active and able Senator from Minnesota (Mr. HUMPHREY) introduced Senate Joint Resolution 94, which would request the calling of a special White House Conference on Environment and International Law.

I endorse this proposal and wish to be associated with Senator HUMPHREY as a cosponsor of Senate Joint Resolution 94.

In America the new awareness of environmental contamination has raised major political, technological, social, and economic questions. They are difficult to resolve, and those of us who must grapple with them are readjusting our thinking to accommodate new realities.

Our involvement is so acute that we may sometimes tend to believe that only the United States is bothered with pollution and its effects.

It is true that the size of our country and the advanced state of its technology and industrial capacity make environmental controls a paramount matter of significant dimensions.

But we are not alone in facing the crisis of the environment. It is worldwide.

In the United States we have learned that pollution is not an isolated phenomenon that can only be controlled locally. The sources of pollution are everywhere, and its consequences are even further dispersed to the point of being almost universal. We have explored the concept of regional control, and this, too, has its limitations.

It is now obvious that controls must be instituted on a nationwide basis if they are to be effective.

But in our shrinking world, pollution must be viewed in an even broader context, for whatever national pollution problems each of us may have, they have an impact on every other living person. The earth is a living organism with the mechanisms to transport deadly pollutants from one place to another with astonishing speed and efficiency.

The experience with DDT is a dramatic and disturbing example of the transport of contaminants through the global environment. This chemical marvel so very beneficial in the control of diseases such as malaria is now found to be so pervasive that it threatens many forms of biological life and the substructure of ecology on which man relies. Its long life, as well as that of its byproducts now is found in the depths of the ocean and from the Arctic to the Antarctic icecaps. The problem of DDT has become so serious that its use is being severely restricted and even prohibited.

It has been suggested that it is in the interest of global environmental preservation that DDT be banned and the more technologically advanced nations subsidize the more costly alternatives, in effect foreign environmental aid.

There are many examples of how the application of technology can have widespread impact.

In this application, government and industry are not by themselves responsible for pollution since they are in fact acting to meet social needs. In meeting these needs there is a requirement for worldwide international cooperation in the fields of pollution control and abatement, in order that industrial and economic goals will not override the considerations of a decent environment.

If we do not learn how to meet the challenges today's realities present, the eventual results are easily predicted: deteriorating health, more social instability, lower standards of living, and overall weakening of civilization.

Since our earth is a unit, many of these consequences must be rectified on a unified international basis. At the same time, we must recognize the very real national differences in problems, priorities, and abilities to respond.

Just as some nations contribute more heavily to pollution, so much some nations bear a greater share of the cost of alleviating the worldwide situation.

Despite the diversity of nations, there are a number of actions that can be effectively taken now at the international level.

Before any problem can be successfully attacked, its nature and extent must be known. There is a need for a coordinated worldwide system to monitor pollution in the total environment. We know from past experience with nuclear fallout that radioactive wastes are transported widely and rapidly through the environment. However, we do not have comparable information on chemical pollutants, and there is a demand for more extensive, continuous data on which to base an international control effort.

The Senator from Minnesota has referred to the United Nations Conference on the Human Environment, to be held 13 months from now in Stockholm, Sweden. He proposes that the White House Conference, authorized under Senate Joint Resolution 94, he held as a preliminary to that international gathering.

Among the topics requiring urgent international consideration are ocean dumping, the practice that is rapidly turning the world's seas into sewers. Early in this session of the 92d Congress, I introduced a proposal—Senate Joint Resolution 80—calling for an international conference on ocean dumping, which Senator HUMPHREY cosponsors. I consider such a conference also to be a valuable preliminary to the Stockholm meeting in 1972.

The necessity for global action to stem the spread of pollution and environmental damage is becoming more and more widely recognized. This need was acknowledged by a group of distinguished businessmen at a Conference on Goals and Strategy for Environmental Quality Improvement in the 1970's, conducted January 15–17.

I do not believe we can delay in mobilizing world talents and resources in support of the chances for a more healthy and a more wholesome life for all peoples. Further delay would be unwise.

POEM IN TRIBUTE TO J. EDGAR HOOVER

Mr. CURTIS. Mr. President, so many, many millions of Americans are grateful for the protection that the Federal Bureau of Investigation has given to our country down through the years. These people respect, admire, and appreciate J. Edgar Hoover, the Director.

Mattie Richards Tyler, a Washington poet, has said what so many people believe. The last line of her poem describes Mr. Hoover as one who served his country all the way. This is so true.

Mr. President, I ask unanimous consent that Miss Tyler's poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

TO JOHN EDGAR HOOVER, DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION, MAY 10, 1924 TO MAY 10, 1971

(By Mattie Richards Tyler)

He, who was born to greatness, has achieved
A world wherein to plant his dream.
His craft has sailed ahead, full steam,
Borne by fate's tide on life's wide stream.
He has not paused to harbor fear, nor grieved
Because of distant goals not yet achieved.

He, who was born with stars above his way,
Still marches on with torch of light
Into a world of crime and might—
Risking his life to win the fight!
History will crown his name, some future day,
As one who served his country all the way.

INTERGOVERNMENTAL REVENUE ACT

Mr. MUSKIE. Mr. President, during the past several days, many of Senators have inquired about provisions in the Intergovernmental Revenue Act of 1971, which I introduced last week. In response to those inquiries, I have prepared answers to 10 questions I am repeatedly asked about my legislation and about revenue sharing. I ask unanimous consent that the document I have prepared, entitled "Questions and Answers on the Intergovernmental Revenue Act of 1971," be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS ON THE INTERGOVERNMENTAL REVENUE ACT OF 1971

1. What is the Intergovernmental Revenue Act of 1971?

A. The International Revenue Act of 1971 is a general revenue sharing proposal introduced by Senator Muskie in the 92nd Congress. It would provide approximately $6 billion in financial assistance to State and local governments during the first full year after its enactment.

The Intergovernmental Revenue Act of 1971 is based on the recommendations of the Advisory Commission on Intergovernmental Relations, a quasi-governmental organization whose purpose is to study and recommend ways to improve the relationships among Federal, State and local governmental units. A similar bill was introduced in the last Congress by Senator Muskie and former Senator Goodell and received seven days of hearings before the Senate Subcommittee on Intergovernmental Relations.

The original Muskie-Goodell bill, introduced June 25, 1969, called for $5.4 billion in revenue sharing and tax credits. After that bill was introduced, the administration submitted its first revenue sharing bill which called for $500 million of shared revenues in its first year. The $5 billion general revenue sharing bill proposed by the Administration this year, 18 months after it submitted its first revenue sharing bill, comes closer to the funding level of the original Muskie-Goodell proposal.

2. What is the difference between general and special revenue sharing?

A. General revenue sharing would provide financial assistance to State and local governments with no strings attached. These funds could be used for any purpose as the State or local governmental units see fit.

The concept of general revenue sharing was developed in 1964 by Walter Heller, former chairman of the Council of Economic Advisors. Heller intended general revenue sharing to be the vehicle through which the Federal Government, with greater resources, could assist State and local governments in meeting their fiscal crises.

Special revenue sharing is very different. As designed by the Administration, special revenue sharing would replace many categorical grant programs. Special revenue sharing calls for the Federal Government to provide block grants to State and local governments in broad subject areas in place of funds that have heretofore been distributed to achieve specific purposes under categorical grant programs.

3. Since the Federal Government already provides $30 billion in assistance to State and local governments through categorical grant programs, why do we need revenue sharing?

A. We need revenue sharing because it would solve a different problem than is solved by categorical grant programs. Revenue sharing will provide financial assistance for State and local governments to use as they see fit to solve the problems which they consider most critical. Its purpose is to relieve the financial crises faced by many State and local governments. The "no strings attached" assistance under revenue sharing is much different from the assistance provided by categorical grant programs which State and local governments must use to deal with specific problems which are national in scope.

Revenue sharing is needed because the distribution of income and wealth varies so widely from State to State and locality to locality throughout the country. There are vast differences in the tax paying ability of the various States and communities across the nation. As a result, all governmental units cannot provide all the necessary services and facilities their people need. Revenue sharing would supply the assistance to permit local governmental units to better serve their citizens. It is this specific problem within the federal system that revenue sharing is intended to solve.

The need for revenue sharing has become even greater in recent years as State and local governments have found it more and more difficult to raise enough revenue to pay for the services they must provide. Today, some cities and States are having to cut back on all types of services, including police and fire protection, because they cannot afford to pay for them. Revenue sharing is needed to provide financial assistance to these governments so they can, in turn, provide necessary services for their citizens.

4. If we enact revenue sharing, do we still need categorical grant programs?

A. Yes. Even if we enact revenue sharing we still need categorical grant programs. These programs are directed at critical problems, national in scope, which must be attacked by the Federal Government because the States and localities alone cannot deal with them or have not dealt with them effectively in the past.

Many States and communities have not responded affirmatively to demands for equal opportunity for all our citizens. Many have responded with less vigor than others to the educational needs of their people, and to the poor families who must rely on public assistance.

The failure of one community to provide adequate education for its citizens can affect life in other communities as its citizens who received inadequate educations move to other localities. Thus, the quality of education in all communities becomes a national concern, and national programs are needed to assure there are minimum standards of education that are met by all communities. The same is true of welfare, economic opportunity and many other categorical programs. Categorical grants attack specific problems, and that is why grant programs must be continued. In fact, our national domestic problems are so great today that we must not talk about gutting categorical grant programs. We must consider ways to expand them.

5. Is the only difference between the Intergovernmental Revenue Act of 1971 and the Administration revenue sharing bill that the Intergovernmental Revenue Act of 1971 provides $1 billion more in Federal assistance?

A. No. There are several distinct differences between the Intergovernmental Revenue Act of 1971 and the Administration package.

First, the Intergovernmental Revenue Act of 1971 allocates assistance to local governmental units on the basis of need as well as tax effort and population. The Administration bill does not include need as a criteria for distribution assistance to local governments.

Second, the Intergovernmental Revenue Act of 1971 is only a general revenue sharing bill. It has nothing to do with special revenue sharing. The Administration has sent seven revenue sharing messages to Congress this year—one on general revenue sharing and six on special revenue sharing.

Third, the Intergovernmental Revenue Act of 1971 has greater safeguards than does the Administration bill to assure that general revenue sharing funds will not be used for discriminatory purposes.

Fourth, the Intergovernmental Revenue Act of 1971 contains specific provisions to encourage State governments to reform their own systems of taxation. The Administration bill contains no such provisions.

Fifth, the Intergovernmental Revenue Act of 1971 provides for Congressional review of its operation by automatically terminating the appropriation under it after five years. That means the Congress will have to decide whether or not to keep the program after it has operated for five years. Under the Administration bill, the appropriation would run indefinitely without the requirement of close Congressional review.

6. How does the Intergovernmental Revenue Act of 1971 take need into account in apportioning assistance to local governmental units?

A. Need is one of three criteria that the Intergovernmental Revenue Act of 1971 takes into account in apportioning assistance to local governmental units. The other two criteria are population and the effort a local governmental unit has made to raise taxes on its own.

In an attempt to see that the large cities and counties which have the most severe problems receive assistance in accordance with their problems, the Intergovernmental Revenue Act of 1971 provides weighted shares to local jurisdictions of more than 25,000 population.

In determining those shares, the bill takes need specifically into account. It determines need by evaluating such data as the number of families earning less than $3,000 a year—the poverty level—and the number of families receiving public assistance in a particular jurisdiction.

In practice, the incorporation of the need factor means that the large local governmental units which are poor will receive a greater share per capita than the large governmental units which are better off. Under the Intergovernmental Revenue Act of 1971, for example, the city of Baltimore in Maryland receives nearly six times as much assistance per capita as does Montgomery County, an affluent Maryland suburb of Washington. Under the Administration bill, which does not take need into account, Baltimore receives less than one-third more per capita than does Montgomery County.

7. Since the Intergovernmental Revenue Act of 1971 provides weighted shares for cities and counties over 25,000 population, don't local governmental units of under 25,000 population get the short shrift?

A. No. The Intergovernmental Revenue Act of 1971 actually provides greater flexibility in the pass-through of assistance to local governmental units of less than 25,000 population.

First, it gives the State government and local governments the option of entering into an agreement as to what the pass-through formula for all communities in the State, including those under 25,000, should be.

If no such agreement can be reached, the bill requires the States, in accordance with State law, to make a "fair and equitable distribution" to governmental units of less than 25,000 population based on such factors as need, population, tax burden and revenue raising effort. To assure that State governments do not keep a disproportionate amount of shared revenues for themselves, the bill stipulates that in no case may a State keep more than 60 percent of its entitlement for itself. It also prohibits a State from keeping a higher percentage of its entitlement than the ratio of the taxes it collects to the taxes collected by it and all local governments within it.

8. How does the Intergovernmental Revenue Act of 1971 guarantee that its funds will not be used in a discriminatory manner?

A. The bill creates a mechanism by which any individual citizen who believes that funds under the Intergovernmental Revenue Act of 1971 are being used in a discriminatory manner by a State or local government can sue that governmental unit directly. In this way, it provides an additional protection that those funds will not be used in a discriminatory manner.

9. How do you explain the fact that nine States receive less assistance under the Intergovernmental Revenue Act of 1971 than under the Administration general revenue sharing bill?

A. There are two reasons that nine States receive less under the Intergovernmental Revenue Act of 1971 than under the Administration bill. First, these States either have no State income tax or a very small income tax, and, as a result, they do not benefit significantly or at all from the provision in the bill which provides a 10 percent rebate to the States that have an income tax of their own.

Second, these States are, by-and-large, States which raise a high percentage of their revenue by means other than taxation. Under the Intergovernmental Revenue Act of 1971 those States only receive credit in their "tax effort" for the money they actually raise by taxation. The Administration's bill would make allocations on the basis of all revenues raised by these States, which includes some nontax revenues.

10. Is not revenue sharing alone, without reform of State and local systems of taxation, merely treating the symptoms rather than the causes of financial crises of State and local governments?

A. Yes. That is why the Intergovernmental Revenue Act of 1971, unlike the Administration bill, contains specific provisions to encourage reform of State tax systems.

The bill, for example, provides that States which collect income taxes of their own receive a rebate of 10 percent of the amount of income tax they collect. That provision should provide encouragement both for States which now do not have an individual income tax to enact them and for States which have inadequate State income taxes to make them better. In that way it will be an incentive to the States to raise more revenue on their own. The benefits of the rebate provision would also be passed through to local governmental units.

In addition, the bill offers, as a convenience to the States, to have the Federal Government collect State income taxes for those States who would like it to. That, too, should make it easier for States to utilize the State income tax since they won't even have to bother with collecting it.

The Administration bill has no such provisions to encourage State and local governments to improve their own tax systems.

HEALTH RESEARCH PAYS ITS WAY

Mr. BENTSEN. Mr. President, the efforts of President Nixon to channel $100 million into cancer research is a welcome move, but it is not without certain unfortunate byproducts. One of these, as pointed out by Sylvia Porter in an article in the May 11 edition of the Washington Star, consists of a series of cutbacks in other areas of health research, not regarded by the administration as having priority of cancer research.

Mr. President, I am a cosponsor of S. 34, the bill which would channel more funds into cancer research and improve the administration of those funds. But, as I said in a recent speech to the Texas Medical Association, I do not want to see our efforts in cancer research used as a tradeoff against our other critical needs in health research.

Mrs. Porter indicates that the tradeoff is already in effect. She quotes the distinguished Houston heart surgeon, Dr.

Michael DeBakey, as saying that the cutbacks in other health research areas are so deep that he foresees an "impending collapse of medical research and training."

I hope, Mr. President, that these actions will be reversed and that other areas of fundamental biomedical research will be adequately funded. We will have gained very little by allocating increased funds to cancer if we neglect critical research in heart disease, venereal disease, and other health fields, so vital to the Nation's well-being.

I ask unanimous consent that the text of Mrs. Porter's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEALTH RESEARCH PAYS ITS WAY

(By Sylvia Porter)

The combined income of the 554,000 wage-earners whose lives were prolonged in 1967 as a result of medical research was $13.8 billion, out of which they paid $1.7 billion in income and excise taxes. For that same year, the federal appropriation for all the National Institutes of Health was below this tax total, only $1.4 billion.

Did you realize it? That over the past decades, the federal government has gained far more in taxes from persons whose lives have been prolonged by better health knowledge than it has appropriated for all the research leading to the better knowledge?

An expenditure of less than $200 per person on arthritis research would extend by five years the income-producing lives of 13 million patients, amounting to a total national saving of $1.5 billion.

Were you aware of it? That a recent cost-effectiveness analysis shows that for every $1 invested in improved diagnosis and control of arthritis, $38 would accrue to our national income—and the list could be extended indefinitely to include elimination or suppression of heart disease, digestive disease, venereal disease, etc.?

From a strictly economic viewpoint, there is no doubt that all of us benefit from health research which shifts people from handicapped tax burdens to productive taxpayers.

"Our citizens should be informed of these statistics," says Dr. Michael E. DeBakey, Houston surgeon and leader in the field of cardiovascular research. And surely you will be dismayed as DeBakey is by the following priorities:

We spend per person per year $400 for defense, $122 for the Vietnam war, $40 for highways, $30 for space exploration, $7 for all medical research.

We have spent during the past decade twice as much on chewing gum as on medical research.

We are accepting an annual bill of more than $6 billion for heart disease—$30 per person—yet we allocate less than $1 per person for research into the disease, number one cause of death in the United States.

What makes this report urgent is that the congressional appropriations committees are now in the process of acting on President Nixon's inspiring request for a special $100 million crash program in cancer research. For generous as that request seemed when the President made it in January, objective analysis since then discloses that the crash program is to be financed via heavy slashes in the budgets for other research—cutbacks so deep that DeBakey foresees an "impending collapse of medical research and training."

And should you argue that the financing could come from private sources, the blunt fact is that less than 3 percent of the total expenditures for medical research come from the top three private sources: the American Heart Assn., the American Cancer Society, the Life Insurance Medical Research Fund.

The responsibility for the impending catastrophe is not solely the White House's. The medical community must share the blame for not putting its finances in order so it can honestly cost-account its activities; for not finding ways to measure the success and quality of its medical research; for not making the administration and our lawmakers aware of the needs, opportunities and results of research.

And above all, as DeBakey says, our physicians and medical researchers must align themselves with us—potential victims, potential beneficiaries, taxpayers and voters.

It was in the labs that vaccines and drugs were developed for the control of polio, diphtheria, pneumonia, TB, mumps, measles, rubella. It was in the labs that the antidepressive drugs were discovered that have removed thousands of mentally and emotionally ill patients from mental health institutions.

Writing for myself and I'm sure for you, I would willingly finance the research which might save my life some day. Writing for both of us, I urge Congress to weigh those health research budget figures with utmost concern, for at stake in them may be their lives too.

RECOGNITION OF "DR. MARY" TOWNSEND-GLASSEN

Mr. PEARSON. Mr. President, I invite the attention of Senators to an article published in National Business Woman magazine for May 1971. It recounts some of the highlights of the life and service to the community of a most beloved and highly revered doctor of the Phillipsburg, Kans., area. She is "Dr. Mary" Townsend-Glassen who has given 36 years of her professional life in her home area. Her greatest honor came toward the end of 1970, when "Dr. Mary Day" was proclaimed by the Governor of Kansas, and President Nixon wired his congratulations. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUCCESS STORIES

To hold an assured place in the minds and hearts not only of neighbors and fellow citizens but of a large number of individuals throughout the state and the nation surely qualifies a woman professional as a resounding success.

This is the status that Mary Townsend-Glassen, M.D., of Phillipsburg, Kansas, enjoys as she rounds out a full and busy life devoted to practicing the healing art and science of medicine among the people she knows best—residents of the community where she was born, grew to young womanhood, and is spending her mature years.

Dr. Mary, as she is known by both friend and patient, stands as an important symbol of the type of physician that, until recent years, threatened to become a vanishing breed—the family or community doctor. In an age of specialization, she disdained a specialty to return to general practice in her home community—and to live to see her kind of medicine have a renascence in the emergence of community medicine departments in many medical schools of the nation.

A recent biography of Dr. Mary's life, entitled *How to Sleep on a Windy Night*, could just as readily have been titled *All My Babies*.

For when any large gathering of the very young and the not-so-young get together in Phillipsburg, chances are that from two-thirds to three-fourths of them were delivered by Dr. Mary. In all, her total of deliveries in 36 years of practice stands at around 4,000, at least a quarter of which were delivered in their homes.

In reality, the book's title reflects a larger concern for the quality of life possible for "Dr. Mary's babies" following their birth.

Her abiding, immensely helpful interest in a host of community and institutional health services grew out of a personal family tragedy. Her only son, George Allan, whose life, almost from the beginning had been marred by devastating, serious illness, suffered irreparable brain damage in a fall on ice. At once, his performance in the eighth grade began to reflect the blighting injury: his marks were like those of a moderately to severely retarded child.

Dr. Mary's lengthy, often futile search for good care of her son opened her eyes to the dearth of services and facilities for the mentally retarded and the mentally ill. Not content merely with self-enlightenment, she proceeded to spend much of her energies in the years ahead opening the eyes and hearts of others.

As the head of a Kansas state commission on mental illness, she was credited with pioneering efforts in behalf of enlightened mental health care. She personally raised $50,000 for Phillips County's first community hospital and, also, personally engineered its establishment.

During World War II, she served as the county's very firm health officer, causing a priest to label her "the lady Pope of Phillipsburg."

Following her medical education at Washington University School of Medicine in St. Louis, Dr. Mary returned to her hometown where she and her husband, Clarence Glassen, brought up her two children from a prior marriage.

Not only did Dr. Mary survive the Kansas dust storms when she began her practice, writing off $40,000 in bills for her patients. She has since survived a stroke and three heart attacks to continue the work she loves.

She has been county chairman of the Kansas Society for Crippled Children; was president for two years of the Kansas Council for Children and Youth, and a delegate to the Mid-century White House Conference on Children and Youth; past vice president of the Kansas Society for Exceptional Children; organizer of the city YWCA, and charter president of the Phillipsburg BPW Club. The Kansas BPW Federation named her Woman of the Year for 1966–67.

The greatest honor of her life came as 1970 drew to a close. On December 4th, the eyes of the whole state were upon her. It was "Dr. Mary Day" throughout Kansas by proclamation of the Governor. President Nixon wired his congratulations, as did many great and near-great personages. Phillipsburg held a fitting, all-day ceremony in her honor.

If you have fully discharged your responsibilities to your neighbors, you can sleep even on a windy night, according to one legend. There will be many restful nights ahead for Dr. Mary; all of the proceeds from her biography are to be given to the town library and to the county association for retarded children.

THE CONSOLIDATION OF AIRLINE SCHEDULES ON MAJOR ROUTES

Mr. HOLLINGS. Mr. President, the consolidation of airline schedules on major routes can dramatically reduce the overcrowding now afflicting our national air centers. I endorse the proposal by New York Assemblyman Andrew Stein that the Civil Aeronautics Board encourage the Nation's domestic air carriers to carry more passengers per plane and make fewer flights, thus unclogging our major airways. This is enforceable and should be implemented.

If adopted nationally, such a program would result in less jet engine exhaust pollution, less noise around airports and increased safety to air travelers. Fewer flights carrying more passengers would lift some of the burden placed on our overworked air traffic controllers. It would mean handling the same number of customers, perhaps at lower fares because of a reduction in operating expenses for the airline industry.

The crush of air traffic now found at the Nation's metropolitan jetports can indeed be reduced short of construction of new and costly airfields. And I am convinced that this plan would not mean any loss in service to the general public, especially at smaller, secondary air centers. It would simply mean a decline in the number of flights between major cities, a figure already too high on these heavily traveled routes.

Such a program can save the Federal and State taxpayer the cost of new jet airports. It can save our air traffic controllers the physical and mental strain of continuously increasing congestion. It can reduce the noise and air pollution for families who live near jetports. This is the direction in which we should move if we are to halt the rising fiscal and environmental costs of too many planes flying half empty into serious overcrowded airports.

Mr. President, I ask unanimous consent that a summary of the plan and a statement concerning this matter, prepared by Senator Vance Hartke, be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Plan To Reduce Air Traffic Congestion at Metropolitan Airports

The eight-point plan is designed to reduce air traffic congestion and jet engine noise at the nation's existing airports without resort to the construction of new, and costly, jetports.

The following set of recommendations demonstrate that in many metropolitan areas afflicted with air congestion, a new jetport is not the answer. Compelling alternatives to new air fields are available. If these measures are taken, aircraft congestion and engine noise can be dramatically reduced and the country can still avoid the serious environmental and fiscal penalties that will come with new regional airports.

In short, the plan calls for a reduction in the number of planes landing and taking off from the nation's major air centers, such as Chicago O'Hare, New York JFK, Washington National, etc. without cutting into passenger volume. The plan does mean fewer available flights for the air traveller. But we must recognize that flying whenever we want is a luxury, and one very costly to the environment and a public required to build more and larger airports to handle more flights.

The price tag placed on new airports is now about $1 billion. The British government announced in early May its new jetport serving greater London will cost $1.2 billion. Estimates for the proposed fourth New York jetport exceed $1 billion. And a major airport is now said to need 15–20 square miles of countryside, enough land to house a new town of 30,000.

Implementation of all, or even some, of the following steps negates the need for new jetports in most major cities today. The plan would reduce congestion, aircraft noise, and save a financially-pressed public the burden of billion-dollar adventures in construction throughout the country.

The proposals:

1. Enactment of a Civil Aeronautics Board regulation that domestic air carriers operate with 70 per cent of seats occupied on most major routes. Under current conditions, four airline companies operate 69 flights daily between Chicago and New York. Implementing this policy of more occupied seats on fewer flights on the Chicago-New York route alone would mean 8260 fewer flights per year, or 23 per day. Last year, the American airline industry reported only 48 per cent of its seats occupied.

2. Application of landing fees for U.S. commercial airliners according to size of aircraft and number of passengers aboard, with those planes carrying few passengers paying more than those carrying many. Such a fee structure, adjusted to account for varying passenger volumes on certain routes, would encourage airline companies to introduce larger planes and fill more seats, thus reducing the number of aircraft movements.

3. Diversion of general aviation flights (private and corporate aircraft) away from major airports during peak hours by substantially increasing landing fees for the smaller planes during the busier hours. Flights by these small aircraft, carrying an average of 2.7 passengers, now represent 18 per cent of all flights at New York's three major jetports.

4. Improvement of facilities for general aviation at the country's secondary airports to encourage their use by more small aircraft.

5. Improvement of air traffic control procedures in major metropolitan areas to accommodate, when necessary, more flights during peak hours. Further computerization of the control systems at the nation's major air terminals can increase peak-hour capacity with no sacrifice in passenger safety.

6. Acceleration of the U.S. Department of Transportation research program into the viability of a network of V/STOLcraft (vertical and short take-off and landing) linking together the central areas of major cities.

7. More adjustment of airline fares to penalize passengers flying during rush hours and reward those who choose to fly during off-hours. This policy, already in effect on a limited basis on some routes, helps spread passenger volume over a wider period of time and alleviates the crush of traffic, both on the ground and in the air, during the severely congested hours of 3 PM to 8 PM.

8. Installation of noise reduction devices on all new commercial airline engines to bring noise levels down to 98 EPNdB (effective perceived noise in decibels) by 1977. This could be accomplished by enactment of anti-aircraft noise legislation at the state level or by FAA directive.

Statement by Senator Vance Hartke

Mr. President, the recent decline in profits throughout the airline industry points up sharply the need to gain better use from the Nation's commercial aircraft and airports. I believe that this goal can be achieved through the use of higher load factors on fewer planes along major routes. The plan set forth by New York State legislator, Andrew Stein, is designed to effect the necessary changes and reduce congestion at the country's metropolitan airports.

Unnecessary and suicidal competition on certain major routes has strangled some air carriers. We can restore the industry to a sound fiscal position by eliminating the excess of flights now choking our major airports. And we can do both of these without cutting into passenger volume.

Stein's plan, if implemented with approval from the CAB, would allow American air carriers to jointly reduce the number of flights between major markets. Very simply, it would mean fewer flights, with more passengers on each flight. Such a policy could substantially reduce airline operating costs, permitting reductions in fares or, at the very least, maintenance at the current levels. The industry could accommodate the same number of passengers while reducing operating costs.

As a member of the Senate Aviation Subcommittee, I look favorably on Stein's petition on the CAB that the airline companies be permitted to negotiate among themselves a reduction in competition on some seriously overcrowded routes.

By approving such action, the Civil Aeronautics Board would be following its current regulatory policy or guaranteeing the public full service while guarding against collapse of one of the Nation's most valuable industries.

Mr. Stein has developed an imaginative solution to the growing problem of air congestion. The entire mass transit system in this country is rapidly changing. If we can take steps now to hold the line against air congestion without construction of costly new jetports, we might find the air transportation picture totally changed in the next several decades. Improved rail service will help handle the short-haul traffic. We will have in service very shortly V/STOLcraft (vertical and short take-off and landing aircraft) and these too will alter the air transit picture. And before the end of this century, we may have a viable space shuttle to take care of a portion of the international market. All of these developments indicate we may not need more airports if we can find an alternate solution to air congestion. The Stein Plan should be fully explored before any large investment of Federal and state resources is made in new jetports.

ARMS CONTROL FOR AMERICAN SECURITY

Mr. MUSKIE. Mr. President, as I said in a statement before the Senate on May 6, I believe that it is essential that both the Soviet Union and the United States be aware of the arms control implications of their defense program decisions. We must establish a pattern of mutual self-restraint with other nations when developing new strategic defense systems. Arms control does not mean unilateral disarmament—on the contrary, it can mean greater security for all nations.

The testimony before the Senate Armed Services Committee on May 3 by Dr. Herbert Scoville provides a throughtful and provocative analysis relating to this problem. I commend it to the attention of Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony Before the Senate Armed Services Committee, on the Fiscal Year 1972 Defense Program and Budget, Herbert Scoville, Federation of American Scientists (FAS), Chairman, FAS Strategic Weapons Committee, May 3, 1971

Mr. Chairman: I appreciate very much the privilege of being able to come before this Committee this morning to express my views on behalf of the Federation of American Scientists on the proposed FY 1972 Defense Program and Budget. Rather than an attempt to go through all individual items on the budget and analyze these in detail, I believe it would be more useful if I could concentrate my attention on the strategic forces programs and comment on how these appear to relate to the threats which have been posed. In this period of limited availability of funds and resources, we cannot afford the luxury of prematurely spending large sums to build weapons which provide protection against threats that may not emerge—weapons that will only serve to fuel the arms race and escalate the requirements for additional funds in the future.

The basic aim of our strategic forces is to provide, as Secretary Laird has said in his first two criteria for nuclear sufficiency, a realistic deterrent against nuclear attack by maintaining a second strike capability and eliminating all incentive for the Soviet Union to strike the United States first even in a crisis. Strategic nuclear war would be so disastrous that its initiation must be made unthinkable. All other objectives for strategic forces are insignificant in comparison to the requirement to avoid the outbreak of nuclear war.

At the present time, our deterrent is based on three independent weapons systems. The Polaris submarines with their ballistic missiles (SLBM's) are the cornerstone of the deterrent structure since they, and only they, are invulnerable to a first strike for the foreseeable future. They are capable of overwhelming any ABM system which the Soviets could have for a number of years. This sea based deterrent is supported by a force of more than a thousand land based ICBM's in hardened silos which at the present time are also invulnerable but which, if the arms race is allowed to continue and the Soviets to develop new weapons systems, could appear to become increasingly vulnerable in the next five to ten years. Finally, we have the large B–52 bomber force which our military authorities believe easily capable of overwhelming any Soviet air defenses but which is vulnerable to a surprise attack if the aircraft are caught on the ground. The Minuteman and the bombers, although separately potentially vulnerable, do have a complementary function in that no plausible scenario has ever been put forward in which they could be simultaneously destroyed in a surprise attack.

The United States faces three kinds of threats to the survival of these strategic deterrent forces: the threat of a Soviet ABM neutralizing our retaliatory capability; the threat of Soviet missiles destroying our land based missiles; and the threat of Soviet submarine launched missile surprise attack against our bombers. I will show that—over the last few years—the estimates of these threats have rarely been exceeded and in fact have often been delayed, and that the United States has already over-reacted to these same threats. I conclude that there is no need for further reaction to these threats even taking into account the recent evidence which Secretary Laird has pointed to with alarm. I conclude, in fact, that we can and should defer some programs. Premature or excessive reaction can in the long run produce less security by stimulating otherwise avoidable Soviet weapons programs and by precluding desirable SALT agreements.

I. THE THREAT TO THE SEA BASED DETERRENT

Let us now look at the estimated threats to the deterrent forces and the programs proposed to deal with them. First, the submarine deterrent. A danger to this can arise from two general developments: ABM's and anti-submarine warfare (ASW).

ABM THREAT

The ABM threat to the Polaris deterrent is an old one. In the mid 1960's the United States began to respond to the threat of a very large nationwide Soviet ABM, anticipated for the late 60's, by developing the Poseidon multiple warheaded missile. In 1968, however, the Soviets stopped the further deployment of their Moscow ABM system, the only one they had. Nevertheless, the United States went ahead with Poseidon and the first such submarine has just gone to sea. If we were responding to the threat correctly in 1968, we have at least three years to spare now. And we were certainly acting conservatively then. Thus we have deployed a counter to a Soviet ABM already—and done so many years before it would be required.

Last week, Secretary Laird announced that the Soviets have resumed ABM deployment in the Moscow area with new types of interceptors. However, such new deployment would have to be greatly enlarged and extended to many other areas before it could possibly require the Poseidon MIRV system. This would certainly take five or more years. Nor have we considered, in our threat-estimates of Soviet ABM, the fact that the Soviets are reputed to have accepted the U.S. proposal to halt ABM construction everywhere except around Capital cities—a proposal under negotiation, either separately or as part of a package. If we succeed in limiting ABM's at SALT, then we would never have needed the Poseidon system, and about $4 billion would have been saved. This is clearly an example where we have not timed our strategic weapons programs to match the threat, but have gone forward at great expense with a deployment because technology was available. And our rush to deploy MIRV may have made it non-negotiable.

ASW THREAT

In the last two years nothing has changed to increase the ASW threat to our Polaris submarines. Secretary Laird, on March 15, 1971 in his statement to this Committee said:

"... although our continuing investigations have resulted in no immediate concern about the survivability of our Polaris-Poseidon submarines at sea, we are continuing our active program for SSBN defense. Of course, no system can be guaranteed to remain invulnerable *indefinitely* and we are aware that the Soviets are working on new ASW techniques." [1]

He was more explicit in early 1969 when he said:

"According to our best current estimates, we believe that our Polaris and Poseidon submarines at sea can be considered virtually invulnerable today. With a highly concentrated effort, the Soviet Navy today might be able to localize and destroy at sea one or two POLARIS submarines. But the massive and expensive undertaking that would be required to extend such a capability using any currently known ASW techniques would take time and would certainly be evident". [2]

Although the Soviets are known to be continuing ASW research, there is no reason to think the intelligence estimate that this statement embodies has changed. Polaris submarines can operate over millions of square miles of open ocean on all sides of the Soviet Union. The Soviets cannot rely on killing Polaris submarines with ballistic missiles since the subs could, at normal cruising speeds, move out of the lethal area around the aiming point during the time of flight of the missile. While it might be feasible for the Russians to locate and track a single submarine and destroy it in a coordinated attack on the U.S. continent, it seems almost inconceivable, with foreseeable technology, to kill simultaneously the approximately 30 submarines which might be found on station at one time. For the Soviets to deploy attack submarines or surface craft so that they could destroy all these U.S. submarines at a specific instant would seem virtually impossible. A wide variety of countermeasures against such tactics would be available to U.S. forces.

The U.S. has over many years spent tens of billions of dollars on ASW and does not even approach such a capability. Indeed, there is every reason to think that the Soviet ASW problem is even greater than our own. The Soviets are significantly behind the U.S. and have for geographic reasons alone a much more difficult task. The Russians do not control the land masses adjacent to many ocean areas, thus complicating tremendously the deployment of a detection and tracking system. Even if, by some technological breakthrough, it were possible to make the oceans transparent so that submarines could be continuously located—and this is most unlikely—it would be necessary to have some mechanism for destroying all the submarines at a given moment. After all, the atmosphere is transparent to radars, but no one has suggested in twenty years that bombers on airborne alert are vulnerable or how to build an ABM system which would provide protection to populations.

All these factors combine to lead to the inescapable conclusion that our Polaris submarines will not be threatened in the coming decade and probably not in the next as well. The Soviets might develop a partially effective ASW defense in the restricted waters in the neighborhood of the U.S.S.R. but not in the open oceans. The U.S. would have ample warning to take counter-action if it saw such a capability developing.

In sum, there is clearly no present threat to our submarine deterrent either from ABM's or ASW; and we do not even know the nature of a threat if it ever were to develop. However, since the sea based component is the cornerstone of our deterrent, we support continued research to be prepared to deal with any such eventuality in the distant future. The ULMS program proposed by Secretary Laird is such an example. (The Federation of American Scientists has recently prepared a position paper on ULMS and I shall append it to this statement.) While we urge that research and development on advanced missile submarine systems should be continued on a broad front, we do not believe that the designs of such a system should be frozen in the near future, or construction of submarines begun. To do so might only result in expensive outlays for a system optimized against the wrong threat. We are disturbed by reports that attention is being concentrated on very large submarines and urge that the trade-off studies look at alternative approaches. While it is not possible to comment in detail on the $110 million included for this project in the proposed budget, it would appear that this is high for the type of trade-off studies and design work which would be required in the near future.

II. THE THREAT TO LAND BASED ICBM'S

The threat to our land based missiles has not exceeded and is, in fact, behind past estimates. In submitting his Defense Program in 1969 and in initially justifying the Safeguard ABM program, Secretary Laird referred to the growing threat from the Soviet CC–9 missile force which would be equipped with MIRV's. It was estimated that in 1974 the Soviets might have 420 SS–9's, each equipped with three MIRV's. This extrapolation was based on the continuing deployment of 50 to 60 SS–9's per year and the completion of their MIRV test program which was feared to have started in August, 1968. In June, 1969, President Nixon stated in this connection that "footprints (of the Soviet MRV's) indicate they just happen to fall in somewhat the precise area in which ... our Minuteman silos are located".

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[1] Fiscal Year 1972–76, Defense Program and the 1972 Defense Budget, March 15, 1971, pg. 68.

[2] Hearings Before the Senate Armed Services Committee on Military Procurement for Fiscal 1971, Part I, pg. 32.

On the basis of this estimated threat, it was decided to go ahead with Safeguard deployment at two Minuteman sites.

RATE OF SS–9 DEPLOYMENT

What has actually happened since that time? The rate of SS–9 deployment has actually been cut back. Beginning in August, 1969, no new construction of these sites was observed until May, 1970—nine months later—when about 20 new starts were publicly reported. This past winter, however, the Defense Department announced that construction on some of these new silos may have been suspended and that the program had leveled off below 300. On the other hand, this spring it has been reported that the Soviets are beginning construction on several tens of new large silos. Even if one adds this new construction to the few additional SS–9's that may have been started since August 1969, it would appear that the Soviets have only initiated construction on about 50 new large launchers in the past 21 months, a considerable reduction from previous years and far below the rate predicted by Secretary Laird in 1969. At this rate of construction, it would not be until 1975–76 that the U.S.S.R. would have the 420 operational missiles to match Secretary Laird's threat. While this new program could again accelerate over the rate of the last two years, it would be almost impossible for the 420 to be achieved earlier than 1974, the originally predicted date.

Are there any specific security implications about the new large missile construction which would warrant increased alarm and advancing U.S. strategic deployments? It is obviously regrettable that the Soviets have chosen to resume deployment of large missile launchers after almost a year and a half of apparent restraint in this area; however, it is not clear why such new deployment presents any increased threat over that which has been used for planning purposes for many years. One explanation of this new program is that the Russians are building harder silos for their SS–9's to provide protection from a counterforce strike by the U.S. MIRVed missiles currently being deployed. Such hardening would, of course, not contribute to a first strike capability and, if anything, would be an indication that a first-strike was not a critical Soviet policy objective. It would, however, explain why no new missile has yet been tested for these silos.

Alternatively, Senator Jackson had the equally reasonable suggestion that this new construction is to house a new Soviet missile which will be used to deliver a future MIRV capability. In evaluating the significance of this possibility it is important to remember that in all previous estimates of the Russian threats it has been assumed the SS–9 was capable of delivering any type of MIRV system the Soviets chose to develop. It has the payload capacity to carry six, ten, or even more MIRV's, and the only question was the accuracy which could be achieved. The only reason for using 3 MIRV's in the 1969 calculations was that the Soviet tests involved three re-entry vehicles and thus a three MIRV capability could be operational earlier than a more numerous MIRV threat. If this assumption on the SS–9 capability was correct, then the new construction should have no effect one way or another on the timing of the MIRV threat. It is just another form of the previously estimated SS–9 threat.

If it was wrong, and the Soviets are developing a new missile system for their MIRV's, then the former estimated dates were much too early. If they have to go through the development cycle for a completely new missile in order to have a true MIRV capability, then an initial operational capability would not occur at the earliest before two to three years from now. More importantly, if they are going to have to construct new silos for their MIRVed missiles and not use the existing 280 SS–9 silos, then the time at which they would have a force which could threaten Minuteman is several more years away. Even at the rapid rate of 50 MIRVed missiles per year they could not have as many new missiles operational as they now have SS–9's, until 1977. Thus the new silos could mean a delay of three or more years in the threat. At worst, the new missiles are a slowed continuation of the previously estimated large missile threat.

Furthermore, the Soviet MIRV test program is also behind that estimated in 1969. It is no longer thought that the MRV system of 1968 had a MIRV capability, and it was only in late fall of 1970 that the Defense Department announced what they thought may have been a true MIRV test. Since this test only involved three re-entry vehicles on the SS–9, this development would not provide any threat to Minuteman until the Russians had at least 420 and, realistically, many more large missiles. There is, of course, no technical reason why the Soviets could not start at any time to develop a MIRV system which deployed six or even more independent warheads, but such a system could not begin to become operational until about two years after the first tests.

In his 1971 Statement to this Committee (page 46), Secretary Laird says "It is estimated that the accuracy of the SS–9 could be substantially improved by 1975–76. With this improved accuracy the projected Soviet SS–9 missile force would pose a serious threat to the future survivability of undefended Minuteman silos". Thus, even Secretary Laird puts off the threat to Minuteman to the 1975–76 period from the 1974 proposed when Safeguard was first justified. Certainly, this does not justify an acceleration or expansion of the Safeguard system from the original two sites as has been proposed by Secretary Laird.

In view of the fact that Safeguard is poorly designed to defend Minuteman and that the new Hardsite System is under development, it would be better to withhold all funds for Safeguard and concentrate on designing a better system. Safeguard is another example of a hastily conceived and expensive program, planned without realistic evaluation of the threat to our overall deterrent. If an agreement severely limiting ABM is achieved at SALT, then it is also quite likely that no Minuteman ABM will be needed, so further deployment at this time of an unnecessary and inadequate system would appear unwise.

MINUTEMAN MIRVING

Finally, the Budget calls for $839 million for continued procurement of Minuteman III and Minuteman force modernization. For the same reasons referred to under the Poseidon program, it is premature, and also an extravagance, to be placing MIRV's on Minuteman now. Secretary Laird justified both these deployments as follows:

"Should part of our missile force be unexpectedly and severely degraded by Soviet preemptive actions, the increased number of warheads provided by the remaining MIRV missiles will insure that we have enough warheads to attack essential soft urban industrial targets in the Soviet Union. At the same time, the MIRV program gives U.S. increased confidence in our ability to penetrate Soviet ABM defenses, even if part of our missile forces are destroyed".[3]

As previously mentioned, Secretary Laird himself places the initial threat to Minuteman in the 1975–76 period, and the Soviets even with the resumption of ABM deployment around Moscow could not have a defense requiring MIRV's for penetration even by that time. If some unforeseen danger to the entire deterrent arose earlier, it would always be possible to deploy our already developed MIRV's before the threat became a reality. Thus, the funds for Minuteman improvements, as well as for the Poseidon conversion are certainly premature. In fact, in the case of the Minuteman, it is questionable whether such improvements would ever be justified, regardless of how the threat develops. Expenditure of $5 billion to put three warheads on each missile on the ground that 95% of them may be destroyed hardly seems a good investment.

Furthermore, by such unnecessary deployments, we are making it impossible to achieve a MIRV limitation at SALT and are fueling an arms race which, because of the larger Russian missile payload capacity, could, in the long run, be a much greater threat to the U.S. than the U.S. MIRV is to the Soviet Union.

This is an example of a reckless gamble with U.S. Security.

III. THE THREAT TO U.S. BOMBERS

During the past few years, there have been no changes in the estimated threat which would justify new strategic bomber deployment. The U.S. is still maintaining a large but slowly decreasing force of B–52 bombers as the third component of the strategic deterrent. To reduce their vulnerability on the ground, a portion of these are kept on less than 15 minutes alert. In 1969, fears for even this alert force were expressed because of the increasing Soviet SLBM force. While the most logical explanation of the Russian buildup was simply to improve their deterrent with a parallel system to our Polaris (no one has claimed the Polaris is a first strike force), it is true that such missiles, if fired on a depressed trajectory, could significantly reduce alert time. There have been no reports that the Soviets have ever actually tested Sub-launched Ballistic Missiles (SLBM's) in this way. However, countermeasures, such as deployment of B–52's to satellite bases in the interior would alleviate this danger if the threat became imminent, and these are being taken.

This danger was apparent in 1969 and has not materially changed from that estimated at that time. Although the Soviets are continuing to build up their Y class submarine force, the number of these submarines is largely irrelevant to the bomber threat. With the limited number of present SAC bomber bases and the vulnerability of aircraft on the ground, ten submarines could carry more than enough missiles to largely destroy all bombers on the ground. We have long estimated the Russians would have more than ten such vessels. The only new development is the report of Secretary Laird this year that "a longer range SLBM is under development." Recent testimony before this Committee indicated that the submarine for this missile was unknown. This missile when deployed could make it easier to bring interior bases under attack, but certainly it has never been thought that any base would be out of range. The interior bases do, however, provide a potential for longer warning time.

The FAS has previously testified before Congress on the need for the B–1 (March 23, 1971, before the House Armed Services Committee), so I shall not repeat these views here. However, suffice it to say the B–1 is not the answer to the SLBM threat. Because of its great cost it will always be deployed in small numbers, and in the time period when it could be available, it would almost certainly be vulnerable on the ground to SLBM attack. Its shorter endurance, i.e. ability to remain airborne, than the B–52 will also make it a less reliable deterrent because of its greater reliance on vulnerable tankers and the necessity for it to return to base if prematurely launched.

There has been no new developments in Soviet air defense since 1969 which would warrant early replacement of the B–52's. In fact, recent estimates have extended the life of this aircraft. Therefore, we see no need to press forward with the B-1 program which may never be necessary in its present form and may be the wrong way to proceed if a threat does develop.

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[3] Op. cit., Defense Program and the 1972 Defense Budget, p. 66.

IV. AIR DEFENSE AGAINST BOMBERS

Here also the requirement for U.S. air defense has declined. In the past two years, the Soviet intercontinental bomber force has decreased slightly from its already low level. More importantly, there have been no reports of any new truly intercontinental bomber being under development in the U.S.S.R., only a new model of a medium range aircraft. Therefore, there would appear to be no new *threat* requirement calling for the deployment of Airborne Warning and Control Systems (AWACS), and Over the Horizon Radar (OTH) against aircraft beginning in 1972. The Federation of American Scientists testified on this subject on March 11 to the Special Subcommittee on Bomber Defense of this Committee and I shall not summarize its statement of that date. But it should be noted that, as we pointed out then, even if the Soviet bomber threat increased, there would be no point in building a bomber defense of population without a missile defense of population—one which the President has noted we have "no way" of constructing.

V. MISSILE GAP

Finally, one has heard considerable reference to the developing "missile gap" and the possibility that unless the U.S. deploys more weapons, we will be subject to diplomatic nuclear blackmail. But neither side can blackmail the other so long as each can retaliate decisively against the other. We have long ago learned how fallacious it can be to measure this strength in terms of numbers or size of missiles, warheads or bombers. And we recognize that each side will always be ahead in some categories.

We do not accept that there is a gap in favor of the Soviets. True, the Russians are continuing to deploy additional missiles, but the U.S. program also has tremendous momentum. Secretary Laird himself points out in this year's Statement to this Committee that between December 30, 1970 and mid 1971, the U.S. offensive strategic nuclear weapons will increase in number from 4,000 to 4,600 while the Soviets' during the same period will only increase from 1,800 to 2,000.[4] This is an addition of 600 warheads for the U.S. as compared to 200 for the U.S.S.R. with the U.S. already in the lead. Furthermore, this rapid U.S. increase is only the beginning of a vast program in which, during the next five years, U.S. missiles warheads proposes to increase to more than 7,000 as we place MIRV's on our Minuteman III and Poseidon missiles. The momentum of these programs has been so great that to date we have not been able to curtail them despite the fact that the threat against which they are being deployed has been delayed many years.

This cannot be discounted by saying that the number of warheads is not as important as megatonnage since this program of replacing higher yield single warheads with MIRV's has been endorsed by almost all Defense authorities because of the increased security they provide. Each of these MIRV warheads still has a yield at least several times that of the explosions which destroyed Hiroshima and Nagasaki. In the early sixties, virtually all U.S. authorities reached the conclusion that our security would be enhanced by substituting multiple small bombs for a very large single weapon in our B-52 loads, hardened Minuteman missiles in lieu of the larger Titans, and MIRV's with lower yields in place of single large warheads. Senator Jackson in recent hearings of this Committee confirmed that he had also endorsed this concept. The Nixon administration with its programs has adopted this approach. Megatonnage has long been outdated as a critical measure of relative strength.

Further, it is anything but clear how the Soviets could use a superiority in numbers of ICBM's to exert political pressure unless we talk ourselves into such a position. Statements that the Russians might threaten to take Alaska are not only laughable but irresponsible. As long as we maintain a strong deterrent, threats of nuclear war have no substance. As sane men we must learn to live in a world of mutual deterrence. Secretary Laird's third sufficiency criterion: "Preventing the Soviet Union from gaining the ability to cause considerably greater urban/industrial destruction than the U.S. could inflict on the Soviets in a nuclear war" is, in a world where both sides can kill tens of millions of each other's populations, only an excuse for an unlimited arms race, unlimited military budgets, and increased risk of nuclear catastrophe. This objective cannot be reached for all war scenarios because, for example, the population destroyed by a strategic attack will vary depending on whether the attack is a first or second strike. The procurement of the types and numbers of weapons needed to produce equivalent destruction in a U.S. second strike to that produced in any Soviet first strike would escalate the arms race astronomically.

VI. PROGRAM AND BUDGET RECOMMENDATION

Based on the foregoing considerations, it is our opinion that the proposed Strategic Forces Program should be modified in the following ways:

1. R & D on ULM's should be continued with only that funding necessary to continue, on a broad front, trade-off and design studies which do not commit funds to any future hardware programs.
2. The further deployment of MIRV's for Minuteman and Poseidon and Minuteman modernization should be held in abeyance with a saving of about $1.6 billion in FY '72.
3. The development of the B-1 should be restricted to design studies and these should be conducted on a variety of bomber systems without commitment to build test aircraft; the funds should be appropriately curtailed from the $370 million requested.
4. The Safeguard ABM deployment should be halted and ABM funds limited to those required for Prototype Development of Hard-Site Defense and research on advanced systems. This would save about $1.2 billion in FY '72 funds.
5. The further research on advanced MIRV guidance systems for improved accuracy should be halted by reducing the $87 million proposed for ABRES.
6. The AWACS program should be terminated.

VII. SUMMARY

An analysis of the anticipated Soviet threat based on statements by DOD officials provides no basis for increasing U.S. strategic weapons programs at this time. In essentially all cases the threat to the U.S. deterrent is less than was estimated in 1969, and the U.S. already has programs in being, or available for rapid deployment if required, which can ensure the maintenance of a secure deterrent for the foreseeable future. The Soviet ABM threat to our deterrent is far behind estimates when the U.S. set present schedules for Poseidon and Minuteman III deployments. Similary the Soviet large ICBM-MIRV threat to Minuteman is lagging behind that predicted when Safeguard was first justified. By reducing proposed FY '72 programs, significant savings in funds can be effected while providing opportunities for improved future U.S. security through arms control. We should not again fall into the trap of perennial compulsive reaction to timeworn exaggerated threats.

S. 1794, TO PROVIDE A VIABLE ALTERNATIVE TO THE NATION'S RELIANCE ON PESTICIDES

Mr. NELSON. Mr. President, on May 6, 1971, I introduced S. 1794, a bill to authorize the appropriation of $4 million to establish pilot field projects for research on a variety of crops to control agricultural and forest pests by integrated biological-cultural methods.

This legislation provides the framework for a desperately-needed alternative to this Nation's rigid reliance on the massive and indiscriminate use of chemicals to control agricultural and forest pests.

The evidence is abundant that with the single strategy of chemical control we not only have saturated the environment with deadly poisons that endanger a wide spectrum of living organisms, including man himself, but that we have begun to disrupt seriously the economic stability of the farming community with disaster approaching if we continue on our present course.

The environmental damage and human health hazards posed by persistent pesticides contamination is quite clear.

The peregrine falcon is extinct as a breeding species east of the Rocky Mountains and is so suppressed west of the Rockies that it borders on extinction. The bald eagle, osprey, brown pelican and numerous other species of carnivorous birds have shown substantial reproductive failure as a result of contamination by chlorinated hydrocarbons. The increasing concentration of persistent pesticides in the environment threatens the survival of fresh water and ocean fisheries.

The hazards of genetic toxicity due to pesticide residues clearly is implied by findings in experimental animals. Even the human species carries an average of 10 parts per million of the residues, substantially more than the level allowed for most foods in interstate commerce. The harmful effects of pesticides on farmworkers has become a major concern—and a legitimate one—of farmworker leader Caesar Chavez.

The evidence is accumulating rapidly that chemical pesticides have failed in controlling agricultural and forest pests. This is dramatically evident in Texas, where producers of cotton and various other crops have become so alarmed over the invasion of pests—despite massive chemical treatments—that emergency meetings are being convened to discuss the problem and to seek solutions. They have seen their profit margins reduced to a point where the break-even threshhold is perilously close.

In California, many cotton farmers have seen their cost of chemical control double in 20 years.

In northeastern Mexico, some farmers have abandoned their cotton fields because production no longer was profitable in the face of massive tobacco dubworm infestations.

In regions where citrus, soybean, alfalfa, stone-fruit, and forest crops are produced, pests are increasing in number and pesticides decreasing in effectiveness.

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[4] Op. cit., Defense Program dn the 1972 Defense Budget, Table 2.

The fact of the matter is that the single strategy of chemical pest control has been an agricultural, economic, and environmental failure. And the deficits can only accrue by perpetuating that failure.

The use of broad-spectrum chemicals was doomed from the start because it ignored the phenomenon of genetic diversity—that remarkable ability of insects to continually evolve and develop resistant strains capable of withstanding even heavy dosages of toxic chemicals.

Moreover, the saturation of fields with chemicals have destroyed non-target beneficial organisms that, in a balanced environment, are predators and parasites of pest species. With their predators and parasites out of the way, the pest insects are winning the chemical war by developing resistance.

There is a compelling and urgent need to reconsider our approach to chemical pest control by recognizing very basic ecological principles. That is, each integral part of the natural system survives in balance with—not at the expense of—the other parts. Chemical control sought to eradicate pests from vast segments of the natural system. But it succeeded only in creating a more favorable environment for the pests by suppressing and destroying their natural enemies.

Entomologists, ecologists and biologists, along with a good many others, have been warning us for some time of the folly of single-strategy chemical pest control. But we were so mesmerized by the apparent magic and efficacy of the chemical approach that we refused to listen.

The Ecological Society of America said in Bio-Science last year that:

> Much of the basic information already known to science is not finding its way into the decision-making process.

This is tragically true in the case of pest control. There are practical, viable alternatives to pesticides, and much of the knowledge of these alternatives already is basic to scientists.

This legislation seeks to put that knowledge to work. It establishes pilot programs for the purposes of testing and demonstrating methods of integrated pest control that will protect the environment, protect human health, maintain and actually improve the economic stability of the agricultural industry, provide relief for those elements in the economy that have suffered needlessly because of pesticides, and to enhance the quantity and quality of our agricultural production.

Integrated biological-cultural control of pests, the method that will be demonstrated in the pilot programs, is carried out with nature primarily by utilizing beneficial insects that are predators and parasites of harmful insects, but in proper balance so that the latter are maintained in populations below the economically-disruptive level.

This method of integrated pest control has been successfully demonstrated on several occasions and currently is being successfully practiced on some crops. Those farmers who have had experience with this method state that their fields produce high, top-quality yields, along with increased profits because of the reduced cost of pesticides.

The failure of pesticides is borne out by the history of chemical warfare against insects in this country. When DDT emerged as one of World War II's most celebrated heroes and thousands of tons of the "cure-all" chemical was sprayed the world over, many claimed victory over pestilance and disease. Early results were spectacular, indeed. But the resistance of insects soon became a substantial factor and different pesticides had to be developed.

Today, more than 300 pesticides are mixed in over 10,000 formulations. And they are destined to become obsolete—or economically unfeasible—as insects continue to develop resistance.

Insects that once were minor pests have been elevated to major pest status through chemical destruction of their natural enemies and through their own success in resisting the same chemicals. This has been dramatically demonstrated in the case of the tobacco budworm in Southwest cotton, an insect which has become a serious pest because its natural enemies—such as the lacewing fly and numerous kinds of spiders—have been suppressed while it has developed resistance to all chemicals that have been used against it.

Despite wholesale applications of chemicals, there are more insect pests today than ever before, and over 200 of these pests are resistant to chemical control to some degree.

As Dr. Robert van den Bosch, a distinguished entomologist at the University of California at Berkeley, has said: "The insects are beating us."

Unfortunately, the chemical industry has exploited the phenomonen of insect resistance by developing more and more chemical formulations and arming its salesmen with the necessary ingredients to sell those chemicals—not to control pests on a scientifically-sound basis. The industry is perpetuating the failure, and perpetuating itself as a costly burden on society.

The Senator from Louisiana (Mr. ELLENDER) was correct when he said in 1969:

> Those groups advocating more stringent environmental controls are genuine in their alarms. But we must be certain that their concern is balanced with the efforts of our farmers and producers in the attempt to protect and expand our food supply.

I agree. We must assure a continuing, adequate supply of food and fiber. But in the case of pest control we are utilizing techniques that are suppressing our agricultural capabilties, not enhancing them. Our experience with pesticides serves to support the argument that a healthy environment not only is requisite to assure an adequate food supply but also to assure a stable economy.

We need only to review the literature for shocking examples of how reliance on chemicals for pest control has imperiled our agricultural capabilities, burdened our agricultural economy and endangered our environment to such an extent that change is urgently needed.

Let us look at the record.

Dr. Ray F. Smith, an entomologist at the University of California at Berkeley whose expertise is widely recognized, has pointed out the problem of lygus bugs in cotton. Dr. Smith says that when a farmer treats with pesticides for lygus bug control in early season he not only kills the lygus bugs but he also eliminates the beneficial natural enemies of such other pests as the bollworm, cabbage looper, spider mite and beet army worm. Outbreaks of the latter pests require additional chemical treatments, and over the years several have developed strong resistance to pesticides.

In the presence of heavy pesticide treatments, Dr. Smith explains, the parasites and predators have no chance to recover. The cotton farmer thus becomes "hooked" onto a costly pesticides treadmill. Dr. Smith has reported that the costs of chemical control in cotton have now risen to the level where, together with other economic factors, it is no longer profitable for some growers in the San Joaquin Valley to grow cotton—or even to continue farming.

Dr. P. L. Adkisson, head of the department of entomology in the College of Agriculture at Texas A. & M. University, in a letter to my office, told of a critical insect problem in grain sorghum. Dr. Adkisson said the estimated cost of insecticides used on this crop in Texas High Plains has increased from $100,000 in 1967 to $14 million in 1970 on essentially the same acreage.

Target of the assault is a new biological strain of the greenbug which as adapted to the grain sorghum crop, about 3.5 million acres of which is grown in Texas and millions of acres in other States where the greenbug also is a problem.

In the High Plains, Dr. Adkisson reported, cotton has been growing in the same area as grain sorghum. His studies indicate the grain sorghum fields were a reservoir of a number of predator and parasite species that attached cotton pests. But the chemical treatment on the sorghum destroyed the predators and parasites and serious outbreaks of pests now are occurring in the cotton. In addition, aerial drift of pesticides from the sorghum fields to the cotton fields has severely diminished the populations of natural enemies of the cotton pests.

Dr. Adkisson said the cotton crop in the High Plains once was essentially free of pest populations. Now, however, he said the cotton is coming under intensive pesticidal treatment.

Dr. Adkisson also reports that in northeastern Mexico the tobacco budworm in cotton has become so resistant to chemicals that a substantial number of farmers have abandoned their fields. Cotton production in the Matamoros-Reynosa area of the Lower Rio Grande Valley declined from 710,715 acres in 1960 to approximately 1,200 acres in 1970, primarily because of tobacco budworm infestation.

Many nearby cotton fields in Texas last year recorded the lowest yield in 25 years. Some have treated their fields with pesticides up to 18 times in a single season, causing profit margins to shrink nearer the point of zero return.

Citrus crops in Florida, Texas, Arizona, and California have begun to reveal the disruptive effects of chemical pest control. Dr. Paul DeBach, an entomologist at the University of California at Riverside who has devoted many years to establishing biological control on a worldwide basis, has reported that chemicals applied on citrus crops have caused massive upsets in the natural ecosystem and have created a serious new pest problem—most notably the brown soft scale in Texas and the citrus red mite in California.

Alfalfa, one of the world's most valuable forage crops, is produced on 29 million acres in the United States. This makes it the fourth largest crop, in acreage, in the country. Its importance, biologically, is that it is prime habitat for beneficial insects that, in a balanced ecosystem, are extremely valuable natural enemies of pests not only on alfalfa but on many other nearby crops.

Dr. Edward J. Armbrust, an entomologist with the Illinois Natural History Survey, has estimated that 4 million pounds of pesticides are applied on alfalfa annually. He adds:

> Presently recommended pesticides have disadvantages such as potential air, soil and water contamination, potential residues which may contaminate milk, meat and other food and potentially upsetting natural control factors.

Dr. Armbrust states that pest resistance to chemicals already has become a factor on alfalfa crops, with indications that widespread pea aphid pest outbreaks in Western States in 1969, increased populations of the meadow spittlebug pest in eastern and midwestern regions in recent years, and a developing leaf miner pest problem in New York may be a indirect result from intensive spraying. Moreover, Dr. Armbrust states that alfalfa pesticide treatment has been reduced by experimental field integrated biological-cultural control programs, including the breeding of plants that are partially resistant to native pests.

Total acreage devoted to soybean production in the United States has increased from 27,857,000 in 1962 to an estimated 46,483,000 for 1971. Much of the production of this valuable, protein-rich crop has moved from the Midwest, where it was relatively free of insect pests, to several Southern States where pests are a factor. North Carolina, South Carolina, Mississippi, Arkansas, Louisiana, Florida, and Georgia have, as a region, increased soybean production by 127 percent in just 9 years.

Dr. L. D. Newsom, head of the department of entomology at Louisiana State University at Baton Rouge, has reported that:

> Control of soybean pests is on the threshold of developing along the same disastrous path that evolved for control of cotton insects.

Dr. Newsom has observed that soybean crops in the gulf coast and South Atlantic States are treated more heavily with pesticides than crops in other areas—and that the sprayed crops average 16 percent less in production as a result. Dr. Newsom warns that a serious economic disruption to soybean producers is not far away, and he adds that biological-cultural control of the crop is required to avert the disruption.

The total acreage planted to fruits and nuts in the United States reached 2,822,600 acres in 1966, with the value of the crop placed at $551,094,000. That same year, 80 percent of the acreage was sprayed with 15,806,000 pounds of insecticides, at a cost of $112.9 million.

Dr. L. E. Caltagirone, associate entomologist at the University of California at Berkeley, said the insecticides applied on stone-fruits and nuts sought to control such key pests as the codling moth—responsible for wormy apples, pears, apricots, and other fruits—the twig borer and oriental fruit moth—which attack peaches, apricots, and prunes—the plum curculio—a pest in the eastern United States which attacks apples and peaches—and the apple maggot—a pest of apples in eastern United States.

In a letter to my office, Dr. Caltagirone said:

> In general, (stone-fruit) pests have been dealt with as if they were isolated problems; the complexities and dynamism of orchard ecosystems were totally ignored. This myopic approach resulted in more difficult problems which in turn were approached again in the same fashion: more toxicants to control the new problems. So the growers found themselves caught in a pesticide treadmill.

Dr. Caltagirone stated that the problem with reliance on chemicals to control fruit and nut pests is that it has caused resurgence of the target pest, development of resistance to toxicants, and rise to pest status of species that previously had no economic importance. An example, he said, is the tetranychid mites. As a group these pests were of minor importance some 30 years ago. Now they are one of the most difficult problems that plague the fruit industry in this country and throughout the temperate and subtropical regions of the world.

Mites, Dr. Caltagirone said, rose to major pest status because of indiscriminate use of insecticides against key pests.

There has been some experience with integrated biological-cultural control on fruit and nut crops. Dr. Caltagirone said that an integrated control program could reduce the amount of insecticides on those crops by about 40 percent, resulting in a direct savings to producers of $33 million.

The pine bark beetle, the mountain pine beetle, the spruce budworm and other pests have infested forests that are needed to fulfill a skyrocketing demand for timber and a burgeoning demand for recreational areas. Dr. W. E. Waters of the U.S. Forest Service has pointed out that gains in growth rate, wood quality and other desirable characteristics have been wiped out by a single pest.

Tree improvement research is a long-term effort, and Dr. Waters has warned:

> We cannot afford to take the risk of ignoring or second-rating pest resistance to chemicals.

There already are instances of forest pest-resistance buildup. And if there is total reliance on the single approach of chemicals to control these pests, the resistance factor could impede seriously our forest conservation efforts.

The economic problem with single-strategy chemical pest control is not limited to agricultural and forest crops.

Among the numerous examples are the seizure of Coho salmon from Lake Michigan processors and, more recently, the removal from the market of Lake Michigan fish chubs. The reason for the seizures is the high degree of DDT residues in the fish. If we continue to contaminate the country's fisheries with chemicals and the Food and Drug Administration is forced to remove more and more fish from the market because of residue buildup, then we are going to have to bear the burden of thousands of persons without jobs and the disintergration of a multimillion-dollar industry.

Millions of dollars have been paid by the Federal Government to cranberry growers and dairymen whose products were removed from the market because of pesticide contamination. Honeybee operators have been driven out of business when entire apiaries were severely damaged, if not destroyed, by pesticides. The problem with honeybee damage has become so acute that a special pesticide indemnification program was authorized by Congress in the Agricultural Act of 1970.

Furthermore, because the use of chemicals is under the direction of an industry whose special interest is to sell pesticides we have left the farmer to rely on the advice of chemical salesmen—not qualified scientists—for what chemicals to apply, how much and when. Dr. Smith has said that each year numerous farmers suffer serious financial losses because of misguided or unguided chemical usage.

The industry's salesmen, who need not comply with standards of competency established outside the industry, serve as prescribers of potent chemicals with the quality of their work measured in sales performance.

By that measure alone, the salesmen have done a commendable job. In 1945, 33 million pounds of DDT were dusted throughout the world, and by 1951 that figure had more than tripled to 106 million pounds. Insect resistance became a factor, and the industry responded with more and more chemical formulations.

Today more than 1 billion pounds of pesticides, herbicides, fungicides, rodenticides and fumigants are produced annually in the United States. This already is 5 pounds for very American man, woman and child. But projections are that by 1985 this figure of 1 billion pounds will increase sixfold.

The entire system of chemical use lacks controls to such a degree that even a packinghouse inspector can establish criteria for application.

Dr. DeBach has pointed out that an overzealous inspector may consider the California red scale to be a pest of citrus if merely a single scale is present per fruit. He said that such a low infestation is harmless to the tree, to fruit production and to quality. Yet, he adds, its imposition as an arbitrary goal may force growers to excessive use of sprays.

The integrated biological-cultural approach to pest control has worked, and is working. Mr. Everett Dietrick, for example, operates an insectary at Riverside, Calif., and has been providing an insect management service to farmers in the Coachella Valley for 11 years. Letters to my office from farmers served by Mr. Dietrick attest that their crops are of high quality and quantity, and their profit margins considerably better than those in the same area who continue to use sprays on the same type of crops.

In Japan, ladybugs and other natural enemies of insect pests are being mass-bred in an attempt to seek an alternative to chemicals to control agricultural pests in that country. Claremont, Calif., recently purchased 180,000 ladybugs to control an infestation of aphid pests in the city's trees.

The Agricultural Research Service in the U.S. Department of Agriculture has developed a number of programs in biological controls, only to be thwarted from full utilization of the science by lack of funds. A number of farmers and entomologists throughout the country are turning to biological controls, but the effort suffers from inadequate funding and lack of effective leadership.

This legislation is a beginning in providing both the funds and the leadership for this effort. The legislation calls for $2 million to fund the first year of what must be at least a 5-year pilot field-research program in integrated biological-cultural pest control, to be conducted by the Agricultural Research Service. In addition, it would authorize an appropriation of $2 million to the National Science Foundation to expand its fundamental research in integrated biological-cultural pest control principles to assure long-term success.

The Agricultural Research Service and the National Science Foundation suggest that pilot programs on biological-cultural pest control should be conducted immediately on cotton—where 40 to 50 percent of all pesticides are used—citrus, soybean, alfalfa, stone-fruit, and forest crops.

It should be pointed out that pesticides still will be used in an integrated program, but their application will be carried out under carefully controlled supervision by qualified experts. Overall the reliance on pesticides can be reduced substantially.

The expenditure of $4 million as a first-year effort is trifling when we consider the massive benefits that can be derived from the program, in the very near future and for generations to come. Indeed, $4 million is only 15 percent of the estimated amount spent by chemical companies on promotion of chemicals in California alone in a single year.

Along with the introduction of this legislation, it is worth while calling attention to the freeze imposed by the administration on a modest amount of money that was to be used for research of nonchemical pest control. The need for such research is urgent, and it is imperative that the administration release the $1 million for nonchemical pest control that was appropriated by the Congress last year.

It is difficult to reconcile the administration's rhetoric on the need for environmental improvement and its imposition of a freeze on appropriated funds that would serve to promote a quality environment. Such action indicates that the administration's budget managers are insensitive to a critical environmental problem.

It is also essential that the Congress enact legislation to provide rational controls over the manufacture and use of pesticides along the lines provided in S. 660—the National Pesticide Control and Protection Act—that I introduced on February 9 of this year. Such controls are necessary to assure proper use of pesticides that would continue to be used in an integrated program.

Mr. President, I ask unanimous consent that the bill I introduced on May 6 be printed in full in the RECORD together with the excellent article, "The Insects Are Beating Us," by Dr. van den Bosch.

Also, Mr. President, I ask unanimous consent that on the next printing of S. 1794 the following cosponsors be added with the eight Senators who already are cosponsors: Senators RANDOLPH, SPARKMAN, ERVIN, DOMINICK, TUNNEY, HUMPHREY, STEVENSON, MONDALE, PROXMIRE, PELL, and HANSEN.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture is authorized and directed to carry out, through the Agricultural Research Service of the Department of Agriculture, pilot field-research programs for the purpose of (1) developing and testing the control of agricultural and forest pests by the employment of integrated biological-cultural methods, (2) determining the economic and environmental consequences of predicting and modifying agricultural and forest pest populations through utilization of multidisciplinary and integrated biological-cultural methods, and (3) developing methods of collecting, handling, and interpreting data obtained from such field research.

(b) The Secretary of Agriculture is authorized to reimburse farmers and ranchers for any losses sustained by them as a result of any research authorized under this Act being conducted on their lands, crops, or livestock.

(c) There are hereby authorized to be appropriated to the Secretary of Agriculture to carry out the provisions of this section during the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years.

SEC. 2. There are hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years for the purpose of expanding its fundamental research on integrated biological-cultural principles and techniques to control agricultural and forest pests.

THE INSECTS ARE BEATING US

(By Dr. Robert van den Bosch, professor of entomology at the University of California at Berkeley and chairman of the division of biological control at the University's Gill Tract in Albany. This article, published in the April, 1970, edition of California Monthly, is adapted from a version appearing in The Pesticide Workbook, published by the Scientists' Institute for Public Information for the national Environmental Teach-in)

If there is a group of animals that has met the competitive challenge of man and held its own, it is the Insecta. Abundance, diversity, and adaptability are the key characteristics which have helped insects to stand up to their cleverer competitor. And quite ironically, man, the thinking animal, has actually played into his enemy's strength by relying overwhelmingly on a single combat technique—chemical control.

The considerable failure of the chemical control technique is ignored by some who point only to increased crop yields and decreased incidence of insect-borne disease as evidence of success. But these plusses must be balanced by sobering realities. Today more insect species are pests than ever before, over 200 of these pests have developed resistance to chemicals, costs of pest control have increased strikingly, and pesticides have polluted the biosphere.

In balance, then, it is quite evident that the chemical control technique has been considerably less than a full-blown success.

Most modern insecticides are ecologically crude. This largely stems from their having been synthesized at the behest of managers and sales executives of chemical companies. These are people with little or no knowledge of ecological principles. They know how to synthesize and merchandise insecticides, but have no real appreciation of the materials' ecological impact. Thus, toxicological, efficacy, marketing, and safety considerations have been the fundamental criteria applied to the development of insecticides. But there has been very little ecological input. As a result, when applied the materials often have had devastating ecological impact, and they have created staggering environmental problems.

The well-documented case of DDT is cause enough for concern, but it hardly reflects the full magnitude of the insecticide problem. In fact, there is reason to believe that the organochlorines (DDT and relatives) have passed their zenith, since legal restrictions on their use and public pressures against them are forcing their replacement by more ephemeral materials. But in a number of ways the replacement materials pose even greater problems than those created by the organochlorines. Many of the DDT substitutes are organophosphates which are extremely toxic to mammals and a broad spectrum of lower animals, including insects. A disturbing pattern of use has come to characterize these materials. They are being used repetitively and their use frequently aggravates pest problems. There are three basic reasons for this: 1) the materials are characteristically short-lived, and must often be used repeatedly against given pest infestations, 2) their severe impact on insect natural enemies, and the resultant elimination of these forms of life from treated areas, frequently permits rapid resurgence of the target pests and outbreaks of previously innocuous species, 3) the wide scale and repetitious use of the materials has hastened evolution of insect pest populations resistant to them.

These three factors and the essentially unilateral way in which the materials are frequently used have contributed to an expanding worldwide pesticide treadmill. This in turn is reflected in a proliferation of pest problems, increased hazards to humans and lower animals and finally in spiraling pest control costs. This might be likened to drug addiction in man.

The chemical pest control situation is bordering on the chaotic, and it has been largely brought about by the very materials that were developed to give efficient control.

Quite obviously there is a need for pesticides with different characteristics—that is, ecological selectivity. But this will not come about until ecologists and ecological criteria are included in insecticide development.

It is quite apparent that the inherent ecological shortcomings of the modern insecticides have increasingly contributed to environmental disruption and to pollution. This in itself is serious, but the problem goes far beyond the simple ecological crudeness of the materials, for ecology is also largely ignored in their experimental development, registration, and exploitation.

Spokesmen for the insecticide industry have repeatedly stated that for economic reasons the industry is not interested in ecologically selective materials. Literally all of the companies are seeking another DDT or parathion—a product with wide potential use so that it can capture the broadest possible market and thereby recoup development costs and insure a profit. To them, the ideal material is one which can be registered and labeled for use against a very broad spectrum of pests on a variety of crops. But it is precisely this type of toxicity spectrum which dooms a material to be ecologically disruptive.

In this country, experimental screening of newly developed insecticides by chemical company entomologists and many federal and state researchers is largely concerned with the determination of their killing efficiencies and the acquisition of information on toxic residues. There is some additional testing for plant injury, effects on product flavor, impact on honeybees, certain wildlife, and so forth. But essentially nothing is determined of the impact of the materials on insect communities, because such data are not pertinent to federal registration and the ultimate labeling of the materials.

These criteria are grossly inadequate. For one thing, performance tests usually only indicate that a material will kill substantial percentages of given insects. They do not show that such kills may not be economically justifiable, or that the very use of a material may engender problems of greater severity than those against which it is directed.

In effect, then, federal registration requires no testing of the impact of the materials on the insect communities to which they are applied, or their potential to trigger pest resurgences and secondary pest outbreaks. Consequently, there is no statement on an insecticide label to indicate that, because of ecological impact, the material can lead to aggravated pest problems. The user in reading an insecticide label has no way of knowing that the material he is about to apply, in addition to killing a certain percentage of a given pest population may, in fact, aggravate that very problem and engender others. Each year numerous insecticide users suffer serious economic losses because of this, and there is no way for them to redress these losses through lawsuit. This is so because the defendant chemical companies can (and do) maintain that an infestation occurring subsequent to the use of a pesticide may simply be a natural event, an "act of God." They also argue that poor farming practice or lack of grower alertness to developing pest problems cause the contested crop losses.

Many persons closely associated with pest control have recurrently observed insecticide-induced pest outbreaks. They know that these outbreaks are not "acts of God," and it is highly disturbing to them that the grower is essentially powerless to gain redress for the resulting losses. It is even more disturbing that the federally-approved insecticide label gives no warning that such pest backlashes might occur. In fact, because there is no printed warning, the labeling process actually exposes the user to economic loss and the environment to ecological insult and injury, while simultaneously protecting the manufacturer and seller from accountability.

All of this points up the essential need for a change to more thorough ecological research on new insecticides and to the utilization of broader criteria in the registration and labeling of the materials.

Under prevailing circumstances, pest control advisement and pesticide use are substantially matters of merchandising. The insecticide manufacturers and formulators, the agro-service companies and the custom pesticide applicators, through intensive advertising and the aggressive activities of their sales personnel, dominate pest control.

The salesman is the key to the system, for he serves as diagnostician, therapist, and pill dispenser. And it is particularly disturbing that he need not demonstrate technical competence to perform in this multiple capacity. In other words, the man who analyzes pest problems, recommends the chemical to be used and effects their sales is neither required by law to demonstrate by examination his professional qualifications—as do medical doctors, dentists, lawyers, veterinarians, barbers, beauticians, and realtors—nor is he licensed. Yet he deals with incredibly complex ecological problems and utilizes some of the most deadly and environmentally disruptive chemicals devised by science.

The chemical industry has made some effort to upgrade the quality of its fieldmen, but this is really a token gesture, because the men remain salesmen, and merchandising is their basic charge. In fact, the very system forces aggressive salesmanship first, because of the great number of companies—over 100 in California alone—competing for the market and second, because of the variety of incentives—commissions, bonuses, profit sharing, promises of permanent employment—the companies utilize to encourage their field men to make sales. This intense sales game has inevitably led to questionable practices by certain companies and their salesmen. This disturbing situation is one of the major causes of pesticide overuse and associated environmental pollution.

But merchandising and salesmanship are not the only factors which motivate the excessive and improper use of insecticides. Severe federal limits on insect parts in produce (fly wings, legs in canned asparagus), consumer demands for good-looking, undamaged food, and the food processors' own produce quality standards often literally force growers to attempt the near eradication of pests from their crops. In striving for this ecologically and genetically impossible goal—pest eradication with chemicals—the growers have been pressured into intensive use of chemical pesticides.

This is most ironic, for the attempt to assure pure, high quality food creates a real danger of widespread produce contamination and increased environmental pollution. Furthermore, because of the associated problems of pest proliferation and pest resistance to pesticides, grower costs and therefore consumer costs are spiraling upwards.

There is another practice which has repeatedly contributed to the pollutive use of pesticides. This is the so-called area control program, wherein large areas are repeatedly blanketed with insecticides. One would have thought that ecological problems such as heavy bird losses in the largely ineffectual campaign to curb Dutch elm disease would have taught us a lesson. But the economic and ecological chaos now occurring in California's Imperial Valley in the wake of a massive effort to chemically control the pink bollworm indicates that the lesson has not been learned.

It should be emphasized that insecticides of some sort are critical to highly effective pest control, and their importance will increase as the booming human population creates a greater demand for food, fiber for clothing, and protection from disease-bearing and nuisance insects. But there is also evidence of an urgent need for major changes in insecticide development, registration, and use. We cannot continue to use ecologically crude insecticides in an inefficient, disruptive and pollutive manner. New policies on insecticide development and use must be devised and implemented, if we are to avoid ecological disaster. The following paragraphs contain suggestions for some of the more urgently needed changes.

There is a critical need for more sophisticated pesticides (ecologically selective ones) which can be fitted into pest management systems. Selectivity must involve more than safety to man, domestic animals, and wildlife. Such materials should also have limited toxicity ranges within the Arthropoda (insects and insect-like organisms so as to preserve insect predators and parasites, pollinators (including honeybees), decomposers, and aquatic insects which serve as fish food, as well as aesthetically pleasing species.

Such materials will, for technological and economic reasons, be more costly than existing broad-spectrum insecticides. But by their very ecologically selective nature they will be used less intensively, effect better control of target pests, cause substantially fewer secondary pest problems, and be less conducive to the development of resistance in pest species. They therefore should be less costly to the user over the long run, and infinitely less hazardous to man and the general environment.

The developmental costs for the ecologically sophisticated materials will unquestionably be greater than those for the existing broad-spectrum insecticides (approximately $4 million per material today). Furthermore, the market potential for a given selective insecticide will be considerably smaller than that for a broad-spectrum material.

The chemical companies, as they have in the past, will surely balk at shouldering the full developmental costs of selective pesticides, and if certain adjustments are not made, will refuse to synthesize them. Because of this, the federal government which insists on the safety features of pesticides, may have to underwrite the developmental costs of the ecologically sophisticated materials. Such support could largely be used for studies on the materials' health hazards and their impact on the environment. The funds need not be paid directly to the chemical companies, but used instead to support critical developmental research by federal agencies, the state experiment stations and private research agencies.

Until such time as selective pesticides become generally available, broader ecological criteria must be applied to the registration of the wide-spectrum insecticides. This applies to the registration of new materials and the re-labeling of existing ones. It is only right that the insecticide user have available to him, via the insecticide label, information which describes the ecological shortcomings of the material he contemplates using.

The professional qualifications of pest control advisers must be upgraded. In other words, a pest control technocracy is needed to implement the increasingly complex integrated control programs which are already being developed and which will certainly proliferate in the future. Basic professional qualifications for pest control advisers (including salesmen, so long as they act as advisers) should be established and determined by examination. These persons should be licensed and subject to a code of conduct just as are those in the other professions. The company-affiliated salesman, with his built-in conflict of interest and sales motivation, must be phased out of pest control advisement. Eventually, direct contact between the salesman and the lay user of insecticides must be eliminated. Instead, just as in human medicine, the salesman should deal only with the pest control adviser (agro-technologist). It is further envisaged that the user himself should be required to consult with a licensed pest control adviser on decisions involving use of insecticides. Currently, some of the worst insecticide abuses are committed by the user who applies the materials himself after obtaining them from a salesman or distributor.

The question will be asked: can the growers afford independent pest control advisers? Of course they can. Growers are currently expending millions of dollars on salesmen frequently peddling bad advice. The chemical industry advertises the activities of its fieldmen as free technical service. But this is a myth, and the grower ultimately pays for such "service." A fraction of the dollar expenditure on salesmen will buy scientific pest control through the independent advisers.

Serious consideration should be given to the development of a system of pest damage insurance as an alternative to pesticide use. This can possibly be developed out of the existing federal crop loss insurance program. For example, in California it is conceivable that a satisfactory alternative may not be found for DDT in restricted situations such as that which exists in cotton on the west side of the San Joaquin Valley. The cotton involved approximates one third of the valley's acreage. Annual losses to insects on this cotton, were it to be left untreated, would perhaps amount to 15 to 20 per cent of the long-term average yield under DDT utilization. But, in some years and some fields there would be no losses at all. A system of crop insurance against these sporadic and relatively mild losses would seem to offer a reasonable and workable alternative to the continued use of DDT. The same holds true for many other commercial crops.

Consideration might be given to shifting the production of specific crops away from areas of chronically severe pest infestation to those where these problems do not exist. The shift to a pest-free area would eliminate the need for insecticides. In effect, this is already being done in the production of virus-free seed potatoes. In this case, the potatoes are grown in areas remote from major virus sources (the viruses are transmitted by insects), which guarantee a disease-free potato crop and obviates the need for pesticides.

It can even be envisaged that a crop as extensive as cotton might be shifted from the southeast, where it is chronically ravaged by the boll weevil (thereby accounting for this country's major use of hard organochlorine insecticides) to the arid southwest where the boll weevil either does not occur, as in desert areas of California, or is of only minor significance.

The integrated control concept—the ecological approach to pest control—must be fostered among pest control researchers, and research on pest management systems expended as rapidly as possible. There is a critical need for information on pest damage levels, natural control, ecology, seasonal activity, and on the the nature of agro-ecosystems. Such studies will provide critical information permitting better timing and placement of insecticidal treatments and lead to the development of alternative control measures. Currently, studies of this sort are being supported by federal and state agencies and some of the commodity groups, but need more support.

It follows from the above that there is a need for greatly expanded efforts to develop or exploit specific control techniques that are alternatives to chemical control. This includes biological, genetical and cultural methods as well as the use of hormones, attractants, and repellents. Increased research in these areas should be undertaken as quickly as possible.

More sophisticated controls and control programs will create a demand for more highly qualified people in pest control. Consequently, there is an urgent need to develop a training program for ecologically-oriented pest control advisers. Economic entomologists versed in the principles of integrated control are extremely rare today and badly needed. Furthermore, many of the nation's university research and agricultural extension personnel are hopelessly obsolete and simply cannot or will not accept the need for change in pest control research and advisement. In fact, they actually encumber the development of advanced pest control systems. These people are a liability and should be phased out of positions of influence as quickly and mercifully as possible.

The training of the new breed of researchers and advisers will entail curriculum planning, staffing of faculties and the development of internship programs. This implies a need for federal and private grants to support on-going costs of the programs and to provide fellowships for the students of pest management. The fellowships, in part, might well be in the form of research assistantships established from funds allocated to subsidize the development of ecologically selective pesticides. Funds might also be derived from taxes levied on pesticide sales, and even on the pesticide users themselves.

Agencies such as the National Institute of Health, the National Science Foundation, the Agricultural Research Service, the U.S. Fish and Game Department and Forest Service might also support the fellowship program as well as the development of curricula and facilities for the training of pest control technologists. Conservation organizations might participate, too. Finally, the commodity groups—the cotton, corn, deciduous fruit, citrus, soybean, vegetable, and livestock and poultry industries, and of course the food processing industry—might also support this program.

Some of the suggestions just offered may be impossible to implement. Some will surely evoke violent reaction from certain quarters. There will be the inevitable allegations (already heard) that they are unworkable theoretical schemes.

But as matters now stand, we are at the brink of economic and ecological disaster in pest control. The insects are beating us in the competition game, and have forced us into an environmentally damaging strategy.

We cannot stand on the status quo. It is a one-way street to ecological disaster. So we must turn to new ideas, no matter how revolutionary. They offer us the best chance of escape; perhaps the only one. Ideas are literally all we've got; and we need them quickly and in abundance.

HUNGER IN AMERICA

Mr. HART. Mr. President, I joined the distinguished Senator from South Dakota (Mr. McGOVERN) and the distinguished Senator from Illinois (Mr. PERCY) to introduce S. 1773, a bill to amend the Food Stamp Act.

Certainly I am pleased to be associated with still another attempt to design a food stamp program which meets the need.

But just as certain, I am discouraged that a combination of factors makes it necessary to make still another attempt to do what should have been accomplished years ago.

This Chamber and the White House have been the setting for some impressive oratory on the subject of hunger.

Congress has vowed to end hunger in America and 2 years ago the Senate set up a special committee to suggest how that goal could best be achieved.

The President has vowed to end hunger in America, and 18 months ago he convened a White House Conference on Food, Nutrition, and Health to recommend how that goal could best be achieved.

And yet today, after the rhetoric, after the special committee and White House conference, after approving a bill last year which was hailed by some as expanding the program, there are still at least 10 million persons who are eligible for the program but not receiving any type of Federal food assistance—10 million persons who are potentially hungry or malnourished.

And yet today, after all the talk, and after the good words uttered about the bill Congress passed last year, we find that as a result of new food stamp regulations issued by the Department of Agriculture, the program will reach fewer—let me repeat—fewer—persons than it did last year.

To document that fact I ask unanimous consent that articles by Nick Kotz, published in the Washington Post of March 30, and by Richard Madden, published in the New York Times of April 30, be printed at the conclusion of my remarks.

Perhaps this instance—one of many—of the gap between rhetoric and reality is one reason why some people have taken to the streets of Washington in recent days, one reason why many more who have not joined in these activities share their lack of confidence in the ability or in the will of their Government to meet its commitments; even a commitment so basic as to feed the hungry.

So it is that I had mixed emotions about cosponsoring still another bill to do what we said we would do 2 years ago. I mention my mixed emotions not to indicate a lack of interest in this bill, but rather to emphasize as strongly as I can the obligation to act swiftly and favorably on this proposal.

It will humanize the work requirement in the current law by not allowing the starvation of children in a situation where a recalcitrant parent or brother or sister refuses to work.

The bill will make the food stamp allotment realistic. It will provide enough stamps for a family to purchase a nutritionally adequate diet.

Perhaps, more important, it will provide the authorizations for funds necessary to expand the program to all those who at present need, and are without, Federal food assistance.

Mr. President, we can end hunger. The danger is that we will not. If we do not devote the energy and talent and resources necessary to end hunger in America, what then will we have energy and commitment to do?

Let us act now so that we will not have to make still another plea next year.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 30, 1971]

RULES ON FOOD STAMPS ADMITTEDLY TO CUT ROLLS

(By Nick Kotz)

The Agriculture Department has proposed new food stamp regulations that it admits would eliminate benefits for 350,000 recipients and reduce benefits for another 1,750,000.

The figures were disputed, however, by an attorney who specializes in food stamp law.

He told a senate committee yesterday that as many as 4 million of 10½ million recipients would lose part or all their benefits.

Sen. George McGovern (D-S.D.), chairman of the Senate Select Committee on Nutrition, said the proposed regulations are "incredible and outrageous," and clearly subvert the will of Congress which was to increase participation and benefits in the program.

McGovern will introduce a Senate resolution asking a delay of the May 17 implementation date for the regulations.

The Senate resolution would not have the force of law, but is designed politically to force a reconsideration of the rules.

The regulations are intended to implement the 1970 Food Stamp Reform Act, hailed last January by President Nixon as expanding food benefits to meet problems of hunger and malnutrition in America. Chief features were free food stamps for the very poor and national eligibility standards designed to replace a patch work quilt of state standards, thereby making many more persons eligible in some states.

However, Assistant Agriculture Secretary Richard Lyng acknowledged in a statement yesterday that the proposed regulations, while making many persons newly eligible, would also eliminate eligibility or reduce benefits for about 2.1 million persons. Lyng said the net result would be no change in total participation.

In effect, the regulations would make many more persons eligible in those states, mostly in the South, which have stringent eligibility requirements, but would cut or eliminate benefits to many in industrial northern and western states.

The restrictive features seem designed to bring the program in conformance with the administration's more conservative welfare reform bill.

A food stamp participant pays up to 30 per cent of his income for stamps, and receives stamps of greater value redeemable for food at groceries. For example, a family of four with $200 monthly income would pay $60 monthly to receive $108 worth of stamps.

A family of four with less than $360 monthly income would be eligible. With less than $30 monthly family income, the stamps would be free.

Ronald F. Pollack, a respected constitutional lawyer and staff attorney for the Columbia University Center on Social Welfare, Policy and Law, analyzed the proposed regulations for the Senate committee. Among his points:

Most welfare families in New York, New Jersey and Connecticut would have benefits reduced to a few dollars, making participation of doubtful benefit. Arthur Schiff, director of the New York City food stamp program, said the regulations would increase the cost of stamps for 292,227 welfare families or cases and reduce the stamp bonus benefits for 239,016.

Almost all California recipients of welfare aid for the elderly, blind and totally disabled would be entirely eliminated from participation in the food stamp program.

About 820,000 poor persons would be eliminated from eligibility because they share housing with a non-family member. This provision of the law was aimed at banning "hippies" who live in communes, but Pollack said it would mostly hurt the indigent and their poor friends or neighbors who provide them housing.

Hundreds of thousands of welfare recipients, in such diverse states as California, Colorado, Iowa, Louisiana, Massachusetts, Minnesota, Nevada, South Carolina and Texas will lose food stamp eligibility. Previously, all welfare recipients were eligible, but now welfare families are permitted only $1,500 in maximum resources, exclusive of homes and autos. Hardest hit would be industrial workers now laid off who still have some money in their savings accounts.

An administrative nightmare will be created, contends Pollack, as welfare recipients have to qualify all over again for food stamp participation.

Several million poor will be eliminated or have reduced benefits because of new definitions of what constitutes income in determining eligibility. No longer exempted as income, as in HEW's welfare programs, are scholarships, educational loans, veterans' educational benefits and work-incentive payments in welfare retraining programs.

Pollack also criticized the law's new work requirement as especially harsh because it does not permit a person to refuse an offered job even when he can conclusively demonstrate that the work will gravely endanger his health and safety. If a person refuses a job at a salary of at least $1.30 an hour, his entire family can be cut off benefits.

[From the New York Times, Apr. 30, 1971]

City Fights Shift in Food Stamp Plan

(By Richard L. Madden)

Washington.—Proposed Federal regulations designed to establish national eligibility standards for food stamps would seriously impair the relatively new food-stamp program in New York City, the Senate Select Committee on Nutrition and Human Needs was told today.

Arthur Schiff, director of the food stamp program in New York City, said that the combined effect of the proposed new Federal regulations and the 10 per cent reduction in welfare benefits voted recently by the New York State Legislature "will be to decimate, and that is not too strong a word, the food-stamp program in New York City."

Ronald F. Pollack, director of the Food Research and Action Center, a federally financed antipoverty organization in New York City designed to increase participation by the poor in Federal food programs, also testified that, under the proposed Federal rule changes, "New York State, New Jersey and Connecticut welfare families will drop out like flies from the food-stamp program, thereby possibly forcing these states to totally discontinue participation in the program."

The Agriculture Department proposed April 15 that uniform eligibility standards be established for food stamp programs in all states, under revised food stamp legislation passed last year by Congress.

Up to now, welfare recipients, for example, had been automatically eligible to participate in the food stamp program, which allows poor people to buy stamps at a fixed cost and redeem the coupons for food at a higher value than the cost of the stamps at grocery stores.

Under the proposed regulations, the income of a family as well as its other assets would be taken into account in determining its eligibility for food stamps.

MEMORANDUM CITED

The Agriculture Department asked for comments on its proposed regulations by May 17 and said the new rules could go into effect by the end of September.

After listening to part of the testimony today, Senator George S. McGovern, Democrat of South Dakota and chairman of the committee, said the panel would consider offering a Congressional resolution delaying the new guidelines.

Mr. Pollack cited an Administration memorandum stating that of 10.5 million food stamp recipients, an estimated 340,000 would be ineligible under the new rules, while 1.7 million others would receive reduced benefits. He estimated that up to two million additional people could be excluded from the food stamp program in part because of the proposed methods of determining a family's income.

As for New York City, which has been participating in the program since last September, Mr. Schiff said that the new regulations would increase the cost of food stamps for 292,227 welfare recipients and in addition reduce available stamp bonuses for 239,016 of those cases. About 850,000 New Yorkers participate in the program.

Mr. Schiff and Mr. Pollack contended that the effect of the rule changes would be to reduce the Federal food stamp funds available to New York and other urban states while increasing the eligibility of people in rural states.

GENOCIDE TREATY DOES NOT IMPINGE ON CITIZEN'S RIGHTS

Mr. PROXMIRE. Mr. President, one frequent objection to the Genocide Convention is that it clears the way for U.S. citizens to be tried in foreign courts without the rights guaranteed by the Constitution. This is not the case.

At the present time, if a foreign power holds an American citizen, there is nothing this Nation can do to prevent that power from trying him on any charge it wishes to bring, from shoplifting to espionage, even to genocide. The Convention in no way changes this situation.

What about extradition? Would the United States, if we ratified the Genocide Convention, be required to extradite an American citizen to another nation to stand trial without the constitutional safeguards for an alleged crime of genocide committed within the borders of that nation? The answers is no.

The Genocide Convention is not self-executing. Congress would have to enact the implementing legislation, and the Convention expressly provides that this legislation be in accord with our own Constitution. The problem of extradition would be dealt with through the negotiation of treaties with other nations which would have to be ratified by the Senate. Without an extradition treaty dealing with genocide, we would not be required to extradite a person accused of it. We have never negotiated an extradition treaty with a nation that does not provide either our form of due legal process or what we consider to be the equivalent of it. There is some doubt as to whether we could under the Constitution, as this would be an action of the government that would infringe on the rights of the individual.

We now have extradition treaties with more than 80 nations, none of which gives away the rights of Americans. None of these treaties includes genocide. These treaties would have to be renegotiated before extradition for genocide became possible. The same protection of constitutional rights that we now have would still be there. The only difference between the renegotiated treaties and the ones we have now would be the addition of one more crime to the list of extraditable offenses. We are trying to do this now with air piracy.

The testimony before the Senate Foreign Relations Committee, last spring, of Mrs. Rita Hauser, U.S. Representative to the Human Rights Commission, and Mr. George Aldrich, Deputy Legal Adviser to the State Department, both of whom accompanied U.N. Ambassador Charles Yost, and of William Rehnquist, Assistant Attorney General, Office of Legal Counsel, Department of Justice, accompanied by Jack Goldklang, dealt with the subject of extradition under the Genocide Convention. These experts in the field believe that the Convention would not endanger the rights of Americans.

Mr. President, I ask unanimous consent that the relevant portions of this testimony be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts of Testimony Before the Senate Foreign Relations Committee

PRESENT LIABILITY OF AMERICAN CITIZENS FOR CRIMES ABROAD

Senator Church. In regard to the argument that if we become a party to the convention, U.S. citizens can be tried abroad without the constitutional guarantees of trial by jury and other safeguards, is this not the case now if our citizens commit crimes abroad?

Mr. Rehnquist. Yes. My understanding of the state of international law in that regard is that if a U.S. citizen commits a crime under Bulgarian law in Bulgaria there is nothing in the world the United States can do to prevent him from being tried by the Bulgarian courts.

Senator Church. The only modification that should be made to your statement has to do with the question of extradition.

Where this country has presently in effect an extradition treaty with another country, is it not now possible for that other country to secure the extradition of an American citizen on a charge of crime committed within the jurisdiction of the requesting country? And the American citizen, pursuant to the terms of the treaty, can now be delivered over to the other country for trial?

Mr. Rehnquist. That certainly is my understanding, if the crime is one named in the treaty and the other requirements of extradition are complied with.

Senator Church. This convention would not be breaking new ground where extradition is concerned except insofar as it defines a new crime, isn't that correct?

Mr. Rehnquist. Yes, I think one might also say that the ruling out of the political crime as a defense to extradition is perhaps something of a new departure.

THE OBLIGATION TO EXTRADITE

Senator Church. What is the present policy of the United States with respect to extradition to countries where our form of due process is not observed.

Mr. Rehnquist. My knowledge on that subject, Mr. Chairman, comes from the State Department people who have already testified before you. I will certainly repeat my understanding. That is that extradition treaties are not negotiated with those countries which do not have either our form of due process or something we regard as the equivalent of it.

Senator Church. Suppose the United States enters into this treaty and another country, also a party to the treaty, charges a U.S. citizen with having committed genocide within its borders. Meanwhile, the citizen charged has returned to the United States. The United States chooses to try this citizen in its own courts and finds him innocent. Let's assume two situations. Suppose, first of all, that the citizen in question is charged with genocide, tried by an American court, and found innocent. The other country, however, is dissatisfied with the outcome of the proceedings and requests extradition of this citizen to try him in its own courts for genocide.

Would there be an obligation under the treaty in those circumstances to deliver the citizen over to the other country for trial?

Mr. Rehnquist. Mr. Chairman, it would of course depend first on the language of the treaty. I assume from your hypothetical that the treaty would indicate delivery to be made even though the man had already been tried once in this country. I think, frequently, treaties themselves contain exceptions.

Senator Church. I am concerned about the language of this treaty.

Mr. Rehnquist. Well, my understanding of this treaty is that it does not itself contain an exception but this would be found, I believe, in the extradition treaty rather than this treaty. This treaty simply establishes the duty to make the substantive offense a crime, and one would look in the extradition treaties for provisions affecting double jeopardy. I might add that even though the extradition treaty did not preclude rendition under these circumstances, I think there would be a rather serious question that could be raised on habeas corpus under the double jeopardy provision of our Constitution, as long as the United States was taking action which would, in effect, result in a second trial of this man for the same offense.

DOUBLE JEOPARDY CLAUSE AND GENOCIDE

Senator Church. Can you tell us, or can your expert witness tell us, what the present extradition treaties provide in the matter of double jeopardy?

Mr. Rehnquist. I will turn to Mr. Goldklang.

Mr. Goldklang. Well, they do not all provide the exact same thing but most of them have language which is in substance identical to the double jeopardy clause in our own Constitution. Although there may be some disagreement as to whether when these treaties were negotiated they meant exactly the same thing as the constitutional provision. I think it is quite possible if the matter were tested out before an American court on a question of extradition they would be held to be the same.

Senator Church. Let us suppose a second hypothetical case. Another country, a party to the treaty, charges a U.S. citizen who in the interval has returned to the United States for the crime of genocide. That citizen is tried in an American court for a different crime, let us say murder, and he is acquitted.

Now, the other country brings an extradition proceeding and requests that this person be returned to it for trial on the charge of genocide. Are we obliged by this treaty to turn that citizen over to the foreign country so requested?

Mr. Rehnquist. Let me address myself to the constitutional proposition, if I may, and then I will request Mr. Goldklang for his views on the treaty construction.

I think under the recent decision of the Supreme Court in *Ashe* v. *Swensen*, which was a case decided about 3 weeks ago, that a doctrine of collateral estoppel has been developed for purposes of interpreting the double jeopardy provision so if there are common elements to the crime, and it is apparent that the acquittal was based on an adverse finding by the jury as to one of these common elements, that the double jeopardy provision could probably be invoked in this situation.

Mr. Goldklang. If we start with the premise that the language of the treaty is nearly identical to that in the double jeopardy clause I rather imagine if it were tested out in our courts they would reach a similar construction. I discussed this with the people in the State Department and some of them say that there might not be that exact understanding now as to how the treaties operate. Some of our treaties specifically say you can't be tried twice for the "same act," and in that case it would be a bit clearer.

Senator Church. The reach of this treaty, then, will depend on how the particular extradition treaties are drafted.

Mr. Rehnquist. Yes.

EXTRADITION TREATIES

Mrs. Hauser. Article VII of the convention provides that parties pledge to grant extradition of persons charged with genocide "in accordance with their laws and treaties in force" and that there shall be no defense to extradition on the grounds that the crime was a "political" one. U.S. law provides for extradition only where there is an extradition treaty in force.

The convention does not purport to be an extradition treaty. It would require only that the United States provide for extradition for genocide in new extradition treaties which we might negotiate or in revisions of existing extradition treaties.

Thus, no person could be extradited from the United States for trial in a foreign country on a genocide charge unless we have an extradition treaty with that country making genocide an extraditable offense. There are at present no such treaties in existence with any country.

We would not negotiate such treaties until the Congress has passed legislation making genocide a crime in the United States, because it is our policy, shared with most countries, not to make an offense extraditable unless it is a crime in both the state requesting extradition and the state receiving the request.

Another factor in any decision to negotiate an extradition treaty is whether the judicial process of the other country affords persons who may be extradited a fair trial. In addition, since extradition treaties often remain in force for a long time, during which judicial systems can change, basic procedural protections have to be built into the treaty at the beginning.

SAFEGUARD PROPOSED ON EXTRADITION CLAUSES

While the Senate would have an opportunity to review these aspects of each extradition treaty actually concluded when asked for advice and consent to ratification, it may be helpful for me to outline now the basic safeguards we have in mind. First, any extradition treaty will require the state requesting extradition to produce sufficient evidence to persuade both a U.S. court and the executive that the person sought would be held for trial under U.S. law if the offense had been committed here.

Second, any extradition treaty will assure the person sought the right to the remedies and recourses provided by the law of the requested state. In the United States, for example, habeas corpus would be available. Next, any extradition treaty will preclude extradition when the person sought is undergoing or has undergone trial in the United States for the same act.

Article VI of the convention provides that persons charged with genocide shall be tried in the state where the act was committed, but this provision contemplates the obligation of the state and does not exclude trial by other states having jurisdiction.

IMPLEMENTING LEGISLATION TO RESERVE THE RIGHT TO TRY AMERICAN NATIONALS

The negotiating record of the Genocide Convention makes clear, in particular, that trial for acts committed in a foreign country could be held in the state of which the defendent is a national. We believe that the statute implementing the convention should cover not only acts committed in the territory of the United States, but, in addition, acts committed anywhere by American nationals.

Such a statute would not only carry out the obligation of the United States under article VI but also provide one means of trying and punishing Americans for acts committed abroad. As I mentioned earlier, the "double jeopardy" program of extradition treaties would prevent extradition of Americans actually in the process of trial or who have been tried. There is a situation not covered by this standard provision, however, that we propose to deal with by a special provision in the case of genocide. That is the case where a request for extradition of an American is made before criminal proceedings have been initiated in the United States.

In that limited case, we would reserve discretion to initiate proceedings ourselves, rather than extradite. In other words, if a prima facie case of genocide were made out against an American national, and as a practical matter he could be tried in the United States, we could elect to try him in our courts and refuse extradition.

We believe this special protection is justified because the convention precludes the refusal of extradition on the ground that the offense is political.

I have thought it desirable to go into this question of extradition at some length to allay any apprehensions that ratification of the Genocide Convention might force at some time in the future the United States to extradite Americans for trial abroad on trumped up charges of genocide.

The facts are that a convincing case must be presented for extradition on any charge, and that, in the unlikely event that such a case is presented involving an American national and the crime of genocide, the United States would be free to initiate criminal proceedings itself and refuse extradition. I believe that we could not ask for more.

Mr. Chairman, that concludes my statement.

NEED TO RENEGOTIATE PRESENT EXTRADITION TREATIES

Senator Church. If I understand your testimony on the extradition aspects of this convention, it would require renegotiation of all the extradition treaties to which the United States is presently a party. Is that correct?

Mr. Aldrich. To cover genocide in all of those treaties it would have to be specifically added as an extraditable offense; yes, sir.

Senator Church. So all of our present extradition treaties will have to be reopened if this convention is ratified?

Mr. Aldrich. Yes, Mr. Chairman; except that I think we would not construe this obligation as one that would require us immediately to go out and negotiate an amendment to each extradition treaty, but as we were able to do so, reasonably quickly and in the process of negotiating other amendments, we would add genocide.

I might mention that we are presently engaged in a rather substantial exercise of renegotiating extradition treaties or negotiating amendments to extradition treaties to cover the airplane hijacking problem and insofar as we are doing that, once the necessary legislation were passed to make genocide a crime in the United States, then we would add genocide as well as the hijacking in those negotiations.

NO OBLIGATION TO NEGOTIATE EXTRADITION TREATIES WITH ALL OTHER PARTIES

Senator Church. Would this convention, if ratified, impose an obligation on the United States to enter into extradition treaties with all of the signatories to this convention?

Mr. Aldrich. No, Mr. Chairman, it would not. The convention clearly states that extradition shall be in accordance with the laws and treaties in force. The conclusion of extradition treaties is a discretionary matter between the States concerned, and we would only conclude extradition treaties on the basis that we would have concluded them in the past, that is, when it was in the national interest to do so.

Senator Church. You see no further obligation imposed on the United States once it becomes a party to this convention since one of the purposes of the treaty is to secure extradition of individuals accused of genocide. I should think it would follow, then, that if we ratified the convention, we assume some added obligation to enter into appropriate extradition treaties in order to give force and effect to the convention?

Mr. Aldrich. Well, Mr. Chairman, I think if it had been desired to do that, this convention could have incorporated the necessary extradition provisions as a multilateral convention on extradition but it did not do so. It specifically refers to the laws and treaties in force.

It is my understanding that it was clearly understood at that time that this implied that there would not always be the possibility of extradition.

Senator Church. Does any other member of the panel wish to reply to that question?

Mrs. Hauser. If I may, Senator Church, I think that is perfectly clear from the language of article VII itself which pledges the contracting states to grant extradition in accordance with the laws and treaties in force. When I reread the history of the drafting of the convention, it appeared that that language, "laws and treaties in force," was made at the suggestion of the United States and was clearly intended, in accordance with this legislative history, that extradition would be encompassed under the existing extradition treaties as amended.

They would cover genocide; there was no intent on the part of any of the member states, at least as seen in the debates on this convention, to impose a positive obligation on any member state to enter into a new extradition treaty.

Senator Church. You agree, then, with Mr. Aldrich?

Mrs. Hauser. Yes, I do.

Senator Church. And if this convention were ratified, the United States would still remain as free as it is today to pick and choose those countries—whether or not they are signatories to the convention—with which we would be willing to enter into extradition treaties?

Mrs. Hauser. Yes, sir.

Senator Church. And the obligation to extradite would be limited to those countries with which we had such treaties?

Mrs. Hauser. Yes, sir, if you like, the only substantive change that article VII makes in extradition law is that no country, when looking at its extradition treaty, can say that we refuse extradition because the crime in question was a political offense. As I am sure you know, political offenses are generally excluded from the ambit of extradition treaties.

And legislative history shows that many of the parties were concerned that should genocide occur, within the context of some war or other political battle, that the guilty state would say we cannot extradite an individual because this was a political offense. That is the real thrust of article VII.

ERVIN HEARINGS ON PRIVACY (1)—TESTIMONY OF CHRISTOPHER H. PYLE

Mr. ERVIN. Mr. President, in February and March of this year the Subcommittee on Constitutional Rights conducted hearings on Federal data banks, computers, and the Bill of Rights. We began with a thorough investigation of the charges which had been made concerning military surveillance of domestic political activity. Then we looked at the data-collection activities of several other Government departments.

The subcommittee also examined the confidentiality and security of information kept in Government files. Witnesses described the existing state of computer security and discussed with the subcommittee problems arising out of the use of computers to store personal data. Authorities on the individual's right to privacy analyzed the pertinent legal decisions and recommended steps that could be taken to protect Americans from the abuses of a dossier society. The subcommittee heard much testimony detailing the need for legislation in this area and received suggestions on the type of individual protection that would be both desirable and feasible.

There has been a great deal of public interest in these hearings and I think that it is important for the people of this country to have access to the views of our witnesses. They should not have to rely on the summaries to be found in news reports. Unfortunately, the subcommittee does not have a sufficient supply of the prepared statements to fill the many requests that have come in for different witnesses' testimony and the hearing record will not be available in print for some time. Moreover, hearing records only receive limited circulation. Therefore, I believe that it would be worth while to place some of the more important and frequently requested prepared statements in the Congressional Record.

Today I should like to place in the Record a summarized version of the statement of Mr. Christopher H. Pyle, a former captain in Army intelligence, whose testimony establishes a framework for understanding the Army's civil disturbance program. Mr. Pyle first disclosed the Army surveillance program in an article in the *Washington Monthly* for January 1970.

In the days to come I shall place in the Record statements by other former Army agents detailing their activities in military intelligence. I shall also include the testimony of representatives of the Defense and Justice Departments describing their positions on the facts and the law involved with surveillance activities and the more general problems of Government information collection. Following this I shall submit other prepared statements concerning the present state of the law and of privacy with respect to the Federal Government's information gathering activities.

I ask unanimous consent that the testimony of Mr. Pyle be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Christopher H. Pyle

Mr. Chairman and Members of the Subcommittee, I wish to thank you for this opportunity to discuss what I believe to be the alarming growth of political data banks and the surveillance of lawful political activities within the United States.

In response to your request to testify I have prepared two statements. Both are very lengthy. With your permission I would prefer to go through them with you and simply to emphasize what I consider to be their essential points.

Before I begin my statement I think it would be helpful if I told you a little about myself and how I came to learn of the Army's surveillance of civilian politics.

In 1961 I was commissioned upon graduation from Bowdoin College as an officer in the Army Reserves. My call to active duty, however, was postponed while I obtained an LL.B. from Columbia Law School and Masters Degree in Public Law and Government, also from Columbia.

On August 1, 1966, I entered on active duty. Following training at Fort Benning and Fort

Holabird as an intelligence officer and counterintelligence agent, I was assigned to the Army Intelligence School as an instructor in Investigative Legal Principles. I began teaching there in March 1967 and remained on the Intelligence School faculty until my release from active duty on July 31, 1968.

At the Intelligence School my main responsibility was to teach a 30-hour course in Investigative Legal Principles to officers and enlisted men who were being trained as special agents in Army counterintelligence. These were the agents who later went to work in the CONUS intelligence program.

One of my secondary duties was to teach a one-hour class entitled "CONUS Intelligence and Spot Reports." At this time, this class was the only training which Army agents received before being assigned to the units which collected information on civilian politics as part of the civil disturbance early warning system.

The instruction I gave to my classes in CONUS intelligence was largely based upon the laws authorizing the military to assist civilian authorities to control riots. The presentation concentrated on the needs of commanders of riot control units for information on the physical layout of cities within which their troops might be deployed. Nothing in the instruction I gave touched on the collection of personality or organizational data pertaining to lawful civilian political activity. At that time I did not know that this type of activity was going on.

One day in late February or early March of 1968 a lieutenant came up to me after class and said, "Captain Pyle, you don't know too much about this, do you?" I replied, "No, not really. What can you tell me"? He said, "Well, before coming to this class I was a special duty officer at the CONUS Intelligence Section at the Intelligence Command. If you would like, I could arrange a briefing there for you."

I said I would like that very much. Two weeks later he took me and another legal instructor to the Intelligence Command Headquarters for the briefing.

At the Intelligence Command we were introduced to Mr. Andrew Havre, a civilian, and to a Major McLay, who together ran the CONUS Intelligence Section. Mr. Havre conducted most of the briefing which lasted for about an hour and 15 minutes.

He showed us a battery of teletype machines over which many of the CONUS intelligence reports were received and passed on to higher headquarters. We also saw file cabinets in which spot reports on individuals and incidents were being kept.

In addition, Mr. Havre showed us a deck of cards on which names of persons and incidents were being entered. These were computer cards. On the top of the deck was a card which bore the name of Arlo Tatum, Executive Director of the Central Committee for Conscientious Objectors. The only notation on the card stated that Mr. Tatum had once delivered a speech on the legal rights on conscientious objectors at the University of Oklahoma. The source of the information on the card was the campus newspaper.

Mr. Havre also showed us an eight and a half by ten-inch paperback mug book which he referred to as the "blacklist." I asked him what the mug book was for. He replied, "To keep track of people who might cause trouble for the Army."

Before we left the briefing Mr. Havre gave me two copies of an intelligence summary for the week of March 11–18, 1968. When I left the Army in July I took one copy of this intelligence report with me and left the other in the school files. I have that report with me now. It is an unclassified document which I submit for the Subcommittee's attention.

As we left the Intelligence Command that day, the instructor who accompanied me asked Mr. Havre if any of the information he had given us was classified. Mr. Havre said it was not. That information later became the basis for my first article in the *Washington Monthly*.

At this point I should make it clear that this briefing formed the basis of most of my direct personal knowledge of the program. I did see some CONUS intelligence activity during briefings at the 109th Military Intelligence Group's headquarters office at Fort Meade, and at its region and field offices in Baltimore, Maryland. But basically my information—the information that I published in my first Washington Monthly article—came from the briefing at the Intelligence Command headquarters in late March, 1968. So, much of what I have to say should be regarded as hearsay based upon investigations which I have done subsequent to January, 1970.

What I heard and saw in the course of the briefing, however, was more than enough on which to form an opinion. Even as Mr. Havre escorted us from the building I was aware that the Army had assembled the essential apparatus of a police state.

There was nothing sinister about the intentions of the men we met in the course of the briefing. They all appeared to be well-intentioned people trying to carry out their assignments to the best of their ability. Nonetheless, they were running the machinery of a police state.

The briefing shocked and surprised me. I understood what the lieutenant had meant when he said "Captain Pyle, you don't know too much about this, do you?"

About a month later, I received a telephone call from the speech writer for General William H. Blakefield, the commanding general of the Intelligence Command. The speech writer called to ask if I had done any research on the legal basis of the CONUS intelligence program. Before I answered his question, however, I asked him if Jack Marden, the general's JAG officer, had prepared a memorandum on the legal basis of the program when it was stepped up following the Newark riots in July 1967. He said no. No memorandum outlining the legal basis of the program had ever been prepared. I then responded to his question by telling him that I had investigated the Army's authority for the program. I had studied the laws authorizing the use of troops to quell riots, insurrections, and rebellions and had read Rankin and Dallmayr's *Freedom and Emergency Powers in the Cold War*, then as now the leading book on martial law and military assistance to civilian authorities. I advised him that I believed that the Army clearly had the authority to go out into cities to collect the tactical intelligence on approach routes, potential bivouac sites, and similar information essential to the efficient deployment of troops. But I also told him that I did not believe that the Army had been authorized to go beyond the collection of this tactical intelligence to collect information on the political activities of law-abiding citizens.

Furthermore, I told him that I thought that the monitoring of civilians might very well be held unconstitutional if challenged in court because of the chilling effect which knowledge of military surveillance could have upon the willingness of citizens to participate in politics.

I also added that the program seemed to violate the spirit, if not the letter, of the Delimitations Agreement of 1949. The Delimitations Agreement, signed by the Army, Navy, Air Force and FBI was a sort of peace treaty which sought to end a long period of jurisdictional conflict. By that agreement the Army acknowledged that the FBI had exclusive jurisdiction to investigate civilians who might be considered a threat to the national security. The Delimitations Agreement was published as Army Regulation 381–115.

I concluded my remarks by observing that if the existence of the program ever became widely known the Army could be severely embarrassed.

The general's speech writer thanked me for my views, and said that he would convey them to the general. But I never heard from him, or from his office, again. Shortly thereafter, I was released from active duty. After a year of course work as a Ph.D. candidate at Columbia University, I sat down and wrote my first article.

I spent over two months writing the article, because I knew that I had seen only one corner of a much larger picture. I also wanted to make sure that nothing I said would later be misconstrued either as an attack upon the Army or as an incendiary statement about the program. Much of the article was an analysis of the Army's need for, and authority to conduct the program. I also discussed what I thought could be its impact if it was allowed to continue unchecked.

At the end of the article I suggested some steps that might be taken by the Executive Branch, by Congress, and by the courts to limit the excesses of the program without restricting the Army's ability to carry out its legitimate functions. The article was published in the January 1970 issue of the *Washington Monthly*. You know much of the history since then, so I won't go into that in detail.

After the article was published in the *Washington Monthly* and in a number of newspapers, I began to receive telephone calls and letters from former intelligence agents. I had taught about 800 officers and enlisted men at the Intelligence School and many of them later came to question the CONUS intelligence program. Some found it distasteful. Some considered it unnecessary. A few who remembered their instruction in Investigative Legal Principles and the case of *Lamont* v. *Postmaster General* suspected that the program was unconstitutional.

These former agents offered to help me as best they could. Many, however, found it necessary to request anonymity. I don't think that there were many who feared reprisals from the Army. Most tended to agree with me that the people who work in Army intelligence are generally very decent people. They do not have sinister motives and would not conduct reprisals. However, many of the agents did fear that public identification of them as critics of the Army and its surveillance of political fringe groups might cost them jobs or friends through misunderstandings of their motives.

From the beginning I knew that writing an article was not enough. People are always saying that there ought to be a law. But they never tell us what the law should be or how we should go about getting it passed. In addition, as a student of political science at Columbia I had some ideas about how I thought a program as extensive as this one might be turned around. Essentially, I conceived the task as an exercise in persuasion. Those opposed to military surveillance of civilians would have to persuade those who wanted to do it that they shouldn't, either because it is unconstitutional, illegal, immoral, unnecessary, or politically too dangerous. I was also curious to see what influence a private citizen with virtually no resources could have on a governmental program he opposed.

So I decided to devote about half of my time to the effort. The first step was to get the article published. The second was to persuade the American Civil Liberties Union to initiate a lawsuit. Later, as former agents provided me with more information, and as I was able to corroborate that information through other agents, I began to function as a clearing house for information which I passed on to members of Congress and the press. From the beginning I made it clear that I sought no personal publicity and no financial gain. I also made it clear that I spoke for no organization, and had no personal axe to grind with the Army.

Over the spring, thanks to the vigorous and persistent efforts of members of Congress, and particularly this Subcommittee, the Army gradually changed its thinking and its practices. The change began first, I believe, with the Army's General Counsel, Robert E. Jordan III. From what I have been able to learn Mr. Jordan had doubts about this program as early as the fall of 1968.

But it was also apparent from the responses the Army was making to newspaper disclosures and Congressional criticism that the civilians who were supposed to be in charge of the Army did not really know the full scope and nature of the program. Mr. Jordan has since admitted as much to newspaper reporters. Suspecting that they had not been told the full story by the Assistant Chief of Staff for Intelligence, Mr. Jordan and Under Secretary of the Army Thaddeus Beal went to Fort Holabird in the middle of February 1970 to find out for themselves. As a result of that investigation, I am told, they learned of not one but two data banks—one of incident reports and another which was a biographic index to dossiers on both military personnel and civilians. Many of the civilians described in this data bank were unassociated with the military in any way. In addition, extensive hard-copy paper files on civilian political activity were also discovered at Fort Holabird.

As the spring wore on, former agents disclosed the existence of other computers. They also told of other files. Every military intelligence group headquarters, all of their subordinate region offices, virtually all of their field offices, and some of their residence offices—close to 300 in all—kept extensive paper files on civilian organizations and individuals.

I also learned that the Continental Army Command was running a separate collection operation.

At this point the evidence was getting so complex that I had to stop and compile a glossary of CONUS intelligence terms to give to newsmen and others so that they could understand the terms and organization involved.

These charts to your left were prepared for the American Civil Liberties Union. They should give you a better idea of the way the program ran.

The first chart shows the territorial jurisdictions of the two collection agencies—the Army Intelligence Command and the Continental Army Command. The Army Intelligence Command in effect is a large white-collar bureaucracy. Its main job is to conduct investigations of persons being considered for security clearances. Monitoring civilian politics was a secondary assignment. To carry out its missions, the Intelligence Command employed between 1,000 and 1,200 plainclothes agents.

The Continental Army Command is the big holding company for almost all stateside Army troop units. For CONUS intelligence agents it drew upon the military intelligence detachments assigned to stateside troop divisions. I learned from Mr. Oliver Peirce who had served with the Fifth Military Intelligence Detachment at Fort Carson, Colorado, that the CONARC units sometimes competed with the military intelligence groups of the Intelligence Command. Not only did the Army units compete with each other, they also competed with local police intelligence squads, the FBI, the Secret Service, and other agencies which collected similar information. When they were not competing with each other, these agencies often swapped information about individuals and organizations.

The second chart tries to explain the distribution of information. The information comes in—at the bottom—from a variety of sources, including liaison with civilian law enforcement agencies, press reports, and the direct observations of Army agents. I would like to emphasize here that liaison with civilian law enforcement agencies, particularly the FBI, was the main source of information. Army intelligence units collected relatively little information by their direct observation or by covert operations. Nonetheless, it is remarkable how many covert operations were conducted by the Army.

The second chart also shows how the information moved up through the two collection agencies. Eventually it got to the Counterintelligence Analysis Division. This unit is now a Detachment; prior to being called a Division it was called a Branch. One of the former analysts from that unit whom I met in January 1970 was Mr. Ralph Stein who also is here to testify this afternoon. Mr. Stein and others told me of the role which the Counterintelligence Analysis Division played in the analysis of information and in the levying of collection requirements on the two collection networks beneath it.

They also explain how the information was distributed to the Pentagon, to riot control units, to every stateside Army command, to the Army Materiel Command, to the Air Defense Command, to Army Headquarters in Europe, Alaska, Hawaii, and Panama, and to all sorts of places which one just wouldn't imagine would need regular reports about minor civil disturbances in the United States.

I asked Mr. Havre about this during the briefing. He told me that the reason his office sent reports to Europe was to satisfy the curiosity of the people in Europe. They wanted to hear what was going on in the States, so the Intelligence Command reports became in effect a news service for them.

Now, as the top of the Distribution Chart indicates, one of the receivers of CONUS intelligence information would be the Secretary of the Army and his office. So far as I know, however, the Secretary of the Army got very little information. Reports did rise up to the level of the Under Secretary and were part of his morning briefings.

The Under Secretary during most of the period was Mr. David E. McGiffert. Like the Army General Counsel, Mr. McGiffert also began to suspect that Army intelligence was exceeding its authority along about the fall of 1968. The first thing that surprised him, according to his interviews with newsmen, was a request from the Justice Department for the Army's video tapes of Abbie Hoffman. The 113th MI Group had assigned a team called "Midwest Audio-Visual News" (or something like that) to masquerade as a television news team during the demonstrations in Chicago that accompanied the Democratic National Convention of 1968.

Midwest News had the distinction of being the only television news team at the time of the Convention to gain an exclusive interview with Mr. Hoffman. The two agents who were on that team at that time became famous within the Intelligence Command. Their services were in great demand throughout the country. Later they came to Washington for the Counterinaugural, and to Catonsville, Maryland, for a draft protest.

A couple of weeks after the Hoffman interview, the Justice Department asked the Under Secretary for the films for use in the Chicago Conspiracy Trial. According to Mr. McGiffert this was the first he had heard about this kind of activity. Until then, he had always assumed that the Army collected its civil disturbance information through liaison with civilian agencies. Mr. McGiffert's disclaimer sounded incredible to me when I first heard it. But since then I have talked with intelligence analysts who have informed me that the reports were "sanitized" in the office of the Assistant Chief of Staff for Intelligence so that when they appeared in the Under Secretary's briefing they would not indicate how or by whom the information had been collected.

According to Mr. Peirce, the same practice of sanitizing files and reports had been used by the Continental Army Command's Fifth MI Detachment in Colorado Springs. The agents who conducted undercover operations in the city of Colorado Springs were instructed to write their agent reports in the third person to make it appear as if the information had come from "walk-in informants"—people who walk into the office and volunteer information.

How much sanitizing went on throughout the system, I don't know. But on at least two different levels, one low down in the structure, and one at the highest echelon, there was a conscious effort to conceal the fact that Army intelligence was collecting information on the politics of civilians by covert means.

The third chart describes the storage system used within the Intelligence Command and the Continental Army Command to store this great mass of information. At the lowest level Army intelligence units kept paper files of all kinds. These included dossiers, card files, photographs, and clippings on individuals, and organizations.

I have a card file from the 113th Military Intelligence Group located in Minneapolis which covers just a couple of months during the spring of 1968. It is an unclassified file which was discarded about a year later. An agent took it with him when he left the service.

As I leaf through the file I find such entries as:

"James Griffin. St. Paul Department of Human Rights. 3 January '68. Teach-in draws crowd with speeches, seminar."

"Scott Halazon. University of Colorado graduate student. 26 April '68. Strike organizers hope 5,000 will skip class. 24 April '68. Faculty, students to strike Friday."

"Jane Hanger, YMCA employee. 1 May '68. Teach-in to examine white racism in U.S."

"E. Johnson. (UM Student Mobilization Committee). 9 May '68. Speaker SMC meeting."

And the file goes on. It contains cards on several professors and a number of students. There is even an entry for the National Association for the Advancement of Colored People. It reads: "18 April 1968. Davis: University needs NAACP organ. 1 May '68. Teach-in to examine white racism in US."

From the same former agent I also received a stack of photographs which his unit had discarded around June 1969. The reason these photographs were discarded, he said, was that the Inspector General was expected to inspect the unit and his superiors were afraid that he might question their expenditure of $80.00 to put these pictures in these folders. Also, because many were taken at long-range, only a few persons can be identified.

But among the eight-by-ten inch glossy photographs is a smaller blow-up. It shows the face of an unshaven man wearing a beret. On the back of the print are the words: "Request identification. This is another picture of the bereted individual in another blow-up. #3." It is signed "Dermody."

Specialist 5 Dermody was a coordinator who worked in the CONUS intelligence section at the headquarters of the 113th MI Group at Fort Sheridan, Illinois. Evidently this picture had been forwarded to Fort Sheridan, had been seen by Specialist Dermody, and had been sent back to Minneapolis for identification of the person wearing the beret.

Other pictures in the collection were given to agents of the 113th MI Group by the campus police at the University of Minnesota. A couple are stamped on the back: "University of Minnesota Department of Police. Negative number, Complaint number, date, time . . ." and so forth. On the back of this picture—one of the faces is marked out with a square—are the names of three persons who were at the meeting. Also included in the picture are two persons who appear to be members of the university administration or faculty. Somebody told me that the occasion was the Inauguration of President Moos, but I am not sure of that.

I believe that the scope of the CONUS intelligence program is now fairly well known. There are undoubtedly some activities we should know about, but basically, I think we know enough to define the nature and scope of the program.

However, one of the biggest problems we have had this year has been to determine the extent to which the Army has succeeded in cutting back the activity.

Army Intelligence is a big bureaucracy. Like any bureaucracy, it is often reluctant to obey orders to end programs in which it has invested a great deal of time and energy.

Mr. Richard Halloran of *The New York Times* expressed the problem well in a recent article. Bureaucracies, he said, "seem to follow the laws of physics. A bureaucracy at rest stays at rest. A bureaucracy in motion stays in motion." By 1970, Army Intelligence was in high gear. Throughout 1969, according to the Army's own estimates, the CONUS intelligence teletype was transmitting about 1200 incident reports a month. This activity did not decrease at the time of the moratoriums in the fall of 1969. It expanded. Despite the efforts of Mr. McGiffert and Mr. Jordan to cut the program back, it continued at full speed until January 1970.

So the problem during the past year has been to find some way to document either the cutback or the failure to cut back. Although my information is limited, I am confident that since February 1970 there has been a substantial effort to cut this program back. The effort has been most intense during the last three months following disclosures that the Army was watching elected officials. The Army General Counsel, the Assistant Chief of Staff for Intelligence and their staffs have worked especially hard. But despite their efforts—despite the inspections they have made in the field—they have not been successful in some locations.

For example, during the summer of 1970 a lieutenant at Region V of the 113th Military Intelligence Group in Minneapolis received a large number of files from field offices and residence offices on personalities and organizations. These files were supposed to be destroyed, but he believed in the program and decided to conceal many of the personality reports. So he hid them in the bottom of a security container.

The NBC–TV broadcast on December 1, 1970, made mention of the activities of Army intelligence in Minneapolis. It was followed on December 15 by John O'Brien's disclosures of the surveillance of elected officials in Chicago. On December 18, 1970, the lieutenant in Minneapolis decided that the time had come to destroy all of these files. So he got an assistant to help him and together the two men carried about 50 pounds of files to an incinerator and burned them. So far as I know, Region V in the 113th no longer has any improper files. But it took this officer over six months to realize that the record keeping had to stop.

The same lieutenant, during November 1970, also went to two residence offices within his region and instructed the residence office commanders that personality files could be hidden inside of organization files. Personalities on whom they were not permitted to keep records, he said, might be described as members of organizations on which they could keep records.

Also, within Region V of the 113th there were some people, including an agent assigned to the residence office in Madison, Wisconsin, who didn't believe that the CONUS intelligence program had been shut down, even though the letter issued by Colonel Lynch on June 9, 1970, clearly stated that this collection activity was not to occur except by liaison and pursuant to orders from the Pentagon.

I have here a handbill which dates from November, 1970. It reads, "We stand between Angela Davis' execution and freedom. Help plan offensive around Angela Davis case and local repression. Meeting, Thursday, 7:30, 5206 Social Science Building. WSA Committee to Free Angela Davis."

Attached to the handbill is a memo, DD Form 95, which says, "To: Current Intelligence. Remarks: Picked up on the UW (University of Wisconsin) campus. From: 'Mike' "—the last name is obliterated. "Place: Madison RO (Residence Office)."

In addition, about this time, a telephone call was received by the Region V office in Minneapolis from the same residence office in Madison. I have here a memorandum of that call made at the Region V headquarters. It states: "Angela Davis's sister is going to speak at Madison on Wednesday, 2 December. This is the same day as the trial for Mat Knopf, editor of *The Underground*. There will be a march from the University to the Capitol around noon. Primary speaker will be Davis's sister."

I have been able to ascertain that neither the telephone message nor the handbill were passed beyond the Region level. So apparently by November, 1970, personnel at the Region V office of the 113th had been educated to the point where they were not passing this information along. Unfortunately, the message had not gone out to the residence office. From what I have been able to learn, the inspection teams from the Pentagon had not explored that far down in the hierarchy.

I would be very much interested to know the results of these investigations, because the Military Intelligence agents I have talked to do not believe that the Army actually will end this program. They just can't believe it—not one of them! They all believe there will be an extensive effort to hide the material or to conduct the surveillance under some other rubric.

I think this is an important point to bring out. Army Intelligence has been involved in the surveillance of civilians since its inception in 1917. Concern about possible threats against the Army, subversion, espionage, civil disorders, labor strife, or ghetto rioting, has been advanced from time to time to justify the surveillance of civilians. During World War I and until about 1924, Army Intelligence maintained a domestic intelligence system within the United States which was at least as large as the one we are concerned about today. During and after the Second World War, Colonel Ralph Van Dieman, the man who founded Army Intelligence in 1917, kept extensive files on civilians he considered to be subversive. He maintained these files even after he left military service. I am told he stored them in a National Guard armory in California since the 1950s. Upon his death Van Dieman's files were shipped to the Investigative Records Repository in Fort Holabird.

I don't know if those records are still there. I don't know what has happened to them. But I have never seen a statement by the Defense Department acknowledging their existence or their disposal. I think that it would be very interesting for this Subcommittee to find out what has happened to Colonel Van Dieman's files. For all I know, they may have been integrated with the very large search file on organizations that the Intelligence Command maintains at its headquarters at Fort Holabird as part of the Army's personnel security program. This search file is used to check out organizations people say they are members of when they apply for security clearances.

The Army Intelligence Command also had received a large number of reports on individuals and organizations from the FBI and other agencies. In 1969, especially, the Intelligence Command seemed to have been a dumping ground for FBI reports. The 113th MI Group, in a report to higher offices after the Lynch letter of June 9, 1970, claimed that it was receiving about 300 FBI reports a month. I would like to know what FBI reports, if any, are still turned over to the Intelligence Command, because there is an addendum to the December 15, 1970, Wickham letter that seems to exempt FBI reports from the destruction ordered by that letter.

I would also like to know to what extent Army Intelligence files on civilians have been turned over to State agencies and local agencies. There was testimony in Chicago that instead of forwarding files on SDS to the Department of the Army or to the Justice Department, the 113th turned them over to the Chicago police intelligence unit. This appears to me to have been a direct violation of the June 9, 1970 Lynch letter.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT OF SENATE PAGES AND CERTAIN OTHER EMPLOYEES WITHOUT DISCRIMINATION ON ACCOUNT OF SEX

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 102, Senate Resolution 112.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read the resolution by title, as follows:

A resolution (S. Res. 112) to permit the appointment of Senate pages without discrimination on account of sex.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with amendments on page 1, line 2, following the words "ment as a" strike out the words "page of the Senate" and insert "Senate page, elevator operator, or post office employee, or as a Capitol policeman whose compensation is disbursed by the Secretary of the Senate, "; on line 5, following the words "on the basis of sex." insert the following:

In the case of Senate pages, however, until such time as the fireproof building containing dormitory and classroom facilities, as authorized by section 492 of the Legislative Reorganization Act of 1970, is constructed and the pages are living under appropriate supervision in such building, the Sergeant at Arms of the Senate shall promulgate and have in effect regulations for the appointment of pages of the Senate requiring that no female page shall be appointed by a Senator until the Senator files with the Sergeant at Arms a written statement accompanying such appointment that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the page's place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode.

Mr. JAVITS. Mr. President, on behalf of myself and a large number of cosponsors, but particularly with the Senator from Illinois (Mr. PERCY) and the Senator from Oklahoma (Mr. HARRIS), I submitted this resolution on May 3, 1971. The introduction of the resolution followed a hearing before the Committee on Rules and Administration and a very considerable discussion of this matter, and was intended to bring the matter to a head by having the Senate act on it, as we were confident it was the only way the matter could be settled.

The Committee on Rules and Administration was thereupon requested by the Senate to report it by May 11, which it did.

Our resolution would simply have permitted females to be pages. The Rules Committee added to that a provision saying that if a female page were appointed by a Senator, a Senator had to file with the Sergeant at Arms a written statement to accompany the appointment, that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the pages place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode."

This particular commitment is to be undertaken until the dormitory and classroom facilities, which have already been authorized, are actually constructed.

Mr. President, Senator PERCY, Senator HARRIS, and I have all appointed girl pages. These appointments have been hung up for months—mine since December, Senator PERCY's since December, and Senator HARRIS' about the same length of time.

The question we have to decide is whether to accept what is really a discriminatory provision, or to seek to have the Senate simply strike the word "female," so that this commitment would apply to any page. We certainly saw no difference between a young man who might be a page, as our pages are in the Senate now on both sides, and a young woman.

When we introduced such an amendment, which I did on behalf of all of us, it appeared that the matter would be hotly contested and long protracted, and we had to decide whether or not it was desirable to carry on this simple housekeeping matter as some great matter which could take considerable time and impede the basic reform, which is that girl pages would be admitted, as they should be if we are going to practice what we preach in the Senate of the United States.

We finally came to the conclusion that, unhappy as we were with the distinction made in the resolution as to the female pages, we should, because it was an interim thing, accept it, for two reasons, and I am very grateful to the Senator from North Carolina (Mr. JORDAN) and the Senator from Vermont (Mr. PROUTY), respectively the chairman and the ranking Republican member, for being present, because of the statement I am about to make.

Senator JORDAN was very kind to discuss the matter with me. It was clear that this was really an interim arrangement, for two reasons: First, because there was progress being made in building the dormitory and classroom facilities, which was the express condition of the resolution as reported out by the Rules Committee; and second, because the Senate, and the House of Representatives as well, were seriously considering a reorganization of the whole page system, and that that might very well be incorporated in one of the reorganization bills with respect to Congress which was before us and probably had a pretty good chance of passage this year.

So for both reasons we decided that the public interest was on the side of going ahead and swearing in the girl pages, and letting other Senators appoint them if they wished, getting accustomed to the idea, and making whatever rules as to dress, et cetera, needed to be made, rather than protract the matter and cause it to be hung up as an issue instead of a fact.

We think that having young ladies in the Chamber functioning—and we are sure their service will be absolutely unnoticeable and indistinguishable from the excellent attention and service we receive from the young men—after getting accustomed to the idea will, for all practical purposes, make the barrier or distinction question one of purely academic interest.

In addition, the interim character of this arrangement, as I have described it, enables us, Senator PERCY, Senator HARRIS, and myself, in good conscience to let the resolution go through.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. JAVITS. If the Senator from Oklahoma will forgive me, I have made certain statements concerning the information conveyed to me by the chairman of the committee, and I would greatly appreciate it if he would be kind enough to confirm those statements.

Mr. JORDAN of North Carolina. Mr. President, I thank the Senator from New York very much. Everything he has stated about the interim changes is in accordance with my understanding, and I think it will come into being.

There is in the works at this time an intent to build a page dormitory and school, to be named after Hon. John McCormack. I think the Senator's assumption is correct and wise, and I assure him that that was the intent of the resolution.

Mr. JAVITS. Also, Mr. President, the committee is considering the whole page question, as to whether we will actually have a permanent page system.

Mr. JORDAN of North Carolina. That is in the plan of reorganization being considered at the present time, and will come up at some future date, I am sure.

Mr. JAVITS. I thank the Senator very much. I yield now to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I am glad to have had the privilege of joining with the Senator from New York, the Senator from Illinois, and others in a resolution to permit the Senate to allow American girls to serve as pages in the U.S. Senate. I commend the Rules Committee for reporting out Senate Resolution 112 to make this important change, one which I think it is most important that we make.

I join with the distinguished Senator from New York both in his statement as to objectionable features of this resolution as they relate only to girl pages and not to boy pages, and also in regard to his statement concerning the practicalities.

I think it is important that we proceed with this matter now. The young lady I have appointed, Miss Julie Price, the daughter of Mr. and Mrs. Harold Price of Bartlesville, Okla., is a truly outstanding American girl who will be of great credit to the Senate. She has been waiting impatiently to perform her duties here. So I hope the resolution will pass at once, so that she, with the two others, can become the first girl pages in our history; and I believe, as the Senator from New York has stated, that other girls who serve as pages in the future will acquit themselves well, and make the Rules Committee and all of us who have had a hand in this innovation proud of our effort.

Mr. JAVITS. I thank the Senator very much.

Mr. JORDAN of North Carolina. Mr. President, if the Senator will yield for just another moment, I call to the attention of the Senate that the resolution also authorizes employment of female policemen, elevator operators, and ladies to work in the Post Office. That is in addition to what was stated in the original resolution. We thought that was a wise thing to add, because recent events have indicated very clearly the probable need for women policemen around the Capitol building, and so forth, and there is no reason why women cannot be elevator operators. They are in the House of Representatives now, and we see no reason why they should not be here. And certainly they can work in the Post Office and places like that. So we added that to the resolution, feeling that it would be the desire of the Senate to pass on that at the same time.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I have the floor.

Mr. PASTORE. May I ask the Senator from New York a question?

Mr. JAVITS. Yes. First, I would just like to point out that we had the feeling that, while perhaps the traditions and the problems which were raised in practice required special consideration, I wish to make it clear that we never thought there was any jurisdictional problem at all, though, for practical purposes, as the Senator from Oklahoma has stated, it is just as well to get the matter settled; and I do think the Rules Committee proceeded with the greatest propriety, at least in view of its care to accommodate these other positions.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, there are times when the pressures of the business of the Senate become such that we stay here until very late in the evening, and sometimes around the clock.

In that instance, does the Sergeant at Arms have the authority to send these girls home at a reasonable hour?

Mr. JAVITS. I think the management always does. But, Mr. President, may I point out to Senator PASTORE that we who are appointing the young women are assuming a very great responsibility in that regard. I am sure that, having assumed the responsibility, many of us feel that a situation is being created which concerns us, and that those who direct the affairs of the Senate will very speedily accommodate us.

I should like to point out to Senator PASTORE that the resolution requires each of us to assume a personal commitment for the security and safety of the girls. In my case, if it will interest the Senator, I will say that the family of the young woman lives here. I have received a letter from the parents of Paulette Deselle, whom I have appointed, in which they assume that very solemn responsibility, and I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALEXANDRIA, VA., MAY 13, 1971.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: To enable you to file with the Sergeant at Arms of the Senate the proper assurances as proscribed by Senate Resolution 112, we wish to restate in writing the agreements made with you regarding Paulette's transportation, housing, and supervision during her tenure as a Senate Page.

Mrs. Desell and I will be responsible for the safe transportation of our daughter, Paulette Marie Desell, between the Senate and our home in Fairfax County, and return. In addition, we assume full responsibility for Paulette's safety, well-being and strict supervision while she is at home.

The Senate and Paulette can look to us to be fully responsible for those matters for which the appointing Senator, Senator Javits, is required to assume responsibility pursuant to Senate Resolution 112.

In closing, I wish to express our personal thanks and appreciation to you for your faith and efforts in according such a great honor to our Paulette.

Respectfully yours,

PAUL L. DESELL.

Mr. JAVITS. I am assuming the responsibility by a letter, and I ask unanimous consent to have my letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 13, 1971.

Mr. ROBERT DUNPHY,
Sergeant at Arms,
United States Senate,
Washington, D.C.

DEAR MR. DUNPHY: Pursuant to S. Res. 112 in connection with my appointment of Paulette Desell to be a page of the Senate, and having received the enclosed letter signed jointly by Paulette's parents, who reside in the Washington metropolitan area, you have my written assurance while Paulette remains a Senate page, that (1) I will be responsible for the safe transportation of Paulette between the Senate and her local abode and return; and (2) I will assume full responsibility for the safety, well-being and strict supervision of Paulette in her local place of abode.

With best wishes,

Sincerely,

JACOB K. JAVITS.

Mr. JAVITS. I think the scheme of operation—which should be applied to every page, by the way, male or female—is very airtight in that regard.

The PRESIDING OFFICER. The time for the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended until such time as action on the pending matter is completed or the close of the morning hour, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. I can understand the reason for not making a distinction between the sexes. I am a little disturbed about the matter pending before the Senate because I realize some of the things that have happened in the District of Columbia. I realize that the Senators are being asked to become fully responsible. I do not see how a Senator is going to walk the girl home, unless he goes out and makes sure she gets in a cab, and then he does not know who the cab driver is—unless the Senator is going to call up the parent and tell him to take his daughter home at 11 o'clock in the evening.

We are talking about girls between the ages of 14 and 17. We do not even have a dormitory. We do not have a chaperone. We do not have a dormitory mother.

I realize that this is something that is going to happen. As I entered the Chamber, I heard the encomiums about the wonderful job that has been done. I am not objecting to girls being pages, but I do think we ought to follow some kind of rule, that when it gets to be 6 o'clock in the evening, these girls ought to be sent home.

Personally, I would not recommend to a friend of mine that he send his daughter, between 14 and 17, to Washington to become a page; nor, as the father of two girls, would I recommend that my daughters assume this responsibility. I realize that a certain amount of prestige and honor is involved in the job; but, after all, the working hours here run pretty late at night.

I am not opposing this resolution. As a matter of fact, it is something that is going to happen. But I hope we begin to look at these things as fathers and mothers should. A girl between 14 and 17 years of age cannot be allowed on the streets of Washington alone when it is dark.

Mr. JAVITS. May I say to the Senator from Rhode Island that the responsibility which individual Senators assume is very serious. I understand that perfectly. He says this is bound to happen. We just have to handle it with intelligence.

Mr. PASTORE. I hope so.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. JORDAN of North Carolina. In response to the Senator, the Rules Committee is also starting some movement to have the minimum age of pages in the Senate raised from 14 to 16. In the House, the minimum age is now 16. We lowered it to 14. We think that is entirely too young, for a boy or a girl. We have begun work on a measure to bring the age up to 16, instead of 14.

Mr. PROUTY. I should like to point out to the distinguished Senator from Rhode Island that I share his concern and did so when the resolution was before the Rules Committee. It is my amendment which requires that the appointing Senator be fully responsible for the safe transportation of the female page he appoints, between the Senate and the page's place of local abode and return; and, second, that he will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode.

It seems to me that that is very important. It is my understanding that at present when the Senate is not in session, when the pages are not attending school, these young people are pretty much on their own, unless they are given some supervision. It is our feeling that, particularly in the case of the young ladies who will be involved, rather strict supervision should be provided while they are in their boardinghouses or wherever they happen to live in the District of Columbia. I think that might well be extended to the boy pages, also.

Hopefully, the dormitory which is now authorized under the Reorganization Act will be built, and then both the boys and the girls will be under strict and constant supervision, and that will allay much of the difficulties with which we have been confronted in the past.

I am concerned, as the Senator from Rhode Island is concerned, about a young girl being alone around Washington, particularly in this area of the capital, after dark. I am certain that the resolution reported by the committee will, to a very large degree, minimize the possibility of danger in this respect. I think the committee has acted wisely.

Mr. President, the amendment to Senate Resolution 112, which was adopted by the Committee on Rules and Administration, still permits the appointment of Senate pages without discrimination on account of sex. The language of the amendment is not discriminatory. It merely bestows on any female page hereafter appointed a slight degree of personal safety and protection that are not otherwise provided for. Moreover, this amendment will only cover the period of time when pages are without benefit of a supervised, regulated, and adequately protected dormitory facility.

I believe most of my colleagues are familiar with the fact that the Legislative Reorganization Act of 1970 authorizes the construction of a fireproof building containing dormitory and classroom facilities for pages, and that once constructed all pages shall be required to live therein. Such a building adequately supervised and protected will go a long way toward according a proper degree of safety for our pages.

When our subcommittee held a hearing on this subject, witnesses presented evidence with respect to the high incidence of crime in the Capital and particularly in the area of the District of Columbia, where most of the pages reside. As a matter of fact, the Capitol Police presented evidence of recent crimes of violence involving four Capitol pages.

Mr. John C. Hoffman is the principal of the Capitol Page School. He was present and testified at our hearing. During the course of that hearing we had the following colloquy:

> Senator Prouty. If I understand rightly, if you lived on the west coast or somewhere far from Washington and were the parent of a page—whether it is a boy or girl is perhaps immaterial—based on your knowledge and experience, you would have some concern?
>
> Mr. Hoffman. Absolutely.
>
> Senator Prouty. The Reorganization Act, I believe, provides for the construction of a dormitory. In your judgment would that be a good thing?
>
> Mr. Hoffman. Absolutely, sir.

Additionally, James M. Powell, Chief of the Capitol Police, testified. I had the following colloquy with Chief Powell:

> Senator Prouty. If a boy goes to his room, where he may live, is he under any supervision there, when he is not in school, when he is not in the Senate, and the Senate is not in session, is there anyone that exercises direct supervision over him?
>
> Chief Powell. Not to my knowlege. I can only say that he is certainly not under mine. And, I am sure there are varying degrees of this. But I doubt if I am qualified to answer that question.
>
> Senator Prouty. Do you know, Mr. Dunphy, or Mr. Hoffman?
>
> Mr. Hoffman. Actually, Senator, to my knowledge it would be, in the main, incidental. If he happened to be at a boarding home where people really cared—and most have, from my experiences—but I would say, no, no one is specifically responsible for their welfare.

There is nothing contained in the Standing Orders of the Senate or the Rules and Regulations of the Senate or in the Legislative Reorganization Act of 1970 which precludes the appointment and employment of female pages. That is as it should be. However, I submit that the Senate must take affirmative action for the safety and welfare of female pages who are to be employed. My amendment merely provides some additional degree of safety for these young people.

Our committee may very well have some additional work remaining to adequately consider the tenure, age, pay, dress, housing, education, duties, et cetera of our pages. If the Senate acts now without including the amendment added by the committee, then we will have failed to provide the slightest degree of safety or security for our youthful charges.

Mr. President, I am most doubtful that the Committee on Rules and Administration, or the U.S. Senate, can successfully transfer responsibility for the welfare of our employees to anyone else, particularly individuals outside the Senate's jurisdiction.

However, I am positive that we must make every effort to see that appropriate care is taken to assure the safety of our pages. Quite apart from the equality of the sexes—whatever that means—teenage girl pages must be accorded special care and protection when they are living on Capitol Hill and working the very early and very late hours which pages are required to work.

When we passed the recent Legislative Reorganization Act, we provided for the construction of a page dormitory. That structure has yet to be built. When it is, we will have provided the means by which all pages—particularly the girls—can have the protection and supervision which young people should have, and which their parents, and indeed Senators, have a right to expect.

Our present facilities are inadequate and fail to provide any protection or supervision for pages. Since we cannot furnish adequate quarters or supervision, I would oppose any attempts to alter the committee amendment.

The amendment merely seeks to make a few reasonable provisions for the safety of whomever may be appointed as a page in the Senate.

The amendment extends responsibility for the well-being of these teenage girls to the Senator who is their sponsor here at the Capitol.

The regulations which the Sergeant at Arms is bound to promulgate require that female pages shall be appointed only after the appointing Senator files with the Sergeant at Arms a written statement. That statement requires that the appointing Senator shall first, assume responsibility for transportation of the female page whom he appoints between the Senate and that page's local place of residence, and second, assume full responsibility for the personal safety and supervision of the conduct of whatever female page he appoints.

Mr. President, I agree completely with the original sponsors of this resolution that we have no intention of discriminating against young ladies who might desire to be appointed as Senate pages. We must be realistic, however, in admitting that we have for too long ignored the personal safety and supervision of persons who are so young, but who have been permitted by their parents to come and serve Senators.

The conditions in this resolution as amended by the committee, are it seems to me, absolutely essential until we build the facilities which we so badly need.

Mr. President, in order to be completely fair to all the young ladies who wish to be considered for patronage positions throughout the Senate, the committee has made one other amendment to the pending resolution.

That amendment expands the original intent of the resolution by guaranteeing that females will not be discriminated against in any of the traditionally patronage positions. That is, young ladies will not be discriminated against in being considered for jobs as Capitol policemen, elevator operators, or postal clerks.

It seems to me that all of those of us who agree that discrimination on account of sex cannot any longer be a factor in Senate patronage, agree also that it must be true in the appointment of all positions in the patronage system.

I hope the resolution will be agreed to as reported.

Mr. JAVITS. Mr. President, I yield the floor.

Mr. COOPER obtained the floor.

Mr. STENNIS. Mr. President, will the Senator yield? I wish to make a brief statement on the pending matter.

Mr. COOPER. I yield.

Mr. STENNIS. Mr. President, I must leave the Chamber shortly, and I want to express this sentiment.

As I see it, in behalf of the young ladies themselves, I hope this does not become the law. I want to be recorded as opposed to the resolution. I am thinking solely of their welfare; my consideration is for them. I am not thinking of the environment on the Senate floor; but it is the coming and going and all the things that go with it. That does not conform to my idea of a safe, constructive environment for young ladies at that tender age.

I thank the Senator from Kentucky for yielding to me.

Mr. COOPER. Mr. President, I wish to say a few words about the resolution because I voted against it in the committee and voted against its being reported favorably to the Senate. I wish to give my reasons.

Senator Javits, as always, has stated the case accurately, as he sees it, and, as always, responsibly. He has said that he would follow the injunction of the committee.

I did not consider this a question of discrimination against these young ladies because of sex, I voted against it for what I consider practical reasons.

The office of page is an honorable one. The hearing record contains a very interesting account, prepared by the Legislative Reference Section of the Library of Congress, of the history of the office of page. Many distinguished citizens of our country, in both public and private life, have held the office of page. Some of them are distinguished officials of the Senate today.

I voted against the resolution because I think the physical stamina required for this position is very difficult indeed. The law provides that they shall not be younger than 14 nor older than 16, unless at the time they become 17 they are in the service. The pages today are young men, 14, 15, and 16 years of age. Of course, the age will be the same for the young ladies. Pages are on duty not only while we are in session but they are on duty on days when we are not in session. They are on duty not only in the Chamber but they run errands from the Chamber, all over the Capitol, and to and from the Senate Office Buildings. Wherever we may be, we call for their services to pick up books, packages, suitcases. They have to find us wherever we are—in the washrooms—any other place. Thus, it seems to me, as a practical matter, that a young lady would be at some disadvantage.

The resolution spells out some admitted problems. For example, it tries to balance the employment of young ladies as pages, by providing women can serve on the Capitol Police Force. In my judgment, that just says, in another way, that it is impractical to hire young ladies as pages.

The resolution also raises the question of security. The resolution, as reported by the committee, requires Members of the Senate who appoint girl pages must be responsible for their transportation to and from their places of abode to the Senate and back. It refers only to the travel from their places of abode to the Senate and return. I think that is important. The testimony—and I think it is also important to read the hearings on this matter and the maps provided by Mr. Dunphy and the Capitol Police—indicates that the area in which the young ladies would live is subject to a heavy incidence of crime of all kinds. In 1970, the record shows that in this area well over 100 crimes were committed—closer to 200, actually—a great many of them directed only at women. In addition to sex crimes, there have been purse snatchings and crimes of force and assault in this area. The committee itself recognized this problem. It will, of course, be the decision of their families, on these matters.

For these reasons, Mr. President, I voted against the resolution in committee. I rose to give the reasons why I voted against the resolution and desire to be recorded against it.

Mr. CURTIS. Mr. President, I am in favor of employing girls as pages. I regard our pages as young people who have a great opportunity to learn and, as a result of their service here, to go on to higher places in government and elsewhere. That is my compelling reason for extending this opportunity to serve to young ladies.

At this time, however, I want to raise another point; namely, that I am very much opposed to the erection of a dormitory for pages.

I do not believe that any page should be appointed, girl or boy, who is unable to stay with his parents, or with those standing in loco parentis.

Mr. President, we live in difficult times. Mention has been made of the crime rate around here. I believe that this opportunity for employment should be confined to those young men and women who are so situated that they can stay with their parents or someone who assumes all the responsibilities of parents.

I recall, several years ago, when it was unheard of for pages to be staying at home. Most of them came from some distance. At that time, there were many rooming houses around Capitol Hill in which the pages were housed, and where it was quite safe, but times have changed and housing pages in this area now could not be tolerated.

I submit that a dormitory would not be much better. Furthermore, I just do not believe that the Senate should go into the business of running a dormitory and trying to police it. It would be very expensive. It would certainly not be a substitute for homelife. I believe that we should not let the employment of pages destroy homelife for any page, whether he be a young man or a young woman.

I realize that what I say works to the disadvantage of some young people whose parents do not live in or near Washington, or they do not have someone who can assume that responsibility here; but, at least, for the present, I believe that is the right course. We will hope that the time will come when the situation will change, when certainly to put these pages in a dormitory and submit them to an institutional way of life, away from home, is neither desirable nor practical.

I want it fully understood that my support of the idea of employing girl pages does not carry with it any indication that I favor a dormitory. I think that would be most unwise and I hope it is never done.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, in concluding my part of this debate, which we all promised the majority leader would be brief, I should like to say that it just so happens the page I am appointing—Paulette Marie Desell—does live with her family. I think the Senator from Oklahoma (Mr. Harris) and the Senator from Illinois (Mr. Percy) are cognizant of their responsibility concerning the arrangements they are making.

As to the problem of crime in this area, I appreciate everything that has been said. Pages who may come from New York, Oklahoma, or Chicago are just as much exposed to the exigencies and the hazards of present-day life as those who live in this area.

All precautions are being taken here to protect them, especially by the terms of the resolution, which all can understand is an historic breakthrough for women in this country. They are making history in the United States today, and the Senate is also making history today. We simply have to strike the shackles from the wrists of the women of this country—one-half the population.

It comes hard and brings many difficulties. Why? Because we have lived that way for centuries and centuries. We cannot continue to live that way. Today's breakthroughs are evidence of the fact that we are emerging, slowly and painfully, into the modern world. To my mind, it will be a better world.

One last point, Mr. President. The nicest and the most revealing thing that has happened is that the young men who serve as pages seem to be the most interested, the most encouraging, and the most enthusiastic about being joined by young women. I think that is the new world and I hope we legislate it here today.

The PRESIDING OFFICER (Mr. Bentsen). The clerk will state the first committee amendment.

The assistant legislative clerk read as follows:

On page 1, line 2, after the words "ment as a" strike the words "page of the Senate" and insert "Senate page, elevator operator, or post office employee, or as a Capitol policeman whose compensation is disbursed by the Secretary of the Senate,";

The committee amendment was agreed to.

The assistant legislative clerk read as follows:

On line 5, after the words "on the basis of sex." insert the following:

"In the case of Senate pages, however, until such time as the fireproof building containing dormitory and classroom facilities, as authorized by section 492 of the Legislative Reorganization Act of 1970, is constructed and the pages are living under appropriate supervision in such building, the Sergeant at Arms of the Senate shall promulgate and have in effect regulations for the appointment of pages of the Senate requiring that no female page shall be appointed by a Senator until the Senator files with the Sergeant at Arms a written statement accompanying such appointment that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the page's place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 112), as amended, was agreed to, as follows:

S. Res. 112

Resolved, That no individual shall be denied appointment as a Senate page, elevator operator, or post office employee, or as a Capitol policeman whose compensation is disbursed by the Secretary of the Senate, solely on the basis of sex. In the case of Senate pages, however, until such time as the fireproof building containing dormitory and classroom facilities, as authorized by section 492 of the Legislative Reorganization Act of 1970, is constructed and the pages are living under appropriate supervision in such building, the Sergeant at Arms of the Senate shall promulgate and have in effect regulations for the appointment of pages of the Senate requiring that no female page shall be appointed by a Senator until the Senator files with the Sergeant at Arms a written statement accompanying such appointment that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the page's place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode.

The title was amended so as to read: "Resolution to permit the appointment for the Senate of pages, elevator operators, post office employees, or Capitol policemen without discrimination on account of sex."

Mr. PASTORE. Mr. President, I should like to have the Record indicate that I voted in the affirmative.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the resoluton was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Bentson) laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today appear at the end of the Senate proceedings.)

EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 12 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT—CLARIFICATION OF UNANIMOUS-CONSENT AGREEMENT ENTERED INTO YESTERDAY

Mr. BYRD of West Virginia. Mr. President, I wish to make a correction in the Record with respect to the calling up of amendments on to H.R. 6531. Yesterday I stated, as reported on page 14745 of the Record:

> Mr. Byrd of West Virginia. Mr. President, as I understand the unanimous-consent agreement, no Senators are precluded from offering amendments between now and next Wednesday. The unanimous-consent agreement deals only with the Mansfield amendment, amendments thereto, et cetera, and the Schweiker amendment. Other Senators may wish to offer other amendments in the meantime, am I correct, and tabling motions could be made at any time and votes thereon would be had?
>
> Mr. Mansfield. The Senator is correct. All I can say is that I do not know at the moment of any amendments which might be offered.
>
> Mr. Griffin. Is it not a fact, however, that the Mathias amendment is the pending business when this bill is before the Senate, and it would have to be displaced by unanimous consent before another amendment could be taken up?
>
> Mr. Mansfield. That is right.
>
> Mr. Byrd of West Virginia. The Senator is correct.

The PRESIDING OFFICER. The Chair wishes to state that the period for the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period be extended an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, later in the day when I recapitulated the program, I stated as follows:

> Of course, unanimous consent would have to be obtained in order to lay aside the pending amendment. But that is not beyond the realm of possibility. I hope that other amendments might be offered and votes had thereon, in the interim between now and Wednesday next, at which time the consent agreement entered this afternoon will become effective.
>
> So, I trust that Senators would not interpret the unanimous-consent agreement for next Wednesday as precluding rollcall votes in the meantime. I think it would be a discouraging matter if the Senate were to delay making progress and doing business for a full week on such an important bill as the one pending before the Senate. But unless we can lay aside the pending amendment to take up other amendments, or lay aside the pending business to take up other business, that is just what it would amount to.

Mr. President, I wish the Record to show that I was in error.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. BYRD of West Virginia. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. I wish the Record to show that in response to questions raised by the distinguished deputy majority leader I, too, gave wrong answers.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished majority leader. I also have been in error in my personal conversations with certain Senators whom I have informed that they could bring their amendments to the floor and hopefully we could set aside by unanimous consent the pending amendment. I am in error and I do not place the blame on anyone except myself.

I want to clarify the matter so that Senators will be on notice that, at the present moment at least, it is not anticipated that the pending amendment will be set aside for other amendments to be acted upon.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. BYRD of West Virginia. I yield the floor.

Mr. STENNIS. Mr. President, I can shed this additional light upon the remarks and the subject matter the Senator has just referred to.

In the first place, I did not hear the Senator from West Virginia make his remarks about voting on other amendments between now and next Wednesday. There are always Senators rightfully wanting to see the leader, the assistant floor leader, and the floor manager of the bill. Interruptions come about in that way. I have been interrupted once in that manner since the Senator from West Virginia started his remarks.

But the whole tone and approach of the Senator from Mississippi with respect to these agreements about voting, the whole tone and the spirit of the Senator from Mississippi approaching these agreements about voting, was that these votes agreed on would be the first votes taken on the bill. There was quite a bit of conversation back and forth. I think we were in there about 2 hours and naturally a great deal is said among Senators. But that was the entire basis of the approach of the Senator from Mississippi to the entire matter.

I talked with the Senator from Montana. I was asking for more time to get ready for the Mansfield amendment, being totally unprepared for a serious matter like that. I, at one time, proposed that maybe he could withdraw his amendment and let us go on with the bill presented by the committee. He could not agree with that, which is quite all right. So then we had the talk about the agreement to vote on the Mansfield amendment Wednesday, which I understood was to be the first vote, and then the pending amendment thereafter would be the Schweiker matter, and that would be the second vote.

So that was the basis upon which we got together. Even though it was not stated here that there would be no other votes, it was so clear in my mind that that was it, that it carried out my understanding of the whole situation. Unfortunately, I did not hear the Senator from West Virginia when he made those remarks.

I do not think we have lost a bit of time. I think, when all the facts are in and when all the arguments are made, it will be evident that it took time to get into this important subject. This is a subject matter of worldwide significance, and to me, and I think to other Senators, the time is being utilized very profitably. I find many Senators concerned about how they are going to vote. I believe with these two questions out of the way, things will happen faster and we will get along.

Mr. BYRD of West Virginia. Mr. President, I was not privy to the understandings I had prior to entering into the agreement yesterday. I am sorry I misinterpreted the agreement. I do want to say at this point I recognize the tremendous burden that is carried by the manager of the bill (Mr. Stennis). I know he has put in a lot of time on this bill. I try to appreciate and understand the problems which confront him as he attempts to guide the bill through the Senate. So there is no feeling on my part. I just want the Record to show that I was in error in my interpretation of the situation as I stated it yesterday, and that unanimous consent will not be granted to lay aside the pending amendment so as to permit voting on other amendments to H.R. 6531 prior to Wednesday next.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read the bill (H.R. 6531) by title, as follows:

> A bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The pending question is on amendment No. 87.

The Chair recognizes the Senator from California (Mr. Cranston).

Mr. CRANSTON. Mr. President, the Senate must face the question it has avoided for many years: How many American troops should be stationed in Europe?

At this moment when we are considering whether to abolish or extend the draft, it is appropriate that we deal with the whole troop level issue. Both the draft and the stationing of American troops in Europe are legacies of the Second World War. Both are surrounded by myths which distort the real issues which they raise. Both cry out for searching reevaluation so that we can determine whether their continuation is truly in the national interest.

In almost no other area of American foreign policy has this Nation held so tenaciously to an outmoded view of international reality as in the case of level of the American troops that should remain in Europe.

There was a genuine need for American military support for our war-devastated allies at the end of World War II. Europe was in ruins. Western European will and ability to resist the potential threat of the Red Army in the East was at low ebb.

Marshall Plan economic aid was not only vital to European survival, but it had to be supplemented with military assistance.

This legitimate need for American military support grew as the Soviet Union probed constantly for Allied weakness, in Berlin, in Greece, in Korea.

But in 1971 over 300,000 American men are still in Europe, still trying to meet threats which were present in 1948, and still trying to aid allies grown wealthy by our dollars and secure in their reliance on our defense for their defense.

For 26 years the United States steadfastly held the defense of Europe to be a primary obligation of American foreign policy.

I know of no one in the Senate today who questions the necessity of this obligation. What is being questioned is not our commitment but the best way to fulfill it. I reject the contention that American commitments can only be measured in terms of Army divisions stationed outside of the continental United States. It is a sad commentary on European faith in the alliance that after more than a quarter of a century of aid and the assurances of five Presidents, they feel they must continue to hold 300,000 American troops hostage as assurance that we will live up to our word.

Europeans can rely on their American allies. The price they ask—billions a year to support an American force of 300,000 men is uncalled for and unnecessary. This force is a financial liability on the American taxpayer. It is also a roadblock to reduction in East-West tensions, and it is a questionable strategic effectiveness.

Senator MANSFIELD's amendment to reduce American troop strength in Europe by 150,000 men is not the first step in a scheme of American abandonment of Europe. It is rather the first step in having Europeans realize that they can no longer expect us to assume a burden in which they have the ability to share to a much greater extent than in the past.

We are presently maintaining a large conventional force in Europe at a time when the threat of a Soviet invasion of Western Europe by the Warsaw bloc countries is diminishing. American nuclear capability—whether in Europe or in the United States—would be unaffected by a troop reduction. The Soviet leaders know that any overt military aggression in Berlin, in West Germany or anywhere else in non-Communist Europe would be met by American resistance. The Soviets know that they could not gain from an invasion of NATO countries which could lead to a nuclear response. It is ironic that at the same moment when many European countries are individually making significant strides to end cold war hostilities with the Soviet Union and the countries of Eastern Europe that they collectively perceive a need for a large American land force within the alliance framework. We have too long been the captive of this irony—it is costing us billions; and in the long run threatens the willingness of the American people to sustain this important commitment.

The diminished need for American conventional forces in Europe over the last decade has been accompanied by American involvement in a multi-billion-dollar Asian war, rising American inflation, a business recession, and an unacceptable level of unemployment in this country.

It is clear that neither our international commitments nor domestic economic problems warrant the continued maintenance of so large a force in Europe. We can no longer afford the luxury of maintaining not only these forces in Europe but also forces in the United States to meet a European conventional emergency at a total cost of $14 billion a year.

Maintaining these inflated force levels abroad merely as psychological underpinnings of an alliance already supplied with 7,000 U.S. nuclear warheads is doing severe damage to our economy. It adversely affects the lives of millions of Americans. The Germans have no unemployment problem. On the contrary, they must import scores of thousands of industrial workers from the poorer nations of the NATO alliance to meet the manpower needs of their industrial plants.

There are no signs that the American level of unemployment at 6.1 percent will soon diminish. And the United States is being asked to incur a European balance-of-payments deficit in fiscal 1970 of nearly $1 billion because of our military expenditures there.

The financial burden of these expensive strategic forces far outweighs their strategic benefit.

America's economic resources are not limitless. The nations we are helping to defend are no longer poor. Yet we are asked to bear the major share of their defense. Many of these countries are so prosperous that they are actively—and all too successful—competing economically with us.

The independent Institute for Strategic Studies in London in its "1970–71 Military Balance" revealed that the in NATO. They report that in 1969 we tionate share of the defense burden with- United States is assuming a dispropor- spent 8.6 percent of our GNP on military expenditures, whereas West Germany, the country which feels in most danger of attack from the East, spent only 3.5 percent of its GNP on defense. Britain spent 5.1 percent of its GNP for defense, as did Greece, but Italy devoted only 2.9 percent and Belgium 3 percent. Few leaders in the alliance could argue that the economic well-being of the United States is not just as important to the well-being of North Atlantic security as our defense contributions. An economically weak United States will not make a very strong ally.

Despite the goals of the Nixon doctrine, the President has chosen not to engage in any unilateral reduction of American forces in Europe. He said, while in Europe in 1970:

> Any reduction in NATO forces, if it occurs, will only take place on a multilateral basis and on the basis of what those who are lined up against NATO forces—what they might do.

The Mansfield amendment calls for a unilateral reduction. Such actions in no way indicates that we are losing strength in Europe or jeopardizing the NATO alliance. We all know that there would be no chance of troop reductions if the United States were to demand a quid pro quo from the Soviets. The political reality in Eastern Europe is not being taken into account by the President's insistence on multilateral reduction as the only way to reduce American force levels. There simply cannot be, now, a multilateral reduction. The Mansfield amendment would do much to further the growing atmosphere of détente in Europe.

I also believe an American-Soviet rapprochement in the strategic field at the SALT talks in Vienna would become more likely by a unilateral reduction of American conventional forces. President Nixon's "full generation of peace" in which he so strongly believes and which all Americans so badly want, will remain only a rhetorical dream as long as the administration refuses to begin to reduce American troops and recognize that the cold war has ended in Europe. A political solution to reduce tension in Europe can only be obtained through political negotiation in an atmosphere of trust. The Mansfield amendment will be regarded as a step toward peace and reduction of tension—not a sign of weakness.

A 150,000-man troop reduction will not endanger the nations of Western Europe. As I said earlier, American strategic and tactical nuclear capability will in no way change if the Mansfield amendment is adopted. Nor will it change our position insofar as stability in the Middle East is concerned.

Even when American forces in Europe numbered 400,000 in 1966, NATO's conventional capability was far less than that of the Warsaw Pact. A further reduction in U.S. troop levels will not significantly lower the threshold at which nuclear weapons might be deemed necessary to stop a Soviet conventional advance. Estimates of Soviet strength in Eastern Europe are placed at over 500,000 men. Senator MANSFIELD recently cited a memo prepared by an expert military planner which estimated that the Warsaw Pact could mobilize more than

175 divisions. Considering this preponderance of might, our nuclear umbrella remains the most credible deterrent to a Soviet attack. It would be unwise politically, financially, and militarily to attempt to match Warsaw Pact conventional force levels. We must rely on our nuclear strength and the modernization of U.S. tactical nuclear capability as the main deterrent in Europe.

Mr. President, those who advocate a reduction in American forces in Europe are continually told that "now is not the time."

I believe that the American people are no longer willing to be held hostage to a cold war paranoia which seems to sweep this country and Europe every time the troop-reduction question is considered. The Europeans are now reaping the economic and political fruits of détente with the East while we assume the great costs of taking the hard line. I want to see such American policies come to an end before our commitments to NATO are seriously endangered by a feeling of bitterness that we have been taken advantage of by our friends.

Our European allies demand equality and partnership. We must provide them with it in both the military and economic spheres. If they refuse to share the burden and responsibilities of this long-wanted partnership, they must be ready to accept a reduced American troop-strength commitment to their defense based on unfavorable political reaction in the United States to an alliance which could become an economic and political liability.

Senator MANSFIELD's amendment is a cornerstone on which we can begin to end outmoded policies. If we in the Senate regard it as a sign of weakness, we are letting the cold war again deny the American people the peace and prosperity they want and desire.

I do not believe the pending Mathias substitute is the way to inaugurate an era of change in America's relationship with her NATO allies. Congress has the constitutional authority to establish military manpower levels. President Nixon has indicated his unwillingness to act on this matter. The Mansfield amendment is a viable alternative to more than a decade of indecision.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished Senator from Alaska.

Mr. GRAVEL. I compliment my colleague on what I think is a very fine statement. I think it shows not only a grasp of the subject, but, more important, a great sense of judgment about what is going on in the world today.

It is really sad to realize that a nation as great as ours, as powerful and mighty as ours in the world, could get locked in on a figure which is very arbitrary and capricious figure, while the proper arm of government, in this country the Senate, hears no debate or dialog as to the efficacy of our actual need for such numbers.

What little debate we have heard thus far has been a good deal of rhetoric on one side and, on the other side, some very strong political arguments with respect to a policy that goes to numbers. I heard one of my colleagues yesterday state that these are matters that should be handled by the military. These are personnel problems of the military.

It is unbelievable that we would lock ourselves in on what it is costing us—$14 billion a year—on a program of yesteryear, because that is really the approach we have used.

I want to note that Canada and Great Britain have different approaches to this.

I have heard the word "linchpin" used with respect to our involvement in NATO. We are not the linchpin. Obviously, the countries in NATO itself, the countries there, are the linchpin; and one of those key countries, France, just walked away from NATO. I recall at the time the headlines and the gnashing of teeth and the consternation that took place in the world—that this was the end of NATO. Nothing happened to NATO, other than the fact that it became more of an economic instrument than a military instrument.

I think the Senator from California has stated the situation very well. To suppose that the force we have there is sufficiently viable to withstand the onslaught of a Soviet juggernaut with the Warsaw Pact nations is a euphemism, in my opinion.

I should like to ask the Senator whether he can construe anything in his imagination that would take place in Western Europe, with respect to an invasion, that would not compel this country to use its atomic forces or that would compel the French to use their force de frappé. Can the Senator conceive of any possible war in Europe that would not bring about a nuclear confrontation?

Mr. CRANSTON. Actually, I can. I am not totally convinced that we would go over that brink, knowing that it could lead to utter devastation of our Nation and other nations if full-scale atomic war was launched. That, basically, is the reason why two Presidents—first, a Democrat, Lyndon Johnson, and then a Republican, Richard Nixon—have decided that we cannot win an old-fashioned military victory in the Vietnam war.

There is no question about our ability to utterly destroy North Vietnam, a small nation of only 15 million people, compared to our massive strength, power, and numbers in terms of persons. The reason why we do not seek military victory in the old-fashioned sense against North Vietnam is that we know that we are not really just facing North Vietnam. We are facing North Vietnam backed up by China and by Russia; and if we escalate, they have the capacity to escalate, and there we face the great danger of landing in total nuclear war.

But because we have exercised this restraint—although we have had ground troops involved in Indochina—it seems to me conceivable that we and the other side would exercise the same restraint, even though we became involved in ground combat in Europe, shrinking back there from total nuclear war. However, we well know that we have the capacity, if we must, to move manpower very rapidly from the United States to Europe. We have done it twice before in the lives of many now in this Chamber. It could be done once again.

So, yes, I can envision a war in Europe in which we could be involved that would not go the nuclear route. But I cannot envision—I think this is the key point—and I know the distinguished Senator from Alaska likewise cannot envision, that we would not resist in whatever way it would be appropriate to resist an overt military aggression by the Soviet Union into Western Europe.

(At this point Mr. CHILES assumed the chair.)

Mr. GRAVEL. I think the Senator has made the point very well. So the issue now is this: If we cannot resist it with the troops we have there, all we really have to maintain in Europe is a garrison, in the sense of showing the flag, showing a commitment to Western Europe; and that garrison could be at any figure—100,000, 200,000, 300,000.

Mr. CRANSTON. Or less.

Mr. GRAVEL. Or less.

This is probably where I differ slightly. I think the Senator stated that the economic strength is just as important as the other. Might not, in this sense, our economic resiliency, our economic viability be the most important ingredient, since this will give us our capacity to defend ourselves not only today but in the future as well? And if our economy goes askew because we have not been prudent in handling our defense expenditures for the long haul—not for the immediate panic but for the long term—it would seem that we are making a colossal error in expending our resources in Europe at a faster rate than we need to expend them, and what we should concern ourselves about is guaranteeing that our economic capability will sustain itself for many, many years, and I would hope hundreds and hundreds of years.

I am reminded of the parallel of the Civil War. When the Civil War started, everyone assumed that since the South had inherited able and trained leadership, there would be a quick victory, that they had all the expertise on their side. History is very clear about the difficulties President Lincoln had in securing adequate leadership in his military forces. But what really brought about the result that occurred in the Civil War was not the military leadership but the economic and long-term productive ability of the North.

This, I think, is what is in jeopardy in this case, and I note that the Senator from California emphasized that point. I would only add that I think it is the most important point—that is, that our strength is in our economy; and if we ruin our economy with excessive expenditures, with the purchases we have been making in other parts of the world, I think it comes into very serious jeopardy.

I ask the Senator whether he would have a different comment concerning NATO and Czechoslovakia, because I understand that at a point in history there were great deliberations by committees of the Senate just prior to Czechoslovakia. Of course, Czechoslovakia stopped any effort or views that were developing to cut down NATO at that time. Did NATO do anything at the time of Czechoslovakia to help the Czechoslovakians?

Mr. CRANSTON. NATO did nothing.

The U.S. troop strength in Europe did nothing. It did not serve as a deterrent in a passive sense just by its presence there. It did not serve as a deterrent in terms of acting in any way when the Soviet move occurred in Czechoslovakia.

I do want to say that I agree completely with the Senator from Alaska in regard to his position on the importance of the economic strength of the United States. It is the key to our importance as an ally to the nations that are our friends.

Mr. GRAVEL. I should like to add another point to expand upon what the Senator from California said with reference to multilateral negotiations.

Unfortunately, the problem with multilateral negotiations is that if your enemy locks himself in on a trajectory of error and if you adopt the theory that he has something which you think is viable, you can go along and commit the same error. That is the tragedy of it all. So that if in truth we hold ourselves to be more intelligent than, let us say, our Soviet adversaries in this case, they really are calling the troop levels and not we. So if they are in error, we blindly follow, like sheep, in making the same error.

That is exactly the argument that is put forth in these multilateral negotiations—that is, that somebody picks out a figure and sees 200,000 people over there. Well, we have to have 200,000 people. And if even the people we ally ourselves with, such as the Canadians and the French, hold a different view, we become so enamored of these numbers that we do it unilaterally. This, in my mind, is the epitome—and I say this most respectfully of our adventures or our activities—of stupidity. One should never let the enemy dictate the course we think we should take for our own defense. In this particular case, since we have a free society and are subjected to the economic vicissitudes of other nations and we do not have the force to hold our economic system in check and bring about privation, it has created unusual hardship. I wonder whether my colleague would care to comment on my logic with respect to multilateral commitments.

Mr. CRANSTON. I also agree with the Senator's thinking on this matter. There are two essential points: one, the United States cannot and should not seek to be the policeman—and I emphasize "the"—in every troubled corner of the world. This is a responsibility that must be shared with others to keep order in this lawless world. Second, I totally agree that we should not surrender the decision-making to others. We should decide we will do what we feel is neecssary for us to do, in order to contribute to peace on earth.

Before yielding the floor, Mr. President, I should like to express my deep thanks to the distinguished Senator from Alaska for the remarkably effective leadership he is providing to the Senate and, through the Senate, to the entire country, in the matter now before the Senate, the whole matter of what strength we need to meet our commitments and remain secure; the whole question of whether we will not be more secure if we use our manpower more wisely and, fundamentally, the question as to whether any longer we need compulsion, in our free society, to meet our manpower needs; and there we are in total agreement, that we do not need compulsion and we do not need the draft.

Once more I thank the Senator from Alaska for what he is doing to see to it that the draft ends.

Mr. GRAVEL. I should like to thank my colleague from California for his complimentary remarks.

Let me say that I do not look upon it as a point of leadership but as a partnership with the Senator from California because, obviously, this kind of task cannot be done alone. It is physically impossible. Were it not for his resolve and his commitment, I would not be able to continue. I know that that resolve and commitment will stand together to the very end of the goals we seek.

Let me add one other point relative to his recitation, which, I think, is very important, and that is with respect to the Warsaw Pact and the number of troops that they have. The Czechoslovakian incident certainly brought to mind one important weakness of the Warsaw Pact; namely, in the crunch, the Soviets had to depend upon their own troops and not on the Warsaw Pact troops in order to effect their will. I think that this should be a matter of consideration in determining troop levels because I am sure, in their determinations, they try to ascertain the reliability of their allies in the crunch, and that reliability is suspect.

For that reason, we should similarly conclude that a man-on-man requirement with the Warsaw Pact is not necessary and is really a waste of our resources.

I will hope to develop, in the debate between now and the time the vote is taken on next Wednesday with respect to our commitments in Europe, a thesis that I have not heard enunciated or have not read and, therefore, I do not know that its originality is other than my own. It is a concept that came upon me as I attended a conference in West Berlin last year, listening to the Mayor of West Berlin. All of a sudden it dawned on me what was the key problem in all of Western Europe, and a problem which I think Willy Brandt is trying to adjust himself to in the Ostpolitik; namely, to bring about a detente, a rapprochement.

If I were to define what the kernel of the problem is, it is the very simple one of recognition; the recognition of East Germany—the recognition of West Germany and East Germany—reconciling ourselves and having the German people reconcile themselves to the fact that the division of Germany is there and will exist for many years, if not hundreds of years, and that that is the price that was paid for what took place during the years 1933 to 1945.

The effort to avoid recognition, certainly as part of our policy and part of others in Europe, in my mind, exacerbates and polarizes the existing feeling in both Eastern and Western Europe.

If we were to effect, as part of our policy, a policy of recognition, I think it would flourish into a total detente where the troop level we maintain today would appear totally ridiculous.

Mr. President, I, too, want to compliment the Senator from Montana for what I think is a very courageous undertaking and a very patriotic undertaking, because I think he, like many of us, is concerned that our country be truly able to defend itself. If our country loses that ability—and it may well lose that ability if we do not maintain our economic ability—we would, in truth, jeopardize ourselves.

Let me make a parallel. If I were to try to devise a way to do great harm to this Nation, I would try to find a way to siphon off its economic strength in a peripheral area of the world, a not too important area of the world where this country would have to take a major portion of its resources and gain very little return. That, unfortunately, has been the case in Southeast Asia which has drained our resources with no great improvement in our security. In fact, quite the contrary.

I attended a briefing—and this is not classified information—where an admiral with the highest office in the Navy, told me and other Senators assembled, that we had cannibalized the capital improvements to our Navy in order to wage the war in South Vietnam, thereby impairing our world posture with respect to the equipment we need to maintain the Navy.

What could be a more colossal, tactical error than doing just that?

That, of course, is what we did exactly.

Mr. President, I note that I am the only Senator on the floor and this is a very weighty subject—I mean, the only Senator on the floor other than my distinguished colleague from West Virginia—[laughter]—who is always on the floor—and that is why I was led to make this oversight. In the past 3 or 4 days, I have developed a taste as to the effort it takes to stay on the floor. Mr. President, I want to note now that my colleague, the Senator from Michigan (Mr. GRIFFIN) has returned to the floor. I assure my friend, the Senator from West Virginia—and I am sure my friend, the Senator from Michigan also has a taste of the effort it takes to stay on the floor—that every day this effort goes on my admiration for the Senator from West Virginia rises. It rises from the experience I have gathered from this experience of being on the floor from time to time.

I want to note for the RECORD that there are not many Senators at this time with whom to engage in active debate and deliberation on this momentous and gargantuan, important subject about our troop levels around the world.

I would hope that in the latter part of next month things would be more active and participatory on the part of other Senators engaging in these deliberations.

Time is going on.

Time is going on and, of course, I will be accused of wasting the Senate's time and holding up the activities of the Nation. These accusations will come from all sides and from the highest quarters of the Government. However, I want to say that these accusations will be without foundation, because now is when the work should be done. I have been here every morning. I have been here every night when we close the business of the

Senate. I intend to be here as long as this issue is before the Senate.

I would hope that we could continue our deliberations. I am prepared to be educated. I am prepared to listen to the discussion and debate of other Senators. I think I have a lot to learn on this subject. I think the American people have a lot to learn on this subject.

I think a very fundamental question can be asked, as I asked the Senator from Ohio. Why do we have 1,700 troops in Ethiopia? Why do we have 320,000 troops in Europe? Why can we not have 150,000? Why can we not have 200,000?

These questions must be asked and the answers must be given. They obviously cannot be answered if the proponents do not come forward and lay out their logic and their views.

Mr. President, I want to underscore this because I am sure that in the future I will be receiving charges of committing peccadillos, charges of holding up the government.

I want to say now that these charges will be without foundation as they are obviously, by the lack of attendance today, without foundation.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BYRD of West Virginia. Mr. President, the Senator is speaking within his rights under the rules of the Senate. Every Senator has a right under the rules of the Senate to stand on the floor as long as he can physically stand and speak as long as he wishes and as long as he can in the interests of his State and in the interest of the Nation with respect to any issue concerning which he is conscious bound to speak at length on.

I congratulate the Senator from Alaska (Mr. GRAVEL). He has put the Senate on notice that it was his intention to speak at length. He put the Senate on notice well in advance that this was his plan. He has been constantly on the Senate floor in accordance with his announced plan. He has been diligent in fulfilling his promise to the Senate.

I have seen some so-called extended debates in which the proponents or opponents delayed the Senate, not by virtue of their being on the floor to speak, but by virtue of the courtesies for which this body is well known.

Senators who would be out somewhere in the country were able to depend upon the assurances of their colleagues that such and such an issue would not be moved forward until they returned.

That cannot be said about the Senator from Alaska. He is here on the floor. And I admire him for it. I do not think he will be charged with holding up the operation of the Senate at all. He is acting in accordance with his own conscience, and I salute the Senator from Alaska. I may not agree with him. He does not expect me to agree with him. However, I certainly admire him for his tenacity, his resourcefulness, his determination, and his diligence.

Mr. GRAVEL. Mr. President, I thank my friend, the Senator from West Virginia, very deeply.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold that request?

Mr. GRAVEL. Mr. President, I withhold my request.

EXTENSION OF TIME FOR ALL COMMITTEES TO SUBMIT REPORTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees have until midnight tonight to submit reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to adjourn until 10 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR GRAVEL AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Utah (Mr. MOSS), on tomorrow, the able and equally distinguished Senator from Alaska (Mr. GRAVEL), be recognized for not to exceed 15 minutes, following which there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the unfinished business, H.R. 6531, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I see no Senator who wishes to speak at this time.

I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess will not extend beyond 2:30 p.m. today.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Thereupon, at 1:24 p.m. the Senate took a recess, subject to the call of the Chair.

At 1:45 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. CHILES).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. MATHIAS. Mr. President, at an earlier stage in this debate on the pending business, the so-called Mathias substitute for the Mansfield amendment, the distinguished Senator from Alaska asked the question as to why we should maintain troop levels in Europe.

I have some thoughts of my own on that subject, but first I should like to quote for him and for the Senate at large the answer that was given in a thoughtful editorial, entitled "First Things First," published today in the Christian Science Monitor.

That answer, I think, is so significant that we should take full account of it, because as the Christian Science Monitor says:

> Let everyone concerned be terribly careful about the priorities. The first priority, above all else, is the integrity of the American relationship with Western Europe. Protect that, and nothing disastrous will happen. Lose sight of that—and everything accomplished since the big armies settled down in 1945 would have to be done all over again—or worse. To cut U.S.Europe-based troops by half now would be far too dangerous to justify the dollars saved.

Mr. President, I ask unanimous consent that the editorial—be printed in the RECORD in its entirety at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, the answers that have to be given to the question raised by the Senator from Alaska and the question raised by the Mansfield amendment itself are most important. They need to be discussed. They need to be carefully considered. I think the Senate has been wise in giving itself time until next Wednesday morning to consider all that is involved, and, as the author of the substitute amendment, I am grateful that the Senate has accorded me the privilege of reworking the exact language of the substitute. That is what I am doing, and as soon as we have more nearly perfected that language, I shall offer it. But in the meantime, I think we ought to highlight the points that are so important, one of which is stability in Europe.

I have been in Europe several times in the last several years. I have talked with Helmut Schmidt, the German Defense Minister. I have talked with members of the British Government, the French Government, the Dutch Government, and the Belgium Government. I have talked with Manlio Brosio, Secretary General of NATO. I think I have some idea of what this move by the Senate would mean in Europe; and I would say that stability in Europe is going to be very severely shaken by what the U.S. Senate does. I would go so far as to say it will be shaken whether or not the Mansfield resolution becomes law, because what we are doing here is providing an index to the American commitment.

Like prophets in biblical times, perhaps we have more honor in countries other than our own. But the Senate is viewed with great respect in Europe. The Senate's judgment in this matter is going to be taken very seriously.

Mr. GRAVEL. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. I have agreed to limit my remarks. I am going to speak again. I hope to speak several times before Wednesday. I should just like to provide some listing of the points that I think should be involved in our debate.

Why will stability in Europe be shaken? Because American forces in Europe, in effect, underwrite our nuclear guarantee. This, in the final analysis, is what has kept the peace for more than 20 years. They provide the very foundation for confidence on the part of European governments that there is going to be Atlantic cooperation. I would say that any major withdrawals on our part and, without question, any withdrawals which are decided as a result of our unilateral action, any withdrawals accomplished by our unilateral action, without preliminary consultation with the other NATO nations, will raise very serious doubts both about our intentions and about our reliability. I think that the ripple effect, political and economic, could be very profoundly unsettling to the system of security that we have developed.

Second, I should like to point out that unilateral troop withdrawals by the United States could very gravely affect East-West negotiations—those which are now in progress and those which may be undertaken by various nations. The SALT talks certainly are a part of this, as are negotiations concerning Berlin, mutual and balanced force reductions with Warsaw Pact nations, the Ostpolitik which Chancellor Brandt has courageously set out upon and which we have at least tacitly encouraged up to this point.

Although we are largely an industrial nation today and many of us represent urban industrial States, I think there still are enough horse traders left in the Senate to understand that negotiations involve concessions, mutual concessions. That is the nature of horse trading.

Certainly, if we are cutting our commitment in Europe in half, unilaterally and precipitately, those with whom we negotiate are not going to be inclined to negotiate very seriously. I think that if I were in their shoes, I would forget about negotiating and would attempt to expand my own influence and the scope of my own activities, in the light of a step such as that contemplated by the Mansfield amendment.

Third, let me suggest that no problem in recent months has been more vexing, more troubling, and more concerning to the American people than the problem in the Middle East. The Senate should be under no illusion that the cut contemplated by the Mansfield amendment would not have a direct and consequential effect on the situation in the Middle East. I hope to develop this point in the next few days, but there it is. I think that reductions in American troop strength in Europe would raise very serious doubts in Israel and in Egypt, as well as with our NATO allies, about our future purposes and our future policies.

Fourth, I raise the question as to whether U. S. withdrawals could be compensated by additional European troops. The fact is that three-quarters, 75 percent, of present NATO forces are provided by the European NATO partners. Last year, after tedious and at times painful discussions, the European nations agreed to increase their contribution to NATO defense expenses by a billion dollars during the next 5 years. There is a very real concern as to whether the military muscle could immediately be replaced. But even conceding that argument, even conceding that military muscle could be replaced, I would suggest that even an equivalent recruitment of European forces would in no way substitute for the political significance of U.S. troop presence in Europe as a witness of the continuing U.S. interest in the security of Europe and our own security.

Fifth, I think we should consider that the economies that will be involved here may be very much less than have been supposed. We have two kinds of costs that have to be considered. One is the budget expense and the other is the foreign exchange drain. Budgetary costs of maintaining these troops are no higher in Europe than they are in the United States. The only way to cut the budgetary costs is to demobilize the troops, not merely to bring them back to this country. The Mansfield amendment does not accomplish that purpose. Even if the Mansfield amendment did accomplish that purpose, even if it did not say that 150,000 men should be brought home from Europe, but that 150,000 men should be discharged, we would still have the question of what the wise policy is for the United States in the garrisoning of those troops; and I would think that a very significant number of them still ought to be kept in Europe although our base was smaller.

Keeping troops in Europe, of course, does create an outflow of dollars, and I will return to that point in a moment. But I would point out that there have been offset arrangements; there have been attempts to mitigate this problem. I think there will be further attempts to mitigate the problem. But the most important attempt here is the agreement of the German government to neutralize the outflow damage by keeping the dollars in their reserves and not exchanging them for our gold reserves.

On the question of economics, if we have to decide where our priorities are, the priorities, in my judgment, are so overwhelmingly in favor of the integrity and security of the Atlantic community that I believe we have to place our emphasis on the NATO forces and cannot afford to undercut them by the method provided in the Mansfield amendment.

I want briefly to return to the dollar-outflow question.

I am sorry that the distinguished majority leader is not in the Chamber because I think this is a point that has not been touched on in any argument so far, in support of the Mansfield amendment.

That is the question of, What are we going to do to the economy of the western world if we, in effect, release the German government from its commitment to neutralize the dollars now abroad?

We have about $10 billion in gold. There is outstanding in the world some $60 billion in gold obligations. It does not take any gnome in Zurich to understand the implications of those statistics.

One of the major reasons there has not been a run on the dollar, an overwhelming demand for us to give up our gold reserves, is the commitment of the German Government to neutralize the dollars it holds within Germany. That is not a NATO policy. That is German policy. Other NATO countries are, in fact, cashing in on their dollars—The Netherlands, Belgium, and others. But the Germans, who have an overwhelming number of dollars, have not done that.

If we should act in a manner they feel is irresponsible with respect to troops, they may feel less responsible with respect to protecting the dollar. Therefore, I believe that this question of German cooperation, and the neutralizing effect of our dollars abroad, must be considered in the stark reality in which it exists.

When we talk about economies that can be effective by bringing back 150,000 troops, and we think about the fact of what it costs to keep them here, or to keep them there, and what we think about the result of wrecking the economic stability of the United States, I think the cost of the Mansfield amendment could be very high indeed—far greater than the cost in budgetary or dollar exchange terms under existing conditions.

Mr. President, I am continuing to work on the language of the substitute and shall bring it to the attention of the Senate as soon as I think we have the most comprehensive form in which it can be cast.

EXHIBIT 1

[From the Christian Science Monitor, May 13, 1971]

FIRST THINGS FIRST

We have, of course, the greatest sympathy with the declared purposes of Senator Mike Mansfield's proposal to cut down by half the number of American troops stationed in Europe. But this is no time to do it.

True, the dollar is under pressure. Anything which relieves that pressure is a good thing to do, other things being equal.

And we have no doubt that by and large,

in many parts of the world, the American military establishment could be cut back, and in some cases eliminated entirely, without reducing at all the overall security of the United States, of its friends and of its allies—provided always that the cutting is done prudently and wisely.

But this is a good moment to notice that in spite of one war in Vietnam and the grave danger of another breaking out at any time in the Middle East this is still a remarkably stable world.

To get these times in perspective one should remark not on the fact of one war and the danger of another, but rather on the fact that in the whole of the world there is only one war going on right now and only one serious danger of another.

There are plenty of strains, and tensions and rivalries in the rest of the world. But all of them are under control. There is a general stability which touches most nations and the vast majority of all people living on this earth today.

This is a system. It was put together by the statesmen who have managed the reorganization of the world after World War II. And it is *not* a bad system at all. There have been many worse ones in history.

At the very heart of this system is the present relationship between the United States and Western Europe. Anything that touches that relationship affects the whole system. To touch that relationship carelessly could be disastrous. The whole fabric could be destroyed overnight by damage to that relationship.

If every American soldier stationed in Europe today could be brought home without damaging the essential relationship, then bring them home. But if doubling the number would help that relationship—the deed would be cheap at ten times the price.

But let everyone concerned be terribly careful about the priorities. The first priority, above all else, is the integrity of the American relationship with Western Europe. Protect that, and nothing disastrous will happen. Lose sight of that—and everything accomplished since the big armies settled down in 1945 would have to be done all over again—or worse. To cut U.S. Europe-based troops by half now would be far too dangerous to justify the dollars saved.

Mr. STENNIS. Mr. President, if the distinguished Senator from Maryland has completed his argument, will he yield to me?

Mr. MATHIAS. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. I want to thank the Senator for the very fine interest he has shown in this subject. It abruptly came upon us. He has been very diligent in his application to it and very constructive. I thank him as well as commend him for it.

I certainly do agree with the Senator from Maryland, in his remarks at the very beginning, regarding the editorial raising the point of the integrity of this country, as to what we would do in a disruptive way, or in a rather impulsive way and depart from our allies in the NATO Pact without even consultation with them.

I think the Senator is correct when he calls them allies. They are allies, and partners, too. Especially the way they look at it, they are entitled to a conference and to negotiations. It is all right to make demands on them. They also have the right to make demands on us with reference to various points. But certainly the Senator from Maryland makes a very fine point when he says we should not abruptly decide what we are going to do.

We have benefited from the NATO Pact, too. We have contributed greatly to it but we have benefited immeasurably over the years.

Mr. MATHIAS. Does not the distinguished chairman agree with me that, had we borne the total cost of the Atlantic defense in our own selfish interest, it would have been far greater than the cost we have borne as a result of our participation in NATO?

Mr. STENNIS. I heartily agree. We have borne more than our share, that is true.

Mr. MATHIAS. We should reverse it if we can.

Mr. STENNIS. Yes. And we are going to do so, so far as I am concerned, when we can, and in an appropriate way.

Mr. President, I came to the Senate soon after World War II, so that I was here when the matter of the NATO pact first arose. I was here when we passed the first major appropriation for the rehabilitation of Europe and I think it was the finest investment we ever made in international affairs. The NATO pact is part of that.

But time has rocked on, and they have gotten to their feet and they have made their contribution. As the Senator says, there is the question of integrity involved here as to how we are going to arrive at the new quotas.

Mr. MATHIAS. The one irrefutable argument is that it has worked. It has succeeded.

Mr. STENNIS. Yes.

Mr. MATHIAS. I would suggest, Mr. President, that the situation we face, now brings to mind a myth of ancient Greece, Cadmus, and a Cadmean victory. He was the fellow who slew the dragon and when he sowed the dragon's teeth in the ground, warriors sprang up. No one can say what the results of this act will be. One result could be the militarization of Europe again, as American forces left, and the governments of Europe would be under great domestic pressure to increase their armaments.

Mr. STENNIS. I have no doubt of that.

Mr. MATHIAS. They would have to do that for their own selfish reasons, not for purposes of a defensive alliance, but in their own national interest.

On the other hand, they may simply begin to look East, in a different way than contemplated by the Ostpolitik. All sorts of genies could get out of the bottle. I do not believe that we should pull the stopper without very great thought.

Mr. STENNIS. It is the method in the Mansfield amendment that comes into question. Take the little country of Greece, which is small in area and whose economy is not strong. Abruptly to make such a drastic reduction as this would leave those people where they would not know what to do, frankly. As the Senator has said, they have an alternative that might require them to look East. They have done more than their share in manpower, readiness, and in other efforts.

Turkey, too, in the same way has done her share. It would be a terrific job to make the adjustments necessary, should there be a disruption of their ability to conduct their affairs as a result of a reduction of NATO forces. It might make a tremendous difference to them in their internal politics.

All those things have to be measured by someone. We cannot do that here on the floor of the Senate.

I thank the Senator once more for a very fine speech.

Mr. MATHIAS. I thank the distinguished chairman for his generous remarks.

Mr. President, I yield the floor.

Mr. JACKSON. Mr. President, will the Senator from Maryland yield briefly for an observation?

Mr. MATHIAS. I just yielded the floor. If I still have the floor, I am happy to do so.

Mr. STENNIS. I yield to the Senator from Washington.

Mr. JACKSON. I want to compliment and, indeed, commend the senior Senator from Maryland (Mr. MATHIAS) for his brilliant articulation of the reasoning behind the stationing of American troops in Europe.

I know that the Senator from Maryland, who has attended the NATO Parliamentarians' Conferences over the years, has followed closely the problems which we face in the NATO community.

I must say that the Senator from Maryland has, in my judgment, rendered a great service to the country and to the common allies in the way in which he has explained the reasons and, indeed, the great importance of this grand alliance that has worked so successfully. I want to add my voice in commending him for the contribution he has thus made to the country.

Mr. MATHIAS. I am grateful to the Senator from Washington.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. JACKSON. I yield briefly to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I want to take up briefly one point made by the Senator from Maryland. That point concerned the power of the German Government if it chose to cash in its dollars for our gold. Obviously that would precipitate a worldwide depression. I am reluctant to praise this. I think it places an unbelievable amount of power in the hands of the West German nation.

I would like to say that there are weaknesses in the wall that are not apparent to my friend.

I read from an article published in the Washington Post of Wednesday, May 12, 1971. The title of the article is "Washington's Influence in Europe Shrinking Like the Dollar." The article was written by Anatole Shaub.

One paragraph is interesting. It says:

> Indeed, even before the current crisis, the late Karl Blessing, former head of the German Central Bank, publicly expressed regret that he had ever let John J. McCloy, former U.S. High Commissioner in Germany, persuade him to promise never to try to cash dollars into gold.

I thing that shows that there is a galvanization of the differences of opinions in Germany. And if all we have staving off a world depression and throwing this country into total chaos is the unwritten agreement that this person has already taken to the grave and that others will be taking to the grave, I submit that we are on light and awfully shoddy footing in Germany, economically speaking.

Mr. JACKSON. Mr. President, the Atlantic Alliance has never been an end in itself. But it has unfinished business as an agency of the common defense, a foundation for a genuine European settlement, and as a source of stability in Europe as a pillar of a peaceful international society.

The need for the forces and firmness of the Alliance is as compelling as ever. Today's political leaders—executive and legislative—have solemn duties. A principal task is to maintain those forces and to enhance the will to collaborate in the unfinished work of the Alliance.

This is no time to disintegrate the NATO shield and to demoralize the Western will.

Therefore, Mr. President, I oppose the amendment proposed by the Senator from Montana (Mr. MANSFIELD) requiring that we cut in half the number of American troops stationed in Europe.

I understand and share the feeling of many Americans that, overall, Western Europe is still not making a reasonably proportionate contribution to the common defense effort. I have spoken frankly and bluntly to our allies on this point. Last November I told the North Atlantic Assembly in The Hague that more concrete and substantial progress in burden sharing is essential.

There has recently been some movement in Europe toward sharing more of the burden—no great advance, but progress in the right direction. We should press in particular for greater European offsetting payments on military account. Some NATO countries can clearly increase their force contributions to NATO and further improve the quality of present forces. But, above all, this is a time for steadiness on the part of the United States, not for demoralizing our friends and allies.

These wide-ranging issues require patient, thorough consideration. They cannot be settled in haste here on the Senate floor and still be settled wisely—without even an opportunity for hearings.

If changes in NATO force posture and burden sharing are to be made, they should flow from give and take discussions and decisions by the North Atlantic Council and should be executed with a view to minimizing the danger that their significance will be misinterpreted by the Soviet Union—or by allied governments and publics. This obviously applies with special emphasis to any cutbacks in American combat forces on the Continent.

Since 1966 resolutions have been introduced which in effect call for a substantial reduction of U.S. forces stationed in Europe. Some proponents talked confidently of Senate passage of such a resolution in 1968—at the very moment when Soviet forces invaded Czechoslovakia. There was some sudden back-peddling, and a change in tune, and talk that "the time is obviously not propitious for a substantial reduction of U.S. forces in Europe."

The time is no more propitious today.

The United States is deeply engaged in crucial East-West negotiations on arms control at SALT. The situation in the Middle East is highly explosive, as the Soviets exploit the tragic conflict between Arabs and Jews in pursuit of their priority interest—to multiply their influence in the Mediterranean-African area on the southern flank of NATO.

To those who say we must take risks for peace by smashing up the Western deterrent, I say: "You are not proposing risks for peace, you are proposing a policy that would heighten the risk of confrontation or war. You are risking loss of security or freedom for Americans and our friends throughout the world."

I for one do not want any part in this precipitate and irresponsible move and I shall vote against this amendment.

Mr. President, the American military presence in Europe is the hard nub of the Western deterrent.

The chief purpose of the American troop commitment is political: to leave no doubt in the Kremlin that the United States would be involved, deeply involved, from the outset of a Soviet-inspired crisis or a Soviet move against the NATO area. It needs to be perfectly clear to the Russians that their forces would meet enough American forces to make the crisis a Soviet-American crisis, not just a European one. This means that a token American force is not adequate. It should be an effective American combat force, not just something to be tripped over, but a force capable of putting up a serious fight.

The primary function of NATO's conventional forces, with their vital American component, is to meet an emergency as effectively as they can, posing the continual threat that if the emergency continues and enlarges, the risks of escalation continue and enlarge with it. To perform this function NATO forces capable of containing a sizable, though limited, attack are required. Anything less would be a standing temptation to Soviet probes of allied mettle, and such probes would force the allies to retreat or to engage in brinkmanship, with all the risks either course would involve.

The mishandling by the West of a single emergency could profoundly alter the prospects for stability in Europe. And in an emergency we must be able, without any delay, to put military forces into small confrontations to hold ground, not give it, and thus to improve our diplomatic position. The need is for forces on the ready which can act without unnecessarily difficult political preparations. The ability of NATO to move conventional forces, with a strong American component, in several crises in Berlin was of critical importance in the management of those crises.

Indeed, NATO's conventional power is needed not only to respond to emergencies that Moscow would deliberately contrive, but also to deal with the unforeseeable contingencies that history sometimes contrives—border incidents, upheavals in satellite nations that splash over the line, and so forth.

The sizable cutback of American troops proposed in this amendment would imply a greater reliance on nuclear weapons and their incorporation in military operations at a very early phase of hostilities. Is this what sponsors of the amendment really want? Are they in favor of a one option policy of massive retaliation? Would this serve the best interests of the United States and its allies? Hardly. We must not leave the American President with only the nuclear button in his hand in the event of crises.

The drastic cutback of American troops proposed in this amendment would also lead to a preponderantly large German army on the central European front. Is this what sponsors of the amendment really want? I would have thought they understood that a disproportionately large West German contribution can revive old fears and animosities among smaller West European countries. It can help the Russians to nourish East European fears of Germany, prejudice West Germany's chances of improving its relations with Eastern Europe, and thus delay the working out of a genuine settlement in Europe which advances the legitimate security interests of all nations concerned.

NATO force requirements are designed, of course, not only to contribute to deterrence and defense but also to fortify the diplomatic bargaining position of the West vis-a-vis the East.

A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Soviet Union. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet Government be encouraged to move in this direction? Certainly not by following the line of this amendment and demolishing unilaterally the bargaining position we have worked so long and hard to construct. Clearly, we should sustain our bargaining position and actively pursue acceptance of gradual and balanced reductions in forces on both sides of the Iron Curtain.

Mr. President, I will have more to say on this critical matter over the next few days.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the distinguished chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, first I commend the Senator for his very timely remarks. No Member of this body is more qualified, and not many are as well qualified to discuss with intelligence, depth, and clarity this subject, than the Senator from Washington, and that is exactly what he has done. I was very glad to hear that he will have even more to say in the course of this debate. I think this debate will grow in interest and concern to the Members and to the people of the Nation.

I wish to ask the Senator this question. I do not know how absolute his answer will be, but as a person who has served in the House and in the Senate, and who had followed this matter all through the years, does the Senator consider the NATO Alliance we have had as successful from our point of view as well as the point of view of Western Europe, and just how successful does the Senator consider it?

Mr. JACKSON. I think history will

record that it has been, indeed, the most successful alliance that has ever been put together involving, as it does, a great part of the Western World. The fact that it is successful certainly must be recognized, in that there has been no war in Europe. This fact, in itself, has justified the investment we have made over the years. This alliance has worked. We have avoided war in the Atlantic area, and we all know that at the end of World War II the great hope, the great dream, was to find a way somehow to end the ongoing wars in Europe.

The area of the alliance has been held intact, and surely thoughtful citizens of our country must recognize by now that we are involved in a protracted conflict with the Soviet Union. We must realize it is a protracted and long drawn out series of events, involving both confrontation and negotiation. It would be tragic, when we have succeeded so long and so well to now pull the plug right in the middle of what has been the most successful of all alliances.

Mr. STENNIS. I thank the Senator. Other Senators wish to question the Senator and I shall not take much time, but I do wish to ask one further question.

Even if we should need to withdraw some of these troops, and even if we have done more than what we consider our share, what is the Senator's estimate of the way it is proposed to be done, with regard to the amount of the reduction of 50 percent, and the abruptness of it within 6 months, without further negotiation, but just to pass a mandate, which we have to assume will become law?

Mr. JACKSON. As the Senator knows, there have been no thorough hearings on a drastic amendment of this kind since the last testimony taken in early 1968. I want the record to speak for itself.

The Senate should not be asked to act on a matter of this importance without the most careful examination of its implications by the appropriate substantive committees.

I think it would be most unwise to take this kind of precipitate action, which should also involve consultation with our allies.

And, of course, hopefully we would anticipate that at some time in the future the withdrawal of forces on both sides of the Iron Curtain would come as a result of mutual agreement with the Soviet Union. But if this far-reaching amendment should become law, we would simply do away with any interest on the part of the Russians to ever talk about or negotiate a mutual reduction in forces. We would be throwing away any opportunity for mutual and balanced force reductions on both sides of the Iron Curtain.

I believe that the acceptance of this amendment by the Senate would transcend just the reduction of American forces. Psychologically our allies would begin to despair of us, and the Soviet Union would be taking a new measure of us. I believe they might well come to the conclusion that the United States has had a "tummy full" and that we are ready to pull back on many different fronts, and that if the Soviet Union is patient, they can just wait, and we will unilaterally disarm, to their advantage, to the distress of our allies, and to the peril of this country and the future of individual liberty.

Mr. STENNIS. I thank the Senator very much. I commend him again for his speech and for the answers he has given to my questions.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. JACKSON. I am pleased to yield to my very able friend, the Senator from Virginia (Mr. SPONG), who has taken a keen interest in the problems involved here.

Mr. SPONG. Mr. President, I have listened with interest to the able Senator from Washington. If I understand his statement, the Senator from Washington is saying if the Mansfield amendment is adopted and becomes law, it will destroy the credibility of the policy of flexible response that is presently our policy in Europe.

Mr. JACKSON. The Senator is absolutely correct, because the ability to deal with special situations and small confrontations would be limited indeed. The President, in dealing with a crisis less than nuclear, shall we say, could be forced into the most dangerous of all situations—the possible use of nuclear weapons. This amendment would drastically reduce the options, or alternate courses that a President could follow. I think this would be tragic.

The events of the last many years have demonstrated the wisdom of having the capability for a flexible response to deal with the range of situations where the appropriate response is less than a full scale conflict.

Mr. SPONG. Then, the Senator is saying that, in his opinion, half of our present troop strength would not be sufficient, along with those of our allies, to give the President any time to take advantage of the alternate courses of action he has described.

Mr. JACKSON. I believe that the precipitate withdrawal called for in this amendment—which, as I understand, would involve the movement of half of our forces out of Europe by the end of this year, December 31—in itself would be a cause of grave concern, transcending the NATO area. It would leave the world with the impression that we are really "pulling out" in connection with our responsibilities as a great world power. It would have the most serious repercussions on the situation in Western Europe and beyond that situation, in other areas of the world.

Mr. SPONG. The Senator from Washington has referred to the address he made at The Hague, which I heard, calling upon the NATO allies for a greater contribution financially than they have made in the past.

In his remarks this afternoon, he acknowledges that some progress in that direction has been made. It is the opinion of the Senator from Virginia that not enough progress has been made. I assume, as a result of the introduction of and the debate on the Mansfield amendment and the Mathias substitute, some expression from this body will be forthcoming as part of this legislation.

I note that in the Mathias substitute there is no mention of increased financial participation by the NATO allies. I would like to ask the Senator from Washington if he is inclined to agree with me that any expression from this body, since we are debating it in full, should call for greater financial participation by our NATO allies?

Mr. JACKSON. I believe that we should, in the strongest way appropriate, express our concern over adequate financial contributions on the part of our allies in the work that this country is doing in maintaining a strong force in Western Europe.

What I am concerned about, and what is so difficult to get over to the people of this country, is the urgent need for a strong American presence on the continent of Europe. I believe that is at the heart of the problem.

There can be some cuts in American personnel in Europe. I do not want to leave the impression that I am opposed to any cuts. I am opposed to substantial cuts. There can be some selective cuts in the American presence in Europe.

I believe the crucial part of the West's deterrent capability in Europe relates to the American presence.

If we pull a large part of the American force out of Europe, what then results is a situation that is going to compound the problem. We are, in effect, furthering the preponderance of the German presence in Europe. As I emphasized in my main remarks, is this what our people want? Is this what Europe wants? I think that would be unfair to the West Germans, and I think it would hurt the unity of the alliance.

If we can work out the right kind of financial arrangements, it is more economical to have a strong force of ground troops based in Europe than to have a dual basing concept.

Under the dual basing concept we would withdraw a large part of our forces from Europe and have them stationed in the United States. But the investment in bases and equipment on that basis would be substantial.

If we can lick the problem of the financial cost of having a strong American force in Europe, and take care of the balance-of-payments problem—incidentally, out of the $14 billion total cost of U.S. general purpose forces oriented toward Europe, only something like $1 billion constitutes a balance-of-payments problem—that would be better than having those forces in the zone of the interior in the United States—unless it is believed that we should no longer support the alliance. For if we support the alliance, then we have to have the capability of returning those forces to Europe in time of crisis.

I feel very firmly about the importance of the American presence in Europe, which in itself is the very heart of an effective deterrent, so that, if the Russians contemplate moving or do move, it becomes not a Russian-European crisis but a Russian-American crisis. That is what makes the deterrent work.

Mr. SPONG. I thank the Senator from Washington. The Senator from Virginia believes that the cut proposed is too great to be done in such a short time. I believe some reductions may be in order. I foresee a decade of conventional confrontation with the Russians in Europe and in the Middle East.

I agree with the Senator from Washington that there must be some American presence to deter Russia—they will have no hesitancy in pushing wherever they believe it will work to their advantage.

Mr. JACKSON. It would be the "salami" theory—take one slice at a time, with no one slice serious enough to involve nuclear war. This is why there must be the capability for a flexible response, to deter and deal with those slices that they would like to cut off from Western Europe.

Mr. SPONG. I also believe, after attending three or four NATO conferences, where often it has sounded like a record being played over and over insofar as expressing the need for further financial participation by our NATO allies is concerned, that there should be an expression from this body that we expect increasing financial participation on the part of our NATO allies to help with the troop commitment we have.

Mr. JACKSON. I think a resounding vote in the Senate on the point the Senator from Virginia has raised, which is the key point, would be most helpful in the long run, in strengthening the alliance, by providing the kind of signal to our friends that this they must do in order to maintain an adequate American presence.

Mr. SPONG. I thank the able Senator for the benefit of his views, based upon years of experience with NATO.

Mr. JACKSON. I thank the Senator from Virginia for his great contributions, over the years, to strengthening NATO, and his active participation in the work of the North Atlantic Assembly and in the deliberations of that body.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Mathias). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR WAIVER OF GERMANENESS RULE TODAY

Mr. BYRD of West Virginia. Mr. President, under the circumstances which govern today with respect to the unfinished business before the Senate, I ask unanimous consent that the operation of the Pastore germaneness rule be waived for the remainder of today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE DOLLAR CRISIS

Mr. BYRD of Virginia. Mr. President, the Senate Finance Committee met today in private session with Secretary of the Treasury John Connally, in connection with the dollar crisis.

I was impressed with the frankness of Mr. Connally.

While the session was an off-the-record one, I feel that I can say that the Senator from Virginia and the Secretary of the Treasury are in agreement on the basics involved.

One does not need to be an expert on high finance to know that the dollar is becoming less valuable throughout the world. Every housewife knows that it is taking more and more dollars to supply the family.

In my judgment, the continued deficit spending by the Federal Government has cheapened the dollar and made it a less desirable currency.

I see very little likelihood of a dollar panic or formal devaluation of the dollar by the U.S. Government.

But the dollar has devaluated itself and will continue to decline in value until the Government puts its financial house in order.

The dollar decline, I feel, is the direct result of Government policy.

The facts show that, during the 1-year period from May 1970 to May 1971, the national debt increased by $25 billion—and will increase another $25 billion by this time next year.

The facts show too, which facts I placed in the record of the committee hearing this morning, that, during the last 3 years of President Johnson's administration, the accumulated Federal funds deficit was $49 billion; and for the first 3 years of President Nixon's administration, the accumulated deficit will be $62 billion.

During those 6 years alone, the accumulated deficit will be $111 billion.

Such huge deficit spending means that Americans are headed for more and more inflation, which means that it will take more and more dollars for the individual family to meet the necessities of life.

In the United States we have $1 trillion worth of life insurance owned by the citizens of our Nation. We have retirement plans and pension benefits. As the dollar reduces itself in value, all of these will be vitally affected—and adversely affected.

As the dollar loses its purchasing power, the average citizen, the housewife, the wage earner, and the social security recipient—all are the losers.

The dollar is weakening and, I feel, will continue a gradual decline until the Government embarks upon a sound fiscal program.

Now, Mr. President, I ask unanimous consent to have printed in the Record a table from the Office of Management and Budget entitled "Deficits in Federal Funds and Interest on the National Debt, 1961–1972."

There being no objection, the table was ordered to be printed in the Record, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72

[In billions of dollars]

	Receipts	Outlays	Deficit (−)	Interest
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.2
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	9.09	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971 [1]	139.1	164.7	−25.6	20.8
1972 [1]	153.7	176.9	−23.2	21.2
12-year total	1,323.8	1,469.6	145.9	168.4

[1] Estimated figures.

Source: Office of Management and Budget.

Mr. BYRD of Virginia. Mr. President, this table shows that while receipts more than doubled from fiscal year 1961 as compared with fiscal year 1972, the outlays more than doubled during that period of time. The accumulated deficits totaled $145,900,000,000, and the accumulated interest charges during that period of time, 1961–72, totaled $168 billion.

Mr. President, I also asked unanimous consent to have printed in the Record a table from the Office of Management and Budget entitled "Federal Taxes and Spending—(All Years Are Fiscal Years, July 1–June 30)." The figures are for fiscal years July 1, 1968, through 1972.

There being no objection, the table was ordered to be printed in the Record, as follows:

FEDERAL TAXES AND SPENDING

[All years are fiscal years, July 1–June 30]

Fiscal year	1968	1969	1970	1971 (estimate)	1972 (estimate)
Federal fund receipts (in billions):					
Individual income taxes	$69	$87	$90	$88	$94
Corporate income taxes	29	37	33	30	37
Subtotal (income taxes)	98	124	123	118	131
Excise taxes (excluding highway)	10	11	11	11	11
Estate and gift	3	4	4	4	5
Customs	2	2	2	2	2
Miscellaneous	3	3	3	4	4
Total Federal fund receipts	116	144	143	139	153

Fiscal year	1968	1969	1970	1971 (estimate)	1972 (estimate)
Federal fund expenditures (in billions): Total outlays	$143	$149	$156	$164	$176
Federal fund deficits (−): Total deficits	−27	−5	−13	−25	−23
Trust fund receipts (in billions): Total receipts	38	44	51	55	64
Trust fund outlays (in billions): Total outlays	36	36	40	48	53
Trust fund surpluses: Total surpluses	2	8	11	7	11
Unified budget surpluses or deficits (−): Total net surplus or deficit (−)	−25	3	−2	−18	−12

Note: Trust fund totals consist mainly of social security contributions and payments.

Source: Office of Management and Budget.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHIAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. COOPER. Mr. President, it is not often that I differ with the distinguished majority leader, Senator MANSFIELD, on questions concerning foreign policy. He is universally respected for his integrity and judgment. But on this issue—the reduction of U.S. forces in the NATO alliance without any corresponding reduction of Soviet forces—I must differ with the majority leader and oppose his amendment.

Senator MANSFIELD's amendment to reduce U.S. forces committed to NATO has raised a fundamental question. It is a fundamental question that affects the basic security of this country. The amendment to cut U.S. forces by 150,000 troops poses a serious challenge to the strength and indeed the future existence of the NATO alliance and to the security of the United States.

What is at issue is whether continued U.S. military support of the NATO alliance is in the U.S. interest. What is also at issue is whether the policy of deterrence—to prevent war with the Soviet Union, to prevent a nuclear war—that has evolved since the end of World War II will remain in force.

Senator MANSFIELD has raised valid questions about the cost of U.S. participation in NATO. Also, it is a valid question whether the actual contribution to NATO made by our European allies is a true reflection of their economic capabilities and their security concerns.

We cannot minimize the cost the United States has paid and continues to pay to keep the NATO alliance strong. Over 3 years ago, in preparing a report for the Military Committee of the Atlantic Assembly, I obtained an estimate of the cost of NATO to the United States from an analysis made for me by the Department of Defense. For the first time, it was revealed publicly that the manpower—ground, air, naval—materiel and all attendant costs of the NATO mission in Europe, in the United States and on the sea, is about $14 billion a year—$3 billion of this $14 billion is for direct support of the approximately 250,000 military personnel we now have in Western Europe. If the cost of the 6th Fleet is included, the actual operating costs for our forces and dependents in Europe is about $1 to $8 billion. The remainder is for forces stationed in the United States, for ships and airpower positioned in the United States and in the Atlantic and elsewhere, which, in the event of a war in Europe would be sent to reinforce NATO forces.

Mr. President, this figure of $14 billion has been referred to loosely. I must emphasize that the cost includes not only those ground forces in Europe but also the fleet, and all land, naval, and air forces in Europe, in the United States, and on the high seas which are given a NATO mission.

But, as others have pointed out in this debate, and this must be emphasized—the forces cost to the United States would be reduced little, if at all, by the withdrawal of the forces proposed by the amendment before us, unless they were discharged from service.

If we consider the NATO military alliance as necessary for deterrence, as a means of assisting in the prevention of war and a nuclear war and thus necessary for the security of the United States—and I do not believe this concept can be successfully challenged—then we must consider our cost in relation to that of our allies. The U.S. contribution of $14 billion to the NATO mission is more than matched by the amounts spent by our NATO partners which is over $22 billion annually.

As for manpower, our allies supply by far the largest share, 20 divisions while the United States provides 4 and one-third divisions. The combined gross national product of Western Europe is somewhat smaller than that of the United States. Its total population is about one-third larger than the United States. In almost every respect I do not think that it can be argued that the Europeans have not made a substantial contribution to the NATO alliance. And now, since, and largely because of, the announcement of President Nixon of his desire to maintain U.S. strength in Europe and because of his determined efforts and that of Secretary Rogers in the NATO Council and of Secretary Laird, our NATO partners are strengthening their military capabilities and contributing larger sums to the alliance.

The Mansfield "sense of the Senate" resolutions of past years, even though not acted upon by the Senate or the House, have had good effect in urging upon our NATO allies in Europe the necessity of taking the action of improving qualitatively their active forces and reserves, of making contributions to infrastructure solely as English and European undertakings. Our allies are taking these steps today. I believe the passage of this resolution would only serve to undercut the common action of the United States and our allies in strengthening the NATO position and an immensely important objective I now want to discuss.

The joint effort of the United States and our NATO allies now positively underway is to provide greater assurance that conventional war and above all, a nuclear war, will continue to be deterred.

Prior to the present program of strengthening qualitatively NATO forces and improving defense facilities and infrastructure, NATO recognized its inability to stand for any length of time against well armed Soviet and Warsaw Pact forces possessing a capability of speedy mobilization and reinforcement. NATO relied upon the so-called trip wire strategy—that is the strategy of meeting a Warsaw Pact attack by the use of tactical nuclear weapons, a situation which all agree would rapidly escalate into all out nuclear war.

Four years ago NATO adopted the strategy of flexible response which had as its purpose a lessening of the likelihood of any kind of war, conventional, tactical, or strategic. It was determined that NATO conventional forces should be strengthened to resist any probable attack. Over the past 3 years, and particularly in the last year, significant qualitative improvements have been made. Deficiencies remain, but NATO's deterrent role has been considerably strengthened.

If the forces proposed in the amendment before us should be removed, together with their equipment, the result would be a thin "trip line" across Europe and even an increase in our allies' forces could not fill the gap left by U.S. departure. There is no question that a reversion to the "trip wire" strategy which would inevitably follow might cost the United States less in dollars than we spend today, but it would increase the danger of a nuclear war.

I am concerned about the nuclear arms race and all its wasteful costs. All of us are concerned that it will result in an instability that will weaken the present nuclear deterrent and will make nuclear war more likely.

In a very important way, the SALT talks will tell us the direction of our future security. The SALT talks are an attempt by the two great superpowers to institutionalize a new concept of security. That new concept is parity, or as President Nixon has defined it, sufficiency. It is based on the belief that neither superpower can achieve a significant superiority in destructive power over the other. It is a belief that any new developments in technology can be matched, and that neither side can produce enough weapons, no matter how powerful, to overcome the other. The SALT talks are unique in the history of the world because if they are successful neither side will gain any strategic advantage, and both sides will greatly benefit. If the talks are successful, the great stockpiles of weapons whose destructive force is equivalent to that of 15 tons of TNT for every person on earth can be reduced, equally on both sides, to considerably less than each side now possesses.

I want to make an analogy with our

situation in NATO. In Europe the NATO and Warsaw Pact forces are now at parity. There is a balance in manpower and weaponry. Neither side has enough superior strength in any category—men or material—which cannot be matched by the other side.

I realize, of course, that the Warsaw Pact countries, because of their central position and because the Soviet Union, whose territory is immediately adjacent, can more readily reinforce their present forces than could the United States.

Mr. President, I ask unanimous consent to have printed in the Record as an appendix to this statement the comparative forces of the NATO and Warsaw Pact. I think these tables will show that it is unlikely that either side would launch an attack. It is unlikely because the military facts are such that the result would be, at best, stalemate, and at worst, complete annihilation on both sides, or indeed the entire world.

The PRESIDING OFFICER (Mr. Byrd of Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, the United States relies upon the NATO alliance because we do not have the strength to remain secure by ourselves. There is no alternative, except to join with the Western European countries in a common effort to deter war. With our allies, the combination of our joint wealth, manpower, and military forces, provides for the United States and Western Europe a balance which more than matches the power and the economic resources of the Soviet Union and its allies. Given the existing military strength and economic resources of the Soviet Union and its allies, it is in our interest to have a strong NATO.

By this, I do not mean reductions cannot be made. But, if NATO reduces its forces, it must do so under two conditions—conditions that seem to me reasonable. If we are at parity now with the Warsaw Pact, reductions that are made in NATO should be made mutually by both superpowers. Comparable reductions would have to be made by the Warsaw Pact forces.

There is much talk about the possibility of a mutual reduction of forces in Europe. If the United States withdraws its forces unilaterally and effects a unilateral disarmament of NATO, I see very little possibility that the Soviet Union would consider a reduction of its own forces.

And, second, it only makes sense to make no unilateral reductions unless they are a result of a joint decision of all the NATO allies.

I do not know, and none of us knows Soviet intentions. It seems unlikely that a sensible government would take military action that could lead to war and nuclear war. But we do remember Czechoslovakia, we see the growing strength of Soviet conventional and strategic forces, and Soviet movement into the Midwest and Mediterranean. We know that NATO must have had effect in deterring action in Europe.

We should recall that in 24 hours the Soviet Union moved 24 divisions into Czechoslovakia including an airborne division. It did this overnight and snuffed out a hope—I hope it is not the last hope of freedom and independence in that country. At the same time the Soviet Union proclaimed a new doctrine in international history and law, that it had authority to intervene in any of the so-called socialistic countries. How that doctrine might be extended, we have no way of knowing.

I am hopeful at this time when the Soviet Union and the United States are encouraged in negotiations to halt the strategic nuclear arms race; at a time when intiatives are being taken toward a settlement of issues which have caused tension and threatened the peace in Europe, as evidence by West German efforts toward a treaty with the Soviet Union and Poland and bettering relations with East Germany; and at a time when the four powers are attempting to settle the difficult questions concerning Berlin; at a time when the countries of Europe are moving toward greater unity we will not take this step toward disunity, toward a "trip wire" nuclear strategy, toward a lessening of our security.

For these reasons, I cannot support Senator Mansfield's amendment, and I would urge the Senate to continue its support of the NATO alliance at its present levels, until such time as mutual reductions of forces by the two opposing pacts can be made. I think greater efforts should be directed toward this end, but, in the meantime, I believe the present course to be the correct one.

In my view, NATO is vital to American security. In the present day in Vietnam, we are engaged in a war and in an area which I do not believe is vital to our security. The Congress and the country desire to get out of the entanglement of Vietnam, with its cost in lives and treasure. We are extricating ourselves from that tragic involvement, but we should not unwisely withdraw from an alliance which has brought us security in the past and which continues to have meaning now.

I consider the maintenance of our present position in NATO under all these conditions an instrument of peace.

EXHIBIT 1

APPENDIX I

TABLE 1.—WORLDWIDE NATO AND THE WARSAW PACT, MID 1970

	NATO[1]	Warsaw pact
Manpower:		
Army	3,360,500	2,822,000
Navy	1,029,500	529,500
Air Force	1,340,250	574,000
Total men	5,730,250	3,925,500
Combat aircraft	10,074	12,535
Nominal combat aircraft value	$30,600,000,000	$19,200,000,000
Total Defense budget	$75,526,000,000	[2] $47,158,000,000

[1] Excludes U.S. manpower, combat aircraft, and portion of Defense budget dedicated to Vietnam. Includes France.

[2] At U.S. prices. That is, the United States could "buy" the Warsaw Pact Forces—pay the men at our pay scales and build the equipment in our own factories—for about $47,200,000,000 per year.

TABLE 2.—WORLDWIDE NATO AND WARSAW PACT FORCES, OCTOBER 1968

[Excluding United States increases for Vietnam]

	NATO	Warsaw Pact
Manpower:		
Army/Marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air Force	1,400,000	880,000
Total men	[1] 5,470,000	4,200,000
Tactical aircraft:		
Total inventory	11,500	9,000
Nominal inventory value	$27,000,000,000	[2] $16,000,000,000
Total Defense budget	[3] $75,000,000,000	[4] $50,000,000,000

[1] This total includes the forces of France.

[2] Approximate.

[3] Does not include United States costs for Vietnam.

[4] At U.S. prices. That is, the United States could "buy" the Warsaw Pact Forces—pay the men at our pay scales and build the equipment in our own factories—for about $50,000,000,000 per year.

TABLE 3.—THE MILITARY BALANCE BETWEEN NATO AND THE WARSAW PACT, 1970

	Northern and Central Europe			Southern Europe		
Ground formations	NATO	Warsaw Pact	(Of which U.S.S.R.)	NATO	Warsaw Pact	(Of which U.S.S.R.)
CATEGORY						
Ground forces available to commanders in peacetime (in division equivalents):						
Armored	8	31	19	6	12	3
Infantry, mechanized and airborne	16	38	21	28	22	3
Manpower (in thousands):						
Combat and direct support troops available	580	900	585	525	370	74

	Northern and Central Europe			Southern Europe		
Ground formations	NATO	Warsaw Pact	(Of which U.S.S.R.)	NATO	Warsaw Pact	(Of which U.S.S.R.)
Tanks: Medium/heavy tanks available to commanders in peacetime	11,000	14,000	8,000	2,100	5,000	1,400
Air forces: Tactical aircraft in operational service:						
Light bombers	16	240	200		30	30
Fighter/ground attack	1,400	1,300	1.000	600	200	50
Interceptors	350	2,000	900	250	850	450
Reconnaissance	400	400	300	100	100	40

TABLE 4.—THE MILITARY BALANCE BETWEEN NATO AND THE WARSAW PACT, 1969

Ground formations	Northern and Central Europe: NATO	Northern and Central Europe: Warsaw Pact	Northern and Central Europe: (Of which U.S.S.R.)	Southern Europe: NATO	Southern Europe: Warsaw Pact	Southern Europe: (Of which U.S.S.R.)
CATEGORY						
Ground forces available to commanders in peacetime (in division equivalents):						
Armored	8	30	19	6	11	3
Infantry, mechanized and airborne	16	35	20	27	23	4
Manpower (in thousands):						
Combat and direct support troops available	600	925	600	525	375	100

Ground formations	Northern and Central Europe: NATO	Northern and Central Europe: Warsaw Pact	Northern and Central Europe: (Of which U.S.S.R.)	Southern Europe: NATO	Southern Europe: Warsaw Pact	Southern Europe: (Of which U.S.S.R.)
Tanks: Medium/heavy tanks available to commanders:						
In peacetime	5,250	12,500	8,000	1,800	4,600	1,300
Air forces: Tactical aircraft in operational service:						
Light bombers	50	260	220	----------	60	60
Fighter/ground attack	1,150	1,285	820	550	215	105
Air forces: Tactical aircraft in operational service:						
Interceptors	450	2,000	885	300	860	295
Reconnaissance	400	250	220	125	50	40

APPROXIMATE STRENGTHS OF MILITARY FORMATIONS

Country	Division (in men): Infantry	Division (in men): Armor	Division (in men): Airborne	Infantry brigade (in men)	Squadron (in aircraft): Bomber/fighter-bomber	Squadron (in aircraft): Fighter	Squadron (in aircraft): Transport
United States	16,000	15,500	13,500	4,000-5,000	12-15	18-25	16
Soviet Union	10,000	8,250	7,000	2,000	9-10	10-12	8-10
China	12,000-14,000	10,000	6,000	3,000	9-10	10-12	8-10
Britain	12,000-15,000	12,000-15,000	----------------	4,000-6,000	8-10	12-14	9-12
France	14,000	16,000	14,000	3,500-4,000	4-12	12-15	16
Germany (West)	15,500	14,500	----------------	3,000-4,000	15-20	15-20	12-18

Sources: Department of Defense, Office of Systems Analysis; The Military Balance, 1970-71, Institute of Strategic Studies, London.

APPENDIX II

TABLE I.—NATO AND WARSAW PACT FORCES (CENTER REGION) MID-1970

	NATO	Warsaw Pact
Land forces—M-Day:		
Divisions	[1] 22	[2] 45
Manpower in divisions	319,000	384,000
Manpower in divisions forces	725,000	591,000
Riflemen (NATO as percent of Pact)	98	-------------
Equipment (NATO as percent of Pact):		
Tanks	[3] 85	-------------
Antitank weapons	150	-------------
Armored personnel carriers	130	-------------
Artillery and mortars (number of tubes)	[4] 100	-------------
Divisional logistic lift	150	-------------
Total vehicles	135	-------------
Engineers (percent)	137	-------------

	NATO	Warsaw Pact
Tactical air forces:		
Combat aircraft	2,000	2,500
Percentage of force by mission deployed in Europe	20	40
Percentage of force by mission capability (Center Region):		
Primarily interceptors	10	42
Multipurpose fighter/attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total (percent)	100	100

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[1] Includes 5 French divisions.

[2] 22 of which are Soviet, and 23 of which are East European, including 8 Czech.

[3] NATO tanks are generally more modern. The "relative weakness" in tanks reflects NATO's essentially defensive role.

[4] NATO is likely to have superior firepower because of the greater lethality of its ammunition and the logistic capability to sustain higher rates of fire.

Note: Effectiveness—NATO has some superiority in sophistication of equipment, (i.e. payload loiter capability) the capability of its aircrews, which have in general higher training standards and fly more hours, and the versatility of its aircraft. The NATO countries also have a world wide inventory of aircraft far greater than that of the Warsaw Pact and in a situation where total reinforcement can be taken into account would have the greater capability.

TABLE II.—CENTER REGION NATO AND WARSAW PACT FORCES, MID-1968 DATA [1]

	NATO [2]	Warsaw Pact [3]
Land forces—M-Day		
Divisions	28⅔	46
Manpower in divisions	389,000	368,000
Manpower in divisions forces	677,000	619,000
Riflemen (NATO as percent of Pact)	100	-------------
Equipment (NATO as percent of Pact):		
Tanks	60	-------------
Antitank weapons	150	-------------
Armored personnel carriers	130	-------------
Artillery and mortars (number of tubes)	100	-------------
Divisional logistic lift	150	-------------
Total vehicles	135	-------------
Engineers (percent)	137	-------------

	NATO [2]	Warsaw Pact [3]
Tactical air forces:		
Number of deployed aircarft	2,100	2,900
Percentage of force by mission deployed in Europe	20	4
Percentage of force by mission capability (Center Region):		
Primarily interceptors	10	42
Multipurpose fighter/attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total (percent)	100	100
Effectiveness indicators (NATO as percent of pact):		
Payload	280	-------------
Typical loiter time	[4] 250-500	-------------
Crew training	180	-------------

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[1] These data relate to the situation prior to the Czechoslovakian crisis. Revised figures have not yet been established but they are unlikely to make a significant difference in the rough balance portrayed in this table. Center region includes West Germany, Belgium, Netherlands, and France for NATO; East Germany, Poland, and Czechoslovakia for the Pact.

[2] Includes 5 French divisions.

[3] 22 of which are Soviet, and 24 of which are East European, including 8 Czech.

[4] Range depends on tactical mission profile assumed.

TABLE III-A.—MEDIUM-HEAVY TANKS AVAILABLE TO COMMANDERS, MID-1970

	NATO	Warsaw Pact	(Of which U.S.S.R.)
Northern and Central Europe: In peacetime	11,000	14,000	8,000
Southern Europe: In peacetime	2,100	5,000	1,400
Total Europe: In peacetime	13,100	19,000	9,400

TABLE III-B.—MEDIUM-HEAVY TANKS AVAILABLE TO COMMANDERS[1] 1968-69

	NATO	Warsaw pact	(Of which U.S.S.R.)
Northern and Central Europe:			
In peacetime	4,800	11,500	6,000
After mobilization of 1st-line reserves	6,100	14,600	6,750
Southern Europe:			
In peacetime	1,600	4,300	1,100
After mobilization of 1st-line reserves	1,800	5,500	2,600
Total Europe:			
In peacetime	6,400	15,800	7,100
After mobilization of 1st-line reserves	7,900	20,100	9,350

[1] NATO is estimated to have on average some 50 percent more antitank weapons.

Sources: Department of Defense, Office of Systems Analysis. The Military Balance, 1970-71 Institute of Strategic Studies, London.

APPENDIX III

U.S. military personnel in EUCOM—1950-70—As of Dec. 31

1950	145,000
1951	346,000
1952	405,000
1953	427,000
1954	404,000
1955	405,000
1956	398,000
1957	393,000
1958	380,000
1959	380,000
1960	379,000
1961	417,000
1962	316,000
1963	380,000
1964	374,000
1965	363,000
1966	366,000
1967	337,000
1968	316,000
1969	300,000
1970 (June)	300,000

SOURCES.—Department of Defense, Office of Systems Analysis; The Military Balance, 1970-71, Institute of Strategic Studies, London.

1.—ESTIMATES OF COMPARATIVE STRATEGIC STRENGTHS UNITED STATES AND SOVIET UNION

(A) NUCLEAR STRIKE FORCES

Category	United States Type	United States Number	Soviet Union Type	Soviet Union Number
Land-based missiles:				
ICBM	LGM-25C Titan 2	54	SS-7 Saddler SS-8 Sasin	220
	LGM-30B Minuteman 1 LGM-30F Minuteman 2	990	SS-9 Scarp	240
	LGM-30G Minuteman 3	10	SS-11	800
			SS-13 Savage	40
IRBM			SS-5 Skean	100
MRBM			SS-4 Sandal	600
SRBM	MGM-31A Pershing	(250)	SS-1b-d Scud A-C SS-12 Scaleboard	(300)
	MGM-29A Sergeant	(500)		
Cruise missiles			SSC-1 Shaddock	(100)
Sea-based missiles:				
SLBM (nuclear subs).	UGM-27B Polaris A2	208	Serb	45
	UGM-27C Polaris A3	448	SS-N-6	160
SLBM (diesel subs)			Sark	75
Cruise missiles (subs).			Shaddock	310
Cruise missiles (surface vessels).			do	52
Aircraft:				
Long-range bombers.	B-52 C-F	250	Mya-4 Bison	40
	B-52 G/H	255	Tu-20 Bear	100
Medium-range bombers.	FB-111	35	Tu-16 Badger	[b] 500
Strike aircraft (land-based).	F-105D F-4 F-111A/D A-7D	(1,200)	Tu-22 Blinder Yak-28 Brewer Su-7 Fitter Mig-23 Foxbat [e]	(1,000)
Strike aircraft (carrier-based).	A-4 A-6A A-7A RA-5C	(900)		

2. MAJOR NUCLEAR DELIVERY VEHICLES 1970

(a) MISSILES (UNITED STATES OF AMERICA)

Category [a] and type	Propellant [b]	Maximum range [c] (statute miles)	Estimated warhead yield [d]	In service
ICBM:				
LGM-25C Titan 2	SL	7,250	5-10 MT	1962
LGM-30B Minuteman 1	S	7,500	1 MT	1962
LGM-30F Minuteman 2	S	8,000	1-2 MT	1966
LGM-30G Minuteman 3	S	8,000	3X200 KT	1970
SRBM:				
MGM-31A Pershing	S	460	KT range	1962
MGM-29A Sergeant	S	85	KT range	1962
SLBM:				
UGM-27B Polaris A2	S	1,750	800 KT	1962
UGM-27C Polaris A3	S	2,880	1 MT 3X200 KT [e]	1964

(b) MISSILES (UNION OF SOVIET SOCIALIST REPUBLICS)

Category [a] and type [f]	Propellant [b]	Maximum range [c] (statute miles)	Estimated warhead yield [d]	In service
ICBM:				
SS-7 Saddler	SL	6,900	5 MT	1961
SS-8 Sasin	SL	6,900	5 MT	1963
SS-9 Scarp	SL	7,500	20-25 MT[g]	1965
SS-11	SL	6,500	1-2 MT	1966
SS-13 Savage	S	5,000	1 MT	1968
IRBM[h]: SS-5 Skean	SL	2,300	1MT	1961
MRBM[i]: SS-4 Sandal	L	1,200	1 MT	1959
SRBM:				
SS-Ib-d Scud A-C	SL	50-500	KT range	1957
S-12 Scaleboard	SL	500	MT range	[j] 1969
Cruise missile: SSC-1 Shaddock	J	290	KT range	1962
SLBM:				
Sark[k]	SL	350	MT range	1961
Serb	SL	750	do	1964
SS-N-6	SL	1,750	do	1969

(c) EUROPEAN THEATRE NUCLEAR WEAPONS

NATO has some 7,000 nuclear warheads, deliverable by a variety of vehicles, some 2,250 in all, aircraft, short-range missiles and artillery. There are also nuclear mines. Yields are in the kiloton and subkiloton range. The ground based missile launchers and guns are organic to formations down to divisions and are operated both by American and allied troops, but in the latter case under double key. The figure for Soviet warheads is probably about 3,500, delivered by roughly comparable aircraft and missile systems. Some of the delivery vehicles, but not the warheads, are in the hands of non-Soviet Warsaw Pact forces.

This comparison of nuclear warheads must not be looked at in quite the same light as the conventional comparisons preceding it, since on the NATO side the strategic doctrine is not and cannot be based on a use of such weapons on this sort of scale. These numbers were accumulated to implement an earlier, predominately nuclear, strategy and an inventory of this size now has the chief merit of affording a wide range of choice of weapons, yield and delivery system if controlled escalation has to be contemplated. A point that does emerge from the comparison however is that the Soviet Union has the ability to launch a battlefield nuclear offensive on a massive scale if she should choose, or to match any NATO escalation with broadly similar options.

Sources: Department of Defense, Office of Systems Analysis. The Military Balance, 1970–71, Institute of Strategic Studies, London.

(d) SUMMARY OF U.S.–U.S.S.R. STRATEGIC FORCE POSTURE, OCTOBER 1970

	United States		U.S.S.R.[1]		
Delivery vehicle	Number	Approximate yield (megatons)	Type	Approximate number	Approximate yield (megatons)
ICBM's (fixed land based):					
Titan	54	>5	SS-9	[2] 260	25
Minuteman	[3] 1,000	1	SS-11, 13	[4] 800	1
			Old models	220	>1
ICBM total	1,054			[5] 1,280	
SLBM's on nuclear subs	[6] 656	1		[7] 238	1
Missile total	1,710			1,518	
Intercontinental bombers:					
B-52, FB-111	[8] 550	(9)	Bison and Bear	[8] 150	(9)
Delivery vehicle total:	[10] 2,260			[10] 1,668	

[1] The Soviet force levels were obtained from Secretary Laird's fiscal year 1971 defense program and budget, February 1971, updated by more recent DOD statements and allowances for construction in February.

[2] About 40–50 more SS–9 launchers are under construction. The SS–9 has been tested with 3 MRV's each with a yield capability of 5 megaton. The SS–9 could launch a FOBS instead of simple ballistic re-entry vehicles, but the yield would be much less than 25 megaton.

[3] 50 percent of Minutemen are being converted to carry 3 MIRV's.

[4] About 100 additional SS–11's and SS–13's are under construction. The SS–11 has been tested with 3 MRV's.

[5] Soviets are presently adding about 50 SS–9 and 100 SS–11 and SS–13 launchers per year.

[6] Some Polaris SLBM's carry 3 MRV's with a total yield somewhat less than 1 megaton. United States is replacing Polaris missiles with Poseidon carrying 10 MIRV's on 31 subs; 8 subs now in shipyards and first goes to sea January 1971.

[7] U.S.S.R. has additional 15 subs with total 241 SLBM's under construction; and is capable of continued construction of 6–8 Polaris type subs per year. The Soviets have additionally diesel subs with SLBM's and cruise type missiles which are not believed to be primarily for strategic targets in the United States.

[8] No additional bomber deployment occurring; United States developing B–1 as replacement for B–52. The Soviets have medium range bombers and the U.S. carrier based and tactical aircraft not designed primarily for strategic use against the United States and the United Soviet Socialist Republic. Both the United States and the United Soviet Socialist Republic have additional aircraft configured as tankers.

[9] Megatonnages for bombers not included since this varies from mission to mission, but United States has a substantial advantage in total bomber payload capability. If included in the overall total megatonnage, the U.S. total would be equal or greater than that of the United Soviet Socialist Republic.

[10] The United States would have a total of more than 4,200 nuclear weapons (warheads and bombs) and the United States Socialist Republic, 1,950. The United States total will rise to nearly 10,000 by the mid 1970's.

Source: The Department of Defense. Federation of American Scientists.

(At this point, Mr. CURTIS assumed the chair.)

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. COOPER. I am happy to yield.

Mr. STENNIS. I know how concerned the Senator from Kentucky has been with regard to this entire problem. I look upon him as one of the fathers of NATO and we owe him a debt of gratitude for his work.

I wish to ask the Senator whether, based on his background, everything considered, he thinks, even though we might have paid somewhat more than our part, that this alliance has been highly successful and beneficial for the free world?

Mr. COOPER. Absolutely. We cannot say categorically what would have happened if we did not have this alliance. Except for the movement into Czechoslovakia, and it is not in the NATO area, there has been no movement in Western Europe. The alliance has helped in other ways. It has helped to bring about closer economic and political unity in Europe.

If we wanted to consider this amendment purely on a monetary basis, and if it had no bearing on our security, it should be passed unanimously. But we cannot separate NATO and our position in NATO from our own security. If the Senate will look at it in those terms and as I have said, I do not believe the concept can be challenged, this proposal adversely affects the security of the United States.

Others will discuss the balance of payments and monetary problems, but those problems are not going to be solved by this amendment. There is a very tenuous relationship between our balance-of-payments problem and NATO, and I can see little relationship with the recent monetary issue.

If it is costing $14 billion a year—not just for the troops in Europe but all our forces in Europe, those in the 6th Fleet, and in the United States with a NATO mission—and if it is preventing the likelihood of war, I think it is the best money that can be spent.

Mr. STENNIS. I agree with the Senator. I point out that a great part of this $14 billion goes to create and support military forces that we can use and have used in other parts of the world. We have some of those forces today in Vietnam, and we have had for some years.

I agree with the Senator in what he said about the good effect the resolution of the Senator from Montana has had over the years.

Along with the Senator from Kentucky, I shared membership in the delegation representing the United States at the Brussels conference in 1968 where each of us urged our allies to carry a greater part of the load to be carried, and we referred to this very resolution. So good has come from it. The Mansfield resolution is not an evil thing.

Mr. COOPER. No.

Mr. STENNIS. Then, too, the amendment is in the wrong form and the abruptness of it and its totality will do more harm than good.

Mr. COOPER. The Senator from Montana, the majority leader, deserves great credit. His sense of the Senate resolutions have had a good effect. The Senator from Mississippi has been to those meetings he mentioned, and has also talked to our NATO representatives of Western Europe. All of us have urged in those meetings greater effort on the part of our European allies. Now they are making the effort. They will be detailed. I know larger efforts are being made now than before, and there is better agreement between the United States and our allies.

It would be unfortunate if we took a step that would halt, discourage or undercut these efforts.

Mr. STENNIS. I might add that it would take some considerable time to repair the damage within our alliance as well as to overcome the encouragement that would be given to the Soviet Union if this amendment should pass.

Mr. COOPER. Yes. There are many specifics that can be stated about our strength. Efforts are being made to strengthen NATO by the European members. They have taken sole leadership with respect to infrastructure facilities.

We have to look at this matter in terms of the security of the United States. Others have talked about the result which I believe would occur if we should, in effect, withdraw, because with 150,000 men out of our forces there, with their equipment, skill, and leadership, it would be a withdrawal in effect, and it would have the practical consequence which the Senator from New York (Mr. JAVITS) spoke about yesterday.

I have been interested in this issue for many years and for the last 4 or 5 years I have attended the meetings of the NATO Assembly in Europe. During our Easter recess I went to Germany for the very purpose of learning what progress was being made. I talked to General Goodpaster. He gave me concrete evidence of what is being done. I talked at length with General de Maziere, whose position corresponds to the Chief of our Joint Chiefs of Staff. He was clear and precise about what is being done. I talked to civil officials and I came back believing that greater progress is being made now than has been made for years.

Mr. STENNIS. Mr. President, the Senator has made a remarkable statement. The Senator has been very intimately associated with these efforts year after year and I am encouraged to hear the statement he has just made. I am sure other Senators will be so also. I commend the Senator for showing such a fine knowledge on this subject which will be so helpful to his colleagues. I hope that all of our colleagues have a chance to read his remarks.

The analysis which the Senator gave in dollars and manpower was very good, indeed, and the Senator's comments about the conventional war weapons concept, if we have nothing except the nuclear capacity it increases the possibility it might be used, which is almost unthinkable.

Mr. COOPER. Yes. Mr. President, if the United States must rely on the use of tactical nuclear weapons, it could escalate into an all-out nuclear war which is unthinkable. I know no one in Congress wants this to occur. No one in this country wants it to occur.

Mr. STENNIS. Nor does anyone want to take a chance on it.

Mr. COOPER. And we do not want to take a chance. That is what we would be doing.

Mr. STENNIS. I congratulate the Senator.

As I understand his interpretation, should this amendment become law, it would be his opinion that a unilateral withdrawal by us absolutely would preclude any negotiations for reduction of forces with the Warsaw Pact countries, at least for the time being.

Mr. COOPER. It would in my view preclude successful negotiations if the United States unilaterally withdraws the bulk of our forces and our strength there. I do not think we would have anything to talk about.

Mr. STENNIS. I thank the Senator again, and thank him warmly.

Mr. COOPER. I thank the Senator from Mississippi for his courtesy and for his great contribution in this field.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the Senator from Vermont (Mr. PROUTY) to attend the 24th assembly, World Health Organization to be held at Geneva, Switzerland, May 4–21, 1971.

The Chair, on behalf of the Vice President, appoints the Senator from New York (Mr. JAVITS) to attend the International Labor Conference to be held at Geneva, Switzerland, June 2–24, 1971.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock tomorrow morning. Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Utah (Mr. Moss) will be recognized for not to exceed 15 minutes, and he will be followed by the distinguished Senator from Alaska (Mr. GRAVEL) who will be recognized for not to exceed 15 minutes, upon the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the close of the period for the transaction of routine morning business, the unfinished business, H.R. 6531, will be laid before the Senate.

Under the previous order, the rule of germaneness, paragraph 3 of rule 8 of the Standing Rules of the Senate, will extend for a period of 5 hours, beginning with the laying before the Senate of the unfinished business.

ADJOURNMENT TO 10 A.M.

Mr. GRAVEL. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 14, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 13, 1971:

U.S. CIRCUIT COURT

William H. Timbers, of Connecticut, to be a U.S. circuit judge, second circuit, vice Robert P. Anderson, retired.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Merlin K. DuVal, Jr., of Arizona, to be an Assistant Secretary of Health, Education, and Welfare.

IN THE AIR FORCE

The following officers to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Richard P. Klocko, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Robert H. Warren, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Walter Edward Lotz, Jr., U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Welborn Griffin Dolvin, [redacted], U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Cecil Walton Hospelhorn, [redacted], U.S. Army.

Col. Alan Ross Toffler, [redacted], U.S. Army.

Col. Chester M. McKeen, Jr., [redacted], U.S. Army.

Col. Charles Raymond Sniffin, [redacted], U.S. Army.

Col. Sylvan Edwin Salter, [redacted], U.S. Army.

Col. Nikitas Constantin Manitsas, [redacted], U.S. Army.

Col. Joseph Edward McCarthy, [redacted], U.S. Army.

Col. Lawrence Edward Van Buskirk, [redacted], U.S. Army.

Col. Arthur Pancratius Hanket, [redacted], U.S. Army.

Col. George Washington Connell, Jr., [redacted], U.S. Army.

Col. Anthony Frank Daskevich, [redacted], U.S. Army.

Col. James Arthur Herbert, [redacted], U.S. Army.

Col. Gordon Sumner, Jr., [redacted], U.S. Army.

Col. Richard Luther West, [redacted], U.S. Army.

Col. Robert Wallace Fye, [redacted], U.S. Army.

Col. Lawrence Hall Williams, [redacted], U.S. Army.

Col. Roscoe Conklin Cartwright, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Orville Leroy Tobiason, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James Michael Templeman, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert Redman, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Joseph D'Ambrosio, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James Frank Hamlet, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Marvin Don Fuller, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Thomas Pink, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William John Whelan, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Willard Warren Scott, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William Savage Hathaway, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James Allen Johnson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Miller Montague, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joshua Koch, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Rutherford McGiffert, II, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. John Love Gerrity, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Elwood Hoover, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Philip Thomas Boerger, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Jacob Baer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Fremont Byron Hodson, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. John Robin Davis Cleland, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William Loyd Webb, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Vincent dePaul Gannon, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Dorward Weston Ogden, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert James Proudfoot, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Garland Andrews Ludy, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Lucius Gordon Hill, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Norman Junior Salisbury, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Lee Kirwan, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Oliver Williams Dillard, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Wilton Burton Persons, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Wayne Stanley Nichols, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Henry William Hill, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Hugh James Bartley, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Pat William Crizer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Anthony Bresnahan, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Leo Dalton Turner, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Calvin McWhorter, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert Ronald Escola, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Oliver Day Street III [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Philip Robert Feir, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Marion Collier Ross, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Leo Eugene Soucek, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Milton Eugene Key, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Clay Thompson Buckingham, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Homer Samuel Long, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Carroll Nance LeTellier, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Paul Kingston, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Ernst Edward Roberts, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Miller Timmerberg, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Billy Mills Vaughn, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Kirby Lamar, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Lew Morton, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Michael Daniel Healy, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Davis O'Neill Morris, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Harry Boyes, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Francis Gorman, [redacted], Army of the United States (major, U.S. Army).

Col. Albert Benjamin Crawford, Junior, [redacted] Army of the United States (major, U.S. Army).

Col. William Rowland Richardson, [redacted] Army of the United States (major, U.S. Army).

Col. Leslie Ray Sears, Junior, [redacted], Army of the United States (major, U.S. Army).

Col. Richard Lee Harris, [redacted], Army of the United States (major, U.S. Army).

Col. John Adams Wickham, Junior, [redacted] Army of the United States (major, U.S. Army).

Col. David Hardy Sudderth, Junior, [redacted] Army of the United States (major, U.S. Army).

Col. Richard Horner Thompson, [redacted] Army of the United States (major, U.S. Army).

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

CHAPLAIN CORPS

To be major

Goetz, Charles T., [redacted]

To be captain

Arthur, Donald E., [redacted]
Barr, Russell W., [redacted]
Beckstrom, Edward A., [redacted]
Black, Thomas W., Jr., [redacted]
Dawson, Lewis E., [redacted]
Feely, Patrick F., [redacted]
Gallagher, Ronald E., [redacted]
Geller, Selwyn G., [redacted]
Halstead, Philip E., [redacted]
Highsmith, Darrell C., [redacted]
Lee, William L., [redacted]
McCulloh, Ralph E., [redacted]
Mosley, Larry D., [redacted]
Quates, Henry E., Jr., [redacted]
Skipper, Bryant R., [redacted]
Smith, Donald R., [redacted]
Wagener, John M., [redacted]

To be first lieutenant

Ashley, Michael D., [redacted]
Calhoun, William E., [redacted]
Harnyak, Gregory J., [redacted]
Hatela, Robert S., [redacted]
Nuxoll, James H., [redacted]
Patrick, John H., [redacted]
Richart, Paul F., [redacted]
Samf, David A., [redacted]
Sazy, Michael J., [redacted]
Shealy, Walter W., [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be major

Smith, Roy L., [redacted]

To be captain

Angle, Swanson, W., [redacted]
Call, Wendell D., [redacted]
Crawford, Russell, E., Jr., [redacted]
Miles, James R., [redacted]
Miller, Edward B., [redacted]
Phillips, William R., [redacted]
Piper, James P., [redacted]
Raichle, Mildred L., [redacted]
Vandoren, Emerson R., [redacted]

To be first lieutenant

Alburn, Cary R., III, [redacted]
Allen, Shelby L., III, [redacted]
Amundson, Frederick J., [redacted]
Arroyo, Joseph A., [redacted]
Babington, Charles M., III, [redacted]
Barton, William B., Jr., [redacted]
Bauman, Marion C., [redacted]
Birkeland, John H., [redacted]
Blair, Marshall W., [redacted]
Blust, Larry D., [redacted]
Booth, Kevin E., [redacted]
Brandt, Richard E., [redacted]
Brasfield, Jeffrey H., [redacted]
Bristol, Matt C. C., III, [redacted]
Brock, Richard W., [redacted]
Cooper, Leon E., Jr., [redacted]
Costley, John V., Jr., [redacted]
Debey, A. B., [redacted]
Demarco, Anthony J., [redacted]
Dorr, Richard E., [redacted]
Douglass, Daniel D., Jr., [redacted]
Durden, Robert R., [redacted]
Egeland, Andrew M., Jr., [redacted]
Forbes, John G., Jr., [redacted]
Foxman, Stephan J., [redacted]
Frederick, Ronald A., [redacted]
Galligan, Michael J., [redacted]
Gargiulo, Robert G., [redacted]
Gray, Dennis M., [redacted]
Griffin, Gerald A., [redacted]
Harding, David M., [redacted]
Hart, Eugene F., Jr., [redacted]
Hay, Michael T., [redacted]
Hemann, John L., [redacted]
Hoppe, Allen B., [redacted]
Horman, Russell T., [redacted]
Hurd, Elisha B., Jr., [redacted]
Johnson, John T., [redacted]
Kelly, Edward L., Jr., [redacted]
Kiefer, Paul A., [redacted]
Kirwan, Peter M., [redacted]
Knox, Michael R., [redacted]
Kuhn, Fredolin W., [redacted]
Kummer, Thomas F., [redacted]
Lahendro, Albert L., [redacted]
Lien, John D., [redacted]
MacGregor, Thomas G., [redacted]
Maxwell, Earl L., Jr., [redacted]
McCabe, Harry L., [redacted]
McIver, Claud L., III, [redacted]
McNeace, Lewis B., Jr., [redacted]
Meek, Philip A., [redacted]
Miller, Gordon H., [redacted]
Moye, John E., [redacted]
Novak, Richard A., [redacted]
Padletti, Charles J., [redacted]
Peaco, James W., Jr., [redacted]
Phillips, Cary A., [redacted]
Puett, Jimmy D., [redacted]
Rippon, Harry J., [redacted]
Rothenburg, Richard F., [redacted]
Rubinstein, Karl L., [redacted]
Schlechter, Alvin E., [redacted]
Scollan, Joseph C., [redacted]
Shackleford, Thomas D., [redacted]
Shaw, Walter I., [redacted]
Shine, Gerald P., Jr., [redacted]
Silliman, Scott L., [redacted]

Simonton, Stephen L. [redacted].
Smallridge, Gary C., [redacted].
Stevens, William G. [redacted].
Stillman, Steven J. [redacted].
Stouck, Vinson P. [redacted].
Sweeney, Patrick C. [redacted].
Tate, Robert W., II [redacted].
Tatum, Edwin B. [redacted].
Terry, Clay A., [redacted].
Thrasher, Elwin R., Jr. [redacted].
Vansant, John D. [redacted].
Waldrop, Olan G., Jr. [redacted].
Warren, Keith A., [redacted].
Watts, Michael R. [redacted].
Whitney, Richard F. [redacted].
Whitney, William D. [redacted].
Wolfe, Norman K. [redacted].
Wolfe, Richard S. [redacted].

MEDICAL CORPS

To be major

Ball, Thomas P., Jr. [redacted].
Cheng, Alfred K. [redacted].
Erickson, Clark A. [redacted].
McIntosh, Duncan A. [redacted].
Schechter, Eliot [redacted].
Skinner, Odis D. [redacted].

To be captain

Armstrong, Rafael R. [redacted].
Barrocas, Albert, [redacted].
Bell, Owen C., [redacted].
Biedermann, Eric R. [redacted].
Blattman, John E. [redacted].
Bode, Frederick R. [redacted].
Borden, Lester L. [redacted].
Bornstein, Myer S. [redacted].
Bristow, John W. [redacted].
Britt, Darryl B. [redacted].
Buethe, Robert A., Jr. [redacted].
Cabreraramirez, Lorenzo [redacted].
Callen, Kenneth E. [redacted].
Campbell, John S. [redacted].
Carroll, Herma A., Jr. [redacted].
Daniels, David H., Jr. [redacted].
Dietz, James W., [redacted].
Dinenberg, Stephen [redacted].
Edwards, David A., Jr. [redacted].
Foshee, William S., [redacted].
Gaines, Larry S., [redacted].
Garcia, Raymond [redacted].
Garrott, Thomas C. [redacted].
Gendel, Charles L., [redacted].
Goldhahn, Richard T., Jr. [redacted].
Gray, Neal H., [redacted].
Harford, Francis J., Jr. [redacted].
Hawley, William J., [redacted].
Heffron, John P. [redacted].
Holmes, Scott L. [redacted].
Howard, Cleve W., [redacted].
Johnson, Matthew T. [redacted].
Kaplan, Michael F. [redacted].
Kaplan, Peter D. [redacted].
Klein, Michael R., Jr. [redacted].
Koop, Lamonte P. [redacted].
Krege, John W., [redacted].
Kuinick, Joel [redacted].
Labadiebelendez, Juan J. [redacted].
Lovelace, Raymond E. [redacted].
Luetje, Charles M. II [redacted].
Manning, Larry G. [redacted].
Martin, Harvey C. [redacted].
Martindale, Richard E., Jr. [redacted].
May, Gerald G., [redacted].
Mazzola, Robert D. [redacted].
McGee, James W. IV, [redacted].
McGovern, Thomas B. [redacted].
Michaelson, Edward D. [redacted].
Morrellcachado, Rene [redacted].
Notske, Robert N. [redacted].
Quinn, Robert J. II [redacted].
Ragsdale, Vernice D. [redacted].
Ransom, Richard W. [redacted].
Ray, John W. C., [redacted].
Reaves, Charles E. [redacted].
Riveracorrea, Hector P. [redacted].
Robison, Elmo J., Jr. [redacted].
Signorino, Charles E. [redacted].
Singal, Sheldon [redacted].
Sorauf, Thomas J. [redacted].
Stabler, Larry G. [redacted].
Tardy, Walter J., Jr. [redacted].
Taylor, William M., [redacted].
Thompson, Barry H. [redacted].
Ulrich, Richard A. [redacted].
Wasserman, James M. [redacted].
Wells, David M., [redacted].
Wiesmeier, Edward, Jr. [redacted].
Wilson, James M., [redacted].
Wooddell, William J., [redacted].
Wright, Dennis O. [redacted].
Wunder, James F. [redacted].

To be first lieutenant

Bearden, James D., III, [redacted].
Blumberg, Lawrence B. [redacted].
Borrero, Jose L., [redacted].
Bradshaw, Michael T. [redacted].
Bullock, Jerry L. [redacted].
Cadora, Donald F. [redacted].
Christman, James E. [redacted].
Davis, William M., [redacted].
Duncan, Roy D., [redacted].
Fragala, Mario R. [redacted].
Gardner, Albert E. [redacted].
Glass, Thomas F., III [redacted].
Griffin, John J., [redacted].
Hamilton, Marshall E. [redacted].
Heimburger, Steven L. [redacted].
Hill, McArthur O., [redacted].
Jackson, Bruce G. [redacted].
Keegan, Kirk A., Jr. [redacted].
Knauf, Daniel G. [redacted].
Loftus, Paul M. [redacted].
Lorenz, Kenneth A. [redacted].
Mack, Leo W., Jr. [redacted].
Maffet, Charles K. [redacted].
McLaughlin, Gary W. [redacted].
Orrison, William G. [redacted].
Page, Carey P. [redacted].
Parent, Richard E. [redacted].
Pfeifer, Donald M. [redacted].
Pryor, Ira J., [redacted].
Ruark, Glen W. [redacted].
Schwartz, Jonathan M. [redacted].
Speights, James W. [redacted].
Spigel, Stuart C. [redacted].
Tappan, James G. [redacted].
Taylor, Richard R., Jr. [redacted].
Tesoro, Leonard J. [redacted].
Vicik, Gary J., [redacted].
Wardinsky, Terrance D., [redacted].

DENTAL CORPS

To be captain

Barrickman, William A., III [redacted].
Cronin, Robert J. [redacted].
Kaiser, David A. [redacted].
Masin, William J. [redacted].
Milnarik, Ronald M., [redacted].
Safinski, Walter T. [redacted].
Sekavec, Jay G. [redacted].

To be first lieutenant

Alexander, Glen W. [redacted].
Benning, Allen N. [redacted].
Brennan, Mark E. [redacted].
Cohen, Robert B. [redacted].
Coleman, Steven L. [redacted].
Couvillion, Charles R. [redacted].
Downard, James E. [redacted].
Ewing, Evan Y., [redacted].
Eyman, Russell G. [redacted].
Hinson, Lanny C. [redacted].
Killian, William F., [redacted].
Kuhar, James R. [redacted].
Lawless, John E. [redacted].
Levitt, Herbert M. [redacted].
Miller, Donald L. [redacted].
Owen, James G., [redacted].
Read, Gill, [redacted].
Robison, Stephen F. [redacted].

NURSE CORPS

To be captain

Elliott, Michele A., [redacted].
Farmer, Roselma M. [redacted].
Gentile, Margaret A. [redacted].
Laorange, Brenda J. [redacted].
Roxby, Meriam A., [redacted].

To be first lieutenant

Allard, Sharon P. [redacted].
Allsup, Thomas M. [redacted].
Anderson, Barbara K. [redacted].
Anderson, Margaret G. [redacted].
Archangel, Linda M., [redacted].
Bartlett, Alayne L. [redacted].
Bischoff, Carol L. [redacted].
Bloemer, Diana C. [redacted].
Bowman, Phyllis J. [redacted].
Broadway, Myra A., [redacted].
Brockett, Wynona [redacted].
Brown, Claire P., [redacted].
Bruner, Marva A. [redacted].
Buhrmaster, Sue [redacted].
Burns, Miriam K. [redacted].
Butterfield, Janice P. [redacted].
Caporossi, Lucy M., [redacted].
Chura, Virginia M. [redacted].
Clagett, Frances N. [redacted].
Clark, Patricia A. [redacted].
Cogburn, Ann B. [redacted].
Cook, Virginia V. [redacted].
Cramer, Ladonn B. [redacted].
Cramer, Thelma J. [redacted].
Cunningham, Maridell [redacted].
Degen, Everett R., [redacted].
Dix, Patsy E., [redacted].
Donahue, Joanne T. [redacted].
Dowling, Janice M., [redacted].
Encke, Lynda V [redacted].
Fox, Jacqueline G. [redacted].
Fronczak, Ruth A. [redacted].
Garnett, Helen A., [redacted].
Gebhart, Eileen G. [redacted].
Gibson, Catherine A. [redacted].
Glancy, Carol A., [redacted].
Goering, Susan E. [redacted].
Goode, Gloria J., [redacted].
Gorman, Judith L. [redacted].
Gradwohl, Mary H., [redacted].
Gray, Pamela L., [redacted].
Green, Nancy L., [redacted].
Greenfeldt, Elene W. [redacted].
Greer, Sara E., [redacted].
Griggs, Elaine C., [redacted].
Haan, Maryanne [redacted].
Hanrahan, Eileen J. [redacted].
Hanson, Betty J. [redacted].
Heidemann, Kathleen J. [redacted].
Herrmann, Elise A. [redacted].
Hite, Patricia O. [redacted].
Hutcheson, Marsha B. [redacted].
Ingols, Darla T., [redacted].
Jilek, Susan J. [redacted].
Johnson, Sharon A. [redacted].
Jones, Frances P. [redacted].
Jordan, Marsha A. [redacted].
Kavouklis, Shirley R. [redacted].
Kinser, Brenda L. [redacted].
Kleinoeder, Kay L. [redacted].
Kliesen, Joyce E., [redacted].
Kutzner, Nancy A. [redacted].
Lamonica, Joan S. [redacted].
Lee, Elvira, [redacted].
Littlejohn, Mary K. [redacted].
Lovald, Jacquelyn A. [redacted].
Lunde, Phyllis E. [redacted].
Macomber, Sharon J. [redacted].
Magel, Nancy J., [redacted].
Marin, Beatrice M. [redacted].
Maroon, Hana J., [redacted].
McCray, Laura A., [redacted].
McDaid, Tarran K. [redacted].
McGhee, Shirley R. [redacted].
McHale, Susan M., [redacted].
McIntire, Tommie L. [redacted].
Mills, Thomas B., [redacted].
Minterfering, Georgann [redacted].
Moore, Judith H. [redacted].
Moore, Mary J., [redacted].
Morrow, Edward J., [redacted].
Nave, Jana G., [redacted].
Nelson, Christine L. [redacted].
Nelson, Mary J., [redacted].
Nenner, Victoria Anna [redacted].
Neston, Catherine E. [redacted].
Noble, Leslie A., [redacted].
Peele, Agnes L., [redacted].
Philpot, Mary J. [redacted].
Poplin, Blanche M. [redacted].
Powers, Abigail C., [redacted].
Ramirez, Silvina A. [redacted].
Reichenbach, Georgianna [redacted].
Reid, Jean M. G., [redacted].
Rezac, Barbara A., [redacted].
Rhone, Judith A. [redacted].

Richard, Jeanne C., [redacted]
Roberts, Ruby A., [redacted]
Rogenes, Kathryn A., [redacted]
Rogers, Charlotte E., [redacted]
Ruska, Elisabeth A., [redacted]
Sabinash, Gloria R., [redacted]
Sampsell, Dorothy I., [redacted]
Sapp, Jane E., [redacted]
Sarracco, Elizabeth, [redacted]
Schroeder, Linda, [redacted]
Scott, Sharon M., [redacted]
Seaborn, Dorothy M., [redacted]
Sico, Betty J., [redacted]
Smith, Elizabeth J., [redacted]
Swallow, Linda L., [redacted]
Tarshis, Ellen, [redacted]
Taylor, Louetta B., [redacted]
Thacker, Georgia I., [redacted]
Toole, Susan E., [redacted]
Trapp, Joanne, [redacted]
Trimmel, Rita A., [redacted]
Triplat, Penelope B., [redacted]
Troutman, Frederick W., [redacted]
Upchurch, Anna M., [redacted]
Walstra, Judith C., [redacted]
Waskowsky, Cynthia R., [redacted]
Weidauer, Harvey E., [redacted]
Westberry, Mary E., [redacted]
Wheeler, Mary A., [redacted]
Whitlaw, Sandra L., [redacted]
Widmer, Karan D., [redacted]
Wilcox, Carolyn E., [redacted]
Withrow, Charlene E., [redacted]
Witte, Arlene L., [redacted]
Wolfard, Judith A., [redacted]
Workman, Connie D., [redacted]
Wuchina, Mary A., [redacted]

To be second lieutenant

Daffin, Clyde E., [redacted]
Frey, Thomas D., [redacted]

VETERINARIAN CORPS

To be major

Persing, Ronald L., Jr., [redacted]

To be first lieutenant

Adkins, Terry O., [redacted]
Bloomberg, Mark S., [redacted]
Booth, Dean L., [redacted]
Bowman, Gary L., [redacted]
Brown, Lloyd P., [redacted]
Bullard, Charles G., [redacted]
Cornwell, Joseph M., [redacted]
Eisenbrandt, David L., [redacted]
Focke, John B., [redacted]
Goedeken, John A., [redacted]
Gunter, David F., [redacted]
Kay, James E., [redacted]
Konitz, Jack H., [redacted]
McClymonds, William F., [redacted]
McKoy, Peter B., [redacted]
Perniciaro, Peter A., Jr., [redacted]
Pletcher, John M., [redacted]
Rawlings, Clarence A., [redacted]
Ryan, Lawrence W., [redacted]
Scott, Michael V., [redacted]
Shafer, Richard L., [redacted]
Skaer, William C., [redacted]
Skalka, Dennis R., [redacted]
Sproul, Stephen K., [redacted]
Stokes, Mark H., [redacted]
Strickler, David W., [redacted]
Tremaine, Leslie M., [redacted]
Vandellen, Adrian F., [redacted]
Wansky, Michael A., [redacted]

MEDICAL SERVICE CORPS

To be first lieutenant

Baney, Dennis L., [redacted]
Breault, George A., [redacted]
Burchfield, Larry R., [redacted]
Champ, Raymond L., [redacted]
Cleary, John J., Jr., [redacted]
Cook, Wallace J., [redacted]
Criner, Jimmy A., [redacted]
Dorsey, Emmett E., [redacted]
Dudenbostel, Rayburn K., [redacted]
Elder, Timothy J., [redacted]
Fischelli, James R., [redacted]
Hale, John C., [redacted]
Hardy, William R., [redacted]
Hauser, Robert S., [redacted]
Hernandez, Ivan P., [redacted]
Holes, John E., [redacted]
Hughes, Frederick F., [redacted]
Hunter, Harold H., Jr., [redacted]
Jiru, Michael W., [redacted]
Kinder, Curtis J., Jr., [redacted]
Kuhn, William R., [redacted]
Lee, Jerry N., [redacted]
Lothes, John E., [redacted]
Marsh, Peter H., [redacted]
Maxwell, William K., [redacted]
McKown, James G., [redacted]
Miller, Donald G., [redacted]
Morton, Edward C., Jr., [redacted]
Newton, Duane W., [redacted]
Orsak, Peter M., [redacted]
Ortmann, Fred W., III, [redacted]
Packard, John W., Jr., [redacted]
Partridge, Stephen L., [redacted]
Pate, James T., Jr., [redacted]
Payton, Benjamin L., [redacted]
Rep, Gerald T., [redacted]
Russell, Sydney S., III, [redacted]
Ryan, Donald F., [redacted]
Shermer, Robert T., [redacted]
Szwast, Gary W., [redacted]
Vignes, Bert L., [redacted]
Vojtasko, Michael C., [redacted]
Wiblitzhouser, Kenneth F., [redacted]

To be second lieutenant

Baker, David J., [redacted]
Baldwin, George A., III, [redacted]
Best, Gordon W., [redacted]
Cochrane, John D., [redacted]
Daft, Rodger H., [redacted]
DeMarco, Frank J., III, [redacted]
Draper, Richard P., [redacted]
Dunkle, Jeffrey H., [redacted]
Escueta, Franklin T., [redacted]
Firmin, George T., Jr., [redacted]
Hawn, William E., [redacted]
Jefferson, William T., [redacted]
Karahalis, George G., [redacted]
Labash, John D., [redacted]
Lyons, Michael W., [redacted]
Maraz, Ronald N., [redacted]
Michie, Donald T., [redacted]
Sanders, Jimmy D., [redacted]
Willauer, Glenn R., [redacted]

BIOMEDICAL SCIENCES CORPS

To be major

Bernardini, Albert T., [redacted]
Metzger, Dorothy G., [redacted]

To be first lieutenant

Anderson, Gary D., [redacted]
Arnold, Barbara P., [redacted]
Auchter, Saundra A., [redacted]
Clark, Mary F., [redacted]
Crouse, Dan T., [redacted]
Hadden, David A., [redacted]
Hagan, Jarrell R., [redacted]
Harrop, Patricia, [redacted]
Hinders, Douglas E., [redacted]
Hofler, Margaret A., [redacted]
Jenkins, James L., [redacted]
Jones, Charles R., [redacted]
Latosi, Mary A., [redacted]
Lombard, Robert A., Jr., [redacted]
Maloney, David W., [redacted]
Mikeal, Judith M., [redacted]
Moore, Jerry L., [redacted]
Morris, Allan B., [redacted]
Murray, Joseph D., [redacted]
Novak, John E., [redacted]
Orrell, Doyle L., [redacted]
Peterson, William B., [redacted]
Schooler, Virginia K., [redacted]
Shank, Fred L., [redacted]
Shaver, Neil C., [redacted]
Smith, Jack R., [redacted]
Thelen, Terry J., [redacted]
Thomson, David F., [redacted]
Trimble, Ralph W., [redacted]
Varner, Harold L., [redacted]
Watson, Barbara A., [redacted]
Wilkerson, Lillard C., [redacted]

To be second lieutenant

Broderson, Alvin B., [redacted]
Brown, Phillip G., [redacted]
Brown, Ray D., [redacted]
Burr, John G., [redacted]
Buth, Jonathan A., [redacted]
Callahan, Richard A., [redacted]
Charpentier, Diane M., [redacted]
Christensen, William D., [redacted]
Costello, Richard J., [redacted]
Craig, Gerald H., [redacted]
Curry, Charles L., [redacted]
Elliott, Robert C., [redacted]
Emery, Michial M., [redacted]
Falkinham, Joseph O., III [redacted]
Gardner, Bertrand B., [redacted]
Greene, John R., Jr., [redacted]
Henderson, James C., [redacted]
Hoffnagle, Gale F., [redacted]
Hull, Warren R., [redacted]
Hundley, Kenneth E., [redacted]
Jackson, Jerry W., [redacted]
Krieg, Richard E., Jr., [redacted]
Lee, Kenneth W. Y., [redacted]
Leone, Charles H., [redacted]
McElwey, David W., [redacted]
McNutt, Gary R., [redacted]
New, Jerry T., [redacted]
Palermo, William J., [redacted]
Piltingsrud, Harley V., [redacted]
Ray, William C., [redacted]
Santos, Jose, [redacted]
Schiller, Ronald L., [redacted]
Sherman, Robert E., [redacted]
Shingler, Larry H., [redacted]
Simpson, Bruce G., [redacted]
Slaughter, James R., [redacted]
Sutay, Robert J., [redacted]
Valder, Stephen M., [redacted]
Vanek, Kenneth N., [redacted]
Weisenfels, Charles W., III, [redacted]
Wilkin, Elizabeth A., [redacted]
Woessner, William M., [redacted]
Wolcott, John H., [redacted]

MEDICAL SPECIALIST CORPS

To be first lieutenant

Crigler, Joseph C., [redacted]
Semenschin, Charles E., [redacted]

The following Air Force officers for appointment in the Regular Air Force, in the grade of Second Lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Gallagher, David J., [redacted]
Gillham, Robert A., Jr., [redacted]
Holt, James W., Jr., [redacted]
Laughlin, William T., [redacted]

The following cadets, United States Air Force Academy, for appointment in the Regular Air Force, in the grade of Second Lieutenant, effective upon their graduation, under the provisions of section 8284 and 9353, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Acuff, Gregory M., [redacted]
Agnew, Richard H., Jr., [redacted]
Alderson, William H., III, [redacted]
Alexander, Dana L , [redacted]
Allen, Danny R., [redacted]
Anderson, Alan J., [redacted]
Anderson, Glenn E., Jr., [redacted]
Arnold, Anthony C., [redacted]
Arnold, Craig E., [redacted]
Autry, Larry D., [redacted]
Backlund, Donald R., [redacted]
Bader, Walter L., Jr., [redacted]
Bailey, Larry A., [redacted]
Baisden, Clinton E., [redacted]
Baker, Richard M., [redacted]
Baker, Robert D., [redacted]
Ballas, Richard D., [redacted]
Banks, Reginald I., [redacted]
Banks, Robert K., [redacted]
Bard, Nathan R., Jr., [redacted]
Barnett, Leslie W., Jr., [redacted]
Barngrover, Gary C., [redacted]
Barrett, Henry K., [redacted]
Barringer, John D., Jr., [redacted]
Bartell, David W., [redacted]
Barton, Rick R., [redacted]
Bates, Rodney L., [redacted]
Bauman, Philip J., [redacted]

Baumann, David W., [redacted].
Becker, Mark S., [redacted].
Bedillion, Arley R., [redacted].
Bell, David E., [redacted].
Bendrick, Jerome G., [redacted].
Bendure, Alva E., III, [redacted].
Bennett, Robert B., [redacted].
Berger, Stephen F., [redacted].
Berry, Thomas J., Jr., [redacted].
Berube, Normand A., [redacted].
Betsch, Keith A., [redacted].
Bierie, John M., [redacted].
Biggar, Stuart F., [redacted].
Billings, Robert, [redacted].
Black, Robert H., [redacted].
Blair, David M., [redacted].
Blake, Peter A., [redacted].
Blakelock, Ralph A., Jr., [redacted].
Blameuser, Lawrence F., Jr., [redacted].
Blind, John A., [redacted].
Blumberg, William A., [redacted].
Blough, Robert D., Jr., [redacted].
Boatright, Rodney L., [redacted].
Bohlin, Daniel J., [redacted].
Bolen, Michael D., [redacted].
Boren, Robert I., [redacted].
Borkowski, Robert A., [redacted].
Bost, Barry F., [redacted].
Bouchard, Daniel F., [redacted].
Bowen, George S., [redacted].
Boyd, George E., [redacted].
Bradford, William C., [redacted].
Bradshaw, Edward P., [redacted].
Brand, Larry W., [redacted].
Brannan, Raymond E., Jr., [redacted].
Brasher, Charles T., [redacted].
Brayton, Alan R., [redacted].
Bresett, Don E., [redacted].
Brigman, David F., [redacted].
Brims, Richard C., [redacted].
Bristow, Steven R., [redacted].
Brock, John R., Jr., [redacted].
Brockway, Charles L., [redacted].
Brodel, Robert S., [redacted].
Brothers, Wayne S., [redacted].
Browder, David L., [redacted].
Brown, Charles R., Jr., [redacted].
Brown, Gerald L., [redacted].
Brown, Robert C., Jr., [redacted].
Brown, Walter J., Jr., [redacted].
Bruns, Barry J., [redacted].
Bryant, Henry A., [redacted].
Bryson, Harry A., [redacted].
Bugner, John R., [redacted].
Bush, Richard H., [redacted].
Bustell, Donald K., [redacted].
Butler, Robert R., Jr., [redacted].
Butson, Gary J., [redacted].
Butt, Gerald L., [redacted].
Cabrera, Joseph R., [redacted].
Callen, Thomas R., [redacted].
Campos, Roel C., [redacted].
Cann, Robert A., [redacted].
Carlson, Paul N., [redacted].
Carriere, Lowell R., [redacted].
Carroll, Julian C., III, [redacted].
Carson, Kent, D., [redacted].
Carter, Charles L., [redacted].
Casada, Laurence L., [redacted].
Cassand, Ronald, [redacted].
Ceroni, Andrew J., Jr., [redacted].
Chalk, Jess W. Jr., [redacted].
Chase, Joseph D., [redacted].
Childers, Clifton H., [redacted].
Chirko, Charles P., [redacted].
Christensen, Thomas W., [redacted].
Christenson, Clifford J., [redacted].
Clay, John L., [redacted].
Clovis, Samuel H. Jr., [redacted].
Cole, Lawrence M., [redacted].
Coleman, William T. III., [redacted].
Corty, Andrew C. Jr., [redacted].
Cote, Richard W., III., [redacted].
Coury, Thomas R., [redacted].
Cowan, Stetson, R., [redacted].
Cox, Richard M., Jr., [redacted].
Craig, James A., [redacted].
Craig, Randall G., [redacted].
Crandall, Marshall D., [redacted].
Craycraft, Bruce E., [redacted].
Crimin, Bruce E., [redacted].

Cross, Francis C., [redacted].
Cross, Richard B., Jr., [redacted].
Culbertson, Robert A., [redacted].
Cunningham, William D., [redacted].
Curnow, Robert L., [redacted].
Curry, Thomas F., [redacted].
Curtis, Jesse W., II, [redacted].
Custer, John F., [redacted].
Cusumano, Salvatore J., [redacted].
Cutlip, Robert G., [redacted].
Cyrus, Michael L., [redacted].
Daley, Daniel C., [redacted].
Davidson, Thomas E., [redacted].
Davis, Charles E., Jr., [redacted].
Davis, Harry F., [redacted].
Davis, Roy A., [redacted].
Davis, Walter S., III, [redacted].
Dawson, Derek L., [redacted].
Dedona, Daniel B., [redacted].
Dehaven, Steven J., [redacted].
Demetrio, James J., [redacted].
Denaro, Robert P., [redacted].
Derouin, Lawrence W., [redacted].
Devine, Daniel G., [redacted].
Dewalt, William T., [redacted].
Dickinson, Jack R. Jr., [redacted].
Dobbs, John R., [redacted].
Doll, John M., [redacted].
Doral, Paul R., [redacted].
Dorwart, Robert H., [redacted].
Dotur, Jeffrey S., [redacted].
Dougherty, Dan H., [redacted].
Dour, Thomas L., [redacted].
Douville, Douglas R., [redacted].
Downie, Michael H., [redacted].
Downs, James W., [redacted].
Dreger, Paul A., [redacted].
Drexler, Paul H., [redacted].
Drowley, Robert D., [redacted].
Dudley, William C., [redacted].
Duff, Timothy L., [redacted].
Dysart, Richard A., [redacted].
Dziedzic, Michael J., [redacted].
Dziuban, Gregory S., [redacted].
Dziuban, Stephen T., [redacted].
Edmondson, William E., [redacted].
Edris, Warren P. III, [redacted].
Ehlers, Dennis H., [redacted].
Ekeberg, John R., [redacted].
Evans, John T., Jr., [redacted].
Evans, William E., [redacted].
Faraone, Michael J., [redacted].
Farrar, Philip H., [redacted].
Farschman, George E., Jr., [redacted].
Ferguson, Glenn L., III, [redacted].
Fidler, Lawrence R., Jr., [redacted].
Fischer, Alan M., [redacted].
Fisher, Bruce D., [redacted].
Fisher, Richard W., [redacted].
Flanagan Michael J., [redacted].
Fleury, Robert D., [redacted].
Foerster, Schuyler, [redacted].
Folsom, Thomas C., [redacted].
Fouts, Michael F., [redacted].
Fox, Thomas J., [redacted].
Francis, Vernon E., [redacted].
Fratzke, Michael A., [redacted].
Freeman, Robert E., [redacted].
Freeman, William B., [redacted].
Fretzs, Robert G., [redacted].
Friedrich, Richard L., [redacted].
Frostman, David L., [redacted].
Frye, Jeffrey R., [redacted].
Fuhs, Quentin M., [redacted].
Gall, Stephen D., [redacted].
Gardner, William L., [redacted].
Garrison, Andrew D., [redacted].
Garvin, Honi J., [redacted].
Gausmann, Richard F., [redacted].
Gebhardt, Michael E., [redacted].
Getchell, Ralph W. III, [redacted].
Giesecke, Gary F., [redacted].
Giles, Loren D., [redacted].
Gill, Dennis L., [redacted].
Gillman, Paul R., [redacted].
Gilmore, Braxton T., [redacted].
Gingrich, Kenneth S., Jr., [redacted].
Ginn, Gregg H., [redacted].
Glasgow, David A., [redacted].
Glaze, Orville B., Jr., [redacted].
Goodale, John W., [redacted].

Gooden, Howard P., [redacted].
Gorman, John J., Jr., [redacted].
Graber, Glenn H., [redacted].
Graham, Charles J., [redacted].
Gray, Mark B., [redacted].
Gray, Richard T., [redacted].
Grayson, James H., Jr., [redacted].
Green, Robert E., Jr., [redacted].
Greenleaf Garrison L., [redacted].
Greenwell, Steven A., [redacted].
Grimes, Paul R., [redacted].
Groman, Michael F., [redacted].
Gross, William A., [redacted].
Grueser, John H., [redacted].
Gwyn, Rodney T., [redacted].
Haesecke, Mark H., [redacted].
Haggerty, Brian C., [redacted].
Hale, Ronald A., Jr., [redacted].
Hall, Steven J., [redacted].
Hamby, Miles M., [redacted].
Hamilton, Paul, [redacted].
Hamm, James S., [redacted].
Hammerud, Russell C., [redacted].
Hammond, Gehl L., [redacted].
Hampshire, Michael D., [redacted].
Hansen, Michael A., [redacted].
Hardesty, Daniel C., Jr., [redacted].
Hartnett, John J., [redacted].
Hasek, Robert, [redacted].
Hatlelid, Joseph M., [redacted].
Hauck, David L., [redacted].
Hawley, Robert N., [redacted].
Heilmann, Mark S., [redacted].
Hembrough, John F., [redacted].
Hemm, Robert V., Jr., [redacted].
Henderson, John E., [redacted].
Herre, Ronald W., [redacted].
Herrick, David M., [redacted].
Hetherington, Randy W., [redacted].
Hickey, Patrick T., [redacted].
Higgins, John N., [redacted].
Hill, Ronald C., [redacted].
Hislip, Danny W., [redacted].
Hite, Michael D., [redacted].
Hoffman, George L., [redacted].
Hoffman, Joel T., [redacted].
Hofmann, Philip A., Jr., [redacted].
Hogan, James P., [redacted].
Holmes, Terry F., [redacted].
Hooper, James R., [redacted].
Horton, Donald J., [redacted].
Houle, Georges N., [redacted].
Howell, Eric B., [redacted].
Huckabay, Gary C., [redacted].
Huffer, Russell, [redacted].
Huffman, Jacob M., III, [redacted].
Hunt, Philip S., [redacted].
Hurley, Michael J., [redacted].
Icenhour, David E., [redacted].
Irwin, Allan R., [redacted].
Irwin, Thomas R., [redacted].
Jackson, Robert C., Jr., [redacted].
Jacobson, David H., [redacted].
Jankowski, David A., [redacted].
Jansen, Gene D., [redacted].
Jenkins, Robin B., [redacted].
Jennings, Ernest R., [redacted].
Jensen, Chris L., [redacted].
Jewell, Albert T., III, [redacted].
Johnson, Herbert F., Jr., [redacted].
Johnson, Thomas G., [redacted].
Jones, David L., [redacted].
Jones, John W., III, [redacted].
Jones, Rodney L., [redacted].
Joseph, Daryl J., [redacted].
Joy, Ronald E., [redacted].
Justin, Dennis J., [redacted].
Kaeser, Richard R., [redacted].
Kage, Gordon D., II, [redacted].
Kalen, Gary G., [redacted].
Kane, Richard E., [redacted].
Katcherian, David A., [redacted].
Kays, James G., [redacted].
Keith, David W., [redacted].
Kekoa, Curtis, Jr., [redacted].
Kelley, David L., [redacted].
Kelley, Richard H., [redacted].
Kelly, John G., [redacted].
Kelso, Russell K., [redacted].
Kennedy, William D., [redacted].
Kern, Lynn J., [redacted].

Kieltyka, James, [redacted].
King, Vernon J., Jr., [redacted].
King, Wayne M., [redacted].
Kirby, William C., [redacted].
Klimek, Robert D., [redacted].
Knott, Paul D., [redacted].
Koch, John W., [redacted].
Kollmar, Benny W., [redacted].
Konvalinka, Michael J. [redacted].
Kossler, Frank W., III, [redacted].
Kotora, James, III, [redacted].
Kowitz, Waldemar, [redacted].
Kraay, Eugene S., [redacted].
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Ladd, Chester R., Jr., [redacted].
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Landry, Vincent J., Jr., [redacted].
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Langford, Charles R., [redacted].
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LaValley, Howard N., [redacted].
Leahy, Paul M., [redacted].
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Lowe, Robert A., [redacted].
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Lusk, Walter T., [redacted].
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Murchison, David C., [redacted].
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Nance, James J., [redacted].
Nardecchia, Anthony C., Jr., [redacted].
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Nelson, Peter J., [redacted].
Newman, Kim L., [redacted].
Newton, Michael E., [redacted].
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Nims, Daniel F., [redacted].
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Osborne, Richard T., [redacted].
O'Sullivan, Jeremiah, [redacted].
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Paradis, Ryan D., [redacted].
Parker, Robert S., Jr., [redacted].
Parnell, Dale P., Jr., [redacted].
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Pellicore, Richard, [redacted].
Pepe, George J., Jr., [redacted].
Perina, Martin L., [redacted].
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Person, Ralph R., [redacted].
Peterman, Robert N., [redacted].
Peters, Robert L., II, [redacted].
Petersen, Alan K., [redacted].
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Philippsen, Gregory, [redacted].
Pinney, Earl T., Jr., [redacted].
Plecha, Stanley L., Jr., [redacted].
Pointer, Gary D., [redacted].
Polikowsky, Allen B., [redacted].
Ponder, Norman E., III, [redacted].
Porter, David B., [redacted].
Poulsen, Karl W., [redacted].
Poust, David B., [redacted].
Powell, David W., [redacted].
Prairie, Stephen J., [redacted].
Prewitt, Richard K., [redacted].
Price, Forrest D., Jr., [redacted].
Purcell, William E., [redacted].
Qualey, Thomas F., [redacted].
Quigley, Joseph H., [redacted].
Quirk, Michael J., Jr., [redacted].
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Ragan, John D., Jr., [redacted].
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Randlett, Larry A., [redacted].
Range, David R., [redacted].
Ransbottom, Richard D., Jr., [redacted].
Records, Louis R., Jr., [redacted].
Redden, George R., [redacted].
Reese, John W., [redacted].
Reho, John W., [redacted].
Reich, Michael T., [redacted].
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Rensema, Peter H., [redacted].
Reny, Wilfred E., [redacted].
Reynolds, Richard V., [redacted].
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Rippole, Joseph, [redacted].
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Robinson Michael F., [redacted].
Robinson, William E., [redacted].
Rocco, Gregory R., [redacted].
Rodzianko, Michael O., [redacted].
Rogers, Robert L., [redacted].
Rogers, Robert P., Jr., [redacted].
Rohwer, Christopher J., [redacted].
Roman, Mark S., [redacted].
Rossa, Charles R., [redacted].
Rushenberg, Richard A., [redacted].
Ruth, Donald R., [redacted].
Ryals, Robert E., [redacted].
Rye, Bryan A., [redacted].
Sabala, John V., [redacted].
Saffer, Edward K., [redacted].
Saitta, Joseph C., [redacted].
Sanchez, Felix, [redacted].
Sands, Michael L., [redacted].
Sands, Stephen P., [redacted].
Sandstrom, James E., [redacted].
Sartini, Richard J., [redacted].
Sauer, Hal E., [redacted].
Schaefer, Larry A., [redacted].
Scheer, Douglas B., [redacted].
Schleser, Lawrence D., [redacted].
Schofield, Edward G., [redacted].
Schramm, John H., [redacted].
Schultz, George C., [redacted].
Schumick, John E., [redacted].
Schunk, Jack P., [redacted].
Schutt, David C., [redacted].
Scott, Casey J., [redacted].
Scott, Christopher S., [redacted].
Scott, Jim E., [redacted].
Scrabeck, James L., [redacted].
Self, John W., [redacted].
Seltzer, Robert L., [redacted].
Severski, John M., [redacted].
Shafer, Reed I., [redacted].
Shamess, Robert J., Jr., [redacted].
Shannon, Lee P., [redacted].
Shannon, Richard H., [redacted].
Shay, Stephen J., [redacted].
Shelgren, Harold R., [redacted].
Sherman, Craig O., [redacted].
Shields, Dennis J., [redacted].
Shiner, John W., [redacted].
Shockey, Jerald I., [redacted].
Sievers, Mark S., [redacted].
Silliman, Robert T., [redacted].
Simkins, Louis H., [redacted].
Simmons, Willis M., Jr., [redacted].
Simms, Arthur C., [redacted].
Singleton, Darrell W., [redacted].
Skeen, James T., Jr., [redacted].
Slawson, Ralph L., [redacted].
Slusarz, Robert J., [redacted].
Smith, Clyde A., Jr., [redacted].
Smith, Danny R., [redacted].
Smith, James A., [redacted].
Smith, Larry A., [redacted].
Smith, Michael L., [redacted].
Smith, Michael P., [redacted].
Smith, Randy C., [redacted].
Smith, William A., [redacted].
Smith, Woodrow D., [redacted].
Smitherman, Steven D., [redacted].

Snider, Samuel E., III, [redacted].
Solomon, Edward D., [redacted].
Soltman, Donald J., Jr. [redacted].
Spatola, Michael A., [redacted].
Spiker, Phillip W., [redacted].
Spitznagel, Frank R., III [redacted].
Sprott, Robert E., [redacted].
Stachak, Stanley J. Jr. [redacted].
Stanley, Hal M., [redacted].
Staponski, Virgil D., [redacted].
Stegman, Carl D., [redacted].
Steipp, Thomas W., [redacted].
Stevens, Jonathan L. [redacted].
Stewart, Robert L., [redacted].
Stewart, Todd A., [redacted].
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Stiles, Lorren Jr., [redacted].
Stobie, James G., [redacted].
Stokes, George N., Jr., [redacted].
Stoll, Douglas A., [redacted].
Stooke, Willard N., Jr., [redacted].
Strauss, Frederick J. [redacted].
Strawn, Charles D., [redacted].
Stubblefield, John E. [redacted].
Sucher, Mark L., [redacted].
Sullivan, Richard L., [redacted].
Summers, Victor J., [redacted].
Suttler, George L., [redacted].
Sveum, Edward A., [redacted].
Swanson, John W., [redacted].
Swecker, Gregory A., [redacted].
Sweeder, James, [redacted].
Sweesy, Thomas I., [redacted].
Sylling, Charles D., [redacted].
Teelin, Harold W., [redacted].
Tehee, Duane O., [redacted].
Temple, Lafayette P., III, [redacted].
Thode, Henry P., III, [redacted].
Thomas, Raymond L., Jr., [redacted].
Thompson, John D., Jr. [redacted].
Tibbetts, Gary L., [redacted].
Tiemann, Terry J. [redacted].
Tieszen, Dennis D., [redacted].
Tietz, Dale E., [redacted].
Tiller, Stephen R. [redacted].
Timmer, John B., [redacted].
Todd, Sammy S., [redacted].
Torblaa, Jon N., [redacted].
Tracey, Robert J., [redacted].
Trotter, David D., [redacted].
Tully, Peter D., [redacted].
Turk, Reavis W., [redacted].
Turner, Lonnie D., [redacted].
Tyree, Kirk J., [redacted].
Uecker, Michael E., [redacted].
Vandenberg, Roland J. [redacted].
Vangoethem, Anthony J. [redacted].
Vanpelt, Jay W., [redacted].
Vansaun, Richard [redacted].
Vantwout, William A., [redacted].
Venemon, William R., [redacted].
Vickroy, Ronald, [redacted].
Vranish, Thomas F., [redacted].
Wacker, Daniel J., [redacted].
Wagner, Norbert C., Jr., [redacted].
Wahlquist, John A., [redacted].
Waiss, Steven F., [redacted].
Waller, Forrest E., Jr., [redacted].
Walsh, Samuel L., [redacted].
Warburton, Jeffrey R., [redacted].
Ward, Frank S., Jr., [redacted].
Watkins, John W., [redacted].
Watson, James G., [redacted].
Watson, Orrin S., [redacted].
Webster, Harry T., [redacted].
Weilert, Ronald L., [redacted].
Weimer, Theron E., [redacted].
Weisel, Stephen E., [redacted].
Wellington, Michael F., [redacted].
West, Lawrence A., [redacted].
Whaley, Harold E., [redacted].
White, Leon G., [redacted].
White, Warren T., III, [redacted].
Whitmore, Robert M., [redacted].
Wildermuth, Roger L., [redacted].
Wilhelm, Lewis E., II, [redacted].
Willadsen, Lynn J., [redacted].
Willett, Richard M., [redacted].
Williams, Larry J., [redacted].
Wilson, Gary S., [redacted].
Wilson, Samuel H., [redacted].
Wimberley, Amos D., [redacted].
Wimberley, Bruce P., [redacted].
Wingad, David G., [redacted].
Wirth, Richard C., [redacted].
Witman, Mark C., [redacted].
Witt, John J., [redacted].
Wittenborn, John L. [redacted].
Witter, Gerald L., [redacted].
Wolf, John D., [redacted].
Wolfe, Lawrence D., [redacted].
Wood, Rodney J., [redacted].
Woodard, Earl W., [redacted].
Woods, Terry L., [redacted].
Wright, Frederick W., [redacted].
Wroblewski, Jon E., [redacted].
Wuerslin, Thomas H., [redacted].
Yanni, Kenneth J. [redacted].
Young, Joseph D., [redacted].
Zablotny, Mark A., [redacted].
Zavada, Francis J., [redacted].
Zedaker, William D., [redacted].
Zeimet, Richard H., [redacted].
Zeller, Dale L., [redacted].
Zwanziger, Jon H., [redacted].

The following cadets, United States Military Academy, for appointment in the Regular Air Force, in the grade of Second Lieutenant, effective upon their graduation, under the provisions of section 541 and 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Amos, David E., [redacted].
Buckowsky, John P., [redacted].
Cron, Patrick M., [redacted].
Deparle, David V., [redacted].
Drake, Paul, [redacted].
Goodwin, Richard C., [redacted].
Gordon, Kenneth E., [redacted].
Hoelscher, William B., [redacted].
Karhuse, Kenneth B., [redacted].
Kelly, Logan R., [redacted].
Leclaire, Richard L., [redacted].
Litchfield, Robert L., Jr., [redacted].
Neyland, Michael A., [redacted].
Smoak, Andrew W., [redacted].
Spivey, Hugh M., [redacted].
Watts, Weyland M., III, [redacted].
Worthington, Robert G., [redacted].

HOUSE OF REPRESENTATIVES—*Thursday, May 13, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I beseech you to endeavor to keep the unity of the spirit in the bond of peace.—Ephesian 4: 3.

Eternal Father, we pray Thee that on this Hill and in this Chamber we may be united in purpose as we seek the well-being of our country. May mutual regard and mutual respect be the spirit of our relationship and as a result let each one of us contribute our best in thought and action for the welfare of our people. Grant, we pray Thee, that the strength which comes from unity may be ours and may be used for the good of all.

Bless us with cool heads and warm hearts, with an enthusiasm for justice and peace, and with an assurance of Thy presence wherever we are and wherever we go this day and forevermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE POOR PAY MORE

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSENTHAL. Mr. Speaker, a recent study by Washington Post reporter Ronald Kessler once again points up a fact we know only too well—the poor pay more.

Mr. Kessler compared the prices of 40 popular items at a pair of F. W. Woolworth Co. stores—one in the affluent white Georgetown section of Washington, and the other in one of the city's most depressed black areas.

His survey revealed that prices are "consistently higher" in the ghetto neighborhood store.

Woolworth officials offered only weak, lame excuses for the differences. One contended items not included in the study were priced identically at both stores, and he gave specific examples. A subsequent check revealed that he was incorrect.

Articles such as Mr. Kessler's provide a valuable service to the public, and he should be commended. He has presented the case fairly and completely. The facts are undeniable—the poor pay more.

One reason for this is that the more affluent the consumer the better able he is to shop around for the better buy—he is more likely to have a car, thus giving him mobility, and there are more stores and better selections in the more affluent neighborhoods.

At this point, Mr. Speaker, I would like to insert in the RECORD Mr. Kessler's report; it speaks for itself:

[From the Washington Post, May 9, 1971]

GHETTO PRICES HIGHER—SURVEY SHOWS DIFFERENCES IN TWO CITY STORES

(By Ronald Kessler)

The F. W. Woolworth Co. store in Georgetown serves one of the city's most affluent white sections. The Woolworth store on 14th Street at Park Road NW serves one of the city's most depressed black areas that was heavily damaged by the 1968 riots. And if the stores' clientele is different so are the prices they charge.

A Washington Post survey indicates prices in the 14th Street store are consistently higher than in the Georgetown store 2½ miles away.

While not disputing the price comparisons, Woolworth officials contend many of them are special cases, pricing errors or efforts to meet local competition. They say no partiality to one group of customers or another is intended.

Of 40 items compared, 13 were found to be priced higher at the 14th Street store. Only one item, a medium size tube of Crest toothpaste, cost more in Georgetown. For example, a box of 48 crayons was $.69 in Georgetown and $.79 on 14th Street. Saran wrap was $.31 in Georgetown, $.36 on 14th Street.

The other 26 items, including a large tube of Crest, were priced the same at the two stores.

The total bill for the 40 items would have come to $55.48 at the 14th Street store, or $2.61 more than if the same items were purchased at the Georgetown store.

(Managers of the two stores did not dispute that the 40 items checked were representative of high volume goods.)

In addition, three higher priced items not included in the total showed an even greater price disparity. A 20-inch fan that was marked down from $16.66 to $11.66 in Georgetown was $17.99 at 14th Street. A room cooler that cost $25.99 in Georgetown was $27.99 on 14th Street, and a seven-piece Teflon set was $14.95 in Georgetown and $16.95 on 14th Street.

The manager of the Georgetown store, at 3111 M St. NW, declined to comment on the price differences, whereas the manager of the store at 3200 14th. NW, Walter Granison, said he couldn't account for the differences.

"Prices should be the same," Granison said. "We're getting merchandise from the same source."

Items selected for comparison were generally high volume goods or staples, but they were otherwies chosen at random. Items compared were determined to be identical through label information and Woolworth code numbers imprinted on shelf labels.

In one or two instances when prices marked on the same merchandise in one store differed, the one consistent with the shelf price was used. The survey was made April 30 and subsequently rechecked.

STRIKING DIFFERENCES

Among the more striking price differences were four General Electric 60-watt soft white light bulbs at $1.09 in the Georegtown store and $1.21 in the 14th Street store; similar standard white bulbs were 99 cents in Georgetown and $1.11 along 14th Street.

A package of 100 Woolworth brand legal size envelopes had preprinted prices of 88 cents in Georgetown and 99 cents at 14th Street. Two pounds of Peter Paul fudge were $1 in Georgetown and $1.18 at 14th Street.

A bottle of 100 Anacin tablets that were $1.17 in Georgetown were $1.59 at 14th Street and 50 tablets were 89 cents in Georgetown and 99 cents at 14th Street.

District Manager Eugene V. Brennan termed the light bulb prices at Georgetown "errors," and said the 88-cent price on the envelopes at that store was because it was old merchandise printed before a price change. The fudge price in Georgetown was set to "liquidate" the item, he said. And the Anacin prices were an effort to meet "local competition."

While the $1.17 price of Anacin at Woolworth's in Georgetown beat the $1.29 price of that item at a People's Drug Store nearby, a People's store next to Woolworth's on 14th Street kept the price at $1.29, 30 cents less than it cost at Woolworth's there.

Merchandise checked in the two People's stores was generally found to be identical in price.

DISPARITIES EXPLAINED

Brennan attributed the price disparities either to exceptions, errors or efforts to meet local competition. He cited three items not included in the study—window shades, Massengill feminine deodorant and two ounces of Miss Clairol hair color bath—as costing more in Georgetown than in the 14th St. store.

However, a subsequent check revealed the brand of feminine deodorant cited isn't sold in the Georgetown store, that window shades are priced the same at both stores although the brands are different, and that two ounces of Miss Clairol hair color bath sell for $1.37 at both stores.

Asked why the exceptions and errors all appeared to favor the Georgetown customers, Brennan said, "You can't give one overall explanation."

Asked if the Georgetown store faces stiffer competition, accounting for its lower prices, Brennan replied "I don't know."

Woolworth's regional vice president in Philadelphia, W. C. Pierce, said, "There's definitely no intent to have higher prices at one place or another, but there is an intent to take care of customers so they are given good values . . . There's no partiality being shown one way or the other."

STORE REBUILT

The 14th Street store opened in November, 1969, after a previous facility had been destroyed in the riots. It was one of the few establishments on that street to rebuild.

At the time, Woolworth called it part of the firm's "three-year program for improvement of its facilities in areas populated by minority groups." Almost all of the store's personnel, including Granison, are black, fulfilling a commitment made by Woolworth in connection with the opening.

Last year, the Woolworth company's annual profit was $76.6 million on total sales of $2.5 billion, according to the New York-based company's report to stockholders.

Price comparisons were made at Woolworth's three other Washington stores, all in middle-class black neighborhoods. There appeared to be no pattern. Many items were priced higher than even the 14th Street store's goods, but some were lower, and some items at some of the stores were occasionally lower than the Georgetown store's prices.

HOW STORE PRICES VARY

[A sampling of identical items priced at Woolworth stores at 3111 M St. NW, and 3200 14th St. NW]

Item	Georgetown	14th Street
64 Crayola crayons	$.79	$.98
12-oz. Phillips milk of magnesia	.98	.98
48 Crayola crayons	.69	.79
6¼-oz. Rise shave cream	.69	.89
Happy Home (Woolworth brand) durable press pillow case	1.99	2.49
7-oz. Right Guard antiperspirant	1.59	1.59
2 lbs. Peter Paul fudge	1.00	1.18
Happy Home 15-amp. fuses	.43	.94
4 60-watt GE soft white bulbs	1.09	1.21
14-oz. Johnson's baby powder	1.29	1.29
4 Lido glasses	1.29	1.39
100 Woolworth legal envelopes	.88	.99
Saran wrap—50 feet	.31	.36
100 Anacin tablets	1.17	1.59
50 Anacin tablets	.89	.99

PROVIDING ADEQUATE FOOD FOR THOSE IN JAIL

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing legislation today to make surplus food commodities available to all correctional institutions. Under the present Federal law, surplus commodities are available only to Federal correctional institutions and State penal institutions for minors. My bill, which would amend the Agriculture Act of 1956, would allow the donation of surplus commodities to prisons on all government levels: city, county, State, and Federal. Prison officials would make their requests to the State office distributing commodities and receive supplies in bulk.

In February of 1970, I sent a questionnaire on prison conditions directly to inmates of the Tombs, a detention facility in New York City for those awaiting trial. Many of the prisoners in responding complained bitterly about the food. During the riots at the Tombs last fall, prisoner grievances listed molded bread, rotten potatoes, and termed the food not fit for human consumption.

In the Tombs, the correctional department spends 69 cents per day per prisoner for three meals. Is it any wonder that the prisons are in a constant state of revolt? My bill would provide free of charge many of the staple products for which local prisons now pay and frequently do not buy because of lack of an adequate budget.

Mrs. Carol Greitzer, a city councilwoman from my congressional district, has provided me with invaluable help on this bill. Mrs. Greitzer investigated the city prison for women and documented the absence of fresh fruit from the prisoners' diets. Although it was claimed that prisoners could get fresh fruit in the commissary, Mrs. Greitzer learned, in talking with the woman who ran the commissary, that oranges had not been supplied for 8 years.

Our city and county penal institutions need these surplus commodities just as much as our Federal and State institutions do. This bill would broaden present regulations and would free some of the food budget of all prisons for the purchase of fresh fruit and other necessities which are not now available. I urge our colleagues to give this legislation their consideration and support.

H.R. —

A bill to amend the Agricultural Act of 1956 to allow for the donation of certain surplus commodities by the Commodity Credit Corporation to State and local penal institutions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859) is amended by striking out "and to State correctional institutions for minors" and inserting the following in lieu thereof: "to State penal and correctional institutions, and to penal and correctional institutions of any political subdivision (including jails) of any such State".

PRODUCER VERSUS CONSUMER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the consumer is locked in uneven battle in the marketplace with producers and sellers. When it comes to organization, strength, sophistication, resources, and determination, there is no contest—the consumer is out of the running.

That is why many of us in Government are working to close the gap and put consumers on a more even footing with producers and sellers.

This responsibility falls to the Congress even more so now than before because we have in the White House an administration that, despite its righteous rhetoric, has shown little interest in the consumer's welfare.

One man who has led the way in the Congress fighting for the consumer long before it became fashionable even to speak sympathetically of "consumerism," is Representative BENJAMIN S. ROSENTHAL of New York.

He recently put some of his philosophy down on paper for the Economic and Business Bulletin, published by the Temple University School of Business Administration.

I would like to insert his article in the RECORD at this point:

[From Economic and Business Bulletin, Temple University, Winter 1970]

PRODUCER VERSUS CONSUMER: THE UNEQUAL BATTLE: HOW GOVERNMENT CAN HELP SOLVE THE PURCHASER'S PROBLEMS IN THE MARKETPLACE

(By BENJAMIN S. ROSENTHAL)

"Consumerism" is not the threat to free enterprise that some businessmen see. Nor is it an attempt to catch all consumer issues in one bundle. Rather, "consumerism," at least in Washington, tries to attack the ineffective, costly, and awkward manner in which consumers are represented in the federal government.

The consumer's need for help comes in the midst of a productive economy which is far better developed in its producer institutions and relations than in any comparable efforts by its consumers either to organize themselves, or otherwise attain some balance in their dealings with producers.

The consumer is in serious need of help. The American free enterprise system, with its give and take in the marketplace, is basically healthy. But in the drug store aisle, on the auto showroom floor, and across from the cash register everywhere, the consumer must face Madison Avenue, the whirling computer, and the motivational research psychologist. He must face the giant corporate structure with its single-minded concern for profit and its capacity to spawn powerful lobbies in Washington and state capitols. The consumer must face not simply outright fraud and deception but sharp practices honed to incredible subtlety. Standing alone, the American consumer cannot deal with this power in the marketplace.

QUESTIONS OF JUSTICE

The result of this mismatch is that until quite recently, such major private-sector consumer injustices as hidden credit costs, unsafe automobiles and hazardous household products, unsanitary meats and poultry, dangerous or non-efficacious drugs, and deceptive packaging and labeling, received superficial attention.

Still to be dealt with in the years ahead are abuses in the insurance field, sharp practices in the automobile and TV repair industries, warranty problems, deceptive and noninformative advertising, home repair frauds, costly games of chance, trading stamps, sweepstakes, household moving problems, inadequate and confusing food grades, and discrimination against low-income consumers.

What has government's response been to these problems? Briefly, the federal government has tried, but with fragmentary and inadequate attempts, to cope with "consumerism."

Some state governments have also struggled to face these essentially national economic issues, but with less vigor than Washington, and with much less success.

Local government, with isolated exceptions, has done little.

In Washington, we have just witnessed another Administration's attempt to address itself to consumer problems. After an uncertain start, the post of Presidential advisor on consumer affairs was continued under a knowledgeable and earnest women with some good experience as head of a state consumer protection office.

But the uncertainty of this staff position and the hesitation with which it was filled were not good omens. Nor is it good government to have consumer protection, as a high-level executive branch concern, face each new year or even each new Administration with questions like "Do we need such a job?" "Can we find someone to fill it?" or "Don't we need a presidential assistant for X even more?"

Yet this is the prospect unless it is acknowledged that consumer protection deserves Cabinet-level authority and permanence if the public is to take seriously these concerns of economic justice, safety, and welfare which are called the consumer interests.

If there were a Cabinet-level Department of Consumer Affairs, the consumer's interest would not be subject to the whim or caprice of any President.

THE EXAMPLE OF EUROPE

To those who see this as a radical proposal, this writer would like to point out that a number of Western European nations already have Cabinet-level departments to represent and protect consumers. We are now far behind these countries.

There are many who would have us believe that the spate of new consumer laws has elevated consumers to a dominant position in the marketplace; that the weight of governmental action has shifted from the producer side to the consumer side. Nothing could be further from the truth.

While our government is presently more aware of and even more responsive to consumer needs than in the past, producer groups still exercise a disproportionate influence over economic policy. This is true in the governmental body that makes the laws; it is true in the body that administers the laws.

In proposing a Department of Consumer Affairs over the past seven years, the writer's thesis has been that, to change policy, one must change organization. Roger Hilsman, in his book *To Move a Nation* cites as an example of this principle the difficulties experienced by Theodore Roosevelt in trying to establish conservation of natural resources as national policy in place of the older "homesteading" policy.

Hilsman's description is highly relevant: ". . . the old organizational arrangements provided easy channels for lumbering and other exploitative interests to express their preferences and almost none for 'conservationist' interests to express theirs. There were almost no mechanisms for gathering the kind of information that would permit governmental decisions to conserve rather than exploit. The result was that President Roosevelt could not really change . . . policy . . . until he changed the organization dealing with the problem."

DECEPTIVE LAWS

In this writer's view, the consumer of the 1960s is in much the same position as the conservationist of 1900. The present organizational arrangements at the federal level—with Cabinet representation for business, industry, and agriculture—provide easy channels for producer interests to express their preferences but almost none for consumer interests to express theirs.

The worth of any law is found, ultimately, not by measuring how it has been designed, but by measuring how it is being executed. The mere enactment of consumer laws, without effective consideration of how these laws are to be administered, and by whom, is deceptive.

We have arrived at the point where the steadily increasing body of consumer laws to be administered by the federal government is now beyond the efficient reach of any haphazard combination of agency appendages. This was true of housing problems in 1965 when the Department of Housing and Urban Development was established; it was true of transportation problems in 1966 when the Department of Transportation was created; it is true today of consumer problems.

Fundamental economic problems face government today in the questions of how consumers really are represented in existing agencies, whether consumer activities in one agency bear any relationship to those in another agency, whether there are adequate coordination and overview of consumer-related programs, and whether there should be more central control.

DIVISION IN THE GOVERNMENT

At present, the American consumer's voice is faintly heard through some 33 federal departments and agencies carrying on approximately 260 consumer activities. Consider that

. . . Responsibility for enforcing the Truth-in-Lending Act is vested in nine separate agencies;

. . . Administration of the Fair Packaging and Labeling Act is divided among three agencies—the Federal Trade Commission, the Food and Drug Administration, and the Department of Commerce;

. . . No fewer than five federal agencies are responsible for consumer protection of the poor;

. . . The Flammable Fabrics Act of 1967 is shared by the Department of Commerce, the FTC, and the FDA;

. . . Responsibility for the wholesomeness of fish and fishery products falls both to the Food and Drug Administration and the Interior Department's Bureau of Commercial Fisheries;

. . . Programs to control air and water pollution can be found in half a dozen agencies.

These laws, individually good, have proliferated beyond the ability of present government to handle.

Despite the large number of federal agencies that purportedly represent the consumer, it is still a fact that:

There is no single federal agency to which consumers can direct complaints;

There is no single federal agency devoted to the pressing needs of the low-income consumer;

There is no single federal agency which gathers and disseminates to the public the considerable product and economic information that is available at the federal level;

There is no single federal agency which represents the consumer interest before federal courts, departments, and regulatory agencies on matters of great moment to the consumer;

There is no single federal agency in which the consumer education function resides;

And certainly, there is no single federal agency which can boast that it has consistently anticipated consumer problems instead of reacting to them on a crisis basis.

JUDGING THE RECORD

What is the consumer record of our federal government?

. . . Are we satisfied with the performance of our regulatory agencies in advancing the consumer interest in America?

. . . Has the Federal Trade Commission been a vigorous champion of the consumer cause?

. . . Has the Interstate Commerce Commission effectively represented the consumers' interest in matters relating to household moving problems and railroad passenger service?

. . . Has the Federal Communications Commission been an effective advocate for the public in policing the airwaves?

. . . Has the Department of Commerce moved with dispatch in approving flammability standards for clothing or in administering its portion of the Fair Packaging Act?

. . . Are we satisfied with the activities of the Interior Department and the FDA in protecting the consumer against unwholesome fish and fish products?

. . . Has the Department of Agriculture striven to achieve the most effective and far-reaching consumer food grading program, as Congress directed it to do?

. . . Is the welfare of consumers a prime consideration of the Interior Department when its Oil Import Administration establishes quotas for cheap foreign petroleum products?

. . . Do the efforts of the Department of Transportation's National Highway Safety Bureau in the field of auto safety match the grim reality of 52,000 deaths last year on our highways?

. . . Is it in the long-range best interests of consumers that solutions to many of their most important problems are entrusted to temporary commissions like the Food Market and Product Safety Commission, whose recommendations are largely ignored because of the absence of an institutional framework for continuing action?

. . . Have the General Services Administration, the National Bureau of Standards and other federal product-testing agencies, moved to maximize the benefits of their tests by releasing valuable product information to consumers?

WHO IS REPRESENTED?

Moreover, how can the consumer interest be protected in agencies with competing and diverse interests to protect?

Can the Milk Marketing Administration of the Department of Agriculture faithfully represent, at the same time, the desire of consumers to get the most for their money and the desire of dairy farmers to get the most for their product? Can the Department of Commerce successfully administer its part of the Fair Packaging and Labeling Laws and yet serve the interests of its real constituency, the business community? Can the important consumer responsibilities relating to food and drug labeling required by the Food, Drug and Cosmetic Act receive adequate attention in a department whose secretary is burdened by problems of education and welfare?

This writer's conclusion is that, without full, vigorous, and coordinated enforcement, many consumer protection laws benefit only the printers and bookbinders of the United States Code. The Wholesome Meat Act was passed two years ago but there are still sixty persons infected with trichinosis in a small Missouri town. The same confusing labels still remain on supermarket shelves because the Fair Packaging and Labeling Act is not being properly enforced. And dangerous fabrics are still sold to unsuspecting consumers, some of whom suffer needlessly from burns, because agreement cannot be reached on how the Flammable Fabrics Act should be inforced.

A NEW CONSUMER DEPARTMENT

What vital functions would such a central agency perform that are not now performed by the 33 departments and agencies exercising consumer protection responsibilities?

1. A central clearing house for consumer complaints would be established where now there is none.

2. A central repository for consumer information would organize, release, and in some cases disseminate on a regular basis useful data on products and services in non-technical language. Many agencies of government that test consumer products refuse to release test results and other valuable consumer data. While many federal agencies readily make their test results and scientific studies available to private industry sources, the public which pays for those tests is denied access to their results.

3. For the first time, the consumer's viewpoint would be vigorously represented before federal courts and regulatory agencies in matters or proceedings substantially affecting the interest of consumers.

4. For the first time, consumers would be effectively represented before other federal departments and agencies when substantial consumer interests are involved.

Until such time as there is a statutorily created Cabinet-level Department of Consumer Affairs, our consumer programs will continue to be mismanaged and will fail to serve the purposes that Congress intended. It is our responsibility to the American consumer to provide the vehicle which will assure equity and justice in the marketplace.

TRI-PART ADDICTION TREATMENT PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today my colleague from New York (Mr. CAREY) and I are introducing three bills designed to focus attention on three categories of drug addicts who are easily identifiable and yet now are receiving very little attention or treatment. These groups are:

First, addicts on welfare.

Second, addicts in prison and on parole.

Third, members of the Armed Forces who are confirmed drug addicts and about to be discharged from the military service.

The measure affecting addicts on welfare is one that we have already submitted to the Ways and Means Committee for inclusion in the family assistance program.

Drug addiction is presently taking a tremendous toll in our country—both in human resources and in dollars. It has reached epidemic proportions and is still growing. There are an estimated 200,000 narcotic addicts in the country—and in New York City alone the estimate ranges from 75,000 to 125,000 heroin addicts. It is time that both the country and government approach the problem with the same respect and thoroughness as we do any contagious disease. It is urgent that the Federal Government, the States, and cities make the necessary commitment to reach and treat today's addicts. The important fact is that a large number of addicts are easily identifiable—and yet as serious as this problem is we still fail to provide adequate supervision and medical and psychological treatment for them.

For instance, the military currently is returning to the community persons they have found to be confirmed opiate users. Navy Secretary John H. Chafee has stated that drug abuse in the Navy and Marine Corps is out of control. He estimates that at least 11,700 men were directly implicated with narcotics in the Navy and Marines in 1970. The Navy discharged 5,000 men and the Marines released 1,700.

There are an estimated 15,000 persons on welfare in New York City because of their drug disability, and yet not all are receiving treatment because of a lack of facilities. Instead of providing the necessary treatment resources for the addicts the society is supporting their habits. In New York City the police department estimates that one half of the city's street crime is related to drug abuse. An example of what this means in dollars is found in my own congressional district. A hotel in Greenwich Village houses some 750 former convicts, many of whom are now on welfare; it is estimated that approximately 400 of these people are drug addicts whose habits cost an average of $50 a day per individual. This means that $7 million a year must be raised by the drug addicts in this single hotel, and because stolen goods are fenced at approximately 20 percent of their value, this necessitates some $35 million worth of goods being stolen annually.

I would like to describe briefly what each of the bills would do.

NARCOTIC ADDICTS ON WELFARE

The first is the proposal that we have submitted to the Ways and Means Committee for inclusion in the family assistance plan. The bill requires that for any narcotic addicted person to receive Federal assistance, that person would have to undergo treatment. Furthermore, the bill provides that the Secretary of Health, Education, and Welfare will be required to take what steps are necessary to provide for the development and operation of additional institutions that are needed so that all drug addicts on welfare can be treated. The bill provides that persons receiving welfare benefits and undergoing treatment be monitored by periodic testing so as to be sure that they are not reverting back to their drug use. Essentially, what we are doing here is providing persons who are on welfare because of their drug disability, the necessary treatment so they can again become self-supporting. Drug addiction is a physical disability—and it is absurd for the Federal Government to provide subsistence without providing a means so that the welfare recipient has an opportunity to again become self-supporting.

ADDICTS IN PRISON

The second bill would require States, in developing their plans for assistance under the law-enforcement assistance program to make provisions for the treatment of drug addicts in prisons and to provide continuing treatment when the prisoner is paroled. The States would have to demonstrate that treatment programs are being provided where necessary in order to get approval for their State plans.

ADDICTS IN THE MILITARY

The third bill is designed to stop the flow of drug addicts currently being discharged from the Armed Forces. It would require that each member of the Armed Forces be examined in a military medical facility at a time near his scheduled release from active duty for the purpose of determining whether or not he is a narcotic addict. If a man is determined to be a narcotic addict, he would not be released from active duty and instead immediately placed in either an Armed Forces hospital for treatment or in the custody of the Surgeon General of the Public Health Service for treatment in a Public Health Service hospital. The serviceman would be required to undergo treatment so long as required and would be discharged only when certified to no longer be a drug addict. Provision is made for persons able to undergo private treatment, so long as the treatment program has been approved and he reports for periodic examination at an Armed Forces medical facility.

CRIMINAL LAW CLINIC AT NYU

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of our colleagues an article which appeared on the front page of the New York Law Journal entitled "A Report on Criminal Law Clinic for NYU Students," authored by Prof. Harry I. Subin.

It superbly describes an experimental program in clinical education at New York University School of Law. I take special pleasure in noting this article because I am an alumnus of that school.

Article follows:

A REPORT ON CRIMINAL LAW CLINIC FOR NYU STUDENTS

(By Harry I. Subin)

INTRODUCTION

This article will attempt to describe the operations of the Criminal Law Clinic at New York University School of Law. The clinic is one of a number of experimental programs in clinical education at the school, where, for the past few years, we have been attempting to determine whether augmentation of the traditional curriculum with programs involving supervised field work is both justified and feasible.

The guidelines for these efforts were set by the faculty in April, 1969, when it adopted the Report on Clinical Education of the school's curriculum committee. The report stressed the need for experimentation in the clinical area, particularly with an eye toward enlivening and making more relevant the third year in law school, during which time many students are extremely anxious to apply the legal skills they have acquired in the first two years.

The report concluded that clinical programs should be considered a part of the school's academic program, and not merely as extracurricular opportunities. All clinical programs, therefore, are offered for academic credit, and constructed in such a way as to assure not only that students are given a glimpse of the "real world," but in a manner which assures that the clinical experience is both academically and professionally viable.

CREATION OF THE CLINIC

The clinic began operations in August, 1970, pursuant to a two-year grant from the Council on Legal Education for Professional Responsibility, Inc. (CLEPR). The aim of the program was to expose third-year law students to the practice of criminal law. Unlike programs in a number of schools, this one was designed to involve students in direct representation of indigent defendants, rather than as assistants to practicing attorneys. This had been made possible by the enactment of a student practice law by the state Legislature, which was followed by implementing rules promulgated by the Appellate Division of the First Judicial Department.

According to these rules, third-year students are permitted to represent indigent defendants under the following conditions: First, they must work under the aegis of a recognized legal aid organization, which must provide seventy hours of orientation and training prior to the students' court appearances; second, the students must receive the consent of the defendant to be represented by a student; third, they must be supervised at every court appearance by a member of the Bar; and fourth, they must practice in nonfelony cases only.

In compliance with these rules, and with funds provided by the CLEPR grant, the clinic entered into an agreement with Mobilization for Youth (MFY), pursuant to which an MYF attorney, Oliver Rosengart, with a number of years of experience in the Manhattan Criminal Court, would become the clinic's supervising attorney, with the CLEPR grant paying his salary. The students, fifteen in number, would receive their orientation from MFY, and would be assigned to nonfelony criminal cases which were received by the MFY office. For their work in the program, the students were to receive seven hours of academic credit in each of their last two semesters, in return for which they would be required to devote at least twenty hours per week to the clinic, in field work and related seminars.

INITIAL STAGES OF THE PROGRAM

At the outset, it was clear that the students would require an intensive period of orientation. Like most law students, and indeed like most lawyers, they were largely unfamiliar with the processes of the criminal courts, and with the many invisible not to say wondrous ways of the criminal justice system. Preconceived notions about what happened at various stages of the process, gleaned from casebooks, had to be dispelled. Well-learned principles of criminal procedure, gleaned from appellate court decisions, had to be put in perspective. And, perhaps most important, the students simply had to be familiarized with the often baffling maze of court parts, papers, clerks, and offices into which their cases would flow. There was, to say the least, a good deal of anxiety among the students at the outset.

After the orientation period, the students began doing intake work at the MFY office. At first they were closely supervised to assure that they would learn how to handle the vital initial contact between attorney and client. The results of these interviews were recorded on interview forms, and served as a basis for seminar discussion of interviewing techniques, and for planning strategy for the next stages of the case.

The students were responsible for all field investigations (observing, visiting and photographing or diagramming the scene, finding witnesses, interviewing complainants and police officers, etc.) and for the preparation of any motion papers required in their cases. Court appearances were handled by Mr. Rosengart at first, until the students became acquainted with the process. Ultimately, all court appearances—preliminary hearings, motions and trials—were handled by the students themselves, as were the all-important plea negotiations with the prosecution, with Mr. Rosengart present to give advice when necessary.

THE PROGRAM IN ACTION

By November, the students had gotten fairly comfortable in the courts. Each of them was responsible for four or five cases at any one time—the number kept low intentionally to assure the concentrated attention necessary to a thorough training experience. The students, by then, had learned their way around the courts physically, and had made substantial strides towards gaining the practical sophistication which one must possess to operate successfully there. They learned that the prepared and persistent attorney can often obtain good dispositions where a more casual approach might result in a client being host, in effect, in the flood of cases entering the court.

In one such case, a student was able through repeated efforts to gain the ear of the prosecutor and the judge, to obtain an informal "hearing" at which she presented facts which convinced the judge that the charges against her client were unjustified. The case, which in the normal course might have been in the system for weeks or longer, was dismissed on arraignment. This experience was repeated many times, and often resulted in dismissals, lower bail, or substantial reduction in charges.

The students were also active at the dispositional stage, again learning that in many cases while proof of guilt might be overwhelming, there was still much that a defense attorney could be to move the court toward adopting a positive course at sentencing. This is particularly true in drug or drug-related cases, in which many if not most of the judges will impose a nonjail sentence (probation or conditional discharge) if the defendant is doing something about his drug problem.

The students have been instrumental in getting about a dozen addicts into either residential treatment programs or methadone programs. Most often the students have brought this about by getting personally involved with their clients and then persuading, cajoling and even physically bringing them to the drug program. In one such case, the student attorney, prior to sentencing in a drug possession case, was able to place his client in a methadone program, make living arrangements for him, and enroll him in a job-training program. Despite a rather lengthy prior record, the defendant was not imprisoned. In the months which have followed, the student has remained in close touch with his client, who continues to work at his new trade and stay free of drugs.

As for formal litigative experience, each of the students has handled at least one preliminary hearing argument on motion or trial, and in most cases has been successful. There has not, it should be noted, been as much formal courtroom work as we would have liked for educational purposes, mainly because there is very little such work in the system as a whole.

Because of the enormous volume of business handled in the courts, there is strong pressure for out-of-court settlement, usually through negotiation between counsel. On a number of occasions, the students came to court fully prepared and eager for trial, only to be offered an irresistible "deal" by the prosecution, or to see their cases dismissed on motion of the prosecutor, after presentation of the defense case to him before trial. In part to compensate for the frustrated urge of the students to engage in formal advocacy in these cases, and in part to provide more skills training in litigation, we devoted a number of hours in our seminars to stimulation of the litigative experience.

THE ACADEMIC PERSPECTIVE

As noted, the seminar component of the program was considered highly important. Not only was it the mechanism through which we provided the initial orientation, and a forum for discussions of tactics and strategy in pending cases, but it also served as the place for discussion of the broader legal, social and ethical problems involved in the administration of criminal justice. One cannot, I feel, understand the criminal process without coming to grips with the enormous gap between its theory and present practices.

The fact that 90 per cent of all criminal cases are resolved without trial; that a large percentage of defendants are detained prior to trial because of their poverty; that our jails and prisons do more harm than good; and that one's ability to maneuver—to delay, to "shop" for the right judge, and to bargain—are often of more practical importance than one's skills as an advocate, are subjects as worthy of contemplation as are abstract notions such as the "presumption of innocence," and "mens rea."

The fact that prominent Supreme Court decisions dealing, for example, with searches and seizures, interrogations, and effective assistance of counsel are not so much "good" or "bad" in practice, but largely irrelevant, is one with which every student of the criminal law must grapple. Far from being merely a "how to do it" experience, therefore, the clinical program can serve to effectively broaden the education of the student.

CONCLUSIONS AND PLANS

The first year of the program is now almost completed. My sense is that it has been a valuable learning experience for the students, although I concede that there are no simple ways to measure this. Their enthusiasm remained extremely high throughout, and they devoted long hours to their cases and to the lives of the clients whom they served. They obtained less formal litigative experience than I would have liked, but hopefully they learned some of the basics of successful litigation. They certainly obtained a perspective in this important field of law which could not have been obtained in the classroom.

And, contrary to what some feared, far from being turned away from the criminal law as a result of seeing it in action, almost all of them are moving, or trying to move, further into the field upon graduation.

The second year of the program begins in September. We shall double the number of students involved, and add two more supervisors, the cost to be shared by CLEPR and the School of Law. We hope to be able to demonstrate to the school that the clinical experience is worthy of perpetuation in the curriculum, and to the legal community that the student practitioner is a valuable resource in the criminal justice field.

CONGRESS MUST BAR THE CIA FROM RUNNING GUERRILLA WARS

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BADILLO. Mr. Speaker, I am introducing legislation today amending the National Security Act of 1947 to specify the intent of Congress that the authority of the Central Intelligence Agency is confined to the gathering, analysis, and dissemination of intelligence and does not include the organization, supervision, or conduct of any military or paramilitary operation abroad.

This bill would close a loophole in the National Security Act which permits the CIA to undertake "such other functions and duties related to intelligence affecting the national security" as may be directed by the National Security Council.

It is this provision which apparently is the justification for the presence of the CIA in Laos—not to gather intelligence but to train, finance, and lead tribal guerrillas and even the Royal Laotian Army as a covert adjunct to U.S. combat operations in Vietnam.

It is reliably reported that the CIA has more than 300 men in Laos, supplying and training Government guerrillas and leading commando and reconnaissance teams. In addition, the CIA is mainly responsible for planning of the massive air bombardment of Laos, which has made a wasteland of this tiny nation and turned its people into refugees in their own land.

By its use of the CIA in this manner, our Government has developed a new and cynical formula for running a war, out of sight of the Congress and the American people. I fear that unless legislation such as the bill I offer today is enacted, we will find the CIA running military operations in Indochina long after other American combat forces have been brought home.

The bill follows:

H.R. 8371

A bill to amend the National Security Act of 1947 to specify certain activities in which the Central Intelligence Agency may not engage

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(d) of the National Security Act of 1947 (50 U.S.C. 403(d)) is amended by adding at the end thereof the following new flush sentence:

"Nothing in this subsection shall be deemed to authorize the Agency to engage, in any manner or to any extent, in the organization, supervision, or conduct of any military or paramilitary operation of any kind (including any operation of the kind commonly known as a 'guerrilla warfare' operation) which will be executed by forces primarily composed of (i) mercenaries, (ii) regular or irregular personnel of any armed force of any foreign nation or area, or (iii) personnel other than those listed in (i) and (ii) who are under arms and are indigenous to any foreign country or area."

A BILL TO RESTRICT THE SALE OF "SATURDAY NIGHT SPECIAL" HANDGUNS

(Mr. MURPHY of New York, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Speaker, I introduce, for appropriate reference, an amendment to the Gun Control Act of 1968.

The proposed legislation is a bill to prohibit the sale of the domestic "Saturday night special," the gun that has taken the place of the imported "Saturday night special," which Congress outlawed from importation into the United States under the provisions of the Gun Control Act of 1968.

Saturday night specials are inexpensive, poorly made handguns whose only purpose is to terrorize prospective robbery victims.

The prosecuting attorney of Wayne County, Mich., testified before the Congress just a few days before the disastrous Detroit riot and described the massive flow of these weapons from Toledo into the city of Detroit. He said that many minor hoodlums in Detroit who wanted to commit armed robbery would purchase one of these pistols immediately prior to the crime. And because most armed robberies take place on Saturday night, Michigan authorities dubbed them "Saturday night specials."

Since then, congressional investigators have found this situation was not unique to the city of Detroit. The term "Saturday night special" had spread to every section of the country. This is the weapon most used not only in the crime of robbery but in the crime of murder and assault as well.

The involvement of this handgun in crime is disproportionate to its number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery.

Over 50 percent of the 15,000 homicides in 1969 were committed with handguns.

Virtually every one of our 100,000 firearm robberies involves a handgun, and 75,000 of the Nation's aggravated assaults are committed with these "manstoppers."

The effect of the amendment would be to prevent the transfer or sale by a federally licensed dealer of any firearm, other than a rifle or shotgun, to anyone unless the Secretary of the Treasury determines that the gun is suitable for lawful sporting purposes.

This means that standards now applicable to imported foreign firearms would be made applicable to domestically made firearms. If the guns do not meet certain specified standards, then they could not be sold or transferred to the public.

I would like to have the documents entitled "Internal Revenue Service Factoring Criteria for Weapons" and "Excerpts From Subpart G of Part 178 of Title 26 of the Code of Federal Regulations" printed in the Record at the end of my remarks.

The documents which I have included in the Record with the amendment set forth the standards in detail that would be applied to these domestically made guns so I will not elaborate upon them at this point.

What are the types of firearms with which this amendment is concerned?

First, these weapons are basically the small caliber, inexpensive revolvers, usually of .22-caliber design.

Second, these firearms are useless for sporting purposes.

Third, these guns are crime guns, and are used in substantial numbers of murders, armed robberies, and aggravated assaults.

Fourth, they are the weapons that went into production after the enactment of the Gun Control Act of 1968, which prohibited the importation of these very firearms.

In the decade of the 1960's, the imported Saturday night special became the gun of choice in some 30 percent of all gun murders, numerous robberies, and aggravated assaults.

The gun was inexpensive to buy.

It was easily concealed and it was lethal.

During congressional inquiries into the gun problem in the United States, virtually every public official who appeared before Senate and House committees urged that this particular class of gun—the small caliber, inexpensive, pot metal revolver—be prohibited from import into the United States.

With no questions asked, it was sold by mail order to nonresidents, to immature juveniles, to criminals.

Then in 1968, in response to the urgent plea of law enforcement officials from throughout the United States, legislation was enacted prohibiting these deadly weapons from importation into the United States.

I sponsored that legislation in the House.

At that time there was no substantial comparable domestic production of these firearms. However, with the prohibitions of the Gun Control Act of 1968, entrepreneurs who had been in the importing business suddenly became firearms manufacturers and began to make the very gun that had been embargoed by Federal law.

Marginal business operators with names familiar to the Congress began to produce these guns in large volume. The former importers of the Saturday night specials, the guns that law-enforcement officials from throughout the land urged be banned from import, became the domestic manufacturers. These "fast buck" artists are now producing an American version of the "Saturday night special" which sells at prices comparable to the imported weapons.

The most bizarre case involved a church in Florida which was converted to gun manufacturing and became one of the Nation's largest cheap gun operations.

So, instead of millions of these weapons being imported into the United States, we began to witness the production of hundreds of thousands of Saturday night specials right here in this country.

During Senate hearings on the matter in August 1968, Associate Deputy Attorney General Donald Santarelli testified that some 60,000 cheap, domestically manufactured Saturday night specials were manufactured in the United States in that year and predicted substantial increases in production with each succeeding year.

Santarelli concluded that the crime problem caused by the Saturday night specials, "has not abated, but, in fact, has exacerbated."

Two other witnesses representing the National Commission on the Causes and Prevention of Violence, called for an extension of the Gun Control Act to prohibit the domestic production of these junk guns.

It is now 1971, and as Mr. Santarelli pointed out in his testimony, the problem of the Saturday night special continues to grow.

In testimony before an appropriations committee of the House of Representatives Commissioner Randolph Thrower of the Internal Revenue Service, the Federal agency which administers and enforces our Federal gun laws, said that the cheap handgun known as the Saturday night special "is the most frequently used for illegal purposes and in conflict between humans."

He went on to say:

> While I can see the difficulties of reopening the gun legislation problem, if, in some way, this technical correction could be made, it would resolve a problem and permit local efforts to be effective in getting these non-sporting, irresponsible, and wholly lethal weapons out of full circulation.

He referred, of course, to the technical correction which would prohibit the domestic production and sale of these crime guns.

Mr. Speaker, the amendment that I introduce today would effectively preclude the sale of these weapons to the public.

I believe that we must act upon this amendment without undue delay, before the incidence of criminal misuse of these guns reaches astronomical proportions.

We cannot afford the delay that occurred with regard to the foreign imported Saturday night special.

For 10 years, prior to 1968, millions of those weapons were imported each year and many of them were either used in crime or are now lodged in the hands of potential abusers.

A similar situation cannot be allowed to develop with the domestic variety.

A recent survey by a member of my staff of 73 police departments throughout the country reflects the criminal use of domestic Saturday night specials in major U.S. cities.

For example, in 1969, police officials reported that over 1,000 crimes were committed in their jurisdiction with .22-caliber Saturday night specials. These were domestically made and fell into only four brand-name firearms: the IMP, the CDM, the RG–14, and the RG–23.

The crimes for which these guns were confiscated range from illegal possession of firearms to murder.

A pattern of use of these weapons is beginning to form rapidly. Hopefully, the Congress will act before a relatively small problem becomes a national outrage.

Further information about the four brand-name guns I referred to shows that, in just the first 3 months of 1970, 471 of these guns were seized by police as a result of their misuse in crime. Projecting this quarterly figure for the full year of 1970, over 1,880 of these guns were involved in violent crimes or other violations of the law.

This represents an 87-percent increase over 1969.

As has been the case in the past with the foreign imports, our Nation's largest cities, including Chicago, Detroit, Los Angeles, New York, and others are bearing the brunt of crime committed with these domestically made weapons.

But our suburban areas are affected, too. Dade County police officials have said that 30 to 40 percent of the homicides in the county are committed with this type of pot-metal killer gun. These same police officials are quoted as saying these guns "are popular particularly in the lower income groups where kids 14 and 15 and 16 are carrying guns."

The foreign imported Saturday night special became a multiple murder-a-day gun—we cannot allow this to happen with regard to its American counterpart.

Only the Congress can prevent such a tragic situation from developing.

If the production of these weapons goes unchecked, I am certain the judgment of the Justice Department will be confirmed—the situation will exacerbate."

The legislation that I propose today provides the necessary controls to restrict the manufacture and sale of these weapons, the production of which reached a staggering 630,000 in 1970. If this trend continues, we can expect millions of these weapons to flood the market each year, and we can expect substantial numbers of these guns to be involved in crimes of violence.

This would be deplorable.

We are faced with a real and pressing decision that must be made with regard to the potential abuse of the weapons that I have just described in my remarks.

Are we to wait for a rash of killings, assaults, and armed robberies with these weapons, before we act?

I should hope not.

The House must act to assure our citizens an additional measure of safety from armed delinquents and hoodlums. The enactment of this bill, will, I am certain, guarantee that measure of safety.

I urge Members to give this amendment their earnest consideration and support, so that we may move it through this body toward enactment into law.

The material follows:

FACTORING CRITERIA FOR WEAPONS

(NOTE.—The Internal Revenue Service reserves the right to preclude importation of any revolver or pistol which achieves an apparent qualifying score but does not adhere to the provisions of section 925(d)(3) of Amended Chapter 44, Title 18, U.S.C.)

PISTOL MODEL

Individual characteristics and factor allowance.

Overall length

For each ¼″ over 6″ (1 value).

Frame construction

Investment cast or forged steel (15 value).

Investment cast or forged HTS alloy (20 value).

Weapon weight w/magazine (unloaded)

Per ounce (1 value).

Caliber

.22 short and .25 auto (0 value).

.22 LR and 7.65mm to .380 auto (3 value).

9mm parabellum and over (10 value).

Safety features

Locked breech mechanism (5 value).

Loaded chamber indicator (5 value).

Grip safety (3 value).

Magazine safety (5 value).

Firing pin block or lock (10 value).

Miscellaneous equipment

External hammer (2 value).

Double action (10 value).

Drift adjustable target sight (5 value).

Click adjustable target sight (10 value).

Target grips (5 value).

Target trigger (2 value).

Prerequisites

(1) The pistol must have a positive manually operated safety device.

(2) The combined length and height must be in excess of 10″ with the height (right angle measurement to barrel without magazine or extension) being at least 4″ and the length being at least 6″.

Score achieved

Qualifying score is 75 points.

REVOLVER MODEL

Individual characteristics and factor allowance.

Barrel length (muzzle to cylinder face)

Less than 4″ (0 value).

For each ¼″ over 4″ (½ value).

Frame construction

Investment cast or forged steel (15 value).

Investment cast or forged HTS alloy (20 value).

Weapon weight (unloaded)

Per ounce (1 value).

Caliber

.22 short to .25 ACP (0 value).

.22 LR and .30 to .38 S&W (3 value).

.38 special (4 value).

.357 mag and over (5 value).

Miscellaneous equipment

Adjustable target sights (drift or click) (5 value).

Target grips (5 value).

Target hammer and target trigger (5 value).

Prerequisites

(1) Must pass safety test.

(2) Must have overall frame (with conventional grips) length (not diagonal) of 4½″ minimum.

(3) Must have a barrel length of at least 3″.

Safety test

A Double Action Revolver must have a safety feature which automatically (or in a Single Action Revolver by manual operation) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. The safety device must withstand the impact of a weight equal to the weight of the revolver dropping from a distance of 36″ in a line parallel to the barrel upon the rear of the hammer spur, a total of 5 times.

Score achieved

Qualifying score is 45 points.

EXCERPTS FROM TITLE 26—INTERNAL REVENUE—CHAPTER 1, SUBCHAPTER G—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES—PART 178—COMMERCE IN FIREARMS AND AMMUNITION

SUBPART G—IMPOSITION

§ *178.111 General*

(a) Section 922(a)(3) of the Act makes it unlawful, with certain exceptions not pertinent here, for any person other than a licensee, to transport into or receive in the State where he resides any firearm purchased or otherwise obtained by him outside of that State. However, section 925(a)(4) provides a limited exception for the transportation, shipment, receipt or importation of certain firearms and ammunition by certain members of the United States armed forces. Section 922(1) of the Act makes it unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition except as provided by section 925(d) of the Act, which section provides standards for importing or bringing firearms or ammunition into the United States. Accordingly, no firearm or ammunition may be imported or brought into the United States except as provided by this part.

(b) Where a firearm or ammunition is imported and the authorization for importation required by this subpart has not been obtained by the person importing same, such person shall:

(1) Store, at his expense, such firearm or ammunition at a facility designated by U.S. Customs or the Assistant Regional Commissioner to await the issuance of the required authorization or other disposition; or (2) Abandon such firearm or ammunition to the U.S. Government; or

(3) Export such firearm or ammunition.

(c) Any inquiry relative to the provisions or procedures under this subpart, other than that pertaining to the payment of customs duties or the release from Customs custody of firearms or ammunition authorized by the Director to be imported, shall be directed to the Assistant Regional Commissioner for reply.

§ *178.112 Importation by a licensed importer*

(a) No firearm or ammuniton shall be imported or brought into the United States by a licensed importer (as defined in § 178.11) unless the Director has authorized the importation of the firearm or ammunition, or the firearm or ammunition is listed on the Importation List compiled by the Director as provided by paragraph (c) of this section.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof under this section shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and license number of the importer, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm to be imported, (4) the country from which to be imported, (5) the name and address of the foreign seller and the foreign shipper, (6) verification that if a firearm, it will be identified as required by this part, and (7)(i) if imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm by section 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. In determining whether a firearm or ammunition is particularly suitable for or readily adaptable to sporting purposes, the Director may seek the recommendation of the advisory board authorized by paragraph (c) of this section. If the Director approves the application, such approved application shall serve as the permit to import the firearms or ammunition described therein, and importation of such firearms or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period specified thereon. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the license importer shall be notified of the basis for the disapproval.

(c) The Director may compile an Importation List of firearms and ammunition which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes. The determination of the Director that a firearm or ammunition is generally recognized to be particularly suitable for or readily adaptable to sporting purposes may be made with the assistance of an advisory board to be appointed by the Commissioner. Such board may be composed of persons from within and without governmental agencies who are recognized as being particularly knowledgeable in the use and classification of firearms and ammunition. No firearm shall be placed on the Importation List unless it is found that (1) the caliber or gauge of the firearm is suitable for use in a recognized shooting sport, (2) the type of firearm is generally recognized as particularly suitable for or readily adaptable to such use, and (3) of the firearm in a recognized shooting sport will not endanger the person using it due to deterioration through such use or because of inferior workmanship, materials or design. No ammunition shall be placed on the Importation List unless it is found that (i) the caliber, size or gauge of the ammunition is suitable for use in a recognized shooting sport, (ii) the type of ammunition is generally recognized as particularly suitable for or readily adaptable to such use, and (iii) the use of the ammunition in a recognized shooting sport will not endanger the person using it.

(d) A firearm or ammunition imported or brought into the United States by a licensed importer may be released from Customs custody to the licensed importer upon his showing that he has obtained a permit from the Director for the importation of the firearm or ammunition to be released, or that the firearm or ammunition appears on the Importation List. In obtaining the release from Customs custody of a firearm or ammunition authorized by this section to be imported through use of a permit or because the firearm or ammunition appears on the Importation List, the licensed importer shall prepare Form 6A (Firearms), in duplicate, and furnish the original Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensed importer maintains his place of business. The Form 6A (Firearms) shall show the name, address, and license number of the importer, the name of the manufacturer of the firearm or ammunition, the country of manufacture, the type, model, and caliber, size or gauge, and the number of firearms or rounds of ammuntion released.

(e) Within 15 days of the date of release from Customs custody, the licensed importer shall (1) forward to the Assistant Regional Commissioner a copy of Form 6A (Firearms) on which shall be reported any error or discrepancy appearing on the Form 6A (Firearms) certified by Customs, (2) pursuant to § 178.92, place all required identification data on each imported firearm if same did not bear such identification data at the time of its release from Customs custody, and (3) post in the records required to be maintained by him under Subpart H of this part, all required information regarding the importation.

§ 178.113 *Importation by other licensees*

(a) No person other than a licensed importer (as defined in § 178.11) shall engage in the business of importing firearms or ammunition. Therefore, no firearm or ammunition shall be imported or brought into the United States or a possession thereof by any licensee other than a licensed importer unless the Director issues a permit authorizing the importation of the firearm or ammunition.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof by a licensee, other than a licensed importer, shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and the license number of the applicant, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm or ammunition to be imported, (4) the name and address of the foreign seller and the foreign shipper, (5) the country from which the firearm or ammunition is to be imported, and (6) (i) if the firearm or ammunition is being imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm under 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(c) A firearm or ammunition imported or brought into the United States or a possession thereof under the provisions of this section may be released from Customs custody to the licensee importing the firearm or ammunition upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the licensee importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensee importing the firearm or ammunition maintains his licensed premises. The Form 6A (Firearms) shall show the name, address, and the license number of the licensee, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size (if ammunition) or gauge of the firearm or ammunition so released, and, if applicable, the number of firearms or rounds of ammunition released.

§ 178.114 *Importation by members of the U.S. Armed Forces*

(a) The Director may issue a permit authorizing the importation of a firearm or ammunition into the United States to the place of residence of any military member of the U.S. Armed Forces who is on active duty outside the United States, or who has been on active duty outside the United States within the 60-day period immediately preceding the intended importation: *Provided*, That such firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for the personal use of such member. An application for such a permit, Form 6 (Firearms), shall be filed, in triplicate, with the Director. The application shall contain (1) the name and current address of the applicant, (2) certification that the transportation, receipt, or possession of the firearm or ammunition to be imported would not constitute a violation of any provision of the Act, Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), or of any State law or local ordinance at the place of the applicant's residence, (3) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and the name of the manufacturer, (4) the unit cost of the firearm or ammunition to be imported, (5) the name and address of the foreign seller (if applicable) and the foreign shipper, (6) the country from which the firearm or ammunition is to be imported, (7) (i) that the firearm or ammunition being imported is for the personal use of the applicant, and (ii) if a firearm, a statement that it is not a surplus military firearm, that it does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1954, and an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (iii) if ammunition, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and (8) the applicant's date of birth, his rank or grade, his place of residence, his present foreign duty station or his last foreign duty station, as the case may be, the date of his reassignment to a duty station within the United States, if applicable, and the military branch of which he is a member. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and shall retain the two copies thereof for administrative purposes. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(b) Upon receipt of an approved application (permit) to import the firearm or ammunition, the applicant may obtain the release of same from Customs custody upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the military member of the U.S. Armed Forces importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the State of residence of the military member of the U.S. Armed Forces is located. The Form 6A (Firearms) shall show the name and address of such military member, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size or gauge of the firearm or ammunition so released, and if applicable, the number of firearms or rounds of ammunition released. However, when such military member is on active duty outside the United States, he may appoint, in writing, an agent to obtain the release of the firearm or ammunition from Customs custody for him. Such agent shall present sufficient identification of himself and the written authorization to act on behalf of such military member to the Customs officer who is to release the firearm or ammunition.

(c) Firearms determined by the Department of Defense to be war souvenirs may be imported into the United States by the military members of the U.S. Armed Forces under such provisions and procedures as the Department of Defense may issue.

§ 178.115 *Exempt importation*

(a) Firearms and ammunition may be brought into the United States or any possession thereof by any person who can establish to the satisfaction of Customs that such firearm or ammunition was previously taken out of the United States or any possession thereof by such person. Registration on Customs Form 4457 or on any other registration document available for this purpose may be completed before departure from the United States at any U.S. customhouse or any office of an Assistant Regional Commissioner. A bill of sale or other commercial document showing transfer of the firearm or ammunition in the United States to such person also may be used to establish proof that the firearm or ammunition was taken out of the United States by such person. Firearms and ammunition furnished under the provisions of section 925(a)(3) of the Act to military members of the U.S. Armed Forces on active duty outside of the United States also may be imported into the United States or any possession thereof by such military members upon establishing to the satisfaction of Customs that such firearms and ammunition were so obtained.

(b) Firearms and ammunition may be imported or brought into the United States by or for the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof. A firearm or ammunition imported or brought into the United States under this paragraph may be released from Customs custody upon a showing that the firearm or ammunition is being imported or brought into the United States by or for such a governmental entity.

(c) The provisions of this subpart shall not apply with respect to the importation into the United States of any antique firearm.

(d) Firearms and ammunition are not imported into the United States, and the provisions of this subpart shall not apply, when such firearms and ammunition are brought into the United States by:

(1) A nonresident of the United States for legitimate hunting or lawful sporting purposes, and such firearms and such ammunition as remains following such shooting ac-

tivity are to be taken back out of the territorial limits of the United States by such person upon conclusion of the shooting activity;

(2) Foreign military personnel on official assignment to the United States who bring such firearms or ammunition into the United States for their exclusive use while on official duty in the United States;

(3) Official representatives of foreign governments who are accredited to the U.S. Government or are en route to or from other countries to which accredited;

(4) Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State; and

(5) Foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business.

§ 178.116 Conditional importation

The Director may permit the conditional importation or bringing into the United States or any possession thereof of any firearm or ammunition for the purpose of examining and testing the firearm or ammunition in connection with making a determination as to whether the importation or bringing in of such firearm or ammunition will be authorized under this part. An application for such conditional importation shall be filed, in duplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm or ammunition be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm or ammunition must agree to either export the firearm or ammunition or destroy same if a determination is made that the firearm or ammunition may not be imported or brought in under this part. A firearm or ammunition imported or brought into the United States or any possession thereof under the provisions of this section shall be released from Customs custody upon the payment of customs duties, if applicable, and in the manner prescribed in the conditional authorization issued by the Director.

§ 178.117 Function outside a customs territory

In the insular possessions of the United States outside customs territory, the functions performed by U.S. Customs officers under this subpart within a customs territory may be performed by the appropriate authorities of a territorial government or other officers of the United States who have been designated to perform such functions. For the purpose of this subpart, the term customs territory means the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

LET THEM EAT EXHAUST

(Mr. JACOBS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, after the negative vote on Tuesday by the House of Representatives on mass transit, and then the vote on Wednesday by the House for the jet-set luxury airplane, Marie Antoinette took time out from her busy schedule to issue a statement. It read, "Let them eat exhaust."

Mr. Speaker, I yield back the balance of my time.

RED CHINA IN THE UNITED NATIONS?

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, we must not reward aggression in Southeast Asia by admitting Red China to the United Nations. We must not reward their invasion of North Korea with the loss of thousands of United Nations' lives. We must not reward their occupation of Tibet, their invasion of India, and other aggressive acts by placing upon them the stamp of approval, dignity, recognition, and a good image. To reward Red China with a seat in the United Nations before they renounce aggression, sabotage, infiltration and subversion would be utter folly as a national policy. This would be the road to disaster and ruin for us nationally and the cause of freedom.

I fear a United Nations military force, which will come with the admission of Red China, would be largely dominated by the manpower of those nations committed to world revolution and aggression. Those same spokesmen advocating admission of Red China will advocate a United Nations military force dominated by the totalitarian aggressors. Then, as night follows the day, the same spokesmen advocating the admission of Red China in the United Nations will advocate free trade with Red China, which would wreck international trade concepts and the economy of the free world.

Mr. Speaker, imagine free trade with a dictatorship where its people are paid as low as 3 cents per hour.

This administration, before it takes this final and perhaps fatal step, should stop, look, and listen carefully to the lessons of history.

AVERELL HARRIMAN IS NOT AN ELDER STATESMAN

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, a comment attributed to former Gov. Averell Harriman came to my attention yesterday in which the former Governor is quoted as saying:

> I am doing everything I can to help President Nixon become a one-term President.

Mr. Speaker, some of the inane comments of Mr. Harriman over the past few months I have attributed to senility, but now it appears it is not senility, but a well-designed attack on the President, not as a Republican, but as a personality.

Now, I make this observation to the House in order to alert the news media that Mr. Harriman is not a senior statesman—quite the contrary. He has been our sellout negotiator for the past few years, but his comments in the future should not be given the respect of those of a statesman, but purely a personality-motivated individual who is opposed to the personality who has become the President of the United States.

Those of us who have followed Mr. Harriman's career of failure heaped upon successive failure in international diplomacy have been content to regard his record as one which merely revealed basic incompetence. At the best, his record deprives him of a base from which he can be critical of the Nixon administration.

When Mr. Harriman speaks of doing "all he can" to defeat President Nixon, I find myself wondering if he has ruled out willful sabotage of this Nation's best interests to achieve his stated purpose. When his pledge in the past was to protect this Nation's best interests, the results were more often to the contrary.

Mr. Harriman's failures of the past to achieve his stated purpose gives me, and I am sure, the President, as well, reassurances as to the reelection of President Nixon.

BUFFALO NATIONAL RIVER

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, in 1930, Mr. Justice Holmes in a landmark court opinion, stated—

> A river is more than an amenity, it is a treasure. It offers a necessity of life that must be rationed among those who have power over it.

It is my confident belief that the bill I am introducing to provide for the establishment of a Buffalo National River in the State of Arkansas will ration wisely the resources of this magnificent natural waterway so that it will continue to be an amenity and a treasure, to the people of Arkansas and the entire Nation.

The legislation I am introducing will safeguard the wild and natural character of the Buffalo as a free-flowing watercourse. The preservation and protection that will keep the river in its primitive condition will also bring the economic benefits of permanent Federal investment, private investment opportunities, increased job opportunities, and a higher environmental standard for the people of the region.

My bill will not result in a serious dislocation of the people of the Buffalo River country. Few residents whose properties are within the boundaries of the proposed Buffalo National River will be required to vacate their homes. The bill permits life tenancy for most of those who wish to retain their property. But for the few who will be required to move, the Uniform Relocation Assistance Act, approved by the 91st Congress, provides fair and equitable treatment. This new law offers considerably expanded benefits to those who will be displaced.

The primary purpose of the Buffalo National River is recreation based on natural resources preservation. If the Buffalo is exploited rather than preserved, there will be jobs and increased investment for a limited time. But how permanent will those jobs and the investment be?

The history of national park system projects—though some of them were originally opposed by local interests—is that they inevitably become recognized as permanent economic assets. They become an anchor of stability. Recreation is a nonconsumptive use of natural resources that can continue forever if the resources upon which recreation is based are not exhausted or degraded. If the resources are properly managed, they are improved.

As far as I can determine, no units of the national park system have failed to bring increased economic benefits to the communities where they are located. I doubt if any community close to a national park—even though it might originally have opposed its establishment—would today vote to abolish it.

But the time is now. Irreversible development is moving into the basin of the Buffalo River. If action is not taken soon, the finest of the last free-flowing semi-wilderness rivers in America's midlands may still be an amenity, but hardly a treasure. If the Buffalo ceases to be a scenic river, few of the 15 million Americans who live within a 1-day drive will have any reason to make the trip. An opportunity for scenic preservation and economic improvement will have been irretrievably lost.

The text of the bill follows:

H.R. 8382

A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River" number NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service Department of the Interior. The Secretary may revise the boundaries of the national river from time to time, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

SEC. 2 (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 337; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of (1) improved property and used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or of (2) lands used solely for agricultural purposes, including but not limited to grazing, on such acquisition date may retain the right of use and occupancy of such property for such respective purposes for a term, as the owner may elect, ending either (a) upon the death of the owner or his spouse, whichever occurs later, or (b) not more than thirty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (1) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (2) may be transferred or assigned, and (3) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or agricultural purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1971, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided,* That the Secretary may exclude from any improved property any waters or land as he deems necessary for public access thereto.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

SEC. 4. In order to alleviate the immediate real estate tax losses sustained by counties as a result of any acquisition by the United States of property within the Buffalo National River, the Secretary shall, as soon as practicable after the end of the first fiscal year in which such property has been acquired and as soon as practicable after the end of each of the four succeeding fiscal years, make payments to the county in which such property lies in an amount equal to the taxes last assessed and levied on the property prior to its acquisition by the United States. Funds for such payments are hereby authorized to be appropriated from the general fund of the Treasury.

SEC. 5. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the national river and the values to be protected by it under this Act.

SEC. 6. The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 7. There are authorized to be appropriated not to exceed $16,115,000 for acquisition of land and not to exceed $12,102,000 for the development of the area as provided for in this Act.

THE SOLUTION: REPEAL THE FOOD STAMP AMENDMENTS OF 1970

(Mrs. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, we have all been hearing expressions of shock, dismay, surprise, and outrage over the proposed regulations of the Department of Agriculture for carrying out the Food Stamp Act amendments passed in the dying days of the last Congress. I am wondering if those who have been criticizing the Department for its alleged cruelty have reread the law the 91st Congress enacted.

Actually, the Department has been more than generous in applying some of the law's requirements. For instance, under the terms of the act, it should rule ineligible for food stamps anyone whose equity in a home, or in a car, or in tools of a trade, placed his "assets"—not his liquid assets as in the previous law but all of his assets—over a certain maximum figure of say $1,500. But the Department chose to interpret "assets" as not including equity in a home, or in a car, or in tools of a trade. I applaud them for doing so, but I think they probably are violating the law in doing so.

As to the so-called unrealistic income limits which will now cut off hundreds of thousands of families and millions of people from eligibility in the more industrialized States, I point out that Congress required that the income eligibility standards be uniform all over the country, without regard to the obviously different standards of income in different States. So a standard which is high enough to accommodate what the people of New York regard as a barely adequate minimum income may be high enough to encompass most of the working people in Mississippi.

Thus, you must decide whether to place all of the working people of Mississippi under the food stamp program or knock off everyone in New York whose income exceeds the levels of neediness in Mississippi.

So while it is easy to blame the Department of Agriculture for its insensitivity in setting up the new regulations, Mr. Speaker, I think we should place the blame where it belongs—right here in the Congress.

The act passed in the last Congress was an abomination. But so many of the Members were so intent on punishing the poor for being poor, and so many others were so intrigued by the idea of giving some free stamps to a comparative handful of families that the successful legislative achievement of those two disparate objectives resulted in an unworkable monstrosity.

On the opening day of this Congress, therefore, I introduced a bill to repeal the 91st Congress food stamp amendments, restore the act as previously written, and provide for an open end appropriations authorization. I also introduced a resolution to change the House Rules to transfer the committee jurisdiction over food stamp legislation from the Committee on Agriculture, which has never wanted or liked the program, to the Committee on Banking and Currency, which is concerned with rural as well as urban problems and has treated both types of problems humanely and fairly.

Mr. Speaker, there is still time to prevent the terrible consequences of the latest food stamp law from taking effect, but the time is short. There was very little wrong with the previous law that adequate funding could not have corrected—but when we reached the point of achieving adequate funding last year, those who hate the program because it is feeding too many hungry people and those who attacked it because it was not instant Utopia combined to give us a worse law than we had before. It should be repealed before the food stamp program becomes an unworkable sham.

FINDS TONIC IN DISTRICT OF COLUMBIA NEWS

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, it has been my privilege to know for many years the distinguished American author, MacKinley Kantor. As an excellent reporter and interpreter of the American scene, he has the reputation of telling it as it is. Mr. Kantor has done just that in the enclosed Letter to the Editor which appeared in our hometown, Sarasota, Fla., newspaper, the Herald Tribune on May 9, 1971.

I include "Mack" Kantor's letter at this point in the RECORD:

FINDS TONIC IN DISTRICT OF COLUMBIA NEWS

SIR: In your issue of Monday, 3 May, you included on the front page an AP wirephoto over the title, "Antiwar Demonstrator Arrested by Washington Policeman."

Please allow me to congratulate you on your good taste in thus featuring one of the sublime photographs of the decade, or possibly even of the mid-century.

The cops are trim, alert, smartly uniformed, smartly trained. They look exactly like the gratifying Law and Order which they are busily maintaining.

The partially human monster in their grasp is typical of that entourage whom the so-called "Liberal" press and so-called "Liberal" pulpit have been deifying through recent years. His scurvy opinions have been forced upon us; his shrieks have been interpreted as statutes; the disrepute of his garb has been adopted as approved costuming for the young.

He has made the air hideous with thuds and blattings, to replace the traditional bold or gentle music of our past. He has been permitted—nay, encouraged—to defile the Nation's flag, exalt the Nation's enemies, and fling his excrement over the Nation's memorial.

. . . And now that screwed-up filthy bearded face under the thatch of putrid hair is contorted with pain "because, man, the pigs have blown their cool."

It may be more than a mere happenstance that the white lummox is writhing in the grasp of a Negro police sergeant.

Let us hang this picture in a dometsic Louvre or Prado already adorned with the unforgettable and the proud. Such as those Marines raising their flag on a bleak eminence from which the Pearl-Harbor-dealing Japanese have been blasted away.

. . . And did Dr. Spock cry "Shame!" when they were blasted?

Incidentally, it was pleasant to see on 4 May the worthy doctor howling behind steel mesh, and looking exactly like the Simian he is in thought and deed.

Keep the pictures coming, sir. They are tonic for souls grown ill on a diet of apology and subterfuge.

MACKINLAY KANTOR,
Siesta Key.

TO PROTECT FEDERALLY GUARANTEED RIGHTS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I am today introducing legislation recommended by the U.S. Commission on Civil Rights to provide meaningful redress for deprivation of constitutional rights.

The legislation is quite simple in its basic thrust. Currently, individual State and local officers, including police officers, may be sued by victims of unconstitutional acts under section 1983 of title 42 of the United States Code. But the agencies for which these officers work are, in almost all States, immune from liability. The consequence is that a police officer found guilty of an unlawful act may well be judgment-proof—in the sense that the damages awarded cannot be recovered from him for lack of funds—and the system of law enforcement, by virtue of its immunity, feels little pressure to discourage subsequent misconduct. My bill makes the governmental body for which the officer works liable for damages, thus providing a built-in incentive for reform.

The efficacy of this approach is emphatically expressed by Prof. Kenneth Culp, of the University of Chicago Law School:

> Policemen, as experience proves, are largely indifferent to theoretical personal liability, which is sporadically imposed and which typically lags years behind the abuse. But policemen, like any other employees, do respond to rules enforced by their superiors, for the enforcement may be steady, swift, and sure, and the penalties, including suspension or dismissal, provide fully effective motivation. (3 Davis, *Administrative Law Treatise.* Section 25.17 (1965 Supp.).)

The problem of official lawlessness at which my bill aims is becoming an increasingly perceived, and increasingly perilous, circumstance of daily life. Police behavior toward demonstrators in Chicago at the 1968 Democratic Convention presaged the actions of the police at Jackson State, and these actions were themselves a reflection of decades of governmental violence directed at blacks in the South. But, while Chicago and Jackson State were particularly dramatic and particularly outrageous incidents, similar incidents—on a lesser scale—are not rare.

Far more common than these incidents of infamous prominence are the daily minor abuses inflicted upon the poor and the powerless. These, perhaps, are even more dangerous in their ultimate consequences for all Americans, because of the backlog of fulminating resentment they engender. Minority group members—the most frequent victims of official lawlessness—become increasingly alienated and rightfully resentful. In this regard, the 1970 report of the U.S. Commission on Civil Rights, entitled "Mexican Americans and the Administration of Justice in the Southwest," is particularly enlightening. In the summary of the first chapter, the report states, at page 12:

> In the five Southwestern States which were the subject of this study, the Commission heard frequent allegations that enforcement officers discriminated against Mexican Americans. Such discrimination include more frequent use of excessive force against Mexican Americans than against Anglos, discriminatory treatment of juveniles, and harassment and discourteous treatment toward Mexican Americans in general. Complaints were also heard that police protection in Mexican American neighborhoods was less adequate than in other areas. The Commission's investigations showed that belief in law enforcement prejudice is widespread and is indicative of a serious problem of police-community relations between the police and Mexican Americans in the Southwest.

Many young people also have developed a widespread resentment of the police. In most instances, this is unjustified. But again, the incidents of police brutality that do occur do justify and feed that resentment. And, of course, all people of good will become distressed.

But not only do the consequences of official lawlessness embitter the victims, thereby engendering and increasing the polarization which threatens our society. Those who are identified by association with the perpetrators—who are, in fact, a small minority among the great number of dedicated, honest public officials—likewise suffer. The fatal sniping of a policeman in Chicago last summer, the bombing of Federal buildings, the killing of a judge in San Rafael, Calif., all are indicators that violence begets violence, and that injustice, once sanctioned, spreads invidiously. Irresponsible action by a few police officers taints the rectitude of the great majority of their honest colleagues, and exposes all to danger. And, needless to say, the actual victims of violence suffer directly.

And finally, the specter of unredressed wrongs, daily perpetrated, threatens an ultimate breakdown in the commitment to the rule of law which guides this Nation. Herbert B. Rothschild, president of the American Civil Liberties Union of Louisiana, wrote a particularly pointed letter which appeared in the August 10, 1970, edition of Newsweek magazine, amplifying upon this development:

> Increasingly, middle-class kids who dare to change their life styles are learning what blacks, chicanos, the poor in general, and special out-groups like homosexuals always knew: law enforcement in America has too little concern with what you do and all too much concern with who you are, how you live and what you think. The New Orleans police in their continued harassment of those whom they personally deem undesirable on catch-all charges like loitering and disturbing the peace, and in their vicious attack on federal judge Christenberry when he dared to apply the law to their own behavior, have demonstrated that they see themselves as the law, not servants of it. . . .
>
> Growing numbers perceive the difference between the concept of justice and the way criminal justice is administered. When one puts together two realities—the diminishing patience with police abuse by swelling minorities, and the sizeable independence of law enforcement agencies from lawful control—one sees a cataclysm shaping up for which every American, and especially the "silent majority" who quite vocally support police lawlessness, will bear responsibility.

My bill aims at bridging the gap—the gap between the concept of justice, and the way justice is sometimes administered. This legislation is not a novel approach. In fact, it has the imprimatur of official governmental recommendation, for in the 1970 report of the U.S. Commission on Civil Rights, entitled "Mexican Americans and the Administration of Justice in the Southwest," the Commission stated:

> The Commission recommends that Congress amend 42 U.S.C., Section 1983, which provides Federal civil remedies for police malpractice, to make the governmental bodies who employ officers jointly liable with those officers who deprive persons of their civil rights. (page 90).

A similar recommendation was made in the 1961 U.S. Commission on Civil Rights Report, at page 113:

> Recommendation 3.—That Congress consider the advisability of amending Section 1983 of Title 42 of the United States Code to make any country, government, city government, or other local governmental entity that employs officers who deprive persons of rights protected by that section, jointly liable with the officers to victims of such officers' misconduct.

And a like recommendation was made in the Commission's 1965 report on justice.

The U.S. Commission on Civil Rights has prepared a legal memorandum in support of my legislation, and I am including this memorandum at the end of my statement. I should like, however, to briefly run through the provisions of the bill.

Subsection (a) restates the existing language of section 1983 of title 42 of the United States Code.

Subsection (b) amends section 1983 to make States and units of local government and public agencies liable for damages caused by violations of the constitutionally protected rights of others.

Subsection (c) provides for suits in Federal, State or local courts. This procedure follows the scheme of the Federal Employers' Liability Act, 45 U.S.C. section 51 et seq., and is included in recognition of the fact that there may be situations where it is more convenient for a injured party to sue for relief in a State or local court, rather than in a Federal court.

Subsection (d) authorizes the court in which the action is brought to appoint an attorney for the plaintiff.

Subsection (e) provides that the prevailing plaintiff may be awarded reasonable attorney's fees.

Subsection (f) provides that the plaintiff's attorney need not be admitted to the bar of the State in which the action is brought.

Subsection (g) authorizes the Attorney General to initiate a section 1983 action, and to seek effective remedies, including injunctive relief or money damages.

Subsection (h) authorizes the Attorney General to intervene in a section 1983 action.

Subsection (i) provides definitions for "unit of local government" and "public agency."

Subsection (j) defines the term "person" so as to make it clear that the Attorney General, when he initiates an action, may proceed against States and units of local government.

Subsection (k) is a standard saving clause providing that if any section of the bill is found invalid, the remainder shall not be affected thereby.

The bill which I am today introducing addresses a crisis of our society—a growing lack of faith in the responsiveness and responsibility of Government. It does so by requiring Government to be responsive to those who are victimized by unlawful acts. And equally important, by exposing States and local governmental bodies to liability for unlawful acts committed by police officers, this bill forces Government to be responsible by providing a very real incentive for imposing internal reforms and disciplines, so that deprivations of federally guaranteed rights will cease.

Abraham Lincoln said, in his first annual message to the Congress:

> It is as much the duty of Government to render prompt justice against itself in favor of citizens as it is to administer the same between private individuals.

This duty has not abated; its urgency has only increased.

Following is the legal memorandum in support of my legislation prepared by the U.S. Commission on Civil Rights, and dated April 28, 1971:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., May 3, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: In response to your letter of September 23, 1970, enclosed is a copy of our suggested draft legislation to amend 42 U.S.C. § 1983 to make State and local governments liable for damages arising from the torts of their officers or agents in depriving citizens of their constitutional rights, and to give the Attorney General broader powers in the area of deprivations of constitutional rights by such officers. We have expanded and extensively revised the suggested draft legislation which was enclosed in your letter. In addition, there is a memorandum from the Commission's Office of General Counsel explaining the amendments to the statute and dealing at some length with the constitutional questions that arise in connection with the amendments. . . .

If you have any questions about the draft legislation or the supporting memorandum, please do not hesitate to call my office.

Sincerely,

HOWARD A. GLICKSTEIN,
Staff Director, U.S. Commission on Civil Rights.

AMENDMENTS TO 42 USC § 1983

This memorandum is a section-by-section analysis of the Commission's suggested amendment to 42 U.S.C. § 1983 (See Attachment A).

Subsection (a) is merely a restatement of the existing language of Section 1983.

I. Provision for Liability of States and Units of Local Government cannot be Defeated by Claims of Sovereign Immunity.

Subsection (b) amends 42 U.S.C. § 1983 to make States and units of local government and public agencies liable for damages caused by violations of the constitutionally protected rights of others. This amendment can be sustained against the challenge that it infringes upon the sovereign immunity of State or local governments.

Unless a State has statutorily consented to be sued, the doctrine of sovereign immunity allows it, acting in its governmental capacity, to assert an absolute defense to any suit brought against it, even though liability would attach if the defendant were a private party. This doctrine of sovereign immunity developed from the common law tradition that the king could do no wrong. It became incorporated into United States law by judicial interpretation and was founded primarily on the theories that: 1. it is better that the individual should suffer an injury than that the public should suffer an inconvenience; and 2. that liability would tend to retard the agents of the State in the full performance of their duties because of fear of suits against their government. These theories are now considered unreasonable. Instead, experts like Kenneth Culp Davis maintains that the damage resulting from the wrongful acts of governments should be distributed as evenly as possible.[1]

The purpose of § 1983 was to give individuals a right to obtain private compensation for injuries sustained by having been deprived of their constitutional rights. However, suits against individuals under § 1983 have not deterred police officers and other public officials from infringing upon peoples' constitutional rights. To impress State and local governments with the need to prevent their officers, employees, agents or representatives from violating the constitutional rights of others, Congress must act to make State and local governments amenable to suits for damages arising from such unconstitutional acts. A State should not be able to shield itself from the enforcement of constitutional protections by claiming that sovereign immunity protects it from suits for damages.

The constitutional basis for amending § 1983 to include State and local governments is found in the fourteenth amendment.[2] It has been held many times that Congress can enact any legislation reasonably necessary to enforce the protections of the four-

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Footnotes at end of article.

teenth amendment. For example in *Ex Parte, Virginia*, 100 U.S. 339 (1879) which upheld the constitutionality of a Federal law making it a criminal offense for State and Federal officials to exclude persons from service on grand or petit juries because of race, the Supreme Court said:

"Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power." *Id.* at 345–46.

Likewise in *South Carolina* v. *Katzenbach* 383 U.S. 301, 324 (1966) the Court recognized that "[a]s against the reserved powers of the States, Congress may use any rational means to effectuate the constitutional prohibition of racial discrimination in voting".

In every State there have been judicial and legislative decisions abrogating the State's sovereign immunity from tort liability.[3] Although New York is the only State that is liable for substantially all State torts, a dozen other States have undertaken responsibility in most cases.[4] "All such legislation has tended, however, to receive a strict and narrow construction which favors the State." Prosser, The Law of Tort § 125 (3rd ed 1964). In some States, state, municipal and other units of government are liable for the torts of their employees, other than those of police officers.[5] Where a police officer may be sued for damages, as in a § 1983 action, recovery is generally permitted only against the individual tortfeasor.

> There is ordinarily no liability for the torts of (municipal) police officers, even where they commit unjustifiable assault and battery, false arrest, trespass . . . or are grossly negligent and even though the city authorities ratify the act or have themselves been negligent in failing to exact a bond from the officers on which the injured person might have sued. *Id.* § 125.

In *Hargrove* v. *City of Cocoa Beach*, 96 So. 2d 130 Fla. 1957, the Florida Supreme Court rejected municipal immunity for the torts of employees performing governmental functions. *Hargrove* involved liability for police negligence in a case in which plaintiff's decedent was alleged to have died from suffocation when fire broke out in an unattended jail. The court said:

> To endow [municipal corporation] with sovereign divinity appears to us to predicate the law of the Twentieth Century upon an Eighteenth Century anachronism. Judicial consistency loses its virtue when it is degraded by the vice of injustice. *Id.* at 133.

In *Miami v. Simpson*, 172 So. 2d 435 (Fla. 1965), the *Hargrove* decision was construed to extend governmental liability to torts of police officers. Often, however, police activities are considered to be immune governmental functions. See 120 A.L.R. § 198, 264 (1939).

Moreover, there are States in which sovereign immunity is protected by statute or constitutional provision. For example, the Georgia Constitution expressly immunizes municipal corporations from liability for the "torts of policemen or other officers engaged in the discharge of the duties imposed on them by law." Ga. Const. § 69–307.

In Michigan, absolute immunity is given the State, political subdivisions and municipal corporations from liability for employee torts committed in the performance of governmental functions. Mich. State § 3.996(1) *et seq.* Since amendment of § 1983 to make State and local governments amenable to suits for damages would be a means of effectuating constitutional protections, any State constitutions or laws to the contrary would have to fall by virtue of Federal supremacy.[6]

The history of the passage of § 1983 does not weigh against adoption of the proposed amendment. During the efforts for passage of § 1983, then labeled the Act of April 20, 1871, Senator Sherman of Ohio introduced an amendment to the bill which generally provided that "a county, city or parish" would be liable whenever there occurred within it certain acts of racial violence, such as destruction of buildings, whipping or murder. Cong. Globe, 42d Cong., 1st Sess. 204 (1871). The amendment was passed by the Senate and rejected by the House. A similar provision was introduced by the conference committee and again accepted by the Senate and rejected by the House.

At the time the amendment was rejected, no city or State had waived governmental immunity for torts committed by its officers or agents. The amendment's defeat appears to have been attributed largely to a reluctance by Congress to force liability upon *unwilling* governmental entities.[7] See Comment, *Toward State and Municipal Liability in Damages for Denial for Racial Equal Protection*, 57 Cal. L. Rev. 1142 (1969). Now that all States have, to some degree, abrogated their immunities, there should be no reluctance to require them and their governmental subdivisions and agencies to be open to suits for damages for violations of citizens' constitutional rights.

There is little likelihood that providing for governmental liability will cause State and local government employees to so strongly fear suit as to fail to adequately perform their duties. Instead, it is possible that like "an employee in a private enterprise (who) naturally gives some consideration to the potential liability of his employer, (which) . . . attention promotes careful work; the potential liability of a government entity, to the extent that it affects primary conduct at all, will similarly influence public employees." *Johnson v. State*, 69 Cal, 2d 782, 792; 447 P. 352, 359 (1968).

Similarly, administrative law expert Kenneth C. Davis has stated that:

"Policemen, as experience proves, are largely indifferent to theoretical personal liability, which is sporadically imposed and which typically lags years behind the abuse. But policemen, like any other employees, do respond to rules enforced by their superiors, for the enforcement may be steady, swift, and sure, and the penalties, including suspension or dismissal, provide fully effective motivation." 3 Davis *Administrative Law* § 25.17 (1958).

Even in *Monroe v. Pape*, 365 U.S. 167 (1961), where the Court found that Congress had not imposed liability on municipalities in § 1983 actions, the Court noted that "private remedies against officers . . . are conspicuously ineffective," and if the government entity were held liable it would be cause "to eradicate abuses that exist at the police level." *Id.* at 191. In *Pape* the Court did not find that Congress could not constitutionally have made municipalities liable for damages in § 1983. Instead, on the basis of legislative history alone, the Court found that cities were not covered by the language of the Act.[8]

II. Provision for Liability of States is not Limited by the Eleventh Amendment.

The eleventh amendment states:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

It has long been held that this amendment does not extend to public corporations, municipalities, counties, or other political subdivisions of a State. See *Lincoln County* v. *Luning* 133 U.S. 529 (1890); and *Hopkins* v. *Clemson Agricultural College* 211 U.S. 636 (1911). It has also been settled that these bodies are suable in Federal Court even though the State statutes creating them purport to limit suit to State court, e.g. *Lincoln County* v. *Luning, supra*. Therefore, the eleventh amendment presents no obstacle to amending § 1983 to include municipalities and any units of local government other than States themselves.

The great majority of actions against public agencies for violations of constitutionally protected rights will be suits against municipal or county police departments. Thus, the eleventh amendment, if it were upheld to bar suits against States under § 1983, would apply only to a very small number of claims.

However, the eleventh amendment was passed to meet a specific historic circumstance and probably would not now be applied to impede effectuation of the guarantees of the fourteenth amendment. The eleventh amendment was passed in 1795 in reaction to the decision of the Supreme Court in *Chisholm* v. *Georgia*, 2 Dall. 419 (1793). In *Chisholm* the question was whether the State of Georgia could be made a party defendant in a case in a Federal Court by a private citizen of another State, and, if so, could a judgment in assumpsit (a money judgment) be entered against the State. The Court ruled yes to both questions. The decision was unpopular among the States and the eleventh amendment was ratified to overrule the Court's decision. In *Hans* v. *State of Louisiana*, 134 U.S. 1 (1890) the Court held that the eleventh amendment also prohibits suits in Federal Court against a State by citizens of that State.

There have not been many Supreme Court decisions involving the eleventh amendment. However, when such cases have arisen, the Court has created various fictions to avoid its prohibitions. Although the amendment has never been repealed, its application has been so narrowly circumscribed that it should not now be a bar to actions against a State to assert a Federal right.

In the landmark case of *Ex Parte Young* 209 U.S. 123 (1908) the Minnesota legislature passed a law reducing railroad rates and providing severe penalties for any railroad which failed to comply with the law. The stockholders of the railroads sued in Federal Court to enjoin their companies from complying with the law. Among the defendants in the injunction action was the State Attorney General, Young. The Federal Court ordered the Attorney General to refrain from enforcing the law. This relief was given over Young's objection that the suit was a suit against the State and thereby prohibited by the eleventh amendment. Until the Supreme Court decision in this case, the Court had held that the eleventh amendment barred suits in Federal Courts against a State without its consent even when the basis of the jurisdiction was a claim under Federal law. *Hans* v. *Louisiana, supra*. In *Young* the Court held that:

"The act to be enforced is alleged to be unconstitutional, and, if it be so, the use of the name of the State to enforce an unconstitutional act to the injury of complainants is a proceeding without the authority of and one which does not affect the State in its sovereign or governmental capacity. It is simply an illegal act upon the part of a State official, in attempting by the use of the name of the State to enforce a legislative enactment which is void because unconstitutional. If the act which the State Attorney General seeks to enforce be a violation of the Federal Constitution, the officer in proceeding under such enactment comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. "*Id.* at 159–60.

Most cases involving the eleventh amendment have been resolved by fictions similar to the one created in *Young*—that is, when

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Footnotes at end of article.

doing an unconstitutional act, a state officer acts in an individual capacity and not as a representative of the State.

As was pointed out by Charles Wright in his *Handbook of the Law of Federal Courts* (1963), the fiction developed in *Young* has its own illogic:

"The Fourteenth Amendment runs only to the states; in order to have a right to relief under the amendment the plaintiff must be able to show that state action is involved in the denial of his rights. It *might have been possible to hold that the Fourteenth Amendment qualified the immunity from suit granted states by the Eleventh Amendment*, but the Court did not so hold. Instead it created the anomaly that enforcement of the . . . statute is state action for purposes of the Fourteenth Amendment but merely the wrong of Edward T. Young for purposes of the eleventh amendment" (emphasis added) *Id.* at p. 159.

In *Griffin* v. *School Board of Prince Edward County et al.*, 377 US 218 (1964), the sequel to *Brown* v. *Board of Education*, 347 U.S. 483 (1954), the respondent school board contended that the case was an action against the State and therefore in violation of the eleventh amendment. The Court noted that the complaint charged that State and county officials were depriving petitioners of rights guaranteed by the fourteenth amendment. The Court then dismissed the eleventh amendment claim by acknowledging that "[i]t has been settled law since *Ex Parte Young*, 209 U.S. 123 (1908), that suits against State and county officials to enjoin them from invading constitutional rights are not forbidden by the eleventh amendment." *Griffin* 377 U.S. 228. The Supreme Court has similarly relied upon *Young* in other situations where constitutional rights were allegedly violated by State officials and thereby has avoided directly confronting the conflict of the eleventh amendment with the fourteenth amendment.[9]

In light of courts' frequent reliance upon the fourteenth amendment to protect individual's constitutional rights, it is not unlikely that courts would today plainly hold that the eleventh amendment must give way when in conflict with enforcement of the fourteenth.

A further support for the adoption of the proposed amendment is found by reference to the 1966 amendment to the Fair Labor Standards Act of 1938, 29 U.S.C. § 206 (1938) which required every employer to pay each of his employees "engaged in commerce or in the production of goods for commerce" certain minimum hourly wages. The Act defined the term "employer" to exclude "the United States or any state or political subdivision of a state." 29 U.S.C. § 203 (1938).

However, the Act was amended to cover employees working in schools, hospitals, and similar institutions regardless of whether or not such institutions were public or private or operated for profit. Congress also modified the definition of employer so as to remove the exemption of the States and their political subdivisions with respect to employees of hospitals, institutions and schools, 29 U.S.C. § 203(d) (1964 ed. Supp. II).

In *Maryland* v. *Wirtz*, 392 U.S. 183 (1968), the Supreme Court considered the claims raised by 28 States that the remedial provisions of the Act, if applied to the States, would conflict with the eleventh amendment. The Court made clear "that the Federal Government, when acting within a delegated power, may override countervailing state interest, whether these be described as 'governmental' or 'proprietary' in character." *Id.* at 195. However, the Court refused to resolve the eleventh amendment issue, but suggested it would do so in future cases if necessary. Instead, the Court held that because the State had continued to operate its schools, hospitals and institutions after passage of the amendment, it had impliedly waived its immunity from suit. *Id.* at 200. This implied waiver theory appears to have been carried to a ridiculous extreme since to avoid waiver the State would have to cease fulfilling its State duties.

In the fall of this year, the Court denied certiorari in *Briggs* v. *Sager*, 424 F. 2d 130 (10th Cir.) 1970 cert. denied, 39 U.S.L.W. 3147 (1970), a case in which the eleventh amendment issue was raised by Utah in defense of being forced to pay public school cafeteria workers minimum wages.[10] Therefore, the Supreme Court avoided ruling upon the issue of whether or not the eleventh amendment gives way when in conflict with acts passed to enforce other constitutional rights.

In view of the history of the eleventh amendment and the Supreme Court's use of fictions and theories of implied waivers to avoid its restrictions, it is likely that the Court would uphold the constitutionality of an amendment to § 1983 to permit suits in Federal courts against State governments. Since all jurisdictions have in some degree abrogated their sovereign immunities against tort suits, Congress would not be compelling them to be open to suits unlike those they have already permitted. Consequently, there are no insurmountable constitutional or political impediments to passage of the proposed amendment.

III. Provision for suit in State or Local as well as Federal Court.

There may be situations where it is more convenient for an injured party to sue for relief under § 1983 in a State or local court than in a Federal court. Therefore, in paragraph (c) there is provision for suits in Federal, State or local courts. This procedure follows the scheme of the Federal Employers' Liability Act, 45 U.S.C. § 51 *et seq.* (1964). In *Mondou* v. *New York, N.H. & H.R. Co.*, 223 U.S. 1 (1912), the Court held that rights arising under the Federal Employers' Liability Act could be enforced, as of right, in State courts when their jurisdiction, as prescribed by local laws, was adequate. Moreover, it has been held that a State cannot refuse to hear a claim arising from Federal law in its courts, even if the statute giving jurisdiction to the State courts does not authorize suits of that type. *McKnett* v. *St. Louis & S.F. Ry. Co.*, 292 U.S. 230 (1934).

IV. Provisions for Appointment of Plaintiff's Attorneys and Award of Plaintiff's Attorney's Fees and Court Costs.

In paragraphs (d) and (e) the Commission suggests a provision for appointment of plaintiff's attorney and the award of attorney's fees and costs to the prevailing plaintiff. In its report, *Mexican Americans and the Administration of Justice in the Southwest*, the Commission noted that many lawyers in the southwest are reluctant to represent individuals in civil suits under § 1983 because of the expense of undertaking such litigation and the unlikelihood of an adequate recovery. The victims of police brutality and racial violence are frequently people who cannot afford the costs of bringing a suit for damages. Therefore, the provision for award of fees and costs will encourage attorneys to accept § 1983 cases.

The recommended provisions are similar to the provisions in Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-5(e), and 2000e-5(k) (1964); in the Public Accommodations Sections of the 1964 Civil Rights Act, 42 U.S.C. § 2000a-3(b) (1964); and in the Fair Housing Act of 1968, 42 U.S.C. § 3612(b), (c) (1968). Thus, it follows a pattern already established for civil rights litigation

Similarly, the provision for the award of attorney's fees would be in accord with the theory of the Supreme Court's decision in *Newman* v. *Piggie Park Enterprises, Inc.*, 390 U.S. 400 (1968). There the Court said:

"Congress therefore enacted the provision for counsel fees not simply to penalize litigants who deliberately advance arguments they know to be untenable but, more broadly, to encourage individuals injured by racial discrimination to seek judicial relief. . . ." *Id.* at 402.

The Commission recommends, however, that the attorney's fee amendment make it possible only for the *prevailing plaintiff* to receive an award of fees or costs. Many indigents with § 1983 claims may be reluctant to press them if there is a possibility that a prevailing defendant could obtain fees or costs from the losing plaintiff.

V. Provision for Admission of Out-of-State Attorneys to Practice before the State or Federal Court in which a § 1983 Action has been Filed.

In paragraph (f), the Commission recommends that provisions for out-of-state attorneys be liberalized because in many States it has been difficult for injured parties to find local counsel to assist them in vindicating violations of their civil rights. Often important civil rights cases have required the assistance of attorneys from other States and they have been hampered by the restrictive bar admission rules of the jurisdictions in which the civil rights actions must be brought.

For example, in *Sobol v. Perez*, 289 F. Supp. 392 (E.D. La. 1968) Sobol sought an injunction to prevent his prosecution in Louisiana State Court under the Unauthorized Practice Statute. Sobol, and the United States who intervened on his behalf, contended that the arrest and threatened prosecution were to harass and deter him and other out-of-state lawyers from representing blacks in civil rights cases. Although the Court granted the injunction against Sobol's prosecution, it explicitly confined its decision to the facts of his case. Therefore, in Louisiana and in other States with Unauthorized Practice statutes, out-of-state attorneys who might be willing and necessary to represent plaintiffs in § 1983 actions might be subject to similar time-consuming and expensive litigation and possible fine or imprisonment.

There is no constitutional prohibition to Congress' requiring State courts to admit out-of-state attorneys to represent parties in § 1983 actions. State regulations of their court procedures must give way because of supremacy when they conflict with effectuating a Federal right. Moreover, in actions involving the Federal Employers Liability Act Federal procedural rules and not State procedure controls. In light of this, Charles Wright, the authority on Federal Courts has commented that:

"Even if the FELA cases are unique, they stand for the proposition that Congress has constitutional power to control the incidents of a state trial of a federal claim." Wright, *Handbook of the Law of Federal Courts* § 45 (1963).

VI. Authorization for the Attorney General to initiate and to intervene in a § 1983 Action, and to Seek Effective Remedies Including Injunctive Relief, or Money Damages for Injured Persons and Property.

The provision in paragraph (g) for the initiation of litigation by the Attorney General is essential to deter violations of individuals' constitutional rights. The recommended provision follows similar provisions in the Voting Rights Act, 42 U.S.C. § 1971(c), § 1971(d) (1965); in Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-6 (1964); and in the Fair Housing Act of 1968, 42 U.S.C. § 3613 (1968).

The Department of Justice has apparently never taken the position that the Attorney General has authority to bring a civil action to enjoin a State or local government, political subdivision, or individual from violating § 1983.[11]

Moreover, several courts have explicitly stated that the Attorney General cannot bring civil actions to enforce fourteenth

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Footnotes at end of article.

amendment rights without an express statutory grant. In *United States v. Bossier Parish School Board*, 220 F. Supp. 243 (W.D. La., 1963), The Court noted:

"It is likewise common knowledge that . . . Congress expressly refused to empower the Attorney General to bring suits in the name of the United States to vindicate Fourteenth Amendment Rights of persons, other than in the field of voting [and other fields by later civil rights acts]. . . ." *Id.* at 247.

In light of these precedents, the Attorney General will not initiate civil actions to prevent violation of § 1983. A specific statutory provision is therefore necessary to encourage the Department of Justice to take steps to protect civil rights from being infringed by persons acting under color of law, or by employees of State or local governments.

In addition, an amendment to § 1983 authorizing the Attorney General to bring civil suits should enable him to seek effective remedies, including injunctive relief, or money damages for injuries to persons and property.

There are a number of statutes specifically authorizing the Attorney General to seek injunctions. Under Title VII, § 707(a) of the 1964 Civil Rights Act, 42 U.S.C. § 2000e–6(1964), for example, the Attorney General is empowered "[to] bring a civil action requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice. . . ." Therefore, such an addition to § 1983 would follow previous civil rights legislation.

Similarly, there is authority under Title VII for the Attorney General to seek money damages in the form of back pay to compensate persons injured by unlawful employment practices. The Attorney General in actions pursuant to § 707 of Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000–6 (1968) can seek back pay for persons injured by an employer's practices.[12] Moreover, in actions by the Department of Labor to enforce the Fair Labor Standards, 29 U.S.C. § 201 *et seq.*, the government may seek awards of back pay which it holds for distribution to employees who have been aggrieved by violations of the Act, see *Mitchell v. DeMario Jewelry, Inc.*, 361 U.S. 288 (1960). Thus, there is ample authority to support an amendment of § 1983 authorizing the Attorney General to seek money damages to compensate persons injured by infringements of their civil rights.

The provision in paragraph (h), which authorizes the Attorney General to intervene in § 1983 actions brought by individuals, is modeled after Title VII of the Civil Rights Act of 1964, 41 U.S.C. § 2000e–5(e) (1964). Government intervention in § 1983 cases would often be desirable because in complex cases, the resources and expertise of the Attorney General's office may be vital to the success of the suit.

VII. Definitions.

Paragraph (i) has broad definitions of the terms "units of local government" and "public agency." These are standard definitions which are intended to be all inclusive.

In paragraph (j), a definition of the term "person" as used in paragraph (g), makes it clear that the Attorney General has the power to act against States and units of local government not just individual persons where it is warranted.

VIII. Saving Clause.

Paragraph (k) is a standard clause designed to prevent the entire statute from failing if a section of it is declared unconstitutional.

JOHN H. POWELL, Jr.,
General Counsel.

ATTACHMENT A

42 U.S.C. § 1983, as amended:

§ 1983 *Civil action for deprivation of rights:*

(a) Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

(b) Whenever, any person acting under the authority of any State, unit of local government or public agency thereof, commits any act or practice or omits to act in any manner which deprives an individual of any rights, privileges or immunities secured by the Constitution or laws, such act, practice or omission shall be deemed that of the State, or unit of local government and of the public agency thereof, if any, by whom the person was employed or for which he acted, and such State or unit of local government, and public agency shall be liable to the individual injured in any action at law, suit in equity or other proper proceeding for redress.

(c) The rights secured by this Act may be enforced by civil proceedings in any appropriate State or local court, or in any appropriate United States District Court without regard to the amount in controversy, and without regard to whether or not the individual instituting the action has exhausted any administrative or other remedies that may be available under State or local law. An action under this Act may be commenced in any United States District Court in the judicial district in which the plaintiff's injury occurred, or in the judicial district in which the plaintiff's resides, or in the judicial district in which the person or persons who injured plaintiff are employed or reside.

(d) Upon application by the plaintiff and in such circumstances as the court may deem just, a State, local or United States District Court in which any action has been commenced under this Act, may appoint an attorney for the plaintiff and may authorize the commencement of a civil action without the payment of fees, costs or security.

(e) In any action under this Act the court, in its discretion, may allow the prevailing plaintiff a reasonable attorney's fee as part of the costs.

(f) In any action to be commenced under this Act in any State, local or United States District Court, the plaintiff may be represented by an attorney admitted to practice before any State bar, regardless of whether or not the attorney has been admitted to practice before the bar of the State in which the action is brought.

(g) Whenever any person has engaged, or there are reasonable grounds to believe that such person will engage in any acts, practices or omissions which deprive or would deprive any individual or any rights secured by Constitution or laws, the Attorney General acting on his own initiative, or at the request of any individual, may institute against such person, a civil action or other proper proceedings, including an application for a writ of mandamus, a permanent or temporary injunction, an award of just compensation for any injured individual, and for any other necessary relief. An individual seeking relief under this Act shall have available to him the same remedies as are available to the Attorney General suing under this Act.

(h) Upon timely application, the court in which an action under this Act has been brought, may permit the Attorney General to intervene in such action.

(i) For the purposes of this Act:

(i) The term "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Canal Zone.

(ii) The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State or an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior;

(iii) The term "public agency" means any board, department, or administrative unit.

(j) For the purposes of subsection (g), the term "person" includes individuals, States, units of general local government and public agencies of any State or unit of local government.

(k) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

FOOTNOTES

[1] e.g. 3 Davis, Administrative Law § 25.01 (1958).

[2] Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * *

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[3] Among the major States that have wholly or partially rejected traditional sovereign immunity by judicial decision are Illinois, Kentucky, Minnesota, New Jersey and Wisconsin. In other States the authorized carrying of liability insurance is held to have waived or nullified municipal immunity to the extent of the insurance coverage. Some States indemnify public employees against liability on judgments for torts committed in the course of their employment. However, the indemnity provisions are often subject to limitations concerning the nature of the employee's conduct and the time demand for indemnity is made. The restrictions on indemnification make it unlikely a plaintiff will be able to collect his judgment against a policeman with indemnity, thereby greatly limiting the amount he can recover.

[4] The dozen States are Alabama, Arkansas, Illinois, Iowa, Kentucky, Minnesota, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee and West Virginia.

The California Public Entity Liability Act, besides providing for the direct liability of the entity in prescribed circumstances, requires it to pay actual damages for the employee in any action it defends. However, there is no indemnification for exemplary or punitive damages, or if the employee was guilty of corruption, actual malice, actual fraud or was not acting in the scope of his employment. There is also no indemnity if the defendant does not make a timely request. Cal. Govt. Code § 825 (West 1966). See Prosser, The Law of Torts § 125 (3rd Ed. 1964).

[5] Idaho, Illinois, Indiana, Kentucky, Minnesota, Ohio, Oregon and Pennsylvania have enacted statutes relating specifically to police activities which waive to some extent municipal immunity in this area. McQuillan, Municipal Corporations, Vol. 18, 53, 79d.

[6] *McCulloch* v. *Maryland,* 4 Wheat. 316 (1819).

[7] The opposition to the Sherman Amendment also focused upon the argument that

Congress does not have the constitutional power to tax States and requiring them to be liable to private suits would amount to imposing an invalid tax on them because the States would have to raise their taxes to pay the judgments obtained against them. Comment "Injunctive Relief Under Section 1983," 119 U. Pa. L. Rev. 389, 396 (1971). This argument has no merit today since courts frequently require States to expend public funds to protect constitutional rights e.g. *Harkless* v. *Sweeny Independent School Distr*. 427 F 2d 319 (5th Cir. 1970); petition for cert. filed 39 U.S. L.W. 3073 (U.S. Aug. 19, 1970) (No. 561) and the Congress has as much power as the courts in this regard.

Furthermore, implementation of the constitutional safeguards for judicial proceedings, such as the guarantee of a jury trial, require States to spend money. Moreover, in Federal legislation protecting rivers, harbors and coast lines Congress has imposed obligations on States and local governments and has provided for fines against any governmental body which violates the Federal law. See Protection of Navigable Waters and of Harbor and River Improvements 33 U.S.C. § 406, 407, 409, 411 (1970). While payment of any fines imposed against States or governmental units would most likely be paid from local taxation, the constitutionality of this legislation has many times been upheld. e.g. *U.S. or Banister Realty Co., C.C. N.Y.* 155 F. 583 (2d Cir. 1907); 6 Op. Atty. Gen. 172 (1853).

[8] Several courts have interpreted *Monroe* v. *Pape* as holding that cities are immune only from damage suits under 1983 and not from prohibitive injunction actions. In *Adams* v. *City of Park Ridge* 293 F 2d 585 (7th Cir. 1961), a § 1983 action, the Court restrained the enforcement of a city ordinance as repugnant to the fourteenth amendment. Likewise in *Dailey* v. *City of Lawton* 425 F2d 1037 (10th Cir. 1970), the court held that *Monroe* differentiated "between actions for damages and actions for equitable relief and as intending no bar to equitable actions for injunctive relief against invasions of a plaintiff's Federal constitutional rights by municipal action." 425 F 2d at 1038. Some courts which have granted or approved prohibitory injunctions under § 1983 distinguish them from damage actions because these injunctions do not require the State or local governmental unit to spend public money to comply with the order. But compare *Harkless* v. *Sweeny Independent School Dist*. 427 F2d 319, (5th Cir). petition for cert. filed 39 U.S.L.W. 3073 (U.S. Aug. 19, 1970) (No 561).

[9] Another clear statement of the inability of the eleventh amendment to prevent enforcement of constitutionally protected rights is found in *School Board of City of Charlottesville* v. *Allen* 240 F 2d 59 (4th Cir. 1956), cert. denied 353 U.S. 910 (1957). In response to the School Board's objection that the suit and lower court order were in violation of the eleventh amendment, the Court, relying on *Young*, explained that the suit to enforce constitutional rights . . . is not a suit against a state within the meaning of the 11th Amendment to the Constitution, but is a suit for the protection of individual rights under the Constitution by enjoining state officers and agencies from taking action beyond the scope of their legal powers. 240 F 2d at 62.

The Court further maintained that:

> If high officials of the state and of the federal government . . . may be restrained and enjoined from unconstitutional action, we see no reason why a school board should be exempt merely because it has been given corporate powers . . . 240 F2d at 63.

[10] The *Briggs* decision is based primarily upon the theory of waiver of eleventh amendment immunity developed in *Parden* v. *Terminal R of Alabama Docks Dept.*, 377 U.S. 184 (1964). In *Parden*, the Court held the State had impliedly waived its immunity by operating a railroad after the passage of the Fair Labor Standards Act.

[11] However, in special situations, the courts have held that the Attorney General may bring actions to enforce constitutional provisions without express statutory authority to do so. For example, in *Wyandotte Transportation Co.* v. *United States*, 389 U.S. 191 (1967), the United States tried to require the owner of vessels which had been negligently sunk in navigable waterways to pay the government for the costs of their removal. The Court found that the government had standing to bring a civil suit against the owner because of the power granted to it by the Rivers and Harbors Act. The Supreme Court commented that "our decisions have established, too, the general rule that the United States may sue to protect its interest . . ." *Id.* at 201. The Department of Justice does not, however, rely upon the *Wyandotte* decision as authority for the Attorney General to bring civil actions to enforce civil rights legislation.

The cases cited in *Wyandotte* also fail to support the proposition that the Attorney General has the power to bring civil actions to protect civil rights without specific authority to do so. In the case of *In re Debs*, 158 U.S. 564 (1895), the United States sought an injunction against labor leaders to prevent them from obstructing railway services during the 1894 Pullman Strike. In denying Debs' petition for a writ of habeas corpus, after the government had obtained an injunction against the strikers, the Court emphasized that the government had authority to seek an injunction under the commerce clause and through its authority to regulate the transmission of mail.

Similarly, in other cases, the authority for the government to seek an injunction has been founded upon the commerce clause, or upon specific statutes similar to the Rivers and Harbors Act, see *Sanitary District of Chicago* v. *United States*, 266 U.S. 405 (1925). The government has also been able to seek injunctions to protect its property because the courts have held that the power to bring civil actions is a normal incident of the rights of an owner of property, see *United States* v. *San Jacinto Tin Co.*, 125 U.S. 273 (1888). Similarly, courts have held that the government can raise the usual contract remedies when it is sued or when it sues for breach of contract, see *United States* v. *County School Board of Prince George County, Virginia*, 221 F. Supp. 93 (E.D. Va., 1963).

[12] *Local 53* v. *Vogler*, 407 F2d 1047 (5th Cir. 1969); *Local 189* v. *U.S.*, 416 F2d 980 (5th Cir. 1969); *cert. denied*, 397 U.S. 919 (1969).

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I ask for this time for the purpose of asking the distinguished majority leader the program for the rest of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the minority leader, there is no further program for this week and it is my intention to ask unanimous consent to go over until Monday.

The program for next week is as follows:

Monday is Consent Calendar day.

There are nine bills scheduled to be considered under suspension of the rules which are as follows:

H.R. 7271, Civil Rights Commission authorization;

H.R. 5257, National School Lunch Act amendment;

H.R. 4848, Commission on Government Procurement extension;

H.R. 6077, removing certain limitations on lost or stolen bearer securities;

H.R. 7964, cost-of-living adjustment for civil service retirement annuities;

H.R. 56, National Environment Data system;

H.R. 5060, penalty for shooting certain birds and fish from aircraft;

H.R. 2587, National Advisory Committee on the Oceans and Atmosphere; and

H.R. 6359, Water Resources Planning Act amendment.

It is probable that there will be some rollcalls on some of these bills.

The legislative program for Tuesday and the balance of the week is as follows:

On Tuesday, the call of the Private Calendar to be followed by:

H.R. 3613, Emergency Employment Act of 1971. This bill will be considered under an open rule with 3 hours of debate.

Then that will be followed by three housekeeping resolutions:

House Resolution 418, telephone allowance adjustment;

House Resolution 420, postal allowance adjustment; and

House Resolution 429, House food service cost adjustment.

Also, seven printing resolutions from the Committee on House Administration.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. Speaker, I would also like to advise the House that the leadership has been advised that early next week there may be a motion—and I emphasize the word "may"—to discharge the Government Operations Committee from further consideration of a disapproving resolution on Reorganization Plan No. 1.

ADJOURNMENT OVER TO MONDAY, MAY 17, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZATION FOR THE CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next that the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORTS UNTIL MIDNIGHT FRIDAY, MAY 14

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Friday, May 14, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

1971 WILL BE A GOOD YEAR, AND 1972 WILL BE A VERY GOOD YEAR

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, last February 24, the following headline appeared in the New York Times: "Samuelson Derides Nixon's Forecast on the Economy."

The news story elaborated as follows:

> The 1970 winner of the Nobel Prize for economics used such terms as "poppycock," "ludicrous," "cynical" and "comic opera" today to describe the Nixon Administration's relatively optimistic projections of the economy for this year.

Mr. Speaker, let me bring the record up to date.

In a revision and updating of the first quarter GNP figures, the Nation's gross national product increased by nearly $31 billion in the first quarter of 1971 instead of the originally projected $28.5 billion. This new figure, translates into an increase in dollar value of 13.1 percent over the fourth quarter of 1970 and still remains the largest percentage increase in the GNP since 1958.

A number of other critics thought in February that the administration's hope for economic expansion were unrealistic. For example, Otto Eckstein, a former Democratic member of the Council of Economic Advisers and professor at Harvard predicted earlier this year that the first quarter GNP would increase about $22 billion. His prognosticative skills should be duly noted today.

This increase brings the seasonally adjusted annual rate for the GNP up to $1,020.7 billion. Real GNP—the GNP stated in 1958 dollars—also was revised upward to a seasonally adjusted annual rate of $732.7 billion, a 7.1 percent increase over the fourth quarter of 1970.

Most importantly, the upward revision of the GNP is due to the fact that personal consumption expenditures were higher than originally projected—an indication that consumer confidence is returning and that continued expansion is in sight.

Moreover, about half of this upward adjustment in GNP is an improvement in real terms so that inflation is not the principal reason for the economy's expansion.

Along with the upward revision in the GNP first quarter figures, increased retail sales and upward bound corporate profits show that the economy is responding to President Nixon's policies. First quarter retail sales now stand at $31,649 million, an increase over the fourth quarter of 1970 of 4.1 percent.

The seasonally adjusted annual rate for corporate profits in the first quarter of 1971 stands at $86.4 billion, an increase over the first quarter of 1970 of 4.6 percent. The trend of corporate profits points upward and reflects the continued upswing in the economy.

Perhaps those who continue to think that they can succeed in playing political games with the economy would do well to take the sound advice of President Nixon: "1971 will be a good year, and 1972 will be a very good year."

FORTY-SEVEN YEARS OF DEDICATED SERVICE TO AMERICA

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, because of unavoidable circumstances, it was not possible to be on the floor of the House at the conclusion of legislative business on Monday, May 10, to participate in the special order of the gentleman from Illinois (Mr. COLLIER) when he recognized Mr. Hoover's 47 years of dedicated and distinguished service to America.

Accordingly, I make these remarks for two reasons: First, because I sincerely believe that it is appropriate we pay this tribute to a truly great American and, second, because I did not want to leave any implication or inference that by failing to salute this great American, I may be associating myself in some way with those who have recently been critical of the Director of the FBI and have gone so far as to call for his resignation.

There are so many good things that can be said about this good man. He has long been the Director of a law enforcement agency whose efficiency and skills have, over many years, contributed to our national security. He has headed an agency that has never been charged at any time of being partisan. The only partiality has been his insistence upon the implementation of justice in accordance with the law.

Mr. Hoover has served under eight Presidents. During these eight administrations he has served under 16 Attorneys General. He has served under trying conditions. Remember he was Director of the FBI during prohibition days. It was his job to fight the gangs of the 1930's. He was the man that had the job to fight, on the home front, during World War II when Axis spies were attempting espionage and subversion.

Year after year, the FBI has achieved optimum results. More than 95 percent of the cases that the FBI has brought into court have resulted in convictions. It has been estimated that the FBI has returned $1.60 for each dollar of appropriations.

The job of being Director of the FBI is probably one of the most trying and difficult in our Government. In the discharge of his duties, Mr. Hoover has always acted as a fair, impartial and, above all, a professional law enforcement official.

Who can forget that during the 1930's it was the FBI that brought to an end John Dillinger, Pretty Boy Floyd, Baby Face Nelson and the Barker-Karpis gangs? Many of us remember that during World War II it was the FBI who apprehended the eight Nazi saboteurs who landed by submarine on our eastern seaboard. Even as early as 1942 the FBI had captured and helped convict almost 50 Nazi agents. After the war it was Mr. Hoover with his FBI that broke up the Rosenberg espionage network.

Recently, Mr. Hoover has been under attack. In my judgment, the allegations made against him are unsupported. Some of his critics have based their objections to Mr. Hoover on his age. They say he is too old to hold his job and should resign. For my part, I do not want to retire this kind of man with his record of competence and more than that, his loyalty to America in such times as these. We have had many distinguished Americans who have performed outstanding service to this country at ages beyond Mr. Hoover's. To list a few would be to recall that such men as Thomas Jefferson, George C. Marshall, and Mr. Justice Holmes are examples of men who have achieved immeasurable public good while in their 70's.

Mr. Hoover may be 76 years old, but today he is always on the job leading his famous Bureau with the same vigor and dedication as when he started. If Mr. Hoover wants to retire that is up to him. In my judgment it would be a tragic loss to this Nation.

I predict he will not be intimidated into retirement by the groundless accusations of his critics. For my part, I want to make it very plain that they speak for themselves and I am sure there is only a very limited group of like thinking.

Mr. Hoover, over the years, has insisted that the FBI remain no more than a factfinding agency that investigates violation of Federal laws. He always opposed the concept of a centralized national police force. The idea of Federal police has been just as repugnant to Mr. Hoover as to all the rest of us who would oppose any semblance of transforming the FBI into some kind of national police force.

I welcome the opportunity to join in this tribute. I join in the thanks of most Americans to the Director of the FBI for a job especially well done. This week we mark Mr. Hoover's 47th anniversary as Director of the FBI. It is an occasion for those who admire his service to say so. I salute him and express the wish that he may continue as Director of the FBI. It is my hope that Americans may enjoy the benefit of his dedicated and distinguished service for several years.

ONE HUNDRED YEARS YOUNG

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, it is my honor and privilege to have in our congressional district a fine institution of higher education which proudly bears the name of Central Missouri State College. It was 100 years old on May 10, 1971. Its home is Warrensburg, Mo., which is the county seat of Johnson County, Mo. Because of the importance of this educational institution, Warrensburg has been frequently described as the Athens of west central Missouri.

This institution has a student body that is mostly made up of students from the counties surrounding the institution. Of course, there is a sizable number of enrollees from the Greater Kansas City metropolitan area, but these are also students from all across America and several foreign countries. In the 12 years it has been my honor to represent this area in Congress, I have witnessed the enrollment at this college grow almost sixfold. I have seen this excellent institution of learning establish a second campus in my home city of Independence, Mo., near the famous Truman Library.

A little over a week ago, Jack Carmichael, assistant to the president, Warren C. Lovinger, was in the city of Washington with information that there will soon be a newly created school of public services established at Central Missouri State College. This new school will become effective September 1, 1971. It will consolidate into one academic area the departments of safety, criminal justice administration and corrections, the Missouri Safety Center, and the Traffic Management Institute. The dean of the new school will be Dr. Robert L. Marshall, who is currently the director of the Missouri Safety Center.

Central Missouri State is already a source of safety and law enforcement manpower for our State and the Nation. Laboratories exist already and special facilities for study in these areas are among the finest in the Nation.

There are more than 1,000 students enrolled in public service programs on campus. There are 375 criminal justice administration majors; 331 driver and safety education majors or minors; and 312 graduate students from 49 States and seven foreign countries. This represents the largest graduate safety program in the Nation. It does not include the hundreds of law enforcement officers and other traffic safety specialists enrolled in short courses through the Traffic Management Institute.

The college currently offers undergraduate and graduate degrees in safety; undergraduate and graduate degrees in criminal justice administration; a certificate in law enforcement; a training program for conservation agents and a 2-year program for in-service law enforcement officers.

The Missouri Safety Center, through its special services activities, regularly conducts workshops throughout the State on schoolbus driving and law enforcement. Since it was created 4 years ago, more than 13,000 persons have received safety training through the center's services.

The Traffic Management Institute, which opened last December, offers an 11-week program for law enforcement officers at middle and upper management levels. The TMI program is open to police officers from every State in the Nation who wish to obtain advanced police training for college credit.

Mr. Speaker, I was particularly impressed that at this great college in our district there are courses in a new kind of driver education. They have a driving range where students learn to handle their cars in emergencies. They are taught how to skid safely. They have what is called blowout practice. A special tire that goes suddenly flat when an instructor flicks a switch. Students are caught off guard by purposeful accidents. There are many, many other innovations provided in this new kind of driver education.

Without saying more it is my privilege to salute Central Missouri State on their formation of the School of Public Service which will become effective September 1, 1971. Yes, Central Missouri State at Warrensburg, Mo., is 100 years old, but by its awareness to the current need of our American youth, it is truly 100 years young.

INDOCHINA WAR—A LESSON FOR FUTURE GENERATIONS

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, future generations of Americans will read about our Indochina debacle as probably our Government's greatest and most futile misdirection of our military leaders, and power and wealth in all our history. We can eventually recover our power and wealth but not the American lives and casualties.

The following article in the Gary, Ind., Post Tribune of Sunday, May 9, by Fred Hoffman sets out concisely a few of the top facts concerning our experience in Southeast Asia. Mr. Hoffman failed to remind his public that the No. 1 jumping-off place which started this regrettable experience 10,000 miles away came in the year 1954. The then Secretary of State, John Foster Dulles, in the Eisenhower administration, devoted several years to selling the Congress on ratifying his Southeast Asia Treaty. Even President Eisenhower was very reluctant to endorse the Secretary of State's misguided arguments to enter the Southeast Asia Treaty. In his testimony before the Senate Foreign Relations Committee at that time Secretary of State John Foster Dulles stated that the treaty would not lead to sending American boys to fight on the Asian mainland. It would only limit America's obligation to helping finance, provide military equipment, and sending advisers to aid the Southeast Asian nations if they were attacked by Communist aggressors.

Mr. Speaker, I wish to include with my remarks the article by Fred S. Hoffman, AP writer, referred to above.

THE LONGEST WAR: 280,000 ALLIES DIE, $135 BILLION SPENT

(By Fred S. Hoffman)

WASHINGTON.—The Indochina war, almost a quarter century old, has killed more than 280,000 allied fighting men and cost the United States and France more than $135 billion.

It sped France's decline as a world power.

It ignited a youth revolution in the United States, threw American politics into turmoil and soured this country on foreign military involvements.

It produced a generation of Vietnamese, South and North, who have never known peace and may not for years to come.

The French fought first, with heavy U.S. aid in money and material. But they gave up and the United States moved ever more deeply in. Now this country has been in an undeclared war for over 10 years, the longest of any of the wars in U.S. history.

The 54,505 American lives lost in Southwest Asia compare with the 405,399 U.S. deaths in World War II, 116,516 in World War I, and 54,246 killed in the three-year Korean War.

The Indochina war opened in 1946 and France fought for eight years to overcome Nationalist and Communist forces and regain control of its colony. The French lost heart and went home after the Vietminh humiliated their army at Dien Bien Phu in 1954.

France paid with 92,800 dead French, Indochinese, African colonial and Foreign Legion troops. It also paid $5.8 billion of its own money.

An international conference partitioned Vietnam, and there was an uneasy lull until the late 1950s when Communist-led insurgents began a campaign to overthrow the South Vietnamese government.

In 1961 President John F. Kennedy responded to Saigon's plea for help with increased U.S. arms and advisers. A decade later the United States is painfully disengaging from a war swollen to proportions nobody anticipated.

So far, it has cost the United States 45,019 lives in battle and 9,486 from other causes. The bill to the U.S. Treasury adds up to more than $129,395,000,000 counting direct support and conduct of the war plus military and economic aid to France, South Vietnam, Laos and Cambodia.

South Vietnam has seen 129,127 of its soldiers killed in combat over the past 10 years. Five allied nations—South Korea, Australia, New Zealand, The Philippines and Thailand—have spent 4,485 lives in the cause.

Statistics on Communist and Nationalist military losses are of questionable reliability. But various estimates total 1,238,202 since 1946—roughly four times as many dead as the Allies have suffered.

French sources have used a round figure of 500,000 Vietminh slain in the 1946–1954 phase of the war across what is now North and South Vietnam.

CONGRESSIONAL RESPONSIBILITY IN WARMAKING DECISIONS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, on April 6 I introduced H.R. 7290, a bill to restore to Congress its constitutional responsibilities in decisions to send American troops into hostilities. Today, I am reintroducing this measure together with 19 of my colleagues.

I have spoken at length, both in this Chamber and before the Senate Foreign Relations Committee, on the need for

Congress to resume its role in decisions of war and peace. My remarks today will be brief.

The current crisis over Executive warmaking powers has been brought painfully to our attention by Vietnam and our incursions into Laos and Cambodia. While some have preferred to concentrate their efforts on proving the President has illegally usurped congressional powers, I blame the Congress for not developing a viable procedure whereby we can share in decisions to engage U.S. troops abroad which fall short of a declaration of war.

It is for this reason that H.R. 7290, unlike the other war powers bills, focuses directly on the actual mechanics of congressional responsibility in warmaking decisions. The Joint Committee on National Security created by H.R. 7290 would bring together the leadership and the military and foreign affairs experts of the House and Senate. Its membership would total only 24 men who could be available to the President in a short period of time. The President, at his option, could consult with the Joint Committee prior to taking a military action which requires congressional ratification. But he must consult with it within 24 hours after taking such action. The Joint Committee would serve as a liaison between the White House and the Capitol throughout deliberations on ratifying or changing the President's action. Most importantly, the very existence of the Joint Committee would help set the stage for a working partnership between the Congress and the Executive in moments of international crisis.

In his April 29 press conference, President Nixon stated it would be a great mistake to force the Commander in Chief to wait for congressional action. I must emphasize again, Mr. Speaker, that H.R. 7290 would neither force the President to wait for congressional concurrence nor tie his hands in foreign policy.

Under the terms of H.R. 7290, the President may act immediately to meet an emergency situation without waiting for congressional action. He would be required, however, to withdraw U.S. troops within 30 days if Congress had not authorized continuation of the action within that time. H.R. 7290 gives the President the latitude and flexibility he needs, and which the Constitution assigns him as Commander in Chief, to respond to any crisis. At the same time, it would bring Congress back into the decisionmaking process, a role also dictated by the Constitution. Should the Congress terminate Presidential authority to continue military hostilities, he is given enough flexibility to withdraw our troops safely.

Mr. Speaker, I should think that both the legislative and executive branches of Government would welcome legislation such as this.

The 19 colleagues who have joined me in cosponsoring H.R. 7290 represent both political parties and a wide range of viewpoints on the Vietnam war in particular. But we all agree that the role of Congress in military and foreign policy decisionmaking must be restored if we are ever to avoid future Vietnams.

Several of my colleagues, I realize, feel that the President must obtain the advice and consent of Congress before any dispatch of U.S. forces. Others would hold that the President should have no constraints whatsoever on his authority. In my mind, these arguments are unsound from the standpoint of our national security, unsupported by the Constitution, and politically unrealistic.

I ask, Mr. Speaker, that we put aside our differences over Vietnam and past mistakes and work together to forge a partnership in responsibility with the Executive over the commitment of U.S. troops abroad. I believe H.R. 7290 is the responsible way to achieve that goal.

Mr. Speaker, at this point I would like to list the sponsors of the bill:

LIST OF COSPONSORS

James Abourezk, Democrat, of South Dakota.

Joseph P. Addabbo, Democrat, of New York.

Edward P. Boland, Democrat, of Massachusetts.

Silvio O. Conte, Republican, of Massachusetts.

Don Edwards, Democrat, of California.

Marvin L. Esch, Republican, of Michigan.

Ella T. Grasso, Democrat, of Connecticut.

Gilbert Gude, Republican, of Maryland.

Seymour Halpern, Republican, of New York.

Michael Harrington, Democrat, of Massachusetts.

Henry Helstoski, Democrat, of New Jersey.

Robert L. Leggett, Democrat, of California.

Paul N. McCloskey, Jr., Republican, of California.

Romano L. Mazzoli, Democrat, of Kentucky.

Charles A. Mosher, Republican, of Ohio.

Otis G. Pike, Democrat, of New York.

Howard W. Robison, Republican, of New York.

Benjamin S. Rosenthal, Democrat, of New York.

James H. Scheuer, Democrat, of New York.

FINAL REPORT—HEMISFAIR '68

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 1 hour.

Mr. GONZALEZ. Mr. Speaker, the first world exposition ever held in the Southwest was HemisFair '68, held at San Antonio from April 6 to October 6, 1968.

Some 6,400,000 people came to HemisFair, where 25 foreign governments mounted exhibits, plus 21 major corporations and others. Two of the greatest exhibitions were mounted by the State of Texas and the U.S. Government.

The Congress authorized U.S. participation at HemisFair, and appropriated $6,750,000 to cover the cost of building a pavilion and operating it. Since this investment was made by Congress, I feel a special obligation to render a final report on the event, now that the Secretary of Commerce has issued his report to Congress—a document which I commend to the Members of the House, since it is the most complete report ever given on how an international exposition works, and how the United States participates. There are important lessons in HemisFair, lessons that can save the United States immense amounts of money and difficulty. The fact is that HemisFair was the first exposition in which the U.S. participation was carefully planned in advance and wholly in the hands of a professional staff. HemisFair was a success, and U.S. participation was a success; and we owe a great debt to the skilled and dedicated professional staff at the Department of Commerce for their work in mounting the U.S. pavilion.

I believe that whenever the U.S. Government undertakes participation in events such as HemisFair, the mounting of that exhibit should be carried out along the lines used for HemisFair. We have at the Department of Commerce a professional staff that is competent, energetic, and completely dedicated. They know how expositions work, they know how pavilions should work, and they have the most complete experience available in this field. If we use this staff fully for the bicentennial or for any other Federal participation in international expositions, we should rely on that staff.

Federal participation at HemisFair was made the responsibility of the Department of Commerce. This responsibility was in turn entrusted to the U.S. expositions staff, headed at that time by John E. Orchard, a most able and energetic man. He has since left Government service, and his place is now filled by his very talented, equally energetic, and dedicated deputy, J. William Nelson. These men, and their staff, together with an interagency committee, were able to create the U.S. exhibit in record time, to keep it operating smoothly, and to make a bold statement on behalf of our country—and all within a sharply curtailed budget. In fact, this staff worked so effectively that even after expected appropriations for HemisFair participation had been reduced by one-fourth, they still achieved all the objectives that had originally been set, and even return a little money to the Treasury.

Accordingly, as the first order of business in this report, I commend this staff, and urge that the Congress maintain it for employment in future international expositions.

At HemisFair, the United States invested $6,750,000 in its participation.

For the first time, U.S. participation was based on results of an advance study and report, authorized by Public Law 89-284, enacted October 22, 1965. Congress charged the Department of Commerce with the responsibility of determining whether the United States should participate in HemisFair, and if so, what the nature and extent of such participation should be. Thus, Congress asked to have a professional opinion of the desirability of our participation in HemisFair, together with as much advance planning as possible. It was this background study, this advance planning, that enabled the United States to establish such an excellent pavilion, and that enabled Congress to know fully in advaice what the cost of participation would be.

In short, I asked Congress not to approve a blind, open-end participation, but to act only on the basis of well-prepared information.

The Department of Commerce expositions staff, together with an interagency advisory committee, undertook the determinations and planning required by Public Law 89-284, and reported back to Congress, recommending participation with a $10 million budget, and setting forth alternate schemes for the pavilion, should Congress give its approval and appropriate the necessary funds.

The report was placed in the hands of the committees having jurisdiction, and they responded with approval. The law approving U.S. participation in HemisFair, Public Law 89-685, was enacted October 15, 1966. By the time appropriations had been approved—with a 25 percent reduction from the request—just 58 weeks remained until opening day. No U.S. international exposition pavilion had ever been mounted in such short time.

But John Orchard, Bill Nelson, and the rest of the expositions staff at the Department of Commerce undertook their task with confidence, and the U.S. Pavilion did open in time—fully finished, equipped, and operating.

They designed the pavilion, called in the architects, the engineers, the creative talent, gathered the materials, let the contracts, supervised the construction, and undertook myriad other tasks successfully, within the budget and on time.

The U.S. Pavilion was in reality two buildings. One building was a theater, built in circular shape—easily the most striking and beautiful pavilion at HemisFair. The Confluence Theater, as it was called, seated 1,200 people.

The other building was the Exhibits Building, and was the entrance to the Pavilion. Here people viewed exhibits relating to the history, development, promise and problems of America. From there they moved across a magnificent courtyard into the theater.

The theater featured curtain walls, dividing the audience into three parts. As the film proceeded, and showed how the United States developed into a single great land, the curtains fell, uniting the audience into one.

The film exhibited was called US, and was created by Francis Thompson; it was shown on a triple screen, and represented a number of technological innovations. The film was an honest account of our country and ourselves, and it had an immensely favorable impact on visitors, especially those from abroad. In all, 2.3 million people visited the pavilion and saw the film.

I know that one of the major reservations many of my colleagues have about participation in international events is that the investment made in the pavilion is supposedly lost. This does not happen with proper planning; it did not happen at HemisFair. In fact, at HemisFair there is every reason to believe that the Federal pavilion was a sound investment.

The fact is that the Federal pavilion still stands, and that is as it was intended. From the very beginning, I asked—and the Commerce Department agreed—that the U.S. Pavilion should be built as a permanent structure, with a permanent end use in mind. The legislative history and the statutes made it clear that the Federal pavilion was not intended to be built and then abandoned.

The ultimate user of the Federal pavilion will be none other than the U.S. Government. By using the Confluence Theater as a Federal courthouse—part of a planned Federal courthouse and office building complex in San Antonio—the General Services Administration expects to save considerable sums of money. The result is that we have a Federal building complex that is well designed, beautiful, appropriate, and very much less costly than might have been expected. The Federal Government did not build a gift to the people of San Antonio, but a structure that ultimately will serve its own needs and functions. This was another first, as far as U.S. pavilions are concerned, but again, I believe that it only offers a model for future fairs—such effective utilization is made possible by exactly the kind of planning that preceded the commitment to even participate in HemisFair.

HemisFair was made possible in large part because of the faith of Congress; this faith was well founded, and I am grateful for the help and support of my colleagues. I believe that the final report of the Secretary will show that HemisFair 1968 achieved all it set out to achieve, and that the procedures used by the Federal Government in arranging its participation should serve as models for future expostions.

San Antonio received immense benefits from HemisFair, some immediate and some lasting.

San Antonio found in HemisFair a unifying force that enabled the city to plan and execute an event of far greater magnitude, sophistication, and complexity than anyone ever thought possible.

The people of the city united to lend their financial support to HemisFair; they subscribed to an underwriting that gave the event its first line of credit, its first operating expenses, and its first great success, which was concrete evidence that the dreams were more than just talk.

The people of San Antonio, to their great credit, voted to support the biggest municipal bond issue in the history of the city to pay for the expenses involved in preparing for HemisFair. That bond issue was approved by every single voting precinct—and I think that it may be the only bond issue of its size that was ever given such unanimous support anywhere, before or since.

San Antonio built a magnificent convention center and theater complex at HemisFair, and the city will reap the benefits of that investment for years to come.

Private investors built hundreds of new hotel rooms—badly needed by the city, and crucial to the successful operation of the convention center. HemisFair led to almost $500 million in new commercial construction, produced 4,000 man-years of employment, increased sales tax revenues by $750,000 and led to visitor spending of $122 million. Every index of economic performance in San Antonio took a dramatic leap ahead. It was the greatest thing ever to happen to San Antonio. HemisFair closed with an operating deficit of $7.4 million, but that loss can be viewed in fact as an investment that produced immense returns; the benefits to San Antonio, the permanent structures left behind after HemisFair, all this and more—made the operating loss look miniscule, as in fact it was.

International expositions, even one in the special category class as HemisFair was, are complex operations. The U.S. Government learned valuable lessons at HemisFair, as the Secretary of Commerce reports to Congress. I believe that these lessons should be taken to heart, because at HemisFair the United States learned how to participate in international expositions effectively, with the greatest possible benefits, and with the most lasting results. HemisFair provides the U.S. Government with an ideal pattern to follow in establishing future participation in international events. The report of the Secretary is a how-to-do-it book that Congress will benefit from—and is ultimate proof that HemisFair's Federal participation was well worth the investment.

Mr. Speaker, I make the report of the Secretary a part of the RECORD at this point:

FEDERAL PARTICIPATION, HEMISFAIR '68

THE SECRETARY OF COMMERCE,
Washington, D.C.

The PRESIDENT OF THE SENATE.
The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIRS: I have the honor to submit herewith the final report, as required by Section 4 of Public Law 685, 89th Congress, approved October 15, 1966, on Federal participation in HemisFair '68, San Antonio, Texas. You will recall that a brief summary report was submitted in April of 1969.

In contrast to past final reports on Federal participation in international expositions which were concerned largely with legislative history and a description of the pavilion, the Commerce Department has also attempted in this report to recount and analyze typical problems that were encountered and solutions that were developed as a guide for those who will be responsible for similar projects in the future.

The Department gratefully acknowledges the generous cooperation of the officials of the City of San Antonio and the San Antonio Fair Corporation. In addition, we thank the State of Texas and its representatives in the United States Congress. Their gracious assistance, as well as that of other Government agencies and sponsors and donors from private industry, contributed in large part to the success of the project.

Respectfully submitted.

MAURICE H. STANS,
Secretary of Commerce.

CHAPTER I—WELCOME TO "CONFLUENCE, U.S.A."

Visitors to the United States Pavilion at HemisFair '68 in San Antonio, Texas were welcomed by a circular marble and glass Confluence Theatre separated from an arc-shaped Exhibits Building by an open-air Migration Courtyard. HemisFair '68 was the first international exposition in the southwestern United States. It was located on a compact downtown site dominated by a 662-foot theme tower.

Commanding the southern portion of the site, the U.S. Pavilion stood in a setting of flowers, pools, and fountains, long-standing pecan trees, and modern sculpture. It adjoined the international plaza and was readily accessible by elevated walkways, minimonorail, or waterway.

In the international area 25 foreign governments exhibited their art and culture in individual modules. Elsewhere on the site, 21 major U.S. corporations and institutions and the states of Texas and Arkansas built pavilions for their exhibits.

From April 6 to October 6, 1968, some 6.4 million visitors took part in the color, life, and action of HemisFair.

In the courtyard of the U.S. Pavilion, visitors were greeted by guides dressed in blue and white uniforms and directed first to the Exhibits Building, which was planned as an introduction to the documentary motion picture shown in the Confluence Theatre.

This single-story contemporary building complemented the dominant theatre and captured the flavor of the southwest in its monochromatic, stucco finish. It blended with surrounding pavilions in the neighboring international area.

The audience entered the raised air-conditioned structure by a ramp. Guides were available to lead tours of the building, narrate on the exhibits, and answer questions.

The three-part theme of "Confluence, U.S.A.," (the "Legacy" of the past, the "Harvest" of the present, and the "Promise" of the future), was established in a message from the President displayed at the entrance.

His message welcomed visitors to "the story of a nation built by many peoples." Like most explanatory material in the pavilion, it was reproduced in both English and Spanish.

Visitors approached the initial exhibit area, the "Legacy," along the entrance ramp "Discovery Trail." Overhead colorful banners recalled the explorers whose voyages opened the promise of the New World. Heraldic music evoked memories of the courage and imagination of the men who explored this unknown land.

This "Discovery Trail" led to a gangplank which brought visitors onto the deck of the "All Peoples' Ship." This stylized vessel symbolized the voyages made by all the immigrants who came to our country—some to find adventure and wealth, some to escape from hunger, fear, or tyranny.

The feel of the deck underfoot, the sight of the masts, spars, and rigging overhead, the sounds of the sea in the background, and the murky halflight gave the effect of being aboard a sailing ship.

On the unfurled sails of the "All Peoples' Ship," color slides portrayed the faces of the settlers of the 17th and 18th centuries and their sailing vessels, the faces of later immigrants of the 19th century and the political refugees of our time.

Humor and history merged in the next area to illustrate how our forefathers of diverse races and cultures, working together for common purposes, achieved a sense of community—the essence of nationhood. These shared experiences became the substance of our folklore.

In this section, "Achieving Community," animated three-dimensional models depicted some of these dramatic episodes including the building of the Erie Canal, the Gold Rush, a Texas cattle drive, a barn raising, and Ponce de Leon's search for the fountain of youth. Many visitors, particularly children, lingered to enjoy this section of the Exhibits Building.

Moving on, visitors saw the "Faces of the Confluence"—portraits of famous Americans born in other lands: Andrew Carnegie, George Santayana, Jacob Riis, David Sarnoff, and many others who contributed to our country's progress. This gallery caught the attention and imagination of many visitors interested in the migration to America.

From this hallway gallery, visitors moved into the "Harvest" area which depicted today's fruits of the confluence. A three-screen slide sequence, showing how we encourage and preserve the national goals set forth in the Preamble to the Constitution of the United States, introduced the "Harvest" exhibits. Six displays in the large circular room expressed the spirit of "We, the People of the United States" united in one Nation built on the legacy of the past.

The emphasis was on cooperative action to achieve the Nation's goals through a confluence of individual ideas and skills. Visitors could wander freely in the "Harvest" area, although the placement of the exhibits tended to direct traffic around the circular room.

Each display section focused on one aspect of today's harvest of the fruits of confluence. The display section "Bread Upon the Table and A Roof Over Our Heads" showed foods which reflect tastes and customs of many nations, the abundance of our farms and fisheries, and the architectural heritage of many cultures in our homes.

"Land of Our Own" showed flowers, trees, and plants brought to this country from around the world, and the gardens and public parks patterned after those in many countries.

Especially popular with young people was the section "Companionship and Recreation" which featured sports and games that trace their origins to many different lands. Equipment used by great names in American sports was displayed: boxing gloves used by Joe Louis, Ty Cobb's bat, Arnold Palmer's driver, Sam Huff's and Knute Rockne's football helmets, and similar mementos of other outstanding athletes.

A display on the "Mobility of People, Ideas, and Goods" contrasted historic and modern artifacts to show the role of transportation and communications in linking our heterogeneous communities and people. Among the artifacts displayed were an early Bell telephone next to a modern trimline style phone, and an Edison wax cylinder recorder beside a pocket-size transcriber.

Another popular display section was "Honest Work Justly Rewarded." Here the automobile industry was used to illustrate how one product results from cooperative efforts and talents of many peoples. Examples of the evolution in the parts needed to build an automobile were featured. They included a 1908 carburetor, a 1909 magneto, and an early speedometer.

The final display "The Spirit of Discovery" showed how man's curiosity has led him to search for better answers. Historical tools of exploration and discovery were shown in contrast to contemporary items. The display included Billy Mitchell's helmet and an astronaut's helmet, a wet cell battery and a solar battery, a brass microscope circa 1800 and a photoelectron microscope.

This final display served not only as the exit from the "Harvest" area but as an entrance to the "Promise" area. This was appropriate, as it showed that it is man's yearning for adventure, for knowledge, and for beauty which leads him to a better future.

"*The Promise of Tomorrow* is a world of challenges. Can we meet them alone?"

This question was asked of the visitor as he entered the "Promise" area. This section gave a glimpse of today's accomplishments which have also created today's challenging problems:

Rapid industrialization and urbanization accompanied by congestion in our cities and overcrowding in our schools and hospitals;

Increased mobility of people and products bringing also traffic jams and air pollution;

Advances in medical science together with a population explosion.

Choosing one of three identical dimly lit lanes to walk through, visitors experienced a new mood—a feeling of aloneness.

They were bombarded by a series of questions flashed into the semi-darkness on light boxes.

The questions challenged them as individuals: "Why stay in school?" "Is it my responsibility?" "Am I part of the solution?"

The three lanes of this "Challenge Maze" merged into two and then into one. Visitors rejoined the people from the other lanes and walked with them down "The Confluence Road" where they were confronted with questions that challenged group cooperation and action: "Can more and more people be fed?" "Why go to the moon?" "Can air and water pollution be stopped?"

The story told in the introduction to the "Promise" area was that our local communities, our Nation, and the world need to find the best possible solutions to problems that affect our mutual well-being. One person alone cannot provide the answers, nor can any local, national, or international group—unless the individual helps to stimulate group action and contributes his own ideas and knowledge. Thus "The Confluence Road" begins with a single step by a single indivdual.

The main display area of the "Promise" attempted to answer or point the way to answers to the questions posed in the "Challenge Maze."

As visitors roamed freely in this area they saw six displays portraying ways mankind attempted in the past, is now attempting, and will attempt in the future to deal with the problems of transportation, city planning, food, health, education, and commerce.

For each subject, a series of graphic exhibits illuminated in sequence traced the input of many minds and skills which contributed to today's successes. Multi-sided panels carried the story forward by depicting new problems resulting from this confluence and the old problems still unsolved. The panels showed what people are doing today—together—in our Nation and in the world to identify, reach agreement on, and solve these common problems.

Finally visitors were given a three-dimensional view of the promise of tomorrow: fume-free cars, floating cities, underseas farming, spare parts for the human body.

In the free-flow traffic pattern of the "Promise" area was a display devoted to the computer, one of modern man's most important new tools for solving the problems of our times.

On one wall was a highly sophisticated graphic version of a computer with a giant perforated computer tape pouring from it. Surrounded by an intricate web of simulated computer tapes used as a display panel, visitors became aware of how computers work and how they serve man today. A panel pointed out, "Tool of the Confluence, the computer helps us store and use the knowledge of great minds." It provides a "bridge from the known to the unknown," from problems to solutions. "But it is no substitute for the human brain."

The computer display, like every other exhibit in the "Promise" area, centered on one main idea—the confluence of human resources as the essential element in all human progress.

There was a great deal of interest in the audio-visual finale, "The Future We Can Build," which epitomized the theme of the "Promise" area. This multi-slide presentation was flashed on a large free-form screen. Visitors often sat on the carpeted floor to watch the four-minute presentation.

Scenes, sound effects, and narration created an atmosphere of suspense: a flood inundated a city, homes were destroyed by an earthquake, a fire. Neighbors and strangers rushed to help victims.

"The acts of God come swiftly and with surprise," the narrator said, "They demand our attention and action. The acts of man . . . begin quietly . . . a single bit of trash . . . one ill-educated man . . . and grow with stealth until they seem to overwhelm us."

New scenes appeared: trash on the street, sewage dumping into a river, hungry children, protests, riots, strikes.

The narrator continued: "I am helpless, we say. What can I [the individual] do about poverty, crowding, pollution, riots, war?" With accompanying slides of a VISTA class, a college debate, Red Cross workers, the narrator said, "As individuals, we can study and learn needed skills . . . listen . . . share our abilities . . . vote . . . strive and understand. But most of all we must care . . . because caring is the simplest, yet most powerful, act of man we know. We must care because the future is today and the future we can build."

Leaving the audio-visual finale, visitors walked down a ramp. Bright hanging banners repeated the words "Confluence, U.S.A." in every tongue spoken in our land: confluencia . . . zusammenkunft . . . le confluent . . . and many more.

As they departed visitors faced themselves on a closed circuit television set and for the last time confronted the question, "Am I part of the problem?" The impact was doubled as they turned the corner and saw themselves on a second television screen with the question, "Am I part of the solution?"

Emerging from the Exhibits Building into the Migration Courtyard, fairgoers saw to the right a monumental sculpture entitled "Migration." It was a tribute to the free spirit that made America.

Sixty stylized aluminum birds were poised in perpetual flight above a series of step-down pools bordering the courtyard. The sculpture was silhouetted against a curtain of cascading water spilling over three free-standing walls.

Behind the waterfall was a quiet garden with bright flowerbeds, walks, and benches under the trees. Modern sculpture was placed throughout the grounds and garden area. Landscaping and stone benches, provided a cool retreat under the Exhibits Building where foot-sore fairgoers could relax.

Crossing the outdoor courtyard, the visitor felt the full impact of the massive round theatre encircled by a ground-to-roof colonnade. A striking exterior design of sophisticated simplicity, the interior of the Confluence Theatre contained a distinctive lobby, a unique system of disappearing walls and screens, a large curvilinear screen, and a thought-provoking documentary film.

The front exterior wall of the theatre was a tremendous expanse of glass, and travertine marble panels contributed interesting texture and patterns to the side walls.

Visitors moved through glass front doors into a spacious air-conditioned lobby that served as a holding area and then into the 1,200-seat theatre. After viewing the 23-minute film, they left at the opposite end of the building.

The lobby, of impressive dimensions, was designed for the waiting audiences' visual pleasure. Sunlight filtered through ceiling-to-floor drapes. Red carpeting covered the floor; eight spherical crystal chandeliers illuminated the lobby. Striking photomurals on dividing walls symbolized "Confluence, U.S.A."

Here, a visitor could buy a brochure with text and pertinent graphics for a review of the theme and as a souvenir of the pavilion.

The interior of the theatre was specially designed and equipped to heighten the drama of the film. Movable soundproof curtains divided it into three adjoining 400-seat theatres.

The film was titled "U.S." It was written without punctuation so that the viewer was left to determine for himself whether it stood for United States or for us. As the film began fairgoers sat in one of the three small theatres, unaware that the first phase of the film was also being shown simultaneously to two other audiences.

They saw the waiting land, its exploration and settlement—our "Legacy." Vivid scenes of the natural beauty preserved in our Nation today recaptured the land as it looked when western man first saw it.

Quoting from the film's text by the poet W. H. Auden, the narrator began "Was this the Vineland the Vikings' legend said they saw? If so, the glimpse was soon forgotten. Centuries passed. The map was blank 'til Iberians looking for a quicker route to the Indies, stumbled instead on a strange continent. Vast, unhumanized, a virgin wilderness, the land lay in her long sleep, waiting to be woken by western man."

Scenic views of the country from virgin forests of New England to snow-capped Rockies and the rugged Pacific Coast filled the screen. Old prints and paintings illustrated the early settlement and founding of the Republic.

With a burst of fireworks, the second phase of the film, the "Harvest," flashed on the screen which had expanded vertically to become almost square. The narration continued: "Immigrants came . . . they streamed to join us . . . a million a year . . . as they crossed the Atlantic they looked forward with hope." Pictured in black-and-white newsreel shots taken at Ellis Island and other ports of entry were immigrants, their faces mirroring their hopes and dreams.

The film traced the building of our industrial society showing the building of the railroad and the growth of river transportation among other scenes of technological development. As an early biplane sailed into the clouds, the image faded and the great roar of a jet airplane filled the darkened auditorium.

The three screens and interior walls rose swiftly into the ceiling. The three threatres became a single "confluence" theatre, and a combined audience of 1,200 watched the rest of the film projected on the world's largest curvilinear screen.

In a split-screen presentation, the film showed the progress of our confluence starting with shots taken from the nose of a plane flying through great banks of cumulus clouds. The skyscrapers of New York then passed around the viewers, and a montage of present-day America in all its ethnic diversity began.

Unusual photo techniques were used to depict both our successes and hopes for future progress and our failures and inadequacies in dealing with the problems created by this progress. This is "a land of great plenty with promises to keep," said the narrator.

A series of episodes showed the achievements and abundance of contemporary America as well as its natural beauty. Other vignettes followed which posed as pressing challenges the problems of this day: the overcrowding of our urbanized society; the unwelcome by-products of technology; the devastation of our natural resources; the plight of the unskilled and the unschooled; and the prejudice against minority groups.

The narrator concluded: "The eyes of the world are upon us and wonder what we're worth, for much they see dishonors the richest country on earth. Shamefully we betray our noble dead if we, after two hundred years, cannot or will not see, more clearly what is meant by certain truths that they believed self-evident. On each of us depends what sort of judgment waits for you, for me, our friends, and these United States."

As visitors moved out of the theatre, passing forward under the giant screen, each felt that he was not a spectator but one of the players challenged by the drama of "Confluence, U.S.A."—as he would be in the life to which he returned.

CHAPTER II—AN INTERNATIONAL EXPOSITION IN THE SOUTHWEST

Staging an Exposition

The idea for staging a major international exposition in San Antonio, Texas, was conceived during the late 1950's. The name "HemisFair" was coined in 1959. In 1962 U.S. Representative Henry B. Gonzalez, 20th District, Texas, included the fair as a major element of his "20th Century Plan for the 20th Congressional District."

Responding to his proposal that the 250th anniversary of the founding of San Antonio be celebrated with a "Fair of the Americas," a group of San Antonio citizens formed a planning council to explore its feasibility.

The leaders of San Antonio had definite long-range objectives for the fair. They saw it as a possible remedy for the static economic condition of the city as compared to other Texas communities. It was hoped that the event would motivate the local population to work together for the common benefit of the city as well as create a catalyst for building and broadening the base of community leadership.

The fair was also expected to renew and improve the strong cultural and economic ties between San Antonio and Latin America and to focus attention on its commercial, industrial, and residential advantages and tourist attractions.

Finally, the fair would leave a heritage of permanent facilities and institutions, including a new civic and convention center.

The first move of the council was to enlist San Antonio's business and civic community. A nonprofit corporation, San Antonio Fair Inc., was formed with a 167-man Board of Directors, representing a cross section of citizenry, and an Executive Committee. An economic feasibility study was ordered from Economic Research Assoc. of Los Angeles to evaluate whether the city was equipped to assume the responsibility for an international exposition. The report, delivered in April 1963, projected an attendance of 5.9 to 8.5 million visitors and weighed the costs of mounting a fair against projected revenues. It indicated that the fair could succeed.

The community responded by pledging more than $7.5 million in less than four months to underwrite the costs of the proposed fair and establish a credit line of $4.5 million with San Antonio banks.

The city of San Antonio supported HemisFair '68 with a $30 million municipal bond issue to finance a convention and community center for fair and post-fair use and a $5.5 million bond issue to finance the HemisFair '68 theme structure, the Tower of the Americas.

A 92.5 acre portion of a depressed area downtown was acquired by the city with $12.5 million of Federal urban renewal funds. It was leased to the fair for the duration of the exposition.

Bexar County delegates to the Texas State Legislature introduced legislation in 1965 providing for recognition, support, and participation by the State of Texas. Ten million dollars was eventually appropriated by the State Legislature for what would become a permanent Institute of Texan Cultures. Governor John Connally gave the legislation strong support and in early 1965 accepted the post of Commissioner General for the exposition.

Assured of local and State support, HemisFair officials turned to gaining assistance from the United States Government and to getting international recognition by the Bureau of International Expositions in Paris. The latter regulates the conduct and scheduling of international expositions.

Since the HemisFair sponsors desired maximum foreign nation participation, they realized that they would have to have the Bureau's approval. Without it ordinarily none of its 34 member governments will participate in a world's fair. Such sanction generally results in not only substantial member participation but that of nonmember countries as well.

In accordance with the U.S. Department of Commerce "Rules Governing Official U.S. Government Assistance to Sponsors of International Expositions Held in the United States" (Title 15, Part 367, of the Code of Federal Regulations), the fair sponsors applied to the Department in February 1965 requesting that it present and support HemisFair's petition to the Bureau. After review and endorsement, HemisFair's application was transmitted through the Department of State to the Bureau for consideration.

Legislation providing for Congressional recognition of HemisFair '68 and for the extension of official invitations to foreign governments was introduced in June 1965 in the House and Senate by Representative Gonzalez and Senators John G. Tower and Ralph W. Yarborough of Texas.

It was enacted as Public Law 89–284 on October 22, 1965. A few weeks later the President signed a proclamation recognizing the fair and authorizing and directing the Secretary of State to invite foreign nations.

With Federal endorsement, the Bureau of International Expositions, on November 17, 1965, approved HemisFair '68 as a Special Category Exposition with the dates April 6 to October 6, 1968. The theme of this Special Category Exposition would be "The Confluence of Civilizations in the Americas."

The theme would celebrate the common history of the Americas, its legacy of peoples and civilizations from four continents, and the challenge and the promise of the new land. Under Bureau rules, participants would be required to adhere closely to this exposition theme.

Congressional approval of federal participation

Public Law 89–284, which gave Congressional recognition to HemisFair '68 as an event "designed to enhance the existing brotherhood between new world nations, reaffirm common ties, increase understanding and fortify world peace," also called for a study on the manner and the extent of United States participation. The responsibility for the study was assigned to the Secretary of Commerce.

Preparation of the study was delegated by the Secretary of Commerce to the Department's U.S. Expositions Staff. The Staff was established in 1966 as a continuing organizational unit to study, plan, and mount Federal participation in international expositions within the United States and to establish an orderly procedure for considering requests from local fair sponsors for Federal assistance.

The organization of a permanent staff was an effort to improve the previous practice of administering Federal participation in world's fairs by ad hoc commissions.

With this change it was possible to plan and stage the Federal presentation at HemisFair '68 with a small, tightly knit permanent staff of exposition professionals with experience in fairs and expositions throughout the world. The experience and organization of such a staff gave complete flexibility to assignment and interchange of personnel and achieved maximum economy.

As Public Law 89–284 authorized other Federal departments and agencies to cooperate with the Secretary of Commerce, the first step was to form an interagency committee to provide advice and assistance in doing the feasibility study.

The committee consisted of 16 representatives from the 14 Federal departments and agencies with interest in the project.

The feasibility study undertaken prior to a reqeust for legislation and appropriations from the Congress covered five major areas:

(1) Evaluation of the merits of participating in HemisFair;

(2) Determination of the best form of Federal participation with particular attention to developing a residual use for any structures for the continuing benefit of the public;

(3) Preparation of a theme and storyline for Federal participation;

(4) Analysis of exhibits to carry out the theme with an estimate of the cost of constructing and mounting them; and

(5) Preliminary designs, engineering plans, and cost estimates for the Federal pavilion.

Before recommending that the national interest would be served by Federal participation in HemisFair '68, the U.S. Expositions staff applied criteria it developed to evaluate requests for Federal participation in domestic expositions.

Congressional recognition of the event and the sanction of the Bureau of International Expositions were evidence that the exposition satisfied the first of these criteria; that it was of more than local or State interest.

Local financial support, the non-profit corporation set up to administer the program, and the feasibility studies prepared by Economic Research Assoc. were proof of adequate local planning, financing, and organization, another prerequisite.

The inter-American theme of the exposition and its clear relation to the spirit of the Alliance for Progress, the anticipated increase in foreign visitors, the probable contribution to the U.S. balance of payments, and the tie-in with the 1968 Olympics in Mexico City were demonstrations of a third criterion, definite national interest in the success of the exposition.

Development of a theme for Federal participation was given high priority to insure that the exposition would be educational as well as entertaining and that it would convey a substantial, thought-provoking message.

To achieve this, in-depth research and detailed planning for the buildings and exhibits were guided by the selected theme. Out of HemisFair's theme, "The Confluence of Civilizations in the Americas," grew that of the U.S. Pavilion, "Confluence, U.S.A."

Development of the storyline also took into consideration the estimate of Economic Research Assoc. that 95 percent of the visitors to the fair would be from the United States.

The Staff and the Interagency Committee decided early that outside assistance would be necessary for timely completion of the planning report. Consequently an industry-wide design competition was planned to invite proposals for the preparation of cost estimates to design and construct buildings and exhibits in keeping with the approved storyline.

Firms were requested to pay special attention to an ultimate residual use for any buildings proposed. On Dec. 7, 1965, invitations to make design proposals were sent to 31 well-known design firms.

After consideration of bids, the Staff approved the lowest responsive bidder, Donald Deskey Assoc. of New York City, as the estimating design contractor. In accordance with its contract, Deskey Assoc. prepared two alternate design concepts together with the estimated cost for each.

The Interagency Committee chose the Deskey Assoc. proposal which called for a Federal pavilion consisting of a Confluence Theatre joined by an enclosed walkway to an exhibition hall.

The theatre would contain four separate theatres. During the showing of a film based on the theme "Confluence, U.S.A.," the four would become two, then one theatre through the lifting of dividing walls, giving the audience a sense of actual spatial confluence. For post-fair use the theatre could be converted to a multi-story office building and the exhibit area to a school.

The feasibility study was submitted to the President on April 1, 1966. It recommended Federal participation in HemisFair '68 with an exhibit entitled "Confluence, U.S.A." to be housed in a Federal pavilion on land deeded to the United States.

Cost of construction, operation, and maintenance of the exhibit was estimated at $10 million. The study also included a proposed draft bill including the authority and waivers to permit the Commerce Department to carry out the purposes of the act. May 13, 1966, the President forwarded the recommendation to the Congress with his endorsement.

May 17, 1966, legislation was introduced in the House authorizing Federal participation in HemisFair '68 and requesting an appropriation of $10 million. August 24, 1966, a companion bill was introduced in the Senate.

The Congress, October 15, 1966, approved the Commerce study and passed Public Law 89–685 amending Public Law 89—264 and authorizing Federal participation in HemisFair '68.

Public Law 89–685 designated the Secretary of Commerce to carry out the project and authorized an appropriation of $7.5 million.

Public Law 89–697, Oct. 27, 1966, called for an additional reduction of 10% from the authorized appropriation bringing the funds available for mounting Federal participation to $6.75 million.

Public Law 89–685 required that the San Antonio Fair Corp. safeguard specific community interests. The legislation called for assurances that all segments of the community participate in the management of the fair, that no officer or member of the corporation have a substantial interest in any organization doing business with the corporation, that the public be kept fully informed about the activities of the fair corporation, and that the historic structures on the exposition site be preserved to the maximum extent possible.

Because the Department of Commerce could not obligate funds until these provisions of the legislation were met, it established monitoring procedures.

The fair corporation submitted certificates signed by all members of the Executive Committee indicating their business and financial interests, community affiliations, and elected political offices to indicate participation by all segments of the community and an asbence of conflicts of interest.

Full public disclosure of the corporation's activities was guaranteed by holding public Executive Committee meetings and publishing financial reports.

The fair corporation, in cooperation with the San Antonio Conservation Society, preserved and restored 24 historic structures on the fairgrounds. These buildings became industrial pavilions, restaurants, and fair offices and contributed to the charm of the site.

In February 1967 the Department of Commerce was satisfied that the requirements of Public Law 89–685 were met. It was just 58 weeks before the opening of HemisFair '68 that the Department had both available funds and the clear authority to obligate them for mounting the Federal pavilion.

Despite a lead time of about half of that available for mounting Federal pavilions at other recent world fairs, the pavilion was completed, fully staffed, and fully operative by opening day, April 6, 1968.

CHAPTER III—AN IDEA COMES ALIVE

Reduction of the requested appropriation of $10 million to $6.75 million dictated a reworking of the two-building design concept. It was decided to retain the Confluence Theatre on a smaller scale, but to reconsider completely the exhibits area.

Deskey Assoc., who had prepared the feasibility study, entered into a joint venture with the San Antonio architectural firm of Marmon & Mok Assoc. In January 1967 this team won the contract for architectural and engineering design of the theatre and landscaping plans for the site.

The Motion Picture & Television Service of the U.S. Information Agency, former officials of the Federal pavilion at the 1962 Seattle World's Fair and of the 1964–65 New York World's Fair, and Deskey Assoc. were requested to provide names of qualified producers of documentary films.

Among those contacted were Francis Thompson and Alexander Hammid, two widely respected producers whose sprightly and intricate triple-screen production "To Be

Alive" delighted New York World's Fair visitors for two seasons and went on to win an Academy Award. Their firm was selected to produce a documentary film which would portray the pavilion theme in the Confluence Theatre.

To obtain new design proposals for the Exhibits Building and exhibits under the pressure of time, a contract was signed with the four top contenders from the original feasibility study competition.

The design house, The Displayers, Inc. of New York City, and their San Antonio architectural associates, Roberts, Allen & Helmke, won the competition for the building and the design of its exhibits.

The Confluence Theatre

The engineering of a multi-screen theatre and the architectural form of the building were interrelated problems which had to be worked out simultaneously. The design of the building had to take into account the size and location of the screens, slope of the seating area, and the placement of the audience within that area.

Originally it had been designed as an elliptical building housing four theatres which, through the use of rising walls, would become two and then one. As Deskey Assoc. worked the problem out on paper and tested solutions in a scale model, it became evident that the number of theatres would have to be reduced to three which would be transformed directly into one.

A four-screen theatre was rejected because the four-camera rig which would be required for filming would be unmanageable. It was rejected also because the seating in a theatre with such a screen span could not be arranged to permit good viewing from all seats. The most functionally effective form for the theatre proved to be circular rather than elliptical.

To dramatize the circular form, the building was encircled by a ground-to-roof colonnade. At the front, curvilinear glass panels, each 8 feet wide by 19 feet high, reached from base to roof around one-third of the building.

Travertine marble panels covered the side and rear walls. The columns, bases, and entablature were faced with quartz aggregate. When completed the building, 195 feet in diameter, rose 70 feet.

The lobby was designed for one-way theatre traffic. It was divided into three holding areas by 12-foot partial walls on which photomurals of the faces of Americans of all ethnic backgrounds were enlarged and superimposed on raised disks.

It was decided that the Confluence Theatre would house the operational staff of the pavilion. Deskey Assoc. planned administrative facilities on the lower level.

This area contained the Commissioner's office, operations, protocol and central administrative offices, staff lounge, locker room, custodial and storage rooms, and a hospitality lounge. Separated from the administrative area by a striking 42-foot, hand-carved wood partition were public facilities and lounge.

Will Szabo, Inc., New Rochelle, N.Y., was chosen to supervise the design, installation, and later, the operation of the multi-screen projection system and audio and acoustical systems. Among the firm's credentials were the planning and installation of 19 projection systems at Expo '67.

The engineering of the raising and lowering of the screens and dividing walls was subcontracted by the general contractor, D. J. Rheiner Construction Co., of San Antonio, to Joseph Vasconcellos, Inc., of West Babylon, N.Y., who had handled similar problems in Radio City Music Hall and Lincoln Center.

Under the supervision of the Commerce Department, these firms joined forces with Deskey Assoc. and Francis Thompson Inc. to make this unique concept of the theatre a reality.

Under a separate film coordination contract, Deskey Assoc. built a working scale model of the theatre to demonstrate the rising screens and curtain walls. The model was used to establish screen sizes, projection throws, timing, lighting, acoustical levels, seating, and color coordination.

As the idea grew to reality, many changes occurred because much was being attempted for the first time in cinematography. For instance, instead of buying expensive, specially ground lenses to meet projection throw requirements, standard lenses were used, making it necessary to change the actual screen sizes three times. Or as another example—the film size for the last, large-screen portion of the movie had to be enlarged from 35mm to 70mm to insure clarity and brightness.

Film projection was of top priority in the preproduction stage. Will Szabo, Inc., worked closely with Francis Thompson, Inc., on the timing of the film in relation to screen sizes. Szabo, Inc., coordinated with Deskey Assoc. to plan projection throws, speaker locations, and projection booth requirements.

They worked with the U.S. Expositions Staff on the purchasing of all equipment, utilizing and refurbishing as much as possible from the New York World's Fair inventory.

When the projection booth was finished, it was the largest in the world, furnished with the latest and most sophisticated equipment available. It had three 35mm projectors, three 70mm projectors, and a full supply of back-up parts. The entire stereo and projection system was automated and controlled from a drum console in the projection room.

Two methods for raising and lowering the screens and dividing walls were considered. Deskey Assoc. supervised the research and its engineering consultants checked for feasibility.

The first proposal was a hydraulic lift system which would lower the screens and walls into the floor. It was rejected when it proved impossible to control the lowering so that all parts disappeared simultaneously.

The alternative chosen was a mechanical lifting method in which a cable and winch system raised the three screens and the dividing curtains.

Each flying screen had a 25 x 30 foot screen area and upper and lower masking which cut the screen to 15 x 30 feet for the "Legacy" chapter. Each screen had an aluminum frame which held a speaker and a motor to move the masking and enlarge the screen area for the "Harvest" chapter.

Hung by cables, these screens, three-quarters of a ton each, were lifted out of view of the audience in 12 seconds. Simultaneously, the dividing curtains, threaded with cables, were raised 55 feet, turning the three theatres into a single one with a 38 x 140 foot curvilinear screen.

The electrical and electronic system was connected to the projection system so that the projectionist could start each show with the flick of a single switch which would put film, sound and the complicated system of curtain walls and flying screens into operation.

Both the audio-visual and mechanical systems had manual interruption control in case of any electrical or mechanical failure. Catwalks were designed to that the entire mechanical system could be checked regularly for audience and operator safety. Because of its high voltage, it could be turned off completely to allow the audience to exit safely.

Because the concept of a confluence theatre was one in which many features, both mechanical and cinematic, had never been achieved before, the Staff and its contractors were involved in the research and development stages of the idea.

As always in such a project there were moments of doubt when failure seemed probable. The successful opening of the show and the acclaim of the critics and the public added to the satisfaction felt by a team which had set itself a challenge and met it.

The Film "US"

The triple-screen theatre which the film makers designed to present a film based on the theme "Confluence, U.S.A." permitted them to divide it into three single-screen viewing sections or to treat it as one large-screen unit.

They chose to use a large screen for the final portion because of the dramatic force inherent in it. They considerad a large screen, well used, a significant tool in the development of a story and the communication of ideas. It enables the film maker to present ideas simultaneously for comparison with one another or to repeat a single image across the screen for strong emphasis.

As Francis Thompson explained the concept in the August 1968 issue of the *American Cinematographer*, using multiple images presents a continuous montage ". . . . and the relationship between those images—edge-to-edge, side-to-side top-to-bottom, or diagonally—makes a compound relationship that becomes . . . very powerful."

Although the multiple image technique had been used before, the incorporation of mechanical and dramatic devices into the presentation in the Confluence Theatre achieved a totally new effect. Francis Thompson explained: ". . . . We have tried to design the film 'US' to work as an organic whole with the theatre structure and to communicate its ideas as vividly as possible. . . . The film itself had to be structured so that the story would arrive at dramatic moments when the screens were about to expand or rise."

The enlargement of the screens from the "Legacy" to the "Harvest" segment was dramatically emphasized in the film with a burst of fireworks, symbolic of the celebration of the Declaration of Independence. At the introduction of the "Promise" portion, the impact of the spatial confluence and the appearance of the large screen was heightened by shifting from the humorous vignette of a bi-plane struggling to fly, which ended the "Harvest" segment, to the triple-screen view of cumulus clouds in endless space shot from a jet.

This made a forceful statement not only of how far technology has come but also of how far it can still go. In the finale, the producers used the large screen to its greatest advantage. They mixed multiple images, repeated images, vast panoramas, and overwhelming views. They enveloped the audieence with their film and conveyed "Confluence, U.S.A." with tremendous dramatic impact.

Thompson Inc. undertook production in two phases, each covered by a separate contract. The first contract covered preproduction planning and the second, filming and printing. In addition to coordinating with Szabo, Inc., and Joseph Vasconcellos, Inc., on projection equipment and timing, the first contract included development of camera equipment and preparation of a rough storyline.

Because the triple screens required three-camera filming, the producers designed a unique camera mount. The cameras were mounted on a common base with one motor driving them in synchronization. The base was constructed so the cameras could be adjusted sideways permitting the use of any focal length lens. Camera boxes were miniaturized and special lens supports manufactured. When complete, the rig was compact and manageable, weighing only about 100 pounds.

In these early stages, Thompson Inc. consulted historians and specialists for material for the "Legacy" and the "Harvest." Libraries and museums were searched for graphic examples of confluence. For the "Promise" segment, scriptwriters consulted architects, scientists, technicians, and other specialists whose concern is the future.

Potential locations were surveyed and classified for possible filming. On May 23, 1967, a proposed script outline was submitted and approved.

With the acceptance of this rough treatment, the production phase began in May 1967. Two teams began shooting, each equipped with a three-camera rig and a fourth camera for single lens shots. All photographing was done with 35mm film. The camera rig could be set up in the back of a convertible, on the hood of a car, on a special platform in front of the radiator, or in the trunk for moving sequences.

For crowd scenes, a small walk-in van was set up with either a single camera or the three-camera rig. The windows of the van were masked leaving only holes for filming. On other occasions the cameras were set up inside a store window in order that the reflections would conceal them.

The purpose was to film natural crowd shots, but releases were obtained from anyone who was in any way conspicuous. Throughout the film, in fact, no professional actors were used, though some of the vignettes were staged.

The teams filmed for six months, beginning on the east coast and moving across the country to the Pacific coast. They recorded many faces of America: the untouched lands, mountains, plains, and beaches and the crowded highways and cities, polluted waters, and denuded forests.

They photographed poverty, neighborliness and affluence. They shot America at work and at leisure, in joyous moments and in despair.

The most tragic moment during the filming of "US" was the murder of one of the directors, Canadian Hugh O'Connor. O'Connor was shot and killed while making a sequence on poverty in Appalachia. The film was dedicated to him and no doubt this tragedy contributed to the sense of deep concern which pervaded it.

When the filming was completed, the company had more than 50 miles of film. To edit them down to a 23-minute movie, the strips were run through special viewing equipment to insure that the three strips for the multi-image screen were closely related visually and esthetically, as well as in content.

Rough cuts were then prepared which the U.S. Expositions Staff reviewed at the producers' studios in New York City, making recommendations on contents and sequence. As the film took shape, Francis Thompson Inc. chose David Amram, the first composer-in-residence at the New York Philharmonic, to write the score, and the poet, W. H. Auden, Pulitzer Prize winner, to write the narration.

After the rough cut was accepted by the U.S. Exposition Staff, the film was sent to MGM Laboratories in Hollywood for processing, printing, and anamorphic enlargement of the final segment from 35mm to 70mm.

The Exhibits Building and Migration Courtyard

In order for a two-building complex to become a cohesive whole, certain objectives must be achieved. The masses or three-dimensional forms of the two structures must have a pleasing, visual relationship; the materials used in construction of each must be complementary; and the space between the two buildings must unite them.

The U.S. Expositions Staff had the responsibility to insure the architectural coherence of the two-building Federal pavilion. This involved supervision of scheduling and coordination of the work by the firms chosen to design the two structures, and making certain that the final plans would be esthetically successful.

The Staff felt the Exhibits Building and its contents had to be developed simultaneously so that the design would relate to the function of housing effective exhibits.

The Exhibits Building concept of The Displayers, Inc., had called for an exhibition area of four small buildings interconnected by enclosed walkways. It was redesigned through the cooperative efforts of representatives of the Exhibits Building designers, the theatre designers, the U.S. Expositions Staff, and its architectural consultant, Kent Cooper of Washington, D.C. The new plan was for a single arc-shaped, semi-permanent structure which complemented the circular theatre. Its natural stucco finish enhanced the beige tone of the marble theatre.

In the final stages minor changes were made to enhance its appearance. One improvement was to stucco the underparts of the building, rather than to sandblast, to give it a finished appearance. Another was to add exit and entrance ramps under the building, rather than at ground level, to facilitate crowd control. These ramps were paneled with beige conglomerate stone which blended with the courtyard and theatre. They gave the impression that the building was growing from the earth rather than perched on stilts.

In the latter stages of architectural planning, the courtyard between the two buildings came into focus as an integral part of the overall design that served to unify the two buildings. This effect was achieved with beige tiles fanned out as lines of tension from the circular theatre to the arc of the Exhibits Building.

The courtyard was accented by a series of step-down pools from the theatre which led to the sculpture of sixty stylized aluminum birds ranging in wingspan from four to six feet. They were poised in migratory pattern against three walls of cascading water, thus giving the name to the courtyard area—"The Migration Courtyard."

The pavilion grounds were landscaped, sodded, and planted with flowers, shrubbery, and ground cover suitable to San Antonio's soil and climate. The site was further enhanced by the display of loaned contemporary sculpture.

The exhibits

The purpose of having an exhibits area as well as a film was to present the message more explicitly through the media of two- and three-dimensional exhibits and audio-visual presentations. The exhibits were intended to be a complete presentation as well as an introduction and complement to the film.

In developing its proposal, The Displayers, Inc., took into account not only the purpose of the exhibits area, but also the problem of accommodating an anticipated traffic flow of 30,000 people daily, and of creating an overall exhibit plan consistent with the architecture of the building.

The designers chose to develop each chapter of the story—the "Legacy," the "Harvest," and the "Promise"—in separate areas joined by transitional walkways. In January 1967, when a letter of intent was issued, the firm began work on the project.

In June 1967, the contract was signed requiring it to undertake all research necessary to develop the theme, to prepare a script descriptive of the exhibits, to prepare all copy and design all exhibit components, and to provide a complete list of all graphics and artifacts to be procured from other sources.

The U.S. Expositions Staff worked closely with the designers in supplying basic research material and advice. The Displayers made frequent presentations of exhibits using rough sketches and narratives for evaluations of material that would make an effective exhibit, facilitate the traffic flow, and develop the theme.

Each photograph and artifact was checked for applicability and authenticity. The design firm, Tasi, Gelberg, Symons & Assoc., of Washington, D.C., served as consultants.

Minor changes often made important improvements in the total effect. For example, it was first planned that artifacts relating to the voyages of the early explorers would be displayed along the entrance ramp. It was later determined that such a display would only serve as a traffic bottleneck, so greater emphasis was put on the colorful overhead banners of the explorers.

As another instance, the "Harvest" area display case "Companionship and Recreation" was originally to have held representative samples of sports equipment. Instead, the Staff determined that the display of equipment used by famous American sportsmen would attract more interest and assisted in obtaining its loan. This section proved to be especially attractive to visitors.

By May 1967 an acceptable rough treatment of the plan for the entire exhibits area was received from The Displayers. In June the firm made a presentation preliminary to the preparation of drawings and specifications for fabrication bid requests. With minor modifications, the design of the "Legacy" and "Harvest" areas was approved for detailing.

The "Promise" area, however, needed more thematic focus and underwent further development. Revision of this section took several months of cooperative effort by the U.S. Exposition Staff, its consultant and designers to develop the display panels in the area as thought-provoking graphic statements on the continuing need for the confluence of the skills and ideas of many men to solve today's problems and those of the future.

Similar cooperative effort with the subcontractor developed an audio-visual finale as a challenging depiction of the need for national and international cooperation to realize the promise of the future.

As a complement to the exhibits and the film, a 16-page, four-color brochure was published to be sold to visitors. It provided a descriptive statement of the theme illustrated by photographs of the presentation. One out of every ten visitors purchased the brochure.

The brochure was also useful in public relations efforts, and copies were sent in response to letters of inquiry and comment on the pavilion. To provide sponsors of loaned or donated items with maximum exposure, lists of these sponsors were inserted in each booklet. The brochures were also sent to the sponsors with letters of appreciation for their assistance.

CHAPTER IV—THE PAVILION TAKES SHAPE

Construction of the Buildings

Feb. 13, 1967, the Commerce Department had available for the first time both the appropriated funds and the clear authority to obligate them for mounting the Federal pavilion. To expedite completion of the project on schedule, the architects and engineers were told to divide the plans, specifications, and scope of work into three sequential phases.

Phase I covered site preparation and excavation, footings, and foundations for the Confluence Theatre.

Phase II covered construction of the theatre, with the courtyard and specialty items to be added later as amendments to the contract.

Phase III was for construction of the Exhibits Building.

As a result of this planning, preparation of the site and construction of the foundations for the theatre could progress while design work was being completed on the theatre, the courtyard, and the Exhibits Building.

The Commerce Department's contracting office recognized the limitations of time and the necessity for securing a qualified contractor before construction demands at HemisFair '68 put the U.S. Government in costly competition for manpower with other pavilions. It ruled that for each major phase of construction, the negotiated request for proposal procedure would be utilized instead of the formal advertised bid procedure.

An identical procedure was used in contracting for each of the three phases of construction. After the Department approved the plans and specifications, "requests for proposal" were distributed in San Antonio to a list of firms submitted by the architects and compiled from the files of the General Services Administration's regional contracting officer. Advertisements were also placed in trade publicaitons in the southwestern United States.

Separate "requests for proposal" were sent out for each of the three construction phases. In each instance, the D. J. Rheiner Construction Co. of San Antonio was the lowest responsive bidder and was awarded the contract.

In compliance with Executive Order 11246 and equal opportunity clauses in three contracts with the Rheiner Construction Co., a special assistant of the Secretary met with the contractor to determine if he had an affirmative equal opportunity program. A similar program was also mandatory for all subcontractors, and follow-up investigations at the site indicated complete contractor cooperation in this program.

Alexander B. Trowbridge, then Acting Secretary of Commerce, officiated at the formal groundbreaking ceremony, April 8, 1967, two days less than one year to the day prior to the scheduled opening day of HemisFair '68.

Site preparation began immediately. The necessity for completing all construction to allow time before opening day to install and test the exhibits, to test the film and theatre equipment, to train the staff, and to brief the press created an atmosphere of urgency. All construction projects are subject to modifications, changes, and delays. But the pressure for completion is particularly intense in expositions where the opening date is immutable.

The task of supervising and coordinating the progress of construction of the theatre, courtyard, and Exhibits Building was magnified by the use of new dimensions in architecture and design, such as the immense glass-and-marble, free-standing walls in the Confluence Theatre and the lobby photomurals.

The electro-mechanical system of rising screens and curtain walls in the Confluence Theatre had never before been constructed for any theatre. Only 280 days were available for construction of the theatre in order to have it ready for film testing in February 1968.

The time schedule for the Exhibits Building was less critical although it was important that its construction schedule be maintained so that it could be coordinated with the fabrication and installation of the exhibits. A clean, uncomplicated structure, the building presented few unusual construction problems.

Frequent, on-site meetings with the general contractor and subcontractors, architects, engineers, and designers maintained a sense of urgency. At first, these meetings were scheduled periodically as required, but beginning in the late autumn of 1967, they were held weekly.

Commerce Department experts in personnel, administration, budget, and management were included on these trips when problems developed in their areas of competence. These sessions were successful in overcoming delays, deficiencies, and other problems.

To complete the task of supervising construction progress without increasing staff, the Department hired specialists on an "as needed" basis. The architectural-engineering consultant, Kent Cooper, reviewed all plans and specifications and the critical path schedule, and advised where to look for weak points and how to overcome them.

In order to facilitate coordination of the various trades involved in general construction—carpenters, electricians, plumbers, masons, glaziers, and others—and to integrate with them the installation of the complex electro-mechanical system in the theatre, a critical path method of scheduling (CPM) was developed by San Antonio Fair, Inc., and used by the general contractor. While this system was intended to inform the contractor and client whether the project was on or behind schedule and how a delay in one area would affect others, the computer print-outs received by the Department were usually delayed. They did not reflect the current status of construction.

This delay was a result of the failure of the distribution system and the fact that the CPM for the U.S. Pavilion was only a part of the total CPM being operated by the administrators of HemisFair '68. Also the print-outs were concerned solely with the buildings and not with the time needed to install their contents.

This problem was overcome by bringing a Commerce Department computer expert to the site in January 1968 to develop a modified milestone or critical date approach for the buildings. Exhibit fabrication and installation were handled by a separate critical date control system.

Schedule maintenance was made more difficult by such problems as the late receipt of glass for the theatre, which postponed enclosing the structure to keep out rain and cold; or the delay of the mechanism for the courtyard pool, which temporarily prevented installation of the fountain structure.

Delays such as these affected the entire completion schedule. They were often the result of the lack of awareness on the part of subcontractors of the urgency of timely completion of their own work.

There were more than 40 subcontracts for the construction, fabrication, and installation of various components of the Confluence Theatre ranging from steel trusses to theatre seating to the electro-mechanical system for the flying screens and curtain walls. Twenty subcontracts were awarded for the Exhibits Building, ranging from drilled piers to landscaping.

The principal contacts for the subcontractors and suppliers were the architects, designers, engineers, and the general contractor, who was liable under contract for the prompt delivery of their work and materials.

The U.S. Expositions Staff supplemented these contacts with on-site briefings for subcontractors before construction of the theatre began. However, such briefings were not held in every instance for suppliers of such specialty items as carpeting, exterior lighting, and curtains for the theatre lobby.

As a consequence, some suppliers and contractors often did not know the Department of Commerce was the actual client. With the Department only one of many clients, plans and specifications on such specialty items were slow in being received.

Future exposition planners should pay attention to the careful selection and briefing of the many subcontractors. It would strengthen the position of the general contractor if both the Department's program and contracting officers would contact all subcontractors in person or by letter to advise them of the urgent nature of the project and the need for their complete cooperation.

The problems of late or inaccurate material shipments or specifications arose most frequently in dealing with non-local firms. Local firms and artisans displayed great interest and pride in the work, and lower cost quotations often reflected this personal interest in seeing that HemisFair '68 was a success. The maximum use of local materials and talents is a decided asset in constructing a Federal pavilion.

Examples of some of the local work are indicative of this motivated interest. The Department received travertine marble veneer panels for the Confluence Theatre, carefully selected and matched for color and pattern, at no additional cost because of the architect's and general contractor's personal attention to and pride in such details. This particular dividend greatly enhanced the beauty of the theatre.

The giant columns, base, and entablatures, faced with quartz aggregate, each weighing as much as 32 tons, were precast in huge concrete forms by the Redondo Manufacturing Co., Inc., a small firm that had never before handled an undertaking of such magnitude. Everything was completed on schedule.

The lead-covered, hand-carved wooden doors in the theatre and the hand-carved wood screens in the lower lobby were the work of a local artisan, Lynn Ford. The sixty stylized, sculptured birds in the courtyard, an artistic highlight of the fair, were created by Bill Bristow, Chairman of the Fine Arts Department of Trinity University, San Antonio.

Other unanticipated problems had a significant effect on the progress of construction. Weather in the San Antonio area from October 1967 through April 1968 was the most severe in recorded weather history. It caused on-site flooding and construction delays for all participants. The task of lifting the project from the mud during this weather was further complicated by the delays in building hard-surfaced access roads, exits, and streets until a few weeks before opening.

Because of the weather and because the design for the courtyard was not completed until after the Exhibits Building plans were accepted, final construction and installation of the courtyard, fountain, and pools, and landscaping of the site were difficult to achieve.

The Department could not always obtain prompt service because it was competing with other pavilions for the trade skills available. The immense hand-finished pea gravel concrete surface of the courtyard hardened slowly in the cold, wet weather. Landscaping was done right up to opening day.

The U.S. Expositions Staff found that the biggest challenge to completion of the pavilion was the installation of the electro-mechanical system for the flying screens and curtain walls of the theatre.

Failure of the original manufacturer of the fabric curtain walls to fulfill his contract in time to meet the schedule necessitated placing the order with another fabricator. Consequently, delivery of the 4,000 square yards of fabric was delayed so that the fabricator had to work almost around the clock to measure, cut, and sew the curtains, each of which was large enough to cover an average ranch house.

As each curtain was finished, it was air shipped to San Antonio for immediate installation. Without these curtains separating the three audiences, the impact of the most dramatic feature of the film presentation would have been lost.

Installation of the entire mechanical and electrical system had to be done simultaneously with completion of the construction of the theatre. Additional catwalks were installed in the ceiling so that riggers could work without hindering plasterers, carpenters, electricians, acoustical engineers, and other construction workers.

The high voltage electrical and electronic systems were installed at the same time. Onsite recalculations necessitated time-consuming rewiring and readjusting the circuitry. The riggers then hooked the screens and curtains to the cables.

The area above the false ceiling contained a total of 183 moving cables, drive shafts, and ceiling supports. Adjustment of the screens and curtains to move in unison required changes in pulley counterweights, which in turn affected the setting of the limit switches.

The final inspection checked each cable for unencumbered movement, the electrical system for audience and operator safety, and the entire installation for quiet operation.

Delays in the mechanical and electrical work meant that the testing of projection equipment could not begin on schedule. The entire integrated theatre operation was functional two weeks before opening day, although last-minute adjustments were made up to April 6.

Fabrication and installation of exhibits

Some of the exhibits design contenders had proposed a package arrangement in which they would both design and fabricate the exhibits for installation in the Exhibits Building. The Department elected to issue separate contracts to insure that final designs were not inhibited by consideration of individual firms' fabrication capabilities and resources.

Separate design and fabrication contracts also gave the Department better control over the development of the exhibits and over the allocation of funds between the design and fabrication stages.

With completion of the design work for the "Legacy" and "Harvest" areas on August 18, 1967, a "request for proposal" to fabricate, pack, and install the exhibits in these two areas was mailed to 49 firms.

The list of firms had been compiled from Department records, from a bidders list approved by the General Services Administration, and from indications of interest in the project by other firms. The firms received a comprehensive bid package including detailed exhibit drawings and technical specifications.

In addition, the U.S. Expositions Staff held a pre-bid briefing for over 50 members of the exhibit fabrication industry to generate enthusiasm for the HemisFair project and to give the industry a better understanding of the Department's objectives.

It was evident that the need for such elaborate briefings in future projects would be marginal if the Department continues to insist on sufficiently detailed drawings and explicit specifications from design contractors.

The lowest four of the 17 proposals received were analyzed and evaluated in detail and the plants and facilities of the two lowest bidders were inspected. The contract was awarded Oct. 2, 1967, to General Exhibits & Displays of Chicago, Illinois, the low responsive bidder.

By late October, the plans and specifications for exhibits in the "Promise" area had been completed and accepted. Because less than four months remained before the deadline for completion of exhibits installation, the Department decided to limit the negotiations for fabrication and installation of this final exhibit area to the designers, The Displayers, Inc., and the exhibit fabricators, General Exhibits & Displays. Both firms accepted the invitation to submit proposals, and a contract was awarded Nov. 16, 1967, to The Displayers, Inc., the low bidder.

The U.S. Expositions Staff maintained a schedule of almost weekly inspections at the plants of General Exhibits & Displays in Chicago and The Displayers, Inc., in New York City to insure that a satisfactory rate of progress was being maintained and that the quality of the exhibits conformed with the specifications.

Because of their experience, the exhibit fabricators were able to handle competently the problem of building exhibits which could operate satisfactorily 12 hours a day, seven days a week over a six-month period.

For example, each of the 12 handcrafted, animated vignettes in the "Community U.S.A." section had a number of moving parts. The vignettes had to be tested for days and adjusted at the plant and on site to make certain that all moving parts in a single vignette were synchronized and that they could stand up under prolonged operation.

The audio-visual slide exhibits, used at three points in the Exhibits Building, also presented a number of problems. The exhibits used carousel projectors which had to operate for over 2,000 hours without prolonged downtime.

These projectors, synchronized with a sound track, operated from a bank of electronic equipment programmed to run automatically. The slide frames had to withstand constant usage so that they would not wear and jam the projectors.

The delicate equipment had to be protected from abrasive atmospheric dust created by crowds visiting the building during hot, dry summer months.

With the growing complexity of exhibit techniques, it is anticipated that such fabrication problems will be encountered frequently. Only careful selection of the fabrication firms and close supervision of their work can assure trouble-free operation of the exhibits.

By December 1967, the interior of the Exhibits Building was essentially finished, although balconies, awnings, and other outfitting of the building had not been completed.

The Texas subcontractors of the exhibit fabricators were given access to the building in December so that the rough-in wiring and the construction of the basic exhibit platforms and walkways could be completed in time to receive the finished exhibits for quick installation upon their arrival from Chicago and New York.

As required by their contracts, both firms maintained a resident designer and construction supervisors on site as the truckloads of completed exhibits began to arrive. Severe weather, including the wettest January in 97 years, hindered the workmen installing the exhibits.

Water entered the Exhibits Building through an open balcony because of an error in drainage design that had to be corrected. Forced air heaters were installed to dry out the unheated structure and keep workmen warm.

General Exhibits and Displays finished the installation of exhibits in the "Legacy" and "Harvest" areas, and their work was accepted on schedule in mid-March. The Displayers, Inc., the last firm to be given a contract, completed installation of the "Promise" area exhibits a few days later.

All construction, including last-minute changes had been completed by opening day and all mechanical systems had been tested and were fully operational.

Saving money

In constructing, furnishing, and operating the U.S. Pavilion the Department utilized a total of $500,000 of material already owned by the Government and of artwork, exhibits, equipment, and services donated and loaned by individuals and private industry.

Government-owned material that had been used in the U.S. Pavilion at the New York World's Fair included office furniture and equipment, projection equipment, steel lockers, stanchions, turnstiles, electronic equipment, fire extinguishers, drapes, audio systems, and other equipment valued at nearly $60,000.

The support of the Federal effort at HemisFair '68 by private industry consisted of loans or donations of materials and equipment to be used in constructing, furnishing, and servicing the United States Pavilion, including items that could not otherwise have been purchased.

As soon as specifications were obtained from the designers, a program was begun to obtain these items. Companies were contacted on the basis of the mutual interest of both Government and industry in the project.

An event such as this, which would be attended by millions of people, offered considerable public relations and image-making potential to companies. For export-minded firms, the presence of 23 foreign exhibitors and numerous foreign visitors offered a substantial inducement.

In return for their loan or donation of a given product, companies were promised that every effort would be made to publicize their participation.

Part of the success of the program is attributed to the direct personal contacts made by the Department with industry officials.

By telephone, the Staff contacted the chief public relations official, or in small companies, the export manager or executive vice president. The calls were followed by a letter of explanation and an accompanying background publicity packet on the fair.

As a result, sponsors and donors were found for materials used in building construction as well as for furnishings.

Private industry also defrayed the costs of hospitality provided for visitors and special events at the pavilion.

The total investment represented by this generosity was $212,000.

The walls of the Commissioner's office and the Hospitality Lounge were decorated with paintings by famous American artists that had been collected by the HemisFair Art Acquisition Committee and loaned to the U.S. Pavilion.

Twelve contemporary sculptures that had also been borrowed by the Art Acquisition Committee were located under the Exhibits Building and on the pavilion grounds and enhanced the aesthetic appearance of the pavilion. The total value of these works of art was about $250,000.

The Exhibits Building was made more interesting with artifacts and photographs loaned from Government institutions and private industry. In the "Harvest" area showcases, articles of sports equipment loaned by famous sportsmen and women were displayed, as were modern items of communications equipment loaned by industry and historical artifacts from the Smithsonian Institution.

A number of societies, organizations, magazines, and others waived or reduced their customary fees for the release of rights, thus making a number of fine photographs available without charge.

The souvenir brochure was underwritten by local sponsors and printed and sold without expense to the Government. The United Fund of San Antonio provided volunteer workers to handle the sale of the booklet in exchange for receipts in excess of underwriting costs.

As promised, the Staff made every effort to assist sponsors in realizing the greatest promotional benefits from their participation during the six months of the fair.

Each sponsor was invited to visit HemisFair and the U.S. Pavilion by the Commissioner, and many accepted. Sponsors were given credit on plaques in the hospitality lounge and the Exhibits Building and in the souvenir brochure.

Each sponsor received photographs featuring his product with a letter from the Commissioner. At the close of the fair, each sponsoring firm received a letter of appreciation citing the role its product played in helping to make the pavilion a success.

Throughout the project, excellent relations were maintained between the Department and industry. The Department is grateful for the outstanding cooperation which it received in making the U.S. Pavilion a highlight of the fair.

CHAPTER V—A FESTIVE OCCASION FOR 2.3 MILLION VISITORS

The Department of Commerce operated the U.S. Pavilion from April 6 to Oct. 6, 1968, to serve, inform, and entertain the public for which it was built and to present the United States at its best in the international setting of a world exposition.

Staffing of Pavilion

The U.S. Expositions Staff established its personnel requirements for the pavilion on the premise that a successful presentation during the fair would depend on good management and high morale.

The pressures of maintaining a complex operation twelve hours a day, seven days a week for a six-month period of peak activity, of representing the United States at an international event, and of serving the public could only be achieved through advance planning and organization.

The Commerce Department's U.S. Expositions Staff operated the pavilion, supplemented by locally recruited, temporary personnel numbering 85 at the maximum. This included 66 guides. The pavilion staff was organized under a Presidentially appointed Commissioner, a field coordinator, an operations manager, and a protocol officer.

In addition, security and maintenance services, and specialized consultants were retained on a contract basis.

A major innovation in organizing the U.S. participation in HemisFair '68 was the alteration of the role for the pavilion commissioner. In earlier domestic international expositions, the planning and operation of Federal pavilions had been his direct responsibility. At HemisFair '68, the responsibility for mounting and operating the pavilion was assigned to the U.S. Expositions Staff and the Commissioner was free to carry out public relations and protocol duties as the representative of the President at the site.

President Johnson on April 2, 1968, appointed Edward A. Clark, former U.S. Ambassador to Australia, as Commissioner of the U.S. Pavilion. Because Commissioner Clark took over a completed, fully staffed, and operational pavilion, he was immediately able to assume his primary role of representing the United States.

The field coordinator, who also served as deputy commissioner, acted as liaison officer with the Department on behalf of the Commissioner. This position was filled on a rotational basis by senior members of the U.S. Expositions Staff. During the Commissioner's absence from the pavilion, the deputy commissioner acted for him.

The operations manager was in charge of the day-to-day administration and maintenance of the pavilion. He was assisted by a deputy manager, a protocol officer, and other staff including an administrative-fiscal assistant, maintenance engineers, and a registered nurse.

The deputy operations manager supervised the dismantling and assisted in disposition of the pavilion and its contents after the close of Hemis-Fair '68.

The protocol officer was responsible for programming the visits of dignitaries, coordinating and arranging ceremonies, functions, and special events, and maintaining liaison with the other participants and the fair sponsors.

The Department of State made available two Foreign Service officers, one who assisted the protocol officer and the other who acted as aide to Ambassador Clark and assisted with protocol functions as required. The protocol group also handled all press and information releases on the U.S. Pavilion working through the HemisFair '68 press officer.

The field management staff was augmented as needed by Department of Commerce personnel who were specialists in such functions as protocol, exhibit design, and press and publications. They were assigned to the U.S. Pavilion on a temporary basis. Wherever possible, members of the permanent U.S. Expositions Staff were used on a rotational basis to fill field positions instead of hiring untrained temporary employees.

The Expositions Staff realized the importance of the selection of attractive, well-qualified guides, since, as the pavilion's primary point of contact with the public, they were the catalyst which would bring the United States' presentation to life.

The field staffing pattern called for 66 guides to provide adequate coverage during the 84 hours a week the pavilion was open to the public. These positions were to be filled by persons aged 20 to 27, bilingual, with two years of college education or the equivalent, and an interest in meeting and dealing with the public.

Equal employment standards of the Department were applied. The salary was set at $365 per month in line with corresponding wages at HemisFair '68. Because of the high cost of living in the area, out-of-state applicants were not encouraged and all recruiting was carried on in the immediate region.

The resources of the regional Civil Service office, the National Assn. for the Advancement of Colored People, the Texas Employment Commission, and the San Antonio Youth Organization were used in hiring all local temporary personnel.

The HemisFair '68 personnel office made referrals and the neighboring colleges and military installations were canvassed for prospective employees. Announcements advertising the openings for temporary personnel were made by local radio and television stations free of charge and brought immediate and heavy response.

Of 350 applicants interviewed, 50 women and 16 men were selected. Guide supervisors reported for training 30 days before opening and the remaining guides received one week of orientation and training on the theme and content of the pavilion, crowd control, emergency procedures, and related operational matters.

The resignations of guides during the fair for future jobs, college, military service, or marriage caused a problem in finding replacements for short-term employment. By the end of the fair the guide staff had dwindled to the point where it was necessary to constantly reshuffle schedules and personnel. Fortunately, the greatest loss of guides coincided with the drop in attendance after the peak period of the summer months.

The utilization of operational employees was improved through the use of a field operations handbook which outlined basic duties, set forth administrative guidelines, and defined major responsibilities of the U.S. Pavilion personnel.

The use of Department of Commerce facilities in Washington for such functions as payroll maintenance and salary payments, and service contract negotiation and payment improved manpower utilization in the field and reduced overhead costs.

Maintaining the Pavilion

The Expositions Staff felt that as the pavilion represented the United States, the fairgoer had every right to expect excellence in the upkeep and appearance of the pools, lawns, and gardens as well as the lobbies, theatre, and exhibit areas. So that each visitor would see the entire presentation at its best, the Staff strove to assure that all mechanical equipment, audio-visual slide shows, and films operated properly at all times.

It is to the credit of the operational staff that the pavilion ran smoothly and that almost all problem areas were anticipated and measures taken to prevent accidents, breakdowns, and other mishaps. It was due as much to constant supervision and attention to details as to the use of quality materials that the appearance of the pavilion was as fresh at the close of the fair as it was on opening day.

The standard maintenance problems of any public facility were aggravated at the fair by the constant flow through the buildings and grounds of large crowds of fairgoers. Routine maintenance, including frequent draining, scouring, cleaning, and painting of the courtyard pools, shampooing the vast carpeted areas, and replanting the gardens preserved the fresh appearance of the pavilion and grounds throughout the fair.

Unusual problems that had not been anticipated included damage to the tile of the courtyard steps caused by the large number of baby strollers brought into the pavilion, breakage of the plastic light covers installed in the courtyard grounds by the silver-tipped toes of Texas boots, an invasion of crickets that required a large number of exterminators, and replacement each week of more than 100 of the circular discs in the theatre photomurals that fell off the walls when brushed by visitors or that were carried away by souvenir hunters.

San Antonio Fair, Inc., provided security and landscape services under contract. Cleaning and maintenance services were provided initially by San Antonio Fair, Inc., and later by a professional maintenance firm better qualified for that type of work.

Routine periodic maintenance of the equipment in both the Confluence Theatre and the Exhibits Building enabled the theatre to operate with only one percent of total possible film showings lost due to technical difficulties. In case of any failure in the mechanical system, a special 70mm print of the film had been prepared for projection on the single large screen, with the curtain walls raised, but was needed only twice during the fair. That film was later used for showings to school children.

The use of consultants in the areas where specialized knowledge was required more efficient and less costly than the employment of full-time experts who might be needed only for brief periods. The Department contracted with the Louis Allis Co. of Milwaukee for on-site servicing of the flying screen and curtain wall system in the Confluence Theatre.

Szabo, Inc., was retained to operate the projection room, and clean and maintain the projection equipment. The firm also provided a supervisor and furnished trained local projectionists.

Welcoming visitors

The U.S. Pavilion guide staff was instructed to give each of the more than two million visitors the same courtesy and consideration extended to renowned dignitaries.

Guides were stationed at the entrance to the courtyard, in each area of the Exhibits Building, and in the theatre to answer questions, explain the pavilion theme and details of the movie and exhibits, and assist in controlling crowds. Their shift schedules were arranged to have maximum staff present during peak periods, usually afternoons and weekends. Training sessions for the guides were held as needed throughout the fair.

Although in general guided tours were not conducted through the Exhibits Building, the guides were instructed to take the initiative in seeking out particularly interested visitors and helping them. In addition, in order to assist visitors, guides were expected to be familiar with all activities at HemisFair and with the schedules at other pavilions.

The interest, enthusiasm, and adaptability which the guides displayed during the course of the fair were among the major reasons for the success of the pavilion. Public reaction to the guide staff was excellent, and many favorable comments were received on their attractive appearance, poise, and helpfulness.

Crowds were regulated so that the exposition storyline made the greatest possible impact on the visiting public and the guides were given instructions on how to handle and direct crowds graciously.

Crowd control presented few problems except on Saturdays and Sundays, when from 20,000 to 25,000 visitors would tour the pavilion. Each of the two buildings was treated as an entity with a separate waiting line. Fairgoers were encouraged to see the exhibits before viewing the film. The majority did so. Unrestricted continuous movement in one direction was permitted through the Exhibits Building and the exhibit layout was such that the flow through the building was unimpeded.

The film was shown at 35-minute intervals, and a schedule of showings was posted in the courtyard. When crowds were heavy, stanchions were placed to control the lines of people waiting to see the film. On days when there was a long waiting line, special efforts were made to provide some form of entertainment. Local and military bands often performed in the courtyard.

Immediately after the theatre was filled for one show, the audience for the next show was brought into the air-conditioned lobby. The capacity of the lobby was equal to that of the theatre so a complete audience could await the next show. Following the film, the crowds exited through the opposite end of the theatre.

Special provisions were made for the safety of visitors. Handicapped persons were accommodated by means of ramps in the Exhibits Building and by special admittance through the exit doors. An emergency first-aid room, with a registered nurse in attendance, was maintained to handle minor injuries on the spot. Since HemisFair also had good medical facilities, a more modest first-aid facility in the pavilion would have been adequate.

The pavilion also provided special facilities for national and international dignitaries. These included leaders in politics, entertainment, education, culture, arts, and business. In addition, sponsors of items loaned and donated to the Government received special courtesies at the pavilion in appreciation for their cooperation.

The office of protocol at the Federal pavilion was responsible for assuring that courtesies and privileges were extended to such visitors. Eight of the guides were assigned to the protocol office to assist in handling these visitors. The protocol officer worked with the office of protocol at HemisFair '68, and on a reciprocal basis with other exhibitors.

Official visitors were welcomed by the Commissioner or deputy commissioner and protocol officer and then taken on a tour of the Migration Courtyard and the Exhibits Building. Guests then viewed the film, after which they went to the hospitality lounge for refreshments, a souvenir of their visit, a press kit, brochure, and Hemis-Fair '68 maps.

Letters of appreciation from visitors who received special courtesies proved that this investment yielded a high return in goodwill at almost no cost to the public. Most of the services and refreshments in the hospitality lounge were provided by private sponsors.

Representing the United States in an international setting

At an international exposition in this country such as HemisFair '68, the U.S. Pavilion plays a role similar to that of an embassy abroad in projecting the image of the United States and in acting as official host for the visits of American and foreign dignitaries and for special ceremonies and events.

This function of the pavilion implements one of the major objectives of Federal participation, namely, the creation and promotion of international goodwill and understanding.

At HemisFair, special visits, ceremonies, and functions were a source of a steady stream of publicity for the pavilion and generated a great deal of public interest.

In this setting, the U.S. Commissioner was asked to host and participate in a number of protocol, entertainment, and ceremonial activities. Ambassador Clark was outstanding in this capacity. As a seasoned diplomat, he generated goodwill and understanding. As a Texan, he extended the well-known Texas hospitality and with ease and dignity went through a time-consuming schedule for six months.

Ambassador and Mrs. Clark paid official calls on all international and industrial pavilions during the first two weeks of the fair and most of the commissoners and pavilion managers reciprocated. Mrs. Clark organized an art exhibition and special film shows on the art and history of the United States. Guests were the wives of the military serving abroad and women belonging to various San Antonio organizations. All of these activities helped to focus attention on the pavilion.

Distinguished visitors to the pavilion included four heads of state: King Olav V of Norway, President Habib Bourguiba of Tunisia, President Tombalbaye of Chad, and Prince Rainier and Princess Grace of Monaco. Foreign ambassadors, cabinet and legislative members, mayors, and international leaders visiting the United States under the State Department's cultural exchange program were also welcomed at the U.S. Pavilion.

Although the fair corporation was official host for visits by heads of state and other ranking foreign officials, the U.S. Pavilion staff took part in planning and executing the events surrounding these visits, including those of President Johnson, Vice President Humphrey, and other officials of the executive, congressional, and judicial branches of the U.S. Government.

Other well-known figures and groups also received at the pavilion included Texas political leaders, the Mexican-American Border Development Commission, National Assn. of Campfire Girls, the Assn. of American Women in Radio & Television, and the National Export Expansion Council. Over a period of time, these visits and those of other prominent figures began to generate regular news and feature story material.

A typical commemorative day started at 10 a.m. in the Migration Courtyard with flag-raising ceremonies, presentation of the color guard, band concerts, and speeches. Following these ceremonies the invited audience toured the Exhibits Building, viewed the film "US," and attended a reception.

Highlights of the fair at the pavilion were the opening day dedication ceremonies and the Fourth of July national day celebration. A crowd of 15,000, including 1,200 dignitaries and special guests, jammed the Migration Courtyard on April 6 at the dedication of the pavilion.

Echoing the theme of the pavilion, Mrs. Lyndon B. Johnson remarked on the "spirit and character and shared heritage that have shaped our country." The First Lady then pressed a button to start the waterfall behind the bird sculpture, thus officially opening the pavilion.

President Johnson attended Fourth of July ceremonies accompanied by representatives of 46 nations, including ambassadors from participating countries and from other Latin American countries, and ambassadors to the Organization of American States.

The facilities of the Department of Commerce and other Government agencies were used to disseminate information about the fair nationally and internationally. As a result of messages about the U.S. Pavilion and HemisFair '68 sent to foreign service posts, a number requested promotional material from HemisFair.

The Commerce Department's U.S. Travel Service distributed HemisFair promotional material overseas to encourage travel to the United States. The Department's 42 field offices were requested to publicize the fair and the pavilion.

A model of the pavilion was shown with an explanatory audio-visual slide presentation in the lobbies of a number of Government buildings and hotels to stimulate interest in the Washington, D.C., area.

Extensive publicity about the fair and the pavilion was generated by the industrial sponsors and some material suppliers. Articles appearing in national publications and in the house organs of these companies highlighted the pavilion and the role of their companies' products in constructing, furnishing, or operating it.

In the prefair period, all news releases relating to Government participation were made through HemisFair's press relations office. As opening day moved nearer, the U.S. Expositions Staff embarked on its own publicity program through the Department's public information facilities.

A press kit was widely distributed to the communications media. A preview for 800 members of the press was held the day prior to opening of the fair. The producers of the film "US" and members of the Expositions Staff were interviewed for radio and television broadcasts. Representatives of all major communications media visited the pavilion, including the wire services, magazine and newspaper editors and reporters, radio and TV personalities, and the staffs of such programs as the Today Show, the Bob Hope Show, and the Andy Williams Show.

This attention from media resulted in feature articles in major newspapers and magazines and in television shows originating from the pavilion.

In keeping with its objective of promoting and improving international economic relations, the Department established a Business Information Center in the Texas International Trade Center. The Trade Center had been set up by a group of Texans, under the leadership of the Texas Industrial Commission and the Texas International Trade Assoc., and located next to a main fair entrance.

The Commerce office offered individual

business counseling, reports and publications containing trade information, and other services to foreign and domestic businessmen and sought to bring together the foreign buyer and U.S. suppliers or vice versa, with an emphasis on export promotion.

United States missions in 55 countries were asked to suggest to businessmen planning to attend HemisFair that they visit the Trade Center. The Department also mailed over 1,000 letters to Chamber of Commerce officials and business firms throughout the United States informing them of the Center's services and extending an invitation to utilize its facilities.

Over 1,100 business inquiries were received during the Center's six months of operation. Examples of assistance requested included the manager of a Venezuelan firm seeking construction and agricultural equipment; a Mexican looking for used macaroni-making machinery; a small Texas manufacturing firm seeking Latin American markets; and a French nurseryman looking for greenhouse equipment.

CHAPTER VI—THE PUBLIC REACTS

Reaction from the general public and press indicated that the pavilion was successful in delivering a message as well as in entertaining those who saw it.

The pavilion was favorably covered nationally by major newspapers and magazines, and the Department of Commerce received many letters commenting on the presentation. Although the attendance in both buildings was about the same, the movie overshadowed the exhibits as the focus of comment.

The philosophical message of the exhibits appeared to have been lost at times under the pressure of the crowds. The average visitor required more time and explanation to understand the exhibits than had been anticipated. Nevertheless, the Exhibits Building served the important function of showing cooperative action to meet the challenges of tomorrow, thus serving as an introduction to the film and heightening its impact.

Although the film, showing America as a land of abundance with promises to keep, engendered considerable controversy, letters received by the Commerce Department praising the film outnumbered critical letters two to one. Favorable press reviews outnumbered the unfavorable by ten to one.

The controversy over the film was in part responsible for making the Federal pavilion one of the most popular attractions of the fair and at the same time it increased publicity for Hemis-Fair '68 itself.

A meaningful summation of reactions to the presentation is found in the spoken and written words of the general public and the press. Their statements fell on different sides of three major issues: whether or not a pavilion at an international exposition should have a serious purpose; what image of the United States a Federal pavilion should portray; and whether or not a storyline such as "Confluence, U.S.A." should have a "happy ending."

On the first point, whether the pavilion should have a serious theme, those who criticized the Federal presentation felt, "it would be all right somewhere else, but not where people expect to have fun," and that "people won't take time to dig for facts; they like to have these given to them."

But for many others, the effect was "thought-provoking," "very educational," and "jolting." One visitor said: "Playing up the problems of current existence had the most influence on me. I became terribly involved." Another said: "It realy gives you something to think about."

In addition, most young people responded positively to the substance of the film. They were moved by what they considered its honesty and its call for action. Busloads of local school children came regularly to view the film when schools were in session.

One hundred and fifteen high school teachers and students wrote: "We the undersigned support without qualification the film 'US' . . . we like its truthfulness, and we think it's time that Americans accept the truth and do something to right the wrongs the film depicts."

One teenager wrote, "I am only 17 years old, and as an average young person, and an American, I accept this film because it is not phony. . . . This, above all, appeals to young people."

From the University of California at Berkeley, the editor of the student newspaper wrote: "The pride, glory, grandeur of the country and its vision were made clear, and they contrasted with our problems to produce a 'get out there and fix it' effect which moved me no small amount."

Secondly, some visitors were opposed to what they considered the unfavorable image of America which was put forth in the Federal presentation. "I fail to understand what can be gained by washing America's dirty linen before the public," wrote one visitor, and another felt, "We should not air our problems to the world." A man from Houston telegraped: ". . . if we couldn't show a pleasant face for the world to see, why show anything? We need friends, not more enemies."

However, many letters, comments, and articles responded favorably to the hard look at all aspects of American life contained in the Federal presentation. Stewart Udal, then Secretary of the Interior, commented: "It did seem to me that a film of this kind, which asks the country very basic questions about what we want to be and how we want to change, is very valuable."

A San Antonian wrote to the Secretary of Commerce: "I wish to tell you how thought-provoking I found the United States film presentation in the Confluence Theatre. I have never seen a better portrayal of our Nation's facets. Furthermore, that such a film could be produced by the Federal Government is, to my mind, a good indication of the exuberant good health of our democracy."

Endicott Peabody, former Governor of Massachusetts, wrote: "May I compliment you and your whole staff for the beautiful exhibits. Like many others, I was particularly impressed by the movie which was displayed. Rather than overselling the United States, in a very delicate and diplomatic manner it raised questions about some of the issues we are facing. This has a tremendous effect on foreigners, who too often have been exposed to overselling by the United States, and it earns their deep respect."

As many critics had misgivings about how foreigners would react to this view of America, it is worth recording accurately how they did express themselves. While only 4.2 percent of the visitors were foreigners, comments came from all over the globe.

Klaus Curtius, the German Consul General, wrote: "I must say that, for my wife and myself, the result of seeing [the film] was that our love for the United States has been deeply confirmed and increased even more."

During his visit to the pavilion, President Bourguiba of Tunisia remarked, "It is very courageous. I admire your honesty."

The Bulgarian Ambassador to the United States was quoted in the *San Antonio Light* as commenting: "I have always maintained that the American nation is very outspoken. It [the film] is indeed very courageous."

In the Wellington, New Zealand, *Evening Post*, reporter J. S. Guiney wrote: "A nation which can so honestly show to all the world what is wrong with it, so clearly, so plainly, and so truthfully, this is the measure of this nation's greatness."

Thirdly, some critics would have had the presentation end on a more positive note: "There should be more of what we can do;" "There was not enough of the potential of the people and the creativeness of the individual." "Certainly we have grave problems here, that must be solved," a visitor from New York wrote, "but . . . there are great things to talk about that our country has achieved."

A Pennsylvanian wrote to the *Philadelphia Bulletin*: "Let the Commerce Department now . . . show the beauties of America which, through our own efforts, are not ruined. Let them show the majority of communities where people do care what happens to their neighbors. And point out very clearly the recent legislation and many constructive programs now in effect to help correct the wrongs we are well aware of."

On the other side, a majority saw the presentation and particularly the film as a statement of confidence in our ability to solve our problems. A New Yorker wrote, "I think this is the sort of courageous self-examination and celebration of our ideals and our failings which make up the reality of us (US). Having experienced four world's fairs, this is by far one of the most memorable experiences created under the enlightened patronage of the United States Government."

An Illinois family wrote: "It [the film] made us proud to be citizens of a country where the Government could trust the people to face reality, and to do something about the problems that beset this country."

Press comment included reviews by movie critics of two nationally distributed magazines. Joseph Morgenstern in *Newsweek* wrote: "'US' does not end on a note of triumph or leave you singing and wanting to skip rope as you leave the theatre. It reminds you of big bills coming due, of promises to be kept, and it was made by men who think they can be kept. . . . When a film like this can be made for a fair and shown to Americans in their Government's name, the element of hope survives."

In his weekly movie review in *Life*, Richard Schickel wrote: "'US' . . . is virtually without precedent in that new, highly specialized branch of cinema devoted to the creation of exposition attractions. Two qualities give it a special distinction.

The first is that unlike the films at Expo '67 and at the New York World's Fair, the content of this work is much more interesting than the technological inventiveness of its presentation—which is considerable. The other is that it is one of the very few films of any sort sponsored by a government—any government—that dares to criticize the nation whose taxpayers underwrote it. . . .

"The best thing about the picture is precisely the feeling of hope it engenders. Its makers have used the latest technologies to indict technology: the disease may carry the cure. They have displayed their faith in this nation by making a movie that assures us we can stand to see the truth about ourselves and will rise to the challenge of reordering our environment. In short, they have given us a testament of faith."

CHAPTER VII—A COURTHOUSE FOR SAN ANTONIO

Residual use of the buildings

Beginning in 1965 with the feasibility study for Federal participation in HemisFair '68, planning for a permanent end-use for the buildings went on simultaneously with development of the story-line and exhibits. Preparation for Federal pavilions at previous international expositions had not included this type of early, detailed planning for optimum residual use of the facilities.

Proposals submitted by the various Federal agencies through the Interagency Committee included such possible Federal end-uses as an Army headquarters building, a Pan American museum, a post office, and a Federal records center. The study also took into consideration the plan for reuse of the HemisFair site approved by the city of San Antonio and the Urban Renewal Agency under which the area would be used after the fair as a municipal center with permanent convention facilities, city offices, and an educational and park facility.

Permanent buildings to remain on the site included a convention hall, theatre, and arena making up the Civic Center; the Tower of the Americas to be operated as a tourist attraction and restaurant; the Texas Pavilion to be a permanent educational center concerned with the State's history and culture; and an area of concessions, amusements, and restaurants.

The section of the fairgrounds where the U.S. Pavilion was located was designated for use as an educational and cultural center, although no restrictions were placed on use of Federal buildings and land. To assure maximum flexibility in residual use determination by the Federal Government, the city of San Antonio deeded to the United States the 4.595 acres of land on which the Federal pavilion was to be located.

After considering various proposals, the Interagency Committee voted to give highest priority to use of the pavilion as an educational facility or a general purpose office building. However, final decision was reserved until the resolution of other questions.

First, the provisions of the Federal Surplus Property & Administrative Services Act of 1949 require the exhaustion of all Federal requirements before a building can become available for state or local purposes. No Federal agency was then prepared to commit itself to its possible needs in the San Antonio area three years in advance.

The second difficulty was that a good exposition cannot be staged in a building designed for offices or classrooms and not planned to accommodate a heavy traffic flow and provide the necessary extensive, open exhibit space.

As an alternative, the initial design planning concentrated on buildings that could easily be converted to any form of residual use. The Deskey Assoc.'s Confluence Theatre plan envisaged doing the necessary subgrade work, excavation, and utilities work on the theatre to provide a building free from interior supporting columns and with sufficient structural strength in the foundation to permit conversion to a multi-story office building without altering the outside walls. A second one-story permanent structure was planned as an exhibit building which could have end-use as a "School of Tomorrow."

The final report of the House Foreign Affairs Committee which considered the Commerce feasibility study commended the Department and the interagency working group on the "serious attention given to the question of assuring maximum residual benefit from the U.S. Pavilion," and commented that "the new approach represents a solid advance over the traditional policy and should be further developed."

The Congress also added subsection 6(4) to Section 3 of Public Law 89–284 to provide that in the design and construction of the buildings, consideration "shall be given to their utility for governmental purposes, needs or other benefits following the close of the exposition."

Because of a subsequent reduction in funds available, the exhibits building was changed to a semi-permanent structure that needed only minor structural and architectural modifications to conform with local building safety codes and be classified as a permanent structure.

After the fair opened, interest in acquiring the building heightened and in September 1968 the Commerce Department prepared for the President a study evaluating various proposals, including one to locate the Inter-American Development Bank's headquarters in the Federal pavilion, and another for an Economic Development & Trade Promotion Center with special emphasis on export trade possibilities in Central and South America.

Neither proposal was accepted. It was concluded that the top priority for residual use should be for educational purposes.

As a part of the search for an appropriate end-use for the property, the Department of Commerce formed a team with the General Services Administration's Property Management & Disposal Service and the Department of Health, Education, & Welfare to coordinate investigations under the procedures for Government-owned surplus property disposal.

Special measures were taken at the close of the fair to maintain the buildings. After they were cleared and cleaned, the use of all utilities was reduced as much as possible. The projection equipment and flying walls were left intact for possible use by the next tenant, and precautions were taken to protect the equipment. A complete set of drawings and operations manuals was kept in one furnished office.

Early in 1970 the buildings were declared excess by the Department of Commerce to the General Services Administration. Following a poll of potential users, GSA conducted an architectural/engineering study to determine the feasibility of using the site for a new Federal Courthouse being planned for San Antonio.

On the basis of this study GSA concluded that the HemisFair site would be best for construction of the Courthouse and Federal Office Building originally planned for an alternate location. The Confluence Theatre building will be converted for use as a Courthouse and 3.1 acres adjacent to the pavilion will be required for the Federal Office Building. The Government will save about $1.5 million by using this site.

In announcing the selection, the GSA Administrator commented that the site is "a perfect choice considering the economies and is a very favorable location considering the needs of the people of San Antonio." It is estimated that architectural design will be completed by August 1971. Construction could begin in fiscal 1972.

Residual use of the film

An unexpected dividend of the popularity of the film "US" and of the widespread publicity it received was the number of requests from San Antonio and groups throughout the country to continue showing the film after the closing of HemisFair on October 6, 1968.

At the request of the Department of Education & Human Resources of San Antonio, the film, "US," was presented to largely student audiences on Nov. 9 and 10, 1968, at the time of the formal dedication of HemisFair Plaza, the post-fair public recreational and cultural center under municipal control. The Confluence Theatre was reopened for the third time for students on Nov. 15, 1968.

Letters were also received from individuals and educational and charitable groups in many parts of the United States asking to borrow the film for public showings. Since the film in its original form required three 35mm projectors for the opening sequence and three 70mm projectors for the cinerama effect on the large screen, it could not be shown anywhere in the country except the Confluence Theatre.

Consequently, it was converted to a single 70mm film with a special anamorphic projection lens to create a triple-screen image on one large screen. The film now can be shown in any theatre having a 70mm projector and a large Cinemascope or Todd AO screen and sound equipment.

The projection room equipment used at San Antonio, including the 70mm projectors, has been brought to Washington and loaned to the National Archives and the Smithsonian Institution. The cameras used in making the film also were turned over to the Smithsonian Institution on an indefinite loan basis and have been put to immediate use in their motion picture program. Other equipment also was given to the Interior Department to use at Ford's Theatre in Washington.

When "US" became available for public viewing, the Family of Man Foundation requested loan of the film, which it termed "the finest social commentary ever produced by the U.S. Government." As part of the Foundation's program for 1970, "Reconciliation in America," the film was to be the main attraction of an Interfaith Pavilion at state fairs and expositions throughout the United States.

Residual use of exhibits

Although the exhibits were not specifically planned for post-fair use, after the pavilion was closed they were dismantled and crated in reusable containers and packed so as to be easily reassembled. A catalog was prepared with specifications, drawings, photographs, valuations, and complete instructions on how to reassemble each exhibit item. A copy of the catalog was given to the GSA for circulation throughout the Federal Government and another provided to the Institute of Texan Cultures.

The exhibits were included in a "Festival of Folkways" display in Houston in 1969, which Houston students visited in conjunction with their classes in social studies and American history. The exhibits were also loaned to Oakland County, Michigan, for the County's 1970 Sesquicentennial celebration, and also to the Oklahoma State Fair.

Component parts from a number of exhibits that did not have use as exhibits were declared excess and several Government agencies, including an Office of Economic Opportunity training school in San Marcos, Texas, and a Houston branch of the Department of Agriculture, used some of them in their own programs.

CHAPTER VIII—A FINAL WORD

With the growing frequency of international expositions and the recent membership of the United States in the Bureau of International Expositions, the U.S. Government will increasingly become involved in such events. Therefore, it is worthwhile here to evaluate whether Federal participation in domestic, international expositions is in the national interest and whether the investment in a Federal pavilion yields an adequate return.

The Commerce Department, as the executive agency with extensive experience in and responsibility for the planning, development, and operation of United States participation in all recent international expositions held in the United States, has concluded that well-planned and organized expositions result in significant benefits.

They have proven to be opportunities for presentations of educational value, technological and architectural innovation, promotion of international understanding, and long-range economic and social assets to the region and the Nation. HemisFair '68 points up a number of these benefits.

First, as is substantiated by the chapter, "The Public Reacts," the presentation "Confluence, U.S.A." gave visitors an understanding of some of the forces which formed this

Nation, challenged them to become involved in some of the problems of the modern world, and at the same time captured their attention with the latest techniques in the communications art.

Second, the mechanical and cinematic features of the Confluence Theatre were examples of technological inventiveness. The use of retractable walls and screens to dramatize the film's message proved a most effective technique of presentation. Further, "US" took the multi-screen/multi-image film style a step forward by putting content on an equal footing with technique.

Third, the Federal Government was instrumental in the success of HemisFair '68 as a display of international friendship. Federal support for the plan was essential in obtaining the sanction of the Bureau of International Expositions, and Federal participation was significant in attracting foreign exhibitors and visitors.

The chance for every fairgoer to see cultural expressions of other nations contributed to an increase in international respect and understanding. This investment of time, effort, and financial resources in better relations and closer cooperation among the nations of the Western Hemisphere will continue to pay dividends for years to come.

Finally, the HemisFair experience reinforced previous evidence that successful expositions result in temporary and permanent economic and social benefits to the region and the Nation. The success of the Federal pavilion contributed to these lasting benefits.

William R. Sinkin, vice chairman of the HemisFair Board of Directors, called the fair ". . . culturally, economically, and politically the greatest single progressive force ever experienced by the community." Politically, the experience of HemisFair proved to the city that leaders with widely divergent political, economic, and ethnic backgrounds could work together toward a common goal.

A renaissance of cultural activity in San Antonio can be attributed to the impact of the fair and the availability of excellent facilities, including a new theatre for the performing arts on the HemisFair site.

Although the fair closed with a $7.4 million operating deficit, economic benefits to the region included the almost $500 million in new commercial construction, the 4,000 additional man-years in employment during fair construction and operation, the permanent increase in property tax revenues, visitor expenditures of $122 million, the dramatic rise in every business index over the previous year, and $750,000 in increased sales tax revenue to the city.

The economic impact extended to the State and the Nation through such effects as the visitor-induced addition to State gasoline and sales tax revenue and the favorable national balance of payments impact.

From nationwide publicity and advertising received by the fair came a new image of San Antonio as a thriving, vigorous city. Long-range benefits include attracting industry and diversifying the economy from its heavy dependence on Federal spending for local military and other installations. Of particular importance is the revitalization of downtown San Antonio, with HemisFair's heritage, a permanent educational and cultural civic center, replacing the former depressed area.

The permanent U.S. Pavilion will be an integral part of that civic center. The convention and arena facilities on the site, together with the 4,000 new hotel rooms available, are expected to spur the city's convention and tourist industries.

As a result of this experience, San Antonio may well prove to be a prototype for other American cities with the same problem of deteriorating areas in the heart of the city.

As a member of the Bureau of International Expositions, the U.S. Government will be called upon to enlarge its traditional role of exhibitor as at Century 21, the New York World's Fair, and HemisFair '68 and to make assessments of exposition proposals as a basis for determining Federal recognition and participation and for representing exposition sponsors before the Bureau.

The experience gained at HemisFair '68 by the Department's Exposition Staff in planning, constructing, and operating the Federal pavilion and in evaluating the requirements of a successful international exposition will be of great value as the United States Government assumes its expanded role. As was done for the first time at HemisFair '68, comprehensive studies of an exposition project should be prepared on which the Congress can base its decision on participation.

Guided by this model, such a package should include an analysis of the feasibility of Federal participation in an exposition and a proposal for the nature of that participation. This approach not only gives justification for the requested funds, but provides an orderly basis for Federal involvement before, during, and after the exposition.

Due to careful advance financial planning, the Federal pavilion at HemisFair was constructed well within appropriations with no requests for supplemental funds. It is anticipated that there will be a return of unused monies to the U.S. Treasury.

Planning for residual use was also important at HemisFair '68. From the earliest stages of Federal planning, design of the buildings for permanency was given equal emphasis with their use as a fair pavilion. The Department was able to follow through by working with other Government agencies and private groups to determine the final disposition of most benefit to the Government. An orderly working procedure was also adopted to make use of equipment from previous fairs and to inventory and make available equipment and exhibits for future use.

In mounting the Federal pavilion at HemisFair '68, the Department learned lessons it considers will be useful in future expositions. In closing, it is well worth recording a few of these experiences.

Waivers from certain statutory limitations on contracting, purchasing supplies and services, leasing buildings, printing, advertising, etc., were essential to expedite the design, construction, and furnishing of the Federal pavilion at HemisFair in view of the absolute deadline on such a project. Although limitations can be waived by Executive Order for fairs abroad, in the case of domestic international expositions they must be obtained by statutory waiver as they were in Public Law 89–685.

Another lesson was that substantial savings can be realized through the cooperation of industry in loaning or donating items to the pavilion. This kind of cooperation does not materialize on its own. Only with a well thought out approach will industry respond. HemisFair showed that the results of careful planning for sponsorship are well worth the effort.

It was also useful to organize all models, photographs, papers, drawings, and other material pertaining to Federal participation in HemisFair '68 in a chronicle file based on the content of the information rather than on the source or the form in which it was communicated. This proved essential in preparing this report and will make readily accessible a wealth of useful source material for future exposition planners.

In addition, the Department feels that rather than hiring a photographer on a job-to-job basis, one should be retained on a regular basis in order to assure complete coverage of all aspects of the pavilion. This kind of coverage is essential for maximum reuse of exhibits and other materials, for a meaningful report on the event, and for complete archives.

Although the complaint of a lack of sufficient time to complete a project is not new, it must be made again.

In mounting a pavilion at a world's fair, lead time becomes particularly acute. Opening day is an immutable deadline. The Federal pavilion at HemisFair '68 was mounted in only 58 weeks, in comparison to 130 weeks for the same operation at Century 21 in Seattle, 91 weeks at the New York World's Fair, and 104 weeks at Expo '67 in Montreal.

While a pavilion can be completed in such a short time, limited lead time presents serious drawbacks.

First, architects and designers are restricted in the design of buildings, exhibits, and films, for the less time they have, the less able they are to develop innovative and imaginative concepts.

Furthermore, the shorter the time available to meet the deadline, the greater overtime costs become. As opening day approaches, costs in and around the site rise sharply and competition with other participants for a limited labor force becomes acute.

And, as delays such as exceptionally bad weather and unexpected technical problems inevitably arise, the pressure for completion by opening day becomes even greater. While a fixed timetable for mounting a pavilion cannot be established, planners should bear in mind that for an exciting presentation of high quality—time is one of the most priceless commodities that can be appropriated.

IN THE NAME OF "PEACE" A CITY UNDER SEIGE

The SPEAKER. Under previous order of the House, the gentleman from Indiana (Mr. BRAY) is recognized for 15 minutes.

Mr. BRAY. Mr. Speaker, one might say the "bang" and "whimper" of the recent demonstrations in Washington came on Wednesday afternoon, May 5, and Thursday, May 6.

The "bang," the highwater mark of the seething mob action we had undergone, was carrying the Vietcong flag and presenting a nude male mascot to the doors of the U.S. House of Representatives, and demanding entry, with the declared goal of holding Congress hostage until a peoples peace treaty with North Vietnam had been signed—drafted in Hanoi—a $6,500 guaranteed annual income for a family of four was approved, and all political prisoners were released.

The "whimper" came on the following day, with a staggering, whining halt, as those not scooped up by mass arrests, or who had already been released from detention, lined up impatiently at Western Union offices to wire for or wait for money from Mom and Dad.

Almost 4 years ago, after the October 1967 march on the Pentagon, I noted that in effect the $1 million it cost the Government was actually tribute. And I also noted that we had indeed come a long way in this country since "Millions for defense, but not one damned penny for tribute" was hurled by Charles Pinckney in 1796.

Now, after almost 3 weeks of demonstrations in late April—early May, 3 weeks which saw "this community in a near state of seige," in the words of a local judge, we find we have come even further. This time, by all present estimates—and the total bill can never be accurately totaled—the tribute paid by the citizens of the American Republic will go past the $5 million mark.

The Deputy Mayor of the District of Columbia estimates the cost at $2.5 million, but this is admittedly low. The November 1969 demonstration cost the District of Columbia government $688,714 for 2 days; now police operations alone for the near 3 weeks will run close to $5 million. Add to this damage to city property; $513,000 for the Department of the Interior, for pay to Park Police and damage to Federal property; 10,000 troops flown in plus the District of Columbia National Guard; loss of business to hotels counted at $250,000; a sharp drop in retail business—50 percent on April 24, alone; court and administrative costs handling an estimated 12,000 arrests, plus injuries to both police and protesters.

For whose benefit? Eric Sevareid, on his broadcast of May 5:

> Nearly all of them were white and prosperous while a high percentage of the police who imposed order on them were black and relatively poor.

A letter to the editor of the Washington Post, on May 9, 1971, called them: "human trash and nonproductive, amoral element that assembled here in the name of 'peace'."

For the benefit of Rennie Davis, one of the "Chicago 7," he drives a Lincoln Continental and guided a major part of the protest activities while, in the words of Vice Chairman of the District of Columbia Council Sterling Tucker, in the Washington Star May 9:

> Protesters overturned cars, punctured tires, turned streets into flaming garbage heaps and forcibly interfered with the rights and liberties of other citizens.

A lot of prominent persons are going to try to wriggle off the hook of responsibility for encouraging and condoning all of this. They are going to say that all they ever supported, in word and deed, was the Vietnam Veterans Against the War, and the April 24 rally; that they never expected anything like this.

The truth of the matter is, it was all tied together, right from the beginning, and there was never any secret about it.

Item: On Thursday, March 25, 1971, a joint press conference was held in Washington. There were representatives of the National Coalition for Peace and Justice, the Southern Christian Leadership Council, the National Welfare Rights Organization, and the Vietnam Veterans Against the War. Held in facilities belonging to a member of Women Strike for Peace, as the Washington Daily News reported on March 31:

> Each took his turn explaining his group's April–May actions. Then, each endorsed the activities of the other groups and pledged personnel.

The April 24 rally was sponsored by the National Peace Action Coalition; 10 Senators and 29 Representatives endorsed or in some way supported this meeting. It was cosponsored by the PCPJ, the Rennie Davis group, and a flyer put out by NPAC said:

> All who oppose the war are welcome in NPAC regardless of their other views and affiliations.

A sticker, pasted on elevator walls in the House Office Buildings, with the name of Peoples Coalition for Peace and Justice, embraced the dates April 24–May 5, and had the injunction "come to stay."

And at the April 24 rally itself, as reported in the Washington Post on April 25:

> Some demonstrators carried large pictures of Russian revolutionary Leon Trotsky and Mao Tse-tung, Chairman of the China Communist Party. Others marched under the red banners of the Workers League, chanting "Down with Muskie and McGovern, build a Labor Party." Markers distributed "anti-facist revolution" handbills of the American Communist Workers Movement. The march followed a highly publicized encampment of about 1000 Vietnam war veterans. But it was just the beginning of two weeks of promised antiwar activities designed ultimately to snarl bureaucratic Washington and disrupt the government. Many of those who marched to the Capitol yesterday carried knapsacks and bedrolls and said they were prepared to stay. As they marched, other demonstrators circulated through the line of march, urging people to remain in Washington for the planned activities.

Much was written about Vietnam Veterans Against the War. But I only saw mentioned twice the following; first, from the Washington Daily News, April 24, a report commenting on the confession and discarding medals ceremonies:

> Their confession dissolved into anger when one veteran, former Navy Lt. Melvin Stephens, who operated a riverine boat in Vietnam contended the Vietcong and North Vietnamese had slaughtered the innocents of war, too. He had seen the remains of a loaded school bus blown up by the terrorists. "I think the President sincerely wants to end the war," said Mr. Stephens to a chorus of boos.

And in the Washington Post, April 24:

> Al Hubbard, a leader of the Vietnam Veterans encampment on the Mall, told a television reporter today that he had been posing as a former Air Force captain for three years to give more status to the antiwar movement. A reporter for the NBC "Today" show quoted Hubbard as saying under questioning that while in Vietnam he was actually a sergeant and flight engineer. Hubbard then explained: "We came to Washington to tell the truth and I've allowed this lie to continue because I recognize in this country that . . . it's very important that one has an image."

Smith Hempstone, in the Baltimore Sun, April 29, 1971, summed up things to the end of the April 24 rally:

> A new breed is with us now and has been these past 10 days. They want an end to the war in Vietnam (who does not?). They want free abortions on demand, clean water, gay liberation, union lettuce, Nixon's political scalp, jam on Thursdays.
>
> They want, they want. They want everything, these babies who were always picked up when they cried, and they offer so little aside from the spectacle of themselves clustered lemming-like in the streets.
>
> Their spearhead was a group of about 1,200 Vietnam Veterans Against the War who put on demonstrations of their version of search-and-destroy missions, ending up by discarding their decorations. To this observer's knowledge, no reporter in this city of reporters made a serious effort to discover how many of the 1,200 actually had served in Vietnam or to validate the decorations they said they held.
>
> Then came last Saturday's emote-in down Pennsylvania Avenue to the Capitol. There were the usual hirsute patriots carrying the flags of North Vietnam and the Vietcong, the placards of Mao Tse-tung and Leon Trotsky, chanting obscenities.
>
> Finally, after five hours of rambling, repetitious speeches and folk music, the crowd of 200,000, largely white and young, trickled off to do its thing. Medical personnel were kept busy dealing with drunkenness and over-indulgence in narcotics. End of Phase Two.

I would also note that the April 24 demonstration was attacked by the official weekly newspaper of Vatican City—which has given the kind eye, as a rule, to past antiwar demonstrations—in these terms, on April 28:

> No marches have been held in Peking, or Moscow, or even Hanoi; only in Washington, and this event, perhaps, constitutes the greatest "victory", military or political, achieved far from the war, a victory that no General Giap has managed to achieve in South Vietnam, or Cambodia, or Laos.

So those who chose to lie down with the dogs of April have no choice but to scratch at the fleas of May. Much was made of veterans throwing their medals at the Capitol; if General Giap gives out any medals for this march, would they wear them with pride? I wonder?

Then the city braced for the May Day "tribes." A May Day "tactical manual" being given out to potential demonstrators spelled it out quite clearly:

> The aim of the Mayday actions is to raise the social cost of the war to a level unacceptable to America's rulers. To do this, we seek to create the specter of social chaos while maintaining the support or at least toleration of the broad masses of American people.

This was reported in the Washington Post April 22. Something called by its occupants "Peace City" began to grow up in West Potomac Park. Let us look at what "Peace City" was, and at its inhabitants. From the Washington Star, April 27:

> In one group, a young woman stripped naked and danced around the blazing fire, wailing to an audience of wide-eyed young men. Goose-pimpled from the bitter wind, she finally gave up the dance and chant after about a half an hour. Others gathered in smaller groups huddled around a campfire, singing Buddhist chants, drinking wine and smoking marijuana. . . . A group of protesters attempted to hold a "town meeting." . . . Rennie Davis . . . told the assemblage that "what we are doing here is like a lightning bolt in Vietnam . . . it's not just this country that's going to be watching what we are doing, but the South Vietnamese as well."

And what was going on outside the city? From the Chicago Sun Times, April 28:

> Senator Edward J. Gurney (R.-Fla.) . . . protested the appearance in his office of a group of homosexuals, members of the Gay

> Liberation Front, who demanded an end to the Vietnam War and sought to "discuss equal rights for homosexuals." Gurney said, "It's not every day when you have men kissing each other in the Senate hallway . . . Some of the men were dressed like women. Long dresses and opaque panty hose was the most popular mode."

While the drug scene at "Peace City" increased; the Washington Post April 29:

> At nearly every campfire, the demonstrators were buying, selling, begging, discussing and singing or arguing about drugs: marijuana, and hashish, LSD, speed and mescaline. In the three-day period before Tuesday midnight, the George Washington University Hospital reported treating 101 emergency room patients from the West Potomac encampment, about 40 of them drug-related cases . . . The campsite looked like this just before 2 a.m. Wednesday: at one end was a light show, with about 75 persons sitting in front of it and smoking pot. . . . And off to one side another group of about 50 had gathered around a group of drummers. At one point, they took up a rhythmic chant: "Heeeyyh, marijuan-ah!"

But to the inhabitants it was not all that bad; from the Washington Daily News, April 30:

> "The Desolation Row Times," a mimeographed camp newspaper, cheerfully reports that "grass (marijuana) price seems now to be steadily at about $14 per ounce. Some excellent mish (apparently a form of highly refined marijuana) is available at $18 . . . Two joints got six of us stoned out of our heads this morning. Most dope here seems pretty good. LSD seems stabile (sic) at $1.50-$2 per hit, although some crooks are still going around offering stuff of average quality for $3-$4."

What kind of people were they? One story, in the Washington Star of April 30, mentioned:

> Bill . . . who . . . was planning yesterday to hitch rides back to Boston to pick up the $300 allowance the father he never speaks to sends him every month.

An acquaintance of mine did tell me, with considerable amazement, what a shattering thing it was to see a $6,000 convertible filled with protesters shrieking "Power to the people."

A peace march? One of our colleagues, the gentleman from Missouri (Mr. ICHORD), attempted to set things straight, and told in the CONGRESSIONAL RECORD of April 29 what was really going on. He cited the incident of 34 U.S. Park Police officers and several park rangers, trying to protect the flags around the monument, who were driven inside the monument itself by a mob at 5:30 p.m. on April 24 and remained locked in until the morning of April 25. There was the $17,000 restroom trailer set afire on the Washington Monument grounds. There was vandalism of the monument itself: broken lights and heating meters, smashing of the spotlights, splintering the benches for campfires, trees chopped down for firewood, vandalizing of a Department of the Interior truck and overtime work by garbage and trash collection crews to haul away the debris. Property damage around the Washington Monument alone was almost $75,000.

"Peace City"? From the Washington Star, April 1:

> As dawn broke, they continued to come in by the hundreds—armies of blue denim and khaki collegiates draped in American flags, high school students with their dates, professional "freaks" with their drugs and well-heeled agitators with pamphlets and newspapers. . . . Outside tents made of plastic or canvas or blankets, the "people" sing, chant, hum, rap, make love, smoke pot or drink wine. . . . In peace city there are sites for homosexuals and lesbians, a women's section, a place for people from Ohio and another for Vietnam veterans, a tent for active duty GIs. . . . Among the most persistent problems has been finding wood for their campfires. The demonstrators have from time to time, used the fragant cherry wood from Japanese cherry trees ringing the tidal basin as firewood. . . . "You know, man, this thing is really coming together now. . . . Earlier in the week, it looked like it was all coming apart, but now we're looking like a real city—like a real Peace City, man."

At dawn on Sunday, May 2, the police moved in on Peace City. This was the scene, as described in the Washington Post, May 3:

> At dawn's light yesterday, about 45,000 people were dancing, smiling, nodding their heads to music, making love, drinking wine and smoking pot. . . . The night had brought the bad drug trips, stretchers and ambulances, that were familiar sights for those who had been present earlier in the week. There were also warnings from the stage of the rock concert that there had been rape attempts against some of "your sisters." . . . Everything that was combustible had been used as firewood: construction materials, shrubs and bushes, snow fences, wooden shacks, park benches. Slogans in red and blue paint covered construction equipment, fences and parts of monuments, proclaiming revolution, demanding peace, denouncing the president.

It seems now that the greater bulk of the 45,000 left for home. But those that did stay?

From the Washington Post, May 4:

> Demonstrators overturned a tractor-trailer rig at 8:30 a.m. . . . formed human chains across the streets . . . others dragged sign posts, furniture, trash cans and concrete slabs into the streets. Nails were strewn on several streets and air was released from many auto tires. Several occupied cars were overturned throughout the city. At least one was burned. Another tactic used by the demonstrators was to drag or lift parked light-weight cars into the middle of intersections. Demonstrators also stopped a number of motorists and disabled their cars by ripping the distributor caps from their engines.

The reaction of one writer, living in Georgetown; the same day, in the Post:

> I have been variously frightened, angered, saddened, shocked, amused (the "gay" contingent up the street would embrace one another after lifting each car into the roadway) reassured and unstrung.

The police? Overworked to the point one could not believe; the Christian Science Monitor reported on May 7 that—

> Police have been taxed by the duration and persistence of the past week's demonstrations (preceded by two additional weeks of protests) perhaps more than by any previous anti-war events. One member of the District's civil-disturbance unit, leaning exhausted against a tree near the Department of Justice at 5 p.m. Tuesday May 4, related that he had put in 24 hours duty Sunday, May 2; 17 on Monday, May 3; and had been up at 2:30 a.m. May 4 to go on duty at 4 a.m.

Then the arrests began, by the thousands. Former Supreme Court Justice Arthur Goldberg once said; that

> While the Constitution protects against the invasion of individual rights, it is not a suicide pact.

Some of the demonstrators seemed to take a perverse thrill in the mass arrests; from the Washington Star May 9:

> The activists, far from bemoaning the terrible toll of their troops, were ecstatic. "Just imagine," breathed a 19-year-old boy with matted hair . . . "seven thousand prisoners. Isn't that fantastic?"

What was their motivation? We know, at least in part; some of them admitted to a U.S. Senator that they had discussed their plans with Mrs. Nguyen Thi Binh, Vietcong representative at the Paris peace talks, and she was familiar with them.

Individual citizens fought back. From the Washington Post, May 4:

> At least two places . . . men got out of their vehicles and started moving toward the demonstrators waving links of heavy chain. In both cases they were turned away by police. In Georgetown, one man saw a group of demonstrators rocking his car parked at a corner. He rushed up, yelling for them to leave his car alone. They didn't stop. He called out one more time. Then he threw a right cross to the chin of one of the protesters. The protester fell to the street. The others fled.

The climax came on Wednesday, May 5, with a march on Capitol Hill. The objective? The Washington Star, May 5:

> Dissidents say their aim to is to "hold Congress hostage" until both the House and Senate ratify a peace treaty with the North Vietnamese, establish a $6500 guaranteed annual income for a family of four, and free "all political prisoners."

The end result? A shrieking rabble, swept into buses and carted off under arrest, with little more to show for it than one young man stripping stark naked on the House steps. A Member of the U.S. Senate, qualifying as a liberal in every respect, was to say angrily one day later to a luncheon meeting that—

> Today the liberal coalition in the Senate is a prisoner of the foolish and useless acts of the Mayday group.

How true. So are they all, the 10 Senators and 29 Members of the House who first gave endorsement to the whole thing.

Curiously enough, I must mention it here, in all the cries about repression and the urging to free political prisoners, I would have thought that one banner would have been raised, one speech given, one slogan chanted, for eight young Vietnamese, now serving prison terms ranging from 4 months to 15 years. According to Hanoi—for they were North Vietnamese—

> They slandered our society, saying that there was no freedom and that in our society there was no room for artists to flourish. They seduced our youths with strange, fantastic, remote and abstract dreams of completely reactionary content. And finally they induced youths dreaming of an American or a Saigon life-style to oppose our regime and to avoid the labor task and military obligation.

What had they done to deserve this? Formed themselves into a band to play Western-style rock music; hunted out smuggled records, wrote down words and music of pre-war songs heard over U.S. and Saigon radio stations, and taught them to each other.

This story had to be told in its own words, from those on the scene, who reported it, and from those who took part. Do they deserve your sympathy, from what has been recounted here? Do they want it? Let them answer; a Washington Post reporter spent 10 hours at the Washington Coliseum on Tuesday, May 4, where demonstrators had been held; from his account, in the May 8 Post:

> Not all of the prisoners are convinced that conditions are terrible. I am approached by a couple who met during detention. . . . The girl, a freshman at a college in New York State: "Everyone's giving you the rap about how we're poor, innocent bystanders, poor little white people. What we're saying, man, is that we weren't just wandering around Washington—we came here because there's a war going on. Now we're getting all this sympathy from liberal senators."
>
> The youth, a high school dropout and Vista volunteer in Wisconsin: "Too many times it comes out that we're just innocent kids and don't know what we're doing. It was a conspiracy, with the purpose of stopping the war. If these people didn't know what it was going to be, then why were they here in Washington?"

They do plan to return. Rennie Davis said:

> This demonstration was only the beginning. We are coming back to do this again. If Richard Nixon thought this week was hot, wait until next time.

Next time? Well, for one thing, next time we do not need the spectacle of lawyers from the federally financed Neighborhood Legal Services in Washington offering free legal counsel. NLS gets $1,125,844 this year; as one column asked:

> Should a program intended to help poor people be turned into a legal relief program for political dissenters, mainly middle class, accused of breaking the law?

Another observation, worth noting. On May 11, the U.S. Civil Rights Commission took the administration to task, saying we will degenerate into a "divided nation with all kinds of civil disorder" unless there is a new commitment to civil rights from everyone, including President Nixon.

Whatever else this Commission was doing, it was not reading the papers and paying attention to what was going on in Washington. On the same day, in the Baltimore Sun, Ernest B. Furgurson was to write in his column that:

> Here in the blackest big city in our country, the blacks observed a nearly total boycott of the marching and disrupting . . . most of the black men present were not being arrested but instead were in police uniforms, doing the busting. . . . Black people were voting and winning elections, disdaining the "politics of protest" for the politics of reality.

The American taxpayer—who will pay for this demonstration, as he has paid for the last ones, and will pay for those in the future—should, I felt, have a bit closer look at the type of people he is subsidizing. For, hiding in back of the compassionate-sounding "peace" committees and organizations, in ignoble contrast to their high-sounding slogans, is nothing less than mob philosophy and mob action. And this mob, once its pretensions are stripped away, is rapidly and readily shown to be composed to a great degree of persons who take their democracy from the Gestapo, their love and kindness from Joseph Stalin, their politics from Mao Tse-tung, their literature and speech from outhouse walls, their idea of cleanliness from the gutter, their morals from alley cats, and their money from daddy.

And these people are put forward to the American taxpayer as fine examples of concerned youth. They are catered to, bowed to, flattered, scraped before, idealized, huckstered as saviors of the American Republic, and touted as heralds of the new generation of peace, sweetness, light and idealism.

In reality, they are riding high on a cycle of self-induced and self-imposed hatred. This spectacle, relatively new to our country, is not at all unknown in the past. Over a century ago, in his novel "The Possessed," Russia's great novelist Dostoyevsky has one of his characters say the following, in describing the philosophy of young anarchists:

> We don't want education. We have had enough science . . . The thing we want is obedience . . . The desire for education is an aristocratic desire. The moment a man falls in love or has the desire for private property, we will destroy that desire; we'll resort to unheard of depravity; we shall smother every genius in infancy.

"Unheard-of depravity" is indeed a fitting description for this chamber of horrors in which these people choose to swinishly wallow. What kind of "power," we might ask, should go to what kind of "people," when such "power" is trumpeted by such "people" who freely choose to spend their existence in a tangled swamp of alcohol, dope, theft, filth, vandalism, squalor, nudity—singular and mass—casual couplings, rape and general all-around rejection of and contempt for every social value known to humankind? This cannot remotely be glossed over, nor explained away, nor excused, with the thin veneer of "peace." I can only marvel at the ridiculous posturing and contortions of those who give tacit support and endorsement to such persons. This demands moral prostitution to a degree seldom seen, and impossible to understand. If there was ever any reason for anyone to question the judgment inherent in the American political process, it is here, when persons actively part of this process demean their office and their status by their continuous simpering over these fine examples of humanity.

Now, there were some highly redeeming features of this 3 weeks of which I have written. In sharp contrast to the hideous irresponsibility shown by those who profess a "concern for peace," there was the simple yet all-important matter of the ordinary people of Washington, D.C., who showed a concern for getting their jobs done, and proceeded to do just that, without being intimidated.

This consisted of many things. Patiently sitting sometimes for hours in lines of stalled traffic, on the way to work, while police cleared protesters from freeways and intersections and bridges, at times getting a good whiff of tear gas that floated their way; having to stumble over sit-ins at the entrances to their office buildings—or be literally dragged by guards over the heads of demonstrators blocking doorways; incidentally, the Civil Service Commission later reported that absenteeism and tardiness were actually at an all-time low for those days. In brief, then, the Government of the United States did not stop, and this is an indication it will not be stopped.

For these working people who keep it functioning know that the process of Government is many things. There cannot ever be a selective halt, imposed on any one branch, or agency. The simple-minded naivete of the demonstrators operated on the sole premise that all Government does is make war. Government's overall duty and responsibility is to function to try its best to guarantee all of us, at all times, the right to "life, liberty, and the pursuit of happiness." If there is a slogan ever in the minds of Government workers—or for that matter, any worker—I believe that would be it. And in so holding to this aim, your average worker, who has his or her job, and gets to it, and does it, is showing and living up to civic and social responsibility to the highest degree.

The law enforcement agencies operated to a high degree of courage, resoluteness, determination, and practically tireless efficiency. From what went on, it would seem that breaking up mobs that threaten to disrupt a city has now been honed and whetted down to a fine and precise science. But the best of plans and theories cannot function without the support of the men who must carry them out, be it moving shoulder-to-shoulder across West Potomac Park to clear out the last of the stragglers, or operating alone, having gone without rest for possibly 24 hours, to clear an intersection. No shots were fired; no one was killed. And for the complaints that some presumably innocent bystanders were swept up with the rest, I give you Mr. James J. Kilpatrick's remark:

> In high seas, it is hard to guarantee all passengers dry socks.

Quite true; the first thing to do is bring the ship to port safely. And this is just what was done.

These things I have just mentioned still stand between the existence of our Republic and the theme of the directors of this past demonstration, as well as all other anti-American elements operating with it. The theme, of course, is naked hatred—of family, schools, home, and everything which generations of Americans have been taught our country stands for. The deluding cry of "power to the people" is a naked, living lie. It has been sounded over the ages and by every tyrant in this century. It is trumpeted as the prelude to peace and justice for all, when in reality it is the forerunner of destruction of democracy, and installation of dictatorship of the elite—a self-appointed, nonworking elite, which would retain its power, once gained, by imposition of slavery sustained by brutal armed force.

To be sure, we do have within our Republic those who would put their hands around the national throat, and throttle the Republic until its breath of life is gone. They were not only in the mobs that swept through Washington. They are also found among petty, self-seeking men, in both private and public life. They never stop to think, in the midst of their frantic shrieks to the mob, that it is they who have missed the mainsteram of our country, and failed to notice the strength and greatness of its people.

It is they who are outside the current of American life. I leave the decision to welcome them back to the individual conscience of each citizen.

LEGISLATION DEALING WITH NATIONWIDE TRANSPORTATION STRIKES

The **SPEAKER**. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 30 minutes.

Mr. HARVEY. Mr. Speaker, the threatened nationwide strike by the railroad signalmen's union for Monday morning next imperils once again the country's vital transportation artery. Once more the eyes of the citizens of this Nation will focus upon the legislative and executive branches as we face the possibility of enacting hurried preventative measures, which at best can be termed temporary remedies.

It is ironic that this Congress has not enacted legislation to deal effectively with crippling transportation strikes. And it is ironic that once more we will, in all probability, be forced—out of sheer necessity—into some type of action to keep the railroads operating, thereby assuring the orderly movement of essential goods so necessary to the economic fiber and well-being of the United States.

Those of us in the 91st Congress recall the hectic days of last December when this great body was, in actuality, forced to take last-minute action to avert a crippling nationwide rail strike.

Yet, here we are again—barely 5 months later. A serious rail strike looms on the horizon and stares us squarely in the face. And, the unfortunate thing is that we are no better prepared, legislatively, to cope with this shutdown of the railroads—and the serious economic consequences that this portends—than we were last year, or the year before that.

It is interesting to note that since 1963, the Congress has been forced to act seven times to prevent strikes in the railroad industry. These 11th-hour legislative actions have been necessary to remove the threat of a crippling nationwide rail shut down. Unfortunately, each of these congressional actions was necessary because no effective permanent mechanism existed to settle national emergency disputes. Two laws—Taft-Hartley and the Railway Labor Act—currently provide the President with authority to forestall labor disputes before they threaten the national economy. Neither provides a mechanism that will guarantee a settlement; whenever the limited mechanisms of these laws are exhausted, a strike is permitted or Congress must act. Clearly, we need legislation that will assure an equitable settlement without, as has been the case in the railroad industry, requiring Congress to intervene for the public welfare in individual disputes.

The distinguished House Interstate and Foreign Commerce Committee now has before it several proposals that would amend current law in ways that would deal more effectively with national labor disputes. The Nixon administration has presented a very thoughtful and complete proposal for the entire transportation industry. The administration bill effectively repeals the Railway Labor Act insofar as major disputes are concerned and places rail and air carriers with the other transportation industries under Taft-Hartley. It then amends the Taft-Hartley emergency strike provisions to provide the President with three courses of action. After an 80-day injunction, the President could either invoke an additional 30-day cooling-off period for collective bargaining, create a three-man panel to administer a period of partial operation, or direct the involved parties to submit final offers for selection by a neutral panel. Once the President chooses one of his three alternatives, he would not be able to alter it in any way, nor would he be able to combine two or more of the individual options.

The proposal that has the strongest support of organized labor would amend the Railway Labor Act to permit selective strikes and prohibit lockouts as a management response to these selective strikes. Many supporters of this approach feel that selective strikes in the railroad industry would restore the economic pressure that is necessary for rapid and favorable settlements of disputes. This proposal must be considered in the context of the recent decision by the U.S. Court of Appeals for the District of Columbia Circuit permitting selective strikes under RLA. Any legislation passed by the House should take this decision into consideration.

Another bill is one introduced by my good friend and colleague, the gentleman from Texas (Mr. PICKLE), which would amend the RLA to permit three Presidential actions. The first would create a special board to select a "final and binding" settlement for a period of 2 years. The second would allow the President to direct the Secretary of Commerce to take possession of and operate the railroads until a settlement was reached or for a period of 2 years. Finally, the President could send recommendations to Congress for legislation. As in the administration's bill, the President must choose one and only one of these three options.

It is obvious that this Congress, with such varied proposals to settle emergency rail disputes now before it, must find an equitable and effective compromise position. We must preserve the right of labor to strike and at the same time accomplish the main purpose of the administration's proposed legislation—to guard the public interest. After several months of careful study, I am now proposing legislation that will effect the compromise so urgently needed by providing the President with the proper mechanisms for dealing with emergency rail disputes. The bill that I am about to introduce will have three major purposes. It will encourage the maximum degree of reliance on the principles of collective bargaining for the settlement of labor-management disputes. It also will protect the public interest by providing equitable procedures for settling those labor-management disputes which threaten the well-being of the Nation. And finally, it will provide mechanisms that will eliminate the need for 11th-hour legislation by the Congress.

First, I propose that the Railway Labor Act be retained as the statutory source for resolving major rail and air disputes. The entire body of administrative practices, mediation services, procedural precedents and judicial rulings which has been built up over 45 years is too valuable to discard lightly. It is my conviction that RLA and Taft-Hartley can be amended separately to provide the most effective measures for their respective industries. If and when national disputes in other segments of the transportation industry require congressional attention, the Taft-Hartley law can be easily amended along the lines of this present bill.

One of the major disadvantages of current law as well as all other proposals is their inflexibility. Under both the administration's amendments and the Pickle bill, the President would have his choice of three options, but he could not alter or combine them in any way. My proposal, however, by providing the President not only with a choice but with the ability as well to combine sequentially any of three courses of action, would provide needed administrative flexibility. Since each dispute is unique, the President would be free to combine the mechanisms in any sequence best suited for the particular situation. By thus effectively increasing the options, my proposal establishes a new and desirable degree of uncertainty of governmental action; the need for this uncertainty is widely accepted as necessary to restore the desire of the disputing parties to settle their differences through real collective bargaining efforts.

One course of action open to the President under my proposal would be to permit selective strikes. Unless the President finds that the national health and safety would be imperiled, the unions would be free to strike selected carriers, subject to certain limitations. To avoid imposing severe economic hardships on a region or regions of the country, the number of carriers or groups of such carriers that may be currently struck is limited in my bill to two in each region. In addition, the total revenue-ton miles carried by the srtuck carriers in each region cannot exceed 20 percent of the regional total. If, however, only one carrier is struck in any one region, the revenue ton-mile limitation is not applicable in that region. A further limitation is placed on the selective strikes in that, if such a strike is judged to jeopardize the national health or safety because of the curtailment of essential goods and services, the Secretary of Transportation is empowered to order the unions to perform those vital services.

If the selective strike yields a settlement, all other carriers are to be offered the opportunity of signing an identical contract. Should any carrier reject the settlement, the employees affected by the dispute may selectively strike that carrier, subject, of course, to the above mentioned limitations. In this manner, my proposal eliminates the practice of "whipsawing" and assures an equitable settlement for all concerned parties.

A second alternative for the President to follow would be the invoking of final offer selection. Each concerned party would be required to submit one sealed final offer and one sealed alternative to an impartial panel, which would have 30 days to select the most reasonable offer. The panel would not be able to alter the final offers in any way, and the one selected would be final and binding on all parties. The objective here is to induce the parties to present their best offers, and to avoid the tendency to maximize their differences which compulsory arbitration so often encourages. Final offer selection, as proposed by the administration, holds the promise of providing a new and highly effective impetus to real collective bargaining. It also provides the most equitable way yet proposed to protect the public welfare while resolving important national disputes.

The third course of action would allow the President to call for an additional 30-day cooling-off period. During this time, the parties would continue their collective bargaining efforts with mediation. This alternative provides the President with time and flexibility, should last-minute collective bargaining negotiations need a few more hours or days before producing acceptable agreements.

My proposal provides the President with what I consider to be the best of the current and proposed mechanisms to handle emergency rail and air disputes; selective strikes, final offer selection, and a 30-day cooling-off period. If the President did not feel the mechanism he selected was accomplishing the desired results after a reasonable period of time, he would be free to use another of the mechanisms. For example, the President might find that he could permit selective strikes, but could then reverse that action if it became apparent that the public interest was being substantially harmed. Alternatively, he might decide that a 30-day cooling-off period would bring the parties together. If that failed, he would then have the option of requiring final offer selection.

In any case, because the President would always have the option if necessary of invoking final offer selection regardless of what his previous actions had been, Congress would never face the need for emergency legislation. The introduction of my bill offers the House Interstate and Foreign Commerce Committee and this Congress a compromise. I believe that through this compromise will come a solution to 11th-hour emergency rail strike legislation. By combining those mechanisms that I consider to be the most effective and most equitable for settling emergency rail disputes, my proposal will serve the best interests not only of this Congress but also the entire Nation.

The proposed bill follows:

H.R. 8385

A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Railway Labor Act (45 U.S.C. 160) is amended to read as follows:

"EMERGENCY PROCEDURES

"SEC. 10. If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this Act and should, in the judgment of the Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Mediation Board shall notify the President, who may thereupon, in his discretion, invoke the procedures provided in title III of this Act by notification to the parties concerned and to the National Mediation Board. Upon such notification by the President, and for sixty days thereafter, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.".

SEC. 2. The Railway Labor Act is amended by adding at the end thereof the following new title:

"TITLE III

"SEC. 301. Upon notification by the President of the invocation of the procedures of this title as provided in section 10 of this Act, the National Mediation Board shall, within 30 days, recommend to the President specific actions under this title which it deems most appropriate to the settlement of the dispute and the protection of the public interest. Such recommendations shall not be made public, nor shall they be disclosed in whole or in part to the parties concerned in the dispute. During subsequent proceedings under this title, the National Mediation Board shall, at any time it deems desirable or at the request of the President, submit additional procedural recommendations to the President for his consideration. Such additional recommendations shall not be made public nor disclosed in any way to the parties concerned in the dispute. No recommendations made under this section shall be binding on the President.

"SEC. 302. During the sixty-day period provided in section 10 of title I of this Act, the President may, in his discretion, create a board to investigate and report respecting such dispute. The report of the board shall include substantive recommendations for agreements between the parties to the dispute. The President shall transmit such recommendations to the parties, and may make such recommendations public if he so desires. Such board shall be composed of such number of persons as the President may deem desirable. No member of the board shall be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of the members of any such board shall be fixed by the President. Such board shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President within the sixty-day period referred to in section 70 of title I of this Act. There is authorized to be appropriated such sums as may be necessary for the expenses of such board, including the compensation and the necessary traveling expenses and expenses actually incurred for subsistence, of the members of the board. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

"SEC. 303. If, at the end of the sixty-day period referred to in section 10 of title I of this Act, no agreement has been reached by the parties to the dispute, and if the President finds that the dispute threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, he shall proceed under the provisions of sections 305, 306 or 307 of this title. Until final agreement to the dispute is reached, the President shall continue to proceed under these sections in such sequence as he may deem appropriate, except that he shall proceed initially under the provisions of section 306 unless he finds that the national health and safety would thereby be immediately imperiled.

"SEC. 304. The provisions of sections 305, 306 and 307 of this title shall apply immediately upon the President's announcement in each instance. However, if the provisions of either section 305 or 307 are selected by the President while any selective strikes are in progress under section 306, those strikes shall be terminated within two days after such selection, and the provisions of section 305 or 307 will apply immediately following such two day period.

"ADDITIONAL COOLING-OFF PERIOD

"SEC. 305. If the President elects to proceed under the provisions of this section, he shall direct the parties to the controversy to refrain for a period of not more than thirty days from making any changes, except by agreement, in the terms and conditions of employment which were in effect at the time of the President's notification invoking the provisions of title III of this Act. During such period the parties shall continue to bargain collectively, and the National Mediation Board shall continue to mediate the dispute.

"SELECTIVE STRIKES

"SEC. 306. (a) If the President elects to proceed under the provisions of this section, the employees affected by the dispute may, after notice of not less than 10 days to the carriers concerned, selectively strike, subject to the limitations and obligations of partial operation imposed by subsection (b) of this section, any of the carriers or carrier systems to whom such proposal was directed without concurrently striking other carriers to whom such proposal was also directed and who may have been jointly or concurrently involved with the struck carrier or carriers in the previous handling of the dispute under this Act. For the purposes of this section a strike shall be a 'selective' strike if not more than two such carriers or groups of such carriers operating in a system in any one of the eastern, the western, or the southeastern regions are concurrently struck and the aggregate revenue ton miles transported by all such carriers in any one region who are concurrently struck did not in the preceding calendar year exceed 20 per centum of the total revenue ton miles transported by all carriers in such region in such year. If only one carrier is struck in any one region, the revenue ton mile limitation shall not apply in that region. The eastern, the western, and the southeastern regions as used in this subsection mean, respectively, the carriers represented by the Eastern, Western, and the Southeastern Carriers' Conference Committees and any other carriers operating in the territories in which such carriers respectively operate.

"(b) Whenever a selective strike or a strike of any combination of carriers occurs, such carrier or carriers and representative or representatives of the employees on strike shall provide service and transportation for such persons and commodities as may be directed by the Secretary of Transportation pursuant to the provisions of this subsection. Such service and transportation shall be provided pursuant to the rates of pay, rules and working conditions of existing agreements. The Secretary of Transportation, after consultation with the Secretary of Defense and the Secretary of Labor, shall determine the extent to which services and transportation of any struck carrier or carriers are essential to the national health or safety, including but not necessarily limited to, transportation of all defense materials, coal for the generation of electricity, and the continued operation of passenger trains, including commuter service. Such determination shall be made on the basis of facts known to the Department of Transportation, shall be made in writing, shall be based on the findings of facts stated in the determination, and shall be conclusive unless shown to be arbitrary or capricious.

"(c) Whenever the President has proceeded under the provisions of this section, it shall be unlawful for any carrier to lock out any craft or class of its employees, or any segment of any such class or craft, or in any manner to diminish its transportation service in consequence of any dispute subject to this section unless such carrier is caused to diminish such service by a strike of all or some portion of its employees, and then only as permitted by applicable agreements and in accordance with the notice and other provisions of such agreements.

"(d) In any dispute subject to the provisions of this section, any agreements affecting rates of pay, rules, or working conditions between the employees or their representatives and any carriers which have been struck under this section shall be immediately offered jointly, without change, to all carriers who have been jointly or concurrently involved in the previous handling of the dispute under this Act. If all such carriers do not, within ten days after any such offer, jointly accept such agreements without change, the agreements shall be then offered, individually, to each such carrier. If any such carrier does not, within ten days after having received such individual offer, individually accept such agreements without change, the employees affected by the dispute may selectively strike such carrier, subject to the limitations specified in subsection (a) of this section.

"(e) In the event that separate disputes within a single industry are simultaneously subject to this section, the limitations provided in subsection (a) and subsection (b) of this section shall apply jointly to all selective strikes within that industry.

"FINAL OFFER SELECTION

"SEC. 307. (a) If the President elects to proceed under the provisions of this section, he shall direct each party to submit a sealed final offer to the Secretary of Labor within five days. Each party may at the same time submit one alternative sealed final offer. If any party refuses to submit a final offer, the last offer made by such party during previous bargaining shall be deemed that party's final offer, and shall be prepared, sealed and submitted to the Secretary by the National Mediation Board. Any offer submitted by a party pursuant to this section must resolve all the issues involved in the dispute.

"(b) The parties may, within ten days after the President has proceeded under the provisions of this section, select a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall select the panel.

"(c) The provisions of section 302 of title III of this Act shall apply to the panel.

"(d) The panel shall immediately upon its selection, conduct an informal hearing in which it may direct either party or the Government to provide any relevant information regarding the dispute or the factors referred to in subsection (e) of this section.

"(e) Thirty days after the selection of the panel, if no complete agreement has been reached by the parties, the Secretary shall transmit to the panel the sealed final offers, and the panel shall select within five days, the most reasonable, in its judgment, of those final offers. The party which submitted the final offer selected by the panel shall not be identified by the panel, and the remaining final offers shall not be disclosed in any way, and shall be returned to the parties. The panel may take into acocunt the following factors:

"(1) past collective bargaining contracts between the parties including the bargaining that led up to such contracts;

"(2) comparison of wages, hours and conditions of employment of the employees involved, with wages, hours and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

"(3) comparison of wages, hours and conditions of employment as reflected in industries in general, and in the same or similar industry;

"(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

"(5) the public interest, and any other factors normally considered in the determination of wages, hours and conditions of employment.

(f) The panel shall not compromise nor alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in the particular dispute, including offers of settlement not contained in the final offers.

"(g) During the period commencing when the President has proceeded under the provisions of this section, the parties are directed to undertake collective bargaining in good faith under the auspices of the National Mediation Board. If, before the panel has announced its selection of a final offer, any complete agreement is reached concerning the issues under dispute, notwithstanding the final offers submitted in accordance with this section, then the provisions of this section no longer apply, the final offers will be returned to the parties without being disclosed in any way, and the agreements reached will be considered final and binding.

"(h) From the time the President proceeds under the provisions of this section, until the panel selects the final offer it judges most reasonable or until agreement is reached between the parties under subsection (g), no changes shall be made in the terms and conditions of employment which were in effect at the time of the President's notification invoking the provisions of title III of this Act.

YEAR-AROUND SHIPPING SEASON ON THE GREAT LAKES

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 10 minutes.

Mr. RUPPE. Mr. Speaker, for generations, shippers and economists with an interest in the Midwest have dreamed of shipping year around in the Great Lakes. Now, after years of study and significant advances in technology, the prospect of a 12-month shipping season on the Great Lakes is approaching reality.

A major step in realizing this goal was the demonstration project launched by Government and private industry to extend the Great Lakes navigation season from 8 months to 10 months during the winter of 1970–71. The project, by all indications, was a great success. Now, the budget for the 1971–72 demonstration shipping project is well under discussion.

President Nixon has requested $300,000 for the project. The Michigan Chamber of Commerce has called for a Federal expenditure of $1,500,000. The Michigan chamber request is fully backed by our distinguished colleague, the Honorable JOHN BLATNIK, of Minnesota, chairman of the Committee on Public Works. Representative BLATNIK has, in fact, set the demonstration program capability for succeeding fiscal years 1972–74 at $6,535,000. Once the feasibility study is complete, and if the program is deemed desirable, we will then need to consider relatively large Federal outlays for ice control systems, icebreakers, channel, and harbor improvements, winter navigation aids, lock improvements, and more. I have seen no estimate on what the total cost is expected to be, but we can be sure it will be in the scores of millions.

Thus, before we plunge headlong into a commitment that is irrevocable, the time is here to take a long, practical look at the 1971–72 project. If, in our enthusiasm for year-round navigation, we fail to raise the critical questions this year, we may never again have the opportunity. I want today to raise some of those basic underlying questions that I do not feel have been properly explored to date. I strongly feel that those questions must become a part of the 1971–72 demonstration project. I do not want these remarks in any way to be construed as opposition to the extended shipping concept. They are not.

Just about 1 year ago, Henry Benford, chairman of the department of naval architecture at the University of Michigan, raised the kinds of questions I am talking about in a paper entitled "Winter Navigation in the Baltic—Lesson for the Great Lakes?" Wrote Benford:

> Most of us would agree that the problem is not whether we should extend the season, but how. There are political factors, managerial factors, ecological factors, and technological factors that must be integrated if we are to do the job in the most effective way. How much of the cost should be borne by the government and how much by the shipowners? Is 12-month operation truly feasible, or would some shorter period be more beneficial? Can we divert ice jams to

areas clear of shipping channels? Many such problems remain to be studied. Some can be solved through research; others will require full-scale development.

The problems, though formidable, are not insurmountable and the rewards are great. What the approach will be remains to be seen.

While 1 year of practical experience has given us a better grasp of some of the technological problems, most of the questions posed by Professor Benford remain unanswered. I would like to discuss briefly some of those unanswered questions.

First, let us look at the question of the cost to the taxpayer and his return on the investment. As I have already suggested there is no doubt that the cost to the taxpayer of extended shipping will be enormous. The Coast Guard, the Maritime Administration, the Weather Bureau, and other agencies of the Department of Commerce and Transportation presently do not have the capability to support 12 months of shipping on the Great Lakes. A great deal of technology and equipment will have to be made available before year-round shipping is a reality. A complicated system for dissemination of information on ice movement and formation will have to be established—although considerable progress is being made in that direction. Construction of additional Coast Guard icebreaking ships may be necessary. Beyond that, the initial and continuing costs of planning and management, environmental control agency coordina- To my knowledge, no estimates of permanent costs beyond 1976 have been attempted. Only with such an estimate can we begin to realistically compare overall costs to overall benefits.

As the costs will be great, so can the benefits be great—nationally, statewide, and to communities on the Great Lakes. Harry R. Hall, president of the Michigan Chamber of Commerce, has estimated that the region of impact incorporates 12 States, three Canadian provinces, and has a population of 60.5 million. That region, according to Hall, accounts for 34 percent of the United States and Canadian national product, and he states that the economic impact of 12-month shipping would run into the billions.

There is little doubt in my mind that extended shipping could have a dramatic effect in the State of Michigan. Today, the cheapest method of transporting cargo out of Michigan is along the St. Lawrence Seaway. Yet, only 9 percent of Michigan's exports move along the seaway. The reason, of course, is seasonal shipping. Most manufacturers simply are not geared to move their products for 10 months by one method, and then shift to another system for 2 months, and back again to the first system. If the St. Lawrence Seaway were available on a 12-month basis, surely there are many who would turn to this efficient and reasonable method of transportation. Harry Hall estimates the extended shipping would add 30,000 jobs to the Michigan payroll and $345 million to the State's economy.

While benefits to local communities along the seaway and on the Great Lakes are difficult to quantify, I feel certain that year-around shipping will have a positive impact. If 12-month shipping is to become a reality, then each community in the affected area would need to evaluate its potential. By way of example, let us take the community of Sault Ste. Marie, Mich.

As a potential plant location, Sault Ste. Marie has several advantages. Close to sources of raw material, located on a major world waterway, with unspoiled environment and friendly people, the area is attractive to the industrial decisionmaker. That is, until he carefully considers the transportation factors. Large-scale manufacturing cannot contend economically with seasonal shipping changes, expecially in places like Sault Ste. Marie which are distant from major markets. The addition of year-around shipping, and, in the Soo's case a deep water port, could offset those disadvantages and give great impetus to industrial expansion in that community.

Thus, the benefits or potential benefits to the local communities and to the public in general appear to be a great, even in relation to the enormous taxpayer cost involved. However, that taxpayer cost must also be considered in relation to the benefits derived by the private sector.

The taxpayers are being asked to pay for a project whose principal private beneficiary will be the U.S. steel industry. Year-round shipping of iron ore from the mines of Michigan and Minnesota to the mills of Cleveland and Pittsburgh will reap tremendous cost savings. We must ask what part, if any, of the cost of this project the steel industry should bear in relation to those savings. Most of the benefits to the steel industry in turn benefit the public, for more efficient operations can improve the competitive posture of our domestic industry with foreign producers. The resulting expansion is in tune with Government efforts to stimulate the economy of the northern Great Lakes area.

While my tentative conclusion is that there is sufficient national interest to justify a sizable public expenditure for extended shipping, I would like to see a determination made as to whether or not the private sector should make a contribution toward those costs.

For example, should the taxpayers or the steel companies bear the expense for the research and development of vessels that will have proper hull thickness and increased power to withstand tons of ice and nonbuoy navigation? Indeed, should private ships, in fact, be icebreakers in and of themselves, cutting down on the need for assistance from Coast Guard icebreakers? Should companies pay a fee for assistance from icebreakers, as is done in Finland? These are but a few of the serious questions involved.

Mr. Speaker, among all the major questions of costs and benefits, there are some which, though seemingly parochial, must, nevertheless, be fully answered before year-round shipping can be made to work on a permanent basis.

Considerable thought has been given to the environmental factors involved in this project. Nevertheless, it is my intention to see that the problem of shoreline damage as a result of continued icebreaking, especially in the narrower channels of the Great Lakes system, is fully resolved. Shore erosion is difficult to prevent, but shoreline property is more difficult to replace. Hundreds of miles of shoreline could be affected by continued icebreaking. Inadequate controls could result in serious erosion problems and legal battles could further complicate the program.

Perhaps even more parochial, but no less important, is the problem of maintaining safe and adequate transportation to the inhabited islands in the Great Lakes. Five such islands exist in my district. Historically, natural ice bridges have been the means of winter access to mainland schools, markets, and hospitals. Existing ferries do not now have icebreaking capabilities, and year-round, open-land shipping will completely isolate those islands for several months of the year.

It is my belief that, if the public expenditure for year-round shipping is justifiable, then so also is the expenditure to provide safe, adequate, year-round transportation to these inhabited islands.

In conclusion, I want it made crystal clear that I vigorously support extended shipping. I believe it is technically possible, and economically desirable. But there are a lot of hard questions—avoided to date—that must now be confronted. First, the human and environmental questions must be absolutely resolved; and, second, the questions concerning the relationship between the public and private sectors in this endeavor must be carefully and completely explored. With those answers, I believe we can proceed with confidence into a new transportation era for the entire midwestern portion of the United States.

CLEAR PERSPECTIVE ON VIETNAM WAR

The **SPEAKER** pro tempore (Mr. CABELL). Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 10 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, during the past few weeks our Nation's Capital has been the scene of a traumatic series of events—an emotional outpouring of frustration and opposition toward the Vietnam war. While we are justified in being weary of this conflict which has cast its dark shadow over a decade of American involvement, we should not allow our emotions to destroy our objectivity in viewing the facts as they really are. We should try to pause long enough to regain a clear perspective and realize that the Vietnam war is at long last coming to an end.

There are those who are demanding a definite pullout date—some say by December 31, 1971; a few even want us out by tomorrow. But in terms of sheer logistics, I am advised that an orderly withdrawal would take at least 9 months—and that any date earlier than that would be less than realistic. When President Nixon assumed office he promised to end American involvement in the Vietnam war. He is a practical man. He knows that the American people are going to hold him accountable. He has said repeatedly that he expects to be held accountable. Certainly he is not so naive to think that the American people are going to go to the polls on election day in November and grant him a second term if he has not achieved this one central and crucial goal of his first term. Further, he knows that he cannot wait to make good on his troop withdrawal commitments. He knows that he cannot pull out the troops on Monday and be elected on Tuesday.

The President has been criticized vehemently for refusing to set a publicly announced troop withdrawal deadline. But is such an announcement in our best interests? I believe the President is correct in stating that such a declaration would only serve the purposes of the enemy—and for the reasons he has outlined:

First. We would be throwing away our principal bargaining counter to win the release of our POW's;

Second. We would be removing the enemy's incentive to end the war sooner by negotiation; and

Third. We would be giving the enemy the exact information needed to marshall attacks against our remaining forces at their most vulnerable time.

I share the view that by refusing to accommodate Hanoi—that by keeping them guessing and off balance—we maintain a certain advantage that accrues to the remaining American forces in Vietnam and to the South Vietnamese who must ultimately be responsible for their own defense.

The critics want us out by December 31, 1971. But when you think about it, I suggest that a date not much later than that has been forced on the President by the election laws of several of our States. Commonsense dictates that if the President expects to be reelected in November he will have to end the fighting months before that. So, from a practical point of view, what we are really talking about is a question of perhaps 3 or 4 months—for our involvement must be substantially phased out by the spring or summer of 1972.

Why is this so? Because of the primary elections throughout the country. In fact, the President will make his accounting well before November. In at least 18 different instances the people will pass their judgment in early to mid-1972.

To the people of New Hampshire, President Nixon will be held accountable on March 14.

He must answer to the voters of Illinois on March 21.

His record will be on the line in Wisconsin on April 4.

The citizens of Rhode Island shall pass judgment on April 11.

Across the Nation, again and again, the American people will speak:

April 25 in Massachusetts and Pennsylvania;

May 2 in the District of Columbia, Indiana, Ohio, and North Carolina;

May 9 in Nebraska and West Virginia;

May 16 in Maryland;

May 23 in Oregon; and

June 6 in California, New Jersey, New Mexico, and South Dakota.

So while the President has not stated a definite withdrawal date on national television, at the Paris Conference, or on the front porch of the White House, I am confident that he has fixed that date in his own mind and is proceeding accordingly.

It should be realized then, that at most we are talking about the difference of perhaps 3 or 4 months between the deadline set by critics and what has been dictated by practical factors that cannot be ignored. It should be repeated that, notwithstanding grave pressures and a level of criticism and personal villification experienced by few Presidents, throughout this ordeal President Nixon has kept his word to the American people. The troops are coming home—down already from 540,000 in early 1969 to 267,000 today. Our casualties are down sharply and declining each month; draft calls have been reduced dramatically; and the cost to the Nation in money and resources has been reduced to approximately a third of its level of just 2 years ago.

It should be remembered that President Nixon did not start the Vietnam war. But his record to date shows that he is bringing it to an end. The President has kept and is keeping his promises, and he deserves our support, as well as the flexibility of this limited time, as he strives to end this devastating conflict.

GOVERNMENT PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

SOCIAL SECURITY FOR THE BLIND

Mr. HOGAN. Mr. Speaker, one of the greatest handicaps that occurs to man is to be sightless in a sighted world. The world as we know it is oriented to those who can see. The vast majority of our institutions and our laws assume that man has visual perception. As a result, the sightless are, in many ways, occupational and social outcasts. However, in spite of the fact that the world around them is oriented to the sighted, thousands of blind people go about the daily tasks of living and earning with a courage that we must admire.

The special problems of the blind are something that those of us who have sight can only imagine. We can, though, recognize these problems and do what we can to ameliorate them. In recognition of these special problems a number of us in this House and in the Senate have sponsored over the years legislation to provide social security disability benefits to the blind under special rules. Under the legislation that I have introduced in the 92d Congress, H.R. 1356, blind people would be able to qualify for full social security disability benefits with as little as 1½ years of work under social security. Moreover, these benefits would be payable as long as the blind person lives and would be payable regardless of whether he works or is able to work.

Legislation of this type has had a particularly favorable history in the other body. Last year a provision to do this was included in the Senate-passed social security bill, H.R. 17550, which was passed in that body too late in the session for a conference. And, although the legislation was not enacted last year, it has been reintroduced there again this year and is sponsored by 68 Senators.

This legislation is needed because the blind have difficulty in getting work and in working long enough to qualify for social security under the present rules which call for at least 5 years of work out of the last 10. In addition, even when a blind person is fortunate enough to get work, he has special expenses which a sighted person does not have. He must have someone to read instructions and notices to him. He must have someone drive him to work. In short, he must have someone who can act as his eyes. The blind will tell you that in order to have dependable eyes, in order to have the eyes available when they are needed, they must be purchased. To get around, the blind person must hire someone to see for him. Therefore, it seems appropriate to provide special rules for paying social security disability benefits to blind people in order that they may have a regular source of income that they can count on to help meet the high cost of day-to-day living.

Mr. Speaker, I am proud to have introduced H.R. 1356, to be one of a number of people who recognize that the present social security rules do not make adequate provision for paying disability benefits to the blind. I would hope that we could have early action on this legislation so that the House could send it to the Senate this year rather than wait for the Senate to attach it to some other bill and then send it back to us.

CONQUEST OF CANCER

Mr. Speaker, we are well aware that the most dreaded of all medical diseases is cancer. Most of us have known or witnessed the personal tragedy which can be caused by this disease which directly strikes one in four in our country. This year alone, cancer is expected to claim the lives of over 330,000 Americans. The time has come for this Nation to make the conquest of cancer our No. 1 concern.

Just recently, I received a letter from a constituent, Mrs. Albert J. Wallace of New Carrollton, Md., which I would like to share with Members of the House:

> DEAR CONGRESSMAN HOGAN: Several years ago when you were running for Congress, our son Robert walked many a mile in New Carrollton carrying campaign literature and stood hour after hour on election day holding Hogan signs.
>
> In November, 1970, at 9½ years old, he died of cancer. He lived 10 months after we discovered he had cancer—10 months of indescribable agony.

Needless to say we strongly urge you to support cancer legislation because we know the heartbreak of it and that none of us are immune.

Sincerely,

MARY A. WALLACE.

Mr. Speaker, I rise today to indicate my wholehearted support for a commitment to the conquest of cancer. Because of my concern, I have cosponsored House Concurrent Resolution 27, a resolution which would express the sense of Congress regarding our commitment to find a cure for this terrible scourge. Passage of the resolution would not only indicate our desire to authorize a much-needed increase in funding—an increase from the $230,383,000 appropriated in fiscal year 1971 to an annual $650,000,000 for the next 10 years—but it would also call for the establishment of an independent National Cancer Authority to plan and implement a coordinated attack on cancer. Such an agency—when provided with the proper funding—would be able to mobilize the Nation's most talented manpower and to draw upon our vast base of scientific knowledge about cancer to find a cure for the disease which annually brings misery to the homes of 975,000 Americans.

Escalation of our efforts to control and cure cancer cannot wait. We owe it to ourselves and to the people of our Nation to amplify the hope generated by our successful research efforts in the past few years by committing ourselves to the elimination of this disease. Our support of House Concurrent Resolution 27 would indicate our desire to do this within the decade.

COUNTING OVERTIME PAY AND NIGHT DIFFERENTIALS FOR FEDERAL RETIREMENT

Mr. Speaker, a basic principle of Government retirement programs is that they provide a retirement benefit that is a specified part of the worker's preretirement earnings. It has, however, come to my notice that this basic concept is not being followed in all cases with regard to Federal employees. I am referring specifically to the failure to include overtime and night differential payments in the computation of the high-3 average earnings, which is the basis for the monthly annuity that is paid to Government retirees. This failure has a serious effect on the annuities of those people who work regularly at night or who are required to work overtime for extended periods.

It seems to me to be axiomatic that if the idea behind retirement payments is to pay a given worker say, 40 percent, or 50 percent, or whatever percent of his preretirement earnings, then all of his earnings should be counted and not just a part of them.

This omission strikes at the retirement pay of Federal employees in the lower grade levels and in the services and crafts who, because of their generally low salaries, need every possible advantage in computing their retirement income. Unlike their higher paid bosses, who do not get overtime and who generally do not work regularly at night, they have little or no margin in their full salaries to take up a reduction in take-home pay when they retire. In fact, in many cases, these people have taken these jobs only because of the additional pay for night or overtime work which provides a livable salary. While these people are active employees they are compensated for the amount of work they do and for the time at which they do it. Night differentials and overtime are used in addition to regular salary to determine their standards of living and maintenance of the preretirement standard of living is one of the basic purposes of retirement programs. Thus, if we expect retired Federal employees to be able to maintain their standards of living in retirement, we must base their retirement annuities on their full pay rather than on just a part of it.

To correct this inequitable treatment, I have introduced in the 92d Congress a bill, H.R. 1351, which will authorize inclusion of overtime and night differential pay in the total earnings upon which Federal annuity will be based. I urge the Members to give this legislation their attention and support.

AEC HAS NOT PROVED ITS CASE TO KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 10 minutes.

Mr. SKUBITZ. Mr. Speaker, the Joint Committee on Atomic Energy and the House Appropriations Committee will shortly be considering a request from the Atomic Energy Commission for an authorization and appropriation to fund a nuclear-waste depository in my State of Kansas.

The budget proposal is for an initial $3.5 million to buy some abandoned salt mines and an authorization of some $25 million to complete the project. The entire proposal has raised considerable controversy in Kansas. There is great fear of the dangers of burying hot, highly lethal atomic wastes that are to remain deadly for all living things for 50,000 years to a half million years, depending on the kind of waste.

All the scientific evidence thus far adduced and published questions whether the waste can be safely buried now. A number of scientific agencies, including two Federal agencies, the U.S. Department of the Interior and most recently the Environmental Protection Agency, were asked to study the project by the Atomic Energy Commission. Without exception both agreed with the Kansas Geological Survey that further intensive research in a number of fields is essential before atomic waste can be safely interred.

The problem has perhaps been best stated by Dr. William Hambleton, director of the Kansas Geological Survey, in a letter to Chairman JOHN PASTORE of the Joint Committee, when he said the Atomic Energy Commission believes that any and all problems can be engineered or designed out of the project while they go ahead with burial; the Kansas Geological Survey and Governor Docking of Kansas hold that safety should be designed and engineered into the project before it is undertaken. In short, the AEC wants to use the project and Kansas people as guinea pigs. It comes down to this: If the AEC is correct, all that will have been lost is time. But if the Governor and the scientific community is correct, Kansas and its people will have to live with AEC's mistake for a half million years.

Dr. Hambleton explains that—

> All scientists and engineers external to the Atomic Energy Commission and Oak Ridge National Laboratory who have reviewed the project concur with this view of the Kansas Geological Survey.

He is speaking now of a conference of some 40 scientists from all over the Nation who convened at the University of Kansas on April 5 and 6 to discuss problems of atomic waste disposal.

Mr. Speaker, the Governor of Kansas, Robert Docking, has formally advised Chairman PASTORE in letters dated March 19 and April 28 of this year that he is opposed to funding the project at this time. I ask unanimous consent that the text of both letters be made a part of this statement. I should like to quote a brief extract from Governor Docking's latest letter. He says:

> When the AEC first announced its intention to establish a repository in Kansas, I said unless recognized authorities could prove without question the safety of the project, I would not hesitate to use all powers of the governorship to oppose it. At this time, I am not satisfied that all questions have been answered. I am concerned that if funds are approved by your committee to continue this project, then we will be unable to halt it if problems are encountered.
>
> Again, as Governor, personally and on behalf of all Kansans, I respectfully request that my original recommendation that funding of the project be deferred until the project's safety is assured, be approved by you and the members of your committee.

Governor Docking has, of course, put his finger on the issue that worries all Kansans. It is simply that if the AEC is given the funds to acquire the land, it will be too late to stop; in the vernacular of the West, "Katie, bar the door." And the irony is that it would be a plain waste of Federal money to purchase the land now; the AEC has carried on experimental work under a lease arrangement with the landowners for a number of years at nominal cost. This procedure can be continued while research goes on.

Chairman PASTORE has also received letters from Dr. Hambleton and from Dr. John C. Halepaska, director of Hydrologic Studies, both at the University of Kansas. These letters make abundantly clear the critical scientific answers that are yet to be obtained before dangerous atomic wastes may be buried in proximity to people living nearby, or indeed wherever the wastes will be transported, which means throughout the eastern one-fourth of the United States. I ask that the letters from the two scientists, together with the names and identifications of the 40 scientists who attended the specially called nuclear waste disposal conference be printed at this point in my remarks:

Office of the Governor,
Topeka, Kans., March 19, 1971.
Hon. John Pastore,
Chairman, Joint Congressional Committee on Atomic Energy, New Senate Office Building, Washington, D.C.

Dear Senator Pastore: Concern is mounting among Kansans that the federal government will proceed with a proposed atomic waste repository near Lyons, Kansas, before scientific tests are completed to determine the safety of the proposed repository. It is the conviction of scientists in Kansas, including Dr. William W. Hambleton, director, Kansas Geological Survey—and my deep, personal conviction—that the Atomic Energy Commission has not acted with sufficient concern for determining the safety of the proposed repository project prior to initiating plans for site acquisition and construction of the facilities.

When the AEC first announced its intention to establish the repository in Kansas, I said that unless recognized authorities could prove without question the safety of the project, I would not hesitate to use all powers of the governorship to oppose it. At this time there are numerous questions regarding safety of the project; these questions have not been answered. Furthermore, I am distressed that the AEC has made few attempts to adequately answer our questions. I believe the AEC has allowed the potential economic aspects of the repository facility to outweigh Kansans' concern than the project be safe for our citizens and our children.

For these reasons I urge the Joint Congressional Committee on Atomic Energy to defer funding of the proposed project at Lyons until adequate study and evaluation of these questions and concerns have been completed. Kansans are concerned—and with justification—that if funds are approved by your committee to continue this project, then we will be unable to halt it if problems are encountered.

As Governor, personally and on behalf of all Kansans, I respectfully request that my recommendation that funding of the project be deferred until safety of the project is assured be given serious consideration by you and the members of your committee.

Mother joins me in sending our every good wish to you and Mrs. Pastore.

Yours sincerely,
Robert Docking,
Governor of Kansas.

Office of The Governor,
Topeka, Kans., April 28,1971.
Hon. John Pastore,
Chairman, Joint Congressional Committee on Atomic Energy, New Senate Office Building, Washington, D.C.

Dear Senator Pastore: On March 19, 1971, I wrote to you to express my personal reservations—and the reservations of a great many Kansans—concerning the Atomic Energy Commission's plans to establish an atomic waste repository near Lyons, Kansas. This letter is prompted because I believe the members of the Joint Congressional Committee on Atomic Energy Commission should understand I do not want this repository in Kansas until a majority of Kansas scientists and citizens are satisfied it will be safe. At this time I am not satisfied it will be safe—and neither are a majority of Kansas scientists and citizens.

Although, since I have contacted you about this matter the AEC has been more receptive to at least hearing the views of those of us in Kansas, I resent the high-handedness of some AEC officials in their "steamroller" approach to moving ahead with plans for the repository at Lyons.

When the AEC first announced its intention to establish the repository in Kansas, I said unless recognized authorities could prove without question the safety of the project, I would not hesitate to use all powers of the governorship to oppose it. At this time, I am not satisfied that all questions have been answered. I am concerned that if funds are approved by your committee to continue this project, then we will be unable to halt it if problems are encountered.

Again, as Governor, personally and on behalf of all Kansans, I respectfully request that my original recommendation that funding of the project be deferred until the project's safety is assured be approved by you and the members of your committee.

With every good wish.

Yours sincerely,
Robert Docking,
Governor of Kansas.

Kansas Geological Survey,
Lawrence, Kans., April 26, 1971.
Senator John O. Pastore,
Chairman, Joint Committee on Atomic Energy, New Senate Office Building, Washington, D.C.

Dear Senator Pastore: I take this opportunity to write after reading the complete testimony before the Congressional Joint Committee on Atomic Energy, March 16–17, 1971, on the proposed radioactive-waste disposal site at Lyons, Kansas.

It may be of interest to you and your colleagues that the Kansas Survey convened a meeting of Oak Ridge National Laboratory personnel and other scientists on the 4th and 5th of April. This meeting was called specifically to allow Oak Ridge personnel to present their latest heat-flow and stress-strain models to a scientifically oriented, reasonably prepared audience. In an attempt to obtain an independent assessment, the Kansas Geological Survey, at its own expense, brought in five university and industry scientists, who are engaged in studies of rock mechanics, heat flow and numerical techniques. The following statements summarize briefly their findings:

(1) Oak Ridge National Laboratory personnel demonstrated expertise in three-dimensional, heat-flow calculations.

(2) After *10* years of study Oak Ridge National Laboratory personnel do *not* have real rock data; namely, heat conductivity, specific heat and density as a function of temperature. Consequently true heat flow studies of the Lyons site cannot be made!

(3) Oak Ridge National Laboratory personnel did not demonstrate "state of the art" capability for fully-coupled, heat-flow, stress-strain studies. Questions concerning the integrity of the site *cannot* be realistically answered!

(4) After 10 years Oak Ridge National Laboratory personnel do *not* have stress-strain data as a function of temperature on the shale bodies, or salt containing impurities such as shale and anhydrite. To assume that the entire system of rocks acts plastically is extremely simplistic!

In addition many other questions were posed, such as short- and long-term effects of heating the shale layers, geochemistry of shale layers, and lack of contingency plans.

For the first time staff of the Atomic Energy Commission and Oak Ridge National Laboratories agreed to lay out a program of study concerning this project, along with checkpoints for review and evaluation. Hopefully we can see in full detail what is being studied, priorities, level of effort and funding.

Every possible "state of the art" simulation should be run on this project. Once necessary data are available and "state of the art" simulations performed, then, and only then, can an assessment of safety be made. We have a vessel designed by nature in a geologic framework, and for this reason a purely engineering approach just won't suffice!

Last but not least, enclosed is a list of the attendees at the April 4 and 5 meeting. Should you desire to see a complete transcript of the April 4 and 5 meeting, I shall be glad to provide it.

Respectfully yours,
John C. Halepaska,
Research Associate and Director of Hydrologic Studies.

Kansas Geological Survey,
Lawrence, Kans., April 26, 1971.
Senator John O. Pastore,
Chairman, Joint Committee on Atomic Energy, New Senate Office Building, Washington, D.C.

Dear Senator Pastore: As you will recall, I appeared before the Joint Committee on Atomic Energy on March 16, 1971, in order to present testimony and deliver a statement from Governor Robert Docking of Kansas. Your courtesy, thoughtfulness, and good humor, as Chairman of the Joint Committee, relieved an otherwise difficult session, and I am most grateful.

The accompanying letter to you from my colleague, Dr. John C. Halepaska, is transmitted with my full concurrence and approval. Dr. Halepaska's letter serves to emphasize a basic philosophical difference between the Atomic Energy Commission and the Kansas Geological Survey. The Atomic Energy Commission judges that it has adequate information for proceeding with the radioactive-waste disposal project at Lyons, Kansas, and that any and all problems can be engineered or designed *out* of this "demonstration" project if and when they appear. The Kansas Geological Survey holds to the view that safety should be designed and engineered *into* the project before it is undertaken. All scientists and engineers external to the Atomic Energy Commission and Oak Ridge National Laboratory, who have reviewed this project concur with the view of the Kansas Geological Survey, as Dr. Halepaska's letter reveals.

Again, I thank you most warmly for your unfailing courtesy during the hearing.

Cordial regards,
William W. Hambleton,
Director.

Waste Disposal Conference April 5 and 6, 1971

Gerald Allen, Kansas State Department of Health, State Office Building, Topeka, Kansas 66612.

Ernest Angino, Associate Director, Kansas Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Chuck Bayne, Kansas Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Gale Billings, Department of Geosciences, New Mexico School of Mines and Technology, Socorro, New Mexico 87801.

J. O. Blomeke, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Al Boch, Salt Vault Project Director, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

George Campbell, Kansas State Department of Health, State Office Building, Topeka, Kansas 66612.

Dick Cheverton, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Stirling Colgate, President, New Mexico School of Mines and Technology, Socorro, New Mexico, 87801.

Bill Diamond, Department of Geology, University of Rochester, Rochester, New York 14627.

Pat Doherty, U.S. Geological Survey, Water Resources Division, Menlo Park, California 94025.

Dan Donohue, Division of Waste and Scrap Management, Mail Station G-117, Atomic Energy Commission, Washington, D.C. 20545.

Gisela Drescheff, c/o Ed Zeller, Department of Physics, University of Kansas, Lawrence, Kansas 66044.

Russell Duff, Applied Nuclear Division, System Science and Software, LaJolla, California 92037.

Bob Friauf, Department of Physics, University of Kansas, Lawrence, Kansas 66044.

Don Ferguson, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Paul F. Gnirk, South Dakota School of Mines and Technology, Rapid City, South Dakota 57701.

Ed Goebel, Kansas State Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Owen Gormley, Division of Reactor Development and Technology, Mail Station F-309, Atomic Energy Commission, Washington, D.C. 20545.

Don Green, Department of Petroleum and Chemical Engineering, University of Kansas, Lawrence, Kansas 66044.

John Halepaska, Kansas State Geological Survey, University of Kansas, Lawrence Kansas 66044.

Bill Hambleton, Director, Kansas State Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Merle Hanson, Department of Geoscience, New Mexico School of Mines and Technology, Socorro, New Mexico 87801.

Bill Hartman, Kansas State Geological Survey, University of Kansas, Lawrence Kansas 66044.

Bill Hess, Kansas State Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Bruce Latta, Kansas State Department of Health, State Office Building, Topeka, Kansas 66612.

Bill McClain, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Don Metzger, Office of Radiohydrology, U.S. Geological Survey, Water Resources Division, Washington, D.C. 20242.

Bill Parison, Montana College of Science and Technology, Butte, Montana 59701.

Floyd Preston, Department of Petroleum and Chemical Engineering, University of Kansas, Lawrence, Kansas 66044.

Ray Richardson, Division of Waste and Scrap Management, Mail Station G-117, Atomic Energy Commission, Washington, D.C. 20545.

Bob Schneider, Chief, Office of Radiohydrology, U.S. Geological Survey, Water Resources Division, Washington, D.C. 20242.

Ed Sonder, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Doyle Turner, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee, 37830.

Bob Will, Kansas State Department of Health, State Office Building, Topeka, Kansas 66612.

Paul Willhite, Department of Chemical and Petroleum Engineering, University of Kansas, Lawrence, Kansas 66044.

Harold Yarger, Kansas State Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Ed Zeller, Department of Physics, University of Kansas, Lawrence, Kansas 66044.

RACE PARANOIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, medical science unhesitatingly announces as a matter of fact that traits such as color blindness and mental disorders are hereditary. None of the individuals affected are heard to complain or protest. The liberal community is silent.

Yet, Dr. William B. Shockley, a Stanford University professor and a Nobel Prize-winning physicist, submits to the National Academy of Sciences the question:

> Are Negroes—and perhaps certain other races—genetically deprived and therefore less intelligent than whites?

He comes under vicious protest and attack for daring to challenge science to probe the myth and superstition of universal equality.

Intelligence, beauty, and probably even aptitude are traced to genetics. And no problem is ever encountered in discriminating by members of one group among the members of the same group. For example, what reaction except for discomfort or disappointment can an individual express when told by members of his group that he is not so handsome as the majority, or that he is unable to perform a job as well as other members of his group because of lack of physical prowess?

Yet, when a member of one group applies the same standards to members of another group, he is held subject to attack by emotional trigger words and the entire comparison is undermined by impugning the motives of the one seeking the comparison.

Notably, our social justice laws ignore the individual and are designed to treat a group or class. Yet, whenever the group or class comes under the scrutiny of other groups or classes, the excuse offered for subexcellence is always the example of some outstanding individual used to defend the group. For example, everyone knows a highly intelligent or artistic Negro, and any scrutiny of the Negro race as a group raises cries of protest that a serious reflection is being cast on the outstanding individual. Why should any individual be responsible for the group of which he is a member?

All should be thankful that the wheel was discovered before science surrendered to public opinion, fears, and taboos. Truth has become as a stranger in today's upside-down world.

Today's scorn of Professor Shockley may tomorrow prove him out as a courageous pioneer in the age-old struggle to solve society's problems by truth rather than by political expediency and emotional rationalizations.

I insert several clippings and a magazine story:

[From the Washington Evening Star, May 8, 1971]

Color Blindness Linked To Heredity, Mental Ills

(By Judith Randal)

The accidental discovery that color-blindness and manic-depressive illness may run in the same family has convinced a St. Louis psychiatrist the mental disorder is hereditary and that the genes for both traits are located on the same chromosome.

The finding, described by Dr. George Winokur of Washington University in St. Louis, is important to doctors seeking the right drug for the psychosis.

It would also be important for preventive psychiatry since it could make it possible to predict who is most likely to become ill.

Experts estimate that 3 to 6 percent of the population—between 6 and 12 million Americans—suffer recurrently from manic-depressive illness. About a third of these are subject to both extremes of mood.

It is this "bi-polar" psychosis which is apparently linked to the Winokur gene.

THE X-CHROMOSOME

In an interview here yesterday at the 124th annual meeting of the American Psychiatric Association, Winokur said color-blindness is a trait that is transmitted by the X-chromosome, the chromosome that determines sex.

Winokur's theory is that the gene for bipolar manic-depressive psychosis travels on the same chromosome.

Winokur said, however, that not all families subject to color-blindness are also subject to the psychosis and vice-versa.

He said he had been studying the records of two large families in which many members were manic-depressive. He noted in the records that many members of the families were also color blind, which suggested to him that the X-chromosome is the logical location for the manic-depression gene.

Statistical changes of this being invalid are one in 4,000, he said. Unlike most harmful genes, which are recessive, this gene apparently is dominant.

AROUND AGE 40

Winokur said women who inherit the psychotic gene tend to become severely depressed by age 40. Men with the gene, in the same age range, often become alcoholics or sociopaths.

Psychiatrists seeking an accurate diagnosis should pay attention to the patient's age at the time the illness appears and to the behavior of his or her parents and other relatives. Winokur said.

Psychiatrists are excited by the findings because they are discovering that patients whose illnesses fit the Winokur description tend to improve on a drug called lithium carbonate. By contrast, patients whose symptoms are similar but whose life histories are different sometimes do better on other treatment.

[From the Evening Star, May 1, 1971]

Intelligence and Race

It is, generally speaking, prudent for the layman to avoid a scientific argument with a noted scientist. But there are exceptions, and the Shockley thesis of the inherent mental superiority of the white race is one of them.

Dr. Philip Shockley, a Nobel laureate and the inventor of the transistor, has tried for five years to convince the National Academy of Sciences to undertake studies to prove his theory that white Americans are, on the average, gifted with a intellect that is superior to that of black Americans. The academy has now firmly—and wisely—rejected the idea.

The decision is a wise one for two reasons. First, Dr. Shockley's personal conviction of white intellectual superiority is based on dubious evidence. Second, there is no way to determine the truth or falsity of their thesis.

In a paper prepared for the academy's annual meeting—but never delivered—the doctor offered some new data to support his pet theory. Army records, he said, "show that Negroes in Georgia have . . . an IQ of about 80 compared to . . . 90 for California. California Negroes have twice as high a percentage of their genes from white ancestors as do Georgia Negroes." Therefore, Dr. Shockley reasons, white blood means higher intelligence.

It will not do to write Dr. Shockley off as a racist. Indeed, he uses some statistical extrapolation to conclude that with the addition of about 30 to 40 percent Caucasian genes to Negro populations, blacks "might match or even exceed the whites." It is only reasonable, then, to assume that his interest is purely scientific. It is his reasoning, not his emotion, that is off the track.

Dr. Shockley views the Army statistics and draws one possible conclusion from them. And in so doing, he displays an intellectual tunnel vision produced, one must assume, by his life-long dedication to the physical disciplines. The number of white genes is the most precisely measurable component in the human equation under study. But it is not the only factor. Nor is it, surely, the most important factor.

California blacks may be whiter than their Georgia counterparts. But are they identical in all other respects? Is their economic status the same? Are they similarly motivated, educated, assimilated into the local society?

They are not.

No test yet devised can filter out the impact of cultural and environmental influences to isolate the single component of inherent mental capacity. The history of the misnamed Intelligence Quotient test shows that immigrants from culturally deprived backgrounds have consistently scored poorly, and that test scores rise with assimilation and economic improvement.

What Dr. Shockley asks—a test of his theory of black mental inferiority—is difficult if not impossible. In addition, such an undertaking would be the rough equivalent of striking a match to light one's way through a munitions dump. Any evidence of white superiority, however tainted, would be seized upon by white racists as proof of their twisted convictions and by black militants as confirmation of their paranoid suspicions of this society's latent genocidal leanings.

The most reasonable course is to accept the fact that some human properties defy precise measurement; that among these immeasurables is the mystery of human intelligence, and that, for the foreseeable future, men should proceed on the assumption that the limits of individual capability cannot be presumed on the basis of race or color.

[From the Washington Evening Star, May 5, 1971]

Galileo Galled at Dr. Shockley's Shocker?

(By Smith Hempstone)

Question: When is scientific inquiry into a question of obviously profound significance impossible? Answer: When the fact of such an inquiry may be misconstrued by laymen, and its possible results might be unpalatable to a sizable and volatile minority.

That at least seemed to be the answer given to the question last week by, of all people, an estimated 80 percent of 350 members of the National Academy of Sciences here for the 108th annual meeting of the organization.

What the academy did was to accept the recommendation of its own eight-member ad hoc Committee on Genetic Factors in Human Performance that the study of racial differences is "a proper and socially relevant scientific subject" and then to reject two additional proposals which would have involved taking action on that hypothesis.

To explain: Dr. William B. Shockley, a member of the academy, has long held the view, repugnant to most Americans and to this one, that there is a demonstrable difference between the intelligence quotients (IQs) of whites and blacks, that the basic reason for this is genetic rather than environmental and that, among blacks, those with more white genes score higher than those with fewer.

Now Shockley did not earn his doctorate at Bob Jones (would you believe M.I.T.?) and he is not an instructor at some obscure college (he is a Stanford University physicist). To the best of this observer's knowledge, he has no record of political activity with the squirrely Right: If he had such a record, I'm sure the industrious reporters of the New York Times would have exposed it.

Shockley is a Nobel Prize winner, the inventor of the transistor and the author of such inflammatory political tracts as "Electrons and Holes in Semiconductors."

His work has been concentrated in the fields of energy bands of solids, ferromagnetic domains, plastic properties of metals, the theory of grain boundaries and disorder in alloys; he holds 50 U.S. patents.

After voting down the proposals of the ad hoc committee (of which Shockley was not a member) to work with federal agencies on the "possible educational implications of human behavioral genetics" and to establish "a body of distinguished scientists" to conduct further inquiry into a possible link between genetics and intelligence, one academy member, according to the Baltimore Sun, dismissed Shockley's theories as "a bunch of crap."

And that they may be. Indeed, one earnestly hopes, for everyone's sake, that they are. But that is hardly the way to disprove them. The Declaration of Independence, which holds that "all men are created equal," has a beautiful ring to it; but the moment it becomes a substitute for scientific inquiry, we are back to the monkey trial days.

One obvious objection to an inquiry based on IQ scores is that many people believe that such tests discriminate against minority groups with an inadequate understanding of English and a history of other cultural deprivations. Unquestionably there is much in that. But because an IQ test is an imperfect instrument, does that mean it should be discarded or that a search should not be made for better ways and fairer methods to evaluate that quality which we call intelligence?

Indeed, the whole question may have a certain relevance to the National Academy of Sciences itself. Its president, Dr. Philip Handler, maintains that the 950-member body has "no other criteria" for membership than scientific achievement. Yet only one of its members is black. Is the academy racist, are its measurements of "scientific achievement," like IQ tests, false or has black achievement in this field been slight? It would be interesting to know.

Galileo would have had a wry laugh about the whole affair. He, you may remember, spent nearly a decade under Inquisition house arrest because he insisted on supporting the ridiculous (and, in those days, equally unpalatable) Copernican theory that the earth revolved around the sun, not the sun around the earth.

It is doubtful if Shockley will be treated so harshly. But if last week's performance by the academy was both politically expedient and socially acceptable to almost all Americans, it is less sure that the cause of truth was well served.

Is Intelligence Racial?

For years the controversy had simmered along, often behind the scenes, making headlines only when one set or another of the various protagonists had a new study to report. The reason for the reticence was always that the question is not only a cruel one, but also one to which there is for the moment no answer at all. The question is: are Negroes (and perhaps certain other races) genetically deprived and therefore less intelligent than whites?

Last week in Washington, the debate over (1) whether the question is a valid one and (2) whether to set about trying to find an answer if it is, came to a head of sorts before the prestigious National Academy of Sciences. What pushed the argument back into the headlines again was mainly the work of Dr. William Shockley, Stanford's controversial Nobel Prize-winning physicist, who believes that blacks have been genetically shortchanged in intelligence. The London-born, California-educated Shockley, 61, who has no training as a geneticist himself, has long urged the NAS to study the relative influences of heredity and environment on human intelligence, and has been zealous indeed in pressing his views. Shockley's views happen to parallel in some important respects those of Berkeley's Arthur Jensen (Newsweek, March 31; June 2, 1969), an equally controversial scientist but also a respected educational psychologist. Together the pair have been constant thorns in the academy's decidedly thin skin for a long time.

At the first, the NAS ignored Shockley's exhortations. But then two years ago, it appointed a special committee on genetic factors in human performance. Last week the committee turned in its report. The report termed the study of human racial differences "a proper and socially relevant scientific subject"; it went on to recommend that the academy set up a working group of scientists to study the feasibility of a long-term research program on the interaction of genetic and environmental factors in human performance.

When Shockley first read the committee's report, he was jubilant. In a letter to a Charleston, S.C., newspaperman he described it as "an enormous stride toward the scientific objectivity that I have contended is vitally necessary in diagnosing our nation's human quality problems." But then a few days later, when the committee's report came up for acceptance by the NAS membership, Shockley's victory was effectively snatched from his grasp. What the membership did was accept the proposition that the study of human racial differences is a relevant one, but it rejected the recommendations urging the NAS to get to work on such studies. "What the academy has done," Shockley said, "is to turn around at last to face the problem—but it has not taken the first step down the path toward understanding."

For their part, most NAS members feel that their decision on the special committee's report probably took things far enough, at least for the moment. But outside the formal sessions, the debated waxed vigorously. Newsweek correspondent Henry Simmons, who covered the meeting, filed this report of the forces and opinions at work both during and after the regular sessions:

Perhaps what troubled the special committee most from the outset was the certain knowledge that public interest in their area of inquiry seems inevitably to focus on the racial implications. Many members on and off the committee feel this results first in an emotional stand against scientific study of the question by blacks, who fear that their struggle for equality might be blunted if the views of Shockley and Jensen were to gain some kind of scientific respectability; and second, in equally intense pressures in favor of such research by those who think that important racial differences may exist—and that they are being assumed away in the absence of study.

Throughout their report, the committee members emphasized that any work in so complex and relatively uncharted fields as race, heredity and environment must perforce be slow and tedious. This is partly because of the 28-year human generation span, partly because of the built-in limitations on experimentation that can be conducted with humans, and partly because behavioral traits are obviously conditioned by the interaction of many genes. But for all these difficulties, the committee concluded that, in the absence of information, public policy in education and other areas "may rest on false assumptions that lead to the poor use of human potentialities."

MENTAL

Predictably, Shockley himself wasted no opportunity in or out of the sessions, to press his case. In a formal paper, he advanced several more lines of argument in support of his major point, based for the most part on the Army's preinduction mental tests, which is that the U.S. black population is less intelligent by 15 IQ points than the white. To many scientists, the validity of these tests has long been the subject of bitter dispute because they were regarded as essentially unscientific themselves. The gravamen of the charge against the IQ tests is that they were designed in the first place for the white middle class, and that they make no allowance for the cultural, nutritional and emotional deprivation that is the lot of so many blacks

What Shockley sought to do in last week's paper, was relate the results of the Army's IQ testing to some work carried out in Black Africa by geneticist T. E. Reed and first reported in the magazine Science two years ago. Reed's studies, Shockley said, indicated that certain genes distinctive to whites are found only in trace amounts of less than 1 per cent in present-day African populations, but show up much more frequently in blood tests of U.S. blacks. Among the Gullah-speaking Negroes of the South, for instance, the occurrence of these white genes stands at approximately 5 per cent; in two rural Georgia counties it is 11 per cent; while for some Oakland, Calif., blacks it is 22 per cent. Essentially, what Shockley was trying to prove with his own and Reed's work is that Negroes are more intelligent in direct proportion to the amount of white genes they carry. "The trend shown by all the recruiting districts for both Negro and non-Negro inductees," Shockley said, "suggests that the average IQ of Negro populations increases by about 1 IQ point for each 1 per cent of added Caucasian genes—and might match or even exceed the whites at 30 or 40 per cent." The average percentage of these genes found in the white population in the course of the studies, Shockley added, is 43 per cent.

DISPARITY

Outside the formal sessions, Shockley pressed what he sees as the long-term social and demographic implications of his studies, a view he expressed at Rice University last autumn and presented again to newsmen last week. Excerpts: "If the difficulty of the black minority is a basic difference in the genetic potential for developing the capacities needed to approach parity in a modern technological society, and if this disparity is indeed becoming worse in each generation . . . then the failure to attempt to diagnose is . . . a profound moral irresponsibility.

"Diagnosis will, I believe, confirm that our nobly intended welfare programs are promoting dysgenics—retrogressive evolution through the disproportionate reproduction of the genetically disadvantaged. This probably occurs for whites as well as blacks, but is so much more severe for blacks that it constitutes a form of genetic enslavement . . . if those Negroes with the fewest Caucasian genes are in fact the most prolific and also the least intelligent, then genetic enslavement will be the destiny of their next generation. The consequences may be extremes of racism and agony for both blacks and whites."

Specifically, Shockley reckons that the U.S. black population has lost 5 IQ points relative to whites since 1918 because of the progressive reduction in its Caucasian gene component. He projects that the fraction of the U.S. black population suffering mental retardation for genetic reasons "may well be doubling in about twenty years." "One way of putting this," he said, "is that by good intentions we may unwittingly be breeding Deltas—in the fashion of Huxley's 'Brave New World.' We may be breeding problem creators in greater percentage than problem solvers."

How does Shockley propose to halt the dysgenic evolution he postulates? One plan he thinks might be fruitfully discussed is the payment of Federal cash bonuses to intellectually substandard blacks and whites who agree not to have children. He also favors the establishment of special educational and social programs geared to substandard individuals of both races.

What motivates Shockley, a specialist in transistors, is a puzzle to many of his colleagues, who find themselves bemused that a Nobel Prize-winning physicist should late in life turn with such extraordinary zeal to the new subject of genetics. One question that arises, therefore, is whether Shockley may be moved by some inner psychic drive, essentially racist in expression. Some of his critics feel this likely; others say simply that Shockley is a sincerely dedicated scientist who has made the mistake, not an uncommon one, of trying to take the stringent disciplines of mathematics and physics and bring them to bear on the relatively amorphous field of heredity and environment as well as the new and largely uncharted study of genetics. And some scientists, notably Berkeley's Jensen, support him.

Shockley deplores any suggestion that his motivations might be racists. Both he and Jensen adamantly insist, for instance, that all ranges of intelligence may be found in both blacks and whites, and that they do not intend any suggestion of exclusivity in intelligence. Shockley, for example, is fond of telling his audience that according to his research, blacks may be generally inferior in intelligence to whites, but that he feels there is also a reasonable possibility that Orientals, notably the Chinese and Japanese, may eventually be proven the intellectual superiors of whites.

Last week, a dozen Howard University students were on hand to hear Shockley read his latest paper—and to pepper him with questions, some freighted with emotion, others calm, deliberate and incisive. The Howard group included two distinguished black scientists, Dr. Harold E. Finley, a professor of zoology, and physics professor Warren E. Henry. Earlier, Finley and Henry, along with four other colleagues, had written a letter to the academy expressing grave concern at the prospect of the kind of racial studies proposed by the special committee and urged that any such undertaking be governed by strictly established scientific criteria.

KNACK

To many of those who heard the Howard contingent question Shockley, the conclusion seemed to be that while he is a brilliant statistical analyst, he is notably weak in a number of important respects. Thus not only did he seem to be somewhat unsure of just what IQ tests really do measure, but there was also a suggestion that he is taking IQ tests as an ironclad indicator of absolute intelligence—which even the tests' most vigorous supporters insist they are not. Then there was the fact that in studying the IQ differentials of black subpopulations, Shockley seemed to display a knack for picking precisely that group which, because of marginal diet, cultural deprivation and linguistic shortcomings, could be expected to score low on IQ tests even if intelligence were entirely environmental in determination, with no hereditary input at all.

Interestingly enough, some of the same scientists who have grave doubts about the validity of Shockley's thesis look much more favorably on Jensen's work. "You have to regard the Jensen position as established," said Caltech biologist Dr. James F. Bonner. "There is a genetic basis for intelligence." "Nobody denies that," Howard University psychologist Dr. James Bayton replied, "but you have to be very careful when you try to extend individual characteristics to all members of a diverse group."

On balance, it seems likely that Shockley is over his head in certain areas. But he seems a conscientious and well-intentioned man, whatever the use less-well-disposed persons may make of his hypotheses. Thus a reasonable judgment would seem to be that even if his arguments tend to make qualified sociologists, psychologists and geneticists wince, they demand more organized attention than the academy currently seems willing to give them. The academy, in short, has simply failed to confront directly a hypothesis, which, however tenuous, will go on ticking away, a potential social hydrogen bomb, until it is finally disposed of.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Mary McLeod Bethune, a daughter of former Negro slaves, was born in Mayesville, S.C., in 1875. In 1904 she founded Daytona Normal and Industrial Institute which merged in 1923 with Cookman Institute to form Cookman College. She was the recipient of numerous awards.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Foley (at the request of Mr. Boggs), for Thursday, May 13, Monday, May 17, Tuesday, May 18, and Wednesday, May 19, on account of official business.

Mr. Randall, for Monday, Tuesday, Wednesday, Thursday, May 17, 18, 19, and 20, 1971, on account of official business, three commencement addresses and as a member of American Canadian Parliamentary delegation to Ottawa, Canada.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Robinson of Virginia) to revise and extend their remarks, and to include extraneous matter:)

Mr. Ruppe, on May 13, for 10 minutes.

Mr. Chamberlain, today, for 10 minutes.

Mr. Hogan, today, for 30 minutes.

Mr. Skubitz, today, for 10 minutes.

Mr. Morse, today, for 5 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Rarick (at the request of Mr. Boggs) today, for 15 minutes, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Randall in two instances.

Mr. Madden.

Mr. Hosmer in two instances and to include extraneous matter.

(The following Members (at the request of Mr. Robinson of Virginia) and to include extraneous matter:)

Mr. Burke of Florida.
Mr. McClory.
Mr. Snyder.
Mr. Cederberg in two instances
Mr. Whalen.
Mr. Schwengel.
Mr. Hunt.
Mr. Miller of Ohio.
Mr. Baker.

(The following Members (at the request of Mr. Boggs), and to include extraneous matter:)

Mr. Rees in two instances.
Mr. Dow.
Mr. Rooney of New York.
Mr. Aspin.
Mr. Symington in two instances.
Mr. Fascell.
Mr. Harrington in two instances.
Mr. Baring.
Mr. Gonzalez in three instances.
Mr. Johnson of California.
Mr. Rarick in three instances.
Mr. Edwards of California.
Mr. Evans of Colorado in three instances.
Mr. Hungate in two instances.
Mr. Dingell in two instances.
Mr. Evins of Tennessee in two instances.
Mr. Ryan in three instances.
Mr. Jacobs.
Mr. Waldie.
Mr. Foley.
Mrs. Abzug.

ADJOURNMENT

Mrs. SULLIVAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, May 17, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

712. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize emergency loan guarantees to major business enterprises; to the Committee on Banking and Currency.

713. A letter from the Commissioner of the District of Columbia, transmitting the annual report of the District of Columbia Unemployment Compensation Board for 1970, pursuant to section 313(c) of title 46 of the District of Columbia Code; to the Committee on the District of Columbia.

714. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota; to the Committee on Interior and Insular Affairs.

715. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

716. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on contracts negotiated by NASA under 10 U.S.C. 2304(a) (11) and (16) during the 6 months ended December 31, 1970, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

Received From the Comptroller General

717. A letter from the Comptroller General of the United States, transmitting a report that the highway program administered by the Appalachian Regional Commission has shown limited progress toward increasing accessibility to and through Appalachia; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 2587. A bill to establish the National Advisory Committee on the Oceans and Atmosphere (Rept. No. 92–201). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 5060. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; with an amendment (Rept. No. 92–202). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 56. A bill to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system; with an amendment (Rept. No. 92–203). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 8370. A bill to amend the Internal Revenue Code of 1954 to impose a retailers excise tax on certain nonreturnable bottles and cans, and to provide that the collections of such tax shall be paid over to the municipalities in which such bottles or cans were sold; to the Committee on Ways and Means.

By Mr. BADILLO:

H.R. 8371. A bill to amend the National Security Act of 1947 to specify certain activities in which the Central Intelligence Agency may not engage; to the Committee on Armed Services.

By Mr. BADILLO (for himself, Mr. Price of Illinois, Mr. Eckhardt, Mr. Mazzoli, and Mr. Seiberling):

H.R. 8372. A bill to amend the Second Liberty Bond Act to authorize the United States to borrow $20 billion to make intergovernmental advances during the next 2 fiscal years to States and local governments, and for other purposes; to the Committee on Ways and Means.

By Mr. BERGLAND (for himself, Mr. Abourezk, Mr. Denholm, Mr. Fraser, Mr. Link, Mr. Melcher, Mr. Sisk, and Mr. Zwach):

H.R. 8373. A bill to permit the Secretary of Agriculture to make payments to producers for crops of oats, and for other purposes; to the Committee on Agriculture.

By Mr. BINGHAM (for himself, Mr. Morse, Mr. Corman, Mr. Rangel, Mr. Harrington, Mr. Collins of Illinois, Mr. Aspin, Mr. Danielson, Mr. Fraser, and Mr. Vander Jagt):

H.R. 8374. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 8375. A bill to provide for the regulation of the practices of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 8376. A bill to authorize the reduction of the salaries of teachers and school officers in the public schools of the District of Columbia for the purpose of purchasing annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code, and for other purposes; to the Committee on the District of Columbia.

H.R. 8377. A bill to authorize the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. EDWARDS of Alabama:

H.R. 8378. A bill to assist school districts reduce crime against children, employees, and facilities in the elementary and secondary schools by providing financial assistance for the development and implementation of locally approved school security plans; to the Committee on Education and Labor.

H.R. 8379. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. FOLEY:

H.R. 8380. A bill to provide public financing of certain campaign costs incurred in campaigns for election to Federal office, to insure full public disclosure of campaign finances, and to regulate unfair campaign practices; to the Committee on House Administration.

H.R. 8381. A bill to authorize the purchase, sale, and exchange of certain lands on the Kalispell Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 8382. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 8383. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to add an additional title to provide for motor vehicle safety collision standards; to the Committee on Interstate and Foreign Commerce.

H.R. 8384. A bill to improve the extended unemployment compensation program; to the Committee on Ways and Means.

By Mr. HARVEY:

H.R. 8385. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia (for himself, Mr. Anderson of California, Mr. Ashley, Mr. Burke of Massachusetts, Mr. Corman, Mr. McCloskey, Mr. Peyser, Mr. Ryan, Mr. Stokes, and Mr. Whalen):

H.R. 8386. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HORTON (for himself, Mr. Abourezk, Mr. Addabbo, Mr. Boland, Mr. Conte, Mr. Edwards of California, Mr. Esch, Mrs. Grasso, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Leggett, Mr. McCloskey, Mr. Mazzoli, Mr. Mosher, Mr. Pike, Mr. Robison of New York, Mr. Rosenthal, and Mr. Scheuer):

H.R. 8387. A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

By Mr. KOCH (for himself and Mr. Carey of New York):

H.R. 8388. A bill to provide for the treatment of members of the Armed Forces who are narcotics addicts; to the Committee on Armed Services.

H.R. 8389. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities; to the Committee on the Judiciary.

H.R. 8390. A bill to amend the Social Security Act to provide that Federal welfare payments may be made with respect to an individual who qualifies therefor on the basis of drug-caused disability or incapacity only if such individual is undergoing appropriate treatment; to the Committee on Ways and Means.

By Mr. McCLOSKEY:

H.R. 8391. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McMILLAN (for himself and Mr. Cabell) (by request):

H.R. 8392. A bill to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MOORHEAD:

H.R. 8393. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings; to the Committee on Banking and Currency.

By Mr. MURPHY of New York:

H.R. 8394. A bill to amend the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. PERKINS (for himself, Mr. Thompson of New Jersey, Mr. Quie, Mr. Dent, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Brademas, Mr. O'Hara, Mr. Reid of New York, Mr. William D. Ford, Mr. Scheuer, Mr. Meeds, Mr. Dellenback, Mr. Esch, Mr. Steiger of Wisconsin, Mrs. Chisholm, Mr. Biaggi, Mr. Hansen of Idaho, Mrs. Grasso, Mr. Forsythe, Mrs. Hicks of Massachusetts, Mr. Veysey, Mr. Mazzoli, and Mr. Kemp):

H.R. 8395. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services and for vocational evaluation and work adjustment, to authorize grants for rehabilitation services to those with sensory disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 8396. A bill to amend section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to make States and units of local government liable for deprivations of constitutional rights by officers employed by them: to the Committee on the Judiciary.

By Mr. SISK (for himself, Mr. Anderson of Illinois, Mr. Bergland, Mr. Byron, Mr. Clark, Mr. Dennis, Mr. Findley, Mr. Fish, Mr. Frelinghuysen, Mr. Garmatz, Mr. Goodling, Mr. Hansen of Idaho, Mr. Harsha, Mr. Hathaway, Mr. Hogan, Mr. King, Mr. Kyl, Mr. Landgrebe, Mr. Leggett, Mr. Lujan, Mr. McCormack, Mr. McDade, Mr. McFall, Mr. McMillan, and Mr. Mathis of Georgia):

H.R. 8397. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SISK (for himself, Mr. Mayne, Mr. Michel, Mr. Miller of California, Mr. Nix, Mr. Pepper, Mr. Railsback, Mr. Rarick, Mr. Sandman, Mr. Schwengel, Mr. Sebelius, Mr. Shriver, Mr. Stratton, Mr. Stubblefield, Mr. Teague of California, Mr. Thomson of Wisconsin, Mr. Ullman, Mr. Vigorito, Mr. Wyatt, Mr. Yatron, Mr. Zwach, Mr. Jones of Tennessee, Mr. Kyros, Mr. Stafford, and Mr. Pirnie):

H.R. 8398. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SISK (for himself, Mr. Dellenback, Mr. Eshleman, Mr. Thone, Mr. Widnall, Mr. Hunt, and Mr. Whalley):

H.R. 8399. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SCHNEEBELI:

H. Con. Res. 302. Concurrent resolution to declare a national policy on the stabilization of the purchasing power of the dollar; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

171. By Mr. BARING of Nevada: Memorial of the Senate and Assembly of the State of Nevada, jointly; that the legislature of the State of Nevada memorializes the Congress of the United States to complete construction of the Lahontan Federal Fish Hatchery in the State of Nevada, to turn operation and management of the project over to the State of Nevada through its properly designated bureau or department, and to fund such operation and management by the designated bureau or department of the State; to the Committee on Merchant Marine and Fisheries.

172. By the SPEAKER: Memorial of the Legislature of the State of Vermont, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

173. Also, memorial of the Legislature of the State of Nevada, relative to completion of the Lahontan Federal Fish Hatchery; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WAGGONNER introduced a bill (H.R. 8400) for the relief of Lennie LeBlanc, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE MIG-23 FOXBAT FIGHTER, A DISTURBING DEVELOPMENT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. WHALEN. Mr. Speaker, the authoritative Aviation Week & Space Technology magazine recently published an article—April 19, 1971—dealing with the interceptor version of the Mig-23 Foxbat fighter, now being furnished to Egypt.

I was disturbed to note the very high performance capability of the aircraft, particularly the Mach 3.2 speed plus the ability to operate at altitudes well above 60,000 feet. My concern relates specifically to how the Foxbat compares with the F-14/F-15 fighters we currently are bringing just to prototype stage.

I have been assured by military officials that both of our new fighters will be able to hold their own below 40,000 feet with Foxbat. I take that assurance with some reservation. But the question I believe is more to the point is "What about altitudes above 40,000 feet?" Are we relinquishing that portion of the airspace, in hypothetical combat, for the Foxbat to roam at will?

Are we, in fact, committing ourselves to build new aircraft whose specifications are less than those of Foxbat?

The F-4 will require a replacement in the years ahead. But if that replacement is inferior to what the Soviets already possess, are we justified in building it?

The state of the art should be pushed to provide us with a superior fighter, not merely another fighter at a cost of billions of dollars.

PAMPA STUDENTS WORK FOR POW HUMANE TREATMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. PRICE of Texas. Mr. Speaker, I would like my colleagues in the House of Representatives to know that 300 students from Pampa High School, Pampa, Tex., have each signed an individual letter written to the Communist leaders in Hanoi, urging them to provide humane treatment to American prisoners of war in North Vietnam.

Pampa, Tex., is my hometown, Mr. Speaker. Thus I take special pride in what these young people have done. They are speaking out for justice in the best traditions of our country. It is young people like these who will one day guide the destiny of this Nation, not the Rap Browns, the Stokley Carmichaels, or the Jerry Rubins.

For the benefit of the general membership, I am inserting into the Congressional Record, a copy of the letter sent by the 300 Pampa students and a list of their names. I hope this will inspire other Members of Congress who are deeply concerned about the American prisoner of war problem to initiate similar projects in their own congressional districts.

The letter and signators follow:

I am writing this letter neither as an advocate nor as an opponent of the Viet Nam War, but as an American, extremely concerned about the treatment of Americans being held prisoners of war in North Viet Nam. I feel that humane treatment of these men is a matter of grave importance.

I appeal to you to allow the men in prison to send and receive mail, release the sick and wounded, identify and acknowledge each man held prisoner for benefit of his grieved family, and allow neutral inspections of the prisons. These requests would in no way deter your aim in fighting the war, but will ultimately enhance your position amid world opinion.

I hope that this letter and others like it from concerned American citizens will help to improve conditions for our men you hold captive. My appeal is in the name of humanity.

Sincerely,

Sherry Warren, Myrna Smith, Wendy Hills, Donna McMinn, Loretta Laflin, Lori Perillaux, Teresa Heckman, Jeff Clark, Dough Hughes, Stacey Boddy, Peggy Caldwell, Julie Cree, Freddie Rockelle, David Christy, John Fhaxton.

John Darnell, David Putman, Jim Sargent, Tylor Drinnon, Jean Hawey, Debbie Aufleger, Kevin Reeves, David Heuston, Letha Watts, Stephanie Eastham, Pattie Sims, Linda Reed, Mike Fraser, Robyn Caldwell, James Carter.

Dean Putman, Shirley Nuns, Cheryl Wallace, Clay Stephens, Steve Boyd, Lea Ann Hudson, Mike Cole, Lynn Richardson, Nancy Rafferty, Roxanne Hatcher, Donna Hillman, Mary Lynne Zellars, Debbie Erwin, Diana Colby, Shonda Roye.

Melvin Rainey, Levi Friend, Gayla Rigsby, Donna Thompson, Kelly Neuman, Lisa Pettit, Kathy Dawson, Mitzi Lei McCoy, Kim Buzzard, Jan Harvey, Bobby Dougless, Tommy Washington, Richard Gibson, Becky Parker, Karen Snapp.

DiAnn Bicknell, Cindy Rogers, Allen Ebenkamp, Terry Hall, Linda Hunt, Becky Poole, Phillip Seely, Mike Blalock, Linda Pereboom, Joanie Baumgardner, Jayne McCausland, Susan Morrison, Lori Gowdy, James Hoskins, Kathy Kille.

Carla Combs, Frank D. Anderson, Pamela Welch, Robert Wood, Teddy Widdle, Jack King, Doug Ivy, Larry Harris, Dixie Douglass, Randy Robertson, Gayle McKinley, Kathy David, Tami Lynn Tibbits, Pam Soukup, Gayla Drinnan.

Jeri Bohlander, David Vannon, Susan Evans, Danny Kohler, James Miller, Gretchen Wells, Patricia Nalte, Gary Doirs, Bob Campbell, Randy Cain, Jackie Curtis, Floyd Huff, Mike Johnson, Gradene Underwood, Leanna Odell.

Linda Willis, Dana Rogers, Roy Morris, Randy Ford, Jimmy Wells, Troves Gilbert, Susan Edwards, Pam Russell, Royal Lantz, Cynthia Strube, Mike D. Enloe, Vickie Knight, Melanie Miller, Bobby Chance, Stephen Knox.

Janet Whitesell, Greg Arledge, Barry Schulz, Lee French, Beverly Moseley, Nancy Everett, David Chambless, Mike Hessel, Greg Atchley, David Waggoner, Mike Morrers, Robin Scarbrough, Sherri Laycock, Terry Morris, Roger Wilson.

Mark Williams, Charles Smith, Doug Givkan, Loree Matthews, Anita Willett, Scott Bonner, Marsha Holland, Jenny Browder, Vickie Carter, Robbi Harris, Vickie Jouett, Kayla Layka, Jimmy Stares, Kyde Terrell, Leanne Hall.

Sharon Lockhart, Mike Franklin, Jane Boyd, Kirk Bogard, Chris Stone, Mike Copeland, Ricky Pope, Mollie Jackson, Lanita Kittle, Sharon Farmer, Tom Weyandt, Ronnie Heidebrecht, Jacquelyn Kilcrease, Kathy Ellis, Darlis Matthews.

Sandra Clark, Debbie Lehnick, Selena Scoggin, Ted Brown, Mark Coulter, Leigh Ann Jeffers, Richard Kohler, Susan Lockhart, Mike Lyle, Gary Richards, Julie Tyler, Dreka Weatherly, Sonya Keen, Hilarie Stewart, David Hampton.

Sherry Vandagriff, Donna Henley, Jammy Ledbetter, Ricky Braylle, Brian Kip Watkins, Judy Lankford, Mike Shaw, Tamra Wilson, Rae Stone, Jan Gray, Ann Waldrop, Karan Hester, Deborah Welch, Kelly Emmons, Billy Edwards.

Buck Arrington, Cindy Horton, Paula Holland, Bill Douglas, Steve Gruver, David Boyd, Toni Cox, Randy Watson, Joe Phillips, Nancy Burnham, Darrell Danner, Nancy Nills, Tim Neslage, Donnie Bennett, Vondel Simmons.

Kim Hill, Melanie Arrington, Shelly Pilcher, Kathy Davis, Mike Powell, Tami Douthit, Gary Thrasher, Nova Mayo, Susie Botkin, Susan Richarson, Patti Marshall, Walter Young, Troy Hester, Tamara Rainbalt, Michelle Courtney.

Joyce Minyard, Teresa Smith, Randy Linville, Travis Swindell, Jerry Sims, Buck Buchanan, Melba Martin, James Haines, Larry E. Crouch, Steve Marrero, Vincent Di Cosimo, Richard Lane, Mark Warren, Alan Been, Terry Neslage.

Paul Ortego, Ed Tornsley, Sary Zall, Rocky Nichols, Jimmy Kell, Royanne Crossthwaite, Niki Fletcher, Joanne McCausland, Vance Graham, Joe Richardson, Roy Lenning, Debra Harris, Monte Kemph, Larry Starback, Wiley McIntire.

Frank Morrison, Irene Haesle, Russell Mitchell, Vickie Lantz, Zindi Epperson, Beverly White, Cynthia Ball, Janet Tivis, Tammy Long, Joe Winton, Brenda Been, James Gann, Mathew Edwards, Kellie Langham, Margaret Thompson.

Ronny Willett, Rick Hayes, Sharon Roberts, Sheila Kastor, Patrick Olonnor, Jimmie Kille, Jim Grady, Ron C. Darnell, Dana Chisum, Michelle Gadek, Danny McGuire, Pat Everett, Shelly Wooldridge, Lester Hillman, Mark Klepper, LaDaina Hyatt.

RESULTS OF LEGISLATIVE QUESTIONNAIRE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. QUILLEN. Mr. Speaker, shortly after the President's state of the Union message I sent a legislative questionnaire to the postal patrons in my congressional district.

The six questions included dealt entirely with the President's six proposals as outlined in his message.

The returns have been tabulated, and I think it is interesting to note that the response rate in my district was 18.2 percent—twice the normal average for the return of legislative questionnaires.

This week I am sending the results of the returns to the residents of my district in a special report from Washington.

I would like to make the results available for readers of the Record:

Reports From Washington

(By Congressman James H. Quillen)

Washington, D.C.,
May, 1971.

Dear Friends: It is my pleasure to send you the results of my 1971 legislative questionnaire in this special Report from Washington.

This year I devoted all of the questions to the six proposals President Nixon outlined in his State of the Union message to Congress and I am pleased to report that I received an excellent response.

The survey went in the mail to some 150,000 postal patrons in the First Congressional District and a total of 27,264 individuals responded—a return rate of 18.2 percent. This unusually high rate of response clearly indicates to me that the people of the First District continue to be keenly interested in the affairs of our country.

For the second consecutive year, I included on the questionnaire a "His" and "Hers" column to record the person's "Yes" or "No" vote. I received 25,129 responses from husbands and wives, 1,690 from men reporting only for themselves, and 1,445 from women reporting only for themselves.

Interestingly, there was almost no difference in the answers of husbands and wives. In fact, throughout the survey the opinions of the men and women coincided very closely on all issues.

The question receiving the highest favorable response was number six—"Do you favor new proposals to clean up the air and water, to combat noise, to preserve and restore our surroundings, and to expand the nation's parks?" The results reveal that 93.8 percent "His" and 93.5 percent "Hers" favor the plan. From the results, it appears that

President Nixon's plans to improve the ecology of our nation are receiving the support of more and more people. Last year a similar question on the environment received the approval of slightly more than 85 percent of the people.

The President's revenue-sharing plan with state and local governments involving $16 billion in Federal funds, allowing $5 billion to be spent with no strings attached was favored by 54.1 percent of the men and 51.1 percent of the women. This apparently reflects some lessening of support for revenue-sharing, as compared with last year's survey wherein 78.2 percent "His" and 77.0 percent "Hers" favored returning a percentage of Federal tax money to the states. Although this question was not overwhelmingly favored, the response does prove to me that the people believe their local and state governments face serious financial problems.

The question of whether the number of Cabinet departments should be reduced from twelve to eight was favored by 74.0 percent "His" and 72.0 percent "Hers."

Returns also show that 79.9 percent "His" and 81.2 percent "Hers" favor improved health care, including guaranteed medical care for the poor and an extra $100 million to help find a cure for cancer.

Question number two—"Do you approve of welfare reform, including a guaranteed annual income for every family with children?"—was the only one turned down by those responding, with 59.7 percent "His" and 57.9 percent "Hers" opposed to a guaranteed income proposal. However, welfare reform without a guaranteed wage was favored.

By a small majority, question number five—"Do you favor an expansionary (deficit) Federal budget this year to help stimulate the economy and decrease the rate of unemployment?'—was also favored, with a response rate of 57.8 percent "His" and 57.9 percent "Hers."

OVERALL DISTRICT RESULTS

[In percent]

	Yes		No		Undecided	
	His	Hers	His	Hers	His	Hers
1. Do you favor a revenue-sharing plan with State and local governments involving $16,000,000,000 in Federal funds, allowing $5,000,000,000 to be spent with no strings attached?	54.1	51.1	42.6	44.3	3.3	4.6
2. Do you approve of welfare reform, including a guaranteed annual income for every family with children?	33.4	35.3	59.7	57.9	6.9	6.8
3. Do you favor improved health care, including guaranteed medical care for the poor and an extra $100,000,000 to help find a cure for cancer?	79.9	81.2	17.6	16.2	2.5	2.6
4. Do you favor a reduction of the present 12 Cabinet departments to 8, leaving the Departments of State, Treasury, Defense, and Justice as they are and consolidating the others into Departments of Human Resources, Community Development, Natural Resources, and Economic Development?	74.0	72.0	20.8	19.8	5.2	8.2
5. Do you favor an expansionary (deficit) Federal budget this year to help stimulate the economy and decrease the rate of unemployment?	57.8	57.9	39.2	36.7	3.0	5.4
6. Do you favor new proposals to clean up the air and water, to combat noise, to preserve and restore our surroundings, and to expand the Nation's parks?	93.8	93.5	4.8	4.7	1.4	1.8

Please let me take this opportunity to express my sincere thanks for such a generous response to my questionnaire. I am also deeply grateful for the many hundreds of letters I received expanding and clarifying your views on the questions.

Your opinion is of great value to me in representing you.

SALVADOR RODRIGUEZ, AN OUTSTANDING AMERICAN

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. PETTIS. Mr. Speaker, I have the honor of commending to the attention of the Congress a resident of my district who has proven himself an outstanding American.

Mr. Salvador Rodriguez, who was born in Tepitlan, Jalisco, Mexico, on April 18, 1895, came to this country when he was only 20 years old. Since that time he has devoted his time and energy toward building a record of service. Mr. Rodriguez worked for the Santa Fe Railway, an important link in our heritage of transcontinental expansion. He was one of the founders of the San Bernardino Mexican Chamber of Commerce and served as its president for two terms. An active member of the Knights of Columbus in the Our Lady of Guadalupe Parish, Mr. Rodriguez was one of nine members in the San Diego diocese designated by Pope Paul VI to receive the Knighthood of St. Gregory, an honor given to lay persons for outstanding service to the community and to the church. The owner of the Mitla Cafe and in the forefront of the ranks of San Bernardino's businessmen since 1937, Mr. Rodriguez has exemplified the spirit in which our Nation was founded and which we need especially to remember in these times of confrontation—he has always remembered his Mexican heritage while proving, through his efforts to inspire civic pride and constructive action, that he is truly an American.

In Resolution No. 455, the California State Legislature voted to "commend Salvador Rodriguez for his outstanding civic and business contributions to his community and wish him success in the future." I am sure that my colleagues are proud, as am I, to have Mr. Rodriguez's achievement recorded before this assembly.

VIETNAM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

JOHN WIRTZ—MORE THAN A COACH

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Coach John Wirtz, now athletic director at St. Ignatius High School in Cleveland, was recently honored with a suprise presentation for his 30 years of service in high school athletics.

His record of championships and coaching feats are legend. Those who remember his 300 basketball victories, 150 football wins best also knew Coach Wirtz as a friend, brother, and disciplinarian. He also coached baseball, swimming and track with such success that he was voted Coach of the Year several times.

He never asked his men to do anything he could not do himself, according to friends. He taught by example. He exemplified the best qualities of those dedicated men who coach as a career.

A recent article in The Plain Dealer described some highlights of Coach Wirtz's career as follows:

MORE THAN A COACH

(By Dick Zunt)

Last night, the Knights of Columbus, West Park Council, made a surprise presentation to John Wirtz, athletic director at St. Ignatius High, honoring him for his many years of service to athletics.

It came just after Wirtz had introduced one of his stars of last fall, Ken Yantek, picked the athlete of the year by the K of C.

Wirtz previously guided Wildcat teams to great heights. He began in 1948, as an assistant to Fred George, and took over as head football and basketball coach in 1951, after George moved on to John Carroll University.

His coaching career spanned 30 years, beginning in 1940 at old Columbus St. Mary High.

Wirtz' number of championships and coaching feats are legend. He coached more than 300 basketball victories. He had half that many football victories.

In his first two varsity cage seasons, he took St. Ignatius to the state tourney finals.

He had great teams. He had great players. More than once he was voted Coach of the Year honors. He coached most sports, including baseball, track and swimming.

But, through all this he was more than a coach. He was a friend, father, brother, disciplinarian, and more.

He showed by example. He exemplified the best qualities of those dedicated men who coach as a career. His days of coaching at St. Ignatius never may be equalled.

Parents often have remarked that they were proud that their sons were coached by this outstanding gentleman.

No doubt his memories of his coaching days are many. Last fall, the St. Ignatius football team of 20 years ago, at a rally, surprised him with a token of what they thought of their former coach.

Wirtz is such a man. A rare man. Those schools which have a "John Wirtz" are the lucky ones. What he gave to his former players cannot be measured on earth.

They know that they were fortunate to have been coached by such a man. They come back to see him. They come back to see his teams. They may be busy judges or doctors, but they come back.

When Wirtz was introduced last night by Press scholastic sports editor Don Friedman, his mind probably flashed back to the many arenas and fields onto which he led teams.

He probably thought back to his college days at the University of Dayton where he was a football tackle and a baseball pitcher, and to his days of coaching championships in five sports in one school year at St. Mary.

His mind may have recalled what scholastic sports historians regard as one of the greatest coached (and played) games in local annals, even though his team lost. Although it never trailed until the final three seconds, Wirtz' smaller Wildcats lost to a taller East Tech team, 51–50, in the 1962 city championship backetball game.

Wirtz is a lieutenant colonel in the U.S. Air Force Reserves. He met his wife, Joan, in England during Warld War II. Mrs. Wirtz and three daughters, Barbara, Carol and Joan are proud of their dad.

The men he has influenced in his three decades of coaching are legion.

It doesn't seem that long ago that coach Wirtz observed that one of his business law students should pursue the field of sports. And it doesn't seem that long ago that we were coached by him. And that we were given confidence in athletic endeavors—and the chance to win a coveted varsity letter!

It was an honor last night to serve as master of ceremonies. It was an honor to have had called him "Coach." It always will be.

TEENS FIGHT POLLUTION WAR

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MIZELL. Mr. Speaker, I am very proud at this time to announce that a group of concerned teenagers in Forsyth County, N.C., a part of the Fifth Congressional District which I represent, are joining in the fight against pollution in an active, effective way.

At a time when much of the Nation's attention is focused on the bands of dissidents who speak of change with only hollow words, it is good for us to recognize young people engaged in an organized, constructive campaign to effect real change in this vital area of our national life.

The story of these young people, who have dedicated themselves to excellence in environment, is well told in a story published in the Winston-Salem Twin City Sentinel of May 7, 1971.

At this time, I include in the RECORD the text of that article, that it may serve as a reminder to my colleagues of the peaceful, constructive efforts being undertaken by the vast majority of young people all over the country.

The article follows:

TEENS FIGHT POLLUTION WAR

(By Vicki Elliott)

Forsyth teen-agers, like thousands of other young people across the United States, have taken up the fight against pollution through ecology groups.

Teens here are involved through at least four groups: Youth for a Cleaner Environment, Youth Ecology Action, the North Science Club and the Environmental Action Committee of the Forsyth County Youth Council.

MANY PROJECTS

They are engaged in a wide range of activities. They stage litter clean-up projects at schools and in the community. They have conducted paper drives, planted trees and shrubs, and conducted an antipollution program on WSJE-TV. Some are riding bicycles to school instead of driving cars to draw attention to the need to fight air pollution. They have also sold ecology buttons to publicize their campaign.

"We're trying to do something," said David Klinger, a junior at Mount Tabor High School and chairman of Youth for a Cleaner Environment (YCE).

Teens say the main stimulus for the creation of that organization was the First Environmental Teach-In held here April 22, 1970. Since then, membership in the organization has grown to approximately 40 members from Reynolds, Bishop McGuinness and Mount Tabor senior high schools, as well as Jefferson Junior High School, Forsyth County Day School and Southwest Junior High School.

The YCE is represented in the Environment Coordinating Council of Forsyth County, a countywide organization to bring together environmental groups of all ages. The group meets each Tuesday at 7:30 p.m. at Hanestown Recreation Center, and all interested teens are invited to take part.

"IT'S A VICTORY"

"I think it's a victory when there's a good number of people who realize the problem," said David. "The big thing is getting them actively involved."

In the past, YCE has staged litter drives, given citations on behalf of the Air Pollution Control Board, and investigated the recycling of paper, glass and scrap metal. The group's main project concerns the area of Silas Creek Parkway and Sherwood Forest where the city has begun dredging operations. To prevent erosion, local interested groups are planning to plant trees and vegetation.

"Our groups has maybe not been as active as we could've been," said David. "However, just staying together has been another victory."

David feels his group has been "pretty successful" in curbing public apathy. "Awareness is there," he said, "but when you join awareness with personal response, its not too good." According to David, too few people are willing to "sacrifice a few personal things" such as cars for their environment.

"It took people so long to see the problem," said Eileen Hammond, a senior at Bishop McGuinness and secretary-treasurer of YCE. Eileen has been involved in YCE since July. "If people had become involved a long time ago, then there wouldn't be a problem now."

Eileen thinks youth have a difficult time in the ecological movement:

"Because you're young, they (adults) are not as willing to help as if you were older and had a lot of prestige."

"POLLUTION CENTER"

Winston-Salem is a "pollution center," according to Cheryl Moody a senior at Mount Tabor. "I am concerned about pollution," she said. "I was interested in doing what little I could do to help."

YCE may be short-lived, however. Hanestown Recreation Center is being closed May 15.

"We will be looking for a new site possibly with the recreation department for the summer or beginning next September," said David. If a new place is not found, the group will suspend its meetings after one on May 11.

PARKLAND GROUP

Youth Ecology Action (YEA) is an organization at Parkland High School which is also affiliated with the Environmental Coordinating Committee. The club has been organized about six months and membership is open to anyone. At the present, eight members comprise YEA.

The organization has a goal, members say, to strive for a better environment, a cleaner school and campus, to make the general public aware of the problems of pollution, population, and an expanding technology without adequate controls for safeguarding the environment. Meetings are held every Thursday afternoon at the school.

President Tim Holleman believes ecological groups are necessary on the campuses "to get the idea of ecology and preservation of the environment across to present students who will be the future adults of the world."

Projects of YEA have included writing letters to North Carolina senators about pollutant dangers related to the supersonic transport plane and Bald Head Island, paper drives, and school cleanups. More paper drives are planned and, at the present, members are planting trees, supplied by the Garden Council of Winston-Salem, on the Parkland grounds. Another Earth Day may be marked sometime in May.

"Generally speaking, I do not feel today's youth are apathetic toward pollution," said Parkland sophomore David Tamer, a YEA member. "However, some tend to fail to grasp the seriousness of the pollution problem."

PROGRESS QUESTIONED

"We are going to have to realize that a growing GNP (Gross National Product) is not necessarily progress," he concluded.

Thirteen members make up the North Forsyth High School Science Club which is involved with ecology. A past project was a three-day symposium held last October entitled "Ecology Now." Members hold a school cleanup every Saturday and collect pop bottles for the refund to help raise money for a trip to Washington, D.C., this spring to visit the Science Wing of the Smithsonian Institute.

"I think ecology is everyone's problem," said Susan Flynt, a member of the club. "I think we have the potential to destroy ourselves. If we don't watch out, we just may."

The Forsyth Youth Council recently put the spotlight on pollution problems here on the council's weekly show, "Youth Spectrum," on WSJS–TV. The council has an ecology committee headed by Bill Mischler of West Forsyth High School. The ecology committee recently was instrumental in bringing attention to Earth Week by having schools here to fly ecology flags.

The council's ecology committee also is studying the possibility of staging a joint ecology march with High Point teen-agers, between Winston-Salem and High Point. The committee also is considering proposals for distribution of Ringelman charts, simple devices by which anyone can measure and report air pollution. It has also been proposed that the committee sponsor an "Earth Man," appropriately dressed, to visit elementary school classes to distribute ecology literature, aimed at parents.

STATE COORDINATOR

One of the members of Bill's committee, Mike Renfro, also of West, is head of the ecological activities coordinating committee of Youth Councils of N.C., Inc. Mike is gathering information from each of the youth councils across the state on ecological projects in each community. When this information is compiled, he will distribute copies to all youth councils as sources for ideas for projects.

STATE MEETING

Mike and Bill were members of a Forsyth delegation which recently attended a meeting of the Environmental Action Committee of Youth Councils of N.C. at Raleigh. Additionally, representatives from High Point, King, Wilmington, Monroe, Fayetteville, Asheville and Wilson youth councils took part. Some 15 attended from Winston-Salem. Lt. Gov. Pat Taylor met with them and congratulated them on the role of N.C. youth in ecology.

Among youth control projects reported at the state meeting were a cleanup drive and ecology march to March to Raleigh and sales of 4,000 ecology buttons and distribution of 15,000 ecology stickers by Fayetteville teens, a campaign by High Point teens in behalf of a proposed state law to crack down on detergents, and Winston-Salem's television show on antipollution.

THE UNREPORTED WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. SCHMITZ. Mr. Speaker, despite the fact that most newspapers and the media described the recent demonstration in Washington on April 24 as peaceful and orderly, this was far from uniformly true.

Of course, one can always be glad that a crowd of that size did not completely overthrow the Government, but this is no justification for attempting to minimize the damage and disruption which actually did take place.

It went virtually unreported, for example, that at 5:30 p.m. on the day of the first demonstration 34 U.S. park policemen and several park rangers were forced to take refuge inside the Washington Monument—and to stay there until 4 o'clock in the morning—for protection against an angry mob of demonstrators outside. The mob was angry because the park police had been trying to protect the American flags around the monument from destruction by the peaceful protestors. As a matter of fact, 10 of the 50 flags were torn down and the remaining 40 were saved only because these men risked physical harm to safeguard them. The 10-hour stay behind locked doors in the memorial to the Father of our Country was necessitated because Washington, D.C., police were fearful of antagonizing the demonstrators or provoking a confrontation.

When there were no more flags or Park Police left upon which to vent their "peaceful" wrath, demonstrators found other avenues. They began by burning a $17,000 restroom provided on the grounds by tax moneys. Subsequently, they broke into the basement of the monument and smashed electric light and heating meters. The next target was the spotlights which illuminate the obelisk—most of them were destroyed. The extensive defacing and vandalizing also included the breaking up of most of the ground's park benches for the protestor's campfires. Trees planted to beautify the site met the same fate. Since a Department of the Interior truck can hardly be used as firewood, no one has been able to figure out just why it was vandalized, but one thing is sure; garbage and trash collection crews have been working overtime ever since to haul away the debris left by the tons on the streets and parks of our Nation's Capital. The damage, in and around the monument alone, came to at least $75,000.

One of my staff members made it a point to personally observe the proceedings and report to me. The wood and wire barricades which were erected to protect the flowers, shrubs, and gardens on the Capitol Grounds were flattened within 15 minutes of the start of the demonstration. Obscene slogans were painted on statutes, monuments, and buildings both on and off the protestors' march route. The cost of cleaning up the various campsites, the medical care for the hundreds of drug overdose patients every day, and the often intentional traffic tieups has yet to be even approximated. And yet, this aspect of the demonstration went largely or totally unreported in the news media.

The American people must not continue to be put upon to pay for these exercises in irresponsibility. The demonstrator's cry of "all power to the people," when translated, comes out "all cleanup bills to the people." Thus, I have introduced legislation requiring the posting of a substantial bond by any group organizing a demonstration in the Capital. All damage would be deducted from that sum.

Unfortunately, however, it is not feasible to introduce a bill to require objective reporting by the news media. Our Nation pays for these demonstrations in other than monetary ways, of course—in morale, in spirit, in aid to the enemy. We can make the demonstrators pay for the cleanup of their garbage, but the nonmonetary tab occasioned by biased reporting of the aims and actions of the protestors is likely to be much higher.

LEGISLATION TO AMEND THE REFUSE ACT FOR INDIVIDUAL CIVIL ACTS AGAINST WATER POLLUTERS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HARRINGTON. Mr. Speaker, today I am introducing legislation to amend what is commonly known as the 1899 Refuse Act, specifically to give the statutory right to persons to sue water polluters acting in violation of this act. My distinguished colleague, the gentleman from New York (Mr. KOCH), is joining with me in this effort.

Over the last year the American people have had their ecological conscience awakened and sharpened. They have been treated to many hours of debate and discussion among themselves and by their elected officials telling them what is wrong with pollution, that their environment is being destroyed, their natural resources plundered, and that this destructive process must be stopped. Unfortunately, these efforts have not progressed much beyond the point of rhetoric. The action needed to back up those words has really not been taken. The legislation which I am introducing today is an attempt to fill that void of action, for if it is approved by this body, I feel it will give the American people a much stronger tool to fight water pollution in this country.

In April of 1970 I filed with the U.S. attorney in Boston an affidavit citing 151 Massachusetts companies alleged in violation of the Refuse Act. I requested that the U.S. attorney, the U.S. Army Corps of Engineers, and the other appropriate Federal agencies give immediate attention to this affidavit in an effort to determine what pollution was occurring as a result of discharges by these companies and if necessary to initiate proceedings to abate that pollution. That request has met with very little success. Now over a year later there has been no official action taken against any of the companies. In fairness, I must point out that a special grand jury was convened in January of this year to investigate the problems of water pollution in the Commonwealth of Massachusetts—in part the result of my affidavit. The gentleman from New York (Mr. KOCH), also filed an affidavit under the Refuse Act in the past year and he has not met with any more success in New York than I have in Massachusetts.

My distinguished colleague the gentleman from Wisconsin (Mr. Reuss), utilized the Refuse Act several months earlier than I did in Wisconsin. Mr. Reuss' affidavit likewise was not acted on. But he went one step further and he attempted to have action taken against polluters by filing a qui tam action. The qui tam action by Mr. Reuss was not successful in the U.S. district court in Wisconsin, and that lack of success there as well as other similar cases throughout the country are in great part the motivation for filing this legislation today.

Let me take a moment to explain the nature of the qui tam action, and the necessity for legislation to be both introduced and rapidly approved.

Qui tam is an old legal principle which has long been used in both England and the United States. It allows an individual to sue on his own behalf and on behalf of the Government against a violator of the act. The type of law to which a qui tam action may be applied is one in which a person informing the Government of a violation of the act may be entitled to receive some portion of any pecuniary penalty imposed as a result of a violation of the act. The qui tam action had been upheld in several cases in the United States. However, in several instances recent attempts to utilize the qui tam principle have failed. The primary objections of the district courts have been that an individual may not become involved with an action under the Refuse Act, since the language of the act, as interpreted by district court judges, limits actions under the Refuse Act only to the criminal provisions. Under this interpretation, individuals cannot maintain qui tam suits against alleged violators of the 1899 Refuse Act except under civil proceedings.

The following is a summary of five cases recently decided upon by U.S. district courts which ruled unfavorably on qui tam suits.

A qui tam suit was disallowed in the case of Durning against I.T.T. Rayonier, Inc., in the U.S. district court in Washington State. In that case the judge ruled that the Refuse Act was intended to reward an informer for information leading to a conviction in a criminal prosecution, but that it does not allow him to sue the violator for the part of the penalty he might receive if the violator were convicted and fined in a criminal proceeding.

Bass Anglers Sportsman Society against United States Steel Corp., Bass Anglers Sportsman Society against Avondale Mills, and Bass Anglers Sportsman Society against Stauffer Chemical Co., were all ruled on in the district court in Alabama on February 8, 1971. In these cases too, qui tam suits were disallowed. The ruling in these cases was that the Refuse Act creates criminal liability only and that the act does not authorize civil actions by informers against dischargers for part of the fine or to obtain injunctions.

Bass Anglers Sportsman Society against U.S. Plywood-Champion Paper was ruled on in the district court in Texas on February 10, 1971. The ruling in this case said that the Refuse Act authorizes payment to the informer only after conviction of the violator in the criminal proceeding and, therefore, impliedly precludes an informers qui tam suit.

Reuss against Moss-American, Inc., was ruled upon in Wisconsin on February 23, 1971. In that case the ruling was that the Refuse Act can be enforced only by Government prosecution, and further that it contains no implication of a right to maintain a qui tam action.

Reuss against E. I. du Pont de Nemours was ruled on in Wisconsin on March 18, 1971. In this case the judge cited the foregoing opinions, agreed with them, and dismissed the suit.

I would point out at this time that none of the aforementioned rulings affect the citizens entitlement to up to one-half of the fine for information he gives which leads to imposition of a picuniary penalty for violation of the Refuse Act. Also, in at least two of the cases I have described, the decisions have been appealed.

It is reasonable to conclude after a study of the decisions of the district court judges just cited that objection was not raised to the principle of the qui tam action. Rather, the particular language of the 1899 Refuse Act has been interpreted so that only criminal suits brought by the Government—not individual civil suits—are allowable.

Individual action and individual commitment are essential to the effort to stop water pollution. It is for this reason that I am today introducing legislation to amend the Refuse Act to make clear that qui tam suits may be used by citizens against those who pollute our waterways. Passage of this amendment would greatly strengthen the Refuse Act by changing the statutory language and clarifying the language on which the district court judges have relied in disallowing individual citizen suits.

Let me address myself to two other important provisions of this legislation.

The first would increase the monetary penalties for violation of the Refuse Act. The range of pecuniary penalties as the law is presently written is from a $500 minimum to $2,500 maximum; my proposal would raise this to a minimum of $10,000 and a maximum of $25,000. These increases are urgently needed to strengthen the Refuse Act and should be approved.

As presently written the Refuse Act provides that up to one-half of any fine collected may be awarded—at the discretion of the court—to the person who gives information about the polluter to the Department of Justice. My legislation would make this provision more explicit and would also direct the other half of any sum collected go to a fund in the Treasury for use by the Environmental Protection Agency in its efforts to control and abate the water pollution.

Let me briefly summarize the provisions of my legislation. It would amend section 16 of the act of March 3, 1899—30 Stat. 1121, 1153, Ch. 425; 33 U.S. Code 411 and 412. The amended Refuse Act puts into separate sections the following provisions: pecuniary penalties under civil action; imprisonment under criminal actions if the violation is by a natural person; pecuniary penalty and imprisonment under criminal action.

In cases where the U.S. attorney does not act on a complaint within 60 days after receiving information about a violation, the person giving the U.S. attorney that information would have the right to receive one-half of any pecuniary penalty imposed upon a violator of the Refuse Act after successful completion of a civil action. The pecuniary penalty and imprisonment provision under the legislation would be a pecuniary penalty of not less than $10,000 and not more than $25,000 for each violation of the Refuse Act. Each day in which any violation occurs would be considered a separate violation. Imprisonment would be for not less than 30 days and not more than 1 year. The Environmental Protection Agency could possibly receive one-half of any pecuniary penalties collected or imposed as a result of a civil action by an individual under the Refuse Act.

The 1899 Refuse Act is one of the most effective instruments presently available to citizens of this country who would take individual action against those who pollute their waterways. I am hopeful that the important changes which I am proposing today would be rapidly approved by the Congress. Such approval would be a demonstration of the Congress responsiveness to the American people's desire to preserve their natural resources, and will give the American people an even more effective tool in fighting water pollution.

The full text of the legislation follows:

H.R. 8355

A bill to amend section 16 of the Act of March 3, 1899 (30 Stat. 1121, 1153, ch. 425; 33 U.S. Code 411 and 412)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 16 of the Act entitled "An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899 (30 Stat. 1121, 1153, ch. 425; 33 U.S.C. 411 and 412), is amended to read as follows:

"Sec. 16. (a) Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 13, 14 or 15 of this Act shall be subject to (i) a pecuniary penalty of not less than $10,000 and not more than $25,000 for each such violation, and each day in which such violation occurs shall be a separate violation; or (ii) imprisonment, if the violation is by a natural person, for not less than 30 days and not more than one year; or (iii) both such pecuniary penalty and imprisonment.

(b) Any person who furnishes information leading to the imposition of a pecuniary penalty under clause (i) above shall be entitled to and receive one-half of the pecuniary penalty imposed on the violator.

(c) If the United States Attorney does not, within 60 days after receiving from any person information concerning the violation, institute and maintain a civil or criminal action against such violator, the person furnishing such information may institute a civil action for such pecuniary penalty against any person subject to said penalty. Of the sum recovered in such action, one-half thereof shall be paid to the plaintiff, and the other half thereof shall be paid the United States and credited to a fund in the treasury which shall be available for expenditure by the Environmental Protection Agency to control and abate the pollution of the navigable waters of the United States.

(d) Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel who shall knowingly engage in towing any scow, boat, or vessel loaded with any material specified in section 13 of this Act to any point or place of deposit or discharge in any harbor or navigable water, elsewhere than within the limits defined and permitted by the Secretary of the Army, or who shall willfully injure or destroy any work of the United States contemplated in section 14 of this Act, or who shall willfully obstruct the channel of any waterway in the manner contemplated in section 15 of this Act, shall be deemed to have violated said section and shall be subject to the provisions of paragraphs (a), (b) and (c) of this section, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried. Any boat, vessel, scow, raft, or other craft used or employed in violating any of the provisions of sections 13, 14, or 15 of this Act shall be liable for the pecuniary penalties specified in this section, and in addition thereto for the amount of the damages done by said boat, vessel, scow, raft, or other craft, which latter sum shall be placed to the credit of the appropriation for the improvement of the harbor or waterway in which the damage occurred, and said boat, vessel, scow, raft, or other craft may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof."

A SALUTE TO JEWISH WAR VETERANS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. SCHEUER. Mr. Speaker, May 10 marked the beginning of Jewish War Veterans Week in the State of New York. JWV is an organization widespread across America and well-noted for its many patriotic and charitable activities on behalf of all veterans. I have been privileged to associate on an individual basis with several of its finest members in my district at their Pelham Parkway Post.

Combining the best of their religious heritage and a strong love of country, JWV has seen fit to take an active role in the affairs of the community. Substantial contributions have been made to the New York City Phoenix House for the purpose of combating drug addition among returning veterans. Large sums of money have been raised and presented to veterans hospitals. And all veterans have been strongly encouraged, through the JWV, to take full advantage of the educational opportunities open to them through the GI bill. It has consistently made known to the State legislature and to the Congress its views concerning many vital issues. It is this kind of civic responsibility that distinguishes the truly special organization in our Nation.

New York State's Jewish War Veterans has provided a structure and cohesion for large numbers of dedicated men to pursue those beliefs and interests with the best interests of America at heart. It is an effective, public-spirited organization which brings together socially productive activities and a fraternal spirit which makes it a strong unity. I hope each of my colleagues will join me during this week in saluting the Jewish War Veterans of New York.

MODERN DAY PROTESTERS

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. ROUSSELOT. Mr. Speaker, the Federal Government, and especially the Congress of the United States, was given a lot of advice last week by a group of young Americans who called themselves "Modern Day Protesters." Although the advice we received was sometimes not backed up with pertinent and germane facts, we in Congress still received it in loud volume. It occurred to me that some of my colleagues might be interested in some very simple advice included in an article written by Dick Tracy in his weekly column "My Corner," which appeared in the San Gabriel Valley Tribune on Sunday, May 2. Mr. Tracy quotes an author who seems to represent the average citizen who has been able to rise above the normal cry of "right on" to the kind of commonsense advice we used to receive from our parents. Now I understand that this type parental advice is considered outdated, but it is still worth our review:

"I Am a Sick American," But the Sickness Is Anger

(By Dick Tracy)

"There are those who claim ours is a 'sick' society; that our country is sick; that we are sick. Well, maybe they're right. I submit that I'm sick . . . and maybe you are, too.

"I am sick of having policemen ridiculed and called 'pigs' while cop killers are hailed as some kind of folk hero. I am sick of being told that religion is the opiate of the people, but marijuana should be legalized.

"I am sick of commentators and columnists canonizing anarchists, revolutionaries and criminal rapists but condemning law enforcement when such criminals are brought to justice.

"I am sick of being told that pornography is the right of a free press, but freedom of the press does not include being able to read the Bible on school grounds.

"I am sick of paying more and more taxes to build schools while I see some faculty members encouraging students either to tear them down or burn them.

"I am sick of Supreme Court decisions which turn criminals loose on society—while other decisions try to take away my means of protecting my home and family.

"I am sick of pot-smoking entertainers deluging me with their condemnations of my moral standards on late-night television.

"I am sick of being told that policemen are mad dogs who should not have guns—but that criminals who use guns to rob, maim and murder should be understood and helped back to society.

"I am sick of being told it is wrong to use napalm to end a war overseas—but if it's a molotov cocktail or a bomb at home, I must understand the provocation.

"I am sick of not being able to take my family to a movie unless I want to have them exposed to nudity, homosexuality and the glorification of narcotics.

"I am sick of riots, marches, protests, demonstrations, confrontations and the other mob temper tantrums of people intellectually incapable of working within the system.

"I am sick of hearing the same phrases, the same slick slogans, the cries of people who must chant the same thing like zombies because they haven't the capacity for verbalizing thought.

"I am sick of those who say I owe them this or that because of the sins of my forefathers—when I have looked down both ends of a gun barrel to defend their rights, their liberties and their families.

"I am sick of cynical attitudes toward patriotism. I am sick of politicians with no backbone.

"I am sick of permissiveness.

"I am sick of the dirty, the foul-mouthed the unwashed.

"I am sick of the decline of personal honesty, personal integrity and human sincerity.

"Most of all, though, I am sick of being told I'm sick. I'm sick of being told my country is sick—when we have the greatest nation that man has ever brought forth on the face of the earth. Fully 50 per cent of the people on earth would willingly trade places with the most deprived, the most underprivileged among us.

"Yes, I may be sick, but if I am only sick, I can get well. I can also help my society get well—and help my country as well.

"Take note all of you . . . you will not find me throwing a rock or a bomb; you will not find me under a placard; you will not see me take to the streets; you will not find me ranting to wild-eyed mobs.

"But you will find me at work, paying taxes, serving in the community where I live. You will also find me expressing my anger and indignation to elected officials.

"You will find me speaking out in support of those officials, institutions and personalities who contribute to the elevation of society and not its destruction. You will find me contributing my time, money and personal influence to helping churches, hospitals, charities and other establishments which have shown the true spirit of this country's determination to ease pain, suffering, eliminate hunger and generate brotherhood.

"But, most of all, you'll find me at the polling place. There—if you listen—you can hear the thunder of the common man. There, all of us can cast our vote—for an America where people can walk the streets without fear."

The author of the foregoing is Anonymous, unknown.

He—or she—speaks eloquently, I think, for the great body of Americans.

The words need no introduction, no conclusion.

All that's in order is a collective "Amen!"

"OCEANOGRAPHY, FOR THE NAVY AND THE NATION"

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. SHIPLEY. Mr. Speaker, Rear Adm. W. W. Behrens, Jr., the Oceanographer of the Navy, in a recent address to the American Oceanic Organization, provided some interesting facts on the field of oceanography which I would like to share with my colleagues and the American people. Admiral Behrens' speech follows:

"OCEANOGRAPHY, FOR THE NAVY AND THE NATION"

(Address by Rear Adm. W. W. Behrens, Jr., the Oceanographer of the Navy, before the American Oceanic Organization, Washington, D.C., April 27, 1971.)

It gives me great pleasure to be here with you today, and to have this opportunity to talk with you about the naval and national program in oceanography.

If I had a board of directors, many of you gentlemen here today. . . . in the important marine and environmental committees of the Congress, and in the American Oceanic Organization. . . . would be considered as serving on that board of directors. I am therefore especially pleased to be able to give you this report of recent actions and to tell you some of what we look forward to in the immediate future.

First, I would point out that I have now been the Navy's Oceanographer for a half a year. This is an appreciable period of time . . . certainly long enough for me to begin making an impact, and long enough for me to be held responsible for any short comings you may see in our program today.

This has been a most satisfying seven months for me personally. Oceanography, as some of you know, has long been an avocation of mine . . . as it is for many naval officers, and most naval officers are oceanographers at heart anyway. You can hardly live with the sea, and depend on it for your life or death . . . navigating in it, on it, and over it . . . without being something of an Oceanographer.

Sometimes in the past I have been a "Political Oceanographer". As Navy's Director of Politico Military Policy, I had responsibilities in developing Department of Defense positions in "Law of the Sea" matters. At another time, while a Member of the State Department Policy Planning Council, I helped with aquaculture and fish protein concentrate projects, as well as with our national Merchant Marine and Fisheries programs generally. (And I might say here, as an aside, it gave me a deep and special pleasure to participate with Senator Magnuson and others recently at the formal opening of the new FPC pilot plant at Aberdeen, Washington. As a partial drafter five years ago of the enabling legislation and the FDA compromise which brought that FPC plant into existence, I was very proud to be at Aberdeen ten days ago.)

Also, I've long supported the principle that the deep oceans are the common heritage of all mankind. It was my privilege to draft such words for President Johnson in 1966, at the commissioning of the ESSA ship *Oceanographer*, and I felt it right that the same principle should be again affirmed by President Nixon in his statement of May 1970.

So my previous work, including service as a committee chairman for the Marine Council, has—I believe— fitted me to be your Oceanographer of the Navy. I am glad to have this background of experience because these are significant, particularly vital times for oceanography . . . in the Navy, in the Nation, and internationally. Never before, as we all here well realize, has Man taken such an interest in his natural resources, in his environment. And the greatest of Man's resources . . . the storehouse of his future, the modifier and manufacturer of his weather, his environment, and his very life cycle . . . is the ocean.

For us here . . . members and guests of the American Oceanic Organization . . . though our immediate objectives and approaches may be quite different, there is a common purpose in our efforts to understand the sea and its behavior.

Our mission in Navy Oceanography has been, and continues to be, one of providing specific knowledge about the oceans of the world to the operating Fleet. The Navy pursued that knowledge somewhat by itself for years, pioneering many methods and technical accomplishments that have helped to establish widespread interest in realizing the benefits available from the sea.

Now, we in the Navy must look forward to our Fleet of the future. It will, in many respects, be different from the Fleets of the past. And it will have new requirements in oceanography; in mapping, charting and geodesy; and it will require better refinements, greater accuracies in charting, in underwater acoustics, and in environmental prediction. Our Fleet of the 1980's and of the year 2000, will be one of fewer carriers; more helicopters, hydrofoils and ASW craft; nuclear power; and a greater dependency on missiles, both tactical and strategic. With every ASW destroyer having its embarked "lamps" helo, accurate weather forecasting will be needed more urgently than ever. And equally necessary will be underwater acoustic predictions for the high performance sonar. Precise geodetics will be required for ULMS, the mammoth multi-warhead strategic missile submarine . . . requiring much more detailed and accurate hydrographic information than its Polaris-Poseidon predecessors. Also, we will no doubt be placing increased reliance on our developing ocean surveillance system.

These challenges for Navy oceanography mean that more than ever our program must provide valid, maximum return for the funds invested. At the same time, new developments in civil oceanography . . . in federal structure . . . offer new, cost-effective opportunities for the Navy to cooperate and, by means of a profitable two-way street, capitalize on the sound oceanographic work of other federal and private scientific organizations.

The establishment of NOAA, the National Oceanic and Atmospheric Administration, last October is perhaps the single most important thing that has happened in the American environmental sciences in many years . . . and you have heard Dr. White's report to this group. As an individual interested in marine science, I strongly supported the formation of NOAA, and I have always believed that a new NOAA and an old Navy would advantageously cooperate in oceanography.

To accomplish as much as possible in our common interests, to eliminate any redundancies between our respective programs, and to couple effectively Navy's and NOAA's ocean efforts, we in the two departments are now completing our plans for a closely integrated sharing of our civil oceanography. For maximum effectiveness, we are working toward an agreement whereby the Oceanographer of the Navy will serve in NOAA as a Special Assistant for oceanography coordination. similarly, an exchange of some three or four key professionals between Navy and NOAA will be undertaken. These steps, with other on-going coordination with the National Science Foundation, Coast Guard and other federal marine agencies, will help to insure that Americans are getting the maximum for each dollar of national oceanography . . . and that those of us responsible are doing the most efficient job possible in oceanography. I might point our here that, for example, the Navy is right now . . . today . . . using a NOAA National Ocean Survey ship on a partly reimbursable basis to conduct a survey of joint interest. This typifies the kind of coordination we need . . . with both NOAA and Navy doing important coastal charting, with Navy's major ocean area requirements rising, with NOAA properly pursuing an expanding SEAMAP program, and with the demands on the federal expenditures getting tighter every day.

So from the Navy's point of view, while the Administrator of NOAA desires our support, we also need NOAA. One of my primary goals as Oceanographer is to work as smoothly and as efficiently as possible with our sister organizations. Similar to our cooperation with NOAA, for coordination of our ship facilities and research programs at civilian institutions . . . vital to both our agencies. . . . I am pleased to represent Navy in a new coordinating committee with NSF, wherein the Assistant Director, Dr. Owen, represents the National Science Foundation. And for parallel reasons, I have asked Coast Guard, with their important oceanographic interests, to provide an exchange of officers with my Staff.

To profit from cooperation in the significant oceanographic work being done by several of our foreign allies, I am strongly promoting an internation exchange of oceanographic personnel between my Staff and key NATO and SEATO countries. To date, we are negotiating with Canada (particularly because of our common Arctic interests) and have made a proposal to Australia because of mutual interests in the Indian Ocean. Also, last Fall we leased an oceanographic survey ship to New Zealand (which will provide us with survey data), and we are considering other bilateral oceanographic assistance and exchanges with a few other friendly countries. With our world-wide oceanography program, it is practical for the Navy to participate in international cooperative oceanographic ventures without mounting new efforts unrelated to our mission requirements.

The Navy Oceanography Program continues to represent a great concentration of national skills and hardware resources for getting to know the marine environment. But antisubmarine warfare remains the single most urgent military problem supported by naval oceanography. This program, devoted in large part to exploiting underwater sound, continues to involve physical and chemical oceanography, air-sea interaction studies, marine biology, marine geology and geophysics. Quieter enemy submarines pose a particularly potent threat! Therefore, the largest share of our acoustic effort is devoted to the study of the environmental constraints on our systems, and upon the new concepts that will potentially meet this threat. Over 96 million dollars, or 47% of the Navy Oceanographic Program supports ASW. Of that total, much will be used for RDT&E, mostly in Ocean Science.

Our Ocean Science Program is now funded at 70 million dollars, which includes about 10 million dollars in major new facilities. Although this total will be essentially the same in FY 72, there is slightly more money in research and advanced development at the expense of major capital investment. Thus we will be able to accelerate important programs already in being and upgrade our research-ship facilities. Two geographic areas of special interest . . . the Arctic Ocean and the Mediterranean Sea . . . will receive primary attention. Because of their obvious strategic importance, the Navy's need to operate effectively in these regions will spur increased science effort.

The great bulk of our support for civilian institutions falls within the area of Ocean Science. Next fiscal year university oceanographic research in pursuit of Navy objectives will account for some 34 million dollars, or close to 16% of all Navy oceanographic funding. That's an increase of 3 million dollars over this year's support.

To turn next to Ocean Engineering, we have a great variety of projects. In exploratory development, over 50 projects totaling 9 million dollars are underway . . . including work on diver equipments, hydrographic survey equipment and techniques, deep ocean construction equipment, and materials for underwater use, such as high strength steel, titanium and acrylics.

In advanced development, we are funding some dozen significant projects at 17 million dollars. These efforts represent both independent systems development, as well as the progression and integration of successful exploratory development achievements into major systems. Projects include the Deep Submergence Rescue Vehicle System, Large Object Salvage System, two Hydrographic Survey Systems, Deep Submergence Bio-Medicine, Deep Ocean Technology and others.

Although our Ocean Engineering funds have decreased somewhat when compared with recent years, the decrease reflects more the virtual completion of the Deep Submergence Rescue Vehicle rather than any program de-emphasis. On the contrary, we have been able to maintain strength in our major technology programs, which are a better indicator of emphasis than individual systems projects.

We have had to make some hard decisions because we could not afford the luxury of parallel approaches in meeting objectives. I am talking decisions such as to go the unmanned—, vice the manned—, vehicle route to gain a 20,000 foot depth capability. We also had to forgo habitats in favor of personnel transfer capsules in our deep diver efforts. But we are on track toward meeting our objectives, and this is what counts.

One of our objectives in the Ocean Engineering Program is to move our divers from a work depth of 350 feet down to their physiological limits. We are already at 850 feet . . . and sinking. In support of this, and of deep ocean operations generally, we are holding our deep submergence bio-medical program at a healthy level of about three million dollars annually.

Another objective in engineering is to move the effective working depth of our undersea vehicles and equipment on down to 20,000 feet, and at the same time improve our capabilities for accomplishing work at all depths. For example, the Alvin submersible is being provided with a titanium hull to increase its operating depth for research projects from 6,000 feet to 12,000 feet.

Work is underway, as a part of our Deep Ocean Technology, on a remote unmanned work system which will operate to a depth of 20,000 feet and be controlled by way of a cable from a surface platform. This work system is actually an adaptation and improvement of the "CURV", now capable of operations to 7,000 feet.

We are seeing project completions in ocean engineering such as ASWEPS (Anti-Submarine Warfare Environmental Prediction Service). We will continue to make improvements in ASWEPS as advancing technology permits, but the ASWEPS system is presently operational at sea.

In the Operations portion of our program, the geodetic satellite project is unique. The Navy doppler satellite technique has been designated the DOD geodetic satellite system for the 70's, and it is being adopted by Army and the Air Force. From it come improvements in the important world geodetic system. The development (by Navy) of the lightweight, highly portable geoceiver to read out the satellite data signaled a major advance in geodesy operations.

The Navy's ocean Environmental Prediction Service efforts, too, have led the nation. This work, carried out through the Naval Weather Service Command, represents an almost ten million dollar annual investment.

The highly favorable response from the Fleet insures that this program will continue to be emphasized.

In direct support of Strategic Program efforts, we are conducting deep ocean surveys with four ships that operate the year around to meet requirements. A fifth ship will join them next year. These surveys include collection of bathymetric and gravity data, and . . . with data reduction and the production of charts and other products . . . funding this year amounts to over 11 million dollars. The work of these ships is absolutely vital to our capability to meet the increasing survey requirements for Strategic Program support.

In direct response to Fleet requirements for nautical, combat and special naval charts, the Naval Oceanographic Program will support a 9 million dollar coastal hydrographic survey and charting effort in FY–72. Two new, large, civilian-manned ships . . . CHAUVENET and HARKNESS . . . have now been added and after their shakedowns will operate in the Pacific and the Mediterranean, respectively. One other coastal survey ship, the KELLAR, has just completed a port visit to the Siberian port of Nakhodka, the first Navy ship to visit the Soviet Union in 8 years. It is now commencing another season of charting the coasts of South Korea, in concert with that nation's Navy.

An airborne capability is an important component of both our operational and R&D programs. This capability is scheduled for major upgrading in FY–72. The old C–121 (Constellation) airborne magnetic survey aircraft, required to support ASW operations, will be replaced by a P–3 aircraft on 1 July. The new aircraft, with its special instruments will provide greater range capability for surveys . . . making remote areas accessible for the first time, as well as affording greater speed. It will also reduce substantially the logistic problems associated with the current aircraft. Our two C–121's concerned with ice reconaissance and ocean environmental surveys are also to be soon replaced by P–3 aircraft.

The 7 million dollar construction of two small (300 gross ton) oceanographic research ships, designated AGOR (Utility) continues the Navy's oceanographic ship-building program. The two new ships are designated one for the University of Hawaii and one for Texas A&M. We are pressing to get additional AGORS of this class, with the Navy Post Graduate School, in Monterey, high on the user priority list.

It always seems that financial constraints help to stir the imagination of managers to find new ways to do things. Since arriving in the job of Oceanographer, I have found it desirable to respond to several elements of change within the Navy's expanding requirements for oceanographic support . . . in spite of rather static financial resources. To identify problems and their solutions, I have within the structure of my own staff organization re-aligned personnel and responsibilities so that we have a more vertical flow of activity.

My concern is that fleet components with oceanographic requirements must be accommodated, insofar as possible, with prompt actions in one division. By our staff reorganization, requirements now can be staffed, validated, assigned for accomplishment, funds programmed, and results supplied to the Fleet in a more nearly vertical progression.

Also I have reorganized within my staff to provide timely interpretation of events in the world's oceanographic communities, as well as in naval operations which vitally affect our own oceanographic efforts. The Soviet Navy is demonstrating increased activity and sophistication in their oceanography program, as well as in their build-up of operational capabilities. Even though the Navy Oceanographic Program, *specifically is not* aimed at gathering intelligence information, we need to keep ourselves aware of the advances others are making. To illustrate, at an international oceanographic symposium in Bordeaux, France recently, where we had sent our excellent Navy survey ship KANE, we not only had the opportunity of visiting the oceanographic ships of several western nations, we also were able to tour the large modern soviet ship ACADEMAK VERNADSKI. In all, we were able to compare five oceanographic ships representing various nations.

In addition, the Navy is equipped to offer valuable expertise in operational problems concerning methods and technology to understand the effects and the controls of environmental pollution. For example, we have extensive information concerning water circulation in the oceans of the world . . . the action of waves, bottom currents, vertical mixing, and bottom topography. Therefore, I have established within my headquarters organization a new division that will function as a point of contact for all such matters. This Environmental Quality Division will be equipped to respond to information requests, and to monitor the progress of our own efforts within the Navy Oceanographic Program to keep abreast of developments in pollution controls.

It is evident that the Navy's role in national security must remain strong, and our naval capabilities must be appreciably enhanced in order to meet the requirements of our nation's foreign policy. As we lessen our involvements overseas, more than ever our strength must move to the sea. In doing so, our knowledge of the sea and of our total marine environment must be vastly enhanced if we are to improve and employ our capabilities most effectively. For the Navy, oceanography is a prime source of such knowledge.

Although we have had cuts which took us from 247 million dollars in fiscal year 70 down to 205 million in 71, with the help of people in this room I predict we will go back up to about 218 million dollars in next year's budget. Overall, I believe our Oceanography Program is in good shape. With your support, I have confidence that we will be able to provide the nation and our changing Fleet with the oceanographic knowledge necessary to meet our rapidly increasing demands.

In summary, then, probably I should say that we feel our oceanography program is progressing well. Our projects are coming along satisfactorily. We are developing a useful liaison with NOAA and are maintaining our coordination with the other important Federal agencies and private institutions. My staff is being strengthened, both by reorganization and by some new people. We're taking a new and careful look at our international cooperation opportunities, and a fresh and more efficient approach to our ocean ecology responsibilities and potential. In short, I feel we're capitalizing on the past and are awake to the tremendous future of oceanography . . . still to be fully recognized.

We are receptive to your ideas, and you as individuals or oceanography representatives always will be welcome in my headquarters.

Thank you all for having me today.

MILLER PAYS TRIBUTE TO NATION'S POLICEMEN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MILLER of Ohio. Mr. Speaker, by Presidential Proclamation, the week of May 9–15 has been designated as National Police Week. On this occasion it is most fitting to pay tribute to the many law enforcement agencies—both large and small—across this Nation who are charged with the responsibility of protecting the rights of our citizens and the principles of American justice without which democracy could not survive. All too often, our policemen are critized unjustly. They are rarely recognized for the services they perform. As we witness the increase in domestic ills—such as drug abuse, violent crime, and civil disobedience—the role of the policeman in our society becomes all the more important. Rural America is not isolated from the domestic problems which plague the large urban areas. All law enforcement agencies share common responsibility regardless of their locale and that is to protect the public domain. They have fulfilled that responsibility in an exemplary manner. During this National Police Week and throughout the year I know that all law-abiding citizens join with me in saluting our law enforcement agencies and in pledging our continued support of them in the same loyal manner as they have served us.

MODEL CITIES—NEW CONCEPT IN EDUCATION

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. MORSE. Mr. Speaker, there is currently underway in Lowell, Mass., a most unique program in education, operated under the auspices of the model cities program and with the leadership of its education director, Patrick J. Mogan.

The individual skills education program, as it is called, seeks in new and highly creative ways to enhance the learning process and to make the learning experience a more successful and certainly a more enjoyable one, for both the disadvantaged child as well as the exceptionally skilled one, and for teacher as well as pupil.

It calls on the abilities of a corps of highly trained professional specialists, and with financial assistance from Community Teamwork, Inc., is able to combine learning with teaching for some 15 interns.

The program is being successfully employed as a supplement to standard teaching practices in several schools and will be expanded in the future. Indeed, I look forward to more of the same results that have been described in the following article from the Lowell Sun. It makes for heartening reading, and I am pleased to include it at this point, for the attention of my colleagues:

[From the Lowell (Mass.) Sun., Apr. 15, 1971]

MODEL CITIES—NEW CONCEPT IN EDUCATION

(By Lee Wood)

LOWELL.—The scene is one of utter concentration. As one enters in Bartlett School, three young boys and a young man are huddled on the floor, in the hallway, near a window. On the floor is a map of Lowell. On top of the map is a transistor radio, laying on its back.

What is happening?

Simple. The boys are learning the direction of the radio stations on the map. This leads to explanations by the young man of the directions streets are laid out and eventually into mapping. The approach is to take what the boys are interested in and go on from there.

And it works. Ten minutes later Wayne Colby has the avid attention of the three boys as he explains the layout of the City of Lowell. Saturday, he and the boys will take a hike, make a tape of the sounds heard in the woods during the hike and take slide pictures. Later they will narrate a slide show and talk of what they saw and heard.

Wayne Colby is an intern. But not in a medical hospital. He's one of 15 interns, all studying to be teachers, that are led by three professional specialists and two staff administrators in a highly effective Individual Skills Education Program through the auspices of the Model Cities Program.

At the Bartlett, just one of seven schools to eventually enter in the program, 44 students were deeply engrossed in writing plays, putting out a newspaper, designing a town, learning word combinations and making colleges among other subjects. Step by step they were allowed to make decisions and work toward a reachable goal . . . all based on their even interests. Students are free to roam around and look at the other projects. But most were so interested in what they were doing that they had to all but be pried loose to talk about it. The groups are gathered in bunches of one to three children per intern.

The results have been good. One boy refused to read in school. Now he can memorize entire short books and narrate the story back verbatim into a recorder days later. He's writing plays and songs.

A girl, who somehow couldn't get the shape of letters clear in her mind, has learned to recognize 35 words on sight in a couple of months.

Four children at the Green School are acting out plays on the spot, improvising their feelings, problems and imagination in such a way that one feels the play is real.

Each group of children is making a book as a history of his project and Polaroid pictures and illustrations are profuse throughout each book.

INTERNS AGED 18–27

The interns range in age from 18 to 27. Most come from the Acre and this is where the program is oriented. Each presently handles 12 children overall, in four programs of one hour each. The idea, mainly, is to use a series of steps in learning for skill development.

The programs are designed by professional teachers who circulate through the rooms while the interns help the students. The program offers assistance to all sorts of children from those with reading disadvantages to those of exceptional skill.

It is a service to the school . . . giving children individual attention for at least three hours per week, Monday, Wednesday and Friday and is meant as a supplement rather than a replacement for standard teaching practices. One result is to boost language arts. The interns learn just as much from the kids as vice-versa and it helps them to win credits toward their teaching certificates.

Mr. and Mrs. Leonard K. Eisenhood are developing a bi-lingual approach. Both are fluent in Portuguese, Spanish and French besides their native English, and both have been involved in the Migrant Education Program and have college degrees.

The three professional teachers all with Master's degrees, are: Sister Frances Gill with 35 years in the education field and coordinator for the Mor-Harris, with a background in just about everything, including exceptional students (both retarded and highly intelligent), the Bartlett and Green School coordinator and Lynn B. Packard, with teaching credits in Holland, this state and in newspaper work and communications.

PATRICK MOGAN DIRECTOR

Patrick J. Mogan, the director of education at Model Cities is well known in Lowell and was the assistant superintendent of schools in this city for four years. His assistant, Peter S. Stamas, is a Harvard University graduate, attended Massachusetts State College at Boston for his Masters in Education and is going for his doctoral degree at Boston University.

Mogan personally picks the interns whose greatest qualifications seem to be their patience, quiet competence, ability to adapt to the directions in which the children want to go and most of all to their way of relating to the kids as people-to-people rather than teacher-to-student. There is a built in evaluation program as each student is rated on an attitude scale.

Hey wait! What's that kid doing over there? He's destroying a tree. Nope. That boy is breaking branches off a small dead tree on the school stage. And he will take those pieces of stick and will build a log cabin. This will be included as part of a model village (in plaster of paris) to include other houses built with rocks and other materials. It allows the youngsters to learn how a basic material ends up as part of an overall finished product that is still a part of a larger product, the community.

LEARN TO RELATE

The boys and girls, in this program, get to relate to other youngsters and adults in a unique way. It's free expression on their part. Intern Ross Hanvey is helping Michael Laurent in the 6th grade, and 5th graders, Daryl Phillips, Dolores Sylvester and Debra Fierley.

The program has shown a gradual growth in the children's work and their books.

Another example: An intern brings in a motorcycle helmet full of collages to show the children just one of the ways art can be done with collages and one end use of same.

But what are those sixth graders doing playing with blocks? Isn't that childish for their age? Not at all. Calvin Burdick and Robert Daigneault are doing free expression with blocks. They make individual buildings with these plastic parts, draw a picture of the building, then make another until they have a picture made of a small city. And when it's finished, it will be their city, that they made themselves. "This gives them a concept of the way a city is structured," said Bud Prevette, the intern. "They're able to see one-way streets and the reasons for them, for instance."

One girl is off by herself typing a story (typewriters are very common in the program), Steven Cochran, fifth grade, is designing a puppet stage for his group's puppet show.

COMPOSE PLAY

Meanwhile, Tina Cox and Paula Camille, both sixth graders, have composed a 17-character play about drugs. "This is to prove that drugs aren't any good," said Tina. The girls are leaving the play ending open so the audience will think about it. Intern Albert Kehoe is helping them. He said it will be a three act play and the girls have even made the characters sign "contracts" so the players, "have to show up."

Intern Mrs. Elmer Hall is assisting Barbara Burdick, Effy Stavroulias, Christine Minezzi and Cathy Kanellos in making a newspaper to be called, "The Legend." It will be an-all-girl newspaper and articles will include items on the four seasons, the different projects at the Bartlett School, poems, the girls' play, plus reviews of other plays, and even a fashion section.

Sixth graders Charles Cooper and Phillip Tingas don't like the North Common area. So, they're redesigning it to be a recreation center. Intern Patricia Brogan said they even want to put a plastic dome over it for all-weather protection. The boys outdid themselves with the design to include: a baseball field, outdoor theatre, basketball court, swimming pool, tennis court, parking lot and even benches and a picnic area. They'll make a plaster of paris model and paint it.

All these learning experiences are part of an educational idea dreamed up by James Moffett and he wrote a book about it called, "Student Centered Language Arts Curriculum." In essence, it says, take what children are doing, what they like to do and go from there. The Bartlett School, to go one step further, is planning to launch an open classroom by the end of the year.

CTI HAS PROGRAM

Community Teamwork Inc. already has a skills training program. CTI pays a percentage of the intern's salaries. This is not teaching per se, but "presenting a learning experience," similar to the way pioneer children in the start of this country learned things by watching or helping their parents. But, again, each program, designed by the professional staff, is built around the interests of the children . . . that's the important aspect. The interns see what the children need . . . then the professionals design a program to fit it. Afterwards, said Lynn Packard, the professionals, ". . . guide them (the interns) but we don't tell them."

Mrs. Packard is working with a girl who had trouble understanding logical sequence. She played checkers and chinese checkers with the girl to show her consequences and planning. And the end result, believe it or not, is language arts.

Language is nothing if not sequential. To communicate well, one must explain well and logically. All these programs thus relate in the end to a better ability in language, clear thinking and being able to picture things in the mind which is only, after all, imagination. Man thinks and then he makes or says. It's that simple.

At the Green School, it's much the same, but the learning experiences are presented next door at the Smith Baker Center. A girl, blindfolded, is rubbing her index finger over felt letters on a cardboard piece. Before she couldn't read letters. With this method, she can now recognize 35 words. All this in a mere five weeks. She's transforming a sensory touch into a visual image in her mind. Ronald Platt, her intern, is helping.

Intern Gerry Paquin has a genius on his hands, one Danny Gagnon in the fifth grade. Danny didn't like to read last summer. Now he memorizes books verbatim. It was checkers and chess for the first two weeks, then a story board (sounds and pattern kit) in which Danny decided what each character was doing and wrote a sentence about it. Now he takes the characters and makes up stories, poems and even songs, and types them out.

Under a "Little Miss Muffet" character, Danny wrote "a girl saw a bug." Another sentence shows "a boy being burnt by a fire dragon." Danny was writing a song about a king, a ghost and a pieman as he was visited by this reporter and was much too busy to bother explaining it all. His intern is frankly amazed at his scope of learning. It just took that personal interest to bring it out. "He uses me as a kind of dictionary," said Paquin. A picture story by Danny will be made into a five-act play and slide show.

In another room, a video projector shows stories but draws no conclusions in the narration. Children make up their own endings. At the Smith Baker Center there are a lot of materials and the children are free to pick what they want.

Gagnon's brother, Mark, is only in the second grade, but he has been designing a fancy soapbox derby racer and checks it out after each redesign in the aisles of the center's auditorium. His cart has steering wheels front and back. Note that the interns don't tell the kids how to do something, but offer suggestions as to result. Mark redesigns by seeing a problem, defining the problem, and figuring a way to beat it. His intern, Mrs. Elmer Hall gives him lots of attention and praise and might help him define the problem after he's discovered it, but he decides how to solve it.

It's the freedom that's important.

Another boy, Joseph Sullivan in the fourth grade is making a lighthouse out of this same mechanical advantage kit.

And on stage, ladies and gentlemen, presenting those great American actors, Bruce Callicutt, Manny Athenais, Eileen Call and Albert Potter wowing their two intern helpers as they devise a play on the spot. Callicutt is the lunch thief, Athenais catches him, Call had her lunch stolen and Potter is "Frank", the one who saw the lunch thief break a window. One of the interns plays the principal and the action is hot and heavy. The kids really get fired up and for all intents and purposes the play is real. They make up their lines as they go along.

A teacher in the program noted, "Youngsters get very little air-time, time to express their feelings at home or in large classes. Here they do."

In the old days, children were supposed to be seen and not heard. At Model Cities Education, they're seen, heard, helped and appreciated.

VIETNAM: PAST AND PRESENT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. GOLDWATER. Mr. Speaker, during the past decade there has been much rhetoric relative to the facts on the Vietnam war. Unfortunately, both the facts and Vietnamese people have been lost in the shuffle from the debate emanating from both sides. What America needs is less hawks and doves and more owls. We need to approach matters wisely, not from emotion ridden ideas.

For far too long we have attempted to view the situation through Western colored glasses. This is very naive and unwise. It is interesting to note that the average Army basic trainee receives no relevant information about the Vietnamese people; their culture, values, or tradition. This is like sending a man unarmed into a political revolution warfare situation. Understanding these aforementioned facts are as important as his rifle and his knowledge of how to use it.

Certainly this is shocking but it has been a prevalent Western attitude too long.

The following information was prepared from the best sources available on the Vietnam history and conflict. I wish to present this material in the hopes that this one candle will help to diminish some of the darkness surrounding the true situation in Vietnam.

The material follows:

VIETNAM PERSPECTIVE 1954–70

THE GENEVA ACCORDS—1954

The Geneva Conference held in 1954 to settle the Indochina War resulted in Accords signed by only two powers: France and North Vietnam. The Accords provided for a military cease-fire, a regroupment of military forces, the provisional division of Vietnam into two zones divided at the 17th parallel, and the free movement of the population between the two zones for a period of 300 days. The Accords also called for the creation of an International Control Commission (Canada, Poland and India) to supervise the implementation of the provisions.

In declarations attached to the Accords (and unsigned by any powers), it was stipulated that free elections by secret ballot in accordance with democratic procedures should be held in July 1956. The United States and South Vietnam each had urged effective United Nations verification and supervision for these elections. North Vietnam, then and now, totally rejected any U.N. role in Vietnam. The U.S. and South Vietnam therefore refused to sign the 1954 Geneva Accords. No powers signed the final declarations attached to the Accords.

NGO DINH DIEM

In South Vietnam, the political focus rested on Ngo Dinh Diem. Diem was appointed Prime Minister of the State of Vietnam by Emperor Bao Dai in 1954 before the Geneva Accords were drawn up. He was supported by the United States as a result of his long record as a nationalist, non-Communist political leader. Diem was not an American puppet nor was he Cardinal Spellman's silly putty. He had only come to the attention of Americans in 1951 but Diem was the son of the grand chamberlain of the emperor at the Imperial Court in the city of Hue in Central Vietnam. Born into a family which had a long tradition of Catholicism (nearly two million Vietnamese in South Vietnam today are Catholic) Diem was educated at the same high school that Ho Chi Minh had attended in Hue city.

Diem became well-known throughout Central Vietnam as a dedicated, honest and competent nationalist. In 1930, following service as a District Chief, Diem's talents came to the attention of the French administration. The French subsequently offered Diem the position of Minister of Interior. Diem took the post on condition that the French grant genuine concessions toward increased Vietnamese independence. When it became clear that the French had no intentions of keeping their word, Diem resigned after 18 months of service warning the French that they would lose their hold on Vietnam as a result of denying Vietnamese a real role of participation.

In 1940, Diem refused with equal stubbornness to collaborate with the Japanese occupation forces in Vietnam. He remained an obdurate Central Vietnamese patriot. In 1945, Diem's brother was buried alive by Ho Chi Minh's forces in North Vietnam—a fact that Diem never forgot nor forgave. Ho later offered Diem a position in North Vietnam's short-lived "coalition" government. Diem refused the offer.

THE EMERGENCE OF THE COMMUNIST THREAT

In 1951, Diem was encountered by American scholars in Tokyo. He was searching for help for Vietnam, just as Ho Chi Minh had left Vietnam in 1912 never to return until 1941. Subsequently, Diem came to the United States. He felt the need for help was more urgent than ever due to the events that had taken place in Southeast Asia. A coalition government formed with nationalists, Communists and neutralists in Hanoi by Ho Chi Minh had been destroyed in six months during the summer and autumn of 1946 and Ho Chi Minh had abolished the Communist party which had only a few months before destroyed the nationalists in the coalition.

By 1951, with Mao Tse-tung in control of the Chinese mainland and involved in the Korean War, Ho Chi Minh had felt bold enough to abolish the broad national front and resurrect the Communist party in public position of leadership. Named the Lao Dong (Workers) Party, in March 1951 this antagonistic non-Vietnamese organism once again was in the saddle. (A theory of a German named Hegel and a vision of a German named Marx was going to be translated into a dictatorship of the proletariat on the unwilling backs of a people who were fighting for genuine Vietnamese independence and the freedom in village self-government terms that has characterized the three regions of Vietnam for centuries.) The Lao Dong Party was in fact but another reincarnation of the first political brainchild of Ho Chi Minh fresh from his 1923–25 training in Moscow—the Indochinese Communist Party of 1930.

DIEM AND THE U.S.

Diem's quest for U.S. support was redoubled after the emergence of the Lao Dong Party from behind the mask of the broad national front against the French in March 1951. Diem was favorably regarded by Senator John F. Kennedy, Senator Mike Mansfield and a host of American political spokesmen who regarded him as a genuine Vietnamese nationalist.

In 1954, the United States decided to support Diem for the post of Prime Minister when he was being considered by Emperor Bao Dai for that job. One reported French reaction to Diem's selection was: "He is the last cigarette in the pack." It was a French estimate that Diem would last only a few weeks. Diem proved to be adept at survival, becoming Prime Minister in 1954 and in 1955 defeating Bao Dai in a national referendum for the position of President. Diem remained President of South Vietnam until November 1963.

REBUILDING IN THE SOUTH

As President of South Vietnam, Diem was able to restore telecommunications, rebuild roads, triple educational enrollment, increase health facilities in the countryside, re-settle nearly a million refugees, meet the challenges of armed political-religious sects threatening the government's authority, destroy the Binh Xuyen, (a Mafia-like organization which controlled the opium, gambling and prostitution in Vietnam which was one of the troublesome legacies from the days of French control) and register a very large increase in rice production. Diem had set South Vietnam on an impressive course of economic reconstruction. Professor Hans Morgenthau lauded Diem and his impressive efforts in 1956 as "a living miracle."

THE DEMISE OF VILLAGE ELECTIONS

On the other hand, confronted by the illegal presence of some 5,000 Communist troops in five hold-out areas in South Vietnam, Diem was deeply worried about security in the countryside. He reacted by repressing political opposition. In June 1956, Diem abolished village self-government in South Vietnam. The election of village councils had been a cherished Vietnamese tradition dating back to the 1600's. Diem's action though perhaps understandable in terms of military security opened a deep political vulnerability in the countryside which the Communist cadres skillfully exploited during the following three years. It should be noted that the many local grievance groups that existed in the countryside proved to be fertile targets for the Communist organizers who were determined to prepare the political battlefield in South Vietnam.

DIEM AND THE GENEVA ELECTION ISSUE

Diem had profound concern about any election contest with North Vietnam. He knew the record of North Vietnam's Stalinist regime ruled out the possibility that the North would hold democratic and free elections by secret ballot. The record of Ho Chi Minh's systematic betrayal of Vietnamese nationalists to the French during the previous decades was further cause for caution. Diem also knew that the North (even after the flight of nearly a million refugees to the South) simply outnumbered the South in terms of voting population. Ho Chi Minh had violated the Geneva Accords signed by North Vietnam on the stipulations concerning free choice of movement for the people of the North and the South. Communist roadblocks prevented most of the people of North Vietnam from ever reaching the International Control Commission teams which were supposed to be available to all. Only those who could reach the ICC teams in the former French-held areas of the Red River Delta had much chance of stating their choice. Others forged papers and tried to slip past the Communist Party security squads which sought to prevent such contact.

U.S. OPINION ON THE 1956 ELECTION ISSUE

Diem was adamant in his reservations. It was certain that the Communist regime would regiment more votes at the ballot box than the South's voting age population could match. The ICC with its pro-Communist Polish representatives could not provide any assurances of a free electoral test. Without U.N. supervision, Diem felt any elections between North and South would be meaningless. American spokesmen such as Senator John F. Kennedy and Senator Mike Mansfield agreed. They continued to press for an election formula calling for effective international supervision and warned against "forcing Diem" into these rigged and unrepresentative elections.

THE POST-GENEVA RECORD

The fact that South Vietnam had never signed the Geneva Accords, added to the strength of Diem's refusal to submit to the Communist demands on this issue. By July 1956, France, one of the two signatories of the Accords, had departed South Vietnam and North Vietnam had consistently violated important provisions of the Geneva agreement by several significant policies. More than 5,000 regular army troops loyal to the Lao Dong Party, the Communist Party of North Vietnam, were left in the South in 1954–55. Their refusal to regroup to the North as the Geneva Accords had prescribed provided North Vietnam with a built-in military threat to South Vietnam's development and survival.

The size of North Vietnam's regular army at home was trebled in open defiance of specific stipulations in the Accords that no increase would take place. In South Vietnam meanwhile, 685 U.S. military advisors were assigned to training tasks in answer to a request by President Diem and in accordance with the Accords provisions permitting rotation of training personnel. At the same time, South Vietnam's regular army was reduced in size to keep within the Geneva stipulations even though neither South Vietnam nor the U.S. were signatories to the Accords.

INSIDE NORTH VIETNAM 1954–1956

Ho Chi Minh's regime in North Vietnam by 1956, was experiencing widespread unrest and resistance to the bloody "land readjustment" campaign which killed small farmers and landholders as a preparatory step to turn their lands into collective farms. There were a minimum of large landlords in North Vietnam which had traditionally been a country of small farms and land worked by the owners. Nevertheless, more than 50,000 people were executed by the Communist Party campaign in two years. By 1956 more than a half a million people were in forced labor camps or re-education centers and countless families had been destroyed by wives being forced to divorce their husbands who had been branded "reactionaries." In August 1956, intellectuals in Hanoi publicly demanded the overthrow of the Lao Dong Party publishing their demand in the newspaper "Nhan Van" (Humanity). The Lao Dong Party closed the protesting newspapers and periodicals, suppressed the university students and jailed the dissenters.

REBELLION IN NORTH VIETNAM—1956

In November 1956, despite regime apologies for the "tortures and murders" of the previous two years, the farmers of Ho Chi Minh's home province of Nghe Anh, rose against their Stalinist masters, seized guns from the Communist Party armory and fought against the Lao Dong Party. Two divisions of North Vietnamese regular army troops were sent in to suppress this rebellion, but the troops could not erase the fact that the people of North Vietnam were emulating the revolts flaring in Poland and Hungary a half a world away against the same system of totalitarian Communist rule.

This was the atmosphere in 1956 when the North Vietnamese might otherwise have held the Geneva-prescribed elections. The precincts in North Vietnam were rotten. There were no model unification elections there either. Ho wept on national radio in North Vietnam and apologized for errors and mistakes of the land reform executions: "My children, Land Reform is like hot soup, it must be taken slowly." General Giap, hero of Dienbienphu and Defense Minister of North Vietnam apologized before a formal meeting of the Party Congress, stressing that the murders and tortures that had occurred during those two years were a result of over zealous actions.

HO CHI MINH

When Ho took power as a Communist leader in North Vietnam in 1954, he had already traveled a long and special road. He had been born in 1890 with the name: Nguyen That Thanh. (Nguyen Who Will Be Victorious). In his lifetime he would adopt and discard 21 aliases to mask his identity. His father was a functionaire and was alternately working for and being prosecuted by the French. In 1912 Ho left Vietnam under an alias as a cabin boy on a French ship and in time sailed from Marsailles, France on the maritime routes that took him to Africa, New York City and London. In the years of World War I he was in France where he was known as Nguyen O Phap (Nguyen Who Hates the French). In 1919 he rented a top hat and tails and attempted to present a petition for Vietnam's independence to the Big Four peace conference meeting at Versailles. They were too busy to see him.

ALIAS NGUYEN AI QUOC

In 1920, re-inforcing his years of contact with the Socialist movement in Europe, he attended the socialist Congress at Tours, France and when the meeting split into two factions, he followed the Communist faction into session and became a founding member of the French Communist Party. He adopted the name: Nguyen Ai Quoc (Nguyen the Patriot). His French Communist Party roots would show clearly years later when he, in 1946, negotiated the return of the French to Vietnam (the French Communist Party felt it had a good chance of conquering France by parliamentary action in 1946 and issued orders that year to the Vietnamese Communist Party that "under no circumstances should any attempt be made to prevent the return of French troops to Vietnam in 1946"). Ho Chi Minh bargained the French in to get the occupying Chinese Nationalist troops and influence out of North Vietnam. Southern Communists protested the entire arrangement charging Ho with being a nation seller and a betrayer. This was not a new allegation on Ho's record.

After the 1920 founding of the French Communist Party, Nguyen Ai Quoc was sent to Moscow to the Lenin Institute for training at the Toiler of the East School. There from 1923–1925 he refined his skills as a Communist organizer.

In 1925, he was assigned to Canton, China as a member of the Russian Consulate headed by Borodin. Nguyen Ai Quoc was listed as a clerk and an interpreter, but his real job was to organize Communist activities in Southeast Asia. One of Nguyen Ai Quoc's first acts upon arrival in Canton was to invite to Shanghai the leading Vietnamese fighter against the French, Phan Boi Chau. Chau had been leading the struggle against the French for more than 25 years inside Vietnam. Nguyen Ai Quoc's organization sold

Phan Boi Chau to the French security police in Shanghai, China in 1925. A trip to talk about revolution had ended in betrayal and nationalist struggle against the French was weakened by the actions of the Communist organizer, Nguyen Ai Quoc. Two hundred other nationalists of various parties were subsequently invited to China by Nguyen Ai Quoc to study revolution. After a year's study at Whampoa Military Academy many of them refused to join the Communist movement and they too were betrayed to the French Surete as they attempted to clandestinely return to Vietnam. Nationalists who had thus encountered Nguyen Ai Quoc's organization had the contemporary opinion that Nguyen Ai Quoc was betraying Vietnamese nationalism not fostering it. Nguyen Ai Quoc had to flee for safety to northeast Thailand when the coalition arrangement between the Chinese Nationalists and the Chinese Communists broke down in 1928.

THE "DEATH" OF NGUYEN AI QUOC

In 1930 Nguyen Ai Quoc held a Congress of the quarreling factions of the Indochina Communist groups in Hong Kong. There he founded the Indochinese Communist Party thus surfacing his Communist allegiance so repugnant to Vietnamese nationalists. In 1933 Nguyen Ai Qucc was reported dead and his death was accepted as genuine by Communist and non-Communist Vietnamese alike. The Communist Vietnamese were grieved, but the nationalist Vietnamese were more restrained in their mourning since the betrayer of their colleagues had passed to his next reincarnation. Some were plainly relieved that the leading menace to the nationalist movements was gone. They buried their grudges with the memory of Nguyen Ai Quoc.

ALIAS HO CHI MINH

After the false report of his death, Nguyen Ai Quoc, under a variety of other aliases worked in Thailand, Malaya, and the Soviet Union. In 1941, eight years later, Nguyen Ai Quoc emerged from a Chinese Nationalist prison and under the alias of Ho Chi Minh—"Ho who is determined to be enlightment"—was sent into Vietnam by the O.S.S. to organize an escape net for allied pilots in Japanese occupied North Vietnam. Ho was also sponsored by a Chinese nationalists warlord who wanted to wrap up North Vietnam for himself as a V–J day present. As Ho Chi Minh, new in name and appearance (tuberculosis had aged and emaciated him, prison had grayed his hair) encountered Vietnamese nationalists, he avoided any identification with Nguyen Ai Quoc's record, downgraded the Communist Party Nguyen Ai Quoc had created and asked people to join in a Front against the Japanese. Under this name and with this organizational mask, Ho Chi Minh became the war hero and liberation hero of most Vietnamese. (Not until 1960 in public print in Hanoi did Ho Chi Minh admit that he was Nguyen Ai Quoc.)

BEHIND THE MASK—THE COMMUNIST PARTY

Consistently throughout the years from 1941 through 1945, the Communist movement hid under the mask of a Front. In 1945 with the Japanese surrender the Communist movement emerged, entered a coalition government in 1946 which was nationalists, communist and neutralist in representation. In six months, the Communists had murdered, arrested or terrorized the nationalists into flight, and the iron control of the Party had been established. However, when the war with the French began a month later, Ho once again found it necessary to abolish publicly the Communist Party and create a broad popular front which nationalist non-Communists could be expected to join.

THE LEGACY OF NGUYEN AI QUOC—1954

After France lost at Dienbienphu in 1954 and the Geneva Accords were signed in France and North Vietnam, Ho had a difficult time explaining to the Southern Communist movement of his organization why, having lost the war in 1954, France was to be permitted two more years to hang on in South Vietnam. One reason was that the Soviet Union had insisted that Ho give France two more years in Indochina as an incentive for the French to vote against the European Defense community plan then being considered in the French Parliament. Thus it was for the International Communist priority of weakening the Western European defenses which denied the 250 Soviet army divisions, that Ho Chi Minh sold out the hopes of the Southern Communists.

BAD NEWS FOR THE SOUTHERN COMMUNISTS

Between 80,000 to 100,000 Southerners had been ordered to go North at the time of Geneva to train and prepare in the North for the return to South Vietnam to organize the Communist vote in the South in 1956. For these Southern Communists who were in North Vietnam, the North's land reform revolt and the Party's eroded political condition were bad news. The need was plain. The balance between Ho's problems and Diem's progress had to be corrected by a shift in tactics.

RETURN TO THE SOUTH TO ORGANIZE AND KILL

The Southern Communist re-groupees, trained in North Vietnam went back into the South to focus the local grievances in the villages of the countryside, to organize resistance to the central Government in South Vietnam, and to kill by assassination and terror those serving the government cause in the countryside. It was this pattern, using the 5,000 hold-out stay-behind Communist troops that Ho had ordered to remain in escrow in the South, that enabled these local Southern re-groupees to carry out their tasks. They killed the corrupt first, the efficient second and never touched the mediocre. A lot of Vietnamese started to get medicore in the performance of their tasks simply to get to the next year. The killings started in 1957. The Communists never publicly mentioned Communism nor did they create a public Communist organization. They simply rode the tiger of local grievance, joining and supporting whatever the local organizations and memories would respond to and at the same time the network of clandestine Communist agents and membership spread carefully in a technique the Communists professionally called "bead-stringing." There was much local grievance to exploit. The scene was set for the next three years of Communist assassination, terror and organizing. Diem grew increasingly repressive in response to the deteriorating security situation.

CREATION OF THE NLF—ANOTHER "FRONT"

In December 1960 the National Liberation Front was formed since Diem was nearly overthrown by a coup the previous month and the Communists were still publicly operating entirely through the diversity and variety of local grievances. They had to have a national organization that the people could join if Diem was toppled. The National Liberation Front was a spin-off of Ho Chi Minh's long experience in masking his unpopular Communist Party's identity behind broad popular facades. But the People's Revolutionary Party (PRP) was also included inside the Front. This was in fact the Southern branch of the Lao Dong Party and its controlling role in the Front, which was largely a propaganda facade and apparatus, became painfully evident in 1962 when the PRP announced publicly that it was a "Marxist-Leninist Party, the vanguard of a Communist Revolution." This was sad tidings for the Front and the believers in local grievance causes. Once again the Front, well along the road to what it assumed to be victory, was effectively abolished in favor of Party control of policy and apparatus.

THE CRUCIAL YEAR 1964—SHOULD THE NORTHERN ARMY GO IN?

In 1964 most of the effective Southern manpower pool of re-groupees that had been sent North for training in 1954 had been used up. There still had been no uprising of the masses in South Vietnam to the Communist banner, though Diem was increasingly unpopular as a result of his deteriorating administrative apparatus in the countryside and those who carried out programs in negative fashion using his name. For the North the real question was: "If Southern cadres trained in the North are now in short supply, could the regular Northern army be sent in to wrap up the war fast?" In 1964, the Lao Dong Party moved the NVN army into training camps preparing for such a shift in policy and in September and October 1964 the first regular units of the North Vietnamese Army began to move down the Ho Chi Minh trail through Laos and into South Vietnam. The numbers increased as the months went by. From an initial advance party of 300 in November and December 1964, the Northern involvement rose to several thousand by the spring of 1965 and eventually to the 10 divisions (160,000 men) in the South today. It was these troops, wearing uniforms and insignia, coming in regular unit formations, that constituted the beginning of an actual invasion of the South by the North. The pattern of the war had changed.

THE U.S. RESPONSE—MISCALCULATION BY THE NORTH

The U.S. was now to be tested. Did it mean what it had always said? Would the South Vietnamese be overrun? The North could well reflect in 1970 that they had made a major miscalculation in 1964. For the U.S. response with the combat forces arriving in March and June 1965 prevented the collapse of South Vietnam and remains today the major element blocking a North Vietnamese military victory on the battlefield. Moreover, in 1969 President Nixon's Vietnamization policy for the first time turned priority attention to the training and equipping of the South Vietnamese in a role of leadership which places the burden for the defense of the South on the shoulders on the Southerners. The on-going U.S. troop reduction is timetabled to enable the South to prepare to meet this challenge. Such a shift can only represent anathema to the North. For Southerners have never in 2,500 years of Vietnamese history been ruled by Northerners and a trained and equipped Southerner in his own back yard is the strongest psychological barrier to a North Vietnamese regular army intruder into the South. That is why the North has attempted to preserve the fiction for so long that it really has no troops in the South and at the same time has insisted that the U.S. must withdraw unilaterally and precipitately get out so that there will be a guaranteed Southern collapse of the non-Communist nationalists. That is the only way North Vietnam (with the mask of the NLF shredded and torn by the Tet offensive of 1968 which resulted in the execution by the Southern Communists of 5,700 people in the city of Hue in 26 days of occupation) can hope for a military success in South Vietnam. They had never thought the U.S. would in fact come to the aid of South Vietnam with troops when for seven years South Vietnam was being cut to pieces and the U.S. had sent only a few advisors. Now the North is equally worried about how to get the Americans out fast. President Nixon has indicated that one of the ways that the war can be most speedily resolved is by meaningful negotiations at Paris or elsewhere. If the Hanoi leadership refuses to negotiate then the Vietnamization program will be a constant reminder that as they dally, the South Vietnamese who have a deep residual abiding rivalry with the North are being given more time and tools to get ready.

NEW POLITICAL GROWTH AT THE RICE ROOTS IN THE SOUTH—1967–1970

It is in this context that the series of elections from the village to the Presidency in South Vietnam should be viewed. Village self-government is back. The present Saigon leadership reincarnated this venerable Vietnamese tradition in 1967. It also fostered a budget and leadership role for the village councils that more appropriately equate with the 20th century needs for services and development. Village elections were held in 1,000 villages in 1967. Another 1,000 villages were able to conduct elections as a result of the inability of the Communist forces to keep government contact away from the villages following the 1968 Tet offensive which cost the Communist more than 230,000 dead and opened up, as a result, communications and access to nearly 1,000 more villages in the following six months. Thus 2,000 of the total 2,300 villages in South Vietnam today have ignored Viet Cong threats, have voted for their own local leadership and are busy trying to rebuild their own local society despite the decade of war. The national elections, which also have ignored the VC have resulted in a House and Senate, a Presidency and Vice Presidency being created and candidates elected. In the summer of 1970, 1,000 villages held re-elections for their councils. With five candidates trying for each seat available, the 44 province councils (they advise the 44 province chiefs or governors) were elected, and in August 1970 30 seats of the 60 seat South Vietnamese Senate were the subject of re-election. Sixteen, ten-man slates vied for the three ten-man slate positions contested, and the winning slate was the Buddhist, with Opposition Independents second and a pro-Thieu slate third. Even the losers said this was the most honest election in their experience.

THE BIG QUESTION FOR HANOI

In 1971, the whole country of South Vietnam votes again for the Presidency, the Vice Presidency, the Lower House of the National Assembly and the village councils in 1,000 villages. The big question for the Southern Communists is what role they will play in these elections. The U.S. and South Vietnam have offered them a chance to negotiate, to cease firing and come in and compete politically, joining in determining the arrangements for the rules and the supervision of the balloting. Hanoi and the VC have rejected these proposals and instead repeat the tired refrain that the U.S. should simply unilaterally get out and that prior to any elections a coalition government of "progressive" forces must be imposed upon the people of South Vietnam as we go. Yet non-Communist nationalist South Vietnam remembers the brief coalition experiences with North Vietnam's Communists in 1946 when the nationalists were terrorized and decimated within six months. And South Vietnam remembers the preview of Communist rule in the city of Hue where in 1968 5,700 people were executed by local Communist forces during 26 days of occupation. The U.S. is willing to talk about any settlement that preserves for the South the right to choose its own path free from outside attack, there will be no surrender. North Vietnam didn't make it through a military invasion of the South and she will not be allowed to pick up the victory politically by a U.S. cut and run. The South Vietnamese will have their increased capabilities, their test and their choice.

THE NORTH AFTER HO

In the North, Ho Chi Minh died in 1969. His heirs debate the correctness or the blunder of the policies of 1964, the sending of Northern troops and the resulting cost of the war at home. Hanoi has lost its major industrial development throughout the country. More than 700,000 Northern regular army soldiers have been killed in the South. Since 1968, the Northern wounded are coming home bearing witness by their condition of blindness, loss of limbs or crippled condition to the fury of the battle. Since 1969, death benefit payments have been instituted to the families of Northern soldiers killed in the South further surfacing the public knowledge about the terrible human cost of Northern invasion of South Vietnam.

During the time of the bombing of North Vietnam by the U.S., the war was described as being a resistance against American air raids aimed at softening up the North for invasion. The fact that Northern draftees had been sent to South Vietnam was not publicized. Northern sons were defending the coast against such an invasion. Today with the bombing ended, Northern families ask why their sons have not returned since the post-bombing condition of North Vietnam is described by Northern writers and dramatists as "a time of peace." In some plays and short stories in North Vietnam, there is often a subtle protest role surfaced. The "mother" saying: "Why should I send my son South, so many have gone, so few have returned." In the same pattern, there are hippies in Hanoi, sons of the elite, or drop-outs from the revolution whose dress and life style infuriate the party. In 1971, a rock and roll band was sentenced to 15 years for playing "golden music" in psychedelic cellars in Hanoi luring the youth from the path of revolutionary endeavor. Above all, there is the debate within the Party about the priorities of the war in the South and the need to build and reconstruct in the North. There are constant warnings in the Hanoi Party press to fight the increased corruption and decay that is appearing in the society. The events of 1970–71 concerning Cambodia and Laos offer little comfort to the Lao Dong Party and the 21 million people of North Vietnam under its rule. The war and its costs are very real. Yet for Hanoi there is still no victory in sight.

THREE-DIMENSIONAL FOCUS—NEGOTIATION AND VIETNAMIZATION

These are some of the factors which make it necessary for those who seek to understand this problem to place the Vietnamese in three-dimensional focus. This is unlike any war or situation we have ever encountered and that is why President Nixon has decided to follow a policy that on the one hand offers peace through negotiation and on the other continues to turn responsibilities over to the South through Vietnamization.

SETTING A DATE IN VIETNAM—THE IMPACT ON THE NEGOTIATIONS

Setting a date for a unilateral, final and total withdrawal of all American forces from South Vietnam will undercut the Allied effort to negotiate a just peace and will end any incentive whatsoever for Hanoi's leaders to negotiate seriously. It will deliver the victory the Communists have no hope of achieving on the battlefield and which they have never dared to seek via a test of verifiably free political competition.

ALLIED PEACE PROPOSALS

President Nixon, supported by South Vietnam's President Thieu, on October 7, 1970 proposed a five point program for a just peace calling for:

An internationally supervised cease-fire in place throughout Indochina;

The establishment of an Indochina Peace Conference;

Negotiation of an agreed timetable for the complete withdrawal of all U.S. forces from Vietnam on the basis of North Vietnamese reciprocity and international verification;

A fair political settlement reflecting the will of the South Vietnamese people and of all the political forces in South Vietnam;

The immediate and unconditional release of all prisoners of war by all sides.

The United States has also supported South Vietnam's proposals of July 11, 1969 calling for free elections in which all people and parties of South Vietnam, including the National Liberation Front (NLF) can participate and for a mixed electoral commission on which all parties including the NLF can be represented to work out the modalities and verification procedures for such elections.

ALLIED PEACE STEPS

In addition, the United States has undertaken major steps toward peace. Each of these steps was urged by the Communist side and its American supporters as constructive contributions designed not only to reduce U.S. involvement but also to open the door to negotiations. These steps include:

The 1968 halt to the bombing of North Vietnam.

Agreement on the participation of the NLF in the Paris talks;

U.S. agreement to the principle of troop withdrawals;

U.S. troop withdrawals totalling 265,000 by May 1, 1971, to reach a total of 365,500 U.S. troops withdrawn by December 1, 1971. The authorized ceiling for U.S. military personnel in Vietnam will have dropped from 549,500 in January 1969 when President Nixon took office, to 184,000 by December 1971. Further reductions are expected under the Nixon Administration's Vietnamization program;

A series of de-escalatory steps substantially cutting back B–52 activity and U.S. tactical air activity in Southeast Asia;

Appointment of a new senior negotiator in Paris.

COMMUNIST INTRANSIGENCE

Hanoi and the NLF have rejected these and all other proposals and steps for peace:

They refuse even to consider the Allied proposals as agenda items at the Paris talks.

They have continued to reject all notions of reciprocity, verifiably open elections or international verification.

Despite their promises, they refuse to negotiate with the Government of Vietnam.

They demand that the United States commit itself unilaterally and unconditionally:

To total unilateral withdrawal of all troops and war materiel, and the dismantling of all U.S. bases.

To the overthrow of the leaders of the Government of Vietnam (President, Vice President and Prime Minister).

To the arbitrary imposition of a so-called "coalition" government established prior to any elections and in the absence of any international verification. It would consist of the NLF's "Provisional Revolutionary Government" and various personages defined *in the NLF's views* as *"really* standing for peace, independence, and neutrality."

In exchange for such a total unilateral commitment by the U.S., Hanoi and the NLF have pledged absolutely nothing. They have at best indicated that if all this was done they might "discuss"—i.e. not release—the prisoners of war.

While Hanoi continues to deny that there is a single North Vietnamese soldier outside of North Vietnam, 100,000 North Vietnamese soldiers are in South Vietnam, 90,000 are in Laos and 50,000 are in Cambodia continuing to wage wars of aggression against North Vietnam's neighbors.

In assessing the unwillingness of the Vietnamese Communists to accept the principles of reciprocity, cease-fire, open political competition, international verification, etc. one must look at their record.

First, the Politburo of Hanoi's Lao Dong (Communist) Party has massively violated all the international agreements it has signed concerning South Vietnam, Laos and Cambodia while it denies that it has a single soldier outside of its borders.

Second, Hanoi's self-proclaimed Marxist-Leninist "peoples' dictatorship" has never dared risk the revealing political litmus test of tolerating the slightest diversity, political competition or international inspections in areas under its control. In contrast with South Vietnam's diverse political parties, highly competitive electoral system and lively parliament and press, Hanoi runs a Stalinist state on the basis of a single slate of candidates, a dormant parliament and total police control. The Hanoi regime is built on the liquidation of all earlier non-Communist "coalition" and "Front" partners and on total monopoly in all political, economic, cultural and military affairs.

Third, the southern branch of Hanoi's Lao Dong Party, the Peoples' Revolutionary Party of the National Liberation Front, is a self-proclaimed Marxist-Leninist party. It is committed, as it demonstrated via systematic political assassinations in the city of Hue during the 1968 Tet offensive, to imposing a rigid Communist "peoples' dictatorship" upon the South Vietnamese.

Fourth, far from involving simply a small independent group of nationalists fighting a "civil war" in South Vietnam, tens of thousands of Communist Hanoi's regular army troops have for years carried on assassination and warfare against North Vietnam's neighbors across North Vietnam's internationally recognized borders.

Fifth, along with their masters in Hanoi, these North Vietnamese forces are dependent on the doctrines, the diplomatic support and for 100% of their arms on the two Communist super-powers, the Soviet Union and Communist China.

Those who urged Allied submission to the demands of the Vietnamese Communists would do well to consider whether the hypocricies involved in those demands should not be rejected in favor of a rational, reciprocal approach.

If the Hanoi leadership can obtain a unilateral U.S. withdrawal date without undertaking its own withdrawals and accepting the principles of international verification, open elections, prisoner releases, etc., it will have no incentive whatsoever to negotiate seriously and will be encouraged to continue its war policies.

To undercut the chance for a just settlement and to accept the enemy's unilateral demands, would be to betray President Nixon's solemn pledge of May 14, 1969 that the United States, understanding the stakes and sacrifices involved, has "ruled out either a one-sided withdrawal from Vietnam, or the acceptance in Paris of terms that would amount to a disguised defeat."

PROGRESS IN VIETNAM

The war in South Vietnam has wound down to a point well below the levels of previous years as a result of progress in Vietnamization and reduced enemy strength and capability. As a result, the US involvement in the conflict has dropped sharply. The momentum of the pacification program was preserved during 1970, the economy of SVN is beginning to show signs that stability will return, and the political climate is viable. No discernible progress has been made in Paris, despite President Nixon's five-point peace proposal, which provides a fair and equitable basis for a negotiated peace.

U.S. INVOLVEMENT IN THE WAR SHARPLY REDUCED

Redeployments: During 1970, about 135,000 US troops redeployed. US troop strength at the close of the year was 335,000, compared to the 543,000 peak strength in April 1969. As of March 20 there were about 313,000 troops in country, a 22,000 man reduction since the beginning of the year. By May 1971, US strength in Vietnam will be below 284,000 men—the lowest level since July 1966 and about half of the peak strength two years ago.

US Combat and Non-Combat Deaths: US combat deaths in 1970 were the lowest of any years since 1965. They were 55% below 1969 levels; 71% lower than in 1968. In the last half of 1970 they were 54% below the first half rate and were lower than any six month period in the past five years. Combat deaths in December were lower than in any month since October 1965. Since the first of this year combat deaths have averaged about 44 per week (even lower than the 51 per week during July-December 1970). Non combat deaths have declined at about the same rate as US troops have redeployed—despite press allegations to the contrary.

Sortie Rates: In 1970, US planes flew 36% fewer attack sorties in SEA than in 1969. They flew 48% fewer sorties than in 1968. The consumption of air munitions showed similar declines (1970 was 25% below 1969, 27% below 1968). In South Vietnam alone, 52% fewer attack sorties were flown than in 1969 and 53% less than in 1968. So far this year, we have flown one-fourth the number of attack sorties in SVN that we flew last year. And, despite a great deal of air support to ARVN in Laos recently, the SEA-wide attack sortie rates are down about 25%.

Costs: The cost of the war to the US declined about $5 billion during FY 70, and will drop about $4 billion further in FY 71. We expect war costs to decline an additional $3 billion or more during FY 72. To date, estimated savings as a result of Vietnamization since 1968 are $10 billion.

VIETNAMIZATION/PACIFICATION GOING WELL

Republic of Vietnam Armed Forces (RVNAF): Strength increased 7% in 1970, and 15% since U.S. redeployments began in July 1969. Most of the increase occurred in the forces necessary for pacification—Regional and Popular Forces (RF/PF). The tempo of RVNAF operations has increased as they assume the major burden of the war: RVNAF now accounts for more than 60% of the reported enemy killed in action.

Vietnamese Air Force (VNAF): The number of aircraft has increased nearly 70% since Vietnamization began. Total VNAF sorties flown during 1970 increased 64% compared to 1969, and are holding at those levels so far this year.

Vietnamese Navy: The majority of U.S. naval assets in RVN has been turned over to the Vietnamese. The U.S. naval effort within South Vietnam is now limited to an advisory and support role. (There are, of course, U.S. Navy ships operating in waters off the coast of Vietnam.)

Pacification: During the 1½ year period of U.S. redeployments, pacification progress (as measured by the Hamlet Evaluation System—1970) continued. The HES/70 A–B–C (relatively secure) score rose 14 percentage points (to 95%); the A–B (secure) score gained over 20 points. Captured enemy documents continually confirm the success of the GVN pacification program by exhorting their cadre to attack it.

Experienced observers returning to Vietnam after long periods out of the country unanimously agree that security conditions in the countryside are better than ever before, and that the allied main force military campaign has achieved most of its objectives in the southern half of the country, partly due to the outstanding success of the Cambodian operations.

A survey of the rural population reveals that economic problems (concern over rising prices) have superseded physical security as their greatest concern—a further confirmation of pacification progress.

ENEMY STRATEGY AND CAPABILITIES LIMITED

The enemy has moved away from a military type conflict, turning to guerrilla warfare in most areas. Battalion sized enemy attacks declined more than 60% during 1970; only one was reported in South Vietnam during the last half of 1970, none thus far in 1971. The enemy has been primarily using terror and harassment—targeting Territorial Forces (RF/PF), paramilitary forces and civilians, while avoiding Regular Forces—a possible sign of weakness.

There were about 103,000 enemy killed in action in 1970 compared to 157,000 in 1969, and 181,000 in 1968. The 34% decline in 1970 is further evidence of the winding down of the war.

Enemy infrastructure (VCI), the political and subversive machinery, remains a serious problem, but is estimated to have declined about 20% in strength during 1970. The Government of Vietnam is increasing the pressure on this subversive threat, mainly by improving the National Police forces.

THE ECONOMY OF SVN IMPROVED

Economic Reforms: Rampant inflation and the economic instability generated by the war have led to recent reforms in exchange rates, advance deposit requirements for financing certain imports, and increased interest rates. These economic reforms were taken to dampen inflation, increase GVN revenues, and to strike at the black market for US dollars and goods. The reforms have temporarily stabilized the Saigon retail price index, and dramatically cut black market conversion of dollars into piastres.

Serious economic problems remain, basically the result of a growing GVN budget deficit and the long range need to promote sound economic development. U.S. Embassy, MACV and USAID advisors continue to work with GVN officials in efforts to extend the recent reforms, establish a sound tax structure, foster economic development and exports, and attract private investment capital.

The Rural Economy: Despite the problems noted above, a quiet economic revolution has taken place in rural Vietnam. While urban income has declined from inflation, the peasant has been getting higher and higher prices for his rice and his real income has risen significantly.

The shift stems from four factors: (1) increased security in the countryside, (2) road networks re-opened or built, enabling the peasant to get his rice to market, (3) the transister revolution whereby his radio tells him the latest prices of rice in the cities and thus improves his ability to bargain with the rice buyers, and (4) the new "miracle" rice.

1450 miles (2400 km) of roads have been built and opened. An additional 360 miles (600 km) are currently under construction, to be built by mid 1972. The GVN will maintain about 2000 miles (3200 km) of all weather roads in 1971.

"Miracle" rice (a fast growing, disease resistant variety) was cultivated on more than 700,000 acres in 1970. Current programs call for expanding production to 1,858,000 acres in 1971–72. This year Vietnam will produce enough rice to feed itself.

The recently enacted land-to-the-tiller program will ultimately vest ownership of about 2,250,000 acres of rice land in more than 500,000 rural families. Through 30 November 1970, 20,552 titles for 68,666 acres were issued to 17,049 farmers. Nearly one million acres of land are scheduled for distribution in 1971. The program is expected to be complete by the end of 1973 at a cost to the GVN of $400 million (the US, subject to Congressional approval, is to provide $40 million for the program).

THE POLITICAL SCENE NOW LIVELY

Elections of senators, provincial councils, and local officials took place in 1970. All of the elections were judged reasonably fair, even by the most critical observers. Moreover, there were indications of increased involvement and sophistication on the part of the average citizen. For example, more than 60% of the rural population now feel that the way to remove ineffective or unpopular officials is to vote them out in the next election.

In 1971, the Vietnamese are scheduled to elect the entire (187 seat) lower House and the President and Vice-President. Electioneering has already begun. Thus far, the three candidates mentioned most frequently for the presidency are President Thieu, General Minh and Vice President Ky. The An Quang Buddhists emerged as a powerful interest group in the Senate elections and are expected to be a strong factor again this year. Enemy attempts to disrupt the elections in 1970 were inconsequential. It is possible that they intend to play a larger role in 1971.

PROSPECTS

U.S. redeployments coupled with Vietnamization, will continue during 1971. The enemy is expected to continue his wait-and-see strategy, largely avoiding military action in RVN.

Despite President Nixon's five point peace proposal; a ceasefire in place, an Indochina peace conference, negotiation of a timetable for complete U.S. withdrawal as part of an overall settlement, search for a political settlement fair to all parties, the immediate and unconditional release of all POW's held by both sides, the Paris peace talks continue to be stalemated. The proposal provides the basis for meaningful negotiation, if only the other side were willing to engage in serious talks. It recognizes the desire of the Vietnamese people and the rest of the free world for an end to hostilities, recognizes that a permanent solution must encompass the whole of Indochina, and recognizes the existence and continued involvement of the other side in the political future of South Vietnam. It does not call for a surrender or even tacit admission by the other side of their deteriorating military and political situation. It assures that the interests of all parties to the conflict can be acknowledged and served.

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VIETNAM

President Nixon has taken a number of significant steps toward ending the war and winning the peace in Vietnam. The United States is fighting to deter North Vietnam's aggression, but at the same time is attempting to achieve a just and honorable peace.

Vietnam has shown steady progress in the two years since President Nixon took office in January 1969 and since the Vietnamization program got underway.

The phased reductions under the Administration's Vietnamization program reduced the authorized American troop ceiling of 549,500 and in-country strength of 542,000 men in January 1969 to 335,000 by January 1971 and to 284,000 by May 1971. On April 7, 1971 the President announced a further reduction to 184,000 by December 1971.

American combat deaths had been reduced from the levels of 14,561 or 278 weekly in 1968 to 4,183 and 80 weekly in 1970 and were averaging 40 or fewer a week in early 1971.

In 1968 the war was costing an additional $22 billion. In early 1971 the additional costs are running at half that and are steadily decreasing.

Since security in the countryside has substantially improved, local and national governments are performing with increased effectiveness and a number of agricultural and economic programs are underway.

With carefully tailored U.S. assistance under the Vietnamization program, South Vietnam's regular and local forces have greatly increased their capabilities and have taken over the major share in effectively defending their country against North Vietnam's attack.

The limited cross border operations against North Vietnamese bases along the Cambodian border and against the Ho Chi Minh Trail in Laos demonstrated the growing strength of the South Vietnamese forces in facing the best of the enemy's remaining forces on the enemy's terrain. Large stocks of war materiel were captured or destroyed, several tens of thousands of casualties were inflicted on North Vietnam's forces and Hanoi's offensive timetables were set back by a year. At the same time security was provided to South Vietnam's populated regions and American troop reduction plans were safeguarded.

And even in the midst of war, South Vietnam has continued its path of constitutional development. The National Assembly, the Supreme Court, and the locally elected councils at hamlet, village and province level are playing increasingly important roles. Last August's Senate elections were marked by the participation and victory of the Buddhist opposition slate who called the elections fair, and political participation and progress are expected to continue as South Vietnam approaches new national elections this fall.

The U.S. has maintained a flexible negotiation posture in Paris in the event that the other side will recognize the desirability of concluding the war through serious negotiations rather than prolonged combat.

President Nixon on October 7, 1970, announced a five-point proposal for a just peace in Indochina calling for: (1) an internationally supervised cease-fire in place throughout all of Indochina as part of a general move to end the war in Indochina; (2) establishment of an Indochina Peace Conference; (3) negotiation of an agreed timeable for complete reciprocal withdrawals from Vietnam; (4) a fair political settlement reflecting the will of the South Vietnamese people and the political forces in South Vietnam; and (5) the immediate and unconditional release of all prisoners of war by all sides.

The President has also supported South Vietnam's proposals of July 11, 1969 and October 8, 1970 calling for free elections in which all the people and parties of South Vietnam, including the National Liberation Front, can participate, and for a mixed Electoral Commission in which all parties can be represented.

In his February 25, 1970 report to the Congress, President Nixon recounted major steps toward peace taken by the Allies.

"Since 1968 the U.S. has done almost everything that various parties—including Hanoi—told us would kindle negotiations. We halted the bombing and other acts of force against North Vietnam. We agreed to NLF participation in the Paris talks. We agreed to the principle of withdrawal and made initial withdrawals of American troops. We made substantial withdrawals, soon to total 265,000. We agreed in principle to remove all our troops. We took a series of de-escalatory steps, such as cutting back our B–52 and tactical air sorties. And we appointed a new senior negotiator in Paris."

"These steps, except for the bombing halt, were unilateral measures, designed not only to reduce our involvement, but also to open the door to negotiations. Each of them was urged by the other side as a constructive contribution. None of them has generated movement by the other side."

It takes two to negotiate, but thus far the Communist side has rejected each of the Allied proposals and continues to press its attacks. As a condition for even discussing these proposals, they insist that we accept their demands for total and unconditional U.S. withdrawal and end the Vietnamization assistance program for the prior removal of the elected leaders of the Government of South Vietnam and for the imposition of an NLF run "coalition" government prior to any elections.

Finally, any evaluation of the American role in assisting the South Vietnamese in their struggle against North Vietnam's aggression must consider the fact that the South Vietnamese people have much to fear from the pattern of massive repression systematically practiced by North Vietnam's Communist Party. In North Vietnam this Stalinist Party operates a "peoples' dictatorship" which permits no forms of opposition or diversity. Its liquidation policies against its short lived "coalition" partners of 1945–1946 and of those who differed with Communist policy after 1954 in the North are matters of public record. It is this record and the record of the party's southern branch, the Marxist-Leninist Peoples' Revolutionary Party of the so-called National Liberation Front (who in the city of Hue, for example, systematically assassinated thousands of their opponents) that perhaps explains South Vietnamese desire for help in resisting Hanoi's armies and its front.

In his February 25, 1971 report to the Congress, President Nixon restated the goals of American policy in Indochina.

"I will continue to do what is necessary to protect American men as they leave Vietnam. Throughout I will keep the American people and the Congress fully informed.

"A negotiated settlement for all Indochina remains our highest priority. But if the other side leaves us no choice, we will follow the alternate route to peace—phasing out our involvement while giving the region's friendly countries the time and the means to defend themselves."

VULTURES TOO FULL TO FLY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. GALLAGHER. Mr. Speaker, I rise today to comment briefly on the situation in East Pakistan, or Bangla Desh as the Bengalis and their supporters prefer it to be called. On May 11, my Foreign Affairs' Subcommittee on Asian and Pacific Affairs held a hearing on this matter. We were scheduled to meet May 13 to hear the witnesses from the Department of State and the Agency for International Development in executive session and professor Robert Dorfman of Harvard University in open session. Unfortunately, that day of hearing must now be postponed and it will be rescheduled as soon as possible.

Whatever the politics involved in this region, I firmly believe that one of the great human tragedies of modern times may be in the process of being created. As additional background material for the continuing debate over the American role and the role of the world community in mounting a humanitarian assistance program, I would like to call my colleagues' attention to the testimony of Senator EDWARD M. KENNEDY before my subcommittee yesterday, a position paper of the Ripon Society dated April 3, and a news dispatch from the Washington Star of May 12.

The phrase in the news dispatch about "vultures too full to fly" may be regarded as vulgar by many people unfamiliar with the history and the potential for tragedy in this region. However, it does graphically reflect the position of many who are intimately familiar with past events and with informed future predictions.

Mr. Speaker, I ask that the material referred to be inserted into the RECORD at this point, as well as my opening statement at the hearing yesterday.

OPENING STATEMENT OF CONGRESSMAN CORNELIUS E. GALLAGHER

The Subcommittee will come to order.

We are beginning hearings today looking into the situation in East Pakistan with particular emphasis on the related problems of refugees and famine.

I think it would be useful to briefly summarize events leading to what may be one of the worst human tragedy in modern times.

In November 1970 a cyclone and flood killed thousands in East Pakistan and crippled the main port of Chittagong. The recent fighting has prevented most crops from being planted. Because East Pakistan is a food deficit region in the best of times, as many as 30 million people may starve, according to reports said to have been submitted to the Agency for International Development and the World Bank. Right now, refugees are streaming from East Pakistan into India at the rate of 60,000 each day, swelling the already strained Indian food supply by an estimated 1.5 million new mouths to feed.

The refugees and the potential famine are the result of civil war which broke out on March 25, 1971. While politics of Pakistan and the Subcontinent are not the focus of this hearing, it is important to remember that in the election for a National Constitutional Assembly in December 1970, the Awami League captured 167 of the 169 seats contested in the East. Ths gave them an absolute majority of the 313 seats contested in all of Pakistan.

While the government of Yahya Kahn now is in apparent control of the cities, those who embrace autonomy for Bangla Desh claim the countryside. Factually, the countryside of East Pakistan is the equal of the countryside of South Vietnam in providing natural surrounding for insurgency and the fighting thus far has produced reports of savage atrocities on both sides.

Putting this together, we seem to have a situation which is potentially equal, in terms of human misery, to a combination of Vietnam and Biafra. Because of our military aid to the Central Government it appears that our arms, in conjunction with those supplied by other governments, are being used to defeat the people who won the election.

While these and other questions are as important as they seem to be unanswerable at this point, our focus is the immediate threat to the lives of millions. To emphasize that concern, we are very pleased to welcome this afternoon Senator Edward M. Kennedy of Massachusetts. His Subcommittee on Refugees of the Senate Judiciary Committee has produced extremely valuable information about the impact of policy on people and the dimensions of the suffering and the dislocation in countries where war has been conducted. The humanitarian aspect of the East Pakistan situation must be considered by all the parties involved and it will be a great pleasure to hear Senator Kennedy discuss the information developed by his Subcommittee.

STATEMENT OF SENATOR KENNEDY ON CRISIS IN EAST PAKISTAN BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

I appreciate very much the opportunity to be here this afternoon—because, as Chairman of the Judiciary Subcommittee on Refugees, I share your deep concern for the victims of natural disaster and civil war in East Pakistan. I am hopeful these hearings will contribute toward a better understanding of the undeniable problems which exist in relieving this basically humanitarian problem. And I am also hopeful that the hearings will underscore the urgent need to further encourage the initiatives underway to meet the needs of the Bengali people.

Official reports from our government and elsewhere express very serious concern about the condition of the people in East Pakistan. These reports say that within a month the condition of the people will become "acute". The precarious situation which exists today will evolve into a nightmare of death for millions—unless immediate and concerted efforts are made to meet the needs of the people involved.

Although reports from East Pakistan suggest that violence has subsided considerably, reports also indicate that feelings are tense between the people and the army of the central government. In fact official reports to our government suggest that the great bulk of the population is alienated, perhaps forever. Regretably, this can only complicate, and perhaps delay, the organizing of a meaningful relief program, and the solving of those political problems which generated the recent violence.

Moreover, reports also indicate that the army effectively controls only the cities and towns, and that throughout most of the countryside, government administration and services do not exist. The transportation and distribution of available foodstocks and medical supplies are at a standstill—even in the area struck by the cyclone last fall, where conservative estimates say a million persons have been solely dependent for their survival on effective relief operations. Food reserves—not confiscated by the army—are very low.

The tragedy, finally, has now spilled over into India, which so far has found it necessary to give asylum to nearly 2,000,000 refugees—of whom at least 526,000 are in camps. The recent daily influx into India has reportedly been some 50,000. The State Department informs me that the influx will continue at a high level, "at least until the beginning of the monsoon in a few weeks, when both military operations and travel will become more difficult". The continuing heavy influx of refugees into India is a stark reminder of how bad conditions have become in East Pakistan.

Over the last month I have repeatedly communicated my concern in these matters to officials in the Department of State and elsewhere, in an effort to encourage and support reasonable initiatives by our government and the international community to help meet the urgent political and humanitarian problems in East Pakistan. I have strongly believed these initiatives should be taken through the United Nations.

On the humanitarian problems, at least, some progress is being made.

On the Indian side of the border, and at the invitation of the Indian government, representatives of the United Nations High Commissioner for Refugees (UNHCR) are currently assuming relief needs and developing a plan of international action. According to a communication I received from the Department of State this morning, our government has "authorized up to $2.5 million in food and other assistance as our initial contribution to the international relief effort."

While the UNHCR effort is being organized, the U.S. is providing emergency food assistance for 217,000 refugees in West Bengal. The food assistance is being distributed by CARE, Catholic Relief Services, and Church World Service/Lutheran World Federation.

Far less progress in meeting relief needs is being made in East Pakistan. Initiating an adequate relief program is undoubtedly being hampered for a number of good reasons—but, on the basis of talks I have had, the primary cause may very well be a simple lack of candor in recognizing the vast dimension of human need brought on by the conflict. Let us not quibble over how we label the situation. Whether we call it a minor disturbance, a disaster, or an emergency—the threat of mass starvation puts a heavy obligation for action on the government of Pakistan and the international community.

In the name of neutrality, some in our government say we must not be involved in East Pakistan today. But we are involved. Our weapons have been involved in the violence. Our aid has contributed to East Pakistan's development for more than a decade. And today, our government, at the highest levels, is involved in discussions for even more aide. So we *are* involved. The only question, is what this involvement will be. At this point it *must* be humanitarian—aid that will heal and rehabilitate, not further divide and destroy.

In this connection, I strongly urge that our government leave no stone unturned—especially this week when high level representatives of the Pakistani government are present in Washington—in supporting current efforts by the United Nations to organize a relief program within East Pakistan. Since the last week in April representatives of UNICEF, the U.N. development program, and the World Food Program have traveled to Dacca to ascertain relief and logistical needs.

Moreover, representatives of the Pakistani government have assured me of their government's willingness to accept humanitarian aid and personnel through U.N. channels and private voluntary organizations. Thus there is nothing but inertia to prevent a meaningful relief effort.

Solving the political and humanitarian crisis in East Pakistan is, first of all, Pakistan's task. But in this effort, there is scope enough for all the energy and charity that the emergency of the civil war has called forth, among Americans and peoples throughout the world.

And so today, as an individual concerned about the dignity and preservation of the ultimate resource in our planet, I appeal to the leaders of Pakistan, to the leaders of other countries, and to our own government, to support immediately a mercy mission and airlift into areas of need. And, hopefully, the appeal of the Indian government for assistance to meet refugee needs within her borders, will also receive the sympathetic response by all concerned.

We are conditioned in this world we have created to accept suffering and injustice—especially in our time when violent conflict and oppression are active in so many areas. But the newer world we seek will not evolve if we ignore these challenges to leadership, and take comfortable refuge in the mundane patterns and attitudes of the past.

In the case of East Pakistan—in the effort to help a people caught in the clutches of natural disaster and the passion of conflict—I cannot believe that governments stand paralyzed in the fact of great tragedy. The situation must not be ignored. At stake are human lives—innocent lives—Pakistani lives—thousands, even millions of lives—whose destruction will burden the conscience of all mankind unless something is done to save them.

PAKISTAN: BACKGROUND TO A CRISIS

(NOTE. This paper was reviewed for the Ripon Society by a committee consisting of: J. Lee Auspitz, President, Ripon Society; Stephen A. Marglin, Professor of Economics, Harvard University; Gustav F. Papenek, Lecturer on Economics and former Director, Development Advisory Service Harvard University.)

I

History of economic and political domination of East Pakistan

In many ways East and West Pakistan have never been one country. Even at its strongest, the bond between East and West Pakistan was somewhat tenuous. They are physically more than 1,000 miles apart, the people speak different languages, have different cultures and different economies. They have in common religion, a short history, and the same central government.

Since the formation of the state of Pakistan 24 years back, the East Bengalis have derived little benefit from the association other than a limited sense of security that the Hindu landlords would not be able to return and repossess the land.

It has become increasingly apparent that the economic and political interests of the East Pakistanis have been systematically subordinated to those of West Pakistan. Even the Central Government's highest planning authority was forced to take official notice of the widening economic disparities between the two regions. A recent report[1] by a panel of experts to the Planning Commission of the Government of Pakistan showed that, while average (per capita) income in the West was 32% higher than in the East in 1959–60, the disparity had almost doubled to 61% ten years later in 1969–70.[2]

The Central Government's instruments of tariffs, import controls, industrial licensing, foreign aid budgeting, and investment allocation have been used to direct investment and imports to develop high-cost[3] industries in West Pakistan whose profitability is guaranteed by an East Pakistan market held captive behind tariff walls and import quotas. Though 60% of all Pakistanis live in the East, its share of Central Government development expenditure has fluctuated between a low of 20% during 1950/51–1954/55 and a high of 36% in the period 1965/66–1969–70.[4] East Pakistan's share of private investment has averaged less than 25%. Historically, 50% to 70% of Pakistan's export earnings have been earned by East Pakistan's products, mainly jute, hides and skin. Yet its share of foreign imports (which are financed by export earnings and foreign aid) has remained between 25% and 30%.[5] Basically, the East's balance of payments surplus has been used to help finance the West's deficit on foreign account leading to a net transfer of resources, estimated by an official report[6] to be approximately $2.6 billion over the period 1948/49 to 1968/69.

The subordination of the East's economic interests has been acomplished by the overwhelming concentration of governmental authority in the hands of West Pakistanis.

After the military regime of Ayub Khan took power in 1958, the East has had little political representation in the Centre. Only cooperative Bengalis were appointed to political office, and in the powerful Civil Service, Bengalis held only a small fraction of the positions. Under-representation of Bengalis in the army was even more severe, believed to be 10% or less. Ayub Khan, against whom the Bengalis had voted heavily in 1965, was forced to resign because of widespread unrest in both East and West, culminating in demonstrations and strikes in 1969. Since taking power in the Spring of 1969, Yahya Khan's martial law regime has always spoken of itself as an interim government to be replaced after popular elections. In the economic and social spheres, the army made no innovations. However, the military did take one positive step: they held free and fair elections in December of 1970, both for a Constituent Assembly and for Provincial Assemblies.

These elections were based on "one man, one vote;" this meant that in the Constituent Assembly the East was allotted roughly 55 percent of the seats. Two parties dominated the elections. In the East, Sheikh Mujibur Rahman's party, the Awami League, won 167 out of 169 seats for the Constituent Assembly; in the West, Zulfikar Ali Bhutto's party won approximately 80 out of 140 seats. The Awami League actually had sufficient seats to be a *majority* in the Constituent Assembly.

The Awami League ran on a single issue, autonomy[7] for East Pakistan. Until the shooting began on March 25, they did not seek independence but a loose union with the West. While on paper they had the votes to dominate a strong central government they presumably felt they could not, in fact, dominate, given that the military, the civil service, and the large businesses were all in the hands of West Pakistanis.[8] Therefore, they opted for a form of government which would give them control over what they considered their essential interests. The established interest groups in the West, particularly the military whose budget was threatened and large businesses who stood both to lose markets and the foreign exchange earnings of the East, opposed autonomy for the East.

When it was clear that the East would not compromise on its demand for autonomy, President Yahya Khan postponed the Constituent Assembly scheduled for March 3, resulting in demonstrations in which hundreds of people died in army firing on March 1. Despite this provocation, Sheikh Mujib kept the door for negotiations open. General Yahya Khan appeared to respond by holding talks for two weeks with the Awami League leadership. In retrospect, this appears to have been a ploy to buy time for reinforcing the West Pakistani armed forces in the East. On March 25, the military authority outlawed the Awami League, arrested its leaders, and opened fire with tanks, artillery, and automatic weapons (much of it supplied by the U.S.) on the defenseless and unarmed civilians.[9]

The military's approach appears to be to intimidate the urban population through a reign of terror. Killing and destruction apparently have been indiscriminate. Reports on the number killed in the first three days ranged from 15,000 up.

In the short run the army can intimidate the people of the major cities. But it cannot even now control any substantial part of the countryside. In the long run the military position is untenable. In a hostile environment and given the logistical problems, maintaining even the 60,000 West Pakistan troops now in the East, will be difficult. Moreover, the military cannot possibly guard the borders or prevent the Bengalis from acquiring arms with which to resist.

The Bengalis have now declared themselves independent and have the will to fight. In the end, they will win; the only question is time, how many deaths, and how much destruction must take place before they achieve their independence.

The recent elections provided East Pakistan with a political party capable of governing. Rather than a civil war, the present action is more of an invasion of one state by the military of another, with the aim of overthrowing a duly elected government and subjugating the people.

II

An independent East Pakistan in the international community

Bangla Desh, the name chosen by East Pakistanis for their desired nation, is bound to establish good relations with India. Apart from the cultural bonds of a common language—Bengali—between East Pakistan and the state of West Bengal in India, interest in strong economic ties coincides. The industrialization of East Pakistan would be greatly facilitated by the nearby supply of coal and iron ore in West Bengal. Even for agricultural growth, much of the investment to improve water control would have to be undertaken in India, presumably as cooperative ventures, likely with World Bank support. India would benefit not only from water control but also from direct access to the East Pakistan market, and incidently by the improvement of access to Assam. Historically, in spite of evident mutual interest in

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Footnotes at end of article.

regularizing cultural and trade relationships between India and East Pakistan, such a development was consistently discouraged and resisted by the West Pakistani-dominated government. Specifically, the West Pakistanis believed that, short of war and victory, they have no other lever to force a settlement of the Kashmir claim but the economic interest of India in resuming trade in the East.

An independent Bangla Desh may set up minor economic ties with China, but these are likely to be much less than the current scale of trade and aid between China and Pakistan. The chance of international links betweeen China and Bangla Desh are likely to increase the longer the independence struggle takes to achieve its goal, since its control may, over time, slip from moderate Awami League leadership to more militant and leftist elements such as the National Awami Party (which did not contest the December elections).

In recent years U.S.S.R. has competed with China for influence over the West Pakistani-dominated Central Government, using the levers of economic and military aid. In its newly established relationship the Soviet Union's contacts have been confined to the military regime in West Pakistan. Though it is hard to predict the Soviet attitude towards an independent Bangla Desh, ties with the Soviet Union are unlikely to be any stronger than with China.

III

United States policy: Past and future

The likely pattern of United States relations with Bangla Desh depends crucially on U.S. policy in the current crisis—particularly with regard to the decisions on economic and arms aid to the Central Government in West Pakistan. To appreciate possibilities for U.S. policy, a little history is helpful.

Since the early 1950's when Pakistan joined mutual security pacts of SEATO and CENTO, she has received massive economic and military aid from the United States. By 1969 economic aid amounted to about $3 billion and military aid, a classified number, has been estimated to have been between $1.5 and $2 billion. This assistance has included F–104 Starfighters, F–84 Sabre jets, C–130 transports, Patton tanks, armoured personnel carriers, heavy artillery, and automatic weapons. This arsenal of sophisticated equipment was explicitly intended for defense, and in terms of the context in which they were provided, the Communist Bloc was seen as the potential aggressor. After the 1965 Indo-Pakistan border war, when the U.S. imposed an arms embargo on both countries, the Pakistan government turned for support to another adversary of India, i.e., the People's Republic of China.

The Pakistani initiative was sympathetically received by China, presumably not so much because of the Sino-Indian conflict but because it represented a breach in SEATO and CENTO. The growth of Chinese military and economic aid spurred similar offers from the Soviet Union, anxious to get into the act of weaning Pakistan away from its military alliances with the Western powers. Perhaps because the United States still believed it could compete for influence with Pakistan through arms sales, or perhaps due to the sheer momentum of long and close ties between the Pentagon and the military superstructure in Pakistan, attempts to circumvent the arms embargo gathered strength in 1967. Attempts were made to persuade "third countries"—West Germany and Turkey—to sell arms previously provided by the U.S. to Pakistan for nominal prices, with the assurance that the U.S. would replace these weapons with newer equipment.[10] Though this particular move of the Johnson Administration was frustrated by the unwillingness of any suitably equipped third country to go along with the arrangements, in October 1970 the Nixon administration offered to sell Pakistan certain items including a squadron of F–104 Starfighters, a squadron of B–57 bombers,[11] and about 300 armored personnel carriers.

Viewed from the United States, the emergence of an independent Bangla Desh friendly to India is likely to aid the long-term U.S. foreign policy goal of reducing conflict and tension on the Indian sub-continent. The issue of Kashmir, a matter on which East Pakistan has never been aroused, will continue to divide India and West Pakistan. But as a separate entity, West Pakistan is unlikely to have the capacity to continue the long and costly confrontation with India, which has sapped the scarce resources of both these poor countries.

An independent East Pakistan will probably follow a moderately pro-Western policy, which may be consolidated with the provision of aid by U.S. and multilateral agencies. But if the struggle for independence is prolonged by the continuation of U.S. aid to the Pakistan government, the damage to the United States' image and the rise to power of leftist elements in the independence movement will both frustrate the development of friendly relations with the U.S. Eyewitness reports in the *Washington Post* and *New York Times* confirm that American arms are now being used, along with Russian and Chinese, to establish a reign of terror in East Pakistan. The American Government must not be party to the killing of defenseless civilians or the forcible repression of the struggle by East Pakistanis for control over their own lives. Since the agreements under which the arms were given limit their use for defensive purposes, the U.S. certainly has a basis to protest their use for massacring unarmed civilians.

Continuing military and economic aid is not neutrality in this matter. In the current situation, all aid is bound to flow to the government in West Pakistan. At the very least, the United States should prevent deliveries under the October 1970 arms offer, avoid all further arms deals, and cut off economic aid to Pakistan. Such action, together with moral and diplomatic pressure, could bring an end to hostilities and lead to early institution of democratic government.

FOOTNOTES

[1] *Reports of the Advisory Panels for the Fourth Five Year Plan 1970–75,* Vol. I, Planning Commission, Government of Pakistan, July, 1970.

[2] Planning Commission, *op. cit.,* p. 2.

[3] Soligo, R. and Stern, J. J., "Tariff Protection, Import Substitution, and Investment Efficiency." *Pakistan Development Review,* Summer 1965. This demonstrates the inefficiency of nearly all industries.

[4] Planning Commission, *op. cit.,* p. 6.

[5] *Foreign Trade Statistics,* various issues, Central Statistical Office, Government of Pakistan.

[6] Planning Commission, *op cit.* Appendix III.

[7] The Six-Point autonomy program of the Awami League is:

(1) Establishment of a federation "on the basis of the Lahore Resolution and the Parliamentary framework of government with supremacy of legislature directly elected on the basis of adult franchise."

(2) Federal government shall deal with only two subjects; that is defense and foreign affairs and all other residuary subjects should rest in the federating states.

(3) There should be either two separate but freely convertible currencies for the two wings or one currency for the whole country, provided that effective constitutional provisions were made to stop the flight of capital from East to West Pakistan. There should be separate banking reserves and a separate fiscal and monetary policy for East Pakistan.

(4) It denies the centre the right of taxation and vests it in the hands of the federating states with the centre receiving a fixed share.

(5) Foreign trade: Five steps.

(a) There shall be two separate accounts for foreign exchange earnings.

(b) Earnings of East Pakistan shall be under the control of East Pakistan and the same for West Pakistan.

(c) Foreign exchange requirements of the federal government shall be met by the two wings either equally or in a ratio to be fixed.

(d) Indigenous products shall move free of duty within the wings.

(e) The constitution shall empower the unit governments to establish trade and commercial relations with, set up trade missions in, and enter into agreements with foreign countries.

(6) Setting up a militia or para-military force by East Pakistan.

[8] Papanek, G. F., *Pakistan's Development: Social Goals and Private Incentives,* Harvard University Press, 1967.

[9] The *Washington Post,* March 30, gives a graphic account of the massacres committed with the use of armored units in Dacca, the regional capital of East Pakistan.

[10] Bowles, Chester, *Promises to Keep: My Years in Public Life 1941–1969,* p. 521, Harper and Row, 1971.

[11] Bowles, *op. cit.,* p. 522.

[From the Washington Evening Star,
May 12, 1971]

VULTURES TOO FULL TO FLY—EAST PAKISTANI CALAMITY DEFIES BELIEF

(By Mort Rosenblum)

DACCA, EAST PAKISTAN.—Vultures too full to fly perch along the Ganges River in grim contentment. They have fed on perhaps more than a half million bodies since March.

Civil war flamed through Pakistan's eastern wing on March 25, pushing the bankrupt nation to the edge of ruin. The killing and devastation defy belief.

From a well at Natore, fetid gases bubble up around bones and rotting flesh.

A tiny child gazes at a break in the lavender carpet of water hyacinths in a nearby pond where his parents' bodies were dumped.

TOLL COULD BE MILLION

No one knows how many Bengali families the army machine gunned or how many migrant settlers Bengali secessionists slashed to death. But estimates of the total dead start at six figures and range to over a million.

In the port city of Chittagong, a blood-splattered doll lies in a heap of clothing and excrement in a jute mill recreation club where Bengalis butchered 180 women and children.

Along the road to the mill, entire blocks of Bengali homes and shops were blasted and burned to the ground by the revenging Pakistani army.

Reporters were banned from East Pakistan from March 26, when 40 newsmen were bundled out and stripped of their notes and film, until the government escorted in a party of six on a conducted tour May 6–11.

From visible evidence and eyewitnesses questioned out of official earshot, the following account emerged:

Throughout March, Sheikh Mujibur Rahman's Bengalidominated Awami League harassed the military government with a noncooperation campaign demanding autonomy and more benefits from West Pakistan.

Bengalis killed some West Pakistanis in flurries of chauvinism.

Mujib's party had won a majority in the National Assembly elections and he was Pakistan's major political figure. But negotiations in Dacca with President Agha Mohammed Yahya Khan broke down, and Yahya flew back to West Pakistan March 25. That night the army reared out of its barracks, and East Pakistan was aflame.

PROFESSORS EXECUTED

Soldiers assaulted two dormitories at Dacca University where radical Bengali students made their headquarters. They used recoilless rifles, then automatic weapons and bayonets.

They broke into selected professors' and students' quarters. They executed some 14 faculty members, at least one by mistake. Altogether, more than 200 students were killed.

Army units shelled and set fire to two newspaper offices, then set upon the Bengali population in general. More than a dozen markets were set afire, and at least 25 blocks were devastated in Dacca.

Hindu Bengali jewelry shops in the Shakari Pathe quarter were blown apart. Two Hindu villages inside the Dacca race course were attacked with almost holy war fury by the Moslem troops.

Accounts, projected from body counts at mass graves indicate about 10,000 persons were shot to death or burned to death the first few nights in Dacca.

Official spokesmen contended that the army went into action to stop a rebellion planned for 3 o'clock the next morning. They insisted that the army killed no one but those who fired at the soldiers.

But other officers said the rebellion plot was only an assumption.

Eyewitnesses said at least hundreds of the victims were women and thousands were unarmed civilians gunned down indiscriminately.

"I took firm action to prevent heavy casualties later," said the martial law governor, Lt. Gen. Tikka Khan.

Dacca was brought under army control quickly, but word of the army action flashed through the province of 58,000 square miles and 75 million inhabitants, one of the world's most densely populated areas.

Thousands of Bengalis in the army, police, militia and border forces revolted. Under the banner of Bangla Desh, the independent Bengali state, the deserters and armed volunteers fought back, seizing wide areas of the provinces before the 11,000 West Pakistani regulars could occupy them.

Bengali civilians and "liberation troops" began a mass slaughter of Mohajirs—Indian migrants from the 1947 partition—and West Pakistanis.

They raced through marketplaces and settlements, stabbing, shooting and burning, sometimes stopping to rape and loot.

The army shelled towns and fired at anything that moved. The army action was far more brutal than anything seen in the Nigerian civil war.

Europeans likened the damage to that of the hardest hit theaters of World War II.

NEW YORK'S EDUCATIONAL CRISES AS VIEWED BY DR. KARL APPLBAUM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HALPERN. Mr. Speaker, there is no more disturbing aspect of the so-called population explosion in America than the resulting economic pressure on that most vital of our national institutions, the public school. Everywhere, the public school is pressed for economic needs, and nowhere is the case more evident than in our large metropolitan areas.

Under the circumstances, the people of New York City are deeply concerned about the current economic crisis afflicting their school system. The reasons for the crisis must be uncovered and the problems overcome if we are to insure the continued effectiveness of educational facilities in the city.

Hand-in-hand with financial difficulties, the New York City school system is currently confronted with an attempt to reduce the authority or dispense altogether with the services of many highly qualified school administrators and teachers, for political reasons only, at the expense of educational standards.

Because many of the persons jeopardized by these developments are members of the Jewish faith, the matter has come to the attention of a reputable New York City newspaper, the Jewish Press. I would like to include in the RECORD an editorial from the Jewish Press stating the problem in some detail, from the point of view of the distinguished New York City educator and rabbi, Dr. Karl Applbaum.

A chaplain, lawyer, social worker, author, and full colonel in the Retired Reserve, Dr. Applbaum has become a legend in his own lifetime. He holds no less than seven doctorates, two masters degrees, and two bachelors degrees. Descending from a long line of rabbis who served their people all over the world, he is the brother of rabbis and the father of a rabbi. Not only did he serve the United States as an Army chaplain, but his son also served as a chaplain for 4 years.

Dr. Applbaum served as commander of his own post and as county chaplain in both the Jewish War Veterans and the American Legion. He is serving as national chaplain of the Reserve Officers Association of the United States for the second time. His sponsor for this position was Monsignor Francis X. OBrien, a famous Army Chaplain.

Rabbi Applbaum served as president of the Long Island Chapter of the Association of the U.S. Army and is presently chairman of its Board of Governors. He is a member of the Military Chaplains Association of the United States; the International Platform Association; the Queens County Bar Association; the New York State Bar Association; the American Public Welfare Association; the New York State Welfare Conference; and the American Judicature Society. He is a past chancellor of the Knights of Pythias and a member of the Odd Fellows Lodge, the Royal Arcanum, and many, many more groups. His biography appears in nearly every biographical directory. It also appears in the newly published Who is Who in the World." On several occasions he has been invited to deliver the Invocation in the U.S. House of Representatives. He is a member of the community of school board 25, where he watches over the destinies of the members of the next generation, making sure that their minds are not poisoned by some of the new-fangled ideas to which they are exposed. Among the moment of which he is proudest are the times when he was received in private audience by their Holiness Pope John XXIII and Pope Paul VI.

The rabbi is married to the former Helen Siegel who is a member of the staff of Queens County's District Attorney; the Rabbi and Mrs. Applbaum are the parents of two daughters and a son and have six grandchildren.

His views on the New York educational crisis have been reported on for our benefit in the Jewish Press.

[From the Jewish Press, Mar. 6, 1971]

THE NEW YORK SCHOOL MONEY CRISIS AND SOME POINTED QUESTIONS

(By Ben Greenberg)

There were supposed to be a whole series of intrigues involved in the New York City school money crisis, and Dr. Carl Applbaum, an educator and Rabbi, is apparently one man who would like answers to some very pointed questions.

When the cutback announcement was made, radio station WINS carried an editorial discussing the Board of Education's predicament.

In summary, the WINS editorial suggested that the sudden news of the financial problem was simply the Central Board's way of having their voice heard in Washington and Albany.

Dr. Applbaum disagreed and requested time from WINS to reply to their editorial, and that time was granted.

No newcomer to education, Dr. Applbaum, who holds 7 doctoral degrees and is also a full Colonel in the U.S. Army, pulled no punches and charged that the school deficit arose because of some rather nefarious shennanigans, implying that it was a move to create an atmosphere of "antagonism and hate." He charged that the announcement was merely a ploy to destroy the "Aid to Parochial School" bills that were pending in Albany.

He claimed that a number of legislators told him, "How can you expect us to give money to Yeshivos when there is a serious financial shortage in New York City?"

Dr. Applbaum fired back with, "If you want the truth, the Central Board is using this so-called crisis as a subterfuge to fire Jewish employees in the school system."

Dr. Applbaum was referring to a great many educators, who are Jewish, who have full qualifications and could have obtained appointments had not the "crisis" taken place. As a result of the "crisis," Dr. Applbaum implied that the Central Board would turn around and put on local Blacks and Puerto Ricans who may not have full qualifications, to replace the Jewish candidate. He also pointed out that with a series of cutbacks, many old time Jewish principals would more than likely leave their posts rather than be forced to administer a school with less personnel, and then the Board could replace these people with Blacks and Puerto Rican administrators who may not have the experience nor the qualifications.

"I cannot see how the two Jewish members of the Board of Education could have sat by and seen the attempts made to cut back on Jewish employees," Dr. Applbaum charged.

"As long as there is a breath of life in me, I will not stand by idly and see a conspiracy to replace Jewish employees with others of different colors and faith. The Board of Education apparently has money for the many frills they enjoy."

In his WINS reply, Dr. Applbaum charged, "The large number of jobs created by the Board of Education at salaries ranging from $18,000 to more than $40,000, indicates that it (The Central Board purposely created an atmosphere of fear. If there was any shortage of funds why did the board wait till the very last minute to publicize the fact? Could it have been that they waited until the legislature extended its term of office for another year? And why has the Central Board instructed the local boards to engage executive directors, purchasing agents, personnel managers, while the Central Board was still paying salaries to people in the very same categories?"

"Why did the Board select a Chancellor at the unheard of salary of $53,000 a year and then give him an assistant at the unexplainable salary of $49,000 a year? Why has the Board spent millions of dollars on consultants to train Local school boards, when its own highly trained staff could have conducted these training meetings—that they knew would be poorly attended? If there is a shortage of money why does the Board arrange meetings at its central office with dinners paid for by the Board? Why has the Central Board allowed local boards to engage assistant district superintendents when there is no need for them at this time, except maybe the desire of the Central Board to assure "job-holder vacancies."

"Was the board's present claim of financial shortage aired now because of the Board's opposition to aid to Private and Parochial education?"

Then Dr. Applbaum fired a full salvo of charges calling for:

1. The abolition of the Central Board of Education.
2. The abolition of the "kingdom" at Livingston street and placing the 31 local school boards and their schools under the immediate supervision of the State Commissioner of Education.
3. No new hiring for any position at a salary higher than $20,000 for a six day, 180 school day year.

Dr. Applbaum further accused the Central Board of spending millions for the Para-Professions, plush hotels, and even conferences at Grossingers.

The financial crisis is over for the moment, but Dr. Applbaum does have some valid questions that should be looked into.

There is no secret that there may be "loose spending" at the Central Board. Is it true that Dr. Scribner was selected for his post because the only other possible candidates were both Jewish, rather than on his superior qualifications?

If a Jew had been selected as Chancellor, it was felt by elements outside as well as within the Central Board that this could bring on flack from the ghetto areas of this city.

Dr. Applbaum's charge that the Central Board lowered the boom on the financial crisis, just when aid to Parochial education bills were being ping-ponged back and forth in Albany, may not be coincidence.

The fact that the Board has allocated a budget for dinners for the Central Board or even a golf caddy for Dr. Scribner may be small items. However, we're willing to bet that such budgetary appropriations would more than cover the salary of at least one teacher in the school system! If the pinch is on, austerity should be enforced all around!

The fact that Dr. Applbaum would like to close down the "kingdom" of bureaucracy at the Board of Education's headquarters on Livingston street may also have some merit. The supervisory staff that the Board pays millions to, to "guide" the education system has been called "poor" or "outdated." In the past when a principal could no longer function in his or her school or community, he or she was sent to the "Livingston St. farm" formerly known as "Donovan's Farm" and made a superior.

Dr. Applbaum may very well be voicing the opinions of the so-called "silent majority!"

LOOKING BEYOND THE CRY FOR RELEVANCE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HELSTOSKI. Mr. Speaker, in these days of discussion about generation gaps and differences, I believe all of us must avail ourselves of as many viewpoints as possible if we are to hope to bring about understanding and an end to present-day turmoil.

Thus, I place in the RECORD an article written for the Hatchet, a George Washington University student newspaper, by Prof. William R. Throckmorton on the subject of relevance. Professor Throckmorton is an assistant professorial lecturer in sociology at George Washington University. He works in the Manpower Administration of the U.S. Department of Labor and prior to that served as a staff member for two U.S. Senators.

The article follows:

LOOKING BEYOND THE CRY FOR RELEVANCE

(By Prof. William R. Throckmorton)

One of the battlecries of today's student revolution is "relevance." Maybe the students are right. I have found, however, that many students, when confronted with the opportunity to participate in change from traditional teaching techniques, fall back on their old ways.

At the outset, let me say that I agree with many of the critics of today's educational scene and with many of the students: There should be a greater degree of participation by students in the selection of courses they want to take, as well as in the development of course offerings made by the academic institution; and further, there should be competent teachers for such courses, and the course offering ought to be more "in tune with the times." But, even without these needed changes, are the traditional techniques enough of a reason for students' "dropping out?" I think not.

GHETTO DROPOUTS

Sociologist Edgar Friedenberg has noted that young blacks in ghetto high schools who drop out are probably a better moral resource for society than those who stay in, because they do it from honest conviction: The typical middle-class curriculum offered in most high schools does not meet their needs to get a job and earn a living in the "society" they must enter when they graduate. That, however, is not the case with most college students. They are there generally by choice (theirs or their parents'), and presumably will go to work in middle-class society or on to further graduate study when they leave school.

I have tried to meet the need for relevance by designing lectures and examinations in a manner which I feel (and good teaching techniques have proven) students will learn. To do any less would be an abdication of the teacher's responsibility to the students. Despite this, the examinations never seem to satisfy those people who still cry for relevance. Using student input, I have experimented with different types of examinations, but two distinct, curious phenomena have occurred.

In one case, I offered to let the students write some of the examination questions they felt would be "relevant" to be added to the exam. Two students in a class of 48 volunteered two such questions—both damn good ones. However, in the final exam, neither of the students—nor any of the others—answered these questions, because they were, in the students' own words later, "too hard" and they "didn't want to take a chance on getting a low grade." This is the classic "cop-out," for I have found that students who study hard and learn the subject matter relish answering thought questions and take great delight in writing about their newly acquired knowledge.

"THOUGHT" QUESTIONS

I also give five or six "thought" questions in each exam which I offer to correct, critique, and mail to students as separate pieces—with no points for answers. I have received only one or two answers to such questions. This may only mean that the exams I prepare are too easy (a criticism I have received regularly), although they are based on the text and the lectures and require a good bit of studying.

On other occasions, I have suggested that perhaps the curriculum for college should be amended to allow students to chose all their own courses, attend classes at will, have class meetings at unspecified times and in unspecified places (subject to the will of the group), and, in general, to run classes and the school the way they wanted. All agree they would "learn" more in this relevant environment. However, when I ask how many would go to a school like this which gave no credit for course work, very few respond. Evidently they are reluctant to accept such an avant-garde idea, even though they feel they would get more out of the experience.

The point I am trying to make is that, although there needs to be some input from students into the curriculum and examination process (in fact, into the whole academic process), I don't suggest, to quote one author, that we "turn the asylum over to the inmates." Course offerings are developed and taught by persons who are supposed to have more knowledge than the students about a particular discipline and can explain the many facets of it. True, some of us don't keep up to date as we should; but our charge is broad and generally requires us to help the students understand the past accomplishments and mistakes made by man so the student needn't "re-invent the wheel."

RELEVANCY NOT ESSENTIAL

In becoming an educated person, everything one is exposed to need not be relevant. The broader and deeper the experience, the better the learning. In this manner the academic institutions could turn out persons who would be candidates for making good judgments in the society they are about to enter and help run. They might even go on to become the wise men we need so badly.

Unfortunately, those students I have heard cry the loudest for relevance are also those who claim to know all the answers. Their biggest problem (and it is our problem as teachers to help them overcome this) is that they haven't learned properly to formulate the questions.

NUCLEAR WEAPONRY, 1971

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. FRASER. Mr. Speaker, the Wednesday, May 12 Christian Science Monitor carries an editorial "Weaponry, 1971." It addresses itself to the strategic arms balance between the United States and the U.S.S.R. It gives a balanced view of a most important matter and I commend it to my colleagues. The final three paragraphs are especially worthy of our attention:

> The most reasonable conclusion is that neither Russia nor the United States has any real chance of getting a "first strike" and it is highly doubtful that either is really trying. Each will inevitably suspect the other and thus keep up the race in technology to the point where there is some cutoff in the nuclear arms race.
>
> As we read the existing and publicly available evidence it seems that the United States is probably holding its technological

advantage over Russia, perhaps even widening it.

If true, it would be to Russia's advantage to agree to a cutoff date in the SALT talks. We can only watch with fascination to see what the Russians do agree to. It will be the best possible measure of which side is leading in the nuclear race.

The editorial follows:

WEAPONRY, 1971

Every year at about the same season, usually just when the cherry blossoms are opening along the Potomac, a new round is opened in the old argument over how many weapons of what kind the United States needs in view of whatever its arch rival in power, the Soviet Union, is doing or is believed, by some, to be doing.

The 1971 debate is a rerun of the 1970 round, with a difference.

The 1970 round was opened by Secretary of Defense Melvin Laird on April 29 with the assertion that the Soviets were engaged in a massive expansion of their nuclear striking force. He suggested the distressing possibility that they were seriously seeking a "first strike capability" against the United States.

This was based on a presumed continuing deployment of Russian SS-9 intercontinental missiles. These are the world's largest, carrying a nuclear warhead with an estimated power of 20 to 25 megatons. The heaviest megatonnage in the American arsenal is one to two, on a Minuteman 2.

Then Russians were then said to be deploying SS-9 missiles at the rate of 50 to 60 per year whereas the United States had at that time stabilized its long range missile force and was deploying nothing new at all.

The 1970 round ended with the admission that instead of continuing SS-9 deployment, there had been none since August of 1969. Thus the 1970 case was built on a false assumption about what the Russians were in fact doing.

The 1971 round was opened by Sen. Henry M. Jackson (D) of Washington on March 7 with the disclosure that the Russians were digging some new holes in the ground which suggested that they were engaging in deploying "an advanced generation" of missiles; i.e., something beyond the huge SS-9.

This was later confirmed from the Pentagon with some details.

The essential published facts are that the Russians have dug 40 new holes of the same size previously used for the SS-9 type missiles, but with different surroundings.

These diggings are detected by aerial photography from orbiting American reconnaissance satellites. These satellites are constantly photographing everything of military interest going on in the Soviet Union. (The U.S.S.R. does the same.)

There are conflicting theories about the purpose of these holes in the ground. At one end of the spectrum is Senator Jackson and the theory of an "advanced generation" of Russian missiles. At the other end is the theory that the Russians are trying to protect what they have by getting ready to move 40 of their existing SS-9 missiles from old-style silos into new stronger and harder ones with a better radar detection system.

The Russians do have reason to think about the validity of their own deterrent. While they were not deploying any new SS-9 missiles the United States was fitting new warheads to its Minuteman missiles. These new heads contain three or more independently targetable (MIRV) nuclear devices. Also, the Navy began deploying its new Poseidon missiles, also fitted with MIRV heads.

Thus, while the Russians were deploying nothing, the United States were multiplying their nuclear striking power by a factor of roughly three times.

It would not be surprising, therefore, if the Russians were putting their best effort not into a "new generation," but rather into trying to save what they have.

Personalities are getting involved, as they always do in such matters. It is now disclosed that behind Senator Jackson's opening move this year is John S. Foster Jr., Director of Research and Engineering, Department of Defense. A public counter blow has been aimed at him directly by an organization called the Federation of American Scientists.

According to the federation, Mr. Foster is guilty of "a classic numbers game featuring selective disclosure, questionable assumptions, exaggeratedly precise estimates, misleading language and alarmist non sequitur conclusions." Prof. George W. Rathjens who helped draft this unflattering opinion of Mr. Foster's work adds that the SS-9, instead of being the superweapon Pentagon spokesmen brandish before anxious congressional eyes, is actually an obsolete type which the United States could have had long ago, but rejected in favor of the more efficient, and less costly, Minuteman. The huge megatonnage of the SS-9 is dismissed by the critics of Mr. Foster "overkill."

At State Department, Treasury, Bureau of the Budget, and the White House are people who prefer not to talk out in public, but are delighted to have the Federation of Scientists speak out on what is a highly controversial subject. The Bureau of the Budget, for example, wants to save all the money it safely can, but is in a poor position to argue in public against Pentagon assertions about the latest form of the "Russian menace." The federation acts, therefore, as the public front for the opposition inside the administration to a new and bigger weapons program.

We who are on the outside and do not possess the top-secret information available to the President and his key advisers cannot be sure which view is correct, the alarums of Senator Jackson and Mr. Foster, or the reassurances of their critics.

But there are helpful opinions from authoritative sources. The Institute of Strategic Studies, in London, is widely regarded as the most responsible public source for defense information and analysis. In its current annual "Strategic Survey" it explores a possible Soviet try at a "first strike capability" and observes:

"Certain aspects of the Soviet program were certainly calculated to generate such fears, but the evidence which they provided was never better than ambiguous and was certainly not stronger than that which the Soviet Union might itself have adduced, oversuspiciously, from American strategic programs and statements in the past."

And as for anyone ever getting a "first strike capability"; to have one would mean the ability to knock out every missile in the arsenal of the other side. If even one escaped, the "first strike" would be meaningless because, to quote former presidential adviser McGeorge Bundy: "a decision that would bring even one hydrogen bomb on one city of one's own country would be recognized in advance as a catastrophic blunder."

The most reasonable conclusion is that neither Russia nor the United States has any real chance of getting a "first strike" and it is highly doubtful that either is really trying. Each will inevitably suspect the other and thus keep up the race in technology to the point where there is some cutoff in the nuclear arm race.

As we read the existing and publicly available evidence it seems that the United States is probaby holding its technological advantage over Russia, perhaps even widening it.

If true, it would be to Russia's advantage to agree to a cutoff date in the SALT talks. We can only watch with fascination to see what the Russians do agreee to. It will be the best possible measure of which side is leading in the nuclear race.

"EXCESS" LANDS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. KASTENMEIER. Mr. Speaker, I would like to call to the attention of my colleagues an article by Peter Barnes, appearing in the May 8, 1971, New Republic, which discusses the "excess" lands controversy. Today, in violation of the 1902 Reclamation Act which sets a legal limit of 160 acres upon which farmers can draw water from Federal irrigation projects, giant corporations and large landowners are receiving federally subsidized water to which they are not legally entitled on millions of acres of land. The subsidy is estimated to be between $600 to $2,000 an acre. Mr. Barnes points out that not only do these land barons enjoy the water subsidy, they benefit further from a labor subsidy by utilizing low-cost labor from Mexico and, in addition, they receive the Federal agricultural subsidy. One such firm that Mr. Barnes mentions, the Irvine Co., receives millions of dollars in water subsidies on its 10,000 acres in Orange County, Calif., as well as receiving $151,084 in farm subsidies in 1970.

Mr. Speaker, the people of Wisconsin as well as citizens from other States not benefiting from the Federal reclamation program, nonetheless, are paying taxes and have paid taxes to build dams, reservoirs, conduits, and irrigation systems in the West. They have paid these taxes against their own economic interests because they believed it was in the national interest. I believe the American people will agree with me that, if Federal money is used to irrigate lands for farming, the beneficiaries of this Government policy should be family-sized farmers and not owners of immense agricultural kingdoms. The tax money we contribute for reclamation projects should be used to foster and maintain an agrarian democracy and not huge agrarian estates.

Mr. Speaker, earlier this year, I introduced H.R. 5236 which formally proposes Government purchase of "excess" lands at a preproject market price and the resale or lease of such lands at a postproject market price. The windfall profits the Government would obtain would go into an "education, conservation, and economic opportunity fund." H.R. 5236 proposes that 70 percent of these new revenues would be earmarked as grants to public education. Some 10 percent of the net revenues would be transferred to the land and water conservation fund. The remaining 20 percent would be made available upon specific appropriation by Congress for the development of public facilities servicing project areas, for advancing economic opportunities of veterans and persons living in substandard conditions, for the development of healthful environments and communities needing open spaces, and for such other environmental and ecological benefits as Congress may authorize. With the enactment of this legislation, the use of these excess lands will be turned away from private speculation and monopoly control toward the truly public purposes of education, conservation, and economic opportunity.

Mr. Speaker, the Peter Barnes article follows:

Water, Water for the Wealthy

Not far to the east of the summer White House at San Clemente lies one of the most miraculous deserts in America, California's Imperial Valley. It's large (about 1¼ times the size of Rhode Island), hot (temperatures of 120 are not uncommon in midsummer), dry (total annual rainfall is barely three inches) and flat. It is also one of the richest agricultural areas in the world, producing $250 million annually of cotton, sugar beets, lettuce, alfalfa, and other crops. What makes the Imperial Valley rich is water from the Colorado River, water brought through a network of dams and canals, built by the federal government in the 1930s and '40s. Thanks to the imported water, what was once barren is now a grower's paradise, producing two or three crops a year.

This spectacular reclamation of desert wastelands would be an unblemished tribute to American enterprise were it not for an important fact: the beneficiaries are a small group of wealthy growers who hold most of their land illegally. Back in 1902, when Congress passed the Reclamation Act, it sought to assure that the benefits of federal irrigation projects would accrue to small homesteaders, not to land speculators or the holders of vast estates. The law stated unequivocally that landholders could receive federal water only for farms of 160 acres or less, and that in order to receive this water they had to live on, or very near, their land. In 1926 Congress strengthened the 1902 Act by providing that landowners owning more than 160 acres had to sell their excess land, at pre-irrigation prices, before they could receive federal water.

The railroads, land speculators and big ranchers have always opposed the Reclamation Act's antimonopoly provisions, have never been able to persuade Congress to repeal them, and they've successfully got around them. Techniques of evasion have varied from region to region. Imperial Valley growers did it by persuading Herbert Hoover's Secretary of the Interior, Ray Lyman Wilbur, to sign a letter in 1933—days before the Roosevelt administration took over—expressing his opinion that the Imperial Valley was exempt from the 160-acre limitation. Wilbur's last-minute ruling was elicited by one of his aides through a typical special-interest ploy: the aide, who shortly thereafter became a paid consultant to Imperial Valley growers, convinced Wilbur to sign the letter without consulting the Interior Department's chief legal officer, who believed in enforcing the 160-acre limitation.

Wilbur's letter was merely an informal opinion, but it achieved the desired effect. Using the letter as its rationale, the Imperial Irrigation District (which distributes water and electric power in the Valley) for three decades bestowed its bounty upon landowners of all sizes and shapes, never forcing anyone to sell his excess holdings. Today more than half the irrigated acreage in the Imperial Valley is held by owners of more than 160 acres, and two-thirds of it by absentees. Some of the holdings are as large as 10,000 acres; several belong to such agribusiness giants as Purex, United Fruit and the Irvine Land Company.

This concentration of rich, federally irrigated lands in the hands of a relatively few large landowners not only flies in the face of congressional enactments; it opens these landowners' bank accounts to vast unearned windfalls, all courtesy of the federal government and the taxpayer. The multiplicity of subsidies that accrue to the Valley's landowners is dazzling. First is the water subsidy. Hoover Dam, completed in 1935, cost $175 million; the All-American Canal, which carries water from the Colorado to the Valley, cost $30 million. Part of this mammoth investment comes out of the general treasury; the remainder is almost entirely repaid by electric power consumers in Los Angeles and other southern California cities.

Second is the labor subsidy. Between 1952 and 1964, millions of *braceros* toiled in the Imperial Valley at wages lower than any others paid in America. Today thousands of Mexicans stream across the border each morning with blue or pink permit cards, compliments of the US Labor Department. Their presence impedes the efforts to unionize farmworkers and keeps field wages below two dollars an hour.

Then there's the agricultural subsidy. The same federal government that spends millions to make the Imperial Valley fertile also pays millions to landowners not to grow crops. Thus: 500 large growers receive $12 million annually in farm subsidies, while 10,000 landless residents of the Valley must eke out an existence on welfare payments totaling less than $8 million.

By far the largest windfall is in the form of land appreciation. Irrigated land in the Imperial Valley is worth, conservatively, $700 an acre more than the same land would be worth without water. A landowner with 2000 acres thus gets a $1.4-million bonanza from the federal government, merely because his land is in the right place. The total land appreciation in the Imperial Valley attributable to the taxpayers' munificence exceeds a quarter of a billion dollars.

In short, it's quite a bubble: landowners in a once-desolate dust bowl reaping millions at the public's expense on acreage they never should have been allowed to hold in the first place. But it has been a precarious bubble, resting on the thin edge of nonenforcement of the Reclamation Act, and for a few brief years it appeared that the bubble might burst. In 1964 Interior Secretary Stewart Udall declared that Wilbur's letter was a mistake, and that the Interior Department would enforce the 160-acre limitation in the Imperial Valley. The large landowners were stunned. Political pressures were brought, but to no avail at the time. So the Imperial Irrigation District stalled; it refused to require growers to sell their excess land. The Interior Department could have cut off the district's spigot; it chose instead to seek a court order compelling the district to apply the law. The case dragged on for years. Last January a Nixon-appointed federal district judge in San Diego ruled in favor of the large landowners; he upheld Wilbur's letter and rejected Udall's reversal. At that point the dispute became political: would the Nixon administration appeal the district judge's decision—a decision involving a vital principle of agrarian democracy, million of the taxpayers' dollars, and the important question of whether executive department heads can blithely evade congressional policy? Or would the Administration, as the large landowners urged, allow the lower court decision to stand unchallenged?

Politically the landowners now had some powerfully placed friends: Governor Ronald Reagan, who strongly opposes acreage limit enforcement; Democratic Senator John V. Tunney, who supported the landowners' interests when he was a congressman from the Imperial Valley and continues to do so as a senator; Rep. Victor Veysey, the Republican who succeeded Tunney in the House; and not least of all, Richard M. Nixon, who assured Imperial Valley growers in 1949 when he ran for the Senate against Helen Gahagan Douglas that he would fight against acreage limitation.

Arrayed against this constellation of power, the small farmers and landless residents of the Imperial Valley—not to mention the hardpressed federal taxpayers—didn't have much of a chance. The California AFL-CIO, the National Farmers Union and a few other organizations urged appeal of the district court decision, but these are not the voices Nixon listens to. When it became apparent that the Administration would permit the lower court judgment to stand, 123 landless persons in the Valley, mostly Mexican-American farmworkers, sought to carry on the appeal themselves. The same judge who originally ruled in favor of the landowners turned them down on the grounds that because they were too poor to own land, they had no interest in the case. Finally, the 60-day period for filing an appeal expired.

Who in the Administration made the decision to preserve the Imperial Valley bubble, and why? Interior Department Solicitor Mitchell Melich says his department—with the approval of Secretary Rogers Morton—recommended that no appeal be taken because "we agree with the Wilbur letter." Anyway, the Wilbur letter had been sanctified by 30 years of administrative practice; it was unfair for Udall to change the ground rules so late in the game, even if the ground rules were illegal (which Melich insisted they were not). Over in the Justice Department, which apparently made the final decision not to appeal, officials have been more evasive. Solicitor General Erwin Griswold took responsibility for the decision, but refused to talk to the press about it. Other Justice Department lawyers involved in the case also refused to talk; they referred all inquiries to a public information spokesman, who of course had nothing to say.

The Administration's action—or rather conscious inaction—means that subsidized water, subsidized labor and subsidized crops in the Imperial Valley will continue to be monopolized by a few wealthy landowners. Moreover, the market value of their land will rise now that the threat of acreage limitation has been lifted, and small farmers, who have a hard enough time keeping up with the leviathans, will be squeezed even more. Had the growers been required to sell their land in excess of 160 acres at pre-water prices, the appreciation brought about by federal expenditures might have accrued to some of the less affluent residents of the Valley, and to the public itself.

Nixon's inaction will also cause million-dollar ripples outside the Imperial Valley. The San Diego decision against the 160-acre limitation now stands as a legal precedent; growers and speculators in other reclamation areas will use it to protect what they've already accumulated and to get their hands on larger holdings of both land and water. The Irvine Land Company, for example, which holds 10,000 acres in the Imperial Valley, owns 130 square miles in Orange County, an area that also relies on imported Colorado river water. Enforcement of the 160-acre limitation or the residency requirement would instantly wipe out the speculative gains of the Irvine Company, the Southern Pacific Railroad, Standard Oil of California, Tenneco and dozens of other giant landholders in the West. The Justice Department says that its decision not to pursue the Imperial Valley appeal has no bearing on these other vast holdings. Clearly, though, it does. It means that none of these enormous land profiteers need worry as long as Richard Nixon is in the White House.

CONSUMERISM—WHAT IT MEANS TODAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the RECORD an excellent speech given by a distinguished scholar and economist, Father Robert J. McEwen, S.J., entitled "Consumerism—What It Means Today."

This fine address was given at the Seventh Annual International Management Conference on Franchising by Father McEwen, distinguished professor of economics and longtime leader in the consumer movement.

This excellent comment by an outstanding American merits careful consideration:

CONSUMERISM—WHAT IT MEANS TODAY

(By Robert J. McEwen, S.J., professor of economics at Boston College, Chestnut Hill, Mass.)

"Consumerism—Its Two Faces" might well be my title today. I intend to consider how consumerism looks to the businessman and how he reacts to it. At the end, I shall tell you how it looks from the inside—from one who believes he has developed a coherent philosophy of consumer action. We shall also suggest to you some implications of consumerism for your own business lives.

Let us start with the proposition that business has to have a bogeyman. If it isn't Franklin Roosevelt or Harry Truman then it will have to be Ralph Nader and the "consumerists"—for after all Lyndon Johnson and Richard Nixon could not plausibly be sold as anti-business. Thus, consumerism was invented about five years ago to tag the new challenges to business associated with the growth of organized citizen consumer groups and the spread of official consumer protection agencies in government.

Originally, in my view, it was a smear term and it is still mainly used only in business circles and the business press.

The consumer movement, or the rise of strong consumer protest groups, was a genuine surprise to most businessmen. In the nature of their jobs, background, education, social circles etc., their view was a good deal circumscribed. Many were genuinely high caliber individuals in their own personal lives and they could not readily conceive the depths to which human greed could drive some men in the exploitation of the public. The narrowness of their vision prevented them from seeing and understanding the forces that were operating on large segments of the consuming public. In a way, they were all victims of their mutual brainwashing and their speechwriters and public relations men. Changes in established business practices, unless dictated by management consultants, were just out of the question—particularly if suggested by consumers, or anyone who fell into the group that was supposed to be demolished by that favorite characterization "men who never had to meet a payroll".

The business reaction to consumerism has gone through several phases. At first, they dismissed the consumer challenges as not worthy of serious attention. Then when the consumer plea finally led to legislation at state and federal levels—which the usual business opposition could not prevent—and when consumer discontent broke out in boycotts and organized resistance to certain products and sellers, the business community went into a state of pained shock. How could the public do this to them when they had served it so well! The lesson of some of the urban riots also shocked the complacent businessmen. Gradually, business began to organize its counterattacks. Some of them were ridiculous and were soon abandoned, such as the campaign to tell the housewife that "Food is a bargain", or the advertising campaign that tried to tell the public that the consumer people were leading us down the road to Russia! Now there seems to be a speechmaking and advertising campaign by prominent businesses and business leaders to attack consumerism and equate it with treason to the American economic system "that made us so great".

For instance, Thomas R. Sheppard, Jr., publisher of Look magazine is making quite a career out of giving speeches roundly condemning the absurdity of consumerists and politicians who do the following awful things: propose nutrient labeling for foods, object to the advertising of nutritionally inferior breakfast cereals, advocate limitation or cutting down on the number of shapes and sizes of packages, require safety improvements in automobiles (such as seat belts) etc. Rep. Michel of Illinois put one of Mr. Sheppard's articles from Readers Digest into the Congressional Record of March 12. The title of the piece is: "We are going too far on Consumerism". Of course, it happens to be a little currying of favor with some of the biggest magazine advertisers in the country. And Mr. Sheppard would not mind at all if they thought Look magazine was a little more sympathetic to their problems with consumerists than were the publishers of other magazines.

Another important voice of business was featured in the New York Times last Sunday. James M. Roche, of General Motors, calls on business leaders to "stand up and be counted. It is up to us to reaffirm our belief in free enterprise." That conclusion was preceded by a summary of the criticisms consumerists make about business and then this remarkable interpretation by Mr. Roche of the consumer position. He writes:

"This delusion—that the consumer cannot trust his own free choice—strikes at the very heart of our free competitive system. The system is founded on the conviction that in the long run the consumer is the best judge of his own welfare. The entire success of free enterprise can be traced to the vitality it gains by competitive striving to satisfy the discriminating customer. To destroy the concept of consumer supremacy is to destroy free enterprise. If the consumer can be convinced that he really does not know what is good for him—and this is what the critics try to do—then freedom leaves free enterprise."

This misses the point so widely that I find it hard to believe that Mr. Roche could really mean it the way he wrote it. We do not say that the consumer cannot trust his own free choice—our whole drive has been in the direction of making his choice truly free. Most of the consumer demands fall into two categories: Information, on which to make a truly free and informed choice; and Freedom From Restraints and Compulsions that limit the range of choices open to the consumer. That is why you have had the many laws recently requiring truth in lending, packaging, investing, etc. Business really looks bad in resisting Full Disclosure 1!!

THE PROBLEM OF CONSUMER COMPLAINTS

Let me give you an example of a current business reaction to consumerism that I consider particularly dangerous and ill-advised. The Better Business Bureaus have recently consolidated their efforts and set up a joint headquarters in Washington—in order to be closer to the scene of political action and influence.

Meanwhile they have embarked on a nationwide campaign to channel all possible consumer complaints through themselves instead of through official government consumer agencies. Of course, if they succeed, there will be no public record anywhere of what consumers are complaining about.

It is no coincidence, in my eyes, that this move comes just after the Federal Trade Commission has set up in six metropolitan areas a system of Consumer Protection Committees which are keeping a computerized record of all consumer complaints registered in their geographical areas with official government agencies. Each month there is available a computer print-out of consumer cases with information on the name of the company, the complainant's initials, the nature of the case, its disposition or referral as well as summaries identifying the top 25 problem types. This will be an invaluable aid to quick action to stop a consumer abuse before it can victimize a whole state or region.

But radio and TV programs sponsored or "assisted and prepared" by the BBB are being presented as consumer information—to tell consumers about their rights, privileges and responsibilities—and the whole burden of their message is that the consumer does not really have much right of complaint, or if he does he should bring it to the local BBB. No encouragement is made to bring a compaint to any official government body set up to deal with business complaints.

I see this as a bare-faced effort to sweep all consumer complaints under the BBB rug, where it will keep them quite secret from public attention and safe from prying legislative or consumerist eyes. This tactic will not work for several reasons: 1) the public is not fooled about the real efficacy of bringing complaints to a Better Business Bureau—against their big dues-paying members they will never take decisive stands, and against the real fly-by-night operators the BBB is helpless because they are not members and could not care less about BBB displeasure: 2) consumer groups and the government may soon move to meet this tactic. (Just last week in Washington with the Legislative Aid to a Senator we discussed the idea of preparing legislation that would require any group handling or receiving consumer complaints to keep accurate records of the same and to record them with the Federal Trade Commission or other official agency.)

FRANCHISING

The franchiser, the consumer, and the spirit of America.

In this latter part of the twentieth century the great economic and social virtue of the franchising system has been the promise held out to the individual operator to be able to become a viable economic unit and still retain a certain measure of individuality and individual responsibility. In a day and age when the individual seems to count for less and less, when those who went to work for the bigger and safer economic entities soon realized how much they paid in the currency of their spirit for the safety of the big organization, the individual franchise member did seem to hold a uniquely promising position.

There is an appalling need in this country for a person-to-person, individual-to-individual relationship between the buyer and seller of goods and services. Part, maybe even a major part, of the force of consumerism in this country and throughout the world is a rebellion against the faceless nature of the selling unit. It is typified by the outraged consumer who puts a coin into a vending machine and gets nothing back. He has nothing but a dumb monster on which to vent his rage. And he frequently does give it a swift kick.

Gentlemen, I mean to emphasize two points: 1) the spirit of America has been badly damaged by a faceless impersonal corporate set-up that not only antagonizes its consumer, but demoralizes its working member; and 2) a franchise system had within itself the promise of avoiding the evils of bigness and supporting the true spirit of enterprise, at once individual, personal, and responsible. It could also be an enterprise that was willing to treat customers on the same basis. Thus there was hope that the franchising system would present a vast improvement in the climate of buyer-seller relationships and in the general social climate of this country. I for one believe that the country has deteriorated in direct proportion to the extent to which individual small businessmen have been wiped from the scene.

However, this fine idyllic picture has been marred in practice by some of the franchiser companies who betrayed all the worst features of capitalistic bigness that have so demoralized the American public. In addition to cheating, misrepresenting, deceiving, and abusing their franchises, some of their practices have made the consumer also their victim at one level removed.

As a result, Federal legislation is just around the corner according to a very recent item in one of the best Washington advice letters for businessmen. And the reason given is that complaints in this field are widespread. Companies will have to do a lot of "truth-disclosures" on their financial assets and arrangements, the precise assistance they promise, and terms and conditions limiting the franchise. I suspect some of the limiting conditions currently in use will be challenged on anti-trust grounds but I hope there will be a balancing of effects here so that franchise conditions and terms which really are for the benefit of the ultimate consumer and the protection of the reputation of the franchiser and his other outlets will not also be attacked.

CONSUMERISM—REAL MEANING

The true meaning of consumerism: In reality, consumerism is a revolution of people against a business system that has lost its soul, lost the vision of its real purpose which was to serve the needs and desires of people, lost its sense of justice and fair play and permitted unresolved consumer complaints to mount to the skies. It is also a revolution against a business clique that corrupted the political system, the courts and the information media to its own ends—against the little consumer, against the little business man and against the unorganized worker.

In a real sense, its promises outran its performance. Advertising sold a shoddy and false sense of values, manipulated the consumer, freely indulged in lies and half-truths, insulted the intelligence of an increasingly alert buyer and, in the process, brought itself and its master into increasing disrepute. In vast numbers, the public—particularly the young and the discerning—began saying: "If this is what the American business system means, then I want none of it."

Like all revolutions, the consumer revolt did not start yesterday or last year. It was a long time in the making. It may have burst out rather suddenly in public view but it had been taking shape in the minds and hearts of people for a very long time. Ralph Nader, as good as he is, and the rest of us who preceded him for a few years, would never have been able to strike a responsive chord in the public had not a sense of despair and frustration with business practices been smoldering beneath the surface for some time. We were only the catalysts who brought these forces together and into the open. If business had had eyes to see, it too would have known what was happening.

How badly the business community miscalculated Ralph Nader and the effect of consumerism is shockingly revealed by a comparison of the still continuing verbal attack from some business quarters with the results of the latest Harris poll published in Boston newspapers last Saturday. I am now quoting the Boston Globe of April 10, 1971: on the question of whether the net effect of Nader's efforts resulted in more good than harm, 53% of the people said Good, 9% said Harm, 38% said Not Sure. On the positive statement that "It's good to have critics like Nader to keep industry on its toes" 69% agreed, only 3% disagreed, with 28% not sure. Even if I were to split the 28% who were not sure equally between those who agreed with Nader and those who disagreed (a remarkably conservative procedure) I would come up with 83% of the American people who thought it a good thing to have some Ralph Naders around. If business can look at that figure—and indeed at the whole Harris poll—and remain complacent, then truly our economic system is in trouble.

In another sense, the consumer revolution is a necessary result of the abdication of his real function by most of the retailing industry. The retailer, in theory, should be the experienced advisor and guide to the customer. He should be the mediator between manufacturer and consumer, protecting the consumer's interest as well as the producer's. It is terribly inefficient, time-consuming and difficult for the consumer to have to be his own expert on every product and service he buys. As a matter of fact, it is probably a physical impossibility. But that is what has been forced on consumers by the failure of retailers to perform their true function in the marketing chain. When the customer found he could get from the average retailer neither adequate, truthful information nor strait and disinterested advice, he had no choice but to turn to himself and organized groups of his fellow consumers—some of whom would be publishing information about products, while others would be able to give him help and advice about his legal rights and remedies in disputes with sellers. It was truly organization in self-defense.

This is the meaning of the consumer revolution as I see it. Many businesses today are frantically trying to meet this challenge by setting up consumer departments or advisers. Only those will succeed who meet two conditions: (1) they really understand the nature of the consumer revolt; and (2) they do not try to fool the consumer by window dressing and empty promises. I hope all of you can succeed.

PRAISE FOR JACKSON, MISS., VA HOSPITAL

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MONTGOMERY. Mr. Speaker, I recently received a letter from one of my constituents concerning the excellent service he received at the VA hospital in Jackson, Miss. I feel the letter is self-explanatory and I commend it to my colleagues:

COLLINSVILLE, MISS.,
May 3, 1971.

DIRECTOR,
Veterans Administrative Center,
Jackson, Miss.

DEAR SIR: I am a 25 year career Navy veteran and today, May 3, 1971, was my first experience with a Veterans Hospital.

I had an 8:20 a.m. appointment and I was seen at 8:40 a.m. by Doctor Galloyan(sp). After an interview and examination I was sent to the Laboratory for a blood test and urinalysis, then to the Medical Illustrator and then to the X-ray Department. Due to the volume of people at X-ray there was an hour delay. I was directed back to the Admission Desk, to Travel Claims, to Agent Cashier where I was promptly paid my travel (round trip) and then enjoyed a very good meal in the cafeteria at 11:30 a.m.

I have given you a graphic detail of my schedule to emphasize my surprise and pleasure at the prompt, professional, courteous and friendly service I received. I cannot praise your staff enough for their efficiency.

Due to the recent adverse publicity given to the Veterans Hospitals throughout the United States . . . I will admit I went there today with a negative attitude and somewhat biased due to the recent publicity. The situation I found there today has prompted the writing of this letter.

I wish you would express my appreciation to your excellent staff.

Due to Congressman G. V. Montgomery's interest and support for the VA Hospitals throughout the United States, I am forwarding him a copy of this letter.

Respectfully yours,
DORRIS KEY BRANNING,
PNC, USN–F6 (Retired).

IMPOUNDMENT OF FUNDS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1971

Mr. ZABLOCKI. Mr. Speaker, on many recent occasions I have spoken out against President Nixon's policy of impounding funds appropriated by Congress. I believe that the principles involved in this question are so important that I have introduced House Joint Resolution 605 to instruct the President to release these appropriated funds. Just yesterday, Mr. Speaker, I was confronted with yet another instance of the Administration's blatant refusal to accept the clear mandates of Congress.

Representatives of the Wisconsin Regional Medical Program Inc.—WRMP—conferred with me about the difficulties they are encountering as a result of this impoundment policy. This organization was formed to improve patient care by applying the knowledge gained through scientific research to the patient with the least delay possible. While not solely supported by Federal funds, the organization relies heavily on these funds—funds already appropriated by Congress for use by the Department of Health, Education, and Welfare appropriations. However, as a result of the President's policy of withholding appropriated moneys—this time under the guise of a carryover of funds—severe financial restrictions have been placed on the regional medical program by HEW.

Mr. Speaker, regional medical programs were established by an act of the 89th Congress to combat strokes, cancer, heart, kidney, and other related diseases. This is an extremely worthwhile undertaking which cannot be delayed. It affects the lives of every American. Drastic financial setbacks of this kind jeopardize the delivery of improved health care for our citizens. How can the administration justify this action?

If work of this kind is to be effective in improving patient care, it must be carried out without continually fluctuating Federal financing. The administration should not play politics with the health care of the American people by expressing deep concern while at the same time crippling Federal programs designed to provide better health care by reductions in funding.

Further, Mr. Speaker, action such as this again dramatically illustrates the administration's determination to ignore the will of Congress. It is not only destructive of our constitutional separation of powers, it is also detrimental to our established governmental procedures and social goals. It provides yet another strong reason for Congress to take immediate action on measures such as House Joint Resolution 605, requiring the President to release vital impounded funds, and to scrutinize with particular care future administration action in this area.

I am submitting for inclusion in the RECORD a resolution adopted by the Wisconsin regional medical program with regard to the impoundment of funds and an article on the aims of the Wisconsin Regional Medical Program, Inc.:

The Board of Directors of the Wisconsin Regional Medical Program have been directly involved in the recent financial restrictions placed upon the Regional Medical Programs by the United States Department of Health, Education and Welfare.

Whereas, Regional Medical Programs were established through an act of Congress (PL 89-239) to "combat heart disease, stroke and cancer" and later amended to include "kidney disease and other related diseases";

Whereas, after five short years of organization, planning and implementing health programs for the documented need for improvement in the patient care health delivery system of these United States;

Whereas, through coordination of professional and paramedical efforts and the cooperation established by the Wisconsin Regional Medical Program between and among health facilities, personnel, associations, Comprehensive Health Planning agencies, business, industry, labor as well as the public sector on a regional basis which previously existed only on a very limited basis;

Whereas, because of drastic financial setbacks which have continually occurred jeopardizing the continuation and consequent need for an improved health care delivery system which is in complete contradiction to the original enactment of the law by Congress and therefore be it;

Resolved, That the Wisconsin Regional Medical Program be given the opportunity to carry out its functions for the improvement of patient care in the Wisconsin Region without the constant fluctuating financial restraints placed upon it by the United States Department of Health, Education and Welfare;

Resolved, That the Regional Medical Programs Service be given the funds allocated to it by the Congress without unreasonable restrictions.

CLOSING THE GAP BETWEEN SCIENCE AND SERVICE—WRMP AIMS TO IMPROVE PATIENT CARE

(By John S. Hirschboek, M.D., WRMP Program Coordinator and Peter A. Kirsch, Director, Public Information, WRMP)

The Wisconsin Regional Medical Program, Inc., (WRMP) was organized in 1966 to shorten the time lag between scientific discovery and its application in service to patients. The application of knowledge gained through research for the good of the patient needed to be emphasized. Thus, the reason for launching the WRMP was, ". . . the improvement of patient care in the Wisconsin region through collaboration among hospitals, medical and nursing schools, public and private health agencies, professional organizations, industry, labor and business in the area of heart disease, stroke, cancer and related diseases."

When WRMP was first organized, the presidents of the two universities in Wisconsin, the chairman of the board of a large insurance firm, and the coordinator of WRMP, established a policy making committee. Because of the growth in programs and interest within the Wisconsin Region, this committee, the Regional Advisory Committee (RAC), has grown to 43 volunteer members in order to have broad representation of those concerned. Reporting to the RAC are more than 100 volunteer members serving on various committees and subcommittees representing local and state government, American Cancer Society, medical schools, Wisconsin Heart Association, Wisconsin State Medical Society, nurses, dentists, civic and business organizations, and others.

In a region the size and complexity of Wisconsin, the involvement of representatives of the affected health professions, organizations and institutions requires a great deal of cooperation. WRMP does not duplicate other health activities in a given region. Emphasis is placed on self-assessment and maximum utilization of regional health resources through collaboration to bring about organized activity without duplication.

Dr. John S. Hirschboeck, WRMP program coordinator, is most insistent on WRMP staff working on a collaborative basis with all medical and paramedical personnel in the Wisconsin Region, whenever and wherever possible. For example, it is for this reason that WRMP works and plans closely with Comprehensive Planning to avoid duplication of services and projects wherever possible and to assure the greatest amount of effectiveness and efficiency from projects. One way this collaboration is achieved is through joint committee memberships of volunteers and staff.

It is through collaborative efforts such as this that people in the Wisconsin Region will benefit from increased health care at a minimum cost. It is through collaborative efforts such as this that patient care in Wisconsin will provide an opportunity and a challenge for all concerned.

NOT A GOVERNMENT PROGRAM

Although the WRMP is almost wholly supported by the federal government, it is operated on an autonomous, collaborative basis with no set governmental structure to follow. It initiates its own rules under which to operate. The volunteers establish the projects, their worthiness and guide it through its operation stage.

Several WRMP operational projects presently underway have already directly or indirectly aided Wisconsinites. Those living in the Wisconsin Region and suffering from heart disease, stroke, or cancer have been helped indirectly from the program's Cancer Chemotherapy Project, Pulmonary Thromboembolism Project, Uterine Cancer Project, or one of several others. One of the projects, Physician and Nurse Dial Access Programs and the Single Concept Film Program, have become one of the greatest medical educational aids in the region. Their value to physicians and nurses has gained nation-wide attention.

The "Dial Access Project" is in its third year of operation but in its second year of toll-free service to the practitioner. Subject matter has increased from 88 to almost 300 topics; covering a variety of subjects from *Blood and Lymphatics to Psychiatry.*

INSTANT LECTURES

Physicians and nurses interested in a particular subject and not having various medical journals and periodicals at their finger tips, can pick up the telephone, dial a certain number, and their call is placed directly to the librarian. Then, upon request, the caller will listen to a six minute lecture on the topic requested.

As one physician put it, "the service is of great value and should be continued. In fact, it should be expanded. It saves much time as it eliminates the need of researching journals to find out the latest advances. Time is too precious."

A physician from Park Falls, Wisconsin, gave his view of the project as a rural physician, "very seldom am I able to attend conferences or lectures regarding new techniques or methods used in medicine today. Consequently, Dial Access is one way for me to keep abreast of the advances in the field."

The Dial Access Library is available around the clock, 24 hours a day and has proved invaluable in a number of circumstances. For example, a Milwaukee hospital utilized the library to help train student nurses and update the education of "inactive" nurses.

EDUCATIONAL FILMS

A counterpart of WRMP's "Dial Access Library," is the "Single Concept Film Project." Used in 60 hospitals in Wisconsin last year, the project has far exceeded its initial expectations. Fifteen projectors and several film cartridges are available on a small rental basis. Hospitals use this service to help in the instruction of their staff, physicians, and nurses use it for keeping up-to-date on latest medical advances.

One of the many hospitals in Wisconsin which has utilized WRMP's "Single Concept Medical Film Program" to great advantage is Lakeland Hospital, Elkhorn, Wisconsin. Gene A. Kiefer, hospital administrator, said that he was amazed at the interest taken by physicians. "We have 22 doctors in our 137-bed hospital," Kiefer said. "Because of the amount of the load, I didn't think too many doctors would take an interest."

"We located the films and projector in a room near the lounge area," he continued. "Whenever there was a break between procedures, the doctors took a cup of coffee, went into the room and put a film cartridge into the projector."

Kiefer added that after each showing, the doctors discussed the film as a matter of conversation and reviewed it several times to make sure they understood particular portions of it. "That is one very important advantage of the program," Kiefer continued. "Because of the great response we received from this program, I am sure we will continue to use it to great advantage."

Presently, there are six teaching films of 10 to 15 minutes each. This will be expanded to 36 films available in units of six films per series. Proper notification will be made throughout the state when this expansion takes place.

KEEPING PHYSICIANS UP TO DATE

One of the first projects undertaken by WRMP was a physician education program. Its purpose was to help keep physicians abreast of medical advances so they could put this knowledge to work for the good of the patient.

Physician education is a necessity in Wisconsin, especially in northern areas where only two or three physicians are located in a given county. Two counties in Wisconsin are without physicians. Thousands of Wisconsinites are therefore dependent upon neighboring counties for medical assistance, putting an additional burden on physicians located in those areas. Because of this remoteness, physicians located in two-thirds of Wisconsin are handicapped in that there is little time for them to communicate with others in their profession or to read medical journals to help them keep abreast of medical technologies. They must rely a great deal on professionals bringing new medical information to them.

Continuing education programs in the delivery of health care have received most of the attention in the WRMP. Programs geared to professional education are considered just as important as those which are public oriented.

On the other side of the fence, in the area of research, are such projects as the Uterine Cancer Project. The project, under the directorship of Drs. Richard F. Mattingly, chairman of the department of gynecology and obstetrics, Marquette School of Medicine, Inc., and Ben M. Peckham, chairman of the department of gynecology and obstetrics, University of Wisconsin Medical School, was established on an experimental basis to computerize the medical data of uterine cancer patients. It is hoped, that the treatment of uterine cancer patients can be improved through the use of the computer by allowing physicians in widely separated locations to exchange information and ideas.

COMPUTER EXAMINATION

Through the project, the facilities at Marquette School of Medicine, Inc., and the University of Wisconsin Medical Center have combined their capabilities on a collaborative basis. Others included in the system are Milwaukee County General Hospital, St. Mary's Hospital, Milwaukee, and the Marshfield Clinic and St. Joseph's Hospital, Marshfield.

Because of the accuracy of the computer, the information received from the patient is more accurate than histories taken by the physicians. The way the questions are asked is most important in trying to solve problems regarding the disease.

The patient, sitting at a computer, is given questions over a TV screen. She then has an option to select the proper answer with regard to her particular case. The directness of this technique and the storage capability of the computer allows an evaluation of the uterine cancer patient with a minimum of error.

After the interview between computer and patient, and the examining physician and patient, the questions and answers are permanently stored on a magnetic tape. These questions and answers provide, for the medical record, the details of the general physical examination. They include a detailed abdominal and pelvic examination. The history and the physical examination data are printed by the computer for inclusion in the medical record.

One of the many uses to which this system can be put is the physicians' accessibility to computerized dosimetry. The computerized measurement is accurate and easily calculated for immediate use by the physician.

The purpose of the project is to help present as well as future uterine cancer patients. As more data is compiled, the greater the accuracy factor.

TARGET DISEASES

This process of identification of needs and opportunities for solution requires a continuing analysis of the problems in delivering the best medical care possible to those within the Region suffering from one or more of these target diseases. It is on this basis that WRMP is able to translate these needs into operational projects. Hereto, among these various identified needs, are often found relationships, which, when perceived, offer even greater opportunities for solutions.

To date, WRMP has several operational projects, which in some way, will benefit the more than four million people in the Wisconsin Region. As mentioned before, some of the programs are physician and nurse oriented and educational in nature. Other projects are research oriented with the hope of finding reasonable solutions to problems. Still others are practical projects with the aim of utilizing, more efficiently and effectively, the time and ability of the medically trained for the benefit of the patient.

Thus far, WRMP has received about $2 million for the establishment of projects in Wisconsin. Some Regional Programs have received more or less money than Wisconsin. Allocations are not made according to population or size of region, rather, funding is based on individual merit of the programs.

The Program Coordinator of WRMP, John S. Hirschboeck, M.D., is not a novice at medical administration and budgeting. Before joining WRMP, he was the dean of the Marquette School of Medicine, Inc., for 17 years. He has organized WRMP into one of the strongest Regional Medical Programs in the nation.

BUDGETING PROBLEMS

Like Dr. Hirschboeck, many program coordinators and volunteers throughout the nation are going to have to work hard at budgeting their programs. With the cuts expected in federal spending, Regional Medical Programs will be somewhat limited in their activity and their impact on improved patient care in their regions will be minimized.

It was initially expected that more than $200 million would be made available to Regional Medical Programs to help improve the care of medical patients in regions throughout the U.S. Recently, this amount dropped to $124 million and again to $74 million. It may go lower yet!

What it boils down to is the fact that the care of the patient must remain at the top of the priority list of Regional Medical Programs. In order for this goal to be achieved, the professional skill of individuals, coupled with the cooperation of community agencies on a collaborative basis, must be utilized to their fullest extent. Every available avenue must be examined and utilized to the greatest advantage.

It is not the only objective of WRMP to improve patient care in Wisconsin. Also, it seeks, through operational projects, the support of agencies, on a collaborative basis, to bring the achievements in medical science to the patient suffering from heart disease, stroke, cancer, or other related diseases.

HEALTH CRISIS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. JAMES V. STANTON. Mr. Speaker, a major cause of today's crisis in health care is the shortage of family doctors.

So great is this shortage that the family doctors our families have depended on these many years are likely to become an endangered species. The trend toward specialization in the medical profession is threatening to make the family doctor as scarce as the house call.

This crisis is vividly documented in an excellent series of articles by Fraser Kent, prize-winning health sciences reporter for the Plain Dealer in Cleveland. The problems he describes in Ohio affect every family in the country.

Kent estimates that "80 percent of all medical problems can be, and should be, taken care of by what used to be called 'general practitioners'—GP's." Today's family doctor, says Kent, is a specialist in family practice with a special understanding of the complicated relationships between health and family structure and human behavior.

I call these three articles to the attention of my colleagues today because they explain so well the urgent need for approval of the amendment introduced by the gentleman from New York (Mr. ROONEY). His amendment would authorize $25 million to train family doctors in hospitals and medical schools under the Family Practice of Medicine Act of 1970. This act, you will recall, was the victim of a Presidential pocket veto in the 91st Congress.

Today's vote on this amendment could prove to be a turning point in this health crisis.

The articles follow:

Crisis of the GP: Family MD's Want Rank of Specialist for Their Specialty

(By Fraser Kent)

Having trouble finding a family doctor?

Or does the physician you now have keep you waiting weeks for an appointment? Do you then sit in his waiting room for a couple of hours? When you do get in, do you feel he's rushng you through?

If you answered the questions "Yes," it's not surprising. It would surprise your family doctor even less.

There just aren't enough family doctors to go around—and those who are in practice don't have enough hours in their days to see all those who need care.

It's estimated that 80% of all medical problems can be, and perhaps should be, taken care of by what used to be called "general practitioners"—GPs.

Most of the ills that flesh is heir to are not serious enough to justify going to the hospital or seeking a specialist's care. The head cold, the arthritis flare-up, the boil on Billy's bottom—we either take care of these ourselves (perhaps with a side trip to the corner drugstore) or we see the family doctor. If we have one. Or can find one.

The situation is bad throughout the country. As a matter of fact, Ohio doesn't have it as bad as some other states. And Cuyahoga County has more family doctors per person than some other parts of the state. Vinton County not only lacks family doctors—it has no doctor at all.

Some of the pressure is taken off by gynecologists and pediatricians, who serve as GPs for women and children. Internists also reduce the load, but a specialist in internal medicine (who may focus just on glands, the heart, or lungs) is not always involved in family health care.

This is the direction general practice is headed: total, comprehensive, continuing care of the family as a unit, both in sickness and in health, rather than episodic-disease and hospital-oriented medicine.

That is, if family practice survives. There are dramatic warnings from all sides that we may lose the GPs we have, without any replacements in sight.

The family doctor finds it hard to be heard in hospitals and universities, but his office is crowded with impatient patients. He sees the income estimates for surgeons, pathologists and radiologists and knows he is working just as hard as they, but for much less money.

Indeed, he argues, the shift to specialization may reflect economics more than it does patient demand.

At least one authority says a family doctor, using modern methods and competent help, can take care of three or four times as many patients as a specialist.

A bright light on the horizon is the minority of medical students who insist that their training be more "patient-oriented" instead of simply focusing on one disease after another.

This could mean that the arthritis specialist of tomorrow will not ignore his patient's dental problems; it may mean that more doctors will graduate to deal with "the whole patient, entire."

It's too early to tell how social activism of a few students will affect the situation. However, change seems to be more likely than surrender.

"The day of the do-everything GP, who removed gall bladders in a suite above the corner drugstore, are gone—and good riddance," said Dr. James L. Dennis, dean of the University of Oklahoma School of Medicine.

"A new breed of family physicians is emerging—a specialist in the very complicated aspects of family structure, human behavior and health, and the relationship between these."

This family doctor concept is what led the American Academy of General Practice (AAGP) to press for specialty status for its members two years ago, after long carping about increased specialization by other physicians. "They're being trained more and more to do less and less; next we'll have a man dealing only with the left thumbnail," was the type of comment common at GP meetings.

But to specialize in generalization is not only a contradiction in terms, it was also an unsatisfactory answer to AAGP members who saw themselves left with the odds-and-ends untouched by other, richer specialists.

In the process of resolving this, the AAGP set up a definition of family practice that could change medical education, hospital and office procedures and (to some extent at least) the delivery of health care itself.

There are now only about 4,000 "specialists in family practice," so it's too early to tell whether this will mean you'll find it easier to get the medical attention you need or whether you'll be more satisfied with the care you receive.

Optimists hope the family-care concept will reverse the present drift toward ivory-tower scarcity. In the meantime, it could make matters worse for a few years.

To gain this specialty status, the medical school graduate will have to spend three years in hospital-based training. He will then qualify for certification by a specialty board. To maintain this (and his AAGP membership) he will have to complete 50 hours of lectures and seminars each year, and be recertified every sixth year.

This means the young family doctor will be delayed two years in putting up his shingle. And more time will be taken from his practice, to keep abreast of his specialty in a systematic way.

(As in most specialties, not every doctor will seek board certification. Neither will he have to maintain AAGP membership, but the three years of hospital training may become mandatory.)

Why bother? Just because specialists earn more? Men in general practice aren't really suffering. Just to gain a bit of extra status in the medical community? It must be admitted this is part of the reason.

More important is the hope that more young medical graduates will join the GPs' ranks, increasing both the number and quality of family physicians.

The argument is made that many young people enter medical school with general practice as their goal. After being exposed to nothing but specialists in medical school for three or four years (GPs don't teach, nor are they on the staffs of most teaching hospitals), general practice doesn't seem all that important.

By the time they graduate, the students are eyeing any one of three dozen specialties and overlooking family practice. Less than 2% of them become GPs. This is increasingly true in schools of osteopathy, too, although they have been geared traditionally toward general practice.

In part, this has created the present shortage—which is a real one, and not just a matter of where you live or how much you earn. The GP ranks have been thinning out steadily for 40 years. In 1930, there were 115,000 family doctors—70% of all MDs and DOs.

Now there are about 62,000. Only one doctor in eight is a GP.

In the meantime, the population of the United States has grown from 123 million to more than 205 million. The "average GP" in 1930 had 1,070 patients; today he has 3,325.

That's three times as many people trying to buy the services of each family doctor, while the public is being taught to see doctors more regularly and has come to expect more of them. Add to this pressure from federal experts for a doctor who can "provide access to entry into the health care system."

"The practice of medicine is a social institution which must keep abreast of changing times," Dr. George T. Harrell of Pennsylvania State University College of Medicine noted recently.

"In the past, the family physician worked alone, practicing general medicine whether he lived in the city or rural area. Acute illness was cared for in the home, with the family's help.

"With the increase in specialization, the solo GP found himself increasingly unable to encompass all fields of medical knowledge. A few groups of specialists practicing together began to appear, often serving in lieu of the family doctor."

Dr. Robert S. Young of Johnstown, president of the Ohio Academy of General Practice (OAGP), is critical of that concept. "The specialty group idea is adequate if the group is well stocked with doctors who are able to handle, economically and expertly, the 95% of patients we see in general practice.

"But who will take the time to listen to their many problems and complaints, make a decision as to treatment and then follow it through to a conclusion?"

Groups tend to cluster in fairly large urban centers. Dr. Harrell noted, "individual physicians (and their wives) are increasingly reluctant to leave and raise families in small towns or rural areas. They are reluctant to commit themselves to on-call service 24 hours a day, seven days a week.

"The pressure is not financial, since the family doctor can quickly achieve higher levels of income in rural areas than those beginning a practice in cities. But the proportion of family physicians in rural areas and small towns has diminished; recruitment has not kept up with attrition; a high proportion of GPs are more than 50 years of age."

The doctor patient ratio varies greatly across the United States, but in few places does it reach the 1-to-2,500 figure that many experts contend is the best balance. In Ohio, only 10 counties are in that category.

In Cuyahoga County, the ratio is one per 4,500; in Lake and Geauga counties, it's one per 6,000; in Lawrence, it's one per 7,100.

Such ratios don't tell the full story, though. The four GPs in Carroll County may work harder taking care of 22,000 people than do the 385 GPs (including osteopaths) in Cuyahoga, although both counties have the same doctor-patient ratio.

In Carroll, there are no doctors except those in family practice, and there is no major concentration of people.

Such differences are reflected in the GP's practice. Said Robert M. Ball, Ohio State University medical student who spent 11 weeks last summer with five doctors: "I finally came to realize each physician's practice was what he personally wanted.

"Each developed his own approach to the type of practice that best fits with his own personality."

Dr. Young seldom visits the Columbus hospital in which he has staff privileges, and he does not deliver babies. He is the only family doctor in his county. He has calculated how many patients he could see just in the time it takes him to drive into Columbus and back . . . and decided in favor of the patients in his waiting room.

On the other hand, Dr. John W. Lester of Mapleton says, "Some may argue that obstetrics is not financially feasible with a busy practice, but I feel it's essential in creating the necessary rapport with a family. I use the prenatal and postnatal periods for family counseling and I think it has helped anticipate problems in some instances."

Some GPs see patients on a first-come, first-served basis; others set up quick-moving patient timetables. Some are available at night; some make house calls; some are immersed in community affairs and politics; some feel driven by their patients' needs and are almost overwhelmed by the lack of backup help; some enjoy attending medical meetings that others avoid; some fear their neighborhood while some worry about lawsuits for malpractice.

Most emphasize preventive medicine, and this pulls some GPs into the community to deal with problems of pollution, sanitation, drug abuse and other public health matters the specialist may ignore.

That same community may set the limits on family practice. Is there a hospital? Nursing home? Pathology and radiology laboratories? Can the doctor get a friendly, competent nurse or technician? How far away is the nearest doctor?

Are there more old people than young? Is it a farming community, urban slum or sprawling suburb? Do the people speak his language? Would they know if he left his phone off the hook some night?

Is there an expressway nearby, each mile marked with its quota of accidents? Will he have a lot of Medicare and Medicaid paperwork, or work injury claims, or high school athletic events to supervise? All these fatcors define family medicine.

But the GP must go beyond. He cannot function properly unless he has a variety of specialists to call on. Sometimes this can be done by direct consultation. In rural Ohio, it is possible to transmit a cardiogram by telephone for diagnosis by a specialist at the receiving end or to have helicopter-flying pathologists pick up and deliver specimens within a few hours.

In other cases, it is necessary to refer the patient to the specialist in his own office or hospital. It may even be possible for the family doctor to minimize the fuss and waiting associated with such consultations.

Important in all of this, say the GPs, is the fact that somebody remains interested in the whole patient, regardless of what part of his body is being examined by an appropriate specialist.

"The hospital specialist will be concerned with serious organic disease," Dr. Young said. "The family physician will contribute his knowledge of the patient as a person, of family relationships, and of the emotional-social aspects of the illness.

"When the specialist is finished, he refers the case back to the primary physician. In diabetes, for example, the family doctor is usually able to monitor diet and the use of drugs in relation to blood-sugar levels without the patient constantly trotting back to the specialist every month.

"This doesn't mean the family doctor will just handle the routine and boring aspects of health care. There should be enough variety in his practice for the application of all his knowledge and skills.

"We sorely need the Cadillacs and Imperials of the medical profession, but we also need a greater number of Chevrolets and Fords," Dr. Young said.

The lack of sharp focus has made it hard to define family practice more clearly, which puzzles the medical student who is preparing for it. He wants to know what he must learn, what he should concentrate on, what he can expect to do. The GP no longer answers "everything," but many talk about philosophy instead of specific curriculum content.

In 1966, a committee that studied this said, "Many different approaches may be required before new training programs can be developed with assurance of success." Allow for experimentation, it said, and avoid rigid standardization.

That may be good advice, but it is hard to translate it into a curriculum that will develop the type of physician that AAGP talks about.

Who is he? Let's look at how the GP spends his day.

He deals with common cold and aches and pains; he treats most accidental injuries; he delivers babies (more than 60% of babies born in the United States are delivered by GP's) and circumcises and male infants. He immunizes children and takes care of their illnesses; he inoculates travelers and performs premartial VD checks; he may oversee the school athletic team and act as physician for a local industrial plant. He takes care of most of our older people, both in and out of nursing homes.

His field overlaps those of a dozen specialties from allergy to urology. It sounds like a contradiction in terms, but he is a busy "multispecialist."

And he is most sensitive to the emotional components of disease. Many disorders combine our mind and body; some reflect deep emotional disturbances; some are aggravated by an inability to tolerate the stress of illness. The family doctor must be prepared to spend time talking about sexual problems (contraception, sterility, marital adjustment), alcohol and drug use or illness and death in the family.

"Understanding the whole patient is important in tempering treatment and providing total health care," said Dr. Young, who teaches an OSU course on psychosomatic medicine. "The family doctor should be able to deal with the common tensions, anxieties and depressions that start (or complicate) a fair proportion of the problems with which he is faced."

However, much of the GP's practice has nothing to do with illness. Just as a pediatrician spends a lot of time on well-baby care, so too must the family doctor devote much energy to inoculations, screening tests, physical examinations and so on.

Such "nonsickness" may make up one-fifth of his practice, according to a recent survey. This includes annual physicals and those demanded by schools, employers, summer camps and insurance companies.

The family doctor averages six to eight minutes with each patient, so he may see 60 or more a day. Many doctors have multiple examination rooms so that a nurse or aide may prepare one patient (weight, temperature, blood pressure) while another is being treated in the next room.

The picture, then, is a brisk potpourri of checking hearts, looking down throats, prescribing The Pill, examining skin blemishes and talking about Grandma's nursing home.

This is in contrast to the specialist who spends his day seeing case after case of high blood pressure or glaucoma or whatever. The specialist must be aware of other physical problems, but if they don't impinge on the patient's immediate needs, they must be postponed for examination by someone else. The kidney-transplant surgeon can't worry about athlete's foot, nor should he.

"Training in internal medicine prepares a man to deal with the more unusual problems he will encounter, so it is unlikely he would be interested in cuts, minor fractures, skin problems or routine prenatal and obstetrical care," said Dr. Frank W. Myers, Northfield osteopath.

"A pediatrician shouldn't spend most of his time examining well babies and giving shots. He will be of greater value to the community if he focuses his time and attention on the unusual and complicated problems of childhood."

If the specialist is a wary ally of the family doctor, there is another enthusiastic source of support in the hospital. Most administrators would like to see more family doctors in the hospital—otherwise they will be swamped by a rising flood of nonemergency visits to emergency rooms by patients who can't get medical care anywhere else.

"Sooner or later, most hospital inpatients become impatient with hospitals," said Dr. Edwin L. Crosby of the American Hospital Association. That's probably why ambulatory (walk-in, walk-out) care is now the fastest growing service in the nation's hospitals.

"Nearly six people use ambulatory services for each one admitted as an inpatient. Most experts agree that where such care is possible, it is better for both the consumer and provider.

"From the patients' point of view, it means illness becomes less of an emotional, physical and financial burden. For the hospitals, it means more beds available for acute-care patients."

Administrators would also like to see more family doctors on their medical staffs, if only to help man the emergency rooms and outpatient clinics. Some GPs deride this as "second-class staff privileges" but others see it as a logical form of group practice.

One problem here (and with clinics or group practices in general) is that the clustering of doctors moves them out of the community, and the benefits of a neighborhood office are lost.

However, many believe that including one or more family doctors in a group practice makes sense. There is a difference between a group of GPs sharing an office and the multiple-specialty office in which the family doctor is part of the team.

Many GPs like the shared office because it gives them more freedom and shorter hours and assures that their patients are being cared for. In the team practice, it is the family doctor who sees the patient first and who leads him through the rest of the medical system.

This would be true comprehensive, continuing health care, and may be available to the poor before it is provided to the rich. The new family-health-care center at Cleveland's Polyclinic Hospital is the kind of arrangement that many GPs consider ideal. It will be used to train men and women in family medicine.

In Cleveland, distribution of family doctors is spotty but not as bad as elsewhere.

About 50 GPs practice in or near the East Side inner city, including the substantial concentration at E. 105th Street and Carnegie Avenue S.E. Either that isn't enough, or they aren't accessible enough, because Mount Sinai and University hospitals have crowded clinics and emergency rooms. And many poor patients still cross town to Metropolitan General Hospital for clinic care, instead of visiting a family doctor a few blocks away.

Such bypassing of the doctors's office is widespread. In the area of St. Vincent Charity Hospital there are 11 family doctors who charge about $10 for an office visit. Patients still head for the emergency room where the charge is $20, plus doctors' fees ranging from $8.

That won't change if the GP becomes a specialist. As a matter of fact, there doesn't seem to be much change in sight when it comes to the way he will treat you and your medical problems. That may have to wait for the next "generation" of family doctors to emerge from medical school.

Then the change may be radical enough to affect the whole delivery of health care. Dr. Vernon Wilson of the University of Missouri sees one "basic practical difference" that could alter things and that is "attitude—the way the family doctor views his practice and his patients.

"The new specialist will function as a continuing medical advocate to his patients . . . more like a lawyer on a retainer than the corner filling-station operator who sells gasoline on a stop-in basis.

"He will practice medicine on a continuing basis, rather than on an emergency, episodic basis. This means he will emphasize preventive medicine as much (or more) than curative medicine.

"He virtually must have family units as his patients because of the interaction factors in his approach. He will see each patient as an individual, but each must be considered against the backdrop of the family unit," Dr. Wilson said.

"Many good GPs have been doing this for years, but they were not trained to do it. They developed this method through a concern for their patients and as a result of social forces in the community."

The resulting specialist in family medicine will differ, too, from specialists in other fields of medicine and surgery:

He will be more concerned with people than with things, Dr. Wilson said. He will see medicine as a means of helping his fellow man.

He will tend to view things as a whole, rather than as elements or parts.

He will be something of a pathfinder, rather than traditionalist.

He will view himself more as an artist dealing with others and their problems than as a scientist dealing with disease processes or malfunctioning organs. He will see science as a means to an end, rather than an end in itself.

He will be concerned with his community as a whole, as an extension of his patient-family units.

"Such standard-bearers who will build the specialty will probably not begin to emerge in significant numbers until the mid 1970s or later," Dr. Wilson agreed.

Then family practice will become "the most universal specialty, in terms of broad-scale need and flexibility of approach," said Dr. Lauren M. Brown of Akron, president-elect of the OAGP.

Dr. Brown is on the medical staff of Barberton Citizens' Hospital but sees "the scope and breadth of the specialty will enable it to be practiced almost anywhere, without the lifelines to the medical centers required by limited specialists."

The new family doctor "will need reasonable access to consultants and medical centers," Dr. Brown continued, "but methods by which that can be achieved are already available: auto, telephone, electronics and so on."

If it is agreed that students should learn all this about family practice in a systematic way, rather than by what Dr. Myers has called the "sink or swim method," even more GPs must teach.

"It would be most desirable if these physicians passed on the things they have learned," Dr. Myers said. "One of the most important things we could teach is how to identify the things he should not try to learn."

GP, Specialist: Views Clash

This is the general problem seen by the family doctor:

Medical schools are turning out researchers and specialists, rather than general practitioners, men who focus on one disease category or one organ or one aspect of technology, rather than on the whole patient

This means few physicians graduate, to whom the patient and his family represent a spectrum of medical problems, most of which can be handled in a doctor's office

Many GPs complain they do not have hospital privileges, so they must turn over their patients to specialists whenever hospital care is indicated.

And here is how the specialist sees it:

Medical knowledge has become so complex—and will continue to do so—no physician can cover all illnesses in all men. They see a need for more specialization, rather than less

Medical progress has depended on progress made by pathologists, radiologists, researchers and other MDs who may seldom see a patient

By the time a patient needs hospital care, he has moved out of the family doctor's field of competence, they claim

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GP STATUS SEEN SPUR FOR MEDICS

(By Fraser Kent)

Due to the shortage of general practitioners, self-diagnosis is on the increase as patients try to figure out which specialist they need. So, too, is diagnosis by telephone (something doctors were firmly against only a decade ago) as doctor and patient find it more difficult to get together.

Families moving to new homes complain of trouble finding a new doctor, and waiting room delays seem inevitable and endless.

Due to the shortage of GPs, general surgeons, internists and pediatricians are forced to do family medicine, said a spokesman for the American Academy of General Practice (AAGP).

"This is something for which they are not trained, and it results in both inadequate patient care and a waste of their specialized skills, which should be reserved for unusual and difficult cases," he said.

Part of the answer to the manpower shortage would be graduating more family doctors from medical school, he added, if only because a GP cares for more patients in less time than does the specialist.

It is hoped that elevating the family physician to board-certified specialty may offer him prestige equal to that of other doctors. It will also give him entry to teach in most medical schools.

Dr. Maynard I. Shapiro of Chicago, past-president of the AAGP, noted that students tend to copy their teachers. "Because medical schools have become geared to research and specialization, students simply didn't come in contact with the family doctor.

"By bringing him back into teaching, the new specialty should increase student motivation and spur recruitment."

It is hoped that spur may prod 2,000 graduates into family practice each year, despite critics' claims they will be "specialists without a specialty" and that few will be drawn to it.

Dr. Lynn Carmichael, University of Miami family practice director, says guardedly: "At present, it is the exceptional or somewhat atypical student who is interested in family practice. Most students are conservative and go along with the status quo.

"They have been too well brainwashed and are not attracted by ambulatory (walk-in, walk-out) medicine. The pool of applicants is not likely to be very large for the next few years."

The Ohio State Medical Association is trying to make it more attractive for family practice students by offering two annual scholarships. They are for $2,000 each, over four years. Last year, the recipients were John E. Pappas of Cuyahoga Falls and John H. Surry of Youngstown.

Ideally, they will graduate as "people doctors, blending a personal approach to family health with sophisticated techniques of diagnosis and treatment," said Dr. Ward Darley, former executive director of the Association of American Medical Colleges.

They will have "therapeutic opportunities other physicians would be denied," claims Dr. Frank W. Myers, Northfield osteopath. "Each of us has a limited cranial capacity; we all remember and do best the things we do often. Because of this, all specialists are limited.

"The deeper they delve into their specialty, the more limited they become. There is a need for the comprehensive specialist who is broad in scope but who makes a distinct effort to avoid digging deeply into any of the particular subjects now covered by the narrower specialties."

This has practical limits, added Dr. Raymond O. West, chairman of family practice at Loma Linda (Calif.) University. "There is a certain level of expertise for most conditions that cannot be exceeded, no matter how much money or how much special training you bring to bear on it.

"For instance, a family physician who considers all the possible diagnosis can take care of a strep throat as effectively as could the best-trained pediatrician or otalaryngologist."

Very often both the specialty and the preparation for it have been described in negative terms: What it isn't and should not be. This may be a problem in attracting and holding students, said a medical school dean who asked that he not be identified.

"Without a clearly defined, specific body of knowledge, we will have trouble developing training programs," he said. "The faculty must know what they are expected to teach to produce a physician who can provide comprehensive, continuing health care.

"Right now, the men in general practice aren't offering any helpful suggestions, but describe their specialty only in terms of its philosophy and approach instead of specifics. We want to know how much dermatology? How much cardiology? Gynecology?"

Even more of a challenge is posted to educators in that medical training has been centered on the hospital and clinic, while the GP's practice is oriented toward a private office.

Many problems he sees never reach the hospital, so a medical student might never be exposed to them. And the average free clinic population presents a different "mix" of medical problems than that seen in general practice.

So what will the future family doctor be taught? Most experts would add basic economics and sociology to the basic "core subjects" of today's medical school. Add, perhaps, psychosomatic medicine taught by a board-certified family doctor. But little emphasis on research, other than the general principles a doctor must understand if he is to evaluate and apply research findings.

"The primary mission of a medical school is to teach physicians to take care of sick people, to meet the health needs of society," said Dr. Howard Rusk, director of the Institute of Rehabilitation Medicine, New York City.

"It's unfortunate that many top medical schools try to turn out mostly researchers and full-time faculty, because that seems to be the most glamorous goal."

Equally stern words come from Dr. Edward D. Martin, former president of the Student American Medical Association now interning in pediatrics: "The traditional methods of training physicians have nothing to do with how medicine applies to people in the community," he told Medical World News.

"Most schools have become citadels of medical science that I feel are completely detached from the real practice of medicine.

"In my school, some 60% of the faculty had no contact with patients. Those who did were concerned with for example, systemic lupus erythematosus (a severe skin disorder) more than lobar pneumonia. I never treated a patient with pneumonia in my medical school," Dr. Martin said.

"Will the schools turn out super-technicians who have no experience in the art of medicine and no perception of the major social problems that create the medical problems we treat? Will we continue to be fragmented with episodic, acute care?

"Or will we begin to deal with the real problems of patients to prevent the development of acute diseases that constantly face us in the hospital?"

Such young idealism is being heard by older physicians.

"Medical students cry for a return from the impersonal medicine of the 1960s," Dr. Ross L. Egger of Dalesville, Ind., said recently. "With the new specialty of family practice hardly off the drawing board, students are applying for these programs at twice the number of available openings."

The objections to research are not against it as an occupation but against the undue emphasis placed on it by medical schools that have come to rely on federal research grants for their existence. These have paid the salaries of the highly skilled specialists on the faculty, but there is more to medicine than this.

"Medical researchers persistently concern themselves with the causes and treatment of disease," said Dean James L. Dennis of the University of Oklahoma. "The time has come for us to begin a search for the causes of health—something that is more than an absence of disease.

"Today the concern is for the prevention of illness and the treatment of physical disorders on a firm base of science and technology, rather than trial-and-error and 'art.' The public is widely informed and their expectations are unrealistically high.

"The kind of physicians that are produced are no less important than the numbers produced," he added.

Dr. Robert S. Young, president of the Ohio Academy of General Practice (OAGP), thinks the problem could be resolved if each freshman medical student spent some time with a family doctor in his office.

"He would see what family practice is; he would see how it relates to other specialties; he would see how all of this works in the context of the community. He would have a realistic picture of what medicine really is, outside of the university medical center," Dr. Young said.

"Then he can make a rational choice."

Later such a choice may be harder to make, after continued exposure to training by teachers who focus on one sickness or one group of molecules. "When I take a senior student into my office and show him a red eardrum for the first time in his life, I can't help but feel he knows more about disseminated lupus erthematosus than I ever will, but will probably have a hard time finding enough patients to exercise his knowledge on," said Dr. James B. Price, a general practitioner in Brush, Colo.

But most agree that the emphasis on family practice training as such would not really begin until the student was graduated and began his hospital training as intern and resident. That will probably cover three years, and the GPs again insist the young doctor must be freed from the specialists' domination.

"Today's postgraduate courses are disease-oriented," Dr. Carmichael charged. "The intern rotates from the hypertensive clinic to the diabetes clinic to the emergency room, and so on.

"He treats the patients only for the condition that brought them in, sees the patients singly and in a hospital setting, and sees only those who need attention while he is on shift."

By the time he emerges from medical school, "the student is apt to concentrate on tests, studies and records relating to the patient, rather than on the patient himself," said Dr. Morris Fishbein, medical journalist.

"He is a better educated scientist than the physician of the past, but somewhere en route he has lost the healer's basic humanities."

Dr. Darley compared the process to bird-watching. "An ornithologist can learn something about birds by studying them in a laboratory, but this isn't comparable to observing how they eat, mate, nest and fly in the forest.

"Similarly, a family practice resident can learn something from treating bed patients in a university hospital, but not nearly as much as he would in the surroundings that influence how people live and work, the sort of illness they get and how well they recover.

"In the classical outpatient department setting, students may not only lose their interest in patients as people, but may actually turn hostile to them."

Dr. Darley said the practical part of such education must take place in an office, the patient's home or a nursing home. "Students will learn to accept health protection, disease prevention and rehabilitation as part of their responsibility.

"They will learn how to work with voluntary health groups, welfare agencies, public health organizations, industrial health services, the police and clergy."

It might be possible, Dr. Carmichael suggested, to set up a model service in the medical school that resembles the actual situations the family practice resident would encounter later. "He will make house and nursing home calls; he will see whole families, and will treat patients on a continuing basis.

"Medical educators never really see the family physician at work; many don't know what he does, so he must be made visible in the medical center."

Something along this line has been developed at Loma Linda. In his first year, the resident will spend several months on internal medicine, obstetrics, pediatrics, psychiatry and general surgery. "He will also take responsibility for the over-all health of five to 10 families as outpatients," Dr. West said.

"In his second and third years, he will be exposed to dermatology, urology, ophthalmology, pathology, radiology and preventive medicine. And he will increase his practice to 50 families, shared with another resident who will know the same patients equally well to provide continuing care and personal, informed attention."

That would mean a resident could appraise a family's health hazards, direct a social service and financial evaluation and then make a home visit, Dr. West said. "He will inoculate the children, talk to the parents about diet and fitness, inform himself of their schools and jobs, and enlist the help of community agencies whose services can be applied to their needs."

He explained that residents are being trained in pairs or groups "because we want to get away from the old pattern of sending a doctor to a small community where he overworks year after year without help.

"We don't want him finally to get discouraged and go into specialty as so many GPs have done."

Another program outline: three or four years of medical school, plus one year of nonsurgical roating hospital service, one year split between internal medicine, pediatrics and psychiatry and one year in a family doctor's office or outpatient clinic.

Students have suggested adding more social sciences, cultural anthropology and general surgery to that list. Dr. Smith would also urge training in marriage and sex counseling, in dealing with emotionally handicapped children and in preparing patients psychologically for surgery and childbirth.

"And the young doctor must also learn how to offer aspirin and sympathy when there's nothing else," the OAGP president said. "He must face the problem of doing nothing, when that's the proper thing to do, and of persuading the patient he is right."

Tomorrow's family doctor must also be trained to say "no" to the specialist who thinks he knows the proper answer, added Dr. Paul W. Weiss, chief of surgery, Youngstown Osteopathic Hospital.

"The specialist often fails to realize his perspective is narrow and limited and there are many things of which he may not be aware that can and do alter the family physician's decisions.

Developing such a doctor would probably eliminate much of the unnecessary medical care which is given today and would no doubt significantly decrease the extent of iatrogenic disease (that caused by treatment) which we all see."

He then summarized his concept of training a family doctor:

He will focus on upright patients, diseases that occur often, patients with long-term illness or problems related to emotional stress, as well as those needing hospitalization or emergency care.

He should receive regular instruction and gain experience in assessing the patient's condition, in the use and interpretation of laboratory procedures and in applying the principles of differential diagnosis and proper therapeutic management. Emphasis should be placed on the history and cause of disease.

He should understand and be able to manage the problems of the newborn, congenital malformation, growth and development through adolescence, nutrition, mental retardation and the behavioral and emotional problems of children.

He should understand the biological impact of pregnancy, delivery and care of the newborn upon a woman and her family. He should acquire skill in providing care before and after birth, and understand the complications of pregnancy and their management. He should be adept at managing gynecological problems.

He should recognize surgical emergencies and evaluate conditions that require elective surgery; should understand the kinds of surgical treatment that might be used and the problems that may result.

THREE MONTHS AFTER OVERWORKED MD QUITS: GP CRISIS LEAVES VINTON DOCTORLESS

(By Fraser Kent)

McARTHUR.—The office is large, pleasant and well equipped for the practice of family medicine. It is near the center of this small county seat in southeastern Ohio.

It is empty.

It has been empty since the only physician in Vinton County, Dr. Richard E. Bullock, left here Feb. 15.

There is a shortage of general practitioners in most parts of Ohio, but this is the only county with no GP at all. In fact, no physician of any kind.

The 80 patients Dr. Bullock saw on an average day must now go 20 miles or more to see a doctor. That's the distance from Rocky River to Shaker Heights.

"We just buried a lady this afternoon, a sixth-grade school teacher, who might have been alive right now if there was a doctor here," said James Blower of the Wrightsel funeral home, which provides the county with ambulance service.

"She was overweight and her legs were swollen so she used to see Dr. Bullock once a week. She couldn't drive because of her condition, so she kept putting off the longer trips into Logan. If we'd had a doctor here . . ."

Sick people in Vinton County have found that doctors in nearby towns are already overworked and unwilling to take on more patients. Most have accepted up to 30 patients only on a standby basis; they would be expected to return to McArthur if and when a new doctor arrives.

With only 30 patients per doctor, that means most of the 9,500 people in Vinton County have nobody to turn to.

Fortunately, most people in this Appalachian region of Ohio are healthy and hardy. And fortunately, there has been no major highway crash, industrial accident or epidemic.

These people have not yet started to think the unthinkable: that there may never again be a doctor in their town. "I just can't believe that," said a restaurant owner. "I'm sure they'll find somebody."

"They" are the town's doctor committee, made up of Dr. Arnold Lee, a dentist; Mayor Mel Shover, banker Robert Will, lawyer John L. Beckley, Judge Peter Abley, pharmacist William Gorsuch and George Knox, a savings and loan official.

"It's been tough and discouraging, but there hasn't been any real hardship, yet," Dr. Lee said.

(Although the distribution of dentists is also uneven in Ohio, there is no county without at least one, according to a directory of practicing dentists issued last July by the Ohio State Dental Board.)

Three months ago—after spending 22 years in McArthur—Dr. Bullock announced his retirement, to accept a less strenuous job in Blacksburg, Va. He had been unable to find an assistant to help relieve the pressure of a 100-hour work week, and was recently divorced from the girl he married while in graduate training in Toledo.

He is now attending staff physician of the student health service at Virginia Polytechnic Institute and State University.

Working 40 hours a week.

"We've been doing everything we can to find a new doctor," the dentist said. "We'd really like to have two men here—the office is large enough for that.

"We've advertised in medical publications. We sent bulletin-board notices to the 150 hospitals in Indiana, Kentucky, Ohio and West Virginia that have intern and residency programs, and to military installations and the Appalachian Medical Center."

The committee's notice said: "Gross income limited only by number of hours you want to work." It emphasized the proximity of Ohio University in Athens, and the recreational facilities of Vinton County, "excellent uncrowded golf courses and country club," without noting that Dr. Bullock long ago found himself too busy for a game of golf.

"We've been in contact with Ohio State University and the Ohio State Medical Association, for those doctors who are inquiring about locating in Ohio," Dr. Lee continued. "Our congressman has checked with the U.S. Public Health Service.

"With just one nibble. Two or three doctors thanked us for letting them know about us, but that's all."

The one nibble came from a physician in Rochester, N.Y., who said he was tired of paying high city taxes. He visited McArthur, but last week sent a "thank you, but no thank you" note.

This is a crossroads town of 1,500 with another 1,000 or so living within a 10-mile radius. The county's main jobs are at Austin Powder Co. (where Mayor Shover works), strip mining for coal and farming.

This is Appalachia, but it is not Dogpatch. The houses are usually trim, the people well fed. Much of the country is state park or forest; Lake Hope, Zaleski, Raccoon Forest. The hilly roads curve like Raquel Welch, and the population is scattered.

The population is aging and decreasing; young people often move out after they are graduated from high school. This could mean an increase in the number of bedfast invalids, within the next few years.

McArthur is almost the geographic center of Vinton County. Logan is 24 miles north; Athens 28 miles east of Chillicothe 31 miles west and Jackson 20 miles south. There are doctors in all those towns, with another in Wellston (10 miles south) and a hospital in Nelsonville (25 miles northwest).

In Vinton County, the only health professionals are Dr. Lee, the pharmacist, and two county health department nurses.

Four years ago, Josephine Robertson (then The Plain Dealer's medical writer) described Dr. Bullock's practice:

"It begins at 9 a.m. and, barring emergencies, ends when the last patient has been seen, be it 2 or 3 a.m. His workday sometimes lasts 20 hours.

"He drives 36,000 miles a year. Dr. Bullock was chief of obstetrical service in Hocking Valley Community Hospital in Logan, on call for an OB emergency whenever a patient's own doctor was unavailable.

"He has been physician for the athletic teams in the county schools. Some of the more than 2,000 babies he has delivered are now on those teams, and he has watched them grow up with his own five sons."

At the end of the day, Mrs. Robertson asked Dr. Bullock, "Aren't you very tired?"

"Not as much as sometimes. There are days when I feel 162."

"Why do you keep on here?"

"I can only answer that with another question," the doctor said. "What would they do in Vinton County if I didn't?"

"What will they do without a doctor?" echoed Dr. Richard L. Fulton, president of the state medical society, in its journal. "That same question rings out in a number of rural areas throughout Ohio.

"We are not referring to villages where doctors are needed, but where people have access to physicians in nearby towns. We are speaking of areas where people will have to go miles to a physician in a neighboring county."

He has appealed for a young doctor (or better still, two) to set up practice in McArthur. "Physicians in rural areas are not going hungry," the medical association's Dr. Fulton said. "On the contrary, most of them are living exceedingly well. The problem is not lack of patients, but an overbundance of them, as in the case of Dr. Bullock."

Dr. Bullock, 54, graduate of Cincinnati Medical School, made up the entire county medical society. He was on call 24 hours a day, seven days a week.

Some people in McArthur believe the hectic pace helped break up the Bullocks' marriage (Mrs. Bullock now plans to sell their house and return to her home in Toledo) and almost killed the doctor.

"I used to lie awake nights worrying about Dr. Bullock killing himself with overwork," a medical association spokesman told Medical World News. "One night he did drive his car off the road, suffering a broken shoulder."

Now, looking back, the townspeople wonder why he drove himself so hard. For example, he left the staff of Hocking Valley Hospital after another doctor delivered his patient's baby. Many other doctors, under far less pressure, have willingly turned over their obstetrical practice to specialists so they could concentrate on the patients waiting in their offices.

"You could go over there at 9 o'clock in the morning, and still be there at midnight," recalled Judge Wade Lohr of Vinton County Common Pleas Court, a cardiac patient who lives next door to the doctor's office. "If he got a call from the hospital, he'd just run out and leave everybody sitting there."

"But he kept in close contact with the ambulance service," Blower of the ambulance service said. "He told us when he was leaving, when he expected to be back, when he was delayed at the hospital, and so on. He was very careful about things like that.

"I hope the new doctor puts his foot down, though. He should say—look, I'm just a general practitioner, there are limits to the things I can do, the amount of work I can do, and the time I can take. He's going to have to be firm about things like that."

If McArthur can find a doctor, there is a suggestion that Ohio State University would use this office in its family practice internship program. Each intern would be here only three or four months, but this could take the pressure off a lone physician.

Things would have been easier if Dr. Bullock had been able to persuade another physician to come in as a partner. When the brick office building he and Dr. Lee, the dentist, shared was built in 1952, the hope for such a partnership was incorporated in the design.

However, it was just as hard then to draw a doctor into Vinton County as it is now.

After three months, most of the people are still optimistic, even those who need care. Said Judge Lohr: "If I have a heart attack, we'd just call the ambulance and go to the hospital in Nelsonville. We'd arrange for the doctor to meet us there. It means another 25 or 30 minute's difference in seeing the doctor, and of course it means I can't get my shot here before I go."

Some of the work load was taken by the county health department's two registered nurses, Mrs. Dian M. Partlow and Mrs. Mary Shover, the mayor's wife who was Dr. Bullock's nurse.

"We gave some of his diabetic patients a few injections, on his orders, but we had to stop that by May 1," Mrs. Partlow said.

"And we had to persuade people—the chronically ill ones especially—to seek other doctors. Some of Dr. Bullock's patients were stunned by his leaving they just couldn't believe it. Some of them said they'd just wait and see, thinking a new doctor could be coming in right away.

"We had to do a lot of encouraging of people to make them find somebody to take care of them in Dr. Bullock's place."

By now, most of those with long-term illnesses have found other doctors in surrounding counties, but that isn't always satisfactory. One woman said she had a fainting spell and when she phoned the doctor in Logan, his secretary said there would be a two-week wait before an appointment could be scheduled.

House calls, of course, are out of the question.

This can be a problem for the aged, sufferers from arthritis, diabetes, emphysema and heart disease. They had trouble enough getting in to see Dr. Bullock, Blower, the ambulance man, said. Some can no longer drive, and must be taken by ambulance 20 or 30 miles at $1 a mile. Medicare pays a maximum of $15 per trip, and the aged invalid must make up the balance.

"Some of them just don't see any doctor now," Blower added.

He told of one woman who lived 12 miles from McArthur. "When her doctor told her to come into the hospital, we had to drive out and get her, and then drive 30 miles to the hospital.

"Her doctor finally called to find out where we were. He couldn't understand why it would take an hour for her to get there."

In reviewing the situation, Dr. Fulton of the Ohio State Medical Association said: "The doctor's pledge is to serve humanity. The opportunity to fulfill that pledge is knocking, knocking, knocking."

Dr. Bullock isn't sure the pledge will be filled. He feels most of today's young physicians lack the dedication doctors had years ago and are losing contact with patients.

For areas like Vinton County, he sees a bleak prospect: a series of first-aid stations, supported by county health departments and and manned by nonphysicians, "I dread the thought, though. It would be a gross miscarriage of medicine."

The people of Vinton County are calling for help as loudly as they can, and Dr. Fulton says opportunity is knocking.

Is anybody listening?

COMMON CAUSE OPPOSES TREASURY'S BILLION DOLLAR GIVEAWAY

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 12, 1971

Mr. BAYH. Mr. President, on May 3 I testified in opposition to the Treasury Department's proposed asset depreciation range system. I strongly believe that this backdoor attempt to reduce corporate taxes by liberalizing the depreciation allowance is wrong as a matter of law and wrong as a matter of economic policy. Also testifying in opposition to the Treasury's proposals on both grounds was the distinguished dean of the University of Pennsylvania Law School, and one of the Nation's leading authorities on tax law, Dean Bernard Wolfman. Dean Wolfman's thoughtful remarks, I should add, were presented in behalf of Common Cause. I ask unanimous consent that my statement and the full text of the excellent brief prepared by Dean Wolfman be printed in the RECORD at the conclusion of my remarks.

There is still time for the Treasury Department to withdraw the proposed regulations. There is still time for Congress to act. Repeated statements by Treasury Department officials that the Department cleared the ADR proposals with certain congressional leaders notwithstanding, it is important to keep in mind that individual assurances of approval cannot confer statutory authority where none had existed—and in this case the Treasury simply does not have the authority to open the public purse to a multibillion giveaway in the form of lower corporate taxes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIRCH BAYH OPPOSING THE PROPOSED ASSET DEPRECIATION RANGE SYSTEM

INTRODUCTION

I am pleased to have this opportunity to testify concerning the Treasury Department's proposed regulations, first announced on January 11, establishing a so-called Asset Depreciation Range system, eliminating the reserve ratio test, and creating new full and half year depreciation conventions. In view of the repeated statements by high Treasury officials that these regulations will go into effect regardless of what is said or done at these hearings, I strongly suspect that all of us here today merely are participating in an elaborate charade. But I cannot believe that the Treasury Department and the Internal Revenue Service can continue to depart from their long history of professional, non partisan analysis of proposed tax regulations. And I am confident that any fair, public-spirited and impartial determination will conclude that these proposed regulations are the worst of two worlds—they are wrong as a matter of law and wrong as a matter of economic policy.

In view of the sizable permanent revenue loss that would result from the proposed changes—estimated to be $3 billion in fiscal 1972 and increasing to nearly $5 billion annually by fiscal 1975—there can be no doubt that this artificial speeding up of the period over which a deduction for depreciation is permitted is, in reality, an adjustment in the corporate tax rate. Having failed to secure Congressional approval of his 1969 recommendation that the corporate income tax be reduced by 2 percentage points, the President is now seeking to achieve a business tax cut at least twice as large by the backdoor of liberalized depreciation. The authority to set tax rates, however, is a Congressional prerogative and not an Executive one—under whatever guise it may take.

Even if the revenue shortfall were not as great, the Treasury Department would be overstepping its authority by attempting to establish the proposed Asset Depreciation Range system. What is at issue here is the fact that the Treasury, acting under its own rule-making powers, has proposed departing from the long-established principle that the reasonable deduction permitted for depreciation must be taken over the "useful life" of the asset to the taxpayer. Instead, the Treasury arbitrarily has selected a range from "guideline" life of ±20 percent over which an asset can be depreciated and leaves it to the taxpayer to choose whatever period may be best for him. Clearly, such a departure is beyond the scope of administrative rule-making.

There is also at issue here not only the question of whether the proposed course of action is the proper one for an economy that is suffering from 6 percent unemployment and continued softness in consumer spending but the dubious wisdom of creating a permanent special interest concession in an already fragile tax system.

THE LEGAL ISSUES

The United States Constitution provides, in Article 1, Section 8, clause 1, that "the Congress shall have the power to lay and collect taxes . . ." Historically, this has meant that the President not only has no power to impose new taxes, but he may not repeal existing ones, increase or decrease rates or exemptions or make any other substantial changes in the Internal Revenue Code. On many occasions in the past, Presidents have sought the power to adjust tax rates within specified ranges but to no avail. Congress has guarded its taxing power jealously and, except in the case of the Interest Equalization Tax, it has preserved that power for itself.

The Treasury Department now proposes to permit an arbitrary 20 percent shortening or lengthening of the useful life of an asset for depreciation purposes. That this represents a substantial change in the tax law is evidenced by the fact that it would result in annual revenue losses ranging from $3 billion in fiscal 1972 to nearly $5 billion by fiscal 1975. Furthermore, this special tax break follows Congressional action in 1969 to repeal the investment tax credit and a refusal to act on the President's proposal to reduce the corporate income tax by 2 percentage points. Yet the net effect of the Asset Depreciation Range system, it is interesting to note, is equivalent to a 4 to 6 percentage point reduction in corporate taxes. It would appear, therefore, that the Treasury Department is attempting to implement a policy of tax concessions to business that Congress recently has determined is unwarranted. What is most ironic about this "tax break" is that President Nixon, in seeking repeal of the investment tax credit, said in April, 1969:

> This subsidy to business investment no longer has priority over other pressing national needs.
>
> In the early 60's, America's productive capacity needed prompt modernization to enable it to compete with industry abroad. Accordingly, Government gave high priority to providing tax incentives for this modernization.
>
> Since that time, American business has invested close to $400 billion in new plant and equipment, bringing the American economy to new levels of productivity and efficiency. While a vigorous pace of capital formation will certainly continue to be needed, national priorities now require that we give attention to the need for general tax relief.

It is true that the present provisions of Section 167 of the Internal Revenue Code authorize the Treasury to permit a reasonable allowance for depreciation. It is also true that the Treasury is authorized to prescribe methods for determining a reasonable allowance. It is not true, however, that the Asset Depreciation Range system yields a reasonable allowance. Nor is it true that the Treasury Department has the authority to implement the proposed changes under its rule-making powers.

Historically, a reasonable allowance for depreciation has been determined by spreading the cost of a depreciable asset over its useful life to the taxpayer. Once having estimated the useful life, a taxpayer can elect any one of a number of methods for specifically allocating the allowance to different years within the period of useful life. The basic assumption remains, however—the cost of the asset is to be depreciated over its useful life to the taxpayer.

For 40 years, beginning in 1931 with the Treasury Department's first set of published guidelines for determining useful lives, it has become clearly established that in order for the allowance to be reasonable, depreciation had to be taken over the estimated useful life of the asset to the taxpayer. While the guideline lives have been revised and updated in light of actual replacement experience, first in 1942 and most recently in 1962, the concept of useful life was not abandoned. Why abandon it now?

No technical evidence has been presented to indicate that the 1962 guidelines are outdated.

There is no evidence that the 20 percent range selected by the Treasury Department is the proper one.

It hardly seems likely that the 1962 guidelines can be both too long and too short.

It is even less likely that each category of asset lives is outdated by the same 20 percent range.

There have been a number of occasions in the past when it was considered in the public interest to provide for exceptions to the principle of useful life. On these occasions, however, it was not the Treasury Department who implemented the changes but Congress. By specifically amending the Internal Revenue Code in the case of emergency defense facilities, grain storage facilities, and pollution control equipment, Congress has established ample precedent for the view that legislative authority is required before the historic concept of useful life can be abandoned.

The proposed Asset Depreciation Range system, the elimination of the reserve ratio test and the new full and half year conventions—as proposed by the Treasury—followed closely the recommendations sent to the President by his Task Force on Business Taxation. The Task Force strongly urged that a system of capital cost recovery—a system that bears no relation to economic income—be substituted for the present method of providing a reasonable deduction for depreciation and suggested that this could be accomplished by establishing an asset depreciation range system of ±40 percent from the present guidelines. The Treasury Department's proposed ADR system incorporated all of the major recommendations of the Task Force but proposed a ±20 range.

The Task Force stated, in a section entitled "Implementation of Recommendations,"

> We recommend that the proposals discussed above be implemented by appropriate amendments of the Internal Revenue Code. The proposals in section A for substituting in the case of machinery and equipment a system of cost recovery allowances for the present depreciation system involve some matters that have been dealt with under the present system by administrative procedures and regulations rather than by changes in the statute. For example, the reserve ratio test was formally introduced in Revenue Procedure 62–21, and, although our proposal for elimination of the test could be effectuated by administrative action, we strongly urge amendment of the statute to this end. *Moreover, since the shift from depreciation to cost recovery unrelated to the useful life concept does require amendment of the present law, we urge that all the matters covered in the recommendations which are related to such a shift be incorporated in the statute.* (Italics added.)

I do not believe that the mere difference in asset range between the Task Force's recommendation and the President's proposal is sufficient to justify the Treasury's view that these changes can be implemented by administrative fiat.

Despite the Treasury Department's claims, I find absolutely no basis in fact for the view that the 1962 revised guidelines, published as Revenue Procedure 62–21 is sufficient historical precedent for the Treasury to implement the proposed Asset Depreciation Range system on its own authority. In 1962 the Treasury Department sought to improve the procedure for determining a reasonable allowance for depreciation by updating guidelines lives in conformity with actual replacement experience. True, taxpayers were permitted to shorten asset lives for the purpose of depreciating the cost, but only if they could thereafter demonstrate—through the reserve ratio test—that the shorter life was consistent with their actual replacement practices.

The proposed Asset Depreciation Range system, in marked contrast, abandons the historic principle of useful life and permits a taxpayer to select any life period within a range established arbitrarily by the Treasury Department. Under the ADR system, the deduction for depreciation will not necessarily bear any relationship to actual asset use. It is, as the President's Task Force described it, a capital cost recovery system, designed not to provide a reasonable allowance for depreciation but to improve the cash flow of corporations and, according to the President, hopefully to provide a small measure of fiscal stimulus. To replace the present law providing for a reasonable allowance for depreciation with a capital cost recovery system, obviously, requires specific Congressional authorization—not merely Congressional acquiescence in the Treasury's attempt to implement the proposed change under its own rule-making power. If that issue cannot be satisfactorily resolved here by the withdrawal of the proposed regulations then it will be decided in a court of law.

THE ECONOMIC ISSUES

The economic policy questions raised by the Treasury's proposed liberalization of depreciation are as proper a subject for the present hearings as the legal questions—and as serious. They are:

With only 75 percent of industrial capacity currently in use and a seven-year investment boom just having ended, is an investment stimulus really needed now?

With unemployment at 6 percent and consumer spending still somewhat sluggish, is a tax break to stimulate investment in plant and equipment the proper fiscal stimulant?

In terms of national priorities, is private capital spending a more pressing need or a more worthy candidate for tax concessions than public investment for improving state and local government infrastructure or increased spending on human resource programs?

If increased private capital spending is necessary now, is liberalized depreciation the most effective way to encourage such investment?

On all of these counts, the answer is definitely "no."

The main source of our present economic ills is not the moderate falling off in spending for new plant and equipment—as one might logically assume from the President's proposed remedy—but the reluctant consumer. There is still a lack of confidence, a lack of confidence reflected in a personal savings rate that continues to remain high, sluggishness in orders for consumer durables and industrial production and little demand for credit despite the precipitous decline in interest rates. Unfortunately, this lack of confidence seems to be justified by an unemployment rate that continues at or near an intolerable 6 percent. In the present situation, it should be obvious to even so recently a converted Keynesian as President Nixon that the most effective way to stimulate economic growth is to spur demand, to create markets for those goods and services that can be produced with existing facilities.

The most immediate and meaningful way for the federal government to create the necessary demand for what American industry is now capable of producing is to provide an additional 13 weeks of federally financed unemployment compensation benefits for the victims of President Nixon's economic game plan. Another meaningful solution is to create public service employment opportunities, a step the Senate took again on April 1, despite an earlier Presidential veto. And, finally the accelerated public works program would provide a more direct stimulus to employment and meet basic public needs.

These proposals would do more to stimulate economic activity than the proposed changes in depreciation allowances for business—and they have the added value of meeting basic human needs directly and not as the result of any "trickling down" effect.

According to the Treasury's own estimates of revenue loss, it is unlikely that the proposed changes in depreciation will have much of an impact now on aggregate demand—and it is now that we need the proper economic stimulus, not in 1976 when the ADR system's impact will be maximized. And while it is wrong to say that the economically appropriate amount of federal spending is reduced by an ineffective and irrelevant tax cut, it is safe to assume that, politically, it becomes more difficult to enact the necessary spending measures. This, then, is the added burden of the President's plan to cut business taxes.

The proposed changes in depreciation, it should be pointed out, are absolutely irrelevant as an effective antidote to recessions. Unlike the Nelson bill providing for public service employment and my own bill to extend unemployment compensation benefits, both of which are triggered into operation as counter-cyclical measures by a formula responsive to economic conditions, the ADR system would remain in effect in good times and bad. During booms, when investment is likely to be high naturally, the tax loss will be great and the inflationary impact of liberalized depreciation will be magnified. Hardly the proper economic prescription. During recessions, when investment falls off naturally, the tax savings to business will be small and there will be no counter-cyclical impact.

A related point about the adverse long-run impact of liberalized depreciation is that it will (1) tend to substitute more private investment for federal expenditures, since at full employment increased expenditures require higher taxes unless inflation is to result, and so a tax cut for business is likely to produce higher taxes for the rest of us and (2) tend to redistribute income in the form of corporate dividends, and not necessarily result in much increased investment, since accelerated depreciation is not tied specifically to investment but to total capital. In contrast to the investment tax credit liberalized depreciation offers only a negligible incentive to increased spending on plant and equipment.

I must admit that I am hard-pressed to see why, with industry operating at about 75 percent of capacity, industrial production off, and consumer demand soft, the President chose now to attempt to stimulate investment by making it cheaper to install new equipment. As for modernization, it is important to keep in mind that we have just ended a seven year investment boom.

It seems somewhat ironic, indeed, that the very same President who urged the Congress to repeal the investment tax credit would propose this poor substitute. If the administration believes that stimulating business investment is the best way to get our failing economy moving again—an assumption I am not prepared to accept it ought to propose doing just that directly and not through these sleight-of-hand changes in the depreciation rules. By any standard, the investment tax credit will produce more bang for every tax buck lost.

This brings me to another point about the proposed ADR system. Contrary to the President's January 11th announcement and Secretary Kennedy's accompanying statement, liberalizing the depreciation allowances does not merely defer taxes—it reduces them and in so doing it creates a sizable, permanent revenue loss. According to estimates by Professor Robert Eisner and the Treasury Department's 1970 study on depreciation changes, the revenue loss over the coming decade is likely to be in excess of $33 billion. In the face of so many critical unmet social and human needs, should the federal government be spending $33 billion of our tax dollars to buy some modernization of American industry? Is that what the call for a reordering of our priorities is all about? I think not.

CONCLUSION

In conclusion, these regulations are unlawful. Despite the so-called assurances that Secretary Connally has said he has received from certain Members of Congress, Congressional silence does not confer statutory authority where none existed.

These regulations are unwise. They would further erode the American taxpayer's confidence in the integrity of our internal revenue system. I urge you to withdraw them.

COMMON CAUSE,
Washington, D.C., April 9, 1971.

Re Proposed Reg. § 1.167(a)(11).
COMMISSIONER OF INTERNAL REVENUE,
Washington, D.C.
Attention: CC: LR:T.

On behalf of Common Cause I am submitting this letter, commenting on proposed Treasury Regulations § 1.167(a)-11 ("Asset Depreciation Range System"), urging their withdrawal, and hereby requesting that I be given an opportunity to comment orally at the public hearing to be held on May 3, 1971.

Common Cause's interest in the Treasury's proposals stems from four major concerns:

1. The Treasury's proposal to grant between $3 and $5 billion in annual income tax abatement to a small, Treasury selected segment of the taxpaying public, without Congressional direction or authorization, constitutes an illegal and unconstitutional arrogation of legislative power.

2. Massive tax reduction now for the exclusive benefit of business men and corporations investing primarily in machinery and equipment is inequitable, burdensome to the taxpaying public, uneconomic, and a gross misallocation of public resources, suggesting new governmental priorities that are counter to those publicly declared by the President and Congress and to the best interests of the nation.

3. The proposed regulations flout the language and purpose of the income tax provisions of the Internal Revenue Code by presuming to authorize deductions for capital investments that have not been consumed in the production of income and, therefore, are not legally or factually an expense chargeable to income.

4. The Treasury's failure to disclose the data and studies which led it to propose sweeping changes in the depreciation system, and its failure to set forth the reasons and considerations leading to and supporting its proposals, make it difficult if not impossible for interested and affected persons fully to weigh the proposals and to comment completely and adequately, thereby violating the Administrative Procedure Act and the Due Process Clause of the Constitution.

A. The Treasury Proposals:

The Treasury proposals would change the law in four major ways: (a) they would permit some taxpayers to select a period over which to recover their investment in depreciable equipment (other than over the useful life of that equipment) which, in most cases, would allow them to deduct from income an unconsumed portion of a capital expenditure; (b) salvage value may be ignored in determining the basis on which to compute depreciation, thus permitting excessive current deductions in the guise of depreciation; (c) an arbitrary portion of each year's investment in asset improvements, capital by nature, may be treated as though a mere repair, and deducted as current expense from current income, although improvements are not repairs and not current expenses and (d) investments made at any time during the first half of a year may be treated as made on the first day of the year, and those made any time in the second half of the year may be treated as made at midyear, thus permitting the acceleration of depreciation deductions to points in time even before the taxpayer has made his investment.

B. The Law and Administrative Arrogation:

Section 263 of the Code explicitly denies the deduction of capital investment, except as the Code otherwise expressly provides. Section 162 allows the deduction of current business expenses to make certain that the taxpayer is taxed only on *net* income. Section 167 permits the deduction for depreciation so that those capital expenditures (non-deductible under § 263) may become deductible as they are exhausted over time, thus providing a tax treatment consistent with that provided in Section 162 for other kinds of expenses.

From time to time Congress has explicitly permitted the expensing of certain capital expenditures, always in a clearly circumscribed fashion. It has authorized accelerated depreciation in certain instances. It has also provided, and withdrawn, special tax credits for investment. All exceptions which Congress had made are premised on the existence and acceptance of a fundamental principle, embodied in the statute, its history, and in the decisional law, that assets are to be depreciated over a period estimated reasonably to represent their useful life to the taxpayer who employs them. *Only Congress may deviate from that principle.*

A complete analysis of the law and its history, current procedures, and the Treasury's proposed illegal deviation therefrom, will be submitted at an early date, prior to the public hearing.

C. The Economics of the Proposals:

A recently completed analysis of the economic impact of the Treasury proposals will be submitted to you shortly. It will be apparent that A. D. R. would have minimal stimulative effect in the short run, and even less in the long run; that greater stimulation of the economy could be achieved by providing encouragements to consumption or by a temporary investment tax credit; that in the long run A. D. R. would cause a shift in investment away from housing—thought to be a major national priority—into industrial equipment; that A. D. R. will provide disincentives to inefficient firms to modernize, and it will reward those who, contrary to present law, have failed to retire assets as quickly as their tax depreciation schedules implied that they would; that A. D. R. would give an annual tax abatement to high income taxpayers in aggregate annual sums equivalent, for example, to the President's proposed total annual allocation for elementary and secondary education, equivalent, too, to at least $45 per person in the United States.

D. Fairness and Equity:

1. Tax reduction, even when enacted by Congress, should not be directed primarily to high income taxpayers, as A. D. R. is. It is unfair to allow those who invest in equipment to pay tax on a base that is smaller than their real net income, when others are required to use their net income as the base. Deductions for capital investment, not consumed in the production of income, result in a tax base that is less than net income. As unfortunate as that would be if Congress were to do this, it is intolerable when the Treasury—without Congressional warrant—creates the inequity.

2. Procedural fairness—mandated in the Administrative Procedure Act and the Due Process Clause of the Constitution—requires that affected and interested persons be given an opportunity to be heard when new rules are to be adopted by government agencies. This is an especially significant requirement when the new rules propose to give away $3 to $5 billion a year to only a small, Treasury selected group of people. The opportunity to be heard is an illusory one unless the rule making agency, here the Treasury, presents its data and reasons, and gives the public an opportunity to examine and evaluate them. That has not been done in this case. Common Cause calls on the Treasury now to disclose its data, its studies, and its reasons for the proposals in question.

Respectfully yours,

BERNARD WOLFMAN.

COMMON CAUSE

A LEGAL ANALYSIS OF THE ADR SYSTEM PROPOSED BY THE TREASURY DEPARTMENT

Summary of analyses

I. The Treasury's Proposal for an ADR system would bring about a major change in the basic principle of depreciation that is contrary to, and unauthorized by, the Internal Revenue Code of 1954.

It would introduce into the income tax a capital cost recovery system for deducting expenditures for machinery and equipment over an arbitrary period of years without regard to the useful life of the assets in the taxpayer's business.

II. The Proposed Change in the concept of depreciation is

A. Extremely costly, involving a revenue loss of around $40 billion in the next decade.

B. Highly discriminatory among industries, and among firms in the same industry

C. A subsidy to Treasury selected business taxpayers that is contrary to recent Congressional actions.

III. The Proposed Change in the system of depreciation is completely contrary to the requirements of the Internal Revenue Code.

It is taken without any Congressional authorization.

It represents an unwarranted and unprecedented arrogation of power on the part of an administrative agency.

A. The proposed ADR system disregards the language and purpose of the income tax provisions by seeking to authorize deductions for capital investments before those investments have been consumed in the production of income.

B. The ADR system abandons the principle of depreciation over the estimated useful life of an asset in the taxpayer's business—a principle which has been deeply embedded in the statutory history of section 167, consistently reflected in its administration by the Treasury, and reiterated on numerous occasions by Congress and the Judiciary.

C. The ADR proposal would permit more rapid acceleration of the write-off of capital expenditures than is authorized by the Internal Revenue Code.

IV. Congress has given no authority to the Treasury Department to abandon the fundamental principles of the depreciation system and to replace them with the proposed new ADR system. The assertions of authority claimed by the Treasury Department are unfounded.

V. The Treasury's administrative action in 1962, regarding depreciation guidelines and the reserve ratio test, fully accepted the statutory principle of useful life depreciation but sought improved methods of administering and applying that concept.

The 1962 action is therefore no precedent for this Treasury proposal—in fact, it is completely polar to the Treasury's current proposal, which rejects the statutory principle and substitutes a totally new and unauthorized system.

All prior administrative action of the Treasury in the field of depreciation is also at variance with the change now proposed.

VI. All prior statutory precedents clearly demonstrate that any departure from the Code's requirements for the deduction of capital expenditures, and any deviation from the principle of useful life depreciation, must come through specific legislative enactment and cannot be made administratively by the Treasury.

VII. The proposed change in the depreciation system is presented by the Treasury without any supporting data as to expected lives of machinery and equipment to justify the arbitrary and shortened capital cost recovery periods to be granted to taxpayers.

In fact, all the evidence available is clearly to the contrary, indicating that expected lives are consideraby longer than the proposed recovery periods.

VIII. The proposed change in the principles underlying the depreciation system involves issues of major economic importance for the United States.

The proposed change rests on economic premises considered thoroughly unsound by many experts.

The proposed change represents judgments on priorities on the use of public funds involving billions of dollars—judgments that are directly contrary to recent Congressional action and that are disputed by many segments of American public opinion.

These aspects of the proposed change underscore the fact that such a decision is for the Congress to make, and may not be made by an administrative agency.

The Treasury's Proposal for an ADR system would bring about a major change in the basic principle of depreciation that is contrary to, and unauthorized by, the Internal Revenue Code of 1954.

It would introduce into the income tax a capital cost recovery system for deducting expenditures for machinery and equipment over an arbitrary period of years without regard to the useful life of the assets in the taxpayer's business.

Section 167 of the Internal Revenue Code permits taxpayers to deduct from income a "reasonable allowance" for the exhaustion, wear and tear, and obsolescence of their business assets. As this section has been constantly interpreted over the past six decades, annual depreciation allowances must be computed according to a "reasonably consistent plan" and must be spread over the useful life of the asset in the taxpayer's business. In place of this rule, the ADR proposal would introduce a system of capital cost recovery for expenditures on machinery and equipment that is unrelated to depreciation accounting as it is required by the Internal Revenue Code, as it has been known to businessmen and accountants, and as it has been understood by the Congress, by the courts, and in the past by the Treasury itself. Under the ADR system, taxpayers would be free to elect any cost recovery period within a "range" running from 20% shorter to 20% longer than the "guideline lives" introduced by the Treasury in 1962.[1] All testing methods followed under the present depreciation rules to substantiate the justification of the taxpayer's claim to apply the present guidelines and the relationship of those lives when used to the actual useful life in the taxpayer's business would be abolished.[2]

The amount of the depreciation deduction allowable under section 167 of the Code would become a matter of taxpayer election. Annual cost recovery allowances would be related neither to the useful life nor to the salvage value of the assets in the taxpayer's business. Taxpayers would be permitted to claim deductions for depreciation that has not occurred, to spread deductions over a period that does not correspond to the assets' actual usefulness to the taxpayer, and to write-off the entire cost of assets long before they are retired from the taxpayer's business. The allowances permitted by this cost recovery system would thus not represent the exhaustion, wear and tear and obsolescence of the taxpayer's assets in his business as required by the Internal Revenue Code. The concept of "depreciation" would be scrapped and instead, without any authorization whatsoever, a cost recovery system introduced.

Experts in the field of depreciation accounting, including many proponents of the change, have recognized that this unauthorized change is a fundamental departure from the concept of "depreciation" over an asset's useful life in the taxpayer's business. The President's Task Force on Business Taxation, which recommended the adoption of a system of capital cost recovery identical to the ADR system in all but several particulars, made the following observations in its Report:

"We recommend . . . the adoption of a simplified and liberal cost recovery allowance structure *in place of the useful life depreciation allowed in existing law.*

"Our recommendations [would] . . . [*s*]*ubstitute* a capital cost recovery allowance system *for the present system of deductions based on the useful life of the property.*

"Cost recovery periods should be prescribed without reference to any estimates of average "useful life" of the property in the group. *Estimates of "useful life" are relevant only in a cost recovery system which seeks to particularize cost recovery to the circumstances of each taxpayer.*

"A reserve ratio test, or any similar measure for comparing the cost recovery period used for tax purposes with the actual period of retention of assets by the taxpayer is clearly irrelevant under the conventionalized cost recovery system we have recommended." [3]

The Report recognized that a capital cost recovery system involved "basic changes" [4] in the income tax, acknowledged that its proposal was not authorized by the present law and could not be adopted by the issuance of regulations, and recognized that it would require additional enabling legislation.[5] Essentially the same proposal was advanced by the American Bar Association Section on Taxation in 1969, and was endorsed by its House

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Footnotes at end of article.

of Delegates in 1970. The ABA's recommendation also candidly acknowledged that the change would require legislation.[5a]

Tax Management, a tax service for lawyers, recognized that a basic change in concept was being proposed:

"The ADR System does not, and is not intended to, reflect the diminution in the value of assets resulting from the passage of time, use or obsolescence. Rather, the System is designed to replace traditional concepts of depreciation with a standardized method of cost recovery. Such conventionalized capital allowances permit a taxpayer to recover his investment in assets over a standard period of time, without reference to his own or industry average retirement practices and replacement patterns." [6]

Leading advocates of capital cost recovery have recognized the basic inconsistency between their proposals and depreciation under the Internal Revenue Code.[7] The Chamber of Commerce has said:

"In line with the Chamber's position that a permanent capital cost recovery system is necessary, in 1970 the President's Task Force on Business Taxation urged as a part of its recommendations that a capital cost recovery allowance system be substituted for the outmoded system of deductions based on the useful life of property. The Task Force also recommended that the reserve ratio test be eliminated. The latter position has also been advocated by the National Chamber for many years.

"The National Chamber views the proposed regulations on the ADR System as a major step toward achieving the goals of an adequate cost recovery system of depreciation." [8]

The Tax Council is quoted as saying:

"The regulations create a 'new system' for business deduction of capital expenses." [9]

The Treasury itself, in a study made public by Secretary Kennedy in July, 1970, noted that a capital cost recovery system would be an arbitrary and inequitable departure from present practice.[10]

The Treasury's desire to impose the ADR system should not obscure the fact that it represents a complete change in law and practice. It is not a simple alteration in administration, not "just another administrative action." It is not merely a "refinement" in the concept of useful life depreciation. It is a sweeping revision of section 167 of the Internal Revenue Code that is contrary to the section's language, its purpose, its statutory history, its judicial interpretation, and its administration over the last six decades. The proposal of the Treasury to introduce this profound change by its own administrative fiat is as unprecedented as it is unauthorized.

II.

The Proposed Change in the concept of depreciation is:

A. *Extremely costly, involving a revenue loss of around $40 billion in the next decade;*

B. *Highly discriminatory among industries, and among firms in the same industry;*

C. *A subsidy to Treasury selected business taxpayers that is contrary to recent Congressional actions.*

A. *The Proposed Change is Extremely Costly:* By the Treasury's own estimates, the ADR system would through tax reduction for some taxpayers produce revenue losses of $3 billion in fiscal year 1972, $4.7 billion in 1976, and $3.8 billion in 1980, or *approximately $40 billion in the next ten years.*[11]

The proposal and its consequent tax reduction are thus no routine administrative step. The amount involved is almost equal to one-third of the entire Budget deficit for the fiscal year 1972. The amount ranks in revenue cost above each of the special revenue sharing plans of the President; it ranks in its revenue cost with the new welfare proposal of the President. It is more than the entire amount of revenue customarily obtained through the estate and gift taxes.

We are thus dealing with a tax reduction whose revenue cost is at the level of the first magnitude in fiscal importance. It is this costly step—paralleling in revenue cost only the most important expenditure programs passed by the Congress—that the Treasury proposes to take by its administrative fiat.

B. *The Proposed Change is Highly Discriminatory:*

1. *Among industries, favoring those with investment in equipment and especially longer lived equipment;*

2. *Among firms in the same industry, favoring those with sluggish rates of equipment replacement—who have been taking excessive depreciation—as compared with technically innovative companies;*

3. *In every industry, in favor of large firms as against small firms with respect to investment in identical equipment.*

The tax reduction brought about by the proposed change in the concept of depreciation is highly inequitable and discriminatory. The tax reduction will go only to a Treasury selected portion of the taxpaying public. The Treasury selection will favor some industries over other industries. It will favor some taxpayers within an industry over other taxpayers in the same industry. In every industry it will favor large firms over small firms. For example:

1. *As among industries:* The proposed ADR system would favor industries investing primarily in machinery and equipment. Since the benefits of the tax reduction go only to investments in machinery and equipment, those industries, with relatively little such investment e.g. the service and housing industries, will not obtain the tax reduction. Those industries, with large equipment investments, such as chemicals and steel, and the like, are instead selected by the Treasury to get this tax benefit. Even among the industries investing heavily in machinery and equipment, the Treasury picks as its favorites those industries which invest in longer-lived assets, with the advantage apparently peaking at around actual lives of 20 years. Indeed, in a more objective moment, the Treasury itself observed in July, 1970: [12]

"[Capital cost recovery] necessarily induces distortions of the pattern of private investment . . . Ironically, the distortions are most severe precisely in those . . . industries which are capital intensive but which differ among each other in the expected useful lives of the assets they employ."

It is for Congress—not the Treasury—to make tax reduction and expenditure choices of this character and magnitude.

2. *As among firms in the same industry:* The proposed ADR system would favor those businesses within an industry which have the slowest rates of equipment replacement and would choose them for a tax reduction. It would not give any benefit to those businesses which are technically innovative and which therefore have a rapid turnover of equipment. Every taxpayer in the industry can have the same cost recovery period—the technically innovative company that actually replaces its assets in that period and the sluggish company whose replacement practices are far slower, does not replace in that period, and whose asset lives are much longer. But it is the latter to whom the Treasury offers tax reduction—since they will be allowed to write off their costs of equipment over the same period as the innovative company. Since the cost recovery period may be an actuality for the innovative company, it does not receive a tax reduction. Since the cost recovery period is a fiction for the sluggish company, it receives a tax reduction—such is the process of Treasury selection for tax reduction under this proposal. Indeed, if an especially innovative company believes its replacement policies are even faster than the cost recovery period and wants to use a shorter life, it must prove that claim by reference to its actual experience. But the most sluggish of companies can base its cost recovery on fictions and totally dispense with actual experience.[13]

Again, in a more objective moment, the Treasury saw the injustice in such a proposal. In July, 1970, the Treasury itself observed:

"There would appear to be no economic principle by which to justify giving an investment incentive to the former group [with slower replacement policies] and a disincentive to the latter [with rapid replacement policies] . . . [I]f some business taxpayers are able to justify particulated [sic] tax lives, in the interests of tax system neutrality with respect to private investment decisions, all taxpayers should do so." [14]

An ADR system within an industry would favor businesses that have taken and are now taking excessive depreciation deductions—those businesses which are not complying with the depreciation procedures instituted in 1963 and which were required to comply by the end of a designated period established in 1965. Under the existing rules, business taxpayers are permitted to use the guideline lives only if they are moving to make their actual replacement practices correspond to those guideline lives at the end of the compliance period.

Some businesses within each industry are living up to this requirement so that their actual replacement practices conform to the existing guidelines. But other businesses have not altered their replacement practices and are content to use assets for periods considerably longer than the guidelines. These latter taxpayers have been enjoying tax benefits which, under existing rules, they should now begin to lose because their depreciation deductions are excessive in the light of their actual business operations. But it is these very businesses that the Treasury now proposes to excuse from compliance with existing rules.

Instead of exacting compliance with the guideline lives, the Treasury is selecting these non-complying businesses for tax reduction. It is offering them the elective use of the guideline lives and the shortened cost recovery period without requiring them to earn those lives through actual replacement practices. It is giving no tax reduction to those companies who have actually earned the reduced guidelines now made elective.

Thus the ADR proposal rewards most generously those taxpayers who have been most delinquent in conforming to law.

The Treasury has itself indicated the very large discriminations that result from such a policy.[15] Thus, a thirty percent variance between the cost recovery period and the actual tax life can produce a tax benefit equivalent to around a 15% reduction in effective tax rates on the income from the assets. For example, if the cost recovery period is seven years and firm A actually retires its assets on a seven year cycle while firm B retires its assets on a ten year cycle, firm A's tax rate on income from its assets remains 48% but firm B's rate will, when it is allowed to elect a cost recovery period that is a fiction for it, drop from 48% to around 41%. Under the ADR proposal, with its 20% reduction in guideline lives and its abandonment of the reserve ratio test, variances between the cost recovery period and actual lives can run to much more than thirty percent. The result can mean tax reductions bringing the effective tax rate down to a 35% to 40% range. The discrimination can be expressed another way: for some taxpayers—firm A in the above example—the ADR provides no benefit; for others—firm B—the ADR is equivalent to granting a 14% investment subsidy; for still others, with greater variance between the cost recovery period and actual lives, the ADR means granting much larger investment subsidies.

Footnotes at end of article.

3. *As among taxpayers of different size:* In *every industry,* for an identical investment, the ADR system would favor larger firms as against small business. It would favor the large corporation over the small corporation, the large individually owned business over the small proprietorship. This discriminatory selection results from the Treasury's decision to make the incentive and tax reduction benefits of its new concept turn on the use of tax deductions, so that the higher the tax bracket of the taxpayer, the greater the tax benefit he receives. The investment credit, granted by Congress in 1962, being the same credit for everyone, large or small—7% of the investment—did not have this discriminatory effect. But the Treasury has chosen a system to replace depreciation whose benefits inevitably must favor the large company over its smaller competitor.[15a]

Again, in a more objective moment, the Treasury saw the sweeping effect of this change on industrial investment in the United States. In July, 1970, it said:

"If the reserve ratio test is abandoned and replaced by a system of arbitrary capital allowances, either by amendment of the Internal Revenue Code or by new regulations, the Congress and Treasury Department would be thrust into the role of arbiter of industrial asset replacement policy. By its determination of 'the' useful life of particular assets, and assuming prescribed lives would be set intentionally low, the government would be affecting investment incentive. To the extent the economic circumstances in which taxpayers find themselves dictate they should employ asset replacement policies that yield above average actual useful lives within their industrial (guideline) classification, these taxpayers will be benefitted by the use of arbitrary capital allowances; . . ." [16]

There is nothing in the Internal Revenue Code that permits the Treasury to make itself the "arbiter of industrial asset replacement policy." Yet it is this power which the Treasury is claiming under its ADR proposal.

In sum, excepting those few taxpayers for whom the ADR cost recovery period happens to approximate the actual depreciation of their assets, the proposed ADR system will grossly distort income tax accounting. For some taxpayers the resulting tax reduction will be small, for others large, for others very large. This arbitrary bestowal of benefits will operate perversely, giving the greatest bounties to the sluggish firms as against the innovators, to the firms in non-compliance with present law as against the complying firms, to the large competitor as against the small competitor. Favored businesses, in capital intensive industries, in high tax brackets, which invest in long lived assets, will pay income tax on a base that is far smaller than their real net income. The ADR benefits would thus be distributed among taxpayers arbitrarily and unfairly, in a manner completely inconsistent with the concepts of tax equity and fairness that are embedded in the present depreciation rules. Such disparate treatment would be unfortunate even if it were introduced by the Congress. It is this disparate treatment that the Treasury, with no Congressional warrant, seeks to introduce by administrative fiat.

C. *The Proposed change is a subsidy to business taxpayers for the acquisition of machinery and equipment that is contrary to recent Congressional action in 1969 which:*

1. *Eliminated the investment tax credit for machinery and equipment and expressly stated that the decision as to future alternatives was to be made by Congress; and*

2. *Refused to reduce the corporate income tax rates by 2 percentage points whereas the ADR proposal amounts to a reduction of from 4 to 6 points.*

The proposed ADR system is designed to create a new incentive to investment in machinery and equipment. The Treasury has introduced the plan only one year after Congress, in the Tax Reform Act of 1969, expressly repealed the seven percent investment credit, a similar capital incentive, on the grounds that special tax incentives for investment in machinery and equipment were no longer needed. Except for the distortions and inequities described above, the ADR system in some of its important aspects is modelled on the investment credit. The ADR seeks to serve the same investment objectives, it involves a comparable annual subsidy to business taxpayers, and it applies to the same kinds of machinery and equipment.[17] In light of these similarities, it is obvious that the Treasury is seeking to reestablish, in substance if not in form, an investment incentive that Congress expressly repealed scarcely over a year ago.

Clearly, the authority to reestablish any investment incentive that has been rejected by the Congress does not rest with the Treasury. Indeed, in repealing the investment credit, Congress stated expressly that the prerogative to choose alternatives in the future was to remain with Congress:

"Even though an investment credit may have been useful in the past . . . it is not clear that the same type of problem will be faced in the future . . . *If the need should in the future arise for a further stimulant to investment, the Congress will then be free to consider various alternative types of treatment."* [18]

Congress had exercised this prerogative in adopting the investment credit in 1962, and had actually rejected proposals offered at that time to increase the rates of depreciation. The Senate Report explained why an investment credit would be desirable and then added:

"Finally, the statement sometimes made that the credit is a subsidy overlooks the fact that other alternatives such as faster depreciation, for example, share the same characteristics of giving the investor in equipment a monetary reward beyond what he would receive on the basis of realistic accounting. *The credit, however, is preferable to higher depreciation charges because the latter tend to distort income accounting and produce higher costs for book purposes,* which frequently could be expected to result in higher product prices." [19]

In the Tax Reform Act of 1969, Congress also refused to adopt the suggestion of the Treasury to reduce the corporate income tax rates by two percentage points. The Congress made no reduction in the corporate income tax rate, and chose only to reduce individual income taxes. It thus disagreed with the Treasury's priorities as to tax reduction. But the $3–5 billion annual tax reductions now to be granted by the Treasury under the ADR system will go overwhelmingly to corporate taxpayers. The tax reduction under the ADR system ranges between an 8 to 12% annual cut in corporate tax revenues. It is the equivalent overall of a reduction in the corporate tax rate of between 4 to 6 percentage points. This is a reduction 100 to 150% greater than the Treasury suggested the Congress adopt in 1969, and which the Congress refused to adopt.

The Treasury thus persists in seeking to do by administrative fiat what it could not persuade the Congress to do—indeed to do far more than that. For it seeks to bring about on its own, without legislation, a greater reduction in the corporate tax burden that it had unsuccessfully sought in Congress and a reduction achieved through the device of an incentive to investment although the Congress has decided that the tax laws should not contain such an incentive.

Moreover, the entire thrust of the Tax Reform Act of 1969 was to reduce or eliminate preferences under the income tax. Yet under the ADR system the Treasury is seeking to introduce by administrative action a new tax preference—a tax preference more costly and more inequitable than those which Congress legislated against in 1969.

III

The proposed change in the system of depreciation is completely contrary to the requirements of the Internal Revenue Code.

It is taken without any Congressional authorization.

It represents an unwarranted and unprecedented arrogation of power on the part of an administrative agency.

A. *The proposed ADR system disregards the language and purpose of the income tax provisions by seeking to authorize deductions for capital investments before those investments have been consumed in the production of income.*

Section 263 of the Code denies deductions for investments in machinery and equipment, except as the Code otherwise expressly provides.[19a] Section 162 allows deductions for current business expenses, to insure that the taxpayer is taxed only on net income. Section 167 permits current deductions for annual depreciation, so that capital expenditures, which are not deductible under section 263, may become deductible in annual segments as the investments they represent are exhausted over time. Section 167 thus provides tax treatment consistent with that provided by section 162. Together the two sections represent the system of deductions permitted by the Code, and any departure from that system is prohibited by section 263.

The technique employed at present and in the past under section 167 to conform with the mandate of section 263 has been to spread the deduction for depreciation of an asset over its actual useful life in the production of the taxpayer's income. Indeed, depreciation over an asset's actual useful life is the only way the deduction permitted by section 167 for investment in machinery and equipment can be made compatible with the express limitation of section 263.

Deviations from such a system of useful life depreciation would permit an unauthorized capital expenditure deduction, to the extent that annual allowances exceeded the actual depreciation of the asset. The obvious import of the explicit prohibition of section 263 against such a deduction, which dates from the earliest revenue acts, is that no exceptions to this requirement, other than those specifically enacted by Congress, should be countenanced.

The ADR system controverts the language and purpose of section 263, and completely obliterates the carefully maintained distinction in the Code between deductible current expenses and nondeductible capital expenditures:

1. The ADR proposal in its cost recovery concept, would permit most taxpayers to elect and use a capital cost recovery period, over which to spread the cost of their assets, that is shorter than the actual useful lives of those assets. It would thus allow for each year in that period a deduction from income for an unconsumed portion of a capital expenditure—i.e., it would, contrary to section 263, and without warrant under section 167, give a deduction for the part of that asset actually consumed in a given year and in addition a deduction also for a part of the asset not consumed in that year but to be consumed in a later year. For tax purposes the ADR proposal artificially telescopes deductions for the use of the asset into an arbitrarily short period, though the actual consumption of the use of the asset does not fall into that period. The Treasury cannot, under section 263, permit a capital expenditure for an item that will last 15 years to be expenses all in one year; equally it cannot

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permit the item to be expensed over 8 years or 10 years. The conflict with section 263 is equally present in both situations.

2. Other aspects of the ADR proposal are also violative of section 263. Under these aspects the proposal would:

a. permit an arbitrary portion of each year's investment in capital improvements, which under present law must be added to the value of the improved asset and depreciated with it, to be treated as a mere repair and to be deducted as a current expense.

b. ignore salvage value in determining the basis on which to compute depreciation, thus permitting excessive current deductions in the guise of depreciation.

c. introduce a new half year convention, whereby investments made at any time during the first half year may be treated as made on the first day of the year, and those made at any time during the second half of the year may be treated as made at midyear, thus permitting depreciation of assets even before the taxpayer has acquired them or incurred their cost.

All of these elements of the ADR system work together to accelerate depreciation allowances and afford, contrary to section 263, an annual expense for a capital expenditure in excess of the consumption of the asset in the years in which the deduction is taken.

The Treasury once before issued a regulation that purported to convert a nondeductible capital expenditure into a deductible current expense. The regulation permitted companies to deduct drilling and development costs for oil wells as ordinary and necessary business expenses, and the rule remained on the books 27 years before its validity was questioned. But in *F. H. E. Oil Company v. Commissioner* 147 F. 2d 1001 (5th Cir. 1965), a federal court of appeals held that the deduction conflicted with the express prohibition in the (identical) predecessor to section 263, and that the regulation therefore was invalid. The decision was subsequently modified, after Congress passed a joint resolution approving the regulation, on the ground that the statute's reenactment over the 27 year period had incorporated the rule in the statute.[20] But the original holding of the case has never been impaired. The principles underlying that decision undermine the validity of the Treasury's currently proposed regulation even more than they undermined the regulation held invalid in the *F. H. E. Oil Case,* since the Treasury seeks unilaterally to overthrow a system that has been fundamental to the income tax for a period far greater than 27 years.

B. *The ADR system abandons the principle of depreciation over the estimated useful life of an asset in the taxpayer's business—a principle which has been deeply embedded in the statutory history of section 167, consistently reflected in its administration by the Treasury, and reiterated on numerous occasions by Congress and the Judiciary.*

There can be no doubt that an election to apply the ADR system will produce erroneous estimates of useful lives for all but a very few taxpayers. In fact, if all taxpayers elect the ADR system, the majority will be electing unrealistically short asset lives since the longest lives falling within the industry asset depreciation ranges are approximately equal to the average asset lives for machinery and equipment in most industries—i.e., it is likely that about half of the taxpayers within an industry have assets with actual useful lives that are above the top of the range of the ADR lives. (See Part VII of this statement.) Even in situations where accurate estimates of useful lives must be made for other purposes, the proposed ADR regulation specifically directs the taxpayer to ignore those estimates in electing his cost recovery period. Thus, when machinery is leased to the taxpayer for its period of usefulness, the regulations direct the taxpayer to ignore the term of the lease in selecting an ADR life. Public utilities are specifically permitted to select ADR lives that do not produce accurate estimates of depreciation for rate-making purposes. And taxpayers whose assets have a significant resale value at the end of their useful lives must still make accurate useful life estimates in order to calculate salvage value, but are specifically directed to ignore this useful life estimate and salvage value in calculating annual depreciation.

The abandonment of the useful life principle is an unprecedented and illegal departure from the requirements of section 167. The assertion that "The ADR system does not do away with 'useful life' [but] simply reinterprets that phrase in today's world," made recently by proponents of the ADR system,[21] is founded on an inaccurate reading of the statute's history and administration over the past sixty years. The concept of useful life depreciation was clearly defined in the earliest revenue acts, and has been consistently reiterated by the Treasury, by Congress and by the courts. There has been—until this proposal—no erosion of the principle, and no confusion about its meaning. Indeed, the principle has been inserted in numerous provisions of the Code in contexts that permit no other interpretation than that the phrase meant the useful service life of an asset in the taxpayer's business or in the production of his income.

A detailed analysis of the history of the section is included in Appendix A to this statement. The following is a summary of the statutory and judicial history described therein. The administrative history is considered in Point V of this Statement.

In the Excise Tax Act of 1909, in the revenue acts of 1913, 1916 and 1918, and in the Treasury Regulations issued thereunder, references in the depreciation sections to the asset's "use," its "useful life," and its "useful life in the taxpayer's trade or business," recur repeatedly.[22] The predecessor to the presently existing regulation, which elaborated on the general formula of useful life depreciation, was promulgated in 1919, and has remained in effect, in substance, ever since. It provided:

"The proper allowance for . . . depreciation . . . is that amount which should be set aside for the taxable year in accordance with a consistent plan by which the aggregate of such amounts *for the useful life of the property in the business* will suffice, with the salvage value, at the end of the useful life to provide in place of the property its cost . . ."

This regulation was paraphrased by the Supreme Court in 1927 in a much cited opinion by Mr. Justice Brandeis, *United States* v. *Ludey,* 274 U.S. 295, 300–01 (1927), and has since become the standard formulation.

The reenactment of the early acts with this and similar regulations in effect, the fact that these regulations were issued contemporaneously with the enactment of the first statutes, and the fact that the regulations are longstanding, all fix this conception of useful life depreciation in the statute as surely as if the term had been expressly defined in the statute itself. Nothing has occurred since the passage of the first acts, in the Judiciary, or in Congress, or in the Treasury to alter this well established conception. On the contrary, the concept of useful life has been consistently reinforced.

In 1954 Congress inserted the term "useful life" in several sections of the Code for the first time. "Present law," the House Report said, permits a depreciation deduction for the wear and tear of property "over the years it is used in a business." In the light of this interpretation, Congress added new provisions permitting taxpayers to accelerate the depreciation of assets with "useful lives" of three years or more, and authorizing the Treasury to enter into "written agreements" with taxpayers as to the "useful life" of their depreciable property. The latter provision specifies that useful life estimates would depend on the "facts and circumstances" in each taxpayer's business.

Also in 1954, Congress considered and explicitly refused to adopt a special "10 percent leeway rule" governing the estimation of useful lives. The provision would have established a "range" of tax lives, running from 10 percent below to 10 percent above a Treasury determination, within which taxpayers would be immune from an IRS audit. The rejection in Congress of a rule strikingly similar to the proposed ADR system is in sharp contrast with the Treasury's assertion of authority to establish similar ranges resting on 20 percent tolerances.

In 1956, the Treasury defined the term "useful life" elaborately in a new regulation is "the period over which the asset may reasonably be expected to be useful to the taxpayer," and enumerated a list of factors that would vary from taxpayer to taxpayer which should be taken into consideration in determining the reasonableness of useful life estimates.

In 1960, the Supreme Court decided two cases in which the definition of "useful life" was at issue. In *Massey Motors Inc., v. United States,* 364 U.S. 92 (1960), the Court held, *at the instance of the Treasury,* that:

" . . . the reasonable allowance for depreciation must be calculated over the estimated useful life of the asset while actually employed by the taxpayer.

" . . . Useful life is measured by use in a taxpayer's business, not by the full abstract economic life of the asset in any business."

This case arose before the promulgation of the Treasury's 1956 regulation, so the Court's interpretation rested solely on the statute's prior history. In the companion case of *Hertz v. United States,* 364 U.S. 122 (1960), a similar case involving tax years after the 1956 regulation was promulgated, the Court made similar statements on the authority of the Regulation but noted that the regulation itself was valid only insofar as it carried "out the fundamental concept of depreciation . . . as will effectuate the recovery of cost over the period of useful life."

In two provisions of the Code enacted after the Treasury's 1965 Regulation, the availability of substantial benefits to investors in depreciable property turns on the meaning of the term "useful life." In these provisions, Congress was obviously aware that the term "useful life" meant the useful period of service in a taxpayer's business, and used the term in this precise sense to limit the amount or availability of a particular investment incentive.

Section 179 of the Code, enacted in 1958, provides for an additional 20% depreciation in the first year of an asset's use. The section applies only to assets with "useful lives" of six years or more, and the House Report accompanying the measure indicated that the limitation referred to "useful lives of assets in the hands of the taxpayer."

The seven percent investment credit, while it was in effect, could not be used for property with a "useful life" of less than four years, could only partially be used for property with a "useful life" or from four to eight years, and was only fully available for property with a "useful life" of more than eight years. The Committee reports deal with the definition of "useful life" at considerable length:

"The percentage of investment which the taxpayer may take into account varies to some degree with the expected useful life of the property in his business."

"The estimated useful life is to be determined with reference to the useful life in the hands of the taxpayer. Thus, if the taxpayer acquires used [investment credit] property without a remaining useful life of three

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years in his hands, such property will not qualify regardless of the original estimated useful life to the previous owner . . . The estimate of the useful life is to be based on the facts and circumstances known on the date the asset is placed in service."

It's obvious that the availability of these tax incentives was never intended to turn on arbitrary tax lives elected by the taxpayer and having no relation to the actual service lives of his assets. And yet, this is exactly the procedure the ADR system purports to authorize.

C. *The ADR proposal would permit more rapid acceleration of the write-off of capital expenditures than is authorized by the Internal Revenue Code.*

The ADR proposal would clearly accelerate the rate at which depreciation deductions could be claimed. The Treasury recognized in its study on Tax Depreciation Policy Options, released in July, 1970, that a "primary motive of proponents of" capital cost recovery "is to achieve acceleration of tax depreciation."[23]

This attempt by administrative action to grant more rapid acceleration of depreciation is completely inconsistent with the express terms and purpose of the statutory provision authorizing the use of accelerated methods and rates.

These provisions, which were introduced in 1954, were carefully and specifically limited to prevent taxpayers from accelerating their depreciation deductions too quickly. Section 167(b) authorizes depreciation allowances calculated according to any one of four methods.

Subsections (b)(1), (b)(2), and (b)(3) of section 167 authorize the use of the straight line, double declining balance, and sum-of-the-years-digits methods of depreciation accounting.

Subsection (b)(4) authorizes the use of any other "consistent method," *provided* the aggregate of the annual allowances produced to date by that method for any given year during the first two-thirds of the asset's useful life are not greater than those produced to date by the double declining balance method authorized under subsection (b)(2). The thrust of the section is to permit any consistently applied method of depreciation which does *not* produce faster write-offs than the methods explicitly approved in the statute.

The House Committee Report makes clear that Congress desired to limit not merely the use of certain methods or rates, but the annual amount of capital cost recovery that those methods and rates, when applied to the useful life of the asset in the taxpayer's business, would produce:

"[T]he proposals contained in [the] bill do not go as far in the direction of accelerated depreciation as the treatment in some other countries, nor as far as some of the proposals which have been brought to your committee's attention . . . [Y]our committee has adopted provisions which will give the economy added stimulation and resiliency without departing from realistic standards of depreciation accounting."[24]

It is obvious that this limitation would be completely frustrated if a period of cost recovery could be arbitrarily selected that was shorter than the asset's actual useful life in the taxpayer's business. In effect, such a step would be an attempted end run around the statute, as though a lobbyist for the ADR system were to say: if we can't get by with a faster *method* of depreciation, we will fool them with an arbitrarily short life that will speed up our depreciation under the enumerated methods.

But Congress was aware that deviations from accurate useful life estimates could lead to accelerated depreciation beyond what it was willing to sanction. Therefore, both the House and Senate Committee Reports provided expressly that all the accelerated methods authorized under section 167(b) would be deemed to produce reasonable allowances *only "so long as the useful life used in determining such allowances is accurate."*

The ADR proposal purports to authorize accelerated depreciation deductions calculated on the basis of cost recovery periods that are acknowledged to have no relationship to the useful lives of the assets in the taxpayer's business. For the great majority of taxpayers who elect ADR, allowances calculated under the ADR system will exceed those calculated under section 167(b) on the basis of an "accurate" useful life, and therefore cannot be regarded as "reasonable allowances" under section 167(a).

Indeed, the natural inference to be drawn from the language and purpose of section 167(b) is that any method of calculating depreciation which, like the ADR system, produces faster write-offs than authorized in section 167(b) with "accurate" useful lives, should be presumptively *unreasonable.* By providing a conclusive presumption of reasonableness for ADR elections even when the result is faster write-offs than permitted by section 167(b), the ADR proposal flouts the obvious Congressional determination to limit the amount of accelerated depreciation.

The ADR system thus would provide the taxpayer with immunity in an IRS audit at precisely the point where the statute plainly indicates he should be most vulnerable.

D. *In addition to changing the principle of depreciation to a cost recovery system, the ADR proposal would introduce other changes also contrary to present law:*

1. *fundamental changes in the treatment of salvage value—changes affecting both the calculation and purposes of salvage estimates;*

2. *a new half-year convention which will always inaccurately reflect the time of a taxpayer's assets are actually placed in service;*

3. *a "repair allowance" permitting taxpayers to take unauthorized deductions for capital improvements;* and

4. *a new means by which some taxpayers could in the form of proposed depreciation deductions carry operating losses forward beyond the statutory limitation.*

The changes in the treatment of salvage value, the half-year convention and the repair allowance are contrary to the terms and purposes of the Code, are productive of substantial revenue losses, and contain few practical or administrative advantages over present depreciation rules. Their sole effect, singly and combined, is, without authority in the Code, to increase depreciation deductions for business taxpayers.

The ADR proposal would also permit some taxpayers, where it proved advantageous to them, to postpone unduly deductions for depreciation. Section 172, permitting operating losses to be carried forward only a specified number of years, and section 1016, requiring the depreciable basis of an asset to be reduced each year whether or not the taxpayer claims a depreciation deduction in that year, establish the principle that taxpayers should not be free to postpone current depreciation deductions for use in later years. Section 461, together with sections 446 and 451, requires that deductions be taken in the appropriate taxable year under accounting methods which "clearly reflect income." By giving taxpayers the option to elect arbitrarily long recovery periods, the Treasury's proposal would permit taxpayers to allocate depreciation deductions to later years contrary to the requirements of these sections.

A more detailed discussion of these points appears in Appendix B.

IV

Congress has given no authority to the Treasury Department to abandon the fundamental principles of the depreciation system and to replace it with the proposed new ADR system. The assertions of authority claimed by the Treasury Department are unfounded.

The Treasury has claimed authority for its ADR proposal under sections 167 and 7605. The discretion conferred on the Treasury by these sections to issue rules and regulations is a modest one. These provisions do not create a power in the Treasury to issue substantive rules under the guise of defining a "reasonable allowance" for depreciation. Further, the Treasury's regulations must remain consistent with the requirements of the statute.

A. *Section 167.* Section 167(a), the basic depreciation provision, permits an income tax deduction for a "reasonable allowance" for depreciation of property used in a trade or business or for the production of income. This subsection does not provide any Treasury authority to issue regulations. Although this provision has been in force in more or less comparable form since 1913, it was not until 1954, with the addition of sections 167(b) and 167(d), that Congress explicitly granted the Treasury even limited authority to issue rules and regulations in relation to certain aspects of the section. Until that time the Treasury had promulgated interpretative regulations barely embellishing the language of the statute. Both of these new statutory grants, however, conferred an extremely limited and carefully circumscribed rulemaking authority on the Treasury.

Section 167(b), the subsection governing accelerated depreciation, specifically limits the Treasury's authority to issue regulations to the calculation of allowances using "certain methods and rates" for accelerated depreciation. This provision was clearly not intended to confer general rulemaking discretion on the Treasury to use the "reasonable allowance" phrase in subsection (a) to rewrite the entire section. And since, as stated in Part IIIC, the availability of accelerated methods is premised on the accurate estimate of useful life in the taxpayer's business, it is obvious that the subsection cannot give the Treasury the power to abandon the useful life principle.

Section 167(d), the section authorizing the Treasury to make agreements with the taxpayer as to the useful life of his property, also expressly limits the Treasury's authority to that of the issuance of regulations governing the mechanics of making these agreements. Thus, the present Regulations under this subsection, Regulations § 1.167(d)–1, exemplify the nature of the granted authority and relate to the manner of applying for an agreement and other procedural aspects.

The provision, moreover, obviously contemplates the making of an agreement between an individual taxpayer and the Treasury with respect to the useful life of specific property, an agreement that thus focuses on the special facts of the particular taxpayer. These agreements, in addition, are to be binding on the taxpayer and the Treasury "only in the absence of facts and circumstances not taken into consideration in the adoption of such agreement," and may be changed by either party establishing such facts and circumstances. The Treasury's rulemaking power under this section, of course, does not empower it to ignore the express requirements of the subsection. Yet an election to apply the ADR system, which is to be irrevocable and not subject to change by either the Treasury or the taxpayer, *does* ignore these requirements. The Treasury has asserted that elections to apply the ADR system are to be deemed "agreements" within the meaning of 167(d), but it is clear that

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this bootstrapping statement provides no authority for the Treasury's proposal.

B. *Section 7805.* The second provision invoked to support the Treasury's proposed action, section 7805, authorizes the Treasury to issue "all needful rules and regulations necessary for the enforcement" of the Internal Revenue Code. This section empowers the Treasury to issue interpretative rules clarifying ambiguous statutory terms or doubtful readings of the statute. The section clearly does not authorize the Treasury to issue regulations which alter or amend the explicit terms of the Code, or to initiate basic changes in principle—like the ADR system—which are inconsistent with a long period of statutory history and interpretation, administrative practice, and generally accepted accounting principles.

Specifically defined grants of limited rulemaking authority appear in the subsections (b), (d), and (l) of section 167, all of which only authorize the issuance of regulations governing the use of accelerated methods and rates, agreements as to useful lives, and depreciation accounting for public utilities in certain instances. Unless we are to be made to believe that Congress intended to delegate a blanket general power to the Treasury in section 7805 to establish the contours of the phrase "reasonable allowance," a power which it expressly declined to delegate in section 167, then we must acknowledge that the Treasury's power regarding the general principles of depreciation accounting is a very modest one.

Nor can the departure in the ADR regulation from well established principles be justified in terms of administrative advantages. Not even the Treasury has claimed that any increased efficiency in administration which ADR might produce is worth a purchase price of from $3 to $5 billion in a year, or nearly $40 billion in a decade.

C. *Sections 446, 451, 461.* In its original announcement of the ADR proposal on January 11, the Treasury also claimed authority for its action under the general accounting provisions, sections 446, 451, and 461. These provisions govern methods of accounting for tax purposes, and limit the years to which taxpayers may allocate items of income and claim deductions. Of the three, only section 446 gives the Treasury the explicit authority to issue rules and regulations, and then only to prescribe methods of income accounting to insure that the taxpayer's return "clearly reflects income."

All three provisions evidence a Congressional intent to prevent taxpayers from manipulating accounting methods to defer or eliminate their tax liability and to insure that their accounting methods produce accurate estimates of taxable income. If these sections were considered relevant to the depreciation section at all, by virtue of the fact that depreciation has always been regarded as an accounting concept, they would hardly support the adoption of the proposed regulation, which would enable taxpayers to postpone tax liability and distort their income tax liability in a manner fundamentally inconsistent with generally accepted income accounting principles. Clear reflection of income implies depreciation based on the concept of an income-producing asset's useful life to the taxpayer.

There are thus no statutory provisions delegating a broad rulemaking authority to the Treasury in the area of depreciation. The scope of the Treasury's authority to issue regulations regarding depreciation must be determined with reference to the meaning of the substantive provisions themselves. It was not until 1956 that the Treasury even promulgated a regulation which attempted to define, for the first time in the regulations, such concepts familiar in all depreciation accounting as "useful life" and "salvage value."

This 1956 regulation closely followed the language of the depreciation sections of the statute and their interpretation in the courts. The Treasury's authority—now as then—must be defined with reference to the meaning of the term "reasonable allowance" as it has been interpreted in the courts and applied by the Treasury.

V

The Treasury's administrative action in 1962, regarding depreciation guidelines and the reserve ratio test, fully accepted the statutory principle of useful life depreciation but sought improved methods of administering and applying that concept.

The 1962 action is therefore no precedent for this Treasury proposal—in fact, it is completely polar to the Treasury's current proposal, which rejects the statutory principle and substitutes a totally new and unauthorized system.

All prior administrative action of the Treasury in the field of depreciation is also at variance with the change now proposed.

Proponents of the ADR system have suggested that the proposal is supported by prior Treasury administrative action, especially that of 1962. This position is premised on a complete misunderstanding of the Treasury's administration of the depreciation provisions.

A. The 1962 administrative action

The Treasury's 1962 administrative action, which introduced depreciation guidelines and the reserve ratio test, fully accepted the statutory principle of useful life depreciation but sought improved methods of administering and applying that principle. Under the 1962 procedure a taxpayer electing to be tested under the guidelines is permitted to write off his assets in accordance with a schedule of guideline lives for broad classes of assets. A taxpayer may use a guideline life however, *only if* he satisfies the "reserve ratio test." This is a mathematical formula based on the taxpayer's own depreciation accounts, which formula is designed to insure that the taxpayer's asset retirement and replacement practices are consistent with the guideline life elected. With some tolerance for administrative convenience and for annual variations in the taxpayer rates of replacement, the reserve ratio test insures that taxpayers may qualify to use a guideline life only when it is a fair representation of useful service life of the assets used in his trade or business. A comprehensive simulation study published by the Treasury Department in 1968 [26] established that the procedure is technically sound, even when applied to firms with varying growth rates. The Treasury affirmed the conclusions of that study as recently as July, 1970.[27]

Hence, the administrative action introduced in 1962 represented an effort to improve and facilitate the calculation of depreciation *in accordance with* the principle of useful life depreciation required by section 167. The Treasury Department made this clear in its Release describing the 1962 action:

"The fundamental concept underlying the new procedure is that the depreciation claimed by a taxpayer will not be disturbed if there is an overall consistency between the depreciation schedule he uses and his actual practice in retiring and replacing his machinery and equipment. Demonstration of this overall consistency will be based on broad classes of assets. Guidelines are established for each of these classes . . . to assist in the determination of depreciable lives." [28]

The Treasury, in adopting the guidelines system in Revenue Procedure 62–21, emphasized that the new testing procedures conformed to the principle of useful life depreciation that had consistently developed over the previous half century:

"At present, depreciation is based on the useful life of property in the taxpayer's own trade or business. . . .

"The depreciation reform retains this approach. Every taxpayer should continue to base his depreciable lives on his own best estimate of the period of their use in his trade or business. . . .

"The guidelines . . . will be presumed to be acceptable unless subsequent events show that they are not appropriate for a particular taxpayer's circumstances. Of course, to no extent do the new guidelines foreclose a taxpayer from using even shorter depreciable lives if his particular retirement and replacement practices are more progressive than those of the industry of which he is a part. Thus, under the depreciation reform, depreciation continues to be based on the concept of useful life of property to the taxpayer. However, wider latitude is provided for the taxpayer in making his own best estimate of useful life, and objective standards are provided wherever possible for determining when the taxpayer's estimates should not be disturbed.

"[T]he Reserve Ratio Table will provide objective guides for establishing that a taxpayer is entitled to use even shorter lives than he has used in the past." [29]

The Treasury, as recently as July, 1970, described the guideline testing procedures as a means of facilitating the administration of the statute while providing realistic estimates of depreciation:

"Guidelines formalized the application of the reserve ratio test, a mechanical method by which business taxpayers may establish whether the asset lives they are using for tax purposes *are consistent with their useful lives* as required by Section 167(a) of the Internal Revenue Code.

"It was not the intent of the Guidelines to simply shorten lives for tax purposes for all taxpayers. It was, rather, intended that taxpayers who had adopted, or wished to adopt, investment policies which resulted in below average replacement periods should not be penalized by the theretofore traditional tax audit procedure which placed the burden of proof on the taxpayer for "justifying" departures from Bulletin F lives. Thus, the new published guidelines were "short" for the bulk of business taxpayers, but they were admonished that, if they were to use these lives, or any other which might be shorter or longer, they would have to satisfy the reserve ratio test. . . . Altogether, present law tax depreciation policy may be characterized as a set of rules under which taxpayers may freely select from a set of depreciation methods (straightline, double declining balance, sum-of-years digits, etc.) allowable under Section 167 of the Code by which to distribute the cost of assets over their expected useful lives, and they may objectively establish the conformity of their depreciation deductions with their replacement policies by pre-established rules—the reserve ratio test and supplementary transition rules." [30]

The difference between the guideline system and the ADR proposal is patently clear. The elimination of the reserve ratio test and the shortening of the guideline lives will introduce a wholly new system under which the taxpayer need make no showing whatsoever that his ADR cost recovery allowances are consistent with his retirement and replacement policies. The Treasury, in its more objective moment, in the July, 1970 statement just quoted, indicated that the reserve ratio test is the key to the 1962 administrative action.

The ADR proposal, however, would eliminate that test. It is impossible, therefore, to understand how the 1962 action can be claimed as a precedent for the current proposal, when that proposal removes the essential element of the earlier action. One could hardly conceive two more opposite approaches to depreciation. Yet it is the 1962

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approach—and not the current proposal—which follows the basic command of the statute.

Proponents of the current ADR proposal seek to shake the reserve ratio test with rhetoric and misunderstanding. They say the test is "unworkable" or "complex." They say it cannot adjust to changing economic conditions or that it is backward-looking and far from perfect. What all this translates into, however, is that many taxpayers are simply not meeting the requirements of that test because they do not conform their actual replacement practices to the liberal guidelines established in 1962. Rhetoric and misunderstanding are the devices which must be seized to cloak the noncompliance and to attack the reserve ratio test, for neither logic, theory, nor detailed proof of defects is available to those who seek to disparage the test. The Treasury's 1968 Tax Depreciation Study exhaustively and conclusively analyzed that test and found it sound. The Treasury's 1970 Study of Tax Depreciation Policy Options recognized the validity of the earlier study. Statements filed for this Hearing by acknowledged experts on depreciation accounting confirm the validity of the reserve ratio test. See, for example, the Statement of Prof. Richard Pollock, University of Hawaii, submitted for this Hearing, and especially his analysis of the errors in the criticism of the test made by the President's Task Force on Business Taxation (Sept., 1970).

The technical details considered in this Hearing should not obscure what is really happening. In 1962 representatives of business argued that if taxpayers were freed from the shackles of Bulletin F and permitted to use liberalized asset lives for tax depreciation purposes, they would replace their assets more rapidly as a consequence of technological change and innovation. The Treasury responded with liberal guideline lives. But representatives of some businesses have found that a number of taxpayers simply do not replace their assets as rapidly as the guidelines lives.

Consequently, under the present statutory principles of depreciation and the reserve ratio test, those taxpayers would now have to lengthen their claimed tax lives to come into compliance with the transition rules governing the use of guideline lives. It is obvious that these representatives need a new ploy. "Liberal depreciation lives" have not proven to be the key, because many taxpayers simply do not use such liberal lives in actual practice. Instead, the ploy now put forth by these representatives is to scrap the present system and substitute "capital cost recovery periods" that have nothing to do with depreciation. (See for example Production, the Magazine of Manufacturing, June, 1970, p. 114).

Under the new method taxpayers would have unrealistically short *tax lives,* but would *not be required* to use those lives in actual practice. The Treasury in the ADR proposal is accepting this ploy. But—leaving aside the undesirability of this ploy—since it rejects the statutory principles which underlie the depreciation, it is simply not within the power of the Treasury to adopt.

B. Administrative Action Prior to 1962

All administrative action prior to 1962 in the field of depreciation similarly is also at variance with the changes now being proposed. In the nearly sixty years of administration of the depreciation provisions the Treasury has never abandoned the principle of useful life to the taxpayer. Accepting that principle, it has sought only to alter the administrative mechanisms for its application. The following survey of the administration of the section is based on Appendix A which contains the specific details.[31]

In 1933, a special Treasury report revealed that many taxpayers had taken such large depreciation deductions that they had "built up reserves which [were] out of proportion to the prior exhaustion, wear and tear of their depreciable asset . . ." and that many taxpayers would be able to depreciate their assets completely "before the actual useful life of the assets had terminated." These taxpayers had claimed their depreciation deductions under a regulation which, though proclaiming in general language that the burden of proof was on the taxpayer to show that his depreciation allowance was reasonable, also required that "such deductions will not be disallowed unless shown by clear and convincing evidence to be unreasonable." This language effectively placed the burden of proof on the Treasury in challenging a taxpayer's depreciation allowances, and had led to slack enforcement of the provision.

The reaction in Congress to this state of affairs was unambiguously critical. Depreciation over a period shorter that the assets' actual useful life was uniformly condemned as "excessive" by both the House Ways and Means Committee and by the Treasury, and was referred to as an "unreasonable allowance" by the Senate Finance Committee and on the floor of Congress. After these events the statutory depreciation provisions were reenacted in 1934 without change, but only on the condition that the Treasury alter its administration of the statute to require taxpayers to justify their depreciation schedules and to reduce depreciation allowances "by the amount [they had been] excessive in prior years."

Statements supporting the adoption of the ADR system misinterpret this episode and conclude that Congress acquiesced in an expansion of the Treasury's administrative powers. On the contrary, the reaction of Congress to the administration of the statute prior to 1933 reveals that Congress disapproved of any deviation from the accurate depreciation of assets over their useful lives and that any administrative posture which permitted such deviations was not to be countenanced. The episode therefore reveals a constriction rather than an expansion of the Treasury's administrative discretion to deviate from proper depreciation accounting.

In 1942, the Treasury revised "Bulletin F" to include a schedule of suggested useful lives based on detailed industry averages, to facilitate the calculation of depreciation deductions. The title page of the Bulletin warned that the averages contained in the Bulletin were "not prescribed for use in any particular case," and were set forth "solely as a guide or starting point from which rates may be determined in the light of experience of the property under consideration, and all other pertinent evidence." Accordingly, the Tax Court[31a] has required that a taxpayer demonstrate that his useful life estimates are justified on the basis of the taxpayer's own experience, and that he could only rely on Bulletin F lives when his own experience was an inadequate basis on which to make accurate useful life estimates.

In 1953, the Treasury announced in Revenue Rulings 90 and 91 that it would not disturb a taxpayer's depreciation allowances unless there was a clear and convincing basis for change, in order to reduce "controversies with respect to depreciation." This announcement did not represent a deviation from the useful life principle. On the contrary, the Treasury Rulings stressed that the purpose of the depreciation deduction "is to permit taxpayers to recover through annual deductions the cost (or other basis permitted by law) of the property over the useful life of the property."

In the Regulation issued in 1956, the last major announcement of administrative policy before the issuance of the 1962 Guidelines, the Treasury said:

"If the taxpayer's experience is inadequate the general experience of the industry may be used until such time as the taxpayer's own experience forms an adequate basis for making the determination. The estimated remaining useful life may be subject to redetermination . . . only when the change in the useful life is significant and there is a clear and convincing basis for the redetermination."

There is thus not a shred of evidence in the long history of the administration of the depreciation deduction that suggests any departure from, or a gradual erosion of, the principle of depreciation based on useful life to the taxpayer, or a loosening of the requirement that the taxpayer make some showing that the asset lives used for tax purpose be consistent with the rate of retirement and replacement of his assets. The concept of depreciation based on useful life to the taxpayer has been faithfully adhered to by the Treasury throughout its attempts to improve administration in this area—up to 1971. The ADR proposal would not merely modify this concept. It would, without statutory, judicial or administrative precedents, abruptly abandon it and substitute a totally new and unauthorized concept.

VI

All prior statutory precedents clearly demonstate that any departure from the Code's requirements for the deduction of capital expenditures, and any deviation from the principle of useful life depreciation, must come through specific legislative enactment and cannot be made administratively by the Treasury.

From time to time Congress has explicitly allowed the expensing of certain capital expenditures, always in a clearly circumscribed fashion. The specificity of these enactments, their range and the variety of approaches used all underscore the requirement that the departures from the basic rule of sections 263 and 167 are for the Congress to make, in the specific areas *it* determines and for the specific policy reasons *it* adopts.

Special statutory provisions have been enacted by Congress permitting current deduction for certain capital expenditures: for example, mineral development expenditures (section 616), research and development expenditures (section 174), soil and water conservation expenditures (section 175), and expenditures by farmers for land clearance and fertilizer (sections 181, 182).

Where Congress has not wished to provide a single current expense deduction but has desired instead to accelerate the recovery of capital investment more rapidly than it could be recovered under section 167, it has adopted uniquely short cost recovery periods in an explicit manner. Thus, for example, Congress has provided rapid amortization over fixed five year (or in some cases longer) periods, in place of the standard depreciation allowance: for rehabilitation of low income rental housing (section 167(1)), defense emergency facilities (section 168), pollution control facilities (present section 169), railroad rolling stock (section 185), railroad grading and tunnel bores (section 185—50-year period in place of no depreciation because of unlimited life), coal mine safety equipment (section 187), grain storage facilities (former section 169, now expired). The Committee Reports accompanying these provisions make it clear that these amortization periods were intended to permit more rapid capital cost recovery than depreciation under section 167 would permit.[32] These sections provide a cost recovery approach—but under express and circumscribed Congressional legislation. The proposed ADR system would adopt a cost recovery approach generally, solely through administrative action.

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Where Congress has not wished to change the *period* over which an asset will be written off but has instead desired to alter the *manner* in which the expenditure is spread over the period, it has in situations selected by it permitted "accelerated depreciation": for example, a double declining balance method at 200% of the straight line rate (section 167(b)(2)), and a sum-of-the-years-digit method (section 167(b)(3)). But the Congress has placed limits on the scope of this authorization, and has from time to time changed the rules or cut back on the availability of acceleration.[33]

This detailed supervision by Congress of all the provisions in the Code governing the capitalization of expenditures obviously does not contemplate a sweeping power in the Treasury to initiate changes in the basic method of treating capital expenditures and changes in the basic principle of depreciation itself.

The Treasury, with the proposal of the ADR system, has not only usurped the essentially legislative prerogative of determining any departures from the basic principles of sections 167 and 263, but it has done so in a manner inconsistent with Congressional purposes as expressed in a number of provisions of the Tax Reform Act of 1969. For example:

1. The Congress in the Tax Reform Act of 1969 recognized the special tax benefits that the acceleration of deduction for capital expenditures provides. It thus identified accelerated depreciation deductions for buildings and leased equipment, and the special amortization deductions for pollution control equipment and railroad rolling stock, as "tax preferences," and subjected the deductions to a "minimum tax" to the extent they exceed annual straightline depreciation deductions (sections 56–58). The proposed cost recovery system affords far more in the way of "tax preferences" than the four items mentioned above, and yet the Treasury seeks to grant *its* tax preference by administrative action in complete disregard to the approach taken in 1969.

2. The minimum tax on tax preferences applies to the differences between amortization allowances and "straight line" allowances. Since the straight line allowance calculated on the basis of arbitrarily short ADR lives would be inflated, the "tax base" of the minimum tax would be eroded for these amortization allowances.

3. The purpose of the requirement that straight line depreciation be used in the calculation of "earnings and profits" (section 312 (m)), which was intended to reduce distortion in that calculation due to unrealistic accelerated depreciation charges, would be undermined by the distorted deductions resulting from the use of arbitrarily short ADR lives.

4. Where the ADR system would permit elections of cost recovery periods comparable in length to the special amortization periods, the availability of accelerated depreciation would speed capital recovery even faster than that provided under the straight line amortization carefully delimited in the statute.

Just as the Treasury is claiming the power to proceed contrary to the thrust of recent Congressional action, and to increase benefits for one group of taxpayers, it likewise is claiming the authority to deny some groups of taxpayers the ability to use the cost recovery periods it seeks to establish. Thus the proposal requires public utilities electing the ADR system to meet the same accounting requirements that Congress by legislation set forth in 1969 for *accelerated methods* and *rates*. But there is no warrant in section 167 for administratively exacting such a requirement from any taxpayer in the calculation of *depreciable lives*.[36] The Treasury also denies the ADR system to assets used abroad, again without any warrant. Throughout the Treasury claims the power to pick and choose as it wishes, here to emulate Congressional rules on public utilities, there not to emulate Congressional rules on earnings and profits, and so it goes.

The inconsistency of Code provisions with the introduction of capital cost recovery under the proposed ADR system reveals a very simple and obvious message. All of the statutory exceptions to the requirements in the Code that capital expenditures be capitalized rather than expensed are premised on the existence and acceptance of a fundamental principle—embodied in the statute, its history, and the decisional law—that assets must be depreciated over a period estimated reasonably to represent their useful life to the taxpayer who uses them. Only Congress may deviate from that principle.

VII

The proposed change in the depreciation system is presented by the Treasury without any supporting data as to expected lives of machinery and equipment to justify the arbitrary and shortened capital cost recovery periods to be granted to taxpayers.

In fact, all the evidence available is clearly to the contrary, indicating that expected lives are considerably longer than the proposed recovery periods.

The Treasury has offered no empirical studies, no supporting data, no documentation, indeed no factual support of any kind, for the arbitrary shortening of guideline lives by a 20% margin.

There can be no pretense that the lives at the "short" end of the asset depreciation ranges actually represent existing industry-wide averages. The guideline lives themselves on which the asset depreciation ranges are based, were set well below the average asset life in each industry in 1962 to reflect the rapid retirement and replacement policies of the most innovative firms and to remove any possible contention that the Guidelines were illiberal or restrictive. The Treasury in its Study of July, 1970 recognized these guidelines as set "short" for the bulk of business taxpayers. Lives that are short in July 1970 do not become over 20% too long six months later.

Indeed, since 1962 no industry has claimed that the 1962 guidelines lives are too long compared with actual practice. On the contrary, all have recognized the liberality of those lives. The real problem is that the guideline lives are proving to be too liberal for many taxpayers, who do not desire to replace their assets as rapidly as the guidelines imply.

It is thus clear that the assertion that the 20% shortening of the guideline lives is necessary to reflect new technological breakthroughs and a concommitant increase in obsolescence is only a pose, a pretense in the absence of evidence to support the claim. The Treasury has produced no study indicating a general increase in the rate of technological obsolescence. Of course no empirical survey *could* show that the period of economic usefulness of *all* assets, in *all* industries, and for *all* taxpayers, had declined by the same percentage amount since 1962. Section 167 does authorize a deduction for depreciation "including a reasonable allowance for obsolescence," but it plainly does not authorize the Treasury to permit, any more than it would authorize individual taxpayers to claim, larger depreciation allowances in the name of increased obsolescence unless the obsolescence is there.

Proponents of the ADR proposal say that it is difficult to estimate the length of asset lives as used in a taxpayer's business or to estimate the degree of obsolescence of these assets. No estimate, they say, can perfectly measure a taxpayer's useful lives for his assets. This is of course true, and the statutory principle of depreciation presents this task of estimation just as does business accounting which utilizes the same concept. But it does not follow, because problems of estimation are present, that the Treasury is free to solve them by eliminating the concept and seeking to discard entirely any attempt at correspondence between tax lives and the useful life in the taxpayer's business. The present standard has its problems, but it also is anchored in tax history, the logic and structure of an income tax which seeks to measure business net income, and in business accounting. That standard has its great advantages also, for it seeks to guarantee fairness and equity among taxpayers and industries. The 1962 administrative action, with the reserve ratio test, accepted that standard as it must and at the same time eliminated many of the problems of estimation that had characterized prior administrations. (See the Statements of Professor Martin David and Richard Pollock submitted for this Hearing). It is not the province of the Treasury to seek solutions that abandon the statutory principle of "useful life" and to substitute instead a capital cost recovery approach that is entirely at variance with it.

Only the Congress has this power

All evidence publicly available suggests that expected useful lives of taxpayers' assets are in reality much longer than the Treasury's arbitrarily shortened recovery periods in the ADR proposal. As stated above, the guidelines were purposefully selected in 1962 to be shorter than the average asset life of assets in most industries by anywhere from 10 to 30%. The guideline lives were selected, after the Treasury undertook exhaustive surveys, analysis of income tax returns, special investigations and numerous conferences with industrial leaders, in order to reflect the useful lives of assets in the most innovative firms in each industry. The consequence was such that, in most industries, more than 70% of the industry then had longer actual asset lives than the guidelines. There is no evidence to suggest that these actual asset lives have become shorter than the guidelines for these taxpayers since 1962, and several indications that they have remained considerably longer for very many taxpayers. At the end of an initial transition period, a 1965 Treasury Survey showed, for example, that 87 percent of the firms surveyed would not be able to satisfy the reserve ratio test, i.e.—that their assets' useful lives were still substantially longer than the guideline lives. A substantial number of taxpayers surveyed indicated that it would be "uneconomical to retire assets at the end of the time period represented by the guideline lives."[34] The implication in the Treasury's ADR proposal that obsolescence has increased since 1962 is rebutted by a 1968 survey showing that the amount of obsolete equipment has *declined* from 20% to 13% between 1962 and 1968.[35]

The public recognition by proponents of the ADR proposal, their stated concern, is that taxpayers are not in actual practice depreciating as rapidly as the present guideline lives permit. This is itself eloquent and convincing evidence that those guideline lives remain today, just as in 1962, very liberal guidelines. No industry has publicly offered any argument or data claiming the contrary.

The urging of accountants that there be no requirement under the ADR proposal that the shortened lives there permitted be used also for book purposes is further clear evidence that the ADR lives are far shorter than lives used in actual practice. Accountants emphasize the importance for accounting purposes of businesses continuing on their books to reflect the actual lives of assets as determined by the business in the light of its experience; this is in order to reflect their income honestly. They also recognize that the ADR tax lives would be far shorter.

Footnotes at end of article.

VIII

The proposed change in the principles underlying the depreciation system involves issues of major economic importance for the United States.

The proposed change rests on economic premises considered thoroughly unsound by many experts.

The proposed change represents judgments on priorities on the use of public funds involving billions of dollars—judgments that are directly contrary to recent Congressional action and that are disputed by many segments of American public opinion.

These aspects of the proposed change underscore the fact that such a decision is for the Congress to make, and may not be made by an administrative agency.

As demonstrated above, the Treasury ADR proposal is a sweeping unauthorized change in the basic principle of depreciation as it has existed for half a century. This effort to change the concept of depreciation raises issues of major economic importance for the United States. The Treasury has stated that the tax reduction for business resulting from this change "is an integral part of the expansionary policies announced by President Nixon" to promote economic growth, increase employment, modernize plant and equipment, improve the balance of payments, and increase national productivity. The method chosen to achieve these results is that of a tax incentive for business investment to be provided at this stage of the nation's economic position.

They do not want to be placed, nor do they want businesses to be placed, in the position of having to decide between artificially short tax lives and longer actual lives. This concern would disappear if the tax lives really reflected actual lives. The seriousness of the concern underscores the great disparity that does exist between the two sets of lives. See the Statement of R.S. Antes, of Ernst and Ernst, submitted in this Hearing.

In the absence of available information supporting a further shortening of depreciable lives, and in the presence of every indication that the present guideline lives are very liberal, it is encumbent on the Treasury to justify its proposed change by producing supporting data. The Treasury's failure to disclose any supporting data and studies which led it to propose the ADR system make it difficult if not impossible for interested and affected persons to comment completely and adequately.

The failure of an administrative agency to furnish such information to interested parties illegally deprives them of their statutorily guaranteed right of hearing and review, because it would produce a deficient record for review. The Treasury has no reason for not coming forward *now*—indeed, it has the obligation under the Administrative Procedure Act and the Due Process Clause to come forward—with the data and studies to support the ADR proposal. As it now stands, the record furnished by the Treasury is unsupportably deficient.

The change in depreciation principles represents an assertion that tax incentives for investment are needed and that they can best be achieved through tax reduction for corporations brought about by very rapid capital cost recovery allowances over arbitrary time periods. Obviously these objectives and assertions raise wide-reaching issues of fundamental economic importance for the United States and its economy. Clearly all of these matters can be and should be the subject of public debate and Congressional decision.

Moreover, even if the Treasury's economic goals and judgments regarding the level of investment in the United States were in the end found appropriate, the economic premises on which this particular tax incentive is rested to justify its effects on business investment are considered thoroughly unsound by many experts. They claim that the ADR proposal will have minor expansionary impact on the economy in the short run, and only minimal and speculative impact on the growth of investment in the long run.

The proposal will create disincentives for inefficient firms to modernize. It will distribute its benefits arbitrarily, irrationally and capriciously among firms. See, for example, the companion paper of Professor Paul Taubman submitted in conjunction with this Statement and the Statements of Professors Martin David and Robert Eisner.

Congress in section 167 did not confer broad discretion on the Treasury Department to manipulate the depreciation provisions to accomplish economic stabilization and long-range growth. The provision for a "reasonable allowance" for depreciation is instead designed as a step in the measurement of business net income to reflect the consumption of capital expenditures for machinery and equipment. The section cannot therefore be seized by the Treasury as the lever to determine stabilization policies and national priorities.

The ADR proposal involves an expenditure of $3–$5 billion annually. It is about a third of the deficit for fiscal 1972 set forth in the Budget. Clearly the proposal represents a judgment on the priorities governing the expenditure of public funds—a judgment that will control the disposition of $40 billion in the next decade. There are many more claims on public funds than moneys available to meet those claims, so that such judgments on priorities are crucial to the manner by which we resolve our national problems. The judgment made by the Treasury Department in its ADR proposal is a judgment to allocate a very large part of the available expenditures represented by the 1972 Budget deficit to tax reduction for some corporations, essentially large corporations.

This Treasury judgment is directly contrary to Congressional decisions in 1969, which both eliminated the seven percent investment credit incentive to investments by those corporations and refused to reduce the corporate tax rates. This Treasury judgment is disputed by many segments of public opinion, which are seeking instead to spend the available funds—funds which the President and the Treasury by choosing to use them for tax reduction have expressly said are available to be spent in some fashion—in a far different manner.

These segments of public opinion believe the funds should be spent on expanded social programs in public employment, adequate family assistance, education, pollution control, health, housing, transportation, and many other areas. Their priorities for the United States lie in these social areas and *not* in tax reductions, and especially *not* in tax reduction for major business enterprises. Common Cause shares the view of those that claim these differing national priorities.

This Hearing should not be the forum to decide national priorities and ration scarce public resources. Such decisions belong to the Congress and should be debated in Congressional hearings and on the floor of Congress. It is the task of administrative agencies to accept and implement Congressional judgments on priorities regarding public expenditures and tax burdens.

The Treasury's ADR proposal is an effort to alter the traditional roles of Congress and administrative agencies in our Government. Its unauthorized effort to change the principles of depreciation and thus initiate a fundamental change in tax policy is at the heart of the controversy it has provoked over wide-ranging issues of economic growth and national priorities for the solution of social problems. Though couched in terms of an exercise of administrative discretion, the Treasury proposal subsumes matters that are legislative in character and impact. It is clear that a tax change of this character, importance and magnitude is for the Congress and not the Treasury Department.

FOOTNOTES

[1] Although the "asset depreciation ranges" are defined with reference to the guidelines, the system of cost recovery is in no way based on, or otherwise related to the guidelines testing procedures introduced in 1962 in Rev. Proc. 62–21, 1962–2, Cum. Bull. 418. *See* Part V of this statement.

[2] Under present rules a taxpayer electing to be tested under the guidelines must calculate the useful life and salvage value of the assets in his own business. Three testing approaches are employed to assure the asset lives he elects for tax purposes conform to the actual useful lives of the asset in his business:

1. If the taxpayer's own estimates of useful life are shorter than the guidelines lives, he may use his own useful life estimates for tax purposes only if he can demonstrate their accuracy on the basis of the facts and circumstances in his own business.
2. If his own estimates are longer than the guideline life, he may use the guideline life, *but only if* he satisfies the reserve ratio test, a mechanical formula based on the taxpayer's own depreciation accounts which is designed to insure that the guideline life selected by the taxpayer is consistent with the actual useful life in the taxpayer's business.
3. Even if the reserve ratio test or "facts and circumstances" test are initially satisfied, the taxpayer's depreciation allowance may be challenged if his asset retirement and replacement practices change substantially, necessitating a recalculation of his useful life and salvage estimates.

By contrast, the ADR system would create an absolute right to use the ADR life falling within the ranges. It would require no factual substantiation of the taxpayer's claimed tax lives, regardless of the useful lives of the taxpayer's assets. It would eliminate the reserve ratio test. And, because a taxpayer's election to adopt ADR life is irrevocable, and may not be adjusted, the ADR elections could not be challenged by the IRS even under circumstances that rendered the life wildly erroneous.

[3] *Business Taxation: The Report of the President's Task Force on Business Taxation*, Sept. 1970, at 3, 20. (Italic added.)

[4] *Id.* at 16.

[5] *Id.* at 29:

"[S]ince the shift from depreciation to cost recovery unrelated to the useful life concept does require amendment of the present law we urge that all matters covered in the recommendations which are related to such shift be incorporated in the statute."

In addition, the Task Force specifically recommended that the Secretary of the Treasury, or his delegate, be given "express authority to reduce cost recovery periods for any or all groups of facilities from time to time." *Id.* at 19.

[5a] *See* the ABA's proposed amendment to the Internal Revenue Code in 22 *Tax Lawyer* 1003 (1969).

[6] *Tax Management*, TMM 71–04, Feb. 22, 1971, at 7.

[7] *See, e.g.*, the comments of Norman B. Ture in "Capital Recovery Law: Where Do We Go From Here," *Production, The Magazine of Manufacturing*, June 1970, at 114. According to Mr. Ture, the introduction of capital cost recovery would introduce a "clear break" with "depreciation" accounting and "would mean eliminating once and for all from the statute . . . the concept of useful life as being to no point." *Id.* at 125, 127.

[8] *B.N.A. Daily Report for Executives, Taxation & Finance*, No. 71. April 13, 1971, at G–4, 5.

[9] *Id.* at G–1.

[10] Department of the Treasury, *Tax Depreciation Policy Options: Measures of Effectiveness and Estimated Revenue Losses,* reprinted in *Cong. Rec.*, July 23, 1970 at p. 25684 [hereinafter cited as *Policy Options*].

[11] *See* Treasury Department Release, 1971 *P-H Fed.* ¶ 15,931. The $40 billion estimate is calculated on the conservative assumption that revenue losses will increase in equal annual increments to 1976, and decrease in equal annual increments through 1981.

It is likely these estimates are understated, since they apparently do not reflect the revenue losses that would result from the abandonment of salvage value in the estimation of annual deductions or the elimination of the reserve ratio test. The Treasury stated in its July, 1970 Study on Depreciation Policy Options that neither revenue loss was quantifiable. *Policy Options* at p. 25686–87.

[12] *Id.* at p. 25688.

[13] The elimination of salvage value from computation of annual allowances would also introduce inequities among firms, since it would favor those that use assets for a short time and are able to resell their assets at relatively high prices. The elimination of salvage would least benefit taxpayers who hold their assets for a short period and do not resell them at an attractive market price. Yet it is the latter taxpayer whose asset has actually depreciated more. In July, 1970, in a more objective moment, the Treasury itself said of the elimination of salvage value from the calculation of annual allowances:

"The practical impact of this proposal [to eliminate salvage] is obviously to increase the absolute amount of depreciation deductions . . . Since the margain of benefit is so much greater for short lived assets, while being restricted to taxpayers who, in fact, have salvage value to ignore, it is reasonable to infer that one of the side effects of such a change in the tax laws would be to stimulate the growth of artificial asset ownership and trading patterns whose only function would be to maximize the amount of the tax depreciation deductions."

Policy Options at p. 25687.

[14] *Id.* at p. 25686.

[15] *See generally, Tax Depreciation and the Need For The Reserve Ratio Test,* Treasury Dept., 1968, Ch. 6.

[15a] The Treasury acknowledges this in its July, 1970 Study: "[I]nvestment incentives provided through tax depreciation policy necessarily favor large [businesses] relatively to small businesses since so much of the value of the incentive is dependent on tax deferral and, hence, on the nominal tax rate." *Policy Options* at p. 25688.

[16] *Policy Options* at p. 25686.

[17] The criteria defining "eligible property" for ADR treatment have been taken almost verbatim from section 48 of the Code which defines "qualified property" for the investment credit. Thus, property eligible for ADR treatment must be employed in certain specified industries, and must not be predominantly used abroad. As Professor Boris Bittker has observed in a paper submitted to the Treasury for these hearings, these distinctions may be appropriate for an investment credit designed to encourage certain sectors of domestic investment, but they have nothing to do with the accurate estimation of depreciation under section 167, which applies to *all depreciable property.* Professor Bittker observes:

"The lines of demarcation . . . can be understood only as the result of a Treasury decision that investment in particular types of property should be encouraged by a tax incentive . . . This decision . . . can hardly be defended as an 'interpretation' of the Internal Revenue Code (page 7)."

[18] S. Rep. No. 91-552, 91st Cong., 1st Sess., 266 (1969) (underlining added).

[19] S. Rep. No. 1881, 87th Cong., 2nd Sess., 11 (1962) (underlining added).

[19a] *See* Regulations, § 1.263(a)-2(a)

[20] *See* F.H.E. Oil Co. v. Commissioner, 150 F.2d 857 (5th Cir. 1945).

[21] Statement submitted to the Treasury on April 12, 1969 by the National Machine Tool Builders Association, at 12.

[22] For citations to authorities in the rest of this Part, see Appendix A.

[23] *Policy Options* at p. 25687.

[24] H.R. Rep. No. 1337, 83rd Cong., 2nd Sess., 24 (1954).

[25] H.R. Rep. No. 1337, 83rd Cong., 2nd Sess., A48 (1954); S. Rep. No. 1622, 83rd Cong., 2nd Sess., 201 (1954) (underlining added).

Both Reports also stated:

"The liberalized declining-balance method included in the bill . . . results in a timing of allowances more in accord with the actual pattern of loss of economic usefulness. With the rate limited to twice the corresponding straight-line rate and *based on a realistic estimate of useful life,* the proposed system conforms to sound accounting principles (underlining added).

H.R. Rep., *supra,* at 23; S. Rep., at 27–28.

[26] *Tax Depreciation and the Need for the Reserve Ratio Test,* Treasury Department, 1968.

[27] *Policy Options* at p. 25684.

[28] Treasury Department, Release D-538, July 11, 1962, page 1.

[29] Rev. Proc. 62-21, 1962-2 *Cum. Bull.* 463–64 (Questions and Answers, Nos. 3, 5).

[30] *Policy Options* at p. 25684 (italic added).

[31] For citations to authorities, see Appendix A.

[31a] For citations, see Appendix A, under heading "Treasury-1942".

[32] *See, e.g.,* H.R. Rep. No. 2894, 76th Cong., 3rd Sess., 16 (1940) (defense emergency facilities); H.R. Rep. No. 894, 83rd Cong., 2d Sess. 6 (1954) (grain storage facilities); H.R. Rep. No. 91-413, 91st Cong., 1st Sess., 197 (1969) (Part I) (pollution control facilities).

[33] Thus, accelerated methods and rates:

1. are only available for assets with useful lives of three years or more (section 167(c)),

2. are available to public utilities only if they meet special accounting requirements (section 167(1)),

3. are available for commercial buildings, but only up to a maximum allowance calculated on the 150% declining balance method (section 167(j)),

4. may not be used in the calculations of "earnings and profits," (section 312(m)),

In addition:

5. depreciation allowances may be increased in the case of personal property by an additional 20% first year allowance calculated against the cost of the asset, so long as the deduction does not exceed $10,000 and is not applied to property with a useful life shorter than six years (section 179).

[34] *Sources of Information on Operation of Guideline Procedures,* Office of Tax Analysis, U. S. Treasury Dept. (1965).

[35] Tax Foundation, *Depreciation Allowances* (1970) at 28.

[36] In effect, the Treasury's assertion of power to limit ADR to public utilities which "normalize" is an admission that the proposed ADR systems is a bold attempt to accelerate depreciation without Congressional approval.

ASSET DEPRECIATION RANGE—AN ECONOMIC ANALYSIS*

Any change in the American tax system must be judged on the following criteria. Is it fair to various groups of taxpayers? Does it lead to a better allocation and fuller use of resources? Is it easy to administer? On each of these criteria, the Treasury's new "Asset Depreciation Range" (ADR) plan is wanting.

The plan is unfair in the following ways:

A. By administrative fiat, it has reduced annual taxes on businesses by up to $4 billion.[1] Initially this tax reduction will be paid for by the public either through higher income (and other) taxes or inflation.

B. A greater advantage is given to the more capital (equipment) intensive industries.

C. Those businessmen who report asset lives honestly are placed at a disadvantage with competitors.

D. It rewards those firms which deliberately have avoided meeting the existing Reserve Ratio Test while lobbying to eliminate the test.

The last two points indicate that besides being unfair, the plan sets an undesirable precedent in rewarding questionable business practices.

The ADR system will have a substantial number of harmful effects on resource allocation while the few beneficial effects could be achieved more simply and more fairly by other methods. The immediate effect of the change would be to lower the effective price of equipment capital. But since the reduction is not uniform over all industries or types of capital, *for no valid reason resources will be reallocated to:*

A. the capital (equipment) intensive industries;

B. those firms and industries whose actual useful lives exceed the minimum allowed life by the greatest amount;

C. manufacturing and utility industries and away from the housing industry, which still does not fulfill the national goal set by Congress.

Perhaps these misallocations could be tolerated if the ADR plan would lead to large increases in consumption in the long run, if it substantially improved American industry's technological position, or if it were an effective way to fight the current intolerable level of unemployment.

But in the long run the ADR plan will not greatly increase capital accumulation; thus, *there will be only small increases in consumption and most of these increases will accrue to the wealthy.* Moreover, the plan will tend to make businesses destroy useful capital too soon and for any given level of consumption have us use up even more quickly mineral deposits that are vanishing rapidly. *Finally, the ADR plan will encourage the development of slums.*

The ADR plans confer on those firms who use technologically outmoded equipment the same tax depreciation allowances as those who use technologically advanced equipment. Thus the *ADR plan will reduce incentives for inefficient firms to modernize.* Moreover, the complaint that the Reserve Ratio Test is biased against the introduction of new technology with shorter lives can be solved by allowing firms to use the "facts and circumstance" provision available under the current law whenever the taxpayer can demonstrate that a new technology has demonstrably shortened lives.

Secretary David Kennedy addressed himself to many of these same issues and in each such instance he agreed with our conclusion.[2] Thus, in transmitting the prototype of the ADR plan to Senator Javits, he said:

"In view of the admittedly great diversity of replacement policies among firms in the same industry and the still greater diversity between industries, an arbitrary system of capital allowances would necessarily result in inequalities in the tax treatment of private investment. For those taxpayers whose situation is (accidentally) accommodated by the prescribed allowances, no tax benefit would be derived; but for the greater number whose situation is not typical, tax benefits and penalties would result. Even if the periods for allowable cost recovery were sufficiently short that the depreciation deductions of substantially all taxpayers were increased, the degree of benefit to individual taxpayers would nevertheless vary, creating the same inequalities.

Footnotes at end of article.

"An obvious expectation under a system or arbitrary capital allowances is that pressure from those who are either not benefited, or are actually penalized by the existing allowance system, would be continually exerted on the Congress and Treasury to 'liberalize' the allowances. (See the discussion below of the benefit to taxpayers of shortening lives and otherwise increasing the present value of depreciation deductions for an indication of the sizeable benefits from such liberalizations.)

"If the reserve ratio test were abandoned and all taxpayers permitted to use Guideline lives, some undeterminable revenue loss would doubtlessly result as those taxpayers who are now constrained from using the shorter Guideline lives by the reserve ratio test would adopt them. Moreover, this loss would be amplified in the short run if taxpayers were permitted to group their existing assets into Guideline classes and apply to them the higher depreciation rates implied by the Guidelines.

"If the reserve ratio test is abandoned and replaced by a system of arbitrary capital allowances, either by amendment of the Internal Revenue Code or by new regulations, the Congress and Treasury Department would be thrust into the role of arbiter of industrial asset replacement policy. By its determination of "the" useful life of particular assets, and assuming prescribed lives would be set intentionally low, the government would be affecting investment incentive.

"To the extent the economic circumstances in which taxpayers find themselves dictate they should employ asset replacement policies that yield above average actual useful lives within their industrial (guideline) classification, these taxpayers will be benefited by the use of arbitrary capital allowances; but other taxpayers who have found it economic to employ rapid replacement policies and for whom the arbitrary allowances would not permit capital recovery within actual asset lifetimes, would be forced to pay higher effective tax rates. There would appear to be *no economic principle by which to justify providing an investment incentive* to the former group and a disincentive to the latter.[3] Indeed, this is recognized by advocates of arbitrary capital consumption allowances who generally recommend that taxpayers who can demonstrate that their economic circumstances warrant the use of shorter tax lives than are prescribed by statute or regulation be permitted to do so."

In the *Congressional Record*, vol. 116, pt. 19, p. 25688, Secretary Kennedy continues.

"As might be expected, depreciation liberalization provides a highly variable set of incentives. With the exception of substitution of the full-year for half-year convention, all conventional 'accelerating' policies tend to favor longer-lived as compared with shorter-lived assets. Thus, while depreciation liberalization constitutes a controllable investment incentive, it necessarily induces distortions of the pattern of private investment. Ironically, the distortions are most severe precisely in those instances when investment incentives may be expected to be effective, that is, in those industries which are capital intensive but which differ among each other in the expected useful lives of the assets they employ. Finally, investment incentives provided through tax depreciation policy necessarily favor large relatively to small businesses since so much of the value of the incentive is dependent on tax deferral and, hence, on the nominal tax rate."

And finally Secretary Kennedy in the *Congressional Record*, vol. 116, pt. 19, p. 25691:

"The difficulty with all this is specifying how much an increase in depreciation deductions would increase the rate of investment. In the first place, a change in depreciation policy would increase the demand for investment goods subject to the changed rules. How much is a matter of dispute. This could mean a net increase of investment or merely a diversion of investment from short to long lived assets. The experience under the investment credit was that much of the response to business investment incentives was diversion of savings from structures (housing and otherwise) to machinery and equipment, since structures were not eligible for the credit. Given some net increase in investment, it is still a matter of some dispute how much this increases real output, and thus the tax base.

"A further problem in all this is that there are other things that the government could do to increase investment, including spend more on education, spend more on research, reduce the corporate tax rate, etc. To talk authoritatively about the effect of a depreciation change, one would have to ask what were the growth effects of policies that might otherwise have been implemented with the foregone tax revenues.

"A further problem is that some of the depreciation alternatives offered would considerably favor one kind of investment over another. To the extent that some investment is diverted from what would have been more efficient uses, absent the new tax considerations, these could be an offset to induced growth."

As Secretary Kennedy noted, the ADR plan will stimulate investment in the short run but the effects will be small because of the large amount of excess capacity existing in industry today. The ADR plan is all the more improper because there are other ways to stimulate investment and to reduce unemployment. The Treasury has given no reason why consumption or government expenditures should not be encouraged. Even if investment is to be stimulated, the ADR plan is expensive because, dollar for dollar, a bigger impact can be achieved by announced *temporary* tax credits. It makes no sense to institute an unsound long run policy to achieve an expensive short run advantage.

Since firms can elect various depreciation schemes each year, detailed calculations will have to be made periodically, while more complicated records will have to be kept and audited. Thus the plan will complicate rather than ease the administrative problems of business tax collection.

It might seem difficult for a change in depreciation rules to wreak so much havoc, but the following pages will demonstrate these and other harmful effects. We first will indicate what the ideal properties of a depreciation system are, then we examine the reserve ratio test to indicate why it is a good approximation to the ideal. Finally, we will examine the economic effects of the various provisions of the ADR plan.

DEPRECIATION

Depreciation occurs for many reasons. Many machines such as drills are subject to wear and tear or loss in precision from being used in production. Both of these phenomena imply that the asset will produce fewer items of a given quality and (without repairs) generate less revenue as the machine ages. For other assets productive capacity declines merely because of the passage of time. For example, paint peels and pipes erode whether a structure is used or not. While an asset can maintain its physical capacity (at least with adequate repairs), the value can decline with age because of obsolescence. That is, newer, more efficient capital can be invented and introduced or customers can shift their tastes to other products.[4] The tax laws allows a deduction for depreciation for all these reasons.

TABLE 1.—COMPARISON OF 2 METHODS OF DEPRECIATION FOR A 10-YEAR, $1,000 ASSET—AND COMPARISON OF 2 TIME PERIODS UNDER THE STRAIGHT LINE METHOD: RESULTING VALUES OF DEPRECIATION ALLOWANCES

Year	Double declining balance (1)	Straight line (2)	Straight line, 8-year tax life (3)
1	$200.0	$100	$125
2	160.0	100	125
3	128.0	100	125
4	102.0	100	125
5	82.0	100	125
6	66.0	100	125
7	65.5	100	125
8	65.5	100	125
9	65.5	100	0
10	65.5	100	0
Total	1,000.0	1,000	1,000
Present value at 6 percent	787.0	736	775
Tax value of depreciation allowances with 50-percent tax rate	393.0	368	387

The standard definition of income is the amount that could be consumed while leaving the value of capital or net worth unchanged. Since the tax law is based on income (or profits), it is appropriate and fair to require the tax law to allow depreciation as a deduction.

Any tax depreciation system permits the asset owner to deduct the price (unadjusted basis) of the capital from receipts over a period of time. But for the tax system to be fair and equitable, the tax depreciation allowance should equal economic depreciation in each time period.[5] For example, for a $1,000 asset with a useful life of 10 years suppose that the true depreciation pattern is that given in column 1 in Table 1 while the tax depreciation allowance is that given in column 2 in Table 1.[6] Over the 10 years the two columns total $1,000. But with a tax rate of 50%, the taxpayer will be overcharged (by ½ the difference in the two columns) for 4 years and then undertaxed in the remaining years. Thus in this situation the tax system causes the firm to raise extra capital in order to provide an interest free loan to the government. With a discount rate of 6%, the loan would be equal to 2.5% of the purchase price of the asset.[7] Of course, if column 1 were the tax depreciation and column 2 were the true depreciation, the government would be giving an interest free loan or a subsidy to the taxpayer. In Secretary Kennedy's report, similar examples based on the same type of analysis are given.

The above example indicates that it is necessary that the tax and economic depreciation schedules coincide if the tax law is to treat asset holders with the same rate of return and income equally.[8] There are several other conditions that the tax depreciation system should also satisfy. If the asset life allowed for tax purposes is shorter than the economic life, for any given depreciation schedule more depreciation will be claimed in the early years.

In column 3 we have recalculated the straight line depreciation deduction if the life is reduced by 20%. With a 6% discount rate and 50% tax rate, such a change in lives would increase the value of depreciation allowances (or reduce the amount of tax payments) by $19 and therefore yield a subsidy equal to almost 2% of the price of the asset. *With the ADA plan, tax payers would be able to use both the shorter lives and the double declining balance depreciation system.*

To have the annual amount of tax and economic depreciation coincide, it is necessary to have the tax depreciation schedules and lives agree with the corresponding eco-

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Footnotes at end of article.

nomic magnitudes (and to be applied to the same value for the asset). In order to implement this ideal system, it is necessary to have information on annual depreciation and tax lives.

For those few assets which are traded on second hand markets it is possible to obtain information on both the (average) amount of depreciation per year and (average) useful lives. For example, as most American families know all too well, an automobile's value declines about 40 percent in its first year of use and each year thereafter loses about 25 percent of its remaining value. While some cars are destroyed before others, the average life of a car is about 5 years and few endure beyond 10 years. Relatively few business or consumer assets are traded on second hand markets; hence, it is not generally possible to obtain such information. In the 1950's, however, Terborgh was able to show for a very few types of equipment that depreciation was quicker than that permitted by the straight line method. Convinced by this information, Congress in 1954 exercised its prerogative and authorized firms to use the "accelerated" depreciation methods of "double declining balance" and "sum of the year's digits".

The 1962 depreciation reform

While this liberalized depreciation schedule was considered a step in the right direction, many people were convinced that the tax lives allowed in *Bulletin F* were too long. The Treasury, therefore, undertook a massive study based on company records to determine useful lives (or survival rates) for various assets. As might be expected, there was a substantial variability in useful lives for different types of assets and even for comparable types of equipment in different companies. This Treasury study resulted in a new policy on depreciation charges and economic lives.

First, a set of guideline lives were issued, but only for reasonably broad categories.[9] Second, the so called "Reserve Ratio Text" was instituted to determine if the lives taxpayers were claiming—whether equal to the guidelines or not—were consistent with their actual lives.

Since the ADR plan is centered around the guideline lives in *Revenue Procedure 62–21*, it is important to consider how the guidelines were set. The Treasury exhaustively analyzed data from more than 1000 companies on lives of different types of assets. In addition, data were gathered from tax returns, interviews with spokesmen for various industries, and from foreign countries. For each of the broad classes of assets, the Treasury generally selected the lives used by firms at about 30th percentile (after ranking firms in order of those with the shortest to those with the longest useful lives). Even lower percentiles were chosen when there were foreseeable changes in technology that would further shorten lives through obsolescence. Thus the guideline lives were shorter than those used by most firms (i.e. firms on the short side of the 50th percentile were chosen).

Even with the 1962 reform, there is every reason to expect that actual lives would still differ from one firm to another. Not only is there the variability for specific assets noted earlier, but the Treasury only specified estimates for broad asset and industry groups within which there are important differences in types of equipment and their utilization rates.

Therefore the 1962 reform also instituted a test to determine if the useful lives claimed for tax purposes by a firm corresponded to the actual lives. This "Reserve Ratio Test" is based on the relationship between the original purchase price of all assets with a given tax life and their accumulated depreciation.

The test incorporates the principle that once the asset is retired, both its purchase price and accumulated depreciation are removed from the asset and depreciation accounts. For example, suppose that the tax life of an asset is ten years and that in each year for the past 20 years, the firm has purchased $1000 of this asset. If the actual useful life is 10 years, only assets purchased in the past 10 years will be in the reserve and the investment account. Suppose that straight line depreciation is used. Then (at the end of the year) assets 10 years old will have 100% of their purchase price in the depreciation reserve, while those 9 years old 90%, etc. With equal investment in each year, the depreciation reserve should be equal to one-half of the purchase price of the asset. Suppose, now that in the above example, the actual useful life is 20 years. Since the assets 11–20 years old are in use, they will remain in the asset and reserve accounts though their accumulated depreciation is 100%. With these assets, the ratio of the depreciation reserves to the asset account would *rise* to 75%. Thus the ratio of the reserves to the asset account indicates whether actual lives equal taxed lives.[10]

Since investments and retirements do not follow a smooth, unalterable pattern, the Treasury allowed firms to deviate from the conforming ratio value by 20%. A recent exhaustive study by the Treasury has indicated that even with very irregular patterns of growth, investment, and retirement the Reserve Ratio Test would never indicate nonconformity when a firm was conforming, but would nearly always indicate non-conformity when it occurred.[11] Thus the Reserve Ratio Test provided a simpler and more uniform method than that obtainable from IRS agent surveillance over and negotiation with a firm to insure that depreciation charges were reasonable.

The "asset depreciation range" (ADR) plan

The ADR plan recently proposed by the Treasury Department makes two important changes in the 1962 procedures. First, the Reserve Ratio Test is eliminated and, second, firms are allowed to choose any tax life in the range of plus and minus 20% of the 1962 guideline lives. As shown earlier the taxpayer can obtain an interest free loan or subsidy from the government by choosing the shortest possible tax life (unless it is a new firm expecting early losses). A 20% reduction in lives may not seem important, but as shown earlier a reduction by this percentage amounts to a 2% decrease in the price of the asset. More importantly, the previous discussion indicates that the actual lives would greatly exceed the tax lives for many firms because of the different replacement policies of firms and because the Treasury only established lives for broad industry and asset groups within which there can be substantial variation. Thus it is quite possible for some firms to be given a 50% or 75% reduction in tax lives.

There are several other features of the Reserve Ratio Test that are relevant to the new ADR plan. First, because depreciation policy had been in part determined by agent-taxpayer negotiation and by tradition, the reserve ratio computed in 1962 need not have been in conformity with new lives chosen by firms. For this reason a transition period was allowed during which firms were supposed to be moving towards conformity of tax and actual lives. This transition period was supposed to be over in 1965, but a study at that time indicated that few firms could meet the Reserve Ratio Test.

Hence the transition period was extended so that firms need only reduce their deviation from the expected ratio by one-third during a period equal to half of the guideline life and two-thirds in the second half of the guideline life. However, even after the passage of nearly a decade many companies have not moved towards meeting the Reserve Ratio Test. Thus, the elimination of the test will reward those who have been flagrantly understating the useful lives of their assets and knowingly flouting the requirement that they move toward conformity. Many of these same persons have been lobbying to bring about a change in the Reserve Ratio Test which Congress has let stand for almost a decade. Further, Congress recently acted to terminate the investment credit, which had benefited industries similar to those which would benefit from ADR. These lobbying efforts should not be permitted to succeed with the Treasury where they have failed with Congress.

Second, the Reserve Ratio Test was designed to replace the system in which a revenue agent administered the provision allowing deduction of a "reasonable allowance" without substantial reference to objective reality. The ADR plan not only does away with the Reserve Ratio Test, but it makes wholly unnecessary any effort on the part of agent or firm to relate tax lives to the actual lives. Thus, the requirement that depreciation be fair and reasonable is eliminated.

Third, it is sometimes claimed that the Reserve Ratio Test, which used past data on assets, depreciation, and lives does not allow for current technological (and other) developments that shorten lives. To the extent that the Reserve Ratio Test is the sole guide to tax lives, this criticism is true. But the procedure allows other "facts and circumstances" to be used to set lives. Whenever there is an event which demonstrably will shorten lives, the firm could base the tax lives of its assets on the circumstances. In any event, there is no justification for decreasing lives on all assets just because a few changes may have been desirable.

While the most obvious features of the ADR plan are elimination of the Reserve Ratio Test and the permission to use lower lives, there are several other provisions which also will unjustifiably reduce the tax bill of favored businesses. First, there is the modified half year plan under which firms can claim a full year's depreciation on assets put in use in the first half of the firm's tax year and a half year's depreciation on assets put in use in the second. If assets are purchased evenly throughout the year, this provision will allow firms to deduct three-quarters of a year's depreciation in the first year rather than one-half as under current rules.

In the last year of the asset's life depreciation will be reduced by a corresponding amount. For an asset with a ten year life depreciated by the straight line method, the postponing of taxes for 10 years on one-quarter of the first year's depreciation is the same as reducing the price of the asset by about one-half of 1%.[12]

Another advantage to businessmen is contained in the ADR's new provisions on salvage value. If an asset will be sold after, say, 10 years, then the earlier discussion on the ideal depreciation system would indicate that during the 10 years the original price less salvage value (P–S), should be depreciated. Under existing rules if the straight line method is used, in each year firms would deduct 1/10 (P–S). The ADR plan lets the firm deduct 1/10 (P) in each year until the accumulated depreciation equals (P–S). Thus if P is $1000 and S is $100, a standard treatment with straight line depreciation is to allow a deduction of $90 per year for 10 years; the ADR permits a $100 per year deduction for 9 years. With a 50% tax rate and a 6% discount rate, the change in the timing in taxes is equal in value to nearly 1% of the price of the asset.

Even with the provision that firms base depreciation on P and accumulate until the reserve equals (P–S), it is advantageous for firms to understate S to postpone taxes whenever the date of sale would exceed the tax life. The ADR plan requires firms to estimate

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Footnotes at end of article.

S but allows them to understate the estimate by an amount equal to up to 10% *of the price of the asset*. This understatement is in addition to the 10% reduction allowed in section 167.

A third tax postponing device is the proposed rules on the expensing of improvements. Those which either increase the life of the asset or provide services for more than one year are in actuality additions to capital; they are an investment not an expense. The new rules permit a firm in each year to treat as a current deduction (for certain of these expenditures) an amount equal to one year's straight line depreciation. Thus in the above example a firm could treat up to $100 a year as an expense. If the expense should be amortized over 10 years, then (with a 50% tax rate, a 6% discount rate, and straight line depreciation) firms would receive an interest free loan of about $12.

Finally the ADR plan extends the tax reduction benefits to utilities provided the utilities use the "normalization method of accounting" in which the tax savings are shown as a deferred liability. P. Linhart of AT&T recently examined the effects of tax depreciation rules on utilities.[13] His conclusion was that, provided utilities are not allowed to earn a return on the normalized returns (which in effect are an interest free loan), a subsidy would not increase the stockholders' return but would lower customer rates. However, normalization does not *require* firms to reduce their rate base and if they do not, stockholders would benefit from this treatment.[14]

Efficiency effects of ADR

The above discussion has indicated how the new plan would confer substantial benefits on businessmen. But because of these new benefits we can expect businessmen to change their investment plans and production processes. In this section we will discuss the many harmful effects that may result from ADR.

The ADR plan will alter the allocation of resources between consumption and investment, between different types of investment, between old and new equipment and between the haves and have-nots. In analyzing these categories, it is useful to distinguish between effects at full employment and at less than full employment.

A. Long run, full employment effects

While at present there are clearly substantial amounts of unemployed resources, the long run effects of the ADR plan are best examined by assuming the plan returns the economy to full employment. The full employment effects can be divided into two parts—changes resulting at a given amount of output and increases in output because of the policy.

The ADR plan contains several features which increase the profitability of investment. Assuming businessmen try to maximize their profits, they will want to purchase more investment goods. But with resources fully employed, more resources for investment can only be obtained by reducing consumption, government expenditures, inventories, or investment in structures.[15]

The mechanism by which this reallocation will occur is threefold. First, the government must finance the tax reduction to businesses by reducing government expenditures, increasing other taxes, or issuing money and bonds. If income taxes are increased, it will reduce consumption and investment in housing. If money is issued the resulting price rise which erodes income (and wealth) will reduce consumer expenditures especially for those with fixed incomes. If bonds are issued, interest rates will increase and investment in structures and perhaps consumption will fall. With an interest rate or income tax increase or inflation, a major burden of the tax will fall on housing. Thus the ADR proposal is not simply a tax break for business. It is also a Treasury dictated reordering of national spending priorities—toward investment in equipment and away from housing. As such it further postpones what should be an urgent national commitment (one made over 20 years ago in the Housing Act of 1949) to provide decent housing in a suitable living environment for *every* American family.

Second, because of the subsidy, businessmen can afford to pay higher prices to obtain resources. The higher prices of equipment will be translated into higher prices for steel, etc., which in turn will lead to a decrease in consumption and housing demand. Since most business equipment is placed within a structure, it is likely that the price increase mechanism will draw its resources from housing, which has similar raw material and labor requirements.

Third, businesses will also find it worthwhile to bid up interest rates to obtain funds. While the higher interest rates may induce some people to consume less and save more, the major impact of such a policy will be to divert funds from other investments and particularly housing. Thus the effects of all these mechanisms is to reduce housing investment despite the fact that we still are not meeting the national goal of 2.7 million units a year. Of course Congress could offset the deleterious effect on housing by other programs, but *Congress should first decide if it wants the ADR plan.*

While investment will be made more profitable, the ADR plan is more generous to some categories of investment or firms than others. As explained earlier, the guideline lives are only specified by broad investment and industry classes. Those goods whose actual lives exceed the guideline lives by the largest amount will receive the most benefit. Hence these assets or industries will be expanded relative to other assets or industries. But one criterion of tax policy is that any tax should be neutral between industries or goods unless there is a divergence between social and private costs or benefits.[16] In this case there is no correspondence between the differential tax advantages and such divergences. Thus the ADR plan will cause a misallocation of resources and will reduce social welfare.

The ADR plan not only gives various industries and goods different advantages but it gives a greater advantage to those firms in an industry which follow the most conservative replacement policy. This particular feature of the plan has an extremely perverse effect. Assume that two firms produce the same output, but that because of poor management one firm retains equipment too long. This inefficient, technologically backward firm should be encouraged to modernize. The best ways to force it to modernize are for the owners of the firm either to realize that the other firm is making extra profit with its newer equipment, or for the other firm to charge less and take over the market. Under the current system, the inefficient firm bears two burdens: the firm has higher operating costs and it pays a higher effective tax rate since it cannot use the shorter tax lives of the more efficient firm. Under the ADR plan the inefficient firm is rewarded for imposing higher costs on the economy by having its tax burden lightened. *Thus the ADR plan contains less incentive for modernization.*

As noted earlier, the ADR plan can lead to higher rates of return to capital, which can lead to an increase in saving. The plan could also affect saving by two other means. First, ADR would redistribute (after tax) income to the wealthy and away from the poor and middle class. But there is some evidence that (on the average) from any marginal tax change the wealthy save more than the poor. Second, the ADR plan will give a windfall increase to the value of stock holdings. To the extent that saving is undertaken to achieve a certain level of assets, the windfall would reduce the need for saving. Suppose, however, the overall effect of the ADR plan was to increase saving.

Then, indeed, the amount of both investment and (in the long run) consumption would increase. Studies of the effect of other investment subsidies indicate, however, that such gains probably will be quite small[17] and that nearly all of the increase will be captured by the wealthy. The effects are small primarily because saving is not very responsive to either interest rate changes or income redistribution. (The detailed analysis is given in Appendix A.)

An alleged benefit of ADR is that it will make American manufacturers more competitive with foreign producers through the more rapid introduction of new technology embodied in equipment. This is a strange concern of policy makers since the United States generally has a *merchandise* trade surplus. In any event, the ADR plan may not accomplish the goal of modernization. While the small increase in the investment rate will cause a reduction of the average lives of equipment in use, it was shown earlier that the ADR plan imposes less pressure on inefficient (non-profit maximizing) firms. Moreover, the modernization effect is offset by two other considerations. First, the slower growth in housing improvements will lead to more slums. Second, it can be shown that the type of subsidy given by the ADR system will induce firms to destroy too early equipment that should be used longer.[18] While such early destruction would lower the age of equipment, for any given flow of investment there will be a smaller capital stock and a reduction in consumption. Thus to maintain a given rate of consumption, the ADR will force us to waste our precious nonrenewable natural resources.

B. Short Run Effects

Now let us consider the short run effects of the ADR plan. Investment in equipment may be stimulated because of the increase in profitability already discussed and because of the increase in cash flow. While there have been a fairly large number of econometric studies of the effect of depreciation and of the investment tax credit on the demand for investment, there is yet no consensus on the effects over a short period (say two or three years). It does seem clear, however, that during the next year the ADR plan would have little beneficial impact on unemployment. With firms currently operating at less than 80% of capacity, there is little need to add more of the same capacity.[19] That is, the absolute level of profitability is quite low and will still be so after the subsidy. Of course, the subsidy could induce firms to substitute a more capital intensive production process. But the introduction of a newer process may be delayed, because 1) there will have to be some planning to coordinate the meshing of the old and new, and 2) the decision to retire one type of capital that is still usable and install another involves a more stringent rule than simple relative profitability. Specifically, the old asset should be replaced if the total annual cost of the new process is less than the variable cost of the old process.

If the goal is to get the maximum amount of investment per dollar of tax subsidy this year, Congress might enact a temporary tax credit that applies only to goods ordered this year. Such a temporary credit is more effective than the ADR plan because firms will realize that if they wait until next year to order the investment good, the price will be higher. Thus, even with excess capacity, firms would accelerate orders and stimulate the economy now.

Finally, it is not clear why the stimulation to the economy should be accomplished only with investment rather than by a balanced approach that also stimulates consumption and government expenditures. The ADR plan initially will increase employment for people primarily connected with the equipment

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industries; consumption and expenditure increases would spread employment more generally.

FOOTNOTES

[1] The $4 billion figure given by the Treasury does not allow for substitution of capital for labor, a primary means by which the economy is supposed to benefit from the new proposal; hence, the costs of the proposal have been understated. In addition certain of the components of the ADR plan have no price tag attached to them.

[*] This analysis was prepared for Common Cause primarily by Dr. Paul J. Taubman (Associate Professor of Economics, Wharton School of Finance and Commerce of the University of Pennsylvania and Research Associate, National Bureau of Economic Research).

[2] *Congressional Record*, vol. 116, pt. 19, p. 25686.

[3] Emphasis added.

[4] This category includes the case in which the products of newer structure have more status attached to them.

[5] If the depreciation allowance is more than economic depreciation the taxpayer is taxed on *less* than his income. This is inequitable, since, in accordance with Congressional mandate under the income tax laws, taxpayer liability is based on actual income.

[6] Column 1 is the double declining balance method with a switch over to straight line after 6 years while column 2 is straight line depreciation.

[7] Calculated as the difference in the tax value of the depreciation allowances divided by the price of the asset.

[8] The most commonly used tax depreciation schedules are straight line, double declining balance, and sum of the years digits.

[9] These new lives had a median value of 13 years compared to 19 years under *Bulletin F*.

[10] The value of the ratio that indicates conformity is different but known if double declining balance or sum of the years' digits depreciation schedules are used or if the company is growing.

[11] See Richard Pollock, "Tax Depreciation and the Need for the Reserve Ratio Test" Policy Research Study Number Two, Department of the Treasury, 1968. The study did find one error in the original test; the error was correctable.

[12] Assuming a 50 percent tax rate and a 6 percent discount rate. With higher discount rates or accelerated depreciation methods the subsidy value would rise. The subsidy is greater, the shorter is the life.

[13] P. Linhart "Some Analytical Results on Tax Depreciation" *The Bell Journal of Economics and Management Science*, Spring 1970, Vol. 1.

[14] See *Senate Hearings on the 1969 Tax Reform Act*, P. 173.

[15] The new plan does not apply to structures.

[16] A good example of such a divergence is pollution.

[17] Taubman and Wales (Appendix A) studied the effects of a change from straight line to sum of the year's digit tax depreciation and the investment tax credit. They found that the long run increase in consumption from these subsidies was less than 1 percent. Most of the increase accrued to the wealthy, and in some instances workers' consumption declined. The other major effect of the subsidies was a very large increase in the interest rate.

[18] See Appendix B.

[19] One notable exception is the public utilities, which are currently operating near full capacity and whose suppliers probably could not make more goods currently.

APPENDIX A.—THE HISTORY OF THE USEFUL LIFE REQUIREMENT IN SECTION 167

It is clear from the statutory history of section 167, from judicial decisions, and from longstanding administrative practice that annual depreciation deductions must be spread over the asset's actual "useful life" in each taxpayer's business. The concept was firmly and unambiguously established in the early revenue acts and regulations, has been consistently employed in administrative practice over the past sixty years, and has been reaffirmed in the Congress and the Supreme Court. In recent years, the term has been employed in numerous places in the Internal Revenue Code in contexts that permit no other interpretation but that the useful life must relate to the facts and circumstances in each taxpayer's business.

A. *Early Revenue Acts and Regulations.*—The Excise Tax Act of 1909,[1] provided for "a reasonable allowance for depreciation of property, *if any.*"[2] The italicized proviso indicates that depreciation deductions would only be allowed where some showing of depreciation was indicated in the particular taxpayer's business. Accordingly, the allowance for depreciation was interpreted in a Treasury regulation to permit deductions for depreciation arising "out of the use to which the property is put."[3]

The first income tax adopted after the passage of the 16th amendment in the Revenue Act of 1913 retained the idea of depreciation based on an asset's use by each taxpayer. Individual taxpayers were permitted to deduct from income "a reasonable allowance for the exhaustion, wear and tear of property *arising out of its use or employment in the business.*"[4] Corporate taxpayers were permitted "a reasonable allowance for depreciation by use, wear and tear of property, *if any.*"[5] The regulations provided that the estimate of depreciation "should be formed *on the assumed life of the property*, its cost, and *its use.*"[6] Annual allowances should be claimed with respect to, and deducted from income during, "the life of the property." The aggregate of these allowances, plus the salvage value of the property, should equal its original cost "when the property is worn out, exhausted and obsolete."[7]

In the Act of September 8, 1916, (as amended without change to the depreciation section by the Act of October 3, 1917) the depreciation provisions in the statute for both individuals and corporations were modified again. Both sections provided for a reasonable allowance for depreciation of property *"arising out of its use or employment in the business or trade . . ."*[8] Again, in the regulations, the relationship between the depreciation allowance and an asset's actual period of use was made even more explicit. The regulations governing corporate taxpayers provided that, in general, the deduction for an asset's depreciation *"shall* be computed upon . . . the probable number of years constituting its life . . ."[9] In the case of buildings, the regulations provided that the "allowable depreciation *shall* be determined *solely upon the estimated life of such* building . . .,"[10] and in the case of oil and gas properties, the regulation provided that the annual deductions for an asset should be "equitably distributed *over its useful life.*"[11]

In the Revenue Act of 1918, the statutory provision was reenacted, again with minor modications, to read essentially as it does today. The enactment followed the revision of the depreciation regulations quoted above by less than a year. In the identical sections governing corporations and individuals the statute provided:[12]

> a reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence.

Although the original statutory language in the 1913 and 1916 Acts permitting depreciation for an asset "arising out of its use or employment in the business" was replaced by the words "used in the trade or business", the regulations adopted contemporaneously and formally in effect until 1941 retained the original emphasis on depreciation over the period the asset was actually used by the taxpayer. The regulation, adopting the present "useful life" terminology provided:[13]

"The proper allowance for . . . depreciation is that amount which should be set aside for the taxable year in accordance with a consistent plan by which the aggregate of such amounts *for the useful life of the property in the business* will suffice, with the salvage value, *at the end of such useful life* to provide in place of the property its cost . . .

"The capital sum to be replaced should be charged off *over the useful life of the property* either in equal annual installments or in accordance with any other recognized trade practices such as an apportionment of the capital sum over units of production."

This formulation has become standard. It is substantially identical to the present regulation[14] and with minor contextual variations has been adopted by the courts to describe the requirements of the depreciation provision of the Code.[15]

This brief description of the language in the depreciation sections of the early revenue acts, and their elaborations in the regulations, clearly reveals that depreciation was consistently intended to be taken over the useful life of property in the taxpayer's business, and that the useful life would vary from taxpayer to taxpayer according to the uses to which such property was put. Under the elementary canons of statutory construction, the fact that the Treasury's regulations reflected the original statutory language of the 1913 and 1916 acts were promulgated contemporaneously with the enactments of the early revenue acts, and have continued essentially unchanged since 1918, together fix this conception of useful life in the Internal Revenue Code as surely as if the term had been expressly defined in the statute. Moreover, the fact that Congress reenacted the depreciation provisions in these early acts in the light of the language in the regulations confirms this interpretation.[16] Commentators have expounded at great length over the appropriate use of regulations in construing statutes[17] cautioning, with reference to the "reenactment rule", that statutory provisions are often reenacted with little or no attention given to their administrative construction. Yet the circumstances that all of them prescribe for an appropriate application of the reenactment rule are present in this case. In 1913, 1916 and 1918, the same Treasury draftsmen were the architects of both the statutory provisions and the regulations interpreting them.

The sections were not casually reenacted, but were slightly modified and refined in each successive act. Each passage was preceded and followed within a short time by revised regulations. Through all these early modifications in both the statute and regulations, the idea that depreciation depended on the period that property was actually used in a taxpayer's business remained intact. Indeed, the idea was expressed with increasing specificity and exactness in each succeeding set of regulations. Thus, at the time of the earliest revenue acts, the consensus that depreciation must be spread over an asset's useful life in the taxpayer's business had become well established. Nothing has occurred since in Congress, in the Treasury or in the courts, to alter this understanding.

B. *Congressional, Administrative and Judicial References to Useful Life.*—Two times since the enactment of the early revenue acts in 1933 and 1954, Congress has reexamined the meaning of the "reasonable allowance" with reference to the "useful life" concept. The Treasury has on three major occasions, in 1942, 1956 and 1963, refined or clarified techniques for estimating useful lives. And

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in 1960, the Supreme Court discussed the meaning of "useful life" at length. Without exception, Congress, the Treasury and the Court have emphasized that the term referred to asset lives in a taxpayer's own business.

1933: Congress. In the 1930's, when public works created a pressing need for increased federal revenues,[17a] a subcommittee of the House Committee on Ways and Means noted the "extent to which taxable net income [had been] reduced by deductions for depreciation and depletion." [18] A Treasury study revealed that many taxpayers had taken such large depreciation deductions that they had "built up reserves which [were] out of proportion to the prior exhaustion, wear and tear of their depreciable assets . . ." Unless the trend were reversed, these taxpayers would completely recover the basis of these assets "*before the actual useful life of the assets* [*had*] *terminated.*" [19]

The reaction in Congress was unambiguous. Any depreciation deduction which permitted capital recovery over a period shorter than an asset's actual useful life was termed "excessive" by both the House Committee on Ways and Means and by the Treasury,[20] and was referred to as an "unreasonable allowance" in the Report of the Senate Finance Committee,[21] and on the floor of the House.[22]

Two solutions were offered to remedy the situation. The Treasury proposed through administrative action to "reduce depreciation deductions substantially, so that depreciation will be reduced by the amount it was excessive in prior years." [23] On the other hand, the subcommittee of the Ways and Means Committee concluded that challenging the allowances of each individual taxpayer would be difficult because *"the magnitude of such allowances depends on the life of the property,* a very uncertain factor . . .," [24] and recommended that all depreciation deductions be reduced by 25% across the board for the succeeding three years.[25] The Ways and Means Committee accepted the Treasury's proposal, concluding that the reduction of depreciation deductions for those taxpayers whose allowances had been excessive "would give greater equity . . . [than] the subcommittee plan." [26]

Although the episode did not produce any change in the statute, it does reveal first, that Congress interpreted the statute to require that depreciation be taken over an asset's entire useful life. It also reveals, in the Ways and Means Committee's refusal to adopt across the board reductions, a Congressional unwillingness, either in the name of administrative convenience or fiscal considerations, to deviate from useful life depreciation based on the experience of the individual taxpayer.

To interepret the Congressional activity as condoning broad Treasury discretion, as the brief submitted for the American Machine Tools Industry does, is to miss the point of the Congressional reaction. Before 1934, taxpayers had claimed their depreciation deductions under a regulation which, though proclaiming in general language that the burden of proof was on the taxpayer to show that his depreciation allowance was reasonable, also noted that "such deductions will not be disallowed unless shown by clear and convincing evidence to be unreasonable." [27] This language effectively put the burden of proof on the Treasury in challenging taxpayers' depreciation allowances and had led to slack enforcement of the provision.

When Congress discovered that the administrative posture had permitted excessive depreciation deductions, it eschewed legislative action on the condition that the Treasury would carry out its proposed administrative action to insure that deviations from useful life depreciation would not recur. The statutory history of the reenactment of the depreciation section thus reveals a Congressional purpose to assure the Treasury's adherence to the useful life principle, and strong Congressional disapproval of the kind of administrative permissiveness the Treasury now seeks to introduce in the ADR system.

1942: Treasury. In 1942, the Treasury issued guides to Internal Revenue Agents to facilitate the calculation of useful lives. As revised in that year, Bulletin F included detailed schedules of suggested useful lives for almost all kinds of depreciable property. Although based on industry averages, Bulletin F lives were not intended to be substituted for the actual useful life estimates used by individual taxpayers. The title page of the Bulletin made the emphasis that it had not abandoned the prevailing notion that depreciation must be calculated on the useful lives of assets in the taxpayer's business: [28]

"Taxpayers and officers of the Bureau are cautioned against reaching conclusions in any case solely on information contained herein and should base their judgment on the application of all pertinent provisions of the law . . . to all the facts *in any particular case.* The estimated useful lives and the rates of depreciation indicated in this bulletin are based on averages and *are not prescribed for use in any particular case.* They are set forth *solely as a guide* or starting point from which correct rates may be determined *in the light of experience of the property under consideration,* and all other pertinent evidence."

In conformity with this caveat the Tax Court has required a showing of facts of a taxpayer's own experience to justify the application of Bulletin F.[29]

1954: Congress. Congress addressed itself to the question of useful life depreciation again in the enactment of the Internal Revenue Code of 1954, where the term appears in the statute for the first time. In the 1954 amendments Congress specifically authorized the computation of depreciation allowances by accelerated methods in section 167(b) (2), (3), but limited the application of those methods to assets with "useful lives" of three or more years in section 167(c). Other consistent methods of calculating accelerated depreciation were permitted in section 167(b) (4), so long as the deductions did not exceed the allowances that would have been allowable under the double declining balances method during the first two-thirds of the "useful life" of the property. Section 167(b) (4). Finally, and most importantly, to facilitate the estimation of useful lives and ease administration, Congress authorized the Secretary of the Treasury and individual taxpayers to establish a mutually satisfactory estimate of the "useful lives" of any of the taxpayer's assets by written agreement.

There are no hints in the statutory history that the term "useful life" meant anything other than "useful life of an asset in the taxpayer's business." The House Ways and Means Committee, in reviewing the meaning of useful life, did not purport to change it.[30]

"Present law allows as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear of property . . . *over the years it is used in a business.* The annual deduction is computed by spreading the cost of the property over its estimated useful life."

On the contrary, the availability of the newly-introduced accelerated methods turned on the accurate estimation of an asset's useful life.[31] And the addition of § 167(d), providing for written agreements on useful life estimates between the Treasury and any individual taxpayer, obviously contemplates an examination of useful lives in each taxpayer's business. The section provides: [32]

"Where . . . *the* taxpayer and *the* Secretary or his delegate have . . . entered into an agreement in writing *specifically* dealing with *the* useful life and rate of depreciation of *any* property, the rate so agreed upon shall be binding on both *the* taxpayer and the Secretary *in the absence of facts or circumstances not taken into consideration* in the adoption of such agreement."

The italicized words refer to an agreement between an individual taxpayer and the Treasury, with respect to specific property. The validity of the agreement as to useful lives and the possibility of altering the agreement, moreover, turn on facts and circumstances in each taxpayer's experience.

The present regulation, which the Treasury does not now propose to amend, retains this emphasis. Applications for agreements must include descriptions of the character and location of depreciable property, its estimated useful life and salvage value, its rate of depreciation, and all other "facts and circumstances pertinent to making a reasonable estimate of the useful life of the property." [33] Indeed, in practice, revenue agents have often inspected a taxpayer's plant before entering into such agreements.

In addition to adding provisions to the Code which included specific references to useful life, Congress in 1954 also considered but expressly declined to adopt a "10-percent leeway" rule to facilitate the estimation of useful lives of assets in each taxpayer's business. The House version of the bill provided that unless the useful life used by the taxpayer differed by more than 10 percent from the useful life determined to be correct by the Treasury, the life adopted by the taxpayer would not be disturbed.[34] The proposal was intended to facilitate the administration of the section by providing a "specific zone of administrative tolerance" within which the taxpayer would be guaranteed immunity from an IRS audit.[35] The Senate deleted the provision on the ground that the protection afforded by the rule was considered "inadequate and unsatisfactory by some taxpayers and might be a substantial source of misunderstanding and distortion." [36]

Testimony in the Senate Hearings reveal that the major taxpayer concerns were (1) that the 10-percent range was simply too small (25% usually being considered minimally acceptable); [37] (2) that revenue agents might arbitrarily adopt useful life estimates more than 10-percent away from the taxpayer's estimate; [38] or (3) that the Treasury's determination might be based on Bulletin F lives, which were thought to be too long to be accurate estimates of most taxpayers' useful lives.[39] Beside the fear that the 10-percent leeway rule was inadequate or would introduce administrative difficulties of its own, Congress recognized that the rule might authorize Treasury challenges to taxpayer estimates on the basis of guidelines that did not reflect useful life estimates in the taxpayer's own business.

The rejection of the proposed rule therefore not only reflects doubts about its practicality, but also that it might encourage deviations from a system of useful life depreciation for each taxpayer.

The explicit rejection, in Congress, of a proposal to establish a "range" of tax lives, running from 10% below to 10% above a Treasury determination within which taxpayers would be immune from an IRS audit, casts serious doubts on the Treasury's authority to adopt asset ranges deviating from Treasury determinations by 20%. Indeed, the 1954 Senate Report indicated that even the 10% tolerance would be unnecessary since "recent announcements" of administrative policy by the IRS to challenge determinations of useful lives only when there was a clear and convicing basis for doing so," [40] would suffice to "afford taxpayers freedom from arranging minor changes which would disturb the original estimates of service life." [41]

Parenthetically, it may be added that the rejection of the 10% rule equally undermines

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Footnotes at end of article.

the 10% tolerance the Treasury is seeking to add to salvage estimates.

1956: Treasury. In 1956, the Treasury elaborated on the concept of useful life to the taxpayer more pointedly than any previous single statement by the Treasury or by Congress. Under the Regulation adopted in that year, useful life is[42] "not necessarily the useful life inherent in the asset, but is the period over which the asset may reasonably be expected to be useful to the taxpayer in his trade or business or in the production of his income."

Factors to be taken into account in estimating useful life include:

"(1) wear and tear and decay or decline from natural causes, (2) normal progress of the art, economic changes, inventions and current developments within the industry, and the taxpayer's trade or business, (3) the climatic and other local conditions peculiar to the taxpayer's trade or business, and (4) the taxpayer's policy as to repairs, renewals, and replacements."

The Regulation goes on to say:

"If the taxpayer's experience is inadequate the general experience of the industry may be used until such time as the taxpayer's own experience forms an adequate basis for making the determination. The estimated remaining useful life may be subject to redetermination . . . only when the change in the useful life is significant and there is a clear and convincing basis for the redetermination." Reg. 1.167

Several observations are appropriate regarding this Regulation. First, it embodies much of what was implicitly accepted in prior administrative practice. The Regulation enumerated the kinds of factors that would vary from taxpayer to taxpayer that should be made the basis for determinations of useful life. Indeed, the taxpayer in fact is permitted to rely on industry-wide depreciation rates instead of his own experience, *only until* his own experience provided a better basis for making an estimate.

Second, the regulation is important as an administrative interpretation of the statute which is substantially identical to the construction of the statute by the Supreme Court, independent of the regulation. In *United States* v. *Massey Motors, Inc.*, 364 U.S. 92 (1960), the Court concluded that a taxpayer's estimation of depreciation for the taxable years 1951 and 1952—years prior to the adoption of the regulation—must be spread over the estimated useful life of the assets in his own business. Although the *Massey* court applied the statute to the taxpayer directly, its construction of the statute so paralleled the language of the Regulation adopted in 1956 that the dissent accused the Court of applying the regulation retroactively. 364 U.S. at 108 (Harlan, J., dissenting). The majority's response was that the regulations merely reflected sound statutory construction. In a companion case, *Hertz* v. *United States*, 364 U.S. 122 (1960), involving taxable years after the promulgation of the 1956 regulation, the Court upheld the regulation as applied but added:[43][44]

"Moreover, the regulation can only carry out the fundamental concept of depreciation—that it is allowable only in such amount, together with salvage value, as will effectuate the recovery of cost over the period of useful life . . ."

Finally, the regulation is important because it preceded two important statutory changes in the treatment of depreciable property, the addition of 20% additional first year depreciation for small businesses in 1958, and the adoption of the investment credit for investment in depreciable property in 1962. Although both of these enactments are discussed in some detail below, it should be noted here that both contain references to useful life, and the Committee Reports accompanying both enactments treat useful life in language similar to that contained in the Regulation. It is therefore probable that the Regulation reiterated a standard of useful life on which more recent legislation has turned.

1960: The Supreme Court. The meaning of useful life depreciation was discussed at great length by the Supreme Court in *Massey Motors Inc.*, v. *United States*, 364 U.S. 92 (1960). In that case, a retail car dealer held cars for demonstration and leasing purposes, depreciating them over periods of several years. These annual depreciation deductions were challenged by the Commissioner, however, because of the taxpayer's failure to deduct the estimated salvage value at the end of the automobile's period of use by the taxpayer. The taxpayer had calculated salvage, at the end of the automobiles' actual physical lives, adopting an estimation of salvage value equal to scrap value. In upholding the Commissioner, the Court held that the salvage value must be calculated on the basis of the period of use by the taxpayer, and not on an abstract estimate of its physical or economic life.

The Court said:[44]

"We have concluded that the reasonable allowance for depreciation of the property in question used in the taxpayer's business is to be calculated over the estimated useful life of the asset while actually employed by the taxpayer, applying a depreciation base of the cost of the property to the taxpayer less its resale value at the estimated time of disposal. . . .

"Useful life is measured by use in a taxpayer's business, not by the full abstract economic life of the asset in any business."

1962: Treasury. In Revenue Procedure 62–21, the Treasury announced a new series of guideline lives to replace Bulletin F. In announcing the guidelines, the Treasury stressed that the new testing procedures did not represent an abandonment of the useful life concept.[45]

"At present, depreciation is based on the useful life of property in the taxpayer's own trade or business.

"The depreciation reform retains this approach. *Every taxpayer should continue to base his depreciable lives on his own best estimate of the period of their use in his trade or business. . . .*

"The guidelines . . . will be presumed to be acceptable *unless subsequent events show that they are not appropriate for a particular taxpayer's circumstances.* Of course, to no extent do the new guidelines foreclose a taxpayer from using even shorter depreciable lives if his particular retirement and replacement practices are more progressive than those of the industry of which he is a part. Thus, under the depreciation reform, *depreciation continues to be based on the concept of useful life of property to the taxpayer.* However, wider latitude is provided for the taxpayer in making his own best estimate of useful life, and objective standards are provided wherever possible for determining when the taxpayer's estimates should not be disturbed. . . .

"[T]he Reserve Ratio Table will provide objective guides for establishing that a taxpayer is entitled to use even shorter lives than he has used in the past."

C. *Special Investment Incentives.*—In several sections of the Code, two of them enacted after the promulgation of the 1956 regulation, the availability of substantial tax benefits turns on the meaning of the term "useful life." In these provisions, the legislative history makes clear that Congress was not only aware that the term useful life meant "useful life in the taxpayer's business", but that it used the term in just this precise sense to limit the amount or availability of a particular investment incentive. The concept of "useful life" figured prominently in each of the three major investment incentives adopted with respect to depreciable property in the last two decades: the accelerated depreciation methods adopted in 1955; the 20% additional first year depreciation adopted in 1958; and the investment credit adopted in 1962.

The accelerated depreciation methods introduced in 1954 apply only to assets with "useful lives" of three or more years.[46] Moreover, the amount of acceleration was carefully defined and limted in the statute by conditions that turned on the accurate estimation of useful life. Section 167(b) authorized the use of accelerated methods, which would be presumed to produce a "reasonable allowance" under section 167(a). However, both the House and Senate Reports expressly provided that the accelerated methods authorized under 167(b) would be deemed to produce reasonable allowances only *"so long as the useful life used in determining such allowance is accurate."*[47]

A second tax incentive to increase investment in depreciable property was adopted in the Small Business Tax Revenue Act of 1958. The additional 20 percent first year depreciation provided in section 179 applies only to assets with "useful lives" of six years or more.[48] The House Report referred to "useful lives of assets in the hands of the taxpayer."[49]

In 1962, Congress enacted a third major investment incentive, the investment credit. While it was in effect, the investment credit could not be used for property with a "useful life" of less than four years, could only partially be used for property with a "useful life" of from four to eight years, and was only fully available for property with a "useful life" of more than eight years.[50] The Committee Reports deal with the definition of useful life at some length.[51]

The percentage of investment which the taxpayer may take into account varies to some degree with the expected *useful life of the property in his business. . . .*

"The estimated useful life is to be determined with reference to the useful life in the hands of the taxpayer. Thus, if the taxpayer acquires used [property qualifying for the investment credit] without a remaining useful life of 3 years in his hands such property will not qualify regardless of the original estimated useful life to the previous owner. . . . The estimate of the useful life is to be based on the facts and circumstances known on the date the asset is placed in service. . . . "

In all of these important investment incentives adopted, defined and carefully limited by Congress—there is no hint that the "useful life" standard which in each case explicitly appears in the statute and on which qualification for these tax benefits depend, is to be made a matter of taxpayer election. On the contrary, it would be inconsistent with the purposes of these provisions to assume that the subsidies which they confer were conditioned on a definition of useful life that could be varied by the Treasury at will. But this is exactly what the ADR system purports to do.

FOOTNOTES FOR APPENDIX A

[1] 36 Stat. 112, § 38.

[2] *Id.* (ital. here, and in all quoted language hereafter, added).

[3] Reg. 31, Art. 4.

[4] Act of October 3, 1913, 38 Stat. 167, § II B.

[5] 38 Stat. 172, § II(G)(b).

[6] Reg. Art. 33, Jan. 5, 1944, Art. 129.

[7] *Id.*, Art. 130.

[8] 39 Stat. 759 (individuals), 768 (corporations).

[9] Reg. No. 33 (revised) Jan. 2, 1918, Art. 162.

[10] *Id.*

[11] *Id.*, Art. 170.

[12] Act of 1918, § 214(a)(8), 40 Stat. 1067.

[13] Treas. Reg. 45, Art. 161, 165, April 17, 1919.

[14] Reg. § 1.167(a)–1(a).

[15] *See, e.g.*, United States v. Ludey, 274 U.S. 295, 300–01 (1927) (Brandeis, J.); Detroit

Edison Co. v. Commissioner, 319 U.S. 98, 101–02 (1943).

[16] *See e.g.*, Cammarano v. United States, 358 U.S. 498 (1959).

[17] *See*, Griswold, *A Summary of the Regulations Problem*, 54 *Harv. L. Rev.* 398 (1941) and articles cited at 398, n. 1.

[17a] *See* Barlow, *Depreciation in Tax Revision Compendium*, House Ways and Means Comm., 86th Cong., 1st Sess. 827, 831 (1959).

[18] Report of the Ways and Means Subcommittee, 73rd Cong., 2nd Sess., 9 (1933).

[19] *See* Letter to Robert L. Doughton, Chrmn, House Ways and Means Comm., from H. Morgantheau, Acting Secretary of the Treasury, reprinted in H.R. Rep. No. 704, 73d Cong., 2nd Sess., 8–9 (1933).

[20] *See* H.R. Rep. No. 704, *supra*, at 8.

[21] S. Rep. No. 558, 73rd Congress, 2nd Sess., 11 (1933).

[22] *See* 78 Cong. Rec. 2606 (1933).

[23] H.R. Rep. No. 704, *supra*, at 8–9.

[24] Reports, *supra*, at 5.

[25] Report of the Subcommittee, *supra*, at 8–9.

[26] H.R. Rep. No. 704, *supra*, at 9.

[27] Treas. Reg. 77, Art. 205.

[28] See 632 CCH ¶ 1777.

[29] *See* Daniel S. W. Kelley, T.C. Memo. 1957–7; Estate of Mary Z. Bryan, T.C. Memo. 1963–182.

[30] H.R. Rep. No. 1337, 83rd Cong., 2nd Sess., 22 (1954).

[31] *Id.* at A48.

[32] 26 U.S.C. section 167(d).

[33] Reg. § 1.167(d)–1.

[34] H.R. Rep. No. 1337, 83rd Cong., 2nd Sess., 24–25, A52–A53 (1954).

[35] S. Rep. No. 1622, 83rd Cong., 2nd Sess., 28 (1954).

[36] *Id.*

[37] *See* Statement by Robert H. Chaffee on behalf of the Small Retailers Manufacturer's Council of Pittsburgh, Hearings before the Senate Finance Committee, 83rd Cong., 2nd Sess., on H.R. 8300, Part 2, 2196 (1954) (hereinafter referred to as Senate Hearings); Statement of Fred Maytag for the National Association of Manufacturers, *id.*, at 1637, and Exhibit C, *id.*, at 1646.

[38] *See, e.g.*, Statement of the Chamber of Commerce of the United States, Senate Hearings, at 1950; Statement of Ellsworth C. Alvord, *id.*, at 1991.

[39] *See*, Statement of Fred Maytag, for the National Association of Manufacturers, Senate Hearings, at 1935:

[The 10-percent rule would] become an outright invitation to revenue agents to measure the useful life taken by taxpayers against the arbitrary standard of Bulletin F. The rule *must be applied against a reasonable estimate* by the Secretary taken *in each case*.

[40] Rev. Ruls. 90, 91, 1953–1 *Cum. Bull.* 43, 44.

[41] S. Rep. No. 1622, 83rd Cong., 2nd Sess., 28 (1954).

[42] Reg. 1.167(a)–1(b).

[43] 364 U.S. at 128.

[44] 364 U.S. at 93, 94.

[45] Rev. Proc. 62–21, 1962–2 *Cum. Bull.* 463, 464 (Appendix II).

[46] Section 167(c).

[47] H.R. Rep. No. 1337, 83rd Cong., 2d Sess., A48 (1954); S. Rep. No. 1622, 83rd Cong., 2d Sess., 201 (1954).

[48] Section 179(c)(1)(D).

[49] H.R. Rep. No. 2198, 85th Cong., 2d Sess. at 2198.

[50] Section 46(c)(1), (2).

[51] S. Rep. No. 1881, 87th Cong., 2nd Sess. 14, 144 (1962).

APPENDIX B.—OTHER UNAUTHORIZED CHANGES IN DEPRECIATION ACCOUNTING INTRODUCED BY THE ADR PROPOSAL

The ADR system would disregard salvage values in the calculation of annual allowances; it would introduce a new 10% tolerance rule for reviewing salvage estimates; it would introduce a new half-year convention; it would permit some additions to capital to be expensed as mere "repairs" while allowing others to be capitalized over arbitrarily long periods. None of these changes can be justified on either legal or practical grounds.

1. *The Treatment of Salvage:* Although the general rule of depreciation accounting requires that the annual rate of depreciation be applied to the difference between the original cost of an asset and its estimated salvage value, the proposed regulation would ignore salvage value in calculating annual depreciation deductions. Deviations from the general rule have been justified in the past only where contemplated in special statutory provisions, as for example, where depreciation is calculated according to the double declining balance method under section 167(b)(2), or where 20% extra first-year depreciation is elected under section 179. In both of these special cases, depreciation is computed against the asset's original cost without taking salvage into consideration. In explaining the double declining balance method, the 1954 House Report introducing the provision stated that depreciation be calculated against a basis of original cost less a reasonable estimate for salvage, and explicitly recognized that the double declining balance method was a special exception to this rule. The reason for the exception, the Report stated, was that the double declining balance method would, because of its mathematical properties, produce a relatively large residual value to represent salvage.[1] Similarly, the 20% additional first year depreciation enacted in section 179 is available only for the first year of an asset's use and is calculated against the asset's original cost in order to make the useful life and salvage value estimates required under section 167 unnecessary. The present regulations reflect the general rule [2] and the Supreme Court has said that accurate salvage estimates, like useful life estimates, are essential to the accurate estimation of depreciation.[3]

The elimination of salvage value from the calculation of annual allowances would introduce the same kinds of distortions in income tax accounting, and would produce the same arbitrary distribution of tax benefits among taxpayers as the substitution of arbitrary lives for useful lives. The effect, of course, is to increase annual allowances in the early years of an asset's use—relatively more for taxpayers holding assets with high salvage values, less for taxpayers holding assets with lower salvage values.

The Treasury itself, in its July 1970 Report, emphasized the inequities and distortions which would result from disregarding salvage from the calculation of annual deductions: [4]

"Inherently, this proposal provides greater tax benefits the shorter the asset life and the more accelerated the tax depreciation formula, and in common with all proposals to provide tax incentives via tax depreciation policy, it provides greater benefits to high-tax-rate asset owners (i.e., larger businesses) than to low-tax-rate owners. [T]he margin of benefit is . . . much greater for short lived assets while being restricted to taxpayers who, in fact, have salvage value to ignore."

The elimination of salvage from the calculation of annual deductions is completely without legal basis. Since, even under the ADR system, the taxpayer must still make an estimation of an asset's actual salvage value at the end of its useful life for other purposes,[5] the change cannot be justified on grounds of administrative convenience. There is simply no administrative advantage to be gained from this change in procedure. Its only effect is to increase the initial depreciation deductions for individuals whose assets have a high salvage value.

Where the ADR system does require that an estimation of salvage be made, it provides for a special rule of thumb under which the Treasury would not disturb salvage estimates of the taxpayer unless the taxpayer's estimates differed from the Treasury's determination by more than 10%. The rule is incompatible with section 167(f), which already specifies that 10% of the salvage value may be disregarded, since it would effectively increase the statutorily defined percentage to 20%. Moreover, the use of a 10% rule of thumb, similar to the one now proposed in the regulation, but with respect to useful life estimates, was considered and explicitly rejected by Congress in 1954, when it enacted several important revisions to section 167.[6]

2. *First Year Convention:* Under present depreciation rules, a taxpayer may either calculate depreciation on assets acquired during a year either from the month of their installation (prorating the annual deduction over a fraction of the year in service) or elect a first year convention, whereby all assets acquired during the year may be treated as though they were installed at mid year. In many cases, this convention will approximate the depreciation for all assets at considerable savings in convenience as, for example, in a firm which replaces assets continuously throughout the year. Under the ADR system, a new convention is introduced, under which all assets acquired during the first half year are treated as though they were acquired on the first day of the year, and all assets acquired during the second half year are treated as having been acquired at mid year. Unlike the existing convention, this treatment could *never* approximate an average calculation of the dates of installation for all assets, and will *always* tend to increase annual depreciation deductions. Moreover, it is difficult to justify in terms of greater administrative convenience, since it is identical in this respect to the existing convention. One is as easy to apply as the other. The Treasury does not purport to eliminate the existing first year convention, but it is obvious that for most taxpayers the new convention will provide much greater tax benefits, and correspondingly greater revenue losses, than the existing convention. The new convention is therefore unjustified because it would always produce revenue losses, while providing absolutely no administrative gains.

3. *Rehabilitation and Improvement Expenditures:* Expenditures made for the repair and rehabilitation which under current law would have to be added to the value of the depreciable property and depreciated along with it, would, under the proposed regulation, be deductible as business expenses in the year of the rehabilitation in amounts up to a full year's depreciation so long as they did not substantially alter the number, size or use of the taxpayers assets and remained below specified ceilings. This proposal directly contravenes the explicit command of section 263, which provides that capital expenditures, for any and all "permanent improvements or betterments" which increase an asset's value, shall not be deductible as business expenses, except as explicitly provided in the Code.

A capital outlay on new machinery is prohibited by section 263 regardless of whether the new machines substantially alter the size or nature of the taxpayer's business.[7] On its face the statute proscribes deductions for improvements which add permanent value to property, and will thus prolong the capacity of that property to produce income

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Footnotes at end of article.

over a number of annual income periods. There is no basis in section 263 for distinguishing between permanent capital improvements which substantially alter or increase a taxpayer's plant and permanent capital improvements which do not, yet this is the distinction the Treasury has drawn in proposing to permit taxpayers to deduct a so-called "rehabilitation allowance" for improvements to capital.

4. *The Postponement of Depreciation Deductions:* The carefully maintained distinction between capital expenditures and current expenses would also be blurred by the election of arbitrarily long cost recovery periods under the ADR system. By making the selection of capital cost recovery periods entirely a matter of a taxpayer's election, taxpayers would not only be able to convert capital expenditures into deductible expenses in some circumstances, they would also be able to capitalize current items that should be expensed. The selection of overly long periods of capital cost recovery would enable taxpayers to postpone depreciation deductions to later income periods, in spite of the Code's clear mandate that they should be taken only as depreciation actually occurs.

Several provisions limiting the extent to which items deductible in the current year may be calculated to later income periods would be undermined if the amount of an annual deduction could be determined at the discretion of the taxpayer. Section 1016, for example, provides that the depreciable basis of an asset must be diminished each year by any depreciation "allowed or allowable" under section 167. The effect of 1016 is to diminish the basis of property with the passage of time whether depreciation deductions are claimed in every income period or not. The purpose of this provision—to eliminate the possibility that a taxpayer might allocate his depreciation deductions over time at his own discretion—is clearly at odds with the import of the ADR system, which makes the timing of depreciation allowances a matter of the taxpayer's election.

Similarly, the purpose of section 172, which permits operating losses to be carried forward to a limited number of subsequent taxable years would be undermined by the election of abnormally long ADR recovery periods. The election of a longer period, and the consequent reduction of annual depreciation allowances, would permit a taxpayer to "save" his operating losses and to carry unused deductions forward beyond the statutory limits.

Both sections, 1016 and 172, are based on the assumption that the period of capital cost recovery is fixed by an objective standard—i.e., a realistic estimate of the useful life of an asset in the taxpayer's business. The transformation of depreciation allowances into electible deductions renders the limitations reflected in section 1016 and 172 substantially inoperative.

FOOTNOTES FOR APPENDIX B

[1] H.R. Rep. No. 1337, 834d Con., 2nd Sess., A48 (1954).

[2] *See* Regulations § 1.179-1(d), § 1.167(a)-1(a), (c), and § 1.67(f)-1.

[3] *See, e.q.* Massey Motors, Inc. v. United States, 364 U.S. 92, 93, 104 (1960).

[4] Treasury Department, *Tax Depreciation Policy Options,* in Cong. Rec., July 13, 1970, at E6967.

[5] The ADR system permits the taxpayer to ignore salvage in computing annual allowances, but requires him to compute it to insure that no asset or class of assets is depreciated below salvage value. There is no theoretical, legal, or practical basis for this differential treatment.

[6] *See* the discussion of the rejection of the "10% leeway rule" in 1954 in Appendix A.

[7] *See* Regulations § 1.263(a)-2(a).

A GLIMMER OF HOPE FOR TECHNOLOGY AND THE NATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to share with my colleagues an article by Mr. Pete Cane of the San Jose Mercury reporting a meeting between Deputy Secretary of Defense David Packard and electronics industrialists in the San Francisco Bay area. Mr. Cane has, I believe, correctly discerned the mood and desires of today's scientists and engineers. For their economic security and for the well-being of the Nation, priorities must be realined. We must work to meet the real problems that face this country.

I include the article as follows:

A GLIMMER OF HOPE FOR TECHNOLOGY

(By Pete Cane)

"We need you."

With those words, Deputy Secretary of Defense David Packard wound up his pitch to leading electronics industrialists in San Francisco this week.

Basically, Packard outlined an intensive research and development program forthcoming in future Pentagon budgets and urged that heads not be turned by only environment and health.

Those two fields have been the subject of "conversion" talk what with the war purportedly winding down and defense budgets hitting the skids to a tune of a mere $76 billion.

Then there's the reduced National Aeronautics and Space Administration (NASA) budget, the scuttling of the supersonic transport (SST), the recession and a couple of years of extremely tight science allocation from the federal government.

Packard's words could have been echoed back from his distinguished electronics and aerospace management audience of about 600 at the Hilton Hotel.

They need him—in some cases to stay in business.

A resurgence in research and development is an excellent thing. It has received short shrift during the Vietnam years. Hopefully it will take place.

Meanwhile, thousands upon thousands of engineers who heard the same pitch back in the '50s are out of work, either cutting lawns, collecting welfare or going crazy.

They also were told "We need you" by the government. They believed it and became career engineers while in school.

Then something funny happened. The government didn't need them anymore.

It wasn't the same government, at least in terms of administrations. The administration that said "We need you" a couple of decades ago isn't in office now.

But that is little comfort to somebody going hungry.

The sad thing is that the country desperately needs those talented men, yet it cannot seem to make up its mind what to do with them.

Clearly, the future defense budgets Packard outlined for the '70s will call for less manpower than in the past. He placed careful emphasis on reductions in force within the uniformed and civilian parts of the military-industrial complex.

How much faith can high technology workers put in the "We need you" pitch after being burned?

It's a valid question. Many of those laid off during the past two years have vowed to never again return to the hothouse climate of military work.

Some kinky things have happened to their political leanings often enough, too. Staunch Republicans talk about the party as if it were a band of pariahs now, out to do them in.

A phenomenon called "radical science" is popping up too. Brushing aside the rhetoric, radical science (or scientists) are calling for reorientation of national priorities toward domestic ills in an orderly, coherent fashion.

The rhetoric gets pretty hot, however. Scientific journals and meetings have been filled with it, obscuring in most instances what the new partisans are getting at.

They are declaring flatly, "You need us," and setting up their own rules for the game.

Thus, while Packard was correct in declaring that the nation needs its scientists, engineers and high technology workers, he perhaps fell understandably short of the total need.

The areas of environment, domestic ills, crime control, transportation and orderly growth must also be included along with military research and development.

Some scientists are making sure they will.

The disruption in Chicago of the American Association for the Advancement of Science (AAAS) is an example.

Radicals created an uproar there which hasn't simmered down yet. They mocked Dr. Edward Teller, paraded around disrupting meetings on "law and order," and held their own counter-sessions in other parts of the hall.

The movement has been growing for about two years and seems bound to increase in scope as time goes on.

Its attack on the AAAS is directed at what it believes to be a big money monopoly on science—the dominance of large corporations with big money to throw around—or withhold.

Both individual scientists and engineers and some institutions appear determined not to fall into any more traps which offer the mirage of security. True security isn't up to the Packards of the current or future administrations.

It belongs properly in the hands of the people.

And if the people don't awaken to the fact that they are to a great extent dependent upon technology and all that technologists have to offer, this country will suffer not only geopolitically but in terms of personal hardship.

The hardship has fallen first upon those whom Packard declared the nation needs.

It will next fall upon the public, unless it specifies directly what the nation's priorities are to be for decades to come.

J. EDGAR HOOVER—A TRIBUTE BY THE LOUISIANA SOCIETY OF THE SONS OF AMERICAN REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. RARICK. Mr. Speaker, this past Monday marked the 47th anniversary of the appointment of J. Edgar Hoover as Director of the Federal Bureau of Investigation.

Sporadic attempts have been made from time to time over the years to have Mr. Hoover removed as FBI Director.

On each occasion, patriotic Americans, appreciative of Mr. Hoover's dedicated and unselfish service to American ideals, step forward and urge that he continue serving as FBI Director.

I am proud to insert at this point in my remarks the text of a resolution in support of J. Edgar Hoover adopted by a group of my constituents as members of the General Philemon Thomas Chapter of Baton Rouge, The Louisiana Society of the Sons of the American Revolution.

I include the resolution as follows:

GENERAL PHILEMON THOMAS CHAPTER OF BATON ROUGE

THE LOUISIANA SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Resolution

Whereas, recent attacks upon J. Edgar Hoover and the Federal Bureau of Investigation by various anarchists, revolutionaries, self-seeking political opportunists and misguided individuals have appalled, disgusted and substantially irritated us; and

Whereas, said attacks appear to be completely unjustified by any evidence whatsoever; and

Whereas, we consider our nation fortunate to have a leader like J. Edgar Hoover and a responsible agency like the Federal Bureau of Investigation to investigate and bring to justice the foreign, the subversive and the criminal enemies of the United States;

Be it hereby resolved that we, the General Philemon Thomas Chapter of the Louisiana Society of the Sons of the American Revolution, meeting this 4th day of May, 1971, at Baton Rouge, Louisiana, do hereby express our complete confidence, encouragement and gratitude to J. Edgar Hoover and the Federal Bureau of Investigation and do hereby express our unequivocal support for Director Hoover's continued leadership and a vigorous policy of law enforcement, counter-espionage and counter-subversion.

Be it further hereby resolved that copies of this resolution be sent to Mr. Hoover, to the entire Louisiana congressional delegation and to the National Headquarters of our Order.

JOHN M. ELLIS, Jr.,
John M. Ellis, Jr., President.
ST. JOHN P. CHILTON,
St. John P. Chilton, Secretary.

THE BLACK MAN IN THE NAVY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. DELLUMS. Mr. Speaker, an important series of articles appeared recently in the official newspaper for Naval Station, Treasure Island in San Francisco. I enter them as a whole in the RECORD because of their value in illuminating aspects of the black man's history in the U.S. Navy.

[From The Masthead, Feb. 10, 1971]

PART 1: THE BLACK MAN IN THE NAVY—EARLY BATTLES PROVE BLACK MAN'S COURAGE

(NOTE.—The 35,000 black Americans now serving with their non-black shipmates in the U.S. Navy work with highly technical equipment on board air-conditioned ships. Their way, however, was paved with the blood and sweat of early black sailors whose history forms one of the most exciting, but overlooked, chapters in Naval History.)

Stories of these seamen doing their jobs during times of war and peace have gone untold, and their participation in the Navy has become a forgotten part of their heritage.

In the Navy's first sea fights, those of the Revolutionary War, 1500 blacks served their country loading guns, working sails, manning boats, and piloting coastal vessels. If a sailor was a slave, he was emancipated after three years of military service. During the War of 1812, the Navy's first test in defending the newly-formed United States, one out of every six sailors was black.

Black Americans served proudly with Commodore Oliver Hazard Perry when he won a key battle against the British on Lake Erie. After the battle, Perry said of John Johnson, one of 15 black sailors on board, "His name ought to be registered in the book of fame and remembered with reverence as long as bravery is a virtue."

During the battle, Johnson was struck in the hip by a 24-pound cannon ball and was nearly cut in half. As he lay dying on the deck, Johnson said over and over, "Fire away my boys, no haul the color (the American flag) down."

During the Mexican-American War (1846–1848) some 1,000 black Americans served in America's young Navy.

Some 30,000 blacks fought in the Union Navy during the Civil War, and many others on Confederate ships. Some were slaves, and some were freedmen. In the Union Navy one sailor in four was black.

Many slaves attempted to flee the South during the early days of the war. While thousands succeeded, few escapes were more daring than that of Robert Smalls, a coastal pilot on the new Confederate steamer CSS PLANTER.

At 4 a.m. on May 13, 1862, when the officers were ashore, Smalls and an escape party of 15 slaves got the PLANTER underway. The 313-ton ship pulled slowly from the wharf near the Confederate headquarters in Charleston Harbor. With the Rebel flag flying, the ship was steered toward the open sea.

Getting out of the harbor was no easy job because several Rebel forts guarded the harbor entrance. As he passed each outpost, Smalls gave the correct sign with the ship's whistle. Everything was made to appear as though the PLANTER was on a routine mission.

Finally, the ship came abreast of the huge guns of Fort Sumter, and since everything appeared normal she was allowed to pass. As soon as he was out of range of the fort's cannon, Smalls hoisted a white flag and sailed the ship into the hands of the Union fleet blockading the harbor.

For their brave acts, Smalls and his crew were awarded half the cash value of the ship and its cargo by President Abraham Lincoln. In addition, Smalls was named Captain of the vessel and served as commanding officer until the PLANTER was decommissioned in 1866.

Robert Smalls, a native of South Carolina, was later elected to both the South Carolina and U.S. House of Representatives.

During the War Between the States, five blacks were awarded the Medal of Honor. The first so honored was Robert Blake, an escaped slave. Blake's ship, the USS MARBLEHEAD, was lying at anchor in the Stone River of Legareville, N.C.

In the eary morning hours of Christmas Day, 1863, the Confederates attacked the ship. Blake, a steward, could have hidden below decks; instead, he substituted for an injured powderboy and routinely served the rifle gun during the 14-hour battle. He was praised for his "cool and brave" conduct by his commanding officer.

Three black Americans were cited for outstanding bravery during a key naval battle at Mobile Bay, Ala., less than one year later. John Lawson of Pennsylvania was a crew member on Rear Admiral Daniel Farragut's flagship, the USS HARTFORD.

Lawson's battle station was below decks where he supplied powder to the gun crews above him. A shell struck his position and Lawson was smashed against the side of the ship. Although badly wounded in the leg, Lawson ignored his injury and kept passing powder to the guns.

In the same battle, on board the USS BROOKLYN, two other sailors distinguished themselves in combat and were also awarded the Medal of Honor.

William Brown of Maryland and James Mifflin of Virginia, served the powder line of their ship (which took two direct hits during the four-hour battle), stood their ground and kept the guns supplied. Fast, accurate Union gunfire, made possible in part by these men, helping the Union Navy defeat the Confederates at Mobile Bay.

The fifth Medal of Honor of the War Between the States was earned by Joachim Pease of New York, a gun loader on the USS KEARSARGE. The KEARSARGE had chased the powerful Confederate raider CSS ALABAMA into the French harbor of Cherbourg.

When the ALABAMA tried to make a run for the open sea, the KEARSARGE challenged her and a bitter 60-minute battle followed. While the gun crew on the ALABAMA fired fast but wild, the KEARSARGE made each shot count.

The ALABAMA was sunk in 40 fathoms of water, and, according to his commanding officer, Pease "fully sustained his reputation as one of the best men on the ship."

[From the Masthead, Feb. 24, 1971]

PART II: THE BLACK MAN IN THE NAVY—SEGREGATION APPEARS, ERASED BY WORLD WAR II

In the 40 years of peace that followed the War Between the States, black Americans continued to serve in the United States Navy. Some distinguished themselves as heroes, but most just did their jobs, and did them well.

Joseph B. Noil, a native of Nova Scotia, was one of the heroes. He was a crew member on the USS POWHATAN when that ship was anchored off the coast of Virginia on Dec. 26, 1872.

About 11 p.m., Noil heard a shipmate fall overboard. Without hesitation he jumped into the 25-degree water and pulled boatswain's mate J. C. Walton back on board. Walton was exhausted, but safe.

For his heroic act, Noil became the sixth black sailor to win the Medal of Honor.

When the Spanish-American War broke out in 1898, the Navy continued its policy of enlisting black Americans into the ranks on a fully-integrated basis.

Black enlisted men and petty officers served in the engineering departments and at the guns of ships that defeated the Spanish at Manila and Santiago in the Philippines.

It was the Spanish-American War that established the United States as a power on the seas. Two black American sailors were cited for extraordinary courage during this War and won Medals of Honor.

On Feb. 11, 1898, just a few days after war was declared, Daniel Atkins, a ship's cook from Virginia, was on board the USS CUSHING en route to Cuba. Huge waves swept the deck. A lifeline broke, and a young officer was swept overboard.

After a rescue attempt by boat failed, one crew member tried to swim to him, but was exhausted by the time he reached the officer's lifeless body.

Atkins then tied a line around his waist and plunged into the water. He swam to the two men and tied ropes around both. One at a time, all three were pulled back aboard by their shipmates, but the officer was dead.

Atkins was praised for his gallant conduct and later awarded the Medal of Honor.

Robert Penn, also a native of Virginia, was on duty near the boiler room of the USS IOWA a few months later. Suddenly the ship was ripped by an explosion. Penn, a fireman second class, rushed to the scene and found boiling water pouring from a ruptured boiler. The hot coals had to be removed from the steam boiler or else there might be another explosion.

Penn placed a board across two buckets in order to keep his feet out of the scalding water covering the deck. Then he carefully began the process of transferring the fire to a safe place.

For this act, performed at the risk of serious injury, Penn earned the Medal of Honor.

During World War I the Navy first began showing partiality in its treatment and use of black personnel.

Some 10,000 black Americans volunteered for the Naval service during that time, but for the most part, they were assigned noncombatant roles.

Fully-integrated living quarters were maintained aboard Navy ships until 1920, at which time segregation became apparent. In addition, black Americans were only allowed to enlist as stewards or to fill jobs on supply-type vessels.

Such conditions did not prevent individuals from serving valiantly during World War II. Dorie Miller, for example, was a steward aboard the battleship USS West Virginia docked at Pearl Harbor on Dec. 7, 1941.

During the attack by Japanese aircraft, Miller helped his wounded captain to cover. He then manned a machine gun, which he never had been trained to operate, and destroyed at least two attacking airplanes. He was later awarded the Navy Cross by Fleet Admiral Chester W. Nimitz.

In 1943, Miller was one of the many men killed when the aircraft carrier USS Liscombe Bay was torpedoed and sunk by a Japanese submarine.

Leonard Roy Harmon was also a steward during World War II. During the battle for the Solomon Islands in the western Pacific, Harmon rendered valuable assistance in evacuating the wounded on board the USS San Francisco and caring for them at a dressing station.

He was killed by enemy gunfire while trying to protect a shipmate. A destroyer escort named USS Harmon was launched in 1943.

Beginning in 1942, the Navy demonstrated an enlightened view toward desegregation and equal opportunity for all of its personnel.

Over 30 directives were issued between 1942 and 1947 in order to make equal opportunity a reality in the fleet.

One of the first steps taken was to tackle the long-neglected area of procuring officers from the black community. During the period between the Civil War and World War II, no black Americans were commissioned as officers in the Navy.

In 1943 however, the Navy announced its intention of training those who met officer candidate school qualifications. Between 1943–54, a total of 60 black officers were sworn into the Navy from this program.

In 1949, Wesley Brown became the first black man to graduate from the U.S. Naval Academy at Annapolis, Md. Several other black Americans had been appointed to the Academy before Brown, the first in 1872, but none had ever completed the required course of study.

By the time of the Korean conflict, the black officer and enlisted man were once again an integral part of the Navy's operating forces, and a fleet-wide competitive examination system was instituted to insure promotions based on ability instead of a man's racial heritage.

Among the officers who served with distinction in the Korean War was Ensign Jesse L. Brown, a native of Mississippi.

Ensign Brown was the first black American to win the wings of a Naval aviator. For a daring series of attacks on enemy ground troops and supply lines, costing him his life on Dec. 5, 1950, Brown was posthumously awarded the Distinguished Flying Cross and the Air Medal.

In a further effort to recruit black officers, the Navy established a Reserve Officer Training Corps unit at a predominantly black college, Prairie View A&M in Texas in April 1968. The first class of officer candidates graduated in May 1970.

[From The Masthead, Mar. 10, 1971]

PART 3: THE BLACK MAN IN THE NAVY—EQUAL OPPORTUNITY: A REALITY TODAY

Not long ago Captain Samuel Lee Gravely Jr., USN, assumed command of the guided missile frigate USS Jouett (DLG29). More recently, Commander George I. Thompson, USN, completed a tour as commanding officer of USS L. R. Craig (DD883) to join Attack Carrier Strike Force, Seventh Fleet. Captain Paul S. Green, MC, USNR, is serving as Chief Radiologist and Executive Officer of the Naval Hospital, Lemoore, Calif.

What these three naval officers have in common is their race—they are black Americans. Their story is told here to point up the steadily improving role and opportunity for the black Americans in the sea service.

Today the Navy has a concerted program to increase the number of black Americans both in the Regular Navy and in the Naval Reserve. At this writing there are 539 black officers in the Navy, ranging from warrant officer to captain.

However, Secretary of the Navy John Chafee said in a directive to all naval personnel that "our accomplishments leave much to be desired."

He called for immediate action to solve racial tension and greatly increase the percentage of black Americans in the officer corps. Adm. E. R. Zumwalt, Jr., Chief of Naval Operations (CNO), followed this up with a directive outlining specific actions to be taken by naval personnel to insure equal opportunity.

Here are the stories of three Negro officers in the Navy, which exemplify the opportunity that is open to young men and women who have what it takes for a naval career.

Commander George I. Thompson would rather have people think of him as a professional sailor proud of commanding a U.S. Navy warship than as a black man in the hierarchy of an officer corps.

Cdr. Thompson himself was in the Bureau of Personnel when the Navy began a concerted effort on a minority officer recruitment program in 1962.

Things have changed in some ways. When Cdr. Thompson assumed command of CRAIG, one difference was demonstrated.

"Before he arrived," noted Lieutenant Commander C. M. Walter, CRAIG's executive officer, "I was probably the only man on the ship who knew he was a Negro—and I knew only because I was told by a friend of his who knew he was coming to CRAIG."

As Cdr. Thompson pointed out, that in itself marked a major advancement. "At times in the past, pains were taken to inform a ship that it was to receive a black officer. Now, however, I was able to come to CRAIG not only as an officer, but as the commanding officer, without any special notice."

Cdr. Thompson, a native of Los Angeles, attended UCLA and graduated in 1942. He attended Officer Candidate School in 1953 and was commissioned an ensign in May of that year.

"I went to my first ship, the carrier ORISKANY (CVA 34), with no plans of making the Navy a career," he said. "I spent three happy and productive years on ORISKANY, though, and my experience on her prompted me to stay in.

"I was able to fill a position of some responsibility which I could feel, and the feeling was good. The opportunity for additional responsibility which the Navy presented was hard to pass up."

What he calls "a couple of lucky breaks" and a lot of hard work gave him that opportunity.

"I was in the communications department and assigned to the radio watch bill," he said. "I volunteered to stand additional watches on the bridge in my spare time because I wanted to become an Officer of the Deck."

Then, when ORISKANY lost several junior officers at the same time, Cdr. Thompson was moved to regular bridge watches, becoming a qualified underway Officer of the Deck while he was still an ensign.

After the communications officer was injured, Cdr. Thompson took that job over as well for four months.

"The same types of opportunities are available right now," he said. "Anyone who is willing to work can make his way. With the cutbacks we are now undergoing, I can qualify anyone who has enough intelligence and desire to do the work."

Cdr. Thompson feels that he has progressed through the Navy with few adverse effects because of his color.

"I don't feel that racial prejudice has had any noticeable influence on my assignments or jobs," he said. "Of course, there were people I didn't get along with, but I don't think that was necessarily race-oriented.

"All relationships in the Navy grow out of the professional relationships between men," he explained. "If you work with a man and you respect him for his ability, then that is the paramount consideration. It will influence your entire relationship.

"If you don't respect him professionally, then it will be hard to have a personal, friendly relationship outside work.

"The professional relationship is the most important," he added. "If a personal friendship follows, then that's fine."

After his first tour of duty, Cdr. Thompson's own career took him to Puerto Rico for duty with the Caribbean Sea Frontier staff. During his tour he augmented into the Regular Navy.

He later served on board the destroyer USS COMPTON (DD 705) and was Executive Officer of USS OUTPOST (AGR 10). He attended the Naval War College, and received two advanced degrees—an MA in international affairs and an MS in personnel management—from George Washington University.

He took command of the escort ship USS FINCH (DER 238) in 1964, then went to the Naval Academy for a tour as a naval science instructor, head of the Tactics Committee, and a battalion advisor.

He completed his duties as Commanding Officer of CRAIG in July 1969, reporting to the Attack Carrier Strike Force of the Seventh Fleet, and is now serving in the Vietnam theater.

Captain Samuel Lee Gravely, Jr., USN, is now the senior black unrestricted line officer in the Navy, one of three black captains.

He was born in Richmond, Va., attended Armstrong High School there, and then attended Virginia Union University for three years. (He was later graduated with a BA in history.)

Enlisting in the Naval Reserve on 15 Sept. 1942, he attended the service school at Hampton (Va.) Institute and then was assigned to the Section Base at San Diego. From November 1943 to June 1944 he was a member of the V–12 school at Asbury Park, N.J.

Appointed a midshipman, USNR, in August 1944, Capt. Gravely attended midshipman school at Columbia University and graduated that December, gaining his commission as a Reserve ensign.

After duty as assistant battalion commander at NTC Great Lakes and schooling at the Sub-Chaser Training Center, Miami, Fla., he joined the crew of USS PC 1264.

Through the closing months of World War II and until February 1946, he served as communications officer, electronics officer, and later executive officer and personnel officer of the ship, one of the first two Navy ships with all-black enlisted crews.

After three years out of active duty, Capt. Gravely returned to the Navy in 1949. His first duty was with the Naval Recruiting Station and Office of Naval Officer Procurement, Washington.

After a communications course from October 1951 to February 1952, he served as radio officer of USS IOWA (BB 61) until June 1953.

Then he transferred to USS TOLEDO (CA 133), on which he was communications officer and assistant operations officer. He took part in Korean action while serving on both ships.

In July 1955, he became assistant district security officer for the 3rd Naval District. Capt. Gravely took an amphibious warfare course in the fall of 1957, then joined USS SEMINOLE (AKA 104) as operations officer.

In January 1960 he became executive officer of USS THEODORE E. CHANDLER (DD 717). He took command of CHANDLER 15 Feb. 1961.

Capt. Gravely's second command was assumed Jan. 31, 1962: USS FALGOUT (DER 324). Under then-Lcdr. Gravely's command, FALGOUT patrolled the Pacific Early Warning Barrier.

He attended a naval warfare course at the Naval War College, Newport, from August 1963 to June 1964, then served as program manager of the National Emergency Airborne Command Post.

In January 1966 Capt. Gravely received still another destroyer command: USS TAUSSIG (DD 746). In June 1968 he became coordinator of the Navy Satellite Communications Program in the office of the CNO, with additional duties in the Navy's space program.

In May 1970, Capt. Gravely assumed his present command of the guided missile frigate USS JOUETT (DLG 29).

"If a man is going to succeed he'll make it no matter what he is doing!" That is the personal philosophy of Captain Paul S. Green, MC, USNR, who is now chief radiologist and executive officer of the Naval Hospital, Lemoore, Calif.

He's demonstrated it in his own life. Capt. Green didn't originally plan to make the Navy a career (he was drafted, in fact)—but during his 16 years of active duty, he's been certified by the American Board of Radiology and has attained one of the highest ranks available to a Reserve officer.

"Probably none of this would have happened if I had been given a choice," he said. I had a very successful civilian practice and had absolutely no desire to serve with the military.

"Mine is not the story of 'rags to riches,'" the doctor says, recalling his early life in Warren County, N.C. "I've never lived in a ghetto. My father was a businessman and a very good provider. It wasn't difficult for him to put three children through college at the same time. We always had plenty to eat and lived in a comfortable home."

After graduating as valedictorian of his high school class, Capt. Green entered Shaw University, Raleigh, N.C., graduating in 1939 with a major in biology.

"I certainly didn't set any academic records there," he says. "I was much more interested in the bright lights in the big city and, like most young men, wanted to buy an automobile."

Armed with his diploma and a teaching certificate, Capt. Green tried unsuccessfully to find work as a teacher.

"As I look back," the doctor comments, "I can see why no one was impressed with my supposed teaching ability. I was only 19 years old and right out of college. Fortunately, for me, I was able to get a job with my father working in a fruit and produce store.

"I earned money to buy things, but after two years I felt I wasn't really accomplishing anything. I entered Howard University in Washington, to work on a master's degree in zoology. Shortly afterward, in September 1941, I was accepted for medical school."

Through an accelerated year-round program of study, he earned his M.D. degree in December 1944. For the next year he served his internship at Lincoln Hospital in Durham, N.C., and then went into private practice in the small town of Louisburg, N.C., where, as that community's only black doctor, "I was declared essential and given a deferment.

"A year later, I moved to Henderson, N.C., a much larger town, where I again entered private practice."

As a general practitioner in Henderson, Dr. Green treated both black and white patients and his practice thrived for seven years.

"I had realized success as a civilian doctor," Capt. Green says, "when in 1954, I was drafted into the Navy as a lieutenant, and a bit disappointed at having to give up my practice."

But his attitude soon changed.

"I had a great deal of respect for my coworkers in Navy medicine," he says, "and found that I not only liked my work very much, but the Navy as well. I guess 'infatuated' best describes my attitude."

So when his two-year obligation was up, Dr. Green extended for six months—then for four years—and finally applied for and received an indefinite extension.

After his first duty at the Naval Gun Factory, Washington, Capt. Green went to the Naval Hospital, San Diego as officer in charge of a mobile X-ray unit. This duty started him working on the specialty that led to certification as a radiologist.

All applicants for certification by the American Board of Radiology must complete three years of specialized training and one year of practice in radiology, plus written and oral examinations.

Looking forward to his eventual return to civilian life, Capt. Green again shows he believes in his philosophy of success. "As a radiologist," he says, "there's no reason in the world why I can't build a successful private practice."

NONPEACEFUL PROTESTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. DERWINSKI. Mr. Speaker, WBBM radio though observing the Washington scene from a distance, is obviously being provided full coverage by their network. They reached, I believe, a very proper conclusion concerning Rennie Davis in an editorial on nonpeaceful protests which was broadcast May 7.

The editorial follows:

NONPEACEFUL PROTESTS

Rennie Davis—the professional malcontent—brought his so-called People's Coalition to Washington this week. They said they were going to stop the government. They didn't. But what they did do was to once again damage the cause of the many persons who believe in peaceful protests.

You do not win people to your way of thinking by disrupting their lives, by starting fires, by slashing tires, and generally making things rough for them.

A week earlier, there was a convincing peaceful demonstration of many Americans who want the government to know they are sick to death of the Viet Nam War. We certainly think the President himself is honestly seeking a way out of that tragic conflict. Many persons however, disagree with his approach to total withdrawal and feel it could be accomplished quicker. But staging violent demonstrations is not going to win him over.

Peaceful protesters tend to win more people to their cause. No one is going to be forced into changing his mind by a mob. The kind of stupidity that was staged by Rennie Davis and his followers in Washington only chases away people from the peace movement. Davis merely managed to weaken efforts to end the Viet Nam War. The peace movement would do well to renounce Rennie Davis and his violent supporters. He is destroying, not helping, the effort to convince Americans that we should get out of Viet Nam.

RECORDS OF A COUNTY CHAIRMAN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. SPRINGER. Mr. Speaker, I know that many of us have our supporters who do jobs in the precincts and some of whom are county chairmen and carry the party load at that level.

One of the fine county chairmen of my district is Mr. H. G. "Skinny" Taylor, of Decatur, Macon County, Ill. The Decatur Review, of Friday, May 7, tells of the problems and trials of a county chairman.

The problems of Mr. Taylor are the problems of any county chairman whether Democrat or Republican, and the job that he does through 24 hours of the day would be the same in either party. I doubt if the duties of many county chairmen are spelled out, and I feel sure that some of my colleagues will be interested in learning about the many details handled by the county chairman and how he goes about his daily work. This is a splendid story on the practical side of the duties of a man who helps to elect his party to power. I am sure that if a county chairman among the Democrats were interviewed he probably could record much of the same that has been said about Mr. Taylor, who happens to be a Republican county chairman and formerly the chairman of the County Chairmen Association of the State of Illinois.

The article follows:

RECORDS OF A COUNTY CHAIRMAN: PHONE CALLS, TRIPS BY THOUSANDS

(By Glen R. Cooper)

H. G. "Skinny" Taylor practices politics, Republican brand, about 24 hours a day.

This is and should be a way of life for the chairman of the Macon County Republican Central Committee.

The committee is made up of the Republican committeemen of the 110 precincts of Macon County.

To get to be chairman of the central committee the first requirement is to be elected committeeman in a precinct.

The second step is to win support of a majority of the committeemen.

Taylor represents the Republicans from Precinct 12, the Dennis School area.

His job as committeeman hasn't always been an easy road. Several attempts have been made to vote him out of the nonpaying position.

Some of the most lively inparty fights have developed when some ambitious Republican decided to challenge Taylor.

None of these has been successful. Taylor keeps his own precinct in order as well as the county central committee.

POLITICAL UPS AND DOWNS

Taylor admits to some political ups and downs. Right now the GOP holds just two elected offices in the County Building—coroner and head of the county school system.

"We did real well in the last township election. There are 27 Republicans and eight Democrats on the Board of Supervisors," he said.

This puts the GOP supervisors in the position of naming two major professional officeholders—county superintendent of high ways and supervisor of assessments.

Taylor is in his 23rd year as county chairman, and he brought out some interesting facts this week in talking about the job.

His bookkeeping shows he has made 43,800 local telephone calls that dealt strictly with politics.

The calls were about patronage jobs, election strategy, meetings and private sessions dealing with the 300 or 400 patronage jobs that he helps fill.

As chairman of the central committee, Taylor is head of the executive committee that passes on patronage job applicants.

ACTIVITY IN SPRINGFIELD

Incidentally, people interested in patronage jobs must first get the approval of the precinct committeeman who passed it on to the county central committee patronage group.

Taylor's political bookkeeping also discloses he has, in nearly 23 years, made 3,432 calls to Springfield to talk politics.

Many of these have been to Republican governors or other state-level officials. Taylor will also admit that he has frequently had a few words with the Democratic governors.

In addition to his Springfield calls, Taylor said he has driven to Springfield 1,200 times as a part of his political position.

Apparently some of the telephone calls had to be backed with personal visits to those involved.

On a national level and a pretty "fast track," Taylor has records of making 1,144 phone calls and 20 trips to Washington, D.C.

Taylor hasn't overlooked the local level, either. His notes record 660 meetings that involved political events. He tops off this with 400 meetings held in Springfield and other areas of the state.

PRACTICAL POLITICS

People close to Taylor claim that he tries to get some kind of a Republican rally started when he goes back to his hometown, Flat Rock, to visit.

There is another story that Taylor, when a student at Millikin University, was practicing the art of practical politics.

He came up with a key to Aston Hall, girl's dormitory, and loaned it out for a nominal fee or favor.

Taylor is one of few county chairmen of the state who has never held a patronage job.

"If I did I would have to give up some of my independence," he said.

Taylor's wife, Marion, qualifies as a political widow because of her husband's interest in Republican politics.

"That Skinny . . . last Friday he went to Chicago to attend a meeting and when he got there he discovered he was a week late," she said.

Taylor didn't count the trip as a complete loss.

"At least I was able to ride a train (the City of Decatur) on its final trip between Decatur and Chicago," he rationalized.

TENURE AS PRESIDENT

Taylor was first elected a precinct committeeman in 1934. He has been county chairman since 1948 and served as president of the Illinois Republican County Chairmen's Association for eight years.

His tenure as state president will probably never be broken. Rules of the organization now limit the terms of office.

In 1956 Taylor was delegate to the national Republican convention in San Francisco and in 1964 he returned to San Francisco as an alternate delegate.

Three years ago he was elected delegate to the GOP convention in Miami, Fla.

J. EDGAR HOOVER

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MARTIN. Mr. President, The modern FBI was born May 10, 1924, when Attorney General Harlan Fiske Stone appointed 29-year-old J. Edgar Hoover Acting Director of the FBI.

Prior to this time, the FBI, then known as the Bureau of Investigation, was an often ridiculed organization of misfits, involved in blackmail, bribery and intimidation and with no direction toward the true purpose for which President Theodore Roosevelt had intended it on July 26, 1908, when it was established.

Under President Calvin Coolidge, Attorney General Stone was given the task of cleaning the house of the FBI. The Attorney General had envisioned a crime-fighting, law enforcement agency for the United States along the order of Scotland Yard. His appointment of J. Edgar Hoover as director subsequently led to the realization of this goal.

John Edgar Hoover was born January 1, 1895 in Washington, D.C. He received his law degree from George Washington University in 1916, and his master's degree the following year. He joined the Justice Department July 26, 1917, and on June 2, 1919, headed a new intelligence division to study subversive activities. He became an assistant director of the Bureau of Investigation August 22, 1921.

The ideals of the new director for the crime-fighting, law enforcement agency matched those of Attorney General Stone, and in 7 months, on December 10, 1924, Hoover was appointed Director of the Federal Bureau of Investigation.

Under his leadership, guidance, and administration, the FBI was to become the outstanding law enforcement agency that it is today. We need not recount the effectiveness of the FBI in the past four decades plus under Mr. Hoover. Kidnaping, espionage, subversion, organized crime, interstate theft, burglary and larceny, fraud, gambling and racketeering, assault and crimes of murder have all been the targets of the FBI.

Who is to say how much good—how much value the FBI has been to this Nation over the years? Where we are a Nation of 50 individual States with thousands of counties and communities, what has been the full effect and value of the FBI—a single national agency to pool, coordinate, organize and work with these thousands of individual State and local law enforcement agencies to combat crime?

It should be clear to all Americans that the FBI has been without a doubt, the single most important and effective entity in our Nation for preservation of freedom, individual rights, peace and the law of the land that guarantees our freedom from persecution. And, J. Edgar Hoover deserves our appreciation and congratulations for his leadership and outstanding part in making the FBI what it is—in the interest and preservation of our rights to life, liberty, and the pursuit of happiness—free from the fear of persecution, exploitation, fraud and criminal assault.

On this 47th anniversary of his directorship of the FBI, I congratulate Mr. Hoover for his exemplary service to our country.

FOUNDING OF ST. MARY'S PARISH

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mrs. GRASSO. Mr. Speaker, it is a singular pleasure for me to inform my colleagues of an important anniversary that parishioners of St. Mary's Ukrainian Orthodox Church in New Britain will celebrate on May 16.

On that day 60 years ago, Ukrainians in this city in my district founded St. Mary's parish. And, like so many other churches established by hardy immigrant groups, it became the center of a new life for Ukrainians in America.

From that day in the early 1600's, when Ivan Bohdan landed in Virginia to aid Capt. John Smith in building the Jamestown colony, Ukrainian immigrants have had a significant impact on the growth and development of our Nation. Most Ukrainians came to America to escape political and religious persecution. The life of the early Ukrainian immigrant was not easy. Initially faced with poverty, hardship, and sometimes prejudice, they managed to overcome many of these burdens and to render this country the benefits of their skills and cultural heritage. Our Nation is all the richer for these stalwart citizens, who have the strength that comes from strongly held religious conviction and a deeply ingrained sense of justice—and as its members recall, six decades of growth—

As St. Mary's celebrates its 60th anniversary, all of us are reminded that we are a nation of immigrants and our tradition has been made rich because of it.

SST'S AND THE RED CHINA TRADE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. RARICK. Mr. Speaker, uncertainity of the SST funding may have upset many plans. Possibly the Red China aircraft market is the reason for refusal of the administration to play dead on the issue.

The British are already reportedly offering credit sales to Red China in order to sell British aircraft; TWA is hard at work securing charter flights to Red China; and in the meantime the Soviets are attacking the British-French supersonic Concorde airline, obviously hoping to sell the Soviet SST—the TU 144—to their Red Chinese comrades.

The whole issue again seems to show that poverty, ignorance, and communism do pay.

New Markets? Wait until Red Chinese imports produced at slave labor rates of $20.00 a month hit the U.S. free market. This is hardly a way to solve U.S. unemployment.

I insert several newsclippings:

BRITISH OFFER CHINA CREDIT ON JETLINERS

(By Arthur L. Gavshon)

LONDON—British businessmen with governmental support quietly have offered Communist China a multimillion-dollar credit to finance the purchase of six jet airliners.

Qualified authorities, representing both sides, reported yesterday that Peking actively is planning to establish several long-range international air services linking China with other Asian lands, with Africa and with European countries including Albania, France and East Germany.

A negotiating team representing the Hawker-Siddeley group of companies, after more than two months of talks in Peking, was said to be slowly nearing agreement for the sale of six Trident airliners to the Chinese.

These high performance aircraft, with a range of 2,300 nautical miles when loaded, are valued at about $5 million each. Any contract would include provision for the British to train Chinese pilots and engineers in their use and for maintenance and replacement facilities.

The British are keeping their fingers crossed that the deal will be the first of several. Their aim is to provide the aircraft the Chinese would require to modernize their internal air services and to launch their international network. For this a fleet of about 40 airplanes would be needed and Chinese representatives have been talking in terms of orders ultimately worth about $250 million.

Hawker-Siddeley financial experts have been among the sales directors, design engineers and other technicians in negotiations with the Chinese. This has been taken to be a sign that the two sides have reached the stage of discussing terms, though they still may have a long way to go.

Informants said the British government has moved informally into the situation by indicating any commercial credits extended to the Chinese to facilitate the sale almost certainly would be covered. This is done by the Export Credit Guarantee Corp., a state agency, which examines foreign trade deals for their commercial security elements.

Subsequently Peking has been made aware by British merchant bankers that if it wants credit for the Tridents it can have it. Precise details are now understood to be under official study in Peking.

The British know a Trident deal could win them a key supplier's role in the huge expansion program being contemplated by China's civil aviation managers. The field is being examined closely by international rivals, including U.S. salesmen with Boeing 707s to sell at prices lower than Trident.

London, however, seems to be making most of the fact that China cannot, for political reasons, commit itself at this time to buying either American or Soviet commercial aircraft. With the Americans, relations have not improved sufficiently.

And the Chinese recall that past Russian cooperation and supplies were cut off because of political quarrels.

CONCORDE'S SERIES OF 'DEFECTS' HIT BY SOVIET PAPER

MOSCOW (AP)—The Soviet news agency Tass criticized the British-French supersonic Concode airliner yesterday as a trouble-plagued aircraft that has been found to have a series of "defects."

The dispatch from London brought out into the open the Soviet effort to damage the Concode's reputation while promoting the Soviet SST, the TU144.

The two planes already are in stiff competition for orders from Western airlines. The Soviet version is expected to be ready for export before the Concorde.

Tass seized on a British pilot's decision to turn back to Toulouse, France, in a test flight of the Concorde Friday night as proof that a new "defect" was discovered in the plane. The British said test pilot Brian Turbshaw decided to "play safe" and turn back after take off because a warning light indicated a malfunction in the undercarriage main door.

"This is not the first time defects have been discovered in the Concorde," Tass said. "In Britain there is growing anxiety to the steep increase in the cost for the future of the aircraft due of its development and the uncertain prospects about finding a market for it."

CHARTER FLIGHTS TO CHINA SEEN

HONG KONG, May 8 (UPI)—Trans World Airlines will seek to operate charter flights to Communist China if the Peking government grants landing rights to American carriers, Norwood C. Wiser, president of TWA, said today.

He said there was a good chance that landing rights would be granted to more Western airlines. Air France and Pakistan International Airline now are operating scheduled flights to the Chinese mainland.

NEWSMEN SEE CHINA'S INDUSTRY

(By Tillman Durdin)

SHANGHAI, China—A small group of foreign newsmen, including this correspondent, began yesterday the substantive part of a four-day visit to Shanghai that promised an extensive look at China's largest city. We arrived Sunday noon and spent the remainder of the day in a quick tour of the city and at an evening performance of the ballet "White Haired Girl."

Our visit here still has a link with international table tennis, which was Peking's justification for letting us enter China. Traveling with us is a British table tennis team scheduled for a series of matches with Chinese players in Shanghai. But while officials arranged journalistic appointments to allow for attending the matches, they gave no indication that attention to the matches was an obligation. When all but the Reuters man opted out from seeing the games on the plea that dispatches had to be written, there were no official demurrers.

VISIT INDUSTRIAL CENTER

The journalistic group, which also included the Japanese, one Swiss, three Britons and four Canadians, was informed that it would spend the morning seeing an exhibition of Shanghai industrial products and hearing about the city's industrial development, and that in the afternoon it would examine the political and social patterns of the big Shanghai machine tool plant.

The correspondents were also informed that the next day they would be taken to the countryside to visit a commune and a factory that makes table tennis balls.

They were told that tomorrow morning would be occupied by a visit to and talks with the staff of a hospital and a visit to a workers' settlement during the afternoon. On Thursday, the group leaves for two days in Tientsin.

HOSTS FIX ITINERARY

So far the Chinese hosts have fixed the itinerary and daily program, and the newsmen have accepted the arrangements thus far as offering good opportunities for initial insights into China.

This correspondent's one month visa has been validated through May 1, after which he was told, an extension would be considered.

So far the correspondents have been shown models that have been on the list for many visiting individuals and groups.

There has been no opportunity for any extended unaccompanied roving about, but this may be possible later.

There is a request to see the chairman of the Shanghai Revolutionary Committee, Chang Chun-chiao, the equivalent of the mayor of the city, and the response so far is that the matter is being considered.

STORIES UNCENSORED

Questioning has been intensive and responses immediate and candid during encounters so far. Dispatches are going out without censorship. The group's conducting officers, consisting of a Foreign Office representative from Peking and interpreters, are proving courteous and cooperative.

The visit to the products exhibition, housed in a huge columned structure with a tower and spire rising above the main hall, which was flanked by two wings, revealed an impressive sample of Shanghai manufacturers from both light and heavy industry.

A number of the most advanced machines were described as experimental models that were still under development. Cou Wen-yu, head of the exhibition's revolutionary committee and guide for the tour of the display, emphasized that the items were thoroughly Chinese and not copies of foreign products.

AUTOMOBILES DISPLAYED

A featured item was a huge 125,000-kilowatt turbo-generator with inner water cooled stator and rotor that foreign engineers have pronounced quite an achievement. It was described as still under development and not in service yet. The display of motor vehicles included two examples of a sedan called the Shanghai, a neat-looking medium-sized car bearing a considerable resemblance to the American Checker cab. No figures could be given on output.

Also exhibited was a 32-ton dump truck, a full range of other trucks, an attractive range of buses, and a rice transplanter said to be a test version of a long line of machines already in use but not entirely satisfactory.

Several of the complicated machines, including the generator, were said to be run by computers which, upon questioning, were revealed to be merely automated control apparatus.

ELECTRONICS GEAR SHOWN

A section devoted to the making of the basic materials for sophisticated electronics equipment such as radar, radio and guidance apparatus, made evident that progress enough has been made to explain Peking's firing of missiles, launching of space satellites and explosion of hydrogen bombs.

The section on consumer electronic items such as transistor radios, tape recorders and television sets showed items below international standards in styling and higher than world levels in their retail prices.

The Shanghai machine tool plant, with a work force of 6,000 is the largest of its kind in the country and obviously a major link in the Chinese industrial chain.

It has been built up from a small plant, which was a joint Chinese-American venture before the Communist takeover, and it still contains some machinery made in the United States.

The plant now specializes in making grinding machines and doing precision grinding.

SOME MATERIAL EXPORTED

"We produce mainly for China's needs," said Yu Chiching, the plant spokesman and member of its revolutionary committee, "but some of our output is exported and has gone to 30 countries."

The blue-clad workers, many of whom are women, earn from $20 to $55 a month. They look cheerful and efficient. When it is considered that they get housing at nominal cost in a big state housing complex adjacent to the sprawling factory buildings, and have job security, cheap food and clothing and medical services and education for children at little cost their pay package is not as low as it might seem.

But all was not happiness in the plant. Yu himself said there were still problems within factory ranks of revisionism, the deviation attributed to Liu Shao-chi, purged former chief of state, and his partisans.

CRITICISM SESSIONS HELD

Another revolutionary committee member, Chen Hsmeh-kuei, stated "struggle-criticism-transformation" sessions were still being held and individuals were from time to time called to account by the workers.

With some embarrassment, he related how he himself had been subject to a criticism session recently.

The plant is famous for its workers' college, established to give higher technological education to selected workers.

The head of the revolutionary committee that runs the factory is an army political commissar.

In one room, where newsmen were asked not to take pictures, precision threading was in progress that could have been for defense-related equipment.

Minority Groups in China Are Losing Rights, Identity

(By Henry S. Bradsher)

HONG KONG—The racial and religious minorities of China are losing their special rights and distinctive ways.

Most of the 60 or so minority groups who long had separate cultural and geographic positions within China have been submerged by the Han, or majority Chinese, people.

Now the constitutional guarantees of the minorities are being eroded. The new draft constitution omits 1956 provisions for a voice in local government and preservation of group customs.

This new governmental constitution, still awaiting adoption, follows the Communist party constitution adopted in 1969.

The minorities are not numerous in comparison with the Han race. Population estimates are rough, but projections from the 1953 census suggest more than 40 million minority peoples and perhaps 750 million Han Chinese.

8 MILLION TO 700

The minority groups—some authorities count 52, others say 60—range from some 8 million Chuangs in the South, bordering North Vietnam, to 700 Hoche in Manchuria near the Soviet border.

Their importance is not in numbers but in geographic spread. Minorities, now mixed with Han immigrants, are spread thinly over some 60 percent of China, while the Han people are densely concentrated in the eastern coastal area and river valleys up from it.

Almost all of China's land frontiers are minority areas. This heightens the minorities' importance in a time of border tension with the Soviet Union and earlier with India.

Strengthening these borders has been a major factor in the Han migration into minority areas. Economic development of the areas has been another factor.

These factors are steadily reducing the local majorities of the minority peoples in Sinkiang and Tibet. They are the only two out of five minority "autonomous regions" currently without Han preponderance.

The eroding of constitutional guarantees for the minorities and the submergence in Han migrants is not simply a Communist thing.

PARTLY HISTORIC

Partly it is historic. Many of the peoples of Southeast Asia were driven from what is now southern China by Han expansion over recent millennia.

It is also a result of the Peking government's centralized control of the nation. Communist ideology has played a role in fluctuating policies toward the minorities. But Han nationalism plays a larger role.

What is happening to China's minorities is not unusual. The history of the United States, parts of Africa, India and other areas provide similar examples in recent centuries. The Soviet Union provides a comparable example within the past 75 years.

As in some of these other cases, China can claim that it is bringing the benefits of modernization to backward peoples.

In the northwest, nomadism is being replaced with settled grazing; in the south, slash-and-burn shifting cultivation is giving way to more productive methods of farming, and in several areas feudal practices are being eliminated.

But in China, as elsewhere, the questions can be asked whether it is worth it, whether the people involved value their own ways above modernization, and who has the right to decide for them.

The constitution of the first Communist government that Mao Tse-tung set up, a short-lived regime establish in Kiangsi province in 1931, promised national minorities the "right to complete separation from China, and to the formation of an independent state for each national minority."

This lasted about as long as some of the promises to the American Indians, or early Soviet promises to regions that wanted to escape Russian domination after the Bolshevik revolution.

When the Chinese Communist regime was established in 1949, the minorities were promised "separate rights." This was spelled out in 1952 to include setting up their own political organs, deciding upon the nature of reforms, keeping their own languages and religions, and freely developing their economies within a national plan.

However, People's Daily, the Communist party newspaper, warned that any separatist movement among minorities would be prohibited. And it also warned, in 1953, that the party would control the theoretically "autonomous" minority political areas.

SELF-GOVERNMENT ASSURED

The state constitution of 1954 said oppression of any nationality was prohibited and the right of self-government guaranteed. Minority participation in local government was specified and the freedom of preserve their customs promised, but not religious freedom.

The 1956 party constitution talked of helping the minorities. They were given control of their own social reforms, and Han officials were warned against "tendencies of great-Hanism" superiority.

With the collectivization drive and then the Great Leap Forward in the late 1950s, these statements were flouted. Then in the early 1960s, new statements of respect for minority rights were adopted. And now the two new constitutions drop many guaranteees.

Curiously, this fluctuation corresponds to the fluctuations of Mao's personal power. When he has been personally assertive, in the late 1950s and again in the last five years, minority rights have declined.

The new party constitution of 1969 mentions the minorities in a passing reference to the party's leading "all the nationalities" of China. It was adopted at the end of a stage of Mao's Cultural Revolution.

VOICE NOT GUARANTEED

The draft constitution for the government, circulating since last year, says different levels of government should support the minorities. But it does not guarantee them a voice in government. It promises the use of local languages, but not the preservation of customs.

The decline in rights has been reflected in the composition of Revolutionary Committees set up during the Cultural Revolution as the de facto local governments throughout China.

Following campaigns against "local nationalists" and "class enemies" in minority areas, which meant the purge of many minority community leaders who had worked with Han officials, the Revolutionary Committees emerged with almost no minority representation—even in supposedly "autonomous regions" of minorities.

The main exception to this was in Kwangsi, the southern province where a Chuang headed the committee. He has recently become the first secretary of the new party provincial committee, with Han deputies.

Other minority regions were slow in forming their post-Cultural Revolution party committees. These generally are following a pattern of using the same people as the army-dominated Revolutionary Committees.

The over-all picture is one of minority rights disappearing.

Religion—the Moslem and Buddhist religions are the main ones of minorities in China—is being stamped out because it offers an alternate focus of allegiance and attention to the Communist party-state apparatus.

Customs are fast being lost in the disruption of modernization.

The spread of a fairly homogeneous Han culture over the entire area of China is continuing its historic course, the pace now sped up by improved communications and a strong central government.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

"IRONIES OF ROGERS' GOAL"

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. SIKES. Mr. Speaker, I have called attention on a number of occasions to the fact that interest in reopening the Suez Canal stems primarily from Russia. That nation will enjoy the principal gains if the canal is reopened. Russia now has access to more Mediterranean ports than we. Easy availability to Red Sea and Indian Ocean ports for Russian naval vessels from the Mediterranean will provide a quantum jump for the Russians and will further downgrade U.S. naval strength worldwide. Our Government is carrying the ball for Russia on the Suez and seems oblivious to the long-term dangers of reopening the canal. Joseph Alsop in his syndicated column of May 10 has detailed this situation in a most effective manner. It is entitled "Ironies of Rogers' Goal." I submit it for reprinting in the CONGRESSIONAL RECORD and recommend that it be carefully read by my colleagues.

The column follows:

IRONIES OF ROGERS' GOAL

(By Joseph Alsop)

The hidden ironies of Secretary of State William Rogers' mission to the troubled Middle East are hardly possible to exaggerate. To begin with, the wisest handicappers give the secretary a rather better than even chance to "succeed"—in which case everyone in this country will burst into loud and happy cheers.

Success, in this instance, will mean securing Israeli Egyptian agreements, after further Middle Eastern bargaining, on what is known as the interim solution. The interim solution will involve some degree of military pullback from the banks of the Suez Canal, followed by reopening of the canal to traffic.

If this result is attained, it will offer the Israelis a long and rather reliable cease-fire on their most dangerous front, with the Egyptions. No one in his senses, after all, would waste a great deal of time and money on reopening the canal, without a strong desire to use the canal thereafter. And you cannot very well use a canal which is in the very midst of a war zone.

Right here, however, is the first and biggest irony lurking behind the Rogers mission to the Middle East. If the secretary secures agreement on the so-called interim solution, he will mainly do so because of the intense Soviet desire to reopen the canal and to use it.

The Egyptian or other Arab gain from the interim solution will be downright trifling, compared to the Soviet gain. In truth, the fair prospects for this solution are a simple measure of the enormous leverage that the Soviets now possess in Egypt.

The Soviet gain can also be simply measured. The reopening of the Suez Canal will automatically multiply by a factor of at least four, and perhaps even more than that, the Soviet naval power in the Red Sea and the Indian Ocean. The multiplication will be automatic because of the immense shortening of all distances for the Soviet navy.

A big base now being built at Port Sudan; another base on the Socotra Islands; a kind of proto-base on the island of Mauritius; secret negotiations now in progress with the government of Ceylon, for use of the great naval base at Trincomalee—these should be proof enough of the intensity of the Soviet desire to be able to deploy important naval power in the Indian Ocean and the Red Sea.

The prize the Soviets are reaching for in this area is not in doubt, either. The British are leaving the Persian Gulf, which is shortly due to become a total power-vacuum. The Persian Gulf is like a great tap, turnable off or on, that controls most of the world's oil. A great extension of Soviet naval power is now needed, in sum, to get the world oil tap into Soviet hands.

As to the second great irony lurking behind the Rogers mission, it is also rather simple. In brief, the Israelis seem to be almost uniquely aware of the enormous risks of the extension of Soviet naval power that may now be in prospect. The Western Europeans could hardly care less. This country appears to be equally unworried, despite the frightful upset of the world balance that will promptly result if the Soviets ever get their hands on the world oil tap.

The Israelis, in contrast, are very deeply worried. The defense minister, Gen. Moshe Dayan, was the first man in Israel to come out in public for the interim solution. But when he did so, he also passed the word that he would withdraw his suggestion immediately, if the U.S. government objected to the reopening of the Suez Canal.

There was no answer to Dayan. There was no answer, either, to Dayan's cabinet colleague and political rival, Yigal Allon, when he made the same point in Washington some weeks ago. In Jerusalem, again, the point was raised with Secretary Rogers with some bluntness. Yet the American negotiators continued to press for the interim solution.

There are two reasons for this bizarre situation, in which the Israelis have shown more concern than the Americans for vital American interests. The first reason is that the Israelis are not victims of the popular American delusion that the Soviets have somehow changed their spots. They are quite sure the Soviets will grab for the world oil tap, if the grabbing ever looks easy to them.

In addition, the Soviet intervention in the Middle East has taught the Israelis a grim lesson. The lesson is that despite their own great courage, they live and do their business and enjoy their freedom by virtue of the guts and power of the United States, so they naturally worry about what may happen to the United States, even if people here do not worry!

ANNIVERSARY OF POLISH INDEPENDENCE COMMEMORATED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. RODINO. Mr. Speaker, I wish to again affirm my commitment—to the people of Poland who recently commemorated the anniversary of the adoption of their constitution in 1791—to all men who seek self-determined liberation—to the sovereignty of the people.

Those of us who are custodians of democratic orders must not neglect the precious essence of liberty—that if the rights of one man are denied and such action is permitted to go unprotested, the freedom of each of us, individually and collectively, is jeopardized.

The brave and undaunted people of Poland deserve our commendation, our respect and our support. And, we share their commitment to a rebirth of liberty in their homeland.

ANTIWAR DEMONSTRATIONS AIRED BY REPUBLICAN NATIONAL COMMITTEE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. GOLDWATER. Mr. Speaker, the Republican National Committee's weekly publication, Monday, this week has a few articles which I believe will be of interest to my colleagues. The articles deal with the recent antiwar demonstrations and the press coverage of them, and a poll on the war and the President's handling of it:

DEMONSTRATION PLANNED IN NORTH VIETNAM, YIPPIE LEADER SAYS

Convicted riot leader and New Leftist Jerry Rubin has asserted that the recent demonstrations in Washington were "planned" in North Vietnam. "This demonstration in Washington is a conspiracy and it was planned in North Vietnam and I don't think we should be ashamed of that," Yippie leader Jerry Rubin told University of Wisconsin students April 28 at the Parkside Campus in Kenosha. "This is a Viet Cong flag I'm wearing, by the way," he explained. "It's amazing no one knows the flag of the enemy . . . I support the National Liberation Front" (the Communists). Rubin's statement that the demonstrations were planned by the Communists was carried by television station WISN in Milwaukee. MONDAY has heard the broadcast and confirmed the quotes.

DEMOCRAT SUPPORT

According to the National Peace Action Coalition, the April 24 march was endorsed by 34 Democratic members of the House, and nine Democratic Senators: Mike Gravel, Alaska; Fred Harris, Okla.; Philip Hart, Mich.; Vance Hartke, Ind.; George McGovern, S.D.; Edmund Muskie, Me.; John Tunney, Calif.; Harrison Williams, N.J.; and Harold Hughes, Iowa. The Congressional Quarterly reports the rally was also supported by ex-Sen. Eugene McCarthy and ex-Rep. Allard Lowenstein, both Democrats.

Although it has been virtually ignored by both the electronic and the print media in this country, there has been extensive and approving coverage in the Communist media of the demonstrations. A MONDAY survey of the Communist media as reported by the Foreign Broadcast Information Service has turned up these comments:

HAILED BY HANOI

Hanoi's largest newspaper, NHAN DAN, editorialized: "The Vietnamese people warmly hail the undaunted and valiant struggle of the American people and regard this (the demonstrations) as a valuable support and encouragement to them, final victory will certainly belong to the peoples of our two countries." The paper noted that demonstrators included "Congressmen and politicians" saying: "It is characterized by the magnitude of its scale and by the strong spirit and broad composition of the participants. People from the upper strata and political circles are participating in bigger numbers and spirit compared with the previous campaigns. Senator Edmund Muskie, a very well-known leader of the Democratic Party stated: 'The war is wrong. The American people know it is wrong, and we want to end it.' "

The clandestine Communist radio broadcasting in Vietnamese to South Vietnam hailed the demonstrations as a "priceless encouragement and a harmonious coordination of the 'second front' (in the U.S.) with the struggle in Indochina against the aggressive war of the U.S. administration." The broadcast labeled the protests an "upsurge of common sense and a manifestation of nationalism, bravery, determination, eagerness for peace, and the international spirit of the American people."

STRUGGLE PRAISED

Another radio broadcast an open letter from the Communist South Vietnamese People's Committee for Solidarity with the American People to the American people. It praised the demonstrations and recalled previous activities "in the United States in the Fall of 1969 and your seething demonstrations in the Spring of 1970." "May your struggle, friends, be crowned with great success," the letter ended.

In Laos, the Communist Pathet Lao News Agency broadcast an open letter from Prince Souphanouvong to the demonstrators which praised their "courageous struggle" as having made "an active contribution to ours. We take this opportunity to express our deep gratitude to you. In close coordination with the glorious anti-war campaign of the American people, our just struggle for national salvation will surely triumph." (This "just struggle" spoken of by the Prince means a Communist take-over of Laos. A situation which President John F. Kennedy said in 1961 would endanger the security of "all Southeast Asia.")

Communist China's New China News Agency praised the "just struggle" of the demonstrators and Peking's paper, the "People's Daily," carried an article written by "worker-commentators" which declared: "We Chinese workers and the entire Chinese people firmly stand by the American people and fully support their just struggle."

SOVIET SUPPORT

A Radio Moscow broadcast in English to North America discussed the demands of the demonstrators—an immediate halt to American aggression, and removal of U.S. troops from South Vietnam—and declared: "The Soviet Union also supports these demands . . ."

In addition to foreign broadcasts, the Communists also communicated their support of the anti-war demonstrations directly to the parties involved. In a letter published by the Liberation News Service to those she called "American friends participating in the demonstrations," NLF's chief negotiator in Paris, Madame Binh, wrote: "I wish great successes to your Spring Offensive and hope that different groups of the U.S. anti-war movement will come to still better coordination in taking more effective actions to demand that the Nixon Administration seriously negotiate a political solution to bring about an early end to the war . . ."

CONGRATULATIONS MADAM BINH

In an earlier interview with the underground news service, Madame Binh was asked if she looked upon the anti-war movement in the U.S. as a serious factor in the overall situation or does she see it as simply a beautiful gesture? She replied: "We believe that what they have done, and what they are doing, will contribute to our common struggle against the war . . . we shall always follow closely the anti-war movement in the United States. We congratulate them and thank them."

COMMUNIST MEDIA COVERAGE OF DEMONSTRATIONS GETS LITTLE COVERAGE IN USA

Is the extensive and favorable coverage by the Communist media of the anti-war demonstrations in this country newsworthy? Monday contacted several TV and newspaper editors and put two questions to them: (1) Did you run anything about the Communist coverage of the demonstrations, and (2) If not, why?

"I don't think so," said J. W. Anderson, foreign editor of the Washington Post. "Minor squibs, maybe. We pretty well take for granted that the Communists will cover these demonstrations." Because of the predictability of the Communist reaction, Anderson explained, he didn't feel the coverage was newsworthy. "But certainly the Communist coverage of the demonstrations couldn't be any more predictable than the demonstrations themselves," Monday asked, "yet the Post covers them extensively." "You have an interesting point," Anderson concluded. "Perhaps we ought to go back and take a look at this."

TIMES CARRIES "VERY LITTLE"

N.Y. Times foreign editor James Greenfield said the Times carried "very little" on the subject but did admit it was newsworthy. There are space problems, he explained, which keep news like this from getting in the paper. "We are preparing a piece on this now," he said, "and it should appear in a few days." Greenfield agreed that such demonstrations here in this country give aid and comfort to the enemy.

CBS television news assistant foreign editor Ted Landreth recalled a one paragraph story at the end of a radio broadcast on the subject but said the item came too late to make a Friday TV newscast and was too old for the Saturday night news. Landreth told Monday that he was familiar with the Communist coverage of the demonstrations but "I don't consider them newsworthy. It happens all the time. They're predictable." But how do your viewers know the Communist media coverage of these demonstrations is the same if they've never seen a story about it on your network, Monday asked. Landreth suggested that people interested in foreign news of this type read Atlas magazine.

NBC "ABSOLUTELY NOTHING"

NBC TV news editor Bruce Sloan, who said he spoke only for the TV side of his operation, told Monday there was "absolutely nothing" on film about Communist coverage of the demonstrations. "I don't think it's newsworthy," he explained.

"If we did carry something I think it could be kissed off in one line." Sloan said he thought it was "irrelevant" whether or not the demonstrations gave aid or comfort to the enemy. In an aside, Sloan commented that what the United States is doing in Vietnam "is the same thing the Nazis did in Germany." The only difference, he declared, "is numbers."

The foreign editor of the Los Angeles Times, Robert Gibson, told Monday his paper had a 400 word piece on the subject about two weeks ago. The article was about Radio Hanoi's coverage of the anti-war demonstrations. Gibson said there had been no roundup article covering all the Communist media coverage but said the question was "a perfectly valid one."

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72 PERCENT SUPPORT NIXON PLAN TO END WAR, POLL SHOWS

The public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but not if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J. 72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year if it meant a Communist takeover of South Vietnam, 55% said no, 29% said yes, and 16% had no opinion. Also, an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 if it threatened the lives or safety of the United States POW's held by North Vietnam. 11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nationwide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2.

FEDERAL AID AUTHORIZATION FOR SCIENCE EDUCATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. DULSKI. Mr. Speaker, the House Committee on Science and Astronautics has authorized increased funding for science education particularly for the trainee program in fiscal 1972.

The increase in funding for science education over the administration's recommendation totaled $22 million. Included in this figure is $2 million for the program known as Student Science Training Program—SSTP.

The need for Federal support of science education is well documented and the success of the trainee programs is exemplary.

One of the more successful projects under SSTP is one carried on in my home city of Buffalo, N.Y. where we have an extremely active medical school, fine hospitals, and one of the world's outstanding medical research facilities, the Roswell Park Memorial Institute.

At a hearing of the House Appropriations Subcommittee on HUD-Space-Science this morning, I had the pleasure of introducing a witness to discuss the overall science education program and in particular the SSTP program.

He is Dr. Edwin A. Mirand, associate director and dean of graduate studies at Roswell Park Memorial Institute.

He gave a very excellent explanation of the need for reconsidering our priorities on science education on the basis of his long experience with federally assisted science programs.

Following is the text of Dr. Mirand's prepared remarks:

STATEMENT BY DR. EDWIN A. MIRAND

Mr. Chairman, Gentlemen of the Subcommittee:

Your invitation to appear before this Committee is greatly appreciated. Many of my colleagues throughout the United States and I have labored long to improve science education.

We have assisted the National Science Foundation in devising their science education programs, have helped run them, and have petitioned Congress to insure their continuance.

We are pleased to find that the House Science and Astronautics Committee on April 29th approved the action taken by the House Science and Research and Development Subcommittee to restore the deleted educational programs and in particular, the Student Science Training Program (SSTP) to the budgetary levels of FY 1971.

It is heart-warming that the Committee has, furthermore, mandated upon the Director of the National Science Foundation (NSF) the necessity to expand these funds expressly in support of the programs designated in each line of the budget, allowing only minor changes.

We are here to request that these decisions of the House Science and Astronautics Committee be approved by this Committee and be forwarded to the full House for its approval. Your approval of the budget presented to you requires the NSF to carry out the aim of the Congress and insures that this will not be obviated by shifting funds at the NSF Director's discretion.

MISTAKE IN PRIORITIES

We are extremely concerned about the NSF decision to terminate support of the SSTP after the summer of 1971. We feel that it reflects mistaken judgment concerning national priorities.

My own interest in the NSF educational budget arises out of more than 18 years of experience as a Director of SSTP programs which have permitted me to introduce to careers in science more than 2,000 talented high school students.

My staff and I have given of ourselves far beyond the call of our institution and the funds allocated for these purposes because we feel it is every scientist's duty not only to increase the scope of man's knowledge, but also to provide the next generation of scientists to carry the work forward.

Colleagues of mine who operate other SSTP programs—Dr. Victor Satinsky of Hahnemann Medical College; Dr. Loren G. Hill of the University of Oklahoma; Dr. Kenneth J. Torgerson of the University of Arizona; Dr. Frantisek Wolf of the University of California; Drs. J. A. Hynek and Jay Burns of Northwestern University; Dr. J. Christman of Loyola University, New Orleans, La., and many other SSTP directors—participate in such work because of their dedication to the needs of the next generation of scientists.

NSF SUPPORT INDISPENSABLE

Our intense feelings concerning continuation of this program arise out of essentially selfless motives: We contribute far in excess of any support the NSF might give. However, NSF support is indispensable for the success of the program.

The national publicity and the prestige of the NSF makes it possible for the most talented young people to offer themselves. They do so in numbers far in excess of the meager capacity of the programs available.

Approximately ten times as many applications are received as appointments available. This competition is good for the student and heightens his interest. Furthermore, SSTP introduces young people to science at a time when they are first making their career choices.

The program is offered to high ability high school juniors, who get a brief but very vital acquaintance with the latest ideas and concepts of science, who meet other talented individuals for the first time and who learn to stretch their mental muscles.

It permits them to be oriented to multiple disciplines in the sciences so that they may choose their academic careers more wisely. They cannot receive such experience in the normal high school environment.

MOST SUCCESSFUL NSF PROGRAM

By all odds, the SSTP has been the most successful of the educational programs offered by the NEF. It also has forced the instructional staffs at high schools constantly to upgrade their own knowledge.

The assistant director of the National Science Foundation stated on January 15, 1971, that the program was being terminated because it had not been sufficiently evaluated and was deemed unfruitful. However, the contrary is the case.

SSTP is the only program that had been thoroughly evaluated by the NSF. Since 1959, there have been six followup studies.

The general tenor of these evaluations has been that the SSTP participants, when compared with other students of equal interest and intelligence, were more likely to choose a science major in college, to go on to graduate school, and to win graduate degrees. In short, they have displayed more marked motivation to work in science.

Summarizing these statistics, we noted that a followup of 5,000 cases of 1960 high school participants showed that 85% of the males and 67% of the females were undergraduate science majors. When this survey was made (1967), 82% of these males and 71% of these females were graduate students with science majors. SSTP can thus not be faulted for lack of productivity.

INDIVIDUAL CASES CITED

The human content of the program may be indicated by citing a few cases. I am particularly moved to mention to you the career of my former student, Lawrence Okun. Dr. Okun took an undergraduate degree in physics at Wesleyan and a doctoral degree in molecular genetics at Stanford. He is now a post-doctoral fellow at Harvard Medical School.

The SSTP Director of the Jackson Laboratories, Mr. R. F. Shea, is proud of many of his illustrous alumni. Two of them, Dr. Howard M. Temin, at the University of Wisconsin, and Dr. David A. Baltimore, now at M.I.T., have both made substantial contributions to the fields of molecular biology and cancer research.

Dr. Leo Gross, Director of the Waldermar Medical Research Foundation program, tells of a young man suffering from a hereditary ailment—Gaucher's disease—who has dedicated his life to the study of metabolic diseases, now as a Professor of Medicine at the University of Illinois.

A talented young man's boredom, resulting from insufficient challenges within his high school experiences, apparently underwent impressive changes after his intellectual challenge in the Waldermar program. He is now an Associate Professor of Psychology at the University of Oregon and the Director of the Clinical Psychology Laboratory.

ENORMOUS IMPACT ON STUDENTS

Without question, the impact of SSTP experiences on the student participant has been enormous. The few cases cited above are like the tip of the iceberg projecting above the water.

The rapid growth in critical thinking and in creativity generated by SSTP participation results in the development of constructive attitudes and philosophies which cannot be derived from textbooks or the high school environment alone.

These students are truly exposed to the scientific method in exploring the unknown at a time in their lives that is critical to their future development.

Clearly, SSTP has achieved the goals set by the NSF since it first undertook 13 years ago to win talented individuals to choose scientific careers.

Continuation of SSTP at present is especially vital to provide scientific talent for all levels of our technologic society in view of the trend away from science in high schools and on the campuses of our universities.

Were it curtailed, the future supply of talented individuals necessary for national scientific excellence might be sorely limited. Moreover, it is the NSF's mandate to concentrate on developing potential scientists. This group is a fragile resource, capable of being shunted to other fields of endeavor.

CUT IGNORES FUTURE NEED

The NSF's plan to terminate support for SSTP on the basis of a current oversupply of scientific and technical talent is disquieting. It ignores the condition that this program's productivity in terms of needs is ten years into the future.

May we not see at that time shortages in scientific personnel similar to those the nation experienced prior to World War II and in 1958 post-Sputnik years?

The NSF Directors, by their own admission, made the choice to curtail SSTP and other educational programs without consultation with the NSF staff and advisers and followed the edicts of the Office of the Management of the Budget (OMB), which may have been unaware of the nature of the programs or of their success.

The *Chicago Daily News* of May 1, 1971, reported OMB Director, George P. Schultz, as stating mistakenly that this program had "a small effect . . . on student choices . . . and we don't see now the need . . . to add more men in science."

You know from previously quoted NSF studies that the SSTP program is effective in winning students to scientific careers and that national excellence requires an intelligent, talented cadre of scientific leaders in the future.

SCIENCE STRESS MISPLACED

What is more distressing to us is the fact that the NSF Administration's stress is misplaced. In creating the National Science Foundation in Public Law 507—81st Congress, as amended through July 18, 1968, the Congress stated in section 3, paragraph A (1)—and we quote "that the Foundation is authorized and directed to initiate and support *basic scientific research and programs to strengthen scientific research potential* in the mathematical, physical medical, biological, engineering, social and other sciences . . .!"

We do not for a moment question the importance of dealing with such societal problems as pollution, urbanization, transportation and the production of energy. However, to substitute these areas for the "hard" sciences even limits our very ability to deal effectively in the long run with these societal problems.

The SSTP program and other educational programs of the National Science Foundation that were scheduled for curtailment by the NSF are just those programs called for by the law that "strengthen the scientific research potential" of our country.

The NSF's decision to terminate SSTP is defended by Dr. Lloyd G. Humphreys, Assistant NSF Director (Education) for the very reasons these programs should be continued when he says "when we look to the future, the need to educate in science and technology a greater variety of people for a broader range of purposes assumes increasing importance." (Remarks before the House Science and Astronautics Committee, March, 1971).

CUT IS POLICY CONFLICT

Further, it is an anomaly that a successful program, which brings 5,000 young people into intellectually gainful occupations for the summer, should be terminated at a time when President Nixon acts to increase summer jobs for youth. Mr. Nixon's plan will provide $64 million to put "disadvantaged" teen-agers to work this summer (*Chicago Sun-Times*, April 10, 1971).

Compare this to the $2 million recommended and approved by the House Science and Astronautics Committee, which will put a proportionally far larger number of young people into summer occupations that will reap fantastic dividends for the country ten years in the future.

Dr. Philip Handler, head of the National Academy of Sciences, has decried as misplaced the conception of national priorities followed by the NSF in reducing educational support and in directing the National Science Foundation more and more toward applied research, contrary to the original intentions spelled out at the time of its founding (*Science*, April 16, 1971).

AIMED AT TALENTED FEW

The training offered by the SSTP, and the other NSF educational programs is designed for the small, but admittedly talented, group of individuals who are of increasing importance to national welfare in our technological age.

Scientific talent is not a generally available commodity. It requires a special turn of mind, a consuming curiosity about the unknown. It is a delicate plant that must be carefully nurtured to grow.

I should like to point out again that none of the people who have written to support a mandate upon the NSF to continue its educational programs could even remotely benefit personally by the continuation of these programs.

They have written to you, as I did, solely because we all feel strongly that these programs should be continued on the basis of their merit. I suspect you rarely receive requests for program support where the constituents themselves do not have a direct interest.

I earnestly solicit your support for the NSF budget, as approved by the House Science and Astronautics Committee and the mandate the Committee has placed upon the NSF to continue these specific programs. More than 150 present and past directors of SSTP activities in the universities and research institutions of our country join with me in this request.

I thank you for your courtesy in letting me appear before you.

SSTP EVALUATION STUDIES BY THE NATIONAL SCIENCE FOUNDATION

1. Edgerton, Harold A. "A Look at the 1959 National Science Foundation's Summer Science Training Programs for High Ability Secondary School Students", Richardson, Bellows, Henry & Co., Inc., New York, Dec. 1959.
2. Edgerton, Harold A. "Impact of a National Science Foundation's Summer Science Training Programs for High Ability Secondary School Students", Richardson, Bellows, Henry & Co., New York, Dec. 1961.
3. Edgerton, Harold A. "Three Years after SSTP—A Follow-up Study of the Participants in the 1960 SSTP", Performance Research, Inc., Washington, D.C., April 1965.
4. "Follow-up Study of 1960 SSTP Participants—Five Years after Participation", American Institute for Research, Silver Spring, Md., Jan. 1968.
5. "Follow-up Study of 1963 SSTP Participants—Three Years after Participation", American Institute for Research, Silver Spring, Md., Jan. 1968.
6. In press.

THE 23D ANNIVERSARY OF THE ESTABLISHMENT OF THE STATE OF ISRAEL

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. ANNUNZIO. Mr. Speaker, it gives me great pleasure to join my colleagues in commemorating the 23d anniversary of the establishment of the State of Israel.

Twenty-three years ago, on May 15, the last garrison of British troops left Palestine and the nation of Israel was formed. With its proclamation of independence on that day, Israel joined the family of free nations, and her people realized the fulfillment of a centuries-old dream. After having endured untold hardships, the Jewish people took their rightful place in the world, and for more than two decades, the State of Israel has served as an example to all nations of what a determined people can do under a free democratic government.

Since her establishment in 1948, Israel's people achieved a near-miracle, for they have built a land out of the desert against tremendous odds. What has been achieved there is nothing short of remarkable. In the field of agriculture, thousands of acres have been reclaimed; in the field of industry, thousands of new enterprises have been created; and new towns, cities, hospitals, schools, and universities have been founded to provide the necessary facilities for the expanding population as well as the growing economy.

Today Israel lives in the midst of mounting outside conflict. Though small in size, her courage, and determination are boundless. To this day, she emulates those admirable qualities which insured her formation 23 years ago, and today, she stands as an outstanding symbol of democratic ideals.

Mr. Speaker, the world is indebted to Israel for all that she has given to the advancement of Western civilization. Much of our judicial procedure has been based on her mosaic system of laws. Music, art, education, and countless other areas have benefited from the contributions of her people.

In the Seventh Congressional District of Illinois, which I have the privilege to represent, many thousands of Americans of Jewish descent reside. On the occasion of the 23d anniversary of the State of Israel, I extend to them and to all of the Jewish people my best wishes for peace and prosperity. As the people of Israel continue to demonstrate the vision, the daring and the fortitude they have shown in the past, I know that in the years ahead Israel shall continue to increase its stature as one of the leaders of the free world.

PRESIDENT MEETS UNIVERSITY OF MARYLAND STUDENTS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HOGAN. Mr. Speaker, yesterday I called to the attention of my colleagues an incident which occurred on the University of Maryland campus in my congressional district. I mentioned a photograph in the Evening Star which showed two students at the University who stood guard over the American flag while a group of demonstrators attempted to lower the flag on the campus so that it could be flown upside down.

Since my remarks yesterday I have received further elaboration on this incident which I would like to share with my colleagues. Apparently, the 200 or so demonstrators on the college campus had already lowered the flag, trampled it on the ground, and flown it upside down at half-mast, when David Simpson and Charles Blocker broke through the crowd. These two young men then righted the flag and stood guard over it, proclaiming that the campus flag belongs to all 36,000 students at the University of Maryland not just to the 200 or so protesters who represent only a small fraction of the entire student body.

Mr. Speaker, I commended both David Simpson and Charles Blocker for their courageous act yesterday but I am proud and pleased to report that these gentlemen have received the praise and recognition of the President of the United States. President Nixon today called both young men to the White House to express his appreciation.

We all have extremely busy schedules but no one can dispute that the President of the United States probably has heavier demands on his time than anyone in the world. That the President can take time from his day to show his personal appreciation to these two students I think is indicative of the recognition they deserve from all of us who are proud of their actions.

VIOLENCE AND TERROR MOUNT IN THE NATION'S PUBLIC HIGH SCHOOLS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. PUCINSKI. Mr. Speaker, the Wall Street Journal has performed a notable public service by calling national attention to the fact that outbreaks of violence—many of them deadly—are occurring with alarming frequency in our public high schools.

As chairman of the House Subcommittee on General Education, I am deeply concerned with this threatening practice. My subcommittee is holding hearings on this growing violence in our schools.

Mr. Jeffrey A. Tannenbaum, staff reporter of the Wall Street Journal, has provided invaluable information for our committee and for Congress in his article on student mayhem which appeared in the Wall Street Journal on May 11.

This is one of the finest examples of outstanding reporting that I have seen, but more important it puts into sharp focus one of the most serious problems confronting our Nation. I hope to bring to the House shortly meaningful legislation to help deal with this problem.

Mr. Tannenbaum's article follows:

[From the Wall Street Journal, May 11, 1971]

STUDENT MAYHEM: OUTBREAKS OF VIOLENCE, MANY OF THEM DEADLY, OCCUR AT MORE SCHOOLS

SHOOTINGS, STABBINGS PLAGUE JUNIOR AND SENIOR HIGHS, OFTEN OVER RACIAL FRICTION: HARD TO TEACH, HARD TO LEARN

(By Jeffrey A. Tannenbaum)

In a second-floor boys' washroom at Franklin D. Roosevelt Junior High School in Cleveland, four pupils recently cornered a 15-year-old classmate, Kenneth Wagner, and authorities say the foursome executed him by firing six rifle bullets into his head.

The reason, as far as authorties have been able to determine, was that young Ken Wagner had quarreled and fought with at least two of his alleged assailants. School principal Arnold A. Brown says one of the alleged attackers told him shortly after the shooting that "Wagner had it coming."

Inexplicable as that sort of reasoning might be, the slaying is but one example of a major development in hundreds of junior high and high schools across the country. Acts of violence—shootings, beatings, rapes and strong-arm robberies—are cropping up with unnerving frequency.

Sometimes, educators say, it's student against student. Sometimes it's student against teacher. In any case, it's violence on a scale and occurring with a frequency that educators say they haven't seen before. "The cases of violence used to be few and far between," says John E. Desmond, president of the Chicago Teachers Union. "But today the teacher's position is almost as hazardous as that of the policeman on the street."

A CRACK ON THE HEAD

That's an exaggeration—but not much of one. Consider, for instance, what happened recently at Nottingham High School in Syracuse, N.Y., when a fight between black and white students erupted in the school cafeteria. Vice principal Joe D. Woods says he was trying to restore order when "somebody behind me cracked me over the head with a chair." The blow sent him sprawling to the floor and left a gash that required four stitches to close.

Although the reliability of some statistics may be questioned because no uniform reporting procedures exist, almost all responsible authorities agree that violence in schools is rising and becoming more serious in nature. A study of 110 large urban school districts released early in 1970 by the Senate subcommittee on juvenile delinquency shows that pupil assaults on teachers rose to 1,801 in 1968 from 253 four years earlier. Pupil assaults on pupils during the same period rose to 4,267 from 1,601. More recent statistics aren't available, but talks with school officials in many cities indicate violence is rising at an even sharper rate now.

A New York City public school official says serious physical attacks on teachers last year jumped to 287 from 231 a year earlier and 193 five years earlier. Some incidents involved outsiders, including irate parents, but the official says most of the attacks were by pupils. In Portland, Ore., a public schools spokesman says pupil assaults on pupils jumped to 122 last year from 63 in 1968 and only 10 in 1965. This year, he adds, the number is leaping again.

THREATENING THE ABILITY TO EDUCATE

As a result of the growing violence, students in a number of cities face not only the increased possibility of being physically harmed in the public schools but also the near-certainty that the quality of their education will suffer. An atmosphere of violence, says Richard T. Frost, director of urban studies at Syracuse University Research Corp., which has studied violence in the schools for the U.S. Office of Education, "mortally threatens the capacity of some schools to educate anybody."

"My children are afraid to enter the washrooms now," says the mother of two pupils at Cleveland's Franklin D. Roosevelt Junior High, where Kenneth Wagner was slain. "My husband and I want our children to leave the school, but we're afraid if they go someplace else, it'll be the same thing."

Behind the mounting violence, the experts say, is a complex combination of factors. They include racial hostility, the presence of drugs in schools and an apparent inability of the existing educational system to cope with unusual situations, such as those involving a culturally deprived or emotionally disturbed child. As tension increases, more and more students are showing up with lethal weapons.

Many educators contend that racial friction is the most common element in school violence. According to the National Association of Secondary School Principals, racial tension is greatest in schools with black student bodies and largely white teaching staffs.

FOUR SHOTS AT A COACH

That description fits almost perfectly Shaw High School in East Cleveland, a municipality adjacent to Cleveland's inner city. A few weeks ago, a 15-year-old black pupil at Shaw brought his father's pistol to school, apparently intending to shoot a teacher who had disciplined him for swearing. The boy failed to locate the teacher but loaned the gun to a classmate, also 15, who is charged with firing four shots in a hallway at Charles E. LeBel, the school's white football coach. Authorities say Mr. LeBel had angered the student a few days before when he confiscated a newspaper the boy had been reading in class. The shots narrowly missed Mr. LeBel.

Samson L. Freedman, a 54-year-old white ceramics teacher at Leeds Junior High School in Philadelphia, was slain recently, just outside the school, allegedly by a 14-year-old black pupil with a mail-order pistol. Police say the pupil was angry because Mr. Freedman had tried to have him punished for verbal abuse. Although some viewed the shooting as a tragedy in which race played at least a part, Meyer Berkowitz, the principal at Leeds Junior High, says he believes the slaying "wasn't a racial incident." He contends the pupil involved would have been equally willing to shoot a black teacher. A trial is pending.

Indeed, the role of race in violent outbreaks is difficult and often impossible to measure with any precision. And many authorities say that race is merely one element in a vastly more complex picture. An additional consideration that's frequently cited is the slum condition of many inner city neighborhoods where children are reared and where violence tends to crop up most often. Certainly racial hostility played no role in the killing of Kenneth Wagner at Franklin D. Roosevelt Junior High School in Cleveland, since all five students involved were black. (The four alleged attackers have been declared delinquent by juvenile court and put in a state correctional home.) Mr. Brown, the principal, attributes the incident more to the general atmosphere of strife and conflict in the low-income neighborhood around the school. After being told that "Wagner had it coming" by one of the boys involved, Mr. Brown recalls asking: "You mean this is the law of the jungle?" The reply, he says, was "Yeah, oh yeah. That's the way it is." He adds that the boy was "very matter of fact," no remorse, no nothing. They start out fighting from the cradle.

To a great extent, Mr. Brown and countless other school officials argue, more violence in the schools is a direct reflection of more violence in the community. And almost no one contends that things are improving very fast, especially when it comes to inner city neighborhoods. Kenneth Wagner's death, says David W. Whitehead, president of the Cleveland Teachers Union chapter at Franklin D. Roosevelt, was "the climaxing of a general trend. We sensed that something like this was going to happen."

PARENTS HAD FEARED TROUBLE

Apparently so had at least some parents. Three months before the slaying, a group of about 20 parents and teachers met at the school with Mr. Brown and a Board of Education official to demand improved security measures. They argued that better security was needed because during the two previous years, among a number of other incidents, one pupil had slashed another with a knife on the school steps, several girls had beaten another girl on a nearby porch, a student had been shot in the chest when a gun went off accidentally during a class, and a pupil had threatened a teacher with a gun.

The presence of drugs in schools contributes to violence in various ways. Not long ago at George Washington High School in New York, for example, racial violence between blacks and Puerto Ricans was touched off when some girls robbed another girl at knifepoint to obtain money for drugs. In California, at San Fernando High School, principal Hugh F. Hodgens says a student "high on pills" recently touched off racial fighting between blacks and Mexican-Americans. Both the school in New York and the one in San Fernando were forced to close temporarily.

Authorities also say that rivalry between groups of students, long a factor in youthful violence, continues at a quickened pace and most serious level. "Youngsters often have to cross the turf of rival gangs to get to school," says Helen F. Faust, director of pupil personnel in Philadelphia. "Some parents are refusing to allow their children to come to school." The parents have ample reason to alarm, she says. In the three years 1968 through 1970, the city had 108 so-called youth gang killings, a dramatic increase over the 39 slayings in the previous three-year period. Partly because of mounting violence, says Miss Faust, almost 40% of Philadelphia's students are absent from certain schools on a normal day.

The problem of what to do with emotionally disturbed children is a particularly perplexing one for educators. James H. Misch, director of secondary schools in Cleveland, says school principals are forced to "dump their worst behavior problems onto one another" by transferring deprived or emotionally disturbed students to another school in the hope that the students will improve in a new environment. Kenneth Wagner, the youth who was killed in Cleveland, and two of the boys involved in the shooting, were "adjustment transfers." Mr. Misch says that in all of Northern Ohio there is only one 92-bed state facility for the intensive treatment of disturbed youths. "We have no place to send these children," he says.

AUTHORITARIANISM IS SCORED

School officials inclined toward strict discipline also get a share of the blame for rising violence, some experts contend. Dr. John P. Spiegel, a psychiatrist who directs the Lemberg Center for the Study of Violence at Brandeis University in Waltham, Mass., says the "authoritarian, very tight system of control in the public schools" is responsible for breeding much hostility. He adds that "society as a whole is undergoing rapid social change toward participatory democracy, and the schools have further to go than the rest of society."

All the violence, of course, is resulting in a school atmosphere in which it's more difficult to teach and more difficult to learn. Carmen W. Gagliardi, a seventh-grade counselor at Franklin D. Roosevelt in Cleveland, says the increasing number of incidents "adds to the anxiety of the children—they're always anticipating something's going to happen, and then they begin to fear getting into arguments and spats."

Renald H. Jones, a veteran math teacher at Shaw High in East Cleveland, where football coach LeBel was shot at, says teachers are clearly more nervous. "There isn't one of my classes during the day now that I can carry on without an interruption of some kind," he says. One recent interruption, he adds, involved a ninth-grade girl who stood up during class with an eight-inch butcher knife in her hand and said: "I'm going to get you." Mr. Jones, 55, managed to disarm the girl.

While most serious violence now is confined to inner city schools in the Eastern U.S., there is clearly alarm among school officials that the violence could soon spread to other cities, the suburbs and smaller towns. A school's spokesman in Portland, Ore., for instance, says that as yet weapons aren't a major problem in the assaults that have occurred there. But he adds that "all the trends in the Eastern schools get here eventually," and that already "there are rumors of guns for the first time."

Moreover, there are indications that even elementary schools may be in for trouble. Lula D. Wade, a community agent in a program sponsored by the Rockefeller Foundation to improve relations between parents and Cleveland school officials, says that "even elementary school children are carrying knives, they're carrying (brass) knuckles, they're carrying whatever weapons they can get."

In schools already hard-hit by violence, a number of steps are being taken to improve the situation. School security forces are being bolstered to help hold down vandalism as well as violence. In New York, where two teachers were raped recently—one by an unidentified assailant and one allegedly by a 15-year-old high school truant—50 men will soon be added to the system's force of 380. In 1968, New York had only 75 security men. In addition, school officials in some cities are searching student lockers for hidden weapons.

DISPERSED VENDING MACHINES

City police are also coming to the aid of schools in some cases. In Detroit, for example, 133 police have been directed to pay special attention to school grounds. Mounted on small motorscooters, they attempt to get to know as many students as possible. Elsewhere, officials are taking more subtle steps. At racially troubled Marion Abramson High School in a fairly affluent section of New Orleans, soft drink machines have been dispersed to several locations instead of one to help prevent large gatherings of students.

Some schools are also reforming curricula to help dampen discontent. At University City High School, in the St. Louis area, a film that black students had objected to is no longer being shown; in addition, nine students now sit on an advisory panel on curriculum with an administrator and three teachers.

The problems have also drawn the attention of some legislators. Rep. Jonathan B. Bingham of New York has introduced a bill called the "Safe Schools Act of 1971," which would provide federal aid to help schools bolster security forces. Moreover, the U.S. Office of Education is funding a $500,000 program at the newly established National Facility on School Crisis and Change at the University of Michigan. A primary aim is to train school administrators in "conflict resolution."

FIVE WISHES

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. BRINKLEY. Mr. Speaker, the following story is illustrative of the unselfish example which all of us should follow:

Miss Roxann Wheeler, age 8, recently came home from school and told her parents that if she could have five wishes, they would be:

First, I wish the war would stop!

Second, I wish there would be no more pollution.

Third, I wish people would stop using drugs.

Fourth, I wish there would be no hungry people in the world.

Then she paused for a moment and announced her fifth wish—

I wish we lived on a farm so I could have a horse!

Roxann is a third grade student at St. Agnes School in Alexandria, Va. She is the daughter of Mr. and Mrs. Larry M. Wheeler.

WHAT PRICE LOCKHEED?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. HAMILTON. Mr. Speaker, the administration's request for authority to guarantee $250 million in loans to the Lockheed Aircraft Corp., is to be presented to Congress today, Wednesday. In connection with that event, I would like to bring to the attention of my colleagues an article from the New York Times Magazine of May 9, 1971, entitled "What Price Lockheed?":

WHAT PRICE LOCKHEED?

(By Berkeley Rice)

Bankruptcy is not a nice word. Corporate executives shudder when they hear it, and public-relations men generally avoid the term regardless of how perilous the prospects of their employers. When bankruptcies do occur, they usually happen to relatively small companies as a result of either poor or corrupt management or because of a declining industry—shoe manufacturing, for instance—or a fragile and speculative one such as electronics.

During the last year, however, the financial world has been discussing the possible bankruptcy of Lockheed Aircraft Corporation, an enterprise so large that its collapse would be a national disaster. Because of the potential effects of such a development, the very threat of Lockheed's collapse has become its best hope for salvation.

For nearly a decade, Lockheed has been the largest defense contractor in the country. In dozens of plants spread through 26 states, its 75,000 employes turn out a variety of military hardware that produces about $2-billion a year in sales. The Lockheed-Georgia Division alone is the largest industrial enterprise in the Southeast.

The failure of Lockheed would destroy this vast empire and cripple hundreds of the corporation's subcontractors, many of them major companies in their own right, as well as thousands of smaller businesses that supply them. Some of the nation's largest banks and several major airlines have hundreds of millions of dollars tied up in Lockheed and would suffer huge losses. The Pentagon would lose one of its principal suppliers of aircraft and strategic missiles. And for the Nixon Administration, the political and economic disaster would be a serious liability in the Presidential election next year.

For all these reasons, the Government simply cannot afford to let Lockheed go under; the company, the banks, the airlines, the unions and Congressmen whose districts include Lockheed plants needn't bother to put much ""pressure" on the Administration to rescue Lockheed. (And, of course, the White House is undoubtedly aware that officers and directors of the company contributed at least $38,880 to the Republican campaign during the last Presidential election.)

One of the chief reasons for the Government's commitment to Lockheed is that more than most major aerospace companies, it is almost completely dependent on the Government. Boeing, for example, remains in relatively sound financial condition despite its loss of the S.S.T.; more than half of its revenues come from commercial sales. The Federal Government accounts for more than 90 per cent of Lockheed's business.

Lately, business has been poor. Lockheed suffered a net loss of $32.6-million in 1969, compared to a profit of $44.5-million the previous year. In 1970, writing off losses on several troubled programs, the company is estimated to have lost $80-million more. The bankruptcy this year of Rolls-Royce, Ltd., which was to have produced the engines for Lockheed's new commercial plane, the Tri-Star, promises to make 1971 depressing, too. Reflecting these unhappy conditions, Lockheed stock has fallen from a 1967 high of nearly $74 a share to a low of $7 in 1970. Only part of this drop was caused by the general market decline, for while the rest of the market has climbed back to near-1969 levels, Lockheed continues to hover below $15 a share. And as part of a Lockheed belt-tightening program, the company's chairman, Daniel Haughton, has cut his $150,000 salary by 25 per cent.

To be fair, one should view Lockheed's troubles in the context of a general decline in the aerospace industry over the last few years. Total industry sales have fallen from nearly $30 billion in 1968 to an estimated $23.5-billion for 1971. Although the aerospace industry remains the country's largest manufacturing employer, the total number of jobs dropped from nearly 1.4 million in 1968 to about a million this year. In terms of employment, Lockheed has fared better than some of its competitors. While its payroll has dropped from nearly 100,000 to about 75,000 during the last three years, employment at Boeing plummeted during the same period from more than 100,000 to about 37,000.

The aerospace industry's main commercial customers, the nation's airlines, have taken a particularly bad beating lately, and conditions are unlikely to improve soon. The budget of NASA, another major buyer of aerospace hardware, has been cut back sharply in recent years. And the Defense Department, the industry's biggest customer ($14.4-billion in 1970 sales), has cut its procurement budget from $24-billion in 1968, at the height of the Vietnam war, to an estimated $18-billion for 1972.

The principal causes of Lockheed's shaky financial state are the threat to the L-1011 TriStar, its major hope for a position in the commercial market, and a disastrous loss on its biggest military contract, the C-5A jet transport. The stories of these two projects provide a revealing view inside the aerospace industry. They show the interrelationship between defense and commercial business and how far the industry has moved from what its executives still proudly refer to as "the American free-interprise system."

The C-5A is the largest military aircraft ever built—nearly a football field long and theoretically capable of prodigious feats in the way of transporting cargo. Although the Air Force has accepted delivery on at least 25 of the planes, however, they have yet to demonstrate fully some of their theoretical virtues. In fact, because of various "structural fatigue" problems, the C-5A's that are now "operational" are restricted to 80 per cent of their load capacity. Gen. George Brown, the head of the Air Force Systems Command, also conceded recently that there had been "some trouble in the maintenance area" and in the "reliability" of the C-5A, but he insisted: "We are working our way out of these problems."

In 1964, when the Pentagon decided to go ahead with plans for the C-5A, the field of prospective bidders quickly narrowed down to three companies: Lockheed, Boeing and Douglas (which later merged into McDonnell-Douglas, partly as a result of its having lost out on the C-5A contract). The winnowing process was quite natural. The contract was one of the largest in military history.

The awesome financial, physical and technological capabilities required to produce such a gigantic aircraft automatically eliminated all but a few of the largest companies. Of course this situation has an unhealthy effect on competition, for only companies that have previously held major defense contracts can afford to develop and maintain the facilities and personnel necessary to compete successfully for more of them. The list of the 10 largest defense contractors therefore varies little from one year to the next; Lockheed has been first or second on the list for the last decade.

In the case of the C–5A contract, as Fortune magazine pointed out, the bidders were "aware that the stakes were appreciably greater than the program itself. The winners could expect to get a corner on the commercial market for a plane that promises eventually to become a standard workhorse of the air-transport business." The winner, in effect, would be financed by the Defense Department while it developed the engineering and manufacturing experience to produce a potentially far more profitable commercial version.

Lockheed needed the C–5A contract much more than either Boeing or Douglas. Lockheed-Georgia, the division that builds Lockheed's military aircraft, was nearing the end of production on the C–141 Starlifter, the predecessor to the C-5A, and there were no other major contracts in sight. Under such pressures, Lockheed submitted the low bid of $1.9-billion for the C–5A airframe-assembly contract. Boeing was high with a bid of $2.3-billion. Since Boeing executives later conceded that even their bid was a trifle "optimistic," and since the Air Force itself had been estimating the cost of the work at $2.2-billion, many Pentagon officials and Congressional critics contend that Lockheed deliberately tried to "buy in" with an unreasonably low bid, assuming that later contract changes would boost the final price enough to provide a comfortable margin of profit. (There is considerable precedent for such an assumption. A recent check by the General Accounting Office of 38 major defense contracts found current cost estimates to be 50 per cent higher than the original contract figures—a total price increase of $20-billion.)

Robert Charles, the Assistant Secretary of the Air Force in charge of the C–5A contract when the bids were received, later conceded that "practically everyone thought that the bid was lower than the actual costs would be. But you can't be sure of this. When you have responsible companies like Lockheed, Boeing and Douglas bidding, what do you do? Do you go back and say, 'Your price is too low'? I don't think so. They're big boys." In 1969, testifying before the House Armed Services committee, Lockheed's board chairman, Haughton, insisted: "I sincerely felt we could design and build the plane at the price we quoted." If one accepts Mr. Haughton's sincerity one can conclude only that he and his colleagues made an astounding error in their C–5A bid—as astounding as that of the Air Force officials who accepted it.

Despite Lockheed's low bid, the Air Force's Source Selection Board chose the Boeing proposal, mainly on the basis of design superiority. The board feared that Lockheed's design would cause schedule delays and cost increases. But when word of the board's decision leaked out, Lockheed and its friends in Congress put pressure on the Johnson Administration to reverse it. Two of the company's best friends were the late Richard Russell of Georgia, then chairman of the Senate Appropriations Committee, and the late L. Mendel Rivers of South Carolina, chairman of the House Armed Services Committee. River's friendship was, perhaps, cemented about this time when Lockheed announced plans to build a subassembly plant in his home town, Charleston. Whether or not such friendship proved influential, top Pentagon officials overruled the Source Selection Board and awarded the C-5A contract to Lockheed. They based their decision in part upon Lockheed's previously excellent record in producing military cargo aircraft, and upon the now-embarrassing grounds that the company's low bid promised "substantial savings to the Government."

In 1966, soon after work began on the C–5A at Lockheed-Georgia, costs started running over budget because of the very design and engineering problems that had worried the Source Selection Board. Lockheed officials contended that the problems were the result of work that advanced the "state-of-the-art," though in awarding the contract the Pentagon had specifically maintained that the job would not involve any major technological advances.

The cost "overrun" on the C–5A continued to increase during 1966 and 1967. From time to time Lockheed would request "additional funding" from the Air Force, the Air Force would revise the C–5A budget and the overruns would disappear. Lockheed often helped them disappear. The Assistant Secretary of the Air Force for Financial Management during that period complained of a "visibility" problem on C–5A costs: "It appears that Lockheed is holding back full disclosure of the information generated by their own systems." Lockheed officials strenuously deny having concealed any information on C–5A cost problems, but several stockholder suits brought against the company make the same accusation.

A few Air Force officers tried without success to call attention to the growing overrun. One of them was transferred to Vietnam, another was suddenly found qualified to become air attaché to the U.S. Embassy in Addis Ababa. In November, 1968, long frustrated by the apparent unwillingness of his superiors to try to hold costs down on the C–5A, Ernest Fitzgerald, an Air Force civilian cost-control expert, disclosed before Senator William Proxmire's Subcommittee on Economy in Government that the program would cost more than $5-billion—$2-billion more than the official Air Force estimates at the time. For his audacity, Fitzgerald was stripped of most of his duties and later fired.

Because of the program's mounting cost and growing Congressional criticism of the overrun, the Pentagon announced in the fall of 1969 that the C–5A program would be "cut back" from 115 planes to 81, thereby "saving" more than a billion dollars. By then, however, it was clear that even the 81 planes would cost far more than the original estimate for all 115. Lockheed protested the cutback, charging that the Air Force had exercised its option to buy all 115 planes. The dispute went to the Armed Services Board of Contract Appeals for settlement, a process that threatened to take several years. To ease the effect of the cutback, the Pentagon agreed to a "stretch-out" of the C–5A program, allowing Lockheed to produce two planes a month instead of three. The stretch-out meant a year's delay in delivery and added at least $75-million to the cost of the program.

Behind the mounting costs and schedule delays plaguing Lockheed were a number of "unforeseen technical difficulties" on the C–5A. Several of the plane's complex systems were performing with "lower than desired reliability," as one Air Force general put it, and there were "structural fatigue problems," such as cracks that developed in the wing. Lockheed and the Air Force quickly designed a "wing fix" that would suppposedly solve this problem, though the "fix" has been having a cost overrun of its own. In January, 1970, the Air Force put the figure for correcting the wing problem at $6.5-million for all 81 planes. Six months later the figure was $15-million. Last February, Aerospace Daily estimated that the cost of all the wing fixes would come to $28-million.

To cover Lockheed's expenses on the C–5A program, the Air Force made regular "progress payments," weekly checks that amounted to more than 90 per cent of the company's current outlays. In addition, the company received a number of special "milestone payments," or bonuses, though the program was far behind schedule. The progress and milestone payments and the fact that much of the plant and machinery at Lockheed-Georgia are owned by the Defense Department mean that most of the investment for the C–5A program was being made by the Government. Had it not been for the cost overrun, Lockheed would have needed very little money of its own. (When defense contractors complain that they are making only a pitiful 2 to 4 per cent profit on their military contracts, they usually fail to point out that these figures are computed as a percentage of sales or costs. When computed on the basis of the company's own capital investment, profits range from 20 to 50 per cent, far more than those of non-defense manufacturers.)

Because of the growing cost overrun, Lockheed began to run out of funds to keep the C–5A program going. Estimates of the company's potential loss on the project ranged as high as $675-million. Lockheed blamed inflation for more than $500-million of the C–5A's cost "growth," although the contract specifically allowed for $300-million worth of inflation over the course of the program.

Lockheed was also in serious financial trouble on three other military contracts: the Army's Cheyenne helicopter, a new short-range attack missile, or SRAM, and nine ships for the Navy. Lockheed officials said most of their troubles resulted from inflation, technical problems and restrictions in the contracts for the C–5A and these other programs, but critics attributed the company's difficulies to mismanagement and inefficiency. Fortune commented: "Any company that can lose huge sums on four defense contracts at the same time must be doing *something* wrong."

In March 1970, on stationery bearing the legend "Look to Lockheed for Leadership," Haughton, the company's chairman, wrote to the Pentagon requesting an additional $435-million to $500-million to cover expenses on the C–5A program. Haughton said Lockheed could not afford to wait for the board of appeals to settle the contract dispute; unless the company received the additional funds it would have to halt production on the C–5A. This would have left the Air Force with only nine still-defective planes—the rest were in what a company official referred to as "large bits and pieces." Haughton's message was perfectly clear: Pay up or lose the C–5A.

Congressional critics were outraged by Lockheed's demand. Representative Otis Pike, the New York Democrat, called it "defense blackmail." Representative William Moorhead, the Pennsylvania Democrat, compared the company's threat to that of "an 80-ton dinosaur who comes to your door and says, 'If you don't feed me I will die. And what are you going to do with 80 tons of dead stinking dinosaur in your yard?' "

After trying unsuccessfully to arrange additional bank loans for Lockheed, Deputy Secretary of Defense David Packard went to Congress for the money. Stressing "the need to preserve this important capability which Lockheed has provided over many years," he asked Congress to authorize a special $200-million "contingency" fund to keep the C–5A program going until a settlement could be reached. (As a point of reference, $200-million is more than the Federal Government spent on all urban transit programs in 1970.) Over the objections of Senators Proxmire and Richard Schweiker, the Republican from Pennsylvania, and Representatives Pike and Moorhead, the measure passed easily, becoming known on Capitol Hill as "Lockheed's slush fund."

In urging Congressional support for the rescue plan, Defense officials contended that Lockheed would go bankrupt without the extra money. Since Lockheed produces the Polaris and Poseidon missiles and dozens of other supposedly essential weapons systems, its collapse, they argued, would dangerously weaken the nation's defense. A few officials disagreed with this analysis. Gordon Rule, the Navy's top civilian contract expert, told a House subcommittee: "If defense contractors can't hack it, they ought to be terminated for default. If they lose money and go bankrupt, let them do it. Maybe a couple of bankruptcies and defaults in the industry [will] do them good."

During the Congressional investigation, there were occasional hints that Lockheed's cash shortage was not the result of the C-5A project alone. Some of those C-5A progress payments may have been siphoned off to cover the development costs of the L-1011 Tristar, the commercial passenger liner. (Although the C-5A was built by Lockheed-Georgia, Government accountants estimate that $181-million in C-5A costs were charged by the company to Lockheed-California, the division responsible for the L-1011.)

Senator Proxmire became convinced that Lockheed's problem was caused by "its commercial venture, the L-1011 aircraft, and not by its Government contracts." Proxmire asked the Pentagon for a "cash-flow analysis" of Lockheed, a standard accounting report usually required for any major commercial loan to a company. The Pentagon replied that it did not have such an analysis, but that one would be prepared and sent to Proxmire. A few weeks later, the Pentagon informed Proxmire that it would not give him a cash-flow analysis, after all, because Lockheed considered much of the data "proprietary" information. "This makes no sense to me," said the astonished Proxmire. "Here they are asking us for [$500-million] . . . and they would not give us cash-flow data which any competent banker would insist on before he makes a loan of a million or two million dollars to a corporation."

Proxmire also discovered that some of the facilities being used in the development and testing of the L-1011 at Lockheed's Palmdale, Calif., plant were owned by the Air Force and leased to Lockheed under an arrangement he described as "a sweetheart contract." He charged this "reinforces the appearance of a sustained effort on the part of the Air Force to assist the commercial activities of one of its major contractors."

At one point during a House Armed Services subcommittee hearing, Lieut. Gen. Otto Glasser, Deputy Chief of Staff for Air Force Research and Development, made the relationship between the C-5A and the L-1011 as clear as his position would allow. When Representative Pike said, "The Lockheed problem is essentially a C-5A problem, as far as money is concerned," General Glasser stopped him: "No, Sir. If I may say, Sir, that is only about half the problem." Pike said he realized that Lockheed was involved in other defense projects, "but the money is in the C-5A."

GLASSER. "And the 1011, Sir, if I may."

PIKE. "Well, yes, but that is one you don't have jurisdiction over."

GLASSER. "No, but that does cause the problem on a corporate basis."

PIKE. "All right. I hope you are not asking Congress to bail them out because the 1011 is causing problems to the corporation."

GLASSER. "We won't be asking the Congress to bail them out in any event, but I am saying that the financial straits the company finds itself in are in a major way aggravated by the 1011 problem."

General Glasser was wrong on one point. The Pentagon is indeed asking Congress to bail Lockheed out, and the way in which the "1011 problem" is aggravating the company's financial condition tells a great deal about the symbiotic relationship between the defense and commercial projects of the major aerospace firms.

To those in the aircraft industry, news of Lockheed's trouble with the L-1011 Tri-Star had special significance, for they realized how crucial the plane is to the company's future in commercial aviation. Since its Constellations were phased out by the airlines at the end of the nineteen-fifties, Lockheed has not had a major entry in the commercial aircraft market. In the late fifties, guessing that the airlines were not ready for a plunge into straight-jet aircraft, Lockheed executives decided to build the turboprop Electra. They had guessed wrong. The airlines began ordering pure-jet 707's from Boeing and DC-8's from Douglas.

About that time, Lockheed also developed the C-130 Hercules, a highly dependable and versatile military cargo plane that has been the company's bread-and-butter product for more than a decade and is still being used effectively in Vietnam. The Defense Department has bought more than 1,000 "Herky Birds" at an average price of $2.3-million (less than 5 per cent of the current cost estimate for each C-5A). Because of its special virtues as a military plane, however, the C-130 never appealed to commercial airlines; few of them use short dirt runways like Khesanh, and they rarely need to unload while taxing or drop cargo by parachute.

As a successor to the C-130, the Pentagon asked in 1960 for a bigger pure-jet air freighter. This time, all the aircraft manufacturers assumed that such a plane could easily be modified to satisfy commercial requirements. Lockheed won the contract and built its C-141 Starlifter, but somehow things went wrong. The company sold 284 of the planes to the Defense Department, but none to the airlines. By then Boeing and Douglas had designed cheaper cargo versions of their biggest passenger jets.

When Lockheed won the C-5A contract in 1965, people in the industry felt this would finally give the company an opportunity to break into the commercial market; again, things haven't worked out that way. Boeing modified the design it had submitted for the C-5A competition, raised sufficient private capital and produced its highly successful 747, which controls the market for intercontinental jet passenger planes. Boeing has also designed and is taking orders for a cargo version of the 747—which, interestingly enough, will be priced at about $23-million, almost exactly the contract price for the very similar C-5A, the estimated price of which has by now grown to $60-million. This has dimmed Lockheed's hopes of selling the L-500, a commercial cargo version of the C-5A.

Based in part upon the technology and manufacturing techniques developed for the C-5A, Lockheed began planning the L-1011, a wide-bodied, medium-range trijet passenger liner for which the potential market could be enormous. Some trade sources estimate that as many as 1,500 of these 250- to 350-seat "jumbo jets" will be sold in the next 10 years for a total of nearly $20-billion. There is only one problem in this otherwise bright picture for Lockheed: McDonnell-Douglas has also designed a wide-bodied, medium-range trijet passenger liner, the DC-10, quite similar in size and performance to the L-1011.

Partly because of the competition from McDonnell-Douglas, orders and options for the L-1011 did not come in early enough or fast enough to cover Lockheed's development and "start-up" costs on the project, estimated at about $500-million. For this reason and because the C-5A cost problems left the company with no spare cash, Lockheed arranged in the summer of 1969 for a $400-million loan from a 24-bank consortium led by Bankers Trust and Bank of America. By March, 1970, when the C-5A crisis reached its peak, Lockheed had drawn nearly $300-million on this line of credit and was still desperately short of cash.

Deputy Secretary of Defense Packard met with the bankers and asked them to extend further credit to help cover the costs of the C-5A program. The bankers agreed, on the condition that the Pentagon persuade Congress to supply the $200-million C-5A contingency fund. When Congress complied, the banks agreed to lend Lockheed $150-million more, on the condition that the Pentagon quickly arrange a "satisfactory" settlement to the C-5A contract dispute. This arrangement would also include $100-million in "accelerated advance payments" by Lockheed's three major customers for the L-1011: Trans World Airlines, Eastern and Delta. The airlines had already sunk considerable sums into the L-1011 as down payments, and they did not want to see their investment lost through the collapse of Lockheed as a result of its troubles with the C-5A.

By September, 1970, when both Lockheed and McDonnell-Douglas had "rolled out" their first test models of the airbus, McDonnell-Douglas had orders and options on 241 planes, worth $3.6-billion; and Lockheed had 173, worth $2.6-billion. (The figures have not changed substantially in the last eight months.) Neither company will estimate its break-even number, but industry sources generally put it at 200 to 225. That means McDonnell-Douglas can confidently go into production, while Lockheed is still gambling on additional orders.

One reason McDonnell-Douglas is winning the sales battle is that it chose General Electric to make the DC-10's engines. With tremendous financial resources of its own, G.E. has been able to help DC-10 buyers finance their orders. Lockheed picked Rolls-Royce, and, of course, that choice was unfortunate.

While Rolls has earned worldwide renown for its automobiles, 80 per cent of its sales in recent years have come from its aeroengines division. When it won the $489-million contract for the L-1011 engines, one British paper hailed the deal as "the most succulent plum in commercial-aviation history." The plum soon began to taste bitter as Rolls executives discovered that they had grossly underestimated the technical problems involved in the development of the engines for the L-1011. As the problems increased, so did costs, far beyond expectation. The British Government put up $161-million in development funds and guaranteed commercial loans to Rolls, but there simply wasn't enough money. Rolls tried to get help from Lockheed, but that company was hardly in a position to help anyone else.

The 540 engines Rolls had agreed to supply at a fixed price of $840,000 each were going to cost more than $1.1-million each to produce. With the British Government unwilling to put up more funds, the company would be losing $264,000 on every engine it built. Last February, the Rolls Royce directors decided to declare bankruptcy.

The collapse of Rolls-Royce came as a severe blow to British pride and the British economy. It also threatened to bring down Lockheed's already fragile house of cards. The first 10 L-1011's were due for delivery in the fall of 1971, but suddenly there were no engines for them. Lockheed checked on the possibility of substitute engines from General Electric and Pratt & Whitney (which makes the engines for Boeing's 747), both of which had competed against Rolls for the L-1011 contract. Each company seemed eager to recapture the contract, but their engines would have several drawbacks for Lockheed: they would cost at least $100,000 more than the Rolls contract price; they would weigh a good deal more than the Rolls engines; they would require an estimated $100-million worth of retooling on the L-1011; they would cause a delivery delay of at least six months, and probably closer to a year. Part of the added cost resulting from these problems would have to be passed on to the airlines, putting Lockheed at an even greater disadvantage in its race against McDonnell-Douglas.

Lockheed soon decided that its best hope lay in trying to salvage the Rolls contract, and for the next few weeks Lockheed executives and British officials shuttled from Los Angeles to New York to London in a delicate minuet of financial and diplomatic negotiation. The United States Government also took part in the discussions; at various times the meetings included Deputy Secretary of Defense Packard, Treasury Secretary John Connally, Civil Aeronautics Board Chairman Secor Browne and a Federal Reserve Board member, Andrew Brimmer. The reason for all this concern was the fear that a collapse of the L–1011 program would force the bankruptcy of Lockheed, which in turn would have immense repercussions on the Defense Department, the aerospace industry and the American economy. Lockheed, its banks, the airlines and the L–1011 subcontractors have an investment of about $1.2-billion tied up in the project, along with 30,000 workers. The 30 major subcontractors alone, including such companies as AVCO, Sperry Rand and United Aircraft, have $150-million in the program.

While the Lockheed-Rolls British talks were going on, Lockheed officials also met frequently with the banks and airlines involved in the L–1011, asking for time to settle the engine issue and additional funds to finance the unavoidable extra cost of such a settlement. The banks were beginning to worry about the security of their loans to Lockheed, which had already borrowed $350-million and would probably need $250-million more to complete production on the TriStar. The airlines by then had given Lockheed $200-million in down payments, and some were beginning to wonder about cutting their losses rather than throwing more money into what was starting to look like a dubious project. However, T.W.A., which had a net loss of $69-million last year, could hardly afford to kiss away the nearly $100-million it has reportedly paid thus far on the TriStars it has ordered.

Lockheed's Haughton tried to persuade the British Government to put up enough additional money to enable Rolls to produce the engines, but there was considerable difference of opinion over just how much this would involve. Lockheed estimated the project would require $144-million more for development costs. A team of British experts put the cost at twice that figure. When the British offered to put up the $144-million if Lockheed would agree to pay any costs above that, Lockheed became less certain of the accuracy of its estimate and declined. The British negotiators placed several conditions on any further investment: the price of the engines would have to be renegotiated up to $1.2-million each; Lockheed would have to waive penalties for late delivery, and the company would have to guarantee repayment of any additional funds invested by the British Government in case the L–1011 program collapsed. Commenting on this proposal, Haughton told reporters he had hoped for a "much more generous proposition." Asked if Lockheed could gaurantee production of the TriStar, he snapped: "I can't sit here and guarantee that things will or will not happen." As for guaranteeing the British investment in the Rolls engine, he would say only, "I don't have anybody to give me such a guarantee."

Throughout the negotiations Lockheed officials complained that they had been put in an impossible bargaining position by the Rolls bankruptcy because they had to have engines. Privately, they accused the British of, in effect, blackmailing them into renegotiating the contract on unfavorable terms. These complaints provided ironic amusement for those who recalled that only a year before Lockheed had demanded additional funds from the Pentagon for the C–5A, using a thinly veiled threat that without the extra money it would cease production on the planes.

By early April, Lockheed and the British Government had agreed on a tentative settlement that would enable a new Government-run Rolls-Royce (1971) Ltd. to produce the TriStar engines. The arrangement would boost the cost of each plane by more than $1-million, with Lockheed and its airline customers each absorbing part of it and the banks—counting on Washington to guarantee the loans—extending additional credit to Lockheed. Unless it can find some other method, the Administration will have to get Congressional approval to guarantee the loans—and very soon, for time and money are running short. The banks are waiting; the airlines are waiting; Lockheed and its subcontractors are waiting, and the British Government is growing impatient about spending $3-million a week to keep the Rolls engine program going until the final decision is made.

The principal hitch at this point is the possibility that Congress won't go along with it. The Administration apparently thinks that after the cancellation of the S.S.T. most legislators will not cast another vote against the troubled aerospace industry. The Nixon men will argue that a vote against the S.S.T. did not destroy Boeing, but a vote against a loan guarantee could mean the end of the TriStar and Lockheed. While this line of reasoning has won the support of such customary defenders of the Pentagon as Senator Barry Goldwater, it has also moved some less likely prospects—for instance, Senator Hubert Humphrey, who voted against the S.S.T. "The Lockheed complex has served this country well," says Humphrey, "and I don't think we should let it go down the drain."

A number of influential Congressmen—among them Wright Patman, the Texas Democrat who heads the House Banking Committee—have announced their opposition to any Government-backed loan for Lockheed. Calling the proposal a "bailout" and "one step away from an outright subsidy," Senator Proxmire argued: "The Government has no business forcing the [TriStar] on the market." Senate Majority Leader Mike Mansfield agrees. Telling reporters that there had been too much bad management at Lockheed, he stated: "I don't think we ought to pick up the tab for any more than we have."

Whether they know about it or not, the taxpayers are also going to be bailing out the C–5A program. After repeatedly rejecting the Pentagon's proposal for a settlement on the ground that it offered too little, Lockheed finally accepted it, curiously enough, on Feb. 1, 1971, just three days before the collapse of Rolls-Royce, which supposedly came as "a complete surprise." Under the terms of this settlement the Pentagon will pay $758-million in disputed costs on the C–5A. Lockheed will accept a $200-million loss on the program, swallowing half of it at once, and repaying the other $100-million to the Government, beginning in 1974, at a rate of $10-million a year. To most observers this seemed a strikingly generous offer by the Pentagon, but after all, the Pentagon is not spending its own money. It is the public that will have to pick up the tab for nearly three-quarters of a billion dollars to save the C–5A. The Pentagon's fiscal 1972 budget request, now before Congress, contains $383-million for the C–5A, most of which is needed to cover "unfunded deficiencies" from prior years.

Since Congress has authorized the purchase of all 81 C–5A's, the Pentagon need only "advise" the appropriate committees of the terms. While the terms do not mention the L–1011 TriStar, knowledgeable Congressmen realize that the fortunes of the two programs are interdependent, and that the C–5A settlement is obviously part of the over-all Government plan to rescue Lockheed.

Under pressure from Proxmire and others, the General Accounting Office has recently tried to study the financing of the C–5A program. Though the G.A.O. is legally empowered to investigate and report to Congress on any expenditure of public funds, the military has effectively blocked the study. At first, the Pentagon refused to cooperate at all. It has since agreed to allow a limited "review" of its records on the C–5A, but—because of the "extremely sensitive nature" of the program—it will not permit the G.A.O. to remove the records, to copy any figures from them or to report any figures to Congress.

The whole Lockheed mess seems like a good argument for John Kenneth Galbraith's half-serious proposal to nationalize the major defense contractors. The Government could easily take over Lockheed completely, since it is essentially the company's only customer and must come to its aid even when it tries to launch a commercial project. As Ernest Fitzgerald, now a consultant to Senator Proxmire's subcommittee, recently said: "When things are going well, the companies stress the idea of free enterprise, with no need for Government regulation. But when things aren't going well, they suddenly become a close partner with the Government and want it to bail them out. All they have to do is threaten to collapse and the Government pours in more money. The only thing unusual about this whole Lockheed situation is that it has become public."

STANDARDS SET BY 1970 CLEAN AIR ACT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. KEATING. Mr. Speaker, Mr. William Ruckelshaus, director of the Environmental Protection Agency, recently discussed the progress that is being made with the standards set by the 1970 Clean Air Act.

We, in Cincinnati, are proud of our efforts to improve the quality of life for our citizens and am pleased to bring an article from Time Magazine to the attention of my colleagues:

The article follows:

BLUEPRINT FOR BREATHING

The 1970 Clean Air Act was no mere piety. It ordered William Ruckelshaus, as head of the Environmental Protection Agency, to propose a set of national air-quality standards, and within 90 days to determine the final ones. Now Ruckelshaus has done just that, despite protests from the Automobile Manufacturers Association, which calls his rules "disproportionate to any demonstrated health and safety need."

The rules affect two main sources of air pollution:

Autos emit the bulk of carbon monoxide and hydrocarbons. Under the new rules, clean air means a maximum nine parts of CO per million parts of air during an eight-hour period. Hydrocarbons are limited to .24 p.p.m. for a maximum of three hours.

Industry emits most sulfur oxides and particulates (soot, fly ash, heavy metals). Clean air now means a maximum 80 micrograms of sulfur oxides per cubic meter of air and 75 micrograms p.c.m. of particulates as an annual mean. Both sources emit about the same amounts of nitrogen oxides, which the rules now limit to .05 p.p.m. of air. Both also contribute to photochemical oxidants, which are formed by the action of sunlight on hydrocarbons and nitrogen oxidants. The new rules limit photochemical oxidants to .08 p.p.m. of air. All this could sharply reduce present levels of air pollution. CO levels in cities (now 25 to 40 p.p.m.), for example, would be lowered to nine p.p.m.

According to the law, the states have until 1972 to present plans for compliance, and if accepted by the EPA, they have until 1975 to carry them out. Auto manufacturers have until 1975 to reduce 1970-level emissions by 90%. Last week they told Ruckelshaus tht no matter how much Government pressure is exerted, Detroit will be unable to meet the 1975 deadline.

Among cities where sufficient data are available to make predictions, admits Ruckelshaus, only Cincinnati "could come close" to meeting the federal carbon monoxide deadline—providing automakers meet their own deadline. To reduce particulate and sulfur oxide emissions to required levels, big cities like New York would have to vastly increase their use of low-polluting natural gas, which is already in short supply. Most cities would also have to cut or even ban peak-hour auto commuting—and make up for it by building new, nonpolluting rapid transit systems. Unfortunately, the Government is unlikely to share the cities' staggering costs. Nixon's budget request for the Urban Mass Transportation Administration was $400 million, $200 million less than the amount authorized by Congress. The upshot is that few Ruckelshaus standards will be met on time. Yet some of them will be, which is the whole point of the exercise. Even if only in theory, the U.S. can now draw a clear line between clean air and dirty air.

TAKING THE POLICE STATE OUT OF THE STATE DEPARTMENT—EXHAUSTIVE OVERHAUL URGENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. ASHBROOK. Mr. Speaker, two recent articles by veteran Washington reporters point up the urgent necessity for an exhaustive overhaul of the machinery, policies, and personnel of the U.S. Department of State. Regardless of which major party, Democrat or Republican, is in power, State goes its freewheeling, unrestricted way for the most part, its abuses and inadequacies sheltered from public view.

On April 12, 1971, when Charles W. Thomas, a former Foreign Service Officer, committed suicide, we were again reminded of the vicious nature of bureaucratic vendettas against faithful employees of that Department. Proposals suggesting review of State Department operations bring forth charges of "witch-hunting" and "Red-baiting" from some circles, and this might well be part of the explanation as to why this Department has become an "untouchable" in Federal circles.

The tragic case of FSO Thomas is but the latest in a series of cases in which qualified, hard-working Federal servants have experienced a little-mentioned type of subversion—expulsion for faithful service by biased official cliques. One need but mention the case of a faithful and qualified civil servant, the former security officer, Otto F. Otepka. As pointed out in the following articles, the cases of Stephen Koczak and John Hemenway are two of the more publicized cases similar in some aspects to that of Mr. Otepka.

The first of the two items mentioned above is an April 29, 1971, column by Willard Edwards of the Chicago Tribune who has viewed the Washington scene for many years. He tells of the latest State Department chicanery in the case of John D. Hemenway. The second item is an extensive article by veteran investigative reporter and Pulitzer-prize winner, Clark Mollenhoff, who until fairly recently was on President Nixon's White House staff. His account of the depressing Thomas affair appeared in the May 15 issue of Human Events, the Washington newsweekly which has long been concerned about the situation at the State Department. The two items follow:

[From the Chicago Tribune, Apr. 29, 1971]

HEMENWAY FIGHTS TO CLEAR RECORD

(By Willard Edwards)

WASHINGTON.—What is the State Department hiding in the case of John D. Hemenway, the distinguished Foreign Service officer fired by Secretary of State Dean Rusk only three days before Rusk left office in 1969?

That question hovers like a cloud over hearings, five in number thus far over a six-week period, conducted in virtual secrecy by a quasi-judicial State Department grievance board.

The three-member board has been repeatedly repulsed in efforts to gain access to State Department records vital to its inquiry.

The board, headed by Paul A. Touissant, was set up to consider Hemenway's charges that he was dismissed on the basis of false and malicious accusations. The real reason for discharge, he said, was that he differed with some of his superiors on policy issues related to dealing with Communist nations.

Altho Hemenway, an acknowledged authority on Russian and German affairs, was given another post by the Nixon administration in the Pentagon's Office of International Security, he demanded his right, under Foreign Service regulations, to seek removal from his State Department file of the falsehoods he said were placed there to justify his dismissal.

He named Alfred Puhan, the present ambassador to Hungary, and Alexander Johnpoll, the consul general at Hamburg, Germany, as authors of "lies and distortions" in the record.

The key document, essential to the board's inquiry, is the report of two ambassadors, appointed by Rusk to investigate Hemenway's claim that he had been treated unjustly. After a speedy scrutiny of the evidence, based mainly on questioning of Puhan and Johnpoll, the two diplomats reported to Rusk that they could find no impropriety in Hemenway's discharge. Their report reached this extraordinary conclusion:

"While we are not qualified to evaluate the charges [raised by Hemenway] or the rebuttal [by Puhan and Johnpoll], we find the latter prima facie persuasive."

The grievance board, including Touissant and Philip N. Burris, State Department veterans, and Gen. Richard C. Hagan, former judge advocate general of the Air Force, unanimously agreed that examination of this report was imperative.

They were flabbergasted by the State Department's refusal to surrender the document.

"They keep telling me it is an internal document and the property of Mr. Rusk," Touissant reported. "The department's refusal is arbitrary. I don't see how we can rule without seeing it."

Hemenway's attorney, William R. Joyce, asserted the State Department had no legal justification to withhold the report.

The Supreme Court in 1957, he recalled, had, in a case involving Communist Party members under examination by the Subversive Activities Control Board, directed the Federal Bureau of Investigation to hand over all its classified memoranda to the defendants.

"If a member of the Communist Party is entitled to see FBI reports, certainly a Foreign Service Officer is entitled to see what the secretary of state has received against him," he argued.

The board agreed. It was obviously angry and disturbed. Hagan told the chairman that, "as men of justice and honor," the board could not long tolerate the State Department's attitude.

STATE DEPARTMENT BUREAUCRATS STILL RIDE ROUGHSHOD—CHARLES THOMAS CASE FOLLOWS ON HEELS OF OTEPKA AND HEMENWAY OUSTERS

(By Clark Mollenhoff)

The personnel file of Charles W. Thomas bulks large with tributes to his brilliance as a hard-working Foreign Service officer who worked "within the system" and in the end he demonstrated that he knew how to beat the brutal, mediocre bureaucrats and petty politicians who run the Foreign Service System.

At 4 p.m. on April 12, 1971, Thomas shot himself.

Within the system, Charles Thomas, dead, was worth a pension of $5,500 a year to support his wife Cynthia and their two children. As a 48-year-old Class 4 Foreign Service officer, Thomas had 12 more years before he could have started to collect on the annuity that did not mature until age 60.

Alive, Thomas could withdraw only the accumulated $10,000 in the Foreign Service annuity fund and he had already borrowed far in excess of that in his two-year effort to shift from the Foreign Service to another career.

An hour before he took his life, he told his wife he had decided to withdraw the money for another try at making the transition to private life. He felt it would take three years to establish a law practice. But, sometime between 3 and 4 p.m., Thomas had concluded that drawing the $10,000 out of the annuity fund would leave his family without protection.

He was another victim of the "select out system" in the Foreign Service that is weeding out many of the most capable officers while permitting some of the deadwood to remain on top in a structure that demands conformity.

Thomas' background made him too well qualified for most jobs and in those jobs where his qualifications were desired there was apparently a lingering question about why he was being dropped.

There had been some moments of discouragement in writing hundreds of letters of application for jobs up to and including that of executive secretary to the secretary of state, a job that those who knew him said he was well qualified to do. In his last week of struggling as public defender of the indigent at $7.50 when employed, he had considered taking a night waiter job. Two nights before his death, his wife had tried her hand at cooking for a party.

The morning of the day Thomas shot himself, he had received three rejection letters to add to the nearly 2,000 he had accumulated in less than three years. The last rejection came from a Capitol Hill staff job where a decision had been made to hire a "younger man."

He had been counting on Congress, but, "I've exhausted my contacts in Congress," he told his wife shortly before noon. He did not say it despondently, for that was not his way, but he was simply accepting the fact he would have to turn elsewhere for a job.

Thomas had known adversity in his earlier years. He was born to poor parents in Orange, Tex., and by age four was an orphan living in the home of a sister in Fort Wayne, Ind. But he also had the success which comes through hard work, careful planning and education.

For 46 of his 48 years Thomas was another Horatio Alger. A member of the National Honor Society, he stood fourth in academic standing and was president of his class at North Side High School in Fort Wayne. He was selected an alternate for appointment to the military academy at West Point.

Instead, he graduated with a B.S. in economics and government from Northwestern University in Evanston, supplementing a scholarship by working as a busboy, janitor and farm worker.

After serving as a Navy fighter pilot in World War II, Thomas returned to Northwestern University Law School in Chicago again on a scholarship and received an LLB degree. Later he earned a doctorate in international law and international relations from the University of Paris.

He was fluent in French and Spanish and had an elementary working knowledge of German, Italian and Portuguese. He had been admitted to the practice of law before the bar in Illinois, the District of Columbia and the United States Supreme Court.

From the time he entered the Foreign Service in 1951, Thomas had a brilliant record that had brought high praise from all of the ambassadors he served. An inspector general's report, by Ambassador Robert McClintock, had recommended in 1966 that he receive an immediate promotion to Grade 3 and assignment to the National War College.

The McClintock report was misfiled in the personnel office of the State Department in the file of another Charles W. Thomas, then consul general in Antwerp and he missed consideration by the selection board in session that year.

A special plea from American Ambassador Fulton Freeman, who had headed the embassy, failed to prod the Foreign Service into corrective action. Ambassador Freeman wrote an unusual four-page letter of his "surprise and disappointment" that Thomas was not included on the 1968 promotion list, and stated that the comments by rating officer Joseph Montllor that Thomas was not "ready for promotion to Class 3 this year" and had been "needlessly and unfairly prejudicial and was directly contrary to my own judgment."

On May 6, 1968, Ambassador Freeman wrote to John M. Steeves, then director general of the Foreign Service, to express his great concern about the Thomas case and what appeared to be a "miscarriage of justice" in the failure to promote Thomas to Class 3.

"But I feel even more strongly that the Foreign Service stands to lose an able, effective, competent, dedicated and sincerely respected team if the Thomases are forced to resign because of a time in grade—a loss which at this critical juncture of the Foreign Service can ill be afforded," Ambassador Freeman wrote from Mexico City.

Director General Steeves took no special action to see that the Thomas matter received appropriate attention and did not even confirm whether an investigation was made regarding comments that Charles G. Stefan, a later rating officer in the U.S. Embassy in Mexico City, had been forced by the political counselor, Wallace W. Stuart, to hold back high praise of Mr. Thomas in two subsequent yearly reports because such praise would appear inconsistent with previous unfavorable reports by Montllor.

In spite of Freeman's letter on May 6, 1968, the State Department refused to review the record by Joseph Montllor, or to examine the action of the political counselor who had insisted the high praise of Thomas be withheld because it would seem inconsistent with the earlier report.

The refusal of the Foreign Service to correct the record or try to be fair and just in the handling of this case is a sorry reflection upon everyone in the system. Deputy Under Secretary of State William Macomber Jr., Director General of the Foreign Service John H. Burns and Deputy Director General Howard P. Mace have full knowledge of this case and have had correspondence dealing with it.

Norbert Wyss, an attorney of Fort Wayne, Ind., and a high school friend of Thomas, had followed his career with satisfaction and considered him a success as a Foreign Service officer. He found unbelievable the background of the misplaced inspector general report and the futility of the ambassador's letter trying to correct the record.

Appreciating the need for a bipartisan push, he contacted Sen. Birch Bayh (D.-Ind.) and Rep. Ross Adair (R.-Ind.) to try to right the wrong. The more he investigated the more enraged he became at the system. The same was true of Larry Cummings, a special assistant to Bayh, who found the correspondence with Deputy Under Secretary of State William Macomber Jr. totally unsatisfactory.

"I am unsatisfied with the letter and remain disturbed by Mr. Thomas' case because of what it reveals about the administration of the Department of State," Sen. Bayh wrote to Macomber after having received a letter signed by a new assistant secretary of state, David Abshire.

"Even if Mr. Thomas had been the mediocrity that Mr. Abshire alleges him to be, equity would dictate that he be promoted so that he could retire thereafter with a pension. I find it shocking that a man with 21 years toward retirement is forced to retire at age 47, after dedicating his life to the career principle."

"I understand that Wallace Stuart did all he could to discredit Mr. Thomas throughout his tour in Mexico City in order to justify that first unfavorable report and perhaps out of jealously of Mr. Thomas' outstanding work and impressive contacts," Bayh wrote. "I am told that Stuart was later selected out for substandard performance."

In other ways the revised time schedule worked against Thomas, Bayh wrote. "Although Ambassador Freeman considered Mr. Thomas his most outstanding officer, optimum praise had to be directed to those officers whose careers were placed in immediate jeopardy by the new time-in-class rules." (A Class 4 Foreign Service officer was forced out if he was not promoted in eight years.) Bayh commented on "the chaos" that resulted from changing the rules in the middle of the game.

Support for Thomas came from liberal Democrat Bayh as well as Ross Adair, Republican conservative. It came from Sen. John Pastore (D.-R.I.) and Sen. John Sherman Cooper (R.-Ky.) and others.

The injustice is not the fault of one administration. It started in the Johnson Administration and carried over into the Nixon Administration. It is doubtful if Secretary of State Dean Rusk or Secretary of State William P. Rogers had direct knowledge of the details of this case, but in the broad sense it was their responsibility to find out.

Direct responsibility has fallen on Deputy Under Secretary of State for Administration William Macomber Jr. who consistently gives Congress bureaucratic reasons why nothing can be done to correct injustices in the Foreign Service system.

The State Department did not admit the misfiling of crucial reports in the Thomas case could cause an injustice and did not bother to investigate charges of malicious rigging of records in the Thomas case. That would have opened up a whole range of nasty problems Macomber and Mace did not want to face.

No records are kept on reasons for the actions by the selection boards. Consequently, no one is able to go back and question these at a later stage. It makes arbitrary personnel decisions for friends and political favorites easier.

If State never admits that the system could be wrong, and never permits investigation, the system then cannot be proven wrong. It is bad business to look back to determine right or wrong on policy matters. It is bad business to prove high State Department officials will lie and frame subordinates who dissent.

John Hemenway, 44, another Foreign Service 4, was severed by State in the same time frame as Thomas. Hemenway, a Naval Academy graduate and Rhodes Scholar, simply had not been promoted in eight years. He was dropped following sharp policy differences with a superior on German affairs. It is his contention those superiors have lied and distorted the record and that those lies had a direct bearing on his failure to win promotion. He is now seeking a forum in which he can prove those charges.

Hemenway's efforts to work within the system failed, so he challenged the system in a grievance procedure. Fortunately, after leaving the State Department he took a higher post in the Defense Department and has been able to carry on a legal challenge.

The State Department has fought his every effort to get a hearing and to subpoena witnesses to prove his personnel record has been marred by lies and distortions. He says he simply wants to "put all the facts on the line," and Macomber and Mace have put barriers in the way even to the point of violating a State Department rule to fire two grievance panel members in the middle of a hearing now in progress.

Stephen Koczak, another former Foreign Service officer, has been conducting a four-year fight for the right to examine his personnel record at State and to cross-examine superior officers who, he contends, conspired to rig the record against him.

Two points were involved. One was a policy difference, upon which events have since proved Koczak right. The other involved a decision Koczak made to report a serious security violation involving a superior. Koczak contends that instead of being commended for taking proper action, the ambassador did not follow up the violation but permitted the man whom Koczak had reported to write Koczak's fitness report.

Although Koczak fought this battle, and won an assurance his fitness report written by the security violator would not be used against him, he learned that it was not removed from the file and was in fact used later as grounds for selecting him out.

Macomber and Mace continue to stand in the way of Koczak's effort to examine the record and to prove that "lies" have been used in selecting him out, and that those same "lies" have been used to prejudice employers when he has sought employment.

Koczak continues to fight his battle from a job at the American Federal Government Employees' Union office, where he is now employed as a researcher.

A more celebrated case involves Otto Otepka, a former chief security evaluator at State and now a member of the Subversive Activities Control Board.

The Otepka case is now established as permeated with illegal wiretapping and eavesdropping. It is a record filled with proven falsehoods of superiors who denied the electronics surveillance and then later admitted they had testified falsely when caught. Again this took place under the jurisdiction of Howard P. Mace and in the jurisdiction for which Macomber is now responsible.

Both Macomber and Mace have continued to fight reinstatement of Otepka and to defend the State Department support of the liars and the illegal eavesdroppers. They have placed every conceivable barrier in the way of getting to the truth for corrective action, and have been responsible for the continued circulation of erroneous letters on the Otepka case.

Secretary of State Rogers may not have direct responsibility for the handling of the Thomas case, but he nevertheless bears responsibility for what is taking place in his department and for permitting Macomber to continue practices which result in such injustices as the Thomas case.

The secretary of state expressed high-minded goals for the department when he took office in January 1969. His stated objective was to establish a spirit which in the Nixon Administration would lead to "a receptive and open establishment where divergent views are fully and promptly passed on for decision."

"We must tap all the creative ideas and energies of this department in the formulation of a foreign policy responsive to the needs of the future," Rogers said. "Only if we do so can we systematically delineate meaningful alternatives from which the President can determine a considered policy course."

It was, Rogers said, a follow-up of the observation that candidate Nixon had made in September 1968, about the need to "bring dissenters into policy discussions, not freeze them out." "We should invite constructive criticism, not only because the critics have a right to be heard, but also because they have something worth hearing," Nixon had said.

Aside from pompous statements, Rogers and Macomber have done little to change the personnel policies that caused the tragedy of Charles Thomas.

In the days after Thomas died, Sen. Cooper wrote a note of condolence expressing "regret" there was nothing any combination of senators or congressmen seemed to be able to do about the injustices in the Foreign Service system.

A few days before his death, Charles Thomas had discussed a book on "Reform in America" with a publisher. He had completed an outline and one chapter. In the process, he quipped to his wife that an awfully funny book could be written about his own struggles to correct the record. He reasoned that few would believe a serious book about the raw injustices of the Foreign Service system.

There is wry humor in the fact that his death might correct obvious injustices that have seldom received the attention they merit.

HOUSE RESOLUTION ON STUDY OF FREIGHT RATES INVOLVING RECYCLING OF METALS, PAPER, AND GLASS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. VANIK. Mr. Speaker, I am introducing today a House resolution to authorize the House Committee on Interstate and Foreign Commerce to conduct an investigation and study of certain freight rates for the purpose of determining the feasibility of equalizing freight rates for certain primary and secondary production materials as an aid in the alleviation of the solid waste disposal problem. This resolution would enable the committee to take testimony around the country, and to report back to the 92d Congress on methods by which the Congress and the Interstate Commerce Commission, through direction or legislation, can take action to encourage the recycling of materials such as metals, glass, and paper.

During the next few weeks, I will be asking for cosponsors of this resolution.

The problem of solid waste and the exhaustion of our primary mineral resources is recognized as one of the most pressing environmental problems facing the Nation. Yet a great deal of the problem of recycling materials to eliminate solid wastes and conserve natural resources is due to our own actions in setting freight rates which discriminate against secondary production materials.

This problem was first brought to my attention by two high school seniors in my congressional district, Miss Diane Krasner and Mr. Todd Gross, who have started a recycling council in the Greater Cleveland area. They have very carefully studied some of the freight rate differentials which exist between primary and secondary production materials and have convincingly shown that these rates make it virtually impossible to economically recycle many wastes. Only if we can make it attractive for companies to seek out materials for recycling will we begin to be able to meet the solid waste crisis.

The freight rate problem, which the resolution I am introducing would deal with, is discussed by Miss Krasner and Mr. Gross at some length in a speech which I entered in the CONGRESSIONAL RECORD on April 23, 1971, pages 11752 and 11753.

I would like to enter in the RECORD at this point, a speech by Miss Krasner before the Northeastern Ohio Congressional Committee which met in Cleveland on April 30. In addition, I would like to reprint the resolution in the RECORD, as follows:

STATEMENT BEFORE THE NORTHEASTERN OHIO CONGRESSIONAL COMMITTEE, APRIL 30, 1971

(By Diane Krasner)

Let me preface my remarks by saying that the proposals for solid waste management and for recycling that I am offering this morning are national as well as regional in scope. Many of the problems have already been tackled by fragmented segments of the community. I have taken the liberty of gleaning information from various sources for this presentation.

The current solid waste problem demands a solution. Recycling wastes and solid waste management is aesthetically appealing. However, solutions hinge upon hard, cold economics, realities of business trends, supply and demand. Herein lie the prospects for controlling our waste before it controls us.

If the problems were unsolvable I wouldn't be here today. If the problems couldn't be remedied with governmental assistance, if the citizens of the United States didn't have some suggestions I wouldn't be here. But we do.

We suggest the initiation of programs to ensure an increased, even flow of secondary materials for recycling. The first major area of concern is the equalization of freight rates between primary and secondary materials as set by the Interstate Commerce Commission. By and large the use of secondary materials depends upon the attractiveness of their price as compared with primary materials. The price of many secondary materials is adversely affected by discriminatory freight rates.

For example, in making one ton of steel it takes either one and one-half tons of iron ore or approximately one ton of ferrous scrap. If freight rates for hauling ore and for hauling scrap were based on equal cost per ton this would give scrap an unfair advantage. If freight rates for hauling were based on the value of the material, scrap should cost one-half times more per ton. This would give no advantage to either scrap or ore because it would cost the same to make one ton of steel whether you use iron ore or scrap.

However, this is not the case. In 1966 the average revenue on hauling one ton of iron ore one mile (short haul) was 1.187¢. The average revenue on one-ton mile of scrap was 2.865¢. This means that scrap cost 2.42 times as much to haul as iron ore. Costs for the shipment in the United States can vary as much as $2.93 per ton. If the freight rates were put into proportion a competitive market would be created which in turn would increase the consumption of scrap metal or scrap paper, or scrap glass, and would develop an incentive for recycling.

Secondly, the depletion allowances on the extraction of virgin materials place secondary materials at a severe disadvantage in the marketplace. While it would, perhaps, not be in the nation's best interests to remove depletion allowances, it would certainly be beneficial to our country's environment to allow an equal tax incentive for the utilization of secondary materials which exist in over-abundance and pollute our nation's countryside.

The third recommendation applies specifically to obsolete ferrous materials. The uninterrupted flow of scrap materials must be maintained by the Commerce Department, except in times of dire national emergency. Repeated interruption, or the threat of such interruption, has played havoc with international scrap markets. For example, last year when prices of scrap iron rose, steel makers went to Washington complaining that our country was exploiting vital natural resources which were in extreme shortage and which the nation could ill afford to lose . . . Only eight months later, in today's scrap market we find an over-abundance of scrap iron for sale and a consequent severe price dip in iron scrap.

The President has called for a national policy to provide incentives for the use of secondary materials. However, these are not necessarily massive commitments of federal funds. In fact, I am personally convinced that the answer to America's solid waste problems lie within legislative bounds.

Other incentives should, however, be used to convince industry, government, and the public to take action. Relatively little thought and effort has yet been given to the dissemination of information relating to solid waste management.

And yet the key for tomorrow's success is better use of today's tools. For example, optimum use of collecting equipment is often thwarted by obsolete highway codes. Loading capacity for most collection equipment is usually far greater than that legally allowable. To achieve maximum efficiency, waste contractors must be allowed to use maximum loading capacities. Citizens and industries are finding out the answers. Isn't government best capable of getting the answers to all the people who could use them?

If and when the newly authorized federal funds ($80 million for the fiscal year 1972 and $140 for the fiscal year 1973) are delegated, the government must follow up their money and provide guidance for its use. Crash programs are not the answer to pollution control; neither are segmented pilot programs across the country. The government can help by training technicians, encouraging research on treatment methods, and furnishing money and expertise for the dissemination of information.

In conclusion, I would like to refer to a recent program established by the nation's leading can companies. The program is to be recognized as a worthy attempt to save our environment. However, the following is an excerpt from an ecology kit distributed by the National Can Company.

Q. Can a can collection center pay for itself?

A. With the exception of centers taking aluminum cans only, the cost of running a can collection center will exceed the value of the metal scrap collected. The cost for equipping, manning, advertising, and freight for a well-managed center can be expected to be $200 a ton above the (value) of the cans collected.

As long as the companies are placed in this charitable situation, their program is not feasible as a long-term solution. Government has the control of regulations affecting the situation. These regulations must be assessed and, when necessary, new rules must be established based on economic practicality, if solid waste management and recycling is to be successful in the future.

Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of certain freight rates for the purpose of determining the feasibility of equalizing freight rates for certain primary and secondary production materials as an aid in the alleviation of the solid waste disposal problem

Resolved, That the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study of the freight rates charged for the transportation in interstate and foreign commerce of primary and secondary production materials, particularly metals, paper, and glass, for the purpose of determining the feasibility of equalizing such rates, by legislative or administration action, in order to eliminate any preference for the transportation of primary materials and encourage the collection and return of secondary materials for recycling purposes as a step toward alleviation of the solid waste disposal problem.

For the purpose of carrying out this resolution the committee or subcommittee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

A TRUE SUCCESS STORY

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MACDONALD of Massachusetts. Mr. Speaker, it is an everyday occurrence for all of us to pick up the daily paper and read about the bad news in the world. With the many problems and crises that face us as legislators and that face the general public as citizens of the United States, we sometimes lose sight of the good news and of the many people who contribute their time and ideals to make this country, with its many imperfections, a nice place to live.

I would like to ask my colleagues to take a minute to read the following article which is written about Henry Johnson of Cathlamet, Washington. Mr. Johnson emigrated to the United States as a young man from Holland and brought with him a desire to contribute his share in making his community a better place to live. I think that he has contributed more than his share and deserves a "thank you" for bringing pride and dedication to his job, to his country and to his fellow man.

The article follows:

A True Success Story

Cathlamet.—With a straight face, Henry Johnson declared that he had come West in 1928 in a covered wagon. Then watching us struggle to swallow this startling bit of information, Henry grinned and agreed his transportation had been a Model-T Ford with a cloth top.

The vehicle lost its top en route, so Henry actually arrived in Seaside, Ore. in a completely air-conditioned automobile.

Henry Johnson's fame in Wahkiakum County rests on his enviable prowess as a logging camp cook—36 years with Crown Zellerbach until his retirement in January, 1970.

He had been born in Holland on Sept. 10, 1907, and emigrated to the United States in 1926. Didn't know a thing about cooking then, and spent his first two years in this country working in Chicago and Detroit.

For a time he worked on the roads in the Seaside-Cannon Beach area, then started his cooking career ("I just picked it up," he said), with the Eastern & Western Lumber Co. in Molalla. Until in 1933, the same year he was married. Henry went to work for Crown.

He started as a meat cutter, then became second cook, and eventually first cook. "We fed about 300 men, with 20 people in the kitchen, counting cooks, meat cutters, bakers and waiters."

The meals were served family style, and Johnson's eyes opened wider as he commented on the enormous appetites of the loggers. "And the meals had to be ready on time or they'd knock down the door."

It took some doing to get those meals ready to serve. A typical breakfast in the 1930's consisted of bacon and eggs, toast, hotcakes, fried potatoes, hot mush, cold cereal, pastry, coffee, and milk. Lunch was easy—just sandwiches for the men to take into the woods with them. Dinner meant another big meal, starting with soup and working into steak, potatoes, curry and rice, two vegetables, beans, cheese and dessert.

"I especially like to cook meat," Henry declared, "but in a logging camp you learn to do everything." And for years he baked his own pies, cakes and bread, until later the camps bought baker's bread.

He even made soap, "tons of it from lye and grease." The trick, he said, was to have grease and lye the same temperature when put into water.

"Sure, I like to cook," Henry said agreeably, "although I never could please everyone. The men, they blamed the cook for everything. I remember," he went on, settling back in his chair, "when World War II ended, and some of the soldiers came back into logging. Oh, they said the meals were great after the Army food and they'd never complain again." He sighed. "Three weeks later they were complaining louder than anybody."

Henry has cooked for Washington State governors and legislators visiting in Wahkiakum County, and once for a movie company that produced "God's Country and the Woman" in the Wahkiakum hills. He remembered the two stars, George Brent and Beverly Robbins.

Who cooks at home? "My wife, Kathryn. She's a better cook than I am."

For the past 15–16 years he has been chief cook for the Wahkiakum PTA-sponsored smorgasbord dinner. He was on hand for the first annual smorgasbord, and will be preparing the ham, turkey and other meats again this year. The date is May 2, starting at 11 a.m. "We're pretty well organized," Henry said, "and we have to be, because each year we feed at least 1,000 guests."

He described, practically in living color, the gustatory delights that awaited diners on May 2—barbecued salmon, fish cakes, Swedish meat balls, salads, homemade pastries, and pickled herring. The proceeds are used to benefit school children in various ways. It is served at the Julius A. Wendt Elementary School, with modestly priced tickets available at the door.

"No, I don't miss the logging camp anymore," Henry admitted, "because there's plenty of work to do on the farm." This is a place he bought in 1947, in the Elochoman Valley. He raises beef cattle, and finds time for his hobby of woodcarving.

There are two grandchildren to visit in Spokane, children of his son, Carl. Another son, Hank, lives in Amboy, and the Johnson's daughter, Mrs. Mary Ann Patman resides in Washington, D.C. Henry and his wife hope to make a trip to Washington one of these days.

Henry has never been back to Holland, and doesn't suppose he ever will visit it, although a brother is still living there. Incidentally, that brother's name is Janson. Henry changed his somewhat when he came to America.

INTERSTATE AIR ABATEMENT CONFERENCE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. BRYON. Mr. Speaker, yesterday in Keyser, W. Va., the Air Quality Office of the Environmental Protection Agency began hearings on a problem that has existed in western Maryland effecting local Christmas tree growers. I commend the spirit of this conference and would like to include an editorial that appeared in the Cumberland Times on May 10, 1971 on this subject.

The editorial follows:

Pollution Study In Keyser Tuesday

An interstate conference is scheduled for Keyser tomorrow to consider air pollution problems that may exist in the Mt. Storm, W. Va.-Gorman, Md., and Luke, Md.-Keyser areas.

The conferees will be representatives of the Air Quality Office of the Federal Environmental Protection Agency and of the air pollution control departments of the states of Maryland and West Virginia.

The conference originally requested by Governor Mandel in order to investigate damage to Christmas trees in Maryland, alleged to be caused by emissions from the Mt. Storm power plant operated by Virginia Electric and Power Company.

Governor Moore of West Virginia then reportedly requested that the conference be expanded in order to look at pollution problems allegedly caused by Westvaco's Luke mill.

All of us without doubt want a cleaner environment but we sincerely trust that the conferees will not overlook the economic impact of recommendations they may propose.

We are not familiar with Vepco's plans for environmental controls at Mt. Storm but we do have rather complete information, gathered over the years, about Westvaco's program at Luke.

First of all, we want to acknowledge that pollution does exist in the area and we know that Westvaco officials agree with us that this is so. The point is, however, that the paper company already has taken many significant steps in an on-going program to improve the quality of both water and air. For almost a year, Westvaco has had a plan for compliance with Maryland's air quality regulations that has the approval of the state's air quality control division and Dr. Neil Solomon, Maryland's secretary of health.

While we do not pretend to understand the technology involved in solving the mill's odor problems and those associated with its other emissions, including sulfur dioxide, company officials have told us that their compliance program is a good one.

We also are convinced Maryland would not have approved Westvaco's plan if state officials do not believe it.

One problem associated with sulfur dioxide is that there is currently no practical way to control it except to burn low sulfur fuels such as natural gas, low sulfur oil or low sulfur coal. All are in limited supply.

Coal containing more than one per cent sulfur, however, is plentiful and this is the kind of coal that predominates in Western Maryland's coal fields.

Unless some system is developed to remove sulfur dioxide that is created after combustion of this high sulfur coal, markets for it will decline as other states follow Maryland's lead and adopt regulations prohibiting the burning of fuels containing more than one per cent sulfur. Maryland's coal business consequently could deteriorate rapidly.

As an illustration, two of our major coal using industries already have switched or announced they intend to switch to natural gas or low sulfur fuel oil. These are the Celandese Fibers Company and the Kelly-Springfield Tire Company.

Westvaco hopes to continue to burn coal and has invented a process that will recover sulfur dioxide from the stacks after coal is burned. Still in the developmental stage, this process, if successful, could be a major factor in allowing the continued use of coal, which is the only plentiful source of energy in this country.

Westvaco has invested three-quarters of a million dollars in the invention and development of this process to date. The Air Quality Office of the Federal Environmental Protection Agency has joined with Westvaco by contracting with the company for a $350,000 investment this year in further development. Work has been underway by the company for several years and successful completion of the project still appears to be a few years away. This is a simple illustration in itself that research and development is indeed expensive and the results cannot be achieved overnight in the solution of complex problems.

Westvaco, through its payrolls and its purchase of raw materials and other supplies and services, has a tremendous impact on the economy of our area. It is a big operation that requires huge investments of capital to keep it competitive with other paper companies.

We know that Westvaco has an enlightened attitude toward pollution control and already has spent millions of dollars in cleaning up the environment. Under its program, the company intends to spend millions of dollars more for this purpose.

We hope the conferees after this air quality conference will recognize the steps Westvaco and other industries have taken and will allow them to continue to make environmental improvements in an orderly manner as proposed in plans for compliance.

IMPORTANCE OF "PEOPLE FACTOR" TO THE NAVY

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 13, 1971

Mr. SPONG. Mr. President, I had the honor of introducing the Assistant Secretary of the Navy, the Honorable Frank Sanders, to the Hampton Roads Maritime Association, at its annual banquet in Norfolk, Va., on May 6.

Mr. Sanders, while addressing himself to our defense capability, and Russia's rapidly developing Navy, also pointed up the importance of the "people factor" to the Navy's installations and logistics, weapons and equipments, and in the day-by-day lives of Navy men.

I ask unanimous consent that Mr. Sanders' remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE ASSISTANT SECRETARY OF THE NAVY FRANK SANDERS

It is a special privilege to talk with the Hampton Roads Maritime Association today because of the role this area and its people have had in Naval history. This unique role has been one of the development and operation of the most advanced technology in Naval warfare. Consider the milestones in Naval history that have occurred here. The battle of the Monitor and Virginia in 1862 marked the end of the wooden-ship era; the first shipboard launch of an airplane in 1910 marked the beginning of carrier aviation; and, 55 years ago today, the first ship-to-shore voice communication in 1916 marked the advent of modern communication systems in the Navy. All these events are of tremendous significance to the Navy. The special Naval tradition of the Hampton Roads area is further enhanced by the construction of the first 16" gun battleship, Maryland and, of course, the first nuclear-powered carrier, Enterprise.

The importance of this series of technological breakthroughs is of great historical interest but its contemporary significance will become clear only after viewing the challenge future American seapower must face and the constraints under which we must meet this challenge. The challenge I refer to is that of Soviet seapower.

Traditionally, Russia has been a strong land power. Her post-World War II anti-shipping oriented Navy was a mere extension of her land power. On the one hand, Russia, the land power, could show a naval superiority only in a few areas such as the Baltic and Black Seas. On the other hand, although the United States and her allies had adequate land power to neutralize the Soviet challenge, we maintained superior naval presence in the Atlantic and the Pacific which stretched from the Formosa Strait and the Tonkin Gulf to the shores of Lebanon in the Mediterranean. The fruits of our naval superiority, although many, have been subtle and often unappreciated. We have been able to give firm assistance to our friends overseas from Korea, Vietnam and Taiwan in the Pacific to Lebanon, Greece, and Turkey in the Mediterranean.

Today this Soviet threat is changing. Russia is emerging as a first-rate, diversified seapower.

Nowhere is the challenge of this enhanced seapower more obvious than in the Mediterranean. Consider this strategic area where only one decade ago the United States Navy was unchallenged. It had freedom of action and was welcome at ports on all sides of the Mediterranean. In every sense America had the capability to control this southern flank of our NATO allies—a capability which is important to the security of the free world.

The present situation is quite different. Our Sixth Fleet in the Mediterranean now consists of 40 or less ships, often with more than half dating from World War II. The Russian Navy in the Mediterranean now essentially matches ours in number. Theirs are new ships, large, sleek missile destroyers and modern submarines. For more than ten years the Russians have been perfecting their surface-to-surface shipboard missiles, missiles which can be fired from ships at ship targets far over the horizon. In this missile area, they outstrip anything existing in the rest of the world. Russian Navy ships in the Mediterranean are armed with these missiles.

This trend makes this picture even darker. The Russian naval presence in the Mediterranean is still increasing. It may come as a surprise to you to know that over the past two years the number of Navy shipdays the Russians have spent in the Mediterranean exceed the corresponding number for our Navy.

The Suez Canal, when reopened, could make it easier for Soviet seapower, now building up in the Mediterranean and Black Sea areas, to expand southward into the critical oil-rich area of the Middle East. Although the United States itself has a comfortable margin of oil supplies, the free world as a whole depends on the Middle-Eastern oil. Europe imports about 8 million barrels per day—5 million from the Persian Gulf and 3 million from North Africa. Japan imports 90% of her oil from the Persian Gulf area—about 2.6 million barrels per day. The free world uses 88% of the oil imported from the Persian Gulf area and 97% of the oil imported from North Africa. Needless to say, these strategic facts are surely apparent to the Russians.

The simple fact is that in the last ten years the average age of our total Fleet has been increasing and the size of that fleet, due primarily to fiscal constraints, has been decreasing. In that same time frame the Soviet Union has built a large and formidable submarine force and has embarked on the construction of a modern surface fleet. Today they are capable of building submarines and surface war-ships at a far higher rate than ever. In a recent statement the Secretary of Defense, the Honorable Melvin Laird, said, with reference to build-up of Soviet military power: "We can characterize Soviet activity as 'momentous' while our activity has been almost 'moratorium'."

In no instance is this statement any more applicable than in seapower. The Soviet, in the words of Admiral Rickover, "have applied tremendous national resources to the expansion and modernization of their submarine construction yards." To this we can add their increased capability in the construction of sophisticated surface ships. It is a simple fact that today Russia not only has maintained and strengthened her land power, added to her air power, achieved parity with the United States in strategic power, developed intermediate range ballistic missiles that constantly threaten free and captive Europe, but has embarked on a build-up in seapower that has already made her the second most powerful naval force in the world—a build-up that shows no sign of abatement.

Marry this build-up in naval power to the unprecedented build-up in the Soviet merchant marine and you have the emergence of a maritime power for the projection of a communist foreign policy overseas.

Admiral Zumwalt, the Chief of Naval Operations, best summarized the precarious nature of the present situation when he spoke before the National Press Club. He stated that ". . . it is inevitable and incontrovertable that the day is coming when the Soviet Navy will be the leading Navy of the world. There is a great deal of argument about whether it will be this year, next year or the year after, but it's coming if the American people do not rise to the occasion."

What then is being done to maintain our capacity to meet this Soviet challenge? Our deterrent in the strategic field is being maintained at a level at least sufficient to maintain parity with the Soviet Union. A major portion of that deterrent rests in the Fleet Ballistic Missile program with missile carrying submarines standing guard today under the seas to protect the free world. On April 25th the second submarine carrying the improved Poseidon missile went out to sea to join a fleet of 40 other FBM submarines. In addition, the President's Budget for fiscal year 1972 now before the Congress carries funds for the development of a new and more potent missile firing submarine weapons system known as ULMS or Underwater Launched Missile System.

The structure of our general purpose forces is based on implementing the Nixon doctrine. You will remember that the President noted in announcing that doctrine that, "America cannot and will not conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world."

The implementation of this doctrine calls for a reduction of our commitments abroad and an assumption by other nations of the primary responsibility to provide the manpower for their own defense. The President has pointed out, however, that this doctrine is no invitation to slash defense budgets and to completely disregard our commitment to the free world. He stated that while exercising prudence in reducing our overseas forces:

"We must resist the automatic reduction of the American presence everywhere without regard to consequences. While trimming our defense budget where possible and adjusting defense to modern realities, we must resist ritualistic voting against defense spending."

To properly complement this doctrine the United States requires a strong, robust, well-equipped and organized, modern professional defense force ready to protect U.S. foreign policy and the free world wherever directed to do so. The size of that force need not be large by our own past standards, but will be almost in direct ratio to our ability to provide the modernity, equipment and professional volunteer personnel required.

How has the Navy approached their portion of this program? In order to maintain numerical size we could have invested monies into the maintenance and support of our aging fleet. We have chosen an alternative course of action. Tomorrow's Navy will be superficially smaller but its capacity for meeting future challenges will be enhanced. The heart of the striking power of the Navy still remains the fast carrier task force—modern ships with a continuing emphasis on nuclear power-carrying modern aircraft. That force is being supplemented by provisions for increased modernity in our important anti-submarine warfare posture to counter the growing Soviet submarine threat. New and highly capable amphibious ships are being built and programmed to support the greatest fighting force in the world—the United States Marines.

Our future Navy's ability to meet its challenges, however, can be maintained only with the type of technological advances that have been part of the tradition of Hampton Roads. Just as the Monitor and Virginia were smaller but more effective than other ships of that era, the Navy of the future must be smaller but more effective in serving the national interests.

Such a program cannot be achieved day before yesterday or even overnight. It demands patience and stewardship on the part of all of us—in or out of government—all of us who are proud to call ourselves "Americans."

If our Allies implement their manifestation to provide their share of defense, particularly manpower, to their portion of the free world, these forces coupled with our modern military power then will provide a reward for your stewardship and patience in the form of a realistic deterrent to any potential aggressor no matter how powerful it may be.

While we are proud—and I believe, rightly so—of the modern weapons and equipments we are producing—all of these are just so much inert material without the people to use them. Only people think and feel and make decisions—only people dare to risk greatly and fight bravely to defend peace and justice and freedom. People are still our most valuable asset.

We recognize this—act upon it. More and more, we make sure we crank the "people factor" into our installations and logistics, into our weapons and equipments, and into the day-by-day lives of our Navy men as they perform their part of the task of naval operations.

We are seeking more and better housing—sea pay and better living conditions for all.

In these and other ways, I am sure we will increase morale and motivation, and improve both performance of duty, and retention, of our fine Navy men.

Nowhere is the importance of people more apparent than when we consider our servicemen who are prisoners of war or missing in action. These men and their families are enduring physical hardships, emotional sufferings, and long separations beyond anything we could ever hope to repay. From those few who have returned we do know that these men have not given up hope. The primary factor giving these men the strength to endure is their faith in God and country.

A former prisoner of war, Air Force Major Joe Carpenter, has commented:

"I am convinced that my faith in God brought me through. Prayer and faith gave me hope and my religious up-bringing never let me down. When I got home I was amazed at how many people said that they were praying for me—and I firmly believe that it really helped. Our religious beliefs were also a tremendous help to my family. Their association with the community, and especially the church, held the family together in our mutual faith and gave them hope."

These men as well as all the others who have stood up to be counted when their Nation called deserve our full-hearted support, our prayers and our eternal gratitude.

These men and their families challenge us to remember that the strength of our Nation depends basically on the moral and spiritual fiber of the men and women who make it up. The courage of Americans throughout our history, their patriotism, their love of God and country and their dedication to the ideals of liberty and justice for all have sustained us in the past and will sustain us in the future. It is our collective responsibility, yours and mine to promote and encourage these attributes in all of our citizens beginning in our own families, our neighborhood, our towns and cities, and spreading throughout this land. It is only through this route that this nation—under God—will achieve the destiny of greatness which history demands of us.

Now will you join with me in closing with a prayer for our men who are prisoners of war or missing in action and their families.

"Eternal Father strong to save, we pray Thy constant blessing and support for our men who are prisoners of war or missing in action and their families. Grant unto each of them the comfort of Your presence. Uphold them with Your love. Give them the strength to endure in their daily lives and in any hardships that arise and bestow upon them the peace of mind and heart through the One Who is the Prince of Peace. Challenge us by their lives and sacrifices to so walk and work with You along the way to peace and love among all that their sacrifices will not have been in vain. Through Jesus Christ Our Lord. (He Who is the Giver of Eternal Life.) Amen.

TEN-MILE-PER-HOUR BUMPERS SHOULD BE MANDATORY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. HARRINGTON. Mr. Speaker, today I am introducing a bill which could save American car owners billions of dollars in repair and insurance costs per year.

I do not feel that the Federal motor vehicle safety standards setting the bumper requirement for front and rear impact protection at 5 miles per hour and 2.5 miles per hour respectively are sufficient.

I feel that the bumper that can withstand only a 5-mile-an-hour collision against a solid barrier without damage is not enough. Although this would also withstand a 10-mile-an-hour, car-to-car collision, a bumper that can withstand a 10-mile-an-hour collision against a solid barrier without damage can withstand a much greater collision from car to car.

Specifically, the statistics comparing the cost between collisions at 5 miles an hour and 10 miles an hour against a solid barrier show the need for greater bumper protection. The 1970 figures follow:

1970 LOW SPEED CRASH TEST RESULTS—INSURANCE INSTITUTE FOR HIGHWAY SAFETY

	5 miles per hour front	5 miles per hour rear	10 miles per hour front
Chevrolet Impala	$196.20	$247.30	$491.40
Ford Galaxie	185.80	325.25	459.05
Plymouth Fury	171.30	202.05	600.05
AMC Ambassador	309.25	100.05	615.75
Ford Mustang	160.30	147.05	400.70
Plymouth Barracuda	176.60	197.10	332.90
AMC Javelin	262.67	132.40	618.85
Chevrolet Camaro	130.10	174.00	599.35
Volkswagen	120.25	64.45	322.35
Toyota	133.70	69.30	410.94
Maverick	153.10	204.75	427.35
Hornet	204.50	193.85	508.40

And it is clear that things are even worse for 1971 cars.

1971 LOW SPEED CRASH TEST RESULTS (INSURANCE INSTITUTE FOR HIGHWAY SAFETY)

	5 m.p.h. front/ barrier	5 m.p.h. rear/ barrier	10 m.p.h. front/ barrier	15 m.p.h. front/ barrier
Sedans:				
Chevrolet Impala	$367.90	$447.00	$828.50	$1,170.50
Ford Galaxie	341.20	318.55	781.50	1,207.45
Plymouth Fury	202.25	266.35	633.50	870.65
AMC Ambassador	415.40	285.20	699.25	1,206.98
Small cars:				
Volkswagen	130.75	59.05	347.85	615.20
Chevrolet Vega	181.30	228.45	439.05	785.60
Ford Pinto	164.20	210.00	535.70	816.34
AMC Gremlin	121.30	286.90	576.92	830.06
Intermediates:				
Pontiac Firebird	229.00	262.60	915.25	1,142.45
Buick Skylark	427.10	226.85	880.80	1,025.80
Mercury Montego	402.11	267.35	752.49	821.90
Plymouth Satellite	98.45	256.35	289.10	729.45

American consumers spend $25 to $30 billion a year on auto repairs. The Senate Subcommittee on Antitrust and Monopoly has reported that American consumers—considering conservative estimates—literally waste $8 to $10 billion for auto repairs annually. American cars are fragile and delicate.

The largest complaint by the major car companies is that such a bumper is not cost effective. They base their statistics according to the payback to the consumer over a period of 10 years, the average life of an American automobile. The payback for a 5-mile front bumper and a 5-mile rear bumper is cost effective after approximately 6 years, whereas, as the General Motors Corp. contends, a 10-mile-an-hour front bumper and a 10-mile-an-hour rear bumper is not cost effective until somewhere in the 11th year, 1 year after the average life of the car. However, this statistic is based on a 20-percent reduction in insurance rates. I believe that the consumer need not bear the entire cost of producing the better bumper, and that the attempt at proving a "not cost effective" argument is the auto industry's strategy to escape Federal guidelines for the "safer car."

My bill, very simply, would reinforce the durability of American cars so that Americans will not have to bear the burden of increasing repair costs, injuries, and accidents. The insurance industry has estimated that a bumper can withstand a 5-mile-an-hour collision into a solid barrier without damage would save consumers one billion annually in insurance and deductibles alone.

There is not any doubt that a bumper—front and rear—that can withstand a 10-mile-an-hour collision against a solid barrier is better than one that can only withstand a 5-mile-an-hour barrier crash—both for decreasing the damage to the car and reducing the number of injuries inflicted by crashes.

The Insurance Institute for Highway Safety has said that:

> Unfortunately, although the techniques for solving the problems have been available for years, the results of our most recently completed series of test—involving 1971 model automobiles—show that they continue to be ignored in the design and manufacture of new cars being sold to consumers today. The technological remedies remain on the shelf, where they have gathered dust for years." (Testimony by President William Haddon, Jr., of the Insurance Institute for Highway Safety to the Senate Committee on Commerce, p. 3, March 10, 1971.)

Mr. Speaker, I urge the House promptly to consider this legislation.

JETPORT SITING IN ENGLAND HAS U.S. PARALLEL IN NEW YORK STATE

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. DOW. Mr. Speaker, I am inserting in the RECORD a most informative article from the London Observer's Patrick O'Donovan describing the very active citizen involvement in the location of a third airport site for London.

I am privileged to represent the Hudson Highlands in New York State which has been targeted by Gov. Nelson Rockefeller as the site for the New York area's fourth jetport.

Mr. Speaker, I am encouraged by the report from abroad that would indicate the British people have been heard, that a decision of such magnitude could not be made in an arbitrary manner. Because of the parallels with the Hudson Highlands, long a delightful and beautiful section of our Nation, and steeped in our own revolutionary history, I thought I should bring the problem of our own international jetport to the attention of my colleagues:

CUBLINGTON WINS A BIG ONE

(By Patrick O'Donovan)

LONDON.—A famous victory has been won in England for the principle of conservation, for not treating your economy as king and your inherited landscape as a rubbish dump. It was a victory that showed that protest within a democracy works and that the walls of government and cold-hearted planning can still be made to crumble before the trumpets of the public will.

The victory concerned a site for a third airport for London. London is one of the crossroads of world air travel. More than that, Londoners are watching their city—with politely concealed dismay—turn into a major tourist attraction. You now have to queue at length to see the Crown Jewels in the Tower of the shrine of King Edward the Confessor in the Abbey. And such patient and currency-bearing visitors must be served.

The No. 1 airport is at Heathrow, on the western edge of the city where it is uncertainty deciding if it should stop being a suburb and become countryside. Heathrow is a vast and boring sprawl that never stops changing. There is a secondary airport at Gatwick, 30 miles to the south, and they are both overcrowded. So, despite the promise of vertical take-off aircraft, a new airport was decreed.

Now, patently, England is a very crowded sort of garden. Even the armed forces are finding it increasingly hard to get a place where they can practice with their guns without disturbing a peer in his stately home, or yachtsmen, or highly organized ramblers, or farmers who here live in an almost perpetual state of oragnized anger.

The last Labor Government laid four possible sites before a Royal Commission, a sort of expert and expensive jury that is meant to make up the minds of the rulers on questions of disputed detail. All the sites were within the lush counties that surround London and that live in danger of obliteration by the city's needs.

The Roskill Commission (named after the judge who was its chairman) chose a site in Buckinghamshire around a village called Cublington. The commission's terms of reference were austerely economic and geared to the convenience of air travelers. The site they chose was the cheapest, the most practical and it had the easiest access to London. Only one man on the commission, Prof. Colin Buchanan, the distinguished urban planner, disagreed with the report. His line was that to sterilize 75,000 acres of enchanting countryside and prime agricultural land would be a national and self-inflicted disaster. He became a national champion almost overnight.

The land around Cublington is not really tourist country. It is a place for living in. Its fields are beautifully upholstered with tall trees and rich hedges. Its villages are small and comfortable. It looks green and rich and shines with the love and care of generations. Some families here have used the same farms for 400 years. Fifty miles from London, there is a closeknit community of cousins and in-laws consciously enjoying their land. They are not dominated by great landowners. They are a relaxed and friendly people. And without doubt, life around these parklike fields, is of a singular sweetness.

How they saved themselves is fascinating. They raised 70,000 pounds locally and nationally for a defense fund. That went, for the most part, to pay the lawyers and experts who had to be hired to put their case before the commission and to prepare their documentation.

Then they evolved a genuinely popular organization. Fighting for their survival were the people who lived there—farmers, schoolmasters, craftsmen, landowners, commuters, laborers, and, of course, vicars. One of these the Rev. Hubert Sillitoe, who lives in Dunton village and is a farmer himself, had a fine turn of Cromwellian invective.

He keeps his lonely and exquisite 13th-century church as if he were expecting the Lord's coming, which indeed he does. He is gaunt and lively and elderly and lives in a vicarage of singular discomfort. Of the Roskill Report, he said: "This is devilish. It calmly, ruthlessly, sadistically, callously proposes that all this population be moved, that the churches be razed and the resting places of our dead be ravished. . . ." He was quite prepared to advocate defensive violence. And some bright local propagandist produced a charmingly amateur pamphlet that gave instructions on how to defend a farm, how to block a road and how to make a Molotov cocktail. That caught the press and no public relations could have found a more potent gimmick.

Indeed, the whole district, in a most un-English way, courted the press. People talked freely and no reporter left without an eloquent quote. The villages were plastered with angry slogans until it looked as if a great election was in progress. They put on photogenic demonstrations and called on God in their churches to save them and Fleet Street loved them. And the whole nation became aware of this quiet corner. Yet there was nothing phoney about the feelings of this people.

But their greatest asset was a few old churches. The English are passionately addicted to old churches even though they seldom use them for their original purpose.

In the village of Wing, on the edge of the proposed airport, there is a splendid church with a Saxon chancel of about 1000 A.D. There were two other churches of similar vintage; one of them with Danish carvings that did not look too Christian. These were both due for demolition. And in the center of the proposed runway there was the village of Stewkley which has a Norman church, virtually untouched by time. It is a blockhouse of a building—massive, confidently barbaric, with a great square tower over a church that you could defend as easily with arrows as with prayer.

These finally did the trick. You cannot move Norman churches. Their immense walls are built of rubble and would crumble into cartloads of broken stone if you tried to move them. And you do not touch Norman churches. Here they take emotional precedence over even the most exquisite Gothic.

In the end, the people of England grumbled and the government heard and the airport is now to be built elsewhere on a stretch of lonely coastline near the entrance to the River Thames. It will be very expensive and a little impractical. The place rejoices in the name of Foulness. But that is another story. For that district is famous for its wild geese and rare migrant birds. And that lobby has not yet found its full voice. But, at least, a quietly marvelous district has been saved to go on as before. And that is a famous victory.

REACTIONARY—WHO?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. HUNT. Mr. Speaker, under the Extensions of Remarks of May 10, the gentleman from Massachusetts, ROBERT F. DRINAN, inserted news articles in connection with the demonstration at the U.S. Capitol on May 5, one of which appeared in the New York Times under the heading: "Repression on Capitol Hill."

After berating the law enforcement officers in defense of this rabble rousing mob that came to close down the Capitol, the Times goes on to label the gentleman from Louisiana, JOE WAGGONNER, and me "reactionaries," presumably because I did not attempt to stop the police from breaking up this unlawful assembly. It might be noted that among this motley gathering of humanity was one male who completely disrobed for the benefit of all present, another who was waving the Vietcong flag, and even a female who thought it might add to the dignity of the occasion by taking off her jeans.

According to the Random House Dictionary of the English Language, "reactionary" is defined as "a person who favors or inclines to reaction" and then goes on to define "reaction" as an "action in response to some influence, event, and so forth" or a "reverse movement or tendency; an action in a reverse direction or manner." If that is taken to mean that I do not condone the defiant and recalcitrant conduct of this bunch of hirsute, lawbreaking vagabonds who trample upon the rights of others without so much as a wince, and then demand their constitutional rights, then I do not mind being called a reactionary. At least I know that I have the large majority of the American people in my corner.

It does not surprise me that the New York Times is suffering from the same syndrome that afflicts the "counter-culture"; namely, that anyone who does not see eye to eye with their point of view must be shouted down. It also occurs to me that this kind of objective reporting is the very thing that the Vice President has been exposing over the past several months. Paradoxically, the Times has resorted to the same name calling for which it has so frequently chided the Vice President.

KENT STATE MEMORIAL

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. SYMINGTON. Mr. Speaker, on May 4, I addressed the student body of Webster College in Webster Groves, Mo. I include those remarks in the RECORD at this point:

The contemporary history of America seems at times to be but a succession of sad anniversaries. To the ages now belong the soaring spirits of some we knew well, John F. Kennedy, his brother Robert, Medgar Evers, Martin Luther King, and others not so well, but in a sense no less vividly, because though not yet leaders of their society, they were its children—the Kent State four. Add to these some thousands of other young Americans whose last full measure is forever commingled now with the blood of the wondering victims of My Lai, Hue and the jungle villages of three hapless nations in Indo China.

No month has been spared as a recorder of untimely death, least of all May with its promise of blossoming life. On the Kent State campus one year ago today, the promise of life was broken for four young Americans. But an unbreakable pledge of remembrance was also made at that same moment. What questions must disturb the conscience of America? Many a young guardsman wonders if his was the shot, and, if so, if his safety required it or duty demanded it? These questions echo all the way up the chain of command as well they might, and must. That chain, you know, ends with us, the people, perhaps the greatest of people, who have raised governments to power, judged them, and maintained or replaced them according to our understanding of the good or ill they do.

And who are we? We are the students and the guardsmen. We are Mary Veccio who recoiled in horror from the scene. We are the publishers of her photo. We are the cruel, irrational writers of the hate mail she then received. And we are the sympathetic and heartstricken who sought to mend that wound. We are the veterans who appeared before the Senate Foreign Relations Committee and whose testimony bore the silent punctuation of silver stars, purple hearts and missing limbs. We are the Congress who listened, and heard, yes, Congressmen and Senators, including one of yours, the senior one, whose car was mobbed and half overturned yesterday morning on the way to work by others of us who were enthralled to have a Senator to molest regardless of his position on the war.

Enthralled, because indiscriminate violence is an infectious attraction for human beings who feel trapped and cheated by circumstances over which they have no control—a kind of mesmerism that would induce one to say, "well, he's government isn't he," just as an ocean away another might reason, "well, they're not really people are they?".

We are all of these, and somehow the distillation of our hope, anguish, malice, invective, thoughtlessness, pain, intelligence, forgiveness, energy and love, will mark the America we are for future ages to judge.

Who can doubt, as Pogo once so well observed, "We have met the enemy and he is us." But aren't we also the friend? Are we not the farmer of Lawrence, Kansas, whose words are recorded in Bill Moyer's book, *Listening to America* and who said he felt he was as good as he was bad and only wished that someone would appeal to the good in him. What Lincoln referred to as "the better angels of our nature" are elusive, surely, but not unreachable. And isn't that very reaching out sacred duty?

To reach for the good in each other is the challenge issued by fate to every human on earth—in the Indian subcontinent where the Muslim reaches in another way for the Hindu; in the Middle East where Arab and Israeli touch and pretend to be at arms' length; in the Soviet Union where discredited poets reach for the ear of humanity from the mental institutions to which they have been committed; in Biafra where a child's reach for bread still exceeds its grasp; and in Indo-China where many a weary and frightened man stops to look a moment at a fallen foe mindful perhaps of the irony in Thomas Hardy's verse:

> Had he and I but met
> In some old ancient inn
> We might have sat down to wet
> Right many a nipperkin
>
> But ranged as infantry
> And standing face to face
> I shot at him and he at me
> And killed him in his place.
>
> Yes, strange and curious war is
> You shoot a fellow down
> You'd treat where any bar is
> Or help to half a crown.

We have been ranged as infantry, artillery and airpower for ten years in Viet Nam and its neighboring states. Given the initial reasons for going, the resources spent and those remaining, the tragedies unleashed both there and here, including the one we mourn today, that's long enough. So I voted in caucus to withdraw our forces this year. The resolution failed by one vote. I voted in the House to reduce the draft extension from two years to one year. This fell short by two votes. Accordingly, to assert Congress's constitutional war making power I voted against the draft altogether. These votes—and their closeness regardless of outcome—betoken change—great change in perspective between the May of last year and the May of this. The system is responding.

Looking at our country and its needs over the past two years, many of us with some success have tried to express our views of the necessary priorities by voting to override Presidential objections to increased funds for housing, health, and education purposes. My own visits home have confirmed the need to face these problems honestly and quickly. They also confirmed the need for the 18 to 20 year old, newly franchised, to address his and her energies and ideals to the resolution of problems which are the province of local and state government. We need you at the township meetings, aldermanic sessions, mayoral decisions. Each corner of our America will be built or neglected where it's at—and that is not always Washington.

There is in addition reason for this perspective even if the grand stage of world events is the only one you wish to trod. This was illustrated for me last year when, following the Cambodian incursion, over two hundred young Missourians visited my office in a well-orchestrated and coordinated effort to secure support for a House resolution similar to the Church-Cooper Amendment on the Senate side. I did support that resolution, and as the conversations continued I would ask for a show of hands of how many knew their aldermen, councilmen, or committeemen or women of their respective townships, wards, and/or precincts. Only one hand went up—with the question—what's a township? Until more perfect if not magical processes are developed for identifying and furthering the great political causes of our time, and the candidates who would deal with them—the grass roots organizations of our two major parties will continue to perform that function. Working in such political subdivisions as townships and wards—Democrat and Republican clubs or committees meet—at least monthly—and more frequently as elections loom ahead—to discuss what it is they want for their community, state and nation, and which individuals deserve their support in the pursuit of these goals—County conventions lead to State Conventions—or primary candidates—and every four years—a national convention where the choices are narrowed down to two men—one of whom must try to head the executive branch of government of this most diverse, independent, and courageous of people, the American people. Which is to say, us.

While we are not bound by what exists, and find it often wanting, we can form our own organizations and canvass our own votes. We must remember as we do, it is a nation we wish to move—and the momentum of nations is ponderous—if we would turn this great nation from one course or another—it must be done in concert. We should look on each other as co-signers of a new compact for a crossing no less perilous or promising than that of the Mayflower—to a greener future, where gentleness is rewarded, and peace made heroic.

To our fellow American citizens and those of other lands—differing in age, race, economic security and understanding—we can say, and God knows we must sincerely and devoutly say in Lincoln's words, "We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory . . . will yet swell the chorus of the union when again touched; as surely they will be, by the better angels of our nature." We have no right to believe the Kent State four died for less than that. We have no right ourselves to live for less than that.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing.

Pfc. Prentice Wayne Hicks, U.S. Army, US53848285, Huntsville, Alabama. Single. The son of Mr. and Mrs. Prentice E. Hicks, Annisville, Ala. Graduate of Butler High School, Huntsville, Ala. Officially listed as missing March 25, 1969. As of today, Pfc. Hicks has been missing in action in Southeast Asia for 779 days.

A TRIBUTE TO EXCELLON INDUSTRIES OF TORRANCE, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. ANDERSON of California. Mr. Speaker, next Monday, May 17, the Department of Commerce will present its "E" award for excellence in the area of export trade to Excellon Industries of Torrance, Calif., for its outstanding work in developing a new area of exports to nations in Europe and Asia.

While receiving such an award is commendable in itself, there are several aspects of the specific example of Excellon Industries which are particularly praiseworthy.

The equipment which Excellon Industries is producing for export is the extremely precise machinery which is employed in the manufacturing of circuit boards for the electronics industry. This comparatively small firm, with a total of only 130 employees, was the first company in the Nation to develop an export market for this type of equipment. By 1970, overseas sales of this machinery had grown to $3.5 million—approximately one-half of the total sales volume of Excellon Industries.

At a time when the stability of the dollar is threatened by the adverse balance of trade, the development of a new area of export in which the United States can enjoy a sizable, favorable balance of payments is indeed significant. Although Excellon Industries was the first, and is still the largest in export sales volume, many other firms are now adding to this favorable trade balance with other nations.

Another highly commendable aspect of the approach taken to overseas sales by Excellon Industries is the manner in which the firm has established the corporate structure of its overseas outlets. In England, for instance, the company is operating as a California corporation licensed to do business in the United Kingdom rather than as an English corporation. As a result, a far greater percentage of the profits from overseas sales are allowed—under English law—to be returned to the United States. Also significant is the fact that the company, under this structure, pays a higher percentage of the taxes on its profits to the United States and the State of California rather than to the Government of Great Britain.

Excellon Industries also operates whollyowned subsidiaries in Germany and Holland and has just completed negotiations of its first contract in Hungary.

Again, there is significance in the approach which the firm is taking in its dealings with nations of the Soviet bloc. The firm is intentionally limiting their sales of machinery in those areas to types of equipment which is growing obsolete in the American market. Let me quote the reasons expressed by Edward F. Phillippi, executive vice president of Excellon Industries:

> Certainly any type of machinery can have at least some strategic value, and we certainly would not want to do anything that would jeopardize the defensive capabilities of the United States. However, if we do not serve the market in these Eastern Bloc nations, our competitors in Europe will. So, we are offering them equipment which is not as precise as that we are now developing for American electronics industries and for our other overseas customers. It will meet their needs, but will not place the United States at a competitive disadvantage.

The equipment which will be sold to nations in the Soviet bloc is presently limited to manually operated machinery, while in the United States, the firm is marketing numerically controlled equipment that can be as precise—or even more precise than the use of jig borers.

At a time when unemployment is growing in aerospace, computer, and defense industries generally, Excellon Industries should be commended for the manner in which it has aggressively sought new markets abroad and maintained its employment levels at home.

Mr. Speaker, I believe that Excellon Industries, its president, Joe Smith, and the other far-sighted management leaders of this firm deserve commendation for their outstanding service in opening a new area of exports for American manufactured goods.

SUPPORT GROWS FOR LEGISLATION TO PROTECT OCEAN MAMMALS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. FASCELL. Mr. Speaker, I am proud to be one of the sponsors of H.R. 8105 which would prevent the cruel and inhumane treatment of ocean mammals by making the slaughter of any ocean mammal by any United States citizen or corporation a criminal offense.

Ocean mammals protected under this legislation would include manatees, seals, whales, walruses, sea otters, sea lions, polar bears, porpoises, and dolphins.

The bill would also ban the import of products from these animals and would call for the United States to initiate an international treaty to stop the killing of ocean mammals. In addition, it would designate the Pribilof Islands of Alaska as a sanctuary for seals, sea lions, birds, and other wildlife.

It is encouraging that the need for this humane legislation has been recognized by a growing number of Americans. I would like to call the attention of our colleagues to an editorial which appeared in the May 3d edition of the Key West citizen and which speaks eloquently in support of the bill:

The text of the editorial follows:

OCEAN MAMMALS RATE PROTECTIVE MEASURES

> Americans revolted by the massacre of baby harp seals, the threatened extinction of whales, and the killing of polar bears have a golden opportunity to translate their justifiable outrage into direct action.
>
> An incensed citizenry can strike a telling blow against the brutality and needless slaughter by writing their representatives in Congress, demanding they vote for the Harris-Pryor Bill of Rights for Ocean Mammals,

it has been brought to our attention by Friends of Animals, Inc., an organization with headquarters in New York City.

Jointly sponsored by Sen. Fred R. Harris (D.-Okla.) and Rep. David Pryor (D.-Ark.), the bill would:

1. Make it a criminal offense for any American to kill seals, polar bears, whales, sea lions, walruses, or any other ocean mammals,

2. Ban the importation into the United States of all products from ocean mammals, thus removing the economic incentive for their slaughter,

3. Phase out the seal kill on our Pribilof Islands without abrogating the current treaty with Japan and Canada. The United States now agrees to kill seals on land for those two countries in exchange for which they prohibit their nationals from killing seals in the open waters. The treaty, which expires in 1976, gives Japan and Canada the option of accepting their shares in the annual kill in dollars—as they have done in past years; or, if they insist upon the skins, the Aleuts will kill 18,000 seals for them each year until 1976,

4. Direct the United States State Department to initiate a truly international treaty in which all countries agree to stop killing ocean mammals, both on land and at sea.

The governments of the United States and Canada must be told by their employers—the public—that barbarity which stuns the minds and sickens the hearts of all decent people must be outlawed.

Right now is the time to push for passage of the Harris-Pryor Bill—which bans slaughtering the 42,000 seals usually clubbed for the purported benefit of the U.S. Treasury—before the next Pribilof kill begins the end of June.

A copy of the Harris-Pryor Bill may be obtained by writing Friends of Animals, 11 West 60th Street, New York, N.Y. 10023.

Right now, during observance of Be Kind to Animals Week across the nation, would be a good time to make your thoughts and wishes known with regard to the bill.

Even if you can't adopt an animal from the Humane Shelter on Stock Island, you can nonetheless demonstrate that you, too, are a humane person by helping protect these ocean mamals.

SAINT MARIA GORETTI HIGH SCHOOL IN HAGERSTOWN, MD. PRODUCES "CAMELOT"

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. BYRON. Mr. Speaker, the last week of April, the drama club of Saint Maria Goretti High School in Hagerstown, Md., produced Lerner and Loewe's musical, Camelot. I would like to commend the drama club and its members for an outstanding production. I had a chance to see the play and found it a very professional job.

The play was directed by Sister Mary Sharon. The musical director was Mr. W. L. Makell, and the choreographer was Mrs. Donald Brugh. I would like to congratulate all of them on a job well done. The principals in the cast were Joseph Brugh, Susan Reynolds, Kevin Murray, Patrick Thomas, Lynn Noonan, Ellen McEwen, Thomas Warren, Christopher Anderson, Daniel Dwyer, John Stang, John Sokol, John P. Miller, Richard Nairn, Maria Dovi, Jane Dwyer, and Steven Sokol.

A PLEA FROM BANGLA DESH

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. REES. Mr. Speaker, I received this message addressed to all Members of Congress from the Bangla Desh League of America.

Because of the text's special significance, I am inserting it in the RECORD at this point:

BANGLA DESH LEAGUE OF AMERICA,
Washington, D.C., April 27, 1971.

To the Honorable Members of the Congress of the United States:

In December 1970, for the first time in its brief history as a nation, Pakistan held free and fair elections at the provincial and national levels. The national elections were designed to produce a constituent assembly which was to prepare a national constitution as a step toward the restoration of democratic government, absent from the country since 1958. The peoples of East Pakistan, or what is now called Bangla Desh, gave their overwhelming support (167 out of 169 seats for East Pakistan in the constituent assembly) to one party, the Awami League. The League, under Sheikh Mujibur Rahman, had pledged to work for a national constitution which would grant more autonomy to the province of East Pakistan, as a principal means of bringing an end to politico-economic discrimination against its citizens. And, as a result of this overwhelming support, the Awami League became the majority party in the constituent assembly, by virtue of which it would have been able to formulate a constitution of its choice. Nonetheless, for two months prior to the outbreak of violence, and before any convening of the assembly, Sheikh Mujibur attempted to work out a consensus with the leader of the principal minority party, Z. A. Bhutto, and Pakistani President Yahya Khan. Without warning on the night of March 25, 1971, the negotiations were abruptly ended by premeditated military attacks against civilians, especially intellectuals, students, and political elites of the province.

For more than a month now, the Government of Pakistan has been using brute military force to suppress a non-violent democratic movement in Bangla Desh. The Pakistani army has committed without discrimination acts of atrocity against the civilian population of all ages and both sexes, resulting in casualties ranging somewhere between 200,000 and 1,000,000 persons. Contrary to the original intention of the American military alliance with Pakistan, the weapons and military supplies acquired through this alliance have been used against citizens of the country—not a foreign enemy. These acts of genocide transgress all values which the civilized world has come to classify as basic human rights, and especially the right of life.

By virtue of its military assistance to Pakistan, the United States has indirectly become a party to this instance of egregious inhumanity. And, while the United States cannot be expected to intervene to stop the Pakistani Government from using these weapons, it can take several measures which may help to stop the bloodshed and create a political community in that region which would be most consistent with the wishes of the Bengali people and restore political stability.

The measures are as follows:

1. Diplomatic recognition of the Government of Bangla Desh.

2. Proscription of all economic and military assistance to Pakistan until the violence has ceased and the legitimate aspirations of the Bengali people are realized.

3. Adoption of measures in conjunction with other nations, the United Nations, and international relief agencies to arrange and assure the delivery of food, clothing, and medical supplies to the victims of the atrocities; and the adoption of all other possible steps which may be required to assure relief and rehabilitation of victims in Bangla Desh and Bangla Desh refugees in India.

4. Diplomatic efforts to influence the Government of Pakistan to end the atrocities immediately and to recognize the rights of the Bengali people.

The Pakistani armed forces may have gained the upper hand in the fighting thus far; but the legitimate aspirations of 75 million people are destined to prevail, American interests would be served best if the violence were stopped immediately and the justifiable rights of the Bengali people recognized. Otherwise, prospects for a stabilized region are non-existent. And, there is a possibility that the Bangla Desh movement, presently under leadership of the democratic Awami League, might fall into the hands of radical leftists elements.

CHAIRMAN PASSMAN PINPOINTS EXCESSIVE U.S. EXPENDITURES ABROAD IN MANY PROGRAMS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished gentleman from Louisiana (Mr. PASSMAN), the able chairman of the Subcommittee on Foreign Operations Appropriations, has made intensive studies of expenditures abroad by the United States.

His studies point out that rather than an expenditure of some $3.6 billion—as the budget for foreign operations would indicate for next year—the real total of expenditures abroad by our Federal agencies is in excess of $13 billion 517 million.

These expenditures are "hidden" and obscured in almost 30 programs of various kinds scattered in budgets throughout Government.

I want to commend the gentleman from Louisiana for his diligence and knowledge. This Nation owes Chairman PASSMAN a debt of gratitude for his great service in bringing these facts to our attention.

As the current monetary "crisis" abroad demonstrates we must cut and reduce foreign expenditures by the Government and under Chairman PASSMAN'S leadership last year we cut and reduced the budget request by AID from $2 billion 876 million to $2 billion 534 million and he deserves our gratitude and thanks for this reduction in foreign expenditures.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith summaries and analyses of foreign expenditures prepared by Chairman PASSMAN:

New requests for foreign aid and assistance 92nd Congress, 1st session, fiscal year 1972

International security assistance	$1,993,000,000
International organizations and programs	168,000,000
Bilateral assistance	1,077,000,000

President's foreign assistance contingency fund	$100,000,000
Inter-American Development Bank	500,000,000
Inter-American Development Bank (supplemental)	486,760,000
International Bank for Reconstruction and Development (supplemental)	246,100,000
International Development Association	320,000,000
Asian Development Bank	40,000,000
Asian Development Bank (supplemental)	60,000,000
Expanded multilateral assistance	35,000,000
Receipts and recoveries from previous programs	370,310,000
Military assistance (in Defense budget)	2,250,800,000
International military headquarters	74,400,000
Economic Assistance (in Defense budget)	90,900,000
MAAG's, Missions, and Milgroups	262,600,000
Permanent military construction, foreign nations	106,000,000
Export-Import Bank:	
Long-term credits	2,445,000,000
Regular operations	1,195,639,000
Peace Corps	71,200,000
Ryukyu Islands	4,450,000
Migrants and refugees	8,650,000
Public Law 480 (agricultural commodities)	1,320,400,000
Contributions to international organizations	160,680,000
Education (foreign and other students)	51,000,000
Trust Territories of the Pacific	59,739,000
Latin America highway (Darien Gap)	20,000,000
Total new requests, foreign aid and assistance, fiscal year 1972	13,517,628,000

New Requests for Authorization and/or Appropriation Foreign Assistance, Fiscal Year 1971

Foreign Assistance Act (mutual security)	$2,163,000,000
Supplemental for supporting assistance	100,000,000
Overseas Private Investment Corporation	37,500,000
Receipts and recoveries from previous programs	386,325,000
Military assistance (in Defense budget)	2,260,300,000
International military headquarters	57,300,000
Economic Assistance (in Defense budget)	117,000,000
Foreign military credit sales fund	272,500,000
MAAG's missions, and milgroups	167,300,000
Export-Import Bank:	
Long-term credits	2,900,000,000
Regular operations	1,082,096,000
Export expansion program	100,000,000
Public Law 480 (agricultural commodities)	932,500,000
Inter-American Development Bank (supplemental)	205,880,000
International Development Association	160,000,000
Asian Development Bank	20,000,000
Special funds (supplemental)	25,000,000
Special funds	35,000,000
Expanded multilateral assistance	540,000,000
Peace Corps	98,800,000
Permanent military construction, foreign nations	190,200,000
Contributions to international organization	$144,611,000
Educational (foreign and other students)	45,474,000
Ryukyu Islands	6,952,000
Migrants and refugees	5,787,000
Trust Territories of the Pacific Islands	60,000,000
Latin America highway (Darien Gap)	20,000,000
Total new requests, foreign assistance, fiscal year 1971	12,133,525,000

Unexpended balances in pipeline from prior years for foreign aid programs, aid agency estimate, June 30, 1970

Foreign assistance (mutual security)	$4,450,356,000
Export-Import Bank:	
Uncommitted borrowing authority	4,454,200,000
Long-term credits	3,006,000,000
Regular operations	345,100,000
Export expansion program	162,200,000
Inter-American Development Bank	2,259,494,000
Military Assistance (in Defense budget)	1,330,000,000
Public Law 480 (agricultural commodities)	851,426,000
Permanent military construction overseas	448,000,000
Foreign military credit sales fund	406,215,000
International Development Association	350,000,000
Asian Development Bank	140,000,000
Overseas Private Investment Corporation	135,500,000
Peace Corps	27,157,000
Education exchange	26,706,000
International military headquarters	20,000,000
Trust Territories of the Pacific Islands	15,849,000
Economic Assistance (in Defense budget)	15,000,000
Inter-American highway	11,152,000
MAAG's, missions, and milgroups	9,000,000
Ryukyu Islands	8,162,000
Migrants and refugees	4,519,000
Contributions to international organizations	3,668,000
Total	18,479,704,000

Total net foreign assistance to 123 nations and 7 territories of the world, fiscal years 1946 through 1970

(The 5 F formula: Frustrating—Fanatical—Frightening—Foolish—Factual)

Afganistan	$375,100,000
Albania	20,400,000
Algeria	186,300,000
Argentina	385,900,000
Australia	601,000,000
Austria	1,115,800,000
Barbados	300,000
Belgium-Luxembourg	1,736,800,000
Bolivia	532,400,000
Botswana	18,600,000
Brazil	2,824,000,000
Burundi	7,400,000
Burma	83,400,000
Cambodia	341,300,000
Cameroon	33,300,000
Canada	26,100,000
Central Africa Republic	5,300,000
Ceylon	185,800,000
Chad	9,200,000
Chile	1,376,500,000
China, Republic of	4,989,400,000
Colombia	1,046,900,000
Congo (B)	1,900,000
Congo (K)	440,000,000
Costa Rica	172,900,000
Cuba	$43,800,000
Cyprus	22,100,000
Czechoslovakia	189,500,000
Dahomey	12,600,000
Denmark	873,300,000
Dominican Republic	482,500,000
East Germany	800,000
Ecuador	277,800,000
El Salvador	131,400,000
Equatorial Guinea	300,000
Ethiopia	361,400,000
Finland	21,300,000
France	7,007,700,000
Gabon	7,500,000
Gambia	2,600,000
Ghana	277,400,000
Germany/Berlin	3,671,600,000
Greece	3,682,900,000
Guatemala	347,000,000
Guinea	115,200,000
Guyana	65,100,000
Haiti	110,900,000
Honduras	112,000,000
Hungary	12,400,000
Iceland	65,400,000
India	7,715,100,000
Indochina	1,535,200,000
Indonesia	1,126,500,000
Iran	2,003,900,000
Iraq	93,200,000
Ireland	112,900,000
Israel	848,600,000
Italy	5,296,600,000
Ivory Coast	68,900,000
Jamaica	74,700,000
Japan	3,388,400,000
Jordan	645,000,000
Kenya	67,700,000
Korea	8,104,200,000
Kuwait	36,800,000
Laos	1,017,600,000
Lebanon	90,600,000
Lesotho	10,400,000
Liberia	226,000,000
Libya	221,700,000
Malagasy Republic	13,800,000
Malawi	26,000,000
Malaysia	78,400,000
Mali	27,900,000
Malta	8,300,000
Mauritania	3,300,000
Mauritius	3,800,000
Mexico	501,500,000
Morocco	710,800,000
Nepal	140,600,000
Netherlands	1,984,200,000
New Zealand	63,800,000
Nicaragua	158,700,000
Niger	17,500,000
Nigeria	344,100,000
Norway	1,127,300,000
Pakistan	3,637,300,000
Panama	226,000,000
Paraguay	121,200,000
Peru	460,600,000
Philippines	1,866,400,000
Poland	446,400,000
Portugal	467,700,000
Rwanda	7,600,000
Saudi Arabia	71,400,000
Senegal	40,000,000
Sierra Leone	42,600,000
Singapore	37,500,000
Somalia	80,000,000
Southern Rhodesia	1,700,000
Southern Yemen	400,000
Spain	1,907,000,000
Sudan	92,000,000
Surinam	10,500,000
Swaziland	1,400,000
Sweden	144,700,000
Syrian Arab Republic	56,900,000
Tanzania	69,700,000
Thailand	1,488,800,000
Togo	15,900,000
Trinidad-Tobago	52,800,000
Tunisia	646,500,000
Turkey	5,520,200,000
Uganda	39,100,000
United Arab Republic	769,000,000

Total net foreign assistance to 123 nations and 7 territories of the world, fiscal years 1946 through 1970—Continued

United Kingdom	$7,511,300,000
U.S.S.R	186,400,000
Upper Volta	15,200,000
Uruguay	169,500,000
Venezuela	330,100,000
Vietnam	13,054,400,000
Western Samoa	2,100,000
Yemen	42,600,000
Yugoslavia	2,560,800,000
Zambia	7,200,000
Bahamas	32,700,000
British Honduras	5,600,000
West Indies	7,800,000
Hong Kong	44,600,000
Ryukyu Islands	406,800,000
Trust Territory of the Pacific	281,300,000
CENTO	54,600,000
W/W, regional	16,191,600,000
Total net disbursements to foreign nations, 1946–70	131,530,600,000
Total net interest paid on what we have borrowed to give away, 1946–70	67,858,067,000
Grand total, cost of foreign assistance, 1946 through 1970	199,388,667,000

Of the 3½ billion people of the world, all but 36 million have received aid from the United States.

U.S. balance of payments

1950 (net deficit)	−$1,912,000,000
1951 (net deficit)	−578,000,000
1952 (net deficit)	−1,100,000,000
1953 (net deficit)	−2,100,000,000
1954 (net deficit)	−1,500,000,000
1955 (net deficit)	−1,100,000,000
1956 (net deficit)	−1,000,000,000
1957 (net surplus)	+500,000,000
1958 (net deficit)	−3,400,000,000
1959 (net deficit)	−3,700,000,000
1960 (net deficit)	−3,800,000,000
1961 (net deficit)	−2,400,000,000
1962 (net deficit)	−2,200,000,000
1963 (net deficit)	−2,660,000,000
1964 (net deficit)	−3,006,000,000
1965 (net deficit)	−1,306,000,000
1966 (net deficit)	−2,077,000,000
1967 (net deficit)	−3,650,000,000
1968 (net surplus)	+93,000,000
1969 (net deficit)	−7,208,000,000
Net U.S. balance-of-payments deficit (20 years) 1950 through 1969	−44,104,000,000

MORE SPONSORS FOR RESOLUTION TO RELEASE APPROPRIATED PUBLIC WORKS FUNDS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. HUNGATE. Mr. Speaker, yesterday four more of my colleagues joined me in introducing a resolution urging the President to release appropriated public works funds now held by him. This brings the total number of cosponsors to 81, representing 36 States.

My thanks to my colleagues for their support on this resolution and once again I urge the President to heed the expressed will of Congress.

A DIFFICULTY IN COMMUNICATING WITH THE POST OFFICE DURING ITS TRANSITION PERIOD

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, in announcing the recent hearings on the transition period between the Post Office Department as we knew it and the new Post Office Corporation, the chairman of the Subcommittee on Postal Service, the Honorable MORRIS UDALL, indicated that many complaints had come to the attention of the subcommittee about the difficulties of communicating with the Postal Service during the transition period. The distinguished chairman went on to say that:

> There was a feeling that undesirable barriers are being erected between the people, the Postal Service, and the Congress.

I could not agree with him more based on my own recent experience. I am perfectly aware of the criticisms leveled against the Post Office of by-gone days. I am well aware that there were numerous instances where the Postal Service suffered from too much political interference. However, I do not think it was ever suggested that all of the problems associated with delivering the mail as cheaply and efficiently as possible were entirely because of the fact that the Post Office had to account to Congress for its service. With great publicity, postal patronage and political appointments have been eliminated. The Post Office, we have been told, can now be expected to function more like any other major corporation in this country. In voting to set up the new postal corporation, I am convinced the majority of Congress went along with this and thought that efficiencies and streamlining and better mail service might have a better chance if the corporation were to function more like any other corporation in this country.

Having said that, however, I am convinced that Congress did not vote to set up a private corporation answerable only to its own shareholders and entirely motivated by nothing higher than the simple profit motive. What was established was a public corporation. Inherent in this concept is the recognition that the corporation is answerable to the public. As the representatives of the people, we in Congress have a particular responsibility to see to it that this public corporation functions in the public interest. As representatives of the people, we have a right to see that one of the largest employers in this country treats its employees equitably and does not ignore the requirements of the Postal Service we are pledged to uphold. This is not General Motors we are talking about. We are talking about a public corporation here. As representatives of the people, we have the responsibility to take an interest in the problems that many of our constituents encounter when they fail to get an appointment with the Post Office after taking the appropriate qualifying examinations. At the very least, we have the right to receive an explanation as to why our constituents have not been given a reply to previous inquiries they have made. In other words, a public corporation has a responsibility to the public not only in delivering the mail on time at the lowest rates possible, but also maintaining and adhering to fair and equitable employment practices in view of its status as one of the largest employers in this Nation. This corporation is not just answerable to its Board of Directors, it is answerable to the people and their elected representatives, and I am afraid that certain of its directors, in particular, its former Postmaster General, have come dangerously close to forgetting this ultimate obligation they have.

When I inquire of the postal authorities as to why one of my constituents has not received a reply to repeated communications, when I inquire of the Postal Service as to why someone with a high grade on the qualifying examination seems to have been passed over in postal appointments, I expect to receive a complete explanation and not to be accused of political interference. When I have been informed that postmasters in my district have been given peremptory notice on mimeographed forms, not even so much as adddressed to the individual involved by name, to be replaced by some new people brought into the Postal Service by the present administration, then I think I am justified in perhaps concluding that all we have done is to replace one kind of politics with another. Speaking for myself, I can truthfully say without reservation that I did not—and I seriously doubt that many of my colleagues could have—voted for a Postal Service that would, in fact, be completely beyond a Congressman's rights of inquiry into individual cases that have been brought to his attention by his constituents. I did not vote to remove a branch of our Government from criticism. I do not think any of us voted to make the Post Office free from accountability for its actions.

I had been aware for some time through newspaper accounts and statements by the Postmaster General about his memorandums to the postal workers, which read like edicts from on high, that there were those in positions of responsibility in the postal service who wished to take themselves out of the political context altogether, especially where criticism was involved. Postal workers were told that they were no longer to approach their Congressmen with their grievances, no matter how legitimate. But in view of the denials of the Postmaster that such was his intent, I felt that he was recognizing the errors of his ways and had backed down. But apparently this is not so. Now, when I do get letters from constituents in the employ of the post office, I get them marked "personal and confidential," many of them are unsigned, and all of them beg me not to reveal their name when communicating with the postal authorities in Washington. If I now want a firsthand report of why mail is being delivered at 4 o'clock in the afternoon to a constituent, I must write to the post offices in my district in plain brown envelopes so as not to reveal my identity lest I get the postmasters in trouble. To get a firsthand report on a situation from local post offices is now like getting a wartime message through courier and the underground. The time has come for me to speak out and criticize this development before it takes root and takes hold from lack of criticism. I am tired of communicating with congressional liaison in Washington to have the matter referred back to my district where, in turn, it is referred back to congressional liaison, which in turn gets in touch with me. If any of my constituents write to me about problems they are having with the mail, I do not feel that I should cost them valuable time by going through these absurd official channels. As a Congressman, I demand the right to represent my constituents where a public service is involved and get to the root of the matter as soon as possible. That means going to the source. And yet I hesitate to do this because the men I contact could lose their jobs under this new regime. What irony. Those who attempt to get effective results under the new Postal Service are penalized and reprimanded, and yet that is just what the new Postal Service was supposed to provide. Those of us with any experience in public service always knew how to cut through the redtape in the old post office. This new Postal Service threatens to be a monolithic and impregnable bureaucracy which can only speak with one voice through one officer at the top in Washington. Is this the monster that we intended to create? I do not think so.

Just the other day, I made a routine inquiry on behalf of a constituent who complained that he desperately needed a summer job and time was running out and he had heard nothing from the Post Office. Now to receive a refusal is one thing—and in this case, that is just what I received. But to add to injury, I was also sent a copy of Blount's latest edict in which he informs postal workers, and presumably myself, that henceforth any postal worker writing to a Congressman on any matter was liable to lose his job. Mind you, I was not even writing about someone yet working for the Postal Service. I was simply inquiring about the status of a needy applicant who was applying for a postal position. It was then that I determined that I would make my voice heard.

I refer you to Postal Bulletin 20805, dated March 11, 1971, prohibiting political recommendations. This bulletin has the arrogance to say that letters of recommendation can only be requested by the Postal Service. Why should postal workers be penalized more than any other Government workers, or prospective applicants for postal work be penalized more than applicants for any other position? As a leader in the district I represent, it is only natural that a number of families turn to me for a letter of recommendation. If I feel the recommendation is merited, I make the recommendation. Why is the new Postal Service so afraid of a Congressman's expressing his interest in an applicant? If they are on solid ground, they can ignore the recommendation with impunity. If the case has merit, then the appointment should be made with or without a Congressman's recommendation. About the only thing I see a Congressman's recommendation guaranteeing is a fair hearing, in other words, the case will receive proper consideration. Whether we like it or not, our constituents expect a Congressman to act as ombudsman with the mighty concentrations of power centered in our Federal agencies. The only thing I can conclude is that the Postal Service does not want to be reminded that they should be giving each and every case proper consideration. In other words, they say they want to operate without congressional interference, when what they really mean is that they want to do as they damn well please.

In conclusion, Mr. Speaker, I am convinced that if the Postal Service and the present administration, which has overseen its creation and appointed its directors, was really interested in taking politics out of the Post Office, then they would have left Mr. Blount out of the picture. Who is kidding whom? Mr. Blount is one of the most political creatures in this city of political creatures. How do you get politics out of a new Postal Service when an old political appointment is chairman of the new postal corporation? All I have seen happen is that Democrats have been removed and "nonpolitical" types brought in by Blount, appointed to fill their places. I hasten to add I use the word nonpolitical facetiously. In the process, Postmaster Blount has been transformed into "Captain" Bligh, strutting about issuing edicts, insulating himself from the outside world, and demanding the right to be the supreme law in his new kingdom. I think it is time we serve notice on "Captain" Blount and resolve to be serious about taking politics out of the Postal Service. Then maybe I could believe what they say about the new reforms. This man has displayed arrogance at every turn when this body is concerned. He finds sections in the enabling legislation to permit him to act in a highhanded manner, but then ignores sections of the legislation that indicated that the Post Office Department has no right to raise rates while requested rate increases are still under consideration by the Postal Rate Commission. The courts yesterday went along with this on the grounds that that legislation does not become effective until July 1. Talk about taking advantage of a loophole, of defeating the intent of Congress, about interpreting the law to suit your own purpose.

My mail indicates that the Postal Service is far from satisfactory and that there is plenty of room for improvement. That is what the new Postal Service reform really is all about in the end. I thought we would have some improvements before anybody was requested to pay more to have their mail delivered. Instead, we have put the cart before the horse once again and raised the rates before the service is improved. If that is an example of running the Post Office like a business proposition, then let us be honest and admit that if this were a private business with competition, it would not survive for long. It would lose its customers. Since we have handed the Postal Service its customers on a silver platter and to some extent they have a captive audience, then we have the responsibility to see to it that the Post Office gives us a complete and full accounting at every opportunity of their actions. So far, the only improvement I have observed is a characteristically political move on the part of General Blount, to offer Congressmen better mail service to their constituents. I would rather my constituents receive the better mail service.

Mr. Speaker, I could go on, but I think I have indicated my main grievances for now. Hopefully, the hearings will lead to a resolve by Congress to reassert its authority over the Postal Service of this Nation and to serve notice to General Blount that there is no place in this Government for privileged rule free from the normal restraints of the political process.

ARMED FORCES WEEK

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. BAKER. Mr. Speaker, the patriotism of the people in the Volunteer State is well known. Pride in our Armed Forces is an integral part of that patriotism. Characteristic of how Tennesseans feel is the annual Armed Forces Week observance in Chattanooga. Many communities observe Armed Forces Day, but there are not very many which allocate a week in honor of the forces which guard and maintain our national security.

An editorial in the May 11 edition of the Chattanooga Times on "Armed Forces Week," cites some of the highlights of this year's observance, the 22d annual observance in Chattanooga. I am proud of the way Chattanooga lets its feelings be known when to comes to our Armed Forces. I am pleased to place this editorial in the RECORD:

ARMED FORCES WEEK

A lot of cities, towns and hamlets across America hold an Armed Forces Day celebration annually. But few, if any, hold one of the magnitude of Chattanooga.

And, here, it's not just a day. It's a week—Armed Forces Week; a many-faceted observance with spit-and-polish pride in our military and humble gratitude for our heroes, living and dead.

A memorial to the 160-plus area men who have lost their lives in Vietnam will be fittingly unveiled and dedicated on Thursday afternoon at Lovell Field.

Spokesmen for the Thursday program say that President Nixon has urged the Adjutant General to provide a "crippled wing" flyover of military planes to mark a dramatic close at 3 p.m. of the program which begins at 2.

Then Friday is "the" day, the time for the award-winning parade and the 22nd annual pomp and ceremony downtown.

It is appropriate that the speaker and reviewing officer for the finale to the week's observance will be Lt. Gen. Albert O. Connor, commander of the 3rd U.S. Army, Ft. McPherson, Ga.

Gen. Connor was one of the nation's top

planners in the cold war defense of Europe and a ranking tactical commander in World War II.

A salute to Gen. Connor, to the planners of the patriotic week and to a city which never fails to let its feelings be known.

SERIOUS AMERICANS

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. CEDERBERG. Mr. Speaker, for some time now we have been hearing the architects of the international policy of the sixties condemning the President for his Vietnam policy. These confessions intrigue all of us, I am sure. A recent article by William F. Buckley, Jr., serves to highlight some of the inconsistencies which characterize the public statements of these people.

In the interest of providing my colleagues with some insight into a few of the more complex historical facets of the question I hereby submit the article for their consideration:

ARTHUR SCHLESINGER—AN EX-WHAT?

(By William F. Buckley, Jr.)

Every 10 years or so, I meet with Prof. Arthur Schlesinger Jr. in public debate, an experience I always find instructive, which is to say nothing of what Mr. Schlesinger must find it.

This time around hostilities began early, when Schlesinger, making his way aft to the economy section of the New York-Boston flight, paused briefly to tease me for sitting, typewriter on my lap, in the first-class section. I retaliated, after we were under way, by asking the stewardess to deliver a package into which I had rolled a cigar, with the notation: "Arthur: This is my contribution to your last meal."

After we landed at Boston, Schlesinger told us that now he knew what was wrong with conservatives, they smoke such lousy cigars. I replied that we were given no choice by those who bungled the Bay of Pigs.

I confronted Schlesinger, during the debate, with the resolution of the Americans for Democratic Action, which called for the impeachment of Richard Nixon. He told the crowd he knew nothing about the resolution, although he did not contest that he continues to serve as vice chairman of the ADA: And managed to make it all sound as though I had made up the resolution. Tricky Arthur.

Schlesinger spent, as I expected, much time in the fashionable denunciation of the Vietnam war. In anticipation of which I poked around and culled a few statements concerning that war, which as an amateur historian I make available.

It is, for instance, surely relevant to note, the week after the prestigious ADA decides to impeach Richard Nixon, the plank of the Democratic party platform on the subject of Vietnam? The Democratic candidate, Hubert Humphrey, ran on a Vietnam plank, approved by the delegates in Chicago in the summer of 1968, that said.

"Our most urgent task is to end the war in Vietnam by an honorable and lasting settlement which respects the rights of all the people of Vietnam . . . We reject as unacceptable a unilateral withdrawal of our forces which would allow that aggression and subversion to succeed." It is perfectly honorable to change one's mind. But it is surely something less than that to go about asking to impeach Richard Nixon because he seeks to implement the plank of the Democratic platform of 2½ years ago.

There are those who will say that the Democratic plank at Chicago was substantially different from true Democratic sentiment at Chicago, because Mayor Daley ran the show. But what was being said during that general period about Vietnam by the opposition: By Arthur Schlesinger, for instance?

In 1967, his views were solicited for a book of opinions on the Vietnam war. He wrote: "It seems to me meaningless to ask whether one is 'for' or 'against' the American intervention in Vietnam. That intervention, for better or for worse, is a fact. The real question today is whether one is 'for' the immediate termination of that intervention or 'for' its continuation until a negotiated settlement can be achieved. On this question, I am for a negotiated settlement."

And wait, there is more: "Obviously the Viet Cong and Hanoi will not negotiate so long as they think they are going to win. Since a military stalemate is the self-evident and indispensable precondition to negotiation, the continued presence of American troops is plainly necessary."

Does that make Arthur Schlesinger, vice chairman of an organization that wants to impeach Richard Nixon for believing exactly the same thing that Arthur Schlesinger was preaching two or three years ago, a hawk? An ex-hawk? A repentant hawk? An incomplete ex-hawk? Hear what Schlesinger went on to say, concerning Laos . . .

I am opposed to unilateral withdrawal, Schlesinger wrote, for several reasons, among them: "Because of the effect it would have in neighboring countries, especially on the gallant struggle of the Laotian neutralists under Prince Souvanna Phouma to maintain their independence. Also I find something distasteful about those sitting in ease in Europe and America who would righteously hand over a country to a tough Communist crew on the ground, evidently, that though they wouldn't much like communism for themselves, it will be just great for the Vietnamese."

Yes indeed, Schlesinger was pretty emphatic on these points those days. Later in 1967 he wrote, "No serious American . . . has proposed unilateral withdrawal." Question: Is Sen. McGovern a serious American? He proposes exactly that. Are Schlesinger's colleagues in the ADA, who want to impeach Nixon, serious Americans? Indeed, is Arthur a serious American?

POLISH CONSTITUTION DAY

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. MADDEN. Mr. Speaker, the month of May each year reminds all the Polish people whether living in Poland or in other nations throughout the globe, of the most illustrious day in Polish history— the adoption of the May 3 Constitution in 1791.

People of all nationalities who believe in liberty, freedom, and self-government, on this anniversary—the day of the Polish Constitution, have a feeling of admiration and pay tribute to the Polish people for that great period when they possessed a free government.

In the 18th century, Poland became the victim of the aggression of powerful neighbors. These tyrannical neighbors of Poland regarded the Constitution of 1791 as a threat to their interests and proceeded to curb Poland's new form of democracy.

From 1790 through the 1800's, Poland's spirit of liberty rose in revolt against her oppressors on five different occasions. Even during the time of these enslavements, the Polish army, including its famed cavalry units, displayed military power which became universally known. The great fighting spirit of Poland under the guidance of outstanding military leaders were guarding Europe against its non-European invaders long before the discovery of America. These armies of devoutly Christian Polish soldiers fought with double courage and bravery, because they were defending the sacred cause of the church and the righteous cause of Poland.

During her dark days of oppression, numerous Polish patriots went beyond her borders to fight for liberty in other lands, and particularly, in our own Revolutionary War. Many Poles fought and gave their lives for our freedom thereby leaving America forever in their debt. Two of these great Polish military leaders stand out in the minds of all Americans: Gen. Casimir Polaski long has been revered as the military genius who organized our cavalry forces and contributed great help to our victory and independence. Gen. Tadeusz Kosciuszko is equally well known as another great son of Poland who fought as a leader in our Revolutionary War and subsequently returned to his native land to fight for Poland's freedom.

In 1919 Poland succeeded in blocking Russian imperialism similar to her victory of 150 years earlier. This time it was Lenin and the powerful scourge of communism that the Polish army defeated. The 1920's and 1930's saw an independent and free Poland accomplish miracles in demonstrating to the world her talents for liberal self-government and freedom for her people. During this period, Poland developed her natural resources, expanded her agriculture, brought prosperity to the farms and cities by building factories, gave millions employment. By the time World War II broke out, social and labor legislation had progressed and advanced so far that the working men and women were contented and prosperous. Transportation facilities multiplied. Historically, Poland had a great tradition in education. However, during the 19th century, enslavement by foreign powers resulted in a serious decline of schools and teachers. From 1919 to 1939, the elementary school construction was extensive and pupil attendance increased to 4,850,000. Throughout the nation, numerous nurseries, libraries, and hospitals were built and provided with nurses and doctors. No nation in the world's history showed such great progress in self-government in the short time of 22 years.

The history of Poland, from 1939 to the present day, is known by all Polish people and everybody in the world who is familiar with Communist tyranny.

The future for Poland and other enslaved Communist countries looks much brighter today than at any time in recent years. The economy of the two major Communist tyrants—Russia and China—has been a failure. The agriculture programs in both of these vast nations have been unsuccessful, and millions are discontented, starving, and eventually will rise and overthrow their Communist leaders who have kept them enslaved. History over the centuries has revealed that the most powerful of tyrants cannot inflict their tyranny permanently upon humanity.

MUSIC AND ACHIEVEMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. SCHWENGEL. Mr. Speaker, on May 1, 1971, the guest editorialist in the Davenport Times-Democrat was Ralph Paarmann. Mr. Paarmann is an experienced and well-respected music educator.

His editorial, entitled "Music and Achievement," gives all of us something to think about.

The editorial follows:

MUSIC AND ACHIEVEMENT

Ah, the aesthetic values of music—music as a release from tensions—music as a fine use of leisure time. You've heard them all—they are all generally accepted concepts. However, the following is an idea that I have long held to be true, and it is set down very well in this excerpt from the introduction of the book, "Growing Up With Music," by H. Hunter.

"When parents encourage their children to be music-minded, they make an investment that will yield dividends for a lifetime. Psychologists and musical educators have proved that the study of music has a beneficial influence in the training of the mind. Children who enjoy music rate higher scholastically and develop more active imaginations and greater qualities of leadership. In a poll of 200 American college and university staff members, 196 considered that youngsters with some musical training were definitely superior to those who had no experience with music. Music is often the first artistic activity which makes a child realize that he must work hard to get what he wants. A musically trained child has been trained toward split-second accuracy. Self-control is mastered; the senses of sight, hearing and touch are each developed to a high degree. Musical training develops concentration and memory, qualities which will be much needed in the child's later life and career."

This week marks the 48th annual observance of "National Music Week," sponsored by the National Federation of Music Clubs. The theme is "Joy of Service Through Music." For the purpose of the following, I would like to consider this the "Joy of Accomplishment Through Music." I feel that accomplishment is the key word to the tremendous appeal of music—indeed I feel that accomplishment is a key word in any line of endeavor.

I could go on and on with regard to music because I am quite infatuated with the subject, but right now I cannot resist the temptation to digress and write about everyone's personal accomplishment whether it be in music or in just our daily living.

The only thing lasting in our memories is something connected with personal accomplishment—individual achievement. When you hear someone refer to "the good old days," you can rest assured that the person is remembering an active time in his life which was filled with personal accomplishment. Be active—stay active—abhor apathy—fight to maintain a zest for living. To those who might complain on occasion of having too much to do, there can only be one thing worse, and that would be to not have that much to do.

On one side we have such words as apathetic, lethargic, indifferent; on the other side such words as active, industrious, enthusiastic, inquisitive. On which side do you live? If you suspect that you are on the indifferent side, then turn off the television set and only turn it on when there is a program that warrants your time and attention. In the many free hours you will have, you can become the active, industrious, enthusiastic person that you potentially are. And to our older friends, let us never say "retire"—as a matter of fact we should take the word out of the vocabulary and call it a "forced change of interests." I fear that too many people "retire" much too early from living a rich, rewarding and active life.

MEMORIAL SERVICE FOR THE INDOCHINA WAR

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. SEIBERLING. Mr. Speaker, perhaps one of the most significant actions during the recent series of antiwar protests was the Memorial Service for the Indochina War Dead in Washington Cathedral on Friday night, April 23. The service was sponsored by the Concerned Officers Movement, a nationwide organization of active duty officers from all branches of the Armed Forces.

Among the 3,000 people in attendance were several hundred Vietnam veterans and over 400 uniformed active duty servicemen, including many enlisted men. Most of them were young people, but there were also many older people, including myself. The service was moving and dignified, a beautiful blending of conventional religious form and newer cultural expressions. I was delighted to see that our distinguished colleague, BOB DRINAN as one of the clergymen leading the service. He made a brief but forceful sermon on our Nation's moral obligation to make reparations for the terrible destruction it has brought upon the land, the people of Indochina.

The fact that this group of antiwar officers chose to express their concern and penitence in a religious service says something about the character of their movement and their leadership.

A White House spokesman had stated that the President considered the wearing of uniforms to this religious service perfectly legal, but many of those 400 people had received subtle threats and promises of harassment from their commanding officers if they chose to appear in uniform that night. Some had even been given direct orders, in violation of the decision of the Commander in Chief, not to wear their uniforms. However, the military has always encouraged members of the military to wear uniforms to religious functions. The memorial service had been planned by the Concerned Officers Movement to be a religious service, notwithstanding the efforts of the military to characterize it as a political rally.

The purpose of the service was to honor the memories of the 50,000 Americans and the hundreds of thousands of Asians who have lost their lives as a result of the Indochina conflict. That the service was planned and attended by members of the military was symbolic of the fact that the brothers of those who worshipped in the Cathedral on April 23 were the instruments whose hands had snuffed out many of those lives. They mourned for those who were dead, and they mourned that they had for too long been silent, acquiescing partners in the mistaken enterprise which brought about these deaths. But most of all, they mourned because every one of these deaths was unnecessary, the product of an ill-conceived American policy.

As the public consciousness of the Indochina war has been heightened, and as members of the military have learned from the Calley verdict that they will be held personally responsible for their actions in that war, there has been a rapid growth in the breadth and depth of GI opposition to the war. The Memorial Service for the Indochina War Dead was indicative of this dramatic growth, as hundreds of servicemen risked harassment, courts martial, or punitive reassignments to demonstrate their sincere conviction that the country they love has strayed wildly from the course the Founding Fathers bravely charted 200 years ago.

The memorial service was led by an ecumenical group of clergymen including the Rt. Rev. J. Brooke Mosley, president of Union Theological Seminary; the Rev. Channing E. Phillips of Washington, D.C.; and the Rev. ROBERT F. DRINAN, Congressman from Massachusetts. Rabbi Balfour Brickner was unable to come, but sent a statement which was read during the service. Music for the service was provided by Pete Seeger and Peter Yarrow. The Rev. William Sloane Coffin, Jr., chaplain of Yale University, delivered the main sermon, one of the most eloquent I have ever heard. While I do not agree with his observation that what we have in America today is what we deserve, I believe his sermon is, on the whole, so right, so compelling, and so challenging it should be preserved as part of the CONGRESSIONAL RECORD. The sermon follows:

SERMON OF REV. WILLIAM SLOANE COFFIN, JR.

Dear sisters, dear brothers, particularly Gold Star mothers, you in uniform who knew that this was a religious, not a political, demonstration. And all you veterans who testified so eloquently this week. This service is entirely proper as long as we remember that it is entirely inadequate. For death is too great a mystery, and the sorrow it brings too immense ever adequately to be expressed in any liturgy. And what can we say when the dead number hundreds of thousands, and when each death is a totally senseless one? What can we say to any here tonight or to those across the nation who mourn a son, a boyfriend, or brother? There was a time when we could say *Dulce et decorum est pro patria mori*—"How sweet, how fitting to die for one's fatherland," but not any more.

And what can all of us say across the Pacific to the millions of mourners in Viet Nam, south and north, in Cambodia, in Laos? What can we say when almost the entire surface of their lands is soaked with the tears and the blood of the innocent? Any expression of anguish compared to the fact of their anguish is as a lightning bug to the lightning. No songs, no words—words even of scripture and of prayer—can begin to fill the hollow in the heart of those who mourn tonight the dead in Indochina.

And yet it would be wrong to dwell on the sorrow. The dead themselves do not wish to be held close by grief alone. And if the dead are lost to us, happily they are not lost to God. Happily God can still do for them what we did not have the grace to do. We know little of what lies beyond the grave, but we know Who is beyond, and if the dead are in the hands of God, are we to grieve for them?

It would also be shameful to dwell on shame, for it is not our guilt, but our responsibility that is called for.

Two years ago, Mrs. Ransom, the mother of a son killed in Viet Nam, chained herself to a draft resister on the steps of the induction center in Whitehall in New York City. Said Mrs. Ransom, "When my son was killed, President Johnson sent me a telegram in which he said my son had not died in vain. But I stand here today to say to the President and to all my fellow Americans that my son has died in vain unless his death helps bring us all to our senses."

The dead need not have died in vain, if their deaths bring to this nation a new birth of freedom. For many if not most Americans today are not free. They do not think freely, feel, or act freely. For too many Americans, freedom is little more than a slogan that has made it all right to kill Southeast Asians who presumably had less of it than they do. And the terrible thing is that when, upon occasion, these Americans chance upon a truly free American—a draft resister, a Dan Berrigan, a David Harris, a Viet Nam Veteran Against the War, a Lt. Font—the terrible thing is that their instinct is not to get their freedom but to take it from them.

We are beset by an ancient problem: freedom is the hardest psychological and moral burden man is called upon to bear. And that is why we have an increasingly oppressive government—we want it that way.

Let us make no mistake. The American people are represented in Washington none too wisely, but all too well. Democracy is a form of government that does not guarantee the good life; it guarantees only that a nation gets what it deserves. And what we have in America today is what we deserve.

It was not always this way. Almost two hundred years ago, when this nation had its first birth of freedom, when the entire population of this country totaled three million people (less than Los Angeles County today), we turned out a generation of statesmen named Washington, Hamilton, Franklin, Adams, Jefferson, and you could name a list as long as your arm. But today, with a population sixty times more than ever before in a world more and more able to slit its own throat in less and less time, how many are there on the public scene of the caliber of that first generation of statesmen? And why are there not more? Because what's honored in a country will be cultivated there.

Today we see truth divorced from power, might from right. And in this divorce we see the heart of this nation's corruption.

Yet, this nation is also in travail—a strange compound of fearful practice and great ideals, of desperate anxiety and calm assurance, of fearful clutching of possessions and a new bright wave of generosity.

I feel this nation is going to have a new birth of freedom, because there are just enough men and women in this country who recognize the gravity of the situation and the decisions that it dictates. The first decision is obvious—to speak truth to power, the way the veterans have been doing all week. For this war quite simply is a product of lies, of murder, of conscious deceits and unconscious self-deceptions. For years, presidents have lied to themselves, the press, and the public, and in turn have been lied to by the State Department, the Pentagon, and the C.I.A. For years we have been told that we are helping a friendly nation repel a foreign enemy attack. In fact, through bitter personal experience, our soldiers learn that they are engaged in a war against South Vietnamese people. We have been told that we are producing a peaceful, prosperous, democratic society. In fact, we are producing massacres, desolate landscapes, and squalid detention camps. We have been told the Saigon Government is representative. In fact, it represents so much corruption and is so unpopular that it has nothing to win and everything to lose in the Paris Peace Talks.

And now the President tells us that America must not become a pitiful, helpless giant?

Hasn't the Nixon Administration read the minutes of the meetings of the Johnson Administration? Yes! But our leaders are what the Bible calls "false prophets." According to Martin Buber: "False prophets are not godless; they adore the god of success. They themselves are in constant need of success and achieve it, promising it to the people. But they do not honestly want success for the people. The craving for success governs their hearts and it determines what rises from them. That is what Jeremiah called 'the deceit of their own heart.' They do not deceive. They are deceived and can breathe only in the air of deceit."

With no major industry, the nation's capital has the most pressing pollution problem in this country—an air of deceit. So we must oppose our leaders, not because we oppose them personally, but because truth is our authority, not their authority or truth.

And we must oppose them because we believe in the American people. We believe the American people are not as success-oriented as they are. We believe that the American people have the intelligence to admit national error and the compassion to do it immediately.

So let the word go forth from the mouth of every American who has the courage to say it: "This was a tragic mistake. And, if there was no honor in the beginning, there is little chance of finding any in the end. And, if this war is an unjust war, and if America has lost this war, then as was said three thousand years ago, so it must still be said: 'The judgments of the Lord are true and righteous altogether.' "

Most especially we would appeal to those who have not yet spoken out. Postmen, truck drivers, business men, labor leaders—in every walk of life there are men and women who have not spoken out and whose voices for that reason would carry greater weight than our own.

Most especially we would appeal to the consciences of the decent and troubled members of the Nixon Administration who know that this war is wrong.

The officers who first conceived of this service, and who came tonight in uniform in defiance of a JAG regulation, were willing to put something in jeopardy for their beliefs. Could not the members of the Nixon Administration do the same? Is it not time not for political, but for moral resignations? In too many recent administrations, too many officials have been mandarins to the prince, but not servants to the American people.

I said we must speak truth to power, but the only way, as St. Paul said, is to speak the truth in love. Elsewhere he says that love suffereth long and is kind. It may be hard, but we must do it—in contending against wrong, we must not become wrongly contentious. In fighting national self-righteousness, we must not ourselves become personally self-righteous. We must hate evil, but only because we so love the good. For if we end up hating evil more than we love the good, we will simply end up damn good haters. One thing we know: if it is difficult to overcome evil with good, it is impossible to overcome evil with evil.

Lastly, we must not despair. Even if we fail, we must never behave as if our failure was morally justified. And if we are disillusioned, let us be tough minded. Whoever gave us the right to have illusions in the first place? Whoever said that the road to peace would be anything but long and stony? And what are our bloody feet compared to the dead bodies we recall tonight?

We gave to the dead our first thoughts; let us give to them our last thoughts. For in those dead bodies is the secret of how truth does speak to power.

Think again of our American dead. We sent them forth to kill for us. Now we remember only that they died for us. In other words, while power can force people, only love can move them. Only the power of sacrficial love can move people from their evil deeds to noble ones. So if the dead are finally *pro patria*, then we must be prepared to sacrifice as they did, and we must love America just as they did.

"America, love it or leave it." I believe that. But it means: America, love her—and call her to a higher standard. America, love her—and sacrifice for her. America, love her—and silence the guns and ground the bombers that so tragically have become her symbols. America, love her—and bind up the wounds of Vietnam. America, love her—and cure her rat-ridden, drug-ridden, gun-ridden cities. America, love her—and help fulfill the ancient 'patriots' dream that saw beyond the years, her alabaster cities gleam, undimmed by human tears. America, America, God shed his grace on thee, and crown thy good with brotherhood, from sea to shining sea." Amen.

WE NEED UNITY ON TEXTILE RELIEF

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. MANN. Mr. Speaker, I insert into today's RECORD a recent editorial from the Spartanburg Journal. It describes and deplores the current state of disarray that exists in the Congress and in the administration as to what we all must do to put an end to the "wasting" of our domestic garment and textile industries at the hands of oriental, slave-wage competitors. Unfortunately this political disarray comes at a time when what we need is order and unity. If we do not decide on some effective policy to save our own industries from unfair competition from abroad, this soon will no longer be a land that happily produces its own goods for its own citizens; it will become, instead, as I have said so often in these pages already, a wasteland of warehouses and distributing centers which act merely to move from point to point the goods produced and shipped here from abroad. Will we then be able to acquit ourselves of our social responsibilities toward the poor and the sick—those favorites of the very people who so oppose any form of imports-quota legislation? It is inconceivable that we will, for a country that depends for its sustenance upon the economic whims of other countries is hardly able to care for its rich citizens, let alone for its poor. We will have come a long way, all right: All the way down from the world's No. 1 economic power to a colony of those countries whose backward economies we generously stimulated toward growth in the first place. I suggest that we begin to unify and act on the principle of putting American interests first, where they belong, in order to avert this coming calamity.

The editorial follows:

UNITY IS NEEDED FOR TEXTILE IMPORT RELIEF

Relief for the textile and garment industry from the heavy flood of foreign imports is about to be trapped in the same division of opinion which prevented congressional or administrative action last year.

President Nixon had pledged relief from imports for the textile field during his campaign for election. On taking office, he asked for time to see if something constructive and satisfactory could not be accomplished through negotiations. When this had not produced results in a little over a year, Rep. Wilbur Mills of the House Ways and Means Committee cleared legislation directing that quotas be imposed. This passed the House but failed to receive attention in the closing days in the Senate.

The Japanese textile industry has now proposed voluntary restraints on imports and Chairman Mills has tentatively spoken out in favor of this. President Nixon, this time around, says the Japanese proposals are not enough and has endorsed the enactment by Congress of legislated quotas.

Most spokesmen in the textile industry agree with the President. The Japanese offer, in their opinion, is impractical in that it calls for other exporters of textiles to the United States to join in the move. Industry spokesmen also point out that there is no provision for spreading out the imports over the entire field of textiles and that exporters would be in a position to concentrate in any area that offers them the best opportunities for sales and profits.

President Nixon has instructed Secretary of Commerce Maurice Stans to begin immediate monitoring of textile imports of all categories. This will include cottons, wools and man-made fibers and the cloth equivalents represented in garments coming into this country.

Division of thought on the part of the President, the industry and the Congress as to what action should be taken resulted in delay and final defeat of any action being taken last year. As a result, there has been a continuing loss of jobs in the closing down of mills and a reduction of work hours. The garment industry has been similarly hard hit. Throughout this region, the heart of the textile industry, the impact has been unusually severe. Leaders say that the majority of the people out of work are in that position because of the impact of imports on textiles and related industries.

The desired import quotas would affect Japan, Hong Kong, South Korea and Taiwan in the Orient and several of the European Common Market countries.

The industry is asking that imports be rolled back to 1967 or 1968 totals—before imports began to skyrocket— and that they be increased annually by a percentage of the growth of use of textiles in this country.

The Japanese proposal would take the current level of imports as the base period—a point to which the industry strongly objects—and that imports be increased annually at the rate of either five or six per cent.

A high level conference of the members of Congress interested in seeing a fair imports quota bill enacted, Rep. Mills and representatives of the President is needed now to see if differences cannot be adjusted and one line of action be adopted. If this is not done, then the present session of Congress could adjourn with no action being taken.

REAL HOPE FOR NEUROLOGICALLY HANDICAPPED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. HOSMER. Mr. Speaker, I would like to call attention to an organization that has been initiated in the 32d Congressional District of California by representatives from the Long Beach Area Chapter of the California Association for Neurologically Handicapped Children.

REAL is an educational foundation and developmental learning center for children and young adults who are having learning and/or behavior problems.

REAL deserves the attention and support of everyone who is concerned for the training and educating of our handicapped.

REAL HOPE FOR NEUROLOGICALLY HANDICAPPED

The parents in the southern section of Los Angeles County have long dreamed of a learning center for the evaluation and training of their Neurologically Handicapped Children to offset the deprivation which has existed in the education field, both public and private.

This year a small group of knowledgeable and dedicated parents and professionals from the Long Beach Area Chapter of the California Association for Neurologically Handicapped Children initiated legal proceedings to incorporate the REAL Educational Foundation as a charitable, nonprofit organization to establish, operate, maintain and fund a Developmental Learning Center for children and young adults having learning and/or behavior problems. Efforts to provide services for this group of children have been thwarted again and again in the past by the lack of an adequate facility, as well as funds.

A facility has now been made available by the Paramount Unified School District, and a contract has been signed with a planned opening date of June 1971.

In planning this Center REAL has been most fortunate in securing as Director Dr. Ray H. Barsch, a national educational authority in learning disabilities and handicapped children—along with a specifically trained staff.

All children with a learning and/or behavior problem, whether normal or handicapped, will be served regardless of referral or label. The target population being the child without any schooling at present, or inadequate services in his own school district.

The Center will offer individual and group instructional programs at the pre-school, elementary and secondary levels, custom designed to meet the needs of the children enrolled. Besides a full time school program, the Center will offer after-school tutoring, parent meetings and therapy, prescriptive physical education and recreation, evaluations, teacher experience opportunity, extension courses for aides and teachers, as well as community education and involvement.

This will be year 'round. In short, a multidisciplinary or team approach to remediation where this child must learn how to learn.

It is a well-established fact that private schooling for exceptional children costs a minimum of $200 per month for minimum services. Because parents of most disabled children are already burdened with private therapy and medical costs and are unable to pay fees of this size, it is real's hope to secure financial support from communities involved through such media as donations, gifts, legal school support (such as Sedgwick Act AB 95), D.P.S.S., probation grants (Federal and State), as well as private funding, etc.

Because there are no other national, state or local organizations helping these children, their plea is more meaningful. They are pioneering this field for the education of all children to develop their fullest potential to learn in order to achieve rewarding and independent adulthoods.

It is Real's goal to put all children into the "orbit of learning", to become learners through special techniques, successes instead of failures and rejects—responsible, functioning adults instead of a welfare load on society.

LET US LISTEN TO VICA

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. GONZALEZ. Mr. Speaker, on April 30 and May 1 and 2 in my home city of San Antonio a very successful meeting of 3,000 young Texans and their teachers took place.

It was the 23d annual State meeting of the Vocational Industrial Clubs of America, and the third time that the Texas group had met in San Antonio.

In this time when too many members of the older generation are overly concerned about present day youth, and their activities, it is imperative that we pay close attention to the nearly 50,000 young Americans who belong to the VICA. By looking at the good deeds of these and others of our young people, we can come to realize that the outlook for the future of our country is not as bleak as some might have us think.

Mr. Speaker, it gives me great pleasure to submit for your consideration and that of the Members of this great body, a report prepared by the VICA organization.

I would also like to pay tribute to Mr. Roy A. Broussard, supervisor II with the VICA organization, for the outstanding work that he and others have done in this fine activity and for and with the more than 20,000 young Texans who belong to VICA.

The report follows:

LET'S LISTEN TO VICA

The concept behind the Vocational Industrial Clubs of America (VICA) is not a new one but, in action, it can have a revolutionary impact.

The Vocational Industrial Clubs of America, a youth organization for trade, technical and industrial students, was established some 6 years ago, May 6, 7, and 8, 1965, at a convention of state trade and industrial club associations in Nashville, Tennessee. VICA was established for the purpose of encouraging, through club activities, the development of the "whole student"; i.e., his social and leadership abilities as well as his skills. Organizations with the same goal have been in existence for many years for vocational students in other areas of endeavor—for example, farming, homemaking, nursing. With the establishment of VICA, the student enrolled in high school trade, industrial and technical curriculums was given similar opportunities to develop as a citizen and individual.

Despite the brief existence of VICA, the idea behind it is not new. Vocational educators who work with and train young people to take their place in the labor market have long been aware that youth need more than skills to make their way in the world. They need motivation, respect for their capabilities, an understanding of their role in the industrial community, an awareness of their roles as citizens and an opportunity to develop their leadership abilities.

In the 1930's a national organization called the Future Craftsmen of America grew out of this recognition of the needs of students trained for industrial occupations. The organization failed in its second year of operation but individual states kept the idea alive with organizations of their own. Prior to the organization of VICA, at least 20 states were involved in vocational youth club activities on local and state levels. Many states had developed sophisticated programs and some district level programs were conducted.

The turning point for translating a need and an idea into a program of national scope was reached in 1960. At the American Vocational Association Convention, a committee was set up to study the possibility of a national vocational youth organization and make recommendations. From there, with the interest and assistance of educators, the U.S. Office of Education and national labor and industrial leadership, the momentum increased, the groundwork was laid and VICA—a national organization for trade, technical and industrial youth—was born. Its official beginning was May 1965 at the First Annual Trade and Industrial Youth Conference in Nashville, Tennessee. Two hundred persons participated, 14 states were represented by student delegations, and 24 states had adult participants or observers.

Twenty-six state trade and industrial club associations with 30,000 members joined the national VICA organization during the first year; 11 others joined during 1966–67. As of June 1967, close to 42,000 students plus more than 1,000 professional members had joined VICA. The students participating through membership in over 1,300 individual VICA clubs in high schools across the Nation and in Guam and Puerto Rico as well.

A program which provides for the development of trade, technical and industrial youth can have a profound impact on our Nation because it offers solutions to some significant questions: How can industry attract sufficient manpower—workers capable of doing highly skilled work—when traditionally the status of the laborer and technician has not been high? How can youth who lack motivation and interest be drawn into programs which will make them highly employable and useful citizens and remove them from the statistics of the unemployed?

VICA provides solutions to this two-fold problem by improving, through its work in the public schools, the status of trade, industrial and technical occupations. VICA *attracts* and *develops* capable students.

Young men and women become interested in the VICA program because it brings them together with youth sharing common interest for an exchange of ideas, a discussion of problems, and the opportunity to work toward common purposes. VICA offers them prestige and recognition through a national program of awards and contests. It broadens the student's perspective through opportunities to participate in interclub and interstate activities. It offers co-curricular activities that make education and training more meaningful—an important aspect in improving grades and keeping many students in school.

VICA's national organization has developed a Program of Work which outlines six major goals and sets the pace for VICA nationwide. When planning their own programs, state and local organizations may adopt in whole or in part these goals:

Personal growth—individual self-improvement through scholarship, citizenship, and participation in home, school, and community activities.

Community understanding—improvement of relations among students, between students and teachers, employees and employers, management and labor, school and community and other nations.

Safety—in shops, classrooms, on the job, and on the highway.

Teacher recruitment—the encouragement of capable students to enter the field of industrial education.

Vocational youth cooperation—among youth in all areas of vocational education.

Good public relations—promoting a general public awareness of the good work that youths engaged in industrial education are doing to better not only themselves, but their community, state, nation, and world.

Clubs also plan activities based on the needs of their local schools and communities. Within their own schools, VICA members may be active in the planning of school assemblies, ushering at school events, fund raising, or school beautification projects. The planning of career programs for undergraduate students interested in vocational education is an important role for VICA members in many schools. Members may also promote the VICA program through newspapers, radio, and television, and possibly conduct follow-up surveys of former vocational students. Programs and forums on subjects of interest are presented. A popular activity is the employer-employee banquet, to which students invite their present or potential employers.

Community service activities such as needy family projects are also undertaken by some VICA clubs and social activities, many designed to raise money for sending local delegates to state and national leadership conferences, are an important part of VICA life.

While the local club, where all students have an opportunity to join in activities and projects is the key to the program, a National organization offers cohesion and provides the guidance and identification that lend the program strength. Essential to an understanding of VICA is a knowledge of the structure of the program at all levels.

The Vocational Industrial Clubs of American, Inc., a non-profit educational organization, sponsors VICA, the youth organization. An administrative board composed of members of VICA, Inc., the U.S. Office of Education and the American Vocational Association, serves as the adult governing body. Ten national VICA officers, elected annually by the student members, serve as the National Executive Council. They are the President, Vice President, Secretary, Treasurer, Parliamentarian and five Regional Vice Presidents.

A National Advisory Council composed of members from education, labor, and business provides counsel, advice and assistance to the Administrative Board. An Executive Director, appointed by the Administrative Board, serves as the administrative officer of the National organization at its headquarters in Washington, D.C.

VICA itself is an organization of state and territorial associations, each operating under approval of the Administrative Board in accordance with and by legal authority derived from a charter granted by VICA, Inc. Charters are issued to eligible states or territories upon submission of a formal application which meets the National requirements.

The advisor for VICA in each state is the state supervisor of trade and industrial education or his designated representative and he is the administrative officer of the state association. The designated state advisor is usually a member of the state industrial education supervisory staff.

VICA functions as an organization of local clubs affiliated with the National organization through a State Association. A Vocational Industrial Club is a group of students in a single school who work cooperatively to develop leadership abilities through participation in worthwhile educational, vocational, civic, recreational, and social activities. Assisting in the organizing and functioning of a club is an adult club advisor. Usually, he is a vocational teacher and is the administrative officer of the club in the high school.

Generally local clubs have one or two organizational structures—the single section or multi-section structure. The single section is the most common and is found in schools with only one vocational industrial training course. All the students are pursuing the same training under a single instructor who is the club advisor. The students elect their officers who comprise the club executive council and plan and conduct various activities in a single body.

The multi-section club is formed in schools where several vocational courses are offered, such as in large comprehensive high schools or in area vocational schools. In this situation a club consists of several sections which are organized by subject and each section has its own officers and activities. Each section elects delegates to the club executive council which coordinates section activities to avoid conflicts and duplication of club projects and plans overall club work. Section advisors are often teachers of the section's subjects and the club advisor is elected from the section advisors or appointed by the school principal. Often guidance counselors serve as club advisors in area schools with multi-section clubs.

Students in large clubs prefer the multi-section structure because it offers a togetherness not possible otherwise. With membership in the hundreds, a single-structure club is not practical because opportunities for participation are greatly reduced.

A national organization is essential to the VICA program because it can offer guidance and services that could not otherwise be made available. National VICA offers an organizational hand in getting local club programs moving and helping them to continue. It is active in developing programs which offer guidance and assistance in these areas to state departments of education and to local high schools in the establishment of clubs. It provides information and materials, conducts workshops and offers consulting services on club organization and youth development.

In addition, through its Youth Development Foundation which solicits the financial support of labor and industry, National VICA sponsors five major youth development activities. These are: leadership development conferences, national competitive activities and leadership awards, leadership development publications and student financial assistance.

Leadership conferences have a particularly significant role in the VICA program. Among the four major national conferences held yearly are a national officers leadership conference, a state advisors workshop and the national leadership conference to which all state associations may send delegates. In addition, the VICA Youth Development

Foundation sponsors the American Industrial-Technical Education Conference whose members are representatives of business, industry, labor, government and education. All are supporters of the VICA program and attend the conference for progress reports and discussion on vocational trade, technical and industrial education and VICA.

The national student conferences are essential for instilling spirit and a sense of identity among the students from all over the Nation. They also provide the opportunity for students to take part in conducting the business of the organization.

Competitive activities have been included in the VICA Youth Development Program to motivate and develop an enthusiasm for learning. These activities are practical and valuable experience for students entering industrial careers and at the same time, they offer personal enrichment through opportunities to achieve a sense of accomplishment and recognition for skills and abilities. Public speaking and job interview competitions have been conducted at the National level. At VICA's third National Leadership Conference, awards were presented for performance in a shop safety program and for performance in presenting demonstrations of VICA club procedure and VICA opening and closing ceremonies. The student's poise and skill in handling a variety of situations such as these are proof of his ability to handle himself in social and business situations. National VICA has also presented awards to winners of a nation-wide machine trades contest and will in the future sponsor skill competitions in various areas of endeavor.

A key aspect of the Youth Development Program is the provision of materials to provide communications between clubs and between National VICA and individual members and advisors. Publications and supplies necessary to the club program are provided through National VICA. Publications include the *Official Guide* or handbook to club activities, a *Competitive Activities Guide*, brochures and posters with information on club activities and programs. In addition, VICA publishes the *Professional News*, which provides news and items of information valuable to the professional member. Perhaps chief among the VICA public information materials is VICA magazine, published four times yearly. Through articles on club members and material of general interest, VICA broadens the student's perspective and gives him a sense of identity with others of similar interests.

In addition to its publications services, National VICA administers a supply service which gives members an opportunity to purchase official VICA items and club paraphernalia.

All of these aspects of the VICA program are concrete ways through which VICA can serve the student.

VICA is, then, a philosophy in action. Through an investment in the student now, our Nation will find that it has made a prudent investment in the future. The trade, technical and industrial student is important to our Nation because we need craftsmen—4 million new skilled workers by 1975. Without sufficient manpower, labor shortages will boost production costs and prices and slow down production. Many of the potential craftsmen of 1975 are in school today. Many are already being trained to take their place in industrial and technical occupations. Others have taken no direction toward specific job training and yet will not attend college. They will complete their formal schooling unprepared for work or will drop out and enter the job market equally unprepared and without a high school diploma.

Attracting these youth to vocational trade, technical and industrial programs is important to them and to the Nation. VICA is doing the job by teaching the dignity of work and imparting a status to skilled labor that it has long deserved.

The VICA concept will continue to grow dynamically on a national level if active attitudes to support its growth are taken by trade, technical and industrial educators on the federal, state, and national level.

Among educators, it is important that the activities of VICA be recognized as a *part* of the total trade and industrial education program. The American Vocational Association has endorsed the VICA program as part of the responsibility of the industrial educator; that is, the educator's responsibility goes beyond skill development to the traits of citizenship and leadership that will help the student take his place in the industrial community.

Meeting in May, 1967, at St. Paul, Minnesota, the National conference of state trade and industrial supervisors expressed support for the VICA program. The educators recognized that in order to spur the growth of VICA, action must be taken by federal, state and local leadership. Emphasis must first be placed, they felt, at the U.S. Office of Education level, to accept the premise that youth organizations complement vocational instruction. The supervisors felt that USOE must encourage states to consider VICA as part of their trade and industrial program and should recommend that state agencies employ a full-time person to provide leadership and foster the growth of VICA within their states.

The role of state leaders, the supervisor stated, should be to encourage local school administrators to active support of CIA. State VICA conferences, local advisory leadership programs on a state-wide basis and relaying of the VICA concept through teacher educators and teacher education programs were also recognized as basic needs.

The supervisors also stated that emphasis at the local level must be placed on organizing VICA programs to serve *all students* with a program of civic, educational, social and professional activities. The involvement of local business and industry were deemed necessary to support the purpose of VICA.

In the long run, the strength of VICA will lie in the acceptance of the philosophy behind it: that youth development should be an integral part of the trade, technical and industrial education program. The concept will have to be relayed to the trade, technical and industrial instructor through teacher training programs. This will require the acceptance of the role of club activities by the teacher trainer. To this end, teacher training programs will need to be designed to prepare the future instructor to recognize the centrality of youth development club activities as an inseparable part of the total learning experience. Particularly, courses will have to be developed in the organization and supervision of club activities and the integration of club activities in the total program.

The final justification for the VICA program, the answer to "Why VICA?" is simply the student—the young man or woman whose ability to contribute makes all the difference to society and to himself.

Many of the youths who are a part of our unemployment statistics are not untrainable. They are not a statistic because they lack intelligence or capabilities.

A youth profile prepared by a subcommittee of the Senate Labor and Public Welfare Committee in 1966 reported a study of Maryland school dropouts, pointing out that lack of success in school and lack of interest were major reasons for over half the dropouts. It is interesting that more than 80 percent were *not* behavior problems; almost three-fourths were not from broken homes. Low IQ does not seem to provide an answer, either, for why these students dropped out. A Department of Labor study of dropouts in seven communities shows that 69 percent had IQ's over 85. Forty-eight percent of these had IQ's between 90 and 109. Six percent had IQ's of 110 and over.

There were other interesting facts brought out by the profile study of dropouts. Almost half came from families where the head of the family was working in an unskilled job. More than three-fourths had never participated in school athletics or extra-class activities.

Skill training would have been an answer for those non-vocational dropouts who lacked interest in a strictly academic program. And VICA would have been an answer; giving these youths dignity and respect for themselves and their skills and offering them goals and a sense of identity.

While descent, in conclusion, is to be expected, and healthy for this nation, is it fair to the vast majority of conscientious young Americans, when front pages of newspapers all over the nation picture the small minority of young people burning buildings; is it fair to ignore the majority of dedicated young Americans, while publicizing the young malcontents raising havoc in the streets of America; is it fair, by generalization, to compare the majority of industrious young people to the destructive minority of young misfits?

Indeed—it is not!

It is time to shout: Wake up America! Wake up and listen to the call of the majority of your young people—the future of this great nation!

VICA is just one of the multitude of youth organizations that are shouting for recognition.

Is this country going to at last listen?

THE CALIFORNIA NATIONAL GUARD: OF, BY, AND FOR THE PEOPLE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. LEGGETT. Mr. Speaker, last year the Ohio National Guard was heavily criticized for firing into a crowd of students and bystanders at Kent State University, killing four and wounding 11 others. Two years earlier, the Guard units of several States were condemned by a Presidential commission for their trigger-happy performance during urban disorders.

I regard these criticisms as justified, particularly those pertaining to the Kent State massacre. But I hope the country, and our young people in particular, will not make the mistake of condemning all National Guards for the criminality of some. Each State's National Guard has a great deal of independence. The result is that, while some are undoubtedly havens for some incompetents, many others, including that of my own State of California, are fine organizations which ably carry out their constitutional duties and much more.

In the words of its commanding general, Maj. Gen. Glen C. Ames:

> Since the National Guard from the days of Concord has been traditionally rooted to the community in which it is located, I feel that each unit must share the responsibilities of the community, and must initiate

and participate in the various community programs.

Our organization and much or our equipment are peculiarly well suited to these programs. The costs of such, gasoline, lubricants, etc., are minimal. We cannot, of course, support all activities brought to our attention, as we are bound by certain Federal regulations relating to use of equipment and all programs must be consistent with the maintenance of our training and readiness levels.

While our involvement during calendar year 1970 was substantial, I am looking forward to even greater participation by our units in domestic action programs for calendar year 1971. I am confident that our units and personnel will be the richer for the experience.

General Ames has been kind enough to supply me with a summary of the California National Guard's community activities during the past year, which I include at this point in the RECORD:

CALIFORNIA NATIONAL GUARD'S COMMUNITY ACTIVITIES

(a) Ecology and Reclamation Projects—1,335 California National Guardsmen and townspeople on 12 different occasions participated in these projects. This activity includes such programs as recycling waste material, clean-up projects and reseeding wilderness areas.

(b) National Guard Support to Needy and Underprivileged—A total of 2,154 Guardsmen sustained varied programs on 11 different occasions. National Guard support included such activities as delivering clothes and medical supplies to three Indian sites, distributing food and toys to needy children and providing camp-outs for underprivileged children.

(c) Support to Community Service Organizations—The over-all involvement of the National Guard in support of community service organizations was the most far-reaching and largest category. The Guard supported local civic groups 73 times during 1970 which encompassed activities ranging from construction of Little League baseball fields to active involvement in all segments of the Boy Scout program. Approximately 47,000 participants and Guardsmen were involved in this category.

(d) Support Given to Governmental Organizations—The California National Guard was requested on 21 occasions to assist governmental agencies that are primarily engaged in sustaining community and youth programs. In this respect local governmental and Guard personnel numbered approximately 25,500 in projects which included medical treatment and consultation with inmates at the San Francisco County Jail to providing personnel and equipment in support of repair of flood-damaged roads, snow removal, construction and clean-up assignments.

(e) Miscellaneous—The California National Guard participated in several programs which were initiated and conducted solely on the local unit level. These activities involved over 23,500 local citizens and Guardsmen on 11 separate occasions. Examples of our involvement in this area are safety classes on the care and use of hunting weapons and visits to veterans hospitals.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

POLITICS AGAINST JUSTICE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mrs. ABZUG. Mr. Speaker, citizens throughout the Nation have expressed a great concern the past few days over the great injustice done to the traditions of due process of law and the civil liberties of many thousands of individuals who were illegally arrested and detained here over the past few weeks. This concern is well-founded and reflects the growing sentiment that such policies of mass arrest and suspension of formal arrest procedures are yet additional evidence of the fact that American liberties under this administration are in jeopardy. Because I think the opinions expressed in this New York Times editorial of May 2 are worthy of note, I am inserting it in the RECORD for the benefit of my colleagues:

POLITICS VS. JUSTICE

However much he may know about marketing municipal bonds or managing a political campaign, Attorney General John Mitchell has again demonstrated that he understands very little about the interdependence of law and liberty in a free society.

On Monday he compared last week's demonstrators in Washington to Hitler's Brown Shirts and extolled the police for violating the law. If this reckless speech had been delivered by a national party chairman to a partisan audience, it would have been regrettable but easily dismissed. Coming as it does from the Attorney General, the principal legal officer of the United States Government, speaking to an official meeting of California policemen, this speech evokes renewed dismay at Mr. Mitchell's unfitness to head what is supposed to be a Department of Justice.

The radical Mayday demonstrations were from the outset ill-conceived as a tactic directed against the Vietnam war. They inevitably presented a difficult challenge to the Washington police force. The police performance was mixed. The police certainly deserve credit for avoiding the bloody violence and loss of professional discipline, which has sometimes occurred in other confrontations in other cities.

But there was a resort to wholesale illegality. Normal arrest procedures were suspended. Thousands of individuals were hustled off to jail and to a detention center. There were not arraigned or charged with a specific crime. They were held for long periods without food and incommunicado. Most of them were released when the courts finally intervened.

These police methods were not those of a lawful society acting under the Constitution in Protection of democratic liberties. In this respect the Washington police action is not to be condoned, much less extolled, as a pattern for police in other cities. It was indeed essential to keep the streets open; but that could have been done without resort to indiscriminate mass arrests. The failure to proceed lawfully and selectively was a serious lapse of judgment by the Washington police. To what extent this error of judgment was influenced by pressure from Mr. Mitchell is not yet clear.

The police may have feared that they were going to be in combat with tough urban guerrillas. In fact, the Mayday demonstrators were mostly reckless and leaderless. They did not generally taunt the police; they tried to engage in friendly dialogue with them, they did not resist arrest. Incidents of violence against property were comparatively few and well within the power of the police to contain.

For Mr. Mitchell to compare these demonstrators to Nazi Brown Shirts is absurd. For him to paint this lurid picture of Washington caught up in a terrifying struggle against "mob rule" is deliberately to mislead the public. His motives appear to be blatantly political. Mr. Mitchell seems to think there are votes to be won by being "tough" with long-haired radicals. Instead of trying to maintain the delicate and difficult balance between the necessary maintenance of public order and the protection of individual rights, he has made a vulgar and inflammatory appeal to prejudice and passion.

A civilized society judges itself on the way in which it treats troublesome minorities. It is no defense of police violations of due process for the Attorney General to argue that some of the radical dissenters would deny rights to others and would like to destroy this nation's system of liberty. Of course they would.

But the law-abiding majority expects its public officials to dispense justice and enforce the laws according to the standards laid down by the Constitution and the courts, not by the depraved standards of the enemies of freedom.

KENTUCKIAN KILLED IN ACTION

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. SNYDER. Mr. Speaker, Mr. and Mrs. Bill T. Orr have just recently received notice that their son, Sgt. Patrick O'Reilly Orr, had been killed in action.

Sgt. Orr thus becomes another of the valiant men—and the 120th northern Kentuckian—who has given his life in defense of his country and in protecting the free world.

The sympathy of thousands of other families who have paid this sacrifice goes out to Mr. and Mrs. Orr. To them also goes the sincere gratitude of those of us whom their son died protecting.

The Kentucky Post article of May 5, 1971 which reports the loss of Sgt. Patrick O'Reilly Orr follows:

PREVIOUSLY WOUNDED VET KILLED IN VIETNAM

(By Howard Raver)

A Ft. Thomas soldier who had been wounded previously in Korea is Northern Kentucky's 120th victim of the Vietnam War.

Sgt. Patrick O'Reilly Orr, 23, who was serving in an Air Cavalry Helicopter Scout squad, was killed Thursday at Quan Loi, Vietnam, his family has learned.

He was the son of Mr. and Mrs. Bill T. Orr, 2 Sterling Avenue, Ft. Thomas.

The family received no details other than that Sgt. Orr was shot down in action while serving as a forward observer in a helicopter.

He enlisted in the Army at Newport in January 1969. After basic training he was sent to Korea, where he served eight months.

He was in a tank along the DMZ (demilitarized zone) in Korea, his family said, when the tank was struck by enemy fire, and a ricocheting piece of shrapnel struck him in the head.

Sgt. Orr spent several weeks in the hospital recuperating from the wound and received the Purple Heart.

He was home on leave to spend last Thanksgiving and Christmas with his family and was sent to Vietnam in January. His father is an employe of the Dawson-Evans Construction Co., Cincinnati, and his mother, Mrs. Marguerette Orr, is a secretary at St. Luke Hospital.

Sgt. Orr, native of Niles, O., had lived in Ft. Thomas 16 years. A 1966 graduate of Highlands High School, he attended Eastern Kentucky University before enlisting.

He was a member of Highland United Methodist Church.

Besides his parents, survivors include two brothers, William G., Cincinnati, also a Vietnam veteran, and Robert C. Orr, Groesbeck, O., and a sister, Mrs. Jenny Burson, Houston, Texas.

Dobbling Funeral Home, Ft. Thomas, will complete arrangements.

Sgt. Orr was the 32d Campbell County serviceman to die in Vietnam.

ATLANTIC COUNCIL'S VIEWS ON INTERNATIONAL MONETARY SITUATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. REUSS. Mr. Speaker, a prestigious committee of directors of the Atlantic Council of the United States issued a statement yesterday, on behalf of the council, on the troubled international monetary situation. Each of the authors has impressive credentials. They are W. Randolph Burgess, chairman of the council and former Undersecretary of the Treasury; Henry H. Fowler, former Secretary of the Treasury; William McChesney Martin, former Chairman of the Federal Reserve Board; Percival F. Brundage, former Director of the Bureau of the Budget; Livingston T. Merchant, former Executive Director of the International Monetary Fund, and Sidney E. Rolfe, economist. Their statement follows:

STATEMENT ON MONETARY SITUATION

The Atlantic Council of the United States, which is directly concerned with the long term relationships between Europe and America, recognizes in the recent crisis in foreign exchange markets a critical development in Atlantic relations.

Over and beyond the immediate and palliative steps which are now being taken, it is most important to re-examine the more basic elements involved in the situation and to seek longer term solutions to prevent such crises in the future.

Fortunately, this crisis has come at a time when the great industrial countries have developed a series of institutions and practices which form a solid base for efforts to deal with developments of this sort. We have now many years of experience with the operations of the International Monetary Fund, the OECD and the less formal habits of cooperation among central banks and treasuries. It has been possible to summon these orderly forces to consider and make thoughtful recommendations to the countries concerned.

This crisis comes during a long period of economic prosperity and development in the industrial world which has been furthered by the availability of a continuing growth and stability in the provision of funds not only for the industrial countries themselves, but also an overflow of funds to the less developed countries. In the process of this development, the U.S. dollar has played a major role. For the dollar serves not only as a reserve currency held by central banks throughout the world, along with gold and special drawing rights as a part of their reserves, but also as a "vehicle" of "transaction" currency in which the vast bulk of international trade and capital movements are conducted.

In fact, one of the principal reasons for the large amount of dollars held outside the United States has been the prominent and continuing place of the dollar as a factor of development toward world prosperity. It has been the very strength and value of the dollar which has led to its outflow from the U.S. to a point where the European countries have found it difficult to absorb as many dollars as have become available. We must seek solutions which make possible a greater stabilization of the useful functions of the dollar and not a diminution of its social and economic value.

Every effort must be made to avoid imposing a system of controls, nationalistic and protectionist in nature, which would act as a deterrent to a flow of funds to the places where they can be fruitfully utilized and which would also impede the flow of world trade.

It is also essential to view this present monetary crisis in relation to the long term development of greater unity and cooperation among the great industrial countries including notably, Western Europe, North America and Japan. We must find solutions which lead to greater cooperation rather than less.

Decisive action to bring the U.S. balance of payments to or close to equilibrium is a national and international responsibility of critical priority.

It is equally important to all the people of the Free World. Moreover, the achievement of acceptable equilibrium in its balance of payments cannot be achieved by the United States alone, unless it should choose the unacceptable course of acting unilaterally to withdraw from its role in world affairs and seal itself from international competition by artificial restrictions on trade and a halting of two-way flows of capital movements.

It should be achieved through multilateral cooperation, with the United States taking the lead and following through on a multilateral effort.

In other words, this nation and other countries closely associated with it in security, trade, tourism and capital movements must once again face up to the undertaking of those multilateral efforts which will produce equilibrium in international payments and enable the dollar to continue to perform its unique role in the international monetary system.

The adaptation of U.S. policy and practices to provide both a substantial equilibrium in our balance of payments and some margin for capital export, public and private, to the less developed countries, is a joint task of government and private enterprise.

But more than that, it is a responsibility of the *other* countries, particularly those making up the OECD, NATO and our other basic alliances. For it would be unfortunate for this balance of payments adjustment process to be a unilateral one. It must go forward in the context of close international cooperation if future peace and prosperity are to be assured.

IS THE VIETNAM WAR PRODUCING AN UNCOMMONLY LARGE NUMBER OF AMPUTEES?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. WALDIE. Mr. Speaker, on my recent trip to Indochina I was struck by a recurring tragic recognition, namely, this brutal war seems to be producing an exorbitant number of wounded men who require limb amputations in comparison to other wars in which America has been engaged. There may be many reasons for this sad fact, if indeed, that apparent conclusion is accurate. The nature of this war has meant an inordinate number of casualties from mines and booby-traps and these wounds commonly require amputation. The speedy and efficient helicopter evacuation of seriously wounded men has probably resulted in men surviving, though badly torn apart, who might have died in other wars.

But whatever the case it is necessary to know if, in fact, our wounded in action casualties include an uncommonly large number of amputees.

Since no war in which we have been involved has ever been as computerized, as charted and graphed with statistical proof of progress toward "the light at the end of the tunnel" as has been the Vietnam war, I assumed my request to the 24th Evacuation Hospital, Long Binh, Vietnam, to provide me with a statistical analysis of American wounded in action, including the number of amputation operations performed from 1965 to date would be easily accumulated and provided.

You can find any statistic you want on enemy casualties and graphs and charts exist in abundance to illustrate the remarkable effectiveness of our forces in destroying the enemy. Thus, you might assume comparable information on American casualties would be carefully and efficiently compiled.

Such is not the case. As the attached correspondence will indicate our military hospitals in Vietnam have been too busy to keep such statistics and no information on this subject is available.

I conclude one of three things is true. Either the military medical service is as inefficient as the enclosed correspondence would indicate, or the figures on amputations would be embarrassing to the medical service, or the figures on amputations are part of the ugliness of Vietnam that the administration believes the American people should be protected against.

I believe the latter to be the more reasonable conclusion. I also believe the figures are available but are being denied the American people.

The correspondence follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., April 27, 1971.

Hon. JEROME WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR. WALDIE: This is in response to your request for information during your visit to the 24th Evacuation Hospital, Vietnam on 16 April 1971.

The information you requested concerning the numbers of wounded in action in Vietnam and operations performed in USARV medical treatment facilities is attached. No statistical data is available on the number of amputations performed in Vietnam.

Sincerely,
PHILO A. HUTCHESON,
Colonel, GS Office,
Chief of Legislative Liaison.

U.S. ARMY STATISTICAL INFORMATION

I

Number of wounded in action (WIA) in Vietnam[1]

1965	3,607
1966	18,568
1967	33,573
1968	59,835
1969	50,641
1970	[2]25,147
1971 (Jan.-Mar. only)	2,985

[1] Includes minor wounds not requiring hospitalization.

[2] Includes Cambodia casualty data for May 1-June 30, 1970.

II

Surgical operations (major and minor) in USARV hospitals

1965	3,982
1966	27,184
1967	51,686
1968	87,582
1969	96,888
1970	61,490
1971 (Jan.-Feb. only)	6,264

APRIL 28, 1971.

Col. PHILO A. HUTCHESON,
GS Office, Chief of Legislative Liaison, Department of the Army, Washington, D.C.

DEAR COLONEL HUTCHESON: I am in receipt of your letter of April 27 in response to my request for information on our troops wounded in Vietnam.

Please advise why "no statistical data is available on the number of amputations performed (on American WIA) in Vietnam."

I desire a response as quickly as possible.

Sincerely yours,
JEROME R. WALDIE, M.C.

DEPARTMENT OF THE ARMY,
Washington, D.C., April 30, 1971.

Hon. JEROME R. WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR. WALDIE: This is in response to your request for an explanation as to "why no statistical data is available on the number of amputations performed (on American WIA) in Vietnam."

The current summary reporting workload imposed on hospitals in a combat area is necessarily held at the minimum essential to higher headquarters for compelling operational and administrative reasons. Other kinds of statistical information highly pertinent to final evaluation of the medical experiences in any conflict, but for which the same immediate operational requirement is not apparent, are being compiled from detailed analyses of the medical records of each patient. Because of the great number of records involved, it is not anticipated that this massive study pertaining to many other aspects of Army medical Service in Vietnam, as well as to the types of surgery performed, will be completed prior to 1 July 1972.

Sincerely,
PHILO A. HUTCHESON,
Colonel, GS Office, Chief of Legislative Liaison.

MAY 6, 1971.

Col. PHILO A. HUTCHESON,
GS Office, Chief of Legislative Liaison, Department of the Army, Washington, D.C.

DEAR COLONEL HUTCHESON: This is to acknowledge receipt of your letter of April 30th. I can understand that final completion of "this massive study pertaining to—the types of surgery performed" will not be completed until July 1, 1972.

However, we've been incurring such casualties for ten years. It is incredible to suggest no statistics on any of those years are yet compiled. Please tell me if this is so.

Sincerely yours,
JEROME R. WALDIE, M.C.

DEPARTMENT OF THE ARMY,
Washington, D.C., May 11, 1971.

Hon. JEROME R. WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR. WALDIE: This is in response to your letter of 6 May 1971 concerning statistics of surgeries performed in Vietnam during the past ten years.

A further check with the Army Staff indicates that no figures are available for those years.

Sincerely,
PHILO A. HUTCHESON,
Colonel, GS Office,
Chief of Legislative Liaison.

FUNDING FOR THE ELDERLY SHOULD BE INCREASED

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. CULVER. Mr. Speaker, May is an important month and 1971 an important year for the aging. May is Senior Citizens Month and 1971 is the year of the White House Conference on Aging. Yet the problem of the aging is fast becoming a crisis. The President wants our 20 million older Americans—a quarter of whom live below the official poverty level—to know that we care and that the Nation owes them a tremendous debt. But these gestures are empty without substantial financial assistance and new constructive programs for the Nation's senior citizens since the aging crisis revolves around the personal economics of growing old:

Income inadequacy in the face of inflation and high medical costs and rising property taxes;

Cutbacks in the care provided by Medicare;

Transportation deficiencies;

Housing shortages;

Dwindling opportunities for employment even before the age of 60;

Lack of recreational facilities;

Special consumer needs of the elderly; and much more.

It is not surprising that our senior citizens are in many cases our forgotten citizens.

In order to maximize the opportunity afforded by the 1971 White House Conference on Aging, the Congress, executive branch, and the senior citizens themselves, must devote their energies toward the formulation of a comprehensive national policy on aging, and the commitment to carrying out that policy Ironically, Congress and the representatives of senior citizen organizations have first had to devote themselves to dissuading the administration from its proposed budget cuts for the Administration on Aging.

It is tragic that during the year that the elderly, representatives of senior citizens groups, and experts in the field of aging will be meeting at local, State, and national levels to produce the long-awaited national policy on aging, the administration has decided to play sleight-of-hand with the very funds Congress authorized to help repay the tremendous debt owed to our older citizens. Most important, however, with inadequate funding for the programs under the Older Americans Act, the delegates to the White House Conference may well question the Nation's future commitment for undertaking the desparately needed comprehensive national policy on aging.

Despite the unquestioned success of the programs under the Older Americans Act, the administration showed that the elderly were not one of its priorities when it requested only $29.5 million—nearly $2.5 million below this year's appropriation—for these programs. Fortunately, due to bipartisan congressional opposition and sharp criticism by the national senior citizens organizations, the threatened cutbacks have been rescinded.

Two years ago the Congress expressed, with solid bipartisan support, its strong intent to expand and improve the Older Americans Act by authorizing significant funding increases. For fiscal year 1972, the Congress authorized $105 million to be spent. Yet, the administration's revised budget of $39.5 million is still less than 38 percent of the authorized funding level. According to the administration's new request, repayment of the tremendous debt we owe our senior citizens amounts to about $1.98 for each elderly person in the United States.

In 1970, 1.8 million older Americans benefited from title III community programs which included: Homemaker services, employment referral, transportation, meals on wheels, recreational activities, adult education opportunities, and many others.

Instead of trying to expand these services and serve more of our 20 million older citizens, the administration has decided only to restore the community projects budget to $9 million, the same level of funding for this year.

Today a critical shortage of trained personnel continues to be one of the most pressing problems for expanding and providing services for the aged. It is estimated that less than 20 percent of the professional and technical workers employed in programs serving the aged have had formal training for their work.

Even though the need for trained personnel to serve the elderly will be two to three times as great in 1980 as it was in 1968, the outlook is for little improvement unless drastic changes are made in the scope and character of the training effort.

Yet, the administration has not asked for additional funds to expand title IV research and demonstration programs, and title V training programs; rather, in each case the administration has only restored funding to this year's level.

Among the programs which help solve the financial problems of older Americans as well as helping to meet many other of their needs, the foremost is the foster grandparent program. The employment of older people offers us a reservoir of experience and skills as aides to professionals in social and health related services, while helping them to supplement their income and maintain their self-esteem. It is difficult to understand why the administration has not expanded this program, but has instead chosen only to restore funding to this year's level, especially when hundreds of requests for Federal help to start effective new projects are turned away each year for lack of funds.

In short, for fiscal 1972, the administration has, for many programs, adopted an expansionary budget—but not for these four essential and successful programs under the Older Americans Act. In fact, were it not for persistent congressional concern, the administration would have sharply cut back these programs, victimizing the elderly in the fight against inflation, although they are the least equipped to bear these pressures.

There is an overriding imperative confronting our Nation today; it is to readjust our national priorities and to make a more effective reallocation of Government expenditures for the development of our human resources. The administration's recent sleight-of-hand with funds for the Older Americans Act represents determinations based on yesterday's priorities, not those of today, which should be based upon what we want for the future.

While the administration's callous indifference to the needs and expenditures speaks for itself, I am confident that when the Labor-HEW appropriations bill is considered, Congress will not allow the nullification or stagnation of the Older Americans Act. It is important at a time when imaginative and far-reaching solutions to the problems of the aging are being considered, that we do not neglect but strengthen successful and tested programs already enacted in law.

ISSUE OF SPECIFIC PULLOUT DATE IS ENTIRELY PHONY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. HOGAN. Mr. Speaker, there is a constant demand on the part of the peace movement that the President name a specific date for the withdrawal of American troops from Vietnam. This is an entirely unreasonable demand. The President is doing exactly what he pledged to do—winding down the war by gradually withdrawing our men from Southeast Asia.

However, naming an exact moment when the war shall end is an unrealistic feat. The rationales for this are numerous and are clearly enumerated in a most cogent article, written by Crosby S. Noyes, which appeared in the Washington Evening Star on April 15, 1971. Because of the concise way in which Mr. Noyes refutes the great "pullout date" debate, I commend his article to my colleagues' attention:

ISSUE OF SPECIFIC PULLOUT DATE IS ENTIRELY PHONY

(By Crosby S. Noyes)

The great debate over the date has got to be—to borrow a felicitous phrase from Sen. J. William Fulbright—the biggest piece of political humbuggery of modern times.

President Nixon says he is withdrawing American troops from Vietnam as fast as he can without courting disaster. He has reduced the total of 540,000 when he took office to less than 300,000 today. He has announced that another 100,000 will be out by the end of the year. His goal, he says, is the complete withdrawal of all American combat troops.

But this is no good as far as the critics are concerned. They want him to name a day—a specific date—for the departure of the last GI from Vietnam. And the fact that he declines to do so is blown into a major test of the President's "credibility."

So grave is the crisis of confidence that even the President's friends are trying to get him off the hook. Since Nixon has said that he expects to be held accountable for his performance in Vietnam, Sen. Robert Griffin of Michigan assumes that the deadline is election day, 1972. Others, including Senate Minority Leader Hugh Scott, imply that Nixon has indeed set a date—Jan. 20, 1973—at least in private. The White House denies anything of the sort.

It is all utter nonsense. The date debate is nothing but a shocking illustration of the degree to which the confidence of the American people in its leadership has been undermined and eroded—not by anything that this or past presidents have done or said—but by the dedicated efforts of a small group of politicians and pundits who are determined to discredit any president who is unwilling to engineer an American defeat in Vietnam.

So far as Nixon is concerned, the argument is that, since you can't believe anything he says, it is necessary to force him to set a public deadline which would be hard for him to change later on.

But the disbelief of these critics is itself not very believable. They concede that the President has done precisely what he has said he was going to do, as far as Vietnam is concerned. It is hard to avoid the suspicion that the issue of setting a deadline is raised simply because it is something which the President for quite obvious reasons, is not expected to do.

Nixon has explained some of these reasons.

Naming a date, he says, would give the enemy information that he would dearly like to have. The assurance that we will leave Vietnam, regardless of what the Communist leaders do in the coming months, would remove any incentive on their part to bargain for the release of American prisoners or to end the war by negotiation. It would give enemy commanders the exact information they would need to attack our remaining forces at their most vulnerable time.

But there certainly are other reasons as well.

To name a date for a complete American withdrawal would not get the President off the political hook. Many of his critics insist that the only solution for Vietnam is immediate withdrawal—even though in their soberer moments most of them concede that this is a practical impossibility.

Nixon's date, should he name one, would certainly disappoint and possibly mislead a large number of people. He would have to play it on the conservative side, making allowances for the uncertainties that still exist over the performance of the enemy and the South Vietnamese forces. He has consistently beaten his own schedule for withdrawing troops from Vietnam, and any date that he could name would be at best a guess and a target.

And beyond this, there is the problem of the residual force which probably will have to remain in Vietnam for a considerable time after most of the combat troops have gone. The strong impression is that the composition of such a force and the role which it will be expected to perform have not yet been decided. Indeed it is hard to see how it could be at this time, since the nature of the military problem as it will exist a year from now cannot be foreseen with any great certainty.

The most commonly quoted figure for a residual force is about 50,000 men, presumably volunteers, whose job would be divided between logistics control and advising South Vietnamese forces in the field. But in addition to this, some form of air support may be essential for a time, whether it is based in South Vietnam itself or in Thailand, Guam, or at sea. Nixon's goal, as he says, is the complete departure of all American troops from Vietnam. But this ultimate goal, depending on how the enemy performs, still may be some time off.

For all of these reasons, then, it is wholly unreasonable to demand that the President announce a firm date for a pullout. In fact, it would serve the interests of no one, including Nixon's critics. The question is being raised for no other reason than to embarrass the President. And it is an entirely phony issue.

APPALACHIAN PARK SYSTEM—AN ANSWER TO MEGALOPOLIS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. RYAN. Mr. Speaker, on the first day of the 92d Congress, I introduced H.R. 1122, to authorize the Secretary of the Interior to study the feasibility and desirability of establishing a park system within the Atlantic Urban Region. Previously, in the 91st Congress, I had introduced this same legislation as H.R. 13040.

The purpose of this bill is to begin the steps which must be taken to preserve and conserve the eastern seaboard as a habitable sector of our Nation. The reason for undertaking this task was very clearly stated in an editorial in the New York Times, on July 1, 1970, referring to my legislation:

> Priceless natural and recreational tracts would be spotted in such a study before they could be destroyed.
>
> With population mounting as it is, systematic land use will have to become part of the American scheme before the end of the century . . .

On September 23, 1970, Dr. John P. Keith, president of the Regional Plan Association, delivered an address at the Open Space Conference of the Union Internationale Des Architectes, Commission for Town Planning, in Washington, D.C. Dr. Keith explained four basic principles to the Regional Plan Association's approach to open space for the New York Metropolitan Region:

> (1) Concentrate development to conserve land. (Bring more green into the cities rather

than spread the city throughout developing areas.) (2) Use natural forms—streams, rivers, mountains—to delineate development both within the Region and between metropolitan areas in the Atlantic Urban Region (megalopolis). (3) Determine open space needs for the next 50 years, and (4) Acquire them now with increased annual appropriations and long-term bond issues.

The Regional Plan Association's proposal, which forms the basis for my legislation, is to create a 10,000 square mile Appalachian park system from West Virginia to Vermont. This would put the equivalent of one-fifth of the national park acreage within easy reach of one-fifth of the Nation's population.

I include in the Record Dr. Keith's speech. I commend it to my colleagues as a clear articulation of the planning we must now embark upon, lest we continue to despoil the land and continue to cover it over with concrete and buildings.

Dr. Keith's address follows:

ADDRESS OF DR. JOHN P. KEITH

There are four basic principles to our approach to open space for the New York Metropolitan Region: (1) Concentrate development to conserve land. (Bring more green into the cities rather than spread the city throughout developing areas.) (2) Use natural forms—streams, rivers, mountains—to delineate development both within the Region and between metropolitan areas in the Atlantic Urban Region (megalopolis). (3) Determine open space needs for the next 50 years, and (4) acquire them now with increased annual appropriations and long-term bond issues.

CONSERVING LAND

Throughout the U.S., citizens this past year began taking a closer look at such conservation issues as air and water pollution. Few turned their attention to current land use practices which forces our spread pattern of development, so profligate of land and demanding of highways.

In a 1960 study, which we titled *Spread City*, we determined that if the current zoning pattern continued we would use for development in the period 1960–85 as much land as had been used in the preceding 300 years. We are on course, unfortunately.

The Second Regional Plan calls for a tighter form of development to conserve land and make public transportation possible, which would substantially reduce needed highway mileage.

BRINGING GREEN INTO THE CITIES

It is possible that our suburban large-lot zoning, in addition to the usual fiscal issue, is a reaction to the poor quality of our urban environment—to the shortage of green in our inner cities. However, rather than taking the city out into the country we need to bring more green into the city.

This is not as difficult a job, at least in our Region, as it may at first appear. There are valuable natural tracts still open within the most built-up areas which can be captured or reclaimed.

Two sources are readily apparent. Shipping and industry for sound reasons are moving away from our river fronts allowing us to recapture the banks for people use—housing, recreation and parks. At the entrance to every harbor are the old military installations no longer needed for defense purposes.

Heading our list is the Gateway National Recreation Area including two military installations—Fort Tilden on the Rockaways and Fort Hancock at Sandy Hook—undeveloped beach frontage at Breezy Point, Jamaica Bay and related shorefronts in Brooklyn, Staten Island and New Jersey.

Next is the Palisades south of the George Washington Bridge—about 10 miles of the cliff or some 800 acres; more if waterfront land and land under water is included. Presently neglected and being destroyed by developers some 3 million people look daily from Manhattan at what could be a spectacular piece of green within the heart of the Region.

Also on the list for inner-city natural tracts is the expansion of public holdings of open space in the Greenbelt of Staten Island, portions of the Jersey Meadows, segments of the waterfront of Jersey City and Bayonne. The East River, the Hudson River, the Gowanus Canal can in the future be framed in green. As pollution of our rivers and bays is lessened, valuable segments of Lower New York Bay and shorefront along the Hackensack and Passaic Rivers will be useable for recreation and for open space.

GREEN BACKDROP FOR THE URBAN AREA

While expanding our natural holdings within the older sections of the Region, we must preserve the Region's green backdrop, the Appalachian chain. Regional Plan Association has proposed a 10,000-square-mile Appalachian Park system from West Virginia to Vermont which would put the equivalent of 1/5 of the national park acreage within easy reach of 1/5 of the nation's population. Congressman Ryan of New York has introduced a bill to further refine this proposal.

Essential for our Region is the extension of the Delaware Water Gap National Recreation Area into the Shawangunks. The acquisition of the Minnewaska tract last year by New York State, in response to a campaign led by Regional Plan Association, was a most important step. The northward and southward extension of Bear Mountain Park and the acquisition of ridges in Putnam and Dutchess Counties are strategic next steps. All told we see the need of public acquisition of 1,400 square miles of the Appalachian Highlands.

URBAN OPEN SPACE

Nor, in devising a metropolitan open space system, can we ignore the needs of those built-up areas where no parks exist. While that topic was taken up at a separate session, I would like to mention Regional Plan's recommendations for building in open space as we reconstruct our old cities.

A "coat pocket park" is better than a "vest pocket park." On sites cleared through demolition we should strive to attain parks of 3–5 acres, to create a green environment and a sense of space, not an asphalt lot indistinguishable from an unused parking lot.

Though every recreation area needs some green, not every green needs recreation. New swimming pools and play fields should be created primarily on the site of demolished buildings where they will be much more useful to people and not encroach on existing green.

ADVANCE ACQUISITION

While we have seen a considerable increase in the expenditure for open space in the past decade both by the states and the federal government, it is nowhere near what is needed to capture significant open space in advance of development.

All of the open space that we believe necessary for the next 50 years should be acquired now and paid for out of both increased expenditures and large bond issues. No matter how high the interest rate, the cost will be less now than if we attempt to acquire sites after development and the areas will be less pock-marked with strip roadside development and unplanned second home communities.

We must also determine priorities. Unique ecological areas in the path of urbanization are a must. Mountaintops are easy to get and relatively inexpensive. But ocean beaches, bayfronts and lakefronts are fast slipping away from the public.

RPA's proposal for an Appalachian Park system—a green backdrop for the urbanized Seaboard protecting the Mountain chain from Virginia to Vermont—would roughly double present state and federal open space holdings outside the most built up parts of the Atlantic Urban Seaboard. The cost is estimated at $1.3 billion at an average of $200 per acre. To provide the most extensively built up segments of the Urban Seaboard with parks that would leave one-quarter of the area green, present federal, state and county holdings would have to be almost tripled, for an increment of 4,500 square miles of public open space. At an illustrative cost of $2,000 per acre in the suburbs, this would come to about $5.7 billion. The total land acquisition cost—for the outer areas and heavily developed areas—with current dollars and current land prices—is $7 billion.

If such a program is to be carried out over a period of 20 years (since most of the land will otherwise be preempted), the annual expenditures for public open space acquisition in the Atlantic Urban Seaboard would have to reach $350 million. By contrast, the current level of expenditure for open space acquisition in the 13 states affected has been somewhat over $20 million annually. At that rate, acquisition would take us 350 years.

In parts of our Region, we are doing slightly better. Regional Plan in conjunction with Pattern for Progress and the New York State Urban Development Corporation, recently completed a development plan for a seven-county Mid-Hudson area. It proposes the same ratio of planned, publicly owned open space in an urbanized area, one acre out of every four, to meet the urban development we anticipate will take place in that portion of the Region, to protect valuable natural areas and to provide a green belt defining the northern fringe of the New York Urban Region.

This would require the addition of about 800 square miles of open space to the present holding of about 500 square miles. New York State, under one of the most aggressive acquisition programs, has been acquiring land at the rate of 3 square miles per year. Our proposal requires an acquisition program of 26 square miles per year, at an annual cost of $8–$10 million per year. At the present rate of acquisition, it would take us only 260 years to meet the goal set out in the development program.

One answer might be that we expect too much and should cut the program to meet "more realistic" levels of expenditure. If there is anything that RPA's 40 years of effort has shown, it is that the public, when given leadership, will respond to bold programs.

Less than 10 years ago, Regional Plan Association completed *The Race for Open Space*. It produced 5 bond issues in the 3 states, the first federal assistance for local park acquisition, 8 of 10 proposed large regional parks—adding 80 square miles to the Region's open space, a 30% increase over what prevailed in 1959.

When we led the public campaign to secure Breezy Point on the Rockaway Peninsula, a park where the people are, we were told that it would be too expensive. Breezy Point now has been enlarged to the Gateway National Recreation Area, mentioned earlier, which will add a quarter of a billion dollars to the recreation facilities of the Region—and at the point where such facilities are most needed. It culminates three years of effort on our part of slowly developing understanding. It marks the beginning of a new era of federal involvement in urban recreation.

The response to our 10,000-square-mile Appalachian Park proposal even has amazed us.

Our most recent effort involved saving from development a 10,000 acre tract in the Shawangunk Mountains of New York State, targeted 10 years ago as the central portion of a new, large regional park. Conservation organizations, newspapers throughout the Region, legislators and public officials all joined in the effort, knowing how crucial this one piece was to the larger concept.

Whether it is official, or unofficial as ours is, the public must see a program, a plan, the end product of which they can understand, which can gain adherents, and which can take advantage of propitious moments for action, as at Minnewaska.

THE POPE, TITO, AND COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. RARICK. Mr. Speaker, the recent papal declaration, accredited to Pope Paul VI, must be considered indicative of the revolution of change and tolerance reaching the leadership of the Roman Catholic Church.

For certain, the activities and news excerpts offer tremendous propaganda potential to the Communist conspiracy. The faithful are reminded:

> See to it veneral brethren that the faithful do not allow themselves to be deceived! Communism is intrinsically wrong, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever," (from Pope Pius XI, Encyclical letter on Atheistic Communism).

Informed Christians who have followed Pope Paul VI in his softening attitude toward Communist collaboration were not surprised at the latest way his position has been used.

On March 29 of his year, Pope Paul VI received the Yugoslavian Communist dictator, Marshal Tito, in an official visit to the Vatican. This was the first official visit ever granted by any pope to a Communist head of state. Reportedly the red star Communist flag of Yugoslavia flew beside the yellow and white pennant of the Holy See, and a receiving line composed of the Vatican's top prelates was turned out for this audience. News dispatches from Vatican City the following day reported Tito as stating the Pope shared his commitments to stamp out colonialism, discrimination, and racism, and to bridge the gap between rich and poor nations.

Americans and Christians the world over can but ponder the significance of this new showing of peaceful coexistence in Rome, the softening of Washington on Red China, and the July program for Chief Justice Burger to be in Belgrade, Yugoslavia, with Chief Justice Gorkin of the Soviet Union.

The world power structures are all giving the appearance of yielding to Communist collaboration in the name of world peace. Time alone will tell whether the people will accept and follow their leaders and collaborate in tyranny and world enslavement.

I insert several news clippings and an article from the Herald of Freedom:

[From the Washington (D.C.) Post, May 13, 1971]

Pope Urges Activism on Social Problems

(By William R. MacKaye)

In a major papal declaration to be issued Friday, Pope Paul VI asserts that Christians should not back off from the problems that assail the world but should involve themselves actively in meeting the needs of the day.

The fact that some persons embrace ideological positions incompatible with Christianity, notably Marxists and proponents of unbridled liberalism, should not necessarily discourage Christians from cooperating with them, the pontiff adds.

But, he warns, Christians should at the same time be on their guard not to go beyond this cooperation into becoming beguiled by philosophies that may be not only dangerous but also inadequate to deal with the complexities of life.

This summons to believers to participate in social reform while at the same time keeping their sights set beyond the visible horizon forms the backbone of the 12,000-word document.

The document became available to a number of newspapers Tuesday and yesterday.

While the pontiff obviously intends the wide-ranging document to be studied with care, it is cast in the form of an "apostolic letter" rather than the more definitive form of an encyclical.

One expert, commenting on this choice of format, said the document's often tentative tone and its specific reference to the forthcoming Synod of Bishops suggested that the pope was offering not a "last word'" but his contribution to a hoped-for dialogue with other bishops and with the rest of the world.

The letter's intended date of issuance was timed to coincide with the 80th anniversary of the issuance of "De Rerum Novarum" (Of New Things), an encyclical of Pope Leo XIII that initiated modern Catholic social thought.

Pope Paul addresses his new letter to Maurice Cardinal Roy, the Canadian who heads the Vatican Council of the Laity and the Pontifical Commission on Justice and Peace.

In the document Pope Paul refers repeatedly to the necessity of improving the lot of the poor.

"The Gospel instructs us in the preferential respect due to the poor and the special situation they have in society," he notes at one point.

"The more fortunate should renounce some of their rights so as to place their goods more generously at the service of others."

He also makes it clear that Christians are not doing enough by simply saying the right things.

"It is not enough to recall principles, state intentions, point to crying injustices and utter prophetic denunciations," he writes. "These words will lack real weight unless they are accompanied for each individual by a livelier awareness of personal responsibility and by effective action."

In the letter Pope Paul touches on a variety of specific contemporary developments, many of them particularly characteristic of the European milieu. He moves from this into discussion of ideologies, offering specific critiques of Marxism, untrammeled liberalism and positivism.

Finally, and frequently in tentative tones, he develops his theme of the Christian who engages himself in reforming the world while steeping himself in the principles of his own tradition.

In a typical passage, the pontiff warns of the hazards of utopianism but speaks of its values:

"The appeal to a utopia is often a convenient excuse for those who wish to escape from concrete tasks in order to take refuge in an imaginary world. To live in a hypothetical future is a facile alibi for rejecting immediate possibilities.

"But it must clearly be recognized that this kind of criticism of existing society often provokes the forward-looking imagination both to perceive in the present the disregarded possibility hidden within it, and to direct itself toward a fresh future."

He calls upon the nations to abandon force as an instrument of international policy, declaring, "Relationships based on force have never in fact established justice in a true and lasting manner."

In one comment that seems likely to be noticed particularly by Americans, the pontiff appears to recommend government control of the news media.

The "media of social communication" spread education and culture, but also represent a new power, the pope says. He notes that the men who control them have "a grave responsibility with respect to the truth of the information that they spread . . . and the values which they put forward."

Then he goes on to suggest that "public authorities" should take "suitable steps to prevent the spread (through the media) of what would harm the common heritage of values on which orderly civil progress is based."

Among other topics he suggests as proper for Christian study and action are the rapid and sometimes dehumanizing growth of cities, the deepening environmental crisis, racism and the right of migrant workers to sink roots where they find their employment.

[From the Washington (D.C.) Post, Mar. 30, 1971]

Tito Sees Pope, Improves Ties With Italians

(By Don. M. Larrimore)

ROME.—President Tito of Yugoslavia tonight ended his five-day visit to Italy in which he strengthened his bridges across the Adriatic to both Italy and the Vatican.

Pope Paul VI this morning received Tito with full ceremony in the first formal papal audience ever granted a Communist chief of state. Accompanied by his wife Jovanka, Foreign Minister Mirko Tepavac and other officials, Tito spent two and a half hours in Vatican City, which included a 90-minute private conversation with the Pope.

In his prepared address, evidently given ritual clearance by the Vatican, Tito pledged Yugoslavia's "maximum efforts to contribute, within the limits of its possibilities, to a peaceful settlement of the (Mideast) crisis, so that the consequences of the war of aggression of June, 1967, can be eliminated and so that all people and countries of that region can live in peace and security."

Tito said he was pleased that the Vatican's attitude on major international issues was "close or identical" to Yugoslavia's, and praised the Pope for his "support of people under colonial domination struggling for "liberation and the liquidation of all forms of racial discrimination."

A Yugoslav source said that as the 78-year-old Tito nears the end of his rule his major concern is that his country might split into separate republics, and that he wanted the Vatican to propagandize for national unity and brotherhood among Yugoslavia's 6 million Catholics and 16 million non-Catholics.

[Two of Yugoslavia's six constituent republics—Croatia and Slovenia—are solidly Roman Catholic. They are also economically and culturally the most advanced areas. In recent years they have demanded a greater autonomy from Belgrade, complaining that they are being discriminated against by the more backward republic of Serbia, Macedonia, Montenegro, and Bosnia and Hercegovina.

[The four backward republics have total population of nearly 16 million, which is predominantly Eastern Orthodox. Tito has repeatedly called for national unity, warning that if greater autonomy were granted to Slovenia and Croatia, could create nationalist conflicts that would endanger the federation.]

There was none of this strong language in Pope Paul's formal reply or the limited official summary of his private remarks. The Pope "noted with interest" Tito's statements and assured him of his continuing interest in negotiated settlements in the Middle East and Indochina, as well as in initiatives to promote European security.

Pope Paul promised Tito that the Catholic Church in Yugoslavia would not "interfere" in the state's domain, asking only the "legitimate right to exercise its spiritual ministry" under the rapprochement formalized last August with the re-establishment of diplomatic relations between Belgrade and the Holy See.

Privately the Pope was reported to have raised the question of religious education (no church schools or such other formal organizations as Boy Scouts or Catholic Action are permitted in Yugoslavia), and the possibility of church access to state-run mass media, including television.

Although the 78-year-old Yugoslav leader restated his anti-Israeli feelings here publicly, he impressed his hosts, President Giuseppe Saragat, Premier Emilio Colombo and the pontiff, with Belgrade's determination to play a constructive role in averting a new Middle East war. And Tito left high hopes that a range of bilateral problems with Rome and the Holy See can be amicably negotiated in the spirit of "coexistence."

Pope Paul also noted that Yugoslavia today is "extending its sphere of international influence beyond the frontiers of Europe." This may have referred partly to mainland China, where Yugoslavia has recently been mending fences shattered by years of animosity.

[From the New York Times, Mar. 27, 1971]

TITO ON PIAZZA VENEZIA

For anyone who remembers how close to war the Trieste dispute led Yugoslavia and Italy twenty years ago, the spectacle was hard to credit. Here was President Tito of Yugoslavia receiving the keys of the city from the Mayor of Rome at the Colosseum then moving on to Piazza Venezia to draw polite cheers from Italians as he placed a wreath at the tomb of Italy's Unknown soldier.

It is true that the spiritual heirs of Benito Mussolini had put up posters protesting Marshal Tito's visit and bombs were exploded in northern Italy; but no one was hurt and it seemed clear that most Italians were unwilling to be provoked anew by a boundary dispute they regard as having been resolved with finality in 1954.

In his airport welcome, President Saragat called Marshal Tito "a statesman of highest prestige in the world," but the 78-year-old Yugoslav leader's response was more to the point. He hailed today's growing ties between Italy and Yugoslavia as "an example to show how not only fruitful economic relations but also fruitful political relations can be established between two countries with different systems."

Either leader might have added the most pertinent point of all: those flourishing relations demonstrate that with patience and goodwill it is possible in this imperfect world to resolve to mutual satisfaction a problem that seems to be not only intractable but to carrying within it the seeds of a third World War. The symbolic significance of President Tito at the Victor Emmanuel monument should not be lost on cynical statesmen and weary diplomats.

[From the New York Times, Mar. 30, 1971]

TITO MAKES PLEA FOR ARABS IN TALK WITH POPE

(By Paul Hofmann)

ROME.—In a 75-minute audience surrounded by Vatican pageantry, President Tito of Yugoslavia and Pope Paul VI today discussed the Middle East, East-West affairs and other international problems.

President Tito was the first Communist chief of state to pay an official call on the head of the Roman Catholic Church. A visit by the Soviet President, Nikolai V. Podgorny, to Pope Paul in the Vatican in 1967 was described as private.

Churchmen said today that the Yugoslav leader in his talk with the Pontiff had made a strong presentation of the Arab case in the Middle East conflict.

President Tito, who ended a five-day visit to Italy today, conferred near Pisa on Saturday with the Foreign Minister of the United Arab Republic, Mahmoud Riad.

Pope Paul reportedly restated the Vatican's request for an internationally guaranteed special status for Jerusalem and other holy places in Palestine.

RED STAR ON FLAGS

The Vatican, for the first time in its history, displayed the Communist Red Star—it appears on the Yugoslav flag, which was flown atop buildings and poles in the papal state.

Only interpreters were present while Pope Paul and President Tito, wearing a tailcoat and carrying a top hat, conferred in the Pope's private library on the second floor of the Vatican's Apostolic Palace.

At the end of their talk President Tito's wife, Jovanka, wearing a black dress and veil, Foreign Minister Kirko Tepavac and other aides were called in for the formal part of the audience.

President Tito delivered an address stressing that Yugoslavia had a vital interest in lasting peace in Europe and in the Mediterranean area.

"It is therefore understandable that we devote special attention to the crisis in the Middle East and to the grave dangers inherent in it," the Yugoslav President said in Serbo-Croation.

CLOSENESS OF VIEWS

President Tito also voiced concern about recent developments in Southeast Asia and Africa. He noted that the views of Yugoslavia and the Vatican on the major international problems were "close or identical," and expressed the hope that their relations might continue to develop favorably.

In his reply Pope Paul, speaking in Italian, expressed his "respect and affectionate esteem" for Yugoslavia, with its many Roman Catholics. President Tito himself was born in a Catholic family. Recalling that Yugoslavia's people had often in history undergone trials and adversities, the Pope remarked that their vocation was to be a bridge between different and often conflicting cultures.

Pope Paul noted that under President Tito's guidance Yugoslavia had extended her international influence even outside Europe, and praised what he termed his visitor's efforts for peace and better international understanding. He did not refer to the Middle East.

After the speeches President Tito gave the Pope a modern Yugoslav sculpture of the Virgin Mary with the body of Jesus and was presented with an 18th-century Roman landscape painting.

[From the Evening Star, Mar. 29, 1971]

TOP-HATTED TITO VISITS POPE PAUL FOR AN HOUR

VATICAN CITY.—Wearing a top hat and tails, President Tito of Yugoslavia went to the Vatican today and conferred with Pope Paul VI for more than an hour. Both expressed concern about conflicts in Indochina and the Middle East.

Tito is the first Communist chief of state to pay an official visit to the Roman Catholic pontiff.

The Pope, according to a Vatican communique, told Tito he would keep trying to foster "a negotiated and fair solution of the conflicts in the Middle East and Indochina, which would give tranquillity to those populations."

Tito told the Pope that Yugoslavia is committed to seeking peace in the Middle East in order to eliminate "the consequences of the war of aggression of 1967."

He said his country would also work to eliminate the use of force and discrimination. He deplored "latest developments" in Southeast Asia and Africa, two areas where he said, "entire nations are exposed to great suffering and deprived of elementary rights by the brutal use of force."

The Pope said he followed with "attention" the efforts to reach relaxation of tensions and security in Europe, meaning the controversial Soviet initiative to promote a European-wide security conference.

The Pope praised Tito for seeking "peace and international collaboration." He also assured all Communist governments that the Church forswears interference in the affairs of any state.

He hailed the improving relations between the Vatican and Yugoslavia as an example of how the Roman Catholic Church and Communist countries can live peacefully together.

"The Church demands nothing but legitimate liberty to exert its spiritual ministry and offer its loyal services to men—both individual and in community—outside of all other personal interests alien to its religious and moral mission," the Pope declared in a formal address he read to his visitor.

Tito, speaking without a prepared text, said he and the Pope had "similar or identical" views on international problems and the need to solve them with peaceful coexistence.

He said Yugoslavia is committed to seeking peace in Europe and especially in the Middle East. But he took a slap at Israel, saying a settlement in the latter region must "eliminate the consequences of the war of aggression of 1967," a reference to Arab lands occupied by Israel.

Tito also deplored "latest developments" in Southeast Asia and Africa where, he said, "entire nations are exposed to great suffering and deprived of elementary rights by the brutal use of force."

Like the Pope, Tito praised the friendly relations between Yugoslavia and the Vatican and said he hoped they would grow closer still.

In an exchange of gifts, Tito gave the Pope a bronze statuette of the Madonna and Child by a Yugoslav sculptor, while the Pope gave Tito—a former Catholic turned atheist—a 17th century landscape of Rome.

The Pope shook hands with the 78-year-old Yugoslav leader and his wife, Jovanka, at the door of the papal apartment in the Apostolic Palace.

FLAGS ALONGSIDE

Thousands of police sealed off St. Peter's Square and lined the route of the motorcade. But there were no demonstrators and few spectators to see the Vatican limousines flying the yellow and white pennant of the Holy See alongside the red star of Communist Yugoslavia.

[From the Christian Science Monitor— Mar. 31, 1971]

TITO'S VISIT TO ITALY TERMED SUCCESSFUL

(By Thomas Sterling)

ROME.—Both Italians and Yugoslavs regard the five-day visit of President Tito to Italy a success.

Yet, on four central questions discussed—and one swept under the rug—the major Adriatic powers apparently are in complete accord on only two.

The points of agreement seem to be of an economic nature. Italy is Yugoslavia's second largest trading partner, after West Germany. In the first 10 months of 1970 Italy imported from Yugoslavia slightly less than $230 million worth of goods, while exporting to Yugoslavia nearly $335 million. Both nations are interested in expanding this trade.

Yugoslavia wants Italian economic participation to construct a highway network, a gas pipeline from Russia to Italy across Yugoslavia, and industrial projects backed by Fiat and Montedison.

BASIC DIFFERENCES

In the international field, Yugoslavia wants Italy's support within the European Common Market, where it already has an agreement for exporting beef. With Italy's help, it might move further into the charmed circle. On both of these points, Italy probably can be counted on for firm support.

Two other questions, however, are fundamentally contested despite the polite official language.

Yugoslavia is known to favor a European security conference as soon as possible, starting with a preliminary meeting of ambassadors in Helsinki. Italy's stand is in concert with NATO. Without goodwill moves from Moscow on the question of Berlin, a security conference would not be in order, Italy insists.

Both nations favor United Nations peace moves in the Middle East, and a prolongation of the mission of UN mediator Gunnar V. Jarring. However, it is no secret that Yugoslavia—though assertively nonaligned—is strongly on the side of Cairo, as is the Soviet Union.

Italy has a more demonstrably non-aligned position between Cairo and Israel, and could hardly endorse Yugoslavia's position without compromising its own. Both nations, however, would like to see the Suez Canal reopened.

On the day after President Tito arrived in Italy, the Foreign Minister of Egypt, Mahmud Riyad, dropped by on his way to a foreign ministers' conference in Paris. He spoke to President Tito briefly. The initiative appeared to come from Mr. Riyad—not the Italian Government, which may even have been slightly embarrassed. The Italians took the visit coolly enough, however.

An extra guest is always welcome to dinner—even a dinner as delicately timed as this one.

After Tito's abrupt cancellation of his trip to Italy last December, because of the still-tricky question of the sovereignty of Zone B in the Trieste area, both sides were extremely careful to keep that question under the rug, while showing as much identity of opinion on other matters as possible. The Zone "B" question remains, however.

SUCCESS SEEN EVENTUALLY

President Tito, in an exchange of toasts with the Italian President, even referred to it indirectly when he said ". . . in the spirit of our existing friendship, we will succeed, I am sure, in resolving also that which has remained open in our relations." Tito also praised the agreements between the Soviet Union and West Germany, and Poland and West Germany; "The particular importance of these agreements consists in a definite recognition of existing confines." The remark also might have applied to Zone B which the Yugoslavs claim.

President Tito, as the only Communist leader who maintains official contact with the Vatican, took advantage of the opportunity to visit the Pope. The Pontiff also is reported deeply interested in a European security conference and in the situation in the Middle East, especially the status of Jerusalem.

[From The Herald of Freedom, May 14, 1971]

POPE HOSTS COMMUNIST

In a most impressive ceremonial—with Swiss honor guards and Yugoslav flags flapping at the entrance to the apostolic palace, Yugoslav Communist President Tito was received by Pope Paul VI on March 29, 1971. Tito was the first Communist head of state ever to make an official visit to the Vatican. Anti-Communists and conservative Catholics in and out of the Vatican were shocked that the Pope would receive a Communist leader known to have caused the torture and murder of thousands of Christians. A UPI dispatch stated that a receiving line of the Vatican's top prelates was on hand to greet the Communist leader.

Press dispatches reported that Tito told the Pope he was fully aware of the Pope's support given people under colonial domination in their just fight for independence and the end of all forms of racial discrimination. Tito expressed serious concern about the South East Asia (Vietnam) situation. A UPI dispatch from Vatican City the following day quoted Tito as stating that he was committed to stamp out colonialism, discrimination and racism and to reduce the gap between rich and poor nations. These were policies shared by the Pope, Tito told the press, and added, "I am happy to be able to state that the points of view of the Holy See and Yugoslavia on major international problems, and the necessity of resolving them on the basis of peaceful coexistence, are close or identical." Since neither Tito nor any other Communist leader has ever renounced the Communist goal of world domination, the so-called freeing of people from colonial domination, in Communist vernacular, means drawing them under Communist control.

It is a known fact that Christian clergy in every Communist country are completely subservient to the Communist government. In each of the Communist police states there is a Commissar of Cults (or equivalent position) who controls all religious affairs. Those clergymen who openly oppose atheism, Communism or the International Communist Conspiracy are not permitted to function. They are either under house arrest or in prison. It is also known that in the 1930s, on orders from Moscow, Communists infiltrated into Christian seminaries for the purpose of destroying Christianity from within. Certainly these facts are known to the Vatican. In Czechoslovakia in 1947 a United Press journalist, David DeLuce made an investigation and wrote a series of articles, excerpts from which follow:

"Father Josef Straka, Slovakian Catholic priest and a member of the Communist Party, talks with Catholic Sister Humilias, a religious teacher in the public schools of Bratislava. Father Straka . . . is the general director of Catholic cultural affairs in the Czechoslovakia school system.

"A Catholic priest with a Communist Party membership card in his pocket is fighting today in Slovakia to distribute 1,000,000 acres of church land to the peasants. . . . Some 35 of the 2,000 priests in Slovakia, Father Straka said, have followed his example and espoused Communism . . . 'I did it,' he added, 'after receiving a letter from my superior, Bishop Andrej Strabik of Banska, Bystricka, who wrote me in August, 1945, that he had not told me not to take part in the Slovak uprising against Nazism and he would not tell me not to join the Communists.' As the leading clergyman to enter their movement, Father Straka was promptly appointed by the Communists to be general director of Catholic cultural affairs in the Slovak state school system. . . . Here he has waged a campaign to dispossess the church of its agricultural holdings, put all priests on the government payroll as fulltime employees.

"A constant stream of nuns in long black robes and black-coated clerics passes through Father Straka's Bratislava office. All religious instructors in the public schools are under his administration. At 43, with sandy hair, horn-rimmed spectacles and gray business suit, he looks as prosaic as a corner druggist. But he started his Communist career back in 1941, the year that Russia was invaded, by joining an illegal underground resistance movement to the government of another Slovak priest, Father Josef Tiso. All of Father Straka's family fought the Germans in 1944. . . . A year later, Father Straka was formally issued membership card No. 93,294 in the Slovak Communist Party, although he said he considered he had been in the party from the very beginning of his underground work in 1941.

"Asked if he agreed with the hanging sentence passed upon Father Tiso and executed last Spring, he nodded. 'Justice was done 100%' he said. 'Tiso could have saved his life if he had been repentant. But he told the court he would do the same thing again, if he had his life to live over—collaborate with Nazism and fight against Communism.'"

In Rumania, it was disclosed by the Rev. Richard Wurmbrand who spent many years in prison in that country, that the individual who actually controls the Catholic Church and its affairs is a known Communist. Rev. Wurmbrand pointed out that the only Protestant and Catholic clergymen permitted to function were those who were cooperating with a Communist state, and cooperation means promoting, directly or indirectly, the objectives and programs of the Communist government.

In the Soviet Union the high official of the Russian Orthodox Church, Metropolitan Boris Nikodim, has been exposed as a trained professional member of the KGB, the Soviet Secret Police. Christians the world over have been shocked and saddened at the failure of the Roman Catholic Church to take a stand against atheistic Communism as it did under the pontiffs prior to John XXIII and Paul VI.

Constant reports, which obviously must be known to the Vatican, are received and publicized concerning the involvement of clergy in revolutionary activities, guerrilla warfare and subversion throughout Latin America, in parts of Spain and in Africa. Even in the U.S., where only a few years ago the Catholic Church spoke out against atheistic Communism, the subject of Communism has become too controversial and bishops and priests support pro-Communist peace movements, Marxist grape strikers, radical black revolutionary movements. It would be naive to say that they do not know what they are doing.

This past fall there was a four-day conference on the subject of Capitalism in the '70s held in the Catholic Economics Institute, Tilburg, the Netherlands. Over 1,000 clergy and laymen participated. One of the speakers was none other than Victor Perlo, American identified Communist, prolific writer for Communist publications and exposed head of an espionage ring which operated in Washington, D.C. Another speaker at the conference was radical Marxist Ernest Mandel of Belgium, on whose behalf federal judges in Brooklyn struck down a portion of the McCarran Act which prohibits subversives from coming into the U.S.

Some of those present endeavored to reject the conference report of Victor Perlo; however, in a conference vote, Perlo's papers were accepted by a four-to-one vote. Whereas Trotskyite Andre Gorz of France urged violent workers revolutions, Communist Perlo urged "unity and the use of varied tactics, including parliamentary, in the struggle for the immediate needs of the working people and for peace and socialism." This statement, translated from the Marxist jargon, means conducting a revolution by subversion and the "take-over from the top." This method avoids exciting the population until it is too late for them to offer successful resistance.

It is no secret that the Vatican, through its Apostolic Delegations and hierarchy, receives reports of activities concerning political affairs throughout the world. That Communists are permitted to hold seminars in Catholic institutions, lecture in Catholic colleges and promote their philosophy, must be known to the authorities in the Vatican. In the Roman Catholic Church, a priest who promotes or cooperates in promoting Communism is responsible to his Bishop and the Bishop is obliged to correct him. If the Bishop fails to act or shares the priest's activities, he must answer to the Apostolic Delegate or Vatican Commission.

If these authorities fail to take action, only the Pope can take the corrective measures which apparently are not being carried out. There is, however, a higher authority to whom all Christians must answer, and to whom they can appeal. With the clergy throughout the world failing so miserably in their religious vows, with the widespread perversion and subversion, God's intervention may be the only remedy. Jesus Christ told his followers (and thus the world through Sacred Scripture), "He who is not with me is against me." How many of our so-called Christian clergy are "with Him?"

OPINION RESEARCH POLL—BIASED?

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, on Tuesday of this week, the mail brought to my office the results of a "national poll" purportedly demonstrating that a majority of the American people do not really favor a withdrawal of American troops from Southeast Asia by the end of this year.

I was somewhat intrigued, since every recent poll I had seen shows quite the opposite result. I looked over the questions asked in the so-called survey, and found them so absurd that I threw the whole thing in my wastebasket.

To my amazement, I found the survey results printed in that day's proceedings of the RECORD under the name of my distinguished colleague, the honorable minority leader. He evidently had access to the results before me, and had hastened to put them in the RECORD.

The minority leader, in a statement accompanying the survey results, commented that the poll had been conducted by the "highly respected" Opinion Research Co. of Princeton, N.J.

The opinion research firm may well be highly respected, but largely, I suspect, in Republican and conservative circles. It was retained to make an eight-State poll for the Nixon campaign in 1968, and did a survey for the American Farm Bureau in 1966 to prove that most Americans favored retention of the antilabor 14(b) section of the Taft-Hartley Act. A few years earlier, it conducted a survey for the National Right To Work Committee, an antilabor group dedicated to eliminating the legal union or agency shop.

With a track record such as this, it is not surprising that Opinion Research phrased its questions with care to elicit a response favorable to President Nixon's apparent intention to ignore public demands for withdrawal of our troops this year.

The absurdity of the poll is shown in these two questions:

First. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist takeover of South Vietnam?"

Second. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it threatened the lives or safety of U.S. POW's held by North Vietnam?"

Quite naturally, a majority voted "No" on each question—55 percent on the first, and 75 percent on the second. I am surprised that the percentages were not even higher on both questions, which were obviously phrased to obtain a negative response.

Another question was: "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Seventy-two percent of the replies were "Yes," but I wonder how many of them know what President Nixon's plan is. So far as I can determine, his only plan is to substitute Asians for Americans in the casualty lists, and withdraw enough troops sometime in the next 18 months to placate voters before the 1972 election. What his plan calls for after the election, nobody seems to know.

I suspect that the great majority who voted yes on this question were voting actually on the three words—"End the War."

Probably the only significant part of the poll was this question:

"A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of the year. Would you like to have your Congressman vote for or against the proposal?"

Sixty-eight percent of the replies were "Yes," and only 20 percent were "No," with 12 percent having no opinion. This is closely in line with my own recent survey in my home district, which showed 61 percent in favor of withdrawing our troops this year. A nationwide Gallup poll in January showed that 73 percent of the American public favors withdrawal this year.

I am much more inclined to give weight to the Gallup Poll results and my own survey results, rather than the Opinion Research poll with its biased questions designed to draw a predetermined answer.

Mr. Speaker, this Congress certainly should not operate in the manner of a weather vane, shifting position in response to the changing winds of public opinion. However, in a democratic society, it is certainly fitting that elective officials give strong consideration to the wishes of the people.

As a cosponsor of legislation seeking total withdrawal of American troops from Southeast Asia by the end of this year, I am satisfied in my own mind that I am taking both the right position and the position which is supported by the vast majority of Americans.

ISRAEL INDEPENDENCE DAY, MAY 15

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. ROONEY of New York. Mr. Speaker, throughout the whole civilized world millions of people are feeling a glow of thanksgiving as well as pride as they observe the 23d anniversary of Israel's independence on Saturday. Not only world Jewry and the patriotic people of Israel celebrate this historic event, but thousands upon thousands of non-Jews recall with deep emotion the historic event which took place in Tel Aviv on May 15, 1948, when the British mandate of Palestine ended and Israel became a sovereign nation.

For those of us in this country who participated in those days in the complex and arduous tasks of bringing into being an independent Jewish homeland, this date has great significance. It serves to remind us of the great men and women who gave unstintingly of their time, their energy and their personal fortunes to achieve the long-sought goal of ending the exile of Jews which had persisted for centuries.

This anniversary has particular meaning to those of us in Congress who labored hard and long to enact the legislation needed to establish this new nation and to give it the economic and political guidance and assistance which would assure its successful development into an independent and respected member of the Council of Nations.

I doubt that any of us have had any more rewarding results of our legislative efforts, than to witness year after year the phenomenal development of the comparatively youthful State of Israel. For the rapidity with which Israel has developed her economic resources, the breadth with which she has expanded her cultural influence and the stability with which she has molded her political influence and stature has far exceeded the fondest hopes which any of us held for her future.

In less time than the span of a generation the people of Israel have performed miracle after miracle in reaping bountiful harvests from erstwhile desert soil and in creating a sound and expansive production and distribution program. We continue to marvel at the constant gains which the industrious people of Israel have obtained in improving their own living conditions while at the same time responding to the increasing demands for more costly and more extensive military protection.

Mr. Speaker, we can all be proud of the part each of us has played in the establishment and subsequent development of this small but mighty nation for we have earned the right to join with our Jewish friends in observing the anniversary of this meaningful event. We all wish, however, that today's celebration of Israel's independence might be conducted in peace without hostilities or the threat of war detracting from the happiness and full enjoyment of life by the people of Israel.

In reaching its majority just months ago, Israel has not done so without the trials and tribulations which are an integral part of the process of growing up. But Israel has met these growing pains with great calm and commendable good judgment. It has been remarkable indeed that few of Israel's pains and aches have come from internal strife or dissension but rather it has been a unified people joining in remarkable oneness to oppose external attempts to jeopardize the nation's security and well-being. May this solidarity and this unity of purpose continue among these people who now so proudly celebrate their Independence Day. Mr. Speaker, I congratulate the people of Israel and their leaders for their unmatched achievements over the relatively few years of their national life. I congratulate, too, our great American Jewish leaders who have given themselves so wholeheartedly to assuring the swift and stable establishment of a Jewish homeland. I am proud to have been associated with them in this great humanitarian endeavor and I am proud to join them in Saturday's observance.

MR. FRIEDMAN AND AN ECONOMIC APPROACH TO POLLUTION CONTROL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. ASPIN. Mr. Speaker, I am including in the RECORD today an article by Peter Maiken, which appeared in the Chicago Tribune Sunday magazine on April 12, 1970. The article is primarily an interview with noted economist Milton Friedman on an economic approach to solving the problems of pollution control. I urge my colleagues to read this important article, which follows:

[From the Chicago Tribune Sunday Magazine, Apr. 12, 1970]

MR. FRIEDMAN AND AN ECONOMIC APPROACH TO POLLUTION CONTROL

(By Peter Maiken)

There was once a time when everybody was against sin, altho this is no longer true. Now everybody is against pollution. Suburban activists gather at stormy meetings to protest dirty air and water, then after being properly fired up, drive home in their rumpled, smoke-spewing 1963 station wagons. School children are taught that air and water cleanliness is next to godliness, whereupon they adjourn to the candy store and proceed to strew home and school yard with snack wrapper and soda can. Decent people the country over heat their homes, grill their meat, burn rubbish, and drive cars in such a manner as to befoul the very atmosphere they breathe. Many are uncertain about whether it's good to eat Polish hams or California grapes, but there's little doubt they all deplore pollution. Not their own—mostly the kind that spews from the stacks or drains at U.S. Steel and Commonwealth Edison. Being against sin is just too old hat. Being against pollution is to be *now*.

Milton Friedman is against pollution. He is also a polluter, and as an economist, he is able to say without hesitation that you are, too. Friedman has no special qualifications to deal with technical aspects of pollution, and we didn't ask him to do so. His field is economics, which makes him competent to deal with those questions of pollution that are commonly ignored: What does it cost, and who's going to pay to clean it up?

When Friedman speaks as an economist—and as an independent thinker—people usually sit up and listen. Some of his colleageus are outright Friedmanites. Others are merely Friedmanesque. Even those who are neither, however, can hardly ignore him.

He is often labeled a conservative economist. This is questionable. The existence of conservative economics is just as debatable as the existence of black aerodynamics. Politics and ideology aside, you either know economics or you don't. And Friedman is obviously one who does. He has never been one to acquiesce in typecasting, probably because it is more fun being a maverick.

In 1952 he was urging the abolition of the federal reserve board for its misuse of monetary policy. Then he proposed the negative income tax as an answer to what has become known as the welfare mess. At the height of the shooting in Viet Nam, he was calling for an end to the draft and creation of a professional army of highly paid soldiers. Conservative? Who knows? Who cares?

When Friedman talks in his office at the University of Chicago, he could be engaged in the sort of discourse expected of a kindly professor—or he could be advising a President. His opinions are eagerly sought by the news media [Newsweek publishes a column by him], and he in turn is highly skilled in delivering a well-reasoned, witty, and provocative response.

Friedman's office is dank university gothic, its walls visible victims of air pollution. Just as in the office of any social scientist, there is row upon row of hardbound books in institutional, pullman-green bookshelves along the walls. What identifies this as the office of an economist, however, is the *vertical* information retrieval system in the center of the room: tables piled with paperbound reports of government and other agencies of economic research, and below them cardboard boxes presumably filled with the overflow.

As he hunches forward in his swivel-chair, Hush-puppies toeing the tile floor for balance, he exudes a feeling of total eagerness to convey his message. His eyes widen with enthusiasm as he makes his point; they twinkle with mischief when he goes off the path after somebody's sacred cow. When he sees his listener is amused, he flashes a sort of Charlie Brown smile. Even in the dismal science, there's a place for humor.

Tacked to one of Friedman's bookshelves is a bit of bunting embroidered with a grand old message:

BE AMERICAN—BUY AMERICAN

[MADE IN JAPAN]

Q.—What can an economist tell us about pollution control? Why is an economist's point of view especially pertinent?

A.—Because the issue is typically put in wrong terms, as if it's an absolute, as if you ought to turn off pollution completely. From a rational—or economic—point of view, the proper question to ask is, "What is the right amount of pollution?" Well, "no pollution" is *not* the right amount of pollution, because, for example, one way to have no pollution is to make the automobile—and all internal combustion vehicles—illegal in the United States. If you did that, however, the people would be in an intolerable position. They would find themselves starving to death because then we would not be able to produce or transport food. The cost of eliminating pollution by that means would be greater than the gain you would get from it. People would rather suffer with the present amount of pollution with automobiles than have no automobiles. Perhaps there are less costly ways of eliminating pollution, and I hope there are. But you always have to ask yourself the question "Is the cost that is required to get a certain reduction in pollution greater or less than the gain from reducing the pollution?"

Q.—When you talk of cost and gain, are you dealing with altogether ascertainable costs?

A.—This is the same as all other problems in economics. When we ask whether the cost of building a highway is equal to the gain, we resolve the issue by converting costs and gains into money terms. And essentially the same method applies with pollution. For example, you have a town putting sewage into a river, and another town downriver which must have a treatment plant to convert that polluted water into drinkable water. You can calculate the cost and determine whether the cheaper way to get clean water is first to pollute it and then clean it, or not to pollute it at all. In many cases such calculations to determine the "right" amount of pollution are possible, and indeed they are now made.

Q.—Are we able to compute the costs of air pollution on the damage to our respiratory system or other parts of the body?

A.—People make decisions of that kind all the time. There's no doubt that the danger of getting certain diseases is greater in a city than in the country. But if people moved to the country, they would get a lower income, or they would lose satisfaction in other ways. When you decide to live in Chicago rather than, let us say, in Dubuque, Ia., you are making such a calculation for yourself. Have you considered how much income it would be worth sacrificing in order to lengthen your life as you probably would if you moved to Dubuque?

Q.—People probably wouldn't come to a big city if they knew for certain they would get emphysema. It's just a calculated risk.

A.—But it is a *calculated* risk, exactly. The same is true of pollution; it's a calculated risk. I used to smoke and I gave it up when I saw the evidence of the chance of lung cancer and other diseases; and I decided that the pleasures I got from smoking were not worth the costs I would incur. That's the kind of decision we make all the time. People often talk utter nonsense about how the value placed on life is infinite or immeasurable. On that basis, nobody would ever cross the street. The thing that baffles me about the members of the human race is what a low value they place upon life. You don't have to pay people much extra to get them to be drivers in the Indianapolis 500, yet that surely increases the chance of their loss of life. Even more impressive is that there is no demagog so absurd and stupid that he cannot persuade some people to throw away their lives in pursuit of a silly cause. If you read the newspapers about riots in which people get killed, it just seems incredible that people value their lives at such a low price.

Q.—Do you think the subject of pollution is getting more notice than it deserves?

A.—Yes. This is a nation which has a tendency to go off in fads. There was a more innocent time in our lives when the fad took the form of miniature golf or college panty raids. In recent years, however, our fads have tended to have much more serious consequences. There's enormous overemphasis on pollution. Most of the discussion proceeds as if the right amount of pollution were obviously zero. Also, as if there are some "evil devils" who are deliberately polluting the air. One of the characteristic features of recent fads is that they have been devil fads. It's malevolent, evil people who are more or less deliberately exploiting things—the wicked business men and corporations that are deliberately pouring filth into the air to give us all emphysema. Well, the real source of pollution is mostly the consumer. If you and I want to buy products which have to be produced by plants which pour out smoke, then the pollution comes from us. Its utility plants use coal which produces smoke, then we the people who insist on having electric power are the ones who are the polluters. The corporations are only our agents and our intermediaries. They have no personal desire. If it's profitable for them not to pollute, they will not pollute. If it is profitable for them to pollute, they will pollute. They are only transmitting our instructions.

Q.—Are we, the consumers, going to pay the most of reducing pollution, and if so, will this mean higher prices all around?

A.—You are raising the real issue: How do we set up the rules of our economic game to make it as likely as possible that the person responsible for pollution pays for it? The problem arises because I as a consumer of electric power am able to shift the cost of pollution to other people. This is a question of the difficulty of identifying who is hurt. Let us say a Commonwealth Edison truck runs into somebody else's automobile. That person has been hurt by me as a consumer of electricity indirectly. I will have to pay him, because knowing that he has been hurt by that truck, he has a damage claim. Commonwealth Edison will have to pay for that damage, either directly or through an insurance company. That will be part of the cost of doing business. Commonwealth Edison will of course pass that cost on to me. So in general, wherever damages inflicted on third parties are direct and demonstrable, we already have a mechanism which makes the customer pay. The problem with the smoke Commonwealth Edison makes is that I may be damaged by that smoke, but the amount of the damage is so small and so indirectly related to Commonwealth Edison that it will not be feasible for me to sue Commonwealth Edison for that damage. The problems arise where the damage is spread among people who cannot force the polluter to pay for it. And in those cases it is perfectly appropriate that government step in on behalf of the people—the third parties—and impose the cost on the producers of electricity.

Q.—Do you see the use of the government's power of taxation as an important factor in pollution control?

A.—Yes, but when you speak of government's role, there are two different components. One is the power of taxation, and the other is the fact that government itself is a major source of pollution. In Illinois there is a law which requires certain Illinois institutions to burn Illinois coal. Since most of this coal is soft coal, we specify by law that we prefer pollution. We somehow think that the extra employment in the coal mines more than compensates for the extra pollution to the rest of the people. That's absurd and silly, but it's not an isolated example. I spend part of the year up in Vermont, and the Connecticut river up there, which is a beautiful, magnificent river, has become rather heavily polluted in recent years. The major source of the pollution is the untreated garbage dumped by small cities along the river. It's not industrial pollution—that's a minor fraction of it. So the first test for government in these cases is to clean up its own house. Government should eliminate those laws which produce pollution and also enforce responsibility on smaller governmental units to require them to avoid pollution. The second role of government, where taxation comes in, is in those cases where it is very hard to identify the persons hurt by pollution. I think it is appropriate for government to impose taxes on polluters to make it worth their own while to reduce the amount of pollution. This proposal has been made by Senator Proxmire of Wisconsin who suggests an "effluent" tax for an affluent society. The tax would consist of imposing a certain payment on firms for every unit of dirty water they pour into the rivers.

Q.—Regardless of whether the government says "you can't pollute" or "if you do pollute you will be taxed a certain amount," doesn't this in either case mean that consumers will pay higher prices?

A.—It means higher prices to the consumer for the products that pollute. But it doesn't mean higher costs to the consumers. Now, let us say we have a plant that pollutes. The plant produces shirts. We are all paying part of the cost of production in the price we are paying for the shirt. We are also paying part of the cost of production in having our shirt dirtied by the smoke which that plant puts out. If we pay a higher price for the shirt to cover the cost of avoiding pollution, we are reducing the cost we are paying in other forms. The tendency to say that pollution control will make the cost of living higher is wrong. It will make total cost cost of living lower by making the cost of the things we buy higher but by making the costs imposed on us involuntarily lower.

Q.—Relating to Senator Proxmire's remarks, is there any correlation between the sophistication of an economy and the magnitude of its pollution problem?

A.—I don't believe so. I think people tend to make the connection because the more affluent the economy, the more sensitive we get to the degree of pollution. It is almost certain that pollution in Pittsburgh or Gary was far worse at the turn of the century than it is now. Obviously, as you get a larger population, you get more congestion, and therefore you have more effects of this kind. Still, I'm inclined to take all these statements with a considerable grain of salt.

Q.—There seems to be a growing body of opinion that there is such a thing as a worldwide pollution problem. Doesn't this raise some particular problems in economics? For instance, can a single country impose strict pollution controls without jeopardizing the economic position of some of its own basic industries, such as steel making?

A.—It may not be able to do so. But if we impose pollution controls correctly and do jeopardize an industry's position, then it is in the nation's interests to jeopardize it.

Perhaps our steel industry ought to decline. Are we hurting ourselves by not growing bananas? If we put a large enough tariff on bananas, we could make it profitable to grow bananas in hot houses in the United States. Would anybody say we are destroying our long-run interests by not growing bananas? The argument is no more sensible for steel. We ought to have free trade. We ought to require the steel industry in this country to bear all the costs for which it is responsible, including all those pollution costs. If, having calculated all those costs, it is cheaper to buy steel abroad, fine, let's buy the steel abroad. Maybe the reason it will be cheaper to buy the steel abroad is because there are some people in foreign countries who value the reduction of pollution less than we do. Well fine. Just as we import perfumes from France to cover up the smell, there is no reason why we should not import clean air from some other countries in this indirect way of buying from them the products that produce the pollution. In general, is it not desirable that those products which give rise to a lot of pollution be produced in those parts of the world which are least populated and where pollution does the least damage? That's just simply part of the international division of labor. I don't see any valid argument along these lines that would justify saying, "We have to endure pollution to protect domestic industry."

Q.—In many cases, aren't we shifting the costs of pollution across international boundaries?

A.—Undoubtedly we are. In those cases, you do have a reason for governmental cooperation to require those nations which are imposing costs on others to pay for them. If we are sending smoke up into Canada, then Canada has a valid claim against us. I think people have been most concerned with tanker oil spills, and there you do have a real case for international cooperation to assure that whatever tanker company is responsible for the spill pays the cost of cleaning it up.

Q.—Do you think it makes sense—economic or otherwise—for one country to get very strict in its pollution control program without world-wide cooperation?

A.—Yes, I think it does. There is an old saying that you must not let the best be the enemy of the good.

ENVIRONMENTAL LAWSUITS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. DINGELL. Mr. Speaker, on May 7 the Committee on Merchant Marine and Fisheries held the first day of hearings on legislation to delineate and articulate the right of the public to engage in environmental lawsuits to protect public resources from pollution, impairment, or destruction.

One of the principal witnesses on this legislation was Prof. Joseph L. Sax, the man who drafted similar legislation which was enacted into law in Michigan last year.

Professor Sax made a number of highly cogent and interesting remarks on this legislation, suggesting a number of amendments to the citizens' action bills presently pending before our committee. My colleague and good friend from Minnesota (Mr. KARTH) and I have introduced a new version of this legislation, incorporating many of the suggestions proposed by Professor Sax and other well-qualified witnesses.

Michigan's experience under this legislation, as documented by Professor Sax, puts to rest the theory that passage of this legislation would "flood the courts with crank bills." Within the next few weeks we hope to hold additional hearings here in Washington to explore any other objections that may be raised and to see if any such objections have merit.

Certainly, 12 suits filed since Michigan enacted this milestone legislation last year are no threat to the judicial system or American industry. Even a better perspective on the Michigan experience is clear when one finds that almost half the litigation under the Michigan law has been initiated by State and local governments and governmental agencies.

For the benefit of my colleagues, I insert the text of Professor Sax' statement at this point in the RECORD:

TESTIMONY OF JOSEPH L. SAX, PROFESSOR OF LAW, UNIVERSITY OF MICHIGAN, ON H.R. 49 AND H.R. 5076

INTRODUCTION

Despite the impression that a casual reader of news reports may have, the struggle for the right to a decent environment has not yet been won. One indispensible step toward that goal is the enactment of legislation by the Congress guaranteeing to every person the right to come into court and claim the right to a decent environment with the same status and dignity allowed to claims of private property rights.

For this reason, bills such as those on which you are holding hearings today (H.R. 5076, H.R. 49) and the companion Senate bill introduced by Senators Hart and McGovern (S. 1032) are essential elements of every legislative program for the environment. I know that the many thousands of people who worked for and achieved the enactment of similar legislation in Michigan are grateful to the members of your Committee and to others in the Congress who are supporting the enactment of such a law on the federal level.

NEED FOR LEGISLATION

Because you have come to Michigan to hold these hearings, I would like to refer to some Michigan examples of federal problems to suggest the need for an enlarged right of citizens to litigate environmental cases in the courts.

As you know, one matter that has been of considerable concern to citizen groups has been the management of the National Forests by the U.S. Forest Service. Although Congress has expressed its concern about environmental protection of the Forests in the Multiple Use-Sustained Yield Act, and more recently in the Wilderness Act, there has been increasing evidence that the Forest Service is overcommitted to the use of the Forests for commercial timber harvesting and for intensive recreation uses. In a recent case involving the Tongass National Forest in Alaska, for example, it was revealed that of the commercially harvestable timber in the Forest only six-tenths of one percent of the Forest was reserved from commercial lumbering, and 99.6% of that land was available for timber harvesting. I might add, in connection with the frequently enunciated arguments about timber shortages for housing in the United States, that the lumber in that case was to be sold for export to Japan. Just a year ago, a Task Force of the Forest Service itself issued a report criticizing timber practices and expressing concern about the negative impact of certain intensive recreational facilities on the proper balance of recreational opportunities in the National Forests.

The point is that Forest Service practices could plainly benefit from added scrutiny, and some of that scrutiny must come in the form of detailed examination of practices in particular cases. The enunciation of broad policies by the Congress, while essential, is only the beginning of the task. Citizen initiated inquiries in the courtroom are a vital supplement to assure compliance with the broad mandates of the Congress.

What now happens when a citizen comes to court in such circumstances? A recent decision in a Michigan federal court exemplifies the problem. In a case entitled *Gandt* v. *Hardin*, in the Federal District Court for the Western District of Michigan, citizen plaintiffs challenged a Forest Service recreation management plan for the Sylvania Tract of the Ottawa National Forest.

Whether the plaintiffs should have won the case I do not know. The opinion indicates that the case was a weak one. The importance of the decision as a legal matter, however, lies in the narrowness with which the judge viewed his function under the existing federal law.

For the plaintiffs to have won, he said: "It must appear that the action of the agency was in effect malicious and illegal. . . . The burden of proof in connection with an action such as this is completely upon the plaintiffs. They can only prevail if they can establish by clear and convincing proof that the action of the defendants is arbitrary and capricious . . ."

The judge went on to note that the Forest Service had "sought the advice and counsel of many people" and he concluded that the plaintiffs had not proven a "failure on the part of the defendants to consider all of the factors."

Of course it will be a rare case indeed where one is able to prove that a federal agency's action has been "malicious" or "capricious"; and it hardly bodes well for environmental quality if that is what one must prove to challenge successfully a governmental program.

Notably, this is not the test for other areas of legal rights. Imagine the situation one would be in if he had to prove that his contract rights were breached maliciously in order to prevail. Or if a person could not recover compensation of a governmental taking of his property, or for injury to his person in an accident, unless he could demonstrate that the defendant's action was capricious.

Nor would it satisfy one who was seeking to assert his rights in a commercial transaction, or a property settlement, if the other party simply demonstrated that he had "considered" the claim of the plaintiff and had consulted many people—but was unwilling to meet the plaintiff on the merits of his claim.

It is in this respect that environmental rights must still be viewed, under federal law, as second class rights, inferior even to the most rudimentary rights granted by the law of contracts, property or commercial dealings. And it is to redress this injustice that legislation such as that now before you should be enacted.

To amplify the point I have been making, let me turn to another Michigan example where the merits of the controversy are much less in doubt—the case of hard pesticides.

In the Autumn of 1967, the Environmental Defense Fund (EDF) initiated cases in both State and Federal courts in Michigan to enjoin certain uses of DDT and dieldrin. These were pioneering courtroom efforts, taken at a time when public consciousness was still at a low level about the hazards of pesticides. The legal basis for such suits was shaky. In the State Court EDF's suit was dismissed. And while a compromise was reached with the defendants in the federal court case, the judge intimated quite clearly that if he had been compelled to rule on the legal questions before him, he would have felt compelled to dismiss that case too.

While these suits were in some practical senses successful, having increased public consciousness about the pesticide problem, and leading to the withdrawal of a recommendation by the Extension Service of Michigan State University that DDT be used for the control of Dutch elm disease, the difficulty in pursuing the pesticide issue in the federal courts has delayed resolution of this highly important issue. If a law like that in the bills before you had been on the books, progress in controlling unwarranted pesticide use could have been considerably expedited.

As you know, the federal government still refuses to suspend the use of DDT, and the matter is now before the United States Court of Appeals in the District of Columbia. Although that court has been fairly generous in reading its mandate under the existing law, it still is confined to protecting the public against only the narrow test of administrative "arbitrariness."

The consequence of this is an undue emphasis on court supervision of agency procedures (that is, for example, to assure that the agency has articulated its standards, held required hearings, given reasons for its decisions, etc.). Concomitantly there has been a reluctance on the part of the court to scrutinize the evidence of the merits of the environmental issues for the purpose of assuring that agency decisions are environmentally supportable.

As a result, decisions on such important issues as DDT are unnecessarily delayed, with repeated remands by the courts to administrative agencies to improve their procedures, and repeated appeals back to the courts to obtain some decisive resolution of the controversy. The DDT case is now before the court for the third time, having twice been remanded to the agency for additional proceedings.

Such dalliance with important issues does not serve the public interest. What is needed is a plain declaration by the Congress recognizing the right of every member of the public to a decent environment, and granting authority for that right to be asserted in the courtroom on a plane with the right of privacy, the right to be free of unlawful business practices that unreasonably restrain trade, and other such conventional legal rights.

THE ADMINISTRATION'S PROPOSALS

Let me now turn briefly to a discussion of the provisions for citizen initiated lawsuits that appear in some Administration sponsored legislation, such as S. 1014, the water pollution bill.[1] It is necessary to speak of this provision (and the similar, though less narrow, provision in § 304 of the Clean Air Amendments of 1970) because you will undoubtedly be told that such sections of enacted and pending legislation make unnecessary the enactment of bills such as those which are now before you.

This is *not* the case at all; those provisions are in no sense an adequate substitute for bills like those before your Committee. They are, frankly, high in rhetoric and low in substance. They are mere shadows of substantial citizen suit legislation. The failures of those provisions are as follows:

1. They prohibit a citizen from challenging in court any administrative decision that is "discretionary with the Administrator."

It is precisely in the area of administrative discretion, however, that the need for citizen scrutiny and intervention is the greatest. Witness the discretion of the Department of the Interior exercised at Santa Barbara on oil drilling; the discretion exercised by the same Department on the Alaska oil pipeline; the judgment of the Corps of Engineers in pressing forward with the Cross Florida Barge Canal; and that exercised by the Department of Transportation in any one of a dozen dubious highway projects, to say nothing of the SST.

It is not at all clear that the proposed citizen suit provision in the water pollution bill adds anything at all to the right of judicial review available right now under federal court interpretations of the Administrative Procedure Act (APA). Indeed, because the APA even now allows one to challenge an "abuse" of discretion, the Administration proposals may actually reduce the rights citizens already have.

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[1] I limit my comments on this important question, for the issue was discussed at length on S. 1032 before the Subcommittee on Environment of the Senate Commerce Committee on April 15, 1971.

2. Moreover, the bill appears to leave within administrative discretion the most important and troublesome issues that arise in environmental regulation—the very ones that are likely to need the greatest scrutiny by citizens if regulatory officials are not to be left wholly to their own determination of the requirements of the public interest.

For example, S. 1014 (the Administration's water pollution bill) leaves it to the Administrator to decide whether water quality treatment can be reduced because available control measures are not "practicable."

Similarly the Administrator is left to decide whether to extend the time available for compliance by polluters on the basis of a judgment as to the "practicability" of compliance.

If these determinations are viewed as within the Administrator's discretion, and thus beyond citizen challenge, the "right" of citizens to bring the Administrator to court is deprived of its central meaning and purpose. What is called a right of citizens to sue is reduced to a shadow. For everyone who is familiar with pollution control knows that the heart of the regulatory process is negotiation with polluters over the "practicability" of compliance. If that process is beyond challenge, the right to sue loses much of its essential meaning.

3. Ironically, the Administration water pollution bill is far more generous with polluters. For it now provides—as I understand it—that when a court is asked to *enforce* one of the Administrator's orders, the court may take into account the impracticability of compliance if that question is raised by the polluter.

Thus, while an environmentally concerned citizen could not go to court to challenge the Administrator for being too lenient in determining practicability, a polluter may challenge the Administrator in court for being too tough.

If this is what the bill means—and that is how I read it—it is an outrage against the public interest.

Finally, the Administration water pollution bill is faulty in that it forbids a citizen from suing at all if the Administrator is "diligently enforcing" the law. Such a provision is simply an invitation to lawyers to tie up citizen initiated cases for endless periods of time arguing about whether the Administrator is, or is not, being "diligent."

Such provisions are unnecessary; they simply delay getting to the real issues in the case. They are an imposition on the court's energies. In the time that will be spent arguing over the meaning of diligency, three such cases could be tried on their environmental merits.

POLICY OF THE U.S. DEPARTMENT OF JUSTICE

Another point that needs to be emphasized is that while the Administration now enunciates the rhetoric of support for citizen initiated environmental lawsuits, federal attorneys still—even in the Spring of 1971—seek to have suits brought by environmental organizations thrown out of court on the theory that such organizations have no standing to protect the public interest. This was the position of the federal government in the case of *West Virginia Highlands Conservancy v. Island Creek Coal Company and the U.S. Forest Service*, decided only a month ago by the U.S. Court of Appeals for the Fourth Circuit. It was their position in *Sierra Club v. The Department of Agriculture*, decided on March 25th in the District Court of Alaska. In *Environmental Defense Fund v. Corps of Engineers*, decided on February 19th in the District Court of Arkansas, the government not only argued that the plaintiffs had no standing, but even interposed the discredited defense of sovereign immunity. And they are fighting citizen standing still in the *Mineral King* case before the United States Supreme Court.

Moreover, in almost all the cases in which these defenses have been asserted, the government has lost; so there is certainly no legal compulsion that it continue to be interposed. Yet the federal government's lawyers pull every legal technicality out of their bag to avoid meeting citizens on the merits of environmental controversies.

PROGRESS UNDER THE MICHIGAN ACT

I know one matter in which you are interested is the progress of cases under the new Michigan Environmental Protection Act, which became effective on October 1, 1970. I have appended to my prepared statement a copy of testimony I gave recently in Texas on a bill modelled after our Michigan bill. It cites the various cases which have been filed, and describes briefly their status.

I will be very glad to try to answer any particular questions you have about progress under the Michigan bill. In brief, however, let me note these few points. First, the Michigan courts have not been flooded with cases, and they have certainly not been flooded with crank cases. Indeed, about a third of the cases filed in Michigan were initiated by public environmental agencies—indicating that regulatory agencies can and should view the bill as a tool to add to their arsenal of anti-pollution weapons, rather than as a threat to them.

Second, although the cases have not gone to completion, my observation is that the courts are able to cope with the matters that have been brought before them. This is to be expected, since our bill is designed to add a common law, equity court approach to environmental regulation, and courts are fully experienced in the evolutionary approach of the common law and in the fashioning of equitable remedies.

Third, and perhaps most important, while the Michigan law is still in its developmental stages, it is already notable and gratifying that ordinary citizens now feel they have a remedy available to them to bring judicial and public attention to bear on environmental matters about which they feel very strongly—strongly enough to go to court. In this respect, it should never be forgotten that there is a central human element in these environmental controversies. Whether they ultimately prevail or not, citizens want, and need, an opportunity to have their day in court; rather than the back-of-the-hand, or public relations, approach they have all too often received at the hands of bureaucrats. One need only recall as a poignant example the history of the Santa Barbara oil fiasco that I cite in my book, *Defending the Environment*, where the Interior Department advised—at the time oil leases were being considered—against "stirring up the natives." It was this event, you will recall, that Stewart Udall later described as "a conservation Bay of Pigs."

ANALYSIS OF H.R. 5076

I now turn to some specific comments on the two bills you have before you, H.R. 49 and H.R. 5076.

H.R. 5076 most closely resembles the law that was enacted here in Michigan last year, and the Senate bill (S. 1032), and I shall comment first on it. My comments follow the order of the bill and are not set out in order of importance.

1. *Page 2, line 2.*

It is unwise to title the bill "Class Actions." The text itself indicates that the bill is not limited to class actions. In section 302(a), p. 3, lines 9–10, it is provided that one may sue "in his own behalf" as well as "in behalf of a class of persons similarly situated." The latter category describes a class action, but the former does not.

This appears inconsistent, and it should be made clear that suits do not have to be brought as class actions. There will certainly be environmental cases which legally need not be brought as actions on behalf of a large class, and such suits should be permitted under the bill.

Moreover, a class representative bears a heavy burden of representation and cost which should not automatically be imposed on a plaintiff or plaintiffs who have a controversy with the defendant on their own behalf.

The existing rules of civil procedure make it possible to join other parties who ought to be brought into such a suit, and both those rules and this bill provides for intervention.

The bill should be left flexible enough to accommodate both class action cases and those cases which need not, and should not, be brought as class actions.

2. *Page 2, lines 11–16.*

The phrase "harmful effects" seems to identify only the very limited kind of personal or property interests which have been the subject of traditional nuisance law. This phrase is too restrictive in its connotation.

Moreover, by describing protection for "persons and various groups of persons" the bill seems to require personal and individual harm as its sole subject. It is important to recognize that a bill of this kind is meant to implement, to a substantial extent, the 'private attorney general' concept, whereby individuals and groups are allowed to bring suit to protect important public rights in which their interest is that of members of the public, rather than a purely personal interest.

So long as such individuals or groups have a genuine interest in an environmental issue, such as the protection of the National Parks, plaintiff should not have to demonstrate personal injury any more than the Attorney General does when he brings a suit to protect a public resource.

This has been a matter of some concern in recent litigation like the *Mineral King* case where organizations such as the Sierra Club have been denied standing; the bill should not follow this narrow view, but should adopt the more expansive 'private attorney general' position of such courts as the U.S. Court of Appeals in the Second and District of Columbia Circuits.

For this reason, I would suggest that on p. 2, following the word "protect" in line 10, the words "persons and various groups of persons" be deleted and that there be substituted the words "the air, water, land, and public trust of the United States."

As to "harmful effects", I would suggest that language be added to make clear that the bill also protects against uncertainties which pose unwarranted risk of harmful effects of pollution and environmental degradation.

For these reasons, may I suggest the following substitute for the language of section 301(b), at p. 2, lines 9–16:

"(b) The Congress further finds and declares (1) that existing provisions of Federal law are insufficient to protect the air, water, land and public trust of the United States from the harmful effects, and the unwarranted risk of harmful effects, of pollution and environmental degradation and (2) that civil actions initiated by individual persons, groups or classes of persons can be an effective and useful means for protection against these risks and harmful effects."

3. *Page 2, lines 17–25.*

I do not think it wise to base the need for this statute upon the inadequacy of State remedies. While it is true that most states do not now have adequate remedies to deal with the problems with which this bill is concerned, even those States which have adopted similar legislation have a need for a federal remedy of this kind. The reasons are several.

Even where there is a broad state law, it may not be able to reach federal defendants or federal projects. Second, even where a state court remedy might be able to reach part of the problem, many environmental problems cross state lines. In such circumstances, it might be desirable to have a means for consolidating controversies from several states in a single federal court. This can best be done within a single judicial system, such as that of the federal courts. We have some experience with this in the context of complex and multi-state cases, as in the antitrust area, and suggestions have been made by some federal judges that a similar technique would be useful for environmental controversies.

In addition, there is no reason to take an all-or-nothing position. It is useful to have a variety of forums available to deal with serious legal problems. For example, conduct that violates the federal Refuse Act might also constitute a nuisance under state law. Conduct that is a common law tort under state law might also violate the federal Civil Rights law. I think it is clear that we benefit by making both federal and state remedies available in such situations. And, of course, the judiciary has well developed administrative techniques available for assuring that cases are not duplicatively litigated.

Beyond this, for reasons stated above as to class actions, I would not advise basing this bill merely on the presence or absence of remedies for many people each having a small claim.

Finally, the phase "adversely affected" in line 25 of page 2 is troublesome. This is a phrase which has become a legal term of art from its widespread traditional use. Though its interpretation in the federal judicial system has recently undergone much liberalization, it has a history of rather restrictive use on the question of legal standing to sue. As indicated above, it would be most undesirable for a plaintiff under this bill to have to show that he is specially adversely affected by the challenged conduct, for one important purpose of the bill is to allow plaintiffs to act as private Attorneys General raising issues of importance to the public as a whole.

I would recommend the deletion of section 301(c) in its entirety.

4. *Page 3, line 22.*

Change the phrase "in appropriate cases" to "in any such action". Courts already spend too much time litigating such technical questions as what is an "appropriate" case. The bill does not identify what "appropriate" means and time should not be wasted trying to plumb the meaning of this word. I see no harm in requiring affidavits in every case; or indeed requiring them in none of the cases. But whatever the rule, it should be uniform for all cases, so that courts can spend their precious time concerning themselves with resolution of the questions that truly divide the parties.

5. *Page 4, lines 14, 18 and 19.*

There seems to be a typographical error here. The bill would be clarified by inserting the number "(2)" between the words "and" and "that" in line 14; deleting the number "(2)" in line 18; and inserting the number "(3)" between the words "and" and "that" in line 19.

6. *Page 5, lines 15–19.*

I find all of subsection (f) troublesome. It seems very harsh on the defendant to say that plaintiff is entitled to judgment if the defendant violates any state *or* federal law *or* regulation. I have no trouble with a statement that says, in effect, that defendant can be compelled to comply with any federal *law*. I should think that is obvious enough; and I think any person who is in the protected class ought to be able to enforce the federal law against him.

I do not, however, think this proposed federal statute ought to adopt in advance all state laws and regulations on the environment as conclusive parts of the federal law. Similarly, I do not think that every regulation adopted by a federal administrator ought to be adopted as conclusive in advance by the Congress.

While one understands the temptation to believe that not many state laws, or state and federal regulations, will be too harsh on polluters, that is, after all, a possibility. The Congress ought not blindly to impose these unknown and in some instances nonexistent standards on all defendants.

I would recommend the following:

"Violation of state law, state regulation, or federal regulations shall be persuasive, but not conclusive, evidence in behalf of the plaintiffs in cases brought under this title."

So long as the bill addresses itself to this general subject, it probably ought to say something about compliance by the defendant with state law, and state and federal regulations. Certainly compliance with such provisions ought not to be a defense. For it should not be the law that a defendant is in a better position in the state that has the weakest environmental regulation. As to federal regulation, compliance also ought not to be a defense, for—as I indicated in my testimony earlier—one major reason for enacting a bill such as this is the recognition that at times federal administrative officials do not regulate environmental quality as vigorously or as fully as they should. The Committee might consider the following:

"(1) Compliance with state laws or regulations, or with federal regulations, shall not be a defense, but [(2) compliance with state laws or regulations, or with federal regulations,] shall be admissible as evidence that there is no feasible and prudent alternative to the activity at issue."

7. *Page 6, lines 23–25, Page 7, lines 1–2.*

Allowance of attorneys' fees is always a two edged sword. While it is certainly true that many potential plaintiffs in cases such as that contemplated by this bill will operate under severe financial disadvantages, the threat that plaintiffs might have awarded against them substantial attorney fees to compensate the defendants' lawyers could be a severe impediment to the initiation of meritorious suits.

The word "appropriate" does not, in my judgment, adequately deal with this problem. This problem is much like the bond problem dealt with in section 303(e). I would recommend the following:

(1) On p. 7, lines 1–2, delete everything following "fees);" insert then:

"No award of attorney fees shall be made against either party where the court determines that the prospect of an award of attorneys fees would unreasonably hinder either the maintenance or the defense of any action brought under this title, or would tend to prevent a full and fair hearing on the activities complained of."

8. *Page 7, lines 6–7.*

I would delete entirely lines 6 and 7 on page 7. This is a conventional sort of phrasing which leads to confusion and unnecessary legal disputation. In fact, the bill could very well impinge upon state laws which were environmentally inadequate, and the bill should be understood in that respect. I do not think it is accurate to say that the bill will have no effect on existing laws. It is an additional remedy provided, and one which will have to be interpreted in ways that conform other laws to its statement of congressional purpose. Again, I would note the coexistence of the Refuse Act and other federal water pollution laws as an appropriate analogy.

ANALYSIS OF H.R. 49

Because I have already noted many of the central issues in my analysis of H.R. 5076, I will confine myself to a few general comments about H.R. 49.

In general I consider H.R. 5076 a more desirable bill, for the following reasons:

1. H.R. 49 is limited to air, water and noise problems. I see no reason to eliminate problems involving land use, particularly in a federal bill, considering the enormous quantity of land owned and managed by the federal government. Also, while most hazards are transmitted through either land or water, the bill leaves ambiguous its relationship to such problems as pesticides and radiological hazards.

2. The bill contains no provision like that in section 303(a) of H.R. 5076 putting the burden of establishing alternatives, feasibility and compatibility with the public welfare on the defendant. I view this as a serious omission.

3. The bill does not try to cope with the problem created by the presence of administrative remedies, as does section 305 of H.R. 5076. The provision in section 304 of H.R. 49 is not adequate in this respect.

4. The bill contains no provision about bonds, a provision of considerable importance in any bill that deals with preliminary injunctive relief.

5. Because the bill provides for money damages, it creates a number of questions not raised by H.R. 5076, the Senate bill (S. 1032) or the new Michigan Environmental Protection Act, P.A. 127 of 1970. Since provision for damages and injunctive relief is confined to the same section of H.R. 49, section 302, a question is raised about the differing treatment of completed harms, for which damages are appropriate, and potential hazards, where only injunctive relief is sought. If the bill deals only with completed harms, the coverage of problems for which injunctions may be sought is plainly incomplete. If damages are available only for such conventional harms as are covered by traditional public nuisance cases, the bill does not face up to some of the intensely difficult problems of trying to devise a workable damage remedy for the very pervasive and diffuse harm caused by environmental pollution.

I strongly feel that we must begin to work out the problems of damages to large classes of people in environmental cases, but the problems of managing such litigation is quite complex. I don't think all the difficulties have been taken into account in this bill.

6. The bill does not make clear whether agencies and instrumentalities of the United States may be sued, as does section 302(b) of H.R. 5076. It is clear that suit should be allowed against federal agencies in any bill authorizing privately initiated suits to protect the environment, and H.R. 49 ought to grant that authority in no uncertain terms.

For these reasons, I would urge the Committee to focus its attention on H.R. 5076.

CASES AND OTHER REFERENCES CITED

1. Clean Air Act, P.L. 91–604, December 31, 1970, § 304(a).

2. S. 1014, 92nd Cong., 1st Sess., § 10(k).

3. Sierra Club v. Hardin, No. Civ. A–16–70, U.S. Dist. Court, Alaska, March 25, 1971.

4. West Virginia Highlands Conservancy v. Island Creek Coal Co., No. 15,028, U.S. Court of Appeals, 4th Cir., April 6, 1971.

5. Environmental Defense Fund v. Corps of Engineers, No. LR–70–C–203, U.S. District Court, E.D. Arkansas, February 19, 1971, ERC 1260.

6. Michigan Environmental Protection Act of 1970, P.A. 127 of 1970, M.C.L.A. 691.1201–1207.

7. Texas bill, H.B. 56 (introduced by Rep. Rex Braun of Houston).

8. Sax, Joseph L., *Defending the Environment*, (New York, Alfred A. Knopf, 1971).

9. Mineral King Case: Sierra Club v. Morton, No. 939, U.S. Sup. Court, cert. granted February 3, 1971.

10. Citizens Committee for the Hudson Valley v. Colpe, 425 F.2d 97 (2nd Cir., 1970).

11. Environmental Defense Fund v. Hardin, 428 F.2d 1093 (D.C. Cir. 1970).

12. Management Practices on the Bitterroot National Forest, A Task Force Appraisal, May, 1966–April, 1970 (Forest Service, U.S. Dept. of Agriculture, 1970).

APPENDIX TO TESTIMONY ON H.R. 49 AND H.R. 5076

(Testimony of Joseph L. Sax, professor of law, University of Michigan)

Mr. Chairman, members of the State Affairs Committee, I am grateful for the opportunity to appear before you tonight to discuss our effort in Michigan to bring the citizen back into the process of environmental defense, and to return the common sense of the common law to our environmental problems. We feel that we have taken a significant step in this direction by enacting a bill very similar to the Environmental Protection Act, House Bill 56, which is now before you.

I think you will see, as I discuss our experience so far, why we think we are on the right track; and I hope that I can anticipate some of the questions you may have by referring directly, and concretely, to the controversies that have arisen under our law thus far. To the best of my knowledge, nine cases have been filed thus far under the new Michigan law.

Half of these cases have been filed by public agencies as plaintiffs; I begin with these cases because the affirmative use of the act by public regulatory agencies is a significant and gratifying fact. Too many people believed that this new act would be a source of harassment of our regulatory agencies. Instead, happily, it has been seen by some of them as an additional and useful tool.

Three cases were initiated by the Wayne County (Detroit area) Air Pollution Control Commission against the Chrysler Corporation, McLouth Steel Company, and Edward Levy Co. Each had long standing enforcement problems, according to the Commission. Chrysler installed pollution control equipment, but continued to operate when the equipment broke down; McLouth had been uncooperative in agreeing to a schedule for enforcement of control equipment; and the Levy Company created uncontrolled dust problem by open storage of slag.

The Commission decided to initiate these cases because its traditional enforcement machinery, a criminal misdemeanor charge was limited to a fine of $100, and the possibility—which was not practically available—of a 90 day jail sentence.

According to the Commission's attorney, the new law is "a significant additional tool for us; in effect it presses industries to talk to us under a much greater sense of urgency than had previously been the case under our very limited misdemeanor jurisdiction." He also says, "fears of agencies like ours being swamped by suits as defendants, or with unwarranted complaints by citizens, have not materialized. We are finding industries have a much more serious frame of mind about pollution control since we have had the new act as a tool."

The Commission is now engaged in settlement negotiations with each of the companies. At this point the court has not had to pass on the defendants' replies to the complaints.

Our Michigan Attorney General has also invoked the new Act. He is using it to intervene in a proceeding before the Public Service Commission in which the gas company had asked the Commission to establish priority categories for natural gas uses. Under the company's proposal, of the seven categories of priority, air and water pollution abatement stood next to the bottom. The Attorney General asked the Commission to order the gas company "to amend and reorder its proposed categories and priorities in a manner that protects the air, water and other natural resources and the public trust therein from pollution, impairment and destruction" or order the company "to demonstrate that there is no feasible and prudent alternative to its proposed categories which are consistent with reasonable requirements of public health, safety and welfare." This proceeding was filed January 11, 1971 and is pending.

The Attorney General was a strong supporter of the new law, and of its underlying concepts. Shortly after the new act became effective, relying upon his traditional broad common law powers, he filed a public trust suit against the National Gypsum Company, which had dammed a public stream running through state land, the effect of which was alleged to be prevention of the migration of fish upstream to the detriment of fishermen. An injunction was sought to protect "the public trust [in] . . . a valuable resource of the State . . ." The suit is being settled by stipulation that the dam be removed.

The special significance of the public trust approach to environmental quality control is that it draws upon the best tradition we have in the law for the recognition of public rights; of the government's *duty* to implement those rights, as contrasted with a discretion to implement public rights if it feels so inclined; and of its duty to do so with the same vigor and scrupulousness which a conventional trustee of one's money or property brings to his fiduciary obligations.

Thus the public trust doctrine draws on a tradition which can bring meaning and direction to the present demand for the recognition of the public's rights to a decent environment; it properly recognizes that the beneficiary of the trust has a right to take the initiative in seeing that the trustee properly serves his interest. And it puts the right of the public in environmental quality on a plane with the rights of private property, giving them the same high status at law which private rights have long had.

The privately initiated suits have been moving along in an equally heartening fashion. One of the first cases filed challenged a small local government which was piping inadequately treated sewage more than a mile and dumping it into a watercourse just above the plaintiff town and property owners' land. A preliminary injunction was sought—and granted by the judge—against a proposed enlargement of this facility. The judge also granted a preliminary injunction prohibiting additional businesses and dwellings from tapping into the present system and increasing the sewage load until the problem of treatment and disposal was settled. A provision was made for accommodating true hardship cases.

This case is a most instructive one for several reasons. First, it suggests the usefulness of the new law in providing a means for coping with a common and troublesome problem of a kind which has too often been put to the side when the entire power of initiative was left to public administrative agencies.

Indeed, the response of the local circuit judge in this rural county was most heartening to those who had worked for enactment of the new law. The defendants asked the judge to remand the case to the water pollution agency, urging that he was required to do so by traditional law prior to the new statute. But the judge firmly rejected this view, and held in a formal ruling that he was not required to remand where there was a need for the invocation of his equity powers to prevent a pollution situation from worsening. Moreover, he made clear his view that the state pollution agency had only begun to take an interest in the problem as a result of the new law and of the present lawsuit—where private citizens had taken the initiative.

It is also notable that once the judge recognized the fundamental purpose of the law—to permit the invocation of the common sense of the equity courts—he felt free to enter an order responsive to the genuine problem with which he was faced; the problem of residential and industrial growth outstripping the ability of the community to provide needed public services. He saw the new law as allowing him to take steps designed to bring those two matters into phase.

I say this is heartening because the judge in this case recognized—and responded—to the legislature's effort to bring back to environmental regulation the plain common sense approach of the common law; and to follow the tradition upon which we have built the law of privacy, fraud, assault and each of the great rights upon which the foundations of the common law rests. The problem is recognized in a straightforward manner and those who are adversely affected are authorized to bring their complaint to a court for investigation of the facts and an equitable resolution.

We have not needed hundred-page-long statutory mazes to protect our fundamental rights, whether in privacy or assault and battery or in the law of fraud. Nor have we taken this approach in bill of rights in our constitution, or in the basic antitrust law enacted by the Congress eighty years ago. The Sherman Antitrust law spoke in just such plain language as this bill presents to you, and it too opened the right of action to the private citizen, rather than forcing him to rely upon layer after layer of bureaucratic middlemen.

This bill does not attempt to codify in advance the precise details of every matter which may be brought to a court's attention under this bill any more than the law of privacy or antitrust or fraud does. It does not, because it cannot; and this, of course, is the great beauty and vitality of the common law system: That it provides an openness, flexibility and receptivity to cope with novel problems as they arise. Particularly is this essential in a new and rapidly developing field such as environmental law.

In this regard, let me call to your attention the following notable commentary made by a leading air pollution expert several years ago:

"Air pollution control measures might better be those which are more general rather than more specific. In the move from control based on law against nuisance to statutory regulation of specific pollutants we may have moved to control measures inappropriate to the problem and the scientific evidence. . . . Determining feasibility and technological capability, although difficult, is vastly easier than determining the level in the atmosphere at which a pollutant may be safe or unsafe . . . Those requirements are met, I believe, by the control of emissions to the greatest extent feasible, employing the maximum technological capability." [Eric Cassell, "The Health Effects of Air Pollution", 33 Law & Contemporary Problems 197, 215 (1968)].

Indeed, Texas courts themselves have begun to recognize this fundamental fact about environmental regulation. During the last year, in the case of *Houston Compressed Steel v. Texas*, the Court of Civil Appeals said:

"The science of air pollution control is new and inexact, and these standards are difficult to devise, but if they are to be effective they must be broad. If they are too precise, they will provide easy escape for those who wish to circumvent the law."

We have seen the significance of this approach on the federal level during the last year when the mercury pollution issue broke into public attention, and when it was clear that prompt and effective action was required. Where did federal officials turn? Not to the elaborate and elephantine "modern" water pollution laws and regulations, but back to the old plain-speaking Refuse Act of

1899, which prohibits pollution in no uncertain terms and provides for a quick judicial remedy.

The need for flexible and workable remedies, in my judgment, is the most important single issue in environmental law today; and H.B. 56 is an essential step in this direction.

Once one recognizes the appropriateness and usefulness of the common sense, common law approach, many cavils can be put in proper perspective. For example, I have often been asked whether the openness of bills such as this doesn't mean that one could sue his neighbor for dropping a cigarette butt on his lawn, or for the noise created by a lawnmower next door. This is no great legal puzzle, but a question answered by common sense, to which the old common law has long given us a satisfactory answer.

The answer is known to every beginning law student. The law cannot formally define away the ultimate minimal case, but in practice the law does not concern itself with trifles. Thus, while in theory the slightest unpermitted touching of another person, such as a tap on the shoulder, may be a violation of the law of battery, the courts have not been troubled by this theoretical problem for hundreds of years because they apply the law with common sense. The ordinary and traditional equity powers of the court would prevent an injunction from issuing in any environmental case of such trivial proportions, and it is clear that environmentally concerned citizens do not use their limited resources to bring cases of such unimportance.

Another interesting private suit of a different kind was also begun in the early days following the law's enactment. A citizen sued the Secretary of State, the State Highway Department and the State to challenge their alleged inertia in developing a standard for coping with automobile air pollution. The purpose of the suit is to require the defendants to begin tackling this problem and to use the court's power to enjoin enlargement of road building activities as prod to get the auto exhaust problem more urgently on the state's agenda. Note that this is not a suit designed to abolish the auto or to end auto traffic until the pollution problem is *solved*, but to bring judicial power to bear in order to create some pressures to get steps toward alleviation of the problem underway.

Counsel for the plaintiffs, in oral arguments, brought to the court's attention a most interesting analogy which makes clear the central issue in cases such as this. After the defendant's lawyer had complained about the absence of any explicit authorization to develop the standards plaintiffs were seeking, the plaintiff noted that state officials had taken initiative under their broad general powers on many other issues that they deemed important. The question was, shouldn't they be prodded to begin considering air pollution as at least equally important, and to be encouraged out of their lethargy. As the plaintiff noted:

"The State Highway Department imposes a number of other conditions on the use of the highway, inhibits the use of vehicles of more than a prescribed number of axles, vehicles having excessive weight, vehicles incapable of maintaining proper speeds, and so forth . . . It can deny highway use to an unsafe vehicle . . . And we contend similarly . . . this court has the power to order the State Highway Department to impose standards and regulations suppressing or limiting pollution . . . under the Environmental Protection Act.

"The State restrains building permits until sewers are adequate to prevent pollution of the water. The defendant is granting licenses to pollute the same as it would be if it permitted a chemical plant to put poisonous fumes into the air."

Lamentably, the State's lawyers sought to have the case dismissed on the ground that the State could not be sued (a matter clearly settled against them by the new law) and on the surprising ground that they had no authority to set standards for auto pollution. The court denied both these motions of the defendant, and the motion for injunctive relief is under advisement.

Another privately initiated case, still pending, challenges the approach of the state water pollution agency to the use of streams and lakes for waste water assimilation. The issues in this case have not yet been fully defined, but the court has denied the defendant's motion for summary judgment. I might note that the rather restrictive view of our water pollution agency toward their powers—a view that tends to require a rather heavy burden of showing injury as a prerequisite to control over discharges—has been a controversial issue in the state for some time and is the subject of a long awaited and long delayed Attorney General's opinion. This question may well get a needed airing in the context of this suit.

Still at an early stage is a case seeking to enjoin the sale of detergents containing more than a specified amount of phosphates. The defendant has filed an answer but the case has not yet come on for hearing. This suit, as I understand it, essentially seeks relief similar to that which has been sought by ordinance and statutes in some places, including the city of Detroit where such an ordinance has been enacted but has not yet become effective.

A suit was brought under the act last fall, with a state representative as a plaintiff, to challenge the procedures by which the state was leasing oil and gas lands. The issue got considerable public attention and the state agencies with responsibility in this area have been reconsidering many of their past practices. Apparently in recognition of this, the suit was voluntarily dismissed by the plaintiff at an early stage. This last case reminds me to note that it is already clear that the mere presence of the law, and the possibility of private initiatives, has helped to prod a number of state agencies to be more vigilant.

Of course this phenomenon, which is not easily documented in a precise way, was one of the important hoped-for benefits of the new law. Everyone understood that every important environmental issue could not be litigated by private citizens, and that the potential for a citizen challenge would help to catalyze the agencies, thus providing a leverage effect. I have heard a number of reports that our agencies have indicated to recalcitrant polluters that they had better become more reasonable, or they might have to face their local neighbors in the harsh atmosphere of a courtroom.

In this regard, I call to your attention a letter I have received from an attorney in my own town of Ann Arbor:

"[Citizens] complained about this sewage plant location prior to its construction by the State in 1963–64. After the State sold it to the . . . township, they complained to the Water Resources Commission. Nothing ever came of their complaints until the new statute was passed. Now . . . the State's administrative agencies have stopped dragging their feet. . . . One of the most salutary effects of the new law, I believe, is not in what action it permits, but in what it says. Because of this, existing administrative machinery is getting tough and industry is beginning to take anti-pollution measures without waiting for the process server."

I have tried, in these brief comments, to give you a picture of our experience in Michigan under the new law thus far.

We have not had a flood of litigation; indeed, citizens have been quite cautious in bringing cases to the courts. Our public agencies have not been buried under a mountain of complaints; quite to the contrary, they have found the law a useful tool for their own duties. We have not had crank plaintiffs or crank lawyers asking for the impossible, but rather a number of quite carefully constructed cases seeking out the reasonable powers of the courts of equity. We have not been brought to disaster by the broadly stated, flexible terminology of the law, but have found both its substance and its procedural structure one which our competent, but ordinary, judges of the circuit courts have been able to cope with. In short, I can say to you without hesitation that we have had a successful and encouraging first half year. And we have begun to take action on some important and long neglected environmental problems.

I hope you will see the merit of trying to adapt our experience to your own situation here in Texas. I thank you very much for your courtesy in extending me the opportunity to make this presentation, and I stand ready to answer whatever questions you may have.

APPENDIX

(Suits Filed Under the Michigan Environmental Protection Act, P.A. 127 of 1970, M.C.L.A. §§ 691.1201–691.1207.)

(1) Wayne County Department of Health v. Edward C. Levy Company, C.A. 166224, Circuit Court, Wayne County, Michigan.

(2) Wayne County Department of Health v. Chrysler Corporation, C.A. 166223, Circuit Court, Wayne County, Michigan.

(3) Wayne County Department of Health v. McLouth Steel Corporation, C.A. 166222, Circuit Court, Wayne County, Michigan.

(4) In the matter of Michigan Consolidated Gas Company, Docket No. U–3802, Public Service Commission of Michigan (intervention of Attorney General).

(5) Lakeland Property Owners Association and Township of Hamburg v. Township of Northfield, C.A. 1453, Circuit Court, Livingston County, Michigan.

(6) Roberts v. State of Michigan, Secretary of State and Director of State Department of Highways, C.A. 12428–C, Circuit Court, Ingham County, Michigan.

(7) Marble Chain of Lakes Improvement Association v. Michigan Department of Natural Resources and Michigan Water Resources Commission, File Number 235–70, Circuit Court, Branch County, Michigan.

(8) Davis v. State of Michigan, Department of Natural Resources, No. 482, Circuit Court, Otsego County, Michigan.

(9) Brown v. Lever Bros. Co., C.A. 151228, Circuit Court, Wayne County, Michigan.

Cases filed after testimony was compiled

(10) Intervention in case no. 2, above, by Joseph C. Nosal and 327 other citizens, granted Friday, March 30, 1971.

(11) Leelanau Co. Bd. of Commissioners v. State of Michigan, No. 510, Circuit Court, Leelanau County, Michigan, filed March 1, 1971 (to restrain state from giving state park land to federal government, pending determination of effect of grantor's reverter clause; and to determine whether transfer to federal government would impair state's public trust obligation).

(12) West Michigan Environmental Action Council v. Betz Foundry, Inc., and Michigan Air Pollution Control Commission, No. 11,409, Circuit Court, Kent County, Michigan, filed March 12, 1971 (to require compliance with air pollution regulations and to get Commission to enforce air pollution regulations as to foundry defendant).

POLICE DESERVE OUR SUPPORT EVERY WEEK

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. BURKE of Florida. Mr. Speaker, if there is any group of individuals in our country which should receive the complete and unflinching support of the people, it is our police. During this National Police Week we should all pledge to help these men, who stand between us and anarchy. We should give them the respect and cooperation that they need to do their job, namely protecting you and me, and our families from harm.

Today we live in a period of increasing lawlessness and violence. We live in an era, unfortunately, when the community family is breaking down, and respect for the law is rapidly diminishing. There are some who encourage disrespect for the law, and who show outright contempt for the man who wears the badge.

Our policemen, together with our firemen, carry out the most hazardous public service of all. It is their job, even at the risk of their own lives, to protect our families, our neighbors, our friends, and our places of business. They must be guardians, and watch over the streets and the alleys—they must respond to emergencies of every sort; they are called upon to deliver babies and to do countless tasks that make our cities and towns worthwhile places to live in. They do a job most men do not want, and yet they get little thanks and little monetary reward for doing it.

Every day they put their lives on the line for us. Last year alone 88 men were killed in the line of duty and more than 38,000 more were wounded or assaulted while doing their job. Yet the hippies, hop-heads and the anarchists have the nerve to call these men pigs.

Instead of tolerating the name calling, why do we not proudly admit that the police force is composed of men, human like any other men—men that think and feel and react. They make mistakes, but certainly not enough to merit the distrust and contempt they often receive. The good they have done to keep law and order as was shown in Washington last week amidst demonstrations and mass protests, far outweighs the abuse for some unpleasant incidents that have occurred.

A good policeman has to be an unbelievable mixture of guts, good sense, insight, and finesse. He has to look at the worst side of life without becoming jaded or cynical. He must be sympathetic and yet not be a pushover. And he must constantly expose himself to intense pressure and grave danger.

There are several ways we can support our police. We should pay them better, we should provide them with better training facilities, and give them a lot more respect than we give them today. Otherwise, how can we in good conscience expect them to do their job, or expect them to perform their duty when the going is roughest—in the streets.

I personally want to praise the many fine policemen in my district, the 10th Congressional District of Florida. They have always done, and continue to do an outstanding job for the citizens of my area.

And once again, I want to pay a special tribute to the men of the Washington, D.C. Police Force who calmly and professionally handled a very difficult and explosive situation during the protests we all witnessed recently in Washington. With their devotion to duty and perceptiveness, they kept Washington an open, working city.

I am sure that my colleagues will concur with me, that the policemen of our country deserve our highest praise, not only now during National Police Week, but every week of the year.

PRESS FREEDOM THREATENED BY IRRESPONSIBLE COVERAGE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. YOUNG of Florida. Mr. Speaker, when Vice President AGNEW criticizes some of the news media, the network and press barons respond with outraged cries that freedom of the press in America is under attack. This is nonsense—the irresponsible news coverage we witness almost daily is by far the greatest threat to press freedom in this country.

Evidence of what the Vice President is talking about came during the coverage of the recent May Day demonstrations which shook the Nation's Capital; many news accounts indicated the police, not the dissidents, were breaking the law.

The Yippie leader, Jerry Rubin, asserted that the demonstrations were "planned" in North Vietnam. He said this publicly, yet almost universally the news media of this country chose to ignore it.

The Republican National Committee publication, Monday, on May 10, carried the story in detail. For the information of my fellow Congressmen, I am placing the article in the CONGRESSIONAL RECORD, because for many this is the only way they will be able to get the full story:

DEMONSTRATION PLANNED IN NORTH VIETNAM, YIPPIE LEADER SAYS

Convicted riot leader and New Leftist Jerry Rubin has asserted that the recent demonstrations in Washington were "planned" in North Vietnam. "This demonstration in Washington is a conspiracy and it was planned in North Vietnam and I don't think we should be ashamed of that," Yippie leader Jerry Rubin told University of Wisconsin students April 28 at the Parkside Campus in Kenosha. "This is a Viet Cong flag I'm wearing, by the way," he explained. "It's amazing no one knows the flag of the enemy. . . . I support the National Liberation Front" (the Communists). Rubin's statement that the demonstrations were planned by the Communists was carried by television station WISN in Milwaukee. MONDAY has heard the broadcast and confirmed the quotes.

DEMOCRAT SUPPORT

According to the National Peace Action Coalition, the April 24 march was endorsed by 34 Democratic members of the House, and nine Democratic Senators: Mike Gravel, Alaska; Fred Harris, Okla.; Philip Hart, Mich.; Vance Hartke, Ind.; George McGovern, S.D.; Edmund Muskie, Me.; John Tunney, Calif.; Harrison Williams, N.J.; and Harold Hughes, Iowa. The Congressional Quarterly reports the rally was also supported by ex-Sen. Eugene McCarthy and ex-Rep. Allard Lowenstein, both Democrats.

Although it has been virtually ignored by both the electronic and the print media in this country, there has been extensive and approving coverage in the Communist media of the demonstrations. A Monday survey of the Communist media as reported by the Foreign Broadcast Information Service has turned up these comments:

HAILED BY HANOI

Hanoi's largest newspaper, NHAN DAN, editorialized: "The Vietnamese people warmly hail the undaunted and valiant struggle of the American people and regard this (the demonstrations) as a valuable support and encouragement to them, final victory will certainly belong to the peoples of our two countries." The paper noted that demonstrators included "Congressmen and politicians" saying: "It is characterized by the magnitude of its scale and by the strong spirit and broad composition of the participants. People from the upper strata and political circles are participating in bigger numbers and spirit compared with the previous campaigns. Senator Edmund Muskie, a very well-known leader of the Democratic Party stated: 'The war is wrong. The American people know it is wrong, and we want to end it.' "

The clandestine Communist radio broadcasting in Vietnamese to South Vietnam hailed the demonstrations as a "priceless encouragement and a harmonious coordination of the 'second front' (in the U.S.) with the struggle in Indochina against the aggressive war of the U.S. administration." The broadcast labeled the protests an "upsurge of common sense and a manifestation of nationalism, bravery, determination, eagerness for peace, and the international spirit of the American people."

STRUGGLE PRAISED

Another radio broadcast an open letter from the Communist South Vietnamese People's Committee for solidarity with the American People to the American people. It praised the demonstrations and recalled previous activities "in the United States in the Fall of 1969 and your seething demonstrations in the Spring of 1970." "May your struggle, friends, be crowned with great success," the letter ended.

In Laos, the Communist Pathet Lao News Agency broadcast an open letter from Prince Souphanouvong to the demonstrators which praised their "courageous struggle" as having made "an active contribution to ours. We take this opportunity to express our deep gratitude to you. In close coordination with the glorious anti-war campaign of the American people, our just struggle for national salvation will surely triumph." (This "just struggle" spoken of by the Prince means a Communist take-over of Laos. A situation which President John F. Kennedy said in 1961 would endanger the security of "all Southeast Asia.")

Communist China's New China News Agency praised the "just struggle" of the demonstrators and Peking's paper, the "People's Daily," carried an article written by "worker-commentators" which declared: "We Chinese workers and the entire Chinese people firmly stand by the American people and fully support their just struggle."

SOVIET SUPPORT

A Radio Moscow broadcast in English to North America discussed the demands of the demonstrators—an immediate halt to American aggression, and removal of U.S. troops from South Vietnam—and declared: "The Soviet Union also supports these demands. . . ."

In addition to foreign broadcasts, the Communists also communicated their support of the anti-war demonstrations directly to the parties involved. In a letter published by the Liberation News Service to those she called "American friends participating in the demonstrations," NLF's chief negotiator in Paris, Madame Binh, wrote: "I wish great successes to your Spring Offensive and hope that different groups of the U.S. anti-war movement will come to still better coordination in taking more effective actions to demand that the Nixon Administration seriously negotiate a political solution to bring about an early end to the war. . . ."

CONGRATULATIONS MADAM BINH

In an earlier interview with the underground news service, Madame Binh was asked if she looked upon the anti-war movement in the U.S. as a serious factor in the overall situation or does she see it as simply a beautiful gesture? She replied: "We believe that what they have done, and what they are doing, will contribute to our common struggle against the war . . . we shall always follow closely the anti-war movement in the United States. We congratulate them and thank them."

COMMUNIST MEDIA COVERAGE OF DEMONSTRATIONS GETS LITTLE COVERAGE IN USA

Is the extensive and favorable coverage by the Communist media of the anti-war demonstrations in this country newsworthy? Monday contacted several TV and newspaper editors and put two questions to them: (1) Did you run anything about the Communist coverage of the demonstrations, and (2) If not, why?

"I don't think so," said J. W. Anderson, foreign editor of the Washington Post. "Minor squibs, maybe. We pretty well take for granted that the Communists will cover these demonstrations." Because of the predictability of the Communist reaction, Anderson explained, he didn't feel the coverage was newsworthy. "But certainly the Communist coverage of the demonstrations couldn't be any more predictable than the demonstrations themselves," Monday asked, "yet the Post covers them extensively." "You have an interesting point," Anderson conceded. "Perhaps we ought to go back and take a look at this."

TIMES CARRIES "VERY LITTLE"

N.Y. Times foreign editor James Greenfield said the Times carried "very little" on the subject but did admit it was newsworthy. There are space problems, he explained, which keep news like this from getting in the paper. "We are preparing a piece on this now," he said, "and it should appear in a few days." Greenfield agreed that such demonstrations here in this country give aid and comfort to the enemy.

CBS television news assistant foreign editor Ted Landreth recalled a one paragraph story at the end of a radio broadcast on the subject but said the item came too late to make a Friday TV newscast and was too old for the Saturday night news. Landreth told Monday that he was familiar with the Communist coverage of the demonstrations but "I don't consider them newsworthy. It happens all the time. They're predictable." But how do your viewers know the Communist media coverage of these demonstrations is the same if they've never seen a story about it on your network, Monday asked. Landreth suggested that people interested in foreign news of this type read Atlas magazine.

NBC "ABSOLUTELY NOTHING"

NBC TV news editor Bruce Sloan, who said he spoke only for the TV side of his operation, told Monday there was "absolutely nothing" on film about Communist coverage of the demonstrations. "I don't think it's newsworthy," he explained. "If we did carry something I think it could be kissed off in one line." Sloan said he thought it was "irrelevant" whether or not the demonstrations gave aid or comfort to the enemy. In an aside, Sloan commented that what the United States is doing in Vietnam "is the same thing the Nazis did in Germany." The only difference, he declared, "is numbers."

The foreign editor of the Los Angeles Times, Robert Gibson, told Monday his paper had a 400 word piece on the subject about two weeks ago. The article was about Radio Hanoi's coverage of the anti-war demonstrations. Gibson said there had been no roundup article covering all the Communist media coverage but said the question was "a perfectly valid one."

DETROIT WANTS PEACE NOW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. CONYERS. Mr. Speaker, I would like to bring to the attention of the House a resolution adopted by the Common Council of the City of Detroit on April 27, 1971. This resolution brings out the fact that last November, the people of Detroit voted by a 63 percent majority for immediate disengagement from Southeast Asia. It notes that the results of the war have been adverse on our economy, and disastrous to our domestic health and international reputation. The resolution calls for legislation to support the wishes of the majority, congressional hearings on charges of war crimes made at the winter soldier investigations in Detroit, and implementation by the Congress and the president of the People's Peace Treaty.

I think it is relevant to consider that this is the democratic opinion of the people of the fifth largest city in the country. Perhaps it is time that the Congress and the President realize that this opinion is common throughout the Nation, and act according to the wishes of the majority, as in a democracy. The resolution follows:

RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF DETROIT, ON APRIL 27, 1971

By Councilman Ravitz:

Whereas, in November 1970, the people of Detroit voted by a 63 percent majority in favor of an immediate ceasefire and troop withdrawal from southeast Asia, and

Whereas continuation of the war in southeast Asia inevitably means more avoidable deaths and heartbreak for the people of the United States and of Asia, and

Whereas, the war in southeast Asia has had a negative effect on our economy and has adversely affected American credibility throughout the world, and

Whereas, with each passing moment of the war in which fewer and fewer people believe, our cities deteriorate for want of money and our people grow more restless, cynical and hopeless, and

Whereas, only an end to the war in southeast Asia will make available the massive sums of public revenue necessary to revitalize our cities and restore our people, and

Whereas, a petition has been filed by the Vietnam Veterans Against the War, Inc.,

Now therefore Be It Resolved, That the Common Council of the City of Detroit urges the members of the Michigan Legislature and the Congress of the United States to prepare and promote legislation in support of the wishes of the majority of their constituents as expressed in passage of Proposition E, and

Be It Further Resolved, That the Common Council urges the Congress of the United States to conduct public hearings into charges of war crimes brought by Vietnam Veterans at the Winter Soldier Investigations held in Detroit, and that full Congressional immunity be granted to testifying veterans, and

Be It Further Resolved, That the Common Council urges the Congress and the President of the United States to use the principles of the so-called People's Peace Treaty (a Joint Treaty of Peace) as a basis for ending the war in southeast Asia immediately, with bilateral concessions and with honor to both sides, and

Be It Finally Resolved, That copies of this resolution be sent to all members of the Michigan Legislature and the Governor, to the entire Detroit Congressional delegation, and to the President of the United States.

THE PEOPLE WANT PEACE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. RYAN. Mr. Speaker, the People's Peace Treaty offers millions of Americans who want an end to the war a vehicle which they can point to as a valid basis for seriously negotiating a peace in Vietnam.

As one who has endorsed this instrument as a means to focus attention on the urgency of ending the war, I have been concerned about the criticism which has been leveled against those who support it. Obviously, as support grows, this criticism must expand to encompass more and more people. The students of Case Western Reserve University, in Cleveland, have endorsed the treaty in a referendum. So, too, have the students of Northwestern University, in Evanston, Ill. And the students at American University, in Washington, D.C. So, too, had the Detroit Common—City—Council. If this be radicalism, then radicalism has spread. In fact, it is not radicalism—it is the deep-felt desire of the people for peace.

The May 3, 1971, edition of the Christian Science Monitor carried a very enlightening article by Joanne Leedom, entitled "Focus on People's Peace Treaty." I commend it to my collleagues:

[From the Christian Science Monitor, May 3, 1971]

ON "PEOPLE'S PEACE TREATY"

(By Joanne Leedom)

BOSTON.—Out in Dodge City, Kan., where they still have mock shoot-outs on Saturday afternoon and residents walk down Gunsmoke Street on their way to Boot Hill, Phil Corso is pushing a peace treaty.

It is the "People's Peace Treaty for the United States and North and South Vietnam," drawn up by students from all three nations last December. It is the same treaty whose principles the Detroit Common (City) Council endorsed a few days ago and which four U.S. representatives plan to introduce on the floor of Congress for a "sense of the House" vote.

The "People's Peace" is on the move. As the treaty fans out across America, it is fast becoming one of the chief organizational and educational tools for much of the anti-war movement. But to be felt, supporters say, it must be implemented.

At best, the treaty can spur people to take individual action and put pressure on legislators, they add. At worst, says Mr. Corso, "It can be like writing a letter to Santa Claus to ask for peace."

In Dodge City, where Mr. Corso and 417 other students from St. Mary of the Plains College recently endorsed the treaty in a 10-to-1 vote, implementation is slow. Some students are lobbying at Republican Sen. Robert J. Dole's Dodge City office and are pushing to take the treaty before the Dodge City Council for endorsement.

DRAFT RESISTANCE

In Oregon, however, implementation is picking up speed as student supporters move out statewide to get one million pledges from those 18-25-year-olds who say they will vote, but only for candidates favoring immediate U.S. withdrawal from Vietnam.

In Charlottesville, Va., treaty supporters also are moving to implement its "spirit" by rallying behind the Charlottesville pledge, which has been circulating more than a year, The pledge says that when 100,000 people have signed, all signers will commit themselves to draft resistance.

Briefly, the People's Peace Treaty would commit the U.S. to set a date publicly for complete troop withdrawal, followed by a Vietnamese cease-fire agreement and discussions on release of American prisoners and procedures for guaranteeing the safety of withdrawing troops.

According to the proposed treaty terms, the U.S. would also "end the imposition of the Thieu-Ky regime," whereupon the Vietnamese would agree to a provisional coalition government to organize democratic elections. Results of the elections would be binding on all parties.

The greatest support for the treaty so far has come at the university level, where more than 70 colleges have ratified the document through student referendums or student senate votes. Much of the support has come from state and community colleges, relatively new to the forefront of the antiwar movement. Last week delegates to the White House Conference on Youth also endorsed the treaty.

OPPONENTS SPEAK OUT

The peace treaty also has been presented to one state Legislature—Vermont—and several city councils, including Cambridge, Mass., and Montgomery County, Md. In each case, the treaty was modified into a more general plea to "bring the boys home," either by the end of the year or "as soon as possible."

Yet, as proponents of the People's Peace Treaty stir, so do its critics. The State Department has denounced the treaty. So has the Republican National Committee. And so have the Young Americans for Freedom (YAF).

The critics voice three main charges: (1) The treaty is a "product of Hanoi," representing only the North Vietnamese and Viet Cong interests; (2) negotiators of the treaty did not represent a broad base of students either from the United States or from South Vietnam; and (3) endorsement of the treaty could undermine the U.S. Government's efforts at the peace table.

Rep. Richard H. Ichord (D) of Missouri, chairman of the House Internal Security Committee, has declared that "the provisions [of the treaty] are in essence the same terms which have been put forward repeatedly over the past few years by the Communist negotiators in Paris."

Authors of the People's Peace Treaty deny the charges, but do admit that many of the treaty's principles are similar to the Communist proposals. But the authors see these similarities as one of the treaty's strengths, helping to popularize and make understandable the North Vietnamese proposals to the average American.

Tracing the genesis of the Peace Treaty, Frank Greer, a national coordinator and author of the treaty, explains that through correspondence, many U.S. and South Vietnamese students began to see that "there needed to be a way that students over there and over here could coordinate ideas of students of both countries who wanted peace."

Last August, the U.S. National Student Association (NSA) congress voted a mandate for the NSA to explore a negotiated peace treaty with North and South Vietnamese students. They also chose a 15-member delegation to go to Vietnam.

The NSA delegates, however, were refused visas by the South Vietnamese Embassy. So, with the exception of one member, Doug Hostetter, who had applied separately, none of the delegates got into Saigon. They did spend time in Hanoi, however, before going to Paris to hammer out the treaty's final draft.

"The first treaty was written by the South Vietnamese students," explains Mr. Hostetter, who speaks fluent Vietnamese. "The second draft came from Hanoi. In Paris, we Americans worked on the final draft."

The final version was then communicated back to students in Saigon and Hanoi, who approved it.

"Basically, the students' politics [in South Vietnam] are very nationalistic," says Mr. Hostetter, who spent three years doing alternative service with the Mennonites in a small Vietnamese village. "Many are leery of communism, but prefer a coalition with the Communists to Thieu and Ky."

WWDC RECEIVES PRAISE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. HOGAN. Mr. Speaker, on April 16th, the District of Columbia government announced that from that date forward all ambulances shall be equipped with radio telephones that tie in directly with the Fire Department switchboard. Making this addition enables the various ambulance services—both public and private—to communicate instantly with the hospital and thus alert the medical personnel there to the particular needs of the patient being brought in.

Interestingly enough, this idea was espoused 2 years ago in a Radio Station WWDC documentary. Ross Simpson, a newsman for the local station, produced an award-winning documentary, "Definition: Emergency," which gave a searching look into the ambulance service in Washington. Mr. Simpson presented many areas where improvement was desperately needed—one of these areas being communication between ambulances and hospitals. He strongly suggested at that time that ambulances be equipped with radio telephones.

Having introduced legislation in the 91st Congress to establish an Ambulance Service Corps, I am pleased to see the District's emergency ambulance service being revised and improved.

Giving credit where it is due, I commend WWDC and Ross Simpson for their foresight. My only regret is that it took 2 years—and how many lives—for Mr. Simpson's suggestion to be implemented.

SENATE—*Friday, May 14, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of our life and God of our salvation, consecrate with a sense of Thy presence the way of our labor in this place. Guide by Thy spirit Thy servants who stand in this Chamber, who speak for the many and whose judgments share in determining the Nation's destiny. Scorning narrow partisanship or sectarian dogma make them followers of the larger vision which encompasses the well-being of all the people. Lead them through tension and out of contention into the clear light of Thy will, to the dawning of the one radiant kingdom the only law of which is love and the ruler of which is the sovereign God. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 14, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 13, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nominations in the Department of Defense, as follows:

James E. Johnson, of California, to be an Assistant Secretary of the Navy.

Hadlai Austin Hull, of Minnesota, to be an Assistant Secretary of the Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. AIR FORCE

The assistant legislative clerk read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE AIR FORCE, IN THE ARMY, IN THE NAVY, AND IN THE MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, in the Navy, and in the Marine Corps which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

LAW DAY

Mr. MANSFIELD. Mr. President, the editor and publisher of the Western News of Libby, Mont., an old friend of many years standing, Paul E. Verdon, has written an editorial in the April 29, 1971, issue of that newspaper.

It is entitled "Editorially Speaking," with the subhead "Change Within the Law."

It is a most fitting editorial as it applies to Law Day and as it applies to situations which have developed in the Nation's Capital in recent weeks and throughout the Nation.

Mr. President, I ask unanimous consent that this editorial—a commentary, really—be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHANGE WITHIN THE LAW

Before law existed, man was a snarling, thieving, head-bashing savage who lived entirely by his strength and his wits. Survival indeed was enjoyed only by the fittest.

Long before man learned to record his accomplishments, the need for rules of conduct gave birth to tribal mores. These strictures against the most elementary forms of misconduct were refined, expanded, and modified as human society became more complex.

Development of alphabets and systems of writing made it possible to record the rules, to interpret them, and to disseminate knowledge of them more widely. In the Far East and around the Mediterranean Sea, civilizations based on written codes of law were in existence almost 50 centuries ago.

So, Law Day, slated to be observed Saturday throughout all the nation, has a cultural background rooted in the distant beginning of man's search for a system of regulations that will insure a peaceful society and human freedom and dignity.

Though far from perfect, the American system of justice represents man's farthest advance along the path to full equality of every individual before the law and equal protection for every person.

For 14 years, the legal profession of the United States has joined with others concerned with maintaining responsible freedom to observe Law Day on May 1, a day when Communist countries stage their grandest festivals.

Montana's Law Day proclamation, issued this year by Lt. Gov. Tom Judge, acting for the absent Forrest Anderson, said "The liberty and freedom we enjoy is made possible only through the rule of law . . . A people without law is a nation without freedom or liberty." Montanans were urged to "support the courts and agencies of law enforcement and to utilize the resources of law to improve the quality of life for all Americans."

Law—wisely written, impartially interpreted, vigorously enforced—is the prerequisite of an orderly society. Without law, there is no justice, no freedom.

Working within the political system, respecting the law and following its precepts, all manner of social, economic and governmental improvement is possible. Extremist groups who function outside of or above the law, or who subvert it, cause only chaos. They contribute nothing to orderly solution of the problems of our times.

Within the law—both constitutional and statutory—are the avenues of change.

To dissent within the law is acceptable and encouraged. Changes of lasting benefit will result from orderly processes.

Violent protest only antagonizes the public and makes change more difficult to attain.

No reasonable person will argue that our system is perfect. But our lawfully constituted government is subject to legitimate change, which has been accomplished every time the need was proved.

Preservation of the law is our only assurance of a future of responsible freedom.

CIVIL SERVICE RETIREMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 104, S. 1681.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 1681. To liberalize eligibility for cost-of-living increases in civil service retirement annuities.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service with an amendment: On page 2, line 3, following the words "is payable from the"; strike the word "fund" and insert the word "Fund", so as to make the bill read:

S. 1681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8340(c) of title 5, United States Code, is amended—

(1) by renumbering paragraphs (1) and (2) thereof as paragraphs (2) and (3), respectively; and

(2) by inserting immediately above paragraph (2) (renumbered as such by paragraph (1) of this section), the following new paragraph:

"(1) An annuity (except a deferred annuity under section 8338 of this title or any other provision of law) which—

"(A) is payable from the Fund to an employee or Member who retires, or to the widow or widower of a deceased employee or Member; and

"(B) has a commencing date after the effective date of the then last preceding annuity increase under subsection (b) of this section;

shall not be less than the annuity which would have been payable if the commencing date of such annuity had been the effective date of the then last preceding annuity increase under subsection (b) of this section.

In the administration of this paragraph, an employee or a deceased employee shall be deemed, for the purposes of section 8339(m) of this title, to have to his credit, on the effective date of the then last preceding annuity increase under subsection (b) of this section, a number of days of unused sick leave equal to the number of days of unused sick leave to his credit on the date of his separation from the service.".

SEC. 2. The amendments made by this Act shall apply only with respect to annuities which have a commencing date after the effective date of the first annuity increase under section 8340(b) of title 5, United States Code, which occurs on or after the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-103), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This legislation would permit an employee or Member of Congress eligible for an immediate, retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date. Also, the survivor annuity of an employee or Member who dies after the cost-of-living increase effective date would not be less than it would have been had it commenced on or before the effective date.

JUSTIFICATION

The Civil Service Retirement Act provides that whenever the Consumer Price Index shows a 3-percent increase for each of 3 consecutive months over the index for the base month, annuities are adjusted upward by the highest percentage of any of the 3 months plus 1 percent. The increase becomes effective on the first day of the third month following the end of the 3-month period and applies only to annuities commencing on or before the effective date. A survivor annuity is increased the same as an annuity of a retired employee.

Therefore, an employee must be eligible to retire and his annuity must commence on or before the effective date of a cost-of-living increase in order to receive the increase. This bill would permit an employee to retire after the effective date, but prior to the next cost-of-living increase, and receive an annuity not less than it would have been if he had retired prior to the effective date.

An employee who retires on or before the effective date receives a larger annuity than an employee who does not retire until a few days following the effective date, even though both may have the same service beginning date and high 3-year average salary. The same situation exists in computing the survivor annuities for the survivor of an employee who dies immediately prior to the increase date and an employee who dies immediately after.

For example, employee A retires 1 day before the effective date of a cost-of-living increase and receives an annuity of $985 a month. Employee B, not eligible until 1 month later, retires on an annuity of $956, or $29 a month less. Employee B would have to continue working for approximately 6 months in order to recover the amount lost because he was not eligible to retire by the effective date of the increase. This legislation would permit employee B to retire after the effective date and receive not less than he would have received had he retired by the effective date.

The present cost-of-living provisions, providing that the employee must retire prior to the effective date, always produce a great influx of retirement applications immediately before the effective date. For example, the last two increases, effective on November 1, 1969, and August 1, 1970, produced 25,000 and 19,800, retirement applications over the normal number of applications received.

This places tremendous burden on the Civil Service Commission to process these forms. A result is delayed annuity payments at a time when they are most needed by annuitants. S. 1681, by permitting an employee to delay retirement, would distribute more evenly the Commission's workload and thereby speed processing of retirement applications.

Employing agencies would also benefit by the enactment of this legislation. As a result of present "bunching" of retirements immediately prior to an increase effective date, many persons are reemployed as annuitants to complete projects and permit the agency to secure replacements.

COST

Assuming that a 5 percent cost-of-living annuity increase is effective in each fiscal year 1971 through 1980, the unfunded liability would be increased by a little over $92 million. The annual cumulative interest payment due the fund from the Secretary of the Treasury at the end of fiscal year 1981 would be a little over $3 million.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the assistant minority leader desire to be recognized under the standing order?

Mr. GRIFFIN. Yes, Mr. President.

MILITARY SELECTIVE SERVICE ACT—SENATOR MANSFIELD'S AMENDMENT NO. 86

Mr. GRIFFIN. Mr. President, although I have the greatest respect and affection for the majority leader, I must say that the timing of the Mansfield amendment could not have been more unfortunate or inappropriate. This Senate is in danger of going down in history as a Senate which derailed the most promising disarmament talks of our times.

Only this morning, Soviet Party Leader Brezhnev spoke of his interest in negotiating troop withdrawals in central Europe. What possible incentive would he have to pledge Warsaw Pact withdrawals if the Mansfield amendment should be adopted?

Many people may not realize it, but a 50-percent reduction in American forces in Europe would probably require a thin-out of our 6th Fleet. The President simply could not draw down the entire cut from ground forces in Europe. But in any event, such a sudden cut would drastically and unilaterally weaken our military position with respect to the Middle East just at a most promising moment in the long quest for peace between Israel and the Arabs.

The Mansfield amendment is a proposal which would dislodge some of the most important foundation stones of our overseas alliance system—our deterrent against conventional warfare in Europe as well as our deterrent against a big-power war in the Middle East.

Mr. MANSFIELD. If the assistant minority leader will yield, may I say that I was interested in the proposal made by Premier Brezhnev, which I only became aware of just before the Senate convened this morning.

Let me express the hope that this proposal be pursued expeditiously by the administration. If I know President Nixon, I am certain that it will be viewed with the most serious consideration and good faith. It is indeed encouraging and, if ultimately successful, it will bring about a major achievement which the President and many of us here have been seeking to obtain.

At the same time, I would hope that my amendment would be considered on its own. By itself, I believe it has overwhelming merit. I think it should be accepted by the Senate.

Mr. MATHIAS. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield to the Senator from Maryland.

Mr. MATHIAS. I want to join the distinguished Senator from Michigan, the acting minority leader, in the views that he has just voiced on the impact of the Brezhnev statement. This has a significant bearing on the pending business of the Senate.

I think it gives us a new view and a new hope that mutual and balanced force reductions are a possibility. I do not believe that we want to pursue any will-o'-the-wisp, but the fact that this has come about at this moment is a fortunate circumstance.

I do not believe it should be either undervalued or overvalued but should be placed in its proper perspective and, as the assistant Republican leader has just said, we should review it as it is.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The time of the assistant minority leader has expired.

Under the previous order, the Senator from Utah (Mr. Moss) is recognized for not to exceed 15 minutes.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT ACT—AMENDMENT

AMENDMENT NO. 91

Mr. MOSS. Mr. President, beginning with the 89th Congress, I have introduced bills to establish a Department of Natural Resources and Environment, and I did so again this year.

Today I submit an amended version of that bill. Its provisions differ somewhat from those of its predecessors, but the essential structure remains the same. The purpose of submitting an amendment to the bill is to make it conform in a number of particulars with the Natural Resources Department bill submitted by the Nixon administration.

The amended provisions will be discussed later.

A more rational agency structure to execute the natural resource responsibilities of the Federal Government has long been advocated by far-sighted citizens. Moreover, most studies undertaken over the last several decades have led to strong recommendations for consolidation.

But these pleas have fallen on deaf ears. Often it has been argued that however logical such an arrangement might be, the necessary extensive changes would inflict unacceptable wounds on the conservation establishment.

Despite such opposition, however, the pressure of events has moved us in that direction.

I have discussed previously in the Chamber the evolution of the Department of the Interior. Originally, it was a catchall for agencies handling domestic problems. It has evolved, however, into an organization chiefly concerned with management, protection, and administration of natural resources—timber, forage, water, minerals, wildlife, and with the marketing of power and the promotion of outdoor recreation opportunities. The recent Secretaries—Udall, Hickel, and Morton—have looked upon their organization as a resources department. But they have lacked the authority and the designated responsibility to make it one, since resource functions of great magnitude have remained outside Interior. They have been generals commanding only half the troops. The other half have been deployed elsewhere on the field, ordered by different officers.

President Nixon's support of the concept of a Department of Natural Resources offers a shining opportunity to begin anew—to start at the beginning, so to speak, and do this job right.

THE RAPE OF OUR ENVIRONMENT

Fundamental considerations support the establishment of a Federal resources department.

First, perhaps is the terrible toll American progress has exacted from the natural environment.

Just 167 years ago, Lewis and Clark bade goodbye to St. Louis and began their 8,000-mile journey through the wilderness.

St. Louis was then the last outpost of civilization. The existence of the awesome barrier of the Rocky Mountains was hardly suspected. A prime object of their mission was to locate the "Great River of the West," which, it was mistakenly believed, emptied into the Pacific Ocean and completed a navigable route across the continent.

In the next 110 years, we drove the Indian and the buffalo from the plains, the beaver from the mountain streams, and the passenger pigeon from the air. We spanned the continent with rails and built a mature industrial economy.

In the 60 following years we increased the number of automobiles from 540,000 to 71,500,000—157 times increase. And we completed the settlement of 123 million persons west of the Appalachians.

Having done so much in so little time, it is little wonder that we have skinned and exhausted the land—to use Theodore Roosevelt's phrase.

The Senate has heard all too often the grim recital of fouled rivers, smoky skies, scarred hillsides, crowded national parks, disappearing wetlands, and endangered species. We understand that time is running out on this recently virgin land.

A second fundamental reason for the placement of principal resources responsibility in one department is the structure of nature itself.

Robert Frost said that what makes a nation in the beginning is "a good piece of geography." A piece of geography is a unit: Land, water, atmosphere, forests—all are part of the same system. For thousands of years, man's activities left nature relatively unscarred. But as we have put more and more pressure on the environment, a "multiplier" effect has come into play.

In March 1968, Dr. Stanley A. Caine, then Assistant Secretary of the Interior for Fish and Wildlife and Parks, talked about the long-term results of tinkering with the environment. Caine told an Argentine resource conference:

> We are still pursuing too many essentially single-purpose programs, running a risk of failure—not necessarily failure to accomplish the narrow objective, but failure to anticipate the consequences of our actions. These consequences, often unexplored side effects, are ignored until they bear down upon us with intolerable changes in the environment. In some cases the costs of these changes may far exceed the direct benefits of a project.

THE NEED FOR A DEPARTMENT

The numerous and complex responsibilities of the Federal Government in the resources field offer numerous other reasons for the establishment of a DNR. These responsibilities include not only resources management, but also construction of public works; establishment of resources policy, both through legislation and through administrative regulations; dissemination of a vast range of information; and the conduct of many kinds of research and development.

Fulfilling such responsibilities for a nation expanding rapidly both in population and production of goods has led to the establishment of vast and numerous programs. Particularly in the last 15 years, responding to the deepening environmental crisis, Congress has enacted a long list of resource development and conservation laws. But most have been limited in scope; that is, they have applied to a single resource, or area of the country, or agency, or project. We have shied away from giving one head to our resource management effort.

It was the absence of such a head—and the resulting lack of coordination and comprehensive planning of our water resources—that was my principal concern when I introduced a Department of Natural Resources bill 5 years ago.

Primary water resources responsibility is still divided among three Federal departments. These are the Department of the Army, the Department of Agriculture, and the Department of the Interior. At one time, there was a fourth—Health, Education, and Welfare—but in 1967 President Johnson, under his reorganization powers, transferred the Water Pollution Control Administration from HEW to Interior. Now there are again four, as President Nixon has moved WPCA to the new Environmental Protection Agency and renamed it the Water Quality Office.

It must be understood that Congress did not set out to confuse water resource responsibilities. The Federal water management agencies were created years ago to solve specific problems and were placed in departments which were deemed appropriate then. The Corps of Engineers was born in the 1820's with an appropriation of $75,000 and an assignment to remove sandbars and "sawyers, planters and snags" in the Mississippi and Ohio Rivers to aid navigation. The Bureau of Reclamation—in the Department of the Interior—was created in 1902 to "reclaim" for agriculture land in 17 Western States.

With the passage of the years, both agencies have expanded greatly and have graduated to multipurpose water resource development.

In 1954 a watershed protection operation which was assigned—perhaps logically at that time—to the Soil Conservation Service put the Department of Agriculture into the water resources picture in a big way. Thus we came to have three major dam-building agencies.

All three engage in river basin planning. In addition, an important independent agency—the Federal Power Commission—also does river basin planning because with it rests the authority to license the dams built by investor-owned power companies.

A higher degree of coordination in water resource planning and management has, of course, been advocated for a long, long time.

But it was only in 1965 that Congress enacted a Water Resources Planning Act. It provided, essentially, a committee of Cabinet officials—assisted by a very competent staff—to coordinate the programs of the great departments in the water field and to make a biennial assessment of the adequacy of the Nation's water supply.

The act was a step forward; but the weakness of the program it established is evident. First, it places responsibility in a committee rather than in an individual. Second, it involves a number of men—Cabinet Secretaries—who have more than full time jobs managing their own departments, and who already serve on several other high level committees. Such an arrangement might have worked 30 years ago. But it is clearly inadequate today, when skillful water resource planning and management are essential to the provision of an adequate supply of clean water.

Administration of public lands is another resource area which suffers from dispersed management responsibility.

At present, the Bureau of Land Management in the Department of the Interior is responsible for the administration of part of our public lands, while most of the remainder is administered by the Forest Service in the Department of Agriculture.

These two agencies now operate under many conflicting policies and procedures which should be coordinated in the interest of good resource management as well as for the convenience of the public.

The management of outdoor recreation resources is also divided up among major departments. Citizens are frequently surprised to learn that the Army serves more recreation "customers" than any other department. This, of course, results from the millions of visits made each year to the reservoirs built and managed by the Corps of Engineers.

Next in recreation volume is the Department of Agriculture which manages the National Forests. Behind Army and Agriculture trails the Department of the Interior, even though it contains the Bureau of Outdoor Recreation.

The problems of two other resources—the oceans and the estuaries—should also be mentioned.

The sea is a somewhat new frontier in the resource field. In my view, coordinated natural resources programs cannot be set up without recognizing the rich resources of the oceans and the fact that—in management—it is difficult to separate the sea from the land or the ocean from the river which flows into it.

The need for an oceanography program has been well demonstrated. The only question that remains is which department can operate it most efficiently. I believe it fits into a Department of Natural Resources, and I am pleased to support Mr. Nixon's efforts to place it there.

Also the need for a policy to preserve, develop and restore the estuaries of the United States coastal and estuarine zone is well known, and the development and management of such a policy should obviously be directed by a department concerned with ocean and other water resource management.

WHAT WOULD A DNR DO?

Let me now turn to a more detailed examination of these proposals. What should a Department of Natural Resources do? What functions should be assigned to it? What agencies should it contain?

On these points I differ somewhat with the President. Let us examine the variance between my concept and that embodied in the legislation advanced by the administration.

The most significant difference is that my Department of Natural Resources and Environment would include the components of the Environmental Protection Agency—the Water Quality Office, Solid Waste Office, Air Pollution Control Office, Pesticide Office, and Radiation Office. The administration proposal, on the other hand, retains EPA as a separate agency as constituted by Mr. Nixon's reorganization plan of last year. In other words, a basic thrust of the Moss design is the placement—within the same department—of functions governing protection of natural resources as well as those governing development or exploitation of natural resources.

Last July I testified before the Subcommittee on Executive Reorganization of the Committee on Government Operations to offer my views on Mr. Nixon's Reorganization Plans Nos. 3 and 4 which established the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

I said at that time it would be helpful to have in one agency all of the programs directed to prevention of damage through air and water pollution, solid waste disposal, radiation, or pesticides, just as it would be helpful to place all of the programs dealing with oceanography under one administrator.

But I also said I would consider it more sensible if all our resources development programs could be coordinated with our resource regulation programs.

Let me use a specific example.

A number of coal-fired electric generating plants are in various stages of development in the Four Corners area of the southwest. These will utilize the plentiful coal of the region and water from the Colorado River system.

Some plants may be built on Federal lands, and power directed to population centers. The transmission lines must cross large stretches of public land. Therefore, easements for land use and contracts for water use would have to be negotiated with the Department of Natural Resources as they now must be with the Department of the Interior.

Numerous environmental problems arise, including: Impact of plant construction on sites; discharge of pollutants into the air; disposal of coal waste; location of powerlines—frequently the least expensive route renders a scenic area unsightly; and the return of water to the river system at a temperature higher than that at which it came out.

Should not these questions be considered and resolved by the same department that grants permission for the use of public property? My answer is "Yes."

I question giving authority to negate development programs to agencies that have no responsibility for affirmative action—for getting a job done. My point is that we must give ample consideration to the positive side of our production and consumption problems as well as emphasizing the "Thou shall not" aspects. I am also concerned about letting a new Department of Natural Resources off the hook, so to speak, by giving to another agency responsibility for keeping the air and water pure.

I am concerned about the interaction between protection and development because I recognize that both are essential. In this matter, our Nation is cast on the horns of a dilemma. Like a hero of Greek tragedy, we find only two courses of action open, either of which could be fatal. If we put the brakes on production, we face a sinking standard of living; if we press full steam ahead on production, we may—through pollution—destroy the life-giving environment.

Somehow, the technological and political genius of the American people must be harnessed to give us both development and conservation. Otherwise, American society as we have known it must pass into oblivion.

A THREE-PRONGED ATTACK

To accomplish this dual task, I believe we need a Department of Natural Resources and Environment exercising comprehensive authority. It must have the responsibility and the capability of keeping the environment clean and of developing sufficient resources to maintain an acceptable standard of living. It must lead the Nation into the new paths that must be found—paths that will permit an advanced industrial society to grow and still survive.

It has been argued that placing protection and development functions in the same department could favor exploitation at the expense of conservation. It has been said that a check on project promotion is needed, and that the Environmental Protection Agency provides such a check.

Yet, though I propose only one executive department for natural resources, I do not intend it to be the sole monitor of environmental condition. I would retain the Council on Environmental Quality; and I advocate passage of Senate Joint Resolution 17, to create in the Congress a Joint Committee on the Environment. In brief, this would result in the following arrangement:

First, the Department of Natural Resources and Environment would exercise the operating responsibilities of the Federal Government relating to natural resources development and protection.

Second, the Council on Environmental Quality would exercise present responsibilities which include evaluating the state of the environment and the operation of the department. The Council would also continue to prepare annually the official Environmental Quality Report of the President.

Third, the congressional joint committee would have the responsibility of holding public hearings on the report and of recommending to the legislative committees of the Congress such action as it deemed necessary.

In short, we would have a manager—the Department—a watchdog—the Council—and a legislative investigator—the joint committee.

Such an arrangement, I believe, would constitute a rational solution to the problem of organizing the Federal resource management effort to provide most effectively both protection and development.

INDIANS ARE A HUMAN RESOURCE

A second major difference between the Moss proposal and that of the administration is that I would place the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education, and Welfare; the adminstration places both in Natural Resources.

For some years, the argument has been advanced that the Indian people themselves prefer to work with Interior, and would therefore choose to be in a Department of Natural Resources, which is presumably more like home than HEW or a new Department of Human Resources.

A second argument for placing the Indian Bureau in DNR is that Indian lands are important resources, and I cannot gainsay that.

But good arguments must give way to better ones. The soil, water, wildlife, and air of the Indan lands must, of course, be conserved, as must all of the physical environment. And such conservation will be a responsibility of the Department of Natural Resources.

But national policy should be encouragement of the Indian to assume a full citizen's role, although, for some period, an additional measure of protection is required. The administration's own list of the functions of the Bureau of Indian Affairs and the Office of Territories shows a preponderance of nonresource items. This list includes: Natural resources and economic development, education, public health and safety, job training and placement, and community services and facilities.

The Washington Evening Star left little more to be said when it declared:

> Surely the Indians belong with the rest of us under a Department of Human Resources.

The rationale for placing the Office of Territories in DNR is, apparently, similar to that for placing the Indian Bureau there. But the arguments against such a location prevail as before. The natural resources of the territories must receive the attention of DNR. But these possessions should be regarded primarily as living space for people, and they should be managed by the agency with responsibility for health, welfare, and education.

There are a number of other—less significant—differences between my previous bill and that proposed by President Nixon. The amendment I am submitting today is consistent with the administration bill in practically all those particulars.

THE ROLE OF THE CORPS OF ENGINEERS

The most important of these differences is the positioning of the Corps of Engineers. Mr. Nixon would place the planning, project evaluation, and policy formulation functions of the corps in Natural Resources. He would fund the civil works program of the corps through the DNR. But he would retain construction, operation, and maintenance of projects under the jurisdiction of the Secretary of the Army. This is a good solution to the thorny problem of maintaining a national defense capability in the corps while providing more highly coordinated water resources planning, and I am pleased to support it.

Mr. Nixon would also include in Natural Resources all of the functions now part of the National Oceanic and Atmospheric Administration, and certain responsibilities now exercised by the Atomic Energy Commission.

His transfers from the Department of Agriculture are also more extensive than I had proposed. In addition to the Soil Conservation Service, they include: watershed loans in the Farmers Home Administration, natural resources economics in the Economic Research Service, and soil and water conservation in the Agricultural Research Service.

All of these changes have been incorporated in the bill I introduce today.

Mr. President, the Nation raised its sights on natural resource conservation when Congress passed the Environmental Protection Act.

One of the functions of the Council which that act created is to develop policies to conserve the environment. To implement such policies, program formulation and planning must be established on a longer range, more comprehensive basis, and these would be the truly valuable functions of a Department of National Resources.

Consider for example the streams of the United States. They would be looked upon, not only as locations for dams or objects of pollution abatement, but also as parts of a national system of waterways and water supply and scenic beauty —a public treasure to be preserved and enhanced.

Consider land. The responsibility of the Secretary of Natural Resources would include evaluating its use on a national basis. For instance, how much more land can we afford to devote to subdivisions or to super highways and how much must be retained open and free?

Consider energy. How much will be required in the years ahead? How much pollution can we afford in this generation? What fuels and what quantities need to be burned in its production?

Creation of a Department of Natural Resources should also focus and make more efficient all research programs relating to resources. And it should mean that areas, mostly neglected in the past —estuaries for example—now will be fully considered as part of resource planning.

The usual reason for supporting creation of new Federal departments is to increase efficiency by putting under one roof various bureaus performing related tasks. But obtaining such benefits of consolidation is not my basic reason for advocating a resources department. That reason is:

A DNR would—for the first time—make a member of the President's Cabinet responsible for formulating and augmenting a program to care for all of the Nation's natural resources.

Mr. President, if there ever was an idea whose time has come it is a Department of Natural Resources and Environment. If a case could be made when I first introduced this bill 6 years ago for such a department, it can be made doubly now. We must not only continue to establish overall policies for the development and management of our natural resources, but we must organize the Federal structure which deals with natural resources to see that today's great tasks are performed efficiently and effectively. We must concern ourselves with man's total environment.

I send to the desk an amendment in the nature of a substitute to S. 1025, the bill to establish a Department of Natural Resources and Environment. Joining me as cosponsors of this measure are the Senator from Montana (Mr. Metcalf) and the Senator from New Jersey (Mr. Case). I ask unanimous consent that the full text of the amendment be printed in the Record at the close of these remarks.

The ACTING PRESIDENT pro tempore (Mr. Byrd of West Virginia). The amendment will be received and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 91), which was referred to the Committee on Government Operations, reads as follows:

Amendment No. 91

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE; FINDINGS

Section 1. (a) This Act may be cited as the "Department of Natural Resources and Environment Act".

(b) The Congress hereby finds that—

(1) expanding population and a rising standard of living combine to place unprecedented demands on the natural resources of the United States;

(2) the natural environment is suffering a progressive deterioration which affects the air we breathe, the water we drink, the soil which nourishes our food, the areas in which we take our recreation, and the natural beauty of our homeland;

(3) such deterioration demonstrates a failure in the larger sense of our conservation efforts, even though many successful conservation programs have been undertaken during the past many years by Federal, State, and local governments and by private groups;

(4) safeguarding the environment—air, water, and land—is a necessity to maintain conditions under which man and wildlife may continue to exist, to provide the raw materials essential to an expanding standard of living, and to maintain the beauty and usefulness for all purposes of our land;

(5) the responsibility of the Federal Government includes the exercise of leadership in water resource development, land management, ocean resource development, and air pollution abatement, as well as the operation of many programs and cooperation with State and local government and private groups in the carrying out of their resource management responsibilities; and

(6) the Federal agency structure which deals with natural resources grew up during a less demanding period of our history, and must be coordinated and reorganized if today's tasks are to be performed effectively.

DEPARTMENT OF NATURAL RESOURCES

Sec. 2. (a) There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Natural Resources and Environment.

(b) The Secretary of Natural Resources and Environment may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

PERSONNEL OF THE DEPARTMENT

Sec. 3. (a) There shall be at the head of the Department of Natural Resources and Environment a Secretary of Natural Resources and Environment (hereinafter referred to in this act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department of Natural Resources and Environment a Deputy Secretary of Natural Resources and Environment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary of Natural Resources and Environment (or, during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of Deputy Secretary, an Under Secretary or the General Counsel of the Department, determined according to such order as the Secretary shall prescribe) shall act for and exercise the powers of the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Deputy Secretary shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department of Natural Resources and Environment an Under Secretary of Natural Resources and Environment for Water, and an Under Secretary of Natural Resources and Environment for Lands, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) There shall be in the Department of Natural Resources and Environment a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall perform such functions as the Secretary shall prescribe from time to time.

(e) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(f) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 4. (a) Except to the extent otherwise herein provided, there are hereby transferred to and vested in the Secretary:

(1) All of the functions of the Secretary of the Interior, the Department of the Interior, and all officers and components of that Department.

(2) Such of the functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or are utilized by the National Oceanic and Atmospheric Administration.

(3) (A) Such of the functions of the Secretary of Defense, the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and the Corps of Engineers of the Department of the Army, as relate to or are utilized for civil works and civil regulatory functions: *Provided*, That all civil works construction, operation and maintenance, flood and coastal emergencies, and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

(B) All of the functions of the Board of Engineers for Rivers and Harbors, Coastal Engineering Research Center, Board on Coastal Engineering Research, Mississippi River Commission, and California Debris Commission.

(4) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Forest Service.

(5) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil Conservation Service.

(6) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Natural Resource Economics Division of the Economic Research Service.

(7) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil and Water Conservation Division of the Agricultural Research Service.

(8) Such of the functions of the Secretary of Transportation, the Department of Transportation, and officers and components of that Department, as relate to or are utilized for pipeline safety.

(9) All of the functions of the Water Resources Council.

(10) Such of the functions of the Atomic Energy Commission, and officers and components of that Commission, as relate to or are utilized for the following:

(A) the civilian power program: *Provided*, That all research and development programs and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Commission;

(B) the raw materials program;

(C) the uranium enrichment and related distribution activities constituting part of the Commission's production program; and

(D) the Plowshare program: *Provided*, That all general research and development, device development, explosive effect tests, development of fielding systems, project execution, and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Commission.

(11) Such functions transferred to the Administrator of the Environmental Protection Agency by paragraphs (1), (2), and (3) of section 2(a), and paragraphs (1) and (2) of section 2(b) of Reorganization Plan Numbered 3 of 1970.

(b) (1) All functions of the Bureau of Indian Affairs in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Bureau of Indian Affairs, are transferred to the Secretary of Health, Education, and Welfare.

(2) All functions of the Office of Territories in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Office of Territories, are transferred to the Secretary of Health, Education, and Welfare.

(c) With respect to the program and activities of the Atomic Energy Commission herein transferred, the functions of the Secretary shall be carried out under the following provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), and the Secretary shall perform the functions of the Commission set forth therein with respect to such transferred programs and activities, except as otherwise specified below:

(1) Chapter 1, "Declaration, Findings and Purpose".

(2) Chapter 2, "Definitions", except that the functions of the Commission set forth in subsections j (extraordinary nuclear occurrences), v (production facility), z (source material), aa (special nuclear material), and ee (utilization facility) of section 11 shall remain with the Commission.

(3) The following provisions of chapter 3, "Organization": sections 26 (General Advisory Committee), and 27 (consultation with the Department of Defense on atomic energy matters; functions of the Department of Defense).

(4) Chapters 4, "Research", and 5, "Production of Special Nuclear Material".

(5) The following provisions of chapter 6, "Special Nuclear Material": clauses 53a (ii) and (iii) (making available and distributing special nuclear material); subsection 53c (sale or lease, etc., of special nuclear material, enrichment sources, sales prices, agreements with licensees, use charges); subsection 53d (use charge for leased special nuclear material); subsection 53f (distribution of special nuclear material); section 54 (foreign distribution of special nuclear material); section 55 (acquisition of special nuclear material); section 56 (guaranteed purchase prices); subsection 57c (limitations on distributions of special nuclear material); and section 58 (Joint Committee review).

(6) The following provisions of chapter 7, "Source Material": section 63 (domestic distribution of source material), except the authority with respect to the issuance of licenses and of criteria governing such issuance; section 64 (foreign distribution of source material), except the authority to make the determination that the activity will not be inimical to the interests of the United States; section 65 (reporting); section 66 (acquisition); and section 67 (operations on lands belonging to the United States).

(7) Chapter 8, "Byproduct Material", except the authority of the Commission with respect to issuance of licenses, establishing exemptions from licensing, and determinations under subsection 82b as to whether foreign distributions would be inimical to the common defense and security.

(8) In chapter 9, "Military Applications of Atomic Energy", the authority in clause 91b (1) relating to delivery of enriched uranium to Department of Defense.

(9) In chapter 11, "International Activities", sections 121 (effect of international arrangements) and 122 (policies contained in international arrangements).

(10) In chapter 12, "Control of Information", subsections 144a (international cooperation pursuant to an agreement for cooperation); 145b (restriction on access to Restricted Data), except that the Commission shall make the determinations relative to access to Restricted Data; and 146b (power to control or restrict dissemination of information).

(11) In chapter 14, "General Authority", subsections 161a (advisory boards), c (investigations, subpenas), d (appointment and compensation of employees), e (acquisition and construction of facilities, etc.), f (utilization of services of others), g (acquisition and disposal of property), k (carrying of firearms), m (materials transactions with licensees), o (reports and records) except with respect to licensed activities, p (rules and regulations), q (easements), r (utility and related services), t (contracts implementing agreements for cooperation), u (long-term contract authority), and v (contracts for producing or enriching special nuclear material); and sections 162 (contract exemption authority), 163 (service of advisory committees), 164 (electric utility contracts), 165 (proscribed contract practices), 166 (Comptroller General audit), 167 (claims settlements), 168 (payments in lieu of taxes), 169 (no subsidy), and 170 (indemnification and limitation of liability) insofar as it authorizes and applies to agreements of indemnification with contractors.

(12) In chapter 15, "Compensation for Private Property Acquired", sections 171 (just compensation), 172 (condemnation of real property), and 174 (Attorney General approval of title).

(13) In chapter 17, "Joint Committee on Atomic Energy", section 202.

(14) In chapter 18, "Enforcement", section 229 (authority to issue trespass regulations), which shall apply to any facility, installation, or real property subject to the jurisdiction, administrtaion, or in the custody of the Secretary and utilized in carrying out any of the programs and activities of the Atomic Energy Commission herein transfered; section 230 (photographing, etc., of Commission installations), in which the words "property subject to the jurisdiction, administration, or in the custody of the Commission," shall be deemed to include property subject to the jurisdiction, administration, or in the custody of the Secretary and utilized in carrying out any of the programs and activities of the Atomic Energy Commission herein transferred; and section 232 (injunction proceedings).

(15) In chapter 19, "Miscellaneous", sections 251 (reports to Congress) and 261 (appropriations).

SEC. 5. (a) No license under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) shall be required for the conduct, by the Secretary or by persons under contract with and for the account of the Secretary, of the programs and activities herein transferred from the Atomic Energy Commission to the Secretary. In the conduct of such programs and activities, the Secretary shall establish standards and procedures for radiological protection of the public health and safety and the safeguarding of the national defense and security that are consistent with those established by the Commission to govern its own activities. Such standards and procedures shall be established with the advice and concurrence of the Atomic Energy Commission.

(b) With respect to the programs and activities of the Atomic Energy Commission herein transferred, the Secretary shall have all the rights, powers, and duties of the Commission under section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), in the case of inventions and discoveries, useful in the production or utilization of special nuclear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Secretary, to the same extent as if entered into with or for the benefit of the Commission.

SAVINGS PROVISIONS; MATTERS RELATING TO TRANSFER OF AGENCIES AND OFFICES

SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any Federal instrumentality, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the appropriate officer to whom such functions are so transferred, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any Federal instrumentality, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before such instrumentality. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the instrumentality before which they were pending at the time of such transfer. In either case, orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the appropriate officer to whom such functions are so transferred, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any Federal instrumentality, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any Federal instrumentality, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of any such instrumentality as may be appropriate; and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any Federal instrumentality, or officer thereof in his official capacity, is a part to a suit, and under this Act—

(A) such instrumentality is transferred, or

(B) any function of such instrumentality or officer is transferred,

then such suit shall be continued by the appropriate instrumentality (except in the case of a suit not involving functions transferred by this Act, in which case the suit shall be continued by the instrumentality or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any Federal instrumentality or officer so transferred or functions of which are so transferred shall be deemed to mean the instrumentality or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of any Federal instrumentality or officer thereof, in the exercise of functions transferred under this Act, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the instrumentality or officer, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by any other officer of the United States pursuant to this Act.

(f) In the exercise of the functions transferred under this Act, the appropriate officer of the Federal instrumentality to which such functions are so transferred shall have the same authority as that vested in the officer exercising such functions immediately preceding their transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such functions prior to their transfer pursuant to this Act.

TRANSFER OF AGENCIES AND OFFICES

SEC. 7. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the appropriate Secretary of the executive department to whom such function is transferred by this Act. Except as provided in subsection (b), personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) No transfer of personnel pursuant to this section shall result in any such personnel being separated or reduced in grade or compensation for one year after such transfer.

(c) In any case where all of the functions of any Federal instrumentality are transferred pursuant to this title, such instrumentality shall lapse.

TECHNICAL AMENDMENTS

SEC. 8. (a) Section 19(d)(1) of title 3, United States Code, is amended by deleting "Secretary of the Interior" and inserting in lieu thereof "Secretary of Natural Resources and Environment".

(b) Section 101 of title 5, United States Code, is amended by deleting "The Department of the Interior" and inserting in lieu thereof "The Department of Natural Resources and Environment".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by deleting "(6) Secretary of the Interior" and inserting in lieu thereof "(6) Secretary of Natural Resources and Environment".

(2) Section 5313 is amended by adding at the end thereof the following:

"(20) Deputy Secretary of Natural Resources and Environment."

(3) Section 5314 is amended by deleting "(8) Under Secretary of the Interior." and inserting in lieu thereof the following:

"(8) Under Secretary of Natural Resources and Environment for Water."

"(8A) Under Secretary of Natural Resources and Environment for Land."

(4) Section 5315 is amended (1) by deleting "(18) Assistant Secretaries of the Interior (5)", and (2) by deleting "(42) Solicitor of the Department of the Interior," and inserting in lieu thereof "(42) General Counsel, Department of Natural Resources and Environment.".

REPORT

SEC. 9. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for submission to the Congress on the activities of the Department during the preceding calendar year.

DEFINITION

SEC. 10. As used in this Act, the term—

(1) "function" or "functions" include powers and duties; and

(2) "Federal instrumentality" means any executive department of the United States or any agency, bureau, office, service, or other entity therein.

DELEGATION OF FUNCTIONS

SEC. 11. Any officer of the United States to whom functions are transferred pursuant to this Act may delegate such functions, or part thereof, to such of his officers and employees as he may designate, may authorize such successive redelegations of such functions to his officers and employees as he may deem desirable, and may make such rules and regulations as he may determine necessary to carry out such functions.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 12. (a) This Act shall take effect ninety days after the date of its enactment.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 3 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act.

SUPPORT FOR SENATOR BAYH'S PROPOSALS CHALLENGING ADMINISTRATION ADOPTION OF NEW REGULATIONS LIBERALIZING CAPITAL DEPRECIATION ALLOWANCES

Mr. MOSS. Mr. President, I would like today to declare my strong support for Senate Resolution 98 and S. 1532 which challenge the administration's decision to initiate a new system of liberalized depreciation allowances without the prior approval of Congress.

President Nixon's intention to implement the new asset depreciation range, which would result in a $37 billion Federal revenue loss over the next decade, is yet another indication of a growing tendency by the executive branch to encroach on the legislative responsibilities of Congress in economic matters. For this reason, it should be vigorously opposed by Members of both parties.

Earlier this year, the President impounded over $12 billion in Federal funds which had been duly appropriated by the Congress for construction of roads, conservation projects, and low-cost housing. Now the Treasury proposes to make significant reductions in our Federal revenues without seeking legislative approval. Taken together, these moves by the administration demonstrate not only the pursuance of economic policies highly inappropriate to present conditions, but a calculated disregard for the basic constitutional principle of "separation of powers."

It is the responsibility of Congress, and Congress alone, to determine this Nation's revenue policies and to make any necessary changes in the tax structure. President Nixon has arbitrarily decided to permit business firms the option of "writing off" their capital costs at an accelerated pace. He has chosen to abandon safeguards which the Treasury has used to insure that capital equipment is customarily retired at the same rate as depreciation expenses are declared on tax returns. This action constitutes a significant departure from the established principles of tax law and should have required congressional approval.

My colleagues should recognize that this action by the Treasury represents a policy decision by the President and not simply an effort to improve efficiency in administering existing tax law. There were no engineering or technical studies made that would warrant shorter economic lives for capital equipment and thus a more rapid rate of depreciation. The liberalization in depreciation allowances resulted essentially from a decision by the President to award a major tax break to business without going through the normal legislative process.

Nor should Congress ignore the serious economic issues involved. With the unemployment now over 6.1 percent there is, indeed, a critical need for strong fiscal action by the Federal Government. We must ask, however, if the proposed Treasury action will have an expansionary impact on the economy as a whole.

It hardly appears appropriate to liberalize depreciation allowances in the hopes of stimulating a higher rate of investment at a time when lagging consumption levels have already resulted in excess industrial capacity. With a relatively low effective demand for goods now being produced any tax benefits to businessmen would probably serve more as a windfall than as incentive to a higher rate of ploughback into new capital ventures.

President Nixon has attempted to rationalize liberalized depreciation allowances by citing the need to ease the industrial transition from wartime to peacetime production. There is indeed a need for national economic conversion but we must insure here, again, that the appropriate action is being taken.

In 1940, when there was a dire necessity to mobilize the American economy for wartime production, President Roosevelt made a specific request that Congress amend the Internal Revenue Code to encourage investment in defense facilities. Today, if President Nixon desires to ease the transition to peacetime, he should request similar legislation to allow rapid write offs to those firms actively attempting to convert from defense to new national priorities. Such action would be far more appropriate than an indiscriminate tax break to all business firms, regardless of participation in the conversion process.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Allen). At this time, in accordance with the previous order, the Chair recognizes the distinguished junior Senator from Alaska (Mr. Gravel) for not to exceed 15 minutes.

Mr. GRAVEL. I thank the Presiding Officer. At this time I would like to bring up a number of items on which I think comment should be made.

THE INCREASE IN THE PRICE OF STEEL

Mr. GRAVEL. Mr. President, I wish to make note of a situation and I hope it will signal comments in this area by people more qualified than I. This is a very important subject. It is one on which I have read very little in the American newspapers and have heard even less about on the floor of the Senate since this action took place. It is a matter that I think has a momentous effect on the economy. I refer to the 6.5-percent increase in the price of steel put into effect by the steel companies beginning in May.

This administration, as a result of that price increase, I think, waffled a great deal on its commitment with respect to inflation and it waffled so badly that the best it could come up with was that this was prudent pricing. The supporters of the steel increase felt it was prudent, and interestingly enough this administration of the American Government went along with this "prudent" 6.5-percent increase in the price of steel, something that cascades throughout our economy, raising—and I do not know to what degree, but certainly with a multiplier effect—and contributing significantly to the cost of living.

It is interesting that this administration would look upon this 6.5-percent increase as prudent, when we have workingmen, people who work with their hands in the construction trade industries, seeking increases. I am not here to defend all increases and take the side of labor; some increases are legitimate and some are not; but I think, by and large, the increases that the workingmen have sought have been legitimate.

We see increases sought by the workingman. We see the President of the United States invoke or actually set aside the provisions of the Bacon-Davis Act, which had a tremendous denigrating effect on the economy; and it was so denigrating it was my opinion, and the opinion of others, that that is why the President had to recant on this decision. His action, for all purposes, would have destroyed the labor movement in this country.

I underscore the parallel; that is, that in this administration, stockholders and people who profit as owners of steel corporations receive no criticism at all; but when the workingman, the labor man, sought to improve his lot he had the full force of Government visited upon him. I think that parallel or comparison will be remembered not only this year but will be remembered next year.

THE INCONGRUITY OF AMERICAN POLICY

Mr. GRAVEL. Mr. President, I wish to raise a matter which I raised last December about the incongruity of American policy which places us in South Vietnam in an effort to contain communism, thereby involving us in a full-fledged war, killing people, having foreigners killed, having South Vietnamese and North Vietnamese killed, and having Americans killed, all in the name of containing and fighting communism. I was making the comparison at that time to events in other parts of the world where we have helped Communists.

One particular instance was reported in the press recently, in the Washington Post of May 12, about American Air Force medics jumping into the Pacific with parachutes, parachuting down into the sea to try to get aboard a Soviet fishing vessel, to minister to the physical needs of a Soviet citizen. The reason why they had to be parachuted was that the sea was so rough. So one can imagine how dangerous it must have been for these Americans to parachute into the Pacific, and then to be hauled aboard the Russian vessel to minister to the Soviet citizen.

In my mind, that is a fine example of man on man, human being on human being, trying to help one another with a true spirit of humanity.

I mention this because it makes me wonder why it is that nations, in an eclectic way, finds means, in a wholesale fashion, to murder each other, when, left to their own devices, men can seek a level of peace and humanity.

I ask unanimous consent that the brief article to which I have referred to be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 12, 1971]

Chutists Treat Injured Russian

An injured Russian seaman has been brought to an Oregon hospital after Air Force medics jumped into the Pacific and gave him first aid treatment aboard a Soviet refrigerator ship.

The Pentagon said yesterday the seaman, 44-year-old Kuraev Vladimir Vasilijivich, was taken off the 278-foot Russian food processing ship Pachenda off Astoria, Ore.

Because of rough seas, an amphibious plane was unable to land but three U.S. pararescue men parachuted into the sea and were taken aboard the vessel to treat the injured seaman.

THE MANSFIELD PROPOSAL AND ADMINISTRATION POLICY

Mr. GRAVEL. Mr. President, on another matter, I want to compliment the majority leader for what I think was a very unusual bon mot. I think one seldom sees the tactics of the President in this regard, when he appears to be calling on everybody and anybody who has a name in the field of foreign policy to man the barricades and lend a hand to the present policy that the present administration is trying to sustain, a policy which the majority leader has brought into severe question by, to my mind, a very courageous proposal.

Before going on. I note that the distinguished Senator from Maryland (Mr. MATHIAS) is on the floor, and I want to yield to him as much time as he may need for his purposes.

Mr. MATHIAS. Mr. President, I thank the Senator from Alaska for yielding to me so that I may, very briefly, make two unanimous-consent requests. They refer to two articles which appeared in today's press. First was an editorial which appeared in the Washington Post, entitled "The Mansfield Amendment: Why Not Vietnam"?

I think that is a good question. I want to assure the editors of the Washington Post that before the pending business is disposed of, we will move on to the question of Vietnam.

The editorial poses such a strong argument for defeat of the Mansfield amendment that I feel the editorial should be made a part of the debate, and so I ask unanimous consent that it be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 14, 1971]

The Mansfield Amendment: Why Not Vietnam?

The merits, the politics and the diplomacy of the Mansfield amendment to the draft-extension bill, which would compel the United States to halve its troop strength in Europe by Dec. 31, are three separate matters.

On the merits, the amendment is a disaster. The essence of alliance is to consult with one's allies about the common interest. To present them with a *fait accompli*, especially one of the Mansfield magnitude, would quite certainly cost the United States not only the confidence of its allies but the respect of its adversaries. In particular, the prospects of negotiating troop reductions or political settlements in Europe with the Warsaw Pact would disintegrate. Important sums might be saved on the American defense budget and balance of payments. Far more important increments would be lost to Washington's world position and its word.

The politics of the Mansfield amendment seem to be that even though its sponsor may give way on details of number and date in order to get it through the Senate, the measure stands virtually no chance of clearing the House, and the President doubtless would employ a veto if any significant shred of it reached his desk. We have a certain sympathy for Senator Mansfield, who has tried patiently and politely for years to win successive Presidents over to his view, but this does not justify his use of a legislative bludgeon now. The very fact that he introduced his amendment, even though it may be watered down and finally defeated, will stretch taut the already strained relations between the White House and the Capitol and—without just cause—embarrass the President in his conduct of foreign affairs.

This is where the diplomacy of the amendment lies. There is nothing magic about the figure of 310,000 American men in Europe but it is spun of more than cotton candy. It reflects a NATO consensus on the military requirements of Western security and it also reflects a political guarantee of the American commitment to Europe. Any change from this figure must express more than a senator's irritation or the general weariness over Vietnam or an attack of balance-of-payments blues. Above all, any change must flow from alliance decision.

We have never been sanguine about chances of getting Moscow to negotiate troop cuts, if only because of the large occupation role of Soviet troops in East Europe. This should not mean, however, that American troops are frozen in place until Moscow feels ready to trust its East European allies. Ideally, reduction or thinout or redeployment would be mutual but in practice it may be appropriate and safe simply for NATO to sit down and *as an alliance* explore again whether improvements in NATO firepower or mobility or changes in the nature of the Soviet threat may not permit certain agreed reductions, or whether the growing unity and strength of West Europe may now allow the Europeans themselves to take over a greater share of their own defense. The key words are, we repeat, *as an alliance*. Therein, the postwar years have shown, lies the true security of the West.

In fact, if Senator Mansfield and others feel an overwhelming urge to retrench and reduce American forces overseas, there is another far more appropriate place they might look: Vietnam. To summon home troops from one theater where they have helped keep the peace well for more than two decades, while shying from removing troops from a theater of costly and agonizing war, is lopsided and baffling. There looms in the Senate, beyond the Hatfield-McGovern amendment that would set a flat deadline for withdrawal from Vietnam, the Cooper-Church amendment that would in effect require the President to set a deadline linked to Hanoi's release of American POWs. Why Europe, why not Vietnam?

Mr. MATHIAS. Mr. President, I also want to call to the attention of the Senate an article which appeared in today's New York Times, written by a distinguished journalist, Mr. James Reston. He has entitled his article, with a certain amount of dry humor, "Meat-Ax Mike."

He does not carry out in the theme of the article the appellation of meat ax which he applies to the distinguished majority leader. In fact, by his article, he indicates that the majority leader is anything but a meat-ax politician, and that what he tries to do through the Mansfield amendment, which Mr. Reston thinks should be defeated, is to bring about some thoughtful change in our military relationships with the other NATO allies.

This is not at all a thought which I think is repugnant to other Members of the Senate. NATO has been a great institution, but it is not a monument. It is not unchangeable, immutable.

I think the thoughts expressed by Mr. Reston as to the long-range effects of the debate are extremely substantive and valuable. While Mr. Reston hopes, as I hope, that the Mansfield amendment will be defeated, I think the long-range change which may come about as a result of our discussions can be useful.

It is my intention, when I submit my modification of the substitute for the Mansfield amendment, to provide for full consideration, for careful consideration, so there can be the kind of evaluation which will keep NATO alive and a vital and viable institution, and not merely a monument to a heroic moment in American history.

I ask unanimous consent that the article entitled "Meat-Ax Mike" be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 14, 1971]

Meat-Ax Mike

(By James Reston)

WASHINGTON, May 13.—Mike Mansfield, the majority leader in the Senate, is a cool and sensible man, so when he tries to cut the American military forces in Europe in two it is obvious that something is seriously wrong.

Mainly, it is the accumulated frustrations of over twenty years. Mike is fed up with the war, with the cost of the military, with the failure of most of the European allies to hold up their end of the common defense burden, with the inability of the Government to resolve any of these problems.

For ten years now, he has been wrinkling his expressive face and appealing to successive administrations to make substantial cuts in U.S. forces in Europe. Last August, he sent a long catalogue of questions to Secretary of Defense Laird on this subject and never even got an answer. The recent European run on the dollar was too much for him, so he reached for his meat-ax.

His general charge is fair enough: the American military presence in the world is too large, the allied contribution too small, and neither is very responsive to gentle persuasion.

According to his figures, the United States now has over 2,000 bases in over thirty countries all over the world, surrounded by 1,750,000 military personnel, military dependents and indigenous workers at an annual cost of about $4.5 billion a year.

In Europe alone, the United States has 300,000 military men, 225,000 dependents, 128 generals, and over 7,000 nuclear warheads, and is even paying land taxes on some of its bases. "We are paying them to stay there to defend them," Senator Mansfield says, and a lot of his colleagues on both sides of the aisle share his resentment.

Well, the Congress of the United States, silly as it sometimes is and much as it likes and respects Senator Mansfield, is not going to dismember the most effective American alliance of the century by voting to compel the President to halve his European force, but this is what happens in Washington when old policies are not kept up to date and appeals for sensible review of force levels are ignored.

In their preoccupation with the Vietnam war, the last two Administrations have allowed the North Atlantic Alliance to loiter down into a miliary organization that is just large enough to be enormously expensive, and yet just small enough to be vulnerable to defeat without the use of tactical weapons.

It was the aim of American policy over the last generation—and of Senator Mansfield—to encourage the formation of a strong and unified Europe which could act as an equal partner with the United States in a shared defense of a common civilization.

Instead, the Europeans have preferred to enjoy their prosperity and national independence rather than pay the price of political union, and have counted on the United States for their security rather than on one another.

This has caused increasing irritation here, particularly when the cost of U.S. arms has contributed to monetary crises abroad and social and economic difficulties at home; but it is clearly far too large a problem, encompassing nothing less than the organization of world peace, to be handled with a sudden rider on a Senate bill that has not even gone through the scrutiny of public or private hearings in this session of the Congress.

What is particularly ironic about this is that the Mansfield amendment was tossed at the Senate precisely at the time when the West Europeans are finally on the verge of bringing Britain into the European Economic Community and making progress at last toward some political unity.

Still, Mr. Mansfield is not an ill-tempered isolationist acting out of frustration and caprice. He knows the U.S. Army in Europe is bloated with noncombat and noncombat support troops. He feels the war is coming to an end in Vietnam and that, with China emerging from isolation, new reappraisals of policy in Asia as well as in Europe are on the horizon.

Also, he has been around this city just long enough to know, as John Gardner says, that institutions don't move unless they are shoved, and that on such questions as influencing the Pentagon and the allies, a gentle shove is not enough.

So for the moment he sounds like the terrible-tempered Mr. Bang, and he has the President, the Secretaries of State and Defense, Henry Kissinger and assorted spokesmen rushing to the defense of the grand alliance.

But maybe Mike's gentle meat ax will do some good after all. He could even revive some talk about building a sensible world order again, and no such large subject as that has been discussed around here since Lyndon Johnson discovered Vietnam.

Mr. GRAVEL. I thank the Senator from Maryland for what I think was a very appropriate reference to the organization as an institution, and not a monument. I think this is a movement from a monument to an institution, because it has not changed for 20 years, which to my mind typifies its monumental immutability.

But, to return to what I was saying before I yielded to the Senator from Maryland, about the President's calling in all the names which could be found to lend credibility to his objections to the Mansfield amendment, I think the best statement in that regard was made by the Senator from Montana (Mr. MANSFIELD) himself, as reported in the New York Times, and I quote from Senator MANSFIELD:

> They are calling in all the old-timers, all the guys who formulated this policy 25 years ago. It just illustrates the generation gap in our policy.

I think that is so ably said.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. GRAVEL. Mr. President, lastly, I ask unanimous consent to include in the RECORD an editorial from the Christian Science Monitor that appeared on May 11, entitled "And Corrections at Home." The substance of the article is the state of our Military Establishment. A good deal of the criticism that has taken place thus far, and that will continue to take place, is that those who wish to cut the numbers in our Military Establishment are really trying to hamper the Military Establishment.

Nothing could be further from the truth. The case we will make rests squarely on the Gates Commission, which is a very outstanding commission and which has made the most definitive statement ever made with reference to our Military Establishment. General Gruenther and General Norstad are on the Commission, two very fine military officers. The Commission approved unanimously all of the recommendations they put forth. It truly can be said, as the Commission itself said, what they are trying to do is improve the military. That is exactly what we are trying to do—improve the military; because if we have an improved military, we obviously have improved our defense posture, and a proper defense posture, and a proper defense posture is paramount.

This article demonstrates the excesses that are wrapped in today's military, and places in proper focus a good portion of the blame on the fact that we have the draft, and the draft has been, certainly to a great extent, responsible in a culpable way for the difficulties we face with regard to our military. I would only like to say that this could be easily corrected by letting the draft expire at the end of next month.

The PRESIDING OFFICER. Does the Senator desire to have the editorial printed in the RECORD?

Mr. GRAVEL. Yes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AND CORRECTIONS AT HOME

There may be many other contributing reasons behind the drop in the value of the dollar, but only one is really important. The political leadership in Washintgon has for six years tried to run a very expensive war "on the cuff" like the family that lives beyond its means.

The fault has been bipartisan. It was committed in the first case by Lyndon Johnson: In 1965 his economic and congressional leaders advised him to raise taxes and pay for the war as he went along. He refused, on the comforting theory that the overwhelming might of the American military machine would win the war before the cost began to hurt.

Richard Nixon promised his backers of 1968 that if elected he could cut taxes. Unlike some presidents who have put embarrassing campaign promises aside on getting to the White House, Mr. Nixon insisted on dropping the income surtax.

It is merely coincidental that Washington's European creditors chose to close down on easy credit (buying more dollars than they want or need at the old official rate) at the same time that Congress begins debate on extension of the so-called "selective service" system, and an Army staff sergeant goes on trial for making a fortune out of Army PXs. But there is a connection among all these things.

Corrupt staff sergeants are just another surface manifestation of living beyond one's means.

The American Army is the most overstuffed in history. Thanks to the draft, it has become accustomed to more manpower than it ever needed. It lives extravagantly, in every way. Its greatest single extravagance has been to keep long-term volunteers largely in safe occupations while sending the drafted men into combat. Roughly nine out of ten combat riflemen in Vietnam have been draftees.

The Vietnam war was itself a luxury possible only because the draft existed.

The Army has been living high, on unlimited manpower. The Government has been living high, on fighting faraway frontier wars without enough taxation to carry them. And it all comes together in a day of reckoning. It's always like this sooner or later, for those who live beyond their means. The time comes when creditors cut off credit. That is precisely what the European bankers have done to Uncle Sam.

One way to prevent a recurrence will be to make sure that no president ever again commits half a million Americans to a faraway war as easily as President Johnson was allowed to do it.

And one way for Congress to do that will be to take a very careful look at the draft. Perhaps it has to be extended for another year or two; but it need not be extended indefinitely, nor need a president be able to use it at his discretion for wars beyond the country's resources.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senate will now proceed to the transaction of routine morning business for a period of not to exceed 30 minutes, with speeches of Senators limited to 3 minutes.

THE GROSS NATIONAL PRODUCT AND THE ECONOMY

Mr. GRIFFIN. Mr. President, on February 24, 1971, the New York Times published an article written by Edwin L. Dale, Jr., entitled "Samuelson Derides Nixon's Forecast on the Economy." Included in that article was this quotation:

> The 1970 winner of the Nobel Prize for economics used such terms as "poppycock," "ludicrous," "cynical" and "comic opera" today to describe the Nixon Administration's relatively optimistic projections of the economy for this year.

Mr. President, in this morning's Washington Post on page 1 and this morning's New York Times on page 55, it is reported that a revision and updating of the first quarter GNP figures makes clear that the Nation's gross national product actually increased by nearly $31 billion in the first quarter of 1971 instead of the originally projected $28.5 billion. This new figure translates into an increase in dollar value of 13.1 percent over the fourth quarter of 1970, which is the largest percentage increase in the GNP since 1958.

A number of critics thought that the administration's hopes for economic expansion of this order were unrealistic. For example, Otto Eckstein, a former Democratic member of the Council of Economic Advisers and professor at Harvard, predicted earlier this year that the first quarter GNP would increase only about $22 billion. His prognosticative skills should be duly noted today.

This increase brings the seasonally adjusted annual rate for the GNP up to $1,020.7 billion. Real GNP—the GNP stated in 1958 dollars—also was revised upward to a seasonally adjusted annual rate of $732.7 billion, a 7.1-percent increase over the fourth quarter of 1970.

Most importantly, the upward revision

of the GNP is due to the fact that personal consumption expenditures were higher than originally projected—an indication that consumer confidence is returning and that continued expansion is in sight. Moreover, about half of this upward adjustment in GNP is an improvement in real terms, so that inflation was not the principle reason for the economy's expansion.

Along with the upward revision in the GNP first quarter figures, increased retail sales and upward bound corporate profits show that the economy is responding to President Nixon's policies. First quarter retail sales now stand at $31,649 million, an increase over the fourth quarter of 1970 of 4.1 percent.

The seasonally adjusted annual rate for corporate profits in the first quarter of 1971 stands at $86.4 billion, an increase over the first quarter of 1970 of 4.6 percent. The trend of corporate profits points upward and reflects the continuing upswing in the economy.

Mr. President, it is time for those who have been determined to play politics with the Nation's economy to take a new look at President Nixon's statement when he said:

> Nineteen seventy-one will be a good year, and 1972 will be a very good year.

I ask unanimous consent to have printed in the RECORD the article which appeared on the front page of today's Washington Post, entitled "GNP Figure Increased for First Quarter," written by Carole Shifrin, and the article entitled "GNP Rose More Than Estimated," written by Edwin L. Dale, Jr., and published on page 55 of today's New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GNP FIGURE INCREASED FOR FIRST QUARTER

(By Carole Shifrin)

A report heartening to the Nixon administration indicates that the pace of the nation's economy was faster in the first quarter than earlier statistics had suggested.

The Commerce Department said yesterday the Gross National Product—total output of goods and services—increased by a record $30.8 billion in the first quarter to an annual rate of $1,020 billion. In preliminary figures, Commerce said the economy had grown by $28.5 billion in the three-month period to $1,018 billion.

Along with the $2.3 billion rise in the GNP figures, Commerce reported that corporate profits rebounded strongly in the first quarter after an actual decline in the fourth quarter of 1970.

Clouding the economic picture, however, were figures showing that the inflation rate in the first quarter, at an annual rate of 5.6 per cent, was worse than the 5.2 per cent reported earlier. This is the so-called GNP price deflator, considered the best measure of inflation in the economy.

George Shultz, director of the Office of Management and Budget, called the new GNP data "gratifying" and said it indicates "a good strong first quarter.

"We think the economy is moving along smartly," he said. Although conceding the figures show "a considerable price increase," he pointed out they also reflect a 7.1 per cent gain in real economic growth, whereas earlier figures showed a 6.5 per cent gain.

Commerce Secretary Maurice Stans was also optimistic about the new figures, calling them "solid confirmation of the strong resurgence of the U.S. economy."

Although the newer data edged the administration a bit closer to its goal of a $1,065 billion economy this year, it falls short of what most economists believe was needed in the first quarter to attain the goal. Most economists had suggested that a first-quarter GNP increase of $35 billion was necessary to put the economy on the track to achieve the official projection.

Most of the first-quarter GNP gain—which, at 13.1 per cent, is the largest in 13 years—is still attributable to a rebound from last year's General Motors strike. Of the $30.8 billion gain in output, the Commerce Department figures indicate that $19.6 billion of it was in automobiles and associated products; the other $11.2 billion was a gain in the rest of the economy.

Earlier figures had shown a gain of $19.2 billion in automobiles and $9.3 billion for the rest of the economy. Most of the $2.3 billion increase in first-quarter GNP figures, therefore, was attributable to gains in the rest of the economy.

Contributing to the gain was an increase of $1.7 billion in consumer expenditures in the first quarter. A Commerce official indicated that Americans spent $1.4 billion more on durable goods—furniture, household goods and other durables—and $300 million more on non-durable goods—food and clothing—than the earlier figures showed.

As a consequence, consumers saved less. Personal savings in the first quarter declined $1.5 billion from the earlier estimate to a 7.0 per cent savings rate from 7.2 per cent in the preliminary report.

Other factors contributing to the revised GNP gain were residential construction, up $400 million over the earlier report; net exports, up $500 million, and total government purchases, up $700 million.

Business inventories were revised downward by $1 billion from earlier figures.

A Commerce official attributed the change in the inflation rate—from 5.2 per cent to 5.6 per cent—to three factors: increased costs of private construction; a larger increase in prices of exported goods than imported goods, and higher food prices in March than were anticipated in the earlier report.

As to corporate profits, Commerce reported that first quarter before-tax book profits increased 13.2 per cent from the fourth quarter to a seasonally adjusted annual rate of $86.4 billion. The $10.1 billion three-month rise compares to an $8.1 billion drop the quarter before, a reflection primarily of effects of the GM strike.

GNP ROSE MORE THAN ESTIMATED: FIGURES REPORTED FOR FIRST QUARTER—ADVANCE MADE IN CORPORATE EARNINGS

(By Edwin L. Dale, Jr.)

WASHINGTON.—The nation's total output of goods and services rose a little more in this year's first quarter than the preliminary estimate a month ago had indicated the Commerce Department reported today.

It also said that corporate profits before taxes rose $10.1-billion in the first quarter to an annual rate of $86.4-billion. This was higher than in any quarter of 1970 but still was below profits in 1969.

The gross national product in the first quarter was put at an annual rate of $1,020.7-billion up $30.8-billion from 1970's fourth quarter and $2.33-billion higher than previously estimated. However, in real terms—the G.N.P. measured in constant 1958 dollars—the new figure was only $1.1-billion higher than the earlier estimate, at $732.7-billion.

This real measure of the G.N.P. rose at an annual rate of 7 per cent in the first quarter, in contrast to a drop of 4 per cent in the fourth quarter of 1970. The automobile strike late last year and the subsequent recovery accounted for most of the difference.

The Secretary of Commerce, Maurice Stans, said today's report provided "solid confirmation of the strong resurgence of the United States economy." He added that "the major economic signs point to vigorous economic growth in the second quarter," citing as "one of the most important" the continued strength of retail sales.

The big rise in the gross national product in the first quarter came despite an unusually low level of inventory accumulation—less even than in the depressed fourth quarter. "Final sales" (the G.N.P. minus inventory changes) rose by $33-billion, a huge increase by any measure.

However, as measured by the G.N.P. price index there was little or no lessening of inflation in the first quarter. This was in contrast to the picture presented by the consumer price index. The G.N.P. price index for the private sector, adjusted to remove distortions, rose by 5.1 per cent in the first quarter, the same as in the last quarter of 1970.

As compared with the preliminary report, the chief upward revision in today's G.N.P. figures was in personal consumption spending. Exports were also revised upward and inventory accumulation downward.

Like the gross national product, the profit figures in the first quarter were dominated by the recovery in the automobile industry. The $86.4-billion annual rate for profits before taxes compared with $81.3-billion for all 1970 and $91.2-billion for 1969.

After-tax profits were put at $47.5-billion, up from $41.4-billion in the fourth quarter of 1970. The report said corporate tax liabilities rose $4-billion, with the downward impact of the expiration of the income-tax surcharge offset in part by provisions of the 1969 Tax Reform Act.

The rise in corporate tax liabilities resulted in an increase in Federal receipts, reducing the deficit in the budget as measured on the "national income accounts' basis, which is often used as a measure of the stimulative effect of the budget on the economy.

The budget deficit on this basis was at an annual rate of $13.3-billion in the first year's fourth quarter.

CONTINUING AUTHORITY FOR THE COMMITTEE ON APPROPRIATIONS TO SIT DURING SESSIONS OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Appropriations be, and it is hereby authorized during the 92d Congress, to file reports during adjournments or recesses of the Senate, on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI pursuant to rule XL for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

This is the usual form. The leadership just forgot to bring it to the attention of the Senate at the beginning of the session.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, this, as the majority leader has stated, is a practice that has been followed traditionally in the Senate, and the request has been cleared, as I understand it, with the minority leader.

Mr. MANSFIELD. Yes. I make it, really, at the request of the distinguished chairman of the Appropriations Committee and the ranking minority member.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STATE OF THE ECONOMY AS REFLECTED IN THE GROSS NATIONAL PRODUCT

Mr. PROXMIRE. Mr. President, in response, in part, to what the distinguished assistant minority leader (Mr. Griffin) said a moment ago, there is no question but that the announcement by the Department of Commerce today concerning the increase in the gross national product is encouraging. We must all recognize that. It was a somewhat better first quarter, before these revisions which makes it even better. But, Mr. President, we have to put this news in proper perspective.

What has been compared by the administration is the first quarter of this year—January, February, and March—with the last quarter of last year—October, November, and December. When you do that, you are comparing a quarter last year which was extraordinarily depressed by the General Motors strike with a quarter this year which had an extraordinary comeback because the General Motors strike was over, so that whereas they sold very few cars in the last quarter of last year, they had a very large increase, much larger than they would otherwise have had, in the first quarter.

If you take that out—which I think would be only fair—or compare the third quarter of last year with the first quarter of this year, either way, you will still find the economy is moving ahead very, very slowly indeed.

One of the most interesting elements of the newly revised statistics is that the GNP price deflator, which all economists recognize as the best measure of inflation, shows a higher degree of inflation in this first quarter of the year than had been estimated before—very close to 6 percent. I think when we recognize that we have 6.1 percent of our people out of work, recognize that inflation is still not under control, and recognize that wholesales prices went up in April by an annual rate of 6 percent, we must recognize that we still have a long, long road to go to get our economy on the right track.

Mr. President, I think that the President has had a very difficult time with our economy, because it was overheated when he took over; there is no question about that. It was necessary to cool the economy down. But I think we must recognize that we have at the present time a situation where unemployment is much too high and there is every indication that high unemployment is likely to continue. Economists who have testified before our Joint Economic Committee have said they expect it to continue at close to a 6-percent level for the rest of the year; and there is no solid evidence that we have inflation under control.

Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT UNTIL MONDAY MAY 17, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. That order, of course, Mr. President, is subject to change later today.

(Subsequently, the order was changed to provide for the Senate to recess until 9 a.m. on Monday.)

ORDER FOR RECOGNITION OF SENATORS BELLMON AND GRAVEL ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oklahoma (Mr. Bellmon) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that, following the remarks of Senator Bellmon on Monday next, the distinguished Senator from Alaska (Mr. Gravel) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Byrd of West Virginia) laid before the Senate the following letters, which were referred as indicated:

Report on Contracts Negotiated By NASA

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on contracts negotiated under 10 U.S.C. 2304 (a)(11) and (a)(16) for the period July 1, 1970, through December 31, 1970 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

Proposed Legislation to Broaden Authority of the Secretary of the Military Departments

A letter from the Secretary of the Navy, submitting a draft of proposed legislation to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation to Amend Driver Register

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes (with accompanying papers); to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Highway Program Shows Limited Progress Toward Increasing Accessibility To and Through Appalachia" (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the assessment of the Teachers Corps program at Northern Arizona University and participating schools on the Navajo and Hopi Indian Reservations (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation Declaring That the United States Holds Certain Lands in Trust for the Minnesota Chippewa Tribe, Minnesota

A letter from the Assistant Secretary of the Interior, submitting a draft of proposed legislation to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

H.R. 7500. An act to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general (Rept. No. 92–108).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD:

S. 1862. A bill to authorize the Secretary of the Interior to accept deeds conveying land to the United States of America in trust for any one of the Fort Peck Indian children of James Olson and Charlotte Boyd Olson. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 1863. A bill to authorize the Secretary of the Interior to convey certain lands to August Sobotka and Joseph J. Tomalino of Intake, Mont. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 1864. A bill for the relief of Antonio Passalaqua. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 1865. A bill to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for certain appointments. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. Percy, Mr. Bayh, Mr. Brooke, Mr. Cranston, Mr. Griffin, Mr. Hatfield, Mr. Humphrey, Mr. Montoya, Mr. Scott, Mr. Thurmond, and Mr. Tunney):

S. 1866. A bill for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 1867. A bill to amend the Bail Reform Act of 1966 to provide for pretrial detention of dangerous persons charged with dangerous or organized crime acts; and

S. 1868. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to authorize revocation of pretrial release for persons who violate their release conditions, intimidate witnesses or jurors, or commit new offenses, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 1869. A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes; and

S. 1870. A bill for the relief of Alfred Hiltbrunner. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 1871. A bill to amend the United States Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner). Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CASE (for himself, Mr. Bayh, Mr. Chiles, Mr. Cranston, Mr. Eagleton, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Mathias, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Proxmire, Mr. Ribicoff, Mr. Scott, Mr. Schweiker, Mr. Stevenson, Mr. Taft, Mr. Tower, Mr. Tunney, Mr. Williams, and Mr. Weicker):

S. 1372. A bill for the relief of Soviet Jews. Referred to the Commitee on the Judiciary.

By Mr. PROUTY:

S. 1873. A bill to amend the National Labor Relation Act to make certain limitations on penalties levied by a labor organization upon its members, and for other purposes. Referred to the Committee on Labor and Public Welware.

By Mr. MAGNUSON:

S. 1874. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. Bayh, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Boggs, Mr. Byrd of West Virginia, Mr. Cannon, Mr. Case, Mr. Church, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Curtis, Mr. Eagleton, Mr. Eastland, Mr. Goldwater, Mr. Gravel, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Symington, Mr. Thurmond, Mr. Tunney, Mr. Williams, Mr. Young, and Mr. Griffin):

S. 1875. A bill to establish the calendar year as the fiscal year of the Government and to provide for separate periods during sessions of the Congress for the consideration of appropriation bills, and for other purposes. Referred to the Committee on Government Operations.

By Mr. BURDICK:

S. 1876. A bill to provide for the division of jurisdiction between State and Federal courts, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 1877. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code of 1954 to exclude from earnings for social security benefit and tax purposes certain royalties and renewal commissions paid to an individual after the year in which he attained age 65, and certain payments made to an individual's survivors or estate after the year of his death. Referred to the Committee on Finance.

By Mr. HANSEN (for himself, Mr. Mansfield, Mr. Metcalf, and Mr. McGee):

S. 1878. A bill to amend section 5 of Public Law 89–664, which established the Bighorn Canyon National Recreation Area. Referred to the Committee on Interior and Insular Affairs.

By Mr. HATFIELD:

S.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HRUSKA (by request):

S. 1865. A bill to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for certain appointments. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to authorize the Attorney General to establish age limits for certain appointments, and ask that it be appropriately referred. I ask unanimous consent that, at the conclusion of my remarks, there be printed in the Record the full text of the bill, the Attorney General's letter of transmittal, and a Statement of Purpose and Justification prepared by the Department of Justice.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. HRUSKA. Mr. President, recent events throughout the country have, among other things, underscored the need for flexible and responsive law enforcement. The need for qualified young people in law enforcement continues to grow. In the Department of Justice, however, there are a number of highly specialized law enforcement positions to which appointments are made in the competitive Civil Service. Section 3307 of title 5, United States Code, presently prohibits the Attorney General from fixing age limits for original appointments to these positions, although he feels such limits are extremely important.

The positions in question are:

Border Patrol Agent, Immigration and Naturalization Service;

Criminal Investigator, Bureau of Narcotics and Dangerous Drugs;

Correctional Officer, Bureau of Prisons; and

Deputy U.S. Marshal, U.S. Marshals Service.

The strenuous and hazardous activities of those who occupy these positions are detailed in the Statement of Purpose and Justification which will appear at the conclusion of these remarks. I will not repeat them at this point. I can only add my personal conviction that there is great need to bring to these positions young and flexible applicants who can meet today's challenges in the field of law enforcement.

Mr. President, the renowned Federal Bureau of Investigation has established age limits for original appointments to Special Agent. The District of Columbia Police and the U.S. Park Police, who combined in such outstanding fashion during recent weeks to protect the citizens of the District and the Federal Government, also have age limitations on original appointments. Regarding the Park Police, their authority to establish these age limits was created during the 91st Congress in a manner similar to that which today I propose.

The Senator is a firm believer in the general principle that age should not be a factor in employment. I know the Attorney General has the same conviction. It is doubly impressive, therefore, that the Attorney General has asked for this specific authority in order to make the agencies in question still more responsive to the needs of law enforcement in their highly specialized fields.

Mr. President, this is an important proposal. Its enactment will enable the Department of Justice to improve still further the outstanding services it now provides to the Federal Government and to the people. I urge the Senate to give prompt and favorable consideration to this bill.

Exhibit 1

S. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3307 of title 5, United States Code, is amended by designating the present section as subsection (a), and by adding the following as subsection (b):

"(b) Notwithstanding the provisions of (a), the Attorney General, with the concurrence of such agent as the President may designate, is authorized to determine and fix the minimum and maximum limits of age within which original appointments may be made in the Department of Justice to Border Patrol Agent in the Immigration and Naturalization Service, Criminal Investigator in the Bureau of Narcotics and Dangerous Drugs, Correctional Officer in the Bureau of Prisons, and Deputy United States Marshal in the United States Marshals Service."

Exhibit 2

Office of the Attorney General,
Washington, D.C., April 26, 1971.

The Vice President,
U.S. Senate,
Washington, D.C.

Dear Mr. Vice President: Enclosed for your consideration and appropriate reference is a legislative proposal to authorize the Attorney General to establish age limitations for certain appointments within the Department of Justice.

Current law effectively prohibits the establishment of maximum age limitations for employees entering Federal employment through the competitive civil service. As provided in Section 3307 in title 5, United States Code:

Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

The Department of Justice is the Federal Government's principal law enforcement agency, and accordingly employs a substantial number of specialized professional personnel. In the Department, original appointments to Special Agent positions in the Federal Bureau of Investigation, which are not in the competitive service, are subject to established minimum and maximum age limitations. Because of the prohibition in Section 3307 of title 5, United States Code, equally desirable age limitations do not exist for original appointments to the following law enforcement positions:

Border Patrol Agent, Immigration and Naturalization Service;

Criminal Investigator, Bureau of Narcotics and Dangerous Drugs;

Correctional Officer, Bureau of Prisons;

Deputy United States Marshal, United States Marshals Service.

The 91st Congress has demonstrated a recognition of the need to depart, in limited situations, from the general rule that age should not be a qualification for employment. Public Law 91-73, approved September 26, 1969, authorizes the Secretary of the Interior to establish minimum and maximum age limits for original appointments to the United States Park Police.

The basic justifications for the recent passage of Public Law 91-73 apply with equal force to the four Department of Justice positions listed above. There is a vital need to attract young, flexible, career-minded individuals to these strenuous and hazardous professions. The highly specialized training received by new employees selected for these positions is becoming more extensive and expensive. Age limitations will enhance the ability of these employees to survive this training, perform at peak efficiency on the job, and remain with their agencies for a greater length of time prior to retirement.

These troubled times require our very best efforts in the area of law enforcement. Enactment of this proposal will enable the Department to take a significant step in its continuing efforts to provide the best possible law enforcement services to the people.

The Office of Management and Budget has advised that there is no objection to the enactment of this legislation from the standpoint of the Administration's program.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

EXHIBIT 3

STATEMENT OF PURPOSE AND JUSTIFICATION OF PROPOSED LEGISLATION TO AMEND 5 U.S.C. § 3307, TO AUTHORIZE THE ATTORNEY GENERAL TO ESTABLISH AGE LIMITATIONS FOR CERTAIN APPOINTMENTS

The purpose of the proposed legislation is to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for original appointments to the following law enforcement positions:

Border Patrol Agent, Immigration and Naturalization Service;

Criminal Investigator, Bureau of Narcotics and Dangerous Drugs;

Correctional Officer, Bureau of Prisons; and

Deputy United States Marshal, United States Marshals Service.

The need to attract young, flexible, career-minded individuals to such strenuous and hazardous professions is best demonstrated by a brief description of the duties of persons occupying these positions.

The Border Patrol is a mobile uniformed enforcement organization with a principal mission to prevent the smuggling and illegal entry of aliens into the United States and to detect, apprehend, and initiate departure of aliens illegally in this country. The Border Patrol Agent encounters persons, both aliens and citizens, attempting to smuggle contraband including narcotics, marijuana, and dangerous drugs. Such persons are arrested and the contraband seized for referral to the U.S. Bureau of Customs. Also, violators, including those who are armed and dangerous, of other federal, state, and local laws are frequently encountered and taken into custody. The duties of Border Patrol officers involve physical exertion under rigorous environmental conditions and irregular as well as protracted and arduous tours of duty. Patrol duties are performed on foot, in motor and jeep-type vehicles, and officers frequently fly as observers in aircraft. These duties are carried out in extreme temperatures and very often in rugged terrain inaccessible by vehicles. Border Patrol officers must, therefore, be in very good physical condition, able to walk long distances, and also able to run in pursuit of fugitives. They must also be able to board moving freight trains and must often physically restrain persons being arrested. Since its organization in 1924, the Border Patrol has had 48 officers killed in the line of duty. Twenty-three of these officers were killed as a result of direct assault. During the 1960's there were eleven officers killed in the line of duty with a force of some 1,200 to 1,400 men.

The Bureau of Narcotics and Dangerous Drugs Criminal Investigator serves as the cutting edge of the Bureau's mission to enforce the Federal narcotic and dangerous drug laws. The persons occupying this position have a hazardous and arduous task; they work well over fifty hours per week in all types of weather and conditions, at all hours, and often in an undercover capacity. Inherent to the nature of the job are the elements of danger and surprise counter-moves by defendants. To competently and successfully perform these duties, the Criminal Investigator must be agile, both physically and mentally. This is a strenuous and taxing vocation and would prove doubly so to the older Criminal Investigator trainee not previously engaged in similar occupations.

Strenuous and hazardous duty is certainly no stranger to the Bureau of Prisons Correctional Officer. The inmate population of our Federal prisons is showing a steady increase in numbers at the same time that the average age of inmates is declining. This increase in population is causing critical overcrowding in a number of institutions and thus demands of our correctional officers greater alertness, keener judgment, and more physical stamina than at any previous time. The younger prison population is more sophisticated and more volatile. The incidents of assaults against both inmates and staff has shown an increase in the past year.

But, the physical demand on a Correctional Officer is not the only reason for a maximum age limitation for original appointments to this position. The final report of the Joint Commission on Correctional Manpower and Training notes, "Young people are missing from the correctional employment scene. While other vocations have tried to capture the enthusiasm and vitality of the present generation of students, the Joint Commission was unable to discover any such broad-scale effort in corrections. . . . [J]uveniles make up about one-third of the total correctional workload and are being referred to correctional agencies at a greater rate than adults. Generation-gap problems between workers and young correctional clients will no doubt increase if efforts are not made to recruit young people into the field."

The Deputy United States Marshal is not only called upon to effect arrests, but is required to transport and guard federal prisoners, often over long distances. This type of job responsibility requires both physical stamina and personal stability in order to respond to spontaneous events. Moreover, deputy marshals are often detailed on special assignments ranging from the enforcement of Federal court orders to the protection of government witnesses in the prosecution of major organized crime personalities. When on special assignment, the deputy must be on the job notwithstanding any possible danger, round-the-clock hours, or inclement weather. Every man on special assignment is a key one, and a break in one link of the chain because of sickness or infirmity precipitates the failure of the entire mission.

Persons are recruited for the four above positions through the competitive civil service. Maximum age limitations for these law enforcement posts are effectively prohibited by 5 U.S.C. § 3307:

Appropriated funds may not be used to pay an employee who establishes a maximum age requirement for entrance into the competitive service.

The proposed legislation would amend 5 U.S.C. § 3307 to authorize the Attorney General, with the concurrence of such agent as the President may designate, to determine and fix the minimum and maximum limits of age within which original appointments may be made to above-described positions.

The law enforcement profession is in general agreement that a maximum age limit is essential in recruiting new personnel. A 1968 survey by the International Association of Chiefs of Police found that of the 162 law enforcement agencies contacted throughout the United States, eighty-nine percent set a standard of thirty-five years or younger as the maximum age for recruits.

Moreover, the Federal government has recognized the value of age limitations for law enforcement appointments. In the Department of Justice, original appointments to Special Agent positions in the Federal Bureau of Investigation, which are not in the competitive service, are subject to established minimum and maximum age limitations. The 91st Congress recognized the need to make certain exceptions to the general rule that age should not be a qualification for employment by enacting Public Law 91-73 authorizing the Secretary of the Interior to establish minimum and maximum age limitations for original appointments to the United States Park Police.

The basic justification for the recent passage of Public Law 91-73 applys with equal force to the four Department of Justice law enforcement positions described above. The enactment of this legislation will remove a significant impediment to the Department's continuous efforts to provide the citizenry with quality law enforcement.

SECTION ANALYSIS

The proposed legislation, which contains only one section, would amend section 3307 of title 5, United States Code, by designating the present section as subsection (a), and by adding a new subsection (b) which would authorize the Attorney General to determine and fix the maximum and minimum limits of age within which original appointments may be made in the Department of Justice to Border Patrol Agent in the Immigration and Naturalization Service, Criminal Investigator in the Bureau of Narcotics and Dangerous Drugs, Correctional Officer in the Bureau of Prisons, and Deputy United States Marshal in the United States Marshals Service.

By Mr. HRUSKA (by request):

S. 1867. A bill to amend the Bail Reform Act of 1966 to provide for pretrial detention of dangerous persons charged with dangerous or organized crime acts; and

S. 1868. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to authorize consideration of danger to the community in setting conditions of release, to authorize revocation of pretrial release for persons who violate their release conditions, intimidate witnesses or jurors, or commit new offenses, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk two bills relating to the reform of the Federal bail system which I am pleased to introduce on behalf of the Attorney General. I ask that they be appropriately referred. I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the texts of the transmittal letters from the Department of Justice and the texts of the bills.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

(See exhibits 1, 2, 3, and 4.)

Mr. HRUSKA. Mr. President, these two bills are new in concept and execution, however, they do have antecedents in past Congresses. Two years ago I joined with the distinguished Senator from South Carolina (Mr. THURMOND) and the late Senator from Illinois (Mr. Dirksen) in introducing S. 2600, 91st Congress, a bill to amend the Bail Reform Act of 1966.

The amendments I proposed were dissigned to correct certain deficiencies in the law which had been revealed by 3 years' experience under the Bail Reform Act. Like the act itself, the amendments were intended to govern bail proceedings in all Federal courts.

After long debate, Congress approved bail reform for the Nation's Capital, in the District of Columbia Court Reform and Criminal Procedure Act of 1970. But it did not act on my amendments for the rest of the federal system. Federal courts in 92 of the 93 judicial districts are still applying the Bail Reform Act without amendment, and they are still confronting the same deficiencies in the act that inspired my bill of 2 years ago.

Because the need for corrective action still remains I am sponsoring these new and revised bail reform bills for consideration by the 92d Congress.

Bail reform has been the subject of considerable controversy in this country since January 1969 when President Nixon asked Congress to authorize the limited pretrail detention of certain dangerous defendants. The President then observed that increasing numbers of serious crimes were being committed by persons already indicted for earlier crimes but free on pretrial release. He suggested that one reasonable way to alleviate this problem was to hold dangerous hard-core recidivists, charged with serious felonies, in temporary pretrial custody until they could be brought to a speedy trial.

Pretrial detention was a major feature of S. 2600 when it was introduced 2 years ago. A revised version is contained in the proposals which I am submitting today.

This new bill has been significantly changed. It strictly limits the noncapital offenses for which a detention order may be issued to the most serious offenses under Federal law. There is no longer a need to include in this national legislation the serious offenses in the District of Columbia because they were covered by the District crime legislation last year. The new bill can thus focus exclusively on a few Federal crimes of great magnitude, such as kidnapping, bank robbery, bombing, aircraft hijacking, racketeering, and the unlawful sale of heroin. The class of persons most substantially affected by this new legislation will be the wanton mercenaries of organized crime.

Open, candid pretrial detention has always been explained as a device to achieve several legitimate objectives.

First, it will reduce the amount of crime committed by persons released on bail. Recidivist defendants may commit multiple crimes while out on bail, some because they are unable to resist the temptation, some because they have nothing but contempt for society. Often these defendants are professional criminals, who have been known to commit 10 or 15 crimes while out on bail.

By detaining the most dangerous of these defendants, we can make reductions in the rate of crime. In addition, the prospect of immediate confinement and an expedited trial should serve as a powerful deterrent to persons contemplating criminal conduct.

Second, apart from a reduction in the rate of crime, individual instances often arise in which a noncapital defendant is so clearly a menace to the public safety that his release before trial would be reckless and dangerous. In these cases, pretrial detention is virtually essential.

Let me give you an example. Last July a uniformed police officer here in the District spotted a man in an alley under suspicious circumstances. He went up to the man to investigate. The suspect shouted for help, and, suddenly, two men jumped the officer from behind. When the attackers had wrestled the officer's service revolver away from him the suspect screamed, "Kill him, kill him." Within the next few seconds, five shots were fired, three directly at the officer. By some miracle, he was not killed.

The question I posed last summer when I read about this case was simply this: Suppose all three men had been arrested and positively identified. Should they have been released? Even though they were probably narcotics addicts or pushers and even though they had assaulted a police officer and come within inches of killing him, they were entitled to release under Federal law.

But could anyone seriously argue that it was in the public interest that these three men should be released? Can anyone seriously argue that society is absolutely without power to restrain these men and to prevent them from trying to kill again?

It is hard to understand the opposition to reasonable safety measures to protect the public from such persons. For we all know that the Bail Reform Act today mandates the release of armed addicts who attempt murder—except in the District of Columbia. This is reason enough for the law to be changed.

Third, pretrial detention is a desirable judicial reform that will restore integrity to the legal system. For hundreds of years judges have detained defendants who were thought to be dangerous through the simple expedient of setting high bond. This practice continues nearly everywhere.

The National Jail Census, conducted March 15, 1970, revealed that 83,079 persons who had not been tried or convicted were being detained in local jails. However, only a fraction of these persons were capital defendants who could be held without bond. Most were held in custody because they did not have the money to make bond.

Mr. President, a classic example of this hypocritical process occurred last June in New York. Police arrested a man they suspected as the "Dapper Dan bandit" who had been involved in 20 bank robberies. In proceedings before a U.S. magistrate, an assistant U.S. attorney asked that bail be set at $100,000. The magistrate denied the request with the comment that "we haven't gotten to the point of preventive bail yet." He then set bail at $50,000.

Mr. President, the "Dapper Dan" incident illustrates quite clearly that many dangerous persons are still detained through the historic expedient of setting high bond, even while the committing magistrate criticizes "preventive bail."

The time has come to reform the law. The understandable judicial instinct to protect society from defendants who pose an obvious danger to the community should not continue to operate without restraint. It can and must be channeled into constructive procedures which limit the range of the judge's discretion and protect the rights of criminal defendants.

Unnecessary detention remains a significant problem, even in the federal system. Minimizing the use of money bond is surely part of the answer. But as we move away from money bond, we must devise other means of coping with those persons who constitute a serious threat to community safety—the organized criminal, the armed and desperate addict, the mad bomber, the professional thug. These people, having committed one serious crime, cannot be turned loose on an unsuspecting public. Pretrial detention—open, candid, and infused with due process safeguards—is the answer.

Two years of intense debate have not shaken my belief, nor the belief of the President and the Department of Justice, in the merits of pretrial detention as a desirable and needed judicial reform. The time will come when it will be approved by Congress for the entire federal system, for that is the only realistic way for us to free ourselves from the money bond system.

Mr. President, in the short term, however, it is apparent that the greatest impetus for the passage of this legislation—the bail situation in the District of Columbia—has been removed. It is also clear that as long as a constitutional cloud hangs over this proposal, it will meet with resistance in both Houses of Congress. A case can thus be made for deferring action on pretrial detention until we have had a chance to scrutinize its application in the District of Columbia and until the courts have resolved the chief constitutional questions that have thus far been raised.

With this course in mind, I have introduced pretrial detention in a separate bill, apart from the other needed bail reforms. This will assure that action can be taken on the other reforms without doing battle at this time on pretrial detention.

I am very pleased and gratified that the distinguished Senator from North Carolina (Mr. ERVIN) has agreed to hold hearings on the subject of bail reform other than pretrial detention, and I earnestly hope that he and I and the other members of the Subcommittee on Constitutional Rights can work together in the same spirit of cooperation that produced the original Bail Reform Act of 5 years ago.

Let me now outline briefly the most important bail amendments I have introduced today and the areas they will involve in the bill we hope will be pushed wholeheartedly in this session of Congress. In the main, there is agreement on the necessity to consider and enact some corrections, particularly as to the following principal points.

1. CONSIDERATION OF A DEFENDANT'S DANGER

Section 3146 of the Bail Reform Act prevents a judicial officer from considering a noncapital defendant's potential danger to persons in the community. The section not only bars the outright detention of these dangerous defendants before trial but also bars any judicial consideration of dangerousness in setting conditions of pretrial release.

This is totally unrealistic. Some noncapital defendants are clearly dangerous; and if the law forbids their detention, it should at least permit the court to evaluate and respond to their dangerousness in formulating appropriate nonfinancial conditions of release. Several of my amendments would accomplish this end. Thus, section 3146 would be amended to read, in part:

> Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such release will not reasonably assure the appearance of the person as required *or the safety of any other person or the community*. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial *or the safety of any other person or the community* or if no single condition gives that assurance, any combination of the [conditions permitted in the statute]. (Emphasis added).

Under these amendments, and others, the court would be able to take account of the danger a defendant might pose to the community. It could impose a curfew or work release when either of those conditions appear desirable. The section would assert in unmistakable terms, however, that:

> No *financial* condition may be imposed to assure the safety of any other person or the community. (Emphasis added.)

This proviso would assure, as far as it is possible to assure by legislation, that henceforward the old hypocrisy of money bond manipulation will cease and desist.

2. APPEAL FROM CONDITIONS OF RELEASE OR ORDER OF DETENTION

A second important section of the bill would revise section 3147 of the bail reform law. This section is entitled "Appeal From Conditions of Release," and it provides that a noncapital defendant who is detained as a result of his inability to meet the conditions of release, may appeal the order of the court. According to the terms of the section, this appeal "shall be determined promptly."

Examination reveals that section 3147 needs at least two strengthening amendments. For instance, the section contains no authority for the Government to appeal a release order. Thus, if an identified kidnapper, who had allegedly pistol-whipped his victim and collected an exorbitant ransom that was not recovered, were released by the court on personal recognizance, the Government could not appeal the court's order to ask for more sensible conditions of release. This shortcoming is indefensible. Federal bail law should accommodate the interests of both defendants and the public. By allowing a defendant the right to appeal, we recognize that situations may arise in which the release conditions established by the court are unnecessarily restrictive and hence susceptible to reasonable modification. By allowing the Government the right to appeal, we will recognize that a judge may on occasion be unduly lax in protecting the legitimate interests of the public.

Section 3147 should also be amended to clarify the law. Although capital defendants and convicted defendants may now appeal a release order or an order of detention, the right to appeal in these situations is not provided in the act itself. The right is set out elsewhere and is difficult to locate. Section 3147 should be amended so that all rights to appeal a bail order, for defendants and the Government, may be found in one section of the Federal statutes. This amendment would in no way affect the substance of a defendant's right to appeal. It would merely establish that right where everyone can find it.

3. BAIL ON APPEAL

A third area for amendment is bail on appeal. Section 3148 of the Bail Reform Act provides that a person who has been convicted of an offense and is either awaiting sentence or has filed an appeal or a petition for a writ of certiorari, is to be treated in accordance with the provisions of section 3146—the pretrial release section—unless the court or judge has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to the community. If a risk of flight or danger is believed to exist, the defendant may be detained.

The existing law is not sound with respect to a person who has been convicted of an offense and sentenced to a term of confinement. In this situation, the court has determined that the defendant should not continue his present lifestyle, that instead he should be imprisoned for his own good or for the good of society. A defendant thus sentenced has a strong motive to flee the jurisdiction. He may also be bitter as a result of his conviction and seek revenge at the expense of society. In cases of this sort, there should be no presumption for postsentence release.

After conviction, a defendant is stripped of any and every presumption of innocence. The articulated reasons for his pretrial freedom no longer apply. After a sentence of imprisonment, a defendant should assume the burden of demonstrating that he is not likely to flee or pose a danger to the community and that his appeal is not frivolous but raises a substantial question of law or fact. There is reason to believe that some Federal judges have been too lenient with bail on appeal. For example, a defendant convicted in Illinois of aiding and abetting an armed bank robbery and sentenced to 18 years in prison, was released on $35,000 appeal bond. Within 3 days, he had left the jurisdiction, robbed a supermarket, and killed a Louisville police officer while attempting to escape. His three cohorts in crime were free on bond from a supermarket stickup in Madison, Wis. All four men were caught and sentenced to death.

Certainly, no one was served by the release of any of these men. But the release of a man already convicted of an armed robbery and sentenced to 18 years in prison is outrageous and inexcusable. Attorney General John Mitchell is quite correct when he states that:

> There is nothing more frustrating to the public than the spectacle of men who have been tried, convicted, and sentenced, running about committing new crimes.

When bail is freely granted to persons who have been convicted and sentenced to confinement, appeals are encouraged, rehabilitation is obstructed, and the struggle for speedy justice is seriously undermined.

If speedy trials are a deterrent to crime, lengthy appeals while defendants remain at large will destroy that deterrent. Any effort to speed up the trial of criminal cases will be futile if we do not tighten bail on appeal.

In revising section 3148, pains have been taken to respond to the criticisms directed by the Senator from North Carolina (Mr. ERVIN) toward the appeal provision in last year's District of Columbia crime legislation. The two provisions are not the same; and I am confident that the reason for the Senator's objection to the District of Columbia legislation has been removed from this bill.

4. PENALTIES FOR FAILURE TO APPEAR

Section 3150 of the Bail Reform Act sets penalties for a defendant's willful failure to appear in court as required. In short, it sets penalties for jumping bail. Five years' experience under the Bail Reform Act suggests that something more is needed to make this section work than the provisions of the present statutes I am therefore proposing several amendments.

The amendments are of critical importance to the successful operation of the bail reform law. The overriding purpose of the law is to eliminate all unnecessary pretrial detention. To accomplish this end, society takes a chance that defendants will keep their pledge to return for trial. Willful failure to appear as required constitutes not only a serious breach of a defendant's pledge but also a direct assault on the administration of justice. It cannot be tolerated.

More than a slap on the wrist is needed to deter bail jumping. Past experience suggests that tough minimum penalties are required to deter defendants from jumping bail and to justify the separate prosecution of these offenders under the law. Tiny, insignificant penalties and concurrent penalties do not achieve satisfactory results.

The amendment proposed for section 3150 would also clarify the meaning of a "willful" failure to appear. There is no attempt here to trap unwitting defendants, but there is a conscious attempt to preclude evasions which escape punishment. A defendant is not to escape punishment by strained interpretations of the term "willful" or by ingenious efforts to avoid notice.

5. SANCTIONS FOR VIOLATING CONDITIONS OF RELEASE

The Bail Reform Act fails to authorize clear judicial sanctions for defendants who violate the conditions of their release. This shortcoming is corrected by a proposed new section, 3150A, which would read in part:

> A person who has been conditionally released pursuant to section 3146 and who has violated a condition of release shall be subject to revocation of release and to prosecution for contempt of court.

Subsection (b) of proposed section 3150A details the proceedings for revocation of release and subsection (c) sets out guidelines for imposition of criminal contempt sanctions.

Section 3150A(b) would be a particularly welcome addition to the law. Although some courts have revoked bail under the act, particularly for defendants who have committed an additional offense during the period of release, many judges have been extremely hesitant to revoke bail for lack of clear authority. The absence of effective sanctions for violations of conditions of release has made it difficult to administer the law.

6. SANCTIONS FOR THREATENING WITNESSES OR JURORS ON RELEASE

Another proposed new section, 3150B, would read in part:

> A person who has been conditionally released pursuant to section 3146 and who has threatened, injured, intimidated, or attempted to threaten, injure, or intimidate a prospective juror or witness, shall be subject to revocation of release.

This section, if enacted, would codify the case law. In *United States* v. *Bentvena*, 288 F. 2d 442, 445 (2d Cir. 1961), the court held that:

> A district court "possessed an inherent authority to remand the defendants into custody during trial in the exercise of a sound discretion.

In *United States* v. *Gilbert*, 425 F. 2d 490, 491–92 (D.C. Cir. 1969), the court said:

> We are satisfied that courts have the inherent power to confine the defendant in order to protect future witnesses at the pretrial stage as well as during trial.

The necessities of judicial administration and efficient criminal prosecution require that this power reside in the courts.

Although this section is limited to revocations of release, I have not changed my views that a broader power is actually needed. As I said a year ago in reference to the Gilbert case, "The Bail Reform Act should be amended because, as drafted—it does not—authorize detention of those who would threaten or injure jurors or witnesses or otherwise disrupt the administration of justice. These grounds for pretrial detention are almost universally accepted as necessary and reasonable, but they are not recognized by the language of the 1966 Act. Thus, we have the unfortunate spectacle of a court . . . proclaiming its inherent power to detain defendants who are likely to interfere with the administration of justice, though the controlling statutory language is to the contrary. I do not question the soundness of the court's decision; but neither do I condone the necessity of simply ignoring a statutory command of the Congress."

7. SANCTIONS FOR COMMITTING SERIOUS OFFENSES ON RELEASE

A third new section, 3150C, would permit the revocation of release for defendants who are charged with a felony during the period of their release on another offense. As I noted earlier, the absence of clear authority to revoke bail, even when revocation is fully justified, has hampered courts and led to very peculiar judicial conduct. Thus, in the District of Columbia, we saw a local judge impose money bond of $250,000 on a defendant who was apprehended during a second bank robbery—of the same bank—after once being granted pretrial release. How much simpler and more honest it would have been for the court to have revoked bail. This would be possible if this section is adopted.

8. PENALTIES FOR OFFENSES COMMITTED ON RELEASE

Finally, this bill proposes an amendment which relates to additional penalties that may be imposed for offenses committed during a period of release. The possibility that bail may be revoked is not enough to deter new crimes. We must also provide a formal recognition in the statutes that the commission of crime on bail is deserving of additional penalties as an aggravated betrayal of the trust placed in a defendant when he is released.

Under every bail statute I have ever sponsored, pretrial release has been the preferred policy, and it remains so in this legislation. In order to effectuate this policy, we must be able and determined to move against those who abuse the rights that are granted to them. If we fail to do this, the public will rightfully lose confidence in the law.

Mr. President, I believe the amendments proposed today will tangibly improve the administration of justice. Certainly, they will strengthen the Bail Reform Act, which I was proud to cosponsor 5 years ago. The chief proponent of that bill at that time was the senior Senator from North Carolina. Many of these amendments enjoy the support of the American Bar Association's Advisory Committee on Pretrial Release. They are urgently needed reforms, and they merit the prompt and favorable attention of Congress.

Mr. President, I yield the floor.

EXHIBIT 1

S. 1867

A bill to amend the Bail Reform Act of 1966 to provide for pretrial detention of dangerous persons charged with dangerous or organized crime acts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 207 of title 18, United States Code, is amended by adding after section 3146 the following new section:

"§3146A. Pretrial detention in certain noncapital cases.

"(a) A judicial officer may order a person detained under this section prior to trial if—

"(1) the person is charged with a dangerous or organized crime act, as defined in section 3152(6); and

"(2)(A) the person has been convicted of a felony, as defined in section 3152(3), within the ten-year period immediately preceding the commission of the offense for which he is presently charged, (B) the dangerous or organized crime act, as defined in section 3152(6), was allegedly committed while the person was, with respect to a felony, on bail or other release or on probation, parole, or mandatory release pending completion of a sentence, (C) the person is an addict, as defined in section 3152(7), or (D) the Government certifies by motion that based on the person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in section 3146(b), there is no condition or combination of conditions which will reasonably assure the safety of any other person or the community; and

"(3) the judicial officer—

"(A) holds a pretrial detention hearing in accordance with the provisions of subsection (b) of this section;

"(B) finds—

"(i) that the person is a person described in subsections (a)(1) and (a)(2) of this section;

"(ii) that—

"(a) in the case of a person described only in paragraph (D) of subsection (a)(2), based on the person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in section 3146(b), or

"(b) in the case of a person described in paragraph (A), (B), or (C) of such subsection, based on the factors set out in section 3146(b),

there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(iii) on the basis of information presented by proffer or otherwise to the judicial officer there is a substantial probability that the person committed the offense for which he is before the judicial officer; and

"(C) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(b) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 3146 and it subsequently appears that the person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and if the person is outside the district, he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person's being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information by proffer or otherwise, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under section 3150, in perjury proceedings, and for the purpose of impeachment in any subsequent proceedings.

"(7) An appeal from an order granting or denying detention may be taken pursuant to section 3147.

"(c) The following shall be applicable to persons detained pursuant to this section:

"(1) The person shall be confined, to the extent practicable, in facilities separate from convicted persons awaiting or serving sentences or being held in custody pending appeal.

"(2) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States marshal or other appropriate person for limited periods of time to prepare defenses or for other proper reasons.

"(3) The case of the person shall be placed on an expedited calendar and, consistent with the sound administration of justice, his trial shall be given priority.

"(4) The person shall be treated in accordance with section 3146—

"(A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person other than by the filing of timely motions except for motions for continuances; or

"(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for detention.

"(5) The person shall be deemed detained pursuant to section 3148 if he is convicted.

"(d) The judicial officer may detain for a period not to exceed five calendar days a person charged with an offense who comes before him for a bail determination if it appears that the person is on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law and that the person may flee or pose a danger to any other person or the community if released. During the five-day period, the United States attorney shall notify the appropriate State or Federal probation or parole officials. If such officials fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 3146, unless he is subject to detention under this chapter. If the person is subsequently convicted of the offense charged, he shall receive credit toward service of sentence for the time he was detained pursuant to this subsection.

"(e) Whenever it appears that a person charged with a dangerous or organized crime act, as defined in section 3152(6), may be an addict, as defined in section 3152(7), the judicial officer may, upon motion of the United States attorney, order the person detained in custody for a period not to exceed three calendar days, under medical supervision, to determine whether the person is an addict. Upon or before the expiration of three calendar days, the person shall be brought before a judicial officer and the results of the determination shall be presented to the judicial officer. The judicial officer thereupon (1) shall treat the person in accordance with section 3146 or (2) upon motion of the United States attorney, may hold a pretrial detention hearing pursuant to this section."

SEC. 2. Section 3152 of title 18, United States Code, is amended by adding at the end thereof the following new subsections:

"(3) The term 'felony' means any criminal offense punishable by imprisonment for more than one year by an Act of Congress or the law of a State.

"(4) The term 'misdemeanor' means any criminal of offense punishable by imprisonment for one year or less by an Act of Congress or the law of a State.

"(5) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

"(6) The term 'dangerous or organized crime act' means (1) an offense under section 892, 893, 894, 1951 or 1952 of title 18, United States Code (racketeering), (2) unlawful sale or distribution of a narcotic drug or depressant or stimulant substance, as defined in the Controlled Substances Act, if the offense is punishable by imprisonment for more than one year, (3) an offense under subsection (d), (f), (h), or (i) of section 844 of title 18, United States Code (bombing), (4) an offense under section 902(j) of the Federal Aviation Act of 1958, as added by section 1 of the Act of September 5, 1961, 75 Stat. 466 (49 U.S.C. 1472(j)) (assault related to aircraft hijacking), (5) a kidnaping offense under section 351, 1201, or 1751 of title 18, United States Code, (6) a robbery offense under section 2111, 2112, 2113, or 2114 of title 18, United States Code, or (7) an attempt or conspiracy to commit any of the foregoing offenses.

"(7) The term 'addict' means an individual who habitually uses a narcotic drug, as defined in Section 102(16) of the Controlled Substances Act, 84 Stat. 1242, so as to endanger the public morals, health, safety, or welfare.

EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 14, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Bail Reform Act to provide for pretrial detention of dangerous persons charged with dangerous or organized crime acts.

The Bail Reform Act of 1966 was enacted to assure that all persons, regardless of their financial status, would not needlessly be detained. During the four years since passage of the Act, there has been increasing concern about the commission of crime by dangerous persons released prior to trial. In order to alleviate this situation, we are proposing to give judicial officers authority to deny pretrial release for a sixty day period for certain defendants charged with a "dangerous or organized crime act" who are found to be dangerous after a hearing with appropriate procedural safeguards. A "dangerous or organized crime act is specifically defined in the proposal to include only the following offenses: loan sharking, racketeering, sale of narcotic drugs, assault related to aircraft hijacking, bombing, kidnapping and robbery.

Even if the defendant is charged with one of these offenses he may not be considered for pretrial detention unless (1) he has been convicted of a felony within the preceding ten years, (2) the offense charged was allegedly committed while the person was, with respect to a felony, on bail or other release, or on probation, parole or mandatory release, (3) the person is an addict, or (4) the Government certifies by motion that based on such person's pattern of behavior consisting of his past and present conduct and on other factors, there is no condition or combination of conditions which will reasonably assure the safety of the community.

No one falling within the specific categories, as outlined above, can be ordered detained unless a detention hearing is held. At this hearing the judicial officer must find that the person falls within one of the above categories, that a substantial probability exists that the person committed the offense charged, and that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community.

The bill also provides a number of strong procedural protections to safeguard the rights of defendants. For example, anyone who is detained will be able to effectively assist in the preparation of his case, and may even secure release for limited periods to obtain evidence or witnesses. Once ordered detained, the person will be entitled to an expedited trial and to have release conditions set within sixty days unless the trial is in progress or the trial is being delayed at his request.

I urge early consideration and adoption of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

——— ———,
Attorney General.

EXHIBIT 3

S. 1868

A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to authorize revocation of pretrial release for persons who violate their release conditions, intimidate witnesses or jurors, or commit new offenses, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3146 of title 18, United States Code, is amended as follows:

(a) by inserting in subsection (a) the words "or the safety of any other person or the community" (1) after "as required" in the first sentence, and (2) after "for trial" in the second sentence;

(b) by amending paragraph (5) of subsection (a) to read as follows:

"(5) impose any other condition, including a condition requiring that the person return to custody after specified hours of release for employment or other limited purposes.";

(c) by adding the following sentence at the end of subsection (a): "No financial condition may be imposed to assure the safety of any other person or the community.";

(d) by amending subsection (b) to read as follows:

"(b) In determining which conditions of release will reasonably assure the appearance of a person as required and the safety of any other person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against the person, his family ties, employment, financial resources, character and mental condition, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings."; and

(e) by deleting the period at the end of subsection (c), and adding ", and shall warn such person of the penalties provided in section 3150D of this title."

SEC. 2. Section 3147 of title 18, United States Code, is amended:

(a) by changing the title to read:

"§ 3147. Appeal from conditions of release or order of detention.";

(b) by adding after the phrase "the offense charged," in subsection (b) the phrase "or (3) he is ordered detained or an order of detention has been permitted to stand by a judge of the court having original jurisdiction over the offense charged,"; and

(c) by adding after subsection (b) the following new subsections:

"(c) In any case in which a judicial officer other than a judge of the court having original jurisdiction over the offense with which a person is charged orders his release with or without setting terms or conditions of release, the United States attorney may move the court having original jurisdiction over the offense to amend or revoke the order. Such motion shall be considered promptly.

"(d) In any case in which—

"(1) a person is ordered released, with or without the setting of terms or conditions of release by a judge of the court having original jurisdiction over the offense with which the person is charged, or

"(2) a judge of a court having such original jurisdiction does not grant the motion of the United States attorney filed pursuant to subsection (c), the United States attorney may appeal to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may (A) remand the case for a further hearing, or (B) with or without additional evidence, change the terms or conditions of release, or order detention as provided for in this chapter."

SEC. 3. Section 3148 of title 18, United States Code, is amended to read as follows:

"§ 3148. Release in capital cases or after conviction.

"(a) A person (1) who is charged with an offense punishable by death, or (2) who has been convicted of an offense and is awaiting sentence, shall be treated in accordance with the provisions of section 3146 unless the judicial officer has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, the person may be ordered detained.

"(b) A person who has been convicted of an offense and sentenced to death or to a term of confinement or imprisonment and has filed an appeal or a petition for a writ of certiorari shall be detained unless the judicial officer finds by clear and convincing evidence that (1) the person is not likely to flee or pose a danger to any other person or to the property of others, and (2) the appeal or petition for a writ of certiorari raises a substantial question of law or fact. Upon such findings, the judicial officer shall treat the person in accordance with the provisions of section 3146.

"(c) The provisions of section 3147 shall apply to persons described in this section, except that a finding of the judicial officer that an appeal or petition for writ of certiorari does not raise by clear and convincing evidence a substantial question of law or fact shall receive de novo consideration in the court in which review is sought."

SEC. 4. Section 3150 of title 18, United States Code, is amended:

(a) by adding the letter "(a)" before the word "Whoever";

(b)(1) by inserting the phrase "or prior to commencement of sentence" after the word "chapter"; and

(2) by inserting the phrase "or commencement of sentence" after the phrase "while awaiting sentence."

(c) by deleting in paragraph (1) the phrase "or imprisoned not more than five years, or both" and inserting in lieu thereof the phrase "and imprisoned for not less than one year and not more than five years";

(d) by deleting in paragraph (2) the phrase "or imprisoned for not more than one year, or both" and inserting in lieu thereof the phrase "and imprisoned for not less than ninety days and not more than one year"; and

(e) by adding at the end thereof the following new subsections:

"(b) Failure to appear after notice of the appearance date shall be prima facie evidence that the failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether the failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) This section applies to a defendant even if he has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

"(d) A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 5. Chapter 207 of title 18, United States Code, is amended by adding after section 3150 the following new sections:

"§ 3150A. Sanctions for violation of release conditions.

"(a) A person who has been conditionally released pursuant to section 3146 and who has violated a condition of release shall be subject to revocation of release and to prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and the person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section. No order of revocation shall be entered unless, after a hearing, the judicial officer finds that there is clear and convincing evidence that the person has violated a condition of his release.

"(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with procedures applicable to criminal contempt, it is established that the person has intentionally violated a condition of his release. The contempt proceedings shall be expedited and heard by the court without a jury. A person found guilty of contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than $1,000, or both.

"§ 3150B. Sanctions for threatening witnesses or jurors while on release.

"(a) A person who has been conditionally released pursuant to section 3146 and who has threatened, injured, intimidated, or attempted to threaten, injure, or intimidate a prospective witness or juror, shall be subject to revocation of release.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. No order of revocation shall be entered unless, after a hearing, the judicial officer finds that there is clear and convincing evidence that the person has threatened, injured, intimidated or attempted to threaten, injure, or intimidate a prospective witness or juror.

"§ 3150C. Sanctions for committing serious offenses while on release.

"(a) A person who has been conditionally released pursuant to section 3146 and as to whom there is probable cause to believe he has committed a felony while released shall be subject to revocation of release.

"'(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. No order of revocation shall be entered unless, after a hearing, the judicial officer finds by clear and convincing evidence that (1) a State or Federal magistrate, judge, judicial officer or grand jury has found probable cause to believe that the person has committed a felony and (2) such felony was committed while the person was released on the prior charge.

"§ 3150D. Penalties for offenses committed while on release.

"(a) A person convicted of an offense committed while released pursuant to section 3146 shall be subject to the following penalties in addition to any other applicable penalties:

"(1) a term of imprisonment of not less than one year and not more than five years if convicted of committing a felony while released.

"(2) a term of imprisonment of not less than ninety days and not more than one year if convicted of committing a misdemeanor while released.

"(b) The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to application of this section.

"(c) A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 6. Section 3152 of title 18, United States Code, is amended:

(a) by adding the letter "D" after "3150" in the first line; and

(b) by adding at the end thereof the following new subsections:

"(3) The term 'felony' means any criminal offense punishable by imprisonment for more than one year by an Act of Congress or the law of a State.

"(4) The term 'misdemeanor' means any criminal offense punishable by imprisonment for one year or less by an Act of Congress or the law of a State.

"(5) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States."

SEC. 7. SEVERABILITY. If a provision of this Act is held invalid, all provisions which are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications the provision shall remain in effect in all its other applications.

EXHIBIT 4

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 14, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Bail Reform Act of 1966 for the purpose of updating the law to meet problems confronting the federal bail system.

The Bail Reform Act of 1966 was enacted to assure that all persons, regardless of their financial status, would not needlessly be detained. Four years of experience under the Act have exposed some further problems which need legislative resolution. In particular, there is need for legislative authorization to consider danger to the community in setting nonfinancial pretrial release conditions, to revoke the release of those defendants who violate release conditions, intimidate witnesses or jurors, or commit new offenses, to punish those who commit crimes while released on bail with added penalties, and to limit bail pending appeal for defendants who are convicted and sentenced to imprisonment.

The proposed statute would amend the present Bail Reform Act and authorize the judicial officer to consider danger to another person or to the community in setting nonfinancial pretrial release conditions. This proposal has been widely accepted and has been endorsed by the President's District of Columbia Crime Commission, the American Bar Association Pretrial Release Committee, the District of Columbia Judicial Conference Committee and others who have studied the operation of the Bail Reform Act.

The bill also contains authority for revocation of release whenever a person violates a condition of his release, intimidates or threatens a witness or juror, or commits a new offense (felony only). This proposal is modeled after the American Bar Association's Minimum Standards for Criminal Justice—Pretrial Release. As an alternative to revocation for violation of a release condition, a clear and specific contempt sanction is spelled out.

In order to deter unlawful conduct while on release the bill provides for a mandatory minimum additional penalty in such cases. The penalty is also made to run consecutively to all other penalties.

With respect to persons convicted of a criminal offense and sentenced to a term of imprisonment, the proposed statute favors detention pending appeal unless the person convicted can show that (1) he is not likely to flee or pose a danger to any other person or to the property of others, and (2) the appeal raises a substantial question of law or fact. A similar provision was approved by Congress last year for the District of Columbia.

I urged early consideration and adoption of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

ATTORNEY GENERAL.

By Mr. HRUSKA:

S. 1869. A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to amend the Immigration and Nationality Act, and ask that it be appropriately referred. I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, this bill would amend section 212 of the act by adding a new subsection. This new provision would change the law to permit the Attorney General to exercise discretion in admitting to the United States an alien who has previously entered the United States, or tried to enter, through fraud or concealment of a material fact. Under section 212 as presently written an alien is forever barred from receiving a visa if he has committed such a fraud, regardless of the circumstances or length of time that has passed since his misrepresentation.

The new subsection (j) to section 212 which I propose would authorize the Attorney General to allow such an alien to apply for a visa for admission to the United States, under appropriate conditions, if the fraud or misrepresentation occurred more than 10 years prior to such application by the alien. It would not guarantee the alien admission, but would merely give the Attorney General the authority to allow such an alien to apply for admission in any case appropriate.

Mr. President, this is a small but important step forward in making our immigation practices more equitable. Over the years I have had a number of unfortunate situations brought to my attention in which an alien, in his eager desire to become a resident and citizen of our great country, misrepresented a fact relating to his status. I do not condone such an act, but we must all appreciate that these frauds are often the product of youthful indiscretions.

As recently as last month such a case was brought to my attention by a local attorney. It concerns a doctor now in Vienna who came to this country as a young man and became a citizen. His citizenship was later revoked because of some false statements he made on entry, and he was required to leave the country. Even though these events occurred over 30 years ago, and this doctor had evidently led an exemplary life in Vienna since, he is forever barred from admission to this country. This doctor passionately desires to again become, and die, an American. Under my proposal, because the acts for which he is barred occurred more than 10 years ago, he would be eligible for a waiver from the Attorney General if he were found otherwise suitable for admission.

Mr. President, I urge that this bill receive prompt and favorable consideration. It is consistent with American principles of basic fairness, and with our image as the greatest and most generous country on earth.

EXHIBIT 1

S. 1869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof a new subsection (j) to read as follows:

"(j) An alien who would be ineligible to receive a visa, or would be excludable, under the provisions of paragraph (19) of subsection (a) may be granted a visa and admitted to the United States, if otherwise admissible, (1) if it shall be established to the satisfaction of the Attorney General that the act or acts rendering such alien ineligible to receive a visa, or excludable, under such paragraph were committed more than ten years prior to the date of application for a visa; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

By Mr. CHILES:

S. 1871. A bill to amend the United States Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family—or its other principal wage-earner. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. CHILES. Mr. President, today I am introducing a bill which will provide mandatory child care centers in all future federally assisted low-rent housing projects for families.

What few of the centers that are being built today in many cases are isolated from many of the families they are supposed to serve.

Building and maintaining child care services within public housing projects will free mothers and fathers to seek employment and work and, at the same time, provide for the protection and safekeeping of their children.

This proposal, introduced in the House by Congressman PEPPER of Florida, authorizes the Federal Government to carry the entire cost of construction of child care centers in all new projects and in existing projects which apply for assistance.

The local sponsoring agency along with the tenants will determine the type of program to be run in the centers.

To encourage parents of children to work and yet not penalize them for doing so is dealt with in this bill. It provides that if two or more members of the same family have income, and the family's total income increases, they may remain in the project by paying an increased rent consistent with the increased income.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1871

A bill to amend the United States Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 15 of the United States Housing Act of 1937 is amended by inserting after paragraph (9) the following new paragraph:

"(10) (A) Every contract for loans or annual contributions made pursuant to this Act with respect to a low-rent housing project initiated on or after the date of the enactment of this subparagraph (other than a project designed principally for elderly families or a project for low-rent housing in private accommodations) must provide that the project shall include such child-care facilities as the Secretary deems adequate and appropriate to serve the tenant families and to enable members of such families to secure and engage in employment, training, special education, and vocational rehabilitation.

"(B) The Secretary is authorized to enter into contracts to make grants to public housing agencies to pay the full cost of constructing or otherwise establishing, and maintaining, child-care centers and other child-care facilities in low-rent housing projects as described in subparagraph (A), and to enter into such contracts and make such grants with respect to projects initiated before the date of the enactment of such subparagraph as well as those initiated on or after such date. There are authorized to be appropriated such sums as may be necessary for purposes of this subparagraph."

(b) (1) The first sentence of section 2(1) of such Act is amended by inserting before the period at the end thereof the following: "(including child-care facilities as required by section 15(10))".

(2) Section 2(9) of such Act is amended by inserting before the period at the end thereof the following: ", as well as child-care facilities as required by section 15(10)".

Sec. 2. Section 10(g) (3) of the United States Housing Act of 1937 is amended—

(1) by inserting "(A)" after "unless", and

(2) by inserting before the semicolon at the end thereof the following: ", or (B) two or more members of the family have income and the family's total income would not have increased beyond such maximum limits if only the income of the member of the family whose income is highest were taken into account, in which event the family may be permitted to remain if it pays an increased rent consistent with its increased income".

By Mr. CASE (for himself, Mr. Bayh, Mr. Chiles, Mr. Cranston, Mr. Eagleton, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Mathias, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Proxmire, Mr. Ribicoff, Mr. Scott, Mr. Schweiker, Mr. Stevenson, Mr. Taft, Mr. Tower, Mr. Tunney, Mr. Williams, and Mr. Weicker):

S. 1872. A bill for the relief of Soviet Jews. Referred to the Committee on the Judiciary.

Mr. CASE. Mr. President, I am today introducing a bill which would provide 30,000 special refugee visas to Soviet Jews. These 30,000 special visas would be considered outside the regular immigrant quota system. Under existing legislation, the Immigration and Naturalization Service is permitted to issue only 10,200 visas annually to refugees from the Eastern Hemisphere, and this quota has been oversubscribed for the last 2 years.

I am gratified that 27 Senators of both parties have joined me in cosponsoring this bill. I strongly believe that their support shows the deep sentiment in the Senate that something must be done for the relief of Soviet Jews. A similar bill has been introduced in the House.

I am fully aware that the Soviet Government is unlikely to permit such a large number of Jews to leave the Soviet Union and that most of those who could leave would prefer to go to Israel. Nevertheless, I feel it is extremely important that the United States show its willingness to accept those Jews who wish to come here and are permitted to leave. My view is reinforced by the favorable effect such a gesture by the United States would have on Soviet and world opinion.

We have already opened our doors to more than 30,000 Hungarian refugees and 565,000 Cubans. We should do no less for the victims of Soviet persecution.

A list of cosponsors of my bill follows:

1. Birch Bayh, Democrat, of Indiana.
2. Lawton Chiles, Democrat, of Florida.
3. Alan Cranston, Democrat, of California.
4. Thomas Eagleton, Democrat, of Missouri.
5. Fred R. Harris, Democrat, of Oklahoma.
6. Philip Hart, Democrat, of Michigan.
7. Mark Hatfield, Republican, of Oregon.
8. Harold Hughes, Democrat, of Iowa.
9. Hubert H. Humphrey, Democrat, of Minnesota.
10. Charles Mathias, Republican, of Maryland.
11. George McGovern, Democrat, of South Dakota.
12. Walter F. Mondale, Democrat, of Minnesota.
13. Frank E. Moss, Democrat, of Utah.
14. Robert W. Packwood, Republican, of Oregon.
15. John O. Pastore, Democrat, of Rhode Island.
16. James Pearson, Republican, of Kansas.
17. Claiborne Pell, Democrat, of Rhode Island.
18. William Proxmire, Democrat, of Wisconsin.
19. Abraham Ribicoff, Democrat, of Connecticut.
20. Hugh Scott, Republican, of Pennsylvania.
21. Richard S. Schweiker, Republican, of Pennsylvania.
22. Adlai E. Stevenson III, Democrat, of Illinois.
23. Robert Taft, Jr., Republican, of Ohio.
24. John G. Tower, Republican, of Texas.
25. John V. Tunney, Democrat, of California.
26. Harrison A. Williams, Jr., Democrat, or New Jersey.
27. Lowell Weicker, Republican, of Connecticut.

Mr. President, on behalf of the Senator from Maine (Mr. Muskie), I ask unanimous consent that a statement prepared by him be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Muskie

Mr. President, I note with regret the ongoing trial in Leningrad of nine Soviet Jews.

I know that the American people as a whole can only deplore this and other evidence of the persecution of Soviet Jews in Russia.

For this reason, I am pleased to join today in co-sponsoring legislation, introduced by the senior Senator from New Jersey, Mr. Case, to authorize the issuance of 30,000 additional refugee visas for the admission of Soviet Jews to the United States.

This proposal is consistent with efforts we have made in the past to welcome refugees into our country.

It is consistent with the ideals of many of our forefathers, who came to this country to avoid religious persecution.

Unfortunately, there is little that we can do to ensure the right of emigration of these people.

But we can, and should, at least take the step provided for by this legislation to demonstrate to the Soviet Jews, and to victims of religious persecution everywhere, that the United States stands firmly by her commitment to the right of freedom of religious expression for all people, and that she will welcome those who suffer from such persecution.

By Mr. PROUTY:

S. 1873. A bill to amend the National Labor Relations Act to make certain limitations on penalties levied by a labor organization upon its members, and for other purposes. Referred to the Committee on Labor and Public Welfare.

LABOR ORGANIZATION PENALTIES LIMITATION ACT OF 1971

Mr. PROUTY. Mr. President, I send a bill to the desk and ask that it be appropriately referred. I also ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Byrd of Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. Mr. President, prior to 1947, labor organizations held complete authority over the job security of rank-and-file union members.

The man's skill, competence, and ability meant nothing, nor did the employer's desire to retain him as an employee, if he incurred the wrath of his union's leadership.

By the simple device of expelling this man from the union, the union leaders forced the company to discharge him under union security agreements providing that union membership was a condition of employment.

It is obvious that rank-and-file employees thought many times of the consequences before opposing the union leaders' acts, policies, or statements of any kind—personal and political as well as those relating to union or employment-connected affairs.

The Taft-Hartley amendments to the National Labor Relations Act in 1947 attempted to cope with this problem, and did so to a substantial extent.

Agreements requiring union membership as a condition of obtaining employment were prohibited agreements requiring union membership after 30 days of employment as a condition of continued employment were sanctioned, and a union's right to prescribe its own rules for the acquisition or retention of union membership was protected.

However, rank-and-file employees were given additional job protection from retaliatory action by their union leaders through the requirement that an employee could not be discharged under a union security agreement for nonmembership in the union if membership in the union was denied or terminated for any reason other than his failure to tender the periodic dues and initiation fees uniformly required as a condition of obtaining or retaining union membership.

Thus, while a union retained the right to expel a member, it lost the power to force him to engage in conduct or activities he did not favor by holding the loss of his job over his head. His job was secure, as far as the union's authority was concerned, so long as he paid or tendered his initiation fees and union dues.

The 1947 Taft-Hartley Amendments to the National Labor Relations Act gave rank-and-file employees greater protection from abusive use of power by his union leaders in another area.

The original National Labor Relations Act, commonly called the Wagner Act, contained a sort of magna carta for workers in our country by guaranteeing them the right to organize, form, join or assist labor organizations; to bargain collectively; to select their own bargaining representatives; and to engage in any other concerted activities for the purposes of collective bargaining or for their own mutual aid or protection.

The Taft-Hartley amendments extended this guaranty to cover the right of a rank and file employee to refrain from engaging in any or all of these activities, except where he refuses to pay initiation fees or union dues under a valid union security agreement.

For example, prior to 1947, a union member was protected from retaliation by his employer if he refused to cross his union's picket line to go to work.

After the 1947 amendment, this same employee was also protected from retaliation from the union if he decided he wanted to cross his union's picket line and go to work. Or so, at least, everyone thought. He could still be expelled from union membership, of course, but expulsion for this reason could not result in the union lawfully requesting the company to discharge him under a union-security agreement.

Public and congressional discontent and concern over alleged abuses of power by union leaders in conducting the internal affairs of their unions—areas over which the National Labor Relations Board had no jurisdiction—continued to increase.

This mounting concern that some unions had gone too far in protecting the interests of union officers at the expense of the interests of rank and file members was reflected and culminated in the enactment in 1959 of the Labor-Management Reporting and Disclosure Act, otherwise known as the Landrum-Griffin Act.

Under this legislation, a whole new range of procedural and substantive obligations was placed upon labor organizations. See, for example, *Ryan* v. *I.B.E.W.*, 361 F. 2d 942.

Government responsibility for implementing and enforcing these regulations bearing essentially on the internal affairs of unions was vested in the Department of Labor under the Landrum-Griffin Act rather than in the National Labor Relations Board.

Nevertheless, The National Labor Relations Board and the courts moved into this area and fashioned changes in employee-protection provisions.

The technique employed by unions to circumvent the clear intent of the National Labor Relations Act was use of the union fine.

Since 1947, as noted above, section 7 of the National Labor Relations Act has guaranteed employees the right to engage in—or to refrain from engaging in—the activities therein enumerated.

Thus, a union member's right to cross his union's picket line to go to work is an activity protected by section 7. A union's attempt to restrain or coerce him in the exercise of this right is an unfair labor practice under section 8(b) (1) (A) of the National Labor Relations Act, while a union's attempt to have the employer fire him or otherwise discriminate against him for engaging in this conduct is also a violation of section 8(b) (2) of the act. If acquiesced in by the employer, of course, the employer also commits unfair labor practices under section 8(a) (1) and (3).

The new approach worked, however. Exorbitant daily fines placed on members for crossing their union's picket line were held to be collectible in State court litigation, and the National Labor Relations Board and the U.S. Supreme Court sanctioned this action as well as holding that it did not constitute an unfair labor practice by the union.

See *Allis Chalmers Manufacturing Co.* 149 NLRB 67 (1964); affirmed 388 U.S. 175 (1967).

Similarly, union fines have been upheld against employees for filing deauthorization petitions with the National Labor Relations Board—that is, petitions seeking a Board election to determine whether representation by the incumbent union is still desired by a majority of the employees.

See *Tawas Tube Products, Inc.*, 151 NLRB 46 (1965). Cf. *Pittsburgh-Des Moines Steel Co.*, 154 NLRB 692 (1965); affirmed 373 F. 2d 443 (CA 9—1967).

This device has also been used successfully by unions to achieve unilaterally what they were unable to obtain through collective bargaining at the bargaining table.

Thus, the National Labor Relations Board and the courts have found no violation of the National Labor Relations Act where a union has assessed fines against its members for exceeding production quotas unilaterally established and prescribed by the union. See *Wisconsin Motors Corp.*, 145 NLRB 1097 (1964); affirmed 393 F. 2d 49 (CA 7—1968).

The key to this latest successful approach by union leaders to keeping their rank and file members "in line" is, of course, the fact that State courts have held such fines collectible rather than throwing these actions out on the ground that they ran counter to public policy, and the additional fact that the National Labor Relations Board and the Federal courts have refused to find such conduct unlawful under the National Labor Relations Act.

Indirectly, therefore, unions have found a way to "restrain or coerce" rank and file members in the exercise of rights supposedly protected by section 7 of the National Labor Relations Act—rights which Congress thought it had fully protected under the 1947 Taft-Hartley amendments.

The right to levy fine can indeed be a heavy and coercive penalty upon individual union members. This is particularly so if the fines are for exercising rights guaranteed under the National Labor Relations Act, or for engaging in conduct which is in accord with their collective bargaining agreement.

The essence of my amendment, Mr. President, is this. It would be an unfair labor practice for a union to fine any member for exercising rights which are his under the law, or for carrying out the lawful instructions of his employer.

The present officially approved power to fine union members opens the door to vast and possibly unlimited future employee liability as this doctrine is applied and expanded.

It is particularly regrettable when this liability fastens upon an employee who never wanted to be a union member but who is required to be under a lawful union security agreement.

I submit that union abuse of this power with judicial approval is completely at odds with the objective of establishing democratic procedures for union affairs, and directly contravenes the right of the minority to dissent.

In 1953, the U.S. Supreme Court said:

> The policy of the act is to insulate employees' jobs from their organizational rights. *Radio Officers' Union* v. *NLRB*, 347 U.S. 17, 40.

This, I submit, is what my bill is designed to help accomplish.

EXHIBIT 1

S. 1873

A bill to amend the National Labor Relations Act to make certain limitations on penalties levied by a labor organization upon its members, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Labor Organization Penalties Limitation Act of 1971".

SEC. 2. Section 8(b)(1) of the National Labor Relations Act (29 U.S.C. 158(b)(1)) is amended by striking out the semicolon at the end of the proviso in part A and inserting in lieu thereof a colon and the following:

"Provided further, That it shall be an unfair labor practice under this section for a labor organization to levy a fine on any person, or to deprive any person of monetary benefits to which he has contributed and would eventually be payable to him or his beneficiary by reason of past or present union membership, for exercising rights under this act (including but not limited to the right to refrain from concerted activity, to file petitions, or give testimony under this act) or for carrying out lawful instructions of his employer.".

By Mr. MAGNUSON:

S. 1874. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE CHILDREN'S DENTAL HEALTH ACT OF 1971

Mr. MAGNUSON. Mr. President, the Nation, the Congress and the administration now recognize that we are in the midst of a national health care crisis. As chairman of the Appropriations Subcommittee on Labor-HEW here in the Senate I have long urged greater Federal effort to eradicate this tragic anomaly wherein so many of our citizens in this, the richest Nation in mankind's history, receive inadequate health care or, as is far too often the case, no care at all. Consequently, I am pleased to see that awareness of this health care crisis has become so widespread. I am encouraged by the concern which several of my colleagues have manifested with their national health insurance proposals, and I applaud the President's declaration in his state of the Union message that one of his administration's major objectives is to make this the healthiest Nation in the world.

Today, then, amid this national awareness, congressional concern and Presidential commitment, I am introducing for appropriate reference "The Children's Dental Health Act of 1971." I am introducing this legislation for two major reasons.

First, dental defects and disease in children pose a substantial national health problem meriting heightened national attention and intensified Federal action.

Second, the accelerating demand for dental care requires that we place more emphasis on preventive care and that we maximize the productivity of our dentists by teaming them with specially trained auxiliaries.

"The Children's Dental Health Act of 1971" looks, then, both to present and future needs.

Turning our attention first to the present need of the Nation's children for improved and increased dental care we find these disturbing facts: By age 2, half of America's children have decayed teeth. By the time he enters school, the average child has three decayed teeth and by his fifteenth year he has eleven decayed, missing or filled teeth. Over half of all children in the country have never been to a dentist and an even larger proportion of rural youngsters have never visited a dentist. But by far the greatest need is among children from low-income families for almost 70 percent of them have never been to a dentist.

Unfortunately, we have no way of measuring the actual cost which the Nation is incurring with each passing day by neglecting the dental needs of such a large proportion of its children. However, if we consider the days missed from school because of aching cavities, the inability of youngsters with painful dental defects to function fully even when they are in school, the obvious connection between rotted teeth, the inability to eat properly and serious medical problems, and the psychological distress suffered by children with dental and oral disfigurement, we know the costs are high indeed. But even if we limited our assessment of the total cost to the few quantitative measurements that we do have, we would find that it is enormous. For example, for every 100 Selective Service recruits the Armed Forces supply or perform 500 fillings, 80 extractions, 25 bridges and 20 dentures.

Mr. President, the neglect of dental health in this country is not a new problem nor is this the first time that its existence has been recognized in the Congress. On the contrary, the need for an increased federal dental health effort has been strikingly obvious for many years, and it has been the subject of countless pleas by a variety of public officials. In 1962, Mr. Wilbur Cohen, then the Secretary of HEW, said:

> Dental disorders are . . . the most neglected of all health conditions plaguing the American people.

In 1968 another Secretary of HEW, Mr. John Gardner, speaking of this problem said:

> The magnitude of the need is overwhelming.

In 1969, the current administration's first Secretary of HEW, Mr. Robert Finch, said:

> I was . . . shocked to find, after coming into office, that we have not really had a national dental policy, particularly with respect to youngsters.

In that same year, my appropriations subcommittee received a letter from the distinguished Senators from Montana in which they urged action to "realine Federal dental health care policy in a more rational and constructive way."

The Congress has not been satisfied with mere words, either, Mr. President. There has been legislative effort in this critical area of health care. In 1965, the distinguished senior Senator from Connecticut obtained Senate approval for legislation which would have provided coverage under the medicaid for dental care for poor children. Unfortunately, however, the House conferees refused to accept this important breakthrough and Senator Ribicoff's legislation died without becoming law.

But in 1968, legislation was approved and enacted into law, establishing a new program designed to assist in the financing of dental care for young children. However, in the legislation's first year, fiscal year 1969, the other Chamber did not agree to provide funds for this program. Then in 1970 when we included funds for this program in the HEW appropriations bill the administration used its 2-percent budget cutting authority to eliminate them.

Mr. President, this immediate and pressing need for Federal action can no longer be ignored or met with mere token measures if we seriously intend to overcome the crisis in health care. The Children's Dental Health Act of 1971 confronts this immediate need on two fronts:

First, it authorizes appropriations totaling $170 million over the next five years to pay the full cost of pilot projects providing preventive, corrective, and followup care to children from low-income families and to other children who are unable for other reasons beyond their control to obtain proper dental care. Estimates made at my request by the American Dental Association show that 1.5 million children could be treated in the projects envisioned by my bill. These projects would be administered by public and nonprofit agencies. Priority would be given to projects serving preschool children and those in the first five grades so that minor defects can be remedied before they grow into more painful, serious and costly defects. Also, it should be noted that while the major purpose of these pilot projects is to provide direct care to children, the Department of Health, Education, and Welfare and the dental profession will learn much from these projects as to how care for large numbers of children can be made the most efficient and effective.

A typical project initiated in the first year of this 5-year program might serve 1,000 first graders in the first year. They would receive comprehensive care including preventive care, restorative treatment and dental health education. These children would be carried in the program in the second and succeeding grades with another 1,000 first graders being added to the program each year. Thus, in the fifth year of its operation the pilot project would be providing care to 5,000 youngsters in the first five grades.

Second, this bill authorizes appropriations of $15 million to provide Federal funds to assist schools or entire communities—wishing to do so—to fluoridate their water supplies. This would allow about 7,000 communities with 45 million residents to fluoridate their water. The 1969 census showed that about 13,000 communities containing 57 percent of the Nation's population do not have fluoridated water despite the fact that the effectiveness of fluoridation in reducing dental problems has been dramatically demonstrated again and again.

For example, a 12-year study of fluoridation in Milwaukee, Wis., published in 1969 showed decay reductions ranging from a high of 67 percent at age 7 to 53 percent at age 14. In all age groups the rate of decay reduction exceeded 50 percent. A 1964 study made in Antigo, Wis., showed a 183-percent increase in the rate of tooth decay among second grade children in the 4 years following a 1960 decision to terminate the community's fluoridation program. Fluoridation was reinstated in October 1965 and the decay rate has been dropping steadily ever since.

Another study made between 1954 and 1964 in Philadelphia showed an average two-thirds reduction in cavities among those schoolchildren who drank fluoridated water from birth. Because of conclusive evidence like this, fluoridation has been endorsed as an effective and safe method of preventive dental care by a great number of Government, professional, and scientific organizations including the American Dental Association, the American Medical Association, the American Hospital Association, the Department of Defense and the Department of Health, Education, and Welfare. Mr. President, I submit at this time a more complete list of these organizations and ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MAGNUSON. Mr. President, in sum, then, "The Children's Dental Health Act of 1971," would strike a potent one-two punch at the immediate dental health problems of a great number of school children and communities. Although there is no requirement that fluoridation be implemented in communities having one of the pilot child care projects authorized by the bill, the matching requirement for these communities is less than for others. It is hoped that communities which have these pilot projects and do not now have fluoridated water will take advantage of this opportunity to fluoridate their water at minimal cost to themselves. In this way, the improvements made through the pilot projects in individual children's dental health would be substantially maintained in following years by way of fluoridated drinking water.

Mr. President, to this point I have focused most of my remarks on the immediate dental care requirements of our citizens, specifically the neglected needs of a sizable portion of the Nation's young children. Implementation of "The Children's Dental Health Act" would be a major step toward remedying this particular part of the total dental health care problem. But it would be a serious mistake if the Congress or the administration were to stop there. All indications are that the Nation's dental care requirements will continue to grow. Population growth, increased public recognition of the importance of dental health and expanded accessibility to dental care provided by the rising number of private insurance plans which cover dental costs all point toward rising demands for dental care. Add to these factors the very real possibility that a national health insurance system including coverage for dental care will be implemented, and predictions of future demands escalate sharply.

Just as is the case with medical care, the coming demand for dental care necessitates our placing much greater emphasis on preventive services and maximizing the productivity of our dentists. This necessity was noted by the "Carnegie Report on Higher Education and the Nation's Health" which stated:

> Despite the current progress in dental productivity, even more rapid progress could be achieved through more extensive use of dentist's assistants and dental hygenists and through greater emphasis on preventive programs. The view has been expressed that dentistry has an excellent chance of being the first health profession to become truly preventive.

Because of the need to emphasize preventive care I made youngsters, rather than adults, the primary target group for the pilot projects I have already outlined. Also, of course, the bill encourages fluoridation for the same reason.

The second major thrust of the bill I am introducing here today, then, is to begin in earnest the task of maximizing our dentists' productivity by increasing the number and utilization of dental auxiliaries. The practicality and wisdom of this approach has been widely noted. In his Health Message to the Congress this year, President Nixon said:

> One of the most promising ways to expand the supply of medical care and to reduce its costs is through a greater use of allied health personnel, especially those who work as physicians' and dentists' assistants, nurse pediatric practitioners and nurse midwives.

Dr. Roger Egeberg, Assistant Secretary of HEW, told the Senate Labor and Public Welfare Committee last May:

> There are now major unmet needs for health manpower. Indeed, the lack of allied health manpower is a most serious problem as we aspire to bring the full potential of modern medicine to all members of our society.
>
> Efforts to increase medical, dental and nursing manpower have received major attention for a number of years. Relatively little attention, however, has been given until recently to the essential contributions of allied health personnel to the personnel of modern health services.
>
> Their effectiveness is already clearly demonstrated in many settings where health care is provided. Improvement in the utilization of health manpower can be effected through greater use of capable supportive personnel in the delivery of vitally needed health services. This is now done to only a very limited extent in the American health care system. More general use of allied health manpower in this country requires effective utilization of our present training capacities and experimentation and development of new and improved ways of training and increasing the effective use of allied health personnel.

The Carnegie Commission recommended:

> Greatly increasing the number of allied health personnel and thus raising the productivity of doctors and dentists.

In testimony presented last summer before the House Subcommittee on Public Health and Welfare, the American Dental Association, the American Association of Dental Schools, the American Dental Hygienists' Association, and the American Dental Assistants Association said in a joint statement:

> As this Committee well knows, the drive to produce more dentists is complicated by the time lag, as much as 12 years in duration, between the planning stage of a new dental school and the year it graduates its first class. A time lag of such duration does not occur with supportive personnel in the dental field. In addition, there is increasing understanding within dentistry of the fact that the hygenist and the assistant can and should perform additional functions. Concentration on programs within—these areas—then, is both professionally and pragmatically desirable.

Despite the widespread approval which expanded utilization of dental auxiliaries has, our present efforts are falling far short of training adequate numbers of these paradental personnel. Currently, there is only one hygienist for every six practicing dentists while professional groups tell us that the minimum desirable ratio is one hygienist to every two dentists. If we are to provide even that minimally adequate ratio by 1980, we must graduate at least 48,000 new hygienists during this decade. At the current rate, however, we will train only 23,000 and thus face a net deficit of 25,000 in 1980. Similar deficits will also exist in dental assistants and dental laboratory technicians unless our current training efforts are substantially accelerated. This deficit is estimated to be 137,000 for dental assistants and 23,500 for laboratory technicians.

So that we can begin to narrow this gap between auxiliaries needed and auxiliaries available, the bill I am introducing authorizes appropriations of $97 million over the next 5 years to make grants to public and private nonprofit institutions to assist them in establishing and carrying out programs to train dental auxiliaries. Preliminary estimates made for me by the Department of HEW indicates that this provision in the bill could by itself produce more than 27,000 new auxiliaries in 5 years. Certainly, such a sizable increase in the number of qualified auxiliaries would improve substantially our chances of successfully meeting the increased demand for dental services in the years ahead.

As any business executive or sports coach knows, success requires more than numbers and talent. It also requires management and organization. For that reason, then, this legislation also authorizes appropriation of $56 million over a 5-year period to support programs designed to develop methods for welding dentists and various types of auxiliaries into efficient, productive teams capable of providing maximum service with maximum quality and minimum expense.

In addition to institutional training for dentists and dental students in the effective utilization of auxiliaries, the bill also specifically authorizes the support of demonstration projects in areas characterized by low-family incomes or a shortage of dental services. A typical demonstration might well combine several dentists with a variety of auxiliaries providing care to youngsters in one of the pilot care projects which I described at the outset of these remarks. In this way, while children were receiving direct care, dentists or dental students would be learning how to utilize auxiliaries and the auxiliaries would be gaining valuable field experience.

In sum, then, Mr. President, "The Children's Dental Health Act of 1971" has four major components: First, a program of pilot projects to provide direct dental care to 1.5 million youngsters; second, a Federal matching program to encourage communities to fluoridate their water supplies; third, a program to produce more than 27,000 auxiliaries within 5 years; and fourth, a program to develop methods for making the dentist captain of his team rather than an entire team in and of himself. Taken together they would help to substantially reduce the incidence of dental problems and maximize the dental profession's capacity to deal with those that do occur. Passage and implementation of this bill would comprise a sound investment in the health of the Nation and could well be the first major step toward resolving the overall health care crisis.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1874

A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Children's Dental Health Act of 1971."

SEC. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE X—DENTAL HEALTH PROJECTS

"GRANTS FOR PROJECTS FOR DENTAL CARE FOR CHILDREN

"SEC. 1001. (a) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $15,000,000 for the fiscal year ending June 30, 1973; $30,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $70,000,000 for the fiscal year ending June 30, 1976; which shall be used by the Secretary to make grants to the health agency of any State (or political subdivision thereof) or to any other public or nonprofit private agency, organization, or institution to pay for part of the cost of the carrying out (on a planned and systematic basis) by such agency, organization, or institution, of one or more comprehensive projects for dental care and services for children of pre-school and school age. Any such project shall include such comprehensive corrective, follow-up and preventive services (including dental health education), and treatment as may be required under regulations of the Secretary.

"(b) Grants under this section shall not be utilized to provide or pay for dental care and services for children unless such children are determined (in accordance with regulations of the Secretary) to be (A) from low-income families, or (B) unable, for other reasons beyond their control, to obtain such care and services.

"(c) Grants under this section may be utilized for the conduct of research, demonstrations, or experimentation carried on with a view to developing new methods for (A) the prevention, diagnosis, or treatment, of dental problems, (B) the payment of dental care and services, or (C) the utilization of dental health care personnel with various levels of training; except that not more than 10 per centum of any grant under this section shall be so utilized.

"(d) In making grants under this section, the Secretary shall accord priority to projects designed to provide dental care and preventive services for children of pre-school age and school age children who are in the first five grades of school.

"GRANTS FOR WATER TREATMENT PROGRAMS

"SEC. 1002. (a) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972; $3,000,000 for the fiscal year ending June 30, 1973; $4,000,000 for the fiscal year ending June 30, 1974; $4,000,000 for the fiscal year ending June 30, 1975; and $2,000,000 for the fiscal year ending June 30, 1976; which shall be used by the Secretary to make grants to States, political subdivisions of States, and other public or nonprofit private agencies, organizations, and institutions to assist them in initiating, in communities or in public elementary or secondary schools, water treatment programs designed to reduce the incidence of oral disease or dental defects among residents of such communities or the students in such schools (as the case may be).

"(b) Grants under this section may be utilized for (but are not limited to) the purchase and installation of water treatment equipment.

"(c). Grants under this section shall not exceed—

"(1) in the case of a grant to any person who has received a grant under section 1001, 80 per centum of the cost of the treatment program with respect to which such grant under this section is made; and

"(2) in the case of a grant to any person (other than a person referred to in paragraph (1), 66⅔ per centum of the cost of the treatment program with respect to which such grant is made.

"GRANTS TO TRAIN AUXILIARY DENTAL PERSONNEL

"SEC. 1003. There are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1972; $20,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; $20,000,000 for the fiscal year ending June 30, 1975; and $20,000,000 for the fiscal year ending June 30, 1976; which shall be used by the Secretary to make grants to public and nonprofit private institutions to assist them in establishing and carrying out programs to educate and train persons for careers as auxiliary dental personnel with special emphasis on the education and training of veterans of the Armed Forces who have received experience and training in dental auxiliary functions.

"PROJECTS TO PROMOTE EFFECTIVE USE OF AUXILIARY DENTAL PERSONNEL

"SEC. 1004. (a) There are hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year ending June 30, 1974; $15,000,000 for the fiscal year ending June 30, 1975; and $15,000,000 for the fiscal year ending June 30, 1976 which shall be used by the Secretary to make grants and enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 529) under subsection (c) and to make grants to dental schools, and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 529) with individuals, agencies, organizations and institutions, for projects described in subsection (b).

"(b) Grants and contracts under this section may be made or entered into for projects for—

"(1) planning, establishing, demonstrating or supporting programs to teach dental students and dentists the efficient and effective utilization of dental auxiliaries and the management and supervision of total dental health teams (including, but not limited to, teams consisting of various types of auxiliary dental personnel who are trained in carrying out expanded functions or procedures which do not require the knowledge and skill of the dentist), with special emphasis on the employment and utilization of veterans of the Armed Forces who have received experience and training in dental auxiliary functions;

"(2) demonstration and experimentation of ways to organize dental health services to achieve maximum effectiveness in the use of auxiliary dental personnel, which projects take into account such factors as patient acceptance, quality of care, and cost of services; and

"(3) planning, establishing, demonstrating or supporting field training programs for dental students and auxiliary dental personnel in which dental care and preventive services are provided by such persons under professional supervision in areas characterized by low-family incomes or shortage of and need for dental services.

"(c) The Secretary is authorized to utilize sums appropriated pursuant to subsection (a) to make grants to dental schools and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations and institutions, for special projects related to investigation and demonstration of ways of providing incentives for developing or establishing dental facilities or services in areas or communities in a State determined by the appropriate State health authority in such State to have a shortage of and need for dentists.

"DENTAL ADVISORY COMMITTEE

"SEC. 1005. (a) The President shall appoint a Dental Advisory Committee consisting of seven members, four of whom shall be selected from the dental profession and three from the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background, are exceptionally qualified to appraise the programs established by this title. The Secretary shall be an ex officio member of the Committee.

"(b) (1) Members shall be appointed for six-year terms, except that of the members first appointed three shall be appointed for two years, two shall be appointed for four years, and two shall be appointed for a term of six years as designated by the President at the time of appointment. The Members shall select their own chairman.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) The Dental Advisory Committee shall advise the Secretary in regard to the reports required under section 1006, in regard to programs established under this title, and in regard to activities carried on by the Department of Health, Education, and Welfare related to dental health, dental manpower, or dental training and services, and shall serve as a reviewing body for grants made pursuant to this title, where such review is deemed necessary by the Secretary.

"(4) Members of the Dental Advisory Committee who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently.

"(5) The Secretary shall make available to the Dental Advisory Committee such staff, information, and other assistance as it may require to carry out its activities.

"(6) The Secretary, after consultation with the Dental Advisory Committee, shall promulgate such rules and regulations as are necessary to carry out the purposes of this title.

"REPORT

"SEC. 1006. (a) The Secretary shall submit a report to the Congress not later than January 31 of each year on the progress of the implementation and administration of the programs established under this title.

"(b) The Secretary shall submit to the Congress a report containing his recommendations concerning the need and feasibility of a comprehensive national dental health program for children within 90 days after the end of the fiscal year ending June 30, 1976."

SEC. 3. Section 1902 (a) (10) of title XIX of the Social Security Act is amended by adding at the end thereof the following: "and except that services described in paragraph (10) of section 1905 (a) may be made available to individuals or groups of individuals under age eighteen without making available such services of the same amount, duration and scope to individuals of any other ages;".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"Section 1. Titles I to X, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014, (as in effect prior to the enactment of this Act) as sections 1101 through 1114, respectively.

EXHIBIT 1

NATIONAL ORGANIZATIONS ENDORSING FLUORIDATION

American Academy of Pediatrics.
American Association for the Advancement of Science.
American Association of Dental Schools.
American Association of Industrial Dentists.
American Association of Public Health Dentists.
American College of Dentists.
American Commission on Community Health Services.
American Dental Association.
American Dental Health Society.
American Dental Hygienists' Association.
American Federation of Labor and Congress of Industrial Organizations.
American Heart Association.
American Hospital Association.
American Institute of Nutrition.
American Legion.
American Medical Association.
American Nurses Association.
American Osteopathic Association.
American Pharmaceutical Association.
American Public Health Association.
American Public Welfare Association.
American School Health Association.
American Society of Dentistry for Children.
American Veterinary Medical Association.
American Water Works Association.
Association of Public Health Veterinarians.
Association of State and Territorial Health Officers.
Canadian Dental Association.
Canadian Medical Association.
College of American Pathologists.
Federation of American Societies for Experimental Biology.
Federation Dentaire Internationale.
Great Britain Ministry of Health.
Health League of Canada.
Inter-Association Committee on Health.
National Congress of Parents and Teachers.
National Education Association.
National Institute of Municipal Law Officers.
National Research Council.
Office of Civil Defense.
Pan American Health Organization.
U.S. Department of Agriculture.
U.S. Department of Defense.
U.S. Department of Health, Education, and Welfare.
World Health Organization.

By Mr. MAGNUSON (for himself, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. BIBLE, Mr. BOGGS, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. CRANSTON, Mr. CURTIS, Mr. EAGLETON, Mr. EASTLAND, Mr. GOLDWATER, Mr. GRAVEL, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. SYMINGTON, Mr. THURMOND, Mr. TUNNEY, Mr. WILLIAMS, Mr. YOUNG, and Mr. GRIFFIN):

S. 1875. A bill to establish the calendar year as the fiscal year of the Government and to provide for separate periods during sessions of the Congress for the consideration of appropriation bills, and for other purposes. Referred to the Committee on Government Operations.

FEDERAL APPROPRIATIONS REFORM ACT

Mr. MAGNUSON. Mr. President, I am introducing today, for appropriate reference, a bill to establish the calendar year as the fiscal year of the Government, and to provide for separate periods for each session of the Congress for the consideration of appropriation bills, and for other purposes.

Mr. President, in a recent Harris survey, by 63 to 26 percent, the American people gave the 91st Congress negative marks on the job it did in 1970—this is an all-time low. The bill I am introducing today will help to restore public confidence in our legislative machinery.

In the grand old days of the 1890's, Congress would meet for only 3 or 4 months each year. It would consider a few bills, and maybe pass legislation in order to build a few new post offices, and then adjourn for 9 months.

Today, the subject matter ranges from atomic energy and its peaceful applications to atomic energy and the potentially destructive power of nuclear weapons.

How can Congress know what it is buying when one bill, the military appropriations bill, totals over $75 billion? And with some $7 billion of this being spent for military research and development alone.

When I first introduced this measure in 1950, I thought then that the machinery of the Congress had been stretched to its limit. I had little idea that the workload, which then seemed enormous, would grow as much as it has with each passing session.

Look at the number of bills introduced in the House and Senate each session. Although this is not an exact measurement of Congress' workload, the numbers do serve as a rule-of-thumb guide to the number of issues facing the Congress and its committees.

In the first session of the 78th Congress, 6,539 bills were introduced. Ten years later, in 1953, during the first session of the 83d Congress 10,695 bills were introduced. And, in the first session of the 91st Congress, a total of 18,738 bills were introduced in both Houses.

I am not reciting these figures in an effort to enlist your sympathy. I am reciting them as proof that Congress needs to remodel its legislative machinery to do a better job analyzing the mammoth problems facing our country.

We are now handling the appropriation of over $200 billion each year in much the same manner as appropriations bills were handled 40 years ago. At that time, the annual expenditures of the Federal Government totaled about $5 billion. Congress today needs better budgetary tools to deal with a Federal budget well over $200 billion.

We must face up to the fact that the Appropriations Subcommittees and their staffs struggle with problems that are impossible to effectively deal with given our present machinery. We are attempting, literally, to run a business 10 times as large as A.T. & T. and General Motors combined, with machinery as obsolete as a quill pen and a slanting bookkeeper's desk.

Let us not forget that the prime duty of the Congress is to exercise power over the purse. The public is very much aware of the congressional duty to control the expenditures of Government. And the failure to exercise this most important function efficiently has brought heavy criticism upon the Congress.

If this power were used effectively, Congress could control the size of Government, its activities, and the number of people who find their way on and off its payroll. And the care and dispatch with which we appropriate funds could influence directly the quality of government as much as any law that Congress could pass.

More specifically, the passage of appropriations bills before the beginning of the fiscal year, July 1, is essential under existing procedures for the proper management of Government departments. Last year, six appropriation bills still had not been passed by December 1. In the last 2 fiscal years, 1970 and 1971, none of the 27 major appropriations bills was adopted by July 1. Clearly, something has to be changed if we are to have good government.

Consideration, moreover, should be given to the problems facing State and local governments under this practice. State and local units generally use the same fiscal year as the National Government. With delays in congressional action, State and local governments are kept in doubt about the actual availability of Federal funds until their own fiscal years have expired. School districts, for example, have completed their school terms before Federal money is made available. Dollars distributed in this fashion can hardly be used with optimum efficiency for the purposes intended by Congress.

My bill deals with the problem of delay. The bill, if enacted, would accomplish two things. First it would divide Congress each year into separate legislative and fiscal periods. Second, it would change the fiscal year to coincide with the calendar year.

LEGISLATIVE AND FISCAL PERIODS

The legislative period of Congress would open on January 3 for exclusive consideration of legislative matters. This period could run no later than August 15, and would set a specific date by which all authorizations bills must be enacted. Legislative action could not be postponed. Congress would focus on substantive matters.

With over 8 months to authorize all expenditures for the next fiscal year, the end result would be legislation enacted only after careful thought.

The fiscal period of Congress would convene thereafter—a date set by joint resolution upon the adjournment of the legislative period—for the exclusive consideration of appropriation bills. During the fiscal period, appropriations subcommittees could view all authorizations before passing any appropriations measure. The end result would be a more thorough consideration of funding authorizations thus making the phrase "reordering priorities" a more achievable goal.

The fiscal period, which follows the legislative period, could last no longer than December 1. Once again a realistic deadline is set. Legislative logjams would not occur, as they did last year, under this proposal. Instead, funding could be reviewed with deliberation during the fiscal period.

During both periods, all committees, legislative and appropriation, could meet to consider matters under their jurisdiction. They could hold hearings and conduct studies—but, only legislative committees could report bills or resolutions to the floor during a legislative period, while only appropriations committees could report bills or resolutions to the floor during the fiscal period.

There are exceptions:

Congress could make supplemental or deficiency appropriations during a legislative period.

The President of the United States or the President pro tempore of the Senate and the Speaker of the House, acting jointly, could notify Congress that the consideration of specific bills is necessary because of a national emergency.

During either the legislative or fiscal period, the Congress may consider overriding a veto by the President.

To my mind, the above division is a logical solution to the problem of delay. Thorough and timely action by Congress on appropriations bills is a necessity. With the division proposed in my bill, we would permit Congress, once again, to effectively review and analyze appropriations measures.

CALENDER FISCAL YEAR

A change of the fiscal year to the calendar year is also proposed in my bill. Congress would, as I have mentioned, first have a legislative period, then a fiscal period, followed on January 1 by a new fiscal year. This would cause an immediate impact of those budgetary decisions made by Congress that affect the economy.

I am pleased to report that the Office of Management and Budget, in testimony before the Senate Appropriations Committee, stated that it favored a change to the calendar year provided certain important difficulties pertaining to the transition period could be resolved. This bill deals directly with the mechanics of transition. Essentially, they are:

NATURE AND DURATION OF THE TRANSITION

The bill provides for a special 6-month continuing resolution to handle the changeover. If Congress acts immediately, the arrangement would be made operative on July 1, 1972, when the short 6-month Federal budget would begin. Since Congress is accustomed to the use of this device, I believe it would simplify the transition.

PRESIDENT'S ECONOMIC AND BUDGET MESSAGES

The law now requires the President to submit his budget message within 15 days after Congress convenes in regular session. To give sufficient time to the administration, delivery of the budget and economic message will have to be postponed. The bill sets April 15 as the date for delivery of the budget and economic messages.

CHANGEOVER FOR STATES

Only three States presently operate on a calendar year basis. The remaining 47 States have fiscal years, which like ours, begin on July 1 and end on June 30. It should be emphasized that to attain the results anticipated under this bill, two assumptions must be made:

First. That Congress will observe its own deadlines for enactment of appropriations;

Second. That the State fiscal year shall begin on July 1 following the beginning of the Federal fiscal year on each January 1. In other words, no change in the State fiscal year would be necessary or even desirable.

I am also pleased to report that the bill has received the qualified endorsement of the Nixon administration. The President, in his recent budget message, discussed the urgent need for reform of the budgetary process:

> #### REFORMING THE BUDGET PROCESS
>
> Reform of the budget process is long overdue. Fifty years have passed since the Federal budget system currently in use was adopted. The system was a major step forward in 1921. Because of Congressional inaction, it has become a travesty a half-century later.
>
> Enactment of appropriations 6 months or more after the start of the fiscal year they are supposed to cover is evidence of a major weakness. I have sent two budgets to the Congress. In each, I have had to formulate budget proposals for the year ahead without knowing what the Congress would provide in its action on the prior year's budget, which was transmitted months earlier. Even now, as this message is being written, action on last year's appropriations request for one department has not been completed.
>
> I have, therefore, had to act on parts of the budget without knowing the totals that would result. This is an intolerable situation, but one that the Congress seems to accept as the normal way of doing business. It completes action on appropriation bills over a 10 to 12 month period without any goal or de-

termination of the total expenditures that will result after the last bill is passed.

Excess in the number and detail of appropriations often diverts attention to minutia. It also impairs the ability of agency heads to manage their agencies responsibly and economically.

The budget is our principal instrument for coordinated management of Federal programs and finances. Close cooperation between the executive and legislative branches is needed now to make the budget an efficient and effective instrument for this purpose. Therefore we must seek a more rational, orderly budget process. The people deserve one, and our Government, the largest fiscal unit in the free world, requires it.

I might also add that the bill I am introducing today has the co-sponsorship of 51 other Senators. And it is similar to H.R. 1458 which was introduced in the House of Representatives by Congressman MICHEL of Illinois who was joined by 110 other House cosponsors.

So, Mr. President, 161 Members of the 92d Congress believe, as I do, as Congressman MICHEL does, and as the administration does, that budgetary reform is necessary.

Finally, may I say that this is a beginning point. Any bill carrying such a dramatic change in traditional procedures will present certain short-term hardships and dislocations including conflicts with the Legislative Reorganization Act. Congress, however, must face up to the task. When our processes fail, they must be reformed to better serve our needs.

Mr. President, I ask unanimous consent that this bill be printed at this point in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1875

A bill to establish the calendar year as the fiscal year of the Government, and to provide for separate periods during sessions of the Congress for the consideration of appropriation bills, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Appropriations Reform Act".

TITLE I—CHANGE OF FISCAL YEAR

CALENDAR YEAR AS NEW FISCAL YEAR

SEC. 101. Section 237 of the Revised Statutes (31 U.S.C. 1020) is amended to read as follows:

"SEC. 237. (a) The fiscal year of the Treasury of the United States, in all matters of amounts, receipts, expenditures, estimates, and appropriations—

"(1) shall, through June 30, 1972, commence on July 1 of each year and end on June 30 of the following year;

"(2) shall for the period commencing July 1, 1972, and ending on December 31, 1972, be for such period; and

"(3) shall, beginning on January 1, 1973, commence on January 1 of each year and end on December 31 of that same year.

"(b) All accounts of receipts and expenditures required by law to be published annually shall be prepared and published for each fiscal year as established by subsection (a)."

SPECIAL APPROPRIATION

SEC. 102. For the fiscal year commencing July 1, 1972, and ending December 31, 1972, there are appropriated, out of any money in the Treasury not otherwise appropriated, for any projects or activities conducted in the fiscal year ending June 30, 1972, for which authority to conduct such project or activity did not expire prior to June 30, 1972, an amount equal to 50 percent of the amount appropriated for that project or activity for such fiscal year ending on June 30, 1972. Appropriations made under this section shall be available to the extent and in the manner appropriations were made available for that project or activity during the fiscal year ending on June 30, 1972.

TRANSMITTAL OF BUDGET AND EXPENDITURE MESSAGES

SEC. 103. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by striking out of that matter of subsection (a) preceding clause (1) the phrase "during the first fifteen days of each regular session" and inserting in lieu thereof ", at the time specified in subsection (e) (1)";

(2) by striking out in subsection (a) (5) "on or before October 15 of each year," and inserting in lieu thereof ", at the time specified in subsection (e) (2),";

(3) by striking out in subsection (b) "on or before June 1 of each year, beginning with 1972," and inserting in lieu thereof "at the time specified in subsection (e) (3)";

(4) by striking out in subsection (c) "on or before June 1 of each year, beginning with 1972," and inserting in lieu thereof "at the time specified in subsection (e) (4)"; and

(5) by adding at the end thereof the following new subsections:

"(d) In addition to the information required by subsection (a), the Budget shall contain a statement in such form and detail as the President may determine, of the capital assets of the Government, and their value, as of the end of the last completed fiscal year.

"(e) (1) In accordance with subsection (a), the President shall transmit each Budget to the Congress as follows:

"(A) for the fiscal year ending on June 30, 1972, during the first fifteen days of that regular session of the Congress which assembles under section 2 of article XX of the articles of amendment to the Constitution prior to the commencement of the fiscal year; and

"(B) for each fiscal year beginning on or after January 1, 1973, on or before April 15 of the year preceding the commencement of that fiscal year.

"(2) In accordance with subsection (a) (5), estimated expenditures and proposed appropriations for such legislative branch and Supreme Court shall be transmitted to the President, for each fiscal year commencing on and after January 1, 1973, not later than January 15 of the year preceding that fiscal year.

"(3) In accordance with subsection (b), the President shall transmit each supplementary summary of the Budget to the Congress, for each fiscal year beginning on or after January 1, 1973, on or before October 1 of the year preceding that fiscal year.

"(4) In accordance with subsection (c), the President shall transmit summaries of estimated expenditures on June 1, 1972, and November 1 of each year thereafter.

"(f) No Budget supplementary summary of the Budget, or estimated expenditures and proposed appropriations for such legislative branch and Supreme Court shall be transmitted for the fiscal year commencing July 1, 1972, and ending on December 31, 1972. For purposes of subsection (a) (7), the phrase "last completed fiscal year" shall mean for the Budget to be transmitted to the Congress on or before April 15, 1973, for the fiscal year commencing on January 1, 1974, those fiscal years ending on June 30, 1972, and December 31, 1972. The fiscal year ending on December 31, 1972, shall not be considered a fiscal year for purposes of subsection (c).

"(g) If the Congress is not in session on the day on which the President submits a Budget, a supplementary summary of the Budget, or a summary of estimated expenditures, such Budget or summary shall be transmitted to the Clerk of the House of Representatives and shall be printed as a document of the House of Representatives."

ACCOUNTING PROCEDURES

SEC. 104. (a) Subsection (a) (1) of the first section of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes", approved July 25, 1956, as amended (31 U.S.C. 701), is amended to read as follows:

"(1) The obligated balance shall be transferred, at the time specified in subsection (b) (1) of this section, to an appropriation account of the agency or subdivision thereof responsible for the liquidation of the obligations, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and".

(b) Subsection (b) of such section is amended to read as follows:

"(b) (1) Any obligated balance referred to in subsection (a) (1) of this section shall be transferred as follows:

"(A) for any fiscal year or years ending on or before June 30, 1972, on that June 30 which falls in the first month of June which occurs twenty-four months after the end of such fiscal year or years; and

"(B) for any fiscal year commencing on or after July 1, 1972, on December 31 of the second fiscal year following the fiscal year or years for which the appropriation is available for obligation.

"(2) The withdrawals required by subsection (a) (2) of this section shall be made—

"(A) for any fiscal year ending on or before June 30, 1972, not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires; and

"(B) for any fiscal year commencing on or after July 1, 1972, not later than March 1 following the fiscal year in which the period of availability for obligation expires."

ECONOMIC REPORTS

SEC. 105. (a) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022), is amended by striking out "The President shall transmit to the Congress not later than January 20 of each year" and inserting in lieu thereof the following: "Not later than January 20 of each year before 1973, and not later than April 15 of each year after 1972, the President shall transmit to the Congress".

(b) Section 5(b) (3) of such Act (15 U.S.C. 1024) is amended by striking out "(beginning with the year 1947)" and inserting in lieu thereof "before 1973 and not later than June 1 of each year after 1972,".

CONVERSION OF AUTHORIZATIONS OF APPROPRIATIONS

SEC. 106. Any law providing for an authorization of appropriations commencing on July 1 of a year shall, if that year is any year after 1971, be considered as meaning January 1 of the year following that year. Any law providing for an authorization of appropriations ending on June 30 of a year shall, if that year is any year after 1972, be considered as meaning December 31 of that same year. Any law providing for an authorization of appropriations for the fiscal year 1973 or, any fiscal year thereafter shall be construed as referring to that fiscal year commencing on January 1 and ending on December 31 of the calendar year having the same calendar year number as the fiscal year number.

REPEALS

SEC. 107. The following provisions of law are repealed:

(1) the ninth paragraph under the headings "Legislative Establishment", "Senate", of the Deficiency Appropriation Act, fiscal year 1934 (48 Stat. 1022; 2 U.S.C. 66); and

(2) the proviso to the second paragraph under the headings "House of Representatives", "Salaries, Mileage, and Expenses of Members", of the Legislative-Judiciary Appropriation Act, 1955 (68 Stat. 400; 2 U.S.C. 81).

TECHNICAL AMENDMENT

SEC. 108. (a) Section 105 of title 1, United States Code, is amended by striking out "June 30" and inserting in lieu thereof "December 31".

(b) The provisions of this section shall be effective July 1, 1972.

TITLE II—SEPARATE CONSIDERATION OF APPROPRIATIONS MEASURES

DEFINITIONS

SEC. 201. For purposes of this title—

(1) "legislative period" means that period of a regular session of the Congress beginning on the third day of January of each year (or on such other day as the Congress appoints by law) and ending on August 15 of that year, or on such earlier day of that year on which a House of the Congress, with respect to that House, terminates its legislative period in order to consider appropriations for the support of the Government;

(2) "fiscal period" means, with respect to each House, that period of a regular session of the Congress beginning on the day after a legislative period of that House has ended and ending on December 1 of that year or on such earlier day of that year on which that regular session has been adjourned sine die;

(3) "appropriations" has the same meaning given that term by section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2); and

(4) "committee" includes any joint committee of the Congress and any select committee of either House of the Congress.

LEGISLATIVE PERIODS

SEC. 202. (a) Except as otherwise provided in section 204, the Senate and House of Representatives shall not consider, and the Committees on Appropriations of the two Houses shall not report, during any legislative period any measure or matter making an appropriation for the support of the Government.

(b) The provisions of this section shall not be construed as prohibiting during any legislative period—

(1) the introduction in or submission to, either House of the Congress, of any measure or matter relating to appropriations for the support of the Government; or

(2) the consideration by the Committee on Appropriations of the Senate or the House of Representatives of any measure or matter over which such committee has jurisdiction, or the holding of hearings or the conducting of studies and investigations with respect to any such measure or matter.

FISCAL PERIODS

SEC. 203. (a) Except as otherwise provided in section 204, the Senate and House of Representatives shall not consider, and no committee of either House (other than the Committees on Appropriations of the two Houses) shall report, during any fiscal period any measure or matter other than a measure or matter making only appropriations for the support of the Government.

(b) The provisions of this section shall not be construed as prohibiting during any fiscal period—

(1) the introduction in, or submission to, either House of the Congress of any measure or matter not relating to appropriations for the support of the Government; or

(2) the consideration by any committee of either House of any measure or matter over which such committee has jurisdiction, or the holding of hearings or the conducting of studies and investigations with respect to any such measure or matter.

(c) The Senate and House of Representatives shall consider, and the Committees on Appropriations of the two Houses shall report, during a fiscal period occurring in one year only measures and matters making appropriations for the support of the Government for the fiscal year following that fiscal period and measures or matters making supplemental or deficiency appropriations for the current fiscal year.

EXCEPTIONS

SEC. 204. (a) The Committees on Appropriations of the Senate and the House of Representatives may report, and the two Houses may consider—

(1) during the legislative period occurring in 1972, any measure or matter making only supplemental or deficiency appropriations for the fiscal year ending June 30, 1972; and

(2) during each legislative period occurring in a year, beginning with the legislative period occurring in 1973, any measure or matter making only supplemental or deficiency appropriations for that year.

(b) The appropriate committee of the Senate or the House of Representatives may report to its House, and that House may consider, during any fiscal period, any measure or matter if—

(1) in the case of a treaty or nomination submitted to the Senate, the President of the United States or the President pro tempore of the Senate determines, and notifies the Senate in writing, that an emergency exists requiring that the Senate be allowed to consider immediately that treaty or nomination; and

(2) in the case of any other measure or matter the President of the United States or the President pro tempore of the Senate and the Speaker of the House of Representatives (acting jointly) determine, and notify both House in writing, that an emergency exists requiring that the two Houses be allowed to consider immediately that measure or matter.

For purposes of this subsection, "emergency" means any circumstance that affects, immediately and seriously, the national interest.

(c) Any measure or matter returned to the Senate or the House of Representatives under the second or third paragraph of section 7 of article I of the Constitution may be considered during any legislative or fiscal period.

(d) The Senate and House of Representatives may consider, and the Committees on Appropriations of the two Houses may report, during the legislative period occurring in the year 1972 any measure or matter making an appropriation for the fiscal year ending June 30, 1972, for the support of the Government.

EFFECTIVE DATE

SEC. 205. The provisions of this title shall become effective on the day on which the Congress assembles, under section 2 of article XX of the articles of amendment to the Constitution, in the year 1972.

LIMITATION

SEC. 206. No provision of this title shall be construed as giving authority to any committee of either House of the Congress to report any measure or matter if that committee is not otherwise given that authority by another provision of law, or by rule or resolution of that House of the Congress.

Mr. ROTH. Mr. President, each year brings fresh evidence of the pressing need for fiscal reform. Each year it is increasingly clear that Congress cannot enact appropriation bills by the start of the new fiscal year. In 1969, the first appropriation measure was not passed until September 29—3 months after the start of the 1970 fiscal year. A second appropriation bill was passed on October 29. Two more passed on November 26. Because of these delays, 5 months of the fiscal year had passed by, but only 4 of 13 appropriation bills had been enacted.

The record of 1970 was not much better. Two bills passed in July. Two more passed in August, but one was vetoed and not reenacted until December. Another bill passed in September. Two more in October. None in November. After 5 months of the fiscal year had elapsed, Congress had passed only 6 of 13 appropriation bills.

These delays have made it necessary for Congress to rely on the passage of numerous continuing appropriation bills, to permit executive and independent agencies to continue projects and activities. The result: instead of shifting to new programs and priorities at the start of a fiscal year, we perpetuate the old. Appropriations committees wait for legislative committees to finish their work. Whenever authorization bills are modified, so must appropriation bills, and that leads to substantial waste and inefficiency.

The ramifications of these delays reach out to affect the executive branch and State and local government. The President, responsible for formulating next year's budget, does not yet know how Congress will act on the old. Agencies are left in suspense as to their funding authority. State and local governments, trying to plan ahead for future programs, await congressional action. What moneys will be made available for grant-in-aid programs? Which program will be fully funded, partially funded, or phased out? School districts, urban renewal programs, community health services, waste treatment programs, and other vital activities wait month after month for congressional action. All sectors of government, on both a national and local level, are adversely affected by the inability of Congress to appropriate funds in time.

The consequences of such fiscal sluggishness are particularly apparent in the Nation's schools. Educators can neither plan nor implement their programs effectively when they are forced to devote much of their time and energy to outguessing the Congress. Without knowing when Federal funds will be received, without knowing how much money will be available, the school administrator is reduced to a kind of fiscal roulette—and the Nation's children are the losers.

The problems created by late funding of education programs can be summarized as follows:

Effective planning is nearly impossible without adequate advance notice of fund to be received;

The recruitment and employment of teachers is delayed and as a result the most able applicants cannot be hired by the schools which need them most;

New programs are sometimes not initiated until the middle of the school year and their effectiveness is consequently reduced;

Pressure for full utilization of Federal funds late in the school year often results in expenditures for lower priority school needs.

School districts which attempt to anticipate the amount of Federal funds to be received, sometimes find themselves overcommitted if appropriations are reduced;

Public expectations are often disappointed when programs fail to live up to their promise due to late Federal funding;

Evaluation suffers, as programs cannot be adequately assessed when they have not been adequately implemented.

These problems and many others have long been acknowledged by officials in Washington. Back in 1967, a task force on timing of DHEW appropriations for educational programs recommended an advance funding procedure which would enable Congress to notify school officials of the amounts to be made available in the coming year. The Elementary and Secondary Education Act Amendments of 1967 subsequently authorized advance funding for education programs, but with the exception of one advance appropriation for title I of ESEA, this provision has done little to improve the funding process.

It is for the purpose of correcting and alleviating this situation that I am today cosponsoring the Federal Appropriations Reform Act. This legislation proposes that there be two sessions each year: One for legislative business, followed by a second session to appropriate funds. This proposal would also require a change from a fiscal year to a calendar year.

The advantages of this legislation are many. No longer would appropriation and legislative committees be meeting at the same time to act on the same program. Instead of a delay of months in enacting appropriation bills, a deadline would be established. Moreover, a separate session for appropriating funds would permit Congress periodically to devote its entire energies to these important matters without the pressure, haste, and confusion which has become too often associated with the consideration of money measures.

By Mr. BURDICK:

S. 1876. A bill to provide for the division of jurisdiction between State and Federal courts, and for other purposes. Referred to the Committee on the Judiciary.

FEDERAL COURT JURISDICTION ACT OF 1971

Mr. BURDICK. Mr. President, I ask unanimous consent that the analysis of the bill I now send to the desk be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURDICK. Mr. President, I am introducing today for appropriate reference a bill entitled the Federal Court Jurisdiction Act of 1971. This bill is the result of a 10-year study of the jurisdiction of the Federal courts by the American Law Institute made at the suggestion of then Chief Justice Earl Warren.

In proposing this study, Chief Justice Warren stated:

> It is essential that we achieve a proper jurisdictional balance between the federal and state court systems, assigning to each system those cases most appropriate in light of the basic principles of federalism.

The American Law Institute pursued this suggestion and has produced what is, to my knowledge, only the third comprehensive review of Federal court jurisdiction since the inception of our lower Federal courts under the Judiciary Act of 1789.

Our Federal district courts have always been courts of limited jurisdiction—they can only adjudicate controversies falling within the jurisdiction defined by statutes passed by Congress.

But if the Federal courts have limited jurisdiction and can only hear a certain number of cases, should there not be a good reason for a Federal court to hear a particular case? Are the factors which led our predecessors in Congress to include a particular type of case within Federal jurisdiction still persuasive in light of modern social and economic conditions? Are there cases which the Federal courts can handle more efficiently, merely because they are part of a national system and can consolidate suits brought in different areas of the country?

And finally, since the dockets of both our Federal and State courts are badly overcrowded, would it not be more efficient for Federal judges to adjudicate a greater proportion of the cases arising under Federal law, and fewer cases arising under State law, with which they are presumably not so familiar as State judges?

Essentially these are the questions with which the American Law Institute has been struggling for 10 years. The American Law Institute is a body of distinguished judges, members of the bar, and law professors. They are responsible for the well known Restatement of the Law. The result of their study is this bill, a substantial revision of title 28 of the United States Code, which delineates the jurisdiction of the Federal district courts, the procedures for its invocation, and the limitations on its exercise. The draft legislation and commentary explaining the reasons for the changes were published in 1969 in a book entitled "Study of the Division of Jurisdiction Between State and Federal Courts."

Because of the great care and skill which went into the draft legislation, this bill, with minor stylistic changes, is exactly as drafted by the Institute.

The Judicial Conference because of the far-reaching nature of the changes proposed by this bill recommended its early submission to Congress for appropriate legislative examination.

Mr. President, the Judiciary Act of 1789 laid out the basic framework of our judicial system. The jurisdiction presently vested in the Federal courts is the result of statutes enacted at various times in our history with various specific purposes in mind.

It was changed significantly after the Civil War. The act of July 27, 1866, broadened removal in diversity cases—about one-sixth of all diversity cases now come to the Federal bench by removal. The important act of March 3, 1875, gave the lower Federal courts for the first time jurisdiction in cases arising under the Constitution, laws, or treaties of the United States—the "Federal question" jurisdiction, which accounted for 45 percent of all civil cases filed in Federal court, last year.

These jurisdictional grants increased the workload of the Federal courts. To accommodate the increased work, the circuit courts of appeals were created in 1891, and the "judges' bill" in 1925 made most review in the Supreme Court discretionary rather than a matter of right.

In 1970 a total of 127,280 civil and criminal actions were commenced in the U.S. district courts, 13 percent more than fiscal year 1969. The 1970 increase in case filings was the steepest caseload jump for any year in the last decade. The caseload has grown immensely in the last decade. On June 30, 1970, there were 114,117 civil and criminal cases pending, 10 percent more than a year ago and 66 percent greater than the 68,942 pending on June 30, 1960. In light of these changes, it is appropriate for Congress to examine the jurisdiction of the Federal courts.

The conclusions of the ALI study now being introduced were presented in the form of a proposed revision of those sections of title 28 of the United States Code that now delineate the jurisdiction of the district courts in six major areas of Federal jurisdiction: First, diversity jurisdiction, second, Federal question jurisdiction, third, admiralty and maritime jurisdiction, fourth, United States as a party, fifth, multiparty-multistate diversity, and sixth, jurisdiction of three-judge courts.

Before attempting a more specific analysis of the provisions of the bill, let me illustrate the significance of this bill by a concise statement of the effect of the proposals to redefine the jurisdiction of the district courts. In the area of diversity jurisdiction, it is proposed to contract Federal jurisdiction by excluding certain resident plaintiffs, commuters, and foreign corporations where the litigation arises out of a transaction local to the State wherein the Federal court is located. The authors of the study estimated that 50 percent of these cases would be excluded, or a total of approximately 11,500 cases. Offsetting this contraction would be an expansion of Federal jurisdiction to include certain multiparty, multistate litigation and to include certain Federal question cases regardless of the jurisdictional amount. The number of cases affected by this expansion is not known at this time. Thus it seems clear that the proposals made by the ALI and embodied, without change, in this bill are of great importance to the bench and bar of this country.

From my initial review of this proposal, let me make a few general observations. The proposal made for a general realinement of the jurisdiction of Federal courts is made at a time when there are a number of separate bills and proposals being made which would make changes in the jurisdiction of Federal courts in specific areas such as aircraft litigation, consumer class action, habeas corpus, and in certain cases requiring a three-judge court. Each of these separate matters should be considered in the light of the comprehensive revision embodied in the bill now introduced.

Let me briefly outline for my colleagues the effect of the bill on the six major areas of Federal jurisdiction.

I. DIVERSITY JURISDICTION

Diversity of citizenship jurisdiction remains the most controversal head of Federal jurisdiction. In recent correspondence with Federal judges a large number of them suggested diversity jurisdiction be abolished completely, that it is no longer necessary. However, the provisions of this bill reflect the judgment of the Institute that diversity jurisdiction continues to serve an important function in our Federal system, but that it presently extends to substantial classes of cases with no valid justification for being in the Federal courts and omits some that should have access to a Federal forum.

Although it is estimated that these provisions might reduce diversity jurisdiction by about 50 percent, the purpose of this bill is not to reduce the backlog of cases in Federal courts, but to provide a clear and principled division of cases between the State and Federal courts. The rationale adopted for diversity jurisdiction in this bill is that the function of this jurisdiction is to provide an even level of justice to the traveler or visitor from another State. However, when a person's involvement with a State is such as to eliminate any real risk of prejudice against him as a stranger and make it unreasonable to heed any objection he might make to the quality of its judicial system, the bill would not permit him to choose a Federal forum.

In accordance with this principle, this bill bars a plaintiff from bringing suit in Federal court in his own State simply because his opponent is a citizen of another State.

On a similar basis, a corporation or other business enterprise with a local establishment maintained for more than 2 years in a State would be prohibited from invoking, either originally or on removal, the diversity jurisdiction of a Federal court in that State in any action arising out of the activities of that establishment. Similarly, a natural person would be denied access to the Federal court in the State where he had his principle place of business or employment.

These provisions are in line with the policy of the present provision regarding removal—28 U.S.C. 1441(b)—which does not allow removal when the defendant is a citizen of the State in which such action is brought. There is not likely to be prejudice in a court in his own State and thus the law now provides no removal. What this bill does is to treat plaintiffs the same way and deny them original diversity jurisdiction in Federal court in their own State.

The policy with regard to commuters and corporations is the same as with natural persons: that is when they are strongly established in the State, their case as plaintiff or defendant can be heard in State court without fear of local bias.

Other provisions are designed to reinforce the prohibition against the artificial creation or destruction of diversity either by assignment or the appointment of a fiduciary.

An important change, in light of the number of cases involved, would allow an out-of-State defendant to remove an action to Federal court even though complete diversity is lacking because his codefendants are ineligible or unwilling to remove.

II. GENERAL FEDERAL QUESTION JURISDICTION

This bill provides for a separate chapter to deal with original jurisdiction, removal and venue in cases arising under the Constitution, laws, or treaties of the United States, known as "Federal question" cases. It was not until 1875, as the body of Federal law grew, that Federal courts were granted jurisdiction generally over them. The provisions of this bill are based on the conclusion that Federal question cases are indeed the proper business of the Federal courts.

The Federal courts have acquired a considerable expertness in the interpretation and application of Federal law. Of course in some cases, jurisdiction is concurrent, but the proportion of Federal question cases forms a very small part of the business of the State courts, while they form a highly concentrated part of the business of Federal courts.

Thus, the bill would broaden the jurisdiction of Federal courts over cases involving federally created rights. It would also relieve State judges of the burden of deciding statutory questions with which they are unfamiliar and which may, therefore, require significantly more time for them to decide than it would take a Federal judge.

This is in line with the general philosophy of this bill which assigns a greater number of diversity cases, involving State law, to State courts more expert in these matters.

The argument in favor of vesting Federal question jurisdiction in the Federal courts does not rest alone on the expertness of those courts. Long ago Justice Story referred to "the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the Constitution," and said that truly deplorable public mischiefs would result if the laws, the treaties, and the Constitution of the United States should be different in different States, and never have precisely the same construction, obligation, or efficacy in any two States. *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 347–348 (1816). In the fiscal year 1970 there were 34,846 private Federal question cases commenced in the Federal district courts, and this number will increase with the general increase in volume of litigation and the broadening scope of Federal law. The U.S. Supreme Court could not possibly review all of those cases. To the extent that, whether tried in State or Federal court, Federal question cases are not heard by the U.S. Supreme Court, some lack of uniformity as to the meaning and application of Federal law is inevitable. There is reason, however, to believe that greater uniformity results from hearing these cases in a Federal court, and on appeal in only 11 Federal circuit courts of appeal.

The most important change required by this rationale is to permit removal on the basis of a Federal defense or counterclaim. The need for a Federal forum is as great for the defendant who relies on Federal law to defeat a State-created claim as it is for the plaintiff whose claim is derived from Federal law. The alinement of parties, as plaintiff or defendant, seems irrelevant to any functional or, even rational, explanation of Federal question jurisdiction. Similarly, under this rationale, the need for a Federal forum is no less in small cases than in large cases, and it is proposed to abolish any requirement of a particular amount in controversy where the plaintiff relies on Federal law to invoke the jurisdiction of the Federal court.

Removal generally will be allowed in a Federal question case without regard to the amount in controversy whenever there is a counterclaim that could have been brought as an original action under the proposed section 1311 of title 28. Removal also will be allowed when a Federal defense is raised provided the amount in controversy exceeds $10,000. There are, however, certain types of cases where removal is barred—the Fair Labor Standards Act, the Employers' Liability Act, the Jones Act, the Carmack Act, and workmen's compensation cases. The reason for these exceptions is that Congress has attempted to provide a convenient forum for plaintiffs in these cases involving small amounts in controversy and removal would cause delay and hardship.

III. ADMIRALTY AND MARITIME JURISDICTION

The Admiralty jurisdiction is not significantly changed. The language of 28 U.S.C. 1333 is continued to preserve the body of case law built upon it. It provides that the district courts shall have original jurisdiction without regard to the amount in controversy of all civil actions of admiralty and maritime jurisdiction. A new provision in this bill resolves a conflict in the cases by providing that jurisdiction does not include a claim merely because it arose on navigable waters. The "saving to suitors" clause is replaced by a provision declaring in terms when jurisdiction is exclusive and when it is concurrent; the line drawn reflects the existing case law. Jurisdiction is exclusive only in limitation of liability actions, actions against the United States and actions in rem.

Removal of admiralty and maritime actions is permitted, as under existing law, only if there is some basis for Federal jurisdiction other than the maritime nature of the claim. Venue for maritime actions is put in statutory form for the first time. This codification reflects the traditional liberality of venue in admiralty. Action may be brought where events giving rise to the claim occurred, or where any defendant or any vessel, cargo or other property subject to arrest or attachment may be found.

A right to a jury trial is provided by this bill if diversity or a Federal question furnishes an independent basis of Federal jurisdiction and a right to jury trial would otherwise exist. The bill also provides for a jury trial on demand in all admiralty cases, other than limitation of liability proceedings, when the relief sought is money damages for personal injury or death.

IV. UNITED STATES AS A PARTY

The treatment of cases in which the United States is a party is largely declaratory of existing law. This bill carries forward the present law, making a general grant of jurisdiction over actions brought by or on behalf of the United States. The bill resolves conflicts in the cases by defining when counterclaims may be asserted. In general a counterclaim may be asserted: first, when the district court would have jurisdiction of the counterclaim in an independent action, or second, when it arises out of the same transaction or occurrence as the plaintiff's claim, and it is within the jurisdiction of any court of the United States, or third, when it arises out of the same transaction or occurrence on which the United States could not be sued in any court but here the use of counterclaims is wholly defensive; no affirmative judgment for the defendant can be rendered.

The bill generally carries forward the jurisdiction of the district court in cases where the United States is a defendant. Jurisdiction of Tucker Act suits and tax refund cases remains concurrent with the court of claims. One change is made, however, the maximum limit in Tucker Act suits in the district courts is raised to $50,000, rather than the $10,000 presently provided. The Federal district courts will continue to have exclusive jurisdiction of cases under the Federal Tort Claims Act. There is also a new general grant of jurisdiction over all other actions in which the United States has consented to be sued in a district court. The United States is allowed to assert as a counterclaim any claim that it has against any plaintiff to the action.

The bill gives district courts original jurisdiction of any civil action commenced by a present or former officer or employee of the United States to recover damages for any injury to him on account of any act done under color of his office or in performance of his official duties. This is a broadening of 28 U.S.C. 1357, which is limited to situations where the employee is engaged in revenue collection or voting rights activities. The bill includes without change 28 U.S.C. 1361, giving jurisdiction over actions in the nature of mandamus to compel an officer of the United States to perform a duty owed to the plaintiff. Finally, 28 U.S.C. 1442, 1442a, allowing removal of civil actions or criminal prosecutions brought in a State court against Federal officers, are preserved in a somewhat more generalized form.

The bill continues jurisdiction of actions involving Federal corporations, national banks, and Interstate Commerce Commission orders without any change in substance.

V. STAYS IN CERTAIN CASES: THREE-JUDGE COURTS

The Supreme Court has adopted certain rules, known as the "abstention doctrine", that recognize various circumstances in which a Federal court, though it has jurisdiction, ought to defer to the State courts and let the State courts answer some or all of the questions the case poses. But the application of the doctrine is unclear. This bill seeks to clarify the law by providing a narrow class of cases in which the Federal courts should defer to the courts of the State. If they do so defer, ordinarily it will mean the case will proceed to judgment in the State courts.

The bill defines more clearly the occasions when injunctions from one court may issue against proceedings in the other system of courts.

Under this bill, a three-judge court is not required when an act of Congress is challenged as unconstitutional. The bill assumes that a single Federal judge is fully capable of interpreting the application of the Constitution to acts of Congress and there is no problem of infringing upon the dignity of a separate sovereign. The provision for three judges in suits to enjoin enforcement of a State statute on the ground that it is unconstitutional is continued. However, the kinds of cases in which the special court is needed are narrowed, and it will be convened only if requested by the State officer being sued. This may reduce somewhat the judicial time used in these cases.

VI. PROCEDURE FOR REMOVAL

A separate chapter on removal procedure is provided to clear up ambiguities in the present statutes, and also to limit the instances in which a case in the State court can be removed after the initial pleading stage or after trial has begun.

VII. MULTIPARTY, MULTISTATE DIVERSITY

There are certain cases, few in number, in which the parties who must be joined are scattered in different States and in which there is presently no court, State or Federal, that can obtain jurisdiction over all of them. The efficient disposition of lawsuits involving such complex transactions is provided for in this bill by creating original jurisdiction whenever necessary defendants are so dispersed as to be beyond the reach of any other single judicial forum, and there is some diversity of citizenship among adverse parties. The present law—28 U.S.C. 1407—governing multidistrict litigation is retained.

THE AMERICAN LAW INSTITUTE

Mr. President, it is appropriate to acknowledge the efforts of the American Law Institute, its president, Norris Darrell, its director, Prof. Herbert Wechler, and members of its advisory committee for the valuable service they have rendered in developing this bill. The proposed statute and the commentary were prepared by a reportorial staff of great ability under the leadership of Prof. Richard H. Field of Harvard Law School as chief reporter. Prof. Paul J. Mishkin of the University of Pennsylvania Law School assisted him in the development of the material on general diversity jurisdiction and served as reporter on multiparty, multistate diversity. Prof. Charles Alan Wright of the University of Texas Law School assumed responsibility for reporting on general Federal question jurisdiction. Prof. David L. Shapiro of Harvard served as assistant reporter on diversity jurisdiction. Prof. David F. Cavers of Harvard and Leavenworth Colby, Esq., of the U.S. Department of Justice served as consultants on choice of law problems and on admiralty and maritime problems respectively. In addition credit must be given to a distinguished advisory committee whose membership included two State court justices, seven Federal judges, two professors, and five noted lawyers.

While we may not all agree on the fine points of this bill, those who study it will share my appreciation of the scholarship, craftsmanship, and objectivity of the institute's work. As in all institute projects, their draft proposals were systematically reviewed by the advisers and by the council at annual institute meetings, a process that made an enormous contribution to the shaping of the final product.

THE ROLE OF CONGRESS

One effect of this bill may be to shift to the State courts approximately one-half of the general diversity cases now litigated in the Federal system. The extent to which this reduction would be offset by the expansion of Federal question jurisdiction, by the broadening of the right of an out-of-State defendant to remove, and by the new multiparty, multistate jurisdiction, is somewhat uncertain at this time. It seems probable, though by no means certain, that there would be a substantial lessening of civil litigation in the Federal courts. The volume of diversity litigation in the Federal courts system is small in comparison to the total volume of State litigation—an estimated 11,000 diversity cases shifted under this bill, compared to 3 million cases now heard in State courts. The exact burden upon a particular State must be determined.

However, the effect of this bill goes far beyond mere caseload problems. Prof. Charles Alan Wright has clearly stated the issue:

> Every case must be tried in some court, and if the Federal judiciary were to gird itself for the law explosion by narrowing Federal jurisdiction, it would simply mean that many more cases for which the state must make provisions . . . The goal must be not to get cases out of Federal courts, but to get out of the Federal courts the cases that do not belong there.

Mr. President, the merits of this bill must also be measured in light of this philosophy.

It is my hope the introduction of the act will bring about a spirited and rigorous dialog on every aspect of the bill. Hearings on the need for legislation of this kind, the "principles" of this bill, the soundness of its provisions, alternative solutions to the problems it recognizes, should be commenced late this summer. I encourage my fellow Senators, the judges of the United States, and our good citizens to make themselves heard on this important legislation.

EXHIBIT 1

ANALYSIS OF THE FEDERAL COURT JURISDICTION ACT OF 1971

S. 1876

(Unless otherwise noted the section numbers refer to the proposed sections of title 28 United States Code.)

Section 132. This amendment would add to sec. 132 of the Judicial Code, which is the section dealing with "creation and composition of district courts," a provision now appearing in the venue chapter as section 1405. References in the present statute to divisions are striken as obsolete.

Section 451. Sections 1404(d) and 1406(d) of the Judicial Code make the other provisions of those sections applicable to the Canal Zone. The amendment here proposed to sec. 451, which is the general definition section of the code, would bring all of the territorial courts within the provisions dealing with transfer of venue in diversity, federal question, admiralty, and United States as a party cases.

Section 1253. (Present Code) Repealed. This section deals with Indian allotments. The first paragraph gives jurisdiction to the district courts of such allotments when created by Act of Congress or Treaty. These cases are fully comprehended within the federal question jurisdiction, proposed section 1311(a). The second paragraph deals with the effect of judgment. It is proposed to transfer the second paragraph to title 25, which deals with Indians.

Section 1292:

Subsection (a) 5: This subdivision adds to the section setting forth the jurisdiction of the courts of appeals reference to appeal as of right, as provided in sec. 1384(c), from remand orders in civil rights cases removed under sec. 1312(c). It also adds reference to appeal, as provided in sec. 1376(a), from orders denying requests for three-judge courts or dissolving such courts. In both cases the time for appeal is limited to ten days.

Subsection (c). This subsection creates a procedure, similar to the procedure for interlocutory appeals under sec. 1292(b), for the review of remand orders raising substantial questions of the right to a federal forum; and also for the review of orders staying a federal court action under secs. 1305(b) or 2373(e) to permit the prosecution of proceedings in a state court, or refusing to dissolve such a stay. Permission of both the district and appellate court is required, in order to ensure that proceedings in state courts will not be held up pending the resolution of frivolous appeals.

Subsection (d). This subsection gives the court of appeals power to entertain appeals from orders remanding removed cases to the state court after disposition of the federal element on which jurisdiction depends, as provided in sec. 1313(d). That section prescribes the procedure for leave to appeal and the effect of the decision in further proceedings in the state court. This subsection differs from sec. 1292(c) in that the permission of both the district and appellate court is required in that subsection, whereas here the district judge does not participate.

CHAPTER 84—DISTRICT COURTS: GENERAL DIVERSITY OF CITIZENSHIP JURISDICTION

Section 1301:

Subsection (a) does not change the basic provisions for diversity for citizenship jurisdiction in the present law.

Subsection (b) changes the present law in subdivision (1) only to provide that for diversity purposes an alien corporation that has its principal place of business in a state is a citizen of that state and to make it clear that a corporation is a citizen of every state and foreign state by which it has been incorporated. Subdivision (2) provides that for diversity purposes a partnership or other unincorporated association capable of suing or being sued in its common name in the state in which the action is brought shall be deemed a citizen of the state of its principal place of business. Subdividsion (3) carries into the proposed diversity provisions the amendment to 28 U.S.C. § 1332(c) enacted by Congress in 1964, 78 Stat. 445, preventing reliance on state "direct action" statutes as a basis for diversity jurisdiction. Subdivision (4) provides that for diversity purposes an executor, administrator, or any person representing the estate of a decedent or appointed pursuant to statute with authority to bring an action for wrongful death shall be deemed to be a citizen only of the same state as the decedent. The representative of an infant or incompetent is given similar treatment. The purpose is to prevent either the creation or destruction of diversity jurisdiction by the appointment of a representative of different citizenship from that of the person represented.

Subsection (c) changes the present law only in including "Possession of the United States" in the definition of "State".

Subsection (d) restates the present law with a minor verbal change.

Subsection (e) provides, inter alia, that when a person brings an action within the diversity jurisdiction, jurisdiction in that action shall extend to any claim arising out of the same transaction or occurrence brought by any member of his family living in the same household.

Subsection (f) is taken unchanged from 28 U.S.C. § 1351.

Section 1302:

Subsection (a) prohibits invocation of federal jurisdiction on the basis of diversity of ciitzenship, either originally or on removal, by a citizen of the state in which the district court is held. This reflects existing law as to removal jurisdiction, but is new in depriving a plaintiff of the right to institute an action in a federal court in the state of which he is a citizen because the defendant is a citizen of a different state.

This and the following subsections put denial of access to a federal court in terms of jurisdiction rather than of venue so that the defect will not be waivable.

Subsection (b) prohibits a corporation incorporated or having its principal place of business in the United States, and a partnership, unincorporated association, or sole proprietorship having its principal place of business in the United States, from invoking diversity jurisdiction, either originally or on removal, in a district court held in a state where it has maintained a local establishment for more than two years, but this prohibition applies only to claims arising out of the activities of that establishment. A "local establishment" is a fixed place of business where or in connection with which as a regular part of such business activities of any of the types enumerated in the definition are carried on. The application of the subsection is limited to entities organized or operated primarily for the purpose of conducting a trade, investment, or other business enterprise.

Subsection (c) prohibits a natural person from invoking federal jurisdiction on the basis of diversity of citizenship, either originally or on removal, in any action in a district court held in a state where he has had his principal place of business or employment for more than two years. The purpose is to prevent the commuter who crosses a state line in order to get to his regular place of work from invoking diversity jurisdiction in the state to which he commutes.

Subsection (d) complements the two previous subsections, which measure the two-year period backward from the time of invocation of the jurisdiction. If a corporation, unincorporated association, or individual would have been denied access to a federal court at the time the claim arose, this subsection continues the bar despite the abandonment of the local establishment or place of business or employment thereafter. The subsection also provides that when an individual would have been barred at the time of the events, a representative of the individual or his estate is similarly barred.

Subsection (e) excludes from diversity jurisdiction any civil action arising under the workmen's compensation laws of any state.

Section 1303:

Subsection (a) contains the basic venue provisions for diversity of citizenship cases. Venue may be laid either in (1) a district where a substantial part of the events or omissions giving rise to the claim occurred or where a substantial part of property which is the subject of the action is situated, (2) a district where any defendant resides, if all defendants reside in the same state, or (3) a district where any defendant resides if the claim arose abroad. The subsection further provides that a defendant not resident in the United States may be sued in any district.

Subsection (b) provides that the residence of a corporation for venue purposes shall be the district where it has its principal place of business and also each district in any state where it has been incorporated if its principal place of business is not in that state. This restricts venue in actions against corporations, which can under the present § 1391(c) be sued in any district where they are doing or are licensed to do business. In view of the adoption of the place of the events as a proper venue, this residence limitation does not protect a corporation against suit in an appropriate district. A corporation now suable in any district where it does business will be amenable to process in any such district and the venue will be proper if the events occurred there.

The subsection further provides that the residence for venue purposes of any partnership or other unincorporated association is the district where it has its principal place of business.

Subsection (c) makes actions for trespass upon or harm done to land transitory, thus changing the prevailing case law that such actions can be brought only where the land lies.

Section 1304:

Subsection (a) is the basic provision for removal in diversity cases against a single defendant. The only departure from existing law is the prohibition against removal by those persons who are not, by reason of § 1302, permitted to invoke federal jurisdiction in the state where the action is brought. Removal by a citizen of the state is not permitted under present law. A person whose principal place of business or employment is in a state is treated like an in-state citizen and denied removal jurisdiction. Enterprises with local establishments are similarly denied removal jurisdiction in actions arising out of the activities of such establishments.

Subsection (*b*) gives a defendant in a multi-party action the same right to remove that he would have if sued alone by any party making claim against him; he may remove the entire action and not merely the claim against himself. Third-party defendants are in general accorded the same right, but not in specified categories of cases where the third-party defendant would be likely to be subject to the control of the original defendant.

Subsection (*c*) changes existing law by treating a plaintiff defending a counterclaim in a state court or a third party impleaded on such a counterclaim as a defendant for purposes of removal. When the counterclaim arises out of the same transaction or occurrence as the plaintiff's claim in the state court, the entire action is removed; otherwise the counterclaim is severed and separately removed.

Subsection (*d*) permits removal of an action by a defendant with a claim against the plaintiff in excess of the jurisdictional amount if it arises out of the same transaction or occurrence as the plaintiff's claim and if the sole reason why the action would not be removable is that the amount claimed by the plaintiff fails to satisfy the jurisdictional requirements. Under existing law the cases are in conflict on the right of a defendant to remove in these circumstances, with the majority holding that removal is not permitted. The right to remove under this subsection does not turn upon whether or not the counterclaim is compulsory under state law.

Section 1305:

Subsection (*a*) makes the transfer of a diversity action from one district to another on motion of the defendant depend solely upon whether it is for the convenience of parties and witnesses or otherwise in the interest of justice. The limitation of transfer under present law to a district where the action "might have been brought", together with the restrictive interpretation of these words by the Supreme Court, is removed in order to further the objective of enabling lawsuits to be tried at the place called for by considerations of convenience and justice. Appellate review of the trial court's exercise of discretion on such a motion is barred.

Subsection (*b*) limits the freedom of transfer provided in subsection (a) by prohibiting transfer to a district where both sides would be barred from invoking federal jurisdiction by reason of § 1302. In many cases all or a substantial part of the events in suit will have occurred in the state where such a district is located, and hence it is likely to be the suitable place for trial. To allow transfer to that district would, however, frustrate the policy of preventing federal litigation in a forum that neither side deserves. In this situation the court, upon a finding that there is no other place in which trial would be appropriate, shall stay the proceedings if it can do so on such terms as will assure the plaintiffs an opportunity to maintain suit upon the claim in an appropriate state court. To this end the court may condition a stay upon amenability of all defendants, by consent or otherwise, to jurisdiction over the person in the designated state, upon waiver of any applicable statute of limitations in that state, or upon such other terms as may be deemed proper. The subsection further gives the plaintiff the benefit of any attachment obtained in the stayed action.

To prevent delays, decisions staying proceedings under this section are made reviewable only under the special interlocutory appeal provisions of § 1292(c) *infra*.

Subsection (*c*) deals with the question of the choice-of-law rules applicable in a transferred action. It provides that the transferee court shall apply the rules which the transferor court would have been obliged to apply. This provision codifies the result reached in *Van Dusen v. Barrach,* 376 U.S. 612 (1964).

Section 1306:

Subsection (*a*) gives the plaintiff in a diversity action a second chance to choose a forum if he can show that a transfer is for the convenience of parties and witnesses or otherwise in the interest of justice. Transfer is limited to a district where venue would be proper and the defendant amenable to process, other than one in which the plaintiff would have been barred by reason of § 1302. Appellate review of the trial court's exercise of discretion on a motion under this or the following subsection is barred.

Subsection (*b*) provides for a transfer as an alternative to dismissal when venue is laid in the wrong district. This is apparently declaratory of existing law, although the phrase "where it could have been brought" is changed to spell out the requirements that the transferee district be a proper venue and the defendant be amenable to process there.

Subsection (*c*) resolves the choice-of-law problems by providing that the state law which the transferee court is obliged to apply shall be that of the state in which it sits. This treatment of the problem is different from that provided in the preceding section when the defendant is the moving party. There the plaintiff was allowed to preserve any choice-of-law advantage obtained by his choice of forum. Here he is not allowed to carry this advantage with him when he is seeking a more convenient forum than the initial proper venue, nor when he is seeking transfer from an improper venue to a proper one in lieu of dismissal.

Subsection (*d*) is designed to permit the court in an appropriate case to award to the defendant costs, including counsel fees, attributable to the plaintiff's failure to bring the action in an appropriate court in the first instance.

Section 1307:

Subsection (*a*) is designed to replace the present § 1359. It preserves and strengthens the basic prohibition of that section against "improper" or "collusive" making or joining of parties. The new language "pursuant to agreement or understanding between opposing parties" is included especially to deal with the possibility of collusive creation of federal jurisdiction via removal under the provisions of § 1304.

Subsection (*b*) has no counterpart in the provisions of existing law and is intended to foreclose the use of various devices to create or defeat federal jurisdiction. In particular, this subsection requires that in determining its jurisdiction, the district court shall disregard any sale, assignment, or other transfer of property if an object of the transfer was to enable or to prevent the invoking of federal diversity jurisdiction.

CHAPTER 85—DISTRICT COURTS; GENERAL FEDERAL QUESTION JURISDICTION

Section 1311:

Subsection (*a*) is declaratory of existing law, under the construction the courts have developed of 28 U.S.C. § 1331(a), except that no amount in controversy is required, and that jurisdiction is extended in terms to all declaratory judgment actions in which the complaint rests on federal law.

Subsection (*b*) is based on present law, except that it does not preserve the provision of the Securities Exchange Act of 1934 giving exclusive jurisdiction to the federal courts of suits under that Act, and certain other minor provisions for exclusive jurisdiction are repealed.

Section 1312:

Subsection (*a*) is a major change in present law. To allow removal on the basis of a federal defense or counterclaim is new.

Subsection (*b*) is a prohibition against removal in various kinds of cases. The bar against removal of Fair Labor Standards Act cases in (1) resolves a split in the present case law. The subsection follows present law in (2) and (3) in barring removal of cases under the Federal Employers' Liability Act and the Jones Act. The bar against removal of suits against carriers under the Carmack Amendment is made general in (4), rather than applying only to suits for less than a particular amount, as in 28 U.S.C. § 1445(b). The bar to removal of workmen's compensation cases in (5) is taken from 28 U.S.C. § 1445(c). Actions for the enforcement of state laws or for condemnation under state law are not removable, and (6) and (7) prevent them from being removed on the basis of a federal defense. Subdivision (8) bars removal based solely on the defense that the defendant could not constitutionally be subjected to process of the state court. Removal is barred by (9) if the only basis for removal is a contention that federal law requires that a judgment elsewhere be honored or that the law of a particular state be applied.

Subsection (*c*) is taken virtually verbatim from the present statute for removal of civil rights cases, 28 U.S.C. § 1443, but with a part of clause (2) of that section eliminated since the cases involved are now removable under 28 U.S.C. § 1442(a)(1) and would be removable also under § 1323(c) of these proposals.

Subsection (*d*) changes the present law requiring dismissal of actions removed to the federal court that were properly in the exclusive jurisdiction of the federal courts. As to venue in such cases, see § 1315(b) below. The subsection also permits retention of jurisdiction of an action mistakenly brought in federal court, though not properly within the original jurisdiction, where defendant asserts a federal defense or counterclaim that would make the action removable if it were dismissed and recommenced in a state court.

Section 1313:

Subsection (*a*) is similar to present law in permitting "pendent jurisdiction" of closely related state claims. The provision that such jurisdiction exists over the state claims even where extraterritorial service was made as authorized by federal law resolves a question on which the cases are sharply divided.

Subsection (*b*) requires remand to the state court of claims not sufficiently related to the federal element in the case to be within the scope of federal jurisdiction, as defined by the preceding subsection.

Subsection (*c*) is in accord with existing case law. It covers cases originally commenced in a federal court and recognizes that the court has discretion to refuse to determine the related state claim if the federal claim has been disposed of and the interest of justice is served thereby. If the federal court chooses in its discretion to dismiss the action, this is appealable as a final judgment.

Subsection (*d*) covers cases coming to federal court by removal. It recognizes a discretion similar to that provided in subsection (c) and provides for the possibility of appellate review of the disposition by the federal court of the federal element in the case. The court of appeals has discretion whether to hear an appeal. The effect of the disposition of the federal element by the federal court on subsequent proceedings in a state court is also stated.

Section 1314:

Subsection (*a*) contains the basic venue provisions for federal question cases. These are similar to the provisions proposed for diversity of citizenship cases in § 1303(a). Venue may be laid either where any defendant resides, if they all reside within the same state, or where the events giving rise to the claim occurred. If all defendants reside in the same state, and the events occurred elsewhere, plaintiff has a choice of venue. If defendants reside in different states, venue can be laid only in the district where the events occurred. In the rare case where the events occurred outside the United States, and there is a defendant not resident within the United States, or multiple defendants not resident in a single state, venue may be laid where any defendant may be found, under (a)(3).

Subsection (*b*) is similar to the provision proposed for diversity of citizenship cases in § 1303(b). It provides that the residence of a corporation for venue purposes shall be the district where it has its principal place of business. If it is incorporated in a state or states other than that where it has its principal place of business, it is also considered to reside in each district of the state of incorporation. This restricts venue in actions against corporations, which under the present § 1391 (c) can be sued in any district where they are doing or are licensed to do business. In view of the adoption of the place of the events as a proper venue, under subsection (a)(1), this residence limitation does not protect a corporation against suit in an appropriate district. The subsection further provides that the residence for venue purposes of any partnership or other unincorporated association is the district where it has its principal place of business.

Subsection (*c*) makes actions for trespass upon or harm done to land transitory, thus changing the prevailing case law that such actions can be brought only where the land lies.

Subsection (*d*) permits service on a defendant in any district. This provision is essential if venue is laid at the place where the events occurred and some defendants are not amenable to process in that state.

Section 1315:

Subsection (*a*) permits transfer of an action, on motion of any party, to a more convenient forum, without regard to whether the action might have been brought there. Compare the provisions for transfer of diversity action in §§ 1305 and 1306. Appellate review of the trial courts exercise of its discretion on such a motion is barred.

Subsection (*b*) provides for transfer or dismissal if venue is laid in the wrong district. It is similar to existing § 1406(a), and see proposed § 1306(b). The subsection also applies to actions removed from state court that were in the exclusive jurisdiction of the federal court, so that the party who brings in the state court an action that should have been brought only in federal court does not get the benefit of a venue that would not have been proper had he commenced his action in federal court.

Subsection (*c*) gives the court power to assess costs, including a reasonable attorney's fee, if transfer under (a) is made on motion of plaintiff, or if an action brought in the wrong forum is transferred under (b). See the similar proposal in § 1306(d).

CHAPTER 86—DISTRICT COURTS; ADMIRALTY AND MARITIME JURISDICTION

Section 1316:

Subsection (*a*) is declaratory of existing law. The first sentence is taken without substantial change from 28 U.S.C. § 1333. The second sentence resolves a conflict in the cases in the direction of limiting federal jurisdiction.

Subsection (*b*) replaces the famous "saving to suitors" clause of § 9 of the Judiciary Act of 1789—now 28 U.S.C. § 1333—by declaring in terms when jurisdiction is exclusive and when it is concurrent. The line drawn is consistent with that developed by the courts in construing the saving clause.

Section 1317:

Subsection (*a*) is consistent with existing law in permitting removal if there is some other basis for federal jurisdiction but not allowing removal merely because the action is one of admiralty and maritime jurisdiction.

Subsection (*b*) changes the present law by permitting removal of an action within the exclusive jurisdiction of the federal courts if the action is mistakenly brought in a state court. See the similar provision in § 1312 (d).

Section 1318:

Subsection (*a*) puts into statutory form the liberal choice of venue that has been traditional in admiralty.

Subsection (*b*) authorizing service of process in personam in any district is consistent with the admiralty tradition that defendant may be sued wherever he can be found, and with the provisions of §§ 1314(c) and 1326 (h). The limitation on process in actions in rem or quasi in rem, stated in clause (2), is in accord with present law.

Subsection (*c*) incorporates by reference the flexible change of venue provisions of § 1315.

Section 1319:

This section substitutes for the fortuitous and irrational pattern that presently exists a straightforward declaration of when jury trial may be had in an action within the admiralty and maritime jurisdiction. The section: (1) provides for jury trial if diversity or a federal question provide an independent basis of federal jurisdiction and a right to jury trial would otherwise exist; (2) provides for jury trial on demand on all claims within the admiralty and maritime jurisdiction in a federal court—other than those heard in a limitation of liability proceeding and those against the United States—if the relief sought is in personam and is limited to money damages for personal injuries or death; and (3) provides that in all other actions within the jurisdiction no right to jury trial exists. The section simplifies and clarifies the law, without making any substantial change in the number of claims triable to a jury.

CHAPTER 87—DISTRICT COURTS: UNITED STATES AS A PARTY

Section 1321:

This section, and the six other sections in this chapter, are an attempt to restate and to clarify what is already the law. It was considered beyond the purposes of this Study to attempt an evaluation of the proper limits of sovereign immunity. By approving this chapter the Institute takes no position on whether changes should be made in the immunity still retained by the United States.

Subsection (*a*), making a general grant of jurisdiction over actions in which the United States is plaintiff, is derived from 28 U.S.C. § 1345.

Subsection (*b*) resolves conflicts in the cases on the extent to which counterclaims and recoupment may be asserted against the United States.

Section 1322:

Subsection (*a*) is based generally on 28 U.S.C. § 1346. Subdivisions (1) and (2) are taken without substantial change from § 1346 (a), except that the jurisdictional limit on Tucker Act cases in the district courts is raised to $50,000. Jurisdiction is made concurrent with the Court of Claims to preserve the existing construction that the district courts may not hear cases, though within the language of § 1346(a), that are not within the jurisdiction of the Court of Claims. Subdivision (3) is based on § 1346(b), but a new § 2673 is recommended below to put into the Tort Claims chapter of the Judicial Code the substantive provisions now in § 1346(b). Subdivision (4) is new. It grants jurisdiction to the district courts of all cases in which the United States has consented to be sued in a district court.

Subsection (*b*) authorizes removal of any case in a state court in which the United States is named as a defendant. Compare 28 U.S.C. § 1441(a).

Section 1323:

Subsection (*a*) is generalized from the more limited provision of 28 U.S.C. § 1357.

Subsection (*b*) is taken unchanged from 28 U.S.C. § 1361.

Subsection (*c*) is similar to the statutes that presently permit removal of actions against federal officers, 28 U.S.C. § 1442, 1442a, though somewhat generalized in form.

Section 1324:

Subsection (*a*) is taken without change of substance from 28 U.S.C. § 1349.

Subsection (*b*) is based generally on 28 U.S.C. § 1348, but the provision about actions commenced by the United States is omitted as covered by § 1321, and the provision defining the citizenship of national banking associations is omitted as covered by § 1301 (b)(1) in the diversity chapter.

Section 1325:

Subsection (*a*) is taken from 28 U.S.C. § 1336(a).

Subsection (*b*) combines subsections (b) and (c) of 28 U.S.C. § 1336.

Section 1326:

Subsection (*a*) is the basic provision for cases to which the United States is a party. It is generally similar to the provisions proposed for diversity cases, § 1303(a), and for federal question cases, § 1314(a), with such modification as the different nature of the cases requires. It permits suit to be brought either where the events giving rise to the claim occurred or where any defendant other than the United States resides. In addition, in cases brought by private parties, if all plaintiffs reside in the same state the district in which any plaintiff resides is a proper venue. Subdivision (a)(4) makes provision for the rare case in which the claim arose outside of the United States, there is no defendant resident in the United States, and either there is no state in which all plaintiffs reside or the plaintiff is the United States.

Subsection (*b*) is similar to the provisions proposed for diversity cases, § 1303(b), and federal question cases, § 1314(b). It provides that the residence of a corporation for venue purposes shall be the district where it has its principal place of business. If it is incorporated in a state or states other than that where it has its principal place of business, it is also considered to reside in each district of the state of incorporation. This restricts venue in actions against corporations, which under the present § 1391(c) can be sued in any district where they are doing business or are licensed to do business. In view of the adoption of the place of the events as a proper venue under (a)(1), this residence limitation does not protect a corporation against suit in an appropriate district. The subsection further provides that the residence for venue purposes of any partnership or other unincorporated association is the district where it has its principal place of business, and defines the residence of officers of the United States.

Subsection (*c*) makes actions for trespass upon or harm done to land transitory, thus changing the prevailing case law that such actions can be brought only where the land lies.

Subsection (*d*) requires actions in rem to be brought in a district in which all or part of the property involved is located. *Cf.* 28 U.S.C. § 1392(b). It generalizes a policy already reflected in 28 U.S.C. §§ 1395(b), 1399, 1402(c), and 1403.

Subsection (*e*) states a special rule of venue for tax refund cases, and such cases must be brought as here provided rather than under subsection (a). The subsection is based on 28 U.S.C. § 1402(a).

Subsection (*f*) states a special rule of venue for those actions involving national banking associations of which jurisdiction is given by § 1324(b). It is based on 28 U.S.C. § 1394. Since this subsection speaks in terms of where the association is located, rather than where it resides, the definition of residence in subsection (b) has no application here.

Subsection (*g*) states a special rule of venue for those actions involving orders of the Interstate Commerce Commission of which jurisdiction is given by § 1325(a). It is taken unchanged from 28 U.S.C. § 1398.

Subsection (*h*) is similar to the provision for process in federal question cases, § 1314 (d). It permits service upon any defendant in any district.

Section 1327:

Subsection (*a*) is similar to the provision for federal question actions, § 1315(a). It permits transfer of an action, on motion of any party, to a more convenient forum, without regard to whether the action might have been brought there. Appellate review of the trial court's exercise of discretion on such a motion is barred.

Subsection (*b*) provides for transfer or dismissal if venue is laid in the wrong district or if a suit within the exclusive jurisdiction of the federal courts is removed to a district in which it could not have been properly commenced. It is similar to the provision for federal question cases, § 1315(b). No provision similar to § 1315(c) is here recommended, because of the differences between private litigation and cases to which the United States is a party.

Subsection (*c*) generalizes the principle of 28 U.S.C. § 1406(c) which permits transfer to the Court of Claims of cases erroneously brought in a district court, and makes it applicable to cases within the exclusive jurisdiction of any court of the United States.

CHAPTER 88—STAYS IN CERTAIN CASES: THREE JUDGE COURTS

Section 1371:

Subsection (*a*) is based on the Tax Injunction Act, 28 U.S.C. § 1341, with provision for declaratory judgment actions is required by case law.

Subsection (*b*) is based on the Johnson Act of 1934, 28 U.S.C. § 1342. That statute, however, is limited to rate orders, while this subsection also bars injunctions against orders of state administrative agencies involving natural resources, in which there is a particularly strong local interest, provided that the conditions of the subsection are met.

Subsection (*c*) puts in statutory form so much of the "abstention doctrines" as seems justifiable. Its purpose is to define the conditions under which abstention should ordinarily be ordered, so that a state court may determine difficult questions of state law.

Subsection (*d*) is intended to ensure that where a stay is granted in deference to a state, the action will ordinarily proceed to judgment in the state courts, with review, if any, in the Supreme Court of the United States, and that the action will not return to the federal district court. The district court is authorized, however, to give interim relief where such action by it is needed to prevent irreparable harm, and to vacate its stay and proceed to decision if the state remedy proves ineffective.

Subsection (*e*) allows certification of questions of state law to state courts with an established procedure for answering such questions, and sets forth the conditions under which certification is permissible.

Subsection (*f*) bars federal courts from abstaining from decision except as provided in this section. It reaches all actions "commenced in or removed to a district court under this title" and precludes abstention in diversity or Federal question litigation unless subsections (a), (b), or (c) are applicable. It does not apply to actions in the Supreme Court of the United States on appeal or certiorari from a state court. Existing discretion as to entertaining actions for declaratory judgments and as to declining relief for want of equity is continued.

Subsection (*g*) excepts from these stay provisions actions to redress denial of the right to vote, or of equal protection of the laws, on the grounds of race, color, creed, or national origin. It also excepts from the stay provisions actions brought by or on behalf of the United States.

Section 1372:

The bulk of this section restates the existing Anti-Injunction Act, 28 U.S.C. § 2283, as it has been interpreted by the courts. It does not permit a federal injunction against enforcement of an allegedly fraudulent state judgment. Whether such injunctions are permitted under the present statute is unclear. Exception (7) goes beyond present law to permit an injunction in certain civil rights cases where the very existence of a state prosecution may have a chilling effect on others who wish to exercise rights guaranteed by the Constitution of the United States. Even if a case falls within one of the seven stated exceptions, an injunction may issue only if "otherwise warranted," and the usual equitable requirements of irreparable harm and no adequate remedy at law are thus made applicable.

Section 1373:

This section puts in statutory form a judge-made limitation on the power of state courts to enjoin federal proceedings. The first exception is presently recognized in the cases. The second exception, more narrowly drawn than the related exception to the bar on federal injunctions against state proceedings, § 1372(5), changes the present case law.

Section 1374:

Other Acts of Congress requiring a three-judge court, usually only where requested by the United States, are: 15 U.S.C. § 28, 47 U.S.C. 44, and 47 U.S.C. § 401(d) (certain antitrust cases); 42 U.S.C. § 1917(g) (voting rights); 42 U.S.C. § 2000a–5(b) (public accommodations); 42 U.S.C. § 2000e–6(b) (equal employment); and 42 U.S.C. §§ 1973b (a), 1973c, 1973h(c) (Voting Rights Act of 1965). It is proposed to repeal the provisions for a three-judge court in cases challenging the constitutionality of a federal statute, 28 U.S.C. § 2282, and in TVA condemnation cases, 16 U.S.C. § 831x. The requirement of a three-judge court in cases challenging state action is based generally on 28 U.S.C. § 2281, but its extension to declaratory judgment actions is new, as is the requirement that the defendant must request such a court.

Section 1375:

Subsection (*a*) is similar to the present statute, 28 U.S.C. § 2284(1), but expressly recognizes the power of the single judge to determine that a three-judge court is not required.

Subsection (*b*) contains so much of subsections (2) and (4) of 28 U.S.C. § 2284 as is appropriate in light of the changes made in § 1374 on when a three-judge court is required.

Subsection (*c*) combines provisions that now appear as subsections (3) and (5) of 28 U.S.C. § 2284. The single judge may stay an action which falls within the provision corresponding to the Tax Injunction Act and the Johnson Act, § 1371(a)(b), but, in accordance with existing law, he is barred from ordering abstention under § 1371(c). The second paragraph of 28 U.S.C. § 2284(5) is omitted, as adequately covered by § 1371.

Section 1376:

Subsection (*a*) provides for review in the courts of appeals of denial of a three-judge court. At present mandamus from the Supreme Court is the usual, but not the only, means of review of such a denial. The subsection also makes failure to request a three-judge court, when such a request is required by law, or failure to take a timely appeal from the denial of the request, a waiver of the requirement for such a court.

Subsection (*b*) permits direct appeal to the Supreme Court from decisions on the merits by three-judge courts, whether or not the convening of such a court was required by law. If the Supreme Court determines that a three-judge court was not required, it may transfer the case to the appropriate court of appeals but has discretion to proceed with decision of the appeal itself. The subsection also makes provision for certification to the Supreme Court of appeals erroneously taken to a court of appeals.

CHAPTER 89—PROCEDURE FOR REMOVAL OF ACTIONS TO DISTRICT COURTS

Section 1381:

Subsection (*a*) is similar to 28 U.S.C. § 1446(a), with appropriate reference to the additional matters that must be stated in the petition if removal is founded on §§ 1304 or 2373.

Subsection (*b*) continues the present requirements of notice to the adverse parties and to the state court, 28 U.S.C. § 1446(e). The time within which this must be done, and the effect of these steps on further action in the state court, are set out in §§ 1382(e) and 1383(a).

Subsection (*c*) conforms to the case law in looking ordinarily to the amount demanded in the pleading to determine the amount in controversy to be set forth in the petition for removal where the relief sought is not limited to a money judgment. Clause (2) speaks to a point on which the law is presently unclear. It permits an allegation of the amount in controversy in the petition for removal where state practice does not require a demand for a specific sum or where state practice permits damages to be obtained in excess of the amount prayed for in the pleading. In the cases covered by clause (2) defendant is permitted to petition for removal at any time he is prepared to allege that the requisite amount is in controversy, but the time provisions of § 1382(d) are such that he is not required to seek removal until it appears in the state court proceeding that plaintiff is seeking more than $10,000.

Section 1382:

Subsection (*a*) states the time for removal is based on the complaint or on a third-party complaint. It is drawn generally from 28 U.S.C. § 1446(b), with the time limit extended to thirty days as provided by the 1965 amendment of that section, and with several different points provided from which the time runs, to meet the variety of procedures used in the states for commencement of an action.

Subsection (*b*) states the time for removal where removal is based on a counterclaim, or on the answer or reply.

Subsection (*c*) permits removal on the basis of an amended pleading that first makes the case removable. The party serving the amended pleading is permitted to remove only if he petitions within thirty days of his original pleading, but the other parties are given thirty days from amendment of the pleading.

Subsection (*d*) states the time for removal in cases within § 1381(c)(2), where the state practice does not require demand for a specific sum or permits recovery of damages in excess of those demanded. The party against whom the demand is made may petition for removal whenever he can allege in good faith that more than the requisite amount is in controversy, but he is required to act not later than thirty days after it appears in the state court proceeding that damages may be awarded of more than $10,000. If this fact first appears during the trial, or within thirty days prior to trial, removal may be had only if plaintiff has deliberately failed to disclose the amount of damages in order to defeat removal.

Subsection (*e*) is taken without change from the present statute, 28 U.S.C. § 1446(c), with an added provision for the removal of actions within the exclusive jurisdiction of the courts of the United States.

Subsection (*f*) speaks to two points on which the existing law is unclear. It provides that giving notice to the other parties and filing a copy of the petition with the state court need not be done within the time limits here provided for filing the petition for removal, but that removal is not effective until those steps have been completed.

Subsection (*g*) permits a party to seek dismissal on the ground of *forum non conveniens* without incurring any risk of losing his right to remove should his motion be denied.

Section 1383:

Subsection (*a*) continues the existing rule, 28 U.S.C. § 1446(e), that the state court shall not proceed in the matter after it has been removed, but changes the present law by providing for an exception where the trial is in progress in the state court at the time of removal.

Subsection (*b*) is taken from 28 U.S.C. § 1450.

Subsection (*c*) is taken from 28 U.S.C. § 1450.

Subsection (*d*) combines provisions that presently appear as 28 U.S.C. §§ 1447(a) and 1448.

Subsection (*e*) is based on 28 U.S.C. § 1447 (b). The present procedure for cases in which the state court fails to provide the record, 28 U.S.C. § 1449, is omitted as unnecessary in light of this subdivision.

Section 1384:

Subsection (*a*) is taken from 28 U.S.C. § 1447(c), with appropriate exception for the provisions of § 1386 that deal with foreclosure of jurisdictional issues, and with provision for an attorney's fee added.

Subsection (*b*) is based on 28 U.S.C. § 1447 (c), but with provision for a stay where the removing party plans to appeal the remand order, and such an appeal is permitted by subsection (c).

Subsection (*c*) is based on 28 U.S.C. § 1447 (d). It makes reference to the availability of permissive appeal of remand orders under § 1292(c), and of appeals of orders disposing of the federal element in a removed case, and remanding the remaining state issue to state court, as provided in § 1313(d). The subsection also carries forward with a clarifying change the provision for appeal as of right from remand orders in civil right cases removed under § 1312(c), first provided in the Civil Rights Act of 1964. The time for appeal has been limited to ten days.

CHAPTER 90—RAISING AND FORECLOSURE OF JURISDICTIONAL ISSUES

Section 1386:

Subsection (*a*), which has no counterpart in existing law, provides that if issues of subject-matter jurisdiction are not properly raised at an early stage in the proceedings, consideration of such issues by a trial or appellate court is foreclosed. The cutoff date that is adopted is the commencement of trial on the merits, or the rendering of any prior decision that is dispositive of the merits (such as dismissed for failure to state a claim). Five limited exceptions are recognized.

Subsection (*b*) provides that any governing statute of limitations is tolled by the commencement of an action in a federal court, and for at least thirty days following dismissal (if within that period the action is commenced in a proper court) in any case in which the dismissal was for lack of jurisdiction. This provision is designed to deprive defendants of one of the principal reasons for delay in the raising of jurisdictional issues.

Subsection (*c*) provides that if a party has commenced a timely action in state court, and the action is dismissed because it is within exclusive federal jurisdiction, the statute of limitations will not bar commencement of a new action on the claim in federal court within thirty days after dismissal of the state action.

STOCKHOLDERS DERIVATIVE ACTION

Section 1695:

The present special venue statutes for venue and process in derivative actions, 28 U.S.C. §§ 1401, 1695, permit suit in the district of the individual defendants' residence with extra-territorial service on the corporation. This proposal will allow extra-territorial service if suit is brought in the district in which the corporation resides. It encourages suit in what will usually be the most convenient forum, and assures the plaintiff of at least one forum in which he can always sue.

GREAT LAKES ACT

Section 1873 (Present Code). The Great Lakes Act is repealed. This act provided that, within the act, both cases in contract and tort could be tried to a jury. It is proposed to unify maritime jurisdiction and provide jury trials only in cases of personal injury or death. See the proposed Chapter 86, Sections 1316 through 1319.

CHAPTER 159—INTERPLEADER

Section 2361 is taken from 28 U.S.C. § 1335, with changes to conform the existing provisions as to interpleader actions to those proposed for the new dispersed parties jurisdiction. In addition a clause has been added at the end of § 1335(b) to assure the result, already reached by the more recent decisions, that the "independent liability" restriction on the bringing of interpleader actions no longer exists.

Section 2362 is the venue provision for statutory interpleader, formerly § 3197, now transferred to Chapter 159.

Section 2363 is the present 28 U.S.C. § 2361 with changes of substance to conform to the provisions of § 2374. These include enlargement of the reach of process, authorization of transfer, and statement of the power of the court to make its own determination of choice of law.

CHAPTER 160—NECESSARY PARTIES DISPERSED IN DIFFERENT JURISDICTIONS

Section 2371:

Subsection (*a*) provides original jurisdiction whenever necessary defendants are so dispersed as to be beyond the reach of any other single judicial forum, and there is some diversity of citizenship among parties.

Subsection (*b*) defines when defendants are thus necessary to a plaintiff's action, expressly including those without whom he could not maintain the action in another forum (so-called "indispensable" parties) and excluding joint tort-feasors or others against whom joint-and-several or alternative liability is asserted.

Subsection (*c*), to reduce threshold litigation, provides that the determination of whether necessary defendants are within the reach of process of a jurisdiction shall be made, not by a factual inquiry as to whether each might with diligence have been found there, but solely by reference to state objective factors.

Definitions of particular terms used in this section are provided in § 2375 *infra*.

Section 2372:

Commencement venue of original actions under § 2371 is limited by this section to those federal districts having substantial contacts with the subject of the action. Except where there is no such district (because all relevant events and property are outside the United States), venue is not authorized in terms of parties' residence. Since federal process can summon parties in these actions from wherever they may be (§ 2374 *infra*), general availability of residence venue is not called for. Liberal transfer of venue is authorized by § 2374(b) *infra*.

Section 2373:

Subsection (*a*) provides jurisdiction on removal whenever a defendant sued in a state court is unable to bring in additional persons whose presence is necessary to assure a just adjudication as to that defendant, provided that there is some diversity of citizenship among parties. Under the circumstances, the criterion on removal (unlike original jurisdiction) is whether those needed persons can be brought into the state court where the original action is pending.

Subsection (*b*) defines which persons are thus necessary for a just adjudication that term does not include one who is or may be liable to the defendant for all or part of the plaintiff's claim against him.

Subsection (*c*) authorizes removal when a counterclaim is asserted in a state court and additional persons necessary for a just adjudication thereof cannot be brought into that state court.

Subsection (*d*), to assure against abuse of the jurisdiction, requires one removing under this section to certify expressly that all reasonable efforts have first been made to bring the additional necessary parties into the state court proceedings.

Subsection (*e*), for similar reasons, provides that where another state court is available to entertain the full action and is the forum where it ought to be litigated, the district court may stay its proceedings in favor of an action in that state court. Such a stay order would not be reviewable except under the provisions of § 1292(c) *supra*.

Section 2374:

This section outlines the basic mode of proceeding in actions under this chapter.

Subsection (*a*) provides that in such actions the district court issue its process for all necessary parties wherever they may be, without regard to district or state lines.

Subsection (*b*) authorizes transfer of these actions to any other district, even allowing such transfer to be made on the court's own motion prior to service of process on any defendant.

Subsection (*c*) specifically provides that in selecting applicable state law, the district court need not automatically follow the choice-of-law rule of the state in which it happens to be sitting (or of any other particular state). This is necessary since the several parties may be summoned from various states.

Subsection (*d*) deals with the special circumstance where a necessary party cannot be served with process, providing that the action shall go on without that person unless the district court concludes that such continuation would work greater injustice than total failure of the action.

Subsection (*e*) provides for the cases where the smallness of the amount in controversy, compared with the distances over which parties may be compelled to respond, may result in injustice being inflicted simply by prosecution of the action; it provides for discretion in the district court to dispense with the presence of individual parties or to discontinue the action entirely on account of such factors.

Subsection (*f*) provides that such continuation of the action in the absence of parties who would otherwise be considered necessary (as authorized in the foregoing two subsections) may be conditioned upon appropriate measures to protect affected interests, but that it may in any event be maintained even though an absent party be one who would ordinarily be deemed "indispensable" to the action.

Section 2375:

This section provides definitions of certain terms that are used in this chapter and in the section establishing jurisdiction of interpleader actions. These definitions are applicable only in those places.

Section 2376:

This section provides for extending the provisions of this chapter (specifically § 2374) to actions already in federal court under other jurisdictional grants, in which necessary parties are absent beyond the reach of normal process.

Subsection (*a*) provides for joining such absent parties whose presence is necessary to assure a defendant a just adjudication in actions brought originally under general diversity of citizenship jurisdiction.

Subsection (*b*) provides for bringing in parties (who cannot otherwise be joined) whose presence is necessary for just adjudication of a counterclaim that has been asserted in an action in federal court under general diversity of citizenship jurisdiction.

CHAPTER 160A—MULTIDISTRICT LITIGATION

Section 2381:

This section is taken without change from 28 U.S.C. § 1407, added by Act of April 29, 1968, Pub. L. No. 90–296, § 1, 82 Stat. 109.

TORT CLAIMS PROCEDURE ACTIONS IN DISTRICT COURTS

Section 2673. This section transfers to Chapter 171 of the Judicial Code, the chapter that deals with tort claims against the United States, the substantive provisions for such claims now contained in 28 U.S.C. § 1346 (b). This section is itself a grant of jurisdiction, but reference is made to it in § 1322 (a) (3).

MISCELLANEOUS STATUTORY CHANGES

(Section refers to the section numbers of this bill.)

Section 3. The special venue statute for national banks (12 U.S.C. 94) is repealed. They will be treated for the purposes of venue, as any other corporation would be. The special rule of venue for actions to wind up the affairs of a national bank (28 U.S.C., Section 1394) is preserved by the proposed section 1326(e).

Section 4:

(a) The amendment would permit removal of actions under the Securities Act of 1933.

(b) The amendment would make federal and state court jurisdiction concurrent in actions under the Securities Exchange Act of 1934.

Section 5. This section would place in Title 25, the title of the United States Code dealing with Indian affairs, the provisions that now appear as 28 U.S.C., sec. 1360. The only change is the elimination of the reference to territories, a reference that has been obsolete since Alaska became a state.

Section 6. This section would place in Title 25, the title of the United States Code dealing with Indian affairs, the second paragraph of 28 U.S.C., sec. 1353.

Section 7. The amendments of the venue provisions of the Suits in the Admiralty Act and the Public Vessels Act make them conform better to the admiralty venue provisions set forth in proposed sec. 1318. Unlike sec 1318(a) the former, incorporated by reference in the latter, makes the residence of any plaintiff a permissible venue, as do the present statutes.

By Mr. HANSEN (for himself, Mr. Mansfield, Mr. Metcalf, and Mr. McGee):

S. 1878. A bill to amend section 5 of Public Law 89–664, which established the Bighorn Canyon National Recreation Area. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, I send to the desk a bill which would increase the land acquisition ceiling for the Big Horn Canyon National Recreation Area, and ask that it be referred to the appropriate committee.

In 1966, the Congress of the United States passed legislation to establish the Big Horn Canyon Recreation Area on the Montana-Wyoming border. At that time, the act included a provision that not more than $355,000 could be appropriated from the Land and Water Conservation Fund for land acquisition and right of way. It was anticipated that the major expenditure for acquisition of land rights would be a right of way for a transpark road extending from Lovell, Wyo., to Fort Smith, Mont.

Unfortunately, this road has been delayed and set back by the National Park Service to the point where it has become necessary to increase the ceiling placed on land acquisition costs provided for in the act.

It is now anticipated that the total amount needed for right-of-way acquisition is $680,000. An additional $100,000 is needed for land acquisition costs. Hence, the legislation being introduced would amend the original act to provide a ceiling allocation under section 5 of the bill of $780,000.

Mr. President, the money for this increase is available under the Land and Water Conservation Fund, and it would be my hope that this legislation would meet hasty approval in order that we may proceed with construction of a transpark highway through the Big Horn National Recreation Area, and in this way effect a means whereby the total development and use of the national recreation area can be fulfilled.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1878

A bill to amend Section 5 of Public Law 89–664 which established the Bighorn Canyon National Recreation Area

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 5 of Public Law 89–664 is amended to read as follows:

"There is hereby authorized to be appropriated not more than $780,000 for the acquisition of land and interests in land pursuant to this Act."

By Mr. HATFIELD:

S.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. HATFIELD. Mr. President, I am today reintroducing a joint resolution to amend the Constitution of the United States relating to the nomination of the President and Vice President. I ask that the joint resolution be received and appropriately referred.

Mr. President, there is almost universal agreement that our system for nominating and electing the President needs revision, and over the past years, a variety of proposals have been put forth to correct it. During the last session of Congress, I introduced Senate Joint Resolution 72 which not only called for the direct election of the President, but for a national primary. I ask unanimous consent that the remarks I made at that time and the text of supporting information be printed at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. Byrd of Virginia). Without objection, it is ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, today I wish to dwell briefly on the aspect of this legislation which makes it unique. There are several bills before the Senate which would establish the direct election of the President—hopefully, this concept will be dealt with by this Congress. However, we cannot fail to examine and revise the Presidential nominating process as well for the two functions are interdependent and interrelated.

It is important to remember that the vague patchwork of primaries, party conventions, and the national conventions have arisen out of tradition and popular usage—they are not sanctioned, as is the Electoral College, by the Constitution. A development which was not foreseen by the Founding Fathers led to their institution. George Washington was everyone's choice for President in the first two elections and he received all the electoral votes cast. However, by 1800, political parties had started their spontaneous growth and with them the necessity to reorient the role of the electoral college and, more importantly, to organize a completely unanticipated nominating process.

The resulting convention system has been consistently faulted for its failure to represent people as opposed to "bosses" and the "party regulars." However, when you consider that delegates to the conventions are chosen in primaries and by party convention, that they may or may not be pledged to support candidates who have won popular approval, and that they work under highly emotional circumstances, it is to the credit of the system that any acceptable candidates emerge. But, we do not have to continue to deny millions direct participation in the nominating process and to allow such confusion to continue.

The primary system is essentially sound. But in its present form it stretches from January to June—yet encompasses only 19 States. Convention delegates elected by these primaries are not necessarily bound to support the presidential candidate who won in their party's contest. This can, therefore, mean that a large amount of money and attention will be directed toward a candidate who cannot win the nomination. The balance of power still lies with the nonprimary States. An example of this occurred in my home State of Oregon during the 1964 Republican primary when at least $675,000 was spent by the candidates who sought to influence 15 votes out of the 1,308 votes at the convention—proud as I am of Oregon, the votes, in this case, were hardly crucial.

It is not difficult to recognize the "grassroots" benefits of a national primary. However, one of the most frequent criticisms of the idea has been its potential cost. It is thought that a nationwide primary would duplicate the already exorbitant cost of the general election. Although one can hardly imagine that a serious presidential candidate would have to spend more on just one primary than he presently must in order to be represented in 19 primaries, many State conventions and finally a national convention, there is simply no way to calculate the actual comparative costs. Congress, however, would have the authority to establish legislation that would place necessary financial restraints on campaign costs.

It is possible and it is preferable to establish one national primary held uniformly across the United States. This is exactly what I propose. Parties would be bound to accept the popular choice of their membership. Party authority would be retained since a national convention would still be held to establish the party platform and nominate the vice presidential candidate.

Mr. President, 1972 is not so far in the future that we can ignore these measures. And 1968 is not so far past that we can fail to realize what the consequences of inaction might be.

EXHIBIT 1

Mr. HATFIELD. Mr. President, when one candidly and courageously analyzes our present electoral system, he discovers that it is an intolerable imperfection of democracy. Our country was founded on the revolutionary principle that all the people of the land were to be given the power and control over their political system. Thomas Jefferson eloquently expressed this ideal when he stated:

"I know of no safe depository of the ultimate powers of society but the people themselves."

Yet, today, it is clear that the people are still denied the fundamental power of directly choosing their national leader.

Witness a national political convention. I do not mean to emphasize any partisan viewpoint in these comments; yet, I must point out that in the judgment of the American people, the party convention in Chicago in 1968 displayed a calculated attempt to suppress popular feeling by some of those who held power in that political party. The manipulative tactics employed by party bosses to achieve their goals in that convention were supplemented by the intolerant repression of dissent that took place on the streets of Chicago. During that disillusioning week in August it became evident to millions of voters that the political conventions regularly practice infidelity to the democratic trust they promise the people.

Perhaps the most revealing of all the public opinion polls during that election year was the Harris survey in September which indicated that a majority of the American people felt that both political parties had not nominated their best candidate. According to that survey, 57 percent of the American voters felt the convention system denied them the opportunity to choose the desirable candidate. That such a frustration of popular will should occur in the oldest and most advanced democracy of the modern world is a travesty of man's belief in his right and ability to rule himself.

Let us be clear about the situation. It is no exaggeration to say that the current method of nominating and electing our President amounts to nothing less than a betrayal of our Nation's democratic yearnings. I grant that in the past our democratic commitment may best have been expressed through these procedures. When communication was more difficult and information was not easily disseminated. But technological changes and the increased political sensitivity and participation of our citizenry have now made our present system the chief obstacle to the fulfillment of our Nation's democratic ideals. Let us never forget that our primary commitment must always be to the service of democracy—and never to the preservation of methods and institutions which, regardless of their previous value, have become the foes of the very cause they were designed to serve.

It is most regrettable that we, the political leaders, have been the last to acknowledge this drastic situation. The majority of the American people are resoundingly united in their opposition to our manipulative political conventions and archaic electoral college. In this day of divisiveness, it would be difficult to discover an issue which elicits more widespread popular agreement. Yet, the political process—and we who are its trusted guardians—remains impervious to the dominant demand for decisive change. We, the Members of Congress, who have been elected to our positions for our capacity to make careful judgments and to respond to the popular will, have, as a whole, neglected to do either with regard to this crucial issue.

It is alarmingly evident that growing numbers of people from all strata of society are losing their fundamental faith in our political process. Why do so many of our land, including most of our students, feel alienated from our political institutions? It is not because they fail to believe in democracy, but precisely because they do, and see it fail to function.

History counsels us that when evolution becomes impossible revolution becomes inevitable. Our country today is in the midst of a revolutionary upsurge that can never be suppressed by billyclubs, bayonets, and admonishments to work within the system as long as that system remains hopelessly unresponsive to essential change. The loyal, active participation of all segments of society in our political life will come only when that process truly grants its power and control to the people it is pledged to serve. Is that too much to ask of our democracy?

The resolution I submit makes this fundamental proposal: Let the American people truly decide what candidates are nominated for President and who is elected to that office. Must we hesitate translating our political ideals into reality?

In considering changes in the methods of nominating and electing the President and Vice President of the United States, urgently request that we first look to the Constitution and to the environment and atmosphere out of which the Constitution evolved. More specifically, our attention should be directed to the creation of the electoral college as a means by which our Presidents are elected. Just as we are divided and perplexed as to the proper method for reforming our presidential election system, the members of the Constitutional Convention of 1787 were also sundered and confused, as they undertook the task of determining the procedure by which the leader of the new republic would be selected. As stated by James Wilson of Pennsylvania:

"This subject (method of presidential selection) has greatly divided the House, and will also divide people out of doors. It is in truth the most difficult of all on which we have had to decide."

This predicament resulted in the introduction of numerous proposals for electing the President. Greatest attention was given to the election by Congress, by the people, and by presidential electors.

Since my resolution provides for the election of the President by "direct popular vote," let us concern ourselves with the Constitutional Convention's approach to that proposition. Almost instantly, opposition arose to this proposal centered around the notion that the people were incapable of determining the character, integrity, and other necessary qualifications of presidential candidates. George Mason of Virginia stated:

"It would be as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would, to refer a trial of colours to a blind man. The extent of the country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the candidates."

Mr. Mason's argument was apparently well taken in 1787. Nevertheless our technological progress now enables the instant communication of information and has created an environment radically different from the late 18th century. However, even among those great leaders who labored to construct the stately Nation that we have come to be, there was vigorous support for the election of the President by popular vote. Governor Morris, of Pennsylvania, declared:

"If the President is to be the Guardian of the people, then let him be appointed by the people."

Mr. Morris' remarks seem to have been buried in history; notwithstanding I come to you with hope that we can revitalize that proposition.

Since the rejection of the idea that Presidents be elected by popular vote and the inception of the electoral college, we have been fortunate in the caliber of our Presidents, though not as fortunate in the actual operation of the electoral college. Time and experience have clearly indicated that the electoral college has substantial defects which pose a serious threat to the stability of our presidential system. The nature of these deficiencies have been presented and debated before you on numerous occasions; nevertheless, I submit that this issue is no longer a mere topic of discussion on Capitol Hill, but rather the subject of ventilation among Americans regardless of their status. Therefore, I solicit your sincere objectivity as the inadequacies of the present system are enumerated.

It has been demonstrated at least three times that a candidate can win the popular vote and lose the election. In other words, a candidate can win a plurality of the popular vote cast, but if the popular vote does not give him a majority of the electoral votes, then he may lose the election. Such a result is attributed to the disproportions between the electoral and popular vote.

Each State, regardless of its population, is entitled to a minimum of three electoral votes. This and other circumstances cause the number of persons per electoral vote to vary from State to State; for example, it is one to 75,389 in Alaska; one to 260,452 in Arizona; one to 330,599 in Virginia; and one to 392,930 in California. However, this defect produces a predicament contrary to what would appear to logically follow; that is, a voter in a small State, such as Alaska, Nevada, or Vermont, can influence only three electoral votes as opposed to a voter in New York, where his vote can influence 43 electoral votes. Hence, the combined votes of New York and California equal the combined votes of 20 other States.

If a candidate can carry a plurality of each of the 11 largest States plus any other State, he wins the election. Those who believe that the electoral college somehow protects the interests of the smaller States seem, therefore, to be gravely mistaken. Careful analysts of this issue have concluded that neither the interests of the small States nor the large States would be unfairly affected by direct voting. This point is made for instance, by Mr. Tom Wicker of the New York Times and a recent Washington Post editorial. I ask unanimous consent that these articles be inserted in the RECORD at the end of my remarks.

Another disadvantage is derived from the manner in which the electoral votes are assigned where such is necessary to reflect changes in the population of the various States. The allocation of the electoral votes is determined by the census. Censuses are taken every 10 years and become effective 2 years later. Therefore, the system operates to the disadvantage of voters in rapidly growing States.

A further reason for this disproportion was noted in a recent law review article:

"A state's electoral votes remain fixed regardless of whether one person or one million persons vote in the state. For example, in the 1964 election three times as many people voted in Delaware as in Alaska; yet each state cast three electoral votes. More people voted in New Jersey than in Texas; yet Texas had 25 electoral votes while New Jersey had only seventeen. In Alaska, 67,259 voters influenced the assignment of three electoral votes, at a ratio of one electoral vote for every 22,419 voters. In New York the ratio was one electoral vote for every 166,657 voters. In the 1960 election twice as many people voted in South Dakota as in Mississippi; yet Mississippi cast twice as many electoral votes as South Dakota."

I need only to mention the built-in inefficiency of the system permitting the "winner" of a State to "take all" and the "loser takes nothing," even though he may have 49 percent of the votes of the State cast in his favor. Why should a candidate receive 136 electoral votes in the States where he obtained only 2 million popular votes and no electoral votes for approximately another 6 million popular votes? Without resorting to extremes, one might easily view this process as an indirect means by which a candidate's votes are simply taken away and combined with those of his opponent. As stated by a former Senator of Missouri, Thomas Hart Benton, a leading advocate of electoral reform in the early 19th century:

"To lose their votes, is the fate of all minorities and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed."

I submit that the American people should not be compelled to continue tolerating such a disproportionate and inequitable arrangement.

The possibility that a candidate can receive less than a plurality of the popular vote and yet be elected President was alluded to earlier. This is a very real problem which has been demonstrated in the past and quite probably will occur again, unless our present system is reformed.

In 1824, although Andrew Jackson received more electoral and popular votes than did John Quincy Adams, but not the required majority of electoral votes, the election fell into the House of Representatives where Mr. Adams was elected President. Mr. Adams received a mere 31.9 percent of the popular vote while the loser, Mr. Jackson, carried 42.2 percent of the popular. Incidently, six States did not choose their electors by popular vote that year.

The election of 1876 made history when Samuel J. Tilden received a majority of more than 250,000 popular votes over Rutherford B. Hayes, but the returns of four States were contested. In order to resolve the dispute, a 15-man electoral commission was created. By a party vote of 8 to 7 the Commission ruled that Hayes had won the Presidency.

The electoral system disclosed to the American people another variation in 1888 when Grover Cleveland received a popular plurality of about 100,000 votes over Benjamin Harrison, but Cleveland's margin gave him only 168 electoral votes as opposed to Harrison's 233 electoral votes.

Neal R. Peirce states, in his treatise on the electoral college system that—

"Careful analysis shows that the danger of an electoral college misfire (of the popular-vote winner losing) is not just historical but immediate in any close contest."

Can we honestly ask the people to revive the fears of the system of chance and incertitude every 4 years? Elections are likely to continue to be close. Both parties spending much, both with mass TV saturation, both with professional advertising advice. It is the opinion of many that the disproportion between the popular and electoral votes demands the abolition of our present system.

If the electoral college does not function as our forefathers had intended, the House elects the President and the Senate the Vice President. However, there are inequities in this alternative also. When the election comes to the House, each State, regardless of population, has one vote and the votes of a majority of all the States is necessary to win the election.

In an election by the House, the five smallest States, with one Representative each and a combined population of less than 2 million, would have the same voting power as the five largest States, with a total of 154 Representatives and a combined population of 64 million. Alaska, with one Representative and a population of 226,167 would have the same influence as New York, with 41 Representatives and a population of 16,782,304. The 26 smallest States, with 76 Representatives—out of a national total of about 200 million—would be able to elect the President. Fifty-nine of the 76 Representatives would have it within their power to cast the votes of these States. The realities of the system, when disclosed through simple facts, must stimulate your sense of justice and fairness. Furthermore, the House alternative in no way compels the Members to cast their votes for the candidate who carried their district or State. This creates an opportunity for the Representatives to freely wheel and deal and the uncertainty as to who will be elected President continues indefinitely.

I would not like to be accused of using extremes to vindicate my arguments. Nevertheless the uniqueness of the 1876 election, to which I alluded before, is indicative of the deeply inherent defects which would result in another disaster during an era of great crises, both at home and abroad.

In the 1876 election, a controversy arose over the awarding of the electoral votes of Florida, Louisiana, South Carolina, and Oregon because each has sent double sets of elector returns to the President of the Senate. Party politics entered the picture when the Republican-controlled Senate and the Democratic-controlled House could not agree on which returns to accept. A constitutional issue was raised at the outset of the dispute, since the Constitution does not provide for such a predicament. Notwithstanding, in order to evade a confrontation of the issue, a joint committee was established to propose a possible means by which the question might be resolved.

The committee evolved a plan for an electoral commission consisting of seven Republicans, seven Democrats, and one independent, to decide the issue. Ten of the appointees were to be Members of Congress—five affiliated with each party—and five Supreme Court Justices with two from each party and the independent. Political maneuvers independent of those transpiring in Washington resulted in the disqualification of the alleged independent, David Davis, and left only two justices to choose from, both of whom were Republicans. Hayes forces began to lay the ground work for his acceptance in the South by compromise and promises to the Democrats and eminent businessmen. Acknowledgement by the House Democrats of this Hayes' stratagem fizzled a House attempt to reject the Commission's resolution. We must note that the Commission served a dual purpose in that it resolved the dispute and prevented the Supreme Court from adjudicating on any litigation questioning the constitutionality of the Commission's creation or decision. This brief case-study of the Hayes-Tilden controversy clearly demonstrates the chance and uncertainties of the electoral college. The uncertainty lies in the numerous possible predicaments which would evolve from the present system. I ask whether, if a few votes, in such key States as Illinois and Missouri, had been recorded in the Democratic column rather than in the Republican in our 1968 presidential election, would we have had an encore of the 1876 anomaly? We can reasonably conclude that in such a case the minority party candidate would have been in a position to decide the election, in the electoral college itself, by instructing his electors to vote for one of the major candidates, or in Congress, if he had the support of several State delegations.

As quoted earlier, "the office of President was too precious, too elevated, to be left to the whim of the common man, though he could express his preferences." Therefore, the Constitution provides no specific requirement binding electors to vote for the candidates of their parties and there is no legal means by which they could be forced to vote for their respective party candidates. In short, the electors could and have frustrated the will of the people.

A recent Fordham Law Review article suggests that:

"In 1960, Henry D. Irwin of Oklahoma was chosen as one of eleven Republican electors in his state. When Oklahoma's electoral college delegation met on December 19, 1960, Irwin voted for Senator Harry F. Byrd, who was not even a candidate for President. Four years earlier, in the election of 1956, the Democratic Party was the victim of the defection of another elector, W. F. Turner was selected as a Democratic elector in Alabama when Stevenson and Kefauver obtained 56.5 percent of the popular vote in that state. At the meeting of the Alabama electoral college. Turner broke his party oath and voted for one Walter B. Jones, stating: 'I have fulfilled my obligations to the people of Alabama, I am talking about the white people.' "

These isolated situations might seem somewhat remote; nevertheless, this is a very current problem, in view of Dr. Lloyd Bailey's defection to Governor Wallace in the 1968 election.

Since the Constitution empowers the State legislatures to determine the manner by which the electors are to be selected, they could also frustrate the will of the people. The classic example of the abuse of this power was a move by the Michigan Legislature in 1892. Assuming that the Republican ticket would carry the state and its electoral votes, the Democratic-controlled legislature changed the state's method of awarding electoral votes. A distinct system was formed so that each of the State's 12 congressional districts became a separate electoral district, with two districts at large. The enactment allowed the winner of the most popular votes in each district to receive one electoral vote. The Supreme Court sustained the legislature's exercise of power in McPherson against Blocker, where the court held:

"The appointment and mode of appointment of electors belong exclusively to the states under the Constitution of the United States."

This is one example of how a State's electoral votes may be manipulated.

The voters of Alabama were not granted the opportunity to vote for the electors for Truman and Barkley in 1948 because the Democratic Party therein supported electors for another presidential candidate. Again in 1960, the will of the people was frustrated when the voters of Alabama could not cast a vote for single slate of electors pledged to the Democratic candidate; and in 1964 there was a repeat of the 1948 performance for the voters could not vote for any electors pledged to Mr. Johnson.

As we have seen, the list of defects of the electoral system is long. However, it has not been exhausted. Our Founding Fathers, to my knowledge, did not consider nor provide for the apparent uncertainty that would be created by the death of a candidate. In other words, if a candidate were to die—or withdraw—after the November voting and before the electors met in December, there would be uncertainty as to his successor. This eventuality would raise several questions: Would there be another national election? Would the parties nominate other candidates? Would the people accept the new candidates? Would the electors accept the new candidates? Would the new candidate approve of the vice-presidential candidate or would another have to be selected? How long would it take for Congress to decide how the issue might be resolved? Should the States ratify any decision made by Congress? These are but a few of the questions that could conceivably be raised, but the prime question is whether we should allow such uncertitude to harass us. The Congress and the various States adopted the 20th and 25th amendments to resolve the problem of succession, and now I submit that we can and should adopt this resolution to resolve the multiplicity of defects inherent in the electoral college system.

Without doubt, the abolition of the electoral college would be a monumental change in our presidential election process. Nevertheless the arguments that I have advanced, and alluded to by others many times in the past, thoroughly justify this most needed reform. It has been advocated by such eminent bodies as the New York Times, the St. Louis Post-Dispatch, the Washington Post, Saturday Review, and a Commission of the American Bar Association on Electoral Reform. The resolution which I am introducing is consistent with the recommendation of the ABA's commission. The commission suggested a constitutional amendment requiring a popular plurality of at least 40 percent to be elected President and Vice President, and in the event no candidate received such a number, a runoff between the top two candidates.

The desire for reform of the system is held by the vast majority of Americans. A Gallup poll indicates that 81 percent of those interviewed are in favor of basing the election of the President on the popular vote throughout the Nation. Saturday Review contends that we should not have to depend upon tricky and antiquated procedures in electing a man to the most powerful office in the world. Their very valid argument might be buttressed by the Supreme Court's recognition, in Gray against Sanders, a 1962 decision, that the philosophy behind the electoral college belongs to a bygone age. A Fordham Law Review article very succinctly expressed the sound reasons why the college must be reformed with all deliberate speed. It stated:

"The workings of the electoral college over a period of almost two centuries have demonstrated the compelling need for substantial reform . . . The reason which motivated the Framers to create the electoral college (system) no longer exist . . . The America of today is a highly industrialized and sophisticated society and the world's leader in free enterprise . . . And, most important, the principle of popular election has met the test of time so that today, in the United States, it is a cherished and firmly established principle of representative government . . . Not only have the reasons for the electoral college (system) long since vanished, but the institution has not fulfilled the design of the Framers . . . As it exists today, the nature of the Presidency demands that there be no election barrier between the President and the people . . . Because the President plays so large a role in the affairs of our nation, it is all the more essential that he be elected by a method which assures fair and equal votes for all and not by a method which could operate to frustrate the workings of democracy, undermine the office of President, and render suspect from the outset of his administration . . . (The ground work has been laid throughout our Republic's history for)—one man one vote. . . . Surely, the time has arrived when we should recognize this principle in the election of our nation's two highest officials."

The direct election of the President, if adopted, will not alone do the job that is needed. Mr. Chalmers M. Roberts of the Washington Post has said:

"It seems likely that the hearings (on the electoral college) will have to consider the entire presidential election process, not just the relatively simple idea of a constitutional amendment to provide for a direct popular vote."

In other words, we must consider presidential nomination reform along with presidential election reform.

The convention system came into being in the early 1800's: "When it began to supersede the more or less haphazard methods of self-nomination common in South, and the mass meeting or nomination by the candidate's friends used in the North."

The national convention, similar to what we have today, appeared in the 1830's and as stated by one historian, Eugene H. Roseboom:

"Despite its defects, less evident then than later, it has remained fundamentally unchanged in general structure through over a century of usage."

Former President Dwight D. Eisenhower could hardly have been more graphic when he described the national party convention as: "Unmannerly, undignified, and ridiculous."

And concluded that:

"In my opinion—and I think most Americans will agree—our Presidential nominating conventions have become a thoroughly disgraceful spectacle which can scarcely fail to appall our own voters and create a shockingly bad image of our country."

I believe that it is most unfortunate for all Americans that we are compelled to struggle with a system for nominating presidential candidates, that contained noted defects at its inception, and still plague us today. A recent Baltimore Sun article clearly pinpointed the problem. It stated that:

"At the end of the confusing collection of presidential primaries now wrapped up for another 4 years, the prevailing and probably universal appraisal is that there must be a better way.

"The sense of mummery becomes complete when, as now, the indication is strong that a nonbelligerent will step in at the nominating convention and sweep all the marbles from those who endured the travail of the primary election route . . . The disappointment of the primaries is that they so often fail to do what a half century ago it was confidently expected they would do, take presidential nominations away from the backroom boys and give them to the voters . . . Suggestions for a "better way" are always abundant, but collide with practical obstacles and ethical objections which so far have stopped them short."

While the better way has often been suggested in the past, the mood and tune of the country seems seasonable for whatever changes are deemed necessary. This attitude is accentuated by the strife created over the Vietnam war, racial extremism, crime in our streets, rioting on the college campuses, and the unwillingness of some delegates to both conventions and the American public to accept a "take it or leave it" choice. No patriotic American is happy about our fragmented image both at home and abroad.

However, in a democratic society, the consensus of the people must be channeled through their leaders. Can the attitudes of the people be truly realized when they have little or no say as to who will be nominated for the "highest office in the land?" Such a question is being raised not only among the elite, the affluent, the intellectual, and the politician, but also among the middle class and the poor, the blacks and whites, and the young and old as well. Those groups together embrace the majority of Americans. Therefore, it is imperative that we find a better system than one which permits a few loyal delegates or a boss-ridden convention to decide, by naming its party's presidential nominee, perhaps the fate of the world. Senator Estes Kefauver, one who fought vehemently for the adoption of the national direct primary once stated:

"The era of boss rule in American politics is fading. Every time the issue of bossism versus the American people is tested at the polls now, the bosses take another licking. Let's hand them a death blow by taking the Presidential elections out of the smoke-filled rooms and the rigged convention halls, and placing them, via the national primary method, firmly in the hands of the people."

Therefore, I submit that the hour has come when we must not only abolish the electoral college in the interest and discernment of the American people, but we must also place the presidential nominations "firmly in the hands of the people."

If we can stretch our imagination to envisage this very basic proposition, an issue may be raised as to the objectives of the nominating process other than the selection of the party's standard-bearer. Any method for nominating Presidents, as enumerated by "Palsky and Wildavsky on Presidential Elections," should first, aid in preserving the two-party system; second, help secure vigorous competition between the parties; third, maintain some degree of cohesion and agreement within the parties; fourth, produce candidates who have a likelihood of winning voter support; fifth, lead to the choice of good men; and sixth, result in the acceptance of candidates as legitimate. Could these objectives be met if we were to have a direct national presidential primary? I am confident that they can be realized for the following reasons.

The primary election has become an established institution in the United States that works well in practice, and should be extended to the most important problem of presidential nominations. Candidates would be compelled to direct their appeal to the party electorate, and not merely the party hierarchy, throughout the country. Competitive two-party politics will assure the interest on the part of the voters necessary to the success of the direct national primary.

The direct national primary would nominate better qualified candidates. The field would be open to candidates without many years of experience in party organization and party activities. The voters would have a wider choice of candidates, including men of national stature in fields of activity not directly related to politics.

As ardent advocates of democracy, it is our task to seek better ways by which all Americans can play a role of significant importance in the democratic process. David, Moss & Goldman expressed in "The National Story" that "the nominating process should be democratized by letting the people participate directly in the choice of nominees." I concur wholeheartedly with their notion. As an informal procedure, the convention looks to certain areas and/or States of the country for its ideal nominee, to the exclusion of other areas. This is certainly an unfair approach. The characteristic of the national primary would be to give every State and its citizens an effective chance for the nomination by either party.

Advocates of the convention system have criticized the national direct primary by alleging that the prenominating campaigns might be exhausting for the candidates and expensive for their backers. I think that ways and means can be found to at least prevent these problems from exceeding their present scope. Most nominees of the convention system have had, in recent years, to begin working almost 4 years in advance of the convention by which they were nominated, which required great durability and heavy expenditures.

The elimination of the present nominating procedures and of the electoral college system will effect some savings which would offset some of the costs. In short, I believe that in the long run, the elimination of the electoral college and the adoption of the direct national primary could be made more economical than our present system of nomination and election of the President. But it is of first importance to adopt the system that is the most democratic. We certainly have the ingenuity and resources to then insure that no candidate faces inequities or unjust hindrances due to economic factors.

Probably the most repeated argument against the present nominating system is that the political convention is inevitably a boss-ridden travesty on popular institutions, intolerable and incurable. On the other hand, it is argued that a direct national primary would weaken the forces of cohesion that make a political party capable of assuming the responsibility for the conduct of the government. The proposal which I am making would eliminate presidential nomination from the convention procedures, but not the nomination of the Vice President or the articulation of the party platforms. Thus, the present convention system would be considerably reduced in scope but would retain sufficient functions important to a party's survival.

In our past political history many distinguished leaders of our Nation have advocated a direct national primary. Theodore Roosevelt for instance, suggested that candidates be nominated by means of a national presidential primary during his campaign of 1912. A year later President Woodrow Wilson realized the necessity for this reform in his message to Congress, when he stated:

> I turn now to a subject which I hope can be handled promptly and without serious controversy of any kind. I mean the method of selecting nominees for the Presidency of the United States. I feel confident that I do not misinterpret the wishes on the expectations of the country when I urge prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose the nominees for the Presidency without the intervention of nominating conventions.

In this contemporary day of dissent and upheaval, we do not hesitate to recite our democratic ideals and defend our political institutions. But I suggest that our Nation is better advised to implement those ideals and restructure our institutions. A new history is being written in our Nation today. Americans are realizing as never before that our country's priorities, direction, and destiny must be fundamentally responsive to all the people. There is an irreversible ambition for the realization of this Nation's best democratic visions. Let us grant the people the rightful responsibility they desire. Let us begin by allowing the people to truly select their own President.

Mr. President, I ask unanimous consent that an analysis of the resolution, the resolution itself, the Washington Post editorial, and the earlier-mentioned article by Mr. Tom Wicker, be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and material will be printed in the RECORD, as requested by the Senator from Oregon.

The joint resolution (S.J. Res. 72) proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"SEC. 2. The official candidates of political parties for President shall be nominated at a primary election by direct popular vote. Voters in each State shall have the qualifications hereafter in this article provided, but, in the primary election each voter shall be eligible to vote only in the primary of the party of his registered affiliation.

"SEC. 3. No person shall be a candidate for nomination as a candidate for President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed at the seat of the Government of the United States with the President of the Senate one or more petitions in support of his candidacy and the President of the Senate shall have determined that he is qualified under this article as a candidate for such nomination. A person shall be qualified as a candidate for such nomination only if (1) petitions so filed in support of his candidacy have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in any or all of the several States and the District of Columbia, equal in number to at least 1 per centum of the total number of votes cast throughout the United States for all candidates for President (or, in the case of the primary election first held after the ratification of this article, for electors of President and Vice President) in the most recent previous presidential election, and (2) such petitions are filed with the President of the Senate not later than the first day of March of the year in which the next primary election for President is to be held, unless the Congress shall by law appoint a different day.

"Upon request made to the chief executive of any State or the District of Columbia by any person on whose behalf any such petition bearing signatures of residents of that State or District has been prepared in any year, the chief executive shall determine, and certify to the President of the Senate, the number of signatures appearing on such petition which are valid signatures of qualified voters of that State or District which have been placed upon that petition on or after the first day of January of that year.

"On or before the fifteenth day of March of each year in which a primary election is to be conducted for the nomination of candidates for President, unless the Congress shall by law appoint a different day, the President of the Senate shall certify to the chief executive of each State and the District of Columbia the name of each person who has qualified under this article as a candidate for such nomination and the name of the political party of such person.

"SEC. 4. The time of the primary election for the nomination of candidates for President shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the third Tuesday after the third Monday in May in the year preceding the expiration of the regular term of President and Vice President.

"SEC. 5. Within twenty days after the primary election, or at such time as the Congress may prescribe by law, the chief executive of each State and the District of Columbia shall make distinct lists of all persons of each political party for whom votes were cast, and the number of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State or District to the Government of the United States directed to the President of the Senate, who, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all certificates, count the votes, and cause to be published in an appropriate publication the aggregate number of votes cast for each person by the voters of the party of his registered affiliation. The person who shall have received the greatest number of votes cast by the voters of the party of his registered affiliation in all States and the District of Columbia shall be the official candidate of such party for President throughout the United States, if such number be a plurality amounting to at least 40 per centum of the total number of such votes cast.

"If no person receives at least 40 per centum of the total number of votes cast for candidates for nomination for President by the voters of a political party, the Congress shall provide by law, uniform throughout the United States, for a runoff election which shall be held, unless the Congress shall by law appoint a different day, on the third Tuesday after the third Monday in July next following the primary election, between the two persons who received the greatest number of votes cast for candidates for the presidential nomination by voters of such political party in the primary election. No person ineligible to vote in the primary election of any political party shall be eligible to vote in a runoff election of such political party.

"The result of any such runoff election shall be ascertained and declared in the manner provided by this section with respect to the primary election the result of which provided the occasion for such runoff election.

"Immediately upon the ascertainment of the name of the candidate of each political party for President, the President of the Senate shall certify the name of such candidate and party to the chief executive of each State and the District of Columbia.

"SEC. 6. Each political party for which the name of a presidential candidate shall have been determined pursuant to this article shall nominate a candidate for Vice President, who, when chosen, shall be the official candidate of such party for Vice President throughout the United States. No person constitutionally ineligible for the office of President shall be eligible for nomination as a candidate for the office of Vice President of the United States.

"The candidate of each political party for President shall certify forthwith to the chief executive of each State and the District of Columbia the name of the person chosen by that party as its official candidate for Vice President.

"SEC. 7. In the event of the death or resignation or disqualification of the official candidate of any political party for President, the person nominated by such political party for Vice President shall resign the vice-presidential nomination and shall be the official candidate of such party for President. In the event of the deaths or resignations or disqualifications of the official candidate of any political party for President and Vice President, or in the event of the death or resignation of the official candidate of any political party for Vice President, a national committee of such party shall designate such candidate or candidates, who shall then be deemed the official candidate or candidates of such party, but in choosing such candidate or candidates the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purposes shall consist of a delegate or delegates from two-thirds of the several States, and a majority of all States shall be necessary to a choice.

"Whenever a substitute candidate of a political party for President or Vice President is designated by or chosen under this section, the chairman of the national committee of that party shall certify forthwith to the chief executive of each State and the District of Columbia the name of such candidate and the office for which he is the candidate of that party.

"SEC. 8. The places and manner of holding any primary election or runoff primary election under this article shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. For purposes of this article the District of Columbia shall be considered as a State, and elections under this article shall be held in the District of Columbia in such manner as the Congress shall by law prescribe.

"SEC. 9. The electoral college system of electing the President and Vice President of the United States is hereby abolished. Unless the Congress shall by law appoint a different day, there shall be held in each State and in the District of Columbia on the first Tuesday after the first Monday in October in the year preceding the expiration of the term of President and Vice President an election in which the people thereof shall vote for President and for Vice President. In such election, each voter shall cast a single ballot for two persons who shall have been nominated, designated, or chosen as official candidates for said offices as provided by this article.

"The legislature of each State shall prescribe the places and manner of holding such election, but the Congress may at any time by law make or alter such regulations. The Congress shall prescribe the places and manner of holding such elections in the District of Columbia. There shall be included on the ballot in such election in each State and the District of Columbia the names of each pair of persons who shall have been nominated, designated, or chosen pursuant to this article as official candidates for the offices of President and Vice President.

"Within twenty days after the general election, or at such time as the Congress may prescribe by law, the chief executive of each State and the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and Vice President, together with the number of votes cast for each.

"SEC. 10. On or before the tenth day of November following the general election, unless the Congress shall by law appoint a different day, the President of the Senate, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all the certificates count the votes, and cause to be published in an appropriate publication the aggregate number of votes cast for each pair of persons joined as candidates for President and Vice President. The persons joined as candidates for President and Vice President having the greatest number of votes in all States and the District of Columbia shall be declared elected President and Vice President, respectively. If such number be a plurality amounting to at least 40 per centum of the total number of votes certified. If none of the pairs of persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, a runoff election shall be held between the two pairs of persons joined as candidates for President and Vice President, respectively, who received the highest number of votes certified.

"The Congress shall provide by law, uniform throughout the United States, for the conduct of any such runoff election, and, unless the Congress shall by law appoint a different day, it shall be held on the first Tuesday after the first Monday in December next following the general election. The result of any such runoff election shall be ascertained and declared in the manner provided by this article with respect to the election the result of which provided the occasion for the runoff election.

"SEC. 11. If, at the time fixed for the counting of the certified vote totals from the respective States the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress shall provide by law, uniform throughout the United States, for new elections in the case of the death of both the persons who, except for their death, would have been entitled to become President and Vice President.

"SEC. 12. The Congress may provide by appropriate legislation for cases in which two or more candidates receive an equal number of votes and for methods of determining any dispute or controversy that may arise in the counting and canvassing of the votes cast in elections held in accordance with this article.

"SEC. 13. For the purposes of this article, the voters in each State shall have the qualifications requisite for electors of Members of the Congress from that State, but nothing in this article shall prohibit a State from adopting a less restrictive residence requirement for voting for President and Vice President than for such Members of the Congress, or prohibit the Congress from adopting uniform residence and age requirements for voting in such election. The Congress shall prescribe by law the qualifications of voters in the District of Columbia for the purposes of this article.

"SEC. 14. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 15. This article shall take effect on the twenty-first day of January following its ratification, but shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

The analysis presented by Mr. HATFIELD is as follows:

ANALYSIS OF THE RESOLUTION

The resolution proposes an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice-President of the United States.

On or after January 1, of the year of the next Presidential election, following adoption of the amendment, persons seeking to be placed on the ballot of their affiliated parties for the nomination of President of the United States shall submit a petition to the President of the Senate listing signatures of qualified voters of one (1) per centum of the total number of votes cast throughout the United States for all candidates for President in the most recent previous presidential election.

All certified candidates will be entered on the ballots of their respective parties for the primary election which is to be conducted on the third Tuesday after the third Monday in May. That candidate of each party who received a plurality of at least 40 per centum of the votes cast by the registered voters of the party will be the party's nominee for President. Any party having no candidate who received the requisite plurality will be required to submit the two candidates who received the greatest number of votes cast to a run-off election between them, and the winner of such will be the party's nominee for President. The nominees for Vice-President may be selected by a national convention of the respective parties.

The electoral college system of electing the President and Vice President of the United States is abolished. The President and Vice President, comprising a single ticket, will be elected by direct popular vote of the people on the first Tuesday after the first Monday in October. In order to be elected, a presidential nominee must receive at least a plurality of 40 per centum of the vote cast and if no candidate received such requisite number, then a run-off will be held between the two presidential candidates receiving the highest number of votes cast and the winner of such run-off election will be President elect of the United States."

The editorial presented by Mr. HATFIELD is as follows:

[From the Washington (D.C.) Post, Mar. 3, 1969]

CASE FOR THE DIRECT-ELECTION AMENDMENT

A strong case for electoral college reform is being built up in the hearings before the House Judiciary Committee and the Senate Subcommittee on Constitutional Amendments. The testimony taken thus far seems to constitute a mandate for change. While there is still much controversy over the nature of the constitutional amendment to be submitted to the states, the rising popularity of direct, popular election of the President and Vice President is impressive.

In a recent session before the House Judiciary Committee, William T. Gossett, president of the American Bar Association, seemed to us to demolish the chief arguments that have been made against a direct, popular election. The first of these arguments is that the smaller states, having an advantage in the present distribution of electoral votes (one for every Senator and Representative) will never give it up. Alaska for example, has one presidential elector for each 75,389 persons; California, only one elector for each 392,930 inhabitants. Despite the unfairness of this favoritism for small states, it is said, those states will insist on clinging to their advantage.

But this, as Mr. Gossett has shown, is only one side of the coin. The general ticket system, which throws all the electoral votes of a state to the candidate who wins the popular vote in that state, greatly increases the power of the big states to determine the outcome. Some authorities insist that the individual citizen's chance to vote for 40 electors in California and only three in Alaska gives the big-state voter a greater impact on the outcome, John Banzhaf's analysis of voter power, with the aid of computers, indicates that a voter in the largest states has more than two and a half times as much chance to affect the outcome of a presidential election as a voter in one of the smaller states under the present system.

Beyond this is the fact that most of the presidential candidates come from the big states because of the importance of carrying those states in the electoral count. Under a direct-election system, these unnatural influences would be largely eliminated, and one man's vote would count for as much as any others. No doubt this is why the polls show that a direct-election amendment is popular in the small states as well as in the large ones and that it has the support of many small-state Senators and Representatives.

Mr. Gossett was equally forthright in his contention that direct election of the President would have no unfortunate repercussions on the two-party system. Indeed, he insisted that the electoral college, as it now operates, gives a great incentive to third parties. That was very pointedly demonstrated last fall when George Wallace made a strong appeal for votes on the ground that he and his supporters could assume a king-making role by the manipulation of electoral votes if neither of the major parties received an electoral majority.

In a direct election of the President, of course, there would be no electoral votes and therefore nothing to give a third-party candidate influence or standing beyond the actual votes cast for him at the polls. The president of the Bar Association concluded: "Close analysis proves that direct election will actually *strengthen* the two-party system—not weaken it—by removing special incentives to third parties and equalizing all voters throughout the Nation."

One strengthening factor would be the spread of the two-party system to the entire country. "Safe" Democratic or Republican states could no longer be taken for granted because whole states would no longer swing into one column or the other, but the presidential candidate of each would have only the actual votes directly cast for him by the people.

It is well to remember that the proposed amendment sponsored by the Bar Association and many others provides for a run-off election if no presidential candidate should obtain 40 per cent of the popular vote. This would eliminate the necessity for an election ever to be thrown into the House of Representatives. It would also have the effect of eliminating any third party in the run-off, if such a party should gain sufficient strength to deny the leading candidate 40 per cent of the vote, which is highly unlikely.

Mr. Gossett was a member of the Bar Association's committee which made an exhaustive study of the country's electoral problem. His comments should help to lay to rest many of the loose arguments that are being made against a system that would really let the people elect their own President.

[From the New York Times, Jan. 30, 1969]

IN THE NATION: SOME ARE MORE EQUAL, ET CETERA

(By Tom Wicker)

WASHINGTON, January 29.—After the fears aroused by the 1968 election, the time seemed as ripe as it would ever be for fundamental reform of the way in which we elect Presidents. But the time is never really ripe for fundamental reform, and the election effort is in danger of bogging down, for two predictable reasons.

One is that while most members of Congress and officials are for doing something, not enough are agreed on what it ought to be. The Senate subcommittee on constitutional amendments, for example, now lines up about as follows:

Senators Bayh of Indiana and Tydings of Maryland for direct popular election; Senators Ervin of North Carolina and Dodd of Connecticut for proportional division of a state's electoral votes according to its popular votes; Senator Hruska of Nebraska for assigning an electoral vote to each Congressional district; Senator Fong of Hawaii and Thurmond of South Carolina for either the proportional or the district plan; Senators Eastland of Mississippi and Dirksen of Illinois, fluid.

The other major problem is the ironic misconceptions many politicians hold, almost as articles of faith, about direct popular election—which happens to be the only reform plan that has great public support (79 per cent in the latest Harris poll on the subject) and that would eliminate all, not just some, of the dangers of the Electoral College system.

These misconceptions, nevertheless, have produced an opposition to the direct voting plan that rests largely on two directly contradictory propositions, neither of which is true—that direct popular voting would damage the interests of the small states, or else that it would damage the interest of the large states. (Neither small nor large states, of course, have any necessary similarity of interests, not even rural or urban; Texas and Michigan are large states with substantial rural interests; Rhode Island and Connecticut are small but urban states.)

NO SMALL-STATE ADVANTAGE

The small-state argument holds no water at all. It is based on the fact that the automatic assignment of at least two electoral votes to every state gives greater proportional representation in the Electoral College to the voters of sparsely populated states. Alaska, for instance, gets one electoral vote for only 75,389 persons, while California gets one for 392,930 persons. This looks good on paper; but in politics Alaska's "advantage" is worth less than Wally Hickel's standing with the Sierra Club. California still casts forty electoral votes to Alaska's three. And anyone who doesn't understand what that means need only count how many Presidential candidates visited Nome or Fairbanks last year.

POPULAR VOTE BENEFIT

In fact, the twelve largest states in the Electoral College could choose a President with 281 votes, no matter what the other 38 states did. And the power of Alaskans and other small-state residents in a Presidential election would be substantially enhanced, not reduced, by direct popular voting. That is because, under the system in which a state popular-vote winner takes all of that state's electoral votes, the ballots of those who supported the loser are completely negated; in popular voting, they would be counted equally with the votes of every other voter in every other state.

This does not mean, however, that the people of the big states would be damaged by popular voting—although it is true that the ability of those states to dominate the Electoral College (which they have in fact seldom done; witness 1968) would be reduced. These states would remain the major population centers, and Presidential candidates would continue, in Barry Goldwater's phrase, to "hunt ducks where the ducks are." Does anyone imagine that New York and California would not remain the prime hunting grounds of Presidential candidates? Or that candidates and Presidents would not conduct themselves generally in such a manner as to appeal to urban voters?

While urban-based minority groups might lose some of their power over big blocks of electoral votes, is there any longer a justification for that advantage now that the one-man, one-vote rulings are putting an end to rural-dominated state legislatures? *All* minority-group votes would be counted, moreover, under the direct election plan; those of blacks who voted for Hubert Humphrey in Illinois, for example, were negated when Richard Nixon took all that state's electoral votes in 1968.

Neither the small states nor the large states, in short, would suffer from direct voting. The people of one would only become as important as the people of the other—no more and no less.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 77

At the request of Mr. NELSON, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 77, the Mined Lands Restoration and Protection Act.

S. 907

At the request of Mr. MCCLELLAN, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 907, a bill to consent to the Interstate Environment Compact.

S. 1087

At the request of Mr. HRUSKA, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1087, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 regarding the revenue-sharing proposal of the administration concerning law enforcement assistance administration.

S. 1615

At the request of Mr. BIBLE, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 1615, to provide income tax simplification, reform, and relief for small business.

S. 1741

At the request of Mr. EAGLETON, the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Vermont (Mr. PROUTY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1741, to provide increased unemployment benefits compensatiton to Vietnam-era veterans.

S. 1824

At the request of Mr. NELSON, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1824, a bill to amend the Food, Drug, and Cosmetics Act to require premarket clearance of medical devices.

SENATE JOINT RESOLUTION 29

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Idaho (Mr. CHURCH) be added as a cosponsor of Senate Joint Resolution 29, authorizing the proclamation of National Peace Corps Week.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 26—SUBMISSION OF A CONCURRENT RESOLUTION ON NATIONAL AMERICAN INDIAN AND ALASKA NATIVES POLICY

Mr. JACKSON. Mr. President, I am submitting today a Senate concurrent resolution on national American Indian and Alaska Native policy that will restate and reaffirm the unique and longstanding relationship between these citizens and the Federal Government. The resolution proposes a bold new constructive course of action designed to enable both parties—the Federal Government and the American Indian people—to work in mutual trust toward achieving agreed upon national goals and objectives.

Throughout the history of our Nation, Mr. President, the basic posture of our Government toward American Indians has assumed a variety of forms. In the most sweeping terms, these have ranged from according tribes the full dignity and respect as separate and sovereign nations to treating the Indians in a demeaning and paternalistic guardian-ward relationship.

Underlying these various relationships is a large and still-growing body of treaties, court decisions, and laws. They provide the juridical basis and the historical background which supports the longstanding and unique relationship between Indians and the Federal Government.

Although this relationship has sometimes been criticized by the Indian community and others, it, nevertheless, carries with it certain benefits which Indians value, and even consider critical to the continued survival of their culture and their identity as a people. These benefits are, first, the Federal Government's special responsibility for the protection of Indian lands, resources, and rights; and second, the provision of basic community services to Indians under specified conditions.

American Indian people have the distinction of having maintained unique and close official ties with our Government for an extended period of our Nation's history. Yet, when we examine selected living conditions of Indian people as contrasted to the general population, we must look upon the gross disparities as "monuments of failure" to our past Indian policies. These conditions are illustrated by the following:

The infant mortality rate for Indians is 30.8 deaths per 1,000 live births compared to 20.7 for all races;

The average age at death for Indians is 46.1 years compared to 65 years for all races in the Nation;

The average Indian family of five or six lives in a one- or two-room house, 24 percent of which lack running water and adequate sanitation facilities;

Fifty percent of Indian students drop out of school before graduation, and the average number of years of schooling completed by Indians is 8.4 compared to the national average of 10.6;

Unemployment among Indian people is many times the national average, and runs as high as 60 percent on some reservations during the winter months; and

In 50 percent of the Indian households, the annual income is under $2,000, well below the poverty level established by the Federal Government.

While these statistics are only illustrative of the total social circumstances of Indian people, they represent the kind of problems which must be overcome through a new positive and dynamic national Indian policy if Indians are to share in the American dream of self-sufficiency and a quality life for all.

Before outlining the provisions of my proposed concurrent resolution on national Indian policy for Members of the Senate, it is worthwhile to review the last statement of national Indian policy and some of the unfortunate consequences it has had on the relationship of Indian people to the Federal Government.

House Concurrent Resolution 108, 83d Congress, first session, was adopted by the Congress in 1953. This resolution was cast in terms of granting Indians their rights and prerogatives as American citizens. Its stated purpose was to free them from Federal control and supervision and make them subject to the same laws and entitled to the same privileges as other citizens. What this meant, however, to many in the Indian community was an end to their unique relationship with the Federal Government along with its attendant benefits, protections and services. It was from this policy era that the word "termination" was added to the Indians' vocabulary. As a consequence, this policy statement has become a symbol and has been resented and resisted by the Indian community.

Since its approval by Congress in 1953, the Indian community has devoted a significant share of its thinking and energies toward having House Concurrent Resolution 108 replaced by an Indian policy more compatible and favorable to their interests. Many Indians have assumed the position, and I believe rightfully so, that their substandard social and economic conditions justify a national policy and national programs that would permit them to become participating and contributing members of American society, and until such time as this goal is attained, the Government must honor its legal and moral commitments.

House Concurrent Resolution 108 since its inception has cast a shadow on practically all of the Federal Government's efforts to work out constructive approaches and solutions to the problems faced by the Indian community. Indian people look upon any proposed change in policy or program, no matter how well-conceived, with suspicion and as a covert move to terminate their unique relationship with the Federal Government.

A national awakening and concern to the needs of the disadvantaged, beginning in the early 1960's, resulted in a "subtle" abandonment by our Government of the termination policy contained in House Concurrent Resolution 108. As this broader movement in behalf of the disadvantaged gained momentum, it became more and more apparent that Indians ranked among the most disadvantaged of the country's disadvantaged people.

During this period, Congress approved legislation authorizing the establishment of new social and economic programs within the executive branch of Government. Indians generally were considered to be eligible for these new programs, not so much on the basis of their being Indians, but more on the basis of their being disadvantaged citizens who met program criteria and standards. The Government began to enjoy a degree of success during this period in working with Indian people toward the resolution of some of their real problems. A broad array of Federal agencies became involved, directly and indirectly, and provided substantial financial and other forms of support in this combined effort.

These developments have given new hope and encouragement to Indian people and have motivated many communities to seek innovative approaches to the solution of long standing problems. This decade of interaction between Indians and a broad array of Federal, State, and local units of governments has created a positive atmosphere for change in the Indian field. If properly nurtured and refined, it offers hope and assurance that many of the obstacles which prevent Indians from achieving social and economic equity can at long last be overcome. An important first step is a reexamination of our Government's posture toward its American Indian and Alaska Native citizens.

At the time Congress approved House Concurrent Resolution 108 in 1953 as our Government's national Indian policy, we believed it to be in the best interests of the Indian people, but time and experience have demonstrated otherwise.

Mr. President, I propose to replace this policy, which has proven to be totally and absolutely unacceptable to the majority of the Indian people, with a resolution that is compatible with their unique relationship with the Federal Government and is within the framework of the democratic principles upon which our Nation was founded. The major features of the resolution are:

First. A reaffirmation of the unique relationship that exists between Indian people and the Federal Government;

Second. A repudiation of termination as a national policy, together with express recognition of the right of tribal groups to exercise greater opportunities for Indian control and the full range of self-determination and all that it implies;

Third. A reinforcement of the citizenship rights of all Indians;

Fourth. A recognition of Federal responsibility to see that those Indians residing beyond the areas served by special Indian programs and services are treated equally with other citizens in consideration for services through other Federal, State, and local resources;

Fifth. A Government-wide commitment to give Indians and Alaska Natives the freedom to develop their individual, family, and community potentials to the maximum;

Sixth. A commitment for Government protection of Indian lands, natural resources, and rights; and

Seventh. A recognition of American Indians and Alaska Native cultures as a basis upon which progress can be predicted.

The proposed resolution sets the stage for American Indians and Alaska Natives to join with the Federal Government in an atmosphere of mutual trust to launch a concerted effort to overcome the adverse economic education, health, and social conditions which beset their reservations and communities.

This undertaking can, in my view, be achieved within the framework of maximum Indian control and opportunity for self-determination to accommodate the widest possible range of wishes and desires of Indian people. The resolution would not restrict the existing right of Indian tribes and communities to request appropriate changes—to assume greater responsibilities and increased self-determination—in their relationship with the Federal Government. The resolution and the policy it states would, however, require that the process of change be democratic, that all viewpoints be heard and that the Indian interest and the national interest in maintaining an Indian community's unique heritage and culture be appropriately observed. The policy set forth in the resolution would also require that all of the rights of the minority or any individual who does not desire to see the relationship changed are fully protected.

The resolution further recognizes that American Indians and Alaska Natives are no longer confined exclusively to reservations and Indian communities, but now reside in areas beyond the scope of special Federal Indian service programs, including many urban settings. This places an obligation on the executive branch of Government to devise the kind of programmatic approaches to make certain that these peoples are served through other Federal, State, and local resources.

The resolution is responsive to the kind of policy expression that American Indians and Alaska Natives have repeatedly asked our Government to adopt in their behalf. I am hopeful that other Members of the Senate from both sides of the aisle will join with me as cosponsors of this Senate concurrent resolution. Through its provisions a new era can be opened for American Indians and Alaska Natives to fulfill their hopes and aspirations for a better way of life.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed at this point in the Record.

The concurrent resolution (S. Con. Res. 26), which was referred to the Committee on Interior and Insular Affairs, reads as follows:

S. Con. Res. 26

A concurrent resolution on national American Indian and Alaska Native policy

Whereas it is recognized by the Congress that the American Indian stands in a unique legal, social, and economic relationship to the Federal Government which is based upon treaties, statutes, and Executives orders; and

Whereas it is further recognized that this unique relationship is the basis for the Federal responsibility to protect Indian lands, resources, and rights as well as to provide basic community services to Indian and Alaska Native peoples residing on reservations and in other traditional trust areas; and

Whereas it is understood that as citizens of the United States and the communities in which they reside, Indians and Alaska Natives are entitled to share and participate on the same basis as all other citizens in the full range of social and economic development programs authorized by Federal, State, and local units of government; and

Whereas the Federal Government is responsible for assuring that the aforementioned rights of Indians and Alaska Natives are fulfilled and that the eradication of adverse economic, education, health, and social conditions which prevent any American from achieving a life of decency and self-sufficiency is a priority national goal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) our national Indian policy shall give full recognition to and be predicated upon the unique relationship that exists between this group of citizens and the Federal Government and that a Government-wide commitment shall derive from this relationship that will be designed to give Indians and Alaska Natives the freedom and encouragement to develop their individual, family, and community potential and to determine their own future to the maximum extent possible;

(2) this statement of national Indian policy replaces the policy set forth in House Concurrent Resolution 108, 83d Congress (August 1, 1953), which is hereby expressly repealed;

(3) improving the quality and quantity of social and economic development efforts for Indian people and maximizing opportunities for Indian control and self-determination shall be a major goal of our national Indian policy;

(4) the executive branch of Government shall be charged with the responsibility of developing program efforts and procedures to assure that Indian and Alaska Native peoples, residing in areas considered to be beyond the scope of the direct Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service, receive services and attention that are commensurate with their diverse social and economic needs;

(5) American Indian property will be protected; Indian culture and identity will be respected; and Congress will commit and dedicate itself to support a policy of developing the necessary programs and services to bring Indians and Alaska Natives to a social and economic level of full participating citizens; and

(6) the Office of Management and Budget shall submit an annual report to the Congress showing combined expenditures made by all departments and agencies of Government for the betterment of Indians and Alaska Natives.

THE MILITARY SELECTIVE SERVICE ACT

AMENDMENT NO. 92

Mr. HART submitted an amendment (No. 92) intended to be proposed by him to the bill (H.R. 6531) an act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which was ordered to be printed and to lie on the table.

SUPPLEMENTAL APPROPRIATIONS, 1971

AMENDMENT NO. 93

Mr. JAVITS. Mr. President, I submit an amendment to H.R. 8190, the second supplemental appropriations bill to increase to $157,428,359 the supplemental appropriation to be made available for the Neighborhood Youth Corps programs for this summer.

The program includes the summer job program, providing work experience for disadvantaged 14- to 21-year-olds with nonprofit and public sponsors and the recreational support program, providing assistance for programs benefiting children 8 to 13 years of age.

In this effort I am joined by the following cosponsors: Mr. Williams, the chairman of the Committee on Labor and Public Welfare, Mr. Nelson, the chairman of the Subcommittee on Employment, Manpower and Poverty of that committee, Senators Cranston, Eagleton, and Mondale, of that committee and Senators Bayh, Brooke, Case, Hart, Humphrey, McGovern, and Ribicoff.

The Appropriations Committee bill accepts the House allowance of $100 million for these efforts, of which $87.2 million would be made available for the summer job program, and $12.8 for the recreational support program. The report of the committee indicates that the portion for summer jobs would add 187,200 new summer jobs, each consisting of 9 weeks; this would bring the total number of opportunities to 601,400.

We seek a supplemental appropriation of $157,428,359—an increase of $57.4 million above the committee's recommendation—in order to provide, in addition to the amount designated for recreational support programs, a total of $144,628,359 for summer jobs.

We base our request of $144.6 million on the amounts which the League of Cities—U.S. Conference of Mayors has certified as the minimal amount necessary to meet the needs of individuals in our cities and other areas this coming summer.

The need was documented with great specificity on a city-by-city basis by the League of Cities in a letter to me dated December 4, 1970.

The letter indicated that a total of 641,639 10-week opportunities would be needed in the Nation, consisting of 330,973 in the 50 largest cities, and 310,666 in rural and other areas.

At a cost of $481 for each 10-week opportunity, a total of $308,628,359 is necessary to reach that amount, and accordingly an additional $144,628,359 is needed to supplement the $164 million currently available for programs in the field.

Mr. President, these are not "wild" estimates of need; these are needs documented on a city-by-city basis by the League of Cities based upon an extensive survey.

These statistics indicate, for example, that unless the amount we seek is appropriated, Boston will be 1,344 slots short of its needs, Los Angeles will be 7,541 slots short, New York City will be 46,138 short; and Washington, D.C., will be 25,225 slots short of its needs.

I ask unanimous consent that there be inserted at this point in the Record a table showing in respect to each of the 50 major cities, the number of opportunities needed, the number currently allocated, and the additional number which could be provided if our amendment for a $144 million supplemental is adopted.

There being no objection, the table was ordered to be printed in the Record, as follows:

NEEDS FOR ADDITIONAL NEIGHBORHOOD YOUTH CORPS SUMMER OPPORTUNITIES IN THE NATION'S 50 LARGEST CITIES

	Opportunities as documented by League of Cities—U.S. Conference of Mayors [1]	Opportunities allocated by the DOL with funds now appropriated [2]	Additional opportunities needed
City:			
Akron	1,200	477	723
Atlanta	3,408	1,795	1,613
Baltimore	8,000	5,068	2,932
Birmingham	2,086	1,186	900
Boston	3,500	2,156	1,344
Buffalo	4,268	2,159	2,109
Chicago	40,000	23,434	16,566
Cincinnati	3,000	1,512	1,488
Cleveland	10,000	5,315	4,685
Columbia	2,000	852	1,148
Dade County (Miami)	8,226	2,492	5,734
Dallas	2,280	1,194	1,086
Dayton	930	572	358
Denver	2,100	739	1,361
Detroit	11,670	8,270	3,400
El Paso	1,125	571	608
Fort Worth	1,178	604	574
Gary	4,300	1,584	2,716
Honolulu	2,191	405	1,786
Houston	3,000	2,106	894
Indianapolis	2,500	710	1,790
Jersey City	1,993	1,076	917
Kansas City, Mo	4,000	1,300	2,700
Los Angeles (including Long Beach)	20,000	12,459	7,541
Louisville	3,500	1,874	1,626
Memphis	2,394	1,214	1,180
Milwaukee	3,000	1,656	1,079
Minneapolis	2,735	1,286	1,449
Newark	14,563	3,415	11,148
New Orleans	5,000	1,412	3,588
New York	77,500	31,362	46,138
Norfolk	2,625	1,386	1,239
Oakland	5,785	3,114	2,671
Oklahoma City	1,000	931	69
Omaha	700	1,056	−356
Philadelphia	12,500	4,339	8,161
Phoenix	17,000	2,388	14,612
Pittsburgh	2,500	4,321	−1,821
Portland, Oreg	5,000	1,075	3,925
Rochester	1,000	918	82
St. Louis	1,500	1,755	−255
St. Paul	1,025	386	639
San Antonio	5,514	2,782	2,732
San Diego	2,500	2,172	328
San Francisco	5,000	2,152	2,848
Seattle	5,000	1,558	3,442
Tampa	2,887	2,384	503
Toledo	990	545	445
Tulsa	850	311	539
Washington, D.C	36,000	10,775	25,225
Total	330,973	141,064	189,909

[1] Letter dated Dec. 4, 1970, from League of Cities—U.S. Conference of Mayors, and accompanying chart.

[2] Table III provided by U.S. Department of Labor, Mar. 4, 1971.

Mr. JAVITS. But, Mr. President, I hasten to add that this is not solely a matter of the big cities. For example, Huntsville, Ala., is 600 slots short of need, Little Rock, Ark., 450 short, Pueblo, Colo., 100 short, Jackson, Miss., 125 below needs and Norfolk, Va., has a shortfall of 500 slots.

Mr. President, joined by most of the Senators who have cosponsored this amendment, I wrote Vice President AGNEW as Chairman of the President's Council on Youth Opportunity on February 13, 1971, citing these job needs and requesting that the administration submit a supplemental revised budget request to meet them, as well as the need for recreational programs.

The administration responded on April 9, 1971, with a request of $64.3 million, of which $51.5 million would be for summer jobs, and $12.8 for summer recreational programs.

The administration plans, if its request only is granted to provide a total of 514,200 9-week opportunities, each consisting of 26 hours of paid work experience per week at a minimum wage of $1.60 per hour.

This would be a departure from all past years under the program when programs have run for 10 weeks.

The cost per opportunity which we have used in computing the total supplemental—$481 per job—is based upon the usual 10-week program, which we feel essential.

The objectives of these programs are to keep youths occupied in meaningful activities during summer months, and to provide them with wages which will assist them in contributing to the costs of their education and in helping to support their families during the year.

A cut from 10 to 9 weeks will reduce even further the coverage of the program in terms of the normal out-of-school period, and it will reduce the amount earned by approximately $40, a significant amount to those who struggle below the poverty line.

To cut the length of the program is also to diminish the opportunity which those conducting the program have to provide youth with the related educational and other supportive services, and to encourage the kind of enterprise that may set patterns for a life of work rather than of idleness and welfare dependency.

Mr. President, I think that we should hold fast on the quality of an opportunity in terms of past years, and not set a precedent for hiding the inadequacy of funds by diluting the meaning of an opportunity. If the total supplemental requested by the administration and that already available were applied to fund 10 week opportunities, then an aggregate of 474,636 slots would be provided. This is only slightly above the 414,000 provided last year, when the situation was markedly different.

Mr. President, we have three factors operative in the coming summer which make it incumbent upon us to provide as a minimum the number of 10 week opportunities that the League of Cities has documented:

First, we have at this time a national unemployment rate of 6.1 percent—which is serious enough, but which translates into double to four times that rate among various segments of the teenage population. Teenage unemployment in April was at an average rate of 17.2 percent—the highest overall rate in 7 years. Unemployment for black teenagers in the first quarters of this year was at 31.8 percent—approaching twice the overall rate. Except for the 32.8 percent rate for the last quarter of 1970, it was the highest rate since 1954.

The unemployment rate for black teenagers in poverty neighborhoods in the first quarter of this year was 44.9 percent—compared with 42.8 percent in the last quarter of last year. This is the highest rate since 1967—when the Bureau of Labor Statistics of the Department of Labor began compiling data on unemployment in poverty areas and although, of course, the second quarter statistics have not been issued, we can assume that these and probably higher levels pertain at this time.

The Kerner Commission—the National Advisory Commission on Civil Disorders first urged this Nation, in its March 1968 report on the riots in Newark and Detroit and other cities—to make larger fiscal commitments to programs such as the Neighborhood Youth Corps and related programs to meet employment needs in poverty areas and among the poor generally—thereby to diminish the possibility of the desperation of disorder.

We must soberly recognize that the current situation is very incendiary—with not far from half of some groups being unemployed.

Second, Mr. President, experience has shown that as unemployment levels rise, the capability of the private sector to provide jobs on a voluntary basis for the disadvantaged declines, for when regular employees are being laid off, it is more difficult to hire the disadvantaged.

The National Alliance of Businessmen—which spearheads the private programs—had a goal last year of 180,000 opportunities, but because of unemployment levels—then at 4.7 percent, fell 37,000 short, providing only 143,000 jobs.

Its goal for this summer is 150,000 jobs and—while I hope the private sector will respond and I am sure that the National Alliance will make every effort—it is unlikely that the goal—which is above the number actually provided last year—will be met with national unemployment at 6.1 percent—a full 1.4 percentage points above the level a year ago.

Third, Mr. President, even the amounts that we seek will just scratch the surface of need and constitute a bare minimum of what should be provided. The 641,639 opportunities will take care of only about one-third of the 1.8 million youths in the so-called target group even in times of "acceptable" unemployment, no doubt swelled to close to 2 million in these especially difficult times.

Mr. President, we are fortunate in one very important respect. The administration's supplemental was not requested last year until the first week in June—actually a week before the program was to begin in most of the Nation's cities, and the supplemental appropriation was not finally approved until the middle of July—midway through the program.

The administration's request quite commendably came on April 9 this year—and I think that it is reasonable to expect that both Houses may act finally on this matter by the end of this month.

This means simply that there is time to provide the additional amount which we have requested, and time to allow the cities to program it in a meaningful way, putting it to effective use.

Mr. President, the Committee on Appropriations deserves the greatest credit for recognizing to a significant extent the needs for this summer—providing as they have an amount in excess of that requested by the administration. But in light of the factors that I have mentioned—the unemployment level within the group that the program can benefit, the difficulties that the private sector will face in providing jobs, and the total universe of need—I submit that the situation calls upon us to provide the full amount documented by those closest to the affected individuals.

Mr. President, in this connection, I might add that even the amount requested by the administration for recreational support programs may not be adequate—since the program will reach only 1,900 children or less than 1 percent of the 4,000,000 children ages 8 to 13 in families below the poverty line. I submit, therefore, that as this matter is considered by the Senate, we may wish to consider whether a further portion of the aggregate amount which we seek might be earmarked or designated for the recreational support program.

I ask that there be printed in the RECORD the following: A letter dated April 16, 1971, from the League of Cities—U.S. Conference of Mayors confirming the need for these amounts; the letter dated December 4, 1970, from the League of Cities—U.S. Conference of Mayors documenting the need on a city-by-city basis; a letter date April 14, 1971, from the National Alliance of Businessmen; a letter dated April 15, 1971, from the Office of Economic Opportunity; a letter dated February 17, 1971, from the Secretary of Labor, Mr. Hodgson, and a Department of Labor release dated April 9, 1971, describing the administration's requests and its effect in the various regions of the country.

There being no objection, the letters and release were ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
Washington, D.C., April 16, 1971.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: On behalf of the nation's mayors, we appreciate the leadership you have again taken this year in securing needed funds for summer youth programs throughout the nation.

We are pleased, as you no doubt are, that the President has announced Administration support for a $64.3 million supplemental appropriation for these vital programs. This amount, however, falls short by $93.1 million of the total funds needed for the summer job opportunities. According to the Office of Management and Budget, only $51.5 million of the total to be requested by the Administration represents funds for job opportunities. The balance of $12.8 million will be requested for recreation support.

In view of the unemployment crisis now facing the cities, we must have the full amount of $308.6 million, indicated in our survey to you last December, to effectively cope with the severe youth unemployment problem this summer. The original budget request of $164 million plus the latest announcement of a proposed $51.5 million for summer jobs represents $215.5 million or 514,000 nine-week jobs. As you will recall, our survey, conducted last December, reflects the number of jobs needed for cities, both large and small, to total 641,639. For the fifty largest cities, the total need is 330,973 and for the medium size and small cities, the total need is 310,666.

Our position is that these slots should be full opportunity summer jobs, a ten week period at $1.60 an hour, and the amount of Federal funds under a full opportunity program would total $481 per youngster.

Therefore, we have a pressing need for summer jobs alone of approximately $308.6 million and the total $215.5 million requested by the Administration represents a deficient amount of $93.1 million in funds and approximately 127,600 summer job opportunities.

The $12.8 million in recreation support is, in our opinion, not sufficient either. As you know, in past years, up to $30 million has been provided in recreation support funds.

Another problem that we have encountered by the Admiinstration in recent years is their limitation on the transportation funds to "employment related" activities. This rigidity causes hardship on cities at a time when employment opportunities across the board are scarce. The $1.5 million is not sufficient if the limitation mentioned above is removed.

We urge you to use your efforts to secure $93.1 million above and beyond Administration requests to provide the total need for summer jobs for the youth in our cities this summer. The 514,000 nine-week slots are not adequate. We must have approximately 641,000 ten-week summer youth jobs to cope with the unemployment crisis in the cities this summer.

I am sure you are aware of the scarcity of of jobs throughout the nation. The present high rate of unemployment representing 5.5 million Americans indeed presents a bleak picture. With Vietnam veterans returning and older persons seeking employment, coupled with the scarcity of jobs available in the private sector, we cannot underestimate competition for the jobs and the grave problem the lack of job opportunities for the youth will present to cities for the summer.

Again, we apprepriate your efforts and please let us know if we can be of further assistance in providing viable summer youth employment programs for the nation's cities.

Sincerely,

PATRICK HEALY,
Executive Vice President,
National League of Cities.
JOHN GUNTHER,
Executive Director,
U.S. Conference of Mayors.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
Washington, D.C., December 4, 1970.
Hon. JACOB K. JAVITS,
U.S. Senate, Old Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1971 needs for the summer Neighborhood Youth Corps slots. The information we have received from the fifty largest cities shows that the total number of slots these cities could effectively use this summer is 330,973.

On the basis of our contracts with a sample of smaller cities, we estimate their needs and the number of slots these cities could effectively utilize to total 310,666.

Combining these figures—the total for the fifty largest cities with estimated needs for the balance of the nation, the present real need for 1971 is 641,639 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps.

Sincerely,

PATRICK HEALY,
Executive Vice President,
National League of Cities.
JOHN J. GUNTHER,
Executive Director,
U.S. Conference of Mayors.

THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 total need	1971 total need
Akron	612	765	1,200
Atlanta	2,267	1,460	3,408
Baltimore	7,000	8,000	8,000
Birmingham	1,390	1,738	2,086
Boston	2,200	2,750	3,500
Buffalo	2,845	3,557	4,268
Chicago	31,000	38,750	40,000
Cincinnati	1,935	2,419	3,000
Cleveland	6,900	8,000	10,000
Columbus	1,100	1,378	2,000
Dade County (Miami)	2,150	2,668	8,226
Dallas	1,520	1,900	2,280
Dayton	620	775	930
Denver	800	1,000	2,100
Detroit	7,780	9,725	11,670
El Paso	719	900	1,125
Fort Worth	785	981	1,178
Gary	1,380	1,725	4,300
Honolulu	1,461	1,826	2,191
Houston	2,844	3,555	3,000
Indianapolis	650	812	2,500
Jersey City	1,275	1,584	1,993
Kansas City, Mo	1,400	2,225	4,000
Los Angeles (including Long Beach)	12,828	16,000	20,000
Louisville	2,605	3,256	3,500
Memphis	1,500	1,875	2,394
Milwaukee	1,925	2,406	3,000
Minneapolis	1,750	2,188	2,735
Newark	1,480	12,000	14,563
New Orleans	8,490	10,615	5,000
New York	50,000	62,500	77,000
Norfolk	1,750	2,188	2,675
Oakland	3,857	4,821	5,785
Oklahoma City	1,270	1,588	1,000
Omaha	1,455	1,819	700
Philadelphia	4,105	12,500	12,500
Phoenix	3,285	4,106	17,000
Pittsburgh	3,915	4,894	2,500
Portland, Oreg	1,066	1,328	5,000
Rochester	1,225	1,531	1,000
St. Louis	1,834	4,000	1,500
St. Paul	683	854	1,025
San Antonio	3,742	4,678	5,514
San Diego	2,689	2,616	2,500
San Francisco	2,625	3,291	5,000
Seattle	1,496	1,500	5,000
Tampa	1,925	2,405	2,837
Toledo	700	825	990
Tulsa	420	525	850
Washington, D.C	12,805	30,000	36,000
Total need: For the 50 largest cities	214,758	296,201	333,973

NATIONAL ALLIANCE OF BUSINESSMEN,
Washington, D.C., April 14, 1971.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information regarding the NAB Summer '71 Youth/JOBS Program, we hope to develop 150,000 private sector jobs for economically disadvantaged youth.

Last summer, NAB developed 143,000 private sector jobs for needy youth against a goal of 180,000.

In view of the wide acceptance of the program, it is anticipated that the 1971 summer objective will be met.

Sincerely,

RICHARD E. HAAS,
Executive Vice President,
Operations.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., April 15, 1971.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your inquiry concerning OEO's plans for summer recreation in 1971, we continue to be committed to year-round innovative youth development activities in such areas as education, employment, job training, and community and health services. The attached letter of April 20, 1970 discussed with you this policy and explains our rationale for taking this approach.

While OEO recognizes the need for summer recreation programs for younger children we have concluded from our own monitoring efforts and several independent evaluations that short-term recreational programs do not meet the long-term needs of poor youth with the kind of experiences in which they can acquire and enlarge educational and vocational skills in order to increase career choices and occupational mobility.

Consistent with these findings, OEO implemented a policy which prohibits the funding of programs devoted *exclusively* to recreation, camping, and cultural enrichment; however, leisure time activities are permitted as integral parts of the more comprehensive youth development program. Of the $32 million obligated in Fiscal 1971 for YDPs, approximately $3.3 million will be devoted to recreation and over 200,000 youth will participate in these activities.

OEO is also involved in other programs which provide and coordinate recreational services for disadvantaged youth.

OEO is in the process of transferring $3 million to HEW for the National Summer Youth Sports Program. The NCAA, which administers the program, through its member colleges, will provide organized sports and other related activities to 50,000 inner-city youth aged 10–18.

As part of the OEO's Neighborhood Service Center program, recreational activities are provided in many locals on a year-round basis. These centers are funded nationally for approximately $64.4 million.

The State and Mayor Youth Coordinator Program, funded by OEO in FY 1970 and recently transferred to the DOL, includes among its efforts the development and coordination of local resources. In many states and cities this involves the coordination of summer recreation programs as well as other programmatic areas.

In the summers of 1965 through 1967, OEO allocated $35 million for summer youth programs, almost all of it spent on high visibility recreation programs. In 1968 OEO commenced to deemphasize summer recreation in favor of economic opportunity programs.

OEO youth development funds expended on recreation

[In millions]

1968	$28
1969	20
1970	3.5
1971	3.3

Sincerely,

Margaret Gaynor,
Acting Association Director for Congressional Relations.

U.S. Department of Labor,
Washington, D.C., February 17, 1971.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: This is in response to your letter of January 28, 1971, concerning the funding and enrollment opportunity levels for the 1971 Neighborhood Youth Corps (NYC) summer program.

A total of 414 thousand enrollment opportunities is planned for summer 1971. This is the same as the full-term equivalent opportunity level of the summer 1970 program, which included a number of short-term opportunities which raised the contracted level above 414 thousand.

In 1970, obligations for the regular NYC summer program were $182.6 million, including obligations against the supplemental appropriation. The average cost per full-term equivalent enrollment was $442.

The funding level for 1971 is $165.7 million. Subtracting National Office costs for audit, $164.0 million are available for allocation to project sponsors. The minimum wage will be $1.60 per hour compared to $1.45 per hour last year. The unit per enrollment at the higher wage is estimated at $481 if the same 260 hours allowed each enrollee last summer is repeated.

With fewer total dollars and higher wage costs it is evident that either the number enrolled, or the hours of participation and the earnings of enrollees would have to be adjusted.

We plan to continue to finance the program with 90 percent of Federal money and 10 percent cash or in-kind contributions from local sponsors. Therefore, it is our judgment that it is best to maintain enrollment at 414 thousand but reduce each enrollee's maximum participation from 260 to 212 hours for the summer.

I appreciate your continued interest in the Neighborhood Youth Corps.

Sincerely,

J. D. Hodgson,
Secretary of Labor.

500,000 Summer Jobs Slated in $64.3 Million Added Request for Funds

The Administration has recommended a supplemental appropriation of $64.3 million to provide 100,000 additional summer job opportunities in the Neighborhood Youth Corps program.

Secretary of Labor J. D. Hodgson said the increase would raise the nationwide opportunities available to disadvantaged boys and girls to 514,000, a record number for any year since NYC began in 1964.

The new budget for the NYC summer jobs program would total $217.2 million, an increase of $51.5 million over the original budget of $165.7 million.

One of the major innovations in the program calls for participation of about 90,000 youths in more than 100 cities to participate in an environmental improvement program called SPARE involving the Environmental and Protection Agency.

The Secretary said that the balance of the $64.3 million supplemental—$12.8 million—would be for support of summer recreation programs for boys and girls 8 to 13 years of age. NYC summer jobs will be used to assist in many of the recreation activities.

The summer jobs program will start soon after school terms end in various locales and will run for nine weeks at 26 hours a week for each youth.

Secretary Hodgson said the summer jobs in community service activities will pay $1.60 an hour for a total of 234 hours.

The Labor Department's 10 regional offices will contract with local sponsors as soon as the funds are available.

The success of the pilot projects conducted last summer in conjunction with the Interior Department in the Operation Clean Waters program in 15 locations prompted the broader emphasis this year on water, air pollution, solid waste and pesticide control, the Secretary said.

The SPARE (for Summer Program Action to Renew Environment) program will be coordinated at the local level through the mayors' offices.

Neighborhood Youth Corps sponsors will provide enrollee wages and supportive services and the local use agency will provide the supervision.

Paralleling the Federal government effort to provide as many jobs as possible in the summer to low income youth are several other efforts:

The National Alliance of Businessmen has set itself a goal of placing 150,000 disadvantaged youth in summer jobs without Federal assistance.

The Employment Services of the various State Employment Security agencies have set a goal of 250,000 for placement of youths in summer jobs in the private and public sector.

50,000 Federal and perhaps 25,000 in State and local governments set by the Civil Service Commission and various State and city agencies.

In many communities, the mayor's office will play a greater role than in past years in coordinating summer activities for youth.

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM INITIAL AND REVISED ENROLLMENT OPPORTUNITIES BY STATE, 1971

Region and State	Number of enrollment opportunities	
	Initial	Revised
Region I	16,631	22,494
Connecticut	3,765	5,401
Maine	1,813	2,444
Massachusetts	7,588	10,367
New Hampshire	894	1,177
Rhode Island	1,727	2,089
Vermont	844	1,016
Region II	64,545	77,501
New Jersey	10,891	13,836
New York	45,561	50,807
Puerto Rico	7,937	12,544
Virgin Islands	156	314
Region III	40,270	49,030
Delaware	818	1,240
Maryland	7,285	8,171
Pennsylvania	17,339	22,379
Virginia	7,351	8,855
West Virginia	7,477	8,385
Region IV	75,772	94,511
Alabama	8,204	10,280
Florida	9,760	15,082
Georgia	10,298	12,675
Kentucky	11,010	12,326
Mississippi	7,500	9,642
North Carolina	13,401	14,985
South Carolina	6,523	7,720
Tennessee	9,076	11,101
Region V	77,644	97,104
Illinois	28,715	32,045
Indiana	6,808	10,076
Michigan	14,258	20,192
Minnesota	6,179	7,291
Ohio	15,692	19,902
Wisconsin	5,992	7,598
Region VI	45,874	54,909
Arkansas	6,212	6,988
Louisiana	9,399	11,714
New Mexico	3,041	3,462
Oklahoma	5,303	6,294
Texas	21,919	26,451
Region VII	17,381	22,139
Iowa	3,894	4,742
Kansas	2,929	3,905
Missouri	8,050	10,664
Nebraska	2,508	2,828
Region VIII	10,104	12,560
Colorado	3,134	4,457
Montana	1,879	2,104
North Dakota	1,283	1,470
South Dakota	1,583	1,775
Utah	1,684	2,030
Wyoming	541	724
Region IX	43,788	55,968
Arizona	6,712	7,529
California	34,977	45,492
Hawaii	1,061	1,280
Nevada	788	1,083
Guam	205	431
American Samoa and trust territory	45	153
Region X	11,216	15,707
Alaska	1,561	1,760
Idaho	930	1,306
Oregon	3,273	4,557
Washington	5,452	8,084
District of Columbia	10,775	12,077
Total	414,000	514,000

Note: The percentage increase in enrollment opportunities is greater in some States than in others to bring the number allowed closer to a distribution based on unemployment and poverty population.

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM INITIAL AND REVISED ENROLLMENT OPPORTUNITIES—50 LARGE CITIES, 1971

	Number of enrollment opportunities	
	Initial	Revised
Region I: Boston	2, 156	2, 945
Region II:		
Jersey City	1, 076	1, 367
Newark	3, 415	4, 337
Buffalo	2, 159	2, 407
New York	31, 362	34, 969
Rochester	918	1, 024
Region III:		
Baltimore	5, 068	5, 676
Philadelphia	4, 339	5, 597
Pittsburgh	4, 321	5, 574
Norfolk	1, 386	1, 663
Region IV:		
Birmingham	1, 186	1, 587
Dade County (Miami)	2, 492	3, 850
Tampa	2, 384	3, 683
Atlanta	1, 795	2, 208
Louisville	1, 874	2, 097
Memphis	1, 214	1, 481
Region V:		
Chicago	23, 434	26, 129
Gary	1, 584	2, 344
Indianapolis	710	1, 051
Detroit	8, 270	11, 710
Minneapolis	1, 286	1, 516
St. Paul	386	455
Akron	477	605
Cincinnati	1, 512	1, 917
Cleveland	5, 315	6, 739
Columbus	852	1, 080
Dayton	572	725
Toledo	545	691
Milwaukee	1, 656	2, 100
Region VI:		
New Orleans	1, 412	1, 759
Oklahoma City	931	1, 104
Tulsa	311	369
Dallas	1, 194	1, 440
El Paso	517	624
Fort Worth	604	728
Houston	2, 106	2, 540
San Antonio	2, 782	3, 355
Region VII:		
Kansas City	1, 300	1, 716
St. Louis	1, 755	2, 317
Omaha	1, 056	1, 190
Region VIII: Denver	739	1, 049
Region IX:		
Phoenix	2, 388	2, 674
Los Angeles (includes Long Beach)	12, 459	16, 197
Oakland	3, 114	4, 047
San Diego	2, 172	2, 824
San Francisco	2, 152	2, 798
Honolulu	405	488
Region X:		
Portland	1, 075	1, 494
Seattle	1, 558	2, 306
Washington, D.C	10, 775	12, 077

Note: The percentage increase in enrollment opportunities is greater in some States than in others to bring the number allowed closer to a distribution based on unemployment and poverty population.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES CONCERNING REFORM OF FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I should like to announce that the Special Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on May 24 and 25, 1971. The hearings will begin each day at 10 a.m. in room 2228, New Senate Office Building. Information on the hearings can be obtained from the subcommittee staff in room 2204, extension 53281.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I ask to have printed in the RECORD a statement announcing opening hearings by the Subcommittee on Parks and Recreation on May 20 and 21.

Mr. President, open hearings have been scheduled by the Subcommittee on Parks and Recreation on the following:

S. 1474, to amend the Land and Water Conservation Fund Act as it pertains to recreation fees and the continuance of the Golden Eagle program—administration proposal.

S. 1228, ALLOTT et al.

S. 1172, CANNON et al—separate bill.

On May 21 the subcommittee will consider the following:

INFORMATIONAL HEARING

Providing for a full discussion by interested parties on the use and control of snowmobiles and other off-road vehicles on public lands.

NOTICE OF HEARINGS CONCERNING EFFECTS OF ADVERTISING ON SMALL BUSINESS IN CERTAIN INDUSTRIES

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will initiate hearings into the effects of advertising on the viability and opportunities for small business in the patent medicine and cosmetic industries. Hearings will be held on May 25, 26, and June 15, 16, and 17 in room 318—caucus room—of the Old Senate Office Building starting at 10 a.m. each day.

ADDITIONAL STATEMENTS

PATIENT CENSUS LEVEL AT VETERANS' ADMINISTRATION HOSPITALS

Mrs. SMITH. Mr. President, recently I received a complaint by long-distance telephone from a constituent in Maine reporting that there had been a cutback of 50 beds and a 10-percent cut in personnel at the veterans center at Togus, Maine, and reporting that the medical director there was resigning in protest. The complainant constituent also stated that some 10,000 patients nationally were being discharged this year.

I then asked the Administrator of the Veterans' Administration for a report on these allegations. His report to me is quite encouraging and reassuring, and I am pleased to disclose the highlights of that report.

First, on a nationwide basis the Veterans' Administration has been able to treat increasing numbers of veterans despite a progressive decline in the inpatient census which has been observed over the past decade. This increase in patients treated has been accomplished by improved hospital staffing, expanding use of specialized medical services, doubling outpatient treatments, and exploiting fully alternatives to hospitalization such as nursing home care.

In planning for operations in fiscal year 1972, the Veterans' Administration projects a continuation of this dramatic trend relating to a lower patient census level. Giving careful consideration to such factors as prospective demand, patient turnover, and staffing potentials, the Veterans' Administration projected a lower patient census for the Togus VA center. The reduction in census has been projected on the basis of the same criteria that were applied systemwide in planning requirements for the coming fiscal year.

The Veterans' Administration plans to allot the Togus Center $11,710,819 for the medical care program next year. This exceeds the allotment for this purpose in the current fiscal year by $878,643. The Veterans' Administration is confident that the proposed financial base will permit the center to meet demand and provide high levels of care to the young veterans returning from Vietnam as well as veterans in the older age groups in need of health services provided in extended care facilities.

The Veterans' Administration projects increases at Togus in the number of patients treated and full support for the nursing care unit. There are no plans to reduce the personnel at the center. In fact, in the new fiscal year the Veterans' Administration plans to activate and staff an intensive coronary care unit at the center. This with other specialized medical services will contribute substantially to upgrading the Togus patient care capabilities.

The Veterans' Administration informs me that my constituent's concern that the medical director at Togus was resigning may have been prompted by the scheduled departure of the chief of staff at the center. He is retiring after a long and distinguished career, and the Veterans' Administration assures me his retirement is in no way associated with its medical care program at the center.

The President's budget for fiscal year 1972 for VA medical care includes an increase of $125 million over the current fiscal year. It will provide:

An increase in average employment of 3,823.

An increase in the hospital staffing ratio.

Inpatient treatment for 905,00 veterans.

An increase in outpatient medical visits to a new high of 8,094,000.

Activation of 167 special units such as hemodialysis, intensive care, drug abuse, and pulmonary emphysema.

Training for 53,000 resident physicians and other health service personnel.

Initial activiation of three new hospitals.

With these resources, the Veterans' Administration looks forward to furnishing veterans a broad spectrum of medical and hospital services including the most modern diagnostic and treatment techniques available to American medicine. Concurrently, it will contribute to the national health effort by extending VA medical research and education.

THE WAR IN VIETNAM—RESOLUTION OF GEORGIA SENATE

Mr. TALMADGE. Mr. President, I bring to the attention of the Senate a resolution adopted by the Georgia State Senate with reference to the continuing war in Vietnam. The principal author of the resolution was Senator Max Cleland, a former Army captain and veteran of Vietnam himself, who sustained severe battlefield injuries that resulted in triple amputation.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

A resolution supporting negotiations to obtain a further withdrawal of American land forces from Vietnam in exchange for a battlefield cease-fire and return of our prisoners of war; and for other purposes

Whereas, the war in Vietnam has affected every county, city and community in Georgia; and

Whereas, almost 1,500 Georgians have lost their lives in the war; and

Whereas, thousands of Georgians have been wounded, and at least 67 Georgia families have fathers or sons listed as prisoners of war or missing in action; and

Whereas, the United States is beginning its second decade of involvement in the longest war in our history; and

Whereas, the Vietnam war is exceeded only by the two world wars and the Civil War in casualties; and

Whereas, the President of the United States has stated that we do not seek a military victory in this war and has committed us to a policy of military withdrawal; and

Whereas, American men are still being killed and maimed, and Americans are still being held as prsioners of war.

Now, therefore, be it resolved by the Senate that this body hereby supports negotiations to obtain a further withdrawal of American land forces from Vietnam and, if necessary, to set a date certain for such withdrawal, in exchange for a battlefield cease-fire and return of our prisoners of war.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States, Senate and House of Representatives from the State of Georgia.

THE DEMONSTRATIONS IN WASHINGTON—COMMENT BY JOSEPH McCAFFREY

Mr. HRUSKA. Mr. President, within the past 10 days the very noted news analyst Joseph McCaffrey has broadcast a series of commentaries concerning the demonstrations in Washington last week. As usual these commentaries are gems of lucid thought on subjects of particular interest. For example, in discussing the tactic of blocking traffic to halt the operations of Government, Mr. McCaffrey had this to say:

Is this damn foolishness we have witnessed in this city today to become the way of life in America? Unfortunately, it may already have become a way of life. What we saw today, and will get another taste of tomorrow, probably does more to bring support to President Nixon than anything that has happened during his more than two years in office.

In commenting on the type of young people who are drawn to this sort of activity, Mr. McCaffrey articulated some of the questions which are much on the minds of the great majority of citizens of this Nation these days:

Has the American system of education failed?

Certainly the dictionary has been abandoned, and words no longer mean what they used to mean.

What kind of peace is it that has those who claim to speak for it going about this city annoying, harassing and terrifying citizens?

These are citizens whose crime is that they want to go to work. Going to work to earn one's daily bread is something these insurgents know little about.

After all those who have flowed into Washington during the past few days do not work. They may be big on four letter words, but they make an exception to W-O-R-K.

"Work" is a word which never gets into their vocabulary.

It is good to hear viewpoints such as these aired by the Nation's media and I believe that it would be useful to have them printed in the CONGRESSIONAL RECORD. I therefore ask unanimous consent to have the full text of four of these commentaries printed in the RECORD. They are self-explanatory and do not need amplification by me.

There being no objection, the commentaries were ordered to be printed in the RECORD, as follows:

COMMENTARY OF JOSEPH MCCAFFREY, APRIL 30, 1971

If my being kept from work Monday, Tuesday or Wednesday would end this ridiculous war, I'd be willing to stay home. Unfortunately, it isn't that easy, as President Nixon proved again last night. He is dedicated to his no-policy approach to the war, and he will stay with it even if every office in this town is closed down. So what good does this harrassing of Americans do? What has annoying and inciting one's fellow man got to do with ending the war? Nothing!

Rather it may be a larger scheme to try to destroy the United States. One doesn't have to be a fan of the House Internal Security Committee to believe that the wild eyes running around this town at this very moment are dedicated to the destruction of the American way of life.

Given the chance, they'd probably opt to destroy any way of life. Caught up in all of this are the police: metropolitan, capitol, park police and the security men at various office buildings.

These men didn't start the war. In fact, most of them probably wish the war was over.

But they are being made to pay for the decisions of John Kennedy, Lyndon Johnson and Richard Nixon: they are the ones who have to take it in the neck. Many of them are working long hours of overtime, most of those working overtime receive no added compensation.

But these people who claim to bleed for their fellow men couldn't care less. They make a great pretense of being for their brothers, but they are willing to abuse, even club a man because he is a policeman, charged with trying to maintain some semblance of order.

The "Army of Peace," strangely enough, has within it elements of hate and destruction.

This is the kind of consideration for one's fellow man we are seeing in this city today . . . and will see for many days to come.

We are being invaded by fakers . . . and that is what they are . . .

COMMENTARY OF JOSEPH MCCAFFREY, MAY 3, 1971

Has the American system of education failed?

Certainly the dictionary has been abandoned, and words no longer mean what they used to mean.

What kind of peace is it that has those who claim to speak for it going about this city annoying, harrassing and terrifying citizens?

These are citizens whose crime is that they want to go to work.

Going to work to earn one's daily bread is something these insurgents know little about.

After all those who have flowed into Washington during the last few days do not work.

They may be big on four letter words, but they make an exception to W-O-R-K.

"Work" is a word which never gets into their vocabulary.

And the word peace doesn't mean in this age what it used to mean. Peace now means slashing tires of motorists caught in traffic jams which have been caused in the name of peace.

Violence in the name of peace is a new approach.

But don't blame the education system.

Air pollution may be to blame.

Certainly how else can one explain the angry comment of one of the characters as he was pushed into a paddy wagon today? He shouted, "This is my government, I have a right to shut it down if I want to."

It must be the air pollution that is deadening the brain.

Whatever it is these people will never win the St. Francis Assissi Award as lover of their fellow man.

COMMENTARY OF JOSEPH MCCAFFREY, MAY 3, 1971

Is this damn foolishness we have witnessed in this city today to become the way of life in America?

Unfortunately, it may already have become a way of life.

What we saw today, and will get another taste of tomorrow, probably does more to bring support to President Nixon than anything that has happened during his more than two years in office.

And if it hasn't he will see that it does, because he can easily link together all who oppose America's involvement in Southeast Asia with those who today tried to close down the city.

Thus, today's wildman's bluff doesn't get us any closer to ending the war but rather helps bolster the position of the Administration which will continue to go its own way.

The immediate danger is that what is going on here will take someone's life, perhaps more than one, perhaps the lives of many, and chances are very good the victims will probably be innocent bystanders.

This kind of confrontation cannot continue without the peaking of violence and when that happens there are going to be deaths.

This may be what the insurgents are seeking. According to their strange reasoning this would help their cause.

God help us all.

COMMENTARY OF JOSEPH MCCAFFREY, MAY 5, 1971

The most important thing for a newspaper editor to remember in times like these is to be sure to have a few reporters arrested when the police sweep the demonstrators, then make sure he (the reporter) writes a good, "gee it happened to me, Mom and I was just looking at what was going on" story which will be played big.

This is a must.

It sure keeps editors happy, and reporters on the pay roll.

Ben Hecht lives on, and on.

But newspapers and radio and television are getting much journalistic advice on how to report, or not report demonstrations.

Senator Robert Dole says press and broadcasting made a big production out of the demonstrations, giving the world a false picture of America.

In 1872 the Dole principle of journalism would have ignored the great Chicago Fire. Bob Dole is a fine man, dearly loved in Kansas, and apparently by the Republican Party which named him its leader, but he'll never be signed to a long term contract as instructor at the William Allen White School of Journalism.

Meanwhile an elected state official harangued a protest meeting today saying what he has seen of the demonstrations shows a police state in operation.

He claimed he saw mass brutality, perhaps when cars were over turned by demonstrators as people tried to climb out of them, and he said he saw concentration camps, and a total disregard for the rights of American citizens.

That, unfortunately, is what caused all this trouble.

The total disregard, beginning early Monday morning, for the rights of American citizens.

This elected official is from New York City, a member of the State Assembly.

If he were back in his city today instead of being here he could have witnessed the rampaging through a part of Brooklyn, the setting fire to houses, breaking store windows and looting.

This would appear to be a total disregard for the rights of American citizens. Probably he'll vigorously protest that, when he finally returns to fun city.

MUSKIE ON THE ISSUES

Mr. HART. Mr. President, on April 16, 1971, Congressional Quarterly published an article about the distinguished Senator from Maine (Mr. Muskie) which I commend to the attention of the Senate. I would particularly point out the section of the article in which Senator Muskie outlined his views on some of the fundamental issues facing our country today, including the need to end the Vietnam war now. He also discussed with the Congressional Quarterly interviewers his stands on questions about the environment, civil rights, and other issues.

I ask unanimous consent that this material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Muskie Campaign: Cautious Pace by the Man in Front

For Sen. Edmund S. Muskie (D Maine), 1971 is a year of political groundwork, legislative chores and a sharply reduced profile.

This middle phase in the campaign of the Democrats' acknowledged front-runner for the presidential nomination follows a year in which frequent travel and speeches on national topics brought him heavy television and newspaper coverage throughout the country. And it precedes the final phase, a formal bid for the nomination in 1972. The decision to shift into the middle phase came after Muskie's well-received election-eve television broadcast to the nation Nov. 2, 1970.

"In 1969," said staff director Berl Bernhard, "it was a matter of getting the country to see who Ed Muskie was." He said the need for this kind of exposure declined in 1970 and ended after the election-eve broadcast. "We were flooded with requests for things after that," said Bernhard.

ORGANIZATION

The first major step in the new phase of operations was the arrival of Bernhard in February as director of the campaign, replacing longtime Muskie aide Donald Nicoll, who became the Senator's director of policy development and research. (*Box p. 857*)

Bernhard, 41, is a Washington attorney who served as staff director of the U.S. Civil Rights Commission in the Kennedy Administration. He was counsel to the Democratic Senatorial Campaign Committee in 1967 and 1968, when Muskie was the committee's chairman. During Muskie's campaign for the Vice Presidency in 1968, Bernhard served as an adviser and speechwriter. And when the Muskie Elections Committee opened an office in downtown Washington early in 1970, the space was convenient to Bernhard's law firm, one floor above.

Six full-time staffers manned the office when it opened, under the direction of Nicoll and Robert Nelson, a lawyer who worked under Bernhard at the Civil Rights Commission and later was executive director of the Lawyers' Committee for Civil Rights Under Law.

By late August, the downtown staff had grown to 12 full-time employees and 10 summer interns. And by late March 1971, there were 40 full-time staffers and about 50 volunteers. The committee had expanded to suites on three floors, including rooms in the law office from which Bernhard is on leave. Next door to one of the suites is the private office of the Communications Company, headed by Robert Squier, Muskie's media consultant.

Published reports at the time Bernhard became staff director indicated that Muskie was seeking to tighten up scheduling and political and press operations. Muskie said the appointment would "assure effective coordination of the activities of the men and women who work for me."

FINANCES

In 1970, the Muskie Elections Committee filed financial reports with the Clerk of the House of Representatives, even though this was not legally required. On Oct. 30, 1970, the committee reported receiving $182,893.14 and spending $205,870.63.

Expenses for 1970 activities have been estimated at $1-million to $1.5-million, and Bernhard said as much as $8-million may be required for the primaries and other efforts leading up to the national convention in the summer of 1972.

Of the money received by the committee in its first six months of operation, a large proportion was contributed by executives in the motion picture and entertainment industries. The largest single contributors, Mr. and Mrs. Arnold Picker of New York City, gave $10,000. Picker is chairman of the executive committee of United Artists Corporation. Several relatives of Picker, officials of United Artists and executives of other entertainment firms also gave contributions of $500 or more. In early April 1971, Muskie named Edward L. Schuman, 54, of Detroit, a vice president of Walter Reade Theaters Inc., as national coordinator of fund-raising. Some sources indicated that Picker suggested Schuman for the job and that Schuman would serve as Picker's representative in the campaign.

Schuman said there had been no coordinated effort in the motion picture industry to underwrite the Muskie campaign. "I know Picker," he said, "but we're not close friends." Schuman said Muskie "has really no great business support in the country." Schuman supported Sen. Eugene J. McCarthy (D Minn. 1959–71) for President in 1968 and New York Mayor John V. Lindsay, a Republican, for re-election in 1969.

Bernhard said much of the Muskie fund-raising in 1971 would center on banquets, direct mail appeals and the setting of financial quotas for groups that have offered to assist the Muskie campaign in key states.

Muskie staffers expect organized labor to be a major financial and organizational element of the campaign even though Muskie, as a Senator from a largely rural state, is not as closely associated with labor interests as are several other potential Democratic candidates. Bernhard said of the unions, "They've made it clear that Muskie is totally acceptable." But he listed no specific unions or labor leaders as Muskie backers. Of the early contributions to the Muskie Elections Committee, a $2,000 donation was made by the International Ladies' Garment Workers Union.

YOUTH SUPPORT

Another factor in the Muskie drive will be students, although Muskie youth organizer Lannie Davis conceded in March that Sen. George McGovern (D S.D.) "has picked up many of the best people." Davis, 26, is a Yale Law School graduate who worked in the 1968 McCarthy campaign and in Emilio Q. Daddario's unsuccessful race for Governor of Connecticut in 1970. (*McGovern campaign story, Weekly Report p. 759*).

Bernhard promised that "we're really going to work on the younger people," adding that students would be used as an important source of new ideas and policies, not just as volunteer campaigners.

POLICY EXPERTS

Muskie drew national attention in August 1969, when he announced that he was assembling a "brain trust" of policy experts to brief him on national issues. According to policy chief Nicoll, the size of this informal group has grown to more than 100, about 60 percent from academic ranks and 40 percent from law, business and public service. Nicoll said their advice comes in the form of private conversations, lengthy memos and drafts of speeches for Muskie.

Nicoll did not discuss individuals in the brain trust, but those linked with it have included former Defense Secretary Clark Clifford, former Assitant Defense Secretary Paul Warnke, former presidential economic advisers Arthur Okun and Walter Heller and Harry McPherson, Bernhard's law partner and a former speech-writer for President Johnson.

ISSUES

Even though his is the largest staff any contender has assembled more than a year before the 1972 presidential election, Muskie in April 1971 was many months away from becoming an announced candidate. "There's no real necessity to do it," said Bernhard. "When you do it, you should be ready to do a bit more than just announce. You do it to maximize your position; you don't do it just for the ritual. The announcement is the clarion call to people who want to work for you to get ready. The most important thing Ed Muskie can do right now, rather than announce, is talk about the substantive issues."

The forum for Muskie's discussion of the issues in 1971 is the Senate. Legislative initiative is the second major feature of the middle phase of the campaign.

"You're going to see him back here in Washington, because he's facing an awful lot of legislation," said media consultant Robert Squier. "And because most of the contenders come from the Senate, that's an appropriate stage for the thing to be played out on."

This attention to chores would mean fewer trips of the type Muskie made in 1970, when public exposure was still a key element of strategy. Deputy staff director Robert Nelson explained that Muskie would continue to make public appearances in 1971, but that scheduling would be aggressive rather than reactive—the Senator would choose the appearances he wanted to make instead of depending on offers from outsiders. Nelson said this was one of the advantages of the front-runner.

One area of speculation concerned the ways Muskie's Vietnam policy differed from that of McGovern, the only announced candidate for the Democratic presidential nomination and a long-standing Senate opponent of U.S. war policies. Muskie did not support expansion of the war in its early years, and in 1971 he said he had private doubts about it as early as 1965. But he backed Johnson Administration policy into 1968.

RATINGS IN CONGRESSIONAL QUARTERLY VOTE STUDIES[1]

	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960	1959
Presidential:												
Support	40	51	60	76	68	71	78	88	83	75	44	41
Opposition	44	42	12	9	13	7	6	6	9	15	35	44
Voting participation	74	89	65	82	76	77	90	88	88	90	87	87
Party:												
Unity	71	79	52	81	71	77	86	75	90	85	62	71
Opposition	5	11	11	4	3	5	4	5	1	6	20	15
Conservative coalition:												
Support	4	9	16	9	1	15	2	16	18	8	15	10
Opposition	78	81	49	75	74	72	90	74	68	80	61	75
Bipartisan:												
Support	61	69	54	72	62	69	72	88	71	84	79	80
Opposition	13	20	12	9	15	5	9	5	14	5	11	9

[1] Explanation of studies, 1969 Almanac, p. 1034.

"We believe that freedom is at stake," he said in March 1966. "We believe that the right of small nations to work out their own destiny in their own way is at stake. We believe that containment of expansionist Communism regrettably involves direct confrontation from time to time and that to retreat from it is to undermine the prospects for stability and peace."

Muskie expressed reservations to President Johnson about the bombing of North Vietnam in January 1968, but he did not make his views public at that time. At the 1968 Democratic national convention, he spoke against an unconditional halt to the bombing but phrased his opposition in a moderate, relatively conciliatory tone. He said he would be prepared to accept a bombing halt if the President "has reason to believe—and I think he ought to be prepared to take some risks—that this could advance us one step further toward the negotiating table on substantive issues." (*Muskie vice presidential nomination, 1968 Almanac p. 1016*)

Early in 1969, Muskie called for a standstill ceasefire by both sides in Vietnam, breaking with Nixon Administration policy. And he called the moratorium demonstration Oct. 15, 1969, "just what the country needs." He expressed doubts, however, about the plan offered by Sen. Charles E. Goodell (R N.Y. 1968–71) to set a date for U.S. withdrawal.

Muskie's estrangement from the war deepened in 1970, as he sharply criticized the allied incursion into Cambodia and backed the unsuccessful Hatfield-McGovern resolution authorizing withdrawal of all U.S. troops from Vietnam by Dec. 31, 1971. (*1970 Weekly Report p. 2173*)

"It should be clear to all of us by now," he said in February 1971, "that this war is essentially a war fought among the Vietnamese people for political ends. And therein lies a lesson of this tragedy. We cannot substitute our will and our political system for theirs. We cannot write the social contract for another people."

In domestic legislation, Muskie's chief interests have flowed from the committee assignments he has held since he entered the Senate in January 1959. Muskie has dealt with environmental problems as chairman of the Air and Water Pollution Subcommittee of the Public Works Committee. And his chairmanship of the Government Operations Committee's Intergovernmental Relations Subcommittee has led to a concern with improving communications between the states and the federal government.

Muskie is the author of the Clean Air Act of 1963 and the Water Quality Act of 1965, both of which expanded federal standards and participation in pollution control. Muskie's Clean Air Act amendments of 1970, passed over the strenuous opposition of the auto industry, set a 1975 deadline for the production of a virtually pollution-free car.

Another domestic quarrel likely to be played out in the Senate in 1971 involves revenue sharing and President Nixon's attempt to relieve the states' financial burdens with grants to be used for virtually any purposes the states choose. (*Weekly Report p. 213*)

Muskie strongly opposes this plan. He provoked an angry reaction from several big-city mayors when he said so in an address to the National League of Cities March 22. Muskie said the President's plan would destroy effective specific aid programs that already exist, give too much money to localities that do not need it and fail to provide adequate safeguards against discriminatory allocation of money. "Under the Administration's general revenue-sharing bill," argued Muskie, "Beverly Hills would be entitled to twice as much per capita as New York and four times as much as Cleveland."

This position has deep roots in Muskie's Senate career. He has consistently opposed federal legislation that does not take into account the differing needs of each state or that fails to impose responsibilities on states that wish to qualify for federal aid.

Muskie's 1967 Clean Air Act, for example, established air quality control regions to set standards for pollution levels in different areas of the country. The Johnson Administration preferred national standards for major polluters. (*1967 Almanac p. 875*)

In 1970, Muskie's approach drew an angry reaction from a task force sponsored by consumer crusader Ralph Nader. According to the task force, "Senator Muskie has never seemed inclined toward making a tough stand toward private industry." But Muskie backers claimed national standards would amount to dangerous oversimplification.

As early as 1966, in criticizing tax inequities in a majority of American states, Muskie said, "Until these imbalances are corrected, it is meaningless to talk about federal revenue sharing—or other unrestricted block grant schemes which could provide windfalls to some states and inequities to others."

Instead of general revenue sharing, Muskie supports federalization of the welfare system, which he has called "another form of revenue sharing, and a good one." He planned to introduce his own revenue-sharing bill, which he said would be similar to one he introduced in the 91st Congress. He said it would allocate money to states and cities on the basis of relative need.

PERSONALITY

Muskie's personality and style will be the subject of increasingly frequent assessments as he heads into the 1972 primary season as the front-runner. Some evaluations have dealt with Muskie's deliberate, cautious approach to making judgments about national problems.

Media consultant Squier sees Muskie's New England roots as an outstanding asset. "The sense of place doesn't have to be spoken," said Squier, "because it's there, it's already inferred. It's look and accent and style and the way he is."

Squier helped to produce the election-eve broadcast, in which Muskie's deliberate tone and affection for his home state were major themes. Muskie accused the Nixon Administration of lying to the American people. Squier argued that only a politician such as Muskie, with his reputation for caution and fairness, could have used those words without seeming to make a personal attack.

But others have pointed to these same qualities as weak spots. One 1970 article quoted a leader in the peace movement as saying of Muskie, "I just don't know where he's really at. He doesn't move me. He doesn't give me any feeling of hope." And a fellow Senator was quoted as complaining that Muskie "never gets into the thick of things, always seems to pull his punches."

"It's interesting to watch the press painting this portrait of me," Muskie said on television March 31. "You never really know how it's going to come out. Some of them say I'm a volcano; others say I'm an iceberg. And the truth probably is that I'm a human being, with quite a range of emotions."

MUSKIE ON THE ISSUES: RESPONSES TO CQ QUESTIONS

Muskie was interviewed March 31 by two members of the Congressional Quarterly editorial staff. Verbatim excerpts of his comments on a number of major issues follow.

Foreign policy

If the United States pulled out of Vietnam this year, do you think the (American) people would be prepared to see the Viet Cong take over South Vietnam?

I don't know of any way that the American intervention in Southeast Asia can guarantee a pre-ordained and blueprinted result for any government in South Vietnam, and I take it that this was not our objective from the beginning. As I understand our objective . . . it was to buy the South Vietnamese time to shape their own future in accordance with their own wishes. I suppose at the outset we had no clear concept as to how much of an effort on our part this would involve or what it would cost us. But in any case, it's cost us a great deal by any standard of measurement that one wants to use, and I think it's cost us all we can afford to pay by any standard—moral, material—that one might wish to use. So my view is that we have bought and paid for as much time as we can for the South Vietnamese. They have had the opportunity to build what I gather, outside of our forces, is the largest army in Southeast Asia, equipped by us and trained by us. And they will have had, with the elections next fall, the opportunity to hold two successive elections. We have bought for them all we can afford to pay. That the election results will be guaranteed, no. . . .

What sort of policy would you like to see this country adopt, based on the lessons we have learned in Indochina, toward future commitments overseas?

I suspect that a lot of the lessons we have learned may not need conscious implementation. I'm sure we've learned that Communism is no longer an international monolith and that's, I hope, a useful lesson to learn. Secondly, I hope we've learned that the policy of confrontation with Communism in any of its forms isn't the best way necessarily to deal with it. I hope we've learned that allowing ourselves to get involved in a guerrilla war with a small country on the other side of the world is a misuse of our military power—if it is not any moral failure on our part. Inescapably, it involves the killing of a lot of innocent people and civilians, women, children, whether it's down on the ground or from the air, and I hope we've learned that.

If we've learned that much, it still is going to take some time and rather painful . . . reappraisal of our national interests to define with precision what our role should be in the world. I don't think the majority of Americans want an isolationist America or would consider that an isolationist America would be serving our best interests. We can't escape having an influence in the world. The question is, "What kind?" It's still a hostile world in many senses.

I think that our responsibility for trying to make it into a rational world is very heavy, and I think we'll sense that increasingly as we react to our experience in Indochina. I think we ought to see more clearly the need to communicate with the Soviet Union and with Red China, with hostile countries as well as friendly countries and neutral countries, in order to create a climate in the world which will make it possible for us to serve the needs of the deprived and backward peoples of the world and at the same time recognize the legitimate aspirations of other developed and industrialized nations which will differ from our own—recognize that people are going to choose different forms of government and different kinds of societies—and the fact that they are different than our own should not precipitate alarm on our part or a disposition to try to get involved and intervene. . . .

The environment

As the cost of cleaning up the environment becomes more clear, is it possible that this will become less of a motherhood issue and that there might be a backlash? What can we do to clean up the environment and yet prevent a decline in the economy?

The problem of dealing with the environment is clearly something more than a motherhood issue, because it involves tough decisions that have economic consequences as well as environmental consequences. For the last year or so, we have concentrated so upon the desirability of a clean environment that I suspect many people haven't taken into their calculation the economic costs. . . . What we are talking about is regulating economic activities, and that regulation involves technology. It involves effort, and this involves money, and so it involves the economic viability of the polluters involved. It involves the economic health of communities and regions, and it involves the problem of utilization of resources.

And it is out of these tough kinds of decisions which will necessitate a balance of environmental values against other costs, economic costs to the community, that political issues will arise—locally, in many, many instances, because most of these decisions are local decisions; but nationally, occasionally, as in the case of the SST, because a national decision is involved. Nationally also with respect to such things as the automobile, because only national policy can deal with it. So, yes, it's going to be a painful process, it's going to be a costly one and it's going to develop a lot of political issues and backlashes.

Civil rights

Do you see any need at this time for additional legislation on civil rights, or do you think the problem could be handled in the executive branch?

Well, if one thinks of civil rights in the narrow sense of legislation mandating an end to discrimination or a denial of civil liberties or citizens' prerogatives or freedom of choice or so on, I suppose that we have done a great deal here, much of which isn't being effectively implemented or enforced; and one thinks, of course, of the problem of school integration and of voting rights and so on, where a great deal of work still needs to be done. But if one thinks of civil rights in the sense that there are other forces which limit the opportunities and the mobility of blacks and other minorities—economic forces housing patterns, residential patterns, community development patterns—then a great deal needs to be done.

The school integration problem, for example, with respect to large metropolitan areas, north and south, has not been effectively dealt with; and I don't know that it can be effectively dealt with, with any of the tools that are represented by court decisions up to this point. We don't have adequate guidelines or instruments for implementing them. The Mondale Committee (the Senate Select Committee on Equal Educational Opportunity) has been studying this area, and again we are dealing with housing patterns, residential patterns, transportation patterns, local and political jurisdictional lines. These are frustrating, not only with respect to racial questions but a lot of others. And so this is the toughest part of it, because, in effect, in order to bring . . . real freedom of choice within the reach of all Americans, including blacks and other deprived minorities, there's going to have to be a restructuring of the country and the cities in these terms, and that is major surgery. And it is going to involve legislation. It will require changes in attitudes. It will require effective action on all three levels of government.

The economy

If wage and price controls seemed to work as means of temporarily controlling inflation, would you have some fears or reluctance to see a long-term period of controls? Would these interfere with a free economy to the extent that they would be something you wouldn't want to get into?

There are those, Professor Galbraith notably, who think that we must have these kinds of controls permanently. I must say I don't accept that—not at this point at least. But I think we may need wage-price controls for their psychological value in order to end this game of catch-up, which is really what the principal inflationary force is at the present time—the game of catch-up which just stimulates this spiraling price and wage increase. I would like to see an incomes policy in the sense of a wage and price advisory board, which I have been advocating for a long time. The idea did not originate with me, obviously. But it increasingly has been recommended and urged by people on both sides of the political aisle and by the chairman of the Federal Reserve Board, the present and past (chairman), and I think that this could be structured in a way that's worth trying as an alternative to wage-price controls. . . .

Welfare

How far do you think federal control should extend in social programs such as minimum income, federalized welfare and health insurance, and how much responsibility should be at the state and local levels?

I think all three of these areas are areas in which the federal involvement must be greater, because they deal with problems that aren't going to be dealt with effectively unless the federal resources are applied to them. The problem of health insurance and health delivery systems (and) facilities are two escalating problems that affect the ability of almost all Americans—poor, lower middle income, middle income—to meet the costs of serious illness. And the costs are escalating. . . . In part this is traceable to the fact that when we enacted Medicare, increasing the demand for health facilities, we didn't do anything about increasing the facilities. And so the pressure upon existing doctors, nurses, hospitals, nursing homes, increased to the point where costs escalated, wiping out some of the benefits of the Medicare program and also putting the cost of adequate care beyond the reach of more and more Americans who weren't quite the beneficiaries of Medicare. This time, . . . as we deal with the problem, for which health insurance proposals have been advanced (and I cosponsored those), I hope we focus on the need for meaningful programs. And these will not be created without the federal government's presence to deal with the hospital shortage, the medical school shortage, the nursing shortage.

Welfare reform, of course, is a question that I think is answered by people all across the ideological spectrum in about the same way. Whether we talk of beneficiaries or of administrators or the taxpayer, everyone is agreed that this system doesn't work, and what we are talking about in part, at least, is not new governmental costs, but a more equitable carrying of present costs that are paid for by government at one or another level. In addition to that, of course, we must provide decent income levels for those who are on welfare. . . .

Crime and justice

Do you think the crisis in crime in this country has reached the point where it might be necessary to accept some kind of restriction on civil liberties in order to reduce the crime rate?

No. Preventive detention and the so-called no-knock provision are the two . . . most visible evidences of this approach to dealing with the crime problem. They do not get at the cause, and so we're paying too high a price, and we shouldn't pay any in terms of civil liberty for a solution that isn't a solution. There are a number of points at which we have failed to act adequately—the drug problem, for example, which pervades not only the question of crime, but almost every other social problem that afflicts our cities—housing, schools, race relations. You go through the whole catalog of social ills and crimes and problems which afflict America today, and they cannot be dealt with effectively unless we deal effectively with the drug problem. And we haven't done that. We've done less than we should have to deal with the international traffic in drugs, which is a real point of control. . . . And then, of course, we have to deal here at home with the addict and with the pusher of drugs—and we haven't done that effectively—as well as education of the young and eliminating some of the frustrations of life which prompt people to turn to drugs. I speak not only of the young, but also the deprived, the poor and the blacks.

If we turn our attention to the question of law enforcement itself, and what you do with the violator, first, you have to apprehend him and punish him; but even more importantly, to free the innocent and to rehabilitate those who are found guilty. We've done almost nothing nationally to deal with these problems: the problems of the courts; the problems of the penal institutions—for example, probation and parole systems, social services of all kinds; the court problem alone, the overcrowding of the courts, the overcrowding of calendars, the inadequacy of the probation and parole services available to judges; the speedy administration of justice. If we could deal with this alone, we'd go a long way to dealing certainly with the habitual offender and dealing with first offenders as well. . . .

MUSKIE'S BACKGROUND

Profession: Attorney.

Born: March 28, 1914, Rumford, Maine.

Home: Waterville, Maine.

Religion: Roman Catholic.

Education: Bates College, A.B., 1936; Cornell University, LL.B., 1939.

Offices: Maine House of Representatives, 1947–53; Governor, 1955–59; Senate since 1959.

Military: Navy, 1942–45; discharged as lieutenant.

Memberships: Waterville Club, Lions, AMVETS, American Legion, VFW, Grange, Kennebec County and Maine Bar Associations.

Family: Wife, Jane; five children.

Committees: Public Works; chairman, Subcommittee on Air and Water Pollution; Government Operations; chairman, Subcommittee on Intergovernmental Relations; Foreign Relations.

Career Highlights. Throughout his political career in Maine, Muskie has been a Democrat among Republicans, a Catholic among Protestant and a Polish-American among Yankees.

After winning election to the state house of representatives in 1946, he ran for mayor of Waterville the next year and lost—his only defeat until he ran for the Vice Presidency in 1968. He remained in the legislature and was house minority leader in 1949 and 1950.

In 1951, he resigned from the legislature to become Maine director of the Office of Price Stabilization. He declined an invitation to be the Democratic gubernatorial candidate in 1952, but accepted in 1954 and defeated incumbent Republican Burton M. Cross (1952–55) to become the state's first Democratic Governor in 20 years and its first Catholic Governor ever.

After serving two two-year terms, Muskie became Maine's first popularly elected Democratic Senator, unseating incumbent Frederick G. Payne (R 1953–59) with 60.8 percent of the vote. He was reelected in 1964, defeating Rep. Clifford McIntyre (R 1952–65) with 66.6 percent of the vote, and in 1970, defeating Republican Neil S. Bishop with 61.7 percent.

MUSKIE STAFF, ADVISERS

These are some of the chief members of the Muskie campaign organization:

Staff director: Berl L. Bernhard, 41, a Washington attorney and former staff director of the U.S. Civil Rights Commission.

Deputy staff director: Robert L. Nelson, 39, an attorney who was Bernhard's deputy at the Civil Rights Commission and later was executive director of the Lawyers' Committee for Civil Rights under Law.

Director of Policy Development: Donald E. Nicoll, 43, administrative assistant to Sen. Muskie from 1962 to 1970 and manager of Muskie's vice presidential campaign in 1968.

Press secretary: Richard H. Stewart, 39, former congressional correspondent for the *Boston Globe*.

Media consultant: Robert Squier, 36, president of the Communications Company, Washington, D.C., and an adviser to Hubert H. Humphrey's presidential campaign in 1968.

Speechwriter: Jack S. Sando, 30, a Washington attorney.

Domestic policy adviser: James Campbell, 32, Washington attorney and former consultant to the Commission on the Causes and Prevention of Violence.

Foreign policy adviser: Tony Lake, 32, a former assistant to Nixon adviser, Henry Kissinger.

KEY LEGISLATION SPONSORED

Sen. Muskie's staff included the following bills in a list of major legislation sponsored by Muskie during his 12 years in the Senate:

Environment

1963: Clean Air Act, authorizing federal research and technical aid to states to create or improve regulatory programs for curbing air pollution. Passed (PL 88–206). (1963 Almanac p. 236)

1965: Water Quality Act, establishing the Federal Water Pollution Control Administration and a water quality standards program and reorganizing the federal water pollution control program. Passed (PL 89–234). (1969 Almanac p. 743)

1970: Clean Air Act amendments, establishing national air quality standards and setting a 1975 deadline for production of virtually emission-free automobiles. Passed (PL 91–604). (Weekly Report p. 42)

1970: Water Quality Improvement Act, strengthening the federal government's authority to clean up oil spills and to recover the cost of cleanup from polluters, as well as to control sewage discharge from vessels and water pollution from federal activities. Passed (PL 91–224). (Weekly Report p. 42)

1971: National Water Quality Standards Act (S. 523) to revise the water pollution control program, extend the water quality standards program to all navigable U.S. waters, authorize $12.5-billion in federal construction grants for waste treatment facilities over the next five years and require all new plants discharging wastes into navigable waters to use the best available pollution control technology. Pending. (Weekly Report p. 749)

Economy

1969: Export Administration Act, expanding opportunities for American business to engage in East-West trade. Passed (PL 91–184). (1969 Almanac p. 499)

1970: Securities Investor Protection Corporation Act, establishing a private corporation to administer an insurance fund to protect investors from broker-dealer failures. Passed (PL 91–598). (Weekly Report p. 48)

1971: Transportation Research and Development Act (S. 1382) to channel federal money proposed for the supersonic transport plane into research and development in aviation safety, into aviation systems serving areas of concentrated population and into urban mass transit systems. Pending. (Weekly Report p. 794)

Federal-State relations

1969: Intergovernmental Revenue Act (S. 2483) to provide a federal revenue-sharing plan for states and localities based on need and tax effort and to establish federal tax credits for state and local income and estate taxes. Did not pass. (1969 Almanac p. 961)

Urban problems

1966: Demonstration Cities and Metropolitan Development Act, establishing the Model Cities program to renew urban neighborhoods through a broad range of programs, including new housing, experimental schools, health care centers and recreational facilities. Passed (PL 89–754). (1966 Almanac p. 210)

BREZHNEV ASKS MILITARY DISENGAGEMENT IN CENTRAL EUROPE

Mr. ALLOTT. Mr. President, Soviet Party Boss Leonid Brezhnev, in a significant speech, asked the North Atlantic Treaty Organization to open negotiations on the subject of military disengagement in Central Europe.

It is not at all clear at this point exactly what Mr. Brezhnev has in mind as the real subject of negotiation. It is far from clear what ground rules or ultimate objectives he has in mind.

But, Mr. President, one thing is clear. With Mr. Brezhnev showing interest in at least principle of mutuality in European troop reductions, it would be drastically wrong for the United States to make unilateral reductions at this time.

This is a grave matter with many possible long-term consequences. We should do nothing precipitately or unilaterally.

This is especially apparent when we recall something we too often forget. NATO troops in Western Europe have a different status. NATO troops are invited guests of democratic governments. The Soviet troops are uninvited occupants.

It would be dreadfully wrong to miss an opportunity to ease the burden of tyranny in Eastern Europe by making any U.S. troop reduction contingent upon a comparable Soviet reduction of the forces it imposes upon its unhappy satellites.

REDUCTION OF U.S. TROOPS IN WESTERN EUROPE

Mr. TALMADGE. Mr. President, the Atlanta Constitution of Tuesday, May 11, contains an excellent editorial regarding the substantial numbers of troops the United States maintains in Western Europe 25 years after the conclusion of World War II.

I am very much pleased to see that the Constitution supports a position that many of us in the Senate, myself included, have held for a long time; that is, that the now-prospering Western European nations, with more manpower and more military reserves than the United States, ought to start doing more to look after their own defense.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOLLARS AND SENSE

There are some tremendous ironies in the current weakness of the American dollar in relation to European currencies.

The dollar is the standard by which other currencies are measured in the international monetary system. Yet in the last several years we have, in one fashion or another, paid out in other countries more dollars than could easily be absorbed in those countries. In theory, we back those dollars with sufficient gold to redeem them all. In practice, the billions of dollars held by other countries now far exceeds the amount of gold available to back them up.

That, essentially, is what the economists mean when they talk about a "weak" dollar.

Yet one of the great ironies is that it was American dollars and backing which rebuilt the nations of Western Europe after World War Two. Never in the history of warfare has a nation which won a war then spent energy and treasure and manpower to rebuild a defeated nation, as did the United States and West Germany.

The Vietnam war, among other unhappy causes, is one reason our balance of payments in the international realm has been less than favorable.

But another major reason is that we continue to maintain substantial numbers of American troops in West Germany. Those troops cost dollars. They are there as part of the North Atlantic Treaty Organization. West Germany and other NATO countries have urged the United States to keep those troops there.

Well, we've done that and shouldered much of the defense burden for those NATO nations. That's been a major reason for the "weak" dollar and the currency speculation in Europe in recent days. Maybe it's a good reason at present to begin planning to withdraw those same American troops and permit those NATO nations with stronger currency to undertake a bigger share of the financial burden of their own defense.

KIWANIS CLUB OF WESTSHORE SUPPORTS GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, despite the large amount of misinformation that has been spread about the Genocide Convention by alarmists who have not fully considered the provisions of the treaty, there are many people in this Nation who believe, as I do, that it would definitely be in the national interest for the United States to ratify this Convention. Some of them have worked very hard to bring this about. I was much pleased to learn of the resolution adopted on May 5 by the Kiwanis Club of Westshore, in Lakewood, Ohio, calling for the ratification of this vital treaty.

Mr. President, I ask unanimous consent that the resolution and a letter I received from club president Stanley D. Cook be printed in the RECORD.

There being no objection, the items were ordered to be printed in the Record, as follows:

Kiwanis Club of Westshore,
Lakewood, Ohio, May 10, 1971.

Senator William Proxmire,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Proxmire: Personally and on behalf of the members of Kiwanis Club of Westshore I wish to express our appreciation of, and civic support for, the recommendation of the U.S. Senate Committee on Foreign Relations in its Report of December 8, 1970 (91st Congress 2d Session: Senate: Executive Rept. No. 91–25) and the action of that Committee on March 30, 1971, wherein by a vote of 10 to 4 the Committee on Foreign Relations reports favorably and recommends that the Senate advise and consent to ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide (Ex. 0, 81st Cong., first sess.). We believe the three understandings and declaration in connection therewith reported December 8, 1970, by the Senate Committee on Foreign Relations are consistent with the interests of the United States and the high purposes of the Convention. We trust that the implementing legislation may be promptly enacted.

The United States has entered into treaties, and enacted implementing legislation, to protect the lives of migratory birds, fish in the Atlantic and Pacific Oceans, seals, whales etc.—all important and commendable.

It is even more important now for the United States to recognize in effective international law the right of persons to life.—In our view U.S. Ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide (referred to in the enclosed Resolution as the "Convention Banning Genocide") is an important step to be taken in this direction.

We respectfully submit for your consideration the enclosed official copy of Resolution Supporting U.S. Ratification of Convention Banning Genocide, adopted the 5th day of May, 1971, by Kiwanis Club of Westshore in 14th Division, Ohio District, Kiwanis International. All of our members are residents of Ohio and citizens of the United States of America.

Will you kindly let us know when this Convention will be reported out of the Committee on Foreign Relations for consideration and action by the Senate.

Sincerely,

Stanley D. Cook,
President, Kiwanis Club of Westshore.

Resolution Supporting U.S. Ratification of Convention Banning Genocide

Be it resolved, That it is the sense of Kiwanis Club of Westshore, Lakewood, Ohio, that acts of genocide are contrary to the moral law and are abhorrent to all who have a proper and decent regard for the dignity of human beings. Such arbitrary violation of human rights to life, liberty and property anywhere in the world ultimately menaces the personal rights of all people including the rights of United States citizens.

It is in the interest of the United States to participate on the international, national and local levels in the repression of genocide:

1. To protect the interests of United States citizens at home and abroad;
2. To maintain a just world order;
3. To decrease the possibility of access to power through genocidal acts of tyrants likely to wage aggressive war.

It is equally in the interest of all other constitutional governments and their citizens everywhere to join in this international effort to prevent genocide.

Therefore, Be It Resolved, That the Kiwanis Club of Westshore, consisting of 39 members, recommends that the Senate of The United States of America advise, and consent to, the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

Adopted by the Kiwanis Club of Westshore this 5th day of May, A.D. 1971, at Lakewood, Ohio.

JUDICIARY COMMITTEE REFERRAL OF HUGHES DRUG BILL

Mr. HRUSKA. Mr. President, on May 12 the Senator from Iowa (Mr. Hughes) introduced S. 1836, a bill to provide a comprehensive Federal program for the treatment and rehabilitation of drug dependent Federal offenders.

The bill was ordered "referred to the Committee on Labor and Public Welfare; and when reported, to be referred to the Committee on the Judiciary, if so desired by that committee."

On behalf of the distinguished Senator from Mississippi (Mr. Eastland), chairman of the Judiciary Committee, I wish to express the committee's appreciation to the Senator from Iowa for arranging in advance for a future referral to the Judiciary Committee. S. 1836 is an important proposal, and I commend the Senator from Iowa for introducing it. His persistence and dedication in the area of drug abuse are well known.

Mr. President, the bill is of considerable interest to the Judiciary Committee. It involves both the Federal corrections and judicial systems. It is hoped that S. 1836 will receive early consideration by the Committee on Labor and Public Welfare. If the version reported by that committee is similar to the bill as presently drafted, there will most certainly be a request for a referral to the Committee on the Judiciary pursuant to the opportunity which the Senator from Iowa has graciously provided.

SUBURBS AND THE CENTRAL CITIES

Mr. RIBICOFF. Mr. President, apartheid and its consequences still remain a basic threat to our country's future. The suburbs will not remain immune from the consequences of our racial divisions.

Stewart Alsop is a most perceptive man. His chilling description of where this trend is taking us can be found in his Newsweek column of May 17, entitled "It Would Not Be Fun."

The column deserves our reading and attention. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

It Would Not Be Fun

(By Stewart Alsop)

Newark, N.J.—Sheik Kamiel Wadud is a very tall black man with a long, carefully tended beard, and liquid brown eyes which can be full of laughter at one moment, and grimly hard the next. In his costume as a Moslem leader—knitted cap and ankle-length embroidered gown—Kamiel is an impressive figure.

Tony Imperiale, head of the North Ward Citizens' Committee, is even bigger than Kamiel—he is built on the lines of a block of cement, and his arms are as thick as a big man's thighs. He too wears a costume—a spotless white uniform, open at the neck, with the American flag artfully embroidered on one shoulder.

Kenneth Gibson, black mayor of Newark, says that "wherever the cities are going, Newark is going to get there first." The mayor talks articulately about his city's horrible problems—the erosion of the tax base, the decay of the schools, the heroin epidemic, the flight of the middle class, black as well as white, to the suburbs. But Tony and Kamiel together provide a more revealing glimpse of where the cities may really be going.

AMBULANCE PATROL

One recent evening, I arrived at Tony Imperiale's cinder-block headquarters for an interview, just in time to meet Tony and a band of muscular men in white uniforms rushing out the front door. They piled into a big white ambulance, and I was bundled into a black limousine behind it, and off we roared, sirens shrieking, lights blinking, careening around corners and through red lights. The ambulance drew up before a tenement house, where Tony "straightened out" a couple who had been fighting. Then we were off again, this time to get a heart-attack victim to the nearest hospital.

Toward midnight, back at headquarters ("Imperiale Country," says a sign outside), Tony explained that his ambulance service was just one of the services his organization supplies, free, to the citizens of the North Ward. A more important service is his "security patrol"—Imperiale followers, organized in paramilitary fashion, have been patrolling the North Ward for several years now. Their mission is to protect the Italian-Americans of the North Ward from marauding blacks.

Did Tony expect more trouble, like the 1967 riots? Yes, he said, only this time it would be different. There would be "countrywide riots, in June or July." The blacks would "move against the suburbs." They would "attack utilities and water supplies, and cover the highways with sniper fire." In Newark, "they can't come through the North Ward, of course, so they'll push out through Vailsburg and work their way into the Oranges and other suburbs."

Imperiale's men listened to this grim prediction raptly, with seeming relish. People said he was a racist, Imperiale continued, but he was no more a racist than the Maccabees in Brooklyn—his ambulance rescued blacks as well as whites. The real cause of the trouble was that there was "a dual system—one set of rules for the blacks, another for us."

NO SHARE OF THE BOOTY

Who makes the rules? "People who live in ivory towers," Imperiale said, a hard edge of anger in his voice, for the first time. "People who live on terrain where I and the blacks can't live."

"Sure, everybody's got a little venom in them," said Sheik Wadud the next day, over a Moslem meal of shredded mutton, rice and honey. "But against who? Not against the Italian people. Not against the black people. Against the people who don't let us share in the booty. We've fought in every war, but we never get our share of the booty."

We were eating in the spotless kitchen of Kamiel's mosque—a middle-class, white clapboard house in what had been the Jewish section of Newark. The meal had been prepared by one of Kamiel's wives, a handsome woman with long, flowing hair, who refused to shake hands—Moslem women, she explained, didn't shake hands. Kamiel's dozen or so children wandered in and out—he delivers all his children himself, he said, and gave a gruesomely detailed explanation of his technique. One charming little girl recited from the Koran and Arabic, in a lilting singsong.

From another room in the mosque came the sounds of a Moslem prayer service. After the meal, Kamiel suggested a visit to his school and his bazaar, and on the way to the entrance, where we had left our shoes, we passed the room in which the prayer service was being held. There were about twenty blacks in red fezzes or skullcaps, kneeling on the floor, occasionally prostrating themselves, chanting their responses in Arabic. It was an oddly moving sight.

Kamiel's school is a second-story rabbit warren of neat little rooms, with Arabic scribbled on blackboards—this was a holy day, and the children were at home. The shop—Beit-al-Quraish's Bazaar offers to deliver "bargains on all our lines of children and women's clothes to your door by our fleet of sixteen yellow trucks." In a garage in the back were six of the yellow trucks, each loaded with cheap clothes.

I asked Kamiel whether he had any trouble with hijackers, or with discipline in his school. He pulled a long knife out of the folds in his garments, switched the blade, and grinned a wolfish grin. "Nobody messes with Kamiel," said a black who had driven us to the store.

"Nobody messes with Tony," one of Imperiale's bodyguards had remarked over a beer the night before. Those phrases may provide a glimpse of "wherever the cities are going."

Both Tony Imperiale and Kamiel Wadud have carved sizable turfs out of Newark's urban jungle. To the people who live on their turfs, they offer, first and foremost, physical security. Although both are vague about the economics of their ventures, they offer some degree of economic security too. They offer more than that—excitement (the night rides in the ambulances), a purpose (the Moslem prayer service) and a whole lifestyle designed to break the gray tedium of the ugly city.

GOVERNMENT BY TURF

Government, to both Tony and Kamiel, is a racket, a "hustle." To a remarkable extent, they have organized on their turfs a sort of government-within-a-government, offering such services as schools, police power, ambulances, even tax powers. Dimly one glimpses an urban civilization which consists increasingly of an interlocking pattern of such turfs.

As long as the turfs are not violated, they are not necessarily hostile. Tony and Kamiel are in regular communication, and when race war threatened some time ago, Kamiel says, "we got together to cool it off." Both, moreover, have a mutual enemy—"the people who live in ivory towers," "the people who don't let us share in the booty." If Tony and Kamiel and their like ever really got together, the suburban middle class, whose children had such fun in Washington last week play-acting at revolution, might see the real thing. It would not be fun.

DISCLOSURE OF FINANCIAL INTERESTS BY SENATOR MATHIAS

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of disclosure of the financial interests of Mrs. Mathias and myself and a letter of transmittal to the Honorable JOHN STENNIS, chairman of the Select Committee on Standards and Conduct.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C., May 1, 1971.

The Hon. JOHN STENNIS,
Chairman, Select Committee on Standards and Conduct, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Senate Rules 42 and 44, I have submitted the information required. In addition to that disclosure, Mrs. Mathias and I wish to follow the practice that we have established and to make a listing of our assets, our creditors and our income over and above Congressional pay and allowances. A copy of this voluntary report is enclosed for your information and additional copies will be submitted to the Congressional Record.

I have not engaged in the practice of law or received any fees therefrom and have not served as director of any corporation and received any compensation for any such service.

Sincerely yours,
CHARLES MCC. MATHIAS, Jr.,
United States Senator.

MAY 1, 1971.

DISCLOSURE OF FINANCIAL INTERESTS

ASSETS

Equity in Federal Retirement System
Life Insurance
Livestock and Farm Machinery

Real Estate: House: RFD 2, Frederick, Maryland; House: 3808 Leland Street, Chevy Chase, Maryland; Half interest in forty-acre farm in Frederick County, Maryland; Half interest in 306 Redwood Avenue, Frederick, Maryland; Lease for 373-acre farm, expiring in 1973.

Stocks:	*Shares*
Farmers & Mechanics National Bank	1034
Capitol Hill Associates	2
Citizens Bank of Maryland	15
Foote Mineral Company	18
Frederick Medical Arts	15
Glaxo Corporation	48
G. D. Searle & Co	30
First Pennsylvania Corporation—common	120
First Pennsylvania Corporation—Preferred	2
Massachusetts Investors Growth	120. 964
The Detour Bank	5
The Great Atlantic and Pacific Tea Company	6
Warner Lambert Pharmaceutical Company	76
Maryland National Corporation	129

LIABILITIES

Debts due on mortgage, collateral and personal notes to: Farmers & Mechanics National Bank, Frederick, Maryland; First National Bank of Maryland, Baltimore, Maryland; Frederick County National Bank, Frederick, Maryland; Walker & Dunlop, Washington, D.C.

Net worth: Computed May 1, 1971, $212,448.78.

Year	Investment income	Interest	Honorariums	Net rents
1970	$1, 544. 28	$15. 11	$6, 485	$707. 91

RUMANIAN INDEPENDENCE DAY

Mr. ALLOTT. Mr. President, Monday was one of those melancholy days when Americans took solemn note of a day of celebration, a day which cannot be properly celebrated in the nation to which it means the most.

Monday, May 10, was Rumanian Independence Day. But independence—along with all other natural rights—is denied the Rumanian people by the Communist despotism which rules in Rumania.

All Americans join with their Rumanian friends in praying for the day when that despotism will be removed, and Rumania will once again enjoy the independence which is its right.

VETERANS' UNEMPLOYMENT RATE RISES

Mr. EAGLETON. Mr. President, on Monday I introduced S. 1741, to provide increased unemployment benefits to Vietnam veterans who experience an extraordinarily high unemployment rate.

Last week it was reported that the unemployment rate for veterans 20 to 29 years of age rose to 10.8 percent during the first 3 months of 1971—a total of 372,000 out of work. This increased percentage emphasizes the need for legislation to provide increased readjustment assistance to these veterans who face serious problems in the tight job market.

I ask unanimous consent that an article entitled "Job Pinch Gets Worse for Vets," published in the Washington Evening Star of Wednesday, May 5, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, May 5, 1971]

JOB PINCH GETS WORSE FOR VETS

Unemployment among discharged servicemen continues to climb and stay well above the jobless rates for other workers.

The unemployment rate for veterans 20 to 29 years of age rose to 10.8 percent during the first three months of 1971, with 372,000 out of work. This compared with 10.2 percent during the three-month period ending Feb. 28, 1970, and 7.9 percent during the last three months of 1970.

DEDICATION OF THE ZELLERBACH THEATER, UNIVERSITY OF PENNSYLVANIA

Mr. JAVITS. Mr. President, recently, I had the honor of speaking at the dedication of the Zellerbach Theater at the University of Pennsylvania—a magnificent building and monument to the arts made possible by the generosity of a dear friend of mine and a trustee of the university, Harold L. Zellerbach, of San Francisco. Another close friend, Nancy Hanks, Chairman of the National Endowment for the Arts, was scheduled to speak at the dedication, but because of a conflict in schedule, her remarks were read by her able and charming assistant, Florence Lowe. Martin Meyerson, president of the University of Pennsylvania, also spoke at the ceremony.

Inasmuch as our remarks discussed the imperative of expanded private and government support of the arts—and of the theater as an essential element of the arts—they should be of interest to the Senate, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JAVITS AT ZELLERBACH THEATER DEDICATION, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA., MAY 6, 1971

There is a new national commitment to the arts. In a society which has been roundly criticized by some for worship of materialism, Federal and State Governments and business and the public are ranking the arts at a new level of priority.

One measure of this new commitment of the arts is, of course, the beautiful theater to the arts from one of my dearest and oldest friends and Pennsylvania's great benefactor, Harold L. Zellerbach of San Francisco.

Another measure of this new commitment can be seen in record levels of Federal and State support. The $30 million budget of the National Endowment for the Arts for FY 1972 now before the Congress doubles Federal funding of the Endowment over the current year—and the current year's appropriation is about twice that of last year. During this time of Federal budget stringency, I doubt whether any other activity can boast a doubling in budget in each of two successive years. This bespeaks a clear and new Federal commitment to the arts.

The Federal Government has assumed not only the role of a patron of the arts, but as a stimulator of art patronage by State and local governments and by corporate and individual giving.

In the last five years, State and Territorial budgets for the arts have expanded tenfold, growing from $2.66 million to $26.67 million. I am proud to say that my own State of New York ranks first in this listing, as well it might as the cultural and financial center of the nation. But, interestingly enough, it should be noted that the Commonwealth of Puerto Rico, most assuredly not a wealthy Government, ranked second, the only "State" with a budget in excess of $1 million other than New York. The States are keeping pace with the new Federal commitment.

Corporate giving to the arts is now in the area of $85 million annually; three out of every four of the nation's largest corporations extend some support to the arts. While corporate philanthropy is expected to double in the next decade, it still falls short of what is needed and what can be done. Corporate giving for all philanthropy averages about 1% of pretax income—but Federal tax laws allow 5% deduction for such donations.

And the public commitment? A glance, for example, at museum attendance—and museums cannot be classed as one of the most lively of the arts—is revealing. Museum attendance has escalated in the last three decades from 50 million visitors in 1940 to 200 million in 1960 to 560 million in 1967.

In music, symphony orchestras are found in practically every city in the nation in excess of 50,000 population as well as in smaller communities. More than 20 million tickets are purchased to concerts each year.

There is truly a new—and a growing—commitment to the arts throughout the nation. But, as heartening as is this growth, we are haunted by the fact that it is insufficient and that the arts face a crisis of major proportions. For example, eight of the nation's 28 major symphony orchestras are in serious financial trouble. The Ford Foundation, which is giving some $20 million to the arts, indicates that the urgent requests for aid which it has before it amount to $50 million. And the National Arts Endowment can only fund about one out of every five requests for aid it receives.

The arts must overcome a double challenge—inflation, with its mounting costs, and the economic downturn, which has resulted in declining private donations and a pinch at the boxoffice. The doubling of Federal financial assistance twice in the past two years—with a concomitant geometric increase in State and local support—is still insufficient. Government aid, while at an unprecedented level, still amounts to only 7½¢ per capita. Sweden and Austria can boast of $2 per capita of such assistance; our neighbor to the north, Canada, provides $1.40 per capita; Israel, a nation under military seige for most of its existence, provides $1.34; and Great Britain, our cultural mother country, itself in a state of economic seige, spends $1.23 of Government funds per capita for the arts.

Clearly, if Federal assistance were at a level of only $1 per capita, a modest goal which has been set by Partnership for the Arts, an organization headed by Amyas Ames, a Wall Street financier, much of the nation's arts endeavors would be safely removed from its cliff hanging stance on the brink of bankruptcy, and such a Government commitment would have to have an echo not only from corporate and individual support but also from the foundations which, according to recent estimates, are expending less than half of their income in philanthropy.

The founding fathers of the nation—Washington and Jefferson—recognized the arts as central to our national well-being and spoke in terms of the quality of our national life. As the nation approaches its bicentennial anniversary, the new national commitment to the arts should be brought to full fruition, so that we are pre-eminent in the quality of our national life as we are pre-eminent among the nations in our material affluence.

ZELLERBACH THEATRE DEDICATION—MESSAGE TO HAROLD ZELLERBACH—FROM NANCY HANKS, CHAIRMAN NATIONAL ENDOWMENT FOR THE ARTS

To Harold Zellerbach: It is with great personal regret that I am unable to be with you, Doris and other members of your family on this wonderful occasion. I am fortunate in having seen the theatre and Seymour Lipton's sculpture, "The Voyager." How right that it should be at the entrance of the theatre. Because, isn't a theatre, essentially, a place for voyages of the mind and spirit?

How very appropriate the sculpture is, both as a symbol for the future of the work that is to be done in the theatre, and as a sign of your devotion to the idea and the substance of the arts of this nation.

It is only because of you and others like you and your family that millions of Americans have been able to become voyagers into the great universe of the arts—millions who might otherwise have been left earthbound.

And, as it is right for "The Voyager" to be in the lobby of the Zellerbach Theatre, it is right for the Zellerbach Theatre to be in Philadelphia. Like so many other achievements of the mind and spirit, the history of the theatre in America really begins in Philadelphia.

Here, in 1749, a company of players led by Thomas Kean and Walter Murray constructed a playhouse in a ramshackle warehouse and presented a variety of plays, including "Richard III."

Later, in 1776, the first permanent theatre in America was built here. It was called The Southwark Theatre of Philadelphia, a rough brick and wood structure, painted red, its stage lit by oil lamps. Its first two plays were "The Provoked Husband" and "Thomas and Sally." Today they might have been something like "The Liberated Wife" and "Thomas and Sally—and Ted and Carol."

What highlighted that season, however, was the first American play to be produced professionally in America, "The Prince of Parthia," by Thomas Godfrey.

Here, again, Philadelphia was the leader.

It remained the leader of the art of the theatre in America for many years. The Chestnut Street Theatre was opened in 1794, an elegant and spacious building holding an audience of 2,000 and modeled after the Theatre Royal of Bath. It became the most prominent theatre of the country and came to be known as Old Drury. It was one of the first theatres in the United States to be lighted by gas lamps. They were lit in 1816.

The early 19th Century saw the construction of the Walnut Street and the Arch Street Theatres.

Throughout all of this theatrical enterprise and leadership Philadelphia was virtually unique in the emphasis it gave to the production of American plays acted by American players.

I mentioned a moment earlier theatres lit by oil lamps and then gas lamps and they bring to mind a meeting only last week of the National Endowment for the Arts Theatre Advisory Panel. The question came up, and it is a knotty one plaguing everyone involved with the theatre today, of what are theatres for? Are they for advancing the theatrical art, for entertainment, for community services? Are they for a combination of all of these elements?

Robert Brustein, Dean of the Yale University School of Drama, a member of the panel, presented the allegory of the lamp and the mirror. The lamp lighting the way for innovation and aesthetics; the mirror reflecting the likes and attitudes of the audience.

Not every professional theatre can be a lamp, frequently because there simply isn't that much creative talent available. But, most can be mirrors, and good ones too, if they concentrate on the quality of their productions and performances.

I have an idea that this immensely impressive theatre will be largely a lamp, leading the way for the university, the community and the city. But, I think it will serve as a mirror as well and it is good that it should.

What it will be, I hope, is a total theatre. A lamp in front of a mirror expands the light it sheds and can spread radiance and inspiration for all who observe it.

The audiences who attend here will be both entertained and enlightened. I look forward to taking my place among them. And every time I do I will thank you and your wonderful family for all you have done to make this nation an ever better one.

REMARKS OF MARTIN MEYERSON, PRESIDENT, UNIVERSITY OF PENNSYLVANIA

If you were to take one part civic leader, one part art patron and devotee, one part philanthropist, one part corporative executive, one part conservationist, and several parts thoughtful friend, loyal alumnus, and familial head, you would probably conclude that you were naming a fictitious ideal or describing the prototype of the good citizen and exemplary leader. But you would, instead, be describing a few of the roles of Harold Zellerbach.

He is a Trustee of the University, an outstanding member of these often unsung men and women. He has given generously of his time and of his extraordinary abilities to Pennsylvania, unhesitatingly and with verve and imagination. He has been a faithful colleague, missing few meetings, traveling from California to be in Philadelphia for many of them—on one memorable January day about four years ago to receive the Alumni Award of Merit. For a great number of years, he has been one of the prominent, active alumni on the West Coast, serving as Chairman of the Pacific North region of the University's National Council. And, as a cultivated traveler, he has represented his alma mater throughout the world. His contributions to Pennsylvania have been in the best tradition of her Trustees—wise advice, thorough committee work, and enthusiastic support of University goals.

Harold Zellerbach is also widely recognized for his able support and advocacy of the arts—his directorship of the San Francisco Symphony, Opera Association, and Ballet Guild attest to his special activities. He has served for many years as the President of the San Francisco Art Commission and, more recently, as the President of the city's International Film Festival.

This is altogether a splendid record. And he is also, to put things into true perspective, the most avid Giant's fan since baseball's legendary manager, John McGraw.

(Obviously, the national pastime is another form of the arts.)

He has received numerous awards and has stood at stage center on innumerable occasions. Thus, to have a fascinating new theater on his University's campus named for him seems an especially fitting tribute to those who know him and of him. All of us warmly applaud this recognition of a memorable protagonist.

Voltaire, in one of his gentler moods, wrote: "All the arts are brothers; each one is a light to the other." This communal regard inherent in the arts which instruct us all is representative of Harold Zellerbach. He has artfully brightened the University community and far beyond it, dramatically by example and deed. In doing so, he has enlightened and made glad the many friends, colleagues, family members, and admirers for whom I speak now.

CRISIS IN THE INTERNATIONAL MONETARY SYSTEM

Mr. ALLOTT. Mr. President, the recent flurry of developments in the international monetary system—a flurry dubbed a "crisis" by the uncomprehending media—has left many people understandably confused.

Fortunately, Mr. Jude Wanniski, writing in the National Observer of May 10 with his customary clarity and precision, has explained the matter splendidly.

As Mr. Wanniski makes clear, the calm and prudent spirit of the Nixon doctrine has prevailed during this affair. The Nixon administration has refused to do for Europeans what Europeans are capable of doing for themselves.

So that all Senators can profit from Mr. Wanniski's analysis, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Observer, May 10, 1971]

THIS WEEK IN WASHINGTON—MONEY CRISIS? NIXON TEAM PLAYS IT COOL

(By Jude Wanniski)

The remarkable thing about the current "international monetary crisis" is the total absence of a crisis atmosphere in Washington. The dollar is under siege in the Western European money markets, but the people in the Nixon Administration who know what's going on are privately satisfied that the worst that could happen will not be bad for the U.S. economy. And it might even be good for it. The stock market, which barely noticed the crisis in Europe, seemed to come to the same conclusion.

First, the Government isn't even sure there is a real problem in the relationship of the dollar to the West German mark. Just because speculators believe there is, and last week rushed to change their dollars into marks, in hopes of a windfall, doesn't make it so.

And even if there is an inequity in the exchange rate, now 3.63 to 3.69 marks to the dollar, the Nixon Administration figures it is more a West German and Common Market headache than something the United States should get overly upset about. As it applies to Western Europe, the Nixon Doctrine assumes the postwar recovery is over; the Europeans are big boys now, and should be able to work things out for themselves instead of expecting Uncle Sam to bail them out.

Treasury Secretary John Connally has been setting this style lately, one that is being described as a U.S. attitude of "benign neglect" of the tribulations of the international money markets. The Administration doesn't care for the phrase, thinking it imprecise and open to misinterpretation. And "neglect" is too harsh a term. The United States will do what it can to ease the pain of its allies and trading partners, but not if it means pain for the U.S. economy.

"THE DOLLAR IS IMMUTABLE"

The notion that the Nixon Administration might be willing to tighten credit and delay its expansion plans for the U.S. economy in order to quiet the turbulence in Europe is viewed as ridiculous. "The U.S. economy is like a house; the European economies are like the grass around it," says White House economist Arthur Laffer. "The house doesn't change in relationship to the grass; it's the other way around." In other words, it may be time to cut the grass, and the Europeans have to do it. This is another way of saying, as former Treasury Secretary Henry Fowler put it, that "the dollar, like the moon, is immutable." Paul McCracken, chairman of the President's Council of Economic Advisers (CEA), paraphrases Gertrude Stein: "A dollar is a dollar is a dollar."

Treasury Secretary Connally watched the goings-on with detachment. The U.S. Treasury stands ready to co-operate to stabilize the situation, but revaluation of the existing exchange rates is "a matter for other nations to decide," he shrugs.

Of course, the crisis boils down to a political problem. The governments of the Common Market and of Japan don't want to adjust their currencies upward in relation to the dollar. This would make their goods less competitive in the United States, and U.S. goods more competitive overseas.

The Nixon Administration seems to feel that it has paid its political dues: In cooling off the U.S. economy to fight inflation in 1969, Republicans suffered in the congressional elections of 1970. Now it's time for the European politicians to bite the bullet, Administration strategists reason. Even a German decision to "float" the mark in the free market, until it finds its true level, would put a slight squeeze on jobs and profits in Germany, cause political anguish in the Common Market, and put similar pressure on Japan to take similar steps. The U.S. economy, of course, would benefit.

Even so, the United States will be sympathetic to the Europeans while putting its own economic interests first. If too many dollars making their way around Europe are the nub of the problem, the United States will make friendly suggestions on how the Europeans can spend them here, thereby ending the persistent U.S. balance-of-payments deficits: lower their nontariff barriers to trade, modify pricing policies that discriminate against U.S. goods, help pay more of the costs of the U.S. military presence in Europe, even dish out more funds in foreign aid.

WORKING FOR HEALTHY ECONOMY

Meanwhile, the Administration is at work to try to get the U.S. economy healthy again, which would be good for everyone. And it is out to make U.S. industry a tougher trading competitor. The Administration's controversial plan to give business a $3 billion tax break on depreciation write-offs has this in mind. They are also rumblings in the Capital that the Administration thinks it is time for the Japanese to cut the grass too. And if they won't, through revaluation of the yen or friendlier trade practices, the United States might do some long-distance mowings by imposing some unfriendly trade practices of its own. "You know," says a White House economist, "it's just amazing how many cards we have to play."

Speaking in Chicago last week to the International Economic Forum, CEA Chairman McCracken reminded his audience of the image evoked by Canadian Prime Minister Pierre Trudeau, who says living with the United States "is like sleeping with an elephant; no matter how friendly and even-tempered is the beast, one is affected by every twitch and grunt." Mr. McCracken seemed to be telling the story as a friendly warning of twitches and grunts yet to come.

UNRWA AND THE PROBLEM OF THE ARAB REFUGEES

Mr. HATFIELD. Mr. President, as hearings progress within Congress on the foreign aid bill, numerous issues will crystalize. Among them will be the issue of further funding of the United Nations Relief and Works Agency—UNRWA. One of the foremost authorities on the role of UNRWA in the Middle East is Prof. Harry N. Howard, who, among his other credits, served as Acting U.S. Representative to the UNRWA Advisory Commission during 1956–61 and as Special Assistant to the UNRWA Commissioner-General during 1962–63.

Dr. Howard has written extensively on many of the issues of the Middle East and has compiled over the years a vast knowledge of the area. Due to the timeliness of the issue of continued U.S. funding of UNRWA and Professor Howard's expertise, I commend to Senators a summary statement of Dr. Howard's examining the origins of UNRWA and the role it has played to date.

Mr. President, I ask unanimous consent that Dr. Howard's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

UNRWA AND THE PROBLEM OF THE ARAB REFUGEES, A SUMMARY STATEMENT

(By Harry N. Howard*)

The blitzkrieg of June 5–11, 1967 and the events which followed in the ensuing years, once more threw Middle East tensions into very sharp relief, highlighted the problem of the Arab refugees, brought it again into the focus of international attention, added some 400,000 to the relief burden in that troubled area, and even altered the character of the issues which were involved. For a moment, if only for that flickering instant, the events of 1967 fathered the thought, at Western wishing wells, now that Israel had inherited some 800,000 Arab refugees in the Gaza Strip, the Jerusalem area and the West Bank of the Jordan River, that the refugee problem, by some financial, technological and organizational magic, might be pushed toward quick and easy solution, largely through large-scale projects for development and resettlement. For those acquainted with this problem the story had a very familiar ring. In the earlier years, immediately after the Arab-Israeli conflict of 1948, it had been thought that, following a peace settlement, the refugee problem would soon go away. During the years 1952–1955, large-scale development projects, and especially the Jordan Valley Project, which was accepted neither by Israel nor by the neighboring Arab States, were to bring about a solution, and the Middle East would settle down in an era of peace, orderly development and prosperity. The problem was not as simple as all that, however and, in the years after 1967, it was clear that a new dimension had been added to it—if it had not been clear before that time. It was now quite evident that the Arab refugees had developed a national consciousness as Palestinians, with all the consequences of that fact for those who seriously pondered the problem.

Footnotes at end of article.

ORIGINS OF THE PROBLEM

The problem of the Arab refugees came into being as a result of the partition of Palestine, recommended by the UN General Assembly in its resolution of November 29, 1947, and the subsequent Arab-Israeli conflict in 1948, when Arabs left, fled or were driven out of their homes in Palestine. While it is true that, in some instances, Arab inhabitants of Jewish-occupied regions in Palestine were "invited' to remain where they were, there were others in which they were terrorized into flight, as in the case of Deir Yasin (April 9, 1948). There is no probative evidence that the refugees were urged or "ordered" to leave their homes by Arab leaders, whatever the myths and the propaganda to the contrary, and none has been brought forward. The fact of the conflict itself, the consequent insecurity and the uncertainty and confusion as to the future were, no doubt, the basic elements in the flight which produced the refugee problem. An estimated 725,000 Palestinian Arabs had become refugees in 1949. These unfortunate people lost their homes, their property, their livelihood and even their country. They constituted a community and, as UN Secretary-General U Thant reminded the world in 1967, like "people everywhere," they "have a natural right to be in their homeland and to have a future."[1]

PEACE POSITIONS

There was little indication during the period of 1948–1967 that either Israel or the Arab States were ready for any formal peace settlement of the more general problem of Palestine or that of the Arab refugees: The minimum requirements on either side were greater than the other was willing to concede. Under Resolution 194 (III) of December 11, 1948, the UN General Assembly established a Conciliation Commission for Palestine to assist the parties toward a settlement. Composed of representatives of Turkey, France and the United States, it produced a general formula in September 1951, which was not acceptable to either side. During the years which followed, the Conciliation Commission was able only to register some 450,000 individual claims for abandoned Arab properties in Israel, and to unfreeze some $10,000,000 in blocked Arab bank accounts.[2] While the Commission sent Dr. Joseph E. Johnson, President of the Carnegie Endowment for International Peace, as Special Representative to the Middle East in 1961 and 1962 is an attempt to find adjustments in the refugee problem, there were no positive achievements in this direction.[3]

Prior to the 1967 conflict, Israel demanded recognition of its right to national existence, and rejected any major changes in the existing demarcation lines, any alteration in the status of Jerusalem as the capital of Israel, and any large-scale repatriation of Arab refugees to their former homes. On the other hand, the Arab States and the refugees themselves publicly demanded restoration of the boundaries established under the Resolution of November 29, 1947, and the free choice of refugees either of repatriation or individual compensation for those who did not choose to return, under Resolution 194 (III), reaffirmed annually since December 11, 1948, and rejected resettlement and integration within the Arab States.

With Israel in occupation, after June 1967, of the Sina Peninsula, the Gaza Strip, the Jerusalem area and the West Bank of the Jordan River, and the Golan Heights, the position of the Israeli Government as to what it is willing to concede in the interest of peace has hardened. It has maintained an adamant position against repatriation of Arab refugees in the interest of security and the preservation of the Jewish character of the state. Despite the provisions of the Security Council's Resolution 242 of November 22, 1967 as to withdrawal from occupied territories in the interest of a peaceful settlement, Israel also appeared determined to remain at Sharm el-Sheikh in the Siani Peninsula, in Jerusalem, in the Golan Heights, and in the Gaza Strip and significant portions of the Jordan Valley. The Arab States, on the other hand, have demanded withdrawal of Israeli forces from the occupied territories. Discussions of possible terms of peace, under the direction of Ambassador Gunnar V. Jarring, which began in 1969, appeared to make little progress, and the conflict in the Middle East took on added dimensions in 1970, until the achievement of a cease-fire on August 7, largely under American initiative. On February 15, 1971, the UAR Government, in response to a questionnaire of Ambassador Jarring (February 8, 1971), indicated its willingness to discuss peace terms, provided Israel would withdraw from the occupied territories. The UN Secretary-General expressed his satisfaction with this "positive reply", but noted that the Government of Israel, in its reply of February 26, had refused to give a commitment to withdraw. There the matter appeared to stand by the late winter of 1971.[4]

STATUS OF REFUGEES

While there has been a continuing deadlock on the political plane, and the basic element of Palestinian nationalism has now entered into the complications of the problem, under the surface, much "solid, constructive progress" has been made since 1948 in dealing with the social and economical aspects of the Arab refugee problem, as both the UN Secretary-General and the UNRWA Commissioner-General have pointed out.[5]

The widespread assumption that the refugees have simply stagnated in idleness or engaged in senseless trouble-making throughout the years since 1948 is untrue. Nor is there validity in the widespread belief that, since many of the refugees (in fact only about 40 per cent of the total) were still living in UNRWA centers or "camps" two decades after displacement from their homes, therefore no progress had been made towards their rehabilitation. These mistaken assumptions, often propagated for partisan reasons, have given rise to the equally mistaken view that UNRWA was engaged in an endless operation of merely keeping the refugees alive to remain a charge on the charity of the international community. Finally, there is a widespread belief that the Arab host Governments have been deliberately and inhumanely keeping the refugees in a state of desitution and dependence on international charity as a weapon in the prosecution of their political aims. This assumption also needs basic correction. Although the host Governments have opposed mass projects of direct resettlement, on the grounds that such action would be contrary to the interests and expressed wishes of the refugees themselves, their record in promoting the rehabilitation of the refugees as individuals through education, training and employment has been notably humane, constructive and helpful. They have extended this assistance to the refugees despite the grave difficulties which already confronted them in providing a livelihood for their own rapidly expanding populations. As UNRWA reported in September 1967:[6]

"The truth is that, up to the time of the recent hostilities, a slow but steady process of rehabilitation had been at work among the refugees and, in recent years, had begun to make an evident impact in improving their economic and social condition. . . . The process of rehabilitation was being achieved not by ambitious and costly works projects and schemes of mass resettlement but by the operation of normal economic and human factors."

By mid-1970, there were 1,425,219 Arab refugees on the UNRWA registration rolls, of whom only 804,576 were full ration recipients, as compared with 957,000 when UNRWA assumed its responsibilities on May 1, 1950. The number of refugees are distributed generally as follows: East Jordan, 478,369; West Bank, 269,065; Gaza Strip, 307,824; Lebanon, 168,927; Syria. 151,730.[7] About two-thirds of the refugees are in the age group of 1–25 years, 24 percent in that of 25–50, and 12 per cent 50 years or above. Some 35,000 reach maturity annually. About 66 per cent of the refugees, prior to June 1967, were eligible for UNRWA rations and services, 26 per cent were eligible for services, and it was estimated that about 10 per cent were self-supporting. About 40 per cent of the refugees lived in UNRWA centers, although the average varied considerably, and in Syria, for example, less than 16 percent do, as compared with about 65 per cent in the Gaza Strip, 44 per cent in Lebanon and 32 per cent in Jordan. By mid-1970 UNRWA provided assistance in 63 camps, 53 of which had been established prior to June 1967, the additional 10 being established for those displaced as a result of the 1967 conflict.

Granted the underdeveloped state of their economies, it is altogether probable, despite the myths propagated to the contrary, that the Arab host countries absorbed as many employable refugees, most of whom were farmers, as was possible during the period since 1948. From the standpoint of sheer numbers, Jordan, where the refugees became citizens and made up about one-third of the total population, constituted the basic problem, primarily because of Jordan's economic inability to integrate them. While the population density of Jordan as a whole was only some 41 per square mile, that in the Jordan Valley, which represented the basic agricultural economy of the country, was in the neighborhood of 1,000. The problem in Lebanon is one of the most difficult, especially in view of the confession character of the state, with Muslims and Christians in indelicate balance, since approximately 95 per cent of the refugees are Muslim. In addition, Lebanon has a commercial economy, without basic economic resources. In Syria, economic integration of the refugees into the economy has moved forward, with substantial assistance from the Syrian Government, although the political issue has remained. In the Gaza Strip, with refugees constituting about 70 per cent of the total population of some 400,000 and a density of some 3,600 per square mile, the problem defies solution outside a general political settlement.

THE ROLE OF UNRWA

UNRWA, or the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the international agency responsibile for the welfare of the Arab refugees, came into being on May 1, 1950, on the basis of a resolution of the UN General Assembly of December 8, 1949. Prior to that time, the needs of the refugees had been met through the Disaster Relief Project and voluntary agencies like the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies, and the American Friends Service Committee, whose activities were coordinated under the United Nations Relief for Palestine Refugees (UNRPR, 1949–1950). UNRWA was not established to "solve" the refugee problem, much less the more general Palestine problem. As defined by the resolution of the UN General Assembly, UNRWA's functions were and are to provide relief, medical care and education for refugees, and to assist them to become self-supporting. These services have been rendered efficiently at an average cost of some $40.00 per capita per year, or about 10 cents per capita per day.

Footnotes at end of article.

With a staff of some 13,800 UNRWA is the largest of the United Nations subsidiary agencies. There are only 133 international staff members. Virtually all local posts are occupied by Palestinian refugees. More than 6,200 are engaged in education and training, and some 3,000 in the health services. The Commissioner-General is an American, Dr. Laurence Michelmore, and the Deputy Commissioner-General, Sir John Rennie, is British.[8]

The annual UNRWA budget has averaged some $45–47,000,000 in recent years, with 45 per cent going to education and training, 42 per cent to relief services, and 13 per cent to health services. Thanks to the failure of contributions to match expenditures, by 1966–1967 there was a threatened deficit of more than $3,000,000 even before the June conflict had added the increased burden of some 400,000 refugees who needed emergency international assistance. By 1970–1971 a deficit of some $5,000,000 threatened UNRWA with the possibility of severe budget cutting, with all the consequences which might follow, or even bankruptcy.[9]

Leaving aside the developments during 1967 and the years which followed, and their possible consequences, there can be little doubt that UNRWA has contributed constructively to such stability as existed in the Middle East, as did the UNTSO and UNEF, which operated in the security field, and helped to maintain a climate in which social, economic and political forces which might meet the problem in its various aspects might work effectively. While UNRWA deals with some of the most intimate and complicated problems falling ordinarily within the essentially domestic jurisdiction and concern of the host governments, cooperation generally has been very good, despite very natural understandings between the host governments and UNRWA relative to the latter's routine operations.

Because a major portion of its work of more than two decades since 1950 has been devoted to relief, with all the connotations involved in the term, the technical assistance aspects of UNRWA's activities often passed unnoticed, especially in the fields of public health and education and training.[10] In 1950 there was a prospect that UNRWA might develop into a major United Nations center for Middle Eastern technical assistance. While events did not, in fact, develop in that direction, some aspects of the UNRWA programs in education and vocational training have become very useful models to which the wise and prudent in the Middle East might well repair.

It is not generally realized that, by 1970, 45 per cent of the UNRWA budget ($20,424,000) was allocated to education and training, with $21,747,000 allocated to this activity in 1971. There were some 219,000 refugee children enrolled in 480 UNRWA/UNESCO elementary and preparatory schools during 1970, and an additional 45,000 were enrolled in government and private schools in these two cycles. Attendance of refugee students in government and private schools in the upper secondary cycle totaled 18,604. Similarly, it is not generally known that, by 1970, UNRWA some 1,610 Arab refugee university graduates (with awards of some 9,735 one-year scholarships), at an annual average cost of $500 per student, through Middle Eastern universities. Many of these students were trained at the American University of Beirut. Of the 1,610 scholarship graduates, no less than 346 were trained in engineering and 326 in medicine, to say nothing of other fields of knowledge and activity desperately needed in the Middle East.[11]

Somewhat better known were the six vocational training centers which, by 1970, had a capacity of more than 2,600 students and were graduating trainees at the rate of 1,200 per year. Thirty-six types of courses were offered in such basic trades as the metal trades, electrical trades, building trades and technical and semi-professional trades. Vocational courses for girls included hairdressing, dressmaking, clerical, and secretarial work, and training as medical laboratory technicians. By 1970 some 12,000 students had received these varied types of training. In addition, more than 1,200 students had been trained as teachers, largely in UNRWA's five teacher training centers, and more than 2,000 completed in-service training under the direction of the UNRWA Institute of Education. Most of the trainees found suitable employment. This was technical assistance of a very high order, even if it did not, and could not, solve the larger refugee problem or meet the political issues involved.

The Health Service, which concentrates on curative and preventive medicine, is one of the best in any developing area, and has also done much in stimulating the training of doctors, nurses, nurses' aids, technicians, pharmaceutical assistants and health educators.

CONTRIBUTIONS TO UNRWA

During the period since 1948 some $758,180,720 have been contributed to the relief and rehabilitation of the refugees, primarily through UNRWA ($738,100,720), while expenditures down to June 1970 totaled $765,314,253. The United States contributed some $483,943,069, by mid-1970. The United Kingdom $118,459,004, Canada $26,945,123 and France $17,971,251. The Arab Governments themselves contributed in the amount of some $22,205,151 (Host Governments $13,058,115) to the UNRPR and UNRWA during 1948–1970. In addition, with their direct assistance to the refugees, the Arab Governments contributed in the neighborhood of $140,000,000 in goods, services and cash. The government of Israel contributed the equivalent of $256,547 during 1950–1957, while UNRWA had a claim of $375,745 against Israel, largely for losses suffered during the Israeli occupation of the Gaza Strip during November 1956-March 1957. After the conflict of 1967 and the assumption of new responsibilities relative to the refugees, Israel contributed some $3,076,190 to UNRWA and made direct contributions in the neighborhood of some $4,200,000 annually. Voluntary agencies have contributed some $40 to $50,000,000 in assistance to the refugees since 1948.[12]

UNRWA AND THE EMERGENCY, 1967–70

Following the renewed conflict in June 1967, as noted above, UNRWA was faced with a new emergency involving some 350,000 to 400,000 people who had been displaced as a result of the hostilities. They found refuge in East Jordan (200,000), Syria (116,000), and the United Arab Republic (38,000). About 130,000 were already refugees from the 1948 conflict. It may be noted, however, that the numbers continued to increase in East Jordan, as people were "encouraged" to move from the West Bank of the Jordan River and the Gaza Strip. While the Israeli Government indicated in August 1967 that refugees would be allowed to return, only some 14,000 were permitted to do so by the end of August, and it appears that only some 21,000, at the most, have been allowed to come back to the Valley. Israel has ignored repeated resolutions calling upon it to permit these people to return to their homes.[13] By the fall of 1970 it was estimated that there were more than 517,000 Arab refugees (registered with UNRWA) in East Jordan, or about 35 per cent of the total of 1,400,000 refugees for whom UNRWA has a responsibility and, in addition, some 250,000 other displaced persons.[14]

But the problem of the Arab refugees is not merely a body of data, statistical or otherwise. As Dr. Michelmore, the UNRWA Commissioner-General, reported in the fall of 1967: [15]

"No factual and necessarily brief account can . . . portray the overwhelming sense of bewilderment and shock felt by the inhabitants of the areas affected by the hostilities as the cataclysm swept over them. The disruption of the lives and careers of countless persons, the anxiety caused by the sudden loss of earnings and remittances from abroad, the personal tragedies resulting from the separation of husbands and wives, parents and children, are only some of the problems which confront so many of the former Arab inhabitants of Palestine. They will need the sympathy and understanding of the international community, quite as much as the financial help which has been forthcoming on such a generous scale, as they face the often bitter problems of readjustment which now confront them."

After the June 1967 conflict, UNRWA, once more, was faced with undertaking emergency relief operations on a very large scale, in addition to its burden of meeting refugee needs stemming from the conflict in 1948, with food, medical supplies, clothing and tents desperately needed. Cash was required to provide flexibility in meeting the need. While emergency assistance came from all over the world, largely channeled through UNRWA, the new emergency added gravely to the crippling financial burden which UNRWA was already carrying, and the need for funds to maintain its relief, health and educational services was greater than ever.

The refugee problem, after two decades, had not vanished. The Arab refugees had not just gone away, conveniently away. Not only were there now more refugees than ever whose needs had to be met, as already observed, they had developed a deepening sense of identity as Palestinians.[16] On June 14, 1967, the UN Security Council unanimously called upon the Israeli Government "to ensure the safety, welfare and security of the inhabitants of the areas where military operations" had taken place "and to facilitate the return of those inhabitants" who had "fled the areas since the outbreak of hostilities." At the same time, Israel signed an agreement with UNRWA to facilitate its humanitarian work in the occupied areas. There was evidence, however, that this resolution and others which followed were not implemented in good faith.[17]

There was much discussion of the plight of the refugees in both the Security Council and the General Assembly of the United Nations in the fall of 1967, as there has been annually in the General Assembly in the years which have followed. Moreover, in his address of June 19, 1967, when he laid down the basic policy of the United States relative to the Middle East, President Johnson called for "justice for the refugees," as one of the fundamental conditions for peace in the Middle East. He added: [18]

"A new conflict has brought new homelessness. The nations of the Middle East must at last address themselves to the plight of those who have been displaced by wars. In the past, both sides have resisted the best efforts of outside mediators to restore the victims of the conflicts to their homes or to find other proper places to live and work. There will be no peace for any party in the Middle East unless this problem is attacked with new energy by all and, certainly, primarily by those who are immediately concerned."

While this was an over-simplification of a very complex problem, in the origins of which the United States played a very significant role, it did highlight its importance. The Resolution of the UN Security Council (November 22, 1967) sounded something of the same note when it called for "achievement of a just solution of the refugee problem." Secretary of State William P. Rogers appeared to take a further step on December 9, 1969, when he set forth proposals for peaceful adjustment: [19]

Footnotes at end of article.

"The problem posed by the refugees will become increasingly serious if their future is not resolved. There is a new consciousness among the young Palestinians who have grown up since 1948 which needs to be channeled away from bitterness and frustration toward hope and justice."

There was further evidence of American awareness of basic issues, in President Nixon's Report to the Congress on Foreign Policy on February 25, 1971, in which he said: [20]

"No lasting settlement can be achieved in the Middle East without addressing the legitimate aspirations of the Palestinian people. For over two decades they have been the victims of conditions that command sympathy. Peace requires fruitful lives for them and their children, and a just settlement of their claims."

No doubt plans and projects for a "solution" of the problem of the Arab refugees—the Palestinians would be forthcoming, developed in part in discussions among the interested powers and parties.[21] Meanwhile, however, the problem has remained and not merely grown in proportions, but deepened in dimension. There is little prospect of immediate adjustment. Granted the tragedy, the world was fortunate in having an international agency like UNRWA ready and competent to deal with the refugee problem. If UNRWA could not "solve" the problem, it could meet very real and pressing needs, well and efficiently, as it had met similar needs and emergencies since 1948.

FOOTNOTES

*Harry N. Howard, Adjunct Professor, School of International Service, American University, Washington, D.C., is a retired U.S. Foreign Service Officer, who served as Acting U.S. Representative on the UNRWA Advisory Commission during 1956–61 and as Special Assistant to the UNRWA Commissioner-General during 1962–63. He is the author of *The Partition of Turkey* (1931, 1966), *The Problem of the Turkish Straits* (1947), *Greece and the United Nations* (1947), *The King-Crane Commission* (1963), etc. This account is modified and brought down to date from a contribution on "The Problem of the Arab Refugees" in Madja Khaddouri, ed., *The Arab-Israeli Impasse* (Washington, D.C., Luce, 1968), 167–177.

[1] Introduction, Annual Report of the Secretary-General on the Work of the Organization (1966–1967), U.N. Doc. A/6701/Add. 1, para. 49. See also I. F. Stone, "Holy War," in Walter Z. Laqueur, *The Israel-Arab Reader* (New York, Bantam, 1969) 308–326.

[2] See UN Conciliation Commission for Palestine, U.N. Docs. A/AC.27/W.82, Revs. 1 and 2 (1961) and W/84 (1964). The Israelis owned between 5 and 6.7 per cent (between some 385,000 and 460,000 acres) of the land on which they lived at the time of partition in 1947. Unofficial estimates by the UN placed the value of Arab abandoned properties at some $1,500,000,000, while Arab estimates vary from $5,000,000,000 to $7,000,000,000. See ESCO Foundation for Palestine, *Palestine: A Study of Jewish, Arab and British Policies* (New Haven, Yale, 1947), I, 338–370; Don Perez, *Israel and the Palestine Arabs* (Washington, MEI, 1958), Chs Henry Cattan, *Palestine, the Arabs and Israel* (London, Longmans, 1969), 73–88; American Friends Service Committee, *Search for Peace in the Middle East* (Philadelphia, 1970), 75 pp.

[4] See U.N. Docs. S/10070/Add. 1 (January 4, 1971), S/10070/Add. 2 (March 5, 1971 on the Activities of the Special Representatives (Jarring) to the Middle East; S/10126, 10136, 10138, and A/8282 (S/10124). For the Israeli position see Embassy of Israel, *Policy Background: The Components of a Secure Peace*. March 10, 1971, 8 pp., and the Israeli communication of February 26, 1971. See also the interview of Prime Minister Golda Meir with the *London Times* (*New York Times* March 13, 1971). The American official position, which holds that there should be no basic changes in the pre-June 1967 lines, is set forth in *U.S. Foreign Policy for the 1970's: A New Strategy for Peace. A Report to the Congress by Richard Nixon, President of the United States. February 18, 1970* (Washington, USGPO, 1970), 77–83; *. . . Building for Peace: A Report to the Congress by Richard Nixon, President of the United States, February 25, 1971* (Washington, USGPO, 1971), 121–134.

[5] See especially U.N. Docs. A/6713, paras. 53–54; A/6787, paras. 32–34.

[6] U.N. Doc. A/6713, paras. 53–54. On the economic impact of Jordan's loss of the West Bank of the Jordan River see ECOSOC Report in U.N. Doc. E/4511 (May 15, 1968).

[7] See U.N. Doc. A/8013, paras. 53–58; Tables 1, 7, 8; UNRWA 1969–70 (Beirut, 1970), 2–3. While there has been much propaganda and politics concerning the problem of rectification of the UNRWA relief rolls, it may be observed that, over the years, UNRWA has removed the names of some 738,500 from the roll. This is, of course, a problem which all large-scale relief organizaions have faced.

[8] Commissioners-General (Directors) have been: General Howard Kennedy (Canada, 1950–51), John P. Blandford (1951–1953), Henry R. Labouisse (1954–1958), John H. Davis (1959–1963), and Laurence Michelmore (1964). Leslie J. Carver served an Acting Director during 1953–1954, 1958–1959, when the post was vacant. Deputies have been Leslie J. Carver, John Reddaway, and Sir John Rennie, all British.

[9] See especially U.N. Doc. A/8013, paras. 1–11. Thanks to current emergency measures in 1970–1971, it now appears that the deficit may be reduced to some $3,000,000.

[10] See U.N. Docs. A/7060; E/CN.4/L.1008, 1040.

[11] See especially U.N. Doc. A/8013, paras. 91–142; UNRWA–UNESCO, Department of Education, *Statistical Yearbook, 1969–70, No. 6* (Beirut, 1970), *passim*. See also UNRWA/UNESCO Education Services for Palestine Refugees (Beirut, 1970) 22 pp.

[12] U.N. Doc. A/8013, Tables 19–22.

[13] See, for examples, the following resolutions: *Security Council* resolutions 237 (June 14, 1967); 259 (September 27, 1968); *General Assembly* resolutions 2252 (ES–V), July 4, 1967; 2443 (XXIII), December 19, 1968; 2452A (XXIII), December 19, 1968; 2535B (XXIV), December 10, 1969; 2672D (XXV), December 8, 1970; 2727 (XXV), December 15, 1970; *Commission on Human Rights* resolutions 6 (XXIV), February 27, 1968; 6 (XXV), March 4, 1969; 10 (XXVI), March 23, 1970. See also Peter Dodd and Halim Barakat, *River Without Bridges: A Study of the 1967 Palestinian Arab Refugees* (Beirut, Institute for Palestine Studies, 1968) 68 pp.

Footnotes 14 and 15 not supplied.

[16] See, for example, *Report of a Middle East Trip (July 23–28, 1967)*, by Dr. L. Emmett Holt, Jr., M.D., President, American Middle East Rehabilitation, Inc. (AMER); *Friends in NEED* (Beirut, UNRWA, 1968), 19 pp. NEED contributed more than $6,000,000 in assistance to Arab refugees.

[17] See U.N. Docs. A/2713, paras. 24–26; A/6701/Add. 1, A/6787, A/6793, A/6797. See also Footnote 13 for other resolutions. For convenient documentation on the period see Department of State, *American Foreign Policy: Current Documents 1967* (Washington, D.C., USGPO, 1969), Pt. VII; *A Select Chronology and Background Documents Relating to the Middle East* (First revised edition), Committee on Foreign Relations, United States Senate, 91st Congress, 1st Session (Washington, D.C., USGPO, 1969), 197–287.

[18] *Ibid.*, 241–243.

[19] *A Lasting Peace in the Middle East: An American View: An Address by Secretary of State William P. Rogers, December 9, 1969* (Washington, D.C., USGPO, 1970), 10 pp. For an Israeli critique see Embassy of Israel, Washington, D.C.: *Policy Background: An Analysis of the U.S. Mideast Peace Plan*. December 24, 1969, 4 pp.

[20] *U.S. Foreign Policy for the 1970's* (1971), 129.

[21] For the discussions under Ambassador Gunnar V. Jarring, see U.N. Doc. S/10070 Adds. 1–3.

TEXTILE AND APPAREL IMPORTS

Mr. BROCK. Mr. President, the Department of Commerce recently released statistics on textile and apparel imports for the first quarter of this year. These are startling statistics. They show that imports of cotton, wool, and manmade fiber textiles reached an all-time record level of 1,407 million square yards in the first 3 months of this year. This is an increase of 38 percent over the same period last year, and if projected for the entire year, imports at this level will amount to some 5½ billion square yards.

The bulk of this growth is taking place in the area of manmade fiber textiles, where there are no international agreements controlling imports. We have become the world's dumping ground for a larger and larger volume of low-wage textiles and apparel.

If left unchecked, textile imports will amount to more than a billion square yards more than in 1970, a year in which we saw textile and apparel employment decline by some 100,000 jobs. While this severe job loss is important, in itself, the long-range implications of this relentless growth is even more significant.

It is estimated that the 1970 level of imports displaced the equivalent of 400,000 textile and apparel jobs. Just think what it would mean to our economy if we could restore some of these jobs in Appalachia and some of the other areas of high unemployment in this country.

Textiles and apparel are essential to my own State of Tennessee. More than 100,000 people are employed directly by these industries and nearly an equal number earn all or part of their living in the growing, processing or manufacturing of the cotton, wool, and manmade fibers for our domestic textile industry.

The textile payroll is particularly significant, because in many cases it is the largest or only payroll in countless rural communities throughout the Nation.

Better than 60 percent of the textile industry's employees work in nonmetropolitan areas. Nearly half of the textile jobs are held by women and 80 percent of those engaged in manufacturing apparel are women. This is the type of payroll, one of great social as well as economic importance, which we cannot afford to sacrifice.

But sacrifice it we will if some assemblance of order is not restored to our international trade in textiles. Some people in this country have not yet come to the realization that we are in the process of destroying some of our most basic and essential industries with our outmoded trade policies. Textile imports sell in vast volumes in this country not because they are any better or more efficiently made or any better designed, but simply because they are made for slave-labor wages which are only a fraction of those paid in this country.

Even though our economy has been in the midst of a slowdown, this has not been reflected in textile imports. They just go on piling up record after record level, leaving in their path more unemployment, more short weeks, and more closed mills.

The imports in excess of 5 billion square yards which are being projected for 1971 are more than double the level of just 4 years ago. Imports of yarn during the first quarter of this year were 110 percent higher than the same period last year, and yarn spinning is an extremely vital industry in Tennessee. Where are we going to put all of these textile employees to work if this type of import is permitted to continue?

Mr. President, the time is long overdue for decisive action by Congress. Our country has just been through many months of formal negotiations and informal discussions with Japan and the other major textile-exporting nations. The only thing that has come out of all of the hard work by the Nixon administration is a totally inadequate plan by the Japanese textile industry to control its exports to the United States unilaterally.

The Japanese, and the other countries of the Far East and Europe, have made it perfectly clear that they have no intention of imposing realistic limits on limiting their textile exports to this country unless forced to do so by legislation.

We cannot afford to wait any longer. We must pass legislation and pass it now.

The type of legislation which I have introduced, along with a number of my colleagues in the Senate, will get the job done. It would give the President the additional authority he needs to bring about the type of realistic international agreements, which are absolutely essential if we are to safeguard the future of 2.3 million American textile workers.

In order to call the attention of the Senate to this increasingly serious problem, I ask unanimous consent that the U.S. Department of Commerce news release announcing first-quarter textile imports be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

TEXTILE IMPORTS FOR MARCH

The Department of Commerce today released data on imports of man-made fiber, cotton and wool textile manufacturers during the month of March 1971.

Man-made fiber, cotton and wool textile imports in March reached an all-time high, totaling 523 million equivalent square yards. These imports were 21% higher than in the previous month; 43% above the level for March a year ago; and 15% above the previous record set in January 1971. The cumulative total of these imports for the first quarter of this year was 1,407 million square yards, 38% higher than in the same period of 1970.

In the first quarter of 1971, the value of imports of all three fibers totalled $542 million compared with exports valued at $171 million. The trade deficit of $371 million compares with $246 million in the same period of 1970 when imports were valued $419 million and exports at $173 million.

Imports of yarn in the three-month period of 1971 were 110% higher than the same period last year. Apparel imports were 29% higher; fabric imports were 15% higher; and imports of made-up and miscellaneous goods increased 3%.

Imports of these textiles from Japan, Hong Kong, and the Republics of China and Korea were 37% higher than in the first quarter of 1970 and represented 57% of total imports.

March 1971 imports of man-made *fiber textiles* reached a new record level of 386 equivalent square yards, 89% higher than in the same month of 1970, 30% above the February 1971 level, and 23% above the former record level of January 1971.

The value of man-made fiber textile imports for the first three months of 1971 was $341 million and exports were valued at $99 million. The net trade deficit of $242 million compares with $110 million for the same period of 1970 when imports were valued at $206 million and exports at $95 million.

Imports of *cotton* textiles in March 1971 totalled 126 million square yards. This total is 1% higher than in the previous month but 15% under the level of March 1970. Total cotton textile imports in the first quarter of 1971 were 383 million square yards, 11% less than in the same period of 1970. Imports of yarns, fabrics, and made-up and miscellaneous goods declined while apparel imports increased.

The value of cotton textile imports for the first quarter of 1971 was $146 million compared with $143 million in the first quarter of 1970. The value of exports declined to $70 million from $75 million of the same period of 1970. The trade deficit of $76 million compares with $68 million for the same period of 1970.

Wool textile imports in March were 10 million equivalent square yards, 29% above the level of February 1971 but 22% below the level of March 1970. In the first quarter of 1971, these imports totalled 27 million square yards, 25% less than in the same period of 1970.

Wool textile imports during the first three months of 1971 were valued at $56 million compared with $71 million in the same period of 1970. Exports declined from $3 million in 1970 to slightly less than that figure this year and the net trade deficit declined from $68 million in January-March 1970 to $53 million in the same period this year.

A FIRSTHAND EXPERIENCE OF TURMOIL IN EAST PAKISTAN

Mr. ALLOTT. Mr. President, I urgently want to call to the attention of the Senate a letter I have received from a person with firsthand experience of the recent turmoil in East Pakistan.

The letter is from Mr. James F. Ragin, of Fort Collins, Colo. He recently was evacuated from Dacca, and has composed a most impressive and alarming report on what he saw before being evacuated.

Mr. Ragin's letter is the more impressive because it does not indulge rhetorical flourishes. With deadly matter of factness he recounts the orgy of mindless bloodletting he saw while in East Pakistan.

I am sending copies of this letter to appropriate persons in other branches of the Federal Government. I expect to be apprised by these persons concerning the U.S. response to the events Mr. Ragin describes and concerning appropriate modifications of U.S. policy in the light of these events.

Meanwhile, I urge all Senators to read Mr. Ragin's letter, which I commend him for writing, and which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FORT COLLINS, COLO.,
April 19, 1971.

Hon. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: As an American citizen recently evacuated from Dacca, East Pakistan, and a member of your constituency, I am writing to you regarding the lack of an official American response to the events in Pakistan since March 25th. As a result of complete press censorship by the Pakistan Government and sensationalism by some news media, it may have been difficult for you to obtain a firsthand account of the Civil War which is raging in East Pakistan. My own personal experience in Dacca up to April 6th verifies many of the reports appearing in the International Press regarding the brutal tactics being used by the Pakistan Army against unarmed civilians. In addition, the American Consulate in Dacca has sent lengthy reports to the Department of State containing detailed accounts of systematic and random killing of civilians, students, faculty members and political leaders.

Amidst the myriad of political and strategic considerations surrounding our Government's lack of response to the inhumane repression of the 75 million people of East Pakistan, several relevant facts are clear. The first democratically-elected majority party of Pakistan, the Awami League, has been banned and its leaders, including Mr. Mujibur Rahman, have been jailed or killed. American weapons which were allocated to Pakistan for defense are being used by the military against unarmed Bengalis. The statement by the Soviet Union on April 1st condemning the massacre and urging an end to the carnage was widely hailed in India and East Pakistan.

Fully realizing the inadvisability of the United States to actively intervene in a Civil War, I urge you to seek and support a condemnation by Congress and the President of the United States of the inhumane treatment being accorded to the citizens of East Pakistan. The silence of our Government is being regarded as tacit approval of the action taken by the West Pakistan military. No political or strategic consideration should outweigh the importance of a humanitarian stand reiterating the American belief in the value of individual lives and in a democratic process of government.

I urge you to speak out now and to help bring an end to this tragic situation.

Sincerely,

JAMES F. RAGIN.

FACT SHEET ON INCIDENTS AND INFORMATION COLLECTED BY AMERICANS IN DACCA

I. ATTACK ON UNARMED CIVILIAN INHABITANTS IN DACCA

A. Sadarghat is the dock area of old Dacca. On the morning of March 26th army troops attacked the terminal. No civilians were armed in that area. A machine gun was installed on the terminal roof and all men, women and children were fired upon. Inspection of the terminal on March 29th revealed pools of dried blood on the terminal floor. The washrooms were completely soiled and soaked with blood. According to an eyewitness, a Bengali student, all civilians who were waiting for boats in the terminal were killed. After the massacre, bodies were dragged into buses and burned. Corpses were still floating in the Buriganga River adjacent to the terminal on March 29th.

B. Shandari Bazaar is a Hindu artisan center of old Dacca. According to an American missionary who lives near the area, machine guns were placed at the ends of the street and soldiers attacked the entire bazaar area without warning on the morning of March 28th. On March 29th and 30th, not a sign of life remained in a once busy bazaar area. Corpses remained unburied on the street and inside gutted homes. Parts of three-story buildings had completely collapsed from the ferosity of the attack and shell holes marked heavy armament attacks.

C. Ramna Kalibari is an ancient small Hindu settlement situated in the middle of the Dacca Racecourse. Even during the most violent Hindu-Muslim riots of partition, the village was able to avoid participation in communal strife. On the night of March 28th soldiers attacked the village killing all inhabitants—estimated at 200 people. On March 29th, a pile of approximately 70 to 100 bodies, charred and machine-gunned, was on visible display in Kalibari. The entire village was burned to the ground.

D. Other areas of Dacca, such as Nyar Bazaar, Ryar Bazaar and multiple "bustis" (shanty areas) were completely destroyed by fire because soldiers attacked during curfew under the cover of darkness. Details surrounding these attacks are not well known. However, many eyewitnesses described sudden attacks of submachine guns, grenades and burning to force the civilians out into the open. Such an occurrence was witnessed at 7:00 a.m. on March 29th when, near a hospital in Mohakali, bustis were set afire and fleeing inhabitants "gunned-down like dogs."

II. ATTACKS AGAINST UNIVERSITIES, STUDENTS AND FACULTY MEMBERS

A. Iqbal Hall, student dormitory center of the Student Council, was attacked on the morning of March 26th by tanks and soldiers with submachine guns and grenades. Although the exact number of students killed is uncertain, not one survivor was found.

Inspection of the Hall two days later revealed a building demolished by tank blasts and gutted by fire. Bodies were still visible—many of them having been taken to the roof to prevent body count. One man and two children corpses were charred leaning against a window. The degree of armed resistance offered by the students is not clear. One American physician upon inspection of the Hall saw a pile of burned rifles. All of these rifles had false wooden barrels and may have reflected the degree of armed resistance which these students offered.

B. Jagannath Hall is the dormitory of the Hindu students at Dacca University. According to one student survivor who was treated at Dacca Medical College, all 103 students were killed. Soldiers attacked the dormitory on the morning of March 26th without warning. Approximately six students were spared and forced at gunpoint to dig a mass grave (in a field adjacent to the dormitory). They were then shot. This student was left for dead and was able to crawl away to the hospital under the cover of darkness.

C. Home of Professor G. C. Dev, Head and Professor of Philosophy at Dacca University, was also attacked the same night. Professor Dev, a noted Bengali Hindu Philosopher, has never been politically involved. He was an elderly bachelor who housed poor students, often leading discussions about philosophy and religion. His home was attacked and all students were killed. Professor Dev himself was marched to the adjacent field and killed.

D. Names and rank of faculty members at Dacca University who were killed or wounded:

1. G. C. Dev, Head and Professor of Philosophy, killed.
2. Moniruzzaman, Head and Professor of Statistics, killed.
3. Professor Ali, Head and Professor of History, killed.
4. Professor Guhathakurta, Head and Professor of English, killed.
5. Dr. Munim, Instructor of English, killed.
6. Dr. Naqui, Instructor, department not known, killed.
7. Professor Huda, Head of Department of Economics, wounded.
8. Professor Innasali, Head of Department of Physics, wounded.

Other faculty members were also killed during the attack on the university, but their deaths could not be verified. Personal reports by wives of faculty members indicated that specific professors were sought by the army, especially those involved with Economics, Political Science and Bengali Culture. Although the exact circumstances of death are not known, one example has been pieced together by visits to faculty housing and eyewitness accounts from family members. On March 28th Building 34 contained pools of blood on the first and second floor foyers. According to wives of faculty members, troops attacked the building on the morning of March 26th. Apartment A was entered forcibly and the faculty member marched to the courtyard where he was shot. Fortunately he was only injured with a neck wound and was last known to be in critical condition at Dacca Medical College. The soldiers then went to Flat D, where Professor Muniru Zaman lived. He, his son, his brother, who was an advocate on the East Pakistan High Court, and the only son of his sister-in-law were marched to the first floor foyer, lined up against the wall and machine-gunned. The wife of Professor Zaman dragged her wounded husband back to their apartment, hiding him in the bedroom. Three hours later when the soldiers returned to remove the bodies, they reentered his apartment, again dragged him down the stairs and killed him.

E. The British Council which is located near Dacca University was also attacked on the morning of March 26th. According to a British Council official, who was trapped in his home near the Council Building during the gunfire, the troops broke into the Council and destroyed some books because they mistook the Council for the University Library. In addition, eight Bengali local policemen who were stationed at the Council were killed during the surprise attack. This official's bedroom and house were subjected to machine gun fire during the entire night. Only after daybreak did he dare tell the soldiers that he was a British subject and they did not kill him.

III. ATTACK ON INDIGENOUS ARMED MILITIA

A. The East Pakistan Police barracks are located in Dacca. It housed approximately 5,000 policemen. On the morning of March 26th, it was attacked without warning by mortar, tanks and a large number of troops. Although there was resistance, most policemen were believed to be asleep when the attack occurred and to have died during the fighting. The barracks buildings were completely leveled by heavy arm fire and were gutted by fire.

B. East Pakistan Rifles (EPR) was formed as a native Bengali force to concentrate its efforts at border patrol. On the morning of March 26th the EPR barracks in Dhanmondi was attacked by a similarly equipped force. Once again the number of deaths is unknown, although reliable estimates indicated that approximately 1,000 EPR's were stationed in Dacca. Groups of EPR soldiers were seen by Americans being trucked away. The fate of these soldiers is unknown.

C. It is known that many Bengali officers who were members of the Pakistan Armed Forces were killed for "disloyalty." Whether these officers actually mutinied is unclear. One source, the recently retired Director of the Information Ministry of East Pakistan, indicated that four Bengali officers were called to General Tikka Khan's office and disarmed. While being disarmed, one managed to shoot General Khan in the leg, but the General was not killed. This may have been the source of rumors printed in the Indian newspapers that General Khan had been killed.

IV. TERROR OF UNARMED CIVILIANS

A. Not only were large villages completely destroyed by the Pakistan Army, but individual Bengalis were subjected to terror and harassment. Martial law regulations indicated on March 26th that all government, semiautonomous and associated agencies would open immediately and that absent personnel were required to return to work or face ten years' imprisonment.

B. When large numbers of civilians fled from the war-torn capitol, Dacca, the army forced many at gunpoint to remain in the city.

C. Barda is a small village adjacent to Gulshan (a residential area for foreigners). On April 2nd it was raided early in the morning by 40 soldiers. All 600 men of the village were rounded up and marched at gunpoint to Gulshan Park where they were interrogated. Students, politicians, faculty members and those who were leaving their jobs in Dacca were particular people in whom the army had an interest. After one full day of terror under the sun with constant threats of a mass slaughter, ten selected men were trucked away.

D. One American physician visited old Dacca and was shown a man who had been shot by the army only one-half hour earlier. This Bengali had refused to open his shop at the request of soldiers and had been killed with a submachine-gun at 3:30 in the afternoon, when curfew was not operating.

E. One American missionary described the army tactics in old Dacca. Soldiers during the day carried whistles, which were blown when they wanted to search a civilian. At the blowing of a whistle *any* moving person was immediately shot.

F. An official of USAID, while driving through Gulshan, witnessed a jeepload of soldiers fire submachine guns at three children who were playing in the rice paddies. No one was injured.

G. Multiple episodes of the army plundering shops were witnessed by many Americans in Dacca from March 26th to April 6th.

V. Not only was censorship complete, but news that was distributed by the Pakistan Government by radio and newspapers was contrary to the true situation in Dacca. From March 25th life never returned to "'normal" in Dacca. Even on April 6th when we were evacuated, fewer than 10% of the shops were open for business. English and Bengali newspapers were forced to open and printed only martial law news. Opposition Bengali language papers such as The People, Ittifaq and Sangbad were completely destroyed by the troops at night.

VI. The Awami League is the first truly democratic party of Pakistan. Placed into its position as the majority party of Pakistan by an honest election, it has been outlawed and its leader Mujibur Rahman jailed and accused of treason. Prominent members of the party (which includes virtually the entire educated and prominent community of Dacca) have been systematically sought after. In addition to high-level members, as of April 4th people such as Gabriel Gomez, a teacher at Holy Cross College and a Christian leader of the Awami League, was being sought. Miss Doli DeRosario, a young woman Bengali appointee MNA, was also being sought.

VII. HARASSMENT OF FOREIGN CIVILIANS

A. On March 30th, three British citizens were almost executed by the Pakistan Army. These civilians were walking through old Dacca taking photographs of the destruction when they were arrested by the army. Two Americans who were accompanying the Britishers were subsequently released and immediately reported the incident to the

British High Commission. Only the last-minute insistance of the British representative saved the lives of the three British subjects who were lined up against a wall in an army station ready to be shot after three hours of interrogation.

B. The home of an American doctor was entered by two soldiers when his wife was home alone. One soldier at gunpoint looted the servant quarters. Another armed with a hand grenade threatened the wife and took money, clothing, rug and a watch.

C. While driving in Gulshan, an American and his wife were stopped by two soldiers who ordered them out of their car. They were robbed of watch, money and a ring.

CIVILIAN CONTROL OF THE MILITARY AND THE VOLUNTEER ARMY

Mr. HATFIELD. Mr. President, a recently completed research paper for the Ripon Society, prepared by William P. Welch, articulately presents the case for a volunteer military. It not only covers some of the usually heard arguments supporting the case for an all-volunteer armed force but also takes some new approaches while offering specific suggestions for helping implement change. The paper is well researched and responsibly presented. I invite the attention of Senators to this analysis and ask unanimous consent that it be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

CIVILIAN CONTROL OF THE MILITARY AND THE VOLUNTEER ARMY

(By William P. "Pete" Welch)

SUMMARY

In our democratic society, the Volunteer Army is the most promising way to make the military responsive to the will of the American People.

To attract volunteers, the Armed Forces will have to open themselves to civilian influence from within by making military life less isolated, by decreasing the arbitrariness of military authority, by encouraging more lateral entry by professional people, and by increasing the number of civilians employed.

Draftees exert only a minimal restraining influence within the military on policy matters. Facing a rigid hierarchy, they will constitute no more than 12% of a post-Vietnam military.

In a voluntary system, individual Americans will exercise choice not only at the ballot box but also at the recruiting office. Our insurance against future Vietnams lies in a system in which military policy as well as military life has to win more popular acceptance.

As civilian influence in the enlisted ranks will be strengthened in a Volunteer Army, so must it be strengthened in the already professional officer corps. Instituting a civilian promotion board, requiring generals to take sabbatical leaves, and commissioning civilians directly as generals would contribute substantially to opening up a modern army.

INTRODUCTION

The Vietnam War has made apparent the growing influence of the military in American society. While the Pentagon's profile is so high, the time is ripe for considering how to reaffirm civilian control over the military. Not only will civilian influence work to keep soldiers in touch with reality, but it should place much needed limits upon the President's ability to assign U.S. forces to long term combat operations without Congressional and popular support.

Civilian control of the military is an essential part of democracy. As representatives of the People, the President and Congress must share effective control over all national policies. Although civilian authority is considered supreme, both Congress and the President have relied too heavily upon the often self-interested expertise of military technocrats. Congress is searching for ways to reassert its own influence vis a vis the Executive and the military. Ill-equipped to manage the foreign relations of the United States, Congress does not want such a daily responsibility. Congress, however, can and should make structural changes in the government which will stimultaneously reaffirm Congressional prerogatives and make the President and the military to be more responsive to the will of the American People.

To Cold War America, growth of military power has been the natural consequence of a constant nuclear threat and the necessity for containing Communism around the world. The former logically required the intertwining of military with political and economic affairs. The latter flowed without serious question from the presence of relatively unconstrained global power and an ethic of Pax Americana to justify its use. Under such conditions complete civilian control is impossible. But this inability to attain perfection should not detain us from strengthening to the extent possible.

The ways to control the military are many—Congressional administrative overview, organizational changes, decreased appropriations, and changed personnel policies. During the Cold War, the history of civilian control has been changing organizational form, not substance; personnel changes have never been substantially tried. Because of the President's dependence on the judgments of thousands of officers and civilians, the country cannot maintain control of policy unless there is civilian input into the processes by which these people are selected, trained, and promoted. The biggest decision over personnel policies is between the Volunteer Armed Force and the draft.

I. VOLUNTEER ARMED FORCE VERSUS THE DRAFT

Although the case for the Volunteer Armed Force is multi-sided, of primary importance is that it will strengthen civilian control of the military. The strengthening will be both through the civilian influence of volunteers from within and their use of economic power—as well as political power—to restrain foreign adventures. Those liberals who feel the draft strengthens civilian control make two arguments: the influx of draftees avoids a military caste and the drafting of middle class sons forces their parents to protest politically against foreign military operations. This paper will first state the pro-draft civilian influence argument, refute it, and show how the Volunteer Armed Force strengthens civilian influence, before proceeding to the political protest argument.

A. How to maximize influence from within?

The pro-draft argument runs that conscription is necessary to breathe new life into the military. The constant influx of draftees ensures that the military does not become a caste, isolated from the rest of society. Citizen-soldiers are said to keep the military honest, and through their civilian-orientation, to ensure that generals cannot participate in foreign wars with a willing Army behind them.

To suggest that draftees can affect military policy is implausible. A humiliating basic training tries to teach acceptance of the rigid authoritarianism of the military hierarchy. Complete control over the draftee's work assignments, his privileges, and his freedom couple with a military justice system of questionable fairness to silence the few left who may openly question military judgments. Most short-termers avoid confrontation with their officers; some who do not are stockaded, undesirably discharged or court-martialed, as were the soldiers in the Presidio "mutiny".

The difficulties of the civilian influence argument are twofold. First, the influx of draftees has not perceptably affected the military's behavior in any desirable way. The argument does not describe the supposed mechanism by which citizen-soldiers control the generals. Certainly draftees do not influence generals through personal relationships. Historically they have not mutinied in the face of distasteful orders. In fact, there is no way through which small numbers of draftees, holding no rank above captain, will control the policies of the strictly hierarchical military organization. Second, the draft has staffed the military's civil auxiliary, the National Guard, whose availability for domestic deployment has posed grave threats to American civil liberties.

The closest thing to a draftee influence is the exposure of military scandals. One liberal draft-supporter asked whether the Mylai massacre would have been exposed "if the only Americans present had been soldiers who were totally dependent on the Army for their career and their retirement?"[1] The concern is a valid one; our knowledge both of the Mylai massacre and Army surveillance of civilians was gained through exposure by discharged soldiers. In the Mylai massacre, however, the first soldier to report having seen the killings was Sgt. Bernhardt, who was not a draftee, but who left college to fight this war as a volunteer. While Sgt. Bernhardt did not participate in the massacre, Lt. Calley, who joined the Army just one step ahead of the draft,[2] was found guilty for the incident.

Even professional soldiers will not as a group be dependent on the Army for their careers. Projections by the Gates Commission indicate that approximately 325,000 men will annually leave the military under a volunteer system—a drop of only 25%. Of those roughly 215,000 or 65% will leave after a single tour of duty, a drop of first term turnover of less than a third.[3] If increased turnover is desirable for exposing military scandal, concern might be more effectively focused upon the higher ranks in the officer corps and among Department of Defense civilians.

Even if one assumes a degree of draftee influence, what percentage of the military should be conscripted to safeguard our liberties—33%, 50%, or 75%? According to all estimates, draftees will not constitute more than 12% of the Armed Services. The pre-Vietnam figure of 8% is probably closer.[4] It is unlikely that such a small percentage of powerless enlisted men can affect the Department of Defense.

Misstated Problem

The argument that draftees prevent the formation of an isolated military caste ignores not only the insignificance of draftee influence on policy but also the already close-knit professionalism of the military officer corps. As Samuel Huntington stated in his classic *The Soldier and the State:*

"The modern officer corps is a professional body and the modern military officer a professional man. This, perhaps, is the most fundamental thesis of this book. . . . The problem in the modern state is not armed revolt but the relation of the expert to the politician."[5]

The problem of conscription is not how to avoid a professional military, for we already have one, but rather is what type of people professional military men should be and what relationship they should have with the rest of American society.

Footnotes at end of article.

We must have general and flag rank officers who have a perspective on American society reaching far beyond the problems of combat or national security. As the means of insuring this broad perspective directly relate to the spirit of the Volunteer Armed Service, they will be covered later in this paper. Under a volunteer system, the Army could not remain an isolated institution and be able to attract men for service.

Volunteer Armed Force Strengthens Civilian Influence

That the ending of citizen-soldiers will strengthen civilian influence in the military is paradoxical. But to attract civilians, the Armed Services must "civilianize" military life and basic training. They must offer positions of specialty through lateral entry and must hire more civilians because military wages will be increased. All will occur because first-term enlisted men, as a group, would no longer be powerless in the face of the military establishment. And all increase civilian influence.

1. *Military Life*—The very threat of a Volunteer Armed Force has prompted military reforms such as increasing the ease with which men can obtain passes and ending bed checks to enable men to sleep off-base. The Navy has provided men at sea with garages and lockers on shore to facilitate travel and recreation when a ship is in port. At Fort Carson a general sits surrounded by peace posters in a GI coffeehouse and listens to his troops' gripes. At San Diego Naval Base a direct line to the commanding officer is available to seamen. If that is unsuccessful, a seaman with severe problems which his commanding officer refuses to hear can go directly to a rear admiral in Washington. Working as an ombudsman, the admiral is encouraging commanding officers to look at the exceptional personal case and to take discretionary action. He also is discouraging arbitrary orders which hurt seamen. Although the program has been in effect only since last October, a decrease in arbitrary orders can clearly be seen.

In the future the pressure of a Volunteer Armed Force may well force expanded off-base living. As the Gates Commission [6] noted, not only does a serviceman often live on base and shop in the PX but also he may send his children to a school filled with children whose parents are also in the military and his family to a military hospital. If more military compensation were paid in cash and less in kind, military isolation from the rest of society would decrease. (Compensation in cash for housing would encourage off-base living and should be strongly supported by those concerned with civilian influence.) What the Commission did not but could have concluded is that such isolation would be discouraged by a Volunteer Armed Force. Servicemen want to break out of the totality of the military to meet other people, to develop other interests, and to avoid the hierarchical social system.

While these changes and others in basic training may be in response to growing disenchantment with the military, the threat of the Volunteer Armed Force certainly is a major impetus, if not the central cause. In spite of growing resentment over the past five years, no changes occurred until after the Gates Commission had recommended and the President had approved in principle a Volunteer Armed Force.

2. *Basic Training*—Changes in basic are already underway. Instead of dehumanizing and humiliating draftees, Fort Ord is testing a merit reward system. Much to its surprise, the Army is finding that an emphasis on motivation and initiative is much superior to treating men like machines. The experiment is producing results beyond the expectations of the most optimistic civilians. Contrary to widespread belief, this shift of emphasis to motivation from authoritarian discipline is strengthening combat effectiveness. The problem that officers faced in both World War II and the Korean War was a lack of motivation—less than a quarter of all soldiers even fired their rifles in major battles. Changes in basic training and military discipline will also strengthen civilian control.[7]

3. *Lateral Entry*—With a Volunteer Armed Force, the military will be forced to promote lateral entry, offering volunteers the opportunity to work within their specialty as they "serve their country and see the world." (At the same time the military will have to offer to other potential volunteers the chance to learn a skill.) It will have to recruit men into ranks higher than E–1, 2, 3, and 4 and 0–1 and 2 and excuse these individuals from basic training. In the past the Army has not taken advantage of many useful skills within its ranks. For instance, of 270 men with architecture degrees in 1969, only 8 were used in their specialty, while the Army had need of 394 architects. Of the 912 men with accounting degrees only 62 were used as accountants while the Army needed 463.[8] The changes which the military will have to institute will be similar to the program the Seabees developed when faced with World War II manpower shortages.

When a career officer works with a short-termer, he will learn to respect him if the man has been professionally trained and enjoys his work because he chose it. The personal relationship which can develop between professional military and professional technician would lessen military isolation. It would provide an avenue through which professional knowledge, say in electronics, would be introduced into the military. In an age where only 29% of military personnel are in purely military specialties,[9] the opportunities for lateral entry are great.

4. *Civilian Employment*—Because the real cost of draftees is much higher than their compensation, draftees are often used where civilians would be cheaper in real costs. As wages of servicemen are increased, civilians will become cheaper than soldiers in budgetary terms. The Gates Commission estimated that 117,000 civilians could be substituted for servicemen in a force of 2.5 million men. These positions are in administration and medical and logistics support. Some changes of this type are already occurring.

The reforms brought about by the threat of a Volunteer Armed Force have instilled a new civilian orientation in the entire military bureaucracy. As the idea of a volunteer force gains momentum, the responsiveness of the Army will increase in direct proportion. General Westmoreland has a special assistant for the Modern Volunteer Army and has given this lieutenant general considerable authority.

B. How to maximize control over military policy from without?

The second liberal pro-draft argument is that the draft forces the politically powerful middle class to protest wars. As Senator Kennedy states the argument:

"It is unwise to insulate from the horrors of war, middle and upper class Americans, who might lead the protest against senseless foreign adventures. I frankly would question, for example, whether the current pressure for deescalation of the Indo-China war would be as great if young men from every social background were not threatened with service in that war." [10]

That conscription is a necessary precondition for an aggressive military policy is apparent from the history of Napoleon, the British in the American Revolution, and the Prussians, but it is nowhere more apparent than in the Vietnam War. It was the draft that enabled President Johnson to constantly escalate troop levels throughout 1965 with a minimum of public debate. Had the nation not retained a peacetime draft, Johnson would have been forced to request one from the Congress. Without such a tradition, politically the Congress could have authorized one only after a lengthy debate and probably a declaration of war. The political risks involved in such a request would have been unacceptable to Johnson, who (as few now remember) ran on a peace plank in 1964.

As the war continued, its burdens increasingly fell on the draftee. By 1970 of Army infantry riflemen in Vietnam, 88% were draftees; 10%, first-term volunteers; and 2% career men.[11] The draftees insulate the ranks of the career soldiers from the consequences of continuation of the war. At the same time it provides them with the promotion opportunities which come with an enlarged Army and if they chose, with short-term combat experience necessary for promotion in the higher ranks.

The idea of holding middle class sons hostage to force political control is plausible. Middle class parents, however, are far less vocal in political protest against the war than their offspring on college campuses. The reaction of many otherwise apathetic parents to the draft has often been to support the war as a means of supporting their sons in combat. In demonstrations and marches, the more radical students (on which the television cameras naturally focused) forced a choice in many viewers' mind between the unshaven marchers and the President of the United States. Following the three largest demonstrations, support for the President's policy rose.[12] In contrast to both World War I and the Korean War where support for the war fell off quickly, in this war demonstrations have helped to maintain support. The draft has thus given us the worse of both worlds—supplying the military with unlimited manpower at rock bottom rates and helping to maintain support for military policies. Permitting the President to involve us in wars, this manpower supply creates the very problem which it unsuccessfully attempts to solve.

Those who defend the draft on the hostage argument take the same moral view of our citizens that the military advocates—seeing draftees as only means to an end other than themselves. One group views them as replaceable parts in the war machine. The other views them as hostage to force political control over the military. Both philosophies are repulsive.

In the history of the Vietnam War, three facts stand out clearly. First, the draft allowed us to become involved. Second, the draft permitted us to remain involved. And third, for six long years this nation has remained at war, in spite of illusions that the draft would force our exist.

Volunteer Armed Force Strengthens Control Over Military Policy

By forcing the military to be dependent on volunteers for infantry soldiers, a Volunteer Armed Force strengthens popular control not only of generals but also of the President. It adds a second channel of control—the economic power of not volunteering—to the usual political channel. This boycotting of the combat branches in an unpopular war will occur naturally and without organization because few men are willing to risk at any price their necks for a war in which they and their families do not really believe. They will instead refuse to enlist in combat branches. One election every four years cannot be as strong a balancing factor as the individual decisions of the millions of Americans about their personal participation under an unpopular military policy. By making both channels of control available, a Volunteer Armed Force strengthens popular control. Those who argue that it is necessary to draft men in order to increase their inclination to use the political channel underrates

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Footnotes at end of article.

the intelligence and moral sensitivity of the American electorate.

Conscription Ceiling

Implicity recognizing that the draft enables us to get into unpopular wars, the Senate Armed Service Committee has approved an amendment to limit the number of men the President can conscript to 150,000 a year. As the ceiling could be raised only by a joint Congressional resolution, Congressional control apparently would be reinstated. Although the amendment is a step in the right direction, it remains a poor halfway measure. Any time throughout the last five years of war, the Congress could have reinstated Congressional control through budgetary limitations. What it lacked was the will to oppose directly the President, not the means. To stop future Vietnams, the peace forces in Congress need to be able to focus debate around the only issue which can compare in emotional intensivity with national security—the principle that no American should be drafted in peacetime. Unless this principle is established, a President can always ask for "small" increases of the ceiling and escalate gradually. As he always received his increases of the national debt ceiling, so is he likely to receive these increases. To end the peacetime draft would destroy the facility with which Presidents have circumvented Congressional authority. Without an ongoing draft no President will be able to implement a policy requiring massive number of soldiers without convincing Congress that the National security is directly and immediately threatened.

In short, control over the military is made much more difficult when authorizes it to conscript unlimited men. A ceiling on conscription only recognizes the problem but does not effectively deal with it.

II. OTHER METHODS OF CIVILIAN CONTROL

While the Volunteer Armed Forces will strengthen civilian control of the military, especially in the enlisted ranks, other methods are needed to control the already professional officer corps. For those who still believe (for whatever reason) that the draft aids civilian control, the alternatives for control are many and varied and do not require abridgement of American liberties.

A. Civilian promotion boards

Status Quo

Promotion to all general and flag ranks is made by promotion boards (officially called selection boards), which are in theory chosen by the service secretaries. In practice, the board members are chosen by the service chief of staff and nominally approved by the secretary. Most civilians, either in the Department of Defense or the Congress, have been reluctant to interfere with the process for fear of charges of playing politics. Secretary of the Army Cyrus Vance, however, personally chose board members. He concentrated on the crucial promotion colonel to brigadier. Comparing generals in 1961 to now, Vance feels he was successful in influencing the Army, to appoint. But with the advent of Secretary Laird, control has gone back to Army regulars.

The service academy graduates have a virtual monopoly among the highest ranks. Although only 5% of the officers are academy graduates, all but 11 of 47 Army lieutenant generals graduated from the academies—7 of the 11 are in specialized command such as logistics or engineering.[13] At full general only one out of 16 is a Reserve Officers Training Corps (ROTC) graduate. The discrimination against ROTC graduates is virtually complete at all flag ranks in the Navy. The Air Force, until recently without its own academy, is more open than either but is expected to discriminate more as Colorado Springs graduates rise.

Discrimination exists against support officers in all services,[14] as well as against ROTC graduates. Although 52% of all colonels are in support positions, only 28% of brigadiers are. At the rank of lieutenant and full generals, the figure falls to 10%. The percentage of officers in operations commands is 33 for colonels, 54 for brigadiers, and 73 for lieutenant and full generals. Percentages for general staff officers hover around 16%. Because officers in operations have responsibilities unlike any citizens, a disproportional number in the highest ranks lessens the similarity of thinking between the military-civilian worlds.

Proposal for Promotion Boards

Boards for promotion to and within general and flag ranks should be composed of civilians. The members, nominally chosen by the President to give them prestige, would be picked by the service secretaries. The civilians chosen would be men of wide experience with the military and in society. They should not be content with the *status quo* and should be drawn from business, foundations, academia, and civilians in the Defense Department. Civilian selection boards already exist for Navy ROTC scholarships. The Philadelphia area board, for instance, is composed of an officer, an educator, a minority representative, and a businessman. Civilian boards should not cover promotion to colonel or to lower ranks because the decisions made at those ranks are not significant enough to justify civilian involvement and the numbers are too large. According to Ward Just, the best men in the Army are colonels who never made general.[15]

Civilian boards could provide more civilian influence than a million draftees. New ideas from society would be communicated to the military through the selection process. Generals and admirals, present and potential, would be forced to judge their actions in the light of the country's thinking. These boards are an excellent way to break the grip that academy graduates and operations officers have on the Armed Services. The present discrimination against non-academy men creates a military homogenity in background, experience, and thinking. Giving ROTC graduates a fair shake will help retain good men from civilian colleges.

In the past interservice promotion boards have been recommended. Interservice boards or board members from other services would hinder, not aid, civilian control. It is isolation from society, not competition between services, which is to be feared. In almost every modern nation, the divisions of military forces into separate groups has been used to bolster civilian control.[16] In Congressional debates (such as over the ABM), services supply information to scuttle the programs of sister services.

To invigorate the military, vigorous leadership from within the ranks must be found. When Secretary of War George Dern wanted to modernize the Army in 1936, he took Colonel George Marshall from his "exile" as a nonconformist at National Guard training duty and promoted him over more senior officers. Marshall, in turn, chose vigorous officers.

Congressional Review

To aid chief executive involvement in promotion, Congress' Armed Services Committees might review carefully promotions to lieutenant and full general and vice and full admiral. Since all appointments above lieutenant and ensign must be approved by the Congress, the mechanism for control is available. Not until a man becomes a three-star general does he influence policy. With less than 200 men in all services of that rank or higher, Congressional review becomes possible. The principle jobs in the Army, says the Army Registrar, number only 24. All these men and with their counterparts in the other services might testify before Congressional committees before confination.

B. Master degrees and sabbaticals

The Armed Services rotate officers every three years to give them a broad experience in the military. Since three years is the time it takes to learn a job well, the procedure is wasteful. Its philosophy is also wrong: we do not need military generalists, we need generalists, period. That is, men who are competent in their specialty but who know the needs and thinking of American society. Instead, officers might be rotated in and out of the military every five years.

Advanced education might be required for all future generals. Masters degrees are rapidly becoming an unwritten rule for promotion to brigadier; 60% of them have M.A.'s. It is not necessary that generals have the degree itself. A year in mid-career back at a university studying diverse subject matters such as English literature, political science, and engineering would be more broadening than an M.A. in a speciality like bio-chemistry. To encourage the liberal arts curriculum, the unwritten rule should be written to include a year of interdisciplinary study.

Sabbaticals or leaves of absence might also be required. If men remain in specialist careers (such as research or communications), as the Fitzhugh Commission urged, they will have expertise to offer to businesses, universities, or private foundations. Through civilian jobs, their experience will be broadened. Also, retired officers might be asked to return at higher rank if their civilian experience has been relevant to their military responsibilities. While rarely taken advantage of, the legal basis for recalling officers is already available. For instance, President Kennedy recalled General Taylor in 1962.

Holding civilian jobs will remind officers that they are not dependent on the military for their livelihood, making them more willing to dissent within the ranks. They will further know that if their promotion is refused and they retire early, the wind may blow in a different direction in the future. They may be rewarded by coming back from retirement at a higher rank.

C. Civilian generals

The military remains a relatively closed system because only one career pattern is available: commission as a second lieutenant or ensign and promotion rank by rank. The only route to becoming a general or admiral is through 20-odd years of service—20 years of taking orders, of learning the Army's procedures, and of internalizing its norms. Almost no other organization requires 20 years of service within it before influence is gained. To open up this system, civilians must be offered commissions at all levels including that of general and flag rank. This procedure will be most successful with men in their thirties being offered commissions from major to colonel.

During World War II men were directly commissioned up to the rank of colonel. Secretary of Defense McNamara, for instance, served as a lieutenant colonel. Except for tradition, there is no reason why this might not be extended upward. While it would be undesirable for civilian generals to have operation commands, less than 40% of our Army are combat commands. Executives are needed for logistics, recruitment, and medicine. The skills needed in the military are those needed in business. To ensure that the influx is not thwarted by traditionalists in the Pentagon, service secretaries or Congress might require that a minimum percentage of commissions at each rank be direct from civilian life.

The concern that a Volunteer Army will create a mercenary army, eager to fight and politically unconstrained, is unfounded. An end to conscription will rather strengthen civilian influence and control over the mili-

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Footnotes at end of article.

tary. We urge, therefore, a vote for the Volunteer Army as a vote for civilian and Congressional control.[17]

FOOTNOTES

[1] Califano, Joseph A., Jr. "The Case Against an All-Volunteer Army," *Washington Post*, Feb. 21, 1971.

[2] *Newsweek*, Dec. 8, 1969, p. 36.

[3] Cranston, Alan, "Conscript Army Lure to Battle," *Washington Post*, March 14, 1971, p. D5.

[4] While these figures do not include draft-induced volunteers, neither do they exclude the draftees who would have eventually volunteered if they were not drafted. With distortions working in both directions, these figures give a fair if inexact picture.

[5] Huntington, Samuel, *The Soldier and the State*, pp. 7 and 20.

[6] The President's Commission on an All-Volunteer Armed Force, Washington: U.S. Government Printing Office, 1970, p. 139.

[7] Just, Ward, *Military Men*, New York: Alfred A. Knopf, Inc., 1970, p. 126. In the U.S. Army, Just notes orders are meant to be obeyed without question or comment whether in the Pentagon or in combat. Respect for authority in minor things becomes slavishness in major things, freezing out of important decisions middle rank officers. Unthinking acceptance of orders is not endemic to all armies, such as the British Army.

[8] *Congressional Record*, remarks of Senator Hatfield, Jan. 28, 1971, p. S432.

[9] Janowitz, Morris, *The Professional Soldier*, Glencoe, Ill.: The Free Press, 1960, p. 9.

[10] *Congressional Record*, remarks of Senator Kennedy, Jan. 29, 1971.

[11] Glass, Andrew J., "Draftees Shoulder Burden of Fighting and Dying in Vietnam," National Journal, reprinted in the *Congressional Record*, vol. 116, pt. 22, p. 29700.

[12] Gallup Poll Question: "Do you approve or disapprove of the way President Johnson (or Nixon) is handling the situation in Vietnam?" From August to November 1967, approval went from 33% to 35%. From early October 1969 to late October, approval went from 52% to 58% and then to 65% in mid-November. (The last increase is better explained by the President's speech.)

[13] Just, *op. cit.*, p. 109.

[14] *Administrative Science Quarterly*, March 1965, p. 421.

[15] Just, *op. cit.*, p. 122.

[16] Huntington, Samuel, "Interservice Competition and the Political Roles of the Armed Services," in Harry L. Coles' *Total War and Cold War*, Columbus: Ohio State University Press, 1962, p. 185.

[17] This paper was prepared from an original draft written by William P. (Pete) Welch of the Philadelphia Chapter and reviewed by a committee composed of the following members: Richard Beeman, Research Director; Mark Bloomfield; and Kenneth Kaiserman.

CLEAN WATER

Mr. BROCK. Mr. President, today the goal of clean water is universally accepted but the means of achieving it are often complicated by the passionate intensity of well-meaning persons who feel compelled to speak out on issues concerning the environment. This is particularly true in the case of phosphates in detergents. Many such "authorities" have indicated the use of phosphates and advocated that they be replaced by nitrates.

While I would certainly not attempt to exonerate phosphates from all the charges made against them, the substitution of phosphates in detergents has many ramifications and asides that have not been thoroughly investigated or publicized. To the end that a balanced view be presented, I commend the efforts of the Maury County Chamber of Commerce, Columbia, Tenn., and request unanimous consent that their resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

MAURY CHAMBER OF COMMERCE—RESOLUTION

Whereas, Maury County, Tennessee produces the bulk of the phosphatic materials used in the manufacture of detergents, and

Whereas, the phosphorous industry employs over 3,000 people either directly or indirectly in Maury County and has been especially affected by increased gas and electricity rates, ecological legislation and depletion of available reserves, and

Whereas, the anti-phosphatic detergent advertising campaign leaves the impression that phosphates are harmful to the environment, and there is no apparent campaign to give the public the truth about our number one industrial product;

Therefore, be it resolved that the Columbia-Mt. Pleasant Chamber of Commerce go on public record as protesting the one-sided reports on phosphates and requesting our local news media, representatives to the Tennessee General Assembly and representatives to the U.S. Congress to help us publicize the positive aspects of phosphates; and,

Be it further resolved, that this organization prepare and distribute material giving the facts concerning phosphates and the ecology.

—— ——,
President.
William V. Chafin, Jr.,
Executive Vice President.

GRAND TETON NATIONAL PARK

Mr. ALLOTT. Mr. President, I invite the attention of the Senate to a letter to the editor, which appeared in the March issue of Not Man Apart, a publication of the Friends of the Earth.

Senators are familiar with this organization and its work in the field of environmental affairs. However, I am concerned that the letter written by Mr. Bernard Shanks, of East Lansing, Mich., may mislead its readers. Mr. Shanks refers to the fact that our able and distinguished colleague, the junior Senator from Wyoming (Mr. Hansen) holds permits for grazing cattle within the boundaries of Grand Teton National Park. Mr. Shanks charges that the National Park Service is not managing the grazing program within the park in accordance with Public Law 81–787 and implies that Park Service actions reflect political interests. Mr. Shanks closes his letter stating:

> I would appreciate hearing from anyone who has ideas about correcting this situation or further information.

Had Mr. Shanks been seeking the facts, I suggest he might have written to the National Park Service and fully informed himself of the circumstances surrounding grazing within Grand Teton National Park before he chose to write the letter published in Not Man Apart. In response to Mr. Shanks' public request for further information, the National Park Service responded in a letter from Mr. Howard H. Chapman, Superintendent of Grand Teton National Park. I ask unanimous consent that both the letter written by Bernard D. Shanks and that written by Superintendent Howard H. Chapman be printed in the Record at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, Superintendent Chapman's letter makes it quite clear that grazing within Grand Teton National Park is being managed in accordance with guidelines set by the Congress in Public Law 81–787 and that the management of the park is being conducted in the best interests of the American public.

Superintendent Chapman states that on September 14, 1950, the time of enactment of Public Law 81–787, establishing Grand Teton National Park, Messrs. Clifford Hansen, Arthur Brown, and Bruce Porter held valid grazing permits on the Potholes-Moran grazing unit. The public law establishing the park required that persons holding valid existing permits on the date of the act shall enjoy such permits during their lifetime and the lifetime of their heirs, if these heirs were members of the immediate family on that date. It is significant to note that this legislation was passed by the Congress a full 16 years prior to the time Senator Hansen became a Member of this body.

Superintendent Chapman continues that Senator Hansen and the other permittees on the Potholes-Moran grazing unit agreed to a 1957 request of the National Park Service that they graze their cattle under fenced pasture in another area of Grand Teton National Park in an effort to increase the protection and proper maintenance of native vegetation and to enhance the recreational values of the park for the American people. Senator Hansen agreed to this relocation which eliminated grazing on 83,500 acres of the park and adjacent forest, all possessing high scenic and recreational value, while still meeting the National Park Service's legal obligation as set forth in Public Law 81–787. Superintendent Chapman states that it is the ultimate objective of Grand Teton National Park to eliminate all domestic stock grazing within the park, recognizing that the U.S. Government does have a legal obligation under Public Law 81–787 that must be met first.

Mr. President, I believe that the letter of Howard H. Chapman, superintendent of Grand Teton National Park, sets the record straight. Mr. Bernard D. Shanks should be aware of the public policy set by the Congress in 1950, when it created Grand Teton National Park. I sincerely hope that all of those who had occasion to read Mr. Shanks' original letter will have an opportunity to read the informative letter written by Superintendent Chapman.

No Member of the Senate would question the integrity of Cliff Hansen; his conduct has always been above reproach. I sincerely believe that he has handled his business affairs over the years—long before becoming a Member of this body—in a manner which would enhance the public enjoyment of Grand Teton National Park. During the hearings and debates on the grazing fee issue, Senator

Hansen has volunteered information concerning the fact that he holds grazing permits.

Indeed Cliff Hansen, as a county commissioner of Teton County, was one of those who strongly urged the U.S. Congress in 1950 to establish the Grand Teton National Park and to preserve this magnificent area for the enjoyment of all the American people for generations to come. Mr. President, I thank the Senate for this opportunity to inform the Senate and the public about this matter.

There being no objection, the letters were ordered to be printed in the Record, as follows:

[From Not Man Apart (Friends of the Earth), March 1971]

Dear Sir: A perceptive visitor to Wyoming's Grand Teton National Park will notice cattle grazing in the valley portion of the park. Such a visitor will realize that the valley is the winter range of large numbers of moose, elk and deer. He will also see signs of overgrazing and erosion on the south slopes of some hills. The cattle, overgrazed south slopes, and wintering wildlife spell trouble. It is unfortunate that over half of the cattle that compete for the rangeland have no legal basis according to the grazing records of the park.

The National Park Service permits the continuation of several questionable grazing permits, and maintains cattle for Wyoming's U.S. Senator Hansen and two of his cattlemen associates. To prevent Hansen's cattle from wandering onto the park highways where the heavy traffic would take its toll, the cattle are protected by park fences. Senator Hansen, who has frequently spoken out on the Senate floor against increases in his grazing fees, has no apparent hesitation about the Park Service spending over $264,000 in a 10-year period to care for his cattle. On public land the Park Service has built miles of fence and maintains ditches and gates for irrigated pasture land. It pays for irrigators every summer and rather than permitting the area to return to its original ecological state the Park Service "improves" the grass cover. Every year the reservoir that supplies the water for irrigation is nearly exhausted by fall, leaving a mudflat three quarters of a mile long. During the early days of the park, Hansen and his two friends secured their permits by a brazen political power play. The permits were never clearly established; in fact, the park superintendent originally recommended granting the permits because it was too late in the season for the cattlemen to find range elsewhere and appropriation restrictions prohibited enforcing the park regulations!

Grazing is permitted in the park, but only under the strict provisions of the act that established the park in 1950. (Public Law 81–787.) Under no conditions were increases to be permitted above the 1950 grazing levels and only valid grazing claims were to be continued in the park. Hansen and others had grazed cattle on the public lands during World War II without permits and were never challenged by the Park Service, apparently due to their political influence. Despite a clear directive against grazing increases, the Park Service has permitted levels to rise. In 1966 grazing had increased over the 1950 levels by 341 animals and 4,219 AUM's. (An AUM is one cow or horse grazing for one month.) The Park Service has violated both the spirit and intent of the Act of Congress that established Grand Teton National Park.

In 1967 over 3000 head of stock were grazing in the park for a total of 12,000 AUM's. The thought of the forage that 12,000 cattle can consume in one month is disturbing. When such consumption takes place in one of the most magnificent National Parks, it becomes a nightmare. Perhaps the time has come to manage the grazing program in this park in accordance with Public Law 81–787. No new acts or laws must be passed to reduce the grazing by 60%. The question is how to move a bureaucracy and vested political interests? I would appreciate hearing from anyone who has ideas about correcting this situation or further information.

Bernard D. Shanks.

East Lansing, Mich.

Friends of the Earth,
Albuquerque, N. Mex.

Gentlemen: A letter was recently published in "Not Man Apart" from Bernard D. Shanks concerning grazing in Grand Teton National Park. I wish to take this opportunity to provide you with additional facts which Mr. Shanks did not bring out in his letter.

Prior to enactment of Public Law 81–787, which created Grand Teton National Park as it exists today, Messrs. Clifford Hansen, Arthur Brown, and Bruce Porter held valid grazing permits on what is known as the Potholes-Moran Grazing Unit. This grazing unit consisted of 83,500 acres of land in Jackson Hole National Monument and the Teton National Forest. The permits granted grazing on this unit from May 16 to November 15 and authorized a total of 1,154 cattle and 6,924 AUM's (one animal grazing for one month). Of this, 569 cattle and 3,414 AUM's were authorized to Mr. Hansen. Public Law 81–787 provided for a continuation of existing permits and leases as of the date of the Act, September 14, 1950. The Law further stated the persons utilizing these permits shall enjoy the same for a period of 25 years and thereafter during their lifetime, and the lifetime of their heirs if these heirs were members of the immediate family on that date. On becoming U.S. Senator in 1967, the Hansen permit was legally transferred to his wife, Martha.

National Park Service administration recognized that the Potholes-Moran Grazing Unit in Grand Teton National Park contained outstanding scenic values. Open grazing in this area interfered with the basic Park objectives for protection and proper maintenance of native vegetation and also lowered recreation values for visitor use in the areas of major development such as Jackson Lake Lodge, Colter Bay, Signal Mountain Lodge, several dude ranches and developed campgrounds.

In 1957 the National Park Service proposed to the permittees of the Potholes-Moran Grazing Unit that they bring their cattle under fenced pasture in another area of Grand Teton National Park where ranching was grazing had been historically practiced. The graziers, of which Senator Hansen was one, accepted this proposal. To accomplish the grazing relocation, irrigation systems had to be redeveloped, fences built and cultivation revitalized. This successful relocation accomplished an elimination of open grazing on 83,500 acres of the Park and the adjacent forest, all possessing high scenic and recreational value, while meeting the Service's legal obligation. This relocation allowed a reduction in grazing land to 11,000 acres of Park land which had already been used for irrigated hay lands and pasture.

This relocation, however, did cause an increase in Park AUM's. To take the cattle off of the Potholes-Moran Grazing Unit in the Park it was also necessary to remove them from the Teton National Forest on which part of the grazing unit existed. Due to the fact that there are no fences along the boundary of the Park and forest and if cattle were allowed to graze on the forest section of the Potholes-Moran Grazing Unit it would be impossible to keep them off Park lands. Therefore, the grazing preference of the National Forest was absorbed into the fenced pasture operation which added 1,154 AUM's to the Park's total grazing picture. This includes 569 AUM's which were authorized in the Hansen permit.

From 1952 to 1970 the total number of horses and cattle grazing permits have been reduced from 26 to 14. Through these permit reductions, AUM's have been reduced by 1,559. Total AUM's grazed in 1970 were 10,742 as compared to 11,147 in 1952 which was the highest allowable grazing year in the Park's history. Except for the one instance of the additional AUM's required to put the Potholes-Moran graziers completed under fenced pasture, there have been no increases in AUM's within Grand Teton National Park.

It is the ultimate objective of Grand Teton National Park to eliminate all domestic stock grazing within the Park, however, we have legal obligations under Public Law 81–787 that must be met first.

These additional facts are essential to complete the understanding of grazing practices in Grand Teton National Park. Your interest in conservation, particularly where it concerns the National Park Service is appreciated.

Sincerely yours,
Howard H. Chapman,
Superintendent.

HIGH SCHOOL STUDENTS VOTE ON WAR IN SOUTHEAST ASIA

Mr. BURDICK. Mr. President, in Fargo, N. Dak., and its sister city of Moorhead, Minn., a group of high school students recently conducted an advisory vote on the war in Southeast Asia. Their aim was to help the community voice its opinion about the war.

Voters had a choice of three alternatives on the ballot:

First, U.S. policy should be geared to removal of all U.S. military personnel from South Vietnam by December 21, 1971;

Second, U.S. policy should be that stated by Government officials. Stated as gradual withdrawal from South Vietnam of about 14,000 troops per month, which would leave 184,000 by December 1, 1971. It is further suggested that at the end of 1972, a "residual" force of perhaps 50,000 men would remain for an indefinite period; and

Third, U.S. policy should be geared to obtain a decisive military victory by exerting greater military force against the North Vietnamese.

With a total vote of 5,044, the computed percentages were:

	Percent
Choice (1)	72.4
Choice (2)	22.7
Choice (3)	4.0
Spoiled ballots	.9

I place these figures in the Record because I feel they are significant. Here in a semirural, relatively conservative, middle-American community, 72 percent of the voters want out of Vietnam by December 21, 1971. They are tired of the fighting, and they want a complete and final end to U.S. involvement in Vietnam.

I ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

MOORHEAD STATE COLLEGE,
Moorhead, Minn., May 5, 1971.
Hon. QUENTIN BURDICK,
Senate Office Building,
Washington, D.C.

DEAR SIR: We are students of the Moorhead State College Campus High School and are writing this letter as a conclusion to a campaign to help the citizens of our community (Moorhead, Minnesota and Fargo, North Dakota) voice their opinions on government policies concerning Vietnam.

The Fargo City Commission and the Moorhead City Council unanimously sanctioned this vote, and mayors of both cities urged strong voter participation.

The community had a choice of three alternatives on the ballot:

(1) U.S. policy should be geared to removal of all U.S. military personnel from South Vietnam by December 21, 1971.

(2) U.S. policy should be that stated by government officials. (Stated as gradual withdrawal from South Vietnam of about 14,000 troops per month, which would leave 184,000 by December 1, 1971. It is further suggested that at the end of 1972, a "residual" force of perhaps 50,000 men would remain for an indefinite period.)

(3) U.S. policy should be geared to obtain a decisive military victory by exerting greater military force against the North Vietnamese.

With students and the League of Women Voters manning the polls, the procedure went smoothly and the vote was quite successful.

Five thousand forty-four is the combined total of the number of voters in Moorhead and Fargo. The computed percentages are as follows:

	Percent
Choice (1)	72.4
Choice (2)	22.7
Choice (3)	4.0
Spoiled ballots	0.9

These percentages are very similar to recent national opinion polls.

The importance of this vote is magnified because we are a part of middle America, a semi-rural and relatively conservative community. Yet, here the supposed "silent majority" spoke out.

We hope this information will help you affect legislation expressing the views of the American people.

Sincerely,

BECKY HEGLAND.
GAVIN STEVENS.

S. 635, STATE MINERAL INSTITUTE LEGISLATION

Mr. ALLOTT. Mr. President, on April 28 the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs held hearings on my bill S. 635, to amend the Mining and Minerals Policy Act of 1970, which would authorize the establishment of a mineral institute in each of the 50 States and Puerto Rico.

In order that Senators may have an understanding of the proposed legislation and its purposes, I ask unanimous consent that my statement before the subcommittee, which outlines the provisions of the bill, and the bill itself, S. 635, be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GORDON ALLOTT, BEFORE THE SUBCOMMITTEE ON MINERALS, MATERIALS AND FUELS, REGARDING S. 635

Mr. Chairman, nearly two years ago we held hearings before this same subcommittee on the legislation to establish a National Mining and Minerals Policy. I am gratified that that legislation is now the law of the land.

The National Mining and Minerals Policy Act was intended to be a cornerstone upon which could be built a national program to ensure the availability of the mineral commodities necessary to supply our industry and provide for our national security. Population growth and increasing per capita mineral demands are placing unprecedented pressures upon the Nation's minerals base.

Recent experience has taught us that dependence upon foreign sources tends to encumber our foreign policy and limit our freedom of movement within the family of Nations. It is in the long-term national interest that our ability to domestically produce important mineral commodities be improved.

The best hope for achieving this objective is through technological advancement in methods of finding, mining, and processing available resources. Radically new approaches may be necessary to achieve this, and research is the logical path to new technology. Our continued progress depends upon it. S. 635 addresses itself to the development of new and improved technology, and since the development and application of the new technology necessarily depends upon attracting and training scientists, engineers, and technicians, it is also the purpose of the bill to aid in the training of qualified personnel through the establishment of research centers.

The challenge to the men of the minerals industry is great, and lesser men would shrink from it. Our minerals men must not only continue to supply the Nation's enormous appetite for mineral commodities, but they must do it without doing permanent violence to the environment and with as little temporary disruption as is practicable. In addition, the ores are becoming leaner, and future discoveries of major ore bodies are likely to be substantially deeper; therefore, new technology is essential to the successful mining and extraction of mineral commodities.

Virtually no mineral deposits will economically yield all of their values, and many will give up only 50 percent of their values with present technology.

Recycling is an essential element to the wise use of our natural resources, since recycling extends the life of a mineral commodity. But, recycling also applies to the land resource from which a mineral commodity was extracted.

Land reclamation is an essential part of the new environmental challenge to the minerals industry. But, perhaps our thinking with respect to land reclamation has been in a much too narrow frame of reference. It is a part of recycling, and by that I mean that as an ore body is mined out, the area must be restored to a useful or productive condition, in other words, a second use. Too often land reclamation is viewed as a requirement to restore the mined land to nearly its identical condition just prior to mining. This may not be the best second use of the land. The land may very well be far more useful, with some modifications, in its mined out condition.

As an example of this, gravel pits are ordinarily close to metropolitan areas. This is largely due to the cost of haulage. Since petroleum and chemical bulk supply depots must also be close to the metropolitan area they serve, perhaps a better second use of the gravel pit would be as a tank farm. Safety precautions require that dykes be built around the tank farm so that spillage will not escape. In the case of the worked out gravel pit, much of the excavation may already be accomplished, and the tanks may be placed in an inconspicuous setting.

In other instances, worked out underground mines may serve as subterranean warehouses and loading terminals, providing, of course, that location and other factors are appropriate.

These examples are only two possibilities, and are mentioned simply to show that with technology, ingenuity, and opportunity many of our environmental problems could, with some exercise of foresight, become solutions for other problems.

It is hoped that S. 635 will help the minerals industry and the Nation deal effectively with all of these and the myriad other related problems not mentioned. But, let no one be confused, S. 635 is a long-range program and to expect "instant solutions" is to be misled. The significant impact of the bill will most likely not occur until after the passage of at least ten years, but it seems obvious that the benefits of the program to be established by this bill will be even more important to the social, economic, and environmental well-being of the Nation in the next decade.

The purpose and policy of the legislation is set forth in the first section, that is, the proposed new section 3 of the Mining and Minerals Policy Act of 1970. It states as follows:

"It is the policy of Congress to support, enhance, and stimulate mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research, and the training of an adequate supply of scientists, and technicians in such fields, by supporting the establishment of an appropriate research and training center in each State."

Under the provisions of section 4, each State could establish an institute or research center in one of its tax-supported colleges or universities, preferably its school of mines or its college or university having a department of mining, mining engineering, and metallurgy. The grants would be on a matching basis requiring half of the support to come from non-Federal funds. Each State is eligible, provided it meets the requirements of the act. As pointed out in the hearings on S. 719 in 1969, by one of the principal witnesses to be heard this morning: "Every State has important, essential mineral resources—sand, gravel, building stone, industrial minerals, etc., and in addition may have one or more metallic ores, petroleum, natural gas, or coal."

Section 5 authorizes special mineral resource research projects to be conducted under the direction of the Secretary of the Interior. These projects would be of high priority to meet certain urgent needs, and would normally be conducted by the institutes established under section 4 of the act.

In order to assist the States in establishing a research institute, section 6 provides for grants of up to 75 percent of the cost of purchasing equipment, facilities, and library materials. None of this money can be used for providing buildings or land.

Section 7 provides for an annual report to the Secretary and other housekeeping measures.

Section 8 requires that the results of all research conducted under this act and financed by grants under this act shall be promptly available to the general public. It also provides for the publishing and printing of research results. The purpose here is to insure that new technology and improved methods are made available to the mineral industry at the earliest possible date, and that where applicable they may be employed as widely as possible.

Section 9 places the Secretary of the Interior in charge of the program and gives him the responsibility for coordinating research and maintaining cooperation between the institutes, Federal research organizations, and other research establishments. He shall also act as a central clearinghouse for the results of such research.

Section 10 provides for an annual report to the Congress by the Secretary.

Section 11 prevents the act from impairing or modifying the legal relationship between the situs college and university and the State.

Section 12 includes Puerto Rico within the definition of "State".

The maximum appropriation authorized under this bill would be $23,750,000 after the fifth year, but that small investment can yield benefits many times as great to the Nation.

Mr. Chairman, I would be remiss if I did not recognize the bipartisan support and cosponsorship of S. 635. For the sake of the record, I should like to mention, in alphabetical order, those distinguished Senators who have joined me in sponsoring this measure. They are: Senators Bennett, Bible, Dominick, Fannin, Jackson, Jordan, Mansfield, Moss and Stevens. This interest is especially gratifying since no formal letter of request for cosponsors was sent out.

One final point, Mr. Chairman, our second Government witness, Dr. Elbert F. Osborn, Director of the Bureau of Mines, is deserving of special recognition with respect to this legislation, since it was the work of the Committee on Mineral Science and Technology, of the National Academy of Sciences, under his able chairmanship, which provided the in-depth, supportive evidence of the need for this legislation. In 1969, the Osborn Committee made a number of significant recommendations, some of which have been enacted into law as a part of the Mining and Minerals Policy Act of 1970. I shall quote two of these recommendations which relate to the legislation before us:

"A program be established under the Assistant Secretary for Mineral Resources to provide continuing federally appropriated matching funds to each state in support of mineral-resources research."

"The Bureau of Mines develop sustaining research and educational programs in mineral science, technology, and engineering through grants, contracts, and traineeship at educational institutions.

Mr. Chairman, we have an extremely distinguished list of witnesses, and I know their testimony will be highly instructive. I look forward to listening to their testimony with great interest.

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mining and Minerals Policy Act of 1970 (84 Stat. 1876) is amended by adding at the end thereof the following new sections:

"Sec. 3. It is the policy of Congress to support, enhance, and stimulate mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economic, and related environmental research, and the training of an adequate supply of scientists, engineers, and technicians in such fields, by supporting the establishment of an appropriate research and training center in each State.

"Sec. 4. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1972 and each subsequent year thereafter sums adequate to provide $100,000 to each of the several States in the first year, $150,000 in the second year, $200,000 in the third year, and $250,000 each year thereafter to assist each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute, center, or equivalent agency (hereinafter referred to as 'institute') at one college or university in that State, which college or university shall be the tax supported school of mines or shall have a college or school of mine, or if there be no college of school of mines or other tax supported college or university having a department of mining and minerals, then it shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), as amended, entitled 'An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts', or some other institution designated by act of the legislature of the State concerned: *Provided,* That (1) matching non-Federal funds at least equal to the Federal share are used to support the institute; (2) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State to receive the same, subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

"(b) It shall be the duty of each such institute to plan and conduct or arrange for the conduct of competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics and related environmental research, and to provide for the training of scientists, engineers, and technicians in these fields. Such research, investigations, experiments, and training may include, without being limited to, aspects of the supply and demand for various minerals; conservation and the best use of available supplies of minerals; health and safety in mining; improved methods of mineral extraction and exploration; mineral and mining economics; improved methods of mineral production, extraction and exploration which will reduce and minimize adverse effects upon the environment; and legal, social, geographic, ecological, national defense, land use, and other considerations to help assure satisfaction of the national needs and requirements, in both the short and long term, for minerals and their products, having due regard to the avoidance of unnecessary and unproductive duplication of research being conducted by agencies of the Federal and State Governments or other institutes receiving support under this Act.

"Sec. 5. (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1972 and each subsequent year thereafter sums not in excess of the following: 1972, $1,000,000; 1973, $2,000,000; 1974, $3,000,000; 1975, $4,000,000; and 1976 and each succeeding fiscal year, $5,000,000. Such moneys, when appropriated, shall be available to meet the necessary expenses of special mineral resource research projects which would not otherwise be undertaken, and which the Secretary of the Interior has identified as being of high priority in meeting the objectives of this Act.

"(b) The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 4 of this Act to perform such special research, authorized in subsection (a) hereof, and shall select the institute for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training mineral resource scientists, engineers, and technicians.

"Sec. 6. To assure that any institute established under this Act is adequately equipped to perform mineral resource research and to train individuals in the mineral resource fields, the Secretary of the Interior is authorized to make grants to each institute to pay up to 75 per centum of the cost of purchasing equipment, facilities, and library materials. No portion of any such grant shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building. There are hereby authorized to be appropriated not to exceed $5,000,000, annually, to remain available until expended, to carry out the purposes of this section.

"Sec. 7. Sums available to the States under the terms of sections 4, 5, and 6 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary of the Interior, and upon vouchers approved by him. Each institute shall designate an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary of the Interior on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer or any institute under the provisions of this Act shall by action or contingency be found by the Secretary to have been improperly diminished, lost or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

"Sec. 8. No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year.

"Sec. 9. The Secretary of the Interior is charged with administration of this Act, and shall prescribe such rules and regulations as may be necessary to carry out its provisions. He shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, encourage and assist in the establishment and maintenance of cooperation by and between the institute and between them and other research organizations, the United States Department of the Interior and other Federal establishments, and shall act as a central clearinghouse for the results of research conducted by the institutes.

"Sec. 10. The Secretary shall make an annual report to the Congress of the receipts and expenditures and work of the institutes in all States under the provisions of this Act. His report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

"SEC. 11. Nothing in this Act shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education or training at any college or university.

"SEC. 12. As used in this Act, the term 'State' includes the Commonwealth of Puerto Rico."

Mr. ALLOTT. Mr. President, there was an unusually fine array of witnesses at the April 28 hearings, and I feel that Senators who are not members of the subcommittee would appreciate the opportunity to read some of the very fine statements presented to the subcommittee. Therefore, it is my intention to ask that selected statements be printed in the RECORD over the next few weeks so that Senators will have an opportunity to read and digest these high quality statements.

The first statement is that of Dr. James Boyd, chairman of the board, Copper Range Co. Dr. Boyd is an outstanding member of the minerals industry and a past president of the American Institute of Mining, Metallurgical, and Petroleum Engineers. While Dr. Boyd represented the American Mining Congress, he has performed distinguished service in the Government as a member of the Army and Navy Missions Board staff, as Director of the U.S. Bureau of Mines, and as Administrator of the Defense Minerals Administration. He is a member of the National Academy of Engineering, and served as Chairman of the National Science Foundation's Committee on Mineral Research.

As Dr. Boyd pointed out in his statement:

> In supporting S. 635, the mining industry is assuming an unusual position, for it has tried, where possible, to solve its basic problems within its ranks.

In recent times, however, many new restrictions have been placed on the mineral industry by Government, which have made it more difficult for the industry to cope with the many conditions on a concerted basis. The bulk of these new restrictions are environmental in nature, and while these new requirements are commendable, nevertheless there must be technology developed to assist the industry to cope with them. An interdisciplinary approach will be essential to the resolution of many mining problems, and the resolution of many mining problems may have application in other fields. Dr. Boyd mentioned the pioneering work of his company with respect to rapid excavation equipment. The solution to some transportation problems in urban areas may depend upon the development of rapid tunneling equipment, and this technology may have similar application with respect to sewers, storm drains, and utilities.

I hope that Senators will take time to read Dr. Boyd's interesting statement, which I ask unanimous consent to have printed in the RECORD.

SELECTED STATEMENTS

Mr. Chairman and Members of the Subcommittee:

My name is James Boyd. I am Chairman of the Board of the Copper Range Company and appear today in support of S. 635, representing the American Mining Congress, an association of U.S. companies that produce most of the nation's metals, coal and industrial and agricultural minerals. Its membership includes also more than 200 manufacturers of mining and mineral processing equipment and supplies as well as financial institutions with a business interest in the mining industry.

In 1969 I was President of the American Institute of Mining, Metallurgical and Petroleum Engineers. Although that institute is not permitted to come to political conclusions, I may say that I have been in touch with the pertinent committees of the institute enough to be able to say to you that the profession supports the principles of S. 635 even if individual members might prefer to have different approaches to some of its provisions. As you know, it is always difficult to get a group of engineers to come to unanimous conclusions.

For myself, I am the son of a mining engineer and was brought up in the gold camps of Western Australia. I graduated from the California Institute of Technology in engineering and economics, and received advance degrees in geology and geophysics from the Colorado School of Mines. I served in the government, involved in raw material supply problems, during World War II, as a member of the Army and Navy Munitions Board staff, and later, as the Director of the U.S. Bureau of Mines, and Administrator of the Defense Minerals Administration during the Korean War. I was for a period Vice President of Kennecott Copper Corporation in charge of exploration, and have been with Copper Range Company for eleven years. I am a member of the National Academy of Engineering, and served on the committee of the Academy which wrote the Mineral Science and Technology report for the Interior Department. I also served for three years as the Chairman of the National Science Foundation's Committee on Mineral Research, and currently am Chairman of the Interior Secretary's Advisory Committee—Metal and Nonmetallic Mine Safety Act.

It is always a matter of pride to me to have the privilege of appearing before this committee, which I have done many times since my first appearance twenty-four years ago. Today, although I represent the American Mining Congress in support of S. 635, I propose to support its position by more personal experience.

Through all of the years that I have been related to the minerals profession, the Congress and various administrations have struggled with the enormous task of assuring the economy sufficient raw materials to keep it growing, while conserving our resources and preserving the environment. The problems are changing so rapidly that adjustments of policy are constantly required.

In supporting S. 635, the mining industry is assuming an unusual position, for it has tried, wherever possible, to solve its basic problems within its ranks. But times have indeed changed, and we find that we cannot solve all the problems facing us without help from the state. One reason is that the state imposes certain restrictions on us which inhibit our ability to cope with many conditions on a concerted basis.

There are many reasons why this legislation is needed. The demand for trained manpower ebbs and flows between the time a young person decides what he wants to do with his life and when he is prepared to assume his responsibilities. We sometimes find that the demand has temporarily slackened when these same young people become available. Today some graduate engineers cannot readily find a job.

The most dramatic illustration can be found in space technology. Here the sudden change in national priorities has thrown thousands of engineers and technologists with specific, sometimes narrow training and experience, out of work. Yet the need for trained men in the environmental sciences exceeds the supply by a substantial margin. The requirements for the most creative types of minds in the earth science and technology fields are perhaps most pressing, as too many of those having such potential were drawn into those fields where priorities are now declining. The disciplines addressed by S. 635 need the infusion of many more minds competent by intellect and training to meet their growing challenges. To provide these men with adequate training, under our educational system, requires exposure to new thoughts, modes of attack on problems, and new knowledge coming from research.

Such research takes place in industry, the research institutions, the government bureaus, and the universities. To a large extent we have to depend on the latter for the generation of fundamental knowledge. We found in our studies when writing the Mineral Science and Technology report of the Academies of Science and Engineering, that the universities were woefully short of funds to provide the opportunities for scientific discovery in the mineral fields. In fact, it appears that the rest of the world is leaving us far behind.

Now, let me illustrate what I mean from experience within my own company. We operate a very large underground mine, producing the fifth largest amount of copper in this country. This mine is so unique that we have had to develop new technologies to mine it successfully. For over 25 years we have necessarily been spending an unusually large portion of our income to develop new mining technologies. In fact, millions of private dollars were spent on research before the decision to mine could be made at all. This is a very large bite for a small company, but the knowledge gained from this work is being used all over the world. Even this large contribution, however, is not enough. We, as a relatively small company, simply cannot afford to do much of the fundamental work that is required to solve problems which we may have in common with those of other companies.

For example, we find that the future of our mine depends somewhat on the effective development of boring machines. We have pioneered in using these machines for tunneling purposes in hard rock, but with many unsolved difficulties. This is a brand new technology, which will make major contributions outside the mining industry. For example, the solution to some transportation problems in urban areas will depend on rapid excavation of tunnels, using such machines.

Unfortunately, we do not really know why or how this machine works. We cannot see the cutters operating or, with our facilities, have them instrumented to determine the forces involved. We need to do the kind of things that the air craft designers do in a wind tunnel, where they can see what goes on, instrument models to provide the physical data, and create constant but variable conditions so that they can test out their theories. The advances in space and aeronautical technology have come out of tremendous expenditures on research in hundreds of institutions. By comparison, the work done on the sciences of the earth is so small as to be negligible and is attempted in only a limited way in very few colleges and universities. Just as the technology developed by extensive research in space has provided answers to many pressing problems, so extensive research in the earth sciences is required to answer many national problems involving all phases of the environment in which we live.

We in Copper Range have started with a survey of the state of the art in each of the fields we encounter. From there on, however, we have had to achieve results by developing information empirically. We can try out new things as we produce rock for our mills. Our work would be more effective and less expensive if we could look toward the educational and research institutions for fundamental physical constants and operating data.

We have had to man our machines with engineers who in some instances have gone back to college for advanced degrees. They, however, do not have available to them the reservoirs of knowledge of fundamental and applied research that exist in other fields. The government has seen this need in the physical sciences, in agriculture, space and medical technology, but not in the mineral sciences.

As I talk with our engineers and research men, I constantly hear about struggles to solve an urgent problem only to run up against a serious lack of developed technology. Some very pressing questions will not be answered until research produces new technology.

Up to now we have been blessed with abundant supplies of readily discovered and accessible mineral raw materials. The solution to technical problems could usually be handled by ingenious engineers who could improvise and accomplish the desired result. Others have pointed or will point out that this is no longer so. The resources exist within our territorities, but the technology to recover them in sufficient quantities at reasonable costs does not. To accomplish this we are required to speed up our research and to produce more competent graduates to deal with the enormously complicated problems involved.

In the meantime, even more complicated techniques are required to provide the means by which minerals can be made available for general use, without damaging the environment or so disturbing the ecology as to make it difficult to adjust to mineral industrial activities. A few such areas are:

1. The more efficient use of chemical energy (explosives).

2. Application of sonic and impact energy as applied to the mechanical cutting of rock.

3. Optimum cutter, shape and head design for boring machines.

4. Changing the rock shape fabric through application of chemicals to promote softening, possibly coupled with additional research in rock cutting with water jets.

5. Metallurgical research to test the feasibility of mineral preconcentration on removal within the mine environment without use of present massive rock displacement.

6. As to rock breaking, generally, investigation of new energy sources such as radiant heat, electron beams, plasma arc, lasers and electromagnetics. However, advancement and application of new techniques must depend upon generalization of rock data.

7. Development of suitable equipment and techniques for measurement of in situ physical characteristics of rocks. Little has been done in this area although the science of precise measurement has been advanced to a high degree in the aerospace industry.

Almost every competent mining company could provide you with longer and possibly more urgent lists.

Such measurements are desperately needed in order to provide the scientist with data which he can use to investigate new mine schemes more compatible with our ecology. The engineer-designer can use such data to develop more efficient mining and processing equipment to fit the schemes proposed by the scientist.

Breakthroughs in mining must be made in order to maintain or increase the present standard of living within acceptable ecological parameters.

If the ecology is to be maintained and material necessities are to be provided for our ever-expanding population, new mining methods must be developed.

These new developments could mutually assist in providing a solution to the present urban problems dealing with transportation and waste disposal.

In the preparation of this statement many questions have been raised about the completeness or the workability of this bill. I personally feel that those who drafted it did a magnificent job of covering almost all of these questions. For emphasis, however, I should like to present you with some of these concerns so that when you mark up the bill you will possibly have useful comments.

The requirements for this type of assistance are so broad that it is possible to feel that one technology has been emphasized at the expense of another. The policy statement in Section 3 is indeed all inclusive. Considerable work needs to be done in all these. It is to be hoped that the legislative history of this act will indicate that one part is as important as another, even though from time to time the priorities can change.

Some of my correspondents are concerned that the bill is too broad, and that applying it to all states could weaken its coverage. It is recognized, however, that every state, even the smallest, has mineral or earth-science problems and that in virtually everyone the problems can be unique. It is recognized that education is organized on a state basis, and as nobody has suggested to me a better way, I would not like to recommend an amendment.

The metal mining industry, and indeed the academies in their reports, feel the need to concentrate efforts in fewer centers which can be brought to high levels of excellence. Section 4a(3), which provides for interstate cooperation, seems to me to provide the means of accomplishing this end. This type of cooperation is not easy to achieve. I would hope that the Secretary of the Interior would be charged to encourage this type of cooperation. Perhaps the committee would agree with us and have its record indicate its purpose.

Mr. Chairman, I appreciate the opportunity of appearing before you and I would like to express my admiration for a well-drafted bill. I would hope that those who feel they have a better way to do things will try to find that way within the structure you have provided.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. ALLEN). In accordance with the previous order, the Chair now lays before the Senate the unfinished business, H.R. 6531, which the clerk will state.

The legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULE OF GERMANENESS WAIVED

Mr. BYRD of West Virginia. Mr. President, for reasons which will soon be apparent, I ask unanimous consent that the Pastore rule with respect to germaneness be waived for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FIRST GIRL PAGE

Mr. JAVITS. Mr. President, we are witnessing an historic scene. I had the honor just now to bring into the Chamber the first girl page in the history of either House of Congress. Her name is Paulette Marie Desell.

Again, I wish to thank the Committee on Rules and Administration and the Senate for breaking this historic barrier in a practical way. I think we will all get great gratification out of this event.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRAVEL. Mr. President, I would like to partake of this historic occasion and ask the young lady if she would secure a glass of water for the Presiding Officer.

The PRESIDING OFFICER (Mr. CRANSTON). The Presiding Officer thanks the Senator from Alaska.

Mr. JAVITS. I thank the Chair.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF THE GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, in view of the fact that there will be no votes today on the unfinished business, H.R. 6531, a consent agreement having been entered thereon, and in view of the additional fact that no Senator present wishes to address his remarks to that subject, I ask unanimous consent, on behalf of the leadership, that the Pastore germaneness rule be waived temporarily and that the Senator from Nebraska (Mr. HRUSKA) be recognized for not to exceed 20 minutes to speak on a nongermane subject.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I do serve notice on the Senator from West Virginia that I do wish to speak on the merits of the pending matter and will seek the floor as soon as the Senator from Nebraska is through. I do not object.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HRUSKA, when he introduced S. 1865, S. 1867, and S. 1868, are printed in the routine morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, what is the pending business before the Senate, please?

The PRESIDING OFFICER (Mr. CRANSTON). The amendment of the Senator from Maryland (Mr. MATHIAS) to the Mansfield amendment.

Mr. STENNIS. On H.R. 6531?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

Mr. President, I wish to address the Senate briefly about some of the important political effects which a radical reduction of our European troops would have. We have discussed here quite thoroughly the economic effects of such a reduction, and I believe it has been shown conclusively that the very large figures—such as $14 billion—which are cited by the proponents of the distinguished majority leader's amendment are most misleading indeed. We have shown, I believe, that the increased cost of providing equipment and facilities for our troops here at home would far outweigh any of the small savings in transportation costs which might accrue after a withdrawal from Europe. Moreover, one of our greatest assets in the balance-of-payments field is the offset purchases and agreements by the German Government. The funds provided to us under these agreements reduce by about half—to less than a billion dollars—the deficit caused by our military expenditures in Europe. As a matter of fact, the most reliable figures I can get on the expenditures are $1.7 billion. The offset payments reduce that by $800 million, which cuts it down to $900 million. Pulling a large number of forces out of Germany, as we would have to do under this amendment as proposed, would shatter these offset agreements and could mean that our balance-of-payments difficulties would be considerably worsened rather than improved.

The offset purchase agreements with Germany are being renegotiated now for a continuation. They automatically expire, as I understand it, on June 30 of this year. There could hardly be anything more upsetting, especially at this time, than to agree to the Mansfield amendment which, if it is agreed to by the Senate, would presumably become law.

I have some special remarks here on the need for in-depth hearings. While I am on this point, let me say that nothing better illustrates the real need and almost the demand for in-depth hearings so that all the sides, circumstances, and facts, even as to the economic figures, could be fully developed and brought into focus by competent analysis and then brought forth in a report. There is nowhere that a Senator can turn to, outside the committees that deal with this matter, to readily get this information which has been verified by other Members of this body.

Mr. President, I believe that the political consequences of the withdrawal of half our forces from Europe would be even more devastating. Europe is our strongest ally. The NATO Alliance is the alliance which has worked.

It has worked in an outstanding way for its European members, and it has also worked in an outstanding way for us. Let us not overlook that fact. It has been found to be especially practical, workable, and effective from our point of interest. When I say our point of interest, I mean the defense of our own land. We should not allow our emotional concerns about overseas involvements—proceeding indirectly, I believe, from the agony of the war in Vietnam—to undermine our entire foreign policy. I ask the Members of the Senate to consider for a moment the importance of Western Europe to the United States in the world balance.

Just under 3 years ago, we were debating in this Chamber the possibility of withdrawing forces from Europe when the Soviets invaded Czechoslovakia. I believe this brought home to all of us, as forcefully as an incident could, the importance of a free Europe to the United States. I would not want to be an alarmist—and I do not think that I am—about the troop reductions proposed by the distinguished majority leader, sizable though they are. I do not believe that such reductions would mean that Western Europe would be immediately overrun by Soviet divisions. The problem is much more subtle than that, but no less serious. The Soviet Union has constructed a great empire since World War II and those nations on its borders which are not occupied by its troops are, for the most part, coerced indirectly into cooperation. They live in a somewhat gray world, in between independence and satellite status, having some freedoms as long as they are not too vigorously exercised. I do not imply any criticism of a fine and courageous nation when I say that it would be a disaster—an immediate and direct disaster for all of us—if we were to see the gradual Finlandization of Western Europe.

It was my privilege to be in Finland for 4 or 5 days, and I want to emphasize that I have great admiration for those fine people, their manners, their spirit, their friendliness, and their ruggedness. They are a people with great integrity. Thus, I speak of them with admiration. However, it is true that we can illustrate what can happen to other fine nations by pointing to what happened to them.

If the Western Europeans began to believe that the United States was not willing to help them provide the military power necessary to resist Soviet advances, the long-range political and economic consequences could be disastrous for the United States. The consequences might first be seen in the weaker nations of the NATO Alliance, perhaps Greece and Turkey, but it would eventually spread even to such an economic and political giant as West Germany.

Mr. President, I speak with the greatest of admiration for the small countries of Greece and Turkey—while we may not approve of the government now in Greece. It has its ups and downs. Greece has some of the finest soldiers in all of Europe, as well as Turkey, which has some of the most effective ground troops to be found anywhere. In my visits to Greece and Turkey, I have felt that they are conscious of American support through the NATO Alliance, and it gives them courage. It makes all the difference. They look toward the West now, whereas they might have to look toward the East for alliances or some kind of affinity, should they decide that our support was uncertain.

We must remember that Greece and Turkey are located geographically more to the east. They are a long, long way from us.

I mentioned the Czechoslovakian invasion. I do not travel much or leave Washington much; but when that invasion occurred, through a sense of duty, I went to Western Europe, to get the feeling of what was going on there, and went up to the Czechoslovakian border where I saw the invading military units of Soviet Russia who had taken over Czechoslovakia. I got a feeling of the way the people of Greece and Turkey feel about this thing that happened so near their own doorsteps. I came away with a deeper understanding of the problems there, and of the value of the NATO Alliance to the security of Western Europe. I had a much better understanding of the situation than I had before I went there.

I know I do not need to remind the Members of this body that the Mediterranean, particularly the eastern Mediterranean, is NATO's vital southern flank. A weak alliance, supported by only skeletal U.S. forces, would not be able to establish the presence the United States needs to assure a peaceful settlement to the conflict in the Middle East. I do not mean to say that the fate of Israel is immediately endangered by the withdrawal of U.S. forces from NATO, but it is certainly more easily brought into question—far more easily. The friendly and moderate Arab states in the Near East as well as Greece and Turkey are not likely to fail to notice a massive American withdrawal from Europe. The message to them would be clear: The United States is returning to fortress America, and with a speed approaching panic. This would be an erroneous conclusion on their part, but one they could well make.

I do not think we are rushing to isolationism or back to Fortress America. I do not favor such a move. However, that is the way it would look to the others. I might add, Mr. President, that one of the worst things about this amendment and one of the dangerous things about it is the speed it would require in withdrawal. Also, the fact it would be forced upon the President by the Congress, would tell our potential enemies everywhere that the President of the United States has lost effective control of American foreign policy.

I am not including in that the power to declare war or anything like that. That is withheld by the Constitution. Everyone is supposed to know that. However, we do not always practice it. I hope that we are going to reconsider that process now. However, on the matter of far-reaching policy, like carrying out the solemn treaty that we are already members of, we have to give the President a great deal of discretion. As I will say later here, I think we ought to continue to consider this matter of some reasonable withdrawal. It would have to be slow at first and small in amount at first. However, by all means, it should be after proper negotiations and proper long-range notice.

After all, we may not think these other members are equal partners entitled to equal consideration. But they think they are. They are parties to a pact, and they are sovereign nations. They have their own government and their chiefs of state and their legislative bodies.

The way it looks to them is that until we have at least gone through the channels of diplomatic considerations and attempted understandings and negotiations, or whatever term might be used, any withdrawal of this proportion and in such a short period of time would be a running out on our agreement.

These agreements ought to be reconsidered from time to time and negotiations about them carried on. That is something I favor. I would like to see the others reconsidered and renegotiated. However, I think this, with due deference, is the wrong way to start on the alliance we have that has been so highly successful.

I do not mean to imply by these words that I would be opposed to all reductions in our European force levels. If these were carried out in a reasonable and gradual fashion after negotiations—and, I want to emphasize, after negotiations—if they were matched by increases in our Allies' forces, and if they were executed in a spirit of cooperation, I think such reductions would be reasonable. U.S. forces should remain in Europe for the foreseeable future, I believe, and should remain there in numbers greater than those required for a nuclear tripwire, but I do believe some reductions, from time to time, would be possible.

It should only be done however after thorough study and consultation with our Allies and after reasonable attempts at cooperation between the President and the Congress.

This is an area, Mr. President, in which the vital interests of the United States are so directly affected that we dare not act irresponsibly. We must assume that any amendment we pass is likely to become law. And we must ask ourselves, very honestly, whether we wish to project for our country an image of recklessness and weakness.

Mr. President, I have been concerned since this debate started about the lack of comprehensive and in-depth hearings with the testimony before us, with the benefits of analyses by our colleagues, sustained by the able staffs that would put these questions of fact in depth before us and pose the proper questions of policy with clarity.

One of the most important reasons why we should not vote as radical and rapid a cut as that included in the amendment proposed by the distinguished majority leader is that there has been no thorough study of this issue in the Senate for many years. I realize that many Senators are under the impression that this issue has been thoroughly studied. I submit that this is not true. A good deal of discussion in one form or another has taken place here on the floor, but the Senate committee system involving hearings and reported legislation has not functioned in this matter. In fact, Mr. President, it is startling but true, that no legislation—resolution or otherwise—has been reported out of the appropriate committee, the Foreign Relations Committee, on this matter in many years.

That is a very able and a very prominent committee. They have a lot of energy and are well versed in our foreign relations and in all jurisdictions assigned to them under our Senate rules. I have the highest regard for the membership and the recommendations they make. But we are lacking this element of their recommendation in our debate. Although we have the recommendations of a number of their fine membership, we are lacking this element in the report, as I have said.

I am not referring to an individual. The only reasonable conclusion I can draw is that that fine committee has not been unified in making recommendations. They are just divided in their conclusions regarding this matter. We still have not found as yet a hard, concrete recommendation that they feel like making.

In 1966 when the distinguished majority leader first introduced his resolution hearings were held and they were held again in 1967. But before the report could be written, while many Senators were considering a precipitate withdrawal, an event intervened of which I believe this Chamber should be reminded.

I do not believe any of us will forget the effect which the Soviet invasion of Czechoslovakia had. In some ways this invasion was quite high even upon the Soviet Union's own scale of cynicism in international affairs.

The Czechs and the government of Aleksander Dubcek were not the enemies of the Soviet Union. We can expect and should certainly anticipate that the Soviets will be cynical in their dealings with us. We are doctrinally their enemies. But the invasion of Czechoslovakia was the suppression of a government friendly to the Soviet Union whose only crime was to permit some freedom in arts and in speech. It cut quite short a great deal of speculation about detente and a great deal of wishful thinking about European affairs. Many began to see what Europe could be like if the Soviets were free to work their will upon it.

Following that invasion, as Senator JACKSON stated in his speech here on May 13:

> There was some sudden back-pedaling.

The report that was being written stated, when it came out in October:

> The time is obviously not propitious for a substantial reduction in U.S. forces in Europe.

Mr. President, I submit that the world is not a more relaxed place in 1971 than it was in 1968. Quite the contrary. The Soviet Union has vastly increased its strategic nuclear forces to the point that it stands nearly at parity with the United States. The Near East, on NATO's southern flank, is in danger of erupting into war at almost any time. The Soviet navy has vastly expanded in size and Soviet submarines patrol off our shores. The Soviet divisions are still bivouacked outside Czech cities and villages. Mr. President, there is no less reason to suppose that the United States must stand firmly together with Europe. On the contrary, there is more.

Last fall, Mr. President, the general issue of U.S. commitments was investigated and studied quite ably by the Foreign Relations Subcommittee on Security Agreements and Commitments Abroad. But I do not believe by any stretch of the imagination it can be said that the Senate as a whole is adequately prepared to deal with this issue. As I said before, no legislation of any kind has been reported out of the Foreign Relations Committee on this subject. No carefully drafted language has been scrutinized by the committee members sitting together after having reviewed the hearings on this subject. The lack of information is illustrated by the nature of the report of the Foreign Relations Subcommittee dated December 21, 1970.

The distinguished majority leader, when introducing his resolution, remarked that there were hearings in 1969 and 1970, that a report was issued, and that the membership of that combined subcommittee investigating the NATO troop issue, was made up of Senators from the Senate Armed Services Committee and the Senate Foreign Relations Committee. I know that was the information then before the majority leader, but let us get the record straight on this point.

The joint hearings referred to by the distinguished majority leader were not last year, but were rather in 1966 and 1967. They were the hearings to which I have referred earlier which were completed before the invasion of Czechoslovakia. The later hearings, referred to by the distinguished majority leader, dealt with a much wider range of issues and were conducted by a Foreign Relations subcommittee alone.

But, Mr. President, the issue is not really whether a report was issued and what Senators served on the subcommittee. The issue is rather whether or not this extremely important subject has been dealt with with the care it deserves. The report referred to by the distinguished majority leader was a report dealing not with NATO, but with a much vaster subject: the entire range of our security agreements and commitments abroad.

The issue of NATO is well-discussed. I do not mean to disparage this report at all. But the issue of NATO—all of NATO—is covered in less than a page and a half. This 28-page report covers our commitments to: the Philippines, Laos, Thailand, Taiwan, Japan, Okinawa, Korea, Ethiopia, and Spain, as well as NATO. It also deals with tactical nuclear weapons and intelligence.

This is a fine, concise report. But one and one-half pages—just under one and one-half pages—do not constitute the full review we need to decide about an entirely new foreign policy for the United States in the 1970's. Of course not, Mr. President. I speak with great deference to everyone connected with this problem. There were one and one-half pages, and they referred to certain divisions and airpower, as I recall, and there was not a discussion of the fundamental issue. That is just not enough for the Senate to have before it for study and perusal before we make a fundamental decision here on a rollcall vote that absolutely sweeps off the surface one-half of the Armed Force we have in all of Western Europe in support of NATO; and if it is applied across the board, one-half of those that are in the Mediterranean Sea area committed to NATO.

Mr. President, we simply cannot make decisions on an issue as fundamentally important as this—a major shift in our foreign policy—without a full and complete study using the most up-to-date information.

We cannot do it without notice, without negotiation, and without recognition of our Allies in this pact. They are sovereign nations. They have their own chief executives and they have their own legislative branches and we cannot ignore them. They asked us to come into this pact and we asked them to come in. We were very anxious that they would come in.

I will speak later on the drastic effect which cuts of this size would have upon NATO Alliance's capability to maintain an effective conventional deterrent against the Soviet Union. If a reduction is to be made it should be made gradually, accompanied by careful planning, and with full assurance that any U.S. unit which is removed can be effectively replaced by a European unit. It is absolutely impossible, Mr. President, to achieve this assurance with no hearings, no report, no reported legislation, and a bare 6 months of time to restructure an entire alliance.

Mr. President, I wish to say just a few words about what has transpired here since the amendment was filed. There has been no amendment to any bill of which I have been the floor manager that has drawn such interest, concern, and study as this amendment. The Committee on Armed Services has had numerous calls and requests from Senators and I have had numerous calls and requests from Senators, wanting to know what the facts are, and to get the actual figures and an analysis of what the issues are in this amendment and the implications and the consequences that would result from its enactment. I find this very deep concern has continued from day to day.

I find that when a great many of these Senators who are not members of the two committees get more and more of the facts, there is more and more sentiment among them not to support the amendment, even though on the surface it has appeal. So I am very proud to see the membership respond in the way that it has.

I predict now that we are going to have some interesting developments in the debate. More and more Senators will come on the floor and express their concern about the situation. I say that in a very humble way. I just know this concern is in existence, and that some of it is going to be expressed. I believe now a great deal of the concern will be reflected in the final vote.

I have already paid my respects to the Foreign Relations Committee, making it clear that my reference to them and their lack of report here was no criticism of them, but represented my regard for them and the ability of the membership.

I refer now to a statement made here on the floor by a member of the Foreign Relations Committee, the Senator from Kentucky (Mr. COOPER). We have had the benefit of some fine speeches, but I feel that, in his splendid way, he set forth with great clarity and emphasis the real issues here, the implications and the consequences, not only in the military field but in the diplomatic field, and the consequences to our foreign policy and our relations with other countries throughout all of Western Europe and also the Middle East. I refer to his speech as the pivotal guide for any Senator who has a continuing interest in this matter.

The Senator from Washington (Mr. JACKSON), a member of the Armed Services Committee, made a very fine analysis yesterday in his speech on the same subject. I recommend to the membership that they look at the contents of his analysis, which I think they will find very worthwhile in this field.

I do not know that there will be any further debate here today, but before we get to a vote on this matter Wednesday, I know there will be further debate from each side, and I believe it will be very wholesome debate and very enlightening.

I hope, in the final analysis, this amendment will be voted down, but that interest in this debate will not abate; that we can have the proper kind of hearings and development of the facts and get a firm recommendation from the Foreign Relations Committee; and that in the course of time this matter will come up again for such consideration as the congressional branch of the Government may wish to give to it.

I have never made any promises or anything else to the executive branch about this matter, or any other matter, that restricts me in any way in debate. It is entirely an open question to me, as well as to others; but I am convinced, beyond all reasonable doubt, that in this case whatever should be done in diminution of our troops there should not be done to this extent. It should not be done without notice and negotiations with our allies on a diplomatic level of equality, and that whatever withdrawal of troops, if any, is decided on, it should not be abrupt, but should be after reasonable notice, and start at a low enough rate so that there could be a replacement of quality troops.

I warn now of the consequences of just jerking out of the line half of the troops we have over there over a 6-month period. Understand that under the agreements we have made, each of the major allies is assigned a sector on the eastern front, a sector that each is primarily responsible for. If our troops are abruptly withdrawn—and a period of 6 months would represent an abrupt withdrawal under circumstances like these—there would be no time for others to adequately take their place.

If they started preparing for those replacements today, there just would not be a time. They would have to start leaving long before December 31 of this year. According to the amendment, that would be the last day. They could not spend any more money after that date, according to the terms of the amendment. It means they would all have to be gone. This is precipitate action.

We have no real idea of what would happen toward filling the space we would leave vacant there. I would not be in favor of leaving the second one-half there if they were spread out so thin that they would not have a proper chance to protect themselves.

I speak with great deference here. I believe that some of our anxiety over this subject is a reflection of what is going on in Vietnam. There is no direct connection whatsoever between the two. Whatever is to our dislike in Vietnam is not related to the situation in Europe.

I think our second thoughts—and I am a great believer in the second thoughts of the membership of this body—and our second analyses will require us to withhold support of the amendment until a further look can be had.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished Senator from Mississippi (Mr. STENNIS) has just said. I did not have the opportunity to listen to his entire speech, but I have read a part of his prepared remarks. I want to thank him for the courtesy he has shown in correcting the RECORD, and I would like to see the RECORD corrected. I was in error concerning the years during which the combined Committees on Foreign Relations and Armed Services met, and now the RECORD is straight.

If I may make a further comment, I would say that it is interesting to note the enthusiasm which has suddenly been kindled for the negotiation of mutual troop reductions between the Warsaw Pact and the NATO countries. On January 2, 1961—over 10 years ago—I made a similar proposal which was cold-shouldered by the preceding Democratic administration. If the Senate will permit, I will read that brief statement in full at this point.

> At the present time—

And note, this is January 2, 1961, not 1971—

> At the present time we have five divisions in Western Europe. Arrayed against these limited forces are over 25 Russian divisions, deployed largely in East Germany, but also in Poland and Hungary. While it is true that the Western European nations, particularly West Germany, have available additional men under arms in Western Europe, their numbers are probably offset by the forces in the Eastern European satellites. The numerical imbalance as between the Russian forces and our own committed in Europe is overwhelmingly weighted on the side of the Soviet Union. From this it is clear that the U.S. divisions in Europe, as such, have lost real meaning in terms of the shield concept of NATO.
>
> Protestations to the contrary, their significant meaning is a symbol of our commitment to join in the defense of Western Europe with all our strength and all our weapons if that area is invaded. A symbol of this kind would be no less a symbol if the U.S. commitment were to consist of two or three divisions rather than five. One would hope, therefore, that it would be possible to offer to reduce our total commitments of forces in Europe by two or three divisions in turn for a Russian willingness to cut their forces in Hungary, Poland and Germany by a roughly proportionate number—say somewhere in excess of ten.
>
> That would be an important step towards easing tensions in Europe. It also would permit the Russians to reduce their armaments expenditures—which they are apparently anxious to do. It would permit us to save a substantial amount of dollars in gold, which we are now draining out of the country, in no small part because of the numbers of troops with dependents and supporting structure which we maintain in Europe. At the same time the removal of two or three divisions with all of its dependents might make it possible to ease up on the financial pressure and, hence, to permit the dependents of those men who would remain in Europe to stay with them.
>
> Finally, if the Europeans felt their security weakened by a withdrawal of the American forces, they are in a financial position now to strengthen their own military forces, and could do so.
>
> In short, an initiative in this situation seeking to bring about a concurrent reduction of both Russian and U.S. forces in Europe would be a rational step towards normalcy in Europe and peace. It would be a step benefiting all the nations involved and reflecting the improved stability, financially and otherwise of Western Europe. These possibilities should be explored diplomatically on their own merit as a part of—but a distinct part of the over-all major questions of security in all Europe and disarmament.

That statement, I repeat, Mr. President, was made on January 2, 1961, more than 10 years ago—more than a decade ago—if there is any suddenness in the proposals which I have made down through the years, that suddenness is news to me.

It is 10 years later and I may be forgiven, I hope, if I am less than sanguine about this sudden enthusiasm for negotiations. A timelag of a decade seems to me a somewhat prolonged delay in getting to them.

Nevertheless, I was interested in Brezhnev's proposal today. He suggested, as I understand it from the reports, that negotiations get underway between the United States and the Soviet Union. I am delighted that the response of the President has been in the affirmative. He is to be commended for whatever part he may have played in bringing about this stirring of diplomacy. Indeed, if the proposed amendment acted even as a partial precipitant, that is all to the good.

May I say, however, that the Brezhnev proposal does not in any way affect the rationale of the issue which is now before the Senate. In my judgment, a reduction in U.S. forces in Western Europe by 50 percent is in the interest of this Nation with or without negotiations. What is involved in this proposal is a cut where a cut can be made. It is a cut in the excess and a discard of the obsolescent in the U.S. deployment in Europe. It is a long-past-due adjustment, not in the Western alliance, not in the NATO Treaty, but in its one-sided machinery. The prolonged putoff of this adjustment has resulted in a debilitating drain on the resources of this Nation and this Nation alone. The run has not been on the mark; it has been on the dollar. Lest we lose sight of that reality in an enthusiasm for negotiated mutual reductions with the Soviet Union, I would also remind the Senate that the run has not been on the ruble. It has been on the dollar.

The President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I want to add, very briefly, to the fine comments made by the majority leader with respect to his statement of a decade ago.

Just to bring it into perspective, the point he raises is that what we had in Europe in 1960 was a token shield, and the fact is that that situation exists today.

I shall read from the report that was placed in the RECORD on May 11 by the majority leader, and I want to bring these facts before the Senate at this time so that the comparison is properly made.

In East Germany alone, the Soviet Union has 300,000 troops deployed. They have 20 armored and motorized divisions. In Czechoslovakia, Poland, and Hungary, the Soviet Union has a total of 500,000 troops. That makes 800,000 troops in those four countries

SHAPE, our headquarters, estimates that, in addition, the Warsaw Pact has three times as many divisions as we have in NATO. So the Warsaw Pact alone outnumbers NATO 3 to 1, and the Soviet Union, in the East European countries of East Germany, Czechoslovakia, Hungary, and Poland, has 800,000 troops.

So, by any stretch of the imagination, ours is not a defense force that could hold off an invading enemy of that size for any length of time.

As in 1960—now, in 1971—all we have there is a shield which is a token shield.

I want to draw an interesting parallel to the operations of the Mongol kings at the time of Genghis Khan. In order to maintain peace between tribes, they require that the chief of the other tribe leave in ransom his son or daughter, preferably the son—and preferably the oldest son—in the other tribe. Obviously, if one tribe were much stronger than the other, they could require more than just one son. They could require three or four sons, if the chieftan had that many, and perhaps a few of his wives. If they were really powerful, they could require to hold in ransom his entire family—brothers and sisters and what have you.

What we have today in Europe is the same thing. We have placed American forces in Europe as a guarantee there, in a state to be ransomed by the continuity of peace. It would seem foolish on our part if we would not recognize our interests and try to keep low the numbers of people who would be part of that ransom, part of that guarantee. In fact, we can think of the incident involving the capture of the *Pueblo*. There was a great deal of talk about our going to war because 94 Americans, I believe, were captured.

We have 530,000 Americans in Europe. How ridiculous it is to hold so many people in ransom when the same principle could prevail with 100,000, with 150,000.

So, as it was in the interest of Mongol chieftains to keep the numbers low for family reasons, reasons of personal affection, it should be in our interest, our economic interst, also to keep the force in Europe low—one, because of the cost of maintaining it and, two, because there is no need for a great force.

In fact, from a tactical point of view, if there were a ground invasion and not a nuclear attack, we would be much better off by having that force secure here, in the continental limits of the United States, ready to strike back, rather than having them held over by the Soviet contingent of 800,000 troops alone, not to speak of the 3 to 1 ratio of the Warsaw Pact nations to NATO. So I think there is abundant tactical reason to cut down the force level in Europe, and of course there is the logical reason that has come down through history.

If we must maintain peace in Europe with a ransom guarantee, let us at least have the intelligence and the wisdom to keep that ransom figure as low as possible so that it does not operate as a strenuous economic burden against us.

Obviously, the number of people we have in ransom security in Europe today is not such a low figure. It was not such a low figure back in 1960; and this, of course, is the reason why we now have, as was predicted 10 years ago by the majority leader, a financial crisis, a financial hardship on this Nation.

I again compliment the majority leader for his skill in putting down the shrill criticism that has taken place since he proposed his amendment. I applaud his method of doing it, especially in calling up the statement he made over 10 years ago, a statement which has total germaneness today.

Let me say to the distinguished majority leader that he need not change one word of it. Only the date need be changed, from January 2, 1961, and say January 2, 1971. It will be equally valid.

Mr. President, I yield the floor.

(Mr. BENTSEN assumed the chair as Presiding Officer.)

Mr. BYRD of Virginia. Mr. President, during the current debate on extension of the draft, there have been many references to the national security needs of the United States.

A few days ago it came to my attention that an important report bearing on this subject has been made by seven members of the Blue Ribbon Defense Panel which submitted its report to President Nixon in July 1970.

The latest report is in the form of a supplemental statement, which lays stress upon the threats which the United States faces in the military sphere.

The supplemental statement was completed last September, but was not released by the Department until March 12, 1971. It has not been widely publicized.

The authors of the supplemental report form a distinguished group with a deep interest in national security. The seven authors are:

William Blackie, chairman of the board, Caterpillar Tractor Co., Peoria, Ill.

George Champion, president, Economic Development Board of New York, N.Y.

William P. Clements, Jr., president, Southeastern Drilling, Inc., Dallas, Tex.

John M. Fluke, president, John Fluke Manufacturing Co., Inc., Seattle, Wash.

Hobart D. Lewis, president, Reader's Digest Association, Inc., Pleasantville, N.Y.

Adm. Wilfred J. McNeil, director and adviser, Fairchild-Hiller Corp., New York, N.Y.

Lewis F. Powell, Jr., lawyer, Richmond, Va.

In the interest of bringing before the Senate and the public this significant statement, I ask unanimous consent that the text of the report, "Supplemental Statement to Report of Blue Ribbon Defense Panel," dated September 30, 1970, be included in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE SHIFTING BALANCE OF MILITARY POWER

(Supplemental statement to report of Blue Ribbon Defense Panel, submitted to the President and the Secretary of Defense, September 30, 1970)

The Blue Ribbon Defense Panel, appointed by the President in July 1969, submitted its Report on July 1, 1970. At that time, members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's Report.

This Supplemental Statement dated September 30, 1970, and signed by the seven members of the Panel listed below, was not released by the Defense Department until March 12, 1971. It is not known why release of the Statement was delayed so long.

The central thrust of this Statement is as relevant and significant today as it was on September 30. It identifies and discusses trends which, if continued, will result in the United States becoming a second-rate power incapable of assuring the future security and freedom of its people.

The Panel members who joined in the Supplemental Statement are as follows:

William Blackie, Chairman of the Board, Caterpillar Tractor Company, Peoria, Illinois.

George Champion, President, Economic Development Board of New York, New York, New York.

William P. Clements, Jr., President, Southeastern Drilling, Inc., Dallas, Texas.

John M. Fluke, President, John Fluke Mfg. Co., Inc., Seattle, Washington.

Hobart D. Lewis, President, Reader's Digest Assn. Inc., Pleasantville, New York.

Admiral Wilfred J. McNeil, Director and Advisor, Fairchild-Hiller Corp., New York, New York.

Lewis F. Powell, Jr., Lawyer, Richmond, Virginia.

PREFACE

The Blue Ribbon Defense Panel, appointed by the President and the Secretary of Defense in July 1969, submitted its Report on July 1, 1970. Members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's Report. This is submitted, pursuant to that reservation, by the Panel members named below.

The statement which follows deals with the balance of strategic military power at a time when the convergence of a number of trends indicates a shifting of this balance against the United States. In the course of the Panel's study during the past year, it became increasingly clear to the undersigned that if these observable trends continue the United States will become a second-rate power incapable of assuring the future security and freedom of its people.

The President and the Secretary of Defense are fully aware of the trends which cause deep concern, and have brought these to the attention of the Congress and the public in formal reports and addresses. Yet much of the public remains uninformed and apathetic. This supplemental statement is submitted with the hope that it will contribute to public discussion and in the end to the informed public understanding which is essential in a democracy.

Now a word about the scope of this statement: It does not purport to be an exhaustive assessment of the comparative military capabilities of the U.S. and the Communist superpowers, as this can best be done by intelligence experts. Nor does it address directly the specific defense and foreign policy issues which must be resolved by the Administration and the Congress. Rather, the statement deals generally with the disquieting trends which affect adversely the strategic posture and influence of this country with the continuing buildup of Soviet and Red Chinese nuclear capabilities, including an apparent Soviet preemptive strike capability; with the vital issue of technological supremacy; and with attitudes on the domestic front which tend to inhibit the needed public debate and thoughtful reexamination of defense policies and priorities.

It is hoped that this statement will help stimulate this debate and reexamination, with a resulting wider public understanding that the balance of military power is shifting against the United States, and that the first duty of the national government is to "provide for the common defense" of our country (*Preamble to U.S. Constitution).

SUMMARY

The principal points in the accompanying Statement may be summarized as follows:*

The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union.** These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

A Second-Rate Power. If these observable trends continue the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

A Soviet World Order. Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives.

The End of U.S. Superiority. In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age. The U.S. retains, for the time being, a substantial edge in the smaller, short-range SLBM's launched from Polaris submarines. Yet, the Soviet Union has a major submarine construction program which by 1973–74 could nullify this advantage. The U.S. subsonic B-52 bomber force still out numbers the Soviet strategic bombers by a three to one margin, but both nations recognize the relatively obsolete character of this weapons system.

There are, of course, other elements in the equation of strategic military power. In some of these—such as MIRV and Poseidon—the U.S. is ahead of the Soviet Union. In others—such as strategic defense against missiles (ABM's) and against bomber attack—the Soviets are significantly ahead.

But however one may view the balancing, no informed person now denies that the period of clear U.S. superiority has ended.

Footnotes at end of article.

The Soviet SS-9—ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's.

A Soviet First-Strike Capability. Our planners in the 60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability. This evidence includes: (i) the continued Soviet production and deployment of ICBM's *after* having attained a clear numerical and megatonnage advantage (ii) the emphasis on SS-9's designed as counter-force weapons capable of destroying U.S. hardened missile silos; (iii) the development of MRV with warheads also designed as counter-force weapons, and of MIRV by 1971–72; (iv) the development of a fractional orbital missile which significantly minimizes warning time; (v) the construction of a Y-class atomic powered submarine SLBM launching fleet capable, with no effective warning, of destroying our national command centers and much of our B-52 bomber force; and (vi) the continued Soviet emphasis on strategic defense systems against both missiles and bombers—an emphasis without parallel in this country.

The characteristics of these offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capability. Such a weapon mix and volume are not required for effective retaliation.

A Challenging Soviet Navy. The Soviet navy, modern and rapidly expanding, is now challenging U.S. naval superiority in every category except aircraft carriers. This Soviet naval buildup is a major element in the shifting balance of military power.

Retreat from the Threat of the 70's. The situation which our country faces is without precedent. As we enter the 70's, the strategy of American superiority has given way to the concept of deterrence by maintaining an assured retaliatory capability. But there is no longer any certainty that our nuclear deterrent will remain credible to a Soviet Union which apparently seeks a preemptive strike capability, and which is moving rapidly into the role of the world's dominant military power. Red China, bitterly hostile to the U.S., also is acquiring a significant ICBM capability. It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

Cutback in Defense Spending. Although the President has submitted for FY 1971 a "bare bones" defense budget, reflecting the largest single cutback since the Korean War, public and political pressures are mounting for even more drastic reductions. As the U.S. defense spending goes down, the trend of spending by the Soviet Union continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product is barely half that of this country. The mix of Soviet spending is especially meaningful. Without the drain of a Vietnam War or public pressures to curtail defense funding, the Soviet expenditures in dollar equivalents on strategic offensive and defensive weapons significantly exceed those of the U.S.

Threat to Technological Superiority. U.S. qualitative superiority in weapons, due to its advanced technology, has afforded a decisive advantage over the past years. This advantage is now being eroded away, as the U.S. falls behind the Soviet Union in the support of R&D and in the training of scientists and engineers. There is an ever present risk of diastrous technological surprise in major weaponry where an open society is in competition with a closed Communist society. We are neglecting, by inadequate support and planning, to minimize this risk.

Negotiations—Trap or Opportunity? Since the end of World War II repeated attempts have been made by the U.S. to negotiate limitations on the "arms race." Negotiations for sound enforceable limitations should be continued and hopes are now high for the success of the current SALT talks. But the total experience of negotiating with Communist nations suggests the utmost caution and the need for the most critical analysis of the possible consequences of any proposed terms. Not only is the security of this country at stake, but it is possible that a limitations agreement as to strategic weapons could have the effect of neutralizing the U.S. as a strategic power, leaving the Soviet Union and Red China relatively free to employ their superior tactical capabilities wherever this seems advantageous.

Hostility Towards the Military. At this critical time, when the balance of military power is shifting, it is uniquely unfortunate that public hostility toward national defense and the military is at an unprecedented level. This attitude reflects a broad spectrum of opinion from honest pacifists and dissenters over Southeast Asia to New Leftist revolutionaries. But the base is sufficiently broad, and the voices supporting various aspects of it sufficiently powerful, to have a profoundly adverse effect upon almost every aspect of national defense. In a democracy, national defense suffers when there is inadequate public understanding and support. It may be fatally undermined when a significant segment of public opinion is not merely negative but irresponsibly hostile.

A Viable National Strategy. Unless the American people wish to accept irrevocably the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The Consequences of Second-Rate Status. Basic Communist dogma contemplates the employment—over such time spans as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis upon crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World.

It is irrational to think, with the balance of military power shifting in its favor, that the policies of the Soviet Union will be less hostile, disruptive and imperialistic.

The consequences of being second rate, even if national survival is not threatened, could be seriously detrimental to the most vital diplomatic and economic interests of this country.

Weakness—The Gravest Threat to Peace. The road to peace has never been through appeasement, unilateral disarmament or negotiations from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world.

THE SHIFTING BALANCE OF MILITARY POWER

The Blue Ribbon Defense Panel's assigned mission, though broadly defined, was related primarily to the organization and functioning of the Department of Defense and the Armed Services. The Panel was not requested to consider matters of national policy such as strategic posture, force levels, weapons systems and defense spending.

But one cannot spend a year studying the defense structure of this country without considering the vital questions of national defense policy. In the course of this study, it became increasingly clear that the balance of strategic military power is continuing to shift against the U.S.

In his Foreign Policy Report, President Nixon said:

"The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as a Soviet conventional attack on Europe."[1]

If observable trends continue—in this country and abroad—there is grave doubt whether this purpose can be attained for the 1970's and beyond. The warning by Secretary Laird that the U.S. could be "in a second-rate strategic position . . . by the mid-1970's" appears to be fully justified.[2] Indeed, if these trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people.

TRENDS WHICH ENDANGER U.S. SECURITY

The trends which are combining to shift the strategic balance of power in favor of the Soviet Union include:

1. The Soviet deployment of types and numbers of offensive and defensive nuclear strategic weapons which threaten the security of this country.

2. The Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons and weapons systems.

3. The Soviet commitment of greater manpower and resources than the U.S. to military-related research and development (R&D), thus threatening to end U.S. technological superiority.

4. The evidence that the Soviet Union seeks a preemptive first-strike capability.

5. The Soviet deployment of a fleet capable of challenging the U.S. fleet.

6. The abandonment by the U.S. of its former policy of maintaining strategic superiority.

7. The state of mind of much of the U.S. public which tends to inhibit necessary defense measures and even the full and rational discussion of the need for such measures.

8. The tendency of many to attack and criticize, whether justified or not, the military, the defense establishment, and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken—at a critical time in history—the only forces which provide security for the U.S. and the free world.

It is appreciated, of course, that opinions differ as to the extent and significance of these trends. Some will think these views do not appropriately weigh such counter trends as may exist. But national defense policies in the nuclear age should be formulated conservatively, based on the most real-

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Footnotes at end of article.

istic assessment of potential enemy capabilities.[3] It is imprudent, indeed even reckless, to formulate such policies on the basis of subjective judgments as to Soviet and Red Chinese intentions rather than their known military and technological capabilities.[4]

Where the issues are the security of our country, the preservation of the values of a free society, and possibly the life or death of tens of millions of our people, responsible government cannot afford to run the risk of miscalculation on the optimistic side. The lessons of history abundantly teach that nations do not survive by trusting other nations to be rational or by setting examples of unilateral restraint in self defense.

THE GENERAL WORLD POSTURE

Genuine peace, the professed goal of all mankind, is as remote today as at any time since World War II.

The Asian Continent

On the Asian continent, the war in Southeast Asia drags on. Communist aggression continues in South Vietnam and Laos, and now threatens the national existence of Cambodia. With Red China building a military road across northern Laos directed toward Thailand, apprehension mounts in that ancient kingdom.

North Korea, reckless and arrogant, attacked an American ship and plane with impunity and constitutes a threat so serious that some 60,000 American troops remain in South Korea 17 years after the tenuous armistice there.[5]

Despite internal convulsions, Red China maintains the world's largest ground forces and is acquiring a significant nuclear capability. Its despotic regime harbors and promotes the most virulent hatred of America.[6] Its ambitions within Asia—beyond Taiwan—remain obscure, although already it has conquered Tibet, conducted border incursions against India, and indicated a continuing covetousness toward Southeast Asia.

Some think the greatest threat to peace in Asia lies along the Soviet-Chinese border where ancient hostilities have been exacerbated. However this may be, Asia is a continent of discord and unrest with military strength mounting in the four Communist powers. There is no peace or prospect of it.

The Middle East

The situation in the Middle East, in terms of possible escalation into major confrontation, appears to be even more serious. A state of undeclared but active war existed between Israel and its Arab neighbors until the August 1970 cease fire. Although the Arab states have an implacable hatred of Israel they are incapable of waging modern war without the weapons, technicians and economic support provided by the Soviet Union.

The strategic significance of the Middle East is profound. The petroleum resources there are vital to the economic well being of much of the Free World. Effective control of these resources—at least to the extent of being able to deny them to the Free World—is an obvious Soviet strategic objective. Perhaps a less obvious objective is the reopening and control of the Suez Canal. This waterway, as important to the Soviet Union as the Panama Canal has been to the U.S., would provide the cheapest and most effective transportation route between the Soviet heartland in Europe and the Soviet far east. The critical importance of this sea link is evident in relation to a possible U.S.S.R. confrontation with Red China.[7] These strategic considerations explain the willingness of the Soviet Union to incur the gravest risks of escalation. In addition to building up United Arab Republic and Syrian capabilities, the Soviet Union has deployed in the UAR some 100 Mig 21–J's and a substantial number of SAM–3 sites, all operated by Soviet personnel.[8]

The cease-fire plan appeared initially to afford an opportunity for negotiations. But this hope was dashed, perhaps irretrievably, by Soviet and UAR duplicity in deploying SAM's within the agreed truce zones.[9]

In view of Israeli-Arab hostility and Soviet ambitions in the Middle East, including its desire to out-flank NATO in the Mediterranean, there is no prospect of genuine peace in this explosive area.

Western Europe

The situation in Western Europe, the area of our most vital interest, remains relatively precarious beneath the superficial aura of peace. The Berlin Wall and the Iron Curtain still stand. NATO forces, including some 300,000 Americans, are confronted by a larger and better equipped Soviet force. This cold-war type confrontation, without precedent in history in terms of duration and scale, has lasted more than two decades with no end foreseeable.[10] One has to visit Allied bases in West Germany to comprehend even dimly the tenseness and tragedy of hundreds of thousands of armed men facing each other night and day, with air crews alert, ground units in position, command posts staffed, and the flight of every aircraft monitored.

Berlin, that indefensible symbol of freedom which we nevertheless are committed to defend, remains supported by Communist forces which periodically block or harass access routes by land and air. Berlin has assumed crisis proportions a number of times in the past. No one can be sure that the future will be different.

Other areas

The foregoing are the more visible and active danger areas in a troubled world, but ruptures of peace could come anywhere. A war was concluded in Africa earlier this year with heavy loss of life and infinite human suffering. There are few stable governments in either Africa or South America, where plots and revolutions are terroristic activities are commonplace. Cuba, now an armed and erratic Communist power, is a major base for subversion, the export of revolution, and possibly for Soviet naval operations.

Communist have common objective

It is true that the solidarity of the international Communist movement has been fractured. The friendship between the Soviet Union and Red China has dissolved. Even the boasted unity of the Warsaw Pact members depends nakedly upon the military might of the Soviet Union and is openly avowed "right" to employ this might against any recalcitrant member.[11]

But this disunity among Communist powers does not necessarily enhance the chances of peace for the Free World. The hate propaganda of both the Soviet Union and Red China against the United States exceeds that leveled against each other. Each has always proclaimed that the principal enemy is "imperialistic America." The Marxist dream of unity among Communist countries may have faded, but the Marxist purpose of communizing the world remains the goal of every Communist party.

This, in briefest summary, is the disordered state of the world at the beginning of the 1970's. Rational persons, familiar with the lessons of history, would hardly choose this time to undermine our own military forces either by irresponsible criticism or unilateral reductions in defense capabilities.

World order maintained by U.S.

Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic military strength. But for this strength and our will to assert it to preserve freedom, few doubt that the Soviet Union would have imposed Communist regimes on a number of other countries. It had the ambition to subjugate Greece and much of Western Europe just as it did the Eastern European satellites. But for American military strength there also would have been Communist incursions and aggressions—beyond those we have experienced—in Asia, Africa and even in this hemisphere.[12]

This world order which we have attempted to preserve has been precarious and far from effective in many instances. But at least the principal objectives have been attained. The freedom and independence of Western Europe and the opportunity of the countries there to restructure themselves economically were assured. Many nations around the world, including the emerging new nations in Africa, were encouraged to pursue courses of nonalignment. The prospect of worldwide Communist domination—a likely one in the absence of American deterrence—was not a realizable goal. But most important of all, a fragile peace was preserved between the great powers and there was no employment of nuclear weapons.

A new era—Communist world order?

This American preserved world order is now disintegrating. We no longer have the power to preserve it. Nor do we appear to have the will, as a new neo-isolationist fever dims the perception of our people. The Communists everywhere applaud this end of an era, and even many in our country seem to welcome it.[13]

Whatever one's views on this point may be, the critical question now is what sort of world order will exist in the years ahead. There is every reason to believe that the Soviet Union envisions the new era as one which it will dominate, employing its military power and the threat of its use to promote and attain its own imperialistic objectives.

Second best in troubled world

Thus, as we enter the 1970's America is confronted with an inherently unstable world situation in which "little wars and revolutions" can escalate and major wars develop on short notice. We face a world in which the military balance of power is shifting from the West to the East, and the world order sustained by dominant American power is fading away. In the most optimistic view, a precarious order will continue as the two superpowers maintain an uncertain balance of deterrence. A less optimistic view, and one supported by the weight of the evidence, is that the United States will become a "second rate" power subordinate to manifest Soviet military superiority. In that case, the world order of the future will bear a Soviet trademark, with all peoples upon whom it is imprinted suffering Communist repressions.[14]

THE END OF U.S. MILITARY SUPERIORITY

The facts set forth in the Reports of the President and the Secretary of Defense, mentioned above, clearly foreshadow the end of U.S. military superiority.[15] This was predetermined by decisions made in the 1960's, which resulted in the reduction, postponement and abandonment of strategic defense measures and weapons systems. These decisions reflected the budgetary priorities of the Vietnamese war as well as a desire to deescalate the strategic arms race by an example of self-imposed restraint.

In any event, the U.S. is now face-to-face with the fruits of this unilateral strategic arms slowdown.

Soviet missile superiority

The Soviet Union has attained for the first time a superior strategic capability—where it counts the most—in ICBM's. The U.S. froze its ICBM's at 1,054 in the mid-60's when the Soviets had less than 250 ICBM's. While we imposed a limitation on additional strategic weapons, the Soviets pressed forward to overtake and pass us. Intelligence estimates indicate that they now have over 1,250 operational ICBM's, and will have about 1,300 by the end of 1970.[16]

More than 275 of the operational Soviet ICBM's are SS–9's, each capable of delivering 25 megatons as compared to the one megaton payload of the U.S. Minuteman missile.[17] The

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Footnotes at end of article.

major portion of the remainder of the Soviet ICBM's are SS–11's and SS–13's, each capable of a payload as large as that of Minuteman.[18]

More serious than the numerical superiority is the substantial megatonnage advantage enjoyed by the Soviet Union. The enormous payloads of the SS–9's have a destructive capacity incomparably greater than any U.S. missile; they have a wider margin of error; they are effective against hardened missile silos as well as population and industrial centers; and their launch vehicle is capable of far more extensive MIRV systems than any U.S. missile.

Although the U.S. has frozen the number of its ICBM's at 1,054, we have commenced to deploy Minuteman III with MIRV warheads. This is a significant qualitative advance in missile technology. The Soviets are believed already to have deployed MRV's in some SS–9's,[19] and they have recently tested what appears to be a MIRV system for the SS–11 missile, indicating an early capability comparable to Minuteman III.[20]

The qualitative lead of the U.S. in MIRV's and guidance systems may prove to be short lived in view of Soviet success and the scale of its efforts. The Soviet Union's advantage in numbers and megatonnage of missiles also seems certain to increase, as it continues to construct and deploy ICBM's at a rate that could result in a force more than double that of the U.S. by the Mid-70's.[21] At that level of superiority, the Soviet Union would have the capability of effectively destroying both the U.S. ICBM and bomber forces as well as our cities.[22]

Polaris—A vital but limited response

The U.S. is fortunate to have its Polaris force, consisting of 41 atomic powered submarines capable of launching a total of 656 missiles (SLBM's). As in the case of ICBM's, we froze the number of Polaris submarines in the mid-60's and no new ones are authorized.

We have commenced the conversion from Polaris to the Poseidon configuration, increasing the size and range of the SLBM warheads. The Defense Department projects the ultimate conversion of 31 submarines, although only eight have been authorized by the Congress.

The U.S. superiority in this category of strategic weapons is also being challenged. The Soviet Union is now engaged in a priority construction program for its Y-class atomic powered submarine which is superior in some respects to Polaris. Ten of these submarines are believed to be operational, each with 16 SLBM's, and the Soviet Union is producing as many as eight to ten new vessels per year in two shipyards. By 1974–75, if this program continues, the Soviet Union will have some 50 Y-class subs with a missile capability greater than our present Polaris force.

Y-class submarines are already patroling the U.S. coast. Their deployment constitutes an ever-present threat to the survivability of our national command headquarters, to most of our major cities, and increasingly to the bomber element of our deterrent.[23]

Balancing the two SLBM forces against each other is not meaningful without considering the relationship of other strategic weapons systems and their survivability following a preemptive strike. If, as indicated above, the Soviet ICBM force attains the capability of destroying or neutralizing our ICBM and bomber forces, the only remaining retaliatory strategic weapon system would be Polaris.

But is it prudent, by tolerating an increasing Soviet ICBM superiority together with a rapidly expanding SLBM capability, to risk the security of the U.S. on a single retaliatory system which we do not plan to enlarge (except qualitatively) and which has definite limitations? Of our 41 Polaris submarines, a significant number are always in port and nonoperational. This means that at any given time our Polaris "assured retaliation" is considerably less than the specified total capability. Soviet strategists may conclude, as their ABM system is extended and improved, that—following a massive preemptive first strike—the damage potential of our SLBM response would be an acceptable risk.

Moreover, there can be no assurance that the presently assumed invulnerability of Polaris will continue.[24] As the Senate Armed Services Committee has said: "We cannot assume that our Polaris system will be the first weapon in history to remain invulnerable."

STRATEGIC BOMBERS

The third element of the U.S. strategic force consists of about 550 B–52 bombers, as compared with some 200 Soviet strategic bombers. Although a vital weapons system for many years, the subsonic and obsolescing B–52's are approaching the end of their effectiveness as a major strategic system. Both the U.S. and the Soviet Union are gradually minimizing their reliance upon existing strategic balance of power for the 70's, one must discount the role and significance of these aircraft.[25]

The misleading "numbers game"

There is a pervasive public misunderstanding as to the comparative strategic capabilities of the U.S. and the Soviet Union. This may well result in major part from the widespread practice—among some of the media and among others who minimize the need for national defense measures—of treating nuclear warheads as if they were fungible. This has sometimes been referred to as the "numbers game," namely, the mere counting of warheads without analysis of megatonnage, range, accuracy, survivability and reliability of delivery.

The typical presentation of comparative strength simply totals "the number of warheads deliverable by the U.S. and Soviet strategic systems." An example, which made first-page news, was a tabulation taken from The Strategic Survey showing the U.S. capable of delivering 4,235 nuclear warheads as against only 1,880 by the Soviet Union.[26] The tabulation apparently added together all ICBM's, SLBM's and each warhead which U.S. and Soviet bombers are capable of carrying. Thus, a single bomb or one air-to-ground missile on a B–52 was equated with a Soviet 25-megaton ICBM.[27] This simplistic type of comparison creates the illusion of abundant security, if not U.S. over-kill capability.

It would be difficult to conceive of a better way to mislead the public than to present—without precise definition and analysis—comparative figures of this kind. Those who present such distortions contribute to the confusion rather than enlightenment of our people.

If one wished to make a dramatic comparison indicating precisely the opposite result, the basis could be deliverable megatonnage rather than numbers of warheads. The 300 Soviet SS–9's, expected to be operational by the end of this year, will be capable of delivering 7,500 megatons with a destructive capability several times greater than the total warhead capacity of our entire ICBM and SLBM forces. While such a comparison would be far more meaningful than the "numbers game," it also would be an oversimplified presentation of vastly complex relationships and components of strategic military power.

Other weapons systems

There are, of course, aircraft carriers and other tactical means (by fighter bomber aircraft and short-range missiles) of delivering nuclear warheads. This is not the place to discuss or balance these out in details.[28] But analysis of the comparative numbers, types and probable employability of these weapons in a time of national or international peril is not reassuring.

The available tactical means of delivery do significantly augment the U.S. strategic forces. It must be remembered, however, that the Soviet and Warsaw Pact tactical forces deployed against NATO posses overall capabilities superior to those of NATO.[29]

This tactical superiority is fortified by the rarely mentioned Soviet intermediate range ballistic missile force (IRBM), a type of weapons system we no longer possess. The Soviet Union has deployed more than 700 IRBM's targeted against Allied and U.S. military forces and the cities of Western Europe. Following a preemptive first strike, with these and shorter range missiles, there would be little American or Allied retaliatory capability remaining there. Indeed, in view of the threat of certain destruction of much of Western Europe posed by Soviet IRBM's, one may question whether NATO would be willing to employ tactical nuclear weapons even against a Soviet attempt to overrun Western Europe with conventional forces.

In short, if the U.S. no longer possesses the strategic superiority which has been the ultimate "shield" protecting the European democracies, the tactical imbalance against the West could result in profound new military and political problems.

A Soviet first-strike capability

Our planners in the 60's assumed that if both super-powers had an adequate survivable retaliatory capability neither would risk a first strike. They further assumed that the Soviet leadership would be content with this "balance of deterrence," especially if—by freezing our own program—we permitted the Soviet Union to attain a rough parity of strength. Little consideration appears to have been given to the possibility that the Soviets would not "buy" such a rational program, but rather would seek a capability to neutralize the effectiveness of our retaliatory response.

It now appears that the Soviet Union is developing just such a capability. It is producing and deploying offensive nuclear weapons with the capability, when sufficient are deployed, to destroy the ICBM and bomber elements of our retaliatory forces. At the same time, the Soviet Union is pressing ahead with an anti-ballistic missile system designed to provide a strategic defense against such U.S. retaliatory missiles as might survive a first strike.

It is to be remembered that, with the possible exception of our obsolete B–52 force, our strategic weapons are designed primarily for retaliation against enemy centers of population. They are not designed as counterforce weapons and with their limited warheads are not an effective weapon for destroying Soviet ICBM's in hardened silos. This is in accord with America's irreversible commitment never to make a first strike, and to rely—as a deterrent—on having enough operational missiles *after* an enemy strike to destroy its population centers.

This entire theory becomes untenable if the enemy develops (i) an offensive first-strike capability against our means of delivering retaliatory missiles and (ii) a defensive capability of protecting much of its heartland from such U.S. missiles (e.g. Polaris) as survive the preemptive strike.

The evidence is reasonably conclusive that the Soviet Union is planning precisely these capabilities. This is not to say that a preemptive first strike is intended, but rather that weapons systems which are needed *only* for such a purpose are being deployed:

SS–9 missiles. These missiles, with 25-megaton warheads capable of destroying American ICBM's in hardened silos, are de-

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signed as a counter-force, preemptive strike weapon. Warheads of this size are not needed for retaliation against even the largest city. The Soviets are continuing to produce and deploy these monster missiles.

SS–9 with MRV. This multiple reentry vehicle contains a cluster of three warheads each capable of delivering five megatons. Our MIRV warheads for Minuteman III are pigmies by comparison, delivering only 200 kilotons, and are designed—not as counter-force weapons—but to penetrate ABM defenses of enemy cities.[30]

SS–11's buildup. The Soviets also are continuing to produce and deploy SS–11's, despite having attained missile superiority over the static U.S. force. They have now tested what appears to be a MIRV system for their SS–11's, which—when deployed—will escalate the ratio of superiority.

Soviet ABM deployment. The Soviet Union is committing large resources to strategic defense systems, both against missiles and bombers.[31] The Moscow population and industrial area are already protected by the Galosh system, with 67 launchers for multistage missiles with megaton warheads.[32] The Soviets are also deploying at about half-a-dozen points around the Soviet Union giant "Henhouse" radars for ballistic missile defense acquisition and tracking. As the radar installation is the long lead time component, it is possible that the Soviets are extending their Galosh ABM system to protect many other areas. They are some five years ahead of the United States in this vital element of strategic power.[33] To the extent that Soviet cities and industrial areas are protected (while ours remain unprotected), the credibility of our retaliatory threat diminishes.

FOBS. The Soviets are developing a fractional orbital nuclear weapons system designed to minimize warning time.[34] This weapon is consistent with a first-strike strategy, as it virtually precludes the possibility of enough warning to fire our missiles or get our bombers off the ground.

Soviet SLBM's. The Y-class submarines described above will have the capability of eliminating most of our B–52 bomber force.[35] Also these SLBM's will constitute a grave threat to Washington, D.C., and to our national command centers.

It is clear from the foregoing and other evidence that the Soviets never have accepted the assumption upon which American strategic planning has been based. The structure of both their offensive and defensive forces strongly indicates that they have planned—and are moving to achieve—a first-strike capability of destroying our urban centers *and* neutralizing our retaliatory weapons except such Polaris submarines as happen to be on station.[36]

In contemplating what risks responsible officials and members of Congress are willing to assume on behalf of the American people, it is well to remember that we have no defense whatever against Soviet ICBM's and SLBM's which now have the capability of killing perhaps half of our population—more than 100 million people—by a surprise first strike.

Soviet "blue water" Navy

The weapons described above relate to the Soviet Union's strategic nuclear capability. The growing Soviet Navy is a threat of a different kind, and yet it confirms Soviet intentions to be the world's dominant military power.

For centuries, both under the Czars and more recently under Communist rule, Russia was a land power with limited capability at sea. Virtually landlocked, it was not a maritime power in a "blue water" sense. This has changed strikingly in recent years, as the Soviet Union has now achieved a challenging naval capability. It has the largest conventional submarine fleet; it is moving rapidly to overtake the U.S. in ballistic missile submarines; it has by far the strongest force of surface-to-surface missile-launching ships; and it leads the U.S. in numbers of cruisers, destroyer escorts and patrol boats. Only in aircraft carriers—presumably considered by the Soviets to be vulnerable to missile-launching vessels and aircraft—has the Soviet navy failed to challenge the U.S.

More important than numbers is the quality of the vessels. Although our carrier force is formidable indeed, the U.S. has failed to maintain a balanced navy of modern surface ships. The majority of our fleet vessels are more than 20 years old, many with obsolescing weapons and equipment. By contrast, most of the Soviet fleet is relatively new and modern,[37] often with vessels of greater speed, fire power and more advanced electronics than comparable vessels in the U.S. fleet.[38]

The Soviet naval buildup, like its strategic missile deployment, is a major element in the shiftiing balance of military power. Although not itself a direct threat to the continental United States (except the submarines), the new and growing Soviet naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, namely, freedom of the seas.

The U.S., traditionally a sea power, has extensive worldwide commitments. These range from the defense of U.S. states (Hawaii and Alaska), and its territories and bases, to the protection of American citizens and investments in scores of countries. These commitments also include treaty obligations to our allies, and the supplying of U.S. Armed Forces abroad. Our extensive international trade is essential to the continued prosperity of our people. U.S. commitments in all of these respects can be fulfilled only by maintaining control of the seas, now being increasingly challenged by Soviet naval power.

For some three centuries the British navy preserved freedom of the seas and fostered international trade. There were also other naval powers, including the U.S., Japan, Germany, France and Italy. All of this has changed beyond recognition in a dramatic shift of sea power. All of these navies (except that of the U.S.) have ceased to exist as blue water fleets. England has dismantled its great bases around the world, and the vacuum thus created is being filled by the Soviet Union. The Indian Ocean and the Mediterranean east of Malta are already dominated by Soviet naval power. There are no limits to the seas in which the Soviet navy now operates, as demonstrated by its naval maneuvers.[39]

In the new era—in which a Soviet world order is envisioned by its Communist rulers—this navy will increasingly endanger the most vital diplomatic, military and economic interests of the U.S.

Retreat from the threat

The situation which our country faces is without precedent. For a few years following World War II our national security was complete and unchallenged. In the early 50's the Soviet Union became a nuclear power and, with gradual but increasing momentum, it undertook to challenge American superiority. But we enjoyed market advantages in our industrial base, our technology, and in the sheer number and quality of strategic weapons. In the 60's our complacency in this respect became so great, and our preoccupation with the Vietnam war so distracting, that we neglected our strategic posture.

As a result, we enter the 70's confronted by (i) a superior Soviet offensive missile capability, (ii) a marked Soviet advantage in defensive missile capability, (iii) a menacing Soviet fleet, and (iv) with respect to all of these, a Soviet commitment and momentum which is quite unmatched in this country. We are also confronted, as Red China orbits its first satellite, with the certainty of a new and growing ICBMN capability from that irrationally hostile nation.

Within a span of less than two decades we have moved from complete security to perilous insecurity.

Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interests. The state of public opinion is such that some responsible leaders, fully familiar with the threat, believe it is futile to seek adequate defense funding. Thus, we respond as a nation—not by appropriate measures to strengthen our defenses, but by significant curtailments which widen the gap.

In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country.

THE CUTBACK IN DEFENSE SPENDING

It is in this mixed climate of euphoria and retreat that a major retrenchment in America's defense effort has been deemed necessary. The defense budget proposed for FY 1971, totaling $71.8 billion in proposed expenditures, reflects the largest single cutback in defense spending since the Korean War.[40] Yet a significant portion of our political and intellectual leadership is demanding even more drastic reduction.

Difficult budgetary decisions

In addition to the public malasie, it must be recognized that the Administration and the Congress are confronted with extremely difficult budgetary decisions. The problems include (i) pressing and escalating domestic needs, (ii) inflationary costs, (iii) the continuous drain of the Vietnamese war, and (iv) the imperative necessity of a budget more nearly in balance after years of deficits.

Quite apart from public and political pressures, there is an obvious need for some restructuring of national priorities as well as the effecting of all possible economies. The impact of all of these pressures centered on the defense budget, which the Secretary of Defense describes as a "bare bones" one. It is also recognized as "transitional," pending to some extent the outcome of the SALT talks and affording time for a more penetrating analysis by the new administration of defense needs, options and priorities.

Inadequate funding

As understandable as the resulting budget may be, it entails the assumption of defense risks which seem unjustified.[41] The $71.8 billion dollars proposed for FY 1971 is $9.8 billion below the Johnson administration budget proposal for FY 1970, and constitutes 7% of estimated gross national product—the lowest percentage since FY 1951. This proposed funding would constitute 34.6% of the total federal budget, the lowest commitment to defense since FY 1950.[42]

Greater Soviet effort

There has been no comparable restraint exercised by the Soviet Union either with respect to overall defense spending or the funding of its strategic programs. On the contrary, the trend of Soviet defense spending continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product (GNP) is barely half that of this country. If expenditures on the Vietnam war are excluded, the total Soviet effort substantially exceeds that of the U.S. But the mix of the spending is especially meaningful in view of its effect upon the strategic balance of power. The Soviet Union is spending significantly more

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than the U.S. in the buildup of its strategic offensive and defensive weapons.[43]

The results of this greater Soviet effort are now reflected in their dramatic gains in ICBM's, SLBM's and other advanced weapons systems. If we continue to permit the Soviet Union to outdistance the U.S. in defense effort, it is inevitable that the security of this country will be endangered. As Secretary Laird has warned:

"Time and again in our past history our nation has paid a heavy price for allowing its armed forces to dwindle to levels that proved to be too low to discourage or to counter aggression." [44]

In view of the crescendo of demands for further reductions in defense spending, we may be well along the road to reliving this past history.

THE THREAT TO TECHNOLOGICAL SUPERIORITY

There are three disturbing trends in defense funding: (i) the magnitude of the overall reduction, (ii) the unfavorable balance between Soviet spending on strategic forces as compared to our effort, and (iii) a similar unfavorable balance in the critical area of research and development (R&D). Of these, perhaps the last is the cause for greatest concern.

Soviet challenge to U.S. technology

The U.S. has enjoyed a clear technological superiority over the Soviet Union and all other countries until recently. It has been this qualitative superiority, rather than the size of forces or numbers of weapons, which has enabled America to deter major war and protect the Free World during the past quarter of a century. This superiority is today being successfully challenged by the Soviet Union.[45]

In addition to talented leadership and the necessary industrial base, the essential ingredients of a vital and competitive technology are skilled manpower and adequate R&D funding.[46] The U.S. is falling behind the Soviet Union in both of these respects.

More graduate engineers

As of 1969, the Soviet Union was believed to have about 550,000 full-time R&D scientists and engineers, as compared with about 540,000 in the U.S. But the Soviet Union is graduating annually a substantially greater number of engineers than the U.S., and its technically trained manpower base is projected steadily to outdistance that of the U.S.[47]

Greater funding of R. & D.

Comparative funding data for military-related R&D (including space/atomic energy) in the Soviet Union and the U.S. reflects a similar disparity. Soviet annual funding for this purpose is now estimated at about $16 to $17 billion as compared with U.S. funding of about $13 to $15 billion. Again, the trend is also adverse as the Soviet military R&D effort during the 1960's increased by about 60% while that of the U.S. increased 30%.[48]

Secretary Laird has pointed out that "the Soviet Union is devoting more effort to military-related R&D than is the U.S.," with its rate of such expenditures increasing "about 10–13% annually" while comparable U.S. expenditures "remain relatively constant." [49]

Threat to Minuteman

In relating our need for the most advanced technology to the Soviet threat. Dr. Foster has testified that by early 1974 the Soviet Union, if it continues its ICBM production and deployment, will be able "completely to overwhelm the present Minuteman portion of our deterrent." [50] He stated that the Safeguard program (ABM) should improve the survivability to a significant fraction of the U.S. land-based missiles. But the long-range survivability of an adequate number of our ICBM's cannot be assured without a more extensive and effective ABM system than has been proposed. The critical necessity of providing alternative measures is now a priority task of R&D.[51] Dr. Foster cited this problem as one example of the frightening way in which advancing technology obsolesces both offensive and defensive weapons and even entire weapons systems. Indeed, he states a "major restructuring of our strategic forces may be necessary to insure survivability." [52]

Leadtime—A free society handicap

The problem of "lead time" in weapons development is particularly acute in competition between an open and a closed society. The time span between initial R&D and deployment may range from five to fifteen years, depending upon complexity and rapidity of new developments requiring changes or redesigning. In a Communist state, where secrecy is both an obsession and a way of life, the development of a new weapon may be concealed—even from our most intensive intelligence efforts—until testing begins or often until the completed weapon is displayed in Red Square. This gives the Soviet Union and Red China at least a five-year time advantage in developing new weapons systems. If a major technological breakthrough should catch us by surprise the results could be catastrophic.[53]

Hope of survival—Technological superiority

There is no way completely to guard against the possibility of some dramatic and concealed technological advance in weaponry. But this risk is minimized directly in proportion to the extent we maintain an overall superior technological base and a more effective R&D effort than any other nation.

It is precisely here that recent trends create serious doubts as to the future security of this country. The United States can never match its potential enemies in land armies or in numbers of tactical weapons. Our only hope of survival is to maintain clear weapons superiority. This simply cannot be achieved by permitting our industrial and technological manpower bases to erode and by inadequate emphasis on R&D.

No subject in the entire spectrum of defense problems deserves a higher priority of thought and urgent attention.[54]

NEGOTIATIONS—TRAP OR OPPORTUNITY

One of the reasons assigned for the "transitional" budget proposed for FY 1971 is the hope that the present Strategic Arms Limitation Talks (SALT) will be fruitful. Some political leaders have urged even greater restraint than that reflected in the reduced budget, arguing—despite all experience to the contrary—that the Soviets might be influenced favorably by our example.

The object of SALT

There are obvious reasons for seeking to halt the escalation of nuclear weapons. The logic of the situation—at least on the surface—calls for a "freeze," which seems such a facile and popular solution. In simplest terms, the object of SALT is to agree upon a limitation—and perhaps a gradual reduction—of strategic nuclear weapons. An effective agreement to this end which does not leave either side at the mercy of the other, which does not in itself alter the balance of power, and with procedures to assure compliance, would be welcomed by most of the world. SALT therefore deserves the most careful attention, as all avenues toward a more peaceful world must be explored.

Disarmament talks—Record of failure

But whatever the hopes and opportunities of SALT may be, there is no precedent in history of effective disarmament being accomplished by agreement between major powers with divergent national interests. Nor has U.S. experience been reassuring. There is nothing new about our seeking disarmament through negotiation. This has been the most consistent element in American foreign policy since the beginning of the nuclear age. Few seem now to remember the U.S. offer to prevent an atomic arms race by delivering its stockpile to the United Nations—an offer rejected by the USSR. Periodically since then various efforts to slow or halt the arms race by negotiation have been frustrated in every instance by the intransigency of the Soviet Union.

It is true that three negotiations have been successful in the sense that limited agreements were reached on important issues. Yet none of these agreements has slowed the pace of the Soviet armaments or its manifest quest for superiority. Indeed, we may have magnified and perhaps even misconstrued the significance of such agreements.[55]

Communist concept of negotiation

All Americans would like to think—despite the absence of convincing evidence—that the Cold War is over and that we have indeed entered a new era of negotiation. Our desire for peace is so strong and our national inclination to assume reciprocal friendliness and rationality so genuine, there is danger that we may assume without justification a similar spirit on the part of the Soviet leaders.[56]

But is is prudent to remember that the Communist concept of negotiation is radically different from ours. They view it as a component of conflict, with the objective of gaining an advantage without conceding anything. The classic description of the Soviet approach is as follows:

"Soviet officials do not converse with foreigners: they compete. There is no searching for understanding in conversation as we understand it in the West, no effort at accommodation of the mind, not even the slightest hint or suggestion that the Soviet Union has ever done anything that was in anyway wrong or even unwise, imprudent or intolerable. Their idea of give and take in a talk is simple: You give, they take." [57]

Few American diplomats have had greater experience in attempting to negotiate with Communists than Dean Acheson. Writing his autobiography with the sober perspective of time, he said:

"What one must learn (from our experiences) is that the Soviet authorities are not moved to agreement by negotiation—that is, by a series of mutual concessions calculated to move parties desiring an agreement closer to an acceptable one." [58]

Humiliation and futility

The dreary and frustrating record of negotiating with Communists abundantly documents the foregoing views.[59] One need not go back to the disillusionments of Yalta and Potsdam, to the exasperating negotiations over Berlin, or to the recurrent disarmament talks which have foundered on the Soviet determination to take all and give nothing. The past failures are legion and recent experience affords little basis to expect anything different. Seventeen years of humiliating effort have failed to produce a negotiated settlement of the Korean War, and the mockery in Paris has now continued for nearly two and one-half years. It will be said that the Soviet Union has not been a direct party to the Panmunjon and Paris talks. Yet no one familiar with the realities of world power and politics doubts that the Soviets could make these discussions meaningful whenever they so desire.[60] Rather, they continue to support the aggression in Southeast Asia and the threat of aggression in Korea, while the "peace" talks are exploited for Communist propaganda.

The most recent example of the unwisdom of relying upon USSR assurances is its role in sabotaging the Middle East cease fire by

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supporting, if not participating in, the violation thereof by the UAR.[61]

Trap for the unwary?

This is the historical framework in which all negotiations with Communist powers should be viewed. We must continue to hope and to strive for a genuine change of attitude and for some constructive results. In the nuclear age, every opportunity to negotiate and to improve channels of communications must be pursued. But there is always the danger of fatal concessions or even of a deliberate trap.

The Soviet Union has been an unpredictable and aggressive power, certainly for the past 30 years.[62] It has acted with stealth, surprise and ruthlessness—when it attacked Poland in concert with Nazi Germany; when it subjugated its allies, Hungary and Czechoslovakia; and when it moved to deploy missiles in Cuba.

The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequaled since Hitler—determined upon conquest—structured his Wehrmacht for World War II. The Soviet Union has shown an almost paranoiac hostility toward America and "capitalist imperialism," as evidenced by its consistently hostile conduct in every arena of international affairs and by its pervasive anti-American propaganda for a quarter of a century.

Only the reckless or the naive would negotiate with such an adversary except with the greatest caution and skepticism. Likewise, we would indeed risk the security of our country if defense planning and funding are predicated on assumptions or hopes as to the willingness of the Soviet Union to agree to mutually fair and enforceable disarmament.

As President Nixon well said, "we cannot trust our future to the self restraint of countries that have not hesitated to use their power even against their allies."[63]

Strategic implications of a "freeze"

It is possible that the Soviet Union sees SALT as an opportunity to assure indefinitely for itself, by agreement, a position of military superiority. This would be accomplished if we were foolhardy enough to agree to an arms limitation which left the U.S. vulnerable to a Soviet first-strike capability or which otherwise undermines the credibility of our capacity effectively to retaliate. But one many assume that U.S. negotiators will not commit such egregious folly.

There may be a less visible danger. This Soviet Union could strengthen its overall military and political position by an agreement which freezes strategic capabilities at some level of specified parity. Even if it be assumed that the result would be genuine strategic parity[64]—rather than the freezing of the present Soviet advantages—the consequences could still be profound in terms of total military power and diplomatic influence.

The Soviet Union is appreciably stronger than the U.S. in tactical forces and weapons. Moreover, the Soviet Union has some 700 IRBM's deployed within convenient range of defenseless Western European cities and NATO forces. The Soviet tactical forces—capable of overrunning much of the land mass of Europe, Asia, and Asia Minor—have been restrained for the past quarter century by the "shield" of the U.S. superior strategic nuclear forces. If this shield is neutralized by agreement, what restraints will then exist against Communist non-nuclear aggressions?

If such a neutralization occurs, the implications are disturbing and far reaching. Will the Soviet Union be emboldened to employ its superior tactical capabilities, secure in the knowledge of an agreed strategic standoff? Will the posture of NATO forces thereby become so untenable that the countries of Western Europe deem it prudent to move into the orbit of Soviet influence? Or, to forestall such an unwelcome move, will the U.S. find it necessary substantially to augment our NATO tactical forces? What will be the effect upon U.S. influence and interests in other friendly countries around the world?

These and related questions bring the SALT negotiations into sobering perspective. One may doubt, without in any way denigrating the importance of SALT, whether such questions have received the public discussion and scrutiny which they so manifestly deserve.

THE HOSTILITY TOWARD THE MILITARY

One of the trends in this country—perhaps the most fundamental one—which causes concern is the increasing public hostility toward "the military." This is not the place for a full discussion of this gravely disquieting problem. Some aspects of it are alluded to in the body of the Panel Report, and a brief reference is made above to the effect on defense funding. But the consequences of a largely hostile or even an apathetic public are not limited to reduced military spending. The entire structure of our defense edifice suffers when there is inadequate public understanding and support. It may be fatally undermined where public opinion is not merely negative but aggressively hostile.

Revolution on the campus

Already this level of hostility exists on the college campus and the virus is spreading. There is a widespread revulsion to the Vietnamese war and resentment of the draft, with its disruption of life plans. It is understandable, and in accord with our best traditions, that the young people who are asked to serve in the military forces should be concerned and skeptical. They have every right to ask why, to debate the assumptions and judgments with respect to defense needs, and to disagree with them. This right is acknowledged and should be jealously defended.

But there are militant and revolutionary minorities on many campuses who abuse this and other rights in their desire to destroy American institutions. A favorite tactic is forcibly to deny free speech to all who entertain different views, relying not on reason and rational discussion but on coercion and violence. Examples of this fascist-minded conduct are legion. They have demeaned the life and quality of education on some of most prestigious campuses of this country.[65]

The hostility gains support

The greatest cause for concern is not that a few thousand New Leftist revolutionaries are on the move. Rather it is that they—and their lawless conduct—are tolerated and often supported by a broad base of otherwise responsible students, faculty and even college administrators and trustees.[66] Many of the tactical "causes" of the New Left have acquired a broad appeal. Foremost among these is a crusade against the Armed Services, the Defense Department and—the favorite whipping boy of all—the "military-industrial complex."[67]

We have witnessed all too frequently the disheartening spectacle of avowed revolutionaries being accorded respectability by many fellow students and faculty members as well as by the national publicity so generously provided by the media. Among the most popular campus speakers are these leftists whose goal—in accord with Communist objectives—is to disarm America.

A movement of this magnitude does not remain confined to the campus. It has widened rapidly to engulf a significant segment of opinion makers in this country. Most of those who now participate in the criticism certainly do not go as far as the leftist extremists. Many remain well within the limits of legitimate comment and criticism. But the outcry against "the military" is now orchestrated with frightening unanimity—not only on the campus but by much of the media, in the theater and arts, and widely among some politicians. We may have reached what amounts to a subtle form of censorship by consensus. Few are willing to speak out in defense of the military, and even fewer in support of increased defense funding. The public figures who have the courage to present a "different" viewpoint are predictably assailed as "warmongers" and "jingoists."

One has to go back to the days of McCarthyism to find such intolerance and repression of rational discussion of issues of the gravest national import.[68]

The consequences

The short-range consequences already are becoming apparent. Marked success has been attained in slandering the ROTC, in driving military recruiters from the campus, in denying recruiting opportunities to defense-related industries, and in some curtailment of university-based military-related research and development. The number of draft dodgers and deserters, encouraged not merely by revolutionaries but by many who consider themselves respectable citizens, is a cause for increasing concern.[69]

Other predictable consequences of this hostility include the adverse effect (i) on the general recruiting and retention of military personnel; (ii) the number and quality of applicants for the service academies; and (iii) on the morale and espirit of the Armed Services of our country, both at home and abroad.

There also will be an inevitable weakening of the American concept of civilian orientation of the military. Some of the institutions and practices which are prime targets of the New Leftists tend significantly to perpetuate educated civilian influence on our military affairs and establishment. One would have thought that those who distrust "the military" would be zealous to strengthen—rather than undermine—this wholesome influence.

In its broadest scope, the result of the widening public alienation from the military will be the weakening of the defense of our country and freedom everywhere. This is precisely the end desired by the revolutionaries.

The role of responsible dissent

It should be made clear at this point that no thoughtful person suggests that the military, or any aspect of national defense, is above criticism. The role of responsible criticism and dissent is vital to the health of a democracy, and for the reasons pointed out by President Eisenhower there must ever be a vigilant public overseeing of the defense establishment. This is necessary to assure the civilian control prescribed by law. It is also necessary because, in a troubled world with nuclear weapons and huge defense requirements, national security is too important to leave to the military, to Congress, to the Executive Branch or indeed to any single segment of our society. An appropriate national defense posture, adequate but not excessive, is a matter of the most urgent national concern, and every aspect of it should be subjected to the widest and most thoughtful scrutiny and inquiry.

But it is one thing to exercise responsibly these attributes of democracy. It is quite something else—by resort to irrational abuse and indiscriminate criticism—to destroy the effectiveness of the only instrumentality which protects from foreign aggression the freedoms we all cherish.

A VIABLE NATIONAL STRATEGY

Unless the American people wish to accept the status of a second-rate power—with all of the probable consequences—the only via-

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ble national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The requisite resources

It will be said that domestic needs should have priority and that we cannot afford to continue an "arms race" with the Soviet Union. The truth is that this country can and must meet both its domestic and defense requirements. If we fail in either, there is little future for America as we know it or for our cherished freedoms.[70]

The U.S. has all of the requisite resources, except perhaps the will. The Soviet Union has a gross national product only half that of this country. It lacks a comparable industrial and technological base, and it has a backlog of domestic demands which—suppressed as they may be—vastly exceed those of this country. Indeed, in terms of consumer goods and standards of living the Soviet Union is at least a half century behind the U.S. In any contest to establish and maintain a superior military capability, we have an overwhelming advantage in the necessary resources.

Need for public understanding

But in our free democracy, as contrasted with a totalitarian regime, the ultimate defense posture is determined by the will of the people. It is here we suffer a serious disadvantage, especially at a time of disillusionment with international responsibilities and a greater concern with pressing domestic needs. The only hope of minimizing this disadvantage is to assure a wider public knowledge of the facts and an understanding of the probable consequences of second-rate military status.

THE CONSEQUENCES OF SECOND-RATE STATUS

The American people must be reminded that basic Communist dogma contemplates the employment—over such time span as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis after crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World. Throughout this time it waged, as did Red China, massive political warfare against the United States, including subversion and propaganda as well as economic and diplomatic pressures. Nor did the Soviet Union hesitate to employ techniques of military blackmail.

It is irrational to think, with the balance of military power now shifting dramatically in its favor, that the policies of the Soviet hierarchy will be less hostile, disruptive and imperialistic.

A recent study of Kremlin policy noted the Soviet effort to achieve nuclear superiority, and commented:

"Presenting the world with a clear cut superiority in numbers of nuclear weapons may appear to some leaders in the Kremlin a feasible political means for consolidating its own alliances and disintegrating the opposing forces. Such a major shift in the world-wide balance of power may also heighten the risk of confrontation, with vast costs in the present and unforeseeable dangers in the future."[71]

As our country ponders its future course, drifting as we are into a position of inferiority or possibly even freezing that status by agreement, our people—as well as responsible officials—should consider the capability of the U.S. to respond in the types of situations which are likely to arise in the 70's and beyond, and which may include: (i) a Soviet-inspired and supported war against Israel; (ii) some other form of Soviet takeover of the Middle East, with its coveted oil reserves; (iii) a new confrontation over the status of Berlin; (iv) extension of the Brezhnev doctrine to selected non-Communist countries; (v) another Cuban-type crisis, perhaps in Latin or South America if not again in Cuba; (vi) nuclear blackmail over issues affecting our vital interests; (vii) the disruption, by force or other sanctions, of the international trade upon which the economic well being of our people depend; (viii) intensified levels of subversion to the point of threatening our internal security; and (ix) outright aggression against allies—in Western Europe or elsewhere—whom we are committed to defend.

It is difficult to believe that the proud and responsible people of this country would knowingly tolerate a national strategy which could invite these types of situations, leaving us virtually helpless to respond effectively. Certainly there would be no conscious toleration by a majority of our people of defense weakness which threatens national security and freedom itself.

WEAKNESS—THE GRAVEST THREAT TO PEACE

The most ominous danger of being second rate in the nuclear age is that it multiplies the chances—not of peace—but of nuclear war. Soviet or Red Chinese overconfidence or miscalculation in the employment of, or threat to use, their power may trigger such a war inadvertently or place the United States in a posture from which there could be no retreat.

The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.

Weakness of the U.S.—of its military capability and its will—would be the gravest threat to the peace of the world.

FOOTNOTES

*This Summary is necessarily incomplete and reference should be made to the full Statement for the views of the authors.

**The principal threat to U.S. security for the 70's is the Soviet Union, and this paper is addressed primarily to that threat. By the late 70's and beyond, the most menacing country in the world may be Red China.

[1] U.S. Foreign Policy for the 1970's, Report to the Congress by President Nixon, Feb. 18, 1970, p. 122. (Referred to herein as the President's Report.)

[2] Defense Report for Fiscal Year 1971, by Secretary Laird before the House Subcommittee on Defense Appropriations, Feb. 25, 1970, p. 1. (Referred to herein as the Laird Report.)

[3] It should be remembered here that in recent years intelligence projections frequently have understated these capabilities. Laird Report, *supra*, pp. 34, 101.

[4] The folly of relying on assumptions as to intentions, rather than upon known capabilities, is documented by countless military surprises down through history. Pearl Harbor is a classic example. More recent examples involving the Soviet Union include the Cuban Missile Crisis and Czechoslovakia. See Senator Henry M. Jackson, Senate Speech, July 9, 1969.

[5] Plans to withdraw 20,000 American troops are opposed by the South Korean government. As indicated in a recent on the scene report "there is no real peace in Korea today." N.Y. Times, article by Philip Shabecoff, June 24, 1970.

[6] Mao Tse-tung recently issued a fresh indictment against the U.S., calling for a "protracted peoples' war" against American "imperialism," and concluding: "People of the world, unite and defeat the U.S. aggressors and all of their running dogs!", N.Y. Times, May 21, 1970.

[7] The Suez Canal has other strategic significance. The Soviet Union continues to supply North Vietnam by sea. Soviet ships from Black Sea ports now require nearly 40 days to reach Vietnam by sailing around Africa.

[8] See The Military Balance 1970–71, The Institute for Strategic Studies, London, p. 45.

[9] See editorial comment, The New York Times, September 20, 1970. The Soviet Union also shared responsibility for Syria's brief but dangerous intervention in Jordan's September 1970 civil war.

[10] The recent Soviet-West German nonaggression pact may result in some surface lessening of tension, but as long as Soviet ground, air and missile forces are maintained in Eastern Europe, with the capability of overrunning and destroying Western Europe, there can be no assurance of peace and freedom.

[11] The Brezhnev doctrine, announced as justification of the invasion of Czechoslovakia. In commenting on this proclaimed right of aggression, the New York Times said: "This reliance on force and contempt for law must raise fears that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted" in a way which justifies Soviet intervention. New York Times editorial, Sept. 28, 1968.

[12] Only U.S. superior military strength frustrated the Soviet plan to install strategic missiles in Cuba, although history may record that U.S. concessions assured an unmolested Communist regime and base in Cuba.

[13] C. L. Sulzberger, foreign correspondent of The New York Times, recently commented on the "neo-isolationism" in this country, and noted that "U.S. influence is being slowly squeezed out" of Western Europe, the Middle East and Southeast Asia. New York Times Service, Richmond Times-Dispatch, July 24, 1970.

[14] This paper addresses primarily the Soviet threat which is clearly paramount for the 1970's. There is no thought of minimizing the threat of Red China, the leadership of which is so implacably hostile to the U.S. and to a lesser extent the Soviet Union. It is possible that in the long run Red China is more likely to rupture peace than any other nation.

[15] See also Mr. Laird's address of April 20, 1970, at the Annual Luncheon of the Associated Press, N.Y. Times, April 21, 1970; and data reported in *The Military Balance* 1970–1971, published by The Institute for Strategic Studies, London, 1970.

[16] President's Report, p. 120 and Secretary Laird's Report, p. 35. See *The Military Balance, supra*, p. 6, which reports about 1300 operational ICBM's in July 1970. Intelligence estimates of the number of ICBM's actually deployed are extremely accurate. But estimates of production rates (and hence future operational strength) have consistently erred on the low side. See Laird Report, p. 34.

[17] Secretary Laird's Report, p. 35. The Soviets are continuing to produce SS–9's at a rate of about 50 per year, and will have some 300 by the end of this year. See Laird, Address of April 20, 1970, *supra*. The Institute for Strategic Studies, based in London, publishes annually *The Military Balance* (cited

supra) and a complementary publication entitled *The Strategic Survey*. Although there are variations in detail as to types and numbers of weapons, the data published by The Institute for Strategic Studies generally corroborates the unclassified information of the U.S. Defense Department.

[18] See *The Military Balance, supra*, p. 6, which credits the Soviet Union with 800 SS–11's, with deployment continuing.

[19] The distinction between MRV and MIRV is that in the former the multiple separate warheads are not independently guided to targets.

[20] Secretary Laird estimated last February that if the Soviets follow a "High Force-High Technology" approach they will probably have their first "MIRV's by mid-1971 and a very formidable hard target kill capability (by MIRV's) by the mid-1970's." Laird Report, p. 104. The recent Pacific testing of multiple reentry vehicles on improved SS–11 missiles indicates the Soviets are significantly ahead of this schedule.

[21] See Laird Report, p. 103. Secretary Laird recognized that this cannot be a firm estimate at this time.

[22] See Dr. John S. Foster, Director of Defense Research and Engineering, Statement before Subcommittee of House Armed Services Committee, March 9, 1970, p. 9 *et seq.*; Laird Report, pp. 48, 49, 103, 104. See also The Strategic Survey of 1969, *supra*, pp. 30, 31 where the "new and more accurate guidance systems" are discussed, and the conclusion reached: "The whole future of land-based ICBM's has been called into question (by this improved accuracy), since it begins to seem possible that no amount of protection for ICBM silos can compensate for the improvements in accuracy now in prospect." This judgment by The Strategic Survey applies primarily to the vulnerability of U.S. missiles.

[23] See Secretary Laird's Report, pp. 39, 40 and 50.

[24] A technological breakthrough in the underwater detection and tracking of submarines could give the first nation to achieve it a decisive advantage. See Interview with Dr. John S. Foster, Jr., Air Force/Space Digest, July 1970, pp. 31, 35. It has been suggested that such a technological breakthrough may be achieved by "sensing devices that could reveal every submarine in the oceans to detection." See news report on a Pre-Pugwash Conference on New Technology and the Arms Race, Racine, Wisconsin. The Washington Post, Sept. 9, 1970, p. A–3.

[25] The U.S. has plans for a test model of a new supersonic bomber (B–1). A force of such bombers capable of long distance air-to-ground launches would add flexibility and diversity to our deterrent capability, and also would be useful in limited, non-nuclear confrontations. Such bombers must be designed, however, to operate from numerous smaller and dispersed airfields to minimize vulnerability from ICBM's and SLBM's.

[26] The Strategic Survey of 1969, *supra*, p. 28. It is not suggested that the Survey itself was misleading. The tabulation which received the wide press publicity was *only one* of many tables in the Survey, which also included a great deal of relevant data on megatonnage, accuracy and survivability.

[27] Of the total warheads assigned to the U.S. 1,853 represent the optimum load of our B–52 force, while 450 were assigned to Soviet strategic bombers. A similar distortion of SLBM's apparently was included in the tabulation, assigning 1,328 warheads to Polaris submarines.

[28] This Statement addresses broadly the strategic balance of power and does not discuss comparative tactical or general force capabilities. Secretary Laird's Report, and especially the appendices, indicate the superiority of the Communist powers in non-nuclear military power. See also the publications of The Institute of Strategic Studies, *supra*.

[29] Gen. Andrew J. Goodpaster, Supreme Allied Commander in Europe, has warned that "the balance of security there is shifting in favor of the Soviet bloc." He stated that the Warsaw Pact forces "form a concentration of military power that exceeds anything the world has previously seen. These Soviet forces far exceed anything that is required solely for defense." Richmond Times-Dispatch, September 16, 1970.

[30] William Beecher, writing in the N.Y. Times, Oct. 28, 1969, assumes a 100 kiloton warhead on our MIRV, and states that the Soviet MRV warhead is *50 times* more powerful than our MIRV. The Strategic Survey for 1969, *supra*, p. 29, assumes a 200 kiloton warhead on MIRV's. See also Laird Report, p. 102, as to Soviet MIRV.

[31] As a part of this protection, the USSR has deployed the most elaborate radar warning and counter-measure systems. It also has devoted a greater effort than the U.S. to advanced fighter interceptor aircraft (the Foxbat, for example) and to ground-to-air missiles, with larger defense forces in these categories than the U.S.

[32] *The Military Balance* 1970–71, *supra*, p. 7.

[33] Although critics in this country doubt the feasibility of an ABM system, one must assume the Soviets would not be spending billions on such a system unless they had full confidence in its effectiveness. Dr. John S. Foster, Jr., and many qualified U.S. scientists, have no doubt that an effective ABM system is within the competency of existing technology. See interview with Dr. Foster, published in Air Force/Space Digest, July 1970, p. 31 *et seq*. See evidence marshalled by Sen. Henry M. Jackson in his ABM debate speeches to the Senate on Aug. 6 and 11, 1970. A major component of the ABM system, the Spartan missile, successfully intercepted an ICBM over the Pacific in a test on August 28, 1970.

[34] President Nixon's Report, *supra*, p. 125.

[35] Secretary Laird has stated that by the mid-70's the Soviets will probably have "a submarine force capable of destroying most of our alert bomber and tanker force before it can be airborne." Secretary Laird's Statement, pp. 50, 105. The Defense Department confirmed for the first time on April 23, 1970 that Y-class Soviet submarines, with 16 nuclear missiles are patrolling our Atlantic Seaboard. N.Y. Times, April 24, 1970. Secretary Laird reports that as of April 1970 the Soviets had over 200 operational launchers on nuclear submarines for submerged launch SLBM's, plus 70 launchers on diesel submarines, Laird's address, *supra* p. 11.

[36] Senator Jackson recently informed the Senate that "there is no doubt that their (the Soviet's) program, if continued, will produce a first-strike capability unless the U.S. takes appropriate counter measures." Senate Speech, Aug 5, 1970.

[37] The Soviets have been more innovative than the U.S., having pioneered in gas turbine propulsion, in developing a variety of surface-to-surface missile-launching ships, and possibly in new techniques of ASW.

[38] Nor have the Soviets neglected the support elements for world-wide naval operations. They have tankers, supply and maintenance vessels, supported by an impressive merchant marine fleet. They also have emphasized, more than any other nation, oceanographic studies and surveys. Their trawlers—used extensively for intelligence purposes—regularly patrol our coasts.

[39] In April 1970 Soviet maneuvers, described by U.S. Navy spokesmen as the "biggest in history," involved some 200 warships. Associated Press story, April 23, 1970.

[40] Laird Report, *supra*, p. 21.

[41] Secretary Laird warned that in defense funding and in the deferral of decisions on vital defense measures "we are literally at the edge of prudent risk." Address of April 20, *supra*, p .5.

[42] Laird Report, *supra*, p. 22. The detailed facts and figures are set forth in the Reports of the President and the Secretary of Defense mentioned above. These include a comparison which indicates the neglect of strategic funding (after adjusting for inflation) since the beginning of the Vietnamese war. The FY 1971 defense funding is only $3.8 billion, or 7% above the 1964 level of defense spending *prior* to the Vietnamese war. As the cost of that war has been running at more than $25 billion per annum, it is evident that strategic spending—for the defense of the country—has been curtailed sharply.

[43] It is difficult to know exactly what the Soviet Union is spending on defense. The statements above reflect estimates published by various sources. See Department of Defense Posture Statements, Jan. 15, 1969; Library of Congress studies; and Standford Research Institute Studies. Mr. Laird has said that "the Soviet Union, as far as offensive strategic weapons systems, is outspending the U.S. in the ratio of three to two converted to dollars." Press conference, Feb. 18, 1969. See also address of Sen. Henry Jackson, U.S. Senate, Aug. 6, 1970.

[44] Laird Report, *supra*, p. 33.

[45] Testimony of Dr. John S. Foster, Jr., Director of Defense Research and Engineering, before a subcommittee of the House Armed Services Committee, 91st Congress, March 9, 1970. See also the Reports of the President and the Secretary of Defense, *supra*.

[46] Other essentials to the development and deployment of advanced weapons systems relate to procurement and defense planning, contracting and testing. These and related matters are discussed in the body of the Panel's Report.

[47] See Foster, *supra*, p. 28.

[48] See Foster, *supra*, p. 30 *et seq*. Dr. Foster points out that total R&D spending, both civilian and military, is still greater in the United States, but the trend is unfavorable even with the addition of our non-military, related effort.

[49] See Laird's Report, *supra* p. 66.

[50] Foster, *supra*, pp. 9, 10.

[51] Alternative systems under consideration include (i) the mobile, basing of Minuteman-type missiles, and (ii) an undersea long-range missile system (ULMS's) with submarines capable of launching missiles of ICBM range. Dr. Foster, *supra*, p. 12. Secretary Laird's Statement, pp. 48, 49. The Soviets may already be well ahead of the U.S. in developing a mobile ICBM. The Strategic Survey for 1969, *supra*, at p. 29, states: "A mobile ICBM has certainly been under development for some time, and the Soviet Union has claimed that it is already operational."

[52] Foster, *supra*, p. 14; Laird Report, *supra*, p. 49.

[53] Science and Technology, Tools for Progress, report of the President's Task Force on Science Policy, April 1970, p. 38: "Technology will not stand still; on the contrary it will likely move more rapidly. The penalty for technological surprise can be enormous."

[54] Other problems related to technology and R&D have been identified in the main body of the Panel's Report.

[55] The first of these, the Test Ban Treaty of 1963, halted nuclear testing in the atmosphere. The Soviets only agreed to this at a time when their test program, involving high-yield weapons with both offensive and defensive (ABM) capabilities, was well ahead of America's. We had previously been duped during the late 50's into the cessation of testing similar weapons on the specious theory that the Soviets might follow a good example. The second agreement was the United Nations' ban on the use of outer space for military purposes, an agreement which the Soviet Union appears already to have violated in spirit. The third of these limited agreements is the Nonproliferation Treaty, recently ap-

proved, which leaves a number of non-signing nations free to develop nuclear weapons.

[56] One may recall the disillusionment after the hopes engendered by the "spirit of Geneva" and "the spirit of Camp David" were dashed by Soviet duplicity.

[57] James Reston, New York Times, Dec. 8, 1960, p. 46.

[58] Acheson, *Present at the Creation*, W. W. Norton & Co., N.Y., 1969, p. 729.

[59] Past negotiations have occurred when the overwhelming weight of bargaining power lay on our side of the table. Now, when the U.S. is relatively weaker, and when the issue is the future security of our country, it is prudent to be skeptical as to the genuine mutuability of any agreement acceptable to the Soviet Union.

[60] The competition between the Soviet Union and Red Cross for dominant influence in smaller Communist countries does complicate the situation, making it less likely that either will take the lead in exercising an ameliorating influence.

[61] Although the full extent of Soviet participation in this violation may not yet be known, press reports and commentators indicate that "the Kremlin broke its word, lied to the United States and double crossed the developing peace." See, for example, Roscoe and Geoffrey Drummond, Richmond Times-Dispatch, Sept. 10, 1970; Joseph Alsop, The Washington Post, Sept. 21, 1970; and Evans and Novak, The Washington Post, Sept. 21, 1970.

[62] In addressing the Senate on July 9, 1969, Sen. Henry M. Jackson said that "an increasing number of informed western analysts assess the Soviet Union (today) as a dangerous and unpredictable opponent."

[63] The President's Report, p. 111.

[64] "Parity" is inherently a theoretical—not a realistic—concept, as there are too many variables both as to the quality and characteristics of various weapons and the circumstances under which they might be employed.

[65] The New York Times described the New Leftist revolutionaries as "the new Fascists of our generation." Editorial, Dec. 17, 1969. See also New York Times editorial of June 10, 1970. Stewart Alsop has observed that the campus "is in danger of becoming intellectually a closed society." Newsweek, May 18, 1970.

[66] Alexander M. Bickel, *The Toleration of Violence on the Campus*, The New Republic, June 13, 1970, p. 15 *et seq.* Fred M. Hechinger, Education Editor of the New York Times has stated that: "The politicizing of the campus . . . has moved the universities to the brink of disaster." N.Y. Times, July 19, 1970. See also Dr. Nathan Pusey, *infra.*

[67] As indicated in the Panel's Report, corporations which depend in major part on defense contracts are among the least profitable of all corporations. Indeed, many corporations deliberately refuse or avoid defense business. See George E. Brekley, *The Myth of War Profiteering*, The New Republic, Dec. 20, 1969.

[68] President Nathan Pusey, Baccalaureate address at Harvard University, New York Times, June 10, 1970. See also Dr. Pusey's Annual Report for 1968–69.

[69] It is estimated that some 25,000 to 30,000 draft dodgers have sanctuary in Canada, with an elaborate organization for getting them there. Stewart Alsop, Newsweek, July 20, 1970. Already some politicians and advocates of "peace at any price" are urging amnesty for these draft dodgers.

[70] President Nixon has said: "If we are less stronge than necessary . . . there will be no domestic society to look after." The President's Report, Feb. 18, 1970, p. 10.

[71] *New Trends in Kremlin Policy*, Center for Strategic and International Studies, Georgetown University, Aug. 1970, p. vi.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BYRD of Virginia) laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

QUORUM CALL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, awaiting the call of the Chair, with the understanding that the recess not extend beyond 2 p.m. today.

The motion was agreed to; and (at 1 o'clock and 35 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:59 p.m., when called to order by the Presiding Officer (Mr. BYRD of Virginia in the Chair).

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 12:15 p.m. today.

The motion was agreed to; and (at 2 o'clock p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:15 p.m., when called to order by the Presiding Officer (Mr. BELLMON).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BELLMON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

ORDER FOR RECESS TO 9 A.M. ON MONDAY, MAY 17, 1971

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the distinguished majority leader to propound the following series of unanimous-consent requests.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Monday next, with the understanding that Senators who have made speeches today may on Monday make additional speeches on the unfinished business without having speeches from today charged against them as first speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY TO 10 A.M. TUESDAY, MAY 18, 1971

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM TUESDAY NEXT TO 10 A.M. WEDNESDAY, MAY 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next it stand in recess until 10 a.m. Wednesday morning next with the understanding that the resumption of speeches on the unfinished business by Senators on Wednesday next not be counted as second speeches by virtue of the fact that the same Senators may have spoken on the unfinished business on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS BELLMON, MATHIAS, AND GRAVEL; FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS; AND THE CONSIDERATION OF H.R. 8190 ON MONDAY NEXT; UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes; to be followed by the distinguished Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes; to be followed by the distinguished Senator from Alaska (Mr. GRAVEL) for not to exceed 15 minutes; to be followed by a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period for the transaction of routine morning business, not to extend beyond 10 a.m.; provided further, that at 10 a.m. on Monday next the Chair lay before the Senate H.R. 8190, the Supplemental Appropriations Act for Fiscal Year 1971; that debate on the second supplemental appropriations bill be limited to 5 hours on Monday next, to be equally divided between the managers of the bill, the senior Senator from Louisiana (Mr. ELLENDER), and the minority leader or his designee, and that either of such Senators may, from the time under his control, yield additional time to other Senators on any amendment, motion, or appeal; that there be a limitation of 1 hour on each amendment, motion, or appeal, with the exception of a motion to lay on the table, the time on any such amendment, motion, or appeal to be equally divided between the mover thereof and the manager of the bill, the senior Senator from Louisiana (Mr. ELLENDER); provided additionally, that if there be any rollcall votes ordered on such amendments the rollcalls be delayed until Wednesday next following the vote on the amendment affecting the SST.

Ordered further, Mr. President, that at 3 p.m. on Monday next, the unfinished business, H.R. 6531, be laid before the Senate.

Ordered further, Mr. President, that on Wednesday next, immediately following the vote on amendment No. 86 introduced by the Senator from Montana (Mr. MANSFIELD), which under the previous order will not occur prior to 5 p.m., amendment No. 76, introduced by the Senator from Pennsylvania (Mr. SCHWEIKER), become the pending business as agreed under the previous order; at that point—immediately following the vote on the Mansfield amendment No. 86, and the laying before the Senate of the Schweiker amendment—the Schweiker amendment be temporarily laid aside and the vote then occur on the SST, to be followed by rollcall votes on any amendments to the second supplemental appropriation bill which may have been discussed and rollcalls ordered thereon under the 1-hour limitation on Monday next; and that following the vote on the SST and any other amendments to the supplemental appropriation bill, the Schweiker amendment No. 76 then resume its proper place as the pending business.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I see a few things that may need to be dealt with. I have no desire to object, of course.

First, normally we look after amendments to amendments. On the supplemental I did not hear that mentioned. Could the Senator look after that and provide a 10-minute limitation, 5 minutes to a side?

Mr. BYRD of West Virginia. Mr. President, if we may have the attention of all Senators, the Senator from New York asks what provision may have been made for amendments to amendments.

Under the request as presented there will be 1 hour on amendments to amendments.

Mr. JAVITS. Yes.

Mr. BYRD of West Virginia. Unless the Senator would like to suggest a modification.

Mr. JAVITS. No; that is fine.

As I understand the provision for the 5 p.m. voting, the vote is to come not earlier than 5 p.m.

I understood there was a possibility—no one ever knows about these things—such amendments might be presented so that we might not wish to or be able to vote Wednesday night before midnight if we stay that late.

Therefore, I ask the Senator if the unanimous-consent request should not be phrased in terms of sequence of events rather than tied to a given time frame, to wit, on Wednesday, if that time frame were agreed to and if it were exceeded, the unanimous consent obtained might no longer obtain.

Mr. BYRD of West Virginia. Mr. President, I concede that in a hypothetical situation such might be the case. In the situation as I think it will evolve, I doubt we will be confronted with that problem.

Mr. JAVITS. So in other words, the Senator would prefer not to include that. In other words, the Senator's unanimous consent would end at midnight Wednesday, and assuming that anything were left it would be free of any unanimous consent.

Mr. BYRD of West Virginia. The unanimous consent would not end at midnight on Wednesday. The Senate might very well continue in session beyond midnight.

Mr. JAVITS. I see. So long as the Senate remained in continuous session or recess this unanimous consent agreement would control. Is that correct?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. That gives you flexibility.

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. That is what I was concerned about.

The PRESIDING OFFICER (Mr. BROCK). Is there objection?

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, reserving the right to object.

Mr. BYRD of West Virginia. I yield to the Senator from Nebraska.

Mr. HRUSKA. Is it correct to say that the request for unanimous consent does not contemplate any limitation on the debate that might occur on the supplemental bill proper?

Mr. BYRD of West Virginia. Only in that the unanimous-consent request will provide for debate on the supplemental appropriation bill during the 5 hours extending from 10 a.m. on Monday morning until 3 p.m. in the afternoon on Monday. Nothing more.

Mr. HRUSKA. Then, there would be contemplated a vote on amendments to the supplemental bill and those votes would occur after the vote had occurred on the Mansfield amendment.

Mr. BYRD of West Virginia. That is correct with respect to yea and nay rollcall votes.

Mr. HRUSKA. I am speaking of yea and nay rollcall votes.

Mr. BYRD of West Virginia. Yes.

Mr. HRUSKA. Assuming there will be some amendments agreed to and others will be rejected to the supplemental bill, at that point will there be any limitation of debate on the supplemental bill for final passage as contemplated by the present request?

Mr. BYRD of West Virginia. Mr. President, the unanimous-consent request as presented makes no provision for final passage of the second supplemental.

Mr. HRUSKA. Nor does it undertake to limit debate thereon.

Mr. BYRD of West Virginia. It does not. We expect to cross that gap when we come to it.

Mr. HRUSKA. The inquiry is now made whether that would include a motion to recommit the supplemental bill.

Mr. BYRD of West Virginia. Such a motion to recommit the second supplemental appropriation bill would not be precluded under the unanimous-consent agreement.

Incidentally, Mr. President, I include in my unanimous-consent request, if the Senator will allow me to proceed at this point, a provision reserving the rights of Senators with respect to motions to table amendments on the second supplemental appropriation bill.

The PRESIDING OFFICER. Does the Senator request that those requests be included in the unanimous-consent agreement?

Mr. BYRD of West Virginia. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, to recapitulate, there is no limitation on debate on the final passage of the supplemental bill as it may or may not be amended, following the vote on the Mansfield amendment.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not, this agreement comes after a great deal of deliberation and contacting as many Senators as possible. I am sure it is not completely satisfactory to everyone concerned, but it is the best the leadership can do in a difficult situation.

Mr. BYRD of West Virginia. Mr. President, may we have a little better order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. It is the best the leadership can do in a difficult situation in order that we can get on with the business of the Senate. So I associate myself with the request and do not object.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from West Virginia?

The Chair hears none and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That, effective on Monday, May 17, 1971, at 10:00 a.m. during the further consideration of the bill, H.R. 8190, making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to one hour to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill (Mr. ELLENDER): *Provided,* That in the event the manager of the bill (Mr. Ellender) is in favor of any such amendment or motion the time in opposition thereto shall be controlled by the Minority Leader or some Senator designated by him.

Ordered further, That, debate on the bill on Monday shall be limited to not to exceed 5 hours to be equally divided and controlled, respectively, by the manager of the bill (Mr. Ellender) and the Minority Leader, or his designee: *Provided*, That, the said persons, or either of them, may from the time under their control on the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Ordered further, That, at 3:00 o'clock on Monday, May 17, 1971, the Senate will return to further consideration of the unfinished business (H.R. 6531).

Ordered further, That, on Wednesday, May 19, 1971, after the vote on the Mansfield amendment, numbered 86, and laying before the Senate the amendment by the Senator from Pennsylvania (Mr. Schweiker) Numbered 76, the unfinished business will be laid aside and the Senate will proceed to vote on the amendment on the SST to H.R. 8190, following which, a vote will be taken on any other amendment to H.R. 8190, on which the Yeas and Nays had been ordered, but on which no vote had been taken, since under the agreement any amendment on which the Yeas and Nays had been ordered will be put over until Wednesday evening. Provided that, the right to move to table any amendment to H.R. 8190 is not lost hereby at any time.

VISIT BY DISTINGUISHED MEMBERS OF THE HOUSE OF COMMONS OF CANADA

Mr. CHURCH. Mr. President, we are very much honored today to have with us a group of parliamentarians from Canada who have been here to witness procedures in committee and the way that committee action in the Senate is publicized.

They have been with us for lunch. We have enjoyed a very interesting conversation with them. Of course, we are delighted to have them as our guests.

I would like at this time to introduce them to the Senate on behalf of the Senator from Vermont (Mr. AIKEN) and myself:

First of all, the chairman of the group, D. Gordon Blair, and the vice chairman, Marcel Lambert, and the following members of the Canadian House of Commons: Robert Coates, Grant Deachman, Rosaire Gendron, Robert Kaplan, Ambrose Peddle, Arnold Peters, Jerry Pringle, John Reid, Jacques L. Trudel, Michael B. Kirby, and Robert Jackson.

(Applause, Senators rising.)

Mr. AIKEN. Mr. President, I would like to say a word. We are always glad to have our neighbors from Canada visit us. Canada is the best neighbor any country could have. No one has ever been able to think of any other which we would prefer. They are very much like us in many ways. They get a little disappointed with us sometimes. They get a little disappointed with each other, just as we do.

I am always glad to meet them. They talk very openly. They point out our faults. We do the same for them, if they have any that are current.

Certainly I want to take part in welcoming these Members of the Canadian Parliament here today. I told them they would be in the majority when they got here on the floor, and if they wanted to outvote us, they could.

That is all I have to say, except we are delighted to have them here.

Mr. GRIFFIN. Mr. President, I want to associate myself with the remarks of our distinguished dean on this side of the aisle.

RECESS

Mr. GRIFFIN. Mr. President, in order that Senators who are in the Chamber may have an opportunity to meet our friends from Canada and shake hands with them, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for a period not to exceed 10 minutes.

There being no objection, at 2:32 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:39 p.m., when called to order by the Presiding Officer (Mr. BROCK).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, to put the cloakrooms on notice that this is the final quorum call, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 9 o'clock a.m., following a recess.

Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oklahoma (Mr. BELLMON), the distinguished Senator from Maryland (Mr. MATHIAS), and the distinguished Senator from Alaska (Mr. GRAVEL) will each be recognized for not to exceed 15 minutes, and in the order named.

Following the recognition of the aforementioned Senators under the orders previously entered, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 10 a.m.

At 10 a.m., the second supplemental appropriation bill, H.R. 8190, will be laid before the Senate. There will be 5 hours of debate on the bill and/or on amendments thereto, the 5 hours to conclude at 3 p.m., and time on any amendment will be limited to 1 hour. There may be voice votes or division votes Monday on amendments offered to the second supplemental appropriation bill. Any rollcall votes thereon will be carried over until Wednesday next.

At 3 o'clock p.m. on Monday, the unfinished business, H.R. 6531, will again be laid before the Senate, and debate will continue thereon.

It is the understanding of the leadership that the pending amendment, which is the Mathias amendment, will not be laid aside for consideration of any other amendments on Monday. Consequently, no rollcalls are expected on Monday next.

When the Senate completes its business on Monday, it will stand in adjournment until 10 o'clock a.m. on Tuesday next.

Mr. President, for the information of the Senate, no rollcall votes are anticipated on Monday or Tuesday, but there will be a number of rollcall votes which will occur on Wednesday next, under the orders entered. The vote on the Mansfield amendment will occur on Wednesday no earlier than 5 p.m., but the vote on the Mathias amendment will be prior to the vote on the Mansfield amendment.

RECESS UNTIL 9 A.M. ON MONDAY, MAY 17, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 44 minutes p.m.) the Senate took a recess until Monday, May 17, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 14, 1971:

U.S. MINT

Jack Herbert Keller, of Pennsylvania, to be Assayer of the Mint of the United States at Philadelphia, Pa., vice Hyman A. Friedman, resigned.

DEPARTMENT OF JUSTICE

Joel D. Sacks, of the Virgin Islands, to be U.S. attorney for the Virgin Islands for the term of 4 years, vice Robert McShane Carney, resigning.

James R. Laffoon, of California, to be U.S. marshal for the southern district of California for the term of 4 years, vice Donald B. Hill, resigned.

IN THE AIR FORCE

Maj. Gen. Gordon T. Gould, Jr., [redacted]FR, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general under the provisions of section 8066, title 10 of the United States Code.

IN THE ARMY

The following-named officers for promotion in Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Bostad, Allen B., [redacted].
Cannon, Morris C., [redacted].
Hagan, Willard D., [redacted].

ARMY PROMOTION LIST

To be major

Abbott, Rudolph E., [redacted].
Ackerman, Donald C., [redacted].
Acuff, Gerald R., [redacted].
Adamcik, Merrill T., [redacted].
Adams, Allen D., Jr., [redacted].
Adams, Donald D., [redacted].
Adams, Eural E. E., Jr., [redacted].
Adams, James G., [redacted].
Adams, Louis W., [redacted].
Adamski, Richard G., [redacted].
Addy, Buford W., Jr., [redacted].
Adkins, Donald V., [redacted].
Adler, James M., [redacted].
Agostini, Victor M., [redacted].
Akam, George R., [redacted].
Alden, John H., [redacted].

Aldrich, Robert J. K. [redacted].
Alexander, Walter D. [redacted].
Allen, Carl J., [redacted].
Allen, David J., [redacted].
Allen, William L., [redacted].
Alvadj, Gordon S., [redacted].
Amaral, David J., [redacted].
Amazeen, Charles P., [redacted].
Ambrosino, Richard [redacted].
Ament, Robert L., [redacted].
Anderson, John C., [redacted].
Anderson, John L., [redacted].
Anderson, Leon L., [redacted].
Andreson, Ronald K. [redacted].
Anglin, Richard C., [redacted].
Ankenman, Harold D. [redacted].
Antaya, Michel R., [redacted].
Antross, Richard C., [redacted].
Appling, David A., [redacted].
Arcari, Joseph J., [redacted].
Archer, Caleb J [redacted].
Arnold, Bruce D., [redacted].
Arnold, John M., [redacted].
Aschliman, Edward L. [redacted].
Ashley, Alvie O., [redacted].
Askelson, Dennis L., [redacted].
Ault, James W., Jr [redacted].
Avera, Graham J., [redacted].
Avera, John B., Jr. [redacted].
Aylward, James J., Jr. [redacted].
Bacon, Stanley, Jr. [redacted].
Bagdanov, James L. [redacted].
Bagozzi, Donald F. [redacted].
Bahnsen, Peter F. [redacted].
Bailey, Clark J., II [redacted].
Baillie, Donald A., [redacted].
Baker, John P., Jr. [redacted].
Baker, Robert M., Sr. [redacted].
Baker, William, [redacted].
Balda, Edward J., Jr. [redacted].
Balish, Warren N. [redacted].
Ballew, Bobby G., [redacted].
Barge, Walter S., [redacted].
Barham, Thomas J. [redacted].
Barker, Bob L., [redacted].
Barnebey, Hoyt W. [redacted].
Barnes, James M., [redacted].
Barrett, Robert C., Jr. [redacted].
Barrett, William I. [redacted].
Barry, Joseph A., III [redacted].
Barta, V. William, [redacted].
Bartlett, William E. [redacted].
Bartlett, William G. [redacted].
Bauchspies, Richard [redacted].
Bauer, Anthony G. [redacted].
Baxter, Wayne H. [redacted].
Bay, Charles H., [redacted].
Beach, Ernest E., [redacted].
Beatty, Robert C., [redacted].
Beckman, Charles H. [redacted].
Behm, Peter S. [redacted].
Behrens, Helmer H. [redacted].
Bell, Major H., [redacted].
Bellows, Ronald L., [redacted].
Bennett, Edward L. [redacted].
Benoit, Peter B., [redacted].
Beran, Joseph J. [redacted].
Berdux, Sylvester C. [redacted].
Bernstein, Donald I. [redacted].
Berry, Joe D., [redacted].
Berry, Louie G., [redacted].
Berry, Tommie J. [redacted].
Best, Darrell E., [redacted].
Betke, Herman R., [redacted].
Betters, Richard B. [redacted].
Betts, Jerry W. [redacted].
Biesenbach, Donald [redacted].
Bisch, Frederick R. [redacted].
Bivings, Donald E. [redacted].
Black, Calvin D., [redacted].
Black, Clinton H. [redacted].
Blackham, Richard G. [redacted].
Blackwell, Cedric L. [redacted].
Blahna, Gary L. [redacted].
Blair, John C., [redacted].
Blazes, Peter J., [redacted].
Block, Thomas R. [redacted].
Bloedorn, Gary W. [redacted].
Blume, Geoffrey E. [redacted].
Boddie, Raymond B. [redacted].
Bond, Nelson B. [redacted].
Bongiardina, Joseph [redacted].
Bons, Paul M., [redacted].
Boone, Howard, [redacted].
Boose, Howard R., III, [redacted].
Borneman, Frederick [redacted].
Boroski, Marvin, [redacted].
Bosway, Stephen G., [redacted].
Bowles, Gary W., [redacted].
Boyd, Eugene T., Sr., [redacted].
Boyd, Leo S., [redacted].
Boyd, Richard F. [redacted].
Bozeman, Paul, [redacted].
Brackett, John R. [redacted].
Bradley, John H. [redacted].
Bradner, James W., II [redacted].
Bradshaw, Charles W. [redacted].
Bradshaw, Jack O. [redacted].
Brandl, Joseph W. [redacted].
Brantley, Danon L. [redacted].
Brantley, John T. [redacted].
Braspenninck, X. Harold [redacted].
Brassfield, Bobbie, [redacted].
Bratcher, Dewey F. [redacted].
Brazeale, Charles R. [redacted].
Brewer, James A. [redacted].
Bridgwater, Tom W. [redacted].
Briggs, Bobby G., [redacted].
Brill, Ronald R. [redacted].
Brintnall, Clarke M. [redacted].
Broadus, James C. [redacted].
Brockwell, Daniel P. [redacted].
Brokaw, Francis L. [redacted].
Brooks, Earl R., [redacted].
Brooks, James R., Jr. [redacted].
Brothers, David L. [redacted].
Brown, Charles L., Jr. [redacted].
Brown, Clyde O., Jr. [redacted].
Brown, George P. [redacted].
Brown, Glenn A., [redacted].
Brown, Harold L., III [redacted].
Brown, Joe M., [redacted].
Brown, John, Jr. [redacted].
Brown, Joseph K. [redacted].
Brown, Noel L., [redacted].
Brown, Oreal L. [redacted].
Brownfield, William, [redacted].
Bruck, Harold A., Jr. [redacted].
Brumbaugh, Larry W. [redacted].
Bruzina, Dennis R. [redacted].
Bubon, John J. [redacted].
Buchanan, John C. [redacted].
Buchly, William S. [redacted].
Buckley, George M. [redacted].
Budrich, Dudley J. [redacted].
Bue, Paul A. J., [redacted].
Bugay, Glenn L. [redacted].
Bunker, David L. [redacted].
Bunker, Robert M. [redacted].
Bunn, Edward J. [redacted].
Bunting, Roger C. [redacted].
Burke, Allan R., [redacted].
Burke, Edward J., Jr. [redacted].
Burke, John C. [redacted].
Burleson, Charles E. [redacted].
Burns, George K. [redacted].
Burrow, George D. [redacted].
Butler, Robert W. [redacted].
Byrom, Seymour, [redacted].
Caddigan, James L., Jr. [redacted].
Cahalane, Robert E. [redacted].
Cain, Gene R., [redacted].
Calderon-Couvertie, Jose [redacted].
Callahan, Donald, Jr. [redacted].
Cameron, Thomas F. [redacted].
Campbell, Donald M. [redacted].
Campbell, Luther U. [redacted].
Cancienne, Louis G. [redacted].
Canfield, James D. [redacted].
Cannella, Phillip F. [redacted].
Carlin, John C. [redacted].
Carnahan, Ronald J. [redacted].
Carpenter, Maxey B. [redacted].
Carpenter, Thomas E. [redacted].
Carr, Glenn P. [redacted].
Carson, John W. [redacted].
Case, Ralph W., Jr. [redacted].
Chandler, Richard J. [redacted].
Chappell, Troy D. [redacted].
Charlton, Daniel P. [redacted].
Chaudrue, Robert G. [redacted].
Chavis, Langley J. [redacted].
Chesney, Ted S., [redacted].
Chick, Edward E., [redacted].
Chisholm, John J. [redacted].
Christenberry, James [redacted].
Christensen, Neal R. [redacted].
Chunn, Don C., Jr. [redacted].
Churchill, Carl L. [redacted].
Clark, Bernard J. [redacted].
Clark, Dennis J. [redacted].
Clark, Shannon D. [redacted].
Clarke, Henry H. H. [redacted].
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Cleaver, Bruce H. [redacted].
Clement, L. W., Jr. [redacted].
Clewell, Robert M. [redacted].
Cliborn, Donald E. [redacted].
Coats, John I. [redacted].
Cobb, Edward R., Jr. [redacted].
Coblentz, William S. [redacted].
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Coleman, Lynn F. [redacted].
Collett, Willis C., Jr. [redacted].
Collier, John F. [redacted].
Collins, Nicholas H. [redacted].
Collins, Samuel P., Jr. [redacted].
Conkel, Ronald P. [redacted].
Connell, Terrace J. [redacted].
Conner, Nelson O., Jr. [redacted].
Cook, Billy G., [redacted].
Cook, Cline G., [redacted].
Cook, Larry Joe, [redacted].
Coop, Harold L., Jr. [redacted].
Cooper, Albert C. [redacted].
Cooper Ted V., [redacted].
Cooper William T., Jr. [redacted].
Copp, Williard C. [redacted].
Coppley, Johnny R. J. [redacted].
Corcoran, Gordon G. [redacted].
Cordonnier, David, Jr. [redacted].
Coseo, Gregory F. [redacted].
Coulter, Richard V. [redacted].
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Cramer, Rockwell C. [redacted].
Crandall, John D. [redacted].
Crane, George R., [redacted].
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Creviston, Mark S., Jr. [redacted].
Crittenden, Oliver [redacted].
Cromartie, Eugene R. [redacted].
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Crum, Raymond H., Jr. [redacted].
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De Amusategui, Jose [redacted].
De Berardino, Anthony [redacted].
De Boeser, Edward V. [redacted].
De Chant, Joseph M. [redacted].
De Christopher, Edward [redacted].
De Graw, Andrew E. [redacted].
De Mouche, Louis F. [redacted].
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Detlie, Douglass S., [redacted].
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Dixon, Leon E., [redacted].
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Frazier, Robert J., Jr. [redacted].
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Hubbard, Harry J., III [redacted].
Hubbard, Robert B. [redacted].
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Joyce, Warren C., [redacted]
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Julian, Robert H., [redacted]
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Levasseur, Julian J., [redacted]
Lewis, Joseph W., III, [redacted]
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Moe, Richard L., [redacted]
Moentmann, Dwain T., [redacted]
Mohrmann, George F., [redacted]
Moller, Carl M., Jr., [redacted]
Mondok, Robert R., [redacted]
Montgomery, Kenneth, [redacted]
Monville, John J., [redacted]
Mooneyham, John A., [redacted]
Moore, Bobby L., [redacted]
Moore, Charles F., [redacted]
Moore, James W., [redacted]
Moore, Olin J., [redacted]
Moore, Robert J., [redacted]
Morgan, Burford F., [redacted]
Morgan, Thomas D., [redacted]
Moriarty, Donald P., [redacted]
Morin, Raymond J., Jr., [redacted]
Morris, Alva J., [redacted]
Morris, David W., [redacted]
Morris, Ellis R., [redacted]
Morrison, Leo S., Jr., [redacted]
Morrissey, John J., [redacted]
Morrow, Cecil R., Jr., [redacted]
Morse, David Lee, [redacted]
Moscatelli, Robert, [redacted]
Moss, Robert E., [redacted]
Motes, Clyde L., [redacted]
Mowry, Richard E., [redacted]
Moxley, Thomas T., [redacted]
Muhlenfeld, William, [redacted]
Mulcahey, Francis L., [redacted]
Mullins, Lawrence E., [redacted]
Mulvenna, John W., [redacted]
Mungovan, Robert W., [redacted]
Myers, James A., [redacted]
Myers, Samuel L., Jr., [redacted]
Naber, Elmer W., Jr., [redacted]
Nabors, William T., [redacted]
Nabal, Ramon A., II, [redacted]
Najera, Pedro, [redacted]
Nakasato, George I., [redacted]
Napper, John L., [redacted]
Natale, Matthew M., [redacted]
Nathan, Walter E., [redacted]
Nazarenus, James M., [redacted]
Neary, Edward F., [redacted]
Neely, Carl C., Jr., [redacted]
Neely, Cecil N., [redacted]
Nelsen, Ronald L., [redacted]
Nelson, Arthur F., [redacted]
Nelson, George R., [redacted]
Nelson, Maynard L., [redacted]
Nelson, Richard E., [redacted]
Newell, Edward W., [redacted]
Nicholas, Frank E., [redacted]
Nix, Crispus C., [redacted]
Norbo, Gary J., [redacted]
Norris, Kenneth S., [redacted]
Norte, Raul A., [redacted]
Northridge, Henry R., [redacted]
Norton, James A., [redacted]
Novak, Jerry R., [redacted]
Nowak, John A., [redacted]
Nuffer, Frederick L., [redacted]
Nugent, James, [redacted]
Nun, John B., [redacted]
Nydam, David A., [redacted]
Oakes, William H., [redacted]
Oates, David T., [redacted]
Oberg, Dick S., [redacted]
Oberle, Joseph F., [redacted]
O'Brien, John A., [redacted]
O'Bryant, James E., [redacted]
Ogden, George C., Jr., [redacted]
Oldinsky, Frederick, [redacted]
Oliva, Albert J., Jr., [redacted]
Olson, Ronald C., [redacted]
O'Neill, Joseph J., [redacted]
Ordway, Roderic E., [redacted]
Orr, Gerald W., [redacted]
Orr, Jerry P., [redacted]
Orr, Thomas L., [redacted]
Osborne, James C., [redacted]
Ott, Luther D., [redacted]
Owens, Sammy L., [redacted]
Oxford, Clyde E., [redacted]
Packard, Bruce S., [redacted]
Painter, Keith [redacted]
Palladino, Donald J., [redacted]
Palme, Francis J., Jr., [redacted]
Palmer, John L., [redacted]
Parham, Edward L., [redacted]
Paris, William, [redacted]
Park, Donald R., [redacted]
Parker, Charles E., Jr., [redacted]
Parker, David M., [redacted]
Parker, Jerry S., [redacted]
Parker, Travis W., [redacted]
Parks, William R., [redacted]
Parmesano, Vincent, [redacted]
Parsons, Ralph W., [redacted]
Passailaigue, Edward, [redacted]
Patrick, Allison H., [redacted]
Paulk, Charles D., [redacted]
Payne, Garth H., Jr., [redacted]
Payne, Moses, [redacted]
Peake, Hayden B., [redacted]
Pearce, Joseph R., [redacted]
Pearce, William E., [redacted]
Peate, Laurence R., [redacted]
Peck, James W., [redacted]
Pedersen, Millard L., [redacted]
Pellegrini, Benjamin, [redacted]
Pelot, Lynwood M., Jr., [redacted]
Penick, Billy R., [redacted]
Perkins, Claude D., Jr., [redacted]
Perreault, Lawrence, [redacted]
Peters, John W., [redacted]
Peterson, John A., [redacted]
Pfeiffer, Richard W., [redacted]
Phelan, Arthur J., [redacted]
Philbin, Donald R., [redacted]
Philbrook, Wallace, [redacted]
Phillips, Johnny A., [redacted]
Phipps, Donald E., [redacted]
Pierre, Allan, [redacted]
Piff, Walter F., Jr., [redacted]
Plaue, Walter M., [redacted]
Plonk, Donald C., [redacted]
Pluta, Russell F., [redacted]
Pointer, Robert W., Jr., [redacted]
Polk, Paul G., [redacted]
Pollenz, Richard S., [redacted]
Pollock, Robert T., [redacted]
Polo, Richard J., [redacted]
Pond, Kenneth S., [redacted]
Poole, Ronald H., [redacted]
Poor, George R., [redacted]
Poteat, James D., [redacted]
Powell, Albert W., [redacted]
Powell, Colin L., [redacted]
Powell, John W., [redacted]
Powers, Davies R., [redacted]
Press, Donald P., [redacted]
Prewett, William A., [redacted]
Price, Robert D., [redacted]
Priddy, Bobby E., Sr., [redacted]
Prince, Jimmy G., [redacted]
Prince, Ted, [redacted]
Pritz, Robert H., [redacted]
Proschel, Donald L., [redacted]
Profitt, Ray B., [redacted]
Pryor, Philip A., [redacted]
Pugmire, James H., [redacted]
Purvis, Ralph M., [redacted]
Puscheck, Herbert C., [redacted]
Putnam, John D., [redacted]
Qualtrough, Norman [redacted]
Raby, Kenneth A., [redacted]
Rachels, Ray H., [redacted]
Raffaele, John, [redacted]
Rafferty, James R., [redacted]
Ragan, James A., [redacted]
Rambo, James E., [redacted]
Ramsden, James H., [redacted]
Rash, Stephen E., [redacted]
Raymond, John A. [redacted]
Real, John P., [redacted]
Rector, Zane K., [redacted]
Reese, Cleland P., [redacted]
Reese, Thomas D., [redacted]
Rehm, Walter E., [redacted]
Rehmert, Colby D., [redacted]
Reich, Charles J., Jr., [redacted]
Reidy, Richard F., Jr., [redacted]
Reifsnyder, Robert, [redacted]
Reilley, James J., [redacted]
Rembecki, Edward X., [redacted]
Renzi, Eugene C., [redacted]
Resa, Philip E., [redacted]
Revels, James W., [redacted]
Reyburn, Dwight S., [redacted]
Reynard, Richard L., [redacted]
Reynolds, Roger D., [redacted]
Reynolds, William H., [redacted]
Reynolds, William M., [redacted]
Rhodes, Robert G., [redacted]
Rice, Charlie W., [redacted]
Rice, James W., Jr., [redacted]
Rice, Robert C., [redacted]
Richards, Gene M., [redacted]
Richey, Charles G., [redacted]
Richie, James F., [redacted]
Riggs, Duane B., [redacted]
Riley, Paul R., Jr., [redacted]
Rilling, Henry C., [redacted]
Riscassi, Robert W., [redacted]
Ritchie, Thomas A., [redacted]
Rivera, Frank T., [redacted]
Rives, William T., Jr., [redacted]
Rives, William T., Jr., [redacted]
Roache, Nathaniel R., [redacted]
Roberson, Richard W., [redacted]
Roberts, Birchard R., [redacted]
Roberts, David E., [redacted]
Roberts, Donald J., [redacted]
Roberts, Hollis L., [redacted]
Robertson, George R., [redacted]
Robinson, Richard A., [redacted]
Roche, David, [redacted]
Rodgers, Thurman D., [redacted]
Roemer, Richard O., [redacted]
Rogan, Robert E., [redacted]
Rogers, Hugh K., Jr., [redacted]
Rogers, Jerome J., [redacted]
Roosma, William A., [redacted]
Roscelli, Joseph J., [redacted]
Rose, Harold L., [redacted]
Rose, James E., [redacted]
Rosenberg, David C., [redacted]
Rosendahl, Richard, [redacted]
Ross, Carl L., [redacted]
Ross, Jimmy D., [redacted]
Rowe, Terry E., Jr., [redacted]
Rowell, Oliver J., [redacted]
Ruane, Douglas A., [redacted]
Rubin, George R., [redacted]
Rundle, Ralph T., [redacted]
Russell, Richard R., [redacted]
Rutherford, Frank E., [redacted]
Ryan, Gerald E. P., [redacted]
Ryan, William D., [redacted]
Saint, Crosbie E., [redacted]
Saling, Neil E., Jr., [redacted]
Salisbury, Alan B., [redacted]
Sampson, John B., [redacted]
Sanchez-Alicea Esteban, [redacted]
Sanders, Milton D., [redacted]
Sanders, Thomas C., [redacted]
Sanders, Walter M., [redacted]
Sands, Thomas A., [redacted]
Santa Barbara, Jose [redacted]
Santoro, John M., [redacted]
Sarantakes, Nicholas, [redacted]
Sargent, Norbert J., [redacted]
Satterthwaite, George [redacted]
Saunders, Richard G., [redacted]
Savage, Leslie H., [redacted]
Savery, Donald F., Jr., [redacted]
Scanlan, Walter G., [redacted]
Schafer, Floyd J., [redacted]
Schaffer, John A., [redacted]
Scher, Donald M., [redacted]
Scherman, Francis J. [redacted]
Schloesser, Kenneth, [redacted]
Schmanska, Philip G. [redacted]
Schmith, Albert T. [redacted]
Schneider, John W., Jr. [redacted]
Schonberge, Richard, [redacted]
Schrader, Frederick, [redacted]

Schultz, Norman O. [redacted]
Schurtz, Gerald P. [redacted]
Schwar, Joseph H., Jr., [redacted]
Schwarzbauer, Joseph [redacted]
Scott, Richard L., [redacted]
Scott, William L., [redacted]
Scoville, Oscar G., [redacted]
Seay, Michael, [redacted]
Sedgwick, Douglass, [redacted]
Seldon, Felix L., [redacted]
Sellers, Roger L., [redacted]
Senn, Robert W., [redacted]
Serchak, William E., [redacted]
Sewall, John O. B., [redacted]
Shea, Joseph A., [redacted]
Shea, Quinlan J., Jr. [redacted]
Sheldon, William W., [redacted]
Shelton, James, [redacted]
Shepard, James C., [redacted]
Shepard, William J., [redacted]
Sherman, Charles L., [redacted]
Shetler, John D., [redacted]
Shiery, Howard C., II, [redacted]
Shimerda, John H., [redacted]
Short, Robert E., [redacted]
Shrader, Cecil L., [redacted]
Shuler, Oscar L., Jr., [redacted]
Shuttleworth, Charles [redacted]
Sibert, George W., [redacted]
Sibley, Robert A., [redacted]
Siderius, Robert R., [redacted]
Sieck, Robert R., [redacted]
Siegel, Eugene E., [redacted]
Sigler, James M., [redacted]
Siler, Samuel M., [redacted]
Silvey, Bruce D., [redacted]
Simon, Ernest A., [redacted]
Singer, Warren H., [redacted]
Sisak, James C., [redacted]
Sivils, Doye O., [redacted]
Skaife, Stanley T., [redacted]
Skira, George W., [redacted]
Skvorc, Paul A., [redacted]
Slezak, Donald J., [redacted]
Slofer, Bernard P., [redacted]
Smith, Anthony A., [redacted]
Smith, Carl R., [redacted]
Smith, Edward L., [redacted]
Smith, Fred, [redacted]
Smith, Robert T., Jr., [redacted]
Smith, Stephen L., [redacted]
Smith, Theodore F., [redacted]
Smith, Walter M., Jr., [redacted]
Smits, Robert G., [redacted]
Smyth, Rome D., [redacted]
Snare, Ross W., Jr., [redacted]
Snhiurowych, Wiroslaw J., [redacted]
Snowden, John R., [redacted]
Snyder, Richard J., [redacted]
Solley, Lee R., [redacted]
Solseth, Harold L., [redacted]
Sorensen, Gary A., [redacted]
Sowell, Arnold M., [redacted]
Sowell, Lewis C., Jr., [redacted]
Sparks, Alton R., [redacted]
Spaulding, Richard, [redacted]
Speairs, Phillip M., [redacted]
Spurrier, Robert E., [redacted]
Squier, Jack E., [redacted]
Stahlman, John W., [redacted]
Stalcup, Billy J., [redacted]
Stanborough, Robert [redacted]
Stanton, James D., [redacted]
Staples, Frederick, [redacted]
Statler, James B., [redacted]
Stearns, Henry A., [redacted]
Steinbach, James J., [redacted]
Steinmetz, Charles, [redacted]
Stengel, Charles W., [redacted]
Stephans, Richard A., [redacted]
Stepp, Robert H., [redacted]
Stevens, Lynn H., [redacted]
Steverson, Lynn, [redacted]
Stewart, James T., [redacted]
Stewart, Jessie E., [redacted]
Stiner, Carl W., [redacted]
Stocky, Peter D., [redacted]
Stokes, John P., III, [redacted]
Stone, John B., [redacted]
Strickler, William, [redacted]
Stritzinger, Frederick [redacted]
Strok, Albert J., [redacted]
Stronach, Ronald E., [redacted]
Strzok, Peter P., [redacted]
Sullinger, Carl W., [redacted]
Sullivan, George C., [redacted]
Sullivan, John H., [redacted]
Sullivan, Robert F., [redacted]
Summers, Harry G., Jr., [redacted]
Sutherland, John R., [redacted]
Sutton, Jerry W., [redacted]
Swanson, David V., [redacted]
Swanson, David W., [redacted]
Swenson, Louis S., [redacted]
Tademy, Dudley L., [redacted]
Tait, Thomas H., [redacted]
Takane, James N., [redacted]
Talley, Earl H., [redacted]
Taylor, Alfred E., [redacted]
Tear, Harry R., Jr., [redacted]
Tedesco, John J., [redacted]
Teeter, Charles E., [redacted]
Telfer, Jon R., [redacted]
Terpstra, John J., Jr. [redacted]
Thamasett, Otto J., [redacted]
Theibert, Jude J., [redacted]
Thiede, Alfred J., [redacted]
Thomas, Edward J. F., [redacted]
Thomas, Govan C., [redacted]
Thomas, Richard E., [redacted]
Thompson, Charles A., [redacted]
Thompson, David E., [redacted]
Thompson, David E., [redacted]
Thompson, George H., [redacted]
Thompson, James E., Jr., [redacted]
Thompson, Michael R., [redacted]
Thompson, Richard A., [redacted]
Thompson, William E., [redacted]
Thoreson, Oscar B., [redacted]
Thornock, John R., [redacted]
Thorsen, John S., [redacted]
Thrailkill, John R., [redacted]
Tilley, James N., Jr., [redacted]
Tilton, Robert C., [redacted]
Tipton, James A., [redacted]
Tirre, Joseph C., Jr., [redacted]
Tisson, Guenther J., [redacted]
Tobiason, Allan R., [redacted]
Todd, George K., Jr., [redacted]
Toftoy, Charles N., [redacted]
Tomlinson, Raymond, [redacted]
Toomey, Francis X., [redacted]
Totin, John R., [redacted]
Toye, John E., [redacted]
Traas, Adrian G., [redacted]
Trahan, Frank W., [redacted]
Tredway, Robert N., [redacted]
Trent, William E., [redacted]
Trueheart, William, [redacted]
Trumbull, Hugh H., Jr. [redacted]
Trunkes, William J., [redacted]
Tuck, John S., [redacted]
Turner, Clyde A., III, [redacted]
Turner, Ronald D., [redacted]
Tuttle, William G. T., [redacted]
Tyrrell, Edward W., [redacted]
Umbaugh, Lloyd D., [redacted]
Van Fleet, Townsend, [redacted]
Van Harty, C., Jr., [redacted]
Van Horn, John T., [redacted]
Van Meter, Harold C., [redacted]
Vanderschaaf, John, [redacted]
Vanture, Paul D., [redacted]
Varallo, Francis V., [redacted]
Victorine, Clifford, [redacted]
Villarreal, Julian, [redacted]
Vincent, Wendell C., [redacted]
Viney, James L., [redacted]
Vinson, Paul H., [redacted]
Voelkel, Eugene, [redacted]
Waddell, Roger W., [redacted]
Wafer, William J., [redacted]
Wagg, Robert A., Jr., [redacted]
Waggoner, Robert N., [redacted]
Wagner, Robert E., [redacted]
Waldack, Albert C., [redacted]
Walker, Costelle B., [redacted]
Walker, Jack A., [redacted]
Walling, James B., Jr., [redacted]
Wallis, Cecil L., [redacted]
Walsh, Raymond M., [redacted]
Walter, John L., [redacted]
Walters, Charles O., [redacted]
Ward, James J., [redacted]
Ward, Leonard M., Jr., [redacted]
Ward, Rayburn L., Jr., [redacted]
Ward, Wallace W., Sr., [redacted]
Warnberg, Harry E., [redacted]
Warren, Peter J., [redacted]
Warren, Rufford, [redacted]
Wasinger, Edwin P., [redacted]
Waskowicz, Francis, [redacted]
Watkins, Thomas D. I., [redacted]
Weary, Sheron E., [redacted]
Webb, Richard B., [redacted]
Webb, Robert H., Jr., [redacted]
Weber, Victor A., [redacted]
Webster, Howard E. J., [redacted]
Webster, Robert L. J., [redacted]
Weckel, Edward C., [redacted]
Weems, Sands S., III, [redacted]
Wees, George G., [redacted]
Weiffenbach, William, [redacted]
Weis, James H., [redacted]
Weisto, John A., [redacted]
Wellman, William H., [redacted]
Wentworth, Eugene G., [redacted]
Wesley, Clemon H., [redacted]
West, Donald R., [redacted]
Wetzel, Gerald R., [redacted]
Wharton, Terrance D., [redacted]
Whedbee, John S., Sr., [redacted]
Wheeler, Edward W., Jr., [redacted]
White, David J., [redacted]
White, Lawrence L., [redacted]
Whitley, William R., [redacted]
Whitt, Samuel T., [redacted]
Wichert, Gilbert H., [redacted]
Widell, Carl A., Jr., [redacted]
Widick, James L., [redacted]
Widmer, Edwin R., [redacted]
Wiernik, Gerald D., [redacted]
Wiger, Leslie T., [redacted]
Wilkins, Jesse B., Jr., [redacted]
Wilkinson, Ralph C., [redacted]
Williams, Forrest H., [redacted]
Williams, Glen W., [redacted]
Williams, Jack H., [redacted]
Williams, John B., [redacted]
Williams, Richard L., [redacted]
Williams, Robert B., [redacted]
Williams, Samuel, [redacted]
Williamson, Donald, [redacted]
Williamson, Neil S., [redacted]
Willis, Carlton R., [redacted]
Willis, James S., Jr., [redacted]
Wilmot, Richard W., [redacted]
Wilson, Donald E., [redacted]
Wilson, John P., Jr., [redacted]
Wilson, Norman S., [redacted]
Wilson, Richard A., [redacted]
Wilson, William D., [redacted]
Winder, Richard C., Jr., [redacted]
Winger, Norman, [redacted]
Winslow, John E., [redacted]
Winter, Robert G., [redacted]
Winzurk, William F., [redacted]
Wise, Paul E., [redacted]
Wist, Fred C., [redacted]
Wittenberg, Kenneth [redacted]
Woith, Francis E., [redacted]
Wolff, Robert A., [redacted]
Wollerton, Charles, [redacted]
Wood, Nelson V., [redacted]
Woods, Rex J., [redacted]
Woolley, John E., [redacted]
Works, Richard E., [redacted]
Wright, Gergory F., [redacted]
Wulff, Roy A., [redacted]
Wyatt, Sterling W., [redacted]
Wynn, Sidney R., [redacted]
Yaun, William W., Jr., [redacted]
Yeats, Christopher, [redacted]
Young, Laurence J., [redacted]
Zimmer, Gerald H., Jr., [redacted]
Zimmerman, Robert, [redacted]

CHAPLAIN CORPS

To be major

Andrews, Joel E., [redacted]
Bell, Berdon M., Jr., [redacted]
Blunt, Kenneth L., [redacted]
Bowers, Curtis R., Jr., [redacted]
Boyce, David G., [redacted]
Chavvarry, Richard E., [redacted]
Cochran, Keric J., [redacted]

Crick, Robert D., [redacted].
David, Lawrence T., [redacted].
Dinkel, Emil L., [redacted].
Fung, Edmond, [redacted].
Gray, George H., [redacted].
Grenz, Clinton E., [redacted].
Grothe, Richard E., [redacted].
Hyde, Partick H., [redacted].
Kraak, Peter J., [redacted].
Kyle, Charles G., [redacted].
Prout, Gordon R., [redacted].
Reswik, George V., [redacted].
Rivers, Daniel L., [redacted].
Schmidt, Charles H., [redacted].
Silliman, Edwin T., [redacted].
Thomas, Everette J., [redacted].
Wilson, David L., [redacted].

WOMEN'S ARMY CORPS

To be major

Dial, Retta F., [redacted].
Jump, Janice G., [redacted].
Lane, Betty J., [redacted].
Oclaire, Joyce W., [redacted].
Thompson, Flora G., [redacted].
Wagner, Lillian N., [redacted].

MEDICAL CORPS

To be major

Ahearn, Arthur M., [redacted].
Albright, John D., [redacted].
Anderson, Paul D., [redacted].
Bacon, William L., [redacted].
Baker, Dudley P., [redacted].
Barnes, Sam T., [redacted].
Baumann, Billy B., [redacted].
Berman, Howard H., [redacted].
Binion, Gerald R., [redacted].
Blight, Edward M., Jr., [redacted].
Bowers, Mirion P., [redacted].
Brewer, Gerard F., [redacted].
Burr, Donald C., [redacted].
Calamita, Frank T., Jr., [redacted].
Campbell, Peter M., [redacted].
Caput, William G., [redacted].
Casper, Edmund, [redacted].
Clarke, David A., [redacted].
Clingan, Robert C., [redacted].
Cofer, Hershel F., [redacted].
Coggin, Julian T., [redacted].
Colwell, Edward J., [redacted].
Davia, James E., [redacted].
De Los, Santos, Manuel, [redacted].
Di Lallo, Chester A., [redacted].
Dierdorff, Edwin P., [redacted].
Dishman, Jess M., Jr., [redacted].
Edwards, Henry E., [redacted].
Eisenbaum, Sidney L., [redacted].
Flair, Robert C., [redacted].
Gardner, Richard L., [redacted].
Gerkin, David G., [redacted].
Grant, Robert N., [redacted].
Grossman, Richard A., [redacted].
Gugel, Lorenz W., [redacted].
Gunter, Charles A., [redacted].
Harkins, Paul D., [redacted].
Hays, Leonard L., [redacted].
Hedlund, Kenneth W., [redacted].
Henderson, Robert L., [redacted].
Hering, Herman D., [redacted].
Hinshaw, Arned L., [redacted].
Hirata, Richard M., [redacted].
Holman, Melvin R., [redacted].
Houston, Samuel D., [redacted].
Hunt, Keith K., Jr., [redacted].
Hutchison, James R., [redacted].
James, Edwin C., [redacted].
Jarstfer, Bruce S., [redacted].
Kaplan, Burton H., [redacted].
Kato, Ronald H., [redacted].
Keblish, Peter A., Jr., [redacted].
Kessler, David, [redacted].
Kimbrell, Robert A., [redacted].
King, Everett G., [redacted].
Knapp, Stanley C., Jr., [redacted].
La Piana, Francis G., [redacted].
Labiche, Henry M., Jr., [redacted].
Larson, Paul H., [redacted].
Levinson, Louis E., [redacted].
Levitt, Gilbert W., [redacted].
Lewis, Charles W., [redacted].
Lillie, Homer J., Jr., [redacted].
Mack, David W., [redacted].
Madorsky, David D., [redacted].
Manuel, Wilbert J., [redacted].
Masi, Anthony V., [redacted].
Matthews, Marshall, [redacted].
McIver, William J., [redacted].
McMillin, Theodore, [redacted].
McNamee, Philip I., [redacted].
Miller, Franklin C., [redacted].
Moak, Wilson E., [redacted].
Morales-Cabranes, Manuel, [redacted].
Morita, Eugene T., [redacted].
Mulkerin, Lawrence, [redacted].
Navin, James J., [redacted].
Nilges, Thomas C., [redacted].
Norcott, Edward A., [redacted].
Pettyjohn, Frank S., [redacted].
Pozelnik, Louis S., [redacted].
Quinn, Frank M., [redacted].
Rakolta, George G., [redacted].
Reem, Richard C., [redacted].
Rich, John D., [redacted].
Ruymann, Frederick, [redacted].
Schatzman, Ronald C., [redacted].
Schultz, Boyd L., [redacted].
See, Donald H., [redacted].
Segal, Avrom C., [redacted].
Seitter, Girard, III, [redacted].
Severance, Richard, [redacted].
Seymour, Donald W., [redacted].
Slahorek, George J., [redacted].
Slaughter, Robert L., [redacted].
Slawson, Robert W., [redacted].
Smith, William A., Jr., [redacted].
Stebbing, George E., [redacted].
Stephenson, Jackie, [redacted].
Stoller, Jerry J., [redacted].
Stucker, Paul J., [redacted].
Tsoulos, Demetrios, [redacted].
Vavrin, Charles R., [redacted].
Ventry, Paul G., [redacted].
Vernick, Jerome J., [redacted].
Vichick, Donald A., [redacted].
Volpe, Joseph A., [redacted].
Wallner, Herman C., [redacted].
Warren, George III, [redacted].
Watson, Robert L., [redacted].
White, Richard S., [redacted].

DENTAL CORPS

To be major

Appleton, Isaac E., [redacted].
Axinn, Sherman, [redacted].
Belasco, John R., [redacted].
Cohen, Marvin W., [redacted].
Dayoub, Michael B., [redacted].
Eandiorio, Leo M., [redacted].
Eberhardt, John J., Jr., [redacted].
Foster, Richard A., [redacted].
Hansen, Carl A., [redacted].
Hawley, Charles E., [redacted].
Hennig, Guenther H., [redacted].
Hillis, Robert E., [redacted].
Hipp, Benny R., [redacted].
Hobaugh, Don C., [redacted].
Johnson, Baxter E., Jr., [redacted].
Kazlusky, Joseph B., [redacted].
Kirchoff, David A., [redacted].
Leslie, Donald B., [redacted].
Lewis, Marlin R., [redacted].
Lorio, Gary P., [redacted].
Luther, Wallace W., [redacted].
Martin, Robert L., [redacted].
Mayotte, Richard V., [redacted].
Metzger, Floyd D., [redacted].
Pare, Henri A., [redacted].
Parmer, Dennis E., [redacted].
Perez, Bienvenido, [redacted].
Pickett, Alan B., [redacted].
Pommert, Charles J., [redacted].
Pompura, John P., [redacted].
Reddin, James B., [redacted].
Seymour, Fred W., Jr., [redacted].
Simkins, Benjamin R., [redacted].
Suson, Morris A., [redacted].
Swintak, Edward F., [redacted].
Trawick, Jack S., [redacted].
Walker, Kahn K., [redacted].
Walowitz, Charles, [redacted].
Wentz, Clarence E., [redacted].

VETERINARY CORPS

To be major

Bellamy, Albert D., [redacted].
Blanchard, Decatur, [redacted].
Boucher, John H., [redacted].
Bratthauar, Robert, [redacted].
Clark, William H. H., [redacted].
Drolte, James A., [redacted].
Ferguson, James A., [redacted].
Hagberg, Mylo M., [redacted].
Kovatch, Robert M., [redacted].
Lindquist, Edwin W., [redacted].
Loizeaux, Peter S., [redacted].
McCallum, William, [redacted].

MEDICAL SERVICE CORPS

To be major

Adcock, Bobby R., [redacted].
Barden, Regginial R., [redacted].
Bateman, Jack N., [redacted].
Bates, Robert A., [redacted].
Belcher, Lillard F., [redacted].
Black, Edward J., Jr., [redacted].
Borth, Alfred G., [redacted].
Brand, Fred C., [redacted].
Brekhus, Dennis A., [redacted].
Broadfoot, Bobby E., [redacted].
Brooks, Benjamin A., [redacted].
Carper, Robert R., [redacted].
Casasanta, John J., [redacted].
Ciccone, Vincent J., [redacted].
Conklin, Robert D., [redacted].
Davis, John F., [redacted].
Dobson, Benjamin F., [redacted].
Dorrough, Earnest L., [redacted].
Dubiel, Joseph, Jr., [redacted].
Dunkelberg, Wilbur, [redacted].
Edwards, Lewis M., [redacted].
Edwards, Tom R., [redacted].
Emmons, Bobby B., [redacted].
Fields, Robert E., [redacted].
Folding, Joseph F., [redacted].
Fountain, Donald B., [redacted].
French, Ernest D., [redacted].
French, George R., [redacted].
Gaffney, John P., [redacted].
Gillespie, Ronald L., [redacted].
Green, Grant E., [redacted].
Harling, John T., [redacted].
Hawkins, Sanders F., [redacted].
Hayes, James H., [redacted].
Hembree, Calvin S., [redacted].
Herek, Robert L., [redacted].
Hobbs, Robert J., Jr., [redacted].
Hucks, John A., [redacted].
Johns, William C., [redacted].
Johnson, William H., [redacted].
Johnston, Jerry M., [redacted].
Jones, Donn C., [redacted].
Jung, Paul T., [redacted].
Kays, John M., [redacted].
Kisel, John G., [redacted].
Kleber, Robert E., [redacted].
Koch, Joseph L., [redacted].
Lafleur, George J., [redacted].
Lamb, William O., [redacted].
Leddy, John T., [redacted].
Leeder, Laird G., Jr., [redacted].
Lucci, Frank J., [redacted].
Martinka, Gerald R., [redacted].
McDermott, Frank E., [redacted].
McDowell, Frank, Jr., [redacted].
McGough, Sammy, [redacted].
McMahon, Robert P., [redacted].
Moody, Dan D., [redacted].
Ney, Leland E., [redacted].
Ockert, Carroll A., [redacted].
Ohaver, Donald R., [redacted].
Orbelo, William R., [redacted].
Oswalt, Harris G., [redacted].
Pannell, Robert F., [redacted].
Pascal, Harold S., [redacted].
Pitts, William P., [redacted].
Posey, William L., [redacted].
Reddy, John J., Jr., [redacted].
Redman, David E., [redacted].
Rehusch, Kenneth S., [redacted].
Reynolds, David G., [redacted].
Roper, Rex S., [redacted].

Simnacher, Bruce D., [redacted].
Souter, John R., [redacted].
Sperandio, John R., [redacted].
Stavish, Peter J., [redacted].
Tatam, William M., [redacted].
Trecartin, Edward G., [redacted].
Uemura, Edward H., [redacted].
Vann, Lawrence K., [redacted].
Wallace, Norman G., [redacted].
Waller, Donald A., [redacted].
Washington, Charles, [redacted].
Weaver, Joseph U., Jr., [redacted].
Webb, Charles L., [redacted].
Woodward, William E., [redacted].
Young, John W., Jr., [redacted].

ARMY NURSE CORPS

To be major

Burton, Robert W., [redacted].
Castleman, Glynna K., [redacted].
Conley, Everett W., [redacted].
Cruzen, Oran G., [redacted].
David, Erich W. P., [redacted].
Davis, Marion J., [redacted].
De Voss, Joan K., [redacted].
Diener, Dolores E., [redacted].
Duffy, Robert F., [redacted].
Ferry, Oswald A., [redacted].
Gorman, Carole A., [redacted].
Hauck, Leonard N., [redacted].
Hernandez, Nilza R., [redacted].
Jackson, Helen, [redacted].
Johnson, Calalera E., [redacted].
Jones, Addie B. L., [redacted].
Karwoski, Richard J., [redacted].
Koneck, Anna, [redacted].
Lassiter, Marion E., [redacted].
Lee, Linda, [redacted].
Lewis, Margaret A., [redacted].
Lyke, Elizabeth M., [redacted].
McIntosh, Hazel M., [redacted].
McLoughlin, Audrey, [redacted].
Michael, Marbeth G., [redacted].
Miller, Patricia M., [redacted].
Miller, Teryl R., [redacted].
Murray, John L., [redacted].
Myers, Charles L., Jr., [redacted].
Powell, Robert B., [redacted].
Romeo, James J., [redacted].
Rupp, Robert F., [redacted].
Sater, Corinne M., [redacted].
Shimerda, Joan L., [redacted].
Silvestre, Patricia, [redacted].
Slewitzke, Connie L., [redacted].
Small, Norma R., [redacted].
Smith, Georgia D., [redacted].
Storey, Billy M., [redacted].
Swenson, James W., [redacted].
Tracy, Joseph M., [redacted].
Trafford, Alfred F., [redacted].
Williams, Edith, [redacted].
Woods, Francis X., [redacted].
Youngman, Clifford, [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be major

Gronley, Joanne K., [redacted].
Hall, Mary S., [redacted].
Landen, Betty R., [redacted].
Ozburn, Mary S., [redacted].
Thompson, Margaret, [redacted].

ARMY PROMOTION LIST

To be captain

Buchanan, Samuel J., [redacted].
Grubbs, Judson B., II, [redacted].
Haag, Donald E., [redacted].
Hicks, Larry E., [redacted].
Jackson, Jerry F., [redacted].
Manning, James G., Jr., [redacted].
Martin, John T., III, [redacted].
Matthews, Merald L., [redacted].
Muhlethaler, Robert C., [redacted].
Norwood, Frank R., Jr., [redacted].
Ortiz, Luis R., [redacted].
Priest, Robert W., [redacted].
Renner, Stephen A., [redacted].
Rollins, Gordon C., [redacted].
Smith, Tommy R., [redacted].
Ward, Samuel R., Jr., [redacted].

CHAPLAIN

To be captain

McCarthy, Michael J., [redacted].

IN THE MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of major:

Gerald G. Abel
Ronald M. Abshire
Billy H. Adams
Billy W. Adams
Joe C. Adams
Richard J. Ahlers
Thomas H. Aiken
Robert B. Alexander
Richard H. Alexander
Charles R. Alexander
Earl R. Allen
Rodney H. Alley, Jr.
Myrl W. Allinder, Jr.
Ray D. Ammon
Donald E. Andersen
Jesse E. Anderson, Jr.
Bobby G. Anthis
Reginald E. Armstrong
John P. Atherton
Randall W. Austin
James D. Avery
Ronald A. Ayers
Edward R. Bailey
Richard W. Bailey
Ross T. Bailey
Horace W. Baker
Robert M. Balch
Walter P. Barclay
William R. Barnard
Richard J. Barnes
Albert P. Barry
William A. Barry, Jr.
William D. Bauer
Harry L. Bauknight
Larned V. Bearce
Richard W. Beason
Lynn A. Behymer
William R. Belcher
Frank S. Bell
Gene E. Berbaum
Daniel F. Bergen
Alphonse A. Bernotas
Jay N. Bibler
Leroy A. Bickley
Balcolm T. Bird
Richard A. Bishop
Samuel E. Black
Dwight L. Bledsoe
Harper L. Bohr, Jr.
Bruce B. Bowman
Francis D. Booth
Gordon O. Booth
Gerald W. Boston
Dennis R. Bowen
Robert L. Bowersox
Ray W. Bowles
James T. Brackman II
George H. Braman, Jr.
James R. Brandon III
Glenn D. Bratcher
Roy G. Breitenbach
John V. Brennan
Robert V. Brennan
Billy R. Bridgewater
Arthur P. Brill, Jr.
Richard L. Brinegar
Edward C. Brinkley, Jr.
Oscar W. Britton
Bobbie K. Brodie
Donald C. Brodie
Paul W. Bronson
Bruce G. Brown
Herman C. Brown
James B. Brown
James R. Brown, Jr.
Jimmy L. Brown
Larry K. Brown
Mark T. Brown
Peter C. Brown
James J. Bruce
Charles G. Bryan
John H. Buchanan
Howard V. Bucknam
Nicholas M. Bunch
Vincent R. Burdelski
Joseph C. Burger, Jr.
Robert E. Burgess
John P. Burke
Arthur E. Burkhart
Eugene B. Burleson, Jr.
Leslie D. Burnett
Edmund B. Burns
John R. Burns, Jr.
William J. Burrows
Orlando L. Busby, Jr.
Edward W. Butchart
Bobby G. Butcher
Frank H. Butler
John H. Butler
David H. Calhoun
Paul F. Cameron, Jr.
John M. Campanelli
Frank L. Capin
Paul L. Carlson
Robert A. Carnes
Frederick A. Carolan
William R. Carroll
David L. Cartwright, Jr.
John J. Carty
Theodore V. Cassidy
Bradley F. Cate
George L. Cates
Matthew P. Caulfield
Dennis A. Cavagnaro
Ross C. Chaimson
Francis X. Chambers, Jr.
John C. Chambliss
John A. Chancey
Daniel B. Chapla
Robert S. Charles
Harold H. Clark
John T. Cline
Ralph L. Close
Leon Cohan, Jr.
Jean P. Cole
Carl G. Collins
Patrick G. Collins
Thomas M. Collins
Donald R. Comer
Anthony T. Common
Danield B. Cone
Carey B. Connell, Jr.
James P. Connell, Jr.
Michael H. Conner
Matthew T. Cooper
Donald H. Cormack
Everett L. Cowley
George F. Cox
Herbert E. Craig
Donald S. Creal, Jr.
Jimmie A. Creech
Gerard P. Criscuolo
James P. Crowley
Warren A. Culpepper
Denns M. Cunningham
James H. Curd
James E. Dalberg
Thomas J. Dalzell
Bobby L. Daniels
Robert L. Daniels
Charles L. Daugherty, Jr.
Charles E. Davis III
Donald L. Davis
James P. Dawson
Bernard C. Day
Frank E. Deal
Bennett R. Dean
Gene A. Deegan
James C. Deemer
John C. Deibert III
Laurence Delmore III
Barrie O. Delp
Pasquale W. Demartino
Clifton L. Deornellas
John R. Dewan
Gerald L. Diffee
John H. Ditto
Albert K. Dixon II
Edward E. Dixon
Edward R. Doane
Shaun J. Doherty
Michael E. Dominguez
Gerald F. Dooley
Dale D. Dorman
Donald M. Douglas
George H. Douse
Billy H. Draffen
Terry C. Drew
Dave G. Drewelow
David S. Drum
Marcel J. Dube
J. R. Duckworth
Ellsworth M. Dunn, Jr.
John D. Durrant
Edgar G. Dyer
Edward J. Dyer, Jr.
Paul W. Dyer
Kenneth W. Earls
Herbert R. Edson
Robert F. Edwards
John M. Eichelberger
Henry L. Eisenson
Duane E. Eley
Jerry W. Elliott
Thomas L. Elser
Charles J. Eltringham
Philip C. English
Gerald A. Enos
Robert K. Ervi
William P. Eshelman
Robert J. Esposito
Leonard L. Etcho
William E. Everett
Chauncey R. Fairchild
Thomas J. Faleskie
Francis X. Farrington
James P. Faulkner
Philip J. Fehlen
William J. Feind
Angelo Fernandez
Donald Festa
Steven E. Field
Raymond F. Findlay, Jr.
Walter M. Fitts
Charles A. Felming
Billy M. Floyd
John G. Flynn
Joseph F. Flynn
Edward B. Foster
Anthony J. Fraioli
Jay A. Freeman
David J. Frie
John R. Fritsch
Ray A. Fugate
Robert A. Furtado
Vincent R. Gallery
Bryan A. Gallup
William H. Ganz
Louis C. Gapenski
John T. Garcia
Robert B. Gardner
James F. Gazzale
Royall W. Geis
Michael S. Gering
George Gibbs
Charles W. Gibson, Jr.
Jerrald E. Giles
William Gilfillian III
Alec Gillespie
James E. Givan
Richard H. Glass
Johnny B. Gobble, Jr.
Glen Golden
Leroy H. Gonzales
Charles J. Goode, Jr.
John K. Goodyear
Francis L. Gould
Robert J. Graham
Joseph M. Gratto
John T. Gray
Edward L. Green
Ronald R. Grega
Robert C. Gregor
George R. Griggs
John S. Grinalds
Larry K. Grissett
Roger A. Gurley
Robert L. Hagener
Harold W. Hale
William H. Hale, Jr.
Robert E. Hamilton
Ray L. Hanle, Jr.
Michael J. Hanley
Larry B. Hannah
Dawson P. Hansen
Thomas C. Hargrove
John E. Harms
John E. Harris
Graydon D. Hauff
John D. Haynes
Peter M. Heiman
Conrad W. Heinzerling, Jr.
John W. Hemingway
Horace F. Herlihy
James E. Herlocker
Donald F. Herman
Douglas P. Hibbs
John J. Hilgers
William P. Hillsman
Robert T. Himmerich
Philip M. Hinkle
Donald B. Hirsch
Francis A. Hocevar
Donald A. Hodgen
Pieter L. Hogaboom
Carroll G. Hollman
James A. Honse
William F. Horner
Samuel M. Horton
Edward L. House, Jr.
John J. Houtchens
David T. Howe
Norman W. Huddy, Jr.
Walter R. Huf
Edwin L. Huff
William H. Huffcut II
Donald R. Huffman
James L. Hughes
Lloyd W. Hyatt, Jr.
Jacob E. Iles
Robert E. Ilzhoefer
Harold E. Itchkawich
Earnest Jarvis
Jerry H. Jenkins
Stephen J. Jennings
Duane S. Jensen
Thomas R. Jensen
Charles M. Johnson
Poindexter M. Johnson
Robert E. Johnson
Clyde J. Johnston
Richard K. Joiner
Hugh S. Jolley
Paul G. Judkins
Warren D. Kalas
Charles W. Kappelman
Stephen H. Kaster
Ronald J. Kaye
Michael F. Keane, Jr.
Gordon W. Keiser
Charles R. Keith
Floyd H. Keller
Noel J. Keller
John D. Kelley
Reginald C. Kelley, Jr.
William R. Kelley
Glenn D. Kelly, Jr.
Glenn O. Kennedy, Jr.

Richard A. Kerr
Jerry L. Kershner
Paul C. Kerwin
Robert L. Kerzic
Denis J. Kiely, Jr.
John J. Kilday
Kenneth W. King, Jr.
Robert F. King
James H. Kirkham
Thomas P. Kirland
Arnold L. Klinkenberg
Robert E. Knapper
James R. Knight
Robert C. Knowles, Jr.
Kenneth P. Knuebel
Neil D. Koch
John T. Komar
Bert P. Krages
John F. Krebs
Robert C. Kropinack
Henry L. Kunkel
George A. Kupets
Gerald F. Kurth
Carroll M. Lacroix
Jack B. Lakes
Edward J. Land, Jr.
Robert E. Langton
John D. Lanigan
Gary M. Larson
George J. Lattimore
Joseph F. Lavin
Richard C. Lawe
Robert W. Layer
William F. Lee
Raymond G. Leidich
George T. Lengauer, Jr.
Francis J. Lennartz IV
James B. Leonard, Jr.
Rodney R. Letchworth
Rayton A. Lewis
Floyd C. Lewis
Harry A. Ling II
John D. Little
William E. Loftus
James S. Loop
Ronald M. Losee
Francis A. Losik
Jack R. Lousma
Thomas D. Love
William B. Ludwick
Donald O. Lyman
Perry D. Lyons, Jr.
John M. Mahoney
David W. Mailler
Robert A. Mallard
Charles H. Manazir
Gaetano Marino
James A. Marks
Eugene O. Marquette III
Richard W. Marsden
Franklin H. Marsh
John C. Marshall
Raymond H. Martin
Warren L. Martin
Shirley L. Mays
Thomas P. McBrien
John G. McCabe
Albert J. McCarthy, Jr.
Clifford L. McCraw, Jr.
Michael R. McDonough
Theodore R. McElroy
David L. McEvoy
William T. McFall
Robert C. McFarlane
Stanley M. McGeehan, Jr.
Robert W. McGowan
John J. McMenamin, Jr.
Jack D. McNamara
John F. McNelly
Curtis D. McRaney
Thomas F. Meehan
Ben A. Meharg
Robert H. Melville
Frederick H. Menning, Jr.
Emmett C. Merricks, Jr.
Ronald E. Merrihew
Ronald S. Merrill
Walter H. Metscher
William C. Miesch
Philip C. Mikkelson
Anthony D. Miller
Donald E. Miller
Joe E. Miller
Richard A. Miller
Frank E. Millner
Miles E. Mixson
James W. Mizell
Joseph F. Molineaux, Jr.
Neil Molsbee
Julian A. Moore, Jr.
Richard H. Moore
William S. Moriarty
Robert S. Morris, Jr.
Jesse G. Mulkey
Thomas E. Murley
John R. Murphy
Louis T. Nappi
George D. Navadel
Rudolf M. Nebel
Robert L. Neff
William J. Nevins, Jr.
Alton E. Nicol
Robert V. Nicoll
Edmund P. Noll
Wilton J. Norris, Jr.
Cledith E. Oakley
Leon E. Obehaus
John F. O'brien
Joseph J. O'brien
Robert E. Odare
Thomas R. O'Donnell
James J. O'Meara
Jack L. Omer
Michael G. O'Neill
Lyndell M. Orsburn
George A. Ostermann
Harold M. Owens
Victor E. Pacheco
John K. Palmer
Bennie L. Parks
Charles R. Patton
Richard N. Pegler
Richard J. Pereira
Gerald L. Peterson
Billy G. Phillips
Harry F. Philson
Francis L. Pieri, Jr.
Raiford L. Pittman
Larry J. Polk
Lloyd G. Pool
Donald A. Powell
Thomas J. Power
Thomas M. Pratt III
George S. Prescott
Robert C. Prewitt
John W. Quist
Richard C. Raines
Roger J. Ranta
John R. Rasavage
Allen B. Ray
Gerald F. Reczek
William G. Reddick
Roger L. Redelman
John H. Reece
Robert L. Reed
Lawrence E. Reid
James E. Reilly
Lawrence P. Reiman
William A. Renner
William H. Rever, Jr.
James C. Reynolds
Richard C. Reynolds
Eugene P. Richter, Jr.
James W. Rider
Jon A. Rindfleisch
Edward M. Ringley, Jr.
Carson N. Robinson
John A. Rohde
Lawrence A. Rolstad
John A. Rooke
John J. Rozman
Clifton L. Rushing, Jr.
Bobby G. Rutledge
Roger K. Ryman
Ramiro Saenz
Walter C. Sagebiel
Michael D. Salmon
Ralph J. Salvati
Robert B. Savage, Jr.
Michael W. Sayers
Frederick J. Schober
Daniel W. Schrader
Richard H. Schwartz
Richard B. Scibeck
Herbert L. Seay
William D. Seymour
James R. Shaffer
John K. Shannahan
James P. Shannon
Thomas H. Shannon
H. W. Shaw
James F. Sherry, Jr.
Robert D. Shoptaw
David K. Shroyer, Jr.
David V. Shuter
Thomas A. Silvear
James D. Simpson
George W. Sims, Jr.
Duan K. Sinclair, Jr.
William T. Sinnott
Ronald A. Smaldone
Jerry R. Smiley
Louis O. Smith
Malcolm E. Smith, Jr.
Walter G. Smith, Jr.
William J. Smith
Thomas J. Smyth
James E. Sniffen
Frederick J. Snyder
Leonard A. Sollberger, Jr.
Harry L. Solter, Jr.
Merle G. Sorensen
James P. Souders
John F. Spangler
Jack R. Spence
Charles B. Sperry
Henry C. Stackpole III
James E. Stanton
David L. Steele
William L. Stein
Samuel H. Stevenson
James L. Stewart
Robert E. Stoffey
James E. Strawn
Anthony W. Stremic
James D. Strickland, Jr.
Thomas A. Stumpf
James V. Sullivan
Robert A. Sutton
Smith Sweeney
Wayne R. Swenson
Orson G. Swindle III
Bruce C. Taylor
Theodore W. Taylor
Samuel E. Thames
Richard E. Theer
Anton E. Therriault
Dale R. Thibault
Richard E. Thomas
William L. Thomas
Amos D. Thompson, Jr.
Robert R. Thrasher
David T. Tierney
Michael W. Tierney
Dale L. Tinsley
James H. Tinsley
James E. Toth
Kenneth R. Town
William F. Tremper
Daniel F. Trenski
Anthony Trent
Paul B. Tubach
G. B. Tucker
Henry W. Tutterow, Jr.
James H. Tutterrow
John M. Tuttle
Leon D. Tyrrell
Robert J. Ulses
James L. Underwood
James M. Updyke
Charles R. Upshaw
James F. Vaillancourt
John H. Vanniman
Raymond Velasquez
David G. Vest
Joseph G. Vindich
Lewis D. Vogler
Robert L. Vogt
David E. Vowell
Melvin N. Wall
John V. Walsh
Roger D. Walters
Warren S. Walters
Sanford B. Wanner
Harold T. Ward, Jr.
Michael J. Wasko, Jr.
Thomas L. Watkins
Paul S. Weathers, Jr.
Edward M. Weber
Richard J. Weidner
Richard C. Wells
William C. Wessel, Jr.
Herman B. West, Jr.
Joel I. Westfall
Paul B. Westmiller
Marvin A. Westphal
Paul E. Westphal, Jr.
Robert G. Whaley
Joseph J. Wheeler
Oliver M. Whipple, Jr.
Joseph H. White
Michael L. Whitehouse, Jr.
Edward R. Whiting
Basil K. Wiederhold
William R. Wildprett
Donald E. Williams
John M. Willmarth
Kelton M. Wilson
Robert B. Wilson
Christopher M. Wogan
Robert J. Wolfenden
Charles J. Wolk, Jr.
Abraham W. Wolson
Howard C. Wood
David G. Workmon
Leonard A. Wunderlich
Grant L. Yenerall
Geoffrey A. York
Richard K. Young
Thornton L. Youngman
Michael J. Zachodni
Alfred Zeikus

The following named officers of the Marine Corps for permanent appointment to the grade of captain:

Paul R. Aadnesen
Michael C. Abajian
Charles K. Ables
Robert L. Adams
John H. Admire
Edmund P. Aldous, Jr.
John D. Alexander
Allan A. Algoso, Jr.
David P. Allen
George E. Allen, Jr.
Kenneth E. Allen
Larry W. Allen
Jose G. Alonzo
Richard S. Alvarez
Raymond H. Ambrose
Granville R. Amos
Richard H. Amos
George A. Ampagoomian
Robert V. Ande
Denis J. Anderson, Jr.
Michael W. Anderson
William G. Andersen
Lee H. Anderson
Terrence E. Anderson
Thomas M. Anderson
James W. Andrews
William R. Andrews, Jr.
Nickolas J. Angelo
James B. Archer
Clifford H. Armstrong
Joseph U. Arroyo
James O. Atkinson, Jr.
John P. Aymond
Ricard A. Bagby
Russell F. Bailes
James R. Bailey
Thomas C. Bailey, Jr.
Bradley R. Baird
James W. Baker
Theodore G. Balderree
Glen A. Ballenger
Lorenzo R. Bancells
Barry V. Banks
Richard D. Barba
William L. Barba
Andrew R. Barkovich
Gerald L. Barlow
Clarke C. Barnes
Charles E. Barnett
James B. Barr
Garold N. Batterman
Dan P. Beckner
Raymond H. Bednarsky
Robert A. Beeler
Walter C. Belcher
Michael C. Bell
Stanley L. Benson
Roy B. Bentson
Virgil M. Berdine
Rudy W. Bernard
Floyd A. Best
Leonard G. Bethards
Joseph A. Beyer
Mark A. Beymer
Spencer G. Bihler
John E. Bishop
Russell M. Black
Arthur C. Blades
William C. Blaha
Frank S. Blair III
Gary A. Blair
James T. Blake
Richard J. Blanchfield
William A. Blatter
Andrew J. Blenkle
Joseph H. Blichfeldt III
Edward L. Bloxom
Donald E. Bonsper
Norman P. Bourre
Thomas A. Bowditch
Charles W. Bowers
John T. Boyer
Charles J. Brennan
William M. Brink
Randolph H. Brinkley
John F. Brosnan, Jr.
Neil J. Bross
Carol W. Brown
Donald P. Brown
Edward C. Brown
Fred A. Brown
James C. Brown
William F. Brown
Roland J. Brunelle
Kenneth T. Brunsvold
John D. Buckelew
David N. Buckner
James C. Buffington
James M. Burch
Bernard V. Burchette
Charles O. Burke
John G. Burns
Raymond M. Burns
Edward B. Burrow, Jr.
Henry W. Buse III
Edward J. Bush, Jr.
Walter O. Bussey, Jr.
James H. Butler
Roland E. Butler
William L. Cadieux
David L. Caldon
Charles M. Calhoon
Columbus P. Calvert, Jr.
Wallace L. Campbell
Ray G. Canada
Michael D. Carey
Kenneth T. Carlisle
John R. Carswell
Thomas W. Carter
John J. Caskey
Henry I. Cates
Bernie N. Caviness
Russell E. Cazier
Robert P. Chambers
Johnny D. Chapman
Leonard F. Chapman III
Edward E. Chipman
Gene H. Christensen
Marvin E. Christians
John O. Christiansen, Jr.
Charles W. Christy
Michael J. Chumer
John A. Cirie
Edward T. Clark III
David W. Cleeland
David C. Cleveland
John R. Clickener
Maurice G. Cline
Brascal B. Cole
Alvin L. Coley
Benjamin F. Collins III
James G. Collins
Joseph P. Colly, Jr.
Leslie R. Conklin
Charles J. Conlon, Jr.
George M. Connell
John R. Connors, Jr.
Kenneth E. Cook
David C. Corbett
Patrick J. Corbett
Ronald W. Corner
Charles R. Corriher
John O. Cotton
Ronald J. Coulter
Jerry J. Cowart
Thomas P. Craig, Jr.
Robert A. Crane
Arthur O. Cravets
Stephen M. Creal
John B. Creel, Jr.
Marvin L. Creel
Curtis T. Crews
James B. Croft, Jr.
Carson L. Culler
Gary J. Cummins
Jack W. Cunningham
Ronald J. Curtis
Thomas L. Czechowski
William M. Dale
Daryl D. Dalrymple
Ronald M. Damura
Kevin R. Danehy
Walden L. Daniel
Walter E. Daniell
John P. Danko
John J. David
William A. Davidson III
William E. Davidson, Jr.
Charles R. Davis
Donald E. Davis
Donald L. Davis
Henry D. Davis
James R. Davis
Peter K. Davis
Ray Y. Davis
John E. Day
Stephen M. Day
Dwight D. Defee
Walter S. Deforest
Richard J. Deichl
Conrad A. Delateur, Jr.
Arlio W. Demien, Jr.
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Richard E. Dennis
Gerald L. Dereberry
William A. Detki
Bruce H. Dewoolfson, Jr.
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Kenneth W. Dewey
William J. Dibello
Dennis M. Dicke
Thomas E. Dieter
Gary D. Dockendorff
Harry C. Dolan
Richard E. Donaghy
Frederick J. Donegan
Gustavus L. Donnelly
Robert J. Dougal
David Douglas III
James J. Doyle
Robert F. Drake
John B. Dudley
John F. Dullaghan
Thomas H. Eagen, Jr.
Gordon E. Earley
Thomas M. Early
Terry J. Ebbert
Albert R. Eastman, Jr.
Edgar J. Easton, Jr.
Christian J. Eck, Jr.
Thomas R. Edmunds
Larry M. Edwards
Ronald E. Edwards
Edwin Eggen
Sidney A. Eilertson
George R. Emerson
Michael W. Emmett
David E. England
Harry V. Ericksen
Stephen J. Erickson
Delano R. Esguerra
George K. Eubanks
Leroy B. Evans
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Gerald C. Fagersten
Thomas K. Farrar, Sr.
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Michael L. Faulkner
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Mark F. Felske
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George A. Fischer
Donald G. Fichthorn
Dennis R. Fitz
Charles J. Fitzgerald
Ronald E. Fix
Arturo E. Flores
Joseph E. Fluet, Jr.
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Walter H. Flynn
Paul J. Fogerty
William R. Ford
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William A. Forney
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Robert S. Friedrick
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Gary A. Fry
Dennis B. Fryrear
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Anthony J. Garcia
Chester M. Gardner
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Dixon B. Garner
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Robert L. Gartner
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Charles L. George
Jerry R. German
Terry G. German
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Woody F. Gilliland
John T. Gipson
James P. Gleason
William J. Gleeson
Richard Gnazzo
Robert E. Godwin
John J. Golden
Lance A. Goodrum
James S. Grabill
David P. Graham
John H. Grant
Paul B. Graves
Joe B. Green
Garratt W. Greene
Donald A. Gressly
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Larry E. Grimm
Gary L. Gruhl
Gunnar Gudjonsson
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Frederick X. Guldi
Lyal V. Gustafson
Gustav E. Gyllenhoff
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David I. Habermacher, Jr.
Harry A. Hadd, Jr.
John J. Hainsworth
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Stephen S. Hale
James C. Hallman
Arlen J. Hanle
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Robert L. Harding
Joe M. Hargrove
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Richard L. Harris
Robert L. Harrison
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Norbert J. Hart
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Milton J. Hester
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Roger W. Hill
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Comer E. Hobbs
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Jack D. Howell
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Merlin R. Huckemeyer
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Therlon E. Hughes
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Vernon E. Innerarity
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Virgil W. Jones, Jr.
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Karl J. Kabza
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Patrick J. Kahler
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Robert M. Keeley
Arthur J. Keener
Robert F. Kehres
Charles W. Kelly
James M. Kelly
Thomas W. Kelly
Calvin M. Kempf
Rodney P. Kempf
William G. Kemple
Laurance J. Kennedy
William O. Kenyon
James D. Keown
Norman G. Kerr
Anthony L. Keyfel
Lynn J. Kimball
Ronald D. Kincade
Raymond C. Kinkead
David R. Kinneer
Conrad L. Kinsey
Kenneth Kiriacopoulos
Robert H. Kirkpatrick
Edward D. Klatte
Edward J. Kline
James L. Klingerman, Jr.
Larry P. Klipp
Joseph J. Klocek
David E. Knop
Kenneth A. Koelln
Joseph J. Kollar
John R. Kopka
Raymond O. Kotrla
James P. Krohn
Melvin P. Krone
Charles C. Krulak
Carl S. Kusky, Jr.
Lawrence C. Kutchma, Jr.
Scott R. Laidig
Alexander E. Lancaster
James E. Lancaster
James L. Laney
Donald R. Langfeld
Shelton F. Lankford
David L. Lapham
Robert L. Larkin
James H. Lavelle
Peter E. Laux
David F. Laviolette
William F. Lawlor III
Walker M. Lazar
Charles D. Lea
Ronald D. Leblanc
Roy E. Lee, Jr.
Glenn F. Legge
Granville T. Lemay
Peter J. Lepo
Corby F. Lewis
Terrence D. Lewis
Robert D. Lheureux, Jr
Jay C. Lillie
Stephen E. Lindblom
Hans W. Lindholm
William W. Lindsay
David B. Littell
Junior D. Little John
Michael A. Litwin
Anthony A. Lopez
Claude L. Lott
Earl D. Loveless
John S. Lowery
James L. Lucas
Brice R. Luedtke
Gary K. Lulfs
Dale J. Lux
Herbert G. Lyles
Joel J. Lynn
Douglass C. Maccaskill
Thomas E. MacDermant
James M. Macevitt III
Warren R. Madsen
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Michael G. Malone
John M. Maloney
Robert Marinello
Joseph F. Markanthony
Bruce F. Marrs
Jon A. Marshall
David P. Martin
Joseph M. Martin, Jr.
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Malcolm R. Massie, Jr.
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Robert L. Matthews
Frederick H. Matthys, Jr.
Robert E. Mattingly
Jeffery W. Maurer
William J. Max
John C. Maynard
Jeffery M. Mcanally
Robert M. McBride
Patrick J. McCann
Plin McCann
Eugene F. McCarthy, Jr.
James E. McClenahan, Jr.
Walter L. McCleskey
Daryl S. McClung, Jr.
William E. McCollum
Stephen R. McComb
John J. McCoy
Paul McCoy
Gary W. McDowell
Jeffrey E. McElroy
John C. McGee
Jack D. McHugh
David L. McInturff
Thomas J. McKay
Dennis T. McKee
Gary S. McKissock
Robert J. McLaughlin
John P. McMahon
Donald A. McPheron
Frederick C. McQuigg
Matthew G. McTiernan
Thomas H. Meeker
Ronald R. Meints
Robert B. Meissner
John P. Meredith
Thomas H. Meurer
John R. Miksad
Edward A. Miller, Jr.
Gerald L. Miller
Charles R. Mills
Gordon F. Mills
William F. Mills
Larry R. Minium
Stuart J. Mock
John W. Moffett
John J. Mondry, Jr.
Barry R. Montgomery
Jack M. Moore
Jack L. Moore
John R. Moore
William O. Moore, Jr.
Walter H. Moos
William D. Moreland
James W. Morgan, Jr.
William A. Morgan
Joseph J. Morrissey III
Charles H. Morrison III
Donald H. Mosley
Michael J. Moss
Byron J. Mulherin, Jr.
John J. Mulholland
Richard H. Mullen
James W. Murphy
James P. Murphy
Michael W. Murphy
William F. Murphy
James B. Murray
John D. Murray
Norbert M. Murray III
Joseph A. Murry
James M. Mutter
Lonnie M. Myers
John K. Nagazyna
Richard I. Neal
Richard L. Needham
James C. Nelles
David W. Nelson
John J. Nelson, Jr.
Russell G. Nelson
Ronald S. Neubauer
John W. Neubauer
Doyle A. Nicholson
David E. Niederhaus
John A. Nordin
Richard C. Norris
Andre Novickis
Robert G. Nunnally
Robert M. Nye, Jr.
Ronald C. Oates
Donald J. O'Connor
Thomas F. O'Malley, Jr.
Kevin P. O'Mara
Edward P. O'Neil
Gene P. O'Neill
Vincent E. O'Neill
James R. Oreilly
James M. O'Rourke, Jr.
William R. Otto
Theodore D. Owens
Douglas B. Page
Nelson Paler
Paul A. Pankey
Michael M. Parker
William A. Parker
Walter O. Parr, Jr.
Lionel, Parra, Jr.
Lowell W. Patak
Robert F. Patton
Charles H. Paul
Jimmy A. Payne
David B. Pearce
James W. Pearson
James P. Pennell
Everett W. Pentz, Jr.
William F. Percival
Peter L. Perkins, Jr.
Jack F. Perry
James C. Perso
Gary A. Peterson
Kenneth B. Petersen
Frank K. Peterson
Wayne E. Peterson
Robert L. Peterson
Alan D. Pettit
John D. Phillips
Frank S. Phillips
Douglas W. Pickersgill
Arthur J. Picone, Jr.
Richard F. Pinion
Charles A. Pinney III
Ido E. Pistelli
Nicholas R. Pitaro
Samuel J. Pitts
Gerald J. Polyascko
Michael H. Ponder
Robert W. Poolaw
Michael E. Popelka
Harry P. Porth, Jr.
James M. Puckett
Jon D. Quinn
Robert H. Railey
James K. Ramaker
William H. Rath
Arch Ratcliff, Jr.
Jimmy M. Ray
Philip H. Ray
Herbert D. Raymond III
Don T. Reed
Henry L. Reed
Robert E. Reedhill
Claude W. Reinke
Calix L. Reneau
Robert R. Renier
Philip F. Reynolds
Larry D. Richards
Bryan L. Richardson
David J. Richtsteig
David A. Richwine
Ronald A. Rick
Robert K. Riggs
Clarence C. Riner
James P. Riordan
Frederick M. Rivers, Jr.
Joseph W. Robben, Jr.
Douglas A. Roberts
Henry A. Robertson III
Lawrence R. Robillard
Gary H. Robinson
George R. Robison
Nedson K. Robison II
Richard J. Rochford
Robert P. Rogers
Waynor F. Rogers
Arden E. Romsos
Robert C. Rosenau
Arthur D. Ross
Peter R. Rounseville
Morris E. Ruddick
Jack A. Ruffer
James A. Rumbley, Jr.
Glenn W. Russell, Jr.
Victor M. Russillo
Kenneth S. Russom
Bernard R. Rusthoven
Edward M. Rynne
Robert V. Sabia
Guadalupe G. Saldana
Melvin P. Sams
William J. Sandberg
Durward T. Savage
Salvatore J. Scalzo
Don F. Schafer, Jr.
John L. Schensnol
Joseph F. Scholle
Edward C. Schriber
Ernst U. Schultes
Donald D. Schultz, Jr.
John W. Schwantes
Peter A. Schwartz
Thomas E. Schwartz
Robert V. Scobie
James E. Scoggins
James B. Scuras
Thomas F. Seale III
James E. Secrist
Merlyn A. Sexton
John E. Sharkey
Robert C. Shearer
Robert C. Shepherd
Michael F. Shisler
James C. Shumaker
Raul A. Sifuentes
Thomas R. Siggins
Jack E. Simmons
Paul B. Skibsrud
Edward S. Skultety
Elliott P. Slagle
Howard B. Sligar, Jr.
John J. Smith

Larry M. Smith
Michael W. Smith
Stephen K. Smith
Ray G. Snyder
Robert L. Snyder
Billy L. Speed
William R. Spicer
Robert C. Springer
Michael A. Stankosky
Edward M. St. Clair
Gregory C. Steele
Thomas W. Steele
Herbert M. Steigelman, Jr.
Louis C. Stengel III
George E. Stern, Jr.
John L. Stevens III
John M. Stevens
Joseph D. Stewart
Raymond A. Stewart, Jr.
Charles R. Stichter
James C. Stiers
John E. Stocking
John A. Stockman
James F. Stodola
Stanford I. Storey
James M. Stoy
Thomas L. Strohecker
James E. Stroupe
Edward G. Stuckrath
Robert J. Sullivan
Steven T. Sunderman
Russell H. Sutton
Charles T. Sweeney
Robert E. Swete
Gregory F. Tasonis
Arthur J. Taylor
Jerry K. Taylor
Ky L. Thompson
Jesse H. Terpstra, Jr.
Raymond L. Thacker, Jr.
Raymond A. Thomas
Edward F. Thruston
Robert O. Tilley
Anthony P. Tokarz
Kenneth L. Tomcich
Stanley R. Tomlinson, Jr.
Arthur B. Tozzi
William A. Trader
Andrew F. Traynor
Melvin D. Trimble
John O. Trott
Robert E. Tschan
Phillip E. Tucker
Kenneth W. Turck
Frank L. Turner
Charles S. Tutt
Charles G. Tyrian, Jr.
John H. Updyke
Dennis R. Vandervoort
Gary R. Vangysel
Robert A. Vanhouten, Jr.
William J. Vankat
Thomas A. Varrell
William T. Vincent, Jr
Frederick J. Vogel
Richard H. Voigt
James A. Vollendorf
John M. Wagner
Alfred J. Walke
James R. Walker
Carlton F. Wall
Earl P. Wallis
George H. Walls, Jr.
Matthew F. Walsh, Jr.
Robert W. Warner
Robert T. Warren
Francis A. Waters
Richard E. Waters
Ronald H. Wecht
Larry L. Weeks
Jerome L. Weis
Edwin W. Welch
Roger V. Wellbrook
Daniel T. Wellman
Robert F. Wemheuer
William D. Wester
William K. Westling
Buddy P. Westmoreland
John B. Whalen
John J. Whitehouse
Harold B. Wilber
Charles E. Wilhelm
Robert S. Williams
David A. Williams, Jr.
Dale W. Williams
Delvin R. Williams
David B. Williams
Monroe F. Williamson
Russell L. Williamson
Robert T. Willis
Robert O. Wills
Gordon R. Willson
William K. Wilsmann
Lynn W. Wilson
Robert L. Wiltrout
John W. Winters, Jr.
Mansel M. Wood
Lance P. Woodburn
John A. Woodhead III
Clyde E. Woods
Larry A. Wooldridge
Dabney E. Wooldridge, III
James L. Wright
Kenneth A. Wymer
Patrick A. Yaccarino
Lonnie V. Yanda
Thomas R. Yanger
Paul D. Young
Thomas Zalewski
Stanley M. Zenda
Jack B. Zimmermann
Anthony C. Zinni
Lester M. Zwick

The following-named officers of the Marine Corps for appointment to the grade of first lieutenant:

James A. Albright
John H. Alico
Kenneth C. Allison, Jr.
Robert C. Anderson
Donald A. Angle
Michael R. Antonelli
Charles L. Armstrong
Russell P. Armstrong
James B. Ash
Rayfel M. Bachiller
Welles D. Bacon
Gerald D. Badinger
Wayne D. Bahr
Calvin D. Baker, Jr.
Lorenza T. Baker
William B. Baker
Gary W. Barnes
Michael F. Barone
Larry E. Beagley
Fred W. Beard
Jimmy E. Belcher, Jr.
Dan T. Bergstrom
Jill A. Berle
Albert H. Bickmore
Jerome F. Bierly
Ralph A. Bingham
Sammy G. Binion
Margaret E. Bird
Michael J. Bixiones
Carl V. Black, Jr.
John N. Bockstanz, Jr.
John R. Bollman
Raymond D. Bourque
Charles F. Bowman
Joseph S. Boyd
Robert J. Boyd, Jr.
James E. Boyers, Jr.
John Boyle IV
Robert L. Brake
Frank X. Braun
Juliana S. Braze
Donald C. Brewer
Jude T. Brock
William F. Broderick
Dennis R. Brons
Clifton R. Brooks, Jr.
Donald R. Brown
Jerome S. Brown
Shepard R. Brown
Paul V. Bruckner
Bruce E. Brunn
David M. Bryan
Thaddeus H. Burak, Jr
Gary C. Burch
Joseph E. Burch
Timothy L. Burfield
Bernard C. Burke
Jerry L. Burton
John V. Calkins
Edward C. Caliri
Edward L. Carman III
Martin D. Carpenter
Thomas T. Carpenter
William H. Carroll
John E. Casey
Barry L. Cassidy
Jonah H. K. Chang
Connie S. Chavez
Michael C. Clark
Owen D. Clark
Henry J. Coylar, Jr.
Claude W. Conner
Joan E. Cooley
John D. Counselman, Jr.
Eugene P. Cuccaro
Mark L. Danin
James R. Daugherty
Charles E. Davis, Jr.
John W. Davis
Joseph J. Day
Orlando O. Defrates, Jr.
Donald V. Demikis
Glenn C. Demunck
Robert J. Depass
Lawrence S. Derrig
Kurt M. Dieterle
Alphonso B. Diggs, Jr.
Kenneth R. Dobrovolny
Dennis R. Dodd
Cleve B. Doster
Ronald M. Dressin
Christian F. Dubia, Jr.
Paul V. Duncan
Robert A. Edmond
Sidney B. Edwards
Michael A. Ehringer
Robert P. Eichorn
Thomas L. Ekle
Jeffrey S. Eliason
Elizabeth A. Ellingham
Roger L. Emch
Richard A. Engel
William J. Esmann
Robert G. Essink
Riley S. Ethington
Collie Evans, Jr.
Jot Eve
Charles B. Farber
Phillip F. Fargotstein
Jon W. Farmer
Michael C. Fassino
Paul M. Felix
Vincent L. Fischer, Jr.
Ronald C. Fish
Lloyd D. Fitzpatrick
Jan P. Fladeboe
Homer W. Fogle, Jr.
Robert A. Forrester
Percy E. Foster, Jr.
David W. Fowkes
Charles K. Freeman
Joseph B. Freeman
Richard B. French
John D. Frew
Roland V. Funk
Edward A. Gubarra, Jr.
Francis O. Galloway, Jr.
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Edward C. Gerstner
James H. Gesner
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James C. Hardee
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Gregory Harrison
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Joan I. Hayden
Edward G. Hayen II
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Bruce A. Henry
John D. Henry
John P. Hertel
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William H. Hill III
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John R. Hollcraft
Louis S. Hollier IV
William D. Hollister
James E. Hollopeter
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Sylvester Howard
Vance B. Howerton, Jr.
Thomas W. Hoysa
Jan C. Huly
Gordon R. Jackson
Eugene Jenkins
Eddie E. Johansson
Charles M. Jones
Robert L. Jones
Timothy J. Joyce
Larry J. Jurica
Michael R. Kain
Thomas B. Kalish
Terry R. Kane
Raymond J. Kaufman
Michael M. Kephart
Robert J. Kimble, Jr.
David L. King
Bruce J. Kirry
Clifford H. Kittle, Jr.
Diane E. Kline
Clifford J. Kolson II
Gregory C. Koons
Raymond M. Kruse
Walter M. Kubiak
Rea D. Laiblin
Roland L. Lambert, Jr.
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Paul M. Lee, Jr.
Dean J. Legidakes
Timothy B. Lenan
Karen A. Lenhart
Linda J. Lenhart
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Robert J. Livingston
Carl J. Loguidice
Michael E. Lowe
John F. Lucas
Edmund A. Lucke
Thomas A. Manfredi
Edwin C. Mann
William T. Manning
Esmond W. Marks
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George L. Marshall, Jr.
Thomas M. Marsilio
Terry L. Martin
Harold Mashburn, Jr.
Richard P. May
Shelley B. Mayer
Richard M. McCool III
Boyd S. McCord
Ian D. McDonough
Bryan M. McGill
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Gene S. Mead
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Richard D. Metcalf
Francis J. Meyer
Robert D. Michael
Gene A. Milleson
Thomas P. Milne
Alex G. Mitkenich
Charles G. Mittnacht
Donald J. Monroe
Samuel Moore, Jr.
William M. Moore
Richard C. Morgan
Terrence C. Morgan
Robert V. Morris
John C. Mullane, Jr.
Robert S. Mutchler
John W. Muth
William N. Myers
James M. Naylor
Paul S. Nickolaus
Miken J. Nielsen
Raymond K. Noll
William R. Norton
Jerry R. Oberg
Gerald B. Ogden
Gregory C. Okelly
Steven E. Olmstead
Thomas F. Oreilly
Frederick M. Parker
Charles A. Parlier II
Clarence F. Patten III
Frederick C. Peck
Hugh F. Phillips
Henry N. Pilger
Allan J. Polachowski
Raymond L. Polak
James J. Porter, Jr.
Gregory M. Potter
Andrew N. Pratt
Francis J. Priest
David A. Proffitt
Randall B. Pyles
Henry A. Pyzdrowski, Jr.
Linda S. Rains
Garrett V. Randel, Jr.
Robert W. Rathbun
Edward J. Reardon, Jr.
James L. Reid
Steven S. Reinemund
John H. Reynolds
Larry J. Richardson
Dwight G. Rickman
David W. Riggle
Harold S. Rineberg
James W. Rinschler
Richard H. Roamer
Edward J. Robeson IV
Robert S. Robichaud
Edmond L. Robin
James R. Robinson II
Earl W. Rogers
Renee Roller
Winston E. Rorabaugh
Niley J. Rosemond
Robert M. Rudolf
Jeffrey C. Rupp
Robert A. Rys
Robert J. Saffer
Roger A. Sager
James E. Sall, Jr.
Edward J. Sandrick
David A. Sannes
Ervin W. Scarlett, Jr.
Raymond W. Schellinger, Sr.
Robert D. Schow
James R. Schwenk
Ronald R. Seaman
James E. Seay
William J. Seemeyer
Ellsworth A. Shaw
Michael J. Shaw
Anthony P. Shepard
John E. Sherbin
Jimmy R. Shideler
Thomas J. Short
Ronnie E. Sirmans
Lloyd L. Skinner
Joel M. Skousen
James L. Smee
Arthur M. Smith, Jr.
Charles L. Smith
Delmer Smith
Dennis R. Smith
Lyle W. Smith
Terry A. Smith
William G. Smith
Leslie Solymossy
Robert E. Sonnenberg, Jr.
Douglas K. Spaulding
Jerry L. Spencer
Sidney L. Spurgeon
Joseph F. Startari
Richard M. Stearns
Robert E. Steinhorst, Jr.
Bruce M. Stevens
Ronald L. Stevens
Henri P. Stewart
Susan I. Stoehr
John D. Stokes
Robert L. Strawser
Andre D. Summers
Larry A. Sunn
Leonard M. Supko
Donald F. Swanda, Jr.
Sandra R. Swango
John R. Switzer
James M. Tarkington
Rex N. Taylor
Jon D. Terry
David M. Thomas
Paul W. Thomas
Jimmie R. Thompson
John L. Thompson
Wayne P. Thompson
Joseph Thorpe
Erik B. Thueson
Theodore K. Tolle
James F. Trahern
Craig J. Turner
Douglas D. Tyler
Martin R. Vandenbrook
N. W. Vanhouten, Jr.
Lowell F. Vanwagenen
Robert J. Varley
Bruce R. Wahlsten
Lawrence C. Walt
Larry D. Walters
James G. Ware
David M. Webster
Michael J. Weiss
Charles N. Wells
Stenen G. Western
Gene W. Whitten
Leo V. Williams III
Nicholas J. Williams, Jr.
Douglas G. Wilson
Thomas E. Wilson
Richard P. Wolfe
Thomas S. Wolfe
Donald W. Workman
Gary J. Wright
James L. Young III
Randall H. Young
George E. Zakielarz
William E. Zales, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 1971:

DEPARTMENT OF DEFENSE

James E. Johnson, of California, to be an Assistant Secretary of the Navy.

Hadlai Austin Hull, of Minnesota, to be an Assistant Secretary of the Army.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade of general under the provisions of section 8962, title 10, of the United States Code:

Gen. Joseph J. Nazzaro [redacted]FR (major general, Regular Air Force), U.S. Air Force.

The following officers to be assigned to positions of importance and responsibility designated by the President in the grade of general under the provisions of section 8066, title 10, of the United States Code:

Lt. Gen. Theodore R. Milton, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. John D. Lavelle [redacted]FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

1. Chaplain (Brig. Gen.) Gerhardt Wilfred Hyatt, [redacted] Army of the United States (colonel, U.S. Army), for appointment as Chief of Chaplains, U.S. Army, as major general in the Regular Army of the United States and as major general in the Army of the United States, under the provisions of title 10, United States Code, sections 3036, 3224, 3442, and 3447.

2. The following-named officer for temporary appointment in the Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Chaplain (Col.) Aloysius Joseph McElwee, [redacted] U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Walter James Woolwine, [redacted] United States Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Philip Seneff, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

IN THE NAVY

Rear Adm. Worth H. Bagley, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

William J. Kotsch
Eugene H. Farrell
Rowland G. Freeman III
Rupert S. Miller
Carl J. Seiberlich
Joseph E. Snyder, Jr.
Forrest S. Petersen
Bernard B. Forbes, Jr.
Doniphan B. Shelton
Dewitt L. Freeman
Arthur W. Price, Jr.
Charles H. Griffiths
Charles D. Grojean
John M. Tierney
Isham W. Linder
Charles P. Tesh
William Thompson
Frank D. McMullen, Jr.
Leonard A. Snead
Tyler F. Dedman
Samuel L. Gravely, Jr.
Charles F. Rauch, Jr.
Stanley T. Counts
Harry D. Train II
William A. Myers III
Robert G. Mills
James O. Mayo
David A. Webster
Raymond W. Burk
Lloyd W. Moffit
Samuel M. Cooley, Jr.
Merton D. Van Orden
Wayne S. Nelson
Alan B. Shepard, Jr.
Henry S. Morgan, Jr.
Edward W. Cooke
Denis J. J. Downey
Chester G. Phillips
Alfred J. Whittle, Jr.
James H. Doyle, Jr.
Harry E. Gerhard, Jr.
James B. Wilson
Donald B. Whitmire
William H. Rogers
Wesley L. McDonald
Earl F. Rectanus
William F. Clifford, Jr.
Edward C. Waller III
James D. Watkins

IN THE AIR FORCE

The nominations beginning Allan E. Aaronson, to be lieutenant colonel, and ending Harold B. Munkvold, to be major, which nominations were received by the Senate and appeared in the Congressional Record on April 19, 1971.

IN THE ARMY

The nominations beginning Samuel A. Aaron, to be captain, and ending Jolene K. Tomlan, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 1971.

IN THE NAVY

The nominations beginning Paul Robert Abretski, to be chief warrant officer, W–3, and ending Billie Ross Hardin, to be chief warrant officer, W–4, which nominations were received by the Senate and appeared in the Congressional Record on April 19, 1971.

IN THE MARINE CORPS

The nominations beginning Archie G. Bobo, to be first lieutenant, and ending David B. Weber, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 1971; and

The nominations beginning Garth L. Adams, to be first lieutenant, and ending Michael V. Ziehmn, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 1971.

EXTENSIONS OF REMARKS

MAY DAY ANTIWAR DEMONSTRATIONS: NEW YORK TIMES DISTORTS BUT CHICAGO TRIBUNE REPORTS OBJECTIVELY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. RARICK. Mr. Speaker, one of the regrettable features of the May 3–6, 1971, antiwar demonstrations in Washington has been the failure of important elements in the mass news media to report and editorialize objectively, notably the New York Times, which has long boasted that it publishes "all the news that is fit to print."

Thoughtful Members of the Congress, experienced officers of the Armed Forces, and police—who witnessed the so-called peaceful demonstrations in the streets of Washington—are not impressed by editorial or reportorial distortion.

The situation in Washington was acute and had it not been handled effectively by the Metropolitan Police backed up by units from the Armed Forces, it most certainly would have gotten out of control with untold consequences.

One of the basic purposes of our Government is to insure domestic tranquillity, and this was done efficiently and effectively, reflecting great credit on those who bear the responsibility of decision and the burden of execution.

Thus when one who witnessed the May Day demonstrations reads such editorials as that on "Empty Victory" and the news story of Christopher Lydon on "Washington Does Most of Its Business as Usual" in the May 4, 1971, issue of the New York Times, he is amazed not only by the nonfactual editorializing and reporting but the gross distortion involved.

Fortunately, there are writers in Washington who are perceptive and courageous. In a letter to the editor of the New York Times commenting on both the cited editorial and news story, Dr. Benjamin Ginsburg evaluates both with refreshing candor. Another is Walter Trohan, who in the Chicago Tribune of May 7, 1971, gives an objective summary of what occurred during the May Day anarchy in the Capital City of our Nation.

Because of their pertinence, I insert the mentioned writings as part of my remarks and commend them as examples in journalistic contrast:

[From the New York Times, May 4, 1971]

EMPTY VICTORY

Aimed at shutting down the Federal Government, the "Mayday" demonstrations in Washington from the outset had much more potential for suffering and tragedy than for practical effect on Vietnam war policy. Because of skillful work by the Washington police backed by Federal troops, this tragic potential did not materialize.

There were incidents of excessive force, but the District of Columbia police showed far more discipline and sensible leadership than was displayed by the Chicago police, for example, in the 1968 demonstrations at the time of the Democratic National Convention. For their part, the mostly youthful demonstrators contributed to this good result because they generally adhered to their determination to keep the protest peaceful.

This victory for public order, however, is morally empty. It was achieved only by turning the center of the nation's capital into an camp with thousands of troops lining the bridges and principal streets, helicopters whirring overhead and helmeted police charging crowds of civilians with nightsticks and tear gas. To evict thousands of peaceful campers from West Potomac Park at dawn on Sunday may have been shrewd police tactics, but it is never a reassuring spectacle to see a Government trying to outmaneuver its own citizens.

Nearly four years after the anti-Vietnam mobilization of 1967 tried to shut down the Pentagon, the streets of the nation's capital are still filled with marching and countermarching. The fighting in Vietnam continues, and so do the huge demonstrations. A nation so fevered with unrest, so troubled in its conscience, so much at war with so many of its young people, is a nation under a heavy cloud.

The Administration can take no lasting satisfaction from the fact that it has once again managed to keep Government offices open. Until there is leadership—affirmative, creative, responsible leadership—to end the war and act upon the country's social and economic problems, there can be no genuine domestic tranquillity.

[From the New York Times, May 4, 1971]

WASHINGTON DOES MOST OF ITS BUSINESS AS USUAL

(By Christopher Lydon)

WASHINGTON, May 3.—Rush hour came two hours early, around 5:30 this morning. Nine o'clock commuters sailed blissfully into town, and some of them wondered whether dawn demonstrations might not be a good thing every day.

Between protesters and policemen, there were many scenes of ugly confrontation and a bitter spirit unusual in Washington demonstrations. But by no means was the whole city affected.

"I'd say the disruption was the equivalent of a half-inch snowfall," said one downtown executive. A colleague demurred: "I'd say about a half inch of rain."

Those who made a point of "business as usual" found it surprisingly easy. Mrs. Nixon told her staff that the demonstrations would not interfere with her luncheon for 88 wives of Cabinet members and Congressmen, many of whom drove to the White House from the Maryland and Virginia suburbs.

Gen. William C. Westmoreland, the Army Chief of Staff, scorned directives that Pentagon workers show up for work at 5 A.M. The general walked up the unobstructed steps of the Pentagon at two minutes before eight and was at his desk, as usual, at 8 on the dot.

Representatives ——— Republican of California, the Olympic decathlon champion in 1948 and 1952, paddled a canoe for himself and two colleagues, Representatives ———, Pennsylvania Republican, and Representative ———, Alabama Democrat, in a nearly 5-mile trip down the Potomac. The trip from the Virginia side of Chain Bridge to the Washington Marina took just under 2 hours: The canoe is now parked in the Cannon Office Building's garage.

From the Washington side of the Potomac, a bearded young man in a crash helmet sailed forth in a kayak, landed at the Pentagon, but was disappointed to find that his overland allies had been cut off at the bridges. He shrugged at the lines of policemen, then tipped over his craft to reveal the legend on the bottom. It said: "Capsize the Establishment."

Senator ———, Republican of New York, who usually takes an early flight to Washington on Monday morning, planned conservatively, and took the Amtrak's new Earlybird Metroliner from New York.

His colleague, ———, several shades more conservative, made the trip from New York last night and was in his office dictating letters to his secretary at 6:30 A.M.

The most dangerous threats of violence came from motorists. On 23d Street, two blocks from the State Department, a protester who had hoped to halt the stream of traffic jumped on the hood of a sedan that was about to run him down, then rode in panic for nearly half a block before bouncing off, apparently uninjured.

Demonstrators made a persistent effort, nonetheless, to be friendly, and felt rewarded. At Dupont Circle, a small, smiling girl went from car to car handling antiwar literature to the drivers. "Stall your cars for us please," she said. To drivers who would not lower their windows she shouted, "Don't you want to drive around the circle two or three times to look at the freaks getting their head beat in."

It was a major triumph, said Michael Lerner, a spokesman for the Mayday Tribe, that "a number of motorists who understood the message actually slowed down their vehicles or stopped when there was a barricade, and, sort of winked."

"You didn't have a feeling that the war machine had ground to a halt, but Georgetown as a neighborhood was a pretty lively place," said one young socialite. There was an air of cheerful forebearance in Georgetown, even after Washington's fashionable downtown neighborhood became a center of the struggle that spilled over from the M Street commuters' artery.

One transit bus was disabled on O Street by a resident who dashed out of his house in a bathrobe, lifted the back hood of the bus and put the electrical system out of commission. The intersection of O and 35th Streets was littered with garbage and glass by an early "trashing" spree, but at 9 o'clock many of the same young people who had made the mess started cleaning up. Minutes later the intersection was clean.

ARLINGTON, VA.,
May 5, 1971.

To the EDITOR OF THE NEW YORK TIMES:

As a resident of the Washington area who has been an eye-witness to the suppressed insurrection, I rubbed my eyes in amazement when I read your May 4 editorial, "Empty Victory," and the news article by Christopher Lydon. What are cited as facts in these articles so contradict the facts which I saw and everybody else in Washington saw, that I imagined I was dreaming.

Thus you say that the demonstrators "generally adhered to their determination to keep the protest peaceful." The fact is that they announced in advance their determination to shut down Washington and the Federal Government, and they adhered to their determination. Consider the experiences of bus riders watching their bus plow through crowds of obstructionists and terrified that their vehicle will be overturned. If you call such experiences "peaceful" and pleasant, then you are not living in the world of reality.

You speak of the eviction of "thousands of peaceful campers in West Potomac Park" as a non-reassuring spectacle of "a Government trying to outmaneuver its own citizens." The demonstrators were by their own acknowledgement acting in concert with the wishes and plans of the Communist regime at Hanoi. To me, as to most people in Washington, it was decidely reassuring when the news came that the forces of law and order were at last taking action to foil the plans of the Fifth Columnists.

Mr. Lydon takes the cake for topsy-turvy reporting when he writes that "the most dangerous threats of violence came from motorists" (that is, peaceful citizens going to their places of employment). It would seem that, in Mr. Lydon's world, it is not the hold-up man with a gun who is guilty of violence, but the man who fights back!

The Times has for some time been committed to an ideology which advocates giving a free hand to subversive agitators both as to speech and as to action. It is useless to debate this ideology with you. But I would like to point out that long addiction to a false moral and political ideology tends to produce disorders in the perception of the world of physical reality. This is what happened in the case of Hitler and Stalin, who towards the close of their careers exhibited definite signs of insanity. Your upside-down statements on the Washington insurrection suggest that the distortion of physical perception may be beginning with you.

It will be a sad day when the Times should cease completely to be an objective newspaper and should become a journal that prints "All the News as Seen from a Lunatic Asylum."

BENJAMIN GINZBURG.

[From the Chicago Tribune, May 7, 1971]

DISTRICT OF COLUMBIA PLANNER MAY HAVE BEEN RIGHT

(By Walter Trohan)

WASHINGTON, May 6.—For years, Washingtonians have laughed at the suggestion of Maj. Pierre Charles l'Enfant that cannon might be mounted in the city's circles and squares to nip any uprising in the bud. Such things might do for a city of mercurial passions where Napoleon ended the French Revolution with a whiff of grapeshot, but would never do in stable and sane America, it was said.

Today, after days of rebellion in the capital, some residents are thinking of visiting l'Enfant's grave in Arlington National Cemetery to offer apologies. True, no lives were lost and the government was not endangered, but the damage done to the capital's morale and to the capital itself was significant.

If nothing else, the militant demonstrators made many feel that such things can happen here. It was obvious that the demonstration was no gay outpouring of youth seeking an end to war, but an organized and carefully planned attempt to upset and impeach the orderly processes of daily lives. The effort was not to influence but to show power.

Definite targets were selected and announced. The purpose was to halt the flow of traffic in the spokes of the circles and the arteries leading to the principal squares. Federal workers were warned and urged to stay away from their offices and the center of town.

Fortunately the militants did not close down the city or the government. However, they smashed cars, clogged some streets, scattered garbage, battled with the police, moved on the public property to sleep and carouse, including the use of marijuana and hallucinatory drugs, and rampaged by day and night.

The damage they did was considerable. Thousands of workers did not go to their jobs because they wanted to avoid threatened traffic jams. Thousands more stayed away from downtown stores. Some went to work at 5:30 in the morning in accordance with some curiously conceived plan to steal a march on the militants.

The May Day movement was led by radicals, including some who sought to terrorize and disrupt the Democratic convention in Chicago in 1968. Police here moved promptly, efficiently and with instructed hesitation to display force. They were backed up by 4,000 combat-clad troops; 6,000 more were ready to move in.

The men in blue occupied the circles and squares. The demonstrators were prevented from making the circles a forum as they had in past demonstrations. Citizens were happy to see the police there.

During the protests, almost 10,000 of the demonstrators were detained or arrested. Most of these offered little resistance altho they protested violation of their rights. It is hard to claim the right to paralyze a government or a city.

No doubt the demonstrators have a right to assemble and to protest the war. Two weeks ago some 200,000 persons, largely young, led by some men who had fought in Viet Nam, demonstrated against the war and made a substantial impression, because of their quiet behavior, except for the unpardonable flinging of war medals on the Capitol steps.

These men formed only a small part of the millions who have fought in Viet Nam, but they protested without resorting to violence. They were joined by almost 200,000 young people equally hopeful of ending the war. Yet few of us would sympathize with the three Federal Bureau of Investigation girls who demanded reinstatement after being fired for joining in the protest.

Their purpose and their cause was injured by the radical and violent men of disruption. These girls should have taken a lesson from the earlier demonstrators, but in choosing violence they made it clear they were not a mobilization for peace but members of a mob organized for disruption and possibly for rehearsal for revolution.

VIETNAMESE BUDDHIST PEACE PROPOSALS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. DOW. Mr. Speaker, Thich Nhat-Hanh, the celebrated Buddhist monk, has been visiting our country in an effort to demonstrate to the American people his concerns about continuing the Vietnamese war. Thich Nhat Hanh is a leader of those uncommitted Vietnamese who earnestly wish for an end to hostilities and he has eloquently expressed himself in the widely read volume about Vietnamese problems entitled, "Lotus in a Sea of Fire."

In Thich Nhat Hanh's view there will be no blood bath in South Vietnam if the war is ended. Accordingly, he feels that the sufferings there should be brought to an end immediately and therefore, the Vietnamese Buddhist delegation urges an immediate cease-fire.

It was my privilege to have been interviewed with Thich Nhant Hanh by NBC Correspondent Peter Hackes during which the Buddhist monk presented an enlightened "other" solution to the Vietnam conflict. The news film was shown on WNBC-TV in New York City April 22.

Since I thought these proposals by the Unified Buddhist Church would be of interest to my colleagues I am including them in the Record:

VIETNAMESE BUDDHIST PEACE PROPOSALS—UNIFIED BUDDHIST CHURCH

THE SIX-POINT PROPOSALS MADE BY THE VIETNAMESE BUDDHIST DELEGATION TO THE WORLD CONFERENCE ON RELIGION AND PEACE

KYOTO, JAPAN,
October 20, 1970.

The sufferings in Vietnam should be brought to an end immediately. Therefore, a cease-fire is the most urgent need of all Vietnamese. The two cease-fire proposals recently made by the government of the United States and by the Provincial Revolutionary Government of South Vietnam aim mostly at political purposes, therefore, they can not bring about a cease-fire in the near future.

Therefore, we appeal to:

1) The warring parties to begin de-escalating the war, beginning today, in order to arrive at a total stand-still cease-fire at 6 p.m. on the eve of the Tan Hoi lunar New Year (26-1-71). Both sides should be expected by the Vietnamese people and the people of the world to declare their commitment to this cease-fire before that day; the sooner this commitment is made the greater the hope and the joy of the world. During the period from today to the day of the total standstill cease-fire, the Vietnamese people expect the United States to refrain from using chemical poisons in Vietnam, from making search and destroy operations which kill more civilians than they do military personnel and to cease all B-52 bombing missions. They expect the National Liberation Front to refrain from mortaring populated areas.

2) The United Nations immediately to appoint a group of neutral countries such as France, Pakistan, India, Sweden . . . to form a Cease-fire Control Commission for Vietnam. One military expert representing the Army of the Republic of Vietnam and one military expert representing the National Liberation Army should be included in this commission.

3) The government of the Republic of Vietnam to release all political prisoners, students, intellectuals, monks, priests and all persons imprisoned because of their struggle for peace and for national sovereignty.

4) The United States to bring an end to the condition of powerlessness created by the corrupt and oppressive dictatorship currently in South Vietnam by letting the Vietnamese people freely choose for themselves a government that is representative of the majority of the population; a government that is non-aligned and reconciling in its nature, capable of

a) negotiating with the United States for the speedy total evacuation from Vietnam of all U.S. armed forces, and further to negotiate problems relating to diplomatic, cultural and economic relations between the U.S. and South Vietnam;

b) negotiating with the Provisional Revolutionary Government of South Vietnam on procedures for general elections to establish a government representing all political forces of South Vietnam. These elections should be organized under international supervision and should be truly free in order for South Vietnamese of all political persuasions to participate.

5) The governments of the U.S., the U.S.S.R. and the People's Republic of China to cooperate with each other in ending the sufferings of the Vietnamese people by supporting these proposals made by Vietnamese themselves.

6) The parties in conflict in Vietnam, the World Religious Communities, the peace loving people of the world and all humanitarians to take immediate action urging the nations responsible for the war in Vietnam to bring it to an end and finally to alleviate the suffering of Southeast Asia.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

FIFTY-TWO WEEKS OF UNEMPLOYMENT COMPENSATION SHOULD BE PASSED NOW

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. HARRINGTON. Mr. Speaker, the Labor Department has recently released statistics showing that there is a 6.1-percent unemployment rate throughout the country. The Lawrence-Haverhill area of Massachusetts had a 10-percent unemployment rate. Massachusetts now has 185,000 persons unemployed—the highest figure in 20 years. The overall unemployment in the State is over 7 percent. Clearly, something must be done to help those who are unemployed now.

Our attempts to convert the economy from war to peace are in their first stages. A complete conversion program is a necessity, but it will take time. What about those who are now unemployed, whose benefits have run out, whose credits have run out? What can we do to help them now?

I have today introduced legislation to double the length of every States' unemployment compensation period. In most States, 26 weeks is the normal time for unemployment benefits. Therefore, my bill would bring the total number of weeks to 52 in the majority of States.

Congressman O'Neill has already introduced legislation to double unemployment compensation time. I have cosponsored his bill and commend his efforts in this area. However, my bill differs from his in several ways.

First, my bill would require the State and Federal Governments to share in the cost of the first 13 weeks of additional compensation. The second 13 weeks would be paid for totally by the Federal Government. This would be accomplished by increasing the rate of Federal unemployment tax from 3.2 percent to 3.26 percent.

Second, the additional weeks of unemployment compensation would be triggered when unemployment has reached a rate of 5 percent—seasonally adjusted—for 3 or more consecutive months. If the rate goes below 5 percent for 3 or more consecutive months, the trigger would be terminated.

Third, my bill will cover those whose unemployment benefit credits have run out. There are many unemployed scientists and engineers as well as other skilled and unskilled workers who have been out of jobs too long to be eligible for these increased benefits. The legislation I am introducing today would allow anyone whose benefit year expired after June 30, 1970, to collect the additional unemployment compensation.

Fourth, there are many young people attempting to enter the work force who cannot find jobs. The legislation I have introduced would allow such an individual to register with the local employment service for at least 6 months. If he cannot obtain work within these months and the employment service certifies that such is the case, the individual will be eligible for the minimum amount and the minimum duration payable under the unemployment compensation law of the State in which he resides at the time of applying for the benefits.

Any person who has had 6 quarters of social security coverage is also immediately eligible for the minimum unemployment benefits of the State in which he resides.

I have included these individuals because I feel that a government which has been unresponsive to the economic consequences of its inflationary actions should not penalize those caught in the squeeze.

It is my sincere hope that the Ways and Means Committee will hold hearings quickly on all of the measures introduced to extend unemployment compensation benefits. This is an action which the Congress can take to bring relief to millions of people now. The concept is simple, and the time has come to implement it.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

SUPREME COURT DECISION IN RECENT SCHOOL-BUSING CASE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, May 14, 1971

Mr. BYRD of Virginia. Mr. President, the Washington Evening Star of May 8 included an excellent and thoughtful column by William F. Buckley, Jr., concerning the U.S. Supreme Court decision in the recent school-busing case.

Mr. Buckley rightly points out that compulsory busing has been opposed, not only by conservatives, but by such liberal spokesmen as the late Senator Robert Kennedy. Furthermore, he notes that a survey indicates little enthusiasm for busing on the part of black citizens in New York City.

Like Mr. Buckley, I believe that busing to achieve an artificial racial balance in the schools is wrong, unjust, and not in the public interest.

I ask unanimous consent that the text of Mr. Buckley's column "High Court Fails To Heed Hughes' Warning" be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, May 8, 1971]

HIGH COURT FAILS TO HEED HUGHES' WARNING

(By William F. Buckley, Jr.)

The recent decision by the Supreme Court would appear to do more than merely authorize busing in order to achieve school integration. It can be read to require it.

Now it is important to recognize that the Supreme Court has undertaken what no previous court undertook to do. Important—extremely important—to bear in mind that the Supreme Court has undertaken to do what no major politician ever recommended.

Take Sen. Robert Kennedy, whose instincts after he became famous were always with the liberal-left in American politics. Even so, Sen. Kennedy, as far back as 1965, came out against busing as a means of achieving integration in the public schools.

I do not adduce Sen. Kennedy in order to make an undeniable moral point. He is a useful witness, it would seem, for an argument based on political reality.

That is to say, if the left-Democratic wing of American politics opposes busing, one must assume that, roughly speaking, the whole of the political body politic opposes busing. Does that mean only the whole of the white body politic? The figures appear to deny this. Even in 1965, a poll of the attitudes of black citizens in New York City showed that compulsory school integration had disappeared from the list of the most wanted social reforms.

Now, six years later, the advocates of busing are the ideologized integrationists of years gone by: Men of high ideals, and exemplary ambitions for the Negro people, such men as Roy Wilkins of the NAACP. But they are out of touch with reality. So is the Supreme Court.

Charles Evans Hughes (who would become the chief justice, and very nearly the president, of the United States) said it all plainly when he was governor of New York. In a speech delivered on May 3, 1907:

". . . I tell you, ladies and gentlemen, no more insidious assault could be made upon the independence and esteem of the judiciary than to burden it with these questions of administration—questions which lie close to the public impatience, and in regard to which the people are going to insist on having administration by officers directly accountable to them . . . You will turn upon our courts—the final safeguard of our liberties—that hostile and perhaps violent criticism from which they should be shielded and will be shielded if left to the jurisdictions which it was intended they should exercise."

The defendants, in the most recent contention (Charlotte-Mecklenburg) tried vainly to show the Supreme Court that it was being asked to adopt a line of action altogether different from the line in *Brown* v. *Board of Education*, in which the court had ruled that compulsory segregation was unlawful. "The United States, in its brief to this court in the Brown case, said that under the Constitution 'the decisive inquiry is whether race or color has been entirely eliminated as a criterion in the admission of pupils to public schools.'

"Insofar as the plaintiffs have been able to ascertain, nobody claimed anything in Brown save that states should be required to cease excluding children from schools and assigning children to schools on the basis of race. Since this is all that was asked or argued, is it not reasonable to say that this is all that Brown decided, and that Brown is not authority for requirements beyond this?"

We all know what now has happened, namely that the Supreme Court has ruled that the color of a student's skin is precisely the datum which must be considered by the school board in determining to which school he shall be sent. And, inasmuch as there are differences of opinion among administrators, teachers, parents and, yes, children, on whether in any particular situation you have got yourself a prudential arrangement or a constitutional crisis, the Supreme Court has involved itself in precisely the kind of thing that Chief Justice Hughes warned against.

And the outcome—in an age when the desirability of law and order means more and more, in proportion as there is less and less law and order—is a Supreme Court which, in pursuit of racial justice, is alienating white and black people, separately; and, together, alienating those who would settle gladly for a Supreme Court that concerns itself for the maintenance of old laws rather than for the improvisation of new ones.

RECOGNITION OF FIREMEN

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. SYMINGTON. Mr. Speaker, it is most appropriate that we who make the Nation's laws take time to acknowledge the invaluable services of the men who protect our lives and property from fire.

The fireman's job requires dedication, courage, and high professional standards. Ladue, a city in my district, has recognized the firemen's contribution to the community's welfare by proclaiming 1971 Fire Service Recognition Day. I would like at this time to add my endorsement to their action and to draw it to the attention of my colleagues by inserting the text of their resolution in the RECORD at this point:

FIRE SERVICE RECOGNITION DAY, SATURDAY, MAY 8, 1971

Whereas, the Fire Service of our City performs many public services in addition to the suppression of fire such as dwelling inspections, pre-fire planning, inspections of commercial and industrial facilities, hospitals, schools and rest homes; and

Whereas, todays fireman is a technically trained and highly skilled professional public servant,

Now therefore, I Mayor of the City of Ladue Do hereby proclaim Saturday, May 8, 1971 as Fire Service Recognition Day, and I urge all citizens to visit their nearest Fire Station on this date to become acquainted with these men, their apparatus and equipment and the professional type service they provide today as contrasted with yesteryear.

Richard D. Shelton,
Mayor.

GI SHOWS DEVOTION TO COMRADES AND COUNTRY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. YOUNG of Florida. Mr. Speaker, we hear a lot of criticism lately about our troops in Vietnam, about "fraggings" and refusing to fight, and about drug abuse. During a recent tour of the war zones in Vietnam, made as a member of the Armed Services Committee, I looked into some of these reports, and I can assure my fellow Congressmen that while we do have problems, by far the vast majority of our soldiers are brave, hard working, dedicated, and patriotic young Americans.

This, unfortunately, you do not read much about in the newspapers or see on television. Therefore, it is essential that we put the criticisms we constantly hear in some sort of perspective.

Nothing, I feel, tells the story of the American GI in Vietnam better than the decision of Sgt. Jimmie Evans, a young man who postponed attending St. Petersburg Junior College in my district because of a feeling of responsibility to his men, and his devotion to his country.

The college's alumni newsletter reprinted a Tampa Tribune story of Sgt. Jimmie Evans, and I am now making this moving account available to my colleagues:

GI Postpones College for Combat

(By Nash Stublen)

A tale of devotion to comrades in battle unfolded Dec. 8, 1970 in a letter written to St. Petersburg Junior College officials by a 20-year-old Plant City platoon sergeant.

Sgt. Jimmie Evans of Company E, First Calvary Division, informed school officials he had decided to postpone his early move from the dangerous battlefields of Vietnam to the safer classrooms on the Clearwater campus because "I feel that I'm needed over here more now than I'm needed at home."

The son of Mr. and Mrs. Lennie Evans of 1310 No. Wheeler, the soldier who has taken on a tremendous burden before reaching the voting age started his Nov. 29 dated letter by thanking officials "for all the trouble you have gone through to get my acceptance papers in order.

"A few weeks ago while I was away from my recon. team," he continued, "they made contact and got three of my men hurt pretty bad. Don't ask me why but I feel that if I hadn't of been gone it wouldn't have happened.

"So I would like to drop my application for now so I can serve my full tour with my unit.

"I plan to start to school when I come home but I feel that I'm needed over here more now than I'm needed at home.

"Again I'm sorry for the trouble, but I would feel guilty if I left my men especially when the Tet offensive is coming up.

"Maybe I'm being patriotic, or crazy, but my name is Jimmie Evans and that's the way I am.

"Tell the school that I hope I will be able to make it home and be with my kind of people," he concluded.

The young Plant City warrior not only apologized for any trouble he might have caused in withdrawing his application, but asked that the $15 fee he had posted be donated to one of the college's charity funds.

Dr. Michael M. Bennett, SPJC president, said the $15 deposit would be placed in the college scholarship fund where it will be devoted to assisting some needy student.

And Bennett informed Evans in reply to his letter:

"You may rest assured that there will be a place for you at St. Petersburg Junior College when you return to the States.

"During these times I have often heard it said that our younger generation has no sense of responsibility or feeling of patriotism. Your decision to remain on duty is indeed a strong refutation of such beliefs.

"I salute you, sir, and look forward to the opportunity to greet you personally."

In Plant City, Mrs. Evans said her son's tour of duty would be up in June. She said he had an opportunity to return earlier to start college.

Jimmie, one of three sons, was graduated in 1968 from Plant City High, where he played basketball and football and was a member of the Key Club. He entered the U.S. Army in June, 1969.

"I'd love to have him back now," Mrs. Evans said, "but we're proud of him for what he's doing."

THE ALLIANCE FOR PROGRESS IN SARDINILLA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. FASCELL. Mr. Speaker, in the April issue of the Foundation for Cooperative Housing News Briefs is a story on rural cooperative housing in Panama. The article was written by Mr. Wade B. Fleetwood, formerly the deputy director of the partners of the Alliance program and now a Public Information Specialist in the Bureau of Public Affairs, Latin American Bureau of the Agency for International Development.

With special focus on the tiny rural community of Sardinilla outside Panama City, Mr. Fleetwood makes the point that the Alliance for Progress instilled an important unity of purpose among the nations of the hemisphere in the cause of development.

Mr. Speaker, I take this opportunity to call the article to the attention of my colleagues:

Sardinilla Points Way to Future Cooperation—Spirit of Alliance Kept Alive

(By Wade Fleetwood, AID, Latin America Bureau)

Sardinilla is a tiny rural community at the end of the road off the busy Trans-Isthmus Highway. It is about an hour's drive from Panama City. Enroute, the road passes rolling pasture lands unevenly rimmed and transversed by hillocks. The general landscape is often interrupted by tall, gnarled-branched trees, many nearly hiding orchids near the top. Small herds of cattle graze the fields. Soon you arrive at the site of startling progress in rural cooperative housing. A brief visit to Sardinilla last month was unforgetable.

Though this particular project is very small, the "before" and "after" contrast must offer great hope for local people who are moving from dirt-floored, insect-infested dwellings to homes. In some cases, the move is only ten feet. New cement-floored, cinder-block houses, with two by four beams and metal roofs, sometimes touch the pole and straw dwellings they are replacing.

At one building site, a woman carrying a small child stepped out from her thatched house. She spoke approvingly of the cinder-block construction under way in the shadow of her present home. In fact, the two formed one unit separated only by the rear block wall.

As one walks about the old and the new buildings in Sardinilla, you can't help but recall the words of John Kennedy, in his Inaugural, "To those peoples in the huts and villages . . . struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves . . . because it is right." And the promise of help is slowly reaching the people here through the efforts of private and public agencies. You can see it before your eyes.

A consortium—The Foundation for Cooperative Housing (FCH), the Agency for International Development (AID), the Panamanian National Housing Agency (IVU), the Panamanian Foundation for Cooperative Housing (FUNDAVICO) and the people of Sardinilla—under the impetus of the Alliance for Progress, is bringing change to this peaceful countryside. And all the elements of this partnership are working well together in this specific project—a small but important part of the development process.

In the face of current discussion as to whether the Alliance for Progress is dead or dying, it is evident in Sardinilla that the bright spark of unity kindled by the Alliance still exists. For here, in fact, is where the Alliance meets—the governments, private agencies, technical assistance and the people. The common goal of all these working partners is development. By its example, Sardinilla symbolizes hemisphere-wide cooperation and action.

The story of Sardinilla began in early 1965 when the IVU requested technical assistance from AID to help establish the necessary organizational machinery for cooperative housing. Here, FCH developed a program for Panama consisting of pilot housing cooperatives, both rural and urban. FCH also assisted in the preparation of a long-range plan for FUNDAVICO.

The cooperative rural housing building program in Panama started with a successful demonstration project. It was the first joint project of IVU, AID and FCH. The people at the site, Los Pocitos, in the Province of Chiriqui, built ten new homes funded by a small AID grant of $3,000.

Using mostly local materials, the "chozas" of Los Pocitos were replaced by basic homes using a modular plan adaptable to changing needs of the residents. After a small down payment, monthly installments of $4 for a seven-year period, a 4½% interest, repay the individual loans. The newly-created FUNDAVICO administered the revolving fund. Repayment by the farmers was ahead of schedule from the start and the original grant built 30 additional homes in the area. The cooperative idea worked.

Thus, in 1969, under what became known as the 027 AID loan of $3.5 million for cooperative housing in Panama, Sardinilla became Rural Subproject No. 2. It is the center of one of the priority rural development areas. The two-bedroom block houses being built here cost about $700. Located on separated sites, approximately 35 homes will be built in Sardinilla.

The Panama loan program calls for building a total of 1200 units, 725 urban and 475 rural, throughout the country. The end objective is to help establish a permanent private, nonprofit institution in Panama to meet cooperative housing needs. The IVU contributed $1.0 million toward this end.

The key to the program under way in Sardinilla is self-help, with administrative and technical assistance being offered by FUNDAVICO. A visit with two young Panamanian technicians at the site was rewarding. They explained progress in construction and led a brief tour of near-completed homes. Their dedication comes through easily. And so does the determination of farmers at work on their new homes.

It is always a stimulating experience to see the people—to see what they are doing to help themselves. In Sardinilla there is ample evidence that they are doing much. It is the peoples' response to public and private interest in their needs and betterment that is most satisfying. When the heretofore unattainable tools are made available to the people, they will respond. The cooperative way has made the difference between status quo on the one hand and, on the other, meaningful progress through tangible help that is reaching those who need it most.

The promise of Sardinilla is being fulfilled. Another visit in the not too distant future will surely witness a better life for the people of this rural community an hour from Panama City.

SECRETARY OF AIR FORCE ROBERT C. SEAMANS, JR., DELIVERS ARMED FORCES DAY SPEECH IN SAN ANTONIO

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. FISHER. Mr. Speaker, on Armed Forces Day, May 12, the distinguished Secretary of the Air Force delivered an excellent speech in San Antonio. The occasion was sponsored by the Downtown Rotary Club and the Greater San Antonio Chamber of Commerce.

San Antonio, America No. 1 military city, was a most appropriate place for Dr. Seamans to deliver a timely and appropriate message dealing with many aspects of our military establishment and the urgent need for an adequate military posture in this country.

Under leave to extend my remarks I include a copy of the speech. It follows:

THE DUAL MILITARY CONTRIBUTION: SECURITY AND PROGRESS

The citizens of Texas, and most especially San Antonio so familiar with activities at Brooks, Randolph, Kelly and Lackland AFBs plus Fort Sam Houston, know and understand the contributions of our military services. On behalf of the men and women of the Air Force and the members of our other services, I want to thank the citizens of San Antonio for this impressive demonstration of your support. It is most encouraging to witness such evidence of interest and pride in our Armed Forces and in their responsibility to maintain our nation's security.

Today I want to discuss some of our important needs in the areas of weapon modernization and personnel programs. Then I want to mention a subject which gets much less attention, the important contributions to our nation's social and economic progress that result from our defense programs. This constitutes a dual benefit which is not fully understood by many of our citizens.

Armed Forces Day 1971 provides an opportunity both to further public understanding of our total military role, and to extend to the military the appreciation of the American pepole.

Our men and women in uniform have served our nation well during critical periods of our history. In the twenty-one years since this special day was established by President Truman, we have seen a number of crises: the Korean War, the Lebanon crisis; tensions in Berlin; the Cuban crisis; and the war in Southeast Asia.

With regard to our nation's involvement in Southeast Asia, our direction is clear. We remain hopeful that the other side will begin meaningful negotiations in Paris. Nevertheless, the U.S. presence is being steadily reduced and our casualties have been greatly cut. And as we withdraw, Vietnamization is moving forward.

The U.S. Air Force is contributing a great deal to the Vietnamization effort through providing the necessary training and equipment. Our direct involvement is being reduced in Vietnam as we assist in the continuing build-up of the Vietnamese Air Force. We're now at a point where critical pilot training loads have peaked out and stabilized. Over 14 new Vietnamese squadrons have been activated since August of last year, and we are now averaging about two new squadrons being activated per month. Their Air Force now consists of over 35 squadrons and about 40,000 personnel. Of course, Vietnamization has the positive goal of increasing Vietnamese capabilities for *all* aspects of the war.

In connection with our efforts to terminate our involvement in Vietnam and achieve an honorable settlement there, I want to mention one tragic issue that troubles all Americans. That is the refusal of North Vietnam to agree to humane treatment of prisoners of war or to provide information about men missing in action. The plight of our prisoners of war throughout Indochina has been and continues to be a major concern. Our goal, of course, remains the return as soon as possible of all of our men held captive. There can never be a satisfactory settlement of that conflict without a resolution of the prisoner of war issue.

We are all aware that this conflict has been a divisive element in our society. But Vietnam must not be allowed to distort our nation's defense perspective. We must not lose sight of our most important military task—that is the deterrence of nuclear war. In this regard the focus must continue to be upon the Soviet Union, which is expanding her strategic nuclear capabilities. The Soviets have about 400 more ICBMs than we do, and they are still building and deploying them. And as Secretary Laird has stated recently, there is evidence the Russians may have embarked on a new intercontinental ballistic missile program.

In view of this improving Soviet strength, let me outline some modernization programs which are needed to insure our nation's future security. Our own strategic capability consists of three principal systems: land-based and sub-launched missiles, and the manned bomber.

We are making our land-based missiles less vulnerable through upgrading our silos, deploying ABM protection for our missile fields and strengthening the penetration capability of both our land- and sea-based missiles. Concurrently, the Navy is moving ahead with the development of a new undersea-launched missile system (ULMS).

We are also developing a new manned bomber. Across the board it will incorporate vastly improved technology over the B–52, which first flew in 1952. This new bomber will have superior low-level, subsonic attack capability, as well as supersonic speed at high altitude. In comparison with the B–52, it will be able to get into the air faster and will have improved radar capability and a larger payload. Bombers, of course, do not have the short time of flight necessary for a surprise attack, and as a result, they contribute to a more stable deterrent.

Turning to conventional systems, our defense policy will increasingly take into account the manpower capability of our allies. However, for this partnership to be effective our weapon systems must be equal to the task.

As one of our contributions to this objective, the Air Force is developing a number of tactical aircraft systems. I will discuss only our first priority requirement and that is the need for a new air superiority fighter. We note that the Soviets have developed about a dozen prototype fighters during the past 10 years, as compared to a total of three for the United States. The F–4 continues to do a commendable job, yet it is a 20 year old design. We must provide our pilots with a higher performance aircraft and accordingly have given priority to a new air-to-air fighter, the F–15.

In addition to strategic and conventional modernization which I have mentioned, another vital consideration is the need for greater emphasis and continuity in our research and development efforts.

At the present time we are ahead of the Soviet Union in what we believe to be the important areas of weapons technology. On balance our weapons are better because we developed a strong technology base during and after World War II. But Soviet expenditures have grown rapidly in recent years, and most estimates indicate that their overall space and defense-related R&D effort is presently greater than ours, and is increasing.

If we lose the lead we now have in important areas of military technology, we might face the "Sputnik" dilemma in many areas which could constitute dangerous breakthroughs on the part of the Soviets. In my judgment we cannot safely allow our nation to become second best in the vital area of science and technology.

Further, if we are to use science and technology properly, to accomplish our deterrent role, we require highly-competent, well-trained people. Therefore, we are stressing policy and management changes which will make an Air Force career more attractive to the caliber of people we must have. To achieve this objective, we are trying to listen to our people, treat them as individuals, and give them constructive and satisfying jobs with a promotion system that rewards responsibility and accomplishment. In this way we can better attract individuals with talent, who can personally identify with our objectives. These kinds of improvements will enable us to move further toward the objective of a zero draft call.

As a part of our personal improvement efforts we are stressing equal opportunity for all. Our experience has shown that further progress toward promoting racial equality and harmony in the armed forces depends in large measure upon effective communications.

In this regard the Air Force now appoints Equal Opportunity Officers for installations throughout our country. These officers have a direct access to the local commander and are selected based on their understanding, rapport and ability to communicate with minority members, particularly the younger people.

Along with our emphasis upon improved communications, we are attempting to insure equal opportunity in off-base housing. And for several years commanders have been urged to take all measures within their power to further the elimination of other discriminatory practices in adjoining communities, since these adversely affect service personnel. Our personnel programs must have imaginative application and call for sensitive leadership qualities in moving toward equal opportunity for all.

This emphasis is in accordance with national and Department of Defense policies devoted to the elimination of discrimination. It also constitutes a military contribution to the social and economic progress of our nation.

As I indicated earlier, I believe that such contributions are not fully appreciated by many of our citizens and I would now like to illustrate some other military efforts which I believe are significant in helping to solve domestic problems.

Shortly after taking office, Secretary Laird appointed the DOD Domestic Action Council which was created to coordinate actions on social problems with other government agencies. The council fundamentally is concerned with managing defense programs in ways that help alleviate community as well as national problems.

The accounts of individual and local level accomplishments, in cooperation with community leaders, are impressive. These activities range from assisting under privileged children on an individual basis to contributing to numerous other civic efforts, such as youth employment, summer camps and community improvement campaigns.

In addition to these myriad local programs, there are many centrally directed defense projects which help alleviate social problems.

One such DOD project concerns the field of housing, which is an area of serious national concern. At George AFB, we are building 200 housing units which will be constructed in various combinations of standard modules produced by a test factory on the site at a rate of about one house per day. We expect the cost to be 15 to 20 percent lower than conventional construction. The test project at George has the potential for wide military and civilian application.

Another DOD effort concerns improved health delivery and hospital construction. Based upon a comprehensive study by two civilian contractors, we plan to construct a new generation of military hospitals. Major study recommendations included such improvements as greater automation of laboratory testing and administration.

One of the most comprehensive recommendations for improvement in organization concerned the installation of light care facilities. Since most military patients do not require acute medical care, approximately 50% of them could be treated as outpatients and could receive housing and medical supervision in light care facilities. This would result in significant savings in both construction and personnel costs. Some of the medical care for these individuals would be done by very competent medical corpsmen and registered nurses, with doctors providing their specific professional services. Minor surgery, about 20 percent of all our surgical cases, could be handled on an outpatient basis.

I am pleased that the DOD Hospital Planning Review last month announced that Travis Air Force Base, California has been selected as the site for construction of the first prototype hospital. The beginning of construction is planned for late 1973 or early 1974.

Of immediate relevance to domestic needs are the accomplishments of military medical research. For example, based upon extensive bacteriological studies, there has been great improvement in the treatment of severely burned patients and a market reduction in mortality. Very sophisticated and effective equipment has been developed for the management of trauma and shock. This has been a major continuing contribution of military medicine. Basic research by military scientists into the nature of meningitis bacteria led to an effective vaccine against this serious disease.

Here at Brook AFB, the School of Aerospace Medicine has done significant medical research in the field of cardiology, which is being made continuously available to the civilian medical community. Also, Project MAST, which is Military Assistance to Safety and Traffic, first began here in San Antonio last year. The successful demonstration project continues to involve the use of military helicopters to assist civil agencies in providing faster medical attention to citizens within the Alamo Area of Governments, an organization which I understand comprises the ten counties surrounding San Antonio.

Another important military contribution to the civilian sector is the Air Force high-speed weather centers in the U.S. with overseas centers. These collected data are then made available to the National Weather Service and in turn form the basis for forecasts of pollution. Such information, for example, allows New York City to implement a four stage alert program which includes evaluating the pollution threat and finally invoking emergency actions as necessary.

In regard to air pollution I want to mention one further capability that I believe will be significant. Drawing upon initial research by DOD and the Air Force, NASA awarded a contract for the development of an advanced type of sensor to measure carbon monoxide concentrations. Launch of a satellite carrying this sensor is planned within a few years. Over 200 million tons of the five major air pollutants are generated annually in the United States, approximately one-half of which is carbon monoxide. The NASA experiment is designed to make global measurements of carbon monoxide, by satellite, in an effort to map those portions of the earth's atmosphere with high, low and average concentrations of this poisonous gas. This is an important diagnostic step, with a view toward ultimate control measures.

Another Defense contribution concerns satellites for communications, navigation, mapping, and weather observations. In 1966 NASA launched the first operational weather satellite, and since that time major storms in every area of the world have been observed and tracked.

There are numerous other examples which I could cite to show that our military gives a double dividend of providing national security, while at the same time assisting with the advancement of social and environmental progress. In this way we make full use of our Armed Forces as a national resource. And our nation is the better and the stronger for it.

Our Armed Forces recognize that it is their duty to serve the American people; yet this service can not be sustained without public support and confidence. A healthy relationship between the military and American society is a vital element of our national strength. The citizens of San Antonio have warmly displayed this sort of relationship today. It exemplifies the real purpose of Armed Forces Day.

VIETNAM SOLDIERS COMING HOME

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 6,300 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 267,100 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.